

Declassified E.O. 12356 Section 3.3/NND No. 785020

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Declassified E.O. 12356 Section 3.3/NND No. 785020

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A/300/6/200

Maj. SCAPATI

2982  
3017

Opened July 14, 1945 - Closed Aug. 27, 1945

Declassified E.O. 12356 Section 3.3/NND No. 785020

Subject : Italian Officers - Transfer

12  
Lead Person Sub Comm. All.  
(M.H.I.A.)  
ROME  
A 300/6

27 Aug. '45.

To : British Liaison Section (N/Q Branch)  
HQ Fifth Army.

Major SCAPATI

Reference your C/L/6A dated 10 July '45.

Notification has been received from the Ministry of War that the above named officer has been transferred to the Territorial Military Command of M.I.L.A.N.

3017  
P.P.P.  
Major General  
M.H.I.A.

HPS/ or

Declassified E.O. 12356 Section 3.3/NND No. 785020

TRANSLATION.

From Ministry of War.

Ref: 11950  
112-17-236.

To: M.M.I.A.

Date: 22/8/45.

Subject: Major Scapati Domenico.

The a/m officer has been transferred to the Territorial Military Command of Milan, in a post that will not have him in constant contact with the Allied Authorities.

Lombardi.

Carter.

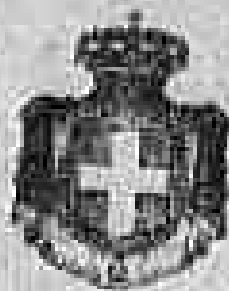
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OK *[Handwritten signature]*

2016

Declassified E.O. 12356 Section 3.3/NND No. 785020

DR/d1



Roma 22 AGO 1945 59

Ministero della Guerra  
Gabinetto

ALLA LAND FORCES SUB  
COMMISSION A.C. (MMIA)  
ROMA

Divisione Legale  
Prot. N. 129504/I/1 Allegati

112-17-236

OGGETTO: Maggiore SCAPATI Domenico

Rispostato il 9 corrente

Dir. Legale AK 300/6

L'ufficiale in oggetto è stato  
trasferito al Comando Militare Territo-  
riale di Milano, ad un incarico che non  
implica stretto contatto con Autorità Al-  
leate.

TRANSMISSION

IN

Time 1500

Date 28/8

OUT

Time 1700

Date 28/8

d'ordine  
IL CAPO DI CABINETTO

*[Signature]*

2015

Declassified E.O. 12356 Section 3.3/NND No. 785020

TRANSLATION.

From: Ministry of War.

To: M.M.I.A.

Subject: Major Scapati Domenico Engrs. Regular Army.

Ref: 2/19706. 110  
Date: 22/8/45.

The a/m officer has been transferred to the  
Territorial Military Command Of Milan.

Falugi.

Carter.



Noted in the card pt-

2014

Declassified E.O. 12356 Section 3.3/NND No. 785020

CC/F.M.

MINISTERO DELLA GUERRA  
DIREZIONE GENERALE PERSONALE UFFICIALI  
DIVISIONE MOVIMENTO SEZ. 2

Prot. N. 2/19706

Roma, 22 AGO 1945

OGGETTO: Maggiore Genio S.P. SCAPATI Domenico.-

ALDA L.F.S.O. - A.C. (F.M.I.A.)

R.O.M.A.

(risp. F.M.A/300/6 del 6/8/45)

e, per conoscenza:

ALMO S.M.R.E. - Sez. Autonoma Colleg. Allenti

SEDE

(rif. 6568/C del 13/8/45)

ALMO S.M.R.E. - Uff. Segreteria e Personale

SEDE

(seg. I. 2/19005 del 10/8/45)

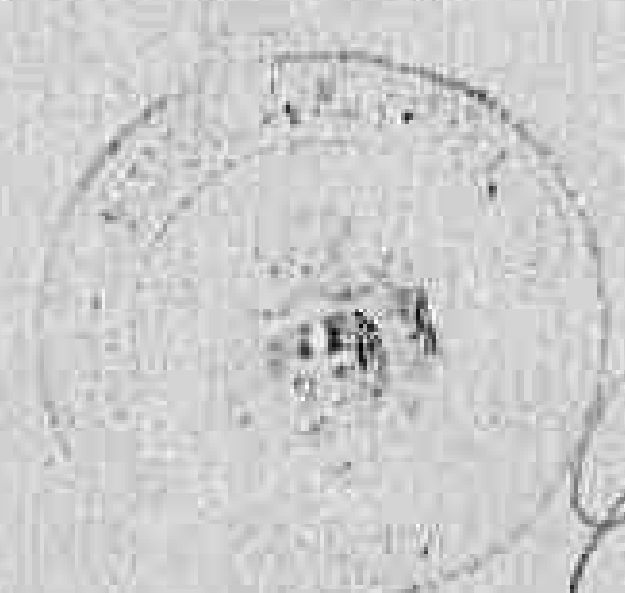
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Per l'ufficiale sopraindicato è stato disposto  
il trasferimento al Comando Militare Territoriale di  
Milano.-

P. IL MINISTRO

(Gen. G. Biv. G. F. TRANSPORTATION)

Pl. Franchini  
PK



*[Handwritten signature]*

1530  
Date 24/8

OUT 20130  
24/10

Declassified E.O. 12356 Section 3.3/NND No. 785020

~~CONFIDENTIAL~~

A. 300/6  
Land Forces Sub Comm. A.C.  
M.N.I.A.  
R O M E.  
A 300/6

9 Aug 45

To : Ministry of War.

Major SCAPATI, Domenico.

Referring to the report from Gen. UTILE to you (No 00/166 di prot Segreteria dated 17 July) on the above named officer and opinions expressed by Allied Commanders concerned to this Mission, the following is the Allied decision in this matter.

Major SCAPATI appears to be temperamentally unsuited to work in close contact with Allied officers and to have particularly failed to cooperate with the officers of No 52 B.L.U. In these circumstances he should not be re-employed in the Legnano Group or in any other position where he will be brought into close contact with allied supervisory or liaison officers. If you decide to re-employ him when he comes out of hospital it is suggested that an appointment with one of the new internal security regiments now being formed would be suitable.

Please report your decision in due course.

W. P. Pickering  
Colonel  
Major General,  
M.N.I.A.

/wsi

2012

BF with SCAPATI file 927/2  
(8)

Col. Pidsley:

The writer has read the report and conclusions submitted by UTILE following the enquiry into SCAPATI's actions in connection with alleged release of P.W. and non-cooperation with the Allies.

UTILE finds that :

- one case of unauthorised release of P.W. is without foundation;
- two other cases (DE LEO and GIGLIO) were dealt with on UTILE's responsibility;
- SCAPATI's relations with the RIVOLTA family were motivated by good faith and were in keeping with this officer's character;
- the accusation of "obstructionism" he defines as disagreement with the HQU, to be deplored as affecting personal relationships, but one that never interfered with the tactical collaboration of the Legnano with the II and IV US Corps.

He concludes that he has no charges to make under the first three headings. As regards the fourth, he recognizes a situation which has become untenable. He states that SCAPATI is an officer of great ability, but with his rough and clashing manner he is unfitted for close contact with a liaison mission.

UTILE proposes his transfer from head of Ops branch to C.O. LI Engr Bn in the same division. The present C.O. (Maj. VESCOVINT) to replace SCAPATI in Ops Branch.

Alternatively if above not acceptable to MTA, War Ministry propose his transfer to another Combat Gp. SCAPATI has already been suspended from his present post and is now on leave.

27 July

82041  
G II(L)

FROM:- Lt Col J.S.H. DOUGLAS.  
The Lovat Scouts

PERSONAL & CONFIDENTIAL

52 British Liaison Unit  
CMF.

25 July 45

DC/G/63/49

Dear *Colonel*,

I have now got the Court of Inquiry Proceedings into the case of Major Scapati, Capo di Sezione Operazioni e informazione, and whatever else it may or may not have revealed, General Utili has at any rate expressed the opinion that Major Scapati disagreed with his opposite number at this B.L.U: furthermore he states that:-

"He is really an officer of high military standard and a man of character, but he has a rough manner and is also ill-tempered which makes him completely unsuitable to be daily in touch with a liaison mission. Nevertheless I would like to make it known the exceptional co-operation he gave to the 1 Raggruppamento, the C.I.L. and the 'Legnano'. Formerly commanding the 51 Bty Genio, which he left reluctantly when I asked him to become my direct collaborator.

I ask that he should be given another job in the same sphere which owes him so much; and that he should resume his old command, under my command, when Major Vescovini in the very near future will terminate a year's service in that capacity, and I ask also on this occasion that Major Vescovini should be appointed instead of Major Scapati."

Major Scapati has been summoned to Rome and has of course left here: in my opinion therefore it would be the greatest pity if he were to rejoin this Gruppo in any capacity whatever for so long as we have the job of liaison his unfortunate manner might continue to foment a breach between the Gruppo and the B.L.U. I would be very grateful therefore if you would do all in your power to prevent the War Ministry from posting him back as Commander of the 51 Genio Battalion.

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Yours sincerely

*Ed. Gifford*

To:- Colonel W. PIDSLEY, DSO MC,  
Land Forces Sub Comm A.C. (MEMIA)  
ROME.

A.3. / Acknowledged suitably and copy  
will this please. W/P  
27/7.

6/11  
HEADQUARTERS - GRUPPO DI COMBATTIMENTO - 'LEGNANO'  
SEGRETERIA (Secretary's Office)

No: 00/166 di prot Segreteria

P.M. 155 - 17 July 45

SUBJECT:- Major Scapati Domenico - Inquiry.

To:- Minister for War  
Cabinet - ROME.

Enclosures No.9.

According to orders received by telegram 196/M.G. I have carried out an Inquiry regarding the actions of Major Scapati, Officer in charge operations of this Headquarters.

I was informed of the charges against the said officer by 52 P.I.U. by means of the three documents, copy attached (1,2,3). I shall deal with the charges in detail and in the above sequence.

1. INCIDENT - COLONEL DE LEO

In the afternoon of the 2nd June the person in question dressed in civilian clothes entered the office of the officer in charge operations, followed by another person not known to Major Scapati. On the other hand he knew De Leo very well as he had fought with him in Tunis up to a few days before the surrender; he had not seen him since; and according to his declaration - and I believe him as I know his scrupulous loyalty - he was not aware that he had formed part of the Republican Army. For this reason an exchange of embraces took place - straight after Captain Ricchezza, Head of the Intelligence Section and the third to enter the office, introduced Doctor Quartti as an ex Questore of Bergamo by whom De Leo's real position was made clear. Whereupon the atmosphere became very unpleasant and further made so by De Leo's untimely outburst retorted by Dr Quartti. He was calmed down by Major Scapati. At that time and quite accidentally I entered the same office and having recognised Dr Quartti, shook hands with him and thinking that De Leo, who I had never seen before, to be an officer working with Dr Quartti, shook hands with him as well. But having heard the name I realised the false situation and immediately walked out asking Major Scapati to follow me, after having gathered the necessary elements to make my own decision. I would like to point out that a few days

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*See folio 9*

Soon after...../

Sheet 2

Soon after, Major Scapati, who was acting Chief of Staff during his absence, reported to me the following:- Dr. Quartì went out to find Colonel De Leo Candeloro who had been the officer in charge of the intelligence office in the Republican army. He did not find him, but instead arrested Colonel Secondo de Leo who happened to live in the same building and on the same floor. Quartì further stated that as there was nothing against him politically the police had no further interest and that he was being handed over to the 'Legnano' for further investigation.

I ordered, naturally, that De Leo should be considered as a prisoner of war - But, having taken into consideration the position which he had held as Chief of Staff in the republican army, I thought proper that I should inform of his capture the III Territorial Command in case they wanted to question him prior to his removal to an Allied Camp. I personally telephoned immediately to Colonel Carnerali, Chief of Staff of that Command, asking him to let me know as soon as possible any instructions from His Excellency Marras. Some time passed and as it was getting rather late, it seemed, that the possibility of providing transport that same evening for De Leo to Milan was out of the question. I authorised that he should go back to his house for the night. He pledged his word of honour not to leave his house, and a declaration to this effect duly signed by him was retained by us. On the other hand Major Scapati, who was acting Chief of Staff signed another declaration which laid down that De Leo was at the disposal of the Legnano.

I accept full responsibility of this decision, as I am the interested party it is not up to me to decide if it was just or wrong; I would like to point out that the idea that De Leo might run away never entered my mind and it seems to me even now most unlikely for various reasons: like many others in similar conditions, he remained openly in Bergamo ~~since~~ more than a month after the cessation of hostilities and moreover he insisted on clarifying his position as it can be proved by declarations in his possession from various authorities to whom he had spontaneously presented himself. I had no premises in Bergamo where I could keep him in custody except a very small lock-up, I had no intention to help De Leo, but only to solve a modest practical internal problem, which in ~~my~~ <sup>my</sup> opinion was not very important. Also from the formal point of view, as the capture took place accidentally on this day as legally he should have been arrested on the 26th April, I did not see any harm to carry out definitely his arrest a few hours later.

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However, I did not take any decision without first getting confirmation from the Questura in the sense that the prisoner was not charged politically; I did not inform A.M.G. of my actions as it never entered my mind that he was their prisoner.

From the third paragraph of Captain Whymen's letter, it appears that as soon as De Leo went back to his house, he was again arrested by Dr Quarti, although it appears that he was at the disposal of the military authorities. I had a talk with Lt Col Fletcher, AMG Commissioner for the province of Bergamo about this strange procedure. I shall refrain from dealing with this particular question at this stage as it has no connection with this Inquiry.

2. Release...../

Sheet 3

2. RELEASE OF PRISONERS OF WAR

From thorough investigations which I had carried out on the movement of prisoners from the camp at Grumallina, the only one in charge of the 'Legnano', it appears that on a total of 5424 prisoners only 21 were set free. For every one released there are documents to show that there release took place on authority or request of the Questura in terms of instructions contained in circular A.G. 383.6/121 -G.B.1. or by Provisions - dated 6 March 45 issued by General Headquarters of the Allied Forces (Enclosure 4). It deals with individuals who, although they were members of the enemy armed forces, they could not be considered as such at the time when these forces were defeated, which it is made evident by declaration written by partisan military authorities stating that they have collaborated with them and very often actually fought against the Nazi Fascists.

Having ascertained the above, I felt in duty bound to write to 52 B.I.U. - copy attached (enclosure No.5) to obtain further details. The letter is dated 21 June. Captain Stowe (enclosure No.6) declared on the 23 Jun that he had received this information from Captain Whyman. Only on the 5 July did my Chief of Staff succeed in having a talk with Captain Whyman on this subject. Two cases were pointed out. I carried out straight away my investigations and these according to my opinion were not correct as it has been made clear in the letter dated 3 July from my Chief of Staff to Captain Whyman, copy attached (enclosure No.7).

3. FRIENDLY RELATIONS BETWEEN MAJOR SCAPATI AND RIVOLTA FAMILY

The person in question states that he has been to the Rivolta's house three times; once to dinner and twice after dinner; and he further states that one evening he sat down at a Café with Lieut Rivolta, son of the General; and he admits also that one evening when he was at their house the lights went out in a few rooms and that the following day he sent a soldier electrician to find out and repair the damage.

He knew the General in Albania when he went with him Korcia in his military capacity; and that is the reason for the frequent invitations.

I have know ascertained that:-

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I have now ascertained that:-

General Rivolta - as he definitely declared - that he had not taken the oath as prescribed by the republic and moreover he boasts, I cannot say if it is true, that he has rendered valuable service to the national cause; during the neo-fascism period he was the head of an organisation to assist the families of those killed, disabled and interned and was in charge of the administration of the Military Union; in such capacity he was left free by the Questura by whom moreover authority was granted to go to Rome to render an account of the above mentioned administration.

Lieut Rivolta - is in possession of documents showing that he belongs to the Partisan movement.

I have now...../

I have no means or facts to judge the family's behaviour during the above mentioned neo-fascism period. I have personally assumed a very severe attitude when the General came to see me; and I would have preferred that Major Scapati should have done the same if there was any doubt; - However, if what I have been able to find out and stated above is correct, it appears that it is to be ruled out that Major Scapati ever thought knowingly to show cordiality to people who were already compromised.

After all I fail to understand the importance of the charge which was made by an agent who could not enter the Rivolta's house without the 'Legnano's' permission. I can say without any doubt that the free entrance to the house was never forbidden and no orders to this effect were ever given either verbally or in writing.

#### 4. INCIDENT - GENERAL GIGLIO

I have to state categorically two things:

First that General Giglio was never handed over to the Legnano by AMG, nor by the Police, nor by the Partisans; he was never reported to the Legnano by the above mentioned nor by individuals; he was never directly arrested.

Second consequently he could never have been released.

In regard to him I would like to state the following:-

In the very first days after my arrival in Bergamo as I was going out of my office for a moment, I saw him waiting in the corridor. Although my first reaction was not to see him personally, I asked him to come into my office to make clear immediately his position. To the definite question that I asked him, having taken into account every word, he stated in a formal way that he had ceased to serve since February 1945; considering then that he was not included in the prisoners of war category in accordance with circular quoted by Q.G. of the Armed Forces,

I immediately broke off the conversation and invited him to withdraw. He implored me to listen to his experiences; I answered him that the blood of three thousand men shed at my orders formed an impassable barrier between us. Then he left the room obviously disheartened. The conversation must have

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I immediately broke off the conversation and invited him to withdraw. He implored me to listen to his experiences; I answered him that the blood of three thousand men shed at my orders formed an impassable barrier between us. Then he left the room obviously disheartened. The conversation must have lasted at the most two minutes; naturally there were no hand shaking nor a shade of cordial behaviour.

This is all - and it is also all that appears to Captain Whymen on the only foundation of the evidence written by General Giglio.

5. CHARGE OF OBSTRUCTIONISM

Considering the seriousness of the word, I have asked for the necessary explanation in writing (see letter to 52 BLU - enclosure No.8) and the answer (enclosure No.9)

On the whole...../

Sheet 5

On the whole Major Scapati was to blame in making himself unpleasant to B.L.U. However, Col. Douglas has verbally admitted that this unpleasantness only started when, in the zone of operations, we passed under the command of Americans. While we were under the Americans it appears that Major Scapati showed more by facts than by words a tendency to consider superfluous the intervention of G.2 or other officers of lower rank from B.L.U. in questions of purely operational character, as according to his reasoning when there are three methods and three different mentalities, it is much easier and quicker to agree with two instead of three. Major Scapati is a man of very few words, who goes straight for facts and as a matter of fact he has amply and efficiently realized the tactical collaboration with the Americans, as it is shown by the successes of the Gruppo; but undoubtedly he must have lacked so much tact as to provoke a strong personal resentment which I had never foreseen and which I learnt with regret.

#### CONCLUSIONS

Summing up I would like to point out that out of the five charges against Major Scapati - one of the charges (the abusive release of prisoners on his part or by the office under his charge) has not been proved to have any foundation.

Two of the charges ( the De Leo and Giglio incidents) in whatever way you look at these incidents, the responsibility falls on me, and not on Major Scapati. - Another of the charges (friendly relations with family Rivolta) boils down to his simpleness in his behaviour, which fits very well with the officer's straight but simple character.

The other and last charge (obstructionism in his duty) can be correctly interpreted as disagreement with his opposite number at B.L.U., very blameworthy for the uncomfortable feeling in his dealings, nevertheless without ever having prejudiced the tactical collaboration of the 'Legnano' with the II and IV American C.A.

That being stated, for the first four charges I do not suggest any action. I have pointed out to Major Scapati that being free from all blame is most necessary - but it is also very difficult to get there for several reasons to

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2003  
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As to the last point, notice will be taken of an internal change of command which has become unsustainable. Therefore if this Ministry had not already taken provision for such action, I myself would have suggested much to my regret the replacement of Major Scapati as officer in charge operations.

He is really an officer of high military standard and a man of character,

but he...../

Sheet 6

but he has a rough manner and is also ill-tempered which makes him completely unsuitable to be daily in touch with a liaison mission.

Nevertheless I would like to make it known the exceptional co-operation he gave to the 1 Raggruppamento, the CIL and the 'Legnano'. Formerly commanding the 51 Bty Genio, which he left reluctantly when I asked him to become my direct collaborator.

I ask that he should be given another job in the same sphere which owes him so much; and that he should resume his old command, under my command, when Major Vescovini in the very near future will terminate a year's service in that capacity, and I ask also on this occasion that Major Vescovini should be appointed instead of Major Scapeti.

The General Commanding.

UMBERTO UTILI.

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32004

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UMBERTO UTILI.

32004

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03005 CONFIDENTIAL (6)

SUBJECT:- Discipline - Italian Personnel

British Liaison Section (A/Q Branch)  
HQ Fifth Army  
CMF

Tele No: LIGHTNING 129

64/6A

10 Jul 45

MMIA ✓

Ref your A 218 of 15 Jun 45. — 4

1. Herewith copies of reports on the case of Major SCAPATI forwarded by G-2, IV US Corps.
  2. It is not considered that there is sufficient evidence in these statements to warrant any specific charge being made against Major SCAPATI.
  3. The principle trouble has been his lack of co-operation with the 52 BLU.
  4. It is understood that the case is now being dealt with by the Italian War Ministry direct with LEGNANO GRUPPO, and a Court of Enquiry is to be held on the conduct of this officer.
- See 12.

Info Maj Bannan P17/7

(KCF CHIVASSE) Col GS  
Deputy Chief of Staff (Brit)  
Fifth Army

KGFC/FV

Maj Gregson

On Col Pidsley's notes should  
Lombardi that Scapati had  
to go irrespective of 2003  
outcome of the enquiry.

18 July

Maj TAGLIONE has already been  
designated to take his place.

Declassified E.O. 12356 Section 3.3/NND No. 785020

**CONFIDENTIAL**

1st Ind. ARB/cwg  
HEADQUARTERS FIFTH ARMY, Office of the A.C. of S., G-2, APO #464, US Army.  
1 July 1945.

TO: British Increment (A Branch), Rear Hqs., Fifth Army, CMF.

1. As requested in your letter, 64/6A, 17 June 1945.

For the Assistant Chief of Staff, G-2:

ARTHUR R. BLOM,  
Lt. Col., Inf.,  
Asst AC of S, G-2.

2002

**CONFIDENTIAL**

Declassified E.O. 12356 Section 3.3/NND No. 785020

CONFIDENTIAL.

HEADQUARTERS IV CORPS.  
Office of the Assistant Chief of Staff, G-2.  
APO 304 U S Army.

25 June 1945.

SUBJECT: SCAPATI Maggiore, Legnano Group.

TO : A.C. of S., G-2(CI), Headquarters Fifth Army.

1. Forwarded for your information.

For the A.C. of S., G-2,

ROBERT H. CALAHAN,  
Major Cavalry,  
Ass't A.C. of S., G-2(CI).

3004

Declassified E.O. 12356 Section 3.3/NND No. 785020

C O P Y

C O N F I D E N T I A L

P/12/FS.

421, Field Security Section,

C.M.F.

4th Jun 45.

To:- G-2 (CI) Section,  
HQ IV Corps.  
APO 304,  
U.S. Army

Subject:-

SCAPATI Maggiore, Legnano Group.

Reference visit of Major CALAHAN to this section and the query received from 5th Army about the activities of the above Italian officer.

- (1) Attached please find copy of letter from P.P.S.O. BERGAMO, giving details of a recent specific case in which an officer of the Republican Fascist Army was treated with considerable friendliness by SCAPATI.
- (2) It is moreover, a fact that SCAPATI is on very amicable terms with the family of General RIVOLTA in BERGAMO. A Questura agent has informed us that he was not allowed to enter the RIVOLTA flat unless he obtained permission from the Legnano, and that Legnano soldiers were engaged in minor repairs to the premises, some four or five days ago.
- (3) 52, B.L.U. state that SCAPATI has, for the past three months or so been obstructionist.
- (4) Ref. para 5 of the attached letter from the P.P.S.O. BERGAMO, the "other occasions" referred to include the case of General GIGLIO, another fascist Republican Officer, who was similarly released at the disposition of the Legnano Group before being rearrested by the Questura and P.S.O., AMG. since he was also wanted for war crimes.
- (5) It is suggested that a short reminder from IV Corps to the Legnano Group re the security responsibility of the latter might not be altogether untimely.

LIS/HIK.  
In the Field.

Copy to:- G.S.C. 2.  
HQ 52, B.L.U.

/s/ L. I. Stone..... Capt.  
L. I. STONE.  
O.C. 421, F.S. Section.

5081

C O P Y

50-01

14

PSD/21-058

3rd June 1945

release of POW's.

1. At 1630 hrs on 2nd inst, Lt. Col DE LEO Leonardo, Republican Fascist Army, was arrested by agents of the Questura and handed over to Maggiore SCAPATI, Dominico, Legnano Div.
2. The Agents reported to me that DE LEO was greeted by Maggiore Scapati as a very old friend and suspected he would be released as soon as they left.
3. At 1830 hrs the Agents returned to me stating that their suspicions were confirmed, De Leo had been released, and that, acting on the instructions I had given them, had re-arrested him.
4. In De Leo's possession was a typewritten slip, signed by Mag. Scapati and stamped with the Legnano Stamp, holding him at their disposition. Copy attached. No guard was placed on this man, and he was free to roam wherever he wished.
5. As this is not the first occasion that POW's have been released after being handed over to the Legnano Div. I ask that some action be taken to prevent a re-occurrence.

signed L. S. WHYMAN Capt.  
F.P.S.O. Bergamo Prov.

LGN/hal.

Copies to:- Lt. Col. Morley Fletcher PC  
Lt. Col. Douglas 57 B.L.U.  
Lt.Co. Francis R.P.S.O. Lombardia.

encl/-1.

3000

Declassified E.O. 12356 Section 3.3/NND No. 785020

Copy of the original.

COMANDO GRUPPO DI COMBATTIMENTO "LEGNANO"  
Sezione Operazioni - Informazioni

P. M. 155 2 Giugno 1945.

Il Colonello di S.M. DL LEO, Leonardo, già dello  
Esercito Repubblicano, è a disposizione di questo  
Comando.-

D'ordine

IL CAPO DI STATO MAGGIORE a.p.1

IL MAGGIORE CAPO SEZIONE  
(Domenico Scapati)

2999

300s

## MESSAGE FORM

Call ☒ Srd. No.

Priority

Register No. 11/30

CIPHER SECRET

ABOVE THIS LINE FOR SIGNALS USE ONLY.

FROM  
(A)

52 BLU from Douglas

Originator.

Date-Time of Origin.

291000 B.

For Action.

Office Date Stamp

MMIA Personal for Col. PIDSLEY

E229

TO

(W) For Information (INFO)

Message Instructions.

G R

Originator's No.

AQ/1

SECRET

Ref. gr. A 218 dated 18 June 45

addressed S Army copy to this HQ

Understand G.O.C. LEGGINSO gruppo has

applied to War Ministry for permission to retain

Major SCAPATI if finding of Court of inquiry

Satisfactory. Understood Court of inquiry has no

connection recall of SCAPATI to ROME

25

Please confirm Major SCAPATI (proceeds?) ROME

on completion of Court of inquiry. Attached

Declassified E.O. 12356 Section 3.3/NND No. 785020

Originator's No.

AQ/1

SECRET

48

Ref. yr. A 218 dated 15 June 45

addressed 5 Army copy to this HQ

Understand G.O.C. LEGGERS group has

applied to War Ministry for permission to retain

Major SCAPATI - if finding of Court of inquiry

satisfactory. Understood Court of inquiry has no

commission recall of SCAPATI to ROME

2:

Please confirm Major SCAPATI (proceeds?) ROME

on completion of Court of inquiry regardless of

finding. Court of inquiry should be completed

in a few days. Passed to my Bureau for action 2/22

This message may be sent

AS WRITTEN by any means

except

WIRELESS.

Signed.

If liable to be intercepted or to fall into enemy hands this message must be sent IN CIPHER.

Originator's Instructions. Degree of Priority.

Signed.

IMPORTANT

Time

THI or TOR

292225

Time Cleared

System

Op

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

785020

A 3008. ~~204~~

~~4~~ (4)

SIGNAL

FROM MILA  
TO (FOR ACTION) 5 ARMY  
(FOR INFO) IV CORPS  
52 MEJ

DATE 15  
TIME OF ORIGIN B

REF NO A 518

CONFIDENTIAL

FOR BRITISH INOR (.) REF CONVERSATIONS H O V A R D / COL  
C H E V A S S E / COL N A N C E (.) H A J S C A S A T I  
THING RECALLED TO HOME FORKININ BY MINISTRY OF WAR (.)  
PLEASE SEND TO THIS H Q OMBUTTE DETAILS OF ALL CHARGES  
AGAINST THIS OFFICER



PRECEDENCE

AUTHENTICATING

*Lee G. L. 5*

2997

0224

Declassified E.O. 12356 Section 3.3/NND No. 785020

BEING RECALLED TO HOME FOR THE MINISTRY OF WAR (.)

PLEASE SEND TO THIS HQ COMPLETE DETAILS OF ALL CHARGES

AGAINST THIS OFFICER

*[Handwritten signature]*

THE MINISTER

AUTHENTICATOR

*Lee Seok 5*

2997

Declassified E.O. 12356 Section 3.3/NND No. 785020

# INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

E 661

Originator's Reference: GS 63  
Date/Time of Origin: 131500B

Message Centre No: N 19/14  
Date Time Rec'd: P  
Precedence: WP

FROM: 52 BLU  
TO: MMIA

IMPORTANT

CONFIDENTIAL

CONFIDENTIAL. PERSONAL FOR COLONEL PIDSLEY FROM DOUGLAS.

REFERENCE MY DO LETTER GS/63/20 DATED 10 JUNE 45.

VERY STRONGLY RECOMMEND CAPTAIN MURERP AT PRESENT SENIOR STAFF OFFICER OPERATION AND INTELLIGENCE SECTION FOR GRUPP-O-I TO REPLACE MAJOR SCAPATI. MURERP MOST CO-OPERATIVE LEVEL HEADED AND VERY ABLE. THIS IS MY PERSONAL OPINION AND NOT NECESSARILY THAT OF GRUPP-O-I COMMAND

IMPORTANT

## CIPHER TELEGRAM

This message will not be distributed outside British or U.S. Government Departments or Headquarters or re-transmitted even in Cipher without being paraphrased. (Messages marked C.T.P. need not be paraphrased).

To A3

Thro Bannan  
name twin  
20/6/45  
WB

2996

Declassified E.O. 12356 Section 3.3/NND No. 785020

ARMY FORM 02100 (Small)

MESSAGE FORM

Register No. (2)

Call

Srl. No.

Prio

Transmit

Instructions

ABOVE THIS LINE FOR SIGNALS USE ONLY

FROM  
(A)

Originator

Date/Time of Origin

Original DATA STAMP

'A' BRIT INCR REAR HQ FIFTH ARMY

121630 B

HQ MMIA

Per Action

TO

(W) For information (INFO)

- Message Instructions - - GR -

Originator's No.

CONFIDENTIAL(.)64A(.) REF G/63/20 DTD 10 JUN FROM DOUGLAS 52 BLU TO COLONEL  
PIDSLEY(.) REQUEST MAJ SCAPATI BE RELIEVED OF HIS APPOINTMENT AND ORDERED REPORT  
ROME FORTHWITH(.) INVESTIGATIONS STILL PROCEED(.) FURTHER REPORT WILL BE FORWARDED DUE  
COURSE

THIS MESSAGE MAY BE SENT AS WRITTEN  
BY ANY MEANS EXCEPT

WIRELESS

IF LIABLE TO BE INTERCEPTED OR TO  
FALL INTO ENEMY HANDS, THIS MES-  
SAGE MUST BE KEPT IN CIPHER

ORIGINATOR'S INSTRUCTIONS  
DEGREE OF PRIORITY

ELS

2995

THI or TOR

File cleared

LT COL AAG

From: Lieut-Col J.S.H. DOUGLAS,  
The Seaforth Highlanders.

PERSONAL & CONFIDENTIAL

52 British Liaison Unit,  
CAF.

10 June 45.

C/63/20

Dear

Clad,

I am writing to you on what might be described as a somewhat delicate subject. As you probably appreciate, relations between the Gruppo and this HLU have always been extremely cordial: there has however, been one notable exception throughout, and this is in the person of Major SCAPATI, Chief of the Operations and Intelligence Section, which as you know is probably equivalent to a CI in a British Division.

This officer is not only an obstructionist, but in my opinion definitely anti-HLU and apparently anti-British, and Philip Egerton will bear me out on this. While in the line I had cause to complain to General UTILLI about this officer's conduct in relation to co-operation with the HLU, and the General assured me that though he appreciated that his manner was extremely rude, he was nevertheless a very efficient officer and on those grounds would be very reluctant to lose him. I accepted this in good faith and decided to give him another chance thinking that a warning would probably bring about some improvement, but on the contrary he has been considerably worse ever since.

Just before Philip EGERTON left, we agreed that we must definitely get him removed, but the hostilities came to an abrupt end, and I decided that it was no use doing anything about it till the future destiny of Gruppi was decided. Things however have now come to a head, and in this connection I think my two enclosures are self-explanatory: I may say that these two reports originated completely ~~independently~~ <sup>separately</sup>, as it was only when the verbal reports of these incidents reached me that I divulged my views about his obstructionism. The Chief of Staff has been away and Major SCAPATI has been answering for him; this therefore, probably also accounts for the fact that I was never informed of the political incident in the barracks of the 68th Regt at BRISOLA, and of which I had no knowledge until asked for a report by you: attached herewith is the report on the incident as called for.

Disciplinary action against this officer from a security aspect is being taken up by IV American Corps at my request and under whose command we now are, but anything that you can do at your end to expedite his removal, will in my honest opinion be for the good of the Gruppo and the common cause. I am giving a copy of this letter to IV American Corps <sup>504</sup> that they may know that I have taken the matter up with IMA, but the time lag for correspondence between here and Rome is so great that I have asked them to take an active interest in this case to ensure that appropriate action is taken before any further disastrous consequences may result.

Any doubt that I may have had that my views were originally based on a personal biased opinion are now set at rest, for these recent incidents

...this officer is not only an obstructionist, but in my opinion definitely anti-HU and apparently anti-British, and Philip Egerton will bear me out on this. While in the line I had cause to complain to General UTILL about this officer's conduct in relation to co-operation with the HU, and the General assured me that though he appreciated that his manner was extremely rude, he was nevertheless a very efficient officer and on those grounds would be very reluctant to lose him. I accepted this in good faith and decided to give him another chance thinking that a warning would probably bring about some improvement, but on the contrary he has been considerably worse ever since.

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Disciplinary action against this officer from a security aspect is being taken up by IV American Corps at my request and under whose command we now are, but anything that you can do at your end to expedite his removal, will in my honest opinion be for the good of the Gruppo and the common cause. I am giving a copy of this letter to IV American Corps, <sup>10/4</sup> that they may know that I have taken the matter up with MILA, but the time lag for correspondence between here and Rome is so great that I have asked them to take an active interest in this case to ensure that appropriate action is taken before any further disastrous consequences may result.

Any doubt that I may have had that my views were originally based on a personal biased opinion are now set at rest, for these recent incidents have no connection whatsoever either with myself or any member of this HU. I feel it my duty to bring these matters to your notice, and strongly recommend that Major SCAPATI be removed forthwith.

Yours sincerely

*John G. ...*

To: Colonel W. PIDSLEY DSO MC  
HQ MIA, ROME.

Copy to: IV Corps (for personal info of Col LADUE, C of S). *See folio 2-3*  
Lieut-Col Hon H.A. HOWARD, MIA.

50-01  
14

COPY

FSD/21-058

3 June 45

Release of POWs.

1. At 1630 hrs on the 2nd inst, Lt Col DE LEO, Leonardo Republican Fascist Army, was arrested by agents of the Questura and handed over to Maggiore SCAPATI, Domenico, Legnano Div.
2. The agents reported to me that DE LEO was greeted by Maggiore SCAPATI as a very old friend and suspected he would be released as soon as they left.
3. At 1850 hrs the agents returned to me stating that their suspicions were confirmed, DE LEO had been released, and that, acting on the instructions I had given them, had re-arrested him.
4. In DE LEO's possession was a typewritten slip, signed by Mag SCAPATI and stamped with the Legnano stamp, holding him at their disposition. Copy attached. No guard was placed on this man, and he was free to roam wherever he wished.
5. As this is not the first occasion POWs have been released after being handed over to the Legnano Div I ask that some action be taken to prevent a recurrence.

Copy to: Lt Col Morley Fletcher MC  
Lt Col Douglas 52 BLU  
Lt Col Francis RPSG Lombardis.

encl/1.

Signed L.G. WHYMAN Capt  
PPSO Bergamo Province.

COPY

Copy of original.

2993

Declassified E.O. 12356 Section 3.3/NND No. 785020

3. At 1850 hrs the agents returned to me stating that their suspicions were confirmed, DE LEO had been released, and that, acting on the instructions I had given them, had re-arrested him.

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Signed L.G. WHIMAN Capt  
RPSO Bergamo Province.

Copy to: Lt Col Merley Fletcher MC  
Lt Col Douglas 52 HLI  
Lt Col Francis RPSG Lombardia.

encl/1.

COPY

2993

Copy of original.

COMANDO GRUPPO DI COLLABORAZIONE "LEGNANO"  
Sezione Operazioni - Informazioni.

FM 155 2 Giugno 1945.

Il Colonello di S.M. DE LEO, Leonardo, già dello  
Esercito Repubblicano, e a disposizione di questo  
Comando

IL MAGGIORE CAPO SEZIONE (Domenico Scarati)  
D'ordine, IL CAPO DI STATO MAG

P/12/78

COPY

CONFIDENTIAL

421 Field Security Section  
CMF  
4 June 45

To: G-2 (CI) Section,  
HQ IV Corps.  
APO 304,  
US Army.

Subject:- SCAPATI Magliore, Legnano Group.

Reference the visit of Major CALAHAN to this section and the query received from 5th Army about the activities of the above Italian officer.

1. Attached please find copy of letter from PFSO BERGAMO, giving details of a recent specific case in which an officer of the Republican Fascist Army was treated with considerable friendliness by SCAPATI.
2. It is moreover, a fact that SCAPATI is on very amicable terms with the family of General RIVOLTA in BERGAMO. A Questura agent has informed us that he was not allowed to enter the RIVOLTA flat unless he obtained permission from the Legnano, and that Legnano soldiers were engaged in minor repairs to the premises, some four or five days ago.
3. 52 PLU state that SCAPATI has, for the past three months or so been obstructionist.
4. Ref para 5 of the attached letter from the PFSO Bergamo, the "other occasions" referred to include the case of General GIGLIO, another Fascist Republican officer, who was similarly released at the disposition of the Legnano Group before being rearrested by the Questura and PFSO AMG since he was also wanted for war crimes.
5. It is suggested that a short reminder from IV Corps to the Legnano Group re the security responsibility of the latter might not be altogether untimely.

In the field.

Signed L.I. STOWE  
OG 421 FS Section. *Cap 9/2*

Copy to: GSO2

HQ 52 HAN.

*Initial Incident*

1. Attached please find copy of letter from PFSO BERGAMO, giving details of a recent specific case in which an officer of the Republican Fascist Army was treated with considerable friendliness by SCAPATI.

2. It is moreover, a fact that SCAPATI is on very amicable terms with the family of General RIVOLTA in BERGAMO. A Questura agent has informed us that he was not allowed to enter the RIVOLTA flat unless he obtained permission from the Legnano, and that Legnano soldiers were engaged in minor repairs to the premises, some four or five days ago.

3. 52 BLU state that SCAPATI has, for the past three months or so been obstructionist.

4. Ref para 5 of the attached letter from the PFSO Bergamo, the "other occasions" referred to include the case of General GIGLIO, another Fascist Republican officer, who was similarly released at the disposition of the Legnano Group before being rearrested by the Questura and PFSO AMG since he was also wanted for war crimes.

5. It is suggested that a short reminder from IV Corps to the Legnano Group re the security responsibility of the latter might not be altogether untimely.

In the field.

Copy to: GS02

HQ 52 BLU.

*V Army for IV Corps*

*ref conversation*

*HOWARD / Col NANCE / Col CHEVASSE*

*may SCAPATI being recalled to Rome  
with H of W O Preece send to the  
HQ complete details of all charges against  
this officer.*

Signed L.I. STOWE *Cap 92*  
OC 421 FS Section.

Declassified E.O. 12356 Section 3.3/NND No. 785020

COPY

Subject: Report on Political Incident  
Involving Discipline - Legnano Gruppo.

To: OC 52 EIU.

From: MIA LO 52 EIU.

I called at HQ LEGNANO Gruppo and had a talk with the Chief of Staff, Col GAROFOLI, regarding the above incident, for which I submit herewith the following report.

It appears that the Minister Signor SCOCIMARRO, Deputy Sec of the Communist Party, paid an unauthorized visit to the 68th Regt stationed in barracks at BRESCIA, on 23 May, and gave a political talk to the soldiers in support of his party, which is strictly contrary to all orders.

The OC 68th Regt, Col DE RENZI, had not been advised or had any knowledge of the Minister's presence until he arrived at a later hour, when he found the meeting had already concluded. He made his acquaintance with Signor SCOCIMARRO, and being a Minister, he was careful to use a certain amount of tact and gave him to understand that at least he should have contacted him in the first place.

Col DE RENZI reported the incident to General UTILI, who in turn wrote direct to the Ministry of War with a full report, and also requesting a ruling as to what action he should take in the event of a further occurrence of this nature.

General UTILI did not report the matter to you as he considered it an internal affair.

Signed S.A. CAZEAUX Capt

MIA LO.

8 June 45.

2991

ATTACHMENT No 1

COPY

CONFIDENTIAL

HEADQUARTERS IV CORPS  
Office of the Assistant Chief of Staff G-2  
APO 504 US Army

15 June 45.

Subject: SCAPATI Maggiore, Legnano Group.

To: GS01, No 52 BLU, CMP.

Ref copies of reports #6 OC 421 PSS stationed at BERGAMO, and PPSO, BERGAMO Province on the subject of Major SCAPATI, Legnano Group.

1. Major SCAPATI is alleged to have permitted a certain Col de LEO to go free after having been captured. This he had no authority to do.
2. Should the case against Major SCAPATI prove to be substantially correct it is considered that he is not a fit person to occupy the post that he is now filling.

T.J. WELLS,  
Col GSC,  
AC of S, G-2.

CC to: MMIA LO IV CORPS.

COPY

50-01  
14

PSD/21-058

3 June 45.

Release of POWs.

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3. At 1850 hrs the agents returned to me stating that their suspicions were confirmed, DE LEO had been released, and that, acting on the instructions I had given them, had re-arrested him.
4. In DE LEO's possession was a typewritten slip, signed by Mag SCAPATI and stamped with the Legnano stamp, holding him at their disposition. Copy attached. No guard was placed on this man, and he was free to roam wherever he wished.
5. As this is not the first occasion POWs have been released after being handed over to the Legnano Div, I ask that some action be taken to prevent a recurrence.

LGM/hal

(signed) L.G. WHYMAN Capt.

PFSO Bergamo Province.

Copies to: Lt Col Morley-Fletcher  
Lt Col Douglas 52 HLU.  
Lt Col Francis PFSO Lombardia.

COPY

COMANDO GRUPPO DI COMBATTIMENTO "LEGNANO"  
Sezione Operazioni - Informazioni

3. At 1850 hrs the agents returned to me stating that their suspicions were confirmed, DE DEO had been released, and that, acting on the instructions I had given them, had re-arrested him.

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LGM/hal

(signed) L.G. WHYMAN Capt.

PFSS Bergamo Province.

Copies to: Lt Col Morley-Fletcher  
Lt Col Douglas 52 BLU.  
Lt Col Francis PFSS Lombardia.

COPY

COMANDO GRUPPO DI COMBATTIMENTO "LEGNANO"  
Sezione Operazioni - Informazioni

PM 155. 2 Giugno 1945

Lt Colinello di S.M. DE LEO, Leonardo, già delle  
Esercito Repubblicano, e a disposizione di questo Comando.

2989

D'ordine

IL CAPO DI STATO MAGGIORE a.p.l.

IL MAGGIORE CAPO SEZIONE  
(Domenico Scapati)

COPY

ATTACHMENT No. 4

ALLIED FORCE HEADQUARTERS.  
APO 512

AG 383.6/121 GBI-O

6 March 1945

SUBJECT: Disposal of Present and Former Members of the Republican  
Fascist Armed Forces Captured by the Allies.

TO: All Concerned.

1. In accordance with the policy approved by the Combined Chiefs of Staff, all Italians serving in the Republican Fascist Armed Forces who fall into the hands of the Allies, either during operations or behind our lines, wearing either uniform or a fixed distinctive emblem within the terms of the Hague Convention respecting the Laws and Customs of War on Land, will be treated as enemy prisoners of war.

2. This policy applies not only to personnel of the Republican Fascist Army, Navy and Air Force, but also to such Forces as "The Black Brigades" (Brigate Nere) and "National Republican Guard" (Guardia Nazionale Repubblicana) with the exception that members of the GNR drawn from the CC.RR. (Carabinieri Reali) will be treated in accordance with paragraph 3 (d) below.

3. Italians who are encountered in the course of our advance will fall into one of the following classes:

- a. Members of the enemy armed forces in uniform. These will be disposed of as military prisoners of war.
- b. Men who, although unarmed and in civilian clothes are found on investigation to have been members of the enemy Armed Forces at the time when they were over run. These will also be disposed of as military prisoners of war.
- c. Civilians - including those who are able to prove that, either by dismissal or desertion, they had already ceased to be members of the enemy armed forces at the time they were over run. These will be only arrested if they are considered to be a danger to security in which case they will be disposed of as civilian internees.

d. CC.RR. personnel will normally be instructed to report to the nearest A.M.G. Public Safety Officer, who will arrange for them to proceed to the appropriate CC.RR. reception center where they will

who fall into the hands of the Allies, either during operations or behind our lines, wearing either uniform or a fixed distinctive emblem within the terms of the Hague Convention respecting the Laws and Customs of War on Land, will be treated as enemy prisoners of war.

2. This policy applies not only to personnel of the Republican Fascist Army, Navy and Air Force, but also to such Forces as "The Black Brigades" (Brigate Nere) and "National Republican Guard" (Guardia Nazionale Repubblicana) with the exception that members of the GNR drawn from the CC.RR. (Carabinieri Reali) will be treated in accordance with paragraph 3 (d) below.

3. Italians who are encountered in the course of our advance will fall into one of the following classes:

a. Members of the enemy armed forces in uniform. These will be disposed of as military prisoners of war.

b. Men who, although unarmed and in civilian clothes are found on investigation to have been members of the enemy Armed Forces at the time when they were over run. These will also be disposed of as military prisoners of war.

c. Civilians - including those who are able to prove that, either by dismissal or desertion, they had already ceased to be members of the enemy armed forces at the time they were over run. These will be only arrested if they are considered to be a danger to security in which case they will be disposed of as civilian internees.

d. CC.RR. personnel will normally be instructed to report to the nearest A.M.G. Public Safety Officer, who will arrange for them to proceed to the appropriate CC.RR. reception center where they will be screened. These centers are at present located at Rome (for officers) and Florence (for enlisted men). Any information which PSP/CIC may obtain concerning such members which could assist the screening officers at the reception centres in deciding how to deal with them, should be passed to the nearest Public Safety Officer. If no Public Safety Officer is readily available, it would be of assistance to AMG if such CC.RR. personnel were despatched to the reception centre concerned. CC.RR. personnel will only be arrested if positive information is obtained indicating that they will probably present a danger to Allied Security if left at liberty. In that case they will be disposed of as military prisoners of war.

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- 2 -

4. In order to ensure that such persons~~es~~ who have the status of military prisoners of war are not mistaken for civilian internees even though they may be wearing civilian clothes, it is important that their escort should be provided with a nominal roll of all prisoners of war in civilian clothes stating that they are to be treated as prisoners of war because they have been identified as members of the enemy armed forces and adding when possible, the unit or organization to which they belong. This document should be clearly distinguishable from the arrest report used for civilian internees.

BY COMMAND OF FIELD MARSHAL ALEXANDER:

/s/ R.H. Frese  
/t/ R.H. FRESE  
Captain, AGD  
Asst Adjutant General

2907

ATTACHMENT No 5.

TRANSLATION.

GRUPPO DI COMBATTIMENTO "LEGNANO"

PM155. 21 June 45.

To: 52 BLU.

To bring to conclusion the known inquiry concerning Major SCAPATI, it is necessary to make clear two charges which have no evidence in the statements and documents which are up to now in my possession.

They are the statement contained in para 5 of the letter RGD/21-058 dated 3 June, written by Capt Whyman, PPSO Bergamo Prov, and the report in para 4 of letter P/12/PS dated 4 June from 421 Field Security Section.

Furthermore it seems to me that the number of prisoners released was 21, all with a justification and that General Giglio was never reported or handed over, nor afterwards released by Legnano Div.

I therefore will be very grateful to 52 BLU if you would contact above mentioned Allied authorities requesting them to specify the two charges in order to facilitate the process of the inquiry and the fulfilment of my duty.

(signed) General UTILI

GOC LEGNANO DIV.

2906

COPY

Subject: Court of Inquiry.

HQ LEGNANO Gruppo.

Ref letter from Gen UTILLI to this HQ dated 21 June 45, and conversation this morning Col DOUGLAS - Col GAROFOLI.

Attached are copies of this HQ letter AQ/20/18 dated 22 June 45, and 421 FS Section letter P/12a/FSS dated 23 June 45.

TPL/NS

(signed) T.P. LUCKOCK Major  
for Lieut-Col. GS.

COPY

Subject: Court of Inquiry.

Capt L.I. STOWE,  
421 Field Security Section.

The attached is a translation of a letter which has been received from HQ LEGNANO Gruppo. Could you please make yourself available to give evidence at a Court of Inquiry which is being held at their HQ. I maintained that evidence is required to support your statement at para 4 of your letter 8/12/FSS dated 4 June and addressed to G2(CI) Section, IV Corps.

I would suggest that you should arrange direct with the Chief of Staff (Col GAROFOLI) for a time suitable for both parties.

(signed) J.S.H. DOUGLAS  
Lieut-Col GS.

COPY

P/12a/FSS

To: 52 ELU, CMF.

Attachment No 6.

CONFIDENTIAL

52 British Liaison Unit,  
CMF.

23 June 45.

AQ/20/21

CONFIDENTIAL

52 British Liaison Unit,  
CMF.

AQ/20/18

22 June 45.

CONFIDENTIAL

421 Field Security Section,  
CMF.

23 June 45.

GS.

COPY

Subject: Court of Inquiry.

CONFIDENTIAL

52 British Liaison Unit,  
CMF.  
AQ/20/18

22 June 45.

Capt L.I. STOWE,  
421 Field Security Section.

The attached is a translation of a letter which has been received from HQ LEGNANO Gruppo. Could you please make yourself available to give evidence at a Court of Inquiry which is being held at their HQ. I maintained that evidence is required to support your statement at para 4 of your letter 8/12/FSS dated 4 June and addressed to G2(CI) Section, IV Corps.

I would suggest that you should arrange direct with the Chief of Staff (Col GAROFOLI) for a time suitable for both parties.

(signed) J.S.H. DOUGLAS  
Lieut- Col GS.

COPY

P/12a/FSS

CONFIDENTIAL

421 Field Security Section,  
CMF.  
23 June 45.

To: 52 BLU, CMF.

Subject: COURT OF INQUIRY.

Ref your AQ/20/18 dated 22 June 45 on above subject.

The information relative to the release of Gen GILIO by the LEGNANO Group was passed on to me by Capt WHYMAN, FPSO, Bergamo Province. As the incident occurred before the arrival of this section in BERGAMO, I cannot give personal evidence on the case. I have no doubt however, that Capt WHYMAN is prepared to amplify his statements.

(signed) L.I. STOWE      Capt.

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Attachment No 7.

TRANSLATION.

HQ. BERGAMO GRUPPO

8 July 45.

Dear Capt. WHYMAN.

During the conversation which you granted me as a result of the letter sent by General UTILI to 52 HLU, and which took place in my office on the 5th of this month, we, by mutual agreement, clarified two points referring to the present affair. These points were also set out in the above mentioned letter, and were :-

- (a) That the GIGLIO case does not enter into the inquiry at present being carried out against Magg SCAPATI; but only concerns General UTILI: that it originated from a meeting of the two aforementioned - a meeting that was due to the initiative of the first of these two. The facts which you cite correspond with what Gen UTILI has declared.
- (b) As proof that the LEGNANO Gruppo had arbitrarily allowed other POWs to be released three names were cited to me :

Engineer STROMENCHER

Major BREVI Riccardo & BREVI Aldo (son).

Naturally I at once investigated these cases and I hasten to inform you of the results.

(i) The STROMENCHER Case. There is no record of Engr STROMENCHER having been handed over to LEGNANO as a POW. It appears that he and his son reported to our 39 FSS of his own free will and the FSS decided to hold him. Later, his detention at FSS HQ was changed to 'house arrest' on parole, this being based on favourable results being received on inquiring into the conduct of the people of the case, and also due to the intercession of civil authorities and civilian personalities who were recognised by the Allies.

It has been ascertained that the Stromenghers were re-arrested at the initiative of OC 39 FSS as a result of fresh information which came to hand and which implicated the two in question.

From records in possession of this HQ it is known that, following upon an agreement with i/c 421 FSS, the Stromenghers were handed over to the Bergamo Questura and were put at the disposition of Capt STOWE.

(ii) The BREVI Case. The Brevis were brought to our Int office by a Public Security agent (It). The <sup>off.</sup> who does this work did not see his way clear to consider them as POW under the provisions of AFHQ circular of 6 March 45. He would certainly have considered them as POW if any accusing facts had been discovered which implicated these two men; or if they had had to be considered as dangerous subjects. With a view to checking up on this he got into touch with the Questura and received a negative reply. This officer continued to insist on his point of view and it was decided that the Brevis should be put at the disposal of the Questura. This decision was communicated to them and to the PS agent with whom they left the HQ.

I conclude by expressing the opinion that in the two cases cited

The facts which you cite correspond with what Gen UTILI has declared.  
(b) As proof that the LEGNANO Gruppo had arbitrarily allowed other POWs to be released three names were cited to me:

Engineer STROMENGER

Major BREVI Riccardo & BREVI Aldo (son).

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It has been ascertained that the Stromengers were re-arrested at the initiative of OC 39 FSS as a result of fresh information which came to hand and which implicated the two in question.

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I conclude by expressing the opinion that in the two cases cited above there would not appear to be any base for saying "POWs have been set free by the 'Lignano' after having been handed over to it".

I shall be very grateful to you, if you will cite me any other cases of this kind, in order that I may inexorably trace the responsibility or clear up the misunderstandings as I hope I have done in the above two cases.

(Signed) F. GAROFOLI Col.

COPY

12 July 45.

Dear Colonel Douglas,

In order to complete the known inquest reflecting Major Scapati, it remains to clear up para 3 of the letter P/12/FS of 421 FS Section.

I address myself directly to you as it appears that the information specified in the letter originates from 52 HJ, even if, as you verbally stated to me during our first interview on the matter, it had been issued while you were absent.

The word 'obstructionist' has in the Italian language a very serious meaning; should in the present instance the word be proved as appropriate, I ought to be surprised that a notification of such importance would have been made only incidentally on the occasion of the investigations concerning totally different allegations which have been in fact known as without any substantial foundation.

Always according to para 3 of the above mentioned letter, the obstructionism of Major Scapati would have begun to be evident about three months ago. I am therefore led to connect such remark with the interview I had on the subject of Major Scapati with you and Major Egerton in San Benedetto in Querceto at about such time.

On that occasion, if I well remember, I told you that the outward rudeness of Major Scapati which has its manifestations towards everybody, sometime even including myself, is a characteristic feature of his nature, the only negative one of a personality which I believe worthy of great consideration under every other point of view and particularly under that of a professional ability really distinguished and of a firm and generous straightforwardness of character which cannot be appreciated by those who have the possibility to come into contact with it through his bark. +I have always been the first to admit that Major Scapati - the most valuable help in any other field - is certainly the less fit to discharge liaison duties.

On this assumption we agreed that the daily contacts between Legnano HQ and 52 HJ would be kept up to utmost extent desired, through the Chief of Staff, Colonel Garofoli who was completely at your and your officers disposal for every question and who was in a position, because of the function he was fulfilling to see the questions even from a more comprehensive point of view than Major Scapati.

Thence you have never brought it to my attention any further complaint and the frank cordiality of our terms had led me to believe that should there had been any reason to complain, you would not have withheld it from me.

That is the reason why the allegations of obstructionism which I learned from the reports of Capt Stowe was for me a painful surprise. I want to hope that it refers only to that bygone episode which I believed overruled. But as it is my duty to bring the inquest now in course resolutely and rigidly to the end, I beg you kindly let me know which are the concrete facts with which Major Scapati may be charged in respect of this matter.

It is possible that nature has presented somebody with the physiognomy or the character more or less welcoming and pleasant. But the obstructionism

Always according to para 3 of the above mentioned letter, the obstructionism of Major Scapati would have begun to be evident about three months ago. I am therefore led to connect such remark with the interview I had on the subject of Major Scapati with you and Major Egerton in San Benedetto in Querceto at about such time.

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It is possible that nature has presented somebody with the physiognomy or the character more or less welcoming and pleasant. But the obstructionism implicates hostile will; it constitutes a wilful sabotage of the mutual relations: in the light of the situation it is therefore equivalent to a military crime. I trust wholeheartedly that from your side there cannot even be the slightest doubt of a similar attitude from Major Scapati.

Yours very sincerely,

(signed) UMBERTO UTILI Gen.

ATTACHMENT No 2

COPY

CONFIDENTIAL

From: Lieut-Col J.S.H. DOUGLAS,  
The Lovat Scouts.

52 British Liaison Unit,  
CMF.

14 July 45.

G/63/45

Dear General,

I write in reply to your letter of 12 July 45.

The word 'obstructionist' which you refer to, was, I understand, in this instance coined by Captain STONE of 421 FS Section from what he learnt in the course of conversation with my G II: in my absence this officer visited the BLJ in connection with certain enquiries which he had been instructed to make.

It would appear however, that the word 'obstructionist' has a different use in the Italian language: since whatever may be the literal meaning of the word in English it is also the generally accepted term for 'lack of co-operation'.

I cannot deny that Major SCAPATI was un-cooperative, but I like to think that this was due to his temperament and character which are undoubtedly his worst enemies in the eyes of a Britisher. I am prepared to admit therefore that it is unjust to pronounce him an 'obstructionist', as you understand it, since what he was asked to do was always done in the end, and there was certainly no wilful intention to assist the enemy.

I trust that I have made my feelings clear.

Yours very sincerely,

(signed) J.S.H. DOUGLAS.

To: General UMBERTO UTILI,  
CG LEGNANO Gruppo.

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2982

I write in reply to your letter of 12 July 45.

The word 'obstructionist' which you refer to, was, I understand, in this instance coined by Captain STOWE of 421 FS Section from what he learnt in the course of conversation with my G II: in my absence this officer visited the BLJ in connection with certain enquiries which he had been instructed to make.

It would appear however, that the word 'obstructionist' has a different use in the Italian language: since whatever may be the literal meaning of the word in English it is also the generally accepted term for 'lack of co-operation'.

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I trust that I have made my feelings clear.

Yours very sincerely,

(signed) J.S.H. DOUGLAS.

To: General UMBERTO UTILI,  
CG LECNANO Gruppo.

2986

Declassified E.O. 12356 Section 3.3/NND No. 785020

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