

0528

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

785017

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

785017

10000/109/360

ITALIAN YUGOSLAV RELATIONS
DEC. 1945 - APR. 1946

0528

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

785017

63

Chief Commissioner.

5/10

Approval
Attached is submitted for signature
information

Mr. [Signature]

SEP 10 1946

1375

1374

3rd September, 1946

Under the policy laid down in the ATHQ G-5 letter of 22nd August 1946 (at Folio 49), Mr. Smolke, in his capacity as Yugoslav Representative in Italy, will have the right to approach the Allied Commission and to ask them to request the Italian Government to arrest Yugoslav Traitors, approved as such by the Allied Governments, after ATHQ have notified the Headquarters that such Traitors are not in Allied custody.

It was agreed that this use of the Allied Commission as a Post Office did not constitute collaboration between the Yugoslav delegation and Allied authorities in Italy and that the reply contained in the AFHQ letter of 23rd August (Folio 50) should be conveyed to Dr. Smolaka. A draft reply for CG to send to Dr. Smolaka is enclosed at Folio 56 for consideration.

88

Will you please speak to the Ex Comm
on folio 56 & Min 57.

Adm. Th. M. v. d. H. 179

9

SEP 7 1946

1373

Tracy

Attached is submitted for your ~~review~~

95

② P46 v 30 ref.

6/1 OK Subject to Polack (A to B)

785017

0 5 2 9

Under the policy laid down in the AFHQ G-5 letter of 22nd August 1946 (at Folio 49), Mr. Smolaka, in his capacity as Yugoslav Representative in Italy, will have the right to approach the Allied Commission and to ask them to request the Italian Government to arrest Yugoslav Traitors, approved as such by the Allied Governments, after AFHQ have notified the Headquarters that such Traitors are not in Allied custody.

AFHQ G-5 agreed that the Foreign Office were not aware of this procedure.

It was agreed that this use of the Allied Commission as a Post Office did not constitute collaboration between the Yugoslav Delegation and Allied authorities in Italy and that the reply contained in the AFHQ letter of 23rd August (Folio 50) should be conveyed to Mr. Smolaka. A draft reply for GC to send to Mr. Smolaka is enclosed at Folio 56 for consideration.

McLean Byader

M. CAPR, Brigadier.
VE. CA. Section.

58

APC. CTS.

*Will you please speak to the Ex Comm
on folio 56 & Min 57.*

1372

*Asbury
Sept 7/46*

Chief Commissioner.

59

SEP 7 1946

1373

Attached is submitted for your ~~approval~~ *information*

P46 & 50 refer. 55 (6/3)

F.C. OK, Subject to Polado (DoB)
concurance 7/11/46 *Ins ca*

62

es. 22/10/46

*Letter at folio 56 in accordance with
mins nos 59 & 61. CTS 9/9/46 10/9*

0531

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

785017

Chief Commissioner.

53.

AUG 28 1946

Attached is submitted for your ^{approval} ~~signature~~ ^{information}

P51. There is much confusion over ~~proceedure~~
in this question. ~~But~~ I recommend no action
until Brice can report further.

F.C. How will it be ^{"Classified"} ~~classified~~ ^{137 D P H Q.}
Then last instructions seem clear ^{Ind cc}

52.

Ex Comm.

Please see folio 57. Folio 45-9 refers. *avb*

54.

Ex Comm.

Ref. Mr 53. There is much to be clarified.
 As I see it para 3 of 50 ~~introduces~~
 para 4.

Para 4 makes out a matter of
 Italian-Yugoslav interest and according
 to a recent instruction from AFHQ G-5
 D.S. has the right to take ~~the~~ matters up
 with the Allied Commission. The F.O.
 according to para 3 we are in agreement.
 There is a further letter from AFHQ G-5.

0533

785017

Ex Comm.

54.

Ref. Mem 53. There is much to be clarified.
AT I see it para 3 of 50 ~~not~~ ~~37~~ ~~46~~ ~~5~~
para 4.

Para 4 makes out a matter of
Italian - Yugoslav interest and according
to a recent instruction from AFHQ. G-5
D.S. has the right to take ~~the~~ matters up
with the Allied Commission. The F.C.
according to para 3 we are in agreement.
There is a further letter from AFHQ. G-5.
which you have seen, which is also very
confusing.

29/8/46

M. L. B. B. B.
U.S. C.A.S.

VP CAS

File returned as agreed for action

HS (31/8/46)

43.
Office note, Ref 135.
Meeting was held on 26 Apr. with Gen
Hamblen, A.C.C. Palad & V.P. C.A.S.
Gen Hamblen took away copy of draft
at 4-42 (prepared by V.P. C.A.S.) and will
write a further letter to A.C.C. on the matter.
H.S. 26/4.

45.

Palad A.
"B."

Please see folio 44 for info and any
comment that you wish to make. *Page 915*

CSC

This is a great improvement over G-5's letter of April 11
(Folio 40). However, in paragraph 2 it is incorrect to talk
about Yugoslav "accredited representatives" in Italy. They are
not accredited to the Italian Government though it might be
argued that they are accredited to SAC, through Advisory Council
for Italy terms of reference. In any event the word accredited
would better have been omitted.

Paragraph 3 involves perhaps a more important point of pro-
cedure, although I do not know whether it is worthwhile raising
it with G-5. Matters that are within the province of the ACI
should in fact be communicated to SAC as I believe there exists
no formal basis for communication between ACI and ACI, on matters
which are within the province of ACI, except through SAC.

J. Wesley Jones (ac)
J. Wesley Jones
Political Adv. 1369

June 15, 1946

47

CSC Please see folio 44 for info. This has

been in Palad A's office for 6 weeks. *Wesley Jones*

0 5 3.5

785017

103-1014

45.

Palad R.
"B"

Please see folio 44 for info and any
comment that you wish to make. *Page 915*

h/b

CSC

This is a great improvement over G-1's letter of April 11 (Folio 40). However, in paragraph 2 it is incorrect to talk about Yugoslav "accredited representatives" in Italy. They are not accredited to the Italian Government though it might be argued that they are accredited to SAC, through Advisory Council for Italy terms of reference. In any event the word accredited would better have been omitted.

Paragraph 3 involves perhaps a more important point of procedure, although I do not know whether it is worthwhile raising it with C-5. Matters that are within the province of the ACI should in fact be communicated to SAC as I believe there exists no formal basis for communication between ACI and ACI, on matters which are within the province of ACI, except through SAC.

J. Wesley Jones (ac)
J. Wesley Jones
Political Adv. 1369.

June 15, 1946

47

CSC Please see folio 44 for info. This has
been in Palad R's office for 6 weeks. *Met 20th*
due to the loss of a key. *see 1369*

785017

(38)

C50

Assume AC will comply with G.S.'s request in para 1 of letter at folio 35. That may help to clarify our position for AFHQ.

Agree with views of Polad B. pers 2 & 3.

first sentence of

With reference to para 3 of folio 35 perhaps we should elaborate on the point in our para 2 (folio 33). What we imply therein (but do not say) is that under AC terms of reference ~~AC~~ Yugoslavia has right to take up questions regarding Italy through AC and that we cannot appropriately refer Smolakov to other channels.

Para 4 of folio 35 indicates SAC's interest in all matters listed in our para 7 (folio 32) you will recall that when each of these various problems were referred to AFHQ they were returned with comment that Yugoslavs or Italians should take them up through "diplomatic channels" since they involved no military interest.

Walter Jones

Pol. Ad. (Am.)

39.

helps to clarify our position for ATTC.

I agree with views of Polad B. in para 2 & 3.

With reference to para 3 of folio 35 perhaps we should elaborate on thought in our para 2 (folio 33). What we imply therein (but do not say) is that under AC terms of reference ~~the~~ Yugoslavians has right to take up questions regarding Italy through AC and that we cannot appropriately refer Smolnikov to other channels.

While para 4 of folio 35 indicates SAC's interest in all matters listed in our para 7 (folio 32) you will recall that when each of these various problems were referred to AFHQ they were returned with comment that Yugoslavians or Italians should take them up through diplomatic channels "since they involved no military interest."

39.

Miller Jones
Pol. Ad. (Am)
Apr. 25/46

To CSO Re letter 35. Please see memo 36-8.
Does ACC wish to speak to Haytamen
today, please. OLS 2/74

1782.34

C.S.O. Letter at 1623 per signature by Sec Comm. please
 ref para. 2. please see attached file as
 an exhibit, for the original terms of reference.

Aust 9/4

36.

Palace A.

"B."

May the acc please have your

views on folio 35. Aust 2/14

37.

C.S.O.

I do not understand §2 of the letter at
 f. 35. It is true that the S.A.E. is the President of the
 A.E., but that merely cannot entitle him to change the
 terms of ref.

2. As regards §3, Dr. Smolke is clearly the
 Yugoslav rep^{re} on the Advisory Council for Italy & he attends
 meetings of the Council in London. But, in 1987, he is the
 senior rep^{re} in Italy of the Yugoslav Govt. While with
 the British & U.S. Govts. recognize. The fact that the
 It. Govt. do not recognize him officially is irrelevant. We
 are bound to treat him with the respect due to the
 duly accredited rep^{re} of a bicameral D.

0534

785017

Palace 17.
"B."

May the acc please have your
views on folio 35. *Page 244*

37.

C.S.O.

I do not understand §2 of the letter of
§. 35. It is true that the S.A.C. is the President of the
A.C., but that merely does not entitle him to change the
course of ref.

2. As regards §3, Dr. Smolenska is called the
Gyoplar up^{re} in the Advisory Council for Italy & he attends
meetings of the Council in London. But, in 1967, he is the
senior up^{re} in Italy of the Gyoplar Govt. which is the
the Political & U.S. Govts. recognize. The fact that the
It. Govt. do not recognize him officially is irrelevant. We
are bound to treat him with the respect due to him
duly accredited up^{re} of a friendly Power.

3. §4 is also not due to him. Perhaps we
ask for clarification.

25/10/80

Handwritten signature
H. H. H. (P.O.)

Declassified E.O. 12356 Section 3.3/NND No. 785017EXECUTIVE COMMISSIONER.

This policy matter was being dealt with on two files. Two policy letters from the Embassies were in your file 5609/EC dealing with fishing boats, copies of these are now at 1A and 2A.

Another policy letter was in CA Section File 4/29.8/CA dealing with war criminals. Copy of this letter is now at 1A in this file. I have also had copies of relevant Minutes made and inserted in this file.

At 22 is a suggested reply to AMHQ's G-5 Section, based on Polads recent minute.

As this is a political matter and deals with policy which affects all Sections of this Headquarters, I feel it is one which should be dealt with by your section.

M. Can. Byrd
M. Can. Brigadier.
VP. CA. Section.

1st April, 1946

23/24

To Polad '13'

" 'A'

May the Ex Comm. please have your
views on draft at 22.

24/25

Ex. Com.

I give with the Mt. Com to G.S.

3/10/46

25/26

So do I! - Jurek Jones

Polad (A) Apr 3/46

To A.C.C.

draft at 22 for Ex Comm. approval, please
your

Comments. Copy of this letter is now at 4. In this file. I have also had copies of relevant minutes made and inserted in this file.

At 22 is a suggested reply to Arlio's G-5 Section, based on Polad's recent minute.

As this is a political matter and deals with policy which affects all Sections of this Headquarters, I feel it is one which should be dealt with by your section.

McCarry Brydges
Lt. Col., Brigadier.
VP. G.A. Section.

1st April, 1946

23
8/10.

To Polad '13'
" 'A'

May the Ex. Comm. please have your
views on draft at 22.

Arlio
3/10

24
9/10

Ex. Com.

I give it to the Lt. Com. to G.S.

3/10/46

25
10/10

Arlio
13/10/46 (Kor)

So do I! - *Arlio*

Polad (A) Apr 3/46

To A.C.C.
C.C.C.

26
10/10

draft at 22 for *Arlio* your approval, please

Polad's views are of course *24 + 25* *Arlio* and

views *20* of VP C.A. Sec. *Arlio* *18.5/4*

30
10/10

To C.S.O. draft letter at folio *29* for Ex. Comm.

approval, please. *Arlio* *15.5/4*

MINUTE No.19 (C d..)

view regarding Yugoslav Italian relations. One of the reasons the terms of reference of AC included the statement that it would handle relations between the United Nations and the Italia. Government was to provide the required channels in the absence of direct relations between Italy and the individual United Nations.

March 20th 1946

(SIGNED) J. WESLEY JONES
Political Adviser (A)

MINUTE No.20 (P.44/24.8/10A)

POLAD B.

With reference to Polad A's Minute No.19 after or discussion on this matter after CC's conference on 20th March, I spoke to Lt.Colonel White G-5 AFHQ and told him that AFHQ appeared to be acting without regard to the Embassies recommendations made in December 1945 - that is that in certain matters Dr.Smoldaka should act as Yugoslav representative in Italy apart from his functions as Yugoslav representative on the AC.1

Lt.Colonel White said he was under the impression that recent new instructions had been received - presumably originating from the F.O. or State Department - to the effect that Dr.Smoldaka's activities were to be restricted as much as possible in order to encourage the resumption of diplomatic relations between Italy and Yugoslavia. If this is so it seems strange you should not be aware of this. Lt.Colonel White stressed he was speaking without references files at hand but you may wish to check on this with POLADS at AFHQ.

March 21st 1946

(SIGNED) M. CARR
Brigadier. V.P. CA Section.

Minute No.21

US POLAD (2)
EX. COM (2)
VF.CA SECTION (3)

Re: Minute No.20.

I agree entirely with Minute No.19

1365

As agreed at Ex.Commissioner's meeting to-day, must put AFHQ properly in the picture and give them details of the business (other than questions arising out of the Allied occupation of Venezia Giulia) which need to be transacted between the Italian and Yugoslavs.

(SIGNED) J. HALFORD.

26th March 1946

10
MINUTE No. 18

File 4/29.8/CA.

1. Before action was taken on Minute 6 in the light of your advice at Minute 7 the AFHQ letter at folio 31A arrived and Dr. Smolaka was notified accordingly. *no 31*

2. Since then a further letter from AFHQ has arrived dated 27th February - at Folio 55. *no 4*

It is proposed to write to Smolaka as drafted at 60A. *no 60A 9.*
In this connection an advance draft of a further letter being considered at AFHQ is at 59. This further letter does not affect the general principles set out in the letter at 55 and as it may be a long time before the draft is agreed at AFHQ it is considered a letter should be sent to Dr. Smolaka now. *no 59 8*

There is one point on which I am not clear. Supposing, for instance, the Yugoslav Govt. or Smolaka allege that the Italians are wrongfully holding a Yugoslav in prison (as happened recently in the case of a prisoner in a Sardinian goal) or have wrongfully arrested Yugoslavs for offenses against Italian law, should the Allied Commission take these matters up with the Italian Government at Smolaka's request? *4A*

Both the AFHQ letter at 55 and para 4 of the draft at 59c say they should not do so - presuming that such matters do not fall within the province of the Advisory Council. *8A*

Have you any comments please in this matter and on the draft 60A?

3. In connection with the subject matter of this file it is to be noted that, vide 51 Smolaka has now put in an omnibus request for the arrest of all listed Italian War Criminals.

CA File 4/29.8/CA.

E. CARR, Brigadier.
VP. CA. Section.

14. 3. 46.

MINUTE No. 19

TO: Vice President, Civil Affairs Section.

Polad (B)

1364

2.11

Your Minute 18. I do not agree with AFHQ's interpretation of Smolaka's competence to communicate with AC on a variety of subjects. He is the principal Yugoslav representative in Italy. The Allied Commission, under its terms of reference, is the instrument designed by the United Nations to handle their relations with the Italian Government. As long as the armistice is in force, AC cannot escape the responsibility of handling Yugoslav communications relating to Italy. The Yugoslavs do not have direct relations with the Italian Government, so it is useless to talk about the Yugoslavs' taking up questions relating to the Italian Government through diplomatic channels. In this case it is clear that AC is the substitute for diplomatic channels (see Folio 55) and I cannot approve the draft at 60A, which states a contrary position.

It is proposed to write to Smolaka as drafted at 60A.
In this connection an advance draft of a further letter being considered at AFHQ is at 59c. This further letter does not affect the general principles set out in the letter at 55 and as it may be a long time before the draft is agreed at AFHQ it is considered a letter should be sent to Dr. Smolaka now. *14-3-46*

There is one point on which I am not clear. Supposing, for instance, the Yugoslav Govt. or Smolaka allege that the Italians are wrongfully holding a Yugoslav in prison (as happened recently in the case of a prisoner in a Sardinian goal) or have wrongfully arrested Yugoslavs for offenses against Italian law, should the Allied Commission take these matters up with the Italian Government at Smolaka's request?

Both the AFHQ letter at 55 and para 4 of the draft at 59c say they should not do so - presuming that such matters do not fall within the province of the Advisory Council.

Have you any comments please in this matter and on the draft 60A?

In connection with the subject matter of this file it is to be noted that, vide 51 Smolaka has now put in an omnibus request for the arrest of all listed Italian War Criminals.

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

14-3-46.

CA file 4/29.8/CA.

2.11

MINUTE NO. 19

1364

Polad (B)

Your Minute 18. I do not agree with AFHQ's interpretation of Smolaka's competence to communicate with A' on a variety of subjects. He is the principal Yugoslav representative in Italy. The Allied Commission, under its terms of reference, is the instrument designed by the United Nations to handle their relations with the Italian Government. As long as the armistice is in force, AG cannot escape the responsibility of handling Yugoslav communications relating to Italy. The Yugoslavs do not have direct relations with the Italian Government, so it is useless to talk about the Yugoslavs' taking up questions relating to the Italian Government through diplomatic channels. In this case it is clear that AG is the substitute for diplomatic channels (see Folio 55) and I cannot approve the draft at 60A, which states a contrary position. *14-3-46*

I think we should reply to G-5's letter of March 2nd by saying we cannot accept their interpretation of Smolaka's competence as the principal Yugoslav representative in Italy, and that we are not, therefore, communicating the substance of the letter to Smolaka. Let me know if and when you reply to AFHQ and I shall enlist the support of US Polad in Caserta in our position.

Apparently the draft at 59c is not up for immediate discussion but if and when our comments are asked, the same recommendation applies to paragraph 4 thereof, in which AFHQ continues to take a completely unrealistic

0 5 4 3

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

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Ref.: 641/60/20

10 September 1946

TO : Dr. Sloven J. Smolaka,

1. With reference to your visit to me on the 23rd July 1946 when you raised with me the question of some representatives of your Delegation having a Conference with the competent representatives of AMHQ in order to discuss questions regarding the extradition of Yugoslav Traitors.
2. I referred this matter to AMHQ who have replied that your statement that the Allied Military Authorities have been informed by their Governments that the Yugoslav Delegation in Italy is authorised to collaborate with the Allied Authorities in Italy in connection with the extradition of Yugoslav Traitors is not correct.
3. On the contrary, AMHQ state that the Yugoslav Ambassador in London was, on the 26th July 1946, informed that the Foreign Office did not consider matters affecting the surrender of Traitors and Quislings to be within your competence as a member of the Advisory Council for Italy.

Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Dr. Sloven J. Smolaka,
Acting Representative for Yugoslavia,
Advisory Council for Italy,
Rome.

Copy to: E.C. _____
V.P. CA Section
Polad A
" E

(Copy K)

see folio 148.

1363

PA 11/9/46

0 5 4 6

Declassified E.O. 12356 Section 3.3/NND No. 785017HEADQUARTERS ALLIED COMMISSION
Civil Affairs Section,TO: Staff Officer to
Chief Commissioner.

26th August, 1946

(H.O. Ex. (Pmm).)

48 AUG 27 1946

I think the attached is the reply to the letter which the
Chief Commissioner sent to AFHQ G-5 on 23rd July.A copy has been retained for Civil Affairs Section's file
on this subject.The instructions referred to in the last paragraph of the
attached are being studied. They are most confusing and contain
many inaccuracies.The second sub-paragraph of the attached is also not clear.
In a letter dated 3rd May 1946, AFHQ G-5 laid down that Dr.
Smolke had the right to take up, through this Headquarters,
matters of Italian Government-Jugoslav Government interest.The most recent instructions received from AFHQ state that
it is for the Italian Government to arrest approved Yugoslav
Traitors.Prior to receipt of these instructions, AFHQ had always
taken the position that all alleged traitors who had been
found had already been returned, and others would be returned
as soon as they were found by A.F.H.Q.It is suggested that no action should be taken by the
Chief Commissioner on the attached letter until the position
has been clarified by AFHQ.

M. Carr Brigadier

M. Carr, Brigadier 1362
VP. CA. Section.

See 11-52

(CAPT K)

0 5 4 7

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

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CIV-AFF.

384
50ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 934.51 P

23 August 1946.

SUBJECT: Extradition of Yugoslav Traitors.

TO : Chief Commissioner,
Allied Commission,
APO 794.

1. Reference is made to your (unnumbered) letter of the
23, July.

2. Dr. SMODLAKA's statement that the Allied Military
Authorities have been informed by their Governments that the Yugoslav
Delegation is authorized by the Yugoslav Government to collaborate
with the Allied Authorities in Italy in connection with extradition
of Yugoslav Traitors is not correct.

3. On the contrary, the Yugoslav Ambassador in London was
on the 26 July informed that the Foreign Office did not consider
matters affecting the surrender of Traitors and Quislings to be
within Dr. SMODLAKA's competence as a member of the Advisory
Council for Italy.

4. The questions raised by Dr. SMODLAKA do not therefor arise.
The procedure to be followed was the subject of a recent instruction
(this HQ letter G-5: 934.51 P of 2 Aug.).

BY COMMAND OF LIEUTENANT GENERAL LEE:

A.L. HAMBLIN
Colonel, G.S.C.

Assistant Chief of Staff, G-5.

1361



26 AUG 1946

0 5 4 8

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

785017

64-1
RP
05
149
ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5 : 934.51

22 August 1946

SUBJECT : Detention of Jugoslavs

TO : Chief Commissioner,
Allied Commission,
APO 794.

23 AGO 1946

Reference your 4/29.8/CA of 20 June 46.

1. Requests for preventive arrest must in all cases be made through Diplomatic Channels.

2. Will you please explain to Dr. Smolaka that since the restoration of the Administration of Italy to the Italian Government the power of arrest in Italy lies with the Italian Government and that requests for arrest should therefore be made to that Government.

3. An exception to the above is the case where the wanted man is already in Allied custody or control. In such case the request should be made by Belgrade to London, if he is in the hands of British Forces, or from Belgrade to Washington, if he is in the hands of the U.S. Forces.

BY COMMAND OF LIEUTENANT GENERAL LEE:

A. L. HAMBLETON
Colonel GSC
Assistant Chief of Staff, G-5.



51
1360
13 12/4

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

785017

COPY

641
P

48

23 July 1946

SUBJECT: Yugoslav Requests for Extradition

TO : G-5 Section, Allied Force Headquarters.

1. The Yugoslav representative on the Advisory Council for Italy, Dr. Sloven J. Smolaka, called on me today and made the following statement:

"In Italy there are many Yugoslav traitors whose extradition has been agreed by the Governments of the United States and the United Kingdom. The Allied military authorities were informed by their Governments that the Yugoslav Delegation is authorized by the Yugoslav Government to collaborate with the Allied Authorities in Italy in these matters.

"The extradition of Yugoslav traitors is proceeding very slowly. I therefore think that it would be very useful if I and some representatives of our Delegation might have a conference with the competent representatives of AFHQ in order to discuss the questions regarding the extradition of Yugoslav traitors.

"Would you be so kind as to inform AFHQ about my suggestion and to forward their reply to me? "

2. Will you advise me what reply should be given to Dr. Smolaka.

/s/ ELLERY W. STONE

Rear Admiral, USNR
Chief Commissioner

1359
564 509 51

Declassified E.O. 12356 Section 3.3/NND No. 785017

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 913.30

3 May 1946

SUBJECT: Italian - Yugoslav Relations

MAY 7 1946

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 LIEUTENANT GENERAL MORGAN:

1358

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

Copies to:
Brit. Polad
U.S. Polad

See M47
ACTION copy to CA for who state
PA 25/6

(CAPT K)

DRAFT.

42

ITALIAN JUGOSLAV RELATIONS.

1. So long as diplomatic relations do not exist between Italy and Jugoslavia, Jugoslavia has, under the Allied Commission terms of reference, the right to take up questions regarding Italy through the medium of the Allied Commission.

Apart from questions as to war criminals, as to which instructions have already been issued, Dr. Smolakov is therefore permitted to correspond with the Allied Commission as follows:-

- (a) In his capacity as Deputy Representative of Jugoslavia on the Advisory Council for Italy on matters which are within the Province of the Advisory Council.

- (b) In his capacity as Yugoslav Representative in Italy on Italian-Yugoslav matters.

2. The Deputy Representative of Jugoslavia on the Advisory Council for Italy is not permitted to act as a channel of communication between Jugoslavia and the Allies on Allied-Yugoslavian matters. For instance allegations that the Allies have wrongfully detained Yugoslavs is not an Italian-Yugoslav matter nor one for the Advisory Council

1357

The A.C. will not ~~regulate~~ act on
Communications from the Def. Rep. of Jug.

and Jugoslavia. Jugoslavia has, under the Allied Commission terms of reference, the right to take up questions regarding Italy through the medium of the Allied Commission.

Apart from questions as to war criminals, as to which instructions have already been issued, Dr. Smolke is therefore permitted to correspond with the Allied Commission as follows:-

(a) In his capacity as Deputy Representative of Jugoslavia on the Advisory Council for Italy on matters which are within the Province of the Advisory Council.

(b) In his capacity as Yugoslav Representative in Italy on Italian-Jugoslav matters.

2. The Deputy Representative of Jugoslavia on the Advisory Council for Italy is not permitted to act as a channel of communication between Jugoslavia and the Allies on Allied-Jugoslavian matters. For instance allegations that the Allies have wrongfully detained Jugoslavs is not an Italian-Jugoslav matter nor one for the Advisory Council

1357

The A.C. will not ~~reconsider~~ act on
communications from the Def. R. & J. Tug
in A.C. 1. on A-J matters.

see M.H.3

M.H.3

0 5 5 3

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

785017

C O P Y

ALLIED FORCE HEADQUARTERS.
G-5 SECTION.
APO 512

G-5: 913.340

21 April, 1946.

SUBJECT: Release of Yugoslav Nationals.

To: Headquarters, Allied Commission,
APO.394

Reference your 4/29.8/CA or the 8 April 1946.

1. In view of this Headquarters letter G-5:983.7-2 of 27 February and in particular of para 3 thereof, it is not understood why this matter is again referred to this Headquarters.
2. Instructions to transfer the two persons, mentioned in Dr. Smolaka's letter of 20 January 1946, to XIII Corps and for the latter to put them across the frontier via the hands of the Yugoslav Mission were issued so long ago as last November. The nine persons mentioned in his letter of the 23rd January were included with over 250 other persons transported to Yugoslavia by HT "Empire Eddystone" scheduled to arrive at Split on 28 February and the British Embassy at Belgrade was so informed.
3. Both these matters lie between the Allies and Yugoslavia and in no way concerns Italy. Dr. Smolaka was permitted to deal with Italian-Yugoslav matters as his country had no direct relations with Italy, it was never intended that he should be a channel of communication between Yugoslavia and the Allies on Allied-Yugoslav matters. Dr. Smolaka's incursions into matters with which he is not charged cause a lot of unnecessary work and serve no useful purpose. In both the above cases all proper persons were informed and in the proper channel of enquiry had been used the information sought would have been available with the minimum of delay and trouble.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

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

1356

CA file 4/29.8/CA

0554

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

785017

COPY.

ALLIED FORCE HEADQUARTERS.
G-5 Section.
APO.512

40

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. Smolaka 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. Smolaka is corresponding with ALCOM on Military matters. His Government has an accredited mission with XII 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 Dr. Smolaka to ALCOM.

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:

(SIGNED) A. L. HAMBLIN,
Brigadier General, G.S.C.
Assistant Chief of Staff, G-5

1355

Action taken by
C.A. Sec (AP) 4/29.8/CA

0553

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

785017

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

Ex Comm

G-5: 913.340

20 April 1946.

APR 23 1946

SUBJECT: Italian Yugoslav Relations.

TO : Chief Commissioner,
Headquarters, Allied Commission,
APO 394.

1. Reference your letter above subject file 578/EC dated 10 April, 1946. It is not clear just what amendatory action you recommend be taken on G-5:383.7/2 of 27 February 1946. Will you therefore draft suggested changes.

2. The importance of paragraph 2 is particularly not understood. The Supreme Allied Commander is the President of Allied Commission and is competent to issue instructions in connection with its activities.

3. No previous information has been received that Dr. Smodlaka holds any position other than the Yugoslav representative on the Advisory Council. Confirmation is desired. If he has in fact more than the one office, it would serve to facilitate his correspondence if he would subscribe such correspondence with the proper title.

4. With reference to paragraph 7, the fact that questions do not arise out of allied occupation of Venezia Giulia is no prohibition to SACRED's interest therein.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

see 1236-39 & Min 43



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

(CAPT R)

1 gone

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

785017

33

Ref: 578/EO

10 April 1946

SUBJECT: Italian Yugoslav Relations.

TO : G-5 Section, AFHQ.

4

1. I discussed your G-5: 383.7/2 of 27 Feb 46 with the United States and British Embassies who are the chief diplomatic representatives though whom Dr. Smolaka would communicate, under your interpretation. I have found however that your directions are at variance with the views of the two Embassies who in turn have received instructions from their Governments.
2. The original terms of Reference of the Allied Commission included a directive to the effect that it would handle relations between the United Nations and the Italian Government in the absence of direct relations between Italy and the individual United Nations. (Admin. Memo 74 of 2 Nov 43).
3. The Yugoslav Government does not have direct relations with the Italian Government and it therefore seems questionable whether the Yugoslav representative could take up problems relating to the Italian Government "through diplomatic channels".
4. I consider that the recommendation made by the British and American Embassies should be followed, viz that problems be referred by the Allied Commission directly to the Yugoslav representative on the Advisory Council for Italy. Such problems etc., could be referred to Dr. Smolaka as Yugoslav representative in Italy and not to the Advisory Council as a body.
5. Moreover, such procedure may be a means, through which the Yugoslavs can, in reciprocity, be induced to take measures in Yugoslavia to the advantage of the Italian Government.
6. In this connection I have received a letter from the British Embassy dated 1 April, copy enclosed, stating that it is the policy of the United States and British Governments to endeavour to promote the resumption of direct relations between Italy and Yugoslavia. In pursuance of this policy the British and United States Ambassadors at Belgrade have recently been instructed to suggest to the Yugoslav authorities that the latter will doubtless wish to arrange with the Italian Government for the continuation of whatever Yugoslav-Italian

Sec 7-35

PA
14/4/46
g

- 2 -

32

offices they wish to maintain in Italy. This decision has been reached by the Allied Government since the Allied Military authorities in Italy are no longer competent to sanction the continued functioning of consular offices of foreign powers in territory which has been transferred to the Italian Government's administration.

7. The following (other than questions arising out of the Allied occupation of Venezia Giulia) give an indication of matters which need to be transacted between the Italians and Yugoslavs.

- (a) The Italian Government frequently alleges that small Italian vessels are seized on the high seas by the Yugoslavs and retained by them, and that in many cases traces of the crews of these vessels are lost.
- (b) The Yugoslav Government has recently alleged that Italian fishing boats have been contravening the laws regarding fishing in Yugoslav waters.
- (c) The Yugoslavs, on many occasions allege that the Italian Government are wrongfully detaining Yugoslav subjects in prison or concentration camps. The Italian Government on its part, maintains that such individuals are not Yugoslav subjects, or that they are being rightfully detained.

M3 LUSH.

Brigadier,
Acting Chief Commissioner.

Copy to: Polad 'A'
Polad 'B'
Ex Commr (5609/EO)
VP C.A. Section.

1352

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

785017

31

70/53/46

1st April, 1946.

In continuation of my letter no. 70/35/46 of March 11th, I am writing to inform you that, in pursuance of the United States and British policy of endeavouring to promote the resumption of direct relations between Italy and Yugoslavia, the British and United States Ambassadors at Belgrade have recently been instructed to suggest to the Yugoslav authorities that the latter will doubtless wish to arrange with the Italian Government for the continuation of whatever Yugoslav consular offices they wish to maintain in Italy. This decision has been reached by the Allied Governments since the Allied Military authorities in Italy are no longer competent to sanction the continued functioning of consular offices of foreign powers in territory which has been transferred to the Italian Government's administration.

2. It is also my understanding that the British and United States Ambassadors at Athens have also been instructed to take analogous action with the Greek Government in respect of the continuance of Greek consular offices in Italy.

3. I should be grateful if you would be so good as to inform the President of the Council of the foregoing.

Noel Charles

S.E. Don Renato Prunas,
Secretary General,
Ministry of Foreign Affairs,
Palazzo Chigi,
Rome.

1351

29
DRAFT

SUBJECT: Italian Yugoslav Relations.

TO : G-5 Section, AFHQ.

1. I discussed your G-5 383.7/2 of 27 Feb 46 with the United States and British Embassies who are the chief diplomatic representatives through whom Dr. Smolaka would communicate, under your interpretation. I have found however that your directions are at variance with the views of the two Embassies who in turn have received instructions from their Governments.

2. The original terms of Reference of the Allied Commission included a directive to the effect that it would handle relations between the United Nations and the Italian Government in the absence of direct relations between Italy and the individual United Nations.

3. The Yugoslav Government does not have direct relations with the Italian Government and it, ^{therefore seeks instructions as to whether} ~~therefore seeks instructions as to whether~~ ^{could} ~~the~~ the Yugoslav representative ^{problems} ~~should~~ take up ~~questions~~ relating to the Italian Government "through diplomatic channels".

4. I ~~am~~ consider that the recommendation made by the British and American Embassies should be followed, viz that problems be referred by the Allied Commission directly to the Yugoslav representative on the Advisory Council for Italy. Such problems etc., ^{could} ~~be~~ be referred to Dr. Smolaka as Yugoslav representative in Italy and not to the Advisory Council as a body.

5. Moreover, such procedure may be a means, through which the Yugoslavs can, in reciprocity, be induced to take measures in Yugoslavia to the advantage of the Italian Government.

1350

Enclosure Copy

and British Embassies who are the chief diplomatic representatives through whom Dr. Smodlaka would communicate, under your interpretation. I have found however that your directions are at variance with the views of the two Embassies who in turn have received instructions from their Governments.

2. The original terms of Reference of the Allied Commission included a directive to the effect that it would handle relations between the United Nations and the Italian Government in the absence of direct relations between Italy and the individual United Nations.

3. The Yugoslav Government does not have direct relations with the Italian Government and it, ^{therefore seems inappropriate to lay down} ~~that~~ the Yugoslav representative ^{could} ~~should~~ take up ^{problems} ~~questions~~ relating to the Italian Government "through diplomatic channels".

4. I ~~am~~ consider that the recommendation made by the British and American Embassies should be followed, viz that problems be referred by the Allied Commission directly to the Yugoslav representative on the Advisory Council for Italy. Such problems etc., ^{could} ~~be~~ be referred to Dr. Smodlaka as Yugoslav representative in Italy and not to the Advisory Council as a body.

5. Moreover, such procedure may be a means, through which the Yugoslavs can, in reciprocity, be induced to take measures in Jugoslavia to the advantage of the Italian Government.

6. In this connection I have received a letter from the British Embassy dated 1 April, copy enclosed, ^{referring to the fact that it is the} ~~to the effect that, in pursuance of~~ the United States and British ^{policy} ~~policy~~ ^{endeavouring to promote the} resumption of direct relations between Italy and Yugoslavia, the British and United States Ambassadors at Belgrade have recently been instructed to suggest to the Yugoslav authorities that the latter will doubtless wish to arrange with the Italian Government for the continuation of whatever Yugoslav

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consular offices they wish to maintain in Italy. This vision has been reached by the Allied Government since the Allied Military authorities in Italy are no longer competent to sanction the continued functioning of consular offices of foreign powers in territory which has been transferred to the Italian Government's administration.

7. The following (other than questions arising out of the Allied occupation of Venezia Giulia) give an indication of matters which need to be transacted between the Italians and ^(C)Jugoslavs. The Italian Government frequently alleges that small Italian vessels are seized on the high seas by the Jugoslavs and retained by them, and that in many cases traces of the crews of these vessels are lost. The Jugoslav Government has recently alleged that Italian fishing boats have been contravening the laws regarding fishing in Jugoslav waters.

The Jugoslavs, on many occasions allege that the Italian Government are wrongfully detaining Jugoslav subjects in prison or concentration camps. The Italian Government on its part, maintains that such individuals are not Jugoslav subjects, or that they are being rightfully detained.


Brigadier,
Acting Chief Commissioner.

1349

Copies to Poland 17
" 13'

Enc. Count. (5609/EC
VPC HSec

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[Signature]
Brigadier,
Acting Chief Commissioner.

1349

Copies to Poland 17.
" 13'

Enc. Comm. (5709/EC
VPC HSec

see M30

0 5 6 3

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

785017

70/53/46

1st. April, 1946.

27

In continuation of my letter no. 70/35/46 of March 11th, I am writing to inform you that, in pursuance of the United States and British policy of endeavouring to promote the resumption of direct relations between Italy and Yugoslavia, the British and United States Ambassadors at Belgrade have recently been instructed to suggest to the Yugoslav authorities that the latter will doubtless wish to arrange with the Italian Government for the continuation of whatever Yugoslav consular offices they wish to maintain in Italy. This decision has been reached by the Allied Governments since the Allied Military authorities in Italy are no longer competent to sanction the continued functioning of consular offices of foreign powers in territory which has been transferred to the Italian Government's administration.

2. It is also my understanding that the British and United States Ambassadors at Athens have also been instructed to take analogous action with the Greek Government in respect of the continuance of Greek consular offices in Italy.

3. I should be grateful if you would be so good as to inform the President of the Council of the foregoing.

Noel Charles

S. M. Don Renato Prunas,
Secretary General,
Ministry of Foreign Affairs,
Palazzo Chigi,
Rome.

1348

Action Copy
on 5/8/46
all

DRAFT.To: AHC G-5 Section. *4A*

1st. April, 1946.

1. Full consideration has been given to the matter raised in your G-5 383.7/2 of the 27th February 1946. This Headquarters cannot accept your interpretation of Dr. Smolaka's competence as the principal Yugoslav Representative in Italy, and the substance of your letter has not, therefore, been communicated to Dr. Smolaka.
2. The directions contained in paragraph 1 of your letter appear to be at variance with the recommendations made by both the British and American Embassies, vide copies of letters enclosed on 8th December 1945 and 13th January 1946. *2A*

Moreover, one of the reasons the terms of reference of the Allied Commission include a statement that it would handle relations between the United Nations and the Italian Government, was to provide the required channels in the absence of direct relations between Italy and the individual United Nations.

3. The Yugoslav Government does not have direct relations with the Italian Government and it, therefore, seems inappropriate to lay down that the Yugoslav representative should take up questions relating to the Italian Government "through diplomatic channels."

It is considered that the recommendation made by the British and American Embassies should be followed. Moreover, such procedure may be, a means through which the Yugoslavs can, in reciprocity, be induced to take measures in Yugoslavia to the advantage of the Italian Government. *7th April 1946*

*When can**these?**What is the inquiry?**2nd April*

1347
 questions relating to the Italian Government "through diplomatic channels."

cannot accept your interpretation of Dr. Smolaka's competence as the principal Yugoslav Representative in Italy, and the substance of your letter has not, therefore, been communicated to Dr. Smolaka.

2. The directions contained in paragraph 1 of your letter appear to be at variance with the recommendations made by both the British and American Embassies, vide copies of letters enclosed on 8th December 1945 and 13th January 1946.

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3. The Yugoslav Government does not have direct relations with the Italian Government and it, therefore, seems inappropriate to lay down that the Yugoslav representative should take up questions relating to the Italian Government through diplomatic channels."

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When received letter from R. Embassy was that

see M.20-26.

- 2 -

21/

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The Yugoslav Government has recently alleged that Italian fishing boats have been contravening the laws regarding fishing in Yugoslav waters.

The Yugoslavs, on many occasions allege that the Italian Government are wrongfully detaining Yugoslav subjects in prison or concentration camps. The Italian Government on its part, maintains that such individuals are not Yugoslav subjects, or that they are being rightfully detained.

1346

Send copies
Copy to PSad(A)
PSad(B)

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

785017

(DRAFT LETTER. NOT SENT)

9

COPYDRAFT.

HEADQUARTERS ALLIED COMMISSION.
 APO 394.
 CIVIL AFFAIRS SECTION.

Dear Dr. Smodlaka,

14 March 46

1. In order to clarify the position as regards correspondence which should take place between your office and this Headquarters, I am writing to inform you that apart from questions relating to individuals who are listed in the United Nations War Crimes Commission Lists, this Headquarters can deal only with matters which are within the province of the Advisory Council.

The procedure under which requests regarding listed War Criminals are dealt with by the Headquarters was given in this Headquarters letter 4/29.8/CA of 16 February 1946.

2. Apart from listed War Criminals, if a matter arises which is not within the province of the Advisory Council, any representation desired by you must be made through diplomatic channels for which the Allied Commission is not a substitute.

For instance an allegation that the Allied authorities have wrongfully detained a Yugoslav or have not arrested and handed over Yugoslavs or Italians not on the United War Crimes Commission Lists are NOT matters within the province of the Advisory Council which deals with the affairs of Italy.

This Headquarters is not authorized to deal with such matters and is precluded from transmitting them to AFHQ for action.

3. Will you therefore please ensure that in future, correspondence addressed by you to this Headquarters is confined solely to matters set out in para 1 above.

Yours very truly,

NOT SENT

M. CARR, Brigadier.
 VP. CA. Section. 1345

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

0568

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

785017

8.
1

Lt. Colonel. S. H. White,
C-5 Section,
A.P.H.Q.,
C.M.F.

C-5: 913.317

8 March 1946.

11 MAR 1946

Dear Brigadier

Enclosed is the draft instruction re Smolaka about which I spoke. This has not yet been approved and may of course come out of the mill in very different form. It may enable you to formulate a suitable reply to the letter of Dr. Smolaka to which your 4/29.E/CA—
X. of 4 March refers. (S2A)

Outric is no concern of Dr. Smolaka. He has already been handed over as the proper channels will know and Dr. Smolaka's interference in matters with which he is not concerned merely tend to create ill feeling and cause a lot of unnecessary work.

Yours sincerely

X. We have already replied at folio 43. No further action is necessary unless Smolaka writes again about it.

12/3/46

MC

Brigadier H. Carr, CBE, MC.,
Civil Affairs Section,
Headquarters, Allied Commission,
ITALY.



0 5 6 9

Declassified E.O. 12356 Section 3.3/NND No. 785017

7.
Lt. Colonel. S. H. White,
C-5 Section,
A.F.H.Q.,
C.M.F.

C-5: 913.317

8 March 1946.

Dear *Brigadier*

Enclosed is the draft instruction re Smolaka about which I spoke. This has not yet been approved and may of course come out of the mill in very different form. It may enable you to formulate a suitable reply to the letter of Dr. Smolaka to which your 4/29.8/CA of 4 March refers.

Cutric is no concern of Dr. Smolaka. He has already been handed over as the proper channels will know and Dr. Smolaka's interference in matters with which he is not concerned merely tend to create ill feeling and cause a lot of unnecessary work.

Yours *Sincerely*
W. H. White

Brigadier M. Carr, CBE, MC.,
Civil Affairs Section,
Headquarters, Allied Commission,
ITALY.



DRAFT

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

C-5: 000.5-b

February 1946

SUBJECT: War Crimes - Italian against Yugoslavs.

TO : Headquarters, Allied Commission,
APO 394.

1. Please explain to Dr. SHODIAYA the difference between what is technically a War Criminal and one of his own nationals who is alleged to have committed in Yugoslavia an offence against Yugoslavian law. Alleged traitors and quislings and Yugoslavs accused of having committed atrocities in Yugoslavia come within the second class and are not within the term War Criminal used in its technical sense.
2. All countries have laws enabling them to deal with their own criminals but the War Criminal is a man of one nation who committed a crime against a man of another nation when outside the jurisdiction of that nation, and a special procedure is required.
3. Please also explain to him the appropriateness of the various channels. Having in view the fact that the ordinary administration of Italy is in the hands of the Italian Government.
4. If a matter is one which is purely between his country and Italy, for instance, the extradition of a Yugoslav living in Italy, or the damage to a ship this government should address a request to the Italian Government.
5. If the matter is one which lies between his country and the Allies, for instance that the Allies wrongly hold a Yugoslav under arrest, or do not hand over a traitor held by them, his government should address the appropriate Allied Government.

SUBJECT: War Crimes - Italian against Yugoslavs.

TO : Headquarters, Allied Commission,
APO 394.

1. Please explain to Dr. SPODIANA the difference between what is technically a War Criminal and one of his own nationals who is alleged to have committed in Yugoslavia an offence against Yugoslavian law. Alleged traitors and quislings and Yugoslavs accused of having committed atrocities in Yugoslavia come within the second class and are not within the term War Criminal used in its technical sense.

2. All countries have laws enabling them to deal with their own criminals but the War Criminal is a man of one nation who committed a crime against a man of another nation when outside the jurisdiction of that nation, and a special procedure is required.

3. Please also explain to him the appropriateness of the various channels. Having in view the fact that the ordinary administration of Italy is in the hands of the Italian Government.

4. If a matter is one which is purely between his country and Italy, for instance the extradition of a Yugoslav living in Italy, or the damage to a ship this Government should address a request to the Italian Government.

5. If the matter is one which lies between his country and the Allies, for instance that the Allies wrongly hold a Yugoslav under arrest, or do not hand over a traitor held by them, his government should address the appropriate Allied Government.

6. If the matter is connected with a listed War Criminal the correct approach is to ALCOM.

7. If the matter is a request that a person should be included in the list of War Criminals that is a matter for the Allies and the request should come from his country to the Allied Governments.

8. If this matter concerns not the day to day administration of

Italy but questions of principle in connection with the internal government of Italy which ALCOM is concerned the correct channel is ALCOM.

9. You will appreciate, therefore, the very few matters upon which it is correct for Dr. SMODLAKA to approach ALCOM.

10. It is no use Dr. SMODLAKA quoting Foreign Office references to AMHQ they have no copies and are not concerned. He must deal with H.M. Representatives in Italy on such matters.

11. Dr. SMODLAKA should also realise that when the Allies do, in fact, hold persons who are War Criminals or are wanted by him as traitors and it has been agreed that such persons are to be handed over it is not always possible to hand them over immediately. They may be required for trial on charges with which he is not concerned or as witnesses in other cases.

12. Dr. SMODLAKA would find things far simpler if he would keep to the correct channels.

13. The question in the last paragraph of his letter cannot be answered. The 53 traitors referred to are, as he states, in Germany, Italy and Austria. This Headquarters has received instructions to hand over and has handed over certain persons. It is impossible for this Headquarters to say whether the persons handed over are the whole of an unknown fraction of an unnamed 53.

BY COMMAND OF LIEUTENANT GENERAL MORCAN:

1341

P. C. A. PARSONS
Priscadier
Acting Assistant Chief of Staff, G-5.

0573

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

785017

COPY.

ALLIED FORCE HEADQUARTERS.
G-5 SECTION.
APO 512

G-5 383.7-2

27 February 1946.

SUBJECT: Release of Yugoslav Nationals.

To : Headquarters, Allied Commission
APO 394

Legal file AC/1432/L

1. Will you please inform Dr. Smolaka that apart from questions as to War Criminals as to which instructions have already been issued, he will only refer to Alcom questions relating to matters which are within the provinces of the Advisory Council and that in the matter is one not within the province of that Council his proper course, if he wishes to make any representation, is to make it through diplomatic channels for which Alcom is not a substitute.

2. The allegation that the Allies have wrongfully detained a Yugoslav is not a matter for the Advisory Council which deals with the affairs of Italy. So far as his letter of the 20 January is concerned representations had already been made through the proper channels and the persons mentioned had already been returned to Yugoslavia. The matter referred to in his letter of the 23 January was also already in hand and instructions for the repatriation of the persons named had already been issued.

3. Will you please note that matters which are not within Alcom's province of the affairs of Italy should not be forwarded to this Headquarters.

BY COMMAND OF LIEUTENANT GENERAL MORGAN.

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

Copy to: A.
Br. Polad
Us "

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Declassified E.O. 12356 Section 3.3/NND No. 785017

COPY

ALLIED FORCE HEADQUARTERS.
G-5 Section.
APO 512.

G05 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 persons referred to in the War Crimes List: Allied Commission will request the DAFM (SIB) c/o JAG Naples to effect his arrest and inform Dr. Smodlaka of the action taken. Action thereafter will be the responsibility of SIB 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,
Brigadier.
Acting Assistant Chief of Staff, G-5

1339

Enc. as above.
Copies to: G-2
Br. Polad
Us. Polad
DPM. A-3

0 5 7 5

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

785017

COPY.

BRITISH EMBASSY,
R O M E.

13th January, 1946.

My dear Admiral,

With reference to Mr. Kirk's letter to you of December 8th regarding the channels for handling Italian complaints against the Yugoslavs, I write to inform you that I have been instructed by the Foreign Office to support Mr. Kirk's suggestion in the third paragraph of his letter, pending the result of the conversations which are at present proceeding in Washington between the State Department and the British Embassy there for a permanent solution of this question.

I am sending a copy of this letter to my United States Colleague.

Yours sincerely,

(SIGNED)... NOEL CHARLES.

Rear Admiral Ellery W. Stone, USNR.
Chief Commissioner,
Allied Commission,
ROME.

1338

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

785017

COPY.

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA.

Rome, December 8th 1945.

Dear Admiral Stone,

With reference to my letter of November 15th 1945, regarding the seizure of Italian boats by Yugoslav authorities and channels for handling Italian complaints of this nature against the Yugoslavs, I have received instructions from my Government on the general question of channels and on the specific question of Italian fishing boats mentioned in the Executive Commissioner's memoranda of October 18th and November 2. (file Nos. 5609/47/EC and 5609/56/EC).

In the interest of development of relations between Italy and Yugoslavia, it is the view of my Government that American and British diplomatic representations in Belgrade should be limited to matters which can be taken up on humanitarian grounds or in which there exists an Allied commitment (such as Venezia Giulia.) It is felt that the development of relations between Italy and Yugoslavia would only be retarded if the suggestion, contained in the Allied Commission's memorandum of October 18, under reference, that the American and British Embassies at Belgrade be used "as a post office" for the exchange of communications between the Italian and Yugoslav governments, were adopted.

With respect to the Italian fishing boats allegedly seized by the Yugoslavs and similar problems, I have been instructed to recommend to you that they be referred by the Allied Commission directly to the Yugoslav representatives on the Advisory Council for Italy. In connection with this recommendation I should like to emphasize that reference of Italian protests of the nature described above should be made to Dr. Smolaka as Yugoslav representative in Italy and not to the Advisory Council as a body, which of course could not appropriately concern itself with such matters.

I have informed the British Ambassador of the above views of my Government.

Sincerely yours,

/s/A. Kirk.

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Rear Admiral Ellery W. Stone,
Chief Commissioner,
Allied Commission.
ROME.

