

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

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10000/105/806

DEFASCISM, ORG AC, RELEASE OF INFORMATION
ON EPURATION
MAR., APR. 1945

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

IMMEDIATE

C.A.2.(B),
The War Office,
Hotel Victoria,
Northumberland Avenue
London, W.C.2.

CA/DA/4/2.

21 April, 1945.

25 APR 1945

Dear Brigadier

Very many thanks for your letter DA/3.37/CA of 9th April, 1945, enclosing two copies of your speech on Expiration. It is most useful to know the latest developments in Expiration, and I am letting the Foreign Office and the Legal Adviser see your speech.

Junior Commander Robinson is shortly coming out to Italy for a visit, and will bring you all our good wishes. In fact, if I address this letter to A.P.O. 394, in accordance with the heading of your letter, she will reach you first!

Yours sincerely,

Patricia Stones

Brigadier G.R. Upjohn, E.C.,
Vice President,
Civil Affairs Section,
H.Q. A.C. C.M.F.

2056

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P. : Brig. G.R. URJOHN
VP CA Section
HQ/AC

8A

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

DP/3.37/GA ✓

9 April 45

Dear

I enclose 2 copies of a speech on Espionage which I made recently to the Advisory Council. It may be of interest to you.

Yours sincerely,

Senior Commander Stokes
C.A.2
War Office
LONDON E.C.

4050

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HEADQUARTERS ALLIED COMMISSION
APO 3M
CIVIL AFFAIRS SECTION

SP/3.37/CA

9 April 45

SUBJECT : Operation of Fascists.

TO : AFHQ, G-2 Section

Six (6) copies of a speech on Operation which I made to the
Advisory Council on 6 Apr 45 are forwarded herewith for your information.

FOR THE CHIEF COMMISSIONER :

G.R. USTON Brig.
VP CA Section

4054

Declassified E.O. 12356 Section 3.3/NND No. 785016HEADQUARTERS ALLIED COMMISSION
APR 306
CIVIL AFFAIRS SECTION

Tel: 178000

Ref: 00/1.37/01.

2 Apr 45.

SUBJECT: Evacuation of Fascists.

TO: NND, 3-5 Section.

Reference your 3-5: 001.112-2 dated 28 Mar 45.

- 1 In reply to your request six copies of the report by Brig. BAJON to the Advisory Council for Italy, made on the 6 Oct 44, are enclosed. It is emphasized that this is very much out of date and should be so treated.
- 2 As you are aware, the responsibility for evacuation rests entirely with the Italian Government and full details have to be obtained from that Government in order to compile the new report to be made by Brig. BAJON. It is anticipated that all the returns will be received by this Commission by the 7 Apr 45, the various Branches of the Italian Government are at present working on this matter. As soon as they are received, the necessary work on the compilation of the report will be undertaken immediately. Up to date, only one draft report of one Section for the first quarter of the year has been seen informally in this Commission and this has been returned for necessary amendments.
- 3 It is regretted that it is not possible in the circumstances to produce the abridged or interim report suggested at this date, but every endeavour will be made to complete the full report within 10 days.
- 4 The monthly reports of this Commission, submitted to you, regularly contain information on this subject and your attention is particularly drawn to that for December, which gives the progress made up to 31 Dec 44. (See Part II, paras 1 - 7, AGM Monthly Report, DECEMBER, 1944, dated 17 Feb 45.)

For the Chief Commissioner:

[Signature]
 R. H. CHIPPES, Col.,
 for VP CA Section.

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11/02

[Handwritten signature]

Copy to G Comm 6 Apr.

[Handwritten signature]

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SECRET

Speech to the Allied Advisory Council
on Friday 8 October 1944

by
Benigno C. S. URGENT

SECRET

I must ask the members of the Council to treat the information given in this paper as entirely confidential. The Italian Government have been good enough to tell me of their future plans in this matter of reputation and it is not desirable that there should be any publication thereof.

The Italian Government published its first decree to purge the administration of Fascists while still at Brindisi on the 28th December 1943 but in view of the shortage of personnel and the inevitable difficulties there, the Government the decree was treated more as a declaration of policy than an operational decree and little if any practical results were achieved thereunder.

On the 26 May 1944 the Government passed a decree for the punishment of Fascists and immediately thereafter had under consideration a further decree dealing with the purely purging decree of the 28th December and the punishment decree of the 26 May, 1944, and integrating the operations thereunder. However, the then Badoglio Government fell and was succeeded by the present administration.

The present Government produced its decree which is entitled "Sanctions Against Fascism on the 27th July 1944". It is much broader in its scope than the earlier decrees and is divided into four separate parts as follows:

- I. Punishment of Fascist crimes.
- II. Purging of the administration.
- III. Disposal of property made by Fascists.
- IV. Compensation of Jewish Property.

The decree creates the office of a High Commissioner for Sanctions Against Fascism to supervise the execution thereof and an assistant High Commissioner in charge of each of the four parts.

The Count Sforza has been as no doubt you are aware, appointed to the important post of High Commissioner and he has four assistants who I will mention as I deal with each department.

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Facing the Government the decree was treated more as a declaration of policy than an operational device and little if any practical results were achieved thereunder.

In the 26 May 1944, the Government passed a decree for the establishment of Fascists and immediately thereafter had under consideration a further decree establishing the purely punitive course of the 26th December and the subsequent course of the 26 May, 1944, and integration, the operations thereunder. However, the then Badoglio Government fell and was succeeded by the present administration.

The present Government produced its decree which is entitled "Sentences against Fascism on the 26th July 1944". It is much broader in scope than the earlier decree and is divided into four separate parts as follows:

- I. Liquidation of Fascist crimes.
- II. Purging of the administration.
- III. Disposal of profits made by Fascists.
- IV. Confiscation of Fascist property.

The decree created the office of a High Commissioner for Sentences against Fascism to supervise the execution thereof and an Assistant High Commissioner in charge of each of the four parts.

Mr. Grant Stewart has been as no doubt you are aware, appointed to the important post of High Commissioner and he has four assistants who I will mention as I deal with each department.

Part I. CRIMES AGAINST FASCISM

Mr. Berlinguer is in charge of this Department.

Initially this part of the decree provides first for the trial by a special High Court of Justice, of which Mr. Berlinguer is president, of members of the Government and high ranking members of the military of annulling the government of the constitution, of destroying the liberty of the people, of creating the Fascist regime and of betraying the fortunes of the country bringing it to its present disaster.

The punishment is up to penal servitude for life or in specially grave cases, death.

/Secondly it

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Secondly, it provides for trial in the Courts of Assise Tribunale and Pretore of a large numerous class, namely those who organized, planned, executed and committed acts of violence and those who prevented the result of 28th Oct. 1922 and 29th Sept. of 3rd Jan. 1925.

Thirdly it provides for the punishment for those who whether members of the armed forces or not collaborated with the Germans after 8th Sept., 1943.

The Court trial before the High Court of Justice that of Caruso and his assistant, Gombetto took place as is well known on the 21st and 22nd Sept., resulting in the death sentence for the former and 30 years imprisonment for the latter.

The trial of Anselmi former director of the Bank of Italy is fixed for the 2nd October in Rome before the High Court of Justice.

On the 23rd October (see main Pentimilli and del Vetto will be tried in Rome for collaboration with the Germans and for not having left the City of Rome from them and on the 24th October Soprano the ex-Prime Minister of Naples will be tried before the Court of Assise there for failing to resist the Germans. His defence is an interesting one, namely that he acted on the orders of the puppet Government then located in Rome although of course he will know it was dominated by the Germans. If his defence fails a number of other representations on the same lines will follow.

In addition 65 persons have been arrested and are awaiting trial in Rome including the following well known figures: with former Mayor Secretary for Foreign Affairs, King's former Under Secretary of Corporations, Craxelli former Under Secretary of Communications, and Giovanni former Ambassador and President of the Council of State.

In a short time a further 14 persons will be arrested and placed on trial they were all members of the notorious Special Squad for the defence of the State.

In addition to the foregoing 600 amnesties have been sent to the Procure del Regno throughout liberated Italy; these amnesties are now under investigation and in many cases the persons concerned will soon be tried before the appropriate Assise Courts, Tribunale and Pretore throughout the Kingdom.

The High Court of Justice will also shortly sit to consider the cases of the members and other members of the Benito and to give power to

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The trial of Anselmi former Director of the Bank of Italy is scheduled for the 3rd October in Rome before the High Court of Justice.

On the 31st October Benvenuto Santarelli and Paul Sotillo will be tried in Rome for collaboration with the Germans and for not having defended the City of Rome from them and on the 22nd October Bognerin the ex-Prime Minister of Naples will be tried before the Court of Justice there for failing to resist the Germans. His defence is an interesting one, namely that he acted on the orders of the puppet Government then located in Rome although of course he will have it was insisted by the Germans. If his defence fails a number of other prosecutions on the same issues will follow.

In addition to persons now being arrested and are awaiting trial in Rome including the following will known figures: Heinrich Himmler, Secretary for Foreign Affairs, Luigi Formigioni Secretary of Corporations, Benvenuto Santarelli former Secretary of Communications, and Benvenuto Santarelli former Secretary of Communications, and Benvenuto Santarelli former Secretary of Communications, and Benvenuto Santarelli former Secretary of Communications.

In a short time a further 14 persons will be arrested and planned on trial they will all members of the notorious Special Tribunal of the Government of the State.

In addition to the foregoing 600 denunciations have been sent to the Procedure del Regime throughout liberated Italy; these are not under investigation and in many cases the persons denounced will soon be tried before the appropriate judicial authorities, tribunals and before the Government of the State.

The High Court of Justice will also shortly sit to consider the records of the conduct and voting members of the Senate and the power to disqualify persons holding public office or a long political rights for not more than 10 years. If such persons are not considered a danger to society they may be sent to an agricultural colony or labour institution for not more than 10 years.

The plea of the Senate is it is understood that they have in danger of their lives and could not vote against the Government though 25 of them had in fact done so.

A section of the population appear to think that there has been a necessary delay in bringing off duty to trial but hearing in mind that the Government's task in bringing to organize a completely new office and the time necessarily spent in practical investigations I think you will agree there has been no undue delay.

/ PAST II.

PART II. OPERATION OF THE ADMINISTRATION.

H.E. Sotomayor is in charge of this Department which is concerned not with punishment but with the purging of the administration of those (particularly those in high Government offices) who have participated in the political life of Panama, who have been consistent apologists of Panama, and of those who have obtained high Governmental offices through President's favoritism. Likewise those who have been guilty of Panamanian bias, incompetence or corruption or who have collaborated with the Germans since 8th Sept., '43 are subject to dismissal.

There is a purely administrative point of view in the most important part of the Decree and General Sotomayor has repeatedly laid down the policy that the operation must be carried out rapidly and that the high ranking officials must be dealt with first.

There is now before the Council of Ministers a further decree which will shortly be published compelling operation down to officials of the rank of Grade IV to be completed within two months from the date of the publication of the decree.

The machinery set up by the decree of 27th July is to provide in each Ministry and in more commissions each commission consisting of a Judge as President and an official of the Ministry and an appointee of the High Commissioner as members. These Commissions consider the cases sent to them by the High Commissioner and after considering the record may propose the employee for dismissal. The employee may appear before them and if they decide against him he may appeal to a central commission appointed by the President of the Council of Ministers and consisting of 7 members.

The Commission of First Instance may recommend to the Minister the suspension of employees pending the hearing of his case.

Considerable progress has been made in as shown by the following figures. It is expected to reach a total of 136 Commissions and of these 64 are already appointed and sitting.

The office of the High Commissioner has had or now has under consideration up to the 27th September a total of 6051 cases. Of these 3674 having already been referred to Commissions with a proposal for the suspension pending hearing of 841. Ministers have ordered suspensions in 167 cases. This last figure is a little misleading however for in a very large number of cases Ministers have on their own initiative and frequently on the advice of unofficial commissions set up by them before the decrees came into force, ordered suspensions on their own account. In many other cases employees have already accepted a hint that their continued attendance at the office would serve no good purpose. The figures of these unofficial suspensions are not however available at present.

Working in mind the magnitude of the task the somewhat slow progress that has been made was to be expected but now that the machine is running a greatly accelerated speed of operation is to be hoped for especially having already accumulated a large backlog of cases.

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will shortly be published compelling operation down to officials of the rank of Grade IV to be completed within two months from the date of the publication of the decree.

The machinery set up by the decree of 27th July is to provide in each Ministry and in more commissions each commission consisting of a Judge as President and an official of the Ministry and an appointee of the High Commissioner as members. These commissions consider the cases sent to them by the High Commissioner and after considering the record may propose the employee for dismissal. The employee may appear before them and to their decision against him he may appeal to a central commission appointed by the President of the Council of Ministers and consisting of 7 members.

The Commission of first instance may recommend to the Minister the suspension of employees pending the hearing of his case.

Considerable progress has been made as is shown by the following figures. It is proposed to form a total of 126 Commissions and of these 64 are already appointed and sitting.

The office of the High Commissioner has had or now has under consideration up to the 27th September a total of 809 cases. Of these 3474 having already been referred to Commissions with a proposal for the suspension pending hearing of 641. Ministers have ordered suspensions in 167 cases. This last figure is a little misleading however for in a very large number of cases Ministers have on their own initiative and frequently on the advice of unofficial commissions set up by them before the decree came into force, ordered suspensions on their own account. In many other cases employees have wisely accepted a hint that their continued attendance at the office would serve no good purpose. The figures of these unofficial suspensions are not however available at present.

It is in mind the magnitude of the task the somewhat slow progress that has been made was to be expected but now that the machine is running a greatly accelerated speed of operation is to be hoped for especially having regard to the provisions of the new decree which I have already mentioned.

In addition to these Ministerial Commissions, in each province Commissions will be set up to purge organizations such as the office assistants which depend entirely from the prefect. Until the purge of prefects is completed however it is not proposed to appoint provincial commissions. The purge of prefects is of course having the urgent attention of the High Commissioner.

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PART III. DISPOSAL OF PROPERTY UNDER THE FASCIST.

This Department is under the charge of H.E. Sargolani and is concerned with the collection and disposal of the profits of Fascists. Briefly an inventory of property obtained after the 25th October 1922 by persons holding public office or in any way engaged in political activity as Fascists is presented to establish a profit from the Fascist regime unless the owner is able to prove the contrary. Where such property has been ported with such increase in constituting a debt from the Fascist owner.

The investigation and assessment of the amount of the profit derived from the regime is placed within the jurisdiction of a Special Section of the Provincial Taxation Commission of each province.

From to date denunciations have been received in respect of 1427 persons and in Rome alone protective measures for the sequestration of the property of 20 persons have already been taken. I will mention the names of 7 of the best known, Benimare, Battai, Vancelli, Marinacci, Dino Grendi, Scarpone and Amrolini.

The property of these 20 persons is estimated to amount to 3 billions of lire.

In addition investigations are being carried out in Rome with respect to the property of 95 other persons.

In the province of Naples the Intendants of Pinarco Mare

inform us that protective sequestration has been taken against the property of 913 persons and the sequestered property of the five brothers Pincitelli alone amounts to nearly 5 1/2 million lire.

Beginning with this month the Provincial Taxation Commissions have been instructed to send to the Government on the 1st and 16th of each month lists of persons considered to be profiteering and the action taken so that in future more complete figures will be available. The preliminary figures which I have briefly given above however seem to indicate a satisfactory start.

The Council of Ministers has under consideration the creation of an organization to deal with the assets collected, to run businesses where they are taken over and generally to prevent a dissipation of the assets forfeited under the provisions of the decree.

PART IV. OCCUPATION OF FASCIST PROPERTY.

This Department is under the charge of H.E. Sargolani. It is charged with the collection and disposal of Fascist organizations and activities dissolved by the legislative decree of 2nd August, 1923.

The properties of the organizations which have been dissolved are being taken over but it is obviously not possible at this stage

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property of 20 persons have already been taken. I will mention the names of 7 of the best known, Rodomonte, Bottai, Vasselli, Marincoli, Lino Orlandi, Starnoni and Accoloni.

The property of these 20 persons is estimated to amount to 3 billions of lire.

In addition investigations are being carried out in Rome with respect to the property of 95 other persons.

In the province of Naples the Intendants of Pescara have

informed us that protective sequestration has been taken against the property of 945 persons and the sequestered property of the five brothers Piscitelli alone amounts to nearly 3 1/2 million lire.

Beginning with this month the Provincial Taxation Commissioners have been instructed to send to the Government on the 1st and 15th of each month lists of persons considered to be profiting and the action taken so that in future more complete figures will be available. The preliminary figures which I have briefly given above however seem to indicate a satisfactory start.

The Council of Ministers has under consideration the creation of an organization to deal with the assets collected, to run businesses where they are taken over and generally to prevent a dissipation of the assets forfeited under the provisions of the decree.

PART IV. CONFISCATION OF FASCIST PROPERTY.

This Department is under the charge of H.E. Sturgeni. It is charged with the collection and disposal of Fascist organizations and societies dissolved by the Benito Mussolini decree of 2nd August, 1943.

The proportion of the organizations which have been dissolved run into many millions of lire but it is obviously not possible at this stage to give any figures which would be of value.

Partly by way of example, in Rome alone such to the value of 250000 lire and other movable property to the value of 5 million lire have already been secured.

So far as real estate is concerned Commissioners have been appointed to manage many properties or they have been handed over to deserving purposes; I need only mention one property in Rome the G.I.L. property at Monte Mario now handed over to the Don Grima Institution for assistance to abandoned and exiled children.

In conclusion, I hope my remarks have not been too long or too statistical but perhaps they have assisted to present a fair picture of the progress of operation by the Italian Government, a picture to which I feel that full justice is not always done in the Italian Press.

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HEADQUARTERS ALLIED COMMISSION

APO 394

Office of the Executive Commissioner

CONFIDENTIAL

31 MAR 1945

Tel: 289

31 March 1945.

Ref: 9258/88/EC

SUBJECT: Epuration of Fascists.

TO : Civil Affairs Section.

With further reference to letters 9258/EC of 17 Mar 45 and 9258/34/EC of 26 Mar 45, herewith copy of AFHQ letter, G-5:091.112-2 of 28 March, for necessary action by you. Please submit copy of your reply to this office.

J. H. Starns
Chief Staff Officer,
to Executive Commissioner.

Incl:
as above

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CONFIDENTIAL

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

TBJ/JJJr

G-5: 091.112-2

28 March 1945

SUBJECT: Evacuation of Poles.

TO : Headquarters, Allied Commission, APO 394

1. Reference is made to G-5: 091.112-2 of 22 March informing you that the contents of your 9258/EC of 17 March had been passed to the Office of the British Resident Minister.

2. The Office of the British Resident Minister states that while the Foreign Office have been informed accordingly the Resident Minister has expressed the view that "a delay of three weeks may well be too late and thinks that the Foreign Office ought to make what use they want of the material already available." The Office of the British Resident Minister has enquired whether in the circumstances it would be possible to expedite the report or an abridged version thereof.

3. Your views on the above are requested urgently.

For the Assistant Chief of Staff, G-5:

T. B. JACKMAN
Lt. Colonel.

Copy to:-

Office of the British Resident Minister
(your 5/150/48 of 27 March refers).

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CONFIDENTIAL

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HEADQUARTERS ALLIED COMMISSION

APO 394

Office of the Executive Commissioner

(4a)

21 MAR 1945

Tel: 735

Ref: 9258/84/EC

26 March 1945

SUBJECT: Epuration of Fascists.

TO : Civil Affairs Section

With reference to letter 9258/EC dated 17 Mar 45 signed by VP Civil Affairs Section, attached is copy of letter from AFHQ reference G-5: 091.112-2 dated 22 Mar 45 for action by you in due course.

Sharden
Chief Staff Officer
to Executive Commissioner

Incl:
as above

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ALLIED FORCES HEADQUARTERS

G-5 Section

APC 512

TSJ/100k

G-5: 91.112-2

22 March 1945.

SUBJECT: Expiration of Fascists.

TO : Headquarters, Allied Commission,
APC 394

1. Reference is made to your 9258/0 of 17 March and the Office of the British Resident Minister has been informed accordingly.

2. It is requested that 4 copies of your further report be forwarded to this Section in due course.

For Asst. Chief of Staff, G-5:

T. B. JACKMAN,
Lt. Colonel.

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Declassified E.O. 12356 Section 3.3/NND No. 785016HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

(34)

17 Mar 45

SUBJECT: Expiration of Fascists.

TO: G-5 Section, Allied Force Headquarters.

Reference your G-5: 091.112-2 dated 10 March 1945.

1. The principle that publicity should be given to this question is entirely agreed in by this Commission. The suggestion, however, that it should be based on the report made by the Chief Commissioner to the Allied Advisory Council in October 1944 is considered to be an unsatisfactory arrangement in view of the fact that this will give a false impression at this time as the report is now considerably out of date; furthermore, it would be unfair to the Italian Government.
2. It is anticipated that a further report will be made by this Commission to the Advisory Council in about three weeks' time. Details are at present being compiled by Brigadier Upjohn. It is therefore recommended that after the report has been completed and delivered it might be the basis for the publicity which you suggest.

FOR THE CHIEF COMMISSIONER

G. R. UPJOHN, Brig.
VP CA SECTION.

RUC/pe

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HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

13 March 1945

*Lt. No. DF/3.37/CA.*SUBJECT: *Release of Information on Epuration.*

MEMORANDUM TO: Executive Commissioner

1. Reference the attached, this Section is entirely in favour of giving publicity as suggested. However, the report was given as long ago as October and is now entirely out of date; any information based on that report would therefore be misleading and unfair to the Italian Government.
2. I should be quite willing to give a further report to the Allied Advisory Council at their meeting after next and such a report would, I think, be of much interest. The information contained in that report could then be used as suggested by A.P.H.Q.
3. It will, of course, be necessary to clear the matter with the Italian Government but I apprehend no difficulty on that score.
4. Will you please let me have the Chief Commissioner's decision on this matter as soon as possible so that I may prepare an appropriate draft reply to A.P.H.Q. and commence the collection of information for the delivery of the report. As you know, we keep complete returns over epuration; we do not do so over Fascist crimes, illegal profits or unjust enrichment and this takes some time to extract from the Italian Government.

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

GRU/yr

Encl:

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ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

CMS/TBJ/ceb

G-5: 091.112-2

10 March 1945

SUBJECT: Expiration of Fascists

TO : Headquarters, Allied Commission
(Attention Chief Commissioner)
APO 304

1. The Office of the British Resident Minister has informed this Section that the Foreign Office are considering the desirability of releasing for publication such Allied material regarding the purge of Fascists as was contained in your report to the Advisory Council and is embodied in the minutes of the 22nd meeting of that body. The suggestion is that publication might take the form of replies to Parliamentary questions or of releases to the Press and the British Broadcasting Corporation.

2. In informing this Section the Office of the British Resident Minister state that the War Office have no objection in principle to the above subject to appropriate examination of each item before release. The War Office and the Foreign Office agree that the consent of this Headquarters and of the Allied Commission would be essential before any material furnished by the Foreign Office could be published.

3. It is requested that you will inform this Section of your views in the matter as a preliminary to interested staff sections here being consulted. It is also requested that you will attach to your reply a full copy of the minutes to which reference is made.

CHARLES W. SPOFFORD
Brigadier General, G.S.C.
Assistant Chief of Staff, G-5.

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George