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

ACC

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(VOL.2)

0802

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

POLICY REGARDING JUGOSLAVS
MAR. 1946 - SEPT. 1947

0803

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

BEST COPY POSSIBLE

FILMED AS FOUND

IN COLLECTION

C O P Y

ALLIED FORCE HEADQUARTERS
G-5 SECTION.
APO 512.

G-5: 911.30

22 August 1946

SUBJECT: Jugoslav Traitors.

TO: Chief Commissioner.
Allied Commission,
APO 794

Reference your letters 4/29.8/CA of the 2nd and 3rd August.

1. It is still true that if Dr.Smodlaka desires to complain that promises contained in diplomatic correspondence have not been honored his complaint must be made through diplomatic channels. This Headquarters is obviously unable to deal with the alleged contents of documents of which it has not copies.

2. When Dr.Smodlaka has made through diplomatic channels any request for extradition the Foreign Office and State Departments consider the evidence and if they decide that a certain persons should be handed over, this Headquarters and Dr.Smodlaka are so informed.

3. When this Headquarters receives such an instruction the position is reported through you to Dr.Smodlaka. It can only act when it receives instructions and it invariably does carry out the instructions it receives. Dr.Smodlaka's letters to you asking for extradition serve no useful purpose and he may be so informed.

4. There is, however, one further complication. Dr.Smodlaka makes his request for extradition through diplomatic channels quite regardless of whether the wanted person is in Allied custody or not. The Allies have reserved no powers of arrest in Italy except on the ground of the security of their own forces and cannot, therefore, arrest Jugoslavs for the purpose of extraditing them. All that they can do, if an alleged Jugoslav traitor is not under Allied control, is to inform the Italian Government of the Jugoslav Government's request. All further correspondence on such cases should pass between the Italian Government

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5. With regard to this Headquarters two letters 5571/2 & 3 of the 25th July, please inform Dr.Smodlaka:

(a) That NIKOLIC, Ante: BOGLIC, Franko, BUCIC, Vlatko and RADINOVIC Velisa were handed to XIII Corps on the 27th July for repatriation.

(b) That CUDINA CIRIL and KOVACIC, Matija are not under Allied custody and control and that the Jugoslav Government should apply to the Italian Government for their arrest and extradition. You will also inform the Italian Government that the Allied Governments have investigated the cases against these men and are of opinion that if they are found they may properly be handed over to the Jugoslav Government.

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6. It is not considered necessary to mention those not yet traced. They will be the subject of further communication when they are traced or it is ascertained that they are not in Allied custody.

7. With regard to correspondence on this matter. It is noted that your letters relative to these Jugoslav Traitors are headed War Crimes - Italians against Jugoslavs. This is confusing as War Crimes and Traitors are dealt with by entirely different branches of this Headquarters.

BY COMMAND OF LIEUTENANT GENERAL LEE.

A. L. HAMBLEN.
Colonel, GSC.
Ass. Chief of Staff, G-5

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A. L. HAMBLEN.
Colonel, GSC.
Ass. Chief of Staff, G-5

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COPY

ALLIED FORCE HEADQUARTERS
G-5 Section.
APO 512

G-5 934.51

22 August 1946

SUBJECT: Detention of Jugoslavs

TO : Chief Commissioner
Allied Commission,
APO 794.

Reference your 4/29.8/CA of 20 June 1946

1. Requests for preventive arrest must in all cases be made through diplomatic channels.

2. Will you please explain to Dr. Smodlaka that since the restoration of the Administration of Italy to the Italian Government the power of arrest in Italy lies with the Italian Government and that requests for arrest should therefore be made to that Government.

3. An exception to the above is the case where the wanted man is already in Allied custody or control. In such case the request should be made by Belgrade to London, if he is in the hands of British Forces, or Belgrade to Washington, if he is in the hands of the U.S. Forces.

BY COMMAND OF LIEUTENANT GENERAL LEE:

A.L. HAMBLEN
Colonel GSC.
Assistant Chief of Staff. G-5

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ALLIED FORCE HEADQUARTERS
G-5 SECTION.
APO 512.

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5. With regard to this Headquarters two letters 3371/2/A2 dtd the 25th July, please inform Dr. Smodlaka:

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(b) That GUDINA CIRIL and KOVACIC, Matija are not under Allied custody and control and that the Jugoslav Government should apply to the Italian Government for their arrest and extradition. You will also inform the Italian Government that the Allied Governments have investigated the cases against these men and are of opinion that if they are found they may properly be handed over to the Jugoslav Government.

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A. L. HAESLER.
Colonel, GSC.
Ass. Chief of Staff, G-5

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0812

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

COPY

ALLIED FORCE HEADQUARTERS.
G-5 Section.
APO 512.

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BY COMMAND OF LIEUTENANT GENERAL LEE:

A.L.HAMBLEN
Colonel GSC.
Assistant Chief of Staff. G-5

211

DRAFT

TO: DR. SMODLAKA.

I. 103 I regret 103A the delay 103B in replying to your letters ER 844/46, 839/46, 840/46 of the 24th July and 854/46 of the 25th July 1946, but it was necessary to refer certain questions 103C to higher authority.

2. I must again refer to my letter 4/29.8/CA 49 of the 1st May 1946. In that letter I informed you that AFHQ have issued, and are issuing appropriate instructions in all cases in which the US and British Governments have agreed to return Jugoslavs, and that all such persons who have been found have already been returned and that others will be returned as they are found.

My letter further stated that if it is desired to make representations on the basis of diplomatic correspondence, such representations should be made through diplomatic channels.

I am at a loss to understand, therefore, why you continue to forward to me representations based on diplomatic correspondence. There has been no change in the ALLIED procedure outlined in my letter of the 1st May.

3. AFHQ are taking all appropriate action in this matter. If it is found that a Jugoslav who has been classified as a traitor by the Allied Governments is not under Allied control, you will be notified accordingly. In such cases power to arrest in Italian Government territory lies with the Italian Government.

0813

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Before application can be made to the Italian Government to affect an arrest, it will be necessary for this Headquarters to have received from AFHQ information that :

(a) the Jugoslav in question has been approved for handing over by the Allied Governments.

(b) the Jugoslav in question cannot be traced as being under Allied control.

0814

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4. Two cases have now occurred in which the Allied Governments have decided that the persons concerned may properly be handed over to the Jugoslav Government and in which AFHQ have been unable to trace the persons as being under Allied custody or control.

These two persons are CUDINA, CIRIL and KOVACIC, MATJA referred to in your.....

If you require the arrest of these two persons it will be necessary for you, as Jugoslav Representative in Italy to apply to the Italian Government through this Headquarters for their arrest and extradition . If you make application I will forward your request to the appropriate Ministry of the Italian Government.

If and when further cases of a similar nature occur you will be informed in order that you can make application through this Headquarters to the Italian Government for the arrest and extradition.

5. I have been instructed to inform you that your letters based on diplomatic correspondence asking for estradition serve no useful purpose, and I would appreciate it if you would cease making such applications to this Headquarters.

0815

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79

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0-8201

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0821

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

file
312A.

BRITISH ELEMENT
MILITARY LIQUIDATING AGENCY
ROME, ITALY
APO S. 551

AC/4132/L

25 Sep 47

SUBJECT : Repatriation of Jugoslav nationals:
Sovrak Franjo
Cvetkovic Ljubomir
Dumancic Ilija
Skrobanovic Filip

TO : The Minister of Pardon and Justice.

314A.

Reference your letter Ufficio I A.P. Prot No.131.1740/3787/47 of 10 Sep 47.

In view of the fact that there is now a diplomatic representative of the Jugoslav Government in Rome, it is suggested the information contained in your letter regarding the above-named Jugoslav nationals should be communicated by the Ministry direct to the Jugoslav Legation.

for
CHIEF OF AGENCY.

22

fl.

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE DELLA STATISTICA E DEL CASELLARIO

Roma, 10 Settembre 19 47

311A.

Al QUARTIER GENERALE DELLE FORZ
ALLEATE - Divisione Legale -
R O M A

Ufficio I° A.P. *Prot. N.* 131.1740/3787/47 *Risposta al Foglio N.* AC/4132/L
del 11.12.1946

283A

OGGETTO Cittadini jugoslavi rimpatriandi.-

4132
V

e per conoscenza:
ALL'UFFICIO COLLEGAMENTO
S E D E

****

In seguito alla nota sopra distinta, questo Ministero ha svolto delle indagini per accertare l'attuale posizione giuridica dei 4 cittadini jugoslavi di cui nella nota medesima.-

Risulta che il LOVREK Franjo è attualmente nel Campo di concentramento di Fossoli; lo SKROHANOVIC Filippo e il DUMANCIC Ilija, in data 17.12.1946 passarono a disposizione della Questura di Roma; quanto al CVETKOVIC Ljubomir, pare che, sotto le false generalità di ZUPANCIC Stanislao di Giuseppe e di ZANKAR Teresa nato a Lubiana il 10.11.1921, si trovi nel Campo di concentramento di Lipari.-

Ciò è stato dichiarato dal vero ZUPANCIC, con il quale il CVETKOVIC avrebbe scambiato le generalità, per potere andare al campo di Lipari, ove aveva un amico, tal MITIC non meglio identificato.-

Pertanto, essendo tutte le predette persone a disposizione del Ministero dell'Interno, è a questo Dicastero che codesto On.le Quartier Generale dovrà rivolgersi per l'evasione della sua richiesta

0822
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per il M I N I S T R O
(A.Spallanzani)

0823

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0824

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

Mod 404

4132

Roma, 30 Gennaio 1947

310A

Ministero di Grazia e Giustizia
DIREZIONE GENERALE DEGLI AFFARI PENALI DELLE GRAZIE E DEL CASELLARIO

28 OA

COMMISSIONE ALLEATA
Divisione Legale
ROMA

Ufficio II° A.P.
Prot N° 131.138.568.46

Risposta al f. del 5.12.1946
Div. Sez. AC.4132/L

OGGETTO GIANOVIC Stevan.-

4 k 293 A

e per conoscenza:
ALL'UFFICIO COLLEGAMENTO
- S E D E

In relazione alla nota sopradistinta, si comunica che il Ministero dell'Interno ha fatto testè conoscere che la persona in oggetto si trova attualmente ristretta in campo di concentramento italiano e, qualora intenda rimpatriare, ne, verrà disposto l'accompagnamento alla frontiera.-

Il predetto Ministero ha aggiunto inoltre che, di recente, sono state interessate le autorità del campo per conoscere se il GIANOVIC desideri tornare in Jugoslavia.-

per il M I N I S T R O
(A.Spallanzani)

per copia conf.
LAEAR/4132/L.

0825

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4132

U U I I

FILE
3098

DELEGATION OF THE FEDERAL PEOPLE'S
REPUBLIC OF JUGOSLAVIA
TO THE ADVISORY COUNCIL FOR ITALY

22 January 1947

Br.119/47

SUBJECT : Status of ex-officers of the Jugoslav Army.

TO : The Legal Division,
H.Q.A.C.

298A

Reference is made to your letter AC/4132/L dated January 17, 1947, on the same subject.

All Jugoslav Officers in Italy can return to the Federal People's Republic of Jugoslavia without any particular proceeding as long as the repatriation period for Italy will not be declared closed. After that date a period of two months will be left to the Jugoslav nationals to repatriate or to request to be registrated for repatriation and to put themselves to the disposition of our authorities abroad for repatriation. If they fail to do so they will loose their citizenship then. This is according to the law of August 23, 1945.

By a recent law the foregoing regulation was extended also to those Jugoslav citizens who left the country unauthorized after the end of the war.

219

Sgd.: DR. SLOVEN J. SMODLAKA,
Jugoslav Representative a.i.
Advisory Council for Italy.

ALLIED COMMISSION · OFFICIAL · LEGAL DIVISION

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

4132

File
3080

Memo to Executive Commissioner:

The question of channels of communication is still obscure to me.

As far as I understand, the position should be as follows.

Allied Commission does not act as a channel between the Italian Government and allied countries having even limited diplomatic representation in this country.

However, Allied Commission acts as a channel between the Italian Government and Yugoslavia, who has no representation at all.

Yesterday the Navy Sub-Commission wrote to the Yugoslavia representative to the ACI that the question of obtaining Italian visas for Yugoslavia naval officers was a matter to be taken up directly by them with the Italian authorities.

When this letter was shown to me, I advised that Allied Commission was still the proper channel of communication between the Italian Government and the Yugoslavia representative.

Today Navy Sub-Commission tell me that you consider that their first answer was correct and that Allied Commission should not act as a channel in this case.

Another point I am not quite clear about. If the Italian Government or Italian citizens, seizing the law in their own hands, take unilateral action against Allied nationals or their property in Italy and by such action contravene the Armistice terms, who is supposed to make the necessary representations to the Italian Government, - the Allied Commission or the respective Embassies?

I should be very much obliged if a directive could be given on this point.

C. G. HAYWARD

0829

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

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G. G. HANNAFORD
Lt. Colonel
Deputy Chief Legal Adviser

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0828

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

FILE
30 TA

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL DIVISION

MT/ne
AC/4I32/L 27 January 1947.

SUBJECT : MRAK Franc, Jugoslav national detained by the Italian authorities.

TO : The Ministry of Pardon and Justice.

Enclosed herewith is a copy of a letter from the Jugoslav Delegation to the Advisory Council for Italy requesting the surrender of Mrac Franc arrested in Jugoslavia in July 1942 by the Italian occupation authorities.

MUSGRAVE THOMAS,
Italian Branch
for Chief Legal Advisor.

211

4132
K

306A

DELEGATION OF THE FEDERAL PEOPLE'S
REPUBLIC OF JUGOSLAVIA
TO THE ADVISORY COUNCIL FOR ITALY

Br.114/47

21 January 1947

SUBJECT : MRAK Franc,Fermo posto Cancello,Napoli. Detained by Italians.

TO : Legal Division,
H.Q.A.C.

This Delegation has received an application made by Mrs.MRAK Franciska from Vic,Slovenia,Jugoslavia,applying that steps may be taken for the repatriation of her son MRAK FRANC (born on January 29, 1913)who was arrested by the Italian occupant authorities in Jugoslavia on 24 July 1942,and sentenced to 24 years prison for political reasons.

In September,1946,Mrs.Mrak had last news from her son from the Italian prison at Fermo posto Cancello,Napoli.

It is herewith requested that steps may be taken for the repatriation of MRAK Franc,and that this Delegation may be informed about the result.

It is pointed out that MRAK Franc,Jugoslav national,should be handed over immediately on basis of the Armistice Terms.

For The Jugoslav Representative :

Cedomil Veljacic,Secretary.

LEGAL SUB - G.M.A.O.U.
CJO-3
DCLC

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

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In September,1946,Mrs.Mrak had last news from her son from the Italian prison at Fermo posto Cancello,Napoli.

It is herewith requested that steps may be taken for the repatriation of MRAK Franc,and that this Delegation may be informed about the result.

It is pointed out that MRAK Franc,Jugoslav national,should be handed over immediately on basis of the Armistice Terms.

For The Jugoslav Representative :

Cedomil Veljacic,Secretary.

LEGAL SUB - [illegible]
CJO-3
DCLC
CHIEF COUNSEL
ITALIAN SECTION
Recd 24 JAN 1947

216

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

0831

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

FILE
305A

HEAD QUARTERS ALLIED COMMISSION
APO 794
LEGAL DIVISION

AC/4132/L

LT/ns
24 January 1947.

SUBJECT : POLAK Franc, Jugoslav national detained in Reggio Emilia.

TO : The Jugoslav Delegation to the Advisory Council for Italy.

1. Reference your Br.113/47 of 21st inst.

2. The contents of your letter Br.1875/46 of 27th December last were communicated to the Ministry of Justice on 10th January. Failing a reply by the end of the month, a reminder will be sent to the Ministry.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

21

213

4132

DELEGATION OF THE FEDERAL PEOPLE'S
REPUBLIC OF JUGOSLAVIA
TO THE ADVISORY COUNCIL FOR ITALY

304A

Br. 113/47

21 January 1947

SUBJECT : POLAK Franc, detained by Italians, Reggio Emilia.

TO : Legal Division,
H.Q.A.C.

252A

With reference to our letter Br.1526/46 dated 15 October 1946, an early reply will be greatly appreciated.

For the Jugoslav Representative:

Cedomil Veljacic

Cedomil Veljacic, Secretary.

LEGAL DIV. - CCG

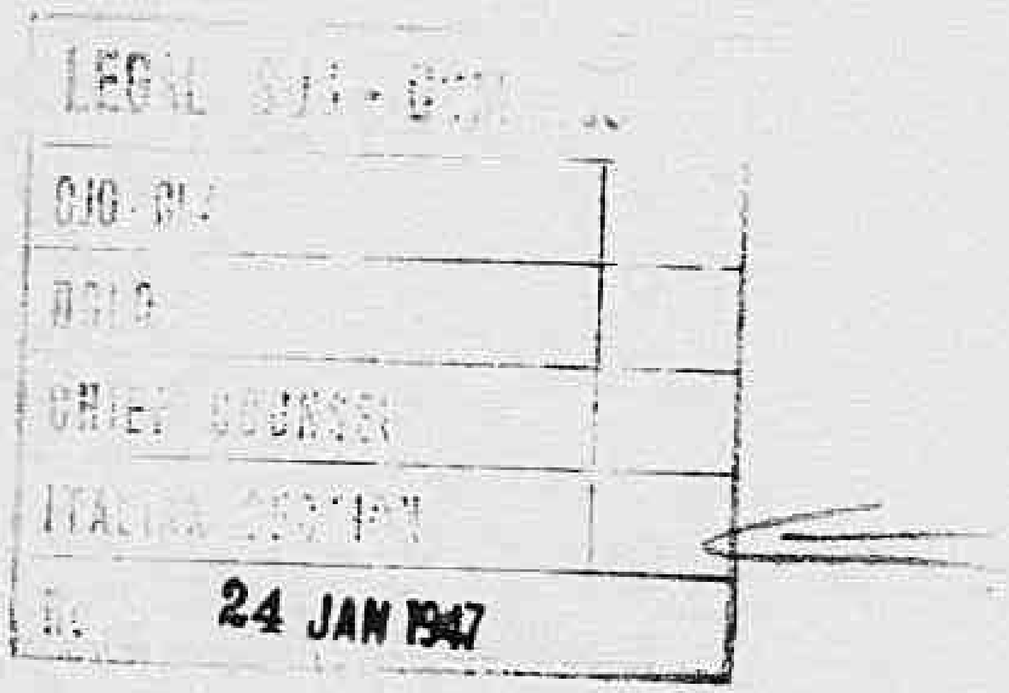
CCG-BR.
BRIG.
CHIEF CONSULTANT
ITALIAN SECTION

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

an early reply will be greatly appreciated.

For the Jugoslav Representative:

Cedomil Veljacic, Secretary.



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

0834

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

Mod.404

4132

Roma, 12 Gennaio 1947

3039

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE E DEL CASELLARIO

Al COMMISSIONE ALLEATA
Sottocommissione Legale
R O M A

Ufficio II° A.R.

Risposta al f.to del 11.12.1946
Dir. Uff. N.A3/413c.I

Prot. N. 131.1740/3727/46

OGGETTO: cittadini jugoslavi detenuti a Regina Coeli (LOVREK Franjo ed altri).-

e per conoscenza:
ALL'UFFICIO COLLEGAMENTO
S E D E

In relazione alla nota sopra distinta si comunica che sono state richieste alla Procura Generale presso la Corte di Appello di Roma precisazioni sulla posizione giuridica dei detenuti.-

Appena esse saranno pervenute, questo Ministero comunicherà le decisioni adottate.-

per il MINISTRO

213

H. ALCOM
RECD
hrs 1200
27 JAN 1947
LEGAL DIVISION

FILE

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL DIVISION

U R G E N T

302 A.

AC/4132/L

MT/ns.
28 January 1947.

SUBJECT : Jugoslav civilians :
jurisdiction of Italian Courts.

TO : The Procuratore Generale Militare,
ROME.

1. Reference your letter N° 245 P.G. of 27 January inquiring whether under the conditions arising from the armistice there are any provisions that would prevent the Italian Military Courts from trying four Jugoslav civilians, who, after escaping from a refugee camp at Trani, have committed robberies on Italian territory.

2. If it is definitely established that the four Jugoslavs in question are civilians, and that they have retained their Jugoslav nationality, then in the opinion of this Division there are no provisions arising from the Armistice regime that prevent the Italian Courts from exercising jurisdiction over such Jugoslav civilians in that they are not subject to the Military law of an occupying power, and they are not within the class of "representatives or agents of the United Nations" excluded from the jurisdiction of the Italian Courts under Art. 12 of the Terms of Restoration of Italian Territory to the Italian Government.

0855

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

of 27 January inquiring whether under the conditions arising from the armistice there are any provisions that would prevent the Italian Military Courts from trying four Jugoslav civilians, who, after escaping from a refugee camp at Trani, have committed robberies on Italian territory.

2. If it is definitely established that the four Jugoslavs in question are civilians, and that they have retained their Jugoslav nationality, then in the opinion of this Division there are no provisions arising from the Armistice regime that prevent the Italian Courts from exercising jurisdiction over such Jugoslav civilians in that they are not subject to the Military law of an occupying power, and they are not within the class of "representatives or agents of the United Nations" excluded from the jurisdiction of the Italian Courts under Art. 12 of the Terms of Restoration of Italian Territory to the Italian Government.

21

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

0836

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

0837

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

~~4039~~ 4132

301 A

PROCURA GENERALE MILITARE

PRESSO IL

TRIBUNALE SUPREMO MILITARE

N. 245 Prot. 9. Roma, li 27 Gennaio 1947

Risposta al foglio del N. Carte annesse N.

STAMPERIA REALE DI ROMA

Oggetto: Civili iugoslavi colpevoli di reati comuni.

Urgentissima

ALLA COMMISSIONE ALLEATA
SOTTOCOMMISSIONE LEGALE
R O M A

^^^^^^^^^^^

Indicare sempre nella risposta la data e i numeri della presente

Pregasi codesta Sottocommissione di voler cortesemente comunicare se, in relazione al vigente regime armistiziale, vi siano condizioni ostative allo svolgimento dell'azione penale da parte dell'autorità giudiziaria militare italiana a carico di quattro civili iugoslavi, i quali, fuggiti dal campo profughi n.4 di Trani, hanno commesso rapine aggravate nel territorio dello Stato Italiano.

Il reato sarebbe di competenza del Tribunale militare straordinario a norma degli artt. 1 e 2 del D.L. 2 agosto 1946 nº64.

IL PROCURATORE GENERALE MILITARE
(U. Borsari)

M. Borsari

H. ALCOM
A-G-J
28 JAN 1947
LEGAL DIVISION

0838

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

HEAD QUARTERS ALLIED COMMISSION
APO 794
LEGAL DIVISION

300A

MT/ns
18 January 1947.

AC/4132/L

SUBJECT : KANTE Slavko(Luigi)

TO : The Jugoslav Delegation to the Advisory Council for Italy.

1. Reference your letter of 5th August '46, Br. 905/46 of 24th June '46.

2. By letter of the 14th inst. the Ministry of Justice has informed this Division that KANTE Slavko(Luigi) was released on 26th June 1946 from the Military Prison of Oristano.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

210

0839

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

Mod.805 MG

Ministero di Grazia e Giustizia
DIREZIONE GENERALE
PER GLI ISTITUTI DI PREVENZIONE E DI PENA

Uff. VI

Prot. N. 161429/26964

Roma, 4 AGOSTO 1947 XXV

Alla Commissione Alleata
Sottocommissione Legale
R O M A

Risposta al f/del 2-/11/1946
Div. Sez. A.RC/4132/L

OGGETTO: Detenuto Kante Slavko (Luigi)

In riferimento alla nota sopra indicata, si comunica che il detenuto in oggetto fu escarcerato il 26 giugno 1946 dal carcere militare di Oristano.-

Pel Ministro

ALCOM
RECD
hrs 1000
17 JAN 1947
LEGAL DIVISION

0840

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

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL DIVISION

299A

AC/4132/L

ET/ns
18 January 1947.

SUBJECT : Harun Redjepovic.

TO : Jugoslav Delegation to
the Advisory Council for Italy.

1. Reference your Br. 1312 of 20th September 1945.

2. I enclose herewith a copy of a letter from the Ministry of Justice together with a further file of proceedings relating to Harun Redjepovic.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

208

0841

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

4172.

A MANO CON RICEVUTA

Mod 404

Roma, 11 Gennaio 1947

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE E DEL CASELLARIO

Flagged

Alla COMMISSIONE ALLEATA
Sottocommissione Legale
R O M A

Ufficio II° A.P.

Prot. N° 131.285/1554/45

Registrato al Prot. I/81-30/8 e 15/9/45
Div. Sez. N° AG/4432/L

OGGETTO Procedimento penale contro il suddito jugoslavo HARUN Redjepovic.-

42A 42A

All. UN fasc. process.

e per conoscenza:
ALL'UFFICIO COLLEGAMENTO
S E D E

Facendo seguito alla Ministeriale di pari numero ed oggetto in data 30.10.1945 con la quale furono trasmessi, per il successivo inoltro alle Autorità jugoslave, gli atti relativi al procedimento penale istruito a carico del suddito jugoslavo HARUN REDJEPOVIC, si comunica, a codesta On.le Sottocommissione, perchè ne disponga l'unione agli atti suddetti, un altro fascicolo processuale concernente lo stesso individuo.

Tale fascicolo, che si riferisce anche all'omicidio di LUPAI Martino consumato in Bevagna il 22.4.1944, è qui pervenuto dalla Procura

20/1.

0842

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

Generale presso la Corte di Appello di Perugia.-

per il MINISTRO

0843

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

FILE
2988

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL DIVISION

AC/4I32/L

AP/ns
17 January 1947.

SUBJECT : Status of ex-officers of the Jugoslav Army.

TO : Dr. Sloven J. Smodlaka,
Representative of the Delegation
to the Advisory Council for Italy.

1. This Division has been approached officially with regard to the present status, according to the Law of Federative Democratic Republics of Jugoslavia, of ex-officers of the Royal Jugoslav Army who have not yet decided to return to their homeland, and whether they have lost or will lose their nationality of origin should they fail to do so.

2. Would you be good enough to let us know at your convenience whether there exist a Statute dealing with this matter and if so, communicate to this Division the text of such statute.

3. Should no such statute exist could you let us know the official position taken by the Jugoslav Government in regard to cases above referred to.

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

206

0844

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

4132

Enter and
294 File

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
UDINE PROVINCE

8 January 1946.

To : Major Musgrave Thomas,
Italian Branch for Chief Legal Advisor,
HQ Allied Commission, Rome.

Subject: Dott. Delphin's Furniture.

Ref. : SLO/HQ AC/JAN/1

Dear Major Thomas,

Thank you for your letter of the 14th of December.

As your letter of the 14th of November referred to matters at Gorizia which is outside this province, I forwarded your letter to the Area Commissioner of Gorizia for immediate attention.

The Area Commissioner replied to you on the 2nd of December and sent me a copy of his letter. In case the letter miscarried, I send herewith a further copy of the Area Commissioner's letter.

Yours sincerely,

C.L.P. Gilshenan, Major,
Senior Legal Officer,
AMG Udine Province.

205

0845

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

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
Gorizia Area

Office of the Area Commissioner

File N°: GOR/AC/40. Date 2 December 1946.

Subject: Furniture

To : H.Q. Allied Commission
APO 512, U.S. Army (att: Legal Sub Commission)

1. Your letter AC/4132/L dated 14 November 1946 addressed to Major Gilshenan, CIO Udine has been referred to this office as a matter pertaining to Gorizia Area.

2. Upon investigation I find that several different persons are making claim to this furniture. There is some further evidence that this furniture had previously been requisitioned by the Germans and the owners were paid for the same.

3. In any event it was originally found by A.M.G. in the communal warehouse in Gorizia - it was under a clouded title - it was and is essential that furniture be obtained for the use of the C.A.O. in Biglia. Upon completion of A.M.G. activities in the area all of this furniture will be returned to the communal warehouse Gorizia and the future disposition of this property can then be determined by the Italian authorities.

FRED O. MAVIS
Lt. Col. Inf.
Area Commissioner

Copy to
Maj C.I.P. Gilshenan
C.I.O. H.Q. A.M.G. Udine

201

0846

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

FILE
2968

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL DIVISION

AC/4132/1. 13 January 1947.

SUBJECT : Yugoslav Nationals:
De Lucia Fero e Blagojevic Kovic Nora.

TO : The Yugoslav Delegation to the
Advisory Council for Italy.

1. Reference your Nr. 1579/47 of 30 October 1946.

2. A copy of a letter from the Ministry of Justice giving particulars of the detention of the above named persons is forwarded herewith for your information.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

0847

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

Mod.1545 M.G.

4132/.

Ministero
di Grazia e Giustizia
DIREZIONE GENERALE
PER GLI ISTITUTI DI PREVENZIONE E DI PENA

UFF. VI

Prot. N. 158127/76195

Roma, 1 [illegible] 194

Alla Commissione Alleata
Divisione Legale
ROMA

Risposta al f. del 2/11/1946
Div. Sez. AAG/41 2/L

OGGETTO: Cittadini jugoslavi detenuti
Delacic Pero e Blagojevic Slavic Boro.

264A

In relazione alla richiesta della Delegazione Jugoslava presso il Consiglio Consultivo fatta con il foglio sopraindicato, si comunica che i nominati in oggetto, già detenuti nel carcere giudiziario di Modena a disposizione della Procura della Repubblica di detta città, per il reato di oltraggio, il giorno 10 ottobre u.s. vennero dimessi e tradotti al campo di concentramento di Fossoli di Carpi (Modena).-

Il Ministro

H. ALCOM
RECD
hrs 14-15
14 JAN 1947
LEGAL DIVISION

1.

0848

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

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL DIVISION

MT/ns
AC/4I32/L 10 January 1947.

SUBJECT : Release of POLAK Franc, Jugoslav National.

TO : The Ministry of Pardon and Justice.

1. Reference your Uff. VI Prot. N° 157392/31309 of 9th Decr. '46.

2. A copy of your letter under reference was forwarded on 13 Decr. last to the Jugoslav Representative of the Advisory Council for Italy who has replied as follows :

"I beg to refer to the letter from your Division n° AC/4I32/L of 13 Dec. 1946, to our Delegation on the subject offthe detention by the Italian of POLAK Franc, Jugoslav National.

From the reply of the "Ministero di Grazia e Giustizia" forwarded to us under cover of your Division's s/m letter, it results clearly that POLAK Franc was sentenced by a Fascist Tribunal on Jugoslav territory occupied during the war.

In basis of the Armistice terms POLAK Franc should be handed over to the Jugoslav authorities immediately, and I have the honour to request herewith that the Italian autorities may be instructed to comply with this our request without delay.

An early reply will be appreciated."

3. I would refer to your letter Ufficio I° A.P. Prot.N° 131.779-2684 of 31st Decr. 1945 dealing with the case of Peterlin Milan whom the Ministry agreedd to hand over to the Jugoslav authorities. If the subject of the present application, POLAK Franco, is of the same

Cf. 198A

0849

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

status of Peterlin Milan, this Division would be grateful if the Ministry would give directions for his release. If, however, he is not of the same status, we should be glad to have your comments on the case in order to reply to the Jugoslav Delegation.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

4-132

V

DELEGATION OF THE FEDERAL PEOPLE'S
REPUBLIC OF JUGOSLAVIA
TO THE ADVISORY COUNCIL FOR ITALY

894A

Br. 1875/46

27 December 1946

286A

Dear Colonel Weber,

I beg to refer to the letter from your Division no. AC/4132/L of 13 Dec.1946, to our Delegation on the subject of the detention by the Italians of POLAK Franc, Jugoslav National.

From the reply of the "Ministero di Grazia e Giustizia" forwarded to us under cover of your Division's a'm letter, it results clearly that POLAK Franc was sentenced by a Fascist Tribunal on Jugoslav territory occupied during the war.

In basis of the Armistice terms POLAK Franc should be handed over to the Jugoslav authorities immediately, and I have the honour to request herewith that the Italian authorities may be instructed to comply with this our request without delay.

An early reply will be appreciated.

LEGAL SUB - COMMISSION

CJO-CLA		
OSLO		
CHIEF COUNSEL		
ITALIAN SECTION		

Very truly yours

DR.SLOVEN J. SMODLAKA,
Jugoslav Representative a.i.
Advisory Council for Italy.

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

I beg to refer to the letter from your Division no. AC/4132/L of 13 Dec.1946, to our Delegation on the subject of the detention by the Italians of POLAK Franc, Jugoslav National.

From the reply of the "Ministero di Grazia e Giustizia" forwarded to us under cover of your Division's a/m letter, it results clearly that POLAK Franc was sentenced by a Fascist Tribunal on Jugoslav territory occupied during the war.

In basis of the Armistice terms POLAK Franc should be handed over to the Jugoslav authorities immediately, and I have the honour to request herewith that the Italian authorities may be instructed to comply with this our request without delay.

An early reply will be appreciated.

LEGAL SUB - COMMISSION
CJG-CIA
DSLO
CHIEF COUNSEL
ITALIAN SECTION
Recd 27 DEC 1946

Very truly yours

DR.SLOVEN J. SMODLAKA,
Jugoslav Representative on the
Advisory Council for Italy.

Colonel
J.K.WEBER,
Chief Legal Advisor,
Allied Commission.

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

0852

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

2934

ALLIED COMMISSION
APO 794
LEGAL DIVISION

AC/4132/L. 6 January 1947.

SUBJECT : Giunovic Steven : detained by the Italian Authorities.

TO : The Jugoslav Delegation to the Advisory Council for Italy.

230 A

1. Reference our letter to you AC/4132/L of 5th December last, and your No. [illegible] 1501/46 of 30th October 1946.

2. We have just received a copy of a letter dated 21st December addressed by the Ministry of Justice to the Ministry of Internal affairs transmitting copies of the letters exchanged regarding Giunovic Steven.

3. In the letter the Ministry states that Giunovic is at present in the Concentration Camp of Ventotene (locality Fondo), where he has been taken on 20th August last at the request of the Questura of Perugia. Further that he was charged with threatening with fire-arms, breaking and entering, unlawful carrying of fire-arms, and was held at the disposition of the Giudice Istruttore of Spoleto. It is further stated that an order for his release was given on 21st June last, but that Giunovic continued to be held on behalf of the Questura of Spoleto for reasons of public safety.

4. Upon receipt of further information from the Ministry of Internal Affairs this Division will advise you.

230

MURRAY THOMAS,
Italian Branch,
for Chief Legal Adviser.

4132 fm

Mod 407

2924

Roma, 21 dicembre 1946

Ministero di Grazia e Giustizia
DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE DELLA STATISTICA E DEL CASELLARIO

Al MINISTERO DELL'INTERNO - ROMA
e per con: ALLA COMMISSIONE ALLEATA - Sottocommissione Legale ROMA
(risp.n.5.12.946 n.AC/4132/L)

Ufficio Rif. N. 731.283/568/46 Risposta al f. N. 280A del

OGGETTO GIANOVIC Stevan, detenuto a Spoleto - Richiesta Commissione Alleata.

All. n.

Con la nota 9.4.946 di cui si trasmette copia, la Commissione Alleata trasmetteva a questo Ministero la copia di 'un'altra nota senza data della Legazione Iugoslava, che pure si allega, con la quale quest'ultima richiedeva la consegna di tal DJONOVIC Stevo, detenuto a Spoleto.

Tale nominativo risultava però sconosciuto agli Uffici Giudiziari competenti, e, in base ad analoga comunicazione fatta alla Commissione Alleata, quest'ultima, con nota 6.8.946, di cui pure si unisce copia, precisò le generalità esatte della persona in quistione erano quelle indicate in oggetto.

In base alle nuove indagini disposte, la Procura Generale presso la Corte d'Appello di Perugia comunicò che il suddito jugoslavo GIANOVIC Stefan, già detenuto nelle Carceri di Spoleto, trovasi attualmente ristretto nel campo di concentramento di Modena (località Fanano), ove è stato tradotto il 20 agosto scorso in seguito a richiesta della Questura di Perugia.

Istituto Poligrafico dello Stato

0853
Declassified E.O. 12356 Section 3.3/NND No. 838016

All. n.

Con la nota 9.4.946 di cui si trasmette copia, la Commissione Alleata trasmetteva a questo Ministero la copia di 'un'altra nota senza data della Legazione Iugoslava, che pure si alliga, con la quale quest'ultima richiedeva la consegna di tal DJONOVIC Stevo, detenuto a Spoleto.

Tale nominativo risultava però sconosciuto agli Uffici Giudiziari competenti, e, in base ad analoga comunicazione fatta alla Commissione Alleata, quest'ultima, con nota 6.8.946, di cui pure si unisce copia, precisò le generalità esatte della persona in quistione erano quelle indicate in oggetto.

In base alle nuove indagini disposte, la Procura Generale presso la Corte d'Appello di Perugia comunicò che il suddito jugoslavo GIANOVIC Stefan, già detenuto nelle Carceri di Spoleto, trovasi attualmente ristretto nel campo di concentramento di Modena (località Fanano), ove è stato tradotto il 20 agosto scorso in seguito a richiesta della Questura di Perugia.

Il GIANOVIC, imputato di minaccia a mano armata, violazione di domicilio e detenzione e porto abusivi di arma, era detenuto a disposizione del Giudice Istruttore di Spoleto.

Con provvedimento di detto ufficio in data 21 giugno u.s. fu disposta la sua scarcerazione, ma egli rimase rietretto nelle Carceri di Spoleto perchè a disposizione della Questura di questa città (come

./.

ISTITUTO POLIGRAFICO DELLO STATO

0 8 5 4

Declassified E.O. 12356 Section 3.3/NND No. 785014

da nota n.303907 in data 11.6.945), che ne chiedeva il mantenimento in istato di detenzione per ulteriori provvedimenti di pubblica sicurezza.

Tale situazione venne riferita alla Commissione Alleata, la quale, con altra nota 5 corr., di cui pure di unisce copia, ha disposto che le sue precedenti richieste siano trasmesse a codesto On.le Ministero per l'ulteriore corso.

pel MINISTRO
(A.Spallenzani)

280 A.
268 A
230 A - 231 A

0855
Declassified E.O. 12356 Section 3.3/NND No. 785016

0856

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

413 Fin.

Ministero di Grazia e Giustizia
DIREZIONE GENERALE
PER GLI ISTITUTI DI PREVENZIONE E DI PENA

Uff.VI

Prot. N. 187804/8

Mod 805 M.G.

Roma, addì 7 DIC 1946

Alla Commissione Alleata
Sottocommissione Legale
ROMA

Risposta al foglio
Div. Sez. N.

OGGETTO: detenuti Le Kai Kondok di Albino e Jerko Enrico di Corrado.

All.n. 2

277 A

Facendo seguito alla nota N.187567/8 del 25 novembre scorso, si trasmettono a codesta Commissione Alleata le posizioni giuridiche dei due detenuti jugoslavi indicati in oggetto, allontanatisi dal campo di concentramento N.6 di Catania ed arrestati il 13 novembre 1946 per furto.

Pel Ministro

196

0857

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

TRANSLATION

2917

MINISTERO DI GRAZIA E GIUSTIZIA
Direzione Generale
per gli Istituti di prevenzione
e di Pena

Roma, 7 Dic 1946.

Prot. 187804/8

TO THE ALLIED COMMISSION
Legal Sub-Commission
ROME

SUBJECT : Prisoners Le Kai Kondok di Albino & Jerko Enrico di Corrado.

Encls. N° 2

In pursuance of our letter N° 187567/8 of 25 November last there are transmitted to you the "posizioni giuridiche" of the two subject named Jugoslav prisoners who escaped from Concentration Camp N° 6 Catania, and who were arrested for theft on 13 November 1946.

For the Minister

Sgd.: Volpe

0858

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

T R A N S L A T I O N

MINISTERO DI GRAZIA E GIUSTIZIA
Direzione Gnerale
per gli Istituti di Prevenzione
e di Pena

Roma, 25.11.1946

Prot. 187567/8

To the Allied Commission
Legal Sub-Commission

R O M E

SUBJECT : Jugoslav soldiers escaped from the Concentration Camp of Catania.

The Director of the prison of Fondi has informed us with telegram of 19th inst. of the following facts:

"On 13th inst. two dangerous Jugoslav soldiers who escaped from Concentration Camp Nº 6 Catania, and who were charged with theft were interned in this prison. Orders for the disposition of these prisoners are requested"

We inform this Allied Commission that the above mentioned Director has been authorized to have the two individuals transferred to the judicial jails of Rome and to transmit at once their names, ages, and addresses which will be communicated to you as soon as they will be received.

For the Minister

Sgd.: Volpe

0859

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

MODULARIO
G. G. - a. c. 522

55153

Mod. 41 (Carceri)

Direzione delle Carceri Giudiziarie di Roma

Ufficio di Matricola

POSIZIONE GIURIDICA

di Lekai Kondonk figlio di Albino
d'anni 18.7.927 nato a Pratene (Jugoslavia) —
di professione Studente arrestato il 17.11.46 - Lavola -
entrato in carcere il 27.11.46 a disposizione di
Procura Latina quale Imputato di
Furto - Giudicabile -
N.B. evaso dal campo di concentramento
alleato di Catania ove era prigioniero —

Roma, li 28.11.46

Il Comandante

Ord. 39 - 5-8-43 - Roma, Tip. Mantellate (100.000)

0860

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

MODULARIO
G. G. - a. c. 522

55152

Mod. 41-4 (*Carceri*)

Direzione delle Carceri Giudiziarie di Roma

Ufficio di Matricola

POSIZIONE GIURIDICA

di Jerko Enrico figlio di Corrado
d'anni 14.8.921 nato a Pacino - (Pretura) Jugoslavia
di professione Studente arrestato il 13.11.46 - Lenola -
entrato in carcere il 27.11.46 a disposizione di
Procura di Latina quale Imputato di
Furto - Giudicabile —
N.B. evaso dal campo di concentramento
alleato di Catania ove era prigioniero -

Roma. li 28.11.46

Il Comandante
Fale

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O.I. 39 - 5-8-45 - Roma, Tip. Mantellate (100.000)

0861

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

55152

Direction of the Judicial Jails ROME

POSIZIONE GIURIDICA

JERKO Enrico son of Corrado
age: 14.8.921 born : at Pacino (Pratenà) Jugoslavia
profession : Student arrested: 13.11.46 Lenola
entered jail on : 27.11.46 at the disposal of :Procura di Latina
charged with : theft - triable - Allied
N.B. escaped from/Concentration Camp of Catania where he was detained.

Rome, 28 November 1946

55153

Direction of the Judicial Jails of ROME

POSIZIONE GIURIDICA

LEKAI Kondonk son of Albino
age: 18.7.927 born at Pratene (Jugoslavia)
profession: student arrested on: 13.11.46 Lenola
entered jail on: 27.11.46 at the disposal of:Procura di Latina
charged of: theft - triable-

N.B. escaped from Allied Concentration Camp of Catania where he was detained.

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Rome 28 November 1946

0862

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

4563

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HEADQUARTERS
ALLIED MILITARY GOVERNMENT
13 CORPS

VENEZIA GIULIA

Legal 2904 L

LEGAL DIVISION

REFERENCE No.: VG/AMG/LE/60/4102 27 December 1946

SUBJECT : Extradition.

TO : A. F. H. Q. See pp. 258A 260A of 4132/L

7-3/10/46

1.- Ref. your G-5.935.15, dated 25 April 1946 and succeeding correspondence above subject.

2.- Pursuant to your instructions a letter was addressed to Jugoslav Military Mission, copy attached. No answer has been received to this letter, altho it has been referred to several times in connection with extradition requests received from Jugoslav authorities.

3.- On December 21, several representatives of the Jugo-Slav Military Government called to discuss this matter with us and as a result, the enclosed agreement was forwarded to them for submission to their Military Government.

4.- We were surprised to learn that none of our previous correspondence had ever reached the Legal Section. It is possible that the Jugoslav Military Government will take no action on this letter and agreement. You will be advised of developments.

For the Senior Civil Affairs Officer :

CHARLES N. MUNDECKE
LT.COLONEL, INFANTRY
CHIEF LEGAL OFFICER

Copy to : ALLIED COMMISSION

File ref 258A & 260A
Ret 8/1/47

LEGAL SUB-COMMISSION

G/G-CLA		
DCLO		
CHIEF COUNSEL		
ITALIAN SECTION		
Recd 6 JAN 1947		

CM/NP

AGREEMENT

Extradition between Zones "A" and "B" - Venezia Giulia

Whereas, it is desirable to make provision for the arrest and transfer for trial of persons accused of violations of the Italian Penal Code, in Venezia Giulia, and

Whereas, the Government of Venezia Giulia is at present vested in Allied Military Government for Zone "A" and Jugoslav Military Government for Zone "B", and

Whereas, persons wanted for violation of the said Penal Code are frequently outside the jurisdiction of the Government designing the said persons for trial.

Therefore, it is hereby agreed by and between the Allied Military Government on behalf of Zone "A" and Jugoslav Military Government in Zone "B", then their respective Senior Officers as follows :

1.- Authorized police authorities in the respective Zones will offer proof to their respective Military Governments, Legal Division, that the person wanted has violated the Italian Penal Code and is subject to their jurisdiction. Said proof will include a short summary of the evidence and statement of the charge.

2.- Said request and accompanying papers will be transmitted to the other Military Government, Legal Division, with a request for the extradition hearing and delivery of the persons wanted.

3.- The Military Government will then determine from the evidence submitted whether a prima facie case (under the Penal Code) of an extraditable nature has been committed by the accused and if so satisfied, will proceed to arrest the accused. By the term "extraditable nature", is meant an offense which is ordinarily extraditable by Treaty.

4.- The accused will then be brought for a hearing before a Legal Officer acting as a Judge. The competent authority of the respective Zones will be notified of such hearing through the Jugoslav Military Mission and will appear and establish that the accused is subject to the jurisdiction of Zone concerned and a prima facie case exists as above stated. The accused shall be entitled to answer. The Legal Officer, if satisfied on the points stated above, will may an Order directing the return of the accused to proper Zone for trial.

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person wanted has violated the Italian Penal Code and is subject to their jurisdiction. Said proof will include a short summary of the evidence and statement of the charge.

2.- Said request and accompanying papers will be transmitted to the other Military Government, Legal Division, with a request for the extradition hearing and delivery of the persons wanted.

3.- The Military Government will then determine from the evidence submitted whether a prima facie case (under the Penal Code) of an extraditable nature has been committed by the accused and if so satisfied, will proceed to arrest the accused. By the term "extraditable nature", is meant an offense which is ordinarily extraditable by Treaty.

4.- The accused will then be brought for a hearing before a Legal Officer acting as a Judge. The competent authority of the respective Zones will be notified of such hearing through the Jugoslav Military Mission and will appear and establish that the accused is subject to the jurisdiction of Zone concerned and a prima facie case exists as above stated. The accused shall be entitled to answer. The Legal Officer, if satisfied on the points stated above, will may an Order directing the return of the accused to proper Zone for trial.

For Allied Military Government

For Military Government of
Jugoslav Army

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NP

14 May 1946

Venezia Giulia Extradition Procedure.

MILITARY GOVERNMENT OF THE JUGOSLAV ARMY
through JUGOSLAV MILITARY MISSION

1.- Reference is to letter from Military Government of the Jugoslav Army for Venezia Giulia, Istria, Rijecs and the Slovene Littoral, dated 9 March 1946, file No. 191, signed by Chief of Staff, Major Trbovic Dusan, in which it is stated that the Military Government of the Jugo-Slav Army has been requested by the Municipal National Freedom Committee to obtain the return from Zone "A" of four named persons for alleged offenses within the competence of the People's Court.

2.- Unfortunately, the letter did not indicate where in Zone "A" these persons are likely to be found and it is requested that such information be furnished if available.

3.- Assuming that these persons are found in Zone "A", it is felt that the procedure for their return to answer the charges against them should be as follows :

a) The authorized authorities in Zone "B" will offer proof that the accused are subject to their jurisdiction.

b) The request will be accompanied by a certified copy of the formal charges against them containing reference to the Articles of the Law claimed to have been violated, and a summary of the evidence by which it is proposed to prove such charges.

c) The Allied Military Government will then determine from the evidence submitted whether a prima facie case (under the Penal Code) of an extraditable nature has been committed by the accused and if so satisfied, will proceed to arrest the accused. By the term "extraditable nature", is meant an offense which is ordinarily extraditable by Treaty.

d) The accused will then be brought for a hearing before an Allied Legal Officer acting as a Judge. The competent authority of

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

offenses within the competence of the People's Court.

2.- Unfortunately, the letter did not indicate where in Zone "A" these persons are likely to be found and it is requested that such information be furnished if available.

3.- Assuming that these persons are found in Zone "A", it is felt that the procedure for their return to answer the charges against them should be as follows :

a) The authorized authorities in Zone "B" will offer proof that the accused are subject to their jurisdiction.

b) The request will be accompanied by a certified copy of the formal charges against them containing reference to the Articles of the Law claimed to have been violated, and a summary of the evidence by which it is proposed to prove such charges.

c) The Allied Military Government will then determine from the evidence submitted whether a prima facie case (under the Penal Code) of an extraditable nature has been committed by the accused and if so satisfied, will proceed to arrest the accused. By the term "extraditable nature", is meant an offense which is ordinarily extraditable by Treaty.

d) The accused will then be brought for a hearing before an Allied Legal Officer acting as a Judge. The competent authority of Zone "B" will be notified of such hearing through the Jugoslav Military Mission and will appear and establish that the accused is subject to the jurisdiction of Zone "B" and that a prima facie case exists as above stated. The accused shall be entitled to answer. The Allied Legal Officer, if satisfied on the points stated above, will make an Order directing the return of the accused to Zone "B" for trial.

4.- It is felt that the above procedure should be made operative by mutual agreement applicable to all requests by the authorities of either Zone for the return of accused persons from one Zone to the other.

5.- I will be glad to discuss the matter further with Colonel Pehacek, Chief of the Jugoslav Military Mission or with an Officer designated by him for that purpose.

Copy attached to p. 258 A of file AC/4132/2 Jugoslavs - Policy

ALFRED C. BOMMAN
COLONEL, J.A.G.D.
SENIOR CIVIL
AFFAIRS OFFICER

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

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F 989 E

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL DIVISION

MT/ns
AC/41322/L 23 December 1946

SUBJECT : Restituzione di mobilia requisita.

TO : Dott. DALPIN Giovanni.

1. Si fa riferimento alla Sua lettera del 5 novembre 1946 con la quale alla richiedeva la restituzione del mobilio requisito nel mese di febbraio u.s. in Gorizia.

2. Poichè la pratica è della sola competenza del Governo Militare Alleato di Udine, essa fu inoltrata alla predetta autorità.

3. Il Commissario della Zona di Gorizia ha comunicato a questa Commissione (1)che fatta un'inchiesta, è risultato che diverse persone reclamano la mobilia suddetta; (2)che vi sono delle prove che questa mobilia era stata prima requisita dai Tedeschi ed i proprietari indennizzati; (3)che la mobilia fu trovata nel magazzino comunale di Gorizia, e fu necessaria per l'uso del Governo Militare Alleato,come lo è tuttora per uno d'ufficio in Udine e (4)che dopo la cessazione del Governo Militare Alleato nella Zona tutta la mobilia sarà restituita al magazzino comunale di Gorizia e che l'ulteriore disposizione di essa sarà decisa dalle autorità italiane.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Adviser.

1.07

File these
returns file

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

288A

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
GORIZIA AREA

OFFICE OF THE AREA COMMISSIONER

FILE N. : GOR/AC/40 *Date* 2 December 1946

SUBJECT: Furniture

273A

TO : H.Q. Allied Commission
APO 512, U.S.Army (att: Legal Sub Commission)

1. Your letter AC/4132/L dated 14 November 1946 addressed to Major Gilshennan C.L.O. Udine has been referred to this office as a matter pertaining to Gorizia Area.

2. Upon investigation I find that several different persons are making claim to this furniture. There is some further evidence that this furniture had previously been requisitioned by the Germans and the owners were paid for the same.

3. In any event it was originally found by A.M.G. in the communal warehouse in Gorizia - it was under a clouded title - it was and is essential that furniture be obtained for the use of the C.A.O. in Biglia. Upon completion of A.M.G. activities in the area all of this furniture will be returned to the communal warehouse Gorizia and the future disposition of this property can then be determined by the Italian authorities.

Fred O. Mavis
FRED O. MAVIS
Lt. Col. Inf.
Area Commissioner

Copy to
Maj C.L.P. Gilshenan
C.L.O. H.Q. A.M.G. Udine.

FOM/fd

LEGAL SUB - COMMISSION
GJO - CLA
BGLO
CHIEF COUNSEL
ITALIAN SECTION
Recd : DEC 21 1946

0869

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

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
GORIZIA AREA

OFFICE OF THE AREA COMMISSIONER

FILE N. : CGR/AC/ 4-0.

Date 2 December 1946

SUBJECT: Furniture

TO : H.Q. Allied Commission
APO 512, U.S.Army (att: Legal Sub Commission)

1. Your letter AC/4132/L dated 14 November 1946 addressed to Major Gilshenman C.I.C. Udine has been referred to this office as a matter pertaining to Gorizia Area.

2. Upon investigation I find that several different persons are making claim to this furniture. There is some further evidence that this furniture had previously been requisitioned by the Germans and the owners were paid for the same.

3. In any event it was originally found by A.M.G. in the communal warehouse in Gorizia - it was under a clouded title - it was and is essential that furniture be obtained for the use of the C.A.C. in Biglia. Upon completion of A.M.G. activities in the area all of this furniture will be returned to the communal warehouse Gorizia and the future disposition of this property can then be determined by the Italian authorities.

FRED O. MAVIS
Lt. Col. Inf.
Area Commissioner

Copy to
Maj C.I.P. Gilshenan
C.I.C. H.Q. A.M.G. Udine.

FOM/ra

105

Roma, lì 5 novembre 1946

ALLA COMMISSIONE ALLEATA
- Sezione Legale - = R O M A =

OGGETTO: derequisizione mobili
. di proprietà del dott.DEL PIN Giovanni.

Il sottoscritto dott.DELPIN Giovanni, marito della signora BRASS Maria abitante in Via Boccioni n.5 telefono 874281 Roma, si onora far presente quanto sopra:

1)- Rientrato a Gorizia per prendere possesso dei mobili di sua proprietà, accertò che parte di essi erano stati prelevati dal Magg.Byrne in data 4/2/46 in seguito all'ordine di requisizione dell'A.M.G. del 2/2/46 n.Gor/AG/40, (allegato 1) e che attualmente si trovano a Biglia, dove furono trasportati prelevandoli da Gorizia, in uso ed a disposizione, ora, del Capitano FRASER, successore del Maggiore BYRNE.

Il sottoscritto fa pure presente che la località di Biglia (Provincia di Gorizia) è stata assegnata dalla conferenza dei 21 di Parigi alla Jugoslavia.-

2)- là A.M.G. di Gorizia con suo foglio Gor/AG/40 del 7 agosto 1946 (allegato n.2) si opponeva alla restituzione dei mobili richiesti dal sottoscritto, significando che: "quando le persone, che ne fanno uso attualmente partiranno da Gorizia,

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Roma, si onora far presente quanto sopra:

1)- Rientrato a Gorizia per prendere possesso dei mobili di sua proprietà, accertò che parte di essi erano stati prelevati dal Magg.Byrne in data 4/2/46 in seguito all'ordine di requisizione dell'A.M.G. del 2/2/46 n.Gor/AG/40, (allegato 1) e che attualmente si trovano a Biglia, dove furono trasportati prelevandoli da Gorizia, in uso ed a disposizione, ora, del Capitano FRASER, successore del Maggiore BYRNE.

Il sottoscritto fa pure presente che la località di Biglia (Provincia di Gorizia) è stata assegnata dalla conferenza dei 21 di Parigi alla Jugoslavia.-

2)- Il A.M.G. di Gorizia con suo foglio Gor/AC/40 del 7 agosto 1946 (allegato n.2) si opponeva alla restituzione dei mobili richiesti dal sottoscritto, significando che: "quando le persone, che ne fanno uso attualmente partiranno da Gorizia, il mobilio sarà restituito al magazzino comunale ed a voi sarà corrisposto un adeguato pagamento per il noxleggio". "Dato che avete potuto fare a meno di questo mobilio per un certo periodo di tempo, senza che la mancanza fosse da voi eccessivamente sentita, vi informiamo che, per il momento, è escluso che vi possiamo restituire la vostre proprietà".-

3)- il sottoscritto ritiene superfluo intrattenersi a lungo sul suo buon diritto di riavere sopo 6 anni di forzata assenza

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

dal suo domicilio abituale, il suo mobilio che gli è assolutamente necessario per sistemarsi.-

4)- il sottoscritto fa notare a codesta Onorev/ Commissione che detta requisizione si concreta in un abuso di poteri, trattandosi di proprietà privata.-

5)- pertanto egli si rivolge a codesta On/ Commissione Alleata perchè voglia disporre con senso di giustizia ed equità la derequisizione del mobilio di sua proprietà con cortese urgenza e la conseguente riconsegna dello stesso al sottoscritto, tanto più che l'ordine di requisizione riguardava unicamente la persona del Maggiore Byrne come risulta dall'allegato n.1, impregiudicata la sua azione diretta ad ottenere i risarcimenti per i danni causati.-

ALLEGATI N. 2

Giovanni Delpini

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

Allegato: 1

COPIA

H E A D Q U A R T E R S

/go A L L I E D M I L T A R Y G O V E R N M E N T

G O R I Z I A A R E A

File n.Gor/AC/40 Date: 2 febbraio 1946 .

Subject: Ordine di requisizione

TO: Presidente Comunale di Gorizia.

ORDINE DI REQUISIZIONE TEMPORANEA

del mobilio appresso indicato, attualmente in deposito nel Magazzino Comunale situato nella Scuola d'Arte di Gorizia, Via Cappuccini, mobilio occorrente per l'arredamento dell'alloggio e dell'ufficio del Maggiore A.K.E. Byrne di stanza a Miglia.-

mobilio di proprietà del signor . . . . . (vedi lista 1)
mobilio di proprietà del signor . . . . . .(vedi " 2)
mobilio di proprietà del signor . . . . . (vedi lista 3)
mobilio di proprietà del signor . . . . . (vedi lista 4)

(le liste di cui sopra vallo allegate alla presente e controfirmate dal Maggiore Byrne).-

Il Presidente Comunale è pregato di voler disporre affinchè tutto il mobilio suddetto sia contrassegnato dalla sigla comunale e numerato progressivamente.-

All'atto della consegna del mobilio al Maggiore A.K.E. Byrne, sarà provveduto alla compilazione del verbale di consegna con la distinta descrittiva dello stato d'uso del mobilio stesso.-

Detto mobilio sarà restituito all'autorità comunale quando

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

Comunale situato nella Scuola d'Arte di Gorizia, Via Cappuccini, mobilio occorrente per l'arredamento dell'alloggio e dell'ufficio del Maggiore A.K.E. Byrne di stanza a Biglia.-

mobilio di proprietà del signor . . . . . (vedi lista 1)
mobilio di proprietà del signor . . . . . (vedi " 2)
mobilio di proprietà del signor . . . . . (vedi lista 3)
mobilio di proprietà del signor . . . . . (vedi lista 4)

(le liste di cui sopra vallo allegate alla presente e controfirmate dal Maggiore Byrne).-

Il Presidente Comunale è pregato di voler disporre affinchè tutto il mobilio suddetto sia contrassegnato dalla sigla comunale e numerato progressivamente.-

All'atto della consegna del mobilio al Maggiore A.K.E. Byrne, sarà provveduto alla compilazione del verbale di consegna con la distinta descrittiva dello stato d'uso del mobilio stesso.-

Detto mobilio sarà restituito all'autorità comunale quando non si riterrà più necessario ed indispensabile per l'alloggiamento del Maggiore suddetto.-

Il trasporto dovrà essere effettuato a cira dell'autorità comunale e con personale di fatica pratico , in modo da evitare danneggiamenti al mobilio in questione.-

Copia del verbale di consegna sarà trasmesso a questo coverno militare alleato per essere conservato negli atti d'ufficio.

f/to: JAMES LONG Major C.M.F.
Area Commissioner Gorizia

0874

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

COPIA Allegato 1

I N V E N T A R I O N. 1

dei mobili di proprietà della famiglia ERASS esistenti nel magazzino del Comune di Via Cappuccini, prelevati in data 4 febbraio 1946 dal Maggiore A.K.E. Byrne in seguito all'ordine di requisizione temporanea dell'A.M.G. dd. 2.2.46 N.Gor AG/40.=

1°)- n.2 poltroncine usate con due cuscini;
2°)- n.1 tavolinetto rotondo usato
3°)- n.1 tavolo rotondo usato, grande e pieghabile;
4°)- n.1 divano usato con due cuscini.-
5°)- n.2 scagnetti imbottiti usati con mobile
6°)- n.1 ahasour
7°)- n.2 sedie a sdraio
8°)- n.1 armadietto (moschettiera).

f/to: Byrne Major

Dichiaro sotto la mia personale responsabilità che la presente copia corrisponde all'originale in mio possesso.—

Byrne Michael Major Giovanni Delpin 30?

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

2°)- n.1 tavolinetto rotondo usato
3°)- n.1 tavolo rotondo usato, grande e piegabile;
4°)- n.1 divano usato con due cuscini.-
5°)- n.2 scagnetti imbottiti usati con mobile
6°)- n.1 abasour
7°)- n.2 sedie a sdraio
8°)- n.1 armadietto (moschettiera).

f/to: Byrne Major

Dichiaro sotto la mia personale responsabilità che la presente copia corrisponde all'originale in mio possesso.—

Roma 31/10/1946 Giovanni Delpiz

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Headquarters Copia
Allied Military Government
Gorizia Area

Allegato: 2

GOR/AC/40

Date, 7 August 1946

Requisition of Furniture

Dott. Giovanni Delpin
Via Parcar 2, GORIZIA

1. Your communication of 5 August 1946 received in this Headquarters and the contents noted.

2. In answer to the question relative to your furniture I inform you that the same has been taken from the warehouse where it was held for safekeeping and removed to the quarters of the CAO of MARNA by the Allied Military Government. A receipt was given the Commune for the furniture and upon the departure of the using parties from GORIZIA it will be returned to the Communal Warehouse and a fair and just rental price will be paid for its use.

3. In as much as you have for a considerable period of time been able to live without the use of this furniture and it has not caused any undue hardship we inform you that you will be unable to have possession of the furniture at this time.

JAMES E. LONG
Major CMP
Area Commissioner

traduzione;

1. La vostra del 5 Agosto e' pervenuta in questo Q.G. ed abbiamo preso notizia del suo contenuto.

2. In risposta alla vostra richiesta concernente il mobilio v'informo che il medesimo e' stato prelevato dal magazzino dove si trovava in custodia,e portato poi nei locali del C.A.O. dell'A.M.G.di Merna. Una ricevuta e' stata rilasciata al Comune per il mobilio, e quando le persone che ne fanno uso attualmente, partiranno da Gorizia, il mobilio xx sara restituito al magazzino comunale ed a voi sara' corrisposto un adeguato pagamento per il noleggio.

3. Dato che avete potuto fare ammeno di questo mobilio per un certo periodo di tempo,senza che la mancanza fosse da voi eccessivamente sentita, v'informiamo che per il momento e' escluso che vi possiamo restituire la vostra proprieta'.

Dichiaro che la presente copia è pienamente corrispondente all'originale in mio possesso, e ne assumo piena responsabilità.
Gorizia, 21/10/1946
Giovanni Delpin

0878

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

FILE

AG/4132/L

14 December 1945

Dear Major Gillespie,

With regard to our letter to you of 14th November I should be glad to know whether you have been able to do anything about having Dott. Delpin's furniture returned to him. I feel that some reply should be made soon to Dott. Delpin's application to the Allied Commission, and it is for this reason that I am asking you to let us know as soon as possible what reply we can make.

Yours sincerely,
Italian Branch,
for Chief Legal Advisor.

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HEADQUARTERS ALLIED COMMISSION
AFO 794
LEGAL DIVISION

FILE

AC/AI32/L

AT/ds
13 December 1946

SUBJECT : POLAK Franc, Jugoslav national detained in Reggio Emilia.

TO : Jugoslav Delegation to the Advisory Council for Italy.

1. Reference your letter Br.15.6/46 of 15 October 1946.

2. I enclose herewith copy of a letter from the Minister of Justice giving particulars of the detention of the above-named Jugoslav subject.

RUSSELL G. THOMAS,
Italian Branch,
for Chief Legal Advisor.

Incl.

L. 270A
252 A
179

0880

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

4132

Ministero di Grazia e Giustizia
DIREZIONE GENERALE
PER GLI ISTITUTI DI PREVENZIONE E DI PENA

UFF. VI

Prot. N. 157392/31309

Mod. 1345 M.G

Roma, 1 OTT. 1946

2 P.P.A

Alla Commissione Alleata
Sottocommissione Legale
R O M A

Risposta al f.to del 19/1/10/1946
Div. Sez. AC/4..32/L

OGGETTO: Internato Polak Francesco.-

253A

In riferimento alla nota sopra indicata, si comunica che l'internato in oggetto è ristretto nel manicomio giudiziario di Reggio Emilia, per espiarvi 2 anni di misura di sicurezza detentiva, inflittagli dal Tribunale Militare di Guerra della 2^ Armata Sez. di Lubiana con sentenza del 17-4-1942.-

Tale misura di sicurezza è stata prorogata al 17 aprile 1947 con decreto del 9 novembre 1946 del Giudice Militare di Sorveglianza presso il Tribunale Supremo militare di Guerra in Roma.-

176

Pel Ministro

0881

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

Kate Hinko is
on Col. Powers's list
- hid in Allied sector
Capt. Ellis wrote to
G-2 & some other units
also for further information
about this man. 171

0 8 8 2

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

4132 1/2.

284H

51/45/46

9th December 1946.

To: Legal Sub-Commission, Allied Commission, Rome.

From: British Embassy, Rome.

We enclose for consideration a letter from Dott. Alessandro Alessandri.

We have acknowledge receipt of this letter informing Dott. Alessandri that the matter has been referred to the appropriate Allied Military authority.

176

D. W. Wilson.

J. W. Wilson.

KATZ HINKD 1

LEGAL SUB - COMMISSION
SUB CA
CRIM
CHIEF COUNSEL
ITALIAN SECTION
Recd DEC 12 1946

STUDIO LEGALE
Dott. ALESSANDRO ALESSANDRI
PROCURATORE COLLEGIATO
TORINO - Via Cavour 38 - Tel 40-07

recd 3/12

59/45/46

A Sua Eccellenza

L'Ambasciatore di S.M.il Re d'Inghilterra

R O M A

Nell'interesse di KATZ HINKO fu Giuseppe cittadino jugoslavo e ebreo - nato a Vienna il 5 marzo 1895,dottore in scienze commerciali ed economiche, di professione commerciante,l'avvocato sottoscritto espone quanto segue.

Il Katz Hinko trovasi detenuto nelle carceri giudiziarie di Torino a disposizione del Comando Inglese dal 16 marzo 1946.Sono 8 mesi e mezzo che questo povero uomo,non più giovane,sebbene innocente e senza veruna colpa si trova privato della propria libertà per delle false accuse insinuate da suoi nemici e nonostante la sua attività svolta a favore delle Nazioni Unite quale militante nelle file partigiane italiane.

Spoke to Col. Mumford.
Marked att.
HMS 5-11

Per maggior comodità di Vostra Eccellenza si riassume quì appresso il curriculum vitae del Katz di quest'ultimi anni.

Il 5 dicembre 1941 il Katz,che abitava a Spalato, dove svolgeva la sua attività di commerciante di pellami,fu preso dai fascisti e deportato in Italia dove fu internato a Montechiaro d'Asti e dove rimase sino al 6 dicembre 1943.In tal giorno riuscì a fuggire mentre le autorità naziste volevano deportarlo in Germania perchè ebreo e si rifugiò a Montanaro presso Torino,dove si mise subito in contatto con elementi partigiani (certo Sig.Aristide Salza).

Di quì si recò a Torino dove fu messo in contatto con altri elementi della resistenza (certi Sig.Giustino Bettazzi e Sig.Mario Zanella)donde fu accompagnato a Lanzo Torinese da certo partigiano Sig.Nigola che lo nominò comandante di un reparto partigiano di carabinieri ed inglesi in località in località Rivarolo

17.

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

Spoke to Col. Mumford.
Mackatt.
HHS

se dal 15 marzo 1946.Sono 6 mesi e mezzo che questo povero uomo,non più giovane,sebbene innocente e senza veruna colpa si trova privato nella propria libertà,vuelle false accuse insinuate da suoi nemici e nonostante la sua attività svolta a favore delle Nazioni Unite quale militante nelle file partigiane italiane.

Per maggior commodità di Vostra Eccellenza si riassume qui appresso il curriculum vitae del Katz di quest'ultimi anni.

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In tale epoca dovette sciogliere la formazione e rifugiarsi a Torino,per sfuggire alla cattura da parte dei nazi-fascisti,e di qui fu mandato nella zona di Barge (Cuneo) quale comandante di un reparto alle dipendenze del Tenente Mario.Di qui fu poi inviato in Val Locana a reclutare gli ex prigionieri jugoslavi che trovavasi in quella zona,per formare un battaglione. A Chiaves si ammalò e fu ricoverato a Cirié presso l'avvocato Mirti (gennaio 1944).Come convalescente fu quindi inviato a Rocca Canavese dove rimase dal 24 gennaio 1944 al 20 agosto 1945.

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

A Rocca Canavese costituì un gruppo partigiano che diventò poi l'11° Distaccamento della XVII Brigata IV Divisione Garibaldina.Di tale gruppo non ebbe il comando,ma provvide solo alla organizzazione a seguito di ordine dell'ispettore garibaldino Andrea.

Nel giugno 1944 cominciò a lavorare alle dipendenze dell'Ispettore Regionale del C.L.N. di Torino Sig.Carlo Barutto detto Borghi e di certo Mirto (fucilato a Casalle Torinese) e costituì il C.L.N. di Rocca Canavese.

Il Katz fu fiduciario del C.L.N.di Torino,sebbene come straniero non ne facesse propriamente parte.

Nell'ottobre 1944 organizzò la S.A.P. di Rocca Canavese e l'approvvigionamento delle formazioni garibaldine per ordine del C.L.N. di Torino.

Il 15 dicembre 1944 durante un rastrellamento,fu ferito ai piedi e fu messo in salvo dai compagni e ricoverato in località Il Soglio mentre a Rocca Canavese rimanevano reparti della "Nembo"repubblicana.

Guarito,il Katz entrò a far parte del 3° Distaccamento della XVIII Brigata con la quale partecipò a varie azioni e vi rimase sino al 1° marzo 1945.

Dal 1° marzo 1945 al 2 aprile 1945 rimase tagliato fuori dalla propria formazione e si tenne nascosto in una caverna vicino alla Madonna della Neve.

Il 2 aprile 1945 ridiscese a Rocca Canavese,prese nelle mani la S.A.P.e all'epoca dell'insurrezione venne nominato commissario politico della stessa con le quali partecipò ai rastrellamenti dei repubblicani e dei tedeschi sbandati.

Dopo la smobilitazione,il 25 maggio 1945,il Katz fu incaricato dall'Ispettore della Questura di Torino Sig.Damiano Franco di organizzare la Polizia del Popolo di Rocca Canavese.Il 1° giugno 1945,in seguito a false ed anonime denunzie,fu arrestato dalla Squadra Mobile della Questura di Torino sotto accusa di omicidio e dopo 8 giorni liberato per ordine del Questore di Torino perché il tutto risultò falso.

174

Da allora si ritirò a vita privata a Rocca Canavese

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

dine per ordine del C.L.N. di Torino.

Il 13 dicembre 1944 durante un rastrellamento, fu ferito ai piedi e fu messo in salvo dai compagni e ricoverato in località Il Soglio mentre a Rocca Canavese rimanevano reparti della "Nembo" repubblicana.

Guarito, il Katz entrò a far parte del 3° Distaccamento della XVIII Brigata con la quale partecipò a varie azioni e vi rimase sino al 1° marzo 1945.

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174

Da allora si ritirò a vita privata a Rocca Canavese presso la fidanzata sino al 22 agosto 1945 epoca in cui fu rimpatriato in Jugoslavia per interessamento non richiesto del Comitato Jugoslavo e si recò a Zagabria. Quì trovò tutta la sua famiglia trucidata dai tedeschi; e, realizzato quel pò che gli rimaneva, e cioè L.1.500.000; il 2 ottobre 1945 si recò a Trieste dove si occupò come commissionario dell'impresa Glavnaprot di Zagabria per il commercio all'ingrosso in genere. In tale qualità esercitò il commercio per tre mesi.

In seguito a pressioni jugoslave perchè il Katz rien-

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trasse in Jugoslavia, cosa che era contraria alla sua volontà perchè avverso al governo di TITO, esso chiese ed ottenne di essere preso sotto la protezione delle autorità Alleate le quali lo trasferirono a Venezia provvisto di lasciapassare per l'Italia.

Di qui si recò nuovamente a Rocca Canavese presso la fidanzata, dove fu arrestato il 16 marzo 1946.

Si fa inoltre presente che al Katz fu sequestrato ogni suo avere rappresentato dalla somma di lire 5.740.000 realizzate, parte, come è stato detto, con quanto potè recuperare dei suoi beni a Zagabria e parte col proprio commercio svolto a Trieste.

Come si vede si tratta di un individuo che ha militato costantemente nelle file partigiane servendo con onore e fedeltà la causa degli Alleati e che ora, per rappresaglia e false accuse di gente che gli vuol male, si vede ingiustamente accusato di attività ben lontana dai suoi principi e che per tali false accuse, destituite di ogni fondamento, da circa 9 mesi languisce in un tetro e buio carcere.

L'avvocato sottoscritto, nell'interesse del suo raccomandato, chiede che l'Eccellenza Vostra voglia intervenire presso il Comando Superiore Inglese affinchè, appurata e chiarita la posizione del Katz, questi venga al più presto rilasciato in libertà, poichè non è umano tenere ristretto in carcere un innocente; e gli vengano restituiti i denari sequestratigli.

Torino, 29 novembre 1946.

Avv. Alessandro Alessandri
via Cavour n. 38 - Torino

Alessandri

173

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0888

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

FILE
2234

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL DIVISION

BT/ma

AC/4132/L

11 December 1946

SUBJECT : Jugoslav nationals:
LOVRAK Franjo;
CVETKOVIC Ljubomir;
DURANCIC Ilija;
SKROBANOVIC Filip.

TO : The Minister of Pardon and Justice.

I enclose copies of two letters from the Jugoslav Delegation to the Advisory Council for Italy asking that the above-mentioned Jugoslav nationals, who are at present detained in prison at Trento and in Regina Coeli, may be handed over to the Delegation who will see that they are repatriated through regular channels.

BUSCRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

372

4137

DELEGATION OF THE FEDERAL PEOPLE'S
REPUBLIC OF JUGOSLAVIA
TO THE ADVISORY COUNCIL FOR ITALY

2824

Br. 1744/46

7 December 1946

SUBJECT : DUMANCIC Ilija
SKROBANOVIC Filip, Jugoslav citizens detained by Italians at Regina Coeli, Rome.

TO : Legal Sub Commission,
H.Q.A.C.

This Delegation has received letters from the a/m Jugoslav citizens, actually detained by the Italian authorities in the prison R.Coeli, Rome, for unknown reasons.

DUMANCIC Ilija and SKROBANOVIC Filip wrote to us that they came in Italy as ex=Internees and that they wanted to be repatriated in Jugoslavia.

It is therefore requested that the a/m Jugoslavs may be handed over to this Delegation, who will take care for their being sent over in Jugoslavia through the regular channels.

FOR THE JUGOSLAV REPRESENTATIVE :

Cedomil Veljacic

Cedomil Veljacic, Secretary.

171

LEGAL SUB - COMMISSION
GIO - GLA
GIO G

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

To : Legal Sub Commission,
H.Q.A.C.

This Delegation has received letters from the a/m Jugoslav citizens,actually detained by the Italian authorities in the prison R.Coeli,Rome,for unknown reasons.

DUMANCIC Ilija and SKROBANOVIC Filip wrote to us that they came in Italy as ex=Internees and that they wanted to be repatriated in Jugoslavia.

It is therefore requested that the a/m Jugoslavs may be handed over to this Delegation,who will take care for their being sent over in Jugoslavia through the regular channels.

FOR THE JUGOSLAV REPRESENTATIVE :

Cedomil Veljacic,Secretary.

171

LEGAL SUB - COMMISSION
CIO-CLA
CIO
CHIEF COUNSEL
SECTION
Recd DEC 9 1946

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

417

DELEGATION OF THE FEDERAL PEOPLE'S
REPUBLIC OF JUGOSLAVIA
TO THE ADVISORY COUNCIL FOR ITALY

Br.1743/46

281A

7 December 1946

SUBJECT : LOVREK Franjo and CVETKOVIC Ljubomir, Jugoslavs detained in Italian prison at TRENTO.

TO : Legal Sub Commission,
H.Q.A.C.

The Jugoslav Delegation A.C.I. has received a letter from LOVREK Franjo and CVETKOVIC Ljubomir, Jugoslav citizens detained by the Italian authorities at Trento. The reason of their arrest was, according to their statement, lack of documents and personal papers. They expressed the wish to be repatriated in Jugoslavia.

It is therefore requested that steps may be taken for their handover to this Delegation, who will take care of their being sent in Jugoslavia through the regular channels.

FOR THE JUGOSLAV REPRESENTATIVE :

Cedomil Veljacic

Cedomil Veljacic, Secretary.

LEGAL SUB - COMMISSION
C/O - CLA

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

The Jugoslav Delegation A.C.I. has received a letter from LOVREK Franjo and CVETKOVIC Ljubomir, Jugoslav citizens detained by the Italian authorities at Trento. The reason of their arrest was, according to their statement, lack of documents and personal papers. They expressed the wish to be repatriated in Jugoslavia.

It is therefore requested that steps may be taken for their handover to this Delegation, who will take care of their being sent in Jugoslavia through the regular channels.

FOR THE JUGOSLAV REPRESENTATIVE :

Cedomil Veljacic

Cedomil Veljacic, Secretary.

170

LEGAL SUB-COMMISSION

CJO-CLA	
OCLO	
CHIEF COUNSEL	
ITALIAN SECTION	
Recd	DEC 9 1946

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

0893

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

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL DIVISION

URGENT

AC/4132/L

MT/mb
5 December 1946

SUBJECT : Gianovic Stevan : Jugoslav National detained at Spoleto

TO : The Ministry of Pardon and Justice

1. Reference your Ufficio I° A.P. Prot. No. 131. 283.568.46 of 26 November 1946.

2. In view of your letter of 26 November stating that, as the above-named Jugoslav national is detained at the disposition of the Pubblica Sicurezza, any further request should be addressed to the Ministry of Internal Affairs, may we ask that the correspondence that has passed be forwarded to that Ministry.

3. In view of the fact that the first request for information was made on 7 February last, and that the Jugoslav Delegation has made several subsequent requests since that date, this Division would be obliged if the information sought could be supplied as early as possible.

MUSGRAVE THOMAS
Italian Branch
for the Chief Legal Adviser

0894

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

FILE
2791

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL DIVISION

AC/4132/L

MT/mb
5 December 1946

SUBJECT: Cianovic Stevan : detained by the Italian Authorities

TO : The Jugoslav Delegation to the Advisory Council for Italy

1. Reference your No. Br. 1581/46 of 30 October 1946.

2. I enclose a copy of a letter received from the Ministry of Justice regarding the above-named Jugoslav national.

3. This Division has requested the Ministry of Justice to send the correspondence on this matter to the Ministry of Internal Affairs, and has further asked that the information you have been seeking be supplied as soon as possible

MUSGRAVE THOMAS
Italian Branch
for the Chief Legal Adviser

Encl.

1

2791

0895

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

4132

Mod.ADA

Roma, 4 Novembre 1946

2484

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE E DEL CASELLARIO

2684

Alla COMMISSIONE ALLEATA
Sottocommissione Legale
R O M A

Ufficio I° A.P.

Risposta al f. del 2.11.1946

Prot. N° 131.283.568.46

Div. Sez. N° AC/4132/I

OGGETTO GIANOVIC Stevan - detenuto a Spoleto.-

4231A
191 A
102A

e per conoscenza:
ALL'UFFICIO COLLEGAMENTO
S E D E

In relazione alla precedente Ministeriale pari numero del 20 settembre u.s., si conferma quanto si ebbe a comunicare, e cioè che il GIANOVIC, a partire dal 21.6.1946 non deve più considerarsi detenuto a disposizione dell'Autorità Giudiziaria, bensì dell'Autorità di Pubblica Sicurezza.-

Pertanto ogni ulteriore domanda di codesta On.le Commissione circa l'attuale posizione del GIANOVIC dev'essere rivolta al Ministero dell'Interno.-

per il M I N I S T R O

0896

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

4132

Ministero di Grazia e Giustizia
DIREZIONE GENERALE
PER GLI ISTITUTI DI PREVENZIONE E DI PENA

Uff. VI

Mod 805 M.G.

Roma, 25 - 11 - 1946

Alla Commissione Alleata
Sottocommissione Legale
R O M A

Prot. N. 187567/8

Risposta al f/ del
Div Sez N.

OGGETTO: Militari Jugoslavi evasi dal campo di concentramento di Catania.

Il Direttore delle carceri di Fondi con telegramma del 19 corrente mese ha riferito quanto segue:

" data tredici corrente tradotti questo carcere due militari Jugoslavi pericolosi allontanatisi campo concentramento numero sei Catania denunziati per furto . Prego dare disposizioni".

/Si avverte codesta Commissione Alleata che è stato autorizzato il predetto direttore a far tradurre i due individui alle carceri giudiziarie di Roma e di segnalare subito le generalità, che saranno comunicate appena perverranno.

NOV 26 1946

Pel Ministro

LEGAL SUB - COMMISSION
Judge Thomas
CHIEF COUNSEL
ITALIAN SECTION

No action required
File.

0897

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

FILE
216

HEADQUARTERS ALLIED COMMISSION
A.P.O. 794
LEGAL DIVISION

AC/1132/L

MT/ne
19 November 1946

SUBJECT : KANTE Slavko(Luigi)Jugoslav national.

TO : The Ministry of Pardon and Justice.

1. I enclose a copy of a letter dated 24th June last addressed to this Division by the Jugoslav Delegation regarding KANTE Slavko(Luigi) believed to be at present detained by the Italian authorities at a Labour Camp in Sardegna (C.I. 7 R.M.C. Oristano).

2. In a further letter of 5th August last in reply to inquiries by the Prisoners of War Division the Jugoslav Delegation stated

(1) that Kante Slavko was never detained in a British or American Prisoner of War or Displaced Persons Camp at Oristano;

(2) that he is now detained by the Italian authorities at C.I. 7 R.M.C. Oristano;

(3) that he was forcibly taken by Fascist authorities from his home at Smarje-Ajdussina (in Zone B) in January 1943;

(4) At that time he was 17 years of age and consequently cannot be considered as an ex-soldier;

(5) that Karte Slavko is a victim of the Fascist terror in Venezia Giulia during the war, and should not therefore be detained further, but should be released and repatriated to his home which is now under Jugoslav administration.

3. This Division would be glad to be

./.

0898

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

informed what reply may be given to the Jugoslav Delegation's inquiry.

MUNGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

10/

08991

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

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

215

AC/4132/L AP/ns

2 July 1946

SUBJECT : Repatriation of jugoslav subjects
PAVLOV Djura, KANTE Slavko (Luigi).

TO : Land Forces Sub Commission, Hq,AC.

1. Herewith enclosed letters by the jugoslav Delegation to the Advisory Council for Italy for the repatriation of the above mentioned Jugoslav subjects.

2. It would be very much appreciated if the reply be sent direct to the above named council.

JOHN K. WEBER,
Colonel, Infantry,
for Chief Legal Advisor.

Incls.

10

0900

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

4137

MVZ/amg
Tel: 489081
Ext: 383

27H

LAND FORCES SUB COMMISSION A.C.
M.M.I.A.
ITALIAN PRISONERS OF WAR DIVISION

IPW/1/13MISC/92 13 November 46

SUBJECT : KANTE Slavko (Luigi)

TO : Legal Division, HQ AC

2701H

Ref your AC/4132/L dated 6 Nov. 46.

Please note that subject's case has been transferred to Civil Affairs Section, AC under our IPW/1/13MISC/58 dated 5/9/46 (copy attached for easy reference).

JAMES E. REGIS
Lieut. Colonel
Chief,
IPW Division

Encl. 1

INTERNATIONAL PRISONERS OF WAR DIVISION
(M.M.I.A.) A.C.
Received 14 NOV 1946
Ref No. 6633

0901

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

MVZ/amg

LAND FORCES SUB COMMISSION A.C.
M.M.I.A.
ITALIAN PRISONERS OF WAR DIVISION

IPW/1/13MISC/58 5 Sept. 1946

SUBJECT : KANTE Slavko (Luigi)

TO : Civil Affairs Section, A.C.

Ref the attached letter from the Jugoslav Delegation.

1. It would appear that this is a matter for the attention of your Civil Affairs Section.

2. If the above-named is in Italian custody, the question of his release and repatriation (if he is willing to return to Jugoslavia) should be taken up with the Italian Government, through diplomatic channels, by the Jugoslav Authorities.

JAMES E. REGIS
Lieut. Colonel
Chief,
IPW Division

101

0902

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

FILE 2734

AC/4132/L. 14 November 1946. 273

Dear [illegible] for GILCHRIST,

A certain Dott. [illegible] has written to the Commission regarding furniture of his which was requisitioned at Gorizia. His letter and attached documents are enclosed. From these it appears that the furniture was taken from the Municipal Store in Gorizia and requisitioned for the use of Major A.F.H. [illegible]. The order of requisition is signed by Major LONG, the Area Commissioner, Gorizia, and one of the conditions upon which the requisition was made is that the furniture in question would be returned to the municipal authorities when no longer required for Major [illegible]'s use.

Dott. [illegible] complains that upon the departure of Major [illegible] the undertaking given by the Area Commissioner should have been carried out and the furniture returned. He further complains that the furniture has been removed from Gorizia to a place called Biglia which is to be assigned to Jugoslavia.

He points out the great hardship of returning to his home after six years absence and not having sufficient furniture.

It is quite clear that to retain the furniture after the departure of Major [illegible] is a direct breach of the written undertaking given by the Area Commissioner. In the absence of any justification for departing from the undertaking the truly remarkable reason is put forward "in as much as you have for a considerable period of time been able to live without the use of this furniture and it has not caused you any undue hardship, we inform you that you will be unable to have possession of the furniture at this time."

The owner feels very hurt that the A.M.G. authorities have broken their word and he points out the hardship of being

160

0903

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

still deprived of furniture which is absolutely necessary for his home.

In these circumstances this Division would be obliged if you could do anything towards having Dott. [redacted]'s furniture returned to him and thus remove the hardship which Dott. [redacted] not unnaturally feels he is suffering.

Please return the enclosed documents with your reply.

0904

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

272A

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL DIVISION

AC/4132/L. 13 November 1946.

SUBJECT : VUKOTIC H. Djordje, Jugoslav citizen.

TO : The Jugoslav Delegation to the Advisory Council for Italy.

1. Reference your letter Nr. 247/46 of 22nd Febr 46.

2. I enclose herewith copy of a letter just received from the Ministry of Internal affairs relating to the above-named Jugoslav citizen.

HUGO AVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Encl.

0905

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

4132
-V 25

Mod 872

Ministero dell'Interno
DIREZIONE GENERALE DELLA PUBBLICA SICUREZZA

Roma 8 Novembre 1946

Divisione A.G.R. Sez. 3°
Prot. N° 443/56741 Allegati

All COMMISSIONE ALLEATA
S.Commissione Legale
ROMA

Risposta al f/del 22/3
Div. Pos. A.C./4132/L.

OGGETTO VUKOTIC B.Djordje - Cittadino jugoslavo-

Dagli accertamenti disposti risulta che lo straniero in oggetto, dopo la liberazione soggiornò per pochi giorni in Roma-Via Zara 23, da dove si allontanò per destinazione sconosciuta.

Non è stato possibile conoscere l'attuale indirizzo dello stesso.=

PEL MINISTRO

157

4130 ✓

INCOMING MESSAGE

Legal 8c

HEADQUARTERS ALLIED COMMISSION

271A

Originator's Reference:

Date / Time of Origin: NOV 111700A

Message Centre No: H/7811

Date Time Rec'd: NOV 121100

Precedence: ROUTINE 271A

FROM: AFHQ SIGNED SACMED CITE FHGSG

TO : AMG VENEZIA GIULIA ,INFO: ALCOM ROME

CONFIDENTIAL

CONFIDENTIAL:

360F

Ref Alcom letter 29 October 46 file AG/4132/L. Subject extradition to zone B to you now seen.

Regardless legal position desire courts in zone A shall not try offense commited in zone B. To try such cases in considered legally impracticable and politically undesirable.

LEGAL SUB-COMMISSION
DJO GLA
JCLO
CHIEF COUNSEL
ITALIAN SECTION
REC'D NOV 12 1946

INFO - ACTION

AC DIST
3/4

INFO ACTION - LEGAL

INFO - CHIEF COMMISSIONER

EX COMMR

FILE

SKELETON

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

CONFIDENTIAL:

Ref Alcom letter 29 October 46 file AC/4132/L. Subject extradition to zone B to you now seen.

Regardless legal position desire courts in zone A shall not try offense commited in zone B. To try such cases in considered legally impracticable and politically undesirable.

LEGAL SUB-COMMISSION
DOUGLAS
POLO
CHIEF COUNSEL
ITALIAN SECTION
RECD NOV 12 1946
INFO - ACTION

AC DIST
3/4

INFO ACTION - LEGAL

INFO - CHIEF COMMISSIONER

EX COMM

FILE

SKELETON

See CAC/4005/L 1/3/47

156

H. ALCOM RECD hrs

CONFIDENTIAL NOV 12 1946

No action required. File

Amc 13/11

Declassified E.O. 12356 Section 3.3/NND No. 985016

0908

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

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL DIVISION

I 2407 A

MT/ns
6 November 1946

AC/4132/L

SUBJECT : Repatriation of Jugoslav subjects:
KANTZ Slavko (Luigi)

TO : Land Forces Sub-Commission.

1. Reference our letter AC/4132/L of 2 July 1946.

2. A copy of a further letter from the Jugoslav Delegation requesting the release and repatriation of the above-named Jugoslav subject is enclosed herewith.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

I.c. 2864

X55

DELEGATION OF THE FEDERAL PEOPLE'S
REPUBLIC OF JUGOSLAVIA
TO THE ADVISORY COUNCIL FOR ITALY

Br.1580/46

269A

30 October 1946

SUBJECT : KANTE Slavko (Luigi).

TO : Legal Sub=Commission
H.Q.A.C.

See 220A

With reference to our letters Br. 905/46 of 24 June 1946, addressed to your Sub=Commission and ou letter Br. 1133/46, addressed to the Liaison Division H.Q.A.C. about the above subject, it is kindly requested that steps for the release from the Italian authorities of KANTE Slavko and for his repatriation may be solicited and that this Delegation may be informed about the result.

FOR THE JUGOSLAV REPRESENTATIVE :

Cedomil Veljacic, Secretary

LEGAL SUB - COMMISS.
CJO - GLA
OCLO
CHIEF COUNSEL

15

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

TO : Legal Sub=Commission
H.Q.A.C.

See 220A

With reference to our letters Br. 905/46 of 24 June 1946, addressed to your Sub=Commission and ou letter Br. 1133/46, addressed to the Liaison Division H.Q.A.C. about the above subject, it is kindly requested that steps for the release from the Italian authorities of KANTE Slavko and for his repatriation may be solicited and that this Delegation may be informed about the result.

FOR THE JUGOSLAV REPRESENTATIVE :

Cedomil Veljacic, Secretary

LEGAL SUB - COMMISSION	
CJO-GLA	
DCLO	
CHIEF COUNSEL	
ITALIAN SECTION	
Recd OCT 31 1946	

15

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

0911

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

ENTER

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL DIVISION

ENTER and FLOAT 2684

T/ns
AC/4132/L 2 November 1946

SUBJECT : GIAKOVIC Steven : Jugoslav national detained in Spoleto Prison.

TO : The Ministry of Pardon and Justice.

231A

1. Reference our letter AC/4132/L of 19-A 6th August 1946.

2. In order to reply to a further letter from the Jugoslav Delegation this Division would be glad to be informed of the results of any further inquiry that may have been made into this case.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

153

0912

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

FILE
2674

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL DIVISION

AC/4132/L

MT/ns
2 November 1946

SUBJECT : GIANOVIC Steven : Jugoslav national detained in Spoleto Prison.

TO : The Ministry of Pardon and Justice.

1. Reference our letter AC/4132/L of 6th August 1946.

2. In order to reply to a further letter from the Jugoslav Delegation this Division would be glad to be informed of the results of any further inquiry that may have been made into this case.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

.413

DELEGATION OF THE FEDERAL PEOPLE'S
REPUBLIC OF JUGOSLAVIA
TO THE ADVISORY COUNCIL FOR ITALY

Br. 1581/46

30 October 1946

165A

SUBJECT : GIANOVIC Stevan;detained by Italians.

TO : Legal Sub-Commission
H.Q.A.C.

231A

With reference to our letter Br. 1135/46 of 6 August 1946, it is kindly requested that the case of the a/m Jugoslav citizen may be expedited.

FOR THE JUGOSLAV REPRESENTATIVE :

-Cedomil Veljacic

Cedomil Veljacic, Secretary

LEGAL SUB - COMM.SS.
CJO - CLA
OCLO

151

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

With reference to our letter Br. 1135/46 of 6 August 1946, it is kindly requested that the case of the a/m Jugoslav citizen may be expedited.

FOR THE JUGOSLAV REPRESENTATIVE :

Cedomil Veljacic, Secretary

151

LEGAL SUB - COMMISS.	
CJO-GLA	
OCLO	
CHIEF COUNSEL	
ITALIAN SECTION	
Recd	OCT 31 1946

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

0 9 1 5

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

FILE

204A

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL DIVISION

AC/4132/L

MT/ns
2 November 1946

SUBJECT : Jugoslav nationals:
DELALIC Femo, and BLAGOJEVIC SKOVIC Boro.

TO : Ministry of Pardon and Justice.

1. I enclose a copy of a letter from the Jugoslav Delegation to the Advisory Council for Italy asking information regarding the two above-named Jugoslav nationals detained in Modena Prison.

2. It would be appreciated if the Ministry could furnish the information requested by the Jugoslav Delegation.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor

150

4132

DELEGATION OF THE FEDERAL PEOPLE'S
REPUBLIC OF JUGOSLAVIA
TO THE ADVISORY COUNCIL FOR ITALY

Br. 1579/45

30 October 1946

163A

SUBJECT : DELALIC Femo
BLAGOJEVIC SKOVIC Boro, arrested by Italians.

TO : Legal Sub-Commission
H.Q.A.C.

This Delegation has been informed that Delalic Femo and Blagojevic Skovic Boro, Jugoslav citizens, were arrested in Italy by the Italian authorities and that they actually are detained in the Italian prison in Modena. for unknown reasons.

It is kindly requested that our Delegation may be informed about the reasons of their arrest and at the same time that steps may be taken for their repatriation.

The Jugoslav Delegation A.C.I. will appreciate to be informed about steps taken.

FOR THE JUGOSLAV REPRESENTATIVE:

Cedomil Veljacic

Cedomil Veljacic, secretary.

149

LEGAL SUB - COMMISSION

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

This Delegation has been informed that Belaric [illegible] and Blagojevic Skovic Boro, Jugoslav citizens, were arrested in Italy by the Italian authorities and that they actually are detained in the Italian prison in Modena for unknown reasons.

It is kindly requested that our Delegation may be informed about the reasons of their arrest and at the same time that steps may be taken for their repatriation.

The Jugoslav Delegation A.C.I. will appreciate to be informed about steps taken.

FOR THE JUGOSLAV REPRESENTATIVE:

Cedomil Veljacic, secretary.

149

LEGAL SUB-COMMISSION
GIC-GLA
[illegible] COUNSEL
[illegible] SECTION
Re:
OCT 31 1946

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

0978

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

FILE 4132

HQ ALCOM

AFSC G-5

FILE 962

UNCLASSIFIED

5336

REFERENCE YOUR SIGNAL G SIX FIVE EIGHT FOUR THREE DATED TWENTY OR OCTOBER SUBJECT EXTRADITION TO ZONE B REPLY BEING DESPATCHED TODAY

978

SECRET TWENTY

SECRET ZONE

302

H

4B2

INCOMING MESSAGE

LEGAL 5/C
261A

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: C 65843
Date / Time of Origin: OCT 241536

Message Centre No: H/7436
Date Time Rec'd: OCT 251545
Precedence: ROUTINE

FROM: AFHQ FROM G-5
TO : ALCOM ROME, INFO: AMG VENEZIA GIULIA

FILE

UNCLASSIFIED.

Subject is extradition to zone B. (Ref our G-5: 934.51 R of 7 October 1946 and your AC/4132 ALSNT L, 12 October 1946).

In view of further development essential this matter is treated as urgent.

AC DIST

ACTION LEGAL 2
INFO CHIEF COMMISSIONER
FLOAT
FILE

147

ACTION

LEGAL SUB - COMMISSION

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

0916

Subject is extradition to zone B. (Ref our G-5: 934.51 R of 7 October 1946 and your AC/4132 ALSNT L, 12 October 1946).

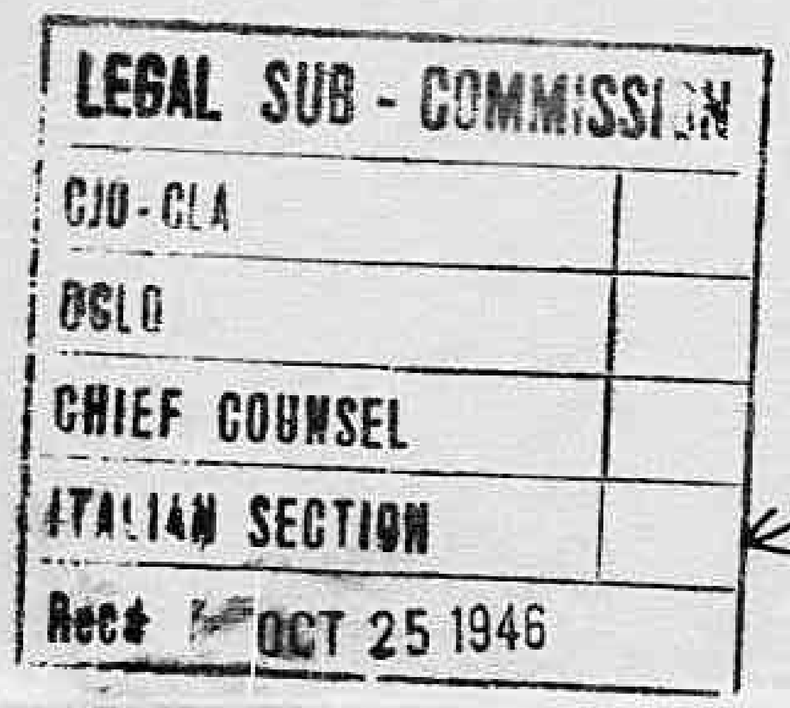
In view of further development essential this matter is treated as urgent.

AC DIST

ACTION LEGAL 2
INFO CHIEF COMMISSIONER
FLOAT
FILE

147

ACTION



OCT 25 1946

Received in Legal Div. Office on Friday 25th

Received 10:30 am 28/10

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

0921

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

file

FILE
260A

HEADQUARTERS ALLIED COMMISSION
AFO 794
LEGAL DIVISION

AG/1732/6 29 October 1946

SUBJECT : Extradition to Zone "B":
Trial by Italian Courts in Zone "A"
of an offence committed in Zone "B".

TO : F.O.A.O.
A.M.G., VENEZIA GIULIA.

See p. 271A

2.53 A

1. Reference your letter 1732/AMG/LD/60/2559 of 24 September 1946 addressed to AFHQ.

2. The question submitted for opinion is whether the Italian Civil Courts in Trieste have jurisdiction to try an offence committed in Zone "B" occupied by the Jugoslav military forces.

3. Under Italian law existing in Cisgiulia and Trieste prior to the occupation of Zones "A" and "B" by the Allied Forces and the Jugoslav Forces respectively the offence in question would be triable by the Civil Courts of Trieste.

4. Under International Law the Civil Courts sitting in an occupied territory can always administer municipal law unless prevented by the occupying power.

145

5. In preventing the Civil Courts in occupied territory from so doing the occupant may have several reasons e.g. its own policy, or obligations arising out of International treaties with foreign powers. In the case under examination it cost be assumed that there are no particular reasons on the part of the occupying power itself for preventing the Courts from exercising their normal jurisdiction; indeed, it appears from the documents that the occupant

See letter from C.L.O. to AFHQ dated 27 Dec. 1946 P 290 of the file + LACAB/4005/L of 11/3/47

0922

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

is quite willing that the municipal Courts in Trieste should exercise jurisdiction in this particular case.

6. We also understand that there is no international treaty which makes it compulsory for the Allied Military Government in Zone "A" to prevent the Civil Courts from trying cases concerning offences committed in Zone "B", which under the municipal law are triable by the said Courts.

7. For the reasons given above this Division is of opinion that the Civil Courts in Trieste have jurisdiction to try the offence in question.

By command of Rear Admiral STORK:

MUSGRAVE TRO AS,
Italian Branch,
for Chief Legal Advisor.

Copy to APO:10-5 reference their letter G-5:936.52 R
of 7 October 1946.

See p. 44A of 4188/4/243

See G-5's decision on this matter in Signal to V.S. dated 12 Nov. p. 271A

0923

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

4132/

LEGAL
2758
2599

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 934.51R

18 October 1946

SUBJECT: Extradition to Zone B.

TO : Chief Commissioner
Allied Commission
(Attn: Legal Sub-Commission)
APO 794

Reference your AC/4132/L dated 12 October 1946.

A copy of this Headquarters G-5: 934.51R dated 7 October is enclosed as requested.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

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

Encl:
as above.

LEGAL SUB - C.M.H.33
CJO - CLA
OCLO
CHIEF COUNSEL
ITALIAN SECTION
Recd OCT 21 1946

0924

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

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 934.51R

18 October 1946

SUBJECT: Extradition to Zone B.

TO : Chief Commissioner
Allied Commission
(Attn: Legal Sub-Commission)
APO 794

Reference your AC/4132/L dated 12 October 1946.

A copy of this Headquarters G-5: 934.51R dated 7 October is enclosed as requested.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

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

Encl:
as above.

0925

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

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 934.51R

7 October 1946

SUBJECT: Extradition to Zone B.

TO : Headquarters,
Allied Military Government,
Venezia Giulia

Reference your 13C/AMG/LD/60/2859 dated 24 September 1946.

1. The Extradition procedure laid down by you in your letter 14 May 1946 and the proposed action outlined by you in your letter 24 September 1946 are approved.

2. The question of legality of bringing to trial before a Civil Court in Trieste the fourth person has been referred to ALCOM who will communicate with you direct.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

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

0926

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

4132

LEGAL

1458

2584

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 934.512

7 October 1946

SUBJECT: Extradition to Zone B.

TO : Chief Commissioner
Allied Commission
APO 794

1. Will you please refer to paragraph 5 of AMG letter 130/AIM/ID/50/2959 dated 24 September 1946 enclosed herewith and send a copy of your reply to this Headquarters.

2. The proposed procedure for extradition to Zone B has been approved by this Headquarters letter G-5: 934.512 x [not received] a copy of which is enclosed for your information.

BY COMMAND OF LIEUTENANT GENERAL MARKHAM:

Received on 21/10/46

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

Encl:
as above.

241

LEGAL
CJO-GA
DC/C
CHIEF COUNSEL
ITA SECTION
Rec'd OCT 21 1946

0927

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

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 934.51R

7 October 1946

SUBJECT: Extradition to Zone B.

TO : Chief Commissioner
Allied Commission
APO 794

1. Will you please reply to paragraph 5 of AMG letter 130/AMG/LD/60/2859 dated 24 September 1946 enclosed herewith and send a copy of your reply to this Headquarters.

2. The proposed procedure for extradition to Zone B has been approved by this Headquarters letter G-5: 934.51R a copy of which is enclosed for your information.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

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

Encl:
as above.

1745

0928

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

COPY

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
13 CORPS

FILE REF : 13C/AMG/ID/60/2859 24 September

SUBJECT : Extradition to Zone B.

TO : AFHQ

Ltr file 4188/4/L & 10A

1. Reference is to your G-5: 935.15 dated 25 April 1946, above subject.

2. The Jugoslav Military Government of Zone B was advised of the terms outlined by a letter dated 14 May 1946, of which a copy is attached. No reply has been received.

3. A number of further requests for extradition have been received, and since it has been considered advisable to grant a final opportunity to the Jugoslavs to cooperate, a letter dated 24 September 1946, copy attached, has been sent to the Jugoslav Military Government of Zone B.

4. Attention is particularly directed to the concluding sentence.

5. There is no basis for retention in custody of three of the prisoners, other than the request from Zone B. My Chief Legal Officer, however, proposes to permit the trial of the 4th for his crime in the Civil Courts of Trieste, on the basis that Capodistria where the crime occurred is within the jurisdiction of the Trieste Civil Courts and that the provisions of the Morgan agreement do not alter the principle of International Law which recognizes the sovereignty of Italy in the Area concerned.

6. Request confirmation or disapproval of this procedure.

133

/s/ Alfred C. Bowman .

ALFRED C. BOWMAN
Colonel, J.A.G.D.
Senior Civil Affairs Officer.

0929

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

Plate 11

/za

14 May 1946

SUBJECT: Venezia Giulia Extradition Procedure.

TO : MILITARY GOVERNMENT OF THE JUGOSLAV ARMY through Jugolsav Military Mission.

1. Reference is to letter from Military Government of the Jugoslav Army for Venezia Giulia, Istria, Rijecs and the Slovene Littoral, dated 9 March 1946, file No. 191, signed by Chief of Staff, Major Trbovic Dusan, in which it is stated that the Military Government of the Jugoslav Army has been requested by the Municipal National Freedom Committee to obtain the return from Zone "A" of four named persons for alleged offenses within the Competence of the People's Court.

2. Unfortunately, the letter did not indicate where in Zone "A" these persons are likely to be found and it is requested that such information be furnished if available.

3. Assuming that these persons are found in Zone "A", it is felt that the procedure for their return to answer the charges against them should be as follows:

(a) The authorized authorities in Zone "B" will offer proof that the accused are subject to their jurisdiction.

(b) The request will be accompanied by a certified copy of the formal charges against them containing reference to the Articles of the Law claimed to have been violated, and a summary of the evidence by which it is proposed to prove such charges.

(c) The Allied Military Government will then determine from the evidence submitted whether a prima facie case (under the Penal Code) of an extraditable nature has been committed by the accused and if so satisfied, will proceed to arrest the accused. By the term "extraditable nature," is meant an offense which is ordinarily extraditable by Treaty.

(d) The accused will then be brought for a hearing before an Allied Legal Officer acting as a Judge. The competent authority of Zone "B" will be notified of such hearing through the Jugoslav Military Mission and will appear an establish that the accused is subject to the jurisdiction of Zone "B" and that a prima facie case exists as above stated. The accused shall be entitled to answer. The Allied Legal Officer if satisfied on the points stated above, will make a Order directing the return of the accused to Zone "B" for trial.

4. It is felt that the above procedure should be made operative by mutual agreement applicable to all requests by the authorities of either Zone for the return of accused persons from one Zone to the other.

5. I will be glad to discuss the matter further with Colonel Pehacek, Chief of the Jugoslav Military Mission or with an Officer designated by him for that purpose.

ALFRED C. BOWMAN
Colonel, J.A.G.D.
SENIOR CIVIL
AFFAIRS OFFICER

0930

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

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
13 CORPS

FILE REF : 13C/AMG/LD/60/2824 24 September 1946

SUBJECT : Extradition

TO : MILITARY GOVERNMENT OF JUGOSLAV ARMY.

Through: Jugoslav Military Mission,
13 Corps.

1. Reference is to letter: "Venezia Giulia Extradition Proceedure", 14 May 1946, addressed to you.

2. Having received no reply, Allied Military Government has necessarily issued instructions that no action will be taken on extradition requests.

3. Requests from various law enforcement agencies in Zone B requesting surrender of four persons have been received. Details are shown in the enclosure. It is requested that all future requests be directed to this Headquarters through your Military Mission at 13 Corps.

4. Although the offenses charged are serious, until there is some agreement as to these and other cases covering extradition both ways between Zones A and B, instructions from higher authority prohibit the action you request.

5. The pending cases will be held in abeyance until 23 October 1946. The four persons concerned will, unless we are directed otherwise by higher headquarters, be released on that date or tried locally for offenses within the jurisdiction of AMG Courts, unless we receive a satisfactory reply from you in the meantime.

131

ALFRED C. BOWMAN
Colonel, J.A.G.D.
Senior Civil Affairs Officer

0931

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

FILE

2512

HEADQUARTERS MIXED COMMISSION
APO 794
LEGAL SUB-COMMISSION

AC/4132/L. 19 October 1946.

SUBJECT : PILAC Pietro fu Giuseppe.

TO : The Yugoslav Delegation to the Advisory Council for Italy.

1. Reference your letter Nr 900/46 of 24 June 1946.

2. Herewith is enclosed copy of report of the Ministry of Pardon and Justice in the case of the abovementioned.

D.D. Colonel Krajin
D.D. [illegible] COLM,
Major,
for Chief Legal Advisor.

Incl.

136

0932

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

Mod 404

4132

Ministero di Grazia e Giustizia
DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE E DEL CASELLARIO

Roma, 10 Ottobre 1946

20564

Uffizio I° A.P.
Prot. N° 2167.131/968

Al COMMISSIONE ALLEATA
Sottocommissione Legale
R O M A

Risposta al f.to del 27.6.1946
Div. Sez. N° AC.4132/4

OGGETTO BILAC Pietro fu Giuseppe.-

e per conoscenza:
ALL'UFFICIO COLLEGAMENTO

S E D E

In merito alla richiesta della Delegazione Jugoslava presso il Consiglio Consultivo per l'Italia, si comunica, giusta quanto ha riferito il Procuratore Generale di Ancona, che non si è potuto procedere all'esame di BILAC Pietro fu Giuseppe (BILAC Petar pok. Josipa) perchè il BILAC non risiede più a Monte Vidone Corrado (Ascoli Piceno) e si è allontanato per ignota destinazione.-

d'ordine del MINISTRO

135

0933

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

FILE

2552

HEADQUARTERS ALLIED COMMISSION
AFO 794
LEGAL SUB-COMMISSION

DDMC/rm.
AC/4132/1. 19 October 1946.

SUBJECT : PAŠKVAN Tomislav and FRANCOVIC Pero.

TO : Jugoslav Delegation to the Advisory Council for Italy.

247A

248A

1. Reference your letter Pr 1384/46 of 10 September 1946 regarding first above named and that 137?/46 of 9 September 1946 regarding the second named.

246M

2. Herewith is enclosed copy of report of the Ministry of Pardon and Justice in these cases.

Incl.

D.D. MC COLM.
Major.
for Chief Legal Advisor.

0934

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

4132

Mod 1945 M.G.

Ministero della Guerra Smobilizzazione

Direzione Generale per gli Impianti di Protezione e di Pace

Uff.VI

Ref. N. 186483/9

Roma, addì 19.9.1946

Risposta al foglio N. AC.4132/L

Oggetto Cittadini Jugoslavi Paskvan Tomislav e Franovic Bozo.-

Leg. 348A

In riferimento alla nota sopra indicata, questo Ministero non è in grado di fornire le notizie richieste nei riguardi dei sudditi jugoslavi in oggetto specificati, non essendovi presso gli archivi di questa Direzione Generale alcun precedente.-

Pel Ministro

LEGAL SUB-COMMISSION
OCT 14 1946

133

2349

Alla Commissione Alleata
Sottocommissione Legale
R O M A

0935

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

FILE

153A

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

AC/4132/1. 1st October 1947.

SUBJECT : Jugoslav citizen POLAK Franc.

TO : Ministry of Pardon and Justice.

1. Enclosed is copy of letter from the Jugoslav Delegation to the Advisory Council for Italy concerning the above.

2. It would be appreciated if the Ministry will advise this Division whether the above named is held by the Italian Authorities and what is his position.

D.D. McCOLM Colum Major

D.D. MC COLM.
Major.
for Chief Legal Advisor.

4132

252A

DELEGATION OF THE FEDERAL PEOPLE'S
REPUBLIC OF JUGOSLAVIA
TO THE ADVISORY COUNCIL FOR ITALY

Br. 1526/46

15 October 1946

SUBJECT: POLAK Franc, repatriation.

TO : Legal Sub - Commission ,
H.Q.A.C.

An application was forwarded to this Delegation made by Mrs. POLAK Sonja, Jugoslav citizen from Slovenia, requesting for repatriation of her son POLAK Franc, actually detained in Italy R.GIUDIZIARIO, REGGIO EMILIA.

According to the statement of Mrs. POLAK Sonja, her son has been arrested by the Italian occupant authorities on 11 Nov. 1941, when travelling from RAKEK to LOGATEC (Slovenia), and transferred in Italy, where he is still detained by the Italian authorities.

It is kindly requested that steps may be taken for the repatriation of the a/n and that this Delegation may be informed about the result.

FOR THE JUGOSLAV REPRESENTATIVE:

Cedomil Veljacic, Secretary.

131

LEGAL SUB-COMMISSION
GG-BA
GSLO
CHIEF COUNSEL

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

An application was forwarded to this Delegation made by Mrs. POLAK Sonja, Jugoslav citizen from Slovenia, requesting for repatriation of her son POLAK Franc, actually detained in Italy R.GIUDIZIARIO, REGGIO EMILIA.

According to the statement of Mrs. POLAK Sonja, her son has been arrested by the Italian occupant authorities on 11 Nov. 1941, when travelling from RAKEK to LOGATEC (Slovenia), and transferred in Italy, where he is still detained by the Italian authorities.

It is kindly requested that steps may be taken for the repatriation of the a/n and that this Delegation may be informed about the result.

FOR THE JUGOSLAV REPRESENTATIVE: Cedomil Veljacic

Cedomil Veljacic, Secretary.

131

LEGAL SUB-COMMISSION
080.01
0310
CHIEF COUNSEL
ITALIAN SECTION
Rec'd OCT 17 1946

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

0938

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

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

251A

AC/A132/1

MT/ns
12 October 1946

SUBJECT : Extradition to Zone B.

TO : G-5 : AFHQ.

1. Reference your G-5 : 934.5iR of 7 October 1946.

2. May this Sub-Commission please be supplied with a copy of the letter referred to in para 2 which was not enclosed.

For the Chief Commissioner:

HUGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

131

0939

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

250A

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

FILE

AC/4I32/1

MT/ns
26 September 1946

SUBJECT : GIANOVIC Stefan.

TO : Jugoslav Delegation to the
Advisory Council for Italy.

1. Reference your Br.1135/46 of 6th August 1946.

2. The request contained in your letter for a re-investigation of this case was communicated on 6th August to the Ministry of Justice and I enclose herewith copy of the reply just received.

EUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Incl.

4132

Mod 402

FILE

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE DELLA STATISTICA E DEL CASELLARIO

Roma, 20 Settembre 1946

249A

Al la COMMISSIONE ALLEATA
Sottocommissione Legale
R O M A

Ufficio I° A.P. *Rif. N.°* 131.283.568/1946 *Risposta al f.° N.°* AC/4132/L.
del 6 Agosto 1946

OGGETTO GIANOVIC Stefan.-

231A

e per conoscenza:

ALL'UFFICIO COLLEGAMENTO

S E D E

****

In relazione alla nota sopra distinta si comunica quanto ha testè riferito il Procuratore Generale presso la Corte di Appello di Perugia sulla posizione giuridica della persona di cui in oggetto:

"""In relazione alla nota suindicata, pregiomi informare codesto On.le Ministero che il suddito jugoslavo GIANOVIC Stefan, già detenuto nelle Carceri di Spoleto, trovasi attualmente ristretto nel campo di concentramento di Modena (località Fanano), ove è stato tradotto il 20 agosto scorso in seguito a richiesta della Questura di Perugia.-

Il GIANOVIC, imputato di minaccia a mano armata, violazione di domicilio e detenzione e porto abusivi di arma, era detenuto a disposizione del Giudice Istruttore di Spoleto.-

Con provvedimento di detto Ufficio in data 21 Giugno u.s. fu disposta la sua scarcerazione, ma egli rimase ristretto nelle carceri di Spoleto perchè a disposizione della Questura di questa città (come da nota N. 303907 in data 11.6.1945), che ne chiedeva il mantenimento in stato di detenzione per ulteriori provvedimenti di pubblica sicu-

ISTITUTO POLIGRAFICO DELLO STATO

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

OGGETTO GIANOVIC Stefan.-

231A

e per conoscenza:

ALL'UFFICIO COLLEGAMENTO

S E D E

^^^^^^^^^^^^^^^^^

In relazione alla nota sopra distinta si comunica quanto ha testè riferito il Procuratore Generale presso la Corte di Appello di Perugia sulla posizione giuridica della persona di cui in oggetto:

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Il GIANOVIC, imputato di minaccia a mana armata, violazione di domicilio e detenzione e porto abusivi di arma, era deteruto a disposizione del Giudice Istruttore di Spoleto.-

Con provvedimento di detto Ufficio in data 21 Giugno u.s. fu disposta la sua scarcerazione, ma egli rimase ristretto nelle carceri di Spoleto perchè a disposizione della Questura di questa città (come da nota N. 303907 in data 11.6.1945), che ne chiedeva il mantenimento in stato di detenzione per ulteriori provvedimenti di pubblica sicurezza""".-

IL SOTTOSEGRETARIO DI STATO
per il MINISTRO

LEGAL DIVISION
CLO
OCLO
Chief Counsel
CJO
Italian Section
CL RKS
FILE
SEP 24 1946

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

0942

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

FILE

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

FILE 2488

AC/4132/L.

MF/rm.
19 September 1946.

SUBJECT : Jugoslav Citizens; Repatriation
PASKVAN Tomislav, and FRANOVIC Bozo.

TO : The Ministry of Pardon and Justice.

1. I enclose copies of two letters from the Jugoslav Delegation to the Advisory Council for Italy requesting information about the two above-named Jugoslav nationals.

2. We have been informed that these persons are not held in Allied custody. It would be appreciated if the Ministry will advise this Sub-Commission whether the above-named persons are held by the Italian Authorities, together with such further information about them as will enable a reply to be made to the Jugoslav Delegation's enquiries.

FILE

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

DELEGATION OF THE FEDERAL PEOPLE'S
REPUBLIC OF JUGOSLAVIA
TO THE ADVISORY COUNCIL FOR ITALY

4/32

2474

Br. 1384/46

10 Sept.1946

SUBJECT : PASKVAN Tomislav,Jugoslav citizen.

TO : H.Q.A.C.
Legal Sub Commission.

This Delegation has been informed that PASKVAN Tomislav, Jugoslav citizen from Susak,age 23,was arrested by F.S.S.,and that he actually was detained by the Italian authorities at FOSSOLI.

As PASKVAN Tomislav is a Jugoslav citizen and had fought activly in Italy as officer of the Garibaldi Brigade,it is requested that steps may be taken in favour of his repatriation in Jugoslavia and that this Delegation may be informed about the result.

For the Jugoslav Representative:

Cedomil Veljacic

Cedomil Veljacic,Secretary.

12

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

This Delegation has been informed that PASKVAN Tomislav, Jugoslav citizen from Susak,age 23,was arrested by F.S.S.,and that he actually was detained by the Italian authorities at FOSSOLI.

As PASKVAN Tomislav is a Jugoslav citizen and had fought activly in Italy as officer of the Garibaldi Brigade,it is requested that steps may be taken in favour of his repatriation in Jugoslavia and that this Delegation may be informed about the result.

For the Jugoslav Representative:

Cedomil Veljacic

Cedomil Veljacic,Secretary.

12

16/9
2386

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

41/32

FILE

DELEGATION OF THE FEDERAL PEOPLE'S
REPUBLIC OF JUGOSLAVIA
TO THE ADVISORY COUNCIL FOR ITALY

246A

Br. 1379/46

9 Sept. 1946

SUBJECT : FRANOVIC Bozo,information.

TO : H.Q.A.C.
Legal Sub Commission.

This Delegation has received an application from Mrs. Franovic Jovanka from Kotor,Jugoslavia,requesting informations about her son FRANOVIC Bozo,Professor of English and Italian languages,interned by the Italian occupant authorities in July 1941,and transferred in Italy.After the capitulation of Italy Prof.FRANOVIC was living free,and collaborated as an antifascist also with the British officers,according to the statement of his mother.On 15 February 1945,Prof.FRANOVIC Bozo was arrested by F.S.S. in Padua.On 27 January 1946,Prof.FRANOVIC's family in Padua had the permission to see him and were told that Prof. FRANOVIC is being sent to Jugoslavia.After that time no information or news were received from or about him in spite of a continual search.

Anxious about the fate of her son,Mrs.Franovic applied to us requesting that an investigation may be made through the Allied Authorities.

Any information that you might get for us about the a/m case will be greatly appreciated.

For the Jugoslav Representative :

Cedomil Veljacic,Secretary

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

To : H.Q.A.C.
Legal Sub Commission.

This Delegation has received an application from Mrs. Franovic Jovanka from Kotor, Jugoslavia, requesting informations about her son FRANOVIC Bozo, Professor of English and Italian languages, interned by the Italian occupant authorities in July 1941, and transferred in Italy. After the capitulation of Italy Prof. FRANOVIC was living free, and collaborated as an antifascist also with the British officers, according to the statement of his mother. On 15 February 1945, Prof. FRANOVIC Bozo was arrested by F.S.S. in Padua. On 27 January 1946, Prof. FRANOVIC's family in Padua had the permission to see him and were told that Prof. FRANOVIC is being sent to Jugoslavia. After that time no information or news were received from or about him in spite of a continual search.

Anxious about the fate of her son, Mrs. Franovic applied to us requesting that an investigation may be made through the Allied Authorities.

Any information that you might get for us about the a/m case will be greatly appreciated.

For the Jugoslav Representative :

Cedomil Veljacic, Secretary

16/9
2387

2487
254 H
255 H

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

0947

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

4132

FILE

HEADQUARTERS ALLIED COMMISSION
APO 794
CIVIL AFFAIRS SECTION

2455A

Ref : 4/29.8/CA

16 Sept 46

SUBJECT : Handover of Jugoslav Nationals.

TO : Dr. Slovan J. SMODLAKA
Deputy Representative for Jugoslavia,
Advisory Council for Italy,
ROMM

Dear Dr. SMODLAKA,

1. I regret the delay in replying to your letters all based on diplomatic correspondence, 844/46, 839/46, 840/46 of the 24th July and 854/46 of the 25th July 46, but it was necessary to refer certain questions to higher authority.

2. I must again refer to my letter 4/29.8/CA of the 1st May 46. In that letter I informed you that AFHQ have issued, and are issuing appropriate instructions in all cases in which the US and British Government have agreed to return Jugoslavs, and that all such persons who have been found have already been returned and that others will be returned as they are found.

My letter further stated that if it is desired to make representations on the basis of diplomatic correspondence, such representations should be made through diplomatic channels.

3. I have been instructed, therefore to inform you that your letters based on diplomatic correspondence asking for arrest and handing over serve no useful purpose, and I would appreciate it if you would cease making such applications to this Headquarters.

4. I have also been instructed to draw your attention to the fact that the power of arrest in Italy, except in A.M.G. territory, lies with the Italian Government and requests for arrests should be made to that Government, unless the wanted man is already under Allied control. In the latter case the request for arrest and handing over should be made by Belgrade to London if the wanted man is in the hands of the British Forces, or by Belgrade to Washington if he is in the hands of the US Forces.

5. Two cases have now occurred in which AFHQ have been unable to trace as being in Allied custody, two persons whom the Allied Governments have agreed should be handed over.

780

0248

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

These two persons are OUDINA Ciril, and KOVACIC Matja, referred to in your letters 735/46 and 736/46 of the 1st July 46.

If you require the arrest of those two persons it will be necessary, for you, as Jugoslav Representative in Italy to apply to the Italian Government through this Headquarters for their arrest and handing over.

If and when further cases of a similar nature occur you will be informed in order that you can make application through this Headquarters to the Italian Government for the arrest and handing over.

6. In future will you please ensure that all matters related to alleged Jugoslav traitors are addressed only to the Section at this Headquarters which deals with this subject, that is, to the Office of the Vice President, Civil Affairs Section.

Yours very truly,

M. GARR, Brigadier,
VP CA Section.

Copy to : PS S/C (Security Div)
Legal S/C.

CHIEF OF STAFF
DEPUTY CHIEF OF STAFF
CHIEF OF STAFF
STAFF OFFICER
MEMBERS REVIEW BOARD
SEP 1 71946

0949

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

/FD

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
13 CORPS

LEGAL DIVISION

244A

4 September 1946

Reference No.: 13C/AMG/LD/180/2586

Subject : PIRC JERNEJ, Jugoslev National
Confiscation of Opel Car, Regd. LB 270

To : Chief Commissioner, Allied Commission

ROME

2364 Attention: Chief Legal Advisor

1. Reference is made to letter Legal Sub-Commission, file AC/4132/L, dated 12 August 1946, subject as above.

2. The above described automobile, confiscated from PIRC JERNEJ, Jugoslav National, has been located in Udine Province and may be recovered by applying to the Provincial Commissioner, Udine Province, at Headquarters Allied Military Government, Udine, any morning at 1030 hours in accordance with letter Headquarters Allied Military Government, Udine Province, subject, Pirc Jernej, Jugoslav National, dated 27 August 1946, copy attached.

For the Senior Civil Affairs Officer:

See p. 243A

Jugoslav delegation
to be informed.
[illegible]

Walter P. Scoggins
WALTER P. SCOGGINS
LT. COLONEL, QMC
LEGAL OFFICER

1 - Incl -

Cpy of ltr.

Copy to:
Prov.Com.AMG Udine Prov.

123

0950

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

COPY

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
UDINE PROVINCE

2448

Subject: PIRC JERNEJ, Jugoslav National

TO : AMG 13 Corps

File No: PC/99

1. Ref Allied Commission Liaison Office, 86 Area, letter ACLO 56 of 22 Aug 46.

2. Enquiries have been made and the OPEL car in question has been found parked at Cividale in the billet occupied by Maj. COTTON, who has now been released.

3. The car has been brought to the AMG Garage at this HQ., where it has been repaired and is now in good running order.

4. If the car is to be returned to Mr. PIRC JERNEJ, it is requested that he be asked to take over the car any morning at 1030 hrs at this HQ.

H.N. BRIGHT LT. COL.
Provincial Commissioner

BHA/bf.

121

0951

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

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

FILE
243A

G/1.8

AC/4L32/L

10 Sep 1946.

SUBJECT : PIRC JERNEJ, Jugoslav National:
Confiscation of Opel Car, Reg. No LB 270

TO : Jugoslav Delegation to the
Advisory Council for Italy.

1. Reference your No Br.1139/46 of 7th August 1946, and this Sub-Commission's letter of 13th August.

2. A reply has now been received from Headquarters 13 Corps stating that the Opel Car LB 270 has now been located in the Udine Province and may be recovered by applying to the Provincial Commissioner, Udine Province, at Headquarters Allied Military Government, Udine. The Provincial Commissioner has requested that application for the delivery of the car be made any morning at 10.30 hours at his Headquarters.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

0952

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

HEADQUARTERS ALLIED COMMISSION
APO 794
Office of the Executive Commissioner

FILE
242A

4132

Ref. : 5609/303/EC

28 August 1946

SUBJECT: Fishing Rights in the Adriatic.

TO : G-5 Section,
AFHQ.

I enclose for your information a copy of a letter dated 24 August from Mr. Perla, the representative of the owners of the ships that were seized by the Yugoslavs on 19 May. This encloses a map showing the position of the ships at the time of their capture.

As stated in my Signal no.4745 the fishermen have all been repatriated.

FOR THE CHIEF COMMISSIONER:

M. S. LUSH

Brigadier,
Executive Commissioner.

Encls. as above.

Copies to: British Embassy
U.S. "
Navy S/C
Polad A
" B
Econ. Sec.
Legal S/C

Without the map.

179

LEGAL SUB COMMISSION	
CHIEF LEGAL ADVISOR	
DEPUTY CHIEF LEGAL ADVISOR	✓
CHIEF COUNSEL	
STAFF OFFICER	
PLANNING SECTION	
MEMBERS REVIEW BOARD	
AUG 23 1946	

0953

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

Translation

FROM : Rag. ARDERIC PERLA
Via Alessandro Poerio 127,
R o m e.

TO- : Allied Commission,
R o m e.

24 August 1946

In the name of the shipowners of the motor fishing boats captured by the Jugoslav authorities on the 19 May last and of the crews living near me and represented by me, I would like to express my warm sense of gratitude for the active interest of the Allied Commission in obtaining the restitution of the said motor fishing boats and their respective crews.

The sailors composing the said crews have returned to S. Benedetto del Tronto after being interned for about three months in Jugoslav territory, while the motor fishing boats are still arbitrarily withheld.

I consider it useful to inform the Allied Commission that from the concurring statements of all the sailors made to the Italian and Allied Maritime authorities of Venice, the captured motor fishing vessels were not navigating at all in Jugoslav territorial waters but at a distance of more than six miles from the Jugoslav coast.

According to very reliable information, the capture took place because of suspicions that the said motor fishing vessels had on board arms and spies in favour of the Partisans and General Mihailovich. The fact that the sailors were released and that no arms were found on board the motor fishing boats should be sufficient motives for the immediate release of the craft.

If the Jugoslav authorities should insist in affirming that there was a violation of their waters, the shipowners, in order to have their craft immediately and recommence their own work, are prepared to pay out a considerable sum as security for eventual penalties caused by the said violation.

This security can also be paid by me immediately to the Allied Commission.

For the tranquillity of my associates, permit me to request information from you about the present state of the matter in question.

I enclose herewith a map showing precisely the position of the craft at the time of capture.

Yours truly,

(Signed) Perla

Encl: Map of the Adriatic Sea and Dalmatian Coast.

.0954

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

FILE

FILE

FILE

FILE

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

241A

AC/4132/1. 26 August 1946.

SUBJECT : BILAC Pietro.

TO : Jugoslav Delegation to the Advisory Council for Italy.

Herewith enclosed for your information copy of a letter sent by the Ministry of Pardon and Justice to the "Procurator Generale", Court of Appeal, Ancona in re BILAC Pietro.

Incl.

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

11

0955

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

F.Rem

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE E DEL CASELLARIO

Roma 20 agosto 1946

Al PROCURATORE GENERALE
presso la Corte d'Appello di
ANCONA

Ufficio Io A.P.

Prot. N. 131.968/2167/45

Risposta al f. del
Div. Sez. N. 240A

OGGETTO BILAC Pietro fu Giuseppe residente in Monte Vidon Corrado (Ascoli Piceno).

All. 2

e per conoscenza:
ALLA COMMISSIONE Alleata - Sottocommissione Legale (risp.n.27.6.946 n.AC/4132/L.)
ROMA

e
All'UFFICIO COLLEGAMENTO - Gabinetto
SEDE

Si trasmette copia di una richiesta della Delegazione Jugoslava presso il Consiglio Consultivo per l'Italia e relativo allegato, qui pervenuti con nota 27.6.c.s. n.AC/4132/L. della Commissione Alleata - Sottocommissione Legale, pregando codesto Generale Ufficio di voler disporre per l'esame del BILAC e per l'invio, quindi, del relativo verbale a questo Ministero per il successivo inoltro.

pel MINISTRO

4132

HEADQUARTERS ALLIED COMMISSION
Office of the Chief Commissioner
APO 794
++++++++++++++++++++++++++++++++

FILE FILE
SECRET

Ref: 9009/42/EC.

17 August 1946.

SUBJECT: Restitution of Jugoslav Property by Italian Government.

TO : ALLIED FORCE HEADQUARTERS.
Attention: G-5 Section.

1. In reply to your letter G-5: 912.23-1 dated 20 July 1946, I attach herewith a draft reply to be sent by the Supreme Allied Commander to the Chairman in Turn of Rotation to the Advisory Council as directed in para 2 of your letter.

2. You will note that paras 2 and 3 of the draft letter deal with the facts of the action taken on each of the requests made by the Jugoslav Delegation for the restitution of ships and property. I wish to emphasise here what I have already included in the draft reply at para 3, that many verbal requests have been made to the Italian Government in order to try and hasten replies.

3. With regard to para 5 of your letter under reference, an examination of the letters and statements enclosed with your letter does not reveal any fresh claims which require reference to the Italian Government. As regards property other than ships, the Italian Government has not so far been pressed or directed to make restitution in view of the fact that the validity of the claims is being argued by A.C.I. The submission of the claims, however, to the Italian Government for action does in itself imply restitution. In one case (Serial No.4), the Italian Government has rejected the Jugoslav claim as being unjustified after investigation. As regards ships, in all cases where claims appear to be justified the Italian Government have been directed to make restitution, and the Jugoslav Delegation have been so informed.

4. Para 4 of the draft reply is concerned with the legal aspect of the whole matter and in this connection I have consulted my legal advisers and wish to make the following main points in amplification thereof:

(a) Dr. Smodlaka has on a number of occasions referred to Article 9 of the new Armistice Terms in order to justify the Jugoslav contentions. The new Armistice, as you are aware, has

115

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

the facts of the action taken on each of the requests made by the Jugoslav Delegation for the restitution of ships and property. I wish to emphasise here what I have already included in the draft reply at para 3, that many verbal requests have been made to the Italian Government in order to try and hasten replies.

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(a) Dr. Smodlaka has on a number of occasions referred to Article 9 of the new Armistice Terms in order to justify the Jugoslav contentions. The new Armistice, as you are aware, has not been signed and therefore does not apply.

115

(b) Article 33(A), also quoted by Dr. Smodlaka, was obviously designed to cover the period of hostilities and the participation of Italy in the war effort. No claims which fall under the title of compensations or reparations to be dealt with at the Peace Conference should be enforced under the provisions set out therein.

ALLIED COMMISSION HEADQUARTERS 2422

(c) Dr. Smodlaka maintains that, under Article 15 of the Armistice Terms, the Italian authorities are bound to effect all necessary repairs at their expense to any Jugoslav ships which it is agreed should be restituted. This, in accordance with the Cunningham-De Courten Agreement, should be done only as directed by SACMED and not automatically.

5. With reference to para 9 of your letter of 20 July, it has now been agreed in your G-5: 912.23-1 of 30 July that the question of granting permission to visit ports (except those under AMG control) shall be a matter of arrangement

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

between the Jugoslav and Italian authorities concerned, and that this matter should not be referred to in the draft letter attached. The Jugoslav Delegation has been informed of this decision.

6. Dr. Smodlaka complains that with regard to ships the location of a number of these was known to the Allied authorities although they had stated to the contrary. It is emphasised that all information known to this HQ regarding locations was passed to the Jugoslav Delegation as rapidly as possible.

Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

DISTRIBUTION: Chief Commissioner
Executive Commissioner
Polad (A)
Polad (B)
VP, CA Section
A/VP, Econ Section
Navy Sub-Commission
Float

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

Rear Admiral, USN
Chief Commissioner

DISTRIBUTION: Chief Commissioner
Executive Commissioner
Polad (A)
Polad (B)
VP, CA Section
A/VP, Econ Section
Navy Sub-Commission
Float

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

DRAFT OF LETTER TO BE DESPATCHED BY SACMED TO THE CHAIRMAN OF THE ADVISORY COUNCIL FOR ITALY.

1. In reply to your letter dated 9 July 1946 in which you enquire about the position regarding the claims made by the Jugoslav Representative to the Advisory Council for Italy, I forward the following information.

2. With regard to the lists of vessels which you have forwarded and which you request should be restituted, at Appendix 'A' to this letter particulars are given showing the action taken in respect of each vessel listed.

3. Similarly, at Appendix 'B' details are shown of the property listed by you and the action taken in each case. It is pointed out that most of these cases have been represented not only in writing, but also in the form of verbal requests to the Liaison Officer of the Italian Ministry of Foreign Affairs to the Allied Commission who, in turn, has noted the requests with their references and raised them again with the Italian Government.

4. Dealing with the legal position of the claims made:

(a) It is pointed out that the disposal of Allied shipping in Italian hands is governed not only by the Armistice Terms, but also by the subsequent and supplementary document known as the Cunningham - De Courten Agreement. Article 15 of the Long Armistice Terms makes no reference to sunken ships or their salvage. The obvious intention of the contracting parties at the time was to secure immediately as much merchant shipping as possible in order to foster the war effort. Hostilities having ceased, Article 15 does not apply to ships to be salvaged in order that the Jugoslav Government may reorganise its merchant navy for trade purposes. On the contrary, sub-para C of paragraph 2 of the Cunningham - De Courten Agreement specifies:

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

4. Dealing with the legal position of the claims made:

(a) It is pointed out that the disposal of Allied shipping in Italian hands is governed not only by the Armistice Terms, but also by the subsequent and supplementary document known as the Cunningham - De Courten Agreement. Article 15 of the Long Armistice Terms makes no reference to sunken ships or their salvage. The obvious intention of the contracting parties at the time was to secure immediately as much merchant shipping as possible in order to foster the war effort. Hostilities having ceased, Article 15 does not apply to ships to be salvaged in order that the Jugoslav Government may reorganise its merchant navy for trade purposes. On the contrary, sub-para C of paragraph 2 of the Cunningham - De Courten Agreement specifies: "11".

> "The Government of Italy will declare the names and whereabouts of:
>
> (i) Warships;
> (ii) Merchant Ships;
>
> now in their possession which previously belonged to any of the United Nations. These vessels are to be returned forthwith as may be directed by the Allied Commander-in-Chief. This will be without prejudice to negotiations between the Governments which may subsequently be made in connection with replacing losses of ships of the United Nations caused by Italian action."

(b) It appears, therefore, obvious that the loss of Allied ships caused by Italian action should be dealt with either under the title of reparations in the Peace Treaty or by direct negotiations between the Allied Government concerned

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

and the Italian Government. On the other hand, all seaworthy ships identified as Jugoslav should be returned by the Italian Government without delay.

Furthermore, in its memorandum of 12 March 1946 the British Admiralty directs that ships found in enemy waters should be treated in the same way as is set out in para 4(a) above referring to the Cunningham - De Courten Agreement. The terms of this British Admiralty memorandum were conveyed to the Jugoslav Delegation in the Navy Sub-Commission letter, Reference 4874 dated 9 April 1946 (copy at Appendix 'A.1').

(c) It would appear, therefore, that there are no means under the Armistice Terms or any other existing instruments through which the Allies can demand from the Italian Government the salvage and reconditioning of Allied shipping sunk in Italian waters. On the contrary, as stated above, the loss of Allied ships caused by Italian action should be dealt with either under the title of reparations in the Peace Treaty or by direct negotiations between the Allied Government concerned and the Italian Government. In this connection it is to be noted that the French authorities have accepted the latter point of view and have settled similar claims to those of Jugoslavia by direct negotiations with the Italian authorities.

(d) As far as restitution of other private property is concerned this is a matter which needs no special text to justify itself. Private property under International Law is technically as fully protected against plunder by occupying forces as it is in Common Law against thieves and should be restored or compensation made in all cases where the validity of such claims has been fully established.

112

5 As regards the facts themselves and the accuracy of the claims of the

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

under the title of reparations in the Peace Treaty [illegible]
between the Allied Government concerned and the Italian Government. In this connection it is to be noted that the French authorities have accepted the latter point of view and have settled similar claims to those of Jugoslavia by direct negotiations with the Italian authorities.

(d) As far as restitution of other private property is concerned this is a matter which needs no special text to justify itself. Private property under International Law is technically as fully protected against plunder by occupying forces as it is in Common Law against thieves and should be restored or compensation made in all cases where the validity of such claims has been fully established.

112

5. As regards the facts themselves and the accuracy of the claims of the Jugoslav Delegation, all such claims have been brought to the attention of the Italian Government who are thus in a position to dispute them and to produce their own evidence if they so desire.

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APPENDIX "A".

1. SUNKEN SHIPS.

Serial No.	Name of Ship	Action Taken
1.	S/S JURAJ SUBIC	
2.	S/S JUGOSLAVIJA	
3.	Yacht TIHA	
4.	S/S SOCA	
5.	S/S SARAJEVO	Jugoslav Delegation informed of the position by letter No. NSC/4874 of 9 April 1946 (copy at Appendix 'A.1').
6.	S/S TOPOLA	
7.	S/S DUBROVNIK	
8.	S/S DRAVIA	
9.	S/S UNA	
10.	Schooner ALDA	
11.	M/V USPOMENA (RICORDO)	
11.bis	S/S BISTRICA (TEODO)	

2. OTHER SHIPS.

12.	S/S UCKA (Monte Maggiore)	Traced, located and request made for return to the Jugoslav Authorities by letter No. NSC/5269 dated 12 July 1946 to the Italian Ministry of Marine. Jugoslav Delegation informed by letter No. NSC/5271 of same date.
13.	M/S BUDIMIR	Traced, located, now awaiting permission of C-in-C MED to return to Jugoslavian authorities.
14.	M/V VILA (NINFA)	
15.	Trawler Br. 2 (ARBE)	Traced, located and request made for return to the Jugoslav authorities by letter No. NSC/5270 dated 12 July 1946 to the Italian Ministry of Marine. Jugoslav Delegation informed by letter No. NSC/5272/ dated 12 July 1946.

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

		by letter No. NSC/5269 dated 12 July 1946 to the Italian Ministry of Marine. Jugoslav Delegation informed by letter No. NSC/5271 of same date.
13.	M/S BUDIMIR	Traced, located, now awaiting permission of C-in-C MED to return to Jugoslvian authorities.
14.	M/V VILA (NIMFA)	
15.	Trawler Br. 2 (ARBE)	Traced, located and request made for return to the Jugoslav authorities by letter No. NSC/5270 dated 12 July 1946 to the Italian Ministry of Marine. Jugoslav Delegation informed by letter No. NSC/5272/ dated 12 July 1946.
16.	Trawler Br.4 (JUNO)	Information requested of Italian Ministry of Marine verbally, who reported "no trace known". Additional inquiries are being made.
17.	Tugboat BOJANA (ZARA)	
18.	Tugboat J.P.1	Information requested from the Italian Ministry of Marine who reported that they had no trace of these craft. The Jugoslav Delegation informed by letter No.NSC/5098 dated 31 May 1946.
19.	S/S ZRMANJA (ISTO)	
20.	M/V ISTOK II	
21.	M/V VILA	
22.	M/V MIRAMAR	
23.	M/V MARJAN	

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

Serial No.	Name of Ship	Action Taken
24.	Customs Patrol Boats	Information has been received about MB. No.32. Now awaiting permission of C-in-C MED to return this to Jugoslav authorities. No information to date on the remainder.
25.	Jugoslav Custom Ships.	Partial information on this list of 98 ships was forwarded to Jugoslav Delegation by NSC/5301 of 19 July 1946.

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

0967

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

APPENDIX 'A.1'

COPY.

HEADQUARTERS ALLIED COMMISSION
APO 394
Navy Sub-Commission.
++++++++++++++++++++++++++++++++

SECRET

NSC/4874
9 April 1946.

From: Navy Sub-Commission, HQ Allied Commission.
To : Jugoslav Delegation to the Advisory Council for Italy.

Subject: Salvage of Jugoslav ships sunk in Italian waters.

Reference: (a) Jugoslav Delegation letter Br. 1554 of 13 November 1945.

1. It is considered that claims for the costs of salvage of liberated ships sunk in Italian waters are justifiable in point of form under the Armistice Terms. However, since the conclusion of the Armistice a distinction has been drawn between current occupation expenses, which can properly be charged to the Italian Government, and restitution, which is considered to be a matter for settlement by the Peace Treaty. The cost of salvage of liberated ships fall into the category of restitution.

2. It is the responsibility of the Jugoslav Government to make all necessary arrangements for salvage. In order to facilitate the salvage of Jugoslav ships therefore, it is advised that a Lire account be obtained from the Italian Government. It must be emphasized that the final disposal of this account is not considered to come under the terms of the Armistice, but is a matter left to be determined by the Peace Treaty.

(Sgd) G. L. WARREN,
REAR ADMIRAL,
CHIEF, NAVY SUB-COMMISSION, AC.

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

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(Sgd) G. L. WARREN,
REAR ADMIRAL,
CHIEF, NAVY SUB-COMMISSION, AC.

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

APPENDIX "B".

Serial No.	Subject	Action Taken.
1.	9 Machines from Tobacco Factory at LUBIANA.	Passed to Italian Ministry of Foreign Affairs on 11 September 1945 and again on 12 June 1946.
2.	Machines and tools by TRIFLETTI.	Passed to Italian Ministry of Foreign Affairs on 8 November 1945 and again on 14 June 1946. Italian Government replied to the effect that investigations are being made on 11 July 1946. Jugoslav Delegation advised on 15 July 1946.
3.	13 Mail Wagons of Jugoslav Railway.	Passed to the Italian Ministry of Foreign Affairs on 5 November 1945 and again on 5 June 1946. Jugoslav Delegation informed on 13 June 46 that this case should be taken up with E.C.I.T.O.
4.	Property looted by Italian Brigata dei Carabinieri Albanesi Lorenzo.	Passed direct Italian Ministry of Foreign Affairs on 5 November 1945 and again on 14 June 1946. Information received that the Carabinieri denies all charges brought against him. Yugoslav Delegation informed of this on 2 August 1946.
5.	The Yugoslav Insurance Company 'Yugoslavia' Contracts.	Passed to Italian Ministry of Foreign Affairs on 14 June 1946 and again on 9 July 1946.
6.	Stamps and Post cards of 12 million Jugoslav pre-war Dinars.	Passed to Italian Ministry of Foreign Affairs on 14 June 1946 and again on 19 July 1946.
7.	Material for construction railway CROMELY - VRBOVSKO.	Passed Italian Ministry of Foreign Affairs on 14 June 1946. Requested again on 9 July 1945.
8.	Yugoslav Bank Drzavna Hipotekarn Banka Bonds and Papers.	Passed Italian Ministry of Foreign Affairs on 14 June 1946. Requested again on 19 July 1946.
9.	Machine "Grosswucht" Split.	Passed Italian Ministry of Foreign Affairs on 14 June 1946. Requested again on 9 July 1946.
10.	Archives of District Court in KOTOR.	Passed to Italian Ministry of Foreign Affairs on 18 May 1946 and again on 3 June 1946. Yugoslav Delegation advised on 22 [illegible]

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

	ce Company 'Yugoslavia' Contracts.	on 14 June 1946 and again on 9 July 1946.
6.	Stamps and Post cards of 12 million Jugoslav pre-war Dinars.	Passed to Italian Ministry of Foreign Affairs on 14 June 1946 and again on 19 July 1946.
7.	Material for construction railway CROMELY - VRBOVSKO.	Passed Italian Ministry of Foreign Affairs on 14 June 1946. Requested again on 9 July 1946.
8.	Yugoslav Bank Drzavna Hipotekarn Banka Bonds and Papers.	Passed Italian Ministry of Foreign Affairs on 14 June 1946. Requested again on 19 July 1946.
9.	Machine "Grosswucht" Split.	Passed Italian Ministry of Foreign Affairs on 14 June 1946. Requested again on 9 July 1946.
10.	Archives of District Court in KOTOR.	Passed to Italian Ministry of Foreign Affairs on 18 May 1946 and again on 3 June 1946. Yugoslav Delegation advised on 22 June that inquiries are being made to locate archives.
11.	Archives of Sibenik Trogir, etc.	
12.	Objects plundered Gallery of Arts, SPLIT	
13.	2 Paintings from Church of LATOV	
14.	Many collections and objects from Museum in ZARA.	Passed to Italian Ministry of Foreign Affairs on 14 June 1946 and again on 9 July 1946.
15.	Picture of Interior Court DUBROVNIK.	
16.	Ancient Columns from Museum in SPLIT.	
17.	Classical Sculpture in marble CETINJE.	
18.	Lighthouse equipment	Passed to Italian Ministry of Marine on 3 July 46

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

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

4132 file

239A

Ref. : 5611/16/MC

13 August 1946.

My Dear Dr. Smodlaka,

With reference to your letter No. Br. 353/46, dated 25 March 46, on the subject of Italian boats fishing in Jugoslav waters.

I forward for your information a copy of the Italian Ministry of Marine's reply:

"It does not appear from our investigations that during period 22nd - 27th January last any Italian fishing craft had fished in Jugoslav waters, which extend for 6 miles for fishing purposes as well as others, according to the information of the Ministry of Marine (Law controlling Sea fishing dated 30th March 1924)".

"Regarding the convention of Rapallo of 12th September 1920, we maintain that it was not cancelled by the war between the 2 Principal Signatories, but that it is merely in abeyance".

Yours very truly

M. S. LUSH

Brigadier,
Executive Commissioner.
for the
Chief Commissioner.

Copy to: Navy S/C
Polad A
Polad B
Econ Sec
Legal S/C

107

0973

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

Ref. 4132

5611/15/30

12 August 1946.

FILE

2 3PA

SUBJECT: Fishing Rights in the Adriatic.

TO : G-5 Section,
AFHQ.

1. Reference your letter G-5:940.31 dated 19 July 46.

2. The Jugoslav Government, through Dr. Smodlaka, requested, by letter dated 25 March that the Allied Commission inform the Italian Government that the BRIGHI fishing agreement of 1921 was no longer valid. It further stated that Italian fishing boats were continuing to fish in Jugoslav territorial waters.

3. This information was conveyed to the Italian Government, who replied to the effect that, in their opinion, the agreement is still operative and requested that the matter be referred to the Jugoslav Representative to the A.C.I.

4. The Legal opinion of this Commission's Legal Branch, supports the Italian view, in stating that although the agreement may have lapsed during the war, it is, nevertheless, still effective (See Appendix A).

5. This matter is closely related to the seizure of Italian fishing vessels in the Adriatic to which my letter 5609/273/30 of 9 August 46 refers and the question remains as to procedure, always provided that you agree with the view of the Italian Government endorsed by my Legal S/C.

6. In view of the fact that the Jugoslav Government considers the BRIGHI Fishing Agreement cancelled, I do not consider any useful result will be obtained by merely presenting the contrary opinions to Dr. Smodlaka unless we were prepared to say that SACMED agreed with the Italian view and was prepared to afford his (naval) protection to Italian fishing vessels in the exercise of their rights in Adriatic waters, and that the Allied Governments would hold the Jugoslav Government responsible for any damage to Italian interests inflicted by the Jugoslav Government on Italian vessels or personnel in this connection. However this would obviously be impolitic at the present time and I will therefore carry out the request of the Italian Government (Vide Para 3) and we must leave the matter at that point.

2 CC

./.

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

7. It is interesting to note in this connection that Dr. Smodlaka has just entered a protest through the Allied Commission to the Italian Government for alleged search of a Jugoslav vessel plying between MARSEILLES and JUGOSLAVIA when within ½ miles of the Italian coast, and of another vessel lying off the Italian coast in the course of loading salt destined for Jugoslavia.

For the Chief Commissioner:

M. S. LUSH

Brigadier,
Executive Commissioner.

Copy to: SCAO XIII Corps
British Embassy
U. S. Embassy
Navy S/C
Poland A
Poland B
Room 300
Legal S/C
File 5609/20

ALLIED COMMISSION
CHIEF COMMISSIONER
DEPUTY CHIEF COMMISSIONER
CHIEF COUNSEL
CHIEF OFFICER
ITALIAN SECTION
MEMBERS REVIEW BOARD
AUG 12 1946

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0975

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

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

937A

AC/4I32/L

MT/ns
13 August 1946

SUBJECT : PIRC Jernej;
Opel Motor-car N° LB 270.

TO : Jugoslav Delegation to
the Advisory Council for Italy.

1. Reference your N° Br. 1139/46 of 7th August 1946.

2. A copy of your letter, together with the two certificates enclosed therein, requesting that the Opel Motor-car Reg. N° LB 270 seized last November in the Treviso Province when being driven by Piro Jernej may be returned to him has been forwarded to Headquarters 13th Corps, the authority concerned in this matter. A further letter will be sent to you upon receipt of a reply from 13th Corps.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

60/

0976

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

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

936A

AC/4I32/L

MT/ns
12 August 1946

SUBJECT : Pirc Jernej : Jugoslav national.
Confiscation of Opel Car, Regd.Nº LB 270.

TO : S.C.A.O. (Attn: Chief Legal Officer)
13 Corps.

1. Reference your 13C/AMG/LD/166/955 of 9 April 1946.

2. I enclose herewith the following documents received from the Jugoslav Delegation to the Advisory Council for Italy:

(1) Copy of letter dated 7 August 1946
(2) Certified translation of a certificate that Pirc Jernej is the owner of an Opel car Nº LB 270
(3) Certified translation of a Taxi Drivers Licence issued to Pirc Jernej of Ljubljana.

3. In order to be able to reply to the Delegation I should be obliged if you would inform this Sub Commission whether the request for the return of the car to Pirc Jernej can be acceded to. If it is decided not to return the car, it would be desirable to state the precise provisions of the Order or Proclamation by virtue of which the seizure and subsequent confiscation can be justified.

MUSGRAVE THOMAS
Italian Branch S.C.A.O.
for Chief Legal Advisor.

DELEGATION OF THE FEDERAL PEOPLE'S
REPUBLIC OF JUGOSLAVIA
TO THE ADVISORY COUNCIL FOR ITALY

Br.1139/46

7 Aug.1946

SUBJECT : Motor=car Opel Kapitan,reg.no.LB=270,property of PIRC Jernej,seized in Italy.

TO : H.Q.A.C.
Legal Sub=COMMISSION.

1. Reference is made to your letters : (a) AC/4132/L of 16 April 1946 (para 3) and (b) AC/4132/L of 3 June 1946 (para 3).

2. PIRC Jernej,Jugoslav citizen was arrested in the Traviso Province on 13th Nov.1945.When stopped he was in possession of a motor=car of his property,Opel=Kapitan LB 270. The car was seized.

3. On 27 November 1946 PIRC Jernej was "expelled beyond the Morgan Line" according to your letter Ref.AC/4132/L of 20 May 1946. The car was not restituted to him.

4. On our repeated interventions for the release of PIRC Jernej and of his car,we received the reply first that "In the absence of any documents or proof of ownership the car was seized under the provisions of a Proclamation of the Allied Military Government".(See reference (a)),and later (after Pirc's release) that your "Sub Commission is not in possession of any information as to what happened to Pirc's motor=car after it was seized." (See reference (b)).

5. As it results from the reference (a) the car was seized under the provisions of AMG regulations .Application is therefore made herewith that the Allied Authorities may take necessary steps that the motor=car seized under AMG Government be found out and restituted to the owner. For that purpose translations of two Jugoslav certificates are enclosed to this letter,issued to PIRC Jernej by the Jugoslav authorities in his town Ljubljana,confirming that PIRC Jernej is the owner of the car and that he is entitled to use it as a taxi,driving himself.

6.

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

1. Reference is made to your letters : (a) AC/4132/L of 16 April 1946 (para 3) and (b) AC/4132/L of 3 June 1946 (para 3).

2. PIRC Jernej, Jugoslav citizen was arrested in the Traviso Province on 13th Nov. 1945. When stopped he was in possession of a motor-car of his property, Opel-Kapitan LB 270. The car was seized.

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6. An early reply will be appreciated.

FOR THE JUGOSLAV REPRESENTATIVE :

CEDOMIL VELJACIC, Secretary,
Jugoslav Delegation A.C.I.

DEPUTY CHIEF OF LEGAL DIVISION
DEPUTY COUNSEL
CHIEF OFFICER
MAIN SECTION
MEMBERS REVIEW BOARD
AUG 8 1946

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

0979

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

FILE

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

2340

AC/4I32/L

GGH/ns
10 August 1946

SUBJECT : KOKANOVIC Ivan.

TO : Public Safety Sub Commission.

1. Herewith enclosed copy of a request from the Jugoslav Delegation to A.C.I. on which your comments will be appreciated.

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

Encl.

FILE

Keep on file

2338

LEGATION OF THE FEDERAL PEOPLE'S
REPUBLIC OF JUGOSLAVIA
O THE ADVISORY COUNCIL FOR ITALY

Br. 1145/46

8 Aug.1946

SUBJECT : KOKANOVIC Ivan

TO : H.Q.A.C.
Legal Sub= Commission

1. This Delegation has received a letter from the Jugoslav citizen KOKANOVIC Ivan, from the hospital Santa Maria in Florence. KOKANOVIC Ivan informed us that he was detained by the Allied Police He was arrested in October 1945 and was detained first in a Concen= tration Camp at Fosoli (Capra) and later in Florence by the US Military Police.

2. According to his statement KOKANOVIC Ivan is deserter from the Jugoslav Army and has been sentenced in Jugoslavia for desertion, but succeded to escape. Actually he wants to be handed back to the Jugoslav Authorities.

3. Since KOKANOVIC Ivan is Jugoslav citizen and deserter from the Jugoslav Army it is requested herewith that he may be handed over to the Jugoslav authorities and that this Delegation be informed about steps taken at your earliest convenience.

FOR THE JUGOSLAV REPRESENTATIVE :

Čedomil Veljačić

CEDOMIL VELJACIC, Secretary,
Jugoslav Delegation A.C.I.

L SUB COMMISSION
F LEGAL ADVISOR

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

KOKANOVIC Ivan

TO : H.Q.A.C.

Legal Sub= Commission

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3. Since KOKANOVIC Ivan is Jugoslav citizen and deserter from the Jugoslav Army it is requested herewith that he may be handed over to the Jugoslav authorities and that this Delegation be informed about steps taken at your earliest convenience.

FOR THE JUGOSLAV REPRESENTATIVE :

Čedomil Veljačić

CEDOMIL VELJACIC, Secretary,
Jugoslav Delegation A.C.I.

10

LEGAL SUB COMMISSION
FOREIGN DIVISION
DUTY CHIEF LEGAL DIVISION
OF COUNSEL
OFFICER
SECTION
BERS REVIEW BOARD
AUG 3 1946

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

0982

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

4132

COPY

VP 045
(Legal)

COPY

2321

FILE

ALLIED POWER REPRESENTATIVES
C-5 Section
APO 512

7 AGO 1946

C-5: 912.23-1

30 July 1946.

SUBJECT: Rectification by Italians.

TO : Chief Commissioner,
Allied Commission,
APO 794.

1. Reference your letter above subject File 9009/SC (C-5 912.23-1) dated 27 July 1946. It is agreed that permission for Jugoslav Naval experts to visit Italian ports (except those under AFC control) should be one of direct arrangement between Italian and Jugoslav authorities concerned.

2. The question of this permission should not be referred to in future reply to Dr. Smodlaka's letter of 9 July 1946.

BY ORDER OF LIEUTENANT GENERAL MORGAN:

/s/ A.L. RANGERI
Colonel, G.S.C.
Assistant Chief of Staff, C-5.

SUB COMMISSION
CHIEF LEGAL ADVISOR
DEPUTY CHIEF LEGAL ADVISOR
CHIEF COUNSEL
CHIEF OFFICER
ITALIAN SECTION
MEMBERS REVIEW BOARD

AUG 9 1946

E.C. DIST - 6/8/46

ACTION - NAVY S.C.
INFO - POLAD 'A'
- POLAD 'B'
- V.P.C.A.S. (Legal)
- E.C.

54
9645

0983

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

FILE

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

231A

AC/4132/L

MT/ns
6 August 1946.

SUBJECT : GIANOVIC Stevan.

TO : The Ministry of Pardon and Justice.

1. Reference your Prot N° 131.283.968.46A of 22nd April 1946.

2. I enclose a copy of a letter from the Jugoslav Delegation to the Advisory Council for Italy pointing out that a mistake has been made as to the prisoner's correct name which is GIANOVIC Stevan, and requesting that the case be investigated again, as this prisoner wrote to the Delegation on 9th July last stating he was detained at the Carceri di Spoleto at the disposition of the Procura di Perugia.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

3V

1752

DELEGATION OF THE FEDERAL PEOPLE'S
REPUBLIC OF JUGOSLAVIA
TO THE ADVISORY COUNCIL FOR ITALY

Br. 1135/46

6 August 1946

230A

FILE

SUBJECT : GIANOVIC Stevan

TO : Legal Sub=Commission
H.Q.A.C.

192A

1. With reference to your letter AC/4132/L of 30/4 1946, we have the honour to inform you that the a/n GIANOVIC Stevan (Stefano) has written to this Delegation on 9 July 1946 from the 'Carceri di Spoleto', where he is, according to his statement, being kept at the disposition of the Procura di Perugia for reasons unknown to him, after he had to be regularly released from the 'Carcere Giudiziario di Spoleto'.

2. The reason why he could not be found through the Ministero di Grazia e Giustizia (as referred to in your a/m letter) may have been a difference in the transcription of his name and we beg that it be corrected in GIANOVIC and not Djonovic as in our previous letters, and that his case may be investigated again.

3. This Delegation will appreciate to be informed about the result.

FOR THE JUGOSLAV REPRESENTATIVE:

CEDOMIL VELJACIC, Secretary,
Jugoslav Delegation A.C.I.

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

To : Legal Sub=Commission
H.Q.A.C.

192 A

1. With reference to your letter AC/4132/L of 30/4 1946, we have the honour to inform you that the a/n GIANOVIC Stevan (Stefano) has written to this Delegation on 9 July 1946 from the 'Carceri di Spoleto', where he is, according to his statement, being kept at the disposition of the Procura di Perugia for reasons unknown to him, after he had to be regularly released from the 'Carcere Giudiziario di Spoleto'.

2. The reason why he could not be found through the Ministero di Grazia e Giustizia (as referred to in your a/m letter) may have been a difference in the transcription of his name and we beg that it be corrected in GIANOVIC and not Djonovic as in our previous letters, and that his case may be investigated again.

3. This Delegation will appreciate to be informed about the result.

FOR THE JUGOSLAV REPRESENTATIVE:

CEDOMIL VELJACIC, Secretary,
Jugoslav Delegation A.C.I.

57

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

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

+132 Lie

2294

HEADQUARTERS ALLIED COMMISSION

A P O 794

Office of the Executive Commissioner

Ref. : 9009/EC

31 July 1946

SUBJECT: Restitution of Property to Yugoslavs.

TO : Navy Sub-Commission (attention Comd. Bahlmann)
—Legal Sub-Commission (attention Lt.Col.Hannaford) —

1. You are requested to attend a meeting to be held in the office of the V.P. Civil Affairs Section at 1000 hrs on Friday 2 August 1946.

2. Purpose of this meeting is to consider the draft of the lists and of the paragraphs of the letter to be sent to AFHQ in reply to their G-5 912.23-1 dated 20 July 1946.

3. Your attention is drawn to the memorandum referred to at the last meeting in which was set out the suggested form the reply to AFHQ should take.

J. W. Hunt-Smith
Lt. Col.

Chief Staff Officer,
to Executive Commissioner.

ALLIED COMMISSION
CHIEF LEGAL ADVISOR
DEPUTY CHIEF LEGAL ADVISOR
CHIEF COUNSEL
STAFF OFFICER
ITALIAN SECTION
MEMBERS REVIEW BOARD
AUG 1 1946

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

FLB

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

2284

AC/4132/L

AP/ns
30 July 1946

SUBJECT : Personal belongings of Stipcevic Eugen, Duplancic Vinko, Tatalovic Dusan, Trbovic Petar, and Bacelic Ante.

TO : Jugoslav Delegation to the Advisory Council for Italy.

1. Reference is made to your Br.804/46 of 10 June 1946.

2. It is understood that the personal belongings of all the above mentioned persons were returned to them upon their release from prison.

3. Copy of a letter from the Ministry of Justice relating to the matter in question is enclosed for your information.

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

Incls.

3

Mod 1348 M.G

Ministero di Grazia e Giustizia

Direzione Generale per gli Istituti di prevenzione e di pena

Div.VI

Prot.n.184256/9 Compl.
Risp. al f. n.18/4132/1.
del 18/6 pr.

Roma, 24 LUG 1946

Alla Commissione Alleata -
Sottocommissione -egale-
ROMA

OGGETTO: Circa gli oggetti personali degli ex detenuti Stipcevic Eugen, Duplancicio Vinko, Tatalovic Dusan, Trbovic Peter e Pacelic Ante.

In relazione al foglio suindicato, si comunica che la Direzione delle carceri giudiziarie di Torino, invitata a fornire chiarimenti circa la mancata consegna degli oggetti personali agli ex detenuti in oggetto, ha riferito quanto segue:

"Circa disposizione contenute nella lettera suindicata si comunica di avere disposto gli accertamenti necessari per stabilire la verità o meno dei fatti denunciati dai detenuti di nazionalità slava indicati in oggetto, ma questo sono risultate negative.

Risulta che Stipevic ha fatto ritirare tutta la sua roba dalla propria moglie in data 16-6-1946.

Tutti gli altri hanno ricevuto quanto gli era dovuto il 19 maggio 1946 all'atto della loro scarcerazione, firmando il registro per ricevuta"".

IL MINISTRO

ISTITUTO POLIGRAFICO DELLO STATO

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

delle carceri giudiziarie di Torino, avvisato a [illegible]
circa la mancata consegna degli oggetti personali agli ex detenuti in oggetto, ha riferito quanto segue:

""Circa la disposizione contenuta nella lettera suindicata si comunica di avere disposto gli accertamenti necessari per stabilire la verità o meno dei fatti denunciati dai detenuti di nazionalità slava indicati in oggetto, ma questi sono risultati negativi.

Risulta che Stipevic ha fatto ritirare tutta la sua roba dalla propria moglie in data 16-4-1946.

Tutti gli altri hanno ricevuto quanto gli era dovuto il 19 maggio 1946 all'atto della loro scarcerazione, firmando il registro per ricevuta""".

Pel MINISTRO

ISTITUTO POLIGRAFICO DELLO STATO

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

Subject: Personal belongings of prisoners:
STIPCEVIC EUGEN, DUPLANICIC VINKO,
TATALOVIC DUSAN, TRBOVIC PETER
and BACELIC ANTE.

With reference to letter AC/4132/L of the 18th June 1946, the Ministry of Pardon and Justice communicates that the prison director of Turin, requested to explain, why all personal belongings of ex-prisoners had not been returned to them, answered as follows:

According to your order, necessary inquiries were made in regard to the facts denounced by the prisoners of slav nationality, but the result was negative.

It results that all the stuff belonging to Stipcevic was taken away on the 16th April 1946 by his wife.

All the others have received their belongings on the 19th May 1946 upon their release and have duly signed a receipt

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

had not been [illegible]

According to your order, necessary in-
quiries were made in regard to the facts denounced
by the prisoners of slav nationality, but the result
was negative.

It results that all the stuff belonging
to Spicevic was taken away on the 16th April
1946 by his wife.

All the others have received their
belongings on the 19th May 1946 upon their
release and have duly signed a receipt
for them."

9.

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

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

4/32

Legal Ho.

Office of the Chief Commissioner
APO 794.

226A

Ref. : G(S)/23.

27 July 1946.

SUBJECT: Identification by Italian Government of Yugoslav Property.

TO : G-5 Section,
A.F.H.Q.

1. Reference your G-5: 312.23-1 dated 20th July 1946.

2. With regard to paragraph 2 of the above mentioned letter in which an irrelevant reply is asked for, in respect of action taken in regard to the request for permission for Yugoslav representatives to visit ports in Italy, this matter was raised in Dr. Gavrilain's letter of 4th June 1946 to the Navy Sub-Commission of this Headquarters.

Dr. Gavrilain, in his letter, referred to a previous letter No. 2545 of 8th August 1945 written by the Naval Attache of the Yugoslav Delegation to the Ministry of War Transport Representative, MTB, Navy House, Naples. This Headquarters has no knowledge or record of this previous letter. The relevant passage contained in Dr. Gavrilain's letter of 4th June 1946 is as follows:-

> "We consider that it would be very useful if some Yugoslav Naval experts might get permission to visit Italian ports in order to identify Yugoslav ships that should be restituted."

The above was not considered to be a request, but merely an observation and accordingly no action was taken. If Dr. Gavrilain's letter of the 4th June 1946, in the light of the above, is to be interpreted as containing a specific request for permission to visit Italian ports, it is recommended that the matter should be one for direct arrangement between the Italian and Yugoslav authorities concerned. I await your further instructions in this matter.

3. Because it is a separate issue, I recommend that this question of permission to visit Italian ports should not be referred to in the report on the facts which will form the basis of the Supreme Allied Commander's reply to be despatched to the Chairman in Turn of Rotation to the Advisory Council in answer to Dr. Gavrilain's letter of July 9th.

ELLERY W. STONE

ELLERY W. STONE
Major General, USA
Chief Commissioner

Copy to:- Poland 'A'
Poland 'B'
Navy Sub-Commission,
- Vice President, C.A.S. (For Legal S/C) -

9574

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

HEADQUARTERS ALLIED COMMISSION
Office of the Chief Commissioner
APO 794

Ref. : 9009/EC

27 July 1946

SUBJECT: Restitution by Italian Government of Jugoslav Property

TO : G-5 Section,
AFHQ.

1. Reference your G-5 912.25-1 dated 20 July 1946.

2. Immediate action is being taken in regard to the compilation of a report on the facts of this matter and to the preparation of a suitable draft reply to Dr. Subdlnka's letter of the 9th July 1946 for despatch by the Supreme Allied Commander to the Chairman in Turn of Rotation of the Advisory Council.

It will not be possible for this report and draft to be prepared and considered in time for presentation at the next meeting of the Advisory Council on August 2nd.

I enclose draft of an Interim reply, concurred by my American and British Political Advisors, which I suggest should be despatched by the Supreme Allied Commander to the Chairman in Turn of Rotation of the Advisory Council.

ELLERY W. STONE

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Encls. as above.
Copy to: Polad A.
Polad B.
Navy S/C
V. CAS. (for Legal S/C)

ALLIED COMMISSION
2528

0994

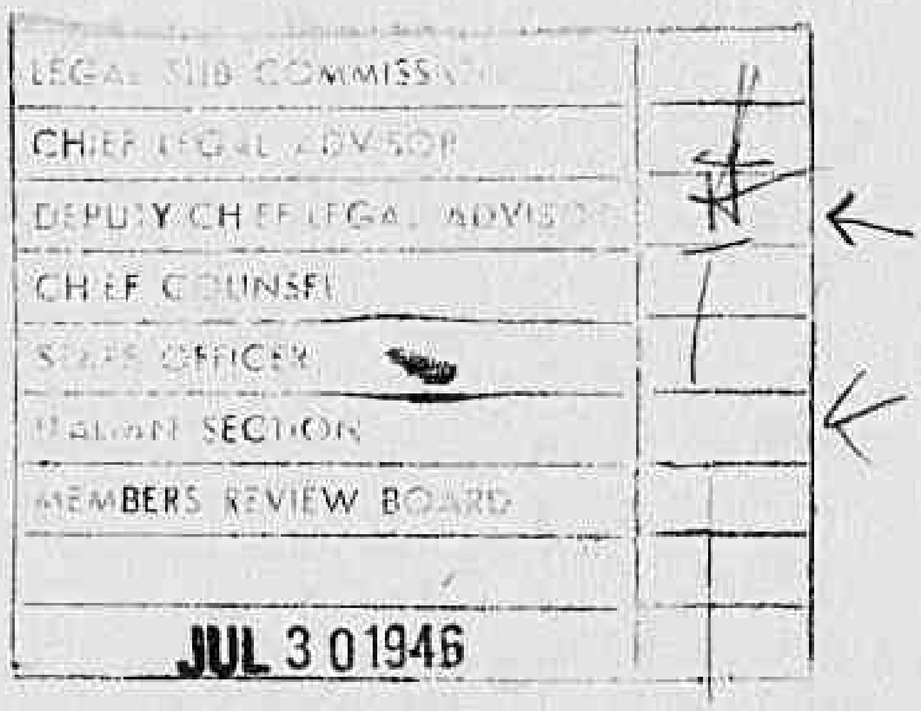
Declassified E.O. 12356 Section 3.3/NND No. 785016

DRAFT

INTERIM REPLY

With reference to the letter of the Acting Representative of Jugoslavia dated 9th July on the subject of restitution by the Italian Government of Jugoslav ships and property, active consideration is being given to this matter. A report of the facts is being prepared and will be presented at the earliest possible date.

. . . . . .



UNITED COMMISSION
2524

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

4130

HEADQUARTERS ALLIED COMMISSION

APO 794

Office of the Executive Commissioner

UNCLASS 2254

Ref. : 9009/DO

25 July 1946.

SUBJECT: Conference regarding Restitution of Property to Yugoslavu.

TO : Polad A,
Polad B,
Navy Sub-Commission (attention Cond. Bahlmann),
Legal Sub-Commission (attention Lt.Col. Hammeford).

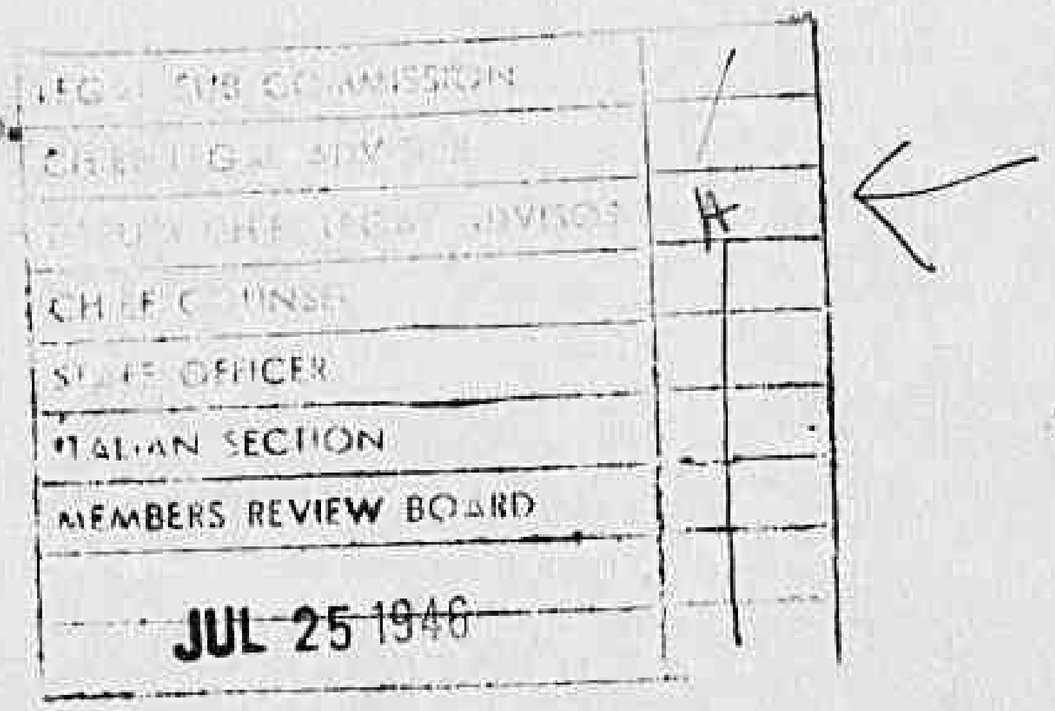
1. Confirming telephone call made by undersigned you are requested to attend a meeting in the office of the Executive Commissioner on Friday 26 July at 1000 hrs to discuss reply to be made to letter C-5 912.23 - 1 dated 20 July 1946 a copy of which is attached. It is regretted that it is not possible in the short time available to forward copies of the enclosures mentioned in the C-5 letter.

2. Also attached is a memorandum setting out the suggested form in which the reply to C-5 may be ~~formed~~ framed.

I.D. Hunt Lyall
Lt. Col.

Chief Staff Officer,
to Executive Commissioner.

Encls. as above.



83

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

COPY

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 912.23-1 20 July 1946

SUBJECT: Restitution by Italian Government of Jugoslav Property.

TO : Chief Commissioner,
Allied Commission,
APO 794.

1. Reference is made to Dr. Gmodlaka's letter to you, numbered 608/46 of 5 June 1946, which was reproduced in the minutes of the 53rd Meeting of the Advisory Council for Italy held on 7 June 1946, and to the following documents, copies of which are enclosed herewith:-

A. Letter from Dr. Gmodlaka dated 9 July 1946, in his capacity as Chairman in Turn of Rotation of the Advisory Council, addressed to the Supreme Allied Commander and statements attached thereto (except the Minutes of the 53rd Meeting of the Advisory Council for Italy of which you already have a copy).

B. Statement presented by Dr. Gmodlaka at the meeting of the Advisory Council on 10 May 1946.

C. Letter and enclosure from Chief of Staff AFHQ to the then Chairman in Turn of Rotation of the Advisory Council dated 22 May 46 on the subject of the statement at "A".

D. AFHQ letter G-5: 912.23-1 of 21 June 1946 to the Chairman of the Advisory Council giving certain information in amplification of the letter at "C", based on the data supplied in your MMO/5112 of 4 June 46.

2. You are directed to prepare a suitable draft reply to the letter at "A" for despatch by the Supreme Allied Commander to the Chairman in Turn of Rotation of the Advisory Council.

3. The draft letter should give details of the action taken in respect of each of the vessels and items of property listed in the Annexure to Dr. Gmodlaka's letter of 5 June (or referred to in his subsequent letter).

4. In the cases listed by Dr. Gmodlaka, which have already been referred to you and in which the Jugoslav claim has been rejected,

0997

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the reasons for rejection should be clearly stated.

5. Cases which Dr. Gmoljka raises for the first time in one or other of the enclosed letters, should be taken up without delay with the Italian Government with a view to restitution, provided that such action is considered by you to be justifiable under the terms of the Armistice or the Memorandum Concerning Liberated Ships and in law. Statements of the action taken will be included in the draft letter.

6. In view of the fact that the most highly qualified legal advice now obtainable in the theatre is that which is available to you, the draft reply should be based upon your interpretation of the Armistice Terms and Memorandum Concerning Liberated Ships and of international and maritime law.

In the event of any question arising, the solution of which is in your opinion beyond your competence, it should be referred to this Headquarters for onward transmission to the Combined Chiefs of Staff or to the British Admiralty who act as their agents and a statement to that effect should be included in the draft reply.

7. It should be noted that the statement made in item 2 of the comments attached to the Chief of Staff's letter at "D" was intended to refer to the particular question of the restitution of sunken shipping involving salvage and not to the restitution of other property.

8. The draft letter should be accompanied by a covering letter to this Headquarters giving the material for a brief for the Supreme Allied Commander explaining any points which require clarification.

9. In regard to para 3 of Dr. Gmoljka's letter at "A", you should report to this Headquarters, as early as possible and independently of the draft letter referred to above, what action has been taken in regard to the request for permission for Jugoslav representatives to visit ports in Italy to search for shipping alleged to belong to Jugoslavia. If the matter is still under consideration your recommendations should be forwarded to this Headquarters.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

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

Incls:
as above.

0998

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

CONFERENCE ON RESTITUTION BY ITALIAN GOVERNMENT OF JUGOSLAV PROPERTY.

1. It is suggested that the draft reply for despatch by SAC to the Chairman of the Advisory Council should take the following form and be paragraphed as under:-

(a) The first main paragraph to be the opening paragraph with references etc.,

(b) The second main paragraph should deal with shipping sub-divided as follows:

Seaworthy vessels supported by Appendix A-1 which should contain a list of all vessels affected with a column showing action taken in each case.

Unseaworthy or sunken vessels supported by Appendix A-2 containing particulars as above.

(c) The third main paragraph should deal with property on land and should be supported by Appendix B containing particulars as above.

(d) The fourth main paragraph should deal with the legal aspect.

(e) The fifth main paragraph should deal with any question beyond the competence of this Headquarters which has been referred to AFHQ.

(f) The sixth main paragraph should be the closing paragraph of the draft reply.

2. After the above letter has been agreed, consideration can then be given to the covering letter to AFHQ giving any material required for a brief for SAC.

3. All drafts prepared should be in double spacing.

86

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

FILE

2240

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

/mda.

AC/4132/L. 23 July 1946.

SUBJECT : VUKIC Milan.

TO : The Jugoslav Delegation to the Advisory Council for Italy.

1. Reference your Br. 541/46 of 25th April '46.

2. Application was made on 30th April last to the Ministry of Justice for information concerning the above-named, as requested in your letter. I enclose herewith copy of the reply just received from the Ministry.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

85

1000

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

Mod 404

Roma, 18 Luglio 1946

Ministero di Grazia e Giustizia
DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE E DEL CASELLARIO

Ufficio II° A.P.
Prot. N° 131.726.1518

Alla COMMISSIONE ALLEATA
Sottocommissione Legale
ROMA

Risposta al f. del 6 maggio 1946
Div. Sez. MAC.4132/C

OGGETTO VEKIC Milan.-

e per conoscenza:
ALL'UFFICIO COLLEGAMENTO
S E D E

Con riferimento alla nota sopra distinta di comunica che il Ministero della Guerra, Direzione Generale Leva Sottufficiali e Truppa, richiesto di notizie circa il sergente VEKIC Milan di Trbusani, distretto di Cacak, Iugoslavia, ha riferito a questo Ministero che, dalla consultazione dello schedario in possesso del competente Ufficio Prigionieri Guerra Esercito, nulla è risultato che riguardi il suindicato VEKIC.-

Altro Vekic Milan di diversa partenità, e cioè, di Mile e di Dosta Sarac, maresciallo del 31° Fanteria, nato a Bjelcijski Vaganec il 28 agosto 1909 e domiciliato a Bjelcijski Vaganec - Bos

./. 8

1001

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Petrarac fu catturato a Ura Strait il 22 aprile 1941 e internato nel campo prigionieri n. 62.-

Non si conoscono notizie successive all'8 settembre 1943, a causa dei noti avvenimenti.-

Il Sottosegretario di Stato
MINISTRO

SUBCOM
O
CIO
Chief Counsel
CIO
Italian Section
CLERKS
JUL 27 1945

1002

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

FILE

HEAD QUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

FILE

2224

AC/4132/L

MT/ns
9 July 1946

SUBJECT : Handing over Jugoslav nationals. Kukin Bora, Nencev Vasa, Vojinov Ivan, and Marisavljev Nava.

TO : The Jugoslav Delegation to the Advisory Council for Italy.

1. Reference your Nr.30/46 of 23th January 1946.

2. I enclose for your information a copy of a letter from the Ministry of Justice regarding the above-named persons at present detained at Eboli.

MUSGRAVE THOMAS,
Itulian Branch
for Chief Legal Advisor.

FILE

Incls.

1003

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

4138

Mod. 40a

FILE

Roma, 4 Luglio 1946

Ministero di Grazia e Giustizia
DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE E DEL CASELLARIO

1098

Alla COMMISSIONE ALLEATA
Sottocommissione Legale
R O M A

Ufficio II° A.P.

Prot. N° 449.131.230

Risposta al f.to del 13.2.1946
Div. Sez. N° AC.4132/L.

OGGETTO KUKIN Bora, NEMCEV Vasa, VOJINOV Ivan, RAMISAVLJEV Sava.-

e per conoscenza:
ALL'UFFICIO COLLEGAMENTO
S E D E

Facendo seguito alla Ministeriale di pari numero in data 23 marzo c.a. ed in relazione alla nota sopra distinta, con la quale fu comunicata a questo Ministero una richiesta della Delegazione Jugoslava presso il Consiglio di Consulenza per l'Italia diretta ad ottenere il rilascio dei cittadini jugoslavi in oggetto indicati,, si fa presente che da informazioni qui pervenute dalla Procura Generale di Napoli, risulta che il KUKIN il NEMCEV il VOJINOV e il RAMISAVLJEV si trovano attualmente detenuti presso Eboli a disposizione del Comando Jugoslavo di detta città e non delle Autorità Italiane.-

./.

83

1004

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

A tale comando, che si è rifiutato di fornire ai carabinieri di Eboli qualsiasi notizia circa la posizione giuridica del KUKIN e degli altri individui sopra nominati, la predetta Delegazione Jugoslava potrà rivolgere direttamente la sua richiesta.-

per il M I N I S T R O

SUB COMMISSION
Chief Counsel
Italian Section
OFFICE RKS
JUL 8 - 1946

1005

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

FRB

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

2204

AC/4I32/L

AP/ns
2 July 1946

SUBJECT : Repatriation of Jugoslav subjects PAVLOV Djura, KANTE Slavko(Luigi).

TO : Land Forces Sub Commission, Hq. AC.

1. Herewith enclosed letters by the Jugoslav Delegation to the Advisory Council for Italy for the repatriation of the Above mentioned Jugoslav subjects.

2. It would be very much appreciated if the reply be sent direct to the above named Council.

JOHN K. WEBER,
Colonel, Infantry,
for Chief Legal Advisor.

Incls.

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1006

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

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

2194

AC/4I32/L

AP/ns
2 July 1946

SUBJECT : Cucek Jakob (Succi Giacomo).

TO : The Jugoslav Delegation to
the Advisory Council for Italy.

1. Reference your letter Br.911/46 of 26 June 1946.

2. Herewith enclosed copy of a letter received from the Ministry of Justice regarding the above mentioned which is self explanatory.

3. It is regretted that no further action can be taken on behalf of Cucek and this matter, therefore, is to be considered closed, as far as this Sub - Commission is concerned.

4. Your letter is returned herewith.

LESTER C. BERN,
Captain, Infantry,
for Chief Legal Advisor.

Incls.

4137

JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY

Br. 911/46

26 June 1946

218A

FILE

FILE

SUBJECT : CUCEK Jakov (Succi Giacomo)

TO : Legal Sub Commission
H.Q.A.C.

With reference to our letters Br.82/46 of 20 January 1946 and Br. 460/46 of 11 April 1946 and to your reply AC/4132/L of 12 April 1946, we have the honour to renew our request that steps be taken to hand over the a/n (actually detained at Casa Penale di Porto-Longone (Leghorn) to the Jugoslav authorities in the zone "B", since CUCEK is resident in that zone and he therefore should be transferred to a prison in his region, which is not under the Italian jurisdiction, where he would remain detained until the expiration of his sentence.

Cedomil Veljacic, Secretary
Jugoslav Delegation A.C.I.

SUB COMMISSION
Legal Section
CLERKS
27 June 46

19

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

With reference to our letters Br.82/46 of 20 January 1946 and Br. 460/46 of 11 April 1946 and to your reply AC/4132/L of 12 April 1946, we have the honour to renew our request that steps be taken to hand over the a/n (actually detained at Casa Penale di Porto-Longone (Leghorn) to the Jugoslav authorities in the zone "B", since CUCEK is resident in that zone and he therefore should be transferred to a prison in his region, which is not under the Italian jurisdiction, where he would remain detained until the expiration of his sentence.

SUB-Commission
Chief Commission
Italian Section
CLERKS
27 June 46

Cedomil Veljacic, Secretary
Jugoslav Delegation A.C.I.

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

1009

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

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

214A

MF/mda.

AC/4152/L.

27 June 1946.

SUBJECT : BILAC Pietro.

TO : Ministry of Pardon and Justice.

1. Herewith enclosed copy of a request of Yugoslav Delegation for onward transmission to the Italian Judicial Authorities of Monte Vidone Corado (Ascoli Piceno).

2. Please acknowledge receipt.

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

Encls.

713

216A

JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY

Br. 900/46 24 June 1946

SUBJECT : BILAC Pietro fu Giuseppe

TO : Legal Sub=Commission
H.Q.A.C.

You are courteously requested to be so kind as to forward the enclosed document through the Italian authorities to the court competent for the town Monte Vidone Corado (Province Ascoli Piceno) with the request that BILAC Pietro fu Giuseppe (Bilac Petar pok.Josipa) may be examined and that the minutes of his examination be sent to our Delegation through the same channels, so that we may forward them through the Yugoslav Ministry of Foreign Affairs to the interested court in Split.

Čedomil Veljačić

ČEDOMIL VELJACIC, Secretary
Jugoslav Delegation A.C.I.

Enc. as above.

JSSC SUB COMMISION
CLO
DCLO
Chief Section

71

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

You are courteously requested to be so kind as to forward the enclosed document through the Italian authorities to the court competent for the town Monte Vidone Corado (Province Ascoli Piceno) with the request that BILAC Pietro fu Giuseppe (Bilac Petar pok.Josipa) may be examined and that the minutes of his examination be sent to our Delegation through the same channels, so that we may forward them through the Yugoslav Ministry of Foreign Affairs to the interested court in Split.

Čedomil Veljačić

CEDOMIL VELJACIC, Secretary
Jugoslav Delegation A.C.I.

Enc. as above.

71

LEGAL SUB-COMMISION
LO
DCLO
Italian Section
CL RKS
25 June 46

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

1012

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

413

Mod.404

Roma, 21 Giugno 1946

216A

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI DELLE GRAZIE E DEL CASELLARIO

203A

Alla COMMISSIONE ALLEATA
Sottocommissione Legale
R O M A

Ufficio II° A.P.

Prot. N° 917.131.436 bis.

Risposta al f. del 3.6.1946

Div. 4° Sez. N° 4132/1.

OGGETTO PIRIO Jerne.-

per conoscenza:

All. n. I

ALL'UFFICIO COLLEGAMENTO
S E D E

Circa l'individuo indicato in oggetto questo Ministero ha già fornito le notizie richieste con nota del 15 maggio u.s. di cui ad ogni buon fine si trasmette l'accluso copia conforme.-

Act on tapes

d'ordine del MINISTRO

LEGAL SUB COMMISSION
Chief Counsel
Extradition Section
CLERKS

for letter
4132 of 46
20 MAR 46
Pirrone

1013

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

Mod 40 c

Ministero di Grazia e Giustizia
DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE E DEL CASELLARIO

Roma, 15 Maggio 1946

Alla COMMISSIONE ALLEATA
Sottocommissione Legale
R O M A

Ufficio I° A.P.
Prot. N° 917/131/436 bis.

Risposta al f.to del 23.3.1946
Div. AC Sez. N° 4132

OGGETTO PIRC Sernej detenuto.-

e per conoscenza:
ALL'UFFICIO COLLEGAMENTO
S E D E

^^^^^^^^^^

Il Procuratore Generale presso la Corte di Appello in Venezia, al quale furono richieste le informazioni richieste da codesta Commissione, ha ora riferito che il Capo dell'Ufficio del P.M. presso la Sezione Speciale di Corte di Assise in Treviso ha comunicato quanto segue:

"""Il PIRC Sernej fu detenuto in Treviso prima a disposizione delle FSS e poi dell'Arma dei CC.RR. sino al 26.11.1945.-

Era stato arrestato in Mestre per porto di arma senza licenza e perchè sospetto di spionaggio. A seguito di ordine dell'Autorità Alleata dell'A.M.G. il 26 novembre 1945 preso in consegna da un sottufficiale dell'Arma fu tradotto a Udine e di lì il giorno 27 avviato a Tarvisio dove fu consegnato al Commissario di frontiera per essere espulso oltre la linea Morgan""".- d'ordine del MINISTRO

F.to Spera

PER COPIA CONFORME
Roma 19 Giugno 1946
IL DIRETTORE CAPO DELL'UFFICIO I° A.P.

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

file

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

214A

AC/4132/L

AF/ns
24 June 1946.

SUBJECT : Repatriation of Jugoslav subjects Milic Dusan, Vlahovic Mihajlo, Popovic Nikola Nada, Striga Anton.

TO : Land Forces Sub Commission, Hq., AC.

1. Herewith enclosed letters by the Jugoslav Delegation to the Advisory Council for Italy for the repatriation of the above mentioned Jugoslav subjects.

2. It would be very much appreciated if the reply be sent direct to the Jugoslav Delegation.

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

Incls.

74

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

4132

JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY
Br 890

21 June 1946

2134

SUBJECT : STRUGA Anton

TO : H.Q.A.C.
Legal Sub Commission.

1. A request was forwarded to this Delegation made by Struga Gregor from Mezica (Slovenia, Jugoslavia) applying that steps may be taken for the repatriation of his son Struga Anton, actually at Cancello, Naples. STRUGA Anton was transferred by the Americans to Naples from France (Marseilles) at the end of 1944, where according to informations received by his father, he had joined the French underground movement on 15 August 1944. On 24 January 1946 he wrote from Naples to his father.

2. It is courteously requested that the repatriation of STRUGA Anton may be enabled.

Sgd.: Cedomil Veljacic, Secretary
Jugoslav Delegation A.C.I.

29 June 46

93

1016

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

4132 7 dec

212A

YUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY

21 June 1946

Br 888/46

SUBJECT : MILIC Dusan, informations and repatriation.

TO : H.Q.A.C.
Legal Sub Commission.

1. MILIC Dusan, from Gorica (Jugoslavia) was taken by the Italian Invading Army as Prisoner of War in Jugoslavia, in 1941.

According to informations given by his mother Milic Mitrana, he was at Ponte Dellolio (Pisocenza or Piacenza) in December 1945, wherefrom he wrote to his mother that, after September 1943, he had taken part in the liberation war in Italy, fighting with the Italian Partisans and wanted to return home.

2. It is courteously requested that steps be taken in order to find out exactly the actual location of MILIC Dusan and to enable his repatriation.

Sgd.: CEDOMIL VELJACIC, Secretary
Jugoslav Delegation A.C.I.

LEGAL SUB-COMMISSION

22 June 46

1017

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

413 file

JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY
Br 887/46

21 June 1946

2114

SUBJECT : VLAHOVIC Mihajlo, informations.

TO : H.Q.A.C.
Legal Sub Commission

1. VLAHOVIC Mihajlo, Jugoslav citizen from Dasinovac(district Djakovacki, Jugoslavia) was interned by the Italian Occupant Authorities in April 1942 and transferred to Ustica (Palermo). At the time of the capitulation of Italy he was in the Camp Hospital treated for Typhus, according to saying of his comrades who have been repatriated. No news were received from or about him after the time.= His wife Ljubica Vlahovic applied to the Jugoslav Government for informations about her husband .

2. It is courteously requested that informations be asked from the Italian authorities in order to ascertain whether VLAHOVIC Mihajlo has died at Ustica or not. If not, application is made for his repatriation.

Sgd. : OFDOMIL VRLJACIC, Secretary
Jugoslav Delegation A.C.I.

77

22 June 46

1018

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

1/132 fldr

C O P Y

210A

JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY

21 June 1946.

Pr 889/46

SUBJECT : Nikola Ruda POPOVIC, informations

TO : H.Q.A.C.
Legal Sub Commission.

1. Nikola Ruda POPOVIC (age 30) was interned at Ponza in 1941, during the Italian Fascist agression on Jugoslavia. Later on he was transferred to Naples for medical treatment. His mother Vida Radeva Popovic received his letters regularly until the capitulation of Italy. From a friend of his she received the information later that her son was transferred to Algere to the Allied Sanatorium N.99 = She tried to write there, but did not recive any reply.

2. It is courteously requested that informations be asked both from the Italian authorities here and from the Allied Authorities in Algere in order to find some traces of the a/n after 1943 .

Sgd.: Gedomil Veljacic, secretary
Jugoslav Delegation A.C.I.

DCLO
Chief

22 June 46

1019

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

Files

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

209

/mda.

AC/4432/L. 21 June 1946.

SUBJECT : MAVRINAC Stanko.

TO : The Jugoslav Delegation to the Advisory Council for Italy.

1. Reference your letter Br. 77/46 of 23 January 1946 and subsequent correspondence.

2. Herewith enclosed a report of the Ministry of Pardon and Justice in the case of the above mentioned.

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

Incls.: Letter 131.283.568/46
Ufr. I AP of Ministry of Justice
dated 17 June 1946.

69

Mod.402

4132

Roma, 17 Giugno 1946

Ministero di Grazia e Giustizia
DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE DELLA STATISTICA E DEL CASELLARIO

Alla COMMISSIONE ALLEATA
Sottocommissione Legale
R O M A

Ufficio I° A.P. Prot. N. 131.283.568/46

Risposta al f. N. AC.4132/L
del 24 aprile 1946

OGGETTO MAVRINAC Stanko.-

del 4132 B 21 June 46

e per conoscenza:
ALL'UFFICIO COLLEGAMENTO
S E D E

CIC
Italian Section
CL RKS
29 June 46

In relazione alla nota sopra distinta, si trascrive, qui di seguito, quanto è stato comunicato dalla Procura Generale di Firenze, con nota 24 d.m. n° 4662, circa la posizione giuridica dell'individuo in oggetto, attualmente detenuto nella casa penale di S. Gimignano:

"""Pregiomi informare che la Sezione Istruttoria presso questa Corte di Appello, con sentenza del 23 febbraio u.s., su conforme richiesta di quest'ufficio, ha rinviato al giudizio della Corte di Assise, circolo di Siena, in istato di detenzione, il MAVRINAC, per rispondere di:

I°) delitto di cui agli art. 630 pp. e cap. I° C.P. per avere in Poggio S. Cecilia di Rapolano, il 25 agosto 1944, sequestrato il conte ing. Carlo Avet ed il fattore Vittorio Romano allo scopo di conseguire un ingiusto profitto, come premio della loro liberazione; conseguendo l'intento il giorno successivo, quando l'AVET

ISTITUTO POLIGRAFICO DELLO STATO

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

e per conoscenza:
ALL'UFFICIO COLLEGAMENTO

S E D E

In relazione alla nota sopra distinta, si trascrive, qui di seguito, quanto è stato comunicato dalla Procura Generale di Firenze, con nota 24 d.m. n° 4662, circa la posizione giuridica dell'individuo in oggetto, attualmente detenuto nella casa penale di S. Gimignano:

"""Pregiomi informare che la Sezione Istruttoria presso questa Corte di Appello, con sentenza del 23 febbraio u.s., su conforme richiesta di quest'ufficio, ha rinviato al giudizio della Corte di Assise, circolo di Siena, in istato di detenzione, il MAVRINAC, per rispondere di:

I°) delitto di cui agli art. 630 pp. e cap. I° C.P. per avere in Poggio S. Cecilia di Rapolano, il 25 agosto 1944, sequestrato il conte ing. Carlo Avet ed il fattore Vittorio Romano allo scopo di conseguire un ingiusto profitto, come premio della loro liberazione; conseguendo l'intento il giorno successivo, quando l'AVET consegnava loro L. 60.000 ed assegni circolari per L. 355.000, cambiati poi dal ROMANI (altro coimputato) in denaro; mentre la sera del 25 agosto 1944 l'AVET aveva dato loro L. II.500;

2°) di altra rapina di L. 91.350 in danno degli stessi ing. AVET e ROMANI Vittorio;

3°) del delitto di cui agli art. 605 pp., 61 n. 2 e 110 C.P. per avere, in località Poggio S.Cecilia di Rapolano, il 25 agosto 1944, in concorso con altri 4 imputati, privato della libertà personale NELLA CHINOZZI nei ROMANI, Lucia ROMANI, Enzo GALLUCCI, Guido ROSAI; Silvio ROSSI, Flora ROSSI e Mario MASSERI, che chiudevano in una stanza per oltre un'ora, commettendo il fatto allo scopo di eseguire la rapina di cui al n. I.-

././.

CD
Italian Section
CL RKS
29 June 47

ISTITUTO POLIGRAFICO DELLO STATO

Declassified E.O. 12356 Section 3.3/NND No. 935016

Il MAVRINAC, alla Direzione delle Carceri, non ha presentato documenti da cui risulti la sua nazionalità, come non vene sono in atti. Tuttavia dal ~~rierire~~ verbale dei RR.CC. viene indicato come MAVRINAC Stanko fu Marco e di Cargonja Apollenia nato il 15 febbraio 1905 a Pasac (Jugoslavia), domiciliato a Susak, internato politico, dimorante a Teverina presso la famiglia di Cuccoli Pietro, in conformità delle generalità declinate da detenute nel suo interrogatorio. Il medesimo nel suo interrogatorio dichiarava di 'essersi allogato presso il Cuccoli in attesa di poter rientrare in patria, da dove era stato portato in Italia dai CC.RR. in qualità di internato politico".

per il MINISTRO

1022

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

1023

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

file

HEAD QUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

20/A

MF/ns

AC/4132/L 18 June 1946.

SUBJECT : Stipcevic Eugen, Duplancic Vinko, Tatalovic Dusan, Trbovic Petar, Bacclic Ante, personal belongings of

TO : Ministry of Pardon and Justice.

1. The Jugoslav Delegation has informed this Sub Commission that the personal belongings of the above mentioned persons have not been returned to the said owners.

2. As you are aware these persons were held at the Carcere Giudiziario of Turin.

3. Would you kindly take the necessary steps as to ensure the handing over of such personal property to the Military Mission of the Jugoslav Army with the XIII (British) Corps Nabrezina (Aurisina) which will dispatch them to their owners.

4. Would you kindly inform this Sub-Commission of your action.

H.J.ATKINSON,
Lt.Colonel, IGD,
Chief Counsel.

67

4132

JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY

Br. 804/46

10 June 1946

SUBJECT : STIPCEVIC Eugen, DUPLANCIC Vinko, TATALOVIC Dusan, TRBOVIC PETAR, BACELIC Ante; personal belongings of.

TO : S.Q.A.C.
Legal Sub Commission

Reference is made to our letter br.234/46 of 18 February 1946.

We have been informed that the a/m Jugoslav Nationals have been released from the Carcere Giudiziario in Turin, Corso Vittorio Emanuele 127, and repatriated in Jugoslavia.

Though, their personal belongings were not restituted, nevertheless that they had asked for it, since objects of elementar need are in question. The restitution of their personal belongings was requested also by our Delegation once before the release of the a/m.

It is courteously requested that steps be taken in order to obtain the objects in question from the Italian authorities. The objects should be sent to the Military Mission of the Jugoslav Army with the XIII (British) Corps NABREZINA (AURISINA), wherefrom they will be forwarded to the owners.

CEDOMIL VELJACIC, Secretary
Jugoslav Delegation A.C.I.

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

Reference is made to our letter br.234/46 of 18 February 1946.

We have been informed that the a/m Jugoslav Nationals have been released from the Carcere Giudiziario in Turin, Corso Vittorio Emanuele 127, and repatriated in Jugoslavia.

Though, their personal belongings were not restituted, nevertheless that they had asked for it, since objects of elementar need are in question. The restitution of their personal belongings was requested also by our Delegation once before the release of the a/m.

It is courteously requested that steps be taken in order to obtain the objects in question from the Italian authorities. The objects should be sent to the Military Mission of the Jugoslav Army with the XIII (British) Corps NABREZINA (AURISINA), wherefrom they will be forwarded to the owners.

CEDOMIL VELJACIC, Secretary
Jugoslav Delegation A.C.I.

66

LEGAL SUB
C.C.O.

11 June 46

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

4132

JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY

2055

Br. 305/46 10 June 1946

SUBJECT : BILAN Ante, Jugoslav national, arrested in Trieste

TO : H.Q.A.C.
Legal Sub Commission

We have been informed that BILAN Ante, Jugoslav national from Vis (Jugoslavia) was arrested by the Allied Police at Trieste on his way to Jugoslavia.=Bilan's age is 60.

Application is made herewith that steps be taken in order to obtain the release of the a/n and the permission for his return home, in Jugoslavia, and that this Delegation be informed about the results.

CEDOMIL VELJACIC, Secretary
Jugoslav Delegation A.C.I.

65

LEGAL SUB COMMISSION

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

We have been informed that BILAN Ante, Jugoslav national from Vis (Jugoslavia) was arrested by the Allied Police at Trieste on his way to Jugoslavia.=Bilan's age is 60.

Application is made herewith that steps be taken in order to obtain the release of the a/n and the permission for his return home, in Jugoslavia, and that this Delegation be informed about the results.

CEDOMIL VELJACIC, Secretary
Jugoslav Delegation A.C.I.

65

LEGAL SUB-COMMISSION
CLO
DCLO
Chief Counsel
CJO
Italian Section
CL RKS

11 June 46

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

1028

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

HEADQUARTERS ALLIED COMMISSION
AFO 794
LEGAL SUB COMMISSION

2048

AC/4132/L 3 June 1946.

SUBJECT : PIRC Jernej.

TO : Jugoslav Delegation to the Advisory Council for Italy.

1. Reference your Br. 607/46 of 9th May 1946.

2. The Ministry of Justice has been again asked to supply the information previously requested by you concerning the above-named prisoner.

3. This Sub Commission is not in possession of any information as to what happened to Pirc's motor-car after it was seized.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

6 1/2

1029

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

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

205A

AC/4I32/L

MT/ns
3 June 1946.

SUBJECT : Firc Jernej : Jugoslav Citizen.

TO : The Ministry of Pardon and Justice.

1. Reference this Sub Commission's letter AC/4I32/L of 23rd March 1946.

2. I should be obliged if the Ministry could now supply the information concerning the above named prisoner asked for in our letter of 23rd March in order that a reply may be made to a renewed request by the Jugoslav Delegation.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

1030

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB COMMISSION

AC/4132/L

2034

-P/ns
20 May 1946.

SUBJECT : PIRC Sernoj.

TO : Jugoslav Delegation to the Advisory Council for Italy.

1. Reference is made to your Br 241/46 of 20 February 1946.

2. This Sub Commission has now been advised that the above mentioned has been held under arrest at Treviso and for a certain period kept at the disposition of the P.O.S. and the CC.RR. He was released on 26 November 1945.

3. He was arrested at Mestre for unlawful carrying of arms and also because he was suspected of espionage. He was released by order of the Allied Military Government on 26 November 1945 and escorted to Udine. On 27 November 1945 he was handed over to the Frontier Commissariat of Tarvisio in order to be expelled beyond the Morgan Line.

4. No further information could be obtained.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

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JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY

Br. 607/46

9 May 1946

202A

SUBJECT : PIRC Jernej

TO : H.Q.A.C.
Legal Sub Commission

1817

Ref. your letter AC/4132/L of 16 April 1946.

Since no news have been received by the family of the a/n from him for several months already, this Delegation has been requested to expedite the investigation as much as it is possible.

We would also appreciate to be informed what happened to Pirc's motor-car after it had been seized.

Čedomil Veljačić

CEDOMIL VELJACIC, Secretary
Jugoslav Delegation A.C.I.

LEGAL SUB-COMMISION
CLO
DCLO

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

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We would also appreciate to be informed what happened to Pirc's motor=car after it had been seized.

Čedomil Veljačić

CEDOMIL VELJACIC, Secretary
Jugoslav Delegation A.C.I.

LEGAL SUB-COMMISION
CLO
DCLO
Chief Counsel
CJO
Italien Section
CLERKS
13 May 46

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

1033

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

Mod.404

fm

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE E DEL CASELLARIO

Roma, 27 maggio 1946

201A

All MINISTERO DELLA GUERRA

ROMA

Ufficio Io A.P.

Prot. N° 131.726.1518

Risposta al f. del

Div. Sez. N°

OGGETTO VEKIC Milan.

190A

e per conf

ALLA COMMISSIONE ALLEATA - Sottocommissione Legale (risp.a f.n.AC.4132/L. del 6.5.946)

ROMA

All'UFFICIO DI COLLEGAMENTO

All.2 Gabinetto

SEDE

Si trasmette copia della nota inviata a questo Ministero dalla Sottocommissione Legale presso la Commissione Alleata relativa alla persona in oggetto, con preghiera di fornire informazioni in merito affinchè possa rispondersi alla detta Commissione.

d'ordine del MINISTRO

SUB COMMISSION

Italian Section
CLERKS

3 Jan 46

No action required
3/6 Aust. 60

1034

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

HEAD UARTERS ALLIED CO MISSION
APO 394
LEGAL SUB COMMISSION

200A

AC/4132/L

MT/ns
23 May 1946

SUBJECT : VUKOTIC B. Djordje.

TO : Jugoslav Delegation to the
Advisory Council for Italy
ROME.

1. Reference your Br.247/46 of 22nd February 1946.

2. As a result of inquiries the Italian authorities state that VUKOTIC B. Djordje has never been detained in Padova or Arezzo Prison, but was at first interned in the "colonia di confino" of Ustica. He was transferred on 17 June 1943 to the Concentration Camp of Renicci (Anghiari) then administered by the Military Authorities, and was afterwards released in consequence of the events of the following 8th September.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

55

1035

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

4137

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE E DEL CASELLARIO

Roma 17 Maggio 1946

Ufficio I° A.P.
Pos. N° 131.453.934/46

Alla COMMISSIONE ALLEATA - Sottocommissione Legal
R O M A

Risposta al f/lett 22.3.1946
Div. AO. Sez. 5° N° 4132/L.

OGGETTO: VUKOTIC B. LJORLJE fu Blanco.-

135 A

e per conoscenza:
All'UFFICIO COLLOCAMENTO
S E D E

In relazione alla nota sopra distinta, si comunica che secondo le informazioni qui pervenute dalla Procura Generale di Firenze il suddito jugoslavo in oggetto risiederebbe in Roma, Via Zara n° 23, sin dal 22 settembre 1944.-

Il VUKOTIC non fu mai detenuto nelle carceri di Padova o di Arezzo ma, internato dapprima nella colonia di confino di Ustica fu trasferito il 17.6.1943, per sfollamento nel campo di concentramento di RENICCI (Anghiari) già amministrato dalle autorità Militari e poi sciolto in seguito agli avvenimenti

./. 58

1036

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

dell'8 settembre successivo.-

per il MINISTRO

TO: SUBCOMMISC

Chief Counsel

CJO

Italian Section

CLERKS

22 May 46

1037

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

198A

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref. 4/29.8/CA. 10 ~~April~~ May 46

SUBJECT : Release of Jugoslav Nationals.

TO : Dr. Sloven J. SMODLAKA,
Deputy Representative for Jugoslavia
Advisory Council for Italy.

106B 106C

Reference made to your letters Nos Br 58/46 of 20 Jan. 46 and 79/46 of 23 Jan. 46.

1. Instructions to transfer the two persons mentioned in your letter of 20 Jan. were given to XIII. Corps so long ago as November 1945. XIII. Corps were instructed to put them across the frontier via the hands of the Jugoslav Mission.

2. The nine persons mentioned in your letter of 23 January were included with over 250 other persons transported to Jugoslavia by H.T. "Empire Eddystone" scheduled to arrive at Split on 28 February and the British Embassy was so informed.

FOR THE CHIEF COMMISSIONER

M. CARR, Brig.
VP CA Section

57

Copy to File AC/4132/L.

1038

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

Fa

1947

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/mca.

AC/4132/L. 4 May 1946.

SUBJECT : Application for repatriation of two Jugoslav subjects serving in the Air Force: ZEKEROVIC Saban and MEHMEDOVIC Mehmed.

TO : Air Forces Sub-Commission.

I enclose a copy of an application by the Jugoslav Delegation to the Advisory Council for Italy for the repatriation of the above-named Jugoslav subjects. As these persons are Air Force personnel the matter is one for the Air Forces Sub-Commission. I would suggest that the answer to the request might be sent direct to the Jugoslav Delegation.

HUGHES THOMAS,
Italian Branch,
for Chief Legal Advisor.

56

JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY

Br. 568/46

Rome, 29 April 1946

SUBJECT: ZEKIROVIC Saban
MEHMEDOVIC Mehmed,
Jugoslav nationals = Repatriation

TO : H.Q.A.C., Legal Sub Commission

1. This Delegation has received through the Jugoslav Foreign Ministry requests made by the parents of the two a/n Jugoslav nationals from Brezna, Jugoslavia, applying for the repatriation of their sons. According to the applications both of them are in Italy since 1941 and their actual adresses are: ZEKIROVIC Saban, Nr.122409 A.C., 114 M.U. 3 Sub .Depot. R.A.F. C.M.F. MEHMEDOVIC Mehmed; Nr.722353. A.C. 114.M.U. 3.Sub Depot. RAF.C.M.F.

2. Application is made that the a/n be informed about the requests made by their fathers and that their repatriation be enabled.

3. You are courteously requested to inform this Delegation about steps taken.

CEDOMIL VELJACIC, Secretary
Jugoslav Delegation A.C.I.

55.

LEGAL SUB-COMMISION
CLO
DCLO
Chief Counsel
CJO
Italian Section

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

ZEKIROVIC Saban, Nr.122409 A.C.,114M.U. 3 Sub .Depot. R.A.F. C.M.F.
MEHMEDOVIC Mehmed; Nr.722353. A.C. 114.M.U. 3.Sub Depot. RAF.C.M.F.

2. Application is made that the a/n be informed about the requests made by their fathers and that their repatriation be enabled.

3. You are courteously requested to inform this Delegation about steps taken.

Čedomil Veljacic

CEDOMIL VELJACIC, Secretary
Jugoslav Delegation A.C.I.

55*

LEGAL SUB-COMMISION
CLO
DCLO
Chief Counsel
CJO
Italian Section
CL RKS
3 Oct 46

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

1041

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

file

1952

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB COMMISSION

AC/4132/L

MT/ns
4 May 1946.

SUBJECT : VIRTIC Mihael, Jugoslav national; detained at Rimini Camp.

TO : Jugoslav Delegation to the Advisory Council for Italy.

1. Reference your Br. 572/46 of 29 April 1946.

2. In reply to your application for the repatriation of the above named Jugoslav subject detained at Rimini I have to inform you that, as persons at this Camp are held under military jurisdiction, applications for their release should not be made to the Allied Commission.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

54

JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY

4/152 file

194A

Br. 572/46

29 April 1946

SUBJECT: VIRTIC Mihael, Jugoslav national, repatriation.

TO : H.Q.A.C.
Legal Sub Commission

1. The a/n was forcibly mobilized by Germans on 3.Jan.1943 at Vic, Slovenia, Jugoslavia. Actually he is detained at Bellaria, Rimini, Camp 14a, Block 22. An application made by his father Virtic Filip was forwarded to this Delegation.

2. You are courteously requested to inform the a/n about his father's request for his repatriation and to enable him to return in Jugoslavia.

3. This Delegation would appreciate to be informed about the steps taken.

CEDOMIL VELJACIC, Secretary
Jugoslav Delegation A.C.I.

LEGAL SUB-COMMISION
CLO
DCLO
Chief Counsel

53

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

at Vic,Slovenia,Jugoslavia.Actually he is detained at Bellaria, Rimini,Camp 14a,Block 22. An application made by his father Virtic Filip was forwarded to this Delegation.

2. You are courteously requested to inform the a/n about his father's request for his repatriation and to enable him to return in Jugoslavia.

3. This Delegation would appreciate to be informed about the steps taken.

CEDOMIL VELJACIC,Secretary
Jugoslav Delegation A.C.I.

53

LEGAL SUB-COMMISION
CLO
DCLO
Chief Counsel
CJO
→ Italian Section
CL RKS
30 April 46

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

1044

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

193A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/mda.

AC/4132/L. 30 April 1946.

SUBJECT : Repatriation of Jugoslav nationals.

TO : Jugoslav Delegation to the
Advisory Council for Italy.

In reply to your letters Br. 567/46, 569/46, 570/46, and 571/46 of 29 April 1946 regarding the repatriation of 13 Jugoslav subjects living in the Chetnik Camp at Eboli I would refer to this Sub-Commission's letter of 29 April pointing out that, as the persons at Eboli Camp are held under military jurisdiction, applications for their release should not be made to the Allied Commission.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

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JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY

4/52

1938

Br. 567/46

29 April 1946

SUBJECT : BOGDANOVIC Zivadin, TUFEGDZIC Dragic, JELIKIC Zivadin, PARMAKOVIC Vladisav, JELIKIC Milorad, DZORDJEVIC Zivorad, SRETENOVIC Dragoljub, DJUKIC Vojin, Jugoslav Nationals = Repatriation.

TO : H.Q.A.C.
Legal Sub Commission

1. The a/n Jugoslav citizens from Nocaj were forcibly mobilized by the Serbian Collaborationist Forces, "Ljotic's Corps", in June 1944. With the retreating enemies and collaborationist troops they were taken in Italy. At present they are detained in the Cetnik Camp at Eboli, according to the requests made by their parents through the Jugoslav Ministry of Foreign Affairs, forwarded to this Delegation.

2. You are courteously requested to inform the a/n that their parents have requested their repatriation and to help them to be repatriated in Jugoslavia. You are also requested to inform this Delegation about the steps taken in regard.

CEDOMIL VELJACIC, Secretary
Jugoslav Delegation A.C.I.

51

LEGAL SUB-COMMISSION
CLO
DCLO
Chief Counsel

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

mobilized by the Serbian collaborationist [illegible] in June 1944. With the retreating enemies and collaborationist troops they were taken in Italy. At present they are detained in the Cetnik Camp at Eboli, according to the requests made by their parents through the Jugoslav Ministry of Foreign Affairs, forwarded to this Delegation.

2. You are courteously requested to inform the a/n that their parents have requested their repatriation and to help them to be repatriated in Jugoslavia. You are also requested to inform this Delegation about the steps taken in regard.

CEDOMIL VELJACIC, Secretary
Jugoslav Delegation A.C.I.

51

LEGAL SUB-COMMISSION
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Chief Counsel
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→ Italian Section
CL RKS
30 April 46

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

JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY
Br. 569/46

4972

1930

Rome, 29 April 1946

SUBJECT: JURISIC Dragutina Velizar=Veljko, POPOVIC Mladena Milorad, SEVIC Save Milorad=Rada

TO : H.Q.A.C.
Legal Sub Commission

1. This Delegation has received through the Jugoslav Foreign Ministry requests made by parents of the a/n Jugoslav citizens from Crna bara, who, according to the request, were forcibly mobilized by the Collaborationist Forces in Jugoslavia on 19 September 1944 and taken with the retreating enemies in Italy. Actually they are in the Cetnik Camp in Eboli.

2. Application is made that the a/n be informed about the requests of their families for their repatriation, that necessary measures be taken to enable their repatriation and that this Delegation be informed about the result.

CEDOMIL VELJACIC, Secretary
Jugoslav Delegation A.C.I.

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CJO
Italian Section

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

citizens from Crna bara,who,according to the request,were forcibly mobilized by the Collaborationist Forces in Jugoslavia on 19 September 1944 and taken with the retreating enemies in Italy.Actually they are in the Cetnik Camp in Eboli.

2. Application is made that the a/n be informed about the requests of their families for their repatriation,that necessary measures be taken to enable their repatriation and that this Delegation be informed about the result.

Čedomil Veljačić X

CEDOMIL VELJACIC,Secretary
Jugoslav Delegation A.C.I.

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LEGAL SUB-COMMISSION
CLO
DCLO
Chief Counsel
CJO
→ Italian - Section
CL RKS
30 Avril 46

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

JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY

Br. 570/46

4132

1930

Rome, 29 April 1946

SUBJECT: BRADARIC Osman, Jugoslav national = Repatriation

TO : H.Q.A.C.

1. BRADARIC Osman from Ljesnica (Maglaj, Jugoslavia) is at present living in the Cetnik Camp at Eboli. His father Hasan Bradaric applied to the Jugoslav Ministry of Foreign Affairs for his son's repatriation and the request was forwarded to this Delegation.

2. You are courteously requested to inform BRADARIC Osman about the request and to enable his repatriation. This Delegation would appreciate to be informed about the steps taken.

CEDOMIL VELJACIC, Secretary
Jugoslav Delegation A.C.I.

LEGAL SUB-COMMISSION
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45

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

this Delegation.

2. You are courteously requested to inform BRADARIC Osman about the request and to enable his repatriation. This Delegation would apprecaite to be informed about the steps taken.

CEDOMIL VELJACIC, Secretary
Jugoslav Delegation A.C.I.

LEGAL SUB-COMMISIO
CLO
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Chief Counsel
CJO
→ Italian Section
CL RKS
30 Oct 46

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

4/132

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JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY

Br. 571/46

Rome, 29 April 1945

SUBJECT : PROKOPIJEVIC C.Lazar , repatriation.

TO : H.Q.A.C.
Legal Sub Commission

1. This Delegation has received from the Foreign Ministry in Beograd the request made by Prokopijevic Milun, the brother of the a'n, applying for repatriation of his brother, actually at Eboli, Cetnik Camp.

2. PROKOPIJEVIC Lazar, born on 21 December 1928 at Gugalj (distr.Uzice, Jugoslavia), was arrested by Cetnik Collaborationist Authorities on 22 November 1944 and taken throughout Jugoslavia, whereas his father, arrested with him, was killed by the Cetniks. As a prisoner of Cetniks he came in Italy and in Eboli.

3. Application is made that PROKOPIJEVIC Lazar be informed about the request of his brother, officer of the Jugoslav Army, and that his repatriation be enabled. It will be appreciated, if this Delegation will be informed about the result.

Čedomil Veljačić

CEDOMIL VELJACIC, Secretary
Jugoslav Delegation A.C.I.

LEGAL SUB-COMMISION
CLO
DCLO

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

1. This Delegation has received from the Foreign Ministry in Beograd the request made by Prokopijevic Milun, the brother of the a'n, applying for repatriation of his brother, actually at Eboli, Cetnik Camp.

2. PROKOPIJEVIC Lazar, born on 21 December 1928 at Gugalj (distr. Uzice, Jugoslavia), was arrested by Cetnik Collaborationist Authorities on 22 November 1944 and taken throughout Jugoslavia, whereas his father, arrested with him, was killed by the Cetniks. As a prisoner of Cetniks he came in Italy and in Eboli.

3. Application is made that PROKOPIJEVIC Lazar be informed about the request of his brother, officer of the Jugoslav Army, and that his repatriation be enabled. It will be appreciated, if this Delegation will be informed about the result.

Cedomil Veljacic

CEDOMIL VELJACIC, Secretary
Jugoslav Delegation A.C.I.

LEGAL SUB-COMMISION

CLO
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Chief Counsel
CJO
→ Italian Section
CL RKS
30 April 46

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

1053

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

1924

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/mda.

AC/4132/L. 30 April 1946.

SUBJECT : Surrender of persons claimed as Jugoslav nationals : DJONOVIC Steno, MAVRINAC Stanko.

TO : Jugoslav Delegation to the Advisory Council for Italy.

1. Reference your Br. 78/46 of 23rd January 46 and Br. 525/46 of 20th inst.

2. I enclose copy of a letter from the Ministry of Justice giving particulars regarding the two above-named persons.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

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1054

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

1924

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/mda.

AC/4132/L. 30 April 1946.

SUBJECT : Surrender of persons claimed as Jugoslav nationals : DJONOVIC Steno, MAVRINAC Stanko.

TO : Jugoslav Delegation to the Advisory Council for Italy.

1. Reference your Br. 78/46 of 23rd January 46 and Br. 525/46 of 20th inst.

2. I enclose copy of a letter from the Ministry of Justice giving particulars regarding the two above-named persons.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

47

1055

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

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE E DEL CASELLARIO

Roma, 22 Aprile 1946

Ufficio I° A.P. 102A
Div. I° Sez. 131.283.568.46

All'la COMMISSIONE ALLEATA
Sottocommissione Legale
R O M A

Rispettate nota 7 e 21.2.1946
Div. Sez. MC.4132/L.

OGGETTO DJONOVIC Steno - MAVRINAC Stanko.-

e per conoscenza:
ALL'UFFICIO COLLEGAMENTO
S E D E

Di seguito alla nota pari numero in data 11 c.m., si informa che la Procura Generale presso la Corte di Appello di Perugia ha testè comunicato che il nominato DJONOVIC Stevo non risulta detenuto nè nelle carceri di Perugia, nè in quelle di Spoleto.-

Il predetto ufficio ha aggiunto che nessun procedimento penale è in corso contro il DJONOVIC presso gli uffici del P.M. o del Giudice Istruttore delle suindicate città.-

Si fa riserva di comunicare a codesta On. Sottocommissione, non appena pervenute da Firenze, le notizie domandate sul conto del

46

././.

1956

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

MAVRINAK Stanko.-

d'ordine del MINISTRO

LEGAL SUB COMMISSION
CLO
DCLO
Chief Counsel
CJO
Italian Section
CL RKS
29 Aprile 46

1057

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB COMMISSION

1904

AC/4I32/L

MT/ns
30 April 1946.

SUBJECT : VEKIC Milan.

TO : The Ministry of Pardon and Justice.

I enclose a letter from the Jugoslav Delegation regarding Sgt. VEKIC Milan taken prisoner in 1941 and detained in a Concentration Camp near Bergamo, and would be glad to know if you can supply any information about him for transmission to the Jugoslav authorities.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

45

JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY

Br. 541 /46

25 April 1946

SUBJECT: VEKIC Milan = informations

TO : H.Q.A.C.
Legal Sub Commission

1. VEKIC Milan, sergeant, Jugoslav Army, from Trbusanj, district Cacak, Jugoslavia, was taken prisoner by Italian Invaders in Jugoslavia in 1941. he was detained in the Italian "Campo di Concentramento N°62, Posta Militare 3200, near Bergamo. Since September 1943 no news were received from him.

2. Application is made for informations concerning the a/n, that might be obtained from the Italian Military Authorities.

C.A.VELJACIC, Secretary
Jugoslav Delegation A.C.I.

LEGAL SUB-COMMISSION
CLO

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

Concentramento N°62,Posta Militare 3200,near [illegible]
1943 no news were received from him.

2. Application is made for informations concerning the a/n, that might be obtained from the Italian Military Authorities.

C.A.VELJACIC,Secretary
Jugoslav Delegation A.C.I.

4.

LEGAL SUB COMMISIO
CLO
DCLO
Chief Counsel
CJO
→ Italian Section
CL RKS
29 April 46

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

1060

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

HEADQUARTERS ALLIED COMMISSION
AFO 394
LEGAL SUB COMMISSION

1317

AC/4I32/L MT/ns
29 April 1946.

SUBJECT : Pergam Jose: Interned in Chetnik Camp at Eboli.

TO : Jugoslav Delegation to the Advisory Council for Italy.

In reply to your letter Br. 540/46 of 25th inst. concerning the repatriation of Pergam Jose I would refer to this Sub Commission's letter of today's date regarding Ostojic Slavko and others in which I pointed out that any Jugoslav subject in Eboli Camp has every facility for being repatriated to Jugoslavia if he so desires, and further that, as Jugoslav subjects in Eboli Camp are held under military jurisdiction, applications for their release should not be made to the Allied Commission.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

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JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY

Br. 540/46

25 April 1946

SUBJECT: PERGAM Joze = Repatriation.

TO : A.C.H.Q.
Legal Sub Commission

1. PERGAM Joze, born on 8 April 1902 at Zelezniki (Slovenia= Jugoslavia) was a member of the Jugoslav N.L.Army (IIIrd battalion of "Vojkova Brigada") and was captured on 7 April 1945 at Podkraj on Pivka River in a fight against Chetnik Forces and taken forcibly with them in Italy on their retreat.

2. A request made by Mrs.Pergam Franciska, Joze Pergam's wife, from Zelezniki (distr.Skofja Loka), to the Jugoslav Ministry of Foreign Affairs was forwarded to this Delegation. Mrs.Pergam is applying for the repatriation of her husband, actually detained at the Chetnik Camp, Eboli, according to the informations of his wife.

3. You are courteously requested to inform PERGAM Joze about the request made by his wife and to enable his repatriation. This Delegation would be obliged if informed about the result.

C.A. Veljacic

C.A.VELJACIC, Secretary
Jugoslav Delegation A.C.I.

LEG SUB-COMMISION

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

1. PERGAM Joze, born on 8 April 1902 at Zelezniki (Slovenia= Jugoslavia) was a member of the Jugoslav N.L.Army (IIIrd battalion of "Vojkova Brigada") and was captured on 7 April 1945 at Podkraj on Pivka River in a fight against Chetnik Forces and taken forcibly with them in Italy on their retreat.

2. A request made by Mrs.Pergam Franciska, Joze Pergam's wife, from Zelezniki (distr.Skofja Loka), to the Jugoslav Ministry of Foreign Affairs was forwarded to this Delegation. Mrs.Pergam is applying for the repatriation of her husband, actually detained at the Chetnik Camp, Eboli, according to the informations of his wife.

3. You are courteously requested to inform PERGAM Joze about the request made by his wife and to enable his repatriation. This Delegation would be obliged if informed about the result.

Č.A. Veljačić

C.A.VELJACIC, Secretary
Jugoslav Delegation A.C.I.

4

LC... SUB-COMMISION
CLO
DCLO
Chief Counsel
CJO
→ Italian Section
CLERKS
29 April 46

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

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

HEADQUARTERS ALLIED COMMISSION

APO 394

LEGAL SUB COMMISSION

1964

AC/4I32/L

T/ns
29 April 1946.

SUBJECT : Ostojic Slavko, Camzic Miodrag, Dukic Ognjien, Martinovic Milorad, Stankovic Milan, Stepanovic Momcilo, Milovanovic Dragomir, Krcegovcevic Milorad, Eric Milorad, Ilic Obrad, Maletic Ostoja.

TO : Jugoslav Delegation to the Advisory Council for Italy.

1. Reference your Br.244/46 of 22nd February 1946.

2. With regard to your request to this Sub-Commission to obtain the release of the above-named Jugoslav nationals interned at Eboli to enable them to be repatriated I have to inform you, that any Jugoslav in the camp at Eboli wishing to return to Jugoslavia has every facility for applying for repatriation. No Jugoslav subject who wishes to return to Jugoslavia is held at Eboli against his will. In these circumstances it is not considered necessary to forward to the subjects concerned the letters sent by you.

3. Further, I desire to bring to your attention the fact that the Jugoslav subjects interned at Eboli are held under military jurisdiction, and accordingly applications for the release of such persons should not be made to the Allied Commission.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

1064

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

4132 1 6427 0 0 185A Legal

SUBJECT:- Release of Persons claimed as Jugoslav Nationals.

GHQ CMF

3371/A2

24 Apr 46

TO:- HQ
Allied Commission,
ROME

Reference your letter AC/4132/L dated 29 Mar 46.

1. Although the Chetnik Camp at EBOLI is regarded as Surrendered Enemy Persons Camp, any inmate wishing to return to JUGOSLAVIA, has every facility for applying for repatriation. No Jugoslav subject who wishes to return to JUGOSLAVIA is held at EBOLI against his will. In view of this it is not considered necessary to forward these letters to the subjects concerned.

2. Please inform the Jugoslav Delegation that as these Chetniks are held under military jurisdiction, this request should not have been forwarded through Allied Commission channels.

D. Lyguson Napier Brig

JLC NAPIER.
Brigadier,
DAG.

MG/ER.

Copy to:- HQ 3 District (Yr letter 566/ZA dated 3 Apr refers)
G-5 (GHQ)

LEGAL SUB-COMMISION
CLO
DCLO
Chief Counsel
CJO
Italian Section
CLERKS
26 Avril 46

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1065

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

1844

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB COMMISSION

AC/A132/1

T/ns
24 April 1946.

SUBJECT : Surrender of persons claimed as Jugoslav nationals;
MAVRINAC Stanko.

TO : The Minister of Pardon and Justice.

With reference to this Sub Commission's letter of 7th February 1946 I enclose copy of a letter received from the Jugoslav Delegation giving further particulars regarding the above-named MAVRINAC Stanko.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY

Br. 525/46 20 April 1946

183A

102B

SUBJECT : MAVRINAC Stanko

TO : Legal S/C , H.Q.A.C.

REF. : Our letter Br.77/46 of 23 Jan.1946.

1. According to new informations received by this Delegation recently, MAVRINAC Stanko, born on 16 May 1905 at Pasac (distr.Susak), was arrested by Italian Occupant Authorities on 6 March 1942 for his collaboration with the Jugoslav N.L.Army and interned to Cortona (Provincia Arezzo). After the end of the hostilities instead of being repatriated, Mavrinac was arrested by Italian Authorities. Actually he is still detained at S.Gimignano, Via del Castello N°15, Siena; for unknown reasons.

2. It is courteously requested that the investigation of MARVINAC's case be expedited and that steps be taken for his repatriation.

Edvard Veljacic

EDVARD VELJACIC, secretary
Jugoslav Delegation A.C.I.

LEG SUB.COM.
CLO
DCLO
Chief Counsel
CJO

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

recently, MAVRINAC Stanko, born on 16 May 1905 at Pasac (distr.Susak), was arrested by Italian Occupant Authorities on 6 March 1942 for his collaboration with the Jugoslav N.L.Army and interned to Cortona (Provincia Arezzo). After the end of the hostilities instead of being repatriated, Mavrinac was arrested by Italian Authorities. Actually he is still detained at S.Gimignano, Via del Castello N°15, Siena; for unknown reasons.

2. It is courteously requested that the investigation of MARVINAC's case be expedited and that steps be taken for his repatriation.

Ljubomil Veljacic

LJUBOMIL VELJACIC, secretary
Jugoslav Delegation A.C.I.

LEG SUB C... NATES
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DCLO
Chief Counsel
CJO
Italian Section
CLERKS
23 Agric 46

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

1068

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

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4132/L. /mda.

23 April 1946.

SUBJECT : Sapic Ivo, Stoyan Pilipovic and Duplanic Vinko, claimed as Jugoslav nationals.

TO : The Jugoslav Delegation to the Advisory Council for Italy.

1. On 25 March last the Ministry of Justice was asked to supply information regarding the three above-named persons for whose release you applied in letters Nos. Br. 153, Br. 1557 and Br. 1558 of 8th and 14th November last.

2. This Sub-Commission has received copies of three letters sent to us by the Ministry on 24th January, 7th February, and 4th March. The contents of the first and third of these letters was communicated to you by letters (No. AC/4132/L) dated 29th January and 14th March last.

3. Our files do not show the receipt of the letter of 7th February relating to Stoyan Pilipovic, and a copy is accordingly enclosed herewith for your information.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

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Encl.

1064

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

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Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE E DEL CASELLARIO

Roma, 16 aprile 1946

Ufficio Ic A.P.

Prot. N° 131.873/2905/45

145A

Oggetto: SERIC Ivo, STOYAN Miljkovic e DUPLANCIC Vinko.

All'COMMISSIONE ALLEATA
Sottocommissione Legale
ROMA

Riferimento foglio 25.3.946
Pos. Pos. 107/432/I

e per notizia:
All. 3 All'UFFICIO COLLEGAMENTO
SEDE

In relazione alla nota sopra distinta, si comunica copia delle ministeriali pari numero del 24 gennaio, 7 febbraio e 4 marzo c.a., dirette a codesta On.le Sottocommissione e concernenti le persone in oggetto indicate.

d'ordine del MINISTRO

LEGAL SUB COMMISSION
CLO
DCLO
Chief Counsel
CJO
Italian Section
CL RKS
18 Apr. 46

36

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

fm

Mod. 102

MINISTERO DI GRAZIA E GIVSTIZIA

Direzione Generale degli Affari Penali delle Grazie della Statistica e del Casellario

COPIA

Ufficio Ic A.P.
Prot. N° 131.873/2905/45
Risposta al f. N° 10/4132/L
del 17.11.945

Roma, 4 MARZO 1946

Oggetto: SEFIC Ivo, STOYAN Filipovic, DUPLANCIC Vinko, nazionale jugoslavi

Alla COMMISSIONE Alleata - Sotto commissione Legale
ROMA

Facendo seguito a precedente corrispondenza relativa all'oggetto, si informa che il Procuratore Generale del Regno presso la Corte d'Appello di Torino ha comunicato che DUPLANCIC Vinko, condannato con sentenza 14.10.941 dal Tribunale Straordinario di Guerra di Spalato ad anni 20 di reclusione, per appartenenza ad associazione comunista, evase dalla Casa Penale di Fossano l'11.9.943, ed il 21.8.945 venne riarrestato e ristretto nel carcere sussidiario di Cuneo, ove attualmente trovasi.

Il DUPLANCIC è sottoposto ora a procedimento penale per concorso nei delitti di rapina a mano armata, commessi nel periodo anteriore alla liberazione, e nei reati di estorsione, detenzione abusiva di armi e rapine commessi nel periodo posteriore alla liberazione.

Il predetto Procuratore Generale ha infine reso noto che avendo il DUPLANCIC dichiarato di aver commesso 35 fatti attribuitigli quale partigiano e per le necessità della

./.

1071

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

Mod.402

Roma 7 febbraio 1946

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI DELLE GRAZIE E DEL CASELLARIO

Ufficio Io A.I.

Prot. N° 131.873/2905/45

ALLA COMMISSIONE ALLEATA Sottocommissione legale ROMA

Risposta al foglio del 17.11.945

Div. Sez. AAC/4132/I

OGGETTO: AIC Ivo, STOYAN Filipovic e DUPLACIC Vinko, nazionali jugoslavi.

e per notizia: ALL'UFFICIO COLLEGAMENTO Gabinetto S E D E

In relazione alla nota sopra distinta, si informa che la Procura Generale presso la Corte di Appello di Bologna, cui erano state chieste le informazioni del caso in merito alla posizione giuridica del condannato STOYAN Filipovic, ha testè comunicato che non è stato possibile addivenire al rintraccio dello STOYAN, nonostante minuziose indagini svolte all'uopo dalla R. Questura di Forlì.

Il predetto Ufficio ha inoltre fatto presente che i campi di concentramento profughi e

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1072

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

Fm

MINISTERO DI GRAZIA E GIVSTIZIA

Direzione Generale degli Affari Penali delle Grazie della Statistica e del Casellario

COPIA

Ufficio I° A.P.
Prot. N° 131.873/2905/45
Risposta al foglio N° 10/4132/I
del 17.11.945
OGGETTO: SEPIC Ivo, STOYAN Pilipovic, DUPLANCIC Vinko, nazionale jugoslavi

Roma. 4 MARZO 1946

ALLA COMMISSIONE Alleata - Sotto commissione Legale
ROMA

Facendo seguito a precedente corrispondenza relativa all'oggetto, si informa che il Procuratore Generale del Regno presso la Corte d'Appello di Torino ha comunicato che DUPLANCIC Vinko, condannato con sentenza 14.10.941 dal Tribunale Straordinario di Guerra di Spalato ad anni 20 di reclusione, per appartenenza ad associazione comunista, evase dalla Casa Penale di Fossano l'11.9.943, ed il 21.8.945 venne riarrestato e ristretto nel carcere sussidiario di Cuneo, ove attualmente trovasi.

Il DUPLANCIC è sottoposto ora a procedimento penale per concorso nei delitti di rapina a mano armata, commessi nel periodo anteriore alla liberazione, e nei reati di estorsione, detenzione abusiva di armi e rapine commessi nel periodo posteriore alla liberazione.

Il predetto Procuratore Generale ha infine reso noto che avendo il DUPLANCIC dichiarato di aver commesso 35 fatti attribuitigli quale partigiano e per le necessità della

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

lotta partigiana, dovrà ordinarsi la tresmissione degli atti processuali all'Autorità Giudiziaria Militare.

ppl MINISTRO
f.to Spallanzani

PER COPIA CONFORME

Roma, li 15 Aprile 1946

IL DIRETTORE CAPO DELL'UFFICIO I° AFF. PENALI

1974

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

Im

Mod 402

Roma 7 febbraio 1946

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE E DEL CASELLARIO

Ufficio I° A.P.

Sul. T° 11.873/2905/45

ALLA COMMISSIONE ALLEATA Sottocommissione Legale ROMA

Risposta al f/del 17.11.945

Div: Pos: N°0/4132/I

OGGETTO: KIC Ivo, STOYAN Pilipovic e DUPLACIC Vinko, nazionali jugoslavi.

e per notizia: All'UFFICIO COLLEGAMENTO Gabinetto S E D E

In relazione alla nota sopra distinta, si informa che la Procura Generale presso la Corte di Appello di Bologna, cui erano state chieste le informazioni del caso in merito alla posizione giuridica del condannato STOYAN Pilipovic, ha testè comunicato che non è stato possibile addivenire al rintraccio dello STOYAN, nonostante minuziose indagini svolte all'uopo dalla R. Questura di Forlì.

Il predetto Ufficio ha inoltre fatto presente che i campi di concentramento profughi e

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

stranieri esistenti nella zona di Forlì sono stati sciolti da circa due mesi.

d'ordine del MINISTRO
f.to Spera

PER COPIA CONFORME
Roma, li 19 aprile 1946
IL DIRETTORE CAPO DELL'UFFICIO I° AFF.PEN.

1076

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

fm

Mod 302

MINISTERO DI GRAZIA E GIVSTIZIA

Direzione Generale degli Affari Penali delle Grazie della Statistica e del Casellario

SOFIA

Ufficio I° A.P.
Prot. N°131.873/2905/45
Risposta al f. N° AG/4132/L.
del 17 novembre 945
OGGETTO: SERIC Ivo, STOYAN Filipovic, DU-
PLANCIC Vinko, nazionali jugoslavi.

Roma, 24 gennaio 1946

Alla COMMISSIONE ALLEATA - Sottocommissione Legale

ROMA

e per notizia:
all'Ufficio Collegamento - Gabinetto
SEDE

In relazione alla nota sopra distinta, si informa che la Procura Generale presso la Corte d'Appello di Cagliari, cui erano state chieste le informazioni del caso in merito alla posizione giuridica del condannato SERIC Ivo, ha testè comunicato che lo stesso trovasi attualmente detenuto nella Casa Penale di Alghero per scontarvi le seguenti condanne.

1) Condanna ad anni 30 di reclusione e lire 10.000 di multa inflittagli con sentenza della Corte d'Assise di Fiume in data 11.10.937, che dichiarò l'imputato delinquente per tendenza, per i reati di omicidio aggravato (art. 110,575,576 n.1, 577 n.3, 61 n.2 C.P.), tentato omicidio aggravato, rapina aggravata (art.110,628 C.P.), porto abusivo di armi, concorso in furto aggravato (art.110,624,625 n.1,3,5 C.P.), usurpazione di pubbliche funzioni, furto aggravato, altro furto aggravato, tentata evasione aggravata (art.56,385 C.P.), violenza e resistenza a pubblico ufficiale (art.337,61 n.2 C.P.), lesioni volontarie

./.

1077

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

in danno di un agente di custodia (art.582, 61 n.2 C.P.)

2°) condanna ad anni 7 e mesi 7 di reclusione inflittagli con sentenza 12.7.944 della Corte di Assise di Sassari per ribellione.

La pena irrogata al SERICH con la prima condanna decorre dal 3.12.935 con scadenza il 21.6.1966.

Si fa riserva di fornire le informazioni relative a STOYAN Filipovic e DUPLANCIC Vinko non appena pervenute e si aggiunge che il SERICH di cui tratta il presente foglio risulta nato in MASSUCCIE, compresa nella circoscrizione di Fiume e pertanto è da considerarsi tuttora cittadino italiano.

pel M I N I S T R O
f.to Spallenzani

PER COPIA CONFORME

Roma, li 15 aprile 1946

IL DIRETTORE CAPO DELL'UFFICIO I° AFF.PENALI

1078

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

18 1A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/mda.

AC/4132/L. 16 April 1946.

SUBJECT : Piro Jernei: Jugoslav Citizen.

TO : The Jugoslav Delegation to the Advisory Council for Italy.

1. Reference your Br. 241/46/ of 20th February 1946.

2. This Sub-Commission has received the following information from Allied Authorities regarding Piro Jernei:

He was arrested in the Treviso Province on 13th November last. When stopped by the Police he pretended he could not understand Italian, but later at Police headquarters was able to understand and speak Italian. When stopped he was in possession of a German motor-car Opel Kapitan LB 270. The car had no circulation permit, and failing to give any explanation to the Police he was rightly arrested. Piro could not satisfactorily account for his presence in the Province; he said he had come from Ljubljana. He carried no documents concerning the car, and could give no explanation of where he obtained petrol and oil. He carried very little money and no papers concerning the business which he said he hoped to do.

3. In the absence of any documents or proof of ownership the car was seized under the provisions of a Proclamation of the Allied Military Government. On 26th November he was released from prison.

4. With regard to Piro's subsequent detention the information contained in your letter of 20th February last was sent to the Ministry of Justice which has already written to the Procuratore Generale of the Court of Appeal in Venice to obtain the necessary particulars.

33

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

1079

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

MINISTERO DI GRAZIA E GIVSTIZIA

Direzione Generale degli Affari Penali delle Grazie della Statistica e del Casellario

Ufficio II° A.P.
Prot. N° 917.131.4:6
Risposta al f. N°
del
OGGETTO: PIRC Sernej detenuto.-

Roma 11 Aprile 1946

Al PROCURATORE GENERALE DEL REGN
presso la Corte di Appello di
VENEZIA

137A

e per conoscenza:

ALLA COMMISSIONE ALLEATA
Sottocommissione Legale
ROMA

Dalla Commissione Alleata - Sottocommissione Legale - viene comunicato che la Delegazione Jugoslava ha richiesto l'escarcerazione di PIRC SERNEJ che si afferma essere cittadino jugoslavo. -

L'individuo predetto, nato il 24.8.1896, partì da Lubiana, luogo di sua residenza, e giunse con la sua automobile a Trieste dove fu arrestato il giorno successivo a quello dell'arrivo e la sua automobile sequestrata.-

Il PIRC sarebbe detenuto nel carcere giudiziar di Treviso, dove fu trasferito da quello del Sestiere di S. Croce, n° 324, dopo aver passato un mese nel carcere di Portoguaro.-

Si prega codesto Generale Ufficio di volere con cortese sollecitudine informare questo Ministero, dei motivi dell'arresto, del luogo dove ora si trovi il de-

31

Note See telegram dated from C.L.O. Trieste, on July (1432) f. 1794

1080

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

tenuto e sulla sorte della sua automobile, non senza
far coroscere la posizione giuridica e la cittadi-
nanza dell'individuo surripetuto-

d'ordine del MINISTRO

LEGAL SUB-COMMISION

CLO
DCLO
Chief Counsel
CJO
Italian Section
CLERKS

No action required
Ann 16/5

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

4138

1491A

E/RV

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
13 CORPS

LEGAL DIVISION

TELEPHONE No.: 29701

Date 9 April 1946

REFERENCE No.: 13° / AMG / LD/166/955

SUBJECT : Piric Serucj- Jugoslav citizen.

TO : Headquarters Allied Commission
(attn. Legal Sub-Commission)
APO 394

120A
155-A

1347

1. Reference your AC/413[illegible]/L dated the 22nd March 1946.

2. Attached is a letter giving the details requested concerning the a/m.

3. A copy of the correspondence has been sent to G.S.I. (1) 13 Corps for information.

For the Acting Senior Civil Affairs Officer.

A.E. GOLD
Major A.U.S.
Chief Legal officer

[illegible] SUB COMMISSION
CLO
DCLO
Chief Counsel
CJO
Italian Section
[illegible]

Enclosures : 1 Copy pack

30

1082

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

1511

LEGAL VISION 8-4-46

ALLIED MILITARY GOVERNMENT

UDINE PROVINCE

Legal
7.4.46
Date
File Legal

Cividale, 2 April I946

To : Chief Legal Officer
H.Q. - A.M.G. I3 Corps

Subject : Pirc Seruej - Jugoslav citizien

Ref. : PS/UD/CIV/I2

OFFICIAL :
Allied Military Government
UDINE PROVINCE
Date received 5 APR 1946

Reference your corres. I3/A.M.G./LD/I67/804 27th March I946, with attached A.C. corres. Ref. AC/4I32/L 22nd March I946, received through A.C. Liaison Group, Treviso, with a request that reply be direct.

The subject was arrested in Treviso Province by CC.RR. engaged on Security Check duty at a Block Post on I3th November I946. He was in possession of a German motorcar Opel Kapitan LB 270.-

Pirc, when stopped, pretended not being able to understand the CC.RR. - It was noted that the car had no circulation permit. Getting no satisfaction the CC.RR. rightly arrested him. Strangely enough at the CC.RR. Caserma , Pirc found voice not only to speak in Italian but to understand it.

Subject was detained and the matter was handed over to FSS for investigation. Pirc could not satisfactorily account for his presence in the Province other than he was opposed to the Tito regime and had come through from Lubiana. He carried no documents in relation to the car. - No explanation could be given as to the source of petrol and oil to maintain the vehicle. For a living he hoped to obtain some form of business in buying and selling materials. He had very little money and certainly carried no

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

credentials as a backing in any project. In fact his appearence alone was enough to belie the statements put forward.

After three days FSS reported that PIRC was not of Allied Security interest and transferred the matter to the Italian Police Authorities. The car was seized and handed over to A.M.G. under A.M.G. Proclamation, as in the absence of proof, it was deemed Booty of War. Further the vehicle had no A.M.G. or other circulation permit or relative documents as to ownership and therefore subject to seizure under A.M.G. Orders and also Italian Law. An order of expulsion was made and PIRC was escorted to the Morgan Line by CC.RR.

On 26th November Pirc was released from prison. The car passed into Allied Military use. There the story ends so far as Treviso Province is concerned.

In January of this year I was transferred to Udine Province and took Office in Cividale. On or about 7th Febraury it was learnt that a Jugoslav was in CC.RR. employ. On check the name given was Pirc. He proved to be identical with the subject. Pirc attended this Office and again gave his reason for being in A.M.G. Territory as a fugitive from Tito.elements. A few days later he disappeared beleived on way to Lubiana.

What in my opinion is more of interest is the A.C. Corres. AC/4132/L 22nd March , herewith attached.

The Jugoslav Delegation apparently had some knowledge of PIRC even to the detail of his car. It is also apparent that some knowledge of his movements were known. Undoubtedly he was in Trieste as stated but the Delegation is incorrect as to venue and date of arrest.

Further, para 4, indicates that PIRC is of more than interest to the Jugoslav delegation.

PIRC to all intents represents himself in appearance and

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

manners to that of a tramp.

Finally from what source did the Jugo-Slav authorities get the information concerning PIRC ?

In view of the circumstances may the contents of this letter be transmitted to I.B.IX Corps for information , please.

2 Copies attached.

T.P. COTTON
MAJOR P.P.S.O.
Udine Province - Cividale

1085

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

F-10

1784

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB COMMISSION

AC/AI32/L

MT/ns
15 April 1946.

SUBJECT : Surrender of Persons alleged to be Jugoslav nationals.

Stipcevic Eugen
Tantalovic Dusan
Tribovic Petar
Vaclic Ante
Duplancic Vinko
Djonovic Steve
Kadrinak Stanco

TO : The Jugoslav Delegation to the Advisory Council for Italy.

1. Reference your Br.77/46,71,72/46, 77/46, 75/46, and 78/46 of 23th January 1946.

2. I enclose herewith copy of a letter from the Ministry of Justice relating to the above-named persons.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

26

1085

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

Mod 402

Roma 11 Aprile 1946

Ministero di Grazia e Giustizia
DIREZIONE GENERALE DEGLI AFFARI PENALI DELLE GRAZIE E DEL CASELLARIO

Ufficio I° A.P.
Sez. 1ª 131.283.568.46

Risposta al Foglio Te 21/2/1946
Div. AC Sez. 1ª N° 4132/L.

Alla COMMISSIONE ALLEATA
Sottocommissione Legale
R O M A

OGGETTO STIPCEVIC Eugen, TANTALOVIC Dusan, TRIBOVIC Petar, BACELIC Ante, DUPLANCIC Vinko.-
e per conoscenza: ALL'UFFICIO COLLEGAMEN
S E D E

Facendo seguito a precedente corrispondenza, si informa che i nominati in oggetto risultano a disposizione dell'Autorità Giudiziaria Militare di Torino come responsabili di requisizioni arbitrarie.-

La Procura Generale Militare, interessata in merito, ha testè comunicato che gli imputati sono stati posti in libertà provvisoria dal Procuratore Militare di quella città previ accordi con le Autorità Alleate.-

Per quanto concerne il DIONOVIC Stevo ed il MADRINAK Stanco, anche oggetto delle note cui si risponde, si fa riserva di far conoscere, non appena pervenute; le notizie sulla po-

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

sizione giuridica degli stessi, richieste rispettivamente alle Procure Generali di Perugia e di Firenze.-

Il Guardasigilli MINISTRO

LEGAL SUB-COMMISSION
CLO
DCLO
Chief Counsel
CJO
Italian Section
CL RKS
15 Gen 46

1946 Mod. 402

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE DELLA STATISTICA E DEL CASELLARIO

Roma, 11 Aprile 1946

Uffici Ic A.P. Prot. N. 131.453.934.46

Risposta al foglio N.
del

Ai PROCURATORI GENERALI PRESSO
le Corti di Appello di
PALERMO - FIRENZE - VENEZIA -

OGGETTO: VUKOTIC B. Djordje.-

CLO
DCLO
Chief Counsel
CJO
Italian Section
CL RKS

131A
135A

e per conoscenza:

ALLA COMMISSIONE ALLEATA
Sottocommissione Legale
(Rif.f.22.3.1945 n°AC.4132/I.) R O M A

UFFICIO COLLEGAMENTO GABINETTO - SEDE

La Commissione Alleata - Sottocommissione Legale - ha trasmesso a questo Ministero, ed al Ministero dell'Interno, copia di una nota della Delegazione Jugoslava presso il Consiglio Consultivo per l'Italia, del seguente tenore:

"Il Governo Jugoslavo ha fatto a questa Delegazione la seguente comunicazione:

Ic) VUKOTIC B. Djordje, nato a Niksic (Monte Negro, Jugoslavia) nel 1912, era stato per ragioni politiche internato nel 1942 dalle Autorità di Occupazione Italiana e trasferito da Ivo (Monte Negro), dove dimorava, prima ad Ustica (Palermo) ed in seguito a Padova ed Arezzo. Dopo la capitolazione dell'Italia la famiglia di VUKOTIC non ricevette più notizie di lui.-

Stato effettuate indagini

ISTITUTO POLIGRAFICO DELLO STATO

Declassified E.O. 12356 Section 3.3/NND No. 985016

10881

OGGETTO: VUKOTIC B. Djordje.-

LEGAL SUB COMMISSION

CLO
DCLO
Chief Counsel
CJO
Italian Section
CL RKS

131A
135A

e per conoscenza:

ALLA COMMISSIONE ALLEATA
Sottocommissione Legale
(Rif.f.22.3.1946 n°AC.4132/L.)
R O M A

UFFICIO COLLEGAMENTO GABINETTO - SEDE

La Commissione Alleata - Sottocommissione Legale - ha trasmesso a questo Ministero, ed al Ministero dell'Interno, copia di una nota della Delegazione Jugoslava presso il Consiglio Consultivo per l'Italia, del seguente tenore:

"Il Governo Jugoslavo ha fatto a questa Delegazione la seguente comunicazione:

Iº) VUKOTIC B. Djordje, nato a Nikšic (Monte Negro, Jugoslavia) nel 1912, era stato per ragioni politiche internato nel 1942 dalle Autorità di Occupazione Italiane e trasferito da Pec (Monte Negro), dove dimorava, prima ad Ustica (Palermo) ed in seguito a Padova ed Arezzo. Dopo la capitolazione dell'Italia la famiglia di VUKOTIC non ricevette più notizie di lui.-

2º) Si chiede che cortesemente vengano effettuate indagini sul caso di VUKOTIC e che dei risultati si informi questa Delegazione. Nel caso che VUKOTIC si trovi tuttora detenuto in Italia, si chiede che vengano presi i provvedimenti necessari per il suo rimpatrio".-

Si pregano pertanto gli Uffici in indirizzo di voler disporre, nell'ambito dei rispettivi distretti, le opportune indagini per il rintraccio del VUKOTIC, comunicandone i risultati a questo Ministero.-

Si resta in attesa di un cortese, sollecito, riscontro.-

No action required

IL MINISTRO

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

1090

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

Mod. 402

Roma, 11 Aprile 1946

Ministero di Grazia e Giustizia
DIREZIONE GENERALE DEGLI AFFARI PENALI DELLE GRAZIE E DEL CASELLARIO

Ufficio I° A.P.
Div. I^a Sez. 131.796.2733/45

Risposta al foglio Div. Sez. N°

Al PROCURATORE GENERALE
presso il Tribunale Supremo Militare
R O M A

OGGETTO: BORA STANISICH dell'Esercito Jugoslavo attualmente a Forlì nel Sanatorio Vecchiocene condannato a 5 anni di reclusione da un Tribunale Militare Italiano.-

e per conoscenza:
ALLA COMMISSIONE ALLEATA
Sottocommissione Legale
(Rif.nota 25.3.46 n°AC/4132/L.) R O M A

ALL'UFFICIO COLLEGAMENTO
S E D E

All. n. I

Di seguito alla nota pari numero in data 10 Novembre d.a., con la quale venne trasmesso, per competenza, il foglio 30.10.1945 n°AC.4132/L. della Sottocommissione Legale Alleata e copia ~~e copia~~ di una lettera della Delegazione Jugoslava in cui si richiedeva la consegna alle Autorità Jugoslave della persona in oggetto, si invia altra lettera della Commissione Alleata in data 25 Marzo c.a. concernante il BORA STANISICH.-

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

Si prega codesto Generale Ufficio di voler fornire, con cortese urgenza, alla predetta Commissione Alleata le notizie domandate sul conto dello STANISICH informandone anche questo Ministero.-

p. il MINISTRO

LEGAL SUB-COMM.
CLO
DCLO
Chief Counsel
CJO
Italian Section
CL RKS
15 April 46

1092

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

1144

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB COMMISSION

MT/ns
AC/4132/L 12 April 1946.

SUBJECT : Knezevic Jovan (Giovanni) and
Cucek Jakov (Cucci Giacomo)

TO : The Jugoslav Delegation to the
Advisory Council for Italy.

1. Reference your No.Br. 1679 of 19th December 1945.

2. I enclose herewith copy of a letter received from the Ministry of Justice regurding the two above-named persons.

For the Chief Commissioner :

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

22

093

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

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE E DEL CASELLARIO

Roma, 9 Aprile 1946 A

Ufficio I° A.P.
Prot. N° 131.971/3167/45

Al la COMMISSIONE ALLEATA
Sottocommissione Legale
R O M A

Registrato il 21.12.1945
Pos. Pos. 1/3/4132.I.

OGGETTO Knezevic Jovan e CUKEK Jakov.-

e per conoscenza: ALL'UFFICIO COLLEGAMENTO
S E D E

Di seguito alla nota 29 dicembre u.s. dell'ufficio Collegamento di questo Ministero, si informa che la Procura Generale presso la Corte di Appello di Firenze ha testè comunicato che il CUKEK Jakon, recte SUCCI Giacomo di Giuseppe risulta essere stato condannato con sentenza 23 maggio 1932 della Corte di Assise di Trieste, alla pena dell'ergastolo, per omicidio in persona di VIVIANI Romeo, ed attualmente trovasi detenuto nello stabilimento penale Santo Stefano Ventotene.-

Quanto al KNEZEVIC, sembra che il medesimo sia effettivamente suddito jugoslavo; peraltro secondo le informazioni pervenute a questo Mini-

/././. 21

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

stero dal Procuratore Generale del Regno presso la Corte di Appello di Ancona, il KNEZEVIC è stato ristretto nelle carceri giudiziarie di Camerino il 28/12/1944 per delitto di rapina commesso nel dicembre detto, e cioè, in epoca posteriore alla conclusione dell'armistizio tra l'Italia e gli Alleati.-

per il MINISTRO

JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY

Br.460/46

11 April 1946

4/132.

Take action 177
file please

172A

SUBJECT: CUCEK Jakob (SUCCI Giacomo)

TO : H.Q.A.C.
Legal S/Commission

With reference to our letter Br.82/46 of 20 January 1946 concerning the same subject, we have the honour to inform you that the a/n is actually detained at "Casa Penale di Porto= Longone (Livorno)" =Leghorn.

-Čedomil Veljačić

CEDOMIL VELJACIC,
Secretary
Jugoslav Delegation A.C.I.

LEGAL SUB-COMMISSION
CLO
DCLO

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Longone (Livorno)" =Leghorn.

Cedomil Veljacic

CEDOMIL VELJACIC,
Secretary
Jugoslav Delegation A.C.I.

LEGAL SUB-COMMISION

CLO
DCLO
Chief Counsel
CJO
→ Italian Section
CL RKS
11 Aprile 46

20

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1097

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

1911

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

APAM.
9 April 1946.

AG/4132/1.

SUBJECT : Illegal export of wireless equipment.

TO : AFHQ. G-5
(Attn. Col. S.H. WHITE).

1. Further to yesterday's telephone conversation (Col. S.H. WHITE - Lt. Col. G.G. HANNAFORD) herewith enclosed booklet containing Proclamations Nos. 1, 2, 3 and 4.

2. Also as requested herewith the translation of the headings relating to the Italian legislation in question:

i) Decree Law No. 939 of 3 June 1915 establishing which materials are to be considered as absolute or conditional contraband.

ii) Decree Law No. 1933 of 14 November 1926 relating to the Unification of legislation provisions on matters dealing with restrictions on Imports and Exports.

iii) Ministerial Decree of 3 October 1939 and 15 December 1940, relating to restrictions on exports. (Quoted for reference only).

IV) Law No. 1424 of 25 September 1940 on Custom Duties.

V) R.D. No. 3020 of 18 June 1866 relating to the offence of contraband and establishing penalties.

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

Incls.

19

1098

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/cda.

AC/4132/L. 9 April 1946.

SUBJECT : Fishing Rights.

TO : HQ., AC, Food & Agriculture Branch.

Reference your letter No. 5.50/AGR of 9 April 1946.

1. It is regretted that it has not yet been possible to reply to your 5.50/AGR of 3 April 1946.

2. The question of fishing rights in the Adriatic appears to be rather complex and fairly considerable research will be required before the exact status of the various nations concerned is determined.

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

13

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

169A

VRAC/lg

HEADQUARTERS ALLIED COMMISSION
APO 394
FOOD & AGRICULTURE BRANCH

9 April 1946

Ext. 584

Ref. 5.50/AGR

SUBJECT : Fishing Rights

TO : Chief Legal Advisor
Legal Sub-Commission

Reference 5.50/AGR dated 3 April 1946.

May a reply now be given , please, to the above mentioned letter.

V.R.A. COWPER
Lt. Colonel
Director, Food & Agriculture Branch

LEGAL SUB-COMMISSION
CLO
DCLO
Chief Counsel
CJO
Italian Section
CLERKS
9 April 46.

It is regretted that it has not yet been possible to reply to your 5.50/AGR of 3 April 46.

1) The question of fishing rights appears to be rather complex and fairly controversial and research must be carried out before the exact status of the various nations concerned is determined

1100

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

60

1680

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

MF/rm.
9 April 1946.

AC/4132/L.

SUBJECT : DJONOVIC STEVO.

TO : Ministry of Pardon and Justice.

1. Herewith enclosed copy of a letter from the Jugoslav Delegation A.C.I. which speaks for itself.

2. It is understood that the above mentioned is at present held at the judicial jail of Spoleto under some charges.

3. May this Sub-Commission please be advised of what crime DJONOVIC has been charged with.

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

Incl.

16

Keep copy please

492

164A

JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY
Br. 429/46

6 April 1946

SUBJECT: Djonovic Stevo

TO: H.Q.A.C.
Legal Sub Commission

1. Reference is made to our letter Br.78/46 of 23 Jan.46 and of your reply AC/4132/L of 18 March 1946.

2. As the a/n subject is concerned, we are in possession of some more informations and documents:

DJONOVIC Stevo, age 19, born at Crmnica, district Bar, Monte Negro, Jugoslavia has been interned by Italian occupant forces at the Camp Colfiorito di Foligno (Prov. Perugia). After the capitulation of Italy, Djonovic joined the Italian Partisan Forces as it is certified by the document, whose copy is enclosed under I. After the end of the war he was arrested and sentenced to nine months of prison for illicite possession of arms. When the period of his sentence expired, Djonovic was not released as he ought to be, but left in prison and accused of being fascist; (See enclosure II). So he is still detained in the "Carcere Giudiziario =Spoleto", on disposition of the Procuratore di Spoleto and Questura di Perugia.

3. Application is made for Djonovic's earliest possible release from the Italian prison at Spoleto and for his repatriation in Jugoslavia.

4. You are courteously requested to inform us about measures taken in regard.

Cedomil Veljacic

Encl. 2

CEDOMIL VELJACIC,
Secretary,
Jugoslav Delegation A.C.I.

LEGAL SUB-COMMISSION

15

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

2. As the a/n subject is concerned, we are in possession of some more informations and documents:

DJONOVIC Stevo, age 19, born at Crmnica, district Bar, Monte Negro, Jugoslavia has been interned by Italian occupant forces at the Camp Colfiorito di Foligno (Prov. Perugia). After the capitulation of Italy, Djonovic joined the Italian Partisan Forces as it is certified by the document, whose copy is enclosed under I. After the end of the war he was arrested and sentenced to nine months of prison for illicite possession of arms. When the period of his sentence expired, Djonovic was not released as he ought to be, but left in prison and accused of being fascist; (See enclosure II). So he is still detained in the "Carcere Giudiziario =Spoleto", on disposition of the Procuratore di Spoleto and Questura di Perugia.

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4. You are courteously requested to inform us about measures taken in regard.

Encl. 2

Cedomil Veljacic

CEDOMIL VELJACIC,
Secretary,
Jugoslav Delegation A.C.I.

15

LEGAL SUB-COMMISSION
CLO
DCLO
Chief Counsel
CJO
Italian Section
CL RKS
8 April 46

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

2nd. I

COPY

ASSOCIAZIONE NAZIONALE
PARTIGIANI D'ITALIA
=======
SEZIONE DI FOLIGNO

Ufficio Segreteria

Foligno ,8 Marzo 1946

Prot.n. 534

Dai documenti in possesso di questa Associazione risulta che GJONOVIC STEVAN,nato nel Montenegro,ha partecipato al Movimento di Liberazione Nazionale nelle file della Brigata "G.Garibaldi" di Foligno dal 25 Dicembre 1943 al 1 Luglio 1944 come partigiano.

A richiesta dell' interessato per usi consentiti.

Il timbro

IL SEGRETARIO

(Fausto Franceschini) p.m.

14

1103

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

Encl. II

COPY

Modello n.43 Carceri
Art.80 del Regolamento Generale

REGNO D ' ITALIA

Direzione CARCERE GIUDIZIARIO = SPOLETO

Certificaro di detenzione

Dichiara il sottoscritto che il nominato Giarovic Stefano
figlio di Kaso e di Misner
nato il 12=12= 1925 nel Comune di Antivari (Montenegro)
Provincia di Montenegro di professione autista
trovasi dal 24=4=1945 in questo Stabilimento
per espiazione della pena di mesi 9 di prigione
a cui venne condannato con sentenza
con sentenza di data 4=5=945.

Detta pena è scaduta il giorno 8=1=946.
Si rilascia la presente dichiarazione in seguito a richiesta dell' interessato per uso di legge.

Spoleto addì 21/1/945

Timbro

IL DIRETTORE Sup.
(ill.)

N.B. Il detenuto di cui sopra è rimasto in questo carcere giudiziario a disposizione del Procuratore di Spoleto e Questura di Perugia per altro reato

13

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

1105

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

1664

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/mda.

AC/4132/L. 8 April 1946.

SUBJECT : Application for release of persons claimed as Jugoslav nationals: Capt. Zdravljic Marijan.

TO : The Jugoslav Delegation to the Advisory Council for Italy.

1. Reference your BR 87/46 of Jan 21/46.

2. This Sub-Commission has been informed by the Procuratore Generale of the Court of Appeal of Venice that the above-named Capt. Zdravljic Marijan is not and has never been detained in the Prison of Udine, nor has he ever been charged with an offence by the Judicial Authorities of this city.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

12

1106

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

Mod 402

Roma 2 aprile 1946

165A

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE E DEL CASELLARIO

Alla COMMISSIONE ALLEATA
Sottocommissione Legale
R O M A

Ufficio I° A.P.
Tel. N° 131.245.474

Risposta al foglio Div. Sez. N° 4132/L.
14/2/1946

OGGETTO Capitano ZLRAVLJIC Marijan, prete-o
-nddito ingo-lavo.-

e per cono-cenza:
ALL'UFFICIO COLLEGAMENTO
S E D E

La Procura Gen-rale pre--o la Corte di Appello di Venezia comunica che l'ufficiale suindicato non è e non è stato mai detenuto nelle carceri di Udine, nè è stato mai denunciato all'Autorità Giudiziaria di detta città.-

Si prega, pertanto, di favorire, possibilmente, più precise indicazioni.-

CLO
DCLO
Chief Counsel
CJO
Italian Section
CLERKS

per il M I N I S T R O

8 Apr 46

11

1107

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

1644

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4132/L. MF/rm.
8 April 1946.

SUBJECT : CUCEK SAKOV.

TO : Ministry of Pardon and Justice.

1. Para one of the enclosed letter is to be read as follows:

Reference is made to yours UC/4235 dated 29 December on the same subject.

2. Correspondence is returned herewith.

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

Incl.

10

108

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB COMMISSION

163A

AC/4132/L

MF/ns
6 April 1946.

SUBJECT : Requests of Jugoslav Delegation. A.C.I.

TO : Ministry of Pardon and Justice.

1. All correspondence in regard of the subject is returned herewith.

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

Encls.

Ministero di Grazia e Giustizia

Mod.2

1632

1628A

Gabinetto di S.E. il Ministro — *Roma*, 16.3.1946 /9

UFFICIO COLLEGAMENTO CON L'AC.

Protocollo N. UC/4722-3

OGGETTO GHERBAZ Mariano, condannato dal Tribunale di Fiume; ricorrente in grazia.

ALLA COMMISSIONE ALLEATA
Sottocommisione Legale
(ALL'ATTENZIONE DEL DOTT. FIORE)
R O M A

Si trasmette in visione l'unita lettera pervenuta allo scrivente dall'Ufficio Grazie di questo Ministero, con preghiera di esaminare la questione e di volere indicare come questa debba essere risolta a giudizio di codesta Sottocommissione.

In proposito si osserva che in base ai principi di diritto internazionale l'autorità occupante non può condonare le pene inflitte dalle autorità giudiziarie del territorio occupato prima della occupazione stessa, quando gli individui colpiti da dette pene si trovino fuori dello stesso territorio. Infatti nel caso in esame si tratta di condanne per reati comuni inflitte dall'autorità italiana di Fiume prima dell'armistizio e pertanto la relativa grazia non può essere concessa che dalla stessa

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

ALLA COMMISSIONE ALLEATA
Sottocommissione Legale
(ALL'ATTENZIONE DEL DOTT. FIORE)
R O M A

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In proposito si osserva che in base ai principi di diritto internazionale l'autorità occupante non può condonare le pene inflitte dalle autorità giudiziarie del territorio occupato prima della occupazione stessa, quando gli individui colpiti da dette pene si trovino fuori dello stesso territorio. Infatti nel caso in esame si tratta di condanne per reati comuni inflitte dall'autorità italiana di Fiume prima dell'armistizio e pertanto la relativa grazia non può essere concessa che dalla stessa sovranità italiana. Questo principio deve applicarsi in quanto la persona condannata trovasi in territorio italiano, mentre se il medesimo si trovasse in territorio occupato potrebbe l'autorità jugoslava procedere a detta liberazione; liberazione che pe per il nostro ordinamento giuridico costituirebbe solo una situazione di fatto e che non potrebbe impedire che lo stesso fosse

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

Mod. 2

Ministero di Grazia e Giustizia

Gabinetto di S.E. il Ministro — Roma, — 19

Protocollo N. ____

OGGETTO

2.

di nuovo sottoposto a pena detentiva in base alla sentenza italiana.

Mentre si prega in proposito di far conoscere l'opinione di codesta Sottocommissione al riguardo si prega anche di volere chiarire come debba regolarsi il Governo Italiano per esaminare le domande di grazia di individui condannati da tribunali italiani, che si trovavano prima dell'armistizio nella parte della Venezia Giulia che attualmente costituisce la zona B. Poichè con detta zona non è possibile corrispondere sorge la difficoltà di istruire le domande di grazia predette in quanto non possono essere consultati gli organi locali.

A giudizio dello scrivente si potrebbero applicare gli stessi principi per le grazie concesse dal Governo Italiano a coloro che furono condannati prima dell'armistizio, da tribunali nel Nord Italia e che si trovavano nell'Italia liberata

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

di nuovo sottoposto a pena detentiva in base alla sentenza italiana.

Mentre si prega in proposito di far conoscere l'opinione di codesta Sottocommissione al riguardo si prega anche di volere chiarire come debba regolarsi il Governo Italiano per esaminare le domande di grazia di individui condannati da tribunali italiani, che si trovavano prima dell'armistizio nella parte della Venezia Giulia che attualmente costituisce la zona B. Poichè con detta zona non è possibile corrispondere sorge la difficoltà di istruire le domande di grazia predette in quanto non possono essere consultati gli organi locali.

A giudizio dello scrivente si potrebbero applicare gli stessi principi per le grazie concesse dal Governo Italiano a coloro che furono condannati prima dell'armistizio, da tribunali nel Nord Italia e che si trovavano nell'Italia liberata all'atto della presentazione della domanda, sebbene il territorio cui apparteneva l'autorità che emise la sentenza, fosse sotto il potere di fatto dello pseudo governo fascista.

Mentre si resta in attesa di riscontro, si prega voler restituire la lettera allegata.

L'UFFICIALE DI COLLEGAMENTO
(Dr. Giorgio Bonelli)

Bonelli

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

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

MINISTRY OF JUSTICE AND PARDON

Liaison Office with A.C. Rome, 16.3.1946

Subject: GHERBAZ Mariano. Sentenced by the Court of Fiume
Application for Pardon

To : A.C. Legal Sub Commission (Attention Dr.Fiore*)

The attached letter of the Pardon Office of this Ministry is forwarded for your attention, with the request that you examine this question and advise us as to how it should be handled, in the opinion of your Sub Commission.

It is pointed out that in accordance with the principles of international right the occupying power cannot condone sentences passed by the Judicial authorities of the occupied territory prior to its occupation, when the sentenced persons are located outside such territory. The case in question refers to sentences for common crimes passed by the Italian authorities at Fiume before the armistice, and the pardon, therefore, can only be granted by the Italian Sovereignty. This principle is to be applied inasmuch the sentenced person is located in Italian territory, whereas if the same person were to be found in occupied territory, the Jugoslav authorities could deal with his liberation. Such liberation, however, according to our laws would constitute a situation " de facto" and could not prevent this person being again inprisoned in compliance with the Italian sentence.

While you are requested to let us know the opinion of your Sub Commission on this matter, we would also like you to clarify the procedure to be followed by the Italian Government in dealing with the applications for pardon relative to persons sentenced by Italian Tribunals which were located, before the armistice, in that part of Venezia Giulia which at present constitutes Zone B. As it is not possible to correspond with that Zone, difficulties arise in connection with the applications referred to above, in view of the fact that local bodies cannot be consulted.

In my opinion the same principles should be applied, as those relative to pardons granted by the Italian Government to those who were sentenced before the armistice by Tribunals in Northern Italy and who were situated in liberated Italy at the time when the application was presented, although the territory to which the authority who issued the sentence belonged, was under the "de facto" power of the pseudo Fascist Government.

Kindly return the enclosure.

Dr.Bonelli

MINISTRY OF PARDON AND JUSTICE

GHERBAZ Mariano

With sentence dated 17.7.1942 issued by the Court of Fiume, was condemned to three years in gaol on the grounds of an undisclosed crime. The punishment will end on 30.8.1948.

The above named has also incurred the following sentences:

1.- Court of Fiume. Dated 24.9.1942. One year inprisonment and fined 1600 lire for aggravated larceny. Inprisonment ends 16.5.1943

2. Court of Fiume. Dated 22.3.1942. Fourteen days and fined 700 lire for an ndisclosed crime. Time ends 30.5.1943

3. Court of Fiume. Dated 25.4.1942. Six months . Time ends 25.11.1943

4. Court of Fiume. Dated 25.4.1942. Fined 600 lire, converted in 12 days inprisonment for undisclosed crime.

5. Sentence dated 1.4.1943. Three years and two months inprisonment and fined 2300 lire for aggravated larceny. Times end 7.2.1947.

The General Direction of the Prevention & Punishment Institutions has forwarded a letter wherein the Direction of the Casa di Reclusione at Padova sends copy of a Resolution dated 7 January 1946 issued by the Military Administration of the Jugoslav Armed Forces in the Giulia Region, Istria, Fiume and Slovene Coast Line, whereby the remaining period of inprisonment yet to be served by Gherbaz Mariano out of the sentence of 3 years and 2 months passed upon him by the Court of Fiume on 1.4.1943 has been condoned. The Direction of the Casa di Reclusione of Padova has inquired as to the decision to be taken, that is to say, whether Gherbaz should be freed and has further pointed out that there is a discrepancy of date between the sentence quoted in the said resolution and that which the prisoner is serving.

This occasion is taken to remind that by letter dated 2 February 1946, No.1261/45 Ufficio IV Grazie, the Legal Sub Commission, A.C., was asked for information as to the procedure to be followed in connection with applications for pardon relative to sentences issued by Italian Judicial Authorities in territories which are at present occupied by Jugoslav troops, owing to the fact that this Ministry is not in a position as to be able to correspond with those authorities.
In that letter there was mentioned the application for pardon of one Nicolo Perusich, sentenced on 26.9.1940 by the Court of Fiume for continued and aggravated larceny, who is a prisoner in the Colonia di Isili (Nuoro). This application was forwarded by the Direction of the Colonia di Isili to the Procuratore del Regno at Fiume.
The Jugoslav Military Government, by letter n.2183 dated 13 November 1945 advised the Direction of the Colonia di Isili that it had, with measure of even date, condoned the remaining period of inprisonment.
It is left now to be established what authority can be attributed to the pardons issued in favour of prisoners situated in Italian territory by the Jugoslav Military

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

5. Sentence dated 1.4.1943. Three years and two months inprisonment and fined 2300 lire for aggravated larceny. Times end 7.2.1947.

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The Jugoslav Military Government, by letter n.2183 dated 13 November 1945 advised the Direction of the Colonia di Isili that it had, with measure of even date, condoned the remaining period of inprisonment.
It is left now to be established what authority can be attributed to the pardons issued in favour of prisoners situated in Italian territory by the Jugoslav Military Command, in connection with sentences passed by Italian Judicial authorities prior to the Jugoslav occupation.

Rome 2nd March 1946

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

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

MINISTRY OF JUSTICE AND PARDON

No.3535/46

14 March 1946

To Dr.Bonelli
Cabinet of the Minister

Subject : - GHERBAZ Mariano. Sentenced by the Court of Fiume. Application for Pardon.

Encl.1.

The Direction of the Casa di Reclusione of Padova, which has been acquainted as to the pardon issued by the Jugoslav Military Administration at Fiume in favour of the above named, has asked this Ministry for information as to the carrying out of the said measure.

In accordance with instructions received from the Chief of Cabinet the attached Memorandum is forwarded to you, with the request that you should advise as to the outcome of the negotiations dealt with by your office in connection with the handing over of jugoslav citizens to the Jugoslav authorities.

The Director.

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

FM 41320

1617

HQ ALCOM

5 APRIL 1946

APHQ G - 5

2317

UNCLASSIFIED

PARA ONE FURTHER TO THIS SUB COMMISSION'S SIGNAL NUMBER TWO TWO NINE THREE OF FOUR APRIL ONE NINE FOUR SIX CMA ARTICLE NINE SEVEN OF LAW NUMBER ONE FOUR TWO FOUR OF TWO FIVE SEPTEMBER ONE NINE FOUR ZERO IS ALSO APPLICABLE.

3

PRIORITY

LEGAL SUB COMMISSION

302

1118

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

160A

FM AFCOM

4 Apr 46

(1) AFHQ, C-5

2295

UNCLASSIFIED

PARA ONE FD REFERENCE YOUR SIGNAL NUMBER ZERO THREE THREE NINE ZERO SIX OF TWO SEVEN MARCH ONE NINE FOUR SIX AND TELEPHONE CONVERSATION WITH COLONEL HANNAFORD FD

PARA TWO FD EXPORT OF WITNESS EQUIPMENT IS ILLEGAL UNDER THE FOLLOWING LEGISLATION CMA ARMISTICE TERMS CMA PARAS ONE TWO AND ONE THREE CMA AMG PROCLAMATION NUMBER ONE CMA ARTICLE FOUR CMA SECTION SIX AND ARTICLE SEVEN CMA AMG PROCLAMATION NUMBER TWO CMA ARTICLE SEVEN CMA SECTION FOUR AND FIVE CMA AMG PROCLAMATION NUMBER THREE CMA ARTICLE ONE CMA SECTION ONE CMA GENERAL ORDER NUMBER FOUR FIVE ONE THREE CMA ITALIAN DECREE LAW NUMBER EIGHT THREE NINE CMA ARTICLE TWO PARA SEVEN OF THREE JUNE ONE NINE ONE FIVE CMA DECREE LAW NUMBER ONE NINE TWO THREE OF FOURTEEN NOVEMBER ONE NINE TWO SIX CMA MINISTERIAL DECREE OF THREE OCTOBER ONE NINE THREE NINE AND FIFTEEN DECEMBER ONE NINE FOUR ZERO FD

PARA THREE FD IN ADDITION TO THE ABOVE MENTIONED PROVISIONS THIS ACT SHOULD FALL UNDER LAW THREE ZERO TWO ZERO OF EIGHTEEN JUNE ONE EIGHT SIX SIX DEALING WITH CONTRABAND AND PUNISHABLE BY A SEVERE TERM OF IMPRISONMENT

PRIORITY

Legal S/C

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

4132

1594

033906

R/1284

MARCH 271708B

MARCH280915

PRIORITY

AFHQ G-5

ALCOM ROME FOR ECONOMIC SECTION

UNCLASSIFIED/

1. Reference AFHQ letter F-10 of 22 February 1946. to Alcom and Alcom signal reference 1999 of 21 March 46 in reply.
2. Further state whether the export to Jugoslavia of wireless equipment purchase in Milan without export license was legal in December 1945 under either Italian or AMG law.
3. If illegal quote references and short summary of provisions .
4. Urgent.

AC DIST

ACTION - ECON 2

INFO - CHIEF COMMISSIONER

COMMERCE 3

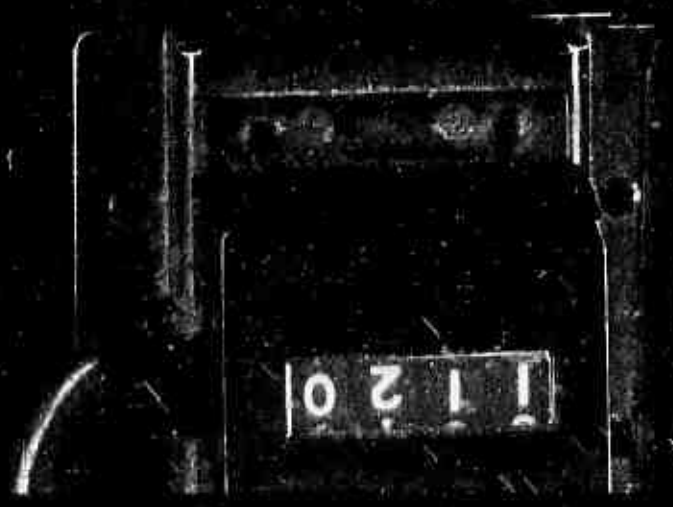
FILE 2

FLOAT

35

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HEADQUARTERS
28 MAR 1946


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