

1950

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

785017

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10000/109/1091

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

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10000/109/1091

EXTRADITION  
JAN. 1946 - JAN. 1947



1953

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

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60

Chief Commissioner.

Attached is submitted for your signature  
~~in connection~~

at  
58

27/12 M. Can Buy E.C.

1954

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

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Also please see letter at 56A. and was signed  
to 95 at plus 57. McLambey, E.C.

63

Ex. Comm.

Please see report from AFHQ at  
John 61.  
Letter at John 62 in reply to  
Francis's letter at John 58A is submitted  
for your signature.

I do not think that in our letter in  
reply to Francis we should mention  
that the J.M. is at liberty to hand over  
the 27 alleged Soviet materials, because  
none of them are of interest to the United  
States.

W. M. Mulla  
Capt

4 Jan. 1947

Ex. Comm.

67  
Please see John 66.

The matters mentioned in para. 1 are not

1093 at 1/16/57

McCamby, E.C.

63

Ex. Comm.

Please see report from AFHQ at  
John 61.  
Letter at John 62 in reply to

Francisco's letter at John 56A is returned  
for your signature.

I do not think that in our letter in  
reply to Francisco we should mention  
that the J.M. for is at liberty to hand over  
the LPT alleged Soviet material because  
none of them are of interest to the AFHQ  
in this case.

W.M. McCalla  
Capt

1 Jan. 1947

Ex. Comm.

67  
Please see John 66.

The sentence underlined in para. 1 does not  
make sense, in my opinion. Perhaps you can  
say that ~~that~~ <sup>this</sup> is the actual wording of the  
mylog received here.

W.M. McCalla  
Capt

10/1

785017

785017

3334

35

35  
~~Attached~~ is submitted for your ~~signature~~ <sup>approval</sup> This is the reply to your  
 letter (at FOTus 9) of 9 October. I have given an advanced copy to Col. Harnthen. I  
 purpose to discuss with Blais to-morrow particularly as regards the 48 alleged Soviet Nationals.  
 9/12  
 M Conn Burg. E.C.

785017

28.

CSO

A Hansen to folio 9 for

Signature, please. CSO <sup>NOT done</sup> <sub>copy received 4/12</sub>

To: Ex. Comm.

43

Letter at folio 42 is submitted for  
signature as agreed.

Tracy M. Kelly  
CSO

10 Dec. 46

To: Ex. Comm.

55

Letter at folio 54 is supply to Ex. S letter  
at folio 53, is submitted for signature, please

Tracy M. Kelly  
CSO

19 Dec. 46.

59

with letter

785017

To: Ex. Comm.

43

Letter at folio 42 is submitted for signature as agreed.

Tropfke  
Capt

10 Dec. 46

To: Ex. Comm.

55

Letter at folio 54 is reply to G. S. letter at folio 53, is submitted for signature, please

Tropfke  
Capt

19 Dec. 46.

Ex. Comm.

59

Letter at folio 58 in connection with letter from Mr. Cappa at folio 50, is submitted for the C.C.'s signature.

Letter at folio 56 from Ministry of Foreign Affairs on the subject of handover of alleged Soviet Nationals is submitted for information. Action has been taken at folio 57.

Tropfke  
Capt

27 Dec 46

3339

Minute No. 15

**To: Chief Commissioner.**

25th October, 1946

The enclosed letter is submitted for signature.

ATHQ are pressing for a reply and have already sent two reminders. Dr. Bombassé has been spoken to about the urgency of the question.

McClure

M. CARR, Brigadier,  
Executive Commissioner.

OCT 25 1946

16.  
Chief Commissioner

Enclosed letter is submitted for signature.  
A postcard under was sent on Oct. 25<sup>th</sup> (File 13)  
AFNIP are very anxious to get a reply.

McAulley  
F.L.

93/1X/51

NOV 13 1986

Ex. Comm.

24/

३३३

Sept at John 23 for your approval. Love  
— M. K. W.

*Trappella*

21 Nov. 46

25/

*E. C. C.*

now. Letter at Feb 23, in reply to the

1. Introduction

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

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reminders. Dr. Bombasse has been spoken to about the urgency of the question.

*McCartney*  
M. CARR, Brigadier.  
Executive Commissioner.

OCT 25 1946

16.  
Chief Commissioner

Enclosed letter is submitted for signature.  
A first reminder was sent on Oct. 25th (File 13)  
A.F.I.G. are very anxious to get a reply.

13/X/46  
*McCartney*  
F.I.C.

NOV 13 1946

Ex. Comm.

24

3532

Dept at File 23 for your approval. Please

*T. H. H. H. H.*

21 Nov 46

Ex. Comm.

25

Letter at File 23, in reply to the  
Bureau memorandum from the Hon. Minister of Foreign  
Affairs at File 22, is submitted for  
your signature, please.

*T. H. H. H. H.*

22 Nov 46 Copies of 9.22 & 23 landed 13.5.46  
for forwarding action. M.C. 5/12

785017

HEADQUARTERS ALLIED COMMISSION

A P O 794

Office of the Executive Commissioner

Minute No. ~~9~~ 10

Chief Commissioner.

Enclosed letter is submitted for signature if approved. The letter follows the lines of AFHQ letter dated 6 September 1946 at Folio 3.

There has been considerable delay in this matter. The question was discussed by Brigadier Lush and both Polads suggested a conference with AFHQ, G-5. AFHQ, G-5, stated that both Polads at CASERTA had agreed to the Italian Government being approached as set out in the letter at Folio 3, and G-5 did not consider a conference necessary. The question was re-submitted to Polads at this HQ on 13 September 1946 and they held the file, despite considerable pressure, until 3 October.

Both Polads at this HQ have agreed to the Italian Government being approached in accordance with letter submitted for signature.

*M. Carr*

M. CARR,  
Brigadier,  
Executive Commissioner.

8 October 1946.

OCT 8 1946

Minute No. ~~13~~ 14

To: Ex. Commissioner

Enclosed letter is submitted for signature by the C.C.

I spoke to Mr. Thornburn about letter at John's and asked him to help in getting a reply at an early date.

Ex. 358

25 Oct. 46

*Trouphella*  
Capt  
Ex. Comm's Office

3331

# MINUTE ON PAPER

To: Executive Commissioner

From: Polad B.

The question of protection for non-Italian political refugees in Italy is at present being actively considered in London, Washington and New York. The proposals so far put forward seem to be as follows:-

(a) The modification of Article 38 of the Draft Treaty, in order to make it more consistent with the Resolution of February 12th of the General Assembly of U.N.O., which recognises the necessity of distinguishing between ~~the~~ genuine refugees and quislings (see the attached copy of a telegram from the British Polad at Caserta to the Foreign Office No. 638). It seems, however, from other telegrams received in this Embassy that there is no hope of having this amendment introduced.

(b) The assumption by UNRRA and successively by other international bodies of the responsibility for political refugees in Italy. These bodies would all presumably be guided by the above-mentioned Resolution of February 12th and the draft constitution of the I.R.O., which elaborates in an admittedly not completely satisfactory way a method of deciding which political refugees should not be forcibly repatriated.

Even the solution at (b) above would still leave the Italian Government in a position ultimately to decide who was a traitor. Nevertheless, in the words of Sir George Rendel, the U.K. representative at UNRRA, the fact that UNRRA had taken over the protection, though not necessarily the relief and maintenance of the refugees, would "mean that it would be much more difficult for the Italian Government to take any isolated decision about them, as it could legitimately be contended that being under UNRRA care they were a matter of international concern. In any case this would effectively prevent their being disposed of and possibly being handed over en masse to the Governments of their countries of origin without the other Powers knowing <sup>of it</sup> at was in the wind."

But neither of these solutions would cover the position of the 100,000 odd refugees at large, who seem to be those concerned in

Washington and New York. The proposals so far put forward seem to be as follows:-

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But neither of these solutions would cover the position of the 100,000 odd refugees at large, who seem to be those concerned in para. 1 of A.F.H.Q.'s letter. While there seems no alternative to acting as instructed by A.F.H.Q. and informing the Italian Government of the line which A.F.H.Q. are taking in response to requests for the extradition of traitors, it would nevertheless seem advisable

/that

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*subsequent*

that the Italian Government should be invited to subscribe publicly to the U.N.O. Resolution of February 12th, for what it is worth. Though by no means a 100% safeguard against indiscriminate surrender of refugees claimed as traitors, this would presumably have something of the deterrent effect which Sir George Rendel believes would follow on the more thorough-going solution at (b) above. *We are considering these matters we should not, as from their Embassy, invite the Italian Govt. to make such a declaration. But such a communication would be all the more powerful if it came from the*

3rd October, 1946.

*WTH*

*3/10*

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

785017

Minute No. 2-115

4

TO: Executive Commissioner.  
Polad A.  
Polad B.

13 September 1946

I spoke on the telephone to AFHQ G-5 (Lt. Colonel WHITE) on the subject of AFHQ letter at Folio 3 and the extradition of traitors.

I raised the point as to what was the definition of a traitor and with whom rested the decision as to whether a person was a traitor or was a political refugee.

I also drew attention to the uncertain situation as regards extradition laws in some cases.

Lt. Colonel WHITE drew attention to Article 38 of the Draft Peace-Treaty (of which this Section has not a copy). Under this Section I gather the Italian Government would be bound to hand over to any of the United Nations any of their nationals <sup>key</sup> whom ~~they~~ were alleged to be traitors.

I said that we favoured a Conference on the subject matter of the letter at Folio 3.

Lt. Colonel WHITE said that the letter at Folio 3 had been drafted with the full concurrence of Polads at AFHQ, but he did not <sup>know</sup> to what extent Polads had consulted their respective Governments. AFHQ were anxious to find out what was the situation vis-a-vis the Italian Government and what were their reactions to the questions asked in para 3 of Folio 3.

G-5 did not think it was necessary to have a Conference on the matter at this stage.

Have you any comments on the proposal that we should now write to the Italian Government as directed at Folio 3?

I regret delay in  
answering this. See  
separate minute attached.

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

10/11/46

1966

785017

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

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I said that we favoured a Conference on the subject matter of the letter at Folio 3.

Lt. Colonel WHITE said that the letter at Folio 3 had been drafted with the full concurrence of Polads at AFHQ, but he did not <sup>know</sup> to what extent Polads had consulted their respective Governments. AFHQ were anxious to find out what was the situation vis-a-vis the Italian Government and what were their reactions to the questions asked in para 3 of Folio 3.

G-5 did not think it was necessary to have a Conference on the matter at this stage.

Have you any comments on the proposal that we should now write to the Italian Government as directed at Folio 3?

*I regret delay in answering this. See separate minutes attached.*

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

HQA#1  
3/110

HEADQUARTERS ALLIED COMMISS

A P O 794

Office of the Executive Commissioner

Ref: 6535/67/EG

14 January, 1947

My dear Mr. Ambassador,

I further refer to your letter No. 1736 of 24th December, 1946, and to my letter 6535/62/EG of the 4th January, 1947, on the subject of alleged Soviet nationals to be handed over to the Russian authorities.

I have been instructed by Allied Force Headquarters to inform you of the Allied policy in such cases. In the Allied view the words "Soviet Citizens" refer only to persons resident within the boundaries of the Soviet Union as at September 1939. Such persons are not repatriated by the Allies against their will, unless they come within one of the following categories:-

- (a) persons captured in German uniform;
- (b) persons who were members of the Soviet Armed Forces on or after 22nd June, 1941, and who were not subsequently discharged therefrom;
- (c) persons who voluntarily rendered aid and comfort to the enemies of the Allies.

Very truly yours,

*M. Carr*  
M. CARR, Brigadier,  
Executive Commissioner.

Ambassador Giuseppe Francini  
Secretary General  
Ministry of Foreign Affairs  
ROME.

See 4640

332 PA  
14/1

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

# INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: F74180

Message Centre No: H/9034

Date/Time of Origin: ~~200000~~ JAN NPT

Date Time Rec'd: JAN 101015

Precedence: ROUTINE

FROM: AFHQ SIGNED SACMED CITE PHGEG  
TO: ALCOM ROME,

CONFIDENTIAL:

<sup>57</sup>CONFIDENTIAL

61

Reur 5900 of 27 December and further to this HQ's F74076 of 3 January.

1. In cases of requests by other countries for extradition of persons subject to Italian jurisdiction, Italian authorities are responsible for decisions and advice as to course they should follow is inappropriate. It is desired. However that Italian Government should be aware of Allied Policy in such cases.
2. In the Allied view, the word Soviet Citizens refer only to persons resident within the boundaries of the Soviet Union as at September 1939. Such persons are not repatriated by the Allies against their will unless they come within one of the following categories:
- A Persons captured in German uniform.
  - B Persons who were members of Soviet Armed Forces on or after 22 June 41 and who were not subsequently discharged therefrom.
  - C Persons who voluntarily rendered aid and comfort to the enemies of the Allies.

AC DIST

See LACAB/0535/9/CB

ACTION - EX COMM

INFO - CHIEF COMMISSIONER

P SAFETY

FILE

SKELTON

3327

**ACTION**

CONFIDENTIAL

*Extradizione*  
Copia

SOTTOCOMMISSIONE FORZE TERRESTRI A.C. (MMIA) C M F

243 - A.

2 dicembre 1945

Roma 489081/380

AL MINISTERO DELL'INTERNO  
Direzione Generale P.S.

OGGETTO : FW/ SEP Rvnsi.

1. CHQ, CMT e' stato richiesto di ottenere il benestare delle competenti autorità italiane per la restituzione alla custodia britannica dei prigionieri di guerra ucraini e tedeschi evasi elencati nello allegato, che, si ritiene, attualmente detenuti nel campo di concentramento italiano di Fossoli.
2. Per questa questione abbiamo interessato il Ministero della Guerra che dichiara di non sollevare nessuna obiezione per questo (vedi loro lettera n. 122392/I.I. del 21 novembre 1946 - ; copia allegata), ma dichiara che detto campo e' sotto il vostro controllo.
3. Vi preghiamo, quindi, di dare le necessarie disposizioni per la consegna di questi uomini ed informare urgentemente questo Quartier Generale del nome dell'Autorità con la quale devono essere concordati i dettagli per il trasferimento.

F/to Illegibilo.

785017

1. Otto KRAUSE, Stbsgefr., POW No: 3546, arrested by the police 26.6.1946
2. Hans ROSEMAN, " " " 1963 " " " " 26.6.1946
3. Werner BERHARD, Obgefr. " " 81-HP 74915 B " " " " 21.6.1946
4. Hans SCHLEEDSTEIN, Uffz. " " 81-CP - 75008H " " " " 26.6.1946
5. Paul Spereholz, oflw. " " 6152 " " " " 26.6.1946
6. Josef Haller, Uffz. " " 1008724 " " " " 15.6.46
7. Egon Lemp, Obgefr. " " 1008564 " " " " 15.6.1946
8. Georg BRECHENISBAUER Gefr., " " 31C-741245 " " " " 15.6.1946
9. Josef STORR, Gefr. " " 454248 " " " " 15.6.1946

## II. Ukrainian POW escaped from Rimini

1. Iwn Kutowyi, Born 2.2.1913.
2. J. Shurawlenko, Born 25.4.1905
3. Roman Benozas, Born 17.3.1908
4. Alexander Lysenko, Born 13.3.1913
5. Iwan Fedorozenko, Born 1.1.1913
6. Michael Karabyn, Born 15.10.1923.

785017

6535

65

Copia

SOTTOCOMMISSIONE FORZE TERRESTRI A.C. (MMIA) C M F

243 - A.

2 dicembre 1945

Roma 489081/380

AL MINISTERO DELL'INTERNO  
Direzione Generale P.S.

OGGETTO : PW/ SEP Evasi.

1. GHQ, CMF e' stato richiesto di ottenere il benestare delle competenti autorita' italiane per la restituzione alla custodia britannica dei prigionieri di guerra ucraini e tedeschi evasi elencati nello allegato, che, si ritiene, attualmente detenuti nel campo di concentramento italiano di Fossoli.
2. Per questa questione abbiamo interessato il Ministero della Guerra che dichiara di non sollevare nessuna obiezione per questo (vedi loro lettera n. 122392/I.I. del 21 novembre 1946 - ; copia allegata), ma dichiara che detto campo e' sotto il vostro controllo.
3. Vi preghiamo, quindi, di dare le necessarie disposizioni per la consegna di questi uomini ed informare urgentemente questo Quartier Generale del nome dell'Autorita' con la quale devono essere concordati i dettagli per il trasferimento.

F/to Illegibile.

3324

Capit V. 248

785017

68-

|                                                                 |           |
|-----------------------------------------------------------------|-----------|
| 1. Otto KRAUSE, Stbsgefr., POW No: 3546, arrested by the police | 26.6.1946 |
| 2. Hans ROSEMAN, " " " 1963 " " " "                             | 26.6.1946 |
| 3. Werner BERHARD, Obgefr. " " 81-SP 74915 E " " " "            | 21.6.1946 |
| 4. Hans SCHLEEDSTEIN, Uffz. " " 81-SP - 75008H " " " "          | 26.6.1946 |
| 5. Paul Spereholz, oflw. " " 6152 " " " "                       | 26.6.1946 |
| 6. Josef Haller, Uffz. " " 1008724 " " " "                      | 15.6.46   |
| 7. Egon Lemp, Obgeir " " 1008564 " " " "                        | 15.6.1946 |
| 8. Georg RECHTELSPAUER Gefr., " " 31G-741245 " " " "            | 15.6.1946 |
| 9. Josef STORR, Gefr. " " 434848 " " " "                        | 15.6.1946 |

II. Ukrainian POW escaped from Rimini

1. Iwn Kutowyi, Born 2.2.1913.
2. J. Shurawlenko, Born 25.4.1905
3. Roman Besczaz, Born 17.3.1908
4. Alexander Lysenko, Born 13.3.1913
5. Iwan Fedorozenko, Born 1.1.1913
6. Michael Karabyn, Born 15.10.1923.

3323

1973

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

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62.

Ref: 6335/62/13

4th January 1947

My dear Mr. Ambassador,

56A 61

I refer to your letter no. 1735 of 24 December 1946, on the subject of 27 alleged Soviet nationals to be handed over to the Russian authorities.

I have been instructed to inform you that the Italian Government is at liberty to deal with them in accordance with Italian extradition procedure.

Very truly yours,

MC

M. CAHILL,  
Brigadier,  
Executive Commissioner.

See #40

Ambassador Giuseppe Francini,  
Secretary General,  
Ministry of Foreign Affairs,  
ROME.

Copy - 9-5  
C.C.  
Plat A  
" B  
FAC copy  
Original & copy of this  
letter given to Comdr  
Chomura by hand  
by Capt. Villa  
4 Jan. 47  
J. M. Villa  
Capt

3322

copy

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

6535 *8* JAN 4 1947  
**INCOMING MESSAGE**

HEADQUARTERS ALLIED COMMISSION

EX Comm  
61

Originator's Reference: F74076

Message Centre No: H/6915

Date/Time of Origin: 031743A JAN

Date Time Rec'd: JAN 040900

Precedence: PRIORITY

FROM: AFHQ SIGNED SACRED CITE PHOEG  
TO: ALCOM ROME

**RESTRICTED**

RESTRICTED *42*

In view of fact that none of the persons named on list attached to your 6535/38/EC of 11 December are of security interest to Allied Military authorities, reur 5900 of 27 December or are wanted by them in connection with war crimes, or are escapees from Allied custody, Italian Government are at liberty to deal with them in accordance with Italian extradition procedure.

*See WACAB/6535/9/CB*  
**ACTION**

AC DIST

ACTION : EX COMMISSIONER

INFO : CHIEF COMMISSIONER

P SAFETY

FILE

FLOAT

*Plas A*

*" B*

*F-62 inters, 66*

**RESTRICTED**

3321

*Capt V*

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

HQ ALCOM ROME CITE AOEKC

27DEC1600

AMHQ G-5

GHQ, CMC BR. EMBASSY - AMERICAN EMBASSY

5900

SECRET

~~SECRET~~

56A 42  
SUBJECT IS HANDOVER OF FOUR EIGHT ALLEGED SOVIET NATIONALS PD OUR LETTER SIX FIVE THREE FIVE SLANT THREE EIGHT SLANT EASY CHARLIE OF ONE ONE DECEMBER ONE NINE FOUR SIX REFERS PD ITALIAN MINISTRY OF FOREIGN AFFAIRS REQUESTS URGENT REPLY PD INFORMATION RECEIVED TODAY INDICATES RUSSIAN EMBASSY HAS REDUCED NUMBER OF ALLEGED SOVIET NATIONALS TO BE HANDED OVER FROM FOUR EIGHT TO THREE TWO PD ON THE LIST OF THESE THREE TWO NAMES OF FIVE PERSONS APPEAR WHO ARE CLAIMED BY GEORGE HOW QUEEN AS ESCAPED PRISONERS OF WAR AND FOR WHOM INSTRUCTIONS HAVE BEEN ISSUED BY ITALIAN GOVERNMENT FOR THEIR HANDOVER TO ALLIED AUTHORITIES PD

BECAUSE OF RUSSIAN EMBASSY BECOMING MOST INSISTENT ITALIAN MINISTRY OF FOREIGN AFFAIRS HAS INFORMED THIS COMMISSION THAT UNLESS OTHERWISE ADVISED BY FOUR JANUARY ONE NINE FOUR SEVEN IT WILL PROCEED TO HANDOVER TO THE RUSSIAN AUTHORITIES THE REMAINING TWO SEVEN ALLEGED SOVIET NATIONALS PD

AS REGARDS RUSSIAN NATIONALS HELD IN PARMA AND MODENA PRISONS CMA THIS COMMISSION IS ENDEAVOURING TO GET FROM ITALIAN GOVERNMENT THE INFORMATION REQUIRED PD REQUEST EARLY REPLY TO OUR LETTER UNDER REFERENCE

PRIORITY

EXECUTIVE COMMISSIONER

JOHN R. HAYES  
MAJOR AGD 3320  
ADJT

PA 23  
12  
AR

785017

Translation

MINISTERO DEGLI AFFARI ESTERI

Rome, 24 December 1946

58A

Dear Admiral,

As you know from previous correspondence the Soviet Embassy in Rome has asked us since October last to hand over 48 Russian citizens interned in an Italian Reception Centre of foreign refugees, who are supposed to have fought against the Red Army.

This request, after findings made by the Soviet Military Repatriation Commission on 25 October last was reduced to only 32 people.

On 16 November this Ministry pointed out to the Allied Commission the difficulty in delaying further the handing over to the Soviet Authorities of the above internees owing to the repeated insistence on the part of the Embassy of the U.S.S.R. (see pro-memoria n. 38014/116 of 16 November last of the Ministry of Foreign Affairs).

On 2 December the Allied Commission asked the Ministry of the Interior after having made a similar request also to the War Ministry, to hand over fifteen Soviet citizens interned in the Fossoli Camp because they were "considered war prisoners". (See Note n. 243 A - L.F. Sub. Comm. A.C. of 2 December 1946). Of these fifteen, nine turned out to be German citizens and six Ukrainian nationals. Of these last six, five appear on the above mentioned list of 32 whom the Soviet Embassy are considering "traitors".

There remain therefore in the Italian Reception Centre 27 of the 32 Soviet nationals claimed by the Embassy of the U.S.S.R. in Rome.

If the Allied Commission has no further requests to make this Ministry will proceed within 4 January next to the hand-over requested by the Embassy of the U.S.S.R.

Yours sincerely

.....

Admiral Ellery W. Stone,  
Head of the Allied Commission,  
ROME.

3319

*Ministero degli Affari Esteri*

*Seg. Pol. n. 1436*

**URGENTE 36**

Roma, 24 dicembre 1946

Caro Ammiraglio,

come Le è noto da precorsa corrispondenza questa Ambasciata Sovietica ci ha chiesto fin dall'ottobre scorso la consegna di 48 cittadini russi internati in un Centro italiano di Raccolta profughi stranieri, i quali avrebbero combattuto contro l'Armata rossa.

Tale richiesta, dopo accertamenti fatti dalla Commissione Militare di Rimpatrio sovietica il 25 ottobre u.s., veniva ridotta a solo 32 elementi.

In data 16 novembre questo Ministero faceva presente alla Commissione Alleata la difficoltà di ritardare ulteriormente la consegna alle Autorità Sovietiche dei suddetti internati date le reiterate insistenze dell'Ambasciata dell'U.R.S.S. (si veda pro-Memoria n. 38014/116 del 16 novembre u.s. del Ministero Affari Esteri).

In data 2 dicembre la Commissione Alleata richiedeva al Ministero dell'Interno, dopo aver fatto identica richiesta anche al Ministero della Guerra, la consegna di quindici sovietici internati nel Campo di Fossoli perché "considerati prigionieri di guerra". (Nota n. 243 A - L.F. Sub Comm. A.C. del 2 dicembre u.s.). Di questi quindici, nove risultano essere di nazionalità tedesca e sei di nazionalità ucraina. Di questi ultimi sei, cinque figurano nella suaccennata lista dei 32 che l'Ambasciata sovietica considera "traditori".

Ammiraglio Ellery W. STONE

Capo della Commissione Alleata

= R O M A =

./.

1978

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

785017

54

Ref: 6535/34/10

21 December, 1946

SUBJECT : Extradition of Traitors.

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

52

53

50

Reference your letter G-5:34.50 P of 11 December and  
this Commission's letter 6535/52/30 of 11 December, 1946.

The letter from the Under Secretary of State to the  
Presidency of the Council of Ministers copy of which was forward-  
ed to you under covering letter dated 11 December 1946, appears  
to cover the points raised in your letter G-5:34.50 of 6 Sept.,  
1946.

9

This Commission does not therefore propose to approach  
the Italian Government again at this stage on this subject except  
to press for an early reply regarding the alleged Russian subjects  
held in PAVIA and MONTA prisons.

Do you concur please?

FOR THE CHIEF COMMISSIONER:

MG

M. GARR, Brigadier,  
Executive Commissioner.

3317

115

1979

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

785017

54A

Ref: 6335/52/10

14 December 1946

SUBJECT: Extradition of Traitors

TO : ALLIED FORCE HEADQUARTERS  
Attention: G-5 Section

Reference is made to your letter G-5:1934-90 of 6th September and to this Commission's letter of 6th December 1946.

Copy of a reply to this Commission's letter of 9th October 1946, from the Under Secretary of State to the Presidency of the Council of Ministers, is forwarded herewith.

FOR THE CHIEF COMMISSIONER:

S/H. Carr

Brigadier,  
Executive Commissioner.

Enclosures: 2

3316

6535  
~~SECRET~~  
ALLIED FORCE HEADQUARTERS  
G-5 Section  
APO 512

Ex. Comm.  
4243  
58  
17 December 1946

G-5: 934.50 P

SUBJECT: Extradition of Traitors.

TO : Chief Commissioner,  
Allied Commission,  
APO 794.

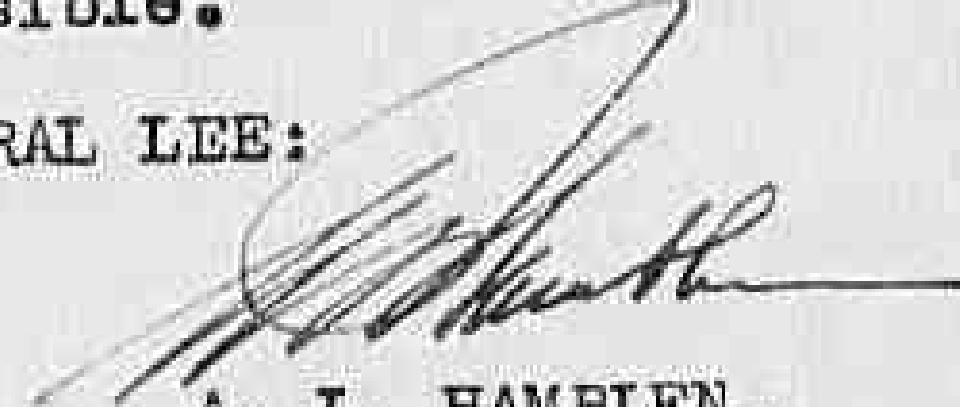
37  
Reference your letter 6535/37/EC of 6 December 1946.

1. If you will please refer to this Headquarter's letter G-5: 934.50 of 6 September, you will see that it relates solely to requests for arrest and extradition made by other countries. The letter of the Minister of Foreign Affairs, which purports to reply to this letter, does not, in fact, reply to a single question asked by this Headquarters but is a dissertation upon how the Italian Government handles aliens who have not got proper papers or who commit a crime against Italian Law, a matter upon which this Headquarters was not seeking information.

File 6517  
File 6536  
2. With regard to the last paragraph of the Italian Foreign Minister's letter, it is pointed out that instructions regarding Szatkowski were sent to you by this Headquarters under reference 000.5/M-352 of 4 December and regarding Durcansky under reference G-5: 936.02 of 22 November and 10 December. The forty-eight Russians will be the subject of a separate letter at an early date.

NR  
3. It was in connection with cases such as those referred to in paragraph 2 above, that the information asked for in paragraph 3 of this Headquarter's letter of 6 September was required. Please approach the Italian Government again and ask them to furnish that information as soon as possible.

BY COMMAND OF LIEUTENANT GENERAL LEE:

  
A. L. HAMBLIN,  
Colonel, G.S.C.,  
Assistant Chief of Staff, G-5.

3315

PA 21  
12

Capt V

~~SECRET~~

58

Ref: 6535/22/12

8 December 1946.

My dear Dr. Gappa:

I refer to the last paragraph of your letter No: 57422/65450/15.1 of 4th December and to my letter No: 4/29.8/3/32 of 9th October 1946, dealing with Russian Nationals believed to be detained in Faenza and Modena prisons.

I wish to draw your attention to the fact that this matter has been outstanding since 9th October 1946.

I would be very grateful if you could give this matter your urgent attention.

Very sincerely yours,

WILLIAM W. STONE  
Rear Admiral, USN  
Chief Commissioner

Dr. Paolo Gappa,  
The Undersecretary of State to the  
Presidency of the Council of Ministers,  
Italian Government,  
ROM.

Copy to: Public Safety Div

3314

11/28/46  
12

1982

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

785017

52

Ref: 6535/52/102

14 December, 1946

SUBJECT: Extradition of Traitors

TO : ALLIED FORCES HEADQUARTERS  
Attention: G-5 Section

Reference is made to your letter G-5:934.50 of 6th September and to this Commission's letter of 6th December 1946.

Copy of a reply to this Commission's letter of 9th October 1946, from the Under Secretary of State to the Presidency of the Council of Ministers, is forwarded herewith.

FOR THE CHIEF COMMISSIONER:

*S/ H. Carr*

Brigadier,  
Executive Commissioner.

Enclosures: 2

*Copy of this Commission's letter  
to the Prime Minister of  
9 October 1946 has been  
sent to AFHQ for easy  
reference.*

*JVV  
14.12*

3313

1983

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

785017

CC 2201

11 December 1946

My dear Dr. Carpa:

I wish to acknowledge your letter of 4 December forwarding the data concerning the treatment of foreign refugees provided by the Italian criminal law.

I look forward to receiving further information concerning the investigations now being carried out in regard to prisoners of Russian nationality who are believed to be detained in the prisons of Parma and Modena.

Very sincerely yours,

ELIERY W. STONE  
Rear Admiral, USN  
Chief Commissioner

Dr. Paolo Carpa,  
The Undersecretary of State to the  
Presidency of the Council of Ministers,  
Italian Government,  
Rome.

3312

TRANSLATION

THE UNDERSECRETARY OF STATE TO  
THE PRESIDENCY OF THE COUNCIL OF MINISTERS.

87420/85450/15.1

Rome, 4 December, 1946.

Dear Admiral,

In accordance with your letter No. 4/29.8/CA of 9 October last, I am forwarding the data concerning the treatment of foreign refugees provided by our criminal law.

As you are aware, all foreigners at present in Italy are in part collected in camps organized by A.C., U.N.N.R.A., and the Joint Redistribution Committee. The Italian Government has no specific jurisdiction over them up to now; others are residing irregularly in Italian territory and outside any control of the Allied Authorities.

a) Those who are found to be without permits to reside, or deemed responsible for breaches of the laws, are sent to the concentration camp of Fossoli di Carpi, where full inquiries with regard to their nationality, and the reasons for their residence in Italy, are being made. When a certain number of persons of the same nationality is held in the above-mentioned camp, the diplomatic representative of the state concerned is invited to visit them in order to ascertain whether they belong to the state he represents. Eventual requests for repatriation are accepted by the same representative. In this hypothesis repatriation to their own countries is carried out through consular and U.N.N.R.A channels, when in other cases the alien is kept for further decisions.

When a foreign government requests the extradition of one of the above persons, the Minister of Foreign Affairs requires the action of the appropriate department ( of the Ministry of Pardon and Justice), which will take steps in conformity with international usages and conventions, or, in their absence, according to the rules of our procedure.

The Italian criminal law allows the arrest of the person to be extradited by means of a warrant at the request of the Ministry of Justice, or from the Attorney-General, or from the Public Prosecutor of the place where this person resides. If the documents justifying the request for extradition do not arrive within the time agreed upon by the Convention, or, in its absence, within the time-limits provided by our Criminal Procedure Code, the arrested person is released.

The personal freedom of foreigners living or temporarily staying in Italy is not restricted except by extradition procedure. It is understood that in case they are brought to trial for crimes committed in Italy, or for offenses committed abroad, their personal freedom may be restricted in compliance with the request of the Ministry of Pardon and Justice in accordance with Art. 10 of the Penal Code; in such cases a warrant of arrest must be issued by the Court or by the Public Prosecutor in charge of the matter.

If foreigners against whom a warrant of arrest or other equivalent foreign document was issued, are arrested by any Police Organization, the latter is obliged

to bring the arrested person immediately before the appropriate Magistrate and in every such case inform the Ministry of Justice as soon as possible in order that it may grant provisional liberty.

A foreigner cannot be arrested and put at the disposal of the Judicial Authorities unless these conditions are fulfilled.

It must be pointed out that Police provisions allow also a special detention called "fermo di polizia", applicable to any person, national or foreigner, who cannot justify his position, or who appears to be dangerous to public order safety or morality.

Such detention can only be of a minimum duration, namely for a period strictly necessary to ascertain the identity of a person held in custody or the offense committed. Finally a foreigner can be expelled from the territory of the Italian State.

b) There are no definite rules for the identification of arrested foreigners. Such identification, however, is carried out, according to the circumstances, through the Public Safety or the Ministry of Foreign Affairs.

c) The preliminary investigation, formal or summary, is intended to obtain evidence to prove either the guilt or innocence of the foreigner under arrest, and, if such evidence can only be obtained from abroad, the Italian Law, (in accordance with the rules of the conventions governing the matter, if there are any), provides that it be carried out through commissions especially appointed to take evidence.

d) It is recognized that a person accused of any offence has an unlimited right to provide for his own defence, except to make slanderous statements to the detriment of third parties, which he may involve by his defence, and save for the discretionary power of the investigating Judge or the Court to reduce the number of witnesses who appear to be clearly superabundant and not useful for the trial, as well as to reject petitions requesting expert examination or any other similar request which will have no bearing on the case.

In case an accuse is tried without providing for an adequate defense, the sentence is null and void, save for cases dealing with contraventions of slight interest.

e) Trials are to be heard in public, under penalty of nullity. The only exception to this principle is made for trials against minors, or when it is deemed advisable to prevent the public from entering the Court for reasons of public order, morality, or public health.

f) The protection of political refugees is exercised by the appropriate Ministry of Interior, and may we point out that the Italian Government has never up to now obliged any foreigner to be repatriated against his will. In any case the Italian Government has raised such question in a note addressed on October 7 by the Ministry of Foreign Affairs to the Embassies in Rome of the United States, Great Britain, U.R.S.S., and France. The opinion was there expressed that all persons who should refuse to return to their original Countries, would be definitely settled in a territory other than Italy.

-3-

In regard to the first part of the letter, to which we answer, may we draw your attention to the fact that the Italian Government has, up to the present, been interested in the extradition of the following individuals:-

- 1) from U.R.S.S.: 48 Soviet citizens who had fought against the Red Army with the troops of General Vlassov. They are at present detained in the concentration camp of Fossoli di Carpi.
- 2) from Czechoslovakia:- the Ex-Minister of Foreign Affairs, Mr. Darcianski, (Slovak), who appears to be in Rome and is at present wanted by the Police. He is considered by the Prague Government as being a war-criminal.
- 3) from Poland:- Mr. Henrik Szatkowski, Polish citizen, who is thought to be actually in Italy, and who is considered by the Polish Government as being a war-criminal.

The three above-mentioned requests were contained in three notes addressed by the Ministry of Foreign Affairs to the A.C. under reference No. 6/3368/1318, of 12 inst., No. 16/37966/115, of 15 November, and Segr. Pol. 1150, of 16 November. If the A.C. has no objection the above-mentioned will be handed over to the appropriate Soviet, Czechoslovakian and Polish authorities, who have requested them.

The Ministry of Pardon and Justice has moreover requested the "Procuratore Generale" of the Court of Appeal at Bologna, that urgent investigations be made in regard to prisoners of Russian nationality, who are believed to be detained in the prisons of Parma and Modena.

Further information will be forwarded with regard to this last paragraph.

Yours truly,

(s) Cappa.

Admiral Ellery W. Stone  
Chief Commissioner  
Allied Commission  
Rome.

3303

*L. Sottosegretario di Stato  
alla Presidenza del Consiglio dei Ministri*

*87420/85450/15.1*

*417*  
- 4 DIC. 1946

Roma,

Caro Ammiraglio,

in relazione alla Sua lettera n.4/29.8/CA del 9 ottobre scorso, le comunico i dati relativi al trattamento dei rifugiati stranieri secondo il nostro diritto penale.

Com'è noto, gli stranieri attualmente in Italia, in parte sono raccolti in campi organizzati dalla A.C., dall'U.N.R.R.A. e dal Joint Redistribution Committee, e su di essi il Governo Italiano non ha tuttora specifica giurisdizione; altri risiedono irregolarmente in territorio italiano e al di fuori del controllo delle autorità alleate.

a) Quelli di essi che vengono riconosciuti sprovvisti del permesso di soggiorno o ritenuti responsabili di violazioni alle leggi, vengono avviati al Campo di concentramento di Fossoli di Carpi, dove si procede agli accertamenti relativi alla loro nazionalità, alle ragioni della loro permanenza in Italia, ecc. Quando un certo numero di persone di una stessa nazionalità si trova riunito nel Campo suddetto, il Rappresentante diplomatico del loro Paese viene invitato a visitarli, per riconoscerne l'appartenenza al proprio stato e raccogliere eventuali richieste di rimpatrio. In tale ipotesi la restituzione ai paesi di origine viene effettuata a cura delle autorità consolari e dell'U.N.R.R.A. mentre in caso diverso, lo straniero viene trattenuto in attesa di ulteriori determinazioni.

Qualora nei riguardi dei predetti pervenga da un Governo straniero domanda di estradizione, il Ministero degli Affari Esteri ./.

All'Ammiraglio ELLERY W. STONE  
Commissario Capo della Commissione  
Alleata

ROMA

336

785017

87420/85450/15.1

41

Caro Ammiraglio,

in relazione alla Sua lettera n. 4/23.8/CA del 9 ottobre scorso. Le comunico i dati relativi al trattamento dei rifugiati stranieri secondo il nostro diritto penale.

Con'è noto, gli stranieri attualmente in Italia, in parte sono raccolti in campi organizzati dalla A.C., dall'U.N.R.R.A. e dal Joint Redistribution Committee, e su di essi il Governo Italiano non ha tuttora specifica giurisdizione; altri risiedono irregolarmente in territorio italiano e al di fuori del controllo delle autorità alleate.

a) Quelli di essi che vengono riconosciuti sprovvisti del permesso di soggiorno o ritenuti responsabili di violazioni alle leggi, vengono avviati al Campo di concentramento di Fossoli di Carpi, dove si procede agli accertamenti relativi alla loro nazionalità, alle ragioni della loro permanenza in Italia, ecc. Quando un certo numero di persone di una stessa nazionalità si trova riunito nel Campo suddetto, il Rappresentante diplomatico del loro Paese viene invitato a visitarli, per riconoscerne l'appartenenza al proprio stato e raccogliere eventuali richieste di rimpatrio. In tale ipotesi la restituzione ai paesi di origine viene effettuata a cura delle autorità consolari e dell'U.N.R.R.A. mentre in caso diverso, lo straniero viene trattenuto in attesa di ulteriori determinazioni.

Qualora nei riguardi dei predetti pervenga da un Governo straniero domanda di estradizione, il Ministero degli Affari Esteri ./.

All'Ammiraglio ELLERY W. STONE  
Commissario Capo della Commissione  
Alleata

ROMA

330

59. Sottosegretario a Stato  
alla Presidenza del Consiglio dei Ministri

- 2 -

ne investe il competente Ministero di Grazia e Giustizia che provvede secondo le convenzioni e gli usi internazionali o, in mancanza, secondo le norme del nostro codice di rito.

La legge penale italiana prevede l'arresto provvisorio degli estradandi mediante ordine di cattura emesso, su richiesta del Ministro della Giustizia, dal Procuratore Generale o dal Procuratore della Repubblica del luogo in cui la persona si trova. L'arrestato viene peraltro, rimesso in libertà se entro i termini stabiliti dalla Convenzione, e, in mancanza, entro i termini stabiliti dal nostro Codice di procedura penale, non giungano i documenti giustificativi della richiesta di estradizione.

All'infuori della procedura di estradizione, non si procede a limitazioni della libertà personale degli stranieri residenti o dimoranti in Italia, salvo che siano sottoposti a procedimento penale per reati commessi in Italia, ovvero per reati da essi commessi all'estero, se vi sia richiesta del Ministero di Grazia e Giustizia, ai sensi dell'art. 10 C.P. ed in tali casi occorre un mandato o un ordine dell'autorità giudiziaria procedente.

Se l'arresto di stranieri, a cui carico esista un mandato di cattura o altro atto equivalentemente di autorità giudiziaria straniera sia eseguito per iniziativa degli organi di polizia, incombe ai medesimi il dovere di presentare immediatamente l'arrestato al magistrato competente ed il Ministro della Giustizia deve essere in ogni caso informato al più presto dell'arresto affinché possa eventualmente disporre la liberazione provvisoria.

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3-10

ne investe il competente Ministero di Grazia e Giustizia che provvede secondo le convenzioni e gli usi internazionali o, in mancanza, secondo le norme del nostro codice di rito.

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Se l'arresto di stranieri, a cui carico esista un mandato di cattura o altro atto equivalentemente di autorità giudiziaria straniera sia eseguito per iniziativa degli organi di polizia, incombe ai medesimi il dovere di presentare immediatamente l'arrestato al magistrato competente ed il Ministro della Giustizia deve essere in ogni caso informato al più presto dell'arresto affinché possa eventualmente disporre la liberazione provvisoria.

3-10

*Il Sottosegretario di Stato  
alla Presidenza del Consiglio dei Ministri*

- 3 -

Tuori di queste condizioni uno straniero non può essere arrestato e messo a disposizione dell'Autorità Giudiziaria.

Va poi rilevato che disposizioni di polizia consentono una detenzione provvisoria, detta "fermo di polizia" applicabile a qualsiasi persona, cittadino o straniero, che non può o non vuole dare contezza di sé, o che risulti pericolosa per l'ordine e la sicurezza pubblica o la pubblica moralità.

Tale detenzione non può che avere una durata minima, cioè quella strettamente necessaria per accertare l'identità della persona o il reato connesso. Lo straniero infine, è passibile di espulsione dal territorio dello Stato Italiano.

b) Non vi sono norme tassative per l'identificazione degli stranieri arrestati, e vi si procede, secondo la circostanza, a mezzo della Pubblica Sicurezza o del Ministero degli Esteri.

c) L'istruttoria, sommaria o formale, mira a raccogliere le prove della reità o dell'innocenza dello straniero inquisito, e se tali prove non si possono rinvenire che all'estero, la legge italiana (con l'osservanza delle norme della convenzione in materia, se esiste), contempla il loro esperimento a mezzo di speciali rogatorie.

d) E' riconosciuto all'imputato di qualsiasi reato, l'illimitato diritto alla propria difesa, salvo a rispondere dell'eventuale calunnia a danno di terzi, che egli con la sua difesa pone in essere, e salvo il potere discrezionale del giudice dell'istruzione o del giudizio di ridurre le liste dei testimoni che appariranno manifestamente pletoriche o non influenti nella causa, e di

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785017

*Al. Segretario di Stato  
alla Presidenza del Consiglio dei Ministri*

- 4 -

44  
respingere istanze di esperimenti peritali e simili, che ritenesse infondate o irrilevanti.

La difesa dell'imputato nel giudizio è stabilita a pena di nullità, salvo che trattisi di reati contravvenzionali di lieve entità.

e) Le udienze dei processi sono pubbliche, a pena di nullità. Unica eccezione a tale principio è fatta per i processi contro i minori, oppure quando ragioni di ordine pubblico, di morale, o di pubblica igiene lo vietano.

f) La protezione dei profughi politici viene esercitata dal competente Ministero dell'Interno. Al riguardo si avverte che il Governo italiano non ha, sino ad ora, costretto alcuno straniero a rimpatriare contro la sua volontà. Tuttavia il Governo italiano ha sollevato tale questione in una Nota indirizzata il 7 ottobre dal Ministero Affari Esteri alle Ambasciate degli Stati Uniti, della Gran Bretagna, dell'U.R.S.S. e della Francia in Roma, nella quale viene espresso il parere che, per tutti coloro che si rifiuteranno di far ritorno nei paesi di origine, dovrà essere trovata una definitiva sistemazione in altro territorio che non sia l'Italia.

o o o

In relazione alla prima parte della lettera cui rispondo, è poi da rilevare che sino ad ora il Governo italiano è stato interessato all'estradizione dei seguenti individui:

1) da parte dell'U.R.S.S. : di 48 cittadini sovietici che avrebbero combattuto contro l'esercito rosso nelle formazioni del

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

785017

1992

*Al Sottosegretario di Stato  
alla Presidenza del Consiglio dei Ministri*

- 5 -

Generale Vlassov. Essi si trovano presentemente nel campo di Fossoli di Gargi.

2) da parte della Cecoslovacchia : dall'ex Ministro degli Affari Esteri slovacco Sig. Durcianski il quale sembra si trovi a Roma ed è attualmente ricercato dalla Polizia. Egli è considerato dal Governo di Praga come "criminale di guerra".

3) da parte della Polonia: del Sig. Henrik Szatkowski, cittadino polacco che risulterebbe essere attualmente in Italia e che è considerato dal Governo polacco come "criminale di guerra".

Le tre richieste su accennate hanno formato oggetto di tre Note dirette dal Ministero Affari Esteri alla C.A. rispettivamente il 12 corrente n.6/3368/1312, il 15 novembre n.16/37966 / 115 e il 16 novembre n.Segr.Pol. 1150. Salvo contrarie indicazioni da parte della C.A. i predetti verranno consegnati alle competenti autorità sovietiche, cecoslovacche e polacche che li hanno richiesti.

Il Ministero di Grazia e Giustizia, inoltre, ha interessato il Procuratore Generale della Corte d'Appello di Bologna perché vengano esperite urgenti indagini sui detenuti di nazionalità russa che si dicono detenuti nelle carceri di Parma e di Modena; su quest'ultimo punto pertanto mi riservo di dare ulteriori comunicazioni.

Voglia gradire, caro Ammiraglio, i sensi della più cordiale considerazione.

(Avv. Paolo Cappa)  
Sottosegretario di Stato alla  
Presidenza del Consiglio dei Ministri

*Cappa*

Generale Vlassov. Essi si trovano presentemente nel campo di Rosoli di Carpi.

2) da parte della Cecoslovacchia: dell'ex Ministro degli Affari Esteri slovacco Sig. Darcianski il quale sembra si trovi a Roma ed è attualmente ricercato dalla Polizia. Egli è considerato dal Governo di Praga come "criminale di guerra".

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Voglia gradire, caro Ammiraglio, i sensi della più cordiale considerazione.

(Avv. Paolo Cappa)  
Sottosegretario di Stato alla  
Presidenza del Consiglio dei Ministri

*Cappa*

1995

785017

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

CONFIDENTIAL

42

Ref: 6535/37/EC

11 December, 1946

SUBJECT: Handover of Alleged Soviet Nationals.

TO : ALLIED FORCE HEADQUARTERS  
Attention: G-5 Section

1. With reference to this Commission's letter 6535/37/EC of 6th December, 1946, there are enclosed copies of two memoranda from the Ministry of Foreign Affairs Nos. 63568/1312 and 58019/116 dated 12th and 16th November 1946 together with a nominal roll of 48 alleged Soviet Nationals who are referred to in the memoranda from the Ministry of Foreign Affairs forwarded with this Commission's letter under reference.

2. It is understood that these alleged Soviet Nationals are unwilling to be repatriated, and as far as it is known they have never been screened by the military authorities.

It is learnt unofficially that the Russian Embassy is becoming most insistent as regards their handover.

3. Can this Commission please be advised as to what reply should be given to the Ministry of Foreign Affairs.

FOR THE CHIEF COMMISSIONER:

*MC*  
M. CAIR, Brigadier,  
Executive Commissioner.

Encls: 3

*C. G. G. G.*  
*W. G. G. G.*

3309

1996

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

785017

41

Ref: 6537/295/EC

10th December, 1946.

SUBJECT : Henryk SZATKOWSKI  
Alleged War Criminal.

TO : Ministry of Foreign Affairs,  
ROMAN.

Reference is made to your memorandum No. 1150 of  
16th November, 1946.

Information has now been received by this Commission  
to the effect that there is no record of SZATKOWSKI Henryk  
being listed as a War Criminal by the United Nations War Crimes  
Commission. The case therefore, would appear to be one for  
normal extradition procedure under any existing extradition  
treaties between Italy and Poland.

FOR THE CHIEF COMMISSIONER:

*mc*

Brigadier,  
Executive Commissioner.

*Copy to file  
6535/295/EC*

3302

COPY

MINISTERO DEGLI AFFARI ESTERI

MEMORANDUM FOR THE ALLIED COMMISSION

Subject: Polish subject: Henryk SZATKOWSKI.

1. The Embassy of Poland has requested the Italian Government the arrest and extradition of the Polish subject Henryk SZATKOWSKI, of 46 years of age, formerly interned in a camp for Polish nationals at Trani. The a/n appears to be listed in the Polish war criminal's roll.

2. The Ministry for Foreign Affairs would be obliged to the Allied Commission if they could kindly inform as soon as possible whether the a/n is included in the criminals of war list and whether he can be arrested and subsequently handed over to the Polish Authorities.

Rome, November 16th, 1946

*Copy in file 6517/295/5C*

*For  
CP*

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

JA 000.5/A-352

1st Ind

14 December 1946

Office of The Theater Judge Advocate, Headquarters HQUUSIA, APO 512, US Army.

TO : Executive Commissioner, Headquarters Allied Commission, APO 794, US Army.

1. There is no record of SZAFKOWSKI, Henryk as a War Criminal at this Theater or GROUNDASS.

2. Request that the Ministry of Foreign Affairs be advised that extradition of subject should be processed in the normal manner under any existing extradition treaties between Italy and Poland.

/s/ Tom H. Barratt  
Colonel, JAGD  
Theater Judge Advocate

THB/mw

Original in file  
6517/230/EC

3300

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

COPY

HEADQUARTERS ALLIED COMMISSION  
NO 794  
Office of the Executive Commissioner

38

Ref: 6517/290/AG

22 November, 1946.

SUBJECT : SZATHORSKI Henryk  
Alleged Polish War Criminal.

TO : ALLIED FORCE HEADQUARTERS,  
Attention: G-5 Section.

There is forwarded to you copy of a memorandum dated 16th November, 1946, addressed to this Commission by the Ministry of Foreign Affairs.

There is no record of the inclusion of subject in any United Nations War Crimes Commission lists in possession of this Headquarters.

If this individual is not listed as a War Criminal by the United Nations War Crimes Commission the case would appear to be one for normal extradition procedure under any existing extradition treaties between Italy and Poland.

May this Commission please be advised in this matter.

FOR THE CHIEF COMMISSIONER:

/s/ M. Carr, Brigadier,  
Executive Commissioner.

3299

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

785017

## HEADQUARTERS ALLIED COMMISSION

A P O 794

Office of the Executive Commissioner

37

Ref. : 6535/37/EG

6 December 1946

SUBJECT: Extremism of Traitors.

TO : G-5 Section,  
AFHQ.

CONFIDENTIAL

1. Reference is made to your letter G-5: 934. 50 P dated 3 December 1946.
2. Copy of a memorandum from the Italian Ministry of Foreign Affairs which has just been received under covering letter dated 2 December 1946 is forwarded herewith. The lettered sub-paragraphs of the Chief Commissioners letter to the Prime Minister were the same as those contained in your letter under reference.
3. The matter is being studied by this Commission and if necessary a further letter will follow shortly.

FOR THE CHIEF COMMISSIONER:

/s/ M. CARR.  
Brigadier,  
Executive Commissioner.

Encls. as above.

F 42 ref. 9.

3298

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

65354  
ALLIED FORCE HEADQUARTERS  
G-5 Section  
APO 512

DEC 6 1946  
36  
Ex Com  
397H

G-5: 934.50P

3 December 1946.

SUBJECT: Extradition of Traitors.

TO : Chief Commissioner,  
Allied Commission,  
APO 794.

Reference your letter 6535/19 EC of  
14 November to the Italian Prime Minister.

Will you please enquire when a reply to your  
letter may be expected as this Headquarters is still  
without the answers to the questions posed in its  
letter to you G-5 934.50 of 6 September.

BY COMMAND OF LIEUTENANT GENERAL LEE: *HL*

*Howland*  
A. L. HAMBLIN  
Colonel, G.S.C.  
Assistant Chief of Staff, G-5.

3297

Capt V

URGENT

*Ministero degli Affari Esteri*

D.G.A.P. UFF. IV

ROUGH TRANSLATION

39831/124

MEMORANDUM FOR THE ALLIED COMMISSION

1. With reference to the Allied Commission's note n.6535/23/E.C. dated November 22nd, 1946 (subject: Alleged Traitors) the Ministry of Foreign Affairs begs to enclose herewith the data sent to the Presidency of the Council to be used in connection with a reply to a letter which Admiral Stone had addressed to the Prime Minister on October 9th, 1946.
2. On the strength of the a/m information the Allied Commission will be in a position to have the necessary data in order that a decision may be taken concerning the request contained in the Ministry of Foreign Affairs' Memorandum n.15/38014/116 dated November 16th, 1946.
3. The Ministry of Foreign Affairs considers the a/m question as extremely urgent.

Rome, December 2nd, 1946.

*Send copies to B&K T&H.  
reference to this 3 questions had a  
copy*

3296

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

39831/124

## MEMORANDUM FOR THE ALLIED COMMISSION

1. With reference to the Allied Commission's note n. 6535/23/E.C. dated November 22nd, 1946 (subject: Alleged Traitors) the Ministry of Foreign Affairs begs to enclose herewith the data sent to the Presidency of the Council to be used in connection with a reply to a letter which Admiral Stone had addressed to the Prime Minister on October 9th, 1946.
2. On the strength of the a/m information the Allied Commission will be in a position to have the necessary data in order that a decision may be taken concerning the request contained in the Ministry of Foreign Affairs' Memorandum n. 15/38014/116 dated November 16th, 1946.
3. The Ministry of Foreign Affairs considers the a/m question as extremely urgent.

Rome, December 2nd, 1946.

3296

Sunderland to BSK T. H. A.

reference for 3 of which they had a

Copy

m. d.

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*Ministero degli Affari Esteri*

34

MEMORANDUM FOR THE PRESIDENCY OF THE COUNCIL

Paragraphs a) and b) of Admiral Stone's letter.

1. The aliens refugees in Italy are assembled into camps organized by the Allied Commission and into other camps organized by UNRRA and by the Joint Redistribution Committee, over which camps the Italian Government has still no jurisdiction.

2. There are several foreign nationals who are residing in the Italian territory without authorization and live uncontrolled by the Allied Authorities.

Those of them who happened to be arrested because not in possession of a permit to stay in Italy or because they are responsible of infringements against laws and regulations, are being sent to the Italian camp of Fossoli di Carpi where appropriate investigations are made about their nationality, the motives of their stay in Italy, and so on.

As soon as a certain number of alien refugees belonging to the same nation is assembled in the aforesaid camp, the diplomatic representative of the nation concerned is invited to visit Fossoli di Carpi in order to ascertain their nationality and to make subsequent inquiries as to their intentions of repatriating or not.

Refugees who intend to return to their country are repatriated by the Diplomatic and Consular authorities of the nation concerned or by UNRRA. The others are with-held pending further decisions. About 40 Soviet nationals have been repatriated thus far. Repatriation of a certain number of Austrian and Hungarian nationals is under way.

Paragraphs c), d) and e) of Admiral Stone's letter.

As concerns individuals who are guilty of common crimes, no distinction is being made, of course, between Italian and foreign citizens as far as it concerns procedure regulations. However, the Ministry of Justice is in a position to supply detailed informations on this matter.

Paragraph f) - As is known, the majority of the so-called political refugees, is still held in custody into camps under the Allies' control. The Italian Government wishes to point out that no foreign nationals have up to now being compelled to return to

329.

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2004

*Ministero degli Affari Esteri*

2 -

their country against their will, though it is not sure whether all those aliens who refuse to repatriate are to be considered political refugees.

At any rate the Italian Government, in a note dated October 7th, 1946, addressed by the Ministry of Foreign Affairs to the Embassies of the United States of America, Great Britain, U.S.S.R. and France, has expressed the opinion that for all those alien refugees who refuse to return to their country of origin a final settlement should be found in a territory other than Italy.

With reference to the first part of Admiral Stone's letter, it is to be pointed out that the Italian Government has been requested the extradition of the following individuals:

1) by U.S.S.R. : Forty-eight Soviet nationals who have allegedly fought against the Red Army under General Vlassov's command. At present they are detained at Fossoli di Carpi camp.

2) by Czechoslovakia : the former Czech Minister of Foreign Affairs Mr. Durcianski who, it seems, lives in Rome and is wanted by the Police. The Prague Government considers him as a "war criminal".

3) by Poland : A Henrik Szatkowski, a Polish citizen who, as it appears, live at present in Italy and is considered a "war criminal" by the Polish Government.

The Ministry of Foreign Affairs has addressed to the Allied Commission the following notes on the matter:

note n. 6/3368/1312 dated November 12th, 1946;

" n. 16/37966/115 dated November 15th, 1946;

" n. Segret. Pol. 1150 dated November 15th, 1946.

The a/m individuals will be handed over to the Russian, Czech and Polish authorities who have formally requested them, unless the Allied Commission suggests otherwise.

Rome, November 16th, 1946.

329

*Ministero degli Affari Esteri*

D.G.A.P. - Uff. IV

UFC

39831

124

APPUNTO PER LA COMMISSIONE ALLEATA

In riscontro alla nota della C.A. n. 6535/23/E.C. del 22 Novembre 1946 (oggetto: alleged Soviet Traitors) il Ministero degli Affari Esteri ha il pregio di trasmettere qui uniti i dati che esso ha fornito alla Presidenza del Consiglio per rispondere alla lettera dell'Ammiraglio STONE al Primo Ministro in data 9 Ottobre 1946. Da essi la Commissione Alleata potrà trarre gli elementi necessari per prendere una decisione in merito a quanto richiesto dal Ministero Affari Esteri con Promemoria n. 15/38014/116 del 16 Novembre.

Il Ministero degli Affari Esteri fa presente che la questione ha carattere di estrema urgenza.

Roma, li

2 DIC. 1946

*[Signature]*

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

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31  
*Ministero degli Affari Esteri*

D.G.A.P. - Uff. IV

APPUNTO PER LA PRESIDENZA DEL CONSIGLIO

Punti a) e b) della lettera dell'Ammiraglio Stone.

- 1) - Gli stranieri che si trovano rifugiati in Italia sono raccolti in campi organizzati dalla C.A. e in altri campi organizzati dall'U.N.R.R.A. e dal Joint Redistribution Comitee, sui quali il Governo italiano non ha tuttora alcuna giurisdizione.
- 2) - Vi sono numerosi stranieri che risiedono in territorio italiano senza averne autorizzazione e che vivono al di fuori di ogni controllo delle autorità alleate. Quelli di tali stranieri che vengo-  
no fermati perchè privi di permesso di soggiorno, o perchè si sia-  
no resi responsabili di contravvenzioni o di atti comunque contra-  
ri alle leggi, vengono avviati nel campo italiano di Fossoli di Car-  
pi dove si procede agli accertamenti relativi alla loro nazionalita', ai motivi per i quali si trovano in Italia, ecc. Quando un cer-  
to numero di stranieri appartenenti ad una stessa nazionalità si  
trova riunito nel campo suddetto, il Rappresentante diplomatico  
del Paese, a cui tali stranieri appartengono, viene invitato a recar-  
si a Fossoli di Carpi per accertare la loro nazionalità e chiedere  
se desiderano o meno rimpatriare. Quelli che rispondono affermati-  
vamente vengono rimpatriati a cura delle Autorità diplomatiche e  
consolari dei rispettivi Paesi o dell'U.N.R.R.A., gli altri vengo-  
no trattenuti in attesa di ulteriori determinazioni. Sino ad ora  
sono stati rimpatriati in tal modo circa quaranta cittadini sovietici.

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*Ministero degli Affari Esteri*

- 2 -

tici ed è in corso il rimpatrio di un certo numero di cittadini austriaci e ungheresi.

Punti c), d) e e) della lettera dell'Ammiraglio Stone.

Nessuna distinzione viene evidentemente fatta fra cittadini italiani e stranieri per quanto si riferisce alle norme procedurali nei casi di individui imputati di aver commesso reati comuni. Su questo punto potrà in ogni caso fornire precisi elementi il Ministero di Grazia e Giustizia.

Punto f) - Come noto la massima parte dei cosiddetti profughi politici si trova tuttora nei campi controllati dagli Alleati. Se si debbono intendere per tali tutti coloro che si rifiutano di rimpatriare, si precisa che il Governo Italiano non ha sino ad ora costretto alcun straniero a rientrare contro volontà nel proprio Paese. Tuttavia il Governo Italiano ha sollevato tale questione in una Nota indirizzata il 7 Ottobre dal Ministero degli Affari Esteri alle Ambasciate degli Stati Uniti, della Gran Bretagna, dell'U.R.S.S. e della Francia in Roma, nella quale viene espresso il parere che per tutti coloro che si rifiuteranno di far ritorno nei paesi di origine dovrà essere trovata una definitiva sistemazione in altro territorio che non sia l'Italia.

In merito alla prima parte della lettera dell'Ammiraglio Stone è da rilevare che sino ad ora il Governo Italiano è stato interessato all'estradizione dei seguenti individui:

1) - da parte dell'U.R.S.S.: di 48 cittadini sovietici che avrebbero combattuto contro l'esercito rosso nelle formazioni del Generale Vlassov. Essi si trovano presentemente nel campo di Fossoli di Carpi.

2009

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Punti c), d) e e) della lettera dell'Ammiraglio Stone.

Nessuna distinzione viene evidentemente fatta fra cittadini italiani e stranieri per quanto si riferisce alle norme procedurali nei casi di individui imputati di aver commesso reati comuni. Su questo punto potrà in ogni caso fornire precisi elementi il Ministero di Grazia e Giustizia.

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1) - da parte dell'U.R.S.S.: di 48 cittadini sovietici che avrebbero combattuto contro l'esercito rosso nelle formazioni del Generale Vlassov. Essi si trovano presentemente nel campo di Fossoli di Carpi.

2) - da parte della Cecoslovacchia: dell'ex Ministro

*Ministero degli Affari Esteri*

- 3 -

29

degli Affari Esteri slovacco sig. Durcianski il quale sembra si trovi a Roma ed è attualmente ricercato dalla Polizia. Egli è considerato dal Governo di Praga come "criminale di guerra".

3) - Da parte della Polonia: del sig. Henrik SZATKOWSKI, cittadino polacco che risulterebbe essere attualmente in Italia e che è considerato dal Governo polacco come "criminale di guerra".

Le tre richieste suaccennate hanno formato oggetto di tre note dirette dal Ministero Affari Esteri alla C.A. rispettivamente il 12 corr. n. 6/3368/1312, il 15 Novembre n.16/37966/115 ed il 16 Novembre n.Segret.Pol. 1150.

Salvo contrarie indicazioni da parte della C.A. i predetti verranno consegnati alle competenti Autorità sovietiche, cecoslovacche e polacche che li hanno richiesti.

Roma, li 16 Novembre 1946

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

785017

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2011

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

785017

Ref. : 6535/27/37

December 1946

My dear Mr. Prime Minister,

I again refer to my letter No. 4/29.3/37 dated 9th October 1946 and subsequent notes of 23rd October and 14 November 1946, on the subject of extradition of alleged traitors.

I should be very grateful, my dear Mr. Prime Minister, if you could give this matter your urgent attention in order that Allied Forces Headquarters may be informed of the procedure.

Yours very truly,

HENRY S. STONE  
Rear Admiral, USN  
Chief Commissioner

Det. Alcide De Gasperi,  
President of the Council of Ministers,  
Italian Government,  
ROME.

Copy to: C-5, AFHQ

*Not sent.*

3289

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

785017

Ref: 655/ /EC

26 November, 1946

SUBJECT : Alleged Soviet Traitors.

TO : British Political Adviser,  
British Embassy,  
Rome.  
& American Political Adviser.

Attached copies of memoranda from the Ministry of Foreign Affairs to this Commission on the subject of arrest and extradition of 48 alleged soviet traitors, are forwarded to you for your information.

FOR THE CHIEF COMMISSIONER:

Brigadier,  
Executive Commissioner.

3288

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

785017

23

Ref: G33/23/1022 November, 1946.

SUBJECT: Alleged Soviet Traitors.

TO : The Ministry of Foreign Affairs,  
RMSL.

22

Reference is made to your memorandum No. 3584/116  
dated 16th November, 1946.

The question concerning the arrest and extradition  
of alleged traitors claimed by other countries has already  
been raised by this Commission with a letter to the Prime  
Minister on 9th October, 1946, copy of which is enclosed  
for easy reference.

This Commission is not in a position therefore, to  
reply to your memorandum under reference until an answer to  
this question is received from the Italian Government.

FOR THE CHIEF COMMISSIONER:

mc

H. CAIR, Brigadier,  
Executive Commissioner.

3287

Ministero degli Affari Esteri

38014/116

MEMORANDUM FOR THE ALLIED COMMISSION

With reference to memorandum n° 6/3368/1312 dated November 12th, 1946, (addressed to Colonel Findley), the Ministry for Foreign Affairs begs to inform that, unless contrary advise from the Allied Commission, it will be proceeded to the extradition of 48 Soviet nationals charged of having fought with the Army of General Vlassov, against the Soviet Army, the Allies and Italian partisan units.

The Ministry for Foreign Affairs deems however to point out that the a/m persons could not be furtherly detained in the camp at Fossoli di Carpi and that consequently, should their extradition be refused for special reasons, they should be taken in charge by the competent Allied Authorities.

Rome, November 16th, 1946

F 42 refers

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

785017

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PA 27

Capt V.

38014/116

MEMORANDUM FOR THE ALLIED COMMISSION

With reference to memorandum n° 6/3368/1312 dated November 12th, 1946, (addressed to Colonel Findley), the Ministry for Foreign Affairs begs to inform that, unless contrary advise from the Allied Commission, it will be proceeded to the extradition of 48 Soviet nationals charged of having fought with the Army of General Vlassov, against the Soviet Army, the Allies and Italian partisan units.

The Ministry for Foreign Affairs deems however to point out that the a/m persons could not be furtherly detained in the camp at Fossoli di Carpi and that consequently, should their extradition be refused for special reasons, they should be taken in charge by the competent Allied Authorities.

Rome, November 16th, 1946

F 42 refer

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10/12

Copy V

785017

*Ministero degli Affari Esteri*

*A.S. IV*

38014 / 116

PROMEMORIA PER LA C.A.

Facendo riferimento al precedente Promemoria n. 6/3368/1312 del 12 novembre u.s. (diretto al Col. Findley), il Ministero Affari Esteri ha il pregio di comunicare che, salvo contrarie indicazioni da parte della C.A., sarà proceduto alla estradizione dei 48 cittadini sovietici incolpati di aver combattuto contro l'Esercito Sovietico, contro gli Alleati e contro le formazioni partigiane italiane, nell'Armata del Generale Vlassov.

Il Ministero Affari Esteri ritiene di dover far comunque presente che i predetti non potrebbero essere ulteriormente trattiene nel Campo di Fossoli di Carpi e che in conseguenza ove alla loro estradizione ostassero attualmente speciali motivi, essi dovrebbero venire presi in consegna dalle competenti autorità alleate.

Roma, 16 novembre 1946



3282

785017

C O P Y

MINISTERO DEGLI AFFARI ESTERI

Vdl/To

6/3368/1512

MEMORANDUM FOR THE ALLIED COMMISSION  
(To the attention of Colonel  
FINDLEY)

SUBJECT: Aliens to be handed over to the Russian Authorities  
in Austria.

1. With reference to previous verbal accords with Lieut. Colonel TSELIN of the Intergovernmental Committee for Refugees, the Ministry for Foreign Affairs begs to enclose herewith a list forwarded by the Soviet Embassy in Rome.
2. The Allied Commission is kindly requested to state, according to the available data which are into its possession, which persons, listed in the attached roll, belong to Soviet or other nationality.
3. It is to be pointed out that the Intergovernmental Committee is thoroughly aware of the question.
4. As known, the Soviet Embassy in Rome has requested that the a/m aliens be handed over to the Soviet Authorities in Austria (S. Valentino's Camp).
5. The Ministry for Foreign Affairs conveys its thanks to the Allied Commission for all the informations they could supply on the a/m subject.

Rome, November 12th, 1946.

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F 42 refast

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

785017

EL ENCO

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|     |               |            |
|-----|---------------|------------|
| 1)  | ANDREICICU    | Nikifor    |
| 2)  | BARISA        | Stefan     |
| 3)  | FANBAH        | Platon     |
| 4)  | KRAIEV        | Fraus      |
| 5)  | GARDIAE       | Anna       |
| 6)  | LISERCO       | Alessandro |
| 7)  | AMATOV        | Servio     |
| 8)  | KOROVNIK      | Odenia     |
| 9)  | KOVANSKI      | Boris      |
| 10) | KURBIEENOV    | Rasul      |
| 11) | KUTOBAL       | Ivan       |
| 12) | MOROVIC       | Victor     |
| 13) | MOROS         | Pedor      |
| 14) | POTEMKIN      | Nicolai    |
| 15) | SCHARKIN      | Sergei     |
| 16) | SLIFT         | Nicolai    |
| 17) | VRASOV        | Vladimir   |
| 18) | SCHEVLENKO    | Ivan       |
| 19) | CARSEN        | Enrico     |
| 20) | KELT          | Isis       |
| 21) | FOLOND        | Anton      |
| 22) | SOIRIAY       | Nikifor    |
| 23) | ZHEVER        | Amet       |
| 24) | VARMOND       | Alessandro |
| 25) | KOKKOSCHINA   | Valentina  |
| 26) | CHOTSCHEANVA  | Isaak      |
| 27) | DOURGANKE     | Simon      |
| 28) | REUSVALI      | Villi      |
| 29) | JAKINDERKO    | Nicolai    |
| 30) | KRUTKA        | Michail    |
| 31) | KURTH         | Tuzari     |
| 32) | KOTSCHOVILI   | Akakai     |
| 33) | KOBASHAKIA    | Georgi     |
| 34) | KUDKINLO      | Lidia      |
| 35) | KUBILANOV     | Resul      |
| 36) | MALJOP        | In         |
| 37) | MALLOBLISVILI | Nikita     |
| 38) | MAMALAGE      | Eron       |
| 39) | BEVLISOVILI   | Akaki      |
| 40) | NAKASCHAE     | Nicolai    |
| 41) | STAPKIN       | Serghei    |
| 42) | ZANICO        | Aleks      |
| 43) | SCHEVZELA     | Tlia       |
| 44) | SCHEVZELA     | Gheorg     |
| 45) | ZULIAKOVILI   | Michail    |
| 46) | TEITANOVA     | Ksenia     |
| 47) | TSCAPADZE     | Juri       |
| 48) | VIZANIV       | Ivan       |

3287

2019

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

785017

6535/19/EC

~~not 1/29/46/EC~~

14 Nov 1946

My dear Mr. Prime Minister,

I refer to my letter No. 1/23.5/1/CA dated 9th October 1946 and subsequent note of 25th October 1946, on the subject of extradition of alleged traitors.

I should be very grateful if an early reply could be given to these letters, please.

Yours very truly,

/s/ Ellery W. Stone

ELLERY W. STONE  
Rear Admiral, USNR  
Chief Coordinator

Dott. Alcide De Gasperi,  
 President of the Council of Ministers,  
 Italian Government,  
 Rome.

3282

COPY: C-5. AMHQ.

See file 27  
in file 36

PA 14  
11  
1947

2020

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

785017

6535

NOV 12 1946

CONFIDENTIAL

& Comm  
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NOV 111700A

H/7811  
NOV 121100

ROUTINE

AFHQ SIGNED SACRED CITE PHCEG  
AMC VENEZIA CIULIA ,INFO: ALCOM ROME

BU can file

CONFIDENTIAL:

NR

Ref Alcom letter 29 October 46 file AC/4132/L. Subject extradition to zone B to you  
now seen.

Regardless legal position desire courts in zone A shall not try offense committed in  
zone B. To try such cases in considered legally impracticable and politically undesirabl

AC DIST

INFO ACTION - LEGAL

INFO - CHIEF CO ISSIONER

EX COMER

FILE

SKELETON

3281

NOV 12 1946

CONFIDENTIAL

Handwritten signature and initials

12/13/46

2021

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

785017

HQ ALCOM

5 NOV 1100

AHQ FOR G-5 SECTION

5386

UNCLASSIFIED

UNCLASSIFIED PD

SUBJECT IS EXTRADITION PD YOUR SIGNAL FOX SEVEN TWO NINE NINE SIX OF ONE  
NOVEMBER REFERS PD CHIEF COMMISSIONER WROTE TO PRIME MINISTER ON NINE OCTOBERED  
REMINDER WAS SENT ON TWO FIVE OCTOBER PD ITALIAN LIAISON OFFICE THIS HOW  
QUEEN INFORMS SUBJECT CONCERNS DIFFERENT GOVERNMENTAL DEPARTMENTS AND HIGH  
OFFICIALS IN PROVINCES PD ALCOM IS CONTINUOUSLY PRESSING ITALIAN GOVERNMENT  
ON THIS SUBJECT AND IT IS HOPED A REPLY MAY BE RECEIVED SHORTLY PD

ROUTINE

J. V. A

EX. COMMISSIONER

JOHN R. HAYES  
MAJOR AGD  
ADJT

3280

14  
5/11/01

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

785017

6535 ~~11~~ 91  
INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Ex. Comm 16

NOV 4 1946

Originator's Reference: P 72996

Message Centre No: H/7572

Date/Time of Origin: NOV 611136A

Date Time Rec'd: NOV 011800

Precedence: ROUTINE

FROM: AFHQ SIGNED SACRED CITE FHGEG

TO : ALCOM ROME

RESTRICTED:

RESTRICTED

When may a reply to this Headquarters letter G-5 : 934.50 P of 6 September and subsequent reminder be expected please.

4, 11, 12

AC DIST

ACTION - EX COMM

INFO : CHIEF COMMISSIONER

FLOAT

FILE

See 7-17  
ACTION

NOV 2 1946

RESTRICTED

3278

(Gax V)

2033

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

785017

CI

CI

1.00

13

Ref: 4/20.4/2/20

25 October 1946

My dear Mr. Prime Minister,

I refer to my letter No. 4/20.4/2/20 dated 9th October, 1946, on the subject of extradition of alleged traitors.

I will be grateful if an early reply could be given to this letter, please.

Yours very truly,

W. Ellery W. Stone

W. E. STONE  
Your Adviser, USA  
Chief Representative

Mr. Alcide De Gasperi,  
President of the Council of Ministers,  
Italian Government,  
ROME.

Copy: C-3. AFM.

3288

See M-14, 15, 21

34/41

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

2024  
ALLIED FORCE HEADQUARTERS  
G-5 Section  
APO 512

1843  
12  
21 October 1946

G-5: 934.50 P

SUBJECT: Extradition of Traitors.

TO : Chief Commissioner,  
Allied Commission,  
APO 794.

1. May a reply to this Headquarters G-5: 934.50 P  
of 6 September be expedited please.

2. When replying will you please also send a copy  
of your reply to GHQ, CMF (Attn: "A" Branch).

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

1  
*A. L. Hamblen*  
A. L. HAMBLEN  
Colonel, G.S.C.  
Assistant Chief of Staff, G-5

See 4.16

3288

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

785017

CIV-AFF

2571

11

ALLIED FORCE HEADQUARTERS  
G-5 Section  
APO 512

G-5: 934.50 P

11 October 1946.

SUBJECT: Extradition of Traitors.

TO : Chief Commissioner,  
Allied Commission,  
APO 794.

3

When may a reply to this Headquarters letter G-5:  
934.50 P of 6 September 1946 be expected please.

BY COMMAND OF LIEUTENANT GENERAL LONDON:

*Ref. letter G-5, 934.50 P  
Saka to Col White, G-5  
and inform him that  
the C.C. wrote to the Prime  
Minister on 9th Oct. 46.  
Asked him to be good enough  
to wait for a few days until  
14 OCT. 1946 we receive a reply from the  
Maj. Gen. Col White agreed.  
74 Oct. 46*

*A.L. Hamelen*  
A.L. HAMLEN,  
Colonel, G.S.C.  
Assistant Chief of Staff, G-5.



See 7.16

3271

7-  
CASERTA telegram No. 638 to FOREIGN OFFICE of 11.9.46

A.F.H.Q. have asked me to draw attention to two points in draft Italian Peace Treaty as contained in U.N. print of July 17th, Section I.

2. Article 38. Under wording of this article a mere accusation of a war crime or of treachery suffices to place the Italian Government under an obligation to hand over anyone so accused. The Yugoslavs for instance would therefore be in a position to, and inevitably would, demand surrender not only of all Yugoslav dissidents now in Italy, but also of a large number of Italians in important positions. This, apart from being a reversal of our policy to protect genuine political refugees, and to consider for surrender only those war criminals whose names have been included on U.N.W.C.C. list, would obviously prove of extreme embarrassment to an already confused Italian Government. Moreover in the case of Yugoslav political refugees, the Italian Government would probably be only too glad to be rid of the responsibility of maintaining them.

3. Article 69. Under this article, two of Italy's neighbours will be able to retain any Italian rolling stock which happens to be within their frontiers on date the Peace Treaty comes into force. Italian rolling stock has been sent out of the country under Allied as well as Italian auspices in normal course of railway operation. Under international practice a considerable number of Italian railway waggons is now outside Italy. The flow of UNRRA supplies to Yugoslavia has been largely dependent on use of Italian rolling stock from Trieste. As you know, the Yugoslavs have already caused bitter complaints from the Italians through their practice of defacing Italian railway markings and substituting their own. I am assured that Paragraph 5 (d) of the article cannot be read as excepting rolling stock. On this score article 69 is manifestly unfair to Italy and is plainly an encouragement to piracy by Italy's less scrupulous neighbours.

4. While it is possible that U.K. Delegation in Paris is already well aware of these anomalies in draft Peace Treaty, I feel I should bring them to your notice.

5. My U.S. colleague is telegraphing similar comments to Washington and Paris.

358

2027

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

785017

ALLIED FORCE HEADQUARTERS  
G-5 Section  
APO 512

1998  
E

CIV-AFF  
(4)

G-5: 934.50 P

26 September 1946

SUBJECT: Extradition of Traitors.

TO : Chief Commissioner,  
Allied Commission,  
APO 794.

1. It is hoped that you will be in a position to reply to this Headquarters letter G-5: 934.50 P of 6 September at an early date.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

*Spoke to R. W. L. and explained the delay from reply to the letter. 325 Oct. 46*

*A. L. Hamblen*  
A. L. HAMBLIN  
Colonel, G.S.C.  
Assistant Chief of Staff, G-5.



See 7.16

34

Ref: AQ/14756/5/PS.

5 February 1946.

My dear Mr. Prime Minister:

I have received your letter 18/00363/47 dated 5 January 1946, written from the Ministry of Foreign Affairs, in which you raise the question of the authority of the Italian Government to deport undesirable aliens. Some weeks ago this same question was presented to us by the Ministry of Interior and the matter has been under consideration with higher authority.

It is agreed in principle that the Italian Government has the right to deport undesirable aliens, but the exercise of the right must of necessity be limited at present.

For instance, the Italian Government would obviously be required not to apply deportation laws to persons in the following categories without agreement with the authorities concerned:

- (a) aliens in the custody of the Allies,
- (b) aliens in the care of Allied Commission or UNRRA,
- (c) aliens whose presence in Italy has already been approved by the Allies and who continue to be so sponsored.

Moreover, the Allies have contracted not to return political refugees by force to their countries of origin. Numbers of these persons are presently at large in Italy. The Italian Government would no doubt wish to adopt the same policy as the Allies to such people.

Subject to the above, my dear Mr. Prime Minister, there is no objection to the Italian Government exercising the right to deport undesirable aliens.

Yours very truly,

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

Dott. Alcide de Gasperi,  
President of the Council of Ministers  
Italian Government,  
ROME.

785017

My dear Mr. Prime Minister:

I have received your letter 12/00388/47 dated 5 January 1946, written from the Ministry of Foreign Affairs, in which you raise the question of the authority of the Italian Government to deport undesirable aliens. Some weeks ago this same question was presented to us by the Ministry of Interior and the matter has been under consideration with higher authority.

It is agreed in principle that the Italian Government has the right to deport undesirable aliens, but the exercise of the right must of necessity be limited at present.

For instance, the Italian Government would obviously be required not to apply deportation laws to persons in the following categories without agreement with the authorities concerned:

- (a) aliens in the custody of the Allies,
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Moreover, the Allies have contracted not to return political refugees by force to their countries of origin. Members of these persons are presently at large in Italy. The Italian Government would no doubt wish to adopt the same policy as the Allies to such people.

Subject to the above, my dear Mr. Prime Minister, there is no objection to the Italian Government exercising the right to deport undesirable aliens.

Yours very truly,

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

Dott. Alcide de Gasperi,  
President of the Council of Ministers  
Italian Government,  
ROME.

Note: The signing of this letter  
is in file 14756/5/PS  
at 9th 9th

The copy  
of the

3284

ALLIED FORCE HEADQUARTERS,  
G-5 SECTION,  
APO 512.

G-5: 091.1 Italy

11 January, 1946

SUBJECT: Aliens in Italy.

TO : Hq. Allied Commission,  
APO 394.

Reference is made to your letter SM/540.03-3 dated

4 Jan 46.

1. While it is desirable that the Italian Government should assume responsibility at an early date for the deportation of undesirable aliens, as envisaged in the letter from the Ministry of the Interior, there is some doubt whether it is feasible.

2. The Italian Government cannot be permitted to apply deportation laws to:

- (a) Aliens in the custody of the Allies.
- (b) Aliens in the care of Allied Commission or of UNRRA.
- (c) Aliens whose presence in Italy have already been approved by the Allies and who continue to be so sponsored.

3. The Allies have contracted not to return political refugees by force to their countries of origin. Some such agreement may well be incorporated in the final Peace Treaty with Italy. Members of such persons, notably the adherents of the former Royalist Yugoslav regime are presently at large in Italy and it is clearly undesirable that action should be taken now which is likely to conflict with the ultimate peace terms.

4. Allied assistance cannot be given to effect such deportations as the Italian Government may deem desirable, neither can the Allied authorities be associated with such deportations. Any negotiations with other States concerning deportations must be effected through such direct diplomatic channels as may be open to the Italian Government. It will readily be seen that the provisions of this paragraph are of themselves a serious limitation.

5. From the foregoing it appears that except in a few isolated cases it is not practicable at this time for the Italian Government to avail themselves of the right of deportation. There is, however, no objection in principle to the granting of this right.

BY COMMAND OF LEUTENANT GENERAL MORRIS

SUBJECT: Aliens in Italy.

TO : Hq. Allied Commission.  
AFU 394.

4 Jan 46.  
Reference is made to your letter SD/540.03-3 dated

1. While it is desirable that the Italian Government should assume responsibility at an early date for the deportation of undesirable aliens, as envisaged in the letter from the Ministry of the Interior, there is some doubt whether it is feasible.

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- (c) Aliens whose presence in Italy have already been approved by the Allies and who continue to be so sponsored.

3. The Allies have contracted not to return political refugees by force to their countries of origin. Some such agreement may well be incorporated in the Final Peace Treaty with Italy. Members of such persons, notably the adherents of the former Royalist Yugoslav regime are presently at large in Italy and it is clearly undesirable that action should be taken now which is likely to conflict with the ultimate peace terms.

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5. From the foregoing it appears that except in a few isolated cases it is not practicable at this time for the Italian Government to avail themselves of the right of deportation. There is, however, no objection in principle to the granting of this right.

BY ORDER OF LEUTENANT GENERAL MORGAN:

A. L. HAMILTON,  
Brigadier General, GSO,  
Asst. Chief of Staff, G-5

*Note: The signing of this letter  
is in file 14756/5/PS  
at Paris 5A*

Copy to: G-2  
Recd. in.  
Filed.  
JVL/cap  
CHS

