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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.

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EMPLOYMENT OF ITALIAN ARMY UNITS & PERSONNEL
WITH BRITISH FORCES
JAN. - APR. 1944

✓ 4056 **SECRET**

ALLIED FORCE HEADQUARTERS
Military Government Section

Legal S.C. 3-1510
(Pearl Harbor)
CF/rl

MGS: 230.02

9 April 1944

SUBJECT: Compulsory Service by Italian Civilians
TO : Headquarters, Allied Control Commission
(Attention: Chief Legal Officer)

There is inclosed, for your files, copy of an inquiry of 6 April 1944 addressed by G-3 Section to MGS, AFHQ, File No. 190/Org-3, Subject: Economy in Man-Power - Employment of Italian Civilians, with the reply of this Section by 1st indorsement thereon.

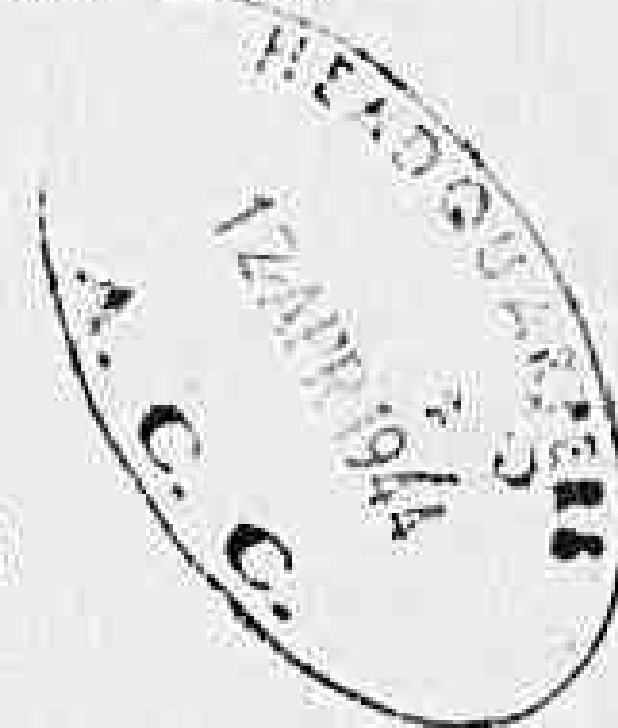
For the Acting Chief of Section:



Incl: as above

SECRET

Charles Fairman
CHARLES FAIRMAN
Lt. Col., JAGD
Legal Advisor



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

785016

FILE CLOSED 9 APRIL 1944

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SECRETALLIED FORCE HEADQUARTERS
Military Government Section

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For the Acting Chief of Section:

CHARLES PATRMAN
Lt. Col., JAGD
Legal Advisor

Incl: as above

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 1st Ind.

MGS 230.02

CF/thh

MILITARY GOVERNMENT SECTION, A.F.H.Q., APO 512, 9 April 1944

TO: G-3 Section, A.F.H.Q.

The conditions of armistice which establish the relations between the Allied Forces and the Italian Government contain no provision specifically authorizing the action proposed above. There are, it is true, clauses drafted in very broad language, - e.g. one whereby the Italian people are bound to carry out promptly and efficiently all orders given by the United Nations. In the presence of some imperative operational need, an undertaking of this sort might be construed broadly to sustain the action proposed to be taken. It is believed, however, that the basic memorandum discloses no such occasion at present.

In the absence of overriding circumstances action of the sort proposed would certainly appear excessive and would doubtless give rise to a protest which it would be difficult to answer satisfactorily. It may also be suggested that the compulsory movement of civilian labor, even if of small magnitude, might be seized upon by the enemy as implicitly recognizing the propriety of their own practice of forcing enemy civilians to perform labor in the German Reich.

For the Acting Chief of Section:

CHARLES FAIRMAN,
 Lt. Col., JAGD,
 Legal Advisor.

LEGAL SUB	
CLO	✓
DCLO	✓
Chief Counsel	
CJO	
Italian Section	
CLERKS	

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~~ALLIED FORCE HEADQUARTERS~~

ALLIED FORCE HEADQUARTERS

G-3 SECTION

6 April 1944

FILE NO:- 190/org-3

MEMO TO:- M G S (Legal)

SUBJECT:- Economy in Man-power - Employment of Italian Civilians.

This Section has under consideration all means whereby economics may be made in British Army man-power. Much has already been achieved by the dilution of British Units with Italian PW in N. Africa, and to a much lesser degree with Italian soldiers in Italy. Certain personnel in static units (District and Area Hqs, General Hospitals, Base Depots and the like) can also be satisfactorily replaced by Italian hired civilians, where suitable PW or soldiers are not available - for example Cooks, Batmen and orderlies; and a number of Cooks have, in fact, been so replaced in Nos. 1 and 2 Districts in Italy.

2. A static unit, however, is not necessarily permanently static - it may have to move. This particularly applies, in mobile operations when our forces are advancing, to Hqs of Districts, Areas, Garrisons, etc. Before considering the further application of the replacement of British soldiers by hired Italian civilians, therefore, it is desired to know the legal position of civilians so engaged in the event of the unit in which they are serving, having to move. The civilians have presumably been locally recruited and are living at their homes. Can they be compelled to move with the Unit to its new destination provided adequate arrangements are made for their accommodation and feeding, and if so under what authority? It is to be noted that the civilians in question are hired, not enlisted - no arrangements exist for enlisting Italians into British Units except in the Pioneer Corps.

Your comments would be appreciated.

(Sgd.) R. B. RATHBONE,
 for (R.B. RATHBONE, Col. G.S.)
 K. C. COOPER,
 Brigadier, G.S.,
 G-3 (Org)

RBR/jhg

Copy to :- G-1 (B)

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~~ALLIED FORCE HEADQUARTERS~~

Ref: 6/70/CA

(10)

Subject: Employment of Italian Army Units and Personnel

To: C. L. O.

1. The H.Q. letter of 2 January 1944 referred to in para 1 of the Draft Directive is not with the papers.
2. I have assumed that agreement has been reached with the Italian authorities on the policy covering this question, and that it is not necessary for us to consider our legal position vis a vis the Italians.
3. Under Army Act sect 176 subsects (9) and (10), military law is applicable to all persons in the service of any of His Majesty's troops when employed on active service. Under sect 175 subsect (8) similar provisions ~~are~~ made as regards officers, provided they hold a pass from the C.O. Sect 184 gives authority for court-martials for the above persons and also summary disposal of charges.

None of the above provisions refer specifically

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to officers or soldiers of a foreign army; ⁽⁹⁾ but in my view the words of the sections are sufficiently wide to cover them.

4. As regards the draft Directive.

Paragraphs 5 and 6 appear to be the only paragraphs which concern us, and paragraph 6 appears to be unobjectionable.

Paragraph 5, as at present drafted, places an impossible burden on the ordinary C.O. If it is necessary for political reasons to take account of the Italian Military Code, it is suggested that it should be left wholly to the discretion of the presiding officer or C.O. as to how far it should be taken into account. A revised draft of para 5 is submitted herewith.

5. Points to which it may be desirable to draw the attention of A.F.H.Q. are:

- (1) The issue of passes to Italian officers under A.A. sect 175
- (2) The acquainting of Italian personnel with Army Act provisions, conformably to K.R. 521. — More

15/3/44.

5. Command and Discipline

(8)

(i) All British formation Commanders are given power of command over Italian formations or units which may be put under their command, including power to remove and appoint officers.

(ii) All British Commanders of units allotted in the Italian troops are given power of command over all such personnel, and all British officers, W.O.s and N.C.O.s in such units are given power of command over Italian personnel of equal or lower rank.

(iii) All personnel of the Italian Army when employed under British command will be ~~subject~~ subject to British Military Law, and may be punished by British Officers as if they were British soldiers.

(iv) In imposing punishment or sentence on Italian personnel, British Officers will, whenever possible, have regard to the question whether the offence ^{in question} ~~is~~ is an offence also under the Italian Military Code and to the degree of punishment or sentence prescribed by that code.

4051

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

7

Ref/6/70/CA

9 March 1944.

SUBJECT: Employment of Italian Army Units and Personnel.

TO : Administrative Section (For C.L.O. Legal Sub-Commission).

1. Reference ACC/4051/L of 1 March 1944.
2. A copy of the directive referred to and the covering letter HSD/424 of 15 February 1944 has now been received and forwarded.

N. E. Fiske
NORMAN E. FISKE,
Colonel, Cavalry,
Deputy Executive
Commissioner.

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ALLIED FORCE HEADQUARTERS

G-3 SECTION

15 February 1944

FILE NO : HSD/124

SUBJECT : Employment of ITALIAN Army Units
and Personnel with BRITISH Forces.

MEMO TO : H.Q. A.C.M.F.

Further to our HSD/124 of 19 Jan 44.

1. A meeting was held at A.F.H.Q. on Monday 14 Feb to discuss the final form which a directive on this subject should take.
2. Attached at Appendix 'A' is a copy of this directive which it was agreed should be published on this subject to your approval.
3. You are requested to forward your comments on this directive together with any proposed additions and deletions to this H.Q. as soon as possible.

DANIEL NOCE
Brigadier General, G.S.C.
Assistant Chief of Staff, G-3

DISTRIBUTION

HR A.C.M.F.

Maya Bone

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ALLIED FORCE HEADQUARTERS

G-3 SECTION

By authority of
CinC Hq AF
Initials: _____

FILE NO : HSD/424

19 January 1944

SUBJECT : Employment of ITALIAN Army Units and
personnel with British Forces.

COPY NO : 2

MEMO TO : All concerned

1. It is considered essential that a directive be issued stating the policy governing the employment of ITALIAN Army Units and personnel with British Forces.

2. A draft instruction is attached at Appendix "A". You are requested to examine this and furnish this Headquarters with any comments you may wish to make prior to its final issue. Comments will reach this Headquarters by 0900 hours, 28th January, 1944.

3. It is not proposed for the time being to vary the instructions at present in force in regard to the employment of ITALIAN Prisoners of War.

s/ Lowell W. Rocks,
t/ LOWELL W. ROCKS,
Major General, G. S. C.,
Assistant Chief of Staff, G-3.

DISTRIBUTION	COPY NO
HQ A.C.M.F.	1
A.F.H.Q Adv Adm Ech	2
Allied Control Comm.	3
M.M.I.A.	4
Hq No. 1 District	5
Hq No. 2 District	6
Hq No. 3 District	7
Copy for Information	8
S.G.S	9
C.A.C	10
M.C.S.	11
G-1 (Br)	12
Dep Mil Sec	13
Supvsn (Br)	14

G-4 (Br)	16
G (Maint)	17
S (AE)	18
Postal (Br)	19
OZE	20
Liaison	21
S & T	22
Ord (Br)	23
G-3 (Cps)	24
Tn (Br)	25
D of Labour	26
D of Works	27
R.E.M.E	28
D.P.M	29

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s/ Lowell W. Rocks,
t/ LOWELL W. ROCKS,
Major General, G. S. C.,
Assistant Chief of Staff, G-3.

DISTRIBUTION	COPY NO	
HQ A.C.M.F.	1	C-4 (Br)
A.F.H.Q. Adv Adm Ech	2	Q (Maint)
Allied Control Comm.	3	W (AE)
M.M.I.A.	4	Postal (Br)
HQ No. 1 District	5	OZE
HQ No. 2 District	6	Liaison
Hq No. 3 District	7	S & T
Copy for information:	8	Ord (Br)
S.G.S.	9	G-3 (Ops)
C.A.O.	10	Tn (Br)
M.G.S.	11	D of Labour
G-1 (Br)	12	D of Works
Dep Mil Sec	13	R.L.M.E
Surgeon (BR)	14	D.P.M.
D.P.I.C.	15	Spares
Financial Adviser		

TO : G-3 (org) Date: _____

Receipt is hereby acknowledged of document HSD/424 dated 19 January 44.

SIGNED: _____
RANK : _____
SECTION: _____

Receipt and return to Room 155, AFHQ.

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ALLIED FORCE HEADQUARTERS

G-3 SECTION

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Appendix "A"

January 1944

MEMO TO : All concerned

SUBJECT : Employment of Italian Army Units and Personnel with British Forces.

1. The following policy regarding the employment of Italian Army Units and personnel, is in amplification of the policy laid down in this HQ letter AG 400-1 (Italy) GCT-AGM of 2 January 1944, and deals in detail with the conditions of service of the units, and general policy of the above letter as it applies to Italian Army Units and personnel serving with the British Forces.

2. Priority of Employment.

The priority of employment of units of the Italian Army will be:

- (a) to complete the existing British Order of Battle requirements.
- (b) To replace British units and personnel which are required to return to the U.K.

3. S.D. Matters.

For all S.D. matters, Italian Army Units (except for those in Italian Formations), and units diluted with Italian personnel serving with British Forces, will be treated in a similar manner to units of the British Army.

4. Establishments.

Where whole units of the Italian Army are employed, the Italian War Establishment or its equivalent will be used for those units, as far as it is possible. If no such establishment is in existence then the equivalent British W.E. will be used. In the case of a unit diluted with Italian personnel, the British W.E. will invariably be used.

The War Establishments Committee of this Headquarters will be the authority for all cases of amendments where a British W.E. is affected.

5. Command and Discipline.

(a) Command and Punishment.

All personnel of the Italian Army when employed under British Command, will become subject to British Military Law. In order to keep the administration of such a policy as simple as possible, disciplinary action will only be taken in respect of essential offences which must be common

3. Sub-Matters.

For all S.D. matters, Italian Army Units (except for those in Italian formations), and units diluted with Italian personnel serving with British Forces, will be treated in a similar manner to units of the British Army.

4. Establishments.

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The War Establishments Committee of this Headquarters will be the authority for all cases of amendments where a British W.E. is affected.

5. Command and Discipline.(a) Command and Punishment.

All personnel of the Italian Army when employed under British Command, will become subject to British Military Law. In order to keep the administration of such a policy as simple as possible, disciplinary action will only be taken in respect of essential offences which must be common to both British and Italian Military Codes *e.g.* offences under Army Act Sects. 4(2), 5(7), 6(2)(e), 6(2)(f), 7(1)(3), 8, 9, 12, 15(1), 18(4) stealing only, 19, 22, 24(1), and (2), 40 and 41. In order to give effect to this policy, the following procedure will be adopted:

(i) All British formation commanders are given power of command over Italian formations or units which may be put under their command, including power to remove and appoint officers.

(ii) All British Commanders of Units diluted with Italian troops are given power of command over all such personnel, and all British Officers, W.O's and NCO's in such units are given power of command over Italian personnel of equal or lower rank.

(iii) Italian personnel in diluted units are subject to British Military Law, and may be punished by British Officers as if they were British soldiers.

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6. Arrest.

British Service authorities are given power to arrest and hold in custody Italians alleged to be guilty of any offence punishable by Italian law, and any offence against British Military Law, although such offence may not be an offence against Italian Law.

Italian personnel will not be arrested by other than C.M.P. except in the event of the alleged commission of a serious crime or in the event of grave disorder. C.M.P. to include Military, R.A.F., and Naval Police.

7. Imprisonment.

The British C-in-C is given power to order that any sentences of incarceration passed on Italians by British officers or courts can be served in British penal establishments or guard rooms under the same conditions as British soldiers sentenced to the most nearly equivalent punishment, if he considers it necessary.

8. Leave.

As far as is operationally possible, Italian personnel, whose families are located in the occupied territory, will be permitted leave of furlough to their homes, provided that they receive not more than 7 days in every 6 months, and that only 5 per cent of the Italian personnel of a unit are absent at any one time.

9. M.S. Matters.

Power to remove an officer is dealt with in para 7 (a)(i) above, and all remaining M.S. matters will continue under Italian Army organization.

10. Reinforcements and Casualties.(a) Complete Italian Units.

The Italian military authorities are to be responsible for maintaining in personnel those complete Units or Formations of the Italian Army who are employed under British Command. The necessary returns will be furnished monthly to this Headquarters by Military Mission to the Italian Army.

(b) Diluted Units.

G.H.Q., 2nd Echelon are responsible for maintaining at W.L., those units of the British Army which are diluted with personnel of the Italian Army holding a status other than that of M.P.T.

(c) Reinforcements.

Power to remove an officer is dealt with in para 7 (a)(i) above, and all remaining M.S. matters will continue under Italian Army organization.

10. Reinforcement and Casualties.

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The Italian military authorities are to be responsible for maintaining in personnel those complete Units or Formations of the Italian Army who are employed under British Command. The necessary returns will be furnished monthly to this Headquarters by Military Mission to the Italian Army.

(b) Diluted Units.

G.H.Q., 2nd Echelon are responsible for maintaining at M.E., those units of the British Army which are diluted with personnel of the Italian Army holding a status other than that of G.P.W.

(c) Reinforcement Organization.

(i) Base Depot. The Italian Government will undertake to guarantee a sufficient number of personnel for replacing wastage, in a Base Depot to be established for the purpose. This Base Depot will be situated in Italy so as to facilitate the rapid despatch of reinforcement personnel to units. It will be under command of a British officer with a British Staff, and will be capable of ensuring the qualifications of tradesmen or specialists held, and, where necessary, of ensuring that these men do not deteriorate during their stay in the depot.

(ii) Method of Demanding Reinforcements. Units will render weekly A.F's #3008 and #3009 as at present, but will show M.E. and strength of British and Italian personnel separately. Returns will be rendered as laid down in the "Unit Guide to Documentation", and demands for reinforcements made by the Advance Rfts Sec concerned on the Base Depot.

(b) Documentation.

All formations and units with Italian Army personnel (other than E.P.W.), either filling vacancies within the M.E., or attached in excess will render nominal rolls to G.H.Q., 2nd Echelon showing:

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a quota of indoor and outdoor games equipment will be made available and ITALIAN soldiers will be allowed to attend mobile cinema shows and ENSA concerts if no BRITISH troops are excluded thereby.

15. Rations.

(a) In Army Areas.

Supplies will be forwarded from Base Supply Depots to Forward Maintenance Areas or Detail Issue Depots and drawn by ITALIAN Units from them through RASC channels if necessary, e.g. 3rd and 2nd Line of Corps and Divisions.

(b) In Areas in Rear of Army Boundaries.

(i) Diluted ITALIAN Units will draw through D.I.D.s.

(ii) Complete ITALIAN Units will draw from ITALIAN issuing points. If, however, an ITALIAN unit is isolated in a purely BRITISH Area then arrangements will be made locally whereby the local D.I.D. holds suitable items of the ITALIAN ration scale to meet this contingency.

16. P. O. L.

ITALIAN units serving with the Allied Armies in Army Areas or (and units diluted with ITALIANS) which form a permanent part of the Allied Order of Battle will be supplied as if they were Allied units through the normal US or BRITISH Maintenance Systems. ITALIAN formations or units now serving with the Allied Armies or forming an integral part of those Armies will draw their requirements as laid down in AFHQ Adv. Adm. Echelon Adm. Instruction No. 9 dated 16 December '43 (Para 1, sub-para 2).

17. Postal.

Postal arrangements will be made by the ITALIAN Army Authorities for all complete ITALIAN units. To preserve security of location, mail for ITALIAN personnel in diluted units will be dealt with through ITALIAN Postal Training Section, GHQ, CEF.

18. Equipment.

ITALIAN soldiers employed as dilutees in BRITISH units, or as personnel in completely ITALIAN units, will be supplied with equipment as follows:

holds suitable items of the ITALIAN ration scale to meet this contingency.

16. P. O. L.

ITALIAN units serving with the Allied Armies in Army Areas or (and units diluted with ITALIANS) which form a permanent part of the Allied Order of Battle will be supplied as if they were Allied units through the normal US or BRITISH Maintenance Systems. ITALIAN formations or units now serving with the Allied Armies or forming an integral part of those Armies will draw their requirements as laid down in ARHQ Adv. Adm. Enclosure Adm. Instruction No. 9 dated 16 December 1943 (Para 1, sub-para 2).

17. Postal.

Postal arrangements will be made by the ITALIAN Army Authorities for all complete ITALIAN units. To preserve security of location, mail for ITALIAN personnel in diluted units will be dealt with through ITALIAN Postal Training Section, GHQ, GPF.

18. Equipment.

ITALIAN soldiers employed as dilutees in BRITISH units, or as personnel in completely ITALIAN units replacing BRITISH units, will be equipped from BRITISH resources if ITALIAN resources are not adequate. This provision assures no increase in the forecasted BRITISH Order of Battle, but merely a substitution of ITALIAN for BRITISH Personnel.

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394.

GRU/gmf

1 March 1944

ACC/4051/L

SUBJECT: Employment of Italian Army Units and personnel with
British Forces.

TO : Executive Commissioner, ACC.

I have learnt through a casual conversation of the existence of a draft directive issued by AFHQ G3 Section under letter file No. HSD/424 dated 15 Feb 44 which appears to involve some important questions of law and on which the approval and comments of ACC have been asked.

Should not this Subcommittee be supplied with a copy for its comments?

Furthermore, as this Subcommittee is endeavouring to write a directive for use by ACOMF on the powers of arrest, etc. over Italian soldiers and civilians in unoccupied territory, it would seem essential to obtain a sight of this document before any such directive can be prepared.

G. R. URJOHN, Colonel
Chief Legal Officer.

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