

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

ACC

10000/109/1566

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

785017

10000/109/1566

INJURIES TO ALLIED PERSONNEL BY ITALIANS
APR. - OCT. 1944

✓
HAS TALBOT

P/A

Shall I file and

P/A
✓
yes


2396 C

16/10

Sib
was in your
intention that CA
She should keep
this file.

cc.
for the [unclear]
has [unclear]
to [unclear]

118

Civ App. Lett. Cor. Curp. 

You may remember this
matter. It originated in
a letter from AFI to 2 Dir
which is at 47 in
attached file. I suggest
that a copy of the 2nd
P.M. Officer's report
might be sent to AFI
that you may consider
it better to let sleeping
dogs lie.

Jo

Jagun RR Linpe

700

15 Oct 66 10/10

Gallen 2391

785017

HEADQUARTERS
SOUTH REGION, ALLIED CONTROL COMMISSION
OFFICE OF THE EXECUTIVE OFFICER
APO 394

CofA 117

R/ 2063

6 October 1944.

SUBJECT: Disturbances at Statte.

10 OCT Recd

TO : A. U. C. Headquarters (Att: Deputy Executive Commissioner).

98

1. Reference your 275/98/GA, 16 September 1944.
2. Attached hereto is a report from the Zone Police Officer of Taranto Zone which is forwarded for your information.

Guy I. Warren
GUY I. WARREN,
Lt. Colonel, A. U. S.
Executive Officer.

GIW:TT

incl. 1 report.



110290

ALLIED CONTROL COMMISSION
TARANTO ZONE

2 Oct 44.
Ref. T/ZPS/b

Subject: Disturbances at STATTE

To: Headquarters,
Southern Region A.C.C.

1. Reference your letter R/3088 of 21 Sep 44.
2. The following incidents are reported by CC.RR as having occurred in or near the town of STATTE on 30 and 31 Jul 44.
 - (a) On 30 Jul 44, in the evening, French patrols searched persons on the road between Taranto and Statte, confiscating arms even from those who were authorized to carry them. They also are alleged to have taken valuables from persons searched.
 - (b) On 30 Jul 44, in the evening, near STATTE, some French soldiers stopped an Italian sailor threatening to lynch him. Before they could carry out their threat other Italian sailors arrived on the spot and rescued their compatriot.
 - (c) On 31 Jul 44 at about 1930 hrs, 3 French soldiers fired shots in the air and stopped Carabinieri who was off duty and took his pistol away from him alleging that they did this because the CC.RR had killed 2 French soldiers the day previous. (No record of such a killing)
 - (d) On 31 Jul 44 at about 22.30 hrs an exchange of shots took place between some French troops and Italian sailors. Nobody was injured. It is alleged that the French had been around the farms etc. asking for wine and women and tried to disarm the Italian sailors who tried to interfere; hence the shots.

3. I have had access to CMP files of APM 52 Area in which they report an incident where Military Police (British) were called out to restore order in the STATTE area. It is not known whether this incident to 2 (d) above, but it is probably the same.

At about 2030 hrs on 31 Jul 44, near STATTE a detachment of CMP having received a message from Italian Naval Authorities that a serious disturbance was taking place there, arrived to find several armed Italian sailors and civilians taking cover. A cordon was thrown around them and all Italians in the net submitted to arrest without resistance. Most of them abandoned their weapons before arrest. Some 22 arrests were made (16 civilians and 6

(b) On 30 Jul 44, in the evening, near STATTÉ, some French soldiers stopped an Italian sailor threatening to lynch him. Before they could carry out their threat other Italian sailors arrived on the spot and rescued their compatriot.

(c) On 31 Jul 44 at about 1930 hrs, 3 French soldiers fired shots in the air and stopped Carabiniers who was off duty and took his pistol away from him alleging that they did this because the CC.ER had killed 2 French soldiers the day previous. (No record of such a killing)

(d) On 31 Jul 44 at about 22.30 hrs an exchange of shots took place between some French troops and Italian sailors. Nobody was injured. It is alleged that the French had been around the farms etc. asking for wine and women and tried to disarm the Italian sailors who tried to interfere; hence the shots.

3. I have had access to CMP files of APM 52 Area in which they report of an incident where Military Police (British) were called out to restore order in the STATTÉ area. (It is not known whether this incident is to 2 (d) above, but it is probably the same.)

At about 2030 hrs on 31 Jul 44, near STATTÉ a detachment of CMP having received a message from Italian Naval Authorities that a serious disturbance was taking place there, arrived to find several armed Italian sailors and civilians taking cover. A cordon was thrown around them and all Italians in the net submitted to arrest without resistance. Most of them abandoned their weapons before arrest. Some 22 arrests were made (16 civilians and 6 Italian sailors) and a quantity of arms seized. They were all kept in custody by Questore and Italian Naval authority respectively until 14 Aug 44 when they were released, no charges having been made preferred.

The APM 52 Area has enquired into the incident and is satisfied that the Italians had armed themselves against the French in view of previous similar disturbances which were taking place in the Taranto area between the French and Italians. He was unable to charge any of the arrested persons with the possession of their arms since they had abandoned them before arrest and were only found after a search of the scene.

4. There have been no more disturbances with the Allied Military in STATTÉ since the departure of the French,

Handwritten signature
Captain,
Zone Police Officer A.C.C.

TO: Col. Fiske.

26 Sep 44

Folio 76. 113

1. This reply arose out of a query by AAI in July. They know that Affinito was under arrest pending trial for the murder of a British soldier and wished to know the result of the trial.
2. I have passed the information to them.

J. S. Reakrs Maj.

J.S. REAKRS,
Major.

*Have you
2*

2393

785017

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

Ref/275/114/CA.

SUBJECT: Trial of GIUSEPPE AFFINITO.
TO : HQ AAI.

26 Sept. 1944.

1. With reference to your 5130/A(PB) of 17 Sept 44 we have now been informed that AFFINITO was found guilty of murder by a General Military Court on 22 September 44 and sentenced to life imprisonment.
2. The trial was originally set for 1 Sep 44 but was necessarily delayed because both the prosecutor and an important witness were in hospital.

Brigadier,
Executive Commissioner,
For A/Chief Commissioner.

2892

2754

113

HEADQUARTERS,
SOUTHERN REGION, ALLIED CONTROL COMMISSION
LEGAL DIVISION
APO 394, U.S. Army

26 SEP Reed

I-3046

23 September 1944.
26 SEP Reed

SUBJECT: Trial of Sinsappe Affinilo

TO : Colonel Norman E. Fiske, Deputy Executive
Commissioner.

1. Reference your letters 16 and 21 September 1944,
trial of above was originally set for September 1 but was
necessarily delayed because of hospitalization of prosecu-
tor and an important witness.

2. Subject was found guilty of murder by a General
Military Court on 22 September 1944 and sentenced to life
imprisonment.

For the Regional Commissioner:

L. F. Dawson By E. T. Ker
Lt. Colonel S.I.
Regional Legal Officer. *E.T. Ker*

SDC/sda

W/g Previous correspondence please
+

ple
55/9

see 114

2991

175 *h*
CONFIDENTIAL
E A Br
8/18

HEADQUARTERS
SOUTHERN REGION, ALLIED CONTROL COMMISSION
APO 394, U. S. ARMY

19 September 1944
21 SEP Recd

R/2039

SUBJECT: Court of Inquiry - Disturbance at STATTE,
Near Taranto.

TO : R.C. & M.G. Section
Headquarters, A.C.C.
(Attention of Deputy Executive Commissioner)

Reference your 275/98/GA, dated 31 August 1944.

1. Attached is a report from the 67 Sec., S.I.R. and
statement of Dr. Lomatiere at Statte covering the above
subject.

For the Regional Commissioner:

W. I. Warren
W. I. WARREN
Lt. Col., Spec. Res.
Executive Officer

Incls.

Extracts from the official military report to U.A.C., 67
Sec. S.I.R., C.M.F.
Statement of Dr. Lomatiere - Statte.

GUI:Jff

CONFIDENTIAL

Near Tarento.

TO : R.C. & M.S. Section
Headquarters, A.C.C.
(Attention of Deputy Executive Commissioner)

Reference your 273/98/CA, dated 31 August 1944.

1. Attached is a report from the 67 Sec., S.I.B. and statement of Dr. Lomattire at Statte covering the above subject.

For the Regional Commissioner:

W. J. Warren
W. J. WARREN
Lt. Col., Spec. Res.
Executive Officer

Incls.

Extracts from the official military report to D.A.F.M., 67
Sec. S.I.B., C.A.F.
Statement of Dr. Lomattire - Statte.

GUI:Jjf

Col. Shipp

CONFIDENTIAL

*This letter and attached concerning
the disturbance at STATTE, 7th mfw*

WJ 22/9

RECEIVED
21 SEP 1944
A.C.C.

2397

CONFIDENTIAL

SUBJECT: Incident at Stalle

Regional Commissioner,
HQ., Allied Control Commission,
Region 2, Bari.

107
Allied Control Commission,
P.O. del Governo,
BARI.

2/22/44

22 AUG 44

Ref. 77/22 of 17 Aug. and ACC/14030/2/P3 of 14 Aug.

- i. Extracts from the official military report to D.A.P.M., 67 Geo. S.I.B., G.M.B. and a translation from the Quetzal's report are below.

To D.A.P.M.

2 Aug. 44.

Sir,

At about 0145 hours on the 18th July, 1944 information was received at this Office from Serjt. W. CLIVER, 1st (Br) Armoured Div., Troop Company, U.M.B., to the effect that seven British soldiers had received knife wounds and had been admitted to 22nd General Hospital. I have made enquiries and the facts of the case would appear to be as follows:-

"At about 2030 hours on the 17th July, 1944 three sisters, Caterina, Maria and Cosima SIMONETTI were alone in their house in Via delle Grotte, STALLA when six British soldiers came to the door and asked for wine. The three girls told them that they had no wine whereupon the soldiers pushed their way into the room. The house consists of one big room with a small room at the back. The big room opens on to the street, there being no passage. The soldiers were shouting and saying something about 'Signorina' and 'Camp' and the expressions 'Fuck' and 'Fucking hell' were freely used. The soldiers caught hold of the girls and tried to pull them through the door. They struggled and threw themselves on the floor and started screaming. None of them complains of being indecently assaulted. Cosima SIMONETTI, a fifteen year old girl states that she was kicked on the leg during the melee.

"What happened at this point is rather confused but apparently all the people from the two neighbouring streets came to the house, at the same time brothers-in-law, Father and Mother of the girls arrived from the country. The brother-in-law was attacked by the soldiers and beaten up badly with a bottle. His injuries are consistent with being punched and kicked and will necessitate about

Sir,

At about 0145 hours on the 10th July, 1944 information was received at this Office from SERG. W. OLIVER, lat (1st) attached Div. Provost Company, D.M.S. to the effect that seven British soldiers had received knife wounds and had been admitted to 22nd General Hospital. I have made enquiries and the facts of the case would appear to be as follows:-

"At about 2010 hours on the 17th July, 1944 three sisters, Caterina, Maria and Cosima SIMONETTI were alone in their house in Via delle Grotte, 174775 when six British soldiers came to the door and asked for wine. The three girls told them that they had no wine whereupon the soldiers pushed their way into the room. The house consists of one big room with a small room at the back. The big room opens on to the street, there being no passage. The soldiers were shouting and saying something about 'Signorina' and 'Camp' and the expressions 'Fuck' and 'Fucking hell' were freely used. The soldiers caught hold of the girls and tried to pull them through the door. They struggled and threw themselves on the floor and started screaming. None of them complains of being indecently assaulted. Cosima SIMONETTI, a fifteen year old girl stated that she was kicked on the leg during the melee.

"What happened at this point is rather confused but apparently all the people from the two neighbouring streets came to the house, at the same time brothers-in-law, Father and Mother of the girls arrived from the country. The brother-in-law was attacked by the soldiers and beaten up badly with a bottle. His injuries are consistent with being punched and kicked and will necessitate about ten days rest. Then the mother entered the house there were several neighbours in there and the girls were still screaming. About this time when the soldiers attacked the brother-in-law, the whole population of the immediate area of the village and several passers-by, including women and children, saw about the soldiers with the result that seven of their number which was about twelve strong received knife wounds. They were later admitted to 22nd General Hospital. None of them are seriously hurt.

"On the morning of the 18th July, 1944 I interviewed 2488 men at 22nd General Hospital. SERG. LAURENCE 132 Regt. D.M.S. stated he was sitting on a wall when he saw two soldiers of his own troop one of whom was SER. WILSON drinking water outside a house. He saw a civilian strike one of them with a stick and then several more civilians appeared. He rushed to the scene in order to render assistance and was stabbed and clubbed. He lost consciousness and was later dressed by a British soldier and then eventually admitted

to hospital. Inquiry was the most severely injured of the seven, requiring a wound in the abdomen.

"Sergeant, who all of the same Regt. state that he was with Sergeant. MURPHY when Sergeant. Major RICHARD of the same Regt. came to him and stated that there was a fight and asked for assistance. MURPHY went about one hundred yards to the room when he lost consciousness. He remembers seeing about 14 to 16 Italians.

"At about 1050 hours Sergeant. MURPHY, 17 Field Regt. states that he went to a house and asked for some water. He left there and passed a stable where he saw some children playing with a horse. He stopped and spoke to the children and the next thing he knows is that he was on the stable floor and then carried outside. He was later picked up and told that he had been hit.

"At about 1930 hours Sergeant. MURPHY 132 Regt. R.A. accompanied by Sergeant. MURPHY stopped at a house for water. They had a drink and then they were attacked by some Italian civilians. He went for help and MURPHY was then fighting with the Italians. Sergeant. MURPHY, 132 Regt. states that he went with MURPHY to a house for water and after having had a drink he was struck on the forehead with a stick and he then saw a knife descending. He stopped the blow with his arm. He thinks he can recognize the man.

"Sergeant. MURPHY 168 Brigade Workshop, R.A.M.C., 56 Div., states that he was talking to two Italian sailors. When he left he said, "Good night" and turned and walked away. He was then knocked down and stabbed over the eye but he does not know by whom.

"Sergeant. MURPHY 132 Regt. R.A. states that he was with Sergeant. MURPHY when two MURPHY's stopped them and told them that the Sergeant. MURPHY was in trouble. They walked toward the spot indicated when, as they turned a corner, somebody must have been waiting for them and he remembers no more.

"Preliminary enquiries were made by Sergeant. MURPHY, 1st Army, Div. Provost Coy R.A.M.C. and the attached statements were written down by him. I have not taken any further statements as the men gave me the same stories verbally and there is nothing that can be added to them. "It will be seen from Mr. MURPHY's statement in which he says that he tried to cross the wounds of three soldiers, that these men were drunk. One of them, he stated to me verbally, was helplessly drunk. He wrote his own statement as he was ill with fever and preferred to do it when he felt well enough. The statements of the Carabinieri from CHIAPPAIO confirm this. The Brigadier and MURPHY were actually threatened with a sub-machine gun and a unit incident was avoided by an officer who fortunately intervened. I have not been able to trace this officer nor the Sergeant. Major MURPHY, as the Regt. embarked on a troopship only a few hours after the incident occurred.

states that he saw a man strike on the forehead with a stick. He

having had a drink he was struck on the forehead with his arm. He

then saw a knife descending. He stopped the blow with his arm. He

thinks he can recognize the man. 96 Div. states that

the man was talking to two Italian soldiers. When he left he said, "Good

night" and turned and walked away. He was then knocked down and

stabbed over the eye but he does not know by whom.

"Sergeant, 132 Regt. A.A. states that he was with Sergeant

when two soldiers stopped them and told them that the sergeant

was in trouble. They walked towards the spot indicated where

as they turned a corner, somebody must have been waiting for them as

he remembers as well.

"Preliminary enquiries were made by Sergeant. CALVIN, 1st Army, Div.

Provost Coy 3.4.43, and the attached statements were written down by

him. I have not taken any further statements as the men gave up the

some stories verbally and there is nothing that can be added to them.

"It will be seen from Mr. LAMBERT's statement in which he says

that he tried to arrest the wounds of three soldiers, that these men

were drunk. One of them, he stated to be verbally, was helplessly

drunk. He wrote his own statement as he was ill with fever and

preferred to do it when he felt well enough. The Brigadier and Sergeant

Carabinieri from CRISTIANO confirm this. The Brigadier and Sergeant

who were actually threatened with a sub-machine gun and a party

incident was involved by an officer who fortunately intervened. I

have not been able to trace this officer nor the Sergeant. Major MARTIN

as the Regt. embarked on a transport only a few hours after the

incident occurred.

"Undoubtedly the seven soldiers were beaten up and stabbed in the

vicinity of Via delle Grotte but from enquiries made and statements

taken, it is apparent that the civilians were provoked by the soldiers

conduct. CARBONE Martino states that he heard a commotion in the

house and went to the window. He saw a crowd of Italians and one of

seven British soldiers, one of whom was trying to drag one of the

SICILIANI girls from the house. He could not see precisely what

happened then.

"The village postman, ANTONIO GIOVANNI, stated that he was

delivering mail when he saw six or seven soldiers outside 120 Via

delle Grotte, asking for wine. When they could get no wine he saw

them catch hold of the girls and try to drag them away saying, "Come

on - Come". He went on his way and met some more soldiers going in

the opposite direction. They took the letters from him and threw

them away. They were later taken to the house of GIOVANNI where

nothing. He later saw them go towards the house of GIOVANNI where

he saw them sent up the brother-in-law, ANTONIO. He stated that the

whole population then set about the soldiers with sticks and brooms and turned them away.

"It will be recalled that it is difficult to get the whole truth where so many people are involved. We give the statements of the soldiers which mutually state that there was no provocation. The Italians state that they were defending the girl. To find the man or man who used the knife would necessitate an identification parade of the whole village. I have had a civilian informer in the town, a man who lives there, trying to get additional information but he only confirmed the fact that the girls were attacked by the British and that the whole population became infuriated.

"Respectfully submitted.

"Signed: (Z. BREN) Sergt.

67 Section, S.I.R. "

23 July, 1944.

"Signed,

20.7.44.

STATEMENT OF : MR. DOMENICO STABILE.

"On Monday 17th July, 1944 about 2000 hours I was returning from the farm Muga with a cart and when I entered the village in Imposimale a drunken English soldier tried to take the bridle of my horse. After the first drunken soldier I saw others on the way to my house.

"Later, about 2100 hours I was at the home of VINCENZO LAMMA giving him treatment when someone came to tell me that there were some wounded English soldiers in my house. I returned to my house and found three wounded Englishmen accompanied by a fourth soldier. As I have in my private flat no means for First Aid, I was angry. I looked over the general state of the wounded men and then left immediately to inform the Allied Police or an ambulance. After I had called at the Telegraph Office I met my colleague Dr. Mario Steane with his car and with him I went to Policciola where there is an English Camp because I could not get in touch with the Medical Officer of the Italian Camp. When we arrived I was informed that they already knew about the incident and were attending to it. On returning to the village we met some soldiers of the M.A.M.I.

"We all went to my house where my Allied colleague gave the three soldiers treatment and also another soldier who I had not seen before was treated. About midnight the Carabinieri arrived from Crispiano. They had been informed of the incident by the Town Guard. As I did not assist in the treatment I cannot say exactly what the nature of their injuries were. They appeared to have been made with a blunt instrument.

STATEMENT OF : DR. DOMENICO COSTANTINI

"STATEMENT"
20.7.44.

"On Monday 17th July, 1944 about 2000 hours I was returning from the town of Naga with a cart and when I entered the village in the morning a drunken English soldier tried to take the bridle of my horse. After the first drunken soldier I saw others on the way to my house.

"Later, about 2100 hours I was at the house of VINCENZO LANGE giving him treatment when someone came to tell me that there were some wounded English soldiers in my house. I returned to my house and found three wounded English soldiers accompanied by a fourth soldier. As I have in my private flat at Naga for First Aid, I was angry. I looked over the general state of the wounded men and then left immediately to inform the Allied Police or an ambulance. After I had called at the Telegraph Office I met my colleague Dr. Mario STONE with his car and with him I went to Fecicicola where there is an English Camp because I could not get in touch with the Medical Officer of the Indian Camp. When we arrived I was informed that they already knew about the incident and were attending to it. On returning to the village we met some soldiers of the R.A.M.C.

"We all went to my house where my Allied colleague gave the three soldiers treatment and also another soldier who I had not seen before was treated. About midnight the Carabinieri arrived from Cingolingo. They had been informed of the incident by the Town Guard. As I did not assist in the treatment I cannot say exactly what the nature of their injuries were. They appeared to have been made with a blunt instrument which cut the skin. One of them had a cut and thrust wound in the chest. They were all drunk, especially one of them who was completely drunk whilst being treated. On the following day 18th July, 1944 I treated a civilian, MARIANO who was wounded during the incident. He is available within ten days.

"Before I finish this report I would like to add that some days before as I was putting the car in the Garage some drunken English soldiers wanted to use the car. I managed to remove the ignition key and then some more soldiers came and after about an hour without any other incident when the throwing of bottles I managed to put the car in the Garage.

"These incidents are very frequent and as there is no telephone, it is impossible to inform Garanto and as there are no medical supplies any wounded persons cannot be treated.

"One night I was surrounded by drunken Poles with Tommy Guns. I asked for help from the Indian Camp nearby but without success. The Poles made me take a wounded soldier with some other drunken soldiers to

Taranto. The Civil Hospital would not accept him.

(SIGNED) LOMATINI.

Statement written by Dr. LOMATINI at Statte on 10.7.44.

"On the night of the 17th July at Statte six British? soldiers manifestly drunken in an attempt to take hold of three girls and rape them, came into conflict with a group of civilians and all of them were wounded".

Questura's report.

FC/AM

Signed: P. CRAIG, Major.
Provincial Commissioner

2986

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. SECTION
APO 394

103

Ref/275/103/GA.

21 Sept 1944

SUBJECT : Trial of Giuseppe Affinito

TO : Southern Region.

Reference this HQ letter of 275/101/GA of 16 September
please advise this HQ by return of the result of the trial of AFFINITO.

CR

NORMAN E. FISKE
Colonel,
Deputy Executive
Commissioner.

Cong to: AAI (Your 5130/A/(PS) of 17 Sept refers).

102

298

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

785017

SUBJECT:- Progress R pts

HQ ALLIED ARMIES IN ITALY

Tel:- FILPOT 235 19 SEP Recd

5130/A (PS)

17 SEP 44

HQ
Allied Control Commission,
RC and MG Section.

96

Reference your 275/96/CA dated 23 Aug 44.

Please report the result of the trial of GIUSEPPE

ASVDETIC.

JSG/RAP.

16 SEP 1944

A. C. C.

Brigadier,
DAG.

2984

HEADQUARTERS
ARMED FORCES COMMISSION
R.C. & M.C. SECTION
APO 394

101

REF : 275/101/GA.

16 September 44

SUBJECT : Trial of Giuseppe AFFINITO

TO : Southern Region.

Reference this HQ. letter addressed to Region
III (275/94/GA) of 15 August 44, may we please be informed
of the result of the trial of AFFINITO.

pk
NATHAN E. FISKE
Colonel,
Deputy Executive
Commissioner.

298

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.G. & M.G. SECTION
APO 394

100

REF : 275/100/CA.

16 Sept 1944

SUBJECT : Disturbance at the village of
SEATE near TARANTO.

TO : Southern Region.

93
With reference to this HQ letter 275/100/CA. of 31
August 44, addressed to Admin. Section copy to you. It is
understood that a further incident took place near the village
of SEATE on 31 July 44, between Italian soldiers sailors and
civilians and French soldiers. Please have inquiries made and
let this HQ. have further information concerning the incident.

M.

WILLIAM E. FISKE
Colonel,
Deputy Executive
Commissioner.

Copy to: Admin. Section.
(For Legal Sub-Commission).

2382
ACM (your 5263/96/A/PS) & 1340/96

1751 C.A.B.

CONFIDENTIAL

99

SUBJECT:- Court of Inquiry - Disturbance at STATTE nr
TARANTO, 31 Jul 44.

HQ ALLIED ARMS IN ITALY.

Ref: FILPOT 228.

SC63/96/A(26).

13 Sep 44

16 SEP Recd

2 District.

Copy to:- Executive Commissioner AGO.
Pro.

97

Further to our letter of even number dated 29 Aug 44.

It is understood that a further incident took place
near the village of STATTE on 31 Jul 44 between Italian
soldiers, sailors and civilians and French soldiers.

JDE/TH.



Brigadier,
D.A.C.

16/9

2981

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.C. SECTION
APO 354

Phone:
478808

REF : 275/98/CA.

31 August 44.

SUBJECT : Court of Inquiry - Disturbance at SEATTLE,
near Toronto.

TO : ^{Admiral} ~~Base~~ Section (For Legal Sub-Com.)
Amir

1. Enclosed for your perusal is copy letter addressed to HQ. AAI. to No. 2 District dated 29 August 44, copy to this HQ.

See 1114
NORMAN E. FISKE
Colonel,
Deputy Executive,
Commissioner.

Copy to: Southern Region.

please forward any information concerning the incident at SEATTLE Toronto, to this HQ. as we have no record here. The information will be obtained from Region II files.

All 100

2380

275
SUBJECT: - Court of Inquiry - Disturbance at STAFFE nr LANTO, 17 Jul 44.

CONFIDENTIAL

HQ ALLIED ARMY IN ITALY

Tel: - FILMOT 223

5063/96/A(PS)

29 Aug 44

HQ No 2 District

Executive Commissioner, AOC
Pro

Ref your signal A.2083 dated 12 Aug 44.

1. The SIB report and the proceedings of the Court of Enquiry held by 78 Div relating to the incident at STAFFE on 17 Jul have now been received. The evidence is conflicting, but in the absence of further evidence the impression given is that there had been some provocation by some British soldiers, but that assaults by civilians were not confined to self-defence or to the particular British soldiers who had given provocation. It is therefore not considered that the conduct of the civilians can be excused.
2. An incident of similar character occurred in STAFFE last December, involving troops of 4 Ind Div. The exact date is not known but was between 7 and 20 Dec 43. In that case there was the same allegation of provocation, complete denial by the injured soldiers, and a general impression that at least some of the injured soldiers had not offered provocation. On that occasion firearms were used by the civilians, the case was investigated by the SIB and the Carabinieri, and prosecutions either took place or were intended.
3. In view of the comparative rarity of clashes of this kind the occurrence of two in one village under such circumstances suggests that there is an element in the village which is hostile and ready to offer violence. It is considered that this case requires thorough investigation in conjunction with the earlier one. Any civilians against whom sufficient evidence is available should be prosecuted, and if it appears that any individual has played a part in both incidents strong action should be taken against him.
4. In making this investigation you should work in conjunction with AOC.
5. Proceedings of the 78 Div Court of Enquiry are forwarded.
6. The result of your investigation will be reported to this HQ.

99

Ref your signal A.2083 dated 12 Aug 44.

1. The SIB report and the proceedings of the Court of Enquiry held by 78 Div relating to the incident at STAFFS on 17 Jul have now been received. The evidence is conflicting, but in the absence of further evidence the impression given is that there had been some provocation by some British soldiers, but that assaults by civilians were not confined to self-defence or to the particular British soldiers who had given provocation. It is therefore not considered that the conduct of the civilians can be excused.

2. An incident of similar character occurred in STAFFS last December, involving troops of 4 Ind Div. The exact date is not known but was between 7 and 20 Dec 43. In that case there was the same allegation of provocation, complete denial by the injured soldiers, and a general impression that at least some of the injured soldiers had not offered provocation. On that occasion firearms were used by the civilians, the case was investigated by the SIB and the Carabinieri, and prosecutions either took place or were intended.

3. In view of the comparative rarity of clashes of this kind the occurrence of two in one village under such circumstances suggests that there is an element in the village which is hostile and ready to offer violence. It is considered that this case requires thorough investigation in conjunction with the earlier one. Any civilians against whom sufficient evidence is available should be prosecuted, and if it appears that any individual has played a part in both incidents strong action should be taken against him.

4. In making this investigation you should work in conjunction with AGO.

5. Proceedings of the 78 Div Court of Enquiry are forwarded.

6. The result of your investigation will be reported to this HQ.

JTB/IKM

Brigadier,
D.A.G.

785017

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

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

785017

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

Phone:
478908

96

REF : 275/96/GA.

23 August 44

SUBJECT : Trial of Giuseppe Affinito

TO : HQ. AAL.

Reference your 5130/A(PB) of 11 August 44, the trial
of Giuseppe Affinito is expected to begin on or about 1st Sept.

JH

Prigotier,
Executive Commissioner,
For A/Chief Commissioner.

117
2978

785017

275

95

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U.S. Army

L-9076.

21 August 1944.

22 AUG Recd

Subject : Discipline - Death 1884035, Cpl. Covey S.
your Ref/275/94/CA.

TO : Colonel Norman E. FISKE.
Deputy Executive Commissioner.

1. Replying to your letter 15 August 1944, the trial of AFFINITO Giuseppe is awaiting only the conclusion of another case. It is expected that the trial of AFFINITO will begin on or about 1 September 1944.

For the Regional Commissioner:

GAB/cn

G.A. Bamlet

G.A. BAMLET,
Major, G.L.,
Actg. Reg. Legal Officer.

2877

785017

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

Phone: 478608

94

Ref/275/PA/OA.

15 August 1944.

SUBJECT: Discipline - Death of 1884035
Cpl. Covey E.

TO : R.C. Region III.

Reference this HQ letter 275/PA/OA of 31 July 1944 please
advise this HQ of the present position and when it is expected
that Affinito Giuseppe will be brought to trial.

MORRIS E. FIERKE,
Colonel,
Deputy Executive
Commissioner.

Copy to: Admin. Section (for Legal Sub-Com)
HQ. AACI (Your 5130/A(PB) of 11 Aug 44 refers)

93

2346

0222

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

785017

REPORT: - Discipline - Progress.

275. Civil Affairs Br. 90785

NOT ALLIED ARMIES IN ITALY

76

AEI/5130/A(28)

11 Aug 44

Executive Commissioner
HQ AGO

13 AUG Recd

76

Ref this HQ letter AEI/5130/A(28) dated 24 Jul 44.

Are you yet in a position to report progress in the case, please?

AV/124.

Handwritten signature: Arthur M. ...
To Mr. ...
1574
see 94
+96

Col Shipp

Re: Folio 90 & 92.

Does the Ex Com[?]
wish to write a note
to AAI? It would
appear to be un-
necessary as a
copy of folio 92
has gone to AAI.

Our letter covers the
matter. I suggest
p. a file but you may
feel that you should
specify Ex Com[?]

14/8

Shipp, W. J.

OK

PL

Shipp

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

13 August 1944

Ref/275/89/CA

SUBJECT: Disturbances - ITALIAN Civilians.

TO : R.C.'s Regions I - IX, & "Z"
P.C. Foggia Province.

1. HQ AAI have remarked that there have recently been several disturbances in which ITALIAN civilians have assaulted Allied Military personnel, apparently on the grounds that they were accompanied by ITALIAN women. The Commander in Chief takes a most serious view of such cases.

2. It is not desired to attract undue attention to these incidents by giving wide publicity to them or by the issue of public warnings but such disturbances should be dealt with by strong and immediate action.

3. In Military Government territory ITALIAN civil offenders must be brought to trial without delay before an Allied Military court. In ITALIAN Government territory the most careful consideration should be given to the bringing of such cases for trial before a military court in accordance with the present established principles. Applications for such trials will first be submitted to this HQ in the usual way for approval.

4. This matter should be brought to the attention of your Regional Legal Officer.

Norman E. Fiske
NORMAN E. FISKE
Colonel,
Deputy Executive
Commissioner.

Copy to:

AAI (Ref AAI/5063/17/A(PS) of 7 Aug and conversation
Brig. Paton - Brig. Lush).
Admin Section.

2975

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

785017

To R.C. & G. Sec.

A.V.P. has seen and agrees draft as it
now stands.

13 Aug 44

R.R. Cupp
Ch.

91

V.P. Admin Sec

90

In view of a specific instruction - p. 88
I cannot go further than I as amended.
Even that will need ~~an~~ explanatory letter.
SAAI.

M/S.

DRAFT

Ser 275/ /CA

SUBJECT: Disturbances - ITALIAN Civilians

TO : H.Q.'s Regions I - IX, & "Z"
P.O. ROMA Province.

1. HQ. AAI have remarked that there have recently been several disturbances in which ITALIAN civilians have assaulted Allied Military personnel, apparently on the grounds that they were accompanied by ITALIAN women. The Commander in Chief takes a most serious view of such cases.
2. It is not desired to attract undue attention to these incidents by giving wide publicity to them or by the issue of public warnings but such disturbances should be dealt with by strong and immediate action.
3. In Military Government territory ITALIAN civil offenders must ^{be dealt} be brought to trial without delay before a military court, ~~or Italian~~ County, ~~the former where a particular case is one of gravity and where there has been a series of incidents which require a prompt and vigorous remedy.~~ In ITALIAN Government territory, consideration should be given to the bringing of such cases for trial before a military court in accordance with the present established principles. Applications for such trials will first be submitted to this HQ in the usual way for approval.
4. This matter should be brought to the attention of your Regional

M

89

1. Lt. Hal have remarked that there have recently been several disturbances in which ITALIAN civilians have assaulted Allied Military personnel, apparently on the grounds that they were accompanied by ITALIAN women. The Commander in Chief takes a most serious view of such cases.
2. It is not desired to attract undue attention to these incidents by giving wide publicity to them or by the issue of public warnings but such disturbances should be dealt with by strong and immediate action.
3. In Military Government territory ITALIAN civil offenders must be brought to trial without delay before a military court, ~~as Italian~~ ^{as desired} County, the former where a particular case is one of gravity and where there has been a series of incidents which require a prompt and vigorous ~~remedy~~ ^{to and brought}. In ITALIAN Government territory, consideration should be given to the bringing of such cases for trial before a military court in accordance with the present established principles. Applications for such trials will first be submitted to this HQ in the usual way for approval.
4. This matter should be brought to the attention of your Regional Legal Officer.

ROBERT B. FISKE
Colonel
Deputy Executive Commander

Copy to:

LT (Act. AII/5063/17/A (FE) of 7 Aug and conversation
Brig. Paton - Brig. Lush)
Admin. Section

785017

SUBJECT: Disturbances -
ITALIAN CIVILIANS

275
HQ ALLIED ARMIES IN ITALY
AAI/5063/17/A(P3)
Aug 44.

10 AUG Recd

HQ. AGC

1. It has recently come to notice that there have been several disturbances in which ITALIAN civilians have assaulted Allied Military personnel, apparently on the grounds that they were accompanied by ITALIAN women.

2. It is not desired to attract undue attention to these incidents by giving wide publicity to them, or by the issue of public warnings, but it would be appreciated if instructions can be issued to all your officers that such disturbances require to be dealt with by strong and immediate action. Any ITALIAN civilian offenders should be brought to immediate trial before a Military Court, and the President of the Court should be informed that the C-in-C, AAI takes a most serious view of such cases.

CMF/JD



W. Robertson

Major-General,
CAC.

Copies to: RAAC (Reference 7A2 of 2 Aug 44).
PM AAI (Reference Pro/114 of 30 Jul 44).

2K 10/8

see 92 2970

0230

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

RESTRICTED

275 9/1

PA BC

211981

EXECUTIVE COMMISSIONER ACC FOR ACTION

AAI

A2313

AUG 0118208

11/02

RESTRICTED

NONE

2 AUG Recd

HEADQUARTERS
7 AUG 1944
A. C. C.

FURTHER OUR A2264 OF 29 JUL. PROCEEDINGS NOT NOW REQUIRED.

80
418

Internal Distribution: Master Message (August)
File: AAI/5063/49/A(P3)

ACC DIST

PK 2/5

Acc Dist

Action: Loyalty
Info: PA Br 2
H/PC 1
File 2
Flint 1

RESTRICTED

2972

HEADQUARTERS
ARMED AND NAVAL COMMISSION
D.C. & N.A. SECTION
AND 194

1st 7/15/56/08

2 August 1944

SUBJECT: Banvento Shooting Case.

TO : Mr. LLI

1. Reference your Signal A 2262 of 29 July 44.

2. The present position is that all convicted persons have a right to present a petition for review within 30 days of conviction - in this case 14 July. At the expd. ~~4~~ of the 30 days or on sooner receipt of the petitions the record will be forwarded for review at this Hq. Meanwhile the case is still sub-judice.

Signature
Executive Commissioner
For A/Chief Commissioner

Copy to:
Admin. Section (for Legal Sub-Comm.)

Signature in absence of Executive
Commissioner's duty

Signature
JPK 2/8

2571

785017

2752
HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
AFO 394

/jpl

ACC/4083/32/L

1 Aug. 44

Subject: "BENEVENTO Shooting case."

To : R.C. & M.G. Section.

83
Ref. telephone conversation (Lt. Col. SHIER Lt. Col. CAMPBELL)

I suggest you reply to H. Q. AAI signal A 2264 as follows:-

"Ref. A 2264 of 29 July. Present position BENEVENTO case as follows. Trial concluded 14 July. Convicted persons have right to present petition for review within 30 days of conviction. At expiration of 30 days or on sooner receipt of petitions record will be forwarded for review at this H.Q. Meanwhile case still sub-judice."

1. Campbell WCA
j
RICHARD H. WILMER
Colonel, CAC
Acting Chief Legal Officer.

96 4/8

2970

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

Ref/275/24/12

31 July 1944

SUBJECT: Discipline - Death of 1884055 Opl. Cover, 3.

TO : R.C. Region III

1. The attached copy letter from AAI(AAI/5130/A(26)) of 23 July is forwarded for information. May we be advised of the present position and when it is expected that Affinito GUERRERO will be brought to trial.

MORRIS E. FINE
Colonel
Deputy Executive
Commissioner

Copy to:
Admin. Section (For Legal Sub-Comm.)

2969

Li
why not send a
copy to AAI?
Yes - K
pk 31/7

785017

RESTRICTED

194883

EXECUTIVE COMMISSIONER HQ AGO

AAI

A 2R54

JUL 29 15:08

93/29

RESTRICTED

ROUTINE

3 0 300000

FURTHER CUE A 128 OF 20. REQUEST INFORMATION PRESENT POSITION.
ALSO PROCEEDING WHEN FIGHTING AND SENTENCES PROMULGATED.

HEADQUARTERS
30 JUL 1944
A. C. C.

DIST

ACTION - CA Br 2
INFO - A/CO
FIRM 2
FLOAT

See glb

72

To: Adm Section (for Legal Sub Com) for Action - Civil Affairs
Letter 275/72/CA of 22 July refers.

*Case 275/72/CA. Legal seen
to have taken action in July*
PK 31/7

also 82
Ma

2300

RESTRICTED

JUL 29 19008

785017

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U.S. Army

L-9062

25 July 1944.

SUBJECT: Benevento Shooting Incident.

TO : Executive Commissioner, R.C. & M.G. Section, AGC.

1. Reference is to your letter, reference 275/21/CA, dated 1 June 44 and to the subsequent correspondence ending with this headquarter's letter of 15 July 44 reporting briefly the result of the trial.

2. This case commenced with a report by the Provincial Commissioner, BENEVENTO, on the actions of the Italian "REMO" Division which was then stationed at BENEVENTO of which the shooting incident, the cause of action in this trial, was only a part. At the date of your letter of 1 June 44 a General Military Court had been set up at AVELLINO for the trial of another case and it was proposed to transfer this Court to BENEVENTO to try the shooting incident case there. This headquarters was therefore ready to go ahead.

3. Following the receipt of your letter of 1 June 44 considerable pressure was brought to bear on this headquarters, both by letter and telephone, to have the case brought to trial although at this stage this headquarters had no information on the matter beyond what was contained in the original report of the Provincial Commissioner which was in quite general terms. It does not seem to have been appreciated that before a person can be tried by an Allied Military Court specific charges have to be served on him and that exact particulars are necessary before these charges can be drawn. It was not until well after a fortnight had elapsed before these particulars were in the hands of any AMG officer.

4. In the meantime difficulties arose as to the location of the prisoners. Originally they were confined by the

26 JUL 1944

HEADQUARTERS

2567

arresting agents, not AMG, in BENEVENTO Jail. On 5 June 3 District asked by signal where and when this headquarters wanted the prisoners handed over and the reply was that they would be taken over at BENEVENTO jail. Whether in fact the prisoners were ever handed over to AMG at BENEVENTO does not appear, but on 15 June 3 District ordered the removal of the prisoners from BENEVENTO to AVELLINO where they were placed in the security of PSS. It was for this reason that the trial was eventually held at AVELLINO.

5. Owing to the delay in bringing the prisoners to trial and the constant changes in personnel which were taking place at that time, two officers who had been selected to prosecute were successively removed to other Regions and finally the Court itself disintegrated. Another Court was set up but it was not practicable for AMG to provide a prosecutor. Thanks to the kindness of 57 Area, Major Crichton was placed at the disposal of this headquarters to act as prosecutor. Unfortunately less than 24 hours before the trial was due to begin he was diverted to another assignment and had to hand over the papers to Captain Bevington. In these circumstances a postponement for two days in the commencement of the trial, occasioned by the sickness of one of the members of the Court, was not without advantage.

6. The trial lasted 13 days. As mentioned in this headquarters letter of 15 July, ten Italian soldiers were charged with, first, killing three named Indian soldiers, and, secondly, with assaulting certain Indian soldiers with intent to kill. All the accused were acquitted on the first charge and seven of them on the second one. Of the three accused found guilty on the second charge one was sentenced to six years imprisonment and the other two to three years.

7. A copy of the judgement delivered by the Court is attached. It will be observed that the Court places the initial responsibility for the incident on the Indian soldiers.

8. One of the difficulties which arose at the trial was the question of the identification of the accused and on this it is necessary to refer to certain events which happened before SIB took over the investigation of the case. As soon as he heard of the incident the Provincial Commissioner of BENEVENTO offered to place at the disposal of the officer commanding the Indian Unit involved an AMG officer, a police official of

considerable standing, to assist in the investigation. This offer was refused with the result that valuable clues to identity were lost. For instance no attempt was made, at the time, to ascertain which rifles had been fired and so discover, through the numbers on the rifles, who had fired them. In fact the rifles were dispersed and could not be produced in Court in evidence. It is considered that with better co-operation between the Indian unit and AMG public safety officers at the beginning of the investigations further convictions might have been obtained.

9. It is felt that the lesson to be learned from this case is that satisfactory results can best be obtained when there is proper co-operation between the military authorities and AMG. Through no fault of AMG that co-operation was lacking here at least in the early stages. As an example of what can be done with proper co-operation all round reference is made to the recent stabbing incident near CAPUA where seven accused were brought to trial before a General Military Court within eight days of the commission of the offence.

For the Regional Commissioner:

G.A. Bamlet.

G.A. BAMLET,
Major, G.L.,
Acting Reg. Legal Officer.

GAB/mc

Encl-

1. copy of judgement.

Copy to -
CLO, Legal Sub-Commission, AOC.

JUDGEMENT

1. Shortly before 10.00 hours on 25 May 1944 two patrols of Italian paratroops, armed with automatic rifles, at a short interval of time, left the Carabinieri Barracks Benevento on duty which solely concerned the discipline of troops of their own division. They were composed of the ten accused in this case and divided as follows:

First Patrol. Cap. Mag. Ciocci Enrico (in charge)

Parac. Cerutti Luigi

Cap. Brunetti Giuseppe

Parac. Mazzoleni Mario

Parac. Semprini Armando

Second Patrol. Sgt. Mag. Cadorin Antonio (in charge)

Parac. Castelli Bernardo

Parac. Solocchi Luigi

Parac. Scarsi Fiore

Parac. Signorelli Giuseppe

2. At about 1000 hours the first patrol was crossing the Calore Bridge, Benevento, when a quarrel arose between them and a work party of 3 A.W. Coy. I.E. engaged on bridge repairs. There is considerable conflict of evidence as to the origin of the quarrel and the course of the fight which ensued between the sappers and the members of the first patrol, but the court believes the sappers were the aggressors and used picks and crowbars against the paratroopers. In the result, and during the fight, Spr. Mohamed Hussain was killed by gunshot wound almost certainly fired by one of the members of the first patrol, though it has been impossible to determine which.

3. Some of the sappers rushed to their guard tent nearby and emerged armed with rifles. Spr. Azi Mullah and Havildar Fasal Mohamed so armed themselves and actually fired their rifles but it is not known which, if any, of the other sappers did so.

4. During the fight between the first patrol and the sappers the accused Cerutti fired his rifle. It is believed he did this after his four companions had extricated themselves and fled and that he was then sorely wounded and hard pressed by sappers armed with dangerous weapons. So far as is known he fired wildly and it cannot be said with certainty that his bullets did or did not find their mark in the bodies of one or more of the Indian soldiers who died. The court believes that the accused Cerutti used no more force than was reasonable in his self defence.

5. It is clear also that after the killing of Spr. Mohamed Hussain some others of the accused fired their rifles and, except in the event of their having been wounded by the accused Cerutti, that fire resulted

in the death of Havilda Pasal Mohamed and Spr. 1 y Khan. There is some evidence that members of the first patrol were involved in this. That is possible and accordingly, though it is improbable, fire from members of the first patrol may have caused the death of Havilda Mohamed Hussain and Spr. Edey Khan. After carefully weighing the evidence however the court thinks that all members of the first patrol, excepting Cerutti, made good their escape without firing (except for the shot which killed Spr. Mohamed Hussain). At the close of the case for the prosecution Cap. Maggiore Ciocci Enrico was acquitted of the first charge and Cap. Brunetti Giuseppe and Parac. Semprini Armando were acquitted of the first and second charges. The remaining members of the first patrol must be acquitted. Cap. Mag. Ciocci Enrico is now found not guilty of the second charge and Parac. Cerutti Luigi and Parac. Mazzolini Mario are found not guilty of the first and second charges.

6. Because of the possibility of the death of Havilda Mohamed Hussain and Spr. Edey Khan having been caused by members of the first patrol, the first charge cannot remain against members of the second patrol and therefore Sgt. Mag. Cadorin Antonio, Parac. Castelli Bernardo and Parac. Sclocchi Luigi are found not guilty of the first charge. Against them remains the second charge only. Parac. Scarsi Fiore and Parac. Giuseppe Signorelli were acquitted of both charges at the close of the case for the prosecution.

7. Now it is clear that Sgt. Mag. Cadorin and Parac. Castelli and Sclocchi, by concerted action during which they fired their rifles, forced the passage of the Calore bridge against the sappers who defended the crossing with their rifles. In doing this these three accused exceeded their duty. They do not say or suggest that this was done to save their wounded comrade Cerutti and it was not established that it was necessary for them to do so for that purpose but, instead, they deny knowledge of the fracas between the sappers and members of the first patrol. Their story is that they considered it their duty to go forward to find out the cause of the firing and with this the court does not agree.

8. It remains to be considered whether the three remaining accused, by their firing, intended to kill and to inflict serious bodily harm upon members of the sapper working party. In the courts opinion there was such intention and it is not material to consider whether any of them did not fire directly at the sappers. They all fired their rifles and their action was a concerted one for which all are responsible. The individual testimony of each of three accused that he, personally, did not fire at the sappers is not considered sufficient to rebut the moral certainty that all, or at least some of them, did fire with the intent to kill and inflict serious bodily harm. The accused Sgt. Mag. Cadorin Antonio, Parac. Castelli Bernardo and Parac. Sclocchi Luigi are found guilty of the second charge.

110

27

Lieut. Col.

President.

14 - 7 - 44.

Lieut. Col.

Member.

Concurring Opinion:

I concur in the judgement of the majority of the Court with respect to the finding that both the first and second charges be dismissed against Cap. Mag. Ciocci, Parac. Mazzoneli and Parac. Cerutti of the first patrol; and that the first charge should be dismissed against Sgt. Mag. Cadorin, Parac. Sclocchi and Parac. Castelli of the second patrol. I arrive at that concurrence through a different avenue.

In my opinion, there is an insufficiency of credible evidence to establish the fact that any member of the first patrol, with the exception of Cerutti, fire any shots, and therefore there can be no probability that any member of the first patrol shot Havilda Fazal Mohamed or Sapper Edey Khan. For that reason, I concur in the judgement of the court which dismisses both charges against them.

In my opinion, there is not sufficient evidence tending to establish the fact that any individual member of the second patrol who fired shots, shot and killed Havilda Fazal Mohamed and/or Spr. Edey Khan. For that reason I concur in the judgement of the Court in dismissing the first charge as against them.

I concur with the majority of the Court in the remaining portions of the judgement, and on all of the grounds and reasons stated therein.

14 - 7 - 44.

, Major,
Member.

2962

785017

SUBJECT:- Discipline - Progress.

275 *f* CONFIDENTIAL. 76
HQ ALLIED ARMS IN ITALY.

AA- 5130/A(P8).

24 Jul 44.

25 JUL Read

Executive Commissioner,
HQ ADC (2).

1. Information has been received through PRO channels of the murder of 1884035 Cpl. CUEY S, 245 Pd Coy RE at PORTOFINO on 23 Jun 44. It is understood that an Italian civilian ANTONIO GUISeppe is now in arrest at ~~PORTOFINO~~ MARIA CAPUA awaiting trial. SIB report SIB 61/A/44/726 dated 11 Jul 44 (copy to Legal Officer Region III) refers.

2. Please keep this HQ informed of progress in this case.

Hugh Fraser
Brigadier, *capt*
D.A.G.

BMF/YY.

Copies to: PRO (Your PRO 53/1/61 dated 23 Jul 44 refers, above quoted SIB report returned herewith.)

ADJAG (Your JAG/General 24 dated 24 Jul 44 refers)

see 93
84
31/7
2361 9115

785017

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

Phone:
470695

28 July 1944.

Ref: 275/75/GA.

SUBJECT: Benavento Shooting Incident.

TO : Admin Section (For Legal Sub-Commission).

Reference our letter 275/72/GA of 22 July 1944,
there is forwarded for your files
to No. 3 District on 17 July 1944.

NORMAN E. FISKE,
Colonel,
Deputy Executive
Commissioner.

Incl
as above

2850

Note for file Col Upjohn spoke to Ex Coman: saying case could not
be moved at present as it is still sub judice. 7/4
Ex Coman told Col Wilson at HQ AHC. Col Upjohn
does not wish any further action taken.

2/17/77

2 27/7

CAIB

73

We knew that this case was causing great concern at AAI & personally to the C in C.

2 On 18/7 we received a report by the Regent informing of the completion of the Trial.

3 The proper course at that point was to write, in conjunction with Legal S.C., a very carefully loaded letter to AAI - breaking the news gently to them and explaining the reasons for the small sentences, & generally oiling the wheels.

4 Instead - what was done? There is no record except Major Reacher's statement that AAI was informed. How?

5 We have involved 171 & all that lies behind that & the trouble which this will involve by failing to see other people's point of view & meeting it half way. That is our duty. Now let us put 3 into action.

Spoke to 27/7 na.

DS (20/7/44)

HEADQUARTERS
ALLIED CONTROL COMMISSION
P.O. & H.Q. SECTION
APO 39A

Ph. 1 470635 72

Ref /275/72/CA

22 July 1944

SUBJECT: Benevento Shooting Incident.

TO : Admin. Section (for Legal Sub-Comm.) 65

Reference is made to letter from Region III of 15 July 44, addressed to this Section copy to you. This information was passed on to AAI, who had asked for it. AAI now desire the proceedings for perusal and their Signal No. A2128 of 20 July is attached hereto for your attention. The signal has not been acknowledged.

71 JH
NORMAN W. FISKE
Colonel
Deputy Executive
Commissioner

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

785017

TO EXECUTIVE COMMISSIONER
FROM AAI

N/4321
CONFIDENTIAL
NONE

A2128

JULY 201423B 37

YOUR LETTER 275/37/CA OF 13 JUN RE BENEVENTO CASE UNDER-
STAND 3 ACCUSED CONVICTED REMAINING ACQUITTED . FORWARD PRO-
CEEDINGS FOR PERUSAL.

INTERNAL DIST: MASTER MESSAGE (JULY)
FILES ; AAI/5063/49/A/ (PS)

2356

785017

LRKE V LRGE NR R 483 ROUTINE

QVR 1

FROM DISTHREE 161238B

TO ALLIED CONTROL COMMISSION APO 394

INFO A57 AREA

QQX GR 24

BT

ACTION

A218 RESTRICTED RE YOUR 275/37/CA OF 13 MUN (.)

AVELLINO TRIAL BELIEVED FINISHED (.) AAI ASKING PRESENT POSN (.)

MAY REPORT PLEASE BE FORWARDED TO THIS HQ

BT

SENT NR 483 " SLW 1855/17" B 1"

RCD NR483 NRA 1855/17

KK

275
18 JUL Recd
2

171906

1070



Acc Int

Action C A BR (2)

INFO A/C.C.

LEGAL

Fyge (2)

ACCT

NA PWA

RESTRICTED

624

69

DISTRICT

ACC ADVANCE

RESTRICTED

ROUTINE

Civil Affairs Branch

17 July 1944

REFERENCE YOUR SIGNAL A TWO ONE ZERO OF SIXTEEN JULY PD PARISH TO DISTRICT FROM ACC
ADVANCE PARISH PD THREE ACCUSED FOUND GUILTY OF ASSAULT WITH INTENT TO KILL PD
SENTENCES SIX YEARS THREE YEAR AND THREE YEARS PD REMAINDER ACQUITTED LETTER FOLLOWS

for

see 75

114

2954

L.T. MONTAG
1st Lt. AGD
Adjutant

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.O. & M.G. SECTION
APO 394

Ref/275/68/CA

17 July 1944

SUBJECT: Discipline -- Benevento Shooting Incident.

TO : No. 3 District

1. Reference your signal A 210 of 16 July 44.

The trial of the ten accused was completed on 14 June 44.

2. All of the accused were charged on two counts.

- a. Killing certain Indian soldiers and
- b. Assaulting certain Indian soldiers with intent to kill.

3. All were acquitted on the first count. Three were found guilty on the second count and sentenced to six years, three years and three years respectively. The remaining seven of the accused were acquitted on the second count.

Mc
ROBERT E. FISKE
Colonel
Deputy Executive
Commissioner

Copy to:

AAI (A Branch for information)

2853

275-1
ALLIED ~~CONTROL~~ COMM SION

INCOMING MESSAGE

TO: ALLIED CONTROL COMMISSION AFO 304 INFO A57 AREA
 FROM: DISTHREE
 REFERENCE No: A210
 DATE AND TIME OF ORIGIN: JUL 161230 OFFICE OF ORIGIN: NONE
 SIGNAL MESSAGE CENTER No: 36/12
 CLASSIFICATION: RESTRICTED
 PRECEDENCE: NONE

REF YOUR 275/37/GA OF 13 JUN. AVELINO TRAIL BELIEVED FINISHED. AAI ASKING
 PRESENT POSN. MAY REPORT PLEASE BE FORWARDED TO THIS HQ.

ACC DIST

ACTION C A BR
 INFO A/CC
 FILE
 FLGAT



REFERENCE No: A210 PRECEDENCE: NONE
DATE AND TIME OF ORIGIN: JUL 161230 OFFICE OF ORIGIN: NONE

31

REF YOUR 275/37/GA OF 13 JUN. AVELLINO TRAIL BELIEVED FINISHED. AAI ASKING
PRESENT FOSN. MAY REPORT PLEASE BE FORWARDED TO THIS HQ.

File 17/67

ACC DIST

ACTION	C A BR	2
INFO	A/CC	1
	FILE	2
	FLOAT	1



DATE and Time of RECEIPT JUL 171045

Distribution:

RESTRICTED

2352

785017

HEADQUARTERS Ph. No. 490695
ALLIED CONTROL COMMISSION
R.C. & M.C. SECTION
APO 394

Ref/RTS/66/CA

17 July 1944

SUBJECT: Discipline - Benavente Shooting Incident.

TO : 57 Area

1. With reference to your A 16/15 of 29 June 44 the trial of the ten accused was completed on 14 June 44.
2. All of the accused were charged on two counts.
 - a. Killing certain Indian soldiers and
 - b. Assaulting certain Indian soldiers with intent to kill.
3. All were acquitted on the first count. Three were found guilty on the second count and sentenced to six year, three years and three years respectively. The remaining seven of the accused were acquitted on the second count.

for
NORMAN E. FISKE
Colonel
Deputy Executive
Commissioner

2951

785017

275
16/7/44
B A B Y 65
V - 5273
HEADQUARTERS,
REGION 3, ALLIED CONTROL COMMISSION,
APO 394, U.S. Army.

15 July 44.

L-

SUBJECT : Benevento Shooting Incident.

TO : Executive Commissioner, R.C. & M.G. Section, ACC. 60861ref

1. The trial before a General Military Court of the ten accused who were involved in the above incident was completed yesterday afternoon.

2. All the accused were charged on two counts; (1) killing certain Indian soldiers; and (2) assaulting certain Indian soldiers with intent to kill.

3. All the accused were acquitted on the first count. Three of them were found guilty on the second count and sentenced to six years, three years, and three years imprisonment respectively. The remaining seven of the accused were acquitted on the second count.

For the Regional Commissioner,

G.A. Ramet

G.A. RAMET,
Major, G.L.,
Actg. Regional Legal Officer.

GAB/

Copy to -
CLO, Legal Sub-Commission, ACC.



2950

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

785017

LEGAL SUB-COMMISSION

ACC/4002/4/-

12 July 1944.

MEMORANDUM TO: Deputy Executive Commissioner.

Reference your 275/63/CA of 7 July 44.

Examination of file. I find that inadvertently the answer to the letter from AFHQ G-5 Section, was answered direct on June 27, 1944.

A copy of that letter is enclosed.

1 Encl: letter of 27 Jun 44.

H. H. WILDER.
Colonel, GAC.
Acting Chief Legal Officer.

REAR ADMIRAL
ALLIED CONTROL COMMISSION
LTD 1 SUB-COMMISSION
APO 394

COPY/FILE

63

ACC/4002/4/L.

27 Jun 44

SUBJECT : Offenses by civilians in Sicily.

TO : AFHQ (G-3 Section).

1. Ref G-3: 000.5 dated 13 June 1944.
2. Ref G-3: 000.5 dated 13 June 1944. The record in the Petrucciello case referred to in the enclosure to your letter. This case was tried 22 Dec 1943. The accused was found guilty of illegal possession of three drums of gasoline, property of the British Government. He was found guilty and given a sentence of 12 months (11 suspended). Maj. P. R. Waldron the trial judge evidently took a lenient view of the offense because of the prior good service of the accused when employed by AMB, subsequent employment by British authorities at the dock, furnishing by him of useful information to the Carabinieri leading to arrests, and his large family.
3. Unquestionably the sentence was too light but there is nothing to be done about it now.
4. This sub-commission is glad to know that the Italian courts are functioning to the satisfaction of the Navy.

RICHARD M. WILSON,
Colonel, SAC,
Deputy Chief Legal Officer. 2048

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

WAC/275/62/CA

7 July 1944

SUBJECT: Offences by Civilians in Italy.

TO : Admin. Sect. (for Legal Sub-Comm.)

With reference to WAC/275/4/CA of 15 June 44 are you
now in a position to comment on the report which was enclosed.

NORMAN E. FISKE
Colonel
Deputy Executive
Commissioner.

6/15/44
Fiske
8/23/44

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

Ref/275/62/CA

30 June 1944

SUBJECT: Banawato Shooting Incident.

TO : R.C. Region III.

May the results of the trial of the ten accused be
made known to this Headquarters when available.

ph

HUBERT R. PIERCE
Colonel
Deputy Executive
Criminal Section

JRS/JS

COPY to:
57 Area (Your 116/15 of 29 June refers.)

BU 15 July
10/15/44

2346

275
30 JUN 1944

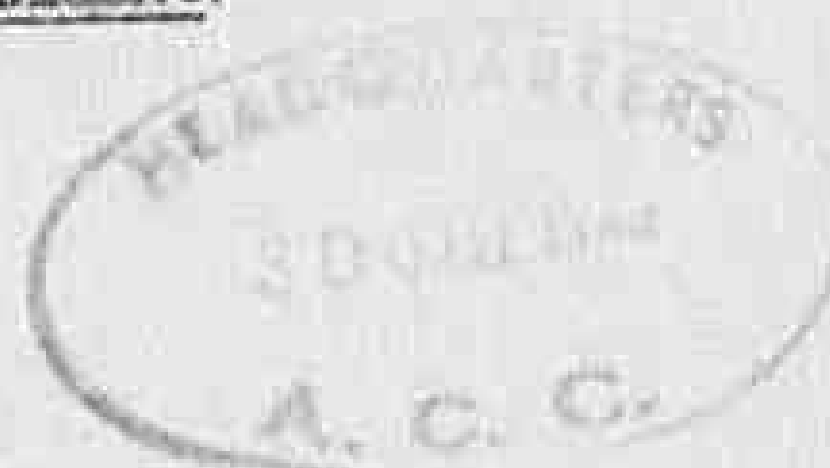
CAB.

4-3491

A16/15

Subject:- Discipline - RENEVASCO Incident.

The Executive Commissioner,
Allied Control Commission.



Reference HQ AAI letter AAI/5063/49/A(P3) dated 31 May 44.

It would be appreciated if this HQ could be informed of the results of trial of the ten men involved in this case.

It is understood that the trial is due to commence on 28 Jun 44.

Field.
28 Jun 44.
TWY/AM

Brigadier
Commander 57 Area.

Handwritten signature/initials

7850, 7

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

11/08

58

21 Jun 44

SUBJECT : Stabbing case at Capua.

TO : Chief Legal Officer.

1. Major Banlet telephoned to say he thought it necessary to convene a General Court to try seven Italian charged with stabbing Allied personnel at Capua. He has not yet seen the papers, (which are expected to reach him today) but from preliminary information thinks that sentences of more than 10 years are called for.
2. The case should if possible be heard early next week. At least 14 witnesses (including the seven accused) will require to be heard.
3. The only legal Officer available in Region III is Major Gilshenan.
4. Attached is a convening order, for signature by Brigadier Lush, if you so decide.

2. The case should if possible be heard early next week. At least 14 witnesses (including the seven accused) will require to be heard.

3. The only legal Officer available in Region III is Major Gilshenan.

4. Attached is a convening order, for signature by Brigadier Lush, if you so decide.

Excc. Com.

Jasper More
 J. MORE.
 Capt.

See 59

Will you please sign &
forward one copy to Regina
to us.

(iii) *H. Asy-d*
9 R.L.H. Ent^d

785017

21 JUN 1944

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION,
APO 394, U.S. Army

22 CAB 57
4-21-21
HEADQUARTERS
21 JUN 1944
A. C. C.

D-9062

20 June 1944

Subject: Benevento Shooting Incident.

To : PC Avellino
PC Benevento.

1. Herewith is sent a copy of an Order signed by the Regional Commissioner appointing Lieut. Colonel G. S. T. AINSLIE (President) and Lieut. Colonel WINDY R. IRISH and Major H. A. CULLOTON (members) of a General Military Court for the trial of the accused (GAMBIERI and others) involved in the above incident. Spare copies of the Order are enclosed for the use of the officers in your Province who are concerned in the case.

2. The Regional Legal Officer has made an Order directing that the case shall be brought directly before a General Military Court. Copies of this Order are enclosed.

3. Captain R. E. Gold, PC Avellino, will prosecute. Copies of the Order to him is also enclosed. It is understood that the accused will be defended by an Italian Captain and three avvocati appointed by the Procuratore del Re at AVELLINO.

4. The Court will sit in AVELLINO on Wednesday, 23 June 1944, at 1100 hours.

5. This Headquarters will arrange for transportation for Major CULLOTON to AVELLINO. It is understood that the PC Avellino can arrange for Lieut. Colonel AINSLIE and Major H. A. CULLOTON to be accommodated and rationed at AVELLINO during the trial. Will he please confirm this to both this headquarters and Colonel AINSLIE and state what bedding, etc., if any should be brought. Will the PC Benevento please arrange for transportation of Colonel AINSLIE to AVELLINO.

2942

By Order of Colonel CHAPMAN:

J. Samlet

G.A. SAMLET,
Major, G.L.
Deputy Reg. Legal Officer.

GAB/mc

Copy to Executive Commissioner, AGO. (279/50/CA a/a 18.6.44 refers).

2841

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.C. SECTION
APO 594

Ref/275/55/CA

21 June 1944

SUBJECT: Banzanto Shooting Incident.

TO : R.C. Region III

Ref. this Hq. letter 275/37/CA of 13 June 44 and
your L 5140 of 5 June 44 the attached copy letter from
No. 3 District to this Hq. dated 16 June is forwarded
for your information and action as necessary.

pk
NORMAN E. FIERCE
Colonel
Deputy Executive
Commissioner

JSR/JR

2940

785017

Subject: Benevento Shooting Incident.

HQ, ACC (R.C. & M.G. Sec) —
APO 594.
"A" AAI.
"A" 57 Area.

C A Br.
4-1867
3 District CMF,
Tel Ext 18,
146/1
18 Jun 44.



Reference your 275/37/CA dated 13 Jun 44.

1. SIB report and statements were sent on 13 Jun to the Public Safety Officer AOC Benevento.
2. Any further assistance this officer requires will be readily given. It is suggested that to save time he deals direct with HQ 57 Area.
3. This HQ will obtain an interpreter for the Indian witnesses when desired.
4. The 9 prisoners are now in close custody at AVELLINO where they were removed recently to avoid any chance of further disturbances when the rear party of the Italian Div moved through BENEVENTO.

HBT/SM.

W. V. L. M.
Maj Gen.
Comd.

2939

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

20 June 1944

Ref/275/53/CA

SUBJECT: Military Personnel suffering from wounds caused
by Italian Civilians or Military.

TO : R.C. Region III

Lt. (GM) E.J. Baker (Gen. List)

1. As the above named officer was wounded at NOIA
within you Region the following documents are sent to
you.

a. Letter from 69th (br) General Hospital with
Medical report attached.

b. Copy letter from 6 Bn 1 GHED dated 18 June 44.

2. It will be seen from 1(b) that Lt. Baker has
died from wounds received.

NORMAN E. FISKE
Colonel
Deputy Executive
Commissioner

JER/JH

233

785017

1/275
9 JUN 1944 CAB-
SUBJECT: - Military Personnel suffering
from wound caused by Italian
Civilians or military

6 BR GRID 52

V-1738
A 631

18 Jun 44

HQ Allied Control Commission
R.C. & M.G. Section
AFO-394

32
Lt.(QM) E.J.BAKER (Gen List)

Reference your 275/32/CA of 12 Jun 44, the above
named Officer received injuries on the outskirts of NOIA,
map ref ITALY 1/50,000 Sheet 185 iv. 449569.

Lt.(QM) E.J.BAKER has since died in 69 Gen Hosp.

THE JOINT CHIEFS
15 JUL 1944
A.C.C.
Field
HJEW/ADP

Reg III

HPag Cup

Lt col,
Comd.

PK 20/6 2937

275
REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

15 JUN 1944

17 June 1944.

REFERENCE : ACG/4129/L.

SUBJECT : Offences by Civilians in Sicily.

TO : R.C. & M.G. Section.

1. Reference your letter Ref#275/44/CA dated 15 June 1944.

2. It will be necessary for me to make enquiry of the Regional Legal Officer, Region 1, concerning the case referred to. I am having such inquiry made and when I am in receipt of a reply from such Regional Legal Officer I will write you further.

Richard H. Wilmer
RICHARD H. WILMER

Colonel C.A.C.

Deputy Chief Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.O. & M.C. SECTION
APO 394

50

Ref/275/50/CA

18 June 1944

SUBJECT: Benevento Shooting Incident.

TO : R.C. Region III

Reference this Hq. letter 275/37/CA of 13 June 44
addressed to No. 3 District copy to you there is forward-
ed for your information copy signal addressed to No. 3
District from AAI, copy to us.

pk

NORMAN E. FISKE
Colonel,
Deputy Executive
Commissioner

JER/JR

MA
2235

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

785017

COPY SIGNAL 0 49

TO: DISTRICTS EXECUTIVE COMMISSIONER AGC

16 June 1944

FROM: FIELD

NO. A0563

AGC LETTER 275/37/CA of 15. PLEASE GIVE AGC ALL NECESSARY ASSISTANCE
ESSENTIAL TRIAL TAKES PLACE WITHOUT DELAY

*Original Sent to Reg III
on 50. J.H. 14/6*

2934

785017

275 12 6 JUN 1944
REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

C.A. 340606
J 1299
RHW/PA 48

15 June 1944

REFERENCE : ACC/4011/4/L.

SUBJECT : Military Personnel suffering from wounds caused by Italian civilians or Military.

TO : R.C. & M.G. Section . 33

1. Reference to your 275/33/CA dated 12 June 1944.
2. I return herewith copy of letter from 69th (Br) General Hospital and Medical Report on Lt. (QM) E.J. BAKER attached to Bn G.R.T.D.
3. This report apparently was submitted pursuant to Directive of A.A.I. 13 May 1944. But para 3 thereof provides that such reports should be sent to the R.C. concerned. In this case it would seem likely the R.C. of Region 3 is concerned, as the injured officer is confined in a hospital which I understand to be in Region 3 and the seriousness of the injuries would indicate that the officer was taken to the nearest available hospital. However the location of the actual crime is not stated in papers so far submitted.
4. I suggest that the enclosed papers should be sent to the R.C. concerned and that all subsequent reports on this case be directed to be sent to the same R.C.
5. Of course any legal questions that would later arise may be submitted to the Legal Sub-Commission.

Richard H. Wilmer
RICHARD H. WILMER,
Colonel,

Deputy Chief Legal Officer.

10/11
Bfu 20 June 44
H7A

H7A

293

785017

MEMORANDUM FOR
ALLEN C. CAMPBELL, MEMORANDUM
R.C. & H.C. Section
APO 39A

43

Ref: 275/13/1A.

25 June 1944.

SUBJECT: Benevento Shooting Incident.

TO : Executive Officer.

1. Reference this Office letter 275/38/1A of 13 June 1944.

2. As the three officers named in para. 2 of the above-cited letter have been re-assigned a further Court has been set up and is composed of the following officers :

Lt. Col. Campbell.
Lt. Col. Ainsley.
Major Taylor.

3. Because of the importance attached to this case by HQ. A.A.I. can you please ensure that these officers are left where they are until the case has been disposed of.

J.R.

MURRAY E. FISH,
Colonel,
Deputy Executive
Commissioner.

/R.D.

Copy to: R.C. Region III.

2932

785017

HEADQUARTERS
ALLIED GENERAL COMMISSION
R.O. & H.Q. SECTION
APO 394

Ref/275/44/OA

15 June 1944

SUBJECT: Offences by Civilians in Italy.

TO : Adm. Sect. (for Legal Sub-Comm.)

1. Reference is made to this Hq. letter 275/12/OA of 4 May 44 and to draft letter which accompanied your APO/4129/L of 28 April 44.

2. There is forwarded for your personal copy letter from G-5, AFHQ (ref. G-5: 000.5 of 13 June 44) and relative report. Will you please make enquiry and let us have an answer to the report which we can forward to AFHQ.

NORMAN E. FISKE
Colonel
Deputy Executive
Commissioner

JSR/JR

BU 4/4 1/4
27/5
Indel 15/4
27/5
27/5
27/5

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

CMS/CF/JW

G-5: 000.5

13 June 1944

SUBJECT: Offences by Civilians in Sicily

TO : Headquarters, Allied Control Commission, APO 394.

Attention is invited to your letter of 3 May 1944 on the above subject, Ref: 273/11/CA. A copy was transmitted to the Commander in Chief, Mediterranean. Pursuant to the suggestion in the 4th paragraph of your letter, the C.inC. Med. has now supplied particulars in support of his complaint that insufficient sentences had been imposed by an Allied Military Court in a specific case in which the Royal Navy was interested. The report and covering letter for the C.inC. Med. are inclosed herewith, for such inquiry and response as may be found appropriate.



CHARLES M. STOFFORD
Colonel, G. S. C.,
Asst. Chief of Staff, G-5.

Incls:
As above.

Handwritten notes:
273/11/CA
15/6
see 44
see 64
2530

DUPLICATE

Office of Commander-in-Chief,
Mediterranean Division,
Allied Force Headquarters,
CASER.

11th Army, 1944.

Ref. 135/4/5

THE ALLIED FORCE HEADQUARTERS,
CASER.
(Caption to:-

Vice Admiral, Malta and Central Mediterranean
Senior Naval Officer, Eastern Sicily)

REMARKS ON JOURNAL ENTRIES IN LIGHT OF
RICHARDSON REPORT

The attached unclassified report, numbered 6256/6, from
Senior Naval Officer, Eastern Sicily, regarding the trial of 7
Italians by court-martial in December, 1943, or January, 1944,
the case referred to in Ref. 6256/1(a) of 16th March, 1944, is
repeated with reference to your No. 104.050.5 of 6th May, 1944.

Signed G. F. STEVENS-QUILLE

for ADMIRAL

2929

CONT.

STATEMENT OF WILLIAM GUARDIA, JR. WITNESS OF DEFENDANT MURDER

(Military Government Section, A.P.S.C.'s HQS. 000.5 dated
6th May, 1946.)

XII

Ref. No. 0154/6

THE CHAIRMAN: IN COURT, WITNESS GUARDIA
(Copy to: Vice Admiral, Manila)

1. The first sentence in the contract from the War Navy returns to one WILLIAM GUARDIA who, together with 6 other was tried in Manila in December 1943 or January 1944, for being concerned in the theft of one of the 10 tons of Double Cola from Fort Jay.

2. The prevailing officer was Major Haldrup of HICE and the Naval Provost Marshal was present during the hearing.

3. The evidence showed that WILLIAM GUARDIA, who speaks English, had taken a leading part in the organizing of the disposal of the Cola and had, as he admitted, procured and offered bribes to members of the Naval Patrol and a Royal Marine driver to remove the Cola from where it had been stored after the theft. WILLIAM GUARDIA's defense was that he did this only as an intermediary for the others.

4. The Court found the charges proved and sentenced WILLIAM GUARDIA to 12 months' imprisonment. The others received heavy fines. In passing evidence on WILLIAM GUARDIA Major Haldrup told him that he considered that the offense was aggravated by the fact that he had been employed as Ship's Chumiller at the Naval Base and as such he had frequent access to the base and knew members of the Patrol well.

5. A few weeks later the Naval Provost Marshal was authorized to see WILLIAM GUARDIA in the base. When questioned he said that Major Haldrup had admitted the sentence to one of his mother's imprisonment which he had served. The Naval Provost Marshal confirmed this with Major Haldrup who said that before the Court case he came to the conclusion that the punishment was too heavy and had therefore altered it. By procuring Guarnison sent for Major Haldrup and arranged with him that on the original sentence could not then be restored WILLIAM GUARDIA must be liberated from Manila. This was done and he has since lived in Manila.

6. It is understood that WILLIAM GUARDIA, when he became aware of the facts, lodged a protest with WILLIAM GUARDIA at Manila.

785017

2. The prevailing opinion was Major Melchior of MOON and the Naval expert handled was present during the hearing.

3. The evidence showed that ~~XXXXXXXXXX~~, who speaks English, had taken a leading part in the organizing of the disposal of the boat and had, as he admitted, procured and offered bribes to members of the Naval patrol and a Royal Marine driver to remove the boat from where it had been stored after the theft. ~~XXXXXXXXXX~~'s defense was that he did this only as an interpreter for the others.

4. The Court found the charges proved and sentenced ~~XXXXXXXXXX~~ to 12 months' imprisonment. The others received heavy fines. In passing sentence on ~~XXXXXXXXXX~~ Major Melchior told him that he considered that the offense was aggravated by the fact that he had been employed as ship's steward at the Naval base and as such he had frequent access to the base and knew members of the Naval staff.

5. A few weeks later the Naval report handed was submitted to ~~XXXXXXXXXX~~ talking in the town. When questioned he said that Major Melchior had recalled the sentence to one of his men's imprisonment which he had served. The Naval report handed contained this with Major Melchior who said that before the Court room he was to the conclusion that the punishment was too heavy and had therefore altered it. By professional European court for Major Melchior and arranged with him that as the original sentence could not then be restored ~~XXXXXXXXXX~~ must be liberated from Aquino. This was done and he has since lived in tranquility.

6. It is understood that ~~XXXXXXXXXX~~, General, when he became aware of the facts, lodged a protest with MOON HQ at Aquino.

7. The Court's final decision may have been influenced by the fact that in the early days of the occupation of Aquino ~~XXXXXXXXXX~~ was employed by Major Melchior as an interpreter and was extremely useful to him.

8. So far as is known the sentence imposed in respect of the theft of allegations from the NAUT are being carried out.

9. Generally on the question of the possibility of Allied Courts being retained it appears that heavier sentences are imposed by Italian Courts. This has certainly been the case in Aquino and is indicated by the fact that another group of 6 men sentenced by the Naval report handed for a further three of Aquino from the way and the robbery of a driver, showed the same sentence that is discussed in paragraph 2, all received terms of 6 or 7 years imprisonment from the Italian Court.

(Signed)

OSWALD, R.N.

785017

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.O. & M.G. SECTION
APO 394

Ref/275/38/GA

13 June 1944

SUBJECT: Benevento Shooting Incident.

TO : Executive Officer.

1. On instructions received from Commander in Chief a General Military Court has been set up in Region III to try a case resulting from a recent shooting incident near Benevento.

2. The court is composed of the following officers:

Lt. Col.	IRISH
Major	RAHEALL
Capt.	GOLD

Because of the importance attached to this case by Hq. AACI can you please ensure that these officers are left where they are until the court has been disposed of.

NORMAN E. FISKE
Colonel
Deputy Executive
Commissioner

Copy to:
R.O. Region III

RE/JR

See 43

15/4
17/6
20/2

50

785017

HEADQUARTERS
ALLIED CONTROL COMMISSION
B.C. & N.C. Section
APO 37A

Ref: 275/51/0A.

13 June 1944.

SUBJECT: Buenos Aires Shooting Incident.

TO : Hq. No. 3 District.

1. I refer to AAI/363/49/1(20) of 31 May 1944 from Hq. A.A.I. to Executive Commissioner, Allied Control Commission, copy to you and subsequent correspondence on the subject.

2. Will you please arrange for the AIC detachment who are handling this case to hand over to the Provincial Commissioner at Buenos Aires when they are ready to do so, all the evidence in their possession (including statements of witnesses) and to let him know where the witnesses can be interviewed. A General Military Court has been set up for some time and is ready to function, but cannot do so until the above has been done.

3. I understand that some of the witnesses are Indians. If these witnesses cannot speak English an interpreter will be necessary both during the hearing of the case and during such preliminary enquiries as the prosecutor wishes to make. Can you please look into this and take whatever action is necessary.

4. Reference your signal A219 of 3 June 1944 will you please arrange to contact the Provincial AIC Public Safety Officer in regard to the 9 prisoners detained in Buenos Aires Civil Prison.

See 50

THOMAS C. FIDELL,
Colonel,
Deputy Executive
Commissioner.

RE/MC.

Copy to: Hq. AAI - Ref AAI/363/49/1(20) of 31 May 44. — 26

Region III - Ref L-3140 of 5 June 44. — 36

Admin Sect (for Legal S.C.) Ref 4033/32/1 of 11 June 44. — 34

785017

13 JUN 1944
HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U.S. Army

CABY
U-
36

L-3140

5 June 1944.

Subject: Benevento Shooting.

To : Executive Commissioner, A.C.C.

1. Reference is made to the message from 3 District to ACC, dated 3 June 1944, reference A819, which was forwarded to this headquarters on 5 June and to the subsequent telephone conversation between Colonel Chapman and Major Talbot.

2. The present position of this headquarters and of Provincial headquarters at Benevento is that, even yet, they have no information of this case beyond what is contained in the report, dated 26 May 1944, of the Provincial Commissioner of Benevento and the name of one of the accused - GERRUTI - which was given by AAI. The whole of the investigations into the crime are being carried out by SIB at Benevento who have refused help offered by the Provincial Commissioner there.

3. A General Military Court has already been set up composed of personnel at Avellino and arrangements are being made for this Court to sit at Benevento as soon as there is a case for them to try. You will appreciate a Military Court cannot try unknown persons of unknown crimes.

✓ 4. In reference to the enquiry of 3 District as to the disposal of the nine prisoners now in custody at Benevento, will you please ask 3 District to arrange with the military police authorities at Benevento to hand these persons over to the AMG public safety officials there for safe custody in Benevento civil prison.

See 37

2923

5. Will you please also ask 3 District to arrange with SIB to hand over to the Provincial Commissioner at Benevento, when they are ready to do so, all the evidence in their possession (including statements of witnesses) and to let him know where the witnesses can be interviewed. Until this is done the case cannot proceed. ✓

6. It is understood that some of the witnesses are Indians. If these witnesses cannot speak English an interpreter will be necessary both during the hearing of the case and in such preliminary enquiries as the prosecutor desires to make. It is presumed that 3 District will provide such an interpreter. Can this be checked please. ✓

7. It is now learned that the prosecutor to the General Military Court referred to in paragraph 3 is being ordered to report for duty in another Region. If the officers composing the General Court (Lient.Col. Irish - Major Randall - Capt. Gold) can be left intact until the case is tried, it will be appreciated.

Charles Poletti

CHARLES POLETTI,
Colonel,
Regional Commissioner.

GAB/BO

785017

12 JUN Recd 172

REAR HEADQUARTERS
LIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

11 June 44

400/4083/32/L

Subject: Benevento Shooting.

To : R.C. & M. G. Section

Reference your letter 215/21/06 of 2 June 44.

1. Information has been received from Region 3 that the case of the "Benevento Shooting" has been referred to trial by a General Court: but that the matter is still in the hands of the S.I. B. Detachment at Benevento.

2. The Regional Legal Officer, Region 3 has directed that, when that detachment releases the required information, the prosecutor is to expedite the trial as much as possible.

HEADQUARTERS
12 JUN 1944
A. C. C.

1 (Copy over)
+ GERALD R. UPSHUR
Colonel
Chief Legal Officer.

2923
Sec 3

HEADQUARTERS
ALLIED CONTROL COMMISSION
H.C. & H.S. Section
APO 3

33

WSE/275/33/CA.

12 June 1944.

SUBJECT: Military Personnel suffering from wounds
caused by Italian Civilians or Military.

TO : Admin. Section - For Legal Sub-Commission.

Lt. (JG) R.J. Baker, MIA.

Reference your AOC/ACIL/3/L of 29 April 1944,
there is forwarded to you letter from 69th (Br)
General Hospital and report on the nature of the
injuries to the above-named officers.

8

31

P/K

JSR/RAC.

MURRAY R. FISKE,
Colonel,
Deputy Executive
Commissioner.

32
1
TRANSMISSION
RECEIVED OFFICE
R.O. & H.Q. Section
APR 394

12 June 1944

Ref: 275/32/CA.

SUBJECT: Military personnel suffering from
wounds caused by Italian civilians
or Military.

TO: 69th (Br) General Hospital.

1st (Br) General Hospital.

Reference per C-4/3075 of 8 June 1944.
may this be advised of the place where the
above-named received his injuries.

WILLIAM R. FINE,
Colonel,
Deputy Executive
Commissioner.

JRM/RM.

Copy to: Legal Sub-Comm.

2521

785017

12 JUN Recd 275 B

Subject: Allied Military Personnel suffering from
Wounds caused by Italian Civilians or Military.

CABN

0.2/3026

Provincial Commissioner,
Headquarters A.A.I., C.M.F. (2)

11 JUN 1944

Lieut (C.M.) E.J. BAKER, RMA
attached 6 Bn C.R.T.D.

584

The above named Officer was admitted to this Hospital
on 8 June 44, suffering from wounds believed to have been caused by
Italian civilians or military.

As this Officer is unconscious no definite information
can be obtained and the parent unit is being asked to submit appropriate
information to you direct.

Field.
8 June 44

Copy to: CC 6 Bn CRD

Report sent to Legal

See 33

Major, R.A.M.C. Registrar,
For Commanding, 69th (Br) General Hospital
(In accordance with HQ AAI/5081/A(PB) of 13 May 44,
by GAO kindly submit direct all available information
regarding the injuries sustained by this Officer).

See 32

REPLY V LINE 126 PART

FROM. DISTRICT?

ACTION ALLIED CONTROL COMMISSION.

1819

SECRET. FOR EXECUTIVE COMMISSIONER, REF AAI/5063/49/A (CG) of 31 MAY.

SUBJECT HENEVENTO INCIDENT. REQUEST YOU STATE WHERE AND WHEN YOU WANT THESE NINE PRISONERS HANDING OVER. AT PRESENT DETAINED CIVIL PRISON HENEVENTO BUT WISH MOVE THEM FROM THERE SOONEST

121 Sgt

ACC DIST
(ACC) CTR
DCC
FILE
FLOAT

AC

COPY

275 - 4 JUN Recd
A B 2 275

HEADQUARTERS

4 JUN 1944

A. C. C.

CT SERIAL D 763

HQS SERIAL 03 813

TIME. 031245.

830 201

4 Cops

See 37

10

INVENTORY

Log III

031245

275
CONFIDENTIAL

3 JUN Recd

800

CAB 2

MEMO FOR (ACTION)

AAI- MEMO ¹² ACC MAIN FOR (INFO)

185/03

ARMY

4707

JUN 031108B



25.
REFERENCE YOUR A01260 OF 1 JUNE. SUBJECT CERRUTI. HAVE DIRECTED COMMANDING GENERAL 210 DIVISION TO SCREEN AND ALERT HIS UNITS FOR CERRUTIS PRESENCE IN THIS AREA. IF CERRUTI LOCATED HE WILL BE DELIVERED TO HEADQUARTERS 210 DIVISION AND THEN DELIVERED TO ACC AUTHORITIES.

(INF)

ACC DIST
ARMY SC LO
DCC
C.A.BF 2
ADM SECT 2
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JUNE 03

3 Junit 2000
on 6/6 to say
SIB are not ready
yet will then report.
highly ready will inform
them through police
Bene 2010.
H.

CONFIDENTIAL

HEADQUARTERS
ALLIED CONTROL COMMISSION
H.C. & M.O. Section
APO 394

Ref/275/27/CA.

2 June 1944.

SUBJECT: Benevento Shooting.

TO : H.C. Region III.

1. Further to my 275/21/CA of 1 June 44 I enclose copy of a signal from MMIA and of a letter from H. AAI.
2. I am directed to instruct you to take immediate action in regard to the recapture of the Italian soldier CERRUTI who is alleged to have fired the shots and to get into touch with 3 District with reference to the 9 Italians held by them who are alleged to be involved vide para 3 of AAI HQ letter.
3. Please keep me fully informed of the progress of the case so that I may be able to comply with para 5 of the letter from AAI HQ.

N B
Major Owen from Reg Ritchie's office
called to say that CERRUTI has
not escaped. Reg III (then
White) and said he had heard
like to hear that the boat was
ET/RS sitting tomorrow

NORMAN E. FINE,
Colonel,
Deputy Executive
Commissioner.

H 4/6.

Copy to:

Main. Section (for Legal Sub-Commission), with copies of
AAI/5063/49/A(PB) of 31 May 44 and signal from MMIA ref
AQ 1260 of June 1 1944.

H.Q. AAI

Mr Chapman kept a Reg III copy to
say Court cannot sit for 5 or 4
days because of procedure
becoming a precedent
Court. Let Reg III copy to Reg III
to keep with Reg III - latest date possible. H 4/6

BV

16/6

2517

785017

27/5/44 J. H. Reed

C.A. R.

S. 3562

SUBJECT: Maoist - RECOVERED Incident.SECRET and URGENT.

HQ, ALLIED ARMS IN ITALY

AAI/5063/43/A(PH).
31 May 44.

(26)

The Executive Commissioner,
Allied Control Commission.

1. From 15 May onwards there has been a series of incidents in the RECOVERED area between Italian soldiers of the RECOVERED Division and soldiers of the Allied Forces. In particular, at about 0930 hrs on 25 May a working party of 9 Italian Artisan Works Company was fired upon by members of the RECOVERED Division and three Italian soldiers were killed.
2. The Commander in Chief directs that the fullest possible investigation be made and that all Italian soldiers involved in these incidents and against whom there is sufficient evidence be tried by AGO Military Courts. He takes the most serious view of these cases and directs that they be prosecuted with the utmost vigour.
3. 3 District now hold in custody nine Italian soldiers who are alleged to have been involved, and have been ordered to hand these men over to you. Will you please arrange the details direct with 3 District.
4. AGO have also been directed to hand over to you any further Italian soldiers who are found to be implicated.
5. Please keep this HQ fully informed of the progress of this case at each stage.

JH/CG

C. H. 1. C. B. B.
Major-General,
Chief Administrative Officer.

Copy to: HQ No 3 District.

See 37.

2918

27
SECRET28
Reed703
CAB
25

ACTION MEMIA LO 5 ARMY LO 8 ARMY 60 SUB AREA MEMIA LO 5 GROUPS LO ACC MAIN INFO AAI

N 65/01

MEMIA

SECRET

A41260

OPERATIONAL PRIORITY

JUNE 1/1315B

REF AAI AUG65 OF 31 MAY NOT REPEAT NOT TO ALL. SUBJECT INCIDENT AT BENEVENTO BETWEEN
 REGIMENT OF NEMO DIVISION AND INDIAN SOLDIERS IN WHICH THREE INDIANS KILLED. GINC HAS
 DIRECTED THAT ITALIAN SOLDIERS RESPONSIBLE BE TURNED OVER TO JAC PROVINCIAL COMMISSIONER
 FOR TRIAL BY JAC MILITARY COURT. REPORTED NAME FOUR OF ITALIANS INVOLVED NOT IN ALLIED
 CUSTODY BUT ITALIAN SOLDIER NAMED GERRUTI WHO IS ALLEGED TO HAVE FIRED WEAPON HAS ESCAPED.
 URGENT NECESSARY FOR GIN IS DROPPING ALL ITALIAN COMMANDERS TO SURVEILLANCE TO ACC ALL ITALIANS
 INVOLVED IS NOT REPEAT NOT ALREADY ACCOMPLISHED AND TO FIND GERRUTI. CHECK ITALIAN
 COMMANDERS AND ASCERTAIN POSITION NOW. TAKE NECESSARY ACTION TO ENSURE IMMEDIATE AND THOROUGH
 COMPLIANCE BY ALL ITALIAN COMMANDERS. ADVISE AND REPORT ACTION TAKEN

27
 L. Come
 To See
 Li 2/6

JUNE 21

Action Army 20
 Info - Doc
 CAB 2
 Adm Sec
 File
 Short

SECRET

2515



GOVERNO DELLA LIBIA

IL VICE GOVERNATORE ERILE

Chief Commissioner

I understand that General Alexander is much concerned about an incident in Benvenuto on May 28 in which an Italian ^{Native} of the Newbo Division, under apparent provocation, shot at and killed 3 Indian Natives. The Italian will be tried by A.D. 6 court as soon as he has recovered from a blow dealt by the Indians: it has been recommended that the Newbo Division be moved from Benvenuto.

You may be approached by A.D. 6. in this. Everything which can be done has been done - but if John kills the Italian will not be convicted.

OK Thomas
Wm 22

17/1/6/44

Return
To

4011

P.A.

23

1. I will telephone to Bill Peterson who, as I understand is age 40.

2. Letter to Regan instructing them to cover Court for Trial of ~~Wendell~~.

3. C.C. Blumov. ✓

M/3dv

24. Letter to Regan in San Diego
 25. Letter to Regan in San Diego
 26. Letter to Regan in San Diego
 27. Letter to Regan in San Diego
 28. Letter to Regan in San Diego
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 99. Letter to Regan in San Diego
 100. Letter to Regan in San Diego

SECRET
ALLIED CONTROL COMMISSION
INCOMING MESSAGE

TO: ACTION MEDIA FOR INFO EXECUTIVE COMMISSIONER ACC

SIGNAL MESSAGE CENTER No: N70/31

FROM: FILIPOT

CLASSIFICATION: SECRET

REFERENCE No: A 0365

PRECEDENCE: IMPORTANT

DATE AND TIME OF ORIGIN: ~~N70/31~~ 3/7/44

OFFICE OF ORIGIN:

SEVERAL INCIDENTS HAVE OCCURRED AT BENEVENTO BETWEEN ITALIAN SOLDIERS OF NEMBO DIVISION AND INDIAN SOLDIERS. THREE INDIANS HAVE BEEN SHOT AND KILLED. THE C IN C HAS DIRECTED THAT ITALIAN SOLDIERS RESPONSIBLE BE TRIED BY ACC MILITARY COURT. ENSURE ALL ITALIAN SOLDIERS INVOLVED HANDED OVER TO CUSTODY ACC FORTHWITH. ARRANGE DETAILS DIRECT WITH EXECUTIVE COMMISSIONER ACC.

ACC DISTR

Info-CABR
Sullivan
DCC
Adm Sec 2
Army L.O.
File
Float

DATE and Time of RECEIPT JUNE 1/44

Distribution:

SECRET

2912

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

21

Ref/275/22/CA.

1 June 1944.

SUBJECT: Shooting of Indian Soldiers by Italian Soldiers.

TO : R.C. Region III.

1. I refer to your R/2021 of 29 May 1944.

2. Please arrange for the Italian soldier who fired the shots and killed the Indian soldiers to be tried before an Allied Military Court. Perusal of the statements which have been taken may also show that other members of the Italian Patrol should be tried.

3. The decision to try the Italian soldiers before an Allied Military Court has been taken so as to ensure that justice may be done impartially and, if it should happen that the accused are found not guilty, the Military authorities may be satisfied that the matter has been fully investigated.

BT/RAC.

ll
BERNARD E. FINE,
Colonel,
Deputy Executive
Commissioner.

Copy to: HQ A.A.I.
Admin Section (2) for Legal & Public Safety
Sub-Commissioners.

785017

275 C.A.B. (for 3rd Com) 20
30 MAY Recd 9302

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U. S. ARMY

R/2021

29 May 1944

SUBJECT: Shooting of Indian Soldiers by Italian Soldiers
of the "NEMBO" Division

TO : R.C. & M.G. Section
Headquarters, A.C.C.

1. The attached copies of a report from the Provincial
Commissioner, Benevento, are forwarded for your information.

2. Copies have been sent to the Commanding Officer of
the 57th Area and to Colonel Del Monte, Liaison Officer,
Italian Army, attached to Regional Headquarters.

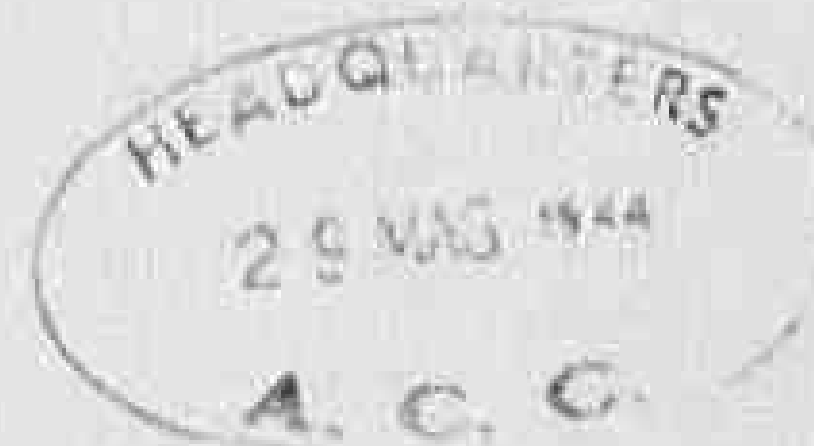
For the Regional Commissioner:

Alex H. White

ALEX H. WHITE
Lt. Col.
Executive Officer

COPIES TO:

Commanding Officer, 57th Area
Colonel Del Monte, Liaison Officer
File



2910

AD ED CONTROL COMMISSION
HEADQUARTERS
PROVINCE OF BENEVENTO

U R G E N T

File Ref. C/100/BP.

SUBJECT: Shooting of Indian soldiers by Italian soldiers of the
"NEMBO" Division.

TO : Headquarters Region 3, ACC (Attention of Exec. Officer).

1. About 1015 hours on 25 May 44 Indian (Pioneer) soldiers were engaged in repairing the bridge over the Calore River in Benevento City when a truck of the "NEMBO" Division travelling towards Benevento was halted by one of the Indians. According to preliminary reports two soldiers dismounted from the truck and attempted to find out why the truck had been halted. A Patrol of the Para-Troop Division, on duty in Benevento city, were at the bridge at this moment, and signalled the driver to proceed. The Indian soldier, seeing his order countermanded, raised his pick and hit the paratroop soldier who signalled the truck to proceed. At the same moment another Indian soldier raised his pick at another Italian soldier. The first Italian soldier to be hit fired his rifle at the Indian soldier. One Indian was killed outright, and another two wounded. One of the wounded died shortly afterwards. The third has since died. The patrol at once broke up and disappeared.

2. The Garrison Commander, Brigadier RAWSTORNE, C.M.T.C., at once sent out armed patrols, and, it is understood, nine Italian soldiers of the Parachute Division have been arrested.

It is understood that the soldier who fired the shots is in hospital at the HQ of the Parachute Division suffering from the results of the blow. He is under arrest there. The others are being liberated by the Town Major when statements have been taken from them.

3. The Garrison Commander, his Second in Command and the Town Major called to see me at 1100 hours on 25 May to discuss measures to prevent further trouble with the soldiers of the Parachute Division, and it was arranged that one of his Staff Officers, the Town Major, one of my officers and, at my suggestion, the Major Commanding the CC.RR. would visit the General Commanding the Division, General MORIGGI, at his HQ. At FRAGNETO MONFORTE,

1
Benevento Province, in the afternoon to discuss the matter.

4. Shortly afterwards I was informed that the Vice Commander of the Parachute Division, Col. MOCCIA, had arranged to come to Benevento at 1400 hours to discuss what had happened, and I was asked to hold the meeting in my office. I agreed to do so.

5. The meeting was held as arranged, and it was agreed that soldiers of the "NEMBO" division would not be allowed into Benevento City except to collect rations and mail or pass through on duty, that they would not leave their truck when on such duty, that any found in the city without authority would be arrested by the CC.RR., and that the General Cmdg the Division would have patrols on roads between Benevento and the Communes in which his men are billeted to prevent them entering the city. The officers of the Division also agreed to give the Town Major and the Military Police every possible assistance in detecting the soldier or soldiers responsible for the shooting. These arrangements were satisfactory to all concerned.

6. Meanwhile, at about 1245 hours, another incident had occurred at the bridge referred to. A civilian car was passing over it when, it is alleged, a civilian leaned out of the open window and hit an Indian soldier on the head with a bottle. No one can be found, as yet, who witnessed this incident, and particulars of the car were not noted by the soldier concerned.

7. Between 2000 and 2100 hours the same day, 25 May, an Indian soldier of the same company as those who were shot, who, so far as I can learn from the Town Major, (who gave me this information) had wandered away from his Unit, shot a civilian dead on the outskirts of the city. I have not been able to verify this report, but the Town Major tells me that the soldier concerned was arrested at once by the Military Police, so it may be taken as correct.

8. The civilian population is calm, although the display of armed force in the shape of armed patrols in the city, causes a certain amount of what can best be described as excited interest. I do not anticipate any trouble with the civilian population at the moment, but there is not, of course, any knowing what may happen if incidents of the kind described continue to happen.

9. I recommend very strongly that the "NEMBO" Parachute Division be transferred from this Area. They are young soldiers, apparently tough, and apparently desirous of appearing tough, and they have made themselves a nuisance on many occasions with the civilian population. They appear to resent young men going about in civilian clothes, taking the view that they should be in the

Army, and I understand that they resent very strongly, Italian girls going with Indian soldiers, or Italian men and girls working on bridges and roads under their orders.

10. Representations on these matters have been made by the Prefect and others to the Italian Government with a view to having the Division transferred and/or discipline in it tightened up.

11. Today, 26 May at 1030 hours, I attended a conference at the HQ. CMTC. with Brigadier RAWSTORNE and the General Cmdg Parachute Division when the situation was further discussed and the arrangements made yesterday confirmed.

12. The Officer Cmdg the Indian troops, stationed at San GIORGIO DEL SANNIO, arrived later and he has withdrawn his men from work on the bridges for the day and will endeavour to obtain authority to do so for at least one more day, on account of the feeling which has developed amongst his men.

(s) F.J. ARMSTRONG.
Major .
F.J. ARMSTRONG
Provincial Commissioner.

26 May 44
Benevento

785017

HEADQUARTERS
2 MAY 1944
A. C. C.

REAR HEADQUARTERS
ALLIED OFFICE, COMMISSION
LEGAL, DISCIPLINARY
APO 394

ACD/1011/5/1.

22 May 1944

SUBJECT : Wounds inflicted on Allied Personnel by Italians.

TO : Regional Legal Offices (except Regional Headquarters),
Regions I, II, III, VI AND VII.

1. Reference our directive ACD/4139/1 of 1 May 44 and Annex "A" thereto.
2. Enclosed are - copies of Instruction AAL/9081/A (IS) of 15/5/44 which has now been issued by the military authorities.
3. Will you please make any necessary distribution to Provincial Legal Offices?

T. A. P. M. C.
for C. R. HUGHES,
Colonel,
Chief Legal Officer

2306

Copy to: Executive Commissioner
Regions IV and V.

(Terry)

PIIX

SUBJECT: Allied H. Personnel suffering from wounds HQ ALLIED ARMIES IN
caused by Italian Civilians or Military ITALY.

ALL/5082/2 (RE)

13 Nov 44.

1. HQ 1 District
2. HQ 2 District
3. HQ 3 District

1. In unoccupied territory (i.e., below the Northern boys of the Provinces of Salerno, Benevento and Avellino), Italian civilians and soldiers committing offenses are normally treated by the Italian Courts.

2. In the event of wounds of the Allied Forces being admitted to hospitals, CCS or the like, sufficient first-aid is not received in combat, but which are suspected to have been inflicted by Italians or soldiers, the following procedure will be adopted to enable the Italian judicial officials in their task of trying and sentencing offenders:

(a) The Senior Med Officer of the hospital concerned will order a report (in duplicate) as quickly as possible to the nearest Provincial Commissioner AOC, containing:

- (i) Full name, no., rank and regt/corps of the wounded soldier,
- (ii) Description of wound (stating depth and probably cause),
- (iii) Date of wound and number of days necessary for its cure specifying whether less than 10 days or more than 10 days, and less than 40 days or more than 40 days,
- (iv) Whether the accused has been or is in danger of his life as a result of the wound,
- (v) If it can be said that the wound will cause any permanent disability to, or loss of, any limb, sense or organ.
- (b) In the event of a report having been submitted stating that a wound is curable within 40 days and either the cure is not completed within this period, or other complications set in, a further report should be submitted to the Provincial Commissioner.
- (c) If death results from such wounds and the autopsy is performed by Allied Mil Authority, copies of the autopsy report and hospital case record (giving details of the progress of the wounded man, treatment etc) will be sent to the Provincial Commissioner.

3. The reports, statements, case records, etc., referred to in para 2 above, will be forwarded direct to the Regional Commissioner concerned.

cedure will be adopted to ensure the Italian judicial officials in their task of trying and sentencing offenders:

(a) The Senior Med Offr of the Hospital concerned will render a report (in duplicate) as quickly as possible to the nearest Provincial Commissioner ACC, containing:

- (i) Full name, no., rank and regt/corps of the wounded soldier,
- (ii) Description of wound (stating depth and probable cause),
- (iii) Date of wound and number of days necessary for its cure specifying whether less than 10 days or more than 10 days, and less than 40 days or more than 40 days,
- (iv) Whether the accused has been or is in danger of his life as a result of the wound,
- (v) If it can be said that the wound will cause any permanent disability to, or loss of, any limb, sense or organ.
- (b) In the event of a report having been admitted stating that a wound is curable within 40 days and either the cure is not completed within this period, or other complications set in, a further report should be submitted to the Provincial Commissioner.
- (c) If death results from such wounds and the autopsy is performed by Allied Mil Authority, copies of the autopsy report and hospital case record (giving details of the progress of the wounded man, treatment etc) will be sent to the Provincial Commissioner.

3. The reports, statements, case records, etc. referred to in para 2 above, will be forwarded direct to the Regional Commissioner concerned.

4. It is emphasized that the above instructions do NOT apply in occupied territory where such offenders are tried before MG Courts.

5. Sufficient copies are enclosed for distribution down to all Med units affected.

HBT/PA

Copies to: CG. FOS
Executive Commissioner, ACC.
(para 275/10/CA dated 2 May 44 refers)
G(US), A.I.,
Med

/s/ ? ? 2905
Major-General
Chief Administrative Officer

785017

HEADQUARTERS
ALLIED OFFICIAL COMMISSION
R.O. Section
APO 394

14

Des/275/11/CA.

16 May 1944.

SUBJECT: Wounds inflicted on Allied Personnel
by Italians.

TO : Admin Section - For Legal Sub-Commission.

8

1. Reference your AOC/4011/3/L of 29 April 1944,
there is forwarded copy of a letter sent by HQ. A.A.I.
to Nos. 1, 2 and 3 Districts (ref. AAI/5081/A(PB) dated
13 May 1944).

11

2. It will be observed that sufficient copies were
forwarded to Districts for distribution to all Medical
Units affected.

NORMAN E. FIERKE,
Colonel,
Deputy Executive
Commissioner.

JSE/RAD.

2304

275
16 MAY recd 20
SUBJECT: Allied MIA personnel suffering from wounds caused by Italian civilians or military.

C.A. Div. 13
3 copies
07854
IN ALLIED AREAS IN ITALY.

AAJ/5092/A(P8)

25 MAY 1946

1. HQ 1 District
2. HQ 2 District
3. HQ 3 District

1. In unoccupied territory (i.e. below the Northern edge of the Provinces of Salerno, Potenza and Bari), Italian civilians and soldiers committing offenses are normally tried by the Italian Courts.
2. In the event of members of the Allied Forces being admitted to Hospitals, CCS or the IHC, suffering from wounds not received in combat but which are suspected to have been inflicted by Italians, or soldiers, the following procedure will be adopted to assist the Italian judicial officials in their task of trying and sentencing offenders.
 - (a) The Senior Med Officer of the Hospital concerned will render a report (in duplicate) as quickly as possible to the nearest Provincial Commissioner CC, containing:
 - (i) Full name, no., rank and regt/corps of the wounded soldier,
 - (ii) Description of wound (stating depth and probable cause),
 - (iii) Date of wound and number of days necessary for its cure specifying whether less than 10 days or more than 10 days, and less than 40 days or more than 40 days,
 - (iv) Whether the accused has been or is in danger of his life as a result of the wound,
 - (v) If it can be said that the wound will cause any permanent disability to, or loss of, any limb, sense or organ.
 - (b) In the event of a report having been submitted stating that a wound is curable within 40 days and either the cure is not completed within this period, or other complications set in, a further report should be submitted to the Provincial Commissioner.
 - (c) If death results from such wounds and the autopsy is performed by Allied MIA authority, copies of the autopsy report and hospital case record (giving details of the progress of the wounded man, treatment etc) will be sent to the Provincial Commissioner.
3. The reports, statements, case records etc referred to in para 2 above, will

2. In the event of capture of the allied forces being admitted to hospitals, CCS or the line, suffering from wounds not received in combat but which are suspected to have been inflicted by Italians, soldiers, the following procedure will be adopted to assist the Italian judicial officials in their task of trying and sentencing offenders:

(a) The Senior Med Offr of the Hospital concerned will render a report (in duplicate) as quickly as possible to the nearest Provincial Commissioner, ACC, containing:

- (i) Full name, no., rank and regt/corps of the wounded soldier,
- (ii) Description of wound (stating depth and probable cause),
- (iii) Date of wound and number of days necessary for its cure specifying whether less than 10 days or more than 10 days, and loss than 40 days or more than 40 days,
- (iv) Whether the accused has been or is in danger of his life as a result of the wound,
- (v) If it can be said that the wound will cause any permanent disability to, or loss of, any limb, sense or organ.

(b) In the event of a report having been submitted stating that a wound is curable within 40 days and either the cure is not completed within this period, or other complications set in, a further report should be submitted to the Provincial Commissioner.

(c) If death results from such wounds and the autopsy is performed by a qualified authority, copies of the autopsy report and hospital case record (giving details of the progress of the wounded man, treatment etc) will be sent to the Provincial Commissioner.

3. The reports, statements, case records etc referred to in para 2 above, will be forwarded direct to the Regional Commissioner concerned.

4. It is emphasized that the above instructions do NOT apply in occupied territory where such offenders are tried before AMG Courts.

5. Sufficient copies are enclosed for distribution down to all Med units affected.

100/24

Copies to: CC, PMS

Executive Commissioner, ACC.

(your 27/10/44 dated 2 May in refure)

AG(ES), Adl.

Med

Chief Administrative Officer.

Adrian

Major-General

Col. J. E. L. B. B. B.

plg. 6/5

ALLIED CONTROL COMMISSION
R.O. & M.S. SECTION
AFC 394

Ref/275/12/CA

4 May 1944

SUBJECT: Wounds inflicted on Allied Personnel
by Italian

TO : Admin. Section (for Legal Sub-Comm.)

1. Reference your AOC/LCA/3/P of 29 April
and AOC/LCA/1 of 26 April 1944, letters as draft-
ed by you to D.M.S., No. 441 and AOC/LCA/1, have
been signed by the Executive Commissioner and dis-
patched.

2. Copies of replica will be forwarded
to you on receipt.

HUBERT E. VIKKE
Colonel
Deputy Executive
Commissioner

2/A
2902

HEADQUARTERS,
ALLIED CONTROL COMMISSION,
APO 394

Regional Control and Military Government Section.

Ref: 275/11/CA.

3rd May 1944.

SUBJECT: Offences by Civilians in Italy.

TO : Military Government Section,
Allied Forces Headquarters.

Reference your letter HQ3 015 dated 18 April 1944.

1. The question of the use of Allied Military Courts in unoccupied territory has had careful consideration and the Chief Commissioner has decided that cases of injury to Allied personnel should be referred to the Italian courts, except where there are unusual circumstances in an individual case, and except where after experience it is found that Italian courts in a particular locality are not performing their functions satisfactorily or where there is a series of inflicted injuries which it is believed can best be stopped by quick and vigorous action by an Allied Military Court.
2. The reasons for this policy are twofold:-
 - (a) It is most desirable that the new Italian Government should have every opportunity of proving itself capable of administering the territory under its jurisdiction and the Chief Commissioner has initiated a policy whereby cases in unoccupied territory affecting Allied interests are reported to Legal Liaison Officers and practice has shown so far that on the whole adequate sentences are imposed by the Italian authorities.
 - (b) There is not available sufficient legal personnel to permit Allied Military Courts to function continually in unoccupied territory and this shortage will be more acute as we move forward.
3. In accordance with the above policy, the Chief Commissioner has directed that the case of the injury to Moon, W.C. Sic USNR, mentioned in the correspondence which you submitted be referred to an Italian Court for trial.
4. With regard to the report of the Senior Naval Officer, Eastern Sicily, dated 2nd February, if you desire further information on the cases there referred to, if you will let this Headquarters have the names of the accused and dates and places of the trials the matter will be investigated further.

Brigadier,
Executive Commissioner,
For Chief Commissioner.

Col. [unclear]

11A

Folio 8.

This letter relates to the matter of trial of accused people charged with stabbing offences against members of the Armed Forces in what is called King's Italy. It is added to A.D. (DMS) & is to assist the Station Comd. in giving them documentary evidence or a statement of the nature of the inquiries. The Chief Legal Officer wishes it to go out under the Commissioner's signature.

Folio 9.

This letter is the reply asked for in Folio 3 by Brig Lush. It is a reply to A.D. on the question of how a culprit responsible for an offence against members of the Armed Forces should be tried. It states that unless there are unusual circumstances should be tried by Italian Comd. If serious then the case would be tried by Allied Military Comd.

The letters & signature by Brig. Lush are on the outside of the file. They are in order.

J.K. 2/5/44.

2900

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

Ref/275/10/6A.

2 May 1944.

SUBJECT: Allied Military personnel suffering from wounds caused
by Italian Civilians or Military.

TO : HQ. Allied Armies in Italy.

1. The Allied Control Commission has given much attention to securing that offences (stabbing, wounding and the like) against members of the Allied Forces by Italians in unoccupied territory (where A.C.C. Courts do not sit except to try cases of exceptional importance) shall be treated with maximum severity by the Italian Penal Courts and they are receiving good cooperation from the Italian Ministry of Justice in this respect. The latter have represented, however, that in order to impose adequate sentences certain medical particulars are required.

2. I have to ask you, therefore, in order to assist the Italian Judicial Officials in the task of trying and sentencing offenders of this class, to issue directives to medical personnel in unoccupied territory to the following effect :

(a) Where the members of the Allied Forces are admitted to hospitals, C.C.S. or the like suffering from wounds not received in combat but which are suspected to have been inflicted by Italian civilians or soldiers, the Senior Medical Officer of the hospital will render a report in duplicate as quickly as possible to the nearest Provincial Commissioner, A.C.C.

(b) This report will contain :

- (i) Full name, number, rank and regiment or corps of the wounded soldier.
- (ii) Description of wound (stating depth and probable cause).
- (iii) Date of wound and number of days necessary for its cure specifying whether less than 10 days or more than 10 days and less than 40 or more than 40 days.
- (iv) Whether the accused has been or is in danger of his life as a result of the wound.
- (v) If it can be said that the wound will cause any permanent disability to any limb, sense or organ or the loss of any limb, sense or organ.

Sub-para. (iii), (iv) and (v) are required by the Italian Courts to determine by Italian law the sentence which may be imposed.

(c) In the event of a report having been submitted stating that a wound is curable within 40 days and either the cure is not completed within this period or other complications set in, a further report should be submitted to the Provincial Commissioner.

(d) If death results from such wounds and the autopsy is performed by Allied Military Authority, copies of the autopsy report and hospital case record (giving details of the progress of the wounded man, treatment, etc.) will be sent to the Provincial Commissioner.

(e) The reports, statements, case records, etc., referred to in sub-para. (a), (b), (c) and (d) can conveniently be sent through the medium of the Military Police who are working in close liaison with Provincial Commissioners in the apprehension and trial of offenders.

5. The above procedure applies only in unoccupied territory (i.e. below the northern boundaries of the Provinces of Salerno, Potenza and Bari) where offenders are (save in exceptional circumstances) tried by the Italian Courts. It does not apply in occupied territory where such offenders are tried before AMI Courts.

Brigadier,
Executive Commissioner,
For Chief Commissioner.

Action Completed see folio 13. JHK 16/1

2758 CA BU 8.
U 54801
EAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

GRU/ap

ACC/4011/3/L

29 April 1944.

SUBJECT : Wounds inflicted on Allied personnel
by Italians.

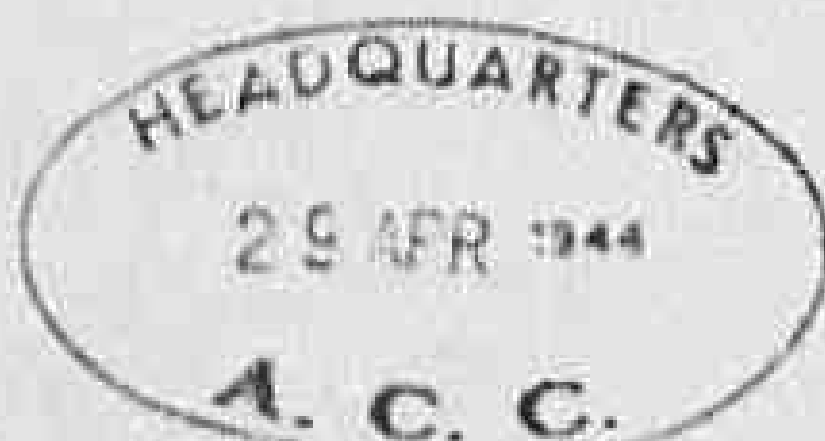
TO : Executive Commissioner.

1. I shall be obliged if Brigadier Lush will sign
a letter on the lines of the attached draft (which is self
explanatory) to D. M. S., HQ.. A. A. I.

2. May I please be supplied with a copy of the let-
ter signed by Brigadier Lush and of any replies thereto.

G. R. Upjohn

G. R. UPJOHN,
Colonel,
Chief Legal Officer.



2697

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 374

GRU/gar

April 1944

SUBJECT: Allied Military personnel suffering from wounds
caused by Italian civilians or military.

TO : HQ AAI (DMS).

1. The Allied Control Commission has given much attention to securing that offences (stabbing, wounding and the like) against members of the Allied Forces by Italians in unoccupied territory (where AM Courts do not sit except to try cases of exceptional importance) shall be treated with maximum severity by the Italian Penal Courts and they are receiving good cooperation from the Italian Ministry of Justice in this respect. The latter have represented, however, that in order to impose adequate sentences certain medical particulars are required.

2. I have to ask you, therefore, in order to assist the Italian Judicial Officials in the task of trying and sentencing offenders of this class, to issue directives to medical personnel in unoccupied territory to the following effect:

(a) Where the members of the Allied Forces are admitted to hospitals, S.O.S. or the like suffering from wounds not received in combat but which are suspected to have been inflicted by Italian civilians or soldiers, the Senior Medical Officer of the hospital will render a report in duplicate as quickly as possible to the nearest Provincial Commissioner, A.C.C.

(b) This report will contain:

- (i) Full name, number, rank and regiment of corps of the wounded soldier.
- (ii) Description of wound (stating depth and probable cause).
- (iii) Date of wound and number of days necessary for its cure specifying whether less than 10 days or more than 10 days and less than 40 or more than 40 days.
- (iv) Whether the accused has been or is in danger of his life as a result of the wound.
- (v) If it can be said that the wound will cause any permanent disability to any limb, sense or organ or the loss of any limb, sense or organ.

Sub-para (iii), (iv) & (v) are required by the Italian Courts to determine by Italian law the sentence which may be imposed.

6

(c) In the event of a report having been submitted stating that wound is curable within 40 days and either the cure is not completed within this period or other complications set in, a further report should be submitted to the Provincial Commissioner.

(d) If death results from such wounds and the autopsy is performed by Allied Military Authority, copies of the autopsy report and hospital case record (giving details of the progress of the wounded man, treatment, etc.) will be sent to the Provincial Commissioner.

(e) The reports, statements, case records, etc., referred to in Subparas (c), (b), (c) and (d) can conveniently be sent through the medium of the Military Police who are working in close liaison with Provincial Commissioners in the apprehension and trial of offenders.

3. The above procedure applies only in unoccupied territory (i.e. below the northern boundaries of the Provinces of Salerno, Potenza and Bari) where offenders are (save in exceptional circumstances) tried by the Italian Courts. It does not apply in occupied territory where such offenders are tried before MG Courts.

Executive Commissioner
Allied Control Commission.

2754
3 APR 1944
REAR HEAD, UNITED
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

5

ACC/4129/L.

/Rlp.
28 April 1944.

SUBJECT : Offenses of civilians in Italy.

TO : Executive Commissioner.

- 3
1. Reference your 383/76/CA dated 25 April 1944.
 2. As requested therein I enclosed a suggested form of letter to be sent by the Chief Commissioner to AFHQ.
 3. I have informed Region I in accordance with your letter concerning the two cases mentioned in my letter 22 April 1944.

2-14 2
Richard H. Wilmer
RICHARD H. WILMER,
Lt. Col., GAC,
Deputy Chief Legal Officer.

2894

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

/rlp.
28 April 1944.

SUBJECT : Offences by Civilians in Italy.
TO : Allied Forces Headquarters (MGS).

1. Reference your letter MGS 015 dated 18 April 1944.

2. The question of the use of Allied Military Courts in unoccupied territory has had careful consideration and I have decided that cases of injury to Allied personnel should be referred to the Italian courts, except where there are unusual circumstances in an individual case, and except where after experience it is found that Italian courts in a particular locality are not performing their functions satisfactorily or where there is a series of inflicted injuries which it is believed can best be stopped by quick and vigorous action by an Allied Military Court.

3. The reasons for this policy are twofold:

a. It is most desirable that the new Italian Government should have every opportunity of proving itself capable of administering the territory under its jurisdiction and I have initiated a policy whereby cases in unoccupied territory affecting Allied interests are reported to Legal Liaison Officers and practice has shown so far that on the whole adequate sentences are imposed by the Italian authorities.

b. There is not available sufficient legal personnel to permit Allied Military Courts to function continually in unoccupied territory and this shortage will be more acute as we move forward.

4. In accordance with the above policy, I have directed that the case of the injury to Moon, W. G. SMC USNR mentioned in the correspondence which you submitted be referred to an Italian Court for trial.

5. With regard to the report of the Senior Naval Officer, Eastern Sicily, dated 2 February, if you desire further information on the cases there referred to, I shall be glad if you will let me have the names of the accused and dates and places of the trials and I will investigate the matter further.

Lieutenant General,
Chief Commissioner,
Allied Control Commission.

275

3

REF: 253/76/CA.

25th April 1944.

SUBJECT: Appointment of Military Court.

TO : Administrative Section
(For Chief Legal Officer).

2.

1. I referred the contents of your ACC/4122/1 of 22 April 1944 to the Chief Commissioner at the Vice Presidents' meeting to-day.

2. The Chief Commissioner approves your recommendations and would be glad if you would inform Region I accordingly and submit to him a draft reply to SES., AFHQ.

SES/JG.

Brigadier,
Executive Commissioner.

209

25 APR Recd
1944

275

2.

HEAD HEADQUARTERS
Allied Control Commission
Legal Subcommittee
AFS 394

22 April 1944.

ACC/4129/L

SUBJECT: Appointment of Military Court.

TO : Executive Commissioner, ACC.

1. The Legal Subcommittee has received two requests from Region 1 with respect to the appointment of Allied Military Courts to try two cases that have arisen there recently. As the decision was reached some time ago that Allied Military Courts would not be used in unoccupied territory except in extreme cases I am writing to you concerning these cases.

2. At MESSINA, Sicily, about one month ago a British seaman was stabbed to death without there being any apparent personal cause and it would appear from the papers that the real culprit, a noted criminal, has been arrested. The Regional Commissioner, writing through the Regional Legal Officer to this Subcommittee, has requested that a General Court be constituted for the trial of the case. I recommend that this request be approved.

3. The other case is that of an American sailor who was stabbed and apparently not severely wounded by a Sicilian at PALERMO as a result of a somewhat drunken altercation. It has been recommended by the Regional Commissioner, through the Regional Legal Officer, that the case be referred again to the Italian Court. However the United States Naval Authorities requested that the case be referred to an Allied Military Court. Upon receipt of this request the case was withdrawn from the Italian Court awaiting decision at this Headquarters.

Since receiving the above mentioned communication, there has been received by this Subcommittee a letter dated 18 April 1944 from the Chief of the Military Government Section, AFHQ, referring to this same case, and enclosing copies of additional correspondence. The Naval Authorities take the position that all cases involving injuries to Allied Forces personnel should be tried exclusively in Allied Military Courts.

4. As to the last mentioned case, I think there is some doubt if an Allied Military Court, on the facts as thus far stated, would convict the accused or in any event give a severe sentence in view of the surrounding circumstances. On the other hand I am inclined to think that an Italian Court, in view of the very strong directives sent out by the Minister of Justice, would be apt to go as far as it can to give a stiff sentence.

5. In my recent conversations with the First Presidents of the Courts of Appeals in Sicily and the Procuratori Generali attached to these courts,

I gained the very definite impression that they were determined to do their best to satisfy us in trying cases involving damage to or theft of Allied property and injuries to Allied personnel. Therefore, despite the representations made by the Naval Authorities I recommend that no Allied Military Court be appointed to try this case and that it be referred again to the Italian Court for trial.

6. In view of the situation with which you are thoroughly familiar, I recommend that the Italian Courts try all injury cases, except extreme cases, such as the murder first above mentioned and except where after experience it is found the Italian Courts in any particular place are not performing this function adequately or except where there is a series of inflicted injuries which it is believed can best be stopped by quick and vigorous action by an Allied Military Court. Obviously, without material increase in legal personnel it will be impossible to keep various ^{all} Allied Military Courts going in various places in unoccupied territory to try cases of injury to Allied personnel.

7. I am sending to you by Major Van Deusen this letter and the letter and file above referred, received from MSG, AFHQ.

8. I will appreciate your view in order that I may advise the RLO, Region I as to how the two cases shall be dealt with. If you wish me to do so I will be glad to draft a reply for HQ ACC to send to MSG, AFHQ.

Richard H. Wilmer

RICHARD H. WILMER
Lt. Col. GAO.
Deputy Chief Legal Officer.

0512