

ACC

10000/136/304

1760

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

10000/136/304

POW STATUS OF ENEMY PARTISANS
(ITALIAN NEO-FASCISTS)
SEPT. 1944 - JAN. 1947)

LIST OF PAPERS

1111/CC
FILES A
Office of the
Chief Commissioner
ALLIED COMMISSION

File under No. 1111 POW STATUS OF ENEMY PARTISANS (ITALIAN NEO-FASCISTS)

SECRET

Page 1

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
1	Cbl AFHQ F29562	24 Sep 44	ACC	CCS policy is that Italian Neo-Fascists fighting here & captured will be treated as POW. Pls see Ital Govt on this.
2	Cbl S-346 Stone	26 Sep 44	AFHQ	Ital Govt agrees to such treatment.
3	ACC/H159/L C4 Sec	14 Oct 44		Enemy Partisans: Problems
4	Ltr G-5 383.6-11	31 Oct 44	Hq ACC	French Govt agrees to such treatment of Neo-Fascists as outlined in F 29562
5	SAC(P)(45) 6th Mtg	5 Apr 45		Status of personnel of It Fascist forces in event enemy surrender.
6	Cbl AFHQ FX-71977	7 May 45	Distone, 8/A, 15 AG	Chetniks not accorded PW status, but women, children as dispers.
7	AC/4076/2/L, Upjohn	10 Jun 45	RLOs, FLOs, 15, 5, 8, AFHQ, LOs, S/Cs	AC directive on disposal of captured neo-fascist personnel.
8	Cbl AFHQ FX-92421	13 Jun 45	AC, 15, 8, 5	Parts of AC directive unauthorized; no auth exists for release fr Allied custody PW neo-fascists....
9	Cbl AC Leg 9780	14 Jun 45	AFHQ G-5	Authority requested to implement AC directive for disposal.
10	Cbl 5A, 2825, F-240	20 Jun 45	AFHQ, AC, 15, G-5	Auth requested to implement 5th Army's proposed course of action.
11	AC/4076/2/L, Lush	20 Jun 45	Robertson, CAO AFHQ	Auth requested to implement AC directive on disposal.
12	Cbl AFHQ, FX-12779	25 Jun 45	15, 8, 5, IV	Surrender of It Fascist Republic troops to Allies Or Italians.

SECRET

1111/CC

Office of the
Chief Commissioner

ALLIED COMMISSION

LIST OF PAPERS

File under No. 1111 POW STATUS OF ENEMY PARTISANS (ITALIAN
NEO-FASCISTS)

SECRET

Page 2

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
13	Cbl AFHQ, FX-14026	28 Jun 45	5,8,15,AC	Neo-fascist to be taken fr It into Al lied custody only by order AFHQ; surren- dered personnel PW status only by AFHQ.
14	Cbl AFHQ, FX-19573	9 Jul 45	3,AC,5,8,1,PW	Neo-fascist mil in Allied custody not accorded PW status, when requested for trial by IG may be turned over.
15	Cbl AC Ven Reg, G/03.4	16 Jul 45	AC CAS	Consider neo-fascist mil in It custo- dy in N shd be turned over to Allied, removed fr Northern Italy.
16	Cbl AFHQ, F-27953	25 Jul 45	AC	CCS direct neo-fascist mil personnel be kept in custody until all cooperators IPW are released.
17	AC/4076/2/L, Stone	31 Jul 45	Parri	Neo-fascist mil, & non-coop IPW to be kept in custody until all cooperators IPW are released.
18	Cbl Liguria, 639	1 Aug 45	AC,PS,Legal	Neo-fascists in Ligurian civ prisons.
19	Cbl METOUSA, FX-33407	10 Aug 45	ACWAR,ACAMET	Turn-over to IG all Itals in US custc dy, incl neo-fascists & non-cooperators.
20	8263/49/EO, Talbot	13 Aug 45	AFHQ G-2	Neo-fascist prisoners under US contr; turn-over of camps, visit to camps.
21	AC/4076/2/L, Stone	13 Sep 45	Parri	Assurance awaited fr IG that neo-fas- cist mil & non-coop IPW will be ekpt in custody until all coop IPW released.
21a 22	Ltr Cesi AC/4076/2/L, CC	8 Oct 45 17 Oct 45	EC Parri	Pol concerning custody of Repub Fascist No change in AC Policy toward neo-fas.

SECRET

Office of the
Chief Commissioner

~~-ALLIED COMMISSION-~~

Page 3

200

CC-2101

21 January 1947

Dear Mr. Lustig:

I wish to acknowledge your letter of 14 January and to advise you that a reply was made on 28 December to your letter of 6 December. I am enclosing a copy of this reply for your information since apparently the original must have gone astray.

Very sincerely yours,

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Mr. E. Lustig,
Deputy Chairman,
Comitato Centrale Organizzazione
dei Profughi in Italia,
Via Reno 2
Rome

2081

Spares
2204/CC

CC-2101

21 January 1947

Dear Mr. Lustig:

I wish to acknowledge your letter of 14 January and to advise you that a reply was made on 28 December to your letter of 6 December. I am enclosing a copy of this reply for your information since apparently the original must have gone astray.

Very sincerely yours,

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Mr. E Lustig,
Deputy Chairman,
Comitato Centrale Organizzazione
dei Profughi in Italia,
Via Reno 2
Rome

9260

~~SECRET~~

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 383.4

20 December 1946.

SUBJECT: Cable Ref. No. F 73978

TO : Chief Commissioner
Allied Commission
(Personal Att: Admiral Stone)
APO 794

Attached hereto is cable reference No. F 73978
for your information and retention.

R. P. STEINER
Major, OAC
Executive Officer, G-5

1 Incl. as abv.

9059

~~SECRET~~

spaces

2201/22

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

RPS/fs

G-5: 383.4

30 December 1946.

SUBJECT: Cable Ref. No. F 73978

TO : Chief Commissioner
Allied Commission
(Personal Att: Admiral Stone)
APO 794

Attached hereto is cable reference No. F 73978
for your information and retention.

R. P. STEINER
Major, GAC
Executive Officer, G-5

1 Incl. as abv.

2058

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 321.01

December 1946.

SUBJECT: Cable Ref. No. FX-73997

TO : Chief Commissioner
Allied Commission
(Personal Att: Admiral Stone)
APO 794

Attached hereto is cable reference No. FX-73997
for your information and retention.

R. P. STEINER
Major, CAC
Executive Officer, G-5

1 Incl. as abv.

2057

~~TOP SECRET~~

Spare

102-1/12

CC 2201

4 November 1946

My dear Mr. Trobs:

I wish to acknowledge receipt of your letter of 28 October enclosing correspondence concerning the Reggio Emilia Camp incident.

Further information will be forwarded to you as soon as possible.

Sincerely yours,

Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Mr. Jacob L. Trobs,
Director of the American Joint Distribution
Committee,
Intergovernmental Committee on Refugees,
33 Via Vittorio Veneto,
Rome.

9058

Spare

2201/cc

HEADQUARTERS ALLIED COMMISSION

Office of the Chief Commissioner

APO 794

Ref: AC/14384/PS

9 September 1946

SUBJECT: Illegal Emigration to TRIPOLITANIA

TO : The Ministry of Interior,
Italian Government,
ROME.

1. During the past few months reports have reached this HQ from the British Administration, TRIPOLITANIA, of large numbers of illegal immigrants, from SYRACUSE, Sicily, landing in TRIPOLITANIA.

2. Since 1st January 1946 over 700 persons have landed in TRIPOLITANIA.

3. This Commission has invariably passed all the information received to your Ministry, including the names of the vessels, (when known), the names and addresses of the Captains and/or Owners of the vessels and particulars of other persons believed to be concerned in the illegal traffic, together with a request that strict supervision be exercised over personnel in ships leaving SYRACUSE and the vicinity.

4. So far no tangible result has been achieved and illegal immigrants are continuing to reach TRIPOLITANIA. Some immigrants have stated they embarked at SYRACUSE with the knowledge and assisted by the local authorities. This information was passed to you vide this Commission's letter AC/14057/PS dated 26 July 1946.

5. In view of the foregoing I am directed by the Supreme Allied Commander to request that strong action be taken to stop this illegal emigration and that proceedings are instituted against persons found to be responsible or implicated in any case in which emigration is carried out or attempted contrary to Italian laws and regulations.

6. It would also be appreciated if this Commission could be informed of the measures adopted and the results obtained as urgently as possible.

/s/ Ellery W. Stone

ELLEERY W. STONE
Rear Admiral, USNR
Chief CommissionerCopy to: Chief Commissioner.
Executive Commissioner.

2055

SPARE
2201/4

COPY

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 907.10

23 August 1946.

SUBJECT : Emigration into Tripolitania.

TO : Chief Commissioner,
Allied Commission,
APO 794.

Reference your DPR/3-1/RA of 15 Aug. with regard to
illegal emigration from Sicily to Tripolitania.

Will you please ask the appropriate Italian Authority
to take the necessary steps to put an end to this emigration and
inform this HQ of their reply.

When this HQ writes to BELA it will mention the questions
of channels.

BY COMMAND OF LIEUTENANT GENERAL LEE:

(sgd) ?????

A. L. HAMRESEN
Colonel, G.S.C.,
Assistant Chief of Staff, G-5.

2054

Spare
2201/6

1772

785015

Cc

Ref. : DFR/42/Q

1 August 1946.

My dear Mr. Prime Minister,

I have considered your letter regarding your request for the return of Camp No. 12 at Bologna to the assistance authorities of Bologna.

The present position is that Camp No. 11 Bologna, capacity 1,000, is used for Yugoslavs and limited transit accommodation for UNRRA eligibles.

Camp No. 12 Bologna, capacity 3,000 under transit conditions, is used as a Sorting Camp for refugees Italian and others, entering Italy. It is also held to handle any large move which may occur without warning.

In the past I have had occasion to urge Ministero Assistenza Post-Bellica to keep Transit Camps under their care as empty as possible, but todays dispersal from centres such as Padova has not been carried out.

I consider and I am sure you will agree with me that it is essential to retain a Large Transit Camp under the control of the Displaced Persons and Repatriation Sub-Commission to deal with the dispersal of possible large numbers of persons at the important railway centre of Bologna. In the circumstances I consider it inadvisable to hand-over Camp No. 12 to the local authorities of Bologna for the present.

Yours very truly,

Is/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Dr. Alcide De Gasperi,
President of the Council of Ministers,
Italian Government,
ROME.

Copy to C.A. ✓
h.c.

9053
Spare
2201/11

6 July 1946.

To : Executive Commissioner.

Referring to the attached statistics, G-2 reported that 85% of the internees were espionage suspects and only 15% were sabotage suspects.

SAC ruled that the espionage suspects should be released -- not en bloc but as rapidly as possible -- and review would be made of the sabotage cases for the purpose of releasing as many of them as would not jeopardize Allied security.

/s/ Henry W. Stone

HENRY W. STONE
Rear Admiral, USNR
Chief Commissioner

Enc.--SD/550 ltr of 2 July 46
subj. Civilian Internees

2032

Supla
2401/a

COPY

CC

Ref: 2224/EC

1st May 1946

Dear Signor Romita,

In reply to your letter No. 14599 of 18th April to Admiral Stone about the problem of the Jewish refugees at La Spezia, I write to say that according to my information 679 of the refugees have received authority to enter Palestine. I am informed that the remainder can expect to receive visas shortly but that the British Government cannot agree to their being permitted to sail to Palestine before these visas have been issued.

Very truly yours,

Brigadier.
Executive Commissioner.

Signor Romita,
Ministry of the Interior,
Italian Government,
Rome.

Copy to: Diaper
CC
Polad (A)
Polad (B)
IGCH

2251

2201/CC

HEADQUARTERS ALLIED COMMISSION

APO 394

Office of the Executive Commissioner

MAY 9 RECD

Ref. : 2224/EC

1st May 1946.

Dear Signor Romita,

In reply to your letter No. 14599 of 18th April to Admiral Stone about the problem of the Jewish refugees at La Spezia, I write to say that according to my information 679 of the refugees have received authority to enter Palestine. I am informed that the remainder can expect to receive visas shortly but that the British Government cannot agree to their being permitted to sail to Palestine before these visas have been issued.

Very truly yours,

Brigadier,
Executive Commissioner.Signor Romita,
Ministry of the Interior,
Italian Government,
ROME.Copy to:- Disper,
-C.C.-
POLAD 'A'
POLAD 'B'
IGOR

0050

Suff
2201/2

COPY

Ref: 2224/KC

1st May 1946

Dear Signor Romita,

In reply to your letter No.14599 of 18th April to Admiral Stone about the problem of the Jewish refugees at La Spezia, I write to say that according to my information 679 of the refugees have received authority to enter Palestine. I am informed that the remainder can expect to receive visas shortly but that the British Government cannot agree to their being permitted to sail to Palestine before these visas have been issued.

Very truly yours,

*Is LUSH*Brigadier.
Executive Commissioner.Signor Romita,
Ministry of the Interior,
Italian Government,
Rome.
-----Copy to: Disper
CC
Polad (A)
Polad (B)
IGCR

20/9

Translation

No. 14599

IL MINISTRO PER L'INTERNO

-1-1-1-

Rome, 18 April, 1946.

Dear Admiral,

I feel obliged to bring to your notice that many authoritative requests are arriving for the immediate solution as regards the group of Jewish refugees, whom, as you know, have been detained at Spezia while they were about to embark for Palestine.

I beg to request your help for what will be possible to do in favour of these emigrants.

With my kindest salutations.

/s/ Romita

To : Admiral Ellery W. STONE
Chief Commissioner, A.C.

R O M E

(AB)

2018

Translation

No. 14599

IL MINISTRO PER L'INTERNO
-1-1-1-1-

Rome, 18 April, 1946.

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I beg to request your help for what will be possible to do in favour of these emigrants.

With my kindest salutations.

/s/ Romita

To : Admiral Ellery W. STONE
Chief Commissioner, A.C.

R O M E

(AB)

2047

14 March 1946.

My dear Mr. Key:

Thank you for your letter of March 12th enclosing copies of letters from Mr. Matthews of the Office of European Affairs with regard to displaced persons in Italy.

This correspondence is now being studied and I shall inform you of the Commission's views as soon as possible.

Sincerely yours,

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Mr. David McK. Key,
Charge d'Affaires,
American Embassy,
Rome.

22016

Basic sent to C. L. L.

Stone
JVM

Simple
2201/10

19 March 1946

MEMORANDUM:

TO : UNRRA Displaced Persons Repatriation Branch
(Attention: Mr. Roth)

1. In reference to the telephone conversation between you and Lieutenant Commander Apostolo, Liaison Officer to the Chief Commissioner, the attached letter from the Minister of the Royal Household is submitted to you for appropriate action.

2. It would be appreciated if you could investigate the matter and inform this office as to what action you intend to take so that the Chief Commissioner may make a proper reply to Signor Lucifero, Minister of the Royal Household.

L. W. Stearns
L. W. STEARNS
Lt Col, AGD
Staff Officer to CC

1 Incl:
as above

2045

2205/10

TRANSLATION

No. 1452

THE MINISTER OF THE INTERIOR

Rome, 24 February, 1946.

Dear Admiral,

The Police are continuously being signalled of criminal acts carried out by ^{people} coming from the concentration camp of "Cinecitta".

It is known that the inmates of that particular camp are of various nationalities, and they are often uncontrollable, and manage to conceal themselves after performing thefts, rapes, and even murder.

We are doing our best to study ways and means by which to stop these offences, but the difficulties we come up against, are incalculable.

Having taken several things into consideration, it has finally been suggested that the concentration camp be transferred elsewhere, maintaining that if it is far from Rome or any other large city, it is far easier to control and superintend it.

I hope that the competent Offices of the Allied Commission will take this matter into consideration.

With best regards,

I remain,

Yours truly,

(s) Ronita.

Admiral Ellery W. Stone
Allied Commission
Rome.

(100)

EC DIST 30/MAR

ACTION - CASEC (2)

INFO - CC

- EC

Surf/ho
2201/10

HEADQUARTERS ALLIED COMMISSION
APO 394
Office of the Executive Commissioner

JAN 7

MCD

Ref: 8263/EO

4 January 1946

My dear Mr. Prime Minister:

I refer to my letter 40/4076/2/L of 17 October 1945 to your predecessor concerning the disposition of neo-fascists.

I have been instructed by Allied Force Headquarters to inform you that the following policy with regard to Italian nationals who served with the Fascist Republican Army or with the German Armed Forces has been established.

1. Nationals who served with the Fascist Republican Army or with the German Armed Forces may, at the discretion of the Supreme Allied Commander, be transferred to the custody of your Government. Final disposition of such personnel will be the sole responsibility of your Government.

2. Nationals who are War criminals or who may be of value in War Crimes investigations or of value as witnesses may (provided they are not wanted by an Allied nation) be released from Allied custody to your Government upon the express understanding that your Government will not release them from custody without prior authority of the Supreme Allied Commander.

Your very truly,

(Sgd) ELIERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Dott. Alcide De Gasperi
The President of the Council of Ministers
Italian Government
Rome.

Copy to: Polad (A)
Polad (B)
CA Section (3)
Dr. Bombassei
Land Forces 1/3

23

cc

22

1111/cc

2043

OCT 18 REC'D

AC/4076/2/L

17 October 1945

My dear Mr. Prime Minister: (17)

I have received a memorandum dated 8 October 1945 from the Liaison Officer for the Ministry of Foreign Affairs referring to my letter AC/4076/2/L to you dated 31 July 1945 concerning the position of republican fascists.

There is no change of policy on the part of the Allied authorities regarding the custody of neo-fascist personnel and I must beg you, my dear Mr. Prime Minister, to be so good as to let me have an early reply to my letters AC/4076/2/L of 31 July 1945 and 13 September 1945. (17)

(21) Yours very truly,

M. S. LUSH

ELDERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Professor Ferruccio Parri
The President of the Council of Ministers
Italian Government
Rome

Copy to: CA Section - For Legal S/O. Your AC/4076/2/L of 9 Oct 45 refers
Marchese Cittadini-Cesi (Your minute of 8 October 45 refers)

(22)

COPY

OCT 11 RECD
CC 1045CONFIDENTIAL

Rome, 8 October 45

MINISTERO DEGLI AFFARI ESTERI

Uff. di Collegamento con la C.A.

TO : Executive Commissioner.
SUBJECT : Policy concerning the custody
of republican fascists.

The Presidency of the Council of Ministers would like to know if there is any change in the policy concerning the custody of fascist republicans arrested by the Allied Authorities as outlined in the letter of Admiral Stone to President Parri dated July 31 Prot. A.C. 4076/2/L - Office of the Chief Commissioner.

(March. Cittadini Cesi)

KC DIST. - 8 OCT 45

ACTION: CA SEC

— INFO CHIEF COMM —
EXEC COMM.

(21a)

AG/4076/2/L.

13 September 1945. /rlp.

My dear Mr. Prime Minister: (17)

On 31 July last I wrote to you stressing that it was the desire of the Allied Forces to hand over to Italian judicial authorities for trial, neo-fascist personnel at present in Allied prisoners' camps.

I pointed out however that this Commission had been instructed that all neo-fascist personnel held in custody by the Allies should remain in some form of custody until after the release of all cooperator personnel now held by the Allies in any part of the world. Consequently I requested from you the undertaking of the Italian Government that all personnel so handed over would be retained in custody, unless sentenced to death and executed, until all cooperator personnel had been released, whatever the result of the criminal proceedings against neo-fascists might be.

This Commission has received further applications from Italian judicial authorities requesting that neo-fascist personnel be handed over to them for trial. This however cannot be done until your assurance that the procedure above referred to will be adhered to by the Italian Government is received.

Would you therefore be good enough to let me have an answer to my letter of 31 July at your early convenience.

Yours very truly,

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Prof. Ferruccio Parri
The President of the Council of Ministers
Italian Government
Rome

(21)

HEADQUARTERS ALLIED COMMISSION

APO 394

Office of the Executive Commissioner

13 August 1945.

Ref/0263/149/RO.

SUBJECT : New Prisoner Prisoners under U.S. Control.

TO : C - II, Allied Force Headquarters.
(Att. Colonel Hyde).

1. Confirming telephone conversation (Col. Hyde - S/Cdr Proby) of 13 August 1945.

2. It is noted that POW Command wish to postpone the proposed visit to Pisa and Modena Camps and the handover of the camps, until the 1st September 45.

3. This HQ is anxious for the handover to take place as soon as possible in order to relieve the acute overcrowding of civilian prisons in the North, and as agreed verbally, will await notification from Col. Hyde or Col. Davies as to the earliest date when it could be effected, and their suggestions with regard to a date for the visit to the Camps.

For the Chief Commissioner :

E. TALBOT

Brigadier,
Executive Commissioner.

9099

Copy to : M.S.I.A. (Ref their memorandum G/6 dated 8 Aug 45)
Public Safety Subcommission.

20

1111/100

CONFIDENTIALFX 33407
AUGF/3404
AUG 102000
ROUTINEAFHQ SIGNED MCNARNEY CITE WAGAP
AGWAR WASHINGTON INFO AMST NASC ALCOM**CONFIDENTIAL.**

Arrangements now being made here to turn over to Italian Government for holding and guarding all Italians in our custody including Neo-Fascists and Non-Cooperators. References is made to URAD WX 22754 and cables cited therein pertaining to 1050 surplus Italian officers in NASC. It is believed that these officers are not Non-Cooperators but simply surplus to overall needs in Italian Service Units. Propose that these be moved to ITALY, turned over to Italian Government for their holding or release. Your concurrence is requested.

DIST

INFO-ACTION WMD & POW SC
INFO CHIEF COMMISSIONER
EX COMMISSIONER
CA 3 ED
L FORCES 9028
FILE 2
FLOAT

11/1/58

CONFIDENTIAL

(19)

1788

785015

RESTRICTED639
AUG 010208BF/2165
AUG 011415B
ROUTINE

AFG LIGURIA REGION

HQ ALCCOM CITE ACPST INFO LEGAL DIV LIGURIA REGION BY RAND

RESTRICTED

Subject is Neo-Fascists in civilian prisons. Following numbers and categories are so confined in this Region. Brigata Nera 211, 10 Float Mas 65, GNR 266, Muti Legion 5, Italian SS 9. None of these prisoners are required for trial by Italian Assize courts and attempts have been made to secure their removal into POW camps without success. Can authority be obtained from AFHQ for military authorities to take over custody of these prisoners as POWs. If so can local military authorities be instructed accordingly. End signed HEFDORD.

Dist

Action - P Safety SC
Info - Chief Commissioner
CA Sec
Legal SC
File 2
Float

9097

RESTRICTED

(18)

Ref: MC/4076/2/L.

31 July 45.

My dear Mr. Prime Minister:

As you are aware this Commission has been requested from time to time by Italian judicial authorities to hand over to them for trial various neo-fascists who have been taken into custody by the Allied Forces. This has happened on several occasions when the neo-fascists had previously been removed from Italian jails by the Allied Forces.

This Commission has informed both the Minister of War and the Minister of Justice that the Allied Forces are prepared to hand over such persons for trial by the Italian Courts provided that the charge against them is of some positive act of collaboration and not merely the charge of being members of the neo-fascist forces. 16

This Commission has now been instructed that all neo-fascist personnel who are held in custody by the Allies must remain in some form of custody until after the release of all co-operator personnel who may now be held by the Allies in any part of the world.

The Allied Forces desire to continue the handover to Italian authorities of neo-fascist personnel in accordance with the policy mentioned above; in view of the recent instructions, however, this policy can only be continued if the Italian Government will undertake that all personnel so handed over will be retained in custody, unless sentenced to death and executed, until all co-operator personnel have been released, whatever may be the result of the criminal proceedings of the neo-fascists.

In order not to delay the trial of neo-fascist personnel by the Italian authorities, I shall be glad to have your assurance that the above procedure will be adhered to by the Italian Government.

Yours very truly,

15/ E. W. Stone

ELBERT W. STONE,
Rear Admiral, USNR,
Chief Commissioner.

Professor Ferruccio Parri,
The President of the Council of Ministers,
Italian Government,
Rome.

17

EL-- personal
 Think should be
 handled by letter to
 P.M. - not at
 s/c level.

SECRET

F27953
 JUL 25 1659Z

F/1356
 JUL 26 1400Z
 ROUTINE

FREEDOM SIGNED SACRED CITE YHGD
 ALGM HGRK

SECRET.

1. Combined Chiefs of Staff have declared policy that all neo-Fascist military personnel whether male or female, prisoners of war or surrendered enemy personnel and all non-cooperator prisoners of war shall remain in custody until all cooperator personnel wherever held, have been released.

2. Accordingly the turnover of neo-Fascists military personnel and non/cooperator prisoners of war to the Italian Government is contingent upon the undertaking by the Italian Government to retain such persons in their custody until all cooperators wherever held have been released.

3. You are requested to take up this matter with the Italian Government with a view to procuring their agreement to act in accordance with paragraph 2 above.

See (17)

DIST

ACTION: WMD & POW SC
 INFO: Chief Commissioner
 CA Sec
 File 2
 Float

200-

Return to
 Chief Commissioner

SECRET

RESTRICTED

MAIL/131/REG/C/03.4
JULY 16/1430B

E/9923
JULY 16/2040B
ROUTINE

LEGAL DIVISION AND VENETIA REGION
AIDOM ACCAS

RESTRICTED.

Reference AMHQ signal LX 20293 dated 10 July. It is understood that both number 1 District and 86 AREA are requesting express authority from AMHQ to hand over to Allied custody Neo fascist personnel not required for trial in Italian courts but now in Italian custody. This headquarters strongly supports such request in the interests of public safety. It is feared that if Neo fascists not required for trial are released grave disorders may result. Considered most desirable that such persons be removed from this part of ITALY and be held in Allied custody

RIET

ACTION : CAS (2)

INFO : CHIEF COMMISSIONER
EX COMMISSIONER
PUBLIC SAFETY
FILE (2)
FLOAT

RESTRICTED

15

SECRETPX 19573
JULY 191311BP/0867
JULY 091940B
IMPORTANT

AFHQ BOMBED SACRED CITY PHOAO

ACTION DISTRICT ALONG ROME 5 ARMY 8 ARMY POW COMBINED 1 DISTRICT

SECRET

Reco-Fancist military personnel in Allied custody who have not been accorded PW status and who are requested for trial by Italian Govt may be turned over to Italian custody.

Diat

Action - P Safety
Land Forces 2
Info - Chief Commissioner
GA Sec
File

SECRET

9093

FX 14026
JUNE 281113B

CONFIDENTIAL

R/7179
JUNE 281600B
PRIORITY

AFHQ SIGNED SACHED CITE PHGEC
5TH ARMY INFO: 8TH ARMY, 15 ARMY GHP, ALGOM ROME.

CONFIDENTIAL.

1. Your para 1 first sentence agreed only in so far as persons in question have expressly been accorded PW status. Rear 2823. Under AG 383.5/121 GBI - of 18 May 45, however, surrendered personnel are not to be accorded PW status except on express instructions of AFHQ.
2. Concerning balance your para one, NEO-Fascists will be taken from Italian custody into Allied custody only in accordance with express direction from AFHQ. The fact that Neo-Fascists now in Italian custody were formerly in Allied custody will not in itself require their removal to Allied custody.
3. Agree your para two. See our F 96761

DIST

INFO-ACTION - LAND FORCES SC 2
PUB SAFETY SC
INFO - CHIEF COMMISSIONER
CA SEC
FILE 2
FLOAT

9000

CONFIDENTIAL

SECRETFX 12779
JUNE 252047BE/677E
JUNE 261005
ROUTINEAFHQ SIGNED SIGNED CITE PHGAB
ACTION 15 ARMY GROUP INFO 8 ARMY 5 ARMY (BR INC)
ALCOM V CORPS

SECRET.

1. Understand numbers of Italian Fascist Republican troops are trying to surrender themselves to local Allied Military authorities.
2. If surrender accepted by Allied authorities they will be retained as surrendered personnel as directed by this Hq letter AG 306.3/163 LOG-0 of 18 May 45.
3. If surrender accepted by Italians and not by Allied authorities they will be confined by Italian authorities held and tried etc under Italian law.
4. Essential that any PW and surrendered enemy personnel in Allied custody required by Italian Government for trial by them should not be handed over without prior authority this Hq.

DIST

INFO-ACTION - EX COMMISSIONER 2
 INFO - CHIEF COMMISSIONER
 CA SEC
 IDW SC
 LAND FORCES 2
 PUB SAFETY
 LEGAL SC
 FILE

W/C NOTE:

(Believe reference misquoted.
 AG 386.3/163 LOG-0 (18 May) of
 which 5 copies went to Ex Commissioner
 office refers to same subject.)

SECRET

Ref: AC/h076/2/L.

20 June 1945

My dear General:

You will remember that I mentioned to you in MILAN the conflicting ideas regarding Italian neo-Fascist soldiers and you told me that unless they had been captured in battle they were not regarded as POW.

You will observe from the attached directive issued from here that we have taken the view that such soldiers should be put at the disposal of the Italian authorities whether they have been put in jail by the partisans, as is often the case, or whether they are at large. 5th Army takes the view that such neo-Fascist soldiers are the responsibility of the Army and if found in Italian jails must be removed by 5th Army and placed in POW camps. They are acting on this assumption.

AFHQ have submitted to the Combined Chiefs of Staff a study on the general policy of neo-Fascist personnel without referring to this specific type of case and pending a reply have refused to authorize the surrender to the Italian authorities of men who have been taken into POW camps from Italian jails.

I should be grateful if, without waiting for approval from the Combined Chiefs of Staff, which, I submit, is unnecessary, you could cause the directive sent out by us to carry your authority.

Yours sincerely,

(Signed) MAURICE LUSH.

Lieut. General Sir Brian H. Robertson, Bt.,
K.C.V.O., G.B.E., C.B.E., D.S.O., M.C.,
Chief Administrative Officer,
ALLIED FORCE HEADQUARTERS.

Copy to: Executive Commissioner. —

MBL/JH.

(COPY FOR CC FILES)

CONFIDENTIAL2825
JUN 2018228JUN 8 1945
CC 1601E/5978
JUN 210830B
PRIORITY

HQ 5 ARMY FROM G-5 SECTION CITE F 240

AFHQ FOR FHGAG FOR ACTION RPT TO HQ ALGOM HOME FOR INFO, TO HQ 15 ARMY
GROUP FOR G-5 FOR INFO**CONFIDENTIAL.**

⑦ Reference is made to AFHQ letter dated 6 March 1945 AG 389.6/121BBI-0 concerning captured members Republican Fascist armed forces, letter HQ ALGOM dated 10 June 1945 AG/4076/2/L subject "Status of Neo-Fascist personnel" and AFHQ cable VH 177 time date group 131753B. Application of AFHQ letter to present situation is difficult and following is proposed course of action by 5 ARMY or which approval is requested.

1. All members of Republican Fascist armed forces now in Allied prisoner of war camps will continue to be treated as prisoners of war. Italians now in Italian custody will not be removed therefrom on the ground that they are prisoners of war unless this status is established by the prisoner. Allied Military Government will provide an opportunity for a hearing on this subject. The burden of proof will rest on the person asserting prisoner of war status.

2. Persons in Italian custody charged with specific crimes, other than simple membership in Fascist forces, may be tried in Italian courts without regard to their possible status as prisoners of war.

DIST

INFO-ACTION: Legal S/C
INFO: Chief Commissioner
Ex Commissioner
CA Sec
File 2
Float

CONFIDENTIAL

AFHQ G-5

14 June 1945

PRIORITY

9780

RESTRICTED PD

EX 9242113
 PARA ONE PD REFERENCE IS MADE TO YOUR FOX NINE TWO FOUR TWO ONE OF ONE THREE
 JUNE AND RELEVANT LETTERS PD

PARA TWO ADDS GEORGE FIVE FROM HQ ALONG WITH ADDED MEMO

PARA TWO PD ON ABOUT TWO SEVEN MAY TWENTY THREE HUNDRED NINE FASCIST PRISONERS THEN
 IN ITALIAN CUSTODY IN COMO AND SONDRIO PROVINCES WERE REMOVED BY ALLIED TROOPS ON
 ORDER OF FOUR CORPS AND TRANSFERRED TO CAMPS AT MODENA AND PIACENZA PD FOUR CORPS
 INFORMED AND LOMBARDIA THAT THIS WAS IN PURSUANCE OF DIRECTIVE OF SIX MARCH 1945 PD
 THESE TWENTY THREE HUNDRED INCLUDED SEVERAL CRIMINALS WHOM ITALIAN COURTS WISHED TO
 TRY FOR MURDERS AND SIMILAR ACTS PD IT IS CONSIDERED THAT THESE PERSONS ARE PROPERLY
 SUBJECT TO ITALIAN JURISDICTION AND THEIR REMOVAL HAS CAUSED GREAT REGRETMENT PD
 IT IS NOT KNOWN WHETHER OR NOT THEY HAVE BEEN OFFICIALLY INFORMED THAT THEY ARE PONS
 BUT IN ANY CASE IT IS SUGGESTED THAT INDIVIDUALS WITH THE ITALIAN AUTHORITIES WITH
 TO THE FOR SERIOUS CRIMES SHOULD BE RETAINED PD IF DESIRED IT CAN BE PROVIDED THAT
 IN THE EVENT OF ACQUITTAL THEY ARE HANDLED BACK TO FOR CASE PD REQUEST NECESSARY
 AUTHORITY BORN IN RESPECT OF THIS GROUP OF NINE FASCISTS AND ANY OTHER SIMILAR CASES

LEGAL Sub-Commission

302

9

CONFIDENTIAL

JUN 14 1945

EX 92421
JUN 13 1945E/4909
JUN 13 1945
PRIORITYAFHQ SIGNED SACRED CITE PHOEG
ALCOM HOME INFO 15 ARMY GROUP, 8 ARMY, 5 ARMY

CONFIDENTIAL.

1. Reference is made to ALCOM letter AC/4076/2/L, subject: Status of Neo Fascist personnel, dated 10 June 1945, and to AFHQ letters to ALCOM AG 383.6/121GHD-0 dated 5 June, subject: Disposal of Prisoners in LOMBARDIA REGION and G-5: 383.6-11 dated 6 June, subject: Fascist Republicans - Prisoners of War.

2. No authority exists for release from Allied custody of Neo Fascist personnel in custody as prisoners of war. Directives in conflict with this which are set forth in para 6 and 7 of ALCOM letter of 10 June are not authorized.

3. Neither does authority exist for final paragraph of ALCOM letter of 10 June which creates separate category for high ranking Neo Fascist officers.

DIST

ACTION: Legal S/C
INFO: Chief Commissioner—
CA Sec
File 2
Float

CONFIDENTIAL

HEADQUARTERS ALLIED COMMISSION

APO 394

CIVIL AFFAIRS SECTION

AC/4076/2/L.

/rlp.
10 June 1945.

SUBJECT : Status of neo-fascist personnel.

TO : See distribution.

1. Certain confusion appears to exist as to the status of neo-fascist military personnel who have been taken into custody by the Italian authorities or who may be apprehended in the future by either Allied or Italian authorities. It has been suggested that these personnel are entitled to treatment as prisoners of war, and in this connection reference has been made to ATHQ directive AC-383-6/121 GRI-C of 6 March 1945.

2. In order to clarify the position certain questions were addressed to ATHQ and this letter is based upon the answers received. ATHQ have stated that the problem has been referred for final decision to the Combined Chiefs of Staff, and the terms of this letter are accordingly subject to any further instructions which may be issued hereafter by the Combined Chiefs of Staff.

3. In September 1944 the Italian Government agreed that Italian neo-fascists, in uniform and organized under the provisions of international law, captured by the Allies, should be treated as prisoners of war in accordance with the Geneva Convention in the same manner as German prisoners of war.

The term "neo-fascists" includes all Italian fascists who fought for the Republican Italian Government since the Italian Armistice.

4. From the point of view of the Italian Government the purpose of this agreement was, undoubtedly, to secure reciprocity of treatment for soldiers of the (official) Italian Army when captured by the Germans. It would seem to follow from this agreement that the Italian Government should not now seek to prosecute neo-fascists on the sole ground that, by fighting on the side of the Germans, they are guilty of treachery or collaboration with the Germans.

5. It is no part of this agreement that neo-fascist personnel who are now either at large or in Italian custody should be taken into Allied custody or control. On the contrary, they should be left in Italian custody and, if the Italian authorities desire to institute criminal proceedings against them, they should be allowed to remain subject to trial or other disposition in accordance with Italian law. In this connection, however, it may be desirable to draw to the attention of the Italian Courts the existence of the agreement of September 1944 as indicating that such proceedings should not be instituted solely on the ground of fighting with the neo-fascist forces.

6. It follows from the above that where such neo-fascists have already been captured by the Allies, they should be left in Italian custody.

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5. It is no part of this agreement that neo-fascist personnel who are now either at large or in Italian custody should be taken into Allied custody or control. On the contrary, they should be left in Italian custody and, if the Italian authorities desire to institute criminal proceedings against them, they should be allowed to remain subject to trial or other disposition in accordance with Italian law. In this connection, however, it may be desirable to draw to the attention of the Italian Courts the existence of the agreement of September 1944 as indicating that such proceedings should not be instituted solely on the ground of fighting with the neo-fascist forces.

6. It follows from the above that where such neo-fascists have already been removed from Italian custody to prisoners of war or concentration camps and the Italian authorities desire to try them for serious crimes (and not solely on account of their neo-fascist status) they should be handed back to the Italian authorities for trial.

7. It is accordingly requested that the military authorities issue the necessary orders to prevent the further removal from Italian prisons of neo-fascist personnel now incarcerated, and to enable any such personnel who have already been removed and are required for trial as above, to be returned.

8. In certain cases in Lombardy Region persons who have been brought to trial before the Italian Courts have claimed to be outside the jurisdiction of these courts by virtue of their prisoner of war status. In such cases the court should be informed that the question is a matter solely of Italian law, to which perhaps the agreement mentioned in paragraph 3 may have some relevancy, and that the Allies have no cause to intervene.

9. It is however possible that among the neo-fascists in Italian custody there may be found Italians who are listed as war criminals by the United Nations War Crimes Commission. If any such case comes to light this Commission should be informed forthwith.

10. So far as concerns neo-fascist personnel who are still at large and have not yet been taken into custody by either Allied or Italian authorities, there is no obligation on the Allies to arrest such personnel or make them prisoners of war. The decision as to the action to be taken concerning them must be the responsibility of the Italian Government, subject always to the right of the Allies to require, even in Italian Government Territory, that such personnel as may be desired shall be handed over to the Allies for internment on security grounds.

All high ranking officers of the neo-fascist navy, army and air force will be arrested, if still at large, and handed over to the Allies for internment.

BY command of Rear Admiral STONE.

G. R. UPJOHN, Brig.,
VP CA Sec., HQ AC.

DISTRIBUTION.

FCs (attn. HCOs)
TOSCANA, EMILIA, LIGURIA, PIEMONTE, LOMBARDIA, VENEZIA AND VENEZIA
GIULIA Regions (for distribution down to FLOs);
Zone Commissioners, NAPLES, ANCONA.
SCALOs, 5th and 8th Armies;
HQ, IV Corps, G-5;
HQ, 15th Army Gp, G-5;
HQ, 15th Army Gp, G-2;)
5th Army, G-2;) request action as in para. 7
8th Army, G-51 (b);)
AFHQ, G-5;
AFHQ, AC;
AFHQ, G-2;
RAC;
Executive Commissioner;
Public Safety Sub-Commission;
Land Forces Sub-Commission (MILA);
Navy Sub-Commission;
Air Forces Sub-Commission;
AC Liaison officer, RAAC;
BARI

1802

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G. R. UFFIN
G. R. UFFIN, Brig.,
VP CA Sec. Hq. AD.

DISTRIBUTION.

BCS (Attn. FLCs)
TOSCANA, EMILIA, LIGURIA, PIEMONTE, LOMBARDIA, VENEZIA AND VENEZIA
GIULIA Regions (for distribution down to FLOs).
Zone Commissioners, NAPLES, ANCONA.
SCADs, 5th and 8th Armies;
Hq. IV Corps, G-5;
Hq. 15th Army GP, G-5;
Hq. 15th Army GP, G-2; }
5th Army, G-2; }
8th Army, G-SI (b); }
ACH, G-5;
AFHQ, AG;
AFHQ, G-2;
FAC;
Executive Commission;
Public Safety Sub-Commission;
Land Forces Sub-Commission (MIL)
Navy Sub-Commission;
Air Forces Sub-Commission;
AC Liaison officer, FALC
" " " BARI
" " " PALERMO
" " " CAGLIARI
" " " CATANIA
" " " " Questura, ROMA.

request action as in para. 7

CONFIDENTIAL

FX 71977
MAY 071600BD/9970
MAY 072027B
PRIORITYAFHQ SIGNED SACMED CITE PHGAB
DISTONE INFO MAIN 8 ARMY 15 ARMY GP ALCON

CONFIDENTIAL

Look at your A/46 of 6 May.

1. Confirmed that CHETNIKS are not accorded PW status but except for women and children are to be treated as disarmed surrendered enemy forces. Women and children will be classified as displaced persons and instructions as to their immediate disposal obtained from ALCON.

2. All should be confined to camps until ultimate disposal is decided which is under consideration now.

Dist

Info-Action - Disper & Rep
Info - A/President
Chief Commissioner
CA Sec
File 2
Float

0003

1111/100

CONFIDENTIAL

EXTRACT.SECRET.EXTRACT.

Extract from the Minutes of SACRED's (Political)
Conference held on 5th April 1946.
(Original on File 247/AC).

Minute 4.

"4. STATUS OF PERSONNEL OF ITALIAN FASCIST FORCES IN EVENT OF ENEMY SURRENDER.

(JPS Study No. P/273 (Final)).

THE CONFERENCE had before them a draft paper, recommending that, in the event of enemy surrender, Italian Fascist forces should be treated on the same terms as disarmed Germans, until such time as the policy regarding the status and treatment of Italian prisoners of war is settled, and attaching a draft cable to the Combined Chiefs of Staff requesting their approval.

BRIGADIER GENERAL KERVILL, in answer to a question by the Deputy Supreme Allied Commander, stated that the term "neo Fascists" applied to those Italian Fascists who fought for the Republican Italian government since the Italian Armistice. In RAF 876, it had been proposed to the Combined Chiefs of Staff that those Italians falling within the general term "Italian neo Fascists" would not be turned over to the Italian government for custody in the same way as certain other categories of Italian prisoners of war and civilian internees. The proposal of the Joint Planning Staff was that the "neo Fascists", who were already prisoners of war, and those Italian Fascists captured as a result of German surrender, should be considered to be in the same group as far as concerned their handover to the custody of the Italian government. It might not be necessary for the Supreme Allied Commander to retain these personnel in Allied custody for as long as would be the case in regard to German prisoners of war and "surrendered Germans".

LIEUTENANT GENERAL ROBERTS H questioned the necessity of despatching the telegram which was now before the Conference. He was of the opinion that the Combined Chiefs of Staff should not be asked to consider at this time a question so involved, especially as they had already been informed that these Italians would initially be treated on the same terms as disarmed Germans.

THE DEPUTY SUPREME ALLIED COMMANDER DIRECTED:

(a) That the recommendation of the Joint Planning Staff, that personnel of the Italian Fascist forces should be treated on the same terms as disarmed Germans, until such time as the policy regarding the status and treatment of Italian prisoners of war in Allied hands is settled and the Italian Government is deemed by the Supreme Allied Commander to be in a position to deal with them, should for the present be accepted as the current policy.

(b) That no further communication should be despatched to the Combined Chiefs of Staff on this subject pending a reply to RAF 876 on receipt of which the subject should be reviewed.

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- 1111/22
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- (b) That no further communication should be despatched to the Combined Chiefs of Staff on this subject pending a reply to NAP 876 on receipt of which the subject should be reviewed. "

SECRET

INFORMATION

SECRET

S.O. to A/c

2057

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

TBJ/BMR/mls

G-5: 383.6-11

31 October 1944

2 NOV Recd

SUBJECT: Treatment of Italian Neo-Fascist Soldiers.

TO : Headquarters, Allied Commission, APO 394.

1. Further to this Headquarters signal F 29562 of 24 Sept. 44 and your reply of S-346 of 26 Sept. 44. For your information the following is paraphrase of signal sent to the Combined Chiefs of Staff.

2. The Chief of General Staff of National Defence, under the presidency of the Provisional Government of the French Republic has given formal agreement that captured Italian Neo-Fascist soldiers shall be treated as prisoners of war in accordance with the Geneva Convention.

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

T. B. Jackman
Lt. Colonel.



Copy Distribution

A/c

1 POW

Land Forces

a/c

Political Sec

(4)

SECRET

SECRET
HEADQUARTERS
ALLIED CONTROL COMMISSION
CIVIL AFFAIRS SECTION
APO 394

AGC/4159/L.

14 October 1944.

SUBJECT : Enemy Partisans.

TO : Regional Commissioners, Liguria, Piemonte, Lombardia, Venezia and Emilia Regions (Attn: PIOs).
SCACs 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.

- (1) 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.

- (1) 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 armband. If at any material

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.

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7. A.

(ii)

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

- 1 -

SECRET

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.F.I.

8. 4.

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

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

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

A "spontaneous" levee occurs when

"the inhabitants of a territory which has not been occupied....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 must be required to conform to the tests of members of the armed forces (para 4 A (i)-(iv)) and do they retain members of the armed forces after occupation?

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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.P., C.A. Sec.
Deputy Chief of Staff.

1706

BY COMMAND OF ACTING CHIEF COMMISSIONER,

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

1050

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(3)

SECRET

AFHQ

HQ ACC

S-346

26 SEPT

SECRET

PRIORITY

ACTING CHIEF COMM.

F 29562 24
 SECRET PD YOUR FOX TWO NINE FIVE SIX TWO CITE FIGEG OF SEPTEMBER TWO FOUR PAREN
TO AFHQ FROM HQ ACC FROM STONE PERSONAL PAREN ITALIAN GOVERNMENT AGREES THAT
 ITALIAN NEO DASH FASCISTS IN UNIFORM FIGHTING AND ORGANIZED UNDER PROVISIONS
 OF INTERNATIONAL LAW WHO MAY BE CAPTURED BY ALLIED FORCES SHALL BE TREATED UNDER
 GENEVA CONVENTION IN THE SAME MANNER AS GERMAN PRISONERS OF WAR

AUTHENTICATED:

ELLIOT W. STONE
 Captain, USNR
 Acting Chief Commissioner

To Signal Mfr 1725

250-1
2820

FILES (A) B

56 159
 HQ ACC Secy Gen
 DISPATCHED
 Date Time 26 SEP 1944
 Via 1725
 initials on

SECRET

SECRET

ALL-D

COMMUNION

INCOMING MESSAGE

6074 HQ ACC. AFO 394

354 500 500 1615

24 Sep 1615

TO: ACC

SIGNAL MESSAGE CENTER No 43/24

FROM: AFHQ SIGNED SACRED

CLASSIFICATION:

REFERENCE No: 729562

PRECEDENCE: PRIORITY

DATE AND TIME OF ORIGIN: SEPT 24/1128 OFFICE OF ORIGIN: CITE: FHECO

ACTION

SECRET. POLICY HAS BEEN APPROVED BY COS THAT ITALIAN NEO FASCISTS CAPTURED BY ALLIED FORCES IN UNIFORM AND ORGANIZED AND FIGHTING IN ACCORDANCE WITH PROVISIONS OF INTERNATIONAL LAW WILL BE TREATED UNDER GENEVA PRISONERS OF WAR CONVENTION AS GERMAN PRISONERS OF WAR.

PARA REQUESTING YOU WILL APPROACH ITALIAN AUTHORITIES WITH VIEW TO PROCURING THEIR AGREEMENT TO ABOVE POLICY. IN SO DOING THEY SHOULD BE INFORMED THAT IF THEY AGREE THE INTERNATIONAL RED CROSS WILL BE ADVISED AND WILL ENDEAVOR IN TURN TO OBTAIN OFFICIAL CONFIRMATION FROM GERMAN AUTHORITIES OF VERBAL ASSURANCE ALREADY GIVEN THAT IF ITALIAN SOLDIERS IN ROYAL ITALIAN ARMY ARE CAPTURED BY GERMANS THEY WILL ALSO BE CONSIDERED AS PRISONERS OF WAR UNDER THE CONVENTION.

PARA IT IS NECESSARY THAT APPROACH TO ITALIAN GOVERNMENT BE MADE PROMPTLY AND THAT CABLE VIEWS BE SENT HEREONEST

ACC DIST

ACTION : C.S.O. (2)

INFO : C.A.R.
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FILE (2)

7 SEP 1944

ACC

PROM: AFHL STENED SACHED
REFERENCE No: F29562
DATE AND TIME OF ORIGIN: SEPT 24/1128
CLASSIFICATION: PRIORITY
PRECEDENCE: PRIORITY
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ACTION

SECRET. POLICY HAS BEEN APPROVED BY COS THAT ITALIAN NEO-NAZIS CAPTURED BY ALLIED FORCES IN UNIFORM AND ORGANIZED AND FIGHTING IN ACCORDANCE WITH PROVISIONS OF INTERNATIONAL LAW WILL BE TREATED UNDER GENEVA PRISONERS OF WAR CONVENTION AS GERMAN PRISONERS OF WAR.

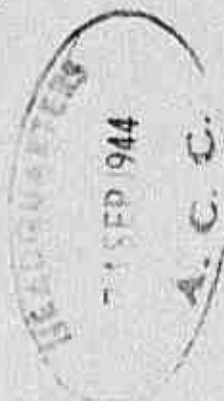
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ACCDIST

ACTION : C.S.O. (2)

INFO : CAIR
I POW SC
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A/CC
FILE (2)
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DATE and Time of RECEIPT SEPTEMBER 24/1500

Distribution:

SECRET

Q. M. C. Form 351 (Old No. 490)
Revised July 26, 1918

LIST OF PAPERS

File under No. 000.1

POLITICS

(2)

9-4718

SERIAL NUMBER	FROM	DATE	TO	SYNOPSIS
274.	Pres. Roosevelt	7 June	Marshal Badoglio	On liberation of Rome
275. 104	Chief Comm.	8 "	ACC Main (Pliny)	Parties arrived Rome safely. Badoglio got good reception.
276. 133	U. S. State Dept.	31 May	Mr. Murphy	King should not return to Rome. Ital. Govt. should remain Salerno for while. Transmits above message.
277. 3714	U. S. Rep., Advisory Council Chief Comm. (ROME)	8 June	Pol. Sec.	Political meeting, Rome. Address by Gen. Mac Farlane.
278. NC 3713	Chief Comm. (ROME)	8(?) "	AFHQ, AAI, ACC	Meeting, Rome - Badoglio, Cabinet + 6 party leaders. Gen. invites Bonomi to form a Govt.
279. M236 (4 parts)	Chief Comm.	9 June	AFHQ, AAI	I saw Bonomi. Discussed proposed ministers, etc. Badoglio arranged for Gen. Alfante + Marquis Lucifero to join St. Ben's personal staff. II St. Ben. to stay in Rome till Govt. constituted. III Cabinet nearly completed.
280. M237	Chief Comm.	9 June	AFHQ, AAI	Comment on political develop.
281. M239	Chief Comm.	10 "	AFHQ, AAI	Gen. returns Naples. Cabinet practically completed. Ref. taking of oath.
282. M240	Chief Comm.	10 "	AFHQ, AAI	Unofficial list of Cabinet
283. M241	Chief Comm.	10 "	5 Army for Ruagla	Inform Bonomi that De Nicola will arrive Rome with us.
284. 3772	5 Army (Ruagla)	9 "	Chief Comm.	List of govt. released to press.
285. M242	Chief Comm.	11 "	AFHQ, AAI	Bonomi satisfied with Cabinet. He to move in Tuesday.
286. M243	Chief Comm.	11 "	AFHQ, AAI	Bonomi + cabinet go to Salerno. St. Ben. anxious to have govt. return to Rome soon.
287. M244	Chief Comm.	12 "	AFHQ, AAI	Inform Badoglio + Bonomi that Bonomi's govt. could not take office until accepted by Allied Govts. Impress upon Bonomi that his govt. must accept all obligations.
288.	Luigi Bonomi	13 June	Chief Comm.	Comments on delay in new govt.'s taking over.
289. 946/384	Chief Comm.	10 "	Charles + Kirk	Unofficial list of Ministers
290. M253	Chief Comm.	16 "	AFHQ Adm C.P.	Delay in decision of Allied Govts. due to impossibility of assembling Advisory Council.

Instructions.—When papers on a subject become numerous they will be numbered serially and brief entries made on this form.

