

Declassified E.O. 12356 Section 3.3/NND No. 785015

ACC

10000/101/436

Declassified E.O. 12356 Section 3.3/NND No. 785015

10000/101/436

MORALS & CONDUCT, GENERAL
JAN. - SEPT. 1944

248

RG 331
ACC - Italy
Box 131
Folder 10000/101/436

ACCESS RESTRICTED

The item identified below has been withdrawn from this file:

File Designation

MORALS + CONDUCT

Date

From

To

In the review of this file this item was removed because access to it is restricted. Restrictions on records in the National Archives are stated in general and specific record group restriction statements which are available for examination. The item identified above has been withdrawn because it contains:

- ☐ Security-Classified Information
☒ Otherwise Restricted Information

JCS
Authority

3/18/74
Date

WITHDRAWAL NOTICE

LIST OF PAPERS

File under No. 250-1

"B" FILES

HQ ACC, APO 394
Sec'y Gen.

MORALS & CONDUCT - General

(3)

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
44) 014.13 014.13 Acc/4148/L 014.13 5-16	Capt Stone Capt Stone C. L. Wilmer Capt Stone M. L. Schmitt	9 Aug 9 " 14 " 15 " 20 "	Legal S/C Bonomi A/acc Pol, RC&MC Secs A/acc.	Jurisdictional Position of Italian Troops in French Territory.
45) - -	Capt Stone	18 " <i>Cos</i>	A/Hd, Adm Sec	Draft decree on Commissioner for private enterprises
46) - - 091.112	Gen Vasiliev Capt Stone	9 " 28 "	Capt Stone Gen Vasiliev	Mistreatment of Soviet Union Officials by Italian Police
47) - - A/CC 250	Bonomi Capt Stone	28 " 31 "	Capt Stone Public Safety S/C	Incident at Piazza Farnese, Rome
48)				On Restoration of Property Confiscated by Fascist Regime Decree.
49) ACC/030/CP C.527 091.112-1	Capt Stone Gen Alexander Major Doe	29 " 3 Sept 4 "	CinC AAI CC ACC Property Control S/C via Adm Sec	Request for authority use CinC's signature on posters prevent unauthorized entrance into property of United Nations or their Nationals
50) - -	F. Lucifero, Minister of R. Household	6 "	Capt Stone	Allied soldiers shooting game at Royal Estate of Castelporziano
014.13	Capt Stone	8 "	CA Branch	
51) 1/467	Prunas	5 "	Capt Stone	Robbery by Allied soldiers of Sig. Lupis, Minister Saragat's secretary
250-1	Capt Stone	8 "	Public Safety S/C	
250-1	Capt Stone	15 "	Prunas	
52) 307/164/CA	Capt Stone	12 "	Lucifero	Poaching on R. Estate-Castelporziano
53) 250-1	Capt Stone	15 "	Political Sec	Alleged war crimes - memo submitted by Greek Rep, ACI, on Messrs. Gualdi & Samaritani.
250-1	Capt Stone	17 "	Dr Miha Krek	Case of Vito LATTARULO.
250-1	Maj Quayle	17 "	Am. Rep., ACI	Confirmation of AMG Court Convictions by Hq ACC.
54) 250-1	Capt Stone	24 "	Fr Gen, Minimes	Poaching on Estate-Castelporziano.
55) - -	CG RAAC	21 "	CO ACC	Alleged war crimes-Gualdi & Samaritani: who prepared memo?
250-1	Capt Stone	25 "	CG RAAC	Ital Neo-Fascists fighting under International Law will be treated under Geneva Convention same Nazis
56) 250	Maj Quayle	25 "	CA Br (Maj Dollard)	
57) 250-1	Capt Stone	25 "	Dr Miha Krek	
58) F-29562 S-346	AFHQ G5 Capt Stone	24 " 26 " <i>Cos</i>	ACC AFHQ	

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LIST OF PAPERS

HQ ACC, APC 391
Sec'y Gen.

File under No. 250-1

"B" FILES

(2)

MORALS & CONDUCT - General

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
21) 4011/1/L DCC 250 91318/AV	Col Upjohn Capt Stone Gen Infante	31 March 1 May 11 June	371 POW Camp Messe Capt Stone	Theft of Red Cross Parcels Case - Lt Col ALBANESE, Capt VOZZA, TRIVESI, CARANO, CASALINI.
22) CGS/228 CC/P/245 CC/P/253 CCS/236 CC/P/267	Gen Harding Gen MacFarlane Gen MacFarlane Gen Harding Gen MacFarlane	26 April 28 " 1 May 3 " 5 "	Gen MacFarlane Col Upjohn Gen Harding Gen MacFarlane Gen Harding	Acceleration of reviewing & confi- rmation of sentences against Spies.
23) 4090/L	Lord Stansgate	3 "	CC	Proposed ltr to Badoglio re over- crowding of jails in Sardinia, & OVRA organisation still working. Courts for dealing with persons awaiting trial.
24) 4001/7/L	Col Cripps	13 "	CC	Agreement re Trials of Deserters Death sentences for women spies
25) 4086/1/L	Col Upjohn	14 "	Secy Gen	
26) CC/P/298 158/4/44	Gen MacFarlane Hi Comm's Office	16 " 5 Jul?	H. MacMillan Jr Cmdr Hopkins	
27) 5474 CC/P/346	Badoglio Gen MacFarlane	22 May 27 "	Gen MacFarlane Badoglio	Amnesty to prisoners in prisons in AMG territory sentenced prior to establishment of AMG thereat.
28) CC/G/338	Gen MacFarlane	25 "	Executive Comm.	Case of Count Lattazio DI FIRMAIN
29) CGS/258	Gen Harding	28 "	Gen MacFarlane	Two spy cases showing value of control of civilian movement.
30)	Col Monfort	29 "	CO, PBS	Motor Accident. PBS vehicle collid- ed with CC's vehicle.
31)	Col Monfort	1 June	G-2 PBS	Documents on "L" and "P" should be sent to Col Upjohn, Legal S/C.
32) CC/P/409 13842/op	Gen MacFarlane Gen Infante	20 " 23 "	Sam Reber Capt Stone	Case of Gen. CARBONI being used by O.S.S.
33) SG 250	A/RC Region ROME Capt Collins	19 " 2 July	CC Maj Doe	Appointment of Panel for General Military Court.
34) - - A/CC 250	Bonomi Capt Stone	13 " 17 "	Capt Stone Bonomi	Case of Signor Rosario BENTIVENGA- Rome Patriot up for trial.
35) 4002/10/L	Legal S/C	21 June	Various	Consolidated Instructions for A.M. Courts-Proclamations 1,2,3,4.
36) AQ/6 CC/G/391 5022/CAO - -	Gen Browning Gen MacFarlane CAO AAI Capt Stone	7 " 12 " 19 " 24 "	AAI thru ACC HQ AAI HQ ACC HQ MACIA	"Behaviour of Italian Military" - in which Berardi, CofS Italian Army instructs Italian tps use firearms against Allied tps 'if necessary'..
37) CC/G/378	Gen MacFarlane	10 "	CIO, Legal S/C	Case of Savino ZABALONE
38) 4083/34/L A/CC 250	Col Upjohn Capt Stone	1 July 18 "	A/CC Legal S/C	Case of Evodio SERRA
39)				Case of Felicia DONNARUMMO.
40) A/CC 250	Col Denmore	4 "	Executive Comm.	Press release in Rome of persons arrested by AMG is wrong.
41)				Searching of Ministers Tuppino & Mancini by MPs
42) - -	Capt Stone	26 "	Brig Dunlop	Introducing Gen Mario Infante
43)				Case of Francesca SCHNELL, German.

See File (B) 250-2 for Cases of Moroccan Troops

LIST OF PAPERS

File under No. 250-1

"B" FILES

HQ AFHQ, APO 371
Sec'y Gen.

MORALS & CONDUCT - General

(1)

SERIAL NUMBER	FROM--	DATE	TO--	SYNOPSIS
1) Fargo 582 DP/P/31 --	Gen MacFarlane Gen MacFarlane Gen Gammell	28 Jan 44 31 " 30 Mar	Freedom Gen Gammell Gen MacFarlane	On Protest by Badoglio on treatment of Italian troops by French in Corsica
2) No. 440	Badoglio	13 Feb	Gen MacFarlane	Re 'Accused of Tuteurano' having been submitted to Italian War Tribunal.
3) 250.3 --	Capt Stone Capt Stone	5-7 Feb 9 Mar	Col Sisley, 2Dist Prunas	Arrest of Colonel Giovanni ACAMPORA.
4) 1060 CC/P/86	Badoglio Gen MacFarlane	18 Feb 22 "	Gen MacFarlane Badoglio	Arrest of Engr. DONATI, Director of E.I.A.R. in Naples
5) 101472/AV CC/P/128	Messe Gen MacFarlane	5 Mar 8 "	Gen MacFarlane Col Upjohn	Ital military courts directed be lenient in cases of military crimes/desertion committed between 25 July thru Sept 1943.
6) CC/P/137	Gen MacFarlane	11 "	Adm Morse, FOWIT	Case of Signor A. LAURO, Shipping Magnate.
7) 4083/1/L 250.	Col Wilmer Maj Doe	9 " 14 "	CC Col Upjohn	Case of Andrea FORTUNATO
8) 191 A CC/P/140	Comd 3 District Gen MacFarlane	9 " 20 "	Legal S/C Gen Collier	Adequate sentences to be dealt in convictions of theft of WD property - Request for report of cases.
9) 4018/L CC/G/196	Col Upjohn Gen MacFarlane	13 April 16 "	CC AAI Adm Ech	"Crimes by Allied Soldiers"
10) DCC 250	Capt Stone	2 "	Gen Infante	Case Francesco DELLA MONICA
11) G/6/1/32 SG 250 AQ/6 AQ/8 CC/P/318 AQ/8	MMIA Maj Doe Gen Browning Gen Browning Gen MacFarlane Gen Browning	24 Mar 10 Apr 20 " 9 May 22 " 23-27 May	CC Army S/C CC CC Gen Browning Minister of War	Maintenance of Italian Armed Forces when serving sentences or awaiting trial in Jail
12) CC/G/66 359/ /CA --	Gen MacFarlane Gen MacFarlane Badoglio	17 Feb 20 " 9 March	Brig Lush Badoglio Gen MacFarlane	On Arrest of Questore of Taranto - Comm. MENDOLA.
13) DCC 383.6 G1P/3305/1/A3 CC/G/277 4346/L A/CC 250 etc	Capt Stone AFHQ G1B Gen MacFarlane Col Upjohn Capt Stone	30 " 9 April 12 May 14 " 12 August	JAG, AFHQ Hq ACC Legal S/C CC Badoglio	Case of Maj-Gen Nicola FELLONO and Colonel of Italian Air Force
14) --	GOC 8 Army	14 April		Orders of Execution CANTILLI & METICOCCHI
15) CC/P/176	Gen MacFarlane	6 "	Col Upjohn	Case of CALVAGNO
16) CC/P/210	Gen MacFarlane	20 "	Mrs. D'Alessandro	Case of LAURO D'ALESSANDRO.
17) 4104/L	Col Upjohn	27 Feb	CC	Revision of Fascist Legislation
18) 3/6146/L	RC Region 3	10 March	CG 5/A, PBS, 57 Area	Proclamation Offences-Violations of Proclm ² , Art II, para 40.
19) 4083/4/L	Col Upjohn	25 "	Secy Gen	Case of Michele CARRABBA.
20) CC/P/256	Gen MacFarlane	1 May	CGS AAI	Re 'Lecce Case'

See File SG 250-2(B) for Cases of Moroccan Troops

EMS/drr

A/CC 250-1

25 September 1944

My dear Ambassador:

Further to my letter of the 17th September, I should be grateful if you would tell me who prepared the report on Messrs. Gualdi and Samaritani.

Until I get this information it is difficult for us to take satisfactory action.

Yours sincerely,

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

Dr. Miha Krek, Ambassador
Royal Yugoslav Delegation to
Advisory Council for Italy
Quinto Sella 56

cc: Administrative Section

2114

50 147
Mr. A.C.C. Sec'y Gen.
DISPATCHED
Date Time 26 SEP 1944

Further to my letter of the 17th September, I should be grateful if you would tell me who prepared the report on Messrs. Gualdi and Samaritani.

Until I get this information it is difficult for us to take satisfactory action.

Yours sincerely,

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

Dr. Miha Krek, Ambassador
Royal Yugoslav Delegation to
Advisory Council for Italy
Quinto Sella 56

cc: Administrative Section

211

50 149

Mr. SEC	Sec'y Gen.
DISPATCHED	
Date Time 26 SEP 1944	
VIA	RR
Initials	CM

57

COPY

MEMO

TO C.S.O. to A/C.C.

Your A/CC 250/1 dated 17th September is
acknowledge.

I propose to take no action thereon until
I hear who is responsible for the Memo.

/s/ C.R. UPJOHN Brigadier
V.P. Admin. Section

2113

57

Office of the Acting Chief Commissioner

Poaching on Royal Estate

Civil Affairs Branch (Attn: Major Dollard)

A/CC 250

25 September

1. An interim report of action taken (see your 307/163/CA of 23 Sept 44) has been received at this office (copy attached).
2. It is considered that the matter might now be allowed to drop. Should, however, a report come in to you of action taken by the French authorities this office would naturally be glad to hear of it.

1 Incl: as above

→ Papers to C.A. Be

J. A. QUAYLE
Major, R.A.
Chief Staff Officer

FILES A-3

56 770-2112

Ha ACC	Secy Gen.
DISPATCHED	
Date Time	25 SEP 1944
Via	Msg. 1000
Initials	AM

56

25 September 1944.

A/CO 250-1.

SUBJECT : Confirmation of AMC Court Convictions by HQ ACC.

TO : Commanding General, Rome Allied Area Command, APO 794, U.S. Army.

1. Reference your letter of 21 September 1944.

2. The thirty day period mentioned in paragraph 1 of your letter represents the time within which an appeal may be filed and not the time within which there must be confirmation or reversal. The records of all cases are held in the Headquarters of the Region in which they are decided until this 30 day period shall have elapsed and then if they involve a sentence of more than two years imprisonment or 50,000 lire fine they are sent to the Legal Sub-Commission for review. There they are reviewed generally in order of receipt from the various Regions except death cases or others of particular note which are given priority. Only an officer of the rank of Brigadier General or corresponding rank may confirm a death sentence. In cases involving the death sentence the Chief Legal Officer or his deputy and generally both review the record and then make their recommendation to me. This process, however, does not start until the record is received in this Headquarters following the expiration of the 30 day appeal period. The record showing the action taken here by confirming authority is immediately transmitted to the Regional Legal Officer for further action. Every effort is made to expedite the review of cases particularly those involving the death sentence.

3. Referring to the schedule attached to your letter, cases Nos. 1 and 15 involving death sentences have been reviewed and are now awaiting final action. Nos. 2 to 19 inclusive except those already dismissed by the trial court are being reviewed in the office of the Chief Judicial Officer and final action is shortly expected; incidentally, the Chief Legal Officer tells me that according to the record, these cases were decided on the 17th August rather on the 9th August. Case No. 16 is under review now. Of the remaining cases the time for appeal has just elapsed in two of them (Nos. 17 and 18) and review has been commenced and the time of appeal has not yet elapsed in the other two (Nos. 19 and 20).

2111

59 141

Hq ACC	Sally Conn
DISPATCH	
25 SEP 1944	
Via	AG low
Initials	CH

ELLERY W. STONE
Captain, USMP
Acting Chief Commissioner
Allied Control Commission

CC1 - A
Prepared by Col. R.H. WILMER, CLO, Legal Sub-Commission.

Richard H. Wilmer
Colonel, CAC.

HOME ALLIED AREA COMMAND
APO #794, US ARMY
Office of the Commanding General

TAB/jg
21 September 1944

Subject: Confirmation of AMG Court Convictions by Hq, ACC.

To : Commanding Officer, ACC, APO #394, US Army.

1. The attached sheet shows the results of security trials to and including 21 September 1944.

There is a thirty day period between the sentences by the court and the confirmation of the sentence by the reviewing authority, which in these cases is Main Hq, ACC.

2. In cases 1, 4, 5, 6, 7, 15, and 16, the thirty day period has elapsed, and no confirming order has emanated from Hq, ACC. This headquarters has kept in almost daily touch with Legal Section, Region IV, ACC, to find out when the confirming order would appear, but no information has been forthcoming.

3. It is therefore requested that action be expedited in these and future cases so that the dual purposes of expediting justice and clearing security jail may be served.

THORBURN K. BROWN,
Brigadier General, US Army,
Commanding

Incl - 1

211

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RESULTS OF TRIALS AND INCLUDING 21 Sep 44

NAME	CHARGES	FINDINGS	DATE OF FINDINGS	SENTENCE
1. FIZZI LORENZO	1. Serving the enemy as a spy 2. Communicating with the enemy as a spy 3. Possession of a wireless apparatus	Guilty	9 Aug 1944	Death
2. DE AMICIS Cesare	1. Possession of explosives, ammunitions and war supplies. 2. (a) Failure to surrender said explosives etc. (b) Concealment of said explosives etc in RCME, and failure to give information or remove said explosives etc, thereby endangering safety or security of Allied Forces.	Dismissed	9 Aug 1944	
3. GRAMACCIONE Piccardo	As serial 2 above	Dismissed	9 Aug 1944	
4. DI BIASI Fidele	As serial 2 above	Guilty on both charges.	9 Aug 1944	10 years imprisonment
5. VIVARELLI Giovanni	As serial 2 above	Guilty on both charges	9 Aug 1944	2 years imprisonment
6. IMBROPIANO Antonio	As serial 2 above	Guilty on both charges	9 Aug 1944	2 years imprisonment
7. NOTTIS Ferruccio	As serial 2 above	Guilty on both charges	9 Aug 1944	2 years imprisonment
8. VALENTINI Leopoldo	As serial 2 above	Dismissed	9 Aug 1944	
9. SCHIFFI Lorenzo	As serial 2 above	Dismissed	9 Aug 1944	

(2)

NAME	CHARGES	FINDINGS	DATE OF FINDINGS	SENTENCE
10. MANCINI Trento	As serial 2 above	Dismissed	9 Aug 1944	
11. MAZZOTTI Stefano	As serial 2 above	Dismissed	9 Aug 1944	
12. LANELLI Maria	As serial 2 above	Dismissed	9 Aug 1944	
13. DI GIORGIO Iolanda	As serial 2 above	Dismissed	9 Aug 1944	
14. ANGELINI Dora	As serial 2 above	Dismissed	9 Aug 1944	
15. MASIN Lino	1. Serving the enemy as a spy. 2. Communicating with the enemy. 3. Possession of wireless apparatus	Guilty Dismissed Guilty	16 Aug 1944	Death Death
16. BARDINO Carlo	Doing an act in aid of the enemy as hostile or endangering the safety or security of Allied forces.	Guilty	17 Aug 1944	10 years imprisonment (consideration given for services to Allies after capture).
17. FIAMRO Eugenio	1. Serving the enemy as a spy. 2. Communicating with the enemy. 3. Possession of fire arms. 4. Possession of wireless apparatus	Not guilty " Guilty "	23 Aug 1944	10 years. 10 years. (to be served concurrently)
18. FIAMRO Carmelo	1. Serving the enemy as a spy. 2. Communicating with the enemy. 3. Possession of fire arms. 4. Possession of wireless apparatus.	Guilty Dismissed Guilty Guilty	24 Aug 1944	Death Death Death Death

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(3)

NAME	CHARGES	FINDINGS	DATE OF FINDINGS	SENTENCE
19. BRIGIDO Bruno	1. Possession of explosives. 2. Attempting to communicate with the enemy. 3. Attempting to commit sabotage. 4. Conspiracy. 5. Doing acts which were hostile and prejudicial to security of Allied Forces. 6. Entering Allied territory with intention to commit sabotage.	Guilty Not guilty " " " "	29 Aug 1944	7 years imprisonment.
20. SQUARILLI Francis	1. Possession of explosives. 2. Attempting to communicate with the enemy. 3. Attempting to commit sabotage. 4. Conspiracy. 5. Doing acts which were hostile and prejudicial to security of Allied Forces.	Guilty Not guilty " " "	29 Aug 1944	7 years imprisonment.

C o p y

A/CC 250-1

24 September 1944

Most Reverend Father,

I have to acknowledge your letter of 15 September 1944 and to advise you that I have referred the memorandum of Sig. Vito Vincenzo Lattarulo to my Chief Legal Officer for his consideration. He informs me that in his opinion and in view of the evidence given at the trial the conviction of Sig. Lattarulo was correct, and that the punishment is not unduly severe.

In these circumstances I cannot interfere with the sentence which has been passed.

ELLERY W. STONE
Captain, USNR.
Acting Chief Commissioner.

The Father General,

Holy Order of the Minimes,
Piazza S. Francesco di Paola, 10,
Rome

2106

250
A+B
F55
W

Most Reverend Father,

I have to acknowledge your letter of 15 September 1944 and to advise you that I have referred the memorandum of Sig. Vito Vincenzo Lattarulo to my Chief Legal Officer for his consideration. He informs me that in his opinion and in view of the evidence given at the trial the conviction of Sig. Lattarulo was correct, and that the punishment is not unduly severe.

In these circumstances I cannot interfere with the sentence which has been passed.

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Captain, USNR.
Acting Chief Commissioner.

The Father General,

Holy Order of the Minimes,
Piazza S. Francesco di Paola, 10,
Rome

2108

C o p y

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APC 394

/pa.
22 Sept 44.

ACC/4085/1/L.

SUBJECT: Case of Vincenzo Vito LATTARULO

TO : The Acting Chief Commissioner, ACC.

1. In further reply to your memorandum of 16 September 1944 the record in this case has ~~been~~ examined by the Deputy Chief Legal Officer who has discussed the case with me.
2. The accused was found guilty of attempting to intimidate 2/Lieut. Northrop, an American Officer of the Hemp Control Office, in the execution of his duty, and also of stating falsely that he was a member of the CIC.
3. At the trial the accused denied both these charges, but the evidence of 2/Lieut. Northrop was quite unambiguous on both points. The decision was a pure question of fact, upon which the judge's conclusion should be accepted. I should add however that the story told by the accused was most improbable, and I am satisfied that the decision was right.
4. I think also that the sentence is reasonable. I do not recommend any reduction in the period to be served.
5. I have drafted a letter to the Superior General of the Minimes for your signature.

/s/ RICHARD H. WILLMER 2105
/t/ RICHARD H. WILLMER
Colonel, CAC,
Chief Legal Officer.

SUBJECT: Case of Vincenzo Vito LATTARULO

TO : The Acting Chief Commissioner, ACC.

1. In further reply to your memorandum of 16 September 1944 the record in this case has ~~been~~ examined by the Deputy Chief Legal Officer who has discussed the case with me.
2. The accused was found guilty of attempting to intimidate 2/Lieut. Northrop, an American Officer of the Hemp Control Office, in the execution of his duty, and also of stating falsely that he was a member of the CIC.
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4. I think also that the sentence is reasonable. I do not recommend any reduction in the period to be served.
5. I have drafted a letter to the Superior General of the Minimes for your signature.

/s/ RICHARD H. WILMER 2105
/t/ RICHARD H. WILMER
Colonel, CAC,
Chief Legal Officer.

64

ENS/ajp

Office of the Acting Chief Commissioner

AMC Court -
Case Sig. Vito Vincenzo Lettarulo.

16 Sept 4

Legal Sub-Commission
(Through: Administrative Section)

With reference to attached letter from The Father General,
Holy Order of the Minimes, and enclosure, please let me have your com-
ments.

E..W. S.

2 Incls:
as above.

250
2104
FILES A (B)

58228

Hq. & C.C.	Sec'y Gen.
DISPATCHED	
Date-Time: 17 Sept 1970	
Via	Thru
Incls	1000

54

TRANSLATION

HOLY ORDER OF THE MINIMES

THE FATHER GENERAL

ROME, Piazza S. Francesco di Paola, 10

Tel. 40.654

TO CAPTAIN HENRY STONE

ALLIED CONTROL COMMISSION

LEGAL OFFICE - ROME

the "A" Files
The undersigned takes the liberty of drawing your attention on the memorandum of Sig. Vito Vincenzo Lattarulo, against the verdict of the Supreme Court of the A.S.G. in Fratta Maggiore (Naples), on July 8th 1944, hoping that he may be treated with charity, without prejudicing justice.

I remain,

Yours truly,

Obblmo. P. Giacomo Tagliaferro

Superior General of the Minimes

Rome 15/9 1944

2103

ENS/hd

A/CG 250-1

17 September 1944

MEMORANDUM TO: American Representative
Advisory Council for Italy
Via Vittorio Veneto, 119

Receipt is acknowledged of your memorandum dated 15 September 1944 together with the report from Dr. Krek, Royal Yugoslav Representative to the Council.

Dr. Krek has already sent a similar document to this Headquarters and the matter is in hand.

For the Acting Chief Commissioners:

JAC
J. A. QUAYLE
Major, R. A.
Chief Staff Officer

FILES A (B)

2102

50 241

Hq ACC	Secy Gen.
DISPATCHED	
Date Time 17 Sept 1800	
VIA	HL
THRU	AKP

53

WIS/MA

A/CC 250-1

17 September 1944

My dear Ambassador:

Thank you very much for your letter dated 5 September, which has just reached me. I shall of course have the document which you enclosed studied by the proper authorities, but it would be of great assistance if you would be good enough to tell me confidentially who prepared this report on Messrs. Gualdi and Samaritani.

Yours sincerely,

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

Dr. Miha Krek, Ambassador
Royal Yugoslav Delegation to
Advisory Council for Italy
Quinto Sella 56

cc: Administrative Section

Drafted by Mr. Caccia, Political Section

FILES A-B

2107

5-11-2-41

HQ ACC	Sec'y Gen.
DISPATCHED	
Date Recd. 17 Sept 1944	
Via	44
Initials	RRR

53

HEADQUARTERS ALLIED CONTROL COMMISSION
Office of the Acting Chief Commissioner
APO 394

WSS/ajp

A/CC 250-1

15 September 1944

Subject: Alleged War Crimes

To : Political Section

not returned
Reference enclosed letter from Dr. Krek and attached impressive document, please initiate whatever action may be necessary, and in the meantime put up interim reply for my signature.

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

2 Incls:
Ltr fr Dr. Krek, dtd 5 Sept 44
Report on Ing. Gualdi & Dr. Samaritani.

FILES A-D

210

54 216

Hq ACC	Sec'y Gen.
DISP	
Date	16 Sept 0930
WSS/ajp	
WSS	

53

A/CC 250-1

2nd Indorsement

JAQ/hd

From: Office of the Chief Commissioner. 17 September 1944.

To: Administrative Section

Attached document is forwarded to you for necessary action, together with copy of Acting Chief Commissioner's reply to Dr. Krak, whose reply will be forwarded to you when received. At the same time is attached another copy of this document forwarded by the American Representative to the Advisory Council, whose memorandum has been acknowledged.

For the Acting Chief Commissioner:

J. A. QUAYLE
Major, R. A.
Chief Staff Officer

250

FILED A (3)

2099

50 245

Hq. ACC - Sec'y Gen.	
DISPATCHED	
Date - Time	18 Sept 4900
VIA	Reg.
THRU	MRP

53

COPY

HEADQUARTERS ALLIED CONTROL COMMISSION
Office of the Acting Chief Commissioner
APO 394

EWS/ajp

A/CC 250-1

15 September 1944

Subject: Alleged War Crimes

To : Political Section

Reference enclosed letter from Dr. Krek and attached impressive document, please initiate whatever action may be necessary, and in the meantime put up interim reply for my signature.

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

2 Incls:
Ltr fr Dr. Krek, dtd 5 Sept 44
Report on Ing. Gualdi & Dr. Samaritani

1st Ind.

Acting Chief Commissioner

I attach an interim reply as you requested.

As regards initiating action I would suggest that this file should be sent to Brigadier Upjohn to handle.

Political Section
16.9.44

H. A. CACCIA

2093

Ref: 307/164/QA

12 September 1944.

Dear Sir,

Thank you for your letter of the 6th September 1944 in which you describe the unfortunate incidents of poaching on the Royal Estate of Cantelporslane.

The matter is being referred to the appropriate Military Authorities with a request that investigation be made and that measures be taken to prevent a recurrence of the incident.

Sincerely,

WILSON W. STONE
Captain, USNR
Acting Chief Commissioner.

Mr. F. Lucifora,
Minister of the Royal Household.

250
197
Hq ACC Secy Gen
DISPATCHED
Date-Time 14 SEP 1944
Via Hand 1000
Initials mcr

See 17
Prepared by Civil Affairs Branch.

FILES 2097

C O P Y HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. AND M.G. SECTION
APO 394

Ref: 307/163/CA

12 September 1944

SUBJECT: Poaching on Royal Estate of Castelporziano

TO : Regional Commissioner, Region IV (Attn.Lt.Col.Ames)

1. This is the confirm of the telephone conversation of Colonel Ames and Major Dollard today on the subject of the above.
2. Attached are two copies of a letter dated 6 September 1944 addressed to the Acting Chief Commissioner by the Minister of the Royal Household.
3. Would you please send one copy of this letter to R.A.A.C. with a request that action be taken as soon as possible to investigate the facts of the alleged incident and to prevent a recurrence of it.
4. May we please be informed of the action taken so that the Acting Chief Commissioner may tell the Master of the Royal Household what has been accomplished.

(s) W.G.S. DOLLARD
Major
for NORMAN E. FISKE
Colonel
Deputy Executive Commissioner.

Incl: 2

Copy to the Acting Chief Commissioner

2095

FILES A D

12 September 1944

SUBJECT: Poaching on Royal Estate of Castelporziano

TO : Regional Commissioner, Region IV (Attn.Lt.Col.Ames)

1. This is the confirm of the telephone conversation of Colonel Ames and Major Dollard today on the subject of the above.
2. Attached are two copies of a letter dated 6 September 1944 addressed to the Acting Chief Commissioner by the Minister of the Royal Household.
3. Would you please send one copy of this letter to R.A.A.C. with a request that action be taken as soon as possible to investigate the facts of the alleged incident and to prevent a recurrence of it.
4. May we please be informed of the action taken so that the Acting Chief Commissioner may tell the Master of the Royal Household what has been accomplished.

(s) W.G.S. DOLLARD
Major
for NORMAN E. FISKE
Colonel
Deputy Executive Commissioner.

Incl: 2

Copy to the Acting Chief Commissioner

2095

FILES AD

EWS/ajp

A/CC 250-1

15 September 1944

Dear Dr. Prunasi:

With reference to your letter No. 1/467, dated 5 September 1944, I beg to inform you that the Director of Public Security has been asked to cause Signor LUPIS to be interviewed to obtain further details and enquiries will be made with a view to detecting the offenders.

Very truly yours,

ELERY W. STONE
Captain, USNR
Acting Chief Commissioner

His Excellency don Renato Prunasi,
Italian Ministry of Foreign Affairs,
Rome.

Drafted by Pub. Safety Sub-Com.

c.c. Pub. Safety Sub-Comm.

209

Hq ACC	Secy Gen.
DISPATCHED	
Date: 16 Sept 1944	
Via	116
Recd	6122

51

Acting Chief Commissioner

Robbery of Italian officials

A/CC 250-1

Public Safety Sub-Commission
(Thru: Administrative Section)

8 September 4

1. Reference attached letter 1/467 of 5 Sept from Dr. Prunas, re above subject.
2. Please take charge of this, provide appropriate action and draft acknowledgment for my signature.

1 Incl:
as per para 1 above

Stone

FILES A (B)
100

50 141 209

Hq ACC - Sec'y Gen.
DISPATCHED
Date - Time 2 Sept 1030
Via Magr.
Initials DRR.

51

MINISTERO DEGLI AFFARI ESTERI
Segretario Generale

Rome, 5th September, 1944

1/467

Dear Admiral,

On August 23rd, towards 22 hrs. Signor Lupis, Secretary to the Minister without Portfolio Signor Saragat, and four other gentlemen, whilst, owing to a break-down to their car, were standing at the 80th Kilometer, between Terracina and Littoria, on the Rome-Naples road, were overtaken by a small American van. The van stopped and several masked men, speaking in English, got down and robbed Sig. Lupis and his four travelling companions. The American van subsequently moved on for about 200 meters and left definitely in the direction of Terracina only when Sig. Lupis' car, which had in the meantime been repaired, left towards Rome.

I wish to report to you this occurrence which, unfortunately is not an isolated case, and at the same time to ask you to be so kind as to interest the competent authorities in the matter in order to trace the thieves.

Thanking you in advance for your courtesy in the matter,

Very cordially your

Admiral Ellery Stone, U.S.N.R.
Acting Chief Commissioner
Allied Control Commission
R O M E

R. PRUNAS

203

51

Acting Chief Commissioner

Royal Estate of Castelporziano

A/CC 014.13

Civil Affairs Branch
(Thru: MC & MG Section)

8 September 4

1. Reference attached translation of letter dated 6 Sept 44 from Sig. Lucifero, Minister of the Royal Household, re trespass and shooting of game by Allied soldiers on the Royal Estate of Castelporziano.
2. Please provide appropriate action and prepare acknowledgment for my signature.

Stone

1 Incl:
As per para 1 above

521 1410

Hq ACC	Sec'y Gen.
DISPATCH 2019	
Date 1000 9 Sept 1950	
Via	Mag
Initials	BNR

FILES A-B
100

1240
A-014.13
5

TRANSLATION

THE MINISTRY OF THE
ROYAL HOUSEHOLD

Rome, 6 September 1944

HQ ACC. NO. 47
72 6 Sept 1944
JFK

Dear Captain,

I hope you will forgive disturbing you personally, but the subject I want to submit to your attention is particularly important to the Royal Administration.

Some incidents caused by Allied soldiers have taken place in the Royal Estate of Castelporziano which is at about 25 km. of Rome.

The last of these incidents happened during the night of September 3-4; a lorry, driven by French soldiers and bearing the n. 1416209/41, has been seen leaving through one of the gates of the Estate (called Gate of Malpasso), loaded with game, which had been shot on the estate.

As the agricultural products, the wood and the game of the Estate play quite an important part in the supplies of the Capital, I take the liberty to ask your intervention, so that, if possible, such incidents shouldn't occur again.

Begging your pardon for troubling you, I remain, dear Captain,

Yours truly,

/s/ Lucifero

(F. Lucifero)
Minister of the Royal Household.

Trans. E.C.,

Captain Ellery W. Stone
Acting Chief Commissioner
Allied Control Commission

2091
Rome

See 52

FILES

101

50

HEADQUARTERS ALLIED CONTROL COMMISSION
Office of the Secretary General
APO 394

RED/hd

SG 091.112-1

4 September 1944

Subject: Request for Authority

To: Property Control Sub-Commission

Thru: Administrative Section

1. Attached is letter from General Alexander approving use of the notices intended to prevent the unauthorized entrance into properties of the United Nations and their Nationals.

2. This is in answer to letter of 29 August, your file ACC/030/CP to the C-in-C signed by Captain Stone.

ROBERT E. DOE
Major, A.G.D.
Secretary General

1 Incl:
As described above

2069

Hq ACC Sec'y Gen.
DISPATCHED
Date-Time 4 Sept 1600
Via May.
Initials AMR

2090

"B" file

49

COPY

HEADQUARTERS
Allied Armies in Italy, C.M.F.

C.527

3rd September, 1944.

Subject: Request for Authority.

To: The Chief Commissioner,
Allied Control Commission.

With reference to your letter of 29th August, I
approve of the draft notice and authorise that my
signature should be appended to this notice.

(Sgd) H. R. ALEXANDER

General,
Commander-in-Chief.

*4 Sept
Original sent to Property Control
[initials]*

2089

49

CC/1a

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

ACC/030/CP

29 August 1944

Subject: Request for Authority.

To : Commander-in-Chief, Allied Armies in Italy.

1. Pursuant to conversation, this date, between Major P. Friend-James, ACC Liaison Officer with Main AAI, and Lt. Col. Charles Carroll, Acting Director, Property Control Sub-Commission, there is transmitted herewith a draft of a notice submitted for the approval of the Commander-in-Chief.

2. The use of the notice is intended primarily to prevent the unauthorized entrance into properties of the United Nations and their nationals, including France and its nationals, and the resultant looting and loss of property.

3. If the Commander-in-Chief approves the notice, it is contemplated that it will be posted in the forward areas as they are occupied by the 5 Army and the 8 Army respectively. The use of this notice will obviate the necessity of printing similar notices and posting them pursuant to the authority of the commanding generals of the 5 Army and 8 Army, S.C.A.O's and regional commissioners.

4. Authorization by the Commander-in-Chief of the use of the notice will be appreciated.

A 34

Hq ACC	Sec'y Gen.
DISPATCHED	
Date	Time
30	AUG 1944
Via	1400
Initials	DFE

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner 2083

*Drafted by & copies to
Property Control Sub-Com.*

FILES A

49

Sec'y Gen. file

2087

511

NOTICE

This property is under the control of Allied Military Government. Unauthorized entrance is forbidden. For information see Controller of Property, Headquarters Allied Military Government.

By Order of:

HAROLD R.L.G. ALEXANDER
GENERAL
Commander-in-Chief, Allied Armies in Italy
and Military Governor.

29 August 1944.

AVVISO

Questa proprietà è sotto la giurisdizione del Governo Militare Alleato. L'entrata non autorizzata è proibita. Per informazione rivolgersi al Controllore dei beni al Quartiere Generale, del Governo Militare Alleato.

Per Ordine di:

HAROLD R.L.G. ALEXANDER
GENERALE
Comandante in Capo degli Eserciti Alleati
in Italia
e Governatore Militare.

29 Agosto 1944.

EWS/emp

A/CC 250

2 September 1944

My dear Mr. Prime Minister:

Your letter of 22nd August 1944 was received at the time when this Commission was considering a proposed form of decree restoring various rights taken away by the Fascist regime on racial grounds. Yesterday certain suggestions were made to the Committee sponsoring the proposed decree and which I am given to understand is working directly with your Government on this matter.

In your letter above referred to it is indicated that the second decree which was approved by the Italian Government in January last was not published because the Allied Control Commission thought to do so might prejudice the rights of Jews in the north still under German domination. I understand that such was the view of the Italian Government as then constituted and not that of the Allied Control Commission. The latter, while not having the same misgivings, did not then press the matter, as little Jewish property was believed to be located in the territory up to that time liberated from German domination.

I entirely agree that a decree dealing with the matter above referred to should now be promulgated and published in such form as is satisfactory to your Government and at the same time meets the exigencies of the situation. I am glad to note also that you have in mind the necessary measures to afford remedies where there has been loss of rights solely on political grounds as distinguished from racial grounds. I assume that if you do not propose to enact any legislation to bring about such remedies, your Government will have it become known publicly that those who suffered loss of property or other rights through their political opposition to Fascism will be afforded adequate means for restoration of their property and other rights or compensation for their losses.

Yours very truly,

SU 49
Hq. A.C.C. Sec'y Gen.
DISPATCHED
Date Recd 2 Sept 1944
MCC
1944
10/12/44

2086 48
ELLERY W. STONE
Captain, IEMF
Acting Chief Commissioner

His Excellency Ivanoe Bonomi
The President of Council of Ministers
Italian Government

Prepared by: Col. R.H.WILMER, CLO, Legal Sub-Commission.

Colonel. C.A.C.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

RHW/pa

1 Sept 44

ACC/4034/7/L.

SUBJECT: Restoration of property Confiscated by Fascist Regime.
TO : The Acting Chief Commissioner

1. Yesterday I had a long conference with the Committee which has been working with the Italian Government relative to the restoration of property and other rights confiscated for racial reasons by the Fascist Regime. The long decree in proposed form referred to in my memorandum to you of 26 August 1944 deals entirely with the racial situation and does not deal with property and other rights taken away from Italians on purely political grounds as distinguished from racial grounds.

2. Generally the proposed decree covers the situation adequately to the extent of the racial sought to be remedied. In fact it is much more complete than the one referred to in Mr. Bonomi's letter of 22 Aug. 1944 which was passed by the Italian Government in January and never published. Certain amendments have been suggested to the Committee by the Legal Sub-Commission.

3. I am enclosing a suggested form for a letter to be sent to Mr. Bonomi in answer to his letter to you of 22 Aug. 1944.

RICHARD H. WILMER
Colonel, CAC,
Chief Legal Officer

2085

48

54223
Hq ACC Secy Gen
DISPATCHED
Des. No. 29 Aug 0915
Via
Initials

Office of the Acting Chief Commissioner

Restoration of Property Confiscated
by Fascist Regime.

A/CC 250

28 Aug

4

Legal Sub-Commission
(Through Admin. Section)

1. Reference your ACC/4034/7/L, of 26 Aug, subject as above.
2. In answer to your query, postpone a reply to the Prime Minister's letter until the draft you mentioned has been considered.

For the Acting Chief Commissioner:

L. D. DENMORE 2087
Colonel, Sig C FILES A-B
Chief Staff Officer

48

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION

APC 394

RHW/pa

26 Aug 44.

AOC/4034/7/L.

SUBJECT: Restoration of Property confiscated by Fascist Regime.

MEMORANDUM TO: The Acting Chief Commissioner

I. With reference to your memorandum of 24 Aug enclosing a translation of the letter of 22 Aug 1944 from the Prime Minister on the subject of restoration of property to those deprived of it on racial or political grounds, it is clear that the Prime Minister does not have complete knowledge of the situation.

2. It is correct, as he states, that two decree laws were promulgated at Brindisi one to restore civil rights to Jews and one to restore property rights. The former was published, became law and its provision were made the subject of General Order No. 18 for occupied territory. The second decree law was not published. The reason for this was that Col. Jung then Minister of Finance felt very strongly that if it published property of Jews in Italian Territory held by the Germans would be bound to suffer great damage. While the Legal Sub-Commission did not share entirely these fears, it did not press the matter as there appeared to be only a small amount of former Jewish property in territory that had up that time been liberated from German domination. The non-publication was not at the instance of the Allied Control Commission but entirely at the instance of the Italian Government as then constituted.

3. The Regional Order of Rome region (now Region 4) referred to in the Prime Minister's letter was promulgated and as it was of the type of order national in scope which was improper for a Regional Commissioner to issue and was otherwise improper all action under it was stopped and I was advised by the RLO of the region that no definitive action was taken under it.

4. After Rome fell and even before the Italian Government moved to Rome I urged the Minister of Justice to deal with the situation on a broad basis, particularly in view of Republican Fascist laws that had come to light, so as to bring about general legislation on the subject of deprivation of property rights not only on racial but also on political ground. As you know this was being worked on and to speed up this work I suggested your letter of 12 August.

translation of the letter of 22 Aug 1944 from the Prime Minister on the subject of restoration of property to those deprived of it on racial or political grounds, it is clear that the Prime Minister does not have complete knowledge of the situation.

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5. A few days ago a Committee dealing with restoration of Jewish property rights brought to this Sub-Commission the draft of a long and comprehensive decree covering I understand the general field. The translation has just been completed and is being typed. As soon as this work is completed a study of the decree will be made. It may be found that it satisfactorily deals with the situation and recommendation for its enactment may be in order. It is understood that it has been examined and at least tentatively approved by some of the members of the Government. This will be verified through the Minister of Justice who is now familiar with it. It may be that this measure referred to by the Prime Minister at the end of the next to

the final paragraph of his letter.

6. You may prefer to postpone a reply to the Prime Minister's letter until the above mentioned draft has been considered. However, if in the meantime you wish to make an interim reply to set the record straight I will be glad to prepare a reply for you setting forth briefly what I have stated in some detail above.

RICHARD E. WILMER
Colonel, CAC,
Acting Chief Legal Officer.

Declassified E.O. 12356 Section 3.3/NND No. 785015

Acting Chief Legal Officer.

2082

48

Hq ACC - Secy Gen
DISPATCHED

Office of the Acting Chief Commissioner

25 Aug 1940

VIA *Regt.*
RRR.

A/CC 250

24 Aug

4

Administrative Section
(For Legal Sub-Commission)

1. Reference is made to attached letter dated 22 Aug from H. E. Bonomi which is in reply to A/CC 250 of 12 Aug., drafted by the Legal Sub-Commission for my signature. This is relative to prospective legislation to deal with the restoration of property or compensation therefor in cases where the fascists confiscated property, etc of persons because of their race, etc.

2. Request appropriate action be taken and a reply to H. E. Bonomi's letter of 22 Aug be drafted for my signature.

1 Incl -
as in para 1 above.

Stone.

FILES A (B)

2081

Translation

THE PRESIDENT OF THE
COUNCIL OF MINISTERS

Rome, Aug. 22nd 1944.

Answer to note 4/00-250
of Aug. 12th 1944.

To Admiral Stone
Acting Chief Commissioner of the
Allied Control Commission

Dear Admiral Stone,

I answer your letter of Aug. 12th last, in which you drew my attention to the requests which are addressed to the Allied Control Commission, about the restitution of property and the bestowing of compensations to the victims of racial dispositions or of political persecution during the former regime.

For a long time, the Government has been thinking about the necessary measures; and by the law-decree of Jan. 20th last, in agreement with the Allied Authorities, laws for the reintegration of the people who were persecuted in their estate rights for racial reasons have now materialized. On the suggestion of this Commission, this decree was nevertheless not published; it was to be enforced when the hostilities with Germany would end; and this because this Commission meant to avoid that the publication of this measure should determine reprisals from the Germans against the Jews who had remained in the Italian territory still occupied, or who were somehow under their domination.

On the contrary, it is to be noted that on July 14th last, was published in the "Giornale di Roma" the regional order n. 13 of July 13th, which constituted the Commission for the property of the persons persecuted for political and racial motives, which had to decide about the retrocession of the property which had been taken from the above mentioned persons by the former regime.

Now that the Allied Authorities have handed over the power to this Government, there is no reason why the dispositions contained in the law-decree of July 20th 1944 should not be enforced out of fear of reprisals, when the principle of the retrocession of the property taken from the Jews has already been admitted in the regional order cited and made known by publication. Therefore, in the present situation, the non-publication of the law-decree would have the sole effect of impeding the entire restoration of estate rights which has already been decided in the regional order.

By printing out to the newspapers the serious reasons against this being spread, we could also avoid that a useless press publicity should follow the publication of the measure in the "Gazzetta Ufficiale".

If the consideration of the preceding facts make it possible to revise the preceding agreement that the publication was not to take place, it might be necessary to take measures which are necessary for the

2089 250

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By pointing out to the newspapers the serious reasons against this being spread, we could also avoid that a useless press publicity should follow the publication of the measure in the "Gazzetta Ufficiale".

If the consideration of the preceding facts make it possible to revise the preceding agreement that the publication was not to take place, it might be possible to add some other measures which are accessory for the integral reintegration of the persons who were persecuted for racial reasons; these measures are already being prepared.

As for the persons who were persecuted for political motives, we note that on this subject there would be no legislation of a general character to abrogate, for the reintegration into the estate rights, as in the case of the Jews. These are isolated cases which are solved by the Government as they arise; for instance, we are preparing a measure for the restitution of the cooperative houses of such members as were deprived of them for political reasons.

I am waiting for your kind answer to my prayer, in order to avoid the justified demands of those whom this matter concerns.

I remain,

Yours sincerely
/s/ I. Bonomi

Trans. S.C.

HWS/hjp

A/CU 250

12 August 1944

My dear Mr. Prime Minister:

Frequent inquiry is being made of this Commission with respect to prospective legislation by Your Excellency's Government which will deal with the restoration of property or compensation therefor in cases where the fascists confiscated property or went through purely colorable and coerced sales at unfair prices to deprive persons of property because of their race or anti-fascist or anti-German political views or activities.

While I fully realize that any such legislation presents complications, growing out of further transfers of the same property in some instances, nevertheless, I regard it as highly desirable from every standpoint that such legislation be promulgated at a very early date. Such legislation, at this time, would be most fitting, coming as it would, at a time when your Government is showing its firm intention of ridding the country of fascism and the results of fascism.

Yours very truly,

ALLERY W. STONE
Captain, USNR
Acting Chief Commissioner

His Excellency Ivanoe Bonomi
The President of Council of Ministers
Italian Government

2079

cc: Administrative Section
(for Legal)

54 798
Hq ACC Sec'y Gen.
DISPATCHED
Date Time 12 Aug 1600
Via H3.
Initials WRR.

files A-13

48

EDS/hjp

Acting Chief Commissioner
Restoration of Property confiscated by
fascists on political and racial grounds.

Administrative Section, Hq ACC
(For: Legal Sub-Commission)

9 August 4

Please prepare letter for my signature.

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

1 Incl:
Ltr, Hq ACC Legal S/C
ACC/4034/7/L, 6 Aug 44

250

2078

SN 757

Hq ACC Sec'y Gen.
DISPATCHED
Date-Time 9 Aug 1944
Via <u>mail</u>
<u>WRR</u>

files H. C. Stone

48

C O P Y

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

6 August 1944.

ACC/4034/7/L.

SUBJECT: Restoration of Property confiscated by fascists on political and racial grounds.

TO : Acting Chief Commissioner, ACC.

1. For some time we have been pressing the Minister of Justice to have a decree law enacted which will deal with the restoration of property or compensation therefor in cases where the fascists confiscated property or went through proceedings only colorable to deprive persons of their property because of their race, or their anti-fascist, anti-german (partisans and patriots) political views. Such law would also set forth the procedure to be followed. The general question I am advised is under consideration by various Ministries so that when all their thoughts on this complicated question are collected a decree can be drafted and submitted to us for consideration. The Minister of Justice feels that action can be hastened by strong representation on your part to the President of the Council of Ministers.

2. Admittedly the matter has its complications, but politically here and abroad it seems to me advisable that such a decree law should be promulgated at an early date.

3. If you prefer to present the matter by letter rather than verbally please let me know and I will prepare a suggested form of letter for you to sign.

/s/ Richard H. Wilmer
/t/ RICHARD H. WILMER,
Colonel, CAC,
Acting Chief Legal Officer

2077

48

EWS/dfc

Acting Chief Commissioner

Incident at Piazza Farnese

A/CC 250.

21 August

Public Safety Sub-Commission
(thru: Administrative Section)

1. Reference attached letter dated 28 Aug 44 from H.E. Bonomi relative incident at "Piazza Farnese".
2. Forwarded for acknowledgment and necessary action.

DISPATCHED

1 Sept 1944

Mug.

OKP.

Stone. FILES

2076

790

47

0001-2
250.1

TRANSLATION

THE
PRESIDENT OF THE COUNCIL
OF MINISTERS

HQ ACC. APO 394
877 Sec'y Gen.
Rec'd 29 Aug 1944
By _____

Rome, 28 August 1944

Dear Admiral,

After what happened in Piazza Farnese, I sent to the Head of the public safety and to the Commando of the Carabinieri Corps the instructions contained in the enclosed note.

I wanted you to know.

Yours sincerely,

/s/ I. Bonomi

CAPTAIN ELLERY W. STONE
Chief Commissioner
Allied Control Commission

R o m e

Trans. E.C.

FILES A-B

2075

47

TRANSLATION

THE PRESIDENT OF THE COUNCIL
OF MINISTERS

TO THE GENERAL DIRECTION OF THE P.S. &
TO THE COMANDO OF THE CARABINIERI CORPS.

What happened in front of the 'fosse Ardentine' where some people tore part of the Italian flag, is a symptom of alarming lack of discipline and of dangerous seditiousness.

While the Communist Ministers Fogliatti and Gullo accompanied the Lieutenant of the Kingdom in his visit to the 'fosse Ardentine', thus ratifying the truce on which is based the political coalition which has now the power, a few fanatics tried to break the truce and to act violently.

A similar episode which took place in Piazza Farnese, during the recent popular manifestation, shows even more eloquently, that an intolerant group will not wait for the Italian people to express freely and in its own good time its judgement on the institutional form of the State, and will from now on impose by violence its own solution.

The Government, which is responsible guardian of the freedom of the country cannot but oppose these attempts to bully and to forestall its judgement.

Therefore, I draw the attention of Your Excellencies, so that should there be public demonstrations, they should be able to maintain order and discipline and to prevent any act against them.

Rome, 27 August 1944

2074

47

EWB/ajp

A/CC 091.112

26 August 1944

Dear General Vasiliev:

Following my letter A/CC 091.112 dated 12 August 1944, further investigations into this matter have been made. From these the following facts have been ascertained:

- a. The Agents of Pubblica Sicurezza who intercepted your officers in the streets were acting upon orders of their superior officers.
- b. The officer concerned was a young man with only a short experience in this work. The Chief of Police has taken disciplinary action against him and given orders to prevent a recurrence of these incidents.

As you no doubt appreciate it is necessary for a check of papers to be made in view of the number of enemy agents that have been discovered, and I feel that the differences in language contributed to the repeated questioning of your officials.

It is my opinion that the officer who was responsible for the order showed a lack of common sense, but I am satisfied that his actions were promoted entirely from an excess of zeal, lack of experience and not from any premeditated act against Allied personnel.

In the above circumstances I think you may be confident that there will be no recurrences of these incidents.

Yours sincerely,

ELLERY W. STONE
Captain, USMR
Acting Chief Commissioner

2073

Major General A. P. Vasiliev, R. A.,
Deputy Soviet Union Representative
on the Advisory Council for Italy.
Via Gasta 5,
Rome.

FILES A-B

c.c. Colonel Hainan.

Hq ACC	Sec'y Gen.
DISPATCHED	
Date	21 Aug 1944
Via	Col. Hainan.
Initials	WMA

HEADQUARTERS
ARMED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

Lih

3/31/AS.

25 Aug 44

SUBJECT : Mistreatment of Soviet Officials

TO : Acting Chief Commissioner.

- 1 The attached report which has been received in this office is forwarded in furtherance of my 3/31/AS dated 12 Aug 44, marked "A".
- 2 A draft letter addressed to Maj Gen A.F. VASILIEV, RA is also submitted for your approval and forwarding, marked "B"

2072

EXT 608
REC/gal

G.R. UNJOHN Col,
A/RT Admin Sec.

Copy to Public Safety

Office of the Secretary General

Mistreatment of Soviet Union Officials
by Italian Police.

misfiled
A/CC 091.112

Mr. John L. Goshie,
Secretary to the Advisory Council
for Italy.

15 August

4

1. Attached herewith copy of letter to Major-General A. F. Vasiliev, R. A., Deputy Soviet Union Representative on Advisory Council for Italy.

2. It is requested that this copy be delivered to General Vasiliev, in view of the fact that the original seems to have gone astray and was ~~not received by the General.~~ Thanks.

Hq ACC - Sec'y Gen.

DISPATCHED

4830
Date-Time 16 AUG 1944

Via *Capt. H. H. H.* 0900

Initials *47*

1 Incl-

Copy of ltr to Gen. Vasiliev.

ROBERT E. DOE
Major, A.G.D.
Secretary General

File H. H. H.
207

CONFIDENTIAL

EW/dfo

A/CC 091.112

12 August 1944

Subject: Mistreatment of Soviet Union Officials by Italian Police

To: Major-General A. F. Vasiliev, R.A.
Deputy Soviet Union Representative
on Advisory Council for Italy

1. I am most concerned by the facts set out in your letter dated 9 August 1944 under reference 33/08/44, and regret most sincerely that your officials should have been so inconvenienced by the Italian Police of this City.

2. I have ordered an investigation into these occurrences and will inform you of the result and the action taken as soon as the information is available.

3. The preliminary investigations last evening showed that the individuals concerned were not members of the Carabinieri but of some other police agency, which I will ensure is determined.

Yours very sincerely,

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

cc: Admin Sec.

50 810
Hq ACC Sec'y Gen.
DISPATCHED
Date Time 13 Aug 1100
Hq
DOK

CONFIDENTIAL

Files Hq 2070

46

Office of the Acting Chief Commissioner

Mistreatment of Soviet Union Officials
by Italian Police.

11 August 4

Colonel G. R. Upjohn

The Acting Chief Commissioner would be glad if you would:

- (1) draft a suitable reply for him to send to General VASILIEV, and
- (2) suggest what action should be taken on Para 2 sections I, II, and III.

Hq. A.C.C. - Sec'y Gen.

DISPATCHED

Date-Time 11 Aug 1110.

Via

Priority

1 Incl -

Ltr fr Gen Vasiliev.

J. A. QUAYLE,
Major,
PA to A/C.C.

2064

files H-10/707

250

785015

COPY

SOVIET REPRESENTATIVE
ALLIED ADVISORY COUNCIL FOR ITALY

Confidential

Rome, August 9, 1944.

To : Captain Ellary W. Stone, Acting Chief Commissioner,
Allied Control Commission.

Subject : Mistreatment of Soviet Union officials by
Italian police.

1) Your attention is called to the following facts:

a) Messrs. Boris NOVOGRODOV and M. SAVLUDOV, the former Attaché of the Soviet Union Delegation to the Advisory Council for Italy and the latter on the clerical staff of the same delegation, on the 8th of August at 14:20 hours were walking toward Piazza Barberini and were stopped by several Italian Carabinieri, one of the group was an Italian plain clothes police man. The Italian policemen without requesting the Soviet officials to show identification papers tried to conduct them to a police office. The Soviet officials refused to go with the Italian police stating that they were members of an official mission stationed in Rome and in support of their statement showed their passports. After they had showed their passports the Soviet officials continued on their walk.

b) When the Soviet officials reached Piazza Barberini they were stopped for the second time by two Carabinieri, one of them of the group who had stopped them earlier. This time the Italians attempted to forcefully conduct the Soviet officials to a police station and menaced them with a gun. The Soviet officials appealed to an American officer who happened to pass by and showed him their passports. The American officer explained the situation to the Italians but notwithstanding this explanation the Soviet officials were followed by one of the Italian Carabinieri after they walked away from Piazza Barberini.

c) On the way home to the Russian Embassy, Via
Casta 5, the Soviet officials were stopped again this

time

COPY

files 11/7/44

46

time by three Carabinieri who again tried to peacefully conduct them to a police office. The Soviet officials invited the Carabinieri to come to the Russian Embassy to clarify the situation. The incident was reported to the first secretary of the Russian Embassy, who asked the Carabinieri (Testa Verde Ignazio, La Gatta Piamano, Formigoni Carlo of the 2nd company of Guardia di Sicurezza) for an explanation of their behaviour. The Carabinieri replied that they were told by the Italian plain clothes man that the Soviet officials were German spies and he ordered the Carabinieri to follow them.

2) Notwithstanding the fact that the Italian policemen were shown at once by Messers. Novgorodov and Pavlukov their identity papers, the Italian police continued to molest them, and by force of arms to try to detain the officials of the Soviet Delegation to the Advisory Council for Italy. The Soviet Delegation to the Council considers the attitude and actions of the Italian police to be equivalent to an act of fascist provocation towards the representatives of the Soviet Union to the Advisory Council. And that is what I venture to ask you.

(I) to order a strict investigation into the circumstances of this manifestly criminal fascist action on the part of the Italian police;

(II) to ensure that the guilty are punished for their act of fascist provocation, after being put to trial;

(III) to take steps to prevent any repetition of such a manifest act of fascist provocation on the part of the Italian police in the future towards the Soviet officials assigned to the Advisory Council for Italy.

Yours very sincerely,

A.F. VASILIEV
Major General, R.A.
Deputy Soviet Union Representative
on the Advisory Council for Italy.

Ref. 33/08/44

2067

4/6

EWS/hjp

Acting Chief Commissioner

Col. Upjohn, Acting Head, Administrative Section 18 Aug 4

The decree referred to in the draft decree, which I gave you yesterday, is attached hereto and was intended to be adopted simultaneously with the other.

Can you advise if the attached decree has been discussed with you? If not, it should also be reviewed. May I have a report from you as quickly as possible, please.

ELMER W. STONE
Captain, USNR
Acting Chief Commissioner

5-2760

Hq ACC - Sec'y Gen.
DISPATCHED
Date - Time 18 Aug 1945
Via Regt
Initials DHR

250

Files H(13) 2086 45

785015

DRAFT
TRANSLATION

UMBERTO DI SAVOIA
Prince of Piedmont,
Lieutenant-General of the Realm

HQ ACC. APO 394
Sec'y Gen.
Rec'd 18 Aug 1945
By DRR

By virtue of the authority delegated to Us;
In view of the decree-law of the Lieutenantcy of the realm 25 June 1944,
No. 151, concerning the Assembly for the new constitution of the State, the oath
of the members of the Government and the power of the Government to issue
judicial procedures;

In view of Royal Decree-law 30 October 1943, No. 2/B, concerning the
suspension of the procedures relative to the issuance, promulgation, registration
and publication of the Royal decrees and other provisions;

In view of Royal Decree-law 29 May 1944, No. 141, which establishes at
the seat of the Government a Special Control Section of the Court of Accounts;
It being considered necessary, under the present circumstances, to
discipline the management of private enterprises involving public services or
which engage in activities recognized to be of general interest;

In view of the deliberations of the Council of Ministers;
Upon the proposal of the President of the Council of Ministers, Prime
Minister Secretary of State, in collaboration with the Ministers for Grace and
Justice, for Public Works, for Communications and for Industry, Commerce and
Labor;

WE HAVE SANCTIONED AND DO PROMULGATE WHAT FOLLOWS:

Art. 1

Power is given to the governing authority to entrust to a Commissioner
the administration of private enterprises which involve the public services or
which engage in an activity recognized to be of general interest when one of the
following conditions apply:

- 1) that because of the dispersion of their management personnel or
directors, caused by present circumstances, they find it impossible to function;
- 2) that they have, for any reason whatever, suspended their activity or
have reduced it in such a way as to prejudice that full cooperation of private
enterprise on which the State must count;
- 3) that because of previous fascists among their management or directors
and because of their work of illegal speculation connected with their
political activity, they do not give a guarantee of serving efficaciously in
the urgent tasks of national reconstruction.

Art. 2

The Commissioner provided for by the preceding article is appointed by
decree of the President of the Council of Ministers, with the countersignature of the
competent minister; in the decree of appointment is fixed the duration of the
management, which will not continue beyond six months from the cessation of the
State of War.

The decree is published in the Official Gazette of the Realm and a copy filed with the chancellery of the court in whose jurisdiction the chief establishment and head offices of the concern lie. When it is a question of concerns not formed into corporations, and whose premises contain immovable goods, the decree of appointment of the Commissioner is transcribed, in his care, with the competent receivership office.

Art. 3

In the case provided for by the number 2 of the first sentence of article 1, the appointment of the Commissioner can be made only after the concerns therein provided for are unreliable for rejuvenating their activity under the provisional supervision of an overseer and have not improved upon their reliability in the allotted time.

Art. 4

The governing Commissioner assumes the representation of the establishment and the management and, when it is a question of commercial corporations, taken the place of the usual organs of administration. The provisions of articles 2636 and following of the civil code apply to him.

The administration of the Commissioner is subject to the supervision of the Minister designated in the appointment decree. This can confirm the overseers already at their posts or else replace them in whole or in part.

The Commissioner cannot carry out acts exceeding the ordinary administration except in case of proven necessity and previous authorization of the Minister indicated in the preceding paragraph.

In cases in which it is necessary to proceed to the execution of the concerns provided for by the present decree, the criteria of title 2 of the legislative decree of the lieutenancy of the realm 27 July 1944 No. 159, for the sanctions against fascism, are applicable by analogy.

Art. 5

The Commissioner takes possession of the goods comprising the concern, being provided with a note of inventory made out with the intervention of the manager of the concern or of one of his representatives.

If there is no manager of the concern or his representative, the inventory is made out by a notary, in the presence of two witnesses.

In the case of discussion between the manager of the concern and the governing Commissioner about the goods which constitute the establishment, the Minister of whom to the preceding article decides, except for the action of the interested party at the competent location.

The decision of the Minister is preceded by the opinion of a commission established with the Presidency of the Council of Ministers and composed of two Counsellors of State, of whom one is the president, by a magistrate not inferior in grade to the fifth and by two members designated one by the Minister for public works and the other by the Minister for Industry, Commerce, and Labor.

Art. 6

If the hypothesis of No. 3 of the first paragraph of article 1

applies, there can be appointed, in less serious cases, an overseer in the ways prescribed by article 2.

The overseer has the right to control the activity of the concern, to examine the books, acts, and correspondence, and to proceed to any kind of ascertainment.

The overseer exercises his activities under the supervision of the Minister designated in the appointing decree.

The appointing decree is published in the Official Gazette of the Realm and a copy filed with the chancery of the court under whose jurisdiction the main office of the concern comes.

For the duration of the powers of the overseer the first paragraph of article 2 apply.

Art. 7

The Commissioners of films provided for by article 1, which, at the act of the entrance into force of the present decree, are already functioning, are subjected to the provisions which regulate the commissary administration within the meaning of the present decree.

Art. 3

Power is given to the Government to issue the complementary procedures and integrating procedures of the present decree.

The present decree comes into force the day of its publication in the Official Gazette of the Realm, special series.

We order whoever it may concern, to observe the present decree and to have it observed as a law of the State.

Given at

Draft Translation - Sgt Shenfield/luc

2061

(3)

45

WJH/ha

A/CG 250

14 August 1944

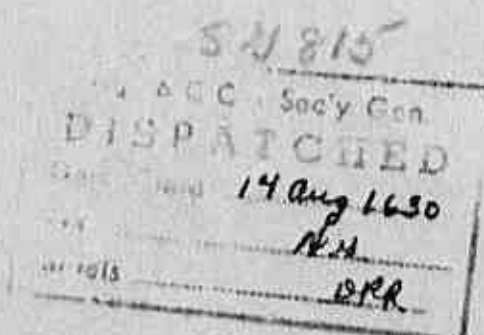
My dear Mr. De Nicola:

Information has been received this date to the effect that
the release of Miss Francesca Sennell has been authorized.

Very truly yours,

NELSON V. MEYER
Colonel, AIB

S.E. De Nicola
Corso Umberto 36
Naples



Files HX 700
2062

3 AUGUST 1946

fw

Colonel Konfort:

I have had this case investigated and following is the story:

- a) Your memo of 6 June to CC was passed to Brig Lush by the CC on June AM with note, "Please have Public Safety look into this"
- b) Copy of memo 6 June sent to Security Branch by Civil Affairs Branch on Brig Lush's instructions for investigation and early reply on 11 June. No trace of written reply
- c) Truax letter sent by CA to Security on 24 July. No written reply. Apparently oral reply was made to Major Stewart-Peakes, of which he made note, and on which his letter 317/189/CA of 27 July is based.

I understand that Germans are interned at 371 PW Camp. Paragraph 2 is interpreted as meaning that the Security Branch have asked for her release in view of your letter to Chief Commissioner.

R.E.D.

10 Aug.

Maj. Peakes:
Anything further on this?

R.E.D.

To Major Doe,

Herewith copy of letter received from Security Br. to the effect that release has been authorized for this lady. I do not know whether in fact she has been released yet.

*J. Stewart Peakes Maj.
RC + 115 Section*

2061

JAM/ab

HEADQUARTERS
ALLIED CONTROL COMMISSION
SECURITY BRANCH
APO 394

Ref : SR/140/1/1340

1 August 1944

SUBJECT : SCHNEI Francesca

TO : CA Branch

1. Reference your 314/108/CA of 11 June and subsequent correspondence.
2. We have now been informed by G.S.I. (b) that the release of the above named woman from 371 P.W. Camp has been authorized by W. 3 District.

FOR THE DIRECTOR :

JOHN A. MCKAY.
Major,
Security Branch.

HEADQUARTERS
ALLIED CONTROL COMMISSION
H.Q. & H.B. Section
APO 394

Phone :
476695

Ref/314/109/CA

27 July 1944

SUBJECT : SCHMITZ, Francesco.

TO : Col. Nelson W. Montfort, AUS

1. With reference to your letter of the 6th June 1944, addressed to the Chief Commissioner, this case has been investigated.
2. This lady is now at 271 PW Camp. Security Branch have however asked that priority be given to this case and that be reviewed in light of your letter.

NORMAN E. FISKE,
Colonel,
Deputy Executive Commissioner.

2059

43

MEMORANDUM :

TO : Chief Commissioner.
SUBJECT : SCHNELL Francesca.

6th June 1944

1. This woman is a German subject, aged 60, who has lived 36 years in Italy, 14 of which she spent in the home of S.M. De Nicola, Corso Umberto 36, Naples, employed as De Nicola's housekeeper.
2. De Nicola tells me that when the Allied Forces arrived in Naples some eight months ago he personally went to the Questura to tell them that he had this German subject in his home and suggested that she be sent off to some small hotel in the country where she would be safe.
3. He was subsequently advised by the Questura that the American Security officials had recommended that she remain in his home. Since that day eight months ago she has never left his house night or day.
4. Yesterday British Security Police came to his home and removed Miss Schnell to a detention camp at Padula.
5. De Nicola says that if there is any good reason why the woman should be removed to a detention camp at this time he would be the first to agree. He is convinced, however, that she is violently anti-Nazi and absolutely harmless. He feels that her removal is due to a change of security command and wishes you to know that according to his views action such as this is a political error.
6. De Nicola asked me to ignore his personal interest in this case and bring it to your attention from the broader political aspect. He did not ask for you to intercede personally but I am sure he would be very grateful if you would.

NELSON W. MONROE,
Colonel, AUS.

File (B)

2058

43

AMS/hjp

26 July 1944

Dear Brigadier Dunlop:

This will introduce General Mario Infante, now retired but formerly of the Italian Air Force. He is an old personal friend of mine whom I have known for the past eleven years. He is completely reliable and trustworthy, and a gentleman of the highest integrity.

He has brought me some grave reports of lawlessness in the Commune of Marino in your Region. I should be grateful if you would hear his story and take the necessary action at once through your Public Safety officer and the appropriate Italian authorities.

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

Brigadier Dunlop
Region IV, AMO

2057

File 47(B)

42

250.1—

785015

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. SECTION
APO 394

HQ APO 394
121 Secy Gen.
Rec'd 10 July 1945
By *[Signature]*

Ref/388/46/DA

19 July 1944

SUBJECT: Discipline.

TO : Hq. No. 3 District.

1. Your letter 146/4 A of 3 July 1944 is acknowledged.
2. It is noted that there is a discrepancy between the statements by Dr. Dandona and Cpl. Hue as to the number of cigarettes found. Dr. Dandona says "about a dozen" whereas Cpl. Hue says "800".
3. Since this case was first raised a more serious case has arisen concerning another Ministry namely Minister Pietro Mancini. For your perusal there is attached a copy of a letter from the Royal Ministry of Foreign Affairs dated 5 July 1944. It is stated in the letter that "the Corporal of the M.P. struck repeatedly young Mancini and Signer Male with the butt of his pistol".
4. It is requested that an investigation be made into the matter and this Headquarters informed of the result so that a reply may be made to the letter.
5. In spite of the incident of Dr. Dandona, however, it is considered that Ministers of the Italian Government should not normally be the subjects of search, but that a special pass should be issued to them instead. This matter was discussed at a meeting at this Headquarters today at which a representative of G.A.I. (b) Hq. A.A.I. was present and it was decided to issue a special pass to Italian Ministers and certain other important Italian persons. This pass would state who they were, give them permission to travel anywhere south of the Army Control line and ask that every facility and courtesy should be extended to them. This would not entitle them to immunity from search, but they should not normally be stopped and searched unless there is reason to suspect any irregularity. Special instructions on this subject will shortly be issued.

[Signature]
NORMAN E. FISKE
Colonel
Deputy Executive
Commissioner

Copy to:

Acting Chief Commissioner (Your A/CC 014.13 of 8 July refers)

TUPPING + MANCINI

41

EWB/hjp

A/CC 014.13

8 July 1944

9 JUL 1944

Dear Dr. Prunas:

This is to acknowledge receipt of your letter No. 5428 of 5 July 1944, with respect to the unfortunate and regrettable incident that took place in connection with the searching of Minister Pietro Mancini's car by the Military Police on June 22nd.

I requested that a complete and careful investigation be made of this matter and hope to have information for a complete reply to you in the near future. This incident is very much regretted.

Yours very truly,

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

His Excellency Dr. Renato Prunas
Ministry of Foreign Affairs
Italian Government

MANCINI

2085 F

241 25

HEADQUARTERS
ALLIED CONTROL COMMISSION
Office of the Acting Chief Commissioner
APO 394

LBD/hjp

10 JUL 1944
8 July 1944

A/CC CLA.13

SUBJECT: Searching of Italian Ministers by Military Police
TO : Executive Commissioner, Hq ACC

1. References:

a. File of nine pages relative to the case of Minister of Justice Tuppino.

b. Copy of letter N. 5428 dated 5 July from Minister Prunas to the Acting Chief Commissioner relative to the searching of Minister Pietro Mancini's car and the striking of young Mancini and a Signor Mele.

2. Relative to the Tuppino case, at page 5 of the attached file, the Acting Chief Commissioner requested "that the strongest representations be made to the Military authorities". Reply of Dep Exec Comm at page 9 does not indicate whether or not this was done.

3. There appears to be a great discrepancy in the statements made by Dr. Dondona (page 1) and Cpl Hue (page 7) as to the number of cigarettes found. Dr. Dondona says "about a dozen" whereas Cpl Hue reports "600".

4. The file does not indicate that question asked by 3 District (page 8) has been answered.

5. The case of Minister Mancini is much more serious. Here it is stated, "the corporal of the M.P. struck repeatedly Young Mancini and Signor Mele with the butt of his pistol".

6. The Acting Chief Commissioner requests that an investigation be caused to be made in this matter and that the request be presented at a high military level and that information be provided upon which a reply to reference 1. b can be based.

For the Acting Chief Commissioner:

MANCINI + TUPPINO

L. D. DEFORD
Colonel, Sig C
Chief Staff Officer

2054
NF

44

C O P Y

ROYAL MINISTRY OF FOREIGN AFFAIRS

Salerno, 5 July 1944

No. 5428

Dear Admiral,

I have been asked to report to you the following regrettable incident which took place on June 22 at the check-post of Pompei. On that day, and precisely at 12.45, Minister Pietro Mancini's car was stopped by the M.P. on duty and the Minister, his wife, his son and their friend Signor Gaetano Mele, were peremptorily ordered out of the car. Notwithstanding that the Minister produced his identification card, he was searched and then ordered to take down his travelling bags from the top of the car. Having complied, they were opened and having found in them a few packets of American cigarettes which were presented in Rome by Allied officers to His Excellency Mancini's son and to signor Mele, the corporal of the M.P. struck repeatedly young Mancini and signor Mele with the butt of his pistol; he then emptied the contents of the bags on the road kicking them about. After which, the M.P. allowed the party to proceed on their way.

Signor Mancini was naturally very much surprised and pained at the treatment he was submitted to, all the more so as he was that very day returning from Rome where he had been to fetch his son and friend who, during these trying months, had been actively taking part in the underground activities of the patriots' movement.

I know it is needless for me to stress with you how very unfortunate similar occurrences are. I feel sure you will with your usual helpful understanding, cause the matter to be investigated and the necessary instructions to be given in order to avoid their repetition. I am also wondering whether it would not be possible to furnish Cabinet Ministers a special identification card issued by the A.C.C. I should be most grateful if you would take into consideration this suggestion, letting me know in due course your decision in the matter.

Thanking you in advance for your kind interest, I remain,

Very sincerely yours,

/s/ R. Prunas

Rear Admiral
Ellery W. Stone, U.S.N.,
Acting Chief Commissioner,
Allied Control Commission.
NAPLES.

MANCINI

2053

41

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.O. SECTION
APO 394

Ref/388/24/CA

5 July 1944

SUBJECT: Searching of Minister of Justice by Military Police.

TO : Acting Chief Commissioner.

Reference your A/CC 014.13 of 30 June 44 there is forwarded to you copy letter from No. 3 District addressed to this Hq. dated 3 July 44 with copy RAF Military Police report attached.

J. Stewart Reakes, Major
for
NORMAN E. FISKE
Colonel
Deputy Executive
Commissioner

TUPINI

2052

241

Subject: Discipline

HQ Allied Control Commission
RC & MG Section

3 District
Tel Ext 18
146/4A

3 July 44.

A AAI
214 Op HAF

Ref your 388/18/CA dated 28 Jun 44.

1. The attached report from the RAF Military Police who stopped the Minister's car is forwarded.
2. Ref para 4 of your letter, as 800 American and British cigarettes were found in the luggage do you still consider special passes should be issued exempting "High Italian Officials" and their families or friends from these snap checks for contraband?

HBT/MH.

Maj. Gen.
Comd

TUPPINS

2057

341

COPY

Officer i/c
Mobile Check Post.
No. 3 District.

Sir, I have to report that at about 0900 hrs. 22 June 44. I was on duty in company with Cpl. Nott, E.R.A.F. Police on the Scafati - Salerno Road, when in the course of our duty we had occasion to stop a civilian car containing three men and a lady.

Inside the car were several suitcases, and the driver seemed very reluctant over allowing them to be examined, stating that one of the passengers was a Minister of the Italian Government and that neither he nor any of his passengers were in possession of contraband or any Allied property. However on examination of the cases by Cpl Nott and myself we found that one of them contained about 800 American and British cigarettes, concealed underneath garments of clothing.

Each passenger was questioned in turn but none would accept ownership, they were accordingly confiscated.

During the examination of the vehicle the utmost respect and consideration was shown by Cpl Nott and myself towards the persons concerned. The attitude towards us however was not becoming, and they doubted our authority although we were correctly dressed in duty order and wearing arm-bands.

Field
24 June 44

(Sgd) T. M. Hue Cpl
919362
R.A.F. Police

Sir,

I have read over the above report and corroborate.

Field
24 June 44.

(Sgd) E Nott. Cpl.
905128
R.A.F. Police

2050

341

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.O. SECTION
APO 394

Ref/388/CA/20

2 July 1944

SUBJECT: Searching of Minister of Justice by Military Police.

TO : Actg. Chief Commissioner.

1. Reference your ACC/014.13 of 30 June 44 this matter was taken up with 3 District by phone on 22 June. Legal Sub-Commission were also asked to forward a report on the matter.

2. The report was forwarded by this Branch to No. 3 District copy of letter attached.

3. The result of the enquiry by No. 3 District is still awaited.

J. S. Henkes, Maj
for
NORMAN E. FISKE
Colonel
Deputy Executive
Commissioner

JSR/JR

TUPIND

2019

741

Office of the Acting Chief Commissioner

Searching of Minister of Justice
by Military Police

A/CC 014.13

30 June 1944

R.C. & M.G. Section, HQ ACC

1. Reference is made to attached,
 - a. Ltr, Admin Sec HQ ACC, ACC/4018/L, dated 27 Jun 44.
 - b. Ltr, Legal Sub-Com, HQ ACC, ACC/4018/L, 27 Jun 44.
 - c. Ltr, Ministry of Justice, dated 22 Jun 44 (translation).
2. The Acting Chief Commissioner requests that the strongest representations be made to the Military authorities requesting that appropriate instructions be issued to prevent future occurrences of this nature.

For the Acting Chief Commissioner,

L. D. DENSMORE
Colonel, sig C
PA to A/CC

cc, Admin Section

TUBIND

2048

741

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. SECTION
APO 394

Ref/288/18/CA

28 June 1944

SUBJECT: Searching of Minister of Justice by Military Police.
TO : No. 3 District.

1. Reference is made to telephone conversation by Major Reakes with your "A" Branch on the 22nd June 1944.
2. For your use is sent copy report by the Minister of Justice H.E. Tuppino setting out the facts of the case.
3. It is understood that the Minister's car bore the official markings and that both he and his Secretary were in possession of regular passes and identification papers.
4. It is suggested that instructions be given to the Military Police to use particular care when dealing with high Italian officials. It may be that you consider the need for the issue of special form of pass to high Italian officials.
5. May this Hq. be informed of the result of your enquiry in the incident.

NORMAN E. FISKE
Colonel
Deputy Executive
Commissioner

Copy to:

Legal Sub-Comm. (Your 4018/L of 27 June refers)
Public Safety Sub-Commission.

2047

TUPPINO

41

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

ACC/4018/L

SUBJECT: Searching of Minister of Justice by Military Police.

TO : Acting Chief Commissioner.

- 1 The attached reports are forwarded for your information.
- 2 The suggestions by the Chief Legal Officer, contained in para 4 of his letter addressed to you are strongly endorsed. It is considered that Ministers should be excluded from searches of this kind and should be free to use all highways.

(sgd) R. R. CRIPPS, Col.
for
STARGATE,
VP Adm Sec.
(Sgd in absence on duty)

TUPINVO

2046

41

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

27 June 1944.

REFERENCE : ACC/4018/L.

SUBJECT : Searching of Minister of Justice by Military Police.

TO : Acting Chief Commissioner (thru V.P. Admin Sec).

1. Attached for your information is a report from the Minister of Justice, His Excellency Tuppino, concerning the searching of his own and his secretary's person as well as his car and official documents and private papers by members of the Allied Military Police on 22 June.

2. On learning of this incident on the afternoon of the same day, I telephoned to the H.C. & M.G. Section at ACC HQ., asking them to take the matter up immediately with No. 3 District. The result of the enquiry is awaited.

3. I understand that the Minister's car bore the official markings and that both he and his Secretary were in possession of regular passes and identification papers.

4. It is suggested that as any repetition of such incidents would be likely to have most unfortunate repercussions at a high level, instructions be given with all due speed to the Military Police to use particular care when dealing with high Italian officials, and that furthermore some form of special pass be established for such persons which will entitle them to free passage and exemption from such formalities.

/s/ Gerald R. Upjohn
GERALD R. UPJOHN.
Colonel,
Chief Legal Officer.

Encl: 1 copy report.

Copy to: Public Safety Sub-Commission.

TOP SECRET
2045
241

TRANSLATION

Rome 22.6.44

Ministry of Pardon and Justice.

To the Allied Control Subcommission.

SUBJECT: Report on incident involving His Excellency the Minister.

On 22 June 44 at about 8 or 8.15 A.M. the car of His Excellency Tupini, Minister of Justice, was stopped at the police block in the outskirts of Pompei on the Naples autostrada. His Excellency was travelling from Salerno to Naples on official business for the purpose of attending a meeting with the other Ministers of the Cabinet of S.A.R. il Luogotenente del Regno.

In spite of the fact that the status of His Excellency appeared on the paper fixed to the wind-screen of the car and in spite of the fact that this status was declared orally and set out in his personal papers, the soldiers of the Allied Military Police having stopped the car proceeded to search everything in it, and even searched the person of H.E. Tupini, of his private Secretary Dr. Dondona and the driver. In the process of this search about a dozen "Old Gold" cigarettes were confiscated from Dr. Dondona, which he had in his pocket and also an empty petrol tin kept in the luggage "boot". The official papers and the private correspondence of the Minister and of those who were with him were examined.

Only after strong remonstrances and having stopped the car for about a quarter of an hour did the soldiers of the Allied police allow His Excellency the Minister to proceed to Naples.

For your information and such action as may be fit.

Obediently

Dr. Dondona

Private Secretary to H.E. the Minister
for Pardon and Justice.

Tupini

2044

41

HEADQUARTERS
ALLIED CONTROL COMMISSION
Office of the Acting Chief Commissioner
APO 394

LDD/hjp

A/CC 250

4 July 1944

MEMORANDUM:

DSH:433
4 JUL 1944

TO: Executive Commissioner, Hq ACC

1. Reference to attached memo of 29 June from the Deputy Executive Commissioner, relative to release to the press of names of people arrested by AMG.

2. The Acting Chief Commissioner suggests that a letter along the following lines under signature of the Executive Commissioner be sent to the Regional Commissioner, Rome Region:

"1. The list of names of people arrested by the Allied Military Government released for the press on 27 June was, as you know, in part erroneous in that it included the names of five generals who had not been arrested.

"2. A correction was published on the following day, 28 June, but meanwhile such embarrassment was caused to those whose names appeared in the list by mistake, especially to General Corten who felt it was a deliberate attempt to discredit him.

"3. Executive Memorandum No. 47 which calls for reference to the Public Relations Branch on such matters was drawn up to avoid unfortunate incidents like this.

"4. Would you please check into the matter of procedure that is being followed and ensure that everything is done to avoid a recurrence."

3. Will you please handle this matter.

For the Acting Chief Commissioner:

1 Encl:
Ltr, Adv Hq ACC, from Dep
Ex O, 29 June 1944

L. D. JENNISON
Colonel, Sig C
Chief Staff Officer

20.

40

C O P Y

HEADQUARTERS
(Adv.)
ALLIED CONTROL COMMISSION
APO 394

29 June 1944

Memo:

DSB 1579
4 JUL 1944

To : Chief Commissioner, Allied Control Commission

1. A very unfortunate situation has arisen due to the fact that Rome Region released to the press a list of names of people who had been arrested by the Allied Military Government. This list included the names of five generals who in fact have not been arrested, among them General Cerica who had been appointed by Marshal Badoglio as head of the Carabinieri.

2. I have released a retraction to the press and have asked Rome Region to explain inclusion of these men. General Cerica feels that it was a deliberate attempt to discredit him vis-a-vis Plesce in order to be sure that the latter supersede him when the Italian Government moves to Rome.

3. The release of these names was made without reference to the Public Relations Branch, in violation of Executive Memorandum No. 47.

/s/ Norman E. Fiske
/t/ NORMAN E. FISKE
Colonel

Deputy Executive Commissioner

Encl. 1 clipping

2042

4024

Subject: Discipline

HQ Allied Control Commission.
Officer of Chief Commissioner.
APO 394

3 District.
Ext 1B
Urb/2A

10 Aug 44.

Ref your signal MR 3 310 of 8 Aug 44 and this HQ signal
a709 of to-day.

Attached is a copy of a reply sent on 26 July 44.

HBT/AFR

1243 Gen
Comd

250

filed
2041

39

CONFIDENTIAL

HQ Allied Control Commission
RC and Mg Sec. APO 394

3 District
Tel Ext 18
L6/2A
26 Jul 44

Legal Subcommittee HQ ACC
JAG
PRO

Ref your A/ce250 of 1 Jul and this HQ reply of 4 July and
ref your 166/78/CA of 18 Jul 44.

1. Attached herewith is a copy of a report by SIB on this complaint. It is the only copy available at this HQ. May it please be returned after perusal.
2. A summary of evidence is being taken against Sjt HONEYBALL who, it will be observed, is not a GIB but only a regimental policeman.
3. After taking the summary of evidence very careful consideration will be given whether it is possible to try Sjt Honeyball by POCM for rape. It will be observed that the evidence of DOMARUMMO, Felicia is not very well corroborated, if at all.
4. However, from careful consideration of the SIB report, this HQ is of opinion that the complaint of this woman may well be justified even if sufficient evidence to convict the Sjt is not obtainable.

HET/HH

Maj Gen
Comd

Files *4412/20*
207800

34

CONFIDENTIAL

2747

ACC HOME

HQ ACC, APO 394
530 Sec'y Gen.
Rec'd 1545 10/8
By 44

37/10

DISTREE

CONFIDENTIAL

A 709

NONE

AUG 100930

NONE

Case of Sonnarumma Felix

YOUR NR 4-910 OF 08. REPLY SENT HQ ACC ON 26 JULY. COPY BEING DESPATCHED TO YOU

HEADQUARTERS
10 AUG 1944
A. C. C.

56 250.

11 Aug 44
This matter is settled. The
handled by Legal Sub. Com.
& R.C. & M.G. Section. See
Legal 541 File 4083/23/4.
11 C.A.B.
11 Legal. 11

ACC DIST

ACTION INFO SECY GEN (2) FILE

4083/23/4

31 July. 44.

CONFIDENTIAL

Files 2089
39

AUG 101445

CONFIDENTIAL

DISTHREE

ACC HQ

S-310

AUG 08

CONFIDENTIAL

PRICHTY

ACTING CHIEF COMM

WOULD APPRECIATE REPLY FAREN TO GOC NUMBER THREE DISTRICT FROM ACC HQ ^{SIGNED} FROM STONE
FAREN TO MY LETTERS ONE JULY AND ONE AUGUST CONCERNING MP NCO AT NOLA

Contents & Classification authenticated by:

ROBERT E. DOE
Major, A.O.D.
Secretary General

54-742

Hq ACC Sec'y Gen.
DISPATCHED
Date-Time 2 Aug 1968
VIA maps & Sig
ARR

File A442038
791

ENS/dfe

A/CC 250.

1 August 1944

Subject: Complaint Against Military Police NCO at Nola

To: Major General A. L. Collier, CBE, DSO
G.O.C. No. 3 District

With reference to my letter of 1 July, file and subject as above, and your reply of 4 July, file 146/2A, no further information has yet reached me in this matter. I would appreciate knowing the results of your investigation as soon as possible.

MILERY W. STONE
Captain, USNR
Acting Chief Commissioner

250
146/2A

Files A & B
2037
39

EWS/dfe

756 412
1 JUL 1944

A/CO 250.

1 July 1944

subject: Complaint against Military Police HQ at Nola

To: Major-General A. L. Collier, CBE, DSO
G.O.C., No. 3 District

1. Reference is made to the attached copy of a letter from one Donnarummo Felicia.

2. I realize that the allegations made may be groundless, but in view of the possibility of there being some truth in them, I think it right to bring the letter to your notice.

3. Since the writer has also addressed herself to the Ministry of Justice and to the Ministry of the Interior, I shall doubtless soon be receiving inquiries from these Ministries.

4. I should therefore be grateful for any information you may be able to give me as a result of your inquiries, which will enable me in due course to make a suitable and just reply.

ELLEN W. STONE
Captain, USNR
Acting Chief Commissioner

1 Incl. - Ltr fr Donnarummo
Felicia, 22 Jun 44

NF
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785015

No. 1 22 June 1944

143

TO: General MacFarlane Chief of the ACC, Salerno
His Excellency, the Minister of Grace and Justice
His Excellency, the Minister of Interior

District 3?
In view of possibility
I shall probably be asked.

The present letter is not intended to be a report or complaint, but it represents a particular situation in which I find myself through no fault of my own.

In order not to tire you with useless procrastinations, I will come to the point immediately with the hope of receiving your benevolent consideration.

Here are the facts in their absolute objectivity:

On Monday, June 12, 1944 my fiance was arrested by the Nola English Regimental Police because a pistol was found in his furnished rented room. Taking into consideration the fine conduct always observed by my fiance and in a spirit of affection, I took the trouble to see that he be set free from the competent judging Organ upon payment of a bond.

On the following Thursday, June 15, 1944, accompanied by a certain Nunziatina I went to Mariglianese to see the American major in regard to establishing the amount of the offered bond. Having heard my story, he made me wait for some time and thereupon suggested that I return to him as he had to summon the Town Major concerning the matter.

I returned in the afternoon with no decision being reached because of the hostile attitude of the above mentioned officer toward me.

However, on the following Saturday, June 17th, there came to my house located in ~~at~~ Vico Principessa Margherita in Nola, the sergeant of the Regimental Police, the man ~~xxxxxx~~ who arrested my fiance. He asked me for a glass of wine and made some advances toward me. At first he was reticent, but he became bolder and bolder with his proffers of love, warning me that in case his advances were accepted, ~~xxxxxx~~ he would take the trouble to facilitate the release of my fiance.

I refused sharply and made him understand that I intended to meet my fiance's situation with the payment of a bond. The sergeant accepted the proposal and asked for the sum of six thousand lire which I paid him, placing my small, modest capital in his hands.

The discussion was carried on more with gestures than with words due to the fact I knew not one word of the English language and the non-commissioned officer ^{did} not understand the Italian language.

After receiving the money, my visitor continued with his previous demands up to the point where I was forced to shout out to make him stop. My mother came in and tried to convince him of my good morals. The latter becoming angry with the unwelcome intervention drove my mother from the room causing her to fall outside the door. Upon the arrival of the neighbors attracted by the heated discussion and the appeals of my brother who asked the sergeant to leave me in peace, the non-commissioned officer extracted his army pistol and fired a shot, probably to intimidate those present.

With the shot all of them took to flight and I remained alone deprived of any assistance whereupon the sergeant seized me. I tried to free myself, but becoming exhausted I fainted away.

After some length of time which I cannot ascertain due to my mental conditions, I found myself ~~xxxxxx~~ lying on the floor without a dress, my panties torn at the front and at the rear and my slip covered with a moist substance, the origin of which you can easily understand.

Standing nearby, the ~~xxxxxx~~ sergeant was sprinkling water upon my face in order to revive me.

2035

3980

-2-

After a short time, there entered a soldier of the regimental police who was sent by my sister and he criticized the action of his superior. The latter recalled the soldier and a long discussion in English took place which I was not able to understand. The discussion ended with the two on friendly terms.

Upon my complaints and remonstrances the sergeant became indignant and rather than feeling penitent for his action placed me under arrest and asked me to follow him to the regimental police command. Upon arrival there, under threats by weapon and with blows, they forced me to make untrue statements. Among those which I can recall is that they forced me to state that I had given the money as graft. My poor memory cannot recall other accusations. I did want to sign my signature, but the threats, my physical wounds, my moral collapse and the continued blows ~~and~~ forced me to obey their unjust and provoking demands. This martyrdom lasted all night and only on the morning of the following day, I was led to the carabinieri barracks of Nola. I was told not to talk to anyone and that I was to be transferred to some distant prison.

On the following Wednesday, June 21st, I learned that I had been denounced for bribery and on the 22nd, the case was heard at the Summary Court in Nola. The results which have eventually mortified my chastity and broken my heart were concluded in my disfavor. The judge remained convinced of my guilt notwithstanding the purpose for which the sum of money was given and notwithstanding the fact that my defense had demonstrated to the Judge the abuse inflicted upon me as was evidenced by the torn panties and dirty slip.

The presentation of the facts as they occurred could not create equivocations or doubts. The notoriety of the event was such that it was enough to ask of any citizen whomsoever the story so that the "put-up" case of the prosecutor would crumble.

Human justice, unfortunately administered sometimes with a certain partiality, has strangled my every anticipation.

The sentence was defaming for me: Six months of imprisonment was my verdict and I had suffered so much already in the flesh.

I do not know to whom to appeal. I place my trust in you to use your means to bring light to the facts which have created history in Nola.

I do not indicate any witnesses because I do not wish to be subjective. I beg of you not to consider this letter as subjective.

Have only the patience to order an accurate investigation and the light of truth will issue to redeem an innocent.

In the anticipation of your benevolent and just intervention, I beg of you to accept my devoted thanks.

/s/ Donnarummo Felicia--Detained in the
prison at Nola.

2034

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File A (C)

A/CB 250

1st Ind.

ENS/hjp

HQ ACC, Office of the Acting Chief Commissioner, APO 394. 18 July 1944

TO: Acting Director, Legal Sub-Commission, ACC, APO 394.
(Thru: Acting Head, Administrative Section)

Recommendation that the sentence of death in the case of
Serra Evodio be committed to twenty (20) years imprisonment is hereby
approved.

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

SERRA Evodio

20338

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission

RHM/jpl

ACC/4083/34/L

13 July 44

Subject: Case of SERRA Evodio

To : Acting CHIEF COMMISSIONER, H. Q. ACC.

1. The record in the above case, which was withdrawn from you following Col. UPJOHN's letter of 1 July 1944, because of word received that the accused was filing another appeal, is returned herewith.

2. The appeal has now come in and with translation is enclosed, Flag F, together with the remarks of the RIO Region V who was President of the Court. I agree with the President of the Court that the appeal adds little or nothing to what has been said before.

3. I still recommend commutation of sentence to 20 years imprisonment as recommended by Col. UPJOHN for reasons stated in paragraph 5 of his letter of 1 July 1944. I would like to add that while all judges concurred in the conviction, two voted for death and one proposed a sentence of 20 years imprisonment-Flag "A", page 3.

/s/ Richard H. Wilmer
/t/ RICHARD H. WILMER
Colonel, CAC
Acting Chief Legal Officer.

2032

38

HEADQUARTERS
ALLIED CONTROL COMMISSION
Office of the Acting Chief Commissioner
APO 394

100/hjp

A/CC 290

4 July 1944

4 JUL 1944

SUBJECT: SERA EVIPIO

TO : Legal Sub-Commission, Rear Hq ACC
(Through: Administrative Section)

1. Reference is made to ACC/4083/34/L of 1 July and file.
2. It is understood from telephone conversation between Colonel Wilner and Major Quayle that action on above espionage case is to be withheld pending further request for review.
3. In view of the above, reference letter and file are hereby returned to the Legal Sub-Commission without action having been taken by the Acting Chief Commissioner.

L. D. DENMARK
Colonel, Sig C
Chief Staff Officer

2 Incls:
Incl 1 - Ltr, Legal S/C
ACC/4083/34/L, 1 July
Incl 2 - File - "Records -
Case of Sera Evodio"

2032

RF
RF x pcc
38

C O P Y

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

1 July ?

REFERENCE: ACC/4083/34/L.

SUBJECT : SERRA Evodio.

TO : Acting Chief Commissioner.

1. Herewith the record in the case of SERRA Evodio, aged 32, who was sentenced to death for espionage by a General Military Court sitting at Compobasso on 14 June 44.

2. The case presents the usual features common to this class of cases; the accused was arrested on 29 March coming through the lines in the Polish Corps area and during his first series of interrogations at the beginning of April put up the story that he wanted to go to liberated Italy to get work.

In a later series of investigations on 10 and 11 May he was again interrogated by an officer of C.S. DIC Capt. Gennaroparlo (see flag B) and confessed that his mission was to spy for the enemy.

3. In the circumstances I am of opinion that the accused was rightly convicted and that the conviction should be confirmed.

4. As is our custom in cases where the Court has imposed a death sentence the D.C.L.C. and myself have read this case through independently and have each come to the conclusion that the death sentence should be commuted to one of imprisonment.

5. Our reasons for reaching this conclusion are as follows:

a) Compared to the 30 or 40 cases of this type of case which we have read in the last 4 months we are of opinion that the evidence through establishing guilt is not sufficient to exact the death penalty;

b) The accused did not ever sign a confession and the interrogating officer produced no notes of the vital interview a month before the trial;

c) The accused was not warned of his right not to make any confession;

d) Though the accused was fully advised of his rights to give evidence did not do so and he may have been under some misapprehension. See his appeal, Flag E.

6. If you agree that the sentence should be commuted to a term of imprisonment for 20 years it will be sufficient for you to indicate the same at the back of this letter.

7. Herewith: Record Flag A
Evidence of Capt. Gennaroparlo Flag B
Appeal by defending officer Flag C (an excellent document)
Comments of Court on appeal Flag D
Statement after trial by the accused Flag E. 2030

/s/ Gerald R. Upjohn
/t/ GERALD R. UPJOHN,
Colonel,
Chief Legal Officer

38

CONFIDENTIAL

FNM/rj

NR
Handwritten

Ref. CC/C/378.

10th. June, 1944.

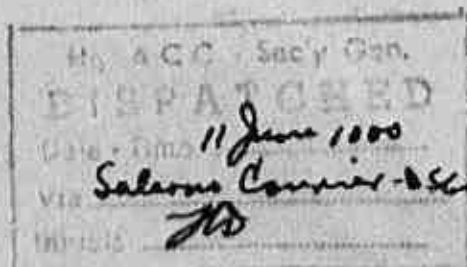
MEMORANDUM,

TO: Chief Legal Officer,
Legal Sub-Commission, A.C.C..

Your No. ACC/4083/30/L of 8th. June on the case of ZABAIONE Gavino.

My decision in this case is to commute the sentence to one of fifteen years imprisonment.

NOEL MASON MACFARLANE
Lieutenant-General.
Chief Commissioner.



2029
37 *66*

24 June 1944

SUBJECT: Behavior of Italian Military

TO : Headquarters, M.M.I.A.

1. Your memorandum AQ/6 of 7 June 1944 was forwarded to A.A.I. with memorandum, copy of which is attached. In reply I have received the inclosed instructions which appear to be clear.

2. Will you kindly convey them to General BERARDI.

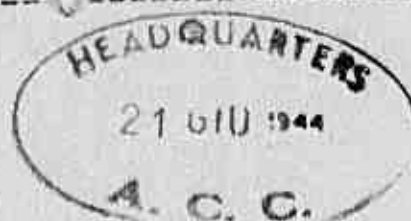
ELIEN W. STONE
Captain, USNR
A/Chief Commissioner

Inc: cy. Ltr. CC/G/391
cy. Ltr. 5022/CAO

2028

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Subject :- Behaviour of Italian Military.



Secy Gen.
4-2084
The Headquarters,
Allied Armies in Italy,
C.M.F.

5022/CAO.

19 Jun. 44.

Ch. Commission
H.Q., Allied Control Commission (2)

HQ ACC, APO 394

Sec'y Gen.

Rec'd 21 Jun 1944
By *DFC*

Reference your CC/G/391 of 18 Jun. 44.

The Commander-in-Chief agrees that the action taken by General Browning was correct.

He wishes it to be made quite clear to the Italian Military Authorities that the ruling given by him against the use of firearms by Italian troops on Allied troops will obtain. He will not tolerate any order by the Italian Military Authorities contrary to this ruling. He requests confirmation that the order issued by General Berardi has been cancelled.

He is not aware that circumstances justify the opening paragraph of General Berardi's order, and he considers, therefore, that it should not be necessary for General Berardi to issue any instruction in substitution for the one which is to be cancelled. On the other hand, he wishes you to assure General Berardi that drastic action will be taken in all cases where misbehaviour by Allied troops towards Italian troops is substantiated.

Major-General,
Chief Administrative Officer.

BHR/emb

2027

36 *77*

C O P Y

FNM/rj

Ref. CC/G/391.

NF
also SF & RF
12th. June, 1944.

MEMORANDUM:

TO: Headquarters, A.A.I.

Reference attached memorandum from Army Sub-Commission.

1. This is the first that I have heard of this most objectionable order which goes against General Alexander's ruling last autumn that under no circumstances would Italian troops use fire-arms against Allied personnel.
2. I approve General Browning's action in his para 3.
3. I leave para 4. to you but I am inclined to suggest that any order issued on this subject should be confined to a directive to Italian service personnel to be particularly careful to avoid incidents of any sort with Allied service personnel.

NOEL MASON MACFARLANE
Lieutenant General
Chief Commissioner

Hq. A.C.C. - Secy. Gen.
DISPATCHED
Date-Time 15 JUN 1945
Via AG m/c
Initials OFE

C O P Y

2026

36

HQ ACC, APO 3M
 Rec'd 10 June 1140
 By DFE

Army Sub Commission ACC
 Main HQ (MJA)
 LEQUILLE (LECCE)
 AQ/6
 7 June 44

Subject:- Behaviour of Italian Military

AAI (through ACC) ✓

1. On 27 March General Berardi, Chief of Staff of the Italian Army, issued an order to Italian troops. This order was copied in AFHQ FMB Report on Conditions in Liberated Italy No. 19 dated 2 May, and the text of the translation has caused comment from Allied Commanders.

2. (a) Gen Berardi was asked to furnish a copy of his order and the translation of this is attached as Appendix 'A'. This is considerably toned down compared with the text reported by P.W.B. (see Appendix 'B').

(b) Nevertheless, there are potentialities for trouble even in the toned down version, particularly in the sentence "ready to make use of arms if necessary" in the third paragraph (Appx 'A').

3. I have therefore ordered Gen Berardi to :-

(a) cancel his order pending approval by you.

(b) submit a draft in future of any order which may affect relations with Allied troops.

4. I should be glad of your decision as to:-

(a) what alterations should be made to the order (Appx 'A') before issue by Gen Berardi.

(b) whether it is necessary or advisable to issue such an order at all

2025.9

AAI (through ACC)

1. On 27 March General Berardi, Chief of Staff of the Italian Army, issued an order to Italian troops. This order was copied in AFHQ PWB 'Report on Conditions in Liberated Italy No. 19' dated 2 May, and the text of the translation has caused comment from Allied Commanders.

2. (a) Gen Berardi was asked to furnish a copy of his order and the translation of this is attached as Appendix 'A'. This is considerably toned down compared with the text reported by P.W.B. (see Appendix 'B')

(b) Nevertheless, there are potentialities for trouble even in the toned down version, particularly in the sentence "ready to make use of arms if necessary" in the third paragraph (Appx 'A').

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(a) cancel his order pending approval by you.

(b) submit a draft in future of any order which may affect relations with Allied troops.

4. I should be glad of your decision as to:-

(a) what alterations should be made to the order (Appx 'A') before issue by Gen Berardi.

(b) whether it is necessary or advisable to issue such an order at all

gsh/LB

Major General
Army Sub Comm ACC

2025
d. Brown

36 77

Appendix 'A' to AQ/6 dated 1 June 44

COPY TRANSLATION

Chief of Gen Staff to all Corps Comds
Area HQs
Reorg Camp

Cases are being reported to me with a certain frequency of assaults by Allied tps, more often than not in a state of drunkenness, at the expense of our tps, who have been ill-treated and have received wounds, which at times have been quite serious.

It is desirable that our soldiers avoid any occasion which might lead to an incident of this kind.

If, however, they should unavoidably find themselves in situations in which attacks might be expected (at night, in the neighbourhood of billets or camps of Allied units, or casual meetings with groups of soldiers under the influence of wine) they should proceed with the necessary caution, watchful and alert, and ready to make use of arms if necessary. There must be no provocation; but if they are faced with acts of violence or abuse they should react for their legitimate defence with firmness and decision, and see to it that they are not overpowered.

The above should be brought to the notice of the troops - with proper discretion - so that all may know what the bearing of an Italian should be under such circumstances.

(sgd) Berardi
Chief of General Staff.

2024

36 *[initials]*

Appendix 'B' to AQ/6 dated June 44

Text of Order issued in para 21 P.W.B. 'Report on conditions in liberated Italy No. 19 dated 2 May 44

There have come to my knowledge frequent instances of aggressive acts on the part of Allied troops, for the most part drunk, against our soldiers, who have been man-handled and occasionally seriously hurt.

Our troops must avoid all occasions that might give rise to incidents of this nature.

Where our soldiers may expect to find themselves the victims of aggression, (after night-fall, vicinity of their quarters or billets to settlements of Allied troops, casual encounters with Allied troops under the influence of drink), they should proceed with accustomed caution, ready to make use of arms if necessary.

Italian soldiers must not use provocation, but in the event of violence they may react in their own defence with firmness and decision, putting themselves in such a position that they do not get the worse of the encounter.

The above instruction should be brought to the attention of the troops - in the accustomed manner - so that all may know what the attitude of the soldier should be in such circumstances.

(sgd) Chief of the General Staff
BERARDI.

36 70

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

Sec Gen
GRU/AP
4 2890

ACC/4002/10/L

HQ ACC, APO 394
Sec'y Gen.
Rec'd *25 June 1944*
By *[Signature]*

21 Jun 44.

SUBJECT : Consolidated Instructions for
A. M. Courts.

	No. of copies
TO : PA to Chief Commissioner	1
" " Deputy "	1
SO " V.P. Administrative Sec.	1
PA " Executive Commissioner	1
Public Safety Subcommittee	2
Finance "	2
RC and M. G. Section	2
P. R. O.	3
Information Division	2

1. Herewith copies (numbers as shown above) of the new Proclamations 1, 2, 3 and 4 (for use in Region 4, part of Region 5 and northwards) prepared for inclusion in the Consolidated Instructions for A.M. Courts.

2. Kindly acknowledge receipt.

2 attached hereto

I. Campbell
G. R. UPJOHN,
Colonel,
Chief Legal Officer.

ALLIED CONTROL COMMISSION
INTER OFFICE MEMO

From: PA to Acting Chief Commissioner

SUBJECT: Consolidated Instructions for
A.M. Courts

FILE No.

25 June 1944

TO: Legal Subcommittee, Rear HQ ACC

Your ACC/4002/10/L dated 21 June 1944.

Receipt is acknowledged of 1 copy each of proclamations
1, 2, 3 and 4 for inclusion in Consolidated Instructions for A.M.
Courts.

L. D. DENSMORE
Colonel, Sig.C.
PA to Actg CC

2021

File A (B)

ENS/afe

A/CC 250.

17 July 1944

Dear Mr. Prime Minister:

This is in reference to your letter of 13 July 1944 in which you requested me to take into consideration the possibility of initiating steps to renounce the trial of Signor Rosario Bentivegna and to effect his release.

I am very sorry to inform you that I cannot comply with your request. The law must take its course.

Mr. Rosario Bentivegna will in the course of his trial be permitted to produce whatever evidence he has in his favor, and if it is shown that he was on duty and acted under orders or that there was provocation, you can rest assured that such evidence will be given full weight by the Court when arriving at its verdict.

Very truly yours,

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

Prime Minister Ivanoe Bonomi
The President of the Council of Ministers
Italian Government

*This is given to Italian Liaison Section
at 1410 hours for delivery to Prime
minister Bonomi by hand. 17 July 44*

*Rosario
Bentivegna* 2023

73
34

TRANSLATION

THE PRESIDENT OF THE COUNCIL OF MINISTERS

Rome 13, July 1944

Dear Admiral,

I wish to call your attention to a matter which at the present time is in the hands of the Allied Military Government and which bears considerable political significance.

On the day of the entrance of the Allied Troops into Rome, Mr. Rosario Bentivegna, a member of the patriot organizations and of the Italian Communist Party, killed Lt. Barbarisi of the R. Guardia di Finanza. At the present time, he is being held by the Allied Police and it seems that he will be brought to trial.

From the preliminary investigation and the testimony of the witnesses, it would appear that at the time of the incident, Bentivegna was performing regular police duty with definite orders from his Command; that the incident was preceded by an open provocation and that there were factors of legitimate defense involved. In addition to these factors, which in themselves would be sufficient, there are also factual circumstances which must not be overlooked.

Bentivegna is a brave patriot and universally recognized for his many and daring offensive deeds against the enemy during the period of occupation. He is warmly supported by his Party, which assumes full responsibility for his actions and proclaims itself ready to initiate an intensive publicity campaign in the matter.

It is clear, however, that a trial and an eventual sentence would bring about repercussions, perhaps sufficiently disfavorable and certainly inopportune, at the present moment.

It is because of this that I warmly request you to take into consideration the possibility of initiating steps with the appropriate authorities to renounce the trial and effect his release.

/s/ Ivanoe Bonomi

To: Admiral Ellery W. Stone,
Chief Commissioner,
Allied Control Commission.
Rome.

ajp.

2019

B
34

S-5 Jul
ALLIED CONTROL COMMISSION
INTER OFFICE MEMO

From: Asst Secretary General

SUBJECT: Appt of Panel for General Military Court. FILE No. SG 250

TO: Major Doe, Secretary General

2 July

1944

1. Attached is a copy of a letter received some days ago from Colonel Fiske. I sent the original to Lt. Col. Campbell, Legal Sub-Commission on 24 June with an informal note asking him to prepare the necessary documents for the Chief Commissioner's signature.

2. I have been checking up on this at Colonel Denmore's request and find that Lt. Col. Campbell is now in Rome, and that the Salerno office knows nothing about it. Could you please contact Lt. Col. Campbell and let me know the results.

all
A. J. COLLINS
Captain, R.E.
Assistant Secretary General

1 Incl.

Hq ACC - Sec'y Gen.
DISPATCHED
Date-Time <i>2 July 11:00</i>
Via <i>At M/c (via Commission envelope)</i>
Initials <i>[Signature]</i>

2618
33

Declassified E.O. 12356 Section 3.3/NND No. 785015

NOTE FOR CAPT. COLLINS

1 July 44

I received a call from Salerno with reference to the attached item. They know nothing of the matter and can find no trace of it.

Colonel Campbell is now in Rome. It is thought that he may possess the letter which you sent to him.

T/3 Edmiston

23

HEADQUARTERS
Rome Region
A.P.O. 394, U.S. Army

NF

HQ ACC. APO 394
Rec 24 June 1944
By JLD

19 June 1944

SUBJECT : Appointment of Panel for General Military Court.

TO : Chief Commissioner, HQ., ACC.

1. Pursuant to the provisions of Article 2, Paragraph 1b(2)(a), it is requested that the Chief Commissioner appoint the following as members of a panel from which General Military Courts may be convened from time to time for the trial of cases arising in this area:

Col.	H. G. WILMER	(B)
Major	ROBERT C. HENDRICKSON	(A)
Lt. Col.	J. L. WILLIS	(B)
Major	W. G. ELDER	(B)
Major	G. McFADYEAN	(B)
Major	STEVEN M. YOUNG	(A)
Major	PAUL D. SHRIVER	(A)
Lt. Col.	DONALD H. BAKER	(A)
Lt. Col.	PAUL D. CARTER	(A)
Major	CHARLES ANDERSON	(A)
Major	V. A. GIANELLI	(B)
Lt. Col. (Count)	J. DE SALIS	(B)
Lt. Col.	B. Mc. KAY GREELEY	(A)
Captain	TITUS OATES	(B)
Captain	JOSEPH W. LEVY	(A)

NORMAN E. FISKE
Colonel, Cavalry
Acting Regional Commissioner.

NOTE:

*Sent to Col. Campbell, Legal Sub-Com,
with request that he prepare
necessary document for A/C's
signature.*

*24 Jun by HD
via 15cc courier to Salerno*

*placed in file
with the file
then 2017
on 1 May*

9 RF
51

33

C O P Y

26 June 1944

Captain Stone,

Reference attached.

On 20 June, General MacFarlane referred this matter to Mr. Reber by letter reference CC/P/409, wherein he stated;

"Reference attached about which I spoke to you. I think you said that you would talk to the head of O.S.S. and find out if Carboni was with them and what they were doing with him.

"Provided they are only interrogating him all is well and when the interrogation is over they should hand him over to the Italian authorities. If, however, they are "using" Carboni they should be told that this is most undesirable and that they should hand him over to the Italian authorities.

"I leave this question in your hands and would ask you to deal direct with Badoglio on the subject.

"I have asked Paige to contact you in Rome on this."

/s/
L.D.D.

Penciled note;

Interrogation to be completed within 2 or 3 days. OSS will deliver to his house.

2016

32 *[Signature]*

C O P Y

TRANSLATION

COMANDO SUPREMO

138424op

P.M. 135. 23 June 1944

Dear Captain Stone,

As per our agreement I am sending you a copy of the translation of the letter sent on 17 June by H.E. Marshal Badoglio to General MacFarlane on the subject of Gen. Carboni.

Cordially,

/s/ A. Infante

ADOLFO INFANTE
MAJOR GENERAL, FGS

TO: Captain Ellery W. Stone, USNR
Acting Chief Commissioner
Allied Control Commission

Trans - Sgt Shenfield/lws

2015

32 *fla*

C O P I A

17 giugno 1944

My dear General,

as agreed General Carboni should have been arrested and given in charge to us, to be directly submitted to judgement by Military Court.

Instead General Carboni disappeared and it appears that he is now somewhere near Caserta with a detachment of the U.S.A. Intelligence.

It is necessary that Carboni should be given up to us, that Sorice should only be watched and that Tommasi should be left free.

Yours sincerely

BADOGLIO

2014

32 *[signature]*

CONFIDENTIAL

FNRM/rj

Ref. CC/1/409.

NF
also SF
20th. June, 1944.

11
Reference attached about which I spoke to you. I think you said that you would talk to the head of O.S.S. and find out if Carboni was with them and what they were doing with him.

2. Provided they are only interrogating him all is well and when the interrogation is over they should hand him over to the Italian authorities. If, however, they are "using" Carboni they should be told that this is most undesirable and that they should hand him over to the Italian authorities.

3. I leave this question in your hands and would ask you to deal direct with Bagoglio on the subject.

I have asked Paige to contact you in Rome on this. 11

250
NOEL MAISON MACFARLANE
Lieutenant-General,
Chief Commissioner.

Mr. Samuel Rober,
Political Section,
A.C.C., Rome.

Hq. A.C.C. Sec'y Gen.
DISPATCH
Date - Time <i>22 June 1944</i>
Via <i>AG 746</i>
Initials <i>20</i>

201

32

CONFIDENTIAL

NWM/rj

1st. June, 1944.

I have spoken to General MacFarlane with reference to our telephone conversation this morning. He has directed me to ask you to send the documents on "L" and "F" to Colonel Gerald Upjohn, Head of the Legal Sub-Commission, Allied Control Commission, Salerno.

The reason for this I will explain to you by telephone later in the day.

NELSON W. MONFORT,
Colonel, AUS,
Personal Assistant to Chief
Commissioner.

Colonel H.H. Cumming,
G.2.,
Headquarters, P.B.S..

2012
31

FM/ry

HEADQUARTERS ALLIED CONTROL COMMISSION

Office of the Chief Commissioner

APO 394

29th. May, 1944.

MEMORANDUM:

TO: Commanding Officer,
Peninsular Base Section.

SUBJECT: Motor Accident.

1. On Friday, 26 May 1944, at 1430 hours, Lieutenant-General Sir Noel Mason MacFarlane accompanied by the undersigned and Private E. Denne, General MacFarlane's driver, were proceeding along Via Garacciolo at a speed not in excess of 40 Kilometres an hour when a truck (6 X 6) driven by Pvt. Jacob McGuire, Coy. C, 338 Engineers, turned in the street without warning.
2. Notwithstanding all efforts on the part of Private Denne, who swerved to the left as sharply as possible and finished up on the left hand side walk, he could not avoid hitting the lorry. Visibility was good and at that particular moment the street was free of traffic. Fortunately there was no damage to General MacFarlane's car other than to the right hand front fender which was completely smashed.
3. This report is being filed in order that some disciplinary action may be taken against Pvt. McGuire who frankly is a menace to all other drivers on the road.



NELSON W. MONFORT,
Colonel, AUS,

Personal Assistant to Chief Commissioner.

30 

AG 537.5 BPSPM (29 May 44) 1st Ind.
HEADQUARTERS PENINSULAR BASE SECTION, APO 782, U. S. Army. 1 June 1944.

TO: Commanding Officer, 338th Engineer Regiment (GS), APO 782, U.S. Army.

1. Forwarded with the direction that appropriate disciplinary action be taken against Pvt. Jacob McGuire, Co. "C", 338th Engineer Regiment (GS).
2. Pvt. McGuire will be immediately instructed on the essentials of road courtesy and the mechanics of proper driving and rules of the road.
3. Report of action taken will be reported by indorsement hereon.

By command of Major General WILSON:

L. F. Nickel
L. F. NICKEL,
Lt Colonel, A. G. D.,
Adjutant General

2010

30 *[initials]*

AG 537.5 BPSMP (29 May 44) 2d Ind CLH/ns
HEADQUARTERS, 338TH ENGINEER GENERAL SERVICE REGIMENT, APO 782, U. S. Army
10 June 1944

TO: Commanding General, Peninsular Base Section, APO 782, U. S. Army

1. Pfc McGuire has been further instructed on the essentials of road courtesy and the mechanics of proper driving and rules of the road.

2. The following is an account of this accident as told by Pfc McGuire and verified by S/Sgt Gardner who was riding in Pfc McGuire's truck at the time of the accident:

"On Friday, 26 May 1944, at about 1430 hours I was driving north-west on Via Caracciolo at about ten or fifteen miles per hour preparing to make a left turn. I glanced into the rear view mirror and saw a command car behind me. I extended my arm and gave the prescribed signal for a left turn and started to make the turn. As this is a wide street the command car passed me without interruption on the right hand side. At the same time I heard a vehicle trying to stop behind me and I stopped my truck. The British car struck my front pair of left rear wheels. We were both about in the middle of the street when the accident happened. I had to back up to allow the British car to move away. It is evident that Pvt. Denne was driving much faster than 20 miles per hour in this 20 mile per hour zone because marks on the pavement showed that, when he applied his brakes, he slid all wheels for at least fifty feet. Since Pvt. Denne was driving a right hand drive car it is possible that he did not see my left turn signal and was going too fast to have his car under control in traffic. There was no damage to my truck but the right front fender of the other car was badly bent."

3. Pfc McGuire has driven regularly for this organization for a period of eighteen months and has had no previous accidents or traffic violations. Under the circumstances as reported and as investigated no disciplinary action has been taken.

C. L. Hahn
C. L. HAHN,
Colonel, 338th Engrs,
Commanding.

2009

30 

S/L Perry *Secy Gen. 1271*
AG 537.5 BPAGO-O (29 May 44) 3rd Ind.
HEADQUARTERS PENINSULAR BASE SECTION, APO 782, 15 June 1944.

HQ ACC, APO 394
Sec'y Gen.
Rec'd 16 Jun 1430
By *AKF*

TO: Chief Commissioner, Headquarters ACC, APO 394.

Inviting attention to preceding indorsement.

For the Commanding General:

HEADQUARTERS
1 JUN 1944
L. F. Nickel
L. F. NICKEL
Lt. Col., A.G.D.
Adjutant General

*No further action required
AG Perry S/L
PA to Genl MacFarlane*

2008

30 *[initials]*

785015

CGS/258

HQ ACE, APC 304

PERSONAL & SECRETRecd 29 May 1944
by [signature]

Headquarters,

Allied Armies in Italy.

28th May, 1944. *File**My dear General MacFarlane*

You will be interested to hear of two recent cases in which control of civilian movement has paid us handsome dividends.

The first concerns a parachutist agent who was dropped near MOLFETTA on 18 April. His parachute and discarded uniform were discovered on the 19th, and local enquiries revealed that a stranger was seen in the vicinity on the previous morning at dawn, that he had offered a peasant a German cigarette and had asked the way to BARI. A hue and cry was set up in 2 District, but for a month we found no further trace of him. Last week he was arrested in Eighth Army area for infringement of the civil movement restrictions; when interrogated he aroused suspicion, and this led to his being identified with the parachutist. He was a high class agent who had been sent on a military espionage mission to BARI, BRINDISI and TARANTO. He had visited these places and was returning to enemy territory when apprehended.

The second case concerns an Albanian agent who arrived by sea at the end of February, posing as a refugee. He was interrogated with the other refugees and aroused suspicion; before his interrogation was completed, however, he escaped from the PW transit camp at BARI and disappeared. He was eventually arrested in 5 Corps area for a movement offence; he was tried and convicted of this offence and sent to prison at CASOLI. It was then established that this man was in fact the Albanian spy who had escaped from BARI.

I thought you might like to let those responsible know that the measures to control civilian movement, although involving considerable effort and inconvenience, are in fact producing most valuable results.

*Public Safety
Sub-Commission*

Zone 100

Please return to me when ready

John Harding

Lieut-General Sir F.N. Mason MacFarlane, KCB, DSO, MC
Chief Commissioner,
Allied Control Commission.

2007

Public Safety

5/6/44
29

CONFIDENTIAL

FNMM/rj

Ref. CG/G/338.

25th. May, 1944.

MEMORANDUM:

TO: Executive Commissioner.

1. During my talk with General Robertson today he brought up the question of a charge against an Italian (I believe a Count) called di Firmain Lattazio. The case goes back to last January and I believe originated in Termoli.
2. Anyway, on the Army side exception is taken to the fact that we ultimately decided not to take legal action against the Count. The memorandum to this effect was apparently signed by Kirk of Public Safety.
3. Would you please have this case looked up and let me have the essential facts. On the face of it I am very inclined to think that we made a mistake in not taking proceedings against the Count.

Don't let this go outside Ace in the meantime

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

2006

57
28

CONFIDENTIAL

FNM/rj

HF
also SF

Ref. CC/E/347.

27th. May. 1944.

Herewith my proposed reply to Radoglio's attached letter which we discussed this morning. Please let me know if you approve and send down.

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

Colonel G.R. Upjohn,
Chief Legal Officer,
Legal Sub-Commission,
Reer HQ, A.C.C..

2005

27

FNIS/rj

NF
also SF

Ref. CO/P/246.

27th. May. 1944.

Reference your File No. 5474 of 22nd. May.

1. I have discussed this question with my Chief Legal Officer and have asked him to see the Minister of Justice and discuss the matter with him.
2. As he will explain to the Minister of Justice I have no objection at all to amnesty being made applicable to prisoners in prisons in A.M.C. territory sentenced prior to the establishment of A.M.C. Government.

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

S.E. Marshal Pietro Badoglio,
Il Presidente del Consiglio dei Ministri.

2004

~~27~~
27

TRANSLATION

THE PRESIDENT OF THE COUNCIL
OF MINISTERS

File No. 5474

Salerno, 22 May 1944

Handwritten: N.F. Leg. d. sc.

Dear General MacFarlane,

This government has received from various sources notification of inconveniences resulting from the provisions of Article 7, last part of the R. Decree of April 5, 1944, Number 96, in which the crimes committed during the period of Allied Administration in the territories formerly under its control are excluded from the amnesty and pardon granted by this decree.

In fact, it has been justly observed that this regulation has created unfair situations, inasmuch as the same crime can benefit from amnesty or pardon if committed after February 10, 1944, while, on the other hand, it cannot benefit therefrom if committed one day before and in the territory subject to Allied Administration.

While all this is in conflict with the principles which regulate the application of laws of this nature, it creates abnormal situations insofar as it brings about for the members of the same group a difference in treatment in view of the fact that while some are able to benefit undoubtedly from the act of sovereign clemency, others, on the other hand, are exposed to the uncertainty of the verdict and to the rigours of the penalty.

Now, we do not contest the fact that the particular situation which is determined upon the occasion of military operations or during the first period of occupation imposes upon the citizens, the duty of more complete obedience to the laws. But if this justifies the exclusion of any benefit for the crimes committed in that period, the same could not be repeated for the crimes which were committed after the return to normalcy, because with this the possibility to apply ordinary law is restored.

Also, in consideration of the necessity of a more hasty evacuation of the prisons and a more rapid elimination of pending penal trials, I would be grateful to you, dear General, if you would please examine with benevolence and with your usual high sense of humanity, the possibility of modifying the last part of Article 7 of the said Decree, so as to exclude from the amnesty benefit, only that period of time from the date of the military occupation of the Italian territories by the Allies to the date of the Amnesty, September 8, 1943.

Then, for the territories in which military occupation occurred at a time subsequent to the date of the Amnesty, the period of exclusion of the amnesty might be limited to only one month from the date of the occupation.

In the event that you are in agreement with these proposals, I would be grateful to you, dear General, if you would give instructions to the legal subcommission to examine the matter with the Minister of Grace and Justice.

Handwritten signatures and notes at the bottom of the page.

In fact, it has been justly observed that this regulation has created unfair situations, inasmuch as the same crime can benefit from amnesty or pardon if committed after February 10, 1944, while, on the other hand, it cannot benefit therefrom if committed one day before and in the territory subject to Allied Administration.

While all this is in conflict with the principles which regulate the application of laws of this nature, it creates abnormal situations insofar as it brings about for the members of the same group a difference in treatment in view of the fact that while some are able to benefit undoubtedly from the act of Sovereign clemency, others, on the other hand, are exposed to the uncertainty of the verdict and to the rigours of the penalty.

Now, we do not contest the fact that the particular situation which is determined upon the occasion of military operations or during the first period of occupation imposes upon the citizens, the duty of more complete obedience to the laws. But if this justifies the exclusion of any benefit for the crimes committed in that period, the same could not be repeated for the crimes which were committed after the return to normalcy, because with this the possibility to apply ordinary law is restored.

Also, in consideration of the necessity of a more hasty evacuation of the prisons and a more rapid elimination of pending penal trials, I would be grateful to you, dear General, if you would please examine with benevolence and with your usual high sense of humanity, the possibility of modifying the last part of Article 7 of the said Decree, so as to exclude from the amnesty benefit, only that period of time from the date of the military occupation of the Italian territories by the Allies to the date of the Armistice, September 8, 1943.

Then, for the territories in which military occupation occurred at a time subsequent to the date of the Armistice, the period of exclusion of the amnesty might be limited to only one month from the date of the occupation.

In the event that you are in agreement with these proposals, ²⁰⁰³ I would be grateful to you, dear General, if you would give instructions to the Legal Subcommission to examine the matter with the Minister of Grace and Justice.

In anticipation of your kind assent, I extend to you, dear General, my cordial greetings.

/s/ BADOGLIO

Lt. General
Sir Noel Mason Macfarlane
President of the Allied Control Commission
Salerno

Chief of staff officer
Please let me have
your views. handwritten 27

HQ ACC. APO 334

23 May 1944
By DFE



IL PRESIDENTE DEL CONSIGLIO
DEI MINISTRI

Salerno, il 22 maggio 1944

1054/4

Care Generale Mac Farlane,

sene pervenute da più parti a questo Governo segnalazioni di inconvenienti derivanti dalla disposizione dell'art. 7 ultima parte del R. Decreto 5 aprile 1944, n. 96, con la quale sono esclusi dall'amnistia e dall'indulto concessi con questo decreto i reati commessi durante il periodo dell'Amministrazione Alleata nel territorio alla stessa già sottoposti.

E' stato infatti giustamente osservato che questa norma ha creato situazioni ingiuste, quale quella che uno stesso reato possa beneficiare dell'amnistia o dell'indulto se commesso dopo il 10 febbraio 1944, e non possa invece beneficiarne, quando il territorio è sottoposto all'Amministrazione Alleata, se commesso un giorno prima.

Tutto ciò, mentre è in contrasto coi principi che reggono l'applicazione delle leggi del genere, crea delle situazioni anormali, in quanto porta a stabilire per gli appartenenti ad una stessa collettività una diversità di trattamento per il fatto che mentre alcuni vengono senz'altro a beneficiare dell'atto di clemenza Sovrana, altri invece sono esposti all'alea del giudizio ed al rigori della pena.

Ciò, non si disconosce che la particolare ²⁴⁴²azione che si determina in occasione di operazioni militari o nel primo periodo di occupazione impone di esaminare il dovere di una

Baro Generale das Forças,

sono pervenute da più parti a questo Governo segnalazioni di inconvenienti derivanti dalla disposizione dell'art. 7 ultima parte del R. Decreto 5 aprile 1944, n. 96, con la quale sono esclusi dall'amnistia e dall'indulto concessi con questo decreto i reati commessi durante il periodo dell'Amministrazione Alleata nel territorio alla stessa più sottoposti.

3' state infatti giustamente osservato che questa no
ma ha create situazioni ingiuste, quale quella che uno stes-
so reato possa beneficiare dell'amnistia o dell'indulto se con-
messo dopo dopo il 10 febbraio 1944, e non possa invece benefi-
ciarne, quando il territorio è sottoposto all'amministrazione
Alleata, se commesso un giorno prima.

Tutto ciò, mentre è in contrasto coi principi che rego-
lano l'applicazione delle leggi del genere, crea delle situa-
zioni anormali, in quanto porta a stabilire per gli appartenen-
ti ad una stessa collettività una diversità di trattamento per
il fatto che mentre alcuni vengono senza altro a beneficiare del
l'atto di clemenza Sovrana, altri invece sono esposti all'alea
del giudizio ed ai rigori della pena.

Ora, non si disconosce che la particolare ²⁴azione che si determina in occasione di operazioni militari e nel primo periodo di occupazione impone ai cittadini il dovere di una più completa obbedienza alle leggi. Ma se ciò giustifica la esclusione da ogni beneficio per i reati commessi in quel periodo, non potrebbe ripetersi lo stesso per i reati che siano stati commessi dopo il ritorno allo stato di normalità, giacchè con questo ritorna la possibilità di applicare la legge ordinaria.

0.00

27 ~~28~~

IL PRESIDENTE DEL CONSIGLIO
DEI MINISTRI

ria.

Vi sarei pertanto grato, caro Generale, se Vi compiacesse esaminare con benevolenza e col consueto alto senso di umanità - in considerazione anche della opportunità di un più sollecito sfollamento delle carceri e di una più rapida eliminazione dei processi penali pendenti - la possibilità di una modifica dell'ultima parte dell'art. 7 dell'annidetto Decreto, che porti ad escludere dal beneficio dell'ammnistia soltanto il periodo che intercorre fra la data dell'occupazione militare dei territori italiani da parte degli Alleati e quella dell'armistizio dell'8 settembre 1943.

Per i territori, poi, in cui l'occupazione militare fosse avvenuta in epoca successiva alla data dell'armistizio il periodo di esclusione dell'ammnistia potrebbe essere limitato ad un solo mese dalla data della occupazione.

Così siate d'accordo su queste proposte, Vi sarei grato, caro Generale, se volesse dare istruzioni alla Sottocommissione legale di Controllo perchè esamini la questione col Ministro di Grazia e Giustizia.

In attesa di un cortese cenno di assenso, Vi invio, caro Generale, i miei cordiali saluti.

Carlo Azeglio

Lieut. General
Sir Noel Mason Mac Purlane
Presidente della Commissione Alleata di Controllo. 2001

ria.

Vi sarei pertanto grato, caro Generale, se Vi compiaceste esaminare con benevolenza e col consueto alto senso di umanità - in considerazione anche della opportunità di un più sollecito sfollamento delle carceri e di una più rapida eliminazione dei processi penali pendenti - la possibilità di una modifica dell'ultima parte dell'art. 7 dell'annullato Decreto, che porti ad escludere dal beneficio dell'amnistia soltanto il periodo che intercorre fra la data dell'occupazione militare dei territori italiani da parte degli Alleati e quella dell'armistizio dell'8 settembre 1943.

Pel territori, poi, in cui l'occupazione militare fosse avvenuta in epoca successiva alla data dell'armistizio il periodo di esclusione dell'amnistia potrebbe essere limitato ad un solo mese dalla data della occupazione.

Così state d'accordo su queste proposte, Vi sarei grato, cara Generale, se poteste dare istruzioni alla Sottocommissione legale di Controllo perchè esamini la questione col Ministro di Grazia e Giustizia.

In attesa di un cortese cenno di assenso, Vi invio, caro Generale, i miei cordiali saluti.

Carlo Azeglio

Lieut. General

Sir Noel Mason Mac Farlane

Presidente della Commissione Alleata di Controllo

S A L E R N O

27/8/43

(158/4/44)

Junior Commander Hopkins

On May 16th last, General Mason Macfarlane wrote to Mr Macmillan on the subject of death sentences passed on female spies.

I now send you a copy of a telegram from the Foreign Office dated June 21st setting out the views of H.M. Government, together with copy of the correspondence exchanged between this post and the Resident's Minister's Office in May.

Will you please pass this information to whomsoever it concerns?

5.7.44.

956 95

9000

26

Tel from High Commissioner Naples to British Resident Minister Algiers of 28 May 1944.

Your Telegram of 28 May.

General Macfarlane states that there has been only one case of a woman spy being tried so far. She was Italian and was Acquitted. Court was an Allied court and would always be so in such cases.

2. Second case may be coming up in near future. General does not, repeat not, know woman's nationality but believes her to be pregnant.

24

Telegram from British Resident Minister Algiers, to British High Command, Naples
of 26 May 1941.

Please inform General Macfarlane with reference to his letter to the
Minister of May 16th about sentences of death passed upon women spies that
before answering his question Foreign Office wish to know:

- (a) What the nationality is of the woman concerned and
- (b) Whether sentence of death was passed on them by an
Italian or by an Allied military court.

Copy of telegram from Foreign Office to British Resident Minister, Algiers of 21 June 44

There is no objection in principle to the execution of women spies (Unless Pregnant) and this country the Home Secretary would not recommend the leniency, purely on grounds of sex for a woman spy condemned to death in this country.

On general grounds we nevertheless think it wise to avoid the execution of female enemy agents unless the military authorities are satisfied that the death penalty is necessary and will materially improve security. We should also wish to avoid anything which might lead to reprisals and it may be very useful to have in hand some enemy agents who could be used as hostages to exchange for any of our own agents who are captured. This becomes more important as the war nears its end and at the same time the danger that reprisals will encourage the employment of other woman agents decreases.

The Deputy President of the Control Commission will no doubt also consider what the Italian reactions will be. If the Italian woman had been convicted we should have suggested that she should receive exactly the same treatment as she would have in the hands of the Italian authorities. There might also be strong feelings in Italy against the execution of women of any nationality particularly if they are normally resident in the country.

The decision must of course rest with the Control Commission but we think that they should consider these points.

We assume in any case that a woman agent who was pregnant would not be executed.

FMW/rj

SECRET

NE
also SF

Ref. CC/P/298.

16th. May, 1944.

I understand that I may be asked in the near future to review sentences of death passed upon women spies.

2. I asked General Alex. last night what his views were in this connection.

3. He said that he would like me to write to you to ask you for your opinion and to suggest that you might refer the matter to H.M.G. for a ruling.

4. It is a question of considerable gravity and we want to be quite sure that H.M.G. agrees in principle to the shooting of female spies before I confirm any such death sentences.

5. I would be most grateful if you could procure a reply for me as early as possible as one or two cases are now pending.

6. Alex. said that he might also write to you himself but that with his battle pre-occupations he might not be able to manage it.

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner

1999

The Rt. Hon. Harold Macmillan, MC, MP,
British Resident Minister,
A. F. H. Q..

26

Chief Comm.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

GRU/gmf

HQ ACC, APO 394

Sec'y Gen.

Rec'd *16 May 1945*

By *[Signature]*

14 May 1945

ACC/4086/1/L

SUBJECT: Agreement re Trials of Deserters.

TO : Secretary General.

1. Referring to my Minute dated 1 May 44 (on attached file 4086/1/L) and the Chief Commissioner's reply, I enclose 2 copies of the agreement on this matter signed by Marshal Badoglio.

Would you please ask the Chief Commissioner to sign and return one copy of the agreement herewith, retaining the other copy in your files.

G. R. Upton
G. R. UPTON, Colonel
Chief Legal Officer.

Enclosed: 2 copies Agreement re
 trials of deserters.

done *1993*
1-25

CONSIDERING

- That by letter dated February 13th 1944 the Allied Control Commission has requested that "members of the Italian Armed Forces who deserted between July 10th and September 8th 1943, inclusive, should not be tried or punished for desertion except those who deserted to the German or other hostile army. This, however, does not preclude trial and punishment by an Italian Military Tribunal of those who deserted between the dates above mentioned for their failure to return to the Italian Armed Forces after some fixed date subsequent to the Armistice provided they were given due and proper notice to return by that date. In the latter instance deserters may be tried and punished for failure to return and not for the original desertion".

- That the Comando Supremo Italiano - though informing the Allied Control Commission to have already given instructions by circular letter of January 29th 1944 to the effect that all proceedings for crimes perpetrated from July 25th up to the end of September 1943 be examined or revised in a spirit of wide indulgence - has stated the necessity not to leave unpunished, in any case and without discrimination, all deserters, and this in order to avoid the serious danger of impairing the sentiment of military honour, fundamental in any army, and of upsetting the disciplinary structure of the Armed Forces.

- That the Allied Control Commission making appeal to the voidable necessities of political order and on the basis of the additional clauses of armistice, has insisted

September 8th 1943, inclusive, should not be tried or punished for desertion except those who deserted to the German or other hostile army. This, however, does not preclude trial and punishment by an Italian Military Tribunal of those who deserted between the dates above mentioned for their failure to return to the Italian Armed Forces after some fixed date subsequent to the Armistice provided they were given due and proper notice to return by that date. In the latter instance deserters may be tried and punished for failure to return and not for the original desertion".

- That the Comando Supremo Italiano - though informing the Allied Control Commission to have already given instructions by circular letter of January 29th 1944 to the effect that all proceedings for crimes perpetrated from July 25th up to the end or September 1943 be examined or revised in a spirit of wide indulgence - has stated the necessity not to leave unpunished, in any case and without discrimination, all deserters, and this in order to avoid the serious danger of impairing the sentiment of military honour, fundamental in any army, and of upsetting the disciplinary structure of the Armed Forces.

- That the Allied Control Commission making appeal to unavoidable necessities of political order and on the basis of the additional clauses of armistice, has insisted that, in any case, all members of the Italian Armed Forces who deserted in the period July 10th - September 8th 1943 should be exempted from any punishment for the crime perpetrated, but has, however, admitted the necessity that in the fulfilment of the above said precise request the principles of military honour and discipline be sa

Declassified E.O. 12356 Section 3.3/NND No. 785015

HEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

HQ ACC, APO 394

Rec'd 14 May 1944
By *[Signature]*

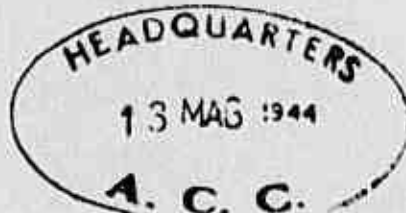
13 Apr 44

ACC/4001/7/L

SUBJECT : Courts for dealing with persons awaiting trial.

TO : Chief Commissioner. *←*

- 1 The attached correspondence is forwarded for your information.
- 2 It is understood that the Vice President Admin Section concurs in the proposals of the CLO contained in paras 5 and 6.



REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ASC/4001/7/L

/rlp.
10 May 1944.

SUBJECT : Courts for dealing with persons awaiting trial.

TO : Vice President, Administrative Section.

1. I have considered carefully the suggestion made by Brigadier Lush in his letter dated the 8th of May which you handed to me yesterday afternoon and which I return herewith.

2. In my opinion, there are grave objections both legal and practical to the suggestion put forth by Brigadier Lush.

3. In the first place I think that the setting up of an entirely new type of court in occupied territory is probably a breach of Article 43 of the Hague Convention. The matter is not free from doubt, but the better opinion in my view is that if the occupying power desires to supplement the courts of the country, he should set up his own military courts (as has in fact of course been done) and not attempt to create an entirely new court of the occupied territory.

4. Secondly, I think Brigadier Lush has overlooked several great practical difficulties in appointing lay magistrates. The system of having unpaid lay magistrates has been in force in England since before the time of Queen Elizabeth, but even after 400 years of this system it is still thought necessary that the lay magistrates should have a competent and technically trained clerk of court to advise them on matters of law. The Italians having never recognized a form of lay magistrate and the selection of and training of such laymen and of the clerk of the court, presents in itself a problem which it would take months if not years to solve before such courts could in any way become effective. I would point out to you in this connection that the supervision of Allied officers as suggested would be quite useless, for such proposed Summary Courts would administer Italian law and Allied officers would not be competent to train or supervise the lay magistrates in their duties.

5. If the matter is to be dealt with drastically and a solution found within the next six weeks, I have the following suggestion to offer; (on the footing that the imposition of AMC in Sardinia and setting up of Allied Military Courts there is out of the question), namely:

A review, by a mixed commission of Allied and Italian representatives, of the cases of those in prison awaiting trial and the release

1995

without further trial of those who have been imprisoned for a long time and who have in fact already served in prison the length of sentence which they would have been likely to have received after trial. This method has been employed already in Regions I and II in isolated cases where gaols were over-flowing.

6. The gravity of the situation in Sardinia though serious can be overestimated. It must be remembered that no courts sat for nearly two years until opened by Major Palmieri in April, but they are now beginning to function and the following steps have already been taken to deal with the situation:

7. I promised to Brigadier Carr at the last monthly meeting, twelve additional judges, but this figure will shortly be exceeded because the Italian Ministry has promoted temporarily eleven auditori (young judges) to higher positions, thereby releasing eleven Pretori who can return to their seats in the smaller towns. Furthermore, I have this morning, as a result of considerable pressure brought to bear on the Minister at a meeting yesterday morning, now received the names of eight judges to go over to Sardinia in a few days and I am asking Brigadier Lush to provide a special aeroplane for that purpose. This increase to nineteen in the staff of the civil courts should greatly alleviate the position.

8. One of the great difficulties is the large number of soldiers and others who are awaiting trial before the Military Tribunal in Sardinia. There is a very great shortage of judges here. I discussed this matter with General Traina, the Procuratore Generale Militare who came over from Ostuni yesterday. If Major Palmieri and General Traina could be sent at the earliest possible moment to Algiers to inspect the Prisoner of War Camps in North Africa, I feel convinced that they will be able to find a number of prisoners there who could be repatriated to serve as members of the military tribunals. A preliminary list of twenty-four judges, thought to be imprisoned in North Africa, was submitted some time ago, but so far nothing has occurred. I should be grateful if you will take this up with the Chief Commissioner as a matter of urgency as I am sure that the provision of judges from North Africa will go a long way to cure the present position in Sardinia.

Gerald R. Upjohn

GERALD R. UPJOHN,
Colonel,
Chief Legal Officer.

1 Incl.

1994

24

HEADQUARTERS,
ALLIED CONTROL COMMISSION,
APO 394

Regional Control and Military Government Section.

Ref:

8th May 1944.

SUBJECT: Courts for dealing with persons awaiting trial.

TO : Vice President, Adm Section.

1. You will remember that at your meeting on May 5th I put forward a proposal that in order to overcome the present serious delay in dealing with arrested persons awaiting trial, we should constitute some kind of tribunal or court on which laymen could sit with judicial powers to deal with minor cases.

2. I am aware that this is an innovation in Italian procedure but some drastic measures are necessary and the institution of summary courts with specially selected lay magistrates appears to be a sensible and speedy means of preventing what was, or is, a scandal. I realise that it will take some time before the Italian Government can be persuaded to make such an innovation in liberated territory. I suggest, therefore, that experiments be made in AMG territory with the least possible delay so that in the event of success, which I anticipate, the Italian Government can be shown that in practice such a procedure is possible.

3. Moreover, the problem of dealing with an increasing amount of crime affects the Allied Military Government equally with the Italian Government. There are over 30 Allied judges working in Region III. Courts such as I have suggested could be set up under the supervision of some of these judges. The experiment should be made in my opinion and in my experience can succeed.

MSI/JG.

MB L
Brigadier,
Executive Commissioner

199

24

11 PM

SEC GEN

HQ. ALLIED CONTROL COMMISSION

Office of the Vice President

Administrative Section

HQ ACC APO CMA

Recd 4 May 1944 S/tum

3 May 1944

ACC/HQ90/L

SUBJECT: Conditions in Sardinia.

TO : Chief Commissioner.

I attach material for the proposed letter to the Marshal. I also append a summary of the considerable work already done by the Legal Subcommittee.

May I draw your attention to three matters regarding the island of Sardinia?

- (1) The first is the overcrowded state of the jails particularly at Sassari.
- (2) The second is the fact that hundreds of prisoners including many juveniles have been detained for long periods without trial.
- (3) The third concerns the OVRA organisation. I have no exact information on this point but I understand that though the late chief has been removed the other officers remain. I should be grateful if you would let me know the facts. The destruction of this organisation was a specific condition of the Armistice Terms.

Points (1) and (2) have already been the subject of discussion with the Italian ministry and I am aware of the difficulties confronting them.

Nevertheless, I feel that the circumstances are sufficiently serious to ask you to consider sending to the island, if possible, a member of the Government to confer on these matters with the High Commissioner and my own Regional Commissioner Brigadier Carr.



STANS GATE
STANS GATE,
Vice President
Administrative Section.

Brig Carr

199

Please speak
with Carr

Finis
RIP. W/L/S

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

3 May 1944

SUBJECT: Summary of Mission regarding the re-establishment
of the Italian Civil Courts, in Cagliari.

TO : V. P., Admin Section.

1. I was in Sardinia from 11 March 1944 until 12 April 1944. The purpose of my mission was to consult with the officers of the Allied Commission and with the local Italian officials with a view to formulating plans for the reopening of the Italian Civil Courts in Cagliari. Since the heavy bombings in that city early in 1943, the various sections of the Italian Civil Court system in Cagliari had fled to different parts of Sardinia which were not readily accessible. The Palace of Justice had been seriously damaged and the housing, feeding and transportation problems existing in Cagliari at the time of my visit were very acute.

2. There exists in the offices of the Legal Sub-commission at Salerno, 3 reports addressed to the CLO, dated 16 March, 1 April and 12 April 1944 which set forth in detail the work which was done during my stay.

3. In a separate memorandum of 3 May 1944 addressed to V.P. Admin Sec, I have set forth the recommendations regarding the court and prison situation which should be dealt with at this time.

4. Briefly, the concrete results which I believe were attained by my mission to Sardinia are as follows:

a. The completion of the repairs according to plan of the 2 top floors of the Palace of Justice at Cagliari for the purpose of housing the Tribunale, the office of the Procuratore del Re, the Court of Appeal and the Procura Generale.

b. The housing of the Pretura Court in temporary quarters, pending the completion of the repairs to the lower floors of the Palace of Justice.

c. The return of all courts and judicial offices to Cagliari.

d. The establishment of a mess for the judges and court employees in the Palace of Justice. This involved the procuring

1991

and delivery of cooking apparatus, food and articles of furniture, all of which I was compelled to attend to personally.

e. The making of arrangements with a view to securing a telephone connection and motor transport for the courts at the earliest feasible date.

f. The establishment of a plan for expediting the hearings of criminal cases by the Italian Courts.

g. The establishment of separate custodial facilities for military prisoners so as to relieve the overcrowded conditions in certain Civil Detention Prisons.

h. The securing of specific information regarding the personnel requirements of the Italian Military Tribunal as well as the Italian Court System.

/s/ EDmund L. PALMIERI, Major
AUS

Copy for file ACC/4001/3/L

785015

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

ACC/4090/L

3 May 1944

SUBJECT: Recommendations regarding the Court and Prison
Situation in Sardinia.

TO : V.P. Administrative Section.

1. The prisons in Sardinia used for the detention of persons awaiting trial are seriously overcrowded for two reasons:

(a) The Italian Military Tribunal as well as the Italian Civil Courts are understaffed and unable to dispose of cases rapidly enough in the face of an increasing amount of crime committed by Italian military personnel and by civilians.

(b) The Italian military establishment in Sardinia did not possess adequate prison facilities for prisoners awaiting trial with the result that the civil jails have been burdened with military prisoners. This situation has, however been somewhat remedied by General Magli who has constructed a prison camp at Villanova Strisaili and who has secured two barracks buildings formerly used by Italian artillery at Oristano.

2. The proper administration of justice and the reduction of the populations of the detention jails cannot be achieved in Sardinia unless additional personnel are sent there immediately.

3. The Italian Civil Courts require a minimum of thirty five (35) judges and ranking officials (magistrati) and a minimum of seventy six (76) minor employees (funzionari). These figures are based on information furnished me by President Volpe of the Court of Appeal and Procuratore Generale Spallanzani. The Minister of Justice at Salerno has been furnished with the necessary details.

4. Seventeen (17) officials are required by the Italian Military Tribunal to do the work of instructional judges and assist in its administration. These officials can be drawn from Italian Prisoner of War Camps in North Africa. Two request to this effect have been made by Col. Upjohn. They should be acted on speedily.

/s/t/ EDMUND L. PALMIERI, Major AUS

Copy for file ACC/4001/3/L

1989

23

SECRET

FNMM/rj

NF
also SF

Ref. CC.P.267.

5th. May, 1944.

Signature + personal for C.C.

Thank you for your D.O./CGS/236 of 3rd. May.

2. I have issued instructions that A.M.G. 5th. Army and G.S.I.(b) A.A.I. will be informed by telegram at once whenever I confirm or commute a death sentence.
3. I am also hoping to reduce the "petition period" from 30 days to 48 hours.
4. I am sorry that delay occurred in my Security Officer contacting Airey. The Chief of my Public Safety Sub-Commission has just been summoned urgently to Washington and this has thrown additional work on to Major Young. Incidentally, as an example of what I have to put up with it might interest you to know that the Chief of my P.S. Sub-Commission was ordered to Washington without reference to me to attend the funeral of his wife's uncle.

230-1

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

Lieut-General J. Harding, CB, DSO,
Chief of General Staff,
Headquarters, A. A. I..

1988

22

SECRET

FNM/rj

NF
also SF

Ref. CC/P/266.

5th. May. 1944.

I understand from C.G.S., A.A.I. that there has been one element of delay in the procedure of dealing with convicted spies which might be eliminated, or rather reduced as far as possible. This delay has occurred between the date of my confirming the sentence and the date on which A.A.I. have been notified.

2. The time lag between date of confirmation by me and date of notification thereof being received by A.M.G. 5th. Army and G.S.I.(b) A.A.I. has been respectively 4/5 days and up to 9 days.

3. Will you please ensure that these times are reduced in future to a minimum. I suggest that A.M.G. 5th. Army and G.S.I.(b) A.A.I. are notified by telegram at once by you whenever I confirm or commute a death sentence.

4. Although we have only had one case in which there has been much delay as a result of the 30 days period in which petitions may be submitted, this fact clearly worries A.A.I. and if in any way possible I would like to have this period reduced drastically to even as little as 48 hours. I would be glad if you would let me know early whether this is in fact possible.

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

Colonel G.R. Upjohn,
Chief Legal Officer,
Legal Sub-Commission, A.C.C..

1987

22

TOP SECRET & PERSONAL.

HEADQUARTERS,

ALLIED ARMIES IN ITALY.

3rd May, 1944.

DO/CGS/236.

My dear Major Macpherson

1. Many thanks for your letter No. CC/P/253 dated 1 May 44. I am glad that steps are being taken to tighten up and accelerate action against spies. I know you realise the vital importance of stopping espionage activities. Anything further that you and your staff can do in that respect will be the greatest help not only to the Armies here but to all Allied Forces.

2. The C.L.O.'s figures, given in the appendices to your letter, do in fact reveal some unnecessary delay which I feel can be eliminated in future.

In the first place the four cases confirmed and commuted by General Alexander were in January and not therefore relevant as they fall in a period long before the six weeks in question. Sixteen of the seventeen cases which were outstanding on the date of my letter (26 April) are shown in your C.L.O.'s appendices. He seems to have omitted the seventeenth, VIVIANI, possibly in error. The details are as follows :-

Name	Date of Confirmation or commutation according to C.L.O.	Date Notification received by AMG Legal Branch, Fifth Army.	Date Notification received by GSI(b).
------	---	--	--

Palesse	18 Apr	22 Apr	27 Apr
Aschieri	22 "	27 "	27 "
Tapoli	22 "	27 "	27 "
Tedesco	22 "	27 "	27 "
Scarpellini	25 "	30 "	1 May
Pellegrini	18 "	22 "	27 Apr
Acqua	18 "	22 "	27 "
Alberti	18 "	22 "	27 "
Catani	22 "	27 "	27 "
Trefiro	22 "	27 "	27 "
Ravera	22 "	27 "	27 "

Calligaro	Not yet notified.	1926
Donnini		
Sebastianelli		
Guadagni		
Soro		
Viviani	Omitted from C.L.O.'s list.	

You will see that, although most of these sixteen sentences were either confirmed or commuted by you between 18 and 22 April, this H.Q. was not notified before 27 April, the day after my letter to you. Thus between five and nine days were lost before we were informed and therefore in a

2. The C.L.O.'s figures, given in the appendices to your letter, do in fact reveal some unnecessary delay which I feel can be eliminated in future.

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Pellegrini	18 "	22 "	27 Apr
Acqua	18 "	22 "	27 "
Alberti	18 "	22 "	27 "
Catani	22 "	27 "	27 "
Trefiro	22 "	27 "	27 "
Ravera	22 "	27 "	27 "

Calligaro	Not yet notified.	1986
Donnini		
Sebastianselli		
Guadagni		
Soro	Omitted from C.L.O.'s list.	
Viviani		

You will see that, although most of these sixteen sentences were either confirmed or commuted by you between 18 and 22 April, this H.Q. was not notified before 27 April, the day after my letter to you. Thus between five and nine days were lost before we were informed and therefore in a position to fix the date of execution.

Incidentally there has been no delay, as your C.L.O. suggests, occasioned by "doubts of H.Q. A.A.I. to recognise your authority to confirm death sentences", which was quite clear here. Fifth Army did, indeed, ask for confirmation that this point was in order before carrying out the execution. This was obtained for them and the executions were carried out on the day for which they had been arranged, i.e. 30 April.

3. As regards the period allowed for petition for review of death sentences, I realise that this is not the main factor as the defendant would normally not delay in appealing. When I told AIREY that you had mentioned this 30 day period to me, he did, in fact, point out as you have done, that so far there had only been delay in one case on these grounds. However, I realise that delay might occur and I very much hope you will be able to reduce the period which, I understand, is provided for in the A.M.G. proclamation, but does not otherwise seem to be laid down as applicable to spies in war. The whole point

of having/.....

-2-

of having to shoot a spy at all is to ensure security of operations by the most rapid and severe deterrent, so it can hardly come within the same category as other offences. The ideal arrangement would be for a spy condemned to death to be marched away from the court and shot. The nearer we can get to that the better from our point of view. The certainty of prompt trial, judgment and execution if condemned is, as I am sure you will agree, the greatest deterrent, and also, in my opinion, the most humane. Will you let me know what you can do to reduce the period for appeals?

4. Many thanks too for your CC/P/256 dated 1 May 44. The officer you promised AIRKY to send up to discuss details has not yet appeared. I understand he rang up this morning to say he was too busy to come till to-morrow, which leaves me with the feeling that the urgency and importance of these security measures are not fully appreciated by everyone. I should be grateful if you could rub that point well in to everyone concerned.

Yours ever

John Harding

Lieut.-General Sir F. Noel Mason MacFarlane,
KCB, DSO, MC,

Chief Commissioner,
H.Q. ALLIED CONTROL COMMISSION.

1985

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Yours ever

John Harding

Lieut.-General Sir P. Noel Mason MacFarlane,
KCB, DSO, MC,
Chief Commissioner,
H.Q. ALLIED CONTROL COMMISSION.

1985

22

TOP SECRET

FBS/rj

NF
No copy SF (per Doc)

Ref. CC/P/253.

1st. May, 1944.

Reference your D.O. letter of 26th. April. I can answer this best by quoting from a memorandum from my Chief Legal Officer in reply to my request for latest statistics.

2. Reference Para 1(c) of this memorandum. I confirmed the sentences of death on these six individuals today.

3. Reference Para 2. of the C.L.O.'s memorandum. Presumably these doubts have now been dispelled.

4. Reference Para 3.. I am investigating the possibility of reducing the period in which petitions for review may be presented. I am, however, uncertain whether I shall succeed. 25

5. Reference Para 4.. I propose to leave publicity to Headquarters, A.A.I. unless I hear to the contrary.

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

Lieut-General J. Harding, CB, DSO,
Chief of General Staff,
Headquarters, A. A. I..

x in most cases the delay on account of awaiting a petition is not more than a day or two. In only one case has there been appreciable delay for this reason.

NM.

1984

22

S-2034

SEC GEN
SECRET

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 94

HQ AGO, APO 94 GRU/amt

29 Apr 1944
DFE

Show cfs

29 April 1944

SUBJECT: Espionage Cases.

TO : Chief Commissioner, A.C.C.

1. The position with regard to the above cases (in which I include cases of persons coming through the German lines for sabotage purposes, although the charge may not have been technically spying) where the death sentence has been imposed by the Court is as follows:

A. In nine cases the death sentence has been confirmed by you or by General Alexander (See list at App. A) of which 7 were in the last 6 weeks.

B. In nine cases the death sentence has been commuted by you or by General Alexander (See list at App. B) of which 7 were in the last 6 weeks.

C. Three cases involving six persons who have been sentenced to death are under review (App. C). These are very recent cases but without fail will be delivered to you for final review on Monday.

2. The actual execution of the death sentence is the responsibility of HQ AAI and not of the Allied Control Commission, and there I believe some delay has been occasioned by doubts of HQ AAI to recognise your authority to confirm death sentences. However, I have sent a certified copy of General Alexander's delegation to them today in response to their telephone call.

3. I hope the above figures will satisfy the Chief of Staff that matters are dealt with expeditiously. He will I am sure appreciate that a certain delay is necessarily involved after sentence as the defendants have 30 days within which to petition for review of the case.

4. I am entirely in favour of publicity in cases where the death sentence is imposed and had already instructed legal officers that this was permissible. However, HQ AAI, by their letter AAI/1458/41(b) dated 14 April, to the Executive Commissioner, have suggested they should control this publicity, and there does not seem any objection to this course.

J. R. Upjohn
G. R. UPJOHN, Colonel
Chief Legal Officer.

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22

ESPIONAGE CASES IN WHICH SENTENCE HAS BEEN CONFIRMED. APPENDIX "A"

<u>Name of Defendant</u>	<u>Age, or date of birth.</u>	<u>Confirming Authority</u>	<u>Date</u>
PERTOLI, Mauro	23 Jun. 1925	Gen. Alexander	15 Jan. 44
CANCELLIERI, Luigi	21 Jun. 1925	Gen. Alexander	15 Jan. 44
CATELLI, Marino		Gen. MacFarlane	3 Apr. 44
RENICACCI, Enrico		Gen. MacFarlane	3 Apr. 44
PALESSE, Italo	24 yrs.	Gen. MacFarlane	18 Apr. 44
ASCHIERI, Franco	17 yrs. 11 mos.	Gen. MacFarlane	22 Apr. 44
TAIOLI, Giorgio	18 yrs. 10 mos.	Gen. MacFarlane	22 Apr. 44
TEDESCO, Vincenzo	19 yrs.	Gen. MacFarlane	22 Apr. 44
SCARPELLINI, Virgilio	19 yrs.	Gen. MacFarlane	26 Apr. 44

1982

22

APPENDIX "E"ESPIONAGE CASES IN WHICH THE SENTENCE HAS BEEN COMMUTED TO ONE OF IMPRISONMENT.

<u>Name of Defendant</u>	<u>Age, or date of birth.</u>	<u>Reviewing Authority</u>	<u>Date.</u>
COVELLA, Federico	3 Feb. 1926	Gen. Alexander	15 Jan. 44
MONTALDI, Bruno	13 Dec. 1925	" "	23 Jan. 44
GRIVAGNO, Claudio	17 yrs. 4 mos.	Gen. MacFarlane	9 Apr. 44
FELLIGNIN, Carlo	18 yrs. 4 mos.	" "	18 Apr. 44
ALBERTI, Emilio	16 yrs. 8 mos.	" "	18 Apr. 44
ACQUA, Gaetano	17 yrs. 2 mos.	" "	18 Apr. 44
CATANI, Ernesto	28 yrs.	" "	22 Apr. 44
TRIFIRO, Mario	20 yrs.	" "	22 Apr. 44
RAVERO, Valerio	17 yrs. 3 mos.	" "	22 Apr. 44

APPENDIX "C"PENDING ESPIONAGE CASES IN POSSESSION OF LEGAL SUBCOMMISSION.

<u>Name of Defendant.</u>	<u>Age.</u>	<u>Date of Trial</u>	<u>Sentence Imposed.</u>
CALLIGARO, Alfredo	26 yrs)	8 & 10th April 1944	Death
DOMININI, Domenico	27 yrs)		
SEBASTIANELLI, Giulio	28 yrs)		
GUADAGNI, Alfonso	18 yrs)	18 April 1944	Death
SCRO, Giovanni	31 yrs)		
VIVIANI, Ennio	17 yrs 7 mos)		

1983

~~52~~
22

TOP SECRET

PERSONAL AND IMMEDIATE.

FNEG/rj

NE

CC/A245

28th. April. 1944.

I enclose herewith a self-explanatory and perfectly reasonable letter from John Harding, General Alexander's Chief of Staff.

2. I would be most grateful if you would let me have as urgently as possible the facts of the situation to enable me to reply.

3. Harding's information is clearly inaccurate.

4. As regards giving publicity to the carrying out of death sentences, I would be glad of your opinion. It should be quite easy to give very adequate publicity so long as that is what the Security authorities would like.

5. I would be grateful for the earliest possible reply with the return of the letter under reference.

2501

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

Colonel G. Upjohn,
Chief Legal Officer,
Legal Sub-Commission.
SALE NO.

*By hand of
Capt. Stone*

Copy: Capt. Stone

1979

*Wm 28
4 22 38*

CGS/228

HQ ACC, APO 224

Rec'd 28 Apr 1430
DFE

TOP SECRET.

HEADQUARTERS

~~ALLIED CONTROL COMMISSION~~
ALLIES ARMIES IN ITALY.

26th April, 1944.

Dear Master Macfarlane,

We are extremely anxious about the security of the forthcoming operations, particularly in view of the very marked espionage efforts on the part of the enemy. It is clear that the Germans are trying their hardest not only to find out our plans in the Mediterranean but also, because they must expect them to be co-ordinated with operations elsewhere, to obtain clues which by inference would lead them to very vital information indeed.

To meet this situation the security services have been particularly active with the result that 61 enemy agents have been arrested since last December. During the last six weeks twenty have been convicted and sentenced to death. I am told that of these one has been reprieved and only two executed (although eleven of these convictions were in March and six in the first fortnight of April). If that is so there must be seventeen convicted spies awaiting confirmation or commutation of the death sentences.

I believe that if these death sentences are carried out promptly and with publicity, a great deal of agent activity among Italians will cease, at least for the time being. Every day that goes past before future operations offers the possibility of leakage and consequently any delay in taking any possible measures which will help to safeguard our vital interests can naturally not be accepted.

I do not wish to suggest that justice should in any way be prejudiced by security considerations, nor that the confirming authority's judgment should be influenced. On the other hand I am sure you will agree that the success of forthcoming operations is of paramount importance and I therefore ask that these cases, and in fact all security matters at these critical times, should receive the highest possible priority.

Yours ever

Wm. Hastings

Lieut-General Sir F.N. Mason Macfarlane, KCB, DSO, MC,
Chief Commissioner,
Allied Control Commission,
C.M.F.

1978

32
22

TRANSLATION

SUPREME COMMAND

Unit I - Office of Miscellaneous Affairs

Prot. No. 91318/AV

P.M. 135 11 June 1944

MEMORANDUM FOR: Captain Ellery W. Stone, USNR
Deputy Chief Commissioner, Allied Control Commission.

SUBJECT: Lt. Col. Albanese and Capt. Vozza

Reference DCC 250 of 1 May 1944.

His Excellency the Chief of General Staff has directed me to inform you that Lt. Col. Albanese and Capt. Vozza have been placed at the disposition of the commander of No. 2 District, who has sent them to the camp at Padula.


/s/ A. Infante

ADOLFO INFANTE
MAJOR GENERAL, FCS

Trans - Sgt. Shenfield/lvs

~~also refer to [unclear] [unclear] [unclear] [unclear]~~

1977

21 

3 MAY 1944

CHU/cap

File

In reply refer to:
DOC 250

1st May 1944

Dear Marshal Messe:

I have the honour to ask your assistance in securing the handing over to the Allied authorities of two officers of the Italian Armed Forces in the circumstances following.

As a result of investigations made since the Armistice two cases have been disclosed of thefts by Italian officers of Red Cross parcels destined for British Prisoner of War Camps in Italy, at (a) Tuturano and (b) Lecce. These cases have already been reported to His Excellency Marshal Badoglio.

As a result of a request dated 29th March 1944 (reference Prot. N. 5455) addressed by the Ministry of Justice to the Comando Presidio Militare, Bari, three Italian officers implicated in the Tuturano case have already been handed over to the Allied authorities and are at present interned at No. 371 P.O.W. Camp. A fourth officer implicated in the thefts, Lieutenant-Colonel Angelo ALBANESE, was reported to be in hospital and for that reason has not so far been handed over.

I am satisfied from the enquiries which I have made that there exist at No. 371 P.O.W. Camp adequate hospital facilities for interned officers. I accordingly request that arrangements be made for Lt. Col. ALBANESE to be handed over immediately to the Officer Commanding No. 2 District, for internment in this Camp.

In the Lecce case, investigations were conducted by the Ministry of War, as a result of which I understand that a Captain VOZZA was dismissed from his position, transferred to another post and punished by 30 days imprisonment in a fortress. The Ministry of Justice have forwarded to me an undated copy letter (Reference 4822/1 - 36.1.44) addressed to them by the Ministry of War, enquiring amongst other things whether this officer should also be transferred to Bari and put at the disposal of the Officer Commanding No. 2 District. The Ministry of Justice was informed on 7 April 1944 that Captain VOZZA should also be transferred, but up to date no information has reached me that Captain VOZZA has arrived at No. 371 P.O.W. Camp.

NF 1976

21

I accordingly request your good offices in arranging for both these officers to be handed over.

Yours very truly,

WILBERT W. STORIS
Captain, USMC
Deputy Chief Commissioner

His Excellency Marshal Messe
Chief of the Supreme General Staff
Comando Supremo

1975

#5
21

~~CONFIDENTIAL~~

See you

6420

ALLIED CONTROL COMMISSION
INCOMING MESSAGE

2 apr 1944
SB

MSG CENTER NO :	3/02	DATE/TIME RECD:	APRIL 02 0019
CLASSIFICATION:	CONFIDENTIAL	DATE/TIME SENT:	011853A
PRECEDENCE :	NONE	REFERENCE NR :	F26361
FROM :	FREEDOM	CITE :	NONE
TO :	FATIMA(CHIEF COMM)		

File

HAS ACTION BEEN TAKEN ON AFHQ LETTER G1/B/3305/A3 DATED 8
MARCH ABOUT RED CROSS PARCELS CASE.



ACC DISTRIBUTION:

Action - Sec & Gen
Info - D.C.C.
- FILE

000

ACTION COPY

~~CONFIDENTIAL~~

attached.
Copy of letter sent
to AFHQ.
1944
21

COPY

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

417-1100
lm

GRU/gmf

31 March 1944

ACC/4011/1/L

SUBJECT : War criminals (Red Cross thefts) .

TO : 371 POW Camp .

1. Information has been received from No. 2 District as to the handing over of Capt. Trevesi, Carano and Casalini to the authorities of 371 POW Camp. Col. Albanese, now in Hospital, will be transferred at a later date.

2. The above mentioned Italian Officers are alleged war criminals and should be detained by you until further instructions as to their disposal are received from AFHQ . ,

G. R. UPJOHN, Colonel
Chief Legal Officer.

Copy to No. 2 District
AFHQ (your G I/B/3305/A3
dated 8 March 1944 r fer.

20-02

1973

33
21

785015

TOP SECRET AND PERSONAL

FNMM/rj

NF (H)

Ref. CC/P/256.

1st. May, 1944.

Reference Top Secret memorandum dated 30th. April from Brigadier Airey.

2. Reference his Para. 3..

(a) This is being arranged. As the Lecce case was originally represented to me as much less grave than Brigadier Airey has described it and with the approval of General Nares I had arranged for this case to be tried by an Italian Court. I have, however, now cancelled this and all three cases will in due course be tried by Military Government Courts.

(b) No.2. District appear to be acting under a misapprehension. They can hold arrested persons for military reasons for as long as they like.

This is being brought to their attention and to the attention of my legal representatives in Region II.

(c) I am investigating and will report soonest possible.

(d) This presents no difficulty in A.M.G. areas. In liberated Italy the local Prefect should be approached through the local Provincial Commissioner. In all cases where the local Military Commander wishes a curfew imposed he should approach the local A.M.G. or A.C.C. representative. In the unlikely event of a Prefect in liberated Italy failing to comply with such a request, the matter should be reported at once and I would get the Italian Government to issue orders.

(e) This is taken care of in A.M.G. Regions. I am arranging for the Italian Government to issue a strong reminder on this subject in liberated Italy.

(f) As you know, I am taking care of this.

NOEL MASON MACFARLANE,
Lieutenant-General
Chief Commissioner

Lieut-General J. Harding, CB, DSO,
Chief of General Staff,
Headquarters, A. A. I..

20

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

MAR 1944

3500
SECGEN

U-2262

ACW/jpl
25 March 44

HQ ACC, APO 394
Secy Gen.
27 Mar 1945
by *[initials]*

ACC/40834/L

Case of : CARRABBA Michele

To : Secretary General, H.Q., A.C.C.

1. Reference your letter SG 250, dated 23 March 1944.

2. The record of the trial has not yet reached this H.Q. as the practice is for the RLO to send the record at the same time as the petition for review which in this case was sent direct by the appellant to the Chief Commissioner.

3. Request was made yesterday to the RLO, Foggia, to send the record as a matter of urgency

A.C. Wright
A.C. WRIGHT
Major,

for GERALD R. UPJOHN
Colonel
Chief Legal Officer.

Handwritten:
Held until
admission of
papers returned
1971
[initials]
19

Declassified E.O. 12356 Section 3.3/NND No. 785015

HEADQUARTERS ALLIED CONTROL COMMISSION
Secretary General

Request for Pardon

SG 250

Legal Sub-Commission

23 March

4

The Chief Commissioner desires your recommendation on the
attached request for pardon.

ROBERT E. DOE
Major, A.G.D.
Secretary General

1974

19

TRANSLATION

San Severo (Foggia)

March 10th, 1944.

TO HIS EXCELLENCY, THE CHIEF OF THE ALLIED CONTROL COMMISSION

GENERAL SIR FRANK MASON MACFARLANE

NAPLES

The undersigned, CARRABBA Matteo, a priest, residing at San Severo, at the Salesiano Institute, with the family residing in the Comune of San Paolo di Civitate (Foggia) has the honour of humbly submitting to Your Excellency a:

Request for Pardon

in favour of his own brother Michele, married and with family, residing at San Paolo di Civitate, who has been incarcerated at the "San-damentale Prison" of Torremaggiore since March 7th, under the charge of illegal possession of some empty gasoline cans, for which the fault is to be attributed to a minor son of his.

The sentence has been set at two months in jail.

I beseech Your Excellency to pardon the accused who has always been an upright and honest citizen and under every aspect, for his wife's and the children's sake, in order not to deprive them of their only support.

Confident of Your mercy and generosity, while I extend my best wishes for the triumph of the Allied forces in the common cause of Justice and Peace, I very respectfully assure You of my faithful devotion and sign my name;

for the whole family,

/s/ Dr. Matteo Carrabba, Priest. San Severo.

1969

19 (19)

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U.S. Army

10 March 1944

GAB/mo
3/6146/L

Subject: Proclamation Offences.

To : Commanding General, 5th Army.
Commanding General, F.B.S.
Commander, 57 Area.
Chief Commissioner A.C.C. (for information)—

From : Regional Commissioner, Region III.

1. Many civilians are charged before Allied Military Courts with being in possession of Allied property contrary to Proclamation No.2, Article II, paragraph (40). Among the excuses put forward by the accused are that the goods were given in payment for washing done for allied soldiers, or were exchanged for wine or fruit or the like, or were given by allied soldiers to the children of the accused.

2. There is no doubt that in the majority of cases in which an explanation of this kind is given by the accused, it is true, subject to the qualification that often the accused has asked that payment for what he has done or sold should be made in goods rather than cash.

3. Enquiry of many allied soldiers has revealed that they do not realise that they should not hand over to civilians, either as gifts or in payment for services or goods, goods issued to them by, or purchased by them from, army sources, even though the soldiers regard such goods as their own property.

*Copy to Luch w/ made to straighten procedure
By Command must not waste time on this policy question
Takes time to find solution. Should let us know and
try to be better w/ AAI. - 1 - 4/3*

37
18

4. It is appreciated that an Order on this subject was issued on 3 February 1944, but it does not yet appear to have reached the individual soldier.

5. The aggregate quantity and value of allied goods in the possession of Italian civilians is very large. Rarely does a soldier realize that his small gift to an Italian may be only one of many given to the same recipient, or that his gift may lead to the recipient's imprisonment.

6. It is recommended -

- a) that the Order of 3 February 1944, issued by 5th Army, be brought to the notice of all personnel in that Army; and
- b) that PBS and 57 Area issue -
 - (i) a notice calling attention of army personnel to the facts that it is a serious offence for Italians to accept as a gift, or to purchase, or to be found in possession of allied property, and that many Italians are being imprisoned because of the unwise generosity of allied soldiers; and
 - (ii) an order forbidding allied soldiers to sell, exchange or give away any equipment or goods issued to them from army stores or purchased by them from NAAFI or Px Stores.

CHARLES POLETTI,
Lt.Colonel AUS
Regional Commissioner

1967

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

RED 2102

GCH/gfm

MB

Copy

27 February 1944.

ACC/4104/L

HQ ACC, APO 394
Sec'y Gen.
Rec'd Mar 03 17 00 A
By JPB

SUBJECT: Revision of Fascist Legislation.

TO : Chief Commissioner (thru V.P. Admin.)-

1. This Subcommittee has been informed confidentially by H.E. The Minister of Justice that a comprehensive revision of the entire legislation between 1922 and 1943 is now under study with a view to eliminating all provisions of a fascist character.

2. The Minister is endeavouring to collect at the Ministry all available legal specialists to hasten the prosecution of this arduous task and will keep this Subcommittee regularly informed of the progress made.

/s/ G.R. UPJOHN
G.R. UPJOHN, Colonel
Chief Legal Officer.

Copy to: Political Director, ACC.

INITIALED: Col Monfort.
Gen MacBurlane, 4/2

230-1

1966

35
17

CC/P/210

FMM/rj

20th. April, 1944.

Dear Madam,

I have received your letter of 19th. April.

2. I would like to say that as a husband, with a daughter of my own, I sympathise very fully in the feelings of yourself and your daughter over the internment of your husband.

3. It is, however, my duty to inform you that your husband's case has been most carefully considered and that in the meantime no further action in the matter is possible. In due course the case will come up for reconsideration.

250.

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

Signora Laura D'Alessandro,
Via Dei Mille, 40,
NAPLES.

1965

28

16

Naples 19th April 1966

To the General Noel Mason Marfalcone
President of the Allied Control Commission

Naples

Answered

Sir,

please allow to a wife, who is suffering for the arrest of her husband, to apply directly to you, with full hope to obtain justice.

I am Angelina d'Alejandro, wife of the shipowner Achille Lanno.

My husband, arrested since the 9th November 1963, is now in the internment camp of Padula.

I believe that during these months the Allied Police had got all the informations on my husband, and no doubt the truth is to his favour.

As shipowner, he always worked in the international freight's market, and his honesty and competency resulted in obtaining respect, confidence and even closed friendships, chiefly in London, which can always give evidence of his true feelings pro the Allies and against fascism and nazism.

I never forget that a time my husband was ^{250.} ~~detained~~ a million of times for having openly spoken disapproving the acting of a fascist minister! I do not know why my husband was arrested,

Sir,

please alert to a wife, who is suffering for the arrest of her husband, to apply directly to you, with full hope to obtain justice.
I am Angelina d'Alexandro, wife of the shipowner Achille Laro.

My husband, arrested since the 9th November 1963, is now in the internment camp of Padula.

I believe that during these months the Allied Police had got all the informations on my husband, and no doubt the truth is to his favour.

As shipowner, he always worked in the international freights' market, and his honesty and competency resulted in obtaining respect, confidence and even closed friendships, chiefly in London, which can always give evidence of his true feelings pro the Allies and against fascism and nazism.

I never forget that a time my husband was ^{250.} a million of lives for having openly spoken disapproving the acting of a fascist minister! I do not know why my husband was arrested, I only heard broadcasted that "Laro was a partner of U.S.A."

Let me point out solemnly that such a column

is a body without ground.
My husband always spoke with me about his own
business and I can guarantee you that never he
had any connection with Brown.
My General, I implicate you, be good!
My husband is now 52; his stay in an internment
camp has weakened his spirit and his body;
recently, in fact, he suffered from pneumonia.
My General, I assure you that he is innocent.
If you need more informations, please interroga-
te him; by word of mouth he will give you any
indication you might require, but above all
you will know that he is a loyal man, a true
friend of the Allies, an experienced man, who
is only desirous to put his large intelligence
and experiences to the disposal of the Allies for
the final struggle against Germans.
My young daughter, who is bitterly suffering too,
finds me in praying you, incessantly, to
remember our eyes full of tears and give freedom
to my husband.
I know that you can restore to my family the
peace and tranquillity we have lost; I am quite
confident on you, and I assure you on advance
of my everlasting gratitude for your kindly
attention.
I hope you will apologize me for the liberty

My husband is now 57; his stay in an internment camp has weakened his spirit and his body; recently, in fact, he suffered from pneumonia. My General, I assure you that he is innocent. If you need more information, please interrogate him; by word of mouth he will give you any indication you might require. But above all you will know that he is a loyal man, a true friend of the Allies, an experienced man, who is only desirous to put his large intelligence and experience to the disposal of the Allies for the final struggle against Germans. My young daughter, who is bitterly suffering too, joins me in praying you, incessantly, to consider our eyes full of tears and give freedom to my husband.

I know that you can restore to my family the peace and tranquillity we have lost; I am quite confident on you, and I assure you on advance of my everlasting gratitude for your kindly attention.

I hope you will apologize me for the liberty I took in troubling you with this letter, but I am sure you will consider the sorrow of a wife and grant an end to it.

I beg pardon for my poor english, but I

understood in the interior of my family,
to get to better translated, confidently hoping
to meet your best attention.

Yours respectfully

Angelina Laura d'Alfonso

Via dei Mille 40. Naples.

250.

CC/P/176

PRIVATE & IMPERSONAL

FMB/rj

6th. April, 1944.

Reference the death sentence on Calvagno.

2. I would be glad if you would let me know how many individuals under 18 years of age have been convicted and sentenced to death since we first landed in Sicily.

3. My inclination at the moment is to confirm such sentences (unless there are peculiar circumstances attaching) in a proportion of cases depending upon whether advantage is clearly being taken of our clemency to deliberately employ youthful spies.

4. I am retaining the papers re Calvagno pending a reply from you and would be grateful if you could make it a speedy one.

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

1963

Col. Upjohn
Legal Sub-Commission

26
15

250-1

HEADQUARTERS

18 APR 1944

A. C. C.

From		
	Chief Commissioner	
	Dep. Chief Commissioner	
	Secy. Gen. to Chief Commissioner	✓
	Administrative Section	
	Economic Section	
	RC & MG Section	
	Civil Affairs Branch	
	PW & Displaced Pers Sub Com	
	Italian Refugees Branch	
	Security Branch	
	Information Branch	
	Establishment Branch	
	Ex Offrs	
	G-1 (A)	
	G-1 (B)	
	G-4	
	Hq Comdt (Main Hq)	
	Hq Comdt (Rear Hq)	
✓	Adjutant (Main Hq)	
	Adjutant (Rear Hq)	
	Archives & Library	
	Pool of Interpreters	
	Political Section	
	Independent Sub-Commissions	
	Navy	
	Land Forces	
	Air Forces	
	Telecommunications & Posts	
	War Material Disposal	
	Public Relations Officer	
	Liaison Section Hq A.C.M.F.	

Signature
Remarks/Recommendation
Information
Approval/Disapproval
Appropriate Action
Investigation & Report
Dispatch

REMARKS:

ONE COPY 1962
ONLY RECEIVED

5-1635

SECT GEN

16 Apr (7)

TOP SECRET

COPY No 10

HEADQUARTERS
16 APR 1944
A. C. C.

ORDERS BY G.O.C. EIGHTH ARMY

FOR EXECUTION BY SHOOTING OF

MARINO CANTILLI
ENRICO MENICOCCHI

1. The above named have been sentenced to death by an Allied Military Court and the sentence has been confirmed for the Military Governor by the Chief Commissioner A.C.C.

2. The sentence will be carried out as rapidly and as humanely as possible.

3. Place : Quarry on East side of rd SANTA MARIA CAPUA VETERE - S. ANGELO in FORMIS. Map ref N 2179

4. Time : 1000 hours, 16 April 1944.

5. The D.P.M. HQ Eighth Army will be responsible for seeing that the sentence is carried out in accordance with these orders. (D.P.M. responsibilities at appx 'A').

6. FIRING PARTY and ESCORT

Firing Party consisting of one officer, not below the rank of captain, one sgt and twelve men to be detailed by Comd 78 Div, and Escort consisting of two N.C.Os and four men to be detailed by Comd 78 Div will report to HQ 505 Pro Coy TRIFLISCO Br, Map ref N 2281, by 1800 hours 15 April. (Orders for Firing Party at appx 'B').

7. ARRANGEMENTS WITH U.S. ARMY AND CIVIL AUTHORITIES

Handing over of prisoners to D.P.M., provision of civilian priest, siting and digging of graves, and burial under arrangements officer to be detailed by A.M.G. Main army. (A.M.G. Officer's responsibilities at appx 'C').

8. G.S.I.b Main Army HQ will be responsible for providing a witness to identify the prisoners to D.P.M. and OC Firing Party and will provide an interpreter who will both report to DPM at the Prison SANTA MARIA at 0730hrs 16 April 1944.

9. MEDICAL CERTIFICATES

1961

1. The above named have been sentenced to death by an Allied Military Court and the sentence has been confirmed for the Military Governor by the Chief Commissioner A.C.C.
2. The sentence will be carried out as rapidly and as humanely as possible.
3. Place : Quarry on East side of rd SANTA MARIA CAPUA VETERE - S. ANGELO in FORMIS. Map ref N 2179
4. Time : 1000 hours, 16 April 1944.
5. The D.P.M. Hq Eighth Army will be responsible for seeing that the sentence is carried out in accordance with these orders. (D.P.M. responsibilities at appx 'A').
6. FIRING PARTY and ESCORT
Firing Party consisting of one officer, not below the rank of captain, one sgt and twelve men to be detailed by Comd 78 Div, and Escort consisting of two N.C.Os and four men to be detailed by Comd 78 Div will report to Hq 505 Pro Coy TRIFLISCO Br, Map ref N 2281, by 1800 hours 15 April. (Orders for Firing Party at appx 'B').
7. ARRANGEMENTS WITH U.S. ARMY AND CIVIL AUTHORITIES
Handing over of prisoners to D.P.M., provision of civilian priest, siting and digging of graves, and burial under arrangements officer to be detailed by A.M.G. Main Army. (A.M.G. Officer's responsibilities at appx 'C').
8. G.S.I.b Main Army Hq will be responsible for providing a witness to identify the prisoners to D.P.M. and OC Firing Party and will provide an interpreter who will both report to DEM at the Prison SANTA MARIA at 0730hrs 16 April 1944. 1967
9. MEDICAL OFFICER
To be detailed by Medical, Hq 8th Army, will report to DEM at The Prison, SANTA MARIA CAPUA VETERE at 0800hrs 16 April 1944.
10. LABOUR
D.D.L. will provide an N.C.O. and four ORs and a 3 ton truck with canopy, who will report to DEM at The Prison SANTA MARIA CAPUA VETERE at 0800hrs 16 April 1944. (Orders at appx 'D')
11. SECURITY
The fact of the execution and the identity of the prisoners will be kept secret until released by G.S.I.b Hq Eighth Army.

...../12.

14

12. PROCEDURE

(2)

- (a) SAC HQ Eighth Army will visit each prisoner in the prison at SANTA MARIA CAPUA VETERE not later than 0815hrs 16 April, accompanied by an interpreter. He will inform each prisoner in turn that he has been sentenced to death by an Allied Military Court on a charge of espionage and that the sentence of death has been confirmed on behalf of the Military Governor and that the sentence will be carried out by shooting at 1000hrs the same day.
- (b) The Priest will then go to the prisoners and remain with them if they so wish it.
- (c) The Escort, consisting of one M.C.O. and two men for each prisoner under a Sgt C.M.P., will report to DPM at the Prison at 0800hrs 16 April 1944.
- (d) At 0930hrs the Sgt C.M.P. will secure each prisoner by tying his wrists behind his back.
- (e) The Escort will then accompany the prisoners from the prison to the place of execution.
- (f) The Escort will be provided with stretchers in case the prisoners are unable to walk.
- (g) The Priest will accompany the prisoners from the Prison to the place of execution but will be allowed to leave the actual place before the sentence is carried out and to wait outside.
- (h) The Escort will secure each prisoner to a post or chair and will march away as soon as the prisoners have been secured. The Sgt C.M.P. will remain behind.
- (i) The Sgt C.M.P. will then blindfold each prisoner and will pin a piece of white paper over the region of the heart.
- (j) The Deputy Provost Martial will then request the Officer i/c Firing Party to carry out his duty. (See Appx 'B' for orders for Firing Party).
- (k) The Medical Officer will then examine the body of each prisoner. If he considers that life is not extinct he will inform the officer i/c Firing Party who will use his revolver to complete the sentence. The body will not be unbound until the Medical Officer has signified the man is dead.
- (l) The Burial Party, who will not be allowed in the place of execution during the carrying out of the sentence, will then be ordered by the Officer detailed by A.M.G. to coffin the bodies,

1950

- (b) The Priest will then go to the prisoners and remain with them if they so wish it.
- (c) The Escort, consisting of one N.C.O. and two men for each prisoner under a Sgt C.M.P., will report to DEK at the Prison at 0800hrs 16 April 1944.
- (d) At 0930hrs the Sgt C.M.P. will secure each prisoner by tying his wrists behind his back.
- (e) The Escort will then accompany the prisoners from the prison to the place of execution.
- (f) The Escort will be provided with stretchers in case the prisoners are unable to walk.
- (g) The Priest will accompany the prisoners from the Prison to the place of execution but will be allowed to leave the actual place before the sentence is carried out and to wait outside.
- (h) The Escort will secure each prisoner to a post or chair and will march away as soon as the prisoners have been secured. The Sgt C.M.P. will remain behind.
- (i) The Sgt C.M.P. will then blindfold each prisoner and will pin a piece of white paper over the region of the heart.
- (j) The Deputy Provost Martial will then request the Officer i/c Firing Party to carry out his duty. (See Appx 'B' for orders for Firing Party).
- (k) The Medical Officer will then examine the body of each prisoner. If he considers that life is not extinct he will inform the officer i/c Firing Party who will use his revolver to complete the sentence. The body will not be unbound until the Medical Officer has signified the man is dead.
- (l) The Burial Party, who will not be allowed in the place of execution during the carrying out of the sentence, will then be ordered by the Officer detailed by A.M.G. to coffin the bodies, transport them to the place of burial and bury them. A Priest will accompany the Burial Party and read the burial service over the graves.

ACK.

In the Field.
14 April 1944.

Sp. B. B. B.
for
Lieut-General,
G.O.C., EIGHTH ARMY.

DISTRIBUTION :/

14

DISTRIBUTION :

78 Div
Brig. A/Q
G.S.I.
Med
D.P.M.
D.D.I.
A.M.G.
OO Firing Party

COPY TO : A.A.I.
A.C.C.
War Diary
File

COPY No.

1 2 3 4 5 6 7 8
9
10
11-12
13

D.D.L.
A.M.G.
OO Firing Party

COPY TO : A.A.I.
A.C.C.
War Diary
File

9
10
11-12
13

1959

14


Appendix "A"

RESPONSIBILITIES OF DFM

1. The DFM is responsible for seeing the sentence is carried out and will generally supervise the proceedings.

2. He will be responsible for provision of :-

- (a) Vehicle for transporting prisoners to place of execution.
- (b) Posts to which to tie the prisoners.
- (c) Rope for tying the prisoners to posts.
- (d) Handcuffs or ropes for binding their wrists.
- (e) Bandages for blindfolding the prisoners.
- (f) Sheets of white paper and pins for marking the region of the heart.

3. He will also be responsible for the provision of the following staff :-

- (a) Sufficient Military Police to keep unauthorised persons away from the place of execution from half an hour before the execution until all signs of what has taken place have been removed.
- (b) Sgt CMP i/c escort.

4. He will furnish a Report to the Eighth Army stating that the sentence has been carried out.

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- (b) Sgt CMP i/c escort.

4. He will furnish a Report to HQ Eighth Army stating that the sentence has been carried out.

1953

14-2

Appendix 'B'ORDERS FOR FIRING PARTY

1. The Firing Party will arrive at the place of execution at 0930 hours complete with arms and ammunition.
2. The Officer i/c Party will then explain the duty required of his men and that some of the rifles will be loaded with ball and some with blank. He will impress that the most merciful action to the prisoners is to shoot as straight as possible. He will detail six men to shoot at each prisoner.
3. He will then extend his men to single rank, six facing the post to which each prisoner will be secured and at about fifteen paces from them.
4. The Regt Sgt will then load five of the rifles of the left hand party with ball and one with blank, and five of the rifles of the right hand party with ball and one with blank.
5. The mechanism of the rifles will be placed in the loaded position. Safety catches of the rifles will be placed at safe and the rifles will be laid down opposite and behind their owners.
6. The men will then be marched into the Pit in the site of execution and remain out of the view of the prisoners. The OC Firing Party will remain behind.
7. After the prisoners are secured and blindfolded, the D.P.M. will then request the Officer i/c Firing Party to carry out his duty.
8. The Officer will then march in the Firing Party to their rifles and order them to take up arms.
9. The safety catches will then be placed forward and the men will bring their rifles to their shoulders and await the order or signal to fire.
10. The Firing Party should kneel to fire if the state of the ground permits and they should be directed to fire at the heart.
11. Immediately the men have fired, the N.C.O. will order them to ground arms, will turn the men about and march them away, the Officer remaining behind.
12. The Officer will be responsible for ensuring that the rifles are

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8. The Officer will then march in the Firing Party to their rifles and order them to take up arms.
9. The safety catches will then be placed forward and the men will bring their rifles to their shoulders and await the order or signal to fire.
10. The Firing Party should kneel to fire if the state of the ground permits and they should be directed to fire at the heart.
11. Immediately the men have fired, the M.C.O. will order them to ground arms, will turn the men about and march them away, the Officer remaining behind.
12. The Officer will be responsible for ensuring that the rifles are cleaned before they are returned to their owners.

1957

14 (2)

Appendix 'C'

RESPONSIBILITIES OF A.M.G. OFFICER

1. Will arrange for the Prisoners to be segregated and handed over to D.P.M. Eighth Army by 0800 hours 16 April.
2. Will provide a civilian priest, who will report to D.P.M. at the Prison in SANTA MARIA CAPUA VETERE at 0800 hours on 16 April. Will provide all necessary facilities for the priest to hear confessions and say Mass.
3. Will arrange for two graves to be dug in the Cemetery in SANTA MARIA CAPUA VETERE by p.m. 15 April.
4. Will arrange for transport and coffins with blankets and lowering ropes to be adjacent but not inside the place of execution at 0930 hours on 16 April.
5. Will supervise the bodies being placed in the coffins, transported to the Cemetery and buried, and for the deaths to be registered.

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5. Will supervise the bodies being placed in the coffins, transported to the Cemetery and buried, and for the deaths to be registered.

1958

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Appendix 'D'

LABOUR

1. An N.C.O. and four O.P.s, Pioneer Corps, will report to D.P.M. at the Prison Santa Maria Capua Vetere at 0800 hours 16 April, and will be placed under orders of A.M.G. Officer.
2. They will accompany A.M.G. Officer to site of execution and remain outside until sentence has been carried out.
3. They will then be called forward by D.P.M., will place the bodies in the coffins and load them on the transport.
4. A.M.G. Officer will take charge of the Party, convey it to the Cemetery and supervise burial. (See Appx 'C', para 5)

2. They will accompany A.M.G. Officer to site of execution and remain outside until sentence has been carried out.
3. They will then be called forward by D.P.M., will place the bodies in the coffins and load them on the transport.
4. A.M.G. Officer will take charge of the Party, convey it to the Cemetery and supervise burial. (See Appx 'C', para 5)

1955

14

CONFIDENTIAL

EE/NA

A/CC 230

12 August 1944

My dear Marshal:

The attached documents were sent to the Commission by Allied Force Headquarters, who stated that General Bellomo has requested that the documents be forwarded to you.

It is understood that an allegation that General Bellomo has committed a war crime has been made against him. It is also understood that this has been the subject of a proper investigation and that he is being held in custody.

Very truly yours,

HUGHY V. STONE
Captain, USAR
Acting Chief Commissioner

H.H. Marshal Pietro Badoglio
Villa Badoglio, Via Trussardi
Rome

50 802
HQ ACC Sec'y Gen.
DISPATCHED
Date-Time 12 Aug 1944
Via 19. Apostolo
Initials PRR.

2 Enclosures

- 1 - Letter from Gen. Bellomo of 23 Apr 44
- 2 - Letter GMSL 14/Ris of 15 Jan 44 (with 20 enclosures)
 - (1) Telegram from HQ MVEN 231/C.I./Ris, 25 Aug 43
 - (2) " " " " 231/C.I./Ris, 25 Aug 43
 - (3) " " " " MVEN XII Zone, 9 Sept 43
 - (4) Letter, MVEN XII Zone 93/Ris, 10 Sept 43
 - (5) Letter, Territorial Command IX Army Corps 884/OP, 9 Sept 43
 - (6) Letter MVEN XII Zone, 92/Ris, 23 Sept 43
 - (7) Note by General Bellomo
 - (8) Letter GMSL 204/R.P., 2 Dec 43
 - (9) Letter to Gen Bellomo from citizens of Bari
 - (10) Letter MVEN XII Zone 94/R.P., 11 Sept 43
 - (11) Letter MVEN XII Zone 143/R.P., 26 Oct 43
 - (12) Letter from Commanding General MVEN 2369/C.I./Ris, 19 Aug 43
 - (13) Telegram 770 27/12 of 23 Nov 43
 - (14) Letter MVEN XII Zone 176/R.P. of 6 Nov 43
 - (15) Letter MVEN XII Zone 101/R.P., 2 Oct 43
 - (16) Letter No. 126/R.P. of 15 Nov 43
 - (17) Letter No. 23/R.P. of 25 Sept 43
 - (18) Letter MVEN 151 Legion, 936/OP/12, 30 Sept 43
 - (19) " " " " 2999 3/11, 20 Sept 43
 - (20) Summary of punishments inflicted

1954

Files PRR

785015

SECRET

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

CMS/CF/seb

G-5: 311.18

8 August 1944

SUBJECT: General Bellomo

TO : Headquarters, Allied Control Commission
APO 394.

1. Herewith are documents sent to the Commander, No. 2 District, by General Bellomo, who is held in custody as an alleged war criminal. This Section is advised by the Deputy Adjutant General G-1 (British) that a full inquiry has been held into the allegation and the record has been forwarded to the Combined Chiefs of Staff.

2. In a covering letter General Bellomo has requested that the documents be forwarded to Marshal Badoglio. It appears that they have nothing whatever to do with the question of whether or not General Bellomo is a war criminal. In these circumstances there seems to be no objection to the documents being forwarded under confidential cover to Marshal Badoglio, and you are requested to deliver or send them to him. We think it necessary to say only that an allegation that he has committed a war crime has been made against General Bellomo, that this has been the subject of a proper investigation and that he is being held in custody.

/s/ Charles M. Spofford
/t/ CHARLES M. SPOFFORD
Colonel, G.S.C.
Asst. Chief of Staff, G-5.

Incl:
File of papers, as above

SECRET

files 1953

13

HQ AGC AFQ 5M

Rec'd 8 June 1945
By *[Signature]*

No. 1793

Salerno, 7 June 1944.

THE PRESIDENT OF THE COUNCIL
OF MINISTERS

My dear General MacFarlane:

I forward to you the records concerning Lt. Colonel
Nino Bixio CAMASSA, Lt. Colonel Amedeo BOCCADIFUOCO and General Nicola
BELLOMO, who have been detained for many months in the Internment Camp
at Padula.

Whatever the outcome of the investigations of them,
it seems to me a humanitarian step to relieve these officers and their
families from this state of uncertainty. If they be guilty, let them
suffer the penalty, but if they be innocent, they should be freed.

The documents herewith attached, may cast a new
light upon the so greatly invoked decisions.

I would be grateful to you, dear General, if
you would kindly interest yourself in the matter.

I thank you.

Cordially Yours.

/s/ BADOGLIO

General
Sir Noel Mason Mac Farlane
Chief of the Allied Control Commission
Naples

1952

Only concerning letter translated.

13 *[Signature]*
98

SEC GEN

*Col. Upjohn
informed by
memo 5 June 44*

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

HO ACC, APO 394

Rec'd 3 June 1944
By OFE

/rlp.

2 June 1944.

ACC/4146/L.

SUBJECT : Case of General Bellomo and a Colonel of Italian Air Force.

TO : Chief Commissioner.

1. Further reference to our letter ACC/4146/L of 14 May 1944.

2. I am now advised by the RLO, Region II that the following information has been supplied to him by No. 2 District:

a. General Bellomo is at present held at 571 POW Camp, and was arrested on information supplied by the War office.

b. A Court of Enquiry pursuant to AFHQ Direction (GI/R/3305/A3 of 6 Feb 44) has been held, and proceedings forwarded to AFHQ. NCIA are in possession of full information in this case.

c. It is presumed that the Italian Air Force Colonel referred to is one Colonel Camassa, who was arrested and interned on 6 Jan 44 at the request of Air Commodore Foster of the Air Force Sub-Commission ACC.

3. With regard to Colonel Camassa I now recollect advising Air Commodore Foster on the internment of this officer, when at Brindisi. To the best of my recollection, this officer had tried to lead his troops back through the Allied lines just after the Armistice so as to rejoin the Germans and subsequently had acted in a manner hostile to the Allies.



Gerald R. Upjohn
GERALD R. UPJOHN,
Colonel,
Chief Legal Officer 19373

13

HQ ACC, APO 894
Sec'y Gen.
24 May 1411
By DFE
TOP SECRET

Maj Gen L. Browning
Army Sub Commission A.C.S.
Main H.Q. (MMA)
LEQUIN (LEUCE)
20/2
22 May 44

Dear General

CACCIA has asked me for information regarding the arrest of Italian General Nicola BELLOMO. These are the facts as known in this office.

BELLOMO was arrested in BARI on 28 Jan 44 by HQ 2 District. At the time of his arrest he was President of the Commission for Dissolution of the M.V.S.M. (Fascist Militia), and was due to be demobilised on completion of this task.

On being notified on 29 Jan by the Italian War Ministry of BELLOMO'S arrest, M.M.I.A. signalled 2 District asking for reasons. 2 District replied that BELLOMO was arrested on advice from the War Office, LONDON, and that he was considered responsible for the death of Capt PLAYE, Royal Gloucester Hussars, and the wounding of Lieut COCKE, Queen's Own Royal West Kent Regt, British P.W. in SUMOVA, 38 P.W. Camp, 30 Nov 41. M.M.I.A. were instructed that on no account was this information to be given to the Italians, who were merely to be told that the arrest had been made on War Office orders, and that BELLOMO would be held at the disposal of the Allied Authorities.

On 4 Feb 44 M.M.I.A. were asked by HQ 2 District to trace and arrest a Capt SOMAVILLA Antonio and a 2 Lieut STECCONI Giuseppe, both charged by the War Office with complicity in the case. STECCONI was arrested in BARI on 5 Feb, and 2 Dist were informed. SOMAVILLA, however, could NOT be traced and Italian War Ministry stated that he had not been heard of since AUG 43 when he was on the staff of 70 P.W. Camp, PESCARA.

G.S.I.(b). HQ 2 District have more detailed information on BELLOMO and his accomplices, and Major CAMPBELL was so informed when he visited LEQUIN on 19 May.

Yours Very Sincerely,

Langley Browning

1950

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Yours Very Sincerely,

Langley Browning

1950

Lieut Gen Sir Noel Mason MacFarlane, K.C.B., D.S.O., M.C.,
Chief Commissioner, H.Q. Allied Control Commission.

P.S. Since writing above I have received from 2 District a file containing a letter to COC 2 District, enclosing an appeal to Marshal RADOLIO supported by two reports, all written by BELLOMO, on his conduct after the Armistice. This letter does NOT appear to have been forwarded to Marshal RADOLIO and I have returned it to 2 District suggesting that it should be referred to the authorities who initiated BELLOMO's arrest.

*no further action
I have informed Rad. the
nothing doing. hand 13*

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

SEC GEN

7916

ACC/41146/L.

Rec'd 16 May 0930 14 May 1944.
By *[Signature]* /rlp.

SUBJECT : Cases of General Bellomo and a Colonel of the Italian Air Force.
TO : Chief Commissioner.

1. Reference your memorandum CC/G/277 of 12/5/44.

Alfred C. [Signature] 2. This matter has never been officially brought to the notice of this sub-commission, but it is in my recollection that I have been told that General Bellomo had been sent to No. 371 Camp, Padula, as being concerned in the shooting of British Prisoners of War.

3. I am having investigations made regarding both officers and will report to you further as soon as possible.



G. R. Upjohn
G. R. UPJOHN,
Colonel,
Chief Legal Officer.

1944

Send further news.
W. H. [Signature] 13

CONFIDENTIAL

FMF/rj

TF
also SF

Ref. CC/O/277.

12th. May, 1944.

MEMORANDUM;

TO: Legal Sub-Commission.
A.C.C. Rear.

1. At my last meeting with Marshal Badoglio he asked if I could give him any information regarding the cases of General Bellomo and a Colonel of the Italian Air Force who were apparently arrested at Bari over four months ago. He understood they were still in custody.

2. Would you please let me know how the matter stands.

NOEL MASON MACFARLANE.
Lieutenant-General.
Chief Commissioner.

1948

13

CONFIDENTIAL

C O P Y

SUBJECT:- Major General Nicola Bellomo.

ALLIED FORCE HEADQUARTERS.

GI/E/3305/1/A3.

9 April 44.

HQ Allied Control Commission.

Reference your DCC 585.6 dated 30 Mar 44 addressed to Commanding General, AFHQ, APO 512.

It is not considered necessary to take any further action over the document forwarded by you, as the normal procedure for alleged war crimes is being followed in this case.

/s/ G. G. Baker, Lt Col
A.A.C.

Major General, DAG.,
G-1 (B).

Copy to:- JA (US)
DJAG(Br)

CONFIDENTIAL

1947

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13

CONFIDENTIAL

31 MAR 1944

NF

EWB/hjp

In reply refer to:
DCC 383.6

30 March 1944

SUBJECT: Major General Nicola Bellomo (Italian)

TO : Commanding General, AFHQ, APO 512
(Attention: Judge Advocate General)

1. Reference is made to attached copy of letter with translation from Adele Fisichetti, wife of Major General Nicola Bellomo, dated Bari 2 Mar 44, relative to the arrest and detention of General Bellomo, now at POW Camp No. 207 in Grumo Appula.

2. It is understood that General Nicola Bellomo is being detained as a War Criminal, pending trial and is a matter coming within the jurisdiction of the J.A.G., AFHQ.

3. It will be noted that the letter from the General's wife has been directed to a large number of addressees. It has not been acknowledged by the Commission and no action has been taken. Same is being forwarded to you for such action as may be proper.

4. It will be appreciated if we can be informed what action is taken in this matter.

HILARY W. STONE
Captain, USNR
Deputy Chief Commissioner

1 Incl:
As in para 1 above

1946

CONFIDENTIAL

13

TRANSLATION

Bari 2 March 1944

TO: Chief of the Government-Marshal Pietro Badoglio
Prince of Piedmont
President of the U.S.A., Franklin D. Roosevelt
Head of the British Government, Winston Churchill
Head of the Government of U.S.S.R., Marshal Stalin
Head of the ACC in Italy
Chief of General Staff, Marshal Messe
Chief of Staff of of R. Army, Gen Bor-ardi
Minister of War
" " Navy
" " Aeronautics
" " Interior
" " National Education
" " Communications
" " Justice
" " Finance
" " Industry, Commerce & Labour
" " Agriculture & Forests
" " Public Works
Lt General Pisio Birolì
High Commissioner of National Defascitization, Zaniboni
Mayor of New York, Mr. Fiorello La Guardia
Head of English Police for Military Security
Head of American Police
Head of Psychological Warfare Branch
Provincial Commissioner of ACC, Bari
Executive Giunta of the Bari Congress of the Anti-Fascist Parties
Heads of the Anti-Fascist Parties

1945

13

I wish to bring to light the following facts in reference to the arrest of my husband, Maj. Gen. Nicola Bellomo, by the English Police on January 28, 1944.

From what I gather, he is being charged with allowing or causing the shooting, against international agreements, of two English officers held prisoner in Campo 75 of Torre Frescas: Capt. George Playne was killed and Lt. Rostron R. Cook wounded by the guards on November 30, 1941 while attempting, a record time, to escape. Lt. Cook is able to testify to this.

In connection with a new inquiry into this case, I believe that the one conducted by the Italian Authorities at that time should be considered. Since some of the charges were made anonymously, the Italian General Staff, headed by Gen. Ambrosio, ordered a supplementary inquiry. From this it was found that the incident, however painful and fatal for one of the officers, was a military circumstance wherein my husband and the other Italian officers involved simply performed their duty.

It now seems that not even a copy of the documents concerning this inquiry can be found with the Italian High Commands in the territories occupied by the Allies. Col. Fiore, Head of the Ministry of War, assured my son of this on 30 January 1944. That is, 48 hours after the arrest of my husband. This was also confirmed to my son by the High Command of the IX Army Corps, by the Command of the GROUND Defense of Bari.

These documents, however, should be with the High Command of the IX Army Corps and with the Command of the Ground Defense of Bari. I base this affirmation on explicit statements made by my husband and contained in his correspondence addressed to me from Camp P.O.W. No. 207, in Grumo Appula, where he has hitherto been interned by the English Authorities.

In the name of those sacred principles and human rights for which this war is said to be fought, I request that those documents be sought and shown to the proper English Authorities.

What I have stated will be pertinent in case a new and just inquiry into the actions of my husband in the cited incident will be reopened. It surprises me to see that no account was taken of the fact that my husband fought in the last war on the side of the Allies; that he was always hostile to Fascism; and that on September 9, 1943, after the Armistice, he was one of the few officers, if not the only one, to throw himself against the Germans.

On September 9, my husband, a sixty-three year old General, commanded a small detachment and attacked the Germans who had begun the destruction of the port installations of Bari. He was wounded several times in the various attacks. During the last attack he received seven wounds from a German grenade which exploded a few meters from him. He was then forced to retire from the battle. These wounds can easily be seen on his forehead, mouth, hands and right thigh. The Germans yielded later to Gen Melia and Col. Vitucci of the IX Army who imposed the terms of surrender. My husband would have not given the Germans the same terms. I base this on his statement made at that time ¹⁹⁴⁴ to effect that the Germans should have been shot for having fired upon disarmed civilians.

For this small deed the Italians and the Allies owe their thanks, if the port and the city are undamaged. Indeed, it was recognized by the populace through a petition which was to crystallize in the form of a medal of recognition for my husband. This recognition on the part of the city of Bari must have caused much annoyance to the Authorities, and so my husband ordered an investigation by the R. Carabinieri to ascertain that the petition was a spontaneous gesture on the part of the population. Furthermore, this city awarded a recognition for my husband's actions, but a medal for bravery which had been proposed, was never given.

Perhaps such a recognition would have annoyed greatly those generals who, when the Armistice was concluded, ran from the front lines, or surrendered to the enemy without even unloading their pistol on them, or ordered their troops to surrender. But perhaps my husband was trying to recover his purity, since, according to charges made to the English High Commands, he had been a lover of fascism and a germanophile.

The fascist career of my husband can be briefly summarized and it is documented in its entirety:

- 1) Naples - 1930-1933 - Clash with Gen. Baistrocchi and the fascist authorities for having purged the Artillery Section of Naples. The firm, Ditta di Transport Elefanti & Mangili was liquidated. Gen Baistrocchi had held interests in this firm, and when he was later appointed Undersecretary of War he transferred my husband to the Benevento District. Documents are with the Army Corps of Naples, but the Prince of Piedmont and Gen. Gazzera can testify to this.
- 2) Rome - August 1935 - Clash with Baistrocchi: My husband proved with a documentary report that the anti-aerial defense organized by the Militia was a bluff. As a reward, he was not promoted to a higher rank. The documents are in Rome. The witness, the present Chief of Staff, Berardi, who was then a Colonel with my husband in the General Staff.
- 3) Bari 1938-1939 - Various clashes with the fascist Federale who prevented my husband from delivering lectures on "Spiritual Disarmament". Witnesses: Attorney Cerri and the President of the University of Bari at that time, Prof. Petrocelli.
- 4) February 11-15 1941 - Clashes with fascist Federali of Salerno, Potenza and Avellino during the attempts to capture of English parachute-troops, because my husband did not include them into the plan of operations. Documents are with the Command of the Difesa Territoriale of Bari.
- 5) Bari - Spring 1943. Clash with Inspector Magrone of the fascist Federation of Bari because my husband had the orders regarding the access of generals into hospital ships that repatriated Italian and English war prisoners rigidly observed. Documents with the High Command of the IX Army.

General Quirino Armellini, who on the 25 July was put in Command of the former fascist Milite by Marshal Pietro Badoglio, called upon my husband to take the command of the XII Zona Milizia, not because he recognized my husband's fascist leanings.

As a Germanophile my husband has an equally brief and documented career. As can be seen in documents with the Bari Garrison, my husband held in check the German attempt to requisition buildings and material.

As the Traffic Inspector of the IX Army he opposed the German attempts to control road traffic with their own patrols. One night in Cassanese he personally ordered a guard to leave his post and accompanied him to the German Command which had mounted the guard. Documents are in the file of the IX Army Corps (Transport Section, Maj. Montedoro) and with the 51st Army Corps of Francavilla (Chief of Staff, Col. Gassini).

A word, limiting myself to documented facts, about my husband's sympathy toward the Allies, since the War of 1915-18, during which he fought on their side, receiving the French Military Cross.

It would be interesting to read my husband's analysis of the war potential of the British Empire, "The Anglo-Egyptian Armed Forces, 1939, on which he delivered lectures to officers in Bari, Aquila and Chieti. This study admonished the complacent fascist strategists and warned them of the great power of the British Empire, and of the technical, economic and military forces at play in the present conflict. Documents are with the IX Army Corps (Office of operations. I have in my possession the draft and illustrations of this study.

In reference to actions pertaining to this war, I recall that my husband directed the capture of the English parachutists who were dropped on the night of February 10-11 1941 in the area of Caposele to disrupt the Acqueduct of the Puglio. During these operations an English Lt and his group killed two Italian civilians. My husband was admonished by the War Ministry for not having ordered the execution of the above-mentioned and was instructed to do so. My husband opposed this decision, bringing to the Ministry's attention the fact that, although they didn't open fire, the Italian civilians were armed and had to be considered belligerents. Witness, Col. Sforza of the Command of the Ground Defense of Bari. The English soldiers were treated by my husband according to international agreements, with chivalry and humanity. The English Authorities may question Maj Pritchard, the Commander of the Parachutists and the lieutenant mentioned above. Documents are with the IX Army Corps (Office of Operations) and with the Command of the Ground Defense of Bari.

My husband was charged with inspecting the prisoner's camps from which very often English officers escaped. He had to adopt security measures, treating the prisoners, however, always with humanity. Air Chief Marshal Owen Tudor Boyd and Lt. Col. Brown must recall his inspections in the camps of Salimona and Servigliano.

As regards to my husband's human treatment of prisoners during the period he was Inspector, Dr. Pierre Lambert of the International Red Cross of Geneva can bear testimony together with the Munzio Apostolico put in charge by the Holy See to visit prisoner's camps. Documents are with the Command of the IX Army Corps.

When my husband was still in the hospital after the mentioned incident of Sept 9, he was chosen among 50 generals to take the command of the Piazza

Militare of Bari when this city was in the danger of falling as the last bulwerk. My husband, ignoring his physical suffering, went into action maintaining order and frustrating the German assaults. Someone, gifted with an extraordinary sensitivity has observed that my husband was too harsh and lacked form in regrouping soldiers that had gotten lost. But I believe that when it is a question of saving the Nation, a page or two of army regulations can be ignored for the sake of efficiency.

When the English and Americans came he welcomed them with enthusiasm. The following men can bear testimony to the actions of my husband at this time: Major Fraser of the reconnaissance squadron of the Air Borne Brigade with whom my husband fought the Germans side by side. Captain Campbell of the Naval Base; Major Murolo of propaganda; Capt Gresson of the English Army News; Lt Col. Smith of Anti-Aerial Defense; and Gen Trollhope of the 86th Aeron.

Documents relative to the Piazza command are in the office of the Chief of the Commission for the dissolution of the Milita where my husband was arrested on January 28, 1944. Moreover, my husband, upon a request made by Ministry of War, Office of Lt. Gen. Pirzio Birelli, was about to complete a report on the Piazza command when he was arrested. This report must be in his possession or with the command of the prisoner's Camp 207 of Gruson where he is interned. I recommend the reading of that report. What I find strange is the fact that my husband was arrested at the time he was engaged in an activity of difascistization as head of the Commission for the dissolution of the former Fascist Militia. He was appointed to this position by General Quirino Armellini. With the fall of fascism, my husband discharged his office with moderation and justice in order to avoid hostile reactions among those whose only guilt had been to follow a general trend, and above all to avoid unnecessary martyrs to an idea which had never been an idea. His proposals regarding the Militia were more moderate than the actions taken afterwards by the Italian Government. However, as regard military or civil offenses committed by the officers of the Militia, he was justly inexorable, as he would have been with soldiers of the Armed Forces. In fact, traitors and profiteers of the Nation's wealth, were denounced and punished by him. Now all sorts of accusations are made by these individuals directly, anonymously or by the interference of female relatives, as in the case of the ex-Counsel Angrisani, against my husband to the Italian and English Commands.

A recent and amazing anonymous charge is that my husband appropriated the funds of the Milita. Threat of death are unnumerable. The principal accusers are the following individuals who had been denounced by my husband for various crimes, including many attempts to go over to enemy territory, or surrender to the enemy, or desertion before the enemy:

Ex-Counsel Carlo Angrisani
" Mario Galiardi
" Gardelli
" Serebre Pennarelli
" Sergente Di Salvi Giovanni,

1944

The crimes of these individuals are serious and documented, yet several have been given temporary freedom and, I have heard it said that some have even been acquitted.

Ex-Counsel Angrisani had already tried to harm my husband with Sland-
erous accusations.

It is strange that these anonymous accusations or undersigned by these individuals have been taken so seriously as to cause the ignominious treat-
ment of my husband.

Recently it was my son's turn. He is a Major of the Air Force Engineers, and at the time of the Armistice he was the technical director of the Air-
plane Factory Macchi A. U.S.A. of Foligno he was building a new fighter
plane with exceptional flight and armament qualities. Now my son, who last
September, after having hidden the designs and the parts of the plane
already constructed, crossed the lines and placed himself at the disposal
of the Ministry of Aeronautics, to reactivate, as soon as possible, and in
collaboration with American firms, a new airplane industry, is being accus-
ed of avoiding military duty and engaged in the contraband of rationed goods.

I have furnished facts on the basis of which one can determine if my
husband deserves the treatment he has suffered. I wait to see what decisions
are going to be made in the name of the principles of justice and liberty
for which, so it is said, this war is being fought.

/s/ Adele Fisichetti

Trans/TP/ajp.

1940

Salerno, 7 March, 1944

Dear General MacFarlane,

In thanking you for the courteous information which you forwarded to me concerning the arrest of the Questore, Comm. Mendola, I must insist upon the fact that I deem it necessary that the Italian Government be not left uninformed with regard to matters of this kind for the reasons which I had occasion already to point out to you in my previous letter of February 3.

As for the imputations against Mendola, allow me, dear General, to remark that the "lack of collaboration" with which this official is now charged, was never noticed before by the Allied Authorities of Taranto, by the Prefect, nor by the Central Government.

On the other hand, the accusation which would make Mendola appear to be "a potential danger to safety" is a very serious one; but the accusation itself does not lend itself to any concrete evaluation before the facts of the case have been communicated to me.

In addition, you referred to me that the same Mendola had failed to promote the arrest and the trial against persons charged with serious crimes; but in reality this accusation refers to certain theft cases mostly of a minor nature, for which it was not deemed advisable to arrest the accused in view of the unavailability of local jails placed, for some time now, at the disposal of the Allied Authorities. However, these cases were regularly denounced to the appropriate judge according to Italian Penal Law who has the function of ordering the apprehension of the persons to be tried and to dispose of their release by granting them, in certain cases, temporary freedom while awaiting trial.

Furthermore, in this respect, I am in position to state that the Prefect as well as the Questore of Taranto deemed it advisable to recommend to the appropriate Royal Prosecutor, the most severe penalties for such crimes.

Finally, it appears to me that Comm. Mendola can be absolved of every responsibility for the known incidents at Taranto.

Brig Lusk
PLEASE SPEAK
NMM
16/3
HJ

1939

(12)

-2-

On the other hand, I believe that I can state without any hesitation that if during those days, the work of the Questore in charge of services for public order had not been weakened, it would have been possible for the police forces to undertake a stronger preventive and repressive action to avoid the regretful results.

Considering all this, I could take it upon myself to effect the transfer of the above mentioned Comm. Mendola to a locality other than Taranto; but I would have to use him in other offices in view of the fact that he is a permanent official who cannot be dismissed except in cases indicated by law.

I beg you, therefore, dear General, to interest the Commander in Chief in this matter to whom, through your kindness, I extend my thanks.

Very cordial greeting,

/s/ Badoglio

Lieutenant General
N. M. MacFarlane
Chief of the Allied Control Commission

1938
12

COPY.

HEADQUARTERS,
ALLIED CONTROL COMMISSION,
APO 394

NE

CPA

Regional Control and Military Government Section.

Ref: 359/ /CA.

20th February 1944.

Subject: Questore of Taranto.

To : His Excellency Marshal Badoglio.

My Dear Marshall,

I have made enquiries into the matter of the arrest of the Questore of Taranto as requested in your letter of 3rd February 1944.

I am informed that the Questore was removed from his appointment and interned because he failed to co-operate with the Allied military authorities and because his attitude was such that he was deemed to be a potential danger to security. In spite of frequent requests he failed to effect the arrest and bring to trial a very considerable number of persons charged with serious security offences. In the opinion of the Allied military authorities his failures probably contributed to the unrest in Taranto.

The Commander-in-Chief is, however, prepared to release this official from internment on condition that he is given no official appointment in the Italian Government and that he does not return to the Province of Taranto.

If I can have your assurance that this condition will be carried out and if you will inform me where you intend to send him, I will arrange for his release to be carried out.

/S/ NOEL MASON MACFARLANE,
Lieutenant General,
Chief Commissioner.

1937

(12)

Ref. CC/P/66.

CONFIDENTIAL

FRM/rj

17th. February, 1944.

MEMORANDUM:

TO: Brigadier Lush,
Vice-President,
Regional Control & Military Government Section.

1. Badoglio last night complained that he had as yet received no information as to why the Questore at Toronto, and in another case Captain Russo and others at Bari, had been arrested.
2. I understand both arrests were made by the F.S.P..
3. I told Badoglio I would find out and let him know.
4. Would you please make the necessary enquiries.

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

Copy sent to Salerno. eff. 18th.

1936

(12)

Chief Com'n
Luc *Sec. Gen.* *9357*
Subject:- Maintenance of the Italian Armed Forces
when serving sentences or awaiting trial
in jail.

HQ ACC, APO 394
Rec'd *30 May 1944*
By *SLD*

Army Sub Commission A.C.C.
Main HQ. (MIA)
LEUILL. (LEOGE)
AC/8
27 May 44.

H.F. General Orlando.
Minister of War.

Your Excellency,

In accordance with directives from higher Authority,
I am directed to inform you that paragraph 3(b) of my letter on above
subject, AC.8 of 23 May 1944, is deleted.

Please correct all copies of the cited letter and
amend any instructions you may have issued accordingly.

fb/LS

L. Browning
Major General.
Army Sub Commission A.C.C.

Copy to: HQ. AAI. (2)
HQ. ACC. (2)

1935

Copy to Gen Sec
11 *ST*

SUBJECT: Maintenance of the ITALIAN Armed Forces
when serving sentences or awaiting trial in jail.

Army Sub Commission, A.C.G.
Main HQ (VMAA)
LEQUITE (LECOE)
AQ/8

23 May 44.

To: H.E. General ORLANDO,
Minister of War,

Your Excellency,

1. In continuation of the policy that the Allied Governments will maintain on Army Scale only the Italian Armed Forces who are in fact effective, it is necessary to examine the position of the Italian Armed Forces who become NON-effective through serving sentences of imprisonment in jail or through awaiting trial in jail.

2. I am directed, therefore, to inform you that no member of the Italian Armed Forces may be absent from duty, either through awaiting trial or through serving a sentence of imprisonment, for a period longer than 30 days and remain on the effective strength of those Armed Forces for maintenance on Army Scale.

3. Any member of the Italian Armed Forces will, after absence from duty awaiting trial for 30 days or on being sentenced to a term of imprisonment for a period exceeding 30 days, be : -

either (a) Struck off the effective strength of the Italian Armed Forces for maintenance on ARMY Scale and no Army rations will thereafter be issued to them until they again become effective members of the Italian Armed Forces. These prisoners will then be eligible only for the Civilian Scale of rations. On completion of their sentence or release from custody, they may be re-instated as effective members of the Italian Armed Forces for maintenance on ARMY Scale.

or (b) Released on parole and returned to his unit or sent to a Re-organisation Camp for immediate drafting to units working for the Allies.

4. (a) I am further directed to say that Civil prisons will be used only for non-effective Italian Armed Forces prisoners serving sentence of over 30 days or awaiting trial over 30 days. 1934

(b) The remainder of Italian Armed Forces prisoners will be retained in Italian Armed Forces prisons or punishment camps

Your Excellency,

1. In continuation of the policy that the Allied Governments will maintain on Army Scale only the Italian Armed Forces who are in fact effective, it is necessary to examine the position of the Italian Armed Forces who become NCI-effective through serving sentences of imprisonment in jail or through awaiting trial in jail.

2. I am directed, therefore, to inform you that no member of the Italian Armed Forces may be absent from duty, either through awaiting trial or through serving a sentence of imprisonment, for a period longer than 30 days and remain on the effective strength of those Armed Forces for maintenance on Army Scale.

3. Any member of the Italian Armed Forces will, after absence from duty awaiting trial for 30 days or on being sentenced to a term of imprisonment for a period exceeding 30 days, be :-

either (a) Struck off the effective strength of the Italian Armed Forces for maintenance on Army Scale and no Army rations will thereafter be issued to them until they again become effective members of the Italian Armed Forces. These prisoners will then be eligible only for the Civilian Scale of rations. On completion of their sentence or release from custody, they may be re-instated as effective members of the Italian Armed Forces for maintenance on Army Scale.

or (b) Released on parole and returned to his unit or sent to a Re-organisation Camp for immediate drafting to units working for the Allies.

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(b) The remainder of Italian Armed Forces prisoners will be retained in Italian Armed Forces prisons or punishment camps to be established by you

5. It is requested, therefore, that you inform me at an early date of:
(a) The orders you issue to ensure effective compliance with this instruction.

(b) The date by which personnel of the Italian Armed Forces as in para 4 (b) will have been removed from Civil prisons.

tva. FJN.
copy to: R.Q. AAI (2)
R.Q. ACC (2)

L. Brown
Major General.
Army Sub Comm. A.C.C.
11 81

CONFIDENTIAL

FNMM/rj

*also 5/12
w/underlined*

Ref. CC/E/218.

22nd. May, 1944.

Reference your memorandum AQ/E of 9th. May which has taken a long time to reach me.

2. We discussed this at our last meeting.

3. I have now gone through your memorandum to the Ministry of War and I like it with one exception.

This is your para 4(a)(ii). I would prefer para 4 without this sub-para and think it would be well to delete it altogether. Otherwise I approve the memorandum.

NOEL MASON MACFARLANE.
Lieutenant-General,
Chief Commissioner.

Major-General L. Browning, CBE, OBE, MC,
Director, Army Sub-Commission.

1933

11 *SA*

HQ ACC, APO 304
Sec'y Gen.
Rec'd 21 May 1942
By 1942

Subject: - Maintenance of the ITALIAN Armed Forces
when serving sentences or awaiting trial in Jail

Army Sub Commission, ACC
Main HQ (MIA)
LEQUITE (LECCE)
AQ/8
2 May 44

Chief Commissioner, ACC

1. In accordance with your wish that Italian Army prisoners be removed from Civil Jails and to settle an equitable and practical policy for rationing such prisoners, I suggest the attached order be issued by me.
2. As I see it:-
 - (a) we cannot infringe Italian Military Law.
 - (b) from the practical aspect of issue and accounting of rations, we cannot stick 100% to the policy that only effective Italian Armed Forces shall be issued with the Army Scale of rations. We must fix a period during which we are prepared to ration delinquents on Army Scale. Whether the period of 30 days is too long will be discovered by returns from the Italians as to the total number of NON-effective prisoners we are rationing on Army Scale. If this number is large, we can cut down the 30 days.
 - (c) we cannot empty all Civil Prisons of Italian Armed Forces prisoners, because :-
 - (i) it would be too dangerous to put bad criminals or "life" prisoners into Italian Army prison camps.
 - (ii) it would create difficulties to feed civil and army rations to prisoners mixed up in those camps.
 - (iii) it would throw too heavy a burden for guard personnel on the limited numbers (to be) authorised for the Italian Army.
3. Would you let me have your comments please, before I send the final draft to A.A.I. for approval.

h. B. ...

Maj Gen
Army Sub Comm, ACC

LB/cc

2. As I see it:-

(a) we cannot infringe Italian Military Law.

(b) from the practical aspect of issue and accounting of rations, we cannot stick 100% to the policy that only effective Italian Armed Forces shall be issued with the Army Scale of rations. We must fix a period during which we are prepared to ration delinquents on Army Scale. Whether the period of 30 days is too long will be discovered by returns from the Italians as to the total number of NON-effective prisoners we are rationing on Army Scale. If this number is large, we can cut down the 30 days.

(c) we cannot empty all Civil Prisons of Italian Armed Forces prisoners, because :-

(i) it would be too dangerous to put bad criminals or "life" prisoners into Italian Army prison camps.

(ii) it would create difficulties to feed civil and army rations to prisoners mixed up in those camps.

(iii) it would throw too heavy a burden for guard personnel on the limited numbers (to be) authorised for the Italian Army.

3. Would you let me have your comments please, before I send the final draft to A.A.I. for approval.

LB/cc

L. Browning
Maj Gen
Army Sub Comm, ACC

1932

Panor
Unit 24

Q

11

Subject:- Maintenance of the ITALIAN Armed Forces
when serving sentences or awaiting trial in Jail

Army Sub Commission, AOC
 Main HQ (MHA)
 LEQUILE (LEOCE)
 AQ/8

May 44

Ministry of War

1. In continuation of the policy that the Allied Governments will maintain on Army Scale only the Italian Armed Forces who are in fact effective, it is necessary to examine the position of the Italian Armed Forces who become NON-effective through serving sentences of imprisonment in jail or through awaiting trial in jail.

2. It is accepted that:-

(a) disciplinary measures must be enforced within the Italian Armed Forces.

(b) to avoid considerable complication in the issue of rations, the Allies are prepared to maintain on army scale for a limited period the NON-effective prisoners mentioned in paragraph 1.

3. I am directed, therefore, to inform you that no member of the Italian Armed Forces may be absent from duty, either through awaiting trial or through serving a sentence of imprisonment, for a period longer than 30 days and remain on the effective strength of those Armed Forces for maintenance on Army Scale.

4. (a) Any member of the Italian Armed Forces will, after absence from duty awaiting trial or serving a sentence of imprisonment for a period of 30 days, be :-

either (i) Struck off the effective strength of the Italian Armed Forces for maintenance on Army Scale and no Army rations will thereafter be issued to them until they again become effective members of the Italian Armed Forces. These prisoners will then be eligible only for the Civilian Scale of rations. On completion of their sentence or release from custody, they may be reinstated as effective members of the Italian Armed Forces for maintenance on Army Scale.

or (ii) released on parole and returned to his unit or sent to a Re organisation Camp for immediate drafting to units working for the Allies.

(b) I am to add that the figure of 30 days is subject to review by the Allies, depending on the total numbers of NON-effective prisoners maintained.

5. (a) I am further directed to say that Civil prisons will be used only for Italian Armed Forces prisoners serving sentence of over 30 days or awaiting trial over 30 days.

931

2. It is accepted that:-

(a) disciplinary measures must be enforced within the Italian Armed Forces.

(b) to avoid considerable complication in the issue of rations, the Allies are prepared to maintain on army scale for a limited period the NON-effective prisoners mentioned in paragraph 1.

3. I am directed, therefore, to inform you that no member of the Italian Armed Forces may be absent from duty, either through awaiting trial or through serving a sentence of imprisonment, for a period longer than 30 days and remain on the effective strength of those Armed Forces for maintenance on Army Scale.

4. (a) Any member of the Italian Armed Forces will, after absence from duty awaiting trial or serving a sentence of imprisonment for a period of 30 days, be :-

either (i) Struck off the effective strength of the Italian Armed Forces for maintenance on Army Scale and no Army rations will thereafter be issued to them until they again become effective members of the Italian Armed Forces. These prisoners will then be eligible only for the Civilian Scale of rations. On completion of their sentence or release from custody, they may be reinstated as effective members of the Italian Armed Forces for maintenance on Army Scale.

or (ii) released on parole and returned to his unit or sent to a Re organisation Camp for immediate drafting to units working for the Allies.

(b) I am to add that the figure of 30 days is subject to review by the Allies, depending on the total numbers of NON-effective prisoners maintained. 931

5. (a) I am further directed to say that Civil prisons will be used only for Italian Armed Forces prisoners serving sentence of over 30 days or awaiting trial over 30 days.

(b) The remainder of Italian Armed Forces prisoners will be retained in Italian Armed Forces prisons or punishment camps to be established by you.

6. It is requested therefore that you inform me at an early date of:-

(a) the orders you issue to ensure effective compliance with this instruction.

(b) the date by which personnel of the Italian Armed Forces as in para 5(b) will have been removed from Civil prisons.

LS/cc

Maj Gen
Army Sub Comm, ACC

Subject:- Soldiers of Italian Army in Jail.

SEC GEN
U-6927

Army Sub Commission A.C.C.
Main HQ. (MIA)
LEQUILE. (LECCE)
AQ/6

6 May 44.

HQ. ACC. (Naples)

The attached Army Sub Commission letter, AQ/6 dated 20 April 44, which was borrowed by Maj. Gen. BROWNING on his recent visit to Hq. ACC, is returned herewith.



fb

J. B. C. V.
Major General.
Army Sub Comm A. C. C.

1936

HQ ACC, APO 394

Sec'y Gen.

Rec'd. 26 Apr 0915

By DFE

Subject: Soldiers of Italian Army in Jail.

Army Sub Commission A.C.C.

Main Hq. (MHA)

DEPT. (LHC/B)

AQ/6

20 April 44.

Chief Commissioner.
A.C.C.

Reference your SG 250 of 10 April 44.

1. Italian soldiers who are in prison, either awaiting trial or after sentence, are not deemed to be in any class of "Italian troops who are in fact effective" and are not, therefore, entitled to any rations made available to the Italian Army under the provisions of FAM 328 of 26 Feb 1944.

2. In order to implement your decision that Italian soldiers who are imprisoned be provided with the same rations as those issued to civilian prisoners, I propose issuing instructions to the Italian War Minister that all Italian soldiers in prison will be dropped from the ration strength of the Italian Army, and will not hereafter be issued any rations made available by the Allies to the Italian Army, but will be rationed as civilians through the normal civil prison ration system.

3. The SIME proposes that some eight hundred of these imprisoned soldiers be formed into a Labour Battalion to be used in the AAI program. Should this proposal be approved by AAI, this will be done and these 800 would then be issued Army rations. However, the remainder not so used will have to remain in civil prisons on civilian rations, for they will be dropped from the rolls of the active army. The proposals to build stockade camps would not then be a function of the Minister of War inasmuch as he has no control of civilian rations, and soldiers confined in stockades and their guards are not eligible to draw Army rations.

4. Do you agree?

Phase

put up next

Time General

Browning comes here.

Major General.
Army Sub Com A.C.C.

1929

hms 26/4

MSL/JG/dfe

SG 250.

10 April 1944

Subject: Soldiers of Italian Army in Jail.

To: Director, Army Sub-Commission.

I refer to your 2214 of 6th April 1944.

1. I am directed by the Chief Commissioner to state that he has decided that all soldiers who are imprisoned whether awaiting trial or after sentence will be provided with the same rations as those issued to civilian prisoners.

2. The Chief Commissioner is glad to hear that steps have been taken to accommodate military prisoners and soldiers awaiting trial. He hopes that these arrangements will be completed as soon as possible in order to liquidate the congestion in the jails.

ROBERT E. DOE
Major, A.G.D.
Secretary General

1928

11 (22)

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

QS/mms

HQ ACC, APO 394

Sec'y Gen.

Rec'd 7 Apr 1944 1510

By *[Signature]*

QS214

6 April 1944

SUBJECT: Soldiers of Italian Army in Jail.

TO : Secretary General, Main HQ. A.C.C., Naples.

Herewith copy of G/6/1/32 of 24 Mar. which you stated today had not been received in your office.

1. I had a signal yesterday from Army Sub/Comm., Main HQ. asking me to find out if there are any special reasons why they had not received an answer.

2. With regard to questions put to C.C., my own opinion is:-

a. Soldiers who are in prison but who have not been convicted must be considered a part of the Army for all purposes including rations.

b. Soldiers who have been sentenced:
This involves questions of status. Legally they are soldiers till their classes have been demobilised. On the other hand, we say they must be "effective" in order to qualify for rations. I do not consider a long-term prisoner is effective even though he still remains on Army rolls. It seems that we should set a period at which a prisoner is contractually considered ineffective for rations and, recommend six months as the dividing line.

3. In the British Service a man given imprisonment or penal servitude is usually discharged with ignominy and this automatically takes him off the Army books. On the other hand, for purely military offences, he is given detention (not in civil jail) which can be up to maximum of two years. In practice, however, more than six months detention is seldom given, imprisonment then being awarded.

4. If the C.C. agrees, I will inform Army Sub/Comm., Main HQ. or I can obtain an opinion from the Legal Sub/Comm. on the question of status.

5. I believe the C.C. is aware of the extreme congestion of civil jails by military personnel. It has been proposed that stockade camps be set up to take all short-term military prisoners and others awaiting trial. If this is adopted it will mean that, at most, only military prisoners sentenced to periods above six months will remain in civil prisons and will, in fact, be on civil rations.

[Signature]
(G. W. QUINSMITH)
Army Sub-Commission

Lt. Col. 1927

1 Incl. as above.

11 *[Circular Stamp]*

Declassified E.O. 12356 Section 3.3/NND No. 785015

MJDT V MEDY NR 28092

FROM MMIA 271200A

TO FATIMA FOR MACFARLANE

QQY GR-- BT

SD446 27

← *may need per. by Secy 1944*

HEADQUARTERS
28 MAR 1944
A.C.C.

ADDITIONAL TO OUR GTH/1/32 OF 24 MARCH . TOTAL IN BARI JAIL IS 608
. IN TARANTO JAIL IS 125 IN MARTINA FRANCA JAIL IS 43 . OF THESE
256 HAVE BEEN TRIED AND ARE SERVING SENTENCES . OTHER FIGURES TO
FOLLOW WHEN AVAILABLE

Acc List

SENT NR 2800/// 28092 23/1147A JM B2

REC NR 2 23/1147 A FY K

100-1555
28 Mar 1944
11

1926

INCP : SECY GEN
DEP CC
CA BR
PUBLIC SAFETY SC
LEGAL SC
MMIA LO
ARMY SC (SALERNO) FILE

SUBJECT: Members of Italian Army in Jail

Army Sub Commission A.C.C.
Main H.Q. (MIA)
LECCO (LECCO)

24/1/72
Mar 44

Chief Commissioner A.C.C.

Copy to: H.Q. A.A.I.
A.A.I. (Adm Ech)

1. Information having reached this HQ that large numbers of Italian soldiers were held in jails, an investigation was initiated, and facts regarding three groups have been verified as follows:

a. In LECCO Jail

(1) Men tried and sentenced, penalties ranging from a few months to death

219

(2) Men awaiting trial for

desertion
Insubordination
Theft
Murder
Miso

114
20
11
3
2

no further action

Total 150
359

b. In NICASTRO Jail

(1) Men tried and sentenced

41

(2) Men awaiting trial

17
58

Spoke Browning

c. In CATANZARO Jail

(1) Men tried and sentenced

6

(2) Men awaiting trial

44
50

Hand 1-4

d. In BARI Jail

Total held (unconfirmed) 700

2. The investigation so far developed the following facts:

a. In addition to the numbers shown in para 1, above, an unknown number of Italian soldiers are held in other jails. 1925
Ministry of War is attempting to secure the exact figures, and until the investigation was started by this HQ had no apparent knowledge of the situation.

(1) Men tried and sentenced, penalties ranging from a few months to death

(2) Men awaiting trial for

desertion	114
insubordination	20
theft	11
Murder	3
Misc	2
Total	150

no further action

b. In VIGASORO Jail

(1) Men tried and sentenced	41
(2) Men awaiting trial	17
	58

Spoke Browning

c. In CATANZARO Jail

(1) Men tried and sentenced	6
(2) Men awaiting trial	44
	50

Ward 1-A

d. In RARI Jail

Total held (unconfirmed) 700

2. The investigation so far develops the following facts:

a. In addition to the numbers shown in para 1, above, an unknown number of Italian soldiers are held in other jails. 1925 Ministry of War is attempting to secure the exact figures, and until the investigation was started by this HQ had no apparent knowledge of the situation.

b. Italian soldiers who have been convicted and sentenced are carried on the active rolls of the Army until their classes are demobilized, at which time they are transferred to civil authority. All of the Italian soldiers listed in para 1 a, b and c, above, are carried on the active rolls of the Army.

c. Italian soldiers in jail are included in the ration strength submitted to the Ministry of War to this HQ. Rations are issued to the jails by Italian Army Depots from stocks made available to the Italian Army by the Allies

11 31

13. Decision

-2-

3. Decision is requested as to the policy to be adopted:

- a. Are condemned soldiers to be considered as active soldiers of the Italian Army for the purpose of drawing Allied rations?
- b. Are Italian soldiers held in jail awaiting trial to be considered as active soldiers of the Italian Army for the purpose of drawing Allied rations?

No

No



Brigadier,
Army Sub Comm ACC.

ABC

1924

DSN 122
2 APR 1944
LSC/hjp

In reply refer to:
DCC 250

2 April 1944

Subject: Francesco Della Monica

Dear General:

This is in further reference to your note relative to Francesco Della Monica. Report from the Public Safety officer of the Commission who investigated this matter for me is to the following effect:

"Della Monica was arrested by 66th SIS (British Military Police) attached to 94 Sub Area, for being in possession of a large quantity of rope belonging to the Allied Forces.

"It is understood that he (Della Monica) bought this rope from a Lt. Born, an Allied officer, for 15,000 lire. It was stated that the rope is actually worth at least 400,000 lire.

"It appears that Della Monica made a statement to the effect that he knew he was doing wrong in obtaining the rope at the price he paid.

"Della Monica is being held by Italian authorities at the Civil Prison at Salerno and will be tried in the Italian civil court. The prosecution papers are being prepared for the Procuratore del Re and the Military Police of the 66th SIS will appear as witnesses for the prosecution.

"It is understood that there is no objection to Della Monica conferring with a lawyer and further that bail pending trial will not be opposed."

Since this matter is to be handled by the Italian courts, it should not be difficult for you to obtain further facts prior to final disposition of the case.

Yours very truly,

ELMER W. STONE
Captain, USNR 1923
Deputy Chief Commissioner

General Adolfo Infante
Comando Supremo

NF
10

Ref. CC/O/154 196

CONFIDENTIAL

NF

FREM/rj

16th. April, 1944.

MEMORANDUM.

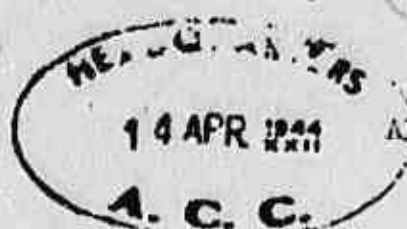
TO: Headquarters, A.A.I.
(Administrative Echelon)

1. I enclose a copy of a memorandum from my chief Legal Officer enclosing a memorandum from the Italian Minister of Justice.
2. You may consider it desirable to issue something to formations and units indicating the necessity for correct behaviour to the civil population.

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

1922

250-
9



REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

SECT GEN

U-4201

13 April, 1944.

REFERENCE : ACC/4018/L
SUBJECT : Crimes by Allied Soldiers.
TO : Chief Commissioner, A.C.C.

HQ ACC, APO 394

14 Apr 1944
JTB

... 1. I regret having to place before you the attached translation of a letter which I received yesterday from the Minister of Justice.

2. I am afraid there can be no doubt but that the observations of the Minister are entirely justified and that the number of assaults and acts of violence committed by Allied soldiers against Italians is frequent but the perpetrators are seldom, if ever, apprehended and punished.

3. You will appreciate the particular embarrassment felt by this Sub-Commission at receiving this letter when we are continually impressing upon the Minister the necessity for dealing speedily and harshly with Italian offenders against Allied interests and receiving from him the utmost co-operation therein.

4. I should greatly appreciate ^{it} if you would be kind enough to take this matter up to the highest level so as to secure a higher standard of discipline amongst members of the Allied forces.

5. The town of Cetara is half-way between Amalfi and Vietri. Two of my officers were in Amalfi yesterday and reported to me that they noticed ~~many~~ British soldiers there who were in varying stages of intoxication. A situation of that kind is bound to be a breeder of trouble with the civilians.

6. I have acknowledged the Ministry letter.

Gerald R. Upjohn
GERALD R. UPJOHN.
Colonel,
Chief Legal Officer.

GRU/wcw.

Action

Wm 10/4 2p

1923

(9)

/rlp

Translation

ACC/4018/L.

10 April 1944

TO : Legal Sub-Commission - Public Safety Sub-Commission.

Yesterday evening, on the road to Amalfi between Cetara and Vietri, the official car Ro. Eo. 02697, placed at my disposal by the Government, was stopped by four Canadian soldiers, who forced my driver, Corporal Loy Aldo to drive them to Pontecagnano. During the journey the passengers took away from the car a jack, a map and the identification card of the Ministry.

The soldiers were not identified.

In reporting to you this indignity, I cannot but stress the recrudescence of acts, of violence committed by Allied soldiers against officials and Italian citizens, which are now becoming daily more frequent and alarming.

I take the liberty, therefore, to attract the full attention of the Commissioner of Control on these facts and to ask them to see that police control be increased in order to avoid the repetition of such lamentable incidents, which not only constitute a serious danger to the safety of the population, but are not in harmony with the spirit of sympathy and collaboration which should preside to the relations between the United Nations and Italy.

Minister of Justice

CASATI

1928

ce/P/140

FMS/rj

20th. March, 1944.

I have received your No. 191A of 9th. March to my Legal Sub-Commission which you apparently sent to the Sub-Commission direct.

Quite naturally I am also most anxious to see that adequate sentences are dealt out in the type of cases you mention and it is my business to see that this is done.

If you are especially interested in any particular case or cases I will always be glad to let you know the results.

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

Major-General A. Collier, CBE, DSO,
G. O. C.,
No. 3 District.

1919

8

1002.
SUBJECT:- Trial of Civilians

3 District
Tel Ext 18
191 A
9 Mar 44

Rear HQ ACC ✓
Legal Sub Commission

1. This HQ is most anxious to see that adequate sentences are dealt out in cases of pilfering and theft of WD property by civilians; also sabotage.
2. Would it be possible for you to make a return monthly of such cases tried in this District, showing the name of the accused, nature and details of the charge, award made, and the Court by which such award is made.

HBT/EJP

A. Cellier
Maj Gen
Comd

250-1

Answered
Mar 44
2

1912

HEADQUARTERS ALLIED CONTROL COMMISSION
Office of the Secretary General
APO 394

HED/dfe

250.

14 March 1944

MEMORANDUM TO: Colonel Upjohn

Attached are the signed papers in the case of Andrea Fortunato
for your action.

ROBERT E. DOE
Major, A.G.D.
Secretary General

attached:
Form no. 82
Serial no. 896
Death sentence changed
to one of imprisonment
for 20 years.

signed by Chief Commissioner
(date of conviction
26 Jan 44)
March 1944

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
A.P.O. 394

NF

ACC/4083/1/L

9 March 1944

SUBJECT: FORTUNATO, Andrea

TO : The Chief Commissioner, ACC.

1. Since sending to you yesterday certain papers in connection with the confirmation of death sentence in the above case (under cover of letter ACC/4083/1/L dated 8 March 1944) the inclosed papers have been received.

2. The principal papers consist of a petition for review by the accused; briefs or petitions by the attorneys for the accused with plat. documents showing family status, petition of the wife of the accused. All petitions except the first have translations attached and I did not delay the transmission of these papers to have a translation made.

3. The petition of the accused appears to add little to the papers already transmitted. The briefs or petitions of the lawyers appear to be copies of papers already transmitted to you except that they include a plat which while referred to in the papers already transmitted was then missing. The wife's petition is for clemency and mercy.

250-

/s/ Richard H. Wilmer
/t/ RICHARD H. WILMER.
Lt. Colonel, C.A.C.
Deputy Chief Legal Officer.

RHW/wow.

Note in ink:

My decision after careful study of this case is to reduce the sentence to one of imprisonment for 20 years. Please put up the necessary paper for my signature.

10
NM-----M
3

C O P Y

1916

(7)

COPY

CC/P/137/210

CONFIDENTIAL

NIF

FNMM/rj

11th. March, 1944.

②
You asked me in your letter of February 22nd. to enquire into the case of Signor A. Lauro, the shipping magnate. I am afraid I have taken some time to reply but I have had the case very carefully reviewed from several different angles.

2. The conclusion which my advisers have reached and with which I agree is that Lauro is a big business man of few scruples who would embrace any political creed and assist any cause for money. His character as such, and his close and recent association with Fascism and Nazis rendered his internment on security grounds abundantly justified, and his early release unwise.

3. At the same time you may care to tell Gibson-Graham that I shall have his case reviewed with others of the same calibre after Rome has fallen and if, or when, the political situation is more stable. I should then of course consult the Italian Government.

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

Rear-Admiral J.A.V. Morse, C.B., D.S.O.,
Flag Officer, Western Italy,
N A PLES

Complete case file kept by Bong Luch.

70
JN 19152

⑥

CC/P/128(250)

NF

FRM/rj

8th. March, 1944.

MEMORANDUM;

TO: Colonel Upjohn,
Legal Sub-Commission.

I enclose a letter just received from Marshal Messe. It seems to me that Messe's contentions and proposals are acceptable. I would be grateful for your comments.

NOEL MAISON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

1914

251
(5)

P.M. 151/A, 5 March 1944

101472/AV

NO ACC. NO. 374

7 Mar 17 1944

HP

Dear General MacFarlane:

With reference to your letter of February 13th, I inform you that by means of my circular of January 29, 1944, and sent to the Ministries of War, the Navy and Aeronautics, I imparted directives with the purpose of examining and reviewing with wide measures of leniency the penal military trials for crimes committed from July 25 through September, 1943 and informed the Archive Institutes of the annulment of penal action and of his Majesty's respites in cases worthy of particular leniency.

It will thus be possible, even for desertions under special circumstances, to judge with greatest moderation, to condone or reduce the sentences, or not to bring trials to a finish, when it is opportune to do so.

I believe that this is the best principle to follow, inasmuch as while it favors those who do not deserve the severe penalties inflicted for crimes committed under circumstances which do not lessen the responsibility, it allows us, on the other hand, to separate those military personnel who have demonstrated their duty as soldiers even under the most difficult conditions from those who instead deserted, be it from difficulties caused by a complex of material and moral factors.

The above mentioned measures, in addition, prevent the serious danger of minimizing the sentiment of military honor and the upsetting of the disciplinary internal structure of the armed forces, as would have occurred in every case and without discrimination, if the deserters would have gone unpunished.

Certainly, this will not make a good impression on the wounded, the crippled and on the many families, a group which constitutes the greater part of the Italian population, who have had family members die in their fulfillment of duty.

At any rate, I agree on the necessity of examining with the utmost of leniency the military crimes committed during the period immediately preceding the Armistice and will renew encouraging the Italian Military Courts to judge with benevolent impartiality even those who deserted between the period of July 25th and the ending of September, 1943, punishing instead to the maximum those who went over to the German Army or any other hostile army, and those who did not present themselves to the Army after September, 1943, in spite of the appeal made by the Italian Military Authorities.

Sincerely yours,

The Marshall of Italy
Chief of Staff
Giovanni Messe

1913

(5)



P/a

COMANDO SUPREMO

IL CAPO DI S. M. GENERALE

10/1472/91

P.E. 151/A, 11

5 MARZO 1944

HQ AEG, APO 254

Rec'd 6 MAR 1944

DEE

Caro Generale Mac Farlane,

in riscontro alla Vostra lettera del 13 febbraio scorso, Vi comunico che con mia circolare del 29 gennaio u.s. diretta ai Ministri della Guerra, della Marina e dell'Aeronautica ho impartito direttive al fine di esaminare e di rivedere con criteri di larga clemenza i procedimenti penali militari per reati commessi nel periodo dal 25 luglio a tutto il settembre 1943, ricorrendo agli istituti dell'archiviazione, della revoca dell'azione penale e della Grazia Sovrana per i casi degni di particolare indulgenza.

Sarà così possibile, anche per le diserzioni compiute in speciali circostanze, giudicare con la maggiore mitezza, condonare o ridurre le pene, oppure non condurre neppure a termine il processo quando ciò si dimostri opportuno.

Ritengo che questo sia il migliore principio da seguire, in quanto esso mentre permette di favorire coloro che non meritano le gravi sanzioni previste per i reati da essi commessi in circostanze che ne attenuano la responsabilità, consente, d'altra parte, di tenere distinti i militari, che hanno dimostrato di saper compiere il loro dovere di soldati anche nelle più difficili condizioni.

Caro Generale Mac Farlane,

In riscontro alla Vostra lettera del 13 febbraio scorso, Vi comunico che con mia circolare del 29 gennaio u.s. diretta ai Ministri della Guerra, della Marina e dell'Aeronautica ho impartito direttive al fine di esaminare e di rivedere con criteri di larga clemenza i procedimenti penali militari per reati commessi nel periodo del 25 luglio a tutto il settembre 1943, riconoscendo agli istituti dell'archiviazione, della revoca dell'azione penale e della grazia Sovrana per i casi degni di particolare indulgenza.

Sarà così possibile, anche per le disercioni compiute in speciali circostanze, giudicare con la maggiore mitezza, condannare o ridurre le pene, oppure non condurre neppure a termine il processo quando ciò si dimostri opportuno.

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Il criterio suddetto evita, inoltre, il grave pericolo di menomare il sentimento dell'onore militare e di sconvolgere la compagine disciplinare delle forze armate, come avverrebbe se si lascias-

.../...
5

aero, in ogni caso e senza alcuna discriminazione, impuniti i disertori.

Ciò non farebbe certo una buona impressione sui feriti, sui mutilati e sulle numerose famiglie, costituenti la parte migliore del popolo italiano, che hanno avuto congiunti caduti nell'adempimento del dovere militare.

Concordo, in ogni modo, sulla necessità di esaminare con la più larga indulgenza i reati militari commessi nel periodo immediatamente anteriore all'armistizio e rinoverò ai tribunali militari italiani l'esortazione a giudicare con benevola equità anche coloro che abbiamo disertato tra il 25 luglio e la fine del settembre 1943, punendo invece col massimo rigore coloro i quali sono passati all'esercito tedesco o ad altro esercito ostile, oppure che non si siano ripresentati alle armi dopo il settembre u.s., malgrado il regolare richiamo da parte delle autorità militari italiane. -

Sinceramente vostro. -

IL MARESCIALLO D'ITALIA
CAPO DI STATO MAGGIORE GENERALE
(Giovanni Messe)

G. Messe

1911

Ciò non farebbe certo una buona impressione sui feriti, sui mutilati e sulle numerose famiglie, costituenti la parte migliore del popolo italiano, che hanno avuto congiunti caduti nell'adempimento del dovere militare.

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Sinceramente vostro.

IL MARESCIALLO D'ITALIA
CAPO DI STATO MAGGIORE GENERALE
(Giovanni Messe)

1911

Al tenente generale
M.M. MAC FARLANE

- Capo della Commissione Alleata di Controllo -

APC 104

(5)

LED/hjp

DS-V 74
29 FEB 1944

28 February 1944

In reply refer to:
201 - Donati

Dear Dr. Fano:

For your information and any appropriate action, Raimino Donati was released on 20 February 1944 subject to his giving an undertaking not to visit the Hayles radio station and not to interfere in any way with its employees.

It is important that Donati carries out the above undertaking.

Yours very truly,

ALLERY W. STONE
Captain, USNR
Deputy Chief Commissioner

cc: Col. Young

His Excellency Dr. Mario Fano
Office of the Director
Ministry of Communications
Italian Government

1913

4

CC/E/86

NF

FMM/rj

22nd. February, 1944.

In reply to Your Excellency's letter of 18th. February concerning Engineer Donati, Director of the E.I.A.R. in Naples, I am happy to be able to inform you that I have received information that Engineer Donati has been released.

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

S.E. Marshal Badoglio,
Capo del Governo.

1909

(4)

Def Ex Com

See (4)

Can you deal with

this?

✓

MR (20/2/44

Mr. Doe: Donald has
finally been released. I
wrote PBS asking his
release + stating that he
would be warned not to
go near E.I.A.R. or its
personnel. This has been
done. Also Stone has
written Fano. Will 1908
then prepare answer to
one

(5)

Declassified E.O. 12356 Section 3.3/NND No. 785015

This letter for CC ?

2

0

THE CHIEF OF GOVERNMENT

N. 1060 Pres.Cons.

Salerno, 18 February 1944

Dear General MacFarlane:

The Under Secretary for Post and Telegraphs has called my attention to the arrest, by the Allied Authorities, of Engineer Donati, Director of the E.I.A.R. in Naples, who has been detained for more than 60 days in the prison of Poggioreale.

After what he has ascertained, it seems that there are no obvious or grave facts to justify the arrest of the aforementioned official, which seems to come from inexact information given to the inquiring authorities.

I beg you to communicate to me the reasons for which the Allied Authorities have made the arrest, as well as the charges eventually placed against the Engineer Donati, and should these be insufficient I would be grateful if you could hasten his release.

I take this opportunity, dear General, to extend to you my deepest appreciation.

Signed

Badoglio

Brief. Lunt

*Please take
care of this & let me
know in due course*

See #8

1907

4



IL CAPO DEL GOVERNO

Salerno, 11 18 febbraio 1944

N. 1060 Pres. Cons.

Caro Generale Mac Farlane,

S.E. il Sottosegretario di Stato per le Poste e Telegrafi mi ha segnalato l'avvenuto arresto, da parte delle Autorità Alleate, dell'Ing. Donati, direttore dell'E.I.A.R. di Napoli, detenuto da oltre 40 giorni nelle carceri di Poggioreale (Napoli).

Secondo quanto mi si asserisce, non pare che vi siano plausibili o gravi motivi atti a giustificare l'arresto del funzionario predetto, che dovrebbe, pertanto, ritenersi dovuto ad informazioni inesatte fornite agli organi inquirenti.

Mi permetto perciò di rivolgerle la preghiera di farmi possibilmente conoscere le ragioni che hanno indotto le Autorità Alleate a procedere all'arresto, nonché gli addebiti eventualmente emersi a carico dell'Ing. Donati e, nel caso che questi risultino insussistenti, Le sarò grato se vorrà cortesemente affrettare la sua scarcerazione.

Colgo l'occasione, caro Generale, per rinnovarle la espressione della mia considerazione vivissima.

=====

Al Sig. Lieut General
MACON MAC FARLANE
Capo della Commissione
Alleata di Controllo

SALERNO

1906

4

NF

DS-4 123
9 MAR 1944

LDD/hjp

9 March 1944

My dear don Renato Prunas:

This is to acknowledge receipt of and thank you for your letter
N. 977 of 2 March 1944 with reference to Col. Giovanni Acampora.

The matter is being further investigated and it is hoped that we
can give you a report in the near future.

Yours very truly,

ELLERY W. STONE
Captain, USNR
Deputy Chief Commissioner

His Excellency don Renato Prunas
Minister of Foreign Affairs
Italian Government

For File (6) ⑦

1905
1 MAR 1944

③

R. MINISTERO
ESLI
AFFARI ESTERI

No. 977

At the beginning of February this Ministry, at the request of the Ministry of Finances, drew the attention of Captain Stone, Deputy Chief Commissioner, A.C.C., on the following matter:

On December 25, 1943 Col. Giovanni Acampora of the R.R. Guardia di Finanza, had some Christmas gift packages distributed to a unit of the Guardia di Finanza of Rutigliano.

Due to an oversight a pamphlet containing also Fascist hymns was included in the package. After the distribution Col. Acampora asked one of the soldiers to show him the contents of the package he had received and, having noticed the pamphlet, gave immediate instructions that the same be withdrawn from all packages.

Col. Acampora was, however, denounced probably by one of his subordinates, and arrested in Bari by the Allied Authorities at the end of January.

On February 5th the information previously given to Capt. Stone was implemented by a letter by which he was informed that the Presidenza del Consiglio, in an effort to eliminate all printed matter having a pro-fascist propaganda value, had sent pertinent instructions to all Ministries to this effect.

Following the letter and the detailed information given on the case under consideration, Capt. Stone let be known verbally that he had asked the Allied Authorities to examine the possibility of releasing Col. Acampora.

The Ministry of Finances has now informed that Col. Acampora is as yet under arrest.

This Ministry would therefore appreciate to know which are the intentions of the Allied Authorities in regard to Col. Acampora and if he is being held for reasons other than those that caused his arrest, and that, it is reiterated, were purely due to a very regrettable oversight and certainly not to the desire of spreading Fascist propaganda.

With the occasion this Ministry wishes also to point out the advisability that the Italian Government should be previously informed by the Allied Authorities when action, such as that taken against Col. Acampora, is being contemplated. This especially if the person involved is a Government official or a member of the armed forces and, moreover, is carrying out his duties in territory under direct control of the Royal Government.

Salerno, March 2nd, 1944.

COPY

WWS/hjp

In reply refer to:
250.3

7 February 1944

SUBJECT: Arrest of Colonel Acampora

TO : Colonel Sisley, Two District, Bari

Supplementing my letter of 5 February, there is forwarded herewith a translation of instructions issued by Marshal Badoglio for the purpose of preventing a repetition of future incidents similar to the case of the subject officer.

For the Deputy President, Allied Control Commission:

ELERY W. STONE
Captain, USAR
Acting Chief of Staff

1 Incl:
Instructions, Marshal Badoglio
N. 801 Pres. Cons., 4 Feb 44

TRANSLATION

P.M. 151, 4 February 1944

THE CHIEF OF GOVERNMENT

File No. 801/Pres. Cons.

To: Their Excellencies the Ministers

To: Their Excellencies the Under-Secretaries of State

SUBJECT: Elimination of fascist and philofascist publications.

I have been informed that, in spite of the instructions issued by me on the matter, there are still in circulation publications, pamphlets, prints, etc. of fascist tenor and, at any rate, contents of a propaganda character in favor of the terminated regime. Recently, furthermore, a high officer was arrested, on the charge of philofascist propaganda, for having allowed, even if not intentionally, the inclusion of a pamphlet which contained some fascist anthems and free military post-cards recently printed under the signature of "Mussolini", inside gift packages distributed among the soldiers.

I once again call the special attention of Your Excellencies to the urgent necessity of conducting an active examination of all printed matter which is in the store-rooms of the various Ministries, departments and sub-divisions, including that which is currently used, proceeding to a complete elimination (by destroying or deleting) of all that matter containing any reference whatsoever which can be considered as fascist-sympathizing propaganda.

Please favor me with detailed replies of having complied with these instructions.

THE CHIEF OF GOVERNMENT

/s/ Badoglio

P.C.C.

The Cabinet Chief of the
Presidency of the Council of Ministers

/s/ Innocenti

Sgt Sorisi - Transl.
/hjp

785015

COPY

BS/hjp

In reply refer to:
250.3

5 February 1944

SUBJECT: Arrest of Colonel Acampora

TO : Colonel Sisley, Two District, Bari

1. The subject Italian officer who commands the Guardia di Finanza at Bari was arrested recently on the grounds, I am informed, of distributing Fascist literature. A protest was received from Col. Guido Jung, Under-Secretary for Finance, stating that if this officer were guilty of treasonable acts, the Italian Government would have either brought about his removal or caused his arrest.

2. In this connection, this Commission has just received an aide memoire, which is enclosed herewith. Because of the possibility that distribution of such material might unwittingly occur, as in this case, because all stocks have not been destroyed, new instructions are to be issued in this regard as set forth in the last paragraph on page two of the attached.

3. If no other charges have been brought against this officer, it would appear that the arrest was unnecessary and that he should be released. The Italian Government is prepared to reprimand him for failing to supervise the material included in the Christmas packages in question.

4. I should be grateful if you would advise me what action is taken.

For the Deputy President, Allied Control Commission:

ELLERY W. STONE
Captain, USNR
Acting Chief of Staff

1 Incl:
Aide Memoire with 2 Incls.

1903

250-1
(B)

On or about December 20th, Col. Acampora gave instructions for the preparation of 320 Christmas packages, to be distributed as a gift amongst the components of the newly formed unit of the "Guardie di Finanza" in Rutigliano.

Also in view of the difficulty of finding on the market, a sufficient number of small gifts to make up the necessary packages, it was decided to make use of the available small stock of stationery existing at the canteen: namely writing paper, Regimental P.C.s., and postage-free military P.C.s. For the same reason it was decided to throw in a small pamphlet of patriotic hymns which had been printed last May for distribution on the occasion of the Anniversary of the Foundation of the Corps, falling July 5th.

The packages were brought to Rutigliano for distribution, on the morning of December 25th.

On the same day, Colonel Acampora who happened to be at Rutigliano, having asked one of the soldiers to show him the contents of the package distributed to him, immediately noticed that the pamphlet, which he had not examined previously, contained also a number of fascist hymns. He accordingly gave immediately instructions to the Commander of the Unit, Lt. Col. Murgia, that the pamphlet be withdrawn and the incriminated hymns cancelled.

This is confirmed in the enclosed statement by Col. Murgia, himself who has also pointed out, however, that in carrying out these orders, a number of packages may have been overlooked. (Enclosure No. 1)

It is beyond all doubt that there was no intention on the part of Col. Acampora or his officers of distributing fascist propaganda. The inclusion of the pamphlet was purely due to an oversight, or rather to the fact of not having taken the precautionary measures of causing its previous careful examination.

The same applies to the free-postage P.C., bearing an inscription signed "Mussolini". The fact also being that such inscriptions had become so common, that they were more often than not passed unnoticed.

It is believed that denunciation against Col. Acampora may have been made by revenue officer Michele Lattanzio. The latter is at present under arrest on the charge of continued theft. (Enclosure N. 2)

Instructions are under way in order to call the attention of all Italian authorities on the immediate necessity of a thorough examination of all printed matter still existing in depots or in circulation, in order to eliminate all that contains reference which might have a propaganda value in favour of the fascist regime.

TRANSLATION

Enclosure No. 1

AFFLUENCE (?) CENTER ROYAL REVENUE GUARDS
OF RUTIGLIANO

DECLARATION

By request, I declare as follows:

Last Christmas there were distributed by order of HQ of the 11th Legion of the Royal Revenue Guards "SALENTINA" (Bari) a certain number of gift packages, to the Royal Revenue Guards Battalion of Rutigliano, under my command; these packages were delivered in a small Legion truck and given to the adjutant major, in the presence of Battalion officers and Col. Acampora, who had come to greet the battalion, composed mostly of men from other units and from units still in enemy territory.

These gift packages, as well as I can remember, contained: stationery, patriotic post cards of the Corps, dried figs, marmalade and a small pamphlet, a collection of patriotic and military songs (I do not know whether all packages had this last item).

I was able to find this out by examining some packages of the men who had already received them; Col. Acampora was present, and gave orders that, in regards to the songs, all fascist hymns should be deleted. This was done on the following days, even for those in the hands of the men who were in the hospital, or absent for other reasons.

Regarding this matter, although all the men had been prohibited from singing any fascist song, I repeatedly requested my battalion officers to personally oversee the deletions, even of the word "duce", included in the "Prayer of the Revenue Guard". I was informed of the deletions, I well remember, (while I was in bed, under doctor's orders, because of a leg lesion caused by a fall) in the first days of January, and this because I was anxious that no pamphlet should escape the order of deletions.

So much for the truth.

The Lt. Col. ex-Commander
of the Battalion

/s/ Murgia

Sgt Sorisi - Transl.
/hjp

TRANSLATION

Enclosure No. 2

RE. AFFLUENCE (?) CENTER, ROYAL REVENUE GUARDS OF RUTIGLIANO

Resume of charges against Revenue Officer LATTANZIO Michele, in regards to stolen military clothing and equipment:

This revenue Officer was caught stealing a coat, shirts, under-clothing, and personal articles of other officers and men, of leaving the post while restricted to quarters, on two different occasions, and stolen articles were found in houses of civilians, who were also put under charges, as receivers of stolen goods.

Two separate charges were made against the defendant, for thefts occurring within a few days of each other.

THE LT. COL. COMMANDING,

/s/ Francesco Murgia

Rutigliano, 31 January 1944

Sgt Sorisi - Transl.
/hjp

440.

Salerno, Feb. 13, 1944.

To GENERAL MASON MAC FARLANE
HEAD OF THE ALLIED CONTROL COMMISSION

Dear General Mac Farlane,

I thank you and acknowledge your decision to commit the accused of
Tuturano to an Italian War Tribunal and, in view of the gravity of the charge,
I ordered the War Ministry to speed up the procedure.

I beg you therefore, to give the orders so that the accused may be de-
livered to the Italian authorities.

At the same time I arranged that a report on the investigation of the
happenings at the War Prisoners' Camp at Lecce, be submitted to the Commission
as soon as possible.

At a later date, the copies of the decisions of the Military Tribunal
and the relative sentences will be sent to you as you desire.

Very cordially,

Badoglio

Colonel Apjohn

Is this O.K.?

Wm H. 2

Spoke

no answer

Wm H. 2

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Copy sent V. Capt. Blough
at 1892. (7)

has answer
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SECRET *21*

ALLIED FORCE HEADQUARTERS
Office of the Chief of Staff

30 March 1944

SUBJECT : Letter from Marshal Badoglio re Italian Troops in CORSICA
TO : Lieutenant General Mason MacFarlane *MF*

The matter of the protest by Marshal Badoglio on the treatment afforded Italian troops by the French in CORSICA has been carefully examined. In view of the findings outlined below, it is believed advisable that you consider the matter closed.

Colonel Ratay, Allied Administrative Officer, CORSICA, who is personally familiar with the situation as regards French-Italian relations on the Island, discussed the matter informally but fully with General Martin, French Commander in CORSICA, who in turn brought the matter to the attention of General Ciraud.

Colonel Ratay reported that General Lazzarini, Commanding General of Italian troops on CORSICA, kept him fully informed on every incident between French and Italian troops, and that despite the emphasis placed by the latter on these incidents he was convinced that the French military and civil authorities were making a sincere effort to prevent such occurrences. Colonel Ratay also stated that the mixed patrols, comprising American Military Police and French Military and Civil Police were having an excellent effect on the situation.

General Martin denies that the attitude of the French Military has ever been "arrogant" toward Italian troops on the Island. Two factors were attributed by him as governing the French attitude toward the Italian troops, namely: "The painful memory of the Fascist aggression of 1940 and its consequences, which prevents any form of fraternization," and the "Concern with the struggle against Germany, which requires the union of all men of good will." General Martin admitted that it was impossible to prevent occasional instances of friction, but insisted that every effort was being made to avoid such friction. He also stated that his efforts in this direction had been facilitated by the expression to him, by several Italian Officers, of a desire to "repair the harm done by Fascist aggression."

General Martin also explained that the Italian troops now assigned to the French on CORSICA are relatively small in number, comprising approximately 950 men, and that every effort is being made to reduce this number.

In a letter addressed to General Wilson, General Ciraud reiterated the statements made by General Martin and suggested that as long as the presence

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of Italian troops in CORSICA was adjudged to be useful to the war effort he could see no reason to change the existing organization of command.

Touching upon Marshal Badoglio's objection to the reference to Italian troops in CORSICA as "workers and specialists," General Giraud explained that the term was not employed in a derogatory sense. "It corresponds to a real state of affairs," General Giraud stated, "and I can see no reason for Marshal Badoglio's objection to this military terminology."

In view of the circumstances, the following letter has been forwarded to General Giraud:

"The Supreme Allied Commander appreciates the comments expressed in your letter of 16 March concerning the treatment of Italian soldiers in CORSICA, and wishes me to express to you his utmost confidence in the present French Organization of Command on that Island."

By command of General WILSON:

J. A. H. Gammell
J. A. H. GAMMELL,
Lieutenant General,
Chief of Staff.

SECRET

DP/P/31.

CONFIDENTIAL

File

13

31st. January, 1944.

I send you herewith a copy of the letter dated 28th. January from Marshal Badoglio on the treatment of Italian troops in Corsica by the French.

I should be grateful if you would do what you can to ease the situation for the Italians. I have recently sent over by air Colonel Fiske, who attended a conference in Ajaccio on the 24th. of January at which there was agreed generally that the Italian troops in Corsica should gradually be brought into the Allied Command. I should like this encouraged from your end and a word from you would help to prevent the French Commanders mixing politics with their military orders.

Lieutenant-General James Gammel,
C.B., D.S.O., M.C.,
Chief of Staff,
Allied Force Headquarters.

CO 1711 - Lt. Gammel, York

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g/h

30 JAN 1944

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HEADQUARTERS ALLIED CONTROL COMMISSION

EWS/hjp

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APO 394

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30 January 1944

MEMORANDUM FOR: General MacFarlane

There is attached a draft letter from you to C-in-C on the subject of treatment of Italian troops in Corsica by the French, together with the file on this subject.

Ellery W. Stone
ELLERY W. STONE
Captain, USNR
Acting Chief of Staff

1 Incl:
as above

Let Jones

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please*

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30 JAN 1944

CCD/ma 2223

30 January 1944

DRAFT LETTER OF GENERAL MASON MACFARLANE TO GENERAL WILSON, G-2 AFHQ.

Cos.

Dear :

I send you herewith a copy of the letter dated 28 January from Marshal Badoglio on the treatment of Italian troops in Corsica by the French.

I should be grateful if you would do what you can to ease the situation for the Italians. I have recently sent over by air Colonel Fiske, who attended a conference in Ajaccio on the 24th of January at which there was agreed generally that the Italian troops in Corsica should gradually be brought into the Allied Command. I should like this encouraged from your end and a word from you would help to prevent the French Commanders mixing politics with their military orders.

Yours sincerely,

F. N. MASON MACFARLANE
Lieutenant General
Deputy President

1 Incl - Copy of ltr 28 January
from Marshal Badoglio.

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Jan

30 January 1944 2223

To His Excellency Marshal Badoglio -

Dear Marshal Badoglio:-

I write to let you know that I have already taken action on the matter of Italian troops in Corsica. I sent over by air a senior member of my Staff who attended a conference at Ajaccio on the 24th of January; as result of this meeting certain recommendations were forwarded to Allied Force Headquarters which will, I trust, have the results that you ask for in your letter.

Yours Sincerely,

EWB Capt. USNR
for F. M. MASON MACFARLANE
Lieutenant General
Deputy President

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EWB
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FARGO

28 JANUARY 1944

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10050 MACFARLANE ✓

ROUTINE

FREEDOM

FROM MACFARLANE PERSONAL PD BOTH BADOLLO AND MESSA
HAVE AGAIN BROUGHT UP ALLEGATIONS OF BAD TREATMENT ACCORDED TO ITALIAN PETER
WILLIAM IN FRENCH CHARGE IN NORTH AFRICA PD PENHASE PAREN FARGO FROM
MACFARLANE PERSONAL PAREN TO AFER PD CITE FARGO FIVE EIGHT TWO PD GRATEFUL
IF YOU WOULD LOOK INTO THIS QUESTION AND IF ALLEGATIONS ARE UNFOUNDED LET ME
HAVE A STATEMENT WITH WHICH I CAN REFUTE THEM PD OTHERWISE IF THERE IS
SUBSTANCE IN ALLEGATIONS HOPE YOU WILL TAKE ANY ACTION ^{YOU} THINK DESIRABLE AND
GIVE ME INFORMATION SOONEST.

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1897
L.F. NICKEL,
Lt. Col. AGO
Adjutant General

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