

ACC

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LEGAL
MAY 40

10000/124/10

LEGAL, AND LEGISLATIVE
MAY 44 - MAY 45

IRN-10

HEADQUARTERS ALLIED COMMISSION SECRET
 APO 394
 LEGAL SUB-COMMISSION U R G E N T
 25 May 1945

AC/4138/1/L

SUBJECT: Venezia Giulia

TO : See distribution

1. It has been decided that the procedure of implementation of Italian decrees will not be adopted in Venezia Giulia. The law to be administered there will be :-

(a) Italian law as existing at 8 September 1943 less any provisions (a.p. Fascist doctrines) which are excluded from operation in the territory; and

(b) AMG Regional Orders.

2. It should be pointed out that Venezia Giulia will be administered as an autonomous area and not as dependent from any central organization in Rome or elsewhere.

3. It follows from this policy that a considerable number of Regional Orders will have to be issued to cover matters which in other AMG territory are regulated by Italian decrees. Examples are: payment of wages, agricultural regulations, blocking of commercial products, transportation.

4. Will you please notify this sub-commission by 26 May 1945 without fail :-

(a) What points should be covered by Regional Orders to be issued in Venezia Giulia;

(b) Whether the Orders to be issued on these points should consist of a redraft of the existing Italian decrees modified as necessary for the purpose of an AMG order or whether an entirely new policy should be adopted. In this case please indicate the policy.

DISTRIBUTION :-

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 Economic Section (att: Executive Director) 2
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 Vice President, Civil Affairs Section - 10

W.F. BEHRENS,
 Colonel,
 Deputy Chief Legal Advisor.

1554

1. It has been decided that the procedure of implementation of Italian decrees will not be adopted in Venezia Giulia. The law to be administered there will be :-

(a) Italian law as existing at 8 September 1943 less any provisions (e.g. Fascist doctrines) which are excluded from operation in the territory; and

(b) AMG Regional Orders.

2. It should be pointed out that Venezia Giulia will be administered as an autonomous area and not as dependent from any central organization in Rome or elsewhere.

3. It follows from this policy that a considerable number of Regional Orders will have to be issued to cover matters which in other AMG territory are regulated by Italian decrees. Examples are: payment of wages, agricultural regulations, blocking of commercial products, transportation.

4. Will you please notify this sub-commission by 29 May 1945 without fail :-

(a) What points should be covered by Regional Orders to be issued in Venezia Giulia;

(b) Whether the Orders to be issued on these points should consist of a redraft of the existing Italian decrees modified as necessary for the purpose of an AMG order or whether an entirely new policy should be adopted. In this case please indicate the policy.

W. J. Behrens

1554

W. J. BEHRENS,

Colonel,

Deputy Chief Legal Advisor.

DISTRIBUTION :-

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SECRET

100-10

1891

HEADQUARTERS, ALLIED COMMISSION
Navy Sub-Commission APO 394

NSC/2503
28 May 1945.

From: Navy Sub-Commission, Hq. Allied Commission.
To : Ministry of Marine, Rome.
Subject: Leading Writer CHIRICO, Salvatore and Infantry-
man CAPANNA, Augusto, killing of.

1. As a result of Ministry of Marine letter 250/00 of 8 May 1945, the Navy Sub-Commission has reviewed the investigations that were completed by Allied Military Personnel in regard to the deaths of Leading Writer CHIRICO and Infantryman CAPANNA. It is unfortunate that in spite of the investigations made, it was not possible to identify those responsible for the killings or to obtain definite information concerning the method in which the crime was perpetrated.

2. While the Navy Sub-Commission is in complete accord with the Ministry of Marine concerning the serious nature of the aggression, it is regretted that no new investigation can be undertaken by Allied Personnel.

(Sgd) G. L. WARREN

REAR ADMIRAL
CHIEF, NAVY SUB-COMMISSION, AC.



29 MAY 1945

1 R N 10

WWW
2

1553

1892

HEADQUARTERS, ALLIED COMMISSION
Navy Sub-Commission APO 394

HSC/2412
15 May 1945.

FILE

From: Navy Sub-Commission, Hq., Allied Commission.
To : Headquarters 52nd Area.
Subject: Italian Leading Writer CHIRICO, Salvatore and
Italian Infantryman CAPANNA, Augusto, killing
of by French Servicemen.
Enclosure: (A) Copy (translation) of Ministry of Marine
letter 230/CO of 8 May 1945.

1. Enclosure (A), which has been received by the Navy Sub-Commission from the Ministry of Marine, requests that additional action be taken to determine the circumstances surrounding and the individuals responsible for the deaths of subject Italian personnel.

2. As an aid in determining further action to be taken, it is requested that the Navy Sub-Commission be furnished copies of all investigation reports concerning this matter which are available at Headquarters 52nd Area. Information is particularly desired as to whether it has been determined that the alleged crime was committed by French nationals and that no British or American personnel were involved.



H. W. ZIROLI,
Commodore, U. S. Navy,
for

REAR ADMIRAL
CHIEF, NAVY SUB-COMMISSION, AC.

Copy to:
FOTALL.

15 MAY 1945

1552

T's Note :- Summary of a report from R.Carabineers
at Taranto.

CH/RICO

"On the evening of 2nd Aug. 1944 an Infantryman and a man in civilian rig went to Statte in a horse and trap. They arrived near a French and Colonial troops' Camp when 3 of them, armed with sub-M/Gs.; revolvers and sticks came out on to the road and ordered "Halt!" to the two Italians and then shot them up. Corporal SCATIGNO, Antonio di Martino of 43th Infantry Reg. was an eye-witness, being about 50 mts. away from the spot.

Victims were identified and Allied Military Police informed ".

(Sgd) Captain Commanding
Giuseppe LUPIS.

DG/P.

1551

From: MINISTRY OF MARINE (Cabinet)
To : N.S.C. - A.C.H.Q.
Date: 8 May '45 (Received for translation 12 May)
Ref.: 230/CO

Subject: Killing of Ldg. Wrtr. CHIRICO, Salvatore and
Infantryman CAPANNA, Augusto by French
Servicemen.

1. On 3rd Aug. last, Maridipart Taranto sent a letter to Brig. Gen. CALWELL and for information Admiral MORGAN (see Encl. N°1) re. killing of above-cited by French soldiers.
2. On 20 Sept. Maridipart Taranto in letter 63270/26/5190 (Encl. N°2) asked H.Q. 52 Area, ACC - Legal Office Apulia - if it had been possible to identify the perpetrators of this double homicide and what steps had been taken in their regard.
3. On 23 Sept., Maridipart Taranto in letter No 64413/26/5294 (Encl. N°3) sent HQ. 52 Area a petition signed by Sgr. CHIRICO, Nicola, father of deceased to obtain compensation for the loss of his son. Maridipart proposed an adequate cash indemnity.
4. On 7 Apr. '45 C. in C. Taranto received the first reply from H.Q. 52 Area (letter A.38/3) which says :-
" The case to which you refer has been thoroughly investigated by S.I.B. but with an entirely negative result in so far as Allied personnel are concerned. (Sgd) F. Thomas, Lt.Col.A.A. and Q.M.G. 52 Area "".

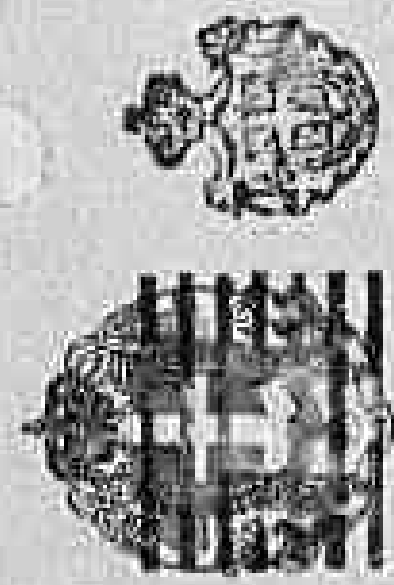
5. It is evident that the reply from 52 Area Command does not settle such a serious affair as the deaths of two innocent individuals from direct aggression, resulted therefrom. Nor, moreover, can it be held that persons responsible for such a bloody crime may commit such acts with impunity, against the most elementary principles of Justice, Liberty and Civilization.

6. As such considerations must be fully shared by N.S.C. request you kindly arrange that the whole matter be re-examined so as to individualize and suitably punish the perpetrators of this crime and, if deemed fitting, to assign suitable compensation to the victim's (CHIRICO's) family.

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CHIEF OF CABINET

DG/P.



Ministero della Marina

GABINETTO

Ufficio Collegamento
INTELETYPE TELEGRAPHIC MARINA - ROMA

Roma, 10 Maggio 1945

Al
NAVY SUB-COMMISSION
HEADQUARTERS, A.C.

Prot. N° 230/00

Allegati

ARGOMENTO: Uccisione del S. Capo Fur. CHI RICO Salvatore e del fante
CAPANNA Augusto ad opera di militari francesi.

1. In data 3 Agosto 1944 Maridipart Taranto trasmetteva al brigadier Gen. CALWELL, e per conoscenza all'Am. MORGAN, la lettera che si trasmette in copia (allegato I), relativa all'uccisione dei militari in argomento, avvenuta ad opera di soldati francesi.
2. Il 20 Settembre 1944 Maridipart Taranto con lettera 63270/25/5190 (allegato 2) chiedeva all'HQ 52° Area, ACC - Legal Office Puglia - se era stato possibile identificare gli autori del duplice omicidio e quali provvedimenti erano stati presi a loro carico.
3. In data 23.9.1944 Maridipart Taranto con lettera no. 64413/26/5294 (alleg. 3) trasmetteva all'HQ 52° Area, ACC una istanza del Signor CHI RICO Niccolò, padre del militare in argomento, intesa ad ottenere il risarcimento dei danni per la perdita del suo figlio. Maridipart proponeva, in tale occasione, un adeguato indennizzo pecuniario.
4. Il 7.4.1945 è stata ricevuta al Comando in Capo di Taranto una prima comunicazione da parte dell'HQ 52 Area (Foglio A.30/3) così concepita:
 ""Il caso a cui voi vi riferite è stato rigorosamente indagato dal S.I.B. ma con risultati completamente negativi per quanto concerne il personale alleato. F°) W. Thomas, Lt. Col. A.A. & Q. M.G. 52 Area"".
5. È evidente che la risposta data dal Comando della 52° Area non può costituire sanatoria ad un fatto di notevole ~~1549~~ 1549, trattandosi di aggressione vera e propria contro pacifici individui. Né, d'altra parte, si può pensare che le persone resesi responsabili di un tale delitto possano impunemente commettere atti sanguinari che contrastano con i più elementari principi di giustizia, libertà e civiltà.

Mod. 39

ARGOMENTO: Uccisione del S. Capo Fur. CHIARICO Salvatore e del fante CAPANNA Augusto ad opera di militari francesi.

1. In data 3 Agosto 1944 Maridipart Taranto trasmetteva al brigadier Gen. CALWELL, e per conoscenza all'Amo' MORGAN, la lettera che si trasmette in copia (allegato 1), relativa all'uccisione dei militari in argomento, avvenuta ad opera di soldati francesi.
2. Il 20 Settembre 1944 Maridipart Taranto con lettera 632/0/26/5190 (allegato 2) chiedeva all'HQ 52^a Area, ACC - Legal Office Apulia - se era stato possibile identificare gli autori del duplice omicidio e quali provvedimenti erano stati presi a loro carico.
3. In data 23.9.1944 Maridipart Taranto con lettera No. 64413/26/5294 (alleg. 3) trasmetteva all'HQ 52^a Area, ACC una istanza del Signor CHIARICO Nicola, padre del militare in argomento, intesa ad ottenere il risarcimento dei danni per la perdita del suo figlio. Maridipart proponeva, in tale occasione, un adeguato indennizzo pecuniario.
4. Il 7.4.1945 è stata ricevuta al Comando in Capo di Taranto una prima comunicazione da parte dell'HQ 52 Area (ciglio A.35/3) così concepita:
 "Il caso a cui voi vi riferite è stato rigorosamente indagato dal S.I.B. ma con risultati completamente negativi per quanto concerne il personale alleato. P°) F. Thomas, Lt. Col. A.A. & Q. M.G. 52 Area".
5. È evidente che la risposta data dal Comando della 52^a Area non può costituire sanatoria ad un fatto di notevole **1549**, trattandosi di aggressione vera e propria contro pacifici individui. Né, d'altra parte, si può pensare che le persone resei responsabili di un tale delitto possano impunemente commettere atti sanguinari che contrastano con i più elementari principi di giustizia, libertà e civiltà.
6. Dato che queste considerazioni non possono che essere condivise pienamente da codesta S. Commissione Navale, si prega voler disporre perché la pratica sia ripresa in esame, allo scopo di in-

LA F. C. G. 1941

dividuare e quindi adeguatamente punire gli autori del misfatto, e fare assegnare, ove creduto opportuno, un congruo indennizzo alla famiglia della vittima.

LA F. C. G. 1941

IL CAPO DI CABINETTO
C. di V. F. PASLINI

STABILIRE LA S. C. G. 1941

LA F. C. G. 1941

LA F. C. G. 1941

LA F. C. G. 1941

LA F. C. G. 1941

LA F. C. G. 1941

LA F. C. G. 1941

LA F. C. G. 1941

ALLEGATO 1

COMANDO IN CAPO DEL DIPARTIMENTO MARIITIMO JONIO E

BASSO ADRIATICO

TARANTO

Commissione di Controllo

Prot. No. 39706/CC

3 Agosto 1944

Brig. Gen. CALWELL
 Comandante 52^a Area - Taranto
 e per conoscenza
 Rear Admiral G.E. MORGAN
 F.O.T.A. - Taranto

ARGOMENTO : Uccisione di un soldato e di un civile.

La informo che mi risulta che circa alle ore 01,00 della notte del 2-3 corrente, sulla strada di Statte sono stati trovati i due cadaveri trasportati successivamente all'Ospedale Civile di Taranto; essi sono stati colpiti con arma da fuoco alla nuca ed identificati per il soldato CATAPANO Augusto - della 5^a Compagnia - 93^o Reggimento - ed un ferroviere non meglio identificato.

Nella zona nella quale si é verificato l'omicidio trovansi, com'è noto, un accampamento francese e pertanto il delitto ha tutto l'aspetto di altre aggressioni avvenute in questi ultimi giorni.

1548

IL COMANDANTE IN CAPO
 Ammiraglio di Divisione
 F.º) Alberto De Zera

ITALIANO

Commissione di Controllo

Prot. No. 39766/CC

3 Agosto 1944

Brig. Gen. CALWELL
Comandante 52^a Area - Taranto
e per conoscenza
Rear Admiral G.E. MORGAN
R.O.T.A. -
Taranto

ARGOMENTO : Uccisione di un soldato e di un civile.

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1548

IL COMANDANTE IN CAPO
Ammiraglio di Divisione
Fo) Alberto De Zara

ALLEGATO 2

COMANDO MILITARE MARITTIMO TARANTO

Ufficio G. D.

Prot. No. 63210/20/5190

Taranto, 20 Settembre 1944

MARIPERS - 2^a Div. CHEM - ROMA
 MARIDIPART - SEDE
 HQ 52^a AREA - SEDE
 ALLIED CONTROL COMMISSION
 (Legal Office - Apulia)

ARGOMENTO : Uccisione del Fante CAPANNA Augusto e del Sottocapo
Puriere CHIRICO Salvatore, ed opera di militare francese

Prosecuzione foglio in data 3 Agosto u.s. della Compagnia CC.RR. di Taranto Interna, diretto anche al Ministero Marina.

1. Trascrivo, qui di seguito e per competenza, il foglio 113/10-11 in data 10 Settembre c.a. della Compagnia CC.RR. di Taranto Interna sull'esito delle ulteriori indagini svolte in merito all'argomento.
2. Prego l'HQ 52^a AREA AUC di voler comunicare se sono stati identificati gli autori del duplice omicidio e quali provvedimenti sono stati adottati.

IL COMANDANTE MILITARE MARITTIMO

CONTRAMIRAGLIO

(Po) Giuseppe MANFREDI

La sera del 2 Agosto 1944 un fante ed un borghese, si recavano con un calesse a Statte. Erano giunti verso le ore 20 circa in prossimità dell'accampamento delle truppe francesi e marocchine, allorché tre di quei militari, armati uno di fucile mitragliatore e due di pistola e bastoni sbucarono improvvisamente dal lato della strada e spianando le armi, intimarono l'"alt" ai due italiani che poi aggredirono ammazzaoli. Testimonia oculare fu il caporal maggiore SCATIGNO Antonio di Martino del 46^o Reggimento Fanteria, il quale, diretto anch'egli a Statte, percorreva la stessa strada e si trovava a circa 50 metri del luogo ove vennero identificate per :
 1547

1^o - Fante CAPANNA Augusto di Mario e fu Grottolì Rosa, nato a Gagli (Pesaro) il 29.5.1922, residente a Salungherina (Pesaro), appartenente alla 5^a Compagnia del 2^o Battaglione del 93^o Reggimento Fanteria di stanza a Crispiano ;
 2^o - Fante CHIRICO Salvatore di Niccolò e di Gerotto

MARIPERS - 2^a DIV. CREM - ROMA
MARLIPART - SEDE
HQ 52^a AREA - SEDE
ALLIED CONTROL COMMISSION
(Legal Office - Apulia)

ARGOMENTO : uccisione del Vante CAPANNA Augusto e del Sottocapo
Furiere CHIARICO Salvatore, ad opera di militare francesi

Prosecuzione foglio in data 3 Agosto u.s. della Compagnia CC.RR. di Taranto interna, diretto ancone al Ministero Marina.

1. Trascrivo, qui di seguito e per competenza, il foglio 113/10-11 in data 10 Settembre c.s. della Compagnia CC.RR. di Taranto interna sull'esito delle ulteriori indagini svolte in merito all'argomento.

2. Prego l'HQ 52^a AREA ACC di voler comunicare se sono stati identificati gli autori del duplice omicidio e quali provvedimenti sono stati adottati.

IL COMANDANTE MILITARE MARITTIMO

CONTRAMMIRAGLIO

Fo) Giuseppe MANFREDI

La sera del 2 Agosto 1944 un fante ed un borghese, si recavano con un calesse a Statte. Erano giunti verso le ore 20 circa in prossimità dell'eccampamento delle truppe francesi e marocchine, allorché tre di quei militari, armati uno di fucile mitragliatore e due di pistola e bastoni sbucarono improvvisamente dal lato della strada e spianando le armi, intimarono l'"alt" ai due italiani che poi aggredirono ammazzandoli. Testimonio oculare fu il caporal maggiore SCATTIENO Antonio di Martino del 40^o Reggimento Fanteria, il quale, diretto anch'egli a Statte, percorreva la stessa strada e si trovava a circa 50 metri dal luogo ove vennero compiuto il misfatto. Successivamente le due vittime sono identificate per :

1^o - Vante CAPANNA Augusto di Mario e fu Grottole Rosa, nato a Castelli (Pesaro) il 29.5.1922, residente a Salunghera (Pesaro), appartenente alla 5^a Compagnia del 2^o Battaglione del 93^o Reggimento Fanteria di stanza a Crispiano ;

2^o - Sottocapo Furiere CHIARICO Salvatore di Nicola e di Marietta Tommasina, nato a Muro Leccese (Lecce) il 1^o Gennaio 1923, residente a Statte, casello ferroviario no.100, ove fruiva una licenza di convalescenza.

Per la identificazione degli autori del duplice omicidio, fu a suo tempo informata la Polizia Alleata.

IL CAPITANO COMANDANTE INT.
Fo) Giuseppe LUPIS

ALLEGATO 3

COMANDO MILITARE MARITTIMO TARANTO

UFFICIO G.D.

Prot. No. 64413/26/5294

Taranto, 23 Settembre 1944

AL HQ 52^a AREA - SEDE

- e per conoscenza :

MARIDIPART - SEDE

(Riferimento foglio 45294/CG del 17 corr.)

ARGOMENTO : Uccisione del S. Capo Furiere CHIURIO Salvatore avvenuta la sera del 3 Agosto ad opera di militari francesi.

Prosecuzione foglio 63210/26/5190 del 20 corrente.

1. Trasmetto, per competenza, una istanza del Sig. CHIURIO Nicola, padre del militare in argomento, ucciso la sera del 3 Agosto u.s. da militari francesi, intesa ad ottenere il risarcimento dei danni per la grave perdita da lui subita.

2. Ritengo opportuno segnalare a V.S. che l'ucciso, dopo l'arresto, pur trovandosi in zona occupata dai tedeschi, rifiutò ogni collaborazione col nemico tanto che da essi fu catturato.

Avviato al lavoro obbligatorio egli, dopo poco tempo, riuscì a scappare e dopo tante pericolose vicende giunse in zona liberata, in condizioni, però, di salute così pietose a causa dei patimenti e pericoli corsi, da esser dichiarato bisognoso di una licenza di convalescenza di sei mesi.

3. Sarei grato a V.S. che un suo personale interessato potesse alleviare ora le condizioni della sua famiglia con un adeguato indennizzo pecuniario.

AL COMANDANTE MILITARE MARITTIMO
CONTAMINAGLIO
No) GIUSEPPE MANFREDA

1546

HEADQUARTERS ALLIED COMMISSION
Navy Sub-Commission APO 394

NSC/2136
19 April 1945

From: Navy Sub-Commission, Hq. Allied Commission.
To : Ministry of Marine - ROME.
Subject: Lieutenant Sante MANNANICI.

1. With reference to Ministry of Marine letter 1115/FO of 13 December 1944, and Flag Officer Liaison Italy, letter L25/10 of 3 February 1945, information has been received from Headquarters, No. 3 District, C.M.F. that Lieutenant MANNANICI may be released to Italian Navy custody.

H. ST. J. BUTLER,
Captain, U. S. Navy,
for REAR ADMIRAL
CHIEF, NAVY SUB-COMMISSION, AC.

Copy to:
HQ. NO. 3 District.



21 APR 1945

1 RN

1545B

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Navy

Originator's Reference: GI 367

Message Centre No: D/7864

Date/Time of Origin: APR 161545B

Date Time Rec'd: APR 170845B

Precedence: ROUTINE

FROM: DISTHREE

TO : ALICOM (FOR NAVY SC) INFO SECURITY DIV PS SC AC

RESTRICTED

RESTRICTED

Ref your signal HR 797 of 15. Confirmed that subject may be handed over to Italian Naval authorities.

ACTION

he MANNANICI.

Eca

Dist

Action - Navy SC
Info - A/President
Chief Commissioner
CA Sec
P Safety
File (2)
Fleet



RESTRICTED

1544

G.S.I. H.Q. NO. 3 DISTRICT C.M.F.

NAVY SUB ROME.

(R) SECURITY DIVISION P.S. SUB COMMISSION A.C.

RESTRICTED

REFERENCE LETTER GSI 389 701/PT/453 DATED 28TH MARCH FROM G2 SECTION A.F.H.Q.
TO SECURITY DIVISION H.Q.A.C. COPY TO YOU SUBJECT LIEUT. SANTE MANNANICI.
REQUEST CONFIRMATION THAT SUBJECT MAY BE HANDED OVER TO ITALIAN NAVAL AUTHORITIES.

151128 B APRIL.

DIB. 3.9.10.

P.L.T.P.

TOD 1140/15

15/4/45.

1543

CONFIDENTIAL

HEADQUARTERS ALLIED COMMISSION
A.P.O. 394
PUBLIC SAFETY SUB COMMISSION
SECURITY DIVISION

REF : SD/140ME

31 March 1945

SUBJECT : Lt. SANTE MANMANICI

TO : Navy Sub Commission

1. Reference NSC/1891 of 21 March 1945.
2. Attached is a copy of a letter received from AFHQ which it is hoped may assist in clarifying the matter.

C Hayes
JOHN W. CHAPMAN
Colonel J.A.C.D.,
Director Public Safety,
Sub Commission.

CBH/nb

Copy to: Legal S.C.

1542

CONFIDENTIAL

6311.

C O P Y

ALLIED FORCE HEADQUARTERS
Office of the Assistant Chief of Staff, G-2
APO 512 U.S. ARMY

GBI-389.701/PF/453.

28 March 1945

SUBJECT : Lt. Sante MANMANICI
TO : HQ Allied Commission
Public Safety Sub Commission
Security Division,
A.P.O. 394

Ref. your SD/140EE-5 dated 22 March.

(a) Subject is at present held by the Italians
at San Pietro, TARANTO.

(b) No proceedings are contemplated by this Hq.

(c) This Hq has no objections to his being handed
over to the Italian naval authorities.

It is presumed that Major GERMAN (see our GBI-389.463
dated 10 March and enclosure) has been unable to throw any
light on the whereabouts of the documents relevant to MANMANICI?

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

S/??????????
for T/ S.S. HILL-DILLON,
Colonel, G.S.,
G-2 (CI) Section.

Copy to: GSI Hq., No. 3 District.

1541

CONFIDENTIAL

HEADQUARTERS ALLIED COMMISSION
A.P.O. 394
PUBLIC SAFETY SUB COMMISSION
SECURITY DIVISION

REF : SD/140 EE - 5

23 March 1945

SUBJECT : MANNANICI Sante.

TO : Navy Sub-Commission

Reference NSC/1091 of 21 March 1945.

1. Copy of letter SD/140 EE - 5 of 22 March 1945
is enclosed for your consideration.

2. You will be informed of the position as soon
as a reply is received from AFHQ.

C. Hayes
JOHN W. CHAFFIN *Capt*
Colonel J.A.G.D.
Director Public Safety
Sub-Commission

CFB/af

1540

CONFIDENTIAL

6090

C O P Y

HEADQUARTERS ALLIED COMMISSION
A.P.O. 394
PUBLIC SAFETY SUB COMMISSION
SECURITY DIVISION

REF : SD/140EE-5

22 March 1945

SUBJECT : Lt. Sante MANMANICI

TO : G-2 (CI) AFHQ

1. Reference 389/701/PF/453 of 14 Feb. 1945, even
reference of 1 March 1945, and 389/463 of 10 March 1945.

2. Information would be appreciated as to whether:

(a) Subject is in Allied custody.

(b) Any other proceedings or internment are
contemplated by you.

(c) Your authority can be had for his transfer to
the custody of the Italian naval authorities.

3. Legal S.C., this Hq. say they have no interest
in the case.

S/ G.B. HAYES, Capt.
T/ JOHN W. CHAPMAN,
Colonel J.A.G.D.,
Director Public Safety,
Sub Commission.

CBH/nb

1539

HEADQUARTERS, ALLIED COMMISSION
APO 394
Navy Sub-Commission

M80/1891

21 March 1945.

From: Navy Sub-Commission, Hq, AG.
To : Public Safety Sub-Commission (Security Division)
Subject: Lt. MANNANICI, Mario, Italian Royal Navy.

1. With reference to your letter SD/140KE-4 dated 19th February 1945, it would be appreciated if you could now advise on the further enquires that were being made by you.

H. ST. J. BUTLER,
Captain, U. S. Navy.

for REAR ADMIRAL
CHIEF, NAVY SUB-COMMISSION, AG.



22 MAR 1945

1 RN 10

1538

CONFIDENTIAL

HEADQUARTERS ALLIED COMMISSION
A.P.O. 394
PUBLIC SAFETY SUB COMMISSION
SECURITY DIVISION

REF : SD/14CEE-4

19 February 1945

SUBJECT : Lt. CALDERONI Antonio - Italian R.N.
Lt. MANNANICI Mario

TO : Navy Sub Commission

1. Your letter NSC 1619 of 5 Feb. 1945, addressed to Legal Sub Commission has been passed to us for enquiry.
2. CALDERONI is at present in University Hospital, Bari under CC.RR. guard. When he recovers sufficiently, he will be interned at "A" Internee Camp, Padula, for the duration.
3. Enquiries respecting MANNANICI are being continued.

C. Haynes
JOHN W. CHAPMAN,
Colonel J.A.G.D.,
Director Public Safety,
Sub Commission.

CBH/nb

Copy to:- Legal Sub Commission.

1537

CONFIDENTIAL

b
FILE

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4086/L.

IGHG/pa.
8 Feb 45.

SUBJECT : Lt. CALDERONI Antonio,
Lt. MARCONI Santa, Italian Royal Navy.
TO : Public Safety Sub-Commission (Security).

1. I forward to you Navy Sub-Commission's letter NSC/1619 of 5 Feb 45 and enclosures thereto.
2. I am finding out from the Legal Division, Naples, what papers they have and what they know about the case.
3. Will you also find out how the cases stand from the point of view of the Security Authorities and inform Navy Sub-Commission?

Incls.

Copy to : Navy Sub-Commission.
This is really more for Security than Legal,
but we will give you all information we can procure.

W. E. Bihrens
W. E. BIHRENS,
Colonel,
Deputy Chief Legal Advisor.

6
B

File

HEADQUARTERS, ALLIED COMMISSION
APO 394
Navy Sub-Commission

NSC/1619

5 February 1945.

From: Navy Sub-Commission, Hq, AC.
To : Legal Sub-Commission, Hq, AC.
Subject: Lt. CALDERONI, Antonio,
Lt. MANNANICI, Sante, Italian Royal Navy.

1. Enclosed copies of letters received from the Ministry of Marine, 979/FO of 18 November 1944 and 1115/FO dated 13 December 1944.

2. It is understood that the papers relative to the cases have been sent by A.C. Taranto to A.C. Judicial Officer, Naples and that in all probability MANNANICI will be brought up for trial with CALDERONI.

3. Any information that could be supplied to enable this Sub-Commission to reply to the Ministry of Marine, would be appreciated.

H. W. ZIROLI,
Commodore, U. S. Navy,
for Chief, Navy Sub-Commission, AC.

2-Encls.

Ltr. 979/FO, 18-11-44.

" 1115/FO, 13-12-44.

*Dr. Casperstein
FOTALI*



1/EN 10

7 FEB 1945

COPY

From: . MINISTRY OF MARINE (Cabinet)
To : F.O.L.I.-Rome.
Date: 18/11/44.
Ref.: 979/FO

Subject: Lt. Naval Engg. (Temp.) Antonio CALDERONI.

Towards the end of August, the above - who had been detained at Forte a Mare, Binda at the disposal of the Counter-Espionage Sub Centre at Taranto, because he was involved in a Fascist organization and thus subject to be called to Tribunale Taranto to answer charges under Art. 89 of the War-Time Military Penal Code - was taken to be interrogated by Allied Security Authorities at Bari. Since then he has not been handed back to our Naval Authorities.

2. On 21st August Tribunale Taranto sent documents relative to the penal proceedings against this Officer to the Allied Commission at Taranto. Said documents have not been returned.

3. Royal decree No. 112 of 13th April last states that anyone committing acts detrimental to the war effort or rendering assistance to the enemy is to be tried by Italian Courts in accordance with Italian Penal Laws.

It is also stipulated that Allied Military Courts may judge a case should they so decide. In this event, they would adopt their own procedure but apply Italian Penal Laws.

4. For reasons of a disciplinary nature it would be well if the CALDERONI case could be ventilated as soon as possible, and therefore we suggest your Command informs as to any decisions taken on the matter by Anglo-American Authorities concerned.

In the event of Tribunale Taranto being declared competent, CALDERONI should be transferred to Taranto immediately and the documents relative to the proceedings returned to the Military Court in that Base.

5. F.O.L.I. is requested to kindly inform in regard to any decision hereon.

CHIEF OF CABINET

COPY

From: MINISTRY OF MARINE (Cabinet)
To : F.O.L.I. - Rome.
Date: 13/12/44
Ref.: 1115/FO

Subject: Lt. (Exec.) Sante MANNANICI.

This letter is further to No. 979/FO of 18th ulto. under the heading: "Lt. (Naval Eng.)-Temp. - Antonio CALDERONI".

Your Command is aware that both Lts. CALDERONI and MANNANICI are at the disposal of Tribunale Taranto to answer a charge under Art. 89 of the Wartime Military Penal Code.

The documents relative to proceedings against MANNANICI were also sent by Tribunale Taranto to A.C.C. Taranto and by the latter forwarded to 2nd district Command then at Bari but now transferred to another locality unknown to this Ministry.

Lt. MANNANICI is still held at San Pietro (Taranto) while, as already informed, Lt. CALDERONI has been transferred, either to Naples or Rome, at the disposal of Counter Espionage Service.

2. For the same reasons put forward in Para. 4 of above-cited No. 979/FO., it is requested that Allied Authorities concerned be asked to expedite also a decision in regard to MANNANICI.

CHIEF OF CABINET.

DG/P.

COPY

HEADQUARTERS, ALLIED COMMISSION
APO 394
Navy Sub-Commission

File
NSC/1773

8 March 1945.

From: Chief, Navy Sub-Commission, AG.
To : Ministry of Marine, Rome.

Subject: Case of D'ISANTO, Giro.

1. Reference is made to Ministry of Marine's letter 3952/2 of 23 February 1945, which requested an examination of a petition on behalf of Seaman D'ISANTO who was convicted of killing an Allied soldier.

2. At the request of the Navy Sub-Commission, D'ISANTO's case has been thoroughly reviewed, however, it is regretted that due to the gravity of the act committed by him, Allied authorities have indicated that his release cannot be authorized as desired.

H. W. ZIROLI
Commodore, U. S. Navy
for REAR ADMIRAL
CHIEF, NAVY SUBCOMMISSION, AG.



9 MAR 1945

IRN 10

B
www
1536

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rm.

AC/4129/ 9/L.

6 March 1945.

SUBJECT : Case of D'ISANTO Ciro.

TO : Navy Sub-Commission.

Reference N.S.C. 1729 of 3 March 45.

1. This Sub-Commission regrets that it is unable to authorize the release of D'ISANTO from prison as asked by the Ministry of Marine.

2. This Sub-Commission is willing in a suitable case to permit the release of a prisoner to enable him to join one of the services: but this is not a suitable case. For one reason, the crime was one of great gravity.

For another, the allied military and naval authorities have been much worried in the past by the number of attacks on allied service personnel particularly around BARI and TARANTO and have frequently been pressing to have such cases tried by an Allied Military Court (as was the D'ISANTO case): and if a person convicted of killing an allied soldier and sentenced to 13 years imprisonment is released after a few months to return to duty with the navy, the deterrent effect of a trial by an Allied Military Court will be seriously prejudiced.

W.E. Behrens
W.E. BEHRENS,
Colonel,
Deputy Chief Legal Advisor.

1535

HEADQUARTERS, ALLIED COMMISSION
Navy Sub-Commission APO 394

NSC/1729
3 March 1945

From: Navy Sub-Commission, Hq. Allied Commission.
To : Legal Sub-Commission, Hq. AC.
Subject: Request for Release of Italian Navy Petty Officer
from Sentence of Allied Military Court.

1. Attached is a copy of a letter from the Ministry of Marine (No. 39522 dated 23 February 1945) which requests that a petty officer Ciro D'ISANTO, 36927, Italian Royal Navy, be freed from the sentence of an Allied Military Court in order that he may be assigned to a combatant unit.

2. The Navy Sub-Commission has no additional facts in the matter and makes no recommendation concerning it. The Ministry's request is forwarded, however, in order that it may receive appropriate consideration by the Legal Sub-Commission.

3. It is requested that the Navy Sub-Commission be informed of any action taken in order that appropriate reply may be made to the Ministry of Marine.



H. W. ZIROLI,
Commodore, U.S. Navy,
for Chief, Navy Sub-Commission, AC.

5 MAR 1945

1534

From: MINISTRY OF MARINE (Cabinet)
To : P.O.L.I. - Rome
Date: 23.2.45
Ref.: 3952/2

Subject: P.O. (A - Act, Serv.) Giro D'ISANTO Serv. No. 36927

On 12th July 1944 the Allied Military Court at Taranto sentenced the above to 13 years imprisonment for manslaughter, the victim being a coloured soldier. D'ISANTO is carrying out his sentence at the Lecce Auxiliary Prison.

2. On 2nd. inst. D'ISANTO's sister petitioned H.R.H. Lieut. of the Realm to allow her brother to be set free and transferred to a fighting unit.

This petition followed another request to this Ministry through the War Ministry.

3. Having in mind that the Petty Officer in question has always carried out his duties in a satisfactory manner, that he lost his wife and mother in air attacks, that his father is still a P.O.W. in German hands, your Command is requested to examine benevolently this petition of D'ISANTO's and interpose your good offices for case to be taken into consideration by Allied Authorities concerned.

CHIEF OF CABINET

COPY

1533

From: MINISTRY OF MARINE (Cabinet)
To : P.O.L.I. - Rome
Date: 23.2.45
Ref.: 3952/2

Subject: P.O. (A. - Act.Serv) Ciro D'ISANTO Serv. N°36927.

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3. Having in mind that the Petty Officer in question has always carried out his duties in a satisfactory manner, that he lost his wife and mother in air attacks, that his father is still a P.O.W. in German hands, your Command is requested to examine benevolently this petition of D'ISANTO's and interpose your good offices for same to be taken into consideration by Allied Authorities concerned.



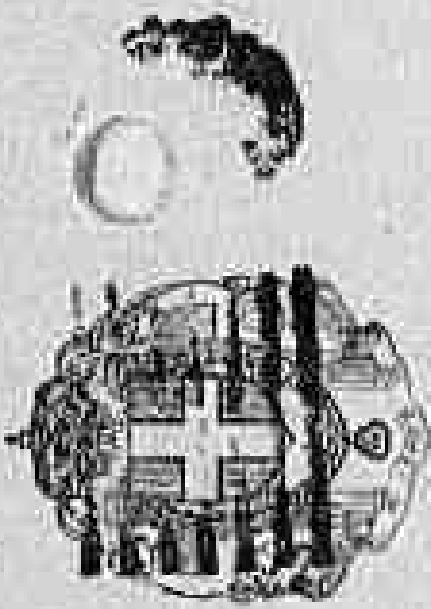
CHIEF OF CABINET

N.S.C.

DE/P.

1532

FILE



PE/v2

Ministero della Marina

GABINETTO

INDIRIZZO TELEGRAFICO MARINA - ROMA

Prot. No. 3952/2 Allegati

Mod. 39

23 FEB 1945

Roma

Al F. O. L. I.

R O M A

ARGOMENTO: 2° Capo Aiutante in s.p.s. Ciro D'Isanto matr. 36927.

In data 12 luglio 1944 il Tribunale Alleato in Taranto condannava il 2° Capo Aiutante Ciro D'Isanto a 13 anni di reclusione per omicidio di militare di colore.

Attualmente il D'Isanto sconta la sua pena nel carcere ausiliario di Lecce.

2°) - Il 2 febbraio c.m. la sorella del D'Isanto ha rivolto istanze a S.A.R. il Luogotenente Generale del Regno affinché sia concesso a suo fratello di essere liberato dal carcere e trasferito a reparto combattente.

Tale istanza fa seguito ad altra domanda pervenuta a questo Ministero per il tramite del Ministero della Guerra.

3°) - Tenuto presente che il predetto sottufficiale ha sempre compiuto e bene il proprio dovere, che ha perduta madre e moglie per azione aerea di guerra, che il padre è tuttora prigioniero dei tedeschi, si prega codesto P.O.L.I. voler esaminare con benevolenza la richiesta del D'Isanto ed interporre, se ritenuto possibile, i propri buoni uffici per ottenere che la istanza venga accolta dalla competente Autorità Alleata.

d'ordine

IL CAPO DI GABINETTO
C. di V. F. Baslini

1531

ARGOMENTO: 2° Capo Aiutante in s.p.s. Ciro D'Isanto matr. 35927.

In data 12 luglio 1944 il Tribunale Alleato in Taranto condannava il 2° Capo Aiutante Ciro D'Isanto a 13 anni di reclusione per omicidio di militare di colore.

Attualmente il D'Isanto sconta la sua pena nel carcere ausiliario di Lecce.

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d'ordine
IL CAPO DI CABINETTO
C. di V. F. Baslini

1531

Navy Sub-Commission APO 324

NSC/1621
29 February 1945

THE MINISTER
MINISTRY OF MARINE
ROME.

Italian Military Tribunal - Assignment
of Italian Naval Officers with.

A copy of a letter from Brigadier Upjohn,
Vice-President, Civil Affairs Section, Hq. Allied
Commission, of 17 February 1945, expressing appreciation
for the cooperation of the Ministry of Marine in the plan
to assign Italian Naval officers to duty with the Military
Tribunal for northern Italy, is forwarded herewith.

The Navy Sub-Commission, AC considers that
these officers will play an important part in the work
of the Military Tribunal.

H. W. ZEROLI,
Commodore, U. S. Navy,
for Chief, Navy Sub-Commission, AC.

Copy to:
Flag Officer,
Taranto Adriatic & Liaison, Italy.



1530

23 FEB 1945

FROM: Brigadier G. R. UPJOHN

Ref: D.O. 9/3.1A/CA

CIVIL AFFAIRS SECTION

HQ. ALLIED COMMISSION

APO 394

17 February 1945

Dear Commodore:

The Legal Sub-Commission has informed me of the extremely valuable cooperation they have received from both the Ministry of Marine and your sub-commission in setting up the Military Tribunal for Northern Italy.

I understood that without your help it would have been impossible to find a sufficient number of officers to allow this court to function with any degree of efficiency.

I am personally very grateful to you for having understood so readily the importance of the work this court is going to perform and for the generous assistance you have given to the Legal Sub-Commission in this matter.

Yours sincerely,

/s/ G.R. Upjohn

Commodore H. W. Zirolli
Deputy Chief
Navy Sub-Commission
HQ AC.

COPY

FROM: AIR FORCE SUB COMMISSION,
ALLIED COMMISSION, ROME.

TO : LEXIAL SUB COMMISSION.
Copy to: NAVY SUB COMMISSION.

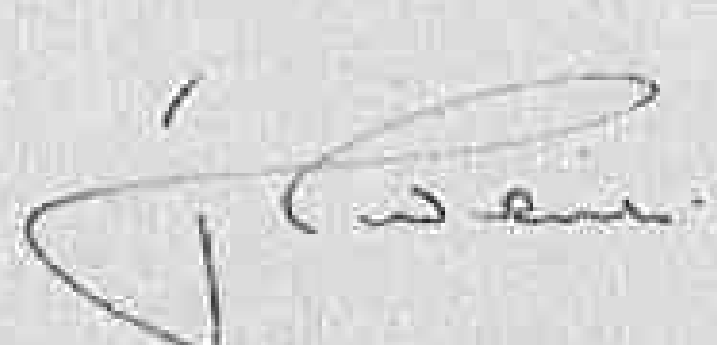
DATE: 21st February, 1945.

REF : AFEC/752/P1.

PERSONNEL FOR ITALIAN MILITARY COURTS.

With further reference to your AC/40863/L dated 16th January, it is notified that this Sub Commission has been advised by the Italian Air Ministry that they will comply with the request to supply the number of personnel called for from their source for duty with Military Courts.

2. The Italian Air Ministry raised several queries regarding rationing of these personnel but this Commission has replied to the effect that such a question did not yet arise but would assuredly be covered when assignments were made.


J.G. WHITE, F/LT.
AIR VICE-MARSHAL,
AIR OFFICER COMMANDING.

IRN 10

1529

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1927

HEADQUARTERS, ALLIED COMMISSION
Navy Sub-Commission APO 394

NSC/1666
16 February 1945.

From: Navy Sub-Commission, Hq. Allied Commission.
To : Legal Sub-Commission, Hq. A.C.

Subject: Personnel for Italian Military Courts.

1. Reference is made to Legal Sub-Commission letter AC/4086/3/L of 16 January 1945, which requested that consideration be given to supplying Italian Navy officer personnel for duty with Italian Military Courts in proportion to the number of naval matters and naval personnel handled by the courts.

2. In a letter dated 18 January, the Navy Sub-Commission requested the Ministry of Marine to examine the matter of supplying Italian Naval officers for court work as desired by the Procuratore Generale Militare and the Legal Sub-Commission. In the same letter, the Ministry of Marine was notified that the Navy Sub-Commission would authorize the assignment of Italian Navy personnel to Military Courts so that the Italian Navy may assume an equitable share of the court work.

3. The Minister of Marine has informed the Navy Sub-Commission that he is well aware of the reasons of the Procuratore Generale Militare for desiring the use of Naval officers on the courts and that he has no objection whatsoever to supplying 60 of the 80 officers required. It is the understanding of the Minister of Marine that the remaining 20 officers will be supplied by the Italian Royal Air Force in accordance with accords already reached.

H. W. ZIROLI,
Commodore, U.S. Navy,
for Chief, Navy Sub-Commission, A.C.

Copy to:
FOTALI
COS-AC
LAND FORCES SC AC.
AIR FORCES SC AC.



18 FEB 1945

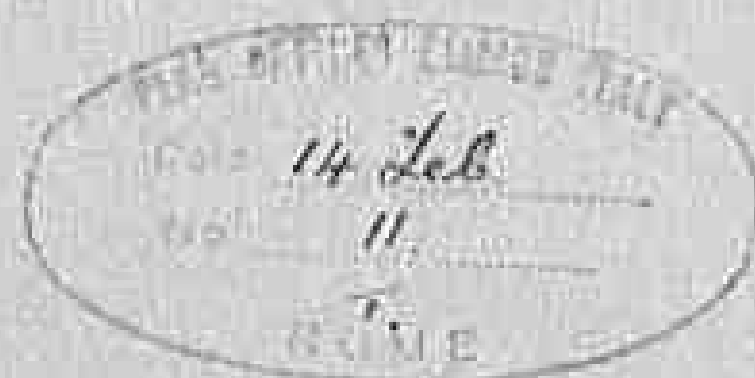
From: MINISTRY OF MARINE (Cabinet)
To : N.S.G. A.C.
Date: 11.2.45
Ref.: 1571.

Subject: Personnel for Italian Military Courts.

1. Ref. your HSC/1526 of 13th ulto.
2. Well aware of the Procuratore Generale Militare's reasons, I have no objection whatsoever to 60 of the 80 Officers required for Military Courtwork coming from I.R.N.
3. The remaining 20 will be supplied by the I.R.A.F. in accordance with accords already reached.

(Sgd) THE MINISTER

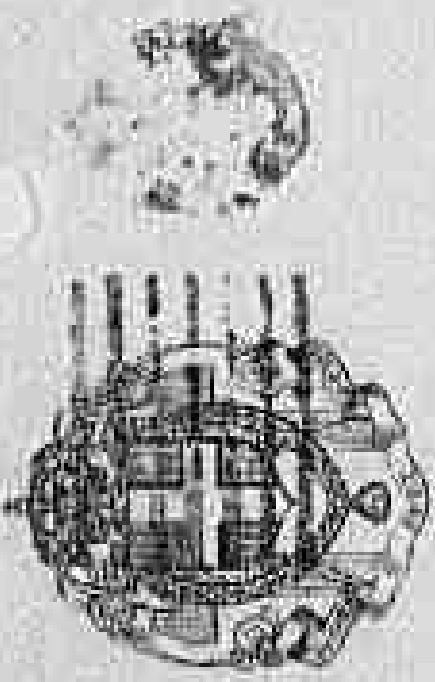
DG/P



1528

FILE

LE
WWW



Ministero della Marina

GABINETTO

INDIRIZZO TELEGRAFICO: MARINA - ROMA

Prot. N° 1571 Allegati

Mod. 41

Roma

Ala SOTTOCOMMISSIONE
NAVALE DELLA A.C.

presso il Ministero Marina

= ROMA =

ARGOMENTO: Personale per i Tribunali Militari Italiani.

1. - Riferimento nota n. NSC/1526 in data 18 gennaio c.a. di codesta Sottocommissione Navale.
2. - Ben compreso delle ragioni prospettate dal Procuratore Generale Militare non ho nulla in contrario anche 60 Unità delle 80 da destinare ai Tribunali Militari possano gravare sulle razioni assegnate alla R. Marina.
3. - Le residue 20 per raggiungere le 80 anzidette verranno invece concesse, come da accordi già intervenuti, dalla R. Aeronautica. -

152

IL MINISTRO 1527

Prof. ...

Ord. No 1571 Allegati

Ala SOTTOCOMMISSIONE
NAVALE DELLA A.C.

presso il Ministero Marina

= ROMA =

ARGOMENTO: Personale per i Tribunali Militari Italiani.

1. - Riferimento nota n. NSG/1526 in data 18 gennaio c.c. di codesta Sottocommissione Navale.
2. - Ben compreso delle ragioni prospettate dal Procuratore Generale Militare non ho nulla in contrario affinché 60 Unità delle 80 da destinare ai Tribunali Militari possano gravare sulle razioni assegnate alla R. Marina.
3. - Le residue 20 per raggiungere le 80 anzidette verranno invece concesse, come da accordi già intervenuti, dalla R. Aeronautica. -

152

IL MINISTRO 1527

Prof. ...

HEAD-QUARTERS, ALLIED COMMISSION
AFO 394
Navy Sub-Commission

NSC/1526

18 January 1945.

From: Navy Sub-Commission, Hq, AG.
To : Ministry of Marine, Rome.
Subject: Personnel for Italian Military Courts.

1. In October 1944 the Land Forces Sub-Commission, AG authorized an establishment of 250 Italian Military personnel to staff the various Italian Military Courts in Southern Italy.

2. In December the Legal Sub-Commission, AG requested the Procuratore Generale Militare to arrange for the establishment of a circuit of Italian Military Courts for Northern Italy. The Procuratore Militare Generale and the Italian Ministry of War, both have agreed that there will be need for such a circuit of courts in Northern Italy, however, they have indicated that it would not be possible to adequately staff such a circuit with personnel presently available. The Land Forces Sub-Commission, while in favor of the proposed court organization for Northern Italy, has stated that it cannot authorize an increase in the number of Italian Army officers who are assigned for duty with the Military Courts.

2. As many of the cases that are brought before Italian Military Courts in Southern Italy involve members of the Italian Navy and Italian Air Force, it is considered that the Ministry of Marine and Ministry of Air should supply an appropriate proportion of Military Court personnel. The Legal Sub-Commission estimates that a total of 80 Navy and Air Force officers will be required.

3. The Navy Sub-Commission is prepared to authorize the assignment of Italian Navy personnel to Military Courts so that the Italian Navy may assume an equitable share of Military court work. It is requested that the Navy Sub-Commission be informed of the views of the Ministry of Marine in this regard at the earliest possible date in order that measures may be instituted by appropriate agencies to implement the existing military Court organization.

IRM 10

cc. Air Force S/C

H. W. ZIROLI,
Commodore U. S. Navy,
for Chief, Navy Sub-Commission, AG.

22 JAN 1945

1932

785020

File

HEADQUARTERS, ALLIED COMMISSION
APO 394
Navy Sub-Commission

NSC/1529

18 January 1945.

From: Navy Sub-Commission, Hq, AG.
To : Legal Sub-Commission, Hq, AG.
Subject: Personnel for Italian Military Courts.

1. In answer to Legal Sub-Commission letter AC/4086/3/L of 16 January on the subject of Italian Naval membership on Italian Military Courts, the attached Navy Sub-Commission letter NSC/1526 of 18 January 1945 to the Ministry of Marine is forwarded herewith.

2. The Legal Sub-Commission will be informed of the Ministry of Marine's reply to the attached letter immediately upon its receipt.

3. It is suggested that the Legal Sub-Commission request the appropriate Italian agency to approach the Ministry of Marine in order to insure that the Ministry is fully cognizant of the ramifications of the proposed increase in Italian Military Court personnel.

H. W. ZIROLI,
Commodore, U. S. Navy,
for Chief, Navy Sub-Commission, AG.

1-Incl.
Copy ltr NSC/1526, 18 Jan '45.

IRN 10



1525

22 JAN 1945

Navy Sub-Commission
HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4086/3/L.

GCH/pa.
16 Jan 45.

SUBJECT : Personnel for Italian Military Courts.

TO : Navy Sub-Commission
~~Air Force Sub-Commission.~~

1. This subject has already been brought to your notice. The position is as follows :

In October 44 MMIA at our request authorized an establishment of 250 personnel to staff the various Italian Military Courts operating in Southern Italy. These Courts are situated in towns such as Naples, Bari, Palermo, Taranto etc and deal mostly with cases affecting Allied interests.

2. In December this Sub-Commission requested the Procuratore Generale Militare to prepare a project of decree for the establishment of a circuit of Italian Military Courts for Northern Italy. The fact that in all probability the whole Italian judicial system in these regions would collapse at the result of Allied occupation made the setting up of Military Courts imperative.

It was obvious that Allied Military Courts would not be either equipped or numerous enough to cope with all the cases affecting directly or indirectly Allied interests. Political offences had also to be considered.

3. Both the Procuratore Militare Generale and the Italian War Office agreed that the proposed organisation of Courts for Northern Italy would serve a most useful purpose, but pointed out that it would be impossible to provide an adequate establishment for these Courts out of the authorized ceiling without seriously affecting the work of the tribunals already in function. They therefore requested an increased establishment.

4. MMIA on being consulted, were in favour of the setting up of such Courts but could not agree to augment the numbers of Army officers earmarked for the Military Courts. It was pointed out however that, as many cases tried by the Military Courts of Naples, Palermo, Bari, Taranto etc concerned Italian Naval and Air Force personnel, it would be only fair if members of these Courts were supplied not solely by Land Forces but also by the Regia Marina and Regia Aeronautica. It was calculated that 80 members in all would be required, who could be supplied proportionally by both Services concerned.

5. Could this Sub-Commission have your views on the above proposal at your early convenience. We are most anxious to set up the organization of the Circuit Courts for Northern Italy without delay.

G. G. Hannaford 1524

G. G. HANNAFORD,
Lt. Colonel,
Officer i/c Italian Branch
for Chief Legal Advisor.

*FILE
WWW*

FROM : AIR FORCES SUB COMMISSION, ROME
TO : LEGAL SUB COMMISSION, H.Q., A.C.
DATE : 19th January 1945
REF. : AFSC/H/7/1/AIR

PERSONNEL FOR MILITARY COURTS

With reference to your AC/4086/3/1 dated 16th January, the necessity of Allied Military Courts emphasized in your letter is fully realized and any help which this Sub-Commission can give in the matter of personnel for establishment of Courts in Northern Italy will be gladly given.

2. It is noted that para 4 of your letter states that 90 members in all are required and that these could be supplied proportionally between the two services.
3. This is not quite understood, does this mean that M.M.I.A. would not supply any bodies for the new circuit? Because proportionally this figure would be very much reduced if M.M.I.A. were sharing this new burden.
4. May this Sub-Commission also be advised of the qualifications necessary for these appointments in any further communications on this subject.

J.G. WHITE, P/Lt,
AIR VICE MARSHAL,
AIR OFFICER COMMANDING.

Copy :- Navy Sub-Commission (For information)

1523

With reference to your 10/1086/3/L dated 16th January, the necessity of Allied Military Courts emphasized in your letter is fully realized and any help which this Sub-Commission can give in the matter of personnel for establishment of Courts in Northern Italy will be gladly given.

2. It is noted that para 4 of your letter states that 90 members in all are required and that these could be supplied proportionally between the two services.
3. This is not quite understood, does this mean that M.M.I.A. would not supply any bodies for the new circuit? Because proportionally this figure would be very much reduced if M.M.I.A. were sharing this new burden.
4. May this Sub-Commission also be advised of the qualifications necessary for these appointments in any further communications on this subject.

J.G. WHITE, P/Lt,
AIR VICE MARSHAL,
AIR OFFICER COMMANDING.

Copy :- Navy Sub-Commission (For information)

1523

11

OFFICE OF FLAG OFFICER LIAISON ITALY, ROME.
(Naval Sub Commission)

STAFF MINUTE SHEET.

FOR NSG FILE: COPY

28 January 1945

Pack No. NSG/1584

Subject: CORRESPONDENCE BETWEEN LEGAL OFFICER, TARANTO
AND THE MILITARY TRIBUNAL, TARANTO.

Referred to

From: Navy Sub-Commission, Hq. Allied Commission
To: Colonel W.E. Behrens,
Legal Sub-Commission, Hq. A.G.

1. The attached correspondence is forwarded herewith for necessary action. It is requested that I may be informed as to the action contemplated in order to comply with paragraph 5 of the Chief, Navy Sub-Commission, A.G. staff minute sheet, dated 23 January 1945.

2. A translation of the President of the Military Tribunal Prot. No. 1360 of 16 January 1945, made by this office is forwarded herewith for comparison with the translation forwarded by the basic correspondence. It is possible that the misunderstanding is occasioned by a misinterpretation of the letter from the President of the Military Tribunal, Taranto.

3. I would like to discuss this matter with your personally, when convenient. The return of papers is requested.

After action circulation

H. W. ZIROLI,
Commodore, U. S. Navy,
for Chief, Navy Sub-Commission, AG.



Disposal

6 FEB 1945

1RN 10

1522

B. U.

COPY

Continue, if necessary, on BACK.

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

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

31 January 1945

AG/4071/1/L

SUBJECT: Major A.C.J. German.

TO : Regional Commissioner, SOUTHERN Region.

1. A complaint has been made to this Hq over the terms of a letter written by Major A.C.J. German to Admiral Francesco Quentin, the President of the Tribunale Militare of Taranto. Copies of the letter complained of and of a translation of the letter to which it is a reply are attached for your information.

2. This Hq takes a most serious view of this letter which is the more outrageous in view of the reports by Major German and his predecessors that the Tribunale Militare of Taranto is working satisfactorily and doing its best to assist.

3. The DCIA has written a personal letter of apology to the President of the Tribunal.

4. It is, however, quite apparent that Major German is entirely unsuited to remain in a region where his principal, if not his only work is to cooperate with Italian court officials and orders have therefore been issued for his reassignment to an AMG Region. Please ensure that he moves at the earliest possible date.

5. No doubt you will take such disciplinary action against Major German as you think fit.

By command of Rear Admiral STONE.

/s/ G. R. UPJOHN
VP CA Sec
Dep CCS, AC.

2 Incls.

Incl 1 - Letter dtd 19 Jan 45, Major German.

Incl 2 - Letter No. 1360, Rear Admiral Quentin (Translation)

1521

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

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4071/1/L

/rlp
31 January 1945.

SUBJECT: Correspondence between Major A.C.J. German and President
of Tribunale Militare, Taranto.

TO : NAVY S/C (Attn. Commodore H.W. Zirolli).

1. After a full investigation of the attached file and the
previous history of the Tribunale Militare of Taranto, I am quite
unable to understand Major German's letter.

2. I have accordingly written a personal apology to the President
of the Tribunale. I have arranged that Major German will be immediately
transferred from Southern Region and a letter is being written to the
Regional Commissioner, Southern Region suggesting that he take disciplin-
ary action against Major German (copy attached)

Incl: File.

/s/ W.E. BEHRENS,
Colonel,
Deputy Chief Legal Advisor

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

1520

Folala File
Taranto

Annex No. 4

Military Territorial War Tribunal - Taranto

CANC/UD
Prot. 1360To the Allied Commission,
Office of Legal Affairs,
T A R A N T OSubject: Trials for Offences against the Allied.⁵

I refer to your letter of 10/1/45 TEL/L-

On the day in question no trials were conducted for offenses against the Allies because this Tribunal was under the necessity of settling more urgent and important cases.

I beg to advise you that no case touching Allied interests is pending without being set down for trial with the exception of six, in which it is at the moment impossible to go to trial, for procedural reasons.

In order to avoid unnecessary correspondence in the matter between your office and this tribunal, your Excellency, when in doubt, may examine into the status of the cases in the files of this chancery.

THE PRESIDENT,

(sgd) REAR ADMIRAL FRANCESCO QUENTIN.

CERTIFIED A TRUE COPY
IL TENENTE DI VASCHELLO
(sgd) Paolo MAININI.TRANSLATION

1519

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rlp.
31 January 1945.

AC/4071/1/L.

SUBJECT : Correspondence between Major A.C.J. German and President of
Tribunale Militare, Taranto.

TO : NAVY S/C (Attn: Commodore H.W. Zirolì).

1. After a full investigation of the attached file and the previous history of the Tribunale Militare of Taranto, I am quite unable to understand Major German's letter.

2. I have accordingly written a personal apology to the President of the Tribunale. I have arranged that Major German will be immediately transferred from Southern Region and a letter is being written to the Regional Commissioner, Southern Region suggesting that he take disciplinary action against Major German. (copy attached)

W. E. Behrens
W. E. BEHRENS,
Colonel,
Deputy Chief Legal Advisor.

Incl: File.

1518

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

FILE

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

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

AC/4071/1/L.

/rlp.
31 January 1945.

SUBJECT : Major A.C.J. German.

TO : Regional Commissioner, SOUTHERN Region.

1. A complaint has been made to this Hq over the terms of a letter written by Major A.C.J. German to Admiral Francesco Quentin, the President of the Tribunale Militare of Taranto. Copies of the letter complained of and of a translation of the letter to which it is a reply are attached for your information.

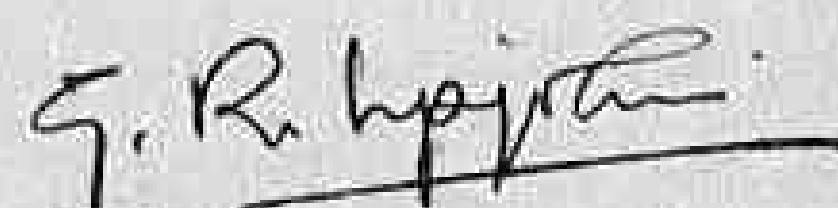
2. This Hq takes a most serious view of this letter which is the more outrageous in view of the reports by Major German and his predecessors that the Tribunale Militare of Taranto is working satisfactorily and doing its best to assist.

3. The DCLA has written a personal letter of apology to the President of the Tribunal.

4. It is, however, quite apparent that Major German is entirely unsuited to remain in a region where his principal, if not his only work is to cooperate with Italian court officials and orders have therefore been issued for his reassignment to an AMB Region. Please ensure that he moves at the earliest possible date.

5. No doubt you will take such disciplinary action against Major German as you think fit.

By command of Rear Admiral STONE,



G. R. UPJOHN, Brig
VP CA Sec
Dep CGS, AC

2 Incls,

Incl 1 - Letter dtd 19 Jan 45. Maj German

Incl 2 - Letter no. 1360, Rear Admiral Quentin (Translation)

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

1517

FILE

FLAG OFFICER-IN-CHARGE

STAFF MINUTE SHEET

Our No. T.A. 932/5.

Date 23.1.45.

Subject CORRESPONDENCE BETWEEN LEGAL OFFICER, TARANTO AND THE MILITARY TRIBUNAL, TARANTO.

Incoming Reference and Date C in C Ionian and Lower Adriatic's No. Prot. 255 R.P. of 21.1.45.

DEPUTY CHIEF OF NAVY SUB COMMISSION.

The attached correspondence regarding the relations between the Legal Officer, Taranto and the Military Tribunal, Taranto is referred.

2. In my opinion, the Legal Officer's letter TEL/4. of 19th January, 1945, is couched in terms calculated to infuriate and antagonise a foreign co-belligerent. I further consider that the letter is quite uncalled for and that the President of the Tribunal, Admiral Quentins, has done nothing to deserve such discourteous treatment.

3. There was never any such trouble with Major German's predecessor and I consider that by his unjustifiable attitude Major German is doing much to injure our hitherto good relations with the Italians.

4. I shall be glad if you will take this matter up with the Head of the Legal Sub Commission. My personal opinion is that Major German should be relieved by an officer less antagonistic to the Italians.

5. Please inform me of the result of your investigation in due course.

AFTER ACTION

Secy Taranto

6. 24/1/45 am

DEAR-ADMIRAL.
CHIEF OF NAVY SUB COMMISSION 1916

relations between the Legal Officer, Taranto and the Military Tribunal, Taranto is referred.

2. In my opinion, the Legal Officer's letter TEL/4 of 19th January, 1945, is couched in terms calculated to infuriate and antagonise a foreign co-belligerent. I further consider that the letter is quite uncalled for and that the President of the Tribunal, Admiral Quentins, has done nothing to deserve such discourteous treatment.

3. There was never any such trouble with Major German's predecessor and I consider that by his unjustifiable attitude Major German is doing much to injure our hitherto good relations with the Italians.

4. I shall be glad if you will take this matter up with the Head of the Legal Sub Commission. My personal opinion is that Major German should be relieved by an officer less antagonistic to the Italians.

5. Please inform me of the result of your investigation in due course.

AFTER ACTION

Sey Taranto

FINAL DISPOSAL

B.U.

REAR-ADMIRAL.
CHIEF OF NAVY SUB COMMISSION
1916

C. J. A. W. 1916

Office of the Flag Officer,
Liaison Italy,
Area Combined Headquarters,
TARANTO.

23rd January, 1945.

No.T.A.939/5.

COMMANDER-IN-CHIEF,
IONIAN AND LOWER ADRIATIC.

CORRESPONDENCE BETWEEN LEGAL OFFICER, TARANTO
AND THE MILITARY TRIBUNAL, TARANTO.

Your letter No. Prot.255 R.P. of 21st January, 1945, is acknowledged. I have forwarded the entire correspondence to the Naval Sub Commission of the Allied Commission for investigation in conjunction with the Legal Sub Commission.

2. I will communicate with you further regarding this matter in due course.

Signed C E MORGAN

REAR-ADMIRAL.

1515

COMANDO IN CAPO DEL D. M.
del 1° e 2° Esercito

TARANTO

Comandante Contino 110

Taranto, li 21 Gennaio 1945

Rear Admiral C.E. MORGAN

F.O.T.A.

Prot. n° 255 RR

TARANTO

ARGOMENTO: Corrispondenza del Legal Officer Taranto al Presidente
del Tribunale Militare di Taranto.-

RISERVATA PERSONALE

In data 10 corrente il Legal Officer di Taranto chiedeva al
Presidente del Tribunale Militare di Taranto perchè nessun pro-
cesso in danno degli Alleati era stato fissato per l'udienza del
10 gennaio.- (alleg. 3)

In data 10 stesso con prot. n° 1360 il Presidente del Tribu-
nale rispondeva con la lettera allegata in copia, nella quale do-
po di aver informato il Legal Officer che nessun processo di im-
teresse per gli Alleati era pendente, informava che ad evitare un
superfluo carteggio il Legal Officer poteva, quando lo credeva
opportuno, prendere visione nella Cancelleria udienze della stato
dei processi.-

A questa lettera il Legal Officer di Taranto replicava in da-
ta 19 corrente con la lettera T.E.I./4 che allego. Nella sua let-
tera il Legal Officer definisce la risposta dell'Amiraglio QUEN-
TIN "scortese, insultante e dimostrazione di mancanza di buone ma-
niere", fa una serie di apprezzamenti assolutamente ingiustifica-
ti e finisce per informarlo che il tono della lettera dell'Ammira-
glio è talmente "disgustante" che egli si propone di mandare al
Quartier Generale copia completa della corrispondenza con la ri-
chiesta di far nominare un nuovo Presidente del Tribunale.-

Sta di fatto:

RISERVATA PERSONALE

In data 10 corrente il Legal Officer di Taranto chiedeva al Presidente del Tribunale Militare di Taranto perchè nessun processo in danno degli Alleati era stato fissato per l'udienza del 10 gennaio.- (alleg. 3)

In data 10 stesso con prot. n° 1360 il Presidente del Tribunale rispondeva con la lettera allegata ^(alleg. 4) in copia, nella quale dopo di aver informato il Legal Officer che nessun processo di interesse per gli Alleati era pendente, informava che ad evitare un superfluo carteggio il Legal Officer poteva, quando lo credeva opportuno, prendere visione nella Cancelleria udienze della stato dei processi.-

A questa lettera il Legal Officer di Taranto replicava in data 19 corrente con la lettera T.B.I./4 ^(alleg. 1) che allego. Nella sua lettera il Legal Officer definisce la risposta dell'Ammiraglio QUENTIN "scozzese, insultante e dimostrazione di mancanza di buone maniere", fa una serie di apprezzamenti assolutamente ingiustificati e finisce per informarlo che il tomo della lettera dell'Ammiraglio è talmente "disgustante" che egli si propone di mandare ⁵¹ al Quartier Generale copia completa della corrispondenza con la richiesta di far nominare un nuovo Presidente del Tribunale.-

Sta di fatto:

1°) - Il Presidente ed il personale del Tribunale non hanno mai indirizzato corrispondenza né avuto relazioni con impiegati od altre persone dell'ufficio del Legal Officer.-

2°) - Tutto il personale del Tribunale segue scrupolosamente gli ordini e le direttive da me impartite circa la precedenza da dare ai processi e la severità delle condanne per i reati in danno degli Al-

- 2 -

leati. Non si comprende a quali casi specifici si riferisca la lettera del Legal Officer.-

3°) - Per l'udienza del 10/1/44 erano fissati i processi indicati nell'allegata nota ^(allg. 5) ed è manifesta la urgenza e l'importanza della loro definizione.-

4°) - Non si può imputare a difetto del Tribunale se alla data del 19 corrente vi erano soltanto 63 processi completamente istruiti da celebrare.-

Gli statini che vengono periodicamente rimessi al Legal Officer ^(allg. 8-9) dimostrano che anche nel mese di Gennaio sono stati definiti tutti i processi in danno degli Alleati e che non esiste alcun arretrato né pendenza ingiustificata.-

5°) - Dalla nota complessiva dei procedimenti definiti e di quelli fissati risulta che a quelli che interessano gli Alleati viene sempre data la precedenza anche se a scapito dell'importanza dei processi in danno agli interessi italiani. Non sembrano quindi giustificati i numerosi richiami e domande di spiegazioni che da qualche mese il Legal Officer fa al Tribunale: d'altra parte la risposta fornita dal Tribunale sembra siano sempre state esaurienti poiché il Legal Officer non ha avuto occasione di fare ulteriori rilievi.-

6°) - L'invito al Legal Officer di voler in caso di dubbio, verificare personalmente presso il Tribunale lo stato dei processi, non pare possa essere in nessun caso interpretato come "scortesie, insulto e esibizione di mancanza di buone maniere" poiché il predecessore del Maggiore GERMAN si recava frequentemente al Tribunale per esaminare in accordo col Procuratore del Re o col Presidente del Tribunale casi sui quali aveva dubbi od osservazioni da fare.-

40) - Non si può imputare a difetto del Tribunale se alla data del 19 corrente vi erano soltanto 63 processi completamente istruiti da celebrare.-

Gli statimi che vengono periodicamente rimessi al Legal Officer ⁽¹⁹⁴⁴⁻⁸⁻⁹⁾ dimostrano che anche nel mese di Gennaio sono stati definiti tutti i processi in danno degli Alleati e che non esiste alcun arretrato né pendenza ingiustificata.-

50) - Dalla nota complessiva dei procedimenti definiti e di quelli risolti risulta che a quelli che interessano gli Alleati viene sempre data la precedenza anche se a scapito dell'importanza dei processi in danno agli interessi italiani. Non sembrano quindi giustificati i numerosi richiami e domande di spiegazioni che da qualche mese il Legal Officer fa al Tribunale: d'altra parte le risposte fornite dal Tribunale sembra siano sempre state esaurienti poiché il Legal Officer non ha avuto occasione di fare ulteriori rilievi.-

60) - L'invito al Legal Officer di voler in caso di dubbio, verificare personalmente presso il Tribunale lo stato dei processi, non pare possa essere in nessun caso interpretato come "scortesia, insulto o esibizione di mancanza di buone maniere" poiché il predecessore del Maggiore GERMAN si recava frequentemente al Tribunale per esaminare in accordo col Procuratore del Re o col Presidente del Tribunale casi sui quali aveva dubbi od osservazioni da fare.-

Con riferimento alla mia precedente lettera n° 5092/RP in data 18 novembre 1944 pregherei V.S. di voler esaminare la particolare situazione che si è creata tra il Legal Officer ed il Tribunale Militare di Taranto, poiché non ritengo che il procedere del Maggiore GERMAN sia tale da contribuire a quella attiva collaborazione che tanto io quanto i miei dipendenti ci sforziamo di realizzare nel miglior modo possibile.

L. AMBROGIO DI DIVISIONE

Comandante in Capo

(Angelo FALCONI)

[Signature]

ALLIED COMMISSION
LEGAL OFFICE
TARANTO

Taranto, 19/1/45.

Ref: TBL/4.
From: Legal Officer, A.C. Taranto.
To: PRESIDENT - TRIBUNALE MILITARE, TARANTO.
Subject: Cases affecting Allied Interests.
Your Ref: Prot. N°1360.

I am in receipt of your letter of the 16th January on which I have the following observations to make:-

- (1) I consider your letter discourteous, insulting and an exhibition of lack of manners.
- (2) It is not the habit or intention of this office to address correspondence to clerks or to any person other than the head of the department concerned. If any correspondence has in the past been addressed by your Court to any of my clerks, orders should be given for such practice to cease immediately.
- (3) The cases affecting Allied Interests are of the maximum importance as you have been informed by your own superiors on more than one occasion. There are no cases that exceed them either in the matter of urgency or importance, and this fact should be well known to you by this time.
- (4) I have checked that 63 cases have been set down for hearing between the present date and 12 February. I trust that these cases will be actually heard and that adjournments will only be granted in exceptional circumstances e.g. not on the grounds of unchecked medical certificates or on a plea by an avvocato that he is engaged in another court. I also trust that where possible attempts will be made to fix for hearing during the same period any other cases that may reach the Tribunale as 63 cases is a comparatively small total for a period of 24 days.
- (5) I observe that in your last complaint to Admiral Morgan you raised objection to letters of this nature being written by an officer of my rank to an officer of your rank. I am unable to view the matter in this light. At the present moment - quite irrespective of rank - your duties are as President of the Tribunale Militare 512 my duty (among others) is to supervise the working of that Tribunale. Until such time as that work is carried out satisfactorily and in accordance with the instructions that I received from my superior officers, I am unable to agree that any correspondence is a waste

of paper the object of which is either to ensure that the wishes of my superiors are complied with or to secure the provision of officials willing to co-operate with this purpose in view.

(6) The whole tone of your letter is so distasteful that I propose forwarding to my H.Q. a complete copy of the relative correspondence with a request that - in view of the clearly defined attitude adopted on your part - in conjunction with your Ministry the advisability of appointing a new President for the Tribunale be very seriously considered.

A.C.J. German

A.C.J. German, Major,
Legal Officer, Taranto.

COPIA

Allegato n. 2

Taranto 10/1/45

ALLIED COMMISSION
LEGAL OFFICE - TARANTO

Al Signor Presidente del Tribunale Militare, Taranto
Dall'Ufficiale Legale A.C. Taranto

OGGETTO: Processi in danno degli Alleati.

Presso infermeria della caserma per cui nessun processo in danno degli Alleati è stato fissato per udienza per il 10 gennaio 45.

F.to
L'Ufficiale Legale



Per copia conforme

IL TENNTE DI VASCHELLO

(Firma MAININI)

(Firma MAININI)

Jooh Mainini

1510

Allegato Or. 3

Taranto 8/1/45

ALLIED COMMISSION
LEGAL OFFICER TARANTO

Al Signor Presidente del Tribunale Militare, Taranto
Dell'Ufficiali Legale A.C. Taranto

OGGETTO: Processi in danno degli Alleati.-

Sono preoccupate della diminuzione in numero di processi in danno degli Alleati del Suo Tribunale, con una misera cifra di soli 15 del l'ultima settimana. Pregho di fare un tentativo per aumentare questa cifra.-

P/te
L'Ufficiali Legale

per copia conforme

IL TENENTE DI VASCHELLO

L'autore a bandiera

(Luigi MAININI)



Luigi Mainini

1509

COPIA

Allegato 1.4

TRIBUNALE MILITARE TERRITORIALE DI GUERRA - TARANTO

GANG/UD.
Prot. 1360ALLA COMMISSIONE ALLEGATA
Ufficio Legale
TARANTO

OGGETTO: Processi in danno degli Alleati.-

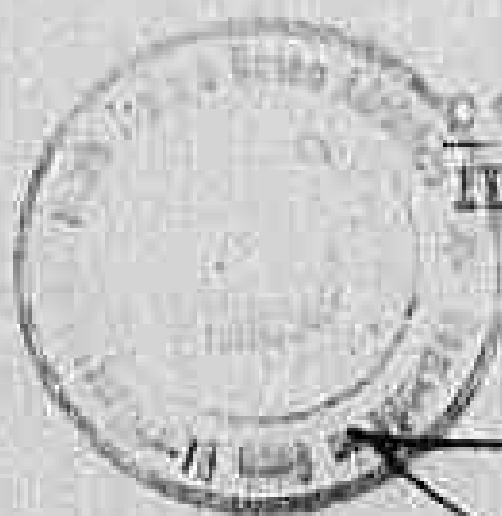
Mi riferisco al Vostro esilio del 10/1/45 TEL/4.

Nel giorno indicato non furono celebrati processi per reati in danno degli Alleati perché questo Tribunale doveva dedicare procedimenti più urgenti ed importanti.

Inferme che nessun procedimento riguardante interessi Alleati è pendente (non fissato) ad eccezione di sei di cui non è adesso possibile stabilire il dibattimento per cause di procedura.

Ad evitare superflue carteggi in merito tra questo Ufficio e questo Tribunale, la S.V. può, nel dubbio, venire a prendere visione delle state dei processi presso questa Cancelleria Ufficiale.-

IL PRESIDENTE
(P/te Contramm. Francesco GENTILE)



per copia conforme
IL TENENTE DI VASCELLO
Antonio M. Mainini
(Pado MAININI)

Antonio Mainini

1508

To

Allied Commission
Legal Officer

T a r a n t o

Subject: Indictments for acts to depriment of the Allies.

With reference to your letter TBL/4 dated 10.1.45

No indictment for acts to depriment of the Allies was passed on the mentioned day because this Court had to settle more urgent and important actions.

No action concerning Allies is pending(not pointed) except for six in no, for which it is not yet possible to fix the proceedings owing to reason of procedure.

To avoid superfluous correspondence in this matter between your office and this Court, if doubtful, you may call at this office and take acknowledgment of the state of affairs in this "Cancelleria Udienze" branch.

The President

1507

AR n° 5

ELENCO DELLE CAUSE IN STATO NELLE UDIENZE DEL GENNAIO 1943

N° Grado	Casato e Nome	Reato	Testi
1 S.C.E.	#PISCANE Erminio #MOTTO Cesare #PINOLLA Angelo #GIANNATTASIO Luigi Detenuti	I primi 2: furto continuato in danno dell'Ann/me Mil/re; Gli altri 2 ricettaz. continuata	M/110=Popio Mich. Ten. Vitello Andr.
2 Camm.	#ASSIRELLI Antonio 2° C° C. NUOLLO Antonino il 1° Det. II lib. uff. b) insubord. con viol. ver se sup. non ufficiale. Il II°: violenza ad inferiore	Il 1° a) insubordinazione con violenza verso superiore non ricettazione; TUTTI: commercio di cose sottratte.	2° C. Carli Giovanni 2° C. Verzellesi Libe Cape Can Michele
3 Art.	PIETRATESA Pietro libero	Diserzione	
4 Estr.	DI CASCO Vincenzo SPIRITO Luciano ZAMBRELLA Nunzio LUISI Domenico liberi	I primi 2: furto cont. in danno dell'Ann/me Mil/re; il 3°: ricettazione; TUTTI: commercio di cose sottratte.	M/llo Pastore Mich.
5 Pers.	#MANCINI Otello Detenuto	Diserzione in tempo di guerra	
6 Fante	#VARASANA Antonio Detenuto	Diserzione in tempo di guerra	
7 Estr.	#GALLONE Rosa " ORLANDO Antezietta Mil. Allonta La I° det.; II° lib.	Furto in danno dell'Ann/me	
8 Serg.	TROIANI Giovanni " LA PANCA Domenico " LA CATENA Benedetto Estr. ZACCHEO Gaetano " MASSARO Angelo " LA TORRE Pasquale liberi	I primi 3: furto cont. in danno dell'Ann. Mil. Italiana; Gli altri: ricettazione. TUTTI: sottrazione di merce al normale consumo.	
9 Fante	DI STEFANO Salvatore libero	Diserzione	
10 Sold.	ZAZZA Giuseppe libero	Diserzione	
11 S.C.S.	#ZAMBERTA Antonio Detenuto	Diserzione in tempo di guerra Diserzione reiterata	
12 Marò	#SCARICICLIA Cataldo Detenuto	a) diserzione da bordo in tempo di guerra; b) diserzione reiterata in tempo di guerra.	

1506

Detenuti

- 2 Camm. #ASSIRELLI Antonio Il I° a) insubordinazione con 200. Carli Giovanni
2000C. MUOLLO Antonino violenza verso superiore con 200. Verzellesi Libe
il I° Det. II lib. uff. b) insubord. con viol. ver Cape Can Michele
so sup. non ufficiale.
Il II°: violenza ad inferiore
- 3 Art. PIETRATTA Pietro Diserzione
libero
- 4 Estr. DI CASCO Vincenzo I primi 2: furto cont. in dam- M/lo Pastore Mich.
SPIRITO Luciano no dell'Ann/me Mil/re; il 30:
ZAMERELLA Nunzio ricettazione; TUTTI: commer-
LUISI Domenico cio di cose sottratte.
liberi
- 5 Pers. #LANCINI Otello Diserzione in tempo di guer-
Detenuto ra
- 6 Pante #VARASANA Antonio Diserzione in tempo di guer-
Detenuto ra
- 7 Estr. #GALEONE Rosa Furto in danno dell'Ann/me
" ORLANDO Antonietta Mil. Alleata
La I° det.; II° lib.
- 8 Serg. DROIANI Giovanni I primi 3: furto cont. in danno
Gen. LA BANCA Domenico dell'Ann. Mil. Italiana; Gli al-
" LA CATENA Benedetto tri: ricettazione. TUTTI: sot-
Estr. ZACCHEO Gaetano trazione di merce al normale
" MASSARO Angelo consumo.
" LA TORRE Pasquale
- 9 Pante DI STEFANO Salvatore Diserzione
Libero
- 10 Sold. ZAZZA Giuseppe Diserzione
Libero
- 11 S.C.S. #ZAMPETTA Antonio Diserzione in tempo di guerra
Detenuto Diserzione reiterata
- 12 Marò #SCARICOLA Cataldo a) diserzione da bordo in tempo
Detenuto di guerra; b) diserzione rei-
terata in tempo di guerra.
- 13 Pante #ROTONDO Antonio a) diserzione; b) diserzione
Detenuto reiterata; c) diserzione reiterata.
- 14 M.N. #CARBOTTI Alberto a) diserzione in tempo di guerra
Detenuto b) diserzione reiterata.

1-506

Il presente segno significa detenuto Il presente segno vuol dire pro-
cedimento in danno degli Alleati

All. Note n. 6

TRIBUNALE MILITARE TERRITORIALE DI GUERRA DI TARANTO

COPIA

Taranto 19 Gennaio 1945

Al Legal Office
Allied Commission

T A R A N T O

ARGOMENTO: Capriolo Angelo.-

In riferimento alla vostra nota del 16 gennaio ultimo si informa:

Al Capriolo Angelo venne concessa la sospensione condizionale della pena per le sue minerate condizioni di salute.

E' espletta di ulcera duodenale con fenomeni di peridone, denita e pericolosità; ed il suo stato era talmente grave al tempo del dibattimento che questo si celebrò in sua assenza, perche' impossibilitato a raggiungere Taranto da Giunco, ove trovavasi detenuto. Lo stupore del viaggio poteva essere nuovamente alla stessa sua esistenza (certificata medica del Dottor Tenucci Riccardi del 13/12/44).

Ma si provvedimento di sospensione si pervenne con piena convinzione della validità di tale stato di malattia; con violenza non riconosciuta per la sola esistenza di detta esistenza, ma per ben essere necessariamente, il cui esito certo aveva la sicurezza del Riccardi.

Risultò che l'imputato, Virile urbano di Taranto, con data liberazione del 15 giugno 1944 n. 314 - in pace di molto precedente alla proporzionale del delitto, verificatosi il 11 novembre - aveva ottenuto dalla Amministrazione Comunale quattro mesi di aspettativa con decorrenza 16 agosto 1944 per motivi di salute e propriamente perche' "...espletta di ulcera duodenale con pericolosità comprovata e pericolosità..." avendo bisogno di un lungo periodo di riposo, di alta e di cure mediche ed eventualmente chirurgiche.

Da quanto esposto si evince che con molta cautela questo Tribunale precede nelle concessioni della sospensione condizionale in reati commessi in tempo della guerra. Al 1505 della cui attività questo Tribunale ha sempre tenuto conto.

Allied Commission

T A R A N T O

ARGOMENTO: Gabriele Angeli.

In riferimento alla vostra nota del 16 gennaio ultimo si informa:

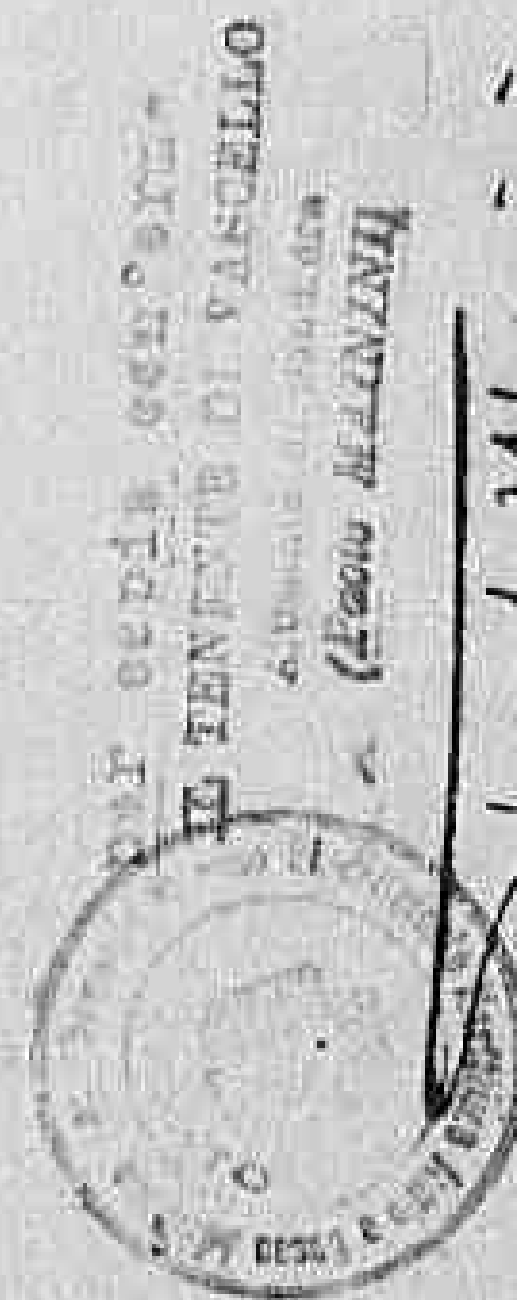
Al Gabriele Angeli venne concessa la sospensione condizionale della pena per le sue minime condizioni di salute. E' spetto di ulcera duodenale con fenomeni di periducemia e pericolosità; ed il suo stato era talmente grave da porre in discussione che questo si celebrò in sua casa, aveva trovavasi in attesa di raggiungere l'ospedale di Ginevra, era ricoverato alla stessa sua abitazione (certificata medico del Dottor Tenucci Riccardi del 13/12/44).

Ad es. provvedimento di sospensione si pervenne con piena conoscenza della veridicità di tale stato di malattia; con violenza non accettata per la sola esigenza di detta città, ma per ben altre circostanze, il cui esito corrispondeva le dimissioni del Riccardi.

Risultò che l'imputato, Villo urbano di Taranto, con la liberazione del 15 giugno 1944 n. 114 - in base di molte prove ordinarie alla perfezione del delitto, verificatosi l'11 novembre - aveva ottenuto dalla Amministrazione Comunale, quattro mesi di aspettativa con decorrenza 15 agosto 1944 per motivi di salute e gravidanza, perché "...essendo da allora dovuto avere con provvedimento temporaneo di riposo, di dieta speciale e di cura medica ed eventualmente chirurgica.

Da quanto esposto si evince che con molta cautela questo Tribunale procede nella concessione della sospensione condizionale in reati commessi in danno della Pubblica Amministrazione, delle cui attività questo Tribunale ha sempre tenuto grande considerazione.

IL PRESIDENTE
Pio Francesco QUERIN



Verba Minin

1505

All-Canada n.7

Toronto 18/1/1945

RSC/ Ta/3

To: Tribunale Militare, Toronto
 From: Local Officer, A.C. Toronto
 Subject: CAPRICCIO Angole.

Is not medical evidence being allowed to reach a rather high
 union stage. When "evidence" is accepted by your Court and as a valid
 reason for suspension of sentence?

The acceptance of medical certificates has already reached the
 stage when the matter is becoming a complete farce.

Deeter should be called and cross-examined and if necessary a
 separate medical examination ordered. Until the Allied receive some
 assistance from your Courts these disastrous thefts and sabotage
 of our efforts to free your country will continue.

A.C.J. Gorman, Major
 Local Officer, Toronto

TRADUZIONE

Al Tribunale Militare, Toronto
 Dall'Ufficiale Locale, A.C. Toronto
 Oggetto: CAPRICCIO Angole

Non si permette con l'viziosa media raggiunge un punto
 ridicolo se "evidence" viene accettata dal Tribunale come ragione
 valida per la sospensione di una sentenza?

L'accettazione del certificato medico ha raggiunto ormai
 un punto dove la cosa diventa una completa farsa.

I medici dovrebbero essere chiamati ad interrogati e se
 necessario un esame medico separato dovrebbe essere ordinato.
 Finché gli Alleati non riceveranno qualche aiuto dalle Sue Corti
 questi fatti scandalosi e il vantaggio dei nostri sforzi per
 liberare il suo paese continueranno.

W/ta-

L'Ufficiale Locale

1504

Per copia conforme

IL TENENTE DI FASCIO

The acceptance of medical certificates has already reached the stage when the matter is becoming a complete farce.

Doctors should be called and examined and if necessary separate medical examination ordered. Until the Allied receive some assistance from your country these dishonest thefts and sabotage of our efforts to free your country will continue.

A.C.J. German, Major
Legal Officer, Taranto

TRADUZIONE

Al Tribunale Militare, Taranto
Dall'Ufficiale Legale, A.C. Taranto

Oggetto: CAPRIOLO Angelo

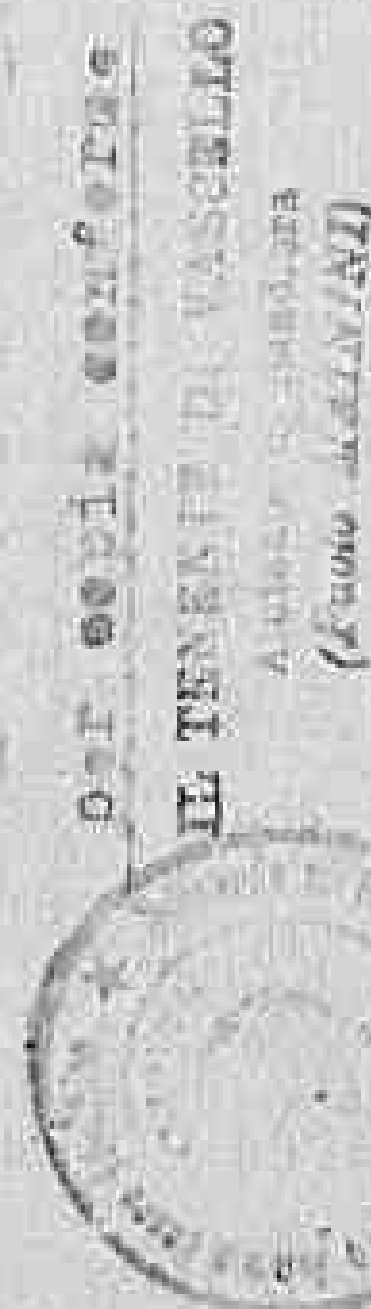
Non si permette che l'evidenza medica raggiunga un punto ridicolo se "calico" viene sostituito dal Tribunale come ragione valida per la sospensione di una sentenza?

L'esecuzione del certificato medico ha raggiunto ormai un punto dove la cosa diventa una completa farsa.

I medici dovrebbero essere chiamati ad interrogati e necessario un esame medico separato dovrebbe essere ordinato. Finché gli Alleati non riceveranno qualche aiuto dalle Sue Corti questi fatti scandalosi e il sabotaggio dei nostri sforzi per liberare il suo paese continueranno.

R/to
Ufficiale Legale

1504



Voob Weir

COPIA

RAPPORTO DEL TRIBUNALE MILITARE DI TARANTO

ALL'UFFICIO LEGALE COMMI

Presso la zona

1503

Procedimenti penali in danno delle forze Alleate per la settimana dal 13/1 al 19/1/45 comp

Numero dei processi pendenti all'inizio della settimana (A)	Numero dei processi sopravvenuti nella settimana (B)	Numero dei processi definiti con senten- za in giudizio (C)	Numero dei processi inviati ad altra au- torità competente (D)	Numero detti ne de (E) =
Alleati: 68 + 2 stralci	20 + 1 stralcio	15	==	73 + fisse 6 per notifi
Altri reati/ 1037 di cui 6 stralci	33	29	42	993 +

p. c. c.

AL TENENTE DI VASCHELLO

AUTORE DI CONDANNA

(Fazio MALLINI)

V. L. Moini

1503

alleg. 8

TRIBUNALE MILITARE DI TARANTO

ALL'UFFICIO LEGALE COMMISSIONE ALLEATA

Presso la zona _____

penali in danno delle forze Alleate per la settimana dal 13/1 al 19/1/45 compresi

Numero dei processi sopravvenuti nella settimana (B)	Numero dei processi definiti con sentenza in giudizio (C)	Numero dei processi inviati ad altra autorità competente (D)	Numero totale dei processi pendenti alla fine della settimana (E) = (A+D)-(C+D)
20 + 1 stralcio	15	=	73 + 3 stralci: Tutti fissati all'infuori di 6 per impossibilità di notifiche
33	29	42	993 + 6 stralci ordinati in udienza

p. c. c.

INVENTO DI VASCELLO

Allegato al verbale

(Pagine 1/1)

L. Moirani

COPIA

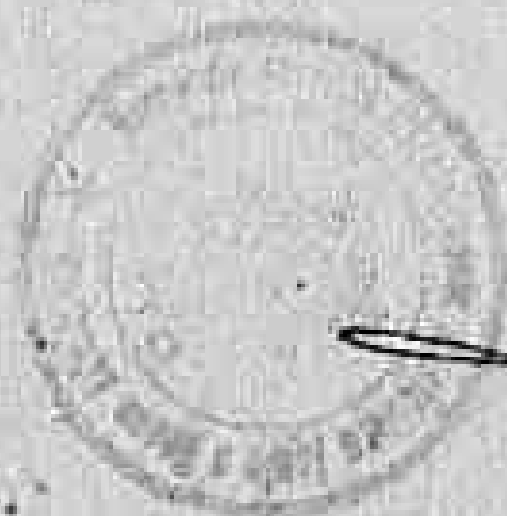
RAPPORTO DEL TRIBUNALE MILITARE DI TARANTO

ALL'UFFICIO LEGALE COMMISSARI
Presso la zona

Procedimenti penali in danno delle forze Alleate per la settimana dal 6-1 al 12-1-1945 compr

Numero dei processi pendenti all'inizio della settimana (A)	Numero dei processi sopravvenuti nella settimana (B)	Numero dei processi definiti con senten- za in giudizio (C)	Numero dei processi inviati ad altra au- torità competente (D)	Numero cessi p ne dell (E)=(A
Alleati: 74	15	21	=	68: Tu l' di ti
Altri reati: 1043	30	27	9 di cui 8 al P.M. 1 decl. amnistia	

p. c. c.
IL TENENTE DI VASCHELLO
Aiuto di bandiera
(Paolo MAININI)



Teste Mainini

Alleg. 9

1502

TRIBUNALE MILITARE DI TARANTO

ALL'UFFICIO LEGALE COMMISSIONE ALLEATA

Presso la zona _____

Penali in danno delle forze Alleate per la settimana dal 6-1 al 12-1-1945 compresi

Numero dei processi sopravvenuti nella settimana (B)	Numero dei processi definiti con sentenza in giudizio (C)	Numero dei processi inviati ad altra autorità competente (D)	Numero totale dei processi pendenti alla fine della settimana (E)=(A+D)-(C+D)
15	21	=	68: Tutti fissati all'infuori di 6 per difficoltà di notifiche
30	27	9 di cui 8 al P.M. 1 decl. amnistia	1037

p. c. c.

IL TENENTE DI VASCHELLO

Antonio di Dalmata

(Paolo MALVINA)

Vestitelli

HEADQUARTERS, ALLIED COMMISSION
Navy Sub-Commission APO 394

NSC/1589
31 January 1945

From: Navy Sub-Commission, Hq. Allied Commission.
To : Ministry of Marine - ROME.

Subject: Captain (A.N.) Sergio VANZINI.

1. Reference is made to Ministry of Marine letter B.206 of 8 January 1945.

2. The Navy Sub-Commission has been informed by the Legal Sub-Commission that it is not possible to supply a copy of the "sentenza" of Captain VANZINI, as Allied Military Court procedure does not provide for the preparation of such a document:

3. A brief summary of the record of the case which is exceedingly long is as follows:

- (a) The 16 year old servant of the accused's family told the accused that she had been talking to an escaped German prisoner in a nearby copse. Whether such a remark was made seriously or in chaff is in dispute.
- (b) The accused found the man in the copse and took him to his house allegedly to give him a glass of water. The man was in fact an American Sergeant of good military repute and who was properly dressed and absent from his Command with a regular leave pass. The accused admitted at the trial that he saw and recognized the Sergeant's American dress.
- (c) On arrival at the house the accused told his brothers that he had found a German. While one of the accused's brothers fetched a rope the accused obtained a pistol (the possession of which was in itself an offence in the circumstances in which he had it) and for some inexplicable reason and without warning or provocation shot the American Sergeant from behind and thereby killed him.
- (d) The accused then removed from the dead man the sum of 16,000 lire, leaving behind a much smaller sum, presumably to divert attention from the fact that any money had been removed.

4. The accused was sentenced to 20 years imprisonment for killing an Allied soldier and a further 7 years for theft from the dead soldier. The salient feature of the case is that there was no possible ground for thinking that the man was a German, indeed there was every reason for thinking to the contrary. The accused easily could have



1 RM
2 FEB 1945
10

HEADQUARTERS, ALLIED COMMISSION
Navy Sub-Commission APO 394

HSC/1589
31 January 1945

Subject: Captain (A.N.) Sergio VANZINI.

the man for investigation had he entertained any doubts as to his identity.

5. The Legal Sub-Commission has stated that under the circumstances the sentence is not thought to be excessive. But for the fact that the Court was satisfied that the accused was mentally unstable, it is possible that the sentence might have been one of death.

6. The sentence of the court has been considered at Headquarters, Allied Commission and affirmed.

H. W. ZIROLI,
Commodore, U.S. Navy,
for Chief, Navy Sub-Commission, AC.



2 FEB 1945

1500

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rm.

AC/4083/b/L.

28 Jan.45

SUBJECT : Captain Sergio VANZINI, Italian Navy,
Sentence by Allied Military Court.

TO : Navy Sub-Commission.

Reference your NSC/1511 of 16 Jan.45 addressed to Deputy Chief Civil Affairs officer via Legal Sub-Commission and subsequent telephone conversation in which it was explained that this Sub-Commission would supply all available information.

1. It is not possible to comply with the Ministry of Marine's request to supply a copy of the sentence, the word "sentence" being a translation of the Italian word "sentenza", a technical term denoting the written statement prepared by the Italian Courts; and there is no corresponding document in Allied Military Court procedure.

2. The record of the case is extremely long. Put very briefly the facts were:-

- (a) The 16 yearold servant^{of} the accused's family told the accused that she had been talking to a man in a nearby copse who was an escaped German prisoner. Whether such remark was made seriously or in chaff is in dispute: but there was no truth whatever in it, and no ground for any such suspicion.
- (b) The accused found the man in the copse and took him to his house to give him a glass of water.
- (c) The man was in fact an American Sergeant, properly dressed in fatigues: and the accused admitted at the trial that he saw and recognised

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FILE
WWW

that the man was so dressed.

- (d) On arrival at the house, the accused told his brothers that he had a German at the house, and the brothers then arranged that while one of them fetched a rope, the accused would keep him covered with his pistol.
- (e) while the one brother searched for the rope, the accused went and fetched a pistol (the possession of which was itself an offence in the circumstances in which he had it) and for some inexplicable reason without warning and without provocation shot the man in the head from behind and thereby killed him.
- (f) the accused then removed from the dead man the sum of 16,000 lire, leaving behind a much smaller sum, presumably to divert attention from the fact that any money had been removed.

3. The accused was sentenced to 20 years imprisonment for killing an allied soldier and to a further 7 years for the theft from the dead soldier.

4. The salient feature of the case is that there was no possible ground for thinking that the man was a German: indeed, there was every reason for thinking to the contrary.

The accused, with complete and utter negligence and without making any enquiry chose to believe the ridiculous (and perhaps joking) remarks of a young girl of 16 and to assume that the man was a German, and therefore decided without any reason or justification to shoot him.

As it turned out the man who was killed was an American Sergeant of blameless character, of good military repute who was out on regular day pass.

Needless to say, the accused would not have been justified in this cold blooded killing even if the man had been an escaped German prisoner of war: at the house there were the accused and his two brothers (all adults, one a captain in the Italian army) and ^{man} ~~the~~ could easily have been detained pending investigation: and a civilian (including therein ~~military~~ ^{an} ~~personnel~~ away from duty) has no right to kill an enemy prisoner of war or even a suspected enemy agent, unless, of

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course, in self defence or for some other reason sufficient in law to make the killing a justifiable homicide.

5. The sentence is long: but in the circumstances it is thought that it is not excessive. Indeed, but for the fact that the Court was satisfied that the accused^{was} mentally unstable (but not insane, as the defence tried to establish) it is possible that the sentence might have been one of death. The sentence of the court has been considered at this HQ and has been affirmed.

I. Campbell
for W.E. BEHRENS,
Colonel,
Deputy Chief Legal Advisor.

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HEADQUARTERS, ALLIED COMMISSION
Navy Sub-Commission APO 394

NSC/3511
16 January 1945

From: Navy Sub-Commission, Hq. Allied Commission.
To : Deputy Chief Civil Affairs Officer,
Headquarters, 15th Army Group.
Via : Legal Sub-Commission, Hq. A.C.
Subject: Captain Sergio VANZINI, Italian Navy, Sentence of
by Allied Military Court, Florence, 6 Dec. 1944.
Enclosure: (A) Ministry of Marine ltr B.206 of 8 January 1944
to Flag Officer Liaison Italy, Rome (translated
copy).

1. Enclosure (A) is forwarded herewith. It contains a request by the Italian Ministry of Marine for information in regard to the sentencing of subject Italian Navy officer to 27 years imprisonment by an Allied Military Court in Florence on 6 December.

2. If such action is in accordance with existing procedure, it is requested that a copy of VANZINI's sentence be forwarded to the Navy Sub-Commission for transmission to the Ministry of Marine. In addition, it is requested that the Navy Sub-Commission be supplied appropriate particulars concerning VANZINI's actions so that proper notification may be given to the Ministry of Marine in regard to the sentence imposed on him.

H. W. ZIROLI,
Commodore, U. S. Navy,
for Chief, Navy Sub-Commission, A.C.



19 GEN 1945

1496

From: MINISTRY OF MARINE (Cabinet)
To : F.O.L.I. - Rome
Date: 8/1/45
Ref.: B.206

Subject: Capt. (A.N.) Sergio VANZINI's Sentence.

On 12th Aug. last at Poggi di Rivalto (Pisa),
Capt.(A.N. - Act. Serv.) Sergio VANZINI shot at and killed an
American Sergeant of the 5th Army, apparently having mistaken
him for a German.

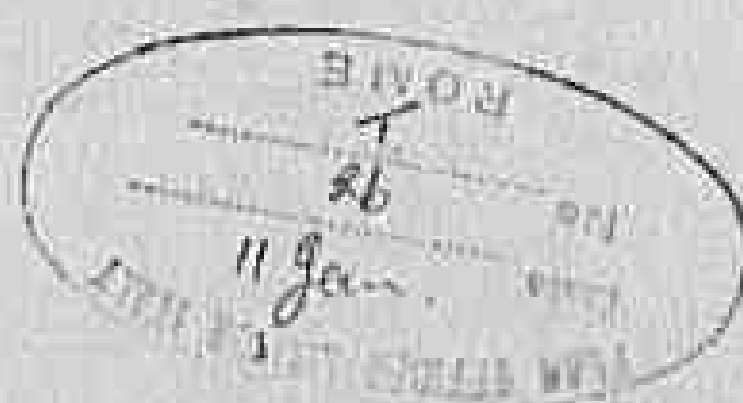
On 6th Dec. the Allied Federal Tribunal at
Florence issued its findings and sentenced VANZINI to 27 years
imprisonment as he was found guilty of:

- a) - Culpable homicide
- b) - Robbing the body
- c) - Illegal possession of fire-arms.

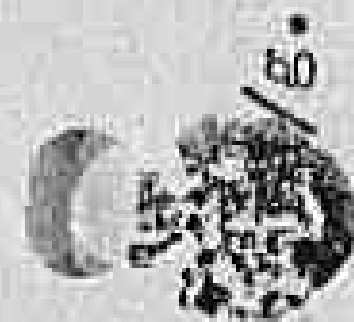
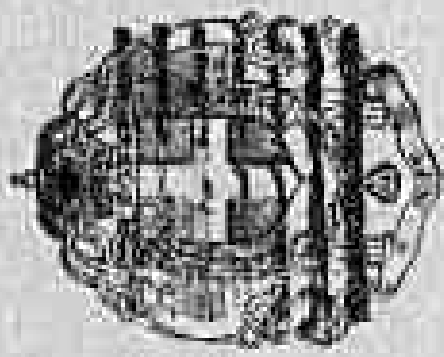
2. As VANZINI is an Active Service Officer it is necessary,
therefore, that a copy of the sentence should be forwarded to this
Ministry by the Allied Court at Florence; at the same time F.O.L.I.
is requested to kindly arrange for particulars (documents) of the
proceedings to be sent us for perusal and return, so that this
Ministry may be informed of what really occurred which resulted
in a heavy sentence being passed on the Officer in question.

CHIEF OF CABINET

DG/P.



FILE
WWW



Ministero della Marina

GABINETTO

INDIRIZZO TELEGRAFICO: MARINA - ROMA

Prot. N. B. 206 Allegato

Off. 39

Roma, 8 gennaio 1945

Al F.O.L.I. - Roma -

ARGOMENTO: Condanna Capitano A.N. Sergio VANZINI.

Il 12 agosto u.s. a Poggi di Rivalto (Pisa) il Capitano A.N. in s.p.e. Sergio VANZINI uccideva con arma da fuoco un Ser- gente americano della V^a Armata scambiandolo, sembra, per mili- te tedesco.

In data 6 dicembre u.s., il Tribunale Federale Alleato di Firenze ha concluso il dibattimento condannando il VANZINI ad anni 27 di reclusione avendolo ritenuto colpevole di:

- a) - omicidio colposo
- b) - furto sul cadavere
- c) - possesso illegale di arma da fuoco.

2. - Il VANZINI è ufficiale in servizio permanente effettivo e pertanto occorre che sia trasmessa a questo Ministero copia della sentenza della Corte Alleata di Firenze: nel contempo si prega codesto F.O.L.I. voler disporre perchè siano anche rimess- si in visione e verso restituzione gli atti processuali affin- chè questo Ministero possa essere al corrente del reale succe- dersi degli avvenimenti che hanno portato alla grave condanna dell'ufficiale.

d'ordine
IL CAPO DI GABINETTO
C. di V. F. BASLINI

1495

Prot. N° B. 206 Allegato

ARGOMENTO: Condanna Capitano A.N. Sergio VANZINI.

Il 12 agosto u.s. a Poggi di Rivalto (Pisa) il Capitano A.N. in s.p.e. Sergio VANZINI uccideva con arma da fuoco un Ser gente americano della V^a Armata scambiandolo, sembra, per milite tedesco.

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d'ordine
IL CAPO DI GABINETTO
C. di V. F. BASLINI

1495

1975

SECRETHEADQUARTS ALLIED COMMISSION
NAVAL SUB-COMMISSION
A. P. O. 304

16 NOV 1944

MEMORANDUM

From: Navy Sub-Commission, A.C.
To: Air Force Sub-Commission, A.C.

Subject: I. A. F. Boats Detained in Turkey.

1. Reference is made to the attached memorandum (Italian Air Ministry, 12419/811/Col1) regarding Italian Air Force craft detained in Turkey.

2. Due to the lack of full details in regard to the various craft, it is impossible to conclusively determine what action, if any, should be taken by United Nations representatives. The following pertinent comments are forwarded, however as an aid in considering the problems involved.

3. In view of the fact that Turkey has been neutral throughout the war, it would appear that Italian and their property would have been interned at anytime that they entered Turkish waters or land areas.

4. Article 14 of the Italian Surrender, dated September 7, 1943, requires that "all Italian merchant shipping and fishing and other craft" be made available to the United Nations by the "competent Italian authorities." Article 14 further states that "Transfer (of such craft) to enemy or neutral flag is prohibited."

5. Even assuming that all craft mentioned in the attached memorandum were interned due to an inability of the operators to take any other course of action and that their owners and operators acted in good faith in permitting the internment, it would appear that the matter is one that can be decided only between the Turkish and Italian Government.

6. From the information contained in the attached memorandum, it appears that the vessels mentioned in paragraphs 1, 2, and 7 all clearly violated article 14 of the Surrender Terms by reaching Turkey on 17 November over one month after the Surrender had been signed. The other craft reached Turkey between 10-15 September which indicates that they too are probably guilty of a similar violation.

7. There seems to be little need to determine the status of the craft under United Nations agreements as the question of taking action for violation of the Surrender Terms is not presently involved. However as the matter of effecting the release of the craft is undoubtedly dependent on the attitude of the Turkish Government, and as there appears to be a possibility that the craft have violated the Surrender Terms it does not seem that the Italian Government can achieve a useful purpose in pursuing the matter through Allied channels.

H. W. ZIROLI
Commodore, U.S. Navy,
For Chief, Navy Sub-Commission, A.C.

FILE

EWS/ajp

A/ CC 091.711

25 August 1944

SUBJECT: Comando Supremo - Connection with Italian Navy

TO : Rear Admiral O. E. Morgan, FOTALI

1. Your letter of August 1st was not received until August 18th and I discussed its contents with you on August 21st. This will confirm, however, my statement that the name of the Comando Supremo has been changed to Stato Maggiore Generale, that it has been instructed that it is to exercise no command or operational functions of either the Italian Navy, Army, or Air Force, and that its former duties of epuration of Navy, Army and Air Force officers would be turned over to the Ministries of Marine, War and Aeronautics, respectively.

2. These changes were made subsequent to your letter of August 1st.

3. I shall therefore be grateful if you would advise me if the instances referred to in the first paragraph of your letter still continue. If so, I shall be glad to make suitable representations to Marshal Messe.

HILARY W. STONE
Captain, USNR
Acting Chief Commissioner

c.c. Navy Sub-Commission

799

Mr. A.C.C.	Sec'y Gen.
DISPATCHED	
Date	Time
	25 Aug 1945
Via	RR
Initials	DRR

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BWS/hjp

A/CC 091.711

12 August 1944

Dear Marshal Messe:

I acknowledge receipt of your letter dated August 9th advising that, according to orders by H.E. the President of the Council of Ministers and by agreement with the Allied Control Commission, the name of the Comando Supremo has been changed to that of State Maggiore Generale (Italian General Staff), effective August 10th, 1944.

This will confirm our further understanding that the State Maggiore Generale will relinquish its functions of operation to the Ministries of Navy, War, and Aeronautics.

This will also confirm our understanding that the State Maggiore Generale will exercise no command or operational functions with respect to the Italian Army, Navy, and Air Forces.

Very truly yours,

MILBY W. STONE
Captain, USAR
Acting Chief Commissioner

His Excellency Marshal Messe
Chief of Italian General Staff
State Maggiore Generale

cc: Army S/C
Naval S/C
Air S/C

A 1493

54 801

Hq ACC - Sec'y Gen.
DISPATCHED
Date-Time 12 Aug 1944
Via 144 X 7 mps.
15 DRR

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4010/2/L.

SUBJECT : Implementation of Italian Legislation in Military Government Territory.

TO : See Distribution List.

1. In the past sub-commissions after perusal of each issue of the Gazzetta Ufficiale filed a return showing which decrees they recommend should be included in the endorsement of the Executive Commission. In the future and specifically beginning with No. 40 of the Gazzetta Ufficiale the sub-commissions will show in their returns which decrees should not be included in the endorsement.

2. It will be the responsibility of each sub-commission when making the above returns to insure that no Italian legislation is extended to AMG territory which is in any way inconsistent with AMG provisions or incompatible with AMG policies in the particular field of the respective sub-commission.

Richard H. Wilmer
RICHARD H. WILMER,
Colonel, GAC,
Acting Chief Legal Officer.

DISTRIBUTION:

Acting Chief Commissioner (THRU: Secty Gen O) - 1,	
Admin Sec	- 8
Economic Sec	+ 11
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Air S/C	- 1
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ERO, Hq ACC	- 1
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1491

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

Tel Ext - 478094.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394/rlp.
22 July 1944.

ACC/4011/3/L.

SUBJECT : Allied authority over Italians who commit crimes against
Allied Military personnel.

TO : Naval Sub-Commission, Hq ACC.

1. Reference yours P13/NSC, Serial 42, 17 July 1944.

2. It would greatly assist this sub-commission in answering your inquiries if you would present the facts of the specific case or cases with which you are concerned. We would thus be saved the necessity of answering in broad generalities, and at the same time would be better equipped adequately to answer your questions.

3. We assume, although you do not so state, that your questions have only to do with acts committed in Italian Government territory (that is to say, in territory under Italian administration in contrast to Military Government territory), and what follows is therefore limited thereto.

4. All crimes committed in Italian Government territory will normally be tried under Italian law and by Italian Courts. The Allied Forces, however, have reserved to themselves the right to hold Allied Military Courts in Italian Government territory for the trial of persons (civilian or military) who commit acts seriously hostile to the Allied Forces and to punish them in accordance with the Italian Penal Code. The reservation of this right is not for the purpose of encouraging the trial of persons by Allied Courts, but to enable them to deal with the most serious offenses against Allied personnel or property which cannot be properly dealt with by the Italian Courts. If such an offense has been committed, the military authorities should give a full statement of the facts to the local representative of the ACC with the request that an Allied Military Court be convened to hear the charges.

5. Consequent upon the power to try such persons, there is reserved to the Allied Forces the power to arrest persons who are believed to have committed such offenses. High ranking Italian officials and officers of the Italian Armed Forces should, however, only be arrested in collaboration with the appropriate Italian official (e.g., the Prefect or the Commanding Officer of the officer concerned). In all cases of arrest the agreement of



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- 1 -

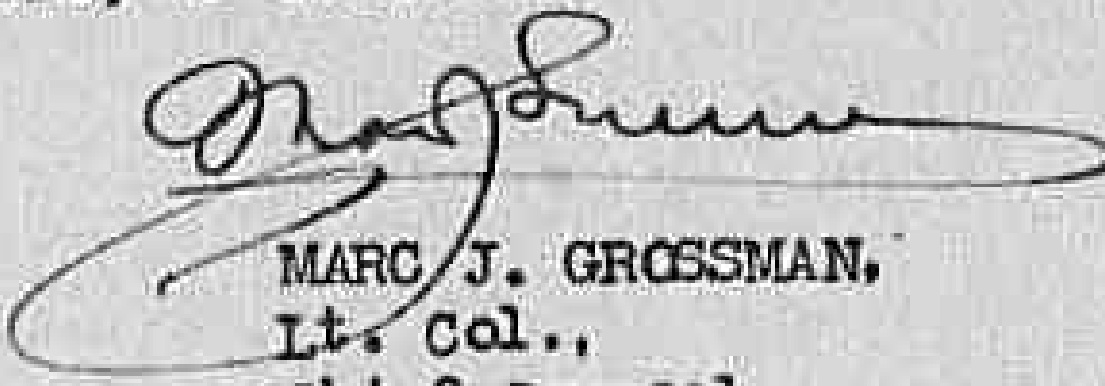
C O N F I D E N T I A L

10 SEP 1944

the local ACC officer must be first obtained, except in an emergency, when he should be informed immediately after the arrest.

6. On the subject of arrests generally I enclose a copy of memorandum of HQ No. 2 District CMF dated 6 May 1944 and attached papers which was based on a memorandum prepared by this sub-commission somewhat earlier setting forth the duties of legal officers in Italian Government Territory in this general regard.

7. Major A.W.L. Franklin, ACC Legal Liaison Officer located at Bari could be consulted for further details, if desired.


MARC J. GROSSMAN,
Lt. Col.,
Chief Counsel,
for Acting Chief Legal Officer.

1 Incl.

1489

C
O
P
Y
rlpCONFIDENTIAL

SUBJECT : Arrest of Italian Nationals - Procedure.

HQ. No. 2 District. CMF
147/6A 6 May 44

HQ AAT

1. The following procedure in connection with arrest of Italian Nationals, both service and civilians, by the Allied Services has been agreed by the Allied Control Commission, Royal Air Force and United States Provost, and has been adopted w.e.f. 1 May 44 in this District. This procedure involves the use of Allied Control Commission Form J.1 specimen attached appendix "A" and supplies of this form has been issued to all concerned.

2. Procedure

i In all cases of arrest of Italian Nationals, two copies of ACC Form J.1 will be completed by the person making the arrest. Forms will be numbered serially by the initiating unit. Where an Italian police official is present at the arrest ACC Form J.1 will be completed by him. Provost reports and/or statements will be attached to Form J.1 and where possible will be accompanied by translations in Italian.

ii The prisoner will be handed over to the Carabinieri or Questori within 24 hrs of arrest and a receipt will be obtained in the space provided on Form J.1 showing clearly the address of the Carabinieri or Questori HQ concerned.

iii Form J.1 will be disposed of as follows:

The original will be handed over to the Carabinieri or Questori with the prisoner. Duplicate will be forwarded to:

- a) British AFM or DAFM of Area or Sub-Area concerned for all arrests by British, Dominion or Allied troops, incl Royal Navy (except as in (b) or (c) below).
- b) Royal Air Force AFM or DAFM of Area or Sub-Area concerned for all arrests by RAF personnel.
- c) United States Provost Marshal of the 15 Air Force for all arrests by United States personnel.

3. The Provost officers named in para 2(iii) will prepare a weekly return on the proforma attached (Appdx "B") of all arrests of Italian Nationals made up to 2359 hrs on the Saturday of each week.

This return will be forwarded to the LLO ACC to reach him as early as possible on the following Monday. Copy of this proforma will also be forwarded to DPM 2 District and RAF DMP Sub HQ, Provost and Security Unit CMF.

The same procedure will be adopted by all Field Security Sections with the exception that OCs will forward a copy of their weekly return of arrests involving crimes to G(1)B Branch at HQ 2 District, and not DPM.

4. By strict compliance with the above procedure the Legal Liaison Officers ACC in conjunction with Provincial Police Officers ACC, will be able to obtain from all Italian Judicial authorities details of the cases dealt with, and sentences imposed for all

1488

in this District. This procedure involves the use of Allied Control Commission Form J.1 specimen attached appendix "A" and supplies of this form has been issued to all concerned.

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This return will be forwarded to the ILO ACC to reach him as early as possible on the following Monday. Copy of this proforma will also be forwarded to DPM 2 District and RAF DMP Sub HQ, Provost and Security Unit CMP.

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The same procedure will be adopted by all Field Security Sections with the exception that OCs will forward a copy of their weekly return of arrests involving crimes to G(1)B Branch at HQ 2 District, and not DPM.

4. By strict compliance with the above procedure the Legal Liaison Officers ACC in conjunction with Provincial Police Officers ACC, will be able to obtain from all Italian Judicial authorities details of the cases dealt with, and sentences imposed for all offenses against the Allied interests, and be able to keep a close watch on any unnecessary delay in cases being brought to trial. They will further be responsible for drawing the attention of the Judiciary to each case in which a decision has been unduly delayed, an inadequate sentence imposed, or where a prisoner has been released on bail when accused of a serious crime. They will also be in a position to bring to the notice of Allied Control Commission Region HQ and HQ 2 District any case where the Italian Authorities failed to co-operate in the interests of the Allied Forces.

Sgd: E P NARES
Major-General
Cmd No 2 District

ALLIED CONTROL COMMISSION
COMMISSIONE ALLEATA DI CONTROLLO

Form to be completed on arrest of a prisoner who is to be brought before a Court for trial.

Modulo che deve essere riempito all'atto dell'arresto di un prigioniero che deve essere tradotto innanzi ad un

IF, ON ARREST, the prisoner is taken before a military, naval or air force officer or M.C.O., this form must be completed by the person making the arrest and countersigned by the officer or M.C.O. On completion it will be handed over together with the prisoner to the Carabinieri or other person detaining the prisoner until he is brought to trial.

If, ON ARREST, the prisoner is taken direct to the Carabinieri barracks this form must be completed at the Carabinieri barracks by the person making the arrest and left with the Carabinieri.

Se, ALL'ATTO DELL'ARRESTO, il detenuto è condotto dinanzi ad un ufficiale o Sottufficiale dell'Esercito, della Marina, o dell'Aviazione, il presente modulo deve essere riempito dalla persona che opera l'arresto e controfirmato dall'ufficiale o Sottufficiale. Quando è stato completato dovrà essere consegnato insieme al detenuto ai Carabinieri o ad altra persona che abbia custodia del detenuto finché egli non venga tradotto in giudizio.

Se, ALL'ATTO DELL'ARRESTO, il detenuto è condotto direttamente alla Caserma dei Carabinieri, questo modulo deve essere riempito nella Caserma stessa dalla persona che ha operato l'arresto, e lasciato ai Carabinieri.

Name of Person arrested :

Nome della persona arrestata:

Address of person arrested :

Indirizzo della persona arrestata:

Name, rank, number and unit or organization of person making arrest:

Nome, grado, numero e unità o organizzazione della persona che opera l'arresto :

CHARGE:

(Such as (a) interfering with communications by cutting wire, (b) being in unlawful possession of firearms, (c) acquiring by gift or purchase any military, equipment or war material belonging to the Allied Forces).

IF, ON ARREST, the prisoner is taken before a military or air force officer or N.C.O., this form must be completed by the person making the arrest and countersigned by the officer or N.C.O. On completion it will be handed over together with the prisoner to the Carabinieri or other person detaining the prisoner until he is brought to trial.

If, ON ARREST, the prisoner is taken direct to the Carabinieri barracks this form must be completed at the Carabinieri barracks by the person making the arrest and left with the Carabinieri.

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Nome della persona arrestata:

Address of person arrested :

Indirizzo della persona arrestata:

Name, rank, number and unit or organization of person making arrest:

Nome, grado, numero e unità o organizzazione della persona che opera l'arresto :

1487

CHARGE:

(Such as (a) interfering with communications by cutting wire, (b) being in unlawful possession of firearms, (c) acquiring by gift or purchase any military, equipment or war material belonging to the Allied Forces).

ACCUSA:

(Come per esempio (a) interrompeva le comunicazioni tagliando un filo, (b) era in illecito possesso di armi da fuoco, (c) otteneva in dono o per acquisto un capo di vestiario militare o un oggetto di materiale bellico appartenente alle forze Alleate).

98471

FROM :

Date of Offence	Date of Arrest	Name in full and address of arrested person	Brief particulars of offence stating time and place, and nature and approximate value of goods involved	Allied Military Unit File Ref.No	Italian Authority Ref.No.	Unit of Italy to which handed

9841

APPENDIX "B"

TO : Legal Liaison Officer, ACO, Province of _____

FROM : _____

Name in full and address of arrested person	Brief particulars of offence stating time and place, and nature and approximate value of goods involved	Allied Military Unit File Ref.No.	Italian Authority Ref.No.	Unit and address of Italian police to which accused handed over.	Remarks

ALLIED CONTROL COMMISSION
NAVAL SUB-COMMISSION
Navy House, Taranto, Italy

File No.
P13/NSC

Serial 42.

17 July 1944.

From: Naval Sub-Commission, Allied Control Commission.
To : Legal Sub-Commission, Allied Control Commission.
Subject: Allied authority over Italians who commit crimes against
Allied military personnel.

1. It is requested that this sub-commission be furnished complete information regarding Allied authority over Italians, both civilians and members of the Italian Armed Forces, who commit crimes against Allied military personnel. In addition, information is desired regarding the proper procedure for an Allied commander to follow in regard to an Italian who has committed a crime against one of the Allied commander's subordinates. Information is particularly desired in regard to an Allied commander's powers of arrest and detention over such Italians.

H. W. ZINOLI,
Commodore, U. S. Navy,
Senior U. S. Naval Liaison Officer in Italy,
for Chief, Naval Sub-Commission, ACC.

Copy to:
NAVREP NSC Rome.

TRANSLATION NO. 64

Jila
BARTICLE 146

(Desertion not in the face of the enemy).

Outside the cases contemplated by the preceding articles, a soldier commits the offense of desertion, and is punished by military reclusion not less than 5 years and in accordance with the duration of his absence, if he,

1) being in military service, absents himself from his unit without authorization and stays absent from it for one day; or,

2) being in military service and finding himself legitimately absent, does not report, without good reason, within two days after the pre-established day.

The sentence shall include the discharge.

663

V

ART 146

(Diserzione fuori della presenza del nemico)

Fuori dei casi preveduti dagli articoli precedenti, commette il reato di diserzione, ed è punito con la reclusione militare non inferiore a cinque anni, tenuto conto della durata dell'assenza, il militare:

1° che, essendo in servizio alle armi, si allontana senza autorizzazione dal reparto e ne rimane assente per un giorno:

2° che, essendo in servizio alle armi e trovandosi legittimamente assente, non si presenta, senza giusto motivo, nei due giorni successivi a quello prefisso.

La condanna importa la rimozione.

ART 146

(Diserzione fuori della presenza del nemico)

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La condanna importa la rimozione.

1981

File

CODICE PENALI MILITARE DI PACE E DI GUERRA
PENAL MILITARY CODE DURING PEACE

Page 204

Art. 10.
(Persons considered as military personnel. Persons
inscribed in civilian corps militarily controlled)

The military penal law shall be applied to persons considered as military personnel and to persons inscribed in civilian corps militarily controlled:

1. In cases considered by the respective special laws;
2. For offenses committed during detention prior to sentence in a military prison.

Page 365

PENAL MILITARY CODE DURING WAR

Art. 14
(Persons not included in the armed forces of the State)

In addition to the cases expressly specified in the law, the military penal law during war shall be applied to persons not included in the armed forces of the State, who commit any of acts contained in articles 138, 139, 140, 141 and 142.

Art. 15
(Military personnel of Allied States or Associates in War)

For purposes of the penal military law during war, the offenses committed by Italian military personnel or by persons not included in the armed forces of the Italian State to the damage of military personnel or of the armed forces of an allied State shall be considered as having been committed to the damage of military personnel or of the armed forces of the Italian State. The observance of this regulation is subordinate to the condition that the allied State guarantee an equal penal protection to the Italian military personnel and to the armed forces of the Italian State.

For the purpose of the dispositions of this code, the name Allied State is applied also to the associated State in War.

1481

(Persons considered as military personnel. Persons inscribed in civilian corps militarily controlled)

The military penal law shall be applied to persons considered as military personnel and to persons inscribed in civilian corps militarily controlled:

1. In cases considered by the respective special laws;
2. For offenses committed during detention prior to sentence in a military prison.

Page 365 PENAL MILITARY CODE DURING WAR

Art. 14

(Persons not included in the armed forces of the State)

In addition to the cases expressly specified in the law, the military penal law during war shall be applied to persons not included in the armed forces of the State, who commit any of acts contained in articles 138, 139, 140, 141 and 142.

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For purposes of the penal military law during war, the offenses committed by Italian military personnel or by persons not included in the armed forces of the Italian State to the damage of military personnel or of the armed forces of an allied State shall be considered as having been committed to the damage of military personnel or of the armed forces of the Italian State. The observance of this regulation is subordinate to the condition that the allied State guarantee an equal penal protection to the Italian military personnel and to the armed forces of the Italian State.

For the purpose of the dispositions of this code, the name Allied State is applied also to the associated State in War.

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File No.
A14-7/380

ALLIED CONTROL COMMISSION
NAVAL SUB-COMMISSION
Navy House, Tarento, Italy

Serial: 2

20 May 1944.

From: Naval Sub-Commission, Allied Control Section.
To: Headquarters Allied Control Commission,
Office of the Secretary General, APD 304.

Subject: Execution of Document "D" for transfer of
Territory.

References: (a) HQ. ACC Memo 30 308.3 of 22 May 1944.
(b) ACC Rear ltr ACC/4140/L of 20 May 1944.
(c) APHQ ltr 303-337.4-2 of 3 May 1944.
(d) Legal 30, ACC ltr ACC/4140/L of 15 May 1944.

1. Reference (a) forwarded references (b), (c) and (d) with the request that the Navy Sub-Commission comment regarding paragraph 3a (1), Articles 1 and 2.

2. The Navy Sub-Commission has been unable to obtain any information concerning Italian administrative implementation of Document A on the subject of the United Nations right to use facilities or to quarter troops. It is believed that no such administrative instructions exist.

Copy to:
FOITALI
NAV REP Salerno.

K. E. ZEROLI,
Commander, U. S. Navy,
for Chief, Naval Sub-Commission, A.C.C.

WWN
1480

HEADQUARTERS ALLIED CONTROL COMMISSION

REL/afe

Office of the Secretary General

APO 394

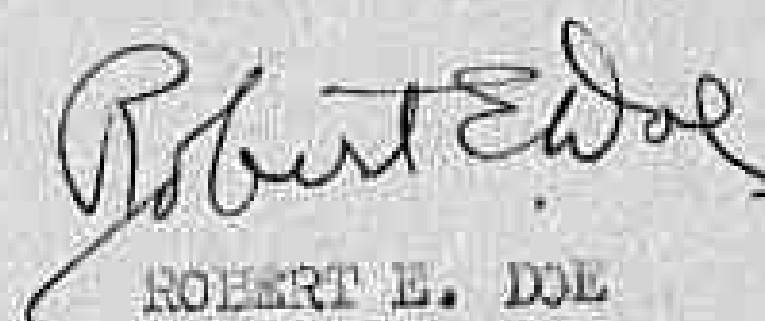
SG 602.3

22 MAY 1944

MEMORANDUM TO: Vice President, Economic Section
Director, Army Sub-Commission
Chief, Naval Sub-Commission

1. Enclosed is a copy of a note from the Administrative Section to the Secretary General together with a letter from Colonel Spofford and a letter from the Chief Legal Officer, subject: Execution of Document "D" of Transfer of Territory.

2. It is requested that the comments desired in paragraph 4 of the letter from the Administrative Section be forwarded to this office as soon as possible.



ROBERT E. DOE
Major, A.G.D.
Secretary General

3 Incls.

- 1 - ACC/4110/L of 20 May 44
- 2 - MGS-387.4-2 of 3 May 44
- 3 - ACC/4110/L of 16 May 44

1479

*Copies sent to Comm. Palmer
22 May*

Naval Sub-Commission
ALLIED CONTROL COMMISSION
NAVY HOUSE, WASHINGTON
RECEIVED MAY 26 1944

SECRET

SECRET

COPY

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

ACC/4140/L

20 May 44

SUBJECT: Execution of Document "D" of Transfer of Territory.

TO : Secretary General, Rear HQ ACC.

- 1 Reference MES 387.4-2 dated 3 May 44 attached; this letter was forwarded to this Section for action, Legal Sub-Commission have submitted the attached memo ACC/4140/L dated 16 May 44.
- 2 It will be seen from the latter that information to complete the reply is required from ECONOMIC Section and from ARMY and NAVY Sub-Commissions, and possibly from political Section.
- 3 It is considered that the co-ordination of the complete reply will need to be carried out by your office, the papers are therefore referred to you. In the meantime a copy of the LEGAL memo has been referred to Interior and Public Safety Sub-Commissions with instructions to furnish information required re para 3 a (1) Art. 2, para 3 a (1) Art. 12, and para 3 a (1) Art. 3. This information will be furnished to you on receipt by this office.
4. On the basis of the LEGAL memo referred to in para 1 above, the following Sections and Sub-Commissions will require to be consulted in addition to those of the Administrative Section, (now in hand);

ECONOMIC SECTION re para 2 a last para.

3 a (1) Art 1.
3 a (1) Arts. 10 and 11 (FINANCE S.C.)
3 a (1) Art. 14 (-do-)
3 b Arts. 1, 2, 3.5. (- do)
3 a (1) Arts. 1, 2, & 3.
3 a (1) Arts. 1 & 2.

ARMY SUB-COMMISSION
NAVY SUB-COMMISSION

(Sgt) R. R. CRIPPS
R. R. CRIPPS,
Lieut. Colonel,
CSO Admin Section.

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ALLIED FORCE HEADQUARTERS
Military Government Section

CMS/GF/als

MG3-387.4-2

3 May 1944

SUBJECT: Execution of Document D for Transfer of Territory.

TO : Headquarters, Allied Control Commission.

Reference is made to Document D of the instruments for the transfer of territory to the administration of the Italian Government. By that document the Chief of the Italian Government undertook to take certain action of a legislative or administrative character, including as far as might be necessary the implementation of Documents A and C. While an examination of the Gazzetta Ufficiale makes it apparent where certain of the requisite decrees have been enacted, other requirements, called for action only "if necessary," "in so far as not already provided," etc. The actual situation is thus in some matters not known to this Section, which has been requested by the Civil Affairs Division, War Department General Staff, to advise on the matter. Accordingly the Allied Control Commission is requested to make a report to this Headquarters showing exactly what has been done to execute the various conditions of the transfer of territory to Italian administration.

(Sgd) CHARLES M. SPOFFORD
CHARLES M. SPOFFORD,
Colonel, G.S.C.,
Chief of Section.

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

RS/gmf

ACC/4140/L

16 May 1944

SUBJECT: Execution of the Documents for Transfer of Territory.

TO : V.P. Admin. Section.

1. Reference is made to the letter of APR, MGS 337.4-2 of 3 May 1944. A survey of Italian legislation implementing the terms of the above documents together with the corresponding provisions of the said documents is set out below.
2. By virtue of para 2 of Document B the Italian Government undertook to publish in the Official Gazette before the date of restoration the following decrees:

(a) "A decree stabilizing wage rates, maximum prices, charges for services; maximum quantities of grain to be held by anyone; as existing at the date of restoration and pending the future policy being agreed upon between us."

In compliance with this obligation the Royal Decree Law No. 32 of 11 Feb. 1944 was published in Gazzetta Ufficiale No. 7, Art. 1 of which reads as follows:

"The wages of private employees, the fixed maximum prices of all kinds of goods and the maximum tariffs for services in effect in the territories restored to the Italian Administration on February 11 at 0000 hours, remain in force without change. The regulations regarding the maximum quantities of rationed products allowed to be kept remain likewise unchanged."

Subsequently the Italian Government, in agreement with the respective branches of the Allied Control Commission, has passed a number of decrees changing rationing rules of certain goods and the prices of certain products and regulating the quantities of grain to be retained by certain classes of persons. (The last by the Ministerial Decree of 2nd May 1944 on Regulations for collecting grain and barley harvested in 1944, published in G.U. No. 24 of 3 May 1944.). The particulars of the changes effected in this field may be obtained from the respective subcommittees.

(b) "A decree to implement paragraph 5 of document A providing for the establishment of Allied Military Courts to try offences entailing any hostile act against the Allied Forces and empowering any member of the Allied Forces to arrest any person whom such member had reasonable grounds for believing is concerned in such an act, except in the case of an Italian officer or an Italian high official in which case the Italian Government or the local superior authority concerned should be asked to cooperate in any action."

The Italian Government fulfilled this undertaking by publishing the Royal Decree Law of 11 Feb. 1944 No. 31, Art. 3 which in its original form read as follows:

1476

A survey of Italian legislation implementing the terms of the above documents is set out together with the corresponding provisions of the said documents is set out below.

2. By virtue of para 2 of Document B the Italian Government undertook to publish in the Official Gazette before the date of restoration the following decrees:

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(b) "A decree to implement paragraph 5 of document A providing for the establishment of Allied Military Courts to try offences entailing any hostile act against the Allied Forces and empowering any member of the Allied Forces to arrest any person whom such member had reasonable grounds for believing is concerned in such an act, except in the case of an Italian officer or an Italian high official in which case the Italian Government or the local superior authority concerned should be asked to cooperate in any action."

The Italian Government fulfilled this undertaking by publishing the Royal Decree Law of 11 Feb. 1944 No. 31, Art. 3 which in its original form read as follows:

"Whoever within the liberated Italian territory commits a hostile act or offence against property to the prejudice of the Allied Military Forces or of any member thereof or of any functionary, representative or agent of United Nations, or whoever takes part in seditious demonstrations against the Allied Forces or commits any act which in whatever way may hamper the war effort or help the enemy, shall be punishable under Italian penal law and shall be tried in Allied Military Courts according to their own procedure."

"In the case contemplated by the preceding paragraph 1 any member of the Allied Armed Forces can effect the arrest of any person who may be reasonably believed to be implicated in acts therein above set out, except where an

Italian officer or high government official is concerned, in which case the Italian Government or the appropriate superior local authority will be requested to cooperate in the premises to the extent necessary."

Upon request of the Allied Control Commission this Article was amended by R. Decree Law No. 112 of 13 April so as to permit the Italian Courts to take jurisdiction over the offenses against Allied interests unless the Allied authorities direct otherwise. The new Art. 3 reads:

"Whoever within the territories restored to Italian administration commits any hostile act or offense against property to the prejudice of the Allied armed forces or of any member thereof or of officials, representatives or agents of the United Nations or is guilty of any seditious demonstration against the Allied Forces or of any action whatsoever that impedes the prosecution of the war or aids the enemy, shall be tried by the Italian Courts according to the Italian penal laws.

"Wherever the jurisdiction of the Allied Military Tribunals is acknowledged in all cases which they shall decide to retain for their own jurisdiction. In such cases the Allied Military Tribunals will follow their own procedure but will apply the Italian penal laws.

"In such cases as set out in the first paragraph any member of the Allied Armed Forces may arrest any person when there are reasonable grounds for suspecting him to be implicated in any act therein set out, save only in the case of an Italian officer or high Italian official.

"In such a case except in matters of special urgency the Italian Government and the competent superior local authority shall be requested to take all necessary steps."

In the opinion of this Subcommission the Italian Government has fully complied with their obligation in this respect.

3. Furthermore, the Italian Government gave their assurance "to proceed with all possible expedition to pass decrees dealing with the following matters" (para 3 of document D):

(a) To implement so far as may be necessary the terms set out in document A and the terms of the Proclamation (Doc. C).

(1) Doc. A. The general clause affirming the continuance in full effect of all armistice terms throughout all Italian territory obviously does not need any implementation and is binding upon the Italian Government as part of the restoration agreement under International law.

The specific rights reserved for the United Nations in Doc. A stated below in an abbreviated form of headings together with an indication whether or not the obligations of the Italian Government arising out of each reserved right were embodied into a rule of municipal Italian law;

1. Right to use facilities, installations, etc. No legislative provision enacted. Army, Navy and other Subcommissions concerned can supply information as to whether administrative regulations were issued.
2. Right to quarter troops. No legislative provision issued. The Interior, Army Subcommission might supply particulars as to admin. instructions.

3. Right to hold or require the Italian Government to hold its courts.

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or agents of the United Nations or is guilty of any seditious demonstration against the Allied Forces or of any action whatsoever that impedes the prosecution of the war or aids the enemy, shall be tried by the Italian Courts according to the Italian penal laws.

However the jurisdiction of the Allied Military Tribunals is acknowledged in all cases which they shall decide to retain for their own jurisdiction. In such cases the Allied Military Tribunals will follow their own procedure but will apply the Italian penal laws.

"In such cases as set out in the first paragraph any member of the Allied Armed Forces may arrest any person when there are reasonable grounds for suspecting him to be implicated in any act therein set out, save only in the case of an Italian officer or high Italian official.

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1. Right to use facilities, installations, etc. No legislative provision enacted. Army, Navy and other Subcommittees concerned can supply information as to whether administrative regulations were issued. 1475

2. Right to quarter troops. No legislative provision issued. The Interior, Army Subcommittee might supply particulars as to admin. instructions.

3. Right to hold or require the Italian Government to hold in custody, and civilian internees. No legislative provision issued. For administrative instructions see Army and Public Safety Subcommittees.

4. Right to declare any area to be a Military Zone and to exercise therein the right of an occupying power or enforce such other controls as may be determined by the Allied Commander in Chief.

In compliance with this term the ROL 11 Feb. 1944. No. 31 contains the following provision:

Art. 4. Whenever military zones are established in liberated Italian territories by Allied Armed Forces, such forces will retain also all police powers within said zones, including the power to issue and enforce rules and regulations.

5. The right to convene Allied Military Tribunals for the trial of any person violating any order or regulation issued by the Allied Military Authorities and of any person otherwise doing any act hostile to the Allied Forces.

Art. 3 and 4 of RDL No. 31 set out above under 2(b) and 3(a) i and 4 respectively, were issued in compliance with this term.

6. The right to try offences committed before restoration in violation of AMG proclamations or orders then in force.
This term was implemented by Art. 2 of the RDL No. 31 which provides as follows: "proceedings in the Allied Military Courts for offences heretofore committed contemplated by the proclamations and orders mentioned in Art. 2 (Note: should read "in Art. 1") shall be continued and disposed of by said Courts in accordance with the provisions of said proclamations and Orders.

7. No removal of AMG appointed officials without consent of A.C.C. in U.
In this respect Art. 1 para 2 of the RDL No. 31 states as follows: "the efficacy of the acts undertaken by the Allied Military Authorities ... shall remain in force including the appointments and dismissals of public or private officials, which shall be recognized in every case as having full and valid legal effect as if they had been made by the Italian Government. The legal and financial status of those who have been placed in public office by the Allied Military Government will be regulated by the rules of Italian laws.
In addition to the above an exchange of correspondence took place between the Chief Commissioner and the Chief of Government in which the latter confirmed the necessity of previous consent by the A.C.C. to any change in the status of officials appointed by the AMG in the restored territory (Marshal Badoglio's letter of 13 March 1944 No. 759). As far as this Subcommittee is concerned the Minister of Justice gave his assurance to adhere to this agreement in respect to judicial officials in a meeting held on 21 March 1944.

8. The right to requisition property or services. No legislation on this subject was published and no difficulties seem to have arisen. Interior Subcommittees and the Army Subcommittee may supply information as to administrative instructions.

9. The right to recover or take any steps necessary for prosecution of war. No need for legislation on this point has arisen.

10 & 11. Right of import, export and distribution of civilian supplies for civilian population without duty and right of import and export of military and other supplies necessary for prosecution of war.

Most probably arrangements have been made in this respect between Finance Subcommittee and other Subcommittees concerned on one side and the Italian Government on the other. These Subcommittees will be able to furnish particulars.

12. Free movement and immunity from taxation for any representative of the United Nations.

No legislative provisions published. There might be some administrative directives issued in agreement with Interior and Finance Subcommittee.

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as follows: proceedings in the Allied Military Courts for offenses committed by the proclamations and orders mentioned in Art. 2 (Note: should read "in Art. 1") shall be continued and disposed of by said Courts in accordance with the provisions of said Proclamations and Orders.

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8. The right to requisition property or services. No legislation on this subject was published and no difficulties seem to have arisen. Interior Subcommissions and the Army Subcommission may supply information as to administrative instructions.

9. The right to reoccupy or take any steps necessary for prosecution of war. No need for legislation on this point has arisen.

10 & 11. Right of import, export and distribution of civilian supplies for civilian population without duty and right of import and export of military and other supplies necessary for prosecution of war.

Most probably arrangements have been made in this respect between Finance Subcommission and other Subcommissions concerned on one side and the Italian Government on the other. These Subcommissions will be able to furnish particulars.

12. Free movement and immunity from taxation for any representative of the United Nations.

No legislative provisions published. There might be some administrative directives issued in agreement with Interior and Finance Subcommission.

13. Immunity of the representatives of the United Nations from the jurisdiction of Italian courts.

No need for a legislative provision has arisen; to this Subcommission's knowledge the Italian authorities scrupulously avoided any claim of jurisdiction over United Nations personnel.

14. Costs of maintaining Allied troops within the Unoccupied Territory chargeable to the Italian Government.

This matter was dealt with by the Financial Subcommission which will be able to supply particulars.

(ii) Document C. The terms contained in Document C were all put into effect by RDL No. 31. The terms of Document C are stated below together with the corresponding Articles of RDL No. 31:

Document C

RDL No. 31

1. Military government in the territory restored having been terminated by the Allied Military Government, all powers of government and jurisdiction in the territory restored and over its inhabitants, and final administrative responsibility, subject only to the rights reserved to the United Nations, are vested in the Government of Italy.

2. All Proclamations and Orders heretofore issued by the Military Governor or under his authority by its delegates in the said territory and which have been terminated therein by the Military Government or as upon its restoration, are hereby recognised by the Italian Government as having been validly issued during the time they were operative and are declared to be of the same legal effect as if they had been issued by the Italian Government in accordance with Italian law, and they will be so recognised by all Italian Courts and officials.

3. All acts done by any member of the Allied Forces in pursuance of such proclamations or orders, and all official action of any nature taken by the Allied Military Government in pursuance thereof including all appointments to and removals from any office, public or private, will be recognised by all Italian Courts and officials as legal, valid and binding.

4. All sentences imposed by Allied Military Courts are hereby recognised by the Italian Government as valid and legal and of the same effect as if imposed by an Italian Court and will be so recognised by all Italian Courts and Italian officials unless set aside or modified by or with the consent of the Allied Control Commission.

ART. 1. Allied Military Government, having been terminated, all proclamations and orders heretofore emanating from the Military Governor General of the Allied Forces or from his delegates lose their validity in the territories formerly under the jurisdiction of the Allied Military Government.

The efficacy of the Acts undertaken by the Allied Military Authorities, referred to in the preceding paragraph, by virtue of the said proclamations and orders shall remain in force including the appointments and dismissals of public and private officials, which shall be recognised in every case as having full and valid legal effect as if they had been made by the Italian Government.

The legal and financial status of those who have been placed in public office by the Allied Military Government will be regulated in accordance with the rules of Italian laws.

(See also above 3(a)(1)(7))

ART. 2. The sentences pronounced by the Allied Military Tribunals shall remain in force and shall in all respects be recognised as though pronounced by Italian Tribunals, unless revoked or modified by the Allied Control Commission or with the consent of the said Commission.

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(b) Document D enumerates under the heading "Financial matters" a series of steps to be taken by the Italian Government i.e.:

1. Reconstituting by decree if necessary the terms of RDL No. 61 of 24

... served to the United Nations, are vested in the Government of Italy.

2. All proclamations and orders heretofore issued by the Military Governor or under his authority by its delegates in the said territory and which have been terminated therein by the Military Government as upon its restoration, are hereby recognized by the Italian Government as having been validly issued during the time they were operative and are declared to be of the same legal effect as if they had been issued by the Italian Government in accordance with Italian law, and they will be so recognized by all Italian Courts and officials.

3. All acts done by any member of the Allied Forces in pursuance of such proclamations or orders, and all official action of any nature taken by the Allied Military Government in pursuance thereof including all appointments to and removals from any office, public or private, will be recognized by all Italian Courts and officials as legal, valid and binding.

4. All sentences imposed by Allied Military Courts are hereby recognized by the Italian Government as valid and legal and of the same effect as if imposed by an Italian Court and will be so recognized by all Italian Courts and Italian officials unless set aside or modified by or with the consent of the Allied Control Commission.

(b) Document D enumerates under the heading "Financial matters" a series of steps to be taken by the Italian Government i.e.:

1. Rescinding by decree if necessary the terms of Rando No. 61 of 24 Sept. 1943 in relation to notes of exchange of Allied Military Currency.
Rando No. 61 was published in the Gazzetta Ufficiale, Special Series, No. 1/2, 18 Nov. 1943 and the Finance Subcommittee has not requested its republication in form of a decree.

2. Barring transactions in lands and buildings so far as necessary to prevent inflation.
In agreement with the Finance Subcommittee the policy of imposing limitations upon the above transactions has been abandoned.

The efficacy of the Acts undertaken by the Allied Military Authorities, referred to in the preceding paragraph, by virtue of the said proclamations and orders shall remain in force including the appointments and dismissals of public and private officials, which shall be recognized in every case as having full and valid legal effect as if they had been made by the Italian Government.

The legal and financial status of those who have been placed in public office by the Allied Military Government will be regulated in accordance with the rules of Italian laws.

(See also above 3(a)(1)(7))

ART. 2. The sentences pronounced by the Allied Military Tribunals shall remain in force and shall in all respects be recognized as though pronounced by Italian Tribunals, unless revoked or modified by the Allied Control Commission or with the consent of the said Commission.

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SECRET

3. "If necessary and in so far as not already provided for in existing legislation; (forbidding?) except as permitted or licensed by the Minister of Finance, all transactions in foreign exchange, import or export of coins, currency, securities or gold or silver bullion and baring financial, commercial or other transactions involving trade or communication with any person outside the territory actually administered by the Italian Government except as between such territory and Italian territory still occupied by the Allied Military Forces and except transactions, imports and exports for the Allied authorities authorized by them."

This term was implemented by para 1 Art. 2 of the above mentioned RUL No. 32 which reads as follows:

"for the purpose of the prosecution of war the Chief of the Government is given authority to impose in the aforesaid territories (i.e. territory restored to the Italian administration), in agreement with the competent Ministers and as the cases may arise, special directives for or limitations upon the exercise of any productive or commercial activities and also to fix the zone in which such activity may be conducted."

The Finance Commission should be consulted as to administrative instructions in point.

4. Authorizing the competent Ministers in their discretion as a war measure to prohibit the entering into or carrying on of any type of business except upon such terms or in such areas as they may prescribe, and authorizing them to require any property in which there are reasonable grounds for believing that any enemy or fascist interests, direct or indirect exist, to be delivered to any agency designated by them to be blocked or to become subject to some other form of control; and providing that subject to the terms prescribed by the Minister of Finance property now held in a blocked account shall remain in its present status, and further providing that financial institutions holding blocked accounts are to make semi-monthly reports to the Minister of Finance showing any dealings in these accounts.

This term was embodied partly in para 1 of Art 2 of RUL No. 32 set out above under 3, partly in para 2 of the same Art 2 which reads as follows:

"Furthermore the Minister of Finance is given authority;

(a) to sequester or provide for any other form of controlled administration under the supervision of the Ministry of Finance of any property or undertaking in which fascists or enemy nationals, be they physical or judicial persons, hold any direct or indirect interest.

(b) to keep frozen the values and bank deposits already affected by such measure, to determine the respective procedures and likewise to provide that the banking institutions holding such values or deposits report every 15 days all affected operations to the Ministry of Finance."

5. Requiring all future initial openings of safe deposit boxes and delivery of contents to be made only in presence of representatives designated by the Minister of Finance. The Financial Subcommission should be requested to supply information on administrative instructions issued on this subject.

(c) Under the heading "United Nations and Enemy Property" Document D introduced upon the Italian Government the duty to pass a decree "confering administrative powers upon the Allied Director of Property Control in relation to the property of any of the United Nations or of any national of the United Nations including property of France and French nationals."

As a result of extensive and at times difficult negotiations a machinery

is given authority to impose in the aforesaid territories (i.e. territory restored to the Italian administration), in agreement with the competent Ministers and as the cases may arise, special directives for or limitations upon the exercise of any productive or commercial activities and also to fix the zone in which such activity may be conducted."

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(b) to keep frozen the values and bank deposits already affected by such measure, to determine the respective procedures and likewise to provide that the banking institutions holding such values or deposits report every 15 days all affected operations to the Ministry of Finance."

5. Requiring all future initial openings of safe deposit boxes and delivery of contents to be made only in presence of representatives designated by the Minister of Finance. The Financial Subcommission should be requested to supply information on administrative instructions issued on this subject.

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As a result of extensive and at times difficult negotiations a machinery has been designed which met the wishes of the Director of the Property Control in respect to the above term. Administrative instructions have been issued to the Prefects and a draft decree is ready for publication which repeals the restricting Italian regulations regarding property owned by the United Nations, France and their respective citizens. The particulars can be obtained from the Property Control Subcommission.

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

*Rec'd
No. 275*

RED/afe

SG 602.3

22 May 1944

MEMORANDUM TO: Vice President, Economic Section
Director, Army Sub-Commission
Chief, Naval Sub-Commission

1. Enclosed is a copy of a note from the Administrative Section to the Secretary General together with a letter from Colonel Spofford and a letter from the Chief Legal Officer, subject: Execution of Document "D" of Transfer of Territory.

2. It is requested that the comments desired in paragraph 4 of the letter from the Administrative Section be forwarded to this office as soon as possible.

ROBERT E. DOE
Major, A.G.D.
Secretary General

3 incls.

- 1 - AGC/4140/L of 20 May 44
- 2 - MGS-387.4-2 of 3 May 44
- 3 - AGC/4140/L of 16 May 44

Info Copy to Commodore Palmer ←

File ✓

*Receipt ack'd
24/5/44
Tm*

1471

SECRET

COPY

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

ACC/4140/L

20 May 44

SUBJECT: Execution of Document "D" of Transfer of Territory.TO : Secretary General, Rear HQ ACC.

- 1 Reference MDS 387.4-2 dated 3 May 44 attached; this letter was forwarded to this Section for action. Legal Sub-Commission have submitted the attached memo ACC/4140/L dated 16 May 44.
- 2 It will be seen from the latter that information to complete the reply is required from ECONOMIC Section and from ARMY and NAVY Sub-Commissions, and possibly from Political Section.
- 3 It is considered that the co-ordination of the complete reply will need to be carried out by your office, the papers are therefore referred to you. In the meantime a copy of the LEGAL memo has been referred to Interior and Public Safety Sub-Commissions with instructions to furnish information required re para 3 a (1) Art. 2, para 3 a (1) Art. 12, and para 3 a (1) Art. 9. This information will be furnished to you on receipt by this office.
4. On the basis of the LEGAL memo referred to in para 1 above, the following Sections and Sub-Commissions will require to be consulted in addition to those of the Administrative Section, (now in hand);

ECONOMIC SECTION re para 2 a last para.

3 a (1) Art 1.

3 a (1) Arts. 10 and 11 (FINANCE S.C.)

3 a (1) Art. 14 (-do-)

3 b Arts. 1, 2, 3, 5. (- do)

ARMY SUB-COMMISSION

3 a (1) Arts. 1, 2, & 3.

NAVY SUB-COMMISSION

3 a (1) Arts. 1 & 2.

(Sgd) R. R. CRIPPS
R. R. CRIPPS,
Lieut. Colonel,
CSO Admin Section.

SECRET

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COPYSECRET

ALLIED FORCE HEADQUARTERS

Military Government Section

CMS/CF/als

MGS-387.4-2

3 May 1944

SUBJECT: Execution of Document D for Transfer of Territory.

TO : Headquarters, Allied Control Commission.

Reference is made to Document D of the instruments for the transfer of territory to the administration of the Italian Government. By that document the Chief of the Italian Government undertook to take certain action of a legislative or administrative character, including as far as might be necessary the implementation of Documents A and C. While an examination of the Gazzetta Ufficiale makes it apparent where certain of the requisite decrees have been enacted, other requirements, called for action only "if necessary," "in so far as not already provided," etc. The actual situation is thus in some matters not known to this Section, which has been requested by the Civil Affairs Division, War Department General Staff, to advise on the matter. Accordingly the Allied Control Commission is requested to make a report to this Headquarters showing exactly what has been done to execute the various conditions of the transfer of territory to Italian administration.

(Sgd) CHARLES M. SPOFFORD
CHARLES M. SPOFFORD,
Colonel, G.S.C.,
Chief of Section.

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SECRET

File No.
A14-7/HBO

ALLIED CONTROL COMMISSION
NAVAL SUB-COMMISSION
Navy House, Taranto, Italy

Serial: 2

20 May 1944.

SECRET

FROM:
TO :

Naval Sub-Commission, Allied Control Section.
Headquarters Allied Control Commission,
Office of the Secretary General, APO 594.

Subject:

Execution of Document "D" for transfer of
Territory.

Reference:

- (a) Hq. ACC Memo SG 602.2 of 22 May 1944.
- (b) ACC Rear ltr ACC/4140/L of 20 May 1944.
- (c) AFHQ ltr WGS-387.4-2 of 3 May 1944.
- (d) Legal SG, ACC ltr ACC/4140/L of 16 May 1944.

1. Reference (a) forwarded references (b), (c) and (d) with the request that the Navy Sub-Commission comment regarding paragraph 3a (1), Articles 1 and 2.

2. The Navy Sub-Commission has been unable to obtain any information concerning Italian administrative implementation of document A on the subject of the United Nations right to use facilities or to quarter troops. It is believed that no such administrative instructions exist.

Copy to:

FOTALI

NAV REP Salerno.

R. V. ZIROLI,
Commander, U. S. Navy,
for Chief, Naval Sub-Commission, A.C.C.

In Paragraph 3 of Document D
Italian Govt. agreed to "implement Document A." 1468

Have checked

- 1. Dep NSC files
- 2. USNLI
- 3. FOTALI
- 4. Capt. Baslini, IRN

Negative results.
WWW
29/5

2011