

2017

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

785017

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10000/109/727

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

10000/109/727

RELATIONS BETWEEN MILITARY PERSONNEL
& THE CIVILIANS
MAR. - MAY 1946

8.

Ex Comm.

Letter at 10 submitted by C.A.S.
for signature - in 3 refers.

Agreed by Polads at in 6. H.S. 2/4

44

C.S.O. Folio 13 for info, please. This is a general
order based on our letter at folio 10. *AWB* 14/5
Public Safety considers this sufficient.

20.

C.S.O. Please see folio 19 and ends as refg
to your letter no. 17. *AWB* 24/5

21.

V.P. C.A.S.

Have you any comments on 19 please?
You will note that our letter at 15
has crossed with 6-5 letter.

H.S. 23/5

22

Ex. Comm. H.S. 24/5

I have no comment on folio 19.

order based on our letter of folio 10. ADP 14/5
Public Safety considers this sufficient.

20.

CSO. Please see folio 19 and encs as reply
to your letter no. 17. ADP 24/5

21.

V.P. C.A.S.

Have you any comments on p 19 please?
You will note that our letter of 14/5
has crossed with G-5 letter. H.S. 23/5

22

Ex-Letter H.S. 24/5

I have no comment on p 19.
I agree that as matters stand at present
no action is required as regards the British
Military Police.

McLamb
V.P.C.A.S.

23/5

23/5
I agree

47/5 H.S. 23/5

H.S. 24/5

HEADQUARTERS ALLIED COMMISSION
Office of the Chief Commissioner
APO 394

CSD-ExCom

The CC wishes the attached letter to come to him on appointment file with an appointment letter for his signature to AFHQ-GS having first been cleared with the Polads.

V.P. C.A.S. *NC* *V.P.S.* *213* *H.*

Will you please put up suitably letter to G-5 for signature of C.C. #S. 26/3

473

C.A.S.

Draft letter submitted for clearance with Polads in accordance with Minutes of 24/2/56
29 Nov. 56
L.H. & P.S.

6

Plad H. I agree the classification is correct but - 29/11/56

with an appropriate letter for the
signature to AFHQ-GS having first
been cleared with the Polads -

[Signature]
473

NC V.P.S.
213 #1

V.P. C.A.S.

Will you please put up initially
letter to C-5 for signature of C.C. #1. 26/3

15-

C.A.S.

Draft letter submitted for clearance with Polads in
accordance with Memo to C.
TX 686
29 Mar. 46.

[Signature]
L.H. 2 P.D.

6

Polad W I agree that clarification is needed here - JG sign
Polad B I agree. *[Signature]*
Ex. Comm. 2/10/46 7.

Reference to unit 3 have you any
comment on the proposed letter at 3A?

29/3/46

[Signature]
V.P.C.A.S.

~~7200~~ 3644 78
O Ex Comm 19.
ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 250.1

May 1946

SUBJECT: Relations between Military
Personnel and Italians.

MAY 20 1946

TO : Headquarters, Allied Commission,
APO 794. 10

Reference your 3644/EC dated 4 April 1946 and G-5: 250.1
dated 8 April 1946.

1. The matter referred to in your letter has been referred
to the British and U.S. Headquarters and it is believed that a
satisfactory solution has been accomplished. 13

2. In regard to action by U.S. Military Police, your atten-
tion is invited to the attached letter, AG 384/062/C/S-0 dated 9
May 1946 which sets forth the Procedure on Arrests, Searches and
Seizures by U.S. Military Forces. 18

3. In regard to action by British Military Police, it is
considered that the existing instructions are adequate and that
no further directive is required. In this connection your atten-
tion is directed this Headquarters' letter G-5: 250.1 dated 16
April 1946, which deals with the only specific complaint which,
so far as is known, has lately been made against the action of
British Military Police.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:



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

Incl: As above.

471
A
21/2

COPI

COPY 3644 AD
ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

18

G-5: 250.1

16 April 1946

MAY 21 1946

SUBJECT: Conduct of Allied Troops.

TO : Headquarters, Allied Commission,
APO 394.

Reference AC/14337/PS, 26 March 1946.

1. On the 1 March 1946, between 0900 hours and 1530 hours, the British Military Police in CASERTA carried out, in conjunction with the local Carabinieri, a concerted check of civilians wearing articles of WD origin.

2. During this period fifty-one (51) civilians were escorted to the local Carabinieri HQ, where they were required to explain to the Carabinieri the legality of their possession of articles of American and British military property. In no case was a satisfactory answer given by the civilians to justify possession.

3. In every case the CC.RR. confiscated the items after the Military Police HQs has identified the property. No articles of UNRRA stores were impounded.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

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

COPY

HEADQUARTERS ALLIED COMMISSION
Public Safety Sub-Commission
APO 394

Tel: 489081-365

AC/I4337/PS

26 March 1946

SUBJECT : Conduct of Allied Troops.

TO : AFHQ, G-5.

1. The attached copy letter from the Commanding General CC.RR. concerning the activities of British Military Police, Caserta, is forwarded for information and such action as you may deem necessary to prevent further cause for complaint.

FJW/tm

JOHN W. CHAPMAN
Colonel, JAGD
Director.

Copy to: + Commanding General CC.RR.
(Your 595/10 dated 14 March refers).

TRANSLATION

CC.MR. GENERAL COMMAND
Service and Situation Office
No. 595/10

Rome, 14/3/1946

TO : ALLIED COMMAND
Public Safety S/C
R O M E

SUBJECT : Action of the American M.P. towards civilians.

Follows report No. 595/6 of 3 inst.

The Commander of the Naples Legion communicates that on 1st inst., at Caserta, some agents of the Military Police, headed by an M.C.O., belonging to the British 3rd M.P. Company, after blocking a number of the town's streets, held up 40 civilians, among whom three women, and obliged them to give up articles of Allied clothing they were at the moment wearing. Some of them had to go home shoeless.

The matter has received unfavourable comment, since a number of the articles sequestered were part of clothing distributed by UNRRA to the Italians, or what was sent to Italy by Italians residing in America.

THE GENERAL COMMANDER
(s/ Brunetto Brunetti

HEADQUARTERS ALLIED COMMISSION

A P O 794

Office of the Executive Commissioner

Ref: 3644/15/EO

17 May 1946.

SUBJECT: Relations between Military
Personnel and Civilians.

TO : G-5 Section,
Allied Force Headquarters.

1. Reference this HQ letter 3644/EO dated 4 April 46 and your reply G-5: 250.1 dated 5 April 46.
2. We have now received a MFCUSA Directive AG 384/062 C/S-O dated 9 May 46 (Procedure on Arrests, Searches and Seizures of Italian Persons and Property) which covers the points raised with regard to the American Military Authorities.
3. Can we now expect to receive a similar directive from the British Military Authorities?

For the Chief Commissioner:

13/ N. W. HIND SMITH
Brigadier,
Executive Commissioner.

Copy to: G4 Section (For Public Safety S/C)

3644
Office of [illegible]
HEADQUARTERS
MEDITERRANEAN THEATER OF OPERATIONS
UNITED STATES ARMY
APO 512

AG 384/062 C/S-C

9 May 1946
MAY 15 1946

SUBJECT: Procedure on Arrests, Searches and Seizures of Italian Persons and Property.

TO : Commanders of all Major Commands, Separate Units and Installations

1. Pursuant to the Terms of Restoration of Additional Italian Territory, the Supreme Allied Commander has restored to the jurisdiction of the Italian government certain territory embracing all the mainland of Italy and adjacent islands, except for the Provinces of Udine and Venezia-Giulia, without prejudice to any rights and powers of the Allied Nations under the Italian Armistice, and subject to the right to maintain and quarter troops and to maintain and operate facilities, utilities, installations and supplies as may be required by the Allied Forces in the unoccupied territory. Pursuant to the resumption of jurisdiction by the Italian government, and apart from the powers stated, the authority over Italian persons and property by the United States Military Authorities in Italy, exclusive of the Provinces of Udine and Venezia-Giulia is, in the absence of the exercise by the Supreme Allied Commander of any reserved powers, limited to that described in this order.

2. The United States Military Forces have the right to arrest and detain for trial by Italian courts or request the Italian Government to arrest and detain for trial any Italian persons suspected of committing an offense or crime against United States Military laws and regulations, or against Italian laws and regulations, within United States military installations, camps, and other areas and buildings especially used by such forces.

3. Outside of locations listed in paragraph 2 above, all searches, seizures, arrests, and/or detention by United States Military Forces of Italian persons and property are prohibited except as hereinafter authorized.

4. United States Military authorities are authorized to search, detain and/or seize Italian held property and search, seize and/or arrest, independent of Italian authorities, Italian persons where a criminal act is committed in their presence.

5. The "hot pursuit" of a suspect is authorized, independent of Italian Authorities. "Hot Pursuit" is defined as the right to pursue any person in flight where reason exists to suspect his connection with a criminal act.

6. Except as authorized herein, arrest, detention and/or search of Italian military personnel, and search of Italian military property will be handled exclusively by the Italian authorities. Cooperation and assistance by United States military personnel when requested by the Italian authorities will be furnished only when the security of United States persons or property is involved.

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See F-16
(cont X)

Ltr, Hq AFMUSA, APO 512, file AG 384/062 C/S-O,
200 9 May 1946 (Cont'd)

7. Arrest, detention and/or search of Italian civilians and detention, search and seizure of Italian civilian vehicles or property, except as authorized herein, will not be made except in conjunction with, and with the approval of, the proper Italian authorities.

8. Whenever there is reason to believe that crimes or offenses against United States military persons or property have been or are about to be committed, except as covered in paragraphs 2, 4 and 5 of these instructions, it is the duty of the proper United States military official to make known immediately the situation to the Italian law enforcement agencies and to request and urge necessary action. While cooperation will be given the Italian officials in such cases, the power of arrest, detention and seizure remains with the Italian authorities.

9. Brutality, unnecessary roughness and other similar "third degree" methods will not be engaged in by United States military personnel.

10. Road blocks for the search, and seizure of Italian persons and Italian held property will be operated only with the cooperation of Italian authorities. When so operated they shall be governed by specific instructions from the proper United States military authority. The policy will be that as far as practicable all interrogation, searching and seizing of Italians and property held by them shall be done by the Italian authorities. Where, in the operation of a road block, it is necessary for United States military personnel to participate actively, care will be taken to assure that such participation is in conformity with the desires of the local Italian authorities. Italians arrested or property seized will be held by the Italian authorities. Where property is of undoubted United States Government ownership it may, at the discretion of the United States authorities, be taken under United States military custody.

11. Italians arrested or detained will be turned over to Italian custody at the earliest practicable time, with a statement of the offense for which they are arrested or the reason why detention is desirable and with a request for confinement where appropriate. All cases of continued confinement by United States military authorities will be reported promptly to the Commander of the Major Command concerned.

12. Interrogation of Italian persons in connection with the investigation of matters within the limitations of these instructions may be conducted by United States military authorities without the presence or assistance of Italian authorities. Force or coercion may not be exercised to secure the attendance of persons aforesaid, or to obtain testimony. Full use of Italian law enforcement agencies will be made to secure witnesses and evidence.

13. It is for the mutual benefit of all concerned that interrogation, searches, seizures, detentions and/or arrests of Italians shall be in conformity with Italian law. Any failure of Italian authorities to cooperate or to

Ltr, Hq, MFOUSA, APO 512 File AG 384/062 C/S-O,
Jtd 9 May 1946 (Cont'd)

perform their legal duties will be reported through channels to this head-
quarters without delay.

BY COMMAND OF LIEUTENANT GENERAL LEE:

Ralph C. Tilley
RALPH C. TILLEY
Colonel, AGD
Adjutant General

DISTRIBUTION:

"12"

Distribution by 2675 Rgt to:

ALL SUB-COMMISSIONS
ALL LIAISON GROUPS
ALL 2675 Rgt Envs.

5801 *3644* *Ex Comm*
ALLIED FORCE HEADQUARTERS
G-5 Section
APO 912

G-5: 250.1

8 April 1946

APR 9 1946

SUBJECT: Relations between Military Personnel and Civilians

TO : Chief Commissioner
Allied Commission
APO 394

Receipt of your letter above subject file 3044/EC dated 4 April 1946 is acknowledged. The letter has been referred to the proper British and American military authorities to secure their views thereon. When these have been obtained and reconciled by the Supreme Allied Commander you will be informed of the decision.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

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

7/3644/UC

14 April 1946

REF: Relations between military personnel and civilians.

TO: Allied Force Headquarters, G-3 Section, APO 963.

1. Within the past several weeks reports have reached this Headquarters concerning the activities of Allied Military Police in Italian Government Territory against civilians which indicate that neither the Military Police nor the officers responsible for them are aware of their extremely limited authority over civilians under present conditions. The incidents reported include searches of private property, setting up of road blocks at which private vehicles are stopped and searched and not only of the vehicles but also of the occupants, stopping civilians in the streets compelling them to remove articles of clothing, and harassing and detention of Italian police and army officers.

2. The Italian Government understands that it now has the right to exercise its functions particularly that of policing, maintaining law and order and controlling civilians. These incidents are of considerable concern to the Italian Government and Italian officials who are unable to explain the apparently unwarranted interference of Allied Police with Italian subjects.

3. This Headquarters has been requested to take action to prevent recurrence of such incidents and lacks authority over the organizations involved and also finds itself confused as to what may be the high policy regarding Military Police activities in Italian Government Territory.

det-16

- 1 -

DU 15/4 463

5/4

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4. It is the understanding of this Headquarters that, in Italian Government Territory and as regards civilians, Allied Police will not themselves make searches of private property nor make arrests and searches of the person except in case of felonious crimes committed in their presence; that in all such cases the Italian police will be called upon to take the necessary and proper action; and that the authority of Allied Police is now limited to the guarding of Allied installations and property and to the control of Allied military personnel.

5. It is desirable that a clear and detailed statement of policy controlling the relations between Allied Military personnel, particularly Military Police and civilians be issued for the benefit of all concerned.

M. S. LUSH

Brigadier

ELIABY W. STONE
Rear Admiral, USNR,
Chief Commissioner.

785017

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MAR 23 RECD

2.

HEADQUARTERS ALLIED COMMISSION
Public Safety Sub-Commission
APO 394

Tel : 478427

AC/14337/PS

21 March 1946

SUBJECT : Relations between Military
Personnel and Civilians.

TO : Chief Commissioner,
Allied Commission.

1. In view of certain occurrences and proposals during the past few weeks, this S/C is of the opinion that AFHQ should be requested to declare a policy concerning the relations of military commanders with Italian Government officials and Italian civilians and particularly concerning the activities of Military Police against Italians in Italian Government Territory.

2. It has been the understanding of this S/C that matters affecting Italian officials would be handled through Allied Commission with the Italian Government and that Military Police operating in Italian Government Territory had no authority to interfere with Italian civilians beyond the immediate protection of Allied installations, property and personnel. However, reports to this S/C show that Allied Military Police are operating road blocks and are actively engaged in stopping civilian vehicles and searching not only the vehicles but also the persons and personal baggage of the occupants; that Allied Military Police have been actively engaged in searching private houses. It may be asserted that in all cases the patrols are joint with Italian police, but, the fact remains that the Italian police are kept in the background while the Allied police actually perform the operations. Allied police vice squads have operated to make indiscriminate arrests of women, in many cases without the slightest evidence for justification.

See M 3-8

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(C.S.O.)

3. The confused situation is such that this S/C, to which are channeled all complaints involving police either Allied or Italian, finds it impossible to properly advise the Italian Government, and can do nothing more than forward the complaints and reports to AFHQ. Either the Allied Forces which still remain in Italian Government Territory are in the nature of garrison troops primarily concerned with guarding military installations and property and with controlling their own personnel, in which case there is no authority to interfere with the person or property of civilians, or, the Allied Forces are still an army of occupation imposing the will of the conqueror upon the conquered, in which case, obviously, the civilian population may be subjected to any control permitted under International Law.

4. May the policy be clarified and publicized so that all concerned will know the limits of proper behaviour and conduct.

John W. Chapman

JOHN W. CHAPMAN
Colonel, JAGD
Director.

JWC/ee

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