

Declassified E.O. 12356 Section 3.3/NND No. 785015

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WAR CRIMES
JAN. 45.

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SECRET

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref. 11/29.A/CA

19 Jan 45

SUBJECT : Investigation of War Crimes.

TO : See Distribution

- 1 The enclosed copy Directive CH/15000/G-1(B) from AFHQ as to investigation of war crimes is forwarded for information and action as necessary.
- 2 Attention is drawn to paragraph 11 (b). All such reports will be forwarded by Regional Commissioners to this HQ for onward transmission to AFHQ.
- 3 A copy of GRO 697/44 is also enclosed.

BY COMMAND OF THE CHIEF COMMISSIONER

R. R. Chipp
R. R. CHIPP Col.
CSO CA Section
for VP CA Section
LDS AC

DISTRIBUTION :-

Abruzzi Region	Lombardia Region
Emilia Region	Lazio Region
Toscana Region	SCAO 5 Army
Venezia Region	SCLO 8 Army
Piemonte Region	"
Liguria Region	"

For inf :- Legal S/C
COS
Estab Section ✓

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Extract from
General Routine Orders

No. 697 of 1944

WAR CRIMES

- 1 The responsibility of units and formations in relation to war crimes will be limited to reporting any matters which may indicate that such a crime has been committed. This HQ circular G1/B/3305/A3 dated 6 Feb 44 (which required a Commanding Officer to investigate any circumstances suggesting the commission of a war crime which might be notified to him) is cancelled.
- 2
 - a) Examples of offences falling within the category of war crimes are given in the Manual of Military Law, Chapter XIV, para 443.
 - b) The examples most commonly encountered are ill-treatment of British and Allied Prisoners of War and atrocities committed by the enemy against the civil population.
- 3 Any unit or formation which discovers any circumstances suggesting the commission of a war crime will report by signal direct for action to AFHQ (G1 (Br) A3) and to DPM, AFM, or DAFM of the formation district or area concerned, repeated, if the unit or formation is under command of HQ, AAI, to Main HQ, AAI, for information.
- 4 The signal will give the location, with map reference, at which the crime is believed to have occurred and a very brief indication of the nature of the crime.
- 5 Detailed instructions as to the action to be taken by DPMs, AFMs, or DAFMs of formations districts or areas on receipt of signals under para 3 of this GRO, and as to the action required in respect of reports of war crimes received through channels other than those specified in this GRO, are being issued separately to those concerned.

SECRET

ALLIED FORCE HEADQUARTERS

CR/15000/C-1(B)

11 Jan 45.

SUBJECT:- Investigation of War Crimes.

Rear HQ Eighth Army (30)
 British Inurement ('A' Branch) (20)
 Rear HQ Fifth Army.
 HQ No. 1 District (20)
 HQ No. 2 District (20)
 HQ No. 3 District (20)
 HQ North Africa District (5)
 HQ Land Forces & Mil Liaison, Greece. (20)
 HQ Land Forces Adriatic (20)
 HQ Allied Commission. (15)

GENERAL.

1. In order that enemy war criminals may in due course be brought to justice steps must now be taken to provide for their identification and apprehension, and for the recording of all available evidence against them.
2. For the purpose of this directive war crimes are defined as violations of the recognised rules of warfare by members of the enemy's armed forces, examples of which are set out in IHL, Chapter XIV, paragraph 443.

RESPONSIBILITY FOR INVESTIGATION.

3. The British and Allied Governments are establishing their own National Offices for War Crimes, which will be responsible for presenting to the War Crimes Commission for consideration cases in which war crimes have been committed against their own nationals. Trials of such cases will be postponed until after the cessation of hostilities against Germany.
4. The American and British Governments have agreed in principle that the two Governments, in view of Italy's co-belligerent status, should act for the Italian Government in transmitting to the War Crimes Commission information relating to German war crimes against Italians.
5. It has been agreed that in this theatre investigation of war crimes against Italians shall be undertaken by the British Army when the alleged offence was committed in a sector or area under British command and by the

Rear HQ Eighth Army.

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 HQ No. 2 District (20)
 HQ No. 3 District (20)
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 4. The American and British Governments have agreed in principle that the two Governments, in view of Italy's co-belligerent status, should act for the Italian Government in transmitting to the War Crimes Commission information relating to German war crimes against Italians.

5. It has been agreed that in this theatre investigation of war crimes against Italians shall be undertaken by the British Army when the alleged offence was committed in a sector or area under British command and by the US Army when committed in a sector or area under US command.

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6. The responsibility for investigation devolving on the British Army is therefore confined to war crimes which are either :-

- (a) committed against British subjects, or
- (b) committed against Italian subjects in a sector or area under British command at the date when they are reported.

7. Reports of crimes against nationals of US or other Allied Nations should be passed to this HQ for onward transmission to the appropriate authority.

...../Sheet 2

Sheet 3.

LISTS OF SUSPECTS.

18. Records are being maintained at AFHQ of persons suspected of war crimes, and "Lists of War Criminals" will from time to time be prepared, from information provided by the War Crimes Commission and from reports from sources in this theatre. These will be circulated to all concerned. These "Lists of War Criminals" must be carefully distinguished from other "Black Lists" issued through Intelligence channels.

19. Any Commander in possession of these "Lists of War Criminals" will take all possible steps to locate and apprehend the individuals listed, and will report any arrests immediately to this HQ, which will issue instructions for their custody and disposal.

20. Commanders may arrest suspects whose names are not on the above mentioned lists if satisfied that there is reasonable evidence that they have committed a war crime, and will immediately report such arrests in accordance with GNO 697/AA.

21. Some war criminals may be found among persons already detained by the Allied Forces as prisoners of war or civilian internees, and among persons otherwise entitled to be treated as prisoners of war upon apprehension. The fact that such persons have been charged as war criminals will not affect their treatment as prisoners of war or civilian internees. Prisoners of war who are charged as war criminals will be retained in this theatre until completion of the record of evidence of the Court of Inquiry, but will thereafter be evacuated under normal arrangements, with an indication on their records of such charges.

CO-ORDINATION WITH OTHER SERVICES.

22. Investigation of war crimes against Italian civilians will be undertaken by the Army only, and arrangements have been made for any reports reaching the Royal Navy or the Royal Air Force to be passed direct to AFHQ.

23. Investigations relating to war crimes committed exclusively against personnel of the Royal Navy will be undertaken by the Army. Any information should be passed to AFHQ G-1 (British) which will keep C-in-C Mediterranean informed of the progress of the investigation.

24. Investigations relating to war crimes committed exclusively against personnel of the RAF will be undertaken by the RAF. Any information should be passed to the Senior RAF Officer in the locality in which it arises.

19. Any Commander in possession of these "List of War Criminals" will take all possible steps to locate and apprehend the individuals listed, and will report any arrests immediately to this HQ, which will issue instructions for their custody and disposal.
 20. Commanders may arrest suspects whose names are not on the above mentioned lists if satisfied that there is reasonable evidence that they have committed a war crime, and will immediately report such arrests in accordance with GAO 697/AA.
 21. Some war criminals may be found among persons already detained by the Allied Forces as prisoners of war or civilian internees, and among persons otherwise entitled to be treated as prisoners of war upon apprehension. The fact that such persons have been charged as war criminals will not affect their treatment as prisoners of war or civilian internees. Prisoners of war who are charged as war criminals will be retained in this theatre until completion of the record of evidence of the Court of Inquiry, but will thereafter be evacuated under normal arrangements, with an indication on their records of such charges.
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 24. Investigations relating to war crimes committed exclusively against personnel of the RAF will be undertaken by the RAF. Any information should be passed to the Senior RAF Officer in the locality in which it comes to light and to AFHQ G-1(British)A3, which will inform HQ MAF.
 25. Where the crime is committed against both Army personnel and at the same time against personnel of another British service, action will be taken in accordance with paragraphs 8 - 13 of this letter, a copy of the information being passed to the Senior Local Commander of the other service concerned. AFHQ G-1(British)A3 will arrange for a joint investigation with the service concerned, and for a joint Court of Inquiry should the facts warrant it.
 26. Where the crime is committed against both British service personnel and at the same time against American personnel, action will be taken in accordance with paragraphs 8 - 13 of this letter. AFHQ G-1(British)A3 will pass to G-1(American) a copy of all information received with such recommendations as may be appropriate.

Sheet 4

DOMINION FORCES.

27. Dominion Formations and Units will comply with these instructions in relation to all war crimes except those affecting members of their own Dominion Force, in relation to which they will comply with such instructions as may be issued by the appropriate Dominion HQ.

JTM.

Approved by
Major General,
DAG, G-1(B).

Copy to :- O-in-C, Mediterranean. (2)
HQ MAF (2)
Cdn Sec CHQ 1 Ech. (2)
USF Adm HQ Main (2)
HQ 2 NZEF (2)
CHQ 2nd Echelon (4)
HQ CR & E (2)
FWB
HQ Allied PW Repatriation Unit (5)
G-1(A) (3)
G-2 (4)
G-5 (3)
PM(PF) (3)
DAG (20)
G-1(B)A2
G-1(B)A6
G-1(B)A7.
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Appendix 'A' to
LHQ letter CR/15000/C-1(B)
dated 1/ Jan 45.

WAR CRIMES.

- (a) Attention of all Provost Officers should be directed to the provisions of GPO 697/44, dealing with the responsibility of units and formations in relation to war crimes in general, and in particular to the Provost procedure for investigating such cases.
- (b) On receipt of information of a suspected war crime, the DPM/AFM/DPM of Formation/District/Area concerned will initiate a preliminary investigation, collecting such immediate evidence as is available. He may obtain the technical assistance of the nearest SIB Section, though it is pointed out that immediate SIB help may not always be available.
- (c) An interim report containing such initial information, as under, should be forwarded direct to DPM, HQ, SIB.
 - (i) Initial information should show :-
 - (i) Date of alleged crime
 - (ii) Place i.e. name of town, village etc, province, sheet number and map reference.
 - (iii) Nature of allegation and approximate number of victims involved e.g. approximately 20 victims said to have been shot, or 4 victims alleged to have been burned to death. Particulars of witnesses, including last name, first name, paternity, address, identification number.
- (e) In order that formation or other SIB sections may not become permanently involved in war crime investigations to the prejudice of their normal work, the further investigation of these cases will be carried out by SIB personnel specially allotted for this task by DPM, SIB if required and available.

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(c) An interim report containing such initial information, as under, should be forwarded direct to DPM, HQ, SIB.

(d) Initial information should show :-

- (i) Date of alleged crime
- (ii) Place i.e. name of town, village etc, province, sheet number and map reference.
- (iii) Nature of allegation and approximate number of victims involved e.g. approximately 20 victims said to have been shot, or 4 victims alleged to have been turned to death. Particulars of witnesses, including last name, first name, paternity, address, identification number.

(e) In order that formation or other SIB sections may not become permanently involved in war crime investigations to the prejudice of their normal work, the further investigation of these cases will be carried out by SIB personnel specially allotted for this task by DPM, SIB if required and available.

(f) Such specially allotted personnel will be under command of AFHQ and will be departmentally directed by DPM, SIB, AFHQ.

(g) DPM of SI Sections will take similar action as DPMs/AFMs/DPMs in respect of information relating to war crimes received by them from non Provost sources.

(h) DPM, HQ SIB, CME, will maintain a complete record of all cases investigated under Provost arrangements (including SIB) throughout the theatre, and available for information of the Staff at this Headquarters.

(i) To reduce chances of delay in transit, use will be made of CME/DKIS Services in forwarding such reports.

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