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Declassified E.O. 12356 Section 3.3/NND No. 785016

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SM - 505

Nov. 1944 - Feb. 1945

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File

Ref: P/505-SM

2nd February 1945

The Political Section of the Allied Commission presents its compliments to the Yugoslav Delegation to the Advisory Council for Italy and with reference to the Delegation's memorandum No. BR 864 of the 19th January has the honour to state that the petition for pardon of Anton Smordelj who was sentenced for theft and "cooperating in theft", to military penal servitude for a term of four years and nine months, has been denied by the Italian Ministry of War. The Political Section understands that the main reason for this denial was the fact that the petitioner had been convicted twice previously for the same type of crime.

505
SMORDELJ

3804

The Yugoslav Delegation to the Advisory Council
for Italy,
Via dei Monti Parioli, 24,
ROME.

HEADQUARTERS ALLIED COMMISSION
APC 394
LEGAL SUB-COMMISSION

AC/4014/14/L

ES/mt.
31 January 1945.

SUBJECT : Case of SMERDELJ Anthony.
TO : Political Section.

1. Reference the request of 11 Nov 1944 by Royal Yugoslav Delegation concerning the above case and further to letter AC/4014/14/L of this Sub-Commission dated 26 Dec 1944 of the Supreme Military Tribunal.

2. The Procuratore Generale Militare has advised this Sub-Commission that the petition for pardon of SMERDELJ who was sentenced for theft and "cooperating in theft" to military penal servitude for a term of 4 years and 9 months has been denied by the Ministry of War. The fact that the petitioner was convicted previously twice for theft was the main reason for the denial.

G. G. Hannaford 3800

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

He
4/1/45

0247

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4014/14/1

Int.
20 January 1945.

SUBJECT : Anton SHERDELJ.

TO : H.E. the Procuratore Generale Militare.

1. At the request of the Yugoslav Delegation to the Advisory Council for Italy information has been procured in the above case from the Marina Marina whose letter is attached herewith.

2. It would be appreciated if Your Excellency would advise this sub-Commission of the outcome of the proceeding initiated by the petition for pardon referred to in the last para of the aforesaid communication.

505
JMR:RVL

Copy for your file

Incl: Letter from Marina
Marina, dtd 10 Dec 44.

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

404/14
 ✓ ALLIED [REDACTED] COMMISSION
 INTER-OFFICE MEMORANDUM

SUBJECT: *Army SHERDEL T.*

FILE NO.

TO : *Legal S/C.*

195 Jan. 1945.

*Re. see the attached file (which pl.
 return to Pol. Sec.)*

*Can you ascertain pl. how the appeal
 from legal person is getting on?*

LEG. SUB. COMMISSION
 CLO
 DCLO
 Chief Counsel
 CJO
 20 JAN 1945

3798

[Signature]
for A.P. (Gen.).

0249

JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY

Br. 864...

Rome, January 19, 1945.

Subject: Anton Smerdelj.

Headquarters Allied Commission,
Political Section.

=====

Reference your 505-SM dated December 28, 1944.

We would be very grateful if you could approach this matter with due attention.

This man was sentenced by Fascist authorities, at a time when Italy under the Fascist Regime was making every effort in the war against the United Nations, and was especially keen on persecuting Yugoslavs who fought against them and helped the Allies by all available means.

It appears from reliable informations that Smerdelj is an honest man and a good patriot who was prior to his arrest carrying out systematical sabotage against the Fascist war-machine thus helping the Allied armies.

It seems that his being sentenced is in direct connection with this activity which apparently was the very and only reason of the action he was arrested for.

For the Ambassador: 3797

Sloven Smolaka

DR SLOVEN SMOLAKA
Councillor of Legation.

Ref: 505-SM

23 December 1944

The Political Section of the Allied Commission presents its compliments to the Yugoslav Delegation to the Advisory Council for Italy and, with reference to their memorandum of November 11th, has the honor to inform them that, according to information received from the appropriate Allied and Italian authorities, Antonio Smerdelj is confined in the military prison of Lecce, whither he was moved from the military prison at Taranto on the 9th November 1943, on a charge of theft and collusion in theft of military stores which was passed by the Maritime Military Tribunal of Taranto on the 9th August 1943.

The original sentence of 4 years 3 months was increased to 7 years 1 month as from the 14th June 1943 as a result of sentence being passed on other similar charges. By virtue of Royal Decree 2/4/44, No. 95, however, the sentence was reduced by 3 years and by 25 days being the period spent in prevention custody. The term will, therefore, now finish on the 18th May 1947. Smerdelj has behaved in an exemplary manner in prison and steps are being taken to obtain for him a Royal pardon.

SMERDELJ

2506

Political Section

Yugoslav Delegation to the
Advisory Council for Italy
Via Quintino Sella, 56
Rome

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

G. D. Barker AH
Anthony Smardelj
/mt.
26 December 1944.

AC/4014/14/L.

SUBJECT : Case of SMERDELJ Anthony.
TO : Political Section.

Reference the request of 11 Nov 44 by Royal Yugoslav Delegation concerning the case of Anthony SMERDELJ the attached letter 4073/C/P dated 10 Dec 44 from Prigioni Militari R.M., Lecce, gives the necessary information.

No copy of this letter is being retained in this Sub-Commission.

W. E. Behrens 3795
W. E. BEHRENS,
Colonel,
Deputy Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISS ON

AC/4014/14/L.

WEB/ap.
23 November 1944.

SUBJECT : Case of SMERDELI Anthony.
TO : Regional Commissioner, Southern Region
(Attn Regional Legal Officer).

1. This Commission has been requested by the Royal Yugoslav Delegation to the Advisory Council for Italy to obtain information concerning one SMERDELI Anthony, born 4 Jan 1921 at S. Pietro di Carso, Trieste, who is now in the Military Prison Lecce and has petitioned the Delegation for liberty.

2. Please ascertain and report in due course:

- (a) when, where, ^{why} and by whom SMERDELI was sentenced.
- (b) what sentence he received.
- (c) what argument he wishes to put forward by way of appeal.

By command of Commandore STONE:

W. E. Behrens
W. E. BEHRENS, Colonel,
Deputy Chief Legal Advisor 154

Copy to : Political Section.

SMERDELI
505

0253

To D. POW 17

4014/14
Rome, November 11th, 1944.

Nr; 67



Délégation Royale de Yougoslavie
AU CONSEIL CONSULTATIF POUR L'ITALIE

To : ALLIED COMMISSION,
POLITICAL SECTION,
Rome.

The Royal Yugoslav Delegation to the Advisory Council for Italy begs to inform You, that the detainee of the Military Prison at Lecce, Anthony SMERDELJ, nominally Italian subject, but of Slovene origin, having been born at St. Peter na Krasu (S. Pietro di Carso), province of Trieste (Trieste) on January 4th, 1921, has addressed this Delegation with the request to support his petition to the Italian Ministry of Justice to be set free, without mentioning, however, neither the reason nor the particulars, why he is being detained. His actual address is: Anthony Smerdelj, Preventive M.M., Lecce, where he is detained since 25 March 1943.

This Delegation therefore has the honour to request Your kind intervention at the Italian Ministry of Justice in order to obtain the necessary information, what was the reason for which the above mentioned Smerdelj has been sentenced to penalty by a Military Court and when.

This Delegation would be grateful to You for Your communication in that matter, thanking You for Your kindness in advance.



Miloje D. Smiljanić
(Miloje D. Smiljanić)
Minister Plenipotentiary
Deputy Representative of the R.Yug.
Delegation to the A.C.I.

0254

N° 1831-C di catalogo



Regia Marina

19

22-12
Rad 3020

Ufficio

For.

INDIRIZZO TELEGRAFICO

Post. N° 1144 - Napoli

ARGOMENTO:

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R

373

Regia Marina

Regia Marina

Ufficio

Sez.

INDIRIZZO TELEGRAFICO

Prot. V.

Allegati

ARGOMENTO:

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378

IL CAPITANO DEL CREAL (am)

F. G. R. R.



Major Quayle:

I have at last succeeded in discovering the
address of Doctor Smiljanich.

It is:

Via Antonio Rosio, 25,
4th Floor.

20.1.45

(A. S. HALFORD)
Asst. Political Adviser
Political Section

noted:

V.T.

20/1/45

506-SMILJANICH

3791

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