0832

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

ACC 10000/142/321 WAR (MAY

0851

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

10000/142/321

WAR BOOTY IN VENEZIA GIULIA
(MAY 1945); JULY 1945 - FEB. 1946

0854

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

Executive Commissioner.

1. Please find enclosed our opinion has requested by you in your 9008/32/EC of 15 Oct — 17A (150)
2. An extra copy is attached in order that you may forward it to AFHQ, if you approve the contents.
3. Copies for Polads are also attached.

G. G. Hampson
Legal S/C

15 Nov 45

C.P.O. Right F.W.C. 22/11

Please see 18A — suggest we send to AFHQ eliminating 1st para & making very minor alterations.

B.S. 15/11.

Legal S/C.

Thank you for your file. We are forwarding the letter to AFHQ, copy to you & Polads.

B.S. 22/11

Ex. Com.

Herewith opinion on Italian property: I'd recommend in the light of the Chief Commissioner's statements and following Saturday's meeting. 80

G. G. Hampson

Legal S/C

Letter forwarded to Ex. C. Please return to Legal.

TO: Chief Commissioner. 4.

1. As a result of your letter of 8 August Gen. Hamblyn called a conference (letter 11 August) which I attended with Col. Walken.

2. At the conference Gen. Hamblyn agreed to prepare, and present personally to SAC, a revised directive which would modify the original draft of 30 July by stating:

a. that in the view of AFHQ neither tobacco nor salt could be considered to be war material.

b. that, in general, property of the Italian Government could only be handed over to Jugoslavia if there is evidence that it had previously been taken into effective control by the German or Fascist Republican authorities.

3. I would have liked to persuade him to go further on point (b), but I do not think that complaint can properly be made of the new ruling. Either the Fascist Republicans were under the control of the Germans and goods seized by them were in reality seized by the Germans; or the Fascist Republicans are to be regarded as an independent force fighting against Tito, in which case he must be entitled to claim belligerent rights against them.

4. In any case so far as the present list submitted by the Jugoslavs is concerned the tobacco and salt are the only items of which we can legitimately make complaint. The question of principle only arises in view of possible future claims.

W. E. Behrens.

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

LEGAL S/C
18 August 1945
WEB/rlp.

AUG 1 3 REC'D

OR
7. Eng

Chief Commissioner,

Herewith for your information.

(a) General Lemnitzer's official reply to your letter of 8 Aug. 4A

(b) The new directive. This agrees with my statements in Minute 4. Please see paras. 6 and 7. 6B

W. E. Behrens.

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

Legal Sub-Commission.
21 Aug 45.

79

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

3. I would have liked to persuade him to go further on point (b), but I do not think that complaint can properly be made of the new ruling. Either the Fascist Republicans were under the control of the Germans and goods seized by them were in reality seized by the Germans; or the Fascist Republicans are to be regarded as an independent force fighting against Tito, in which case he must be entitled to claim belligerent rights against them.

4. In any case so far as the present list submitted by the Jugoslavs is concerned the tobacco and salt are the only items of which we can legitimately make complaint. The question of principle only arises in view of possible future claims.

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

LEGAL S/C
18 August 1945
WEB/rlp.

AUG 18 REC'D

OR
7. Eng

Chief Commissioner,

Herewith for your information.

(a) General Lemnitzer's official reply to your letter of 8 Aug. 4A

(b) The new directive. This agrees with my statements in Minute 4. Please see paras. 6 and 7.

6B

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

Legal Sub-Commission.
21 Aug 45.

8 79

To Ex Commissioner - C.A.S. 22/8
(9)
Chief Commissioner. Please see 6A.
23/8 1635 7
AUG 23 REC'D
(10)
25/8 Noted. 7
(11)
CASEC Copies of folios (6A) + (6B) have been retained by CC and EC and copy sent to Econ Sec.
NARA 1/6/04

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

To Chief Commissioner.

I hope that the attached suggested letter provides the necessary ammunition.

CC/640
AUG 7 1945

7 Aug. 45

W W Scherer Col
C.L.A.

To Chief Commissioner.

Revised letter herewith.

W W Scherer Col
C.L.A.

8 Aug. 45

CLA.
File returned

Gilbert Weber
Cto to Colonel

11/8

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

0858

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

93A

FEB 1946

Ref: 9003/100/[illegible]

13 February 1946

SUBJECT: Italian property in Venezia Giulia.

TO : AMG Venezia Giulia.

1. Attached please find copy of letter No. 6/3225/4519 dated 7 September 1945 from the Ministry of Foreign Affairs forwarding the claims of the Azienda Carboni Italiani (owner of the Arsa Co) for material alleged to have been removed by Yugoslav forces at Trieste in May.

2. Also attached please find copy of the opinion of the Legal Sub-Commission of this Headquarters as to the validity of this claim.

3. This matter was referred to AFHQ on 3 January 1946. In their reply they stated that it would be desirable to obtain a local settlement if possible and that the matter should be placed before XIII Corps to this end.

4. In view of Main HQ XIII Corps letter 5313/G of 31 January 46, copy to you, it is requested you refer this matter to HQ XIII Corps for settlement.

LEGAL SUB-COMMISSION
CIO
DCLO
Chief Counsel
CIO
Italian Section
CLERKS

N. W. HOOD-SMITH
Brigadier,
Acting Chief Commissioner.

For information

Copy to : Enclosure (A)
" (B)
Economic Section
Civil Affairs Section
Chief Commissioner

Legal Sub Com
JK 14/2

77

ALLIED COMMISSION
695
HEADQUARTERS

0859

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

COPY

MINISTERO DEGLI AFFARI ESTERI

No. 6/3225/1519

MEMORANDUM FOR THE ALLIED COMMISSION

SUBJECT: Aziende Carboni Italiani.

1. The Aziende Carboni Italiani, owner of the Arsa Co, with head office at Trieste, No. 1 Via Fontanone, have requested the Ministry for Foreign Affairs to interest the Allied Authorities in recovering the material indicated in the list herewith enclosed and removed by the Yugoslav forces from the wharehouses of the Company at Trieste in May last.

2. The Ministry for Foreign Affairs thank the Allied Commission for those steps they will see fit to take in the matter.

(seal)

Encl.

Rome, September 7th, 1945.

73

ALLIED COMMISSION 695 SECRETARIAT

Distinta materiali asportati dalle Truppe Yugoslave dai magazzini della Societa' ARSA di Trieste, durante l'occupazione Jugoslava (Maggio 1945) della citta' di TRIESTE

No.	Marche No. e numeri	Quantita'	Qualita' imballaggio	Descrizione materiali	Peso Kg.	Valore
1	AE 5039	466	Pezzi	Copertura biciclette		1.398.000—
2	AE 5039	222	"	Camera d'aria		222000
3	AE 89/5049	3	Balle	Cuoio	253,50	253.500
4	AE 52/31	1	Cassa	Scarpe (paia 44)		132.000
5	AE/52/31	1	Sacco	Scarpe (paia 17)		51.000
6	AE 5199	2	Pezzi	Coperture 42 x 9		120.000
7	AE 5325	1	Cassa	Candele steariche(408 pezzi)		12.840
8	AE 5245	5	Pezze x 50 metri	Tela per tute		87.500
9	AE 5036	2	Sacchi	25 paia Stivali gomma		100.000
10	—	2	Sacchi	20 vestiti completi uomo		100.000
11	AE 252 bis	1	Cassa	Materiale Cancelleria	25.00	10.000
12	AE 199	2	Pacchi	Carta da filtro	30,00	6.000
13	AE 251 bis	1	Pacco	Stampati	10,00	3,000
14	AE 5097	4	Pezzi	Biciclette complete		60.000
15	—	3	Barre	Acciaio da fioretti	15	7.000
16	AE 247	1	Collo	Feltro	22,6	20.000
17	AE 29	3	Pezzi	Mole per affilare	44	5.000
18	AE 840	8	"	Ingranaggi	238	12.000
19	AE 251/5091	3	Pacchi	Stampati	79	8.000
20	AE 5044	5	Casse	Fiammiferi		50.000
21	—	1	Paio	Scarpe usate		1.000
22	—	2	Fusti	Carburo Calcio	50	9.000
23	AE 5091	1	Pacco	Stampati	16	1.200
24	—	2	Pacchi	Stampati	10	1.000
25	—	1	Pezzo	Camera d'aria		1.000
26	AE 318	100	Sacchi	Dadi ferro	4000	180. 000
27	—	1	Cassa	Stagno	37,5	35.000
28	— 75	20	Rotoli	Tubo Gomma	329	82.250
29	—	12	"	" "	235	58.750
30	—	400	Pezzi	Raccordi	3	600.600
31	—	205	Pezzi	ciandesi	100	20.000
32	—	50	Pezzi	Valvole ass.	50	25.000
33	—			Anelli guarnizione gomma	70	14.000
34	—	3	Rotoli	gomma p/ guarnizione	95	28.500
35	—	1	Collo	Stagno	25	22.500
36	—	50	Scatole	Pasta salda		5.000
37	—	286	Rotoli	Nastro isolante		24.310
38	—	3	"	Cavo Rame sottogomma	64	38.400
39	—	140	Pacchi	Chiodi	700	35.000
40	—	4	Barre	Rame	84	16.800
			Rotolo	Cavo Acciaio	50	14.000

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

	No. e numeri				Kg.	
1	AE 5039	466	Pezzi	Copertura biciclette		1.398.000--
2	AE 5039	222	"	Camera d'aria		222000
3	AE 89/5049	3	Balle	Cuoio	253,50	253.500
4	AE 52/31	1	Cassa	Scarpe (paia 44)		132.000
5	AE/52/31	1	Sacco	Scarpe (paia 17)		51.000
6	AE 5199	2	Pezzi	Coperture 42 x 9		120.000
7	AE 5325	1	Cassa	Candele steariche(408 pezzi)		12.840
8	AE 5245	5	Pezze x 50	metri Tela per tute		87.500
9	AE 5036	2	Sacchi	25 paia Stivali gomma		100.000
10	—	2	Sacchi	20 vestiti completi uomo		100.000
11	AE 252 bis	1	Cassa	Materiale Cancelleria	25,00	10.000
12	AE 199	2	Pacchi	Carta da filtro	30,00	6.000
13	AE 251 bis	1	Pacco	Stampati	10,00	3,000
14	AE 5097	4	Pezzi	Biciclette complete		60.000
15	—	3	Barre	Acciaio da fioretti	15	7.000
16	AE 247	~~1~~ 1	Collo	Feltro	22,6	20.000
17	AE 29	3	Pezzi	Mole per affilare	44	5.000
18	AE 840	8	"	Ingranaggi	238	12.000
19	AE 251/5091	3	Pacchi	Stampati	79	8.000
20	AE 5044	5	Casse	Fiammiferi		50.000
21	—	1	Paio	Scarpe usate		1.000
22	—	2	Fusti	Carburo Calcio	50	9.000
23	AE 5091	1	Pacco	Stampati	16	1.200
24	—	2	Pacchi	Stampati	10	1.000
25	—	1	Pezzo	Camera d'aria		1.000
26	AE 318	100	Sacchi	Dadi ferro	4000	180. 000
27	—	1	Cassa	Stagno	37,5	35.000
28	— 75	20	Rotoli	Tubo Gomma	329	82.250
29	—	12	"	" "	235	58.750
30	—	400	Pezzi	Raccordi	3	600.600
31	—	205	Pezzi	clandesi	100	20.000
32	—	50	Pezzi	Valvole ass.	50	25.000
33	—			Anelli guarnizione gomma	70	14.000
34	—	3	Rotoli	gomma p/ guarnizione	95	28.500
35	—	1	Collo	Stagno	25	22.500
36	—	50	Scatole	Pasta salda		5.000
37	—	286	Rotoli	Nastro isolante		24.310
38	—	3	"	Cavo Rame sottogomma	64	38.400
39	—	140	Pacchi	Chiodi	700	35.000
40	—	4	Barre	Rame	84	16.800
41	—	1	Rotolo	Cavo Acciaio	50	14.000
42	—	50	Pezzi	Maschere per polvere carbone		25.000

a riportare L. 3296.400.—

ALLIED COMMISSION ... 695

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

No.	Marche e Numeri	Quantita'	Qualita' imballaggio	Descrizioni materiali	Peso Kg.	Valore
				Riporto		3.296.400.--
43	—	200	rotoli	Nastro isolante		17.000
44	—	1	collo	Sale ammoniaco	15.7	1.300
45	—	5	pezzi	Lampade elettriche		[illegible]739
46	—	2	colli	Gomma p/ guarnizioni	64	19.200
47	—	500	metri	Cavo rame sotto gomma	1000	600.000
48	—	2	rotoli	Tubo gomma	38	9.500
49	—	2	rotoli	" "	65	16.250
50	AM 2	200	pezzi	Pagliericci Juta		70.000
51	—	10	pezzi	Ventilatori elett.		50.000
52	—	2	colli	Ciglia gomma	2000	1.600.000
53	—	30	pezzi	seghe per famiglia		12.000
54	—	15	"	" ad arco		6.000
55	—	50	"	picconi		7.000
56	—	10	"	martelli perforatori		150.000
57	—	30	"	" picconatori		300.000
58	—	5	"	trapani		10.000
59	—	50	"	pale		6.000
60	—	2	bobina	Cavo acciaio 17 m/m	1100	220.000
61	—	2	rotoli	" " 17 "	350	110.000
62	—	1	bobina	" " 12 "	500	125.000
63	—	1		Tenaglia per tubi		800
64	—	20	pezzi	martelli picconatori		200.000
+ 65	—	100	pezzi	bulloni Testa Martello	500	30.000
67	—	19	sacchi	Carbone legna	412	4.120
68	—	50	"	Dadi ferro	2000	60.000
69	—	249	"	Pagliericci Juta		87,150
70	AE 322 ter	1	colli	Tubi ottone	30	7,500
71	—	1	"	Tubi ottone	20	5,000
72	—	2	colli	Ricambi matchinarri	41	40,000
73	—	2	"	Argani ad aria compressa	400	160,000
74	—	20	pezzi	Fioretti acciaio 1,50	40	3,200
75	—	30	"	" " 2,00	60	4,800
76	—	20	"	" " 1,50	40	3,200
77	—	30	"	" " 2.00	60	4,800
78	—	146	"	Punte martello picco-natore	150	16,500
79	—	3	"	Carrelli per slitte	300	49.000
80	—	1	fusto	Grasso Staufer	200	10.000
81	—	10	fusti	Olio Lubrificante	2000	130.000
82	—	200	pezzi	Punte martello picc.	330	36.300
83	—	3	"	Rullo conduttore	150	15.000
+ 66	—	73	pezzi	Lampade a carburo		25.550
				Riporto L.		7519.270.--

74

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

47	—	500	metri	Cavo rame sotto gomma	1000	600.000
48	—	2	rotoli	Tubo gomma	33	9.500
49	—	2	rotoli	" "	65	16.250
50	AM 2	200	pezzi	Pagliericci Juta		70.000
51	—	10	pezzi	Ventilatori elett.		50.000
52	—	2	colli	Ciglia gomma	2000	1.600.000
53	—	30	pezzi	seghe per famiglia		12.000
54	—	15	"	" ad arco		6.000
55	—	50	"	picconi		7.000
56	—	10	"	martelli perforatori		150.000
57	—	30	"	" picconatori		300.000
58	—	5	"	trapani		10.000
59	—	50	"	pale		6.000
60	—	2	bobina	Cavo acciaio 17 m/m	1100	220.000
61	—	2	rotoli	" " 17 "	350	110.000
62	—	1	bobina	" " 12 "	500	125.000
63	—	1		Tenaglia per tubi		300
64	—	20	pezzi	martelli picconatori		200.000
+ 65	—	100	pezzi	bulloni Testa Martello	500	30.000
67	—	19	sacchi	Carbone legna	412	4.120
68	—	50	"	Dadi ferro	2000	60.000
69	—	249	"	Pagliericci Juta		87,150
70	AE 322 ter	1	colli	Tubi ottone	30	7,500
71	—	1	"	Tubi ottone	20	5,000
72	—	2	colli	Ricambi macchinari	41	40,000
73	—	2	"	Argani ad aria compressa	400	160,000
74	—	20	Pezzi	Picchetti acciaio 1,50	40	3,200
75	—	30	"	" " 2,00	60	4,800
76	—	20	"	" " 1,50	40	3,200
77	—	30	"	" " 2.00	60	4,800
78	—	146	"	Punte martello picco-natore	150	16,500
79	—	3	"	Carrelli per slitte	300	49.000
80	—	1	fusto	Grasso Staufer	200	10.000
81	—	10	fusti	Olio Lubrificante	2000	130.000
82	—	200	pezzi	Punte martello picc.	330	36.300
83	—	3	"	Rullo conduttore	150	15.000
+ 66	—	73	pezzi	Lampade a carburo		25.550
				Riporto L.		7519.270.~~))~~

74

ALLIED COMMISSION HEADQ ARTERS
695

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

0863

No.	Marche Numeri	Quantita'	Qualita' Imball.	Descrizione Materiali	Peso Kg.	Valore
						Riporto L. 7.519.270.
84	~~66~~	3	Pezzi	Sbarre ferro	240	11.000
85	—	6	"	Perni bulloni	10	800
86	—	200	"	Olandesi	40	8.000
87	—	2	Fusti	Olio p. Cilindri	4000	26.000
88	—	1	Gabbia	Riduttori	178	50.000
89	—	3	Casse	Ricambi p. Auto	168	92.000
90	AE 318	110	Sacchi	Dadi ferro	4400	132.000
91	AE 1382	10	Gabbia	Lampadine	700	107.200
92	AE 1269	10	Scatole	"	30	6 .450
93	AE 318	37	Sacchi	Dadi ferro	722	21.660
94	AE 01873	8	Gabbia	Lampadine)		
95	AE 01610	10	Scatole	")	600	93.000
96	—	11	Casse	Rottami Rame	350	53.500
97	AE 194 a	1	Sacco	Soda Solvay	100	6.000
98	—	19	Casci	Tubi Rame	143	37.500
99	AE 93	1	Gabbia	Bobina magnetica	30	18.000
100	—	1	Cassa	Rottami alluminio	3,6	108
101	AE 7 bis	1	Fusto	Colore in polvere	25	1.750
102	AE 5015 ter	1	Sacco	Semi barbabietola	10	800
103	AE 5015 ter	1	Sacco	" "	10	800
104	AE 5015 ter	1	Sacco	" soia	65	5.200
105	—	189	Pezzi	Sacchi vuoti		47.250
106	—	12	"	Macchine Contabili		360.000
107	—	1	"	Macchina scrivere		25.000

Totale compl.L.8.628.283

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

85	—	6	"	Perni bulloni	10	800
86	—	200	"	Olandesi	40	8.000
87	—	2	Fusti	Olio p. Cilindri	4000	26.000
88	—	1	Gabbia	Riduttori	176	50.000
89	—	3	Casse	Ricambi p. Auto	168	92.000
90	AE 318	110	Sacchi	Dadi ferro	4400	132.000
91	AE 1382	10	Gabbia	Lampadine	700	107.200
92	AE 1269	10	Scatole	"	30	6 .450
93	AE 318	37	Sacchi	Dadi ferro	722	21.660
94	AE 01873	8	Gabbia	Lampadine)		
95	AE 01610	10	Scatole	")	600	93.000
96	—	11	Casse	Rottami Rame	390	53.500
97	AE 194 a	1	Sacco	Soda Solvay	100	6.000
98	—	19	Fasci	Tubi Rame	143	37.500
99	AE 93	1	Gabbia	Bobina magnetica	30	18.000
100	—	1	Cassa	Rottami alluminio	3,6	108
101	AE 7 bis	1	Fusto	Colore in polvere	25	1.750
102	AE 5015 ter	1	Sacco	Semi barbabietola	10	800
103	AE 5015 ter	1	Sacco	" "	10	800
104	AE 5015 ter	1	Sacco	" soia	65	5.200
105	—	189	Pezzi	Sacchi vuoti		47.250
106	—	12	"	Macchine Contabili		360.000
107	—	1	"	Macchine scrivere		25.000

Totale compl.L.3.628.288

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

ALLIED COMMISSION
695

0866

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

EXTRACT

" 2. In the case of Aziende Carboni Italiani, the Italian Ministry of Foreign Affairs claims that certain property belonging to Arsa Co., a subsidiary company of Aziende Carboni Italiani in Trieste, was illegally removed by the Yugoslav Forces during their occupation.

4. It is to be noted that ARSA Co. is located in Trieste and therefore in territory under Anglo-American military administration. It is not disputed that the company is a state agency.

5. Dealing first with the case of ARSA (Aziende Carboni Italiani), it is a fact that when Yugoslavia became the occupant power and her forces entered Trieste, operations of war as such had ceased and therefore no public property could very well be seized which could be used for military operations.

6. Furthermore, the list of material submitted by the Ministry of Foreign Affairs can hardly be described as war material, and in any case only a very small proportion of it could be used for operations of war. Copy of list is attached.

7. It is the opinion of this Hq that the list submitted by Arsa should be perused carefully and the Yugoslav authorities requested to return or offer compensation for such items which habitually would not be used in military operations: e.g., adding machines, protective masks, paint, etc, should normally be included in this category. "

72

ALLIED COMMISSION
695
HEADQ ARTERS

08697

(22A)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/mda.

MC/4034/12/I. 31 January 1946.

SUBJECT : Jugoslav Activities in VENEZIA GIULIA.

TO : C.A. Section.

1. Reference your No. 9004/72/MC of 23 January enclosing for comments a letter of the Prime Minister to the Chief Commissioner pointing out the serious situation that will result in VENEZIA GIULIA if the Jugoslav claims to War Booty are granted.

2. The questions raised in paras. 1 to 5 of the Prime Minister s letter of 15th Jan. have been dealt with in Instructions of AFHQ to the XIII Corps dated 19th August 1945. Ships and port equipment mentioned in para. 3 of the Prime Minister's letter are dealt with in paras. 5 and 9 of the Instructions just referred to, and if any items of this class have been released to the Jugoslavs such release is contrary to the Instructions.

3. With regard to the points raised in (a), (b), (c), (d), and (e) of the Prime Minister's letter reference should be made to para. 7 and Appendix "C" of the Instructions, the former of which states that "Items of Italian Government or governmental agency ownership may be released (if within the definition of war booty) to the Jugoslavs only provided there is evidence that effective control of such items has been assumed by the German or Fascist Republican authorities." Appendix "C" contains a definition of "War Booty" and notes indicating how the definition should be applied to concrete cases.

4. Any property used by the Germans (or by the Fascist Republican army) coming within the definition of "War material" actually seized after the Armistice between the United Nations and the German Forces fighting in Italy is subject to the provisions of such Armistice. All other Italian property is governed by the terms of the Armistice between the United Nations and Italy. Italian property which has been unlawfully taken by the Germans (property belonging to private persons or companies, for instance) is governed by the Armistice between the United Nations and Italy for the simple reason that the Germans had acquired no valid title.

5. An agreements between AFHQ and the Jugoslavs should take into consideration the position of Italy and Italian property as it is strictly under the terms of the Armistice and under international law; if in the agreement with the Jugoslavs we granted them something that cannot be taken

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

TO : C.A. Section.

1. Reference your No. 9008/72/BC of 23 January enclosing for comments a letter of the Prime Minister to the Chief Commissioner pointing out the serious situation that will result in VENEZIA GIULIA if the Jugoslav claims to War Booty are granted.

2. The questions raised in paras. 1 to 5 of the Prime Minister's letter of 15th Jan. have been dealt with in Instructions of AFHQ to the XIII Corps dated 19th August 1945. Ships and port equipment mentioned in para. 3 of the Prime Minister's letter are dealt with in paras. 5 and 9 of the Instructions just referred to, and if any items of this class have been released to the Jugoslavs such release is contrary to the Instructions.

3. With regard to the points raised in (a), (b), (c), (d), and (e) of the Prime Minister's letter reference should be made to para. 7 and Appendix "C" of the Instructions, the former of which states that "Items of Italian Government or governmental agency ownership may be released (if within the definition of war booty) to the Jugoslavs only provided there is evidence that effective control of such items has been assumed by the German or Fascist Republican authorities." Appendix "C" contains a definition of "War Booty" and notes indicating how the definition should be applied to concrete cases.

4. Any property used by the Germans (or by the Fascist Republican army) coming within the definition of "War material" actually seized after the Armistice between the United Nations and the German Forces fighting in Italy is subject to the provisions of such Armistice. All other Italian property is governed by the terms of the Armistice between the United Nations and Italy. Italian property which has been unlawfully taken by the Germans (property belonging to private persons or companies, for instance) is governed by the Armistice between the United Nations and Italy for the simple reason that the Germans had acquired no valid title.

5. An agreements between AFHQ and the Jugoslavs should take into consideration the position of Italy and Italian property as it is strictly under the terms of the Armistice and under international law; if in the agreement with the Jugoslavs we granted them something that cannot be taken by us under the Armistice Terms, the Jugoslavs have got no claim against the Italian Government, though they may have a claim against us. Nemo plus juris in alium transferre potest quam ipse habet. The view just expressed is in agreement with the point of view put forward by the Prime Minister in para. 7 (c) of his letter, and also in accord with the views expressed by the Chief Commissioner in his letter (AC/4034/12/L.) of 8 Aug. to AFHQ.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Letter No. 9008/72/BC and enclosures returned.

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

-3 GEN. 1946

3. JAN. 1946

Ref: 9303/GC

SUBJECT: Italian property in Venezia Giulia removed or taken over by Yugoslavs.

TO : G-5 AMG.

1. This Headquarters has been asked by the Italian Ministry of Foreign Affairs to take up the matter of property removed from the Aziende Carboni Italiani in Trieste, and from the Rexna plant in Fiume. Our considered opinion of the legal status of these questions is given below.

2. In the case of Aziende Carboni Italiani, the Italian Ministry of Foreign Affairs claim that certain property belonging to Arsa Co., a subsidiary company of Aziende Carboni Italiani in Trieste, was illegally removed by the Yugoslav forces during their occupation of the town.

3. In the case of Rexna the Yugoslav authorities claim from the Italian Government the restitution of spare parts and material which they allege were taken away by the German and Fascist authorities prior to the occupation of Fiume by the Yugoslav Army. The Yugoslav authorities claim that the removal of such spare parts and material has rendered the Rexna plants unworkable.

4. It is to be noted that Arsa Co. is located in Trieste and therefore in territory under Anglo-American military administration, whereas Rexna plants are in Fiume under Yugoslav control. It is not disputed that both companies are state agencies.

5. Dealing first with the case of Arsa (Aziende Carboni Italiani), it is a fact that when Yugoslavia became the occupant power and her forces entered Trieste, operations of war as such had ceased and therefore no public property could very well be seized which could be used for military operations.

6. Furthermore, the list of material submitted by the Ministry of Foreign Affairs can hardly be described as war material, and in any case only a very small proportion of it could be used for operations of war. Copy of list is attached.

7. It is the opinion of this Headquarters that the list submitted by Arsa should be perused carefully and the Yugoslav authorities requested to return or offer compensation for such items which are required in military operations; e.g., adhesive

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

1. This Headquarters has been asked by the Italian Ministry of Foreign Affairs to take up the matter of property removed from the Aziende Carboni Italiani in Trieste, and from the Rossa plant in Fiume. Our considered opinion of the legal status of these questions is given below.

2. In the case of Aziende Carboni Italiani, the Italian Ministry of Foreign Affairs claims that certain property belonging to Arsa Co., a subsidiary company of Aziende Carboni Italiani in Trieste, was illegally removed by the Yugoslav forces during their occupation of the town.

3. In the case of [illegible] the Yugoslav authorities claim from the Italian Government the restitution of spare parts and material which they allege were taken away by the German and Fascist authorities prior to the occupation of Fiume by the Yugoslav Army. The Yugoslav authorities claim that the removal of such spare parts and material has rendered the [illegible] plants unusable.

4. It is to be noted that [illegible] Co. is located in Trieste and therefore in territory under Anglo-American military administration, whereas [illegible] plants are in Fiume under Yugoslav control. It is not disputed that both companies are state agencies.

5. Dealing first with the case of [illegible] (Aziende Carboni Italiani), it is a fact that when Yugoslavia became the occupant power and her forces entered Trieste, operations of war as such had ceased and therefore no public property could very well be seized which could be used for military operations.

6. Furthermore, the list of material submitted by the Ministry of Foreign Affairs can hardly be described as war material, and in any case only a very small proportion of it could be used for operations of war. Copy of list is attached.

7. It is the opinion of this Headquarters that the list submitted by [illegible] should be perused carefully and the Yugoslav authorities requested to return or offer compensation for such items which habitually would not be used in military operations: e.g., alloy machines, protective masks, paint, etc., should normally be included in this category.

8. The claims of the Yugoslav authorities in connection with the seizure of the [illegible] plants at Fiume raise two questions :-

(a) Had the Yugoslav forces under existing conventions the right to take over the plants, and, if so,

(b) do they have the further right to demand the return of spare parts and material removed by the enemy prior to the occupation?

ALLIED COMMISSION HEADQUARTERS

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

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9. As regards the first question it is realized that under Art. 53 of the Hague Convention the Yugoslav authorities as occupants were undoubtedly entitled to seize the public property of the occupied state which are of such nature that "they may be used for the operation of war", and such public property must include oil and stores of a public company connected with oil refinement.

10. The second claim as presented by the Yugoslav authorities does not appear to be based on any legal rights. The alleged fact that the missing parts and stores have been removed by the Germans does not alter the legal position. The Yugoslav authorities did not acquire rights, further to those they undoubtedly had, to seize the plant as it stood when their forces occupied Fiume. If the plant was found unworkable, it cannot be the responsibility of the Italian Government, except by agreement, to put it in working order. Had the parts and stores been in territory under Yugoslav administration they had an absolute right to seize them, but the Italian Government cannot legally be forced to surrender material which happens to be located outside the jurisdiction of the Yugoslav authorities. When a gun is captured on the battlefield the defeated enemy cannot be requested to supply the proper ammunition in order that it might be fired.

11. It is therefore the opinion of this Headquarters that in the [illegible] case the Yugoslav authorities have no legal right over the missing parts and stores which the Germans and Soviet Republicans removed from the plant before the occupation of Fiume. Our political advisers are in agreement.

12. This opinion does not take into consideration the document signed on 09 September 1943 and known as the "Long Terms of Surrender", as it does not appear that the occupation of Venezia Giulia by the Yugoslavs is governed by the terms of this instrument.

13. We would be grateful for your comments and instructions as to the procedure which should be followed to bring about adjustment.

For the Chief Commissioner

[illegible]

CS

Brigadier
Executive Commissioner

Copy to:
Polad (A)
Polad (B)
Economic Section
CA Section.

ULO
POLO

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

10871

parts and stores have been removed by the Germans does not alter the legal position. The Yugoslav authorities did not acquire rights, further to those they unhesitatingly had, to seize the plant as it stood when their forces occupied Fiume. If the plant was found unavailable, it cannot be the responsibility of the Italian government, except by agreement, to put it in working order. Had the parts and stores been in territory under Yugoslav administration they had an absolute right to seize them, but the Italian Government cannot legally be forced to surrender material which happens to be located outside the jurisdiction of the Yugoslav authorities. Then a gun is captured on the battlefield the defeated enemy cannot be requested to supply the proper ammunition in order that it might be fired.

11. It is therefore the opinion of this headquarters that in the [illegible] case the Yugoslav authorities have no legal right over the missing parts and stores which the Germans and Fascist Republicans removed from the plant before the occupation of Fiume. Our political advisers are in agreement.

12. This opinion does not take into consideration the document signed on 29 September 1943 and known as the "Long Terms of Surrender", as it does not appear that the occupation of Venezia Giulia by the Yugoslavs is governed by the terms of this instrument.

13. We would be grateful for your comments and instructions as to the procedure which should be followed to bring about adjustment.

For the Chief Commissioner

[illegible]

Brigadier
Executive Commissioner

G3

Copy to:
Polad (A)
Polad (B)
Economic Section
CA Section.

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DCLO
Chief Counsel
CIO
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C
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Declassified E.O. 12356 Section 3.3/NND No. 785016

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Declassified E.O. 12356 Section 3.3/NND No. 785018

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/pa.

AC/4034/12/L. 17 Dec 45.

SUBJECT : Italian property in Venezia Giulia removed or taken over by Yugoslavs.

TO : Executive Commissioner

1. This Sub-Commission has been requested to take up the matter of the Azienda Carboni Italiani and of ROMSA and present to AFHQ the legal aspect of these cases for direction.

2. In the case of Azienda Carboni Italiani, the Italian Ministry of Foreign Affairs claims that certain property belonging to Arsa Co., a subsidiary company of Azienda Carboni Italiani in Trieste, was illegally removed by the Yugoslavs Forces during their occupation of the town.

3. In the case of ROMSA the Yugoslav authorities claim from the Italian Government the restitution of spare parts and material which they allege were taken away by the German and fascist authorities prior to the occupation of Fiume by the Yugoslav Army. The Yugoslav authorities claim that the removal of such spare parts and material has rendered the ROMSA plants unworkable.

4. It is to be noted that Arsa Co. is located in Trieste and therefore in territory under Anglo-American military administration, whereas ROMSA plants are in Fiume under Yugoslav control. It is not disputed that both companies are state agencies.

5. Dealing first with the case of Arsa (Azienda Carboni Italiani), it is a fact that when Yugoslavia became the occupant power and her forces entered Trieste, operations of war as such had ceased and therefore no public property could very well be seized which could be used for military operations.

6. Furthermore, the list of material submitted by the Ministry of Foreign Affairs can hardly be described as war material, and in any case only a very small proportion of it could be used for operations of war.

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

supply? that it is the opinion of the Sub-Commission that the list submitted by Arsa should be perused carefully and the Yugoslav authorities requested to return or offer compensationfor such items which habitually would not be used in military operations: e.g., adding machines, protective masks, paint, etc., should normally be included in this category.

8. The claims of the Yugoslav authorities in connection with the seizure of the ROMSA plants at Fiume raises two questions :-

(a) Had the Yugoslav Forces under existing conventions the right to take over the plants, and, if so,

(b) do they have the further right to demand the return of spare parts and material removed by the enemy prior to the occupation?

9. The first question has already been answered in our letter of 21 August 1945. Under Art.55 of the Hague Convention the Yugoslav authorities as occupants were undoubtedly entitled to seize the public property of the occupied state which are of such nature that "they may be used for the operation of war", and such public property must include oil and stores of a public company connected with oil refinement.

10. The second claim as presented by the Yugoslav authorities does not appear to be based on any legal rights. The alleged fact that the missing parts and stores have been removed by the Germans does not alter the legal position. As stated in our letter of 28 September 1945 the Yugoslav authorities did not acquire rights further to those they undoubtedly had, to seize the plant as it stood when their forces occupied Fiume. If the plant was found unworkable, it cannot be the responsibility of the Italian Government, except by agreement, to put it in working order. Had the parts and stores been in territory under Yugoslav administration, they had an absolute right to seize them , but the Italian Government cannot legally be forced to surrender material which happens to be located outside the jurisdiction of the Yugoslav authorities. When a gun is captured on the battlefield the defeated enemy cannot be requested to supply the proper ammunition in order that it might be fired.

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

11. It is therefore the opinion of this Sub-Commission in the ROMSA case that the Yugoslav authorities have no legal right over the missing parts and stores which the Germans and Fascist Republicans removed from the plant before the occupation of Fiume.

12. Please note that this opinion does not take into consideration the document signed on 29 September 1943 and known as the "Long Terms of Surrender", as it does not appear that the occupation of Venezia Giulia by the Yugoslavs is governed by the terms of this instrument.

G. G. HANNAFORD,
Lt.Colonel,
Deputy Chief Legal Advisor.

Copy to : POLAD (A)
POLAD (B)

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Declassified E.O. 12356 Section 3.3/NND No. 785018

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40034/12.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/mdh

19 November 1945

INTER OFFICE MEMO.

TO : Office of the Chief Commissioner.

1. This Sub-Commission was directed by the Chief Commissioner to prepare an opinion on the BELGRADE agreement concluded between Field MARSHAL ALEXANDER and MARSHAL TITO.

2. It is requested that this Sub-Commission be supplied with a copy of this agreement.

G.G. HARGRAVE,
Lt.Col.,
Deputy Chief Legal Advisor.

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Declassified E.O. 12356 Section 3.3/NND No. 785018

(18A)

HEADQUARTERS ALLIED COMMISSION
AFO 394
LEGAL SUB-COMMISSION

CGH/eap

AC/4034/12/1.

14 November 1945

SUBJECT : Italian property in Venezia Giulia removed or taken over by Yugoslavs.

TO : Executive Commissioner

1. This Sub-commission has been requested to take up the matter of the Azienda Carboni Italiani and of ROMSA and present to AFHQ the legal aspect of these cases for direction.

2. In the case of Azienda Carboni Italiani, the Italian Minister of Foreign Affairs claims that certain property belonging to Arsa Co, a subsidiary company of Azienda Carboni Italiani in Trieste, was illegally removed by the Yugoslav Forces during their occupation of the town.

3. In the case of ROMSA the Yugoslav authorities claim from the Italian Government the restitution of spare parts and material which they allege were taken away by the German and Fascist authorities prior to the occupation of Fiume by the Yugoslav Army. The Yugoslav authorities claim that the removal of such spare parts and material has rendered the ROMSA plants unworkable.

4. It is to be noted that Arsa Co., is located in Trieste and therefore in territory under Anglo-American military administration, whereas ROMSA plants are in Fiume under Yugoslav control. It is not disputed that both companies are state agencies.

5. Dealing first with the case of Arsa (Azienda Carboni) it is a fact that in May 1945, when the property of the company was allegedly removed by the Yugoslav Forces, Yugoslavia was the occupying power in that part of Venezia Giulia which was then under her control. As such she had the full rights of an occupying power under international law to take over and retain war booty captured in battle and to seize public property which could be used for military operations.

64 6. The question is whether the property enumerated in the list submitted by Arsa could, at the time, be considered as war booty captured in battle or as moveable property belonging to the State (or State agencies) which could be used for military operations.

7. This is obviously a question of fact and not of law. Technically only a few items in the list could be described as war material. On the other hand it cannot be denied that in practice occupants allege that

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

practically everything belonging to the occupied State can be used for military operations in modern warfare.

~~8.~~ 7 It is the opinion of this sub-commission that the list submitted by Arsa should be perused carefully and the Yugoslav authorities requested to return or offer compensation for such items which habitually would not be used in military operations; e.g., adding machines, protective masks, paint, etc., should normally be included in this category.

~~9.~~ 8 The claims of the Yugoslav authorities in connection with the seizure of the ROMSA plants at Fiume raises two questions :-

(a) Had the Yugoslav Forces under existing conventions the right to take over the plants, and, if so,

(b) do they have the further right to demand the return of spare parts and material removed by the enemy prior to occupation?

7A ~~10.~~ 9 The first question has already been answered in our letter of 21 August 1945. Under Art 53 of the Hague Convention the Yugoslav authorities as occupants were undoubtedly entitled to seize the public property of the occupied state which are of such nature that "they may be used for the operation of war", and such public property must include oil and stores of a public company connected with oil refinement.

~~11.~~ 10 The second claim as presented by the Yugoslav authorities does not appear to be based on any legal rights. The alleged fact that the missing parts and stores have been removed by the Germans does not alter the legal position. As stated in our letter of 28 September 1945 the Yugoslav authorities did not acquire rights further to those they undoubtedly had, to seize the plant as it stood when their forces occupied Fiume. If the plant was found unworkable, it cannot be the responsibility of the Italian Government, except by agreement, to put it in working order. Had the parts and stores been in territory under Yugoslav administration, they had an absolute right to seize them, but the Italian Government cannot legally be forced to surrender material which happens to be located outside the jurisdiction of the Yugoslav authorities. When a gun is captured on the battlefield the defeated enemy cannot be requested to supply the proper ammunition in order that it might be fired. 14A

12. However there is one point which is not clearly specified in the documents submitted to this sub-commission. Are the spare parts and material claimed by the Yugoslavs located in AMG or Italian territory?

13. If they are in Italian territory there exist no legal means 63 compelling the Italian Government to surrender them, unless it is contended that the armistice terms apply in this case. On the other hand, if they are situated in territory under Allied administration the position is different.

14. AMG as military occupant hold the right to seize any kind of

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material "even belonging" to private individuals if it can be considered as war material. On the other hand, under Art 53, "such material must be restored at the conclusion of peace and indemnities must be paid for them".

15. AMG could therefore have seized legally the spare parts and material claimed by the Yugoslav authorities, and handed these to the Yugoslavs if it was considered necessary to do so for military operations. In this case however, the Allies would be responsible for the restoration of these items and for the indemnities to be paid.

11 ~~16.~~ It is therefore the opinion of this sub-commission in the ROMSA case that :-

(a) The Yugoslav authorities have no legal right over the missing parts and stores which the Germans and Fascist Republicans removed from the plant before the occupation of Fiume.

(b) AMG authorities can hand over this material to the Yugoslavs if it is situated in territory under AMG control and actually taken over by them as war material.

(c) In the latter case AMG would be responsible to the Italian Government for the restoration of the material and any indemnity which may have to be paid in connection with such seizure. Whether this is covered by the Long Surrender Terms or not is another question.

12 ~~17.~~ Please note that this opinion does not take into consideration the document signed on 29 September 1943 and known as the "Long Terms of Surrender", as it does not appear that the occupation of Venezia Giulia by the Yugoslavs is governed by the terms of this instrument.

C. G. HANNAFORD,
Lt Col., Deputy C.L.A. and
O i/c Italian Branch,
for Chief Legal Adviser.

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Copies to: POLAD (A)
POLAD (B)

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

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HEADQUARTERS ALLIED COMMISSION
APO 394
Office of the Executive Commissioner

Ref: 9008/32/EC

15 October 1945

SUBJECT: Italian Property in Venezia Giulia Removed by Yugoslavs

TO : Legal Subcommission

16A

1. Reference your AC/4034/12/L of 9 October 45.

15A

10A

2. In your letter AC/4034/12/L of 11 September para 5 you suggest that the request of the Azienda Carboni Italiani for the recovery of its material be taken up with AFHQ; our 9008/29/EC of 6 October 45 merely endorsed this statement and asked you, as the most appropriate subcommission, to take this up with AFHQ. The Executive Commissioner also wishes you to take up the ROMSA case, as mentioned in para 2 of your above-quoted letter.

3. It is felt that a letter dealing with the general position of private and public Italian property in Yugoslav-occupied territory is not necessary at this juncture, since, at the moment, we are concerned with two specific cases only, and it will probably be more convenient to deal with each future case on its own merit.

4. Direct communication between the Italian and Yugoslav Governments does not exist; any negotiations between these Governments usually involve AC, G-5 AFHQ and the British and American Embassies. In order to receive instructions from AFHQ as to the procedure which should be followed to bring about adjustment, these two cases must be presented to them by this Commission from the legal aspect.

5. It does not concern Allied Commission that the Yugoslavs consider territory east of the Morgan Line as annexed territory; until the peace terms are published the whole of Venezia Giulia is Italian territory under the control of a military occupant (either Anglo-American or Yugoslav). We are not dealing with this subject from the Yugoslav point of view.

CLO
DCLO
Chief Counsel
CJO
Italian Desk
CLERKS
11 OCT 1945

F. M. Cleary Lt. Colonel
Chief Staff Officer
To Executive Commissioner

Copy to: Polad (A)
Polad (B)

61

0881

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

16A

HEADQUARTERS ALLIED COMMISSION
APO
LEGAL SUB-COMMISSION

AC/4034/12/L.

GGH/lc.
9 October 1945.

SUBJECT : Italian Property in Venezia Giulia removed by Yugoslavs.

TO : Executive Commissioner.

1. Your request of 6 Oct.(Ref.9008/29/EC) for a letter to AFHQ setting forth the opinion of the Legal Sub-Commission "as to the Legal Status and requesting instructions from AFHQ as to the procedure to be followed to bring about an adjustment" is not clearly understood.

2. Is it desired that such letter should deal with the general position of private and public Italian property in Jugoslav occupied territory or only with the specific cases of ROMSA and Azienda Carboni?

3. In the first instance you would require an interpretation of the Hague Convention as applying to the terms of the Morgan-Jovanovic agreement in so far as the disposal of such Italian property is concerned.

4. In the second instance this Sub-Commission has already given its opinion as to the validity of various claims(letter of 21 Aug, 11 Sept. and 28 Sept. refer) made by both Italian and Jugoslav Governments, and any adjustment thereon should, it appears, be brought about through direct negotiations between the parties.

5. The root of the trouble lies in the fact that the Jugoslavs are considering the territory East of the Morgan line as annexed territory and deal with it, its inhabitants and institutions accordingly, whereas the Allies and the Italians are of opinion that it should be treated for the present as Italian territory under the Control of a military occupant. (Hague Convention Arts 43 to 56).

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

6. Until these two conflicting points of view remain in existence one party can always validly claim that the other is acting "ultra vires" and vice versa.

7. May we have your further instructions please.

G. G. HANNAFORD,
Lt. Col.,
Deputy Chief Legal Advisor.

Copy to : Poland (A),
Poland (B).

0883

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

15A

HEADQUARTERS ALLIED COMMISSION
APO 394
Office of the Executive Commissioner

Ref: 9008/29/EC

6 October 1945

SUBJECT: Italian Property in Venezia Giulia removed by Yugoslavs

TO : Legal Subcommission

14A

1. Further to your unnumbered letter of 28 September and your AC/4034/12/L of 11 September.

10

2. Please prepare, for signature of Executive Commissioner, a letter presenting the issue to AFHQ, setting forth your opinion as to the legal status and requesting instructions from AFHQ as to the procedure which should be followed to bring about adjustment.

3. Polad (A) and (B) and Economic Section should be on the distribution.

Chief Staff Officer
To Executive Commissioner

Copy to:
Economic Sec (your ref. ES/5.14 of 20 Sept)
POLADV(A)
POLADV(B)

58

LEGAL SUBCOMMISSION
CLO
DCLO
Chief Counsel
CJO
Italian Section
CLERKS
8 OCT 1945

0884

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

file

HEAD QUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

GGH/lc.
28 September 1945

AC/40304/12/c.

SUBJECT : Italian Property in Venezia Giulia removed by Jugoslavs.

TO : Economic Section.

1. Reference your EE/5.14 of 20 September 45 and FS/12.05 of 26 September 45. Whether statal or parastatal property can be validly taken over by an occupying power depends entirely on the nature of the property.

2. Col. Behrens stated in his letter of 21 August: "can only be seized public property that may be used for the operations of war". This opinion is still valid.

3. In the case of KOMB. it cannot be maintained that the Jugoslavs require the restitution of essential parts of a plant for operations of war, as such operations have ended with the cessation of hostilities. The fact that Jugoslavia considers herself at war with Italy does not alter the position. The Jugoslav authorities seized the plant as it stood when, as an occupying power they had an apparent right to do so. I do not think they can legally justify any further claim.

Much less can they justify the right to request the handing over of material which has been ordered and paid for by the KOMBA Coy. and never delivered.

4. As far as Azienda Urbani is concerned, the list of articles allegedly removed by the Jugoslavs can hardly be described as being of such a nature "that may be used for the operation of war" even at the time when they were actually taken away. Therefore the claim put forward by the Italian Government appears to be well founded.

5. From the documents submitted it does not appear that a procedure of requisition was started at any time.

6. A copy of Art. 53 of the Hague Convention is attached.

G.G. HAMMAFORD, Lt. Col.
for Chief Legal Advisor.

Copy to: Executive Commissioner Ref:9005/34/SC
Polads ( ) (a) of 5 Sept.

0885

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

Art. 53.

An army of occupation shall only take possession of cash, funds, and realizable securities which are strictly the property of the State, depôts of arms, means of transport, stores and supplies, and, generally, all movable property belonging to the State which may be used for military operations.

Except in cases governed by naval law, all appliances adapted for the transmission of news, or for the transport of persons or goods, whether on land, at sea, or in the air, depôts of arms, and, in general, all kinds of war material may be seized, even if they belong to private individuals, but they must be restored at the conclusion of peace, and indemnities must be paid for them.

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

(13A)

Del. 406

HEAD-QUARTERS ALLIED COMMISSION
APO 394
ECONOMIC SECTION
PRODUCTION DIVISION

DIL:LFW

26 September 1945

Ref. ES/12.03

SUBJECT: Italian Property in Venezia Giulia

TO : Chief Legal Adviser
Legal Sub-Commission

(7A)

1. I refer to your memorandum AG/4084/12/I. dated 21 August 1945 and to a letter which I have received from the British Embassy, reference 585/46/45 dated 22nd September which is attached.

2. May I please have your opinion on the matters referred to by the Ambassador so that I may reply to his letter?

D. D. ANDERSON
Brigadier
Deputy Vice-President

Enclosure

55

LEGAL SUB-COMMISSION
Chief Counsel
CID
Italian Section
No. 265
27 Sep 45

0887

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

4034/12

12A

HEADQUARTERS ALLIED COMMISSION
APO 394
Office of the Executive Commissioner

Ref: 9008/24/EC

25 September 1945

SUBJECT: Italian Property in Venezia Giulia Removed by Jugoslavs

TO : Legal Sub-Commission

1. Your AC/4034/12/L of 11 September states that the property in question (Azienda Carboni Italiani), being private property, could not be confiscated by the Jugoslav authorities.

2. Herewith copy of a letter from Production Division of the Economic Section (Ref: ES/5.14 of 20 September) to the effect that A.C.I. is a state agency.

3. Will you please reconsider and give us your further opinion in the light of the enclosed letter.

E. M. White, Capt
for Chief Staff Officer
to Executive Commissioner

Encl: 1

Copy to: Production Division of the Economic Section

54

LEGAL SUBCOMMISSION
CLO
DCLO
Chief Counsel
CLO
Italian Section
CL RKS
26 SEP 1945

0888

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

(11A)

C O P Y

HEADQUARTERS ALLIED COMMISSION
AFO 394
ECONOMIC SECTION
PRODUCTION DIVISION

Tel: 406

DAL:lrw

Ref: EE/5.14

20 September 1945

SUBJECT: Italian Private Property in Venezia Giulia
Removed by Jugoslav Forces

TO : Executive Commissioner

1. I refer to your 9008/EC dated 17 September 1945. I think the legal opinion on the ownership of the stores in question is based on a wrong assumption, i.e. that the Azienda Carboni is a private company.

2. The facts are that the A. Ca. I. is an "Ente di Diritto Pubblico" which was established by the "Regio Decreto Legge" No. 1407 issued on 28 July 1935 and confirmed by the "Legge" No. 190 issued on 1 March 1936. The A. Ca. I. is financed practically entirely by the State; it is responsible to the Ministry of Finance and to that of Industry and Commerce; its directors are nominated by the State. It has no connection with the I.R.I., which is another "Ente di Diritto Pubblico", and therefore has the same legal status as the A. Ca. I.

3. Will you please let me know whether you wish any further action on this matter to be taken by the Economic Section?

/s/ D.L. ANDERSON
Brigadier
Deputy Vice-President

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

(107)

File

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

GGH/lo.
11 September 1945.

AC/4034/12/L.

SUBJECT : Italian private property in Venezia Giulia removed by Jugoslav Forces.

TO : Executive Commissioner (Liaison Division).

1. The request of "Azienda Carboni Italiani" forwarded to this Sub-Commission by the Ministry of Foreign Affairs raises yet another aspect of the question of the right of the occupant to seize and retain property belonging to private citizens of the occupied country.

2. Under article 46 of the Hague Convention "Private property may not be confiscated", under article 52 however such property may be requisitioned" for the needs of the army of occupation". The occupying power being ultimately financially responsible to the private owners for the use of such property and damage or destruction thereof.

3. It is understood that both Azienda Carboni holding Company and Arsa, direct owners of the material concerned, are private companies and therefore their property cannot be confiscated by the occupying power.

4. It does not appear from the correspondance that the Jugoslav Forces have gone through any regular proceeding of requisition vis & vis Arsa. It appears on the contrary, if the alleged facts are correct, that the Jugoslav authorities have assumed that the material involved was "war booty" and have treated it accordingly.

5. Neither the facts, as known to this sub-Commission, nor the nature of the articles removed can, in my opinion justify such assumption and I therefore recommend that the matter be taken up with AFHQ at the earliest opportunity.

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6. In all probability further claims from private owners in Venezia Giulia are going to follow this one and some kind

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of undertaking should be obtained from Jugoslav authorities, if at all possible.

2. Relevant documents are attached.

G. G. HANNAFORD,
Lt. Col.,
Officer i/c Italian Branch,
for Chief Legal Advisor.

Copy to : Polads (A and B)
Economic Seq. (for Commerce S/C)
CA Sec.

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

Legal S/

10 SEP 1945

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9A

Ministero degli Affari Esteri

MEMORANDUM FOR THE ALLIED COMMISSION

Subject: Azienda Carboni Italiani. -

1. The Azienda Carboni Italiani, owner of the Arsa Co., with head office at Trieste, nº 1, via Fontanone, have requested the Ministry for Foreign Affairs to interest the Allied Authorities in recovering the material indicated in the list herewith enclosed and removed by the Yougoslav forces from the warehouses of the Company at Trieste in May last.

2. The Ministry for Foreign Affairs thank the Allied Commission for those steps they will see fit to take in the matter.

Encl.

Rome, September 7th, 1945

MINISTERO DEGLI AFFARI ESTERI

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BEST COPY POSSIBLE

Distinta materiali asportati dalle Truppe Jugoslave dai Magazzini della Societa ARSA di Trieste, durante l'occupazione Jugoslava (Maggio I945) della citta di Trieste.

nº	Marche e numeri	Quantità	Qualità imballaggio	Descrizione Materiali	Peso Kg.	Valore
I	AE 5039	466	Pezzi	Coperture biciclette		I.398.000.--
2	AE 5039	222	"	Camere d'aria		222.000.--
3	AE 89/5049	3	Balle	Cuoio	253,50	253.500.--
4	AE 52/3I	I	Cassa	Scarpe (paia 44)		I32.000.--
5	AE 52/3I	I	Sacco	Scarpe (paia I7)		5I.000.--
6	AE 5I99	2	Pezzi	Coperture 42x9		I20.000.--
7	AE 5325	I	Cassa	Candele steariche (408 pezzi)		I2.840.--
8	AE 5245	5	Pezze x 50 metri Tela per Tute			87.500.--
9	AE 5036	2	Sacchi	25 paia Stivali gomma		I00.000.--
I0	--	2	Sacchi	20 vestiti completi uomo		I00.000.--
II	AE 252 bis	I	Cassa	Materiale Cancelleria	25,	I0.000.--
I2	AE I99	2	Pacchi	Carta da filtro	30,	6.000.--
I3	AE 25I bis	I	Pacco	Stampati	I0,	3.000.--
I4	AE 5097	4	Pezzi	Biciclette complete		60.000.--
I5	—	3	Barre	Acciaio da fioretti	I5	7.000.--
I6	AE 247	I	Collo	Feltre	22,6	20.000.--
I7	AE 29	3	Pezzi	Mole per affilare	44	5.000
I8	AE 840	8	Pezzi	Ingranaggi	238	I2.000
I9	AE 25I/509I	3	Pacchi	Stampati	79	8.000.--
20	AE 5044	5	Casse	Fiammiferi		50.000.--
2I	—	I	Paio	Scarpe usate		I.000.--
22	—	2	Fusti	Carburo Calcio	50	9.000.--
23	AE 509I	I	Pacco	Stampati	I6	I.200.--
24	—	2	Pacchi	Stampati	I0	I.000.--
25	—	I	Pezzo	Camere d'aria		I.000.--
26	AE 3I8	I00	sacchi	Dadi ferro	4000	I80.000.--
27	—	I	Cassa	Stagno	37,5	35.000.--
28	—	20	rotoli	Tubo gamma	329	82.250.--
29	—	I2	"	" "	235	58.750.--
30	—	400	pezzi	Raccordi	3	600 600.--
3I	—	205	pezzi	olandesi	I00	20.000
32	—	50	pezzi	Valvole assortite	50	25.00
33	—			Anelli guarnizione gomma	70	I4.0
34	—	3	rotoli	gomma p/ guarnizione	95	28.500.--
35	—	I	collo	stagno	25	22.500.--
36	—	50	scatole	pasta salda		5.000.--
37	—	286	rotoli	nastro isolante		24.3I0.--
38	—	3	rotoli	cavo rame sottogomma	64	38.400.--
39	—	I40	pacchi	Chiodi	700	35.000.--
40	—	4	barre	Rame	84	I6.800.--

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I	AE 5039	466	Pezzi	Coperture biciclette		I.398.000.--
2	AE 5039	222	"	Camere d'aria		222.000.--
3	AE 89/5049	3	Balle	Cuoio	253,50	253.500.--
4	AE 52/3I	I	Cassa	Scarpe (paia 44)		I32.000.--
5	AE 52/3I	I	Sacco	Scarpe (paia I7)		5I.000.--
6	AE 5I99	2	Pezzi	Coperture 42x9		I20.000.--
7	AE 5325	I	Cassa	Candele steariche (408 pezzi)		I2.840.--
8	AE 5245	5	Pezze x 50 metri Tela per Tute			87.500.--
9	AE 5036	2	Sacchi	25 paia Stivali gomma		I00.000.--
I0	—	2	Sacchi	20 vestiti completi uomo		I00.000.--
II	AE 252 bis	I	Cassa	Materiale Cancelleria	25,	I0.000.--
I2	AE I99	2	Pacchi	Carta da filtro	30,	6.000.--
I3	AE 25I bis	I	Pacco	Stampati	I0,	3.000.--
I4	AE 5097	4	Pezzi	Biciclette complete		60.000.--
I5	—	3	Barre	Acciaio da fioretti	I5	7.000.--
I6	AE 247	I	Collo	Feltro	22,6	20.000.--
I7	AE 29	3	Pezzi	Mole per affilare	44	5.000
I8	AE 840	8	Pezzi	Ingranaggi	238	I2.000
I9	AE 25I/509I	3	Pacchi	Stampati	79	8.000.--
20	AE 5044	5	Casse	Fiammiferi		50.000.--
2I	—	I	Paio	Scarpe usate		I.000.--
22	—	2	Fusti	Carburo Calcio	50	9.000.--
23	AE 509I	I	Pacco	Stampati	I6	I.200.--
24	—	2	Pacchi	Stampati	I0	I.000.--
25	—	I	Pezzo	Camere d'aria		I.000.--
26	AE 3I8	I00	sacchi	Dadi ferro	4000	I80.000.--
27	—	I	Cassa	Stagno	37,5	35.000.--
28	—	20	rotoli	Tubo gomma	329	82.250.--
29	—	I2	"	" "	235	58.750.--
30	—	400	pezzi	Raccordi	3	600 600.--
3I	—	49 205	pezzi	olandesi	I00	20.000
32	—	50	pezzi	Valvole assortite	50	25.00
33	—			Anelli guarnizione gomma	70	I4.00
34	—	3	rotoli	gomma p/ guarnizione	95	28.500.--
35	—	I	collo	stagno	25	22.500.--
36	—	50	scatole	pasta salda		5.000.--
37	—	286	rotoli	nastro isolante		24.3I0.--
38	—	3	rotoli	cavo rame sottogomma	64	38.400.--
39	—	I40	pacchi	Chiodi	700	35.000.--
40	—	4	barre	Rame	84	I6.800.--
4I	—	I	rotolo	Cavo Acciaio	50	I4.000.--
42	—	50	pezzi	Maschere per polvere carbone		25.000.--
				a riportare		L. 3.296.400,--

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

N	Marche e numeri	Quantità	Qualità imbal-laggio	Descrizione Materiali	Peso Kg.	Valore
				riporto		3.296.400.--
43	--	200	rotoli	Nastro isolante		I7.000.--
44	--	I	collo	Sale Ammoniaco	I3,7	I.300.--
45	--	5	pezzi	Lampade elettriche		750.--
46	--	2	colli	gomma p. guarnizioni	64	I9.200.--
47	--	500	metri	Cavo rame sotto gomma	I000	600.000.--
48	--	2	rotoli	Tubo gomma	38	9.500.--
49	--	2	rotoli	" "	65	I6.250.--
50	AM 2	200	pezzi	paglericci Juta		70.000.--
5I	--	I0	pezzi	Ventilatori elettrici		50.000.--
52	--	2	colli	Cinghia gomma	2000	I.600.000.--
53	--	30	pezzi	Seghe per falegnami		I2.000.--
54	--	I5	"	" ad arco		6.000.--
55	--	50	"	Picconi		7.000.--
56	--	I0	"	Martelli perforatori		I50.000.--
57	--	30	"	" picconatori		300.000.--
58	--	5	"	Trapani		I0.000.--
59	--	50	"	Pale		6.000.--
60	--	I	Bobina	Cavo acciaio I7 m/m	II00	220.000.--
6I	--	2	rotoli	" " I7 "	550	II0.000.--
62	--	I	Bobina	" " I2 "	500	I25.000.--
63	--	I		Tegaglia per Tubi		800.--
64	--	20	pezzi	Martelli picconatori		200.000.--
65	--	I00	pezzi	Bulloni Testa Martello	500	30.000.--
66	--	73	"	Lampade a carburo		25.550.--
67	--	I0	sacchi	Carbone legna	4I2	4.I20.--
68	--	50	"	Dadi ferro	2000	60.000.--
69	--	249		Paglericci Juta		87.I50.--
70	AE 322 ter	I	collo	Tubi ottone	30	7.500.--
7I	--	I	"	" "	20	5.000.--
72	--	2	colli	ricambio macchinari	4I	40.000.--
73	--	2	colli	Argani ad Aria Compressa	400	I60.000.--
74	--	20	pezzi	fioretti acciaio I,50	40	3.200.--
75	--	30	"	" " 2,00	60	4.800.--
76	--	20	"	" " I,50	40	3.200.--
77	--	30	"	" " 2,00	60	4.800.--
78/1,8	--	I46	pezzi	punte martello picconatore	I50	I6.500.--
79	--	3	"	carrelli per slitte	300	49.000.--
80	--	I	fusto	Grasso Staufer	200	I0.000.--
8I	--	I0	fusti	Olio Lubrificante	2000	I30.000.--
82	--	200	pezzi	punte martello picc.	330	36.300.--
83	--	3	"	Rullo conduttore	I50	I5.000.--
						7.5I9.270.--

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43	—			riporto		3.296.400.—
		200	rotoli	Nastro isolante		I7.000.--
44	--	I	collo	Sale Ammoniaco	I3,7	I.300.--
45	--	5	pezzi	Lampade elettriche		750.--
46	--	2	colli	gomma p. guarnizioni	64	I9.200.--
47	--	500	metri	Cavo rame sotto gomma	I000	600.000.--
48	--	2	rotoli	Tubo gomma	38	9.500.--
49	--	2	rotoli	" "	65	I6.250.--
50	AM 2	200	pezzi	paglericci Juta		70.000.--
5I	--	I0	pezzi	Ventilatori elettrici		50.000.--
52	--	2	colli	Cinghia gomma	2000	I.600.000.--
53	--	30	pezzi	Seghe per falegnami		I2.000.--
54	--	I5	"	" ad arco		6.000.--
55	--	50	"	Picconi		7.000.--
56	--	I0	"	Martelli perforatori		I50.000.--
57	—	30	"	" picconatori		300.000.--
58	—	5	"	Trapani		I0.000.--
59	--	50	"	Pale		6.000.--
60	--	I	Bobina	Cavo acciaio I7 m/m	II00	220.000.--
6I	--	2	rotoli	" " I7 "	550	II0.000.--
62	--	I	Bobina	" " I2 "	500	I25.000.--
63	—	I		Tenaglia per Tubi		800.--
64	--	20	pezzi	Martelli picconatori		200.000.--
65	—	I00	pezzi	Bulloni Testa Martello	500	30.000.--
66	--	73	"	Lampade a carburo		25.550.--
67	--	I0	sacchi	Carbone legna	4I2	4.I20.--
68	--	50	"	Dadi ferro	2000	60.000.--
69	--	249		Paglericci Juta		87.I50.--
70	AE 322 ter	I	collo	Tubi ottone	30	7.500.--
7I	--	I	"	" "	20	5.000.--
72	--	2	colli	ricambio macchinari	4I	40.000.--
73	—	2	colli	Argani ad Aria Compressa	400	I60.000.--
74	--	20	pezzi	fioretti acciaio I,50	40	3.200.--
75	--	30	"	" " 2,00	60	4.800.--
76	--	20	"	" " I,50	40	3.200.--
77	--	30	"	" " 2,00	60	4.800.--
78	--	I46	pezzi	punte martello picconatore	I50	I6.500.--
79	--	3	"	carrelli per slitte	300	49.000.--
80	--	I	fusto	Grasso Staufer	200	I0.000.--
8I	--	I0	fusti	Olio Lubrificante	2000	I30.000.--
82	--	200	pezzi	punte martello picc.	330	36.300.--
83	--	3	"	Rullo conduttore	I50	I5.000.--
				a riportare		L. 7.5I9.270.--

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

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

nº	Marche e numeri	Quantità	Qualità Imballaggi	Descrizione Materiali	Peso Kg.	Valore
				riporto		L. 7.519.270.--
84	--	3	Pezzi	Sbarre ferro	240	II.000.--
85	--	6	"	Perni bulloni	IO	800.--
86	--	200	"	Olandesi	40	8.000.--
87	--	2	Fusti	Olio p. Cilindri	4000	26.000.--
88	--	I	Gabbia	Riduttori	I78	50.000.--
89	--	3	Casse	Ricambi p. Auto	I68	92.000.--
90	AE 3I8	IIO	Sacchi	Dadi ferro	4400	I32.000.--
9I	AE I382	IO	Gabbia	Lampadine	700	I07.200.--
92	AE I269	IO	Scatole	"	30	6.450.--
93	AE 3I8	37	Sacchi	Dadi ferro	722	2I.660.--
94	AE 0I873	8	Gabbia	Lampadine)	600	93.000.--
95	AE 0I6I0	IO	Scatole	")		
96	--	II	Casse	Rottami Rame	390	58.500.--
97	AE I94 a	I	Sacco	Soda Solway	I00	6.000.--
98	--	I9	Fasci	Tubi Rame	I43	37.500.--
99	AE 93	I	Gabbia	Bobina magnetica	30	I8.000.--
I00	--	I	Cassa	Rottami alluminio	3,6	I08.--
I0I	AE 7 bis	I	Fusto	Colore in polvere	25	I.750.--
I02	AE 50I5 ter	I	Sacco	Semi barbabietola	20	800.--
I03	AE 50I5 ter	I	Sacco	" "	IO	800.--
I04	AE 50I5 ter	I	Sacco	" soia	65	5.200.--
I05	--	I89	pezzi	Sacchi vuoti		47.250.--
I06	--	I2	"	Macchine Contabili		360.000.--
I07	--	I	"	Macchine scrivere		25.000.--

Totale complessivo L. 8.628.288.--

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

4034/12.

8A

Ref: 5002/9/EC.

7 Sept 1945.

SUBJECT: War Booty (Jugoslav) in Venezia Giulia.

TO : Economic Section.
Legal Sub-Commission.

Reference copy of AG 386.3/225 GEO-O dated 13.Aug.45 forwarded you by Chief Commissioner's Office, herewith for your information and to complete your file on this subject, are:

(a) Copy of Paper No. SAC (45) 8 dated 7.Aug.45 - "Jugoslav War Booty in VENEZIA GIULIA".

(b) Copy of Minute No.6 of SACMED's Conference Minutes (3rd Meeting) dated 9.Aug.45.

(c) Copy of Minute No.4 of SACMED's Conference Minutes (4th Meeting) dated 24.Aug.45.

E. TALBOT

Lt.Col.,
Chief Staff Officer,
to the Executive Commissioner.

SUB COMMISION
CIO
ECDO
Chief Counsel
ECO
Italian
10 SEP 1945

Jr.

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Declassified E.O. 12356 Section 3.3/NND No. 785018

Extract from the Minutes of SACMED's Conference (4th Meeting), 24.Aug.45. 8b

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MINUTE No.4.

4. JUGOSLAV WAR BOOTY IN VENEZIA GIULIA.

(Previous reference SAC (45) 3rd Meeting, Minute 6).

MAJOR GENERAL LEMNITZER reported that as a result of the discussion at the previous meeting the Assistant Chief of Staff, G-5, had held at AFHQ a conference attended by representatives of the Allied Commission. In consequence, it had been decided to amend the directive circulated under paper No. SAC (45) 8 in two respects. The first was to lay down as an AFHQ directive that salt and tobacco were to be considered disease and unrest items and so were not to be released to the Jugoslavs. It had previously been intended to leave the decision on this matter to 13 Corps. In the second place the directive now stipulated specifically that items of Italian government ownership might only be released to the Jugoslavs if there was evidence that effective control of such items had been assumed by the Germans or by the Fascist Republican authorities. As so amended the directive had now been despatched to 13 Corps.

BRIGADIER GENERAL HAMLEN said that on a recent visit to VENEZIA GIULIA he had discovered that the war booty, claimed by the Jugoslavs, had in fact been in the possession of their civilian agents throughout the negotiations. Now that it had been decided that certain of these items could not be released to JUGOSLAVIA, 13 Corps might require some further direction as to the use of force in order to seize these items.

THE DEPUTY SUPREME ALLIED COMMANDER, in noting the above reports, directed:

> that the measures necessary to appropriate to Allied Military Government uses items such as salt and tobacco, which were held within the Allied occupied area and were not now to be released to JUGOSLAVIA, could properly be left to Commander, 13 Corps.

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Extract from the Minutes of SACMED's Conference (3rd Meeting), 9.Aug.45.

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MINUTE No. 6.

6. JUGOSLAV WAR BOOTY IN VENEZIA GIULIA.
(Paper No. SAC (45) 8)

THE CONFERENCE had before them a paper recommending the despatch of an attached draft directive to Headquarters, XIII Corps authorising the release to the Jugoslavs, under the terms of the MORGAN-JOVANOVIC Agreement, of certain items of war booty which were captured by their forces and which were the property of governments (including ITALY) at war with JUGOSLAVIA.

MAJOR GENERAL LEMNITZER stated that, in accordance with the terms of the MORGAN-JOVANOVIC Agreement, the Jugoslavs were entitled to remove certain items of war booty from the Anglo-American occupied area of VENEZIA GIULIA, subject to the provisions of International Law. Accordingly, recommendations as to what items should be released had been made to the Combined Chiefs of Staff. The latter had approved the majority of the proposals, but had queried whether we were entitled to forbid the release of items essential to the maintenance of law and order, items which would necessitate replacement in kind by the Allies, and enemy-owned lire accounts. A decision on these items was awaited.

REAR ADMIRAL PARKER considered that the reference to commercial ships in the draft directive to XIII Corps should be deleted. The Jugoslavs had not as yet demanded the return of any commercial shipping, and it was undesirable to make any reference which might suggest that they had a right to do so. In reply to a remark by Brigadier General Hamblen, he stated that various harbour and small craft were being released to them, but no large sized ships had so far been claimed.

REAR ADMIRAL STONE agreed that the proposed directive was sound on the basis of the instructions received from the Combined Chiefs of Staff. However, he expressed the view that various items which it was proposed to release to the Jugoslavs, such as salt and tobacco, should be considered as items essential to the prevention of disease and unrest. In addition, he stated that until recently he had not been informed of the text of the recommendations made to the Combined Chiefs of Staff. Neither he, nor his political advisers, were in agreement with its proposals. It was his contention, in which he was supported by his legal adviser, that property of the Italian Government could not be properly considered as Jugoslav War Booty, as since the Armistice of 1943, JUGOSLAVIA had not been at war with ITALY. Accordingly, he had written a letter to the Chief of Staff, setting out the reasons for his disagreement, and he was of the opinion that in the light of that letter, the Supreme Allied Commander might consider the alteration of certain of his recommendations to the Combined Chiefs of Staff.

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MR. OFFIE stated that he had previously expressed his non-concurrence to the AMG proposals for the disposition of War Booty. It was his opinion that a more complete statement should be despatched to the Combined Chiefs of Staff when he did not believe had been fully aware of the political implications of their decision. He considered that, in the meanwhile, the release of items to the Jugoslavs should not proceed.

BRIGADIER GENERAL HAMBLEN, referring to the disagreement expressed by the Chief Commissioner, Allied Commission and the United States Deputy Political Adviser, stated that these views had been fully expressed at AMG before recommendations to the Combined Chiefs of Staff had been despatched. These views, and the reasons for which they had been over-ruled, were summarised in the paper

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

MAJOR GENERAL LEGUITZER stated that, in accordance with the terms of the MORGAN-JOVANOVIC Agreement, the Jugoslavs were entitled to remove certain items of war booty from the Anglo-American occupied area of VENEZIA GIULIA, subject to the provisions of International law. Accordingly, recommendations as to what items should be released had been made to the Combined Chiefs of Staff. The latter had approved the majority of the proposals, but had queried whether we were entitled to forbid the release of items essential to the maintenance of law and order, items which would necessitate replacement in kind by the Allies, and enemy-owned lire accounts. A decision on these items was awaited.

REAR ADMIRAL PAGNER considered that the reference to commercial ships in the draft directive to XIII Corps should be deleted. The Jugoslavs had not as yet demanded the return of any commercial shipping, and it was undesirable to make any reference which might suggest that they had a right to do so. In reply to a remark by Brigadier General Hamblen, he stated that various harbour and small craft were being released to them, but no large sized ships had so far been claimed.

REAR ADMIRAL STONE agreed that the proposed directive was sound on the basis of the instructions received from the Combined Chiefs of Staff. However, he expressed the view that various items which it was proposed to release to the Jugoslavs, such as salt and tobacco, should be considered as items essential to the prevention of disease and unrest. In addition, he stated that until recently he had not been informed of the text of the recommendations made to the Combined Chiefs of Staff. Neither he, nor his political advisers, were in agreement with its proposals. It was his contention, in which he was supported by his legal adviser, that property of the Italian Government could not be properly considered as Jugoslav War Booty, as since the Armistice of 1943, JUGOSLAVIA had not been at war with ITALY. Accordingly, he had written a letter to the Chief of Staff, setting out the reasons for his disagreement, and he was of the opinion that in the light of that letter, the Supreme Allied Commander might consider the alteration of certain of his recommendations to the Combined Chiefs of Staff.

44

MR. OFFIE stated that he had previously expressed his non-concurrence to the AFHQ proposals for the disposition of War Booty. It was his opinion that a more complete statement should be despatched to the Combined Chiefs of Staff whom he did not believe had been fully aware of the political implications of their decision. He considered that, in the meanwhile, the release of items to the Jugoslavs should not proceed.

BRIGADIER GENERAL HAMBLEN, referring to the disagreement expressed by the Chief Commissioner, Allied Commission and the United States Deputy Political Adviser, stated that these views had been fully expressed at AFHQ before recommendations to the Combined Chiefs of Staff had been despatched. These views, and the reasons for which they had been over-ruled, were summarised in the paper by the Secretary which was before the Conference. In the absence of the Supreme Allied Commander the subject had been discussed at great length between the Chief of Staff and the Chief Administrative Officer. He (Brigadier General Hamblen) was of the opinion, that even though the Chief Commissioner, Allied Commission had not been present for those discussions, the view held by him had been put forward fully before the decision was taken. In fact the advice of the legal advisers at AFHQ was contrary to that of the legal advisor to the Allied Commission.

THE SUPREME ALLIED COMMANDER directed:

> That action in regard to the release of War Booty to the Jugoslavs be suspended until he had given the matter further consideration.

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

SECRET.

COPY.

AF 606

ALLIED FORCE HEADQUARTERS
Supreme Allied Commander's Secretariat.

SAC (45) 8
7th August 1945

SECRET
Copy No.52

SUPREME ALLIED COMMANDER'S CONFERENCE

JUGOSLAV WAR BOOTY IN VENEZIA GIULIA

Note by Secretary.

Confidential

1. At Annexure 1 is Appendix "F" of the Morgan-Jovanovic Agreement which, subject to the provisions of international law, gave the Jugoslavs certain rights in connection with war booty in the Area of VENEZIA GIULIA coming under Anglo-American occupation.

2. There was initially some disagreement within this Headquarters as to whether goods, which were seized by the Jugoslavs upon their occupation of the area and which prior to such occupation were considered to be the property of the neo-Fascist Italian government in Northern Italy, should be regarded as Jugoslav war booty.

(a) On the one hand it was argued that these goods were the de jure property of the Italian government in Rome and as this government was not at war with Jugoslavia such goods could not be classified as war booty.

(d) However, as it was considered that the Italian government in Rome could not dispose of property over which neither it nor the Allies had secured physical control, and also in view of the fact that the admission in principle of the Jugoslav claim to such property was a basic conception of the Morgan-Jovanovic Agreement, the point of view at (a) above was over-ruled.

3. Accordingly recommendations were made to the Combined Chiefs of Staff in NAF 1026, relevant paragraphs of which are:

"4. It is proposed to release, with exceptions in para 5, Property of governments or governmental agencies of nations at war with Jugoslavia, including Italy.

43

5. Items essential to maintenance of law and order, to prevention of unrest and disease, to maintenance of public utilities would not be released. Not released also would be such items as would necessitate replacement in kind by Allies. Enemy owned lire would be blocked for ultimate disposition on a governmental basis."

4. The Combined Chiefs of Staff, by FAN 599, approved the proposals of NAF 1026, except paragraph 5, in regard to which clarification was requested as to the relationship between these provisions and those of paragraph 1 of Annexure 1. This clarification has since been given by NAF 1053 and the approval of the Combined Chiefs of Staff to paragraph 5 of NAF 1026 is awaited.

5. Meanwhile direction on shipping aspects of the war booty problem has been

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

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43

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5. Meanwhile direction on shipping aspects of the war booty problem has been requested from the Combined Chiefs of Staff in NAF 1047.

6. Asst COS, G-5. with the concurrence of G-4(B), G-4(A), US POLAD and Br Resmin accordingly propose that the draft directive at Annexure 2 should be issued to 13 Corps. This directive orders the release to the Jugoslavs of items which were captured by their forces and which were the property of governments (including Italy) at war with Jugoslavia. It places a temporary restriction on the return of any shipping items or items covered by para 5 of NAF 1026, in regard to which the direction of the COS is awaited.

7. The SAC is requested to approve the despatch of the directive at Ann.2

(Sgd) J.G. SWEENEY,
LIEUTENANT COLONEL,
SECRETARY.

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

SECRET. ANNEXURE I.

9E

APPENDIX "F" TO MORGAN-JOVANOVIC AGREEMENT.

WAR BOOTY.

1. It is agreed that enemy war material, captured by the Jugoslav forces in the area now coming under Allied military control, may be considered Jugoslav war booty, in accordance with the normal provisions of international law.

2. It is agreed that appropriate machinery must be set up to determine at the earliest possible moment Jugoslav claims respecting war booty. In view of the apparently complicated nature of the cases presented, the nature, constitution and powers of any commission or other tribunal which may be established to consider these matters will be reserved for later agreement upon fuller examination of the types of cases involved.

3. Meanwhile, officers representing Allied and Jugoslav Military Commands will dispose of as many cases as possible by mutual agreement locally. Names of Officers designated to conduct these negotiations will be exchanged within one week of the signing of this agreement.

4. The Allied commanders will have the right to forbid the removal of equipment claimed to be war booty until agreement has been reached under paragraph 3, or a decision rendered in accordance with paragraph 2. The Allied forces agree not to evacuate any war material or equipment which is claimed by the Jugoslav Army as war booty, until such an agreement or decision has been reached.

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

COPY. DRAFT. ANNEXURE II.

ALLIED FORCE HEADQUARTERS, APO 512.

7 August 1945.

SUBJECT: Jugoslav Claims for War Booty in Allied Occupied VENEZIA GIULIA.

TO : Headquarters, XIII Corps.

1. There is attached hereto the initial list (Appendix %) of items claimed by the Jugoslavs as war booty under the provisions of Appendix "F" (App %) of the MORGAN-JOVANOVIC Agreement. You already have been provided with a copy of that Agreement.

2. It is desired that you open negotiations and effect releases as indicated herein below with the proper Jugoslav agency through the Jugoslav Mission at HQ XIII Corps for the return of such items as are authorised herein below.

3. In connection with para 2 of Appendix "F" of the Agreement it is desired that the "appropriate machinery" set up by you to deal with war booty shall include the Naval Officer in Charge, TRIESTE. Whether this machinery shall be one of the committees set up by Appendix "I" of the Agreement or another organised solely in connection with war booty questions is a matter for your determination.

4. Early representations should be made to the Jugoslav authorities that any additional lists which they desire to submit must be submitted at an early and definite date to be determined by you. A period of two weeks after you have established your working organisation is considered reasonable.

5. The following class of items will not for the present be released: those required to maintain law and order; to prevent disease and unrest; those required to maintain public utilities; and those which, if removed, would have to be replaced in kind for these aforementioned uses. Enemy owned lire and lire accounts will not be released but blocked for ultimate disposition on a governmental basis. For the present no ships whether war or commercial or port-operating equipment will be released. The matter of releases of the lire and shipping mentioned above in this paragraph is being given further consideration and you may expect authority to release certain ships and port equipment in the near future.

6. Except for the lire and lire accounts and the shipping, the restrictions on release have little effect on the present claims as one of the items appearing on the present Jugoslav list seem to be within the categories to be withheld.

7. The Jugoslavs must of necessity show that the items claimed as war booty were the property of governments or governmental agencies at war with JUGOSLAVIA. The fact in itself that an item was of Italian governmental or governmental agency ownership is no bar to release to the Jugoslavs.

8. Full records will be kept at HQ 13 Corps of all items released to the Jugoslavs. All captured enemy material surplus after the demands of Marshal TITO have been considered will be disposed of in accordance with this HQ directive AG 386.3/163 LOG-?0 of 22 June 1945. "Disposition of Captured Enemy Material in ITALY." with amendments to date.

9. In case the Jugoslavs raise the issue as to the failure to release all items listed in their original demand, they should be informed that items withheld, if any, under the restrictions of law and order, disease and unrest, and maintenance of public utilities are withheld in accordance with International law, that the International law in connection with the release of lire and lire accounts and shipping is so unclear that advice is being urgently sought.

41

10. For your information only, there is attached the recommendations (Appx %) of Combined Mod on shipping matters. These recommendations have been agreed and are

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

[redacted] XIII Corps for the return of such items as are authorised herein below.

3. In connection with para 2 of Appendix "F" of the Agreement it is desired that the "appropriate machinery" set up by you to deal with war booty shall include the Naval Officer in Charge, TRIESTE. Whether this machinery shall be one of the committees set up by Appendix "I" of the Agreement or another organised solely in connection with war booty questions is a matter for your determination.

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8. Full records will be kept at HQ 13 Corps of all items released to the Jugoslavs. All captured enemy material surplus after the demands of Marshal TITO have been considered will be disposed of in accordance with this HQ directive AG 386.3/163 LOG-?0 of 22 June 1945. "Disposition of Captured Enemy Material in ITALY." with amendments to date.

9. In case the Jugoslavs raise the issue as to the failure to release all items listed in their original demand, they should be informed that items withheld, if any, under the restrictions of law and order, disease and unrest, and maintenance of public utilities are withheld in accordance with International Law, that the International Law in connection with the release of lire and lire accounts and shipping is so unclear that advice is being urgently sought.

41

10. For your information only, there is attached the recommendations (Appx %) of C-in-C Med on shipping matters. These recommendations have been agreed and forwarded to the CCS for action.

11. Also for your information only is the fact that the CCS has questioned the compatibility of our proposed restrictions on release of items and para 1 of Appx "F" of the MORGAN-JOVANOVIC Agreement. A paraphrase of NAF 1026 (Appx %) to CCS and of FAN 599 (Appx %) from CCS are enclosed herewith.

C.W. CHRISTENBERRY,
Colonel, AGD,
Adjutant General.

% Note: Appendices referred to are not attached to this draft.

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

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

7A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4034/12/1.

21 August 1945.

SUBJECT : Italian property in Venezia Giulia (Jugoslav occupied)

TO : Economic Section.

1. Jugoslavia must be considered to be the occupying power in that part of Venezia Giulia under her control. As such she has the full rights of an occupying power under international law, both to retain war booty captured in battle and to seize certain public property.

2. It is understood that, in spite of the armistice, Jugoslavia claims that she is still at war with Italy and was entitled to capture booty from the Italian Government. So far as concerns AMG territory, AFHQ has so far, on the representations of the Chief Commissioner, refused to recognize this claim and holds that Italian Government property can only be seized as booty if it had previously been taken under the control of the German or Fascist Republican authorities. So far as concerns Jugoslav controlled territory the allies cannot influence the Jugoslav conduct at the present time.

3. Apart however from the question of booty captured in battle Jugoslavia is undoubtedly entitled to seize, under Art. 53 of the Hague Convention, the public property of the occupied state which are of such a nature that they "may be used for the operation of war". This undoubtedly includes oil and the various equipments and stores of a public company connected with oil refinement. The Italian Government goes out of its way to stress the public ownership in this case, and thereby in my opinion destroys any possible argument for objecting to the seizure by the Jugoslavs.

4. It is perfectly true that in Italy we have not seized the public assets of the Italian Government, but we had (and in AMG territory still have) the right to do so. for obvious reasons we have preferred not to exercise this right. That policy however cannot effect the Jugoslavs.

5. Incidentally I imagine the letter from the Minister of Foreign Affairs is only sent to us for "onward transmission" to the Jugoslavs as there is no diplomatic contact between Italy and Jugoslavia.

Copy to : 40
AC/4005/1.

W. E. BEHRENS,
Colonel,
Chief Legal Adviser.

0908

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

SECRET

ALLIED FORCE HEADQUARTERS
Office of the Deputy Chief of Staff
A. P. O. 512

SECRET
By Authority
SAC
Initials
Date 19 Aug 45

AG 386.3/223 GEG-O 18 August 1945

SUBJECT: Jugoslav Claims for War Booty in Allied Occupied Venezia Giulia.

TO : Chief Commissioner,
Allied Commission,
APO 394.

Confidential

1. In accord with his decision of 9 August 1945 the Supreme Allied Commander has given full consideration to the matters raised in your letter, subject: "War Booty in Venezia Giulia," file AC/4034/12/L dated 8 August 1945. In his review of the problem he has fully considered your views and those of your advisors as expressed in conference at AFHQ on 15 August. His decision is that the attached directive shall be issued to XIII Corps. As this directive is not at variance with the recommendations previously made to the Combined Chiefs of Staff except in non-policy details, it is not proposed again to refer the question to them.

2. The Supreme Allied Commander wishes me to assure you that your views were given full consideration in connection with the original discussions on this matter at AFHQ. Though not wholly accepted, your views were not ignored, as stated in Paragraph 2 of your letter.

L. L. Lemnitzer
L. L. LEMNITZER
Major General, G.S.C.
Deputy Chief of Staff

1 Incl.
Directive

Copy: G-5
* CHIEF COMMR.
EXEC. COMMR.
ECONOMIC SECTION (Col. Dansmore)

* LESS INCLS. TO DIRECTIVE TO XIII CORPS.

DOWN GRADED TO UNCLASSIFIED

SECRET

Col. Inf.
Chief Judicial Officer,
for Chief Civil Affairs Officer.

LEGAL DIVISION
CLO
DCLO
Chief Counsel
CJO
Italian Section
CLERK
21 AUG 1945

0909

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

SECRET

(6B)

ALLIED FORCE HEADQUARTERS
APO 512

SECRET
By Authority of
SACMT
Initials
Date 19 August 1945

AG 386.3/285 GEC-O

SUBJECT: Jugoslav Claims for War Booty in Allied Occupied Venezia Giulia

TO: General Officer Commanding XIII Corps

Confidential

1. There is attached hereto the initial list (Appendix "A") of items claimed by the Jugoslavs as war booty under the provisions of Appendix "F" (Appendix "B") of the Morgan-Jovanovic Agreement. You already have been provided with a copy of that Agreement.

2. It is desired that you open negotiations and effect releases as indicated herein below with the proper Jugoslav agency through the Jugoslav Mission at Headquarters XIII Corps for the return of such items as are authorized herein below.

3. In connection with paragraph 2 of Appendix "F" of the Agreement it is desired that the "appropriate machinery" set up by you to deal with war booty shall include the Naval Officer in Charge, Trieste. Whether this machinery shall be one of the Committees set up by Appendix "I" of the Agreement or another organized solely in connection with war booty questions is a matter for your determination.

4. Early representations should be made to the Jugoslav authorities that any additional lists which they desire to submit must be submitted at an early and definite date to be determined by you. A period of two (2) weeks after you have established your working organization is considered reasonable. Any further claims received will be forwarded to this headquarters before being acted upon by your headquarters.

ALCON

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Ltr, AFHQ, AG 386.3/223 GSG-O,
dated 19 August 1945 (cont'd)

5. The following class of items will not for the present be released: those required to maintain law and order; to prevent disease and unrest; those required to maintain public utilities; and those which, if removed, would have to be replaced in kind for these aforementioned uses. Enemy owned lire and lire accounts will not be released but blocked for ultimate disposition on a governmental basis. For the present no ships whether war or commercial or port-operating equipment will be released. The matter of releases of the lire and shipping mentioned above in this paragraph is being given further consideration and you may expect authority to release certain ships and port equipment in the near future.

6. Except for the lire and lire accounts and the shipping, the restrictions on release have little effect on the present claims as none of the items appearing on the present Jugoslav list seem to be within the categories to be withheld. It is the opinion of this headquarters that salt and tobacco do not come within the definition of war booty.

7. The Jugoslavs must of necessity show that the items claimed as war booty were the property of governments or governmental agencies at war with Jugoslavia. Items of Italian Government or governmental agency ownership may be released (if within the definition of war booty) to the Jugoslavs only provided there is evidence that effective control of such items had been assumed by the German or Fascist Republican authorities.

8. Full records will be kept at Headquarters XIII Corps of all items released to the Jugoslavs. All captured enemy material surplus after the demands of Marshal TITO have been considered will be disposed of in accordance with letter, this headquarters, file AG 386.3/163 LOG-O, subject: "Disposition of Captured Enemy Material in Italy", dated 22 June 1945, with amendments to date. If the Jugoslavs withdraw their claims for any items of war booty which were originally the property of the Italian Fascist Republican authorities or the Italian Government or Italian governmental agencies, such items will be released to the Allied Commission for disposition in accordance with normal practice.

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SECRET

Ltr, AFHQ, AG 380.3/223 GEG-O,
dated 19 August 1945 (cont'd)

9. In case the Jugoslavs raise the issue as to the failure to release all items listed in their original demand, they should be informed that items withheld, if any, under the restrictions of law and order, disease and unrest, and maintenance of public utilities are withheld in accordance with International Law, that the International Law in connection with the release of lire and lire accounts and shipping is so unclear that advice is being urgently sought. There is attached hereto (Appendix "C") the definition of captured and surrendered enemy war material as issued by the Combined Chiefs of Staff, together with certain informal notes thereon.

10. For your information only, there is attached the recommendations (Appendix "D") of C-in-C Med on shipping matters. These recommendations have been agreed and forwarded to the CCS for action.

11. Also for your information only is the fact that the CCS has questioned the compatibility of our proposed restrictions on release of items and paragraph 1 of Appendix "F" of the Morgan-Jovanovic Agreement. A paraphrase of NAF 1026 (Appendix "E") to CCS and of FAN 599 (Appendix "F") from CCS are attached herewith.

BY COMMAND OF FIELD MARSHAL ALEXANDER:

C.W. CHRISTENBERRY
Colonel, AGD
Adjutant General

C. W. CHRISTENBERRY
Colonel, AGD
Adjutant General

6 Incls
1 - App "A" - List of items claimed as war booty by Jugoslavia
2 - App "B" - War Booty Agreement
3 - App "C" - Definition of War Booty
4 - App "D" - Extract of Naval Items fr a list of items claimed by Jugoslavs
5 - App "E" - Paraphrase of NAF 1026 of 30 June
6 - App "F" - Paraphrase of FAN 599 of 25 July

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Copy Furnished:
Chief Commissioner, Allied Commission

 SECRET

0912

Declassified E.O. 12356 Section 3.3/NND No. 785018

6c

LIST OF ITEMS CLAIMED BY JUGOSLAV DELEGATION AS WAR BOOTY

A./War Booty of the Jugoslav Army which remained in Trieste and surroundings and could not be evacuated across the line of demarcation on account of the short time at disposal:

1./50 car loads of Cement, stores in "Magazzini Generali" No. 62 and 72, former owner Organisation "Todt".

2./11 car loads of steel plates of old Italian warships, at Porto S. Andrea.

3./15.000 pieces of handles/for shovels/, former owner Organization "Todt" at "Magazzini Generali" 12 B.

4./Electrical and other fittings, former owner Organization "Todt", at "Magazzini Generali" No. 72.

5./12 car loads of Bitumen and 2.4 tons of colophony, property of former Organization "Todt", in the warehouses of the firm "Penfili".

6./About 100 tons of Tobacco, property of Monopoly Administration, in the new port of S. Andrea, warehouse No. 72, in barrels and bales.

7./Salt, about 450 to 500 tons, property of the Monopoly Administration, in the old free port Hangar Lloyd, warehouse No. 6 without sacks, partly in sacks, at the same place 30 tons of industrial salt.

8./Motor Boat No. 5, at Viale Sonnino, war booty.

9./33 iron chests, former property of the German Military Tribunal, handed over by the Commission for the Administration of National Property for repairs to the firm COSS, half of the account amounting to Lire 140.000 already paid, and for the transport Lire 25.000.

10./Lire 10,672.375.98 confiscated accounts and deposits of German and Fascist Institutions with the Goriska hranilnica/Cassa di Risparmio, Gorizia/.

11./Lire 4,300.000, German deposits with banking institutions at Trieste.

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Incl #1

0913

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6C

Confiscated were the accounts and deposits of the following German and Fascist institutions.

I./With the Goriska hranilnica/Cassa di Risparmio, Gorizia/:

197. Amtin. Dent Ribelli	L	323.700.65
308 Deutscher Berater	"	2,889.896.60
314 Finanz Berater	"	460.896.35
317 Gorizki List	"	107.868.63
328 Polizei Praiv. Gorica	"	5,260.620.25
336 Kasterfeutungsbat. Beratung	"	23.916.50
337 Dienststelle Jugend	"	18.517.05
338 SS. Polizei Bozen	"	550.134.10
1567 Del. Prov. Fasc. Fem. Mum.	"	2.051.45
10002 Comdl. germ. e fav. soldati D.W.	"	109.657.-
538 Assoc. Naz. Combattenti	"	15.100.-
1231 Mensa Deutsche Berater-Gorica	"	10.499.55
1236 Prefettura-Gorizia	"	9.051.-
1300 Oberabschnitt Osterreicher	"	498.612.-
1309 Schweger Ernst/German officer/	"	361.443.-

II./With the Banca Naz. del Lavoro, Gorizia:

Opera Nazionale Balilla, Gorizia
Opera Nazionale Balilla, "
Opera Nazionale Balilla, "
Opera Nazionale Balilla, "
Fondaz. Medaglia d'oro 3 Regg. Art. "Julia"
Opera Nazionale Ballilla-Salona d'Isonzo
Opera Nazionale Ballilla- " "
Fond. Medaglia d'oro 3 Regg. art. "Julia"
Circolo Ufficiali 9 Regg. Alpini
Compagnia 9 Regg. Alpina-Gorizia
Compagnia 3 Regg. Art. Alpina-Gorizia
18 Batt. Gruppo Udine-3 Regg. Alpini

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6C

34 Batt. Gruppo Udine-3 Regg.Alpini
I-a Compagnia 9 Alpini-Btg Vicenza
Intendenza di Finanza di Gorizia
Comando 3 Regg.Alpini-Gorizia
P.F.R.Part.Fasc.Repubbl.
Commissario Federale P.F.R.
Partito Fascista Repubblicano
Opera Nazionale Balilla
Opera Nazionale Ballilla-Patronato Scolastico
Sezione Lega Navale Italiana
Federazione Naz.Fasc, degli Artigiani
Mutua di Providenza e credito della Federaz.Combattenti
Conf.Fasc.Professionisti e Artisti-c/ord.
" " " c /Circolo Cultura
" " " c/Sind.Notai
Diststelle des Deutschen Derraters
Direzione Giornale "Il Dersagliere"
Istituto Fasc,Assistenza Sociale Africa Italiana-c/ord.Milano
Intendente di Finanza-Gorica
2721 Assoc.Naz.Combattenti-Gorizia
2927 Cassa del Combattente Italiano-Gorizia
3038 Direttore Tecnico Prov.per le Filerde.Cassola
3046 Delegazione Prov. dei Fasci Femminili-Gorizia
5633 Com.to in carica 3 Regg. Art.Alpina
6664 Capo Famiglia Uff. Reduci 3 Art. Alpina "Julia"-Gorizia
4567 Comando 62 Legione Isonzo M.V.S.N.-Gorizia
4568 Comando 62 " " " "
47773 G.I.L.-Fascio di Salona d'Isonzo
5151 Cooperativa Combattenti, Gorizia
5449 Comitato F.I.P.-Gorizia
5513 151.a Comp.Presidiaria-Gorica/Cas.S.Michele/
5944 G.R.F. "Antonio Bighetti" -Gorica
6130 Lega Navale Italiana-Gorica
6150-Federazione dei Fasci di Combattimento Prov.-Gorizia
6326 Ist.Naz.Fasc.di Cultura-Gorizia
6659 Circolo Ufficiali 9 Regg.Alpini-Uff. Stralcio-Gorizia

III./With the Banca Cattolica del Veneto, Gorizia:

No. 164 Dienststellefeldpostnummer 83866

IV./With the Banca Commerciale Italiana, Gorizia:

33

Clausero Hilton-Gorica-unica Leopardi 8 "Conto Kohlfuera"
Dienststelle FPN 01115-Gorizia
Dienststelle FPN 41981- "
Heeresunterkunftsverwaltung 62-Gorizia
SS Stojk Martin Hotea-Gorizia Via Randaccio No. 22
Kasse der Militarkommandatur 1002-Gorizia
Comando Scuola Caccia c/o Command.ten.Col.Botto Ernesto-Gorizia

0915

Declassified E.O. 12356 Section 3.3/NND No. 785018

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V./With the Banca d'Italia, Gorizia:

Pol.Prciw.Bard.Italian II, Capriva di Cormons

IV./With the Banca del Friuli, Gorizia:

OC Landesschutz Kreisfuhrer-Gorizia West No. 4445
OC No. 4462-Landesschutz Kreisfuhrer-Gorizia
OC 4503 O.T.Beaftiras Nickel o Seitz
No. 4833 IX Reparto Arditi-Gorizia
Pisc.Pisp.No. 379 O.N.Ass.Ital. Redenta

C./List of Jugoslav Navy War Botty which was not taken away in the course of evacuation of our army.

I./Shipyard at Frzic/Monfalcone/:

1./Six/6/ draggers, two /2/ of which lie unfinished in the port of Trieste and are German Navy property.

2./Three/3/ longboats not yet finished - property of the German Navy.

3./Two/2/ motor-ferries in process of building, German Navy property.

4./One/1/ motor-ferry in repair - German Navy property.

5./Twentyfive/25/ iron pontoons, finished - German Navy property.

6./Material necessary for the construction of two /2/ motor-ferries - German Navy property.

7./Three/3/ sunken submarines/one run ashore/, damaged-German Navy property.

8./One/1/complete brand new motor "Voang" 190 HP in closed freight-car at the railway station - German Navy property.

9./One/1/ brand new motor "Voang" 190 HP in the workshops at "Rhiba" - German Navy property.

10./All material which is stored in the shipyard and is property of the Italian Navy.

Pg. 32

II./Port of Sveti Kriz.

One/1/ motor ferry, damaged/sunken/ - German Navy property.

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6C

III./Port of Sesljan/Sistiana/.

One/1/motor ferry, same as under II.

IV./Port of Trieste.

1./One/1/ destroyer "Sibenik", sunken, Jugoslav Navy property under name "Zeugra", later Italian Navy.

2./One/1/ torpedo boat "Fasana", sunken-Italian Navy property.

3./Two/2/ tugboats "Chirone" and "Marittimo", damaged in repair - Italian Navy property.

4./Two/2/ unfinished cruisers, run ashore in the Zaule bay - Italian Navy property.

V./Shipyard "Ilsa".

1./One/1/ motor boat equipped with motor MAN 60 HP, in repair - German Navy property.

2./One/1/ motor boat equipped with motor "Carrara", in repair - German Navy property.

VI./Shipyard San Marco.

1./Three/3/ motor ferries in the process of building - German Navy property.

2./Two/2/ floating cranes of 20 and 40 tons in the process of building - Italian Navy property.

3./One/1/ torpedo boat "T.A.48" - Italian Navy property.

4./One/1/ destroyer "Pegafetta", sunken - Italian Navy property.

5./One/1/ warship "Cavour", sunken - Italian Navy property.

VII./Shipyard "Ettore Martinuzzi", Milje/Muggia/.

1./One/1/ motor ferry in repair - German Navy property.

2./Four/4/ tugboats in process of building - German Navy property.

3./One/1/ motor in repair - German Navy property.

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

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VIII./Shipyard San Rocco, Milje /Muggia/.

1./One/1/ torpedo boat in state of dismounting - Italian Navy property.

2./Two/2/ motor ferries - German Navy property.

IX./Port of Milje/Muggia/.

Ten/10/motor ferries, motor - Italian Navy property.

X./Shipyard Istria-Koper/Capodistria/.

1./Ten/10/ Wooden ferries for mine laying in process of building - German Navy property.

2./Various motors and their elements - German Navy property.

XI./Shipyard S. Giusto-Pirano.

1./Two/2/ small motor boats, one of which without engine - German Navy property.

2./Seven/7/ various engines/one Junkers, two Lombardin, one Penta, three Fromant/, damaged - German Navy property.

3./One/1/ dive boat - German Navy property.

Declassified E.O. 12356 Section 3.3/NND No. 785018

APPENDIX 'F'

WAR BOOTY

1. It is agreed that enemy war material, captured by the Jugoslav forces in the area now coming under Allied military control, may be considered Jugoslav war booty, in accordance with the normal provisions of international law.

2. It is agreed that appropriate machinery must be set up to determine at the earliest possible moment Jugoslav claims respecting war booty. In view of the apparently complicated nature of the cases presented, the nature, constitution and powers of any commission or other tribunal which may be established to consider these matters will be reserved for later agreement upon fuller examination of the types of cases involved.

3. Meanwhile, officers representing Allied and Jugoslav Military Commands will dispose of as many cases as possible by mutual agreement locally. Rosters of officers designated to conduct these negotiations will be exchanged within one week of the signing of this agreement.

4. The Allied commanders will have the right to forbid the removal of equipment claimed to be war booty until agreement has been reached under paragraph 3, or a decision rendered in accordance with paragraph 2. The Allied forces agree not to evacuate any war material or equipment which is claimed by the Jugoslav Army as war booty, until such an agreement or decision has been reached.

.....

APPENDIX "B" to ltr, AFHQ, AG 386.3/
223 SCS-O, dtd 19 Aug 45.

the Jugoslav forces in the area now coming under Allied military control, may be considered Jugoslav war booty, in accordance with the normal provisions of international law.

2. It is agreed that appropriate machinery must be set up to determine at the earliest possible moment Jugoslav claims respecting war booty. In view of the apparently complicated nature of the cases presented, the nature, constitution and powers of any commission or other tribunal which may be established to consider these matters will be reserved for later agreement upon fuller examination of the types of cases involved.

3. Meanwhile, officers representing Allied and Jugoslav Military Commands will dispose of as many cases as possible by mutual agreement locally. Names of Officers designated to conduct these negotiations will be exchanged within one week of the signing of this agreement.

4. The Allied commanders will have the right to forbid the removal of equipment claimed to be war booty until agreement has been reached under paragraph 3, or a decision rendered in accordance with paragraph 2. The Allied forces agree not to evacuate any war material or equipment which is claimed by the Jugoslav Army as war booty, until such an agreement or decision has been reached.

.....

APPENDIX "B" to Ltr, AFHQ, AG 385.3/
223 GOC-O, dtd 19 Aug 45.

Incl #2

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

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

APPENDIX "C" to Ltr, AFHQ
AG 386.3/229 GCS-O, dtd
20 Aug 45.

65C

Definition of War Booty.

1. Captured and surrendered enemy war material includes any material of whatever nature and wherever situated, intended for war on land, at sea or in the air, or which is or may be, or has been at any time in use or intended for use by the armed forces, civil defense, or any other formations or organizations under control or influence of the German Government, German authorities or governments or authorities of any states now allied to or associated with Germany.

Notes.

The following notes are advisory only and intended solely as a guide in applying the definition to concrete instances.

1. The item must be public property, as opposed to private ownership. Due to the Nazi and Fascist set-up many commercial organizations were in fact governmental owned or para-statal in character.

2. The item should be intended for war purposes. Due to the width of the definition practically any item owned governmentally might be considered war booty. Items of the same category might be classified either as war material or otherwise. Medical stores in any army warehouse might be classified as war booty whereas if located in a warehouse of a governmental organization whose normal function was to supply civil needs they would not be so classified.

3. Cement is considered as a borderline case. If the circumstances under which it is found indicate that its intended use had only remote connection with the prosecution of the war it should not be considered as war booty. The governing factor in all cases is the degree to which the item is or may be put to warlike uses.

4. The withholding of items required for maintenance of law and order, disease and unrest, and the maintenance of public utilities is based on two principles of International Law. An occupying force is responsible for the items required therefor. As disease and unrest prevention and the maintenance of public utilities are necessary to maintain law and order they are inclusive in the provisions of the law. Secondly it is unlikely that any items required for these purposes will fall within the definition of war booty.

Incl #3

APPX. IX "B" to Ltr, AFHQ
AG 336.3/223 GSS-O, dtd
20 Aug 45.

6F

APPENDIX I

EXTRACT OF NAVAL ITEMS FROM A LIST OF ITEMS CLAIMED BY THE JUGO SLAVS DELEGATION RECEIVED FROM SAC UNDER REF. SACM 6547 DATED 21st JUNE 1945.

R = Release

N = Do not release

A = Refer to C.C.S without recommendation

C = Refer to C.C.S recommending release on the understanding that no assistance whether material or service will be required to make or keep the vessel operational

Items.	C-in-C, Med's Recommendations.
A. War Booty of the Jugosla Army which remained in Trieste and surroundings and could not be evacuated across the line of demarcation on account of the short time at its point:	
1. 11 war loads of steel plates of old Italian warships at Porto S.Andrea	R
2. Motor Boat No.5, at Villa Scorina, war booty.	R
B. List of Jugoslav Navy War Booty which was not taken away in the course of evacuation of our Army.	
I. Shipyard at Trsic/Monfalcone.	
1. 6 dragges, 2 of which lie unfinished in the port of Trieste and are German Navy property.	R
2. 3 tugboats not yet finished - property of the German Navy	R
3. 2 motor-ferries in process of building, German Navy property	R
4. 1 motor-ferry in repair - German Navy property	R
5. 25 iron pontoons, finished - German Navy property	R subject to their being identified, the N.O.i.C. TRIESTE having no knowledge of their whereabouts
6. Materials necessary for the construction of motor vessels - German Navy property	R

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

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A - Refer to G.C.S. without recommendation

C - Refer to G.C.S. for awarding release in the understanding, that no auxiliaries whatever material or personnel will be requested to make it so. The vessel operational.

Items.	C-in-C. M.G.'s Recommendations.
A. War Booty of the Jugoslav Army which remained in Trieste and surroundings and could not be over it-d across the line of demarcation on account of the short time at its point:	
2. 27 war boats of steel plates of old Italian warships at Porto S. Andrea	A
3. Motor Boat No.5, at Viale Scandio, war booty.	A
B. List of Jugoslav Navy War Booty which was not taken away in the course of evacuation of our Army.	
I. Shipyard at Trieste/Monfalcone	
1. 6 dreggers, 2 of which lie unfinished in the port of Trieste and are German Navy property	C
2. 3 tugboats not yet finished. Property of the German Navy	R
3. 2 not referred in process of building, German Navy property	C
4. 1 motor-ferry in repair - German Navy property	C
5. 15 iron pontoons, finished - German Navy property	R subject to their being identified, the M.G.T.G. TRIESTE having no knowledge of their whereabouts
6. Materials necessary for the construction of 6 motor-rowboats - German Navy property	R
7. 7 sunken sheet-iron, one for a hole, damaged German Navy property	A
8. 1 complete brand new motor "Wisag" 100 h.p. in closed freight-car at the railway station. German Navy property.	R
9. 1 brand new motor "Wisag" 100 h.p. in the workshops of "Tibel" - German Navy property	R
10. All material which is stored in the shipyard and is property of the German Navy	R

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Encl #4

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

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

Items	C.in C., Med.'s Recommendations
2. (cont.)	
II. Port of Sveti Kriz	
1 motor ferry, damaged, sunken - German Navy property	N — As this area was not under effective J.G. control
III. Port of Sestjan/Sistiana	
1 motor ferry, same as under 1	N
IV. Port of Trieste	
1. 1 destroyer "Sirenik", sunk - Jugoslav Navy property (which came "assigned", later Italian Navy)	R
2. 1 torpedo boat "Pasana", sunk - Italian Navy property	A — This torpedo boat is not the PASANA, it is possibly the FUCNALE
3. 2 tugboats "Chirene" and "Marittimo" damaged in repair - Italian Navy property	"Marittimo" - R "Chirene" - N necessary for operation of port (see para (i) (a) above C.A.O. recommendation No. 6)
4. 2 unfinished cruisers, run ashore in the Naule bay, Italian Navy property	A
V. Shipyard "Ilirea"	
1. 1 motor boat equipped with motor MAN 60 h.p. in repair - German Navy property	R subject to its being identified, the NOIC, Trieste having no knowledge of its whereabouts
2. 1 motor boat equipped with motor CAPRARA, in repair - German Navy property	R

	II. Port of Sveti Kriz		
	1 motor ferry, damaged, sunken - German Navy property	N	As this area was not under effective C.G. control
	III. Port of Sestjan/Sisan area		
	1 motor ferry, same as under I	N	
	IV. Port of Trieste		
1.	1 destroyer "Sibenik", sunken, Jugoslav Navy property under name "Seguna", later Italian Navy	R	
2.	1 torpedo boat "Pasana", sunken - Italian Navy property	A	This torpedo boat is not the PASANA, it is possibly the PUGNAIE
3.	2 tugboats "Chirone" and "Marittimo" damaged in repair - Italian Navy property	"Marittimo" - R "Chirone" - N necessary for operation of port (see para (i) (c) above C.A.O. recommendation No. 5)	
4.	2 unfinished cruisers, run ashore in the Maula Bay, Italian Navy property	A	
	V. Shipyard "Ilnea"		
1.	1 motor boat equipped with motor MAN 60 H.P. in repair - German Navy property	R subject to its being identified, the MOIC, Trieste having no knowledge of its whereabouts	
2.	1 motor boat equipped with motor CARRARA, in repair - German Navy property	R	
	VI. Shipyard San Marco		
1.	1 motor ferries in the process of building - German Navy property	C	
2.	2 floating cranes of 20 ex. tons in the process of building - Italian Navy property	R	
3.	1 torpedo boat "Ariete" - Italian Navy property	R an ex Jugo-Sla warship	

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

Items	Chin C., Med'le Recommendations
[illegible]	
[illegible] Moved (cont.)	
[illegible] "Deutschland", [illegible] - German Navy (Berlin)	A
[illegible] "Gneisenau", [illegible] - German Navy property	
[illegible]	
[illegible] - German Navy property	C
[illegible]	B
[illegible] - German Navy property	B subject to its being identified, the NORD [illegible] having no knowledge of its whereabouts.
VIII. Scrapped Ships Since May 45	
[illegible] - German Navy property	R since this is not so much scrap
[illegible] - German Navy property	C
IX. [illegible]	
[illegible] - German Navy property	C
[illegible]	
[illegible] - German Navy property	R as being within an area in which under the Morgan Agreement the Jugoslavs are in control.
[illegible] - German Navy property	
XI. [illegible]	

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

Warehouses of Mare Island (cont.)

[illegible] "Dagmar", [illegible] - [illegible] Navy property	A
5. [illegible] "Vanoc", [illegible] - [illegible] Navy property	
VII. Richard Thompson Funeral, Vallejo	
[illegible] - [illegible] Navy property	C
[illegible] - [illegible] Navy property	B
[illegible] - [illegible] Navy property	B [illegible] being identified, [illegible] Navy [illegible] knowledge of the warehouses.
VIII. Stockwell Restaurant, Mare Island	
[illegible] - [illegible]	R since this is now so much scrap
[illegible] - German Navy property	C
IX. [illegible] Island	
[illegible] - [illegible] Navy property	C
X. [illegible] in Alameda	
[illegible] - [illegible]	R as being within an area in which under the Morman Agreement [illegible] themselves are in control.
XI. [illegible] Shipbuilding	
[illegible] - [illegible] Navy property.	
[illegible] - German Navy property	
[illegible] - German Navy property	

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

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

SECRET

SECRET

APPENDIX "E" to Ltr, AFHQ
AG 386.3/223 GSC-O, SHAEF
20 Aug 45.

6G

Paraphrase of NAF 1026 of 30 June

TO: ADMIR WASHINGTON _ AMSSO

INFO: SHAEF

SIGNED: ALEXANDER

Confidential

This cable is NAF 1026

1. The Morgan-Jovanovic Military Agreement contains a clause in Appendix F to the effect that enemy war material captured by Jugoslav forces in area under allied military control may be considered as war booty of the Jugoslavs pursuant to normal provisions of international law, agrees to establish machinery to consider claims, and authorizes local officers by mutual agreement to dispose of as many cases as possible.

2. Examples extracted from an initial list presented by the Jugoslavs follow: 50 cars of cement owner Todt organization,; 100 tons of tobacco owner Italian Monopoly; 11 cars of steel plate from old Italian warship; 300,000 lire German deposits; 4 tug boats being built German Navy; 3 sunken German Navy submarines; one sunken Italian Navy destroyer.

3. There has been no decision yet reached re proposed action in case of commercial or naval ships, stores or equipment.

4. It is proposed to release, with exceptions in para 5, property of governments or governmental agencies of nations at war with Jugoslavia, including Italy.

5. Items essential to maintenance of law and order, to prevention of unrest and disease, to maintenance of public utilities would not be released. Not released also would be such items as would necessitate replacement in kind by Allies. Enemy owned lire would be blocked for ultimate disposition on a governmental basis.

6. All claims which are refused because enemy ownership had not been established or under provisions of para 5, would be settled on a governmental level.

7. It is strongly felt that early settlement of this question will assist greatly reestablishment of proper relations with Jugoslavs. Comment on or approval of the above proposals is requested by 12 July at latest. In the absence of comment action pursuant to above proposals will be initiated on 15 July.

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SECRET

Incl #5

0928

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

APPENDIX "F" to LOR, ABTM
AG 395.3/223 GRG-O, dtd
20 Aug 45.

Paraphrase of FAR 272 of 25 July

FROM: ADMIRAL TYSON COS

TO: AFTER

Confidential

1. All proposals set forth in your BAF 1026 are approved excepting para. 5, subject to a complete record being kept of all items released in order that they may be taken into account, if required, under the terms of the ultimate settlement for disposal of enemy war material now being discussed by the Great Powers.

2. Requested is amplification and clarification as to relationship of Para 5 of BAF 1026 and Para 1 of appendix F to Morgan-Jovanovic military agreement

23

SECRET

0929

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

ECLH Sec

1207

5A

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

11 August 1945

SUBJECT: War Booty in Venezia Giulia.

TO : Chief Commissioner, Headquarters, Allied Commission, APO 394.

1. As the result of the decision of the Supreme Allied Commander to give personal consideration to the matter of Jugoslav claims for war booty, the undersigned has been directed further to advise the Chief of Staff AFHQ thereon.

2. The proposed directive to XIII Corps which was the basis of discussion in the SACMED meeting of 9 August, was the final result of action previously taken on the initial claim of the Jugoslavs for war booty in Allied occupied Venezia Giulia. It is therefore necessary to reconsider that initial claim in connection with the Morgan - Javonic agreement which was the basis of the claim.

3. It is necessary to determine:

a. What international laws apply to the present situation, and if no law is applicable,

b. What basic principles should apply to determine what if any of the items listed should be released.

c. The machinery for applying international law and/or basic principles to the concrete problem of taking action on the present and possible future claims.

4. The following documents are inclosed for your consideration:

a. A/CAO/209/10 which contains the definition of captured or surrendered enemy war material as set forth by the Combined Chiefs of Staff.

b. Appendix "F" of the Morgan - Javanovic agreement.

22 c. Initial list of claims.

d. A resume of present recommendations.

WMD
3B

0930

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

5. It is requested that you be represented by not to exceed two representatives, at a conference to be conducted by the undersigned, at 1030 hours on Wednesday 15 August in the office of the Deputy Chief Administrative Officer, Room 2031 AFHQ. It is most desirable that your representative shall produce in writing recommendations in a form suitable for transmittal to the Chief of Staff. It would assist materially if arguments to sustain the views presented by your representative could be briefed in writing for inclusion in the minutes.

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

Encls: as in para 4 above.

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COPY

(53)

APPENDIX 'F'

WAR BOOTY

1. It is agreed that enemy war material, captured by the Jugoslav forces in the area now coming under Allied military control, may be considered Jugoslav war booty, in accordance with the normal provisions of international law.

2. It is agreed that appropriate machinery must be set up to determine at the earliest possible moment Jugoslav claims respecting war booty. In view of the apparently complicated nature of the cases presented, the nature, constitution and powers of any commission or other tribunal which may be established to consider these matters will be reserved for later agreement upon fuller examination of the types of cases involved.

3. Meanwhile, officers representing Allied and Jugoslav Military Commands will dispose of as many cases as possible by mutual agreement locally. Names of Officers designated to conduct these negotiations will be exchanged within one week of the signing of this agreement.

4. The Allied commanders will have the right to forbid the removal of equipment claimed to be war booty until agreement has been reached under paragraph 3, or a decision rendered in accordance with paragraph 2. The Allied forces agree not to evacuate any war material or equipment which is claimed by the Jugoslav Army as war booty, until such an agreement or decision has been reached.

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

the Jugoslav forces in the area now coming under Allied military control, may be considered Jugoslav war booty, in accordance with the normal provisions of international law.

2. It is agreed that appropriate machinery must be set up to determine at the earliest possible moment Jugoslav claims respecting war booty. In view of the apparently complicated nature of the cases presented, the nature, constitution and powers of any commission or other tribunal which may be established to consider these matters will be reserved for later agreement upon fuller examination of the types of cases involved.

3. Meanwhile, officers representing Allied and Jugoslav Military Commands will dispose of as many cases as possible by mutual agreement locally. Names of Officers designated to conduct these negotiations will be exchanged within one week of the signing of this agreement.

4. The Allied commanders will have the right to forbid the removal of equipment claimed to be war booty until agreement has been reached under paragraph 3, or a decision rendered in accordance with paragraph 2. The Allied forces agree not to evacuate any war material or equipment which is claimed by the Jugoslav Army as war booty, until such an agreement or decision has been reached.

.....

Appx A

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

0933

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

5

LIST OF ITEMS CLAIMED BY JUGOSLAV DELEGATION AS WAR BOOTY

A./War Booty of the Jugoslav Army which remained in Trieste and surroundings and could not be evacuated across the line of demarcation on account of the short time at disposal:

1./50 car loads of Cement, stores in "Magazzini Generali" No. 62 and 72, former owner Organisation "Todt".

2./11 car loads of steel plates of old Italian warships, at Porto S. Andrea.

3./15.000 pieces of handles/for shovels/, former owner Organization "Todt" at "Magazzini Generali" 12 B.

4./Electrical and other fittings, former owner Organization "Todt", at "Magazzini Generali" No. 72.

5./12 car loads of Bitumen and 2.4 tons of colophony, property of former Organization "Todt", in the warehouses of the firm "Panfili".

6./About 100 tons of Tobacco, property of Monopoly Administration, in the new port of S. Andrea, warehouse No. 72, in barrels and bales.

7./Salt, about 450 to 500 tons, property of the Monopoly Administration, in the old free port Hangar Lloyd, warehouse No. 6 without sacks, partly in sacks, at the same place 30 tons of industrial salt.

8./Motor Boat No. 5, at Viale Sonnino, war booty.

9./33 iron chests, former property of the German Military Tribunal, handed over by the Commission for the Administration of National Property for repairs to the firm OMS, half of the account amounting to Lire 140.000 already paid, and for the transport Lire 25.000.

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10./Lire 10,672.375.98 confiscated accounts and deposits of German and Fascist Institutions with the Goriska hranilnica/Cassa di Risparmio, Gorizia/.

1./50 car loads of [illegible]

72, former owner Organisation "Todt".

2./11 car loads of steel plates of old Italian warships, at Porto S. Andrea.

3./15.000 pieces of handles/for shovels/, former owner Organization "Todt" at "Magazzini Generali" 12 B.

4./Electrical and other fittings, former owner Organization "Todt", at "Magazzini Generali" No. 72.

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6./About 100 tons of Tobacco, property of Monopoly Administration, in the new port of S. Andrea, warehouse No. 72, in barrels and bales.

7./Salt, about 450 to 500 tons, property of the Monopoly Administration, in the old free port Hangar Lloyd, warehouse No. 6 without sacks, partly in sacks, at the same place 30 tons of industrial salt.

8./Motor Boat No. 5, at Viale Sonnino, war booty.

9./33 iron chests, former property of the German Military Tribunal, handed over by the Commission for the Administration of National Property for repairs to the firm OGAS, half of the account amounting to Lire 140.000 already paid, and for the transport Lire 25.000.

10./Lire 10,672.375.98 confiscated accounts and deposits of German and Fascist Institutions with the Goriska hranilnica/Cassa di Risparmio, Gorizia/.

11./Lire 4,300.000, German deposits with banking institutions at Trieste.

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

Confiscated were the accounts and deposits of the following German and Fascist institutions.

I./With the Goriska hranilnica/Cassa di Risparmio, Gorizia/:

197.	Ammin. Beni Ribelli	L	323.700.65
308	Deutscher Berater	"	2,889.896.60
314	Finanz Berater	"	460.896.35
317	Gorizki List	"	107.868.63
328	Polizei Freiw.Gorica	"	5,260.620.25
336	Kustenfestungsbat.Beratung	"	23.916.50
337	Dienststelle Jugend	"	18.517.05
338	SS.Polizei Bozen	"	550.134.10
1867	Del.Prov.Fasc.Fam.Num.	"	2.051.45
10002	Commil.germ.a fav.soldati D.W.	"	109.657.-
538	Assoz.Naz.Combattenti	"	15.100.-
1231	Mensa Deutsche Berater-Gorica	"	10.499.55
1236	Prefettura-Gorizia	"	9.851.-
1300	Oberabschnitt Osterreicher	"	498.612.-
1309	Schweger Ernst/German officer/	"	361.445.-

II./With the Banca Naz.del Lavoro,Gorizia:

Opera Nazionale Balilla,Gorizia

Opera Nazionale Balilla, "

Opera Nazionale Balilla, "

Opera Nazionale Balilla, "

Fondaz.Medaglia d'oro 3 Regg.Art."Julia"

Opera Nazionale Balilla-Salona d'Isonzo

Opera Nazionale Balilla- " "

Fond.Medaglia d'oro 3 Regg.art."Julia"

Circolo Ufficiali 9 Regg.Alpini

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314 [illegible]		
317 Corizki List	"	107.868.63
328 Polizei Freiw.Gorica	"	5,280.620.25
336 Küstenfestungsbat.Beratung	"	23.916.50
337 Dienststelle Jugend	"	18.517.05
338 SS.Polizei Bozen	"	550.134.10
1867 Del.Prov.Fasc.Fam.Num.	"	2.051.45
10002 Commil.germ.e fav.soldati D.W.	"	109.657.-
538 Assoz.Naz.Combattenti	"	15.100.-
1231 Mensa Deutsche Berater-Gorica	"	10.499.55
1236 Prefettura-Gorizia	"	9.851.-
1300 Oberabschnitt Osterreicher	"	498.812.-
1309 Schweger Ernst/German officer/	"	361.443.-

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Fondaz.Medaglia d'oro 3 Regg.Art."Julia"

Opera Nazionale Balilla-Salona d'Isonzo

Opera Nazionale Balilla- " "

18

Fond.Medaglia d'oro 3 Regg.art."Julia"

Circolo Ufficiali 9 Regg.Alpini

Compagnia 9 Regg.Alpina-Gorizia

Compagnia 3 Regg.Art.Alpina-Gorizia

18 Batt. Gruppo Udine-3Regg.Alpini

34 Batt. Gruppo Udine-3Regg.Alpini

I-a Compagnia 9 Alpini-Btg Vicenza

Intendenza di Finanza di Gorizia

Comando 3 Regg.Alpini-Gorizia

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P.F.R.Part.Fasc.Repubbl.

Commissario Federale P.F.R.

Partito Fascista Repubblicano

Opera Nazionale Balilla

Opera Nazionale Balilla-Patronato Scolastico

Sezione Lega Navale Italiana

Federazione Naz.Fasc.degli Artigiani

Mutua di Previdenza e credito delle Federaz.Combattenti

Conf.Fasc.Professionisti e Artisti-c/ord.

" " " c /Circolo Cultura

" " " c/Sind.Notai

Dienststelle des Deutschen Beraters

Direzione Giornale "Il Bersagliere"

Istituto Fasc,Assistenza Sociale Africa Italiana-c/ord.Milano

Intendente di Finanza-Gorica

2721 Assoc.Naz.Combattenti-Gorizia

2927 Casa del Combattente Italiano-Gorizia

3038 Direttore Tecnico Prov.per le Filodr.Casasola

3046 Delegazione Prov.dei Fasci Femminili-Gorizia

5633 Com.te in carica 3 Regg.Art.Alpina

6664 Capo Famiglia Uff.Reduci 3 Art.Alpina "Julia"-Gorizia

4567 Comando 62 Legione Isonzo M.V.S.N.-Gorizia

4568 Comando 62 " " " "

4773 G.I.L.-Fascio di Salona d'Isonzo

5151 Cooperativa Combattenti,Gorizia

5449 Comitato F.I.P.-Gorizia

5513 1.a Comp.Presidiaria-Gorica/Ces.S.Michele/

5944 G.R.F. "Antonio Mighetti"-Gorica

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Mutua di Previdenza e credito della Federaz.Combattenti

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Intendente di Finanze-Gorica

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3046 Delegazione Prov.dei Fasci Femminili-Gorizia

5633 Com.te in carica 3 Regg.Art.Alpine

6664 Capo Famiglia Uff.Reduci 3 Art.Alpina "Julia"-Gorizia

4567 Comando 62 Legione Isonzo M.V.S.N.-Gorizia

4568 Comando 62 " " " "

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5513 1.a Comp.Presidiaria-Gorica/Cas.S.Michele/

5944 G.R.F. "Antonio Mighetti"-Gorica

6130 Lega Navale Italiana-Gorica

6150-Federazione dei Fasci di Combattimento Prov.-Gorizia

6326 Ist.Naz.Fasc.di Cultura-Gorizia

6659 Circolo Ufficiali 9 Regg.Alpini-Uff.Stralcio-Gorizia

III./With the Banca Cattolica del Veneto, Gorizia:

No.164 Dienststellefeldpostnummer 85866

IV./With the Banca Commerciale Italiana, Gorizia:

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

Clausero Milton-Gorica-unica Leopardi 8 "Conto Konlfuers"

Dienststelle FPN 01115-Gorizia

D nstelle FPN 41981- "

Heeresunterkunftsverwaltung 62-Gorizia

SS Stojk Martin Mates-Gorizia Via Randaccio No. 22

Kasse der Militerkommandatur 1002-Gorizia

Comando Scuole Caccia c/o Command.ten.Col.Sotto Ernesto-Gorizia

V. /With the Banca d'Italia, Gorizia:

Pol.Freiw.Batl.Italien II,Caprive di Cormons

VI./With the Banca del Friuli,Gorizia:

CC Landesschutz Kreisfuhrer-Gorizia West No. 4445

CC No. 4462-Landesschutz Kreisfuhrer-Gorizia

CC 4503 O.T.Baurirma Nickel e Seitz

No. 4838 IX Reparto Arditi-Gorizia

Picc.Pisp.No. 379 O.N.Ass.Ital.Redenta

C./List of Jugoslav Navy War Booty which was not taken away in the course of evacuation of our army.

I./Shipyard at Trzic/Monfalcone/:

1./Six/6/ draggers, two/2/ of which lie unfinished in the port of Trieste and are German Navy property.

2./Three/3/ tugboats not yet finished - property of the German Navy.

3./Two/2/ motor-ferries in process of building, German Navy property.

4./One/1/ motor-ferry in repair - German Navy property.

5./Twentyfive/25/ iron pontoons, finished - German Navy property.

6./Material necessary for the construction of two /2/ motor-ferries - German Navy property.

7./Three/3/ sunken submarines/one run ashore/, damaged-German Navy property.

8./One/1/complete brand new motor "Vomag" 190 HP in closed freight-car

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

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7./Three/3/ sunken submarines/one run ashore/, damaged-German Navy property.

8./One/1/complete brand new motor "Vomag" 190 HP in closed freight-car at the railway station - German Navy property.

9./One/1/ brand new motor "Vomag" 190 HP in the workshops of "Rhiba" - German Navy property.

10./All material which is stored in the shipyard and is

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property of the Italian navy.

II./Port of Sveti Kriz.

One/1/ motor ferry, damaged/sunken/ - German Navy property.

III./Port of Sesljan/Sistiana/.

One/1/motor ferry, same as under II.

IV./Port of Trieste.

1./One/1/ destroyer "Sibenik", sunken, Jugoslav Navy property under name "Beograd", later Italian Navy.

2./One/1/ torpedo boat "Fasana", sunken-Italian Navy property.

3./Two/2/ tugboats "Chirone" and "Marittimo", damaged in repair - Italian Navy property.

4./Two/2/ unfinished cruisers, run ashore in the Zaule bay - Italian Navy property.

V. /Shipyard "Tinea".

1./One/1/ motor boat equipped with motor MAN 60 HP, in repair - German Navy property.

2./One/1/ motor boat equipped with motor "Carrara", in repair - German Navy property.

VI./Shipyard San Marco.

1./Three/3/ motor ferries in the process of building - German Navy property.

2./Two/2/ floating cranes of 20 and 40 tons in the process of building - Italian Navy property.

3./One/1/ torpedo boat "T.A.48" - Italian Navy property.

4./One/1/ destroyer "Pegafetta", sunken - Italian Navy property.

5./One/1/ warship "Cavour", sunken - Italian Navy property.

VII./Shipyard "Ettore Martinuzzi",Milje/Muggia/.

1./One/1/motor ferry in repair - German Navy property.

2./Four/4/ tugboats in process of building - German Navy property.

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IV./Port of Trieste.

1./One/1/ destroyer "Sibenik", sunken, Jugoslav Navy property under name "Beograd", later Italian Navy.

2./One/1/ torpedo boat "Fasana", sunken-Italian Navy property.

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2./Four/4/ tugboats in process of building - German Navy property.

3./One/1/ motor in repair - German Navy property.

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VIII./Shipyard San Rocco, Milje /Muggia/.

1./One/1/ torpedo boat in state of dismounting - Italian Navy property.

2./Two/2/ sunken ferries - German Navy property.

IX./Port of Milje/Muggia/.

Ten/10/ motor ferries, sunken - Italian Navy property.

X./Shipyard Istria-Koper/Capodistria/.

1./Ten/10/ Wooden ferries for mine laying in process of building - German Navy property.

2./Various motors and their elements - German Navy property.

XI./Shipyard G. Giusto-Pirano.

1./Two/2/ small motor boats, one of which without engine - German Navy property.

2./Seven/7/ various engines/one Junkers, two Lombardin, one Ponte, three Kromhaut/, damaged - German Navy property.

3./One/1/ dive boat - German Navy property.

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MEMORANDUM : Subject War Booty VENEZIA GIULIA

F 266

A/CAO/209/10

22 Jun '45

Distribution below.

Confidential

1. In the recently signed agreeement between AFHQ and the Jugoslavs it was agreed that appropriate machinery must be set up to determine Jugoslav claims respecting war booty. Pending the setting up of this machinery, officers representing the Allied and Jugoslav military commands will dispose of as many cases as possible.

2. A preliminary list of Jugoslav claims of booty has been received. In general three classes of alleged booty appear in the list :

(a) Materials and supplies (e.g. cement)
(b) Money and financial assets.
(c) Naval vessels, equipment and stores.

3. The following definition of captured and surrendered enemy war material is now in affect in AFHQ. It includes any material of whatever nature and were-ever situated, intended for war on land, at sea or in the air, or which is or maybe, or has been at anytime in use or intended for use by the armed forces, civil defenses, or other formations or organizations under control or influence of the German government, German authorities or governments or authorities of any states now allied to or associated with Germany.

4. The undersigned has been directed to call a meeting of interested representatives to :

(a) Determine what if any, of the items listed by the Jugoslavs as booty and which is now located in the allied occupied portion of VENEZIA GIULIA may be released forthwith.

(b) To initiate action to set up the machinery to dispose of pending and future Jugoslav booty claims.

13

5. The following are requested to attend the initial meeting which will be held at 1130 hrs Saturday 23 Jun in room 2031, the Palace.

Rep of C in C Med
Res Min
Poland
F/A G-5
G-4(A)
Q(AE)
JA(MTOUSA)
DJAG(Br)
Fis Dir(MTOUSA)
FA (Br)

A.L. Hamblen

A.L. HAMBLEN,
Brig Gen

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Fis Dir(MTOUSA)
FA (Br)

A.L. Hamblen

A.L. HAMBLEN,
Brig Gen,
A/CAO.

Copy to all reps.
Copy to C/S MTOUSA
D/C of S AFHQ
G-3 AFHQ
File.

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Col. Inf.
Chief Judicial Officer.
for Chief Civil Affairs Officer.

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(65)

Memorandum :- Topics for discussion ad hoc committee on War Booty in VENEZIA GIULIA

Confidential

CCAO/209/10

1. Captured or surrendered enemy war material includes any material of whatever nature and where ever situated, intended for war on land, at sea or in the air, which is or maybe, or has been at anytime in use by or intended for use by the Armed forces, civil defenses, or other formations or organizations under control or influence of the German government, German authorities, or governments or authorities of any states now allied to or associated with Germany.

2. It is the contention of the Jugoslavs that they captured or over-ran all of VENEZIA GIULIA in the disputed area and therefore all war booty is theirs by right of conquest. Do the allies debate this point and if so can they show an area in which they have complete or partial rights?

3. Even assuming that no right of conquest is asserted by the allies are they willing that the Jugoslavs shall remove all legal booty from the area ? If not by what right do they deny removal ?

4. It is assumed that regardless of the legality of the Jugoslav claims that the AFHQ will protest the removal of certain items on the following grounds :

(a) That the items are required to maintain public utilities and public health.

(b) That the items are not at the disposal of AFHQ due to orders of higher authority.

5. Assuming the acceptance of the definition of war booty given in para 1 is there any other problem involved except as noted in para 4 than a determination of prior ownership before release to the Jugoslavs ?

6. Who is best judge of items in category 4(a) ? Suggest CCAO XIII Corps.

12

7. What property has been covered by special instructions from higher or outside authority ?

8. A large part of the present claim is financial in character. Is it possible to determine whether accounts and deposits are actual war booty as defined in para 1 ?

9. The claims are roughly divided into categories as follows :

(a) Movable commodities other than (b) and (c) below.

(b) Financial accounts and papers

(c) Naval vessels and facilities.

DOWN GRADED TO UNCLASSIFIED

Col. Inf.

Chief Judicial Officer,

Civil Affairs Officer.

Cannot CCAO XIII Corps give clearance for 9(a)

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

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Chief Judicial Officer.

Civil Affairs Officer.

Cannot CCAO XIII Corps give clearance for 9(a)

Can a special ad hoc war booty committee draft sufficient rules and regulations to permit CCAO XIII Corps to clear legal booty to the Jugoslavs ? If yes, has CCAO XIII Corps sufficient personnel to do the necessary investigation ? Will C-in-C Med undertake to arrive at solution of category (c) items?

10 Is it necessary for any information be sent to CCS or is it necessary to ask for any guidance ?

11. Is it necessary to view any item in question, in person ?

12. Should a time limit for making claims for war booty be set ?

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RESULE OF DISCUSSIONS ON PAPER A/CAO/209/10 - WAR BOOTY VENEZIA GIULIA.

Confidential

1. An ad hoc committee, consisting of the following, and with the A/CAO in the Chair, met at AFHQ at 1100 hrs., 23 June:

Reps of RN, Br Resmin, US Polad, F/A G-5, G-4(A), Q(AE), JA (MTCUSA), DJAG, Fisc Dir (MTCUSA) and FA (Br).

2. The Chairman opened by giving a general background of the situation and by reading Appendix "F" of the Agreement between SACMED and Supreme Commander of the Jugoslav Army.

3. The Chairman then read para 1 of A/CAO/209/10, Topics, etc, and requested comments as to whether this definition given to the Allies for their conduct with the Germans should apply with our relationships with the Jugoslavs. It was the consensus of opinion that while the Jugoslavs did not know of this definition, we could not honestly use two definitions. There was much discussion, however, as to method of determining whether a particular item came within this definition. It was agreed that items of current production might well be within that category, but that an item which originally belonged to the Rome Government was seized by the Republican Fascist Government and in turn taken over by the Todt organization might well not so be classified.

4. The meeting agreed that the contention of the Jugoslavs that they had captured or overrun the entire area in dispute could not well be debated, even though in certain areas the Allies experienced fighting and received the surrender of Axis forces.

5. In connection with discussion as to the willingness of the Allies to permit the Jugoslavs to remove booty, even if it appeared to come within the definition of para 1 of A/CAO/209/10, it was pointed out strongly by Polad, and agreed by rep Resmin and rep G-5, that very few items existed which actually are covered in that definition, in as much as original ownership was largely that of the Rome Government, and that the immediate Todt or German ownership did not bring it within the definition of war booty. It was also contended by the same reps that nothing should be removed which must be replaced by the Allies. DJAG did not agree the contention. For instance, if cement were removed, we must import coal to manufacture more cement. If tobacco were removed, more tobacco would have to be imported, etc. It was stressed likewise that if we released commodities like cement, we were bound to release ships and Naval stores under the same line of reasoning.

11

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0948

FA (Br).

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6. It was the consensus of opinion that nothing essential to maintain public utilities and health should in any case be released. No items have been made subject of special instructions by higher headquarters.

Cont'd/...Sheet 2...

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7. It was the contention of the financial experts that no lira should be turned over. As all lira are an obligation of the present Italian Government, such action would simply be punitive against that Government and not against the Axis. A special paper is to be prepared by the finance experts in consultation with the lawyers.

8. The rep C-in-C Med agreed to consider the question of all shipping and shipping facilities and report.

9. Polad, with agreement of rep Resmin, stated that, in his opinion, nothing should be turned over to the Jugoslavs until we had informed the CCS of our intentions, and that we should delay and arbitrate until the matters were settled on a governmental level..

10. The opinion was widely stated that, due to previous ownership by the Rome Government, very little of the items which the Jugoslavs would likely demand was legal war booty, and even in those cases where it could be so classified it should not be released if imports by the Allies or Italy would result. The lawyers did not agree the latter case.

11. There is no necessity to view any items at present.

12. A definite date should be set, beyond which the Jugoslavs cannot make demands. The Jugoslavs should be requested to submit their final demands before action is taken on any item, if practicable.

13. The Chairman made a point of the following:

(a) All items demanded were actually in the hands of the Jugoslavs at one time. If we had not agreed to machinery which the Jugoslavs felt reasonably sure would release much of this material they would undoubtedly have delayed signature until they had removed many of the items in question.

(b) That if we agree paras 1 and 2 of A/CAO/209/10 and do not make an issue of original ownership by the Rome Government, and further do not hold that actions of the unrecognized Fascist Republican Government were illegal, we will be placed in a position of :

(i) Replacing items released.

(ii) Burdening the present Rome Government with a heavy financial burden.

(iii) Giving the Jugoslavs the foundation of commercial and Naval shipping of no mean strength.

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(b) That if we agree paras 1 and 2 of A/CAO/209/10 and do not make an issue of original ownership by the Rome Government, and further do not hold that actions of the unrecognized Fascist Republican Government were illegal, we will be placed in a position of :

(i) Replacing items released.

(ii) Burdening the present Rome Government with a heavy financial burden.

(iii) Giving the Jugoslavs the foundation of commercial and Naval shipping of no mean strength.

14. Polad and rep Resmin stated that they had informed their respective Governments of the nature of the military Agreement, with special reference to the fact that SACMED did not have final decision as to booty to be released.

Cont'd/...Sheet 3...

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Sheet 3.

15. The Chairman finally stated that, in his opinion, we should release to the Jugoslavs all movable commodities which were in the hands of Axis governmental agencies at the time of capture, whether it was previously owned by the Rome Government or not which otherwise come within the provision of para 1, A/CAO/209/10, except those items immediately required for maintenance of public utilities and health. This is a free untechnical description, that lira should not be released, that no opinion reference Naval questions could be expressed until we heard from C-in-C Med.

16. A further meeting will be held at 1130 hrs, Tuesday, 26 June.

CAC Office,
AFHQ, CMF.
25 June 1945.
ALH/omb

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Appendix "D"

RESUME OF RECOMMENDATIONS SUBMITTED
by
Brigadier General HAMBLEN

Confidential

a. Initial approach in the negotiations to be thru GOC XIIICorps, who will hand the Jugoslav Mission with XIII Corps a paper which shall form the basis for further action.

b. This paper shall contain the following:

(1) SACMED recognizes the right of the Jugoslavs to remove as war booty, with exceptions as given below, any commodity seized by Jugoslav authorities which was previously the property of Governments or official agencies of Governments at war with Jugoslavia.

(2) No claims would be received after 14 days from date of setting up working machinery.

(3) It shall be the responsibility of the Jugoslavs to prove proper enemy ownership of all items for which they seek release.

(4) It shall be the responsibility of the Jugoslav authorities to prove that their armed forces were in effective control of the area in which items are located before arrival of Anglo-American forces.

(5) No items required for the maintenance of law and order, to prevent disease and unrest or the operation of public utilities and medical facilities will be requested or released.

(6) No items which must be replaced in kind by the Allies by importation for the purposes in paragraph (5) above will be requested or released.

(7) Lira accounts and securities in Venezia Giulia banks, identified as belonging to German or Fascist official organizations or units, shall be blocked by AMG and disposed of on a governmental level. Cash or securities denominated in Reichsmarks may be released, upon proper proof of official enemy ownership. There is no objection to agreeing with Jugoslav authorities as to the enemy ownership of accounts and securities, as a basis for future disposition.

(8) In addition to the restrictions contained in paragraph (5) these recommendations, further restrictions would be placed on the release of ships, vessels and port equipment by adding the words "the ports" between "operation" and "of" in paragraph 5. In the case of major war vessels (submarines and larger) release would not be effected until the claim had been acted on by the CCS. Because of factors not known to SACMED no recommendations would be made in connection with the aforementioned vessels. In the case of minor war

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vessels (below the size of a submarine) release would not be effected until the claim had been acted on by the CCS. In these cases recommendation as to disposition would be made by SACMED. While no seagoing merchant vessels have been claimed, should such a claim be made no release would be effected until action by the CCS. With the exceptions noted harbor craft, naval equipment and ship repair materials would be released.

(9) Questions as to the proof of enemy ownership, and whether within the terms of this paper shall be settled by the Commerce and Industry Committee set up under the provisions of the Morgan - Javanovic agreement, or such other committee as desired by GOC XIII Corps. Such questions as cannot be agreed by this committee may be referred through governmental channels.

(10) The non-agreement of all Sections of this paper shall not preclude the release of non-controversial items.

(11) That a complete record be kept of all items released, in order that they may be considered when the question of reparations arises.

8

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(5 H)

Position of AC in future Olao captured
Iwo Jima

1 Retain in b/g any material required
a for maintenance of law and order
b " operation of public utilities

Admiralty letter — 8 Aug 45 AC/40341/12/L
Staff Study W Bosty V.G.
C.C.S.
Directive to XIII Corps
Questioned
Letter at last political meeting

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S E C R E T

4A

HEADQUARTERS ALLIED COMMISSION

Office of the Chief Commissioner

APO 394

AC/4034/12/1. /rlp.

8 August 1945.

Confidential

SUBJECT : War booty in Venezia Giulia.

TO : Chief of Staff, Allied Force Headquarters, APO 512.

1. I wish to place on record my strong dissent from the policy contained in paragraph 4 of NAF 1026 and in paragraph 7 of the draft directive to Hq XIII Corps which includes Italy in the governments and governmental agencies at war with Jugoslavia and which envisages the release to Jugoslavia of property of Italy as war booty.

2. I regret that I have had no earlier opportunity of expressing my views on this question, but I was not informed of the contents of NAF 1026 or FAN 599 or of the proposed directive to Hq XIII Corps until the 6th August 1945. I was shown Brigadier General Hamblen's memorandum of 22 June 1945, ref: A/CAO/209/10 and indicated my disagreement therewith. This disagreement was ignored, and in fact deleted from the document, and I was not notified of the later developments.

3. I agree that in view of the Morgan-Jovanovic agreement Jugoslavia is entitled to war booty captured by the Jugoslav forces from the German, and possibly the Fascist Republican, Governments during the course of the fighting in Venezia Giulia.

4. War booty can however be legally captured only from those countries with whom Jugoslavia was in a state of active hostilities at the time when the booty was physically taken into possession. By virtue of the Armistice Terms, the U.S., U.K. and Soviet Governments "acting on behalf of the United Nations" agreed to suspend hostilities against Italy. Italy has faithfully observed the conditions of the Armistice Terms. Jugoslavia is one of the United Nations. It seems to me therefore to be clear that Jugoslavia cannot claim to have been engaged in hostilities with Italy or to be entitled to capture war booty from Italy since the date of the Armistice. It appears to me to be a deliberate breach of the U.S. and U.K. Governments of their agreement with Italy if those governments support a claim by Jugoslavia that hostilities are still continuing between Jugoslavia and Italy.

5. It does not appear to me to be any answer to this to say that the exclusion of Italian Government property would leave very little for the Jugoslavs. In the first place, it does not appear to be the case, since an examination of the preliminary list of goods claimed by the Jugoslavs reveals a very small proportion of Italian Government property.

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Secondly, even if it were true an agreement which can be given a legal or an illegal interpretation should not be given the illegal interpretation simply because it appears more expedient to do so.

6. I must further point out that the definition of "war material" for the purposes of this question is accepted by AFHQ as referring only to the property of Germany and "any States now allied to or associated with Germany." Italy declared war on Germany in October 1943 and her state of co-belligerency was officially recognized by the U.S., U.K. and Soviet Governments. I submit therefore that it is legally and morally impossible for these governments to recognize a claim that Italy was either allied to or associated with Germany at the date of the occupation by Jugoslavia of Venezia Giulia, when the alleged war booty was captured.

7. I appreciate that some of the property of the Italian Government in Venezia Giulia was stolen before the date of that occupation by the Fascist Republican Government and other property was either legally or illegally seized by the German Government. It is however a recognized principle of international law that property seized, legally or illegally, by an occupant and abandoned by him on withdrawal reverts to the possession of the original government. Nor is it relevant to say that Venezia Giulia was liberated by Jugoslav forces without the intervention of American or British troops, since the Jugoslav right to war booty against Italy does not depend upon the presence or absence of other troops, but upon the existence of a state of hostilities between the two governments.

8. For the above reasons I wish to request a reconsideration of the policy and the exclusion of all Italian Government property from the items of war booty to be handed over to Jugoslavia. I realize that the policy as now decided was recommended by AFHQ to CCS and was approved by CCS. I think however that the approval by CCS was given from a military point of view and as an acceptance of the views put forward by the military commander in the field. CCS might be disposed to reconsider the question if, in the light of the arguments set out above, you were to suggest a modification of this policy. I believe that unless the question is reconsidered the Italian Government can legitimately accuse the U.S. and U.K. Governments of a grave breach of faith.

9. I should finally add that I have confined myself in this letter to questions of principle. I have not considered the details of the material claimed by the Jugoslavs from the point of view either of whether they come within the definition of war material or of whether they should be withheld from release upon any of the grounds set out in NAF 1026 or in the proposed directive.

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

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(3A)

Paraphrase of FAN 599 of 25 July

FROM: AGWAR from CCS

TO : AFHQ

1. All proposals set forth in your NAF 1026 are approved excepting para. 5, subject to a complete record being kept of all items released in order that they may be taken into account, if required, under the terms of the ultimate settlement for disposal of enemy war material now being discussed by the Great Powers.

2. Requested is amplification and clarification as to relationship of Para 5 of NAF 1026 and Para 1 of appendix F to Morgan-Jovanovic military agreement.

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DOWN GRADED
UNCLASSIFIED

Col. Inf.
Chief Judicial Officer,
for Chief Civil Affairs Officer.

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(2A)

Paraphrase of NAF 1026 of 30 June

TO: AGWAR WASHINGTON - AMSSO

INFO: SHAEF

SIGNED: ALEXANDER

This cable is NAF 1026

1. The Morgan-Jovanovic Military Agreement contains a clause in Appendix F to the effect that enemy war material captured by Jugoslav forces in area under allied military control may be considered as war booty of the Jugoslavs pursuant to normal provisions of international law, agrees to establish machinery to consider claims, and authorizes local officers by mutual agreement to dispose of as many cases as possible.

2. Examples extracted from an initial list presented by the Jugoslavs follow: 50 cars of cement owner Todt organization; 100 tons of tobacco owner Italian Monopoly; 11 cars of steel plate from old Italian warship; 300,000 lire German deposits; 4 tug boats being built German Navy; 3 sunken German Navy submarines; one sunken Italian Navy destroyer.

3. There has been no decision yet reached re proposed action in case of commercial or naval ships, stores or equipment.

4. It is proposed to release, with exceptions in para 5, enemy property of governments or governmental agencies of nations ~~at war~~ with Jugoslavia, ~~including Italy~~.

5. Items essential to maintenance of law and order, to prevention of unrest and disease, to maintenance of public utilities would not be released. Not released also would be such items as would necessitate replacement in kind by Allies. Enemy owned lire would be blocked for ultimate disposition on a governmental basis.

6. All claims which are refused because enemy ownership had not been established or under provisions of para 5, would be settled on a governmental level.

7. It is strongly felt that early settlement of this question will assist greatly reestablishment of proper relations with Jugoslavs. Comment on or approval of the above proposals is requested by July 12 at latest. In the absence of comment action pursuant to above proposals will be initiated on 15 July.

DOWN GRADED TO UNCLASSIFIED

Col. Inf.
Chief Judicial Officer.
for Civil Affairs Officer.

Confidential

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ALLIED FORCE HEADQUARTERS
APO 512

(1A)

COPY

30 July 1945

SUBJECT: Jugoslav Claims for War Booty in Allied Occupied Venezia Giulia.

TO : Headquarters XIII Corps

Not Rec'd

1. There is attached hereto the initial list (Appendix 'A') of items claimed by the Jugoslavs as war booty under the provisions of Appendix 'F' (Appendix 'B') of the Morgan - Jovanovic Agreement. You already have been provided with a copy of that Agreement.

2. It is desired that you open negotiations and effect releases as indicated herein below with the proper Jugoslav agency through the Jugoslav Mission at Headquarters XIII Corps for the return of such items as are authorized herein below.

3. In connection with paragraph 2 of Appendix 'F' of the Agreement it is desired that the "appropriate machinery" set up by you to deal with war booty shall include the Naval Officer in Charge, Trieste. Whether this machinery shall be one of the committees set up by Appendix 'I' of the Agreement or another organized solely in connection with war booty questions is a matter for your determination.

4. Early representations should be made to the Jugoslav authorities that any additional lists which they desire to submit must be submitted at an early and definite date to be determined by you. A period of two weeks after you have established your working organization is considered reasonable.

2

5. The following class of items will not for the present be released: those required to maintain law and order; to prevent disease and unrest; those required to maintain public utilities; and those which, if removed, would have to be replaced in kind for these aforementioned uses. Enemy owned lire and lire accounts will not be released but blocked for ultimate disposition on a governmental basis. For the present no ships whether war or commercial or port-operating equipment will be released. The matter of releases of the lire and shipping mentioned above in this paragraph is being given further consideration and you may expect authority to release certain ships and port equipment in the near future.

6. Except for the lire and lire accounts and the shipping,

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the restrictions on release have little effect on the present claims as none of the items appearing on the present Jugoslav list seem to be within the categories to be withheld.

7. The jugoslavs must of necessity show that the items claimed as war booty were the property of governments or governmental agencies at war with Jugoslavia. The fact in itself that an items was of Italian governmental or governmental agency ownership is no bar to release to the Jugoslavs.

8. Full records will be kept at Headquarters XIII Corps of all items released to the Jugoslavs. All captured enemy material surplus after the demands of Marshal TITO have been considered will be disposed of in accordance with this Headquarters directive AG 386.3/163 LOG-O of 22 June 1945. "Disposition of Captured Enemy Material in Italy." with amendments to date.

9. In case the Jugoslavs raise the issue as to the failure to release all items listed in their original demand, they should be informed that items withheld, if any, under the restrictions of law and order, disease and unrest, and maintenance of public utilities are withheld in accordance with International Law, that the International Law in connection with the release of lire and lire accounts and shipping is so unclear that advice is being urgently sought.

10. For your information only, there is attached the recommendations (Appendix 'C') of C-in-C Med on shipping matters. These recommendations have been agreed and forwarded to the CCS for action.

11. Also for your information only is the fact that the CCS has questioned the compatibility of our proposed restrictions on release of items and para 1 of Appendix 'F' of the Morgan - Jovanovic Agreement. A paraphrase of NAF 1026 (Appendix 'D') to CCS and of FAN 599 (Appendix 'E') from CCS are enclosed herewith.

By Command of Field Marshal ALEXANDER:

C. W. CHRISTENBERRY
Colonel, AGD,
Adjutant General

Incls:
as above.

Copy to:- C-in-C, MED
C/S, AFHQ
CAO
G-5
ALCOM

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