

(Cont'd)

-2-

PLAIN

CIRCULAR

Confusion which arises from the presence of the Army, Navy or Coast Guard in an area may be clarified by the following: During the war, the United States military and naval forces exercised jurisdiction over merchant seamen by virtue of broad interpretation of the Second Article of War (10 U.S.C. 1472) and Public Law 12, 73rd Congress, respectively. These laws were interpreted to cover seamen in a theatre of military operations as accompanying or serving with the Armed Forces. The Department is informed that relatively few merchant seamen cases will come within these laws now and that Army and Navy Officers have been instructed to act only in cases where they clearly have jurisdiction.

The United States Coast Guard has at various foreign ports, Merchant Marine Hearing Details which have authority to suspend or revoke seamen's papers for cause but which takes place aboard ship and does not extend to misconduct ashore unless of a particularly serious nature.

ACHESON
(Acting)

198

4042
2220
NAVY
158

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 934.01

7 October 1946 ✓

SUBJECT: Italian Jurisdiction over US Merchant Seamen.

TO : Chief Commissioner
Allied Commission
(Attn: Navy Sub-Commission)
APO 794

1. You will have received a letter dated 25 September 1946 from the US Maritime Commission NATES on the subject of the Jurisdiction of Italian Police over US Merchant Seamen and vessels.

2. This is a matter on which there have been recent announcements of policy by this Headquarters. The Theater Judge Advocate has requested that your reply and views be forwarded to this Headquarters in order that a coordinated reply may be sent to US Maritime Commission.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

Drum
Major
for A. E. HAMBLEY
Colonel, G.S.C.
Assistant Chief of Staff, G-5.

U. S. MARITIME COMMISSION

Naples, Italy
Sept. 25, '46

To: Commanding General MEOUSA - APO 512
Chief, Navy Subcommission, Allied Commission, Rome

From: E. L. Troutman, Operations Manager, Med.

Subject: Jurisdiction over Merchant Seamen

Frequent questions and incidents are arising which require clarification with respect to jurisdiction over Merchant Seamen.

This Commission requests that we be advised regarding:-

1. Are American seamen under the sole jurisdiction of Allied Military Police, or are Italian Police empowered to seize and/or arrest American seamen, for infringement of Customs regulations or any offenses whatsoever in any port in Italy?
2. If seamen are under the sole jurisdiction of Allied Military Police, are we to assume that trials will be held by Court Martial by American Military Authorities, or if not under sole jurisdiction of Allied Military Police, are Italian Authorities empowered to hold American seamen for trial and to conduct trials and carry out sentences?
3. Are Customs laws, as stated by the Italian Ministry of Finance applicable to Allied citizens and seamen?
4. Is it permissible for Italian Police to be aboard Allied flag vessels in an official capacity?

Clarification of the foregoing points should assist this Commission in guiding the Operators of American vessels and their agents, since we desire to take those steps that will enable us to back up a forceful policy wherein all unauthorized persons and undesirables can be kept off American ships, and wherein the frequent occasions of pilferage and theft of ships' property and ships' cargoes sometimes involving members of the crews, can be minimized.

We understand that policies exist, however, we desire some rulings in order to issue necessary advices and instructions.

E. L. Troutman
E. L. TROUTMAN
Operations Manager, Med.
U.S. Maritime Commission

ELT:TP
c.c. Mr. Myron Black
American Embassy, Rome
c.c. AEL Genoa, APL Genoa, Lykes Bros. Genoa

198

SECRET

Ref. : 3636/251/100

23 December 1946

SUBJECT: Public Order.

TO : AFHQ,
G-3 Section.

Referring to this HQ signal 5839 dated 18 Dec. 46, I forward herewith copy of a letter from the Prime Minister enclosing instructions given by the Ministry of the Interior for the maintenance of public order.

FOR THE CHIEF QUARTERMASTER:

A. W. HIND-SMITH
Brigadier,
Executive Commissioner.

Copies to: AFHQ G-5 Section
Public Safety Div
Land Forces S/C
Air Forces S/C
Navy S/C

⑨

PG-1

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SECRET

ALCOM CITE ACSCC FROM ADMIRAL STONE

181030A DECEMBER 1946

AFHQ FOR ACTION GEORGE THREE INFO GEORGE FIVE

5839

SECRET

YOUR LETTER GEORGE THREE AFHQ SLANT SEVEN THREE OF EIGHT NOVEMBER REFERS PD
HAVE NOW RECEIVED COPY OF MINISTRY OF INTERIORS ORDERS DATED TWELVE DECEMBER WHICH
WILL BE TRANSLATED AND FORWARDED PURSUANT PARAGRAPH FIVE REFERENCE LETTER

DISTRIBUTION:

MMIA
AF S/C
Navy S/C ✓
Pub Safety
Ex Commr
CC Files

SECRET

PRIORITY

Chief Commissioner

222

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

JOHN R. HAYES
MAJOR, AGC
ADJT 193

TRANSLATION

MINISTRY OF THE INTERIOR
No. 142/2327

Rome, 12 December 1946.

SUBJECT: Public Order.

The Allied Commission, in order to determine the competences and tasks of the Allied and Italian Authorities, respectively, for the maintenance of public order in the national territory, has sent a communication, the fundamental points of which are summed up in the two enclosures.

The regulation regarding the use of tear-gas bombs and smoke-bombs, (an allotment of which will be made soon), does not exclude that they may be used by the police and Italian troops even when the latter are not operating under the control of the Allied Authorities.

The present provisions repeal those contained in the circular no. 142/5734 of 4 July 1943 sent to the Prefecture, then administered by the Italian Government.

FOR THE MINISTER.

TRANSMISSIONGENERAL ORDER

1. This Operative Memorandum substitutes the Operative Memorandum N. 78 (Territorial Defense) dated 22 July 1945 that is therefore cancelled.
2. For the maintenance of the internal security (that is the maintenance of law and order and the defence against sabotage) within the zone of competence of SACEN.
 - a) The Commander in Chief C.H.Q. Allied Forces of the Allied Forces Mediterranean Theater, will be responsible for the provinces of Udine and Venezia Giulia.
 - b) The Italian Government will be responsible for all the remainder of the Italian territory.
3. The material security of installations and locations of Allied Forces in Italy, wherever located, is due to the Allied Troops that occupy these installations and locations. The respective concerned commanders will ascertain that plans for protection of their own installations will be prepared.

MILITARY ZONES

4. The Supreme Command Allied Forces Mediterranean Theater is reserving the right of declaring Military Zone particular zones subjected to the Italian jurisdiction. After promulgation of such a declaration the exercising of the powers of a Military Government in the zone in question will be assumed by the Supreme Command Allied Forces Mediterranean Theater. It is however intended that this right will only be used in case of gravest threat to Allied interests.

USE OF TROOPS IN SUPPORT OF CIVIL AUTHORITIES

5. For special orders, integral for the maintenance of law and order and for the prevention of sabotage in Italy see supplement "A".

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TRANSLATION

SUPPLEMENT "A"

A. ITALIAN TERRITORY EXCEPT PROVINCES OF UDINE AND VENEZIA GIULIA

1. Within the Italian Territory, excepted the provinces of Udine and Venezia Giulia, the Italian Government is competent for the maintenance of law and order, and has therefore at his disposal the forces of the Police, the Carabinieri, and the Army.

2. Should the situation become worse, so that the Italian Authorities could not maintain law and order with their own resources, they can apply to Allied Troops for help. Such a demand will not be accepted at once, but will be submitted immediately to G.H.Q. Allied Forces. Should the disorder however menace directly Allied military property and installations and impend to interfere with operations of Allied Forces, the local commandant will take all measures that seem to him opportune for protecting Allied interests. With approval of G.H.Q. Allied Forces and on behalf of SACMED, he can as a last resource declare the threatened zone as Military Zone. In this case he will assume the command of all troops and of the whole Italian Police in this zone.

3. In case the local commandant should consider the state of emergency so serious and immediate that he has not sufficient time for asking the permission of G.H.Q. Allied Forces, he can act on his initiative. He has to refer all facts successively to G.H.Q. Allied Forces in the shortest possible time.

B. PROVINCES OF UDINE AND VENEZIA GIULIAOMISSISC. LACRIMATORS AND SMOKE GROWING BOMBS

7. In any case Italian and Allied troops, Police or Carabinieri should be used under Allied command for smoothing civil disorder, they can make use of lacrimator or smoke growing bombs, but not of white phosphoric bombs, with the following limits:

- a) All precautions have to be taken that the depots of these bombs are not available for unauthorized persons.
- b) All superior commands will issue orders to their dependent parties about the use of these bombs setting up the limitation that no bomb will be issued to the troops nor be used by them unless by order of an officer. In exceptional cases the responsibility for issuing such orders can be delegated to a non-commissioned officer. The use of these bombs will be permitted only if the use of force is necessary and the purpose can be reached with less damage for the persons by using lacrimators or smoke-growing bombs than by opening fire.

Translation

IN PRESENCE OF THE CHAIRMAN OF THE BOARD

Rome, 12 Dec 46.

Dear Admiral,

Referring to your letter No. 5636/24.3/46 dated 21 Nov. 1946, I enclose copy of the instructions given for the implementation of the Order issued by Allied Forces HQ.

/s/ De Gaspard

Dear Admiral Elsey W. Stone,
Chief Commission,
Allied Commission,
Rome.

HEADQUARTERS, ALLIED COMMISSION
Navy Sub-Commission APO 394

FILE

NSC/2705
21 June 1945

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

Subject: Deserters from the Italian Royal Navy.

1. Two Deserters from the Italian Royal Navy, named CHIARIOTTI and PETRIC, are to be deported from the United States of America.
2. The expected time of arrival in Italy will be communicated in due course.

R. W. ZIMMER,
COMMODORE, U.S. NAVY,
REAR ADMIRAL
CHIEF, NAVY SUB-COMMISSION, AC.



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21 JUN 1945

⑧

WWW

HEADQUARTERS, ALLIED COMMISSION
Navy Sub-Commission APO 394

FILE

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H. W. ZIRILLI
COMMANDER, U.S. NAVY
FOR REAR ADMIRAL
CHIEF, NAVY SUB-COMMISSION, AC.

KP

FILE

PG-1

189

21 JUN 1945

⑧

WWW

Washington
AGWAR (R) ALCCM

FROM ADHQ SIGNED ALEXANDER
CITE PEGBI

CONFIDENTIAL

LOOK AT YOUR W-17925 OF 16TH JUNE.

NO OBJECTION TO DEPORTATION OF CHIAKIOFFI AND PETRIC, ROYAL ITALIAN
NAVY DESERTERS. PLEASE ADVISE ETA AND PORT OF ARRIVAL.

==171743Z JUNE

188

DIS: 3, 7, 7a, 9, 9a, 11.

HAND P/L TOR A.M./18

A.C. DIST: INFO-ACTION NAVY S/C
INFO CHIEF COMMISSIONER
FILE 2 FLOAT

HEADQUARTERS, ALLIED COMMISSION
Navy Sub-Commission APO 334NSC/2728
22 June 1945

From: Navy Sub-Commission, Hq. Allied Commission.
To: Ministry of Marine, Rome.
Subject: Suspected Trafficking in Currency by Italian
Naval Personnel.

1. The Navy Sub-Commission recently has received information from Allied Naval Authorities in the Middle East which indicates that personnel aboard Italian Naval vessels may be smuggling contraband and trafficking in currency and gold. However, Allied Naval Authorities are not in possession of concrete evidence which provides definite proof of the existence of such practices.

2. In view of the above, it is requested that the Ministry of Marine direct subordinate Naval Commands to initiate appropriate and energetic action to suppress any illegal traffic in contraband or currency which may be found to exist.

REAR ADMIRAL
CHIEF, NAVY SUB-COMMISSION, AC.

Copy to:
CINC MED
FOLEM
FOTALI

(Distribution not shown on original)

189
FILE

189

25 JUN 1945

WWW

(14)

PG-1

SECRET

SECRETOffice of Flag Officer,
Levant and Eastern Mediterranean.

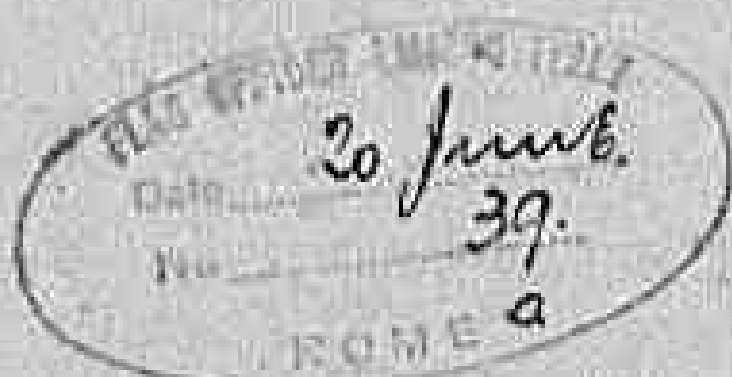
FOLEM 00192/19(a)

7th June, 1945.

THE FLAG OFFICER,
TARANTO AND ADRIATIC LIAISON ITALY,
ROME.SUSPECTED SMUGGLING BY ITALIAN SHIPS.

The security authorities in the Middle East have reason to believe that Italian warships are smuggling contraband and trafficking in currency and gold, though concrete evidence cannot be produced.

2. You are therefore requested, should you think fit, to approach the Italian Ministry of Marine and instruct them to take energetic measures to suppress this traffic, *if it does, in fact, exist.*



W. J. J. J.
for VICE ADMIRAL.
(on duty)

DATE: 20. 6. 45
FROM: FO LIAI, ROME
TO : NAVY SUB-COMMISSION, HQ. NO.

FORWARDED FOR APPROPRIATE ACTION

Outlandish
for REAR ADMIRAL.

183

HEADQUARTERS, ALLIED COMMISSION
Navy Sub-Commission APO 394

NSC/4063
21 November 1945.

From: Navy Sub-Commission, Hq. Allied Commission.
To : Ministry of Marine, Rome.
Subject: Lt. SORELLI Guglielmo - Lt. ALBANI Edoardo -
S/Lt.(S) BARBAGALLO Alberto.

1. With further reference to your letter E/3944 dated 26th October 1945, information has now been received that the abovenamed cannot be released to Italian Naval Authorities for interrogation and disciplinary action.

(Sgd) G. L. WARREN
REAR ADMIRAL
CHIEF, NAVY SUB-COMMISSION, AC.

23 NOV 1945

PG-1

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⑥

0 0 NAVY 589
SUBJECT: Italian Naval PW.

GENERAL HEADQUARTERS.
CENTRAL MEDITERRANEAN FORCES.

Headquarters,
Allied Commission (Navy Sub-Commission).

3659/A2.

15 Nov 45.

Lt. SORBELLI, Guglielmo
Lt. ALBANI Edoardo.
S/Lt(S) BARBAGALLO, Alberto.

1. Reference your NSC/3944 of 7 Nov 45.
2. Under existing policy, as the above-named are held as Naval Prisoners of War, they cannot be released to the Italian authorities for trial.

GHD/MC.

19 NOV 1945

John Daniel 845
Major-General,
DAG.

HEADQUARTERS, ALLIED COMMISSION
Navy Sub-Commission APO 394

NSC/3945
7 November 1945.

From: Navy Sub-Commission, Hq. Allied Commission.
To : Ministry of Marine, Rome.
Subject: Lt. SORBELLI Guglielmo - Lt. ALBANI Edoardo -
S/Lt.(S) BARRAGALLO Alberto.

1. Ministry of Marine's letter E/8944 dated 26th October 1945 addressed to A.F.H.Q. Liaison Office, I.A.I., Rome, has been received by the Navy Sub-Commission and is receiving attention.

2. It is stressed that all similar letters should be addressed to the Navy Sub-Commission and not to other Allied Authorities.

REAR ADMIRAL
CHIEF, NAVY SUB-COMMISSION, AC.

7 NOV 1945
18-1

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HEADQUARTERS, ALLIED COMMISSION
Navy Sub-Commission AFO 394

NSC/3944
7 November 1945.

From: Navy Sub-Commission, Hq. Allied Commission.
To : P.M.G. Allied Force Headquarters.
Subject: Lt. SORBELLI Guglielmo - Lt. ALBANI Edoardo -
S/Lt. (S) BARBAGALLO Alberto.

1. The Ministry of Marine state that the above-named, who served on the Naval Staff of the Italian Royal Navy before the Armistice, 8th September 1943, subsequently served with the Republican Navy and are now interned in Camp B 209, Naples.

2. It is requested that the Navy Sub-Commission be informed if the three Officers can be handed over to Italian Naval Authorities for interrogation and disciplinary action.

H. ST. J. BUTLER,
CAPTAIN, U. S. NAVY,
FORREAR ADMIRAL
CHIEF, NAVY SUB-COMMISSION, AC.

7 NOV 1945

PG-1 182
[Signature]

From: MINISTRY OF MARINE (Maristat)
To : A.F.H.Q. - Liaison Office - I.A.I. - Rome
Date: 26th October 1945
Ref.: E/8944

Subject: Lieutenant SORBELLI Guglielmo - Lieutenant
ALBANI Edoardo - S/Lieut.(S) BARBAGALLO Alberto.

S E C R E T P E R S O N A L

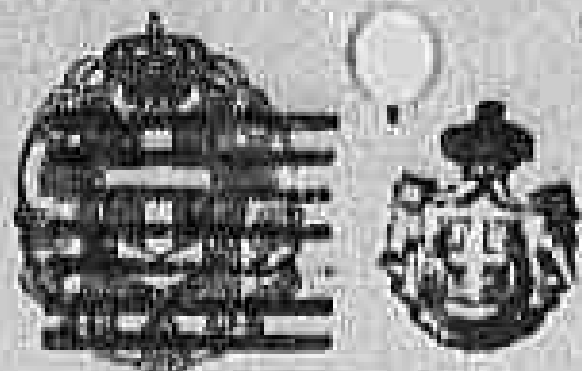
1. The above officers, who served with this Naval Staff prior to 8th September 1943, and who passed subsequently under the command of the republican navy, would appear to be interned in allied concentration camp No.B.209 at Naples.

2. As previously, and should there be no objections, it is requested that you may kindly examine the possibility of returning these officers into the charge of the Italian Royal Navy in order that their position in the service may be investigated in detail.

Signed: Agostino CALOSI
Captain I.R.N.
Head of Department II.

GGE/P.

Mod. 39

*Stato Maggiore della R. Marina*2° REPARTO = SEZIONE E.*Rep. Uff.*

INDIRIZZO TELEGRAFICO: MARISTAT - ROMA

*Prot. N.° E/8944 Allegati**Roma, li 26 ottobre 1945 A**All A.F.H.Q. - LIAISON OFFICE -
I.A.I.*R O M A

ARGOMENTO: Ten.Vasc.SORBELLI Guglielmo - Cap.CREM.ALBANI Edoardo -
Ten.Comm.BARBAGALLO Alberto.-

SEGRETO = RISERVATO PERSONALE

- 1.- Gli ufficiali in argomento, già in servizio presso questo Maristat anteriormente all'8 settembre 1943, e passati successivamente agli ordini della marina repubblicana, risultano internati nel campo di concentramento alleato B.209 di Napoli.-
- 2.- Si prega codesto Ufficio, in analogia a precedenti richieste e sempre ove nulla osti al riguardo, compiacersi esaminare l'opportunità di restituire agli organi della R.Marina i predetti ufficiali per l'esame particolareggiato della loro posizione militare.-

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IL CAPO DEL 2° REPARTO
CAPITANO DI VASCELLO
(Agostino Calosi)

Ag. Calosi

From : MINISTRY OF MARINE (Cabinet)
To : N.S.C. - H.Q. - A.C.
Date : 3rd December, 1945.
Ref. : 3289

Subject : Amnesty.

Reference is made to your letter No.NSC/3928 of 5th November last.

With regard to the request contained in the above letter you are informed that the requisite legislation for the above purpose is still under examination by the various Service Ministries and the Ministry of Mercy and Justice owing to its complicated nature and the delicate considerations involved.

A further communication upon the subject will be forwarded as soon as the broad outline of the provisions has been established .

THE MINISTER.

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Mod 39

*Ministero della Marina*

GABINETTO

UFFICIO LEGGI E DECRETI

INDIRIZZO TELEGRAFICO MARINA - ROMA

Prot. N° *3289* AllegatiARGOMENTO: *Amnistia.**Roma. - 3 DIC. 1945**Alla Commissione Alleata*
- Sottocommissione Navale -
R O M A

Riferimento Foglio n. NSC/3928 del 5 novembre u.s..

In relazione a quanto richiesto col foglio prefetto, si comunica che il provvedimento legislativo all'oggetto sopra indicato, per la sua complessità e per le delicate questioni che involge, è ancora allo studio fra i vari Ministeri militari e il Ministero di Grazia e Giustizia.

Si fa riserva di dare ulteriori comunicazioni in proposito appena potranno essere fissate le linee generali del provvedimento.=

IL MINISTRO

Tagliani 178

HEADQUARTERS, ALLIED COMMISSION
Navy Sub-Commission APO 394

NSC/4024
16 November 1945..

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

Subject: Policy - Amnesty.

Enclosure: (A) Land Forces Sub-Commission, AC, (MMIA)
ltr. A/054 dated 8 November 1945.

1. Enclosure (A) is forwarded herewith for in-
formation.

(Sgt) G. L. WARREN
REAR ADMIRAL
CHIEF, NAVY SUB-COMMISSION, AC.

Copy to:
CINCMED.
COMNAVIAW.

(Distribution not shown on original)

20 NOV 1945

PG 178

Subject : Policy - Amnesty

Land Forces Sub Comm. AC.
(M.M.I.A.) R O M E

A/054

8 Nov. 1945

To : Ministry of War

1. AFHQ have signified their approval to the publication of an Amnesty of Pardon covering Italian Naval - Army and Air Force personnel awaiting trial, or under sentence, by Italian Courts for military and civil offences against the Italian public or property.
2. It should be clearly understood that the terms of the amnesty or pardon, which it is understood has been drawn up, can not be extended to any of the following categories:-
 - (a) Any persons specified by the Allies as being war criminals or under suspicion of being war criminals, whether or not such persons are in Allied hands, Italian hands or at liberty and notwithstanding whether an indictment has or has not been actually made against such persons.
 - (b) Any persons, male or female, charged with or convicted, either as principal or accessory, of any offence whatsoever, against Allied persons or property, notwithstanding whether such persons are under detention or at liberty, are waiting for trial, awaiting trial or have been tried and convicted.
 - (c) Any non-Italian military personnel whether male or female, prisoners of war or surrendered enemy personnel who have been returned to Italian custody from Allied custody.
3. It is understood that the terms of the amnesty or pardon have been agreed by the Service Ministers and that the necessary legal document has been drawn up. The Ministry of War may wish to announce this amnesty to mark a suitable occasion and it is felt by M.I.A. that the handing back of the Italian Army to the Italian Government on Nov. 15th. would be a most appropriate occasion.

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Approved

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2. It should be clearly understood that the terms of the amnesty or pardon, which it is understood has been drawn up, can not be extended to any of the following categories:-

(a) Any persons specified by the Allies as being war criminals or under suspicion of being war criminals, whether or not such persons are in Allied hands, Italian hands or at liberty and notwithstanding whether an indictment has or has not been actually made against such persons.

(b) Any persons, male or female, charged with or convicted, either as principal or accessory, of any offence whatsoever, against Allied persons or property, notwithstanding whether such persons are under detention or at liberty, are awaiting for trial, awaiting trial or have been tried and convicted.

(c) Any neo-fascist military personnel whether male or female, prisoners of war or surrendered enemy personnel who have been returned to Italian custody from Allied custody.

3. It is understood that the terms of the amnesty or pardon have been agreed by the Service Ministries and that the necessary legal document has been drawn up. The Ministry of War may wish to announce this amnesty to mark a suitable occasion and it is felt by MILA that the handing back of the Italian Army to the Italian Government on Nov. 15th, would be a most appropriate occasion.

Major General
M.M.I.A.

ARM/er

Copy to :

M.E. BENEDEI, Procuratore Generale Militare.

Naval Sub Commission MILA

178
d. Braving

HEADQUARTERS, ALLIED COMMISSION
Navy Sub-Commission APO 394

NSC/3928
5 November 1945.

From: Navy Sub-Commission, Hq. Allied Commission.
To: Ministry of Marine, Rome.
Subject: Amnesty.

1. It is understood that a document is being prepared by General BORSARI, Procuratore Generale Militare, incorporating the views of the Service Ministers on the terms of an Amnesty - cum - Pardon, to be brought into effect in the near future.

2. It is requested that the Navy Sub-Commission be informed of the views of the Ministry of Marine regarding naval personnel who would be affected.

Rsgd G. L. WARDEN
REAR ADMIRAL
CHIEF, NAVY SUB-COMMISSION, AG.

8 NOV 1945

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PG-1

B

100

MEMORANDUM to accompany MIA letter A 054Dated 31 Oct 45.

1. The general terms of the Amnesty or Pardon being prepared by H.E. General BISSINI, Procuratore Generale Militare are likely to include the following :-

(a) An amnesty to all those, both awaiting trial and convicted where the offences alleged or committed does not carry a maximum penalty exceeding 5 years. (Deserters and personnel AWOL excluded).

(b) A pardon of 10 years on any sentence to include unsupervised portions as well as 10 years served as part of a longer sentence. (Deserters and personnel AWOL excluded).

2. Desertion and AWOL will probably be treated separately. Three categories of desertion from the Italian Army are punishable by death; these are :-

(a) Desertion in the face of the enemy.

(b) Desertion to the enemy.

(c) Desertion on three separate occasions during a state of war.

3. In the case of Desertion and AWOL the terms of the Amnesty will probably be as follows :-

(a) An amnesty to all who deserted prior to 8 Sep 1943 provided they can prove that they actually co-operated with the Allies or joined any Patriot Organisation taking active measures against the Germans.

(b) A remission of the death sentence and substitution of 20 years penal servitude for all deserters coming within any of the categories in para.2(a), (b) and (c) above.

(c) A pardon of the whole sentence in all cases of desertion, AWOL and call-up offences not coming within the categories mentioned in para.2 above. Such pardon to carry certain restrictions as to civil right for a limited period only.

4. The apparent anomaly of pardoning a man before he has been tried, convicted or sentenced, is catered for by the Italian law. The procedure is as follows :-

The document (in our terms indictment) is placed on a document and a description and sentence recorded. The accused is then required to sign the document and having done so is pardoned. He may, if he wishes, refuse to sign, and demand trial. If he accepts this offer he is put back to await trial.

SUBJECT: Policy - War CrimesU R G E N TLand Forces Sub Comm. AG,
(M.M.I.A.), R O M E.

A 054

31 Oct 45.

To : A.P.H.R.

1. On the 1st Sep 1945 there were 161,851 military personnel awaiting trial for some offence, the offences being AWOL, desertion or failure to answer call up in the case of 142,167. The figure is an increasing one and the Military Tribunals are making little or no headway in bringing offenders to trial. This state of affairs has had and is still having a bad effect on the morale of the Italian Army generally and in some cases arrests cannot be made because there is no room in penal establishments to hold offenders under arrest. M.M.I.A. are therefore directly interested.

2. For some time now M.M.I.A. have been pressing the Ministry of War to dispose of these cases either by trial or some other method.

The Service Ministers have now given their views on the terms of an Amnesty on Footing, and a document is being drawn up by General BELLINI Procureur Militaire. The general terms which are likely to be included in this document are given in the attached memorandum.

3. In respect of Italian Naval, Army and Air Force personnel, there appear to be 3 categories of persons who will have to be dealt with :-

(a) Any persons accused or undergoing sentence for purely military crimes against Italians.

(b) Any persons accused or undergoing sentence for civil crimes against Italians.

(c) Any persons specified by the Allies as being War Criminals or under suspicion of being War Criminals, whether or not such persons are in Allied hands, Italian hands or at liberty and notwithstanding whether an indictment has or has not been actually made against such persons.

(d) Any persons, male or female, charged with or convicted, either as principal or accessory, of any offence whatsoever, against Allied persons or property, notwithstanding whether such persons are under detention or at liberty, are wanted for trial, awaiting trial or have been tried and convicted.

(e) Any Neo-Fascist military personnel whether male or female, prisoners of war or surrendered enemy personnel who have been returned to Italian custody from Allied custody.

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- 2 -

4. It is the British and American opinion of NSA that the Italian Government are within their rights in taking any action they wish in respect of Categories 3(a) and (b) above; but that persons specified in Categories 3(c), (d) and (e) above should be excluded.

5. (a) It is desirable and the Italian Government probably will wish to publish and implement the document referred to in para 2 above, to mark a special occasion, e.g., the handover of the Italian Army to the Italians. The matter is thus URGENT.

(b) It is understood that the Italian Government could put the document into effect in a short time since unlike the ordinary Decree this document only requires signature of the Lieutenant General of the Dada.

6. It is requested, therefore, that you signal your agreement to para 2 above at a very early date.

7. The Naval and Air Force Sub Commissions A.C. and H.Q. A.C. agree to the above.

R. Browning

Major-General,
H.M.I.A.

Copy to: H.Q. A.C.
Naval Sub Commission, A.C.
Air Force Sub Commission, A.C.

172

53

D.7885/21420 7/44 0.335,335. CB&B Let 46.243.

S. 13200.
(Established - May, 1950)
(Revised - June, 1964)

VAM

N.S.C. A.C.

RESTRICTED

CAPTAIN IN CHARGE TARANTO'S NO. 1/161/A OF 19th JANUARY 1946.
REQUEST PARTICULARS OF ALL MORE SERIOUS OFFENCES, INCLUDING
SMUGGLING, COMMITTED BY ITALIAN NAVY PERSONNEL IN MALTA BE
FORWARDED TO THE N.S.C. A.C.

=== 27*142A JAN ...

DIST. NSC (4). LOG.

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(4)

PG-1

Subject.. PETTY OFFICER O. D'ANTONIO DOMENICO.

From..... THE CAPTAIN IN CHARGE, TARANTO.

Date..... 19th January, 1946. *NO. 1/161/A.*

To..... THE VICE ADMIRAL, NAUPEA.

(Copies to:- The Flag Officer Italy, Liaison,
The Commander in Chief, Ionian
and Lower Adriatic.)

The attached letter from the Commander
in Chief, Ionian and Lower Adriatic is forwarded
for any action considered appropriate.



(Sd). A. Stanley.

CAPTAIN R. K.

170

DATE: *25 January, 1946*
FROM: FLAG OFFICER ITALY & LIAISON.
TO : NAVY SUB-COMMISSION, HQ

FORWARDED FOR ACTION

J. H. Thomas
for REAR ADMIRAL.

COPY.

Translation.

Comando in Capo del Dipartimento Marittimo
dello Jonio e Basso Adriatico e della Piazza M.M. Taranto.

Prot. No. 1954/06

Taranto, 7th January, 1946.

To: Captain in Charge
Navy House, Taranto.

Subject: Petty Officer O. D'Antoni Domenico.

On the 15th December 1945 the above named petty officer of S/S Turrido was condemned by the Civil Court at La Valetta (Malta) to a fine of Ls 68 and to the confiscation of the valuables found with him consisting in 1000 English cigarettes and Ls 21.

As the Petty Officer was unable to pay this fine he was put into prison (Canal Paula) by order of the Court.

Will you please give me full information of the trial and imprisonment of the above named Petty Officer.

Il Comandante in Capo
Ammiraglio di Divisione
(Angelo Parona)

HEADQUARTERS, ALLIED COMMISSION
Navy Sub-Commission AFO 394

3 November 1945

MEMORANDUM FOR COLONEL WEBER, CHIEF LEGAL SUB-COMMISSION, AC.

Subject: Doctor Eugenio Sarnella.

1. After attached letter, NSC/3907, of 1 November 1945, was approved by Mr. Lopez and signed, he requested the Navy Sub-Commission to modify the letter and include complete information as furnished in Legal Sub-Commission, AC, letter AC/4196/L, of 31 October 1945.

2. Your approval of the revised draft would be appreciated.

H. S. J. Butler

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

*Revised draft approved.
5/11/45*

*Anthony Murgent, Maj. C.E.
for Col. John K. Weber,
Chief Legal Advisor.*

HEADQUARTERS, ALLIED COMMISSION
Navy Sub-Commission APO 394

CONFIDENTIAL

NSC/3907
1 November 1945

CONFIDENTIAL

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

Subject: Doctor Eugenio Sarnella.

1. In reply to Ministry of Marine letter B.10534 of 28 August 1945, you are informed that Doctor Eugenio Sarnella will be brought to trial at Naples on 3 December 1945, and has been charged as follows:

CHARGE SHEET

1st Charge - Violation of Proc. 2 Art. 2 Sect. 45 -

Does any act to the prejudice of good order of the occupied territory of the safety or security of the Allied Forces or any member thereof.

Particulars - Eugenio Sarnella, Attilio Sarnella, Santo Lo Porto, did on or about September 6th, 1945, at or near Naples, Italy, conspire together to use the Italian schooners M/US Giuseppe No. 1323 to transport cargoes of Pozzolana from Dala to Sicily, such use of the schooners being wrongful, and without authority of Allied Commission Headquarters.

2nd Charge - Violation of Proc. 2 Art. 2 Sect. 44 -

Disobeys any order given under the authority of the Allied Forces or the Allied Military Government where no specific punishment is prescribed.

Particulars - Eugenio Sarnella did on or about September 7th, 1944, at or near Naples, Italy, authorize the use of the Italian schooner S. Giuseppe No. 1373 Marco Fortuna to transport Pozzolana from Naples to Sicily, in disobedience of orders from Transportation Sub-Commission of Allied Commission.

3rd Charge - Violation of Proc. 2 Art. 2 Sect. 34 -

Offers or accepts a bribe in connection with any official matter.

Particulars - Eugenio Sarnella as a member of the Schooner Control Committee, advised and assisted by Santo Lo Porto, did on or about September 18th, 1944, at or near Naples, Italy, accept from Francesco Palumbo a bribe of 115,000 lire in exchange for a permit to use the Schooner Francesco S. No. 757 to transport a cargo of Pozzolana from Naples to Sicily.

4th Charge - Violation of Proc. 2 Art. 2 Sect. 45 -

Does any act to the prejudice of good order of the occupied territory of the safety or security of the Allied Forces or any member thereof.

Particulars - Eugenio Sarnella did on or about September 7th, 1944, at or

CONFIDENTIAL

near Naples, Italy, authorize the use of the Italian schooners S. Giuseppe No. 1373 Nuova Fortuna to transport Foscolana from Naples to Sicily, in disobedience of orders from Transportation Sub-Commission of Allied Commission.

CHARGED WITH

- a) bribery for an act against his official duties (Art. 319, C.P.) having, in his position as Director of CO. GE. NA and member of the Schooner Control Committee, received in various occasions from Mrs. PROVENZANO Giovanni, STRAZZERA Luca, PALESTRO Francesco, SIRIE Antonio and CATANZANO Antonino directly and thru SALELLA Attilio and LORESTO Santo a great amount of money, as bribe for release of permits for the following steamships: a) Francesco F., No. 757 NA; b) Alfredo No. 683; c) S. Giuseppe, No. 917; d) Nuova Fortuna, No. 1371;
- b) the second and third charged with hoarding credit (Art. 346, C.P.) for making hoard with Mr. Eugenio SALELLA Director of CO. GE. NA. and member of the "Schooner Control Committee", received several times from Mrs. PROVENZANO Giovanni, STRAZZERA Luca, PALESTRO Francesco, SIRIE Antonio, and CATANZANO Antonino, great amounts of money as price of his brokerage for release of travel permits for the above mentioned (a) ships;
- c) charged with conspiracy against the law (Art. 416, C.P.) for having conspired to commit crimes and offenses mentioned in the aforesaid charges.

(Sg) G. L. WARREN
 REAR ADMIRAL
 CHIEF, NAVY SUB-COMMISSION, AC.

6 NOV 1945

HEADQUARTERS, ALLIED COMMISSION
Navy Sub-Commission APO 394

CONFIDENTIAL

CONFIDENTIAL

NSC/3908

1 November 1945.

From: Navy Sub-Commission, Hq. Allied Commission.
To : Ministry of Marine, Rome.
Subject: Doctor Eugenio Sarnella.

1. In reply to Ministry of Marine letter B.10534 of 28 August 1945, you are informed that Doctor Eugenio Sarnella will be brought to trial at Naples on 3 December 1945 on the following charges:

a) bribery for an act against his official duties (Art.319,C.P.) having, in his position as Director of CO.GE.NA and member of the Schooner Control Committee", received in various occasions from Mrs. PROVENZANO Giovanni STRAZZERA Luca, PALUMBO Francesco, STELE Antonino and CATANZARO Antonino directly and thru SARNELLA Attilio and LOPORTO Santo a great amount of money, as bribe for release of permits for the following steamships: a) Francesco F., No. 757 NA; b) Alfredo No.683; c) S.Giuseppe, No.917. d) Nuova Fortuna, No. 1371;

b) the second and third charged with boasting credit (Art. 346, C.P.) for making boast with Mr. Eugenio SARNELLA Director of CO.GE.NA. and member of the "Schooner Control Committee", received several times from Mrs. PROVENZANO Giovanni, STRAZZERA Luca, PALUMBO Francesco, STELE Antonino, and CATANZARO Antonino, great amounts of money as price of his brokerage for release of travel permits for the above mentioned (a) ships;

c) charged with conspiracy against the law (Art.416.C.P.) for having conspired to commit crimes and offences mentioned in the aforesaid charges.

C. H. H. H.

REAR ADMIRAL
CHIEF, NAVY SUB-COMMISSION, AC.

HEADQUARTERS, ALLIED COMMISSION
Navy Sub-Commission APO 394

CONFIDENTIAL

CONFIDENTIAL

NSC/3907
1 November 1945.

From: Navy Sub-Commission, Hq. Allied Commission.
To : Ministry of Marine, Rome.
Subject: Doctor Eugenio Sarnella.

1. In reply to Ministry of Marine letter E.10534 of 28 August 1945, you are informed that Doctor Eugenio Sarnella will be brought to trial at Naples on 3 December 1945 on the following charges:

a) bribery for an act against his official duties (Art. 319, C.P.) having, in his position as Director of CO.GE.NA and member of the "Schooner Control Committee", received in various occasions from Mrs. PROVENZANO Giovanni STRAZZERA Luca, PALUMBO Francesco, STELLE Antonino and CATANZARO Antonino directly and thru SARNELLA Attilio and LOPORTO Santo a great amount of money, as bribe for release of permits for the following steamships: a) Francesco F., No. 757 NA; b) Alfredo No. 683; c) S. Giuseppe, No. 917. d) Nuova Fortuna, No. 1371;

b) the second and third charged with boasting credit (Art. 346, C.P.) for making boast with Mr. Eugenio SARNELLA Director of CO.GE.NA. and member of the "Schooner Control Committee", received several times from Mrs. PROVENZANO Giovanni, STRAZZERA Luca, PALUMBO Francesco, STELLE Antonino, and CATANZARO Antonino, great amounts of money as price of his brokerage for release of travel permits for the above mentioned (a) ships;

c) charged with conspiracy against the law (Art. 416, C.P.) for having conspired to commit crimes and offences mentioned in the aforesaid charges.

(Sgd) G. L. WARREN

REAR ADMIRAL
CHIEF, NAVY SUB-COMMISSION, AC.

Copy to:
Chief Commissioner, AC.
Legal Sub-Commission, AC.

(Distribution not shown on original)

2 NOV 1945 165

HEADQUARTERS ALLIED COMMISSION

APC 394

Legal Sub-Commission

Ac/4196/L

31 OCT 1945

SUBJECT :- COGENA Investigation

TO :- Navy Sub-Commission HQ.
Allied Commission.

1. Your communication N SC/3863 under date 26 October 1945, with reference to the COGENA case has been received and contents noted.

2. The COGENA case has been set for trial at Naples for the 3rd of December 1945. Doctor Eugenio Sarnella has been charged as follows :-

CHARGE SHEET

1st Charge	Violation of Proc.2 Art.2 Sect.45= Does any act to the prejudice of good order of the occupied territory of the safety or security of the Allied Forces or any member thereof.
Particulars	Eugenio Sarnella, Attilio Sarnella, Santo Lo Porto did on or about September 6th, 1945, at or near Naples Italy conspire together to use the Italian schooners M/US Giuseppe No. 1323 to transport cargoes of Pozzolana from Baia to Sicily, such use of the schooners being wrongful, and without authority of Allied Commission Headquarters.
2nd Charge	Violation of Proc.2 Art.2 Sect.44= Disobeys any order given under the authority of the Allied Forces or the Allied Military Government where no specific punishment is prescribed.
Particulars	Eugenio Sarnella did on or about September 7th, 1944 at or near Naples Italy authorize the use of the Italian schooners S.Giuseppe No. 1373 Nuovo Fortuna to transport Pozzolana from Naples

1. Your communication N SC/3863 under date 26 October 1945, with reference to the COGENA case has been received and contents noted.

2. The COGENA case has been set for trial at Naples for the 3rd of December 1945. Doctor Eugenio Sarnella has been charged as follows :-

CHARGE SHEET

1st Charge

Violation of Proc.2 Art.2 Sect.45=
Does any act to the prejudice of good order of the occupied territory of the safety or security of the Allied Forces or any member thereof.

Particulars

Eugenio Sarnella, Attilio Sarnella, Santo Lo Porto did on or about September 6th, 1945, at or near Naples Italy conspire together to use the Italian schooners M/US Giuseppe No. 1323 to transport cargoes of Pozzolana from Baia to Sicily, such use of the schooners being wrongful, and without authority of Allied Commission Headquarters.

2nd Charge

Violation of Proc.2 Art.2 Sect.44=
Disobeys any order given under the authority of the Allied Forces or the Allied Military Government where no specific punishment is prescribed.

Particulars

Eugenio Sarnella did on or about September 7th, 1944 at or near Naples Italy authorize the use of the Italian schooners S.Giuseppe No. 1373 Nuovo Fortuna to transport Pozzolana from Naples to Sicily, in disobedience of orders from Transportation Sub-Commission of Allied Commission.

3rd Charge

Violation of Proc.2 Art.2 Sect.34=
Offers or accepts a bribe in connection with any official matter.

Particulars

Eugenio Sarnella as a member of the Schooner Control Committee, advised and assisted by Santo Lo Porto did on or about September 18th,

1944 at or near Naples, Italy, accept from Francesco Palumbo a bribe of 115,000 lire in exchange for a permit to use the Schooner Francesco E. No. 757 to transport a cargo of Pozzolana from Naples to Sicily.

4th Charge

Violation of Proc.2 Art.2 Sect 45=
Does any act to the prejudice of good order of the occupied territory of the safety or security of the Allied Forces or any member thereof.
Eugenio Sarnella did on or about September 7th, 1944, at or near Naples Italy authorize the use of the Italian schooners S.Giuseppe No. 1373 Nuovo Fortuna to transport Pozzolana from Naples to Sicily, in disobedience of orders from Transportation Sub-Commission of Allied Commission.

Particulars

CHARGED WITH

- a) bribery for an act against his official duties (Art.319,C.P.) having, in his position as Director of CO.GE.NA and member of the Schooner Control Committee", received in various occasions from Mrs. PROVENZANO Giovanni STRAZZERA Luca, PALUMBO Francesco, SIELE Antonino and CATANZARO Antonino directly and thru SARNELLA Attilio and LOPORTO Santo a great amount of money, as bribe for release of permits for the following steamships: a) Francesco F., No. 757 NA; b) Alfredo No.683; c) S.Giuseppe, No.917. d) Nuova Fortuna, No. 1371;
- b) the second and third charged with boasting credit (Art. 346, C.P.) for making boast with Mr. Eugenio SARNELLA Director of CO.GE.NA. and member of the "Schooner Control Committee", received several times from Mrs. PROVENZANO Giovanni, STRAZZERA Luca, PALUMBO Francesco, SIELE Antonino, and CATANZARO Antonino, great amounts of money as price of his brokerage for release of travel permits for the above mentioned (a) ships;
- c) charged with conspiracy against the law (Art.416.C.P.) for having conspired to commit crimes and offences mentioned in the aforesaid charges.

3. This office is not in a position to give you any additional information without disclosing the prosecutions.

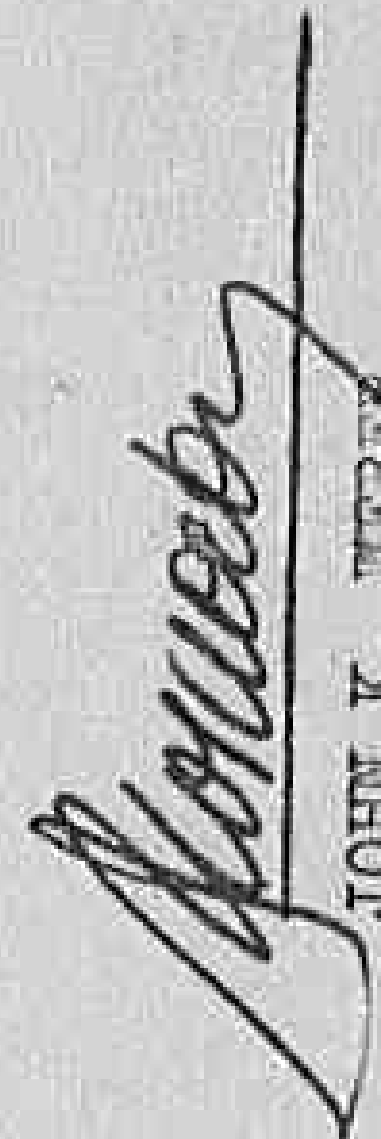
1944, at or near Naples Italy authorize the use of the Italian schooners S.Giuseppe No. 1373 Nuovo Fortuna to transport Pozzolana from Naples to Sicily, in disobedience of orders from Transportation Sub-Commission of Allied Commission.

CHARGED WITH

- a) bribery for an act against his official duties (Art. 319, C.P.) having, in his position as Director of CO.GE.NA and member of the Schooner Control Committee", received in various occasions from Mrs. PROVENZANO Giovanni STRAZZERA Luca, PALUMBO Francesco, SIELE Antonino and CATANZARO Antonino directly and thru SARNELLA Attilio and LOPORTO Santo a great amount of money, as bribe for release of permits for the following steamships: a) Francesco F., No. 757 NA; b) Alfredo No. 683; c) S.Giuseppe, No. 917. d) Nuova Fortuna, No. 1371;
- b) the second and third charged with boasting credit (Art. 346, C.P.) for making boast with Mr. Eugenio SARNELLA Director of CO.GE.NA. and member of the "Schooner Control Committee", received several times from Mrs. PROVENZANO Giovanni, STRAZZERA Luca, PALUMBO Francesco, SIELE Antonino, and CATANZARO Antonino, great amounts of money as price of his brokerage for release of travel permits for the above mentioned (a) ships;
- c) charged with conspiracy against the law (Art. 416, C.P.) for having conspired to commit crimes and offences mentioned in the aforesaid charges.

3. This office is not in a position to give you ¹⁶³ additional information without disclosing the prosecutions' evidence.

FLV/


JOHN K. WEBER
Colonel, USA
Chief Legal Advisor

HEADQUARTERS, ALLIED COMMISSION
Navy Sub-Commission APO 394

NSC/3963
26 October 1945.

From: Navy Sub-Commission, HQ, Allied Commission.
To : Legal Sub-Commission, HQ, Allied Commission.
Subject: COGENA Investigation.
Enclosure: (A) Copy Ministry of Marine ltr. B.7834 of
27 June 1945.
(B) Copy Ministry of Marine ltr. B.10534 of
28 August 1945.
(C) Allied Force Headquarters G-1(Br)/5217/A-3
of 9 September 1945.

1. Enclosures (A) and (B) contain requests from the Italian Minister of Marine to the effect that he be informed of the present whereabouts and status of Doctor Eugenio Sarnella, former director of Cogena, who was taken into custody by Allied Police on 25 June 1945.

2. As of the present date the Navy Sub-Commission has been unable to obtain appropriate information concerning Doctor Sarnella's status, which could be supplied to the Minister of Marine. In response to an inquiry addressed to Allied Force Headquarters, enclosure (C) indicated that final arrangements regarding the case would be made in Rome on Friday, 14 September 1945; however, at the meeting referred to in enclosure (C) it was determined that further investigation of the case was necessary.

3. The Chief Commissioner, Allied Commission, has informed the Navy Sub-Commission that the Legal Sub-Commission should now be able to furnish the required information concerning Doctor Sarnella, as it is understood he will be tried by an Allied Military Government Court. It is requested, therefore, that appropriate information concerning Doctor Sarnella be forwarded to the Navy Sub-Commission at an early date in order that it may be transmitted to the Minister of Marine.

27 OCT 1945

H. ST. L. BUTLER,
CAPTAIN, U. S. NAVY,
FOR REAR ADMIRAL
CHIEF, NAVY SUB-COMMISSION, AG.

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HEADQUARTERS ALLIED COMMISSION
NAVY SUB-COMMISSION APO 394

OCT 20 1945

1100

OCT 20 1945

20 October 1945.

MEMORANDUM TO: OFFICE OF CHIEF COMMISSIONER, ALLIED COMMISSION.

Subject: Signature - Request for.

Enclosure: (A) Correspondence relating to COGENA
Investigation.

1. It is requested that the enclosed correspondence be signed and returned to the Office of Navy Sub-Commission, AC.

W W Wolterspoon
for REAR ADMIRAL,
CHIEF, NAVY SUB-COMMISSION, AC.

Navy S/C
Request should now be sent to legal
S/C - as FHt court will try
Eus
cc

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10

HEADQUARTERS ALLIED COMMISSION
Office of the Chief Commissioner
APO 394

22 September 1945.

NSC/3635

SUBJECT: COGENA Investigation.
TO : Allied Force Headquarters.

1. The meeting referred to in AFHQ letter G-1(Br)/5217/A-3 of 9 September 1945 was held at Headquarters, Allied Commission on 19 September 1945, at which time it was determined that further investigation of the case is required.

2. Accordingly it is requested that the Allied Commission be furnished with data upon which a reply to the Italian Ministry of Marine letter B.10534 of 28 August 1945 may be based, as soon as practicable.

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR,
Chief Commissioner.

12 SEP 1945

76-1

24 SEP 1945

3935

Kary 5/12

SUBJECT : COGENA Investigation

ALLIED FORCE HEADQUARTERS

G-1(Br)/5217/A-39 Sep 45HQ Allied Commission

Reference your NSC/3450 dated 4 Sep 45 and enclosure.

1. Since your letter was written, Lt. Col. GUNNING of DJAG has visited your HQ and has made arrangements for Major HAMILTON of his Branch to visit ROME on Friday, 14 Sep 45, to complete the final arrangements regarding this case.

2. It is hoped that as a result of these discussions you will be in a position to provide the Minister of Marine with an appropriate reply to his letter of 28 Aug 45.

MMW/aml.

J. Napier
Major General,
DAG., G-1(Br).

HEADQUARTERS ALLIED COMMISSION

Office of the Chief Commissioner

APO 394

NSC/3450

4 September 1945. ✓

SUBJECT: COGERA Investigation.

TO : Chief Administrative Officer, Allied Force Headquarters,
APO 512, U.S. Army.

1. In connection with my letter CC 5810 of 7 July 1945, a translation copy of the Italian Ministry of Marine letter B.10534 of 28 August 1945 is forwarded herewith, in which information is requested concerning the present position of Dr. Eugenio Barnella and the results of the investigation of COGERA.

2. It would be appreciated if data could be furnished upon which an appropriate reply may be made to the Minister of Marine.

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

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Prepared by

D. M. J. Butler
Lt usn

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HEADQUARTERS, ALLIED COMMISSION
Navy Sub-Commission APO 394HSC/3449
3 September 1945

From: Navy Sub-Commission, Hq. Allied Commission.
To: Ministry of Marine, Rome.
Subject: Doctor Eugenio Sarnella.

1. With reference to Ministry of Marine letter B.10534 of 28 August 1945, the matter has been referred to Allied Force Headquarters in order that the present status of Dr. Sarnella may be ascertained.

REAR ADMIRAL
CHIEF, NAVY SUB-COMMISSION, AC.

5 SEP 1945

P 6-1

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B
3

From: MINISTRY OF MARINE (Cabinet)
To : M.S.C. - Rome
Date: 28 August 1945
Ref.: B.10534 V

Subject: Dr. Eugenio SARNELLA.

1. In my letter No.B.7834 of 27th June last I requested information concerning the arrest of Dr.Sarnella, Manager of COGENA and in consequence subordinate to the Ministry of Marine, in order to be acquainted with the circumstances in which he found himself and the motives occasioning this measure.
2. Subsequently, as you were informed in my letter No.B.7861 of 28 June 1945, I learnt of the allegations against the said Dr.Sarnella from the bulletins appearing in the newspapers.
3. However, two months have passed since that date and as yet I do not know whether these accusations have been confirmed by legal proceedings, nor whether his preventive arrest has been altered to detention.
4. Consequently, and in view of the effect which the above could have on the Government administrative responsibilities, it is requested that the Commission may inform me of the present position of Doctor Sarnella and of the results of the enquiry.

(Sgd) THE MINISTER

156

GCS/P.

Mod. 39



/a1

Roma. 28 AGO 1945

Ministero della Marina
GABINETTO

AL NAVY SUB-COMMISSION

ROMA

INDIRIZZO TELEGRAFICO: MARINA - ROMA

Prot. N° *B. 10534 Allegati*

ARGOMENTO Dott. Eugenio Sarnella.

- 1°) - Con lettera B. 7834 del 27 giugno u.s. ebbi a richiedere informazioni circa l'arresto del Dott. Sarnella, direttore del COGENA e dipendente quindi dal Ministero della Marina, per conoscere la posizione di lui e le regioni che avevano determinato il provvedimento.
- 2°) - Successivamente, come è noto a codesta Commissione in base alla mia lettera B. 7891 del 28 giugno 1945, ho appreso dai comunicati apparsi sui giornali quali erano le accuse che erano rivolte al predetto Dott. Sarnella.
- 3°) - Sono però passati due mesi da tale epoca e ancora non so se tali accuse siano state confermate in istruttoria e se l'arresto sia stato trasformato da preventivo in definitivo.
- 4°) - Perciò, anche per i riflessi che ciò può avere nella responsabilità amministrativa del Governo, pregherei codesta On. Commissione di volermi far conoscere la posizione attuale del Dott. Sarnella e le eventuali conclusioni dell'inchiesta.

IL MINISTRO

CC 5810

7 July 1945. V

SUBJECT: COGENA Investigation.

TO : Chief Administrative Officer, Allied Force Headquarters,
APO 512, U.S. Army.

In connection with the investigation of COGENA which you are handling, I forward herewith copies of certain correspondence received from the Chief of my Naval Sub-Commission.

For Ellery W. Stone
ELLERY W. STONE
Rear Admiral, USN
Chief Commissioner

Enc. Ltr from Naval S/C
with enclosures.

cc Naval S/C

(Ref your NSC/2800 of
1 July to CC)

HEADQUARTERS, ALLIED COMMISSION
APO 304
Navy Sub-Commission

HSC/2300

1 July 1945.

From: Navy Sub-Commission, Hq, AC.
To : The Chief Commissioner, Allied Commission.
Subject: Dr. Eugenio SARNELLA.

1. The attached correspondence relative to the arrest of Dr. Eugenio SARNELLA which has taken place between the Navy Sub-Commission and the Ministry of Marine is forwarded for your information.

(Sgd) G. L. WARREN
REAR ADMIRAL,
CHIEF, NAVY SUBCOMMISSION, AC.

Copy to:
Executive Commissioner, AC.

Encl:
1. Ministry of Marine's Ltr. No. B/7854 of 27 June 1945.
2. Ministry of Marine's Ltr. No. B/7891 of 29 June 1945.
3. Navy Sub-Commission's Ltr. No. 2795 of 29 June 1945.

P 6-1



3 JUL 1945

HEADQUARTERS, ALLIED COMMISSION
Navy Sub-commission APO 894

MSC/2795.
29th June, 1945.

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

Subject: Doctor Eugenio Sarnella.

With reference to your letter No. B 7891 of the 29th June, 1945, the circumstances of the arrest of Dr. Eugenio Sarnella are being closely watched by the Allied Naval Commander in Chief, Mediterranean Station, who has already issued instructions for the press statements to which you refer to be withdrawn. It is not considered, therefore, that a communique on the lines you suggest is desirable at this stage.

As regards the remarks in paragraph 4(b) of your letter under reply, your anxiety for a thorough investigation of the case is fully understood. The arrest was effected, however, and investigations are being conducted by Allied Military Authorities and no Governmental Board of Inquiry should, therefore, be appointed.



3 JUL 1945

(S-4) CH. L. WARDEN

REAR ADMIRAL,
CHIEF, NAVY SUB-COMMISSION, AC.

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ROUGH TRANSLATION (COPY)

From: Ministry of Marine (Cabinet)
To : N.S.C. - Rome
Date: 29 June 1945.
Ref.: B.7891 ✓

Subject: CO.GE.NA-

1°)- With reference to my letter N° B.7930 of yesterday June 27th concerning the arrest of Dr. Sarnella, I bring to your knowledge that I am now informed that the Italian newspapers in Naples have published in their yesterday's issue the following notice, both in Italian and English language:

"Comm. Eugenio Sarnella, the Director of CO.GE.NA. has been arrested by the Allied Police on charges of bribery and corruption, in connection with the use of schooners and conveyance of goods by sea.

Any person desiring to lay information to the Allied Military Authorities respecting the administration of activities of CO.GE.NA. etc., should present themselves at the public Safety Office AMG provincia, Room 12, Messanine Floor between the hours of 9 - 12 or 14.30 - 17.30 daily, or may give information by letter to this address."

2°)- The case so far limited to the person of Dr. Sarnella but nevertheless particularly embarrassing becomes after the publication above referred extremely serious, and an official investigation is now being carried out by the Allied Military Police on an Italian Governmental body.

3°)- About the activities of this body which is now brought under public accusation, I have to recall that:

- a)- the release of the permits for transportation of goods by sea has been a commitment of the Allied Commission;
- b)- The allocation and movements of the motoschooners have been directed by the Schooner's Control Board (Medbo) members of which were two Allied officials and Dr. Sarnella.
- c)- Cogena, according with its institutional duties, was in charge of the execution of movements as ordered by A.C., and S.C.B.

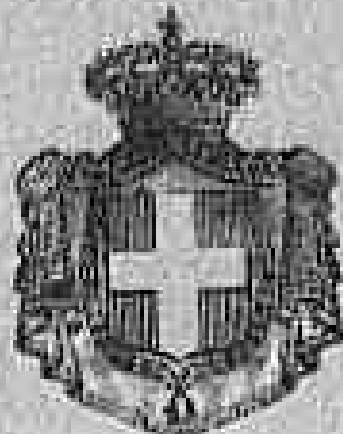
4°)- I would ask you to call on these facts the attention of the Commander in Chief, Mediterranean, making known to him that on reporting to my Government, I intend proposing: 151

- a)- the publication of an official communicate stating the matter as explained in para 3^o);
- b)- the appointment of a Governmental Board of Inquiry, with the object of investigating all and every responsibility wherever it may be. I intend to do so as I am very anxious to shed a complete light on such a deplorable matter.
- 5^o)- I would be grateful if you would let me know as soon as possible your views on the subject.

IL MINISTRO.

ROUGH TRANSLATION

Mod. 39



Ministero della Marina
GABINETTO

Roma

N. NAVY SUB-COMMISSION

ROME

INDIRIZZO TELEGRAFICO: MARINA - ROMA

Prot. N. B/7891 Allegati

ARGOMENTO: CO.GE.NA-

1°)- With reference to my letter n°B.7839 of yesterday jun 27th concerning the arrest of Dr.Sarnella, I bring to your knowlegde that I am now informed that the Italiana newspapers in Naples have published in their yesterday's issue the following notice, both in italian and english language:

"Comm.Eugenio Sarnella, the Director of CO.GE.NA.
"has been arrested by the Allied Police on
"charge of bribery and corruption, in connection
"with the use of schooners and conveyance of goods
"by sea.
" Any person desiring to lay information to the
" Allied Military Authorities respecting the
" administration of activities of CO.GE.NA.etc.,
" should present themselves at the Public Safety
" Office AMG Provincia, Room 12, Mezzanine Floor
" between the hours of 9-12 or 14.30-17.30 daily,
" or may give information by letter to this address."

2°)- The case so far limited to the person of Dr.Sar-
nella but nevertheless particularly embarrassing
becomes after the publication above referred
extremeley serious, and an official investigation is
.../...

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now being carried out by the Allied Military Police on an Italian Governmental body.

3°)- About the activities of this body which is now brought under public accusation, I have to recall that:

- a)- the release of the permits for transportation of goods by sea has been a commitment of the Allied Commission;
- b)- The allocation and movements of the motor-schooners have been directed by the Schomner's Control Board (Medbo) members of which were two Allied officials and Dr. Sarnella.
- c)- Cogema, according with its institutional duties, was in charge of the execution of movements as ordered by A.C., and S.C.B.;

4°)- I would ask you to call on these facts the attention of the Commander in Chief, Mediterranean, making known to him that on reporting to my Government, I intend proposing:

- a)- the publication of an official communiqué stating the matter as explained in para 3°);
- b)- the appointment of a Governmental Board of Inquiry, with the object of investigating all and every responsibility wherever it may be. I intend to do so as I am very anxious to shed a complete light on such a deplorable matter

5°)- I would be grateful if you would let me know as soon as possible your views on the subject.

IL MINISTRO



Mod. 39

Roma 29 giugno 1945

Ministero della Marina
GABINETTO

NAVY SUB COMMISSION
R O M E

INDIRIZZO TELEGRAFICO: MARINA - ROMA

Prot. N. B. 7891 Allegati

ARGOMENTO CO-GE-NA.

1°) - Con riferimento alla mia lettera B-7839 di ieri 27 giugno relativa all'arresto del Dott. SARNELLA, porto a Vostra conoscenza di essere stato ora informato che i giornali italiani di Napoli hanno pubblicato nella loro edizione di ieri il seguente comunicato, sia in lingua italiana che in inglese:

"Il Comm. Eugenio SARNELLA Direttore del Consorzio Gestione Navi (CO-GENA.) è stato arrestato dalla Polizia Alleata per corruzione nel traffico di motovelieri e trasporto merci via mare.

"Chiunque sia in grado di fornire informazioni alle Autorità Militari Alleate circa l'amministrazione e le attività del Co-Ge-Na ecc. è pregato di presentarsi all'Ufficio di Pubblica Sicurezza dell'A.M.G., Palazzo della Provincia, stanza n. 12 ammezzato, dalle ore 9 alle 12 e dalle 14,30 alle 17,30 di ogni giorno, oppure inviare informazioni a mezzo lettera allo stesso indirizzo".

2°) - La questione, fino ad ora limitata alla persona del

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- 2 -

Dott. SARNELLA, e già di per sé stessa molto seria, assume dopo la suddetta pubblicazione, un carattere di estrema gravità per il fatto che la Polizia Militare Alleata sta sottoponendo ad un'inchiesta ufficiale un Ente Governativo Italiano.

3°) - Circa le attività di questo Ente, così sottoposto alla pubblica accusa, debbo precisare che

a) il rilascio dei permessi per il trasporto di merci via mare era di responsabilità della Commissione Alleata,

b) l'assegnazione e i movimenti dei motovelieri sono stati diretti dallo Schooner Control Board (Medbo) composto da due funzionari alleati e dal Dott. SARNELLA

c) il Co.Ge.Na secondo i suoi compiti di Istituto doveva eseguire i movimenti come ordinati dall'A.C. e dal S.C.B.

4°) - Desidero che Voi segnaliate all'attenzione del Comandante in Capo del Mediterraneo questi fatti, facendo conoscere che nel riferire al mio Governo ho l'intenzione di proporre:

a) la pubblicazione di un comunicato ufficiale che precisi le attribuzioni del Co.Ge.Na come detto al paragrafo 3)

b) la costituzione di una Commissione di Inchiesta Governativa con lo scopo di chiarire ogni e qualsiasi responsabilità dovunque essa sia.

Nel far ciò sono spinto dal desiderio di portare la massima luce su questa incresciosa questione.

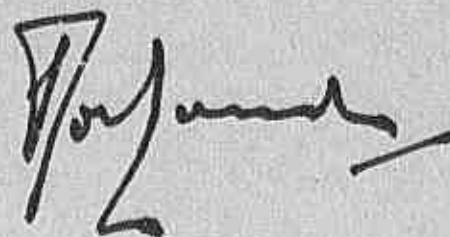
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- 3 -

5°) - Vi sarò grato se vorrete farmi conoscere appena possibile il Vostro pensiero in argomento.

IL MINISTRO



From: Ministry of Marine (Cabinet)
To: NS.C. - Rome
Date: 27 June '45
Ref.: B.7834 V

Subject: Doctor Eugenio SARNELLA.

On Monday morning, 25th inst., two British Officers visited Dr. E. SARNELLA's office in Naples (he is the Director of COGENA) and, after conversing with him, they took him away and from that moment he has neither returned to his office nor been heard of since.

During the same afternoon said Officers searched Dr. SARNELLA's office in Naples, and M.Ps. searched his private rooms in Naples and yesterday, 26th inst., his residence in Rome.

As he is an Executive Officer of an organization under this Ministry, which is carrying out duties of interest to the United Nations, and in regard to which this Ministry is responsible to Allied Authorities in accordance with definite accords in being, it is requested that you make known Dr. SARNELLA's present whereabouts and what reasons existed for the action taken against him.

(Sgd.) THE MINISTER.

DG.-)



Ministero della Marina
GABINETTO

INDIRIZZO TELEGRAFICO: MARINA - ROMA

Prot. N° *B. 7836* Allegati

ARGOMENTO: Dottor Eugenio SARNELLA

Mod. 39

Roma 27 GIU. 1945

Al NAVY SUB COMMISSION
R O M A

Nelle ore antimeridiane di lunedì 25 corrente due ufficiali britannici hanno visitato il dottor Eugenio SARNELLA, Direttore del Cogena, nell'ufficio di Napoli e, dopo una conversazione con lui, lo hanno condotto seco e da quel momento egli non ha fatto più ritorno in ufficio nè si è avuta più notizia di lui.

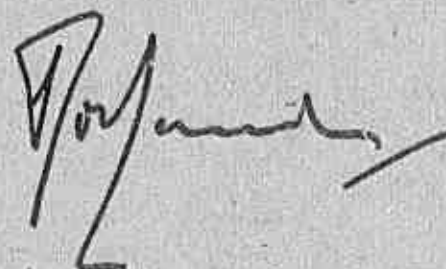
Nel pomeriggio dello stesso giorno l'ufficio di Napoli del dottor Sarnella è stato perquisito dagli stessi ufficiali, e membri della Military Police hanno pure perquisito la sua abitazione in Napoli e, nella giornata di ieri 26 la sua abitazione in Roma.

Poichè trattasi di ufficiale dirigente di un organo alle dipendenze di questo Ministero che assolve compiti nell'interesse delle Nazioni Unite e dei quali questo Ministero è responsabile verso le Autorità Alleate secondo precisi accordi in materia, si prega fare conoscere quale sia la

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attuale posizione del dottor Sarnella e quali ragioni abbiano determinato il provvedimento nei suoi riguardi.

IL MINISTRO



CAF

HEADQUARTERS ALLIED COMMISSION
Navy Sub-Commission APO 394

NSC/2604
7 June 1945.

From: Navy Sub-Commission, Hq. Allied Commission.
To : War Material Disposal and Italian Prisoners of War
Sub-Commission, Hq. AC.

Subject: S/Lt. Mario CROVATO, IRN. POW.

1. The above named is at present attached to 7003
Port Unit, Leghorn.

2. The Ministry of Marine requests that he be permitted
to attend a Special Inquiries Commission in Rome on the 20th June
1945.

3. It would be appreciated if you could make the
necessary arrangements.

(Sgd) G. E. WARREN

REAR ADMIRAL
CHIEF, NAVY SUB-COMMISSION, AC.

PG-1



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WWW

②

From: MINISTRY OF MARINE (Cabinet)

To : N.S.C. - Rome

Date: 5 May '45

Ref.: B.5531

Subject: Interrogation of S/Lt. Mario
CROVATO.

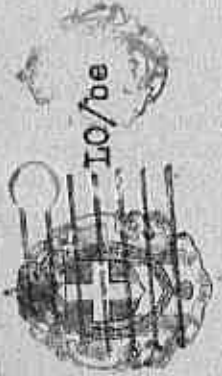
To conclude an inquiry which is being made by Special Inquiries Commission formed at this Ministry, it is necessary to interrogate S/Lt. Mario CROVATO, at present attached to 7003 Port Btg., Leghorn.

Request you kindly approach H.Q. Med. Theatre of Operations A.P.O. 512, temporarily to release above-mentioned so that he can present himself to said Commission on 20 May 1945.

CHIEF OF CABINET

DG/P.

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LO/ve

Ministero della Marina

GABINETTO

INDIRIZZO TELEGRAFICO: MARINA-ROMA

Prot. N. 5531 Allegato

Roma 5 maggio 1945

Al NAVAL SUB-COMMISSION
A.C. HEADQUARTERS

ARGOMENTO: Interrogatorio Sottotenente di Vascello Mario CROVATO.

Per la conclusione di una inchiesta che sta svolgendo la Commissione d'Inchiesta Speciale costituita presso questo Ministero, occorre sottoporre ad interrogatorio il Sottotenente di Vascello Mario CROVATO, attualmente incorporato nel 7003 Port Btg. di Livorno.

Si prega interessare il Quartiere Generale del Teatro d'Operazioni del Mediterraneo A.P.O. 512 a voler lasciare temporaneamente libero il S.T.V. CROVATO affinché possa presentarsi alla suddetta Commissione *il 20 maggio 1945.*

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

Alta. 15 20 12 June

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ARGOMENTO: Interrogatorio Sottotenente di Vascello Mario CROVATO.

Per la conclusione di una inchiesta che sta svolgendo la Commissione d'Inchiesta Speciale costituita presso questo Ministero, occorre sottoporre ad interrogatorio il Sottotenente di Vascello Mario CROVATO, attualmente incorporato nel 7003 Port Btg. di Livorno.

Si prega interessare il Quartiere Generale del Teatro d'Operazioni del Mediterraneo A.P.O. 512 a voler lasciare temporaneamente libero il S.T.V. CROVATO affinché possa presentarsi alla suddetta Commissione *il 20 Maggio 1945.*

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

Alta. 15. 20. 12. 1945

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(1V44) Wt. 40384/11.137 30,000M. 12 43. D. X. S. 1.0. 51-7832.

S. 1320h.
(Established—October, 1955)NAVAL MESSAGE.

To:

FROM:

NOIC TRIESTE (R) FOTALI FOTALI ROME

CINC MED
111744E JULY

CONFIDENTIAL (CODE OR OTHER TRAFFIC)

INSTRUCTIONS HAVE BEEN ISSUED TO EIGHTH ARMY BY AFHQ TO ARREST NEO-FASCIST
NAVAL PERSONNEL AS SURRENDERED ENEMY PERSONNEL AND DESPATCH THEM TO
CONCENTRATION AREA RIMINI. YOUR 181708 JUNE REFERS.

==111744E JULY

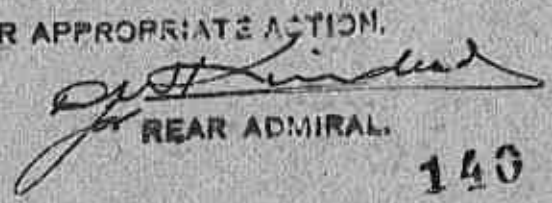
DIS: 3, 5, 2, 9a, 11a

T/P P/L TOR 2123/11

12/7

DATE: 12. 7. 45
FROM: FOTALI, ROME.
TO: 1 NAVY SUB-COMMISSION, HQ, AC.

FORWARDED FOR APPROPRIATE ACTION.


REAR ADMIRAL.

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