

order to execute in battle, or within 24 hours after capture, all members of Allied "commando" and "military mission" units, whether or not such persons were regularly attached to, and wore the recognized uniform of duly authorized members of the established military forces of enemy belligerents.

i. On or about 11 September 1943, the Commander in Chief and the Chief of Staff of Army Group F and Supreme Command Southeast, the Commander in Chief 2d Panzer Army, the commanders of the LXVIII Infantry Corps, XXII Mountain Corps, LXIX Reserve Corps, and XV Mountain Corps, and the military commander of Serbia, and Military Commander Southeast, issued, executed, and distributed to troops under their command and jurisdiction an order for the execution of one staff officer and 50 men of each division of the surrendered Italian Army which, prior to its surrender, had sold, given away, or destroyed its weapons, and for the execution of one officer and 10 men of each such division which, prior to its surrender, had made a motor vehicle unusable.

j. On or about 24 September 1943, the Commander of the XXII Mountain Corps ordered troops under his command and jurisdiction to execute the captured Italian General Gandin, and all officers of his staff.

k. On or about 28 September 1943, in Croatia, troops under the command and jurisdiction of the 2d Panzer Army executed 300 captured officers of the Italian "Bergamo" Division.

l. On or about 1 November 1943, troops of the 100th Jaeger Division, under the command and jurisdiction of the 2d Panzer Army, executed two captured colonels, the operations and supply officers, respectively, of the Italian 9th Army.

13. The acts and conduct of the defendants set forth in this count were committed unlawfully, willfully, and knowingly and constitute violations of international conventions, of the Hague Regulations 1907, of the Prisoner of War Convention (Geneva 1929), of the laws and customs of war, of the general principles of criminal law as derived from the criminal laws of all civilized nations, of the internal penal laws of the countries in which such crimes were committed, and were declared, recognized, and defined as crimes by Article II of Control Council Law No. 10.

COUNT FOUR

14. Between September 1939 and May 1945, all of the defendants unlawfully, willfully, and knowingly committed war crimes and crimes against humanity, as defined in Article II of Control Council Law No. 10, in that they were principals in, accessories