

ARMISTICE WITH ITALY: AMENDMENT OF INSTRUMENT OF SURRENDER

*Protocol signed at Brindisi, Italy, November 9, 1943, amending instrument of surrender of September 29, 1943*¹

Entered into force November 9, 1943

*Terminated September 15, 1947, upon entry into force of treaty of peace of February 10, 1947*²

61 Stat. 2761; Treaties and Other
International Acts Series 1604

PROTOCOL

It is agreed that the title of the document signed at Malta on September 29, 1943 by Marshal Pietro Badoglio, Head of the Italian Government, and General Dwight D. Eisenhower, Commander-in-Chief, Allied Forces, should be changed to "additional conditions of Armistice with Italy." The following further amendments to this document are also agreed:

In the first paragraph of the Preamble the words "acting in the interests of all the United Nations" are inserted between the words "governments" and "on the one hand". The paragraph in question therefore reads as follows:

"Whereas in consequence of an Armistice dated September 3, 1943³ between the United States and United Kingdom Governments acting in the interests of all the United Nations on the one hand, and the Italian Government on the other hand, hostilities were suspended between Italy and United Nations on certain terms of a military nature."

In the fourth paragraph of the Preamble the words "and Soviet" are inserted between the words "United Kingdom" and "Governments", and the word "and" between the words "United States" and "United Kingdom" is deleted. The paragraph in question therefore reads as follows:

"The following, together with the terms of the Armistice of September 3, 1943, are the terms on which the United States, United Kingdom and Soviet

¹ TIAS 1604, *ante*, p. 775.

² TIAS 1648, *post*, vol. 4.

³ TIAS 1604, *ante*, p. 769.

Governments, acting on behalf of the United Nations, are prepared to suspend hostilities against Italy so long as their military operations against Germany and the Allies are not obstructed and Italy does not assist these powers in any way and complies with the requirements of these governments.”

In paragraph six of the Preamble the word “unconditionally” is inserted between the word “accepted” and “by”. The paragraph in question therefore reads as follows:

“and have been accepted unconditionally by Marshal Pietro Badoglio, Head of the Italian Government representing the Supreme Command of the Italian land, sea and air forces and duly authorized to that effect by the Italian Government.”

In Article 1 *a* [A] the word “unconditionally” is deleted. The Article in question therefore reads as follows:

“The Italian land, sea and air forces wherever located hereby surrender.”

Article 29 is amended to read as follows:

“Benito Mussolini, his chief Fascist associates, and all persons suspected of having committed war crimes or analogous offences whose names appear on lists to be communicated by the United Nations and who now or in the future are on territory controlled by the Allied Military Command or by the Italian Government, will forthwith be apprehended and surrendered into the hands of the United Nations. Any instructions given by the United Nations to this purpose will be complied with.”

The present Protocol is drawn up in English and Italian, the English text being authentic, and in case of any dispute regarding its interpretation the decision of the Control Commission will prevail.

Signed on the 9th November 1943 at BRINDISI.

NOEL MACFARLANE
For the Allied Commander-in-Chief

Il Capo del Governo Italiano
BADOGLIO