

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

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DEFASCISM, ORG ITALIAN, MEETINGS & MEETINGS
WITH BERLINGUER, CRIMES (PART I)
AUG. 1944

NOTES OF A MEETING
between
MR. UPJOHN and MR. DEAN LUDLOW
6 Nov

300
H E in reply to MR. UPJOHN, said that he saw no good reason for delay in the trials of Generals Tel Tetto and Pantimelli. The charges had been prepared but the examining magistrates had postponed their cases so that he might hear further witnesses. It was the duty of the President to fix the date of the trial. This had not yet been done. It would probably be near the end of November.

H E was quite concerned at the delay which was occurring. It was the instructional phases which was chiefly responsible, it was taking too long. Public feeling might manifest itself in the press today. It might take another form tomorrow. He was fully aware of the position

H E said that he would like to bring up a problem of importance. The High Court took cognisance only of certain cases of particular gravity and the persons involved were, in most cases, in North Italy - the cases of persons here were mostly of lesser importance and within the cognisance of the Junior Courts.

H E would send for personal articles which he had written in the press 459u this situation. Pressure should be brought on the Minister of Justice. It was lack of sufficient judicial personnel which was one of the chief difficulties. Such judges as there were, were investigating the cases with meticulous care and the preliminary phases were taking much longer than had been expected or he thought was reasonable. And there was in consequence insufficient personnel. He hoped that it would be possible to appoint some judges or to appoint reputable lawyers to conduct the preliminary phases.

MR. UPJOHN said that he had not seen much of H E as the punishment of fascist crimes was a matter principally for the Government but that if he was meeting with difficulty he would take the matter up if he would write fully. He could only take any matters up on definite invitation.

H E said he quite appreciated our delicacy. He wanted to start his letter with the phrase that having been requested to explain the reason for delays we find ourselves faced with many difficulties, the alternatives were, having to organise a 'peoples' courts or if oiling the wheels of the present courts. He wanted to do the latter. He thought it was necessary to increase the number of magistrates and also form bodies of reputable lawyers to carry out the investigatory phase.

MR. UPJOHN agreed and said that Peoples Courts were not likely to handle

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Mr. G. W. J. H. agreed and said that Peoples Courts were not likely to handle matters with that regard to abstract justice which the cases deserved he emphasized the serious effect the delays were having and read a letter again of Col. Hamilton's on the position at Grosseto.

H E quite agreed and will send an article on reasons as to the difference between treatment in France and Italy. He has been for many years a journalist and has been completely frank in his article even at the risk of offending parties.

H E said, he had mentioned the question of the use of Tribunali instead of Assise Courts to Bunt Sforza. Most of the cases were not such as could be heard before Tribunali. Three circulars had been sent out to Procurators, H E would supply copies. He had been disappointed that the pressure for which he had asked had not been brought to bear by the Minister of Justice.

It is very difficult to send Court of Assize trials before the Tribunal. In a few cases it might be done, but it seems not to be practicable on the whole. Great difficulty has been encountered in the instructional phases. The whole work would be speeded up if the instructional phases could be expedited with this and in view the additional judicial personnel required.

Eric. WILSON said that if H E required help, AC would give it in any respect, but it could not provide transport. Every little for its own essential uses. We could not help.

155.

SUBJECT: Notes of Meeting between His Excellency Berlinguer
and Col Cripps
Lt Zampaglione acting as interpreter

DATED AND TIME: 5 August 1944, 11:30 A.M.

1. CARUSO. Berlinguer enquired whether service of charges on Caruso had yet been made, and if so could he receive a duplicate copy showing certificate of service. It was confirmed with Legal Sub-Commission that Region IV had made the service of this document and would return the duplicate copy at an early date. Col Cripps promised that it would be forwarded to His Excellency.

Berlinguer further enquired who was in fact prosecuting Caruso, i.e., Allied or Italian Government. Col Wilmer was called on the telephone and replied that Col Hendrickson stated there was no intention to prosecute Caruso in an Allied Military Government court. The matter would be left to the Italian Government. Col Cripps promised that any documents which might be of assistance to His Excellency Berlinguer would be available to him.

43b.

2. VASSELLI. His Excellency Berlinguer stated that he had seen recently in the newspapers that Vasselli had been arrested and recently released. He was anxious to know whether that was done on Allied authority or Italian Government authority.

His Excellency pointed out that Vasselli was the manager of a very large firm of contractors named "Strada" and it was his intention to prosecute him for unlawful enrichment and desired his arrest.

Col Cripps replied that he would investigate the matter and inform His Excellency the position as regards this individual.

3. ACHERBO. His Excellency stated that this individual was a high-ranking fascist official who had escaped from Rome into the Abruzzi ~~area~~ province. He stated that he had asked Public Safety to arrest this man if found.

4. His Excellency then raised what he described as a delicate question. He pointed out that it was known that certain high-ranking Italian fascist officials (among them FARRERAZIONE and BOTTAI) were sheltering in the Vatican City. If these persons entered Italian Territory, he would like to arrest them. If they did not do so, he would like to request the Vatican State for extradition orders. Col Cripps replied that this was certainly a very high level decision which would have to be made by the appropriate authority. He promised to discuss this matter with the

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In the course of the conversation on this matter, His Excellency remarked that His Holiness the Pope was not at all happy with regard to these guests. His Excellency then raised the question of the arrest of high-ranking Italian officials in future liberated territory. Col Cripps pointed out that it would be very useful if a blacklist of these persons could be provided by His Excellency in order that the competent authorities to make such arrests could be provided with the names.

to ACP

There are for you - finished I will then

then more fully with you.

RAC

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