

ACC

10000/136/512

PRISONERS OF WAR
JAN. 1944 - APR. 1945

10000/136/512

PRISONERS OF WAR, ITALIAN AGREEMENT ON
JAN. 1944 - APR. 1946

Q. M. C. Form 353 (Old No. 400)
Revised July 20, 1948

LIST OF PAPERS

File under No. 383.6 POW AGREEMENT

Page Eight

SECRET

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
7	Cbl Fatima 2989 Phillimore	6 Apr 44	Troopers	Resume of action to date in POW Agmt problem. Recommend you accept Gen MacFarlane's suggestion. Ref M137. Enclosed is Bad's ltr 1031, putting forth views on basis of which It Gov't wishes to keep matter over. Please refer to Am & Brit govt's. ENCLOSURE: ltr 1031 of 6 Apr Badoglio to Gen MacFarlane. We are still completely loyal; we have refused agreement on moral principles. Have forwarded your 1031.
8	Ltr CC/G/184 MacFarlane	8 Apr 44	AFHQ C of S	
9	Ltr CC/P/186 MacFarlane	8 Apr 44	Badoglio	

9987

SECRET

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

G. A. C. Form 343 (Old No. 400)
Revised July 20, 1918

LIST OF PAPERS

File under No. 383.6 POW AGREEMENT

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~~SECRET~~

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
2t	Ltr File 941 Badoglio	29 Mar 44	Gen MacFarlane	Resume of the Italian point of view on the POW situation, esp. emphasizing the need for agreement, to avert Ital feeling that co-belligerency is an idle myth. Perhaps your appointing a rep. to discuss sit with Gen Gazzera might help.
2u	Ltr CC/P/164 MacFarlane	31 Mar 44	Badoglio	Ref yours of 29 #941: I do not underestimate imp. of situation. I must repeat that Ital labor units formed under POW Agree. must retain POW status & be commanded by Allied officers. My orders allow me no latitude. We must agree on this first then financial details later on.
2v	Cbl Fatima M131 MacFarlane	2 Apr 44	Freedom	Ref M127. Badoglio has asked me to lunch to discuss further the POW Agreement. Main diff. is status & command: I think I have convinced him.
2w	Ltr Badoglio	2 Apr 44	Gen MacFarlane	Impossible for me to adhere to basic principles of your govt re POW Agreement. Our prisoners are hence entrusted to your humanity.
2x	Ltr #998 Badoglio	3 Apr 44	Gen MacFarlane	Ref our conference of yesterday herewith a draft of the Agreement as we would like it. Remarks?
2x (1)	Ltr #1 Pol Gazzera	4 Apr 44	PHM, Fwdg Note of 1 Apr re points hit at our 28 Mar Mtg	1 ENCLOSURE: Redraft of Agrm't.
2y	Ltr CC/P/175 MacFarlane	5 Apr 44	Badoglio	Ref yours of 3 Apr & redraft: You have failed to comply with directions of US & Brit re 2 basic principles. Had not expected this. Will communicate this to my govt's & they will apprec. import. contr. this Agrm't would have made to w
2y (1)	Cbl Freedom R-152/ 06	5 Apr 44	Phillimore: re announcement of agr-m't in Parl & to Ital troops POW.	Impossible to continue negotiations. Suggest employment of POW on volunteer basis. Though against provisions of Geneva Convention, would probably not have political reperc. Continued POW status will be bad for co-belligerency.
2z	Cbl Fatima M137 MacFarlane	5 Apr 44	Freedom	Gazzera's redraft unacceptable, further effort seems useless, as Badoglio feels unable to sign in face of popular opinion.
2z (a)	Cbl Fatima M136 MacFarlane	5 Apr 44	Freedom	

~~SECRET~~

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Q. M. C. Form 353 (Old No. 400)
Revised July 20, 1918

LIST OF PAPERS

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Page Six

~~SECRET~~

H-4736

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
6b	Ltr DCC 383.6 Captain Stone	25 Mar 44	Hq AAI	Attchd are reports on Gen Gazzera. In lieu of further evidence, no grounds for refusal by ACC of services of Gazzera. 4 ENCLOSURES: 1) Memo 25 March, on Gen Gazzera. Prepared by ACC re other incls. 2) Ltr AAI/1402/4/G(Ib), 12 Mar 44, from AAI to ACC, on GEN GAZZERA, enclosing reports listed as fol'ing enclosures. Please inquire further. 3) Ltr B-389.450, AFHQ ACOS 8 Mar. To G(Ib) ACMF, re Gen Gazzera & other repatr. officers. Enclosing report of 17th Feb on these men. 4) Report 17 Feb on trustworthiness of various Ital officers, as gleaned fr their prison camp careers and friends. Mud for Gen. Gazzera. Ital govt still objecting to POW status. Have been given to Tuesday 28 Mar. If not by then, appears further negotiations to be waste of time. Leaving for Sicily. Enclosed herewith are some comments on your note verbal of 24 March. 1 ENCLOSURE: Points on agreement re POW. Just discussed POW agreement further with Gazzera. Further discussion would be profitless. Do his views represent those of your government? Gazzera has refused to yield on point that Ital POW must retain POW status. But Badoglio seems willing to negotiate further (Prunas & Gazzera were at odds yesterday at the conference) & so have written Bad. (See ltr 28 Mar). Still trying.
2p	Cbl Sec Gen 2604 Gen Gepp	26 Mar 44	Troopers	
2q	Ltr CC/P/157 MacFarlane	27 Mar 44	Gen Gazzera	
2r	Ltr P/158/CC MacFarlane	28 Mar 44	Badoglio	
2s	Cbl Fatima M127 MacFarlane	29 Mar 44	Freedom	

~~SECRET~~

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Q. M. C. Form 353 (Old No. 400)
Revised July 26, 1918

LIST OF PAPERS

File under No. 383.6 POW Agreement

Page five

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
2j (1)	Cbl Freedom (59406)	3 Mar 44	MacFarlane	Re your 1467, Freedom's 58124. Proposal for submission to Italian Govt now being discussed in Washington. Anticipate instructions will be sent from CCOB shortly. Troopers propose Gen Gepp join you as adviser, but neither Washington nor Supreme Commander are particularly enthused. If he comes will act purely as your adviser.
2j (2)	Cbl Fatima 1642 MacFarlane	4 Mar 44	Freedom(ref no. 59406 - I am not enthusiastic)	Re 59406 early clearance by CCOB expected. Gepp, Phiclinora & Deane leaving by air will be at your disposal in Naples to advise on details & background.
2k	Cbl Freedom (62769)	10 Mar 44	MacFarlane	Jepp arrived. I am ready to begin discussion POW agreement with Italians. Have not yet received official instructions, nor text of official Allies' accord. Hope you will expedite arrival.
2l	Cbl Fatima M112	13 Mar 44	Gen Wilson	Had first discussion with Prunas & Gazzera re POW. They have asked time for proposal to be considered. They showed great interest in POW question. Have told them that while able to change presentation, no modification of principles & conditions can be entertained.
2m	Cbl Fatima M114	19 Mar 44	Gen Wilson	Herewith forwarded a memo to give you some background & clarification on POW agreement matter.
2n	Ltr MacFarlane	19 Mar 44	Gen Gazzera	1 ENCLOSURE: Memo as above, informal & unsigned.
2o	Ltr CC/P/147 MacFarlane	22 Mar 44	Gen Gazzera	Re your note of 19 Mar: ref financial matters in Agreement, is not nec. to let them interrupt considerations of Agree. because they can be handled separately. Ital govt will be respons. for them.

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Q. M. C. Form 453 (Old No. 490)
Revised July 20, 1918

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File under No. 383.6 POW Agreement

Page four

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
5	Fargo 785 MacFarlane	7 Feb 44	Freedom -Gen Gammel	Understand it is intended to send Italian POW to work in Italy, & one unit already arrived. In view of deadlock over agreement would like to know your policy in making POW available. You will realize disadvantage in having POW working in territory under Italian Gov't working under better pay & condition than Italian Army. Presume nothing contrary to Geneva Convention be done until agreement is secured.
5a	Brig Lush (SEE BELOW)	15 Feb 44	Gen Robertson ENCLOSURE: Cbl no Freedom 50563, in reply to #785.	Announcement of the appointment of Gen. Gazzera to take up with Allies POW question.
6	Ltr Col. Valenzano	25 Feb 44	Gen MacFarlane	Badoglio has nominated Gen Gazzera to take up with ACC POW question. Gazzera will be located in Salerno.
6a	Cbl Fargo 1390 MacFarlane	28 Feb 44	Freedom -G3	Mil. Staff reports acceptance by Washington suggested alterations on POW agreement. No one is being sent to support you in renegotiation. Unfortunate impression will be created if any unilateral action takes place now that Am have fully accepted our suggestions. Your comments requested.
21	Cbl Freedom 58124	29 Feb 44	Gen MacFarlane	Freedom's 58124, I have never seen suggested alteration re Badoglio's agreement nor have I asked to be supported in renegotiation. Appointment of Gazzera reported in my 1390. Cannot comment without knowing what alterations have been accepted by Washington. Had no intention taking unilateral action or permitting Ital. Govt to do so.
2j	Cbl Fargo 1467 MacFarlane	1 Mar 44	Freedom	Brig Lush -- Cbl Freedom 50563 enclosed; in conn. with 785 Gen M. wants to see you tomorrow. ENCLOSURE: Freedom 50563: Have to use Ital POW here as dilutes in Brit units. All depends on Labor here. Voluntary program of B. now followed. Re agreement: stat. quo preferred.
ADDENDA	5a	15 Feb 44		

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Q. M. C. Form 353 (Old No. 490)
Revised July 26, 1918

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File under No. 383.6 POW Agreement

Page three

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
4	Ltr Badoglio (Note Verbale)	28 Jan 44	Gen MacFarlane	Containing reasons why the Italian Govt could not accept terms of proposed agreement on POW.
4a	Memo Stone	29 Jan 44	Gen MacFarlane	I met the Marshal & he informed me his technicians were working on transfer documents. He handed me note verbally on POW agreement, which I enclose with hasty translation. His position remain unchanged, refusing to sign agreement.
2c	Fargo-617 PMS 68/3 MacFarlane	30 Jan 44	AFHQ for Mgs	Ref my number 562, have received note verbale fr Badoglio on Ital. Govt position on POW agreement. Stone agrees with me in that there is no prospect of Badoglio's signing. Refers to memo No. 42 dtd 5 Jan forwarded to you by Gen Joyce No. 383.6 with plan discussed between Gezzera, Gen White, & McNearny in USA. The Ital Govt again proposes that the whole question be referred to a mixed commission of Italians, Br & Am. I am sending note verbale & my comments via MacMillan.
2h	Ltr MacFarlane	30 Jan 44	AFHQ - Gen Gammal	Enclosing note verbale. I am very doubtful Badoglio would sign proposed agreement, unless we accept the following: POW volunteers for labour units would be no longer considered as POW. POW who continue as POW be dealt with according to Geneva Convention. Realize fully importance of concluding agreement. Have taken Badoglio to water several occasions, but this time cannot make him drink. Perhaps we are asking too much.

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Q. M. C. Form 153 (Old No. 400)
Revised July 26, 1918

LIST OF PAPERS

File under No. 383.6 POW Agreement

Page two

SERIAL NUMBER	FROM-	DATE	TO-	SYNOPSIS
2d (7)	Cbl Fatima 2116	24 Jan 44	Freedom-Fargo-Filgot	Have taken up with Badoglio POW agreement. Badoglio referred matter to Prunas who is absent. He was not prepared to sign until consulting Prunas. Agreement re financial treatment still under consideration. Combined CS desire early action securing POW agreement. Desire info as to when expected to sign. Re 42861 See Fatima's #2116. Will advise soonest. Re Freedom's 42781 on subject release of Italian POW officers, think if you are going to Algiers it is wiser to ask for less stringent rule. It is important to get rid of "dead wood" officers. Attached msg contrary to position I understand you took at meeting with Messe. Re communication from McGrigor on Italian battle-ships, will you handle or shall I reply? Sending Upjohn copy msg fr Mgs on Vatican property. Encl reply fr King on his political intentions. Montanari said he thought the Marshal ready to discuss POW agreement. Re Your ltr 26 Jan, Reply to Stone on points contained in letter above. Re Fatima's 2116. Saw Badoglio yesterday and said could not sign agreement. Claims that if he signs he would lose face with people and he rather resign. He proposed a committee be formed made up of Prunas, Gen Gadzera, Br & Am reps to reconsider whole question. I argue forcibly for the necessity of signing agreement. He remained adamant & it was impossible to shake him. I have insisted on his giving specific reasons for not signing. He promised to produce them.
2e	Cbl Freedom 42861 CG Natouss	25 Jan 44	Fatima - CG	
2e (1)	Cbl Fatima 2171	26 Jan 44	Freedom	
3	Memo Stone	26 Jan 44	MacFarlane	
3 (1)	Ltr Memo Captain Stone	26 Jan 44	MacFarlane (2 alternative ltrs to be signed by you)	
3a	Cbl Fargo MacFarlane	28 Jan 44	Stone	???
2f	Cbl Fatima 562 PBS 6603 MacFarlane	28 Jan 44	AFHQ	

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Revised July 26, 1918

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File under No. 383.6 POW Agreement. Page one

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
1	Ltr Badoglio #42	5 Jan 44	Gen. Joyce	Ltr & Encl regarding msg received by Gen Piscentini on PW agreement. Requests this be stopped pending conclusion of a general agreement. Forwarding documents on treatment Italian POW. Agreement between the Governments of the Br Commonwealth and the Italian Government regarding the financial treatment of members of the Italian forces. Points suggested for manifesto to Italian POW. Copy of Draft Manifesto fr Badoglio to Italian POW.
1a	Ltr Gen. Taylor	8 Jan 44	CG AFHQ	
2	Text of Proposed agreement.			
2a				
2b				
2c	Ltr J. M. Addison	9 Jan 44	Mr. Caccia	Re agreement with the Italian Govt on treatment of Italian POW. Sp agreement on organization & employment of members of the Italian forces under control as POW of the British Commonwealth of Nations & the USA. Requesting Badoglio's signature on agreement. (See 2, 2a, 2b above) Instructing Caccia to arrange for Badoglio's signature on agreement re treatment of Italian prisoners of war. Amend preamble. Arrange for financial agreement to be initialed by you & signed by Badoglio. You should secure agreement fr Badoglio to issue manifesto to POW. Amendment to Cbl # 29126. Action taken on Ltr re agreement with Badoglio on POW is requested. Answer to 30853. Subject now under discussion. Desire immediate report on status matter contained in Ltr to this Hq dtd 11 Jan re Italian POW & Cbl #30853.
2d		19 Jan 44		
2d (1)	Ltr AFHQ - Wilson	11 Jan 44	Deputy Pres. ACC	
2d (2)	Cbl Freedom 29126	16 Jan 44	Mr. Caccia	
2d (3)	Cbl Freedom 30004	17 Jan 44	Mr. Caccia	
2d (4)	Cbl Freedom 30853	19 Jan 44	Deputy Pres ACC	
2d (5)	Cbl Fatima 2055 Stone	21 Jan 44	Freedom-	
2d (6)	Cbl Freedom 41999	23 Jan 44	Deputy Pres ACC	

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ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 965.14

21 April 1946

SUBJECT: Internee Camp - Sant'Andrea.

TO : Headquarters, Allied Commission,
APO 394.

Reference AG 3616/167/EC dated 12 April 1946.

1. Sant'Andrea is actually composed of three camps, two of which have already been turned over to the Italian Government.
2. The third camp is now in the process of being turned over, but the progress is slow by reason of the required documentation.
3. It is pointed out that it has always been the desire of this Headquarters that the camp be taken over by the Italian authorities, and any delay in effecting the transfer of the camp from the Allied authorities to Italian control has been occasioned by the Italian Government itself.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

[Signature]
A. L. HAMLEN
Brigadier General, GSC,
Assistant Chief of Staff, G-5.

9980

[Handwritten]
9002/10

APR 8 REG

Translation

IL PRESIDENTE DEL CONSIGLIO DEI MINISTRI

Dear General,

I am informed that from all over the country relatives of the military internees in the camp of Sant'Andrea are flocking to Turin, having been alarmed by rumour regarding the difficulties in the life of the said prisoners, who are obliged to sleep on the bare ground and subsist on very scarce rations.

The relatives, who often have to endure the discomforts and expenses of a long journey, are unable to see their dear ones as the rules of the camp do not permit the prisoners to receive visitors.

In view of these circumstances, I would be grateful if you could take into kindly consideration the possibility of handing over all or part of the prisoners to the Italian authorities, and see that in the meantime they receive better treatment.

Yours sincerely,

(signature)

? De Gasperi

Brigadier General M.S. LUSH,
Executive Commissioner's Office,
Allied Commission,
Rome.

✓ Action Exec Comm
Info. CC
ON 100
Blk A
Blk B

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 965.14

21 April 1946

SUBJECT: Internee Camp - Sant'Andrea.

TO : Headquarters, Allied Commission,
APO 394.

Reference AG 3616/160/EC dated 5 April 1946.

1. On 29 January 1946, this Headquarters wrote to Allied Commission (Land Forces Sub-Commission (LSCIA)) under reference 3151/1/A2, requesting that the Italian Government be requested to take over as soon as possible the control and custody of all Italian PW/SEP still in British custody in Italy then concentrated in 'S' PW Camp.
2. Arrangements were completed for the handing over such PW/SEP on 10th of April but no reply from the Italian Government has been received in this Headquarters and the date for the hand-over is still not fixed.
3. For your information, however, two of the three camps comprising Sant'Andrea have already been turned over, and the Italian Government are transferring the PW/SEP from the third camp to 'T' camp at the rate of 500 per day.
4. These PWs were accommodated and fed in the same way as all other PWs. They slept on the ground with three or four blankets together with the necessary protection against dampness, depending on the time of year, their food contained the calorific value laid down. 2228
5. In view of the above it would appear that the letter from De Gasperi is based upon incorrect information.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

A. L. HAMBLEY
Brigadier General, GSC,
Assistant Chief of Staff, G-5.

Ref: 8262/EC

/ 7 January 1946

SUBJECT: Exchange of German PW for Italian PW in French Hands

TO : G-5, AFHQ

1. The French Authorities in North Africa hold approximately 37,800 Italian PW. They are willing to release 25,000 of these individuals, but will only agree to the release of the remainder (some 12,000) if they are replaced by German PW transported by us as follows:

To Tunisia	2,445
Algeria - Oran	2,000
Philippeville	2,000
Algiers	2,000
Morocco	3,700

2. The total repatriation of Italian PW's from North Africa is dependent on

- a. Transport for 25,000, now ready to leave North Africa.
- b. Furnishing the French 12,000 Germans in place of 12,000 Italians, and transport for the 12,000 Italians from North Africa to Italy.

3. Attention is invited to report No. 12508/1475 dated 25 October 1945, from Washington, copy attached, which states that German POW in USA will be sent to France. It is considered that it will not be possible to furnish either Italian or Allied transport for 12,000 German POW from France to North Africa. Should 12,000 of the German POW in the USA be sent direct to the North African ports listed above, it would be possible to meet the French demand.

4. The Italian Government are constantly pressing for release of Italian PW's in French hands on account of alleged harsh treatment by the French.

5. It is requested that action be taken to secure the assignment of either Italian or Allied transport for the 25,800 who can be repatriated now, and for the shipment to North Africa of 12,000 Germans now in the United States, and subsequent shipment to Italy of the remaining 12,000 Italians in North Africa.

W. Stone
Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Copy to: Land Forces S/C

COPY

Washington, 25 October 1945

No. 12508/1475

SUBJECT: German Prisoners in French Custody

For quite a long while the press of the country has been calling to the attention of the public, the particularly hard treatment shown by the French to the German POW in their custody.

As is known this matter, not only in contrast with the Geneva Convention, but also contrary to all human principles, was also discussed in the French Press.

Following these attacks and due to the result of inquiries conducted by the American authorities, the latter suspended awhile ago, the assignment to France of the German prisoners that they had agreed to turn over.

The Press has now announced that a favourable and complete solution of the problem has been rejoined and assurance, on the part of General Juin and General Eisenhower have been given that from now on, the German Prisoners will be treated according to the Geneva Convention. In consequence of this agreement the transfer from U.S. Custody to French Custody will begin at the rate of 50,000 men a month, at present in the USA while the American Army will receive from the French about 90,000 prisoners who are in bad health who will be taken care of and subsequently released. The United States will in more, for each prisoner assigned to the French, furnish a certain quantity of food and clothes.

It is noted with great satisfaction that owing to this agreement 200,000 men of the Africa Corps will be transferred to France, who have been housed and well fed in the American camps, and are considered as being ardent nazis and therefore a source of trouble for this country.

C O P Y

CC/I/186

8 April 1944.

I have received your letter of 6 April 1944, with further reference to our discussions relating to Italian prisoners of war held in custody by the Governments of the United States and the British Commonwealth.

I have forwarded a copy of your letter to the Supreme Allied Commander, Mediterranean Theater, with the request that the further considerations contained in your letter be brought to the attention of the Governments which I represent.

NOEL MASON MACFARLANE
Lieutenant General,
Chief Commissioner.

S. E. Marshal Pietro Badoglio
Capo del Governo.

9975

C O P Y

8 Apr

CC/C/134

SECRET

DSN 50
10 APR 1944*Capt. Stone*

8 April 1944.

MEMORANDUM

TO: Allied Force Headquarters
(ATTENTION: Chief of Staff)

1. Reference is made to my telegram no. M 137 (Ratins) dated 5th April, regarding the status of the prisoner of war discussions with the Italian Government.
2. A further communication on this subject has now been received from the Chief of the Italian Government, a copy of which in translation is enclosed.
3. Although, as the communication itself states, the discussions regarding a proposed prisoner of war agreement have been terminated, it will be noted that Marshal Badoglio requests that certain further considerations be taken into account in this respect.
4. It would be appreciated if the contents of Marshal Badoglio's letter could be brought to the attention of the Governments of the United States and the British Commonwealth. I am informing him that his communication has been submitted to Allied Force Headquarters with the request that it be forwarded to the Governments concerned.

9374

NOEL HASON MACFARLANE
Lieutenant General,
Chief Commissioner.

(8)

8 Apr

File/ps

3836 POW Agreement

COPY

Capt. Stone

No. 1031

OFFICE OF THE CHIEF OF THE GOVERNMENT

Salerno, 6 April 1944

TO: GENERAL SIR NOEL MASON MACFARLANE
 Chief of the Allied Control Commission
 Naples.

Dear General:

Although the Prisoner of War question was yesterday settled verbally between us, I feel that I must place before you in writing some considerations which rise in me upon reading your letter.

The problem of the prisoners, such as it has been posed between the Anglo-American Governments and the Italian Government, is a matter of free action for both parties.

This is to say that both parties have the right to advance basic principles and to discuss them freely.

Nor in my opinion can one of the parties be accused of lacking in its support of the war effort, if it does not adhere to the principles of the other party.

You affirm that the principles expounded by the Allied Governments are based on the laws in effect in the United States and in the British Commonwealth.

I can not accuse any written Italian law which applies to the case in question, inasmuch as for us the only law is the Geneva Convention.

But beyond any written law there is for the Italian Government a moral law which imposes upon it the obligation of safeguarding the fate of its sons, so that no recriminations can be made to it by the families which are already in such anxiety for their dear ones.

The Italian Government has in these seven months given so many and convincing proofs of its complete loyalty and devotion to the common cause, that it can not be accused of lack of cooperation if it does not accept terms which its conscience does not permit it to agree to.

The fact itself that we allowed that our Units could be armed to fight with you on any front, demonstrates our decisive will to contribute in every way to the present war effort.

Incidentally, the agreement previously discussed by General Gazzera in the United States of America, proves that at that time the Government did not consider contrary to its interests the proposals which I have now advanced.

This I have wanted to write to you, my dear General, so that never any shadow will fall upon the spotless loyalty which has always regulated and will regulate our common relationship.

INC

-2-

Very cordially and sincerely,

(signed) Badoglio

6872

8
RECEIVED
10 APR 1944
VCC
INC

TOP SECRET

2789

SECRETARY GENERAL

6 APRIL 1944

TOP SECRET

EXT. 174

OPERATIONAL PRIORITY

LT COL PHILLIMORE

TROOPERS

FIRST RESERVE BADOLIO ATTITUDE AT CONVERSATION WITH CHIEF COMMISSIONER
 REFERRED BY TWO EIGHT NINE SEVEN APRIL TWO ITALIAN GOVERNMENT SUBSEQUENTLY
 PRESENTED REDRAFT OF AGREEMENT WHICH RETAINED INSISTENCE ON STATUS AND
 COMMAND SHOWING THAT FURTHER NEGOTIATION WAS HOPELESS PD PAREN TO TROOPERS
FOR DEW FROM PHILLIMORE FROM FATIMA SIGNED MACFARLANE PAREN BADOLIO CONTINUED
 YESTERDAY AT CONVERSATION WITH CHIEF COMMISSIONER THAT ITALIAN GOVERNMENT
 WERE NOT PREPARED TO ACCEPT THESE BASIC PRINCIPLES PD NEGOTIATIONS ACCORDINGLY
 CONCLUDED PD PARA SECOND CHIEF COMMISSIONER HAS CABLED FREEDOM FULLY ADDING
 VIEWS ON CHANCES OF ITALIAN REACTION IF SCHEME IMPLEMENTED ON VOLUNTARY BASIS
 TO MEET IMMEDIATE NEEDS PD PARA THIRD PD RECOMMEND YOU ORGANIZE PRISONERS OF
 WAR AS PROPOSED PENDING DECISION EMPLOY VOLUNTARY UNITS ON WAR WORK PD USA
 HAVE ALREADY TAKEN THIS STEP PD PARA FOURTH PD LEAVING HERE THIS MORNING WITH
 DEAN PD SHOULD ARRIVE SATURDAY

L. T. MONTAGUE, JR
 2nd Lt, ASD
 Adjutant

TOP SECRET

7
 6 Apr

COPITOP SECRET

FATIMA M136

FATIMA (GEN MACFARLANE C COMM)

5th. April, 1944.

TOP SECRET

v 16

PRIORITY

GEN. MACFARLANE

FREEDOM

SUBJECT PRISONERS OF WAR PD PAREN TO AFHQ FOR GENERAL WILSON CMA BRITISH RESIDENT ^{FATIMA}
MINISTER AND CIVIL AFFAIRS FROM FATIMA FROM MACFARLANE PERSONAL PAREN REFERENCE/MIKE
 ONE THREE ONE PD PART ONE PD BADOGLIO'S WRITTEN COMMUNICATION REACHED ME LAST NIGHT AND
 CONSISTED OF A REDRAFT OF THE AGREEMENT PD THIS REDRAFT WAS UNACCEPTABLE AS IT DID NOT
REPEAT NOT MEET OUR REQUIREMENTS AS REGARDS COMMAND AND STATUS PD PART TWO PD I REPLIED
 TO BADOGLIO IN WRITING THIS MORNING AND PRESENTED MY LETTER TO HIM IN PERSON PD IN THIS
 LETTER I INFORMED BADOGLIO THAT HIS ATTITUDE MADE IT CLEARLY PROFITLESS TO CONTINUE
 NEGOTIATING AN AGREEMENT ON THE LINES DESIRED BY THE GOVERNMENT WHICH I REPRESENTED
 AND THAT I PROPOSED TO REPORT THIS TO MY GOVERNMENT PD THE LETTER WAS TRANSLATED FOR
 BADOGLIO WHO STATED THAT HE WAS IN AGREEMENT WITH MY CONCLUSION PD PART THREE PD COPIES
 OF ALL THE CORRESPONDENCE BETWEEN GAZZERA AND BADOGLIO AND MYSELF TOGETHER WITH COPIES OF
 THE DRAFTS AND REDRAFTS SUBMITTED BY BOTH SIDES WILL BE TAKEN BY DEANE AND PHILLIMORE
 WHO LEAVE FOR ALGIERS TOMORROW PD PART FOUR PD AT THE END OF OUR DISCUSSION THIS MORNING
 BADOGLIO ASKED ME TO MAKE HIS POSITION VERY CLEAR TO MY GOVERNMENT PD HE WAS EXTREMELY
 ANXIOUS TO DO EVERYTHING POSSIBLE TO ENABLE ITALIAN PRISONERS OF WAR TO TAKE A GREATER
 SHARE IN HELPING OUR WAR EFFORT AGAINST THE ENEMY PD HE NATURALLY WELCOMED ^{any} AMELIOR-
 ATION THAT MIGHT BE POSSIBLE AS REGARDS THE WELFARE AND CONDITION OF THESE PRISONERS PD
 THE QUESTION OF THESE PRISONERS WAS HOWEVER ONE OF IMMENSE IMPORTANCE TO THE ITALIAN
 PEOPLE PD THERE WAS SCARCELY AN ITALIAN FAMILY WITHOUT A MEMBER HELD PRISONER OF WAR BY
 ONE OR OTHER OF THE ALLIES PD THE ITALIAN PEOPLE COULD NOT UNDERSTAND HOW AFTER SEVERAL
 MONTHS OF CO DASH BELLIGERENCE AND COOPERATION IN WHICH ITALIAN SOLDIERS CMA SAILORS AND
 AIRMEN HAD FOUGHT BESIDE THEIR BRITISH AND AMERICAN COMRADES IT WAS STILL POSSIBLE FOR
 AMERICA AND GREAT BRITAIN TO INSIST UPON THESE PRISONERS RETAINING THE STATUS OF

(2) 2 (1a)

~~TOP SECRET~~COPY

FATIMA M136 - Page 2

PRISONERS OF WAR PD SHOULD HE SIGN AN AGREEMENT ACKNOWLEDGING THIS STATE OF AFFAIRS HE WOULD INCUR THE ODIUM OF THE WHOLE ITALIAN PEOPLE AND HE WOULD HAVE NO OPTION BUT TO RESIGN PD PART FIVE PD I TOLD BADOGLIO THAT I WOULD REPORT THE RESULT OF OUR NEGOTIATIONS TO MY GOVERNMENTS AND THAT I MUCH REGRETTED THAT HE HAD FOUND IT IMPOSSIBLE TO NEGOTIATE AN AGREEMENT ON THE LINES THAT HAD BEEN PRESENTED TO HIM CM. AS THE ATTITUDE WHICH HE HAD ADOPTED COULD NOT FAIL TO HAVE AN ADVERSE EFFECT ON THE RELATIONS BETWEEN MY GOVERNMENTS AND THE ITALIAN GOVERNMENT PD I WAS SURE THAT HE WOULD AGREE WITH ME THAT THIS WAS MOST UNFORTUNATE PD HE AGREED UNRESERVEDLY BUT REITERATED THE FACT THAT ITALIAN ~~POPULAR~~ POPULAR OPINION MADE IT QUITE IMPOSSIBLE FOR HIM TO SIGN AND THAT SIGNATURE WOULD INEVITABLY ENTAIL HIS DISCREDITMENT IN ITALIAN EYES AND INEVITABLE RESIGNATION PD PART SIX PD I OBTAINED MACMILLAN'S APPROVAL TO THE ACTION I WAS GOING TO TAKE BEFORE SEEKING BADOGLIO PD MY ACTION WAS ALSO AGREED BY REBER AND CACCIA PD I CONSULTED BERRY CMA DEANE AND PHILLIMORE ON ALL TECHNICAL QUESTIONS THROUGHOUT

DISTRIBUTION:
 Captain Stone
 Lt. Col. Phillimore
 Mr. Caccia

NOEL MASON MACPARIAN
 Lieutenant-General
 Chief Commissioner.

(2) 2 (G)

~~TOP SECRET~~

FATIMA M37

5th. April. 1944.

FATIMA (GEN MACFARLANE C CORR)

V 16

TOP SECRET

PRIORITY

FINISHED

SUBJECT PRISONERS OF WAR IN REFERENCE MY FATIMA MINE ONE THREE SIX IS PART TWO AREA FTH
ORIGINAL BLACK CMA BRITISH RESIDENT MINISTER AND CIVIL AFFAIRS FROM FATIMA FROM MACFARLANE
PERSONAL PAREN PART ONE IS AS THE RESULT OF MY CONVERSATIONS WITH BAISOLIO AND GAZERA
 I AM CONVINCED THAT THERE IS NO PROSPECT EITHER NOW OR IN THE FUTURE OF REACHING AN
 AGREEMENT WITH THE ITALIAN GOVERNMENT WHICH DOES NOT PROVIDE FOR ABOLITION OF PRISONER OF
 WAR STATUS IS IN CONSIDERING FUTURE POSSIBLE COURSE OF ACTION THE FOLLOWING MAY BE
 HELPFUL IS PART TWO IS IN OUR OPINION HERE THE LOGICAL COROLLARY TO REGARDING THE
 ITALIANS AS CO DASH BELLIGERENTS IS TO RELEASE THESE PRISONERS OF WAR FROM THEIR PRESENT
 STATUS AND TO FORM THEM INTO UNITS OF THE ITALIAN ARMY AS LABOUR UNITS FOR EMPLOYMENT IN
 AREAS WHERE THE PRESENT JURISDICTIONAL DIFFICULTIES DO NOT APPLY CMA PRINCIPALLY IN THE
 MEDITERRANEAN AREA AS MANY AS POSSIBLE BEING EMPLOYED IN ITALY IS I REALISE THAT THIS
 WOULD INVOLVE A MAJOR DISLOCATION OF LABOUR AND A VERY DIFFICULT SHIPPING PROBLEM
 THESE PROBLEMS WILL IN ANY CASE HAVE TO BE SOLVED EVENTUALLY AND THE EARLIER THE BETTER
 FROM THE STANDPOINT OF GOOD RELATIONS WITH ITALY IS PART THREE IS IF IT IS IMPOSSIBLE
 TO MOVE THESE PRISONERS OF WAR AS SUGGESTED AND THUS AVOID THE STATUS PROBLEM CMA I
 REALISE THAT SPECIAL LEGISLATION WOULD HAVE TO BE PASSED TO PROVIDE FOR THE MAINTENANCE

TOP

SECRET

(2) 2
 5 Apr.

✓ 3

~~TOP SECRET~~

FATIMA #137 - 2

OF DISCIPLINE AND PAY FOR ITALIAN ARMY UNITS IN AMERICAN AND BRITISH TERRITORIES IF
FAVORABLE SHOULD NEITHER OF THESE COURSES PROVE POSSIBLE THERE IS NEVERTHELESS AN
 IMMEDIATE NEED FOR USING THESE PRISONERS OF WAR ON TYPES OF WORK NOT PROHIBITED BY THE
 GENEVA CONVENTION AND IT IS CLEAR THAT THE EMPLOYMENT OF ITALIAN PRISONERS OF WAR ON SUCH
 WORK WOULD BE A TECHNICAL BREACH OF THE CONVENTION IF HOWEVER ARTICLE THREE ONE OF THE
 CONVENTION WAS FRAMED IN ORDER TO PREVENT PRISONERS OF WAR BEING COMPELLED TO ASSIST
 DIRECTLY IN THE ENEMY'S EFFORT AGAINST THEIR OWN COUNTRY AND THIS CONDITION IS
 INAPPLICABLE IN PRESENT CIRCUMSTANCES IF IN ADDITION THE ASSURANCES I HAVE RECEIVED FROM
 BADOGLIO INDICATE THAT HE IS ANXIOUS TO DO EVERYTHING POSSIBLE TO ENABLE ITALIAN
 PRISONERS OF WAR TO TAKE A GREATER SHARE IN HELPING OUR WAR EFFORT AGAINST THE ENEMY AND
 I AM THEREFORE OF THE OPINION THAT SHOULD THE DECISION BE MADE TO USE THESE ITALIANS ON
 WAR WORK BADOGLIO CMA WHILE RESERVING ALL HIS RIGHTS CMA IS UNLIKELY TO APPEAL ²³⁸⁷ THE
 PROTECTING POWER PARTICULARLY IF THE WORK IS DONE ON A VOLUNTARY BASIS AND IS
 ACCOMPANIED BY BETTER TREATMENT IN RESPECT OF PAY CMA LIBERTIES ETC AND THERE IS ALWAYS
 A CHANCE THAT SOMEONE OTHER THAN BADOGLIO WILL RAISE THE QUESTION ON POLITICAL GROUNDS
 CMA BUT THIS COULD BE AT LEAST PARTIALLY OFFSET BY INVITING ITALIAN OFFICERS TO OBSERVE

(2) 2

~~TOP SECRET~~

(TOP SECRET)

FATIMA M197 - 2

THE OPERATION OF THE PLAN ONCE IT IS IN PROGRESS IS PART FIVE OF ~~IT~~ IF THIS PLAN IS ADOPTED ON A VOLUNTARY BASIS TO MEET OUR IMMEDIATE NEEDS WE HAVE GOOD REASONS FOR HOPING THAT THERE WILL BE NO SERIOUS POLITICAL REPERCUSSIONS OF ~~IT~~ WHILE BADIOGLIO IS UNWILLING TO SIGN AWAY ITALIAN RIGHTS UNDER THE GENEVA CONVENTION HE MIGHT WELL BE WILLING TO ADOPT THE NEGATIVE ATTITUDE OF LEAVING US TO SHOULDER THE RESPONSIBILITY FOR OUR OWN DECISIONS OF ~~IT~~ IT MUST HOWEVER BE REALISED THAT PROLONGED CONTINUATION OF PRISONER OF WAR STATUS WILL ADVERSELY AFFECT OUR CO-OPERATIVE RELATIONS WITH ITALY

2006

NOEL MASON MACFARLANE
Lieutenant-General,
Chief Commissioner.

TOP SECRET

RESTRICTED

ALLIED CONTROL COMMISSION
INCOMING MESSAGE15 APR 1944
8 APR 1944

6695

D.C.C.

MSG CENTER NO : 19/06
 CLASSIFICATION : RESTRICTED
 PRECEDENCE : OF PRIORITY
 FROM : FREEDOM
 TO : FATIMA

DATE/TIME REC'D : APRIL 050446B
 DATE/TIME SENT : 060330B
 REFERENCE NR : R-152/06
 CITE :

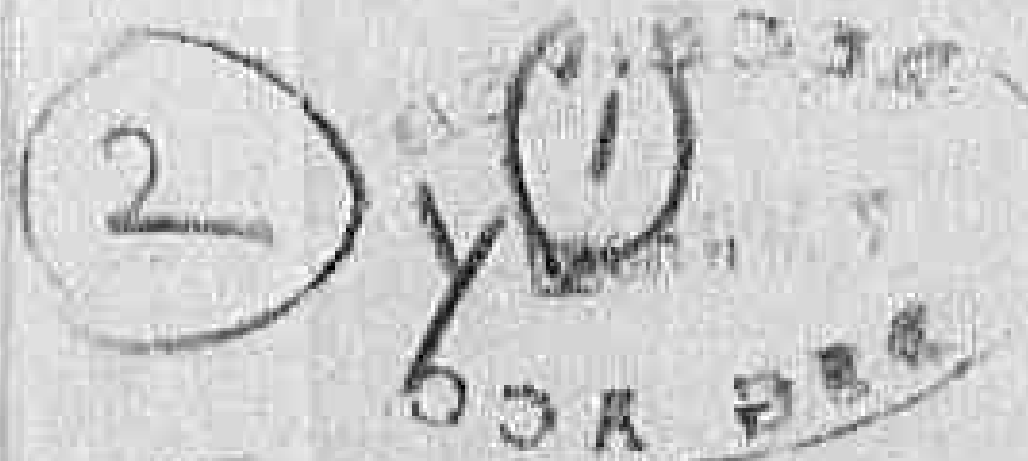
POW

EASTER RECESS MAY PREVENT MAKING OF ANNOUNCEMENT IN PARLIAMENT
 AS 3 OF 3 AGREED. THEREFORE WE MUST ISSUE WAR OFFICE HANDOUT.
 (FOREGOING IS PART 2 OF MESSAGE TO FREEDOM RTD FATIMA FOR GEN MASON
 MACFARLANE FROM GEP FOR LT COL PHILLIMORE PARAPHRASED BY CRYPTO
 FREEDOM PLEASE RESTORE PARTS TO CHRONOLOGICAL ORDER) PART THREE NOW ON
 WILL ITALIAN GOVERNMENT MAKE PUBLIC ANNOUNCEMENT. THIS WOULD SUIT
 US PROVIDED NEWS PROPERLY PUT OVER WHEN PW FIRST HEAR IT.
 PART 1: RELYING ON YOU FOR ADVANCE INFORMATION ON CONCLUSION OF
 AGREEMENT AND OFFICIAL ORDER FROM ITALIAN GOVT FOR COMPLIANCE BY
 PRISONERS OF WAR, SINCE REPORT THROUGH AFHQ TAKE SOME TIME TO REACH
 HERE.

ACC DISTRIBUTION:

Attn - Secy Gen
 Info - D.C.C.
 - FILE
 - FLOAT

9965



RESTRICTED

Free/200
 P.W. Agreement

Top Secret

CC/P/175

FMM/rj

5th. April, 1944.

2

I have received your letter No. 998 of April 3rd. enclosing a redraft of an agreement regarding the use of Italian Prisoners of War held by the Governments of the U.S.A. and the British Commonwealth.

2. In this redraft you have failed to comply with the directions of the Governments which I represent as regards the two basic principles of Command and Prisoner of War status.

3. I have explained the situation as regards these two questions very fully and on several occasions to your representatives and to yourself. At my last meeting with you I left you a draft agreement which represented within the latitude allowed me by the Governments which I represent the furthest concessions that I could make to meet your wishes. I had expected to receive from you only some questions on my draft and not a redraft of the agreement which does not take into account the basic principles which according to the existing laws of the United States and the British Commonwealth must govern the treatment of such units.

4. In these circumstances I must conclude that the Italian Government does not accept these principles and that it is profitless to continue negotiating an agreement. I propose, therefore, to inform my Governments accordingly.

5. You will not fail to appreciate the importance that my Governments attach to the contribution to the war effort which such an agreement would have made.

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner!

S.E. Marshal Pietro Badoglio,
Capo del Governo.

Top Secret

Prisoners of War

TRANSLATION

SECRET - URGENT

DS 21512
10 APR 1944

: : : : :
 : HQ APO, APO 394 :
 : Sec'y Gen :
 : Rec'd 6 Apr 0945 :
 : By DFE :
 : : : : :

THE HIGH COMMISSIONER FOR THE PRISONERS OF WAR

No. 41 2ol.

Cava dei Tirreni, 4 Apr 44

TO: General Noel MASON MACFARLANE, President Allied Control Commission, Salerno.

Dear General:

I am forwarding herewith a note in regard to the points brought out by me in person during the meeting of March 28th at Salerno, in reference to the known drafts of Agreement relative to Italian prisoners.

Respectfully,

/s/ GEN. CAZZARE.

HIGH COMMISSIONER FOR THE PRISONERS OF WAR

1 April 1944

1. - a) The Italian Government--desirous as it is to give utmost scope to its act of co-belligerency, in all fields where it is enabled to do so--accepts your proposal to negotiate with the French Committee an agreement similar to the one which is now under discussion with the Control Commission, in regard to the Italian prisoners of war held by the French Committee. And this without desiring to enter into the merits of the illegality of transfer of prisoners to the French and in any prejudicing the question thereof. It would therefore be grateful to the Control Commission

(1) if it will inform the R. Government through what way it can negotiate the analogous agreement with the French Committee;

(2) if it will use its good offices so that this agreement can be concluded within the shortest possible time, in the confidence which is held that it may bring about a definite change in the treatment of Italian prisoners in French hands.

Because the present situation of these prisoners, as far as the Italian Government is aware of, is outright intolerable, the R. Government, complementing unofficial steps already taken, will request the urgent intervention of the control Commission so that their treatment be at least brought in line with the provisions of the Geneva Convention, without in any way being subordinated to the conclusion of agreements with the British and American Governments now under study.

b) The R. Italian Government notes that no other Italian prisoners of war captured by American or British Forces will be further ceded to the French.

2. Use of Prisoners. The R. Government notes with satisfaction the promise that the Italian prisoners of war will be used only in work similar to what is being done by white British or American Forces and in the same localities.

3. The R. Government has not received...

Respectfully,

/s/ GEN. GAZZERA.

HIGH COMMISSIONER FOR THE PRISONERS OF WAR

1 April 1944

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- b) The P. Italian Government notes that no other Italian prisoners of war captured by American or British Forces will be further ceded to the French.

2. Use of Prisoners. The R. Government notes with satisfaction the promise that the Italian prisoners of war will be used only in work similar to what is being done by white British or American Forces and in the same localities.

3. The R. Government has noticed with satisfaction what in its proposal the Allied Control Commission has renounced--the concept of forming units only by using volunteers. However the R. Government is forced by the prevailing Italian military law to request that all its soldiers--prisoners or non-prisoners--be treated in the same way. It must, therefore insist in its request that all the Italian war prisoners be incorporated into units as it was indicated in the scheme attached to the proposed agreement, which I submitted at the meeting of March 25.

Eventual modifications to this organization may be jointly considered, however maintaining their Italian characteristics. The enclosed draft indicates also the procedure in which to provide for the Italian military personnel unsuitable for work, and also for those who, in quite exceptional manner, for well-founded reasons, considered undesirable by the Allies.

(2) X (1)
14 Apr.

SECRET

To isolate these undesirables into Units, which are also to be utilized, would void their harmful influence among the other prisoners. The Italians must all be included into units, and all have the same treatment; the Geneva Convention itself in its Article 4 requires this. Nor could the R. Government allow on the other hand that those citizen-soldiers might conceivably be in any way punished for their political ideas if they do not commit any disciplinary violations. Provision for the formation of these units will be made in the order which the R. Government will issue upon conclusion of agreement, so that the prisoners will devote all their energies to the work of co-belligerency. The possible recalcitrants would suffer upon their return to their country, in accordance with Italian Law, the consequences of their disobedience.

4. As regards the command of Italian units, by law, by the military traditions and the sense of dignity of Italians, the R. Government must require that Italian units be commanded by Italian officers, who will take care--they and they alone--of the discipline of their units. The Allied Governments, if they so desire, could place a liaison officer with Italian officers. The system proposed by the American and British Governments may function well from their point of view, but it is harmful to Italian interests, and contrasts decidedly with regulations, with Italian military customs and with Italian sentiment.

5. As regards the question of the status of prisoner of war which it is desired to retain for prisoners of war, this present juridical aspect and a practical aspect. As far as the juridical aspect is concerned, an explanation of the Italian view-point is enclosed.

From the practical point of view, the difficulties which might arise in the actual application are foreseen in the draft attached to the agreement plan (presented in the conference of March 25) and there have been indicated in Articles 4 and 5 the possibilities of local limitations and local regulations to remove the possibilities of incidents, hardly likely, by the way.

Then, as regards the statements contained under point 7 of the note enclosed with your letter CC/P/157, it is pointed out:

a) it is not understood why other nations should resent the fact that Italian prisoners who work for victory receive the treatment which justice, humanity, and convenience impose;

b) as regards the possible maltreatment of British and American prisoners of war at Benghazi, this is not now known here, and at any rate the R. Government deplores same, not without remarking that Benghazi was an evacuation camp; that in the evacuation camps the Geneva Convention is passed over, recognizing all the difficulties to apply in them the treatment prescribed for the permanent camps; and that, in the ultimate analysis, in this argument "who is without sin throw the first stone", and the R. Government could present complaints relative to evacuation camps in Egypt, British Somaliland, etc.....

The R. Government can on the other hand mention the aid given by the Italian people to Allied prisoners of war immediately after the Armistice; not a few Italians have due to this fact been shot by the Germans!

These are facts that, if made known in England and the United States, can only arouse feelings of sympathy among the peoples and therefore toward the Italian prisoners of war.

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These are facts that, if made known in England and the United States, can only arouse feelings of sympathy among the peoples and therefore toward the Italian prisoners of war:

c) The limitation to complete freedom of the prisoners of war would be taken up in the attached scheme, as it has now been recalled;

d) and indeed prisoners of war returning from India, England and America did not have the impression of being disliked by the local population; on the contrary!

However we are now trying to bring up elements for an agreement and not disharmony.

SECRET

6. It is believed that the agreement should include, besides the basic principles on which it is founded, also the essential points dealing with the treatment to be used toward the prisoners of war after the R. Government has renounced, with regard to them, the Geneva Convention. Also the financial treatment will have to be clearly outlined; also the British and American Governments have shown to share this opinion when, upon submitting the original proposal to the Italian Government in January 1944, they added a part dealing with the financial treatment.

7. The Italian Government, upon accepting that, after the formation of Italian units in accordance with its proposal, it may be possible to do without the work of the protecting power, and entrust all its attributes and faculties to military representatives chosen from among the military personnel itself, reserves itself to designate (with the agreement of the Government concerned) the general to be the head of the organization and who will be the Italian representative in matters concerning Italian military personnel already prisoners of war in any territory.

8. A point which also will have to be included in the agreement, as desired by the R. Italian Government, is that concerning the registration of the overstrength in officers with regard to the organization of the units. Attention is called to that which is proposed in Article 7 of the attached scheme submitted at the meeting of March 25.

HIGH COMMISSIONER FOR THE PRISONERS OF WAR

LEGAL COMMENT

1. The prisoner of war is merely a foreigner become subject by force and dangerous;

--by force, because taken and transferred by force under the sovereignty of the detaining power;

--dangerous, because he has the duty of making every effort to regain in his own army his place as a combatant against the Detaining power.

2. As a foreign subject by force he should enjoy all the rights which foreign subjects have; the co-activity of his subjection not being related to these ends.

As a dangerous foreign subject he should be subjected to all the safety measures which his danger advises;

3. This is in synthesis the juridical foundation of the statute of the prisoner of war which has been determined at the Geneva Convention on July 27, 1929. - a statute which protects at the same time the prisoner of war and just interests of the detaining power concerning safety.

4. From this it follows that if the detaining power ceases to be the enemy of the National State of the prisoner of war, he ceases to be dangerous because upon rejoining his army he would no longer have the duty nor the possibility of fighting against that power.

He no longer being dangerous, the safety measures of the "imprisonment"

itself, reserves itself to designate (with the agreement of the Government concerned) the general to be the head of the organization and who will be the Italian representative in matters concerning Italian military personnel already prisoners of war in any territory.

8. A point which also will have to be included in the agreement, as desired by the R. Italian Government, is that concerning the repatriation of the overstrength in officers with regard to the organization of the units.

Attention is called to that which is proposed in Article 7 of the attached scheme submitted at the meeting of March 25.

HIGH COMMISSIONER FOR THE PRISONERS OF WAR

LEGAL COMMENT

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4. From this it follows that if the detaining power ceases to be the enemy of the National State of the prisoner of war, he ceases to be dangerous because upon rejoining his army he would no longer have the duty nor the possibility of fighting against that power.
 He no longer being dangerous, the safety measures of the "imprisonment" would no longer have reason to exist, and the prisoner of war should cease to be such in order to remain exclusively a foreign subject by force.
 Because, then, it is a legal absurdity that a foreigner, who is not a prisoner of war, be subject by force, he should be immediately released, that is, returned.
 In fact, the Geneva Convention prescribes that in the same treaty of Armistice the repatriation of the prisoners of war be provided (Art. 75), because with the Armistice, the condition of counter belligerency ceases di fatto as well as by right. If the said article states that the status of imprisonment can exist up to the peace or even beyond, it admits this as an exception exclusively.

SECRET

5. Now if the belligerents not only cease to be enemies, but become even friends and if the National State of the prisoners of war consents or decides that these serve or work for the detaining State, once an enemy, in the same territory, it follows that the prisoners of war, already returned by right to the pure and simple condition of foreign subjects, will remain in the ex-detaining State as such, as foreign workers, not as an army corps having its own military character and individuality, because they will lack the most essential attribute of military force which is armament and their disciplinary organization will be nothing but an instrument of internal cohesion of neuclei and increase of their efficiency.

6. And then, as organized foreign subjects who reside and work in the territory of cobelligerent friendly States, the Italian military personnel;

(1) Should, insofar as concerns the military discipline which is the framework and the cement at the time of their internal organization, be subject to the Italian military laws and regulations for all deviations of disciplinary character committed by them;

(2) Should, insofar as concerns other relationships, be subject to the laws of the territory in which they reside, as other subjects of the State which offers them hospitality.

7. More specifically, such-constructed organization of the Italian ex-prisoners in labor corps would not give life, for the reasons set forth in paragraph 5, to the true and proper military units operating in territories subject to the absolute sovereignty of the cobelligerent States, nor to the institutions or agencies invested with a power of control in a foreign State, no matter how friendly. Such corps, in fact, will have their own set-up, with efficiency simply internal, necessary for the proper operation of the same units and for the prosecution of the common aims of the cobelligerents. Such arrangement will reflect, that is, only the basis, the leadership, the discipline and the administration of the various units and will not prejudice, nor could limit in any way, the sovereignty of the State which gives them hospitality, nor the effectiveness of its territorial laws, applicable to temporary subjects, as which the members of these units, singly taken (uti singuli) are to be considered.

8. This stated, and established that there is within the constitutional framework of the States which are to be host to and utilize these units, a principle which prohibits the exercise of any affirmation of foreign power within the territory of such States and their Colonies, Dominions, etc., they have no reason to retain necessary an appropriate legislative intervention in derogation to this principle.

I. because said principle does not constitute an absolutely rigid norm but is subject to elastic interpretation and application, which leaves in practice ample opportunity to discern what facts may effectively violate same or not. Elasticity deriving both from the nature of the subject and the aims which the principle pursues, and the nature of the legal sources of the principle proper; which, it appears, is not sanctioned by an express formal provision of law, but is rather one of those juridical principles characteristic of rules based, as the English, on habits, customs, traditions or mere precedent (cases) and therefore in a large part tied to evaluations of political character, contingent upon and determining precisely the practical flexibility;

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II. because, in the assumed case no limitation takes place (neither positive nor negative) of the sovereignty of the States formerly holding war prisoners, so that the assumed case itself escapes the application of the above principle (which is uniquely devoted to the safeguard of sovereignty), to assume the value of a pure and simple form of internal autonomy, perfectly conforming with the general principles of anglo-saxon laws and rather characteristic of same;

(2) x(1)

SECRET

III. because in the case the indicated solution appears as the only one possible; indeed, while it violates no legal, political or moral interest of the State being host to and utilizing the units thus constituted (which place themselves at their complete disposal and to which the Allied Commands can give all orders and directives considered necessary, through the respective Italian commands), safeguards the political and moral prestige of Italy and assures the maximum efficiency of the said units; be it for obvious psychological reasons, be it for likewise obvious technical organizational reasons, be it finally for the possibility of defining clearly and unequivocally the functions and responsibilities of the Italian Commanders.

626

6-26

6-26

- 5 -

(1) X (2)

REC'D 4 Apr 1825B
HQ AOC, APO 394
Secy Gen
BY: HD

Salerno, 3 April 1944

TRANSMISSION

FILE NO. 998

CHIEF OF THE GOVERNMENT

TO: General Sir Noel Mason MacFarlane
Chief of the Allied Control Commission
NAPLES

Dear General MacFarlane:

With reference to our conference of yesterday, I am transmitting to you a draft of the agreement concerning the principles to apply to the use of prisoners of war now held by the Allied Governments.

I await your eventual remarks.

Cordially yours,

/s/ EADUOLIO

998

(2)

To: General Sir Noel Mason MacFarlane
Chief of the Allied Control Commission
No. PLES

Dear General MacFarlane:

With reference to our conference of yesterday, I am transmitting to you a draft of the agreement concerning the principles to apply to the use of prisoners of war now held by the Allied Governments.

I await your eventual remarks.

Cordially yours,

/s/ W. DOUGLAS

9258

(2) x

3 Apr

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3 Apr

TOP SECRET

TRANSLATION

April 3, 1944

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

785015

DRAFT OF AGREEMENT FOR THE USE OF ITALIAN PRISONERS OF WAR
DETAINED BY THE AMERICAN AND BRITISH GOVERNMENTS

The Government of the United States of America and the Government of the British Commonwealth, having accepted the Italian people as co-belligerent and the Italian Government having expressed the desire that also all officers, non-commissioned officers and soldiers of the Italian Forces held as prisoners of war by those Governments should cooperate with the British and American peoples in a common military effort for co-belligerency, stipulate the following agreement:

ARTICLE I

This Agreement will remain in effect, unless modified by mutual agreement, up to the conclusion of peace between the Italian Government and the Governments of America and the British Commonwealth.

ARTICLE II

All the prisoners of war now held by the Governments of America and of the British Commonwealth shall be incorporated into military units, in any case not less than a battalion, according to law and Italian military customs, and they may be employed in services or undertakings of military interest in the same manner and in the same localities where white military units of America or of the British Commonwealth are used.

ARTICLE III

The said Italian military units will be organized in all the territories where there are Italian prisoners of war, through special Italian agencies, as per Article VI. They will be formed and commanded by Italian officers and non-commissioned officers drawn from the prison camps. They will be utilized under the orders of the American or British Authorities who may, for this purpose only, place in the units of a battalion and up, an American or British officer, of a grade equal to the Italian commander of the unit, at the side of the Italian commander. Italian military regulations will be applied directly by Italian commanders for disciplinary violations committed by Italian military personnel. For every act, however, which constitutes a crime there will be applied to the Italian military personnel the laws and judicial proceedings applicable to the military personnel of the American or British Government in whose territory they reside.

ARTICLE IV

The officers, non-commissioned officers and soldiers of the Italian Forces, held by the American and British Governments, will cease their status as prisoners of war when this Agreement goes into effect. From the same date the provisions of the Geneva Convention of July 27 relative to prisoners of war will cease to be in effect for their components. With the going into effect of this present Agreement, the treatment of Italian military personnel now under the jurisdiction of the American and British Governments will be regulated by the annex to the present Agreement.

ARTICLE V

ARTICLE I

This Agreement will remain in effect, unless modified by mutual agreement, up to the conclusion of peace between the Italian Government and the Governments of America and the British Commonwealth.

ARTICLE II

All the prisoners of war now held by the Governments of America and of the British Commonwealth shall be incorporated into military units, in any case not less than a battalion, according to law and Italian military customs, and they may be employed in services or undertakings of military interest in the same manner and in the same localities where white military units of America or of the British Commonwealth are used.

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ARTICLE V

All the officers, non-commissioned officers and soldiers of the Italian forces now held as prisoners of war in Italy (peninsula and islands) will be immediately returned to the Italian Military Authorities.

ARTICLE VI

For the organizational and operational needs of the Italian military units and for the care of the Italian military interests in each of the territories where prisoners of war are now held, there will be appointed by the Italian Government a commander, drawn from among the officer generals now prisoners of war. He will be the special representative of the Italian Government with the Government of the territory and, as such, will communicate directly with the Italian Government.

TRANSLATION

April 3, 1944

ARTICLE VII

The American and British Governments, insofar as possible, will equip, arm, and train any of the Italian military units formed as indicated above, and will use them at the battle fronts of co-belligerency.

ARTICLE VIII

Repatriation of Italian military personnel now prisoners of war will be effected in due time, according to the availability of transportation means of the Governments of America and of the British Commonwealth, upon request of the Italian Government and with the consent of the detaining government, for the Italian necessity of co-belligerency, or for reasons of health, or for humanitarian reasons.

ARTICLE IX

All the Italian military personnel will be repatriated in the shortest time possible after conclusion of the peace, except such as may have been previously repatriated by common agreement between the contracting governments.

ARTICLE X

The present Agreement will go into effect on May 1, 1944.

ARTICLE VIII

Repatriation of Italian military personnel now prisoners of war will be effected in due time, according to the availability of transportation means of the Governments of America and of the British Commonwealth, upon request of the Italian Government and with the consent of the detaining government, for the Italian necessity of co-belligerency, or for reasons of health, or for humanitarian reasons.

ARTICLE IX

All the Italian military personnel will be repatriated in the shortest time possible after conclusion of the peace, except such as may have been previously repatriated by common agreement between the contracting governments.

ARTICLE X

The present Agreement will go into effect on May 1, 1944.

2258

SECRET

3 Apr

TRANSLATION

OFFICE OF THE CHIEF OF GOVERNMENT

Salerno, 2 April 1944.

TO: GENERAL NOEL MASON MAC FARLANE
CHIEF OF THE ALLIED CONTROL COMMISSION
NAPLES

My dear General Mac Farlane,

It is not possible for me to adhere to the fundamental principles on which your Government has based itself in proposing a solution of the prisoner question.

Our prisoners therefore remain entrusted to your spirit of humanity and safeguarded by the Geneva Convention.

Very cordially.

/s/ BADOGLIO

383.6 POW Agreement

file/400

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RECEIVED
APR 10 1944

~~SECRET~~

2 Apr.

~~TOP SECRET~~

FATIMA M131

DSM 467
5 APR 1944

FATIMA (GEN MACFARLANE C COMB)

2nd. April, 1944.

MAJOR DOR

TOP SECRET

PRIORITY

FREDERICK

RESIDENT
SUBJECT PRISONERS OF WAR PD FAREN TO APHS FOR GENERAL WILSON CMA BRITISH/MINISTER AND
CIVIL AFFAIRS FROM FATIMA FROM MACFARLANE PERSONAL FAREN PD REFERENCE MIKS ONE TWO SEVEN
PD IMMEDIATELY AFTER RETURN FROM SICILY BAIUGLIO ASKED ME TO LUNCH TODAY TO DISCUSS
FURTHER THE POW AGREEMENT PD I THINK AND HOPE THAT IT WILL NOT BE POSSIBLE TO NEGOTIATE
AN AGREEMENT PD BAIUGLIO HAS CONTRACTED TO SEND ME IN WRITING TOMORROW VARIOUS QUESTIONS
WHICH HE STILL WISHES TO CLARIFY BUT ON THE MAJOR POINTS OF DIFFERENCE NAMELY STATUS AND
COMMAND I THINK I HAVE CONVINCED HIM THAT IT IS POSSIBLE TO ACCEPT THEM WITHOUT POLITICAL
EMBARRASSMENT FOR HIM AND HIS GOVERNMENT PD I HOPE TO TELEGRAPH AGAIN VERY SHORTLY PD

M83,6 POW Agreement

2251

ROBERT E. DOR,
Major, AGP,
Secretary-General.

(2) V file/400

2 Apr.

TOP SECRET

RECEIVED
3 APR 1944

CC/T/164

*TOP SECRET*DS 432
1 APR 1944

FMM/rj

31st. March, 1944.

Thank you for your letter No. 941 of March 29th..

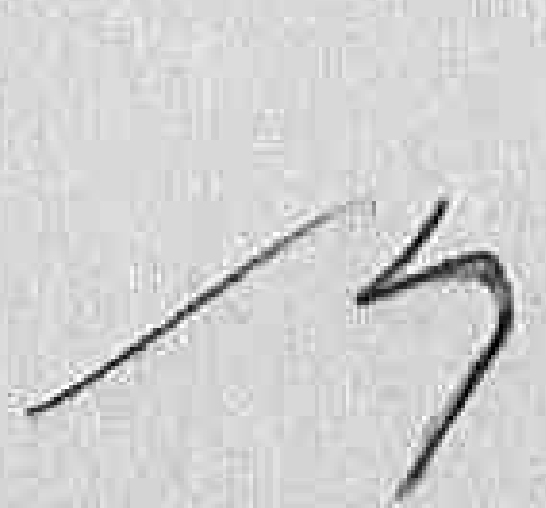
1. I wish to assure you that I appreciate very thoroughly the importance which you attach to the question of Italian Prisoners of War. I understand equally fully your standpoint in this matter which has been made clear to me throughout by yourself and General Gazzera. I have not failed to keep the Governments which I represent fully informed in this connection.

2. As explained to yourself and to General Gazzera, the Governments which I represent insist that for technical reasons which I have frequently made clear the Italian labour units which it is desired to form must retain the status of Prisoners of War and be commanded by Allied Officers. I have, however, made the many advantages which will accrue to these Prisoners of War equally clear.

3. The instructions which I have received from the Governments which I represent are perfectly clear and allow me no latitude as regards the basic principles of the agreement which I have been instructed to negotiate with the Italian Government. No useful purpose can be served by continuing discussions on a lower level with General Gazzera until the Italian Government has accepted these principles. After such acceptance has been notified I will naturally arrange for details, including the financial arrangements, to be discussed by my representatives with General Gazzera.

4. In the meantime, as I have been unable to obtain acceptance of these principles from General Gazzera I hope that you will give me an early opportunity of discussing the question with you personally or alternatively to confirm the fact that you are not prepared to negotiate an agreement involving the basic principles to which you have raised objections so that I may inform the Governments.

(2)


 file/700

DSM 452
1 APR 1944

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which I represent as early as possible of the situation.

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

S.E; Marshal Pietro Badoglio,
Capo del Governo.

9952

TRANSLATION

DS-445
HQ AGO, APO 394
Secy Gen
Rec'd 30 Mar 1600
BY DEL

File No. 941

Salerno, 29 March 1944.

OFFICE OF THE CHIEF OF THE GOVERNMENT

TO: GENERAL NOEL MASON MACIARLANE
CHIEF OF THE ALLIED CONTROL COMMISSION
M A P I I S

My dear General:

I have already had the honor of explaining to you at Naples, when you presented to me the first plan on the utilization of Italian prisoners of war, that this problem is of vital importance not only because it concerns the existence of a half million of our Co-Nationals, but especially because it has enormous effects upon the country where a half million families are most anxious about the fate of their loved ones.

This explains why I have created a High Commissioner with technical Agencies specially adapted to handle such a complex matter, and also explains why the problem gives rise to many discussions and why it is not easy to reach an immediate solution.

For us, even though not disregarding, but with every care establishing the material conditions, the moral factor has undoubted precedence.

Our Country would never comprehend that its sons be used in war pertinent work, and that in the evening they would be looked within Concentration camps as Prisoners of war.

The entire Country does not understand that while its sons fight at your side against the common enemy, others of its sons who have fulfilled the duty of every citizen, obeying the orders of the Government then in power, are still considered as prisoners even though having demonstrated every desire of fighting with you.

It is necessary that this co-belligerency be not an idle myth.

This side of the problem, my dear General, cannot in my opinion be met by either of the two parties in an absolute spirit of intransigence.

I believe that from a discussion had with friendly intent, as should be the case between persons animated by the same ideals, one could arrive at a solution satisfactory for both.

If you, who have so many other concerns, delegate your representative to discuss the matter with General Garkera, it may be that together they will find something more than a negative solution.

You have always demonstrated, my dear General, broad understanding not only of our needs, but essentially of our spirit and our psychology.

I have already had the honor of explaining to you at Naples, when you presented to me the first plan on the utilization of Italian Prisoners of War, that this problem is of vital importance not only because it concerns the existence of a half million of our Co-Nationals, but especially because it has enormous effects upon the Country where a half million families are most anxious about the fate of their loved ones.

This explains why I have created a High Commissioner with technical Agencies specially adapted to handle such a complex matter, and also explains why the problem gives rise to many discussions and why it is not easy to reach an immediate solution.

For us, even though not disregarding, but with every care establishing the material conditions, the moral factor has undoubted precedence.

Our Country would never comprehend that its sons be used in war pertinent work, and that in the evening they would be locked within Concentration Camps as Prisoners of War.

The entire Country does not understand that while its sons fight at your side against the common enemy, others of its sons who have fulfilled the duty of every citizen, obeying the orders of the Government then in power, are still considered as prisoners even though having demonstrated every desire of fighting with you.

It is necessary that this co-belligerency be not an idle myth.

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I believe that from a discussion had with friendly intent, as should be the case between persons animated by the same ideals, one ~~90325~~ arrive at a solution satisfactory for both.

If you, who have so many other concerns, delegate your representative to discuss the matter with General Gazzera, it may be that together they will find something more than a negative solution.

You have always demonstrated, my dear General, broad understanding not only of our needs, but essentially of our spirit and our psychology.

Help us and assist us in this problem.

Very cordially Yours.

/s/ RABUGLIO

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SECRET

FATIMA 1127

~~XXXXXXXXXXXXXXXXXXXX~~

FATIMA (GEN MACFARLANE C COIN)

DS 3d 444
30 MAR 1944

29th. March. 1944.

PRIORITY

SECRET

FREEDOM

AFTER SEVERAL DISCUSSIONS AND CONSIDERABLE MODIFICATIONS TO ORIGINAL DRAFT GENERAL GAZZERA REFUSED AGAIN YESTERDAY TO ACCEPT THE BASIC PRINCIPLES THAT ITALIAN PRISONERS OF WAR MUST RETAIN PRISONER OF WAR STATUS AND THAT ITALIAN POW UNITS AS ENVISAGED IN THE AGREEMENT MUST BE COMMANDED FOR PURPOSES OF DISCIPLINE BY ALLIED OFFICERS PD PAREN TO APPEAL FOR CHIEF OF STAFF FROM FATIMA FROM MACFARLANE PERSONAL PAREN I HAVE ARGUED THESE POINTS AT GREAT LENGTH WITH HIM AND I TERMINATED OUR MEETING YESTERDAY WHICH WAS ATTENDED BY BRUNAS AND GAZZERA'S LEGAL EXPERT BY TELLING GAZZERA THAT FURTHER DISCUSSION BETWEEN US WAS CLEARLY POINTLESS PD REBER AND CACOLA HAVE ATTENDED ALL MY MEETINGS WITH GAZZERA AND I HAVE HAD THE BENEFIT OF THE HELP AND ADVICE OF GENERAL GEPF AND HIS MISSION AND OF COLONEL BERRY USA PD

PAGE TWO PD I HAVE DISCUSSED THE PRISONERS OF WAR QUESTION WITH RAIOLIO ON MONDAY AND HE GAVE ME THE VERY DEFINITE IMPRESSION THAT HE CONSIDERED THAT THERE WAS NO REASON WHY WE SHOULD NOT REACH AN AGREEMENT ACCEPTABLE BY ALL CONCERNED EMBODYING THE BASIC PRINCIPLES OF STATUS AND COMMAND WHICH HE REALIZES THAT I MUST INSIST UPON PD

PAGE THREE PD I HAVE NOW WRITTEN TO RAIOLIO INFORMING HIM THAT I HAVE HAD TO TERMINATE

383.6 POW agreement

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1127

29 Mar.

file/1008

SECRET

DSH 444
30 MAR 1944

FATIMA # 127 m - 2

MY DISCUSSIONS WITH GAZZERA AND ASKING HIM IF I AM TO REGARD GAZZERA'S ATTITUDE AS THAT OF BAIUOLIO AND HIS GOVERNMENT ID

PART FOUR ID I CONSIDER THAT IT IS STILL QUITE POSSIBLE THAT BAIUOLIO WILL DECIDE TO REOPEN DISCUSSION WITH ME ESPECIALLY IN VIEW OF OUR MEETING ON MONDAY AND OF MR MACMILLAN'S TALK WITH BAIUOLIO WHICH PRECIED IT ID PRUMAS WAS CLEARLY NOT ALTOGETHER IN ACCORD WITH GAZZERA AT YESTERDAY'S MEETING ID

PART FIVE ID ^{Kelly} GEPT RETURNS TO ALGERIA TOMORROW ID DEANE AND PHILLIMORE WILL REMAIN AS LONG AS ANY HOPE OF FINDING A SOLUTION REMAINS

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NOEL MASON MACFARLANE
Lieutenant-General,
Chief Commissioner.

30 MAR 1944

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DSH 443
30 MAR 1944

FISH/rj

28th. March, 1944.

I have just concluded a further discussion with General Gazzera on the subject of the agreement regarding Italian prisoners of war which I have submitted on behalf of the American Government and the Governments of the British Commonwealth.

2. As I explained to you yesterday, it is impossible for reasons of discipline only that the prisoners of war should relinquish their status as prisoners of war. Furthermore, it is for the same reason essential that for purposes of discipline involving punishments of detention or heavier punishments, Italian units, as envisaged in the agreement, must be commanded by Allied officers although the normal functions of command and administration would be carried out by their Italian officers and non-commissioned officers.

3. General Gazzera, after several discussions and considerable time for studying the question, does not accept these principles which are regarded as basic by the governments on whose behalf I am now writing. I have, therefore, told him that further discussion between us is profitless. As a result of our conversation yesterday, I understood that you yourself were by no means unhopful of finding an acceptable agreement involving the two principles to which I have just referred. As already stated, I have had to terminate my prolonged discussions with General Gazzera and I would appreciate it if you will let me know for the information of the governments concerned whether I am to accept General Gazzera's attitude as the final decision of yourself and your Government.

383.6 POW agreement

92/2

S.E. Marshal Pietro Badoglio,
Capo del Governo.

WEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

f.u/400

P/158/CC

28 Mar

cc/F/157

DCC
SF

FHM/rj

27th. March, 1944.

As requested by you, I send you herewith some informal
comments upon the points raised in your Note Verbale of 24th.
March. These form a resume of my verbal explanations at our
last discussion.

HORL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

S.E. Generale Pietro Gazzera.

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Point 1. Agreement to cover Prisoners of War in French hands as having been captured under Supreme Allied Command.

Prisoners of War are held by governments and not by the Supreme Allied Commander. Some of those P/W now held by the French were captured by British or American forces and later transferred to them. They thus became a French responsibility and the question can only be settled by agreement between the French Committee and the Italian Government. The Italians themselves handed over many British P/W to the Germans long before Italy surrendered.

If the Italian Government sign the Agreement, I am prepared to recommend to the United States and British Governments

1. That they should urge the French Committee either
 - a. to remedy the matters complained of by the Italian Government, or
 - b. to enter into a similar agreement with the Italian Government, and
2. Not to hand over any additional Italian P/W captured by British/American forces to the French.

Point 2. Type of Employment.

No colored British/American troops are employed on work which white troops are not equally performing. There is absolutely no distinction between types of work on which white and colored British/American troops are employed.

There is no objection in principle to units being allowed to fight.

Point 3. Question whether P/W should be allowed "to volunteer."

There is no objection to abandonment of idea of volunteering provided

- a. Formation of special units is not made completely obligatory on the detaining governments who are not at present prepared to form such units in areas where work is not available or the prisoners are unsuitable for employment as being recalcitrant or sick. The British and American Governments will, however, undertake to form these units wherever it is possible to do so and, where work is not available, all suitable prisoners will be transferred as soon as possible to areas where they can join such units. The general policy with regard to prisoners is naturally also will be to repatriate them, but no undertaking can be given in view of the shortage of shipping. As to recalcitrants, formation into special units would merely strengthen their re-

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calcitrance by permitting additional opportunities to spread political disaffection, whilst to repatriate them would be unfair to those serving the common cause as co-belligerents.

- b. Italian Government will give the necessary orders to Italian P/W, whom the detaining government wish to employ, to join the units and work as ordered.

Point 4. Command.

There is no objection to Italian officers and NCOs exercising their usual functions of command and administration provided sufficient are available in each territory and provided the legal powers necessary to enforce orders are ultimately exercised by British/American officers who alone can convene and serve as members of military courts or award disciplinary or judicial sentences. (Italian officers could award minor disciplinary punishments such as deprivation of privileges, confinement to barracks or extra fatigues).

British/American command in the sense stated above is consistent with Article 45, and Italian officers will enjoy all the normal attributes of commanders, orders being generally issued by them, except that the sanction behind their orders must be exercised by British/American officers. This is legally the only possible solution, and experience has shown that it will work perfectly well in practice.

Note: Apart from its legal impossibility, insistence on sole Italian command involves certain practical difficulties; e.g., in the U.K. there are 90 Italian officers (mostly very junior) for 80,000 P/W.

Point 5. Suggestion that P/W status is inconsistent with co-belligerency.

P/W status continues under international law until peace is restored or the P/W is repatriated. Article 75 shows that even after restoration of peace P/W status can be retained until repatriation.

Point 6. Prisoner of War Status.

If P/W status were abolished, the position in British and United States territories would be that British and American military law would cease to apply whilst Italian military law would be equally inapplicable. Thus no sentence or award by either British/American or Italian officers involving restraint of liberty in the case of any one of the half million Italian prisoners of war now held would be legal and those responsible for enforcing such sentences or awards would themselves be liable to legal proceedings. 35

The reasons why P/W status must be retained have already been explained in an earlier memorandum, and its retention is inevitable.

Point 7. Claim to full liberty for Italian P/W in British/American territories.

This is impossible for the following reasons:

- a. Other United Nations Governments would resent such treatment.
- b. There have been a number of instances of Italian maltreatment of British and American P/W and this is sufficiently well known as to cause resentment at home. In particular in the U.K. the treatment accorded at Benghazi has caused great bitterness.
- c. Public transport, amusement, and shopping facilities are severely limited, particularly in U.K. and unrestricted access to them would lead to great resentment.
- d. Public feeling is such that in parts of the U.S. and of the British Commonwealth it would be impossible initially to grant other than a restricted amount of liberty to Italian personnel.

The intention of the British and American Governments is to increase the degree of liberty accorded gradually as circumstances will permit in the particular locality involved.

SECRET

2604

DSH 424
28 MAR 1944

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26 MARCH 1944

SECRETARY GENERAL

Ext. 174

OPERATIONAL PRIORITY

General GEPF

PROOFERS

ITALIAN GOVERNMENT ARE STILL OBJECTING TO THE RETENTION OF PRISONERS OF WAR
STATUS PD TO PROCEED FOR EVLIVE AND SMITH FROM GEPF FROM FATIMA BIGNARD
MAORARIANA PAPER THEY HAVE BEEN GIVEN TILL THURSDAY NEXT TWENTY EIGHTH PD
IF THEY DO NOT AGREE BY THEN IT WOULD APPEAR THAT FURTHER NEGOTIATIONS WILL
BE WASTE OF TIME PD I SHALL BE LEAVING HERE WEDNESDAY NEXT TWENTY NINTH

383.6 POW agreement

file/100

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(2)

L. T. MONTANT, JR
2nd Lt, AGD
Adjutant

SECRET

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25 MAR 1944

WBS/hjp

In reply refer to:
DCC 383.6

25 March 1944

SUBJECT: General Gazzera, AAI Letter, AAI/1402/4/0(1b), 12 March 44
TO : Headquarters, Allied Armies in Italy

Attached is a result of inquiries which have been made as requested in the subject letter concerning General Gazzera. Until further evidence is produced, there do not appear to be grounds for a refusal by the Commission to accept Marshal Badoglio's nomination of General Gazzera to handle matters with reference to Prisoners of War.

MILTON W. STONE
Captain, USAR
Deputy Chief Commissioner1 Incl:
Report on Gen. Gazzerafile 2342
Hoo

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~~SECRET~~

25 March 1944

MEMORANDUM:

GENERAL GAZZERA

General Gazzera had rapid promotion in World War I, rising from the rank of Captain to the rank of Brigadier General by the end of the war. During this period, however, he was not in the field but in the Operations Section of the General Staff.

In 1920, a Commission, headed by Badoglio, was appointed to examine the record of each general officer of the Army to report whether (a) he should be reduced in rank, (b) he should be retired, or (c) if retained, he would have prospects for future advancement. In the case of General Gazzera, the Commission held that he should be retained but because he had not actually commanded a unit in the field, his chances for future advancement would not be good.

Following publication of the Commission's report, General Gazzera elected to go on that type of leave which permits an Italian officer within three years to request reassignment to active duty. After trying to make some headway in industrial life, Gazzera decided after four months that he preferred duty in the Army, requested orders to active duty, and was reassigned to active duty in 1920, serving continuously thereafter.

His first assignment was as head of a Military Tribunal in Turin. Subsequently he served as the Italian Army member of an Albanian Boundary Commission for the League of Nations, and in 1924 became Head of the Italian Army Staff College at Turin.

Referring to Appendix "B" to the report dated 17 February 1944 on this officer, the statement that "General Gazzera was not in the ranks of the Permanent Army" when Fascism came into power is therefore incorrect. Moreover, he was not appointed Minister of War until 1928. It is understood that he received this appointment because of his work as Head of the Staff College and because he had the reputation of being a strict disciplinarian without political ties, and therefore could be expected to bring an efficient administration to the Italian Army at a time when it was at a low ebb. 2341

During his tenure as Minister, however, he made many enemies among both Fascist officials and officers of the Army because of his efforts to break up political and military cliques within the Army and his insistence on efficiency and discipline regardless of political position. He was dismissed as Minister of War in 1932 because of his continuous

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opposition to Mussolini's plan to incorporate the Fascist Militia into the regular Army.

It is understood that Count Sforza in a speech made in Italy shortly after his return referred to General Cazzera as the only Army General whom the Fascists sacrificed.

Contrary to the interpretation put on it in the Appendix "C" report, it is believed that the first line of his speech of 7 Nov 43 reading as follows, "Officers, non-coms, corporals, soldiers, sailors, airmen and Militia" is consistent with his refusal to accept the Militia as part of the Army. If he had become reconciled to considering the Militia as members of the Army, his salutation to "soldiers" would have been adequate. It is probable that he still did not consider Militia prisoners as soldiers of the Army, but because they were fellow Italian prisoners and present before him, he referred to them in his salutation.

It is believed that the reports against him arise from fellow officers against whom he may have been severe in his program of efficiency and discipline.

2219

SECRET

COPY

Subject: - General GAZZERA.

Headquarters
Allied Armies in Italy.

Br. SECRET - US SECRET

AAI/1402/4/G(Ib)

12 Mar 44.

A.C.C.

1. Attached is the copy of a report which has been received from A.F.H.Q.
2. It would be appreciated if further enquiries could be made concerning General GAZZERA, as it appears that he may be unsuitable from the security point of view to hold an official position.
3. May we be informed of the result in due course.
4. Please return attached correspondence with your reply.

/s/ Young, Major
for Lieut-General,
Chief of General Staff.

SF.

NOTE:
Enclosures (original) returned to
AAI with letter of 25 Mar 44,
per par 4 above.

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~~SECRET~~

COPY

ALLIED FORCE HEADQUARTERS
Office of Assistant Chief of Staff, G-2

B-389.450

8 March 1944.

SUBJECT: General GAZZERA and other repatriated Italian Officers.

TO : G(Ib) Allied Central Mediterranean Force.
Military Government Section (conversation JACKMAN - BOGGIS-
ROLFE refers).

1. Herewith a copy of a report dated 17 February 1944 on General Pietro GAZZERA and certain other Italian Officers who were P.W. in the U.S.A. and who have been released and repatriated.
2. Nothing further is known against any of these Officers at this H.Q.; it is possible that the information is not reliable; will you please have enquiries made and inform this H.Q. in due course.
3. General GAZZERA has been nominated by Marshal BADOGLIO "to take up with the A.C.C. all matters in reference to Prisoners of War" and will be at SALERNO (See message No. 1390 of 28 February 1944 from FATIMA (FARGO) from MACFARLANE Personal to A.F.H.Q. for Chief of Staff and M.G.S. repeated H.Q. A.C.M.F.).

For the Assistant Chief of Staff, G-2:

/s/ H. Boggis-Rolfe,
/t/ H. BOGGIS-ROLFE,
Major, G.S.,
G-2 (CI) Section.

Encl.

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Information concerning the six General Officers and four other Officers, all Italian Prisoners of War, who recently departed from Monticello, Arkansas, presumably for repatriation.

1. These ten officers left Monticello in three groups as follows:

a. On 1 December 43:

General Designato d'Armata PIETRO GAZZERA (1201-EAF)
 Generale di Brigada FRANCESCO GUASCO (97-MB)
 Generale di Corpo d'Armata Aerea PIETRO PINNA (1565)
 Colonnello MARIO PEZZI (1566)

b. On 23 December 43:

Capitano VINCENZO MARINI (48135-EAF)
 Tenente di Vascello GINO BIRINDELLI (ETC-646-NA)

c. On 22 January 44:

Generale di Divisione PIETRO BELLETTI (31-I-913)
 Generale di Divisione GUIDO BOSELLI (31-I-1005)
 Generale di Divisione FRANCESCO LA FERIA (31-I-1006)
 Contrammiraglio GIUSEPPE MANFREDI (NA/T-6830)

2. The most important information which has come to light regarding the loyalty of any of these departed officers concerns the former spokesman for the General Officers at Monticello, General Gazzera who was the senior Italian General Officer prisoner of war. During the course of an interrogation with a high-ranking Italian prisoner of war, certain documentary evidence was discovered which may be a good reason to urge extreme caution in accepting this General as a collaborator. The evidence, as well as other information on General Gazzera, is submitted herewith:

3. Lt. Colonel LIBORIO PETRACALVINA (1563) who upon interrogation proved to be a wholehearted collaborator and anti-Fascist willing to furnish information concerning other Italian prisoners of war, is a member of the Italian General Staff Corps, very intelligent and discreet, and it is believed that he constitutes a definitely reliable source. He was among a group of Italian Officer prisoners who were located at a Prisoner of War Camp at Dehra Dun, India, for some time after the fall of Italian East Africa. (Gen GAZZERA was formerly Governor of Ethiopia under the Duca d'Aosta, who was Viceroy and Governor General of all Italian East Africa, the entire organization of which was captured by the British during the summer of 1941). General GAZZERA who was the spokesman at Dehra Dun and spread a great amount of propaganda in the POW Camp for the Fascist cause, established a Fascist Combat Unit among the Italians at that Camp. Membership to this organization was compulsory rather than a matter of choice. General GAZZERA caused a membership card to be drawn up for each using the reverse of a paper 1-Anna (1/16 of a rupee) canteen coupon which consisted of: inscription of the rank and name of the officer to whom it was issued, date of the first organization of this Fascist organization (23 March 1942), and the personal signature in black ink of General GAZZERA in the lower right corner. Upon renewal of membership,

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28 October 1942, the twenty-first anniversary of the March on Rome, General GAZZERA resigned the card in red ink along the right edge. (Sample of 1-Anna attached with Lt. Col. Petracalvina's name blocked out to avoid wrong impressions as to his loyalty). A translated report with further details on General GAZZERA will be found attached as Appendix C. The primary interest of General GAZZERA is General GAZZERA. He cannot be trusted for loyalty any further than it serves his own selfish interests and he is extremely disliked by everyone. He has many personal enemies among the General Officers as well as among the other officers, the NCO's and soldiers. He has been a cruel disciplinarian in Italian East Africa where it is reported he resorted to such methods as staking soldiers out unclothed on the desert sands for a whole day as punishment for certain infractions of regulations. A reliable American officer who was in daily contact with General GAZZERA during his four months at this camp reports that his personal impression of General GAZZERA is "a selfish, egoistical pig who does not enjoy the respect of any other Italian except Brig. General GUASCO". These two Generals left Monticello together. General GAZZERA "is heartily disliked by his own nephew, Captain Marini who left this camp shortly after his uncle did". "That any organization headed by General GAZZERA will fail if Italian prisoners from Monticello are placed in it" is confirmed by the same American officer who gave the above statements.

4. While at Monticello, General GAZZERA began to trim his sails in view of the new turns of events, particularly the declaration of war by Italy against Germany. No effort was made to go out of his way to collaborate. In fact, he showed great opposition to the idea of collaboration unless the path were cleared and made a matter of command by Badoglio. In view of General GAZZERA's position and seniority, he made no move to win other Italian prisoners to the side of Badoglio and collaboration with the Allies. During the month of November when he spoke to an assembly of Italian officer prisoners, he indulged in generalities and addressed himself not only to the members of the Regular Army but also to the members of the Fascist Militia, a dissolved organization of two months previous. His departure from this camp was viewed by practically all of the intelligent cooperative Italians as a serious mistake on the part of the American authorities. If he returned at Badoglio's request, the presumption was this request was due not so much to a desire to use him in the present situation, but rather to place him well out of harm's way and to remove him from a position where he could seriously hurt Italo-American collaboration on this side of the Atlantic. In view of the above information, it is recommended that extreme caution be exercised by American military authorities which have or ever will have dealings with General GAZZERA.

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5. Concerning the other nine recently-departed officers, the following information is submitted as having been secured from sources believed to be reliable, for whatever action you deem advisable.

Gen. GUASCO: He is generally regarded as an argumentative and hateful man and is described by other Italian Generals as a mere lawyer, in no sense a soldier. He is alleged to have inspired such hatred among his fellow prisoners of war that several of them have expressed their intention to kill him upon their return to Italy. Several reputable sources have claimed that he conducted himself in a highly criminal fashion while in Italian East Africa, and that he ordered the shooting of many of the Ascari (native troops used by the Italians in those colonies). This man seems to have won his way into the affections of General Gazzera to such an extent that the latter will do nothing without his advice and approval. It is believed that much of the legal and juridical opposition to collaboration which we found on the part of these two Generals upon the occasion of our former visit to this camp was not entirely due to legal and juridical opposition, but that this opposition was a blind for antipathy to the Allied cause.

Gen. PINNA: This Air Force General is said to be a likable, jolly officer who is generally respected by all Italian officers. He is believed to be entirely loyal to the King of Italy. It is believed that he is one of the strongest anti-Fascists among all the General Officers mentioned in this report.

Col. PEZZI: This Air Force Colonel is said to be a cold-blooded, emotionless soldier who has no personal friends nor enemies. It is believed that this man is above politics and will do exactly as ordered by the King. It is claimed that he could pass for a Vermont Yankee. Prisoner of war sources believed to be reliable claim that he, together with Gen. Pinna, constitutes the core of the anti-Fascist bloc among these 10 officers. It will be remembered that Colonel PEZZI holds the world record for altitude flying, having reached some height between 14 and 15 miles.

Capt. MARINI: He is said to be a dull, unimaginative, quiet, unobtrusive, likable fellow and probably utterly harmless. He is General Gazzera's nephew and it is believed that his return to Italy was due to the influence of his uncle.

Naval Lt. BIRINDELLI: It is claimed by a number of independent sources that he is a loyal Fascist and that he indulged in a great deal of propaganda while at Monticello, even to the very end. He seems to be a brilliant engineer, and authority on baby submarines. He speaks careful, precise English and wins the friendship of all who meet him. Great amazement was expressed at this camp at his being allowed to return to Italy, where it is generally supposed he went.

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Gen. BELLETTI: He is said to be a good-natured, fat, unimpressive man who asks for many small favors but never causes any real trouble. When told that he was to return to Italy, he broke into tears and said that he had been praying for this opportunity of helping his country. There is nothing definite against him on the score of loyalty.

Gen. BOSELLI: His loyalty to the King seems to be certain. He seems to be a very nervous, high-strung General who was not taken too seriously by the other prisoners of war. One reliable source claims that he is definitely anti-Fascist, but there does not seem to be much unanimity on this point.

Gen. LA FERLA: Said to be an ordinary individual without any distinctive personality. Many independent sources among the prisoners of war claim that he is still Fascist and definitely pro-Nazi. He continued to wear German decorations until advised not to do so. Extreme doubt exists as to his loyalty to the Allied cause.

Adm. MANTREDI: His return caused an enormous amount of surprise among the remaining Generals and the other officers at this camp. He is generally regarded as being pro-German and pro-Nazi, as well as having been violently Fascist in the old days. He is a most cultured, charming and intelligent individual personally and caused no trouble to the American authorities. Further information on him, all pointing more or less to the same general conclusions, will be found available in reports submitted from 1142 during the months of August and September 1943.

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APPENDIX C (From notes by Lt. Colonel Petracalvina of Nov. 43)

General GAZZERA constitutes a great danger because he undoubtedly is one of the champions of the Fascist "trap" that must disappear completely.

General GAZZERA--already Minister of War (for Mussolini) and Fascist Senator--was not the purely technical adviser with limited political tendencies, but rather the true Fascist exponent of the Ras theory. The whole doctrine of Fascism is more or less included in the word "Rassismo". Through his activities as Minister, GAZZERA proved to be the most dangerous exponent of that theory, and does not fall into the category of those "Fascists" who were compelled to belong to the Party because of practical reasons or for reasons of livelihood. General GAZZERA was not in the ranks of the Permanent Army when Fascism acquired power by force, but as soon as Fascism rose to power he was immediately recalled to service and appointed Minister of War, a position obtainable only after showing unwavering loyalty to Fascism. General GAZZERA who has sponsored intensive Fascist activities, also sponsored secret circulars in India which kept him in contact with many prisoner camps. These circulars kept the flame of Fascism burning in the hearts and minds of all prisoners of war. The English, after unveiling such activities, wrote General GAZZERA an official letter requesting he cease his subversive activity which was indeed intolerable.

General GAZZERA's position has been ambiguous and uncertain since the "coup d'etat" of 25 July 1943, for he has assumed an attitude of expectancy, a position which manifests doubt. After the Armistice and especially after Italy's declaration of war against Germany, General GAZZERA never felt the need of taking sides or of expressing any definite opinion. Absenteeism was more convenient for him and his uncompromising nature.

Although he hardly ever showed his face in the compound for officers other than Generals, he was present at a commemoration of the dead on 7 November. He made a speech at this function, the first line of which went thus: "Officers, non-coms, corporals, soldiers, sailors, airmen and Militi". In his mind, members of the Mussolini Militia forces still exist. His speech was so written as to please everyone including Mussolini and Hitler. "A foot in five stirrups"--that is General GAZZERA, a dangerous element who, because of his inflated ego, is capable of anything. 2283

GAZZERA worships General Guasco whose postulate is "The Fascist doctrine shall never die; it is always full of life and it shall rule forever."

SECRET

CC/2/147

CONFIDENTIAL

DSM 420
27 MAR 1944

SF

JCC

TMM/rj

22nd. March, 1944.

Thank you for your letter of 19th. March.

1. I am very glad to hear that your study of the question is proceeding rapidly and I hope that you will be in a position to discuss the agreement further with me at a very early date. As I may be proceeding to Sicily for a short visit at the end of this week I trust that you will be able to meet me again not later than Friday.
2. As regards the financial questions involved. These do not affect the main agreement and it is unnecessary that they should be considered in connection with our principal task which is to reach agreement on the main agreement.
3. In the meantime and in confirmation of my remarks on the occasion of our last meeting I am in a position to inform you that the Allied Governments intend that the Italian Government will be ultimately responsible for all issues of pay regarded as advances on their behalf. The issues of pay referred to are the issues of pay to all grades and ranks of the service units consisting of Italian volunteers. Other financial questions relate to the rates of advances which will necessarily vary in the different areas involved but which will not increase the liability of the Italian Government under the Geneva Convention.
4. I am sure that you share my desire that our discussions on the main agreement should not be prolonged or affected by these financial considerations which can be dealt with separately.

S.E. Generale Pietro Gazzera.

NOEL MASON MACPARKANE,
Lieutenant-General,
Chief Commissioner.

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133.0 POW Agreement

Salerno.DSH 391
23 MAR 1944

19 March 1944

As requested I forward herewith a short memorandum to give you some background and clarification in connection with the pending agreement on the subject of Italian Prisoners of War which we discussed yesterday afternoon.

The attached document is naturally an unofficial one and it is an endeavour on my part to clarify for you the certain points on which I understand you desired further information.

I was very glad to meet you yesterday and to commence a collaboration on the subject of the Italian Prisoners of War in American and British hands and I am sure that our work together will take place in an atmosphere of solidary comradeship.

I hope that you will let me know at once when you are prepared for our next meeting in connection with this Prisoners of War Agreement and that I shall have the pleasure of meeting you again at a very early date.

ROEL MASON MACFARLANE
Lieutenant General
Chief Commissioner

His Excellency General Gazzera
Alto Commissario Per I Prigionieri Guerra
Cape Del Governo
Salerno

383,6 POW agreement

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file/100 S.

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DSJ 391 (Encl)
23 MAR 1944

The necessity for an agreement is that in territories where the British or United States authorities are holding Italian P/W it is essential to suspend certain provisions of the P/W Convention by agreement with the Italian Government in order that their labour may be used to the greatest advantage of the common war effort.

The proposed agreement is not contrary to the Convention but is specifically permitted by its provisions to allow for variation by agreement. The British and Italian Governments made many such agreements during hostilities. The restrictions which it is proposed to alter by agreement prevent Italian P/W from working for the common effort and thus conflict with co-belligerency.

These clauses which prevent a P/W from assisting the war effort of the detaining government have no application when his government have declared common cause with the government detaining the prisoner. Marshal Badoglio instituted a similar arrangement with General Eisenhower in North Africa by which Italian P/W were allowed to do war work and which has worked satisfactorily.

It is intended, as far as volunteers are concerned, to drop all reference to them as Prisoners of War. They will be Italian soldiers employed on service duties similar to those performed by British and American soldiers and helping by their work to defeat Germany and end the war. They are, in fact, retaining all the benefits of the Convention, including the activities of the I.R.C.C. and Y.M.C.A., and with their own officers in place of the Swiss representatives.

The objects therefore of the Agreement are:-

(1) To do away with those articles of the Convention which prohibit certain classes of work and so meet the Italian Government's declared wish for full cooperation as co-belligerents.

(2) To substitute for the representatives of the protecting power Italian military representatives with means of direct communication with their government.

The Convention itself (Article 83) allows an agreement of this sort to be made. The other provisions of the Convention will remain unaffected; e.g., those governing standards of feeding, accommodation, inspection, complaints, etc.

The following are short notes on the main points of the Draft Agreement:

(1) Retention of P/W Status. This is unavoidable in British and United States territories in order to maintain the necessary discipline, since no sentence, either by a British/American or Italian

DSH 391 (2nd)
23 MAR 1944

officer, imposing a restraint on liberty in any such territory would otherwise be enforceable. Nor would it be possible to make any payments in the U.S.A. P/W status will not be apparent; e.g., it is proposed to call the units "Italian Labour Battalions"; only those who misbehave will be affected.

(2) Suspension of Articles 9, 31 and 32. These articles limit the nature and locality of work and are as such inconsistent with co-belligerency. It is clear from the agreement that the work on which Italians will be employed will not differ from that which any British or American soldier would be required to perform.

(3) Replacement of Protecting Power. Communications are at present passing with great difficulty from the Swiss Government in Bern to the Italian Government. It is directly to the Italian advantage and consistent with co-belligerency that Italian officers should be responsible for looking after the interests of Italian soldiers and should be able to report direct to their own government.

In the U.K. the proposals will in practice work out as follows. It is the intention of the U.S. to implement the Agreement along generally similar lines, modified as necessary to meet local conditions.

(1) Organization. At present Italian P/W have no military organization--Italian combatant officers are segregated from their men and have no employment--WOs and NCOs have no definite unit to command except a hut or a working party.

It is proposed to organize them, either into battalions or companies, under their own officers, WOs and NCOs. The battalion or company will be commanded by a British officer, Italian officers, WOs and NCOs being responsible for maintenance of discipline and good order, though imprisonment or detention will only be given by a British court or officer. These Italian units will work under their own officers, WOs and NCOs and will perform their own provost duties. There will be no British escort, whereas at present parties of any size go out to work under escort.

(2) Wire. At present the great majority are in camps with barbed and dannert wire, patrolled by armed British guards. It is proposed that at camps the only wire to be left will be that delimiting the boundary of the camp--hostels of which there are some 260 will have no wire, whilst many companies will be accommodated in vacated British lines with no wire.

(3) Clothing. At present Italian P/W wear large colored patches, and only those wear badges of rank who have retained those

DSJ 391 (ind)
23 MAR 1944

they wore when captured or have received ~~them~~ from Italy. It is proposed that they should wear battle dress similar to that worn by the British soldiers, but of a distinct color with a field service cap of the same Color--ITALY in red on a white ground shoulder title. Camp police will wear a brassard. Badges of rank will be those applicable to units in the Italian Army---Good conduct badges will be worn.

(4) Welfare. Except on their way and to and from work, P/W are not at present allowed out of their camp or hostel. Italian medical officers and chaplains have their own mess inside the wire perimeter. P/W are not allowed to communicate with men in other camps. It is now proposed that Italian officers should generally share the British Officers mess. Special arrangements are being made for film and stage shows and concerts provided by Italian organizations. Every camp will have bounds within which Italians can exercise outside the camp when not at work. In addition to the continuance of free mail to and from Italy (incidentally they would lose this if their status was changed), they will be able to correspond with men in other battalions. Rest camps are under consideration.

(5) Liaison Officers. Italian officers appointed as liaison officers will act as representatives of the Italian Governments. They will visit camps and, as far as possible, deal with complaints on the spot with the military authorities. They will be able to forward reports to the Italian Government.

~~TOP SECRET~~

CORDING *Adg*

DSH 386
21 MAR 1944

fatima may
MAR 19

~~TOP SECRET~~
PRIORITY
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I HAD MY FIRST DISCUSSION ON THE SUBJECT OF THE NEW PRISONERS OF WAR AGREEMENT WITH
GENERAL GAZZERA AND FURTHER YESTERDAY PD WAS IN FREEDOM FOR GENERAL WILSON USA
BRITISH ROYALTY MINISTER AND CIVIL AFFAIRS MINISTER FILLOT FOR GENERAL ALEXANDER
FROM FATIMA FROM MONTREAL PERSONAL PAPER THEY AGREE FOR TIME TO CONSIDER OUR
PROPOSALS AND HAVE PROMISED TO MEET ME AGAIN AT THE EARLIEST POSSIBLE DATE PD
IN PRELIMINARY DISCUSSION THEY STRESSED VERY MUCH THE VERY GREAT INTEREST IN THE
PRISONERS OF WAR QUESTION AND THE INTENSE ANXIETY ON THE SUBJECT MANIFEST THROUGHOUT
ITALL PD IT IS CLEAR THAT IT IS GOING TO BE DIFFICULT TO URGE THE ITALIAN GOVERNMENT
TO AGREE TO THEIR PRISONERS OF WAR RETAINING THE STATUS OF PRISONERS OF WAR EVEN
WITH THE MANY ADVANTAGES WHICH THE NEW AGREEMENT PROVIDES PD I HAVE GIVEN GAZZERA
EXPLANATIONS ON SEVERAL POINTS OF WHICH HE DESIRED CLARIFICATION AND I MADE IT
VERY CLEAR THAT ALTHOUGH I WAS PREPARED TO AGREE TO MODIFICATIONS IN THE FORM
AND PRESENTATION OF THE DRAFT AGREEMENT THERE COULD BE NO CHANGE IN THE PRINCIPLES
AND CONDITIONS WHICH REPRESENTED DEFINITELY THE LAST WORD OF THE AMERICAN AND
BRITISH GOVERNMENTS ON THIS SUBJECT

38316 POW Agreement

RECEIVED
21 MAR 1944

- DISTRIBUTION:
- 2 - AG Files
 - 1 - Chief Comm
 - 1 - Dep Chief Comm
 - 2 - Dep Sec Gen

M 114
19 Mar

AUTHENTICATED:

MAJOR HARRY MONTAGNA
Lieutenant General
Chief Commissioner

File

~~TOP SECRET~~

~~SECRET~~

FATIMA 1312

DCC ✓

DSB 365
18 MAR 1944

SF

FATIMA (GEN MACFARLANE C COMM)

13th. March. 1944.

SECRET

10050 MACFARLANE

PRIORITY

FREEDOM

GENERAL JEPP HAS ARRIVED AND I AM READY TO COMMENCE DISCUSSION OF PRISONERS OF WAR AGREEMENT WITH ITALIAN GOVERNMENT BUT HAVE NOT YET RECEIVED MY OFFICIAL INSTRUCTIONS NOR THE OFFICIAL TEXT OF THE DOCUMENTS AGREED BY THE ALLIED GOVERNMENTS PD PAHEN TO AMHQ PERSONAL FOR GENERAL WILSON FROM FATIMA FROM MACFARLANE PERSONAL PAHEN I HOPE YOU WILL EXPEDITE THEIR ARRIVAL

Following cables refer :-

Nakusa NAGAP

64551

64552

15 Mar.

Forwarded to Gen Macf.

15 March

2258
NOEL MASON MACFARLANE
Lieutenant-General,
Chief Commissioner.

383.6 POW agreement

(21)

1112

13 Mar

~~SECRET~~

17 MAR 1944

SECRET

COPY

DSH 331
13 MAR 1944

M/c NO 31/10

OF PRIORITY

REF NO 62769

FROM FREEDOM

HQ ACC, APO 374
Secy Gen
11 Mar 1944
JHD

FILED 101809 MAR

TO FATIMA

RED'D 101905 MAR

REFERENCE BADGLIO AGREEMENT. EARLY CLEARANCE BY COMBINED CHIEFS OF STAFF EXPECTED. GEN GEPP, LT COL PHICLIMORE FROM WAR OFFICE AND DEANE FROM FOREIGN OFFICE LEAVY BY AIR TOMORROW 11 MAR ETA NAPLES 1420 HOURS. THEY WILL BE AT YOUR DISPOSAL TO ADVISE ON DETAILS AND BACKGROUND. PLEASE ARRANGE MEET THEM AT NAPLES.

DISTRIBUTION:

ACTION - Hq Comdt
INFO - Secy Gen
Depp CC
Ex Offrs (Est Br)
CA Br
File
Float

Seen: FNMM, 11/3

383.6 Agreement

2225

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Ex 62769
10 Mar

FATIMA 1642

DSB 252
8 MAR 1944

FATIMA (GEN MACFARLANE C COMM)

4th. March, 1944.

RESTRICTED

10050 MACFARLANE

PRIORITY

FRSIXE

5-9-40 C
YOUR MESSAGE FIVE NINE FOUR ZERO SIX FROM PD. PARH TO ATEL FROM FATIMA FROM
MACFARLANE PERSONAL PAPER I ALSO AM NOT INTERESTED

383.6 PD in cypher

L.T. MONTAGUE
2 LT AGD
Asst. Adjutant.

(2) j (2)

1642 FROM

4 am

RESTRICTED

~~SECRET~~

INCOMING MESSAGE

REFERENCE COPY

SECRET

PRIORITY

FROM FREEDOM CITE FHGAB

TO FATIMA FOR MACFARLANE FOR ACTION

M/C NO : 24/03

REF NO : 59406

FILED : MAR 031444A

REC'D : MAR 031730A

REC'D SEC'Y GEN : 4MAR 0945A

Look at your 1467 of 1 March. MY 58124 was premature. Position is proposals for submission to Italian Government now being discussed at Washington. Anticipate instructions will be sent from CCOS shortly.

New Subject. Troopers propose General Gepp should join you as adviser for these negotiations but neither Washington or Supreme Commander are particularly enthusiastic. See my 58752 of 1 March. If Gepp comes, he will act purely as your adviser. Agreed Makins.

ACC DISTRIBUTION:

Action: Sec'y Gen

Info: Dep CC
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59406

3 min

583.6 POW signature

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FARGO 1467

PS 204
8 MAR 1944

FARGO (GEN MACFARLANE C CODE)

1st. March, 1944.

~~SECRET~~

10050 MACFARLANE

URGENT

FROM

3-8-44 OK
 YOUR URGENT NUMBER FIVE EIGHT ONE TWO FOUR WITH INADEQUATE ADDRESS HAS BEEN DELIVERED TO
 ME BY FARGO FROM MACFARLANE PERSONAL TO AFTER ED GIVE FARGO ONE FOUR SIX SEVEN PD
 PART ONE PD I HAVE NEVER SEEN THE QUOTE SUGGESTED ALTERATIONS IN FORMS OF BALOGGIO
 AGREEMENT CONCERNING PRISONERS OF WAR UNQUOTE PD NEITHER HAVE I ASKED FOR QUOTE ANYONE
 TO SUPPORT ME IN REFERRED NEGOTIATIONS UNQUOTE PD
 PART TWO PD APPOINTMENT OF GENERAL GAZZERA BY BALOGGIO GOVERNMENT REPORTED IN MY FARGO
 ONE THREE NINE ZERO WAS A COMPLETE SURPRISE TO ME AND I HAVE HAD NO APPROACH FROM THE
 BALOGGIO GOVERNMENT PD
 PART THREE PD IF YOUR TELEGRAM UNDER REFERENCE WAS ADDRESSED TO ME I CANNOT COMMENT
 WITHOUT KNOWING WHAT ALTERATIONS HAVE BEEN ACCEPTED BY WASHINGTON PD I HAD NO INTENTION
 OF TAKING UNILATERAL ACTION OR OF PERMITTING ITALIANS TO DO SO

995
 1. T. MONTAGNI JR
 2 LT AGD
 Actg. Adjutant.

② J

1944
 1 Mar

2 - MAR 1944

291855A

M-4985

RAD

D.C.C.

4619

RECEIVED AT

PENINSULAR BASE SECTION
SIGNAL MESSAGE CENTERD54 258
18 MAR 1944

29 FEB 44

~~SECRET~~~~URGENT~~

CG PBS FOR MACFARLANE

FARGO

~~FREEDOM~~

291620A

291855A

58124

NONE

1ST. MILSTAFF REPORTS ACCEPTANCE BY WASHINGTON OF ALL SUGGESTED ALTERNATIONS IN FORMS OF BADOLLO AGREEMENT CONCERNING PT. OBJECTIONS ALSO MET BY MODIFICATIONS CONSISTENT WITH CARDINAL PRINCIPLE THAT PERSONNEL REMAIN PT.

2ND. CONSEQUENTLY UNLESS YOU NOW DEMAND IT THERE IS NO INTENTION OF THEIR SENDING ANY ONE TO SUPPORT YOU IN RENewed NEGOTIATIONS.

3 RD. MOST UNFORTUNATE IMPRESSION WOULD BE CREATED BY ANY CONVEYANCE OF ANY SUGGESTION HOWEVER ILLFOUNDED OF UNILATERAL ACTION PARTICULARLY IN VIEW OF EXTENT TO WHICH AMERICANS HAVE ACCEPTED OUR SUGGESTIONS.

4TH. YOUR COMMENTS URGENTLY REQUESTED.

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Action: Hq ACC
Info : G-2
Secy
CG

ACC DISTRIBUTION:

Action: Secy Gen.
Info : Dep CC
CA Br
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58124

29 Feb

16867

2 - MAR 1944

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CONFIDENTIAL

FARGO 1990

SF

FARGO (GEN MACFARLANE C CORR)

28th. February. 1944.

CONFIDENTIAL

10050 MACFARLANE

ROUTINE

FREEDOM FOR CHIEF OF STAFF AND M.O.S. REPEATED HEADQUARTERS A.C.M.F. FROM
MACFARLANE PERSONAL

_____ Radoglio has nominated General Canziani quote to take up with
the A.C.C. all matters in reference to Prisoners of War unquote. He will be
located at Salerno. He has been ordered to examine the whole question with
Foreign Minister Brunoe and he will report direct to Radoglio

383.6 PDW

9220
9220

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1396
28 Feb

14 MAR 1944

24/2/44

File No. 565

Salerno, 25 February 1944

Private Secretary to the Chief of Government

TO: GENERAL NOEL MASON MACFARLANE
Chief of the Allied Control Commission
Naples

Dear General:-

By order of H.E. Marshal Badoglio I send you for your information letter No. 564 of February 25, by which General Gazzera is delegated to take up with the Allied Control Commission all which refers to Prisoners of War.

Respectfully Yours.

PRIVATE SECRETARY OF THE
CHIEF OF GOVERNMENT
/s/ (Lt. Col. G. Valenzano)

(6)

565
25 Feb

9219
9219

4 MAR Recd

File No. 564

OFFICE OF THE CHIEF OF GOVERNMENT

Salerno, 25 February 1944

TO H.E. THE MINISTER OF FOREIGN AFFAIRS
TO H.E. THE MINISTER OF THE INTERIOR
TO H.E. THE MINISTER OF JUSTICE
TO H.E. THE MINISTER OF FINANCE
TO H.E. THE MINISTER OF WAR
TO H.E. THE MINISTER OF THE NAVY
TO H.E. THE MINISTER FOR AIR
TO H.E. THE MINISTER OF NATIONAL EDUCATION
TO H.E. THE MINISTER FOR PUBLIC WORKS
TO H.E. THE MINISTER OF AGRICULTURE AND FORESTS
TO H.E. THE MINISTER OF COMMUNICATIONS
TO H.E. THE MINISTER FOR INDUSTRY AND COMMERCE

TO H.E. THE GENERAL GAZZERA

and for information

TO THE PRESIDENCY OF THE COUNCIL OF MINISTERS

AT THEIR SEATS

H.E. General Gazzera is empowered to take up with the Allied Control Control Commission all matters in reference to prisoners of war.

He will move to Salerno where he will examine what has already been done in the matter by Minister Prunas.

He will have complete liberty of action and movement, of course, rendering account to me of what he will have intention of doing.

/s/ BADOGLIO

22/8

WAR Recd

27/2/44

C O P Y

HEADQUARTERS,
ALLIED CONTROL COMMISSION
APO 394

DS 11 124
22 FEB 1944

15th February 1944

Dear General,

50563 of 13th

I enclose copy of reply to General Mason MacFarlane's telegram sent after consultation with you on 7th February. He would like to discuss it with you on his return from Bari to-morrow or the next day.

init'd (M.G. Bush)
MGB

Major-General Sir Brian Robertson, Bari
Deputy Chief Administrative Officer,

A F H Q Adv Adm Echelon
C M F

(5) a

15 Feb

Office of the Deputy Chief Administrative Officer

2215

✓

121710A

N-1930

copy

TELEGRAM

RAD 3143

PS 28124
22 FEB 1944

RECEIVED AT

: PBS MSG GEN SIG

13 Feb 44

~~SECRET~~

PRIORITY

TO (ACTION)
(INFO): CG PBS FOR FARGO FOR GEN MACFARLANE (PERSONAL)
: ACMF, FLAMBO

FROM

: FREEDOM

DATE TIME SIGNED

: 121128A

DATE TIME REC'D

: 121710A

REFERENCE NR.

: 50563

CITE

: NONE

REF YOUR FARGO 785 OF 7 FEB. 1ST. DESPATCH TO ITALY OF ITALIAN
EX PW IS UNAVOIDABLE. BRITISH MANPOWER SHORTAGE IMPOSES ON US
 NECESSITY TO MAKE INCREASING USE OF ITALIAN EX PW AS DILUTES
 WITHIN WAR ESTABLISHMENTS OF BRITISH UNITS. SUCH UNITS INEFFECTIVE
 WITHOUT THEIR ITALIAN COMPONENT. ENTIRELY BRITISH UNITS NOT AVAILABLE
 TO MEET ALL CMF REQUIREMENTS. 2ND. POLICY OF WHETHER ITALIAN PIONEER
 UNITS SHOULD BE SENT TO ITALY DEPENDS ON LABOUR SITUATION THERE. IF
 LABOUR DEMANDS CANNOT BE MET FROM OTHER SOURCES WE HAVE NOTHING ELSE TO
 SEND. DIRECTOR OF LABOUR FROM AFHQ IS NOW IN ITALY STUDYING THIS PROBLEM.
 3RD. DISADVANTAGES FULLY RECOGNISED. AMERICANS FACED WITH SIMILAR PROBLEM
 STATE THAT IN SICILY EX PW UNITS AND ITALIAN ARMY UNITS NOW WORKING ²² ~~CONTEND~~ ²² ~~CONTEND~~
 ALONGSIDE EACH OTHER BUT THEY DO NOT INTEND TO USE ANY IN ITALY AT PRESENT
 ON ACCOUNT OF SECURITY IE ATTEMPTS BY PW TO ESCAPE THROUGH OUR LINES. 4TH
 EVERY EX PW EMPLOYED HAS SIGNED VOLUNTARY CERTIFICATE THAT HE IS PREPARED

50523

INCL (1) ✓

15 Feb

N-1930 (PAGE 2)

TO WORK FOR ALLIES AGAINST GERMANY. THIS IN ACCORDANCE WITH
 BADOGLIO MANIFESTO IN WHICH HE CALLED UPON ALL PW TO ASSIST
 UNITED NATIONS IN WAR EFFORT AGAINST GERMANY IN EVERY WAY EXCEPT
 BY ACTUAL COMBAT. THIS WAS POSTED IN ALL PW CAMPS. IT IS CONTENTED
 THAT THE BADOGLIO MANIFESTO INDICATED HIS INTENTION NOT TO PROTEST
 TO THE PROTECTING POWER IN CASE VOLUNTEERS DID NON COMBAT WORK
 TO AID THE WAR AGAINST GERMANY IN CONTRAVENTION OF ARTICLE 31.
 USE OF PW IN THIS MANNER IN ITALY IS OF REAL ASSISTANCE TO UNITED
 NATIONS WAR EFFORT. 5TH. DILUTEES AND UNITS WILL THEREFORE BE VOLUNTEERS
 WORKING UNDER SPECIAL REGIME FOR UNITED NATIONS. INTEND TO ISSUE BRITISH
 BATTLEDRESS AND DRILLS IN SUMMER. A SLIP ON BADGE WITH THE WORD ITALY
 TO BE WORN ON THE SHOULDER STRAP ABOLISHING PW BADGE. 6TH. RESIDENT
 MINISTER'S OFFICE AGREES WITH ABOVE IN VIEW OF MANPOWER SITUATION. 7TH.
 REGARDING DEADLOCK OF PW AGREEMENT C IN C HAS RECOMMENDED TO COS FOLLOWING
 2 ALTERNATIVES. (A) LEAVE MATTERS AS THEY ARE UNDER BADOGLIO MANIFESTO
 TO PW. (B) IF AN AGREEMENT IS REQUIRED THAT IT BE LIMITED TO MODIFICATION
 OF ARTICLE 31 OF THE GENEVA CONVENTION.

ACTION HQ AGO
 INFO Gp2
 1 Secy
 1 CG

ACC Dist
 ACTION PA TO CC
 INFO RC & MG Sec
 " DP Sub Comm
 " Lan Forces SC

FARGO 785-47

~~SECRET~~

7 FEB 44

10050 MACFARLANE

FARGO

~~SECRET~~

PRIORITY

FREEDOM (ACTION) HQ AGENT (INFO)

I UNDERSTAND FROM GENERAL ROBERTSON THAT IT IS INTENDED TO SEND ITALIAN PRISONER OF WAR LABOUR UNITS FOR WORK IN ITALY AND THAT ONE HAS ALREADY ARRIVED PD PLEASE ADVISE FARGO FROM MACFARLANE PERSONAL PAREN TO AFHQ FOR HQS FOR GENERAL GAMMEL FOR MACMILLAN AND CIVIL AFFAIRS RPTO HQ AGENT ^{For Info} PD CITE FARGO SEVEN EIGHT FIVE PD IN VIEW OF THE DEADLOCK OVER THE PETER WILLIAM AGREEMENT I WOULD LIKE TO KNOW YOUR POLICY AS REGARDS HAVING ITALIAN PETER WILLIAM LABOUR AVAILABLE IN ITALY PD YOU WILL REALIZE THE OBVIOUS DISADVANTAGES OF HAVING ITALIAN PETER WILLIAM WORKING IN TERRITORY HANDED BACK TO THE ITALIAN GOVERNMENT AND OF HAVING PETER WILLIAM UNITS WORKING UNDER BETTER PAY AND CONDITIONS THAN THE ITALIAN ARMY PD PLEASE ALSO THAT UNTIL WE SECURE AGREEMENT OF ITALIAN GOVERNMENT SUCH UNITS WOULD NOT BE CALLED UPON TO DO WORK CONTRARY TO CONDITIONS OF GENEVA CONVENTION

copy to
Gen. MacFarlane

INTERNAL DISTRIBUTION:
Political Section
Land Forces Sub-Comm.
Orig. Lush

L.F. NICKEL,
Lt. Col., AGO,
Adjutant General.

~~SECRET~~

785-
7 Feb

COPY

SECRET

Reference DP/G/26

30th. January, 1944.

Subject: Prisoners of War Agreement.

To: Allied Force Headquarters.

For the attention of Lieut-General James Gammel, Chief of Staff.

OK

By telegram number 617 of 30th. January.

1. I enclose herewith copy of note verbale received from Marshal Badoglio and a translation. These were handed to Vice-President Ellery Stone by Marshal Badoglio last night and reached me this morning.
2. My principal comment on the present impasse is as follows. -
3. I am very doubtful indeed of our being able to obtain the agreement of Badoglio and his government to any agreement regarding Italian Prisoners of War in the hands of the United States or the British Commonwealth unless we are prepared to accept the following. -
 - (a) That Prisoners of War who volunteer and are accepted for duty in organised labour units cease to be considered Prisoners of War.
 - (b) That Prisoners of War who are not included in such labour units shall continue to be dealt with as Prisoners of War in accordance with the Geneva Convention.
4. My opinion in this respect is shared by all my responsible advisers here.
5. I realise very fully the extreme urgency of coming to an agreement regarding the use of our Italian Prisoner of War resources for purposes other than those allowed under the Geneva Convention. I have now led Badoglio to the water firmly on several occasions but I cannot induce him to drink in the way we wish him to. Taking all the circumstances of the case into consideration I feel personally that we are possibly asking rather too much of him.

2213

Lieutenant-General
Deputy President.

② h

DP/G/16

307

U. S. SECRET

Equals British SECRET

ALLIED CONTROL COMMISSION

INCOMING

MESSAGE

/afe

31 JAN 1944 3.06 7

M/C/RELAY NO. 932/30

M/C NO: 2/31

CLASS: SECRET

FBS 6843
REF NO: FARGO 617

PREC: URGENT

FILED: Jan 30 2021A

FROM: PENBASE (FARGO FROM MACFARLANE)

REC'D: Jan 31 0019A

TO: AFHQ FOR MGS RPTD HQ ACOM FOR INFO, FOR FATIMA REAR FOR INFO

My number 562 of 28 January refers. Prisoners of War Agreement.

I have just received a note verbale from the Italian Government signed by Badoglio. A lengthy document which details the reasons for which the Italian Government decline to accept the agreement. Vice President Stone who received the note verbale from Badoglio personally agrees with me that there appears to be no prospect of getting Badoglio to sign an agreement on the lines of the one we have presented to him. In the note verbale the Italian Government refer to their Ministry of Foreign Affairs Memorandum Number 42 of 5 January forwarded to you by General Joyce under number 383.6 of 8 January. This concerns a plan for the disposal of Italian prisoners of war alleged to have been discussed between General Gazzera and the Provost Marshal General and Generals White and McNeary in the United States. The Italian Government again proposes that the whole question of Italian prisoners of war should be referred to a small mixed commission of Italians, Americans and British. I have informed Badoglio that I am forwarding his note verbale to you at once. I am sending you the original note verbale with translation and my comments by hand of MacMillan.

DISTRIBUTION:

2 - AG
1 - Diary
1 - C/S

U. S. SECRET

Equals British SECRET

30 Jan

SF

29 January 1944

MEMORANDUM FOR: General MacFarlane

Confirming our telephone conversation this evening, I met with the Marshal at 6 PM. He informed me that:

a. His "technicians" were working on the transfer documents and he would be ready to discuss them with me tomorrow (Sunday).

b. He handed me a Note Verbale with reference to the Prisoners of War Agreement and he reviewed the various points made therein. (The original together with a hasty translation are enclosed.)

I asked him to state his position with respect to the agreement as submitted and he reaffirmed the position taken with you--that he could not and would not sign. Among other points he made, he stated that there was not a street in Italy on which he could walk without being stoned, if he signed the Agreement as tendered. He said that the worst that could happen to him would be for the Allies to make him a prisoner of war for refusing to sign it, but at least he such he would have the protection of the Geneva Convention, which he was being asked to sign away on behalf of almost a half a million Italian soldiers.

My impression is that he has made his decision and will not yield.

I am enclosing a copy of the letter of January 5th addressed to General Joyce which is referred to in the Note Verbale.

With reference to the Bari political meeting, he said that the Government had not the slightest intention of taking action of any sort as result of any of the speeches made or resolutions adopted. The meeting had adjourned this afternoon with the delegates returning to their homes, order had been maintained as he had promised you, and the Government was not disturbed by anything that had transpired.

ELLERY W. STONE
Captain, USMC
Acting Chief of Staff

④ a

EWS
29 Jan

5511

TRANSLATION

COPY

Royal Ministry
for the Interior

Note Verbale

1. The Royal Government has very carefully examined the projected special agreement between Italy on one hand and the British Commonwealth and the United States on the other, for the organization and the employment of Italian prisoners of war at present controlled by these two Powers.

2. According to the terms of this plan, the agreement must be concluded in conformity with the "expressed intention of the Italian Government to cooperate with the United Nations to the discomfiture of the Germans." We point out that the intention of fighting the Germans was expressed by the Royal Government at the time of the Armistice and was made concrete in the subsequent five months in the effective military cooperation, the increase of which would have been much greater, had the Allies permitted, than it was. Therefore, it is no longer a question of intention but of an already existing collaboration to be integrated through use of the prisoners of war.

3. According to Art. 1 of the projected agreement Italian prisoners of war, under the control of the British Commonwealth and the United States, can have the opportunity, at the discretion of these two powers, to volunteer for service in units or formations organized along a military basis or to be otherwise employed under the command, not only North American and British, but of any of the United Nations, in any part of the world and in any work that may be considered advisable for the interest of the common cause by any of these aforementioned governments.

The employment and use of our prisoners could not have therefore (despite the fact that the preamble talks exclusively of the war against Germany) any geographic limitation and they could consequently be employed in any of the five continents and by any of the 44 United Nations. Their employment, furthermore, would not have any limitations of task or function; they therefore could be used in any work, even lowly, which could be imposed upon them by the above-mentioned Nations.

Our soldiers thus employed at the complete and absolute discretion of others, would nevertheless continue to keep their status of prisoners of war, with the simple assurance that their treatment would be ameliorated, only if and when circumstances would permit it.

4. The same Article 1 disposes that all Italian prisoners who do not wish to enlist as volunteers, or whose services are considered impractical or undesirable by any of the above Governments, shall be subject to employment anywhere or in whatever kind of work deemed convenient by the Government which detains them and shall be treated exactly as they were before the Armistice.

4
Note Verbale
28 Jan

5. Although the status of prisoners of war shall remain unchanged, Article 4 states that the protection allowed to our prisoners by the Geneva Convention of 27 July 1929, be declared invalidated, and Article 8 does the same for all dispositions of that Convention which are in contrast with the project itself in substance, that is to say, Italian prisoners would lose every protection allowed them under International Conventions and the Royal Government would lose all possibility of decision or initiative on their behalf.

6. Finally, the agreement, according to Article 7, can be denounced (declared void) without prior notice, and, for what concerns it, any power, except Italy, naturally, all payments made to components of Italian forces (as per the terms of the financial agreement annexed to the principal agreement) would be charged to the Royal Government; a Marshal of Italy (and all others proportionately) would be paid notably less than a policeman, etc.

7. We believe that the simple exposition of the dispositions of the agreement made heretofore is enough in itself to show the reasons why it cannot even constitute a basis for discussion. Any Government who wished to sign it would be undoubtedly overthrown by the public opinion of liberated Italy and would fall automatically in the most certain discredit in the eyes of Italians in occupied territory. On the other hand, it not only cannot constitute an incentive to the collaboration of prisoners of war, which should be the fundamental purpose of the agreement and the common aim to attain, but, on the contrary, its very harsh dispositions would discourage and nullify in an absolute manner every and any intention in that sense.

8. The Royal Government brings to your attention that General Gazzera, in November last, had talks in Washington with the Provost Marshal General and with Generals White and McManny of the United States General Staff, in regard to a project of general outline, relative to the military organization of Italian prisoners of war, for their employment in auxiliary services in the United States, and also for the preparations to conduct the war on the Italian front. According to the information given to General Gazzera, the above-mentioned project, which has received the general approval of those high-ranking United States officers, was to be translated into a plan of agreement to be subjected to the approval of the Italian government and to that of Great Britain, in order to be put into action both in regard to Italian prisoners held in the United States, and for those under control of the British Commonwealth. Such a project was mentioned to the Allied Control Commission by means of a letter addressed to General Joyce on 5 January, together with a plea that all initiations of execution of measures prematurely adopted in India in regard to our prisoners, of which General Piacentini, upon his return from imprisonment, informed us, should be suspended.

The Royal Government recalls the attention of the Allied Control Commission on the Gazzera-Provost Marshal General plan and has the honor to propose that a small, mixed commission of Italians, Americans and British be immediately appointed by the three parties for the purpose of discussing the whole question and of arriving at a careful, amicable solution.

The Royal Government affirms, in conclusion, its most firm decision to integrate in its war effort the all-out cooperation of its prisoners; it remembers that they add up to, roughly, between Great Britain and the limited States, about 27,000 officers and 420,000 N.C.O.'s and EM (therefore, a problem which directly affects, with their families, 3 or 4 million Italians); we are confident that the means of utilizing and employing them, which will be discussed by the Allies, will be the most likely to reach the common aim, which is that of fighting the Germans, and, at the same time, five months from the Armistice, they will also be the most likely to influence favorably, while safeguarding the human dignity of the Italian people, the relations between the respective Nations.

/s/ Badoglio

2208

~~U. S. SECRET~~
 Equals British ~~SECRET~~

JAN 1944

2951

ALLIED CONTROL COMMISSION INCOMING MESSAGE /dfe

SVC/RELAY NO.

M/C NO : 32/28

CLASS: SECRET

REF NO: FBS 6608
FARGO 562

PREC : OP-PRIORITY

FILED : Jan 281814A

FROM : PENBASE (FARGO FOR MACFARLANE PERSONAL) CITE
FARGO 562

REC'D : Jan 282200A

TO : AFHQ RPTD HQ ACOMF AND FATIMA REAR

With reference my 2116. Prisoners of War Agreement. I saw Badoglio yesterday. He said that he had considered the agreement carefully with his colleagues and that he could not possibly sign it. He stated that if he signed the document he would lose face entirely with the Italian people and that he would resign rather than sign. He pointed out that with half a million prisoners of war affected probably four million or more Italians were intimately concerned. He proposed that a committee should be formed consisting of Signor Prunas, General Gadzera and British and American representatives to reconsider the whole question. I argued forcibly and at length with the Marshal and produced I think every possible reason why it was urgently necessary that the agreement as presented should be immediately concluded. I told the Marshal very strongly that his refusal to sign and his counter proposal would inevitably be very mal vue by the American and British Governments. He remained adamant and it was impossible to shake him. I saw him again this morning. I told him that if he still declined to sign he must state most urgently and specifically exactly what ²²⁰⁷ objections are. I insisted on his giving me at once his specific reasons and refused to accept a refusal in general terms to sign. He asked for time to produce a detailed report and promised to let me have it tonight. I finished our talk by impressing upon him once again the great urgency which the Allied Governments attached to the question.

DISTRIBUTION: AG--2, Diary--1.

~~U. S. SECRET~~
 Equals British ~~SECRET~~

~~SECRET~~

FARGO 579

FARGO

28 JANUARY 1944

SECRET

10050 MACFARLANE

PRIORITY

FATIMA REAR

US
268

LETTERS YOURS OF TWO SIX JANUARY PD MANY THANKS

PD PENBASE PAREN FARGO FROM MACFARLANE PAREN TO FATIMA REAR PERSONAL FOR STONE PD
CITE FARGO FIVE SEVEN NINE PD ONE PD HAVE SIGNED AND AM RETURNING SHORTER OF
ALTERNATIVE LETTERS TO MESSE PD TWO PD LETTER ABOUT BARI AND PETER WILLIAM
BAKER ENCLOSURE GIVEN TO CACCIA PD THREE PD HAVE ASKED FOR ORDERS RE SOLDARELLI
PD FOUR PD GENERAL SOLODOVNIK SHOULD COME TO NAPLES PD FIVE PD HAVE PRESSED
FOR RETURN SELECTED ITALIAN PETER WILLIAM OFFICERS PD ASK DUCHESNE PRODUCE
SHORT LIST OF MOST URGENT CASES PD REFERENCE BATTLESHIPS PD YOU SHOULD REPLY
IN TERMS YOU SUGGEST PD I HAVE DEALT WITH KING'S POLITICAL INTENTIONS PD HAVE
SIGNED AND AM RETURNING LETTERS TO MESSE RE POINTS OF LECCE MEETING PD
BADOGLIO HAS JIBBED BADLY AT PETER WILLIAM AGREEMENT PD WILL TELEPHONE YOU
TODAY PD AM RETURNING ALL YOUR PAPERS.

L F NICKEL
Lt Col AGD
Adjutant General

~~SECRET~~

3306

③ a

Fargo 579
268

~~SECRET~~
~~SECRET~~

HEADQUARTERS ALLIED CONTROL COMMISSION
APO 394

EWS/afe

26 January 1944

MEMORANDUM FOR: General MacFarlane.

I am forwarding herewith two alternative letters for your signature - one prepared by Brigadier Duchesne and the other by Colonel Fiske. The Brigadier feels that you should decide which approach should be followed -- 1, put the weight of your name behind a statement of intermediate policy and needs or 2, to await the final policy directive from AFHQ and have the Army Sub-Commission merely deal with the immediate requirements as proposed by Colonel Fiske. My own feeling is that until AFHQ issues its final directive, we should steer clear of policy and concentrate on immediate requirements. If you sign the shorter letter prepared by Colonel Fiske, Brigadier Duchesne will then send the letter prepared for his signature.

Elmer W. Stone
ELMER W. STONE
Captain, USAR
Acting Chief of Staff

Captain Stone

I agree.

I have signed the shorter letter.

Wm D. 395

383,6 POW Agreement

(3) (1)

EWS

26 Jan

~~SECRET~~
~~SECRET~~

No. 785015

HEADQUARTERS ALLIED CONTROL COMMISSION
APO 394

EWS/dfe

26 January 44

MEMORANDUM FOR: General MacFarlane

In anticipation of your return today I have been holding the attached papers.

Re Freedom's 42781 on the subject of release of Italian PW officers, I think if you plan to go to Algiers before returning here, it would be wise to ask for a less stringent rule. One of the important factors in reorganizing the Italian Army to enable them to perform some of the jobs expected of them is to get rid of some of the existing "dead wood" officer material left behind on the mainland, which I understand Messe wants to do. Moreover, the attached message goes contrary to the position which I understand that you took at the meeting with Marshal Messe in Lecce this week.

With reference to the attached communication from Admiral McGrigor on the subject of the Italian battleships, will you handle this with the Marshal or shall I reply that "there is no question of the decisions already communicated to the Minister of Marine concerning the battleships being reversed?"

We are sending to Colonel Upjohn copies of recent messages from MOS on the subject of Vatican property.

I signed for you the two letters which you dictated to AFHQ and am enclosing copies.

In connection with the document relating to the King's political intentions, we have received a reply which I am enclosing. Will you want its contents communicated to the King through Acquarone or Montanari by me?

I am enclosing a letter prepared by Brigadier Duchesne for your signature, summarizing the points covered at the Lecce meeting.

When I talked to Montanari this afternoon he said that he was quite certain that the Marshal would be prepared to discuss the PW agreement with you since he had a conference with Prunas on the subject. This evening, however, he telephoned that he was afraid the Marshal might not be ready. However I am enclosing the documents. I think you have the carbon copy #12304.

It would be appreciated if you will return any of the papers for our files you do not need.

/s/ & /t/ ELLERY W. STONE
Captain, USNR
Acting Chief of Staff

③

ENS-FRAM 33
2.6 g

~~U.S. SECRET~~
 Remains British SECRET

OUTGOING

END

14/26

2171

JAN 26 1728A

SECRET

PRIORITY

FATIMA

FREEDOM

2 1 1 6 6X
 SEE FATIMA TWO ONE ONE SIX DATED JANUARY TWO FOUR TO FREEDOM PD PAREN TO
FREEDOM FROM FATIMA SIGNED MACFARLANE PAREN 4 2 8 6 1
 DATED JANUARY TWENTY FIVE SIGNED O G. NATROUSA CITE MAGAP REFERS PD WILL
 ADVISE FURTHER SOONEST

AUTHENTICATED:

KILBRY W. STONE
 Captain, USMC
 Acting Chief of Staff

DISTRIBUTION:

2 - AG Files
 1 - Diary

3303

(2) c(1)

~~U.S. SECRET~~
 Remains British SECRET

2171
 269

U.S. SECRET

ALLIED CONTROL COMMISSION INCOMING

MESSAGE

/afe

SVC/RELAY NO.

CLASS: SECRET

PREC: PRIORITY

FROM: FREEDOM SIGNED CG NATOUSA CITE NAGAP

TO: CG FATIMA FOR ACTION

M/C NO: 2/26

REF NO: 42861

FILED: JAN 25 11 13A

REC'D: JAN 25 23 10A

Combined Chiefs-of-Staff desire early action in securing signature to Prisoner of War Agreement. Desire information as to when it is likely to be signed. Reference N 314. Above is paraphrase of message 8007 received from War Department this date.

DISTRIBUTION:

2 - AG
1 - Diary
1 - c/s

*See Fatima 271
for answer*

9202

②e

U.S. SECRET

42861

25 Jan

SECRET
CUTTING

FM/BJP

4/24

2116

JAN 29 0855A

~~SECRET~~

Priority

PATINA

FREEDOM RPTD PARCO RPTD FILPOT

I TOOK UP PRISONERS OF WAR AGREEMENT WITH BADOGLIO TONIGHT. BADOGLIO STATED HE HAD REFERRED THE AGREEMENT TO PRONAS WHO IS AT THE MOMENT ABSENT FROM BRINDISI PD. PARCO TO FREEDOM RPTD PARCO RPTD FILPOT PERSONAL FROM MACFARLANE FROM PATINA PARCO HE WAS NOT PREPARED TO SIGN UNTIL HE HAD CONSULTED PRONAS AND PROMISED TO GIVE ME EARLIEST POSSIBLE INFORMATION PD THE AGREEMENT REGARDING FINANCIAL TREATMENT IS STILL UNDER CONSIDERATION BY THE ITALIAN CABINET. I stressed very strongly the great urgency for the matter.

AUTHENTICATED:

F. N. MASON MACFARLANE
Lieutenant General
Deputy President

DISTRIBUTION:

2 - AG Files

1 - Diary

1 - Dep Pres.

(2) 2 (17)

F 2116

24 Jan

SECRET

303.6 JMW signature

J.M.

~~U.S. SECRET~~
~~Excluded from automatic downgrading and declassification~~

RECEIVED

/dte

2595

1423

11999

JAN 23 1718A

JAN 23 2110A

SECRET

FEDERAL BUREAU OF INVESTIGATION

DEPUTY ASSISTANT ATTORNEY GENERAL

Letter this HQ AG 100.0-1-100, subject: "Execution of Agreement between AFM,
 and British Government, concerning Italian POW," dated 11 January 1941 and received
 30033 January 19. Letter was received your Headquarters 14 January desire issued
 into report status.

DISTRIBUTION:

- 2 - AG
- 1 - Diary
- 1 -

(2) d (6)

~~U.S. SECRET~~
~~Excluded from automatic downgrading and declassification~~

342-6-100W agreement

~~U.S. SECRET~~
~~Special Branch~~ SECRET

LUTON 1103

21 JAN 1944

503/NDP

 $\frac{3}{5}$

2053

JAN 21 1965

APPENDIX

24/07/2012

F. J. T. S.

FRIEDMAN

SUBJECT FOR UNDER INVESTIGATION INCLUDING COLLATERAL CRIMINAL INVESTIGATION
AND THAT OF SUBJECTS TO BE TAKEN AS A MATTER OF COURSE FROM THE FACTS SET FORTH
FURTHER FROM THE FACTS SET FORTH FIVE TIMES AND THE BUREAU USE TWO TO THREE PD BUREAU
ADVISE ACTION REQUEST

ATTACHED:

WILLIAM W. CARMICHAEL
Captain, USMC
Acting Chief of Staff

DISSEMINATION:
2 - G Files
1 - Diary

~~SECRET~~
~~SECRET~~

(2) d (5)

2015
21-9-15

~~U.S. SECRET~~
~~Equals British SECRET~~

ALLIED CONTROL COMMISSION INCOMING

MESSAGE

2323
 20 JAN 1944

SVC/RELAY NO.

CLASS: ~~SECRET~~

PREC: ROUTINE

FROM: FREEDOM SIGNED CITE CITE FRECAP

TO: DEPUTY PRESIDENT AOC

M/C NO: 22/19

REF NO: 30853

FILED: Jan 191133A

REC'D: Jan 191640A

Action taken on letter, this HQ AG 383.6-3 CAP-ACM Subject Execution of agreement between Allied Forces HQ and Badoglio Government, concerning Italian Prisoners of War dated 11 January 1944 is requested. Letter requested signature of Marshal Badoglio to the Military agreement attached thereto concerning the organization and employment of members of the Italian forces under control as Prisoners of War of the Government of the British Commonwealth of Nations and the United States.

DISTRIBUTION

- 2 - AG
- 1 - Navy
- 1 - Gen. MacArthur's ACTION
- 1 - C/S INFO
- 1 - Col. Fiske INFO

See Fiske
 2155

383.6 POW Agreement

~~U.S. SECRET~~
~~Equals British SECRET~~

(2) 1 (4)
 10133
 1919

U S SECRET
~~Equals British SECRET~~
ALLIED CONTROL COMMISSION INCOMING MESSAGE

/afe

CLASS: ~~SECRET~~

PREC : PRIORITY

FROM : FREEDOM RE OUR 29126, 2ND SENTENCE FROM MAKIN'S
SIGNED CINO

TO : FATIMA FRO CACCIA RPT FARGO FOR CACCIA

M/C NO: 31/17

REF NO: 30004

FILED : JAN 17 1528A

REC'D : JAN 17 2028A

Words "you should arrange that" should read "we are asked to arrange
that."

DISTRIBUTION:

- 2 - AG
- 1 - Diary
- 1 - Mr. Caccia - ACTION

(2) d (3)

30004

17 Jan

U S SECRET
~~Equals British SECRET~~

353.6 POW sign
2797

U. S. CONFIDENTIAL
 Equals British **CONFIDENTIAL**

16 JAN 1944

ALLIED CONTROL COMMISSION

INCOMING

MESSAGE

/dfo

SVC/RELAY NO.

M/C NO :6/16

CLASS: ~~CONFIDENTIAL~~

REF NO:29126

PREC :PRIORITY

FILED :JAN 15 1720A

FROM :FREEDOM FROM HARKINS SIGNED CINC

REC'D :JAN 16 0423A

TO :FATIMA FOR CACCIA REFD FARGO FOR CACOLA

Text of main agreement between General Wilson and Marshal Badoglio regarding treatment of Italian Prisoners of War was forwarded to General Joyce by pouch on January 11th with instructions that he should procure the signature of Marshal Badoglio. You should arrange this, at the same time Marshal Badoglio should sign on behalf of the Italian Government the supplemental financial agreement with the governments of the British Commonwealth, text of which was sent to you under cover of letter from ADDIS of January 9th. You should make the following alteration in the Preamble of the text of this agreement; for "whereinafter referred to as the governments of the British Commonwealth" read "for the purposes of this agreement/referred to as the governments of the British Commonwealth".

1. Suggest you should arrange for the financial agreement to be initialled six times by yourself on behalf of the governments of the British Commonwealth and by a representative of Marshal Badoglio and put into force at once. Arrangements for actual signature by Mr. Macmillan on behalf of the United Kingdom and Commonwealth governments and by General Vanier on behalf of the Canadian Government ~~may~~ be made later.

You should also secure from Marshal Badoglio agreement to the issue of a Manifesto appealing to Italian Prisoners of War to volunteer under the terms of

U. S. CONFIDENTIAL
 Equals British **CONFIDENTIAL**

2 - MAR 1944

383.6 POW Agreement

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29126

15 Jan

U. S. CONFIDENTIAL

Equals British CONFIDENTIAL

16 JAN 1944

7065

Incoming Message from Freedom from Haines, Ref. No. 29126, dtd 15 Jan 44, cont'd:

the main agreement, this Manifesto to be issued immediately after signature. Terms of this Manifesto must of course be left to Marshal Badoglio but British Government feel that following points should be covered.

(a) It is the duty of Italian Prisoners of War who are given the opportunity of doing so to volunteer to cooperate with the United Nations. It might be as well in this connection to remind them of the Declaration of War against Germany.

(b) They should do everything in their power to assist the war effort of the United Nations by obedience to orders given them by the latter authorities and by working to the utmost of their ability on any task allotted to them.

(c) Whatever the work they are called upon to do, whether it is agricultural work or unloading ships in the docks in the Middle East or elsewhere, they are doing just as much to help us as if they were fighting in the front line to clear the Germans out of Italy.

(d) The rapid conclusion of the war with the consequent possibility of their own repatriation will depend largely upon the way in which they assist the war effort of the United Nations.

Text of this Manifesto will be distributed amongst Italian Prisoners of War Camps in the British Commonwealth. Please telegraph text as soon as possible.

For your own information British and United States Governments have agreed to adopt a different procedure in appealing to Italian Prisoners of War to volunteer under the agreement. British Government wish to use Manifesto from Badoglio and do not intend to communicate the text of the agreement of Italian Prisoners of War in Camps in their hands. United States Government do not require Manifesto but will probably display the text of the agreement in their Camps for

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U. S. CONFIDENTIAL

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2 MAR 1944

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Incoming Message from Freedom from Makins, Ref. No. 29126, dtd 15 Jan 44, cont'd;

Italian Prisoners of War. United States Government intend to negotiate a supplemental financial agreement on their own behalf at a later date. The whole of the above procedure has been agreed in Washington between the two Governments.

DISTRIBUTION:

- 2 - AG Files
- 1 - Diary
- 1 - Mr. Caccia (ACTION)
- 1 - Chief of Staff (INFO)

2277

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U. S. CONFIDENTIAL
Equals British CONFIDENTIAL

2 MAR 1944

U. S. SECRET
EQUALS BRITISH MOST SECRET

ALLIED FORCE HEADQUARTERS
APO 512

14 JAN 1944
SECRET
By Authority of
C-in-C, A.F.
Initials *ask*
Date 14 JAN 1944
ABY:cm

AG 383.6-3 CAP-AGM

11 January 1944

SUBJECT: Execution of Agreement Between Allied Force Headquarters and
Badoglio Government, Concerning Italian Prisoners of War.

TO : Deputy President, Allied Control Commission, APO 394. ✓

It is desired that you procure the signature of Marshal Badoglio
to the attached military agreement.

By command of General WILSON:



[Signature]
H. F. ROBERTS,
Colonel, AGD,
Adjutant General.

1 Incl.

SPECIAL AGREEMENT CONCERNING THE
ORGANIZATION AND EMPLOYMENT OF
MEMBERS OF THE ITALIAN FORCES
UNDER CONTROL AS PRISONERS OF WAR
OF THE GOVERNMENTS OF THE BRITISH
COMMONWEALTH OF NATIONS AND THE
UNITED STATES.

(in quad.)

Confidential

U. S. SECRET
EQUALS BRITISH MOST SECRET

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AG 383.6

11 Jan

383.6 POW Agreement

2903

Copy to Douglas
L.H.S.

U. S. SECRET
14 JAN 1944
1947

SPECIAL AGREEMENT CONCERNING THE ORGANIZATION AND EMPLOYMENT
OF MEMBERS OF THE ITALIAN FORCES UNDER CONTROL AS PRISONERS OF WAR OF THE
GOVERNMENTS OF THE BRITISH COMMONWEALTH OF NATIONS AND THE UNITED STATES.

GENERAL SIR HENRY MAITLAND WILSON, COMMANDER IN CHIEF OF THE ALLIED
FORCES, action by authority of the Government of the United Kingdom of
Great Britain and Northern Ireland, the Government of Canada, the Government
of the Commonwealth of Australia, the Government of New Zealand, the Govern-
ment of the Union of South Africa, and the Government of India (hereinafter
referred to as the Governments of the British Commonwealth of Nations), and
the Government of the United States, and in the interests of the United
Nations, and

MARSHAL PIETRO BADOGLIO, PMHA ACTING BY AUTHORITY OF THE
ITALIAN GOVERNMENT, taking note of the Declaration of War by Italy and of
the expressed intention of the Italian Government to cooperate with the
United Nations in the defeat of Germany;

Having decided to make arrangements whereby members of the
Italian Forces who are Prisoners of War under the control of the respective
Governments of the United Nations named above, may be able to assist in the
War against the common enemy;

Recognizing that for the realization of these aims it is
desirable to modify the treatment now accorded to these members of the
Italian Forces;

And confirming the arrangements already made by General DWIGHT
D. EISENHOWER with Marshal PIETRO BADOGLIO;

Have agreed as follows:

ARTICLE I

All members of the Italian Forces who from time to time are
under control as Prisoners of War of the Government of the United States
or and of the Governments of the British Commonwealth of Nations, may,
pending repatriation, be given the opportunity at the discretion of the
Government under whose control they are to volunteer to serve in units or
formations organized on a Military Basis, or to be otherwise employed under
United States, British, or other United Nations Command, in any part of the
world, in such duties as may be considered appropriate in the interests of
the Common Cause by any of the said Governments. While so serving or employed
they will retain their status of Prisoners of War, but their treatment will
be ameliorated so far as circumstances permit. Italian Prisoners of War who
are not willing to volunteer, or whose service as volunteers is considered
impracticable or undesirable by any of said Governments shall be liable to
be employed wherever and in such duties as the Government by which they are
detained may determine. The treatment of these last mentioned members of the

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U. S. SECRET
14 JAN 1944
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U.S. SECRET

ARTICLE I (continued)

Italian Forces shall be generally on the same basis as prior to the Armistice signed on 3 September 1943, between General EISENHOWER and Marshal BADOGLIO, except as otherwise provided in this agreement.

ARTICLE II

As far as is deemed possible, by the Government of the United States or the Government of any member of the British Commonwealth of Nations, these units and formations shall bear the character of Italian Units and Formations under Italian Officers and noncommissioned officers, and may be distinguished by Italian uniforms and badges of rank with their own language.

ARTICLE III

While the Government of the United States and the several Governments of the British Commonwealth of Nations, respectively, will retain the final control in all matters of discipline, promotion, and internal administration, and all members of these units and formations will be subject to such orders and regulations as the said Government may consider necessary, it is intended that whenever Legal and Military considerations in its judgment permit discipline, promotion, and internal administration shall be exercised by competent Italian Authorities. The extent to which these units and formations may exercise their own discipline, promotion, and internal administration must depend upon the circumstances in which they are serving.

ARTICLE IV

The provisions of the GENEVA Prisoners of War Convention of 27 July 1929, concerning functions of the Protecting Power and its representatives are replaced by direct relation between the Government of the United States and the Governments of the British Commonwealth of Nations, respectively, on the one hand, and the Italian Government on the other hand.

ARTICLE V

The Italian Government shall give such orders and directions to members of the Italian Forces and shall take such steps to give effect to this agreement as may be required by the Government of the United States or any of the Governments of the British Commonwealth of Nations.

ARTICLE VI

Detailed arrangements required to give effect to this agreement, as determined from time to time by the appropriate authorities of the United Nations Government concerned, may be made administratively by such authorities with the appropriate authorities of the Italian Government.

24

U.S. SECRET

U. S. SECRET
Eguals

1947

ARTICLE VII

This agreement shall come into force on signature. It may be terminated at any time without notice by the Government of the United States or by any one of the Governments of the British Commonwealth of Nations so far as its own rights and obligation thereunder are concerned without prejudice thereby to its continued validity as regards the rights and obligations of any other of the Governments of the United Nations who are parties to this agreement.

ARTICLE VIII

The application of all provisions of the GENEVA Prisoners of War Convention of 27 July 1929, inconsistent with the foregoing is, as between the contracting parties, hereto suspended.

ARTICLE IX

In view of the desirability for the personnel protected under the International Convention for the amelioration of the condition of sick and wounded or armies in the field of 27 July 1929, to be able to continue to perform their present services for the members of the Italian Forces under the control as Prisoners of War of the Government of the United States or any of the Governments of the British Commonwealth of Nations, any provisions of that convention which might be understood as in any way hindering the continued performances of such services shall, as between the contracting parties, be suspended. Where, however, such personnel are NOT required to continue to perform their present services, they may be employed on such other duties as may be considered appropriate.

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Eguals

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Office of the British Resident Minister
at Allied Force Headquarters,
5, Rue Professeur curtillet
Algiers.

40/150/0

9th January, 1944.

My dear Harold,

If you have seen Roger Makins, he will have discussed with you the question of the draft agreements with the Italian Government regarding the treatment of Italian prisoners of war. But this latter had better, nevertheless, pass on to you all the information which we have on the subject.

2. After the Italian armistice, the American and British G-1s together worked out and have since been operating a new policy for the utilisation of Italian prisoners of war in American and British custody in North Africa. This policy is to organise Italian prisoners of war, on a volunteer basis, into Service and Labour Units under Italian officers and N.C.O's. The units thus organised are not designated as Prisoner of War Units, but as General Service Units, Ordnance Units, Port Units, etc. The intention has been to reduce guards and dispense with them altogether as rapidly as circumstances permit. Technically, the Italians remain prisoners of war but for all practical purposes they are released volunteers organised into Service Units.

3. The Italian Government were informed of this policy through the Allied Military Mission (I am afraid I can't give you any references to cables in this connection) and at the same time Badoglio was asked to provide the text of an appeal to Italian prisoners of war to co-operate with the Allies. Badoglio complied and the appeal is now posted in all Italian Prisoner of War camps in North Africa. The practice adopted in North Africa was thus in accord with the wishes of the Italian Government but was not sanctioned by any formal agreement with them.

4. Meanwhile, London and Washington were discussing the terms of a formal and comprehensive agreement with the Italian Government regarding the treatment of Italian prisoners of war wherever they may be. Their intention is that a formal agreement should be signed between General Eisenhower on behalf of the American and British Governments and Marshal Badoglio for the Italian Government; and their ideas for its content are in line with the practice which has been evolved under General Eisenhower's authority in North Africa. I enclose the text of the draft of this (the main) agreement as it stood at the beginning of last month. The final text, with instructions regarding its signature, will of course be telegraphed to the C.-in-C. by the Combined Chiefs of Staff.

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9 Jan

5. The two governments have also decided that the question of the "financial treatment" of Italians in their new status as modified by the main agreement shall be decided by an agreement between the Italian Government and the Governments of the British Commonwealth (to be signed by General Vanier for the Canadian Government and by Mr. Macmillan on behalf of the other five Governments of His Majesty and by an agreement between the Italian Government and the Government of the U.S.A. This duality is apparently made necessary by differences between the American and British rates of pay. The text of the British supplemental financial agreement is settled and approved and I enclose two copies. Our instructions are that it is to be signed at the same time as the main agreement to be signed by General Eisenhower and Marshal Badoglio; but we have as yet no indication of how this is to be managed physically. It seems unlikely that General Eisenhower, Marshal Badoglio, General Vanier and Mr. Macmillan will all be in the same place at the right time, unless special arrangements are made! It may be that you will be called upon to secure Badoglio's signature at fairly short notice, or even, conceivably, to deputise for the Minister and General Vanier in signing six times for H.M. Governments. The enclosed copies are therefore typed out in the best approximation to a form suitable for signature which our resources here could devise.

6. The text of the American supplemental financial agreement is not yet settled, and we have no information how or when the U.S. Government wish it to be signed. They do however approve that our own agreement should be signed at the same time as the main agreement, even if, as seems probable, their own financial agreement will not be ready for signature concurrently.

7. H.M.G. have also proposed to the U.S. Government that at the time that the main agreement is signed, Badoglio should be induced to issue a (fresh) manifesto to all Italian prisoners of war under his command. Instructions on this point will no doubt come to the C.-in-C. from the Combined Chiefs of Staff; but to complete the picture as it stands at present, I enclose a copy of the draft of the ~~main~~ manifesto which was proposed to the State Department by the Foreign Office on January 5th. The Foreign Office, in this connection, have asked us to ensure that the text of the manifesto as issued should be telegraphed immediately, for communication to Italian prisoners in the Dominions and India and that copies of the text "provided with as many official Italian stamps and seals as possible" should also be sent by fast air mail so that the Italian Generals in our hands may be convinced that their Government genuinely wish Italians to volunteer under the new agreement. I don't know how many stamped and sealed copies they really want, but I suppose they will be glad to have as many as you can conveniently extract! If Badoglio is at your end when he issues his manifesto, it would be a great convenience if, security permitting, the text could be telegraphed en clair, to save us the awful bore of paraphrasing.

8. I am passing a copy of this letter and its enclosures to Gosling in Murphy's office.

Yours ever

/s/ J. M. Addis.
J. M. Addis.

(2) P.S. I have just seen that the text of the main agreement has been cabled to the C.-in-C by the CCS, with instructions that it should be signed as soon as possible, but not before January 10th.

COPY

Copy of Draft Manifesto

In the new political-military situation, arisen because of the attitude and hostility of the German action towards Italy, it is our intention to proffer the Allies all possible aid. Active collaboration in order to achieve the common objective of ridding our country of the residue of German troops still occupying a large section of our nation.

It is therefore our duty to help the Allies in every possible way, excepting in actual combat. We are to be linked together closely in bellicose activities constituting special services and in the work under the command of officers to be designated.

In that manner you will collaborate efficaciously from now on in the fight for our redemption from the century old enemy as the very populace in Italy is now doing alongside the Anglo-American forces for the liberation of the Holy land.

The following text gives details of arrangements which have been made in order that you may be able to carry out instructions in the above proclamation. These arrangements have been in force in North Africa for some time. Taking this opportunity of helping our Allies towards a rapid conclusion of the war and hasten thereby your return to your own country.

Signed: The Marshal of Italy: Badoglio. Ends.

The text of the agreement would follow.

2287

(2) b
S. J. M.

Points suggested for Manifesto

1. It is the patriotic duty of all Italian prisoners of war who are given the opportunity of doing so to volunteer to cooperate with the United Nations. The Italian Government has declared war on Germany and this is the best way in which the prisoners of war can give effect to that decision.

2. As cobelligerents they should therefore do everything in their power to assist the war effort of the United Nations by obedience to orders given them by Allied authorities and by working to the utmost on any task allotted to them.

3. Whatever the work they are called upon to do, whether it be agricultural work or unloading ships in the docks in the Middle East or elsewhere, they are doing just as much to help as if they were fighting in the front lines to clear the Germans out of Italy.

4. The rapid conclusion of the war and the consequent possibility of their own return to their homes must inevitably depend to a great extent upon the measure of their contribution to the success of the work effort of the United Nations.

5558

(2) a

8 Jan

COPY

Agreement between the Governments of the British Commonwealth and the Italian Government regarding the financial treatment of members of the Italian forces.

The Government of the United Kingdom of Great Britain and Northern Ireland, the Government of Canada, the Government of the Commonwealth of Australia, the Government of New Zealand, the Government of the Union of South Africa and the Government of India (for the purposes of this agreement referred to as the Governments of the British Commonwealth) and the Italian Government.

Have made the following agreement which is, as between the parties hereto, supplemental to the main agreement dated the day of 1944 between the Government of the United States, the Governments of the British Commonwealth and the Italian Government.

ARTICLE 1.

All payments made by any Government of the British Commonwealth to members of the Italian forces shall be regarded by the Italian Government as advances from pay and/or allowances due to them from that Government. The Italian Government shall ensure that all members of the Italian forces are informed of the provision and the Italian Government shall be responsible for their families or dependents living in any territories referred to in Article 6 of the present agreement.

ARTICLE 2.

As regards members of the Italian forces who are not serving or employed in accordance with Article 1 of the said main agreement, the rate of exchange of 72 lire = £ 1, which at present determines the rate of officers' pay under Article 23 of the Convention relative to the treatment of prisoners of war, ceases to have effect and the rate of 400 lire = £ 1 shall operate. Other ranks will be paid by the Governments of the

383.6 POW Agreement

303.6 POW Agreement

ment referred to as the Governments of the British Commonwealth) and the Italian Government.

Have made the following agreement which is, as between the parties hereto, supplemental to the main agreement dated the day of 1944 between the Government of the United States, the Governments of the British Commonwealth and the Italian Government.

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ARTICLE 2.

As regards members of the Italian forces who are not serving or employed in accordance with Article 1 of the said main agreement, the ~~rates~~ of exchange of 72 lire = £1, which at present determines the rate of officers' pay under Article 23 of the Convention relative to the treatment of prisoners of war, ceases to have effect and the rate of 400 lire = £1 shall operate. Other ranks will be paid by the Governments of the British Commonwealth at the following rates; Sergeants and above 3/- a week, other ranks 2/- a week in lieu of present rates in issue. Rates of working pay shall remain unaltered.

ARTICLE 3.

Members of Italian forces who volunteer and are accepted to serve or to be otherwise employed under Article 1 of the main agreement will be paid, in lieu of the rates laid down in Article 2 of the present agreement, such rates as may be determined by the Governments of the British Common-

wealth concerned but at not less than:

	<u>£ Per Month</u> <u>12</u>
Marshal	
General	10.10s.
Lieutenant-General	9.15s.
Major-General	8.5s
Colonel	7.5s
Lieutenant-Colonel	6.15s.
Major	6.10s
Captain	6.
Lieutenant	5.10s
Second Lieutenant	5.

Other ranks of the rank of sergeant and above 12s. a week, N.C.O.s below sergeant 9s. a week, privates 7s. a week.

These rates may be increased at the discretion of any Government of the British Commonwealth concerned where they consider circumstances justify such increase.

ARTICLE 4.

The provisions of Article 13 of the Convention for the amelioration of the condition of wounded and sick in the armies in the field, insofar as they relate to allowances and pay, shall cease to have effect, and all members of the Italian forces who have been entitled to protection under this Convention shall, for the purposes of pay from any Government of the British Commonwealth, be treated as provided in Articles 2 and 3 of the present Agreement.

ARTICLE 5.

As from the date of the coming into force of the present Agreement, the Governments of the British Commonwealth will cease to charge Italian

Major 6.10s

6.

Captain

5.10s

Lieutenant

5.

Second Lieutenant

Other ranks of the rank of sergeant and above 12s. a week, N.C.O.s below sergeant 9s. a week, privates 7s. a week.

These rates may be increased at the discretion of any Government of the British Commonwealth concerned where they consider circumstances justify such increase.

ARTICLE 4.

The provisions of Article 13 of the Convention for the amelioration of the condition of wounded and sick in the armies in the field, insofar as they relate to allowances and pay, shall cease to have effect, and all members of the Italian forces who have been entitled to protection under this Convention shall, for the purposes of pay from any Government of the British Commonwealth, be treated as provided in Articles 2 and 3 of the present Agreement.

ARTICLE 5.

As from the date of the coming into force of the present Agreement, the Governments of the British Commonwealth will cease to charge Italian officers in respect of the cost of their messing and will provide such messing free of charge. Scales of rations to be provided will be those applicable to Italian other ranks correspondingly detained serving or employed, and officers will be at liberty to supplement these rations from their own resources where local supplies can be made available.

ARTICLE 6.

The Italian Government shall be solely and directly responsible for all issues of pay or allowances of members of the Italian forces in Italy, Sicily and the neighbouring islands of Sardinia, Corsica and any other territory which may from time to time be specified by any Government of the British Commonwealth.

ARTICLE 7.

The Italian Government shall give such orders and directions to the members of the Italian forces and shall take such steps to give effect to this Agreement as may be required by any Government of the British Commonwealth.

ARTICLE 8.

Detailed arrangements required to give effect to this agreement as determined from time to time by the appropriate authorities of any of the Governments of the British Commonwealth concerned may be made administratively by such authorities with the appropriate authorities of the Italian Government.

ARTICLE 9.

This agreement may be terminated at any time without notice by any one Government of the British Commonwealth so far as its own rights and obligations thereunder are concerned without prejudice thereby to its continued validity as regards the rights and obligations of any other of the Governments of the British Commonwealth who are parties to this agreement.

ARTICLE 10.

The present agreement shall come into force on the first day of the

ARTICLE 7.

The Italian Government shall give such orders and directions to the members of the Italian forces and shall take such steps to give effect to this Agreement as may be required by any Government of the British Commonwealth.

ARTICLE 8.

Detailed arrangements required to give effect to this agreement as determined from time to time by the appropriate authorities of any of the Governments of the British Commonwealth concerned may be made administratively by such authorities with the appropriate authorities of the Italian Government.

ARTICLE 9.

This agreement may be terminated at any time without notice by any one Government of the British Commonwealth so far as its own rights and obligations thereunder are concerned without prejudice thereby to its continued validity as regards the rights and obligations of any other of the Governments of the British Commonwealth who are parties to this agreement.

ARTICLE 10.

The present agreement shall come into force on the first day of the month 1944.

for the Italian Government for the Government of the United Kingdom
of Great Britain and Northern Ireland.

for the Government of Canada

for the Government of the Common-
wealth of Australia

for the Government of New Zealand

for the Government of the Union of
South Africa

for the Government of India.

for the Government of the Common-
wealth of Australia

for the Government of New Zealand

for the Government of the Union of
South Africa

for the Government of India.

(2)

PS 4 372
19 MAR 1944
(As complete file) MDT/hjp

8 January 1944

In reply refer to,
383.6

SUBJECT: Communication from the Badoglio Government regarding prisoners
of war

TO : Commanding General, Allied Force Headquarters, APO 512.

The Allied Control Commission forwards the attached communication
from Marshal Badoglio regarding the treatment of Italian Prisoners of
War.

For the Deputy President, Allied Control Commission;

MAXWELL D. TAYLOR
Brigadier General, USA

1 incl,
Ltr. Ministry of Foreign
Affairs, No. 42, 5 Jan 44 OK

383.6 POW. Communication

file/700

① a

383.6

8 Jan

TRANSLATION

COPY

MINISTRY OF FOREIGN AFFAIRS
No. 42

Brindisi, 5 January 1944

Dear General,

I enclose an official note from the Ministry of Foreign Affairs
address to the Allied Control Commission.

I would be grateful if you would give your personal attention to
this question of great interest to me, to my government and to Italian
public opinion -- in order that it may be solved as soon as possible
in a way agreeable to all.

I should like to add, personally, that an agreement of this nature
and scope, affecting about a half million Italians cannot fail to have a
definitely favorable influence on the relations between our respective
nations. It would put them on that level of total collaboration in the
common war which my government is striving for and carrying out in all
aspects of the national life.

Believe me, dear General, very cordially,

BADOGLIO

To Major General Kenyon Joyce, Deputy President
Allied Control Commission, Brindisi

353.6 POW signature

9-5-44

(1)

42 Badoglio
5 Jan

TRANSLATION

COPY

P. Piacentini, General of Air Force, recently released from imprisonment has informed the Ministry of Foreign Affairs that he was charged with acquainting the Italian P.W. in India with the following telegram from HQ at Delhi:

"Inform General Piacentini of the following for circulation among Italian P.W. An agreement has been signed between the United Nations and the Italian government stating the following general principles. 1.) Maintenance of status quo for the great majority of Italian P.Ws; better food as far as possible. 2.) Volunteers, I repeat, only volunteers will be made up into units of Italian character under command of Italian officers and NCOs to be employed in all parts of the world according to the best interests of the cause of the Allies at the discretion of the powers now holding the prisoners. 3.) Uniform as far as possible that of British troops; Italian insignia, arms and pay. 4.) Pay to be agreed upon by interested powers and Italian government. 5.) Discipline by Italian officers, subject to final control of British authorities. 6.) Guards will be kept in the cabins. 7.) Stress the fact that Italians in such units are operating under orders of own King and government and not, repeat not, under enemy pressure."

As a result of this message General Piacentini examined between 3 and 11 December the prison camps of Clementown and Bairagarh (Bopal) making talks of informative and propaganda nature. The result is that 6,000 Italian P.Ws have already left for Australia in capacity of laborers and 237 maritime specialists have been sent to shipyards of Bombay.

General Piacentini, on the basis of quoted telegram, has made other proposals and recommendations to the local English military authorities concerning employment of aforesaid P.Ws.

2. As the Allied Control Commission knows, there is a general statement of 10 October 1943 by Marshal Badoglio on the subject, but as yet there is no written agreement between United Nations and Italian government on subject of P.Ws. Since there is undoubtedly a misunderstanding, the Italian government, while appreciating the sentiments actuating Delhi HQ, asks the Allied Control Commission to have the kindness to clear up the mistake with the British Government and at the same time to have suspended all initial steps of execution which may have followed such a presumed agreement, regarding as unauthorized conversations of General Piacentini on that subject.

3. The Ministry of Foreign Affairs has further the honor to add that last November a plan for military organization of Italian P.Ws was discussed in Washington between General Pietro Gazzara and the competent American Military Authorities (Provost Marshal General, Generals White and McNearney). According to report of General Gazzara on his return to Italy, such a plan by now has become the draft of an agreement to be prepared by the American authorities and submitted to the examination of the Italian and British governments and on their approval to be applied to Italian prisoners both in the U.S. and Great Britain.

TRANSLATION

COPY

4. The Ministry of Foreign Affairs asks the Allied Control Commission to have the kindness to contact the competent authorities in Washington for confirmation of contents of paragraph 3, above.

The Ministry of Foreign Affairs has the honor to add that the Government will be very happy to proceed to an agreement regulating the situation of its officers and soldiers in the U.S., Great Britain and French North Africa, and bringing it into harmony with the new relations existing between Italy and the United Nations. The Government maintains for obvious reasons that the agreement should be general and worked out in discussion between Italy and the interested governments, thus avoiding partial negotiations and solutions by local authorities having varying criteria and only local validity. It likewise believes that the project discussed by General Gazzara, conceived on such general lines and with comprehensive directives may well constitute, in general and subject to a more searching examination, a very useful basis for discussion and speedy accord. Lastly, the Italian government is very happy to be able to extend and develop its cooperation with the Allied nations in this field in the interest of the common cause.

The Ministry of Foreign Affairs will be grateful to the Allied Control Commission if the latter will view the question as especially urgent in view of the need of settling with all speed this complicated and delicate matter which is of such interest to Italian public opinion.

Q. M. C. Form 353 (Old No. 400)
Revised July 20, 1918

LIST OF PAPERS

File under No. 000.7

PUBLICITY & PUBLIC PRESS

[illegible]

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

2145