

ACC 10000/125/437

163/PAT.

MARKS OF RECOGNITION FOR PATS.

OCT. - 1944 - MAY 1945

MARKS OF RECOGNITION FOR PATS.

OCT. - 1944 - MAY 1945

FILE

163/PAT

MEMORANDUM No. 7.

DATE

PAGE

<sup>12</sup>  
Civil Affairs Section

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

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

17 May 45

<sup>13</sup>To Patrols

Please see letter at (25) as amended  
by V.P. ~~Attorney~~ <sup>Att.</sup>  
Assoc.

18 May 45.

<sup>14</sup>  
Civil Affairs Section

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

A. P. S. by for Case

19 May 45

45-8

163/PAT

Mr. Sheerholc

Patriots.

(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 shall contain a description of the distinction emblem as finally decided by 15 Aug GP.

21 Apr.

Spahr

To Patriots.

(9)

Please note file 18A.

21 Apr. 93

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

C. 4. Section.

(10)

Aide Memoire for the C.C. submitted opposite in accordance with H.R. 1.

All references are to file ~~712.5/13~~ 163/PAT

R. E. CRIPES  
Colonel,  
Director,  
Local Govt. S/C

25 April 1945.

(11)

Aide Memoire to 111

147

21 Apr.

To Patrick.

(9)

Please note file 18A.

W.G.S. Holland, Major  
C. A. Sec

21 Apr 78

(10)

C.A. Section.

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

All references are to file ~~163/147~~ 163/147R. R. GRUBBS  
Colonel,  
Director,  
Local Govt. S/C

1477

23 April 1945.

(11)

Aide Memoire handed by CE  
to P.M.

24 Apr

SPIN

lt. col. Parcell telephoned  
1025 hr. - 22 apr.  
- said - cable  
concerning insignia  
was sent out yesterday  
21 apr. to AFHQ,  
copy to ALCON  
(file O-335 "B")

This copy means he  
perused them.  
Parcell advised letting  
the matter lie with  
out disputing about  
the design - Essential  
that insignia be

searched is possible ..  
He said you know  
where to reach him  
if necessary.

RRT.

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

1436

2571

FILE

MINUTE SHEET No. 4

1631PAT

DATE

PAGE

14 APR 65

(6)

After a discussion on 14 April between Col. FISKE, Com. HONOLULU, Brig. UPKUM and Lt. Col. CH-IC it was decided not to go on with the issue of the brassard. Although there were minor points in favour of the issue it was agreed that misuse of the armband might cause embarrassment to Army or A/C.

*Kraig*

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

*5/16/65*

FILE

MINUTE SHEET No. 3

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.

*1 Captured*  
for W. E. BEHRENS,  
Colonel,  
Deputy Chief Legal  
Advisor.

Legal Sub-Commission.  
14 Apr 45.

(5)

To Ex. Comm.

Ref. Minutes 3 and 4.

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

*14/ Apr 45*

*W. E. Behrens*  
J. CRAIG Lt. Colonel,  
Deputy Director,  
Local Govt. S/C.

(6)

1424

HINCHIN SHEET No. 2.

Legal Sub Commission

1. Comd Hildswort 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 wearing it, who may be guarding some object of importance, will not be swept aside by our troops, but will be recognisable to them as a collaborator; it would also give him a certain status & authority in the eyes of the population.

3. Comd Hildswort considers that 5000 brassards would be sufficient for the whole of the N. of Italy. He suggests that where possible these <sup>same</sup> could be controlled by Patriot leaders.

4. Your comments & advice are requested urgently

*Kearney*

4/33

Legal Sub Commission

13/6/64/45

→

1. Comd Hildswort 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 wearing it, who may be guarding some object of importance, will not be swept aside by our troops, but will be recognisable to them as a collaborator; it would also give him a certain status & authority in the eyes of the population.

3. Comd Hildswort considers that 5000 brassards would be sufficient for the whole of the N. of Italy. He suggests that where possible these arms would be controlled by Patriot leaders.

4. Your comments & advice are appreciated very much indeed.

Patriots Branch

13 Apr 45

K. C. C.

D. Director

Local Govt Sub Com

MINUTE SHEET No. 1

FILE

DATE

PAGE

M.M.I.A.

Ref (6).

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

26 March 45.

Patriots Branch.noted. Thank you - further information  
will be appreciated when availableW. P. Bailey  
M. M. I. A.

Phone 478-428

28 March

1172

26A

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

The decree concerning the institution of such distinctive <sup>emblem</sup> is being published in the Gazzetta Ufficiale.

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

✓  
137-28/6

49/13/PAT 45-7B

MP

4431

HEADQUARTERS ALLIED COMMISSION  
APO 394  
CIVIL AFFAIRS SECTION

Tel. No. 439031  
Ext. 525

Ref : 163/PAT

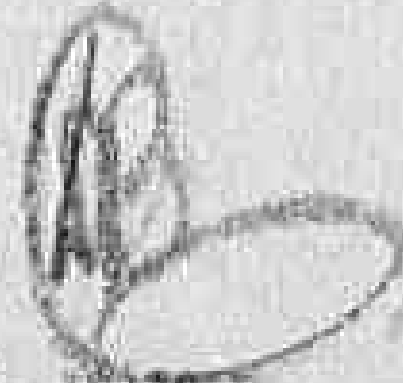
19 May 1945

Subject : Badge 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 4 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.M. UFFEL,  
Brigadier,  
V.P. Civil Affairs Section.

4420

/mlc.

28A

HEADQUARTERS ALLIED COMMISSION  
APO 394  
CIVIL AFFAIRS SECTION

Tel. No. 489081  
Ext. 525

Ref : 163/PAT

Roma, 19 Maggio 1945

Oggetto : Distintivo per i Patrioti.

Ai : Ministero degli Affari Esteri.

ROMA

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.B. UPJOHN,  
Brigadier,  
V.P. Civil Affairs Section.

4429

75

Ministero degli Affari Esteri

13 MAY 1945 163

may 6/1224/567

## MEMORANDUM FOR THE ALLIED COMMISSION

SUBJECT : Italian partisans.

21

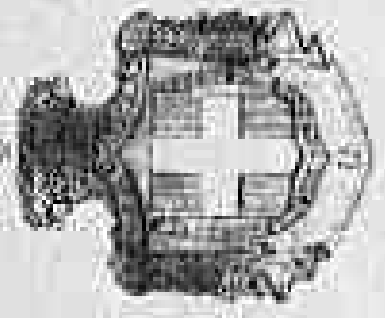
C A Sec  
Pak

1. - Reference is made to the Allied Commission's Memorandum n. 3/12.5/CA of April 23rd.
2. - Since December 1943 the Italian Government informed by radio of the constitution of Italian partisan groups operating against the Germans in occupied Italy and of the institution of a special badge consisting of a three - coloured ribbon to be worn on the lapels of the coat.  
The constitution of the groups and the institution of the badge were notified to the competent international Authorities pursuant to art. 1 of the Hague Convention of October 18th, 1927, through the International Committee of the Red Cross at Geneva which deposited the aforesaid badge with the competent German Authorities.
3. - As it is not yet clear if the German Government have extended the status of belligerents to the Italian Partisans, treating therefore those captured by them as prisoners of war, the Italian people for the sake of the Italian patriots and soldiers interned in Germany, earnestly request the competent Allied Authorities to obtain from the German Government the recognition of the aforesaid status, warning the German Authorities and people against any breach of the juridical protection thereto connected.
4. - The Ministry of Foreign Affairs will be very grateful for those steps which the Allied Commission will see fit to take in the matter.
5. - Text of the radio - message is herewith anchored.

Rome, May 3th, 1945

13 MAY 1945

7 May  
4



*Ministero degli Affari Esteri*

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, 1864, and by the corresponding Court 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 25th, 1945

6427

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 July 19th, 1864 and by the corresponding fourth Convention 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 26th, 1943

4427

573

860

CASEC

23

## INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

24 APR 1944

Originator's Reference: FX 63853

Message Centre No: 1/8404

Date Time of Origin: APR 221216B

Date Time Rec'd: APR 221859B

Precedence: PRIORITY

FROM: AFHQ SIGNED SACRED CITE FIRST

TO : ACTION 15 ARMY GP INFO SORTO, ALCOM

SECRET

SECRET.

10A

Ref your O-225(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

SECRET

4426

4293

22

23rd April, 1945.

Reference No. 6/12.5/CA

AIDE 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.

*Ag. 4 EVS 24/45*  
ELBERT W. STONE  
Rear Admiral, USNR  
Chief Commissioner

*Handed to P.M. 24/APR/45*

6425

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LOCAL GOVERNMENT SUB-COMMISSION

Ext. 620

23rd April, 1945.

Reference: 6/12.5/GA

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 and 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;
  - (d) 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. Legal 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. Griffiths*  
R. R. GRIFFITHS, Colonel,  
Director,  
LOCAL GOVERNMENT SUB-COMMISSION.

21A

C.A. Section.

AIDREACTING FOR THE C.C. SUBMITTED

IN ACCORDANCE WITH MIN. 1.

All references are to file ~~6-550-1~~ 163/PAT

Ref.: 163/5AL

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 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.

c) A.C. replied (11a) that the wearing of a distinctive emblem and the issue of a statement by the Italian Govt. obtaining the benefit of the Convention for Patriots would be taken as a final indication by Patriots

4423

23 April 1945

Proposal.

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

Mystery of the Proposal.

2. a) The proposal was made by the Combined Chiefs of Staff in Oct. 44 (1a).  
A.C.G. 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 Jan. 45 by AFHQ (7a) who requested A.C.G. 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.

c) A.C. replied (41a) 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 Hospitalisation, Rations and Clothing, and if such benefits are not forthcoming great difficulty might be experienced in dispersal of Patriots.

- 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' Staff approval had not yet been received. However they considered that the proposal should now be implemented. (15b)

#### Suggested Emblem.

3. 13 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 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 (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.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.P.H.A. for approval.

4422e

- 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 15 cm 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 Gards 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.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 is issued unless first submitted to A.F.H.Q. for approval.

4422

d) A.M. on 14 Apr. (15a) gave provisional authority for the issue of supplies to Partisans 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. (15a)

#### Suggested Emblems.

3. 15 Army Group suggest the following emblem - (10a)

- a 15 cm equilateral triangle of white cloth seen 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 (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 F.O.M. 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 <sup>4422</sup> issued unless first submitted to A.P.H.Q. for approval.

#### Treaties Governing Land Warfare.

5. Manual of Military Law 1929 amendment No 12, "Laws and Usages of War on Land" Chap. XIV paras 22-23, states that:

21e

- 5 -

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 recognizable 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 emblems adopted, but to avoid misunderstanding it may be convenient to do so.

1251

8/18/11 8/04

## INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

104

Originator's Reference: 0-3358

Message Centre No: D/8342

Date/Time of Origin: APR 21/24/58

Date Time Rec'd: APR 21/5/21D

22 APR 1945

Precedence: ROUTINE

FROM: 15 ARMY GROUP

TO: AFHQ CITE HUGOT INFO SOG(49 AREA PART) ALOCH

SECRET.

16/77 INFO - ACTION

Reference your FX 62284, cite HUGOT of 19.

All concerned have agreed following insignia most satisfactory and practical.  
 A 15 cm. equilateral triangle of white cloth sewn 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 NOTE:

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

4215

# INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: 787  
 Date/Time of Origin: APR 21 0625B

Message Centre No: D/8267  
 Date Time Rec'd: APR 21 1325B  
 Precedence: ROUTINE

FROM: SCWTC  
 TO: ALLIED COMMISSION  
 21 APR 1945

SECRET

17A

Reference FREEDOM TX 62407 of 19th April.

SCW previously requested by ADOS (LP and P) manufacture of 100,000 signs marked "PARTISAN" to 15 ARMY GROUP specification our 149/OS 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.F. 200 of 10th April states manufacture not commenced and matter referred to G. AFHQ. Above for your information.

DIST

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



4419

SECRET

ACTION



6/25/84 ~~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

PARA TWO FOR ACTION FIFTEEN ARMY GROUP CIVIL AFFAIRS FROM HQ ALCON  
CITE ACPAT PAREN

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

See 18A

Patriots Branch

321

M.P.

Lt Col F. CRAIG.

4418

608A

# INCCMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: FX 62407  
 Date/Time of Origin: AER 191733

Message Centre No: D/8126  
 Date Time Rec'd: AIR 200830  
 Precedence: PRIORITY

FROM: AFHQ SIGNED SACRED CITE THGEG  
 TO: ALCOM INFO 15 ARMY GROUP, SCMTG

20 APR 1945

## 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 FORCES  
 FILE

# SECRET

4417

116A

## INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: FX 62234  
Date/Time of Origin: APR 191454BMessage Centre No: D/8127  
Date Time Rec'd: APR 200830B  
Precedence: PRIORITYFROM: AFHQ SIGNED SACRED CITE PROJECT  
TO: 15 ARMY GROUP INFO ALCOM SCOTO

SECRET.

INFO - ACTION

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

Action on status of portiera 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  
DEBT

HEADQUARTERS

20 APR 1945

INFO-ACTION: CA Sec  
INFO: A/President  
Chief Commissioner  
Executive Commissioner  
Room Sec  
L. Forces  
File

SECRET

4416

4414

C  
O  
P  
Y

## INCOMING MESSAGE

FX 60055

APR 14 1341

*Original passed to Pats - 94/6/10PSEC**15 Apr 45*

D/7129

APR 15 1216

PRIORITY

From : AMHQ SIGNED WAGNER CITE PHCS

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 P 26918 of 14th February and our P 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. AG will take all steps to ensure final disposal. Partisans takes 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

INFO

A/PRESIDENT

CHIEF COMMISSIONER

EX COMMISSIONER

ECON SEC

LAND FORCES SC

FILE

4415

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, CEF.

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

C-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. Cripps*  
R. R. CRIPPS, Col.  
CSO CA SECTION.

Encl: Signal ALCON 4110.

4414

599x  
INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: FX 54376  
Date Time of Origin: APR 031630ZMessage Centre No: D/6772  
Date Time Rec'd: APR 032150Z  
Precedence: PRIORITYFROM: AFHQ SIGNED SACRED CITE FHGHZ  
TO: ALCOM INFO HQ 15 ARMY GROUP SMTD

- 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

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

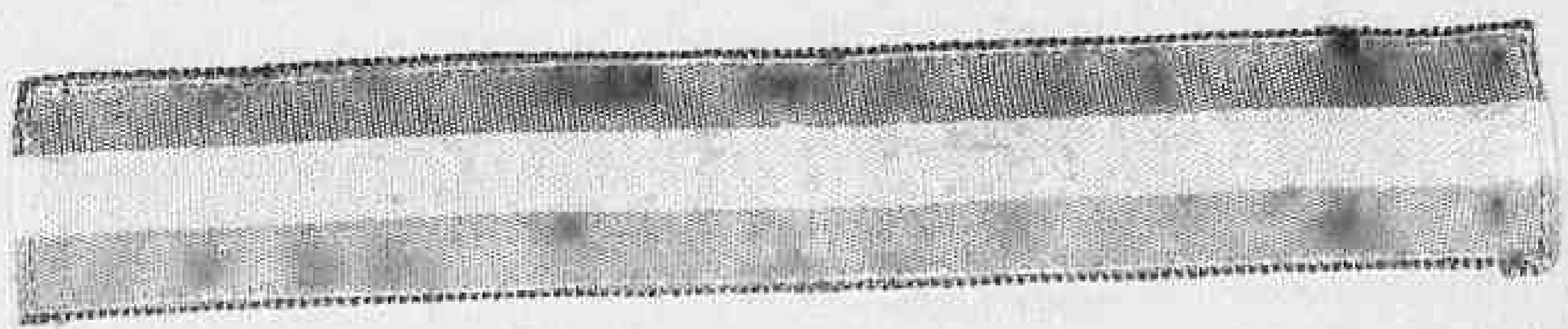
SECRET



0038

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

3008

4113

11A

AFHQ CITE FHGEG INFO HQ

15 ARMY GROUP CIVIL AFFAIRS SECTION G 5 SECTION  
CMA SOMTO

1110

23

PRIORITY

SECRET PD

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

103  
PAREN TO AFHQ CITE FHGEG 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 BEARING 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 MAN ABLE FOX EIGHT SIX FOUR IS ACCEPTED

## INTERNAL DISTRIBUTION :

*Ex Comm.*  
Patriots Branch.  
Land Forces S/C  
Legal S/C

CA SECTION

608

RR CRIPPS COL

4410

NICHOLAS POMBINO, CWO, AUS  
Asst Adjutant.

SECRETHEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

10A

AC/4159/L

WEB/pa.  
22 March 1945

SUBJECT : Patriots.

TO : VP CA Sec.

10B

1. Ref signal C-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 ACQ/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

2897

SECRET

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

SECRET

436  
22 MAR 1945

## INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

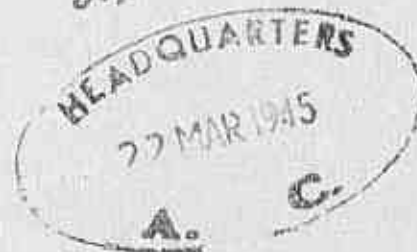
Originator's Reference: G-5/411  
Date Time of Origin: MAR 21 1130AMessage Centre No: D/5653  
Date Time Rec'd: MAR 21 1910A  
Precedence: ROUTINEFROM: HQ 15 ARMY GROUP (G-5 SECTION)  
TO: HQ ALCOM**SECRET****SECRET.**

15 ARMY GROUP and SOM 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 SOM 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 EX 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**

2818

414

6/128/CA

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

# INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: PX 45247  
Date Time of Origin: MAR 17

Message Centre No: D/5402  
Date Time Rec'd: MAR 18/1000  
Precedence: PRIORITY

18 MAR 1945

FROM: AMHQ SIGNED SACRED SITE: ENGOT  
TO : 15 ARMY GROUP, INFO: SOMTO, 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 car PX 54082 of 16th November and pursuant to your request (050 B 19th November) action was temporarily postponed by our F 60344 of 29th November. It is now desired that there will be no further postponement.

DIST

Info-Action: CA SECTION  
Info: A/PRESIDENT  
CHIEF COMMISSIONER  
PATRIOTS BR  
FILE 2  
FLOAT

4405

## SECRET

HEADQUARTERS  
19 MAR 1945

A

C

9/9  
16/6

18 MAR 1945

SECRET

PL 55141  
MAR 17 1945

APPROX SIGNED SIGNED CITY THREE

ACTION SIGNED SIGNED INFO 15 1945

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 the 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 # 36036 of 8 October, # 40453 of 18 October, # 42659 of 23 October, and your ACC 5087 of 19 October; 5310 of 21 October; 5706 of 31 October refer to this matter.

5. Your attention is invited to AG letter 383.6/121 031.0 of 18 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 Comm  
Info - A/President  
Chief Commissioner  
GA Sec, - Patriots  
Safety, - A.M.  
File (2)  
Plant

4404

HEADQUARTERS

0048

785016

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 1945 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 1945 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.

*Alie*  
*4. H.*

4. Our cables 2 16036 of 8 October, 7 10453 of 12 October, 7 12699 of 13 October, and your AGC 5087 of 15 October, 5210 of 21 October, 5705 of 31 October refer to this matter.

GA

5. Your attention is invited to AG letter 383.6/121 GIL-0 of 16 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 - President  
Chief Commissioner  
CA Sec, - Patriots  
P Safety, - P.M.D.  
File (2)  
Float  
LF Spc.

4404

HEADQUARTERS  
19 MAR 1945  
A. C.

2077

SECRET

(COPY)

SECRET

5706

AFHQ

AC HQ

SECRET

PRIORITY

5706

COS

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 PAREN

PARA TWO PD EVIDENCE SHOWS THAT GERMANS 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

SIGNAL MESSAGE CENTER NO. 88/23

FROM: AFHQ SIGNED SACMED

CLASSIFICATION:

REFERENCE NO. F42699

PRECEDENCE: PRIORITY

DATE &amp; TIME OF ORIGIN: OCT 231530A

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 ~~THE~~ 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 &amp; Time of Receipt: OCT 232000A

4402

S E C R E T

SECRET

5210

AFHQ HPTD AAI

ACC HQ

5210

21 Oct 44

SECRET

PRIORITY

COS SEC

SECRET PD YOUR BOX THREE SIX ZERO THREE SIX OF EIGHT OCTOBER CITE FRAG PD PAREN TO  
AMHQ REPEATED AAI FOR BRIG MAINTAINING FROM ACC HQ PAREN PARA ONE PD THERE SEEM TO US  
 THREE SERIOUS DIFFICULTIES ABOUT THE COMBINED CHIEFS OF STAFF SUGGESTION PAREN ARE  
 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 RATHER  
 PAREN IF ACTIVE STEPS WERE TAKEN BY US TO BRING ABLK 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 FORCED BODIES INTO  
 THE ITALIAN ARMY PD PARA TWO PD RECENT REPORT HAS STATED THAT GERMANS HAVE ACCORDED PW  
 STATUS TO BRUXX PARTISANS PD PARA THREE PD COMMANER 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

Int. Dist.  
 C.A. Sec  
 Fed. Sec

2019  
 4401  
 L.T. MONTAG, Jr.  
 1st Lt AGO  
 ADJUTANT

SECRET

COPY

SECRET

22  
3A

5087

AFHQ

ACC HQ

5087

SECRET

PRIORITY

19 Oct 44

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

C O P Y

S E C R E T

2A

ACTION ACC

FREEDOM SIGNED SACMED

F40463

OCT 181330A

3/19

URGENT

CITE: FHGEG

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  
IFOW  
file (H)

4399

OCT 190830A

S E C R E T

C O P Y

S E C R E T

7379

TO: ACC

FROM: AFHQ SIGNED SACMED

REFERENCE: F 36036

DATE &amp; TIME OF ORIGIN: OCT 061745A

SIGNAL MESSAGE CENTER No.: 25/C9

CLASSIFICATION:

PRECEDENCE: ROUTINE

OFFICE OF ORIGIN: CITE FEHMG

SECRET. SUGGESTION BY COMBINED CHIEFS OF STAFF THAT IF ITALIAN PARTISANS FULFILL CONDITIONS OF ARTICLE I 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 &amp; Time of Receipt: OCT 090854A

S E C R E T

SECRET

HEADQUARTERS

ALLIED CONTROL COMMISSION

CIVIL AFFAIRS SECTION

APC 394

ACC/4159/L.

14 October 1944.

SUBJECT : Enemy Partisans.

TO : Regional Commissioners, Liguria, Piemonte, Lombardia, Venezia and Emilia Regions (Attn: PLOs).  
SOACs 5th & 8th 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 Guard wore originally only a removable arm-band. If at any material time the emblem can be shown to have been removed, obviously

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 levée 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 concoction. 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 F.P.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 P.M.I. 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?

(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 VFF 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. Finally 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:

*G. R. Upjohn*

G. R. UPJOHN, Brigadier  
V.F., C.A. Sec.  
Deputy Chief of Staff.

0060