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10000/109/507

TREATMENT OF POLITICAL
APR., MAY 1945

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TREATMENT OF POLITICAL PRISONERS IN N. ITALY
APR., MAY 1945

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4

Ex Couv

3 replies to your 1.

as regards your para 16 "War Criminals".
the ref I have flagged "A" in CA Sec
file should tell you what you want to
know.

[Signature]

2/5

5
cc 10-55
MAY 4 RECD

Chief Commissioner

Attached is submitted for your information/signature/approval.

PP 1-3

MS/3/8

14

13

3515

1013
HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

30 April 45

Ref: 6/2.2/CA

SUBJECT : Treatment of Political Prisoners in
Northern Italy.

MAY 1 REC'D

TO : Executive Commissioner. (1.)

Reference 1013/1/EC of 27 April 45.

- 1 (a) Epuration is concerned with dismissal of fascists, and popular Courts do not deal with these.

In the interests of peaceful administration it is essential that AMG should take an immediate lively and active interest in the dismissal of fascists from positions in the North, in so far as this has not been accomplished before our arrival.

This is done by Executive Memorandum 67 and General Order 35. Under the latter the RC appoints one or more Italian Commissions in each province who apply the principles of the Italian Epuration decrees.

With regard to punishment of fascist crimes, although we implement the various decrees and are thereby responsible, in effect the decrees become part of the law of occupied territory and it is entirely an Italian responsibility. We are not responsible for these trials any more than we are responsible even in AMG territory for the sentences of ordinary Law Courts, or of the Military Tribunals which we are permitting the Italian Government to set up.

The position is really covered in my view by Article 364 of Amdt 12 to the Manual of Military Law :

"Therefore the civil and penal laws of the occupied country continue as a rule to be valid, the courts which administer them are permitted to sit, and all crimes of the inhabitants not of a military nature or not affecting the safety of the army are left to their jurisdiction".

In my view in which the DCLA concurs it is not necessary for the Military Governor to confirm ~~by~~ death sentences.

(b) This is an AFHQ responsibility. I saw a list of Italian War Criminals prepared by the United Nations War Crimes Commission when in London in December, but both G2, G5 and PM Branch AFHQ seem very vague as to whether they have received a copy. They are signalling London to send out 100 copies and will let us have some. They have a list of 150 which they have prepared themselves and are letting us have a copy.

AC does NOT try War Criminals in AMG Courts.

See generally as to War Criminals, folio 7a and 7b accompanying.

(file DF/3A/CA)

See Minutes 4 + 5.

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(c) Regional Commissioners do NOT have lists of Italians interned for political (ie Security) reasons as political internees are dealt with by FSS CIC and sent to Terni internment Camp. Lists of security prisoners never have been sent to the Italian Government, but with the coming cessation of hostilities and probability of their release, I will raise the whole question with AFHQ.

(d) I saw GSI(b) 15 Army Group who controls FSS/CIC and their list of proposed internees is at 1b and 3b (file 6/2.2/CA)

We added to it at 9b and 9c.

I do not think FSS/CIC will act unreasonably in this respect. Indeed I believe they will be overwhelmed with fascists offering themselves up to obtain the safety, comfort and rations of an internment camp.

2

Yes, published, implemented and distributed to Regions.

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

3513

27 April 1945.

SUBJECT: Treatment of Political Prisoners in
Northern ITALY.

TO : Vice President,
Civil Affairs Section.

1. At the Chief Commissioner's political meeting this morning the treatment of political prisoners in Northern ITALY was discussed. The Chief Commissioner directs as follows:

- (a) With respect to expiration, we should examine how AMI can avoid being too greatly involved. It is realized that the popular courts will be set up under Italian decree but they will, at the same time, be functioning under AMG authority.
- (b) War criminals. The Chief Commissioner would like to know exactly, who designates them, whether we have any lists of war criminals, and who deals with them.
- (c) The Chief Commissioner directs that Regional Commissioners be instructed to transmit to this HQ for the information of the Italian Government, a list of all Italians interned for political reasons.
- (d) The Chief Commissioner also directs that steps should be taken, if necessary, with AMI to prevent the wholesale and unreasonable arrest of Italians by the C.I.G. and F.S.S. He fully realizes the difficulty of enforcing this with the C.I.G. and F.S.S. but wishes everything to be done.
2. Has the Italian decree setting up the popular courts yet been published?

M. S. LUSH

Brigadier,
Executive Commissioner.

MSL/JG.

3512

TO : Vice President,
Civil Affairs Section.

1. At the Chief Commissioner's political meeting this morning the treatment of political prisoners in Northern Italy was discussed. The Chief Commissioner directs as follows:

- (a) With respect to operation, we should examine how ANI can avoid being too greatly involved. It is realized that the popular courts will be set up under Italian decree but they will, at the same time, be functioning under ANI authority.
- (b) War criminals. The Chief Commissioner would like to know exactly, who designates them, whether we have any lists of war criminals, and who deals with them.
- (c) The Chief Commissioner directs that Regional Commissioners be instructed to transmit to this HQ for the information of the Italian Government, a list of all Italians interned for political reasons.
- (d) The Chief Commissioner also directs that steps should be taken, if necessary, with AFM to prevent the wholesale and unreasonable arrest of Italians by the C.I.C. and F.S.S. He fully realizes the difficulty of enforcing this with the C.I.C. and F.S.S. but wishes everything to be done.

2. Has the Italian decree setting up the popular courts yet been published?

M. S. LUSH

MSL/JG.

Brigadier,
Executive Commissioner.

Copy to: SO to CO.

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