

Acc 10000/125/437

163/PAT.

MARKS OF RECOGNITION FOR PATS.

OCT. - 1944 - MAY 1945

FILE

163/PAT

MEMORANDUM NO. 7.

DATE

PAGE

12

Civil Affairs Section

Letter at (25) submitted for your approval & signature in reply to (24).

M. P. S. by for Case
for Director Local Govt
Sub Com.

17 May 45

13

To Patrols

Please see letter at (25) as amended
by V.P. :
Attorney Gen.
Assoc.

18 May 45

14

Civil Affairs Section

Ref. Min 13 = letter at (25), datagrammed,
for signature ~~after amendment~~ please.

M. P. S. by for Case

19 May 45

46-8

163/PAT

Mr. Sheetz
PATENTS (8)

Please prepare an aide memoire for C.E. to take to R.M. on Monday (if possible) asking him to prepare statement. This aide memoire should contain a description of the distinctive emblem as finally decided by 15 Aug GP.

21 Apr.

SP247

To PATENTS (9)

Please note folio 18A.

W.G.S. Jollard, Major
C. 4 Sec

21 Apr 75

(10)

C.A. Section.

Aide Memoire for the C.E. submitted opposite in accordance with MIN. 1.

All references are to file ~~163/PAT~~ 163/PAT

R. R. CRIPPS
Colonel,
Director,
Local Govt. S/O

1637

23 April 1945.

(11)

21 Apr.

To Parents

(9)

Please note folio 18A.

21 Apr 95

W.C.S. Jollard, Moya
C. 14 Sec

(10)

C.A. Section.

Aids Memoire for the C.C. submitted opposite in accordance with Min. 1.

All references are to file ~~103/147~~ 103/147

R. R. CRIPPS
Colonel,
Director,
Local Govt. S/O

1657

25 April 1945.

(11)

Aids Memoire handed by CC
to P.M.

24 Apr

SPH

1st. Col. Parcell telephoned
10 25 hr. - 22 apr.

- said - cable
concerning insignia
was sent out yesterday
21 apr. to AFHQ
copy to ALCON
(file O-335 "B")

This copy can be
presented here.

Parcell advised letting
the matter lie with
out disputing about
the design - Essential
that insignia be

163/PAT

(7)

TO VP.

17A

1. I discussed the attached signal ~~15A~~ with the CSO and with Col. Cripps at the suggestion of the CSO.
2. Both agreed that the order from SACMED that we should put into operation their previous signal 7A of the 17th March, still leaves unanswered questions previously raised by this HQ.
3. In Col. Behrens' letter 10A it was pointed out that shoulder patches did not fulfil the conditions of "irremovable" and "distinctiveness" at small arms distance.
4. Moreover in the signal 11A these facts were repeated.
5. Further it was represented in that signal that if recognition to Patriots as Prisoners of War were granted adequate provisions for hospitalization, clothing and food would have to be provided.
6. I cannot discover in these cables that this question has been satisfactorily answered either.
7. Another difficulty, perhaps even greater, would be the problem of securing agreement via the Red Cross or other diplomatic channels, by the Germans to this status for Italian Patriots.
8. I suggest that SACMED should be reminded of these difficulties, as an answer to their latest cable, before steps are taken to comply.
9. In any event Col Cripps stated that this problem was one for CA Sec to decide and give directions to Patriots before any action might be taken.

21 April 45

W. G. (S) Dillard
William A. S. DOLLARD
Major

1426

FILE

163/PAT

NOTE

MEMORANDUM NO. 4

PAGE

(6)

14 Apr 45

After a discussion on 14 April between Col. FISKE, Com. HOSIUS, Col. BRIG. UPJON, and Lt. Col. CRAIG it was decided not to go on with the issue of the blueprint. Although there were minor points in favor of the issue it was agreed that release of the smelt might cause embarrassment to Army or Navy.

Craig

Lt. Col. F. CRAIG,
D/Director, Local Govt S/C.

15764/45

1493

FILE

DATE

PAGE

4.

Patriots Branch, Local Government S/C.

1. It is thought that AFHQ may be still considering the issue of a modified shoulder patch: if this is so, it may affect the decision on the question now under consideration.

2. In the opinion of the Legal Sub-Commission, the wearing of an armband as suggested will not affect the legal status of the wearer; it will neither give him any additional immunities or subject him to any extra legal dangers.

3. It would seem that the dropping of the brassards behind the lines will give rise to serious practical difficulties, but presumably comments of this Sub-Commission are not required on that aspect.

Legal Sub-Commission.
14 Apr 45.

1 Captain cad

for W. E. BEHRENS.
Colonel,
Deputy Chief Legal
Advisor.

(5)

To EX. Comm.

Ref. Minutes 3 and 4.

I have consulted Public Safety Lt. Com. who are not in favour of the proposal.

Kearney

14/ Apr 45

W. E. BEHRENS, Lt. Colonel,
Deputy Director,
Local Govt. S/C.

(6)

1422

FILE

MEMORANDUM NO. 2.

DATE

PAGE

3.

Legal Sub Commission

13/Apr/45

1. Comd Hlds with of SO(M) Liaison Staff has produced the brassard opposite, which he recommends should be dropped for Patriots operating beyond the line.
2. The object of the brassard is to ensure that the Patriot bearing it, who may be guarding some object of importance, will not be swept aside by our troops, but will be recognised as a collaborator; it would also give him a certain status & authority in the eyes of the population.
3. Comd Hlds with considers that 5000 brassards would be sufficient for the whole of the N. of Italy. He suggests that where possible the same could be controlled by Patriot leaders.
4. Your comments & advice are requested urgently

4/33

Kearney

13/4/45

Staff has produced the brassard
opposite, which he recommends
should be dropped for Patriots
operating beyond the line.

→

2. The object of the brassard is to
ensure that the Patriot wearing
it, who may be guarding some
object of importance, will not be
overlooked by our troops, but
will be recognisable to him as a
collaborator; it would also give him
a certain status & authority in the
eyes of the population.

3. Cmd Hildscomb considers that some
brassards would be sufficient
for the whole of the N. of Italy.
He suggests that where possible
these would be controlled
by Patriot leaders.

4. Your comments & advice are requested
urgently

Patriots Branch

13 Apr 45

4/33

Kearney Col

D / Director

Local Govt Sub Com.

FILE

MINIMUM SHEET NO. 1

DATE

PAGE

M.M.I.A.

Ref (6).

File passed to you for information
concerning action to date.M. Proby from End
of District, Patriots Branch.

26 March 45.

Patriots Branch.noted. Thank you - further information
will be appreciated when availableW. P. D. [Signature]
M.M.I.A.

28 March

Phone 478-428

1102

26A

Distinctive of honour (ribbon) for the members of the Corpo Volontari della Liberta.

The decree concerning the institution of such distinctive ^{emblem} is being published in the Gazzetta Ufficiale.

(Letter of MOOI N. 1509/D.I. of 15 June 45.)

✓
157-28/6

49/3/PAT 40-75

MS

4431

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Tel. No. 439031
Ext. 525

19 May 1945

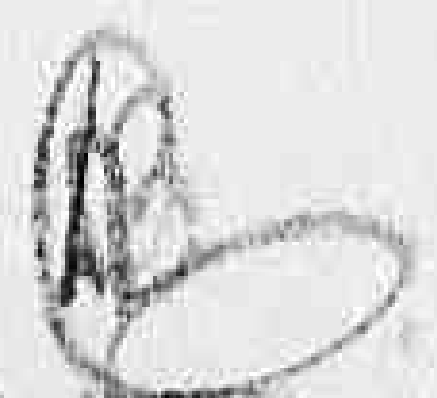
Ref : 163/PAT

Subject : Emblem for Patriots.

To : Ministry for Foreign Affairs.

R O M E

1. Reference is made to your Memorandum of 3 May on the subject of the institution of a special badge for Italian Patriots.
2. Owing to the surrender and cessation of hostilities there is now no reason for the wearing of a distinctive emblem to comply with Article 1 of the Hague Regulations respecting the laws and Customs of war on land; and it would appear unnecessary to proceed any further in the matter.


G.R. Smith,
Brigadier,
V.P. Civil Affairs Section.

4430

/mlc.

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Tel. No. 489081
Ext. 525

Roma, 19 Maggio 1945

Ref : 163/PAT

Oggetto : Distintivo per i Patrioti.

Al : Ministero degli Affari Esteri.

R O M A

1. Si fa riferimento al Memorandum di codesto Ministero in data 3 Maggio u.s., circa l'istituzione di uno speciale distintivo per i Patrioti Italiani.
2. In seguito alla cessazione delle ostilità, non vi e' ora nessuna ragione di portare un segno di riconoscimento in ottemperanza all'art. 1 della Convenzione dell'Aja sulle leggi di guerra, per cui si ritiene la cosa ormai superata.

G.R. URJOHN,
Brigadier,
V.P. Civil Affairs Section.

4429

Ministero degli Affari Esteri

13 MAR 1945 163

Wednesday 1224/5-67

INFORMAZIONE PER GLI ALLEATI COMMISSIONE

SOGGETTO: Italian Air Force.

21

C A Sec
Pak

1. - Reference is made to the Allied Commission's report of 11/12/44 of April 1944.
2. - Since December 1943 the Italian Government informed by radio of the constitution of Italian partisan groups operating against the German in occupied Italy and of the institution of a special League consisting of a third - coloured ribbon to be worn on the lapels of the coat.
3. - The constitution of the League and the institution of the ribbon were notified to the competent international authorities pursuant to art. 2 of the 1944 Convention of October 1944, 1947, known as the International Committee of the Red Cross et alia, which specified the aforesaid ribbon with the composition German Resistance.

4. - As it is not yet clear if the German Government have expanded the status of their groups to the Italian partisans, resistance movements and soldiers in the line as well as in the rear, the Italian people informed in Germany, especially through the Congress of Allied Authorities to combat the Congress Government the recognition of the German Government and the recognition of the German Government in the German Administration and people against any breach of the judicial protection through continued.

5. - The Ministry of Foreign Affairs will be very interested for those cases which the Allied Commission will see fit to have in the future.

6. - Text of the radio - message is appended enclosed.

Rome, May 21, 1945



SUBJECT: Italian in Mexico.

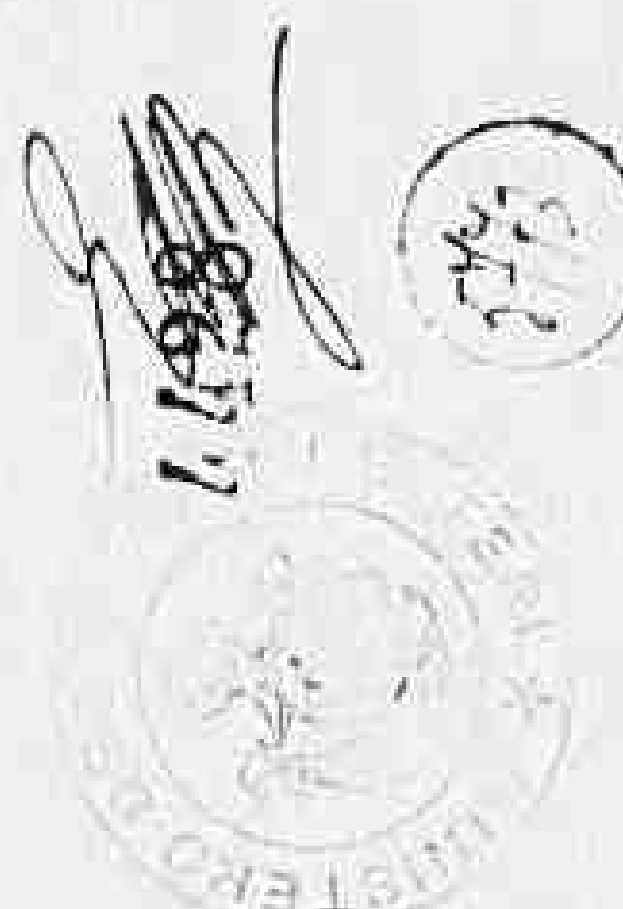
- 21 -

C A Sec
Pat

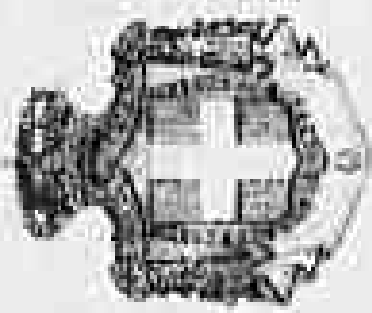
1. - Reference is made to the Allied Commission's report of 8.5.43, dated 1.7.44 of April 1944.
2. - Since December 1943 the Italian Government informed the Allies of the Commission of Italian partisan groups operating behind the German in occupied Italy, and of the institution of a special force consisting of a "Mare" - selected within to be born on the levels of the coast.
3. - The Commission of the Allies and the investigation of the Italian Government to the content of the Italian Government's report to the Commission in April 1944, in which the Italian Government to art. 2 of the Italian Convention of October 1943, 1947, through the International Committee of the Red Cross at Geneva which reported the Italian Government with the Commission German authorities.
4. - As it is not yet clear if the German Government have extended the status of belligerents to the Italian partisans, reaching therefore those captured by the German Government of war, the Italian people for the sake of the Italian partisans and soldiers together in Germany, expressly request the competent Allied Authorities to obtain from the German Government the recognition of the above-mentioned within the German Authorities and thereby a similar breach of the judicial protection granted.
5. - The Ministry of Foreign Affairs will be very grateful for those steps which the Allied Commission will see fit to take in the matter.
6. - Text of the radio - message is herewith enclosed.

Done, May 1945

13 MAY 1945



7 May 45



Ministredykt. Mario C. Sini

HABIO -- MESSAGE

In consideration of the progressive resistance of the Italian patriots in national territory and of the atrocities committed by the German Forces, the Italian Government, pursuant to art. 1 of the "Regulations on the law and customs of land operations in war" adopted by the second Hague Convention of July 29th, 1864 and by the corresponding fourth Convention of October 18th, 1907, have notified the competent international Authorities that the bands of Italian armed civilians who fight against the Germans in Italian territory -- and who are entitled to the protection envisaged by the laws of war -- have adopted as a badge a double three coloured ribbon applied to the lapels of the coat.

Therefore, all the patriots who have not already done so, will comply as soon as possible with this order, applying the badge to the lapels of their coat.

Rome, May 3th, 1945

1127

RADIO - MESSAGE

In consideration of the progressive resistance of the Italian patriots in national territory and of the atrocities committed by the German Forces, the Italian Government, pursuant to art. 1 of the "Regulations on the law and customs of land operations in war" adopted by the second Hague Convention of July 29th, 1907 and by the corresponding fourth Convention of October 18th, 1907, have notified the competent international Authorities that the bands of Italian armed civilians who fight against the Germans in Italian territory -- and who are entitled to the protection envisaged by the laws of war -- have adopted as a badge a double three coloured ribbon applied to the lapels of the coat.

Therefore, all the patriots who have not already done so, will comply as soon as possible with this order, applying the badge to the lapels of their coat.

Rome, May 3th, 1945

6427

5783

2014

860

CASEC 23

INCOMING MESSAGE

24 APR 1944

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: FX 63853
 Date/Time of Origin: APR 221216B

Message Centre No: 1/8404
 Date/Time Rec'd: APR 231859B
 Precedence: PRIORITY

FROM: AFHQ SIGNED SACRED CITE FBCT
 TO: ACTION 15 ARMY GP INFO BOMTO, ALCOM

SECRET

SECRET.

Ref your O-235(B) dated 21st.

Approved with exception of colour of insignia. White material will be dyed red or other distinguishing colour before being issued.

DIST

INFO-ACTION C A SECTION
 INFO A/PRESIDENT
 CHIEF COMMISSIONER
 EXEC COMMISSIONER
 PATRIOTS BR
 LAND FORCES SC
 FILE

4426

SECRET

4293

22

23rd April, 1945.

Reference No. 6/12.5/CA

ATTN MEMOIRE.

1. The Combined Chiefs of Staff suggest that if Italian Partisans fulfill the conditions of Article one of the regulations appended to the Hague Convention No. 4 of 1907, a statement should be prepared for issue by the Italian Government stating the facts and demanding treatment as Prisoners of War in the event of capture by the enemy.
2. Organised Bands working in the North appear to comply with the requirements of the Hague Convention referred to in Paragraph 1 above in every respect other than that of wearing a distinctive emblem. The Supreme Allied Commander has now ordered that such an emblem will be worn to conform with the Regulations of the Hague Convention.
3. It is therefore requested that if you agree you should prepare a statement demanding for Patriots treatment as Prisoners of War in the event of capture by the enemy. The statement to be forwarded to this Commission for submission to and approval by the Supreme Allied Commander and the Combined Chiefs of Staff.

25-6-45
ELBERT W. STONE
Rear Admiral, USNR
Chief Commissioner

Forwarded to P.M. 24/APR/45

6425

HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL GOVERNMENT SUB-COMMISSION

Ext. 620

Reference: 6/12.5/OA

23rd April, 1945.

To: The Chief Commissioner
(Through Civil Affairs Section).

1. Attached is an Aide Memoire on the subject of Prisoner of War Status for Patriots, which is submitted for your approval.
2. The terms of the Geneva Convention require that Militia in a Volunteer Corps must fulfill the following conditions:
 - (a) be commanded by a person responsible for his subordinates;
 - (b) have a fixed distinctive sign recognisable at a distance;
 - (c) carry arms openly;
 - and
 - (d) conduct their operations in accordance with the laws and customs of war.

All the conditions dealing with this matter can be found in the Manual of Military Law, 1929, Amendment No. 12: "Laws and Usages of War on Land", Chapter XIV paragraphs 22 to 28.

3. To fulfill the conditions regarding the distinctive sign, 15th Army Group have ordered that Patriots working under their command should wear an Equilateral Triangle 15 Centimetres at the base, made of white cloth sewn on the right breast. Local Sub-Commission's opinion is that this complies with the requirements of the Geneva Convention.

4. This definition has not been included in the Aide Memoire for the Prime Minister as it is known by this Sub-Commission that some Partisans are already wearing a red and blue arm band, and it would seem that any Partisans wearing a distinguishable mark should be included in the terms of this request pending the time that uniformity has been achieved.

R.R. Cripps
R. R. CRIPPS, Colonel,
Director,
LOCAL GOVERNMENT SUB-COMMISSION.

C.A. Section.

AIDE MEMOIRE FOR THE C.O. SUBMITTED

IN ACCORDANCE WITH AIR. 1.

All references are to file ~~163/PA7~~ 163/PA7

Ref.: 163/PA7

23 April 1945

Patriot Emblem.

Proposal.

1. To ensure treatment as Prisoners of War for Patriots captured by the Enemy.

History of the Proposal.

2. a) The proposal was made by the Combined Chiefs of Staff in Oct. 44 (4a).

A.C.C. did not recommend it should be acted upon as it would enhance the status of Patriots and be liable to increase Allied difficulties in dealing with them in the future; The Italian Government was in favour of the scheme (4a, 5a, 6a)

b) The matter was again raised on 17 Mar. 45 by AFHQ (7a) who requested

A.C. to take up with the Italian Govt. the preparation of a statement

which would demand for Italian Patriots, in the event of capture by the

German, the same treatment as is granted to Prisoners of War. This

would, among other conditions, necessitate the wearing of a distinctive

emblem, recognizable at a distance, in conformity with the provisions

of the Geneva Convention.

c) A.C. replied (11a) that the wearing of a distinctive emblem and the

issue of a statement by the Italian Govt. claiming the benefit of the

23 April 1945

785016

Proposal.

1. To ensure treatment as Prisoners of War for Patriots captured by the Enemy.

History of the Proposal.

2. a) The proposal was made by the Combined Chiefs of Staff in Oct. 44 (1a).

A.C.C. did not recommend it should be noted upon as it would enhance the status of Patriots and be liable to increase allied difficulties in dealing with them in the future; The Italian Government was in favour of the scheme (4a, 5a, 6a)

b) The matter was again raised on 17 Mar. 45 by AFHQ (7a) who requested A.C. to take up with the Italian Govt. the preparation of a statement which would demand for Italian Patriots, in the event of capture by the Germans, the same treatment as is granted to Prisoners of War. This would, among other conditions, necessitate the wearing of a distinctive emblem, recognizable at a distance, in conformity with the provisions of the Geneva Convention.

6423
c) A.C. replied (11a) that the wearing of a distinctive emblem and the issue of a statement by the Italian Govt. claiming the benefit of the Convention for Patriots would be taken as a final indication by Patriots that the Allies intend to give them all the benefits of Military Forces, such as Hospitalization, Rations and Clothing, and if such benefits are not forthcoming great difficulty might be experienced in dispersal of Patriots.

21b

- 2 -

It was recommended that no steps be taken to issue a statement or to send designation to Patriots until supplies were available; authority to issue such supplies had already been requested from Combined Chiefs of Staff.

d) AFHQ on 14 Apr. (15a) gave provisional authority for the issue of supplies to Patriots but emphasized the fact that Combined Chiefs of Staff approval had not yet been received. However they considered that the proposal should now be implemented. (15b)

Suggested Emblem.

3. 15 Army Group suggest the following emblem - 10A

a 12 on equilateral triangle of white cloth sewn on right breast.

It is pointed out that white will rapidly become a neutral colour. Materials are readily available.

It was considered that the previous suggestion (11a), of shoulder patches of Guards pattern, would not conform to the requirements of the Hague regulations.

Action Required of A.C.

4. A.C. is now requested (1a) "to take up with the Italian Govt. the preparation of a statement which will demand for Italian Partisans in the event of capture by Germans, treatment as P.O.W. in all cases in which the requirements of the Geneva Convention as set forth in Article 1 of Annex to Hague Convention No IV are met". No such statement was issued unless first submitted to A.F.H.Q. for approval.

4422

supplies to Patriots but emphasized the fact that Combined Chiefs of Staff approval had not yet been received. However they considered that the proposal should now be implemented. (67)

Suggested Replies.

3. 15 Army Group suggest the following emblem - **10A**

a 15 cm equilateral triangle of white cloth sewn on right breast.

It is pointed out that white will rapidly become a natural colour.

Materials are readily available.

It was considered that the previous suggestion (11a), of shoulder patches or bands pattern, would not conform to the requirements of the Hague regulations.

Action Required of A.C.

4. A.C. is now requested (7a) "to take up with the Italian Govt. the preparation of a statement which will demand for Italian Partisans in the event of capture by Germans, treatment as P.D.W. in all cases in which the requirements of the Geneva Convention as set forth in Article 1 of Annex to Hague Convention No IV are met". No such statement was issued unless first submitted to A.D.H.Q. for approval.

Treaties Governing Land Warfare.

5. Manual of Military Law 1929 (monograph No 42, "Laws and Usages of War on Land" Chap. XIV paras 22-28, states that:

me

The laws, rights and duties of war apply not only to armies but also to militia, and volunteer corps fulfilling the following conditions:-

- (a) To be commanded by a person responsible for his subordinates.
- (b) To wear a fixed distinctive emblem recognisable at a distance.
- (c) To carry arms openly.
- (d) To conduct their operations in accordance with the laws and

customs of war.

- (e) In countries where militia or volunteer corps constitute the army or form part of it, they are included under the denomination

"Army"

It will be noted that para 25 mentions that it is not necessary to inform the enemy of the distinctive signs adopted, but to avoid misunderstanding it may be convenient to do so.

2023

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

785016

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: C-1358

Message Centre No: B/5342

Date/Time of Origin: APR 21/1945

Date Time Rec'd: APR 21/1945

22 APR 1945

Precedence: ROUTINE

FROM: 15 ARMY GROUP

TO: ARMY GROUP HQ (19 AREA PASS) ALCON

SECRET.

INFO - ACTION

Reference your FX 62284, date THGOT of 19.

All concerned have agreed following insignia most satisfactory and practical.

A 15 cm. equilateral triangle of white cloth worn on right breast. Can be prepared locally from parachute material. White will rapidly become neutral colour. Request approval before we pass instructions to partisans through all missions.

M/C NOTES:

No trace of FX 62284

DIST

INFO-ACTION: CA SEC

INFO : A/PRESIDENT
CHIEF COMMISSIONER
EX COMMISSIONER
PATRIOTS BRANCH
LAND FORCES
FILE (2)
FLOAT

HEADQUARTERS

22 APR 1945

A. C.

15 cm.

SECRET

4420

12/15

2024

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

785016

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

C.A. Sec

19A

Originator's Reference: 767
Date/Time of Origin: APR 21 0635PMessage Centre No: 1/8267
Date/Time Rec'd: APR 21 1325P
Precedence: ROUTINEFROM: SOWTC
TO: ALLIED COMMISSION

21 APR 1945

SECRET...

17A

Reference FREEDOM FX 62407 of 19th April.

SCM previously requested by ADOS (LP and P) manufacture of 100,000 signs marked "PARTISAN" to 15 ARMY GROUP specification our 149/CS of 17th March refers. This later cancelled by our signal 70 of 3rd April and reinstated by our 97 of 6th April. Central purchase and production in their HQ C.P. 200 of 10th April states manufacture not commenced and matter referred to 3 AFHQ. Above for your information.

DIST

ACTION: CA Sec
INFO: A/President
Chief Commissioner
Executive Commissioner
Econ Sec
Land Forces S/C
File



SECRET

4419

ACTION



6/125/1A ~~18A~~

18A

FOR ACTION FIFTEEN ARMY GROUP CIVIL AFFAIRS

5883

21 April 1945

PRIORITY

IN CLEAR PD

18A

PARA ONE PD REF AFHQ SIGNAL FOX XRAY SIX TWO FOUR ZERO SEVEN OF
NINETEEN APRIL CONFIRMING CONVERSATION CRIPPS PERCELL TWENTYONE
APRIL PD

PAREN TO FOR ACTION FIFTEEN ARMY GROUP CIVIL AFFAIRS FROM HQ AIGOM
CITE AGPAT PAREN

PARA TWO PD REQUEST THIS HEADQUARTERS BE ADVISED WHAT FORM EMBLEM
WILL TAKE

See 19A

Patriots Branch

321

M.P.

Lt Col F. CRAIG.

• 4418

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference:

FX 62407

Date/Time of Origin:

AHR 191733

20 APR 1945

Message Centre No:

D/8126

Date Time Rec'd:

AHR 200830

Precedence:

PRIORITY

FROM:

AFHQ SIGNED SACRED CITY FHGEG

TO:

ALCOM INFO 15 ARMY GROUP, SOMTO

ACTION

SECRET.

Ref our FX 45141 and FX 45247 of 17th March.

Pursuant to your request in 4110 of 23rd March 45 action was delayed by our FX 54376 of 3rd April 45 pending a determination of supply policy.

In view of our FX 60055 of 14th April no further delay is necessary.

You are requested to take action in accordance with FX 45141 of 17th March

DIST

ACTION INFO C A SEC
A/PRESIDENT
CHIEF COMMISSIONER
EXEC COMMISSIONER
ECON SEC
I FORCE
FILE

SECRET

4417

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: FX 62234
Date/Time of Origin: APR 191451EMessage Centre No: D/0127
Date Time Rec'd: APR 200830E
Precedence: PRIORITYFROM: AFHQ SIGNED SIGNED SITE FBCT
TO: 15 ARMY GROUP INFO ALCON SCITO

SECRET.

INFO - ACTION

Reference our FX 45247 and FX 45141 of 17th March.

Action on status of participants was delayed by our FX 54376 information
copy to you.In view of our FX 60055 of 14th April no further delay is necessary you
are requested to take action in accordance with FX 45141 of 17th March.7A
DIST
HEADQUARTERS
20 APR 1945
A. C.
INFO-ACTION: CA Sec
INFO: A/President
Chief Commissioner
Executive Commissioner
Room Sec
L. Forces
File

SECRET

4416

C
O
P
Y

INCOMING MESSAGE

Original passed to Pdt. - 44/6/10PSEC

FX 60055

APR 14 1941

15 Apr. 41

D/7729

APR 15 1941

PRIORITY

From : ARMY SIGHTED WAGGED OPTS WILDS

To : 15 ARMY GROUP, ALCON INFO 5 ARMY, 8 ARMY.

SECRET

Your O-320B of 12 April.

You are authorized to proceed in accordance with policy outlined in our # 26918 of 14th February and our # 57979 of 10 April to extent to which you consider it operationally necessary. Emphasize that CCS approval has not yet been given and that when CCS reply is received some modification to policy outlined in above quoted signal may be necessary. AS will take all steps to ensure final disposal Partisans taken place as quickly as possible to reduce the military commitment to a minimum. Detailed issue of instructions to 5 and 8 Armies with copy follows departmentally.

DIST

INFO-ACTION C A SECTION

4415

INFO A/PRESIDENT
CHIEF COMMISSIONER
EX COMMISSIONER
ECOM SEC
LAND FORCES SEC
FILE

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

6/12.5/CA

5 April 1945

SUBJECT: Wearing of distinctive emblem by Patriots.

TO: SO(M) Headquarters, CMF.

Copy to: SO(M) Liaison Staff, c/o AMFG.

G-5 Section, Allied Force Headquarters, have requested this Section to forward you a copy of ALCON SIGNAL 4110 dated 23 March which, although addressed to you for information, has not, we are informed, been received by you.

R. R. Criss
R. R. CRISS, Col.
CSO CA SECTION.

Encl: Signal ALCON 4110.

4414

2030

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

785016

5934

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

CAS 132

Originator's Reference: FX 54376
 Date Time of Origin: APR 031630Z

Message Centre No: D/6772
 Date Time Rec'd: APR 032150Z
 Precedence: PRIORITY

FROM: AFHQ SIGNED SACMED CITE FHGEG
 TO: ALCOM INFO HQ 15 ARMY GROUP SOMTO

- 4 APR 1945

SECRET

SECRET.

Request contained in your para 5 your 4110 of 23rd March is approved.
 Hastener on NAF 864 (?) has been despatched.

ACTION

DIST

ACTION: CA Sec 2
 INFO: A/President
 Chief Commissioner
 File 2
 Float

SECRET

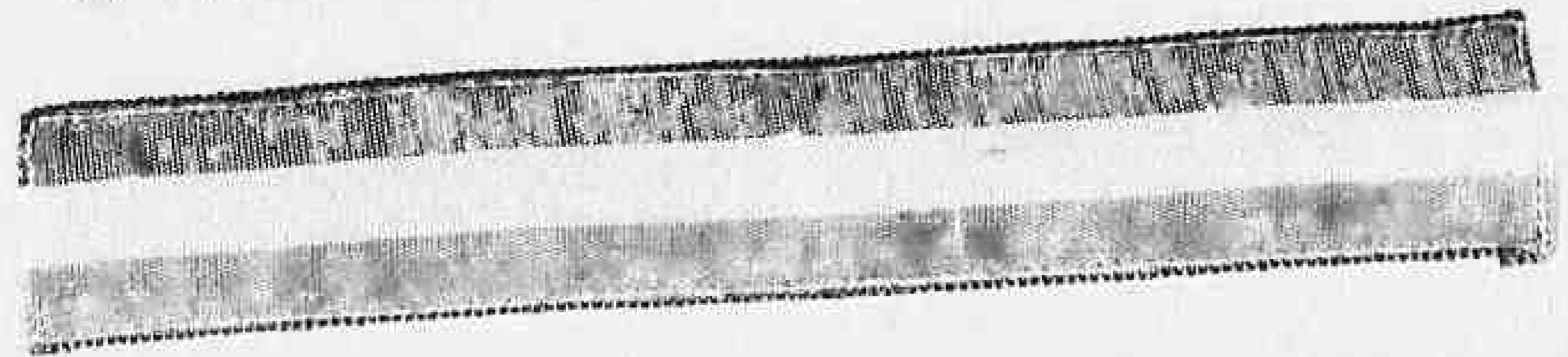


3442

2031

Declassified E.O. 12356 Section 3.3/NND No. 785016

PATRIOT POLICE



POLIZIA PATRIOTI

491

25 MAR 1945

Subject : Italian Partisans.

Land Forces Sub Comm.A.C.
(M.M.I.A.)
R O M E
A/II/I

24 March 45.HQ. A.C. for C.A. Section

Ref : AFHQ Signal FX 95141, dated 17th of March.

Although the partisans referred to in the above quoted signal are not part of the Italian Army and therefore MMIA is not directly responsible, it is requested that this HQ may be informed of any decision or action taken in this matter, in order that the Ministry of War may be informed.

S.P. Archer Capt.

S.P. ARCHER, Capt.
for Major General,
M.M.I.A.

SPA/fc

4412



1113

11A

AMHQ CITE FMREG INFO HQ 15 ARMY GROUP CIVIL AFFAIRS SECTION G 5 SECTION
CMA SOMTO

4110

23

PRIORITY

SECRET PD

7A

PARA ONE PD WEARING OF DISTINCTIVE EMBLEM BY PATRIOTS IS SUBJECT CMA YOUR FOX XRAY
NINE FIVE ONE FOUR ONE REFERS PD

PARA TWO PD HQ FIFTEEN ARMY GROUP ADVISE THAT PRESENT PLAN CMA IF AGREEABLE TO SOM
CMA IS TO SUPPLY PARTISANS WITH SHOULDER PATCHES WHICH ARE OF PATTERN OF GUARDS PAREN
BRITISH PAREN PATCHES CMA BLACK BACKGROUND WITH WORD PARTISANS IN RED LETTERS PD
FIFTEEN ARMY GROUP GEORGE FIVE SLANT FOUR ONE ONE PAREN NOT TO FIRST ADDRESSEE PAREN
REFERS PD

1013

PAREN TO AMHQ CITE FMREG INFO HQ FIFTEEN ARMY GROUP CIVIL AFFAIRS GEORGE FIVE SECTION
CMA SOMTO FROM HQ ALCOM CITE ACCAS PAREN

PARA THREE PD LEGAL OPINION OF THIS COMMISSION IS THAT THE SHOULDER PATCHES SUGGESTED
BY FIFTEEN ARMY GROUP DO NOT CONSTITUTE A FIXED DISTINCTIVE SIGN WITHIN THE MEANING OF
ARTICLE ONE OF THE HAGUE REGULATIONS RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND
ON THE GROUNDS THAT THEY ARE NOT SUFFICIENTLY CONSPICUOUS TO BE RECOGNISABLE AT A
DISTANCE PD REGARDED AS ESSENTIAL THAT THE PATCHES BE OF LARGER SIZE PD FURTHER
RECOMMEND THAT THE WORD QUOTE PATRIOTI UNQUOTE BE USED INSTEAD OF QUOTE PARTIGIANI
UNQUOTE PD

1111

PARA FOUR PD THE COMMISSION IS OF OPINION THAT WEARING OF A DISTINCTIVE SIGN AND THE
ISSUE OF A STATEMENT BY THE ITALIAN GOVERNMENT CLAIMING THE BENEFIT OF THE CONVENTION
FOR PATRIOTS WILL BE TAKEN AS A FINAL INDICATION BY PATRIOTS THAT THE ALLIES INTEND TO
GIVE THEM ALL THE BENEFITS OF MILITARY FORCES SUCH AS HOSPITALIZATION CMA RATIONS
AND CLOTHING AND IF SUCH BENEFITS ARE NOT FORTHCOMING IT IS THE VIEW OF THIS COMMISSION
THAT GREAT DIFFICULTY MAY BE EXPERIENCED IN DISPERSAL OF PATRIOTS PD
PARA FIVE PD IT IS RECOMMENDED THEREFORE THAT NO STEPS BE TAKEN TO ISSUE A STATEMENT
OR TO SEND DESIGNATIONS TO PATRIOTS UNTIL THE REQUEST CONTAINED IN YOUR MAILABLE FOR
EIGHT SIX FOUR IS ACCEPTED

INTERNAL DISTRIBUTION :

Ex Comn.
Patriots Branch.
Land Forces S/C
Legal S/C

CA SECTION

608

RR CRIPPS COL

4410

NICHOLAS PIOMBINO, CWO, AUS
Asst Adjutant.

SECRET

10A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4159/L

WEB/pa.
22 March 1945

SUBJECT : Patriots.

TO : VF CA Sec.

10B

1. Ref signal G-5/411 of 21 March 1945 I am of opinion that a black shoulder patch, Guards pattern, with the word "Partisans" inscribed in red is not a fixed distinctive sign within the meaning of Article 1 of the Hague Regulations respecting the Laws and Customs of War on Land.

2. In accordance with previously accepted principles of international law a sign, to be regarded as fixed, must be substantially irremovable. Otherwise the wearer could relapse at will from the status of belligerent to that of civilian. In this war the Allies have claimed that detachable arm bands, when worn, constitute a sufficient sign, and it was no longer open to us therefore to insist upon the irremovability of a sign in our treatment of enemy partisans. This was the view expressed by you in your letter AC/4159/L of 14 October 1944. It is by no means clear, however, that the Germans have accepted this view and obviously the Allies cannot by a unilateral declaration change to their own advantage previously recognized rules of warfare. A shoulder patch is clearly not irremovable; even if sewn on it can be cut off in a matter of seconds if the local tactical situation makes this course desirable.

3. In any event, as you also pointed out in your letter, the sign must be of sufficient size and sufficiently conspicuous to be recognizable at a distance. You stated that the test for this was that the sign must be visible at convenient small arms range - 150 to 200 yards - in normal light and by the naked eye. I respectfully concur in this opinion. The sign is intended to confer upon its wearer the right under the rules of war to use weapons against enemy troops. Obviously therefore it must be sufficiently conspicuous to identify its wearer to enemy troops, who observe him, as a proper target for their own fire. It cannot in my opinion be suggested that a black shoulder patch, even with red lettering, could be identified at 150 yards, or indeed a much shorter range, with the naked eye.

4. On the principal ground therefore that the sign could not be

4409

- 1 -

SECRET

SECRET

S E C R E T

recognized at a distance and also on the subsidiary ground that it is not irremovable I am of opinion, as stated, that it does not constitute a "fixed distinctive sign recognizable at a distance".

W. E. BEHRENS

W. E. BEHRENS,
Colonel,
Deputy Chief Legal Advisor.

4408

S E C R E T

2037

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

785016

436
22 MAR 1945

INCOMING MESSAGE

6/12.5/CA HEADQUARTERS ALLIED COMMISSION

CA 108

Originator's Reference: G-5/411
Date/Time of Origin: MAR 21 130AMessage Centre No: D/5653
Date/Time Rec'd: MAR 21 1910A
Precedence: ROUTINEFROM: HQ 15 ARMY GROUP (G-5 SECTION)
TO: HQ ALCOM**SECRET**

SECRET.

15 ARMY GROUP and SCM will confer.

Refer distinctive emblem for partisans and you will be advised as to instructions to be issued by 15 ARMY GROUP. Present plan if agreeable to SCM is to forward to partisans 100,000 shoulder patches which are of pattern of Guards (British) patches. These will be black background with word partisans in red letters. 5000 patches at a time will be dropped. Beginning date not yet know. You will be given full details as soon as possible. ALLIED COMMISSION cable 3856 refers, also TX 45247 17 March.

/ 4A

8A

DIST

ACTION: CA Sect
INFO: A/President
Chief Commissioner
Executive Commissioner
Land Forces S/C
I.P.W. S/C
Patriots Br
P.Safety
File

ACTION

4407

SECRET

2348

4/4

6/12/8/PA

9A

15 ARMY GROUP CIVIL AFFAIRS

3856

19 March 45

PRIORITY

SECRET PD

PARA ONE PD DISTINCTIVE EMBLEM FOR ITALIAN PARTISANS IS SUBJECT PD
PAREN TO 15 ARMY GROUP CIVIL AFFAIRS FROM HQ ALCOM CITE ACCAS PAREN

8A

PARA TWO PD REFERENCE ALLIED FORCE HEADQUARTERS SIGNAL FOX XRAY FOUR FIVE TWO
FOUR SEVEN DATED ONE SEVEN MARCH PD

PARA THREE PD MAY THIS COMMISSION PLEASE BE INFORMED IMMEDIATELY OF THE INSTRUCTIONS
YOU ARE ISSUING IN THIS MATTER

INT DISTRIBUTION:

Pats Branch.

4406

CIVIL AFFAIRS SECTION

437

R.R. CRIPPS, Col.

NICHOLAS PIOMBINO
CWO AUS

Asst Adjutant

2039

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

785016

389

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: PX 45247

Date/Time of Origin: MAR 17

18 MAR 1945

Message Centre No: D/5402

Date/Time Recd: MAR 18/1000

Precedence: PRIORITY

FROM: AFHQ BEHELD SACRED SITE: ENGOT

TO: 15 ARMY GROUP, INFO: SCATS, ALCON ROME

SECRET

INFO-ACTION

SECRET.

1. It is desired that Italian Partisans where-ever conforming with the requirements of the GENEVA CONVENTION be directed where-ever possible to wear a distinctive emblem recognizable at a distance. They may be entitled to treatment as P.O.W. in event of capture.

2. This instruction was previously given and following 052 B of 9th November in our PX 54052 of 18th November and pursuant to your request (050 B 19th November) action was temporarily postponed by our P 50314 of 25th November. It is now desired that there will be no further postponement.

DIST

Info-action: CA SECTION

Info: A/PRESIDENT

CHIEF COMMISSIONER

PATRIOTS JR

FILE 2

FLOAT

4405

SECRET

HEADQUARTERS

18 MAR 1945

A.

C.

2/96

18 MAR 1945

SECRET

EX 05441
MAR 17 1543

ADWD STATED "ARMED WITH MACHINES"
ACTION "ARMED WITH MACHINES" IS NOT CORRECT

FOR INFORMATION ONLY

SECRET

1. It has been determined wherever possible to direct Italian Partisans to wear a prescribed distinctive emblem recognizable at a distance in conformity with the provisions of the Geneva convention.

2. You are requested to take up with the Italian Govt the preparation of a statement which will demand for Italian Partisans in the event of capture by the Germans treatment as prisoners of war in all cases in which the requirements of Geneva convention, as set forth in article 1 of annex to HAGUE convention number IV are met.

3. No such statement will be issued unless first submitted to this Hq for approval.

4. Our cables P 35036 of 8 October, P 40453 of 10 October, P 42669 of 23 October, and your 100 5087 of 10 October: 5010 80 21 October: 5706 of 31 October refer to this matter.

5. Your attention is invited to AG letter 303.6/10: 001-0 of 6 March 1945 subject: Disposal of Present and Former Members of the Republican Fascist Armed Forces Captured by the Allies.

6. You are requested to expedite this matter.

Dist

Action - Exec Com
Info - A/President

Chief Commissioner

CI Sec. - Patriotic

Safety, - W.D.

File (2)

4404

HEADQUARTERS

2041

785016

FOR INFORMATION ONLY

SECRET

1. It has been determined wherever possible to direct Italian Partisans to wear a prescribed distinctive color recognizable at a distance in conformity with the provisions of the Geneva convention.
2. You are requested to take up with the Italian Govt the preparation of a statement which will demand for Italian Partisans in the event of capture by the Germans treatment as prisoners of war in all cases in which the requirements of Geneva convention, as set forth in article 1 of annex to HAGG convention number 77 are met.
3. No such statement will be issued unless first submitted to this Hq for approval.
4. Our cables # 36036 of 8 October, # 10163 of 10 October, # 42699 of 23 October, and your AGC 5087 of 19 October: 5210 of 21 October: 5706 of 31 October refer to this matter.
5. Your attention is invited to AG letter 383.6/143 MAY-0 of 6 March 1945 subject: Disposal of Present and Former Members of the Republican Fascist Armed Forces Captured by the Allies.
6. You are requested to expedite this matter.

4404
4 PM

2A

1A

3A

6A

Dist

Action - Exec Comm
Info - President

Chief Commissioner
CA Sec, - Patriotic
P Safety, - M.D.
File (7)
Flont

4404

HEADQUARTERS

19 APR 1945

A. C.

SECRET

LF 8K

2677

(COPY

SECRET

5706

AFHQ

AC HQ

SECRET

PRIORITY

COS

5706

31 oct 44

SECRET PD

PARA ONE PD YOUR FOX FOUR TWO SIX NINE NINE OF TWO THREE OCTOBER PD

PAREN TO AFHQ FOR GEORGE DASH FIVE FROM AC HQ SIGNED STONE PARENPARA TWO PD EVIDENCE SHOWS THAT GEIMANS HAVE ONLY ACCORDED PW STATUS IN A SINGLE
INSTANCE PD

PARA THREE PD THESE BANDS HAVE ALREADY PROVEN DIFFICULT TO HANDLE WHEN OVERRUN BY
ALLIED FORCES AND I DO NOT WISH BY OUR ACTION TO CREATE A MORE DIFFICULT PROBLEM
FOR AMG AND MILITARY AUTHORITIES BY BUILDING PATRIOTS INTO A POSITION ANALOGOUS
TO THE PRESENT POLITICAL SITUATION OF THE YUGOSLAV PARTISANS OR FRENCH MAQUIS PD PARA
FOUR PD ALTHOUGH ITALIAN GOVERNMENT DESIRED TO MAKE A STATEMENT I WOULD REMIND YOU
THAT GENERAL ALEXANDER REFUSED A PREVIOUS REQUEST VIDE PARA THREE OF MY FIVE TWO
ONE ZERO OF TWO ONE OCTOBER PD HIS REASONS FOR SO REFUSING ARE CONTAINED IN A
LETTER TO ALLIED COMMISSION A COPY OF WHICH WE ARE FORWARDING YOU

NICHOLAS W. DRAGNEFF
Major, AGD
ADJUTANT

4403

SECRET

C O P Y

S E C R E T

8871

TO: ACC

FROM: AFHQ SIGNED SACMED

REFERENCE NO. F42699

DATE & TIME OF ORIGIN: OCT 231530A

SIGNAL MESSAGE CENTER NO. 88/23

CLASSIFICATION:

PRECEDENCE: PRIORITY

OFFICE OF ORIGIN: CITE FHGEG

SECRET. STATUS OF PARTISANS IS SUBJECT.

1. YOUR 5210 INDICATES IN PARAGRAPH 2 THAT GERMANS HAVE ACCORDED PW STATUS TO PARTISANS. IT WOULD APPEAR UNWISE FOR US TO ASK FOR LESS THAN IS ALREADY CONCEDED.
2. THE ITALIAN GOVERNMENT ACCORDING TO YOUR PARAGRAPH THREE DESIRES TO MAKE A STATEMENT ON THE SUBJECT; THE COMBINED CHIEFS OF STAFF DESIRE TO HAVE IT MADE, AND THE GERMANS ARE PREPARED TO CONCEDE THE SUBSTANCE OF THE STATEMENT. THE POSITION OF ACC IN NOT FACILITATING THE MAKING OF A STATEMENT NOT UNDERSTOOD.
3. IN REPLY TO YOUR 1A THE HAGUE CONVENTION DOES NOT SET ANY CONDITIONS AS TO ~~UNIFORM~~ UNIFORM OTHER THAN THE WEARING OF A FIXED DISTINCTIVE EMBLEM RECOGNIZABLE AT A DISTANCE.
4. THE ITALIAN GOVERNMENT HAS AGREED TO TREAT ITALIAN NEO-FASCISTS AS PRISONERS OF WAR.

Dist

Action - COS (2)
Info - A/CC
File (K)

Date & Time of Receipt: OCT 232000A

4402

S E C R E T

SECRET

5210

AFHQ RPTD AAI

ACC HQ

5210

21 Oct 44

SECRET

PRIORITY

COS SEC

SECRET PD YOUR FOX THREE SIX ZERO THREE SIX OF EIGHT OCTOBER CITE FIELD PD PAREN TO
 ALSO REPEATED AAI FOR BRIG MAINWARING FROM ACC HQ PAREN PARA ONE PD THERE SEEM TO US
 THREE SERIOUS DIFFICULTIES ABOUT THE COMBINED CHIEFS OF STAFF SUGGESTION PAREN ABLE
 PAREN ACCORDING TO REPORTS PARTISANS DO NOT APPEAR TO FULFIL CONDITIONS OF UNIFORM
 LAID DOWN BY HAGUE CONVENTION AND IT IS PROBABLY TOO LATE TO REMEDY THIS PD PAREN BAKER
 PAREN IF ACTIVE STEPS WERE TAKEN BY US TO REMEDY ABLE WE SHOULD BE IN DANGER OF BUILDING
 UP PATRIOT MOVEMENT INTO A MILITARY ORGANISATION WHICH BASED ON EXPERIENCE MAY BECOME
 EXTREMELY DIFFICULT TO HANDLE WHEN MILITARY GOVERNMENT IS SET UP PD PAREN CHARLIE PAREN
 UNDER EXISTING DIRECTIVES IT WOULD NOT BE POSSIBLE TO ABSORB THEM AS FORMED BODIES INTO
 THE ITALIAN ARMY PD PARA TWO PD RECENT REPORT HAS STATED THAT GERMANS HAVE ACCORDED PW
 STATUS TO ENEMY PARTISANS PD PARA THREE PD COMMANDER IN CHIEF AAI ON TWO FIVE AUGUST
 DISAPPROVED A SIMILAR SUGGESTION FROM ITALIAN GOVERNMENT PD FOR THESE REASONS WE WOULD
 NOT BE IN FAVOUR OF PURSUING SUGGESTION

4401

L.T. MONTANT, Jr.
 1st Lt AGO
 ADJUTANT

Int. Dist.
 C.A. Sec
 Tel. Sec

SECRET

2045

785016

COPY

SECRET

22
3A

5087

AFHQ

ACC HQ

5087

19 Oct 44

SECRET

PRIORITY

COS Sec

SECRET PD BEING DISCUSSED FULLY AT THIS HEADQUARTERS IS THE MATTER REFERRED TO
IN YOUR FOX THREE SIX ZERO THREE SIX OF EIGHT OCTOBER PD PAREN TO AFHQ FOR GEORGE
FIVE FROM ACC HQ PAREN SUGGESTION CCS PRESENTS MANY DIFFICULTIES PD REPLY WILL BE
SENT EARLIEST

L.T. MONTANT, JR
1st Lt AGD
ADJUTANT

4400

SECRET

2046

785016

COPY

SECRET

2A

ACTION ACC

3/19

FREEDOM SIGNED SACMED

URGENT

F40463

CITE: FH0EG

OCT 181330A

1A

SECRET. REFERENCE OUR F36036 OF 8 OCTOBER. REPLY URGENTLY REQUIRED AS TO
POSITION IN THIS MATTER

DIST.

ACTION: CA Sec 3
INFO : COS Sec
A/CC
Pol Sec
Army SC
Patriots Br
IPOW
File (M)

4399

OCT 190830A

SECRET

2047

785016

C O P Y

S E C R E T

7379

TO: ACC

FROM: AFHQ SIGNED SACMED

REFERENCE: F 36036

DATE & TIME OF ORIGIN: OCT 081745A

SIGNAL MESSAGE CENTER No.: 25/09

CLASSIFICATION:

PRECEDENCE: ROUTINE

OFFICE OF ORIGIN: CITE FHGGG

SECRET. SUGGESTION BY COMBINED CHIEFS OF STAFF THAT IF ITALIAN PARTISANS FULFILL CONDITIONS OF ARTICLE 1 OF REGULATIONS APPENDED TO HAGUE CONVENTION NUMBER IV OF 1907 A STATEMENT SHOULD BE PREPARED FOR ISSUANCE BY THE ITALIAN GOVT STATING THE FACTS AND DEMANDING TREATMENT AS PRISONERS OF WAR IN THE EVENT OF CAPTURE BY ENEMY. SUCH STATEMENT IS TO BE SUBMITTED TO THIS HQ AND WILL NOT BE ISSUED UNTIL RELEASED HERE.

Dist

Action - CA Section (3)

Info - Pol Sec
Army SC
Patriots Br
IPOW SC
A/CC
COS Sec
File

4398

Date & Time of Receipt: OCT 090854A

S E C R E T

SECRET
HEADQUARTERS
ALLIED CONTROL COMMISSION
CIVIL AFFAIRS SECTION
APO 394

ACC/4159/L.

14 October 1944.

SUBJECT : Enemy Partisans.

TO : Regional Commissioners, Liguria, Piemonte, Lombardia, Venezia and Emilia Regions (Attn: RLOs).
SLOs 5th & 6th Armies.

1. The arrest and prosecution of members of the civil population for bearing arms against the Allied Forces raise many difficult problems of international law.
2. In some cases no official answer exists to these problems and in others the answers given are based upon the warfare of many years ago and are manifestly impractical in present day conditions.
3. The following memorandum is based upon the official text books of international law, but the actual answers suggested to the problems raised are intended as a guide in practice and are not propounded for scientific juristic analysis.
4. Civilians are entitled to bear arms against the enemy if, but only if, they comply with the following conditions:-
 - A. (i) They are commanded by a person responsible for their subordinates; and
 - (ii) They wear a fixed distinctive emblem recognisable at a distance; and
 - (iii) They carry arms openly; and
 - (iv) They conduct their operations in accordance with the laws and usages of war; and possibly also - but as to this see para 9.
 - (v) They are resisting invasion by our forces, or
 - B. They form part of a levee en masse.
5. The following answers are suggested to some of the questions which naturally arise out of these conditions.
 6. A.
 - (i) Guerrilla warfare is officially recognized. It is felt therefore that it is unnecessary for the commander to be within ear-shot of his subordinate - or even in wireless communication, provided that he has in fact allotted a role to his subordinate and left him to carry it out. If in fact there exists any organization, this should be treated as an adequate compliance with this condition and a statement by the "accused" that he was acting under orders should, if believed, be sufficient evidence of compliance with this condition.

7. A.

- (ii) What is meant by fixed? Distinctive emblem? A distance? Fixed cannot be taken to mean irremovable since the British Home

2. In some cases no official answer exists to these problems and in others the answers given are based upon the warfare of many years ago and are manifestly impractical in present day conditions.

3. The following memorandum is based upon the official text books of international law, but the actual answers suggested to the problems raised are intended as a guide in practice and are not propounded for scientific juristic analysis.

4. Civilians are entitled to bear arms against the enemy if, but only if, they comply with the following conditions:-

- A. (i) They are commanded by a person responsible for their subordinates; and
- (ii) They wear a fixed distinctive emblem recognisable at a distance; and
- (iii) They carry arms openly; and
- (iv) They conduct their operations in accordance with the laws and usages of war; and possibly also - but as to this see para 9 -
- (v) They are resisting invasion by our forces, or

2. They form part of a levee en masse.

5. The following answers are suggested to some of the questions which naturally arise out of these conditions.

6. A.

- (i) Guerrilla warfare is officially recognized. It is felt therefore that it is unnecessary for the commander to be within ear-shot of his subordinate - or even in wireless communication, provided that he has in fact allotted a role to his subordinate and left him to carry it out. If in fact there exists any organization, this should be treated as an adequate compliance with this condition and a statement by the "accused" that he was acting under orders should, if believed, be sufficient evidence of compliance with this condition.

7. A.

- (ii) What is meant by fixed? Distinctive emblem? A distance? Fixed cannot be taken to mean irremovable since the British Home Guard wore originally only a removable arm-band. If at any material time the emblem can be shown to have been removed, obviously the accused was not "wearing" it. The word must therefore be taken to mean "established" or "recognized". In other words it is sufficient if all members of some force wear the same emblem, which by this uniformity becomes established, but it is inadequate if the "accused" can only point to some individual peculiarity of his own conception. Emblems used have been of the most casual nature. Italian partisans habitually wear red scarfs as their only emblem. The safest course is to accept any identifiable peculiarity of clothing or mark, generally worn and recognisable "at a distance", as a distinctive emblem for this purpose.

A reasonable test for the distance at which the emblem must be recognizable would seem to be that when the wearer is exposed to view the emblem must be recognizable at convenient small arms range - 150 to 200 yards - in normal light and by the naked eye.

It must be appreciated that it is a question of fact in each case whether, in the full circumstances, a particular uniform is sufficient. The standard is plainly not high for arm bands have been considered by the Allies to be sufficient both for the British Home Guard and the R.F.I.

8. A.

(iii) & (iv) It is not thought that any difficulty arises on these conditions.

9. Text book writers add that in order for members of the civil population to be protected, they must be resisting during the period of invasion, and that this right to resist ceases on occupation. In view, however, of the declaration that, in occupied France, the PFI are to be treated as part of the armed forces it is very doubtful how far this requirement can now be pressed. The other requirements in paragraph 4 A would seem to provide sufficient safeguard against the ordinary sniper, and it appears dangerous to insist upon a condition which is manifestly at variance with the declared policy of the United Nations.

10. As to a levee en masse - there are 2 kinds of levee which for convenience may be called "spontaneous" and "directed".

A "spontaneous" levee occurs when the inhabitants of a territory which has not been occupied, ... an approach of the enemy spontaneously take up arms to resist the invading troops without having had time to organize".

A "directed" levee consists of members of the peaceful population who under similar circumstances are called to arms by a belligerent and thus made part, if an irregular part, of the armed forces".

11. In the case of a spontaneous levee it would seem that if they do take up arms spontaneously on the approach of the enemy they are only required to carry their arms openly and observe the laws and customs of war. Their rights as a levee en masse end upon occupation but if thereafter they comply with the requirements of para 4 A (i)-(iv) the remarks in para 9 appear to apply.

12. The question that arises is what proportion of a local population is required to constitute a levee en masse. There is no definite answer to this, and perhaps theoretically there might be a one man levee. In practice the test suggested is that there should be either (in the case of populated areas) a substantial body of men or (in other areas) a substantial portion of the population.

13. In the case of a directed levee the people are called to form part of the armed forces. Obviously there must be a call to arms: if there is, are the citizens who muster required to conform to the tests of members of the armed forces (para 4 A (i)-(iv)) and do they remain members of the armed forces after occupation?

(iii) & (iv) It is not thought that any difficulty arises on these conditions.

9. Text book writers add that in order for members of the civil population to be protected, they must be resisting during the period of invasion, and that this right to resist ceases on occupation. In view, however, of the declaration that, in occupied France, the IFF are to be treated as part of the armed forces it is very doubtful how far this requirement can now be pressed. The other requirements in paragraph 4 A would seem to provide sufficient safeguard against the ordinary sniper, and it appears dangerous to insist upon a condition which is manifestly at variance with the declared policy of the United Nations.

10. As to a levee en masse - there are 2 kinds of levee which for convenience may be called "spontaneous" and "directed".

A "spontaneous" levee occurs when
"the inhabitants of a territory which has not been occupied.....on approach of the enemy spontaneously take up arms to resist the invading troops without having had time to organize".

A "directed" levee consists of
"members of the peaceful population who under similar circumstances are called to arms by a belligerent and thus made part, if an irregular part, of the armed forces".

11. In the case of a spontaneous levee it would seem that if they do take up arms spontaneously on the approach of the enemy they are only required to carry their arms openly and observe the laws and customs of war. Their rights as a levee en masse end upon occupation but if thereafter they comply with the requirements of para 4 A (i)-(iv) the remarks in para 9 appear to apply.

12. The question that arises is what proportion of a local population is required to constitute a levee en masse. There is no definite answer to this, and perhaps theoretically there might be a one man levee. In practice the test suggested is that there should be either (in the case of populated areas) a substantial body of men or (in other areas) a substantial portion of the population.

13. In the case of a directed levee the people are called to form part of the armed forces. Obviously there must be a call to arms; if there is, are the citizens who muster required to conform to the tests of members of the armed forces (para 4 A (i)-(iv)) and do they remain members of the armed forces after occupation?

14. The practical answers appear to be:

- (a) During the invasion stage they have the same status as a spontaneous levee, save that all citizens who answer the call and fight with the regular forces should be privileged, irrespective of their number.
- (b) After occupation they have no rights unless they comply with the conditions - para 4 A (i)-(iv).

15. Kindly it is emphasized that these instructions are intended only as a guide and that cases of difficulty will be referred to Legal Sub-Commission before prosecutions are instituted. While sniping by civilians must be of course vigorously suppressed and offenders punished in Allied Military Courts it is plain that grave harm by way of reprisals on our own POWs in German hands may result if any prosecution is undertaken against enemy partisans where any case can be made for claiming protection for them under the rules which have been discussed above.

BY COMMAND OF ACTING CHIEF COMMISSIONER:

E. R. Upjohn
E. R. UPJOHN, Brigadier
V.R., C.A. Sec.
Deputy Chief of Staff.

2053

BY COMMAND OF ACTING CHIEF COMMISSIONER:

[Signature]

C. R. HENSON, Brigadier
V.P., C.A. Sec.
Deputy Chief of Staff.

9687