

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

785017

ACC

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(VOL. I)

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

785017

10000/109/533
(VOL. I)

JUGOSLAV NATS IN ITALY
FOLDER, NO DATA
(JAN. 1943 - DEC. 1947?)

7604

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

785017

EC/2214

~~SECRET~~
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VOLI

Jugoslav hats. in Italy

Restricted

in Jape # 3

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15/54

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

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58

Maples Province

agriban Chural reports

Total docs: 23 all to file

1609

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Total does: 23 all to film

dates from 1.

to 1.

1610

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(VOL. I)

YUGOSLAV NATIONALS IN ITALY
MAR. 1944 - AUG. 1945

Excluse
C.S.O.

131

Letter to AFHQ for Chief Commissioner's signature
please.

Re: 108 - 117 refer to min 114 in particular.

30 Aug 45-

31/8

R. R. R. S. C. W.

Chief Commissioner.

132.

Attached is submitted for your signature
information

In accordance with min 114

MS (31/8)

SEP 1 1945
cc

1314

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

785017

29 31/8
Chief Commissioner.

132.

Attached is submitted for your signature
~~Supervisory~~
information

In accordance with min 114

MS (31/8)

SEP 1 1980
cc

111

116
Navy Sub-Commission.

1. I have prepared the attached covering letter for AFH.
2. I understand that the proposed reply to the Yugoslav Delegation has been approved by CC. I have not therefore altered it, but I should point out that TARANTO has never been 'restored' to Italian control; it has always been under Italian jurisdiction. Strictly the first 3 paragraphs on page 2 require amendment.
3. In para 2, page 1, the references to the directions to RC Sicily should, I think, say "...Italians of Slav origin ..." which is wider than 'Slovene'.
4. Please attach copies of necessary documents for AFHQ.

Legal Sub-Commission
27 August 1945

W. E. Higgins

W. E. HIGGINS,
Colonel,
Chief Legal Advisor.

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100

112

Navy Sub Com.

Ref min 111. May folio 106 be retyped please (with first & last paragraphs amended as in min 111) & submitted as a draft on a Navy Sub Commission file.
Your remarks about the Legal Sub Com in the first para of min 111 are noted.

22 Aug 45

H. R. S. See End

113

To Exec Com

Folio 106 rewritten as requested
in Minute

HEADQUARTERS, ALLIED COMMISSION
Navy Sub-Commission APO 394

MSC/3327
22 August 1945.

Memorandum for Executive Commissioner, Allied Commission:

In accordance with Minute 110 and amendments thereto, an amended draft of the first and last paragraphs of draft letter Minute 106 is submitted herewith. It is noted that no comments have been made on the several proposals to the Chief Commissioner, Allied Commission, contained in Navy Sub-Commission letter MSC/3186 of 8 August 1945, Minute 103. If the draft letter Minute 106, as modified by the following paragraphs, is approved, it is recommended that the final draft be transmitted to the Legal Sub-Commission, Allied Commission for approval prior to signature by the Chief Commissioner:

Revised First Paragraph, Minute 106:

Reference is made to the Yugoslav Delegation to the Advisory Council for Italy letters pov.br 634/45 and pov.br

87~~586~~ Executive Committee

Ref 83. pl see replies from Polads at

84 & 85.

Letter to AFHQ is now submitted for

Signature.

23/6/45

Ed 24/6.



W

27.CSO

Please see 24 from Land Forces to AFHQ
& its attachment.

Pol Sec has seen (26)

14 Feb 45

S. 16/2

S. 16/2

37CSO

1633

785017

- 2 -

127

been under Italian Government control and jurisdiction. The Italian Government has jurisdiction over the offense since Koljevina is charged with desertion from the Italian Navy.

As to jurisdiction over the person of Koljevina, the Italian Government has jurisdiction over Italian nationals and citizens and a sovereign right to arrest and bring to trial such persons for offenses against Italian law when they subject themselves to Italian jurisdiction by entering Italian territory. In territory under Italian Government control and jurisdiction no member of the Allied Forces or any official or other representative or agent of the United Nations, civilian or military, shall be brought to trial in any Italian court for any cause whatsoever, either civil or criminal, without the consent of the Commander-in-Chief of the Allied Forces.

The point at issue is therefore whether the Italian Government has prior jurisdiction over the person of Koljevina by reason of his alleged citizenship and desertion from the Italian Navy or whether he is immune from arrest and trial by Italian courts by reason of his status as a member of the Yugoslav Navy. In principle the Allied Authorities in Italy support

1634

785017

- 2 -

127

been under Italian Government control and jurisdiction. The Italian Government has jurisdiction over the offense since Koljevina is charged with desertion from the Italian Navy.

As to jurisdiction over the person of Koljevina, the Italian Government has jurisdiction over Italian nationals and citizens and a sovereign right to arrest and bring to trial such persons for offenses against Italian law when they subject themselves to Italian jurisdiction by entering Italian territory. In territory under Italian Government control and jurisdiction no member of the Allied Forces or any official or other representative or agent of the United Nations, civilian or military, shall be brought to trial in any Italian court for any cause whatsoever, either civil or criminal, without the consent of the Commander-in-Chief of the Allied Force.

The point at issue is therefore whether the Italian Government has prior jurisdiction over the person of Koljevina by reason of his alleged citizenship and desertion from the Italian Navy or whether he is immune from arrest and trial by Italian courts

1.
ANNEXURE 'B' to 2214/20 dated 30 August 1945.

NEAR HEADQUARTERS ALLIED CONTROL COMMISSION
Office of the Deputy Chief Commissioner
APO 394

26
HHS/a.39

8 March 1946.

In reply refer to :
DGC 091

SUBJECT: Recruiting of Jugoslavs for MLAY
TO : Adv HQ Force 133, CMF.

1. In reply to your letter of 25 February on the above subject, the Commisar in charge of recruiting at

COPI.

2.

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

Regional Control and Military Government Section

Ref: 16/3/CA.

13 March 1944.

SUBJECT: Enlistment of Italians in Yugo Slav Army.

TO: Regional Commissioner, Region I.

1. During your visit last week you raised the question of recruitment of Italians for the Yugo Slav Army which is now taking place in Sicily. Marshal Badoglio has raised the same question with the Chief Commissioner (see attached letter).

copy
rly

122

Copy of telegram to Belgrade from
Rome No. 297 of the 5th June.

Chief Commissioner, Allied Commission, has received a note dated the 22nd May from the acting Yugoslav representative on the Advisory Council for Italy, requesting the immediate release of the arrested Yugoslav women. The note complains that action of Italian authorities was irregular and adds that it is inconceivable that they should have ventured to arrest someone belonging to the Allied Armed Forces.

2. I presume that this is the formal protest forecast in your telegram No. 304 and that therefore the Yugoslav Government do not propose to press their note. In the circumstances, do you agree that it would be the correct course for the Chief Commissioner to refrain from returning a reply?

CHY
rlp

121

Copy of telegram from Belgrade to Rome No. 479 of the 10th
June

Your telegram No. 297.

I agree that the Chief Commissioner should refrain from replying.

Foreign Office pass to Rome as my telegram No. 130.

REVENUE.

August 8th
Admiral Stow (107)
This letter is
a suggested draft
reply in accordance
with paragraph 10(d)
of memorandum

Respectfully,

Butler

(101)

