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GENERAL

I. MORALE AND PUBLIC OPINION

The Near East apathy toward the war crimes problem: In contrast to the European continent, the Near East was brought into the Allied orbit comparatively early in the war and ceased to be an active operational area after the end of the North African campaign. Consequently there has been more opportunity for political forces to resume work unhindered by military considerations, and the pattern of post-war trends began to emerge earlier than in areas longer affected by the European war.

Because of the comparative remoteness of the war since early 1943, the peoples of the Near East can be expected to view with a certain detachment the trial of the major war criminals by an international tribunal. Since only a small part of the Near East, the Western Desert of Egypt, was ever under actual enemy occupation, the type of war criminal to be tried locally, as defined by Justice Jackson under class two (persons who committed offenses and atrocities in occupied countries), is of no importance in this area.¹

There is, however, a number of persons who would fall into group three according to Justice Jackson's classification: namely, individuals who could be charged with having committed treason or related offenses against their country of origin. Some of these found refuge in Germany and are now either being held in Europe or are still at large. Others were apprehended in the Near East by British or Soviet forces and were held in custody without being brought to trial. Iraq is the only state in the area where the more prominent Axis collaborators were tried and convicted. It is unlikely that any strong action will now be taken anywhere in the Near East against former Axis collaborators or sympathizers. Popular feeling against these persons has never been strong, since they have generally been regarded as working for the freeing of their respective countries from British or French overlordship and the local population has had no direct experience with German occupation methods. It is also characteristic of the situation that during the war the European powers, Great Britain as well as the USSR, have, as a rule, been content to keep subversive Near Eastern elements in custody as long as deemed necessary and have in some cases actually opposed trial by local courts. This attitude has been motivated partly by distrust of local legal machinery, but it stems also from a reluctance to make martyrs and from a realization of the potential

¹ Justice Jackson's report to the President on trials for War Criminals, New York Times, 8 June 1945, p. 4.
political value of many of these prisoners. It is improbable, therefore, that the great powers will press for the trial of Near Eastern collaborators at this time.

The Near East thus constitutes a prime example of an area where popular pressure for the trial of local war criminals is absent and where political considerations have become paramount both with the local governments and the great powers. Under these circumstances it may be expected that the Near Eastern Axis collaborators will for the most part go unpunished and in so far as they have not already done so, will eventually return to the political life of their respective countries.

TURKEY

I. MORALE AND PUBLIC OPINION

The trial of the Turanists: During the greater part of the European war Turkey observed a policy of neutrality and maintained diplomatic relations with both belligerents. Because of Turkey's alliance with Great Britain and her friendship for the US this neutrality had a pro-Allied slant. The control of subversive elements, whether foreign or domestic, was strict throughout the war, and the Government succeeded in preventing the formation of a powerful pro-Axis group even at the time when German successes were at their height.

The pro-Axis sentiment which manifested itself in Turkey was found principally among certain businessmen, journalists, retired Army officers and, most important of all, in the Turanist movement. The Turanist groups stand at the extreme Right in their political views and direct their activities against the present Turkish regime as well as against the Soviet Union. Their primary aim is the establishment, under a fascist regime, of a Greater Turkey which would include the 17,000,000 people of Turkish stock now living in the USSR. In the course of its drive against extremists of both the Right and the Left the Turkish Government arrested the Turanist leaders in May 1944. Out of a large number of persons taken into custody, twenty-eight were brought to trial in September 1944. The Government's case emphasized the attempts of the accused to organize secret societies aimed at overthrowing the Turkish Government; little

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1. Turkey broke relations with Germany on 2 August 1944 and with Japan on 8 January 1945. It declared war upon Germany and Japan on 25 February 1945 and signed the United Nations Declaration on 28 February 1945.
2. OSS CID #86738, 11 July 1944; Tanin, 8 August 1944; OSS CID #101560, 9 October 1944.
stress was laid upon the activities directed against the Soviet Union. The trial ended in February 1945 with the conviction of ten of the defendants. The severest sentence was imposed upon the Russian-born Turanist leader Professor Ahmed Zeki Velidi Togan, who was sentenced to ten years in prison and the payment of a small fine.

The trial received wide publicity in the Turkish press, but public opinion in general was not hostile to the Turanists. Their campaign for the "liberation" of the Turks beyond the frontiers, directed as it was mainly against the USSR, was viewed with sympathy by a large section of the Turkish public.

The USSR in turn did not hesitate to express indignation at the light sentences imposed upon the Turanists as compared with the much heavier punishment earlier meted out to more than fifty-four Communist sympathizers. On 7 April the Moscow radio declared that "out of twenty-four Turanist agitators on trial only ten were convicted, and those were let off with light sentences." The Soviet commentator charged that there obviously existed a much larger number of Turanists and that the court had been shielding the really guilty individuals.

In view of the critical Soviet attitude toward Turkish rightist activities, it is possible that the USSR may demand the arrest of other Turanists, pro-German elements, and Axis collaborators, and perhaps even press for a reopening of the Turanist trial. The Turkish Government will probably try to resist such demands as incompatible with its sovereign rights, but it can be expected to avoid any action which might endanger negotiations for a new Turco-Soviet treaty or jeopardize its relations with the Allies in general.

EGYPT

I. MORALE AND PUBLIC OPINION

Egypt's apathy toward the prosecution of former Axis sympathizers: Among the numerous Arabs who are known to have been active in behalf of the Axis during the European war there are hardly any who are Egyptians by birth or nationality. A certain Dr. al-Tayyib al-Nasir may be mentioned as the spokesman of the pro-Axis Egyptians in Europe;

2. The main offenses of which the principal defendants were found guilty were: forming a secret society, cooperating with Germany to overthrow the present Turkish Government, and attempting to bring Turkey into the war on the side of the Axis.
3. Source S-Q, 10 March 1945. The total number of arrests was 150. Sentences ranged from a few months to nine years.
his attacks against the Allies were first broadcast by the Italian radio and later by Berlin.1 The possibility exists of his being held legally responsible for his activities, but the considerations hereafter referred to make it doubtful whether charges will ever be preferred against him. His case, like that of other pro-Axis Egyptians working in Italy or Germany, is hardly likely to assume any practical importance. There is, however, an outstanding instance of pro-Axis activity within Egypt itself, of which the implications are of general interest.

According to British sources, British military plans for the defense of Siwah oasis were found in the baggage of the Italian General Pescatori after his capture at the end of 1940. The original copy of these plans had been handed by General (now Field Marshal) Sir Henry Maitland Wilson to Muhammad Salih Harb Pasha, while the latter was Minister of Defense in the cabinet of 'Ali Mahir Pasha (18 August 1939 - 24 June 1940). By January 1941, the then Prime Minister, Husayn Sirri Pasha, had promised to investigate the persons suspected of having transmitted the plans to the Italians, namely 'Ali Mahir Pasha, Muhammad Salih Harb Pasha, and the former Chief of Staff of the Egyptian Army, 'Aziz 'Ali al-Maari Pasha (who had been dismissed from his post in January 1940). Nothing was done at the time. For reasons of security al-Maari was interned; later on, during the Iraqi revolt in May 1941, he attempted to fly to Iraq to join the rebels, but was recaptured soon after. In the spring of 1942, 'Ali Mahir and Muhammad Salih Harb together with a number of other prominent Egyptian Axis sympathizers, were subjected to nothing more severe than house arrest. In April 1942, when the Axis tide against Egypt was nearing its peak, 'Ali Mahir "escaped" and attempted to take refuge in the Senate, but was soon returned to confinement.

There is little reason to doubt the substantial accuracy of the British accusations against 'Ali Mahir and his circle. By virtue of Article 7 of Anglo-Egyptian treaty of 1936, Egypt in 1939 became a non-belligerent ally of Britain and in all respects carried out the stipulations of the treaty. Thus the activity in which 'Ali Mahir and his colleagues were engaged would appear to fall under the heading of crimes against the external security of the state, in the sense of Title II, Chapter I of the Egyptian National Penal Code.2

1. Another noteworthy Egyptian in Axis pay was Mansur Dawud, a member of the royal family, who fled to Italy in 1943 and was consequently deprived of the title of 'Abil (Junior Prince).
2. In a recent statement 'Ali Mahir tendentiously remarked that not a single act of sabotage had taken place in Egypt during the war, while numerous such cases had occurred in England and America (cf. The Egyptian Mail, 29 May 1945).
Egyptian popular opinion has, on the other hand, always been strongly in favor of 'Ali Mahir Pasha and his policies. Among the small group of Egyptian political leaders, pro-Allied sentiments prevailed among those who had most to lose in the event of a British defeat; others were very outspoken in their condemnation of Britain and in 1942 were prepared to welcome a German entry into Egypt. The politically unaware masses were either apathetic or opposed to the Allies, especially the British, who for years had been depicted to them as the oppressors of their country. To many Egyptians, 'Ali Mahir's attitude represented the correct solution to the problem foremost in their minds, namely, how to eliminate British influence in Egypt. Moreover, he could rightly claim to have been the staunchest advocate of Egypt's non-participation in the war.

Under these circumstances, it is extremely unlikely that any Egyptian government would on its own initiative ever attempt to bring to trial the prominent personalities who at one time actively supported the Axis. Nor would the British be inclined to urge the prosecution of any of these men; they in all probability suspect that the only possible result would be a considerable stiffening of the anti-British attitude of the population and perhaps even a violent outbreak of nationalist feeling in the country. A trial of minor-pro-Axis sympathizers (or perhaps of al-Masri) might have some value as an object lesson for the future, both from the Egyptian and the British point of view. There is, however, always the possibility that the political situation might be such as to render trials of this kind embarrassing to their sponsors.

The actual fact is that as the war receded from Egypt in 1944, all pro-Axis political figures began to modify their attitude in the realization that the Allies were winning the war. Since their activities then were no longer considered dangerous to the war effort, most of the prominent internees were gradually freed. There is some reason to believe that al-Masri is still being held. On the other hand, men like Nabil (Junior Prince) 'Abbas Halim and Muhammad Tahir Pasha, both of whom are very close to the Palace, as well as Ahmad Husayn, the leader of the pro-Fascist Young Egypt Party, returned to political activities immediately after their release. Muhammad Salih Harb is active in behalf of the nationalist and pan-Islamic Young Men's Moslem Association, of which he has been president since 1943. 'Ali Mahir is at present very busy repairing his political fences. He appears to be widely considered in Egypt as one of the country's most competent statesmen, and his political supporters, who include the King, are many and very influential. Indeed, the only obstacle which might

prevent his early return to the premiership appears to be British reluctance to forget his treasonable actions during the dark days of the war. Nevertheless, considerations of political expediency might eventually lead the British not only to accept 'Ali Mahir, but to attach more weight to the present and potential future attitude of former Axis sympathizers than to their past affiliations.

PALESTINE

I. CURRENT DEVELOPMENTS

The British are not likely to press charges against former Axis agents: After Hajj Amin al-Husayni, the Jerusalem Mufti, had transferred his headquarters in October 1939 from Juniyah, Lebanon, to Baghdad, many of his most loyal supporters, who had been compelled or found it desirable to seek refuge outside Palestine during the revolt of 1936-39, gradually drifted to the Iraqi capital. Here Hajj Amin openly entered into relations with the Italian Legation, and through it with German agents and pro-Axis Iraqi leaders, who shortly afterward gained control over the Government and the Army. From all of these sources the Mufti received large monetary subventions enabling him to organize his Palestinian collaborators into an efficient anti-Allied machine which

1. Hajj Amin, born in Jerusalem in 1893, was one of the chief investigators of the anti-Jewish outbreaks in 1920 and 1929. He was appointed Mufti of Jerusalem (an office previously held by his half-brother, father, and grandfather) in the spring of 1921 and at the end of the same year was nominated president of the newly-created Supreme Moslem Council. The latter post, of which he was deprived by the Palestine Government on 1 October 1937 because of his leadership of the Palestine Arab revolt, had enabled him to build up his powerful political machine (see Situation Report: Near East, R & A 1000.41, 8 January 1944, pp. 8-10).

2. Juniyah is a small coastal town, about ten miles northeast of Beirut, where the French authorities had permitted the Mufti to establish himself in October 1937 and whence he continued to direct the Palestine Arab rebellion.

3. It was reported that Hajj Amin had received about $400,000 from Germany and Italy and a lump sum of more than $75,000 from the Iraqi treasury. In addition, it is alleged that he had been receiving a monthly stipend of more than $4,000 from Iraqi secret service funds, as well as two percent of the salary of every Iraqi Government official. (OSS source H, 23 April 1945, p. 12).
helped foment, and actively participated in, the Iraqi revolt of May 1941.¹

With the suppression of the Iraqi revolt Hajj Amin and his Palestine aides were divided by circumstances into four contingents: The First comprised the Mufti and those who either accompanied him to, or subsequently reached Axis-occupied territory.² The second consisted of those who had managed to escape to countries which remained neutral for the greater part of the war; this group was thereby enabled to act as a liaison between Hajj Amin and his admirers in Palestine and continue promoting the Mufti's cause.³ The third included six close associates of the Mufti who were apprehended by the British in Iran in the late summer of 1941 and were subsequently interned in Southern Rhodesia because they were regarded as "capable

1. For a brief British summary of the Iraqi revolt, see "ID, pp. 304-07.
2. Those Palestine Arabs who joined this group either engaged in propaganda activities or enlisted in the Axis-sponsored al-Jaysh al-'Arabi or Arab Legion, as it became generally known. The most important members, aside from the Mufti, were: Shaykh Miasm abu-Sa'ud (born in Jerusalem in 1900; had been with the Mufti in Lebanon and Iraq); Sa'd al-Din 'Abd al-Latif (born in Jerusalem in 1899; was an Arabic radio announcer on Axis-controlled stations); Musa 'Abdallah al-Husayni (Hajj Amin's cousin, who had worked on the Arabic programs of the BBC prior to 1941, when he joined the Mufti in Baghdad; subsequently he took part in Arabic broadcasts from Axis stations); Safwat Yunis al-Husayni (born in Jerusalem in 1900; also related to the Mufti; had apparently been connected with the Arab Legion); and Salim al-Husayni (born in Jerusalem in 1915).
3. Several of the Mufti's leading lieutenants found refuge in Turkey; from there they were able to communicate both with their chief and with Palestine Arabs. Among those in Turkey were 'Izzat Darwish (about 60 years old; had been principal of a secondary school in Nablus and in charge of religious trusts on behalf of the Supreme Moslem Council), and 'Arif 'Abd al-Hasan (one of the military chiefs of the Palestine Arab rebels in 1938-39, in which capacity he gained a reputation for being unprincipled and ruthless; see Great Britain and Palestine, 1915-1939, London, Royal Institute of International Affairs, p. 103). Others escaped to Arab countries: Zuhayr and Muhammad 'Ali Darmazah, sons of 'Izzat, found asylum in Syria; Mustafa Buslama (also of Nablus) went to Egypt; 'Amir al-Husayni (a cousin of the Mufti and an editor of the latter's daily newspaper in the middle 1930's) and 'Iss al-Din al-Shawwa (graduate of Cambridge University and former district office in the Palestine Government) settled in Saudi Arabia; the latter eventually became director of the Bureau of Mines and Public Works.
of causing danger and disturbance.\textsuperscript{1} The fourth group was made up of seven others also arrested by the British in Iraq, but considered "harmless and not open to any criminal charge," who were permitted to return to Palestine on condition that they did not "misbehave themselves."\textsuperscript{2}

The individuals who were allowed to return home remained politically inactive until 1944, when the assurance of the United Nations victory led the Palestine Government to relax its restrictions. Musa al-'Alami became the Palestine delegate to the Arab League conference, was subsequently appointed Palestine member of the Arab League Council, and was charged by the latter with the creation of the Arab propaganda bureaus in Washington, London, Cairo, and Jerusalem.\textsuperscript{3} Tawfiq Salih al-Husayni took the initiative in reorganizing the Palestine Arab (Husayni) Party (PAP), of which he became acting president, a position he intended to hold until such time as his brother Jamal is released from internment.\textsuperscript{4} Emile Ghuri, who became secretary of the PAP, has been corresponding with Jamal al-Husayni in Southern Rhodesia and Munif al-Husayni in Saudi Arabia and keeping them abreast of PAP affairs.\textsuperscript{5}

1. Parliamentary Debates, Lords, vol. 122, No. 33, 10 March 1942, cols. 215-16. The most important of the internees is Jamal al-Husayni (born in Jerusalem in 1895; cousin of the Mufti and his chief lieutenant; 1921-25, secretary of the Palestine Arab Executive; 1926-37, secretary of the Supreme Moslem Council; in the late 1930's was the intermediary between the Mufti and the Axis; headed the Palestine Arab delegation to the London conferences on Palestine in February-March 1939). A second internee, Amin al-Tamimi, died in Southern Rhodesia in October 1944; a third, Dr. Dawud al-Husayni, is another of Hajj Amin's many relatives.
2. Parliamentary Debates, Lords, vol. 122, No. 33, 10 March 1942, cols. 215-15. Of those allowed to return to Palestine, the three leading individuals are: Musa Pa'idi al-'Alami (born in Jerusalem in 1897; studied law at Cambridge and was admitted to the bar in 1923; returned to Palestine, where he entered the Government legal service; forced to resign from his Government post in 1933 as a result of criticism levied against him by the Royal Commission of 1936-37; very friendly with leading British officials in the Near East; is brother-in-law of Jamal al-Husayni and son-in-law of Ihsan al-Jabiri, prominent Syrian political leader); Tawfiq Salih al-Husayni (older brother of Jamal al-Husayni; held unimportant Government posts, until granted a pension shortly after the outbreak of war; joined the Mufti in Baghdad in time to participate in the Iraqi revolt); and Emile Ghuri (Greek Orthodox Christian, born in 1907; received M. A. at the University of Cincinnati in early 1930's; became affiliated with the Husayni faction and worked as a journalist on its behalf).
4. Ibid., 1090.07, 8 July 1944, pp. 6-7.
5. Cf., for example, OSS source H, 5 February 1944 and 31 January 1945.
Egypt, the Levant States, and possibly other Arab countries under constant pressure from PAP, are reported to have requested Britain to liberate the five Palestine Arabs still under detention in Southern Rhodesia. In recent months there have circulated an increasing number of rumors to the effect that Jamal al-Kusayni has already been released; some allege that he has been allowed to settle in Saudi Arabia, while others claim that he has gone to Egypt. Although these allegations remain unconfirmed, the liberation of these Palestine Arabs in the not-too-distant future may be expected; if freed they will probably be compelled, for a time at least, to live outside Palestine. Similarly, those Arabs who have taken up residence in nearby Arab countries or in Turkey are for some time not likely to be allowed to return to their native country.

If the legal case against those Palestine Arabs who never entered Axis-occupied countries is weakened by the circumstances described above, the same does not apply to the Mufti and his immediate entourage. Not only did Hajj Amin for more than three years endeavor, through his broadcasts from Athens, Bari, and Berlin, to incite Arabs everywhere to revolt against the Allies, but he and his aides played a leading role in the creation of the Axis-inspired Arab Legion, which was to have fought against the United Nations. Moreover, the several German parachutist expeditions to Palestine and Iraq were specifically briefed by the Mufti on methods of carrying out subversive activities in those countries.

The offenses committed by the Mufti and his agents are analogous to, and might be regarded as even more serious than, those with which William Joyce is now being charged. Unlike Joyce, however, the Arabs cannot be held liable under British treason law, since they are not British subjects. As Palestine citizens they merely enjoy British protection; charges against them would, therefore, have to be based upon Palestine law.

The Palestine Criminal Code of 1936 contains a narrow definition of treason, limiting it to "acts of war against His Majesty in order to intimidate or overcome the High Commissioner" or a conspiracy to levy such war (article 49). If this provision should be found inapplicable, Hajj Amin and his collaborators could be charged under articles 50 and 52 of the same chapter which deal with the instigation of invasion and with treasonable felonies.

Hajj Amin al-Kusayni, his two relatives, Safwat Tunis and Salim al-Husaynij, together with Sa'd al-Din 'Abd al-Latif and Shaykh Hasan abu-Sa'ud, it is reliably reported, were seized by the French...
after V-E Day.\(^1\) The official French announcement on the subject declared that the Mufti "is under house arrest in a Paris suburb and is being treated with every consideration due an outstanding personality of the Islamic world."\(^2\) Thus, if the Palestine Government should decide to try these Palestine Arabs as war criminals it would have to demand their extradition from France, in all probability through the British Embassy in Paris. Under the present circumstances it would appear extremely unlikely that the French Government would or could refuse extradition, since the Mufti and his colleagues are not wanted in France for any offense and such an action would mean a serious deviation from the declared Allied policy with respect to war criminals. The French statement that the Mufti is being treated with due regard for his religious position is, on the other hand, proof that the French are fully aware of the political implications of the case and may try to follow a cautious course which would not further weaken their present precarious position in the Arab world.

The past record of the British with respect to both Arab and Zionist subversive elements in Palestine does not encourage the belief that the Mandatory Power will press charges against these Axis agents. Even in the early years of the war, when Palestine itself was threatened by invasion, British officials did nothing to discredit the Mufti and his co-workers. This inaction on the part of the Government has given rise to the feeling among Palestine Arabs in general that nothing will be done in the future. Consequently, the Palestine Arab Party, which derives its political power almost exclusively by virtue of its association with Hajj Amin, has been endeavoring to canonize him as a martyr among the masses. Nearly every public rally is made to assume the character of a demonstration for demanding the Mufti's return; even road gangs in Palestine are alleged to work to the refrain of "Hajj Amin, sayf al-mualimin" (Hajj Amin, sword of the Moslems).\(^3\) Under these circumstances, it is hardly likely that, even if the British should be anxious to bring these former Axis agents to trial, they would care to risk antagonizing Palestine Arab public opinion by such a move.

The probability, therefore, is that the Mufti will eventually be allowed to resume his pre-war status in Palestine. Since he is not likely to become less intransigent either toward the British or the Jews, his return may be expected to contribute nothing to the over-all solution of the Palestine problem.

LEVANT STATES

I. MORALE AND PUBLIC OPINION

Former Axis sympathizers not likely to be prosecuted in the Levant: The two most important pro-Axis refugees from the Levant States are Shakib Arslan and Fawzi al-Qawuqji, both of whom are Lebanese by origin.\(^4\) Shakib Arslan, together with the late Dr. Shahbandar, was the leader of the Syrian revolt of

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1. OSS source D, 23 May 1945.
2. Jewish Telegraphic Agency bulletin, 1 June 1945.
3. Cf., for example, OSS source S-Q, 8 May 1945.
4. There is no indication that Shakib Arslan has ever abandoned or been deprived of his Lebanese nationality. Fawzi al-Qawuqji adopted Palestinian citizenship in 1922 and had it confirmed in 1936 (Oriente Moderno, 1936, 376-377).
Qawuqji played a subordinate, but nevertheless important, part in the same uprising. These activities led to their proscription by the French Government, which prevented them from returning to the Levant until the amnesty of 1937. The history of these individuals both before and after that date may be broadly described as one of active opposition to foreign control of Arab territories. Like most other Arab leaders who have cherished a similar ideal, their methods have been characterised by a certain opportunism and a willingness to play the major powers off against each other in order to gain the end in view. It is this technique which provides the basic explanation for their presence in the Axis camp.

Shakib Arslan is from a political standpoint by far the more important of the two men; his activities during the present war are in a large measure a repetition of his career during and immediately after World War I. His dislike for the imperialism of the Italians, against whom he fought in Libya in 1911, led him to collaborate with the Turks and Germans in 1914-1918. Following the war he became, and has ever since remained, one of the principal opponents of the French and British mandates in the Arab world. Italy, chagrined at her failure to obtain territorial compensation in the Near East, came to the support of the Syro-Palestinian delegation which went to Lausanne in 1922 to work for an independent and united Syria and Palestine. The delegation, of which Shakib Arslan was a member, was cordially received in Rome while en route to Lausanne and is said to have been assured by Mussolini of his personal backing. Henceforth, Arslan's attitude became pro-Italian and increasingly critical of the French.

Since 1922 Arslan's center of operations has been in Geneva, where as head of the Syro-Palestinian delegation he has worked consistently to keep the Arab case before the League of Nations. In 1925, after protesting to the Permanent Mandates Commission against the bombardment of Damascus, he is said to have transferred his activities to Verae (Turkey), whence he directed the revolt in Syria. The French newspaper La Syrie of Beirut on 17 March 1926 accused him of being supported by Syrian revolutionary committees in Berlin and Monaco, which allegedly received orders from the Third International in Moscow. These allegations, however, have never been substantiated and are extremely doubtful.

In 1931, as a result of Graziani's severe repression of the Arabs in Libya, Shakib Arslan's propaganda began to attack the Italian colonial policy, which was unfavorably compared with that of Lyautey in Morocco. Together

1. The other members of the delegation were the Palestinians Musa Kazim Pasha al-Musayni, Amin Bey al-Tanini, and Shibli al-Jamal; the Syrian Ihab al-Jabiri; and the ex-Khedive 'Abbas II Hilmi, who had been exiled from Egypt by the British in 1914 (Oriente Moderno, 1922-1923, 412).
3. Ibid, 1928, 261.
4. Ibid., 1931, 219, 222.
5. Ibid., 349-350.
with his collaborators Ihsan al-Jabiri and Riyad al-Sulh, he was accused by the Italians of having instigated anti-Italian demonstrations which took place in Beirut and Damascus in May 1931. In 1934 Arslan's attitude toward Italy became less critical, and it is clear that from this date both the French and the Italians were bidding for his support in the Arab world. Italy sought and received his aid in bolstering up her prestige, which had been seriously compromised by the attack on Ethiopia. France courted and obtained his support in preparing the Syrians for the cession of the Sanjak of Alexandretta to Turkey.

In return for these services Shakib Arslan was included in the French amnesty of 1937, which was extended also to his brother 'Adil and to Fawzi al-Qawqji. After his return to the Levant in June 1937 his activities for a time were directed almost entirely against the British. Already on 16 April 1938 the Jaffa (Palestine) Arabic daily al-Jalilah al-Islamiyyah had published a photostatic copy of a letter from Shakib Arslan to Hajj Amin al-Husayni, the Mufti of Jerusalem, which clearly revealed the fact that the Mufti was in touch with the Italian Government and that Arslan was the go-between in this relationship. The Mufti and his sympathizers at the time denied the authenticity of this document, but subsequent developments point to its genuineness. Arslan was in close contact with the Mufti throughout the latter's stay in Lebanon, and it was in all probability during this period that final arrangements were made for the Italian financial and other aid which enabled the Mufti to encourage Rashid 'Ali in his Iraqi revolt of 1941. In July 1939, his mission accomplished, Arslan sailed for Europe. From 1940 on he was a frequent contributor to the propaganda programs of the Italian radio; his headquarters, however, remained in Geneva, where he is presumably still residing.

The general esteem in which Arslan has been held among the Arabs as a fighter for freedom from European control is indicated by the long list of positions of honor which have been entrusted to him. In addition to having been charged with representing the Syro-Palestinian Congress in Geneva since 1922, he was offered the premiership of the Yemen by the Imam Yahya in 1927. In 1932 he was commissioned by Ibn-Sa'ud to design the royal palace. He was made president of the preparatory committee of the Islamic European Congress in 1933 and president of the Congress in 1935. He was a member of the commission of Islamic leaders which was invited to the Hijaz and the Yemen in 1934.

1. Ibid., 295.
2. It is possible, though not certain that Japan likewise sought his support for her drive in the Arab world at this time. These advances appear to have received little encouragement. On 16 November 1934 Arslan published an article in the Cairo newspaper al-Jihad warning against over-optimism regarding the spread of Islam in Japan (Ibid., 1935, 3).
3. Ibid., 1935, 198-199, 442.
4. Ibid., 1937, 328.
6. See above, p. 5.
7. His death in Switzerland was reported by the German radio in March 1943, but this has never been substantiated.
9. Ibid., 1932, 449.
10. Ibid., 1932, 449, 615.
to assist in drawing up the terms of peace between Ibn-Sa'ud and the Imam Yahya. The final signal honor bestowed upon him occurred in September 1938, when he was made president of the Arab Academy in Damascus. It is clear, therefore, that the case of Shakib Arslan, who in the past has proved himself useful not only to Germany and Italy but to France and the Arab members of the United Nations, may well pose some very difficult problems.

The case of Fawzi al-Qawuqji is somewhat simpler, since he is little more than a soldier of fortune and was deeply implicated in overt military action against the Allies during the recent European war. Following a career as an officer in the Turkish Army during World War I he took service with the French as an intelligence officer, but deserted in 1925 to lead the Syrian insurgents in the region of Damascus. After the British, under French pressure, forced him to leave Transjordan in 1927, he took refuge in the Hijaz, where he became military advisor to Ibn-Sa'ud. After having been arrested by Ibn-Sa'ud in 1932 and released on the petition of the Syro-Palestinian Committee, he took up residence in Iraq. There he became an instructor in the Baghdad Military College, a position which he resigned in order to take command of the Palestine Arab rebels in August 1936. His exploits in Palestine have elevated him to the position of a semi-legendary hero among the rank and file of Palestine Arabs, and when he returned to Baghdad in the autumn of 1936 he was received in audience by King Ghazi and accorded a festive welcome by the Iraqi Government. Owing to British pressure on the Iraqi Government to curtail his political activities, he was for a short time in 1937 forced to reside in Kirkuk, but was allowed to return to Baghdad later in the year and in 1938 was claimed by a correspondent of Le Temps to be still in contact with the Palestine Arab insurgents. The Damascus press reported in April 1939 that he had returned to Palestine to take command of the Arab rebels after the death of their leader 'Abd-al-Rahim. When the lufti of Jerusalem departed for Baghdad in 1939 he was accompanied by Qawuqji, who seems to have been charged with the task of organizing Iraqi military forces for future action against the British.

Qawuqji played a very prominent part in the Rashid 'Ali revolt of May 1941. Having in the meantime been elevated to the rank of major, he was entrusted with the leadership of the Iraqi forces fighting against the British in Transjordan and northern Syria in May and June of that year. With the collapse of the revolt he succeeded in escaping from Iraq and reaching Berlin in October or November 1941. His principal contribution to the German war effort was the command which he exercised over the so-called "Arab Legion," which was organized

1. Idem, 1940, 376-377.
4. Ibid., 604-605, 597, 602.
9. Ibid., 305, 304, 408, 460.
10. Ibid., 528.
for service against the Allies in Africa and the Near East but which never saw effective action as a unit.

Like the foregoing individuals, a large percentage of the Axis supporters in the Levant were ardent nationalists who saw in Germany and Italy the only powers capable of, or willing to free Syria and Lebanon from French rule. Their anti-French activities, which began with the inception of the Mandate, as a rule were punished by the French administration only by imprisonment without trial or by exile, apparently because of a fear that their trial and possible execution would provide the nationalist movement with martyrs around whom public opinion could be rallied. Among the leaders who at some time or another were imprisoned by the French are men prominent in Levant politics today. Prime Minister Karamah of Lebanon was twice removed from public office and twice exiled for his opposition to the Mandate. The Syrian Prime Minister Paris al-Churi was exiled after the 1925-1926 rebellion and President Shukri al-Qawwali was considered to have played an important enough role in that revolt to be exempted from the general amnesty proclaimed by the French Government in 1923. There are many similar cases.

After the commencement of World War II, many of the nationalist leaders became pro-German in sympathy or in fact, hoping that an Axis victory would free Syria and Lebanon of French and British influence. It was only when an Allied success became certain that they adopted a pro-Allied attitude.

Even when the French, under the Mandate, acted at will and without juridical restrictions in order to suppress what they considered subversive activities, they resorted mainly to administrative measures of repression. Now that the Mandate has, de facto, been abolished, any action against subversive elements would have to be initiated by the Syrian and Lebanese Governments. It is improbable that these Governments would take steps which would inevitably involve some of the highest political personages. Moreover, in view of public apathy toward the question of prosecution of Axis sympathizers, there will probably be no pressure to that end from circles outside the Governments.

There is, however, interest in the war criminal trials from another point of view. In a conversation with the American Minister to the Levant States, President Qawwali demanded that General Oliva-Rogét, French commander in the Damascus area, and others responsible for the bombing and strafing of open cities during the recent disorders be tried as war criminals. It is probable that this demand, made in the heat of the moment, will never be pressed officially. It is, however, significant in that it may be indicative of the

1. OSS CID #26026 (no date).
2. To cite only one instance, Shukri al-Qawwali, who at the time held no public office, worked with Hajj Amin al-Husseini, in support of the Iraqi revolt of 1941 (OSS CID 2001245, 10 May 1943).
3. OSS #8-2444, 2 June 1945.
future attitude of small nations with regard to any similar action which may be taken by major powers in the future.

IRAQ

I. MORALE AND PUBLIC OPINION

Prospects for war criminals not yet brought to trial: Although Iraq severed diplomatic relations with Germany in September 1939, Dr. Fritz Grobhae, the German Minister to Baghdad, had left in the custody of the Italian Legation a well prepared pro-Axis machine. The growing number of Iraqis who had come under Nazi and Fascist influence were steadily augmenting their power and prestige; this movement had been crystallized by the lavish distribution of funds by the Italians and the arrival of the Jerusalem Mufti. In the eleven-month premiership (March 1941-January 1941) of Rashid 'Ali al-Gaylani, the foundations were laid for the eventual overthrow of the Government. The coup d'état of Rashid 'Ali and the four colonels of the Iraq Army, the so-called "Golden Square," took place on 10 April 1941. By 1 May, Gaylani had signed a secret treaty with Germany and Italy, declared war on Britain, and begun to "expel" the British from the country. But before the month was out the revolt was suppressed; Rashid 'Ali's cabinet dissolved and the Ministers and leaders of the short-lived regime fled to Iran, where they were accorded the protection of the German Minister at Tehran.

With the restoration of the constitutional Government, many of the lesser supporters of Gaylani were interned. After the joint occupation of Iran by the USSR and Britain in August 1941, Rashid 'Ali and a number of his intimates managed to escape to Turkey and eventually to Axis-held areas; the British, however, rounded up nineteen Iraqis, including one of the "Golden Square" colonels (Shabib), who had participated in the revolt, and eventually sent them to Southern Rhodesia for internment. The leaders of the revolt were tried in absentia by a court martial (November 1941 to January 1942) at Baghdad, which passed a death sentence on Rashid 'Ali, 'Ali Mahmud al-Shaykh (minister of Justice in the Gaylani Cabinet), Yunis al-Sab'awi (minister of Economics), three colonels of the "Golden Square" (Sabbagh, Salem, and Sa'id), and Amin Zaki Sulayman (former Chief of the Iraqi General Staff). Sulayman's sentence was commuted to life imprisonment and later reduced to five years, on the grounds that while he participated in the revolt, he had not been a party to the original conspiracy. Other members of the cabinet received prison terms ranging from one to fifteen years, and the property of those convicted was confiscated.

1. See above, p. 6.
2. The four army officers were: Faimil Shabib (commander of the First Division), Salah al-Din al-Sab'agh (commander of the Third Division), Zainab Salem (commander of the Air Force), and Faim al-Sa'id (commander of the Mechanized Force).
3. OSS CID 76503, undated; Iraq Times, 8 January 1942, p. 2; Salem, Sab'awi, and Sa'id were executed by hanging on 5 May 1942.
Shortly thereafter the Iraqi Government began to press Britain for the return for trial of those confined in Southern Rhodesia; but the British refused extradition until early in 1944, presumably because they did not wish to risk a possible acquittal or light sentence. Iraq's insistence on trying the interned was motivated primarily by the feeling that Iraq, as a fully sovereign state, should be allowed to try its own nationals. When the nineteen followers were finally turned over to the Iraqi authorities the five most prominent individuals were found guilty by a military tribunal of insurrection under article 30 of the Baghdad Penal Code.1 Kamil Shabib (one of the "Golden Square" colonels) was sentenced to death.2 Four conspirators were given prison terms ranging from three months to five years; in addition they were ordered to pay damages fixed at the equivalent of $6,500,000.3

The three leading Iraqi war criminals still to be accounted for are Rashid 'Ali, who has been denied entrance into Switzerland,4 Yunis al-Bahri,5 whose present whereabouts are still unknown, and Salah al-Din al-Sabbagh, the last of the "Golden Square" colonels, who is still a refugee in Turkey and whose extradition the Iraqi Government has been unable to achieve. There is no indication in Iraq of strong public feeling against these persons. Therefore, unless these men are brought to trial while the Iraqi Government is still anxious to gain recognition of its contribution to the cause of the United Nations, it is doubtful whether they will even be subjected to the sentences passed on them in absentia.

IRAN

1. MORALE AND PUBLIC OPINION

Iran's war criminals: In the roundup of Axis nationals in Iran in September 1941 a number of German agents managed to escape, including the Nazi leader Frans Mayer. These German agents found many Iranians ready to assist them in their program. Some of these were definitely sympathetic toward the German cause; many were opposed to the Iranian Government, to the British, or to the Soviets and made common cause with the Germans as a means of gaining their own ends.6

As part of an ambitious German scheme to overthrow the Iranian Government and attack the Allied armies from behind, the Melliun Iran (Iranian Nationalists) movement was organised. Generals, deputies, and other equally prominent Iranians headed the organisation, whose membership included many army officers and railroad officials. A strong play was made for the Qashqai tribes, who had given the Germans strong support during World War I. Although one group of Iranians

1. See Appendix II.
2. Shabib was executed on 20 August 1944.
3. OSS source D, 30 August 1944.
4. See source Egyptiene, 5 May 1945.
5. Bahri, who had been an Iraqi newspaper editor before the war, became the leading Arab announcer on the Berlin radio.
were arrested in April 1942, the Melliun Iran continued its activities. When the German armies were forced to retreat from Stalingrad and El Alamein the program was changed, emphasis being placed on cutting the supply route to Russia and preventing Iran from entering the war on the side of the Allies. To the latter end efforts were made to influence the elections which were to take place in September 1943.

The British had gathered considerable evidence concerning German agents and on several occasions had requested the Iranian Government to arrest specific individuals. On 16 August 1943 the British Security Service arrested Franz Mayer, the principal Nazi agent. Shortly thereafter the British Minister to Tehran delivered a stern note to the Iranian Government demanding that certain persons be arrested and stating that evidence concerning the accused would not be furnished the Iranian Government in advance lest it be misused. On 30 August the arrests began; by 11 October 157 out of the 162 originally-named suspects had been arrested.

Among those taken into custody were three generals, an ex-Prime Minister and a Supreme Court Judge.

Those suspects were taken to Arak (Sultanabad), in the southern British-controlled zone, for interrogation by a joint British-Iranian commission. Twenty-three were then released, one because he was innocent and the others because they were no longer considered dangerous. Those individuals who had been arrested on Soviet recommendation were transferred from Sultanabad to Resht, in the Soviet-controlled northern zone, for questioning by a joint Soviet-Iranian commission.

1. OSS source S-Q, 31 July 1942; OSS source D, Tehran, 18 April 1942.
4. OSS #21235, 16 August 1943. The last German known to be operating as an Axis agent in Iran was arrested on 2 April 1945 (source F, 11 April 1945).
5. While available information is not specific on this point, it is probable that British officials took part in the arrests. When Sayyid Abul Qasim Kashani was finally apprehended in 17 June 1944 the arrest itself was made by a British party accompanied by an Iranian police official to give authority to the act. The Iranian was not told in advance who was to be arrested (source D, 25 August 1943; source F, 3 August 1944).
6. OSS #21849, 31 August 1943; OSS #21904, 1 September 1943; source F, 2 November 1943. The Soviets, after consultation with the British, added a number of names to the original list (source D, 14 February 1944).
7. OSS #21904, 1 September 1943.
8. The British recommended the release to the Iranian Government; the Iranian Ministry of Interior made public announcement of the release (OSS CID #60864, 14 February 1944; OSS CID #63750, 28 February 1944; Tehran Daily News, 24 February 1945).
9. The Iranian Government was strongly opposed to this move (OSS CID #63908, 25 February 1944).
Since September 1943 other suspects have been arrested and some internees have been released. A majority of the Iranians have been transferred to Tehran, where they remain in direct custody of the Iranian Government; all fourteen Europeans still interned are in British hands at Sultanabad. As of 1 February 1945 there were eighty-eight internees in the three camps. Of the whole number, sixty-six were interned at joint British-Soviet request, the remainder being held either at British or Soviet insistence. Although evidence concerning individual crimes has never been made public, informed neutral observers state that most of those arrested were guilty of serious acts against the Iranian Government and against the Allied war effort. On the other hand, it is admitted that some have been detained purely because of political opposition to either the British or the Soviets.

These internees have never been tried under Iranian law, nor has the possibility been seriously considered except by the Iranian press. When the British Tehran Daily News on 16 March 1945 released a long story on German fifth-column activities in Iran, it aroused an unusual unanimity of indignation among the other Tehran newspapers and stimulated a lively discussion of the internees' fate. Some assumed the innocence of the majority and demanded their immediate release. Others called for a fair trial under Iranian law. The British contend that the internees received due trial when they appeared before the joint Irano-British and Irano-Soviet commissions at Sultanabad and Resht. Both the British and the Soviets are well aware that many Iranian judicial officials are corruptible and that many of the internees have influential relatives or patrons in a position to influence the verdict in favor of the accused. It is therefore generally believed that the internees will be detained until such time as the British and Soviets jointly agree that it is safe to release them. Iran has ceased to be a corridor for the passage of supplies to Russia, but in view of the political tension which prevails in Iran at the present time it is doubtful whether all the internees will be released in the near future.

AFGHANISTAN

I. CURRENT DEVELOPMENTS

Afghanistan's position as a neutral nation: Afghanistan is the one nation in the Middle East which has maintained a position of strict neutrality throughout the present war. The country lies squarely between British and Russian territories and owes its very existence to the need felt by its two great neighbors for a buffer state between them. Afghanistan was invaded three times during the nineteenth

1. It is possible that additional internees not on the joint British-Soviet list may be held by the Soviets at Resht.
2. Source J, 1 February 1945.
3. OSS CID #6 82 n, 16 April 1945. When the first large-scale arrests were made in Iran was not a belligerent, although the presence of British and Soviet troops in Iran had been regularized by treaty since 29 January 1942. On 9 September 1945 Iran declared war on Germany and thus became an Ally. On 1 March 1945 Iran declared war on Japan (Situation Report: MEAS EAST, R & A 1090.100, 3 March 1945, pp. 15-16).
4. The Chief of Staff of the Iranian Army is reported to be seeking the release of two officers known to have been in personal contact with Franz Mayer on the grounds that they were anti-Soviet rather than pro-German (Source J, 1 February 1945).
century by British armies, and it has been completely independent only since 1919, when it defeated British forces in a fourth war. Because of this history the Afghan Government is determined to avoid any action which might encroach on its independence, and Afghans in general have a profound distrust of both British and Russians. Nevertheless, the Government is realistically aware of the necessity of maintaining harmonious relations with its two powerful neighbors.

Until the second decade of the present century Afghanistan was a closed country. Foreigners were allowed to enter its territory only by special permission of the King, and as a result there was little penetration of western ideas or materials. During the 1930's the present Afghan Government embarked on a program of modernization. As in the case of other so-called backward countries, foreign specialists and technicians were required to implement this program. Britain was asked for technical assistance, but showed no interest in the project. The US was too remote to be approached. The new Nazi regime in Germany, availing itself of this opportunity for expansion into the Middle East, offered technicians and equipment on very favorable terms. Afghanistan furthermore signed a commercial accord with Italy in June 1938, and in March of that year a Polish engineering mission was engaged for construction work. A Japanese Legation was established in Kabul in 1934, although there were no Japanese nationals resident in the country at the time.

As a consequence of the Afghan economic agreements with Germany and Italy, nationals of these two countries made up a majority of the foreign population of Afghanistan when World War II began. In addition to these there were a considerable number of Polish and Czech nationals; after Germany invaded Poland and Czechoslovakia, pressure was put on these nationals by the German Legation to accept German passports and nationality. Figures are not available for September 1939, when the war began; but in August 1941, before the expulsion of Axis nationals, there were, out of a total foreign population of 878, 192 Germans, 43 Italians, 53 Czechs, 25 Poles and 22 Japanese.

When war broke out the German population, including both the diplomatic staff and the German employees of the Afghan Government, was already organized for propaganda, espionage, and subversive intrigues. Hans Pilger, German Minister to Kabul, was official head of this organization, but he was dominated by the Nazi cell leader, Erich Thomas. In addition to the Germans themselves, Czechs

1. OSS CID #15722, 4 August 1941, p. 5. The US did not establish a Legation in Kabul until June 1942.
2. An Afghan-German commercial accord was signed in Berlin in March 1936 (Oriente Moderno, 1936, p. 217; idem, 1938, p. 314). Italian technicians were employed by the Afghan Government as early as 1934 (idem, 1935, p. 170; idem, 1939, p. 385).
3. Oriente Moderno, 1934, p. 90. There was, however, considerable trade with Afghanistan. In 1937 Japan led in imports to that country, the others being, in order of amount of imports, England, Germany, and the US (idem, 1939, p. 393).
4. Some of these refused and lived under the protection of the British.
5. OSS CID #15722, 4 August 1941, p. 22. All but four of the Japanese were members of the Legation staff.
6. Pilger was not a Nazi, but a foreign service career man who obeyed his Government's orders under the watchful eye of the Nazi cell leader (OSS CID #15722, 4 August 1941; source F, 7 February 1945).
and Poles who had taken German passports were also pressed into service for espionage. Although Italy did not enter the war until June 1940, there is some indication that even in August 1939 Italians were in communication with dissident groups along the Afghan-Indian frontier. The Japanese also used their Kabul Legation as a center for widespread activities in Central Asia and India.

Although the Afghan, British, and Soviet Governments were aware of these Axis activities in Afghanistan, official cognizance was not taken of them until the summer of 1941, when Germany attacked the Soviet Union. The German Army swept across Russia; the British were forced to withdraw from Libya before Axis troops; and German "commercial travelers" and "tourists" appeared in numbers in the countries of the Near East.

On 11 June 1941 it was reported that German troops were massing along the border of the Soviet Union. On 14 June, four days before Germany officially declared war on the Soviet Union, King Mohammad Zahir Shah reaffirmed Afghanistan's intention to remain strictly neutral in the European war. At the end of July the British Minister to Kabul called to the attention of the Afghan Government the danger to Afghanistan of permitting an influx of German technicians into the country. On 27 August the King again emphasized Afghanistan's neutrality, stating that no one would be permitted to interfere in Afghan affairs and that Afghanistan would defend its rights with force. This statement was made two days after the Allied occupation of Iran, following that country's refusal to expel German nationals.

Early in October Britain and the USSR presented to the Afghan government a note similar to that previously addressed to Iran, requesting the expulsion of Axis nationals from Afghanistan. On 21 October the Afghan Ministry of Foreign Affairs issued a statement in reply: "The Afghan Government greatly regrets the departure of German and Italian nationals, but since their presence might endanger the educational and industrial development of the country, it has consented to the Allied request in order to eliminate all motive for controversy and to demonstrate clearly that Afghanistan persists in its policy of peace and

1. Source T, September 1939. Commendatore Pietro Quaroli, Italian Minister to Kabul, was known as an ardent Fascist and reportedly a close personal friend of Mussolini. He was one of the most intelligent and active of the Axis agents in Afghanistan and engaged in intrigues against both the Afghan Government and the British. Nevertheless, when Italy became a partner of the Allies Quaroli retained his post as Italian Minister until 1944. In April 1944 he went to Moscow as Direct Representative of the Badoglio Government. On 21 November 1944 he was accredited as Ambassador to Moscow. (Source F, 7 February 1945; idem, 30 September 1943.)
2. F & A Report No. 393/12, Japanese Attempts at Infiltration among Muslims in Russia and her Borderlands, August 1944.
5. Ibid.
neutrality. On 30 October the first group to be expelled were conducted to Peshawar, where they were placed under British surveillance pending departure to their respective countries. The Afghan Government did not, however, accede to the request primarily because of Allied pressure, but reached a decision only after careful, independent consideration of the question at issue. Axis agents were causing disturbances within Afghanistan; shortly before the expulsion there was an encounter in the Logar Valley between Afghan officials and German agents in which one agent was killed and the other arrested. Furthermore, under the Treaty of Neutrality existing between the USSR and Afghanistan, the Soviet Union was justified in requesting the expulsion of Axis agents, and Afghanistan was obligated to prevent the activities of these agents.

Although other Axis nationals were expelled from the country in October-November 1941, the legation staffs remained to continue their work of espionage and intrigue. The Northwest Frontier of India remained comparatively quiet in spite of Axis activities, but minority groups operating from Afghanistan are reported to have caused some trouble in the bordering Soviet republics of Central Asia. During 1942 the Soviet Government made several protests concerning the activities of Turkoman and Bokharan groups in Soviet territory.

2. Oriente Moderno, 1941, p. 577. The only source available does not state specifically that the group remained under the jurisdiction of the Afghan Government until it crossed the border into India, but the text suggests this interpretation, which is in conformity with the procedure followed when British aviators were forced down on Afghan territory. See p. 22 below.
3. OSS CID #11279, 3 February 1942.
4. Concluded on 24 June 1931 for a period of five years, to be extended automatically from year to year unless denounced by one of the contracting parties. Under the terms of this treaty "each contracting party undertakes not to permit on the part of anyone actions such as could cause political or military harm to the other contracting party....Moreover, in case the conduct of a third power or powers against one of the contracting parties should be of a hostile character, the other contracting party undertakes not only not to support such conduct but to oppose in its own territory such conduct as well as hostile actions and undertakings derived therefrom."
5. The Afghan Government was thus required to take some action against Axis nationals; expulsion was, from the Afghan point of view, by far the least difficult solution of the problem.
6. After the Russian Revolution a group of these nomads fled from Russia to northwestern Afghanistan.
7. When Bokhara was absorbed by the Soviet Union the former Emir fled to Afghanistan with a number of his suite. The Emir was himself too old to be active, but some of his courtiers, inspired by promises of Bokhara's restoration as an independent khanate, willingly followed German and Japanese directives (OSS CID #44924, 3 September 1943).
The Afghan Government made no reply to the Soviet protests, but in April 1943, after independent Afghan investigations, the Afghan Government arrested twenty-two Bokharans. When on 12 June the Soviet Ambassador presented a demand that fifty-one Bokharan and Turkoman conspirators be arrested, the Afghan Government informed him that twenty-two of the fifty-one had already been arrested, as well as nine not included in the Soviet list. Although the Soviets made other protests and requested the reduction of Axis legation staffs, these protests resulted in only one further arrest. The Afghan Government did, however, on several occasions arrest its own nationals without outside prompting when it had evidence that they were Axis agents.

There is no record of Soviet infringement of Afghanistan's neutrality, but on several occasions the British were politely but firmly reminded of Afghan rights. In June 1942 British ground and air troops, while engaged in a punitive expedition against that perennial disturber of the frontier peace, the Faqir of Khāt, overstepped the border and bombed the town of Khost. A sharp note from the Afghan Government brought forth British apologies and promises of reparations for the damage done. Again, when a British training plane was forced down on Afghan territory on 2 July 1942 the crew of two was taken under Afghan guard to Kabul, where it was interned. The crew members were well treated, but despite several British requests they were not released until 16 October 1943, when the Afghan Government had satisfied itself (1) that since the plane was unarmed it had been on a training rather than an operational mission, and (2) that it had not been driven into Afghanistan as the result of enemy action. The internes were then escorted under Afghan guard to Peshawar, where they were unconditionally released.

Since the end of the war with Germany in May 1945 the Afghan Government has shown itself ready to cooperate with Allied representatives in the disposition of the German Legation and its staff. At the request of the US Minister, the gate between the adjoining German and Japanese legation compounds was sealed by the Afghan Foreign Office. On 24 May representatives of the US, British, and Soviet missions were permitted to examine the archives of the German Legation, and the Afghan Foreign Minister has indicated his willingness to place the personnel of the Legation under close surveillance. At present the staff remains in Kabul, but there is nothing to indicate that the Afghan Government will be unwilling to deliver the German diplomats into the care of Allied representatives at the Afghan border as soon as it has convinced itself that this is the correct procedure.

1. OSS CID #44924, 3 September 1943.
2. OSS CID #50111, 3 February 1943; OSS CID #28639, 16 November 1942.
3. OSS CID #49410, 15 October 1943.
5. Source F, 23 October 1943.
7. OSS source D, Kabul, 30 May 1945; idem, 30 May 1945.
The Afghan Government has dealt directly with the representatives of the three Allies in Kabul. The Allies have been careful to reach an agreement among themselves before presenting any request to the Afghan Government. This has avoided embarrassing the latter and has saved the Allies from rebuffs, since it is improbable that the Afghan Government would care to deliver the Germans into the custody of one Ally without the full concurrence of the others. The Afghan Government wishes to avoid giving either the Soviet Union or Britain any cause for future allegations that it had favored one country against the other.

Afghanistan has maintained its neutrality with great correctness throughout the course of the war. Actually, although many Afghans were pro-German at the beginning of the war and many more were strongly opposed to any foreign entanglements, the Prime Minister, Sardar Muhammad Hashim Khan, appears to have been sympathetic to the Allied cause. Indeed, it is reported that on one occasion in a secret session of the Parliament he proposed that Afghanistan break off relations with the Axis powers.

The German Legation staff will soon be gone. The Japanese Legation, with its large staff, remains. Afghanistan may continue its policy of strict neutrality until the end of the Japanese war, but it is not impossible that it might break off relations with Japan in order to participate in the activities of the United Nations.

1. The French Minister has recently taken part in the deliberations, but the important interests are those of the two neighbors, Britain and Russia, and of the US, toward which Afghanistan professes the most cordial feelings.
2. Uncle of the King and actual ruler of Afghanistan.
3. OSS #42674, 18 November 1944.
APPENDIX I

PERTINENT PASSAGES FROM THE PALESTINE CRIMINAL CODE

Ordinance No. 74 of 1936, supplement No. 1 to Palestine Gazette Extraordinary No. 652, 14 December 1936.

Part II -- Offenses; Division I -- Offenses against public order; Chapter VIII -- Treason and other offenses against the authority of the government.

Article 49 (1) Any person who levies war against His Majesty in order to intimidate or overawe the High Commissioner is guilty of treason and is liable to the punishment of death.

(2) Any person conspiring with another person whether such other person is either within or without Palestine to levy war against His Majesty with intent to cause such levying of war as would be treason if committed by a subject of His Majesty, is guilty of treason and is liable to the punishment of death.

Article 50. Any person who instigates any person to invade Palestine with an armed force is guilty of treason, and is liable to the punishment of death.

Article 51. Any person who:

(a) becomes an accessory after the fact to treason; or

(b) knowing that any person intends to commit treason, does not give information thereof with all reasonable despatch to the High Commissioner, District Commissioner, or a Police Officer, or use other reasonable endeavor to prevent the commission of the offense, is guilty of felony and is liable to imprisonment for life.

Article 52. Any person who forms an intention to effect any of the following purposes, that is to say:

(a) to depose His Majesty from the style, honour, and royal name of the Imperial Crown of Great Britain, Northern Ireland, and of the British Dominions beyond the Seas, or of any of His Majesty's dominions, or territories, or countries; or

(b) to levy war against His Majesty within any part of His Majesty's dominions, or within any country which has been declared to be under his protection or mandate, in order by force or constraint to compel him to change his measures or counsels, or in order to put any force or constraint upon, or in order to intimidate, or overawe the legislature or legislative authority of any of His Majesty's dominions, or of any country which has been declared to be under his protection or mandate; or

(c) to instigate any person to make an armed invasion of any of His Majesty's dominions or of any country which has been declared to be under his protection or mandate;
and manifests such intention by an overt act or by publishing any printing or writing, is guilty of a felony and is liable to imprisonment for life.

Article 53. Any person who:

(a) without lawful authority, carries on, or makes preparation for carrying on, or aids in or advises the carrying on of, or preparation for, any war or warlike undertaking with, for, by or against any section, race or body of persons in Palestine,

(b) prepares or endeavors, by armed force or the show of armed force, to procure an alteration in the government or laws or to resist the execution of the laws, or to compel the High Commissioner or any member of the Executive Council, or Advisory Council, or any person in command of any military forces or any police officer to do, or abstain from doing, any act of a public or official character;

is guilty of a felony and is liable to imprisonment for life.

Article 58. In the case of any of the offenses defined in this chapter, when the manifestation by overt act of an intention to effect any purpose is an element of the offense, every act of conspiring with any person to effect that purpose, and every act done in furtherance of the purpose by any of the persons conspiring, is deemed to be an overt act, manifesting the intention.

Article 59. Any person who:

(b) publishes any words or document with a seditious intention;

is guilty of a misdemeanor.

Article 60. (1) For the purpose of the last preceding section a seditious intention is an intention to bring into hatred or contempt or to excite disaffection against the person of His Majesty or against the Mandatory Power or the High Commissioner in his official capacity or the Government of Palestine, as by law established, or the administration of justice, or to incite or excite inhabitants of Palestine to attempt to procure the alteration otherwise than by lawful means of any matter in Palestine by law established; or to raise discontent or disaffection amongst inhabitants of Palestine; or to promote feelings of ill-will and hostility between different sections of the population of Palestine
APPENDIX II

PERTINENT PASSAGES FROM THE BAGHDAD PENAL CODE OF 1918

Offenses against the internal safety of the state

Title I -- Insurrection

Article 30. Whoever organizes or places himself at the head of, or holds any command in, any armed band which attacks any section of the inhabitants of the country, or offers armed resistance to the execution of the law by the representatives of the public authority shall be punished with death.

The penalty shall be penal servitude for life or for a term of imprisonment in the case of any person who has joined the band without having participated in its organization and without having held any command in it.

Article 31. Whenever an accused person is tried for an offense which has occasioned damages to any person recoverable in a Civil Court, the Court shall, upon the application of the person, who has suffered such damage, order the accused to pay his compensation in addition to any other penalty to which the accused shall be liable.