Declassified E.O. 12356 Section 3.3/NND No. 785017

ACC

10000/109/1070
(VOL. 2)

0257

Declassified E.O. 12356 Section 3.3/NND No. 785017

10000/109/1070
(VOL. 2)

WAR CRIMES
JAN. 1946 – JAN. 1947

Declassified E.O. 12356 Section 3.3/NND No. 785017

341

Public Safety
Security / Subversion

Letter at folio 339 is submitted for your formal and necessary action, please.

May Re Ex. Comm. please note your comments re memorandum from Re Ministry of Foreign Affairs at folios 340 A.

Trefflella Capt
Ex. Comm's Office

28/1/47

-342-

Ex. Comm.

(i) Action taken on 339. Copies forwarded herewith.

(ii) Re 340A. This HQ should enquire from Judge Advocate, USFA, if VARGA is an accused in an American War Crimes case.

(iii) If VARGA is in civil custody, the Italian authorities should take up all questions direct with the Austrian Government.

A Wallis Maj

29/1.

Public Safety 347 2257 -
Security

will you please take action re folio 340 A as you suggest in para ii of your minute and inform Re Ministry of Foreign Affairs that this memorandum Trefflella Capt has been referred to High Authorities.

3/2/47

300.

To: Executive Commissioner.

Letter at folio ~~300~~ 299 addressed to the Presidency of the Council of Ministers in connection with letter from G.H.Q. at folio 296 is submitted for signature. The letter is addressed to the Presidency of the Council of Ministers because three Italian Ministries are concerned, namely: The Ministry of Foreign Affairs, that of the Interior, and the Ministry of Justice.

J. Vella
Capt.

17 Dec.46.

DEC 23 1946

Chief Commissioner

Attached is submitted for ~~approval~~ your signature ~~information~~

23/12/46

333

Ex. Comm

Letter at folio 333 with English translation at 334 was handed to me by Mr. Ghaus Visiting Police Safety, on 22.12.

18/1

NATO Fed 29/1.

335

Ex. Comm

Letter at folio 333 with English translation

Declassified E.O. 12356 Section 3.3/NND No. 785017

17 Dec.46.

J. Vella
Capt.

DEC 23 1946

Chief Commissioner

~~Approval~~
Attached is submitted for your signature
~~information~~

23/12/46

M Carr Bay
EC.

333

Ex. Comm

Letter at folio 332 from Security Subdivision, for your information.

Jos Vella Capt. 18/1

18/1

Noted.
20/1. M Carr Bay

335

Ex. Comm

Letter at folio 333 with English translation at 334 was handed to me by Mr. Thomas this morning. Neither Police Security, nor Security have any record of Italo Simonetti in their files.

Jos Vella Capt. 21/1

21/1

Declassified E.O. 12356 Section 3.3/NND No. 785017

~~237~~

256

A.F.H.Q. G5. (Lt Col White) wrote on 23/x/46.
Second sub. para of 5263 (Folio 255) would not apply in case where U.K. or U.S. Govts were requesting delivery of alleged war criminal

24/x/46 M Can Bu
Ex Comm.

~~257~~ 271

Ex Comm.

CSO

Ref. folios 264-265-266, 267
Letter at folio ~~268~~-~~269~~-269 and 270 as
Exh 358 submitted for signature, please.

31/10/46 Trafalgella Capt N.S. 31/10

272.

Chief Commissioner

Attached is submitted for your ~~approval~~ signature, Copies of
(269) Communique Law Lien Slut to G5 Movts and Embarkn vide 270.

4/x/1 M Can Bu. NOV 4. 1946
EC.

To: Ex Comm 291

Letter at folio 290 for signature, please.

21 NOV. 46 Trafalgella Capt 2255

Declassified E.O. 12356 Section 3.3/NND No. 785017

... in case where U.K. & U.S. Govts were requesting delivery of absconding war criminal

24/x/46 M Carthy
Ex Comm.

271

Ex Comm.

Letters at folios 264-265-266, 267 Ref. folios ~~268-269~~-269 and 270 as Exh 358 submitted for signature, please.

31/10/46 Trafford Smith Capt N.S. 31/10

272

Chief Commissioner

Attached is submitted for your ~~approval~~ signature. Copies of the Communique Law Lien Sheet to G5 mess and Embassies vide 270.

(269)

4/x/1 M Carthy Bey. NOV 4 1946
E.C.

To: Ex Comm. 291

Letter at folio 290 for signature please.

21/xi/46 Trafford Smith Capt 2255

Declassified E.O. 12356 Section 3.3/NND No. 785017

201

CSO

Ref min 200, please see folio 199. Clark 16/9

BF 19/9

203

EC.

Sir.

Folio 202 with note by b.b. for your action.

KR 16/9
S/Sgt.

209

C.S.O.

Suggested draft in reply to folio 202 for your approval, please.

Abell 18/9

210

E. Comm

Ref min 209, Letter at 208 for signature please

Alst 18/9

Minute No.211

To: Chief Commissioner. 19th September,1946

for signature

The enclosed letter is submitted, if approved, in answer to Mr.Malcolm's letter at Folio 202.

As you will be aware, from the United Nations point of view, 251
trials of listed War Criminals must take place in the country in which the offences were committed. The Italians have a perfect right to try these persons, but they will still be liable to extradition as war criminals if they are on the United Nations List. I have not included this side in the letter to Mr.Malcolm as I feel he will be fully aware of the situation.

Declassified E.O. 12356 Section 3.3/NND No. 785017

EC.

Sir.

Folio 202 with note by C.C. for your action

KR 16/9
S/SJ

209

C.S.O.

Suggested draft in reply to folio 202 for your approval, please.

AWL 1879

210

Ec Comm

Ref min 209, Letter at 208 for signature please

AWL 1879

Minute No. 211

To: Chief Commissioner. 19th September, 1946

For signature

The enclosed letter is submitted, if approved, in answer to Mr. Malcolm's letter at Folio 202.

As you will be aware, from the United Nations point of view, 2254 trials of listed War Criminals must take place in the country in which the offences were committed. The Italians have a perfect right to try these persons, but they will still be liable to extradition as war criminals if they are on the United Nations List. I have not included this side in the letter to Mr. Malcolm as I feel he will be fully aware of the situation.

After return of file I will deal with your Minute 200 which refers to another matter.

M. Card, Brigadier.
Acting Executive Commissioner.

Declassified E.O. 12356 Section 3.3/NND No. 785017

0294

155.

Land Forces (att Col Pidsley)

Herewith file as requested. No signal has been received as yet. (1500 hrs) H.L. 4/6.

156.

AC & EC

Seen thanks.

W.P.
Lt.
LFSC

H.L. 4/6

4 June.

160.

C&O. Letter opposite for signature please.

G. McM. 14/6.

162.

Ex Comm.

Letter at ℓ 161 submitted for signature.
This is in answer to ℓ 148.
Letter from G-5 at ℓ 159 refers.

H.L. 15/6

163

Ex Com.

File returned herewith Original letter on file 58/266-01-91.
J.K. Eaton Brig
Cp. Salmon 2253 -

21 June.

200

E.C.
What is
This about,
Sir?

Declassified E.O. 12356 Section 3.3/NND No. 785017

AC & EC

Seen thanks.

W.P.

Lt. LFSC 18.8.16

4 Jun.

160.

C&O. Letter apposite for signature please.

G. McM. 14/6.

162.

Ex Comm.

Letter at f 161 submitted for signature.
This is in answer to f 148.
Letter from G-5 at f 159 refers.

H.J. 15/6

165

Ex Com.

File returned herewith Original letter on file 58/266-01-91.
J. Klaber Maj
Ca. Bolsin 2253 -

21 June.

200

E.C.
What is
this about,
pls?

Gen
CC

14/X Fol. 197 refers.

Declassified E.O. 12356 Section 3.3/NND No. 785017

Declassified E.O. 12356 Section 3.3/NND No. 785017

140.

Note.

Referred f 139 to Gen Brownell who has given direction for the information required to be obtained. Ltr to ACofS issue. MS/25/4 No. 30/4.

144.

Ex Comm.

1) Letter at f 143 submitted for signature. This is action on G-5 letter at f 142.
2) Do you wish Polads to see f 139 ? JWC 1/5

CSO.

2. Yes. DDE/2/5 Seen & initialed AGB 2/5

145.

Note: To Brig. Lush.

I had not seen your note at 140 until to-day; but here is all the information (152) which we can get "by discreet means". We can get no more without coming into the open.

WP
WE. HQ.
Lend Lease S/o. MMA

25 May 44.

152

P.A. CofS Ridsley to speak — urgently. DDE/25/5.

2252

153.

S/Sec. General factorization of those a particular man taken — especially Bessell, Orlando, Political

Letter to AFHQ to issue. HH 25/5

144.

Ex Comm.

1) Letter at ℓ 143 submitted for signature.
This is action on G-5 letter at ℓ 142.

2) Do you wish Polads to see ℓ 139 ?
CSO. JHL 1/5

2. Yes. HH 2/5 Seen & initialled
AHB 7/5

145.

Note: To Brig. Lush.

I had not seen your note at 140 until
this day; but here is all the information (152)
which we can get "by discreet means".
We can get no more without coming into
the open.

25 May 44.

WP
Lt. Col. AQ.
Land Forces C/S. MMIA

152

P.A. CM Pidsley to speak — urgently. HH 25/5.

2252

153.

S/She. General fractionation of those — action/air men
taken — especially Bassett, Orlando, Pollizzi (of
Raffade).

Gen Infantile claims to have been shown to CM
at AFHQ.

Letter to issue
HH 2/6

Can not at present get to Gen.
Gen B. will say whom he will send.
HH 2/6

Declassified E.O. 12356 Section 3.3/NND No. 785017

Declassified E.O. 12356 Section 3.3/NND No. 785017

113

C.S.O. Spkde. 14/1

Ref 111 – attd. are four letters for signature forwarding it to those interested.

CBS 14/1

114

115

C.S.O.

Letter hereunto resubmitted for signature if approved.

CBS 15/1

124

A/C.S.O. Ld Comm.

Letter of acknowledgement to f 123 hereunto submitted for CC's signature - at 124.

H.J. 21/2 RB 24/2 PA 25/2 3rd.

137

C.S.O.

Yours letter, duly typed, for signature, by a.c.c. please CWB 14/4

138.

A/C.C.

Submitted for signature at f 136 is formal ack of P.M.'s letter at f 132.

H.J. 1614
2251

HJ 16/4

250

0270

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517

Capt. Villa

Reference Sgt. TOPPER. He appears identical with TOPPER Josua or TOPPER Yesua who was at one time interned and later transferred to 209 PW Camps (Was Brunials Camps at Afragola) from which he escaped.

TOPPER was arrested in ROME on 6 August 1946 as an escaped war prisoner. He was found in CINECITTA and the Polish Legation requested he be held at their disposal. FSS arranged his evacuation to 1 SEP Centre.

According to the latest nominal roll in my possession from 218 (SEP) Sub Area, TOPPER is shown as being held on 17 Dec 46. ~~and being~~

I cannot trace him on a UNWCC List.

A Villa Capt

H Branch

[illegible]

2250

0271

Declassified E.O. 12356 Section 3.3/NND No. 785017

ALLIED FORCE HEADQUARTERS
G-5 Section
Liaison and Civil Affairs Branch
APO 794
Public Safety Division

REF : LACAB/266.01-185/P[illegible]/Security 3 February 1947

SUBJECT : War Crimes - VARGA Paolo

TO : Theatre Judge Advocate, Headquarters, MTOUSA APO 512

1. The attached copy of a Memorandum received from the Ministry of Foreign Affairs is forwarded herewith.

2. It is requested that this Branch be informed if VARGA is an accused in a war crimes case in which the U.S. authorities are interested, or given such other information which is available so that a suitable reply may be sent to the Italian authorities.

FOR THE CHIEF OF BRANCH:

E.J. BYE
Colonel,
Director,
Public Safety Division.

AHE/nb

Copy to:- LABAE/6517/CB

2249

1493

0272

Declassified E.O. 12356 Section 3.3/NND No. 785017

REPUBBLICA ITALIANA

MINISTERO DEGLI AFFARI ESTERI

D.G.A.P/Uff. V

January 2 1947

ROUGH TRANSLATION

MEMORANDUM FOR THE ALLIED COMMISSION

SUBJECT: Paolo VARGA - member of the German S.S. detained in Austria

1. The Austrian Political Representative has advised this ministry that a certain Paolo VARGA of Oedenburg, a member of the former German S.S., is at the present time detained in Austria. Besides specific charges, he is suspected to have committed looting in Italy during the war, and to have killed an American parachutist.

2. These generic accusations are contained in statements made by Austrian subjects in the presence of whom the s/m had, sometime ago, averred to have committed the above specified crimes.

3. The Austrial government has submitted the offer of extradiction of VARGA to the Italian government. However, as the competent Italian authorities know no antecedents of the s/m person, the Ministry of Foreign Affairs would be obliged to the Allied Commission of they could inform whether the Allied authorities are in possession of elements concerning Paolo VARGA, and whether the Allied authorities intend to take their own course of action in the matter.

2244

0273

Declassified E.O. 12356 Section 3.3/NND No. 785017

346

REF : SD/266.002

23 January 1947

My dear Mr. Ambassador,

320

Referring to my letter No. 65117/320/EC of 30 December 1946, I am instructed to inform you that Gerolamo CHIODI was transferred to Prisoner of War Enclosure No. 20-9, Dachau, Germany on 23 September 1946.

A copy of your letter No. 19/41599/137 of 16 December 1946 has been forwarded to the Commanding General, United States Forces, European Theater.

Yours very truly,

M/CARR

Brigadier,
Executive Commissioner,

Ambassador Giuseppe FRANCHI
Secretary General,
Ministry of Foreign Affairs,
ROME

2241

0274

Declassified E.O. 12356 Section 3.3/NND No. 785017

345

REF : SD/266.01-57 30 January 1947

SUBJECT : Listed War Criminals

TO : The Presidency of the Council of Ministers,
ROME.

336
299

1. Referring to your letter 92435/10599.7.4/15.2 dated 16 January 1947.

2. Instructions are being given for the three persons named in this Commission's letter 6517/299/EC of 17 December 1946 to be handed over to the custody of Questura , RIMINI for disposal.

FOR THE CHIEF COMMISSIONER:

A. W. Kniselz.

Brigadier,
Executive Commissioner.

2245

0273

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517

344

SECRET

JAN 30 1947

HEADQUARTERS ALLIED COMMISSION
A.P.O. 794
PUBLIC SAFETY DIVISION
SECURITY SUB DIVISION

Confidential

REF. : SD/266.01-57 28 January 1947

SUBJECT : War Criminals listed by UNWCC on behalf of Yugoslavia.

TO : A Branch GHQ CMF

296

1. Reference your 16000/17/A3 dated 3 December 1946.

2. The Under Secretary of State to the Presidency of the Council of Ministers has requested that the below named Italian personnel be handed over to the Italian Police.

a) Major General Angelo DEMMAVILLA
b) Federico CERRETANI
c) Efisio LIGAS

3. It is therefore requested that the above named be handed over to the Questura, RIMINI, for disposal by the Italian authorities.

FOR THE CHIEF COMMISSIONER

E.J.BYE,
Colonel,
Director,
Public Safety Division,

Copy to: Ex. Commissioner

TVV

SECRET

2243

1442

0276

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 FV 343

SECRET

JAN 30 1947

HEADQUARTERS ALLIED COMMISSION
A.P.O. 794
PUBLIC SAFETY DIVISION
SECURITY SUB DIVISION

REF. : SD/266.01-57 28 January 1947

Confidential

SUBJECT : Listed War Criminals

TO : Ministry of Interior
General Direction of Public Safety.

1. The following Italian personnel are now held in a war crimes status at I SEP Centre, RICCIONE.

a) Major General Angelo SOMMAVILLA
b) Federico Cerretani
c) Efisio LIGAS

338

2. In reply to an enquiry made by this Commission to the Presidency of the Council of Ministers, the Under Secretary of State has informed this HQ in letter 92435/10599.7.4./15.2 dated 16 January 1947 that the above named should be handed over the Italian Public Safety authorities. Arrangements are therefore being made to transfer these persons to the Questura, RIMINI.

FOR THE CHIEF COMMISSIONER

E.J. BYE,
Colonel,
Director
Public Safety Division.

AHE/lm.

Copy to: Executive Commissioner.

2244

SECRET

CgV

1445

REPVBBLICA ITALIANA

Ministero degli Affari Esteri

D.G.A.P/Uff.V.

6517 40

3407

02102

JAN 22 1947

ROUGH TRANSLATION

MEMORANDUM FOR THE ALLIED COMMISSION

SUBJECT: Paolo VARGA - member of the German S.S. detained in Austria.

1. The Austrian Political Representative has advised this ministry that a certain Paolo VARGA of Oedemburg, a member of the former German S.S., is at the present time detained in Austria. Besides specific charger, he is suspected to have committed looting in Italy during the war, and to have killed an American parachutist.

2. These generic accusations are contained in statements made by Austrian subjects in the presence of whom the a/m had, sometime ago, averred to have committed the above specified crimes.

3. The Austrian government has submitted the offer of extradiction of VARGA to the Italian government. However, as the competent Italian authorities know no antecedents of the a/m person, the Ministry of Foreign Affairs would be obliged to the Allied Commission of they could inform whether the Allied authorities are in possession of elements concerning Paolo VARGA, and whether the Allied authorities intend to take their own course of action in the matter.

See LRCMR/6517/1/CB 2243

23 SEP 1947

"A"

Declassified E.O. 12356 Section 3.3/NND No. 785017

D.G.A.P/Uff.V.

02162

JAN 8 2 1947

ROUGH TRANSLATION

MEMORANDUM FOR THE ALLIED COMMISSION

SUBJECT: Paolo VARGA - member of the German S.S. detained in Austria.

1. The Austrian Political Representative has advised this ministry that a certain Paolo VARGA of Oedemburg, a member of the former German S.S., is at the present time detained in Austria. Besides specific charges, he is suspected to have committed lootings in Italy during the war, and to have killed an American parachutist.

2. These generic accusations are contained in statements made by Austrian subjects in the presence of whom the a/m had, sometime ago, averred to have committed the above specified crimes.

3. The Austrian government has submitted the offer of extradiction of VARGA to the Italian government. However, as the competent Italian authorities know no antecedents of the a/m person, the Ministry of Foreign Affairs would be obliged to the Allied Commission or they could inform whether the Allied authorities are in possession of elements concerning Paolo VARGA, and whether the Allied authorities intend to take their own course of action in the matter.

See LACAM/6514/1/CB 2243

28 CEN 947

Capt V.

"A"

Declassified E.O. 12356 Section 3.3/NND No. 785017

REPVBBLICA ITALIANA

Ministero degli Affari Esteri

D.G.A.P.Uff.V.

n.16/ 02102

340

Capt Vellar

APPUNTO PER LA COMMISSIONE ALLEATA

La Rappresentanza Politica d'Austria ha comunicato al Ministero degli Affari Esteri che trovasi detenuto in Austria un membro delle S.S.Germaniche, Paolo VARGA di Cedemburg, il quale é anche sospettato di aver commesso durante il periodo bellico azioni di saccheggio in Italia e di avere ucciso un paracadutista americano. Tali generiche accuse sono state stabilite in base a deposizioni rese da cittadini austriaci, davanti ai quali il Varga avrebbe a suo tempo confessato tali reati.

Il Governo Austriaco ha offerto a quello italiano la estradizione del suddetto Varga. Poichè tutte le Autorità italiane interpellate al riguardo hanno dichiarato di non avere precedenti che concernano il Varga, si prega la Commissione Alleata di voler cortesemente comunicare se Autorità Alleate siano in possesso di elementi sul Varga ed intendano prendere posizione nella questione.

Roma, li 23 GEN 1947

2243

Declassified E.O. 12356 Section 3.3/NND No. 785017

0280

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517. AI

JAN 1339

Il Sottosegretario di Stato
alla Presidenza del Consiglio dei Ministri
92435/10599.7.4/15.2

Roma, 16 gennaio 1947

339

Caro Generale,

in relazione alla Sua lettera del 17 dicembre u.s., n. 6517/299/EC, mi premuro comunicarLe che gli ufficiali elencati in detta nota potranno essere senz'altro consegnati all'Autorità di Pubblica Sicurezza italiana che ne assumerà il controllo in conformità dei criteri stabiliti per il trattamento dei criminali di guerra.

Ia prego gradire i miei cordiali saluti

(Avv.Paolo CAPPA)
Sottosegretario di Stato alla
Presidenza del Consiglio dei
Ministri

Brig.Gen. M.CARR
Commissario Esecutivo
della Commissione Alleata
=ROMA=

Carr
2241

Cap. VK,

0281

Declassified E.O. 12356 Section 3.3/NND No. 785017

338

Translation

The Under-Secretary of State
To the Presidency of the Council of Ministers

Rome, 16 Jan 47

92433/10599.7.4/15.2

299

My dear General,

Reference is made to your letter of the 17 Dec 46 No. 6517/299/RO and I hasten to inform you that the officers listed in the a/m letter may certainly be handed over to the Italian Public Safety authorities who will assume control in conformity with the ruling agreed upon for the treatment of war criminals.

Yours very sincerely,

(Avv. Paolo Cappa)
Under-Secretary of State to the
Presidency of the Council of Ministers

Brigadier M. Carr,
Executive Commissioner,
Allied Commission,

R o m e.

See 4345, 343

2240

0282

Declassified E.O. 12356 Section 3.3/NND No. 785017

337

Ref: 6537/335/HD

22 January, 1947

SUBJECT: Italo SIMONITTI.

TO : Office of the Theater Judge Advocate,
H.Q., MTOUSA,
APO 512 U.S. Army.

There is forwarded to you, copy of a letter dated 21st January, 1947, from the Presidency of the Council of Ministers, with enclosure, for such action as is deemed appropriate.

FOR THE CHIEF COMMISSIONER:

MC

M. CARR, Brigadier,
Executive Commissioner.

2234

0283

Declassified E.O. 12356 Section 3.3/NND No. 785017

Translation

336

AVVOCATO DOMENICO CASELLA
DOTTOR MANFREDI CASELLA
Via San Dalmazzo,7
T o r i n o
Tel : 41.601

URGENT

C o p y APPEAL TO THE HON. GENERAL JOHN C. LEE

COMMANDING GENERAL = MTOUSA= APO 512 =

21 S ARMY= CASERTA.

of the Defender of

DOTTORE CAPITANO ITALO S I MO N I T T I,

sentenced to capital punishment,
restricted in the Disciplinary Training Center
MTOUSA DTC APO 782 U.S. ARMY. PISA.

The Hon. General JOHN C. LEE - COMMANDING GENERAL M.T.O.U.S.A. A P O 512
21 S ARMY CASERTA.

APPEAL for Capt. Dr. SIMONITTI ITALO detained in the Disciplinary Training Center MTOUSA DTC APO 782 US ARMY PISA.
Represented and assisted Mr. Domenico Casella, solicitor, of Turin, as per power of attorney dated 1st November 1946, duly acknowledged by the Command of the Disciplinary Centre of Pisa.

The competent hon. AMERICAN TRIBUNAL has judged Capt.Dr. ITALO SIMONITTI, together with Gen. CARLONI and an Italian soldier, on account of the shooting of a gallant lieutenant of the American Air Force; it has acquitted General CARLONI, has condemned the soldier to thirty years imprisonment and has condemned to capital punishment Capt. Dr. Italo Simonitti.
- Considering that this sentence hits in the best years of life a young man who is an expert in social and philosophical studies, and of high moral and intellectual sentiments, there is proposed, first of all, to the equity and wisdom of the competent American Commanding General, a Sentence Mandate, for the suspension of the execution, conducive to the suspension of the execution itself, for a new subjective and objective evaluation of the trial and such as to advise to the supreme wisdom of the Hon. Command an Act of mercy which should alter the sentence and bring about the revision of the trial, also on account of new written proofs and verbal declaration by witnesses which have materialised after the verdict. It is necessary to mention right away that Capt.Dr.Simonitti could not develop a complete technical defence, because he left it with the pre-ordinary defence of Gen. Carloni who, egoistically, arranged for his own affairs and ultimately ascribed to Simonitti the execution of an act which on the contrary had been ordered by General Carloni his superior.
Only in the course of later proceedings Simonitti noticed the personal line of defence taken by General Carloni, but it was too late ? No initiative was taken personally by Simonitti, whereas it was General Carloni to declare (or at any rate to hint) that

0284

Declassified E.O. 12356 Section 3.3/NND No. 785017

335

the English prisoner should not have escaped absolutely and to make it understood that in fact he had escaped. Hence the order issued by Simonitti, following a prior implicit and explicit order by General Carloni, to whom is to be ascribed the sole responsibility of the lamented execution of an excellent American Officer ! In this connection a letter is enclosed, dated from Turin and addressed by registered service to the sister of Capt. Simonitti, Mrs. Lidia Levi (noted for her worthy activity on behalf of Americans during the war), from which it clearly appears that the order for the shooting of the American Flight Officer was given by General Carloni, commander of the Division "Italia" at Camporgiano di Lucca. Palladini, author of the letter and a young man of high sentiments, is employed with the Municipal Hostel of Turin, Via Monterivello 3, and said Palladini quotes the names of Lieut. Farina Mario and Corporal Faverio Ugo as the persons who informed him (together with others) of the execution order issued by General Carloni. Appeal is made to the justice of the Hon. General to set on foot an enquiry which may make it possible to hear Lieut. Farina Mario and Corporal Faverio Ugo, of whom Palladini supplies only approximate addresses. This enquiry will permit to ascertain the real truth and to prevent a judicial error, even if it had been declared in perfect good faith. It may be added that General Carloni had not at all been under control by the supposed present General Mainardi, because Mainardi, at the time of the lethal fact to the detriment of the American Airman, was under an enquiry. Mainardi was saved by the able intervention of the defender of Gen.Carloni, the solicitor Pacini. It is necessary to point out here that Gen. Mainardi had been twice under a Court of Enquiry, the first time for having despatched to the Front soldiers without arms and the second time as a fascist. Gen. Mainardi, as is known to all those who belonged to the Division Monte Rosa (among whom Palladini) had not been at all at Camporgiano when Carloni issued the order and made it understood that the American airman had to be shot, in the presence of Capt. Dr. Simonitti. On the other hand, the German General who was present in the office of Carloni at the moment when Carloni gave the explicit and implicit order for shooting to Simonitti, his hierarchic inferior, could see nothing, being engrossed in other business ; so much so that he was with his back to General Carloni.

After the foregoing , and well knowing the pondered wisdom of the American Commander to whom the present appeal is made, confidence is reposed on a complementary enquiry and trust is entertained in the positive result of this enquiry . It may be added that Simonitti may have been mistaken(as he had been mistaken) in carrying out the unfortunate order of General Carloni, but he has made it for an erroneous interpretation of the duties of military dependents. Art. 40 of the of the Military Code of P. of the Italian State, expressly states that the carrying out of a duty imposed by an order of a higher authority and by other competent authority, excludes the liability to punishment. If a fact is considered a crime and if the order is issued by the superior, of the crime is always responsible the one who has issued the order. Anyhow, Simonitti,has thought that he had to obey to an order which he did not think he could challenge : and there lies his wrong, underlying which there is a principle and a basis of good faith.

In the name of equity, in the name of moderation, there is an appeal made for an act of mercy and the revision of the Simonitti trial, and confidence is placed in the equity of the Hon. Commanding General.

Livorno(Turin) 20 November 1946

for Capt. Dr. Italo Simonitti

Domenico Casella , Solicitor.

2237

0285

Declassified E.O. 12356 Section 3.3/NND No. 785017

334

ITALIAN REPUBLIC

PRESIDENCY OF THE COUNCIL
OF MINISTERS
- Cabinet -

No. 92803 2.4.2

Translation

Rome, 21 January 1947

V E R Y U R G E N T

The Consul Guido COLONNA
Liaison Office with the Allied Commission
Via Vittorio Veneto

R O M E

SUBJECT : Italo SIMONITTI - Captain - Death sentence .-

This Presidency has been urgently requested by the relatives and the defending lawyer of Capt. Italo SIMONITTI,-sentenced to death by an Allied military tribunal and at present detained in the prisoner camp of Migliarino (Pisa)- to intervene with Admiral STONE, to the intent of obtaining the suspension of the carrying out of the sentence which should take place on the 27th of this month.

From enquiries made with the Ministry of WAR it appeared only that the above mentioned officer was a member of the Information Office of the Division "Monte Rosa" of the fascist republican army.

Failing any other suitable data which could offer the possibility of rightly assessing the advisability of a direct intervention of the President of the Council with the Head of the Allied Commission, you are requested kindly to take, officially, and with the urgency of this case, whatever steps you will deem conducive to the above purpose, and to inform this Presidency of further developments in the matter.

THE CHIEF OF CABINET

/s/ Miraglia

Run up to the Camp in Tuscan PWB, and the Hospital run by the American Army.

Security CC 211 MIC

2230

Mod. 854

REPVBBLICA ITALIANA

Presidenza del Consiglio dei Ministri
-Gabinetto-

N.° 92883. 2.4.2
Risposta al Foglio del
N.°

Roma, 21 GEN. 1947 333 *194*

U R G E N T I S S I M A

Al Console Guido COLONNA
Ufficio Collegamento con la Commissione Alleata
Via Vittorio Veneto
R O M A

OGGETTO : Italo SIMONITTI - Capitano- Condanna a morte.-

Questa Presidenza è stata vivamente interessata dai familiari e dell'avvocato difensore del Capitano Italo SIMONITTI condannato a morte da un Tribunale militare alleato ed attualmente detenuto nel campo prigionieri di Migliarino (Pisa) per un intervento presso l'Ammiraglio STONE, inteso ad ottenere la sospensione dell'esecuzione della condanna che dovrebbe aver luogo il 27 corrente.

Assunte informazioni presso il Ministero della Guerra, è risultato soltanto che l'ufficiale predetto ha fatto parte dell'Ufficio informazioni della Divisione "Monte Rosa" dell'esercito repubblicano fascista .

In mancanza di altri elementi idonei a fornire un adeguato criterio di valutazione dell'opportunità di un passo diretto del Presidente del Consiglio presso il Capo della Commissione Alleata, si prega la S.V. di volere svolgere ufficiosamente, e con l'urgenza del caso, quell'interessamento che riterrà utile al raggiungimento dello scopo indicato, facendo conoscere a questa Presidenza l'ulteriore sviluppo della questione .

223.

IL CAPO DI GABINETTO

Armaroli

Declassified E.O. 12356 Section 3.3/NND No. 785017

Presidenza
del Consiglio dei Ministri
-Gabinetto-

N. 92883. 2.4.2
Risposta al Foglio del
N.

U R G E N T I S S I M A

Al Console Guido COLONNA
Ufficio Collegamento con la Commissione Alleata
Via Vittorio Veneto

R O M A

OGGETTO : Italo SIMONITTI - Capitano- Condanna a morte.-

Questa Presidenza è stata vivamente interessata dai familiari e dell'avvocato difensore del Capitano Italo SIMONITTI condannato a morte da un Tribunale militare alleato ed attualmente detenuto nel campo prigionieri di Migliarino (Pisa) per un intervento presso l'Ammiraglio STONE, inteso ad ottenere la sospensione dell'esecuzione della condanna che dovrebbe aver luogo il 27 corrente.

Assunte informazioni presso il Ministero della Guerra, è risultato soltanto che l'ufficiale predetto ha fatto parte dell'Ufficio informazioni della Divisione "Monte Rosa" dell'esercito repubblicano fascista .

In mancanza di altri elementi idonei a fornire un adeguato criterio di valutazione dell'opportunità di un passo diretto del Presidente del Consiglio presso il Capo della Commissione Alleata, si prega la S.V. di volere svolgere ufficiosamente, e con l'urgenza del caso, quell'interessamento che riterrà utile al raggiungimento dello scopo indicato, facendo conoscere a questa Presidenza l'ulteriore sviluppo della questione .

IL CAPO DI GABINETTO

223

Declassified E.O. 12356 Section 3.3/NND No. 785017

1.0258

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 9f

JAN 17 1947

HEADQUARTERS ALLIED COMMISSION
A.P.O. 794
PUBLIC SAFETY DIVISION
SECURITY SUB DIVISION

REF : SD/140.40 16 January 1947

SUBJECT : MONTAGNA Renzo - Lt. General

TO : Executive Commissioner.

1. Reference article on the above named, published in "The Rome Daily American" dated 15 January 1947.

2. In accordance with your instructions I have made enquiries with the following results.

3. According to the records of this Office, Lt. Gen. Renzo MONTAGNA does not appear on any list issued by the United Nations War Crimes Commission as a War criminal. The article states he is high on a list of Italians wanted by Yugoslavia for war crimes.

4. Regarding his alleged statement that he was questioned by a senior American intelligence officer in ROME for three days and then permitted "to escape" I have enquired of S.C.I. (Z) and C.I.C., the only U.S. agencies in ROME likely to have any record of the MONTAGNA, without result. At S.C.I. (Z) the only information recorded is that of his general antecedents. No interrogation whatsoever is on record. The only information in possession of C.I.C. is contained in references made by other persons under C.DIC interrogations.

5. Enquiries have also been made of FSS without result.

A.H. Ellis Capt.

A.H. ELLIS,
Captain,
Security Sub Division.

AHE/nb

228A
29/1
1290

Capt V

0289

Declassified E.O. 12356 Section 3.3/NND No. 785017

331
Italy

REF: 6517/331/EC. 16 January 1947

SUBJECT : Nazi War Criminals.

TO : Ministry of Foreign Affairs,
Rome.

297
243 240

1. Reference your Memoranda 6/3203/1251, 6/3208/1254, 6/3209/1255 all dated 5 October 1946.

2. This Commission has been requested to advise your Ministry that there is no information by the American or British authorities as to the location of any of the subjects wanted by you on the above referred memoranda.

3. Should the perpetrators be found the cases will be investigated further.

FOR THE CHIEF COMMISSIONER.

Brigadier,
Executive Commissioner.

2237

BA 7/

0290

Declassified E.O. 12356 Section 3.3/NND No. 785017

330

HEADQUARTERS
MEDITERRANEAN THEATER OF OPERATIONS
Office of the Theater Judge Advocate
UNITED STATES ARMY
APO 512

FILE : JA 000.5/F-317

10 January 1947

SUBJECT: War Crimes - Germans against Italians

TO : Headquarters Allied Commission
Public Safety Sub Commission
APO 794, U. S. Army

1. Reference Italian Ministry of Foreign Affairs Memoranda 6/3203/1251, 6/3208/1254, 6/3209/1255 all dated 5 October. Subject War Crimes-Germans against Italians.

2. Request that the Italian Ministry of Foreign Affairs be advised that there is no information by the American or British authorities as to the location of any of the subjects wanted by the Italians on the above referred memoranda.

3. Should the perpetrators be found the case will be investigated further.

Tom N. Barra

TOM H. BARRA
Colonel, JAGD
Theater Judge Advocate

THB/vr

SECRET
Branch
File No. 13/1
Box No. 1231

2232

0291

Declassified E.O. 12356 Section 3.3/NND No. 785017

War Crimes File 65178 Ex Conn 329

HEADQUARTERS ALLIED COMMISSION
APO 794
Office of the Executive Commissioner

Ref: SD/266.CA

8 January 1947.

SUBJECT: Italian War Criminals listed by UNWCC on behalf of Yugoslavia.

TO : The Presidency of the Council of Ministers, ROME.

Confidential

1. Reference this Commission's letter 6517/299/SC dated 17 December 1946, I have been further instructed to inform you that the below named Italian nationals listed by the United Nations War Crimes Commission on behalf of Yugoslavia are of no further interest to the Allied authorities. The responsibility for their continued detention, if in custody, or release, is entirely a matter for the Italian authorities. Any question of their surrender will be a matter for direct settlement between the Italian authorities and the Claimant Government.

a) Major Roberto BENUSSI - UNWCC List No.5 Serial 73. Disappeared from 209 P.O.W. Camp, present whereabouts not known.
b) Ed PERIA Fernando - UNWCC List 5 Serial 85. It appears that Di PERIA may be held in Italian custody.
c) GRASSELLI Emilio - UNWCC List 2 Serial 35. It appears he may have been brought to trial before the Special Court of Assise at TERNI.
d) LANDINI Giovanni - UNWCC List 12 Serial 112. Present whereabouts not known, last located at 211 PW Camp, North African in October 1945.
e) MARCHI Gaetano - UNWCC List 2 Serial 36. Is held in custody of the Prefettura at PISA.
f) PALUMBO Salvatore. - UNWCC List 15 Serial 363. Transferred from custody of Carabinieri Command, BOLZANO to that of the Prosecuting Officer of the Special Court of Assise of TRENTO on 27 August 1946.
g) PARENTI Giuseppe. - UNWCC List 5 Serial 102. Appears to have been placed under barrack arrest by Carabinieri HQ, FLORENCE.
h) ROSAVILLANA Riccardo - UNWCC List 26 Serial 95. Was held at 'G' PW Camp in April 1946. This camp was transferred to Italian administration, situated in BARI area.
j) TESTA Teodotcole. - UNWCC List 2, Serial 44. Was at one time held in Regina Coeli Prison, ROME.
k) BARBERA Gaspare. - UNWCC List 12 Serial 21. Believed held in Regina Coeli Prison, ROME or at disposition of the Prosecuting Officer of the Special Court of Assise, VENICE.
l) ALESSANDRO Italo - UNWCC List 5 Serial 59. Present held at 1 SUP Centre, CMP.

FOR THE CHIEF COMMISSIONER:

2231

Brigadier,
Executive Commissioner.

TVC

Copy V

0292

Declassified E.O. 12356 Section 3.3/NND No. 785017

328

Ref: 6347/328/MG 9 January, 1947

SUBJECT: Musetti Pietro

TO : Ministry of Foreign Affairs
ROME.

326

Reference is made to your memorandum No. 21 of 6th January, 1947, on the subject of handover to the Italian authorities of Italian War Criminal Musetti Pietro.

Information has been received that the death sentence passed on Musetti by an Allied court was carried out on the 20th December, 1946.

FOR THE CHIEF COMMISSIONER:

Brigadier,
Executive Commissioner.

2231

0293

Declassified E.O. 12356 Section 3.3/NND No. 785017

327

VERY URGENT

ROUGH TRANSLATION

11/211

MEMORANDUM FOR THE ALLIED COMMISSION

Subject : Italian war criminal.Request for the handing over to Italian Authorities of Musetti Pietro.

1°- The Ministry for Foreign Affairs would be grateful if the Allied Commission would intervene with the competent Allied Authorities in order to obtain that war criminal Musetti Pietro be handed over to Italian Authorities to be tried according to the Italian criminal law.

2°- On the understanding that Musetti Pietro has already been sentenced to death by Allied Authorities, and that a/m sentence will be executed shortly, the Ministry for Foreign Affairs wish to point out that the attendance of a/m criminal to the trial, which will begin as soon as poesible, is essential for the trial itself,

The Ministry wish to stress the urgency of its request, intended to avoid that Musetti Pietro be executed before having been tried by an Italian Court.

3°- The Ministry for Foreign Affairs would also be grateful if the Allied Commission would bring to its knowledge the crime of which Musetti Pietro has been found guilty by Allied Authorities.

2229

REPVBBLICA ITALIANA

325

Ministero degli Affari Esteri

URGENTISSIMO

D.G.A.POL.VIII°

Segr. Pol. N. 21

MEMORANDUM PER LA COMMISSIONE ALLEATA

Oggetto: Criminali di guerra italiani. Richiesta di consegna alle Autorità italiane di MUSETTI Pietro.

1) Il Ministero degli Affari Esteri prega la Commissione Alleata di voler intervenire presso le Autorità Alleate competenti, perché venga consegnato alla Giustizia Italiana il criminale di guerra MUSETTI Pietro per essere sottoposto a procedimento penale.

2) Risultando che il Musetti Pietro é già stato condannato a morte dalle Autorità Alleate e che la sentenza sarà eseguita fra breve, il Ministero degli Affari Esteri tiene ad informare che la presenza del detto criminale al processo che verrà celebrato al più presto é essenziale ai fini del giudizio.

Rileva pertanto il carattere di urgenza della richiesta di consegna di cui si tratta, ad evitare che il MUSETTI Pietro venga fucilato prima del processo da parte della Magistratura Italiana.

3) Il Ministero degli Affari Esteri prega altresì la Commissione Alleata di voler far conoscere il reato di cui é stato riconosciuto colpevole il MUSETTI Pietro da parte delle Autorità Alleate.

Roma, lì 2228

Declassified E.O. 12356 Section 3.3/NND No. 785017

D.G.A.POL.VIII°

Reg. Pol. N. 21

MEMORANDUM PER LA COMMISSIONE ALLEATA

Oggetto: Criminali di guerra italiani. Richiesta di consegna alle Autorità italiane di MUSETTI Pietro.

1) Il Ministero degli Affari Esteri prega la Commissione Alleata di voler intervenire presso le Autorità Alleate competenti, perché venga consegnato alla Giustizia Italiana il criminale di guerra MUSETTI Pietro per essere sottoposto a procedimento penale.

2) Risultando che il Musetti Pietro é già stato condannato a morte dalle Autorità Alleate e che la sentenza sarà eseguita fra breve, il Ministero degli Affari Esteri tiene ad informare che la presenza del detto criminale al processo che verrà celebrato al più presto é essenziale ai fini del giudizio.

Rileva pertanto il carattere di urgenza della richiesta di consegna di cui si tratta, ad evitare che il MUSETTI Pietro venga fucilato prima del processo da parte della Magistratura Italiana.

3) Il Ministero degli Affari Esteri prega altresì la Commissione Alleata di voler far conoscere il reato di cui é stato riconosciuto colpevole il MUSETTI Pietro da parte delle Autorità Alleate.

Roma, li 2228

Declassified E.O. 12356 Section 3.3/NND No. 785017

0296

Declassified E.O. 12356 Section 3.3/NND No. 785017

Capt Villa

The attached letter is forwarded for your information. I have other copies. I assume we shall hear from J.J.A. MTOUSA shortly about these people — similar cases to LIGAS and two others.

16/12

[signature]
Ivar Crumbie

FIC
18/12

File

Declassified E.O. 12356 Section 3.3/NND No. 785017

324

SUBJECT :- War Crimes : Italians listed by the UNWCC on behalf of YUGOSLAVIA

~~SECRET~~ Confidential

Tel No PADUA 22268

GHQ CMF
16000/17/A3
9 Dec 46

AFHQ

Reference your cable F 73234 of 15 Nov.

1. It is presumed that you are taking all necessary action to inform the Italian authorities that this HQ has no further interest in the Italian personnel listed at para 1 (b) of this HQ letter 16000/17/A3 dated 1 Nov 46.

2. In order to assist in the tracing and disposal of these men a schedule of references and general information is given below :-

a. Major Roberto BRUNELLI - UNWCC List No 5 Serial 73
BRUNELLI disappeared from 209 PW Camp in or after May 1946 and his present location is unknown.

b. di FURIA Fernando - UNWCC List No 5 Serial 85
HQ Allied Commission. Public Safety Sub Commission, Security Division letter SD/266.01 dated 4 March 46. It appears that di FURIA may be held in custody by the Italian authorities.

c. GRAZIOLI Emilio - UNWCC List No 2 Serial 35
HQ Allied Commission Public Safety Sub Commission, Security Division letter SD/266.01-27 dated 4 May 46. It appears that GRAZIOLI may have been brought to trial before the Special Court of Assize of TURIN on charges of collaboration.

d. LANDINI Giovanni - UNWCC List No 12 Serial 112
LANDINI was last located as being in 211 PW Camp, North Africa in October 1945.

2226

e. MADORI Gastore - UNWCC List No 2 Serial 36
HQ Allied Commission Public Safety Sub Commission Security Division letter SD/266.01-43 dated 6 Dec 45 : HQ Allied Commission Legal Sub Commission letter LO/4016/3/I dated 3 Sept 46 : G5 AFHQ minute 936.22-3 of 9 Sept 46. It appears that MADORI is in the custody of the Prefettura of PISA.

f. PALERMO Salvatore - UNWCC List No 15 Serial 365
HQ Allied Commission Public Safety Sub Commission Security Division letter SD/266.01-88 dated 20 Sept 46. It appears that PALERMO was transferred from the custody of the Carabinieri Legion Command of BOLZANO to that of the Prosecuting Officer of the Special Court of Assize of TRENTO on 27 Aug 46.

[illegible]

9 Dec 46

AFHQ

Reference your cable F 73234 of 15 Nov.

1. It is presumed that you are taking all necessary action to inform the Italian authorities that this HQ has no further interest in the Italian personnel listed at para 1 (b) of this HQ letter 19000/47/A3 dated 1 Nov 46.

2. In order to assist in the tracing and disposal of these men a schedule of references and general information is given below :-

a. Major Roberto BRUNELLI - UNWCC List No 5 Serial 73
BRUNELLI disappeared from 209 PW Camp in or after May 1946 and his present location is unknown.

b. di FURIA Fernando - UNWCC List No 5 Serial 85
HQ Allied Commission, Public Safety Sub Commission, Security Division letter SD/266.01 dated 4 March 46. It appears that di FURIA may be held in custody by the Italian authorities.

c. GRAZIOLI Emilio - UNWCC List No 2 Serial 35
HQ Allied Commission Public Safety Sub Commission, Security Division letter SD/266.01-27 dated 4 May 46. It appears that GRAZIOLI may have been brought to trial before the Special Court of Assize of TURIN on charges of collaboration.

d. LANDINI Giovanni - UNWCC List No 12 Serial 112
LANDINI was last located as being in 211 PW Camp, North Africa in October 1945.

2226

e. MADORI Castore - UNWCC List No 2 Serial 36
HQ Allied Commission Public Safety Sub Commission Security Division letter SD/266.01-43 dated 6 Dec 45 : HQ Allied Commission Legal Sub Commission letter AC/4016/3/L dated 3 Sept 46 : G5 AFHQ minute 956.22-3 of 9 Sept 46. It appears that MADORI is in the custody of the Prefettura of PISA.

f. PALERMO Salvatore - UNWCC List No 15 Serial 365
HQ Allied Commission Public Safety Sub Commission Security Division letter SD/266.01-88 dated 20 Sept 46. It appears that PALERMO was transferred from the custody of the Carabinieri Legion Command of BOLZANO to that of the Prosecuting Officer of the Special Court of Assize of TRENTO on 27 Aug 46.

g. PARDINI Giuseppe - UNWCC List No 5 Serial 102
HQ Allied Commission Public Safety Sub Commission Security Division letter SD/266.01-26 dated 7 Dec 45. PARDINI appears to have been placed under barrack arrest by the CCRR Legion ROME in Sept 1945.

/to page 2.....

Declassified E.O. 12356 Section 3.3/NND No. 785017

Declassified E.O. 12356 Section 3.3/NND No. 785017

323

h. ROSAULIANA Riccardo - UNWCC List No 26 Serial 95
ROSAULIANA is understood to have been held in '3' P/W Camp in April 46.

j. TESTA Teristocle - UNWCC List No 2 Serial 44
Ref Allied Commission Public Safety Sub Commission Security Division letter SD/266.01-50 dated 27 May 46. TESTA was at one time held in the Regina Coeli Prison, ROME.

k. BARBERA Gaspare - UNWCC List No 12 Serial 24
BARBERA is believed to be held in the Regina Coeli Prison, ROME.

l. ALESSANDRO d'Italo - UNWCC List No.5 Serial 59
ALESSANDRO's present location is unknown but investigations to ascertain whether he is in hospital at 1 S.P Centre are being made.

ml

Copy to :- HQ Allied Commission (4)
Files - 16422/2/A3
16422/4/A3
16422/5/A3
16422/6/A3
16422/7/A3
16422/9/A3
16422/10/A3
16422/11/A3
16422/12/A3
16422/14/A3

Lieutenant General,
General officer Commanding in Chief.

2225

Declassified E.O. 12356 Section 3.3/NND No. 785017

372

Ref.: G/27/322nc. Tel : 353

Subject : Alleged War Criminals. 30 December 1946

To : Ministry of Foreign Affairs, Rome.

182 181

1. Reference is made to your memoranda Nos. G/1957/1150 & G/2061/1154 of the 28 August 1946.

2. I have been instructed to inform you that the indictment against the German War Criminals was forwarded to the Commanding General, United States Forces European Theatre. It is believed that subject war criminals are in custody in that theatre.

3. It is assumed that the Commanding General of the United States Forces European Theatre will contact the Italian Liaison officers in that theatre on further developments regarding subject matter.

FOR THE CHIEF COMMISSIONER.

Brigadier,
Executive Commissioner.

2224

WM 8/30

0301

Declassified E.O. 12356 Section 3.3/NND No. 785017

321

Ref: 6937/32/31.

Tel : 558

SUBJECT : Illegal Land War Criminals.

30 December 1946

TO : Ministry of Foreign Affairs, Paris.

2271

1. Reference is made to your memorandum Nos. 6/3250/1038 dated 3 September 1946
6/3202/1240 " 30 " " . = 230

2. I am directed to inform you that there is no information by the American or British authorities as to the location of any of the subjects quoted by your Ministry on the above referred memorandum.

3. Should the perpetrators be found the case will be investigated further.

FOR THE CHIEF COMMISSIONER.

Inspector,
Executive Commissioner.

2223

0302

Declassified E.O. 12356 Section 3.3/NND No. 785017

320

Ref: 6317/320/SC. 20 December 1946

320.2

My dear Mr. Ambassador,

I acknowledge receipt of your letter No. 19/43609 /357 of 16 of December, 1946, addressed to Admiral Stone, on the subject of Circolare Chivli arrested at Genoa by the American Military Authorities.

I will make the necessary inquiries to be made on this matter and I shall inform you of the result in due course.

Yours very truly,

M. Chief, Brigadier
Executive Commandment.

Ambassador Giuseppe Brusasca,
Secretary General,
Ministry of Foreign Affairs,
ROME.

Lee 4-46

2222

Ministero degli Affari Esteri

19/41599/137

ROUGH TRANSLATION

Rome, December 18th, 1945.

Dear Admiral Stone,

On September 7th, 1946, following an order by the American Command, the Italian citizen Girolamo CHIODI was arrested in Genoa and temporarily transferred to the criminals of war camp 339 in Pisa and subsequently, it seems, to Dachau.

More than 3 months have elapsed since and the Chiodi family have not yet been informed either of the reasons of the arrest or the place of detention of their relative. Furthermore the family have not heard of him since.

I think it is my duty to inform you that the Chiodi family are afraid that the arrest is due to a mistake inasmuch as their relative has never been to Germany.

They state that Gerolamo Chiodi, who is a medicine-doctor, was sent to Albania in 1941 as second lieutenant of the "Alpini" corps, and remained in the Balkans till 1942. After repatriation he was sent for duty to Val d'Aosta and in the early months of 1943, he obtained a special leave in order to take his university degree, after which he was appointed a doctor in S.Martino Hospital in Genoa.

I take the liberty to draw your attention on the above circumstances in view of the fact that the judicial procedure in force in all countries establish, as a firm principle, that arrested persons should be brought to trial with as little delay as possible and they should also be allowed to com-

Admiral Ellery W. STONE
Chief Commissioner
Allied Commission

= ROME =

./.

2221

Declassified E.O. 12356 Section 3.3/NND No. 785017

Ministero degli Affari Esteri

Rome, December 16th, 1943.

Dear Admiral Stone,

on September 7th, 1946, following an order by the American Command, the Italian citizen Girolamo CHIODI was arrested in Genoa and temporarily transferred to the criminals of war camp 339 in Pisa and subsequently, it seems, to Dachau.

More than 3 months have elapsed since and the Chiodi family have not yet been informed either of the reasons of the arrest or the place of detention of their relative. Furthermore the family have not heard of him since.

I think it is my duty to inform you that the Chiodi family are afraid that the arrest is due to a mistake inasmuch as their relative has never been to Germany.

They state that Gerolamo Chiodi, who is a medicine-doctor, was sent to Albania in 1941 as second lieutenant of the "Alpini" corps, and remained in the Balkans till 1942. After repatriation he was sent for duty to Val d'Aosta and in the early months of 1943, he obtained a special leave in order to take his university degree, after which he was appointed a doctor in S.Martino Hospital in Genoa.

I take the liberty to draw your attention on the above circumstances in view of the fact that the judicial procedure in force in all countries establish, as a firm principle, that arrested persons should be brought to trial with as little delay as possible and they should also be allowed to com-

Admiral Ellery W. STONE
Chief Commissioner
Allied Commission

= ROME =

2221

./.

Declassified E.O. 12356 Section 3.3/NND No. 785017

municate with their relatives and their Defence Counsel.

The fact that such regulations have never been applied, either in the above case or in other similar ones, is the cause of a painful impression and uneasiness among the Italian population.

As far as the case in question is concerned, the fact is even more regrettable, inasmuch as the Italian Police had given a hand when Chiodi was arrested.

For these reasons, and in order to appease the family's anxiety, I should be much obliged to you, Dear Admiral Stone, if you would take this matter into kind consideration and communicate all the information it will be possible to obtain.

Believe me,

very sincerely yours,

Signed: FRANSONI

LEGAL SUB-COMMISSION
CIB-CLA
DGLO
CHIEF COUNSEL
ITALIAN SECTION
Recd - DEC 23 1946

Declassified E.O. 12356 Section 3.3/NND No. 785017

municate with their relatives and their Defence Counsel.

The fact that such regulations have never been applied, either in the above case or in other similar ones, is the cause of a painful impression and uneasiness among the Italian population .

As far as the case in question is concerned, the fact is even more regrettable, inasmuch as the Italian Police had given a hand when Chiodi was arrested.

For these reasons, and in order to appease the family's anxiety, I should be much obliged to you, Dear Admiral Stone, if you would take this matter into kind consideration and communicate all the information it will be possible to obtain.

Believe me,

very sincerely yours,

Signed: FRANSONI

LEGAL SUB-COMMISSION
CJD-GLA
GCLO
CHIEF COUNSEL
ITALIAN SECTION
Recd - 1 DEC 23 1946

Declassified E.O. 12356 Section 3.3/NND No. 785017

Ministero degli Affari Esteri
IL SEGRETARIO GENERALE

19/41599 13/4

3/5 320B

Roma, li 18 Dicembre 1946

Caro Ammiraglio,

il 7 settembre u.s., per ordine del Comando americano, veniva arrestato a Genova il cittadino italiano CHIODI Gerolamo, che veniva tradotto provvisoriamente nel campo criminali di guerra 339 di Pisa e successivamente, sembra, a Dachau.

Ad oltre tre mesi di distanza la famiglia del CHIODI non è ancora riuscita a conoscere nè la causa dell'arresto, nè il luogo dove il suo congiunto effettivamente si trovi; non solo, ma non è neppure riuscita ad avere sue notizie.

Ritengo doveroso segnalarLe che la famiglia del CHIODI teme che l'arresto sia dovuto ad un equivoco dato che egli non fu mai in Germania, e dichiara che l'arrestato, che è medico, fu sottotenente degli Alpini in Albania nel 1941 e rimase nei Balcani fino al 1942. Rimpatriato, fu destinato in Val d'Aosta e nei primi mesi del 1943 ottenne una licenza speciale per laurearsi in medicina, terminata la quale fu in servizio, come medico, presso l'Ospedale di San Martino in Genova.

Su tali circostanze credo opportuno attirare la Sua cortese attenzione, anche perchè le norme procedurali vigenti in tutte le leggi giudiziarie stabiliscono, come principio indiscusso ed applicato nelle legislazioni di tutti i paesi, che le persone arrestate debbono essere sottoposte a giudizio nel minor tempo possibile e che deve essere loro concesso di corri-

Ammiraglio Ellery D. S T O N E
Chief Commissioner
Allied Commission

R O M A

2220

Declassified E.O. 12356 Section 3.3/NND No. 785017

Ministero degli Affari Esteri
IL SEGRETARIO GENERALE

Roma, li 18 Dicembre 1946

Caro Ammiraglio,

Il 7 settembre u.s., per ordine del Comando americano, veniva arrestato a Genova il cittadino italiano CHIODI Geroleamo, che veniva tradotto provvisoriamente nel campo criminali di guerra 339 di Pisa e successivamente, sembra, a Dachau.

Ad oltre tre mesi di distanza la famiglia del CHIODI non è ancora riuscita a conoscere nè la causa dell'arresto, nè il luogo dove il suo congiunto effettivamente si trovi; non solo, ma non è neppure riuscita ad avere sue notizie.

Ritengo doveroso segnalarLe che la famiglia del CHIODI teme che l'arresto sia dovuto ad un equivoco dato che egli non fu mai in Germania, e dichiara che l'arrestato, che è medico, fu sottotenente degli Alpini in Albania nel 1941 e rimase nei Balcani fino al 1942. Rimpatriato, fu destinato in Val d'Aosta e nei primi mesi del 1943 ottenne una licenza speciale per laurearsi in medicina, terminata la quale fu in servizio, come medico, presso l'Ospedale di San Martino in Genova.

Su tali circostanze credo opportuno attirare la Sua cortese attenzione, anche perchè le norme procedurali vigenti in tutte le leggi giudiziarie stabiliscono, come principio indiscusso ed applicato nelle legislazioni di tutti i paesi, che le persone arrestate debbono essere sottoposte a giudizio nel minor tempo possibile e che deve essere loro concesso di corri-

Ammiraglio Ellery D. S T O N E
Chief Commissioner
Allied Commission

R O M A

2220

./.

Declassified E.O. 12356 Section 3.3/NND No. 778017

Ministero degli Affari Esteri
IL SEGRETARIO GENERALE

320c

spondere con i propri congiunti e con i propri difensori.

Il fatto che tali norme non furono applicate nè in questo caso nè in altri recenti casi analoghi, è causa di penosa impressione e di turbamento per la popolazione italiana. Nel caso di cui trattasi, la cosa è tanto più spiacevole, in quanto la Polizia Italiana aveva prestato la propria assistenza all'arresto del CHIODI.

Per queste ragioni e per calmare l'apprensione della famiglia, Le sarò molto grato, caro Ammiraglio, se Ella vorrà dedicare alla questione la Sua benevola attenzione e farci conoscere quelle informazioni, che Le sarà possibile di raccogliere.

Mi creda, con i più cordiali saluti

Tuo

F
Lee 320

2219

Declassified E.O. 12356 Section 3.3/NND No. 785017

Declassified E.O. 12356 Section 3.3/NND No. 785017

Ref: 6517/339/50.

30 December 1946

317

My dear Mr. Ambassador,

I acknowledge with thanks receipt of your letter No. 3727 of 20 December, 1946, with enclosed supplementary list of alleged Italian War Criminals, addressed to Admiral Stark.

Yours very truly

M.C.

M. CLARK, Brigadier
Executive Commission.

His Excellency Signor Vincenzo Arangio-Ruiz,
Secretary General,
Ministry of Foreign Affairs,
ROME.

2247

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 Exec

DEC 27 1946

TRANSLATION

MINISTRY OF FOREIGN AFFAIRS

Rome, 20 December 1946

Dear Admiral,

Referring to your letter No.1691 Segr.POl. dated 13 December 1946 I herewith submit to you a supplementary list of presu - med Italian War Criminals which is to be added to that alrea- dy forwarded to you.

Truly yours

(S) ?

ADMIRAL ELLERY W. STONE
CHIEF COMMISSIONER
ALLIED COMMISSION
R O M E

2217

0312

Declassified E.O. 12356 Section 3.3/NND No. 785017

R. MINISTERO DEGLI AFFARI ESTERI
IL SEGRETARIO GENERALE

Roma, 20 dicembre 1944

Gr. 14/7 Segr.

Caro Ammiraglio,

con riferimento alla lettera n.1891 Segr.POL. in data 13 corrente, Le trasmetto qui unito un elenco supplettivo di presunti criminali di guerra italiani da aggiungersi all'elenco di cui al Comunicato trasmessole con la lettera stessa.

Voglia gradire, caro Ammiraglio, gli atti della mia alta considerazione

Ammiraglio Ellery W. S T O N E
Capo della Commissione Alleata
= R O M A =

All:1

Ministero degli Affari Esteri

316

Gastone GAMBARA ex Generale comandante dell'XI corpo d'armata;

Generale Francesco ZANI ex Comandante della Divisione "FERRARA";

Renato COTURRI ex generale del 5° corpo d'armata.

Declassified E.O. 12356 Section 3.3/NND No. 785017

0314

Declassified E.O. 12356 Section 3.3/NND No. 785017

Ref: 6527/325/HC

23 December, 1946

SUBJECT : Alleged Italian War Criminals.

TO : The Office of the Theatre Judge Advocate
Headquarters EUCOM,
APO 512, U.S. Army.

British Embassy, Rome.
U.S. Embassy, Rome.

Herewith copy of letter with enclosure from the Minister of Foreign Affairs to this Commission on the subject of alleged Italian War Criminals.

FOR THE CHIEF COMMISSIONER:

M. CARR, Brigadier,
Executive Commissioner.

Enclls: as above.

Declassified E.O. 12356 Section 3.3/NND No. 785017

Ref. : 6517/314/50. 23 December 1946

312 311

My dear Mr. Bevin,

I am sending herewith duplicate receipt of your letter No. 2601 of 13 December, 1946, with enclosed copy of the second official communique on the subject of further conclusions reached by the Investigating Commission for War Criminals, which will be issued by the Italian Government.

Yours very truly,

[illegible]
Vice Admiral, U.S.N.
Chief Commissioner

Rt. Hon. Ernest Bevin,
Minister of Foreign Affairs,
London.

0316

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 GV

HEADQUARTERS
MEDITERRANEAN THEATER OF OPERATIONS
Office of the Theater Judge Advocate
UNITED STATES ARMY
APO 512

DEC 27 1946

313

19 December 1946

FILE NO: JA 000.5/F-323

SUBJECT: Nazi War Criminals

TO : Headquarters Allied Commission
Attn: Executive Commissioner
Liaison Division
APO 394

183

1. Reference your letter file 6517/EC, dated 21 August 1946, and memorandum No. 6/1957/1150, dated 16th August 1946, No. 6/2961/1154, dated 18th August 1946.

181 182

2. Please advise the Italian Ministry of Foreign Affairs that the indictment against the German war criminals was forwarded to the Commanding General, USFET, since it is believed that subject war criminals are in custody that theater.

3. It is assumed that the Commanding General of USFET will contact the Italian Liaison Officer in that theater on further developements regarding subject matter.

For the Theater Judge Advocate:

THOMAS H. BARRATT
Colonel, JAGD
Theater Judge Advocate

THB/ph

PA 23/12
MR

Copy V

0317

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517

DEC 21 1946
3/2

TRANSLATION

MINISTRY OF FOREIGN AFFAIRS.

No. 1601 Seg. Pol.

Rome, 13 December, 1946.

Dear Admiral,

Following my letter No. 1488 dated 23 October 1946, I enclose copy of a second official communique', which will be published during the next few days, regarding the ulterior conclusions reached by the Investigating Commission for war criminals.

With best regards,

Yours truly,

(s) Nenni.

Admiral Ellery W. Stone

Chief Commissioner

Allied Commission

Rome.

Sel 4 318

E.C. Tel rec'd to Embassies
Cairo V.

2211

0318

Declassified E.O. 12356 Section 3.3/NND No. 785017

311

TRANSLATION

MINISTRY OF FOREIGN AFFAIRS.

OFFICIAL COMMUNIQUE'

PRESS & RADIO

The Investigating Commission for the supposed war criminals, has continued its work, and, in examining the personal positions of the following suspected war criminals, has resolved to propose to the War Ministry the remission of the acts to the competent Judicial authorities in order to ascertain the eventual responsibilities:

Francesco GIUNTA ex Governor of Dalmatia

Giuseppe ALACEVICH ex political secretary of the fascio of Sebenico

Armando ROCCHI ex "l seniore" of the M.V.S.N.

Gen. Alessandro PIRZIO BIROLI ex military governor of Montenegro

Emilio GRAZIOLI ex high commissioner of Lubiana

2210

Il Ministro degli Affari Esteri

N. 16 Gab. Pol 310

Roma, li 13 dicembre 1946

Caro Ammiraglio,

a seguito della mia lettera n.1488 in data 23 ottobre 1946, Le rimetto qui unita copia di un secondo Comunicato che verrà pubblicato nei prossimi giorni in merito alle ulteriori conclusioni cui è pervenuta la Commissione d'Inchieste per i criminali di guerra.

Voglia gradire, caro Ammiraglio, gli atti della mia alta considerazione.

Alcide De Gasperi

2208

Ammiraglio Ellery W. S T O N E
Capo della Commissione Alleata

R O M A

Declassified E.O. 12356 Section 3.3/NND No. 785017

Ministero degli Affari Esteri

309

COMUNICATO

STAMPA E RADIO

La Commissione d'Inchiesta per i presunti criminali di guerra, continuando i suoi lavori, ha esaminato la posizione personale dei seguenti indiziati per crimini di guerra deliberando di proporre al Ministro della Guerra, la rimissione degli atti all'Autorità giudiziaria competente per l'accertamento delle eventuali responsabilità:

Francesco GIUNTA ex Governatore della Dalmazia
Giuseppe ALACEVICH ex segretario politico del fascio di Sebenico
Armando ROCCHI ex 1° seniore della M.V.S.N.
Gen. Alessandro PIRZIO BIROLI ex governatore militare del Montenegro
Emilio GRAZIOLI ex alto commissario di Lubiana

220

ISTITUTO POLIGRAFICO DELLO STATO

Declassified E.O. 12356 Section 3.3/NND No. 785017

0321

Declassified E.O. 12356 Section 3.3/NND No. 785017

308

R: AGAM 8065 30 DEC1300

GR: CMP

ARMY G-3 SECTION

5864

Confidential

XXXXX
SECRET NO

SUBJECT TO ITALIAN WAR CRIMINALS LISTED BY UNITED NATIONS WAR CRIMES
COMMISSION ON BEHALF OF YUGOSLAVIA NO TWO LETTER ONE SIX ZERO ZERO ZERO
SLASH ONE SEVEN SLANT ARMY THREE OF THREE INCLUSION AND SPECIAL ARMY
ORDERS THREE SLANT ZERO ZERO WHO MEET ONE OF ONE SEVEN CRITERIA FOUR
SEE RIGHT TO ITALIAN GOVERNMENT HAS NOT BEEN REQUESTED TO RELEASE OF
THIS SUBJECT WILL BE MADE TO YOU AS SOON AS RECEIVED FROM ITALIAN
AUTHORITIES

PRIORITY.

[redacted] J. T. MCNARNEY
EXECUTIVE [redacted] ASSISTANT

JOHN H. HAYES
MAJOR AGD
ADJT

2207

0322

Declassified E.O. 12356 Section 3.3/NND No. 785017

65179

DEC 19 19

307

HEADQUARTERS
MEDITERRANEAN THEATER OF OPERATIONS
Office of the Theater Judge Advocate
UNITED STATES ARMY
APO 512

16 December 1946

FILE NO: JA 000.5/F-317

SUBJECT: War Criminals

TO : Headquarters Allied Commission
Office of the Executive Commissioner
APO 794, US Army

231

1. Reference AC letter file 6517/231/EC dated 2 October 1946, and memoranda from the Italian Ministry of Foreign Affairs; file 6/3180/1238 dated 3 September - 6/3182/1240 dated 30 September 1946.

NR

2. Request that the Italian Ministry of Foreign Affairs be advised that their is no information by the American or British authorities as to the location of any of the subjects wanted by the Italians on the above referred memoranda.

NR

3. Should the perpetrators be found the case will be investigated further.

Tom H. Barratt

TOM H. BARRATT
Colonel, JAGD
Theater Judge Advocate

THB/ph

2206

Copy V

0323

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517

INCOMING MESSAGE

DEC 20 1945 306

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: AG3/00991
Date/Time of Origin: DEC.171230

Message Centre No: H/8622
Date Time Rec'd: DEC.190900
Precedence: IMPORTANT

FROM: GHQ CMF
TO : ACTION -ALCOM -INFO- AFHQ

Confidential

SECRET

S E C R E T

War Criminals listed by the UNWCC on behalf of Yugoslavia. Request ~~listed~~ early reply to our 16000/7/A3 OF December 3. 29L

ACTION

A.C.DIST.
ACTION -EX.COMMISSIONER
INFO -C.COMMISSIONER
SECURITY
FILE
SKELETON

SECRET DEC 19 1945 2205

PA 23/12

Copy ✓

0324

Declassified E.O. 12356 Section 3.3/NND No. 785017

65179

DEC 17 1946

365

37/55/46

To: Executive Commissioner, Allied Commission.

From: British Embassy, Rome.

A note verbale, of which a copy is attached, has been received from the Polish Embassy requesting that a Polish national called TOPPER, now detained by the Allied Forces, should be handed over to the Polish authorities. He is described in the note verbale as a "war criminal" by virtue of allegations made by another Polish national regarding his behaviour in the German camp at AUSCHWITZ.

2. I should be grateful if you could let me know whether SZYJA TOPPER appears on the United Nations War Crimes Commission list of war criminals, of which I understand you have a copy. If Topper's name appears on the list (which seems on the whole unlikely) there seems no reason why he should not be handed over to the Polish Government in accordance with the Polish Embassy's request, and I should be glad to know whether in that event you see any reason why the Polish Embassy should not be informed accordingly. If, on the other hand, Topper's name does not appear on the list, we would propose, subject to your approval, to inform the Polish Embassy in reply that it would only be possible to hand him over as a war criminal after his name had been added to the existing lists approved by the United Nations War Crimes Commission in London.

3. A copy of this letter is being sent to Polad A.

Capt V.

December 12th 1946.

H.A. Hankey.

PA 23/12

0325

Declassified E.O. 12356 Section 3.3/NND No. 785017

Translation 304

Rome, 2 Dec 46.

No. 3/1520/K/46

TO : The British Embassy,
Rome.

MINUTES

The Polish Embassy present their compliments to the British Embassy and have the honour of making the following communication:

On the 1st of this month in the neighbourhood of the UNRRA Centre at Cinecitta' a certain TOTER Szyja, passing himself off as HARTOWICZ Moshe, was definitely recognised by the Polish citizen MINZ Moritz, living in the same Centre, as being an ex-prisoner of the concentration camps at Oswiecim (Auschwitz), Grotkow and Jaworzno (Poland) where as foreman in charge of the work, he vented upon his fellow prisoners acts of cruelty and bestiality going even as far as murder.

As a result of the intervention of Mr. Minz, the Italian police arrested TOTER and later handed him over to the British MP. The accused attempted at first to deny the acts charged against him, but eventually admitted that his real name was TOTER Szyja and that he was an ex-prisoner from the a/m concentration camps.

Mr. Minz went today to the Consular Section of the Embassy where minutes were taken regarding the criminal activities of TOTER. Mr. Minz was accompanied by another Polish subject, Mr. ZARZEWSKI Zelman, of Lodz (Poland). This latter declared that amongst the Polish Jews, political ex-deportees of this town, the name of TOTER is well known as belonging to the worst type of criminal. Mr. ZARZEWSKI signed a statement to this effect.

In bringing the a/m facts to the knowledge of the British Embassy, the Polish Embassy request them to make a demand to the competent Allied authorities for the extradition of the a/m TOTER Szyja and that he may be conducted under escort as far as the Polish frontier and there handed over to the Polish police.

The Polish Embassy adds that in view of the fact that it was the Italian police who consigned TOTER to the English MP and that the arrest took place on Italian soil, they considered it expedient to inform the Ministry of Foreign Affairs by the same courier that they are demanding the extradition of the man in question.

The Polish Embassy take the occasion of renewing to the British Embassy the assurances of their high esteem.

2203

Declassified E.O. 12356 Section 3.3/NND No. 785017

Nr. 3/1520/K/46

NOTE VERBALE.

L'Ambassade de Pologne présente ses compliments à l'Ambassade de Grande Bretagne et a l'honneur de s'adresser à elle dans la question suivante:

Le 1 de ce mois, aux environs du Centre de l'UNRRA à Cinecittà, un nommé TOPFER Szyja, se faisant passer pour MARKOWICZ Moshe, a été indubitablement reconnu par le citoyen polonais MINZ Moritz, séjournant au même centre, comme étant ex-prisonnier des camps de concentration à Oświecim /Auschwitz/, Grotkow et Jaworzno /Pologne/, ou, comme "capo", c. à d. contre-maître dirigeant les travaux, il se livrait sur les codétenus aux actes de cruauté et de bestialité, allant jusqu'aux meurtres.

A la suite d'intervention de M. Minz la police italienne a arrêté TOPFER et l'a ensuite remis aux mains de la police militaire britannique. L'inculpé essayait d'abord de nier les faits qui lui furent imputés, mais finalement a reconnu de s'appeler de son vrai nom TOPFER Szyja et d'être ex-prisonnier des camps de concentration susmentionnés.

M. Minz s'est présenté aujourd'hui à la Section Consulaire de l'Ambassade ou un procès verbal, concernant les activités criminelles de TOPFER, a été dressé. M. Minz ./.

2202

A l'Ambassade

de Grande Bretagne

Nr. 3/1520/X/46

N O T E V E R B A L E .

L'Ambassade de Pologne présente ses compliments à l'Ambassade de Grande Bretagne et a l'honneur de s'adresser à elle dans la question suivante:

Le 1 de ce mois, aux environs du Centre de l'UNRRA à Cinecittà, un nommé TOPFER Szyja, se faisant passer pour MARKOWICZ Moshe, a été indubitablement reconnu par le citoyen polonais MINZ Moritz, séjournant au même centre, comme étant ex-prisonnier des camps de concentration à Oświecim /Auschwitz/, Grotkow et Jaworzno /Pologne/, ou, comme "capo", c. à d. contre-maître dirigeant les travaux, il se livrait sur les codétenus aux actes de cruauté et de bestialité, allant jusqu'aux meurtres.

A la suite d'intervention de M. Minz la police italienne a arrêté TOPFER et l'a ensuite remis aux mains de la police militaire britannique. L'inculpé essayait d'abord de nier les faits qui lui furent imputés, mais finalement a reconnu de s'appeler de son vrai nom TOPFER Szyja et d'être ex-prisonnier des camps de concentration susmentionnés.

M. Minz s'est présenté aujourd'hui à la Section Consulaire de l'Ambassade ou un procès verbal, concernant les activités criminelles de TOPFER, a été dressé. M. Minz ./.

2207

A l'Ambassade

de Grande Bretagne

à R o m e .

Declassified E.O. 12356 Section 3.3/NND No. 785017

etait accompagné d'un autre citoyen polonais M. ZARZEWSKI Zelmon, provenant de Lodz /Pologne/. Ce dernier a déclaré que dans le milieu des juifs polonais, ex-déportés politiques en cette ville le nom de TOPPER est bien connu comme celui du pire criminel. M. ZARZEWSKI a signé une déposition en ce sens.

En portant à la connaissance de l'Ambassade de Grande Bretagne ce qui precède, l'Ambassade de Pologne La prie de bien vouloir introduire auprès des Autorités alliées compétentes la demande d'extradition du nommé TOPPER Szyja à l'effet que ce criminel de guerre soit reconduit sous l'escorte jusqu'à la frontière polonaise et y soit remis à la police polonaise.

L'Ambassade de Pologne ajoute qu'étant donné que c'etait la police italienne qui avait remis TOPPER aux mains de police militaire anglaise et que l'arrestation avait eu lieu sur le térritoire de l'Etat italien, l'Ambassade croit utile d'aviser par le même courrier le Ministère des Affaires Etrangères italien qu'elle demande l'extradition du prénommé.

L'Ambassade de Pologne saisit l'occasion de renouveler à l'Ambassade de Grande Bretagne les assurances de sa haute considération.

Rome, le 2 décembre 1946

2201

Declassified E.O. 12356 Section 3.3/NND No. 785017

0329

Declassified E.O. 12356 Section 3.3/NND No. 785017

Secret 299

Ref; 652.7/299/EE. 17th December, 1946.

Confidential

SUBJECT: Listed War Criminals.

TO : The Presidency of the Council of Ministers,
ROME.

1. I have been instructed to inform you that the following Italian personnel listed by the United Nations War Crimes Commission on behalf of Yugoslavia are now held in a war crimes status at 1 SEP Centre Riccione:

(a) Major General Angelo [illegible]AVEJA - UNWCC List No 12 Serial 185

(b) Federico [illegible]BERTANI - UNWCC List No 5 Serial 77

(c) Ettorio LIGAS - UNWCC List No 15 Serial 316

2. The Allied Authorities propose to hand over these men in custody to the Italian Government and as from the date of their handover, the responsibility for their disposal, continued detention or release will rest entirely with the Italian Authorities. Any question of their surrender will be a matter for direct settlement between the Italian Authorities and the claiming Government.

3. You are requested therefore to state with as little delay as possible into whose custody these men are to be handed.

FOR THE CHIEF COMMISSIONER:

Brigadier,
Executive Coordinator.

Copy sent to Security
Sub Division

Secret

See K 327, 338, 339, 345

2200

0336

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 Ad

DEC 18 1946

295

ALLIED [redacted] COMMISSION

INTER-OFFICE MEMORANDUM

SUBJECT: Memorandum FILE No. Dsa/G-II (DP)

TO G-II (DP) Branch
S & A Branch. 4 December 1946

In future enquiries from the various foreign agencies or agents regarding alleged war criminals etc., who are known to be outside of A.C. Camps will be returned to sender with following information:-

That the matter should be taken up through proper diplomatic channels with the Italian Government.

The only exception to this rule will be with the written concurrence or instructions of G-5 A.M.G. Enquiries from Col. Jakovlev of Russian Mission fall into this latter category.

(sgd)
EDWARD FURZE
Lt. Colonel,
Deputy Director,
D.P. Division, A.C.

Copy to:- Executive Commissioner, A.C.

Copy V. 5 V 17/12

0331

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 91

297

AG3/00807
DEC.NFT

SECRET

H/8501
DEC.140900
IMMEDIATE

GHQ CMF
ACSEC.HQ ALCOM -INFO-AFHQ FOR G-5 SECTION -HQ RAAC (ME) -
32 MIL PRIS AND DETN BKS (WAR CRIMINALS WING) ROME -

S E C R E T

Confidential
NR (2 copies)

Reference your 5773 of ~~8~~4 12 Dec.
Authority is given for Kappler, Mackensen, and Maeltzer to be interrogated at 32 Mil Pris and Detn Bks Rome by Allied Legal Officer of your Commission on question submitted by Ministry of Justice. Detailed arrangements to be made with HQ RAAC. Interrogation must be completed by December 18.

A.C.DISTRIBUTION

ACTION -SECURITY (2)&LEGAL (2)
INFO -C.COMMISSIONER
EX.COMMISSIONER
FILE
SKELETON

Note to Capt Ellis
to confirm that he
received cable
and dealt with
Capt V SECRET
14/2

2199
DEC 14 1946

6517 B 296

4051

SUBJECT: War Criminals listed by the UNWCC on behalf of Yugoslavia.

SECRET.

Confidential

Tele No, PADUA 22268.

16000/17/A3.

HQ Allied Commission,

3 Dec 46.

1. The following Italian personnel listed by the UNWCC on behalf of YUGOSLAVIA are now held in a war crimes status at 1 SEP Centre:-

(a) Major General Angelo SOMMAVILLA - UNWCC List No 12 Serial 185.

(b) Federico GERRETANI - UNWCC List No 5 Serial 77.

(c) Efisio LIGAS - UNWCC List No 15 Serial 316.

2. This HQ has been instructed by AFHQ that, in view of NAF 696 forwarded to you in AFHQ cable FX 72714 of 16 Oct, the disposal of these men is now the responsibility of the Italian Government and that any question of their surrender is a matter for direct settlement between the Italians and the claimant Government.

3. This HQ proposes, therefore, to handover these men in custody to the Italian authorities: they are of no interest to this HQ and, as from the date of handover, the responsibility for their continued detention or release will rest entirely with the Italian Government.

4. You are requested to state with as little delay as possible into whose custody these men are to be handed.

Lieutenant General,
General Officer Commanding in Chief.

Copy to:- AFHQ (your cable F73234 of 15 Nov refers).
HQ 248 (SEP) Sub Area.
A-2 GHQ.
16422/3/A3.
16422/8/A3.
16422/13/A3.

/RH.

250

Gp F 319, 344

2498

Copy sent to C/S Italy 12/12 72

Declassified E.O. 12356 Section 3.3/NND No. 785017

1. The following Italian personnel listed by the UNWCC on behalf of YUGOSLAVIA are now held in a war crimes status at 1 SEP Centre:-

(a) Major General Angelo SOMMAVILLA - UNWCC List No 12 Serial 165.

(b) Federico CERRETANI - UNWCC List No 5 Serial 77.

(c) Efisio LIGAS - UNWCC List No 15 Serial 316.

2. This HQ has been instructed by AFHQ that, in view of NAF 696 forwarded to you in AFHQ cable FX 72714 of 16 Oct, the disposal of these men is now the responsibility of the Italian Government and that any question of their surrender is a matter for direct settlement between the Italians and the claimant Government.

3. This HQ proposes, therefore, to handover these men in custody to the Italian authorities: they are of no interest to this HQ and, as from the date of handover, the responsibility for their continued detention or release will rest entirely with the Italian Government.

4. You are requested to state with as little delay as possible into whose custody these men are to be handed.

Lieutenant General,
General Officer Commanding in Chief.

Copy to:- AFHQ (your cable F73234 of 15 Nov refers).
HQ 218 (SEP) Sub Area.
A-2 GHQ.
16422/3/A.3.
16422/8/43.
16422/13/43.

/RH.

Declassified E.O. 12356 Section 3.3/NND No. 785017

0334

Declassified E.O. 12356 Section 3.3/NND No. 785017

295
Yale

Ref: 6517/295/WO

10th December, 1946.

SUBJECT : Henryk SZATKOWSKI
Alleged War Criminal.

TO : Ministry of Foreign Affairs,
ROME.

289

Reference is made to your memorandum No. 1150 of 16th November, 1946.

Information has now been received by this Commission to the effect that there is no record of SZATKOWSKI Henryk being listed as a War Criminal by the United Nations War Crimes Commission. The case therefore, would appear to be one for normal extradition procedure under any existing extradition treaties between Italy and Poland.

FOR THE CHIEF COMMISSIONER:

Brigadier,
Executive Commissioner.

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 Pol 3827 294A

NOV 29 1946

Ex Comm

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 934.5OP

27 November 1946

SUBJECT: Extradition of Traitors.

TO : Chief Commissioner,
Allied Commission,
APO 794.

290

Reference your letter, 6517/290/EC dated 22 November 1946, with inclosure, Ministry of Foreign Affairs Memorandum of 16 November 1946, both on the subject: Alleged Polish War Criminal-Henryk SZATKOWSKI.

1. In accordance with AFHQ Administrative Memorandum No. 23 of 12 November, the above correspondence has been passed to the Theater Judge Advocate, MTOUSA, for necessary action.

BY COMMAND OF LIEUTENANT GENERAL LEE:

A.L. HAMBLEN
Colonel, G.S.C.
Assistant Chief of Staff, G-5.

JAG 9/12
Capt V

2196

0336

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517

DEC 5 1946

JA 000.5/M-352 1st Ind 4 December 1946

294

Office of The Theater Judge Advocate, Headquarters MTOUSA, APO 512, US Army.

TO: Executive Commissioner, Headquarters Allied Commission, APO 794, US Army.

1. There is no record of SZATKOWSKI, Henryk as a War Criminal at this Theater or CROWCASS.

2. Request that the Ministry of Foreign Affairs be advised that extradition of subject should be processed in the normal manner under any existing extradition treaties between Italy and Poland.

TOM H. BARRATT
Colonel, JAGD
Theater Judge Advocate

THB/ww

JUN 9/12

Capt V

10337

Declassified E.O. 12356 Section 3.3/NND No. 785017

HEADQUARTERS ALLIED COMMISSION
APO 794
Office of the Executive Commissioner

8965 2nd Pte

Ref: 6517/290/EC

22 November, 1946.

SZATKOWSKI Henryk
SUBJECT: Alleged Polish War Criminal.

TO : ALLIED FORCE HEADQUARTERS.
Attention: G-5 Section.

There is forwarded to you copy of a memorandum dated 16th November, 1946, addressed to this Commission by the Ministry of Foreign Affairs.

There is no record of the inclusion of subject in any United Nations War Crimes Commission Lists in possession of this Headquarters.

If this individual is not listed as a War Criminal by the United Nations War Crimes Commission the case would appear to be one for normal extradition procedure under any existing extradition treaties between Italy and Poland.

May this Commission please be advised in this matter.

FOR THE CHIEF COMMISSIONER:

M Carr Brigadier

M. CARR, Brigadier,
Executive Commissioner.

9.34.50

2194

0338

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 EC

DEC 2 1946

292

HEADQUARTERS
MEDITERRANEAN THEATER OF OPERATIONS
Office of the Theater Judge Advocate
UNITED STATES ARMY
APO 512

FILE : JA 000.5/F-309 27 November 1946

SUBJECT: Alleged Nazi War Criminals.

TO : Executive Commissioner
Allied Commission
APO 794, US Army

288

1. Reference letter 6517/EC dated 16 November 1946.

2. Wanted Reports and requests for apprehension of wanted persons has been submitted by this office to CROWCASS; Theater Provost Marshal, USFLT; and War Crimes Group, USFET. Efforts will be made by above mentioned organizations to effect the apprehension of wanted subjects.

3. Information received by this office concerning the present location or apprehension of subjects will be furnished Allied Commission for transmission to the Italian Government.

TOM H. BARRATT
Colonel, JAGD
Theater Judge Advocate

THB/ww

No further action for the time being

Capt V. Flatt 7/12

2193

0339

Declassified E.O. 12356 Section 3.3/NND No. 785017

290

Ref: 6537/290/46. 22 November, 1946.

STATKOWSKI Henryk

SUBJECT: Alleged Polish War Criminal.

TO : ALLIED WAR CRIMES SECTION,
Allied Control Council.

289

I have to forward to you copy of a memorandum dated 16th November, 1946, addressed to this Commission by the Ministry of Foreign Affairs.

There is no record of the institution of enquiry in any United Nations War Crimes Commission files in connection with this investigation.

If this individual is not listed as a War Criminal by the United Nations War Crimes Commission the case would appear to be one for normal extradition procedure under any existing extradition treaties between Italy and Poland.

Any other information please be obtained in this matter.

FOR THE CHIEF OF MISSION:

M. OED, Delegation,
Executive Commissioner.

PA 22/11/46

6517 R

Ministero degli Affari Esteri

AUV 7-8 1946 Legn. Pol. 1150 289

MEMORANDUM FOR THE ALLIED COMMISSION

Subject: Polish subject: Henryk SZAŃKOWSKI -

1. The Embassy of Poland has requested the Italian Government the arrest and extradition of the Polish subject Henryk SZAŃKOWSKI, of 46 years of age, formerly interned in a camp for Polish nationals at Trani. The a/n appears to be listed in the Polish war criminals' roll.

2. The Ministry for Foreign Affairs would be obliged to the Allied Commission if they could kindly inform as soon as possible whether the a/n is included in the criminals of war list and whether he can be arrested and subsequently handed over to the Polish Authorities.

Lee #295

Rome, November 16th, 1946

He is not in any WNRC list in our possession.

FVV 18/11

2191

copy to Embassy for their information

FVV 19/11

PA 22/11

Declassified E.O. 12356 Section 3.3/NND No. 785017

MEMORANDUM FOR THE ALLIED COMMISSION

Subject: Polish subject: Henryk SZAFKOWSKI -

1. The Embassy of Poland has requested the Italian Government the arrest and extradition of the Polish subject Henryk SZAFKOWSKI, of 46 years of age, formerly interned in a camp for Polish nationals at Trani. The a/n appears to be listed in the Polish war criminals' roll.

2. The Ministry for Foreign Affairs would be obliged to the Allied Commission if they could kindly inform as soon as possible whether the a/n is included in the criminals of war list and whether he can be arrested and subsequently handed over to the Polish Authorities.

Rome, November 16th, 1946

Declassified E.O. 12356 Section 3.3/NND No. 785017

0342

Declassified E.O. 12356 Section 3.3/NND No. 785017

288

Ref: 6517/46 16th November, 1946

SUBJECT : Alleged Nazi War Criminals.

TO : ALLIED FORCE HEADQUARTERS,
Attention: G-5 Section.

MEMORANDA Nos:
6/2352/1307 dated 14 Nov.1946
6/2367/1311 " " "

The above numbered memoranda from the Italian Ministry of Foreign Affairs to the Allied Commission, on the subject of alleged Nazi War Criminals, are forwarded at the request of the Italian Government.

FOR THE CHIEF COMMISSIONER:

J. V. VILL...
Brigadier,
Executive Commissioner.

2190

6517 R

Ministero degli Affari Esteri

Val/Sa

-/3367/1311 287

Declassified E.O. 12356 Section 3.3/NND No. 785017

MEMORANDUM FOR THE ALLIED COMMISSION

Subject: Nazi war criminals.

1. The Ministry for Foreign Affairs enclose 5 copies of the pro-forma containing the charges brought up by the Military Attorney General of the Supreme Military Court in connection with crimes of violence with murder against enemy civilians and aggravated plunder, perpetrated in the Comune of Castelfranco Emilia (Modena), by four officers of the German Army and by unidentified German soldiers, whose handing over for trial is formally requested:

- SCHIFFMANN Hans - Lieutenant S.S. Osbuf - F.P. 36800;
- RUDIGER Kurt of Leipzig - Lieutenant formerly Commander of the German Garrison of Castelfranco Emilia;
- EIDMANN Ricard - Captain S.S. Osbuf - F.P. 36800, Commander of Unit S.S. of S.Cesario sul Panaro;
- HINZE Kurt - Captain, Kauptsturmfurer, S.S. F.P. 34905.

2. The Ministry for Foreign Affairs would be obliged to the Allied Commission if they could forward, with kind urgency, the list of the names in question to the proper Allied Authorities in order that the a/m war criminals be traced, arrested and handed over for trial to the Italian Military Authorities, in accordance with the terms of the Moscow declaration.

3. The Military Attorney General has already collected all probatory evidence and has completed the indictment.

Encl.

MINISTERO DEGLI AFFARI ESTERI

Rome, November 11th, 1946

2189

JVV 16/11

Capt

Ministero degli Affari Esteri

Val/Sa

NOV 14

MEMORANDUM FOR THE ALLIED COMMISSION

Subject: Nazi war criminals.

1. The Ministry for Foreign Affairs enclose 5 copies of the pro-forma containing the charges brought up by the Military Attorney General of the Supreme Military Court in connection with crimes of violence with murder against enemy civilians and aggravated plunder, perpetrated in the Comune of Castelfranco Emilia (Modena), by four officers of the German Army and by unidentified German soldiers, whose handing over for trial is formally requested:

- SCHIFFMANN Hans - Lieutenant S.S. Osbuf - F.P. 36800;
- RUDIGER Kurt of Leipzig - Lieutenant formerly Commander of the German Garrison of Castelfranco Emilia;
- EIDMANN Ricard - Captain S.S. Osbuf - F.P. 36800, Commander of Unit S.S. of S.Cesario sul Panaro;
- HINZE Kurt - Captain, Kauptsturmfurer, S.S. F.P. 34905.

2. The Ministry for Foreign Affairs would be obliged to the Allied Commission if they could forward, with kind urgency, the list of the names in question to the proper Allied Authorities in order that the a/m war criminals be traced, arrested and handed over for trial to the Italian Military Authorities, in accordance with the terms of the Moscow declaration.

3. The Military Attorney General has already collected all probatory evidence and has completed the indictment.

Encl.

MINISTERO DEGLI AFFARI ESTERI

Rome, November 11th, 1946

2189

JVV 16/11

Capt

Declassified E.O. 12356 Section 3.3/NND No. 785017

0345

Declassified E.O. 12356 Section 3.3/NND No. 785017

286

TRANSLATION

(For the use of the Secretariat)
Registered number.....

Date of receipt in the Secretariat

UNITED NATIONS WAR CRIMES COMMISSION

Charges against Case n.663/Reg.Gen.
War Criminals

Name of accused, his rank and unit or official position.	(1) SCHIFFMANN Hans, Lieutenant S.S. Osbuf - F.P. 36800 (2) RUDIGER Kurt of Leipzig, Lieutenant formerly commander of the German Garrison of Castelfranco Emilia. (3) EIDMANNRicard, Captain S.S. Osbuf - F.P.36800, Commander of Unit S.S. at S/Cesario sul Panaro (4) HINZE Kurt, Captain Kanptstumfurer S.S/ F.P. 34905. (5) Unidentified German soldiers.
Date and place of Commission of alleged crime	From 14 to 18 December 1944 at Castelfranco Emilia (Modena).
Number and description of crime in war crimes list	Convention 8-8-1945 art. 6 par.B. International Court's Statute (Crimes of War).
Reference to provisions of national law.	Violence with murder against enemy civilians and aggravated plunder (Art. 185 War Penal Code and Art. 628 Penal Code).

Short statement of facts

Killing of 11 civilians, including a woman'. Arbitrary removal of the sum of lire 299.488.65 from Banca Popolare Cooperativa of Castelfranco Emilia. Such seizure took place by threats against the Bank Manager perpetrated by Lieutenant Schiffmann Hans, by a N.C.O. and a soldier of German S.S.

Removal of movable chattels from the households of some executed civilians.

218

0346

Declassified E.O. 12356 Section 3.3/NND No. 785017

DETAILS OF ALLEGED CRIME

On December 14th, 1944, German Lieutenant Rudiger Kurt attached to Gestapo and Commander of the Garrison of Castelfranco Emilia (Modena), in agreement with Lieutenant Schiffmann Hans, ordered the "mopping up" of the above locality and neighbouring zones. The operation was personally carried out by Lieutenant Schiffmann and 40 soldiers attached to S.S. who captured 70 persons eleven of which were shot on the 17th and 18th of the same month at the Comune of S.Cesario sul Panaro, including a woman, after having been bloodily beaten.

The persons who have been killed as it has been ascertained, are the following:

1) PEDRETTI Roberto son of late Ferdinando.
2) TOSI Lucio Pietro son of late Fermo.
3) MAGNI Ettore son of Alfonso.
4) ZAGNI Riccardo son of late Ermenegildo.
5) BARALDI Sigifrido son of late Giuseppe.
6) MARINELLI Annibale son of late Giuseppe.
7) DEGLI ESPOSITI Gabriella daughter of late Augusto.
8) GRANDI Gaetano son of late Ernesto.
9) ROSA Dino son of late Pietro.
10) ORLANDI Livio son of Amedeo.
11) ZAGNI Ezio son of late Riccardo.

To the slaughter partecipated also Captain Eidmann Ricard, Commander of the S.S. Unit at S.Cesario (who, in addition to that, threatened of death a certain Gelati Aldo who made steps to rescue Baraldi), Captain Heinz Kurt, Commander of German troops posted at S.Cesario, and other unidentified German soldiers.

Moreover, Lieutenant Schiffmann Hans together with a N.C.O. and a soldier of S.S. Unit, all toting arms, on December 20 1944, went to Banca Popolare Cooperativa of Castelfranco Emilia and ordered to deputy Manager Parmiggiani Antonio the immediate delivery of lire 299.488,65 total amount of a current account booklet n.304, belonging to Tosi Mario, son of an executed civilian.

The officer's request was made with an intimidating tone of voice which did not consent any delay in the execution of the order and consequently Mr.Parmiggiani handed over to the officer lire 99.488,6$ in cash and two checks n° 275981 and 275983 for lire 100.000 each, in favour of Lieutenant Schiffmann Hans and by him cashed, afterwards, at the Benca Nazionale del Lavoro in

./.

0347

Declassified E.O. 12356 Section 3.3/NND No. 785017

285

Bologna, Via Rizzoli. Lieutenant Rudiger Kurt, between December 12th, 1944 and February 3rd, 1945, ordered some German soldiers to remove all movable chattels, including cattle, for a value of lire 600.000, belonging to the a/m Tosi Mario. He ordered also the Comune of Castelfranco Emilia the expropriation of Tosi's estate and the administering of it on his behalf.

Moreover he took hold of three suit-cases and a trunk containing linen, various items and money for a value of about lire 550.000. Said property, which belonged to the family of the executed Rosa Dino, had been deposited at Doctor Luppi Angelo's house. Finally, Lieutenant Schiffmann adopting the same menacing way, removed from the house of the executed Degli Espositi Gabriella, linen and currency for a value of about lire 163.000.

0348

Declassified E.O. 12356 Section 3.3/NND No. 785017

DETAILS OF THE EVIDENCE

The attached documents give full evidence of facts as described above. Statements on the subject have been made by the following witnesses:

1) Galati Aldo, 2) Borghi Umberto, 3) Mazzoli Massimo, 4) Rossiello Vincenzo, 5) Parmeggiani Antonino, 6) Piccioli Rino, 7) Lanzarini Marta, 8) Tosi Giorgio, 9) Magni Alfonso, 10) Zagni Ortea, 11) Roderberi Bruno, 12) Grandi Gualtiero, 13) Santi Dina, 14) Orlando Amedeo.

Maresciallo Maggiore of Carabinieri Rosiello Vincenzo, Commander N.C.O. of the post of Castelfranco Emilia has drawn up the report n. 97 dated May 9th, 1946, concerning the case in question.

0349

Declassified E.O. 12356 Section 3.3/NND No. 785017

NOTES OF THE CASE

a) The responsibility of the defendants appears to be evident, though according to facts, Lieutenant Schiffmann Hans and Rudiger Kurt are to be held the main responsible ones.

b) It is not possible to establish on what elements the accused will base their defence. They will try to minimize their responsibility with the exclusion of any personal initiative. They will maintain that they have obeyed to superior orders in connection with action to be taken in respect of the "mopped up" persons in zones occupied by partisans. Only by cross-examination it will be ascertained if other persons are responsible and on what measure.

c) The indictment may be considered as closed.

Ministero degli Affari Esteri

6517 P

283

NOV 14

Val/Sa

MEMORANDUM FOR THE ALLIED COMMISSION

Subject: Nazi war criminals.

1. The Ministry for Foreign Affairs enclose 5 copies of the pro-forma containing the charges brought up by the Military Attorney General of the Supreme Military Court in connection with crimes of violence and murder against enemy civilians, looting and arson, perpetrated in Urbino by the following members of the German Army, whose handing over for trial is formally requested:

- MAYER German Major, Commander of the Garrison of Urbino.
- Unidentified German soldiers under Major Mayer's Command.

2. The Ministry for Foreign Affairs would be obliged to the Allied Commission if they could forward the name in question to the competent Allied Authorities in order that the a/m war criminals be traced, arrested and handed over for trial to the Italian Military Authorities, in accordance with the terms of the Moscow declaration.

3. The Military Attorney General has already collected all probatory evidence and has completed the indictment.

Encl.

Rome, November 8th, 1946

MINISTERO DEGLI AFFARI ESTERI

2185

Cart V

Declassified E.O. 12356 Section 3.3/NND No. 785017

Ministero degli Affari Esteri

Val/Sa

NOV 14

MEMORANDUM FOR THE ALLIED COMMISSION

Subject: Nazi war criminals.

1. The Ministry for Foreign Affairs enclose 5 copies of the pro-forma containing the charges brought up by the Military Attorney General of the Supreme Military Court in connection with crimes of violence and murder against enemy civilians, looting and arson, perpetrated in Urbino by the following members of the German Army, whose handing over for trial is formally requested:

- MAYER German Major, Commander of the Garrison of Urbino.
- Unidentified German soldiers under Major Mayer's Command.

2. The Ministry for Foreign Affairs would be obliged to the Allied Commission if they could forward the name in question to the competent Allied Authorities in order that the a/m war criminals be traced, arrested and handed over for trial to the Italian Military Authorities, in accordance with the terms of the Moscow declaration.

3. The Military Attorney General has already collected all probatory evidence and has completed the indictment.

Encl.

Rome, November 8th, 1946

MINISTERO DEGLI AFFARI ESTERI

2185

Capt V

Declassified E.O. 12356 Section 3.3/NND No. 785017

COPIA

282

LEGIONE TERRITORIALE DEI CARABINIERI DI ANCONA
Stazione di Urbino

PROCESSO VERBALE di interrogatorio di UGOLINI Antonio fu Paolo e fu Maria Marucci nato il 17 febbraio 1884 in Urbino ed ivi domiciliato in via Posta Vecchia, operaio.-

---

L'anno millenovecentoquarantasei addì 8 luglio in Urbino nell'ufficio di stazione alle ore 9.-
Avanti di noi Rosati Romualdo maresciallo maggiore comandante la stazione suddetta, è presente UGOLINI Antonio in oggetto generalizzato, il quale dichiara:
"Durante il periodo della dominazione nazi-fascista, io mi occupai come operaio presso il comando tedesco, sito in via Mazzini Casa Moscati. Iniziavo il mio lavoro verso le ore 6-7 e terminavo verso 17 di ogni giorno. La sera dell'uccisione del fattore Zeppi, del figlio Enzo e del suo contadino Savini, io non mi trovavo presente al comando tedesco, quando i suddetti, prima dell'uccisione, furono condotti al comando stesso. Il mattino seguente, quando mi recai al lavoro, sul portone della casa Moscati incontrai il capo delle guardie comunali di Urbino, il quale mi disse di avvertire il comando che sulla strada della stazione vi erano tre cadaveri. Io lo riferii all'interprete certo Verner, il quale mi rispose: LO SAPPIAMO PERCHE' L'ABBIAMO UCCISI NOI.
Al primo piano del palazzo Moscati, vi era un giudice che parlava italiano con altri ufficiali tedeschi. Io risposi all'interprete perchè avevano ucciso tali persone perchè erano buone. Egli mi rispose che gli fu fatta la causa e che non avendo gli stessi data alcuna giustificazione furono condannati alla fucilazione. L'interprete mi riferì anche che dopo la fucilazione, il giudice chiese ai disgraziati se volevano morire vicino alla loro casa oppure altrove e che i medesimi risposero di condurli lontano dalle loro case.

A.D.R. Non ho altro da dire.
Fatto, letto, confermato e sottoscritto dall'interrogato e da noi militari operanti.-

F.to UGOLINI ANTONIO
F.to ROMUALDO ROSATI

2184

Declassified E.O. 12356 Section 3.3/NND No. 785017

I tedeschi ci dissero che ci avrebbero portati via a tutti, uomini e donne. In questo frattempo ritornò anche mia figlia Savini Pierina ed anch'essa dovette alzare le mani. I tedeschi invece portarono via solamente gli uomini e cioè mio marito Savini Gino, lo Zeppi Giuseppe ed il figlio Zeppi Enzo. A me, la Rombaldoni e le nostre figlie ci portarono via più tardi, ma giunte all'Avaggine ci fecero tornare indietro. Il mattino del 18 i tedeschi ritornarono nella mia casa ed in quella dei miei padroni facendoci uscire e dopo averle saccheggiate, vi diedero fuoco. Asportarono oltre alla biancheria e quant'altro di utile trovarono in casa anche tutto il bestiame, sette vaccine, maiali, galline ecc. arrecandoci un'enorme danno.
Mio marito Savini Gino, lo Zeppi Giuseppe ed il figlio Enzo, la sera del 17 giugno furono fucilati dai tedeschi sulla strada della stazione.
Faccio presente che la vedova Zeppi a nome Rombaldone Elvira, mi riferì che il defunto mio marito le aveva detto che il Meloni Egidio lo aveva incaricato di osservare che la famiglia Zeppi deva del vino ai militari tedeschi, caso contrario avrebbe pensato lui a farle svaligiare lo appartamento. A me però a me nulla consta perchè nulla mi riferì mio marito.
Dalla voce pubblica ho saputo che mio marito e gli Zeppi prima di essere fucilati, furono condotti al comando tedesco sito in via Mazzini, Casa Moscati.
Fatto letto, confermato e sottoscritto, dall'interrogata e da noi militari.

F.to MAZZOLI MARIANNA
F.to DEL MORO CESARE
F.to ROSATI ROMUALDO

PER COPIA CONFORME
Il Cancelliere

218?

Declassified E.O. 12356 Section 3.3/NND No. 785017

COPIA

LEGIONE TERRI[illegible]IALE DEI CARABINIERI DI [illegible]ONA
Stazione di Urbino

281

PROCESSO VERBALE di interrogatorio di MAZZOLI Marianna fu Luigi e di Santi Elvira, nata nel 1901 a Fermignano e domiciliata in Urbino, Casa Frasca, vedova Savini.-

---

L'anno millenovecentoquarantasei addì 9 luglio, in Urbino, nell'ufficio di stazione, alle ore 16.-

Avanti di noi ROSATI Romualdo, Maresciallo maggiore comandante la suddetta stazione e Brigadiere DEL MORO Cesare, della medesima, è presente MAZZOLI Marianna, vedova Savini, in oggetto generalizzata, la quale dichiara:

"Nel pomeriggio del 16 giugno 1944 tre militari tedeschi si soffermarono nei pressi della mia casa sita in Perlo 2° di Urbino. Nello stesso pomeriggio i tedeschi fecero un rastrellamento di uomini per cui alcuni fuggirono per la campagna. Certo Meloni Egidio si fermò presso la mia casa e si mise a parlare con i suddetti militari. Il Meloni si avvicinò poscia alla stalla e chiese al defunto mio marito Savini Gino fu Domenico, della classe 1900, se aveva chiesto ai militari tedeschi se avevano appetito. Mio marito gli rispose negativamente, sia perchè i militari non gli avevano domandato nulla e sia perchè egli non li capiva. Il Meloni Egidio ritornò quindi dai militari tedeschi domandando loro se avevano fame ed avutane risposta affermativa, ritornò nella stalla dicendo a me di dare qualche cosa da mangiare ai militari in quanto avrebbe provveduto lui a ricompensarmi. Io mi recai in casa e presi un filone di pane e del formaggio dandolo al Meloni perchè lo portasse ai tedeschi. Il medesimo però chiamati i militari, li fece entrare nella mia casa. Uno dei militari tedeschi si era assentato per recarsi dai contadini vicini e poco dopo venne in casa anche questo portando delle uova che si fece cucinare. Mentre mangiavano i tre militari tedeschi dissero che erano austriaci, che erano stanchi della guerra, che si erano allontanati da Cassino e che volevano ritornare alle loro case. Il Meloni Egidio dopo che i militari ebbero mangiato, disse loro di rimanere presso la mia casa, di dormire nel capanno e che il giorno seguente gli avrebbe portata la pasta asciutta ed alla sera li avrebbe accompagnati in montagna dai partigiani. Difatti il giorno seguente 17 giugno, il Meloni ed un altro individuo portarono la pasta asciutta e vino ai militari tedeschi, i quali mangiarono nella mia casa. La mia figliola Savini Pierina, dato che io ero assente, dette loro piatti e forchette. Verso le ore 19 dello stesso giorno 17 venne in casa certo Bernini Enrico da Urbino, il quale mi disse che prima che i militari partissero, li dovevo far cenare. Io per cena preparai delle uova ma i militari, mi chiesero che volevano anche l'insalata. Io risposi che la poca insalata che era nell'orto era dura e quindi non si poteva mangiare. Essi però insistettero per averla e quindi fui costretta a mandare mia figlia a raccoglierla. Mentre io preparavo ad essi la cena, udii sparare fuori la porta della mia casa. I tre militari tedeschi uscirono subito fuori ed io osservai che la casa era circondata da militari tedeschi i quali appena scorsero i tre loro colleghi, li armarono con fucili. Il Bernini Enrico saltò dalla finestra della mia camera e fuggì per la campagna inseguito dai tedeschi e fu ucciso con raffiche di mitraglia. Mio figlio Savini Alfio che si trovava nella stalla si salvò per miracolo fuggendo per la campagna. Io e mio marito uscimmo di casa ed i tedeschi ci fecero alzare le mani. La stessa sorte

Declassified E.O. 12356 Section 3.3/NND No. 785017

Declassified E.O. 12356 Section 3.3/NND No. 785017

Verbale di interrogatorio di MAZZOLI Marianna fu Luigi e di Santi Elvira, nata nel 1901 a Fermignano e domiciliata in Urbino, Casa Frasca, vedova Savini.-

---

L'anno millenovecentoquarantasei addi 9 luglio, in Urbino, nell'ufficio di stazione, alle ore 16.-

Avanti di noi ROSATI Romualdo, Maresciallo maggiore comandante la suddetta stazione e Brigadiere DEL MORO Cesare, della medesima, è presente MAZZOLI Marianna, vedova Savini, in oggetto generalizzata, la quale dichiara:

"Nel pomeriggio del 16 giugno 1944 tre militari tedeschi si soffermarono nei pressi della mia casa sita in Perlo 2° di Urbino. Nello stesso pomeriggio i tedeschi fecero un rastrellamento di uomini per cui alcuni fuggirono per la campagna. Certo Meloni Egidio si fermò presso la mia casa e si mise a parlare con i suddetti militari. Il Meloni si avvicinò poscia alla stalla e chiese al defunto mio marito Savini Gino fu Domenico, della classe 1900, se aveva chiesto ai militari tedeschi se avevano appetito. Mio marito gli rispose negativamente, sia perchè i militari non gli avevano domandato nulla e sia perchè egli non li capiva. Il Meloni Egidio ritornò quindi dai militari tedeschi domandando loro se avevano fame ed avutane risposta affermativa, ritornò nella stalla dicendo a me di dare qualche cosa da mangiare ai militari in quanto avrebbe provveduto lui a ricompensarmi. Io mi recai in casa e presi un filone di pane e del formaggio dandolo al Meloni perchè lo portasse ai tedeschi. Il medesimo però chiamati i militari, li fece entrare nella mia casa. Uno dei militari tedeschi si era assentato per recarsi dai contadini vicini e poco dopo venne in casa anche questo portando delle uova che si fece cucinare. Mentre mangiavano i tre militari tedeschi dissero che erano austriaci, che erano stanchi della guerra, che si erano allontanati da Cassino e che volevano ritornare alle loro case. Il Meloni Egidio dopo che i militari ebbero mangiato, disse loro di rimanere presso la mia casa, di dormire nel capanno e che il giorno seguente gli avrebbe portata la pasta asciutta ed alla sera li avrebbe accompagnati in montagna dai partigiani. Difatti il giorno seguente 17 giugno, il Meloni ed un altro individuo portarono la pasta asciutta e vino ai militari tedeschi, i quali mangiarono nella mia casa. La mia figliola Savini Pierina, dato che io ero assente, dette loro piatti e forchette. Verso le ore 19 dello stesso giorno 17 venne in casa certo Bernini Enrico da Urbino, il quale mi disse che prima che i militari partissero, li dovevo far cenare. Io per cena preparai delle uova ma i militari, mi chiesero che volevano anche l'insalata. Io risposi che la poca insalata che era nell'orto era dura e quindi non si poteva mangiare. Essi però insistettero per averla e quindi fui costretta a mandare mia figlia a raccoglierla. Mentre io preparavo ad essi la cena, udii sparare fuori la porta della mia casa. I tre militari tedeschi uscirono subito fuori ed io osservai che la casa era circondata da militari tedeschi i quali appena scorsero i tre loro colleghi, li armarono con fucili. Il Bernini Enrico saltò dalla finestra della mia camera e fuggì per la campagna inseguito dai tedeschi e fu ucciso con raffiche di mitraglia. Mio figlio Savini Alfio che si trovava nella stalla si salvò per miracolo fuggendo per la campagna. Io e mio marito uscimmo di casa ed i tedeschi ci fecero alzare le mani. La stessa sorte toccò alla famiglia del mio padrone Zeppi Giuseppe, figlio Zeppi Enzo, moglie Rombalconi Elvira e figlia Zeppi Rosetta. ./.

0356

Declassified E.O. 12356 Section 3.3/NND No. 785017

280

TRANSLATION.

(for the use of the Secretariat)
Registered number.....

Date of receipt in the Secretariat

UNITED NATIONS WAR CRIMES COMMISSION

Charges against Case Nº 192/Reg.Gen. War Criminals

Name of accused, his rank and unit or official position.	(1) MAYER - German Major - Carrison Commander at Urbino. (2) Unidentified German soldiers under Major Mayer's Command.
Date and place of commission of alleged crime.	From June 16th to June 18th, 1944, at Urbino.
Number and description of crime in war crimes list.	Convention 8/8/45 art.6 par.B International Military Court Statute. (war crimes).
Reference to provisions of national law.	Violence with murder against civilians, (art.185 War Penal Code). Looting (Art. 186 - same Code). Arson (Art. 187 - same Code).

Short Statement of facts.

On June,17th, 1944 unidentified soldiers attached to the German Garrison of Urbino, commanded by Major Mayer, killed the partisan Bernini Enrico, the peasant Savini Gino, the farmer Zeppi Giuseppe and his son Zeppi Enzo. On the following day, after having looted the houses of Savini and Zeppi, removing linen and cattle, they set on fire the buildings.

2182

0 3 5 7 4.

Declassified E.O. 12356 Section 3.3/NND No. 785017

Particulars of alleged crime.

On June 17th, 1944, three unidentified German soldiers attached to the German Garrison of Urbino, under Major Mayer's Command, met the peasant Savini Gino, working in the farm belonging to Zeppi Giuseppe and told him that they were Austrian soldiers who, being fatigued of war, had the intention of deserting the army. Savini invited them home where ~~the~~ they were served with food by his wife Mazzali Marianna. Afterwards under the above explained pretext, the three soldiers in question got into contact with Bernini Enrico who, after having revealed them that he was a partisan, promised to lead them to the partisans' Command where they could have found a safe place in order to avoid eventual researches on the part of their Command.

Later on some reports were heard. Other German soldiers had intervened in the meanwhile. They encircled Savini's house and joined the other three German soldiers who were furnished also with guns.

Partisan Bernini, after having discovered the ruse, took immediate flight through the country, but the Germans ran after him and then machine-gunned him. Subsequently Savini Gino, Zeppi Giuseppe and Zeppi Enzo, the latter's son, were brought to the German Command where Major Mayer ordered their execution, the looting and the setting on fire of their houses.

Soon after the a/m civilians were slain in a place in the vicinity of the railway-station. On the following day linen, valuables and cattle, all for a considerable value, were removed from the a/m civilians' houses. Then the buildings were set to fire.

By the facts stated above it appears that the three German soldiers, who entered Savini's house; were neither Austrians nor deserters. They resorted to such a trick in order to capture the three Italian citizens who were suspected of helping the partisans.

0358

Declassified E.O. 12356 Section 3.3/NND No. 785017

Details of evidence.

The above described facts are fully proved by the statements made by Savini's wife, Mazzali Marianna, and by Upolini Antonio's statement, copies of which are enclosed herewith.

0359

Declassified E.O. 12356 Section 3.3/NND No. 785017

Notes on the case.

a) Major Mauer's responsibility appears to be evident, considering the proofs which have been collected against him.

b) It is not possible to ascertain on what ground he shall base his defence, he cannot fail however to admit that he gave to soldiers the order of killing the three Italian citizens and to loot and set on fire their houses. Only after Major Mayer's cross'- examination it will be possible to discover the real executors of the crime and it will be also possible to establish if other persons are responsible and on what measure.

c) The indictment concerning Major Mayer, can be considered closed.

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 4

EY. COMM R
3348 278

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 936.43

9 November 1946.

SUBJECT: War Criminals.

TO : Chief Commissioner,
Allied Commission,
APO 794.

231

Reference your letter 6517/231/EC of 2 October, enclosing Italian Ministry of Foreign Affairs Memoranda.

Enclosed please find copy of a letter addressed to DJAG CMC ETO with a copy to this Headquarters in respect of:-

(a) 6/2180/1238 of 3 September.
6/3152/1260 of 30 September.

(b) 6/3203/1251 of 5 October.
6/3208/1254 of 5 October.
6/3209/1255 of 5 October.

BY COMMAND OF LIEUTENANT GENERAL LARKIN:

A.L. HAMBLEN,
Colonel, G.S.C.
Assistant Chief of Staff, G-5.

Encls: as above.

2180

0361

Declassified E.O. 12356 Section 3.3/NND No. 785017

C
O
P
Y

4f

271

SUBJECT:- War Crimes - HAUPTMANN Henning (or HENNING Hauptmann).

GHQ CMF.

16300/14/A3.

Oct 46.

DJAG, GHQ CMF.

Reference the attached copy of a document referring to alleged war crimes committed by the above named subject.

1. This HQ is endeavouring to trace the wanted man.

2. Your opinion is requested as to whether the facts alleged constitute prima facie proof of the commission of war crime and whether in the event that this man is traced, this case warrants further investigation.

??????????
Colonel,
Colonel "A".

/TWS.

Copy to: AFHQ (Your letter G5.936.43 dated 9 Oct 46 refers).

0362

Declassified E.O. 12356 Section 3.3/NND No. 785017

276

HEADQUARTERS ALLIED COMMISSION
APO 794
Office of the Executive Commissioner

Ref. : 6517/276/Eo 7 November 1946

SUBJECT: Nazi War Criminals.

TO : AMIG
(attn. G-5 Section).

262

1. The attached memorandum No. 6/3304/1288 dated 26 October, with enclosure, from the Italian Ministry of Foreign Affairs to this Headquarters on the subject of Nazi War Criminals is forwarded at the request of the Italian Government.

FOR THE CHIEF COMMISSIONER:

H.V. VILLA
Brigadier,
Executive Commissioner

2178

0 3 6 3 1

Declassified E.O. 12356 Section 3.3/NND No. 785017

275

Title

HEADQUARTERS ALLIED COMMISSION
APO 794
Office of the Executive Commissioner

Ref. : 6517/275/30 7 November 1946

SUBJECT: Alleged Albanian War Criminal.

TO : Ministry of Foreign Affairs,
Rome.

248

1. Reference is made to your Memo No. 6/3236/1264 dated 13 October 1946.

2. I am directed to inform you that applications for handing over of alleged war criminals should be taken up through diplomatic channels with the representative of the country concerned.

FOR THE CHIEF COMMISSIONER:

J. V. VERLA
Brigadier,
Executive Commissioner.

See p. 268

21[illegible]
[illegible]

0364

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 90

OCT 31 1946

30 October, 1946.

SUBJECT:- War Criminals wanted by the French Government

TO:- G-5, A.F.H.Q. 239

1. Further to my cable 5307 of 25 October, I am forwarding a translation of a letter received from the French Representative.

2. The letter has been acknowledged by this office 273 without comment.

Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Incl. 1 - Translation of letter
from French Representative.

Copies:- B.C.
Polad. A.
Polad. B.

21764

(Copy V)

0363

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 (3)

273

TRANSLATION

HEADQUARTERS ALLIED COMMISSION
Office of the French Representative

No. 534.

Rome, 25 October 1946.

SUBJECT: War Criminals.

TO : Admiral Ellery W. Stone, Chief Commissioner, Allied Commission.

Dear Admiral:

I have the honor to acknowledge receipt of your letter of 24 October 1946. I cannot deny that I am rather surprised of this final decision by AFHQ as the letter 6 H.Q. C M F 16413/A 3 of 12 September prescribed the research and immediate arrest of the war criminals concerned.

Certainly the recent directives of the Combined Chiefs of Staff do not allow this measure to be taken any more, but the serious handicap resulting from the fact will not escape your attention, and will not fail to strike the French Government. In fact, - and whether it be question of this or of some other matter subject to an analogous reply -, the French Government perceives that the normal channels foreseen for obtaining compliance with the obligations resulting from the armistice are closed. On the other hand, the French Government is not yet in a position to deal directly with the Italian Government on this clause of the Treaty since the Treaty is not yet in force.

I believe that you will consider it advisable to inform the competent Allied authorities of this objection, and remain

Respectfully yours,

/s/ C. de Villefosse

Le 4 X 44

2175

0366

Declassified E.O. 12356 Section 3.3/NND No. 785017

HEADQUARTERS ALLIED COMMISSION
APO 794
Office of the Executive Commissioner

270

Ref. : 654/270/30 1 November 1946

SUBJECT: Alleged Italian War Criminals.

TO : G-5 Section,
AMG.

British Embassy, Rome. } under separate letters.
U.S. Embassy, Rome.

267

Herewith copy of letter with enclosure addressed to this Headquarters by the Minister of Foreign Affairs on the subject of alleged Italian War Criminals.

FOR THE CHIEF COMMISSIONER:

MC
Brigadier,
Executive Commissioner.

Encls. as above.

2174

See M-271

PAB

0367

Declassified E.O. 12356 Section 3.3/NND No. 785017

File 269

Ref.: 6517/269/20 / November 1946

My dear Mr. Nenni,

I acknowledge (267) with thanks receipt of your letter (266) No. 1488 of 23rd October, 1946, with enclosed copy of the communique' on the subject of the first conclusions reached by the Investigating Commission for War Criminals, which will be issued by the Italian Government.

Yours very truly,

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

On. Pietro Nenni,
Minister of Foreign Affairs,
Rome.

See 17-271 & 272

2173

2172

0368

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 3085

268

NOV 1 1946

ALLIED FORCE HEAD QUARTERS
G-5 Section
APO 512

G-5: 936.42

30 October 1946.

SUBJECT: Alleged Albanian War Criminal wanted by Italy.

TO : Chief Commissioner,
Allied Commission,
APO 794.

263

Ref your A/29-8/EC of 21 October 1946.

1. You should inform the Italian Ministry of Foreign Affairs that applications for handing over of alleged War Criminals should be taken up through diplomatic channels with representatives of the country concerned.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

for R. L. MACMILLEN
Colonel, G.S.C.
Assistant Chief of Staff, G-5.

See A. 245

2172

(Capt V)

0369

Declassified E.O. 12356 Section 3.3/NND No. 785017

E.C.
Ack.
Send re draft of Embassies

6517 Ref.

267

TRANSLATION

OCT 30 1946

THE MINISTER OF FOREIGN AFFAIRS Segr. Tel. 2438

Rome, 23 October 1946.

Dear Admiral,

Further to my letter No. 29/30829/71 of 11 September 1946, I remit you herewith copy of a communication that will be made in the next days with regard to the first conclusions reached by the Investigating Commission for the war criminals.

266

204

Sincerely yours,

/s/ Nenni

Admiral Ellery W. Stone
Chief Commissioner
Allied Commission
Rome.

EC DIST - 30/10/46

ACTION - EC
INFO - CC

(CAPT V)

265

Segr. Pol. 1488

Il Ministro degli Affari Esteri

Roma, lì 23 Ottobre 1946

Caro Ammiraglio,

A seguito della mia lettera n.19/30829/71 dell'11 settembre u.s., Le rimetto qui unita copia di un comunicato che verrà emanato nei prossimi giorni in merito alle prime conclusioni cui é pervenuta la Commissione d'Inchiesta per i criminali di guerra.

Voglia gradire, caro Ammiraglio, gli atti della mia alta considerazione.

Ammiraglio Ellery W.STONE
Capo della Commissione Alleata
R O M A

Declassified E.O. 12356 Section 3.3/NND No. 785017

Roma, 18 ottobre 1971

Caro Ammiraglio,

A seguito della mia lettera n.19/30829/71 dell'11 settembre u.s., Le rimetto qui unita copia di un comunicato che verrà emanato nei prossimi giorni in merito alle prime conclusioni cui é pervenuta la Commissione d'Inchiesta per i criminali di guerra.

Voglia gradire, caro Ammiraglio, gli atti della mia alta considerazione.

Im Nelung

Ammiraglio Ellery W.STONE
Capo della Commissione Alleata

R O M A

Declassified E.O. 12356 Section 3.3/NND No. 785017

Declassified E.O. 12356 Section 3.3/NND No. 785017

Ministero degli Affari Esteri

264

COMUNICATO STAMPA E RADIO

La Commissione d'Inchiesta per i presunti criminali di guerra si é riunita il 21 e 22 ottobre 1946 in esecuzione del deliberato preso nella precedente riunione del 7 settembre scorso che qui si ripete.

(""La Commissione d'Inchiesta proseguendo i suoi lavori, udita la relazione dei commissari delegati all'esame della situazione personale dei militari e dei civili sospettati di atti criminali in oltraggio alle leggi di guerra, ha fissato il principio di deferire alla giustizia penale militare coloro che possono essere inquisiti per essere venuti meno con gli ordini o nelle esecuzioni degli stessi, ai principi del diritto internazionale di guerra ed ai doveri di umanità, più particolarmente in ordine alla inviolabilità degli ostaggi ed alla limitazione del diritto di rappresaglia."")

Ha preso pertanto in esame una nota di circa 40 nomi di militari e civili a carico dei quali può essere elevata l'accusa e riservandosi, in altre riunioni, di precisare le varie posizioni personali, ha intanto esaminato quelle del Generale ROATTA, del Governatore BASTIANINI, dei Generali ROBOTTI, MAGALDI e del T.Col.SORRENTINO, deliberando di proporre al Ministro della Guerra la rimissione degli atti all'autorità giudiziaria competente per l'accertamento delle eventuali responsabilità.

Di questo primo gruppo faceva parte anche il T.Col.CARUSO Pietro, divenuto posteriormente questore di Roma, per il quale non si é addivenuti a conclusioni, perché risulta fucilato a seguito di condanna emessa, per altri motivi, dall'Alta Corte di Giustizia di Roma.

Quanto prima sarà presentata la relazione in ordine alle deliberazioni adottate ed ai particolari avvenimenti verificatesi nei paesi militarmente occupati.

2164

Declassified E.O. 12356 Section 3.3/NND No. 785017

COMUNICATO STAMPA E RADIO

La Commissione d'Inchiesta per i presunti criminali di guerra si é riunita il 21 e 22 ottobre 1946 in esecuzione del deliberato preso nella precedente riunione del 7 settembre scorso che qui si ripete.

(""La Commissione d'Inchiesta proseguendo i suoi lavori, udita la relazione dei commissari delegati all'esame della situazione personale dei militari e dei civili sospettati di atti criminali in oltraggio alle leggi di guerra, ha fissato il principio di deferire alla giustizia penale militare coloro che possono essere inquisiti per essere venuti meno con gli ordini o nelle esecuzioni degli stessi, ai principi del diritto internazionale di guerra ed ai doveri di umanità, più particolarmente in ordine alla inviolabilità degli ostaggi ed alla limitazione del diritto di rappresaglia."")

Ha preso pertanto in esame una nota di circa 40 nomi di militari e civili a carico dei quali può essere elevata l'accusa e riservandosi, in altre riunioni, di precisare le varie posizioni personali, ha intanto esaminato quelle del Generale ROATTA, del Governatore BASTIANINI, dei Generali ROBOTTI, MAGALDI e del T.Col.SORRENTINO, deliberando di proporre al Ministro della Guerra la rimissione degli atti all'autorità giudiziaria competente per l'accertamento delle eventuali responsabilità.

Di questo primo gruppo faceva parte anche il T.Col.CARUSO Pietro, divenuto posteriormente questore di Roma, per il quale non si é addivenuti a conclusioni, perché risulta fucilato a seguito di condanna emessa, per altri motivi, dall'Alta Corte di Giustizia di Roma.

Quanto prima sarà presentata la relazione in ordine alle deliberazioni adottate ed ai particolari avvenimenti verificatesi nei paesi militarmente occupati.

2106

0374

Declassified E.O. 12356 Section 3.3/NND No. 785017

Fil 263

HEADQUARTERS ALLIED COMMISSION
APO 794
Office of the Executive Commissioner

Ref: 4/29.8/EC 21st Oct 46

SUBJECT: Alleged Albanian War Criminal wanted by Italy.

TO : AFHQ, G-5 Section.

248

There is forwarded to you copy of a memorandum dated 13 October 1946 addressed to this Commission by the Italian Ministry for Foreign Affairs.

May this Headquarters please be advised as to the reply to be given to this memorandum.

FOR THE CHIEF COMMISSIONER:

For Brigadier,
Executive Commissioner.

See F. 268

2167

6517 R

6/3304/1288 262

Ministero degli Affari Esteri

Ros/Sa

OCT 29 1946

MEMORANDUM FOR THE ALLIED COMMISSION

Subject: Nazi war criminals.

1. The Ministry for Foreign Affairs enclose 5 copies of the pro-forma containing the charges brought up by the Military Attorney General in connection with atrocities perpetrated in Italy by the following member of the German Army, whose handing over for trial is formally requested:

Lieut.Col. HORLIB.

2. The Ministry for Foreign Affairs would be obliged if the Allied Commission could forward the name in question to the competent Allied Authorities in order that the a/m war criminal be traced, arrested and handed over for trial, in accordance with the terms of the Moscow declaration.

3. The Military Attorney General has already collected all probatory evidence and has completed the indictment.

Encl.

Rome, October 26th, 1946

MINISTERO DEGLI AFFARI ESTERI

Lec 4. 276

(Capt H)

IA 1/2166

Declassified E.O. 12356 Section 3.3/NND No. 785017

Ministero degli Affari Esteri

6/3304/12

Ros/Sa

OCT 29 1946

MEMORANDUM FOR THE ALLIED COMMISSION

Subject: Nazi war criminals.

1. The Ministry for Foreign Affairs enclose 5 copies of the pro-forma containing the charges brought up by the Military Attorney General in connection with atrocities perpetrated in Italy by the following member of the German Army, whose handing over for trial is formally requested:

Lieut.Col. HORLIB.

2. The Ministry for Foreign Affairs would be obliged if the Allied Commission could forward the name in question to the competent Allied Authorities in order that the a/m war criminal be traced, arrested and handed over for trial, in accordance with the terms of the Moscow declaration.

3. The Military Attorney General has already collected all probatory evidence and has completed the indictment.

Encl.

Rome, October 26th, 1946

MINISTERO DEGLI AFFARI ESTERI

Lec 4.276

(Cap. V)

PA 2166

Declassified E.O. 12356 Section 3.3/NND No. 785017

0377
1

Declassified E.O. 12356 Section 3.3/NND No. 785017

261

Translation

(For the use of the Secretariat)

Date of receipt in Secretariat

Registered number....

UNITED NATIONS WAR CRIMES COMMISSION

Indictment against War criminals

Case n°....

Name and surname Rank and unit or official position	(1) HORLIB - Lieut.Col., former commander of the 7406 C.German Unit (754th Infantry Regiment) in Lagacciolo di Pelago (Florence). (2) Unidentified German soldiers, belonging to the same unit.
Date and place of commission of alleged crime	On August 25th, 1944, in locality Lagacciolo-Podernuovo (Florence).
Number and description of crime in war crimes list.	Convention 8/8/45 art. 6 par.B International Military Court's Statute. Violence with murder and wounding of enemy civilians (art. 185 War Penal Code).

Short statement of facts.

Murder for reprisal of 19 persons and wounding of other 12 among which a woman.

0378

Declassified E.O. 12356 Section 3.3/NND No. 785017

Particulars of alleged crime.

On August 25th, 1944, at about 7 p.m., four German soldiers belonging to the German formation 7406 C., after having rounded up 18 persons, locked them up in the bath room of the Villa in Lagacciolo, and with hand grenades killed 8 and wounded 7 of them. The same soldiers, a little later, went to the factory of Taddei Raffaello, in Podernuovo, and with hand grenades and bursts of machine-guns killed 10 persons and wounded 3. Next morning they returned to Lagacciolo and killed there a man and wounded two persons among which a woman.

It has not been possible to ascertain the reasons for the slaughter, in as much as no fighting with partisans had occurred in the zone.

It seems,however, that this atrocity was perpetrated either on account of the misterious death of a German soldier or on account of the burial by the local population of a British air= man who crashed on July 25, 1944, and on whose grave an epigraph, in the English language, was placed.

It has not been possible to identify the 4 German soldiers who perpatrated this atrocity, but it is to be presumed that they did not act by their own initiative but following orders of Liet. Col. Horlib, whose unit they belonged.

0379

Declassified E.O. 12356 Section 3.3/NND No. 785017

Notes on the case.

a) The responsibility for the a/m crimes falls principally on Lieut.Col. Horlib, who gave the order to four unidentified German soldiers to perpetrate, as an act of reprisal, the slaughter.

b) It is not possible to ascertain on what ground Lieut.Col. Horlib shall base his defence. Only after cross-examining it will be possible to ascertain whether other persons are responsible and on what measure, and perhaps it will be also possible to secure other informations which may lead to the identification of the actual perpetrators of the slaughter.

c) The indictment can be considered closed as far as it concerns the facts and the way they occurred.

0380

Declassified E.O. 12356 Section 3.3/NND No. 785017

260

Details of incriminating evidence.

The enclosed documents prove fully the accusation. State=
ments have been made by Fagioli-Cipriani Ermelinda, Fossi-
Vignoli Adele and Buoninsegni-Fossi Enrichetta.

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 GI

259

SECRET

ALCOM CITE ACSOC FROM ADMIRAL STONE

AFHQ FOX GEORGE FIVE

GHQ CMF

251400A OCTOBER 1946

Confidential

250

5307

SECRET

YOUR FOX XRAY SEVEN TWO SEVEN ONE FOUR OF SIXTEEN OCTOBER REFERS PD

PARA ONE PD PURSUANT TO PARA TWO THEREOF FRENCH AND YUGOSLAV GOVERNMENTAL REPRESENTATIVES WERE ADVISED OF CCS RULING CONTAINED IN PARA ONE PD

PARA TWO PD PREVIOUSLY YUGOSLAV DELEGATE HAD PLACED QUESTION OF EXTRADITION OF ITALIAN WAR CRIMINALS ON AGENDA FOR ABLE CHARLIE ITEM MEETING TODAY PD AT MEETING TODAY HE STATED THAT QUOTE CHARLIE CHARLIE SUGAR HAD NO RIGHT TO MAKE SUCH A DECISION UNQUOTE IN VIEW OF THE LONG TERMS ARMISTICE PD

250

PARA THREE PD PURSUANT TO PARA FOUR OF YOUR FOX XRAY SEVEN TWO SEVEN ONE FOUR I STATED THAT I HAD BEEN INSTRUCTED THAT MATTER IS ONE TO BE RAISED WITH AMERICAN AND BRITISH GOVERNMENTS PD

PARA FOUR PD FRENCH DELEGATE TO ABLE CHARLIE ITEM STATED THAT THE POSITION OF GOVERNMENTS REQUESTING WAR CRIMINALS WAS EMBARRASSING UNDER CHARLIE CHARLIE SUGAR RULING QUOTE THAT HE HAD ADVISED HIS GOVERNMENT OF THIS RULING AND THAT HE ASSUMED THAT HIS GOVERNMENT WOULD TAKE UP THE MATTER WITH THE AMERICAN AND BRITISH GOVERNMENTS PD

PARA FIVE PD FOREGOING FOR INFORMATION ONLY

Distribution: Polad A
Polad B
Ex Comm
CC

PRIORITY

SECRET

Chief Commissioner

222

JHV
(CAPT V)

ELLERY W. STONE
Rear Admiral, USN
Chief Commissioner

JOHN HAYES
Major
ADJT

0382

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 41

INCOMING MESSAGE

Ex Comm 258

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: F.72838

Date / Time of Origin: OCT 241000

Message Centre No: H/7419

Date Time Rec'd: OCT 251030

Precedence: ROUTINE

FROM: AFHQ SIGNED SACMED CITE FHGEG

TO : ALCOM ROME

OCT 25 1946

RESTRICTED:

Para 2 does not imply that AFHQ and Alcom will not act in US or UK matters.

Ref our F 72819. In such cases they act as principals and not as an itermediary.

See M-255(2)

AC DIST

ACTION - EX COMMR

INFO - CHIEF COMMISSIONER

POLAD (A)

POLAD(B)

See M-256

FILE

FLOAT

ACTION

2162

OCT 25 1946

JIV
CAPT V)

Declassified E.O. 12356 Section 3.3/NND No. 785017

257

Ref: G317/[illegible]/21

25 October 1946

SECRET: Naval Mar Ordinance.

TO : Minister of Foreign Affairs.

220 217 217

1. Reference is made to your memoranda No. G/30E/1250 of 2nd September 1946 and 31166/46, G/30E/1289 dated 4th September, 1946.

2. I am directed to inform you that efforts to trace the German Listed in your memoranda are being made by the proper Military Authorities.

3. Of the Germans Listed, GUENTHER is in custody; however, there is considerable doubt as to whether there is any case for him to answer. The matter is being investigated by Captain WYNNE, Italian Liaison Officer at present attached to the Deputy Judge Advocate General Branch, so you can be assured that everything possible is being done.

For the Chief Ordnance:

[illegible]
Brigadier,
Technical Ordnance.

2161

G.25/107

0384

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517

INCOMING MESSAGE

235

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: 5263
Date / Time of Origin: OCT. 22 NFT

Message Centre No: H/7385
Date Time Rec'd: OCT. 231030
Precedence: PRIORITY

FROM: SACMED CITE FHGEG
TO : ALCOM ROME

OCT 23 1946

CONFIDENTIAL

250 34A

CONFIDENTIAL.

This Headquarters signal FX 72714 of 16 October relates specifically to persons on Unwcc lists. No other persons are recognized by United Nations to be classified as war criminals, Allied authorities have never had any responsibility for their apprehension as such. Paragraph 2 B of our G-5000.5-6 of 4 February 46 is relevant.

Lee. Munk 258. ← Neither AFHQ nor Alcom will act as intermediary between any other country and Italy on war crime matters.

It is agreed that representation referred to in para 4 of FX72714 should be so to U.S. and British Governments.

250

AC DIST

ACTION EX COMM
INFO CHIEF COMMISSIONER
POLAD (A)
" (B)
FILE
SKELETON

See 258.

ACTION CONFIDENTIAL

2 OCT 23 1946

P.A. 22/10/46

J.V
(CAPT V)

0385

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 98

EC 254

Ref: 4/23.8/2/GA

21 October 1946.

My dear Doctor Modleka,

Your letter Rev.Br.1125/46 of 14 October 1946 addressed to the Supreme Allied Commander on the subject of your previous requests for the arrest and handing over of all Italian war criminals who have been listed by the United Nations War Crimes Commission was just about to be transmitted when new instructions from Rome made it unnecessary.

I have been instructed to inform you that since the Allied Military Government has been abolished throughout the whole of Italy with the exception of VENEZIA GIULIA and the Province of TRIESTE, requests for delivery of Italians who have been listed by the War Crimes Commission must be taken up directly with the Italian Government by the nation requesting the alleged criminals.

Very truly yours,

/s/ Ellery W. Stone

Ellery W. Stone
Rear Admiral, USN
Chief Commissioner

Copy to: AFHQ, G-5.
Polad (A)
Polad (B)
LFCC (MMIA)
Public Safety Division.

2159

J.A.
(Copy V)

0386

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 Gb 2780 253 Ex Com

SUBJECT:- Nazi War Criminals.

GHQ CMF.
16200/23/A3.
17 Oct 46.

Headquarters,
Allied Commission.

222

OCT 21 1946

Reference your 6517/219/EC of 23 September 1946.

1. Efforts to trace the GERMANS listed in the various documents forwarded with your above quoted letter are being made by this Headquarters.

2. Of the GERMANS listed GRUNDMANN is in custody; however there is considerable doubt as to whether there is any case for him to answer. The matter is being investigated by Capt VITALE, Italian Liaison Officer at present attached to DJAG Branch of this Headquarters, so the Italian authorities can be assured that everything possible is being done.

R W Grayburn-Hope
Colonel,
Colonel "A".

RH

see f. 220 217 214 215

(3 cond mem)

0387

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 Ex

INCOMING MESSAGE

Ex Comm 2
252

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: C 65690

Date / Time of Origin: OCT 191445A

Message Centre No: H/7304

Date Time Rec'd: OCT 201415

Precedence: ROUTINE

FROM: AFHQ G-5

TO : ALCOM, INFO: GHQ CMF

UNCLASSIFIED:

250 OCT 21

Reference should be to Fan 696. Ref our FX 72714. Repeat 696 non 695.

AC DIST

ACTION - EX COMMR 2

INFO - CHIEF COMMISSIONER

POLAD A

POLAD B

FLOAT

FILE

OCT 20 1946

ACTION

(-S/COMD MEM)

2-2457

Declassified E.O. 12356 Section 3.3/NND No. 785017

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: FX 72746
Date/Time of Origin: OCT 17104 1A
Message Centre No: H/7257
Date Time Rec'd OCT 181030
Precedence: ROUTINE

FROM: AFHQ
TO : ~~GHQ CMF~~ SIGNED SACMED CITE FHGEG ,INFO: ALCOM ROME

OCT 18 1946

RESTRICTED:

RESTRICTED

In view fan 69[illegible] sent to you under this Headquarters FX 72714 of 16 October. Reur AC/0040 undated and Alcom AC/4119/5/L of 19 August. Presume Alcom will take no further action under your 16443/A3 of 12 September beyond informing the French Liaison Officer of the CCS decision as to channels and this Headquarters signal 04145 B will not require cancellation.

RESTRICTED

AC DIST

INFO - ACTION C.A. Sec

INFO ACTION - EX COMMR 2

INFO - CHIEF COMMISSIONER

FLOAT

FILE

OCT 18 1946

action taken by Capt Vella

(Second Mem)

0389

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 EC

INCOMING MESSAGE

230

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: FX 72714
Date/Time of Origin: OCT ----
Message Centre No: II/7242
Date Time Rec'd: OCT 171530
Precedence: IMPORTANT

FROM: AFHQ SIGNED SACMED CITE FHGEG
TO : ALCOM ROME
INFO: GHQ CMF

OCT 17 1946

Confidential

SECRET

135

SECRET

The following is text of CCS signed FAN 696 of 9 October.

"Reference Alcom letter 6517/EC of 13 April 1946 to GHQ CMF. Your request for Italians, including those mentioned in NAF 1165 who are wanted as War criminals by any of the United Nations will be handled as follows since Allied Military Government has been abolished throughout the whole of Italy with the exception of Venezia Giulia and the province of Udine. The request for the delivery of Italians who are alleged War Criminals will be taker up directly with the Italian Government by the Nation requesting the alleged criminals."

2. Ruling will be applied to requests already made which have not yet been complied with, Governmental representatives who have made such requests will be so informed forthwith.

3. Governmental Representatives of United Nations other than British and US will be informed of the above ruling as and when they submit requests to you to arrange for alleged War Criminals to be handed over.

4. In event of a governmental representative questioning validity of above ruling he should be advised that matter is one to be raised through Diplomatic channels.

5. The ruling is considered to Debar AFHQ or Alcom from acting as a medium for comminication between Yugoslav Governmental Representative and Italian Government on matters connected with surrender of alleged Italian War Criminals. Should he raise question Jugoslav representative should be informed accordingly.

255

(G/CGTD Mem) Ref 7-235 SECRET See 4.25 OCT 17 1946 252 PA 2/4/1

0390

Declassified E.O. 12356 Section 3.3/NND No. 785017

249

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: FX 72714

Date/Time of Origin:

Message Centre No:

Date Time Rec'd:

Precedence:

FROM:

TO :

PAGE TWO

SECRET ~~SECRET~~ ~~Confidential~~

SECRET

AC DIST

Action: Executive Commissioner (2)

Info: Chief Commissioner

File

Skaaeton

c c to arranged distribution by Pilot

ACTION

SECRET

215

OCT 17 1946

6517 40

Ministero degli Affari Esteri

Val/Sa

6/3236 1264 148

C.A. Sec.

OCT 14 1945

MEMORANDUM FOR THE ALLIED COMMISSION

EC DIST - 16/10/46

ACTION - CASEC
INFO - EC

Subject: Albanian subject: XHELAL STARAWESKA.

1. The Albanian subject XHELAL STARAWESKA has been reported to be detained in the Slav concentration camp of Eboli (Salerno).

2. The a/n person, as it has been proved by unquestionable evidence and also by a statement written in his own handwriting, statement which is in possession of the Ministry for Foreign Affairs, has been the principal actual executioner of a massacre made in Albania on October 1943 of the Italian Colonel of Carabinieri Emilio Gamucci and other 100 between officers and Carabinieri, who had joined the partisans with the purpose of fighting against the Germans. Being at first regarded as comrades, they were subsequently stripped of their arms and, under the pretext of effecting a transfer, they were led into a forest, bound together two by two, and then slain with machine-guns by Staraweska and other Albanians. Afterwards Staraweska boasted of having personally shot no less than 60 out of the total number of the killed Italian soldiers.

3. As per Art. 10 of the Italian Penal Code, the alien who perpetrates in foreign territory a crime against Italian nationals which is punishable with a minimum of one year imprisonment, is to be prosecuted according to the Italian law which, of course, is being put into force through the whole Italian territory.

4. In compliance with the above stated principle, which cannot be subject to exceptions on matter of territory of the Italian state, the Military Attorney General of the Military Court in Rome, has repeatedly ~~appealed~~ the Allied Military Command for obtaining the handing over of the a/m Albanian subject. Such requests have been unsuccessful up to now.

5. The Ministry for Foreign Affairs would appreciate if the Allied Commission could kindly give instructions to the competent Allied organs in order that authorization to execute the warrant of arrest against the a/n be duly granted.

P.A. 24/10/46

See #. 263,275

p.t.o.

Declassified E.O. 12356 Section 3.3/NND No. 785017

Ministero degli Affari Esteri

Val/Sa

6/3236

C.A. Sec

OCT 14 1946

MEMORANDUM FOR THE ALLIED COMMISSION

EC DIST - 16/10/46
ACTION - CASEC
INFO - EC

Subject: Albanian subject: XHELAL STARAWESKA.

1. The Albanian subject XHELAL STARAWESKA has been reported to be detained in the Slav concentration camp of Eboli (Salerno).

2. The a/n person, as it has been proved by unquestionable evidence and also by a statement written in his own handwriting, statement which is in possession of the Ministry for Foreign Affairs, has been the principal actual executioner of a massacre made in Albania on October 1943 of the Italian Colonel of Carabinieri Emilio Gamucci and other 100 between officers and Carabinieri, who had joined the partisans with the purpose of fighting against the Germans. Being at first regarded as comrades, they were subsequently stripped of their arms and, under the pretext of effecting a transfer, they were led into a forest, bound together two by two, and then slain with machine-guns by Staraweska and other Albanians. Afterwards Staraweska boasted of having personally shot no less than 60 out of the total number of the killed Italian soldiers.

3. As per Art. 10 of the Italian Penal Code, the alien who perpetrates in foreign territory a crime against Italian nationals which is punishable with a minimum of one year imprisonment, is to be prosecuted according to the Italian law which, of course, is being put into force through the whole Italian territory.

4. In compliance with the above stated principle, which cannot be subject to exceptions on matter of territory of the Italian state, the Military Attorney General of the Military Court in Rome, has repeatedly ~~applicated~~ the Allied Military Command for obtaining the handing over of the a/m Albanian subject. Such requests have been unsuccessful up to now.

5. The Ministry for Foreign Affairs would appreciate if the Allied Commission could kindly give instructions to the competent Allied organs in order that authorization to execute the warrant of arrest against the a/n be duly granted.

P.A. 21/10/46

Sez. N. 263, 275 p.t.o.

(CAPT V)

Declassified E.O. 12356 Section 3.3/NND No. 785017

6. The Ministry for Foreign Affairs, moreover, should like to be informed whether the Allied Commission wishes to take notice of the judicial documents concerning the indictment.

Rome, October 13th, 1946

Declassified E.O. 12356 Section 3.3/NND No. 785017

0394

Declassified E.O. 12356 Section 3.3/NND No. 785017

247

File

HEADQUARTERS ALLIED COMMISSI
A P O 794
Office of the Executive Commissioner

Ref. : 6517/247/30 11 October 1946

SUBJECT: Extradition.

TO : French Representative
A.C.

246

In accordance with your letter no. 30/8 dated 8 October 1946 I enclose a copy of the cable of the British Poland at Caserta on this subject. 247A

FOR THE CHIEF COMMISSIONER:

A. W. Kinsey

Brigadier,
Executive Commissioner.

Encls. as above.

Concurred by Poland 3'

Declassified E.O. 12356 Section 3.3/NND No. 785017

CABLE OF AFHQ TO THE BRITISH FOREIGN OFFICE

DATED 11-9-46.

AFHQ have asked me to draw attention to two points in draft Otalian Peace Treaty as contained in U.N. print of July 17th, Section I.

Article 38. Under wording of this article a mere accusation of a war crime or of treachery suffices to place the Italian Government under an oblication to hand over anyone so accused. The Yugoslavs for instance would therefore be in a position to, and inevitably would, demand surrender not only of all Yugoslav dissidents now in Italy, but also of a large number of Italians in important positions. This, apart from being a reversal of our policy to protect genuine political refugees, and to consider for surrender only those war criminals whose names have been included on U.N.W.C.C. list, would obviously prove of extreme embarrassment to an already confused Italian Government. Moreover in the case of Yugoslav political refugees, the Italian Government would probably be only too glad to be rid of the responsibility of maintaining them.

0396

Declassified E.O. 12356 Section 3.3/NND No. 785017

TRANSLATION:

246

HEADQUARTERS ALLIED COMMISSION
Office of the French Representative
APO 394

No. 3018 Rome, 8th October 1946.

FROM. : French Representative to A.C.

TO. : Executive Commissioner, Chief Staff Officer.

SUBJECT: Copy of a Cable mentioned in minute No. 210/EC of Executive Commissioner's meeting 1st October 1946.

I have the honour to request, if it is possible, a copy of the cable sent to Paris by the British Political Adviser to AFHQ, which is mentioned in para 4 "Extradition Laws" of the minutes of the Executive Commissioner's meeting, 1st October 1946 No. 210/EC.

File 210

Capitain de Vaisseau
HERON de VILLEFOSSE
French Representative to A.C.

See F247

2150

0397

Declassified E.O. 12356 Section 3.3/NND No. 785017

~~2267~~ 6517

245

HEADQUARTERS ALLIED COMMISSION
Office of the French Representative
APO 394

OCT - 9 1946

N° 3018

Rome, le 8 Octobre 1946

From: Représentant Français auprès l' AC

To: Executive Commissioner, Chief Staff Officer

Subject: Copie d'un télégramme mentionné dans la minute n° 210/EC du meeting de l'Executive Commissioner du 1er Octobre 1946

J'ai l'honneur de vous demander, si la chose est possible, communication de la copie du télégramme envoyé à Paris par le Conseiller Politique Britannique à AFHQ dont il est fait mention au para. 4 "Loi d'extradition" de la minute du meeting de l'Executive Commissioner du 1er Octobre 1946, n° 210/EC.

File 210

Le Capitaine de Vaisseau
HERON de VILLEFOSSE
Représentant Français auprès l'AC

Cdt de Vill/vm

2149

(T/Cons Mem)

0398

Declassified E.O. 12356 Section 3.3/NND No. 785017

244

HEADQUARTERS ALLIED COMMISSION
APO 794
Office of the Executive Commissioner

Ref. 6512/244/3C

7 October 1946

SUBJECT: Nazi War Criminals.

TO : G-5 Section,
AFHQ.

MEMORANDA NOs.:

237
240
243

no. 6/3203/1251 dated 5 October 1946
" 6/3208/1254 " " "
" 6/3209/1255 " " "

The above numbered memoranda from the Italian Ministry of Foreign Affairs to the Allied Commission on the subject of Nazi War Criminals are forwarded at the request of the Italian Government.

FOR THE CHIEF COMMISSIONER:

A. W. Knisely.

Brigadier,
Executive Commissioner.

2147

Val/To

Ministero degli Affari Esteri

617 243

B 6/3209/1255

MEMORANDUM FOR THE ALLIED COMMISSION

SUBJECT: Nazi war criminals.

1. The Ministry for Foreign Affairs enclose 5 copies of the pro-forma containing the charges brought up by the Military Attorney in connection with atrocities perpetrated in Italy, by the following member of the German Army whose handing over for trial is formally requested:

- BORSCHE Leutenant M.D. Fuhrung Beauftragt address Dienstelle Feldpost n.59052 B.

2. The Ministry for Foreign Affairs would be obliged if the Allied Commission could forward the name in question to the competent Allied Authorities in order that the a/m war criminal be traced, arrested and handed over for trial, in accordance with the terms of the Moscow declaration.

3. The Military Attorney General has already collected all probatory evidence and has completed the indictment.

Rome, October 5th, 1946.

Ser 244 331

MINISTERO DEGLI AFFARI ESTERI

ENCL.

FA 3/10/46

Declassified E.O. 12356 Section 3.3/NND No. 785017

Val/To

Ministero degli Affari Esteri

B 6/3209/125

MEMORANDUM FOR THE ALLIED COMMISSION

SUBJECT: Nazi war criminals.

1. The Ministry for Foreign Affairs enclose 5 copies of the pro-forma containing the charges brought up by the Military Attorney in connection with atrocities perpetrated in Italy, by the following member of the German Army whose han= ding over for trial is formally requested:

- BORSCHE Leutenant M.D. Fuhrung Beauftragt address Dienstelle Feldpost n.59052 B.

2. The Ministry for Foreign Affairs would be obli= ged if the Allied Commission could forward the name in que= stion to the competent Allied Authorities in order that the a/m war criminal be traced, arrested and handed over for trial, in accordance with the terms of the Moscow declaration.

3. The Military Attorney General has already collec= ted all probatory evidence and has completed the indictment.

Rome, October 5th, 1946.

Le 244 331

MINISTERO DEGLI AFFARI ESTERI

ENCL.

F.R. 9/10/46

214

(CAPT K)

Declassified E.O. 12356 Section 3.3/NND No. 785017

Declassified E.O. 12356 Section 3.3/NND No. 785017

242

TRANSLATION

(For the use of the Secretariat)
Registered number.....

Date of receipt in Secretariat

UNITED NATIONS WAR CRIMES COMMISSION

Charges against
Case n.307/Reg.Gen: War criminals

Name of accused his rank and unit or official position

1) BORGHS Leutenant M.D. Fuhrung Beauftragt address Dienstella Feldpost n.59052 B
2) Some unidentified German soldiers

Date and place of commission of alleged crime

On September 25th 1943, at Pianura (NAPOLI)

Number and description of crime in war crimes list.

Convention 8/8/45 art.6 par.B International Military Court's Statute

Reference to provisions of national law.

Arbitrary requisitions (Art. 294. War Penal Code)

Short Statement of facts.

Arbitrary requisitions at Pianura (NAPOLI), with threats of death to N.C.O. ZANCHI Concetto, in charge of the local post of Carabinieri, to members of his family, to a certain number of Carabinieri of the post, and menace of slaughter against civilians.

2146

0402

Declassified E.O. 12356 Section 3.3/NND No. 785017

DETAILS OF ALLEGED CRIME

About 13.00 hours of September 25th, 1943, at Pianura (NAPOLI), German Lieutenant GORGUS M.D. Fuhrung Beauftragt, belonging to Dienstelle Feldpost n.30050 B, and other unidentified German soldiers armed with machine guns, went into the office of the employee of the Comune, Santoianni Abramo, and called there M.C.C. Concetto Zanghi, who was in charge of the local post of carabinieri, ordering him the requisitioning of 200 quintals of potatoes, 30 barrows, 40 horses or mules and the delivery of 50 men. The a/m total delivery should have taken place at 16.00 hours.

M.C.C. Zanghi pointed out the impossibility to comply with the request within such a short notice. The German officer handed him an order of requisition issued by the Rome Commanding officer, gave up the requisitioning order for the potatoes, and halved the other requests. He declared, however, that in case of not compliance with the above, M.C.C. Zanghi, his family, a certain number of Carabinieri of the post would have been killed, and the civilians would have been slaughtered.

Later on M.C.C. Zanghi handed over only 4 barrows and 7 asses to the Germans, who did not make any objections.

0403

Declassified E.O. 12356 Section 3.3/NND No. 785017

DETAILS OF EVIDENCE

The fact, as it has been stated above, is fully confirmed by the statement of the employee of the Comune Santeiamal Abramo who delivered it to N.C.C. of Carabinieri Zanghi Comcotto/

.0404

Declassified E.O. 12356 Section 3.3/NND No. 785017

NOTES ON THE CASE

a) The responsibility of Lieutenant Borsche appears evident, as well as the responsibility of the other unidentified German soldiers who effected the arbitrary requisition.

b) Lieutenant Borsche shall probably base his defence alleging that he obeyed the order of the German Command of Rome. Responsibility of other persons, if any, shall be ascertained during Borsche's cross-examination.

c) The indictment may be considered as closed.

6517

240

Val/To

Ministero degli Affari Esteri

6/3208/1254

MEMORANDUM FOR THE ALLIED COMMISSION

SUBJECT: Nazi war criminals.

1. The Ministry for Foreign Affairs enclose 5 copies of the pro-forma containing the charges brought up by the Military Attorney General in connection with atrocities perpetrated in Italy, by the following members of the German Army whose handing over for trial is formally requested:

- DEXCHEIMER Obleutnant and Company Commander:
- MENJE Leutnant:
- BAUMANN Gefreiter:
- KOGER Hauptmann and Batallion Commander.

2. The Ministry for Foreign Affairs would be obliged if the Allied Commission could forward the names in question to the competent Allied Authorities in order that the a/m war criminals be traced, arrested and handed over for trial, in accordance with the terms of the Moscow declaration.

3. The Military Attorney General has already collected all probatory evidence and has completed the indictment.

See 244

See 7331

MINISTERO DEGLI AFFARI ESTERI

Rome, October 5th, 1946.

ENCL.

Declassified E.O. 12356 Section 3.3/NND No. 785017

Val/To

Ministero degli Affari Esteri

6/3208/[illegible]

MEMORANDUM FOR THE ALLIED COMMISSION

SUBJECT: Nazi war criminals.

1. The Ministry for Foreign Affairs enclose 5 copies of the pro-forma containing the charges brought up by the Military Attorney General in connection with atrocities perpetrated in Italy, by the following members of the German Army whose handing over for trial is formally requested:

- DEXCHEIMER Obleutnant and Company Commander:
- MENJE Leutnant:
- BAUMANN Gefreiter:
- KOGER Hauptmann and Batallion Commander.

2. The Ministry for Foreign Affairs would be obliged if the Allied Commission could forward the names in question to the competent Allied Authorities in order that the a/m war criminals be traced, arrested and handed over for trial, in accordance with the terms of the Moscow declaration.

3. The Military Attorney General has already collected all probatory evidence and has completed the indictment.

Rome, October 5th, 1946.

ENCL.

(CAPT K)

Sez 244

Sez 7331

MINISTERO DEGLI AFFARI ESTERI

P.R. 9/10/46

244

Declassified E.O. 12356 Section 3.3/NND No. 785017

0407

Declassified E.O. 12356 Section 3.3/NND No. 785017

239

TRANSLATION
(For the use of the Secretariat)

Registered number.....

Date of receipt in Secretariat

UNITED NATIONALS WAR CRIMES COMMISSION

Charges against War criminals
Case n.

Name of accused his rank and unit of official position	1) Dexcheimer obleutnant and Company Commander 2) Manje Leutnant 3) Baumann Gefreiter 4) Koger Hauptmann and Batallion Commander
Date and place of commission of alleged crime.	January 11th, 1945 at Pieve di Teco (IMPERIA)
Number and description of crime in war crimes list.	Convention 8/8/45 art.6 par.B International Military Court's Statute.
Reference to provisions of national law.	Violence with murder against enemy civilians (art.185 War Penal Code).

Short Statement of facts

Killing of Mario PONZONI.

214?

Declassified E.O. 12356 Section 3.3/NND No. 785017

DETAILS OF ALLEGED CRIME

On December 30th, 1944, the Commanding Officer of a German Batallion posted at Pieve di Teco, ordered the arrest of Ponzoni Mario, an employee of the local Comune on charge of having issued a counterfeited identity card with the purpose of facilitating the escape of a certain Leonello Berti, nicknamed Menini: a Captain of Partisans captured by the Germans.

The Batallion's Military Court, after having sentenced to death the a/m Berti, who was shot soon after on January 11th, 1945, summoned again at the same place and sentenced to death Mario Ponzoni-M No defence Counsel was provided in as much as the a/n was found guilty of treason having assisted the German Armed Forces' enemy. Such a crime is punishable, according to German Military Law, by death.

Mario Ponzoni was executed on the same day.

Declassified E.O. 12356 Section 3.3/NND No. 785017

Details of the evidence.

A copy of sentence regarding Ponzoni is existing in the archives, being brought to the public notice by posters at Pieve di Teco. From said sentence it appears that the members of the Court were: Dexheiner, Menje and Bauman and that the Battallion Commander Koger gave the order of ex= ecuting the sentence.

The circumstances of Ponzoni's arrest and its causes are described in a report of the local Carabinieri and also in a statement made by Ponzoni's father. It is not proved whether the Court which condemned Captain Berti was the same which issued Ponzoni's sentence.

0410

Declassified E.O. 12356 Section 3.3/NND No. 785017

Notes on the case.

a) The responsibility of the defendants seems ascertained either for the disproportion existing between the fact and the sanction, or for having denied to Ponzoni the Defense Counsel which he was entitled to.

b) The defendants whall probably endeavour to demonstrate that they have been compelled to issue a capital sentence inasmuch as such a penalty is foreseen by their law of war for the crime of treason.

It does not appear that Ponzoni was guilty of treason because it has not been proved, as the sentence shows, that the above named had pursued such an end.

Only by the defendants' cross-examination it will be possible to establish the degree of their responsibility.

c) The indictment may be considered as closed.

6517

237

Ros/To

Ministero degli Affari Esteri

6/3203/127

MEMORANDUM FOR THE ALLIED COMMISSION

SUBJECT: Nazi war criminals.

1. The Ministry for Foreign Affairs enclose 5 copies of the pro-forma containing the charges brought up by the Military Attorney General in connection with ill treatment inflicted to Italian P.W. in Germany, by the following members of the German Army whose handing over for trial is formally requested:

- BERNARDI - Colonel, commander of the camp at Wietzendorf.
- LEIMBERG - Bavarian captain.
- STRASSMEYER - Corporal.

2. The Ministry for Foreign Affairs would be obliged if the Allied Commission could forward the names in question to the competent Allied Authorities in order that the a/m war criminals be traced, arrested and handed over for trial, in accordance with the terms of the Moscow declaration.

3. The Military Attorney General has already collected all probatory evidence and has completed the indictment.

Rome, October 5th, 1946.

ENCL.

Lee 4 331

Lee 244

2141

T.D. 8/10/46

Declassified E.O. 12356 Section 3.3/NND No. 785017

Ros/16.

Ministero degli Affari Esteri

MEMORANDUM FOR THE ALLIED COMMISSION

SUBJECT: Nazi war criminals.

1. The Ministry for Foreign Affairs enclose 5 copies of the pro-forma containing the charges brought up by the Military Attorney General in connection with ill treatment inflicted to Italian P.W. in Germany, by the following members of the German Army whose handing over for trial is formally requested:

- BERNARDI - Colonel, commander of the camp at Wietzendorf.
- LEIMBERG - Bavarian captain.
- STRASSMEYER - Corporal.

2. The Ministry for Foreign Affairs would be obliged if the Allied Commission could forward the names in question to the competent Allied Authorities in order that the a/m war criminals be traced, arrested and handed over for trial, in accordance with the terms of the Moscow declaration.

3. The Military Attorney General has already collected all probatory evidence and has completed the indictment.

Rome, October 5th, 1946.

ENCL.

(CAPT K)

Declassified E.O. 12356 Section 3.3/NND No. 785017

Declassified E.O. 12356 Section 3.3/NND No. 785017

236

TRANSLATION

(For the use of the Secretariat)
Registered number.....

Date of receipt in Secretariat

UNITED NATIONALS WAR CRIMES COMMISSION

Charges against Case n. Name of accused his rank and unit of official position	War criminals 1. BERNARDI - Colonel, commander of the camp at Wietzendorf, BOLZANO 2. LEISBERG - Bavarian Captain 3. STRASSMEYER - Corporal 4. Other unidentified German soldiers
Date and place of commission of alleged crime.	From February 9th, 1944, to April 16th, 1945, in the Italian P.W. camp Oflag 83 in Wietzendorf.
Number and description of crime in war crimes list.	Convention 8/8/45 art.6 par.B International Military Court's Statute.
Reference to provisions of national law;	Violence with murder, attempted manslaughter, ill treatment of Italian P.W. (art. 209-211 war time code)

Short Statement of facts.

Killing of Captain MANCINI Guido, wounding of Lieut. FIORENTINI Salvatore and ZAUNTEL Marco; attempted manslaughter of other Italian officers not identified, and repeated ill treatment of private VIANI Rodolfo and other Italian P.W.

2140

0414

Declassified E.O. 12356 Section 3.3/NND No. 785017

PARTICULARS OF ALLEGED CRIME

The treatment of the Italian P.W. at the camp Oflag 83 at Wietzendorf, which was under the command of Col. BERNARDI was inhuman.

At the slightest infraction of discipline or of regulations, the sentries recurred to use of fire-arms, either of their own initiative or on superior orders, and this system of terror was strictly adhered to.

The head of the camp, Lieut.Col. Pietro TESTA, made repeated protests, but to no avail. By his report, together with that of Lieut.Col. Elio ONIONI, the following facts have been ascertained:

1) - Killing of Captain MANCINI Guido by a German sentry on March 18th, 1944, during an air raid alarm, while the a/n was reading inside his barrack. The responsibility for the killing of Captain Mancini is also shared by Captain LEIMBERG who incited the sentry to fire.

2) - Wounding of Lieut. Fiorentino Salvatore by a German sentry on July 20th, 1944, during an air raid alarm, while the a/n officer was getting back to his barrack.

3) - On or about January 1945, caporal Strassmeyer fired at an Italian officer, missing him however, while the a/n was pickin up a potato near the camp's kitchen.

4) - Wounding of Lieut. Zanutel Marco by a German sentry, on January 28th, 1945, because during an air raid alarm not having heard the warning signal, he was not inside his barrack.

5) - Repeated ill treatment perpetrated against Italian P.W. by the a/n caporal Strassmeyer and other unidentified German soldiers.

0415

Declassified E.O. 12356 Section 3.3/NND No. 785017

DETAILS OF EVIDENCE

The above mentioned facts are supported by evidence submitted by Lieut.Col. Pietro TESTA, Lieut.Col. Elio ORIOLI and by private Rodolfo VIANI.

0 4 1 6

Declassified E.O. 12356 Section 3.3/NND No. 785017

NOTES ON THE CASE

a) The responsibility of the indicted persons appears evident. There is a higher responsibility as far as the commanding officer of the camp: Col. BERNARDI, is concerned.

b) It will not be possible to ascertain on what ground the indicted persons will base their defence. Only after cross examining it will be possible to ascertain whether other persons are responsible and in what measure, and whether they have ill treated Italian P.W. on their own initiative or on superior orders.

c) The indictment is to be considered closed.

Declassified E.O. 12356 Section 3.3/NND No. 785017

234

HEADQUARTERS ALLIED COMMISSION
APO 794
Office of the Executive Commissioner

Ref: 6517/234/103

4 October 1946

SUBJECT: Nazi War Criminals

TO : The Ministry of Foreign Affairs,
Poland.

Memoranda Nos. 6/2958/1151 dated 16 August 46 — 176
6/2959/1152 dated 17 August 46 — 177
6/2966/1153 dated 16 August 46 — 178
6/2957/1150 dated 16 August 46 — 181
6/2961/1154 dated 16 August 46 — 182

Reference is made to the above-numbered memoranda.

It has not been possible to obtain a positive identification of the persons listed owing to the scanty information supplied.

However there is a record of:

(a) A 736795 Unterscharf HOFMAIN Richard

(b) NA 17466 Unterscharf HOCKER Ferdinand

It may be possible to make further investigation of these PW if you will submit a questionaire for them to complete.

FOR THE CHIEF COMMISSIONER.

B. W. Knisely.

Brigadier,
Executive Commissioner.

2138

Folio 224 refers

0418

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 R

133

HEADQUARTERS ALLIED COMMISSION
APO 794
Office of the Executive Commissioner

Ref. : 4/29.43/CA 2 October 1945

SUBJECT: War Crimes.

TO : G-5 Section,
APO.

In accordance with your verbal request I enclose a second copy of the Yugoslavian Report on Italian Crimes against Yugoslavia and its peoples.

FOR THE CHIEF COMMISSIONER:
A. W. Kaisely

Brigadier,
Executive Commissioner.

Encls. as above.

Copy to: E.C.

See p. 232

2137

CA 3/10

0459

Declassified E.O. 12356 Section 3.3/NND No. 785017

651Y 47

232

DELEGATION OF THE FEDERAL PEOPLE'S
REPUBLIC OF JUGOSLAVIA
TO THE ADVISORY COUNCIL FOR ITALY

OCT 1 1946

Br. 1464/46 28 Sep.1946

SUBJECT : Report on Italian Crimes against Yugoslavia and its Peoples.

TO : Capt.A.W.KNIGELY,
Liaison Division
H.Q.A.C.

With reference to our conversation some days ago,I have the pleasure to forward to you for the Allied Commission the requested copy of the a/m book.

Encl. As above.

(Capt K).

CEDOMIL VELJACIC,Secretary
Jugoslav Delegation A.C.I.

Acc 180.233

Declassified E.O. 12356 Section 3.3/NND No. 785017

HEADQUARTERS ALLIED COMMISSION
A P O 794
Office of the Executive Commissioner

FILE 231.

Ref. :6517/231/20 2. October 1946

SUBJECT:Nazi War Criminals.

TO :G-5 Section,
AMG.

MEMORANDA NOs.: 227.226.225

6/3180/1230 dated 3 September
6/3182/1240 " 30 "

230.229.228

The above named memoranda from the Italian Ministry of Foreign Affairs to the Allied Commission on the subject of Nazi War Criminals are forwarded at the request of the Italian Government.

FOR THE CHIEF COMMISSIONER:

A. W. Knisely.

Brigadier,
Executive Commissioner.

Encls. as above.

Ser 307

2135

Ser 7-278

OR./To

Ministero degli Affari Esteri

6514

6/3102/1240

230

OCT 1 1946

Lee 7321

MEMORANDUM FOR THE ALLIED COMMISSION

SUBJECT: Nazi war criminals.

1. The Ministry for Foreign Affairs enclose 5 copies of the pro-forma containing the charges brought up by the Military Attorney General, in connection with the murder of Italian Prisoners of war against the following members of the German Army whose handing over for trial is formally requested:

- REINHARDT - Lieutenant Colonel 5th Company, 11/578 Regt. II Div. 305.
- WOERNER - N.C.O. 3rd platoon a/m Company.
- WEHRLE - Officer.
- MEHRINGER - Officer.
- ZEITLER - Corporal.
- BOLL Eugenio - Corporal.
- BUCKALLER - Lance corporal.
- HUNNING - Lance corporal.

2. The Ministry for Foreign Affairs would be much obliged to the Allied Commission if they could forward the names in question to the competent Allied Authorities in order that the a/m war criminals be traced, arrested and handed over for trial, in accordance with the terms of the Moscow declaration.

3. The Military Attorney General has already collected all probatory evidence and has compiled the indictement.

2134

Rome, September 28th, 1946.

Declassified E.O. 12356 Section 3.3/NND No. 785017

OR/To

Ministero degli Affari Esteri

OCT 1 1946

See 74321

MEMORANDUM FOR THE ALLIED COMMISSION

SUBJECT: Nazi war criminals.

1. The Ministry for Foreign Affairs enclose 5 copies of the pro-forma containing the charges brought up by the Military Attorney General, in connection with the murder of Italian Prisoners of war against the following members of the German Army whose handing over for trial is formally requested:

- REINHARDT - Lieutenant Colonel 5th Company, 11/578 Regt. II Div. 305.
- WOERNER - N.C.O. 3rd platoon a/m Company.
- WEHRLE - Officer.
- MEHRINGER - Officer.
- ZEITLER - Corporal.
- BOLL Eugenio - Corporal.
- BUCKALLER - Lance corporal.
- HUNNING - Lance corporal.

2. The Ministry for Foreign Affairs would be much obliged to the Allied Commission if they could forward the names in question to the competent Allied Authorities in order that the a/m war criminals be traced, arrested and handed over for trial, in accordance with the terms of the Moscow declaration.

3. The Military Attorney General has already collected all probatory evidence and has compiled the indictment.

MINISTERO DEGLI AFFARI ESTERI

2134

Rome, September 28th, 1946.

(Gallo)

Declassified E.O. 12356 Section 3.3/NND No. 785017

0423

Declassified E.O. 12356 Section 3.3/NND No. 785017

229

TRANSLATION

(For the use of the Secretariat)
Registered number.....

Date of receipt in Secretariat

UNITED NATIONS WAR CRIMES COMMISSION

Case n.

Charges against War criminals

Name of accused his rank and unit of official position

1) REINHARDT - Lieutenant commander the 5th Company 11/578 Regt. 11 Division SS.
2) TOBRMER - N.C.O. 3rd Platoon of the a/m Company.
3) WEIBLE - Officer - 4) MEHRINGER - Officer.
5) ZEITLER - Corporal - 6) BOLL Eugenio - Corporal.
7) BUCKALLER - Lance Corporal - 8) HUNKING - Lance Corporal

Date and place of commission of alleged crime.

3 September 1944. Zone 1169. locality Monte Pomponi (Firenze).

Number and description of crime in war crimes list.

Convention 8/8/45 art.6 par.B International Military Court's Statute (war crimes).

Reference to provisions of national law.

Murder (art.211 - War Penal Code);

Short Statement of facts.

Murder of Lieutenant Capanna Aldo and of Sergeant Boccherini Otello, perpetrated by the a/n members of the German Army.

2137 -

0424

Declassified E.O. 12356 Section 3.3/NND No. 785017

Details of alleged crime.

On the morning of September 3rd 1944, in the neighbourhood of Monte Pomponi, an Italian patrol was attacked by surprise by the Germans. At this moment Lieutenant Capanna and the N.C.O. Bocchorini were far ahead of their men, on reconnition.

Owing to the overwhelming superiority of the enemy, the rest of the patrol had to fall back, leaving the a/m officer and N.C.O. in the hands of the Germans.

Later on, when Monte Pomponi was captured, the corpses of the two men were found atrociously mutilated (deprived of eyes and tongues), so that it has been inferred from such evidence that they were put to the torture in order to get information.

215

0423

Declassified E.O. 12356 Section 3.3/NND No. 785017

RECAPITULATION OF EVIDENCE IN BRIEF

It appears from the collected evidence, and especially from the cross-examination of Corporal HOLL, P.O.W.N.177 BEG, that the executors of the murder are the German officer KRAUTHOFF and Corporal KUNZIG, though the responsibility of the others cannot be excluded.

0426

Declassified E.O. 12356 Section 3.3/NND No. 785017

NOTES ON THE CASE

a) The responsibility of the defendants appears to be evident, as it has been established that the German unit operating near Monte Pomponi on September 3rd 1944 was the one to which they belonged.

b) As the responsibility of the C.O. the 5th Company and of the N.C.O. Woerner is undoubtedly greater, it is to be presumed that the other defendants will base their defence on the fact that they were mere executors of superior orders.

c) As no one else was present, the indictment can be considered closed.

Ros/To

Ministero degli Affari Esteri

6514 (1)

6/31/0/1238

227

OCT 1 1946

MEMORANDUM FOR THE ALLIED COMMISSION

SUBJECT: Nazi war criminals.

1. The Ministry for Foreign Affairs enclose 5 copies of the pro-forma containing the charges brought up by the Military Attorney General in connection with atrocities perpetrated in the locality of Pievetta (CUNEO), against the following member of the German Army whose handing over for trial is formally requested:

- HAUPTMAN HENNING - Captain - commander of the 4th sappers' company, 34th armoured cars battalion "TIGER", Feld Post 21224.

2. The Ministry for Foreign Affairs would be obliged if the Allied Commission could forward the name in question to the competent Allied Authorities in order that the a/m war criminal be traced, arrested and handed over for trial, in accordance with the terms of the Moscow declaration.

3. The Military Attorney General has already collected all probatory evidence and has completed the indictement.

Rome, September 28th, 1946.

21 La 4321

Declassified E.O. 12356 Section 3.3/NND No. 785017

ROS/16

Ministero degli Affari Esteri

6/3/80/12

OCT 1 1946

MEMORANDUM FOR THE ALLIED COMMISSION

SUBJECT: Nazi war criminals.

1. The Ministry for Foreign Affairs enclose 5 copies of the pro-forma containing the charges brought up by the Military Attorney General in connection with atrocities perpetrated in the locality of Pievetta (CUNEO), against the following member of the German Army whose handing over for trial is formally requested:

- HAUPTMAN HENNING - Captain - commander of the 4th sappers' company, 34th armoured cars battalion "TIGER", Feld Post 21224.

2. The Ministry for Foreign Affairs would be obliged if the Allied Commission could forward the name in question to the competent Allied Authorities in order that the a/m war criminal be traced, arrested and handed over for trial, in accordance with the terms of the Moscow declaration.

3. The Military Attorney General has already collected all probatory evidence and has completed the indictement.

Rome, September 28th, 1946.

21 La 4321

(Ctt R)

Declassified E.O. 12356 Section 3.3/NND No. 785017

0429

Declassified E.O. 12356 Section 3.3/NND No. 785017

TRANSLATION
(For the use of the Secretariat)
Registered number.....

Date of receipt in Secretariat 226

UNITED NATIONS WAR CRIMES COMMISSION

Charges against War criminals
Case n. 193/Reg.Gen.

Name of accused his rank and unit or official position	1. HAUPTMAN Henning, Captain, Commander 4th sappers' company, 34th armoured cars battalion "Tiger" Feld Post 21224. 2. Unidentified German soldiers among which a lieutenant belonging to the same unit.
Date and place of commission of alleged crime.	From July 25 to 26 1944, in the locality Pievetta, Fraction of the Comune of Priola (CUNEO)
Number and description of crime in war crimes list.	Convention 8/8/45 art.6 par. B International Military Court's Statute
Reference to provisions of national law.	Violence with murderk against civilians, looting, arson and wanton destruction on enemy territory (art. 185, 186 and 187 War Penal Code).

Short Statement of facts.

Killing for reprisal of 19 civilans, wanton destruction by arson of 50 houses and of the parish house in locality Pievetta (CUNEO), looting of furnitures, foods and cattle.

2130

0450

Declassified E.O. 12356 Section 3.3/NND No. 785017

Particulars of alleged crime.

On June 13th, 1944, a band of partisans was assembled in the neighbourhood of Pievetta. In order to mop up the zone, a German column, under the command of Captain Hauptmann Henning, who gave orders to act "ruthlessly", was despatched thither from Bagnasco. With the column there were also an unidentified lieutenant, tall, thin, fair, wearing spectacles, who perpetrated the most shocking atrocities, and other German soldiers also unidentified. Being attacked by the partisans in a locality at about 2 Km. from Pievetta, and having not succeeded to round up the partisans, the Germans perpetrated the following act of reprisals against some of the inhabitants of Pievetta, who for their advanced age could not be members of the partisans' formation:

- 1) Killing of a man of 80 by a German soldier -
- 2) Killing of a man of 61 and wounding a man of 50 -
- 3) Wounding of a man of 65 -
- 4) Killing of 9 men between 28 and 65 -
- 5) Killing of the person's father of 68 -
- 6) Killing of 2 men, one of 45 and the other of 41, while near the body of their slain father -
- 7) Killing of a man of 52 while he was trying to save his cattle-
- 8) Killing of a man of 36 while escorting his wife to safety -
- 9) Killing of a man of 57 -
- 10) Killing of a man of 41 -
- 11) Killing of a man of 46. He was brought to Bagnasco and hanged there from the balcony of the apothecary shop of that comune.

On the following day the bodies of the slain were identified as the following:

1) Guido Luciano, 2) Bruno Giuseppe, 3) Francese Carlo, 4) Roberi Natale fu Filippo, 5) Roberi Vincenzo, 6) Cevelleri Paolo, 7) Roberi Natale fu Pietro, 8) Roberi Alfonso, 9) Roberi Mario, 10) Canavese Giuseppe, 11) Bonardo Vincenzo, 12) De Matteï Domenico, 13) Facchinetti Mauro, 14) Michaletti Carlo, 15) Reanio Pietro, 16) Bertino Pietro, 17) Massirani Guglielmo, 18) Roberi Benone, 19) Sciandra Rocco.

Furthermore two women were raped.

Not satisfied with slaughter, the Germans burned the houses and looted them carrying away all valuables and also wines and liquors with which they got drunk. Considering the village as war prize, the German moved away tools, foods and cattle.

0431

Declassified E.O. 12356 Section 3.3/NND No. 785017

LETAILS OF EVIDENCE

The above mentioned facts are supported by evidences submitted by RIBERI Teofilo and Guido MARISO, and by information supplied to the War Ministry by the parish priest CIVALLERI Paolo, as well as by a report from the Prefettura of Cuneo.

0432

Declassified E.O. 12356 Section 3.3/NND No. 785017

NOTES ON THE CASE

a) The responsibility of Captain HAUPTMAN Henning appears to be evident, for, as commander of the column, be gave orders to act "ruthlessly" against the inhabitants of Pievetta.

b) It is not possible to ascertain on what elements the a/m will base his defence, namely, whether be will plead to have effected reprisals following superior orders. Only after cross examining the a/m it will be possible to ascertain whether other persons are responsible and in what measure, and it will be also possible to obtain information leading to the identification of the lieutenant and other soldiers responsible of the war crimes in questione.

c) The indictment is to be considered closed

-0433

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 40 7097

224

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 936.43

30 September 1946.

SUBJECT: Nazi War Criminals.

OCT 1 1946

TO : Chief Commissioner,
Allied Commission,
APO 794.

179 190 183

Reference your 6517/EC dated 23 and 24 August 1946 and this Headquarters letter even reference 4 September 1946.

1. It has not been possible to obtain a positive identification of the persons listed owing to the scanty information supplied.

2. However there is a record of:

a. A 736795 Unterscharf HOFMANN Richard

b. NA 17466 Unterscharf MOCIER Ferdinand

3. It may be possible to make further investigation of these P/W if ~~the Italian Government~~ Y94 will submit a questionaire for them to complete.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

A. L. HAMBLEN
Colonel, G.S.C.
Assistant Chief of Staff, G-5.

(Capt K)

See # 234

212 N

0434

Declassified E.O. 12356 Section 3.3/NND No. 785017

223

HEADQUARTERS ALLIED COMMISSION
APO 794
Office of the Executive Commissioner

Ref. : 6517/223/30 24 September 1946

SUBJECT: Nazi War Criminals.

TO : Ministry of Foreign Affairs,
Rome.

187

Reference your memorandum no. 6/3013/1180 dated 20 August 1946 on this subject.

It is regretted that there is no trace of SS, Captain BOHEMER ever having been in Allied custody.

Should any trace of BOHEMER be discovered you will, of course, be informed.

FOR THE CHIEF COMMISSIONER:

A. W. Knisely.

Brigadier,
Acting Executive Commissioner.

221

2127 -

C.A. 346/46

0433

Declassified E.O. 12356 Section 3.3/NND No. 785017

222

File

Ref. : 6517/219/20 23 September 1946.

SUBJECT: Nazi War Criminals.

TO : G-5 Section,
A.P.M.G.

MEMORANDA No: 220 217 214

31166/72 dated 4 Sept
6/3035/1190 dated 2 Sept
6/3034/1189 dated 4 Sept 1946.

2. The above named memoranda from the Italian Ministry of Foreign Affairs to the Allied Commission on the Subject of Nazi War Criminals are forwarded at the request of the Italian Government.

For the Chief Commissioner:

A. W. Kinsely.

Brigadier,
Acting Executive Commissioner.

Encls.

Leaf-253,257.

212 A.P.A. 23/9/46
W.L.

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 90 #823

EX. COMM P 221

SUBJECT:- Nazi War Criminals.

GHQ CMF
16300/A3
20 Sep 46

Headquarters,
Allied Commission

SEP 23 1946

189

Reference your 6517/189/EC of 5 September 46.

1. It is regretted that there is NO trace at this Headquarters that SS Captain ECHEMBAR was ever in custody.

2. Should any trace of ECHEMBAR be discovered you will, of course, be informed.

RW Jervois Major
for Brigadier,
DAG

AK

See 7.223

P.A. 24/9/46
2123 -

6517 R

Fil 220

Val/To

Ministero degli Affari Esteri

31166/72

SEP 19 1946

D.G.A.P. /

MEMORANDUM FOR THE ALLIED COMMISSION

SUBJECT: Nazi war criminals.

1. The Ministry for Foreign Affairs enclose 5 copies of the pro-forma containing the charges brought up by the Military Attorney General in connection with the murder of: Angelo PONTI, Jolanda PESCINI and Mario GAGLIARDI, committed in Alberaccio (Radda in Chianti) against the following member of the German Army whose handing over for trial is formally requested:

- BALZER or BALZEN, Lieutenant.

2. The Ministry for Foreign Affairs would be obliged if the Allied Commission could forward the name in question to the competent Allied Authorities in order that the a/m war criminal be traced, arrested and handed over for trial, in accordance with the terms of the Moscow Declaration.

3. The Military Attorney General has already collected all probatory evidence and has completed the indictment.

Rome, September 4th, 1946. 2124

ENCL. 2

See 7.222,257

MINISTERO DEGLI AFFARI ESTERI

PA 23/9/46

Declassified E.O. 12356 Section 3.3/NND No. 785017

Val/fo

Ministero degli Affari Esteri

31166/72

D.G.A.P.

SEP 19 1946

MEMORANDUM FOR THE ALLIED COMMISSION

SUBJECT: Nazi war criminals.

1. The Ministry for Foreign Affairs enclose 5 copies of the pro-forma containing the charges brought up by the Military Attorney General in connection with the murder of: Angelo PONTI, Jolanda PESCINI and Mario CAGLIARDI, committed in Alberaccio (Radda in Chianti) against the following member of the German Army whose handing over for trial is formally requested:

- BALZER or BALZEN, Lieutenant.

2. The Ministry for Foreign Affairs would be obliged if the Allied Commission could forward the name in question to the competent Allied Authorities in order that the a/m war criminal be traced, arrested and handed over for trial, in accordance with the terms of the Moscow Declaration.

3. The Military Attorney General has already collected all probatory evidence and has completed the indictment.

Rome, September 4th, 1946.

2124

ENCL. 2

See T 222,257

MINISTERO DEGLI AFFARI ESTERI

(Col. K)

FA 23/91/2

U.4

Declassified E.O. 12356 Section 3.3/NND No. 785017

Declassified E.O. 12356 Section 3.3/NND No. 785017

219

TRANSLATION

(For the use of the Secretariat)
Registered number.....

Date of receipt in the Secretariat

UNITED NATIONS WAR CRIMES COMMISSION

Indictment against

Case n.° .....

War criminals

Name and surname
Rank and unit or official position

1) BALZER or BALZER.
Lieutenant - German garrison Commander of Radda in Chianti (SIENA)
2) Unidentified German soldiers attached to same garrison

Date and place of commission of alleged crime

June 15th. 1944
at Alberaccio
(Radda in Chianti)

Number and description of crime in war crimes list

Convention of 8/8/45 Art. 6 par. B) in International Tribunal Military Statute (War Crimes)
Violence with murder against civilians.
(art. 185 par. 2°. Military Penal Code).

Synopsis of facts

Alleged murder, as reprisal, of Angelo PONTI, Jolande PERUCINI and Mario CACLIARDI

212

0440

Declassified E.O. 12356 Section 3.3/NND No. 785017

DETAILS OF ALLEGED MURDER

On June 15th, 1944, at Alberaccio (Radda in Chianti), Mario Cagliardi was arrested by German soldiers of the local garrison in an area previously occupied by partisans. He was subsequently shot for retaliation of the killing of a German soldier by partisans.

On the 18th of the same month, at Chiavicone, (Radda in Chianti) Angelo Monti and his wife Jolanda Pescini were captured and killed by German soldiers mopping up the zone, after a German motor-vehicle had been set to fire.

0441

Declassified E.O. 12356 Section 3.3/NND No. 785017

218

DETAILS OF EVODENCE

The attached evidence fully proves the a/m facts, the details of which are described in the report of the Carabinieri of Radda in Chianti (SIENA) and in a statement made by Settimio CRESTI who was present when Angelo PONTI and Jolanda PESCINI were shot by German soldiers.

0442

Declassified E.O. 12356 Section 3.3/NND No. 785017

NOTES ON THE CASE

a) It appears that the two unidentified German soldiers acted on orders of the garrison commander, Lieutenant Balzer, inasmuch as there had not been any provocation which could have justified immediate reaction on their part.

b) It is impossible to establish upon which elements Lieutenant Balzer will base his defence, that is whether he will allege to have received superior orders for carrying out reprisalsagainst unarmed and peaceful civilians in relation with the killing of a German soldier on the part of unidentified persons.

c) Moreover, only by questioning the indicted it shallbeestablished whether there are other charges and in what measure.

Declassified E.O. 12356 Section 3.3/NND No. 785017

Or/To

651798

217

6/3035/1190

Ministero degli Affari Esteri

MEMORANDUM FOR THE ALLIED COMMISSION

SUBJECT: Nazi war criminals.

1. The Ministry for Foreign Affairs enclose 5 copies of the pro-forma containing the charges brought up by the Military Attorney General in connection with the murder of : Tullia Lelia BRINI, Siria BATINI ved. ARRIGHETTI, Anna Maria BOSCO Rina COLI, Maria Luisa TOGNETTI, Giorgio BATONI, committed in Cevoli di S.Giovanni (Verna di Vicopisano), against the following members of the German Army whose handing over for trial is formally requested:

- Claude KAISER - Medical Captain from Frankfurt
- NOLL.... - Major from Berlin.

2. The Ministry for Foreign Affairs would be obliged if the Allied Commission could forward the names in question to the competent Allied Authorities in order that the a/m war criminals be traeed, arrested and handed over for trial, in accordance with the terms of the Moscow Declaration.

3. The Military Attorney General has already collected all probatory evidence and has completed the indictment.

Rome, September 2nd, 1946.

ENCL.

(Capt K)

See T.222,257.

MINISTERO DEGLI AFFARI ESTERI

121

PA 20/9

or/ro

Ministero degli Affari Esteri

6/3035/111

Declassified E.O. 12356 Section 3.3/NND No. 785017

MEMORANDUM FOR THE ALLIED COMMISSION

SUBJECT: Nazi war criminals.

1. The Ministry for Foreign Affairs enclose 5 copies of the pro-forma containing the charges brought up by the Military Attorney General in connection with the murder of : Tullia Lelia BRINI, Siria BATINI ved. ARRIGHETTI, Anna Maria BOSCO Rina COLI, Maria Luisa TOGNETTI, Giorgio BATONI, committed in Cevoli di S.Giovanni (Verna di Vicopisano), against the following members of the German Army whose handing over for trial is formally requested:

- Claude KAISER - Medical Captain from Frankfurt
- NOLL.... - Major from Berlin.

2. The Ministry for Foreign Affairs would be obliged if the Allied Commission could forward the names in question to the competent Allied Authorities in order that the a/m war criminals be traeed, arrested and handed over for trial, in accordance with the terms of the Moscow Declaration.

3. The Military Attorney General has already collected all probatory evidence and has completed the indictment.

Rome, September 2nd, 1946.

ENCL.

(Capt K)

See T.222,257.

MINISTERO DEGLI AFFARI ESTERI

2121

PA 2619

0445

Declassified E.O. 12356 Section 3.3/NND No. 785017

216

TRANSLATION

(For the use of the Secretariat) Registered number.....	Date of receipt in the Secretariat

UNITED NATIONS WAR CRIMES COMMISSION

Charges against Case nº War criminals

Name of accused his rank and unit or official position	1) Kaiser Claude, medical Captain from Frankfurt am Main - Dienstelle Feld Postummer 33824. 2) NOLL, Major from Berlin (Charlottenburg)
Date and place of commission of alleged crime	August 19th, 1944 in Cevoli di S.Giovanni (Verna di Vicopisano)
Number and description of crime in war crimes list	Convention 8/8/45 art. 8 par.Bº International Tribunal Military Statute (war crimes)
Reference to provisions of national law	Murder of enemy civilians (art. 185 war Penal Code)

Synopsis of facts.
Murder of five women and BATONI Giorgio.

2120

0446

Declassified E.O. 12356 Section 3.3/NND No. 785017

DETAILS OF THE ALLEGED CRIME

On August 19th 1944 in Cevoli di S.Giovanni (Verna di Valpisano) Tullia Lelia BRINI, Siria BATINI, the widow of ARRIGHETTI, Anna Maria BOSCO, Rina COLI and Maria Luisa TOGNETTI were found by a German soldier in the vicinity of the combat area.

These women, as a matter of fact, were trying to reach their homes in order to salvage some clothing and food to bring back with them to the mountains where they had taken refuge.

According to a German military order, anyone entering the combat area incurred into the death penalty. Therefore the a/n women together with a man, Giorgio BATONI, were shot, although they repeatedly promised to never go back to their homes.

The execution took place on orders from the German commander of the zone, Major S.S. NOLL and from the medical officer Captain KAISER Claude.

The bodies were subsequently buried near the house belonging to Tullia Lelia BRINI, in a ditch where they were found on January 2nd, 1945.

0447

Declassified E.O. 12356 Section 3.3/NND No. 785017

NOTES ON THE CASE

a) The responsibility of the two accused and of the other unknown German soldiers who carried out the execution seems evident. The women's behaviour could in no way justify such drastic acts on the part of the soldier, so that Major NOLL's responsibility appears in all respects to be greater?

b) Up to the present moment, it is impossible to say whether an order comminating death penalty existed or not for entering the combat area.

c) Responsibility of other persons, if any, can be ascertained during the cross-examination.

0448

Declassified E.O. 12356 Section 3.3/NND No. 785017

DETAILS OF THE EVIDENCE

The enclosed documents appear to prove fully what is stated above. It has been possible to reconstruct the facts on the concording statements of: Dino CONTI, Adele GHEZZANI, Amelia LOSECAAT, Lelio BRINI and Origo GALLI.

Val/To

Ministero degli Affari Esteri

6517 duplicate

6/3034/1189 214

MEMORANDUM FOR THE ALLIED COMMISSION

SUBJECT: Nazi war criminals.

1. The Ministry for Foreign Affairs enclose 5 copies of the pro-forma containing the charges brought up by the Military Attorney General in connection with the murder of Pietro BURATTINI, Dino FASOLIN, Alberto ZIGIOTTO, Angelo ZIGIOTTO, Giovanni MOTTA, committed in Lonigo(VICENZA) against the following member of the German Army whose handing over for trial is formally requested:

- GRUNDMANN..... Major

2. The Ministry for Foreign Affairs would be obliged if the Allied Commission could forward the name in question to the competent Allied Authorities in order that the a/m war criminal be traced, arrested and handed over for trial, in accordance with the terms of the Moscow Declaration.

3. The Military Atterney General has already collected all probatory evidence and has completed the indictment.

Rome, September 4th, 1946.

ENCL.

(Copy K)

MINISTERO DEGLI AFFARI ESTERI

211

See ff 222, 257, pll 24/9

Declassified E.O. 12356 Section 3.3/NND No. 785017

Val/To

Ministero degli Affari Esteri

6/30347

MEMORANDUM FOR THE ALLIED COMMISSION

SUBJECT: Nazi war criminals.

1. The Ministry for Foreign Affairs enclose 5 copies of the pro-forma containing the charges brought up by the Military Attorney General in connection with the murder of Pietro BURATTINI, Dino FASOLIN, Alberto ZIGIOTTO, Angelo ZIGIOTTO, Giovanni MOTTA, committed in Lonigo(VICENZA) against the following member of the German Army whose handing over for trial is formally requested:

- GRUNDMANN..... Major

2. The Ministry for Foreign Affairs would be obliged if the Allied Commission could forward the name in question to the competent Allied Authorities in order t at the a/m war criminal be traced, arrested and handed over for trial, in accordance with the terms of the Moscow Declaration.

3. The Military Attorney General has already collected all probatory evidence and has completed the indictment.

Rome, September 4th, 1946.

ENCL.

(Capt K)

211

MINISTERO DEGLI AFFARI ESTERI

See ff 222, 257,

PH 24/9

Declassified E.O. 12356 Section 3.3/NND No. 785017

0451

Declassified E.O. 12356 Section 3.3/NND No. 785017

213

TRANSLATION

(For the use of the Secretariat)
Registered number.....

Date of receipt in the Secretariat

UNITED NATIONS WAR CRIMES COMMISSION

Charges against Case n.°.....
War Criminals

Name of accused, his rank and unit or official position

CHUNDMANN,
German Major.

Date and place of Commission of alleged crime

April 26th, 1945
at Lonigo

Number and description of crime in war crimes list

Convention: 8/8/1945 art. 6 par. B)
International Military Court's Statute

Reference to provisions of national law.

Violence with murder (art. 211 War Penal Code)

Short statement of facts

Alleged Murder of five partisans captured with their arms by the Germans.

211

0432

Declassified E.O. 12356 Section 3.3/NND No. 785017

DETAILS OF ALLEGED CRIME

On April 1945, a few days before the liberation of the Lonigo area, same German soldiers attached to an armoured battalion under Major GRUNDMANN's Command, captured five armed partisans.

They were brought before Major GRUNDMANN and kept as hostages for reprisal in view of eventual moves on the part of the local population against German soldiers who were about to evacuate the area.

Distinguished persons of the place, among whom the clergyman Monsignor CALDANA, approached the German Command in order to obtain either the release of the prisoners or, at least assurance that they would not be executed.

Major GRUNDMANN, while formally promised to spare the life of the prisoners, replied that he would postpone their liberation until he had made sure that the weapons which had been found in their possession had not been supplied by the Allies. Otherwise he would have considered himself compelled to hold the partisans. Although the German officer went as far as to give his word of honour to Monsignor CALDANA, on the following morning the five partisans were found killed in a ditch in Via Marona at Lonigo.

Evidence shows that the five partisans were armed with Italian rifles model 1891.

0453

Declassified E.O. 12356 Section 3.3/NND No. 785017

DETAILS OF THE EVIDENCE

The attached documents show full evidence of the a/m fact as from agreeing statements of Luciano BETTINI, Hildegarde POLSTER and priest Monsignor CALDANA.

Declassified E.O. 12356 Section 3.3/NND No. 785017

NOTES ON THE CASE

a) The responsibility of the defendant appears to be evident, inasmuch as in his quality of Battalion Commander only he could decide upon the fate of the five partisans. He had, in the circumstances, guaranteed their personal safety, as from the formal assurances given to the various persons who went to see him in view of obtaining the release of the prisoners.

b) It is impossible to establish upon which elements the accused will base his defense, that is, whether he will plead guilty, alleging that he was only obeying superior orders.

c) From the statements there is sufficient evidence against the accused, consequently the indictment can be considered closed.

C 0453

Declassified E.O. 12356 Section 3.3/NND No. 785017

208

Ref. 6517/208/EC

2/ September 1946

Dear Mr. Malcolm - 204 202

With reference to your letter no. 277/64/46 dated 10 September 46.

The first information received as to progress of the Commission's work happened to arrive about the same time as your letter.

In their letter, the Italian Government states that the Inquiry Commission of the Ministry of War has decided to commit for trial before a military Court some 40 persons on charges of infringement of the provisions of International Law in War time, in-humanitarian treatment of hostages and acts of reprisal.

No Allied observer has attended the Commission's proceedings as the Italian proposal that such an observer should be appointed was not agreed to by AFHQ. Dr. FRANAS was informed of this decision by Executive Commissioner's letter 6517/EC of 15 June 1946, a copy of which was sent to both Political Advisers.

Yours sincerely, 161

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

A.C.E. Malcolm, Esq.,
The British Embassy
Rome.

Copy to: Polad (A)

See 204

See 17-211

2115 2/9/46
C.A.

0456

Declassified E.O. 12356 Section 3.3/NND No. 785017

207

Ref. : 6517/207/XX

18 September 1946.

SUBJECT: Nazi War Criminals.

TO : The Ministry of Foreign Affairs,
Rome.

184

1. With reference to your memorandum No. 6/3013/1130 dated 28 Aug 46 on this Subject.

2. The present whereabouts of XXXXXXX are unknown but efforts are being made to trace him and I will inform you of the result in due course.

For the Chief Commissioner:

AWK

for Brigadier,
Acting Executive Commissioner.

Sec 223.

PA
LS

2111

0457

Declassified E.O. 12356 Section 3.3/NND No. 785017

b-17

206

SUBJECT : - ITALIAN Officials claimed by the FRENCH Authorities as War Criminals

GHQ CMF
16443/A3
12 Sept 46

Headquarters
Allied Commission

175

Reference your AC/4113/5/L of 19 Aug 46.

1. It is regretted that there is no record at this Headquarters of the subjects claimed by FRANCE as being in BRITISH Custody and therefore it is impossible to carry out the FRENCH authorities wishes in the matter.

2. No doubt you will request the location of the subjects wanted by FRANCE from the appropriate ITALIAN authorities and if they can be found they should be arrested and JAG Branch investigators will interrogate to establish identity, and their handover once identity is established, can be undertaken without further delay. All these are listed in UNWCC List 39.

Sgd.: H. Gerrans MAJOR

for Brig.
IG Adm.

211

See 7.251

Secret by SC 17/9

Capt'k

0458

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517

205

HEADQUARTERS ALLIED COMMISSION
A.P.O. 794
PUBLIC SAFETY SUB COMMISSION
SECURITY DIVISION

REF : SD/266.01 13 September 1946

SUBJECT : War Criminals - BARRANCO Rosario

TO : D.A.C., C.H.Q., C.M.F.

197 etc

1. The attached documents have been handed to this HQ by Sir John Sarro KEE and are forwarded for any action you deem necessary.

2. It is understood that BARRANCO Rosario, a Public Safety Officer, and Major VALENTE have been requested by the French authorities as war criminals.

3. May this HQ please be informed of the position of these persons in order that a reply can be sent to Sir John Sarro.

FOR THE CHIEF COMMISSIONER:

E.J. BYE,
Colonel,
A/Director Public Safety,
Sub Commission.

AJE/mb

f 199

Copy

Seen by AC
21/9
17/9
2331

0469

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517

204.

COPY

MINISTERO DEGLI AFFARI ESTERI

Rome, 11 September 1946

19/30829/71

143

Dear Admiral Stone,

with letter N. 6517/143/E.C. dated 2 May, 1946, you have asked to be duly informed of the outcome of investigations held by the Inquiry Commission of the Italian Ministry of War on the presumed Italian war criminals.

Senator Casati, President of the Inquiry Commission, wishes now to bring to your knowledge that said Commission, after having carefully and throughly examined personal cases, has come to the conclusion to commit to Military Court all those persons who seem to be indictable for infringement of provisions of International Law in war time and umanitarian principles either by issuing or by executing orders, with special reference to the inviolability of hostages and limitation of reprisal.

In this connection a list containing forty names of members of the armed forces and civilians who seem to be indictable has been drawn up by the a/m Commission who will discuss every personal case on its next meeting.

Believe me, Dear Admiral Stone,

very sincerely yours

Admiral Ellery W. STONE
Chief Commissioner
Allied Commission
Rome.

see 208.

211

See 7-266

0460

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 GD

EX. COMMR 157820?

SUBJECT:- Nazi War Criminals - Capt EGHEMBAR

GHQ CMF

16300/A3

12 Sept 46.

Headquarters,
Allied Commission

189

Reference your 6517/189/EC of 5 Sep 46.

The above named alleged War Criminal's location is at present unknown. Efforts to trace EGHEMBAR are being made and you will be informed of the result in due course.

RW Jowers Major
for Brigadier,
DAG

MK

(Lt-Col K)

Sec 223.

C.P. 16/9/46

2110

.0461.

Declassified E.O. 12356 Section 3.3/NND No. 785017

E.C. Plasma Fuels 6517 202
(13/1X.

277/64/46

The British Embassy,
ROME.

10th September, 1946.

Dear Admiral Stone,

In the Ambassador's absence at Paris, I write to ask whether you have ever heard anything more from the Italian Government about the Commission set up early this year to enquire into the conduct of Italian commanders accused of war crimes.

Apart from Prunas' letter (No. 1022 Sez.Sol.) of the 6th August to Brigadier Lush, I have seen no correspondence on the subject since Lush's letter 6517/150/EC of the 20th May to Prunas. Has any Allied observer in fact attended the Commission's proceedings? I should be grateful for any information as to the progress made, in order to be able to inform the Foreign Office.

150

Yours sincerely,

A.C.E. Malcolm.

Rear Admiral Ellery W. Stone, USNR,
Chief Commissioner,
Allied Commission,
Rome.

See folios 148, 149, 150, 158, 159, 160, 161

See M.203

See 208, 211

21DA 21/9/46

(EC).

0462

Declassified E.O. 12356 Section 3.3/NND No. 785017

199

Ref: 6517/199/SO

9 September 1946

SUBJECT: War Criminals.

TO : The Director Public Safety Sub-Commission

192-197

The attached documents, handed to this office by Sir John Sayre, KBE are forwarded for any action considered necessary.

May we please be informed of the position of these people in order that Sir John may be informed.

BY COMMAND OF REAR ADMIRAL STOKE:

A. W. Kinsely.

Chief Staff Officer
Executive Commissioner

Encls as above:

1.A "Status of [illegible]

210

0463

Declassified E.O. 12356 Section 3.3/NND No. 785017

HEADQUARTERS ALLIED COMMISSION
APO 794
Office of the Executive Commissioner

198

Ref. : 6517/198/Z9 9 September 1946

SUBJECT: Nazi War Criminals.

TO : The Ministry of Foreign Affairs,
Rome.

176, 177, 178, 181, 182

With reference to your recent memorandum on this subject, this Commission has been asked to stress the importance of giving the fullest particulars of any wanted person, e.g. Regimental number, rank, full name, unit and any other relevant information.

Without such information the chances of tracing any particular individual are very small. Every effort is being made to trace the names already received but without further information the chances of success are slight.

FOR THE CHIEF COMMISSIONER:

A. W. Knisely.

Brigadier,
Executive Commissioner.

Copy to: G-5 AFHQ - Your G-5:936.43 of 4 Sept. refers. — 190

210: 9/9/46

0464

Declassified E.O. 12356 Section 3.3/NND No. 785017

TRANSLATION

Rome, 2 September 1946.

Dr Roserio BARRANCO
Italian Police Commissar

No. 4 enclosures.

It appears that recently the French Representative to the Allied Commission in Italy requested Admiral STONE to order the arrestation and delivery to French Authorities of three Italian citizens and namely of the following:

BARRANCO, described as onetime Chief of the OVRA in Nizza,
VALENTE or SALERNO, described as onetime Commisser of OVRA in Nizza,
TISANI or PESCARA or DI RESTA, also described as OVRA Commisser or Captain of Carabinieri.

The request is motivated by the charge of serious, neither specified nor proven crimes, among which delinquent association, homicides, kidnapping, arbitrary arrests, thefts etc. for which a penal procedure would be taking place in Marseilles, before the Judge of that Military Court; and it is based upon a denunciation made against the abovenamed as "war criminals" to the United Nations Committee in London (file No. 1267).

With reference to the above, in Barranco's interest, it is specified that he can be identified in the person of Dr Rosario Barranco, Italian Police Commisser, once a resident of Nizza, where he was for service reasons in quality of Consular Attache in the Italian Consulate General, regularly accredited with previous approval of the French Government.

Although he was a police functionary depending from the General Direction of P.S. and from the Foreign Office in Rome, Dr Barranco has never belonged to OVRA, and it does not even appear that OVRA had a branch in Nizza.

He had never any employment or service relations with VALENTE who was a Major of Carabinieri, chief of the Military Informations Service (S.I.M.) of the Maritime Alps with the Command of the IV Italian occupation Army in France.

Dr Barranco has never known either TISANI or Di RESTA, while he remembers PESCARA who was another Major of Carabinieri and died in France in 1943.

The police service of Dr Barranco, described hereafter, had nothing in common with the duties performed by Major Valente and other members of SIM or of the Carabinieri, working in France under the Italian Military Authorities.

Dr Barranco stayed in Nizza for the first time from March 1939 until June 1940 as regularly accredited Consular Attache. When the war broke out, he returned to Italy where he was called up and mobilized as Infantry Lieutenant? In July 1940 he was assigned to the Armistice Commission in Turin and

0465

Declassified E.O. 12356 Section 3.3/NND No. 785017

196

in September 1940 was sent, for a second time, to Nizza as representative of said Commission, always with the rank of an Officer of the Italian Army.

When on 11 November 1942 the Italian military occupation of the territory of Nizza by the IV Army took place, Dr Barranco was officially requested to coordinate in that territory the Public Safety services for the protection of the occupation troops.

After the armistice in September 1943, Barranco who had taken refuge in Italy in order to escape the Germans, was arrested on 23 September 1943 in Bordighera by the German S.S. and taken to Nizza. From there he was transferred to Rome and then to Paris, kept under strict watch by the German S.S. until June 1944 when his internment in Germany was ordered. However, shotly before his departure, with the help of a false passport, Dr Barranco succeeded to escape from the Germans and to take refuge in Italy where he made himself unfindable, eluding the researches of German Commands.

Dr Barranco is completely innocent of all the charges made against him, as they do not refer to him at all, but only to SIM's military services, in which he had no part.

In fact, Villa Lynwood was a little concentration camp of the IV Army entrusted to the Italian Carabinieri, without any interference of Dr Barranco who therefore has nothing to do with the alleged illtreatments of the inmates, as also results from the statements of the defendants Blancard, Mesnard, Lederman, Coste, Carenco and Guetta who truly never mentioned Barranco's name in their depositions as they could not have any reason to do so.

Evidently, the denunciation sent to London seems unfounded, at least as far as Dr Barranco is concerned, whose name must have been mentioned only by mistake or misunderstanding, for the fact itself that it was known as that of an Italian police funtionary and many people could imagine that the Carabinieri and their Officers depended from him, while this was not so at all.

On the other hand, Dr Barranco has also carried out other police operations of an ordinary nature, ordered by the Italian Government, in the rightful performance of his duties, performed in perfect legality - before the armistice - applying Italian laws according to his duty and as results from the files still existing in Rome at the Ministry of the Interior where the relative ~~relation~~ reports, minutes, documents and seized valuables are deposited, for which no claim has been made against him. Dr Barranco always restrained himself to perform his duties as officer and as police official and has never acted arbitrarily or overbearingly: no personal charge can be made against him as he always behaved as a loyal servant of the Italian State and as perfect gentleman.

0466

Declassified E.O. 12356 Section 3.3/NND No. 785017

195

The charges made against Barranco in the London denunciation sent by French authorities have already been examined in Italy by the High Commissary for the Punishment of Fascist Crimes who - having checked the accusations as well as the defendant's specifications and defense - has not found any personal responsibility and therefore has not considered the opportunity of proceeding against him.

On the other hand, after the September 1943 armistice, and even before, Dr Barranco has been a sympathizer with the French Resistance Cause and has acquired considerable merits towards the French patriots as results from the enclosed photographic reproductions of certificates issued by Colonel Pajol, Major Chotard, Dr Donati and by the statement made by Mr Senise, once Chief of the Italian Police, interned in Germany by the Germans.

Owing to his attitude, Dr Barranco was not well seen by the Germans who suspected him and in vain asked him to collaborate with them when they arrested him after the armistice.

Besides, after fleeing to Italy, Barranco cooperated with the Allied information services in Switzerland through the French Commander Rossignoli who was residing in Geneva. In April 1945, Dr Barranco's courier, a certain Aldo Neri, having been arrested in Switzerland, Barranco was also implicated in the process for the violation of Swiss neutrality made against Neri. The Command of the American Police in Milan has knowledge of this matter as it intervened in order to obtain from the Swiss authorities Neri's liberation.

Dr Barranco can present all the documents and declarations required for the most detailed inquiry about his person, an objective inquiry which to the present moment has been in vain requested from the French Authorities, even through the Command of the Suroto Militaire in Milan.

0467

Declassified E.O. 12356 Section 3.3/NND No. 785017

194

ROMA, 2 Settembre 1946

Dott. Rosario BARRANCO
Commissario della Polizia Italiana

Alligati n. 4 -

Risulta che, di recente, il Rappresentante Francese nella Commissione Alleata in Italia ha chiesto all'Ammiraglio STONE l'arresto e la consegna alle Autorità francesi di tre cittadini italiani e, precisamente, dei nominati:

BARRANCO, indicato come ex Capo dell'Ovra di Nizza,

VALENTE o SALERNO, indicato come ex Commissario dell'Ovra a Nizza,

TISANI o PESCARA o DI RESTA, pure indicato come Commissario dell'Ovra o Capitano dei Carabinieri.

La richiesta è motivata dall'accusa di gravi reati imprecisati e non provati, fra cui associazione a delinquere, omicidi, sequestro di persone, arresti arbitrari, furti, ecc. per i quali sarebbe in corso un procedimento penale a Marsiglia, dinanzi al Giudice istruttore di quel Tribunale Militare; ed è basato su una denunzia sporta a carico dei predetti, come " criminali di guerra " , alla Commissione delle Nazioni Unite, a Londra, (dossier n. 1267).

Al riguardo si precisa, nell'interesse del Barranco, che egli si identifica in persona del Dott. Rosario BARRANCO, Commissario della Polizia Italiana, già residente a NIZZA - per ragioni di servizio - con patenti di Addetto Consolare presso quel R. Consolato Generale d'Italia, regolarmente accreditato con preventivo assenso del Governo francese.

Il Dott. BARRANCO, pur essendo funzionario di polizia, dipendente dalla Direzione Generale della P.S. e dal Ministero degli Esteri di Roma, non ha mai fatto parte dell'Ovra, nè risulta che l'Ovra avesse propri servizi a Nizza .

Egli nonn ha mai avuto rapporti di gerarchia, di dipendenza o di servizio col VALENTE, che era - invece - Maggiore dei Carabinieri, dirigente il Servizio Informazioni Militare (S.I.M.) delle Alpi Marittime presso il Comando della IV Armata Italiana di occupazione in Francia.

Il Dott. BARRANCO non ha mai conosciuto il TISANI nè il DI RESTA, mentre , invece, ricorda il PESCARA, che era un altro Maggiore dei Carabinieri, deceduto in Francia nel 1943.

Il servizio di polizia del Dott. BARRANCO, precisato come appresso, non ave niente di comune con i servizi espletati dal Maggiore VALENTE e da altri apparte

./.

0468

Declassified E.O. 12356 Section 3.3/NND No. 785017

ti al SIM od all'Arma dei Carabinieri, operanti in Francia, alle dipendenze delle Autorità Militari Italiane.

Il Dott. BARRANCO fu a Nizza, una prima volta, dal marzo 1939 al giugno 1940 come Addetto Consolare, debitamente accreditato.

Scoppiata la guerra, rientrò in Italia, dove fu chiamato alle armi e mobilitato in qualità di Tenente di Fanteria. Nel luglio 1940 fu assegnato alla Commissione di Armistizio a Torino e nel settembre 1940 venne destinato, per la seconda volta, a Nizza, quale rappresentante della predetta Commissione, sempre col grado di Ufficiale dell'Esercito Italiano.

Avvenuta l'11 novembre 1942 l'occupazione militare italiana del territorio di Nizza, da parte della IV Armata, il dott. BARRANCO venne ufficialmente incaricato di coordinare in quel territorio i servizi di pubblica sicurezza (polizia) per la tutela delle truppe di occupazione.

Concluso l'armistizio nel settembre 1943, il BARRANCO, che si era rifugiato in Italia per sottrarsi ai tedeschi, fu tratto in arresto il 23 settembre 1943 a Bordighera dalle SS. germaniche e tradotto a Nizza. Quindi fu condotto a Roma e poi a Parigi, tenuto sotto stretta sorveglianza delle SS. tedesche fino al giugno 1944, allorchè venne ordinato il suo internamento in Germania. Però, poco prima della partenza, il dott. BARRANCO, munitosi di falso passaporto, riuscì a sfuggire alla vigilanza tedesca ed a riparare in Italia, dove si rese irreperibile, eludendo le ricerche dei comandi germanici.

Il Dott. BARRANCO è completamente innocente di tutte le accuse mossegli, le quali non lo riguardano affatto e, comunque, si riferiscono soltanto ai servizi militari del SIM, nei quali egli non aveva alcuna parte.

Infatti la Villa " Lynwood" era un piccolo campo di concentramento della IV Armata, affidato ai Carabinieri Italiani, senza nessuna ingerenza del Dott. BARRANCO, il quale, pertanto, è del tutto estraneo ai pretesi maltrattamenti, usati a detenuti, come,del resto,si rileva dalle stesse dichiarazioni degli arrestati BLANCARD, MESNARD, LEDERMAN, COSTE, CARENCO e GUETTA, i quali, in verità, non hanno fatto il nome del BARRANCO nelle loro deposizioni nè potevano avere alcun motivo di farlo.

Evidentemente appare infondata la denunzia inviata a LONDRA, almeno nella parte che riguarda il Dott. BARRANCO, il cui nome risulta menzionato soltanto per errore o per equivoco, per il fatto stesso che era noto come quello di un funzionario di polizia italiana e molti potevano ritenere che i Carabinieri ed i rispettivi ufficiali dipendessero da lui. Invece non era affatto così.

D'altra parte il Dott. BARRANCO ha anche egli eseguito altre operazioni di polizia, di carattere ordinario, disposte dal Governo italiano, nell'esercizio legittimo delle sue funzioni, esercitate in perfetta legalità - prima dell'armistizio - applicando le leggi italiane, come era suo dovere e come risulta dagli atti, esistenti a Roma, presso il Ministero dell'Interno, dove sono depositati i relativi rapporti, verbali, relazioni, documenti e valori sequestrati,per i quali nessun reclamo

./.

210

0469

Declassified E.O. 12356 Section 3.3/NND No. 785017

192

risulta sporto contro di lui. Il Dott. BARRANCO si è sempre limitato a compiere il suo dovere di ufficiale e di funzionario di polizia e non si è mai abbandonato ad alcun arbitrio o sopruso : nessuna colpa personale può essere addebbitata a lui, essendosi sempre comportato come leale funzionario dello stato italiano e come perfetto gentiluomo.

Gli addebiti, mossi al BARRANCO nella denunzia di Londra inviata dalle Autorità francesi, sono stati già oggetto, in Italia, di severa inchiesta da parte dell'Alto Commissariato per la Punizione dei Delitti Fascisti, che - vagliate le accuse nonchè la difesa e le precisazioni dell'interessato - non ha trovato estremi di sua responsabilità personale e non ha ritenuto, perciò, di procedere a suo carico.

D'altra parte il Dott. BARRANCO, dopo l'armistizio del settembre 1943, ed anche prima, è stato un simpatizzante per la Causa della Resistenza francese ed ha acquisito notevoli benemerenze verso i patrioti francesi, come risulta dalle accluse riproduzioni fotografiche di attestati, rilasciati dal Colonnello PAJOT, Maggiore CHOTARD, dott. DONATI e dalla dichiarazione di S.E. SENISE, già Capo della Polizia italiana, internato in Germania dai tedeschi.

Per il suo atteggiamento il BARRANCO era inviso ai tedeschi, che lo consideravano elemento sospetto e ne sollecitarono invano la collaborazione dopo l'armistizio, quando procedettero al suo arresto.

Inoltre il Barranco, rifugiato in Italia, ha collaborato, nel 1944, con i servizi informativi alleati in Svizzera, per tramite del Comandante francese ROSSIGNOLI, che risiedeva a Ginevra. Nell'aprile 1945, essendo stato arrestato in Svizzera il corriere del dott. BARRANCO, tal NERI Aldo, il Barranco venne implicato anche lui nel processo di violazione della neutralità svizzera, intentato al Neri.

Della cosa è al corrente il Comando della Polizia americana di Milano, che intervenne per ottenere dalle autorità svizzere la liberazione del Neri.

Il Dott. Barranco è in grado di presentare tutti i documenti e le dichiarazioni, che occorressero per l'espletamento di una esauriente inchiesta sulla sua persona, inchiesta obiettiva che finora è stata richiesta invano alle Autorità francesi, anche a mezzo del Comando della Sureté Militaire di Milano.

2101

0470

Declassified E.C. 12356 Section 3.3/NND No. 785017

6514

Ex. Comm. PLL

SEP 7 1946

AGREP HQ ALCOM TRAVEL CONTROL

CRIMINAL FOR DOIS

AFHQ

4371.

TOP SECRET.

SUBJECT TO VISA FOR GENERAL PRESENT ED

PARA ONE ED YOUR SUGAR SLANT SEVEN EIGHT FIVE OF ONE ONE AUGUST CMA N.R.

OUR FOUR SIX FIVE SEVEN OF AUGUST TWO THREE AND YOUR SUGAR SLANT SEVEN

NINE TWO OF AUGUST ONE NINE NINER ED N.R.

PARA TWO ED UNDERSTAND UNOFFICIALLY THAT ITALIAN GOVERNMENT NOT DESIRABLE

OF GRANTING GENERAL PRESENT VISA IN VIEW OF COMPLICATIONS WHICH MIGHT ARISE

IF THEY WERE ASKED TO GIVE HIM UP FOR TRIAL BY ANY ALLIED NATION ED

PARA THREE ED REQUEST NO FURTHER ACTION POSSIBLE THIS END ED

6 September 1946, 1525 hrs.

Int. Dist :

Chief Commissioner.

See M-200 - 201

ROUTING.

Travel Control Division, Public Safety S.C.

A.C. BAKER Flt. Lt. RAF.

A.C. Baker.
Flight Lt. RAF.
Travel Control Div.

542.

PS M/19
21

0471

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 AG

Exhibit 190
780-5

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

SEP 6 1946

G-5: 936.43

4 September 1946.

SUBJECT: Nazi War Criminals.

TO : Chief Commissioner,
Allied Commission, APO 794.

179
183

Reference your 6517/EC, 23 and 24 August 1946.

Will you please impress upon the Italian Ministry of Foreign Affairs the necessity for giving the fullest particulars of any wanted persons, e.g., regimental number, rank, full name, unit and any other relevent information.

Without such information the chances of tracing any particular individual are very small. Every effort will be made to ~~have~~ trace the names already supplied but without further information the chances of success are slight.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

Dhw Major

for A.L. HAMBLEN
Colonel, C.S.C.
Assistant Chief of Staff, G-5.

See 7.198

(Copy K)

See 7-224

P.A. 9/17/46

0472

Declassified E.O. 12356 Section 3.3/NND No. 785017

6577

Ref: 6517/189/33

5 September 1946

SUBJECT: Nazi War Criminals.

TO : G-5 Section
A.F.H.Q.

189

IMMEDIATE

No. 6/3013/1180 dated 28th August 1946.

The above mentioned Memorandum from the Italian Ministry of Foreign Affairs to the Allied Commission on the subject of Nazi War Criminals is forwarded as requested by the Italian Government.

FOR THE CHIEF COMMISSIONER:

A. W. Chisely.

Brigadier
Executive Commissioner

2094

Encl: as above.

Sec 7 - 218 + 221 + 223.

0473

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517

18

Ref: 6517/108/30 5 September 1946

SUBJECT: Nazi War Criminals.

TO : The Ministry of Foreign Affairs
B.A.O.R.

187

Memo No. 6/3013/1180 dated 20th of August 1946.

Receipt is acknowledged of the above numbered memorandum and its enclosures.

These have been forwarded to Allied Force Headquarters.

FOR THE CHIEF COMMISSIONER:

A. W. Kinsey.

Brigadier
Executive Commissioner.

2098 P.A. 5/9/46

0474

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 Execution 187

6/3013/1180

Ministero degli Affari Esteri

SEP 3 1946

MEMORANDUM FOR THE ALLIED COMMISSION

Subject: Nazi war criminals. Polizia 18526 Send to GD

1. The Ministry for Foreign Affairs enclose 5 copies of the proforma containing the charge brought up by the Military Attorney General, in connection with the murder of BORDIGNON Francesco, against the following member of the German Army whose handing over for trial is formally re=quested:

EGHENBAR - Captain of the S.S. Commander of the "Eccheniaer" division C.S.T. Strigno (Trento).

2. The Ministry for Foreign Affairs would be obliged if the Allied Commission could for=ward the name in question to the competent Allied Authorities in order that the a/m war criminal be traced, arrested and handed over for trial, in accordance with the terms of the Mo=scow declaration.

3. The Military Attorney General has al=ready collected all probatory evidence and has completed the indictement.

Encl.

Rome, August 28th 1946

2098 D.S. 9/9/46

(Capt K) See f. 188, 189, 223

0 4 7 3

Declassified E.O. 12356 Section 3.3/NND No. 785017

HEADQUARTERS ALLIED COMMISSION
A P O 794
Office of the Executive Commissioner

File 184

Ref. : 6517/184/20 26 August 1946

SUBJECT: Nazi War Criminals.

TO : The Ministry of Foreign Affairs
Rome.

Memo	No.	6/2958/1151	dated	18	August	1946	— 176
"	"	6/2959/1152	"	17	"	"	— 177
"	"	6/2960/1153	"	18	"	"	— 178
"	"	6/2957/1150	"	18	"	"	— 181
"	"	6/2961/1154	"	18	"	"	— 182

Receipt is acknowledged of the above numbered memoranda and their enclosures.

These have been forwarded to Allied Force Headquarters.

FOR THE CHIEF COMMISSIONER:

A. W. Knisely.

Brigadier,
Executive Commissioner.

2098 26/8/46

0476

Declassified E.O. 12356 Section 3.3/NND No. 785017

CONFIDENTIAL

Ref: 6517/12

24 August 1946

SUBJECT: Nazi War Criminals.

TO : G-5 Section
A.F.H.Q.

MEMORANDUM

No. 6/1957/1150 dated 16th August 1946 — 181
No. 6/2964/1151 dated 18th August 1946 — 182

The a/m Memorandum from the Italian Ministry of Foreign Affairs to the Allied Commission on the subject Nazi War Criminals are forwarded as requested by the Italian Government.

FOR THE CHIEF COMMISSIONER:

E. W. Kolacki

Brigadier
Executive Commissioner

2095

Encl: as above.

Ref: F-190-224

I.D. 24/8/46

0477

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 Ro 182

6/2961/54

Ministero degli Affari Esteri

MEMORANDUM FOR THE ALLIED COMMISSION

Subject: Nazi war criminals - AUG 23 1946

1. The Ministry for Foreign Affairs enclose 5 copies of the proforma containing the charges brought up by the Military Attorney General in connection with the murder of 70 civilian and military internees of the concentration camp in Fossoli (Modena) against the following members of the German Army whose handing over for trial is formally requested:

- Lieutenant S.S. Tito
- N.C.O. Haage Hans
- " Konige Rikoff
- Intendent Peskosta Luigi
- Corporal Antweniger Karl
- " Hobben.

2. The Ministry for Foreign Affairs would be obliged if the Allied Commission could forward the names in question to the competent Allied Authorities in order that the a/m war criminals be traced, arrested and handed over for trial, in accordance with the terms of the Moscow Declaration.

3. The Military Attorney General has already collected all probatory evidence and has completed the indictment.A

Encl. (Att. 2).

Rome, August 18th, 1946 rec 234 209 6A 24/2/46

0478

Declassified E.O. 12356 Section 3.3/NND No. 785017

6514 Pol

1

6/2957/1150

Ministero degli Affari Esteri

MEMORANDUM FOR THE ALLIED COMMISSION

Subject: Nazi war criminals.

AUG 23 1946

1. The Ministry for Foreign Affairs enclose 5 copies of the pro-forma containing the charges brought up by the Military Attorney General in connection with the murder of De Micheli Marco and Fraschetti Vito in Marani di Ala (Bolzano), against the following member of the German Army whose handing over for trial is formally re=quested:

- OBERL NAGEL of the C.S.T. commanding officer of the 7th company.

2. The Ministry for Foreign Affairs would be obliged if the Allied Commission could forward the name in question to the competent Allied Authorities in order that the a/m war criminal be traced, ar=rested and handed over for trial, in accordance with the terms of the Moscow Declaration.

3. The Military Attorney General has already collected all probatory evidence and has completed the indictment.

Encl.

Rome, August 18th, 1946

WC-183-A, 234, 32/322
C.A. 24/2/46

(Attd)

2091

0479

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517

180

HEADQUARTERS ALLIED COMMISSION
A P O 794
Office of the Executive Commissioner

Ref. 4/29.AB/CA

23 August 1946

AUG 23 1946

SUBJECT: War Crimes.

TO : G-5 Section,
A.F.H.Q.

not held by F.C.

I enclose herewith at the request of Dr. Smodlaka the Acting Representative of Jugoslavia to the A.C.I., a copy of the Report on Italian Crimes against Jugoslavia and its Peoples.

FOR THE CHIEF COMMISSIONER

A. W. Kinsey

Brigadier,
Executive Commissioner.

Copy to : Executive Commissioner

Doc 7-232

2/8
23/8

0489

Declassified E.O. 12356 Section 3.3/NND No. 785017

179

23 August 1946

Ref: 6517/Rs

SUBJECT: Nazi War Criminals

TO : G-5 Section
A.F.H.Q.

176 MEMORANDUM No 6/2958/1151 dated 16 August 46
177 6/2959/1152 dated 17 August 46
178 6/2960/1153 Dated 16 August 46

Copies of the s/m memoranda from the Italian Ministry of Foreign Affairs to the Allied Commission on the subject of Nazi War Criminals are forwarded as requested.

FOR THE CHIEF COMMISSIONER

A. W. Kinsely.

Brigadier
Executive Commissioner

209 A 2/8/1
AG 4

Ltr F-190 — 224

DUPLICATE

6517 GL

6/2960/1153 178

ROS/re

Ministero degli Affari Esteri

AUG 22 1946

MEMORANDUM FOR THE ALLIED COMMISSION

SUBJECT: Nazi war criminals.

1. The Ministry for Foraign Affairs enclose 5 copies of the pro-forma containing the charges brought up by the Military Attorney General in connection with assault, battery and leotiny, against the following members of the German Army whose handing over for trial is formally requested:

- VOETTERF Jepp
- NOGGLER
- HOFMANN
- HOELZL Anton
- VOGEL Hans
- NABERT Helmut

2. The Ministry for Foreign Affairs would be obliged if the Allied Commission could forward the names in question to the competent Allied Authorities in order that the a/m war criminals be traced, arrested and handed over for trial, in accordance with the terms of the Moscow declaration.

3. The Military Attorney General has already collected alla probatory evidence and has completed the indictement. A

Rome, August 17th, 1946

Sec 149+184 234 2090

Declassified E.O. 12356 Section 3.3/NND No. 785017

Ministero degli Affari Esteri

AUG 28 1946

MEMORANDUM FOR THE ALLIED COMMISSION

SUBJECT: Nazi war criminals.

1. The Ministry for Foreign Affairs enclose 5 copies of the pro-forma containing the charges brought up by the Military Attorney General in connection with assault, battery and lootiny, against the following members of the German Army whose handing over for trial is formally requested:

- VOETTERF Jepp
- NOGGLER
- HOFMANN
- HOELZL Anton
- VOGEL Hans
- NABERT Helmut

2. The Ministry for Foreign Affairs would be obliged if the Allied Commissi on could forward the names in question to the competent Allied Authorities in order that the a/m war criminals be traced, arrested and handed over for trial, in accordance with the terms of the Moscow declaration.

3. The Military Attorney General has already collected alla probatory evidence and has completed the indictement.

Rome, August 17th, 1946

SEE 179+184 234 2090

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 Gabinetto

177

ROS/re

6/2959/1152

Ministero degli Affari Esteri

AUG 22 1946

MEMORANDUM FOR THE ALLIED COMMISSION

SUBJECT: Nazi war criminals.

1. The Ministry for Foreign Affairs enclose 5 copies of the pro-forma containing the charge brought up by the Military Attorney General, in connection with ill theatment inflicted to Italian P.W. in Germany, against the following members of the German Army whose handing over for trial is formally requested:

- TITGEMEJER Gustav
- DIERK Friedrig
- BECHMANN Franz

2. The Ministry for Foreign Affairs would be obliged if the Allied Commission could forward the names in question to the competent Allied Authorities in order that the a/m war criminals be traced, arrested and handed over for trial, in accordance with the terms of the Moscow declaration.

3. The Military Attorney General has already collected alla probatory evidence and has completed the indictement. A

Rome, August 17th, 1946.

E

Declassified E.O. 12356 Section 3.3/NND No. 785017

Ministero degli Affari Esteri

AUG 22 1946

MEMORANDUM FOR THE ALLIED COMMISSION

SUBJECT: Nazi war criminals.

1. The Ministry for Foreign Affairs enclose 5 copies of the pro-forma containing the charge brought up by the Military Attorney General, in connection with ill theatment inflicted to Italian P.W. in Germany, against the following members of the German Army whose handing over for trial is formally requested:

- TITGEMEJER Gustav
- DIERK Friedrig
- BECHMANN Franz

2. The Ministry for Foreign Affairs would be obliged if the Allied Commission could forward the names in question to the competent Allied Authorities in order that the a/m war criminals be traced, arrested and handed over for trial, in accordance with the terms of the Moscow declaration.

3. The Military Attorney General has already collected alla probatory evidence and has completed the indictement. A

Rome, August 17th, 1946.

E

(CDITK)

Declassified E.O. 12356 Section 3.3/NND No. 785017

0485

Declassified E.O. 12356 Section 3.3/NND No. 785017

537

DUPLICATE

176

6/2958/1152

Ministero degli Affari Esteri

AUG 22 1946

MEMORANDUM FOR THE ALLIED COMMISSION

Subject: Nazi war criminals -

1. The Ministry for Foreign Affairs enclose 5 copies of the pro-forma containing the charges brought up by the Military Attorney General in connection with the murder of the Italian private Giuseppe BERLOFFA, against the following members of the German Army whose handing over for trial is formally requested:

- Lieutenant Georg GREMP
- Sergeant Otto ZLATOKLAVECK.

2. The Ministry for Foreign Affairs would be obliged if the Allied Commission could forward the names in question to the competent Allied Authorities in order that the a/m war criminals be traced, arrested and handed over for trial, in accordance with the terms of the Moscow Declaration.

3. The Military Attorney General has already collected all probatory evidence and has completed the indictment.

Encl.

Rome, August 18th, 1946

(1957 K)

2087

0485

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517

175

AG/4119/5/1.

20 August 1946.

SUBJECT: Italian officials claimed by the French authorities as war criminals.

TO : ALLIED FORCE HEADQUARTERS.
Attn: G-5 Section.

173

1. You will find attached a letter from the French Liaison Officer to the Allied Commission whereby the French Government requests the handing over of three alleged Italian war criminals for trial before a French Court.

2. The French Liaison Officer stated verbally that he understood that these men were still members of the Italian Police Force and had previously been employed by the Allies.

3. This HQ would appreciate being informed of whatever action, if any, you intend to take in the matter.

4. As the matter of war criminals does not come within the functions of the Allied Commission I am making no recommendations.

For the Chief Commissioner:

M. S. LUSH

Brigadier,
Executive Commissioner.

Copy to: Chief Commissioner)
Executive Commissioner) with copy of letter under reference.

+251

2087 P.A. 22/8/46

(CAPT K)

0487

Declassified E.O. 12356 Section 3.3/NND No. 785017

174

TRANSLATION

ALLIED COMMISSION IN ITALY

Rome, 9th August 1946

N. 349

Le Captain de Vaisseau Heron de Villefosse
French Repr. to Allied Commission in Italy to

Rear Admiral Hilery W. Stone
Chief Commissioner - A.C.

SUBJECT: Arrest of war criminals.

Enclosed: Copy of the file n. 1267 of London's Commission

Ref. : Art. 29 of Armistice 29 September 1943.

I have the honour to ask you, on behalf of my Government, for the arrest, and further for the hand over to the French Authorities, of the following Italian citizens.

BARRANCO, ex Chief of the OVRA at Nice.

VALENTE, alias SALERNO, ex commissioner of the OVRA at Nice.

TIBANI, alias PESCARA or di RESTA, ex commissioner of the OVRA at Nice and Captain of Carabinieri.

These three men are in fact, charged with crimes, murders, illegal arrests, kidnapping, injuries and thefts, for which the investigating magistrate of the Military Tribunal in Marseille gave the order to arrest them.

Besides they appear on the list of war criminals of the United Nations Commission at London.

I enclose herewith the copy of the file n. 1267 of London in which you will find more details about the above mentioned people.

/S/ HERON DE VILLEFOSSE

0483

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517

173

COMMISSION ALLIÉE
en ITALIE

Rome, le 9 Août 1946

Le Representant Français

N° 349

Le Capitaine de Vaisseau HERON de VILLEFOSSE

Représentant Français à la Commission Alliée en Italie

à

Monsieur le Contre-Amiral Ellery STONE
Chief Commissioner A.C.

OBJET : Arrestation de criminels de guerre

P.Jointes : Copie du dossier N°1267 de la Commission de Londres.

REFERENCE : Art. 29 de l'Armistice du 29 Septembre 1943.

J'ai l'honneur de vous demnder, de la part de mon Gouvernement, que soit procédé à l'arrestation, et ultérieurement à la remise aux mains des authrités françaises , des trois ressortissants italiens suivants:

BARRANCO, ex-chef de l'O.V.R.A. à NICE
VALENTE, alias SALERNO, ex-commissaire de l'O.V.R.A. à NICE
TISANI, alias PESCARA ou di RESTA, ex-commissaire de l'O.V.R.A. à NICE et Capitaine de Carabiniers.

Ces trois individus sont en effet inculpés d'association de malfaiteurs, homicides volontaires, arrestations illégales, séquestrations de personnes, coups et blessures, et vols, et de ce fait ont fait l'objet de mandats d'arrêt du juge d'Instruction près le Tribunal Militaire de MARSEILLE. D'autre part ils figurent sur la liste des Criminels de Guerre de la Commission des Nations Unies à LONDRES. Je joins à la présente lettre la copie du dossier N° 1267 de LONDRES donnant de plus amples détails sue ces individus.

Sgd.: de Villefosse

Lu 7-174

2083

0489

Declassified E.O. 12356 Section 3.3/NND No. 785017

FILE. 172

Ref: 6517/EC

17 August 1946

My dear Sir John,

171

With reference to your letter enquiring regarding Colonel CERRETANI Federico, held in 209 PW Camp.

I regret that no disposal instructions can yet be given in respect of this man, I will however, inform you as soon as a decision is reached by the appropriate authorities.

Your Sincerely,

A. W. Kinsey.

Capt,
Liaison Officer.

Copy to : Security Div.

Sir John Serrao, KBE,
Via Regina Elena
ROME

2084

0490

Declassified E.O. 12356 Section 3.3/NND No. 785017

171

CONFIDENTIAL

SUBJECT: WAR CRIMES - CERRETANI Federico.

CHQ, CMF
16422/2/A.3
10 August 46

HQ ALLIED COMMISSION,
Public Safety S/C
Security Division

Reference your letter SD/266.01 - 57 dated 1 August 46 .

1. CERRETANI is at present held in 209 PW Camp as a War Criminal

2. It is regretted that no disposal instructions can yet be given in respect of this man. You will, however, be informed as soon as a decision is reached in his case.

Brig.
IC Adm.

208.

0491

Declassified E.O. 12356 Section 3.3/NND No. 785017

7 Le 70

Ref. : 6517/163/20 12 August 1946.

SUBJECT: Italian Occupation of Jugoslavia.

TO : G-5 Section,
A.F.H.Q.

1. Forwarded herewith is a publication edited under the auspices of the Italian Ministries of War and Foreign Affairs, entitled "Notes Relative to the Italian Occupation of Jugoslavia".

2. The Italian Government states that this publication is to be considered an official document with the object of showing the surrounding conditions in which the Italian troops lived and worked in Jugoslavia and the dealings and intercourse between them and the local population. — 166

By Command of Rear Admiral Stone:

W. HIND-SMITH

Brigadier,
Executive Commissioner.

Copy to: CA Sec
Poland A
Poland B

P.A. 12/8/46
2082

0492

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 SR

Translation 169

MINISTERO DEGLI AFFARI ESTERI
Il Segretario Generale

No. 1022 Sez. Sol.
Rome, 6 Aug. 46.

132
161

Dear General Lush,

With reference to preceding correspondence and in particular to the letter sent by President De Gasperi to Admiral Stone on the 9th April (n.440) concerning the question of presumed Italian War Criminals claimed by Jugoslavia, and reference your reply of the 15th June 46 (n.6517/E.C.), I am sending you herewith a publication edited under the auspices of the War Ministry and the Ministry of Foreign Affairs, entitled "Notes Relative to the Italian Occupation of Jugoslavia". This publication, which is to be considered an official document, has the object of showing in a just light the surrounding conditions in which the Italian troops lived and worked in Jugoslavia and the dealings and intercourse between them and the local population.

Yours sincerely,

(Signed) R. Prunas

Brigadier M.S. LUSH,
Allied Commission,
R o m e.

EC DIST - 10 days.
ACTION :- EC
INFO :- CC
- CA
POLAD A
POLAD B

see 170

Ministero degli Affari Esteri
IL SEGRETARIO GENERALE

N. 1022 Le. Ll.

168

Roma, li 6-8-1946

Caro Generale Lush,

Con riferimento a precedente corrispondenza e in particolare alla lettera diretta dal Presidente De Gasperi all'Ammiraglio Stone il 9 aprile (n.440) circa la questione dei presunti criminali di guerra italiani reclamati dalla Jugoslavia, e con riferimento alla Sua risposta del 15 Giugno 1946 (n.6517/E.G.), Le invio qui unito una pubblicazione edita a cura del Ministero della Guerra e del Ministero Affari Esteri intitolata "Note relative alla occupazione italiana in Jugoslavia". Tale pubblicazione, che è da considerarsi un documento ufficiale, ha lo scopo di porre nella
./. loro giusta luce le condizioni d'ambiente nelle quali hanno operato e vissuto in Jugoslavia le truppe italiane e i rapporti intercorsi fra di esse e le popolazioni locali.

Molto cordialmente

Brigadiere Generale J. LUSH
Commissione Alleata

- R O M A -

vedi 169.

2080

Declassified E.O. 12356 Section 3.3/NND No. 785017

0494

Declassified E.O. 12356 Section 3.3/NND No. 785017

167

MF/adc

Ref: 6517/967/EB

5 July 1946

SUBJECT: Arresting and over of Italian War criminal Fazina Guido.

TO : Jugoslav Delegation to ACI
Via Quintino Sella 56
Rome.

Reference your letter of 7 Jan. 46. G.5 Section AFHQ have replied as follows.

"This is to advise that action on the above request of the Jugoslav authorities for handing over the subject Italian has been held in abeyance pending receipt of policy decision about handing over Italians to Jugoslavia".

FOR THE CHIEF COMMISSIONER:

P. H. STEWARD

Brigadier
Executive Commissioner

2039

0495

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517

Ex-Conf 166
8713

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 936.22-1 CONFIDENTIAL 25 June 1946

JUN 27 1946

SUBJECT: Arresting and handover of Italian War Criminal Farina GUIDO.

TO : Chief Commissioner,
Allied Commission,
(Attn: Executive Commissioner,
Liaison Division),
APO 794.

Reference 505/FA/EC(L). 9 January 46.

This is to advise that action on the above request of the Jugoslav authorities for handing over the subject Italian has been held in abeyance pending receipt of policy decision about handing over Italians to Jugoslavia.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

A. L. HAMBLEN
Brigadier General, G.S.C.
Assistant Chief of Staff, G-5

dec 167

CONFIDENTIAL

2078

0496

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517
RR

EC 164

Ministero degli Affari Esteri

6/2423/954

Val/Sa

JUN 15 1945

MEMORANDUM FOR THE ALLIED COMMISSION

Subject: War crimes.

1. The Ministry for Foreign Affairs have taken duly note of the communication concerning the handing over to the Italian Authorities responsibility for the trial of enemy nationals accused of atrocities of war crimes committed against Italians, with the exception of:

(a) Persons who are not required for trial by any Allied Nation;

(b) German senior officers, who were responsible for the organization and planning of the reprisal campaign against the Italian civil population, to be tried before a British Military Court.

2. As regards the persons referred under paragraph (a). the Ministry for Foreign Affairs are of the opinion that the fact that the offenders be required for trial by another Nation for atrocities of war crimes committed elsewhere, should not preclude the possibility that they could be brought for trial in Italy for crimes committed here. In such a case it should be admitted that the foregoing officers, as soon as trial in another nation is concluded, be put at the Italian Authorities' disposal for trial to be conducted in Italy for war crimes whose judgment is the competenot of the Italian jurisdiction, following in this respect principles which have generally been adopted, in similar cases, in treaties of extradition and assistance in penal matters. For cases of persons who are accused of war crimes committed in different countries, a possibility to bring them for trial before mixed Courts, could also be considered.

3. As regards the exception concerning German senior officers, referred under paragraph (b), the Ministry for Foreign Affairs are pointing out that such an exception is not foreseen by the Moscow Declaration of November 1st, 1943, on war atrocities.

EC DIST - 15 June
ACTION - CA Sec (2)
INFO - CC
- EC

20 JUN 15

9/
(CAPTK)

04971 1

Declassified E.O. 12356 Section 3.3/NND No. 785017

163

According to the above Declaration, the Italian Government have drawn up a list of German officers accused of atrocities and war crimes perpetrated in Italy.

The motives which could justify the aforesaid exception are not visualized.

Should the German senior officers not be brought for trial before the Italian Courts, the persons more directly responsible of atrocities and war crimes committed in Italy would escape these courts' jurisdiction. They, as per Moscow Declaration, should be tried in this country by Italian Courts according to the Italian Law.

The Ministry for Foreign Affairs, though being of the opinion that no motives are existing for excepting from the principles solemnly set forth in the Moscow Declaration regarding Germany in the respect of German senior officers, beg to add that a derogation could be admitted only in case that the creation of an Italo-British Mixed Court for the trial of said officers could be envisaged.

Rome, June 13th, 1946.

2076

0498

Declassified E.O. 12356 Section 3.3/NND No. 785017

161

HEADQUARTERS ALLIED COMMISSION
APO 394
Office of the Executive Commissioner

Ref. : 6517/301

5 June 1946.

Dear Doctor Prunas,

148

I refer to your letter 1600/26 dated the 11th May 1946 addressed to Admiral Stone, on the subject of the Investigating Commission which is examining the question of War Criminals.

As a result of most careful consideration, I have to inform you that while greatly appreciating the invitation, the Allied Authorities do not feel that any useful purpose will be served in sending an observer to be present at the enquiries of the Investigating Commission on Italian War Criminals now being conducted.

Yours very truly,

M. S. LUSH

Brigadier,
Executive Commissioner.

Doct. R. Prunas,
The General Secretary,
Ministry of Foreign Affairs,
Italian Government,
Rome.

Copy to: Political Adviser (A), AC
Political Adviser (R), AC
Civil Affairs Section, AC

Sic 4 159 . M162 + 4208

207 fr. 16 Lug.

0499

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 Sub

EX-COMM
8227 159

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 936.132

13 June 1946

JUN 13 1946

SUBJECT: Italian Government Investigating Commission on Italian War Criminals.

TO : Chief Commissioner,
Allied Commission,
APO 794.

148 149

1. Reference is made to the Ministry of Foreign Affairs letter, 16004/28 dated 14 May 1946, forwarded with your 6517/149/SC dated 20 May 1946.

2. You should inform the Italian Government that their invitation is appreciated; but, as a result of most careful consideration, the Allied authorities do not feel that any useful purpose will be served in sending an observer to be present at the inquiries of the Investigating Commission of Italian War Criminals now being conducted.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

A. L. HALLEM
Brigadier General, G.S.C.
Assistant Chief of Staff, G-5

#161

2074

(CAPT K)

0500

Declassified E.O. 12356 Section 3.3/NND No. 785017

158

Ref. : 6317/153/HC 7 June 1946.

SUBJECT: Italian War Criminals.

TO : G-5 Section.
Allied Force Headquarters.

1. Reference this Hq letter 6317/149/HC dated 20 May 1946.

2. May a reply be expedited please.

For the Chief Commissioner:

(s) L McM
Brigadier.
Executive Commissioner.

2073

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 to Ex Comm 157

F 67164

JUNE 041214B

CIPHER

H/3610

JUNE 050830B

IMPORTANT

'A' BRANCH CMF

ALCOM

JUN 5 1946

JUN 5 1946

154 Confidential

SECRET.

YOUR SECRET LETTER 6517/EC OF 28.

CONFERENCE WILL BE HELD 'A' BRANCH CONFERENCE ROOM THIS HQ 1130 HOURS 06 JUNE. ACK.

AC DIST

ACTION: LAND FORCES

INFO: CHIEF COMMISSIONER

EXEC COMMISSIONER

C A S

FILE

SKELETON

SECRET

Col Pidsley informed.

CIPHER TELEGRAM

This message will not be distributed outside Brussels Headquarters or Headquarters Departments or Commands even in Cipher without being paraphrased. (Messages marked G.T.P. need not be paraphrased)

2072

P/A -

(CSO) HS. 5/6.

Declassified E.O. 12356 Section 3.3/NND No. 785017

154

SECRET

Confidential

Ref. : 6517/EC

May 1946.

SUBJECT: Italian War Criminals wanted by Yugoslavia.

TO : G.H.Q.
C.M.F.

141 139

I refer to GHQ letter No. 16422/2/A-3 dated 22 April 1946 and my letter No. 6517/141/EC dated 29 April 1946. The information required has taken considerable time chiefly owing to the fact that the Italian Government were precluded from discussion. I would urge that the Ministry of War be brought into consultation in this matter particularly as, (i) General Infanti, ADC to the King, alleges that he has seen the list at A.F.H.Q., (ii) an Italian investigation commission has been set up to ascertain responsibilities which Italian commanders might have incurred in territories outside Italy (vide my letter No. 6517/149/EC dated 20 May 1946 to G-5 A.F.H.Q.). 149

In so far as the list referred to is concerned, the facts on the attached sheet in fact answers your questions. You will note that this information sometimes confirms facts as already stated in Appendix 'A' to G.H.Q. 16422/2/A-3 of 21 March 1946 and in some cases corrects or adds to this information already given.

Colonel W. Hidaley, D.S.C., will represent the A.C. at the meeting which I suggest be called for June 6, preferable at 11.30 or 14.00 hrs.

For the Chief Commissioner:

Phoned A-3 1030 hrs 4 June.
Confirmed meeting arranged
for 11.30 hrs 6 June.
Signed on copy. N.S.
4/6.

M. S. LUSH

Brigadier,
Executive Commissioner.

Copy to:- Land Forces S/C
CAS for CLA

Ref F-157

20/55.156

0503

Declassified E.O. 12356 Section 3.3/NND No. 785017

ON HIS MAJESTY'S SERVICE

152 + 153 R

WAR ECONOMY

Open by slitting along the flap edge.

RE-USE ENVELOPE

by sealing with Economy Label to cover old address and post marks.

112 202

Enclosures to Folio 153.

(Letter no 6517/EC dated 28 May 40)

TO BE OPENED ONLY BY

AN OFFICER

Colonel Commandant

0504

Declassified E.O. 12356 Section 3.3/NND No. 785017

To be opened only by
the addressee

Claude Kucsely
Capt.

Declassified E.O. 12356 Section 3.3/NND No. 785017

152

TOPSEC

Ref. TOPSEC APPENDIX 'A' to GHQ 16422/2/A-3 of 24 Mar.46.

The following information can be given concerning certain persons shown in Appendix 'A'. It will be observed that this information in some cases confirms facts as already stated in Appendix 'A' in some cases corrects information already given and in some cases gives additional information.

SERIAL 60	CRAVARIOLA Fulcio	?	Not now Commanding a Regt of FRIULI Div.
" 96	Gen. MACCARIO Allisandro	✓	At present Commanding a Division in SARDINIA.
" 40	Gen. PIRZIO-BIROLI Allisandro	?	Not now at M of W, not shown in Italian Army List ~~retired~~ PRESUMED retired.
" 88 102	Capt. PANDINI Giuseppe	x	Has been seen recently in ROME not thought to be under arr est.
" 27	Gen. MERADI Paolo	✓✓	Attached M of W, ROME not now at PALERMO. Cable G.O.C. Sicily formerly C.I.A.S.
" 64	Gen. CORONATI Emilio	?	Retired. Staying at present at VIA LATTO 2, ROME, residence in CAMPAGNIA.
" 35	Gen. ORLANDO Taddeo	✓	Address correct as given. (recently G.O.C. C.C.RR and C.I.A.S.
" 173	Gen. RUGERO Vittorio not ROGERO	?	Now attached M of W, ROME.
" 165	Gen. PINTAU Benjamino not PITAU	✓	Now attached Territorial Hq PALERMO.
" 54	Brig. CERUTTI Guido	✓	Now attached Territorial Hq ROME.
" 203	Gen. ZATTI Vittorio	✓	Posted to Territorial Hq UDINE.
" 156	Gen. PELLIGRA	? which. ✓	There were two brothers of this name both GENERALS. One was executed by the Germans, the other DIV GEN PELLIGRA Raffaele is ~~attached~~ M of W ROME. as Q.M.G. to the Italian Army.

The above information is based on the personal knowledge of certain British officers of this Mission and by reference to the current Italian Army List.

The GHQ document being TOPSEC has not been referred to the M of W, were this to be done considerably more information could be obtained.

25/5

T.A.T. Gillmor Lt Col
AAG
MMIA

Declassified E.O. 12356 Section 3.3/NND No. 785017

1554

Serial.	Name.	Location.	Remrks.
80	Giuseppe Fulcio	Unknown. Does not now command Regt. of Friuli Division.	Italian re-action to arrest unknown.
90	Gen. MACCARIO Alisandro	Commanding a Division in SARDINIA.	Arrest would cause embarrassment and resentment.
40	Gen. PIRZIO BIROLI Alisandro	Unknown. Not now at M. of W. Presume retired.	Reaction to arrest unknown.
88 102	Capt. PATRINI Giuseppe	Recently in Rome thought to be under arrest.	Reaction to arrest unknown - possibly nil.
27	Gen. MIRABELLI Paolo	Lately C.O.C. Sicily. Formerly C.I.C.S. now attached M. of W. - Rome.	Arrest would cause embarrassment and resentment.
4	Gen. CERRUTI Emilio	Retired. Now at Via Isazio 9 Rome or at country residence in Campagna.	Reaction to arrest unknown.
35	Gen. ORLANDO Taddeo	Recently C.O.C. CC.RR. and C.I.C.S. Address as in Appendix 'A'.	Arrest would cause embarrassment and resentment.
173	Gen. RUGGERO Vittorio not RUGGERO	Attached M. of W. - Rome.	Reaction to arrest unknown.
163	Gen. PITTAU Benjamino	Attached Territorial H.Q. Bologna.	Arrest would cause resentment and embarrassment.
54	Brig.Gen. CHIAPPI Guido	Attached Territorial H.Q. Rome.	" "
203	Gen. ZANZI Vittorio	Attached Territorial H.Q. Udine.	" "
158	Gen. PELLIGRA	a. If this is RAFFAELE Pelligra he is CRE of Italian Army at M. of W. - Rome. b. If this is not Raffaele but his brother, he was executed by Germans.	The most serious embarrassment and resentment would be caused by his arrest and great disruption of Italian army efficiency.

0507

Declassified E.O. 12356 Section 3.3/NND No. 785017

~~2534~~ EX-COMM 6517 ~~TOP~~ SECRET 151

SUBJECT : Italian War Criminals Wanted by YUGOSLAVIA

SECRET
Confidential

GHQ CMF

16422/2/A-3

MAY 24 1946

24 May 46

HQ Allied Commission
(~~Washington, Combined Chiefs of Staff, GHQ~~)

139

Will you please furnish a further reply to my letter of even number dated 24 Apr 46, as soon as possible, as the War Office are pressing this HQ to refer this matter to the Combined Chiefs of Staff.

/mw

J. Napier
Brigadier,
DAG.

see M 152 + 153.

SECRET

2069

(CAPT K)

0503

Declassified E.O. 12356 Section 3.3/NND No. 785017

(150)

ADQUARTERS ALLIED COMMISSION
A P O 794
Office of the Executive Commissioner

Ref: 6517/150/20.

20 May 1946.

(148)

Dear Dr. Prums:

I have to acknowledge your letter 16004/26 dated 14 May 1946 on the subject of the Investigating Commission which is examining the question of war criminals.

The matter has been referred to the proper authorities and I will communicate with you further on receipt of their reply.

Yours very truly,

For the Chief Commissioner:

/s/ N.W. HIND. SMITH

Brigadier,
Executive Commissioner.

Dott. R. Prums,
The General Secretary,
Ministry of Foreign Affairs,
Italian Government,
Rome.

Copy to: Political Adviser (A), AC.
Political Adviser (P), AC.
Civil Affairs Section, AC.

2064

0509

Declassified E.O. 12356 Section 3.3/NND No. 785017

(149)

HEADQUARTERS ALLIED COMMISSION
APO 794
Office of the Executive Commissioner

SECRET
Confidential

20 May 1946.

Ref: 6517/149/EC.

SUBJECT: Italian War Criminals.

TO : C-5 Section,
Allied Force Headquarters.

(148)

1. Forwarded herewith is a copy of a letter received from The Ministry of Foreign Affairs, 16004/28 dated 14 May 1946, in which it is asked if the Allied Authorities desire to send an observer to the Investigating Commission which has been set up by the Italian Government. The letter referred to by the Ministry of Foreign Affairs was forwarded to you attached to our reference 6517/EC dated 13 April 1946.

(135)

(132)

2. Would you please inform this Headquarters what reply should be sent to the Ministry of Foreign Affairs.

For the Chief Commissioner:

/s/ N.W. HINDSMITH
Brigadier,
Executive Commissioner.

Incl.

Copy to: Political Adviser (A), AC.
Political Adviser (B), AC.
Civil Affairs Section, AC.

See 155 & 156

See 7-159

2067

0510

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 Ex Corsica 148

TRANSLATION

16004/28

MINISTRY OF FOREIGN AFFAIRS
The General Secretary

Rome , 14 May 1946.

132

MAY 17 1946

Dear Admiral,

The President of the Council mentioned to you in his letter dated 9 April No. 440, that an investigating Commission is ascertaining the responsibilities in which might have incurred the Italian commanders and their staffs and men in territories beyond the Italian border, occupied by the Italian Armed Forces, in order to punish the eventual "war criminals".

The President of this Commission, the ex-Minister of War, Senator Casati, informs you that, if the Allies consider the opportunity of sending an observer, he would not only have no objections to make, but would even be very pleased.

The Commission is composed as follows:

President: the ex-Minister of War, Senator Casati;

Members : the ex-Undersecretaries of State Albergo, Bassano, Palermo;

the President of the "Corte di Cassazione" Marzadro and the Procuratore Generale di Cassazione Gaetano;

Prof. Scorni, International Law professor;

General Ago;

Admiral Sansonetti;

General Porro of the Air Force.

The next meeting will take place at the Ministry of War (Cabinet) on 22 May at 1630 hours and in that occasion the date of the next meetings will be set.

Very cordially

R. PRUNAS

Admiral Ellery W. Stone
Chief Commissioner
Allied Commission
Rome.

see 119

see - 159

EC DIST - 18 May

ACTION - EC
INFO - CA Sec
- POLAD A
POLAD B
2066

(C50)

Declassified E.O. 12356 Section 3.3/NND No. 785017

Ministero degli Affari Esteri

IL SEGRETARIO GENERALE

16064/28 147

Roma, lì 14 MAG 1945

Caro Ammiraglio,

il Presidente del Consiglio con sua lettera in data 9 aprile n°440, Le ha accennato che una Commissione d'inchiesta sta accertando le responsabilità nelle quali possano essere incorsi i comandanti e gregari italiani nei territori d'oltre confine, occupati dalle Forze Armate Italiane per punire gli eventuali colpevoli di "crimini di guerra".

Il presidente di questa Commissione, che è l'ex-Ministro della Guerra, Senatore Casati, Le fa sapere che, qualora da parte degli Alleati si ritenesse opportuno inviare un osservatore, egli non solo non avrebbe difficoltà in proposito, ma anzi ne sarebbe ben lieto.

La Commissione è così composta:

Presidente : l'ex-Ministro della Guerra Senatore Casati;

Membri : gli ex-Sottosegretari di Stato On.li Albergo, Bassano, Palermo;

il Presidente di Corte di Cassazione Marzadro e il Procuratore Generale di Cassazione Gaetano;

il Prof.Scerni, docente di Diritto Internazionale;

il Generale designato d'Armata Ago;

l'Ammiraglio di Divisione Sansonetti;

il Generale di Squadra Aerea Porro.

La prossima seduta avrà luogo al Ministero della Guerra (Gabinetto) il 22 maggio alle ore 16,30 e verrà, in tale occasione, fissata la data delle ulteriori riunioni.

Ammiraglio Ellery W. S t o n e
Capo della Commissione Alleata
R o m a

Molti cordiali

P. Phumf 2065

Ministero degli Affari Esteri

IL SEGRETARIO GENERALE

Roma, lì 14 MAG 1946

28

Caro Ammiraglio,

il Presidente del Consiglio con sua lettera in data 9 aprile n°440, Le ha accennato che una Commissione d'inchiesta sta accertando le responsabilità nelle quali possano essere incorsi i comandanti e gregari italiani nei territori d'oltre confine, occupati dalle Forze Armate Italiane per punire gli eventuali colpevoli di "crimini di guerra".

Il presidente di questa Commissione, che è l'ex-Ministro della Guerra, Senatore Casati, Le fa sapere che, qualora da parte degli Alleati si ritenesse opportuno inviare un osservatore, egli non solo non avrebbe difficoltà in proposito, ma anzi ne sarebbe ben lieto.

La Commissione è così composta:

Presidente : l'ex-Ministro della Guerra Senatore Casati;

Membri : gli ex-Sottosegretari di Stato On.li Albergo, Bassano, Palermo;

il Presidente di Corte di Cassazione Marzadro e il Procuratore Generale di Cassazione Gaetano;

il Prof.Scerni, docente di Diritto Internazionale;

il Generale designato d'Armata Ago;

l'Ammiraglio di Divisione Sansonetti;

il Generale di Squadra Aerea Porro.

La prossima seduta avrà luogo al Ministero della Guerra (Gabinetto) il 22 maggio alle ore 16,30 e verrà, in tale occasione, fissata la data delle ulteriori riunioni.

Ammiraglio Ellery W. S t o n e
Capo della Commissione Alleata
R o m a

Molti cordiali saluti

R Rumor 2065

Declassified E.O. 12356 Section 3.3/NND No. 785017

0513

Declassified E.O. 12356 Section 3.3/NND No. 785017

COPY

6517 ~~3616~~ 70 File 1146

CONFIDENTIAL

ALLIED FORCE HEADQUARTERS

APO 512

AG 091.112 GEG-Ø 1 May 1946

MAY 6 1946

SUBJECT: Azerbaijan Nationals

TO : The Acting Representative of
the Unione of Soviet Socialist
Republics to the Allied Commission
for Italy,
Headquarters, Allied Commission
APO 394

In the absence of any reply to letter this headquarters, file and subject as above, dated 1 April 1946, and in view of the fact that it is now over three months since the procedure to be followed was discussed, it is presumed that it is not intendend to pursue this matter further. This headquarters, therefore, proposes to release all the persons concerned 21 days after the date of this letter.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

/S/ Ralph C. Tilley
/T/ Ralph C.Tilley
Colonel, AGd
Adjutant General

4/5/46
original
passed on to
USSR Rep-AC
VRO

CONFIDENTIAL

2065 PA 11/5

0514

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517

148

MAY 2 1946

HEADQUARTERS PUBLIC RELATIONS

Central Mediterranean Force

TO : ALL CORRESPONDENTS.

VANOZZI Arturo
MASSI Guglielmo
POLONI Fausto

1. In accordance with GHQ Adm Instr No 27 as amended by GHQ ~~Letter~~ 16000/a-3 dated 20 Feb 46 notice is hereby given that the ~~above-named~~ will be brought to trial before a Military Court to be held at 0930 hrs on Monday 6 May 46 at The Court Room, HQ 211 Sub Area, ANCONA.

2. The accused are charged with

COMMITTING A WAR CRIME

in that they

at ASCOLI PICENO, ITALY, in or about February 1944, in violation of the laws and usages of war were concerned in the killing of Battery Sergeant Major W.R.A. T--, Royal Artillery, a prisoner of war.

APT K

APT 3

2063

0513

Declassified E.O. 12356 Section 3.3/NND No. 785017

143

Ref: 6517/143/30.

2 May 1946.

My dear Mr. Prime Minister:

132

With further reference to your letter No. 440 dated 9 April 1946 on the subject of the handing over of Italian war criminals to Yugoslavia I have to inform you that the American and British Governments are fully aware of all the implications of this question and are giving it their active consideration.

It will materially assist the Allied Authorities if you will forward as soon as possible the results of the enquiries now being made by the Ministry of War which you mention in the last paragraph of your letter.

Yours very truly,

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Dott. Alcide De Gasperi
President of the Council of Ministers
Italian Government
Rome.

Copy to: 6 Encs.
Polad (A)
Polad (B)
CA Section
} 6517/EC dated 13 April 46 and 6517/136/EC dated 16 April 46 refer.

135

136.

Declassified E.O. 12356 Section 3.3/NND No. 785017

6592 6517 R1

SECRET

Ex Comm 142

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 336.132

29 April 1946
APR 30 1946

SUBJECT: Italian War Criminals.

TO : Headquarters, Allied Commission, (135)
APO 394.

Reference your 6517/AC dated 13 April.

1. Request you inform Signor de Gasperi (132) in answer to his letter of 9 April 1946 that the British and American Governments are fully aware of all the implications of this question and are giving it their active consideration. Inform him also that an early receipt of the War Ministry report as mentioned in the last paragraph of the Prime Minister's letter will materially assist the Allied authorities.

2. Your attention is invited to the letter of CCS 10422/2/A-3 dated 24 April 1946, subject, Italian War Criminals wanted by Jugoslavia. (139)

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

A. L. HAMBLEN
Brigadier General, G.S.C.
Assistant Chief of Staff, G-5

See 143
& 144

SECRET

(EXT K)

2061 PA

0517

Declassified E.O. 12356 Section 3.3/NND No. 785017

TOP SECRET.

Confidential 141.

Ref: 6517/141/EC. 29th April 1946.

SUBJECT: Italian War Criminals wanted by JUGOSLAVIA.

TO : G.H.Q., C.M.F.
Personal for Brigadier J. Mayder.

139

I write to acknowledge receipt of your letter 16422/2/A-3 dated 24 Apr 46.

The lists are now being studied and as soon as I am in a position to do so I will signal proposals for date of conference.

For the Chief Commissioner:

M. S. LUSH

Brigadier,
Executive Commissioner.

MSL/JG.

WO 204 Le 155

2060

4429

TOPSEC

Brigadier Lush.

TOP SECRET.

Subject:- ITALIAN WAR CRIMINALS WANTED BY JUGOSLAVIA.

Confidential

GHQ CMF.

16422/2/A-3.

14 Apr 46.

HQ Allied Commission (2).
PERSONAL for Brigadier M.S. LUSH, CB, CBE, MC.

BS refers

1. A number of requests have been received through various channels for certain Italians who are alleged to have committed war crimes in Jugoslavia to be handed over to the Jugoslav authorities for trial. The Allied policy is to hand over these people whenever possible, but in view of the fact that the list contains 69 names, including 23 Generals, 18 Colonels and 11 Lieutenant-Colonels, some of whom are believed to hold important positions in the present Italian Army and Government, it is considered advisable to refer to the Combined Chiefs of Staff before any executive action is taken.

2. A copy of the list in question (issued under GHQ reference 16422/2/A-3 dated 21 Mar 46) was forwarded under personal and top secret cover to the AAG, MMIA, on 9 Apr 46. It is proposed to hold a Conference at this HQ as early as convenient to discuss the political implications of handing over to the Jugoslavs the persons on the list whose whereabouts are known, and the practicability of effecting the arrest of those who are not yet in custody. Representatives of HQ Allied Commission Br and US Polads, G-2, G-5, DJAG, JA MTOUSA and PM will be invited to attend. The Conference will also be required to draft a signal to the Combined Chiefs of Staff asking for instructions.

3. It is requested that you will ascertain by discreet enquiry the present appointments and locations of the persons concerned, and the possible implication of their arrest and handover, and be prepared to send a representative who can put these facts before the Conference. Please inform this HQ (A-3) of a convenient date and time for the Conference, and the name of the officer(s) attending.

4. Further copies of the list referred to in para 2 can be provided if necessary. It is of course of the utmost importance that this list should not be seen by any unauthorised person, and you are requested to arrange for its safe handling.

See F.151 & 155.

D Napier
Brigadier,
D.J.G.

DJFG/mem.

Copy to - Br POLAD
US POLAD
G-2
G-5
DJAG

See 4.140. 141

20516/1

Declassified E.O. 12356 Section 3.3/NND No. 785017

24 Apr 46.

HQ Allied Commission (2).
PERSONAL for Brigadier M.S. LUSH, CB, CBE, MC.

BS refers

1. A number of requests have been received through various channels for certain Italians who are alleged to have committed war crimes in Jugoslavia to be handed over to the Jugoslav authorities for trial. The Allied policy is to hand over these people whenever possible, but in view of the fact that the list contains 69 names, including 23 Generals, 18 Colonels and 11 Lieutenant-Colonels, some of whom are believed to hold important positions in the present Italian Army and Government, it is considered advisable to refer to the Combined Chiefs of Staff before any executive action is taken.

2. A copy of the list in question (issued under GHQ reference 16422/2/A-3 dated 21 Mar 46) was forwarded under personal and top secret cover to the AAG, MMIA, on 9 Apr 46. It is proposed to hold a Conference at this HQ as early as convenient to discuss the political implications of handing over to the Jugoslavs the persons on the list whose whereabouts are known, and the practicablity of effecting the arrest of those who are not yet in custody. Representatives of HQ Allied Commission Br and US Polads, G-2, G-5, DJAG, JA MTOUSA and PM will be invited to attend. The Conference will also be required to draft a signal to the Combined Chiefs of Staff asking for instructions.

3. It is requested that you will ascertain by discreet enquiry the present appointments and locations of the persons concerned, and the possible implication of their arrest and handover, and be prepared to send a representative who can put these facts before the Conference. Please inform this HQ (A-3) of a convenient date and time for the Conference, and the name of the officer(s) attending.

4. Further copies of the list referred to in para 2 can be provided if necessary. It is of course of the utmost importance that this list should not be seen by any unauthorised person, and you are requested to arrange for its safe handling.

See F.151 & 155.

D Napier
Brigadier,
DAG.

DJFC/mem.

Copy to - Br POLAD
US POLAD
G-2
G-5
DJAG
JA MTOUSA
PM (Br).

See M.140-141

203451

TOP SEC

Seen Polad's.
6/5/46

Seen Polad's.
7 May 7/46

W.S. 30/4.

Declassified E.O. 12356 Section 3.3/NND No. 785017

0520

Declassified E.O. 12356 Section 3.3/NND No. 785017

137

VI.0/rb

Ref. 6817/137/MC

23 April 1946

Dear Monseigneur McGeough,

Attached please find your letter no.121140/GA of 6 April 1946 which this office is returning to you for resubmission with the memorandum which your office neglected to enclose.

On April 10 this office telephoned to inform your office that no memorandum from Generale Saposito Giovanni was enclosed in the a/m letter. It was advised that the memorandum would be forwarded at once. As the memorandum has not yet reached this office the basic letter is returned without action.

VICTOR L. ODDY

Brigadier
Acting Chief Commissioner

Encl. as above

2037

PA. 23/7

0521

Declassified E.O. 12356 Section 3.3/NND No. 785017

136

Ref. : 6517/136/BC 16 April 1946.

My dear Mr. Prime Minister,

132

I have to acknowledge your letter ref. No. 440 dated 9 April 1946 on the subject of the handing over of Italian war criminals to Yugoslavia.

This matter has been referred to the proper authorities and if I have any information to give you I will of course communicate at once.

Yours very truly,

M S. LUSH

Brigadier,
Acting Chief Commissioner.

Copy to: - Chief Commissioner
Polad "A"
Polad "B"
C.A. Section

See m. 137. 138.

2057

Ph. K. 15

Declassified E.O. 12356 Section 3.3/NND No. 785017

SECRET. 135

Ref: 6517/EC. 8 April 1946.

SUBJECT: War Criminals.

TO : Allied Force Headquarters.
Attn: G-5 Section.

132

1. I forward herewith copy of a representation received from the Ministry of Foreign Affairs concerning the alleged surrender of Italian War Criminals to Yugoslavia.

2. Whatever may be the accuracy or otherwise of the Reuters reports, the facts are that the Yugoslav Representative on the Advisory Council has requested the surrender of all Italians listed by Yugoslavs as war criminals.

3. This matter has, I understand, been the subject of telegrams between the British Embassy - British Resmin AFHQ, and therefore AFHQ. US polad has associated himself with the views of the British Resmin who reflects those of the British Embassy.

4. The matter was referred to SACMED recently by General Infante.

M S [illegible]

Brigadier,
Acting Chief Commissioner.

MSI/JG.

Copy to: Chief Commissioner
Polad (A)
Polad (B)
CA Section
File
Float

B/u 32 3-1

See 142. 2056

See 7-250

Declassified E.O. 12356 Section 3.3/NND No. 785017

134

SECRET.

Confidential

WAR CRIMINALS

1. AFHQ are responsible for all policy and procedure matters in connection with War Criminals.

The Allied Commission acts only as a channel for correspondence between AFHQ and the Italian Government and the representative of Yugoslavia on the Advisory Council for Italy.

2. So far as is known in the Civil Affairs Section the procedure for getting individuals included in the United Nations War Crimes Commission Lists is as follows:

A Government desirous of having an individual or individuals included in the Lists makes application to the United Nations War Crimes Commission in London with full particulars of charges, lists of witnesses and presumably statements of evidence. The Commission considers the case and if it is of the opinion that a charge of having committed a War Crime can be sustained, the individual or individuals are included in the War Crimes Commission Lists. Copies of the War Crimes Commission Lists are held by the Security Division of the Allied Commission for reference in connection with the tracing of War Criminals.

3. Article 29 of the long armistice terms, reads as follows:

> " BENITO MUSSOLINI, his Chief Fascist associates and all persons suspected of having committed war crimes or analogous offenses whose names appear on lists to be communicated by the United Nations and who now or in the future are on territory controlled by the Allied Military Command or by the Italian Government will forthwith be apprehended and surrendered into the hands of the United Nations. Any instructionsgiven by the United Nations for this purpose will be complied with."

4. Up to just recently, Allied Commission had received requests for the arrest of alleged traitors and criminals only from Dr.Smodlaka, the Yugoslav representative on the Advisory Council for Italy.

Prior to January 1946, the letters received from Dr.Smodlaka were mainly in regard to alleged Yugoslav war criminals or traitors, but these related almost wholly to individuals who were not on the War Crimes Commission Lists.

On January 5th 1946, Dr.Smodlaka addressed a series of letters direct to AFHQ requesting arrest of various individuals among which were included a number of listed Italian War Criminals. All of these letters were transmitted to Headquarters Allied Commission together with a Minute which stated that it was the opinion of RUSMIN that the Yugoslav

are responsible for all policy and procedure matters in connection with War Criminals.

The Allied Commission acts only as a channel for correspondence between AFHQ and the Italian Government and the representative of Yugoslavia on the Advisory Council for Italy.

2. So far as is known in the Civil Affairs Section the procedure for getting individuals included in the United Nations War Crimes Commission Lists is as follows:

A Government desirous of having an individual or individuals included in the Lists makes application to the United Nations War Crimes Commission in London with full particulars of charges, lists of witnesses and presumably statements of evidence. The Commission considers the case and if it is of the opinion that a charge of having committed a War Crime can be sustained, the individual or individuals are included in the War Crimes Commission Lists. Copies of the War Crimes Commission Lists are held by the Security Division of the Allied Commission for reference in connection with the tracing of War Criminals.

3. Article 29 of the long armistice terms, reads as follows:

> " BENITO MUSSOLINI, his Chief Fascist associates and all persons suspected of having committed war crimes or analogous offenses whose names appear on lists to be communicated by the United Nations and who now or in the future are on territory controlled by the Allied Military Command or by the Italian Government will forthwith be apprehended and surrendered into the hands of the United Nations. Any instructionsgiven by the United Nations for this purpose will be complied with."

4. Up to just recently, Allied Commission had received requests for the arrest of alleged traitors and criminals only from Dr.Smodlaka, the Yugoslav representative on the Advisory Council for Italy.

Prior to January 1946, the letters received from Dr.Smodlaka were mainly in regard to alleged Yugoslav war criminals or traitors, but these related almost wholly to individuals who were not on the War Crimes Commission Lists.

On January 5th 1946, Dr.Smodlaka addressed a series of letters direct to AFHQ requesting arrest of various individuals among which were included a number of listed Italian War Criminals. All of these letters were transmitted to Headquarters Allied Commission together with a Minute which stated that it was the opinion of RESIMIN that the Yugoslav Advisory Council for Italy has no authority to address AFHQ on the subject of Yugoslav War Criminals and that these matters should be

2055

Declassified E.O. 12356 Section 3.3/NND No. 785017

133

Confidential

referred through diplomatic channels. AFHQ do not seem to have appreciated at that time that the letters addressed to them included a number of listed Italian War Criminals. This was pointed out to AFHQ and on the 4th February 1946 instructions were issued to this Headquarters that, if Dr.Smodlaka made application for the arrest of persons who were in the War Crimes Commission Lists, Allied Commission would forward the request to DAPM (S.I.B) c/o JAG, Naples to effect the arrest and would inform Dr.Smodlaka of the action taken. Later the procedure was amended so that requests were to be forwarded to AFHQ A-3 instead of DAPM, Naples.

All Dr. Smodlaka's correspondence was reviewed and a list of eighteen listed Italian War Criminals was sent, on the 16th February 1946, to DAPM Naples for action. This list included some officers in service with the Italian Armed Forces and in view of this Civil Affairs Section arranged to keep MMIA informed of applications transmitted to higher authority.

On the 14th February 1946, the names of two further listed Italian War Criminals, both military officers, were received from Dr.Smodlaka and duly transmitted to DAPM, Naples.

In a letter dated 28th February 1946 addressed to this headquarters, Dr. Smodlaka, as representative of Yugoslavia on the Advisory Council for Italy, on behalf of the Yugoslav Government formally requested that all Italian War Criminals listed by the United Nations War Crimes Commission be arrested and handed over to the Yugoslav authorities. The letter added that as most of them were living at their proper homes in Italy it should be easy to find them out. The letter also asked as to what progress had been made in regard to the arrest of War Criminals previously requested.

Dr.Smodlaka's omnibus request was forwarded to AFHQ A-3 on the 9th March 1946, and Dr.Smodlaka informed accordingly. Up to the present no further correspondence has been received either from AFHQ or Dr.Smodlaka on this subject.

5. Up to just recently no applications had been received from the Italian Government at this Headquarters for the arrest of War Criminals. Within the last few days, however, two letters have been received from the Ministry of Foreign Affairs. One letter requests the arrest of Field Marshall Kesselring and two other German officers in connection with the massacre at the Ardeatine Caves, and the other for the arrest of eight German officers in connection with crimes on the Island of Cefalonia. Investigation is being made by Civil Affairs Section as to whether the German officers named are included in the War Crimes Lists held by this Headquarters.

A letter has also been received from the Prime Minister on the subject of handing over Italian War Criminals in general.

Declassified E.O. 12356 Section 3.3/NND No. 785017

Declassified E.O. 12356 Section 3.3/NND No. 785017

of persons who were in the War Crimes Commission Lists, Allied Commission would forward the request to DAPM (S.I.B) c/o JAG, Naples to effect the arrest and would inform Dr.Smodlaka of the action taken. Later the procedure was amended so that requests were to be forwarded to AFHQ A-3 instead of DAPM, Naples.

All Dr. Smodlaka's correspondence was reviewed and a list of eighteen listed Italian War Criminals was sent, on the 16th February 1946, to DAPM Naples for action. This list included some officers in service with the Italian Armed Forces and in view of this Civil Affairs Section arranged to keep MMLA informed of applications transmitted to higher authority.

On the 14th February 1946, the names of two further listed Italian War Criminals, both military officers, were received from Dr.Smodlaka and duly transmitted to DAPM, Naples.

In a letter dated 28th February 1946 addressed to this headquarters, Dr. Smodlaka, as representative of Yugoslavia on the Advisory Council for Italy, on behalf of the Yugoslav Government formally requested that all Italian War Criminals listed by the United Nations War Crimes Commission be arrested and handed over to the Yugoslav authorities. The letter added that as most of them were living at their proper homes in Italy it should be easy to find them out. The letter also asked as to what progress had been made in regard to the arrest of War Criminals previously requested.

Dr.Smodlaka's omnibus request was forwarded to AFHQ A-3 on the 9th March 1946, and Dr.Smodlaka informed accordingly. Up to the present no further correspondence has been received either from AFHQ or Dr.Smodlaka on this subject.

5. Up to just recently no applications had been received from the Italian Government at this Headquarters for the arrest of War Criminals. Within the last few days, however, two letters have been received from the Ministry of Foreign Affairs. One letter requests the arrest of Field Marshall Kesselring and two other German officers in connection with the massacre at the Ardeatine Caves, and the other for the arrest of eight German officers in connection with crimes on the Island of Cefalonia. Investigation is being made by Civil Affairs Section as to whether the German officers named are included in the War Crimes Lists held by this Headquarters.

A letter has also been received from the Prime Minister on the subject of handing over Italian War Criminals in general.

Il Ministro degli Affari Esteri

6517

132

Rough translation

n° 440

Rome, April 9th, 1946 APR 13 1946

Dear Admiral Stone,

According to a Reuters' news item dated March 26th it appears that the Governments of the United States and of Great Britain have informed the Government of Yugoslavia that instructions were imparted to the Allied Forces Headquarters at Caserta for the delivery to the latter of Italian war criminals.

I deem it superfluous, dear Admiral Stone, to call your attention upon the extreme seriousness of such a step, should the information be correct. In fact I cannot conceal that a request of delivery to Yugoslavia of Italian subjects would arouse in this country a dangerous reaction and a justifiable indignation since very grave news is daily received of criminal acts perpetrated by the Yugoslav Authorities against Italians, as also testified by repatriated P.O.W.s and by the "foibe" of the Carso and Istria regions.

The feelings thus aroused would necessarily react upon certain aspects of the internal situation, the gradual normalization of which ought not to be perturbed, especially during the period preceding the elections to the Costituent Assembly.

Furthermore, only too well known are the methods followed now by Yugoslav Courts, giving no guarantee whatsoever of compliance with the most elementary principles of justice.

Admiral Ellery W.Stone
Chief Commissioner

135 & 136

43

Declassified E.O. 12356 Section 3.3/NND No. 785017

Rome, April 9th, 1945 APR 13 1946

Dear Admiral Stone,

According to a Reuters' news item dated March 26th it appears that the Governments of the United States and of Great Britain have informed the Government of Yugoslavia that instructions were imparted to the Allied Forces Headquarters at Caserta for the delivery to the latter of Italian war criminals.

I deem it superfluous, dear Admiral Stone, to call your attention upon the extreme seriousness of such a step, should the information be correct. In fact I cannot conceal that a request of delivery to Yugoslavia of Italian subjects would arouse in this country a dangerous reaction and a justifiable indignation since very grave news is daily received of criminal acts perpetrated by the Yugoslav Authorities against Italians, as also testified by repatriated P.O.W.s and by the "foibe" of the Carso and Istria regions.

The feelings thus aroused would necessarily react upon certain aspects of the internal situation, the gradual normalization of which ought not to be perturbed, especially during the period preceding the elections to the Costituent Assembly.

Furthermore, only too well known are the methods followed now by Yugoslav Courts, giving no guarantee whatsoever of compliance with the most elementary principles of justice.

Admiral Ellery W.Stone
Chief Commissioner
Allied Commission
R O M E

See 135-d 13/6
143

p.t.o.

205,

Declassified E.O. 12356 Section 3.3/NND No. 785017

On the other hand there are strong juridical arguments which give support to the fact that in this matter the treatment envisaged for Italy, according to the Moscow Declaration itself, differs from the one established for Germany. In this connection I beg to inform you that the Ministry of War, in order to ascertain the responsibilities into which Italian Commanders as well as other military personnel in territories formerly occupied by Italian Armed Forces might have incurred, and in order to punish those who may prove guilty of war crimes, is carrying out an accurate inquiry, the result of which will be notified to the Allied Commission as soon as possible.

(sgd) DE GASPERI

Declassified E.O. 12356 Section 3.3/NND No. 785017

Il Ministro degli Affari Esteri

Roma, 2 APR. 1946

Leg. Pol. N. 4446

131

Caro Ammiraglio,

secondo una notizia diffusa in data 26 marzo dalla Agenzia Reuter i Governi americano e britannico avrebbero informato quello jugoslavo di aver dato istruzioni al Quartier Generale delle Forze Alleate a Caserta circa la consegna dei criminali di guerra italiani.

E' quasi superfluo, caro Ammiraglio, che io attiri la Sua attenzione sulla estrema gravità di tale notizia, qualora essa fosse esatta. Non posso infatti nasconderLe che una eventuale richiesta di consegna alla Jugoslavia di Italiani, mentre ogni giorno pervengono notizie molto gravi su veri e propri atti di criminalità compiuti dalle autorità jugoslave a danno di Italiani e dei quali sono testimoni i reduci dalla prigionia e le foibe del Carso e dell'Istria, susciterebbe nel Paese una viva reazione e una giustificata indignazione.

L'emozione cosi' suscitata non mancherebbe di riflettersi anche su taluni aspetti della situazione interna di cui non appare conveniente turbare il processo di normalizzazione sopratutto nel periodo che precede le elezioni alla Costituente.

Sono poi ormai ben noti i metodi attualmente in uso nei Tribunali jugoslavi, metodi che non danno alcuna garanzia di osservanza delle piu' elementari norme di giustizia.

D'altra parte vi sono forti argomentazioni di ordine giuridico che inducono a ritenere che in materia il trattamento previsto per l'Italia è diverso - secondo la stessa Dichiarazione di Mosca - da quello stabilito per la Germania. E a tale riguardo La informo che il Ministero della Guerra, ansioso di stabilire le responsabilità nel-

Declassified E.O. 12356 Section 3.3/NND No. 785017

Caro Ammiraglio,

secondo una notizia diffusa in data 26 marzo dalla Agenzia Reuter i Governi americano e britannico avrebbero informato quello jugoslavo di aver dato istruzioni al Quartier Generale delle Forze Alleate a Caserta circa la consegna dei criminali di guerra italiani.

E' quasi superfluo, caro Ammiraglio, che io attiri la Sua attenzione sulla estrema gravità di tale notizia, qualora essa fosse esatta. Non posso infatti nasconderLe che una eventuale richiesta di consegna alla Jugoslavia di Italiani, mentre ogni giorno pervengono notizie molto gravi su veri e propri atti di criminalità compiuti dalle autorità jugoslave a danno di Italiani e dei quali sono testimoni i reduci dalla prigionia e le foibe del Carso e dell'Istria, susciterebbe nel Paese una viva reazione e una giustificata indignazione.

L'emozione cosi' suscitata non mancherebbe di riflettersi anche su taluni aspetti della situazione interna di cui non appare conveniente turbare il processo di normalizzazione sopratutto nel periodo che precede le elezioni alla Costituente.

Sono poi ormai ben noti i metodi attualmente in uso nei Tribunali jugoslavi, metodi che non danno alcuna garanzia di osservanza delle piu' elementari norme di giustizia.

D'altra parte vi sono forti argomentazioni di ordine giuridico che inducono a ritenere che in materia il trattamento previsto per l'Italia è diverso - secondo la stessa Dichiarazione di Mosca - da quello stabilito per la Germania. E a tale riguardo La informo che il Ministero della Guerra, ansioso di stabilire le responsabilità nel-

Ammiraglio Ellery W. Stone
Capo della Commissione Alleata

ROMA

20.2
./.

Declassified E.O. 12356 Section 3.3/NND No. 785017

le quali possano essere incorsi i Comandanti o i gregari italiani nei territori d'oltre confine occupati dalle FF.AA. italiane, e di punire gli eventuali colpevoli di reati detti "crimini di guerra", sta provvedendo ad una severa inchiesta il cui esito sarà appena possibile portato a conoscenza della Commissione Alleata.

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517

130

DUPLICATE

6/1652/688

Ministero degli Affari Esteri

APR 11 1946

MEMORANDUM FOR THE ALLIED COMMISSION

Subject: Nazi War Criminals.

1. The Ministry for Foreign Affairs beg to enclose herewith the prescribed pro-forma in 5 copies, containing the charges brought by the General Military Attorney of the Italian Supreme Military Court for the "Fosse Ardeatine" mass murder demanding that the following German war criminals be delivered over for trial:

a) KESSELRING Albert - Field Marshal - former commander of the German forces in Italy;

b) KAPPLER Herbert - Colonel of S.S. - Commander of the S.D. in Rome;

c) DOLLMANN - Lt.Col. of S.S. - adjutant to the above;

2. The Ministry for Foreign Affairs would greatly appreciate if the Allied Commission could forward the names in question to the competent Allied Authorities in order that the a/n war criminals be traced, arrested and handed over to the Italian Military Authorities, so that they may be committed to trial , in accordance with the terms of the Moscow Declaration of November 1st, 1943, on war atrocities.

3. The General Military Attorney have already collected all probatory evidences and have perfected the indictment.

4. The Ministry for Foreign Affairs beg to enclose herewith also two copies of the pamphlet "Fosse Ardeatine" by Prof. Attilio Ascarelli of Rome University.

Encl.

Rome, April 9th, 1946

2051 -

Original to CA Sec for Legal S/C

Declassified E.O. 12356 Section 3.3/NND No. 785017

Ministero degli Affari Esteri

6/1652/60

APR 11 1946

MEMORANDUM FOR THE ALLIED COMMISSION

Subject: Nazi War Criminals.

1. The Ministry for Foreign Affairs beg to enclose herewith the prescribed pro-forma in 5 copies, containing the charges brought by the General Military Attorney of the Italian Supreme Military Court for the "Fosse Ardeatine" mass murder demanding that the following German war criminals be delivered over for trial:

a) KESSELRING Albert - Field Marshal - former commander of the German forces in Italy;

b) KAPPLER Herbert - Colonel of S.S. - Commander of the S.D. in Rome;

c) DOLLMANN - Lt.Col. of S.S. - adjutant to the above;

2. The Ministry for Foreign Affairs would greatly appreciate if the Allied Commission could forward the names in question to the competent Allied Authorities in order that the s/n war criminals be traced, arrested and handed over to the Italian Military Authorities, so that they may be committed to trial , in accordance with the terms of the Moscow Declaration of November 1st, 1943, on war atrocities.

3. The General Military Attorney have already collected all probatory evidences and have perfected the indictment.

4. The Ministry for Foreign Affairs beg to enclose herewith also two copies of the pamphlet "Fosse Ardeatine" by Prof. Attilio Ascarelli of Rome University.

Encl.

Rome, April 9th, 1946

2051 -

Original to CA Sec for Legal s/c

(CAPT K)

Declassified E.O. 12356 Section 3.3/NND No. 785017

0535

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 K

DUPLICATE

129

6/1553/689

Ministero degli Affari Esteri

APR 11 1946

MEMORANDUM FOR THE ALLIED COMMISSION

Subject: Nazi war criminals.

1. The Ministry for Foreign Affairs beg to enclose herewith the prescribed pro-forma in 5 copies, containing the charges brought by the General Military Attorney of the Supreme Military Court for the slaughter of Italian military personnel perpetrated in the island of Leros, demanding that the following German war criminal be delivered over for trial:

General Müller.

2. The Ministry for Foreign Affairs would greatly appreciate if the Allied Commission could forward the name in question to the competent Allied Authorities in order that the a/n war criminal be traced, arrested and handed over to the Italian Military Authorities so that he may be committed to trial, in accordance with the terms of the Moscow Declaration of November 1st, 1943, on war atrocities.

3. The General Military Attorney have already collected all probatory evidences and have perfected the indictment.

Encl.

Rome, April 9th, 1946

2050

(CAPT K)

Orig to CA Sec for Legal s/c

Ref 130

6517 AG

DUPLICATE

128

Ministero degli Affari Esteri

6/16 51/687

APR 11 1946

MEMORANDUM FOR THE ALLIED COMMISSION

Subject: Nazi war criminals.

1. The Ministry for Foreign Affairs beg to enclose herewith the prescribed pro-forma in 5 copies, containing the charges brought by the General Military Attorney of the Supreme Military Court for the slaughter of Italian Military personnel perpetrated in the island of Cephalonia, demanding that the following German war criminals be delivered over for trial:

- L.Col. Barge - Commander of the 999th Wehrmacht Fortress Infantry Comp.
- Major Hirschfeld - Commander battalions of 1st German Alpine Division.
- Maj. Nennstiel.
- Capt. Von Stoephasius.
- Lt. Radenser.
- S.Lt. Leipold.

2. The Ministry for Foreign Affairs would greatly appreciate if the Allied Commission could forward the names in question to the competent Allied Authorities in order that the a/n war criminals be traced, arrested and handed over to the Italian Military Authorities, so that they may be committed to trial, in accordance with the terms of the Moscow Declaration of November 1st, 1943, on war atrocities.

3. The General Military Attorney have already collected all probatory evidences and have perfected the indictment.

4. The Ministry for Foreign Affairs beg to enclose herewith also a copy of the pamphlet "Cefalonia" by Giuseppe Moscardelli.

2049 A

Encl.

Rome, April 9th, 1946

see 130

Declassified E.O. 12356 Section 3.3/NND No. 785017

Ministero degli Affari Esteri

6/1651/687

APR 11 1946

MEMORANDUM FOR THE ALLIED COMMISSION

Subject: Nazi war criminals.

1. The Ministry for Foreign Affairs beg to enclose herewith the prescribed pro-forma in 5 copies, containing the charges brought by the General Military Attorney of the Supreme Military Court for the slaughter of Italian military personnel perpetrated in the island of Cephalonia, demanding that the following German war criminals be delivered over for trial:

- L.Col. Barge - Commander of the 999th Wehrmacht Fortress Infantry Comp.
- Major Hirschfeld - Commander battalions of 1st German Alpine Division.
- Maj. Nennstiel.
- Capt. Von Stoephasius.
- Lt. Radenaker.
- S.Lt. Leipold.

2. The Ministry for Foreign Affairs would greatly appreciate if the Allied Commission could forward the names in question to the competent Allied Authorities in order that the a/n war criminals be traced, arrested and handed over to the Italian Military Authorities, so that they may be committed to trial, in accordance with the terms of the Moscow Declaration of November 1st, 1943, on war atrocities.

3. The General Military Attorney have already collected all probatory evidences and have perfected the indictment.

4. The Ministry for Foreign Affairs beg to enclose herewith also a copy of the pamphlet "Cefalonia" by Giuseppe Moscardelli.

2049 A

Encl.

Rome, April 9th, 1946

(COPY K)

Original to CA Sec for Legal Sec. see 130

Declassified E.O. 12356 Section 3.3/NND No. 785017

0538

Declassified E.O. 12356 Section 3.3/NND No. 785017

127

V.O/eb

17 March 1946

Ref: 6517/127/

Dear Monseigneur Mc Geough,

126

In reply to your N. 113177/SA of 13 March 1946 recommending for consideration the request of Vera Cudina that "her husband (Cirillo Cudina, N.32464, POW Camp 215, Grotteglie (Taranto)), who is in danger of being sentenced as a war criminal, be given a hearing to prove his innocence."

The request is not very clear. However, this office wishes to point out that if the a/m person is about to be sentenced it is automatically understood that he has already been tried before an Allied tribunal and has had his chance to prove his innocence.

On the otherhand if she wishes to appeal the decision of the court it is advised that you address such an appeal accompanied by the necessary proof to the Legal Sub-Commission of the Civil Affairs Section of this headquarters.

It is kindly requested that once forwarded this section be more specific and detailed.

Sincerely,

VICTOR L. ODDI

Brigadier
Executive Commissioner

2048

0539

Declassified E.O. 12356 Section 3.3/NND No. 785017

SEGRETERIA DI STATO
DI SUA SANTITÀ

Vatican City, March 13, 1946

6512

126

N. 113177/SA

Dear Captain Oddi:

The Secretariat of State of His Holiness takes the liberty to recommend for the attention and kind consideration of the competent Allied Authorities the request of Vera Cúdina, Refugee Camp S.T. 89, Fermo (Ancona) for intervention in favor of her husband, Cirillo Cúdina, N. 324654, PCW Camp 215, Grottaglie (Taranto).

Mrs. Cúdina states that her husband, an ex-officer of the Croatian army is in danger of being sentenced as a war criminal. She requests that he be given a hearing to prove his innocence.

Thanking you for your kindness, I am

Sincerely yours,

Joseph F. McGeough

Rt.Rev.Mons. Joseph F. McGeough
Secretariat of State of His Holiness

Captain Victor F. Oddi
Liaison Division
AC HQ
Via Veneto
Rome

Sec 127

(h.)

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 SH

125.

JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY

Pov. Br. 273/46

28 February 1946

MAR 1 1946

121

Dear Brigadier Lush,

I have the honour to acknowledge receipt of your letter Ref. 4/29.8/CA of 16 February 1946 regarding the handover of Italian War Criminals.

On behalf of the Jugoslav Government I have the honour to request herewith formally that all Italian War Criminals, listed by the United Nations War Crimes Commission, be arrested and handed over to the Jugoslav Authorities. As most of them are living at their proper home in Italy, it will be easy to find them out.

121

I beg you, will you be so kind as to arrange that I may be informed about every action taken in this matter. Particularly I would appreciate to be informed about the arresting of the Italian War Criminals quoted in your letter 4/29.8/CA of 16 February 46, since I have not received as yet any informations from DAMP (SIB).

Very truly yours

signed: Dr.SLOVEN J. SMODLAKA,
Deputy Representative of Jugoslavia
Advisory Council for Italy

Brigadier M.S.LUSH,
Executive Commissioner
H.Q.A.C.

Original passed to CA Sec

2067

P.A. 0/3

2046

BV

(CAPT B) CAS 2/3

Declassified E.O. 12356 Section 3.3/NND No. 785017

To Exec. Comm, 6517 ff

123.

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

Rome, February 16, 1946

104 (Vol 1)

My dear Admiral Stone:

With reference to my letter of December 21, transmitting the Fifteenth List of War Criminals prepared by the United Nations War Crimes Commission, I have pleasure in forwarding to you, at the request of the Secretary of State, the attached Sixteenth List of War Criminals.

Sincerely yours,

A. Kirk

Enclosure

Ref. Item 124.
Letter acknl. by
G. Exec's office.
24/2.

Rear Admiral Ellery W. Stone,
Chief Commissioner,
Allied Commission,
Rome.

(CAPT RD)

2014

PA. 24/2.

0542

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 9r

CONFIDENTIAL

122.

Ref: 4/29.8/CA. 16 February 1946.

SUBJECT: Arrest and Hand-over of Italian War Criminals.

TO: DAFM (SIB), c/o JAG, NAPLES.

NR

Reference is made to letter from AFHQ, G-5 Section, ref. G-5/ 000.5-6 dated 4 Feb 46 addressed to this Headquarters, copy of which is attached.

1. There is attached hereto list of persons in the War Crimes List which Dr. Smodlaka, Deputy Representative of Jugoslavia to the Advisory Council for Italy, has requested be arrested and handed over to the Jugoslav authorities.

2. It is presumed that you will take the necessary action and arrange for the Jugoslav representatives being informed so that they may take over the prisoners named.

See J-25

M. S. LUSH

Brigadier.
Acting Chief Commissioner.

Copy to: C. Com.
Ex. Com.

(CAPT RA) 18/2

20/2; 20/2

0543

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 91

CONFIDENTIAL

121

Ref: 4/29.8/CA. 16. February 1946.

Dear Dr. Smodlaka,

Allied Force Headquarters have forwarded to me your letter Prov. Nr. 37/46 of 8 January 1946 and have forwarded instructions as to procedure to be adopted in the future.

In future all requests for arrests of persons whose names are included in the lists issued by the United Nations War Crimes Commission will be addressed to this Headquarters who will take action in the matter. Such requests will be forwarded to NAPU (SIB) c/o JAG, Naples, by this HQ, who will be asked to effect the arrest and inform you of the action taken. The action thereafter will be the responsibility of SIB and not of Allied Commission.

If the person concerned is not on the War Crimes Lists and his arrest is desired, you should forward all applications of this nature for inclusion in the War Crimes Lists to the War Crimes Commission through the usual diplomatic channels.

There is forwarded for your perusal copy of letter addressed to NAPU (SIB) c/o JAG Naples, along with list of persons who are on the War Crimes Lists and whose arrest you have requested.

Very truly yours,

M. S. LUSH

Brigadier,
Acting Chief Commissioner,

Dr. SLOVEN J. SMODLAKA,
Deputy Representative of Jugoslavia,
Advisory Council for Italy,
R O M E.

Copy to: Ch. Com.
Ex. Com. ✓

(CAPT D)

0544

Declassified E.O. 12356 Section 3.3/NND No. 785017

120.

VLO/hcd

Ref: 6517/120/51 7 February 1946

SUBJECT: Gen. Offs. Rolf KARIN

TO : Jugoslav Delegation to A.C.J.
Via Cristino Zolla 56,
Rome

116; 117, 118, 119

116

1. The attached correspondence is forwarded this office for onward transmission to the Jugoslav Liaison Officers as mentioned in the letter attached Ref: 416 from the Office of the Representative of Jugoslavia on the United Nations War Crimes Commission, 15, Queen's Gate, London, S.W.7 - Tel 4503, 6505.

2. It is kindly requested that your delegation take the necessary action requested therein.

VICTOR L. ODDI
Brigadier
Executive Commissioner

116

Encls: 416 ltr of 14 Jan 46 fr Office of Rep.ve of Jugoslavia
AG 383.6 (23 Jan 46) ltr of 23 Jan 46 fr [illegible] — 117
G 23 Jan 46 ltr fr [illegible] — 118
G 383.6/(23 Jan 46) 1st Ind of 23 Jan 46 fr [illegible]

119.

2041

0545

Declassified E.O. 12356 Section 3.3/NND No. 785017

119

COPY

2nd Ind. to ltr Hq. MTOUSA APO 512 dtd 23 Jan 46 Sub. Correspondence Pertaining to POW

AG 383.6/008 A-O 2nd Ind.

TO : Chief Commissioner Allied Commission, APO 394
FOR Jugoslavia Liaison Officer

118

Attention is invited to preceding indorsement.

BY COMMAND OF LIEUTENANT GENERAL LEE:

/s/ E.A. BARNES
Lt. Col. AGD
Asst Adjutant General

1 Incl.

original letter to Jugoslavia

120

2041

0546

Declassified E.O. 12356 Section 3.3/NND No. 785017

118

COPY

Headquarters

MEDITERRANEAN THEATRE OF OPERATIONS
UNITED STATES ARMY
APO 512

Refer to AG 383.6/008 A-O

23 January 1946

SUBJECT: Correspondence General
Peninsular Base Section
APO 782
Attn: Auxiliary Troops Command

116 & 117

1. Your attention is invited to the attached correspondence.

2. It is desired that the present location of the Prisoner of War concerned be determined. In the event that he is a United States Prisoner of War Enclosure, it is further desired that he be held until final action is taken.

BY COMMAND LIEUTENANT GENERAL LEE:

/s/ Paul J. SULLIVAN
Captain Infantry
Acting Asst Adjutant General

1vEncl:
Office of the Representative of
Jugoslavia on the United Nations War Crimes Commission
195 Queen's Gate, London

Refer to 120

2039

0547

Declassified E.O. 12356 Section 3.3/NND No. 785017

117

COPY

AG 383.6 HPATC (23 Jan 46) 1st Ind

HEADQUARTERS PENINSULAR BASE SECTION APO 782 U.S.Army

29 January 1946

TO : Commanding General MTOUSA APO 512 U.S.Army

Record at this headquarters disclose that subject POW was shipped from PWE 338 on 10 September 1945 to Verona, Italy for transshipment to Germany.

For the Commanding General

/s/ ?????
Major AGD
Assistanr Adj. General

2037

0548

Declassified E.O. 12356 Section 3.3/NND No. 785017

116

COPY

Office of the Representative of Jugoslavia
of the
United Nations War Crimes Com ission
195, Queen's Gate, London S.W. 7
Ken 4903, 6505

P. No. 416 December 14, 1945

TO : Headquarters
Mediterranean Theatre of Operations
United States Army
A.P.O. 512

From Dr. R. Zivkovic

I am informed by C.R. O.W.C.A.S.S., quoting Reference AG 000.5/836 JA-O, that SS Uffz. Rolf MARTIN- 81.G. 626120 (HSS)- unit - SS Economist Off Intendent Army, captured at Pana, Italy on 2.5. 45, born in Germany on 20.11.1921 is in United States custody at PWE 334 Florence.

This individual has been placed on List 3 Ser: No. 566 of the United Nations War Crimes Commission hav ng been charged with the ill-treatment of Jugoslav prisoners of war at Boten Camp near Rognan in Norway in 1942 and 1943.

It is therefore requested that he be handed over to the Jugoslav Liaison Officer who will arrange for him to be sent to Jugoslavia for trial.

/s/ Zivkovic

2037

0549

Declassified E.O. 12356 Section 3.3/NND No. 785017

112

Ref: 6517/112/EO 15 January 1946

SUBJECT: Persons Wanted by the Allied Authorities

TO : Land Forces S/C - (MMIA)

106 109

Reference Land Forces S/C letter A215 of 6 December 1945. 6517/100/EO of 21 December 1945 to G-5 AFHQ and D.C. letter 6517/EO of 11 January 1946 to General Browning.

111

Attached is a copy of the reply to the letter of 21 December 1945 received from AFHQ. In view of this reply do you consider that the matter should be pressed any further as proposed in the D.C. letter of 11 January 1946.

Brigadier
Executive Commissioner

Copy to: Naval S/C
Air Forces S/C
C.A. Section

PA unless LF S/C reply. see M 113 & 115

PA 21/1

2030

0550

Declassified E.O. 12356 Section 3.3/NND No. 785017

6517 Ex Cmmr

III.

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 000.5-1

9 January 1946

JAN 12 1946

SUBJECT: Persons Wanted by The Allied Authorities

TO : Chief Commissioner
Headquarters, Allied Commission
APO 394

2100A V.I. 106

1. Reference is made to your 6517/100/EC dated 21 December 1945.

2. The desirability from the point of view of Italian morale of the course proposed by you is appreciated.

3. As the Italian Government is no doubt aware, a high proportion of the persons who the Ministry of War are asked to trace are required for interrogation only. Unfortunately it is, in the majority of cases, not until the initial investigation is complete that the Allied authorities responsible for the investigation of alleged war crimes are in a position to decide whether an individual appears to be guilty of a crime or whether he is merely a link in the chain of evidence.

4. It is regretted, therefore, that it is not considered either expedient or practicable to indicate to the Italian Ministry of War the reasons for which persons whom they are asked to trace are required.

5. It is hoped that the majority of the investigations now in progress or contemplated will be completed in the course of the next few months.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

11 JAN1946

A. L. HAMBLEN
Brigadier General, GSC
Assistant Chief of Staff, G-5

Copy to:
'A' Branch

See 112

2038

(CAPT C)

0551

Declassified E.O. 12356 Section 3.3/NND No. 785017

From: Lt. Colonel F. H. McCleery, Acting Executive Commissioner. 110.

PERSONAL.

Ref: 6517/MC. 11 January 1946.

Dear

The Admiral has asked me to reply to your personal letter to him A215 of 10 January. He asks me to request you to be good enough to prepare for his signature a letter to Allied Force Headquarters further to that of his letter 6517/100/MC dated 21 December 1945 on the lines of your MC letter now under reply.

106 V2 — Folio 100A, Vol. 1.

Yours

Four

B/A 15/Jan.
Holes ✓ 17.

Major General L. BROWNING, CB, CBE, MC,
Land Forces Sub-Commission, A.C.,
(M.M.I.A.) ROME.

See III T 112

203

SUBJECT: War Crim[illegible]s. 6514 f.7. PERSONAL 109 11 REC'T

Major General L. BROWNING, CB, OBE, MC.,
Land Forces Sub-Commission, A.C.,
(M.M.I.A.) R O M E

A 215

10 January, 1946.

My dear Admiral

1. I feel that I should notify you of certain angles of the situation as regards War Criminals, as below.

2. Request by AFHQ to locate and identify certain Italian personnel started about Aug. 1944. Recently, investigations have been very much more intensified, and under our latest instructions we have to signal GHQ immediately a "listed" person is located. War Office have now said that War Crimes investigations must take first priority and as many cases as possible completed in next few months. GHQ have pointed out that many of the "listed" persons are wanted for interrogation and not as criminals, but MMIA have no means of knowing which from the other. It is not possible to tell from GHQ letters whether the alleged crime is against ourselves or such people as the Yugo Slavs.

3. The List at present contains a great many names, among them six Generals and twenty-nine Colonels.

Best known Generals are BERARDI, ORLANDO and SCATTINI.

BERARDI and ORLANDO were released from POW at Allied request in 1943 and made C of S and War Minister by the Allies. BERARDI is now com-manding SICILY. SCATTINI was appointed by General MESSE, fought with the FRUILI Group which he commanded alongside the Allies and had a fine record. He is still in command. BERARDI and ORLANDO are believed to be connected with incidents in YUGO SLAVIA. ORLANDO seems to have a guilty conscience. The War Office appear to be particularly interested in BERARDI.

4. Arrest, or even detention for interrogation, particularly if at short notice, of senior Generals must inevitably cause alarm and despondency and affect the morale of the Italian Army. This would especially occur if the Generals mentioned in para 3 were suddenly arrested. Arrests in certain cases are just starting. The Ministry of War knows that our requests for information are connected with War Crimes, but they don't know who we suspect and who is want-ed only for interrogation.

5. Certain signals received from AFHQ, see Appendix 'A' (104), have given orders for the immediate arrest of Italians, and later communications have indicated that persons arrested are not wanted as War Criminals but as witnesses. It is considered that it would be most unfortunate if orders were given for the arrest of a senior serving Italian General and his transfer to a

Declassified E.O. 12356 Section 3.3/NND No. 785017

My dear Admiral

1. I feel that I should notify you of certain angles of the situation as regards War Criminals, as below.

2. Request by AFHQ to locate and identify certain Italian personnel started about Aug. 1944. Recently, investigations have been very much more intensified, and under our latest instructions we have to signal GHQ immediately a "listed" person is located. War Office have now said that War Crimes investigations must take first priority and as many cases as possible completed in next few months. GHQ have pointed out that many of the "listed" persons are wanted for interrogation and not as criminals, but MAIA have no means of knowing which from the other. It is not possible to tell from GHQ letters whether the alleged crime is against ourselves or such people as the Yugo Slavs.

3. The List at present contains a great many names, among them six Generals and twenty-nine Colonels.

Best known Generals are BERARDI, ORLANDO and SCATTINI.

BERARDI and ORLANDO were released from POW at Allied request in 1943 and made C of S and War Minister by the Allies. BERARDI is now com--manding SICILY. SCATTINI was appointed by General MESSE, fought with the FRUILI Group which he commanded alongside the Allies and had a fine record. He is still in command. BERARDI and ORLANDO are believed to be connected with incidents in YUGO SLAVIA. ORLANDO seems to have a guilty conscience. The War Office appear to be particularly interested in BERARDI.

4. Arrest, or even detention for interrogation, particularly if at short notice, of senior Generals must inevitably cause alarm and despondency and affect the morale of the Italian Army. This would especially occur if the Generals mentioned in para 3 were suddenly arrested. Arrests in certain cases are just starting. The Ministry of War knows that our requests for information are connected with War Crimes, but they don't know who we suspect and who is want--ed only for interrogation.

5. Certain signals received from AFHQ, see Appendix 'A' (104), have given orders for the immediate arrest of Italians, and later communications have indicated that persons arrested are not wanted as War Criminals but as witnesses. It is considered that it would be most unfortunate if orders were given for the arrest of a senior serving Italian General and his transfer to a POW Camp, if he was wanted purely as a witness and not as an accused.

6. The whole question although one of extreme delicacy has, up to now been dealt with by AFHQ as a routine matter on a comparatively low staff level, direct with MAIA. I feel it needs looking into and a definite statement of considered policy be made.

See L.110.112

/2.

Declassified E.O. 12356 Section 3.3/NND No. 785017

108

Your letter to AFHQ went out under 6517/100/EC dated 21 Dec. (copy attached - Appendix 'B').

106

7. While the course of justice must in no way be obstructed, I feel it is my duty to bring the above aspects of the matter to your notice for any action you may think fit.

Yours Sincerely

Langley Browning

Rear Admiral ELLERY W. STONE,
Chief Commissioner,
Allied Commission.

/ecc

Declassified E.O. 12356 Section 3.3/NND No. 785017

notice for any action you may think fit.

Yours Sincerely

Langley Browning

Rear Admiral ELLERY W. STONE,
Chief Commissioner,
Allied Commission.

/ecc

Declassified E.O. 12356 Section 3.3/NND No. 785017

0556

Declassified E.O. 12356 Section 3.3/NND No. 785017

10%

APPENDIX 'A'

(a) AFHQ Signal FX57541 of 31 Dec. '45 asked us to intensify efforts to trace Colonel MASSIMIANO CAPURSO and if traced, take him into custody.

AFHQ letter JAG/WW/16024 of 4 Jan '46 refers to this officer being transferred to 209 PW Camp as War Crimes Witness.

(b) AFHQ Signal AG 288 of 4 Jan opens with the sentence "Following Italians will be arrested soonest" and later on in the text of the message reads "to be held as witness.....and should not be treated as War Criminals"

---

maf.

0557

Declassified E.O. 12356 Section 3.3/NND No. 785017

106.

COPY

SECRET

Ref : 6517/100/EC

21 Dec. 45

SUBJECT : Persons Wanted by the Allied Authorities

TO : AFHQ (Attn : G-2 Section)

1. There has been lately a considerable increase in the number of requests for information in respect of Italian Army Officers and men, believed to be connected with War Crimes against the Allies. It is understood that these requests originate with the International War Crimes Investigation Authorities, from whom they are passed via AFHQ to Land Forces Sub-Commission, Allied Commission (AMMIA) for investigation by the Italian War Ministry.

2. In recent lists appear the names of several Italian Generals and senior Officers who are well known to have co-operated wholeheartedly and fought with the Allied Armies in Italy since September 1943, who are still engaged with us in reorganising the Italian Army as required by the Allied Combined Chiefs of Staff, and on whose services reliance is being placed for future co-operation and success.

3. It is realised that in many cases requests for tracing these Officers are based on very scanty information and that they may be required more for purpose of evidence than actual indictment; nevertheless, such demands, particularly when made in their present form, are likely to have a disturbing effect on the morale, confidence and co-operation of the Italian Army.

4. It should also be remembered that at the same time there is going on the Italian defascistisation and epuration campaign involving investigations into the former activities of most Italian Officers.

5. Although this matter has not been discussed with the Ministry of War, it is clear that they are a little disturbed at these requests and it is only natural to suppose that, not knowing for what purpose the information on an individual is required, they may in some cases not pursue their investigations as energetically as they should.

2030

Declassified E.O. 12356 Section 3.3/NND No. 785017

5. Whilst it is obvious that enquiries must be made in respect of those reasonably suspected of crimes and justice done to those guilty, it is felt there should be some means of differentiating between these and those against whom there are no charges but who are wanted for evidence.

7. Without wilting Italian Co-operation in this matter we can achieve but little and full co-operation is not assured by the present procedure. It is recommended, therefore, that a full policy statement should be issued by AFHQ which can be passed to the Ministries concerned; and that when requests for tracing individuals are made, these should be accompanied by some remarks or reasons or background for the request, perhaps mentioning the nation or nations concerned who have made the request. It is felt that by so doing we shall be more likely to achieve our object and to avoid unnecessary embitterment in Italian minds.

EVERETT F. STONE
Rear Admiral, USNR
Chief Commissioner

Copy to :

Naval Sub-Commission AC
Land Forces Sub-Commission, AC (MMIA)
Air Force Sub-Commission AC
CA Section

0559

Declassified E.O. 12356 Section 3.3/NND No. 785017

0560

Declassified E.O. 12356 Section 3.3/NND No. 785017

0562