

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

785017

ACC

10000/109/1558

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10000/109/1558

DEATH SENTENCES
MAY - SEPT. 1944

13

HEADQUARTERS,
ALLIED CONTROL COMMISSION,
APO 39.

Regional Control and Military Government Section.

Ref: 252/13/CA.

15th September 1944

My dear Sir d'Arcy:

In reply to your letter 15/114/44 dated 11th September addressed to Lt. Col. Brown regarding the case of Raffaele Canissano, who killed a British soldier at Naples and for whom an appeal for mercy has been made, I would like you to know that this case has been very carefully considered and I am afraid the sentence must stand.

Yours sincerely,

(Sgd) Maurice Lash.

Sir D'Arcy Osborne, K.C.M.G.,
British Minister to the Holy See,
British Legation,
VATICAN CITY.

AIR/JO.

114

267E -

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

12
RH/pa.
13 Sept 44.

ACC/4086/36/L.

SUBJECT : Raffaele Casizzone.

TO : Executive Commissioner .

1. I enclose letter 11 Sept 1944 from Sir D'Arcy Osborne and enclosure which were transmitted to me from your section.

2. On two other occasions, after the death sentence was confirmed, requests for commutation have been received. I see no reason to alter the position previously taken.

3. Unless you request me to do so, I will assume that you will prefer to answer the enclosed letter.

Richard H. Wilmer
RICHARD H. WILMER,
Colonel, CAC,
Chief Legal Officer.

785017

4083/36

Ref/2
H/1

BRITISH LEGATION
TO THE HOLY SEE.
NEW WALKER ROAD, VATICAN CITY
ROME (R)
Vatican City.

19/114/44.

IMMEDIATE

September 11th, 1944.

Dear Colonel Brown,

The attached (translated) extract of a letter from a Roman lawyer who works for the Vatican Tribunal of the Rota, to a French ecclesiastic, Canon of Saint Peter's whom I know well, is self-explanatory.

The French Canon sent the letter to me, asking that I would do what I could. The case as you will see concerns a young man who killed a British soldier at Naples and an appeal for mercy is made, chiefly on the ground that he is not fully responsible for his actions.

I can of course express no opinion on the matter but pass the translation on to you in order that you may bring it to the attention of the competent authorities if you think that any useful purpose would be served. I do not know whether the action which was to have been taken through Brigadier Lush has materialised; the Vatican have not yet approached me in the matter.

Yours sincerely,

D. G. Brown.

Lieutenant-Colonel E. Brown,
Liaison Division,
Allied Control Commission.

See 12
13

2674

Extract from a letter (dated August 8th) to Monsignor Fontenelle, Canon of St. Peter's, from Avvocato Mittiga, Lawyer of the Rota.

I have recourse to you for an act of charity of the greatest urgency. I received this morning an unexpected and sudden visit from a colleague of mine from Naples, Avvocato Granucci, who defended down there before the General Allied Military Court a young man, Raffaele Casizzone, son of Vincenzo Casizzone, of Naples, accused of killing a British soldier. Casizzone was condemned to death. The appeal for reconsideration has been rejected, although the evidence was only circumstantial and although Casizzone had been declared, as a result of an examination carried out by the Director of the Clinic of Psychiatry, to be at least only half responsible for his actions.

After that a request for pardon was presented.

Today, a little while ago, an appeal was made in connexion with this matter to the Holy Father. The Secretariat of State, given the urgency of the matter, as the sentence may be carried out at any moment, is causing immediate diplomatic action to be taken both through Brigadier Lush of the Allied Control Commission and through Sir D'Arcy Osborne.

I know that you, Monsignore, are in good relations with the latter. I should like to recommend the matter to you warmly and also to ask you to have it recommended by some Englishman, Monsignor Heard? Many thanks.

HEADQUARTERS,
ALLIED CONTROL COMMISSION,
APO 394.

Regional Control and Military Government Section.

268/9/CA.

10th September 1944.

In reply to your letter 82679/SA of September 9th, I am writing to say that while I entirely sympathise with your representation on behalf of RAFFAELLE CASIMIRO, an appeal has already been thoroughly considered. Both the factors mentioned in your letter were brought before the appellate authority and it is regretted that the death sentence must stand.

(Sgd) M. S. Walsh

Via Bernardino,
Cardinal Montini,
Cardinal Secretary of State,
VATICAN CITY.



DI SUA SANTITA'

No. 82679/SA

Dal Vaticano, li 9 September 1944

Dear Brigadier Lush:

In keeping with the humanitarian mission of the Holy See, I take occasion to recommend to your kind attention the sad case of Raffaele Casirzone, a young man condemned to death, who is unknown to this Secretariat but whose Mother has made a touching appeal for help to His Holiness.

The Mother of this man states that he was condemned to death by the Naples Military Court on June 27th, 1944, for the murder of an English soldier. She affirms that her son, whose execution is imminent, is innocent of the crime but that in the confusion attendant upon it--there had been some disorder and a crowd had gathered around the English soldier, who, it is said, had been drinking--he was singled out of the crowd and charged with the murder. Mrs. Casirzone states further that her son is mentally deficient and for this cause also she earnestly begs for a review of the case.

With an expression of appreciation and of esteem, I am

Very sincerely yours,

Brigadier Maurice Lush
Allied Control Commission
Palazzo delle Corporazioni
Via Veneto, Rome.

J. Montini
SOSTITUTO DELLA SEGRETARIA DI STATO
DI SUA SANTITA'

HEADQUARTERS,
ALLIED CONTROL COMMISSION,
APO 39.
Office of the Executive Commissioner.

20th August 1944.

Memorandum to: Acting Chief Legal Officer.

With the full approval of, and after consultation with, the
Acting Chief Commissioner, the Executive Commissioner has
signed the death sentence of CASIZONE RAFFALE which is
returned herewith.

PA to Executive Commissioner.

MA
2670

6/

19th August 1944

Acting Chief Commissioner.

1. I have given careful consideration to the appeal in the case of CASIMIRO Raffaele attached. On the evidence in the case I entirely agree with the Acting Chief Legal Officer that the Court were correct in imposing the death sentence. You will notice that no question of insanity, low mentality or instability was raised by defending counsel during the proceedings and that this question has only been brought up in the appeal.
2. I am not impressed by these grounds of appeal. I agree with Colonel Wilmer that there is nothing to indicate that his mentality was such that he could not distinguish right from wrong. It may be true that he was under the influence of the older man TOSTORILLO but I can see no evidence to prove that he was under his influence to a degree which would prevent him realising the probable consequences of his act when he stabbed the deceased.
3. I think this is a case for the confirmation of the death sentence and unless you direct otherwise, I propose, on your behalf, to do so.

(Sd) M S L

MSL/30

To Hcc

19/8
2009

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.C. Section
APO 394

Ref/252/4/CA

23 June 1944.

SUBJECT: Execution of Italian Patriots.

TO : R.C. Rome Region.

1. The attached letter from Region VII is forwarded for investigation. It is suggested that the newspaper "AVANTI" Rome be approached and asked from what source they got their information etc., and whether they have any further information on the matter.

HERMAN E. FISKE,
Colonel,
Deputy Executive
Commissioner.

JBR/SAC.

Copy to: Region VI - (Your Memo 62 of 19 June refers)

2067

268- 2 JUN 1944
HEADQUARTERS, PUBLIC SAFETY
ALLIED CONTROL COMMISSION
REGION VI

HEADQUARTERS
21 JUN 1944

A. C. Q2 June 1944.

HQ/MISC/62

SUBJECT: Execution of Italian Patriots by the P.A.I.

TO : H.Q., Allied Control Commission, R.C. and M.G. Section.

1. Signor ANGELO DE MARTIS of Cagliari has reported the following to this office.
2. There appeared a notice in the 10 June 1944 issue of the newspaper "Avanti" of Rome which stated that seven Italian patriots were executed by the P.A.I. at the Porte Braschi. The seven executed men are said to be buried in the Verano cemetery, quadrato 75, fila 24, fossa 17.
3. Further, the above notice states that among the executed was one Mario DE MARTIS, a lieutenant in the Italian Air Corps and a brother of Angelo DE MARTIS.
4. Signor DE MARTIS has asked us to seek a verification of the above matter.
5. Any further information in this regard will be appreciated.

FOR THE REGIONAL COMMISSIONER,

JER/wld.

J. E. Hughes
J. E. HUGHES, Capt.,
RPSO, A.C.C., Region VI

*Copy filed in the Region
concerned
R.C.*

Rome Region

268 JUN Recd

C A B
582

SUBJECT:- Spies - Execution of Death Sentence

HQ, ALLIED ARMY IN ITALY.

AAI/5106/1/A(PS)

9 JUNE 44

Executive Commissioner,
Allied Control Commission (3)

1. Spies who are sentenced to death by Allied Control Commission Military Courts will be handed over to the Allied Military Forces for execution according to the following rules.
2. In the case of spies originally arrested by US or French troops, Allied Control Commission will ask CG FIFTH Army if he wishes to carry out the execution. If he does not, Allied Control Commission will hand over the spies to CG Peninsular Base Section, who will carry out the execution.
3. Spies originally arrested by other Allied troops will be handed over to the nearest District for execution.

Brigadier,
DAC.

JIR/RAE.

COPIES to:-

CG FIFTH Army
EIGHTH Army
1 Corps
CG FTS
1 District
2 District
3 District
XXXXXX
DCAO
AG(US)

A/A

Copy to Admin Sec

2665

HEADQUARTERS
11 JUN 1944
A. C. C.

785017

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.C. Section
APO 394

TOP SECRET

Ref/260/CA.

16 May 1944.

SUBJECT: Death Sentence.

TO : G.O.C. No.3 District.
(Attention: "A")

GUARDINI Alfonso
CORIO Giovanni
VIVIANI Emilio

1. I refer to letter from BSH, HQ A.A.I. reference AAI/2106/1/A(PH) of 14 May 1944 addressed to Executive Commissioner, HQ. A.C.C., copy to you.
2. Proceedings and correspondence relating to the above-named are forwarded, the necessary amendment having been made to the minute of confirmation.

RE/RAC.

26
M.S. JONES,
Brigadier,
Executive Commissioner.

Copy to: HQ. A.A.I. (DMS)

2664

See Encl. Agat

V.C. In spe. I would be
 satisfied if you would set
 C.C. & Sign amended
 minute of confirmation
 as "B" as amended
 by "A".

2. Col Upjohn
 approves ~~down~~

3. Could this be done
 today if possible to meet
 that can get on with the
 meeting.

1615. W. S. Upjohn
 Col

121501