

~~CCAC~~ 193/ (MEDITERRANEAN THEATER)

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SECRETC.C.A.C. 193/128 May 1945*Copy of 193/2*  
SECRETCOMBINED CIVIL AFFAIRS COMMITTEEPolicy as to Disposition of War Criminals,  
Renegades and QuislingsMemorandum by the Director, Civil Affairs Division,  
War DepartmentTHE PROBLEM

1. To consider SCAF 406 (C.C.A.C. 193) and NAF 973 (C.C.A.C. 195) and make recommendations to the Combined Chiefs of Staff (C.C.S.).

FACTS BEARING ON THE PROBLEM

2. In SCAF 406 (C.C.A.C. 193) the Supreme Commander, Allied Expeditionary Force (SCAEF) asks for confirmation of his assumption (a) that with the ending of hostilities he may turn over to respective national authorities Germans wanted for war crimes against Allied nationals, and (b) that he should hold persons of any nationality wanted by more than one national authority pending a decision as to method of trial. He also asks for guidance as to the disposition of persons of Allied or neutral nationality wanted by a single Allied nation.

3. In NAF 973 (C.C.A.C. 195) the Supreme Allied Commander, Mediterranean Theater (SACMED) asks for confirmation of his policy to refuse to hand over to national authorities prisoners of war wanted for war crimes until he is given a specific directive on this subject.

4. Annex 10 to the Moscow Declaration provides that those German officers and men and members of the Nazi Party who have been responsible for or who have taken a consenting part in atrocities, massacres and executions in the occupied countries and Italy will be sent back to the countries in which their crimes were committed to be judged and punished according to the laws of the countries concerned. That declaration is without prejudice to the case against major criminals whose offenses have no particular geographical localization. These will be punished by joint decision of the governments of the Allies.

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5. In the pre-surrender period SCAEF and SACMED were directed to apprehend and hold for investigation and subsequent disposition all persons suspected of having committed war crimes (C.C.S. 551 and C.C.S. 247/5/D).

DISCUSSION

6. In the note by the Secretaries (C.C.A.C. 193) it is inferred that paragraph 2 of SCAF 406 relates to the subject of the disposition of renegades and quislings. Since that subject is being given consideration elsewhere, as indicated by the secretarial note, it will not be considered here.

7. There are urgent, immediate, and compelling reasons which need not be stated which demand that those who have committed war crimes in areas formerly occupied by the Germans and in Italy should be returned for trial in those countries with the utmost dispatch. It must be understood that this action is entirely without prejudice to the rights of the U.S. and U.K. to retain for trial before an international tribunal those major criminals whose offenses have no particular geographical localization.

8. However, SCAEF and SACMED should not be placed under the responsibility of making what are essentially political decisions. This would arise when suspected war criminals are wanted for trial or as a witness within their or as a witness before an international military tribunal zones/and are also wanted by other Allied Nations or Italy for trial outside those zones. This would also arise when two or more Allied Nations or one or more of them and Italy seek the same individual even though he is not wanted for trial or as a witness in our zones/ or as a witness before an international military tribunal. In either of the above cases, action should be deferred and report made to the C.C.S. for reference to the Department of State and Foreign Office for determination. In any other case where a suspected war criminal is wanted for trial by an Allied Nation or Italy he should be delivered forthwith.

CONCLUSION

9. It is concluded that any suspected war criminal, other than a major criminal, requested by a single Allied Nation or Italy for trial for an offense alleged to have been committed in the territory of that nation, and not wanted for trial by SCAEF or SACMED, should be delivered immediately to the requesting nation.

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RECOMMENDATION

10. It is recommended that the Combined Civil Affairs Committee recommend to the Combined Chiefs of Staff the dispatch of the draft cable at the Enclosure to SCAEF and SACHED.

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ENCLOSURE

DRAFT

Cable to SCAEF and SACHED

Reference is to SCAF 406 and NAF 973

This directive applies to all suspected war criminals, other than those who were leaders of the European Axis powers and their principal agents and accessories, who are alleged to have committed war crimes in a country formerly occupied by the Germans or in Italy.

Any such suspected war criminal requested by a single Allied Nation or Italy for trial for a war crime alleged to have been committed in the territory of that nation, and not wanted for trial<sup>by you</sup>/or as a witness by you, or before an international military tribunal, should be delivered immediately to the requesting nation.

Where two or more nations seek the same individual or a request is made for an individual desired for trial<sup>by you</sup>/or as a witness by you, or before an international military tribunal, action shall be deferred and you will report the facts to the CCS for direction, together with any recommendations you see fit to make.

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Le - Miss Fite ✓

*OK with changes indicated*

June 8, 1945

Attached hereto is the CCAC draft which was discussed at the meeting in Room 474 yesterday morning.

Would you be good enough to communicate either your concurrence or views to me at your earliest convenience in order that Departmental clearance may be given the Army.

EUR:JPGardiner:1a

*[Handwritten mark]*

*Army Draft to CCAC 6/19/45*

**SECRET**SECRETC.C.A.C.28 May 1945COMBINED CIVIL AFFAIRS COMMITTEEPolicy as to Disposition of War Criminals,  
Renegades and QuislingsMemorandum by the Director, Civil Affairs Division,  
War DepartmentTHE PROBLEM

1. To consider SCAF 406 (C.C.A.C. 193) and NAF 973 (C.C.A.C. 195) and make recommendations to the Combined Chiefs of Staff (C.C.S.).

FACTS BEARING ON THE PROBLEM

2. In SCAF 406 (C.C.A.C. 193) the Supreme Commander, Allied Expeditionary Force (SCAEF) asks for confirmation of his assumption (a) that with the ending of hostilities he may turn over to respective national authorities Germans wanted for war crimes against Allied nationals, and (b) that he should hold persons of any nationality wanted by more than one national authority pending a decision as to method of trial. He also asks for guidance as to the disposition of persons of Allied or neutral nationality wanted by a single Allied nation.

3. In NAF 973 (C.C.A.C. 195) the Supreme Allied Commander, Mediterranean Theater (SACMED) asks for confirmation of his policy to refuse to hand over to national authorities prisoners of war wanted for war crimes until he is given a specific directive on this subject.

4. Annex 10 to the Moscow Declaration provides that those German officers and men and members of the Nazi Party who have been responsible for or who have taken a consenting part in atrocities, massacres and executions in the occupied countries and Italy will be sent back to the countries in which their crimes were committed to be judged and punished according to the laws of the countries concerned. That declaration is without prejudice to the case against major criminals whose offenses have no particular geographical localization. These will be punished by joint decision of the governments of the Allies.

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5. In the pre-surrender period SCAEF and SACMED were directed to apprehend and hold for investigation and subsequent disposition all persons suspected of having committed war crimes (G.C.S 551 and G.C.S. 247/5/D).

DISCUSSION

6. In the note by the Secretaries (CGAC 193) it is inferred that paragraph 2 of SCAEF 406 relates to the subject of the disposition of renegades and quislings. Since that subject is being given consideration elsewhere, as indicated by the secretarial note, it will not be considered here.

7. There are urgent, immediate, and compelling reasons which need not be stated which demand that those who have committed war crimes in areas formerly occupied by the Germans and in Italy should be returned for trial in those countries with the utmost dispatch. It must be understood that this action is entirely without prejudice to the rights of the U.S. and U.K. to retain for trial before an international tribunal those major criminals whose offenses have no particular geographical localization.

8. However, SCAEF and SACMED should not be placed under the responsibility of making what are essentially political decisions. This would arise when suspected war criminals are wanted for trial or as a witness within their zones or as a witness before an international military tribunal and are also wanted by other Allied Nations or Italy for trial outside these zones. This would also arise when two or more Allied Nations or one or more of them and Italy seek the same individual even though he is not wanted for trial or as a witness in our zones or as a witness before an international military tribunal. It would further arise where dissident Yugoslavs were involved. In any of the above cases, action should be deferred and report made to the CCS for reference to the Department of State and Foreign Office for determination. With the foregoing exceptions, a suspected war criminal wanted for trial by an Allied Nation or Italy should be delivered forthwith.

CONCLUSION

9. It is concluded that any suspected war criminal, other than a major criminal, requested by a single Allied Nation or Italy for trial for an offense alleged to have been committed in the territory of that nation,

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and not wanted for trial by SCAEF or SACMED, and in whose case SCAEF or SACMED believe no special political consideration to be involved, should be delivered immediately to the requesting nation.

RECOMMENDATION

10. It is recommended that the Combined Civil Affairs Committee recommend to the Combined Chiefs of Staff the dispatch of the draft cable at the Enclosure to SCAEF and SACMED.

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ENCLOSURED R A F TCable to SCAEF and SACMEDReference is to SCAF 406 and NAF 973

This directive applies to all suspected war criminals who are alleged to have committed war crimes in a country formerly occupied by the Germans or in Italy, except those who were leaders of the European Axis powers and their principal agents and accessories.

Any war criminal to whom this directive is applicable, requested by a single Allied Nation or Italy for trial for a war crime alleged to have been committed in the territory of that nation, and not wanted for trial by you or as a witness by you or before an international military tribunal, and in whose case you have no reason to believe <sup>special</sup> political considerations to be involved, should be delivered immediately to the requesting nation.

Where two or more nations seek the same individual or a request is made for an individual desired for trial by you or as a witness by you or before an international military tribunal, or in the event you have reason to believe special political considerations to be involved in any case, action shall be deferred and you will report the facts to the CCS for direction, together with any recommendations you see fit to make. The cases of dissident Yugoslavs should be considered as involving special political considerations.

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DEPARTMENT OF STATE  

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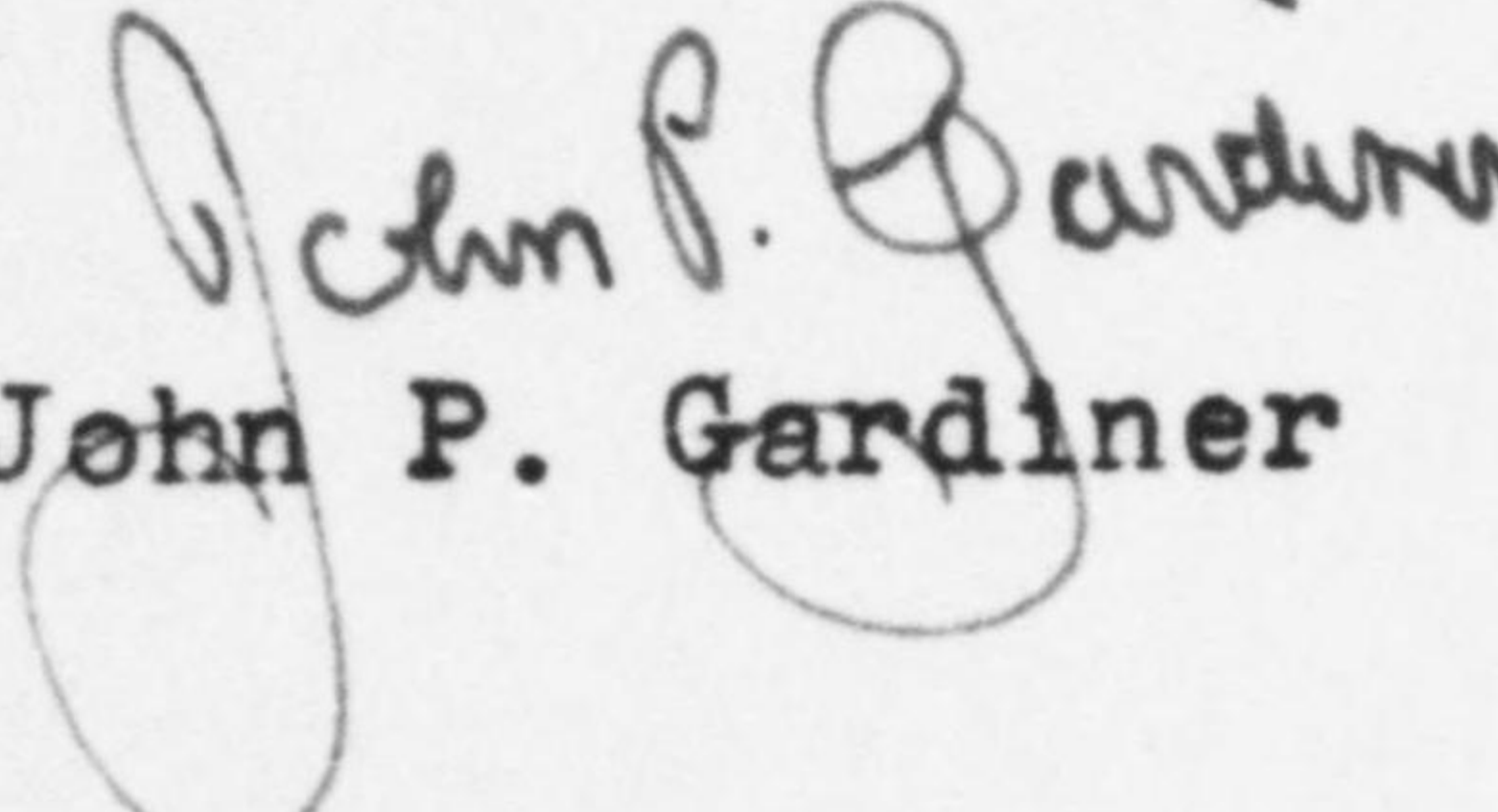
DIVISION OF EUROPEAN AFFAIRS

December 20, 1945

LE - Mr. Garretson:

Attached hereto is a complete set of CCAC 193 series to date for your files.

When further messages in the above category are transmitted to this office we will make arrangements to pass a copy on to you which you may retain.

  
John P. Gardiner

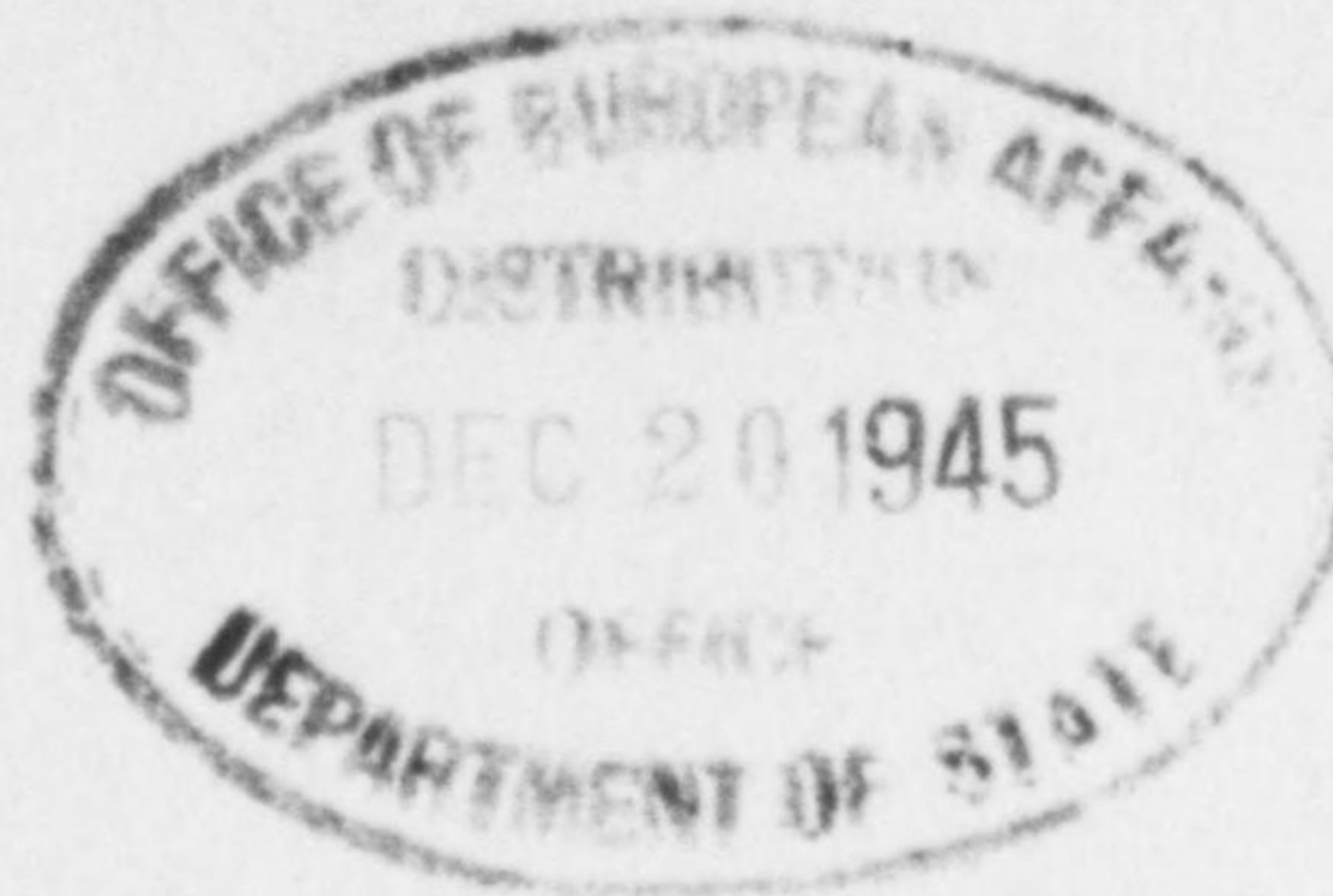
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S E C R E T

C.C.A.C. 193

22 May 1945

COPY NO. 3



COMBINED CIVIL AFFAIRS COMMITTEE

POLICY AS TO DISPOSITION OF WAR  
CRIMINALS, RENEGADES, AND QUISLINGS

Note by the Secretaries

The enclosure (SCAF 406) has been referred to the Combined Civil Affairs Committee for consideration and draft of a reply.

With reference to paragraph 2 of SCAF 406, it is understood that the British Representative on the European Advisory Commission has introduced for consideration of the Commission a draft directive which provides for the disposition of the personnel involved (EAC (45)14, dated 22 February 1945).\*

T. E. H. BIRLEY,  
W. M. CAMERON,  
Combined Secretariat.

\*May be seen in C.C.A.C. Secretariat.

W

S E C R E T

E N C L O S U R E

From: Supreme Headquarters, Allied Expeditionary Forces,  
Main, Versailles, France

To: War Department

Nr: S 88801 SCAF 406

20 May 1945

S 88801 for action to AGWAR for Combined Chiefs of Staff for info to AMSSO for British Chiefs of Staff SHAEF Forward signed Eisenhower. This is SCAF 406.

WARX 33021 dated 19 September 1944 addressed to U S Military Mission Moscow is reference.

1. Assumed at this Headquarters: (A) That since hostilities have now ceased Germans wanted for War crimes against Allied Nationals may be handed over to the respective National authorities, (B) That persons of any nationality who are wanted by more than one National authority should be held pending a decision as to method of trial.

2. A ruling is requested as to the disposition of persons of Allied or neutral nationality who are wanted by a single Allied Nation.

3. Please confirm earliest that assumptions in paragraph 1 above are correct.

End.

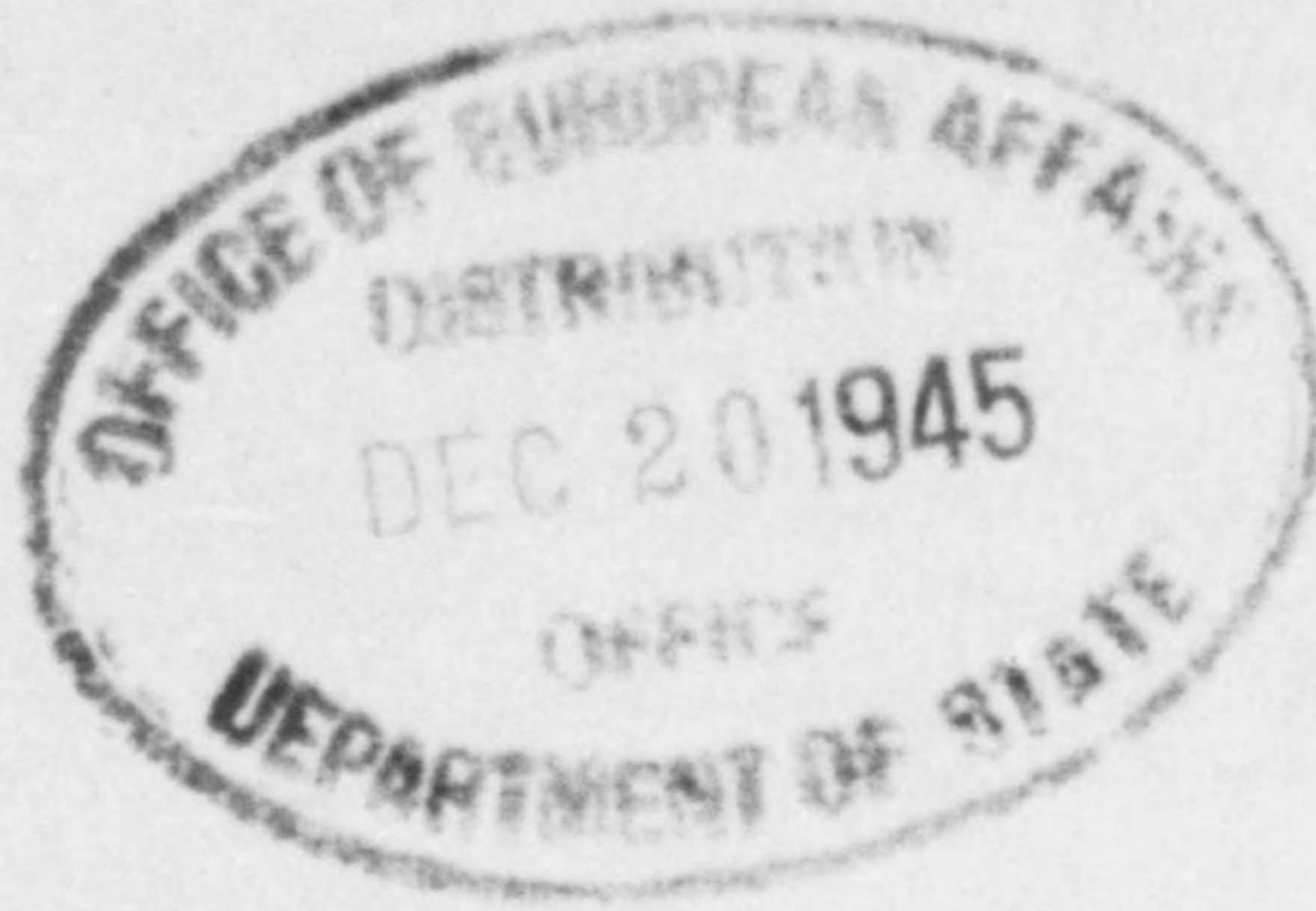
CM-IN-19334

(20 May 45)

S E C R E T

C.C.A.C. 193/1

4 June 1945



COPY NO. 12

COMBINED CIVIL AFFAIRS COMMITTEE

POLICY AS TO DISPOSITION OF WAR  
CRIMINALS, RENEGADES, AND QUISLINGS

Note by the Secretaries

The enclosure (SCAF 431) has been referred to the Combined Civil Affairs Committee as a matter of priority for draft of a reply in consonance with their study of SCAF 406 (C.C.A.C. 193).

T. E. H. BIRLEY,  
W. M. CAMERON,  
Combined Secretariat.

S E C R E T

E N C L O S U R E

From: Supreme Headquarters, Allied Expeditionary Forces,  
Forward, Frankfurt, Germany.

To: War Department

Nr: FWD 23184 SCAF 431 2 June 1945

For action to AGWAR FWD 23184 for Combined Chiefs of Staff for information to AMSSO for British Chiefs of Staff from SHAEF Forward signed Eisenhower. This is SCAF 431.

Moscow declaration on war criminals provided that "Germans will be sent back to the countries in which their abominable deeds were done in order that they may be judged and punished according to the laws of these liberated countries and of the free governments which will be erected therein." This provides for crimes committed in liberated countries. There remains however, a large number of Germans whose crimes have been committed against United Nations nationals in Germany notably commandants and guards of concentration camps for whose trial no provision has yet been made.

It is believed that the immediate trial of such persons by military tribunal set up by army group commanders under existing procedure for trial of battlefield crimes would have a salutary effect upon public opinion both in Germany and in Allied countries.

Authorities of United Nations would be invited to send representatives to attend trial of any criminal alleged to have committed crimes against their nationals. If practicable such representatives might be invited to sit as members of the court. No major war criminals would be tried under this procedure and any cases of doubt would be referred to you.

Ask immediate authority be given to set up these courts.

End

CM-IN-1918 (2 Jun 45)

S E C R E T

COPY NO. 2

C.C.A.C. 193/2

20 June 1945



COMBINED CIVIL AFFAIRS COMMITTEE

POLICY AS TO DISPOSITION OF WAR CRIMINALS,  
RENEGADES AND QUISLINGS

Memorandum by the Director, Civil Affairs Division,  
War Department

THE PROBLEM

1. To consider SCAF 406 (C.C.A.C. 193) and NAF 973 (C.C.A.C. 195) and make recommendations to the Combined Chiefs of Staff (C.C.S.).

FACTS BEARING ON THE PROBLEM

2. In SCAF 406 (C.C.A.C. 193) the Supreme Commander, Allied Expeditionary Force (SCAEF) asks for confirmation of his assumption (a) that with the ending of hostilities he may turn over to respective national authorities Germans wanted for war crimes against Allied nationals, and (b) that he should hold persons of any nationality wanted by more than one national authority pending a decision as to method of trial. He also asks for guidance as to the disposition of persons of Allied or neutral nationality wanted by a single Allied nation.

3. In NAF 973 (C.C.A.C. 195) the Supreme Allied Commander, Mediterranean Theater (SACMED) asks for confirmation of his policy to refuse to hand over to national authorities prisoners of war wanted for war crimes until he is given a specific directive on this subject.

4. Annex 10 to the Moscow Declaration provides that those German officers and men and members of the Nazi Party who have been responsible for or who have taken a consenting part in atrocities, massacres and executions in the occupied countries and Italy will be sent back to the countries in which their



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crimes were committed to be judged and punished according to the laws of the countries concerned. That declaration is without prejudice to the case against major criminals whose offenses have no particular geographical localization. These will be punished by joint decision of the governments of the Allies.

5. In the pre-surrender period SCAEF and SACMED were directed to apprehend and hold for investigation and subsequent disposition all persons suspected of having committed war crimes (C.C.S. 551 and C.C.S. 247/5/D).

DISCUSSION

6. In this paper it is not considered that paragraph 2 of SCAF 406 relates to other than war criminals.

7. There are urgent, immediate, and compelling reasons which need not be stated which demand that those who have committed war crimes in areas formerly occupied by the Germans and in Italy should be returned for trial in those countries with the utmost dispatch. It must be understood that this action is entirely without prejudice to the rights of the U.S. and U.K. to retain for trial before an international tribunal those major criminals whose offenses have no particular geographical localization.

CONCLUSION

8. It is concluded that any suspected war criminal, requested by a single Allied Nation or Italy for trial for an offense alleged to have been committed in the territory of that nation and not wanted for trial or as a witness by SCAEF or SACMED, or before an international tribunal, and in whose case SCAEF or SACMED believe no special political consideration to be involved, should be delivered immediately to the requesting nation.

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RECOMMENDATION

9. It is recommended that the Combined Civil Affairs Committee recommend to the Combined Chiefs of Staff:

- a. The dispatch of the draft cable at the Enclosure.
- b. That CCAC be directed to receive reports forwarded by the theater commanders concerned in pursuance to the last paragraph of the message in the Enclosure and, after clearance with the interested agencies, the U.S. and British governments, to advise theater commanders as to disposition of the disputed requests upon which their reports were based.

S E C R E T

E N C L O S U R E

D R A F T

CABLE TO SCAEF AND SACMED

Reference is to SCAF 406 and NAF 973.

This directive applies to all persons held by forces under your command suspected of having committed war crimes in a country formerly occupied by the Germans or in Italy. It does not apply to such renegades and quislings as are not war criminals.

You should deliver immediately to the requesting nation any person requested by one of the United Nations or Italy for trial for a war crime alleged to have been committed in the territory of that nation, except:

- (1) Persons wanted for trial before courts under your command.
- (2) Persons who held high political, civil or military position in Germany or in one of its allies, co-belligerents, or satellites, who may be desired for trial before an international tribunal.
- (3) Persons wanted as witnesses in the trials referred to in (1) or (2) above.
- (4) Persons requested by two or more such nations.
- (5) Persons whose cases involve special political or other unusual considerations, which cases should be given careful study in consultation with your political advisors before delivery is made.

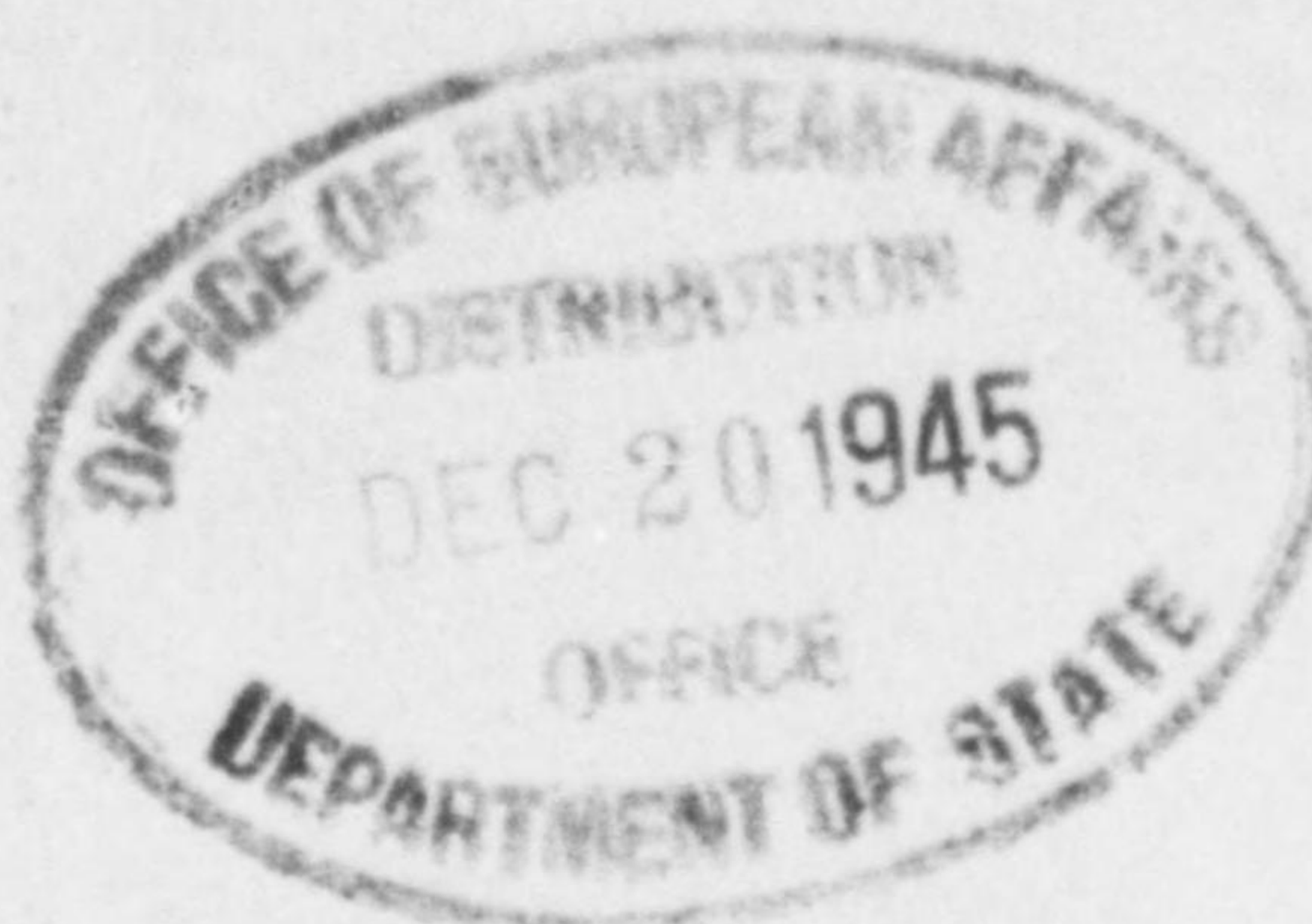
In any case covered by subparagraph (4) above, you will report the facts to the CCS together with your recommendations as to its disposition.

S E C R E TC.C.A.C. 193/312 July 1945COPY NO. 12*to file*COMBINED CIVIL AFFAIRS COMMITTEEPOLICY AS TO DISPOSITION OF WAR CRIMINALS,  
RENEGADES AND QUISLINGSNote by the Secretaries

In view of the dispatch by the Combined Chiefs of Staff of the enclosure (FACS 259 and FAN 591) on 10 July 1945 in reply to SCAF 406 (C.C.A.C. 193) and NAF 973 (C.C.A.C. 195), they have cancelled their directives referring these cables to the Combined Civil Affairs Committee for comment and recommendation.

No further action will be taken by the Committee on C.C.A.C. 193 and 193/2.

C. W. GARNETT,  
W. M. CAMERON,  
Combined Secretariat.

S E C R E TC.C.A.C. 193/312 July 1945COPY NO. 12

2 of 10

COMBINED CIVIL AFFAIRS COMMITTEEPOLICY AS TO DISPOSITION OF WAR CRIMINALS,  
RENEGADES AND QUISLINGSNote by the Secretaries

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No further action will be taken by the Committee on C.C.A.C. 193 and 193/2.

C. W. GARNETT,  
W. M. CAMERON,  
Combined Secretariat.

S E C R E T

E N C L O S U R E

10 July 1945

Supreme Allied Commander, Allied Force Headquarters  
Caserta, Italy.

Headquarters, US Forces, European Theater, Main,  
Frankfurt, Germany.

British Joint Staff Mission, Washington, D. C.

Number: WARX 29993

Book Message to Alexander and Eisenhower for action, to AMSSO pass to British Chiefs of Staff for information. This message is FAN 591 to Alexander and FACS 259 to Eisenhower from the Combined Chiefs of Staff.

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1838  
2516

1. This cable answers Paragraph 1 of SCAF 406 (repeated today to SACMED as FAN 590) and NAF 973. This directive applies to all persons held by forces under your command suspected of having committed war crimes in a country formerly occupied by the Germans or in Italy. It does not apply to such renegades and quislings as are not war criminals.

2. You should hand over Germans wanted for war crimes against Allied nationals or Italy to respective national authorities subject to exceptions in Paragraph 3 below and provided that the military authorities on the spot have no reason (a) either to doubt the bona fides of, and war crimes justification for, any Allied request for war criminals, or (b) to consider (without further reference to the Combined Chiefs of Staff) that there are special circumstances which may make transfer undesirable.

3. Excepted from above procedure are persons:

- a. Required for trial before courts under your command.
- b. Who held high political, civil or military position in Germany or in one of its Allies, co-belligerents, or satellites, who may be required for trial before an international tribunal.

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c. Required as witnesses in trials referred to in a. or b. above.

d. Required by U.S. or U.K. Governments as defendants or witnesses for trials of major war criminals, Gestapo and similar organizations.

e. Required in connection with war crimes against American or British subjects.

f. Requested by 2 or more Allied nations.

g. Requested, but whose cases involve special political or other unusual considerations, which cases should be given careful study in consultation with your political advisers before delivery is made.

4. Procedure for handing over should be as follows:

A. Persons on the United Nations War Crimes Commission (UNWCC) German lists (other than those freshly included in lists Nos. 7 and 9) should be handed over without question, provided that:

(1) The UNWCC lists shows them as wanted for trial solely by applicant country; (2) There is no reason for supposing after reference to "Central Registry of War Criminals and Security Suspects" at Supreme Headquarters, Allied Expeditionary Force (SHAEP) that the U.S., U.K., or any other Allied country, want them as witnesses in other cases.

B. Persons not on UNWCC lists should be handed over subject to:

(1) Receipt from Allied authorities concerned of a plain statement that German asked for is wanted for one or more specified crimes committed at specified date and place either in their territory or against their own nationals and:

S E C R E T

(2) Reference to "Central Registry of War Criminals and Security Suspects" at SHAEF to ensure that there is not reason to suppose person is required as accused or witness by another Allied country. Military authorities would not be expected to check up bona fides of the charge but fact that Ally concerned would have to commit himself to such statement might be some deterrent to requests on inadequate grounds.

5. It is assumed that during continuance of SHAEF and Allied Force Headquarters Allied Governments should forward their requests to those headquarters with whom decision as to handling over should rest. After effective establishment of Control Commissions for Germany and Austria Allied requests should be addressed to those bodies.

6. Above is reply to SCAF 406 Paragraph 1 and to NAF 973, so far as trials of war criminals are concerned and will permit start being made with handovers in more straight forward cases.

7. You will receive further instructions on Paragraph 2 of SCAF 406. In meantime please amplify reference in latter paragraph to neutral nationals wanted by single Allied state.

END.

Note: SCAF 406 is CM-IN 19334(20 May 45)  
NAF 973 is CM IN 16343 (17 May 45)  
FAN 590 is CM OUT 29994(10 July)

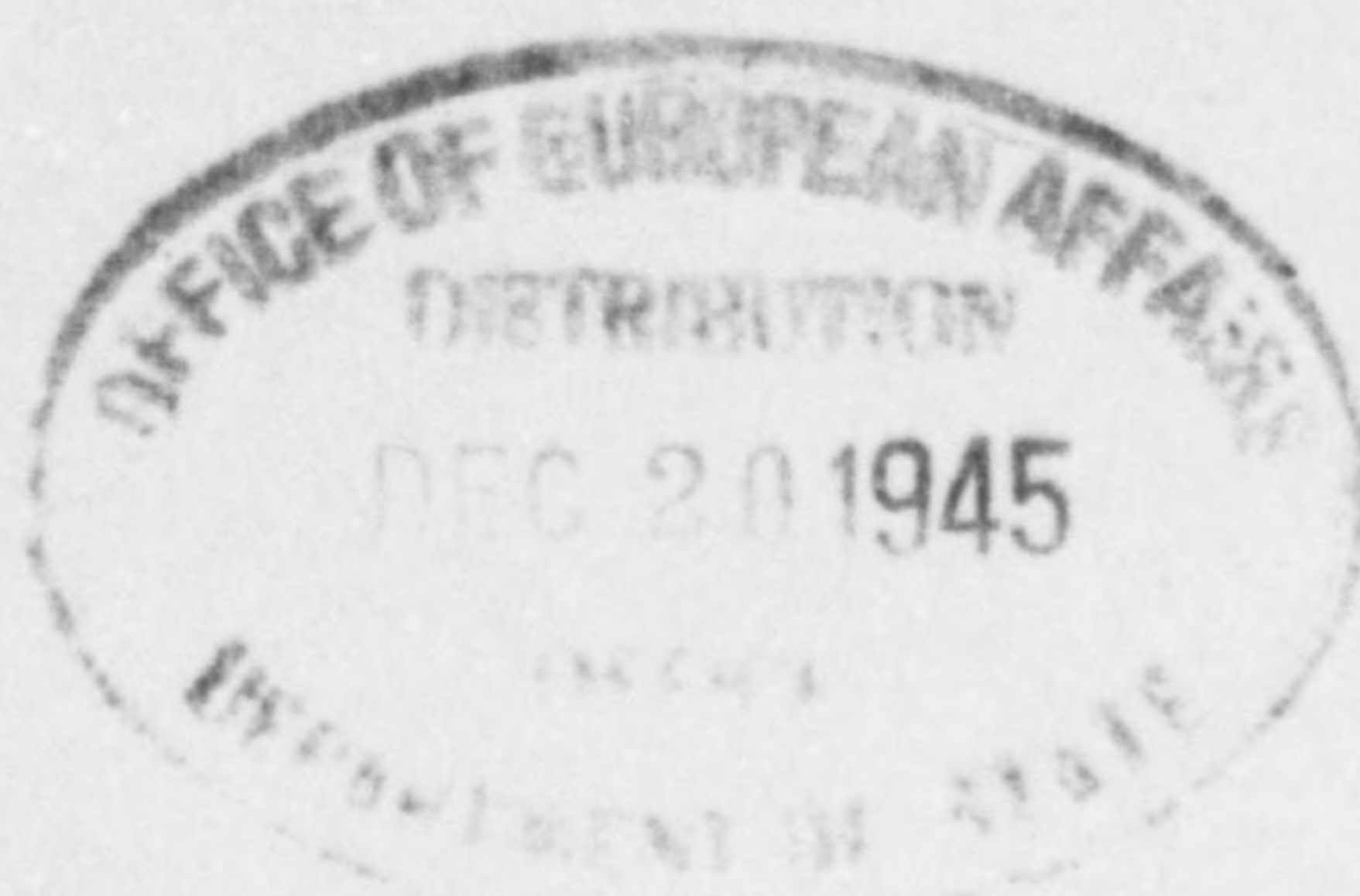
CM-OUT-29993



S E C R E T

C.C.A.C. 193/4

30 July 1945



COPY NO. 12

COMBINED CIVIL AFFAIRS COMMITTEE

POLICY AS TO DISPOSITION OF WAR CRIMINALS  
RENEGADES AND QUISLINGS

Note by the Secretaries

The enclosure (NAF 1049) has been referred to the Combined Civil Affairs Committee for draft of a reply.

C. W. GARNETT,

W. M. CAMERON,

Combined Secretariat.

S E C R E TE N C L O S U R E

From Supreme Allied Commander Allied Force Headquarters  
Caserta Italy

To War Department

Nr FX 29081 NAF 1049 27 July 1945

FX 29081. To AGWAR for CCS and to AMSSO for British Chiefs of Staff repeated USFET MAIN USFET REAR 21 Army Group CALA for information signed Alexander cite FHGAB. This is NAF 1049 reference SCAF 406 para 2 and FAN 591\* para 7.

(1) Jugo Slav representative on advisory council for Italy has made repeated requests for the handing over of 37 Jugo Slav nationals at present in Allied custody for trial by the Jugo Slav authorities as war criminals.

(2) Application refers to basic principle of "Mutual assistance between members of the United Nations for the purpose of putting on trial and extradition of traitors and war criminals".

(3) Increasingly difficult to justify inaction on our part in face of these repeated applications.

(4) Request authority for handing over Jugo Slav personnel to the Jugo Slav government for trial as traitors or war criminals provided no reason to doubt request is bona fide.

CM-IN-28297

(28 Jul 45)

DTG 272116B

\* Enclosure to CCAC 193/3

Miss Fitz LE-fife

S E C R E T

C.C.A.C. 193/5

19 August 1945



COPY NO. 3

COMBINED CIVIL AFFAIRS COMMITTEE

D R A F T

POLICY AS TO DISPOSITION OF WAR CRIMINALS  
RENEGADES AND QUISLINGS

Memorandum by the British Members

1. London has informed us that the same request reported in NAF 1049 (Enclosure to C.C.A.C. 193/4) has been made by the Yugoslav Government to the British Government. The matter has for some time been under active consideration between the Foreign Office and State Department.

2. The question is so essentially a political one that London considers that it should continue to be dealt with through the diplomatic channel. We are instructed to point out that the persons whose surrender is requested by the Yugoslav Government are not war criminals in the proper sense. Some of them are clearly collaborators of the blackest dye; but the Yugoslav request also covers others who may well be properly considered as political opponents of the present Yugoslav regime rather than as traitors to the Yugoslav state. For this reason Yugoslavia should be treated as a special case and Allied Commanders should not be authorized to hand over alleged Yugoslav traitors and renegades on the request of an authorized representative of the Yugoslav Government.

3. The British members are therefore instructed to propose that SACMED should simply inform the Yugoslav representative on the Advisory Council that the matter is not one which can usefully be discussed between them since it has already been raised by the Yugoslav Government through the diplomatic channel and is now under discussion on the governmental level.

S E C R E T

London does not consider in any case that the Yugoslav representative on the Advisory Council has any standing in raising such a matter with SACMED.

ACTION RECOMMENDED

4. The British members therefore invite the Combined Civil Affairs Committee to recommend to the Combined Chiefs of Staff the despatch of the draft FAN telegram at the enclosure.

FAN 614  
6 Sep '45

SECRET

ENCLOSURE

DRAFT FAN TELEGRAM

1. Reference NAF 1049. Same request has been made by Yugoslav Government to British Government and matter has for some time been under active consideration by Foreign Office and State Department.
  
2. For your information the persons whose surrender is requested by the Yugoslav Government are not war criminals in proper sense. Some are collaborators and traitors to Yugoslavia but Yugoslav request also covers others more properly considered as political opponents of present regime rather than as traitors. For this reason Yugoslavia is a special case and Allied Commanders are not authorized to hand over alleged Yugoslav traitors and renegades at request of authorized representative of Yugoslav Government.
  
3. Question is so essentially political that it should continue to be dealt with through diplomatic channels.
  
4. You should simply inform Yugoslav representative on Advisory Council that matter is not one which can usefully be discussed between you since it has already been raised by Yugoslav Government through diplomatic channel and is now under discussion on governmental level.

*Miss Fife AE Fife*

S E C R E T

COPY NO. 2

C.C.A.C. 193/6

7 September 1945



COMBINED CIVIL AFFAIRS COMMITTEE

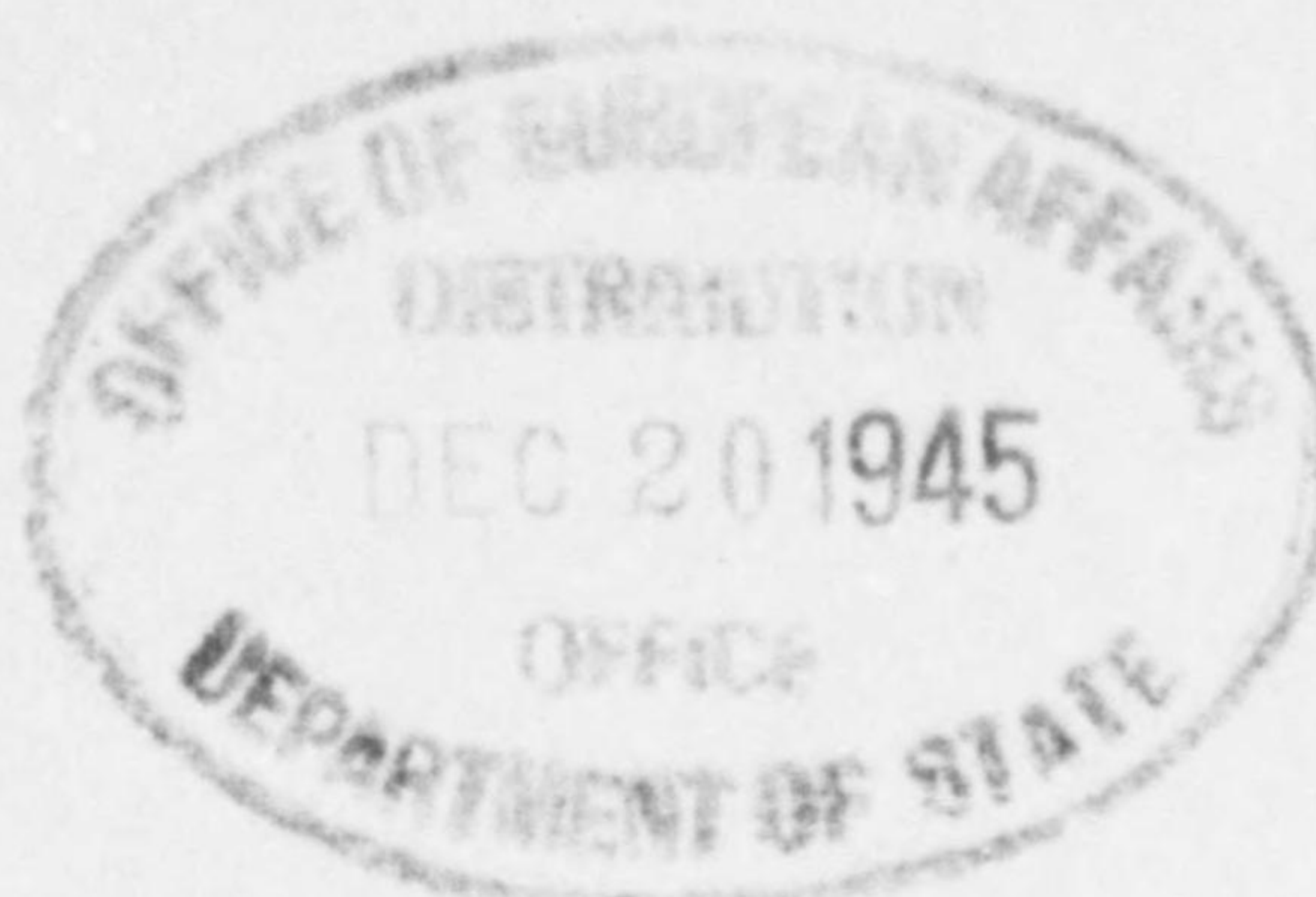
POLICY AS TO DISPOSITION OF WAR CRIMINALS  
RENEGADES AND QUISLINGS

Note by the Secretaries

By informal action on 25 August 1945 the Combined Civil Affairs Committee approved the draft cable contained in C.C.A.C. 193/5 and submitted it to the Combined Chiefs of Staff for consideration.

On 6 September 1945 the Combined Chiefs of Staff approved the draft cable in C.C.A.C. 193/5 and dispatched it as FAN 614.

J. R. WILSON,  
W. M. CAMERON,  
Combined Secretariat.

S E C R E TC.C.A.C. 193/72 October 1945COPY NO. 12COMBINED CIVIL AFFAIRS COMMITTEEPOLICY AS TO DISPOSITION OF WAR CRIMINALSMemorandum by the British Members

1. FAN 591 and FACS 259 laid down certain conditions under which Germans wanted for war crimes against Allied nationals or Italy could be handed over to the respective national authorities.

2. London feels that Theatre Commanders should now be empowered to hand over to Allied national authorities, subject to the conditions laid down in FAN 591/FACS 259, not only Germans but also Italians and other enemy nationals (i.e., satellites) accused of war crimes.

3. London also sees no objection to the handing over to the present Italian Government of Italians who, while serving the Neo-Fascist regime after 3rd September, 1943, committed war crimes against other Italian nationals, provided that they are not at the same time wanted by an Allied Government.

4. We are instructed to seek American views.

ACTION RECOMMENDED

5. The British members therefore invite

(a) the Combined Civil Affairs Committee to recommend to the Combined Chiefs of Staff the dispatch of the draft FAN telegram at the Enclosure;

(b) the U.S. members to indicate whether they concur in the dispatch of similar instructions to the U.S. and U.K. zone commanders in Germany.

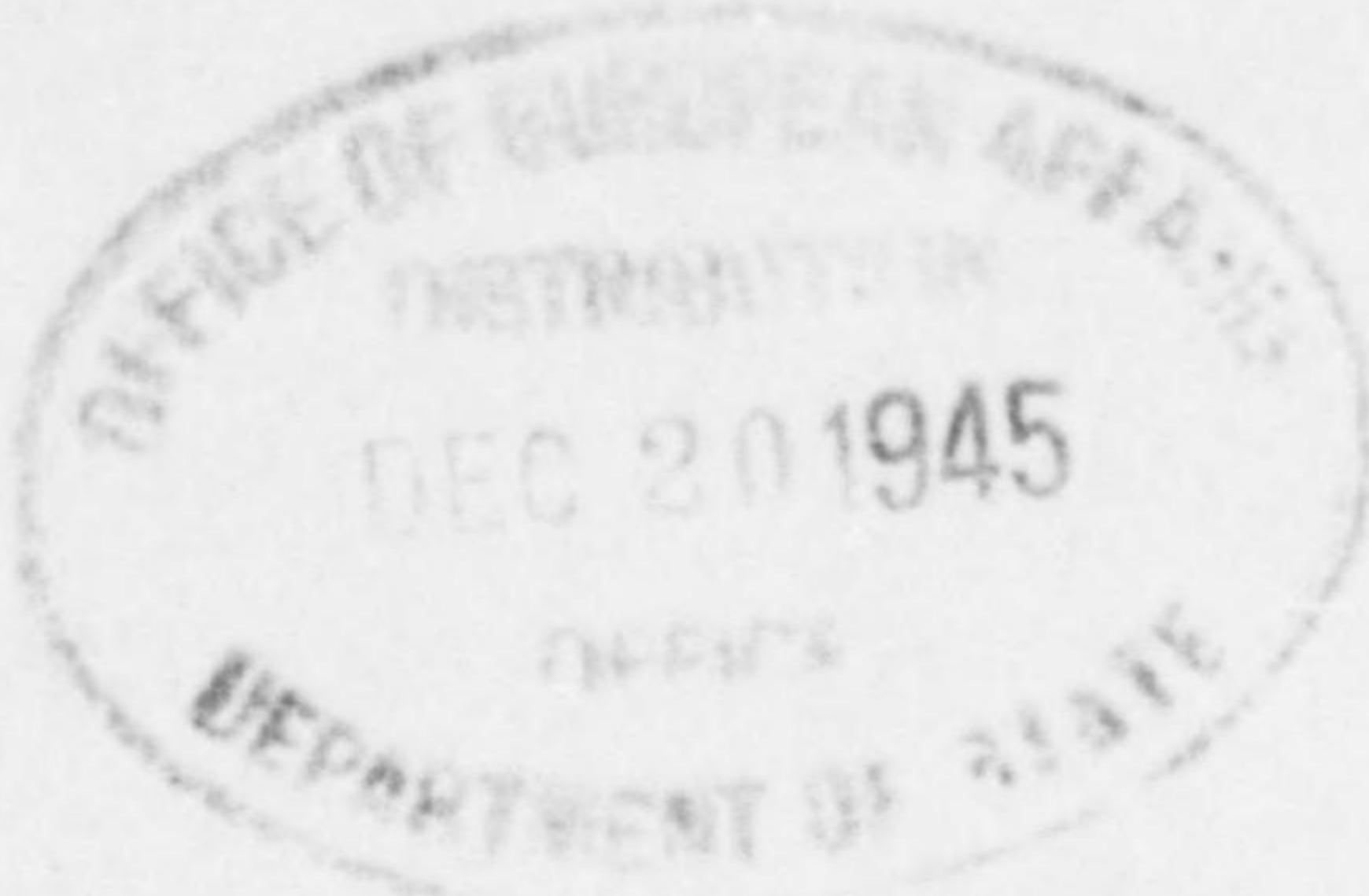
S E C R E T

E N C L O S U R E

DRAFT FAN CABLE

1. FAN 591/FACS 259 laid down certain conditions under which Germans wanted for war crimes against Allied Nationals or Italy should be handed over to the respective national authorities.
2. Present telegram extends this authority to cover Italians and other enemy nationals (i.e., satellites) accused of war crimes, under same conditions as in FAN 591.
3. You are also authorized to hand over to Italian Government, Italians who, while serving the Neo-Fascist regime after 3rd September 1943, committed war crimes against other Italian nationals. Excepted from this procedure are such Italians as are wanted by an Allied government; in such cases Allied government should have priority of claim.
4. If difficulties arise you should refer to Combined Chiefs of Staff for instructions.



S E C R E TCOPY NO. 9C.C.A.C. 193/813 October 1945COMBINED CIVIL AFFAIRS COMMITTEEPOLICY AS TO DISPOSITION OF WAR CRIMINALSMemorandum by the Director, Civil Affairs Division, War DepartmentTHE PROBLEM

1. To consider whether the conditions, under which Germans wanted for war crimes against Allied or Italian nationals are to be handed over to the respective national authorities, should be made applicable to suspected enemy war criminals, regardless of nationality.

FACTS BEARING ON THE PROBLEM

2. In C.C.A.C. 193/7, the United Kingdom members of the Combined Civil Affairs Committee, recommended that the conditions referred to in paragraph 1, above, which were cabled to the Supreme Commander, Allied Expeditionary Force, and the Supreme Allied Commander, Mediterranean Theater, in FACS 259 and FAN 591 (Enclosure to C.C.S. 705/9) should be made applicable to suspected enemy war criminals, regardless of nationality. The United Kingdom members also recommended that the Supreme Allied Commander be authorized to hand over to the present Italian Government those Italians who, while serving in the Neo-Fascist regime after 3 September 1943, committed war crimes against other Italian nationals, provided they are not, at the same time, wanted by an Allied Government. The United Kingdom members proposed that a combined cable on the matter be dispatched to the Supreme Allied Commander and that similar instructions be given to the United States and United Kingdom zone commanders in Germany.

S E C R E T

3. The United States policy on the identification and apprehension of suspected war criminals, which has been transmitted to the Commanding General, United States Forces, European Theater, authorizes the Commanding General to take the action which it is now proposed to authorize him to take, except that he is instructed to refer to the Control Council for determination of priorities of those cases in which the same person is requested by two United Nations or by one United Nation and Italy. If the Control Council fails to reach a decision in the matter within a reasonable period of time, the Commanding General is authorized to make his own determination concerning priority.

DISCUSSION

4. It is believed that the United States policy of judging each case in which the same person is desired by more than one United Nation or Italy on its merit is preferable to establishing a priority which would work against Italy in all cases. This is particularly true as the United States policy is already applicable in Germany.

CONCLUSION

5. The Combined Chiefs of Staff should approve the United Kingdom's proposed cable with the exception of the provision establishing a priority against Italian requests.

RECOMMENDATION

6. That the Combined Civil Affairs Committee recommend to the Combined Chiefs of Staff the dispatch of the cable at the Enclosure.

S E C R E T

E N C L O S U R E

D R A F T

CABLE FROM THE COMBINED CHIEFS OF STAFF  
TO THE SUPREME ALLIED COMMANDER, MEDITERRANEAN THEATER

1. FAN 591/FACS 259 laid down certain conditions under which Germans wanted for war crimes against Allied Nationals or Italy should be handed over to the respective national authorities.
2. Present telegram extends this authority to cover Italians and other enemy nationals (i.e., satellites) accused of war crimes, under same conditions as in FAN 591.
3. If difficulties arise you should refer to Combined Chiefs of Staff for instructions.

S E C R E T

C.C.A.C. 193/8

13 October 1945



COPY NO. 22 *LE*

*(This copy for your files)*

COMBINED CIVIL AFFAIRS COMMITTEE

POLICY AS TO DISPOSITION OF WAR CRIMINALS

Memorandum by the Director, Civil Affairs Division, War Department

THE PROBLEM

1. To consider whether the conditions, under which Germans wanted for war crimes against Allied or Italian nationals are to be handed over to the respective national authorities, should be made applicable to suspected enemy war criminals, regardless of nationality.

FACTS BEARING ON THE PROBLEM

2. In C.C.A.C. 193/7, the United Kingdom members of the Combined Civil Affairs Committee, recommended that the conditions referred to in paragraph 1, above, which were cabled to the Supreme Commander, Allied Expeditionary Force, and the Supreme Allied Commander, Mediterranean Theater, in FACS 259 and FAN 591 (Enclosure to C.C.S. 705/9) should be made applicable to suspected enemy war criminals, regardless of nationality. The United Kingdom members also recommended that the Supreme Allied Commander be authorized to hand over to the present Italian Government those Italians who, while serving in the Neo-Fascist regime after 3 September 1943, committed war crimes against other Italian nationals, provided they are not, at the same time, wanted by an Allied Government. The United Kingdom members proposed that a combined cable on the matter be dispatched to the Supreme Allied Commander and that similar instructions be given to the United States and United Kingdom zone commanders in Germany.

This document contains information affecting the national defense of the United States within the meaning of the Espionage Act, 43 U. S. C., 31 and 32, as amended. The transmission or the revelation of its contents in any manner to an unauthorized person is prohibited by law.

S E C R E T

3. The United States policy on the identification and apprehension of suspected war criminals, which has been transmitted to the Commanding General, United States Forces, European Theater, authorizes the Commanding General to take the action which it is now proposed to authorize him to take, except that he is instructed to refer to the Control Council for determination of priorities of those cases in which the same person is requested by two United Nations or by one United Nation and Italy. If the Control Council fails to reach a decision in the matter within a reasonable period of time, the Commanding General is authorized to make his own determination concerning priority.

DISCUSSION

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CONCLUSION

5. The Combined Chiefs of Staff should approve the United Kingdom's proposed cable with the exception of the provision establishing a priority against Italian requests.

RECOMMENDATION

6. That the Combined Civil Affairs Committee recommend to the Combined Chiefs of Staff the dispatch of the cable at the Enclosure.

S E C R E T

E N C L O S U R E

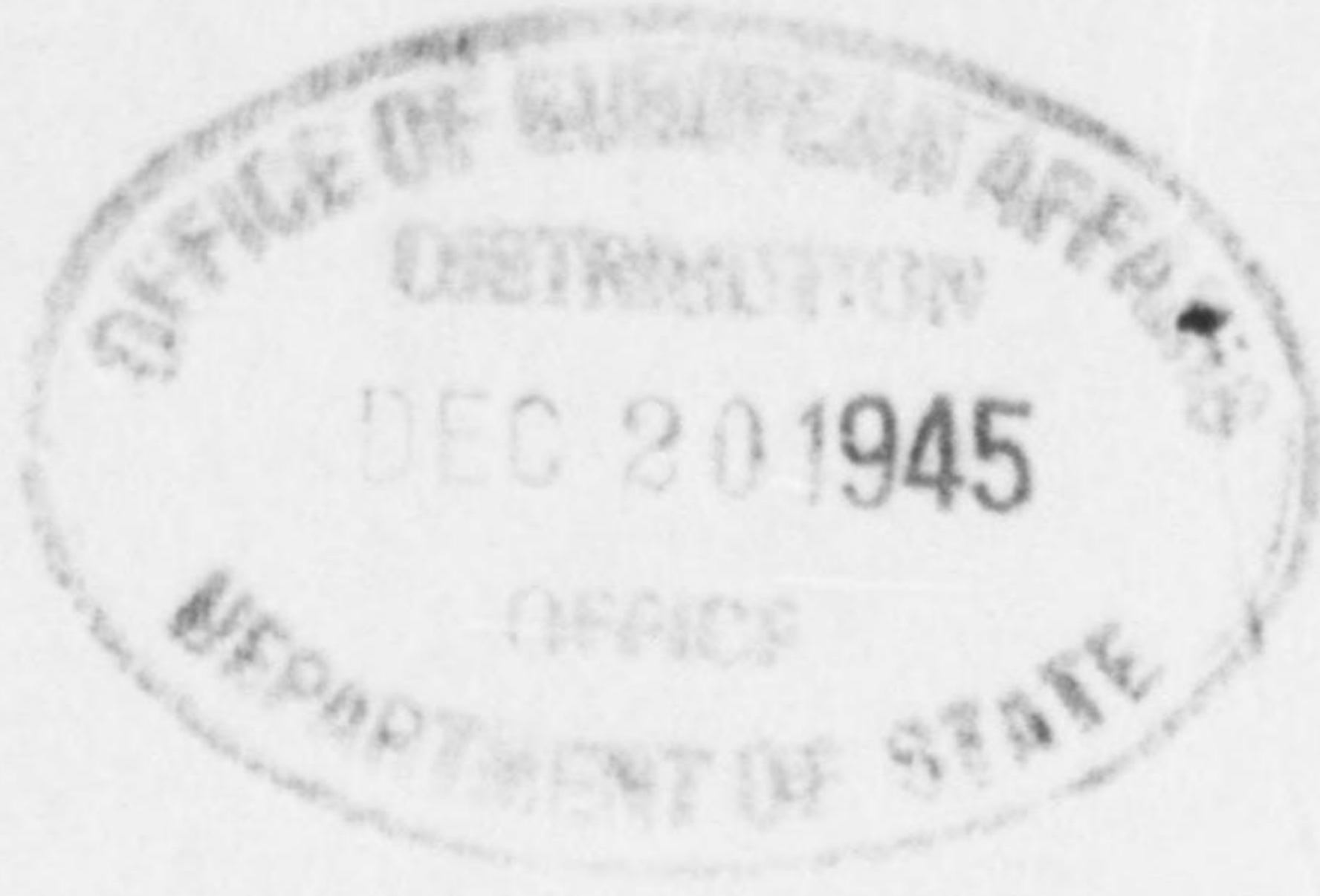
D R A F T

CABLE FROM THE COMBINED CHIEFS OF STAFF  
TO THE SUPREME ALLIED COMMANDER, MEDITERRANEAN THEATER

1. FAN 591/FACS 259 laid down certain conditions under which Germans wanted for war crimes against Allied Nationals or Italy should be handed over to the respective national authorities.

2. Present telegram extends this authority to cover Italians and other enemy nationals (i.e., satellites) accused of war crimes, under same conditions as in FAN 591.

3. If difficulties arise you should refer to Combined Chiefs of Staff for instructions.



COPY NO. 11

SECRET

C.C.A.C. 193/9

21 November, 1945

COMBINED CIVIL AFFAIRS COMMITTEE

POLICY AS TO DISPOSITION OF WAR CRIMINALS

Memorandum by the British Members

- 1. Reference NAF 1091 (Enclosure "B") we are instructed to state that Dostler is not required by the British authorities as a witness in either major or minor war crimes trials.
- 2. No doubt the U.S. Government is ascertaining whether Dostler is required by the appropriate American authorities.

ACTION RECOMMENDED

- 3. In the meantime the British members recommend that the Secretaries be invited to despatch the draft letter at Enclosure "A" to the U.S. War Crimes Office.

S E C R E T

ENCLOSURE "A"

LETTER TO U.S. WAR CRIMES OFFICE FROM THE SECRETARIES,  
COMBINED CIVIL AFFAIRS COMMITTEE

1. Anton Dostler has been sentenced to death by a Military Commission appointed by the Commanding General Mediterranean Theatre of Operations, as a result of a war crimes trial. In accordance with a directive previously issued by the Combined Chiefs of Staff, Allied Force Headquarters Italy, has notified the Combined Civil Affairs Committee of the above and has enquired before carrying out the sentence, whether Dostler's testimony would be of value in any trial for other war criminals either in the Mediterranean Theatre of Operations or elsewhere.

2. It is requested, therefore, that you state whether the U.S. War Crimes Office or the Central Registry of War Crimes and Security Suspects (CROWCASS) has any information to indicate that Dostler may be wanted as a witness in any other trial. Otherwise Allied Force Headquarters will be instructed that the sentence should be carried out.



S E C R E T

ENCLOSURE "B"

NAF 1091

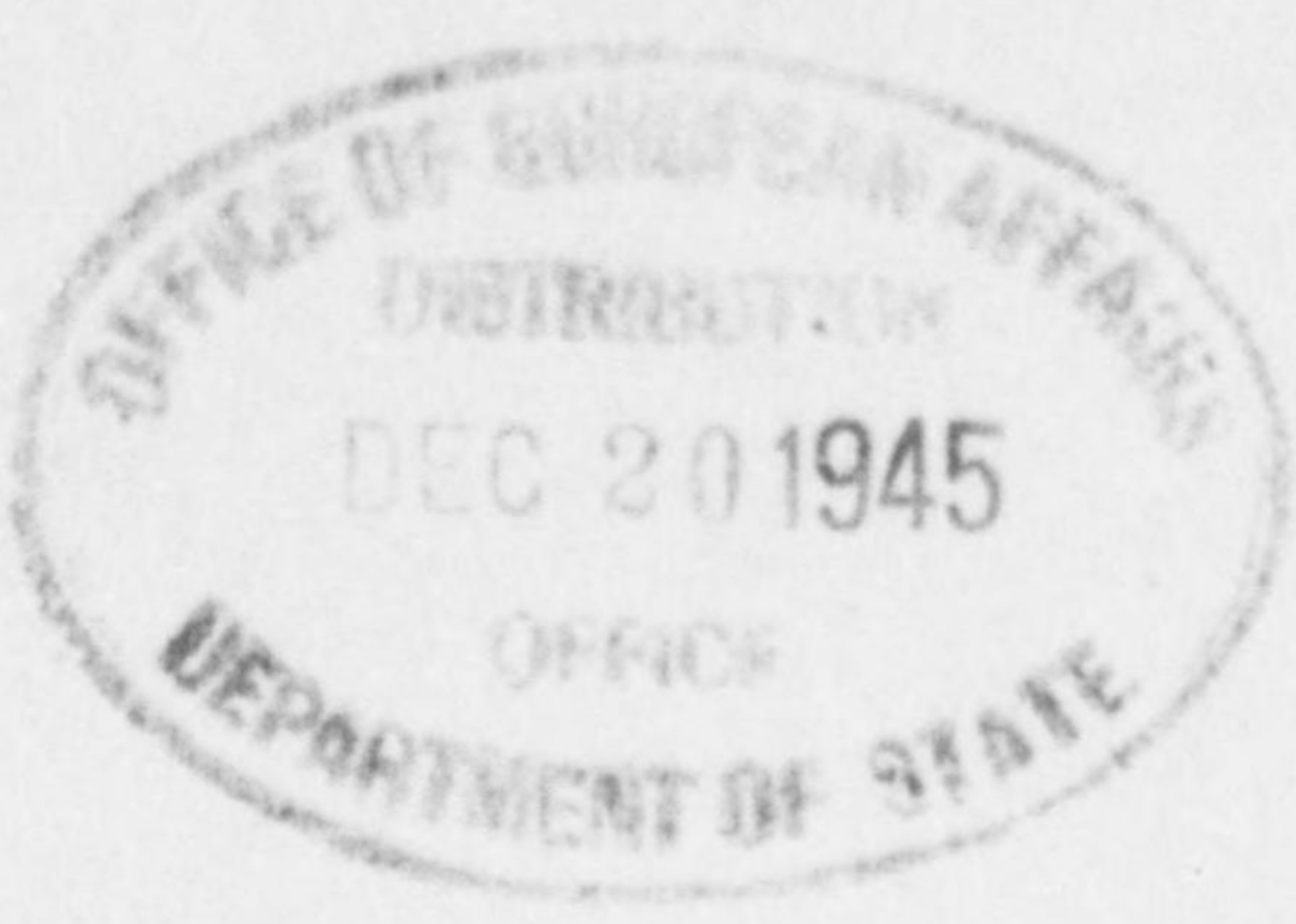
1. In compliance with paragraph one (C) of FAN 575, request this Headquarters be advised earliest date practicable whether you desire Anton Dostler as witness in connection with war crimes trial.

2. Subject was sentenced to death by military commission appointed by Commanding General Mediterranean Theater of Operations.

S E C R E T

C.C.A.C. 193/10

25 November 1945



COPY NO. 3

COMBINED CIVIL AFFAIRS COMMITTEE

POLICY AS TO DISPOSITION OF WAR CRIMINALS

Note by the Secretaries

On 23 November 1945 the Combined Chiefs of Staff referred NAF 1093 (Enclosure) to the Combined Civil Affairs Committee for consideration in connection with the Committee's action on NAF 1091 (Enclosure "B" to C.C.A.C. 193/9).

J. R. WILSON,  
W. M. CAMERON,  
Combined Secretariat.

6

S E C R E T

E N C L O S U R E

From: Supreme Allied Commander AFHQ Caserta Italy  
 To: War Department  
 Nr: FX 54022                      NAF 1093                      22 November 1945

FX 54022 from AFHQ signed SACMED cite FHCOS to AGWAR Wash for Combined Chiefs of Staff Cabinet Offices London for British Chiefs of Staff. This is NAF 1093.

1. Reference our NAF 1091. War Crimes Commission, USFET, has informed us they will not need Anton Dostler as a witness.

2. May we request an early reply to our query.

End.

Note: NAF 1091 is CM-IN-6376 (18 Nov) CC/S

ACTION: CC/S

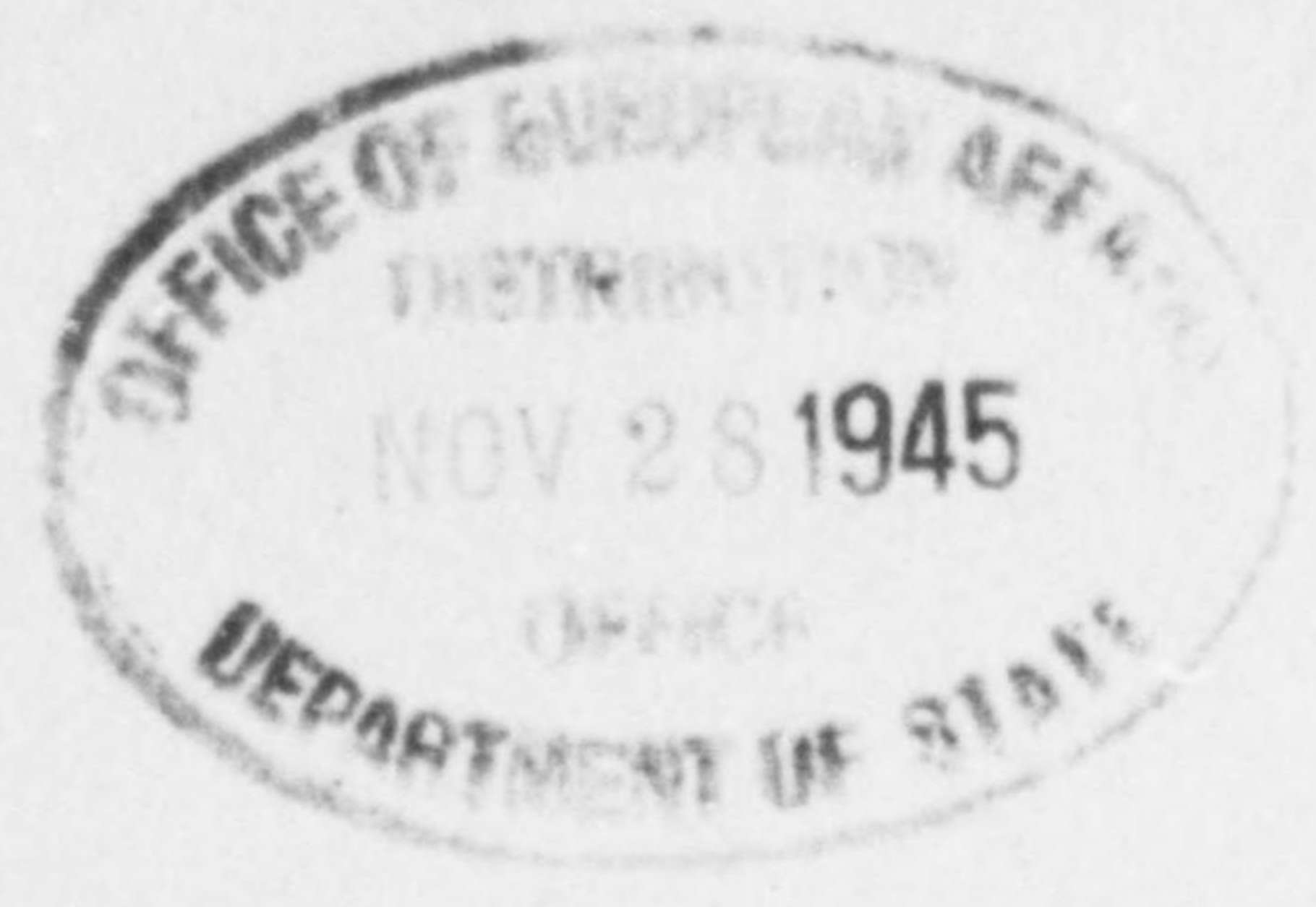
CM-IN-8337 (23 Nov 45)

*Leighton*

S E C R E T

C.C.A.C. 193/11

20 November 1945



COPY NO. 22

COMBINED CIVIL AFFAIRS COMMITTEE

POLICY AS TO DISPOSITION OF WAR CRIMINALS

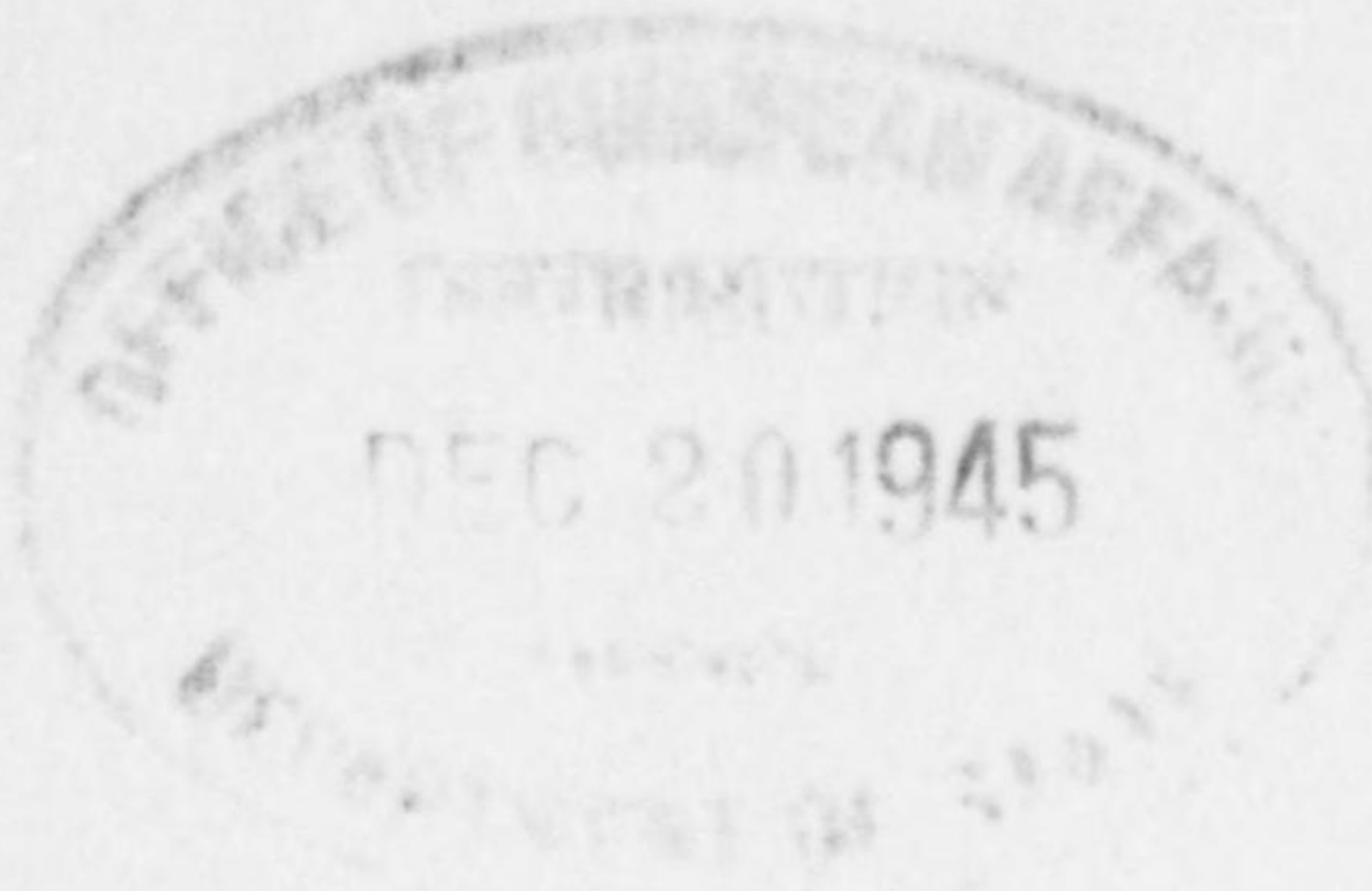
Note by the Secretaries

By informal action, the Combined Civil Affairs Committee approved TAM 717 in reply to NAF 1091 and NAF 1093. The message was dispatched on 26 November 1945.

No further action will be taken by the Committee on C.C.A.C. 193/9 and 193/10.

J. R. WILSON,  
W. M. CAMERON,  
Combined Secretariat.

**This document contains information affecting the national defense of the United States within the meaning of the Espionage Act, 50 U. S. C., 31 and 32, as amended. Its transmission or the revelation of its contents in any manner to an unauthorized person is prohibited by law.**



S E C R E T

COPY NO. 2

C.C.A.C. 193/11

28 November 1945

COMBINED CIVIL AFFAIRS COMMITTEE

POLICY AS TO DISPOSITION OF WAR CRIMINALS

Note by the Secretaries

By informal action, the Combined Civil Affairs Committee approved TAM 717 in reply to NAF 1091 and NAF 1093. The message was dispatched on 26 November 1945.

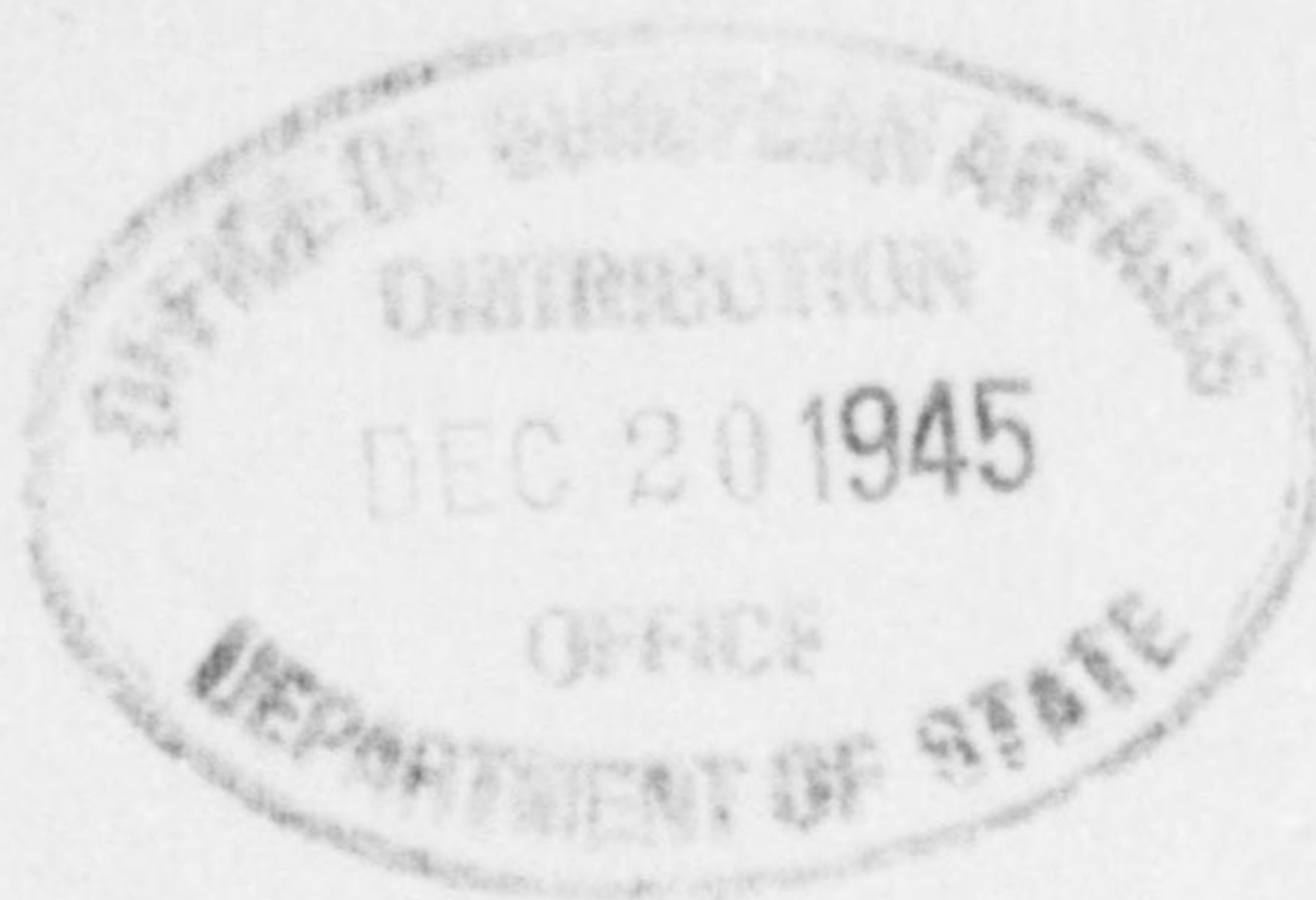
No further action will be taken by the Committee on C.C.A.C. 193/9 and 193/10.

J. R. WILSON,  
W. M. CAMERON,  
Combined Secretariat.

S E C R E T

C.C.A.C. 193/12

30 November 1945



COPY NO. 9

COMBINED CIVIL AFFAIRS COMMITTEE

POLICY AS TO DISPOSITION OF WAR CRIMINALS

Note by the Secretaries

The Combined Civil Affairs Committee, by informal action, approved the attached report and submitted it to the Combined Chiefs of Staff for consideration on 30 November 1945.

No further action will be taken by the Committee on C.C.A.C. 193/7 and 193/8.

J. R. WILSON,

W. M. CAMERON,

Combined Secretariat.

S E C R E T

E N C L O S U R E

POLICY AS TO DISPOSITION OF WAR CRIMINALS

Report by the Combined Civil Affairs Committee

THE PROBLEM

1. To consider whether the conditions under which Germans wanted for war crimes against Allied nationals or Italy are handed over to the respective national authorities, as contained in FAN 591 (Enclosure to C.C.S. 705/9), should be made applicable to suspected Italian and other war criminals, regardless of nationality, and to make recommendations to the Combined Chiefs of Staff.

FACTS BEARING ON THE PROBLEM

2. In FAN 591, SACMED was instructed to hand over Germans wanted for war crimes against Allied nationals or Italy to the respective national authorities subject to certain exceptions contained in paragraph 3, FAN 591, and provided that the military authorities on the spot have no reason (a) either to doubt the bona fides of, and war crimes justification for, any Allied request for war criminals, or (b) to consider (without further reference to the Combined Chiefs of Staff) that there are special circumstances which may make transfer undesirable.

DISCUSSION

3. It is considered that the conditions under which the Germans wanted for war crimes against Allied nationals or Italy are to be handed over to the respective national authorities should be made applicable to suspected Italian and other war criminals regardless of nationality and that the exception contained in paragraph 2a of FAN 591 should apply equally to Italian requests for war criminals.

S E C R E T

RECOMMENDATION

4. The Combined Civil Affairs Committee recommends that the Combined Chiefs of Staff dispatch the draft cable at Appendix.



S E C R E T

A P P E N D I X

D R A F T

CABLE TO THE SUPREME ALLIED COMMANDER, MEDITERRANEAN THEATER

1. FAN 591/FACS 259 laid down certain conditions under which Germans wanted for war crimes against Allied Nationals or Italy should be handed over to the respective national authorities.
2. You are hereby authorized to hand over Italians and other enemy nationals (i.e. satellites) accused of war crimes under the same conditions as in FAN 591.
3. Par. 2a, FAN 591, is amended to read "either to doubt the bona fides of, and war crimes justification for, any Allied or Italian request for war criminals."
4. If difficulties arise you should refer to Combined Chiefs of Staff for instructions.

*Lo-fide* ✓

S E C R E T

C.C.A.C. 193/12

30 November 1945



COPY NO. 22

~~SECRET~~

COMBINED CIVIL AFFAIRS COMMITTEE

*LE Garnett*  
*(for files)*

POLICY AS TO DISPOSITION OF WAR CRIMINALS

Note by the Secretaries

The Combined Civil Affairs Committee, by informal action, approved the attached report and submitted it to the Combined Chiefs of Staff for consideration on 30 November 1945.

No further action will be taken by the Committee on C.C.A.C. 193/7 and 193/8.

J. R. WILSON,

W. M. CAMERON,

Combined Secretariat.

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S E C R E T

E N C L O S U R E

POLICY AS TO DISPOSITION OF WAR CRIMINALS

Report by the Combined Civil Affairs Committee

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A P P E N D I X

D R A F T

CABLE TO THE SUPREME ALLIED COMMANDER, MEDITERRANEAN THEATER

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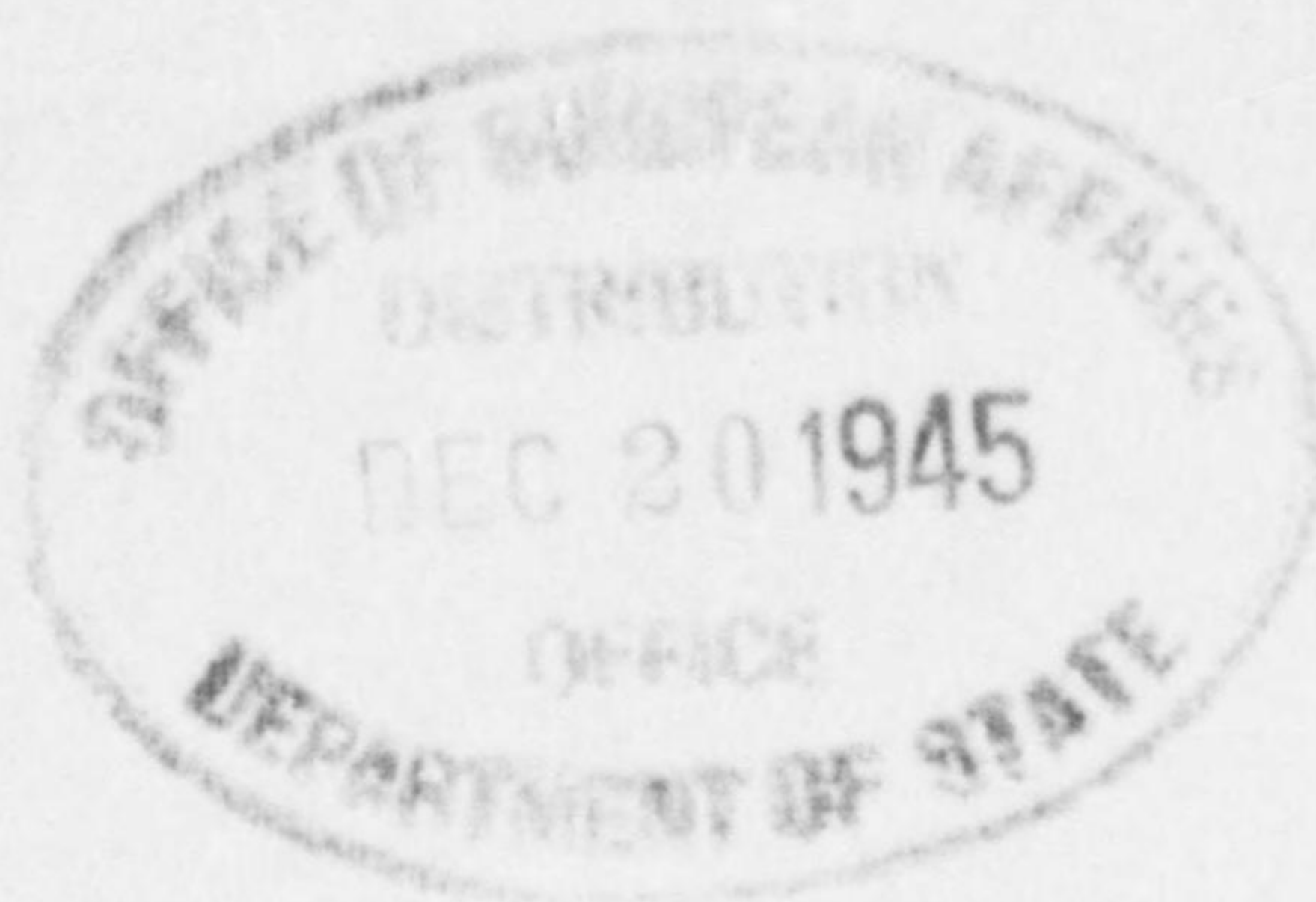
3. Par. 2a, FAN 591, is amended to read "either to doubt the bona fides of, and war crimes justification for, any Allied or Italian request for war criminals."

4. If difficulties arise you should refer to Combined Chiefs of Staff for instructions.

S E C R E T

C.C.A.C. 193/13

10 December 1945



FORM 3  
COPY NO. 3

COMBINED CIVIL AFFAIRS COMMITTEE

POLICY AS TO DISPOSITION OF WAR CRIMINALS

Note by the Secretaries

The Combined Chiefs of Staff, by informal action, approved the draft cable contained in C.C.A.C. 193/12 and dispatched it on 8 December 1945 as FAN 633.

J. R. WILSON,

WARDE M. CAMERON,

Combined Secretariat.

S E C R E T

C.C.A.C. 193/13

10 December 1945



COPY NO. 21

*LE Garrison*

COMBINED CIVIL AFFAIRS COMMITTEE

POLICY AS TO DISPOSITION OF WAR CRIMINALS

Note by the Secretaries

The Combined Chiefs of Staff, by informal action, approved the draft cable contained in C.C.A.C. 193/12 and dispatched it on 8 December 1945 as FAN 633.

J. R. WILSON,  
WARDE M. CAMERON,  
Combined Secretariat.

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