

0447

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

785016

ACC

10000/105/445

WAR CRIMES
FANO & CHI
AUG. 1944 -

0448

Declassified E.O. 12356 Section 3.3/NND No. 785016

10000/105/445

WAR CRIMES, CASE OF TURCHI & MASSIERI,
FANO & CHIANI, COSTA & OTHERS
AUG. 1944 - JUNE 1945

0 4 4 9

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

785016

HEADQUARTERS ALLIED COMMISSION
Public Safety Sub-Commission
APO 394

Tel : 478409

30 June 1945

AG/14074/PS

SUBJECT : War Criminals

TO : Director of Public Security, Ministry of the
Interior.

1. It is urgently requested that the good
offices of your Ministry be used to confirm or deny
the reported presence of prisoners:

TURCHI Ivo
MASSIERI Anatolio
BERNABEI Egipto

in the prisons at Grosseto.

2. In view of an Allied interest in these
inmates it is requested that the inquiry be expedited
and the information forwarded to this Headquarters at
your earliest convenience.

JOHN W. CHAPMAN 1897
Colonel, J.A.G.D.
Director.

RMF/pl

Copy : CA Section. ✓

0456

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

785016

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

Handwritten: Was Given for Name 4/27/45

Handwritten: GHW

AC/4119/5/1.

27 June 1945. *Handwritten: 22A*

SUBJECT : War crimes.

27 JUL 1945 *Handwritten: 324*

TO : CA Sec.

1. RIO Toscana Region reports that on 11 April 1945 three alleged war criminals were still in gaol in Grosseto in connection with death of American aviators April 1943.

2. Their names are:

TURCHI Ivo.

MASSIERI Anatolio.

BERNABEI Egisto.

3. As I understood that these men were to be transferred to a POW camp in March 1945, I feel that the present position should be investigated.

Handwritten signature

W.D.BEHRENS,
Colonel,
Chief Legal Advisor.

Handwritten: 8769

0451

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

785016

HEADQUARTERS ALLIED COMMISSION
Civil Affairs Section
APO 394

44H

21A

Tel : 478709

March 1945

AG/4/29.1/CA

SUBJECT : War Crimes - TURCHI and MASSIERI
TO : AFHQ, G-5

17A

4A

Reference your G-5 000.5-1 dated 5 March
G-5 010.2 dated 28 January.

1. Instructions have been issued by the
Ministry of Grace and Justice to the Director of
Grosseto prison for the delivery of above subjects:
TURCHI Ivo and MASSIERI Anatolio, to Allied escort
personnel bearing authority for such delivery from
your Headquarters.

For the Chief Commissioner :

R.P.C.

A.S. UPJOHN, Brig.
VP CA Sec.

1895

RMF/wg

Declassified E.O. 12356 Section 3.3/NND No. 785016

22 MAR 1945

TRANSMISSION. cc.

MINISTRY OF GRACE AND JUSTICE.

Rome, 17th March, 1945.

64A

VI

No. 132198/55460-55478.

Ref. 10/4/9.1/0.4, dated, 10th March, 1945.

SUBJECT: Prisoners Turchi Ivo and Massieri Anatolio.

TO : A.G., P.S. n/o.

With reference to the above-quoted letter, there is transmitted herewith copy of the urgent service note sent to the Directorate of the Grosseto prisons.

FOR THE MINISTER.
(Signed) --

ENCLOSURE. 1.

URGENT.

Ministry of Grace and Justice.

Rome, 17th March, 1945.

VI

No. 132198/55460-55478.

SUBJECT: Prisoners Turchi Ivo and Massieri Anatolio.

TO : The Directorate of the Grosseto prisons.

Transcribed below is the text of letter No. 40/4/99.1/0.4 received from the Allied Commission, S.G. 3/9, dated 14th instant:-

"The Allied Commission has established that the persons named, at present prisoners in the Grosseto prisons, shall be judged for war crimes by an Allied Tribunal, and that, while awaiting such trial, they shall be transferred to a prisoners of war camp.

It is requested that you give instructions to the Director of the Grosseto prisons to the effect that, on presentation of a request from the Allied Command, the above-named prisoners be consigned to representatives of this Command, for transfer to prisoner of war camp.

18A

Declassified E.O. 12356 Section 3.3/NND No. 785016

SUBJECT : Prisoners Turchi Ivo and Mascheri Anastasio.

TO : A.C. P.S. C/G.

With reference to the above-quoted letter, there is transmitted herewith copy of the urgent service note sent to the Directorate of the Grosseto prisons.

FOR THE MINISTER.
(signed) --

ENCLOSURE. 1.URGENT.

Ministry of Grace and Justice.

Rome, 17th March, 1945.

VI

No. 132196/55480-55478.

SUBJECT : Prisoners Turchi Ivo and Mascheri Anastasio.

TO : The Directorate of the Grosseto Prisons.

Transcribed below is the text of letter No. 132196/55478 received from the Allied Commission, E.S. S/G. dated 14th instant:--

"The Allied Commission has established that the persons named, at present prisoners in the Grosseto prisons, shall be judged for war crimes by an Allied Tribunal, and that, while awaiting such trial, they shall be transferred to a prisoners of war camp.

It is requested that you give instructions to the Director of the Grosseto prisons to the effect that, on presentation of a request from the Allied Command, the above-named prisoners be consigned to representatives of this Command, for transfer to prisoner of war camp.

"When you have taken the necessary measures in this regard will you please advise this office, sending as a copy of the instructions you have issued to the Director of the Grosseto prisons".

With regard to the foregoing this Ministry gives its nulla osta to the consignment of the prisoners mentioned to the representatives of the Allied Command for their transfer to a prisoner of war camp.

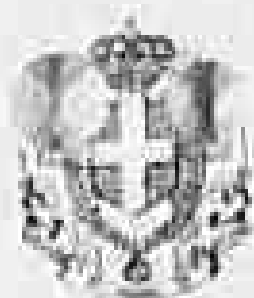
FOR THE MINISTER.

1263

0454

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

785016



Ministero di Grazia e Giustizia

DIREZIONE GENERALE
PER GLI ISTITUTI DI PREVENZIONE E DIPENA

Ufficio

let. A

VI

13215/15459/55472

Responsabile 170/4/22.4/D.A.

11. 1. corrente

Oggetto: Calcutti Turchi Ivo e Pascheri Apollio.

all. 1

Con riferimento al foglio sopra indicato,
si trasmette a codesta Commissione copia del
biglietto urgente di servizio, pari numero
e data, diretto alla direzione delle carceri
industriali di Poggiate.

MINISTRO

1894

Burien 4.4





URGENTE

Mod. 805 MG

17 MAR 1945 19

Ministero di Grazia e Giustizia

DIREZIONE GENERALE
PER GLI ISTITUTI DI PREVENZIONE E DI PENA

Ala Direzione delle
carceri giudiziarie di

GROSSETO

VI

132196/55480-55478

Oggetto: Detenuti Turchi Ivo e Messieri Anatolio.

Si trascrive qui di seguito il testo della nota N.AC/4/29.1/
C.A. della Commissione Alleata- Sottocommissione per la P.S. -
in data 12 corrente mese:

" Il Comando Alleato ha stabilito che le persone di cui in
oggetto, attualmente detenute nel carcere di Grosseto, siano giu-
dicate per delitti di guerra da un Tribunale Alleato e che, in
attesa di tale processo, siano trasferite ad un campo di prigio-
nieri di guerra.

Vi preghiamo di dare istruzioni al Direttore del carcere di
Grosseto affinché, dietro presentazione di una richiesta da par-
te del Comando Alleato, i sunnominati detenuti vengano consegna-
ti agli incaricati dello stesso Comando per essere trasferiti al
Campo di Prigionieri di Guerra.

Quando avrete provveduto al riguardo, vogliate cortesemente
avvertire quest'Ufficio e farci pervenire una copia delle istru-
zioni che avrete impartite al Direttore del carcere di Grosseto".

Ciò premesso, si comunica che nulla osta da parte di ~~Alto~~
Ministero, che i detenuti in oggetto siano consegnati agli inca-
ricati del Comando Alleato per essere trasferiti in un campo di
Prigionieri di Guerra.

Pel MINISTRO

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

HYA/WSW

G-5: GCO.5-1

17 March 1945

19 MAR 1945

SUBJECT: War Crimes - TURCHI and MASSIERI; FANO and CHIARI.

TO : Headquarters, Allied Commission, APO 394.

Reference your 4/29.1/CA dated 15 February.

For your information the following is the present position regarding these cases:

1. TURCHI and MASSIERI.

a. Authority has not yet been received from HQ to approach CCS for permission to proceed to trial now in the case of ALBANESE and others.

b. This HQ proposes to make no further applications for immediate trial until permission has been granted to try the ALBANESE case and the result and effect of the trial have been assessed.

c. You are obtaining a release order in respect of these prisoners in order that they may be transferred to an American POW camp.

2. FANO and CHIARI.

There is at present insufficient evidence to bring this case to trial and further it cannot be definitely stated whether or not the accused were members of the enemy forces at the time of the offence, which was after the Armistice with Italy. Investigations are proceeding but meanwhile G-1(3) understand that these men are interned for security reasons and not solely for suspected war crimes: it therefore appears that there is no special urgency for trial of these men.

For Asst. Chief of Staff, G-5:

1892

H. Y. ANDERSON,
Lt. Col., R. A.

2409

0458

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

785016

HEADQUARTERS ALLIED COMMISSION
Public Safety Sub-Commission
APC 394

Tel : 478709

12 March 1945

AC/4/29.1/CA

SUBJECT : TURCHI Ivo and MASSIERI Anatolio

TO : Ministry of Grace and Justice

1. The Allied Command has decided that the above named prisoners now detained at Grosseto Prison will be tried for war crimes by an Allied Court and pending this trial they shall be removed to a Prisoner of War camp.

2. Will you inform the Director of Grosseto Prison that upon presentation of a request by the Allied Command these prisoners will be delivered to them for transfer to the Prisoner of War Camp.

3. Will you kindly advise this Office when you have taken the action and supply us with a copy of your instructions to the Director of Grosseto Prison.

John W. Chapman
JOHN W. CHAPMAN
Colonel, J.A.G.D.
Director Public Safety
Sub-Commission.

1891

EWH/wg.

B.F.
27/3/45

0 4 5 9

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

785016

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

6 MAR 1945

HYA/SS

G-5: 000.5-1

5 March 1945

SUBJECT: War Crimes - TURCHI and MASSIERI.

7 MAR 1945

TO : Headquarters, Allied Commission,
APO 394.

Reference your A/29.1/CA dated 2 March.

1. G-1 (American) still require the above named to be confined in an American POW camp, in spite of the fact that application may later be made for trial of these accused in an Allied Military court.

2. It is requested, therefore, that action be taken as indicated in our G-5: 010.2 dated 28 Jan 45.

For the Asst. Chief of Staff, G-5:

H. Y. ANDERSON
Lt. Colonel, R.A.

1890

2208

0460

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

785016

SECRET

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

4/29.1/CA

2 Mar 45

SUBJECT : War Crimes

TO : G-5 - AFHQ.

Case of TUCHI and MABIERI

4. Reference your G-5 000.5-1 dated 27 Feb 45.
1. Reference is made to paragraph 5 of this Sections letter 4/29.1/CA dated 1 Feb 45 in which you were asked whether the instructions contained in your G-5 010.2 dated 28 Jan 45 should be held in abeyance pending Col. Elder's investigation into the matter.
2. No reply to this letter was received but by letter WHE/as dated 7 Feb 45 certain recommendations were put forward by Col. Elder to which this Section replied by letter 4/29.1/CA dated 15 Feb 45.
3. In view of the above correspondence and to the fact that further documents relating to this case have been forwarded to you under letters 4/29.1/CA dated 20 Feb 45 and 4/29.1/CA dated 1 Mar 45 will you please advise this Section whether the instructions contained in your letter G-5: 010.2 dated 28 Jan 45 are to be carried out.

FOR THE CHIEF COMMISSIONER :

G. R. UPJOHN Brig.
VP CA Section

1889

CB/is

0 4 6 1

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

785016

SECRET

HEADQUARTERS ALLIED COMMISSION
APD 398
CIVIL AFFAIRS SECTION

Ref: 1/29.1/CA.

Tel: 178104

SUBJECT: War Crimes.

1 Mar 45.

TO: C-45, AFHQ.

Case of TURCHI, Ivo and MASSIERI, Anetolio

The enclosed documents, received from P.L.O., GROSSETO, are forwarded for your information.

For the Chief Commissioner.

G.R. UFFONI, Brig.,
VP CA Section.

CR/eg

1888

3/9

0462

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

785016

4/14/09
ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

CAS SECTION
1/4/56

HYA/jw

G-5: 000.5-1

27 February 1945

SUBJECT: TORCHI and MASSIERI

TO : Headquarters, Allied Commission, APO 394.

Reference our G-5: 010.2 dated 23 January, a reply is requested. No decision has yet been made regarding trial of the above in an AMG court and as it may be some time before such a decision can be made it is considered that the JAG recommendations should be complied with.

For the Asst. Chief of Staff, G-5:

H. Y. ANDERSON
Major

1887

1983

0 4 6 3

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS ALLIED COMMISSION
A.F.O. 394
CIVIL AFFAIRS SECTION

Tel: 47104

CGH/eap

Ref: 4/29.1/CA

22 Feb 45

SUBJECT : Case of COSTA Gaetano.

TO : H.E. High Commissioner for Sanctions against Fascism.

- 1 The enclosed documents referring to the case of COSTA Gaetano are forwarded to Your Excellency for appropriate action.
- 2 It is alleged that COSTA informed the Germans of the presence of a disguised American soldier in the same concentration camp in enemy occupied territory as he himself was interned. As a result the American soldier was apprehended and COSTA rewarded.
- 3 It may not be considered that COSTA has committed a crime under International Law, but it is submitted that his offence falls under the provisions of Art 62 of C.P.M.G. and of Art 5 of D.L. 159 of 27 July 1944, and therefore within the scope of Your Excellency's jurisdiction.

G.R. UPJOHN, Brig.
VP CA Sec HQ AC.

1886

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Tel. 179101

20 Feb 45.

Ref: 1/29.1/CA.

SUBJECT: War Crimes.

TO: AFHQ, G-5 Section.

CASE OF TIRCHI, Ivo and MASSIERI, Apollio

- 1 The following documents, with translations, received from Regional Legal Officer, Toscana Region, are forwarded to you for information and necessary action.
 - (a) Letter from R.L.O. GROSSETO to R.L.O., TOSCANA Region, dated 7 Feb 45.
 - (b) List of Exhibits - GR/10/298 dated 5 Feb 45.
 - (c) Report of Sgt. Adolph IZENSTALK, dated 1 Jan 45.
 - (d) Exhibits enumerated in (b) above.
- 2 The investigations were carried out by Sgt. Adolph IZENSTALK, 316th Service Group (see para 2 of his report, dated 1 Jan 45).
- 3 It will be seen that one BERNARDI, Eusto has been arrested by Sgt. IZENSTALK and he is now held in GROSSETO jail with TIRCHI and MASSIERI. From the evidence it appears that his only crime is sleeping an American.
- 4 Very little fresh evidence is disclosed to that already in your possession, but it is now fairly conclusive that the airman, Lt. CALPINE, died in UNCCA Hospital, but whether as a result of the treatment by the accused or not is doubtful.
- 5 Further, Sgt. IZENSTALK is at present in hospital suffering from a broken leg and his investigations are incomplete. From his report it will be seen that he has information which justifies the arrest of three persons in connection with the crime.

For the Chief Commissioner:

G.R. UFFIN, Brig.,
VP CA Section.

Copy to: R.L.O., TOSCANA Region,
(Your RVIII/19/3008 dated 14 Feb 45 refers.)

0465

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

785016

CASec

00

1st Ind.

RVIII/19/8008

Headquarters, Toscana Region, ASR. 14 February 1945.
TO: LEGAL SUB-COMMISSION, Headquarters, AS.

528

12/13

1. The file is forwarded. Secret.
2. May we have an acknowledgment that the same has been received by you?

16

For the Regional Commissioner:

[Signature]
JOHN K. WEBER
Colonel, Infantry
Regional Legal Officer

1984

(1472)

7 February '45

GB/LD/29 B

Transmission of Supplementary Files on Three Alleged
War Crimes - Grosseto Province

Regional Legal Officer, Toscana Region

1. The files and my report on Turchi, Ivo and Massieri, Anatolio were forwarded on September 7, '44. Subsequently I found that Sgt. Adolph Izenstark, 316th. Service Group was making a further investigation and on his orders a third defendant, one BERNABEI, Egisto was arrested and placed in the Grosseto jail. I contacted Sgt. Aizenstark explaining that we had heretofore sent a file and asked that he submit his report to my office just as soon as he had completed his investigation so that the whole cases of the three could be considered by AG and AFHQ.
2. Attached hereto is Sgt. Izenstark's file which I have reviewed and indexed by Exhibits which number 25. Also attached is copy of his letter which he thought he should write to War Crimes Board, 12th. Air Force, APO 650 summarizing his investigation. The Sergeant worked hard and well on this, then suffered a broken leg, wrote his report from the hospital bed, and subsequently I contacted him there and procured the file. He stated however that he hadn't completed his investigation, but that nevertheless he now had proof that these defendants, particularly Turchi, Ivo, had murdered the aviator, Lt. Calkins. I do not agree, however, that we have sufficient proof of murder.
3. In my opinion this supplementary file adds but little to the file heretofore forwarded. It is noted, however from Exhibit 23 that we now have proof that Lt. Calkins actually died at the Lucca Hospital though there is no proof that he died as a result of injuries received from the civilians. Indeed, Exhibit 24 quoting the hospital record indicates it was from "Contusione broncopulmonare". The Sgt's letter on page 2 states that "whereupon, he (Turchi) ran his bayonet through the flyer's back". I don't believe we have proof of this though we do have proof that Turchi struck the pilot with the butt of a rifle over the shoulders. BERNABEI was arrested by the Sgt. because of mistreatment of another of the same crew, to-wit: Sgt. Thorenson. His statement on page 3 states: "At about the same time a crowd of about 50 to 75 men and women surrounded the airman and proceeded to beat him to death." I do not believe that we have proof of this fact.
4. Summarizing, I think there is sufficient proof to sustain

0 4 6 7

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

785016

Page 2

R. L. O.

7 Feb. '45

a charge of assault or mistreatment of a prisoner of war. This charge would seem fairly well substantiated as against TURCHI, Ivo. The same charges as to Massieri could probably be substantiated but his charges are not as grave inasmuch as his was the case of only a simple assault with the use of his hands. Likewise, the charges against BERNABEI involve an assault with the hands in that he gave the aviator a "punch".

5. I understand that AC has long since asked AFHQ for a ruling on these first two cases. I am hopeful that a decision may soon be sent inasmuch as these three defendants are still incarcerated in our Grosseto jail - and, ~~as~~ too, we need the jail space.

Robert M. Hill

Robert M. Hill, Major AUS
PLO - Grosseto Province AMG

1882

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

785016

HEADQUARTERS
GROSSETO PROVINCE
ALLIED MILITARY GOVERNMENT

Legal Office

5 February '45

File No : GR/LD/ 29B

SUBJECT: Exhibits in Cases of Three Alleged War Criminals
1) Turchè, Ivo 2) Massieri, Anatolio 3) Bernabei, Egisto

TO : File attached

1. Marked Map of Grosseto showing places where parts of Plane fell and where different aviators landed by parachute
2. Statement of the VATINI Wohen
3. " " VATINI Iolanda
4. " " MARTELLINI Quinto
5. " " BARICCI Giulio
6. " " VATINI Giovanna
7. " " BERNABEI Egisto
8. " " " "
9. " " TURCHI Ido (Copy)
10. " " SUORDI Vanda
11. " " TEGLIARI Eggenio
12. " " TENUCCI Damoso
13. " " LOMBARDI Manlio
14. " " Maj. BENA
15. " " Dott. SALVADORI
16. " " BARDI Giovanni
17. German Chaplain's LIST
18. List of crew members.
19. Copy (with translation) of Grosseto newspaper article concerning the Air Raid in which this plane was shot down
20. Copy of letter from civilian Rampon, Carlo to defendant, B ERNABE which Sgt. Aizenstarck has attached to file merely to show that Bernabei was a man of bad morals generally
21. Copy of Questore report to 316th. Service Group
22. Copy of statements of the three defendants
23. STATEMENTS OF AUTHORITIES FROM LUCCA HOSPITAL TO EFFECT THAT LT. CALKINS DIED AT THAT HOSPITAL, that three other US aviators recovered and were taken away by Germans, one escaping
24. ~~Copy~~ Original of statement of Chaplain of Lucca Hospital which recites hospital record indicating that Lt. Calkins died of "contusione broncopolmonare".
25. Two miscellaneous unimportant statements, one by DiVittorio, Egisto and the other a story attributed to one Velio, Mancini
26. Sixteen Photographs are also attached

1881

R.A.H.

0469

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

785016

SECRET

HEADQUARTERS

316th Service Group
APO 650 US Army
 XXXXXXXXXXXXXXXX
 : By Auth.....
 : CO, 316th Sv Gp.
 : Initials
 : Date
 :XXXXXXXXXXXXX

4 January 1945

SUBJECT: War Crime - Death of two American Airmen, raid of 26th April
1943 1400 hours.

TO : War Crimes Board Twelfth Air Force, APO 650X.

1. Due to the writers inability to continue the investigation because of a broken leg, herewith is submitted for your consideration a preliminary report and summary of a War Crime, which occurred 26 April 1943, 1400 hours to 1500 hours at Grosseto.

2 On 7 October 1944 Information was received by Major Chester A. Dolan Intelligence Officer, 316th Service Group, that an Italian Civilian, BERNABEI Egisto, employed by the 86th Fighter Group, Officer's Mess, had been involved in beating an American Airman prior to the Allied entrance into this province. The writer was assigned to make the investigation.

3 BERNABEI, was picked up by myself on 8 October 1944 and with the aid of Major Dolan was given a lengthy interrogation. On 11 October 1944 a signed statement was obtained from BERNABEI, in which he admitted that the flyer had landed by parachute near to him, and had advanced toward him with his hands raised in token of surrender, and that he BERNABEI, had grabbed him by the shoulders and punched him in the face.

4 The question of jurisdiction arose, and Lieutenant Clegg, AMG Grosseto province was contacted, at which time was found that there were two other civilians being held in connection with the same incident. Likewise that the statements and papers involved had been forwarded to Rome for consideration. In the course of the next several weeks, this writer found sufficient evidence to come to the conclusion that a case of murder existed and not case of assault as the AMG investigation implied. Major W.A. Moody, AMG, Public Safety Officer, was contacted and entire matter was gone over with him. He agreed with writer that both investigations should be consolidated and that he would recall the papers sent to Rome, and reopen the case in view of latter evidence. A summary of AMG investigation was made available to the writer.

5X To the present time, this writer has questioned or talked to several hundred persons, has located the approximate

SECRET

War Crime - Death of two American Airmen, raid of 26th April 1943,
1400 hours, 5 Jan 45

spots at which five (5) men parachuted safely to earth although slightly wounded, located the spots at which parts of the plane came down, obtained original photographs of plane, thru which the members of the crew were identified, (with aid of Captain Gorn) and partially identified the two men attacked and killed by the mob. Obtained about fifteen (15) statements, and have come to believe that the following is fairly accurate reconstruction of what took place:

On 26th April 1943, at about 1400 hours a raid by American B-17's took place aimed presumably at the Grosseto Air-Port then held by the Germans. At about 1405 hours one of the planes was struck by Ack-Ack and started down. Six (6) men jumped from the plane. A few seconds later the plane exploded in mid-air, breaking into two principal parts and a number of smaller bits. Of the four (4) men remaining in the plane all were found dead in the waist and tail sections. Of the Six (6) who managed to leave the ship, the parachute of one failed to open and was killed upon hitting the ground. Five (5) landed alive attested by eye-witness statements. Of the five (5), three (3) were taken to the Italian Red Cross Hospital in Grosseto in the same physical condition in which they came down. These three (3) are believed to be Lt. R. Charlson - Lt. R. Buskin and Lt. S. Locke. One (1) believed to be Lt. R. H. Calkins, landed near three (3) women in a grain field, walked toward them with his hands raised and remained with them during the balance of the raid. A slight arm wound was dressed by one of the girls. When the Ack-Ack ceased at about 1420 hours the women left him here, where in about five (5) minutes he was taken in custody Fascist BENETTO, who in turn called Fireman TONULLI to conduct him to Grosseto. He was seen alive, smiling and smoking a cigarette by the three (3) women as he passed their house. At the junction of the small road and the main road, Fireman TURCHI IDO came up behind him and struck him with the butt of his rifle, knocking him to the ground, whereupon he ran his bayonet thru the Flyers back. Later the Airman revived and was made to walk to Grosseto, aided by another civilian. He was then taken by the Carabinieri on a stretcher to the Italian Red Cross Hospital, where the Bishop of Grosseto gave him the last rites of the church and holy oil. The fifth man who landed about three hundred (300) or four hundred (400) feet from Calkins, and believed to be Sgt. R.H. Thorson is the one attached by BERNABEI, when he walked toward him with his hands raised in token of surrender, and while

SECRET

SECRET

War Crime - Death of two American Airmen, raid of 26th April 1944,
1400 hours, 5 Jan 1943

BERNABEI, held him by the shoulders, was attacked from the rear by MASSIERI. At about the same time a crowd of about fifty (50) to seventy-five (75) men and women surrounded the Airman and proceeded to beat him to death.

The following day, 27 April 1943 about 1200 or 1300 hours, bodies of the one whose parachute failed to open and the one which I believe to be Thoreson were picked up and taken to the Grosseto Cemetery. At about 1600 hours the bodies of the four (4) men remaining in the plane picked up and taken to the Grosseto Cemetery. At about 1800 hours the six (6) bodies were thrown into a single hole haphazardly and in the presence of several well known Fascist were covered, with the remark that they should be again kicked around the Cemetery. Of the four (4) in the Hospital, two were taken by Red Cross Ambulance to a German Hospital or Prison Camp in or near Lucca on the 28th April 1943 and the other two (2) to the same place on the 29th April 1943. The one stabbed by TURCHI, died very shortly after being brought to Lucca and is buried somewhere in the vicinity.

6. On September 30 or 23, 1943 on orders of a German Chaplain the bodies were exhumed and placed in individual boxes and markers placed on the graves as shown in attached photographs.

7. On 5th December 1944 the remains were exhumed by Sgt. J. L. Matt. 1st Platoon, 602 QM GR Co, and Taken to the Follonica Cemetery.

8. Held in the Grosseto jail at present time, relative to this War Crime are:

Turchi Ido fu Giuseppe

Massieri Anatolio fu Giovan Battista

Bennabei Egisto fu Adamo

The writer has in his possession the names of three (3) other people who should (on further investigation) be placed in custody.

9. In as much as the above people will have to be ~~placed~~ ¹⁸⁷⁸ her in Grosseto it is the intention of the writer to turn over to Cap. C.A. Hill, AMG Legal Officer, all Statements, undeveloped leads, and factual evidence gathered during the investigation.

ADOLPH IZENSTARK,
ASN 36362321
Sgt. Hq. Squadron
316th Service Group

4 Incls:

0 4 7 2

Declassified E.O. 12356 Section 3.3/NND No. 785016

4/29.1/CA✓

11 CAS
705

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

HYA/mls

G-5: 000.5-1

19 February 1945

21 FEB 1945

SUBJECT: War Crimes.

TO : Headquarters, Allied Commission, APO 394.

1. Returned herewith are papers forwarded under your 4/29.1/CA of 17 February 1945.

2. It is suggested that this case be referred to the appropriate Italian Authority for such action as they think possible.

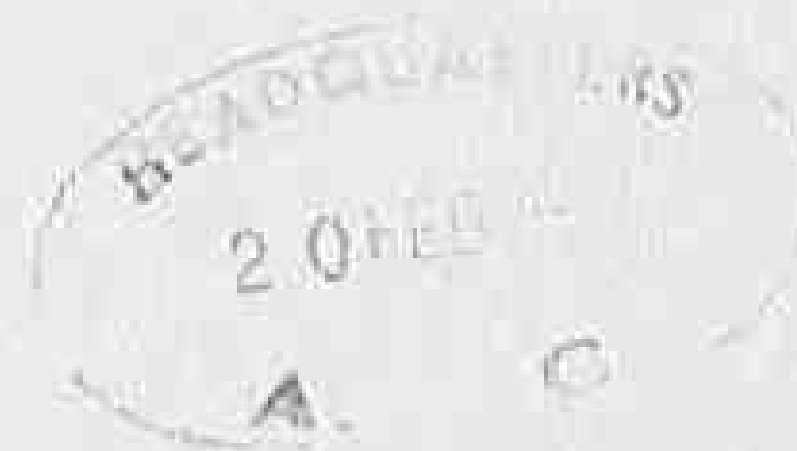
For the Asst. Chief of Staff, G-5:

H. Y. Anderson

H. Y. ANDERSON,
Major, R.A.

Incls:
as above.

return to Italian H.C.



1877

1583

0473

Declassified E.O. 12356 Section 3.3/NND No. 785016

SECRET

HEADQUARTERS ALLIED COMMISSION
APO 39/
CIVIL AFFAIRS SECTION

Ref: 1/29.1/CA

17 Feb 45.

SUBJECT: War Crimes.

TO: AFHQ, G-5 Section.

Case of COSTA, Gastone

Reference your letter G-5. 000.5-1 dated 9 Feb 45.

- 1 It is agreed that COSTA has committed no offence under International Law or Italian Law which could be tried by an AMG Court but it would appear that he is guilty of collaboration with the Germans, contrary to Art. 5 of P.L.N. 159 (which is retroactive) and could be tried by an Italian Court for this offence.
- 2 The papers are returned herewith to enable you to consider this aspect of the matter.

For the Chief Commissioner:

G. J. Upjohn
G. J. UPJOHN, Brig.,
VP CA Section.

CG/eg

1876

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Tel: 478104.
/rlp.

15 February 1945.

Ref: 4/29.1/CA.

SUBJECT : War Crimes - Cases of (1) TURCHI Ivo and MASSIERI Anatolio
(2) FANO Romano and CHIARI Dante.

TO : AFHQ, G-5.

1. TURCHI Ivo and MASSIERI Anatolio are at present in custody in connection with an alleged war crime. All the relevant documents in their case were forwarded to AFHQ on 19 Sept 1944.

FANO Romano and MASSIERI Anatolio are understood to be in custody in connection with an alleged war crime. All the relevant documents in their case were forwarded to AFHQ on 3 Nov 1944.

2. The facts in the two cases are (from memory) briefly as follows:

a. TURCHI and MASSIERI: An American air raid was carried out on Grosseto then in German hands. One of the American airplanes was brought down in the vicinity. The pilot got out of the plane and was being escorted for surrender to the German military authorities. Thereafter he was assaulted by the two accused. MASSIERI was at the time suffering from great emotion, as he had just seen his small child killed in the raid. His assault was not particularly serious. TURCHI, however, who had no such provocation knocked the pilot to the ground and drove a bayonet into his back. The pilot was taken, alive, to the hospital in Lucca but it is not known whether he recovered from the assault or whether he subsequently died. The identity of the pilot is not known nor whether he is now alive or a prisoner of war.

b. FANO AND CHIARI: These two accused are alleged to have been jointly responsible for brutal assaults on two British prisoners of war in October 1943 at Soriano. One soldier, while handcuffed, was beaten about the head with fists and a rifle and severely wounded. The other was tied to a tree and brutally assaulted; he was killed and the gold from his teeth forcibly extracted. On a separate occasion, in March 1944, these accused are alleged to have mutilated the body of a deceased American pilot.

3. It is considered that these cases of war crimes can conveniently be disposed of by Allied Military Courts, and that they are not cases of such general or international interest that their trials should be postponed until after the war.

4. It is suggested therefore that permission be obtained for the trial of these cases as soon as possible in Allied Military Courts. If you concur with this suggestion no doubt you will make the necessary representations. Any further facts required can be verified from the files.

1875

0 4 7 5

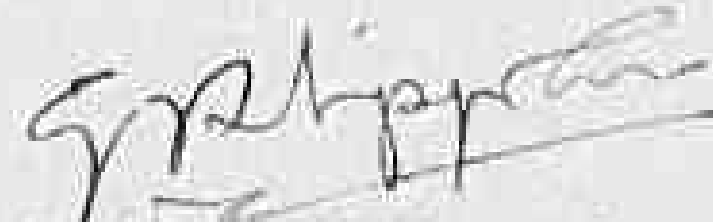
Declassified E.O. 12356 Section 3.3/NND No.

785016

5. If approval is given for the holding of these trials it will be necessary to obtain further evidence. In the first case efforts should be made to discover the name of the pilot concerned, and if possible to ascertain what were the results of the assault upon him. In the second case it is understood that the necessary investigations are now being held by SIF.

6. Since you are in possession of all the documents, no doubt you will consider this last aspect of the matter.

For the Chief Commissioner:


G. R. UPJOHN, Brig
VP CA Sec
Dep COS, AC

0 4 7 6

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

785016

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

HYA/jjjr

G-5: 000.5-1

9 February 1945

SUBJECT: Alleged War Crime - COSTA, Gaetano.

TO : Headquarters, Allied Commission, APO 394

Reference your 4/29.1/CA dated 2 February 45.

1. These papers were considered by Lt. Col. ELDER as requested in your A/29.1/CA dated 1 February.
2. The documents disclose that COSTA informed the Germans of the presence of a disguised American soldier in the same concentration camp in enemy occupied territory as he himself was interned; as a result the American soldier was apprehended by the Germans and COSTA rewarded.
3. It is considered that the statements do not disclose an offence under International Law or the Italian penal code. If however you hold a contrary opinion, your views of the case would be appreciated.
4. The papers inclosed with your letter are returned herewith.

For the Asst. Chief of Staff, G-5:

Incls:
as above.

H. Y. ANDERSON
Major. R.A.



1874

12/2

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

WGE/lask

G-5: OOO.5-1

7 February 1945.

SUBJECT: War Crimes.

TO : Headquarters, (Y.P.A.C. Section)
Allied Commission, APO 394

The case of FANANO, Romano and
CHIANI, Dante.

1. Reference your 4/29.1/C.A. letter dated 1 February 1945 and in respect to paragraph three thereof.
2. Lt. Col. ELDER has as requested read over such statements and other documents which presently constitute the evidence bearing on the above case and is of the opinion that this case could be suitably tried before a General A.M.G. Court the Accuseds being charged as War Criminals.
3. The evidence in its present form makes out a strong prima facie case against both accused and further and complete investigation would undoubtedly strengthen and clarify such evidence.
4. The two accused have been joint actors in the commission of all acts complained of and their treatment of two British soldiers after capture by them as prisoners of war was most brutal and savage and consisted, in the case of one soldier when handcuffed, being beaten with fists and rifle about the head making severe wounds. In the case of the other British soldier after tying him to a tree these accuseds brutally assaulted and forceably extracted the gold from the soldiers teeth. These offences, occurred in October 1943 at SORIANO near VITERBO.
5. These two accuseds are also accused in the evidence of having committed a most ghastly mutilation of the body of an American Pilot killed in the crash of his plane on the 13 March 1944 in the same locality.
6. Further these two accuseds were denounced to the Italian Authorities by one PONDIMIGLIO, Pietro as being responsible for capture, torture and death of his 22 year old civilian son.
7. The case is now under investigation by British S.I.B. in respect to the atrocities against the British personnel and it is

assumed that further statements will be taken, the present evidence clarified and reduced to proper form. It is suggested that in the course of this further investigation all evidence possible relating to the Mutilation Charge be collected and made available for consideration by J.A.G. (A). This will save considerable duplication of effort.

8. The British soldiers were at the time of the assaults prisoners of war and the acts complained of are War Crimes and punishable as such. A.M.G. Courts have constituted jurisdiction to try War Crimes. It would seem as though there is no apparent legal impediment preventing trial by such a court.

9. It is suggested therefore that the accuseds be jointly tried on all charges and tried before a General A.M.G. Court. Should the respective J.A.G. departments desire to participate in the trial, legal representatives from their departments could be constituted members of the Court. It is thought that the course suggested would result in a great saving in time effort and personnel.

10. Following the trial the record, if considered advisable could be referred to the Italian Authorities for study in respect to the Civil denunciation.

W. G. Elder
W. G. ELDER,
Lt. Colonel,
Cdn Prov. Corps.

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

WGL/as

7 February 1945

SUBJECT: War Crimes.

TO : Headquarters, Allied Commission, APO 394.
(Attention: Y.P.C.A. Section).

Case of Turchi, Ivo and Massieri, Anatolio

1. Ref. your 4/29.1/CA letter dated 1 February 1945 paragraph 3 thereof.

2. Lt. Colonel Elder has had an opportunity of reading over statements and documents constituting the evidence against the above prisoners and submits the following comments and recommendations:

a. the facts disclosed clearly show that the pilot at the time of the offences was a prisoner of war being escorted for surrender to enemy military authorities. The accused Turchi was aware of this status according to his own statement;

b. The offence was committed on 26 April 1943, before the Armistice and when we were at war with Italy. Each of the accused if, not enemy soldiers were enemy citizens and thus within the category of those capable of committing war crimes, Sec. 441 The Law and usages of war on land;

c. The offences allegedly committed, clearly constituted an aggravated violation of the prohibitive provision against "Ill-treatment of Prisoners of War" and therefore was a war crime offence, sec. 443;

d. Allied Military Courts have constituted jurisdiction to try war crimes, Proc I R III Article X 2(a).

3. It is recommended that these prisoners could be most conveniently tried by a General Military Court sitting at Grosseto or Lucca, regard being had to convenience of witnesses and that the trial, subject to further investigation should be held as soon as possible while material witnesses are available.

4. The evidence provides no proof of identity of the pilot, whether or not he died and, if dead, as to what extent ~~4871~~ was due to the acts of the accused or either of them. This could

possibly in whole or part be established by an investigation conducted in Lucca where the pilot was allegedly moved being at that time still alive. The court would require some evidence to determine a proper sentence in case of a finding of guilt. On all other points, the evidence is sufficient in the opinion of Lt. Colonel Elder, to establish a very strong prima facie case against Turchi.

5. In the case against Massieri, the evidence, on the other hand, is not very strong and it is conceivable that a court might find sufficient provocation to excuse his act which was not particularly serious. Further investigation might disclose a more serious assault than at present indicated, but failing to do this some consideration should be given as to whether a charge ought to be preferred against this accused.

6. Since the personnel concerned in this case are Americans, it is recommended that the files be forwarded to J.A.G. (A) for investigation and to this end the action requested in this Headquarters letter G-5: 010.2 dated 28 January 1945, be initiated.

W. G. Elder
W. G. ELDER
Lt. Colonel
Cdn. Prov. Corps.

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Tel: 478104

1 Feb 45.

Ref: 4/29.1/CA

SUBJECT: War Crimes.

TO: AFHQ, G-5 Section.

- 1 When Brig. Upjohn was at AFHQ on Sunday he promised Lt. Col. Jackling and Lt. Col. Passingham to look through cases of alleged war crimes which have been sent to AFHQ through AC channels and advise whether any were suitable for trial in an AMG Court.
- 2 Unfortunately it is not possible to carry out this investigation as all the documents have been sent to you and all that has been retained at this Headquarters are file copies of our covering letters.
- 3 I enclose an index of the cases we have sent to you with the suggestion that as soon as Lt. Col. Elder has finished his duties with you (which it is understood will be in about ten days time) he should be instructed on behalf of this Commission to investigate these cases and advise whether they are suitable for trial in an AMG Court.
- 4 For your information it is believed (but in the absence of the records no definite statement can be made) that the alleged offenders are in custody in the cases serials 8 and 11 only and on this footing investigations would only be of use in those two cases.
- 5 With regard to serial 8 we have recently received your instructions G-5 OLC.2 dated 28 Jan 45. Shall we hold these instructions in abeyance pending Col. Elder's investigation?

For the Chief Commissioner.

G. V. Upjohn
G. V. UPJOHN, Brig.,
VP CA Section,
PCOS AC.

1869

WAR CRIMES

REMARKS

1. Massacre at SAN ALATHA
Committed by Germans -
names or unit unknown
Documents forwarded to AFHQ
A.C. Letter Forwarding
Documents to A.P. H.Q.
1/29.1/AS dated 17 Aug 44.
508
2. Massacre at S. POLO
All Documents forwarded to
AFHQ (No Information).
1/29.1/AS of 11 Aug 44.
3. Atrocities at PALAZZO
DE PEO and RADICORO
Committed by band of 250 fea-
cists and 30 Germans.
(Forwarded to the High
Commission for the Punishment
of Fascist Crimes.) (Under 1/29.1/AS of 14 Aug 44.)
1/29.1/AS of 17 Aug 44
forwards to AFHQ documents
of several incidents. No
further information.
4. Atrocity at ISTIA
Committed by Germans. List
of Italian S.S. supplied.
(Forwarded to HQ, AFHQ under
1/29.1/AS of 16 Aug 44.)
5. Atrocities at
MICCIOLETTA
All documents forwarded to
AFHQ. (No information).
1/29.1/AS of 30 Aug 44.
6. Crime at MATERA
Name of criminal MILLSIA.
whereabouts unknown.
1/29.1/AS. of 30 Aug 44.
7. Crime at RIMTI Hospital
Documents forwarded to AFHQ
These men are in custody.
1/29.1/AS of 19 Sept 44.
8. Case of TURCHI and
MASSIERI
Committed by Germans of
German Goering Div.
Documents forwarded to AFHQ.
1/29.1/AS of 16 Oct 44.
9. Crimes at "Molini DI
"CUCCHIO".
No information - all docu-
ments forwarded to AFHQ.
1/29.1/AS of 17 Oct 44.
10. Crime against escaped
P.O.W.
Documents forwarded to
AFHQ. It appears that these
men are in custody.
1/29.1/CA of 3 Nov 44.
1868
11. Crime by FAVANO and
CHIANI
Committed by German soldier
who was taken prisoner by
British. From enquiries it
seems he may have died.
1/29.1/CA of 24 Nov 44.
12. Murder of two farmers -
PIERACCINI, O. and
PIERACCINI, F.
Committed by Germans
There is no trace of this
man being a P.O.W. and his
whereabouts are unknown.
1/29.1/CA of 20 Dec 44.
13. Crimes at GIOMITELLI
Case of Sgt. ANCHER
(German Army)
1/29.1/CA of 11 Jan 45.

WAR CRIMESREMARKS

1. Massacre at SAN AGATHA
Committed by Germans - names or unit unknown. Documents forwarded to AFHQ. 1/29.1/AS of 17 Aug 44. 144B
2. Massacre at S. PULO
" 1/29.1/AS of 11 Aug 44. 144C
3. Atrocities at PALANZO DE OENO and RAVICROCE
All documents forwarded to AFHQ (No information).
4. Atrocities at ISTIA
Committed by band of 250 fascists and 30 Germans. (Forwarded to the High Commission for the Punishment of Fascist Crimes.) (Under 1/29.1/AS of 11 Aug 44. 1/29.1/AS of 17 Aug 44 forwards to AFHQ documents of several incidents. No further information.)
5. Atrocities at NICOTRIETTA
Committed by Germans. List of Italian G.I.s supplied. (Forwarded to HQ. AFJ under 1/29.1/AS of 16 Aug 44.)
6. Crime at MATERA
All documents forwarded to AFHQ. (No information).
7. Crime at RIMTY Hospital
Name of criminal ATILIO SINI, whereabouts unknown.
8. Case of TUCCHI and MASSIERI
Documents forwarded to AFHQ. These men are in custody.
9. Crimes at "Molini DI CUCCHIA".
Committed by Germans of Herman Goering Div. Documents forwarded to AFHQ.
10. Crime against escaped P.O.s.
No information - all documents forwarded to AFHQ.
11. Crime by PANANO and CHIAMI
Documents forwarded to AFHQ. It appears that these men are in custody.
12. Murder of two farmers - PIRACCHINI, O. and PIRACCHINI, F.
Committed by German soldier who was taken prisoner by British. From enquiries it seems he may have died.
13. Crimes at GIMBITELLI
Committed by Germans
14. Case of Sgt. ANGERER (German Army)
There is no trace of this man being a P.O., and his whereabouts are unknown.

14467

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

785016

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

HYA/mls

G-5: 010.2

28 January 1945

31 GEN. 1945

SUBJECT: TURCHI IVO and MASSIERI ANATOLIO.

TO : Headquarters, Allied Commission, APO 394.

Reference your 4/29.1/AS dated 19 September 1944 and
4/29.1/CA dated 5 January 1945.

1. J.A.G. (American) has advised that the alleged offences come within the category of war crimes and has recommended that both the above Italians be confined in an American POW camp and there held until U.S. policy in respect of such cases becomes more crystalised. The above recommendation has been accepted by this Headquarters.

2. It is, therefore, requested that you arrange for issue of a release order in respect TURCHI Ivo and MASSIERI Anatolio from their present place of custody and inform this Headquarters where and when they can be collected by representatives of the PMG staff and taken into custody. The two Italians will not of course be released from their present custody until further instructions.

For the Acting Asst. Chief of Staff, G-5:

H. Y. ANDERSON,
Major, R.A.

1866

785016

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

4/29.1/CA

5 Jan 45

SUBJECT: War Crimes

TO: G-5 Section AFHQ

Case of TURCHI IVB and MASSIERI ANATOLIO -

1. May a reply please be forwarded to this Office letter 4/29.1/45 dated 19 Sep 44 as to the procedure to be adopted with regard to the above named.
2. It is pointed out that these two prisoners are still detained at GROSOTTO prison, where they have been held since June last, without any charge being made against them.

FOR THE CHIEF COMMISSIONER:

G.R. UFFORN Brig.
VP CA Section
EXOS AC

Copy to: Regional Legal Officer, Region VIII (our XVIII/19/308 of 1 Jan 45 refers. A copy of this HQ letter 4/29.1/45 dated 19 Sep 44 is also attached for your information).

1865

0486

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

785016

HEADQUARTERS REGION VIII
ALLIED MILITARY GOVERNMENT

LEGAL

File Ref:

RVIII/19/2008

Date: 1 January 1945.

SUBJECT: Detention of War Criminals, Grosseto Province.

TO : Chief Legal Advisor, Headquarters, AG. ✓

33A

2A

4

1. Attention is invited to the attached letter from the Provincial Legal Officer, Grosseto Province.

2. I must confess that the continued detention of the two persons in the absence of instructions from higher authority is somewhat disturbing. The records were transmitted with the information that these men were being detained.

3. The suggestion that they be brought to trial under DLL 159 has not impressed us. We are concerned, however, for how long, and on whose authority we may continue to detain these persons in the present status of things. It is requested therefore that we be advised, not only in this case, but in other cases that may arise.

JOHN K. WEBER
Colonel, Infantry
Regional Legal Officer

See folio 16A

TO: CA Sec (attn Col Griggs) for necessary action.

1861

The previous letter of Region VIII transmitting these documents is RVIII/19/2015 dated 12 Sept. 44 passed by this S/C to CA Sec on 15 Sept. 44.

J. Campbell L-01
for DCLA

4 JAN 1945

6923

ALLIED MILITARY GOVERNMENT

GROSSETO PROVINCE

Office of the Provincial Legal Officer

REF.

SUBJECT: Alleged War Criminals

DATE: 20 Dec. '44

To: National Legal Officer, Bologna Region

1. On September 7, 1944 I transmitted to your office files on (a) JORDANO, Ivo and (b) AMESIO, Amelio; two alleged war criminals so that we might obtain a ruling from the CIO, Legal Sub-Com. AGO as to their disposition. I enclose a copy of my letter of transmittal which further explains the nature of the cases.

2. We have had no word on these two cases. Both defendants are now and have been since middle June incarcerated in the Grosseto jail here.

3. For the past three months a Sgt. WILKINSON, a member of the Security Office of the 16th. Service Group (US) stationed here in Grosseto has worked on this case attempting to procure proof that the aviator in question died as a result of the mistreatment received from these two Italian civilians. This he has been unable to do.

4. It occurs to me that these two men might well be tried by the Italian Court of Assizes as offenders under Art. 159, - and their cases thus disposed of. What is your opinion of this?

5. Please determine what disposition AG wishes to make of these two cases and if the defendants are to be retained in jail here.

Monte M. Hill
Robert M. Hill, Capt. (US)
FLO - Grosseto Province

1863

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

785016

7 Sept. 44

SUBJECT: Transmission of Report on Alleged War
Criminal - Turchi Ivo, Italian citizen.

TO : Regional Legal Officer, Region VIII, (for transmission
to CCO Hqs. AG.)

1.- Herewith is a report made by PP50, Grosseto Province on the above styled case, with whom I have conferred several times. This is transmitted in compliance with Art. 5 of consolidated Instructions for Allied Military Courts.

2.- May I call your attention to the following points: a). It will be noted that Turchi has supposedly made several statements or "confessions" gathered by the CC. AA. and Justice and Partisans. On August 23 at our request he made a further full written statement, and contrary to what he is alleged to have voluntarily written before, he denied personally to the PP50 and LO, Grosseto, that he had stabbed the pilot, that the pilot (this one) was buried in the Grosseto Cemetery. He says the former "confessions" were obtained by force and threats of the Italian Police, etc. and he says his statement of August 23 contains all he knows about the case. In this statement he does say this much: "Wishing to revenge my sons I raised the muckshot above the parachute man (pilot) but I don't know if I wounded him, because I was not in a normal condition owing to the grief and wrath". b) It will be noted that it has been impossible to determine whether or not the pilot later died after being taken to Suessa to a hospital. There were ten aviators in all - six admittedly were killed in the crash and are buried in Grosseto cemetery. Three others and the fourth one, that is, the one alleged to have been mistreated and wounded by Turchi, the accused, undoubtedly were all taken together to Suessa. Though there is no proof of death of the pilot, yet the evidence seems rather clear and sufficient that he at least **1862** guilty of a gross mistreatment of a "prisoner of war". The words: "1st Bomb Squadron RAF" appear on the tombstones of the six buried in Grosseto. c) The defendant is still in Grosseto Prison. This case was worked on by Capt. Harenburg, Public Safety Officer, who has made some pencilized notes herein, but soon after he started on the case he was hospitalized and now has been returned to the United States on medical discharge.

3. A report is also attached on Messieri Anselmo, another Italian alleged to have mistreated the pilot at the same time. The report from the CC. AA. enclosed indicates the evidence against him is not as strong. He also is presently in the Grosseto Jail.

Robert M. Hill - Captain (US)

SECRET

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

4/29.1/AS

19 Sep 44

SUBJECT : War Crimes.

TO : C-5 Section AMHQ.

Case of TURCHI IVO and MASSIERI ANATOLIO

1 The unmentioned papers in connection with the above are forwarded in accordance with para 4 of AMHQ circular G.LB 5305/A3 dated 6 Feb 44.

ACC/4119/5/L dated 17 Sep 44
Report on TURCHI IVO dated 7 Sep 44 by Capt R.M. HILL HQ.
Summary of the case of TURCHI IVO dated 19 Aug 44 and enclosed papers totalling 7 pages.
A report dated 12 Aug 44 on TURCHI IVO by Capt R.M. HILL with miscellaneous reports totalling 37 pages attached.
A further report on the same case by Capt Hill dated 7 Sep and addressed to HQ Region VIII.
EVIII/19/2015 dated 12 Sep 44

File on MASSIERI, ANATOLIO containing:- 5 reports with the English translations.

2 The Chief Legal Officer has given the following opinion in the case of TURCHI IVO:-

- (a) that at the moment when TURCHI assaulted the pilot, the pilot was a prisoner of war;
- (b) that the assault was an infringement of the terms of the Geneva Convention 1929 and amounted to a war crime;
- (c) that this crime is not a crime committed during the period of occupation of Italian territory within the meaning of para 6 of the AMHQ circular of 27 Nov 43 and therefore should not be tried by AMG Courts without the leave of AF HQ.

3 If however you desire that notwithstanding the terms of the above circular the case should be disposed of now the Chief Legal Officer advises and I agree that it should be tried in an A.M. Court and not left to the Italian Courts, and that the charges should be

- (a) An international War Crime that is to say assaulting a prisoner of war with intent to kill
- (b) Violation of the Italian Civil Penal Code.

4 In view of the fact that the accused are at present held in GROSSETO Jail, a decision as to the disposition of these prisoners is requested.

There are two alternatives:

- (a) to transfer the accused to 371 P.O.W. Camp for internment as a War Criminal
- (b) to try him on the above mentioned charges before an A.M. Court.

In this connection it must be borne in mind that as further territory

Case of TURCHI IVO and MASSIERI ANATOLIO

1 The undermentioned papers in connection with the above are forwarded in accordance with para 4 of AMIQ circular G.13 5305/A3 dated 6 Feb 44.

AMQ/4.119/5/L dated 17 Sep 44
Report on TURCHI IVO dated 7 Sep 44 by Capt R.M. Hill HQ.
Summary of the case of TURCHI IVO dated 19 Aug 44 and enclosed papers totalling 7 pages.
A report dated 12 Aug 44 on TURCHI IVO by Capt R.M. Hill with miscellaneous reports totalling 37 pages attached.
A further report on the same case by Capt Hill dated 7 Sep and addressed to RLO Region VIII.
RVIII/19/2015 dated 12 Sep 44

File on MASSIERI, ANATOLIO containing:- 5 reports with the English translations.

2 The Chief Legal Officer has given the following opinion in the case of TURCHI IVO:-

- (a) that at the moment when TURCHI assaulted the pilot, the pilot was a prisoner of war;
- (b) that the assault was an infringement of the terms of the Geneva Convention 1929 and amounted to a war crime;
- (c) that this crime is not a crime committed during the period of occupation of Italian territory within the meaning of para 6 of the AMIQ circular of 27 Nov 43 and therefore should not be tried by AMG Courts without the leave of AF HQ.

3 If however you desire that notwithstanding the terms of the above circular the case should be disposed of now the Chief Legal Officer advises and I agree that it should be tried in an A.M. Court and not left to the Italian Courts, and that the charges should be

- (a) An International War Crime that is to say assaulting a prisoner of war with intent to kill
- (b) Violation of the Italian Civil Penal Code.

4 In view of the fact that the accused are at present held in GROSSETO Jail, a decision as to the disposition of these prisoners is requested. There are two alternatives:

- (a) to transfer the accused to 371 P.O.W. Camp for internment as a War Criminal
- (b) to try him on the above mentioned charges before an A.M. Court.

5 In this connection it must be borne in mind that as further territory may be handed over to the Italian Government, which may include GROSSETO Province, it is essential for a decision as to how this case is to be handled to be made before that time.

G.R. UFFIN Brigadier,
for Acting Chief Commissioner,
Allied Control Commission.

