

ACC

10000/143/1603

DISPOSAL OF CAP
FASCIST ARMED
MAR. - AUG. 194

10000/143/1603

DISPOSAL OF CAPTURED MEMBERS OF REPUBLICAN
FASCIST ARMED FORCES
MAR. - AUG. 1945

MINUTE 1

TO : OA Section.

Reference folio 9A. This ^{see} ~~is~~ to be in line with the matter of I.A.F. concerning which we wrote minutes a few days ago. Can you tell me what the policy is?

Chapman

Colonel
D.P.S.

5th Floor, Room 8
6/6/45
PS S/C.

Min 2

P.S.

Legal will send you a copy of signed they are dispatching which embarks Hq policy on matter of 9a *over you*

speaking
Min 3

Legal S.

Folio 16A refers. Drafts (Folio 17A) is forwarded for your perusal and approval.

W. Doherty
Col

P.S.
1 July 45

Ps. S/C.

4.

6.125
(Do not know ~~what~~)

we spoke (Doherty - Echerson).

Letter 17 A is a reply. U-200, we seem appropriate K 12A.

I suggest that para 1 of the directive letter is wrong. Then

Min 2

P.S.

Legal will send you a copy of signed they are
dispatching which embodies H.H. policy in matter of qa

over yoke

speaking

Min 3

Legal Sec.

Folio 16A refers. Drafts (Folio 17A) is
forwarded for your personal and
approval.

W. Doherty
CivP.S.
1 July '45

4.

P.S. 87C.

0:125

(Do not know) ~~to~~

we spoke (Doherty - Echelon).

Letter 17 A is a copy. U- ~~does~~ not seem appropriate to 12A.

Then

I suggest that para 1 of the directive (letter is wrong).
is no question of our dictating to the Italians, what they should
do with their power.

The point is that if there are any

helfasists who are in Italian custody, having been accused

POW states by us (of course there are not) we may

remove them into our custody. Otherwise not.

Perhaps we might discuss.

W. Doherty

Civ

11 AUG 1945

CONFIDENTIAL

HEADQUARTERS ALLIED COMMISSION

APO 394

CIVIL AFFAIRS SECTION

AC/4076/2/L.

SUBJECT : Detention of neo-fascist personnel.

TO : See distribution.

/RDP.
11 August 1945.

1. This directive is issued to clarify the status of neo-fascist personnel who are now in custody in Italian prisons in GAC territory.
2. Certain regions are understood to desire the release without qualification of some or all neo-fascist personnel now held in custody against whom it is not intended to bring any criminal charge.

Other regions desire that for reasons either of security or public safety neo-fascist personnel now in custody should remain in custody.

3. Subject to para. 4 below, it is entirely a matter for the discretion of Regional Commissioners, to be decided upon consideration of local circumstances, whether such personnel should be released or further detained, or whether some should be released and some retained.

4. So far as concerns the release of neo-fascist personnel who may have been returned to Italian custody from Allied custody it is the declared policy of Combined Chiefs of Staff that no neo-fascist who is or has been in Allied custody should be set at liberty before all cooperator personnel have been released. This latter event has not occurred. This Commission has therefore requested the Italian Government to ensure that any neo-fascist personnel handed back to the Italians from Allied custody will, unless sentenced to death and executed, remain in Italian custody until after the release of all cooperator personnel by the Allies.

5. With the exception indicated in para. 4 above, all neo-fascist personnel whom it is desired to release may be set at liberty forthwith.

6. They should not be retained in a common jail but should be transferred to an internment camp. It is appreciated, however, that in many areas this will not be possible and in such areas personnel may be temporarily retained in common jails pending removal.

For your information, arrangements are now being discussed with HQ whereby a large internment camp at Modena will, it is hoped, be made available for reception of all such personnel, and they may be retained in common jails until such internment camp is available.

For the Chief Commissioner:

R. bin

6020

147 58/2
32 A

1. This directive is issued to clarify the status of neo-fascist personnel who are now in custody in Italian prisons in 1952 territory.

2. Certain regions are understood to desire the release without qualification of some or all neo-fascist personnel now held in custody against whom it is not intended to bring any criminal charge.

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6620

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For the Chief Commissioner:

DISTRIBUTION:

ADFO, C-2 Section

RO, Liguria Region (12) (Att: RLOs and RPOs)

" Piemonte (24)

" Lombardia (24)

" Veneto (36)

" Venetia Giulia (24)

For distribution to RLOs and RPOs.

SCAO AF 5 Army

C-2 5 Army

Executive Commissioner

Land Forces S/C

Navy S/C

Air Forces S/C

Public Safety S/C

Public Health S/C

Local Govt S/C

Legal S/C

Education S/C

Monuments, Fine Arts & Archives

Displaced Persons S/C

S/C

Please insert where Lido

(31A)

HEADQUARTERS ALLIED COMMISSION
Public Safety Sub-Commission
APO 394

Tel : 489081-360

10 August 1945

69/14794/12/23

SUBJECT : Personnel of Neo Fascist
Military Formations

TO : S.F.E.O's Liguria, Lombardia, Piemonte
and Venetia Regions
S.F.E.O's Naples Consulate, Livorno Cons

The Italian Government through the Dir.
Genl. of Public Safety has been informed of the dispo-
sition of neo fascist military personnel in the follow-
ing terms, which are passed to you for your information -

" Under the existing policy, neo-fascist
personnel who are now either at large or in Italian
custody will not be delivered into allied custody
or control unless otherwise ordered by the Allies
in specific cases. Subject to such orders, neo-
fascist military personnel in Italian custody will
be left in Italian custody for trial or disposition
pursuant to Italian law."

Walter Doherty
for bol

JOHN W. CHAPMAN
Colonel, J.I.C.D.
Director.

WE/2.

6619

File 14754/10/PS

30A

AMG LIGURIA REGION

3041

3 AUGUST 1945

ROUTINE

UNCLASSIFIED

29A
REFERENCE YOUR SIX THREE NINE DATED ONE AUGUST PD
PAPER TO AMG LIGURIA REGION FROM ALCON CITE ACTSP PAREN
YOU MAY EXPECT DIRECTIVE IN ABOUT FOUR DAYS AS TO TREATMENT
OF NEOFASCISTS PD

6618

Public Safety S/O
489081-560

W. BOWERTY, Col.

NICHOLAS PICCHINO
CWO, USA
Asst Adjutant.

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: 639

Date/Time of Origin: AUG 010208B

Message Centre No: P/2165

Date/Time Rec'd: AUG 011415B

Precedence: ROUTINE

FROM: AMG LIGURIA REGION

TO: HQ ALCOM CITE ACPST INFO LEGAL DIV LIGURIA REGION BY HAND

RESTRICTED

RESTRICTED

Subject is Neo-Fascists in civilian prisons. Following numbers and categories are so confined in this Region. Brigata Nera 211, 10 Fleet Mas 65, GNR 266, Muti Legion 5, Italian SS 9. None of these prisoners are required for trial by Italian Assize courts and attempts have been made to secure their removal into POW camps without success. Can authority be obtained from AFHQ for military authorities to take over custody of these prisoners as POW. If so can local military authorities be instructed accordingly. End signed HEFDORD.

TO	
INFO	
CA Sec	
Legal SC	
File 2	
Fleet	
CHIEF CLERK	

Dist

Action - P Safety SC
 Info - Chief Commissioner
 CA Sec
 Legal SC
 File 2
 Fleet

HEADQUARTERS

1 AUG 15

A. C.

6817

RESTRICTED

28A

HEADQUARTERS ALLIED COMMISSION
APO 374
CIVIL AFFAIRS SECTION

Ref: AS/1472/12/15

9 Aug 45

SUBJECT: Personnel of Neo-Fascist Military Formations.

TO: Ministry of Interior,
Attn: Director General of Public Security.

18A

Reference is made to your letter 441/04846 dated 6 June 45.

- 1 You are advised that, by reason of a change in policy, the instructions given by Lt. Colonel R.T. Millhouse to the Command of Rome, which communicated them to you by note dated 22 May 45, No. 018163, concerning the disposition of neo-fascist military personnel, are no longer effective.
- 2 Under the existing policy, neo-fascist personnel who are now either at large or in Italian custody will not be delivered into Allied custody or control unless otherwise ordered by the Allies in specific cases. Subject to such orders, neo-fascist military personnel in Italian custody will be left in Italian custody for trial or disposition pursuant to Italian law.
- 3 The above does not apply to persons named in lists already sent to you, who will be handed over to the Allies immediately on their apprehension.
- 4 You may instruct your officers accordingly.

FOR THE CHIEF COMMISSIONER:

[Signature]
C.R. WATSON, Brig.,
VF CA Section.

Copy to: Ministry for War,
Land Forces Sub-Commission (M.R.I.A.),
Lt. Col. Millhouse.

SEARCHED	INDEXED	FILED	10/6
SERIALIZED	FILED	FILED	9/8
AUG 1945			11/1

6516

TRANSLATION M.C.

MINISTRY OF INTERIOR

Div. A.G.R. Sez.1
N.441/0446

25 July 45

SUBJECT : Soldiers of newly - formed Fascist formations

We beg you to inform us, if convenient,
references in regard to Ministerial letter of 6th
June last, relating to a/m subject.

TO	
Director	11/8
Deputy Dir.	11/8
Chief	11/8
Director	
Director	
Director	
Director	
Director	
Director	

For the Minister

/s/ illegible

6615



Ministero dell'Interno
DIREZIONE GENERALE DELLA PUBBLICA SICUREZZA

Roma 13 luglio 1965

*Alta. COMMISSIONE ALLEATA
Sottocommissione per la P.S.*

Livorno A.G.R. 1°

Let. N. 47/04846 Allegati

Regista del

Libro

*Occorrenze Militari delle formazioni neo-fasciste rep-
pubblicane.*

*Si prega di compiacersi far tenere, se possi-
bile, le notizie richieste con la ministeriale
S.G.P.P. n. pari, relativa all'argomento in og-
getto.*

PER MINISTRO

Luca

6-114

26A

HEADQUARTERS ALLIED COMMISSION
APO 394
FINANCE SUB-COMMISSION
ALLIED FINANCIAL AGENCY

FAH/4.85

26 July 1945.

SUBJECT: Fascist Funds.

TO : Public Safety Sub-Commission.

1. The attached correspondence is forwarded for any action you may consider necessary.

James H. Penick
JAMES H. PENICK,
Lt Col, Spec Res,
Chief of AFA.

Encl: as stated

TO		
1. DIRECTOR		
2. DEPUTY DIRECTOR		
3. ASST. DIR.:		
a. Adm.		
b. Inv.		
c. Rec.		
d. Sec.		
4. CHIEF CLERK		

Jul 31/7
MC 307

Capt W. Brown

*Paper detached
and handed to Major
Palmieri for trans-
mission to Italian
Commissioners for Sanction
against fascists*

(WJ)
21/7/45

6613

RESTRICTED

P. Safety

FII/131/222/6/03-4
JULY 14/1945

25A

1/7723
JULY 16/1945LEGAL DEPARTMENT AND VIRGINIA REGION
ALICE AGGAS

14754/12

RECEIVED



no trace

RESTRICTED.

Referenced AME signal in 20893 dated 13 July. It is understood that both Number 1 District and 86 AME are requesting express authority from AME to hand over to Allied custody the prison personnel not required for trial in Italian courts but now in Italian custody. This headquarters strongly supports such request in the interests of public safety. It is feared that if no persons not required for trial are released grave disorders may result. Considered most desirable that such persons be removed from this part of ITALY and be held in Allied custody.

TO	INIT	DATE
DECO	131	19/7
DEPUTY CO	131	18/7
EXECUTIVE	131	18-2
POLICE		
I.C.		
SECURITY	131	18/7
CHIEF CLERK		

REF

ACTION : GAB (2)

INFO : CHIEF COMMISSIONER
IN COMMISSIONER
PUBLIC SAFETY
FILE (2)
HONOR

6512

RESTRICTED

HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394

Altank file 9A
14754/12
24A

REF : PR/PS/18/28

14 July 1945

SUBJECT: Neo Fascists

TO : HQ A.C. APO 394 (Attn. Director Public Safety Sub-Comm.)

1. Can you inform me whether the Fascist-Republican RAP and RAU units are to be considered as "neo-Fascist bodies similar to the Brigata Nera" or as army units whose members should be treated as POW's even when found in civilian clothes in prisons?

2. A list of those bodies considered similar to the Brigata Nera would be helpful; hitherto for lack of guidance this office has considered the GHR, the Decima Mas, and the various Milizia's to fall under this heading.

For the Regional Commissioner.

C.R. Briggs

C.R. BRIGGS
Lt. Col.
Regional Public Safety Officer

TO		
Y DIRECTOR	<i>20/11</i>	<i>23-7</i>
Y DEPUTY DIR	<i>20/11</i>	<i>23-7</i>
EXEC DIR	<i>20/11</i>	<i>23-7</i>
POLICE		
SEC. AFF.		
PRISON		
AC		
Y SECURITY		
CHIEF CLERK		

6611

14754/14/2
SECRET

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

AN/4076/2/L.

13 July 1945. /rlp.

SUBJECT : Status of Neo-Fascist Personnel.

TO : See Distribution List.

1. Further to this Commission's directive of 10 June 1945, reference as above, and subsequent communications concerning paras. 6 and 7 thereof, AMHQ have now notified this Commission as follows:

"Neo-Fascist military personnel in Allied custody who have not been accorded POW status and who are requested for trial by Italian Government may be turned over to Italian custody."

2. Any neo-fascists therefore who have already been removed from Italian custody to prisoner of war or concentration camps, but have not been officially accorded prisoner of war status comm within the terms of this order if they are requested for trial by the Italian Government.

3. It is accordingly requested that the military authorities issue the necessary orders to enable such personnel to be returned when requested and that all possible facilities be afforded to the Italian authorities to enable them to ascertain whether persons desired for trial are in fact held in Allied custody.

By command of Rear Admiral STONE:

G. R. UPJOHN, Brig.,
VP CA Sec, HQ AC.

DISTRIBUTION:

ROC (Attn: FLOs).

EMILIA, LIGURIA, PEMONIE, LOMBARDIA, VENETIE and VENEZIA GIULIA Regions
(for distribution down to FLOs).

SCAOC, 5th and 8th Armies:

Hq, IV Corps, G-5:

5th Army, G-2:

8th Army, G-SI (b):

Exec Com:

Public Safety S/C:

Land Forces S/C (MHL):

Navy S/C:

Air Forces S/C.

SECRET

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: FK 20391

Message Centre No: E/9048

Date/Time: Origin: JULY 101613Z

Date Time Rec'd: JULY 101915Z

Precedence: ROUTINE

FROM: AMHQ SIGNED 240000 CIED NWAB

TO : 8 ARMY INFO ARSON ROME

RESTRICTED

RESTRICTED

1. NSIC TRIESTE reports certain number Neo-Fascist Naval personnel at large TRIESTE.
2. These should be arrested as surrendered enemy personnel and despatched concentration area RIMINI.
3. Report numbers involved.

Dist

TO	INT	SEC
DIRECTOR		
DEPUTY DIR.	WAT	11/7
EXEC. OF	WAT	11-7
POLICE		
SEC. 1		
SEC. 2		
SEC. 3		
SEC. 4		
SEC. 5		
SEC. 6		
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SEC. 98		
SEC. 99		
SEC. 100		

Info-Action - F Safety SC

Navy SC

Info - Chief Commissioner

C A Seat

File 2

Fleet

INFO - ACTION 6609

RESTRICTED



INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: **PI 19573**
 Date/Time: **JULY 09 13 11Z**

Message Centre No: **E/0267**
 Date Time Rec'd: **JULY 09 19 40Z**
 Precedence: **IMPORTANT**

FROM: **4THQ STONED SACRED SITE PHCAG**
 TO: **ACTION DISTURBS ALCON ROME 5 ARMY 6 ARMY POW COMMAND 1 DISTRICT**

SECRET**SECRET**

Neo-Fascist military personnel in Allied custody who have not been accorded PW status and who are requested for trial by Italian Govt may be turned over to Italian custody.

Dist *Legal Action*
 Action - *E Safety Info*
 Land Forces 2
 Info - Chief Commissioner
 CA Sec
 File

**ACTION****SECRET**

TO	FILE	DATE
DIRECTOR		
DEPUTY DIRECTOR		10/7
EXEC. OFFICER		10/7
POLICE		11/2
OC. & DEW	6608	10/7
ADJUTANT		
SECURITY		
CHIEF CLERK		

2A

HEADQUARTERS FIFTH ARMY
G-5 SECTION
APO 164 US ARMY

TUN/164

207

202-V

3 July 1945

SUBJECT: Neo-Fascists

TO : See Distribution

1. Since instructions were last sent out by this HQ with regard to the treatment of Neo-Fascists by our cable #F235 dated 16 June 1945, additional instructions have been received from AFHQ which may be summarized as follows:

a. Except as otherwise expressly directed by AFHQ, Neo-Fascists military personnel in Italian custody on charges of atrocities, collaboration and the like against Italians or of other specific crimes will be left in Italian custody for trial and disposition in Italian Courts according to Italian law without regard to their possible status as prisoners of war. This is true even if such Italians now in Italian custody may formerly have been in Allied custody. On the other hand prisoners of war and surrendered enemy personnel in Allied custody including former Fascist republican troops (Neo-Fascists) required by the Italian Government for trial by them should NOT be handed over without prior authority from AFHQ.

b. It is understood that numbers of Italian Fascist Republican troops are trying to surrender the selves to local Allied military authorities. If the surrender is accepted by such Allied authorities such Fascists will be retained as surrendered personnel as directed by AFHQ letter AG 306.3/163 LOG-C of 18 May 1945. On the other hand if the surrender is accepted by Italians and not by Allied authorities such Fascists will be confined by the Italian authorities and held and tried etc., under Italian law.

2. Instructions have been given by the Provost Marshal to all MP units not to accept Neo-Fascist POWs from Italian custody except on the express application of the Provincial Commissioner concerned.

Such applications will in future only be made if previous authorization has been obtained from AFHQ through proper channels.

3. If Neo-Fascists, who have been accorded POW status and are in Allied custody, are required by the Italian authorities for trial for specific crimes, a report of the relevant facts should be forwarded to AFHQ for consideration.

6307



and authorization for the PW concerned to be returned to Italian custody for trial.

For the Assistant Chief of Staff, G-5:

Thomas J. Michis

THOMAS J. MICHS.
Lt. Colonel, A.C.,
Executive.

DISTRIBUTION:

AC of S, G-5, IV Corps for
PO's Liguria, Lombardia and Piemonte.
PO's Emilia and Veneto Regions.
PO's Bolzano, Trento and Verona.

cc: G-5, 15 Army Group.
Allied Commission. (5)
G-1, G-2, G-3, G-4,
IG, FM, MIA Liaison Officer.

CA Dist:

DE/BA/CR

Legal

PSU

MIA

POW

ALLIED [REDACTED] COMMISSION
INTER-OFFICE MEMORANDUM

SUBJECT:

Lenses Reflected Dors.

FILE NO.

TO :

Col Chapman

29 Dec 1945

1945

Enclosed copy of John Bromley's letter
signed as above

Pls show Col Williams
"Lenses" B.P. sending
letter hat

3/7/46

John Bromley

6606

TRANSLATIONSignal

War - Cabinet N°112644/I/I Stop As per orders from Allied Forces H.Q. all members of military formations of so-called fascist republic shall be considered prisoners of war of Allied Forces and wherever apprehended shall be handed over to the nearest American or British P.O.W. Center Stop For your information and issuance of necessary orders Stop War Minister CASATI.

Territ. Legion CC.RR. Rome
1st Ext. Coy.

N.45/2 Confidential

Rome, 27th June 1945

To : Commanding Officer CC.RR. Aurelia
To : All depending CC.RR. Stations

..... For your information and necessary action.

TO	INIT	DATE
DIRECTOR		
DEPUTY DIRECTOR	12	3-7
EXEC. OFFICER	12	3-7
POLICE		
LIC. & REG.		
PRISONS		
ADM. OFFICER		
SECURITY	06	9/1
CHIEF CLERK		

Commanding Officer
Attilio De Santis, Lt.

6605

TRANSLATION R.C.

6th JUNE 1945 , ROME

MINISTER OF INTERIOR

DIV. A.G.R. SEC. I

NO. 441/04646

TO: ALLIED COMMISSION AND SUBCOMMISSION FOR P.S. - ROME

SUGJ.: Formations of Fascist-republican soldiers.

On the 22nd of last May the Questura of Rome in letter No. 018163, has informed us that it has come to an agreement with Lieu. Colonel R.T. Milhouse of the Allied C. for P.S., 40. Questura Bldg Via San Vitale, about the treatment in behalf of soldiers that return to Rome from the North, after having responded to the call of arms of the self-styled Republican Government.

As agreed upon, said soldiers, are considered prisoners of the Allied Forces, and must be consigned by the Italian Police Authority to Allied Police Command in Via della Pilotta, Rome.

In order to dispose of your arrangements in regard to the other provinces returned to the Italian Administration, we beg you to inform us at your earliest if same dispositions are to be adopted in a/m provinces, and if so, to which Allied Authority must these men considered prisoners of war be consigned.

We suggest that the necessary orders be given to the Italian Police Force so that they consign these soldiers, considered prisoners of war, to the nearest Allied Military Police Station.

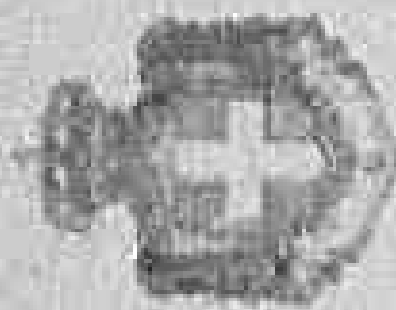
Awaiting your decision on this matter.

For the Minister
/s/ Ferrari

TO	DATE	TIME
X DIRECTOR	15/7	
X DEPUTY DIRECTOR	25/7	
X CHIEF OF POLICE	18/7	
X POLICE		
6604		
PRISON		
ADM.		
SECURITY		
CHIEF CLERK		

see 12 A

C O C P I A



Ministero dell'Interno
DIREZIONE GENERALE
DELLA PUBBLICA SICUREZZA

Roma 5 Giugno 1945

Al L'On. COMMISSIONE

ALLIATA - Sottocommissione
per la P.S. -

R O M A

Provvisorio A.G.R. *Sec. I*
Prot. N. 441/04846 *Allegato*

Reperto al foglio del
Dir. Sec. N. 2

OGGETTO Militari delle formazioni neo-fasciste repubblicane.

URGENTE

La Questura di Roma con nota n. 018163 del 22 maggio p.p. ha partecipato di aver preso accordi con il T. Colonnello R.T. MILLHOUSE dell'A.O. Public Safety, L.O. Questura Bldg Via S. Vitale, circa il trattamento da usarsi nei confronti dei militari che dal Nord rientrano nella provincia di Roma, dopo aver ottemperato ai bandi di chiamata alle armi del sedicente governo repubblicano.

In base agli accordi presi, detti militari, essendo considerati prigionieri di guerra delle Forze Alleate, devono essere consegnati dalle Autorità di Polizia Italiane al Comando della Polizia Alleata in Via della Pilotta, in Roma.

Per essere in grado di impartire le disposizioni occorrenti alle altre province restituite all'Amministrazione Italiana, si prega compiacersi comunicare, con cortese urgenza, se le norme suddette adottate dalla Questura di Roma possano senz'altro estendersi alle altre province, precisando, in caso positivo, a quale Autorità Alleata debbano essere consegnati i militari da considerarsi prigionieri di guerra.

A questa Direzione Generale sembrerebbe opportuna la disposizione con

*Divisione A.G.R. L. I.
Prot. N. 441/04846 Allegati*

*Reposta al Foglio del
Gen. 912*

OCCETTO Militari delle formazioni neo-fasciste repubblicane.

URGENTE

La Questura di Roma con nota n. 018163 del 22 maggio p.p. ha partecipato di aver preso accordi con il T. Colonnello R.T. MILLHOUSE dell'A.C. Public Safety, L.O. Questura Bldg Via S. Vitale, circa il trattamento da usarsi nei confronti dei militari che dal Nord rientrano nella provincia di Roma, dopo aver ottemperato ai bandi di chiamata alle armi del sedicente governo repubblicano.

In base agli accordi presi, detti militari, essendo considerati prigionieri di guerra delle Forze Alleate, devono essere consegnati dalle Autorità di Polizia Italiane al Comando della Polizia Alleata in Via della Pilotta, in Roma.

Per essere in grado di impartire le disposizioni occorrenti alle altre provincie restituite all'Amministrazione Italiana, si prega compiersi comunicare, con cortese urgenza, se le norme suddette adottate dalla Questura di Roma possano senz'altro estendersi alle altre provincie, precisando, in caso positivo, a quale Autorità Alleata debbano essere consegnati i militari da considerarsi prigionieri di guerra.

A questa Direzione Generale sembrerebbe opportuna la disposizione con la quale agli organi di polizia italiani si facesse obbligo di presentare i militari fermati, perchè considerati prigionieri di guerra dagli Alleati, alla più vicina Autorità Militare Italiana, che dovrebbe, poi, a sua volta, provvedere alla loro consegna alla Polizia Militare Alleata della

./.

più vicina sede.

Si resta in attesa di conoscere in merito l'avviso di codesta Commissione.

PEL MINISTRO

F.to Ferrari

P. C. C.

IL CAPO DELLA SEZIONE PRIMA

Ami

HEADQUARTERS ALLIED COMMISSION
Civil Affairs Section
APO 394

MA

AC/14754/12/PS

July 1945

SUBJECT : Personnel of Neo Fascist Military Formations

TO : Ministry of Interior
Attention: Director General of Public
Security.

12A

1. Reference is made to your letter 441/04846
dated 6 June 1945.

2. You are advised that, by reason of a change
in policy, the instructions given by Lt. Col. R.P.
Millhouse to the Questura of Rome which communicated
them to you by note dated 22 May, 1945, n.018163,
concerning the disposition of neo-fascist military
personnel, are no longer effective.

3. Under the existing policy neo-fascist
personnel who are now either at large or in Italian
custody should not be delivered into Allied custody
or control except in accordance with express directive
from Allied Force Headquarters. ~~Except as otherwise~~
~~expressly directed by Allied Force Headquarters Neo-~~
Fascist Military personnel in Italian custody ~~on~~
~~charges of violations of Italian law~~ will be left in
Italian custody for trial and disposition pursuant to
Italian law.

Subject to

4. You may instruct your officers accordingly.

For the Chief Commissioner

NOT SENT

Unless involved in
specific cases

6602

G.R. UPJOHN, Brig.

VP CA Sec.

Copies to : Ministry for War.

L. H. S. Subson H. H. A.

Lt. Col. R. P. Millhouse

HEADQUARTERS ALLIED COMMISSION
Civil Affairs Section
E.O. 394

DRAFT

AC/DA/754/12/PS

Tel: 478427-580

June 1945

SUBJECT: Any personnel of Neo Fascist Republic formations.

TO: Ministry of Interior } Italian Government
Ministry of War }

1. Military personnel who are neo-fascists and who have been taken into custody by the Italian authorities will be treated as prisoners of war if they were entitled to that status when captured.
2. Surrendered personnel will not be granted Prisoner of War status unless under express instructions of Allied Force Headquarters.
3. Neo-fascists will not be taken from Italian custody into Allied custody except under express direction from AFHQ. The fact that Neo-Fascists now in Italian custody were formerly in Allied custody will not require their removal into Allied custody.
4. Except as otherwise expressly directed by AFHQ Neo-Fascist military personnel in Italian custody on charges of atrocities, collaboration and similar acts against Italians will be left in Italian custody for trial and disposition according to Italian law.

6601
G.R. UPJOHN, JR.
VP CA Sec.

AC 4754/12 IPS

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: YX 14026
 Date/Time: JUNE 28 1113B

Message Centre No: E/7179
 Date Time Rec'd: JUNE 28 1600B
 Precedence: PRIORITY

FROM: AFHQ SIGNED SACRED CITE PHORG
 TO: 5TH ARMY INFO: 8TH ARMY, 15 ARMY GRP, ALCON ROMS.

CONFIDENTIAL

CONFIDENTIAL.

1. Your para 1 first sentence agreed only in so far as persons in question have expressly been accorded PW status. Reur 2825. Under AG 383.6/121 GBI - of 18 May 45, however, surrendered personnel are not to be accorded PW status except on express instructions of AFHQ.

2. Concerning balance your para one, NEO-Fascists will be taken from Italian custody into Allied custody only in accordance with express direction from AFHQ. The fact that Neo-Fascists now in Italian custody were formerly in Allied custody will not in itself require their removal to Allied custody.

3. Agree your para two. See our E 96761

INFO ACTION

DIST

INFO-ACTION - LAND FORCES SC 2

FUB SAFETY SC

INFO - CHIEF COMMISSIONER

CA SEC

FILE 2

FLOAT

TO	INIT	DATE
DIRECTOR		
DEPUTY DIRECTOR		
EXEC. OFFICER		
POLICE		
SEC. OFFICER		
CHIEF CLERK		

CONFIDENTIAL

HEADQUARTERS
 28 JUNE 45
 6600

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4082/6/L.

21 JUNE 1945.

SUBJECT : Epuration and Punishment of Fascists.

TO : Chief Commissioner, H., AC.

1. I have been instructed to advise you on the respective degrees of responsibility imposed upon the Allied Commission and the Italian Government for the supervision and execution of epuration and the punishment of fascists.

2. In my opinion the possible responsibility of the Allied Commission falls under two heads :-

- (a) Responsibility to SAC and through him to the Allied Governments.
- (b) Responsibility to the Italian Government.

3. In the absence of any specific instructions the responsibility of Allied Commission to SAC is to ensure that the Italian Government is complying with the terms of the Armistice - in particular Arts. 29 and 30. These Articles cover the apprehension and surrender to the Allies of Chief fascists and war criminals; the abolition of Fascist institutions, the dismissal and internment of Fascist personnel, the control of Fascist funds and the suppression of Fascist ideology and teaching. It is the responsibility of the Italian Government to take the necessary executive steps to comply with these articles; Allied Commission is required to exercise supervision and ensure that the Italian Government is taking the necessary action.

4. Allied Commission is under no responsibility to the Italian Government.

5. As stated above it is the full responsibility of the Italian Government to take the necessary action to comply with the Armistice conditions. In fact the measures passed by the Italian Government, in particular D.L. No. 159, go far beyond their armistice commitments, so that if these measures are honestly pursued there is no doubt that the Italians will have discharged their liabilities to the United Nations.

6. It follows therefore that unless General Gherardoni is suspected of being a war criminal or is included in the list of "Chief Fascist associates" there is no obligation upon Allied Commission to require the Italian Government to surrender him to the Allies. He may properly be left in the care of the Italian Government for epuration, punishment or such other treatment as his case deserves. Allied Commission may, and I

- 2 -

think should, require a report on the final action taken.

7. A. V. M. Brodie informs me that in his opinion General Gbernadori should be left with the Italian Government.

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

6598

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator: Reference: FX 96761
 Date/Time: Origin: JUN 21 1511B

Message Centre No: E/6117
 Date Time Rec'd: JUN 21 1945B
 Precedence: ROUTINE

FROM: AFHQ, SIGNED OG MTOUSA CITE MAGAP
 TO: ACTION 5 ARMY, 8 ARMY INFO TO 15 ARMY GROUP, POC COMMAND MTOUSA, ALCOM

SECRET.

Except as otherwise expressly directed by AFHQ neo Fascist military personnel in Italian custody on charges of atrocities, collaboration and the like against Italians will be left in Italian custody for trial and disposition pursuant to Italian law.



DIST

INFO-ACTION: P. Safety S/C
 " L. Forces S/C 2
 INFO: Chief Commissioner
 Ca Sec 2

TO	File
DIRECTOR	22-6
DEPUTY DIRECTOR	22-6
EXEC. DEPT. 1	22-6
POW	22-6
EX. A. P.O.	22-6
INFO. 3	22-6
ADJ. STAFF	22-6
SECURITY	22-6
CHIEF CLERK	22-6

INFO-ACTION

6597

SECRET

HEADQUARTERS ALLIED COMMISSION

APC 394

CIVIL AFFAIRS SECTION

AC/1076/2/L.

SUBJECT :

Status of neo-fascist personnel.

TO : See distribution.

2A

/rlp.
10 June 1945.

Cip

1. Certain confusion appears to exist as to the status of neo-fascist military personnel who have been taken into custody by the Italian authorities or who may be apprehended in the future by either Allied or Italian authorities. It has been suggested that those personnel are entitled to treatment as prisoners of war, and in this connection reference has been made to AFHQ directive AG-383-6/A of GHI-8 of 6 March 1945.

2. In order to clarify the position certain questions were addressed to AFHQ and this letter is based upon the answers received. AFHQ have stated that the problem has been referred for final decision to the Combined Chiefs of Staff, and the terms of this letter are accordingly subject to any further instructions which may be issued hereafter by the Combined Chiefs of Staff.

3. In September 1944 the Italian Government agreed that Italian neo-fascists, in uniform and organized under the provisions of international law, captured by the Allies, should be treated as prisoners of war in accordance with the Geneva Convention in the same manner as German prisoners of war.

The term "neo-fascists" includes all Italian fascists who fought for the Republican Italian Government since the Italian Armistice.

4. From the point of view of the Italian Government the purpose of this agreement was, undoubtedly, to secure reciprocity of treatment for soldiers of the (official) Italian Army when captured by the Germans. It would seem to follow from this agreement that the Italian Government should not now seek to prosecute neo-fascists on the soil ground that, by fighting on the side of the Germans, they are guilty of treachery or collaboration with the Germans.

5. It is no part of this agreement that neo-fascist personnel who are now either at large or in Italian custody should be taken into Allied custody or control. On the contrary, they should be left in Italian custody and, if the Italian authorities desire to institute criminal proceedings against them, they should be allowed to remain subject to trial or other disposition in accordance with Italian law. In this connection, however, it may be desirable to state that the Italian Courts the existence of the agreement of September 1944 notwithstanding that such proceedings should not be instituted solely on the ground of fighting with the neo-fascist forces.

VLM: 0-11

VLM: It follows from the above that where such neo-fascists have already been transferred from Italian custody to prisoners of war or occupation camps and the Italian authorities desire to try them for serious crimes and not solely on the ground of their neo-fascist status they should be handed back to the Italian authorities for trial.

6036

or who may be apprehended in the future by either a Italian authority. It has been suggested that these personnel are entitled to treatment as prisoners of war, and in this connection reference has been made to ARHQ directive AG-389-6/121 GHI-6 of 6 March 1945.

3. In order to clarify the position certain questions were addressed to AFHQ and this letter is based upon the answers received. AFHQ have stated that the problem has been referred for final decision to the Combined Chiefs of Staff, and the terms of this letter are accordingly subject to any further instructions which may be issued hereafter by the Combined Chiefs of Staff.

3. In September 1944 the Italian Government agreed that Italian non-fascists, in uniform and organized under the provisions of international law, captured by the Allies, should be treated as prisoners of war in accordance with the Geneva Convention in the same manner as German prisoners of war.

the term "nec-fascist" includes all Italian fascists who fought for the Republican Italian Government since the Italian armistices.

4. From the point of view of the Italian Government the purpose of this agreement was, undoubtedly, to secure reciprocity of treatment for soldiers of the (official) Italian Army when captured by the Germans. It would seem to follow from this agreement that the Italian Government should not now seek to prosecute neo-fascists on the sole ground that, by fighting on the side of the Germans, they are guilty of breach of treaty or collaboration with the Germans.

5. It is no part of this agreement that neo-fascist personnel who are now either at large or in Italian custody should be taken into Allied custody or control. On the contrary, they should be left in Italian custody and, if the Allied authorities desire to institute criminal proceedings against them, they should be allowed to remain subject to trial or other disposition in accordance with Italian law. In this connection, however, it may be desirable to ensure the cooperation of the Italian Courts the existence of the agreement or September 1945, establishing that such proceedings should not be instituted solely on the ground of dealings with the neo-fascist forces.

WALLACE 3-51
It follows from the above that where such neo-fascists have already been liberated from Italian custody to prisoners of war or concentration camps and the Italian authorities desire to try them for serious crimes and not solely by virtue of their neo-fascist status) they should be handed back to the Italian authorities for trial.

7. It is accordingly requested that the military authorities issue the necessary orders to prevent the further removal from Italian prisons of fascist personnel now incarcerated, and to enable any such personnel who have already been removed and are required for trial as above, to be returned.

8. In certain cases in Lombardy Region persons who have been brought to trial before the Italian courts have claimed to be outside the jurisdiction of these courts by virtue of their prisoner of war status. In such cases the court should be informed that the question is a matter solely of Italian law, to which perhaps the agreement mentioned in paragraph 3 may have some relevance, and that the allies have no claims to interfere.

[illegible]

9. It is however possible that among the neo-fascists in Italian custody there may be found Italians who are listed as war criminals by the United Nations War Crimes Commission. If any such case comes to light this Commission should be informed forthwith.

10. So far as concerns neo-fascist personnel who are still at large and have not yet been taken into custody by either Allied or Italian authorities, there is no obligation on the Allies to arrest such personnel or make them prisoners of war. The decision as to the action to be taken concerning them must be the responsibility of the Italian Government, subject always to the right of the Allies to require, even in Italian Government territory, that such personnel as may be desired shall be handed over to the Allies for internment on security grounds.

All high ranking officers of the neo-fascist navy, army and air force will be arrested, if still at large, and handed over to the Allies for internment.

By command of Rear Admiral STONE.

G. R. UPJOHN, BRG.,
VP CA Sec, Hq AC.

DISTRIBUTION.

HCS (Attn. RLOs)

TOSCANA, EMILIA, LIGURIA, PEMONTE, LOMBARDIA, VENETIA AND VENEZIA

CIVILIA Regions (for distribution down to PLOs)

Zone Commissioners, NAPLES, ANCONA.

SCACs, 5th and 8th Armies;

Hq, IV Corps, G-5;

Hq, 15th Army GP, G-5;

Hq, 15th Army GP, G-2;

5th Army, G-2;

8th Army, G-SI (b);

AFHQ, G-5;

AFHQ, AG;

AFHQ, G-2;

RA/C;

Executive Commission;

Public Safety Sub-Commission;

Land Forces Sub-Commission (MILIA)

Navy Sub-Commission;

Air Forces Sub-Commission;

AG Liaison Officer, RAAG

" " " " " " " "

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TO	INIT	DATE
DIRECTOR		
DEPUTY DIRECTOR		
EXECUTIVE		
PO		13/
UC		
PC		
SECURITY		

request action as in para. 7

All high ranking officers of the neo-fascist party, army and air force will be arrested, if still at large, and handed over to the allies for internment.

C. R. L. T.

REGS (Attn. FLOs)
TOSCANA, EMILIA, LIGURIA, PIEMONTE, LOMBARDIA, VENETIA AND VENETIA
GIULIA Regions (for distribution given to FLOs);
Zone Commissioners. NAPLES, ABRUZZO.

IS-600

TO	UNIT	DATE
DIRECTOR		
DEPUTY DIRECTOR		
EXEC. AD.		
PO		134
LIC.		
PS		
ADJ. CLERK		
SEC. CLERK		

U R G E N T

12A

Ministry of Interior
General Management
of Public Security

Rome 6 June 1945.

A.G.R. Division-1st Section
File # 441/04346

SUBJECT: Army personnel of the neo-fascist republican formations

TO : A.C. - P.S. Sub-Commission, Rome.

By note dated May 22nd 1945, # 018163, the Questura of Rome has stated that it has made arrangements with Lt. Col. R.T. MILLHOUSE of the A.C. Public Safety, c/o Questura Bldg. Via S. Vitale, concerning the measures to be taken towards military personnel entering the province of Rome, coming from Northern Italy, who have reported for military duty to the calls of the self-styled republican government.

On the basis of agreements and of the above-mentioned arrangements, as this military personnel is considered to be prisoners of war of the Allied Forces, they must be handed over to the Allied Police Command of Via della Pilotta in Rome, by the Italian Police Authorities.

In order to be able to give the necessary instructions to the other provinces which are returned to the Italian Administration, kindly inform us, with courteous promptness, if the above-mentioned rules adopted by the Questura of Rome can be extended to the other provinces. If so, kindly inform us to which authorities they must be handed over.

This General Management believes it advisable, if a rule was set, obliging the Italian Police Organizations to hand over all the military personnel they stop, to the Italian Military authorities, because they are considered prisoners of war by the Allies. The Italian Military Authorities should then hand them over to the nearest Allied Police Station.

We await an answer on the subject.

FOR THE MINISTER

(signed) FERRARI

TO		
MINISTER	10/6	
DEPT. OF JUSTICE	10/6	
DEPT. OF WAR	10/6	
POLICE	10/6	
LEG. & R.D.	10/6	
PRISON	10/6	
ADM. G. FILES	10/6	
SECURITY	10/6	
CHIEF	10/6	

1 N.F.A. pending receipt of
Directive from legal/c
2 B/F on 15/6 psc.
6595
11/6

2007-07-25

Nome: S. Miguel 1945

10/11/12 CONTINUOUS

ITALIA - Socioconsigliere per la

700

Respectfully and Truly Yours

Dec. 27

OGGETTO - Militari delle formazioni neo-fasciste repubblicane. -

La Questura di Roma, con nota n. 018163 del 22 maggio p.p., ha partecipiato di aver preso accordi con il T. Colonnello R.T. MILINOVICH dell'A.D. Public Safety, b/c/ Questura Uldg. Via S. Vitale, circa il trattamento da usarsi nei confronti dei militari che dal Nord rientrano nella provincia di Roma, dopo aver ottenuto ai bandi di chiamata alle armi del sedicente governo repubblicano.

In base agli accordi presi, detti militari, essendo considerati prigionieri di guerra delle Forze Alleate, devono essere consegnati dalle Autorità di Polizia Italiana al Comando della Polizia Alleata in Via della Pilotta, in Roma.

Per essere in grado di impartire le disposizioni occorrenti alle altre provincie restituite all'Amministrazione Italiana, si prega compiacersi comunicare, con cortese urgenza, se le norme suddette adottate dalla Questura di Roma possono, senz'altro, estendersi alle altre provincie, precisando, in caso positivo, la quale Autorità allentea debbano essere consegnati i militari da com. **6594** si prigionieri di guerra.

Assaults Division, General to command.

Divisione A.S.R. Sez. 1.
Prot. N. 441/64045 Allegato

Proposta al Regio del
Dir. Sez. N. 2

OGGETTO: Militari delle formazioni neo-fasciste repubblicane.

La Questura di Roma, con nota n. 016163 del 22 maggio p.p., ha partecopato di aver preso accordi con il T. Colonnello R.E. MILLIKOVSE dell'A.C. Public Safety, L/O/ Questura Mag Via S. Vitale, circa di trattamento da usarsi nei confronti dei militari che dal Nord viennano nella provincia di Roma, dopo aver ottenuto ai bandi di chiamata alle armi del sedicente governo repubblicano.

In base agli accordi presi, detti militari, essendo considerati prigionieri di guerra delle Forze Alleate, devono essere consegnati della Autorità di Polizia Italiana al Comando della Polizia Alleata in Via della Pilotta, in Roma.

Per essere in grado di impartire le disposizioni occorrenti alle altre provincie restituite all'Amministrazione Italiana, si prega compiacersi comunicare, con cortese urgenza, se le norme suddette adottate dalla Questura di Roma possono, senz'altro, estendersi alle altre provincie, precisando, in caso positivo, a quale Autorità Alleata debbano essere consegnati i militari da confidarsi prigionieri di guerra.

A questa Direzione Generale sembrerebbe opportuna la disposizione con la quale agli organi di polizia italiani si facesse obbligo di presentare i militari fermati, perchè considerati prigionieri di guerra degli Alleati, alla più vicina Autorità Militare Italiana, che dovrebbe, poi, a sua volta, provvedere alla loro consegna alla

./.

Polizia Militare Allenta della più vicina sede.

Si resta in attesa di conoscere in merito l'avviso di opposita
On.le Commissione.

PER MINISTRO

Genovese

TRANSLATION Confidential

11A
Allied Commission - Public Safety, Liaison Office -
R.A.A.C. Questura Bldg. Via S. Vitale.

TO : Questura - Ufficio Politico -
FROM : Lt.Col.R.T.Millhouse, I.O.
Subject : Members of Italian Republican Army back from North
Italy.

Rome, 19th May 45

Reference to your request for guidance in dealing with italians coming from North Italy and arrested on charge of cooperation.

Allied Military Authorities are only concerned about persons who in North Italy were members of military outfits of the Italian Fascist Republic.

While civilians must answer to Italian authorities for the cooperation crime according to the running law, members of military republican outfits must be regarded as P.O.W.s of Allied forces, to which they shall be turned over.

On such purpose the proceeding office will arrange for the attached AWF 3000 form to be filled up in any case of arrest : Parts ABC shall be filled up by the proceeding fonctionnaire, officer or agent whereas part D shall be filled up by the prisoner himself or upon his dictation.

Part A will be then cut away and held as a receipt by the office, part D, still bearing attached parts B and C, must be handed over with prisoner to British Military Police H.Q. Via della Pilotta, accompanied by the original copy of any statement made by the prisoner of its own accord at the time of his arrest and with the report by the proceeding officer upon circumstances leading to the arrest.

I will greatly appreciate if a daily return in triplicate of prisoners delivered on previous day to British Military Police will be submitted to this office.

It would be also appreciated if CC.RR. Commands could be so instructed that a complete singleness of procedure might be achieved.

(Sgd) R.T.Millhouse, Lt.Col.
A.C.Public Safety, I.O.

Rome, 19th May 45

Reference to your request for guidance in dealing with italians coming from North Italy and arrested on charge of cooperation.

Allied Military Authorities are only concerned about persons who in North Italy were members of military outfits of the Italian Fascist Republic.

While civilians must answer to Italian authorities for the cooperation crime according to the running law, members of military republican outfits must be regarded as members of military forces, to which they shall be turned over. P.O.W.s of Allied forces, to which they shall be turned over.

On such purpose the proceeding office will arrange for the attached AWF 3000 form to be filled up in any case of arrest: Parts ABC shall be filled up by the proceeding fonctionnaire, officer or agent whereas part D shall be filled up by the prisoner himself or upon his dictation.

Part A will be then cut away and held as a receipt by the office, part D, still bearing attached parts B and C, must be handed over with prisoner to British Military Police H.Q. Via della Pilotta, accompanied by the original copy of any statement made by the prisoner of its own accord at the time of his arrest and with the report by the proceeding officer upon circumstances leading to the arrest.

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It would be also appreciated if CC.RR. Commands could be so instructed that a complete singleness of procedure might be achieved.

(Sgd) R.T. Millhouse, Lt. Col.
A.C. Public Safety, L.O.

TO	10/6
1. DIRECTOR	10/6
2. DEPUTY DIR.	10/6
3. CHIEF OF POLICE	10/6
4. POLICE	10/6
5. LIC. & REG.	10/6
6. PRISON	10/6
7. ADM. OFFICE	10/6
8. SECURITY	10/6
9. CHIEF CLERK	10/6

To Col. Mullins

14754 12 re

PROPERTY

7 June 1965

RECEIVED 10
SUBJECT IS MEMBERS OF BRIGADES REDE AND SIMILAR ORGANIZATIONS IN ITALY FOR GO IN
CIVILIAN CLOTHES 10.

[illegible]

DATA WAS TO BE SENT TO THE ITALIAN MILITARY ATTACHE IN ROME FOR THE PURPOSE OF BEING USED IN THE TRIAL. THE ITALIAN MILITARY ATTACHE IN ROME WAS TO BE INFORMED THAT THE DATA WAS TO BE USED IN THE TRIAL AND THAT THE DATA WAS TO BE SENT TO THE ITALIAN MILITARY ATTACHE IN ROME FOR THE PURPOSE OF BEING USED IN THE TRIAL. THE ITALIAN MILITARY ATTACHE IN ROME WAS TO BE INFORMED THAT THE DATA WAS TO BE USED IN THE TRIAL AND THAT THE DATA WAS TO BE SENT TO THE ITALIAN MILITARY ATTACHE IN ROME FOR THE PURPOSE OF BEING USED IN THE TRIAL.

033: OF FIVE JUNE 12
PAGE TWO AS IT FOLLOWS FROM THIS DEFENSIVE THAT THE DEFENSE SHOULD NOT PERMANENTLY BE
REMARKED AS WITNESSES OF RAY 20
REMARKS TO THE MILITARY

THIS ORDER TO REQUEST THAT FACTORY INSTRUCTIONS BE ISSUED IMMEDIATELY TO MILITARY
UNITS FOR SUCH PERSONS TO BE LEFT IN PRISON FOR TRIAL.

6592

Internal distribution

LEGAL SUB-DESCRIPTION

Executive Commissioner
C. A. 880

Public Safety Sub-Commission

HEADQUARTERS ALLIED COMMISSION

TO : HQ ALGOM CASEC

IN CLEAR.

Your advice urgently requested as to proper treatment of members of Brigade Nera and similar organisations now held in civil prisons (your AC/14754/12/PB of 12 March 1945 forwarding AG 383.6121 GB 1-0 of March 1945 from AFHQ appears inconsistent with your DP/5.15/GA of 5 May 1945 forwarding 1409/71 GS 1) of 1 May 1945 from 15 GROUP. Suggest true view is members of organised military formations who surrendered to Allied Forces or to Partisans in the field are entitled to be treated as Prisoners of War and are not amenable to jurisdiction of extraordinary Courts of Assize. Those who did not surrender but were arrested as criminals are not entitled to be treated as Prisoners of War even if they were military personnel. Please confirm or advise otherwise. For your information very large numbers are in jail local opinion would be gravely disturbed if the men were not made to answer before the Italian courts for action against Patriotti and civilians.

Gifts

6591

 $Q_w = 10^6$

TS
8A

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

pc

/rl.
5 May 1945.

DE/5.16/11

SUBJECT : Security Internment Procedure in relation to Italian Special Courts
of Assize.

TO : See distribution.

1. Enclosed herewith for information, copy of HQ 15th Army Group letter
reference 1401/7/ESI (b) of 1 May 1945.

2. Sufficient copies are enclosed for distribution to Provincial Public
Safety Officers and Provincial Legal Officers.

By command of Rear Admiral STOKES:

G. R. URSCHEN, Brig.,
VP CA Sec, HQ AG.

Incls.

Distribution:

Regional Commissioners, TUSCANY region	- 34 copies
" " EMILIA	- 32 "
" " LIGURIA	- 16 "
" " PIEMONTE	- 26 "
" " LOMBARDIA	- 32 "
" " VENETIA	- 45 "

Public Safety Sub-Commission - 2
Legal Sub-Commission - 2

TO	INIT	DATE
DIRECTOR	WV	7/5
DEPUTY DIRECTOR	WV	7/5
EXEC. OFFICER	WV	7/5
POLICE	WV	8/5
LIC. & REG.	WV	10/5
PRISONS	WV	10/5
ADM. OFFICER	WV	10/5
SECURITY	WV	10/5
CHIEF CLERK	WV	10/5

May 1945 15/5.

CONFIDENTIALHEADQUARTERS
15TH ARMY GROUP
ALO 777

1401/1/SSI (b)

1 May 1945.

SUBJECT : Security Internment Procedure in relation to Italian Special Courts of Assize.

TO : See Distribution.

1. The Italian Government has passed a decree (D.L. No. 249) establishing Special Courts of Assize for newly liberated territory. The decree has been approved by the Allied Commission (whose letter, DE/5.16/3A dated 25 April 1945 refers).

2. Such Courts, which are to be composed entirely of Italians, are to be set up in each province of N. Italy as soon as possible after its liberation. They are to have jurisdiction to try fascist criminals and German collaborators (so-called Italian Armistice), and their purpose is to enable the Italian people themselves to administer quick justice in respect of such persons.

3. It is believed that these "People's Courts" will go far towards eliminating the criticism and dissatisfaction hitherto expressed by the Italians against the Allied authorities concerning the latter's alleged weakness in dealing with fascists and collaborators, and that they will therefore make a considerable contribution to public order and Allied security in the North.

4. The establishment of such Courts calls for some revision of the Allied internment procedure which has hitherto been followed, since it is important that Allied security/CI agencies should not dispatch as internees to TERNI those persons whom the Italian authorities wish to bring to early trial before a Special Court of Assize. Not only would it involve a waste of time and effort to arrange for their return from internment for their trial, but their removal to TERNI might be misinterpreted by the Germans as a form of "protection."

5. In future, therefore, the following procedure will be adopted by CIO/PCS with regard to leading fascists and German collaborators, etc., whom it is considered necessary to intern on security grounds.

a. Before placing such persons in the nearest PW cage for evacuation to TERNI, the CIO/PCS officer concerned will ask either the local President of the Tribunale, or the local Procuratore del Regno, or the President of the Provincial CLM, or their representative, whether or not they wish to try in the near future the person concerned.

b. If the answer is negative, the individual concerned will be interned in the normal way, i.e., dispatched to TERNI through PW channels.

c. If the answer is affirmative, he will be handed over to the Italian authorities, who will thereafter be responsible for his custody and confinement. At the same time, they will be informed that he must NOT be released out of obedience to the nearest Allied Security/CI authority.

1. The Italian Government has passed a Decree (D.L. No. 247) establishing Special Courts of Assize for newly liberated territory. The Decree has been approved by the Allied Commission (whose letter, DE/5.16/CA dated 23 April 1945 refers).

2. Such Courts, which are to be composed entirely of Italians, are to be set up in each province of N. Italy as soon as possible after its liberation. They are to have jurisdiction to try Fascist criminals and German collaborators (Post Italian Armistice), and their purpose is to enable the Italian people themselves to administer quick justice in respect of such persons.

3. It is believed that these "People's Courts" will go far towards eliminating the criticism and dissatisfaction hitherto expressed by the Italians against the Allied authorities concerning the latter's alleged weakness in dealing with Fascists and collaborators, and that they will therefore make a considerable contribution to public order and Allied security in the North.

4. The establishment of such Courts calls for some revision of the Allied internment procedure which has hitherto been followed, since it is important that Allied security/CI agencies should not be dispatched as internees to TRIUMI (which, since when the Italian authorities wish to bring to early trial before a Special Court of Assize. Not only would it involve a waste of time and effort in sending for the return from TRIUMI for their trial, but their removal to TRIUMI might be misinterpreted by the Partisans as a form of "protection."

5. In future, therefore, the following procedure will be adopted by CIC/MS with regard to lodging Fascists and German collaborators, etc., whom it is considered necessary to intern on security grounds.

a. Before placing such persons in the nearest PW cage for evacuation to TRIUMI, the CIC/MS officer concerned will ask either the local President of the Tribunal, or the local Procuratore del Reale, or the President of the Provincial CLN, or their representative, whether or not they wish to try in the near future the person concerned.

b. If the answer is negative, the individual concerned will be interned in the normal way, i.e., dispatched to TRIUMI through PW channels.

c. If the answer is affirmative, he will be handed over to the Italian authorities, who will then forward him to his custody and confinement. At the same time, they will be informed that he must NOT be released out regardless to the nearest Allied security/CI authority.

d. The consultation with the appropriate Italian authority, as described in c. above, can take place either before or after the actual arrest of the individual concerned by CIC/MS, whichever course appears the more suitable.

e. "Arrest Reports" will be made out in respect of those persons arrested by CIC/MS and handed over to the Italian authorities in accordance with c. above, in the same way as such "Arrest Reports" are made out in respect of normal internment cases, and their distribution will be the same as hitherto. They will, however, indicate whether the individual concerned has been handed over to the Italians or whether he has been evacuated to TRIUMI.

f. The particulars of persons arrested and handed over to the Italians in the manner described above will be included in the fortnightly lists of intern-

ments submitted to this Hq by Armies; such lists will show whether the persons concerned were dispatched to TSMI or handed over to the Italians.

6. Cases are likely to arise in which the appropriate Italian authority, when consulted as to their intention to try certain individuals, will state vaguely that they may wish to do so at a later date and will be uncertain as to whether or not they wish to assume responsibility for the custody of persons concerned. In such cases it should be pointed out to them that, by agreement between AFHQ and the Italian Government, persons interned by the Allies at TSMI can later be released to the Italian authorities, if required for trial on espionage charges. In general, it is better that those whom the Italians feel that they may wish to try in the distant future should be dispatched to TSMI rather than held locally in Italian custody, in order not to overwork the limited prison accommodation.

7. The procedure described above will NOT normally be adopted in the case of enemy agents who are arrested by CIC/ASD and when it is desired to intern, nor need it apply to Fascists etc., of little popular interest who are encountered in provinces other than that of their normal place of residence or work.

8. Finally, in connection with this same subject, attention is drawn to para. 3 of Appendix 1 to this Hq Operations Instruction No. 5, dated 12 April 1945, which lays down that persons who have been imprisoned as Axis collaborators by the Partisans or held prior to the Allied arrival will NOT, save in exceptional circumstances, be released or removed by the Allied authorities, but will remain at the disposal of the Italian authorities for such action as they may desire to take in pursuance of their separation programme. If there is undue delay on the part of the Italian authorities in dealing with such cases, these are to be reviewed and the prisoners disposed of by AFHQ in consultation with COMAF and the Allied Security authorities. An example of the "exceptional circumstances" referred to above would be the case of persons required for interrogation, e.g., enemy agents, who may be removed by security/CI agencies, either temporarily or permanently, by arrangement with the Partisans who made the arrest.

By command of GENERAL CLARK:

M. GRUNTHAMER,
Major General, GSC,
Chief of Staff.

ORIGINAL:

/s/ G.E.H. HINCH
G.E.H. HINCH
Inspector, GSC
AC of S, G-2.

they may wish to try in the distant future should be dispatched to FOWA rather than held locally in Italian custody, in order not to overwork the limited prison accommodation.

7. The procedure described above will NOT normally be adopted in the case of enemy agents who are arrested by CIC/ECIS and when it is desired to intern, nor need it apply to Fascists etc., of little popular interest who are encountered in prisons other than that of their normal place of residence or work.

8. Finally, in connection with this same subject, attention is drawn to para. 3 of Appendix 1 to this HQ Operations Instruction No. 5, dated 12 April 1945, which lays down that persons who have been imprisoned as Axis collaborators by the Partisans or GDM prior to the Allied arrival will NOT, save in exceptional circumstances, be released or removed by the Allied authorities, but will remain at the disposal of the Italian authorities for such action as they may desire to take in pursuance of their repatriation programme. If there is undue delay on the part of the Italian authorities in dealing with such cases, these are to be reviewed and the prisoners disposed of by the Allied authorities with GDM and the Allied Security authorities. An example of the "exceptional circumstances" referred to above would be the case of persons required for interrogation, e.g., enemy agents, who may be removed by security/CI agencies, either temporarily or permanently, by arrangement with the Partisans and made the arrest.

By command of General CLARK:

A. R. CHAMBERLAIN,
Major General, GSC,
Chief of Staff.

OFFICIAL:

/s/ G.E.R. REACH
G.E.R. REACH
Brigadier, GS
AC of S, G-2.

SECRETG-5/411
MAR 2111304D/5653
MAR 21 19104
ROUTINEHQ 15 ARMY GROUP (G-5 SECTION)
HQ ALGER

167511/12.

SECRET.

15 ARMY GROUP and 304 will confer.

Refer distinctive emblem for partisans and you will be advised as to instructions to be issued by 15 ARMY GROUP. Present plan if agreeable to 304 is to forward to partisans 100,000 shoulder patches which are of pattern of Guards (British) patches. These will be black background with word partisans in red letters. 5000 patches at a time will be dropped. Beginning date not yet known. You will be given full details as soon as possible. ALLIED COMMISSION cable 3856 refers, also FX 45247 17 March.

TO	INFO	
DIRECTOR	WOL	24/3
DEPUTY DIRECTOR	WOL	24/3
EXECUTIVE OFFICER	WOL	24/3
ADJUTANT	WOL	24/3
CLERK	WOL	24/3
RECORDS	WOL	24/3
TRAINING	WOL	24/3
WARRANT	WOL	24/3
WARRANT	WOL	24/3

FOR INFORMATION ONLY

**LIST**

ACTION: CA Sect
INFO: A/President
Chief Commissioner
Executive Commissioner
Lead Forces S/C
I.P.W. S/C
Patriots Br
P.Safety
File

6588

SECRET

FX 45217
MAR 17

FOR INFORMATION ONLY

D/ 5402
MAR 18/1000
PRIORITY

AFHQ SIGNED SACRED SITE: PIGOT
15 ARMY GROUP, INFO SOMTO, ALJOM

SECRET.

1. It is desired that Italian Partisans where-ever conforming with the requirements of the GENEVA CONVENTION be directed where-ever possible to wear a distinctive emblem recognisable at a distance. They may be entitled to treatment as P.O.W. in event of capture.

2. This instruction was previously given and following 052 B of 9th November in our FX 54082 of 18th November and pursuant to your request (050 B 19th November) action was temporarily postponed by our F 60344 of 29th November. It is now desired that there will be no further postponement.

AC DIST

Info Action C.A. Section
Info A/President
Chief Commissioner
Exec Commissioner
Land Forces
W.M.D. & I.P.O.W.
Patriots Branch
Public Safety
File (2)
Float

TO	DATE
DIRECTOR	19/3
DEPUTY DIRECTOR	19/3
EXEC. OFFICER	19/3
ADJUTANT	22/3
INFO. OFF.	
CHIEF	

6587
HEADQUARTERS

19 MAR 1945

A. C.

SECRET

 7X 95111
 MAR 17 1943

ATTN: ATTACHED CABLED CITY THREE

ACTION: ATTACHED CABLED CITY THREE IS VERY URGENT

 INFORMATION ONLY
 14754/12/22

 7/5151
 MAR 17 1943
 TELETYPE

SECRET

1. It has been determined wherever possible to direct Italian Partisans to wear a prescribed distinctive emblem recognizable at a distance in conformity with the provisions of the Geneva Convention.
2. You are requested to take up with the Italian Govt the implementation of a statement which will demand for Italian Partisans in the event of capture by the Germans treatment on prisoners of war in all cases in which the requirements of Geneva Convention, as set forth in article 1 of annex to HAGUE Convention number IV are met.
3. No such statement will be issued unless first submitted to this Hq for approval.
4. Our cables # 35035 of 8 October, # 40463 of 10 October, # 42699 of 23 October, and your AGC 5087 of 19 October; 5010 of 21 October; 5706 of 31 October refer to this matter.
5. Your attention is invited to AG letter 103.6/121 MIL-0 of 6 March 1943 Subject: Disposal of Present and Former Members of the Republican Fascist Armed Forces Captured by the Allies.
6. You are requested to expedite this matter.

Dist

 Action - Exec Comm
 Info - A/President
 Chief Commissioner
 C. J. Lee, - Patriots
 P. Safety, - T.M.D.

TO	INIT	DATE
COMMISSIONER	11/1	19/3
DEPUTY DIRECTOR	11/1	19/3
EXEC. OFFICER	11/1	19/3

4400000 1.462 54 0.411 5.033 30.000 10.000 0.000

ATTENTION

1. It has been determined wherever possible to direct Italian Prisoners to wear a prescribed distinctive color recognizable at a distance in conformity with the provisions of the Geneva convention.
2. You are requested to take up with the Italian Govt the preparation of a statement which will demand for Italian Prisoners in the event of capture by the Germans treatment as prisoners of war in all cases in which the requirements of Geneva convention, as set forth in article 1 of annex to HAGUE convention number IV are met.
3. No such statement will be issued unless first submitted to this HQ for approval.

4. Our cables of 8 October, # 40463 of 10 October, # 40699 of 23 October, and your ATO 5007 of 10 October: 7310 of 31 October; 7706 of 11 October refer to this matter. —21—

5. Your attention is invited to an letter 103.6/101 DML.O of 6 March 1945 subject: Disposal of Present and Former Members of the Republican Fascist Armed Forces Captured by the Allies.

5. You are requested to expedite this matter.

	TO	DATE	DATE
	DIRECTOR	19/3	19/3
	DEPUTY DIRECTOR	19/3	19/3
	SPEC. OFFICER	19/3	19/3
	CLERK	19/3	19/3
	V.C. & M.L.	19/3	19/3
	P.S.O'S	19/3	19/3
	ADMIN. ASSISTANT	19/3	19/3
	SECURITY	19/3	19/3
	CHIEF CLERK	19/3	19/3

Action - See Conn
Info - 1/2 year 12 months

List
Exec Comm
Asst President
Chief Commissioner
Asst Secy - Patriotic
P Safety - N.Y.D.
File (2)
viont

100

6486
LIBRARY

19-0112-448

2 SAFETY S/4A
26F3

SUBJECT: GUARDIA NACIONAL REPUBLICANA

NO 15th ARMY GROUP

1402/5/031/83

14 Mar 45

14754/12

G-2 Fifth Army
GSI Eighth Army

Copy to Executive Commissioner, A.C.

Our letters of even reference dated 4 Jul 44, 12 Aug 44 and 11 Oct 44 concerning the treatment and disposal of GRN personnel are superseded and cancelled by AFM instruction 10 751.6/121 GSI - 3 dated 6 Mar 45, subject "Disposal of present and former members of the Republican Fascist Armed Forces captured by the Allies".

W.D. Gibson, Lt-Col

Brigadier
AC of S, G-2

EB

TO	INIT	DATE
DIRECTOR	10/12	17/3
DEPUTY DIRECTOR	10/12	17/3
EXEC. OFFICER	10/12	17/3
POLICE	10/12	18/3
INC. & P.M.		
PRISON		
ADJ.		
SECURITY		
CHIEF CLERK		

He with Col Scott

6585

~~CONFIDENTIAL~~
CONFIDENTIALALLIED FORCE HEADQUARTERS
APO 512

RMF/Lja

42150

AG 383.6/121 GHI-5

14754/12 Keyfile

6 March 1945

Pub. Safety 5/L
(ACT)

1A

SUBJECT: Disposal of Present and Former Members of the Republican
Fascist Armed Forces Captured by the Allies.

TO: All Concerned

1. In accordance with the policy approved by the Combined Chiefs of Staff, all Italians serving in the Republican Fascist Armed Forces who fall into the hands of the Allies, either during operations or behind our lines, wearing either uniform or a fixed distinctive emblem within the terms of the Hague Convention respecting the Laws and Customs of War on land, will be treated as enemy prisoners of war.

2. This policy applies not only to personnel of the Republican Fascist Army, Navy and Air Force, but also to such forces as "The Black Brigades" (Brigate Nere) and "National Republican Guard" (Guardia Nazionale Repubblicana) with the exception that members of the GNR drawn from the CC.RR. (Carabinieri Reale) will be treated in accordance with paragraph 3 (d) below.

3. Italians who are encountered in the course of our advance will fall into one of the following classes:

a. Members of the enemy armed forces in uniform. These will be disposed of as military prisoners of war.

b. Men who, although unarmed and in civilian clothes are found on investigation to have been members of the enemy armed forces at the time when they were over run. These will also be disposed of as military prisoners of war.

c. Civilians - including those who are able to prove that, either by dismissal or desertion, they had already ceased to be members of the enemy armed forces at the time they were over run. These will only be arrested if they are considered to be a danger to security in which case they will be disposed of as civilian internees.

d. CC.RR. personnel will normally be instructed to report to the nearest AMG Public Safety Officer, who will arrange for them to proceed to the appropriate CC.RR. reception centre where they will be screened. These centres are at present located at RMEL (for officers) and FIDENCE (for enlisted men). Any information which FSP/CIC may obtain concerning such members which would assist the screening officers at the reception centres in deciding how to deal with them, should be passed to the nearest Public Safety Officer. If no Public Safety Officer is readily available, it would be of assistance to AMG if such CC.RR. personnel were despatched to the reception centre concerned. CC.RR. personnel will only be arrested if positive information is obtained indicating that they will probably present a danger to Allied security if left at liberty. In that case they will be disposed of as military prisoners of war.

CONFIDENTIALCONFIDENTIAL

6584

CONFIDENTIAL

Ltr, HQ AFM, AG 383.6/L21 GBI-O,
 dtd 6 March 1945 (Cont'd)

4. In order to ensure that such persons who have the status of military prisoner of war are not mistaken for civilian internees, even though they may be wearing civilian clothes, it is important that their escort should be provided with a nominal roll of all prisoners of war in civilian clothes stating that they are to be treated as prisoners of war because they have been identified as members of the enemy armed forces and adding when possible, the unit or organization to which they belonged. This document should be clearly distinguishable from the arrest report used for civilian internees.

BY COMMAND OF FIELD MARSHAL ALEXANDER:

R. H. Freese

R. H. FREESE
 Captain, AGO
 Asst Adjutant General

DISTRIBUTION:

- 5 - 15th Army Gp
- 3 - No. 1 District
- 3 - No. 2 District
- 3 - No. 3 District
- 3 - Home Area Allied Command
- 3 - PENEASE
- 3 - PENSOOTH
- 2 - 209 P.W. Camp
- 2 - "A" Internee Camp
- 2 - "B" Internee Camp
- 3 - G-1 (A)
- 3 - G-1 (B)
- 3 - G-2
- 3 - G-5
- 3 - FMG
- 3 - Br Res Min
- 3 - US POLAD
- 3 - Allied Commission
- 3 - Eastern Base Depot
- 3 - Adriatic Depot
- 2 - AG Records
- 1 - AG M & D

DIST

ACTION - Pub Safety 51
 INFO - CA SECTION
 - FREE. CAMP

DIRECTOR	<i>10/3</i>
DEPUTY DIRECTOR	<i>11/3</i>
EXEC. OFFICER	<i>7/3</i>
POLICE	<i>12/3</i>
LIC. & REG.	
PERSONS	
ADM. OFFICER	
SECURITY	
CHIEF CLERK	

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