

ACC 10000/132/458

895

WAR CRIMES + CRIMINALS

NOV. 1943 - MAR. 1945

Mr. Hopkinson

For your information
from Mr. Dowling

21.3.45

ecc.

Should this be passed to
Major Stewart?

3146

Yrs. Liaison Division
D. Hesp.

UNITED STATES POLITICAL ADVISER
ALLIED FORCE HEADQUARTERS

SECRET

With reference to a memorandum dated January 25, 1945
(Ref: P/946) on the subject of Albanian war crimes, addressed
by Mr. H. L. D'A. Hopkinson, Acting Vice President, Political
Section, to G-5 Section, Allied Force Headquarters, a copy of
which was sent to the Office of the United States Political
Adviser, there is enclosed for the information of the Allied
Commission a copy of a secret memorandum dated March 3, 1945,
together with eight attachments, prepared by an American
Government agency on the aforementioned subject.

Enclosures:

As stated.

3143

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With reference to a memorandum dated January 25, 1945 (Ref: P/946) on the subject of Albanian war crimes, addressed by Mr. E. L. D'A. Hopkinson, Acting Vice President, Political Section, to G-5 Section, Allied Force Headquarters, a copy of which was sent to the Office of the United States Political Adviser, there is enclosed for the information of the Allied Commission a copy of a secret memorandum dated March 3, 1945, together with eight attachments, prepared by an American Government agency on the aforementioned subject.

Enclosures:

As stated.

Caserta, Italy,

March 13, 1945.

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C O P YSECRET

For: Mr. Cox, Caserta

3 March 1945

From: Albanian Unit

Subject: Memorandum #237, Greek Delegation to Advisory Council for Italy.
(Request of Mr. Merrill, AMFOLAD under date of 1 February 1945)

1. Two of the persons named in the Greek Memorandum, Vehip Runa and Xhemil Leka are at Transient Camp #1, Bari and have been interviewed. Statements prepared on the basis of these interviews are attached herewith together with copies of certain letters which seem to have some bearing on the case.

Two others mentioned Ismet Lesko and Karafil Lesko are not in Bari. Ismet is reported to be in the camp at Santa Maria de Lucca, while Karafil is still in Albania. We had hoped to get someone down to the camp at Santa Maria but have been unable to do so.

2. Information which has accumulated during the past few months seems to indicate:

- a. that during the summer of 1944 Ballist bands under the command of Nuri Dino worked in cooperation with the Germans in Chameria, Dino's native district, in the Dropulli Valley and in the area of Delvina. These operations probably resulted in deaths not only among Albanian Moslems who were Partisans in Chameria as well as among Greeks.

- b. following the retreat of the Germans from northern Greece last fall the forces of General Zervas took over control of practically all of Chameria and certainly the Moslem minority in that district suffered. It is during this period that a considerable number of the Albanian minority fled into Albania. FNC reports claimed at the time that as many as 15,000 to 18,000 came north into Albania. While it is now known that a large number of these refugees came into Albania it has not been possible as yet to confirm the reported numbers.

- c. that during the period of German occupation in these disputed areas severe losses of both Greeks and Albanians resulted from German reprisals. The Germans worked on both sides of the border and it is difficult because of this to allocate specific responsibility. Undoubtedly under cover of the confusion that existed at the time both Albanians and Greeks grasped any opportunity to wipe out old scores and to engage in other activities which they thought at the time promoted their respective national interests.

3. Recently some of the Balli Kombetar leaders who are here in Bari have stated that they made approaches to the Greek Nationalists proposing an exchange of populations (minorities) from the two sides of the border in this area. You will note that Vehip Runa reports that the Germans made similar proposals to him which he declined to accept.

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These same Ballist sources make the statements that the major concentrations of Greeks in Albania are in the villages of the Dropulli River Valley south of Gjinokaster and in the area of Delvina and Himara in southwestern Albania; that as many as 20,000 of the Albanian minority of Chameria are refugees in southern Albania having fled from the Zervist forces last fall. They claim that the Greeks in the Dropulli Valley were brought in there many years ago by the Albanian landowners to work the land and that very few of them own homes or other property there. They state that on the other hand the Chameriotes fled leaving homes and land on which their people have lived and worked for a very long time.

The Albanian Government at various times has placed the number of Albanian refugees from Greece at from 15,000 to 18,000. Whether these figures are exaggerated we cannot say. Neither from our own sources or from British sources have we been able to collect information which would seem to confirm such large numbers.

4. We have checked the information concerning Dr. Kastellanos through a number of sources here, one of which is an Albanian employed by the Greek consular office here who left Albania last summer and came by small boat to Italy. The information on this person seems to be substantially as follows:

- a. Dr. Kastellanos was an Albanian, a native of Himara who later became a resident of Valona.
- b. He married an Italian wife who at present is in the Transient Camp here at Bari.
- c. Through his wife he made important contacts with the Italian administration in Valona after the invasion and held an official position under them.
- d. Later he became more or less closely associated with the Partisans and was killed by a group of seven Ballists in Valona among which was the son of Vehip Runa who was Prefect in Peshkopie in North Albania at the time of the killing....It is generally agreed that the killing took place in revenge for the assassination of Aziz Sharra, a local Ballist leader by the Partisans. Among the reasons given for Dr. Kastellanos being selected as the victim is the fact that he was treating some of the Partisans who were wounded at the time of the killing of Sharra.

5. From what we know of the situation in southern Albania one would ³¹⁴³that the Greek Memorandum gives something less than all of the facts some of which may not have been available to them and presents some statements as facts that probably are somewhat exaggerated. I would judge that to arrive at somewhere near the truth in a situation with so many diverse elements in it there is going to have to be a much more thorough and detailed investigation than the Greeks, Albanians or anyone else has been able to make up to the present time.

SECRET.

AMPO 148

SECRET

2 March 1945

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INTERVIEW OF VEHIP RUNA BY
MEMBER OF ALBANIAN UNIT OF
15 FEB 1945 and 1 MAR 1945

1. The following statements concerning Vehip Runa now at Transient Camp No. 1, Bari, are based on interview and interrogation of subject. These statements give the gist of conversations with subject and reflect as accurately as possible only his own statements.

The subject of the interview, Vehip Runa, was born in the village of Neritza, District of Karvelash, Albania, in 1885.

2. The events of his life are given chronologically as follows:

- a. 1920-21 was mayor of town of Gjirokastra and chairman of a committee to organize resistance to the Italian occupation. He fought against the Italians at Velona.
- b. Supported party of Myfide Libohova in the parliamentary elections of 1923 and became sub-Prefect of the district of Karvelash in 1924.
- c. In 1925 he was removed from office by Hysni Derna, Operational Commander, because of his support of the Fan Noli party.
- d. In 1927 he was invited to Tirana by the Zog Regime and was given the rank of Reserve Major. He was inactive and at home from 1927 to 1929.
- e. In 1929 he was appointed sub-Prefect of the District of Elbasan, Kosovo, (Old Albania). He remained here until 1933, when he was transferred as sub-Prefect to Lezre Shegjujari, sub-Prefecture of Durrës.
- f. In 1935, on the recommendation of a physician, he withdrew from public office and was placed on pension by the Government. He remained at his home up to 1938. At this time he was offered a position as sub-Prefect by Karam Libohova, Minister of the Royal Court. He declined and went to live on a farm at Babitza, Velona.

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2. The Italians invaded Albania in 1939. He claims that when he learned of this he had a meeting with Shender Suce, Ardyt Kuci, Sadik Sharba, and Harhi Halil. It was proposed to organize a group and to fight the Italians but the idea was given up because of the realization of their impotence against such forces.
 - h. Huna stated that he left his property at Sabitza in April, 1939, and went to Kurvelash to live. In May, 1939, he went to Valona and appealed for grain for bread to the Prefect Zeral Brodaci on behalf of the people of Kurvelash. The Prefect referred him to the Italian Consul at Valona, Conte Salvani, who arranged for a shipment of 1500 quintals of corn through the port of Saranda. Huna stated that he supervised the distribution of this corn to needy people in the Kurvelash area and took no further part in public affairs up to 1941.
 - i. In 1941, Ali Kelcyro (later a member of the Central Committee of Balli Kombeter) and Qazim Koculi (killed January, 1943, by guerrillas) convened a meeting at Valona. During this meeting it was proposed that the Albanians should take up arms against the Greeks and fight to regain Chetvarin. Huna claims that he opposed this. Others, however, were convinced and assembled at Erseke. He proceeded to Greece, where he advised the others to lay down their arms and not fight. Huna claims that the Italians wanted to place him on trial because of these activities. Later, however, in 1942 he was elected a member of the Damsa Corporative (Fascist Parliament), but he refused to take the seat. Later the Italian Viceroy proposed to make him a Council member of the Palace, but he did not accept.
- On August 4, 1942, Huna was shot by persons who it was claimed at the time were communists. He insists, however, that the shooting was because of a personal feud.
- j. In March, 1943, on the request of the people of Valona he accepted the position of Prefect, which he held for about 3 months when he was requested by the Government to become Prefect of Dibra.

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Immediately following the Italian capitulation a British officer came to Dibra and advised the Albanians to get together and fight the occupiers. This they agreed to do but 15 days later a split developed between Fiqri Dine and Hoxhi Leshi as to who should have control in Dibra and nothing came of the agreement.

At this time Mehdi Frasheri was invited to come to Dibra to form a Government but after six weeks of waiting for him he failed to come and Runa claims that he, himself, then returned to Tirana to find that a Government had been formed in September, 1943. He remained in Tirana with his family for the following six months.

6. Runa stated that in May, 1944, he again accepted a post as Prefect, that of Gjinokaster. This came as a result of the request of the people of that Prefecture and was accepted only after he had made a public declaration in the newspaper, *FIJALA E KORCES* (Voice of Korca), that he was accepting the post as an Albanian and solely for the purpose of helping the people. Four days after his arrival at Gjinokaster a 17 year old boy placed a bomb in the Municipal Building in an apparent attempt on his (Runa's) life. Following his arrest, the boy made statements implicating Idriz Jazo and Ismail Golemi, Balli Kombeter leaders, in the attempt.

Twenty days later the Germans sent an operational force to Gjinokaster with the apparent intention of raiding and laying waste the Dropulli valley. Runa, according to his statements, intervened in such a way as to prevent much of the destruction. He was unable to prevent destruction in his own village of Navitsa where his house and houses of his relatives were burned. At the same time Said Shesh, Rago Duro, and seven other of his friends were killed.

During the same period after an absence from Gjinokaster he returned to find the Balli Kombeter District leader, Idriz Jazo, had imprisoned 100 people, and two months later another 200 were sent to jail. This was reported to the Tirana Government and all of these people were finally released.

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Runa. Following this, he was continually under surveillance of the PK Commander and the Gestapo.

Idriz Jazo, Glinokhaster District Commander of Balli Kombetor, and Nuri Dino, Commander in Chameria of Balli Kombetor, according to Runa did everything possible through the Gestapo to have him arrested. He reported the situation to the Tirana Government and requested that these two dangerous elements be removed.

3. Accounts of Varied Activities -

- a. Runa states that after he was appointed Prefect in Glinokhaster he went to Korca and thence to Jannina, where he discussed Albanian-Greek relationships with a representative of General Zervas, a certain Lieut. Colonel Gerandi. With Runa at this meeting was Kemal Insceres, brother of the Albanian Minister at Istanbul. According to Runa, an agreement was reached with the Zervas representative for cooperation between the Albanians and Greeks on a Nationalist basis.

Later after this agreement was reached with the Zervas representative, the Balli Kombetor leader in Chameria, Nuri Dino, broke it by killing many Greeks in Chameria and even Albanians who opposed him. After the withdrawal of the Germans, Zervas bands came in to Chameria and killed Albanians from among the Albanian minority. At Paramathi, the home village of Nuri Dino, they killed many of the 175 Albanians. The remainder fled from the village and went to Kenispol and elsewhere in Albania.

In Preveza the Servists also killed the Mufti of that town although he had been imprisoned at Jannina as a pro-Greek by Nuri Dino.

Runa attributes most of the killings on both sides of the border during the German occupation to Nuri Dino.

- b. Runa states that Dr. Kacillanos was assassinated at the time when he, Runa, was Prefect in Dibra. The assassination was actually carried out by young Ballists, one of whom was Runa's 17 year old son who has since been killed.

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Dr. Macillanos according to Rana's story had married an Italian who exercised much influence over him. When the Italians invaded Albania he was given the rank of Captain in the Italian Army and took part in the war against Greece in 1941. In 1942 he was made an Italian High Commissioner of Valona and as such, outranked the Mayor of the City.

- c. In the summer of 1944 while Prefect of Gjinokaster, Rana states that he was approached by the Germans with a proposal to exchange the Moslem population of Shkoder for the Greek population in Gjinokaster. This Rana refused to do and no exchanges were made.
- d. Rana claims that the Balli Kombeter actually was organized in 1940 but was not announced until 1942.

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attach 1

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Transit Camp No. 1

December 26, 1944

To the Command
of the Transit Camp

There are now living in this camp
the wife and the sister of Dr. Kacellano
from Himara, Albania, as well as two
other persons from Himara.

Last year Dr. Kacellano was
killed in Vlona as a reprisal for
the murder of the nationalist Aziz
Sharra. I had nothing to do with
that affair. But from what I
am informed, the doctor's family
seek to take their revenge on me.

Being in this camp and
under protection of that Command,

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I humbly beg you to take the necessary measures for my personal security, so that there may not be any attempt on my life either directly by the interested family or indirectly by the intervention of others.

Respectfully
(Chit Rana)
Veep Rana

SECRET

3 March 1945

INTERVIEWS OF ZHEMIL LEKA
BY A MEMBER OF ALBANIAN UNIT
ON 19 FEBRUARY AND 1 MARCH 1945

1. The following statements concerning Zhemil Leka, now at Transient Camp 7 Bari are based on two interviews and interrogations of subject. These statements give the gist of conversations with the subject at the Transient Camp and reflect as accurately as possible only his statements. The narrative is given in chronological order.

2. Early Activities of Subject--Zhemil Leka, an Albanian citizen born in Borsh, Albania in 1900.

- a. From 1921 to 1926 Leka was an elementary school teacher and taught in Saranda Delvina and Borsh.
- b. In October 1926 he resigned from his teaching position largely because of his brother Ragip Leka being implicated in the Dukagjini Revolt against the Zog regime. At this time he became a partner with a certain Ismail Sefa, a merchant of Lushnja, in a contracting business. This firm contracted for and built 54 small bridges between Rozoshina and Lushnja during the period 1926-28.
- c. In 1928 he became a general manager for the contracting firm of Ahmet Resuli and Ismail Sefa Company and between 1928 and 1932 supervised the building of the military barracks at Scutari.
- d. From 1932 to 1936 Leka, according to his statements, was a partner with Ismail Sefa and Nik Lazo in operating a fishing concession at Vivar, Saranda and Butrinto.
- e. Leka continued in the business of private contracting from 1937 to 1939 at Saranda where he built a part of the wharves and a pipeline for ANPA.

3. Later Activities in Public Affairs.

- a. In December 1943 the local Balli Kombetar leader, Colonel Izmet Tatzati together with a committee from the districts of Delvina, Konispol, and Saranda approached Leka with a proposal that he assume the directorship of EASTEF for that area to handle the distribution of foodstuffs. He accepted this appointment and undertook to support the political and economic program of Balli Kombetar.
- b. From 22 September to October 1944 he was in Delvina and then started for central Albania by way of Korca with the expectation of joining the Ballist and Legitimacy forces which were then attacking the Germans.

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Xhemil Leka

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On his arrival in Central Albania he found that the forces of these two organizations had been dispersed on the advice of the British Officer, Colonel McLean. He learned, he says, that McLean had told both groups that they should disperse their forces for a short time. It was at this time that Abas Kupa left Albania by boat for Italy.

The plans which the Ballists and the Zogists had made for the opening of a gateway for the Allies to invade had been abandoned. Leka then started for Scutari and when he arrived there he found Vithat Frasheri, Ali Kelcyra and others of the two parties. Since there was nothing to be done by him, he associated himself with the group and came to Italy.

a. Other Activities and Comments.

a. Sub-Prefect of Saranda.

Mr. Leka stated that when Vehip Ruma came to Gjinokaster as Prefect in May 1944 he (Leka) handed in his resignation as director of SASTEP. However Ruma begged him to remain and also appointed him Sub-Prefect. He did not wish to accept this appointment but told Ruma that he would take the job until he could be replaced. He does not know whether his appointment was ever confirmed by the Tirana Government or not but stated that he had not received any appointment in writing. He added that as sub-prefect there was little to do and that his major effort was made as director of SASTEP.

b. Villages of Papal, Bularab and Ieshnice.

Lek states that these villages were not in his sub-prefecture and that he has no direct knowledge as to who burned them. He has heard however that they were burned by the Germans.

c. Massacre in Village of Nevitsa.

Leka claims that 45 Greeks could not have been killed in this village since the people there are all Albanians. He states that the killings occurred during one of the German operations against the Partisans. According to his account, the German operation started from Janina and split into two columns coming into Borsh later as a meeting point. One column came to Borsh through Kuc and the other came in through Shen Vasil, Lukave and Nevitsa. When this column reached Nevitsa it found a small bridge destroyed. The commander of the column called the mayor of the town to ask him who had destroyed the bridge and was informed that he did not know. The mayor was then ordered by the German commander to collect workers among the villagers and repair the bridge, which was done.

The German commander then asked the mayor if the road to Borsh was safe and was assured that it was. As the column moved toward Borsh it was ambushed a few miles outside of the town of Nevitsa by a small band of Partisans, perhaps no more than seven or eight. 3134
soldiers and one non-com were killed. The commander with his troops then returned to the village (Nevitsa). All of the villagers were ordered to assemble and were told that they had betrayed the Germans. The commander then ordered two lines to be formed, one on his right and the other on his left. Those qualified to work were to step into the line on his right and those unable to work were to fall into the line on the left.

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Khamil Leka

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When this division had been made the line on the left consisting of those unable to work were taken out and shot. Those able to work were taken away with the column and Leka understands were sent to Salonika. Some of these since the retreat of the Germans have made their way through Greece and eventually to Italy where they are believed to be in refugee camps.

Leka states that the accuracy of his account of this affair can be verified by Albanians who are now in the camp at Santa Maria near Lecce.

d. Leka further states that the Germans have killed without distinction as to creed or nationality at such times as they met resistance in the Saranda and nearby areas of which he has knowledge. To illustrate he cites the following:

- (1). the killing of Seit Shehu with ten of his people during the Shen Vasil-Korsh operation in June 1944.
- (2). the killing of 70 people, all Moslems, in the village of Vranisht.
- (3). the killing of four men of the village of Sasej between Pigeras and Lukova during the June 1944 operation.
- (4). the killing of three men at Pigeras during the June 1944 operation.

e. Leka claims that while he was a member of the Balli Kombetar party his activities in the Sub-prefecture of Saranda were fair and unbiased. As distributor of food supplies he assisted all impartially. As an indication of his good standing he states that while he was at Delvina in September 1944 he received two letters, one from each of two local Partisan leaders asking him to join the FNC and assuring him that no harm would come to him because of past activities. Copies of these letters are attached. In a written statement of Leka's he writes, "The clemency shown in the letters has been prompted entirely by the responsible officer of FNC themselves to satisfy the people who had sympathy for me because of my good conduct and the exemplary fairness I had shown in the distribution of foodstuffs."

Leka states that he did not see his way clear to accept the FNC invitation because of his antipathy to communism.

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C O P Y
Translation of letter from Ihsan Buda to Xhemil Leka

Dear Xhemil :

I am well,- are you well? Although you, during the winter attempted to do everything against us, we , proud always, did not hold this against you, especially when we saw that everything you did was done unwittingly and at the neglect of your duty. I, personally, became interested for you and sought your exoneration. The proposal which was made was taken under consideration because it was a just one.

Therefore, I inform you to come straight to me without fear or if you wish we can designate another place for meeting wherever you feel safe. I am writing this letter to you because I have known you sometime ago and it grieves me that your abilities should be wasted since you know that those who hide from us cannot escape.

Personally I think you are fortunate in receiving this letter.

I am sending you a declaration issued by the Anti-Fascist Council which is valuable to all of those who have committed wrongs.

Political Commissar, Sub-Prefecture
of Saranda

Ihsan Buda

signature.

I am awaiting your answer
without fail.

V.B-V.P 22 Sep. 1944

NOTE

As the title of the letter states Ihsan Buda from Gjinokaster is the political commissar of the Saranda Province and as such is always in contact with the people; in this case he is undoubtedly the interpreter of the people's desire.

Xhemil Leka.

SECRET 3133

T deshur i khemil.

THE END

Jam e qof i mire.Me gjithë se ju gjat dimrit te kaluar keni tenn-
 tuer e ve benit cmos per ne.Ne jemi kurdohere krenare qhe nuk i vene
 fare ne xhеп atо qe ju keni manduar e vecanerisht duke pare se ju cdo
 gje e keni bere inkonshent dhe keni neglizhuar detyren . Une persona-
 listk u interesove per tydhe kerkova qe ti te talesh.Propozimi qe ju bera
 m'u muar paraesysh se ishte i drejte.

Prandaj ju lajmërojmë që pa ushaje triko të vinit me drejtim për tek
muë ose në qoftë se deshëroni muë të bëjmë dhe një pikë pjesë me ndo-
një vendim të të jesh i sigurt. Këtu letat t'a bëj sence të kam njëherë
njehere sikur e më vjen keq që të vë dhjamë qeni, se duket të diç se
ata që na fshihen neve është e pa mundur të na shpëtojë.

Per una me d'oret se esitte nje fat qe te vjen celo lere ti.

Po ju derrojmë dhe një ceklerinë që lesnon komit ti antirashist
e cila vlen për të gjithë ata që kanë bërë fajë.

Perseja, les politi. i revetit Sarandes.

Therapy Budda

Wenshriti

Tres perçajecje doenos.

W. F. I.

77-0-12

Phenir

Le Penster flet tetulli i letis reetë, Hësare Buduar nje
gjyqk me fllin, Këe veperuar si pengjeja politike i vretit Garandol
Kontakt me popull dhe me kete rast sigurisht ekste

SECRET

COPY

Dear Xhemil:

I am present and witnessing the letter that Ihsan is writing to you, therefore have no doubt whatever that these words are sincere. I say if possible to meet me at once in Vermere and come without fear.

We are living in decisive moments. You must think well and do not place yourself in danger.

I expect to meet you and talk it over better,

Regards

Behmet Ali Shahu.

V.F.
L.F. 21 September 1944

Note: Behmet Ali Shahu from Borsh of Saranda, a well-known Partisan in our area was active with his forces along the seacoast from Borsh to Mavica.

signed

Xhemil Beka. **SECRET**

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I dashuri Xhemil.

Jam ne prezence te letres qe te shkruan Ihsani. Pra te mos kesh as nje dyshim keto fjale jane te sinqerta. Une thom jep te takohemi nje- here ne Vermero ose ti po deshe hajde pa patur asnje frike.

Jemi ne momente decisive duhet te keni menduar mire e mos te merri veten t'uaj ne gafe.

Pres te takohem dhe te rjalosemi me mire.

Te fala

Mehmet Ali Shehu

V.F

L.P.

2I-9-944

Shkrimi:

nga Borki Garandesi

Mehmet Ali Shehu nga Komunisti, i qokur ne vendin t'ne, nepronte me farent e tyja ne bregun e detit qyck prej Borkit ne ~~Garandesi~~ Nivee

SECRET

Shkrimi

Jam ne prezence te letres qe te shkruan Inساني. Pra te mos kesh as nje dyshim keto fjale ja e te sinqerta. Une thom jep te takohemi nje- here ne Vermero ose ti po deshe hajde pa vetem asnje frike.

Jemi ne momente decisive duhet te kemi mendimet mire e mos te merri vetem t'uaj me qafe.

Pres te takohem dhe te fjalosemi me mire.

Te fala

Mehmet Ali Shehu

V.F

L.F.

21-9-944.

Therrimin:

Mehmet Olli Shehu nga Boshk' Jarandis
ta, nepronte me farat e tij ne brezura e detit qysh prej
Boshk' ne ~~Shkoll~~ Nivice

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C
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Albania
Political and other conditions in
Gjinkaster Area with particular
reference to Dropulli Valley

16 December 1945

STAN

Dec 15 to January 6 1945
Albania

Comment:

This report covers the observations of a person who travelled through and lived in the territory under discussion for about three weeks. In reaching the Gjinkaster Area the source travelled, for the larger part of the distance from Tirana on foot. Source lived in the Dropulli Valley throughout his childhood days and speaks both the Greek and the Albanian languages well.

1. Transportation and Conditions of Roads...Travel from Pegin to Berat is difficult because of the three bridges blown out by the Germans in the course of their retreat. The crossings of the Shkumbini and Osumi Rivers must be made by means of small, primitive ferry boats. Heavy vehicles, at any time, have difficulties in making these crossings and during a rainy period when the rivers are swollen it is impossible for such vehicles to cross. Much of the traffic in this area is done through relays at the rivers, trucks being unloaded on one side of the river and the cargo ferried across and reloaded on another truck on the other side.

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Transportation between Berat and Gjirokastra is difficult because of the condition of the road as well as because of the lack of transportation (vehicles). Late in December there were only five trucks plying this road. It was reported then that 25 additional trucks were to be assigned to this section. These according to the report are to be used along the route, Berat-Gjirokastra-Delvine-Saranda.

All along the route from Tirana to Gjirokastra the ENC has Italians working on the roads, operating the ferries, and building telephone lines. Even the supervisors are Italians.

2. Political Situation in the Drocull Valley... During the source's stay in the Drocull Valley he talked with and questioned many people on their attitude towards the present Government and on the ENC Movement in general.

The population of the Drocull Valley between Gjirokastra and the frontier is largely Greek and the people are normally pro-Greek. Many state that no matter what kind of a Government Greece finally adopts they wish to become a part of Greece. This position is qualified somewhat by members of the younger generation, who state that as long as there is war *with* Germany they wish to fight side by side with the Albanian Partisans but that once the war is over *3128* Germany defeated it is their desire to have an opportunity

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to vote on whether they wish to join with Greece or to remain a part of Albania. They feel that under the principles of the Atlantic Charter this is their right.

Aside from this younger element there is a large number of older and more conservative people. These persons generally are anti-Albanian and anti-Moslem. They suffered under the Zog Government and were denied the right to have their own schools. Under Ballist control at the time of the German occupation they were robbed, their houses were burned and many were tortured. During both of these periods their oppressors were led by Moslems. No matter how great the TNC propaganda may be about freedom and equality the source believes that these people will still fear Moslem domination. They say, "How can we live under the same roof with these men of yesterday who persecuted us and who today wear the red star and talk of equality?" As an example of this they point to the village of Lazarat, which all Dropullis wish to see burned to the ground. The people of Lazarat were all Ballists. Since there was no law to prevent it they robbed, burned, and killed. Now they are accepted by the TNC and wear the red star.

3127

The members of this older conservative group point to current instances of discrimination against them by

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Page 4

~~SECRET~~

the FNC Provisional Government. For example at the time of the occupation of Gijinkaster by the ANLA a large quantity of sugar was captured from the Ballists. This sugar has been rationed and is being sold to the people. At the time of the Moslem celebration of Bajram, each Moslem house in the area was allotted 2 kilograms of sugar. At Christmas time each village of the Bropulli Valley received an allotment of 6 kilograms of sugar which gave each Christian house a bare spoonful or two of sugar. The rationing of kerosene has been done in the same way. The people single out such things as evidence that the Moslems are in power and as in the past favor their own people. They ask, "Is this the equality which the Government of Soxha talks about?"

This feeling as indicated above is to be found throughout the valley.

~~SECRET~~

3126

CA SECTION

ALLIED FORCE HEADQUARTERS
G-5 Section
APO #12

G-5: 000.5-5

27 February 1945

SUBJECT: War Crimes Alleged to have been
committed by Albanians in Greece.TO : Headquarters, Allied Commission
APO 394.

1. In further reference to our letter of 30 January 1945, in which your letter of 25 January enclosing a copy of a memorandum from the Greek Delegation to the Advisory Council for Italy was acknowledged, it is suggested that you may wish to call to the attention of the Greek Delegation that in the event that their desire to bring the alleged war criminals to trial is to be accomplished, it will be necessary for evidence to be perpetuated.

2. At the present time this Headquarters does not contemplate action in the premises.

3. You may wish to call the attention of the Greek Delegation to the policy adopted by the Combined Chiefs of Staff with respect to the investigation of war crimes alleged to have been committed in Italy against Greeks and Yugoslavs. A letter on this subject is going forward to your Headquarters this day.

R. Ham
S-5, G-5
CHARLES M. STOFFORD
Brigadier General, G.S.C.
Assistant Chief of Staff, G-5.

28 FEB 1945

3125

(1929)

~~CONFIDENTIAL~~ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

FTH/wsw

30 January 1945

G-5: 000.5-5

SUBJECT: Albanian War Crimes.

TO : Headquarters, Allied Commission, APO 394.

1. We acknowledge your letter of 25 January and inclosure (Memo by Greek Delegation to A.C. Italy dated 15 Jan 45) on this subject.
2. It is noted that the memorandum itself states that the Greek Delegation has already brought to the attention of this HQ detailed information concerning the activities of the Albanians mentioned in the memorandum.
3. Copies of the memorandum have been transmitted to sections of this HQ concerned with war crimes.

For the Acting Asst. Chief of Staff, G-5:

F. T. Hammond, Jr.
F. T. HAMMOND, Jr.,
Colonel, Ord.,
Legal Adviser.

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3124

~~CONFIDENTIAL~~

875
Ref: P/246

23th January 1945

SUBJECT: Albanian War Crimes.

TO : G-5 Section,
Allied Force Headquarters.

1. We enclose herewith copy of a memorandum recently received from the Greek Delegation to the Advisory Council for Italy, on the subject of Albanian War Crimes and terrorisation of the Greeks in E. Greece, for such action as you deem fit.

For the Chief Commissioner.

M. A. L. MORRISON,
Acting Vice-President,
Political Section.Copies to: United States Political Advisor.
British Resident Minister.1 enclosure: copy of memorandum from Greek
Delegation, dated 15th January,
1945.

3123

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MEMORANDUM

Following the conversation on the subject of the Albanian war criminals, the Greek Delegation to the Advisory Council for Italy have the honour to bring to the knowledge of the Political Section of the Allied Commission all the information which, at the request of the Greek Government they have already transmitted to the Allied General Headquarters, Mediterranean, concerning both the intolerable situation which was lately created for the Greeks of Albanian occupied Northern Epirus and the atrocities committed by the Albanians against the Greek population of that district.

Thus, on the grounds of the reliable information received recently by the Greek Government, it is strongly pointed out that the situation in the Northern Epirus is greatly aggravated.

The collaboration between the "Ballists" and members of the "Albanian Front of Liberation" which was inaugurated by the formation of a "Democratic Government" in Berat, resulted in the more extensive persecution of the Greeks of Northern Epirus under Albanian rule which is continued systematically despite the presence of the British forces there.

As for the "Ballists", it is a well-known fact that they have been collaborating all along with both the Italians and the Germans. Equally well known are also the atrocities they committed against the Greek inhabitants in that area. Measures imposed recently by the Greek Government upon them consisted of their mobilisation from the age of 18 years to 45. Those thus mobilised are sent to the north of Albania. Naturally this caused the terrorised Greeks to leave en masse and to seek refuge in Greek territory. This is still going on. As reprisals, the Albanians imposed oppressive measures upon the families of those who went into Greek soil.

It is clear from the above that this aims to eradicate the Greek element in Northern Epirus. By these measures the Albanians pretend to contribute to the Allied struggle.

Political Section
HQ Allied Commission
Rome

312

1862

- 2 -

It is well known that Greece who was amongst the first to participate in the common struggle of the United Nations, and at this at the most critical times, could not therefore desire to impede in any way the common struggle and its ultimate success. But the destruction of the Greek population of the Northern Epirus - done even before the eyes of the Allied Armies - is incomprehensible both to the Greek Government and the Greek public opinion. Those who are aware of the methods of the Albanians know that this destructive program set by them against the Greek inhabitants of Northern Epirus, is a repetition of those systems practiced by the Bulgarians upon Greek inhabitants of other Greek districts, which were handed by the Germans to Bulgaria during the occupation of Greece.

On the other hand, according to the same information houses were set on fire by the Albanians at the villages of PAKEL, BULAK, KAT, LENCENICE (See Map 1:250,000 Greece, Sheet G.4 Kerkira) of the Drino Valley. Furthermore they arrested large numbers of Greeks. A whole Battalion of Greeks who have been recruited by force, was sent to Avlona and from there on to W. Albania.

Information that comes in from all sources happens to be of so striking similarity that it makes it evident the Albanians aim to terrorise the Greeks and alter the National character of Northern Epirus.

Lastly, according to more recent reliable information of the Greek Delegation, a large number of Albanians responsible for the a/m crimes are to-day in Bari.

Consequently, the Greek Delegation have expressed to the Allied General Headquarters, Mediterranean, all detailed information which has reached them, up to this moment, based on the testimony of many reliable witnesses, concerning the four well-known Albanians mentioned below (who, as reported, are now in Bari), and the bands organised by them, which have committed atrocities against the Greeks of Albanian occupied Northern Epirus.

The Albanians in question are the following:

1. Veip RUMA : He was Governor of the district of Valona during the fascist occupation of Albania. He persecuted in cooperation with the enemy, the Greek population of this district. An important member of the well-known quisling organisation "Bal Kombetar", he organised

1863

- 3 -

murders of the Greeks in Chimara, which were committed by bands formed and directed by himself. His own sons were among the leaders of these bands. He is responsible for the murder which occurred on the night of October 11th, 1943, of Doctor Kastellanos, a distinguished Greek from Chimara, known for his patriotic feelings. Doctor Kastellanos' widow, of Italian origin, and her children as well as the Doctor's sister, escaped from Chimara and are now among the Greek refugees of N°1 Displaced Persons' Camp, in Bari.

2. & 3. The brothers Iamet and Kerasoulis LEMBO : Both were leaders of the Bal Kumbetar organisation in Delvino. They formed armed bands and let them loose against the Greek villages of Chimara, where they committed murders and acts of brigandage. They usually carried off hostages from each village, the whole population of which were thus compelled to pay a ransom to liberate them. By this method they extracted from the village of Loukovon two thousand napoleons and from that of Pikerni one thousand five hundred napoleons. They also plundered here and confiscated cereals, oil and all sorts of other produce. Many witnesses can testify these facts. Among the victims of these bands are the family of N. Kaisaris, commissioner of the Greek Government Agent's Office in Bari, who at their home in Pikerni, were threatened by revolver and forced to pay 120 napoleons. They also saw their cattle plundered by members of the same band.

4. Tzeail LEMBA : He was leader of the Bal Kumbetar organisation in Souti quaranta. His bands, supposedly destined to fight the partisans, were chiefly aiming at the extermination of the Greek element. Thus, in June 1944, under the pretence of mopping up the area between Chibara and Nivitsa from the partisans, German detachments in co-operation with the Bal Kumbetar bands of Tzeail LEMBA, devastated the villages of this area and took a heavy toll of their Greek population. No Albanian, even if he were a partisan, was molested during this tragedy. On the contrary, 45 Greek inhabitants of the village of Nivitsa were put to death; 3 from Pikerni, 1 from Loukovon and 30 from Aghion Bassilios were also executed. In addition, more than a thousand Greek inhabitants of the above-mentioned area were carried off by the Germans and Bal Kumbetar men, and their fate is still unknown. In another village, the whole male population were taken as hostages, their women-folk, wives, mothers, daughters, sisters etc. deceived by false promises of these Albanian bandits gave them all their money and valuables, hoping that their relations would

- 4 -

be set free. The ransoms were accepted but the hostages never returned to their homes.

It is evident that the above Albanian war criminals must not escape the just sanctions as announced by the United Nations, but be kept under supervision and brought, in due time, before the competent Allied Courts of Justice.

Rome, 15th January 1945.



3119

GREEK DELEGATION
TO THE
ADVISORY COUNCIL
FOR ITALY

Ref. N°237

MEMORANDUM

Following the conversation on the subject of the Albanian war criminals, the Greek Delegation to the Advisory Council for Italy have the honour to bring to the knowledge of the Political Section of the Allied Commission all the information which, at the request of the Greek Government they have already transmitted to the Allied General Headquarters, Mediterranean, concerning both the intolerable situation which was lately created for the Greeks of Albanian occupied Northern Epirus and the atrocities committed by the Albanians against the Greek population of that district.

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It is clear from the above that this aims to eradicate the Greek element in Northern Epirus. By those measures the Albanians pretend to contribute to the Allied struggle.

3113

Political Section
HQ Allied Commission
Rome

GREEK DELEGATION
TO THE
ADVISORY COUNCIL
FOR ITALY

- 2 -

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GREEK DELEGATION
TO THE
ADVISORY COUNCIL
FOR ITALY

- 3 -

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GREEK DELEGATION
TO THE
ADVISORY COUNCIL
FOR ITALY

- 4 -

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Rome, 15th January 1945.



3113

TOP SECRET

AFHQ

3-210

9 JAN 45

PRIORITY

RUPSEC PD

THE UNITED STATES WERE DISPATCH FROM LONDON DATED JANUARY EIGHTEEN AS YET
UNPUBLISHED HERE STATES THAT ACCORDING TO A REPORT BY CAPTAIN FRED THORNTON
RAIDED THE GOVERNMENT OF THE AMERICAN WAR CRIMES COMMISSION HAS NAMED GENERAL
ORLANDO GHA PRESENTLY COMMANDER CANADIAN GHA IN ITS LIST OF WAR CRIMINALS
PD BASED ON PRECEDENT IN ONE NINE FOUR THREE WHEN HE ASKED BRITISH TO REMOVE
MONTA AND AMERICAN GHA ITALIAN GOVERNMENT WHO WAS NOTIFIED BY THE OF THIS
DISPATCH HAD ASKED IF HE DESIRE ORLANDO REMOVAL PD I AM REPLYING THAT
UNTIL YOU OR ALLIED GOVERNMENTS REQUEST HIS REMOVAL THE COMMISSION DOES NOT
INTEND TO DO SO PD

PARAGRAPH TO REM FOR CAPTION GHA UNITED STATES POLAR AND WHITE RUSSE FROM HQ
ALONG FROM STONE VERTICAL PAGE

PARA TWO PD COMMENT CLN I ASSUME THAT NO OFFICIAL WEIGHT IS TO BE GIVEN
TO THIS BROADCAST UNTIL AND UNLESS UNITED STATES WAR CRIMES COMMISSION IN
LONDON SHALL HAVE THEM PLACED ORLANDO NAME ON ITS OFFICIAL LIST OF WAR
CRIMINALS

Chief Commissioner

222

3111
DIR: LHM:
Sir Noel Charles
Hon. Alexander Kirk
Political Sec.
CA Section
Chief of Staff

EMERY W. STONE
Rear Admiral
Chief Commissioner

TOP SECRET

268

YUGOSLAVS NAME THREE ITALIANS AS WAR CRIMINALS

LONDON, January 8 (UPI) -- The Yugoslav War Crimes Commission has included in its list of war criminals three Italian officers, the Free Yugoslav Radio said yesterday. They are General Taddeo Orlando, who was general of the Fascist Isonzo Division; Colonel Perna and Colonel Del Negro, commanders of the 1st and 2nd Grenadier Regiments respectively. The broadcast said the three officers were members of the occupying forces in Yugoslavia.

895

Orlando, commander of the Carabinieri, was Minister of War in the first Badoglio cabinet and before that was an Allied prisoner of war in North Africa. Perna and Del Negro are reported living in Rome.

(Sent to us by PW, London who, in turn, got it from the free Yugoslav Radio)

3113

DRAFT CABLE

CLASSIFICATION:

PRECEDENCE:

TO: AFHQ FOR SACRED, U.S. POLAR AND BRITISH RESERV

PMB UNITED NATIONS NEWS DISPATCH FROM LONDON DATED YESTERDAY STATES THAT ACCORDING TO BROADCAST BY "FREE YUGOSLAV RADIO", THE YUGOSLAV WAR CRIMES COMMISSION HAS NAMED ORLANDO, PRESENTLY COMMANDER CARBINTERI, IN ITS LIST OF WAR CRIMINALS. BASED ON PRECEDENT IN 43 WHEN WE ASKED BADOLIO TO REMOVE ROATEA AND ABBROSIO, ITALIAN GOVERNMENT WHO WAS NOTIFIED BY PMB OF THIS DISPATCH HAS ASKED IF WE DESIRE ORLANDO'S REMOVAL. I AM REPLYING THAT UNTIL YOU OR ALLIED GOVERNMENTS REQUEST HIS REMOVAL THE COMMISSION DOES NOT INTEND TO DO SO. PARA COMMENT.

I ASSUME THAT NO OFFICIAL WEIGHT IS TO BE GIVEN TO THIS BROADCAST UNTIL AND UNLESS UNITED NATIONS WAR CRIMES COMMISSION IN LONDON SHALL HAVE ITSELF PLACED ORLANDO'S NAME ON ITS OFFICIAL LIST OF WAR CRIMINALS.

cc: Sir Noel Charles
Hon. Alexander Kirk
Political Section
CA Section
Chief of Staff
CO Files

3112

YUGOSLAVS NAME THREE ITALIANS AS WAR CRIMINALS

LONDON, January 8 (UHN) --- The Yugoslav War Crimes Commission has included in its list of war criminals three Italian officers, the Free Yugoslav Radio said yesterday. They are General Taddeo Orlando, who was general of the Fascist Isonzo Division; Colonel Perna and Colonel Del Negro, commanders of the 1st and 2nd Grenadier Regiments respectively. The broadcast said the three officers were members of the occupying forces in Yugoslavia.

Orlando, commander of the Carabinieri, was Minister of War in the first Badoglio cabinet and before that was an Allied prisoner of war in North Africa. Perna and Del Negro are reported living in Rome.

(Sent to us by PW, London who, in turn, got it from the free Yugoslav Radio)

3111

DRAFT CABLE

CLASSIFICATION:

PRECEDENCE:

TO: AFHQ FOR SACRED, U.S. POLAD AND BRITISH RESIDENT

FOR UNITED NATIONS NEWS DISPATCH FROM LONDON DATED YESTERDAY STATES THAT ACCORDING TO BROADCAST BY "FREE YUGOSLAV RADIO", THE YUGOSLAV WAR CRIMES COMMISSION HAS NAMED ORLANDO, PRESENTLY COMMANDER CARBINTERI, IN ITS LIST OF WAR CRIMINALS. BASED ON PRECEDENT IN 43 WHEN WE ASKED BAIKGLIO TO REMOVE ROATTA AND AMBROSIO, ITALIAN GOVERNMENT WHO WAS NOTIFIED BY UN OF THIS DISPATCH HAS ASKED IF WE DESIRE ORLANDO REMOVAL. I AM REPLYING THAT UNTIL YOU OR ALLIED GOVERNMENTS REQUEST HIS REMOVAL THE COMMISSION DOES NOT INTEND TO DO SO. PARA COMMENT.

I ASSUME THAT NO OFFICIAL WEIGHT IS TO BE GIVEN TO THIS BROADCAST UNTIL AND UNLESS UNITED NATIONS WAR CRIMES COMMISSION IN LONDON SHALL HAVE ITSELF PLACED ORLANDO NAME ON ITS OFFICIAL LIST OF WAR CRIMINALS.

cc: Sir Noel Charles
Hon. Alexander Kirk
Political Section
CA Section
Chief of Staff
CO Files

3110

1874

YUGOSLAVS NAME THREE ITALIANS AS WAR CRIMINALS

LONDON, January 8 (UPI) — The Yugoslav War Crimes Commission has included in its list of war criminals three Italian officers, the Free Yugoslav Radio said yesterday. They are General Taddeo Orlando, who was general of the Fascist Isonzo Division; Colonel Perna and Colonel Del Negro, commanders of the 1st and 2nd Grenadier Regiments respectively. The broadcast said the three officers were members of the occupying forces in Yugoslavia.

Orlando, commander of the Carabinieri, was Minister of War in the first Badoglio cabinet and before that was an Allied prisoner of war in North Africa. Perna and Del Negro are reported living in Rome.

Sent to us by PW, London
who, in turn, got it from the
Free Yugoslav Radio

3109

DRAFT CABLE

CLASSIFICATION:

PRECEDENCE:

TO: AFHQ FOR SACMED, U.S. POLAD AND BRITISH RESMIN

PWB UNITED NATIONS NEWS DISPATCH FROM LONDON DATED YESTERDAY STATES THAT ACCORDING TO BROADCAST BY "FREE YUGOSLAV RADIO", THE YUGOSLAV WAR CRIMES COMMISSION HAS NAMED ORLANDO, PRESENTLY COMMANDER CARBINIERI, IN ITS LIST OF WAR CRIMINALS. BASED ON PRECEDENT IN 43 WHEN WE ASKED BADOGLIO TO REMOVE FOATTA AND AMERLSTO, ITALIAN GOVERNMENT WHO WAS NOTIFIED BY PWB OF THIS DISPATCH HAS ASKED IF WE DESIRE ORLANDOS REMOVAL. I AM REPLYING THAT UNTIL YOU ~~THROUGH ME~~ OR ALLIED GOVERNMENTS ~~THROUGH EMBASSIES~~ REQUEST HIS REMOVAL THE COMMISSION DOES NOT INTEND TO TAKE ACTION ON THIS BROADCAST. PARA *Commit*

I ASSUME THAT NO OFFICIAL WEIGHT IS TO BE GIVEN TO THIS BROADCAST UNTIL AND UNLESS UNITED NATIONS WAR CRIMES COMMISSION IN LONDON SHALL HAVE ITSELF PLACED ORLANDOS NAME ON ITS OFFICIAL LIST OF WAR CRIMINALS.

cc: Sir Noel Charles
Hon. Alexander Kirk
Political Section
CA Section
Chief of Staff
CC Files

3108

CONFIDENTIAL

Allied Force L.S.

6 Feb 44

THE CRIMINALS

The following procedure will be adopted by British forces in this theatre in order to implement the directive of the Combined Chiefs of Staff of 29 Oct 43 and Allied Force Headquarters Circular "War Criminals" under reference HQ 000 3-1 G.A.P. - A.G.H., dated 27 Nov 43.

For the purpose of this directive war crimes are defined as violations of the laws and customs of war, examples of which are set out in paragraph 443, Chapter XIV, Manual of Military Law.

As soon as any circumstances suggesting the commission of a war crime come to the notice of any officer he will immediately notify his commanding officer who will cause an investigation to be made and if necessary, apply through the usual channels for the assistance of the Field Security Police. Statements will be obtained from any available witnesses.

When the investigation has been completed a brief report together with any statements obtained from witnesses will be forwarded through the usual channels to DUMF, JHQ, who will advise G-1(D) whether a court of inquiry should be assembled, the terms of reference, and the witnesses to be summoned. If a court of inquiry is ordered to assemble, it will do so, when practicable, at or near the scene of the alleged crime. It will consist of two officers, the president being a member of the Deputy Judge Advocate staff of the Judge Advocate General and the convening officer will order that the evidence be taken on oath.

Whenever practicable the accused will be present and will have the right to be represented by a military officer as counsel.

The court will record all relevant evidence whether for or against the accused and will receive any evidence which in their opinion has probative value.

The evidence will be recorded in narrative form except that the cross-examination of witnesses will, upon the request of the accused, be recorded in the form of question and answer.

Each witness will sign his name at the foot of the record of his evidence.

The examination and cross-examination of witnesses will normally be conducted by a military officer, termed military counsel (when practicable a member of the JAG's legal staff) and by a military officer, termed defence counsel (when practicable an officer with legal qualifications).

The President may question any witness in order to supplement the information adduced by counsel.

The following certificate will be signed by the president and member at the foot of the proceedings:-

CERTIFICATE

The above witnesses appeared in person before us this day of 1944, at and (in presence of the accused, who was afforded the opportunity to cross-examine) have evidence upon oath as set out above.

895

and the President, dated 27 Nov 43.

For the purpose of this directive war crimes are defined as violations of the laws and customs of war, examples of which are set out in paragraph 143, chapter IV, Manual of Military Law.

As soon as any circumstances suggesting the commission of a war crime come to the notice of any officer he will immediately notify his commanding officer who will cause an investigation to be made and if necessary, apply through the usual channels for the assistance of the Field Security Police. Statements will be obtained from any available witnesses.

When the investigation has been completed a brief report together with any statements obtained from witnesses will be forwarded through the usual channels to MG, JAG, who will advise G-1 (J) whether a court of inquiry should be assembled, its terms of reference, and the witnesses to be summoned. If a court of inquiry is ordered to assemble, it will do so, when practicable, at or near the scene of the alleged crime. It will consist of two officers, the president being a member of the Deputy Judge Advocate staff of the Judge Advocate General and the convening officer will order that the evidence be taken on oath.

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The following certificate will be signed by the President and member at the foot of the proceedings:-

CERTIFICATE

The above witnesses appeared in person before us this.....day of.....1944, at.....and (in presence of the accused, who was afforded the opportunity to cross-examine) gave evidence upon oath as set out above.

*If the accused was not present the words in brackets will be omitted.

The president will forward the proceedings together with the convening order, under secret cover to the convening officer who will forward them to MG, JAG, JHQ.

G.12/3505/A3

585

COPIES

RESTRICTED

J. L. JONES

NORTH ATLANTIC TROOP OF OPERATIONS

MEMORANDUM FOR THE JAG

PO 534

CIRCULAR)

NUMBER 11)

26 January 1944

INVESTIGATION OF CRIMES

1. The following procedure is established to effect the purposes of the directives concerning war crimes of the Combined Chiefs of Staff of 29 October 1943 and Allied Force Headquarters Circular of 27 November 1943.
2. For the purpose of this directive war crimes are defined to be violations of the laws and customs of war, examples of which are set forth in paragraphs 347 and 355 of the Rules of Land Warfare, U.S. Army.
3. In order that the testimony of witnesses may be recorded in such form that it shall be admissible in their absence before legal tribunals in accordance with generally accepted rules, the following procedure is prescribed:
 - a. Whenever practicable, witnesses will be examined and cross-examined under oath on oral interrogatories in the presence of the accused and before a military officer termed a commissioner, who, for the purpose of such examination, shall have authority to administer oaths as an officer detailed to conduct an investigation within the purview of Article of War 114, U.S. Army.
 - b. The accused shall be entitled to be represented by counsel.
 - c. The oral examination of witnesses shall normally be conducted by military officer termed military counsel and by a military officer termed defense counsel, if the accused desires counsel. The commissioner before whom a witness is being examined may interview the witness in order to supplement the information furnished by counsel.
 - d. The examination of witnesses will take place when practicable at the scene of the alleged crime and as soon thereafter as circumstances permit.
 - e. The Commanding General of each Army shall designate, from officers of his command, one officer of field grade with legal qualifications as commissioner, one officer as military counsel and one officer as defense counsel.
 - f. Each Army Commander shall refer to the commissioner designated by him all cases involving war crimes in which the accused is in the custody of the Army Commander. He may also refer to such commissioner cases involving war crimes if witnesses are available in his command though the accused may not be in custody or even identified.
 - g. The commissioner to whom cases are referred is responsible for their prompt investigation and rendition of the available evidence to permanent form, as prescribed herein. To accomplish this result he is authorized to give necessary instructions to the military counsel and the defense counsel in the preparation of interrogatories and cross-interrogatories and taking such action with respect to time and place for conducting the taking of testimony as circumstances warrant.

2. For the purpose of this directive war crimes are defined to be violations of the laws and customs of war, examples of which are set forth in Paragraphs 347 and 355 of the Rules of Land Warfare, U.S. Army.

3. In order that the testimony of witnesses may be recorded in such form that it shall be admissible in their absence before legal tribunals in accordance with generally accepted rules, the following procedure is prescribed:

a. Whenever practicable, witnesses will be examined and cross-examined under oath on oral interrogatories in the presence of the accused and before a military officer termed a commissioner, who, for the purpose of such examination, shall have authority to administer oaths as an officer detailed to conduct an investigation within the purview of Article of War 114, U.S. Army.

b. The accused shall be entitled to be represented by counsel.

c. The oral examination of witness shall normally be conducted by military officer termed military counsel and by a military officer termed defense counsel, if the accused desires counsel. The commissioner before whom a witness is being examined may interrogate the witness in order to supplement the information adduced by counsel.

d. The examination of witnesses will take place when practicable at the scene of the alleged crime and as soon thereafter as circumstances permit.

4. a. The Commanding General of each Army shall designate, from officers of his command, one officer of field grade with legal qualifications as commissioner, one officer as military counsel and one officer as defense counsel.

b. Each Army Commander shall refer to the commissioner designated by him all cases involving war crimes in which the accused is in the custody of the Army Commander. He may also refer to such commissioner cases involving war crimes if witnesses are available in his command though the accused may not be in custody or even identified.

5. a. The commissioner to whom cases are referred is responsible for their prompt investigation and reduction of the available evidence to permanent form, as prescribed herein. To accomplish this result he is authorized to give necessary instructions to the military counsel and the defense counsel in the preparation of interrogatories and cross-interrogatories and taking such action with respect to time and place for conducting the taking of testimony as circumstance warrant.

b. The commissioner is responsible for the taking of all available testimony and for submitting the same in due form to the Army Commander by whom he was designated. He will authenticate the testimony of each witness at the end of the transcript by certificate as follows:

"I certify that _____ personally appeared
this _____ day of _____ 1944, at _____
before me, a Commissioner duly designated by competent
orders and in the presence of the accused, who was afforded the
opportunity of cross-examination, and testified under oath in the matter
of _____ in the manner above set forth.

- 2 -

"Place"
 "Date"
 "Rank"

6. The Army Commander will transmit to this Headquarters the reports of commissioners designated by him.

7. Commissioners, military counsel and defense counsel will be designated by this Headquarters to take testimony and file report in respect of the investigation of war crimes when either witnesses or the accused are not under the command of an Army Commander or for any other reason investigation by direction of an Army Commander is not practicable. Commissioners designated by this Headquarters will conform to the procedure set forth herein except that their reports will be submitted directly to this Headquarters.

8. Commissioners are authorized to receive any evidence which would have probative value to a reasonable man.

9. Officers may be detailed as investigators to assist commissioners.
 (AG 000.5/367)

By command of Lieutenant General D. V. R. S.

OFFICIAL:

/s/ H. V. Roberts,
 H. V. ROBERTS,
 Colonel, AGD,
 Adjutant General.

E. L. WARD,
 Brigadier General, GSC,
 Chief of Staff.

Reproduced, Hq. Peninsular Base Section,
 AGO 762, 5 February 1914.

DISTRIBUTION:

"A" & "B"

RESTRICTED

27 November 1943

SECRET R:

MR. SMITH IS

1. The ultimate disposition of persons charged with the commission of war crimes is a matter for consideration by the governments of the Allied Nations.

2. Trials by military courts of persons suspected of war crimes will not be held unless directed by this headquarters. Such persons will be held in custody pending decision as to their disposal. While suspects are under detention all available information about them and about war crimes of which they are suspected will be collected and forwarded to this headquarters.

3. The following procedure will govern:

a. Secret reports, through command channels, will be made to this headquarters containing all possible information concerning the specific individual held under detention as a war criminal suspect and concerning the time, place, character and details of the alleged war crime. It is imperative that each report include not only the names and addresses of witnesses but also the list of the evidence which each may reasonably be expected to give in any proceedings which may later be reported to the appropriate such testimony for trial purposes. In order that these investigations may be kept strictly within command channels, they will be made by persons subject to the direct orders of the Commanding Officer making the report.

b. Reports submitted to this headquarters shall pertain only to persons then being held in detention.

c. For the purpose of this directive, war crimes are acts committed by persons in violation of the laws and customs of war. Should any doubt exist as to whether reported acts constitute war crimes, the case will be reported as above directed for consideration by this headquarters.

d. When reports are received at this headquarters and further investigation is considered advisable, either unit commanders will be directed to make the supplementary investigation or the supplementary investigation will be carried on directly from this headquarters.

e. When any change in the place of detention of a person upon whom a report has been made is directed by any authority other than this headquarters, an immediate report of such change will be made to this headquarters, in order that any supplementary investigation may be expeditiously carried on.

4. Situations may come to the attention of Commanding Officers in which the alleged war criminal is not in detention or may even be performing duties not incompatible with the Allied cause. In order that orderly procedure with respect to such situations may be followed, Commanding Officers will report such cases to this headquarters with all available information.

5. Italians who commit crimes against Italian Nationals are to be considered as war criminals and such persons will be handed over to the Government representatives for trial.

in custody pending decision as to their disposal. While suspects are under detention all available information about them and about war crimes of which they are suspect will be collected and forwarded to this Headquarters.

3. The following procedure will obtain:

a. Secret reports, through command channels, will be made to this Headquarters containing all possible information concerning the specific individual held under detention as a war criminal suspect war concerning the time, place, character and details of the alleged war crime. It is imperative that each report include not only the names and addresses of witnesses but also the list of the evidence which each war reasonably be expected to give in any proceedings which may later be presented to the appropriate such testimony for trial purposes. In order that these investigations may be kept strictly within command channels, they will be made by persons subject to the direct orders of the Commanding Officer making the report.

b. Reports submitted to this Headquarters shall pertain only to persons then being held in detention.

c. For the purpose of this directive, war crimes are acts committed by persons in violation of the laws and customs of war. Should any doubt exist as to whether reported acts constitute war crimes, the case will be reported as above directed for consideration by this Headquarters.

d. When reports are received at this Headquarters and further investigation is considered advisable, either unit commanders will be directed to make the supplementary investigation or the supplementary investigation will be carried on directly from this Headquarters.

e. When any change in the place of detention of a person upon whom a report has been made is directed by any authority other than this Headquarters, an immediate report of such change will be made to this Headquarters, in order that any supplementary investigation may be expeditiously carried on.

4. Situations may come to the attention of Commanding Officers in which the alleged war criminal is not in detention or may even be performing duties not incompatible with the Allied cause. In order that orderly procedure with respect to such situations may be followed, Commanding Officers will report such cases to this Headquarters with all available information.

5. Italians who commit crimes against Italian nationals are ^{to be} considered as war criminals and such persons will be handed over ^{to the} Italian Government representatives for trial.

6. Persons who commit crimes against members of the Allied Command during the period of occupation of Italian territory may be charged and tried before military tribunals in accordance with established practice.

7. It is enjoined upon all persons of this command to refrain from giving any publicity whatever to war crimes or war criminals or to any act taken by the military forces with respect thereto.

The release of any information concerning war crimes or war criminals is specifically reserved to this Headquarters. (LC 000.5-1 CR- GI)

By command of General LESLIE D. IR:

W. B. SICK

Major General, G.S.O., Chief of Staff

OFFICIAL:

SGT T. J. DAVIS

Brigadier General, United States Army, Adjutant General.

S E C R E T

MEMORANDUM REGARDING SALVATORE
CIPULLO AND PAOLO ZERBINO.

Salvatore Cipullo and Paolo Zerbino, former Fascist leaders in Turin, are said to have been in Rome when the Allies entered the city. The Turin Committee of National Liberation charges that these men were responsible for the execution of the committee's military committee, and requests their arrest and trial as war criminals.

895

S E C R E T

3104

Subj. E. C. Zerbino
Oct 12
1945

HEADQUARTERS ALLIED COMMISSION
POLITICAL SECTION
APO 394

Ref: 895

2 December 1944.

MEMORANDUM TO: G-5 Section, Allied Force Headquarters

SUBJECT : Atrocities Committed in Greece.

1. We enclose a copy of a memorandum addressed to the Allied Commission by the Greek Delegation to the Advisory Council for Italy forwarding a number of information bulletins in connection with atrocities committed in Greece. They go on to request that the Allied Commission should take the necessary measures to facilitate the application of sanctions against the Italians responsible for committing war crimes affecting Greece.

2. It has been explained to the Head of the Greek Delegation that this is not a matter within the competence of the Allied Commission and that all they can do is to forward these documents to Allied Force Headquarters for such action as the Supreme Allied Commander may consider necessary. The Delegation were unable to say whether these documents have already been forwarded to the War Crimes Commission sitting in London.

For the Chief Commissioner:-

H. L. d'A. HOPKINSON
Acting Vice President, Political Section

3103

GREEK DELEGATION
TO THE
ADVISORY COUNCIL
FOR ITALY

Ref. No. 2423

PRO-MEMORIA

The Greek Delegation to the Advisory Council for Italy present their compliments to the Allied Commission and beg to forward them herewith Information Bulletins No. 34 (Part A and B), 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46 and Special Bulletin of the 25th March 1944 contents of which are gathered from matter collected by the Hellenic Information Service, in connection with atrocities committed in Greece. This Delegation would kindly request the A.C. to take up as from now the necessary measures which they might consider adequate in order to facilitate the application of sanctions against Italians responsible for committing war crimes at the expense of Greece.

The Greek Delegation beg to express their anticipated thanks to the Allied Commission for the action which will be taken in accordance with the above matter.

Rome, the 29th of November 1944.



3102

To Political Section

HE
US

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.G. & M.G. SECTION
APO 394

Ref : 773/23/GA.

26 August 1944

SUBJECT : War Crimes

TO : S.C.A.O. 5 & 8 Armies.
R.G.s Regions I, II, III, IV, V, VI, VII, VIII, IX and "Z"

The procedure in future for the reporting of War Crimes or suspected war crimes will be as follows:-

(a) For Armies.

Information received or which comes to the notice of AMG Officers with the British Armies will be passed immediately through their S.C.A.O.'s to the H.Q. of the Army with which they are serving. The Army concerned will thereafter pass the information direct to G-5 AFHQ. Similar instructions will be issued in due course dealing with American Armies.

(b) For Regions.

Reports received by Officers of A.C.G. in Regions should (as in the past) be passed through their Regional Commissioner to this HQ who will forward to G-5 AFHQ.

Norman E. Fiske
NORMAN E. FISKE
Colonel,
Deputy Executive
Commissioner.

Copy to: AFHQ (your G-5, 010-2 of 20 Aug refers).
Attn. Section

3101

695

