

0899

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

785017

ACC

10000/109/1016
(VOL. I)

SEIZURE OF ITALIAN
AUG, SEPT. 1943; APR. 1

0900

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

785017

10000/109/1016
(VOL. I)

SEIZURE OF ITALIAN BOATS BY YUGOSLAVS
AUG, SEPT. 1943; APR. 1945 - FEB. 1946

HCB

Letter at 98 to P.F.A. informing them that correspondence re boats seized by U.S. is being passed to Swodlaka is submitted for signature. Think we should keep them in the picture.

Letter at 98 to Swodlaka also submitted for signature. Letter from Ambassador at 79 & 87 refer, also minus 91 & 92 from Polado. The letter to Swodlaka in the corrected form, is the one they have agreed upon. Only those ships which were seized at sea or elsewhere have been submitted in the letter (Navy S/C advised).

There remain the majority of the ships which were seized in V.G. waters which, according to minus 91 should be the basis of Anglo-American negotiations. This was suggested to the Ambassador in our letter at 47 & initially refused in letter 79 & 82. It would be grateful if you & Ex.C. can advise - should we send another letter to the Ambassador or give Polado the remains of the file? Apologies for the lengthy memo. BS 35/1

99.

Ex Comm.

5002

Letter at 98 submitted for signature. This has been amended in accordance with Polado minute of 91 & 92. Will you give a decision as to whether we stand by approach Ambassador again re ships seized in V.G. waters. See last para of 191 and last para of 95 plus.

0902

785017

letter at 48 to Swodlaka also submitted in signature. letters from Ambassador at 79 & 87 refs, also minus 91 & 92 from Polado. The letter to Swodlaka, in the corrected form, is the one they have agreed upon. Only those ships which were seized at sea or elsewhere have been submitted in the letter (Navy S/C advised).

There remain the majority of the ships which were seized in V.G. waters which, according to min 91 should be the basis of Anglo-American negotiations. This was suggested to the embassies in our letter at 47 & initially refused in letter 79 & 82. It would be grateful if you & Ex-C. can advise - should we send another letter to the embassies or give Polado the remains of the file? Apologies for the lengthy minutes. BS 30/1

49;
Ex Comm.

5002

Letter at 48 submitted for signature. This has been amended in accordance with Polado minute at 91 & 92. Will you give a decision as to whether we stand off from embassies again re ships seized in V.G. waters. We last time of 1 91 and last time of 95 above. HJ 31/1

100

CSO. I fear we must await FOS review before I can decide. (see min 82.)
HJ 31/1

85.

89 submitted for signature in answer to 61.
83 refers.

Ref minute at 82, folad (6) address no further action until he hears again from F.O. At 1.1. memo back tel. 65. 2/12.

~~Folad (4)~~
Folad (6)

90.

✓ you comments on the draft at 88 would be appreciated. letters from the U.S. & U.K. Ambassadors at (79) and (87) refer. This is a new approach on this many subjects. R 19/1

91.

CSO:

I would suggest omitting the second and third paragraphs (see 98. 22) altogether and replacing them with something along the following lines:

"I am enclosing the pertinent portions of communications from the Italian Government on this subject for reference by you to the Yugoslav Government for consideration and such action as it may deem appropriate. The Allied Commission will, of course, be happy to transmit any reply which your Government may make to the Italian Government."

We must be careful to make distinction, in anything referred directly to Smolaka, between Italian ships taken from Venezia Giulia waters and those captured or held by Yugoslavs elsewhere (see my minute 70 a). The former can and should be the basis of Anglo-American representations at Belgrade under para 6 of the Agreement. The second category (such as fishing boats mentioned in folios 47, 56 and 61 E) is Italian representations and is the type of complaint that should be referred to Smolaka with AC draft letter at 88.

see letter 198.

J. Wesley Jones
Political Adviser

Jan. 22, 1946

92.

I agree with Mr. Jones' proposed amendment.
I do not like para. 2 as it stands

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90.

Noted (#)
 Colad (B)

✓ you comments on the draft at 88 would be appreciated - letters from the U.S. & U.K. Ambassadors at (79) and (87) refer. This is a new approach on this heavy subject. R 19/1

91.

CSO:

I would suggest omitting the second and third paragraphs (folios 22) altogether and replacing them with something along the following lines:

"I am enclosing the pertinent portions of communications from the Italian Government on this subject for reference by you to the Yugoslav Government for consideration and such action as it may deem appropriate. The Allied Commission will, of course, be happy to transmit any reply which your Government may make to the Italian Government."

We must be careful to make distinction, in anything referred directly to Smolaka, between Italian ships taken from Venezia Giulia waters and those captured or held by Yugoslavs elsewhere (see my minute 70 a). The former can and should be the basis of Anglo-American representations at Belgrade under para 6 of the Agreement. The second category (such as fishing boats mentioned in folios 47, 56 and 61 E) is Italian representations and is the type of complaint that should be referred to Smolaka with AC draft letter at 88.

see letter at 98.

Jan. 22, 1946

92.

I agree with Mr. Jones' proposed amendment.
 I do not like para. 2 as it stands.

J. H. Koppenheim

Jan 22, 1946
 Rd. Ad. (Br.)

J. Wesley Jones
 Political Adviser

75.

CLA.

Do you agree with Solad (B)'s suggestion
at 71 that there matters be forwarded to
AFHQ? If so, does the letter attached need with
your approval?
4/ 6/12.

EX-Com.

letter agreed & forwarded
to gether with enclosed opinions or requested
by AFHCE.

8 Dec 45
Hugels/C.

G. G. Hammon
Hplue

81.

Solad (B).

Letter from the American Ambassador on the
subject of these picking looks at 80 for info.
is the British attitude to same? If so I suppose
Dr. Smedley must be approached by us.

4/ 7/12

CSO. & Ex. Com.

82

The Foreign Office ~~unanimous~~ view is quite different
from the State Dept's attitude. It is wholly unreluctant - it
wants the American & Yugoslav to discuss these problems direct-
& considers this to be possible now, since the Am. & Yugoslav Amb.
at Moscow have agreed to consider the possibility of suggesting
to their respective Govts. the possibility of setting up some form
of direct communication which may possibly ~~be~~ ^{be} in the
discussion of the situation etc. etc. in etc. etc. etc.

We are telegraphing your to the F.O. ignoring them
the same for Mr. Kirk's letter at (79) or asking them to think
again. I will let you know the result as soon as possible.

785017

0903

Ex-Com.

letter agreed & forwarded
together with enclosed opinion or requested
by AFHCC.

8 Dec 45

hugel 5/1

81.

Island (6).

Letter from the American Ambassador on the
subject of these island books at 80 is info.
is the British attitude to same? If so I suppose
Dr. Swedlow must be informed by us.

4/5 7/2

82

CSO. & Ex-Com.

The Foreign Office ~~expectations~~ view is quite different
from the State Dept's attitude. It is wholly unreluctant - it
wants the Americans to discuss these problems direct
& considers this to be possible now, since the U.S. & Yugoslav leaders
at Moscow have agreed to consider the possibility of suggesting
to their respective Govts. the possibility of setting up some form
of direct communication which may possibly ~~be~~ ^{be} established in the
discussion of the situation etc. etc. in the etc. etc.

We are telegraphing again to the F.O. informing them of
the view for Mr. Kirk's letter at (79) or asking them to think
again. I will let you know the result as soon as possible.

18/12/45

[Signature]
H. H. H. H. H.

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C.S.O.

(71)

I am inclined to share Mr. Wesley Jones' views. I think that probably only the F.O. and State Dept. legal advisors can give a ruling on this, but I suppose the right channel is for A.C. to submit the matter to SACRED. The Embassy could however refer it simultaneously to their respective governments, if we could have copies of the letter which goes to A.F.N.O.

Att. For. adv. (B)
Nov. 28.

75.

C.S.O.

1. 72 for signature per as proposed in min. 70a.
2. 74 submitted for signature - 70a, 71, refer. Also Ex. Com. has agreed to this.

C.L.A.

76

8/12.

5859

0908

785017

58 b Sip- pas
8/11/68
8/11/68
8/11/68

60 in sip update pas. Suggest we pass 61-68
to Polad in explanation. No further action can
really be taken on this till we hear whether
embassies are willing to cope or not.
8/11/68

→ Polad (A)
Polad (B)

61-68 for info. 8/14/68

(708)

Q 50 - With reference to minute 69, above,
Fogis 61 relates to Argentine claims as
war booty of Italian ships sunk & afloat in
Gulf of Trieste. I assume latter is under
Allied Control & unseized (allies)
To tell Italian's what present status of their
ships is. I suggest forwarding this to
A. F. H. Q. or XIII Corps or both for report.
Regarding lengthy memorandum from Italian
of Nov 16 (Fogis 68-62) much of it concerns
property (ships) taken from territorial
Zone A of Venezia Giulia thus com 503
Terms of Belgrade agreement & becoming
Anglo-American responsibility & thus differing
from case of Argentine fishing boats captured
at sea (see fogis 47, 56 & 61B). That portion

leads to information. No further action can
really be taken on this till we hear whether
embassies are willing to co-operate or not.

St. 10/14.

→ P. 10/14 (4)
P. 10/14 (6)

61-68 for info.

St. 17/14.

(703)

C 50 - With reference to minute 69, above,

Foglia 61 relates to Yugoslav claims as

war booty of Italian ~~ships~~ ^{ships} sunk & afloat in

Gulf of Trieste. I assume latter is under

Allied Control & was channelled to in payment

to all Italian's what percent of their

ships is. I suggest forwarding this to

A F N Q or XIII Corps or both for report.

Regarding lengthy memorandum from Italian

of Nov 16 (Foglia 68-69) much of it concerns

property (ships) taken from the waters of

Zone A of Venezia Giulia thus comes under

terms of Bilateral agreement & becoming

Anglo-American responsibility & thus differing

from case of ~~Foreign~~ fishing boats captured

at sea (see Foglia 47, 56 & 67B). That portion

relative to property (ships) taken from V. G. waters

could be referred to Embassies immediately.

The point re: Italian ships in Yugoslav territorial waters

on Sept. 8/43 should perhaps be referred

to 6. Regd S/C to ascertain if Italian interpretation

of authority is sound - J. M. Kelly, Jones, Pol Ad (Am) Nov 21/43

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53.

Ex Comm.

Page 50 in 5609 deals with the question of returning some Italian trawlers captured by the Yugoslavs. We wanted to pass this and similar claims to the Embassies on the lines indicated on Page 47 provided the embassies agreed, which we believe they are going to do. Unfortunately in minute 52, Polad (B) considers the return of these captured trawlers "is of real military interest" and that therefore it should go to G-5, AFHQ/Polads AFHQ/Washington/London and Belgrade, this in accordance with page 124 in 5263. Now things these days really are a real military interest and I really can't see that the return of some trawlers is of any military interest whatsoever.

Suggest therefore that you minute back to Polad (B) "AFHQ seem to think that few questions arising between the Italian-Yugoslav Governments have any longer a military interest" vide last sentence of page 124 in 5263. I rather feel we should have some difficulty in persuading AFHQ that the return of these fishing trawlers was of real military interest. In the circumstances do you think you could handle this matter under Category (G).

54.

C.S.O.

On consideration I want, for various reasons, to further call to G-5. & so we will adopt (C)

55.

172/27/1

We s/she (G) will do.

172/27/1

Atesa Ex Comm

57.

so in the Ex. C's signature in the light of 53 & 55 above
80 30/10. 557 42.

172/27/1

31/10

C.S.O. Needs see letters to Embassies are 44-45
 drafted in the light of minute 45. Are these OK?

60. 13/10.

(51)

Reled (5)

Please see 48 & 50. I think the contents of these
 letters can be passed to the embassies if they
 agree & on 47, don't you?

60 19/10.

(52)

But see instructions from G 5 on 8268/EC

folio 124. I should have thought not to
 cases came under category (c) of what paper
 as being a real military interest! otherwise
 the embassies can handle the matter
 under category (b).

Executive Commission

for Oct. 20
 Pol. adm. (B)
 30/10

0912

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Polad (A)
Polad (B)

44.

1. Please see letter at Solis 13 from 6-5, referring to the seizure of Valerian boats by the Yugoslavs. Previous relevant correspondence may be found at Solis 1, 2, 9-24.
2. We would be grateful for your comments on para. 3 of 6-5 letter. As can be seen they are following the advice offered in our letter at 31.

60 5/10.

45

C.S.O. to Ex. Com.

The Yugoslav government agrees as to handle matters arising from the occupation of Yugoslavia - I think that the two Embassies are probably the best channel for communication with Belgrade.

2. There are also the matters connected with Yugoslav fishing - e.g. the seizure of fishing boats at sea - which the Embassies must also handle as a port office, i.e. not in their own name.

3. But before we can start, this file needs sorting out into the two categories - stating also those cases which the Yugoslavs will claim are ordinary peace-time incidents for illegal fishing in international waters - so that it can be done. I therefore recommend that this preliminary work be done in the A.D. - an official invitation addressed to the two Embassies to take the matters up in Belgrade.

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2. We would be grateful for your comments on para. 3 of G-5's letter. As can be seen they are following the advice offered in our letter of 31.

BD 5/10.

45

C.S.O. to Ex. Com.

The Badgona government agrees as to handle matters arising from the occupation of Venezuela and I think that the two Embassies are probably the best channel for communication with Bogota.

2. There are also other matters connected with Venezuela such as the seizure of fishing boats at sea — which the Embassies must also handle as a port office, i.e. not in their own name.

3. But before we are stuck, this file needs sorting out into the two categories — stating also those cases which the Yugoslavs will claim are ordinary peace-time matters for illegal fishing in territorial waters — so that arrangements can be made. I therefore recommend that this preliminary work be done in the A.C. — an official invitation should be sent to the two Embassies to take the matter up in Bogota.

9/11/40

46

C.S.O.

Layne with Polak (B)

J. W. Jones - Pol. Ad. (Am)
Oct. 10, 1940

W. S. H. L. FORD

Asst. Technical Adviser (K)

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Name of boatRelevant files & memo

A. 1) Andromeda

1E, 1D, 1B, 1C

B. 2) Delfino

3) San Nicola

4) San Michele Arcangelo

5) Nuova Maria

6) S. Teresa

~~1-2-3-4-5-6-7-8-9-~~
~~10-11-25~~

1 to 11, 14, 25, 18, 19, 22

25, 27, 26 to 29.

C. 7) Punta Bianca

12 to 16, 24 & 25

D. 8) Diana

18 to 22, & 25

E. 9) Delia

10) Andita

11) Aurelio Padovani

12) Malco

13) Dale

24 & 25

5634

Note ref 16.

17

Hold until reply to 3 is received. If this is at variance with the decision given at 12, the question of the Punta Plana can be taken up again with AFHQ; if it is on the same lines as 12, there will be nothing to do but inform the owner of the decision.

A.P. 9/8

32

C.S.O.

1. In various files in this file the Italian Govt ask for action to be taken with regard to 18 Italian ships, which are reported to have been seized by the Yugoslavs.
2. See letter written to AFHQ about a number of these cases; at para 4 of file 29 we are told that the matter should be settled between the Italian Govt & the Yugoslav Delegate to the AECI

3. It was agreed at the Ex Com's conference on 28 Aug (serial 7) that matters of this nature could only be satisfactorily handled by the Embassies.
4. Prior to handing the contents of this file over to the Embassy, Mr. Hopkins recommended action as at ~~31~~ 31

30 Aug 45

33.

A.P. by Sam Cund

31 Signed. 32 L. Del. McCord by Mr.

31/8

785017

nothing to do but inform the owner of the decision.
H.P. 9/8

32

C.S.O.

1. In various files in this file the Italian Govt ask for action to be taken with regard to 18 Italian ships, which are reported to have been seized by the Yugoslavs.
2. See letter written to AFOS about a number of these cases; at para 4 of plus 29 we are told that the matter should be settled between the Italian Govt & the Yugoslav Delegate to the DEI
3. It was agreed at the Ex Com's conference on 28 Aug (serial 7) that matters of this nature could only be satisfactorily handled by the Embassies.
4. Prior to handing the contents of this file over to the Embassy, the Hopkins recommends action as at ~~31~~ 31

5033

30 Aug 45

33.

A.P. by Sam Cond

31 Sy'ned. 32 L.D. 1. M. L. 400.

Si. 3/8

C.S.O.

Please note memo in files, from Lt. Gen. J. M. Aff. re
reign of Italian fishing boats. This appears to be a matter
for AGHQ to investigate. I have written a short letter
to AGHQ enclosing a copy of the Lt. Gen. J. M. memo & an interim
reply to J. F. M. for your signature.

ABD
S. 8/1/51

5

Italian Fisheries (B & A)

Your attention is invited to files, from the Lt. Gen.
J. F. M. regarding the seizure of Italian boats by Yugoslavians
authorities. Attached is a letter to AGHQ - Enc. section &
interim reply to Lt. Gen. J. M. - It appears to be a case
for AGHQ. But it would be appreciated if your comments
could be had as to the advisability of referring the matter
to AGHQ as well as any other ideas you may have on the
subject. Letter is being held up pending hearing from you.

Col. D. M. M. M.
19/1/51

6
I think the vessel concerned is to refer
to matter to A.F. M. B. as being an in-
only body capable of affording some
means of protection to these vessels. At
this same time I think it would be
useful if copies of the two embassies
could be sent to the letter to AGHQ with
with a copy of the two forwards.

0918

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187/1/15

5

Technical Adviser (B & A)

Your attention is invited to files 1 from the State Min
) To appear regarding the origin of the boats by Georgetown
 authorities. Attached is a letter to AAG - Gov section &
 interim reply to Dr. M. J. O. - It appears to be a case
 for AAG. but it would be appreciated if your comments
 could be had as to the advisability of referring the matter
 to AAG as well as any other ideas you may have on the
 subject. Also as being held up pending hearing from you

Advised 19/7/68

6

I think the right course is to refer
 the matter to A.F. N.O. as they are the
 only body capable of appointing some
 means of protection to these vessels. At
 the same time I think it would be
 useful if copies of the D.F.A. memo.
 could be sent to the two embassies
 with a copy of our two formats. as
 can inform the
 police

H.L. Dr. H. H. H.

7 W.
 Pol. Adviser (B)
 July 20

Secretary -
 J. W. H.
 Pol. Adv. (Am) Aug 7/68

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Closed see
Vol II

5651

0920

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File

98

Ref: 5609/91/20

8. February 1946

Dear Dr. Smolaka,

The Italian Ministry of Foreign Affairs has frequently approached the Allied Commission regarding the alleged seizure of Italian boats by Yugoslav authorities. They aver that these boats sailed from harbours on the Adriatic coast and have never returned.

I am enclosing the pertinent portions of communications from the Italian Government on this subject for reference by you to the Yugoslav Government for consideration and such action as it may deem appropriate. The Allied Commission will, of course, be happy to transmit any reply which your Government may make to the Italian Government.

Yours very truly,

/Sgt/ ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Mr. Josip Smolaka
Yugoslav Representative to the
Advisory Council for Italy
Rome.

see 1199

See in 103-4

F. 109

Copy to: C-5 AMED
Polad (A)
Polad (B)
Navy S/C.
Br. Embassy
US Embassy

See 7-11

5650

+ copy of 6/2219/1018 of 16 July 1945 from NPA
" " 572/V.T of 29 April 1945 from H. of M.

92

0921

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EXTRACT FROM MEMORANDUM FOR THE ALLIED COMMISSION.

6/4487/2058

SUBJECT: Seizure of Italian Ships by Yugoslav authorities.

1. Reference is made to this Ministry's memoranda n. 6/2803/1292 dated 16 August 1945 and n. 6/4605/1846 dated 17 October 1945.

2. Information has reached this Ministry that on or before September 8th 1945 several Italian ships were to be found in waters now under Yugoslav control. The particulars concerning these ships are tabulated in the enclosed list.

3. The Ministry for Foreign Affairs will appreciate it greatly if the Allied Commission will take all suitable action in order to secure that also these ships be returned to their owners or that their salvage right be acknowledged in the case of the still sunken ships.

Rome, 10 November 1945.

5649

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[illegible]

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95/

2

Where located on September 8th, 1943.

Displacement

Name

Type

U/F/b	Severo	2606	Removed to Dalmatia.
Tug	Costante		Sunk in Dalmatia
"	Parenzo		Grounded in the canal of Selve.
"	Molara		In service at Spalato.
Barge	Sati II		At Spalato.
Motorboat	Craziella I		Sunk in Dalmatia.

5647

0925

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Ref: 5609/93/EG

31 January 1946

SUBJECT: Seizure of Italian fishing boats.
by Yugoslav authorities.

TO : The Italian Ministry of Foreign Affairs
Italian Government
Rome.

1. Reference HQ Allied Commission Memorandum 5609/41/EG
of 4 October 1945.

2. Correspondence relating to the seizure at sea of Italian
fishing boats by Yugoslav authorities has been referred to Dr.
Smolaka, Yugoslav delegate to the Advisory Council for Italy, for
onward transmission to the Yugoslav Government.

3. Any reply the Yugoslav Government may make will be
forwarded by HQ A.C. to the Italian Government.

See 98 + 10546

0925

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89

Ref: 5609/EC

19 January 1946

SUBJECT: Seizure of Italian boats by Yugoslav
Authorities.

TO : C-5 AFHQ.

74

1. A reply would be appreciated to our 5609/73/EC of 5
December on the above subject.

12

Brigadier
Executive Commissioner

See 101

5645

0927

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Cal S

Adla

C/C - please
put on file -
Haleia fishwife
boats seized by
Jupia 4/1/78

See Thru B.

appropriate
action is
taken by
EC with
Smollaka

17
1

GMS
cc

0928

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1 COPY

609 40

87

BRITISH EMBASSY,
ROME.

70/6/46

13th January, 1946

JAN 18 1946

79

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.

2. 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.

5644

(Miss S).

0929

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86

17 January 1946.

Dear Mr. Ambassador:

Thank you for your letter of the 13th informing me of the Foreign Office's policy regarding the channels for handling Italian complaints against the Yugoslavs.

Sincerely yours,

ELLERY W. STONE,
Rear Admiral, USNR
Chief Commissioner

H.E. Hon. Sir Noel Charles,
British Ambassador,
via XX Settembre 84,
Rome.

5043

0930

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HEADQUARTERS ALLIED COMMISSION
SAC 394
Office of the Executive Commissioner

84

Ref: 5609/39/50

27 December 1945

SUBJECT: Yugoslav Claims to Italian Naval Vessels

TO : The Ministry of Foreign Affairs

61

1. Receipt is acknowledged of the Ministry of Foreign Affairs memorandum 6/4465/2048 of 10 November 1945 on the above subject.

2. The disposition of the ships of the Italian Navy will doubtless be given consideration on a Governmental level at the proper time, and in view of the fact that the American and British Embassies have already been approached on this subject, no further action is at present being taken by this HQ.

[Handwritten signature]

Copy to:
Polad (A)
Polad (B)

5642

27/12

[Handwritten mark]

[Handwritten mark]

0 9 3 1

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785017

1602

5609 46

83

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 561.6 NEI

18 December 1945

SUBJECT: Yugoslav claims to Italian Navy vessels

DEC 20 1945

TO : Headquarters, Allied Commission
APO 394

72

1. Reference your 5609/72/EC dated 5 December 1945, above subject.
2. Receipt of the memorandum from the Italian Minister of Foreign Affairs referring to Yugoslav claims for certain naval vessels is acknowledged. This Headquarters is not in a position to deny or affirm the reports which have come to the attention of the Italian Government as indicated in the memorandum.
3. It must be presumed that the disposition of the ships of the Italian Navy will be given consideration on a governmental level at the proper time. It is noted that the American and British Embassies in Rome have already been informed of the Italian preoccupation in this matter.
4. In view of the action already taken by the Italian Government as indicated in their memorandum, no further action need be taken at this time.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:


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

5341

See folio 84

98/
(MISS)

1/3/46

0932

1

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5609

EC for!

80

14 December 1945

DEC 14 1945

My dear Mr. Ambassador:

Thank you for your letter of 8 December
presenting the views of the United States Govern-
ment on the question of seizure of Italian boats
by Yugoslav authorities and channels for handling
Italian complaints of this nature against the
Yugoslavs.

Sincerely yours,

[Signature] Ellery W. Stone

5640

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

The Hon. Alexander Kirk
American Ambassador
Via Vittorio Veneto 119
Roma

cc Efec Comm. ✓

See M. 81, 82, 85.

8
MISS J.
(copy)

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COPY

79

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

Rome, December 8, 1945

b1a

Dear Admiral Stone,

With reference to my letter of November 15, 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 18 and November 2 (file nos. 5609/47/EC and 5609/56/EC).

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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 representative 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.

5639

Sincerely yours,

/s/ A. Kirk

Rear Admiral Ellery W. Stone
Chief Commissioner
Allied Commission
Rome

0934

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

785017

5604 4b

78

Ref: NSC/4138

8 December 1945.

SUBJECT: Machine-gunning and Capture of Italian M.F.V.'s
by Yugoslav Craft in the Adriatic.

TO : Allied Force Headquarters.

78

1. The Italian Ministry of Marine in enclosure 1 alleges that Italian motor fishing vessels have been machine-gunned and captured by Yugoslav craft in the Adriatic, and requests that inquiries be made to obtain the release of the captured vessels and their crews. It is recommended that the matter be taken up by Allied Force Headquarters with the Yugoslav Government to ascertain the facts involved and secure the release of the vessels and crews if appropriate.

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

Encl: 1
Ministry of Marine ltr
3012/U.F. of 26 Nov. 1945.

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(MAJ H)

SPH
11/12/45

PA
12/12

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

785017

78A

From: Ministry of Marine (Cabinet)
 To : A.C. - N.S.C.
 Date: 26th November 1945
 Ref.: 3012/U.I.

Subject: Machine-gunning and capture of Italian M.F.V.'s by
 Yugoslav craft in the Adriatic.

This Ministry brings the following to the notice of the
 Allied Commission:

- a) The M.F.V. "DELFINO" left Molfetta on 25th May last for deep-sea fishing and nothing has been heard from her since.
- b) The M.F.V. "SAN NICOLA" left Bari on 25th May last for deep-sea fishing and nothing has been heard from her since.
- c) The M.F.V. "SAN MICHELE ARCANGELO", while fishing about 5 miles north of Pelagosa Island on 29th May last, was chased and machine-gunned by a Yugoslav motor launch which came from Gazzia Island. The M.F.V. took refuge in flight, abandoning its nets at sea.
- d) The M.F.V. "NUOVA MARIA" sailed from Molfetta on 30th May last to fish and nothing has been heard from her since.
- e) The M.F.V. "SANTA TERESA" at about 0400 on 17th June last was fishing to the south of Pelagosa Island, with navigating lights properly lit, when it was machine-gunned, captured, and taken to Split, where the crew was taken off and interned in a concentration camp. On 31st October the crew returned to Italy in the American S.S. "ELBRIDGE GERRY".

There is the reason to believe that the M.F.V.'s "DELFINO", "SAN NICOLA", "NUOVA MARIA", above-mentioned, were taken prisoner by Yugoslav craft.

In consequence this Ministry requests the Allied Commission to take action with the appropriate Yugoslav Authorities in order that the requisite enquiries may be made, and the release ordered of the captured M.F.V.'s and their crews.

5657

Sgd. THE MINISTER.

0933

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

785017

HEADQUARTERS ALLIED COMMISSION
APO 394
Office of the Executive Commissioner

Ref: 5609/73/80

5 December 1945

SUBJECT: Seizure of Italian Boats by Yugoslav Authorities

TO : G-5, AFHQ

1. Further to our 5609/25/80 of 27 August 1945, our 5609/31/80 of 30 August 1945 and your G-5: 561.6 NEI of 3 October 1945.

2. The Italian Ministry of Foreign Affairs, in a letter dated 10 November 1945, forwarded to us details of 5 more boats which have been seized by the Yugoslavs from Trieste and neighbouring areas.

3. The Ministry has also forwarded to us a list of 37 ships which, on or before 8 September 1943, were to be found in waters now under Yugoslav control, and which the Ministry wish to be restored to their owners or to have their salvage rights acknowledged.

4. To support this claim the Ministry declares that these vessels cannot be considered as war prizes because:

(a) Article 5 of the armistice signed on September 3rd, 1943 states that Italian merchant ships (wherever located) are subject to requisition by the Allied Commander-in-Chief. It is obvious that by this provision the Allies have implicitly waived the prize right; if not, they would hardly have needed to lay claim to requisition.

(b) The Cunningham-De Courten agreement, dated September 23rd, 1943 provides that Italian merchant ships, flying the Italian flag and manned by Italian crews, shall be employed under the same conditions as those applying to merchantmen of the Allied Nations.

(c) As regards sunken ships, the Italian Government feel that their capture, i.e. an actual seizure, cannot take place until the ship is in a position to make a seizure possible, in other words, until she has been refloated. Consequently the capture by the Allies of craft that, though sunk in the waters of territories occupied by them prior to 8th of September 1943, had not yet been salvaged at that date, could in no way be considered legitimate. Said craft, if refloated after that date, could not be captured by the Allied authorities but should be returned to the Italian authorities, save, of course, the right of reimbursement of salvage expenses. Such was in fact also

the view of

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BU 12/12 - hold for 12/12

A. H. 12/12

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

785017

- 2 -

73

the view of Mr. Graham, Representative in Naples of the Ministry of War Transport who, referring to the Italian S/S "Giuseppe Levi" sunk in Tunisian waters, wrote on 31 August 1944: "Any Italian vessels which are found by the French remain Italian property, unless they were seized by the French before the signing of the armistice between the Allied Nations and Italy. I dare say the French will require to be paid or given some guarantee for their salvage expenses on the "Giuseppe Levi", but she is in the same category and should be handed over as early as possible".

The same principle set implicitly with the approval of the British Admiralty, when the latter ordered the restitution to Italy (save, of course, the payment of salvage expenses to be determined through arbitration) of the Italian craft refloated by the British Authorities in the harbours of the Peninsula.

5. We would be grateful if you could inform us whether the Italian interpretation of the Armistice is sound, and what further action you wish to be taken.

For the Chief Commissioner:

[Signature] F. H. McCLEARY

Brigadier
Executive Commissioner

Copy to:

Polad (A)

Polad (B)

Navy s/c

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N.B. An opinion of the Legal Sub Commission is attached.

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

73A

Ex-Com

re. Italian ships seized by Yugoslavs. The position appears to be as follows.

1. Under art. 14 of the Long Terms "all Italian merchant shipping etc. wherever they may be, will be made available to the United Nations in good repair and in seaworthy condition." Art. 14 para. of the Cunningham-Courtten agreement sets out that the provisions of this agreement do not affect the right of the United Nations to take such dispositions of any or all Italian ships as they may think fit. Their decisions in this respect will be notified to the Italian Government from time to time.
2. Both instruments are posterior and complementary to the Short Terms which must be considered as having been modified accordingly. Therefore art. 3 of the Short Terms must not be read and interpreted alone but in conjunction with the later agreements to which Italy was also a party.
3. The only point in favour of the Italians and it is an important one in equity, is, as stated in art. 3 of the Minister of Foreign Affairs' letter that "a disparity of treatment of Italian ships, merely based on their location at the time of capture could hardly be deemed to be justifiable." Furthermore this point of view has been upheld by qualified allied representatives. (Mr. Graham's letter of 31 Aug. 44 refers)
4. I think that the fact that some of the ships are sunk does not alter the legal position under the armistice and subsequent agreements.
5. Therefore if the armistice terms are deemed to apply to all Italian merchant shipping, wherever situated, the United Nations have the right to dispose of such shipping at their complete and unrestricted discretion. Under the armistice there has never been any question of considering Italian ships as "war prize".
6. Whether the Greeks and Yugoslavs feel themselves bound by the armistice terms or not is a different question altogether.

Dec 74 9.9.44

W. S/C
10 Dec 1944
Lt. Col.
Deputy Chief Legal Advisor.

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

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4. I think that the fact that some of the ships are sunken does not alter the legal position under the armistice and subsequent agreements.
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Dec 74 9.9.44

10 Dec 1944

C. G. HARRISON,
Lt. Col.
Legal Advisor.

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

785017

HEADQUARTERS ALLIED COMMISSION
APO 394
Office of the Executive Commissioner

72

Ref: 5609/72/83

5 December 1945

SUBJECT: Yugoslav Claims for Italian Navy Vessels

TO : G-5, AFHQ

61

1. Attached please find copy of letter from the Italian Ministry of Foreign Affairs dated 10 November 1945 on the above subject.

2. We would be grateful if you could let us know what is the present status of these ships and what further action you wish to be taken.

For the Chief Commissioner:

F. H. McCLARY
F. H. McCLARY
Brigadier
Executive Commissioner

Encl: 1

See File: 88

BU
12/12

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



5/4484/2058
68

Ministero degli Affari Esteri

NOV 18 1945

MEMORANDUM FOR THE ALLIED COMMISSION

Subject: Seizure of Italian ships by the Yugoslav Authorities.

Reference is made to this Ministry's memoranda n.6/2803/1292, dated 16 August 1945, and n.6/4005/1843, dated 17 October 1945.

1. The Ministry of Foreign Affairs beg to acquaint the Allied Commission with the following additional cases of Italian ships removed from Trieste and neighbouring areas by partisan Yugoslav forces:

- a) S/S Tenacia Gennari - gross displacement 996 tons. Taken over by Yugoslav troops at Trieste and compelled to sail for Spalato.
- b) S/S Mercurio, of the "Montecatini" Ltd! - 1979 tons - captured by the Yugoslavs last April at V.A. Parenzo.
- c) Tanker Lina Campanella - gross displacement 3353 tons - removed from Trieste and taken to Porto Re, where damages caused by a mine were repaired. Is now sailing under Yugoslav flag.
- d) Motor sailing-boat Sanfelice. Unduly withheld by V.A. Yugoslav Authorities, while taking shelter, in the harbour of Cittanova d'Istria, owing to bad weather.
- e) "Regina" and "Prometeus" and other smaller craft removed from Trieste by the Yugoslavs. 5632.

2. In addition to these ships and to those previously listed, which were removed by the Yugoslavs from Trieste and Istria last April and May after the Yugoslav occupation of those territories, and for whose restitution the Allied Commission was approached with memorandum 6/2803/1292 dated 16 August 1945, information has reached this Ministry that on or before September 8th, 1943 several other Italian ships, were to be found in waters now under Yugoslav control. The particulars concerning these ships are tabulated in the enclosed list.

E.C. Dist -
Action - Ex Com ✓
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p.t.o.

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c) Tanker Lina Campanella - gross displacement 3355 tons - removed from Trieste and taken to Porto Re, where damages caused by a mine were repaired. Is now sailing under Yugoslav flag.

d) Motor sailing-boat Sanfelice. Unduly withheld by Yugoslav Authorities, while taking shelter, in the harbour of Cittanova d'Istria, owing to bad weather.

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E.C. Dist -

Action - Ex Com ✓

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(Miss S.)

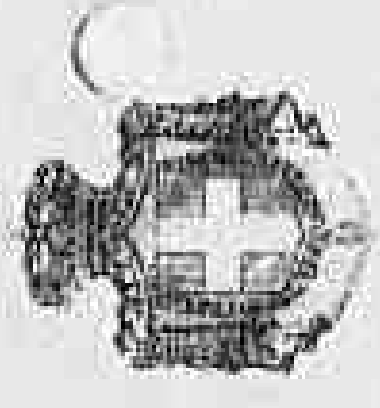
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Ministero degli Affari Esteri

3. The Ministry for Foreign Affairs will appreciate it greatly if the Allied Commission will take all suitable action in order to secure that also these ships be returned to their owners or that their salvage right be acknowledged in the case of the still sunken ships.

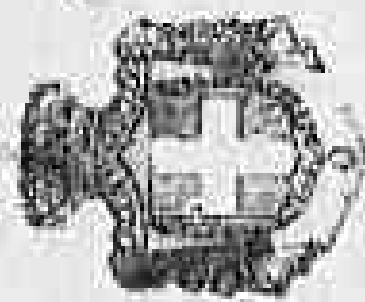
Said vessels cannot in fact be considered as war prize for the following reasons, which were already illustrated to the Allied Commission:

- a) Article 5 of the armistice signed on September 3rd, 1943, states that Italian merchant ships (wherever located) are subject to requisition by the Allied Commander-in-Chief. It is obvious that by this provision the Allies have implicitly waived the prize-right; if not, they would hardly have needed to lay claim to requisition.
- b) The Cunningham-De Courten agreement, dated September 23rd, 1943 provides that Italian merchant ships, flying Italian flag and manned by Italian crews, shall be employed under the same conditions as those applying to merchantmen of the Allied Nations.
- c) As regards sunken ships, the Italian Government feel that their capture, i.e. an actual seizure, cannot take place until the ship is in a position to make a seizure possible, in other words, until she has been refloated. Consequently the capture by the Allies of craft that, though sunk in the waters of territories occupied by them prior to 8th of September 1943, had not yet been salvaged at that date, could in no way be considered legitimate. Said craft, if refloated after that date, could not be captured by the Allied Authorities but should be returned to the Italian Authorities, save, of course, the right of reimbursement of salvage expenses. Such was in fact also the view of Mr. Graham, Representative in Naples of the Ministry of War Transport who, referring to the Italian S/S "Giuseppe Leva" sunk in Tunisian waters, wrote on 31 August 1944: "Any Italian vessels which are found by the French remain Italian property, unless they were seized by the French before the signing of the armistice between the Allied Nations and Italy. I daresay

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Ministero degli Affari Esteri

the French will require to be paid or given some guarantee for their salvage expenses on the "Giuseppe Leva", but she is in the same category and should be handed over as early as possible". The same principle met implicitly with the approval of the British Admiralty, when the latter ordered the restitution to Italy (save, of course, the payment of salvage expenses to be determined through arbitration) of the Italian craft refloated by the British Authorities in the harbours of the Peninsula.

The above argumentation is supported not only by the letter but also by the spirit of the armistice and of the subsequent recognition of Italy as a cobelligerent. On the other hand a disparity of treatment of Italian ships, merely based on their different location at the time of capture, could hardly be deemed to be justifiable.

4. The Ministry for Foreign Affairs will be grateful to the Allied Commission for their kind interest in taking up the matter with the Yugoslav Authorities.

Afor.



Rome, November 10th, 1945

5830

SITUATION OF ITALIAN VESSELS WHO WERE IN TERRITORIAL WATERS NOW
OCCUPIED BY THE YUGOSLAV FORCES

Type	Name	Gross displacement	Where located on September 8th, 1943
S/S	STON	T.	Sunken at Sebenico ✓
"	SANSEGO		Sunken at Lussino ✓
"	MAR BIANCO	8446	Sunken at Zara ✓
"	SEBENICO		Sunken at Zara ✓
"	LISSA	540	Sunken at Zara ✓
"	OLIMPIA	6040	Sunken in the vicinity of Zara
"	BERBERA	2093	Sunken probably at Spalato ✓
"	RAIB III	1960	Sunken at Fiume ✓
"	NUMIDIA	7675	Sunken near Parenzo ✓
"	BRIONI		In a shipyard at Spa- lato ✓
"	VOLOSCA (present name HVAR)		In navigation ✓
"	BRUNDUSIUM	1237	Probably sunk at Gra- vosa ✓
"	C.BORSINI	982	Probably sunk at Cat- taro ✓
"	ESTERINA	1313	At Spalato. Refloated by the Yugoslav and at present under Yu- goslav flag ✓
"	MARINO	702	At Sebenico ✓
"	SAN LUIGI	4356	At Spalato ✓
"	STEFANO	992	At Spalato ✓
"	ANNA MARTINI	1044	Sunken in the vicinity of Isola Lunga ✓
"	CATTARO		Sunken in the vicinity of Cattaro ✓
"	PALERMO	2897	Sunken in the vicinity of Fiume ✓
"	ENRICO BARONI	840	Sunken in the vicinity of Sebenico ✓

Type	Name	Gross displacement	Where located on September 8th, 1943
5/3	STON	T.	Sunken at Sebenico ✓
"	SANSEGO		Sunken at Lussino ✓
"	MAR BIANCO	8446	Sunken at Zadar ✓
"	SEBENICO		Sunken at Zadar ✓
"	LISSA	540	Sunken at Zadar ✓
"	OLIMPIA	6040	Sunken in the vicinity of Zadar
"	BERBERA	2093	Sunken probably at Spalato ✓
"	RAMB III	1960	Sunken at Fiume ✓
"	NUMIDIA	7675	Sunken near Parenzo ✓
"	BRIONI		In a shipyard at Spalato ✓
"	VOLOSCA (present name HVAR)		In navigation ✓
"	BRUNDUSIUM	1237	Probably sunk at Gravosa ✓
"	C.BORSINI	982	Probably sunk at Cattaro ✓
"	ESTERINA	1313	At Spalato. Refloated by the Yugoslav and at present under Yugoslav flag ✓
"	MARINO	702	At Sebenico ✓
"	SAN LUIGI	4356	At Spalato ✓
"	STEFANO	992	At Spalato ✓
"	ANNA MARTINI	1044	Sunken in the vicinity of Isola Lunga ✓
"	CATTARO		Sunken in the vicinity of Cattaro ✓
"	PALERMO	2897	Sunken in the vicinity of Fiume ✓
"	ENRICO BARONI	840	Sunken in the vicinity of Sebenico ✓

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-2-

Type	Name	Gross displ.	Where located on September 8th, 1943
S/S	GIGLIOLA	734	Sunken between Zara and Sebenico ✓
"	MERANO	3704	Sunken in the vicinity of Cattaro ✓
"	MILANO	4028	Sunken in the vicinity of Sebenico ✓
"	NICOLÒ MARTINI		Sunken in the vicinity of Spalato ✓
"	SPALATO		Sunken in the vicinity of Spalato ✓
"	SANGIGI	3336	At Gravosa ✓
"	CASTELNUOVO (F149)		Sunken at Teodo ✓
M/S	PCMONA	2198	Sunken in the vicinity of Pola ✓
"	DEA MAZZELLA	3082	Sunken at Sebenico ✓
"	GUIDO BRUNNER	1081	Sunken in the vicinity of Recognice ✓
"	ARBORLA	4959	Sunken at Sebenico ✓
"	ADRIANA	4353	Damaged at Ragusa ✓
"	FELICE	90,54	At Lissa ✓
"	ARDOR	8960	Sunken in the vicinity of Cattaro ✓
M/S/b	MARGHERITA	(466)	Sunken in the vicinity of Sovra ✓
"	MARIA JOSE		Sunken at Novaglia ✓
"	GIUSEPPE CESIRA		Sunken at Funte Biancone ✓
"	ZOENCO		Sunken at Zara 5628 ✓
"	SAPA		At Spalato ✓
"	AMERICO VASPUCCI	57	
"	BRUNA ZETA	320	
"	MARISA	100	
"	MARIA GASPERI	80	
"	SECONDA LUCIA	149	
"	DIVINA MADRE	49	
"	PAOLENTA	70.66	At Spalato ✓

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785017

8th, 1943

S/S	GIGLIOLA	734	Sunken between Zara and Sebenico ✓
"	MERANO	3704	Sunken in the vicinity of Cattaro ✓
"	MILANO	4028	Sunken in the vicinity of Sebenico ✓
"	NICOLÒ MARTINI		Sunken in the vicinity of Spalato ✓
"	SPALATO		Sunken in the vicinity of Spalato ✓
"	SANGIGI	3666	At Gravosa ✓
"	CASTELNUOVO (F149)		Sunken at Teodo ✓
M/S	POMONA	2198	Sunken in the vicinity of Pola ✓
"	DEA MAZZELLA	3082	Sunken at Sebenico ✓
"	GUIDO BRUNNER	1081	Sunken in the vicinity of Ragusa ✓
"	AREONEA	4959	Sunken at Sebenico ✓
"	ADRIANA	4353	Damaged at Ragusa ✓
"	FELICE	20,54	At Lissa ✓
"	ARDOR	8960	Sunken in the vicinity of Cattaro ✓
M/S/b	MARGHERITA	(466)	Sunken in the vicinity of Sovra ✓
"	MARIA JOSE'		Sunken at Novaglia ✓
"	GIUSEPPE CESIRA		Sunken at Funte Bianche ✓
"	ZOMINCO		Sunken at Zara ✓
"	SARA		At Spalato ✓
"	AMERIGO VASPUCCI	57	
"	BRUNA ZETA	220	
"	MARISA	100	
"	MARIA GASPERI	80	
"	SECONDA LUCIA	149	
"	DIVINA MADRE	49	
"	PAOLETTA	70,66	At Spalato ✓

Where located on
September 8th, 1943

Name
Gross
Displ.

Type

M/S/b	MADONNA DI TERSATTO		At Beodo ✓
"	VEGA 333		At Gravosa ✓
"	S. ANTONIO (Vap. 5)		Sunken at Sebenico ✓
"	SACRA FAMIGLIA (V. 260)		" " Spalato ✓
"	S. NICOLO' U. (Vap. II)		" " Sebenico ✓
"	LIEBECIO		Now in Dalmatia ✓
"	ARDUINO		At Lissa ✓
M/T/b	APOLLO MARONE (B. 105)		Sunken at Gravosa ✓
"	TRANQUILLO (B. 472)		" " " ✓
"	LA SUPERBA (R. 185)		" " Spalato ✓
"	NAZZARENO I° (B. 92)		" " Sebenico ✓
"	DESSIE' (B. 584)		" " Teodo ✓
"	ARTICLIO (B. 483)		" " " ✓
"	AMPIEA		Sunken in the vicinity of Cittanova. Vg.
"	ISOLINA LUCIA		At Spalato ✓
"	ALBA 2°		" " " ✓
"	FLAVIO GIOIA (B. 57)		" Zarat ✓
"	SAN LUIGI (B. 130)		" " " ✓
"	FRECCIA NERA (B. 438)		" " " ✓
"	CRISTINA (B. 537)		At Spalato ✓
"	IMPERO (B. 167)		" Lagosta ✓
"	AUDACE (R. 3)		" Cattaro ✓
"	STELLA D' ITALIA		" Fiume Vg
"	EMMA		" Isola d' Istria Vg.
"	GRAZIELLA 2°		" Zarat ✓
"	ROSINA L.		" " " ✓
"	I TRE FRATELLI		" " " ✓
"	GUERRA EUROPEA		" " " ✓
"	PERINA MADRE	26,74	" Pola
"	Paola	31,71	" " "
"	RADIOSA AURORA	70,66	" Spalato ✓

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Where located on
September 8th, 1943

Gross
Displ.

Name

M/S/b	MADONNA DI TERSATTO	At Teodo ✓
"	VEGA 333	At Gravosa ✓
"	S. ANTONIO (Vap. 5)	Sunken at Sebenico ✓
"	SACRA FAMIGLIA (V. 260)	" " Spalato ✓
"	S. NICCOLO' U. (Vap. II)	" " Sebenico ✓
"	LIBECCO	Now in Dalmatia ✓
"	ARDUINO	At Lissa ✓
M/T/b	APOLLO MARONE (B. 105)	Sunken at Gravosa ✓
"	TRANQUILLO (B. 472)	" " " ✓
"	LA SUPERBA (R. 185)	" " Spalato ✓
"	NAZZARNO I° (B. 92)	" " Sebenico ✓
"	DESSIE' (B. 584)	" " Teodo ✓
"	ARTIGLIO (B. 483)	" " " ✓
"	AMPIEA	Sunken in the vicinity of Cittanova Vg.
"	ISOLINA LUCIA	At Spalato ✓
"	ALBA 2°	" " ✓
"	FLAVIO GIOIA (B. 57)	" Zadar ✓
"	SAN LUIGI (B. 130)	" " ✓
"	FRECCIA NERA (B. 438)	" " ✓
"	CRISTINA (B. 537)	At Spalato ✓
"	IMPERO (B. 167)	" Lagosta ✓
"	AUDACE (R. 3)	" Cattaro ✓
"	STELLA D' ITALIA	" Fiume Vg
"	EMMA	" Isola d' Istria Vg.
"	GRAZIELLA 2°	" Zadar ✓
"	ROSINA L.	" " ✓
"	I TRE FRATELLI	" " ✓
"	GUERRA EUROPEA	" " ✓
"	PERINA MADRE	" Pola
"	Paola	" "
"	RADICSA AURORA	" Spalato ✓
		5027

785017

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

Type	Name	Gross Displ.	Where located on September 8th, 1943
M/F/b	NUOVO SAN ANDREA	(B.552) (D.1)	At Porto Re (1)
"	TIGRE	35.90	" Gravosa
"	SEVERO	26.06	Removed to Dalmatia
"	LEONE PADRE	23.04	Removed from Pola to Val di Fico and probably sunken there
Tug	COSTANTE		Sunken at Dalmatia
"	PARENZO		Grounded in the Canal of Selve
"	MOLARA (6 simile)		In service at Spalato
Barge	SATI II°		At Spalato
Motorboat	GRAZIELLA I°		Sunken at Dalmatia

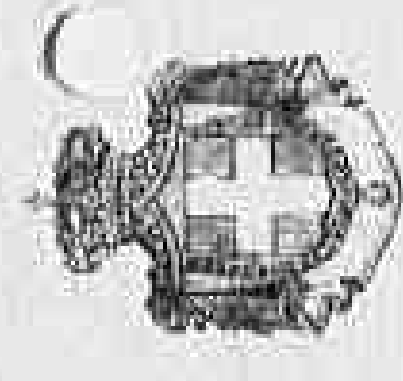
(1) Now at Fiume, is employed by the Yugoslav Navy for the removal of magnetic mines, under the name "D.1". Her original engine is at Fiume at the SKULL plant. (Make Deutsche Werke Kiel A.G. P.S. and 120 Umden/min) Type 4M36, Factory 5231/5234).

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

61



5609.50

6/Nov/1945

NOV 16 1945

Ministero degli Affari Esteri

MEMORANDUM FOR THE ALLIED COMMISSION

Subject: Yugoslav claims concerning Italian Navy vessels.

1. The Ministry of Foreign Affairs wish to bring to the Allied Commission notice that according to reports from Trieste, Yugoslavia claims rights of war prize on vessels - both afloat and sunk - of the Italian Navy in the Gulf of Trieste. Such claim would be based on the deceptive pretext that Yugoslav Forces would have been the first ones to occupy Trieste.

2. The vessels in question are:

Battleships: "IMPERO" (under construction) and "CAVOUR".

Cruisers: "ETNA" and "VESUVIO".

Destroyer : "PIGAFETTA".

Torpedo Boat: "MISSORI".

Sloops: "SPADA" and "LANCIA". 5625

Auxiliary Craft : "CHIRONE", "MARITTIMO", "FASANA" and "T.A. 42".

3. It would seem superfluous to observe how arbitrary the Yugoslavs' viewpoint is. Their claim is not only contrary to the Armistice terms and to the praxis the Allied Authorities have followed, up to the present time, but also absolutely conflicting with the repeated Allied declarations that all questions concerning the Italian Navy will be committed to the Peace Treaty.

4. The Ministry of Foreign Affairs beg to inform the Allied Commission that what above has been also brought to the notice of the American and British Embassies in Rome.



E.C. Dist. 16/11

Action - Ex Com.

Info - C. Com.

Rome, November 10th, 1945

72-19

NOV 16 1945

MEMORANDUM FOR THE ALLIED COMMISSION

Subject: Yugoslav claims concerning Italian Navy vessels.

1. The Ministry of Foreign Affairs wish to bring to the Allied Commission notice that according to reports from Trieste, Yugoslavia claims rights of war prize on vessels - both afloat and sunk - of the Italian Navy in the Gulf of Trieste. Such claim would be based on the deceptive pretext that Yugoslav Forces would have been the first ones to occupy Trieste.

2. The vessels in question are:

Battleships: "IMPERO" (under construction) and "CAVOUR".

Cruisers: "ETNA" and "VESUVIO".

Destroyer : "PIGAFETTA".

Torpedo Boat: "MISSORI".

Sloops: "SPADA" and "LANCIA". 5625

Auxiliary Craft : "CHIRONE", "MARITTIMO", "FASANA" and "T.A. 42".

3. It would seem superfluous to observe how arbitrary the Yugoslavs' viewpoint is. Their claim is not only contrary to the Armistice terms and to the praxis the Allied Authorities have followed, up to the present time, but also absolutely conflicting with the repeated Allied declarations that all questions concerning the Italian Navy will be committed to the Peace Treaty.

4. The Ministry of Foreign Affairs beg to inform the Allied Commission that what above has been also brought to the notice of the American and British Embassies in Rome. *Nov.*

Rome, November 10th, 1945



E.C. DIST. 1/11

Action - Ex Com
INFO - C.COM

see 72-489

0955

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

785017

(b1A)

16 November 1945.

Dear Mr. Key:

b1B

Thank you for your letter of 15 November in which you advise that you have informed the State Department of the views of Allied Force Headquarters (G-5) with regard to the seizure of Italian boats by Yugoslav authorities.

Sincerely yours,

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

David McK. Key, Esq.,
Charge d'Affaires ad interim,
American Embassy,
ROME.

5024

Supplies

0956

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



THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

NOV 16 RECD
CE 1630

618

Stone
Rome, November 15, 1945

NOV 17 1945

Dear Admiral Stone,

I refer to Brigadier Lush's memoranda of October 18 and November 2 (file nos. 5609/47/EC and 5609/56/EC) regarding the seizure of Italian boats by Yugoslav authorities and suggesting channels for handling Italian complaints of this nature against the Yugoslavs. I have informed the Department of the views of Allied Force Headquarters (G-5) as set forth therein and have asked for instructions.

In this connection reference is made to your letter of November 3, 1945 (file no. 8258/127/EC), to the Italian Ministry of Foreign Affairs suggesting channels which it should use with respect to claims or complaints against the Yugoslav Government or Yugoslav authorities.

Sincerely yours,

David McK. Key

David McK. Key
Charge d'Affaires ad interim.

Rear Admiral Ellery W. Stone,
Chief Commissioner,
Allied Commission,
R o m e.

5623

0957

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

HEADQUARTERS ALLIED COMMISSION
APC 394
Office of the Executive Commissioner

60

Ref: 5609/58/EC

6. November 1945

SUBJECT: Seizure of Italian Boats by Yugoslav Authorities

TO : The American Embassy, Rome
The British Embassy, Rome

(4) We would be grateful if a reply could be given
to our 5609/56/EC of 2 November 1945, further to our
5609/47/EC of 18 October 1945.

(47) For the Chief Commissioner:

E. H. McCLEARY

Lt. Col.
Brigadier
Executive Commissioner

Au b1A
b1B

5022

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

HEADQUARTERS ALLIED COMMISSION
 APO 394
 Office of the Executive Commissioner

Ref: 5609/56/EC

2. ^{10. Nov.}
~~October~~ 1945

SUBJECT: Seizure of Italian Boats by Yugoslav Authorities

TO : The American Embassy, Rome
 The British Embassy, Rome

1. Reference our 5609/47/EC of 18 October 1945, we have had two further communications from the Ministry of Foreign Affairs on the above subject.

2. G-5 AFHQ are unwilling for Allied Commission to accept more long term commitments than necessary, and it is thought that the seizure of Italian fishing boats does not, in point of fact, constitute a real military interest. If it did this Headquarters would of course concern itself with the ultimate outcome.

3. Bearing this in mind, we would be most grateful if we could have an answer to the above quoted letter, confirming that the Embassies will in fact handle matters of this kind.

For the Chief Commissioner:

M. S. 1381

Brigadier
 Executive CommissionerCopy to: Folded (A)
 " (B)
 C.C.1157
 F60 61B

5621

BU 8/11

Ministero degli Affari Esteri

OCT 19 1945

MEMORANDUM FOR THE ALLIED COMMISSION

Subject: Machine gunning and capture of Italian motor fishing vessels.

1. Reference Memo 8/5219/1013 of July 18th, 1945.

2. The Ministry of Marine have interested the Naval Allied Authorities (P.O.I.A. and P.O.I.L.A.) in obtaining that the Italian trawlers machine-gunned and captured by the Yugoslavs in the Adriatic be returned to Italy and that the necessary measures be taken in order to ensure the security of the fishing vessels in those waters, eventually detailing an Italian war-ship for their protection.

3. The aforesaid Allied Authorities have answered with letter no FOIL 1022/3 of August 18th, (copy of which is herewith enclosed) in which it is stated that the question is one for arrangement between the Yugoslav and the Italian governments.

4. The Ministry of Foreign Affairs, in consideration of the fact that it has not been possible to re-establish diplomatic relations with Yugoslavia, and bearing in mind that the British Authorities have interested themselves in obtaining that the Yugoslav vessels in Italian waters be returned to their owners, would be very grateful to the Allied Commission if they would kindly approach the Yugoslav Authorities with a view to obtaining a favourable and urgent solution of the question.

Rome, October 17th, 1945

Encl.



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785017

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

0/4000/1807

OCT 19 1945

MEMORANDUM FOR THE ALLIED COMMISSION

Subject: Machine gunning and capture of Italian motor fishing vessels.

1. Reference Memo 8/2219/1012 of July 18th, 1945.
2. The Ministry of Marine have interested the Naval Allied Authorities (F.O.P.A. and F.O.I.I.) in obtaining that the Italian trawlers machine-gunned and captured by the Yugoslavs in the Adriatic be returned to Italy and that the necessary measures be taken in order to ensure the security of the fishing vessels in those waters, eventually detailing an Italian war-ship for their protection.
3. The aforesaid Allied Authorities have answered with letter no FCIL 1022/3 of August 18th, (copy of which is herewith enclosed) in which it is stated that the question is one for arrangement between the Yugoslav and the Italian Governments.
4. The Ministry of Foreign Affairs, in consideration of the fact that it has not been possible to re-establish diplomatic relations with Yugoslavia, and bearing in mind that the British Authorities have interested themselves in obtaining that the Yugoslav vessels in Italian waters be returned to their owners, would be very grateful to the Allied Commission if they would kindly approach the Yugoslav Authorities with a view to obtaining a favourable and urgent solution of the question.

Rome, October 17th, 1945

Encl.



rec. 56

(Miss Samson) (1 SPKCE Copy)

See M 51-51-13-10-11

C O P Y

Office of the Flag Officer
Italy and Liaison
ROME

no F.O.I.L. 1011/3
MINISTRY OF MARINE, ROME

18th August 1945

MACHINE GUNNING AND CAPTURE OF
ITALIAN MOTOR FISHING VESSELS

1. With reference to Ministry of Marine's letter no B7913 of 4th July, 1945, addressed to Flag Officer Liaison Italy, it is considered that the matter is one for arrangement between the Yugoslav and Italian Governments.

2. I am, however, requested to inform you that the Commander-in-Chief Mediterranean Station, in view of his being in operational control of the Adriatic, and in consequence responsible for the safety of law-abiding shipping, is prepared to allow an Italian fishery protection vessel to operate occasionally in the Lower Adriatic, subject to the following provisos:

a) The Yugoslav and Italian Governments should reach an agreement with regard to fishing restrictions and regulations in the Lower Adriatic which must be subject to the further restrictions and regulation in Mediterranean Temporary memorandum no 475.

b) The Yugoslav Government is informed by the Italian Government that an Italian fishery protection vessel may be stationed in the Lower Adriatic under the operational control of the Commander-in-Chief, Mediterranean, for the purpose of protecting Italian fishing craft and ensuring that they adhere to the restrictions and regulations agreed by the two Governments.

c) The fishery protection vessel in (b) will be under orders to ensure that no fishing by other than authorised craft of whatever nationality occurs in waters placed under Italian, or joint Yugoslav-Italian control in accordance with (a).

d) The fishery protection vessel will carry a British officer in the capacity of observer who will be under orders to report matters of interest to the British authorities.

Enclosures:
Copy of Mediterranean Temporary
Temporary 475

REAR-ADMIRAL
(SGD) WARREN

Ministero degli Affari Esteri

MEMORANDUM FOR THE ALLIED COMMISSION

Subject: Seizure of Italian ships by the Yugoslav Authorities.

1. Reference is made to Memorandum 3/2803/1793 of August 16th.

2. The Ministry of Foreign Affairs beg to acquaint the Allied Commission with the following new cases of Italian ships seized by the Yugoslavs:

a) Motor sailing-boat "Ardurino", matr. 683, Ancona Commandment. The vessel was transferred after the Armistice from Ancona to Punta Bianca (Dalmatia), where it was detained by the local Yugoslav partisan Command and used by them.

On December 19th, 1943, the vessel was taken over by the Ilirid partisan Sector. Since October 1944 the vessel would be lying damaged in some harbour of the Dalmatian coast.

b) Trawler "Audace", matr. 205 (Mola di Bari), Bari compartment; abandoned on September 8th, 1943, in Teco harbour (Cattaro). The vessel was subsequently seized by the Yugoslav Authorities.

c) Motorship "Nora", 330 tons. The vessel, built by the Depanther shipping yards of Cape d'Istria, was sequestered immediately after the launch, on August 24th, by the Yugoslav Authorities who forbade that the ship be taken to Trieste to be fitted.

d) Motor sailing-ship "Nuovo Avvenire". The vessel, before the German surrender, the vessel had been refitted in the naval shipping yards of Giuliano. As nothing more has been heard of her, it is believed that the ship was requisitioned by the Yugoslavs.

3. The Ministry of Foreign Affairs, recalling the arguments expounded in the Memo in reference, warmly request the Allied Commission to again interest the Yugoslav Authorities with a view to obtaining that the aforesaid vessels be returned to Italy.

It may be pointed out, in this connexion, that the British Authorities have approached the Italian naval Authorities

MEMORANDUM FOR THE ALLIED COMMISSION

Subject: Seizure of Italian ships by the Yugoslav Authorities.

1. Reference is made to Memorandum 8/2803/1296 of August 16th.

2. The Ministry of Foreign Affairs des to acquaint the Allied Commission with the following new cases of Italian ships seized by the Yugoslavs:

a) Motor sailing-boat "Ardurino", matr. 683, Ancona Commandment. The vessel was transferred after the Armistice from Ancona to Punta Bianca (Dalmatia), where it was detained by the local Yugoslav partisan Command and used by them.

On December 19th, 1943, the vessel was taken over by the Iliria partisan Sector. Since October 1944 the vessel would be lying damaged in some harbor of the Dalmatian coast.

b) Trawler "Audace", matr. 905 (Mole di Bari), Bari Commandment; abandoned on September 8th, 1943, in Teodo harbor (Cattaro). The vessel was subsequently seized by the Yugoslav Authorities.

c) Motorship "Mora", 330 tons. The vessel, built by the Depanther shipping yards of Cape d'Istria, was sequestered immediately after the launch, on August 24th, by the Yugoslav Authorities who forbade that the ship be taken to Trieste to be fitted.

d) Motor sailing-ship "Nuovo Arvenine". The day before the German surrender, the vessel had been refitted in the naval shipyard yards of Giuliano. As nothing more has been heard of her, it is believed that the ship was requisitioned by the Yugoslavs.

3. The Ministry of Foreign Affairs, recalling the arguments expounded in the Memo in reference, warmly request the Allied Commission to again interest the Yugoslav Authorities with a view to obtaining that the aforesaid vessels be returned to Italy.

It may be pointed out, in this connexion, that the British Authorities have approached the Italian naval Authorities

p.t.o.

(Miss Sampson)

(15 pages copy)

30/1/46
conf. - Confidential

See 468

OCT 18 1945

8/4007/1846

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

requesting that the Yugoslav ships now in Italian hands be returned to their owners.

4. The Ministry of Foreign Affairs thank the Allied Commission for these steps they will see it to take in the matter.

Rome, October 17th, 1945



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

785017

47

Ref: 5609/47/EC

18 October 45

SUBJECT: Seizure of Italian boats by Yugoslav Authorities

TO : The American Embassy, Rome
The British Embassy, Rome.

1. You will remember that on 5 August 1945 we sent you, under ref 5609/10/EC, a copy of our letter to G-5 AFHQ together with copy of letter from the Italian Ministry of Foreign Affairs on the above subject.

2. There have been more cases of this kind during the past two months, which have been referred back to us, as G-5 are of the opinion that these ships do not come under the jurisdiction of the Italian Government or of the Allied Forces. They have suggested that your Embassies are the best authorities to deal with these cases.

3. It will be remembered that under the terms of the Belgrade Agreement the Embassies handle all matters arising from the occupation of Venezia Giulia, and as a result you are probably the best channel for communication with Belgrade. There are also other matters unconnected with Venezia Giulia (for example, the seizure of fishing boats at sea) which arise from time to time, and it is suggested that your Embassies would handle these matters as a post office (i.e. not in your own name) more suitably than Allied Commission.

4. We would be most grateful if you could let us know whether you are agreeable to undertaking matters of this kind. If you are, copies of the relevant correspondence will be forwarded to you for information and action.

Copy to Polad (A)
Polad (B)
C.C.

P. H. McCLEARY 17

Brigadier
Executive Commissioner

See 56
60.
613

Polad
9

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

785017

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5209 46

Com. Comm. 43

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 561.6 WEI

3 October 1945

SUBJECT: Seizure of Italian Boats by Yugoslav Authorities.

001 - 1945

TO : Headquarters, Allied Commission, APO 394.

25

1. Reference is made to your 5609/25/EG dated 27 August subject as above and inclosures thereto and to your 5609/31/EG dated 30 August on the same subject.

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2. The case of the "Punta Bianca" referred to in the memorandum of the Italian Ministry of Foreign Affairs (6/2803/1292) inclosed with your letter of 27 August has previously been considered by this Headquarters at the instance of C-in-C Med. C-in-C Med was advised under date of 21 July that since the vessel in question is in the possession of the Yugoslavs and not within the control of either the Italian Government or the Allied Forces, no further action would be taken by this Headquarters. C-in-C Med informed the Navy Sub Commission accordingly in Med 45/00100/22 of 30 July 45.

3. It would appear that all of the ships referred to in correspondence set forth in paragraph 1 are in a status similar to that of the "Punta Bianca" in that they are not under the jurisdiction of the Italian Government or of the Allied Forces. It is therefore suggested that these matters and any similar matters which may arise be referred by you directly to the US and British Embassies for such action as they may consider to be appropriate.

15

4 OCT 1945

Copy to: Mr. Res Min
US Poland

for M. L. H. Col
A. L. H. Col
Brigadier General, GSC
Assistant Chief of Staff, G-5

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See my 444447
See 101

Miss Sampson

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

785017

42

Ref: 5609/42/EC

4 October 1945

SUBJECT: Seizure of Italian Boats by Yugoslav Authorities

TO : Consorzio Nazionale fra Cooperative Pescatori ed Affini
Rome

1. Reference is made to your letter of 3 August to Agriculture Subcommittee regarding the seizure of Italian boats by Yugoslavs.

2. This matter has been referred to the appropriate authorities, and it is hoped to give a reply in a week or ten days' time.

3. As soon as a reply is received we will communicate with you.

For the Chief Commissioner:

Brigadier
Executive Commissioner

5615

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

Ref: 5609/41/EC

4 October 1945

The Ministry for Foreign Affairs
Italian Government
Rome

Reference is made to your 6/2219/1018 of 16 July 45.
our reply under ref. 5609/4/EC of 18 July 45 and your 6/2803/1292
of 16 August regarding seizure of Italian boats by Yugoslavs.

The matter has again been referred to the appropriate
authorities, who say that it is still under consideration, but that
it is hoped to give a reply in a week to ten days' time.

As soon as the reply is received we will communicate
with you.

40
For the Chief Commissioner:

Brigadier
Executive Commissioner

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

785017

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Ex Commissioner

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

RE/WSW

OCT -3 1945

G-5: 561.6 NEI

1 October 1945

SUBJECT: Seizure of Italian Boats by Yugoslav Authorities.

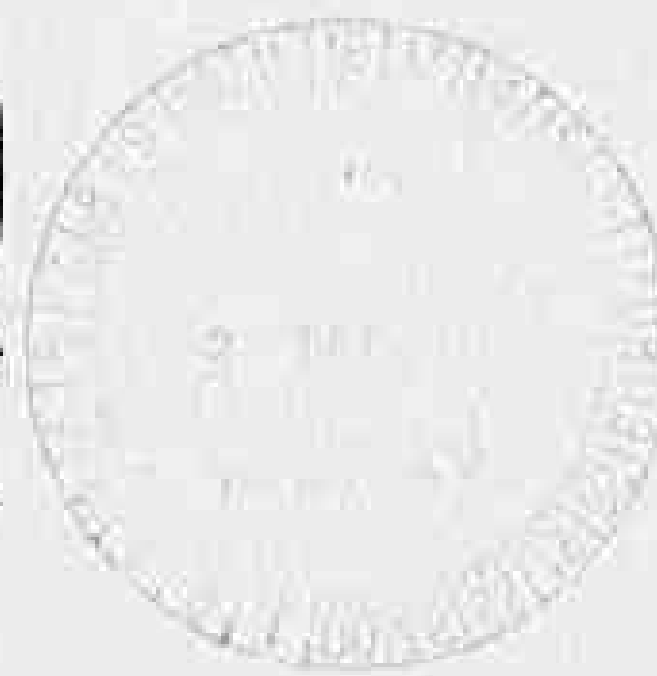
TO : Headquarters, Allied Commission, APO 394.

Reference your 5609/39/EC of 26 September.

This matter is still under consideration within this HQ and it is hoped to be able to give a reply in a week to ten days time. The recent departure of CINC MED from this HQ has been responsible for this delay.

For Asst. Chief of Staff, G-5:

R. Barrati
R. BARRATTI,
Lt. Colonel.



5613

See 41-42

(CARR WHITE)

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

785017

H QQUARTERS ALLIED COMMISSION

APO 394

Office of the Executive Commissioner

39

Ref: 5609/30/45

26 September 1945

SUBJECT: Seizure of Italian Boats by Yugoslav Authorities

TO : As Fellows
(Attn: G-5 Section)

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1. In your letter of 2 September, above subject, replying to our 5609/25/45 of 27 August you stated that the matter was under consideration at your Headquarters and that we would be advised of the results.

2. The matter is still a source of dissatisfaction on the part of Italian authorities and a decision at the earliest date would be most helpful.

For the Chief Commissioner:

Brigadier
Executive Commissioner

Copies to:

Navy Sub-Commission - Your ref: HSC/494 of 7 Sept. 45
— Economic Section - " " HSC/505.9.2 of 5 Sept. 45 —
Filed (A)
Filed (B)

5012

SEE F 40

11/2/45

0971

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

Ref: 5609/38/EC

17 September 1945

SUBJECT: Fishing Boats Alleged to have been seized by Yugoslav Nationals

TO : Navy Subcommittee

1. Reference is made to your letter NSC/3494 of 7 September, regarding above subject.
2. For your information, this matter was referred to AFHQ and an interim reply was received, copy of which is enclosed. From this you will see that the matter is under consideration and when definite information is received it will be passed on to your Subcommittee.

1 Incl:
as above

A. E. ARNOLDY.
Chief Staff Officer
To Executive Commissioner

5611

1A 19/9

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

785017

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37

HEADQUARTERS, ALLIED COMMISSION
Navy Sub-Commission APO 394

36

FIRST ENDORSEMENT to:
Agriculture Sub-Commission,
AC, ltr. AGR/503.9.2 of 5
September 1945.

NSC/3494
7 September 1945.

SEP - 8 1945

From: Navy Sub-Commission, Hq. Allied Commission.
To: Executive Commissioner, Hq. Allied Commission.

Subject: Fishing boats alleged to have been seized by
Yugoslav Nationals.

16

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Reference: (a) Navy Sub-Commission first endorsement
NSC/3169 of 7 August 1945 to Commander-
in-Chief, Mediterranean ltr. Med.45/00100/22
of 30 July 1945.
(b) Navy Sub-Commission first endorsement
NSC/3310 of 10 August 1945 to Agriculture
Sub-Commission, AC, ltr. AGR/500.2 of
7 August 1945.

27

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1. In continuation of the matters raised in re-
ferences (a) and (b), the basic correspondence is forwarded
for appropriate action.

2. It is assumed by the Navy Sub-Commission
that G-5 Section, Allied Force Headquarters, will refer the
allegations concerning the seizure of fishing vessels to the
Commander-in-Chief, Mediterranean or to the other competent
authorities at Allied Force Headquarters which may be in-
volved.

F. St. J. Butler
CAPTAIN, U. S. NAVY,
FOR FEAR ADMIRAL
CHIEF, NAVY SUB-COMMISSION, AC.

Copy to:
Chief Commissioner.
Economic Section.
Agriculture Sub-Commission.

(Boat-fish 34)
10/9

(Capt. Arneloy) *Arneloy*

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

Tel:478208 HEADQUARTERS ALLIED COMMISSION BCFM/cc
APO 394
ECONOMIC SECTION

AGR/ 505.9.2

5 September 1945

SEP - 5 1945

SUBJECT: Fishing boats seized by Yugoslavs.

TO : Navy Sub-Commission

1. Reference:

- a) Letter Agriculture Sub-Commission of
7 August 1945 (AGR/500.2)
- b) First Endorsement to reference (a) by
Navy Sub-Commission 10 August 1945
(NSC/3210)

2. "Il Giornale del Mattino", Rome, with their issue of 28 August, announced that the Italian government had been notified, via the Allies, that the government of Belgrade was making arrangements for the return of the crews of the three Italian motor fishing vessels allegedly seized in July by an armed Yugoslav vessel.

3. The article went on to say that no explanation regarding the seizure was given by Belgrade, nor was anything said about the return of the vessels.

4. The request that this matter be referred

5609

See 37

0974

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

785017

- 2 -

(35)

to Commander in Chief, Mediterranean is repeated.
It is believed that he is the only authority with
competence in this case.

Charles W Walton
for E.B. McKINLEY *col a c*
Brigadier General, USA
Acting Vice President

Distribution:

Chief Commissioner
Economic Section (Supply)
Agriculture Sub-Commission

5968

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

785017

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Ex Commissioner

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ALLIED FORCE HEADQUARTERS
G-5 Section
APO 612

RB/jjjr

2 September 1945

SEP - 7 1945

SUBJECT: Seizure of Italian Hosts by Yugoslav Authorities.

TO : Headquarters, Allied Commission, APO 394.

Ref your 5609/25/EC of 27 August 1945.

1. A reply to your 5609/8/EC of 3 August was despatched under our letter of 25 August subject as above.

2. The matters raised in the Agriculture Sub-Commission's letter AGR/500.2 of 7 August inclosure appears to have already been covered by our letter referred to in para 1 above. However in view of your 5609/31/EC of 30 August, this matter is being reconsidered.

3. The matters raised by the Italian Ministry of Foreign Affairs ref 6/2803/1292 of 18 August 45 are under consideration at this Headquarters and you will be informed of the result in due course.

For the Assistant Chief of Staff, G-5:

RBarratt
R. BARRATT
Lt. Colonel

5607

he 38 + 39

(C. H. P. P. P.)

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

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Ref: 5609/31/EC.

30 August 1945.

SUBJECT: Seizure of Italian Boats by Yugoslav Authorities.

TO : Allied Force Headquarters,
Attn: G-5 Section.

29

1. Reference para 4 of your letter dated 25 August 1945 on the above subject.

30

2. The present situation is set out in this HQ signal 4397 of 28 August, addressed to your Section.

3. It is suggested that under these circumstances the United States and British Embassies should be asked to carry out further negotiations in the matter.

For the Chief Commissioner:

E. TALBOT 5606

Brigadier,
Executive Commissioner.

Copy to: Polad (A)
Polad (B)

(See M 32 + 33)
B/V
8/9
Noted
PA 31/8

0977

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

785017

30

AHQ, 6-5

4397

28 August 45

PRIORITY

REFERENCE YOUR FOX THREE SEVEN ONE EIGHT SIX OF TWO ONE AUGUST PD
CONFIDENTIAL PD

THE ITALIAN GOVERNMENT HAS NO OFFICIAL CONTACT WITH THE YUGOSLAV MEMBER ON
THE ADVISORY COUNCIL AND IN ANY CASE THIS INDIVIDUAL WOULD MOST CERTAINLY
TAKE NO ACTION AT ALL PD

PAREN TO APRO FOR GEORGE DASH FIVE FROM HQ ALCON CITE ACXEC PAREN

I SUBMIT THAT WE CANNOT REFUSE TO INTERVENE IN ORDER TO PROTECT THE INTERESTS
OF ITALIAN OFFICIALS AND ASK FOR RECONSIDERATION YOUR DECISION PD

DIST:

Chief Commr
US Ambassador
Br Ambassador
Polad A
Polad B
Finance Sc

5605

Exec Commr

451

A. B. AKHOLDY

0978

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

Signal FPPHR

4397

28 Aug

5609

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 5122714
Ex. Comm. 2925 August 1945
AUG 28 1945

SUBJECT: Seizure of Italian Boats by Yugoslav Authorities.

TO : Headquarters, Allied Commission, APO 394.

Reference your 5609/E/SC of 3 August forwarding a copy of a memorandum dated 16 July from the Italian Ministry of Foreign Affairs, regarding the seizure of Italian boats by Yugoslav authorities.

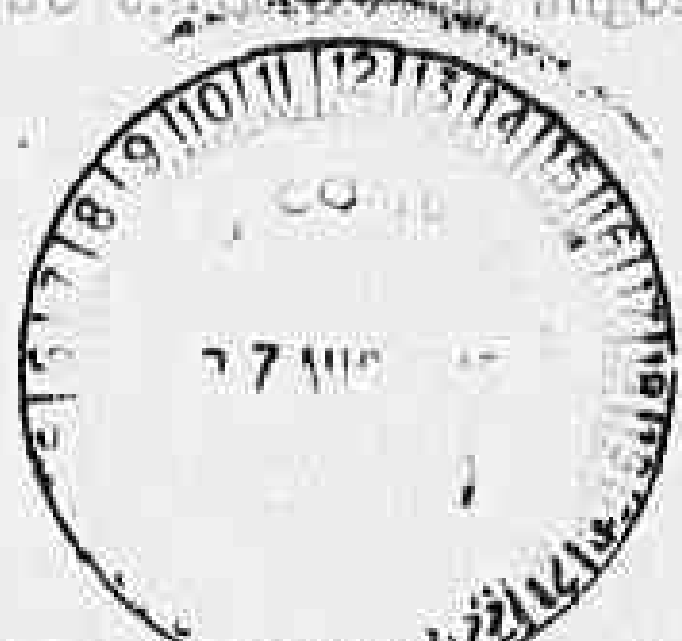
1. This matter was referred by the Italian Ministry of Marine in letter reference 56913 of 4 July to Flag Officer Italy and Liaison (Navy Sub-Commission). Copy of this letter is attached at Appendix A.

2. This matter was referred to CINCPAC through FOTALI and to British Naval Representative, Belgrade by FOTALI. Copy of relevant signals is attached at Appendix B.

3. Copy of CINCPAC's reply reference Med. 15/5030/45 of 2 August to Flag Officer Italy and Liaison is attached at Appendix C.

4. If no steps have yet been taken by the Italian Government to refer this matter to the Yugoslav Government, the former should be instructed to do so through the Yugoslav member of the Advisory Council for Italy.

Incls:
as above



[Signature]
A. L. PAULSEN,
Brigadier General, GSC,
Assistant Chief of Staff, G-5.

Copy to: US POLAD)
HR RESMIN) copy of memo from Italian Ministry
of Foreign Affairs dated 16 July 45.

5604

See 30-31

(S/Comm. 29)

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

785017

COPY

From: MINISTRY OF MARINE (Cabinet)
 TO: F.O.L.I.
 Date: 4th July, 1945 Ref. N. 6913.

Subject: H/Cunning and Capture of Italian L/Fish, Vs. in the Adriatic by Yugoslav Ships.

The following incidents have occurred in the Adriatic since end of May last:-

- ✓ 1. L. Fish. V. "DELFINO" left Melfetta on 25 May for deep-sea fishing and has not been heard of since.
2. M.F.V. "SAN NICOLA" left Bari on 25 May - same as above.
- ✓ 3. M.F.V. "SAN MICHELE ARGENTINO" on 29 May, while fishing 5 miles north of Pelagosa, was hot up by a Yugoslav Motor Boat putting out from Darsa Island. The L.Fish. Vessel saved herself by making off and abandoning her nets. *Marica*
- ✓ 4. M.F.V. "NUOVA ITALIA" left Melfetta on 30 May; not been heard of since.
- ✓ 5. M.F.V. "S.TERESA" at about 0200 hours on 17 June last, while fishing to the south of Pelagosa and carrying her proper lights, was captured by a Yugoslav M.B. and taken towards E. Adriatic. The incident was observed by M.F.V. "LADIANA's" crew; she was fishing near to "S.TERESA" but avoided capture due to the fact that she was showing no lights.
6. Other M.F.Vs. report having been H/Cunned by a Yugoslav M.B.

There is reason to believe *Marica* that above-cited M.F.Vs. "DELFINO", "SAN NICOLA" and "NUOVA ITALIA" were also captured by Yugoslav craft.

This Ministry considers that F.O.L.I. will appreciate the intolerable situation created by Yugoslav Authorities' arbitrary conduct in regard to peaceful Italian Fishing Vessels which are legitimately carrying out their activities.

While the Italian Government is being informed, F.O.L.I. is requested to consider the suitability of detaching a warship to guard Adriatic fishing areas to protect craft operating.

Should F.O.L.I. approve, I.R.N. could supply such a ship, a corvette for example.

(Sgd.) THE MINISTER.

5003

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

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Copy of Signals

(21) B

B.N.I.C. HQ SPLIT (R) C IN C MED
BNM. BELGRADEFrom: FOTALI
191311BCONFIDENTIAL

Italian Authorities report that M.F.V's DELFINO and SAN NICOLA which left BOLFETTA on 25th May and NUOVA MARIA which left on 30th May, have not returned. It is considered possible that they were fishing in vicinity of Yugoslav waters and have been confiscated by Yugoslavs.

2. Request you will enquire if anything is known of this matter.

- 191311B June.

T/P P/L RM 409 2030/19/6/45.

FOTALI (R) C IN C MED
BNLO HQ SPLITFrom: BNM BELGRADE
211503A JuneSECRET

Enquiries being made of Naval staff here. Your 191915 refers.

FOTALI please pass to BNLO HQ SPLIT

/ 211503A June 45.

Ref. Presume 191311. Request report on whereabouts of Italian MFVs.

FOTALI (R) C IN C MED
BNLO HQ SPLITFrom: BNM BELGRADE
300930 JuneIMPORTANT SECRET

I have been informed unofficially (R) unofficially by Manola that vessels referred to in Taranto C.C.O's 191315 were found fishing inside "Yugoslav territorial waters", in vicinity Vis and Lagosta Island and were arrested. He further stated that any official representation should be made through Yugoslav Foreign Office.

FOTALI please pass to BNLO H.Q. Split.

- 300930 June.

5082

Ref. Presumably refers to FOTALI's 191311. M.F.V's DELFINO, SAN NICOLA and NUOVA MARIA.

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

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COPY

Office of Commander-in-Chief,
Mediterranean Station,
Allied Force Headquarters.
2nd August, 1945.

Med.45/6060/45.

THE FLAG OFFICER, ITALY AND LIAISON.

MACHINE GUNNING AND CAPTURE OF ITALIAN MOTOR FISHING
VESSELS

With reference to the attached correspondence received from the Flag Officer, Taranto, Adriatic and Liaison, Italy, it is considered that the matter is one for arrangement between the Yugoslav and Italian Governments. The Minister of Marine may be informed, however, that the Commander-in-Chief, Mediterranean, in view of his being in operational control of the Adriatic, and in consequence responsible for the safety of law-abiding shipping, is prepared to allow an Italian fishery protection vessel to operate occasionally in the Lower Adriatic, subject to the following provisos:-

(a) The Yugoslav and Italian Governments reach an agreement with regard to fishing restrictions and regulations in the Lower Adriatic, which must be subject to the further restrictions and regulations in Mediterranean Temporary Memorandum No.475.

(b) The Yugoslav Government be informed by the Italian Government that an Italian fishery protection vessel may be stationed in the Lower Adriatic under the operational control of the Commander-in-Chief, Mediterranean, for the purpose of protecting Italian fishing craft and ensuring that they adhere to the restrictions and regulations agreed by the two Governments.

(c) The fishery protection vessel in (b) will be under orders to ensure that no fishing by other than authorised craft of whatever nationality occurs in waters placed under Italian, or joint Yugoslav-Italian, control in accordance with (a).

(d) The fishery protection vessel will carry a British observer in the capacity of observer who will be under orders to report matters of interest to the British authorities.

(Sgd) J.M.D. CUNNINGHAM.

A D M I R A L

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

785017

Ref: 5609/25/SC

27 August 1945

SUBJECT: Seizure of Italian Boats by Yugoslavian Authorities

TO : G-5 Section, AFHQ

1. Under date of 3 August 45 we enclosed a copy of memorandum from the Italian Ministry of Foreign Affairs, 6/2219/1018, regarding the above subject. It would be appreciated if a reply were expedited in this matter.

2. We enclose at this time a copy of another memorandum from the Italian Ministry of Foreign Affairs (6/2803/1292) regarding seizure of Italian vessels by Yugoslav authorities and also copies of the following correspondence pertaining to similar action taken by the Yugoslav Government:

(a) Letter from Consorzio Nazionale fra Cooperative Pescatori ed Affini, dated 3 August 1945.

(b) Letter from Agriculture Subcommittee, AGR/500.2, 7 August 45, commenting on (a).

3. Inasmuch as the seizures indicated in the enclosed correspondence have been made in a manner similar to that described in the enclosures of our 3 August letter, it would be appreciated if you would inform us as soon as possible what reply may be made to these inquiries by the Italian Ministry of Foreign Affairs and Consorzio Nazionale fra Cooperative Pescatori ed Affini.

For the Chief Commissioner:

A. B. ARNOLDY.

5800-43

3 Incls:
as above

Brigadier,
Executive Commissioner.

Copy to: Economic Section
Navy Subcommittee

6/10 2/9
Noted

Ministero degli Affari Esteri

5609

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6 2803/1292

MEMORANDUM FOR THE ALLIED COMMISSION

Sec. 7.68-346

AUG 27 1945

Subject: Seizure of Italian vessels by the Yugoslav Authorities.

(11)

2. The Ministry for Foreign Affairs of the Allied Commission for their communication no 6800/21/TC, dated 3 August, 1945, and beg to inform them that a considerable number of requisitions and seizures by Yugoslav vessels flying the Italian flag and other sailing vessels connected with such operations have been denounced to the Italian Government.

3. Following is a partial enumeration of such activities:

(I) The motor sailing-ship "DULIA", registered at Chiosate, re. no 214 - gross displacement 36,80 tons, net 19,83 tons - semi-Diesel engine, 45 H.P. on axle - owner: Antonio Barbiari, was at anchor in the harbour of Trieste at the end of April 1945. Soon after the occupation of the city by Yugoslav forces, the crew of the above mentioned vessel was compelled to land and replaced by a Yugoslav crew. To the Italians' complaints it was opposed that "everything in the Trieste harbour was considered as being war-prize", while the Yugoslav flag was hoisted on the ship.

(II) The s/s "PULIN PLANCA" of the "Ligne Romane Co.", re. registration no 1107 Genoa, was anchored in the harbour of Trieste on May 19th, 1945, was compelled to sail for an unknown destination, displaying the Yugoslav flag, previous substitution of the captain and of the crew.

(III) The tug "MILICA" - 33 H.P. - of the "I.N.I.C. Co." of Genoa, and "ANTONIO PADOVANI" - 220 H.P. - owned by Mr. Vitorino Amerio of Naples, serving the Trieste harbour during the month of April 1945, as far as it could be ascertained were seized by the Yugoslavs.

(IV) The motor-boat "MILICA", registration no 158, Chiosate, gross displacement: 43,10 tons, net: 20,51 tons, semi-Diesel engine 24 H.P. on axle, owned by Emilio Gamba, moored at the "Sacchetto", lay inactive in the harbour of Trieste, during the past month of June. To the owner's regret

20/43

P.S.O.

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2803/1292

MEMORANDUM FOR THE ALLIED COMMISSION

Sec. 7.68 376
AUG 27 1945

Subject: Seizure of Italian vessels by the Yugoslav Authorities.

(1)

1. The Ministry for Foreign Affairs of the Allied Commission for their communication no 5608/12/10, dated 3 August, 1945, and the to inform them about considerable number of requisitions and seizures by Yugoslav vessels flying the Italian flag and other actions connected with such operations have been discussed to the Italian Government.

2. Following is a partial enumeration of such activities:

(I) The motor sailing-ship "DELIA", registered at Chicago, no 10211 - gross displacement 33,50 tons, net 19,22 tons - semi-Diesel engine, 45 H.P. on axle - owner: Antonio Bernini, was at anchor in the harbour of Trieste at the end of April 1945. Soon after the occupation of the city by Yugoslav forces, the crew of the ship mentioned vessel was compelled to land and replaced by a Yugoslav crew. To the Italians' complaints it was opposed that "everything in the Trieste harbour was considered as being war-prize", while the Yugoslav flag was hoisted on the ship.

(II) The s/s "PUNTA PLACA" of the "Ligne Maritime de la Mediterranee" no 1107, gross displacement 1,107 tons, net 600 tons, was on May 15th, 1945, was compelled to sail for an unknown destination, displaying the Yugoslav flag, previous substitution of the captain and of the crew.

(III) The tugs "MADRID" - 55 H.P. - of the "I.M.I.C. Co." of Genoa, and "MADRID PADOVANI" - 50 H.P. - owned by M. Vittorino Antonio of Naples, serving the Trieste harbour during the month of April 1945, as far as it could be ascertained were seized by the Yugoslavs.

(IV) The traffic-boat "VALICO", registration no 135, Chicago, gross displacement: 43.10 tons, net: 20.51 tons, semi-Diesel engine 24 H.P. on axle, owned by Emilio Gamba, moored at the "Gascinetto", lay inactive in the harbour of Trieste, during the past month of June. To the owner's name

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P.O.D.

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quest that the boat be allowed to sail. The Yugoslav Authorities have expressed a general order forbidding the sailing of all Italian boats.

(1) The river motor-boat "Dunaj" of the "Societa' Generale Navigazione" which arrived in the Trieste harbor in the Trieste (Trieste) shipyard, was seized by the Yugoslav forces and sent to Trieste under Yugoslav flag.

3. From the above and other information received, it results that the present situation, in view of 1907, is as follows:

(a) The Yugoslav Authorities consider as being Yugoslav all Italian vessels registered in the Italian harbours they occupy.

(b) The same Authorities have removed a majority of the Italian floating equipment, which they found in the harbour of Trieste at the time of the occupation.

(c) An embassy of the Yugoslav Government has been sent to Italy with the task of taking possession of Italian vessels registered in the Italian harbours.

4. From a juridical view-point the Ministry for Foreign Affairs remarks:

(a) In conformity with the Regulations on land-warfare laws and customs (annexed to the Hague Convention of October 18th, 1907) the occupying Power is bound to respect private property (art. 46), is responsible for any infringement by its armed forces members and is bound to indemnify (art. 3, Convention). It ensures that the Yugoslav Authorities, taking possession of Italian vessels registered in the Italian ports they occupy, is an act contrary to international law.

(b) From the above mentioned Convention it is permissible to infer that the Occupation Authority is bound to respect in their internal and external relations and equipment of the occupied country. The removal by the Yugoslavs of Italian floating installations from the harbour of Trieste, is not only deprived of any juridical ground, but is to be considered an illicit action as well.

(c) A general principle of international law entitles all countries to deny that sovereign-right activities, such as the seizure and requisition of vessels, be carried on in their own territory by another Power. Therefore the charge given their embassies by the Yugoslav Authorities: i.e. to take possession of Italian vessels registered in non-occupied harbours would become, if it be proved true, an illicit action.

5. In the light of the above considerations, the Ministry for Foreign Affairs warmly asks the Allied Commission to take all

785017

most cases and even be subjected to sail. The following are the

(a) The river motor-boat "Dario" of the "Società Canale Navigli del Levante", which under repair in the Navigli (Trieste) shipyard, was seized by the Yugoslav forces and sent to Delmevia under Yugoslav flag.

3. From the above and other information received, it results that the present situation, in point of fact, is as follows:

(a) The Yugoslav Authorities are considering as being Yugoslav all Italian vessels registered in the Italian harbours they occupy.

(b) The same Authorities have removed a majority of the Italian floating equipment, which they found in the harbour of Trieste at the time of the occupation.

(c) An emissary of the Yugoslav Government has been sent to Italy with the task of making possession of Italian vessels registered in the Kingdom's harbours.

4. From a juridical view-point the Ministry for Foreign Affairs remarks:

(a) In conformity with the Regulations on land-warfare laws and customs (annexed to the Hague Convention of October 18th, 1907) the occupying power is bound to respect private property (Art. 46), is responsible for any infringement by its armed forces members and is bound to indemnify (Art. 3, Convention). It ensures that the Yugoslav Authorities, making possession of Italian vessels registered in the Italian ports they occupy, is an act contrary to international law.

(b) From the above mentioned Convention it is permissible to infer that the Occupation Authorities are bound to respect in their in turn and in their destination all installations and equipment of the occupied country. The removal by the Yugoslavs of Italian floating installations from the harbour of Trieste, is not only deprived of any juridical ground, but is to be considered an illicit action as well.

(c) A general principle of international law entitles all countries to deny that sovereignty in the colonies, such as the seizure and requisition of vessels, is carried on in their own territory by another power. Therefore the charges given their emissaries by the Yugoslav Authorities: i.e. to make possession of Italian vessels registered in non-occupied harbours would become, if it be proved true, an illicit action.

5. In the light of the above considerations, the Ministry for Foreign Affairs warmly asks the Allied Commission to take all

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Ministero degli Affari Esteri

- 2 -

La presente nota viene presentata in ordine di merito
che l'ufficio di Roma ha ricevuto in data 1945.



Roma, 1945

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

785017

HEADQUARTERS, ALLIED COMMISSION
Navy Sub-Commission APO 394

CONFIDENTIAL

FIRST ENDORSEMENT to:
Agriculture S/C, AC., ltr.
AGR/500.2 of 7 August 1945.

NSC/3210
10 August 1945.

AUG 14 1945

From: Navy Sub-Commission, Hq. Allied Commission.
To : Executive Commissioner, Hq. Allied Commission.

Subject: Fishing Boats Alleged to have been seized by
Yugoslav Nationals.

Reference: (a) Navy Sub-Commission first endorsement
NSC/3169 of 7 August 1945 to CINCPAC ltr.
Med.45/00100/22 of 30 July 1945.

1. Reference (a) forwarded correspondence on the subject of an Italian vessel which was alleged to have been seized illegally by Yugoslav Nationals and recommended that the correspondence be forwarded to Allied Force Headquarters, G-5 Section, for consideration in connection with previous similar instances.

2. The basic correspondence and its enclosure, which now have been received from the Agriculture Sub-Commission on the same general subject, is forwarded with the recommendation that it be referred to Allied Force Headquarters, G-5 Section, for action in connection with reference (a) and former correspondence.

H. W. Ziroli
H. W. ZIROLI,
COMMODORE, U. S. NAVY,
FOR REAR ADMIRAL
CHIEF, NAVY SUB-COMMISSION, AC.

5597

Copy to:
AFHQ, G-5 Section, w/o Encl.
Chief Commissioner, AC, w/o Encl.
Economic Section, AC, w/o Encl.
Agriculture S/C, AC, w/o Encl.

Rec 25 + 37

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

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CONFIDENTIAL

Tel: 478208 HEADQUARTERS ALLIED COMMISSION DOEM/cc
 APC 394
 Agriculture Sub-Commission

APC/ 500.2

7 August 1945

SUBJECT: Fishing boats seized by Jugoslavs

TO : Navy Sub-Commission

Ref. : a) Letter of Consorzio Nazionale fra Coope-
 rative Pescatori ed Affini

b) Your letter 11 May 1945 N38 2396

Encl. : Copy of reference (a)

1. According to reference (a) three Italian mo-
 tor fishing vessels were seized by an armed Yugoslav
 boat and presumably taken to Yugoslavia.

2. No facts other than what appear in reference
 (a) are known to this Sub-Commission. The question in-
 volved appears to be over the jurisdiction of the ter-
 ritorial waters of the islands of Pelagosa, La Gaija
 and Lagosta.

3. Reference (b) cites fishing regulations is-
 sued by Commander in Chief Mediterranean. They spe-
 cifically define that Italian boats and vessels "are
 not to fish in French territorial waters and vice ver-
 sa". Nothing, however, is said specifically with re-
 gard to Italian and Yugoslav boats operating around the
 Adriatic islands between the two countries South of 44
 degrees.

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- 2 -

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4. It is requested that the seizure of the above mentioned boats be referred to Commander in Chief Mediterranean for action.

5. It is further requested that Commander in Chief Mediterranean defines further fishing regulations with respect to Italian and Yugoslav boats operating South of 44 degrees.

J. Mc. Merritt
JAMES M. MERRITT
Director

Distribution

AFHQ (G-5 Section)
Chief Commissioner
Economic Section

5535

b

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

785017

TRANSLATION

(19)

Consorzio Nazionale fra Cooperative
Pescheri ed Affini

Rome, 3 August 1945

TO: AC Agriculture Sub-Commission - Fisheries Division -

R O M E

Our associate, the Cooperative among schooner owners of Mola di Bari, has informed us - and has asked us to take appropriate action - of a grave situation that is being created in the Adriatic to the damage of the fishing units operating in those waters.

Last month some schooners of the ports of Molfetta, Bari and Mola di Bari while fishing in the waters comprised among the islands of Pelagosa, La Caza e Lagosta were stopped by a Yugoslav armed motor boat, which ordered them to withdraw their nets and to sail toward the Yugoslav coast.

Both the boat and their crews are known to be at the mercy of the Yugoslav authorities who have categorically refused to furnish any information on their fate.

The pretext alleged to justify this action seems to be that of the violation of the territorial waters of the above mentioned islands that no treaty has definitely assigned to Yugoslavia. On the other hand the schooners in question were fishing to the South of the aforesaid islands, in the direction of the Italian coast.

The schooners that have been seized with their crews are the following: "Santa Teresa" owned by Santa Pesce from Mola di Bari; "San Nicola" owned by Michele Ameruso from Bari and "Diana" from the port of Molfetta. 5564

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

785017

- 2 -

(18)

While this Consortium is warmly asking your Command to concern itself with this grave incident, which upsets the work of our fishing units, it is wished to communicate that this question has also been brought to the attention of our Foreign Affairs Ministry.

Awaiting your kind reply we wish to express our thanks.

Signed
The Director
Gavagnini

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

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(16)

NSC/3169
7 August 1945

AUG 9 1945

FIRST ENDORSEMENT On
CINC MED ltr Med.45/
00100/22 of 30 July '45.From: Navy Sub-Commission, Hq. Allied Commission.
To: Executive Commissioner, Allied Commission.

Subject: S.S. "PUNTA FLANCA" AT TRIESTE.

Reference: (a) Exec. Commissioner ltr Ref: 5609/8/EC of 3 August 1945.

1. The basic correspondence and enclosures thereto are forwarded herewith for appropriate action. It is recommended that the correspondence be forwarded to Allied Force Headquarters, G-5, for consideration in connection with the Italian vessels referred to in reference (a), which are alleged to have been seized by Yugoslavian authorities.

H. W. Xiroli
H. W. XIROLI,
COMMODORE, U. S. NAVY,
FOR REAR ADMIRAL
CHIEF, NAVY SUB-COMMISSION, AC.

Enclosures:

LA LIGURIE ROMANA's ltr of 1 June 45.
CINC MED ltr Med.45/00100/22 of 9 July '45.
AFHQ ltr JRM/WW/MSV of 21 July '45.

See memo 17

BV 17/8

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c

(S/CDR P)

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

Office of the Commander-in-Chief,
Mediterranean Station,
Allied Force Headquarters,
30th July, 1945.

Med.45/00100/22.
THE NAVY SUB COMMISSION, HEADQUARTERS,
ALLIED COMMISSION.
ROME.

S.S. "PUNTA PLANCA" AT TRIESTE.

Correspondence is enclosed relating to
the S.S. "PUNTA PLANCA" for such further action as may
be considered desirable, observing that no reply has
been made to LA LIGURE ROMANA.

W. Hume
for ADMIRAL

Enclosures:

LA LIGURE ROMANA's letter of 1st June, 1945.
Commander-in-Chief, Mediterranean's Med.45/00100/22
of 9th July, 1945.
Allied Force Headquarters' letter JMM/VMMV/wsw of
21st July, 1945.

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

785017

Copy
 Fleet Salvage Office,
 Naples.

(14)

"LA LIGURE ROMANA"

Via Sottoripa 57 R.

Genoa 1st June 1945

TO: Fleet Salvage Office
 Genoa, Via XX Settembre 37 -

S.S. "PUNTA PLANCA" Abt. 550 Dm. At Trieste.

We are informed by our Trieste Agents that you found the above vessel at Trieste in a sinking condition with a 20/25° list, and that you immediately took the matter in hand; had her pumped, valves closed, sea cocks closed and then put on a even keel. We are now informed further that after your aforementioned assistance, the vessel was taken to Muggia (adjacent to Trieste) by Yugoslav Partisans flying their colours.

We shall feel very obliged if you will take the necessary steps to have this vessel returned to us against our payment to you of the reflecting expenses which were incurred in the above operation of the Royal Navy.

Thanking you in advance for anything you will do,

5590

Yours faithfully

LA LIGURE ROMANA
 Signed Marcano.

C

C O P Y.

Office of the Commander-in-Chief,
Mediterranean,
Allied Force Headquarters.
9th July, 1945.

Med.45/00100/22.

THE SUPREME ALLIED COMMANDER'S SECRETARIAT.

S.S. "PUNTA PLANCA" AT TRIESTE.

A copy is enclosed of a letter dated 1st June, 1945 addressed to the Fleet Salvage Officer by LA LIGURE ROMANA.

2. It is confirmed that this vessel was prevented from sinking by the efforts of Royal Navy Salvage resources and that she was subsequently taken away by the Jugoslavs. Her subsequent movements and present location was unknown.

3. It is understood that the Jugoslavs removed a number of "Commodities" from TRIESTE prior to the signature of the MORGAN - JOVANOVIC agreement and that claims of a similar nature to the attached may be received from other sources. It appears desirable that all such claims should be handled on similar lines, presumably in conjunction with the Allied Commission or diplomatic authorities and it is requested that action may be taken to deal with the attached application accordingly.

4. If this vessel is returned to the firm claiming ownership it is requested that the Commander-in-Chief, Mediterranean may be informed in order that a Salvage Claim may be lodged.

(Signed) J.R.S. HAINES

for ADMIRAL

Enclosure:

Letter dated 1st June 1945 to the Fleet Salvage Officer by LA LIGURE ROMANA.

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

JMM/WMW/wsw

21 July 1945

SUBJECT: S.S. "PUNTA PLANCA" at Trieste.

TO : C-in-C, Mediterranean.

1. This Section has been directed by the Deputy CAO to take under advisement and reply to your MED.45/000100/22 of 9 July 1945.

2. Since the vessel in question is in the possession of the Yugoslavs and not within the control of either the Italian Government or the Allied Forces, it is not proposed to take further action in the case.

For Asst. Chief of Staff, G-5:

J. Murray Mitchell
J. MURRAY MITCHELL,
Colonel, G.S.C.

23 JUL 1945
45/00100/22

5568

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

785017

Ref: 5609/11/EC

3 August 45

The Ministry of Foreign Affairs
Italian Government
Rome

Reference is made to your memorandum 6/2219/1018 of 16 July
regarding seizure of Italian boats by Yugoslavian authorities.

This matter is being referred to the appropriate authorities
and as soon as the reply is received we shall communicate with you.

For the Chief Commissioner:

E. Tabet

Brigadier,
Executive Commissioner.

See 24

(BO noted at 8)

5587

3/8

0999

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

785017

Ext 451

ABA/el

10

Ref: 5609/10/EC

3 August 1945

SUBJECT: Seizure of Italian Boats by Yugoslavian Authorities

TO : The British Embassy, Rome

Chancery Secretary

Enclosed for your information is our letter 5609/8/EC to AFHQ to which is attached a copy of the Italian Ministry of Foreign Affairs' memorandum on the above subject.

2 Incls:
as above

5586

H. Talbot

[Handwritten signature]

[Handwritten mark]

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

Ref: 451

ABA/el 9

Ref: 5609/9/EC

3 August 1945

SUBJECT: Seizure of Italian Boats by Yugoslavian Authorities

TO : The American Embassy, Rome

British Embassy Rome

Enclosed for your information is our letter 5609/8/EC to ABEQ
to which is attached a copy of the Italian Ministry of Foreign Affairs'
memorandum on the above subject.

2 Incls:
as above

5585

E. T. 1000

[Handwritten signature]

B

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

Ext 451

ABA/01 8

Ref: 5609/8/80

3 August 1945

SUBJECT: Seizure of Italian Boats by Yugoslavian Authorities
TO : G-5, AWHQ

1. Enclosed is a copy of a memorandum number 6/2219/1018, July 16, from the Italian Ministry of Foreign Affairs, regarding the seizure of Italian boats by Yugoslavian authorities.

2. It would be appreciated if you would investigate this matter and inform this office what reply may be given to the Italian Ministry of Foreign Affairs.

For the Chief Commissioner:

E. T. T. T.

1 Incl:
as above

Brigadier,
Executive Commissioner.

COPIES 10:

ECONOMIC SECTION
NAVY S.C.

SEE F. 29

60
17/8
Noted
[Signature]

1002

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

(Label)

5609/4/EO

3 August
18 July 45

The Ministry of Foreign Affairs
Italian Government
Rome

Reference is made to your memorandum 6/2219/1018 of 16 July regarding seizure of Italian boats by Yugoslavian authorities.

This matter is being referred to the appropriate authorities and as soon as the reply is received we shall communicate with you.

For the Chief Commissioner:

Brigadier,
Executive Commissioner.

*Retyped and disformatted
as on folio 11*

5563

B

1003

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

785017

Ext 451

ABA/01

Ref: 5609/3/BC

30 August
18 July 45

SUBJECT: Seizure of Italian Boats by Yugoslavian Authorities
TO : G-5 AFHQ

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2. It would be appreciated if you would investigate this matter and inform this office what reply may be given to the Italian Ministry of Foreign Affairs.

For the Chief Commissioner:

1 Incl:
as above

Brigadier
Executive Commissioner

*This retyped with date
changed. See folio 8
+ minutes 6 and 7-
7/3 L.*

5582

Ministero degli Affari Esteri

U R G E N T

JUL 18 1945

MEMORANDUM FOR THE ALLIED COMMISSION

Subject: Seizure of Italian boats by Yugoslavian Authorities.

The Ministry for Foreign Affairs beg to bring to the attention of the Allied Commission the following:

1. The Fishing Launch "DELFINO", which sailed from Molfetta on May 25th last for deep sea fishing, has not been heard from since.
2. The Fishing Launch "SAN NICOLA", which sailed from Bari on May 25th last for deep sea fishing, has not been heard from since.
3. On May 29th last the Fishing Launch "SAN MICHELE ARCAN= GELCO", while fishing at a distance of 5 miles north to the is= land of Pelagosa, was followed and attacked with machine-gun by a Yugoslav motor-boat coming from the Island of Cerza. The Fish= ing schooner escaped, abandoning its nets in order to save itself.
4. The Fishing Launch "NUOVA MARIA" sailed once fishing trip from Molfetta, on May 30th last, and has not been heard from since.
5. The Fishing Launch "S. TERESA" on June 17th, at 3 o'clock south of the Island of Pelagosa, while fishing with its regula= tion lights lighted, was seized by a Yugoslav motorboat and ta= ken toward the east coast of the Adriatic. The incident was wit= nessed and reported by the crew of the Launch "LADIANA" which was fishing close to the "S. TERESA" and was able to evade capture its lights being out.

6. Other fishing launches report having been attacked with machine-gun by a Yugoslav motor-boat in Adriatic waters.

There are reasons to believe that the aforementioned "DEL= FINO", "SAN NICOLA", "NUOVA MARIA" have also been captured by Yugoslav Units.

In this connection the Ministry for Foreign Affairs beg to draw the attention of the Allied Commission to the foregoing cases, setting forth the fact that the seizure by Yugoslav of these Italian Motor-launches is wholly without juridical founda=

p.t.o.

785017

JUL 18 1945

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p.t.o.

B

(1 SHARP COPY)

1/8

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1005

tion and is to be therefore considered as an arbitrary measure as well as an act of aggression perpetrated against the legitimate owners and crews of the vessels captured.

The Ministry for Foreign Affairs therefore would be very grateful if the Allied Commission would use their good offices with the competent Yugoslav Authorities in order that the vessels seized be at once permitted to return to their ports, giving due consideration to the fact that the families of the crews are in deep distress over the fate of their relatives.

Rome, July 16th 1945



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

785017

Political Advisers (A) & (B):

Your comments on the problem presented by Navy Sub-Commission letter folio ⁵⁵2 are desired.

Office of the Exec Commr
12 May 45.

L.W. STEARNS
Major, AGD

57

In this case, Italian Government has no contact with Yugoslav Govt. except through Allied Commission. If AC does not desire to undertake cases of this type, reply suggested in Para 4 of Navy S/C minute would seem appropriate. If AC wishes to help Italian Navy a request for information from the Chief Commissioner's Office to the Yugoslav Delegate on the Advisory Council would be proper if probably futile.

14th May

R. McBride
Pol AD (A)

58

Executive Commissioner:

Regarding the attached folio ⁵⁵2, Navy Subcommission's letter concerning the recovery of the motor vessel "ARDUINO", property of Italian civilian personnel, taken over by the Yugoslav Partisans.

Attention is invited to minute 4 from the American Political Adviser.

By pressing this matter with the Yugoslav authorities and possibly obtaining recovery of the vessel it is felt that the Allied Commission is laying itself open to the possibility of receiving a terrific volume of similar requests, this case being used as a precedent. It is accordingly felt that it would be most advisable to follow the action recommended in paragraph 4 of Admiral Warren's letter.

14 May 1945.

L.W. Stearns
Major, AGD

I agree.

M.S. LUSH

16/5

59

Navy S/C

60

The Executive Commissioner agrees with your recommendation at Para. 4 folio 2. Please act accordingly.

Office of the Exec Commr
12 May 45.

L.W. STEARNS
Major, AGD

57

In this case, Italian Government has no contact with Yugoslav Govt. except through Allied Commission. If AG does not desire to undertake cases of this type, reply suggested in Para 4 of Navy S/C minute would seem appropriate. If AG wishes to help Italian Navy a request for information from the Chief Commissioner's Office to the Yugoslav Delegate on the Advisory Council would be proper if probably futile.

14th May

R. McBride
Pol Ad (A)

58

Executive Commission:

Regarding the attached folio ⁵⁵2, Navy Subcommittee's letter concerning the recovery of the motor vessel "ARDUINO", property of Italian civilian personnel, taken over by the Yugoslav Partisans.

Adviser.

Attention is invited to minute 4 from the American Political

possibly obtaining recovery of the vessel it is felt that the Allied Commission is laying itself open to the possibility of receiving a terrific volume of similar requests, this case being used as a precedent. It is accordingly felt that it would be most advisable to follow the action recommended in paragraph 4 of Admiral Warren's letter.

5560

14 May 1945.

L.W. Stearns
Maj. AGD

I agree.

M.S. LUSH

16/5

59

Navy S/C

The Executive Commission agrees with your recommendation at Para. 4 folio 2. Please act accordingly.

16th May.

L.W. STEARNS
Major, AGD.

1009

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

785017

5609

HEADQUARTERS ALLIED COMMISSION
Navy Sub-Commission APO 394

(10)

NSC/2437
18 May 1945.

MAY 23 1945

From: Navy Sub-Commission, Hq. Allied Commission.
To : Ministry of Marine - ROME.
Subject: Vessels ARDUINO, CAROLA and Pontoon AUDACE - Request for return of to Italy.

1. Ministry of Marine letters 572/UT and 573/UT, both of 29 April requested that arrangements be made to secure the return of small privately owned craft from the possession of foreign nationals.

2. Due to the difficulties attendant on obtaining a full release of such craft, particularly from locations outside of Italy, it is considered expedient that requests for their return should be held in abeyance pending such time as the Italian Government is able to initiate a settlement with other governments concerned. Accordingly, the Navy Sub-Commission does not propose to take additional action at this time regarding the matters raised in the Ministry of Marine's letters referenced in paragraph 1.

REAR ADMIRAL
CHIEF, NAVY SUB-COMMISSION, AC.

cc. Executive Commission ✓
POLAD (A)
POLAD (B)

SEE F 14

SI PIA 5579
23/5 11/24/5

(Lit. Cont. Unit)

A

5609
HEADQUARTERS, ALLIED COMMISSION
Navy Sub-Commission APO 394

NSC/2345
4 May 1945.

From: Navy Sub-Commission, Hq., Allied Commission.
To: Chief Commissioner, Allied Commission.

Subject: Motor Vessel "ARDUINO".

Enclosure: (A) Copy (translation) Ministry of Marine ltr.
572/UT, of 29 April 1945.

1. Enclosure (A) is a copy of a letter that has been received from the Minister of Marine which requests that arrangements be made to secure the return of "ARDUINO" to Italian control from the Yugoslav Partisan Command. "ARDUINO" was used by the Yugoslavs until October 1944, when she became damaged and had to be laid up. Her present location is unknown to the Navy Sub-Commission.

2. As the issue raised in enclosure (A) is one for ultimate settlement between the Italian and Yugoslav Governments, it would be appreciated if an indication could be given to the Navy Sub-Commission as to the proper method of handling this and other similar requests which may be received from the Italian Ministry of Marine.

3. It is noted in enclosure (A) that "ARDUINO" is privately owned; undoubtedly she is of small size. It is extremely doubtful that the help she would be to the war effort would be sufficient to justify the effort involved in securing her return.

4. For the above mentioned reasons and to avoid encouraging a multitude of other similar requests, it is proposed that this office should inform the Ministry of Marine that requests regarding small privately owned vessels now under the control of Foreign Governments should be held in abeyance pending the restoration of full diplomatic relations between the Italian Government and the other Governments which may be concerned.

Chambers

5578

REAR ADMIRAL
CHIEF, NAVY SUB-COMMISSION, AC.

Copy to:
POLAD (A) AC.
POLAD (B) AC.

(MAY STEARNS)

See M 56-57-58-59-60

FEB 13

From: MINISTRY OF MARINE (Cabinet)
To : F.O.L.I. - Rome.
Date: 29 April 1945.
Ref.: 572/U.T.

Subject: M/Schooner "ARDUINO".

The above, n°683 Ancona Register, took refuge in Ancona harbour at the time of the Armistice, and then left for punte Bianchi with a group of Dalmatians. There she was taken over by Yugoslav Partisan Command and used for voyages to Salo (Lunha Island) and to Lissa. After a time Third partisan Sector took her over completely and disembarked Italian Crew. On 19th Dec.1943 an inventory was drawn up and signed by partisan Command and Captain of the Schooner. The former continued to use her until Oct.1944, when she became damaged and laid up.

F.O.L.I. is requested to arrange that M/Schooner in question be handed back to her proper owner who wishes to have her repaired.

(Sgd) THE MINISTER

✓
✓
Sent
Dr. Smolaha
30/1/46.

SEE Folio 1D

5577

A

