

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

ACC

10000/109/1226

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

109/1226

WAR MATERIAL DISPOSAL, VENEZIA GIULIA
AUG. 1945 - FEB. 1946

0173

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

100

Ref: 9003/100/23

13 February 1946

SUBJECT: Italian property in Venezia Giulia.

TO : SOAO AMG Venezia Giulia.

114

1. Attached please find copy of letter No. 6/3225/4519 dated 7 September 1945 from the Ministry of Foreign Affairs forwarding the claims of the Azienda Carboni Italiani (owner of the Area Co) for material alleged to have been removed by Yugoslav forces at Trieste in May.
2. Also attached please find copy of the opinion of the Legal Sub-Commission of this Headquarters as to the validity of this claim.
3. This matter was referred to AFHQ on 3 January 1946. In their reply they stated that it would be desirable to obtain a local settlement if possible and that the matter should be placed before XIII Corps to this end.
4. In view of Main HQ XIII Corps letter 5313/G of 31 January 46, copy to you, it is requested you refer this matter to HQ XIII Corps for settlement.

68

N. W. HIND-SMITH

Brigadier,
Acting Chief Commissioner.

Copy to : Solad (A)
 " (B)
 Economic Section
 Civil Affairs Section
 Chief Commissioner

5466

55
 14/2
 H

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

99

13 February 1946

Ref: 9008/99/30

74

95

Dear Dr. Prinas,

I am directed to acknowledge receipt of letter No. 43/01431/2 dated 15 January 1946, and letter No. 43/02790/6 dated 29 January 1946. I am further directed to inform you that these matters have been referred to the appropriate authorities for consideration and any action which they may consider necessary. As soon as I am in possession of further information I will communicate with you.

Yours very truly,

N. W. RIND

Brigadier,
Acting Chief Commissioner.

Dr. Renato Prinas
Secretary General,
Italian Ministry of Foreign Affairs
Italian Government
ROME.

5465

PA
14/2
54

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 386

10 February 1946

FEB 13 1946

SUBJECT: Return of Property to Fiume (FUME).

TO : Headquarters, Allied Commission, APO 394
(Attn: Executive Commissioner and Economic Section).

Reference your letters AC/5647/IND of 19 December 1945 and
23 January 1946, and 9008/EC of 3 January 1946.

1. The Yugoslavs have already stated in their letter Br. 1263
of 4 September 1945 that the materials in question will be handed
over to ROMSA. It would nevertheless be advisable to ask for a further
assurance that these items will not be used for any other purpose.

2. Subject to the receipt of such an assurance, the items
claimed may be handed over to the Yugoslavs.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

12 FEB 1946

F. G. A. Parsons
F. G. A. PARSONS
Brigadier,
Acting Assistant Chief of Staff, G-5

See 106 5.84

(53)

9008
SUBJECT: JUGOSLAV Activities in VENEZIA GIULIA

96
Main HQ 13 Corps,
5813/G
31 Jan 46

Tel Extn

Executive Commissioner,
ALLIED COMMISSION

FEB 5 1946

75
With reference to your 9008/72/EC dated 23 Jan 46, addressed to SCAO 13 Corps, it is pointed out that all questions of war booty are dealt with through the normal military channels this HQ and not by AFHQ. Consequently your request for comments on the letter from the Italian Minister for Foreign Affairs has been referred to the Corps Commander.

As a result I am to inform you that in the Corps Commander's opinion the question of discussing the functions and activities of the War Booty Commission with the Italian authorities is one which should first of all be referred to AFHQ for instructions on policy. He has no other comments to make at this stage.

I. S. Ains

Brigadier,
General Staff.

Copy to :- AFHQ (with copy of AC letter
enc)

SCAO 13 Corps.

5462

(52)

See M. 101

(miss)

~~SECRET~~ 9008 ~~Q~~ 97
ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 386 NEI

1 February 1946

FEB 2 1946

SUBJECT: Italian Property in Venezia Giulia removed or taken over by
Jugoslavs.

TO : Headquarters, Allied Commission,
APO 374.

- 68
1. Reference your letter 9008/EC of 3 January 1946.
 2. The matter of the Ronza case was covered in our letter G-5: 386 of 3 January 1945 to which no reply has been received.
 3. In the case of the Arsa claim it would be desirable to obtain a local settlement if possible. You should therefore place the matter before XIIIth Corps to this end. If such negotiations do not provide a proper adjustment the Italian Government should represent the matter to the Allied Governments through diplomatic channels.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

Frederick H. Parsons
F. G. A. PARSONS
Brigadier,
Acting Assistant Chief of Staff, G-5.

See 100
5,000

(51)

1 copy copy

(COPY)

9008/51
Ministero degli Affari Esteri

43/02790/6

95
Rough translation

Rome, 29 January 1946

72-74
Dear Admiral Stone,

With reference to the letter n° 43/01431/2 addressed to you on the 15th inst. by Minister De Gasperi in connection with the "Yugoslav War Booty Commission" of Trieste, I am compelled to impose upon your kind attention to point out that the problem continues to evoke the apprehension of political opinion. A quite recent appeal addressed to the Italian Government by the Committee of National Liberation of the Venezia Giulia voices in fact a protest against the activities of the said Commission and requests that representations be made to the Allied Authorities with a view to preventing the dreaded removals and the severe damage which would derive therefrom to the sorely tried economics of the region.

With the occasion and further to the information contained in the aforesaid letter of January 15th, I desire to let you know that reports have reached the Ministry for Foreign Affairs to the effect that the following allocations have been or are about to be made to the Yugoslav Navy: 2 derrick-boats (Nr. 1304 and 1352) at present under construction in the San Marco ship-yard; the tug Ghirone; a Meteor float which is being converted into a motor-tanker on Columbia's behalf and twelve 1650 H.P. Diesel engines which have been ordered by the Ministero della Marina. A claim is also said to have been lodged for the handing over of the S/S "Mameli" belonging to the "Caribaldi" and of the S/S "Città di Marsala" of the "Tirrenia" as well as of the M/S "Ausonia" who lies sunken in the waters of the Montefalcone ship-yard.

I refrain from enlarging on the argumentations expounded in the aforementioned letter in support and as illustration of the Italian viewpoint; I am restricting myself to bring to your knowledge the aforesaid information with the kind request to bear it in mind when dealing with this complex question.

With my best thanks in advance please accept

Italian Government by the voices in fact a protest against the activities of the Venezia Giulia Commission and requests that representations be made to the Allied Authorities with a view to preventing the dreaded removals and the severe damage which would derive therefrom to the sorely tried economics of the region.

With the occasion and further to the information contained in the aforesaid letter of January 15th, I desire to let you know that reports have reached the Ministry for Foreign Affairs to the effect that the following allocations have been or are about to be made to the Yugoslav Navy: 2 derrick-pon- toons (Nr. 1304 and 1352) at present under construction in the San Marco ship-yard; the tug Ghirone; a Meteor float which is being converted into a motor-tanker on Columbia's behalf and twelve 1650 H.P. Diesel engines which have been ordered by the Ministero della Marina. A claim is also said to have been lodged for the handing over of the S/S "Mameli" belonging to the "Caribaldi" and of the S/S "Città di Marsala" of the "Pirrenia" as well as of the M/S "Ausonia" who lies sunken in the waters of the Montefalcone ship-yard.

I refrain from enlarging on the argumentations expounded in the aforementioned letter in support and as illustration of the Italian viewpoint; I am restricting myself to bring to your knowledge the aforesaid information with the kind request to bear it in mind when dealing with this complex question.

With my best thanks in advance please accept, dear Admiral Stone, the renewed expression of my heartfelt regards.

Admiral Ellery W. STONE
Chief Commissioner
Allied Commission
R O M E

(sgd) R. PRUNAS

50
See M. 101
F. 99

(initials)



MINISTERO DEGLI AFFARI ESTERI
IL SEGRETARIO GENERALE

Roma, 20 GEN. 1946

02790
6

Caro Ammiraglio,

Mi riferisco alla lettera n. 43/01431/2 direttale
il 15 corrente del Ministro De Gasperi e relativa all'operato
della "Sugoslav War Booty Commission" a Trieste, e mi rivolgo
alla Sua cortese attenzione per farle presente che la questio-
ne continua a tenere desta l'apprensione dell'opinione poli-
tica. E' infatti di questi giorni un appello del Comitato di
Liberazione Nazionale della Venezia Giulia al governo italia-
no che protesta contro l'attività della Commissione stessa,
e chiede che vengano interessate le Autorità alleate allo
scopo di evitare le temute asportazioni ed i conseguenti
gravi danni alla già provata economia della regione.

Celgo l'occasione per segnalare che a seguito
della notizia di cui alla lettera del 15 corrente, è stato
comunicato al Ministero degli Esteri che starebbero per es-
sere assegnati alla Marina jugoslava, o lo sarebbero già
stati, due pontoni gru, n. 1304 e 1352, attualmente in co-
struzione presso il Cantiere San Marco, il rimorchiatore

./.

Ammiraglio Ellery W. STOPP
Comissario Capo della Commissione Alleata

5457

R O M A

49

06.21
Giarone, un galleggiante Meteor, in corso di essere trasfor-
mato in motocisterna per conto della Colombia e dodici mo-
tori Diesel da 1650 HP. per sommergibili, ordinati dal R.Mi-
nistero della Marina. Sarebbero rivendicati inoltre i piro-
scafi "Mameli" della "Garibaldi" e "Città di Marsala" della
Tirrenia, nonché la motonave "Ausonia", affondata nelle acque
del Cantiere di Mont Falcone.

Non sto qui a dilungarmi sugli argomenti esposti
nella già menzionata lettera ad illustrazione e sostegno
del punto di vista italiano; mi limito a segnalare gli
elementi di cui sopra, con la preghiera di volerli tenere
presenti nell'esame della complessa questione.

Con anticipati ringraziamenti, la prego di gradire,
caro Stone, i rinnovati sensi della mia più viva cordialità.

R. Rumsfeld

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4034/12/L.

SUBJECT : Yugoslav Activities in VENEZIA GIULIA.

TO : C.A. Section.

31 JAN 1946
/mda.
31 January 1946.

1. Reference your No. 9008/72/EC of 23 January enclosing for comments a letter of the Prime Minister to the Chief Commissioner pointing out the serious situation that will result in VENEZIA GIULIA if the Yugoslav claims to War Booty are granted.
2. The questions raised in paras. 1 to 5 of the Prime Minister's letter of 15th Jan. have been dealt with in Instructions of AFHQ to the XIII Corps dated 19th August 1945. Ships and port equipment mentioned in para. 3 of the Prime Minister's letter are dealt with in paras. 5 and 9 of the Instructions just referred to, and if any items of this class have been released to the Yugoslavs such release is contrary to the Instructions.
3. With regard to the points raised in (a), (b), (c), (d), and (e) of the Prime Minister's letter reference should be made to para. 7 and Appendix "C" of the Instructions, the former of which states that "Items of Italian Government or governmental agency ownership may be released (if within the definition of war booty) to the Yugoslavs only provided there is evidence that effective control of such items has been assumed by the German or Fascist Republican authorities." Appendix "C" contains a definition of "War Booty" and notes indicating how the definition should be applied to concrete cases.
4. Any property used by the Germans (or by the Fascist Republican army) coming within the definition of "War material" actually seized after the Armistice between the United Nations and the German Forces fighting in Italy is subject to the provisions of such Armistice. All other Italian property is governed by the terms of the Armistice between the United Nations and Italy. Italian property which has been unlawfully taken by the Germans (property belonging to private persons or companies, for instance) is governed by the Armistice between the United Nations and Italy.

pointing out the serious situation that will result in VENEZIA GIULIA if the Yugoslav claims to War Booty are granted.

2. The questions raised in paras. 1 to 5 of the Prime Minister's letter of 15th Jan. have been dealt with in Instructions of AFHQ to the XIII Corps dated 19th August 1945. Ships and port equipment mentioned in para. 3 of the Prime Minister's letter are dealt with in paras. 5 and 9 of the Instructions just referred to, and if any items of this class have been released to the Yugoslavs such release is contrary to the Instructions.

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5. Any agreements between AFHQ and the Yugoslavs should take into consideration the position of Italy and Italian property as it is strictly under the terms of the Armistice and under international law; if in the agreement with the Yugoslavs we granted them something that cannot be taken by us under the Armistice Terms, the Yugoslavs have got no claim against the Italian Government, though they may have a claim against us. Nemo plus iuris in alium transferre potest quam ipse habet. The view just expressed is in agreement with the point of view put forward by the Prime Minister in para. 7 (c) of his letter, and also in accord with the views expressed by the Chief Commissioner in his letter (AC/4034/12/LP) of 8 Aug. to AFHQ.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

See
Enclosure Letter No. 1
Enclosures returned.

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

88

Ref: 9003/30

51 January 1946

SUBJECT: Yugoslav Activities in Venezia Giulia.

TO : Economic Section
Civil Affairs Section (Attn: Legal S/O)
SCAG Venezia Giulia.

See 89

75

1. Ref our 9003/72/30 of 23 January 1946.
2. The Chief Commissioner is anxious to receive your comments as soon as possible, in order that the whole correspondence can be forwarded to G-5 AFHQ.

18

Brigadier
Executive Commissioner

See 89
m. 90-93

5455

(4)

Ref: 9006/82/EC

26 January 1946

SUBJECT: Return of property to Fiume.

TO : C-5 AFHQ.

1. Reference your C-5: 366 of 22 January 1946.
2. It is regretted that the letter from your Headquarters subject as above dated 3 January 1946 has not been received.
3. It would be appreciated if a copy could be forwarded as soon as possible.

B. SAMPTON

Brigadier
Executive Commissioner

5454

46

9008
Office of British
Political Adviser

60/ /46

Chief Staff Officer to
Executive Commissioner,
Allied Commission.

JAN 25

Subject: Yugoslav War Booty Claims

The Italian Minister for Foreign Affairs has forwarded to the British Ambassador a copy of a letter he addressed to the Chief Commissioner on January 8th regarding Yugoslav war booty claims against Italy, and more particularly as they affect the "Cantieri Riuniti dell'Adriatico" and "Ilva" concerns.

2. I should be glad to learn, in due course, what reply is returned to Signor de Gasperi's letter.

De Gasperi
Political Adviser (br)

21.1.46

Copy to British Embassy
Polad (US)

3.1.46

(miss 5)

45

0187

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

80

Ref: 9008/80/20

January 1946

SUBJECT: Italian Property in Venezia Giulia
removed or taken over by the Yugoslavs.

TO : G-5 AFHQ.

68

A reply would be appreciated to this HQ's 9008/20 dated
3 January 1946 on the above subject.

*cancel
not sent*

Brigadier
Executive Commissioner

5451

(44)

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

2889.

9008 / 46

Ex Command

79

ALLIED FORCE COMMISSION
G-5 Section
APO 512

G-5: 386

22 January 1946

JAN 24 1946

SUBJECT : Return of property to Fiume.

TO : Headquarters, Allied Commission APO 394

NR

1. Reference our letter on above subject of 3 Jan 46.
2. No reply has been received to said letter from you.
3. Until such reply is received we are delayed in answering your letter Ref: 9008/EC of 3 Jan 46.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

24 JAN 1946

M. F. Parsons Col
F.C.A. PARSONS,
Brigadier.
Acting Assistant Chief of Staff G-5.

See 42

5:50

43

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

Ref: 9003/77/20

24 January 1946

Dear Dr. De Gasperi,

Thank you for your letter 43/01431/2 of 15 January 1946.
The matter has been referred to the appropriate authorities and
I will communicate with you further on this subject.

Yours very truly,

Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Dr. Aloide De Gasperi
Minister of Foreign Affairs
Italian Government
Rome.

Copy to b. bon

See him 48 49

5:49

(42)

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

Ref: 9008/72/23

23 January 1946

SUBJECT: Yugoslav Activities in Venezia Giulia.

TO : Economic Section.
Civil Affairs Section.
(attn: Legal S/O).
S.C.A.O. AMB XIII Corps.

1. Attached please find copy of letter 43/01434/2 dated 15 January 1946 from the Italian Minister for Foreign Affairs.
2. Your comments would be appreciated.

B. H. McCLELLAN
1466

Brigadier
Executive Commissioner

See 88-96
M 90

5447

(41)

Translation

The Minister for Foreign Affairs

45/01131/2

Dear Admiral,

I take the liberty of bringing to your attention a fact which threatens to have the most serious consequences for the economy of Venezia Giulia, which has already been tried so hard because of its special regime of occupation; it made a deep impression not only on the population of Venezia Giulia but also on that of the whole country. I mean the problem of the claims made by the Yugoslavs for captured property in zone A of Venezia Giulia.

Of late, the Ministry of Foreign Affairs received more and more frequent news from which it has been possible to ascertain:

- 1) that in Trieste a Yugoslav Military Commission for War Booty is operating (Yugoslav War Booty Commission); among other things, it is to locate and make the inventory of the materials and manufactured products belonging to the Italian Navy or private concerns;
- 2) that a Commission, the War Booty Commission, composed of an equal number of British, American and Yugoslavs, has been formed in Trieste to examine the Yugoslav requests and make the relative allocations to Yugoslavs as war booty;
- 3) that Yugoslav claims strike in a particular way the 'Cantiere Riuniti dell'Adriatico', the greatest industrial concern in Venezia Giulia, that employs 16,000 workers; some units (including the steamer 'Fenicia Genovese' have already been raised by the Yugoslav authorities; several crafts have already been allocated to the Yugoslav navy by the above mentioned Commission; (para 2); besides, numerous units (including 4 motor-rafts, 3 torpedoes, 6 mine sweepers, 2 tankers of 9,000 tons, etc) and plenty of material of various kind have been claimed but not yet acknowledged as war booty in favour of Yugoslavia;
- 4) that because of the activity of the War Booty Committee and of the Yugoslav claims, a few merchant ships of the P.A.A. which were being repaired by the C.R.D.A. have been held up; this prevented the starting of the work planned by the shipowners and new order being sent to the Navy yards for the clients fear that the materials they order may be blocked any time as war booty;
- 5) that all materials belonging to the Ilva plant of Trieste, whether raw materials, manufactured or half-worked products, have been blocked ever since October 10th, by order of A.M.G. and cannot be sent off. It is true that the Allies stated that the blockade should not be ordered on the basis of

1) that in Trieste (Yugoslav War Booty Commission); among other things, it is to locate and make the inventory of the materials and manufactured products belonging to the Italian Navy or private concerns;

2) that a Commission, the War Booty Commission, composed of an equal number of British, American and Yugoslavs, has been formed in Trieste to examine the Yugoslav requests and make the relative allocations to Yugoslav as war booty;

3) that Yugoslav claims strike in a particular way the 'Cantiere Riuniti dell'Adriatico', the greatest industrial concern in Venezia Giulia, that employs 18,000 workers; some units (including the steamer 'Penacchia Genovese') have already been raised by the Yugoslav authorities; several crafts have already been allocated to the Yugoslav navy by the above mentioned Commission; (para 2); besides, numerous units (including 4 motor-rafts, 3 tow-boats, 6 mine sweepers, 2 tankers of 9,000 tons, etc) and plenty of material of various kind have been claimed but not yet acknowledged as war booty in favour of Yugoslavia;

4) that because of the activity of the War Booty Commission and of the Yugoslav claims, a few merchant ships of the *RAF B.A.A.* which were being repaired by the C.R.B.A. have been held up; this prevented the starting of the work planned by the shipowners and new orders being sent to the navy yards for the clients fear that the materials they order may be blocked any time as war booty;

5) that all materials belonging to the Ilva Plant of Trieste, whether raw materials, manufactured or half-worked products, have been blocked ever since October 10th, by order of A.M.G. and cannot be sent off. It is true that the Allies stated that the blockade hadn't been ordered on the request of the Yugoslav authorities, but it is also true that the A.M.G. asked the Ilva to supply proofs about the origin (Italian or German) of the materials in question, this obviously to decide about a corresponding Yugoslav claim;

6) that the War Booty Engineering Commission of the XII Corps informed on November 6th the Magazzini Generali of Trieste that all material belonging to the Engineers Corps, and of enemy origin, existing in the said Magazzini Generali, was declared to be Yugoslav property and therefore blocked.

7) that Yugoslav claims aim at striking other private companies of the region as well, where goods have been blocked in the same way, and went as far as to make the inventory of the few pieces of furniture left by the Germans in a few private houses they occupied and part of the furniture of the Palazzo di Giustizia of the town of Trieste.

Admiral Stone, U.S.N.R.
Allied Commission
R O M E

del 7.5.77. 88.89
M 76. 83-87

99.

EX COPY
L. 20.11.77
C. 2.2.2

EX COPY
L. 20.11.77
C. 2.2.2

- 2 -

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This question has already been raised - for some specific cases - with the Allied Commission (I refer for instance to memo 6/1165/2048, of November 10th, about the units of the Italian fleet either afloat or sunk in the Trieste harbour), but this Ministry hasn't yet received any answer on this matter.

I want to explain this question under its general aspects, and I appeal to you, my dear Admiral, to obtain that the Italian point of view be kept in mind in the decisions which will have to be taken.

According to a communique, lately published in the papers, of the War Booty Committee operating in Venezia Giulia, the material in question is 'chiefly material imported by the enemy and is not part of the local industrial and economic outfit'. On such a matter, I take the liberty of observing:

a) that the communique itself doesn't exclude that among the things to be allocated or that have already been allocated to Yugoslavia, some are not German;

b) that among such goods as were formerly imported from Germany, a difference must be made among those that are without any doubt classified as 'enemy', and those which on the contrary legitimately became Italian property and must therefore be treated in the same way as all the others that belong to physical or juridical Italian persons;

c) that war booty right cannot be exercised after the concluding of the armistice, above all if military occupation took place after the armistice itself. Now - Yugoslavia being a United Nation, and the Armistice Agreement between Italy and all the United Nations, being in force, also for those for which the Convention itself was stipulated by the Allies - the Yugoslav claim to exercise war booty rights in Italian territories occupied by Yugoslav armed forces has no foundation;

d) that such a pretence is even more unfounded for what concerns the town of Trieste, and zone A. i.e. territories occupied by the allied forces and not by the Yugoslav ones; the fact that the latter occupied such territories first cannot give them the right in question, for the occupation (May 1945) took place a long time after the armistice between Italy and the United Nations (September 1943).

e) that in para b) of the Morgenthau agreement made in Belgrade on June 9th, 1945, in relation with the temporary military administration of Venezia Giulia a pledge from the Yugoslav Government property - seized or requisitioned from Italian citizens is foreseen, which implicitly excludes the possibility for Yugoslavia to exercise war booty rights after the passage of zone A from Yugoslav to allied occupation.

To juridical arguments, we must add economic ones. You, my dear Admiral,

therefore be treated in the same way as all the other or juridical Italian persons;

c) that war booty right cannot be exercised after the concluding of the armistice, above all if military occupation took place after the armistice itself. Now - Yugoslavia being a United Nation, and the Armistice Agreement between Italy and all the United Nations, being in force, also for those for which the Convention itself was stipulated by the Allies - the Yugoslav claim to exercise war booty rights in Italian territories occupied by Yugoslav armed forces has no foundation;

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e) that in para 6) of the Morgan-Jovanovic agreement made in Belgrade on June 9th, 1945, in relation with the temporary military administration of Venezia Giulia a pledge from the Yugoslav Government property - seized or requisitioned from Italian citizens is foreseen, which implicitly excludes the possibility for Yugoslavia to exercise war booty rights after the passage of zone A from Yugoslav to allied occupation.

To juridical arguments, we must add economic ones. You, my dear Admiral, who follow so closely all the happenings of Italy's present economic life, cannot but see that the removal of material which threatens the industrial life of Venezia Giulia would seriously damage the economic organization as well as the working class of the region. The materials cannot be easily replaced, and this would prevent or greatly hamper the resumption or the carrying out of work in the plants.

Should the seizing actually take place, we will be faced with new Yugoslav abuses to be added to the series of unfortunate happenings and the long list of victims which marked the life of this region during the last year; but the fact that new abuses would be taking place on this side of the Morgan line would be particularly painful to the Italians, whose trust and hope were in the great democracies in difficult times.

I trust, my dear Admiral, that you will fully realize the Italian point of view and give your full attention to this matter; I also trust that whatever information you are able to give me will help to calm the just fears of the country.

S. D. Gasperi

Ministro degli Affari Esteri

Roma, 8 Settembre 1945

01431

72/2

Care Ammiraglio,

Mi consenta di richiamare tutta la Sua attenzione su di un fatto che minaccia di avere le più gravi conseguenze per l'economia della Venezia Giulia, già così duramente provata a causa del suo particolare regime di occupazione, e che ha prodotto profonda impressione non solo sulla popolazione giuliana ma anche su quella dell'intero paese. Intendo parlare del problema delle rivendicazioni avanzate dagli jugoslavi in materia di preda bellica nella zona A della Venezia Giulia.

Al Ministero degli Affari Esteri sono pervenute negli ultimi tempi sempre più frequenti notizie dalle quali si è potuto stabilire:

- 1) - che a Trieste opera una Commissione militare jugoslava per la preda bellica (Jugoslav War Booty Commission); avente fra l'altro il compito di procedere alla localizzazione e all'inventario di materiali e di prodotti lavorati di proprietà della Marina Italiana o di Società private;
- 2) - che a Trieste è stata costituita una Commissione paritetica anglo-americana e jugoslava denominata "War Booty Committee", avente il compito di esaminare le richieste jugoslave di fare le relative assegnazioni alla Jugoslavia a titolo di preda bellica;

ma anche su quella dell'intero Paese. Intendo parlare del problema delle rivendicazioni avanzate dagli jugoslavi in materia di preda bellica nelle zone A della Venezia Giulia.

Al Ministero degli Affari Esteri sono pervenute negli ultimi tempi sempre più frequenti notizie dalle quali si è potuto stabilire:

- 1) - che a Trieste opera una Commissione militare jugoslava per la preda bellica (Jugoslav War Booty Commis- sion); avente fra l'altro il compito di procedere alla localizza- zione e all'inventario di materiali e di prodotti lavorati di proprietà della Marina italiana o di Società private;
- 2) - che a Trieste è stata costituita una Com- missione paritetica anglo-americana e jugoslava denominata "War Booty Committee", avente il compito di esaminare le richieste jugoslave di fare le relative assegnazioni alla Jugoslavia a titolo di preda bellica;

./.

Ammiraglio ELLERY M. S. M. C. M. U. S. N. A.
Comandante Capo della Commissione Alleata

R O M A

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3) - che le rivendicazioni jugoslave colpiscono in modo particolare i "Cantieri Riuniti dell'Adriatico", il massimo complesso industriale della Venezia Giulia con 18.000 operai occupati; alcune unità (tra cui il piroscafo "Tenacia Gemari") sono già state rilevate dalle autorità jugoslave; vari natanti sono stati acquistati alla Marina jugoslava dalla Commissione di cui al punto 2); infine numerose unità (tra cui 4 motozattere, 3 rimorchiatore, 6 dragamine, 2 motosiluranti da 9.000 tonn. ecc.) e una grande quantità di materiali vari sono stati rivendicati ma non ancora riconosciuti quale preda bellica a favore della Jugoslavia;

4) - che in seguito all'attività del "War Hoity Committee" e alle rivendicazioni jugoslave è stato posto il fermo presso i C.R.D.A. su alcuni piroscafi mercantili in attesa di essere rimessi in efficienza, ostacolando l'inizio dei lavori di riparazione già progettati degli armatori e l'afflusso di nuovo ordigno ai Cantieri stessi, dato il timore dei comitenti che i materiali rinvenuti possano essere in qualsiasi momento bloccati come preda di guerra;

5) - che tutti i materiali appartenenti allo stabilimento dell'Ilva di Trieste, siano essi materie prime, prodotti finiti o semilavorati, non stati bloccati sin dal 10 ottobre u.s. per ordine dell'A.M.G. e non possono essere esportati. E' vero che da parte alleata è stato dichiarato che il blocco non è stato imposto su richiesta della autorità jugoslava, ma è anche vero

3 rimorchiatori, 6 dragamine, 2 motocisternae da 9.000 tonn. es.) e una grande quantità di materiali vari sono stati rivendicati ma con ancora riconoscimenti quale prova ufficiale a favore della Jugoslavia;

4) - che in seguito all'attività del "War Hoax Company" e delle rivendicazioni jugoslave è stato posto il tema presso il C.A.D.A. su alcuni proscatti incriminati in attesa di essere rimessi in efficienza, ricolando l'inizio dei lavori di riparazione già progettati dagli armatori e l'afflusso di nuove ordigni ai Cantieri stessi, dato il timore dei comunisti che i materiali ordinati possono essere in qualsiasi momento bloccati come prova di guerra;

5) - che tutti i materiali sono tenuti allo stabilimento dell'Ilva di Trieste, siano essi materia prima, prodotti finiti o semilavorati, sono stati bloccati sin dal 10 ottobre U.S. per ordine dell'A.A.M. e non possono essere spediti. Il vero che da parte allest. è stato dichiarato che il blocco non è stato disposto su richiesta della autorità jugoslava, ma è anche vero che l'A.A.M. ha invitato l'Ilva a fornire per via aerea l'artigianato (italiano o tedesco) dei materiali stessi e così al fine evidente di decidere in base ad una corrispondente rivendicazione jugoslava;

6) - che la "Commissione del Ginevra per il Potere di

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guerra del XIII Corpo" ha notificato il 6 novembre s.s. ai Magazzini Generali di Trieste che tutto il materiale del Genio di origine nemica esistente nei depositi Magazzini Generali è stato dichiarato di proprietà jugoslava e quindi bloccato;

7) - che le pretese jugoslave mirano a colpire anche altre società private della regione, presso le quali sono stati disposti analoghi blocchi di merci, e sono giunte minacce a intervenire i pochi nuclei lasciati dai tedeschi in alcune case private di loro proprietà o una parte dell'arsenamento del Palazzo di Amministrazione della città di Trieste.

La questione di cui trattasi è già stata sollevata - per qualche caso specifico - presso la Commissione Alleata (nel riferisco, ad esempio, al memorandum 6/455/2046 del 10 novembre s.s. circa le unità della Flotta italiana galleggianti e affondate nel corso di Trieste), ma questo Ministero non ha ancora ricevuto comunicazioni al riguardo.

E' mio desiderio porre ora la questione nei suoi aspetti generali e ricorrere, caro Ammiraglio, ai suoi buoni uffici al fine di ottenere che il punto di vista italiano sia sempre tenuto presente nelle decisioni che si dovranno prendere.

Secondo un comunicato, riportato in questi giorni dalla stampa, del "War Repty Committee" operante nella Venezia Giulia, si tratterebbe "principalmente del materiale importato dal nemico e non facente parte dell'attrezzatura industriale ed

dispositi analoghi bloccati di serie, e sono giunte finanche a un ventaglio di pochi nobili lasciati dai tedeschi in alcune case private di loro occupate o una parte dell'arredamento del Palazzo di Giustizia della città di Trieste.

La questione di cui trattasi è già stata sollevata - per qualche caso specifico - presso la commissione all'aveva (di Berlino, ad esempio, al memorandum 6/465/2048 del 10 novembre u.s. circa la unità della flotta italiana-giugoslava e all'occupazione del porto di Trieste), ma questo Ministero non ha ancora ricevuto comunicazioni né al riguardo.

Il mio desiderio porre ora la questione nei suoi aspetti generali e ricorrere, caro Ammiraglio, ai suoi buoni uffici al fine di ottenere con il punto di vista italiano una soluzione tenute presente nelle decisioni che si dovranno prendere.

Secondo un comunicato, riportato in questi giorni dalla stampa, del "War Docks Committee" operante nella Venezia Giulia, si tratterebbe "principalmente del materiale importato dal nemico e non facente parte dell'attrezzatura industriale ed economica locale". In proposito mi sia consentito osservare:

e) - che il comunicato stesso non esclude che tra le cose aggiudicate o da aggiudicarsi alla Jugoslavia ne esista una di differente natura di quella tedesche;

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..

b) - che tra i beni a suo tempo impropriati dalla Germania
non occorre distinguere tra quelli che vanno senz'altro classificati
come "nemici" e quelli che al contrario sono legittimamente diventi
beni proprietà italiana e debbono pertanto esser trattati alla
stessa stregua di tutti gli altri appartenenti a persona fisica
o giuridica italiana;

c) - che un diritto di presa bellica non può essere
esercitato dopo la conclusione dell'armistizio soprattutto se
l'occupazione militare risulta successiva all'armistizio stesso.
Ora - essendo la Jugoslavia una Nazione Unita e vigendo la Con-
venzione di Armistizio fra l'Italia e tutte le Nazioni Unite, an-
che per conto delle quali la convenzione stessa fu stipulata da
gli alleati - la pretesa jugoslava all'esercizio di un diritto
di presa bellica nei territori italiani occupati da forze armate
jugoslave risulta priva di fondamento;

d) - che tale pretesa risulta a maggior ragione infon-
data per quanto concerne la città di Trieste e la zona A. vale a
dire i territori occupati dalla Forza alleata e non da quelle
jugoslave; il fatto che queste ultime furono le prime ad occupare
quei territori non può estinguere loro il diritto in parola, in
quanto l'occupazione da esse compiuta (maggio 1945) è al molto
tempo posteriore alla conclusione dell'armistizio fra l'Italia
e le Nazioni Unite (settembre 1943);

e) - che al punto 6) dello stesso accordo Morgenthau-
Novic stipulato a Belgrado il 9 giugno 1945 circa l'amministrazione

c) - che un diritto di preda bellica non può essere esercitato dopo la conclusione dell'armistizio soprattutto se l'occupazione militare risultava successiva all'armistizio stesso. Ora - essendo la Jugoslavia una Nazione Unita e vigendo la Convenzione di Armistizio fra l'Italia e tutte le Nazioni Unite, anche per conto della quale la convenzione stessa fu stipulata dagli alleati - la pretesa jugoslava sull'esercizio di un diritto di preda bellica nei territori italiani occupati da forze armate jugoslave risulta priva di fondamento;

d) - che tale pretesa risulta a maggior ragione infondata per quanto concerne la città di Trieste e la zona A. vale a dire i territori occupati dalle Forze alleate e non da quelle jugoslave; il fatto che queste ultime furono le prime ad occupare quei territori non può attribuir loro il diritto in parola, in quanto l'occupazione da esse compiuta (maggio 1945) è di molto tempo posteriore alla conclusione dell'armistizio fra l'Italia e le Nazioni Unite (settembre 1943);

e) - che al punto 6) dello stesso accordo Morgan-Jovanovic stipulato a Belgrado il 9 giugno 1945 circa l'amministrazione militare provvisoria della Venezia Giulia è previsto un impegno del Governo jugoslavo di restituire le proprietà confiscate o re-

quistate dei cittadini italiani, il che implicitamente escluderebbe

la possibilità per la Jugoslavia dell'esercizio di piena dopo il passaggio della zona A dall'occupazione jugoslava a quella alleata.

Alle argomentazioni giuridiche sono infine da aggiungere quelle economiche. Alle, caro Ammiraglio, segue troppo da vicino tutte le vicende dell'attuale vita economica italiana per non comprendere appieno come le esportazioni da cui sono minacciate le industrie giuliane danneggerebbero seriamente sia il complesso economico che tutta la classe lavorativa della regione. I materiali non sono facilmente sostituibili e sarebbe così impedita o grandemente ostacolata sia la ripresa che la prosecuzione del lavoro degli stabilimenti.

Se tali confische dovessero effettivamente aver luogo, ci troveremo di fronte a nuovi arbitri jugoslavi, che andrebbe ad aggiungersi alle dolorose rassegne di tristi vicende ed alla lunga lista di vittime che hanno contrassegnato la vita di quella regione nello scorso anno; ma quello che in questo caso addolorerebbe particolarmente la coscienza degli italiani, che in tempi duri hanno tenuto l'animo e la speranza rivolti alle grandi democrazie, sarebbe che i nuovi arbitri si verificherebbero al di qua della linea Morgan.

Io sono certo, caro Ammiraglio, che alla voce vendetta piena conto del punto di vista italiano e sottoporre la questione ad un approfondito esame nostro altresì fiducia che gli elementi

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po de vicino tutte le vicende dell'attuale vita economica italia-
na per non comprendere appieno come le asportazioni da cui sono
minacciate le industrie giuliane danneggerebbero seriamente sia
il complesso economico che tutta la classe lavoratrice delle re-
gione. I materiali non sono facilmente sostituibili e sarebbe
così ingiusto e arduamente ostacolata sia la ripresa che la
prosecuzione del lavoro degli stabilimenti.

Se tali conflitti dovessero effettivamente aver luogo,
ci troveremo di fronte a nuovi arbitri jugoslavi, che andrebbe-
ro ad aggiungere alla dolorosa rassegna di tristi vicende ed alla
lunga lista di vittime che hanno contrassegnato la vita di quella
regione nello scorso anno; ma quello che in questo caso addolora-
rebbe particolarmente la coscienza degli italiani, che in tempi
duri hanno tenuto l'animo e la speranza rivolti alle grandi De-
morezie, sarebbe che i nuovi arbitri si verificherebbero al di
qua della linea Morgan.

Io sono certo, caro Ammiraglio, che alla vorrà rendersi
pieno conto del punto di vista italiano e sottoporre la questione
ad un approfondito esame. Ma altri elementi che gli elementi
che alla crederà di poter comunicarmi verranno a calmare le giu-
ste apprensioni del Paese.

Ammiraglio
5.11.52

3. Jan 1946.

Ref: 80087/33

Italian property in Trieste which removed or taken over by Yugoslavs.

TO : 2-5 AM.

1. This Headquarters has been asked by the Italian Ministry of Foreign Affairs to take up the matter of property removed from the Trieste Carboni Italiani in Trieste, and from the same plant in Trieste. Our considered opinion of the legal status of these questions is given below.

2. In the case of Trieste Carboni (Trieste), the Italian Ministry of Foreign Affairs claims that certain property belonging to Area No. 1, a subsidiary company of Trieste Carboni Italiani in Trieste, was illegally removed by the Yugoslavs, having during their occupation of the town.

3. In the case of Area No. 1, the Yugoslav authorities claim from the Italian Government the requisition of arms, munitions and material which they allege were taken away by the Yugoslavs and which authorities refer to the occupation of Area No. 1 by the Yugoslav Army. The Yugoslav authorities claim that the removal of such arms, munitions and material has rendered the town Trieste untenable.

4. It is to be noted that Area No. 1 is located in Trieste and therefore in territory under Anglo-American military administration. ~~It is not disputed that this concern is a state concern.~~

5. Calling first with the case of Area No. 1 (Trieste Carboni Italiani), it is a fact that when Trieste was liberated the constant power and non freedom entered Trieste, our citizens of war as such had removed and therefore no civilian property could very well be seized which could be used for military operations.

6. Furthermore, the list of material submitted by the Ministry of Foreign Affairs can hardly be described as war material, and the

or considered evidence of the
be him.
In the war of 1941-1942, the Italian
Ministry of Foreign Affairs placed that certain property belonging to
them was a subsidiary company of Italian firms and that it was
was illegally removed by the Germans from during the occupation
of the town.

5. In the case of the Yugoslav authorities claim that
the Italian Government the requisition of enemy property and material which
they allege were taken away by the German and Soviet authorities prior
to the occupation of them by the Yugoslav army. The Yugoslav authori-
ties claim that the removal of such enemy property and material has
rendered the Yugoslav plants inoperable.

6. It is to be noted that the U.S. Co. is located in Trieste and
therefore in territory under Italian-occupied military administration.
It is not
disputed that the U.S. Co. is a state agency.

7. Nothing first with the case of the Italian Government
claim. It is a fact that when Yugoslavia became the Soviet's ally
and her forces entered Trieste, operations of war in such had ceased and
therefore no military property could very well be seized which could be
used for military operations.

8. Furthermore, the list of material submitted by the Yugoslav
of foreign affairs can hardly be described as war material, and as such
can only a very small proportion of it could be used for operations
war. None of that is attached.

9. It is the opinion of this Headquarters that the list
submitted by them should be reviewed carefully and the Yugoslav authori-
ties requested to return or offer compensation for such items which
habitually would not be used in military operations. e.g., adding
machines, protection cases, etc., should normally be retained
in this category.

10. The claim of the Yugoslav authorities in a number of
the nature of the items plants at them raises two questions:-

- (a) Has the Yugoslav Government prior existing conventions the
right to take over the plants, etc., if so,
- (b) do they have the right to demand the return of
enemy property and material removed by the enemy prior to the
occupation?

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9. As regards the first question it is recalled that under Art. 17 of the Hague Convention on the Acquisition of Nationality, no person can be automatically entitled to seize the public property of the conquered state which are of such nature that "they may be used for the duration of war", as such public property must include oil and stores of a public nature connected with oil refineries.

10. The second question is presented by the Yugoslav authorities does not appear to be based on any legal rights. The alleged fact that the oiling service and stores have been removed by the Germans does not alter the legal position. The Yugoslav authorities did not exercise rights, further to show they undoubtedly had, to seize the plant as it stood when their forces occupied it. If the plant was found unusable, it cannot be the responsibility of the Italian Government, except by agreement, to put it in working order. Had the Germans and stores been in territory under Yugoslav administration they had an absolute right to seize them, but the Italian Government cannot legally be forced to surrender material which happens to be located outside the jurisdiction of the Yugoslav authorities. Then a put is captured on the battlefield the defeated enemy cannot be requested to supply the proper ammunition in order that it might be fired.

11. It is therefore the opinion of this Headquarters that in the event case the Yugoslav authorities have no legal right over the oiling service and stores which the Germans and fascists' technicians removed from the plant before the occupation of it. No political advisers are in agreement.

12. This opinion does not take into consideration the document signed on 29 September 1943 and known as the "Four Big Four of November", as it does not appear that the occupation of Trieste is due to the Yugoslav Government by the terms of this instrument.

13. It would be grateful for your comments and suggestions as to the procedure which should be followed to place these attachments.

For the Chief of Staff

M. S. 1134

Enclosure
Enclosure

Copy to:
Colonel (A)
Colonel (B)

14. The above-mentioned Commission has no legal right over the mining rights and stores which the Comoros and Madagascar authorities removed from the plant before the occupation of France. Our political advisers are in agreement.

12. This section does not take into consideration the document signed on 29 September 1943 and known as the "Big Game of Arrondissement", as it does not appear that the occupation of Madagascar is by the Republics in government by the terms of this instrument.

13. It would be grateful for your comments and instructions as to the procedure which should be followed in taking above adjustment.

For the United States

M. S. LUSH

Brigadier
Executive (Commissioner)

Copy to:
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Folded (3)
Economic Section
CIA Section
C. Commission

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0209

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

5362

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/pa.
17 Dec 45.

AC/4034/12/L.

SUBJECT : Italian property in Venezia Giulia removed
or taken over by Yugoslavs.

TO : Executive Commissioner *G-5 AFHQ.*
This HQ has been asked by the Ministry of Foreign

1. This Sub-Commission has been requested to take up the matter of the Azienda Carboni Italiani and of ROMSA and present to AFHQ the legal aspect of these cases for direction.

2. In the case of Azienda Carboni Italiani, the Italian Ministry of Foreign Affairs claims that certain property belonging to Arsa Co., a subsidiary company of Azienda Carboni Italiani in Trieste, was illegally removed by the Yugoslav Forces during their occupation of the town.

3. In the case of ROMSA the Yugoslav authorities claim from the Italian Government the restitution of spare parts and material which they allege were taken away by the German and Fascist authorities prior to the occupation of Fiume by the Yugoslav Army. The Yugoslav authorities claim that the removal of such spare parts and material has rendered the ROMSA plants unworkable.

4. It is to be noted that Arsa Co. is located in Trieste and therefore in territory under Anglo-American military administration, whereas ROMSA plants are in Fiume under Yugoslav control. It is not disputed that both companies are state agencies.

5. Dealing first with the case of Arsa (Azienda Carboni Italiani), it is a fact that when Yugoslavia became the occupant power and her forces entered Trieste, operations of war as such had ceased and therefore no public property could very well be seized which could be used for military operations.

6. Furthermore, the list of material submitted by the Ministry of Foreign Affairs can hardly be described as war material, and in any case only a very small proportion of it could be used for operations of war. *Copy 543721 is attached.*

See 11.63.666
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7. It is the opinion of this Sub-Commission^{Headquarters} that the list submitted by Arsa should be perused carefully and the Yugoslav authorities requested to return or offer compensation for such items which habitually would not be used in military operations: e.g., adding machines, protective masks, paint, etc., should normally be included in this category.

8. The claims of the Yugoslav authorities in connection with the seizure of the ROMSA plants at Fiume raises two questions :-

- (a) Had the Yugoslav Forces under existing conventions the right to take over the plants, and, if so,
- (b) do they have the further right to demand the return of spare parts and material removed by the enemy prior to the occupation?

9. ^{As regards the first question it is realised} The first question has already been answered in our letter of 21 August 1945. Under Art. 55 of the Hague Convention the Yugoslav authorities as occupants were undoubtedly entitled to seize the public property of the occupied state which are of such nature that "they may be used for the operation of war", and such public property must include oil and stores of a public company connected with oil refinement.

10. The second claim as presented by the Yugoslav authorities does not appear to be based on any legal rights. The alleged fact that the missing parts and stores have been removed by the Germans does not alter the legal position. As stated in our letter of 28 September 1945 the Yugoslav authorities did not acquire rights further to those they undoubtedly had, to seize the plant as it stood when their forces occupied Fiume. If the plant was found unworkable, it cannot be the responsibility of the Italian Government, except by agreement, to put it in working order. Had the parts and stores been in territory under Yugoslav administration, they had an absolute right to seize them, but the Italian Government cannot legally be forced to surrender material which happens to be located outside the jurisdiction of the Yugoslav authorities. When a gun is captured on the battlefield the defeated enemy cannot be requested to supply the proper ammunition in order that it might be fired.

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11. It is therefore the opinion of this Sub-Commission ^{headquarters that} in the ROMSA case ~~that~~ the Yugoslav authorities have no legal right over the missing parts and stores which the Germans and Fascist Republicans removed from the plant before the occupation of Fiume. ^{Our political advisers are in agreement.}

12. Please note that this opinion does not take into consideration the document signed on 29 September 1943 and known as the "Long Terms of Surrender", as it does not appear that the occupation of Venezia Giulia by the Yugoslavs is governed by the terms of this instrument.

G. G. Hannaford
G. G. HANNAFORD,
Lt. Colonel,
Deputy Chief Legal Advisor.

Copy to : POLAD (A)
POLAD (B)

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

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HEADQUARTERS ALLIED COMMISSION
AFG 384
~~LEGAL SUB-COMMISSION~~
6000 Comand

227/00

AG/1034/12/1

15 November 1945
1445

SUBJECT : Italian property in Venezia Giulia removed or taken over by Yugoslavs.

TO : Executive Commission G-5 AFHQ

1. This 42 has been ^{asked} requested by the Ministry of Foreign Affairs to take up the matter of the Azienda Carboni Italiani Trieste, ^{property under the Roma Plant in Fiume} and the

1. This sub-commission has been requested to take up the matter of the Azienda Carboni Italiani and of ROMSA and present to AFHQ the legal aspect of these cases for direction. ^{our considered opinion of the legal status of these questions is given below.}

2. In the case of Azienda Carboni Italiani, the Italian Minister of Foreign Affairs claims that certain property belonging to Arsa Co., a subsidiary company of Azienda Carboni Italiani in Trieste, was illegally removed by the Yugoslav Forces during their occupation of the town.

3. In the case of ROMSA the Yugoslav authorities claim from the Italian Government the restitution of spare parts and material which they allege were taken away by the German and Fascist authorities prior to the occupation of Fiume by the Yugoslav Army. The Yugoslav authorities claim that the removal of such spare parts and material has rendered the ROMSA plants unworkable.

4. It is to be noted that Arsa Co., is located in Trieste and therefore in territory under Anglo-American military administration, whereas ROMSA plants are in Fiume under Yugoslav control. It is not disputed that both companies are state agencies.

5. Dealing first with the case of Arsa (Azienda Carboni) it is a fact that in May 1945, when the property of the company was allegedly removed by the Yugoslav Forces, Yugoslavia was the occupying power in that part of Venezia Giulia which was then under her control. As such she had the full rights of an occupying power under international law to take over and retain war booty captured in battle and to seize public property which could be used for military operations.

6. The question is whether the property enumerated in the list submitted by Arsa could, at the time, be considered as war booty captured in battle or as moveable property belonging to the State ^{of these agencies} which could be used for military operations. ^{Copy of list is attached.}

7. This is obviously a question of fact and not of law. Technically only a few items in the list could be described as war material. On the other hand it cannot be denied that in practice occupants allege that

see 1153, 54

practically everything belonging to the occupied State can be used for military operations in modern warfare.

8. It is the ^{considered that} ~~opinion~~ of this sub-commission that the list submitted by Arsa should be ~~added~~ ^{included} and the Yugoslav authorities requested to return or offer compensation for such items which habitually would not be used in military operations; e.g., adding machines, protective masks, paint, etc., should normally be included in this category.

9. The claims of the Yugoslav authorities in connection with the seizure of the ROMSA plants at Fiume raises two questions :-

- (a) Had the Yugoslav Forces under existing conventions the right to take over the plants, and, if so,
- (b) do they have the further right to demand the return of spare parts and material removed by the enemy prior to occupation?

10. ^{As regards the first question it is realised that} ~~The first question~~ has already been answered in our letter of 23 August 1945. Under Art 53 of the Hague Convention the Yugoslav authorities as occupants were undoubtedly entitled to seize ^{any} the public property of the occupied state which ~~was~~ ^{is} of such nature that "they may be used for the operation of war", and such public property must include oil and stores of a public company connected with oil refinement.

11. The second claim as presented by the Yugoslav authorities does not appear to be based on any legal rights. The alleged fact that the missing parts and stores had been removed by the Germans does not alter the legal position. ^{As stated in our letter of 23 September 1945} ~~related in our letter of 23 September 1945~~ The Yugoslav authorities did not acquire rights, further to those they undoubtedly had, to seize the plant as it stood when their forces occupied Fiume. If the plant was found unworkable, it cannot be the responsibility of the Italian Government, except by agreement, to put it in working order. Had the parts and stores been in territory under Yugoslav administration, they had an absolute right to seize them, but the Italian Government cannot legally be forced to surrender material which happens to be located outside the jurisdiction of the Yugoslav authorities. When a gun is captured on the battlefield the defeated enemy cannot be requested to supply the proper ammunition in order that it might be fired.

12. ^{However, there is one point which requires clarification.} ~~However there is one point which is not clearly specified in the~~ documents submitted to this sub-commission. Are the spare parts and material claimed by the Yugoslavs located in AMG or Italian territory?

13. If they are in Italian territory there exist no legal means of compelling the Italian Government to surrender them, unless it is contended that the armistice terms apply in this case. On the other hand, if they are situated in territory under Allied administration the position is different.

14. AMG as military occupant hold the right to seize any kind of

Page - 3 -

material "even belonging" to private individuals if it can be considered as war material. On the other hand, under Art 53, "such material must be restored at the conclusion of peace and indemnities must be paid for them".

15. AMG could therefore have seized legally the spare parts and material claimed by the Yugoslav authorities, and handed these to the Yugoslavs if it was considered necessary to do so for military operations. In this case however, the Allies would be responsible for the restoration of these items and for the indemnities to be paid.

as regards the latter case, it is considered that in the Rome - case it is therefore the opinion of this sub-commission in the RSCA case that :-

- (a) The Yugoslav authorities have no legal right over the missing parts and stores which the Germans and Fascist Republicans removed from the plant before the occupation of Fiume.
- (b) AMG authorities can hand over this material to the Yugoslavs if it is situated in territory under AMG control and actually taken over by them as war material.
- (c) In the latter case AMG would be responsible to the Italian Government for the restoration of the material and any indemnity which may have to be paid in connection with such seizure. Whether this is covered by the Long Surrender Terms or not is another question.

17. *This opinion does not take into consideration*
Please note that this opinion does not take into consideration the document signed on 29 September 1943 and known as the "Long Terms of Surrender", as it does not appear that the occupation of Venezia Giulia by the Yugoslavs is governed by the terms of this instrument.

18. *We would be grateful for instructions as to the procedure which should be followed to bring about adjustment.*

In the C.C.

G. G. HARRISON,
Lt Col, Depy, 34, and
C. G. Italian Branch,
Cor Chief Legal Advisor.

Copies to: POLAD (A) C.A. Sec
POLAD (B)
Gen. Sec.

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

7.

A/Ex Com.

Please see filio: 526.
25 Aug 45

M. P. R. San Paul

see by A/EC 25/88

MS (27/8)

5.28

18

SECRET

9203
Exec Comm

(41)

EX 49750
OCT 21 1944

1/1784
OCT 21 1944
PRIORITY

APR 21 1945
ACTION REAR 12 1945

OCT 23 1945

CONFIDENTIAL

~~SECRET~~

Reur 21534 dated 20th October and ref our 449750 (not to ALCOM)
Regret no international legal expert available. In any case
doubt advisability of entering into prolonged and fruitless arguments
with Jugoslavs which might result. Regardless of arguments private
firms will not be blocked by Jugoslav claims. If there is any doubt
in your mind about release any item it will not be released. You will
permit no action to be taken which will make industry and commerce
in your area inoperative. Jugoslavs may at your discretion be forbidden
to enter private business areas.

Dist

Info-action - Econ Sec 2
Info - Chief Commissioner
Exec Comm 2
CA Sec
Legal
File

5.28

CONFIDENTIAL

HEADQUARTERS
23 OCT 1945
A. C.

(CART WALK) *24/10*

(35)

PA 21/10

0217

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

SECRET

(45)

1534
OCT 20/115A

G 1537
OCT 20/1730

IMMEDIATE

FROM: REAR 13 CORPS

TO: AFHQ INFO: ALCON ROME

OCT 22 1945

CONFIDENTIAL

SECRET.

1. War booty committee now encountering many legal problems involving international law. Jugs are using arguments which are well constructed and must be combatted. latest tactics of jugs is to claim as booty the effects of many factories and firms operating in TRIESTE. Several more such firms added to existing list by jugs last night. these firms automatically have to be blocked and AMG will soon face position where large part of industry and commerce will be inoperative. this is very serious both economically and politically.

2. AMG have so far assisted committee with legal advice. but owing redeployment AMG can no longer assist and will not have anyone competent to deal with problem involved.

3. Essential that legal expert able to assist committee is sent here as soon as possible. Expert required if possible by 24 October

CONFIDENTIAL

DISC 5427

INFO-ACTION : ~~ECOM-INFO~~ (2)

INFO : CHIEF COMMISSIONER
EX COMMISSIONER (2)
CA SEC
LEGAL SC
FILE
ALCON SEC

(34)

Boyle
for (GARY) 22/10

PH 23/10

585/84/45

90089

44

Executive Commissioner, AC.

Subject: Removal of Italian property from Venezia Giulia by the Yugoslav authorities.

OCT 20 1945

I enclose copies of four memoranda which the Secretary General of the Ministry of Foreign Affairs has sent to the British Ambassador regarding the alleged removal of Italian property from Venezia Giulia by the Yugoslav authorities.

2. As the property mentioned in these memoranda appears to constitute assets of value to Italian economy, I suggest that the matter be handled by the Joint Economic Committee in Venezia Giulia itself, as in previous similar cases.

3. If you agree, perhaps you would have the necessary instructions sent, and inform us so that we can reply to the Ministry of Foreign Affairs.

16.x.45

[Signature]
Political Advisor (BR)

Copy to Polad (A)

[Handwritten initials] (C 50)

[Handwritten signature]
5.25
33

Translation

43

Memorandum

On October 3rd, Yugoslav partisans removed from the Agency of the Bank of Italy in Montefiore, metal and paper currency amounting to L. 2,899,601.

A receipt mentioning no figures was issued against this withdrawal; however, the correctness of the amount, mentioned in a minute drafted by the above mentioned Agency, was later confirmed by the Yugoslav Authorities of occupation, who, on the other hand, gave but vague assurances about the reimbursement of the above mentioned sum.

The Allied Financial Authorities were informed about this matter.

The Bank of Italy asks for its rights to this sum to be safeguarded.

trans. w/c

5425

(32)

Translation

Memorandum

The Company 'G. Tarabocchia & C.' acting as Agent and on account of the shipowner of the tow-boat 'ARDITA VO' registered under n. 961 in the Maritime compartment of Genoa, with the following particulars

engine power: HP 72,16

Measurement: length 13,55 - depth 3,75 - height 2,30

Gross tonnage: tons 23,63

Knows that the following tug was taken at Capodistria, towards the end of May, by the Yugoslav authorities and never handed back.

It seems that the tow-boat should at present be in Spalato. Its name was changed in 'Triglav'.

The Tarabocchia Co. asks for its rights to the above mentioned tug to be safeguarded.

trans. e/c

5424

31

41

TranslationMemorandum

In 1943, the Pietro Tarabocchia navy yard in Lussinpiccolo started building a motorsailing boat, with a wooden hull, to be called 'San Martino' and have a gross tonnage of tons 250, for the Tarabocchia Co.

In September 1943, about 25% of the said building was done, but the navy yard already had practically all the timber material required for the building, which had been supplied by the Co.

It appears that the navy yard was taken by the Yugoslav Authorities which seem to have the building carried on on their own account, and the Tarabocchia Co wants this matter to be brought to the attention of the Allied Authorities for the safeguard of its rights.

trans. e/c

5423

(30)

0222

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

Translation

40

M e m o r a n d u m

In 1943, the Pietro Tarabocchia Navy yard in Lusignuolo started building a Motorsailing boat, with a wooden hull, to be called 'San Martino' and have a gross tonnage of Tons 250, for the Tarabocchia Co.

In September 1945, about 25% of the said building was done, but the Navy yard already had practically all the timber material required for the building, which had been supplied by the Co.

It appears that the Navy yard was taken by the Yugoslav Authorities which seem to have the building carried on on their own account, and the Tarabocchia Co wants this matter to be brought to the attention of the Allied Authorities for the safeguard of its rights.

trans. e/o

5:22

(29)

0223

Translation

39

Memorandum

In 1943, the Pietro Tarabocchia Navy yard in Lusignuolo started building a motorsailing boat, with a wooden hull, to be called 'San Martino' and have a gross tonnage of Tons 250, for the Tarabocchia Co.

In September 1945, about 25% of the said building was done, but the Navy yard already had practically all the timber material required for the building, which had been supplied by the Co.

It appears that the Navy yard was taken by the Yugoslav Authorities which seem to have the building carried on on their own account, and the Tarabocchia Co wants this matter to be brought to the attention of the Allied Authorities for the safeguard of its rights.

trans. o/c

5421

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

Translation

18

Memorandum

The S.A.P.R.I. Co had been carrying out important activities in Zaire, ever since 1924; they can be summed up in the following way:

In an area of 70.000 square meters, in the Fortini zone, overlooking the harbour, it built a mechanical net manufacture with twenty machines. Twenty other machines, already paid, were to be sent.

A tannery.

An ice manufacture with refrigerated rooms;

An electric station (720 HP) for the production of electric power;

Various buildings used as warehouses and offices for the fishing fleet basis of the Company; the fleet is composed of nine fishing boats.

The sheds used as warehouses were filled with such material as is necessary for the Congolese fishing industry: salt, timber, barrels and tins of fish, olive oil, cotton, spare parts, etc..

The S.A.P.R.I. asks for its rights to be safeguarded.

trans. e/c

5429

(24)

0225

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

copy 1

37

PRO MEMORIA

Il 3 ottobre scorso, ad opera di elementi partigiani jugoslavi, vennero asportate, dalla Agenzia della Banca d'Italia in Montefalcone, valute metalliche e cartacee per la somma complessiva di L. 2.859.661.

A fronte di detto prelievo fu rilasciata ricevuta senza indicazione alcuna di cifra; però, l'esattezza dell'importo, rilevato da apposito verbale redatto presso la cennata Agenzia, venne successivamente confermato dalle Autorità jugoslave di occupazione dalle quali, per altro, furono ottenute solo vaghe assicurazioni circa il rimborso della predetta somma.

Della cosa sono state rese edotte anche le Autorità Finanziarie Alleate.

La Banca d'Italia chiede che vengano salvaguardati i suoi diritti verso tale somma.

5419

(26)

copy 2

36

PRO MEMORIA

La Società G. Tarabocchia & C. nella sua qualità di Agente e per conto dell'Armatore del Rimorchiatore "ARDITA VO" iscritto al n. 961 del Compartimento Marittimo di Genova, avente le seguenti caratteristiche

Potenza macchina: CV. 72,48
Dimensioni: lung. 15,55 - larghezza 3,78 - alt. 2,30
Stazza lorda: tonn. 23,65

è a conoscenza che il rimorchiatore suddetto venne preso in possesso a Capodistria, verso la fine del mese di maggio c.a., dalle autorità jugoslave e non più restituito.

Il rimorchiatore dovrebbe attualmente trovarsi a Spalato, il suo nome venne sostituito con quello di "Triglav".

La Società Tarabocchia chiede che tutti i diritti relativi al predetto rimorchiatore vengano reintegrati.

5417

(25)

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

copy 3

35

P R O M E M O R I A

La Società Tarabocchia ha in costruzione nel Cantiere Navale Pietro Tarabocchia di Lusinpiccol, sin dal 1943, un Motoveliero a scafo di legno da denominarsi "San Martino", della presunta stazza lorda di Tonnellate 250.

Nel Settembre 1943 detta costruzione era in stato di avanzamento di circa il 25% ma il Cantiere era già in possesso di quasi tutto il materiale legnoso necessario alla costruzione, fornitogli dalla Società stessa.

Poichè sembra che il Cantiere sia stato preso in possesso da Autorità Jugoslave le quali farebbero continuare le costruzioni per loro conto, la Società Tarabocchia chiede che quanto precede sia portato a conoscenza delle Autorità competenti per la salvaguardia dei suoi diritti.

5415

(24)

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

copy 4

34

P R O M E M O R I A

La Società S.A.P.R.I. svolgeva in Zara fin dal 1924 rilevante attività che si può riassumere nei seguenti dati:

In un'area di metri quadrati 70.000 in zona Portini, prospiciente il porto, venne costruito un retificio meccanico con venti macchine e di altre venti macchine, già pagate, si attendeva l'arrivo.

Un conservificio di pesce;

Una fabbrica di ghiaccio con relative celle frigorifere;

Una centrale termica della potenza di 720 C.V. per la produzione di energia elettrica;

Edifici vari adibiti a magazzini ed uffici per la base della flotta da pesca della Società stessa, composta di nove piropescherecci di alto mare.

I capannoni adibiti a magazzini erano pieni di materiali occorrenti a tutta l'industria peschereccia dalmata come sale, legname, barili e scatole di pesce conservato, olio di oliva, cotone, pezzi di ricambio, ecc.

La S.A.P.R.I. chiede che vengano salvaguardati i suoi diritti.

5.14

(23)

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

HEADQUARTERS ALLIED COMMISSION
APO 394
Office of the Executive Commissioner

Ref: 9008/32/AC

15 October 1945

SUBJECT: Italian Property in Venezia Giulia Removed by Yugoslavs
TO : Legal Subcommittee

1. Reference your AC/4034/12/L of 9 October 45.
2. In your letter AC/4034/12/L of 11 September para 5 you suggest that the request of the Azienda Carboni Italiani for the recovery of its material be taken up with AFHQ; our 9008/29/AC of 6 October 45 merely endorsed this statement and asked you, as the most appropriate subcommittee, to take this up with AFHQ. The Executive Commissioner also wishes you to take up the ROMSA case, as mentioned in para 2 of your above-quoted letter.
3. It is felt that a letter dealing with the general position of private and public Italian property in Yugoslav-occupied territory is not necessary at this juncture, since, at the moment, we are concerned with two specific cases only, and it will probably be more convenient to deal with each future case on its own merit.
4. Direct communication between the Italian and Yugoslav Governments does not exist; any negotiations between these Governments usually involve AC, G-5 AFHQ and the British and American Embassies. In order to receive instructions from AFHQ as to the procedure which should be followed to bring about adjustment, these two cases must be presented to them by this Commission from the legal aspect.
5. It does not concern Allied Commission that the Yugoslavs consider territory east of the Morgan Line as annexed territory; until the peace terms are published the whole of Venezia Giulia is Italian territory under the control of a military occupant (either Anglo-American or Yugoslav). We are not dealing with this subject from the Yugoslav point of view.

P. H. McCLEARY

Chief Staff Officer
To Executive Commissioner

Copy to: Polad (A)
Polad (B)

5.13

HEADQUARTERS ALLIED COMMISSION
APO
LEGAL SUB-COMMISSION

AC/4034/12/L.

GGH/lc.
9 October 1945.

SUBJECT : Italian Property in Venezia Giulia removed by
Yugoslavs.

TO : Executive Commissioner.

1. Your request of 6 Oct. (Ref. 9008/29/EC) for a letter to AFHQ setting forth the opinion of the Legal Sub-Commission "as to the Legal Status and requesting instructions from AFHQ as to the procedure to be followed to bring about an adjustment" is not clearly understood.

2. Is it desired that such letter should deal with the general position of private and public Italian property in Yugoslav occupied territory or only with the specific cases of ROMSA and Azienda Carboni?

3. In the first instance you would require an interpretation of the Hague Convention as applying to the terms of the Morgan-Jovanovic agreement in so far as the disposal of such Italian property is concerned.

4. In the second instance this Sub-Commission has already given its opinion as to the validity of various claims (letter of 21 Aug, 11 Sept. and 28 Sept. refer) made by both Italian and Yugoslav Governments, and any adjustment thereon should, it appears, be brought about through direct negotiations between the parties.

5. The root of the trouble lies in the fact that the Yugoslavs are considering the territory East of the Morgan Line as annexed territory and deal with it, its inhabitants and institutions accordingly, whereas the Allies and the Italians are of opinion that it should be treated for the present as Italian territory under the Control of a military occupant. (Hague Convention Arts 42 to 56).

5.12

30

6. Until these two conflicting points of view remain in existence one party can always validly claim that the other is acting "ultra vires" and vice versa.

7. May we have your further instructions please.

G. G. Hannaford

G. G. HANNAFORD,
Lt. Col.,
Deputy Chief Legal Advisor.

Copy to : Polad (A),
Polad (B).

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

HEADQUARTERS ALLIED COMMISSION
APO 394
Office of the Executive Commissioner

Ref: 9008/29/EC

6 October 1945

SUBJECT: Italian Property in Venezia Giulia removed by Yugoslavs

TO : Legal Subcommittee

1. Further to your unnumbered letter of 28 September and your AC/4034/12/L of 11 September.

2. Please prepare, for signature of Executive Commissioner, a letter presenting the issue to AHC, setting forth your opinion as to the legal status and requesting instructions from AHC as to the procedure which should be followed to bring about adjustment.

3. Polad (A) and (B) and Economic Section should be on the distribution.

W. H. ...
Chief Staff Officer
To Executive Commissioner

Copy to:

Economic Sec (your ref. ES/5.14 of 20 Sept)

Polad (A)

Polad (B)

SEEF31

5.69

20

0233

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

HEAD QUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

GGH/lc.
28 September 1945

SUBJECT : Italian Property in Venezia Giulia removed by Jugoslavs.
TO : Economic Section.

1. Reference your ES/5.14 of 20 September 45 and ES/12.03 of 26 September 45. Whether statal or parastatal property can be validly taken over by an occupying power depends entirely on the nature of the property.

2. Col. Behrens stated in his letter of 21 August: "can only be seized public property that may be used for the operations of war". This opinion is still valid.

3. In the case of ROMSA it cannot be maintained that the Jugoslavs require the restitution of essential parts of a plant for operations of war, as such operations have ended with the cessation of hostilities. The fact that Jugoslavia considers herself at war with Italy does not alter the position. The Jugoslav authorities seized the plant as it stood when, as an occupying power, they had an apparent right to do so. I do not think they can legally justify any further claim.

Such less can they justify the right to request the handing over of material which has been ordered and paid for by the ROMSA Coy. and never delivered.

4. As far as Azienda Carboni is concerned, the list of articles allegedly removed by the Jugoslavs can hardly be described as being of such a nature "that may be used for the operation of war" even at the time when they were actually taken away. Therefore the claim put forward by the Italian Government appears to be well founded.

5. From the documents submitted it does not appear that a procedure of requisition was stated at any time.

6. A copy of Art. 53 of the Hague Convention is attached.

44 Humphrey
G.O. HAMMIFORD, Lt. Col.
for Chief Legal Advisor.

Copy to: Executive Commissioner
For: () ()

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

Art. 53.

An army of occupation shall only take possession of cash, funds, and realizable securities which are strictly the property of the State, depôts of arms, means of transport, stores and supplies, and, generally, all movable property belonging to the State which may be used for military operations.

Except in cases governed by naval law, all appliances adapted for the transmission of news, or for the transport of persons or goods, whether on land, at sea, or in the air, depôts of arms, and, in general, all kinds of war material may be seized, even if they belong to private individuals, but they must be restored at the conclusion of peace, and indemnities must be paid for them.

5407

(18)

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

HEADQUARTERS ALLIED COMMISSION

APO 394

Office of the Executive Commissioner

24

Ref: 9003/24/20

25 September 1945

SUBJECT: Italian Property in Venezia Giulia Removed by Yugoslavs

TO : Legal Sub-Commission

1. Your AG/4034/12/L of 11 September states that the property in question (Azienda Carboni Italiani), being private property, could not be confiscated by the Yugoslav authorities.

2. Herewith copy of a letter from Production Division of the Economic Section Ref: ES/5.14 of 20 September to the effect that A.C.I. is a state agency.

3. Will you please reconsider and give us your further opinion in the light of the enclosed letter.

Chief Staff Officer
to Executive Commissioner

Encl: 1

Copy to:
Production Division of the
Economic Section

5406

Noted

18

0233

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

HEADQUARTERS ALLIED COMMISSION
ECONOMIC SECTION
PRODUCTION DIVISION

Tel. 406

AFO 394

DAE:lrw

19

Ref. EB/3.14

20 September 1945

SEP 20 1945

SUBJECT: Italian Private Property In Venezia Giulia
Removed by Yugoslav Forces

TO : Executive Commissioner

18

1. I refer to your 9008/33 dated 17 September 1945. I think the legal opinion on the ownership of the stores in question is based on a wrong assumption, i.e. that the Azienda Carboni is a private company.

2. The facts are that the A.C.A.I. is an "Ente di Diritto Pubblico" which was established by the "Regio Decreto Legge" No. 1407 issued on 28 July 1935 and confirmed by the "legge" No. 190 issued on 1 March 1936. The A.C.A.I. is financed practically entirely by the State; it is responsible to the Ministry of Finance and to that of Industry and Commerce; its directors are nominated by the State. It has no connection with the I.R.I., which is another "Ente di Diritto Pubblico", and therefore has the same legal status as the A.C.A.I.

3. Will you please let me know whether you wish any further action on this matter to be taken by the Economic Section?

[Signature]

D. L. ANDERSON
Brigadier

Deputy Vice-President 5104

[Handwritten notes]
W. Jackson
306
(Capt Anderson) *[initials]*

[Handwritten notes]
See 7/6 20-23
16 24

0 2 3 7

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

18

ABA/sem

9008/EC

17 September 1945

SUBJECT: Italian Private Property in Venezia Giulia Removed by
Jugoslav Forces

TO : Economic Section

11-17

Enclosed is the following correspondence:

- a. Legal Sub-Commission ltr AC/4034/12/L of 11 Sep 45;
- b. IEPA memo 6/3225/1519 of 7 Sep 45;
- c. Lists of Material;

regarding Italian private property in Venezia Giulia removed by
Jugoslav Forces. This is passed to your Section for appropriate
action.

A. B. ARNOLD

Chief Staff Officer
to Executive Commissioner

3 Encls: As above

See 19
5.63
18/9/15

HEADQUARTERS ALLIED COMMISSION
AFO 394
LEGAL SUB-COMMISSION

AC/4034/12/L.

GGH/lc.
11 September 1945.

SUBJECT : Italian private property in Venezia Giulia removed
by Yugoslav Forces.

TO : Executive Commissioner (Liaison Division).

1. The request of "Azienda Carboni Italiani" forwarded to this Sub-Commission by the Ministry of Foreign Affairs raises yet another aspect of the question of the right of the occupant to seize and retain property belonging to private citizens of the occupied country.

2. Under article 46 of the Hague Convention "Private property may not be confiscated", under article 52 however such property may be requisitioned" for the needs of the army of occupation". The occupying power being ultimately financially responsible to the private owners for the use of such property and damage or destruction thereof.

3. It is understood that both Azienda Carboni, Holding Company and Arsa, direct owners of the material concerned, are private companies and therefore their property cannot be confiscated by the occupying power.

4. It does not appear from the correspondence that the Yugoslav Forces have gone through any regular proceeding of requisition vis à vis Arsa. It appears on the contrary, if the alleged facts are correct, that the Yugoslav authorities have assumed that the material involved was "war booty" and have treated it accordingly.

5. Neither the facts, as known to this Sub-Commission, nor the nature of the articles removed can, in my opinion justify such assumption and I therefore recommend that the matter be taken up with AFA, at the earliest opportunity.

6. In all probability further claims from private owners in Venezia Giulia are going to follow this one and some kind

13 Sept
8
(Caret Arnold)

1

See 14

of undertaking should be obtained from Yugoslav authorities,
if at all possible.

7. Relevant documents are attached.

G. G. Hammett

G. G. HAMMETT,
Lt. Col.,
Officer i/c Italian Branch,
for Chief Legal Advisor.

Copy to : Polads (a and b)
Economic Sec. (for Commerce S/C)
CA Sec.

9008
COPY

MINISTERO DEGLI AFFARI ESTERI

No. 6/3225/1519

MEMORANDUM FOR THE ALLIED COMMISSION

SUBJECT: Azienda Carboni Italiani

1. The Azienda Carboni Italiani, owner of the Arsa Co, with head office at Trieste, no. 1, via Pontanone, have requested the Ministry for Foreign Affairs to interest the Allied Authorities in recovering the material indicated in the list herewith enclosed and removed by the Yugoslav forces from the warehouses of the Company at Trieste in May last.

2. The Ministry for Foreign Affairs thank the Allied Commission for those steps they will see fit to take in the matter.

Encl.

Rome, September 7th, 1945

(seal)

See 100

5208

13

Distinta materiali esportati dalle Truppe Jugoslave
dai magazzini della Società ARSA di Trieste, durante l'occu-
pazione Jugoslava (Maggio 1945) della città di Trieste

No.	Marche No. e numeri	Quantita'	Qualita' Imballag- gio	Descrizione materiali	Peso Kg.	Valore
1	AE 5039	466	Pezzi	Copertura biciclette		1.398.000,--
2	AE 5039	222	"	Camera d'aria		222.000,--
3	AE89/5049	3	Balle	Guoio	253,50	253.500,--
4	AE 52/31	1	Cassa	Scarpe (paia 44)		132.000,--
5	AE 52/31	1	Sacco	Scarpe (paia 17)		51.000,--
6	AE 5199	2	Pezzi	Coperture 42 X 9		120.600,--
7	AE 5325	1	Cassa	Candele steariche (408 pezzi)		12.840,--
8	AE 5245	5	Pezzi	Pezzi x 50 metri Tela per tute		87.500,--
9	AE 5036	2	Sacchi	25 paia Stivali gomma		100.000,--
10	---	2	Sacchi	20 vestiti completi uomo		100.000,--
11	AE 252 bis	1	Cassa	Materiale cancelleria	25,00	10.000,--
12	AE 199	2	Pacchi	Carta da filtro	30,00	6.000,--
13	AE 251 bis	1	Pacco	Stampati	10,00	3.000,--
14	AE 5097	4	Pezzi	Biciclette complete		60.000,--
15	---	3	Barre	Acciaio da fioretti	15	7.000,--
16	AE 247	1	Collo	Pelto	22,6	20.000,--
17	AE 29	3	Pezzi	Mole per affilare	44	5.000,--
18	AE 240	8	Pezzi	Ingranaggi	238	12.000,--
19	AE 251/5091	3	Pacchi	Stampati	79	8.000,--
20	AE 5044	5	Casse	Miamiferi		50.000,--
21	---	1	Paio	Scarpe usate		1.000,--
22	---	2	Rusti	Carburo Calcio	50	9.000,--
23	AE 5094	1	Pacco	Stampati	16	1.200,--
24	---	2	Pacchi	Stampati	10	1.000,--
25	---	1	Pezzo	Camera d'aria		1.000,--
26	AE 318	100	Sacchi	Dadi ferro	4000	130.000,--
27	---	1	Cassa	Stagno	37,5	35.000,--
28	---	20	Rotoli	Tubo gomma	329	32.250,--
29	---	12	"	"	235	58.750,--
30	---	400	Pezzi	Raccordi	3	600.600,--
31	---	205	Pezzi	olandesi	100	20.000,--
32	---	50	Pezzi	Valvole assortite	50	25.000,--
33	---			Anelli guarnizione Gomma	70	5348.000,--

0242

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

7	AE 5325	1	Cassa	Candele steariche (403 pezzi)	12.840,--
8	AE 5245	5	Pezzi x 50 metri	Tela per tute	87.500,--
9	AE 5036	2	Sacchi	25 paia Stivali gomma	100.000,--
10	---	2	Sacchi	20 vestiti completi uomo	100.000,--
11	AE 252 bis	1	Cassa	Materiale cancelleria	10.000,--
12	AE 159	2	Pacchi	Carta da filtro	6.000,--
13	AE 251 bis	1	Pacco	Stampati	3.000,--
14	AE 5097	4	Pezzi	Biciclette complete	60.000,--
15	---	3	Barre	Acciaio da fioretti	7.000,--
16	AE 247	1	Collo	Peltro	20.000,--
17	AE 29	3	Pezzi	Mole per affilare	5.000,--
18	AE 840	3	Pezzi	Ingranaggi	12.000,--
19	AE 251/5091	3	Pacchi	Stampati	8.000,--
20	AE 5044	5	Cassa	Marmifori	50.000,--
21	---	1	Paio	Scarpe usate	1.000,--
22	---	2	Tusti	Carburo Calcio	9.000,--
23	AE 5091	1	Pacco	Stampati	1.200,--
24	---	2	Pacchi	Stampati	1.000,--
25	---	1	Pezzo	Camera d'aria	1.000,--
26	AE 316	100	Sacchi	Badi ferro	100.000,--
27	---	1	Cassa	Stagno	35.000,--
28	---	20	Rotoli	Tubo Gomma	82.250,--
29	---	12	"	"	58.750,--
30	---	400	Pezzi	Racordi	600.600,--
31	---	205	Pezzi	olandesi	20.000,--
32	---	50	Pezzi	Valvole assortite	25.000,--
33	---	---	---	Anelli guarnizione	5098
34	---	3	Rotoli	Gomma p/ guarnizione	14.000,--
35	---	1	Collo	stagio	28.500,--
36	---	50	Scatole	pasta calda	22.500,--
37	---	286	Rotoli	nastro isolante	5.000,--
38	---	3	Rotoli	cavo rame sottogomma	24.310,--
39	---	140	Pacchi	chiodi	38.400,--
40	---	4	Barre	Rame	55.000,--
41	---	1	Rotolo	Cavo Acciaio	16.800,--
42	---	50	Pezzi	Maschere per polvere	14.000,--
				carbone	25.000,--
				a riportare	L.3296.400,--

127

No.	Marche e numeri	Quantita'	Qualita' impallag gio	Descrizione materiali	Peso Kg.	Valore
43	---	200	rotoli	Nastro isolante	riporto 3.	296.400,--
44	---	1	collo	Sale ammoniaco	45,7	17.000,--
45	---	5	pezzi	Lampade elettriche		1.300,--
46	---	2	colli	Gomma p/guarnizioni	64	750,--
47	---	500	metri	Cavo rame sotto gomma	1050	19.200,--
48	---	2	rotoli	Tubo gomma	38	600.000,--
49	---	2	"	"	65	9.500,--
50	AM 2	200	pezzi	pagliericci Juta		16.250,--
51	---	10	pezzi	ventilatori elettrici		70.000,--
52	---	2	colli	ciglia gomma	2000	50.000,--
53	---	30	pezzi	seghe per famiglie		1.600.000,--
54	---	15	"	" ad arco		12.000,--
55	---	50	"	pieconi		6.000,--
56	---	10	"	martelli perforatori		7.000,--
57	---	30	"	" picconatori		150.000,--
58	---	5	"	trapani		300.000,--
59	---	50	"	palo		10.000,--
60	---	1	bobina	Cavo acciaio 17 m/m	1100	6.000,--
61	---	2	rotoli	" 17 "	350	220.000,--
62	---	1	bobina	" 12 "	500	110.000,--
63	---	1		Tonaglia per tubi		125.000,--
64	---	20	pezzi	martelli picconatori		800,--
65	---	100	pezzi	bulloni Testa Martello	500	200.000,--
66	---	73		Lampade a carburo		30.000,--
67	---	10	sacchi	carbone legna	412	25.550,--
68	---	50	"	acciai ferro	2000	4.120,--
69	---	249	"	pagliericci Juta		60.000,--
70	AS 322 ter	1	collo	Tubi ottone	30	87.150,--
71	---	1	"	"	20	7.500,--
72	---	2	colli	ricambio macchinari	44	5.000,--
73	---	2	colli	Argani ad aria Compressa	400	40.000,--
74	---	20	pezzi	fioratti acciaio	1,50 40	160.000,--
75	---	30	"	"	2,00 60	3.200,--
76	---	20	"	"	1,50 40	4.800,--
77	---	30	"	"	2,00 60	3.200,--
78	---	146	"	punte martello picco- natore		4.800,--
79	---	3	"	carrelli per slitte	150	16.500,--
80	---	1	fusto	grasso Stauffer	300	49.000,--
81	---	10	fusti	olio Lubrificante	200	10.000,--
82	---	200	pezzi	punte martello picc.	2000	130.000,--
83	---	3	"	ruolo conduttore	350	38.000,--
					150	15.000,--

3

No.	Marche e numeri	Quantita	Qualita Inbal- laggi	Descrizione Materiali	Peso Kg.	Valore
				riporto		L. 7.519.270.--
84	--	3	Pezzi	Sbarre ferro	240	11.000.--
85	--	6	"	Perni bulloni	10	800.--
86	--	200	"	Olandesi	40	8.000.--
87	--	2	Pasti	Olio p. Cilindri	4000	26.000.--
88	--	1	Gabbia	Riduttori	178	50.000.--
89	--	3	Casse	Ricambi p. Auto	163	92.000.--
90	AE 318	110	Sacchi	Dadi ferro	4400	132.000.--
91	AE 1382	10	Gabbia	Lampadine	700	107.200.--
92	AE 1269	10	Scatole	"	30	6.450.--
93	AE 318	37	Sacchi	Dadi ferro	722	21.660.--
94	AE 01873	3	Gabbia	Lampadine	600	93.000.--
95	AE 01610	10	Scatole	"		
96	--	11	Casse	Rottami Rame	390	58.500.--
97	AE 194 a	1	Sacco	Soda Solway	100	6.000.--
98	--	19	Pacci	Tubi Rame	143	37.500.--
99	AE 93	1	Gabbia	Bobina magnetica	30	18.000.--
100	--	1	Cassa	Rottami alluminio	3,6	100.--
101	AE 7 bis	1	Pasto	Colore in polvere	25	1.750.--
102	AE 5015 ter	1	Sacco	Semi barbabietola	10	800.--
103	AE 5015 ter	1	Sacco	" "	10	800.--
104	AE 5015 ter	1	Sacco	" soia	65	5.200.--
105	--	189	pezzi	Sacchi vuoti		47.250.--
106	--	12	"	Macchine Contabili		360.000.--
107	--	1	"	Macchine scrivere		25.000.--

Totale complessivo

L. 8.628.288.--

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6

AG 385.3/223 (EC-O)

AF 716
ALLIED FORCE HEADQUARTERS
APO 512

RHF/wib

10

.....
: ~~SECRET~~ :
: Auth: SAC, M :
: Initials: *RHF* :
: Date: 7 Sep 1945 :
: :
7 September 1945

SUBJECT: War Booty Venezia Giulia - Naval and Commercial Shipping

TO: General Officer Commanding
XIII Corps

SEP 11 1945

Econ Sec Distr

Copy to: Exec Commr
Econ Sec

1. On 19 August a letter, file as above, subject: "Jugoslav Claims for War Booty in Allied Occupied Venezia Giulia", was furnished you. The instructions contained herein below are supplementary to those contained in the above mentioned and in no way rescind any portion of that letter.

2. Inclosure 4 to the above letter contained a list of items claimed as war booty which are considered as shipping items. Opposite each item is the recommendation of C-in-C Med. These recommendations have been approved by SACMED with the proviso that while none of the items marked "N", "A" or "C" may be released without specific authority from AFHQ, the items marked "R" will not be released by you if in your opinion the release would violate any of the provisions of the letter of 19 August.

3. In addition to the restrictions on release imposed in the 19 August letter, no item will be released which is essential for the operation of the port in which it is located.

4. Some items are loosely described in the list. In this connection see item 10. In handling such items it is essential that each individual article conforms to instructions of what may be released.

5. No request has been sent to the CCS in connection with items marked "A" and "C". It is desired that you set a definite date after which no additional claims will be received from the Yugoslavs. As soon after that date as practicable you will inform AFHQ whether or not there are additional claims. If there are such claims they will be forwarded to AFHQ which will on receipt thereof make the necessary recommendations to the CCS concerning the release of those now marked "A" and "C" and any others for which claims may be made.

6. The Naval Officer-in-Charge, Trieste, should be associated with all actions taken on this instruction.

BY COMMAND OF FIELD MARSHAL ALEXANDER:

Inclosure 4 & other mentioned in this document are filed by AFHQ in file 3

DISTRIBUTION:

2 - Addressee 2 - AG Records
2 - ALCOM 1 - AG M & D
1 - SACS 2 - C-in-C Med
1 - CAO 2 - C-5

C. J. CHILDS
Colonel, AG
Adjutant General



SECRET

0 2 4 7

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

9008/EC

EXTRACT FROM THE MINUTES OF SACMED'S CONFERENCE
5th Meeting held on 6th September 1945

10A

SECRET

4. JUGOSLAV WAR BOOTY IN VENEZIA GIULIA

(Previous reference SAC (45) 4th Meeting, Minute 4)

BRIGADIER GENERAL HAMLEN reported that a supplementary directive, pertaining to naval and commercial shipping claimed as items of war booty by the Yugoslavs in VENEZIA GIULIA, had recently been issued to XIII Corps.

THE SUPREME ALLIED COMMANDER:

Took note of the above report.

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(See 10)

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

(4)

Ref: 9008/9/EC.

7 Sept 1945.

SUBJECT: War Booty (Jugoslav) in Venezia Giulia.

TO : Economic Section.
Legal Sub-Commission.

Reference copy of AG 386.3/223 GBC-O dated 18 Aug 45
forwarded you by Chief Commissioner's office, herewith for your
information and to complete your file on this subject, are:

- (a) Copy of Paper No. SAC (45) 8 dated 7 Aug 45 - A
"Jugoslav War Booty in VENETIA GIULIA".
- (b) Copy of Minute No. 6 of SAGGED's Conference Minutes
(3rd Meeting) dated 9 Aug 45. 3A
- (c) Copy of Minute No. 4 of SAGGED's Conference Minutes
(4th Meeting) dated 24 Aug 45. 8

E. TALBOT

St. Col.,
Chief Staff Officer,
to the Executive Commissioner.

JC.

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[Handwritten signature]
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Extract from the Minutes of SACED's Conference (4th Meeting), 24 Aug. 45.

MINUTE No. 4.

4. JUGOSLAV WAR BOOTY IN VENEZIA GIULIA.

(Previous reference SAC (45) 3rd Meeting, Minute 6).

MAJOR GENERAL HENNINGER reported that as a result of the discussion at the previous meeting the Assistant Chief of Staff, G-5, had held at AFHQ a conference attended by representatives of the Allied Commission. In consequence, it had been decided to amend the directive circulated under paper No. SAC (45) 8 in two respects. The first was to lay down as an AFHQ directive that salt and tobacco were to be considered disease and unrest items and so were not to be released to the Yugoslavs. It had previously been intended to leave the decision on this matter to 13 Corps. In the second place the directive now stipulated specifically that items of Italian government ownership might only be released to the Yugoslavs if there was evidence that effective control of such items had been assumed by the Germans or by the Fascist Republican Authorities. As so amended the directive had now been despatched to 13 Corps.

MAJOR GENERAL HENNINGER said that on a recent visit to VENEZIA GIULIA he had discovered that the war booty, claimed by the Yugoslavs, had in fact been in the possession of their civilian agents throughout the negotiations. Now that it had been decided that certain of these items could not be released to JUGOSLAVIA, 13 Corps might require some further direction as to the use of force in order to seize these items.

THE DEPUTY CHIEF OF STAFF, AFHQ, in noting the above reports, directed:

that the measures necessary to appropriate to Allied Military Government uses items such as salt and tobacco, which were held within the Allied occupied area and were not now to be released to JUGOSLAVIA, could properly be left to Commander, 13 Corps.

(See 10 A)

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

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ALLIED FORCE HEADQUARTERS
Office of the Deputy Chief of Staff

AG 386.3/223 GHD-Q ~~CONFIDENTIAL~~ 18 August 1945
AUG 25 1945

SUBJECT: Yugoslav Claims for War Booty in Allied Occupied Venezia Giulia.

TO : Chief Commissioner,
Allied Commission,
APO 394.

1. In accord with his decision of 9 August 1945 the Supreme Allied Commander has given full consideration to the matters raised in your letter, subject: "War Booty in Venezia Giulia," file AC/4034/12/L dated 8 August 1945. In his review of the problem he has fully considered your views and those of your advisors as expressed in conference at AFHQ on 15 August. His decision is that the attached directive shall be issued to XIII Corps. As this directive is not at variance with the recommendations previously made to the Combined Chiefs of Staff except in non-policy details, it is not proposed again to refer the question to them.

2. The Supreme Allied Commander wishes me to assure you that your views were given full consideration in connection with the original discussions on this matter at AFHQ. Though not wholly accepted, your views were not ignored, as stated in Paragraph 2 of your letter.

/s/ L. L. Lemnitzer
/t/L. L. LEMNITZER
Major General, G.S.C.
Deputy Chief of Staff

1 Incl.
Directive

Copy: G-5

CONFIDENTIAL

DIST:
EXEC. COMM. (Col. DeMunore)
LEGAL SEC. (sig.)

see 117
5389
PA

(386.3/223) (Not Rejected)
(Signed By Comd. DeMunore)

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Declassified E.O. 12356 Section 3.3/NND No. 785617

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ALLIED FORCE HEADQUARTERS
APO 512

AG 386.3/223 GIG-0

19 August 1945

SUBJECT: Yugoslav Claims for War Booty in Allied
Occupied Venezia Giulia

TO : General Officer Commanding
XIII Corps

CONFIDENTIAL

1. There is attached hereto the initial list (Appendix "A") of items claimed by the Yugoslavs as war booty under the provisions of Appendix "F" (Appendix "B") of the Morgan-Jovanic Agreement. You already have been provided with a copy of that Agreement.

2. It is desired that you open negotiations and effect release as indicated herein below with the proper Yugoslav agency through the Yugoslav Mission at Headquarters XIII Corps for the return of such items as are authorized herein below.

3. In connection with paragraph 2 of Appendix "F" of the Agreement it is desired that the "appropriate machinery" set up by you to deal with war booty shall include the Naval Officer in Charge, Trieste. Whether this machinery shall be one of the Committees set up by Appendix "I" of the Agreement or another organized solely in connection with war booty questions is a matter for your determination.

4. Early representations should be made to the Yugoslav authorities that any additional lists which they desire to submit must be submitted at an early and definite date to be determined by you. A period of two (2) weeks after you have established your working organization is considered reasonable. Any further claims received will be forwarded to this headquarters before being acted upon by your headquarters.

CONFIDENTIAL

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Declassified E.O. 12356 Section 3.3/NND No. 785617

~~SECRET~~Ltr. AFHQ. AG 386.3/223 GEO-O.
dated 19 August 1945 (cont'd)

CONFIDENTIAL

5. The following class of items will not for the present be released; those required to maintain law and order; to prevent disease and unrest; those required to maintain public utilities; and those which, if removed, would have to be replaced in kind for these aforementioned uses. Enemy owned lire and lire accounts will not be released but blocked for ultimate disposition on a governmental basis. For the present no ships whether war or commercial or port-operating equipment will be released. The matter of releases of the lire and shipping mentioned above in this paragraph is being given further consideration and you may expect authority to release certain ships and port equipment in the near future.

6. Except for the lire and lire accounts and the shipping, the restrictions on release have little effect on the present claims as none of the items appearing on the present Yugoslav list seem to be within the categories to be withheld. It is the opinion of this headquarters that salt and tobacco do not come within the definition of war booty.

7. The Yugoslavs must of necessity show that the items claimed as war booty were the property of governments or governmental agencies at war with Yugoslavia. Items of Italian Government or governmental agency ownership may be released (if within the definition of war booty) to the Yugoslavs only provided there is evidence that effective control of such items had been assumed by the German or Fascist Republican authorities.

8. Full records will be kept at Headquarters VIII Corps of all items released to the Yugoslavs. All captured enemy material surplus after the demands of Marshal Tito have been considered will be disposed of in accordance with letter, this headquarters, file AG 386.3/163 LOG-O, subject, "Disposition of Captured Enemy Material in Italy", dated 22 June 1945, with amendments to date. If the Yugoslavs withdrew their claims for any items of war booty which were originally the property of the Italian Fascist Republican authorities or the Italian Government or Italian governmental agencies, such items will be released to the Allied Commission for disposition in accordance with normal practice.

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

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~~SECRET~~

Ltr. AFHQ, AG 386.3/223 GAG-C
dated 19 August 1945 (cont'd)

CONFIDENTIAL

9. In case the Jugoslavs raise the issue as to the failure to release all items listed in their original demand, they should be informed that items withheld, if any, under the restrictions of law and order, disease and unrest, and maintenance of public utilities are withheld in accordance with International Law, that the International Law in connection with the release of lire and lire accounts and shipping is so unclear that advice is being urgently sought. There is attached hereto (Appendix "C") the definition of captured and surrendered enemy war material as issued by the Combined Chiefs of Staff, together with certain informal notes thereon.

10. For your information only, there is attached the recommendations (Appendix "D") of C-in-C Med on shipping matters. These recommendations have been agreed and forwarded to the CCS for action.

11. Also for your information only is the fact that the CCS has questioned the compatibility of our proposed restrictions on release of items and paragraph 1 of Appendix "F" of the Morgan-Jovanovic Agreement. A paraphrase of NAF 1026 (Appendix "E") to CCS and of FAN 599 (Appendix "F") from CCS are attached herewith.

BY COMMAND OF FIELD MARSHAL ALEXANDER:

/s/ C. W. Christenberry
/t/ C.W. CHRISTENBERRY
Colonel, AGD
Adjutant General

- 6 Incls
- 1 - App "A" - List of items claimed as war booty by Yugoslavia
- 2 - App "B" - War Booty Agreement
- 3 - App "C" - Definition of War Booty
- 4 - App "D" - Extract of Naval Items from a list of items claimed by Jugoslavs
- 5 - App "E" - Paraphrase of NAF 1026 of 30 June
- 6 - App "F" - Paraphrase of FAN 599 of 25 July

See Legal file AG/1034/12/45

Copy Furnished:
Chief Commissioner, Allied Commission

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CONFIDENTIAL

~~SECRET~~

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MINUTE No. 6.

6. JUGOSLAV WAR BOOTY IN VESELA GILJA.
(Paper No. SAC (45) 8).

THE CONFERENCE had before them a paper recommending the despatch of an attached draft directive to Headquarters, XIII Corps authorizing the release to the Yugoslavs, under the terms of the MOSCOW-JOVANOVIC Agreement, of certain items of war booty which were captured by their forces and which were the property of governments (including ITALY) at war with JUGOSLAVIA.

MAJOR GENERAL LECHNER stated that, in accordance with the terms of the MOSCOW-JOVANOVIC Agreement, the Yugoslavs were entitled to remove certain items of war booty from the Anglo-American occupied area of VESELA GILJA, subject to the provisions of International Law. Accordingly, recommendations as to what items should be released had been made to the Combined Chiefs of Staff. The latter had approved the majority of the proposals, but had queried whether we were entitled to forbid the release of items essential to the maintenance of law and order, items which would necessitate replacement in kind by the Allies, and enemy-owned live accounts. A decision on these items was awaited.

REAR ADMIRAL BACER considered that the reference to commercial ships in the draft directive to XIII Corps should be deleted. The Yugoslavs had not as yet demanded the return of any commercial shipping, and it was undesirable to make any reference which might suggest that they had a right to do so. In reply to a remark by Brigadier General Hamblen, he stated that various harbour and small craft were being released to them, but no large sized ships had so far been claimed.

REAR ADMIRAL STONE agreed that the proposed directive was sound on the basis of the instructions received from the Combined Chiefs of Staff. However, he expressed the view that various items which it was proposed to release to the Yugoslavs, such as salt and tobacco, should be considered as items essential to the prevention of disease and unrest. In addition, he stated that until recently he had not been informed of the text of the recommendations made to the Combined Chiefs of Staff. Whether he, nor his political advisers, were in agreement with its proposals. It was his contention, in which he was supported by his legal adviser, that property of the Italian Government could not be properly considered as Yugoslav War Booty, as since the Armistice of 1943, JUGOSLAVIA had not been at war with ITALY. Accordingly, he had written a letter to the Chief of Staff, setting out the reasons for his disagreement, and he was of the opinion that in the light of that letter, the Supreme Allied Commander might consider the alteration of certain of his recommendations to the Combined Chiefs of Staff.

MR. ORRIE stated that he had previously expressed his non-concurrence to the AFHQ proposals for the disposition of War Booty. It was his opinion that a more complete statement should be despatched to the Combined Chiefs of Staff whom he did not believe had been fully aware of the political implications of their decision. He considered that, in the meanwhile, the release of items to the Yugoslavs should not proceed.

any reference which might suggest that they had been released. However, he stated that various harbor and small craft were being released to them, but no large sized ships had so far been claimed.

MR. ALLIANCE STONE agreed that the proposed directive was sound on the basis of the instructions received from the Combined Chiefs of Staff. However, he expressed the view that various items which it was proposed to release to the Jugoslavs, such as salt and tobacco, should be considered as items essential to the prevention of disease and unrest. In addition, he stated that until recently he had not been informed of the text of the recommendations made to the Combined Chiefs of Staff. Neither he, nor his political advisers, were in agreement with its proposals. It was his contention, in which he was supported by his legal advisor, that property of the Italian Government could not be properly considered as Yugoslav War booty. As since the Armistice of 1945, YUGOSLAVIA had not been at war with ITALY. Accordingly, he had written a letter to the Chief of Staff, setting out the reasons for his disagreement, and he was of the opinion that in the light of that letter, the Supreme Allied Commander might consider the alteration of certain of his recommendations to the Combined Chiefs of Staff.

MR. ORVIE stated that he had previously expressed his non-concurrence to the ARRA proposals for the disposition of War Booty. It was his opinion that a more complete statement should be despatched to the Combined Chiefs of Staff when he did not believe had been fully aware of the political implications of their decision. He considered that, in the meanwhile, the Despatch of items to the Jugoslavs should not proceed.

BRIGADIER GENERAL HAMBLEN, referring to the disagreement expressed by the Chief Commissioner, Allied Commission and the United States Deputy Political Adviser, stated that these views had been fully expressed at ARRA before recommendations to the Combined Chiefs of Staff had been despatched. These views, and the reasons for which they had been over-ruled, were summarized in the paper by the Secretary which was before the Conference. In the absence of the Supreme Allied Commander the subject had been discussed at great length between the Chief of Staff and the Chief Administrative Officer. He (Brigadier General Hamblen) was of the opinion, that even though the Chief Commissioner, Allied Commission had not been present for those discussions, the view held by him had been out formed fully before the decision was taken. In fact the advice of the legal advisers at ARRA was contrary to that of the legal advisor to the Allied Commission.

THE SUPREME ALLIED COMMISSIONER directed:

That action in regard to the release of War Booty to the Jugoslavs be suspended until he had given the matter further consideration.

Dec 8
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Declassified E.O. 12356 Section 3.3/NND No. 785617

Secondly, even if it were true an agreement which can be given a legal or an illegal interpretation should not be given the illegal interpretation simply because it appears more expedient to do so.

6. I must further point out that the definition of "war material" for the purpose of this question is accepted by all as referring only to the property of Germany or "any States not allied to or associated with Germany." Italy declared war on Germany in October 1943 and her state of co-belligerency was officially recognized by the U.S., U.K. and Soviet Governments. I submit therefore that it is legally and morally impossible for these governments to recognize a claim that Italy was either allied to or associated with Germany at the date of the occupation by Yugoslavia of Venezia Giulia, when the alleged war booty was captured.

7. I appreciate that some of the property of the Italian Government in Venezia Giulia was stolen before the date of that occupation by the Fascist Republican Government and other property was either legally or illegally seized by the German Government. It is however a recognized principle of international law that property seized, legally or illegally, by an occupant and abandoned by him on withdrawal reverts to the possession of the original government. Nor is it relevant to say that Venezia Giulia was liberated by Yugoslav forces without the intervention of American or British troops, since the Yugoslav right to war booty against Italy does not depend upon the presence or absence of other troops, but upon the existence of a state of hostilities between the two governments.

8. For the above reasons I wish to request a reconsideration of the policy and the exclusion of all Italian Government property from the items of war booty to be handed over to Yugoslavia. I realize that the policy as now decided was recommended by JAGG to GCS and was approved by GCS. I think however that the approval by GCS was given from a military point of view and as an acceptance of the view put forward by the military commander in the field. GCS might be disposed to reconsider the question if, in the light of the arguments set out above, you were to suggest a modification of this policy. I believe that unless the question is reconsidered the Italian Government can legitimately accuse the U.S. and U.K. Governments of a grave breach of faith.

9. I should finally add that I have confined myself in this letter to questions of principle. I have not considered the details of the material claimed by the Yugoslavs from the point of view either of whether they come within the definition of war material or of whether they should be withheld from release upon any of the grounds set out in WAP 1026 or in the proposed directive.

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Dear Sir,
Chief Commissioner

6 NND: 1101
LEON SRC

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CONF.

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(A)

ALLIED FORCES HEADQUARTERS
Supreme Allied Commander's Secretariat.

CONFIDENTIAL

SAC (45) 2
7th August 1945

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COPY 100.22

SUPREME ALLIED COMMANDER'S SECRETARIAT

YUGOSLAV WAR BOOTS IN ITALIAN CIVILIAN

③
Note by Secretary.

1. At Annex 1 to Annex 1 of the Morgan-Moreno Agreement which, subject to the provision of international law, gave the Yugoslavs certain rights in connection with war booty in the form of various goods coming under Anglo-American occupation.
2. There was initially some disagreement within this Headquarters as to whether goods, which were seized by the Yugoslavs upon their occupation of the area and which prior to such occupation were considered to be the property of the neo-fascist Italian government in Northern Italy, should be regarded as Yugoslav war booty.
- (a) On the one hand it was argued that these goods were the de jure property of the Italian government in Rome and as this government was not at war with Yugoslavia such goods could not be classified as war booty.
- (d) However, as it was considered that the Italian government in Rome could not dispose of property over which neither it nor the Allies had secured physical control, and also in view of the fact that the admission in principle of the Yugoslav claim to such property was a basic conception of the Morgan-Moreno Agreement, the point of view at (a) above was overruled.

3. Accordingly recommendations were made to the Combined Chiefs of Staff in May 1946, relevant paragraphs of which are:

4. It is proposed to release, with exceptions in para 5, property of government or governmental agencies of nations at war with Yugoslavia, including Italy.
5. Items essential to maintenance of law and order, to prevention of unrest and disease, to maintenance of public utilities would not be released. Not released also would be such items as would constitute replacement in kind of allies. Every other line would be cleared for ultimate disposition on a governmental basis.

The Combined Chiefs of Staff, by paras 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

(a) On the basis of the information furnished by the Italian government in 1946 and on this government's view of the Italian government's position, it was considered that the Italian government in 1946 could not finance of property over which it had the right to recover physical control, and also in view of the fact that the admission in principle of the Yugoslav claim to such property was a basic conception of the Italian-Yugoslav agreement, the point of view as (a) above was overruled.

(1) However, as it was considered that the Italian government in 1946 could not finance of property over which it had the right to recover physical control, and also in view of the fact that the admission in principle of the Yugoslav claim to such property was a basic conception of the Italian-Yugoslav agreement, the point of view as (a) above was overruled.

4. Accordingly recommendations were made to the Committee of Staff in 1946, relevant paragraphs of which are:

4. It is proposed to release, with exceptions in para 5, property of governments or governmental agencies of nations at war with Yugoslavia, including Italy.

5. Items essential to maintenance of law and order, to prevention of unrest and disease, to maintenance of public utilities would not be released. Not released also would be such items as would necessitate implementation in kind by allies. Enemy owned like would be blocked for ultimate disposition on a governmental basis."

500

The Combined Chiefs of Staff, by JCS 540, approved the proposal in 1946, except paragraph 5, in regard to which clarification was requested as to the relationship between these provisions and those of paragraph 1 of Annexure 1. This clarification has since been given by JCS 1026 and the approval of the Combined Chiefs of Staff to paragraph 5 of JCS 1026 is omitted.

5. Meanwhile direction on shipping aspects of the war booty problem has been requested from the Combined Chiefs of Staff in 1947.

6. JCS 1026, G-5, with the concurrence of G-3(1), G-4(1), US Joint and Staff accordingly propose that the draft directive at Annexure 1 should be issued to 15 copies. This directive, ordering the release to the Yugoslav government of items which were captured by their forces and which were the property of governments (including Italy) at war with Yugoslavia. It places a temporary restriction on the return of any shipping items or items covered by para 5 of JCS 1026, in regard to which the direction of the JCS is omitted.

7. The SAC is requested to approve the language of the directive at Annexure 1.

CONFIDENTIAL
(Sgt) J. B. SUTHERLAND, Jr. 3A
LIEUTENANT COLONEL, USA
SEC. STAFF. 3

3

SECRET

SECRET

ATTACHED TO NO INFORMATION TO BE RELEASED

WAR BOOTS

1. It is agreed that every war material, captured by the Yugoslav forces in the area now coming under Allied military control, may be considered Yugoslav war booty, in accordance with the normal provisions of international law.
2. It is agreed that appropriate machinery must be set up to determine at the earliest possible moment Yugoslav claims respecting war booty. In view of the apparently complicated nature of the cases presented, the nature, constitution and powers of any commission or other tribunal which may be established to consider these matters will be reserved for later agreement upon fuller examination of the types of cases involved.
3. Meanwhile, officers representing Allied and Yugoslav military commands will dispose of as many cases as possible by mutual agreement locally. Those of Officers designated to conduct these negotiations will be exchanged within one week of the signing of this agreement.
4. The Allied command will have the right to forbid the removal of equipment claimed to be war booty until agreement has been reached under paragraph 3, or a decision rendered in accordance with paragraph 2. The Allied forces agree not to evacuate any war material or equipment which is claimed by the Yugoslav army as war booty, until such an agreement or decision has been reached.

5583

0243

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

3. Meanwhile, officers representing Allied and Japanese military commands will discuss of an early cease as possible by mutual agreement locally. Issues of officers designated to conduct these negotiations will be exchanged within one week of the signing of this agreement.

4. The Allied commanders will have the right to forbid the removal of equipment claimed to be war booty until agreement has been reached under paragraph 3, or a decision rendered in accordance with paragraph 2. The Allied forces agree not to evacuate any war material or equipment which is claimed by the Japanese Army as war booty, until such an agreement or decision has been reached.

5382

(2)

98.

Miss S.

- 1) Letter submitted by Leon Lee. at 490 has not been sent. Lt Comm has spoken to G-5 on the phone, they are sending us some further correspondence on the matter.
- 2) Please take action on 97. Capt B. has asked G-5 on phone for missing letter of 3 Jan.

J.H. 9/12

Also

101.

Ref your 98. At 96 are the comments of HQ 13 Corps, which, as you see, suggest forwarding this matter to AFHQ. At 95 is a further letter from Bureau about this War Booty Commission - should this be forwarded to AFHQ or should we wait till we get the correspondence mentioned in para 1 of your 98?

Letter at 99 submitted in your signature; it is acknowledgment of letters from R.F.A.

Letter at 100 also submitted in signature 97 refers. In view of 96, para 4 requests SCAP to place the matter of material stolen from Asia before 13 Corps, and suppose this comes under the category of "war booty". Legal S/C's opinion of the matter is attached for their info.

65 12/2

Note

103.

We spoke Major Fairmire / Miss Sampson. Rumor is now being handled by Industry Div
a copy of 102 forwarded for action by them.

Minute ⁽⁹⁰⁾

TO: Executive Commissioner

75

led

1. With reference to your letter 9008/72/EC of 23 January 1946, I have prepared and enclosed herewith a draft letter to Allied Force Headquarters, reference and date as above, for signature if approved.
2. The economic advantages of an early release of blocked materials make early and favorable action on this matter by Allied Force Headquarters highly desirable.

Harlan Cleveland
HARLAN CLEVELAND
Acting Vice President

31 Jan 46

Mc

91

Sec. Sec have prepared the attached letter re Yugoslav activities in Venezia Giulia in signature by C.C., forwarding the correspondence to S.A.C. I believe C.C. wished it to be sent to G-5, together with comments from Sec. Sec. CA. See. However, in view of Sec. Sec's letter I do not know if this is now necessary. CA. See comments are attached & flapped for easy reference. If Ex.C. does not approve of this letter, another can be drafted with CA. See comments but in way make this method.

68 1/2

92

See. See have prepared the attached letter
re Yugoslav activities in Venezia Giulia for
signature by C.C., forwarding the correspondence
to S.A.C. I believe C.C. wished it to be sent
to G's together with comments from See. See
C.A. See. However in view of See. See's
letter I do not know if this is now
necessary. C.A. See comments are attached
flapped for easy reference. If E.C. does
not approve of this letter, another can be
drafted with C.A. See comments, but he may
prefer this method.

1/2 5079

92

La Comin' Letter affixed submitted for signature.
H.S. 212

93

There are many letters from C.C. on some subjects
which must be brought forward. My staff know of
them and I do not expect this de novo approval.
B.F. all previous correspondence immediately from

12/2/62

86

C80

Send to AFHQ now say we are
asking XIII Capt comments (Extract our Econ
& CAS comment)

1/2/241

File with the Army

87

Capt B.

Will you get Gen. Sec. & CAS comments
to-day if poss. & forward to AFHQ as directed
by C.C.

H.S. 2811

See 88

0267

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

File with the Board

47

Capt B.

*Will you get Leon. Sec. & CAS comments
to-day if poss. & forward to AFHQ as directed*

by C.C.

H.S. 7811

See 88

for

5378

0263

JAN 24 1976

4

Chief Commissioner.

77 admin building 74

attached is submitted for your signature information

11/26/76

E.C. Record Embassies Br Reston U.S. Polad

This should have been forwarded to R.F.H.Q. with request for instructions to reply - CC's to

Ind CC

26/1

5576

Br Restin G
U.S. Polad

Ind
cc

This should
have been
forwarded
to R.F.H.Q.

26/

with request
for instructions
as to reply -
cc's to

5375

I agree - but CSO was right
I think is try to obtain comments of the
people - the spot before just passing the
back. 5375

MS 20/1

E.C. Then I think it should be
guided as soon as the comments are
received - saying all Corps' comments will
follow. I do not want too much delay

4-29-63

→ Please see legal SEC letter at 55 62-56+58
w/er. If this meets with Co. Co. & Co's
approval I can then be sent to AFMA.
65. 28/12.

64

Do Polads agree?
/na- 18/12.
65.

~~Polad (A)~~
~~Polad (B)~~

Do you agree with letter at 62 opposite?
18/12.

66.

C.S.O. to E.O. Com.

Yes.

Yes.
12/28/45

12/28/45

Ex. Com.

69.

→ letter at 67-68 re And a notice submitted
for signature. Polads are in agreement (see 66)

12/28/45 31/12.

18 19/10.

66.

C.S.O. to Gen. Com.

Yes.

Yes.
Jed, 12/28/45

19/10/10

Ex. Com.

69.

Letter at 67-68 re Cross & House submitted
to signature - Polads are in agreement (see 66)

Final 31/12.

~~Copy to 880000 175/3/1~~

76.

5574

Copy letter at 7: submitted to signature -
letter from R.F.A at 24 refers. I think in
view of the amount of people involved
it's better we should handle this
rather than passing to Gen. See. 18 22/1

18.

Copy A "Thank you" is at 77.

18 23/1

Ex-Com.
CFO -
Capt Braybrook

48
650
Feb. 47 for info.

1-11-11
24/10.

49

Seen by G. G. O. G. C.

27/4

28/29/10

53.

53. Letter as amended submitted to consideration.
23/11.

54

Mr S.

I suggest (if amendments are cleared with Col Hanneford) that draft be typed for submission to Ex C. cleared 23/11.

Ex-Com.

Letter submitted

26/11.

28/29/11

(55)

Ex-Com

Letter submitted for signature, draft at 52 having been amended and dated 27/11 with Regal.

28/29/11

Miss S. I suggest (if amendments are cleared with Col Hannover) that draft be typed for submission to Ex. Com. cleared 6/24/53.

Ex. Comm. has letter submitted 6/26/53. (55)

Ex. Comm. Letter submitted for signature, draft at 52 having been amended and dated 7/2 with legal. CRJ 28/53

1 1
Chief Commissioner. approval 5/7/53
Attached is submitted for your ~~signature~~
F.C. Under agree MS 30/x1
copy, Under agree MS 30/x1
withdrawing for signature at 1000 Council House. Suggest 6/17/53
MS 30/x1

50/2
C L A
For action 17/1/53
MS 6/1/53
Our answer is at AC 4034/12/6 attached 6/5/53
MS 6/5/53

CSO- By folio 26.

POLAD (A) advises that Roma case (para 3 of folio 26) has been referred to American Embassy and Yugoslav counterclaim against Italy referred to the Sec. Unable to get any info out of the Sec as yet.

POLAD suggests ACI case (para 4) be referred to American Embassy. Suggest this be done & Italian government advised, legal SEC to prepare letter, summarizing the legal status as they see it, for C.C.'s signature. Legal suggests folio 17, paras 5 & 6 that should this matter be referred to AFHQ. Should this be done prior to writing Embassy or can it be done simultaneously?

Emel 29/9

28

Capt. White AFHQ file

File 2/10

33

CSO- 32 is signature if approved please. Paras 4-5 have been cleared with Poland (B). folio 31 refers.

60 15/10.

(46)

note

0275

matter: be reviewed in Embassy
be done prior to writing
it be done simultaneously?

Emil 29/9

28

Capt. White AFHQ file
File 2/10

C.S.O. 33. 30 a signature if approved please. Paras 4-5
have been cleared with Bolad (S). Folio 31 refers.
40 15/10.

(46)

Note

for CSO info
c/c Action on 10/10/10
Ref (45). Distribution incorrect. Message Centre to be
instructed to watch. Info. Action should be 371
to legal. Info to Leon: discussed with
Lifed White who has taken matter up
with legal: informed legal that they
were Info Action. No further action from
Ex C. as address in AFHQ.

22/10

File
22/10

CSO- Ref. folio 17. Para 3 requests opinion of Ex Com
 Enid 2019

21

Capt White.

I repeat I don't know the
 Case. What was the "appropriate"
 action expected to be made
 letter at 18?

21/5

22

CSO- Ref. min 20 and 21.
 folio 17 from Legal Sub-Commission expresses
 opinion the property in question, taken by
 the Jugoslavs as war booty was private
 property and therefore, still subject to
 confiscation (see para 243 of folio 17) See by our
 The matter was referred to Ex. See by our

folio 18.
 Ex See replied (folio 19) that legal is in
 error and that the company in question
 Italiani is not a private com-
 Canada Carbon and further instructions.

21/3

22

C50- Ref min 20 and 21.
folio 17 from legal Sub-Commission expressed
opinion the property in question, taken by
the Jugoslavs as war booty was private
property and therefore that subject to
confiscation (see para 243 of folio 17) see by our
The matter was referred to Ec. See by our
folio 18. That legal is in
Ec. See replied (folio 19) that company in question
error and that the company is not a private com-
pany and requested further instructions.
It is suggested that the matter be referred
back to legal for consideration in the light
of facts pointed out by Ec. See and that legal
prepare letter to AFHQ for ruling 5.73

Ernest 249

Thank you. Will refer to legal please.

21/3

0 2 7 8

0 2 7 8