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FUNCTIONS OF ALLIED COMMISSION
JULY-SEPT. 1946

MINUTE No. 5.

TO: Executive Commissioner.

6th September, 1946

With reference to your Minute 5, nothing has been heard from G-5.
Do you wish to take any action?

VP. A. Sec.

Sir: Please see Lho 3 in reply to your Min. 5.

W. J.

*Loyd S/C
(Att: Mr. Hargrave Thoms)*

Please see Lho 3

*Supplena
C. H.*

13/9

*McAuliffe
M. CARR, Brigadier.
VP. CA. Section.*

W. J. 19

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key of S/C
(Ref: the transgrave Thoms)

Plen ne glio 3

 $13/9$

Impella CPT
1800

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Minute No. 2

3rd August 1946

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To: Executive Commissioner.

This is a matter which I feel must be handled by your section, since it concerns a matter of policy and procedure affecting the whole of this Headquarters.

Presumably the Legal Sub-Commission were wrong in acting as a medium between the Danish Charge d'Affaires and AFHQ.

As regards acting on behalf of other agencies or individuals, AFHQ's instructions do not appear to make sense.

Apart from representations we receive from the Vatican (see Minute 1) we get applications from individuals and even from the War Office which have to be sent to AFHQ or their branches.

The War Office and individuals write to us about claims. These we have to send to either the British or U.S. Claims authority. Individuals ~~may~~ write to us in an endeavour to trace missing persons who were working with the Allies ~~etc~~.

M. Carr

M. CARR, Brigadier.
VP. CA. Section.

(3)

V.P. C.A.S. *ML 188*

I spoke to *Mr. Parsons* who while pointing out that C.A.A.'s letter is for a year the impression that A.C. was active for more than one year lost office, agreed that the

Manly, Brigadier.
VP. CA. Section.

(3)

V.P. cat. ML 188.

I spoke to ~~the~~ persons who while pointing out that C.A.'s letter is P. 1 A got the impression that A. is less active for more than as a mere post office, agreed that the principle laid down was too comprehensive. He will take up the matter at 5.0 & we shall hear again. I suggest we take no action for a week.

MS/8/8.

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To: Legat S/C

Minute (3) for your information
J. P. Mella
C.A.

10/8

- 1 -

To :

V.P.
C.A. Section.

Please see attached letter of 30th July from G-5 and this Sub-Commission's letter of 15th July to which it is a reply.

As a serious question of principle as to the proper functions of the Allied Commission is raised, this Sub-Commission would be grateful to have your directions.

On 15th July the Danish Chargé d'Affaires called in person upon the Chief Legal Adviser and asked that this Sub-Commission would use its good offices to serve a Petition for Divorce issuing from a Copenhagen Court upon a German Prisoner of War in Italy.

To carry out this request our letter of 15th July was written. It was addressed to A-Branch, GHQ, as I was advised this was the Branch dealing with POW Camps.

I might have forwarded the Chargé d'Affaires letter without any further comment, but as very precise steps are essential to constitute valid service of Court documents, I went out of my way to suggest the exact steps required, in order to prevent the service turning out to be abortive.

In seeking to carry out the request of the Danish Legation by forwarding it to the appropriate Branch of GHQ for action G-5 is of opinion that the Allied Commission was exceeding its powers, and ought to have handed back the documents to the Chargé d'Affaires and informed him that he should communicate direct with AFHQ.

This Sub-Commission received a variety of requests many of which are, with a view to assist the applicants rather than to obstruct them, forwarded to AFHQ for action. A good example is the applications received from the Holy See. We get frequent applications for pardon accompanying petitions of persons convicted of War Crimes. These are forwarded to G-5 for consideration by the appropriate authorities. This Sub-Commission's duties in this respect seem to approximate in fact if though not in name to liaison duties between the Holy See and AFHQ. These present instructions from G-5 would seem to indicate that the letters from the Secretariat of the Holy See and the accompanying petitions

from a Copenhagen Court upon a German Prisoner of War in 1946.

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It would be helpful if this Sub-Commission could be informed which of the requests requiring only to be forwarded to the appropriate Military Authorities for action should be entertained and which refused and returned to the applicants, as suggested.

The reference in lines 4 and 5 of G-5's letter "or to act on behalf of individuals with branches of this Headquarters" is not understood.

Legal S/C

2 August 1946.

2/8/46

Wings and Branches for C.A.

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Col. F. C. A. PARSONS,
G-5, AFHQ, CMF

18 September 1946

G-5: 965.21

My Dear Brigadier.

With reference to Brigadier Lush's letter 1/DO/EC of 13 September and our telephone conversation today:-

Our letter (G-5: 965.21 of 30 July) was intended to refer only to matters which had nothing to do with Italy, e.g.: the case in point, which concerned a Danish citizen in Denmark and a German prisoner of war in British custody. I admit that this is not clear in the letter. In any event, I agree that the cases in question will be too rare to call for the issue of a special directive within Allied Commission or anything of that sort. Rather than issue a laborious amendment to our letter, I suggest that the matter be dropped.

Yours, Sincerely,

Brigadier M. Carr, CRE, MC,
Headquarters,
Allied Commission,
Rome.

F. C. A. Parsons b

To: Captain Valle.
C.A. Section.

19th August, 1946

I think you have the file on this subject. I discussed this on the telephone with Lt. Colonel Parsons and agree we should let the matter drop.

M. S. Carby

M. S. CARBY, Brigadier.
Acting Executive Commissioner.

Col. F. G. A. PARSONS,
G-5, AFHQ, CMF

G-5: 965.21

18 September 1946

Dear

With reference to Brigadier Lush's letter 1/DO/EG of 13 September and our telephone conversation today:-

Our letter (G-5: 965.21 of 30 July) was intended to refer only to matters which had nothing to do with Italy, e.g.: the case in point, which concerned a Danish citizen in Denmark and a German prisoner of war in British custody. I admit that this is not clear in the letter. In any event, I agree that the cases in question will be too rare to call for the issue of a special directive within Allied Commission or anything of that sort. Rather than issue a laborious amendment to our letter, I suggest that the matter be dropped.

Yours,

Brigadier M. Carr, CBE, MC,
Headquarters,
Allied Commission,
Rome.

HEADQUARTERS ALLIED COMMISSION
A P O 794
Office of the Executive Commissioner

Ref: 1/DO/EC

13 September 1946

(28)
You will remember that at the beginning of last month I called your attention to letter G-5: 965.21 dated 30 July 1946 which we found a little hard to understand. You agreed with our difficulty and said we should hear again. Can you help?

Colonel F.G.A. Parsons,
G-5 Section,
ALLIED FORCE HEADQUARTERS.

(Sgt)

Brigadier

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 965.21

30 July 1946.

SUBJECT: Service of Divorce Papers
on a German PW.

TO : Chief Commissioner,
Allied Commission,
APO 794.

Reference your AC/4119/5/L of 19 July.

It is no part of Allied Commission's functions to act as Liaison between the Charge d'Affaires of other countries and this Headquarters or to act on behalf of individuals with branches of this Headquarters. In all such cases will you please not accept any papers but inform the applicant that he should communicate direct with this Headquarters. In this case a reply is being sent direct to the Danish Charge d'Affaires.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

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

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HEADQUARTERS ALLIED COMMISSION
APO 794
JULIAN SUB-COMMISSION

AC/4119/5/L.

/ada.

15 July 1946.

SUBJECT: Service of Summons on a German Prisoner
of War: POW Friedrich Carl EHN.

TO: A-Branch: GHO, C.M.F.

1. I enclose copy of a memorandum left today at this office by the Danish Chargé d'Affaires in which he requests that a Summons issued by the Municipal Court of Copenhagen be served upon Friedrich Carl EHN, a German POW at present detained in PWS 339, Naples.

2. Please send the two enclosed Summonses, to both of which are attached German translations, to the Camp Commandant and request him to serve the copy (which I have marked in red pencil "COPY"). The Danish Legation ask that the original be returned with a certificate that the Summons has been duly served. I would suggest that a certificate be endorsed on the last page of the original Summons in the following terms:

I hereby certify that I served a copy of the Summons set out above, together with the translation in German attached to it, upon Friedrich Carl EHN by handing the same to him on the day of 1946 in the presence of (set out name of officer, rank, and official designation).

It would be of assistance if the Summons could be served in the presence of one of the Camp Commandant's officers and his name set out in the certificate. It is desirable that the Summons should be served by the Camp Commandant and his description as such should be clearly stated in the certificate.

3. On receiving back the original Summons after service has been made I should be obliged if you would return it to this Sub-Commission with a covering letter in duplicate which will serve to authenticate the signature of the Camp Commandant, stating that you are returning the original Summons with a certificate

of Service entered therein and duly signed by..... Officer
in command of POW Camp....., or whoever is the correct description
of the officer signing the certificate.

4. The Danish Legation has especially asked to have the
service made and the original summons returned at the earliest possible date.

For the Chief Commissioner:

HUGHDAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

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