Declassified E.O. 12356 Section 3.3/NND No. 785015

ACC

10000/136/318

LEGAL AFF
APR. 1945 -

Declassified E.O. 12356 Section 3.3/NND No. 785015

36/318

LEGAL AFFAIRS, GENERAL MORALS & CONDUCT
APR. 1945 - DEC. 1946

1736

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2602/CC

Office of the
Chief Commissioner

-ALLIED COMMISSION-

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MORALS AND CONDUCT

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SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
271a	Cbl 9827 HQ ALCOM	31 Dec 45	Reg Comm L.R.	Siri Francesco Sent. Commuted
272	Ltr AC/4092/1/L Hannaford	Jan 1945	Min d R. C.	Mercy Pets. Extra Courts of Assizes
273	Cbl 9840 HQ ALCOM	3 Jan 46	Reg Comm P.R.	Case of Col Sofio Sante
273a	Cbl 9825 HQ ALCOM	31 Dec 45	Re Com Pd Reg	Case of Sofio Sante
274	Cbl 9841 HQ ALCOM	3 Jan 46	Re Com Lom Reg	Case of Bottini Giuseppe
274a	Cbl [illegible]	2 Jan 46	ALCOM	Court Martial of Italian p w's
247b	Cbl 9882 ALCOM	3 Jan 46	AFHQ	Cerretani Federico
275	Cbl 9842 HQ ALCOM	3 Jan 46	Re Com Ven Reg	Case of Cappellini Bruno
275a	Cbl 9882 ALCOM	3 Jan 46	AFHQ	Cerretani Federico Suspected War Crim
275b	Cbl 9860 HQ ALCOM	3 Jan 46	AFHQ	War Crimes
276	Cbl 9923 HQ ALCOM	4 Jan 46	AMG Lit Reg	Piazza Liberie
276a	Ltr De Gasperi	5 Jan 46	Stone	Expell Aliens
277	Cbl 1573 AC Liaison Grp	5 Jan 46	HQ ALCOM	Case of Piazza Liborio
277a	Cbl 9911 IPW Div Hq AC	5 Jan 46	Hq MBS	Italian PWs
277b	Cbl 9947 ALCOM	5 Jan 46	Gov Malta	Case of Prece
277c	Cbl F 57992 SACMED	7 Jan 46	ALCOM	Cerretani Federico
278	Cbl 1591 QQX ALCOM Lia.	8 Jan 46	CC	Mutiny at Maressi
279	Cbl ALCOM LIAISON GRP	8 Jan 46	ALCOM CC	Case of Piazza Liborio
280	Cbl JDOA	8 Jan 46	CC	Italian PWs
280a	Cbl 91 HQ ALCOM Bye	9 Jan 46	ALCOM Lig.	Case of Piazza Liberio
280b	Cbl 130 HQ ALCOM	10 Jan 46	ALCOM Lig.	Case of Piazza Liberio
281	Ltr Savin	11 Jan 46	CC	Case of Piazza Liberio
282	Cbl 1612 ALCOM Lia Grp	11 Jan 46	ALCOM	Sentences, Political Prisoners
283	Cbl 169 HQ ALCOM	11 Jan 46	FAHQ	Case of Piazza Liberio
284	Cbl 141 IPW Div S/C AC	9 Jan 46	JDOA Casabl.	Court martial matters pert. to Ita PWs
285	Cbl 131 HQ ALCOM	10 Jan 46	AMG UDINE	Trial of Political Prisoners
286	Cbl 148 HQ ALCOM	11 Jan 46	GHQ CMF	Federation of Youth Hostels
286a	Cbl FX 58463 CMF	13 Jan 46	ALCOM	Case of Piazza Liberio
287	Ltr AC/4083/23/L CC	15 Jan 46	War Dept	Case of Cavallaro Umberto
288	Cbl 276 Wilson	15 Jan 46	V-G Pol Frc.	De Matti Giuseppe
288a	Cbl A/831 (PS)	15 Jan 46	ALCOM	Case of Piazza Liberio
289	Cbl 299 Carr	16 Jan 46	ALCOM	Removal to Udine
289a	Cbl PLN-502 JDOA CASA.	18 Jan 46	ALCOM	Trials of Italian Service Unit Men
290	Cbl 387 HQ ALCOM	18 Jan 46	HQ Milan	Caseof Piazza Liberio
291	Cbl 1636 ALCOM Genoa	19 Jan 46	HQ ALCOM	Case of Piazza Liberio
291a	Ltr Formagia	20 Jan 46	Stone	Legal Affairs of Bellinetti
291b	Cbl 424 MTOUSA	21 Jan 46	IPW Div	Courts Martial of PWs PD
291c	Cbl 1638 ALCOM Genoa	21 Jan 46	ALCOM HQ	Case of Piazza Liborio
292	Ltr Apostolo	24 Jan 46	Leg. S/C	Application of Mrs Pasquale Nesta
293	Cbl 44044 Milan	26 Jan 46	CC	Prisoners beg Reconsideration Trial

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255b	Ltr It. Red Cross	20 Nov 45	Stone	Sentence of Lt S. Bellinetti
255c	Ltr Carrall	19 Nov 45	Stone	Case of Countess Trivelli
255d	Cbl 8634 Civil affairs	21 Nov 45	AFHQ	Request suspend execution of Amleto
255e	Cbl 8602 CC	21 Nov 45	HQ MTOUSA	Representitives (IT) depart for Dachau
255f	Ltr G-5 014.5 WARD	21 Nov 45	CC	Clemency for Prisoners
255g	Ltr 3636/199/EC Stone	23 Nov 45	Parri	Satisfied with speedy action on trial
256	Cbl 8712 Civil affairs	24 Nov 45	AFHQ G-5	Discussion on Act of Clemency
256a	Cbl 8727 Chapman	24 Nov 45	AFHQ G-5	No info on alleged crimes Angelo, Trio.
256b	Cbl 8747 Legal S/C	26 Nov 45	Pres. Palermo	Barca Giuseppe
257	Ltr Stone	27 Nov 45	Capt. Allen	Acknowledge ltr of 22 Nov 45
258	Ltr 2604/EC Lush	29 Nov 45	RC Lombardia	Casion at Gardone
259	Ltr 2604/EC Lush	29 Nov 45	Legal S/C	Gaming House
259a	Ltr Kirk	3 Dec 45	Stone	List of War criminals
260	Ltr 515/EC Stone	5 Dec 45	Aprile	No intervention in your case
261	Ltr Stone	10 Dec 45	Kirk	Acknowledge ltr. of 3 Dec.
261a	Cbl H6527 HQ SOS Med	13 Dec 45	CC	Court Martial of Italian Prisoners WAR
261b	Cbl G5480 Liguria Reg.	13 Dec 45	CC	Execution of Political Prisoners
262	Ltr 2604/116/EC McCleary	14 Dec 45	Min of Int.	Casino at Gardone Riviera
262a	Ltr SD/266.01-57 Hayes	15 Dec 45	AFHQ	Major (Count) Cerretani Federico
263	Cbl 9327 HQ ALCOM	14 Dec 45	Reg Com Vene R	Pardon Giuseppe to Life Imprisonmen
264	Cbl 337 HQ ALCOM	14 Dec 45	Re Com Ven R	Pardon Edelwais & Cchille to Life
264a	Cbl 9537 HQ ALCOM	21 Dec 45	R Com Liguria	Death to 30 Years imprisonment
264b	Cbl 9560 HQ ALCOM	21 Dec 45	R Com Ven R	Death to Life Imprisonment
265	Ltr 6517/100/EC Stone	21 Dec 45	AFHQ G-5	Persons Wanted by Allied Authorities
265a	Ltr ES/13.01 Cleavland	21 Dec 45	Pres. ICR	Amend Procedures Imp. Petroleum Prod
265b	Cbl 9590 HQ ALCOM	22 Dec 45	AFHQ	Piazza Liberia & Siri Francesco
266	Ltr AC/4092/1/L Stone	22 Dec 45	AFHQ G-5	Mercy Pet. ECA in AMG
266b	Xmx Ltr 6540 Soatoro	22 Dec 45	CC	Opening of Gambling house
266a	Cbl NO/8858 AC in Italy	26 Dec 45	CC	Ovetke and Ivan releasedenied
267	Cbl 1535 AMG Liguria	27 Dec 45	CC	Piazza Liberia and SIRI FRANCESCO
267a	Cbl 9653 HQ ALCOM	27 Dec 45	RCOM Piedmont	Pardon of Pignari Nobile
268	Cbl 9736 Anson	29 Dec 45	ALCOM	Vercelli Case
269	Cbl 9738 HQALCOM	29 Dec 45	AFHQ G-5	Pet. for Mercy
270	Cbl 9756 HQ ALCOM	29 Dec 45	AFHQ G-5	Bruno Cappellini Case
271	Cbl 9760 HQ ALCOM	29 Dec 45	AFHQ G-5	Bottini Giuseppe Case
271b	Ltr Stone	31 Dec 45	[illegible]	List of War Criminals

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SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
236	13191/F, Menapace	27 Sep 45	CC	Misuse of decree on sequestration of fascist profits.
237	Prime Minister (It)	2 Oct 45	Stone	Amnesty necessity by Allied Courts.
238	Sec of Vatican State	5 Oct 45	CC	Re:Commutation of Cappellini sentence.
238a	Cbl 6615 L/SC	5 Oct 45	R/C Piemonte	Re Pardons for Pompa & Gerolamo, ETC
239	13215/F Stone	6 Oct 45	Parri	Info in Re forfeit of Fascist profits.
240	2604/72/EC McCleary	9 Oct 45	Civ Affairs	Amnesty of Allied Court Convictions.
241	Memo to EC	11 Oct 45	CC	TOGLIATTI'S Cir. to Crown Prosecutors
242	Note, Gen Infante			Re abolition of the Alta Corte de Giustizia.
243	Ltr 47792/2.2.2 Parri	19 Oct 45	Stone	Clemency for Condemned Italians
244	Ltr Stone	25 Oct 45	Kirk	In Re to telegram concerning G. Mauro
245	Cbl 8/4 AMG 13 Corps	26 Oct 45	HQ AICOM	Sentence of Jaksetich
246	Cbl 7743 Stone	27 Oct 45	Bowman	Sentence of Jaksetich
247	Ltr 2619/101/EC Stone	29 Oct 45	Bowman	Case of Jaksetich P.C. 19
248	Ltr DF/5.23/CA Stone	29 Oct 45	Parri	Implementation of DL 149
249	Cbl 8/4/121 Bowman	30 Oct 45	HQ AICOM	Case of Jaksetic
249a	Cbl 2333 Lombardia legal	2 Nov 45	HQ AC L S/C	Execution of Cirillo
249b	Cbl S30811 USFET Eisenhower	8 Nov 45	AICOM	Italian observers at DACHAU Trials.
250	Ltr AC/4079/1/L Stone	6 Nov 45	AFHQ G-5	Clemency for Prisoners
250a	Cbl 8204 Legal S/C	9 Nov 45	RC Liguria	Carrone, Amodio sentence commuted
250b	Cbl 8236 CC	10 Nov 45	CG USFET	Italian Observers Dachau trial
251	Cbl 8295 Civil Affairs	13 Nov 45	AFHQ G-5	Act of Clemency
252	Cbl 8303 Legal S/C	13 Nov 45	RC Lombardia	Spinelli sentence commuted
253	Cbl 8295 Civil Affairs	13 Nov 45	AFHQ G-5	Act of Clemency
254	CBL 2368 Lombardia Legal	14 Nov 45	AC Legal S/C	Execution of death sentence(BRESCHI ANTONIO).
254a	Cbl 8465 Legal S/C	16 Nov 45	RC Liguria	Death sentences commuted
254b	Cbl 8422 Legal S/C	15 Nov 45	RC Lombardia	Death sentence commuted
255	Cbl ETWCB-81 Eisenhower	17 Nov 45	AFHQ	Italians observers Dachau trial
255a	Cbl 8497 Legal S/C	17 Nov 45	AFHQ G-5	Death sentences awaiting action

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SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
222	AC/4010/2/L, Stone	8 Aug 45	Parri	Implementation of It legislation in AMGT, procedure, proposals discussed.
223	AC/4083/23/L, Behrens	21 Aug 45	CC	Case of PANZA Giuseppe.
224	AC/4083/23/L, Stone	21 Aug 45	Sig:a Panza	Case of PANZA Giuseppe.
225	SD/140-AL, Security Div	4 Sep 45	PS Director	Case of LAURO Achille.
226	CC 2602, Stone	7 Sep 45	Ex C	Misuse of decree on sequestration of fascist profits in North.
227	567/95/EC, Kemsley	7 Sep 45	CAS	Misuse of decree on sequestration of fascist profits.
228	Cbl AC Fin, 5002	8 Sep 45	RCs	Misuse of decree on sequestration of fascist profits.
228a	Cbl 8231 Legal S/C	10 Sep 45	RC venezia	Pardons for prisnors
229	Parri, 427/8664	12 Sep 45	Stone	Review by M of Justice of death sentences to be speeded up w help fr Legal.
230 230a	Cbl Liguria, 901 13191/F, Menapace	12 Sep 45 12 Sep 45	AC Fin CC	Misuse of decree on sequestration of fascist profits.
231 232	13191/F, Menapace 13191/F, Menapace	14 Sep 45 14 Sep 45	CC CC	Misuse of decree on sequestration of fascist profits.
233	AC/4092/1/L, Stone	20 Sep 45	Parri	Review by M of Justice of death sentences to be speeded up w help fr Legal.
+234	DF/5.23/CA, Stone	26 Sep 45	Parri	Implementation of DLL 149 in AMGT.
235	AC/4092/1/L, Hannaford	26 Sep 45	M of Justice	Execution of death sentences in Emilia and other regions of Northern Italy

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SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
208	DF/5.17/CA,Stone(Lush)	18 Jun 45	Pres Council	Decree on forfeiture fascist profits.
209	Memo, Lannin	18 Jun 45	Chapman,PS	Case of 'Societa Agricola Maremmana', headed by Guglielmi & Guglielmotti.
210	Cbl AC CC 175	20 Jun 45	Piedmont Reg	Case of Carlo BONGIOVANNI.
211	Cbl Piemonte PR/LE/219	21 Jun 45	AC CC	Case of Carlo BONGIOVANNI.
212	Ltr,Vittorio Orlando	2 Jul 45	CC	Case of Miss Ernesta VACCA and Mr Anselmo DELLA CASA.
213	DF/5.17/CA, Stone	3 Jul 45	Parri	Decree on forfeiture fascist profits.
213a	Ltr Gen Confed Ital Ind	3 Jul45	Stone	Lt Col PINTO unjustly arrested
214	NSC/2855, Stone	5 Jul 45	AFHQ G-2	Case of Marcello ZAMFAGNA.
215	Ltr Maremma, Catania	10 Jul 45	Stone	Misery of magistrates in Catania
216	29928-10124-5.17 Parri	11 Jul 45	Stone	Decree on forfeiture of fascist profits
217	AC/4010/L Legal SC	11 Jul 45		Economic Decrees in force in No. Italy
218	AC/14754/7/FS	13 Jul 45	Gen Confed	Case of PINTO being investigated.
219	4010/2/L, Behrens	25 Jul 45	CC	Implementation of DLL 151 (implementation of decrees in AMG territory,gen.)
220	Parri,30512/1/1.26	30 Jul 45	CC	Difficulties in implementation It legislation in AMGT - new proposals.
221	Cbl AFHQ, FX-32003	4 Aug 45	AC,5 Army	Case of Lini Achille.

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189	DF/5.17/CA, Stone	21 May 45	Bonomi	Decree on forfeiture fascist profits.
190	Stone	26 May 45	Noel Charles	Decree on forfeiture fascist profits.
191	Stone	26 May 45	Alex Kirk	Decree on forfeiture fascist profits.
192	AC/4083/77/L, Behrens	27 May 45	CC	Commutation death sentences.
193	AC/4040/L, Behrens	28 May 45	CC	Commutation death sentences.
194	CC-2602, Stone	30 May 45	DCLA Legal	Commutation of Death sentences.
195	Alex Kirk	30 May 45	Stone	Decree on forfeiture fascist profits.
196	DF/5.17/CA, Upjohn	1 Jun 45	Ex C	Decree on forfeiture fascist profits.
197	Stone	2 Jun 45	Alex Kirk	Decree on forfeiture fascist profits.
198	5760, Lucifero	3 Jun 45	Stone	Case of Cesare SPIZZICHINO.
199	AC/4083/23/L, Behrens	7 Jun 45	RLO Toscana	Case of Cesare SPIZZICHINO.
200	Ltr, Alex Kirk	8 Jun 45	Stone	Decree on forfeiture fascist profits.
201	CC 2602, Stone	12 Jun 45	Alex Kirk	Decree on forfeiture fascist profits.
202	CC 2602, Stearns	13 Jun 45	Lucifero	Case of Cesare SPIZZICHINO.
203	Cbl AFHQ FX-92978	14 Jun 45	AC,PENSOUTH	Case of Marcello ZANFAGNA.
204	Bonomi 3644/10124.6.17	14 Jun 45	Stone	Decree on forfeiture fascist profits.
205	Ltr Alex Kirk	14 Jun 45	Stone	Decree on forfeiture fascist profits.
206	132/37/45,Noel Charles	16 Jun 45	Stone	Decree on forfeiture fascist profits.
207	DF/5.17/CA, Upjohn	18 Jun 45	POL ADVs AC	Decree on forfeiture fascist profits.

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174	AC/4113/2/L, Stone	11 Apr 45	Bonomi	Decrees on admin of parastatal institutions in Libya & It East Africa.
175	RAAC, AG 371(G2) G-44	11 Apr45	AC, CC	Security cases pending in AMG Courts.
176	Memo, Macmillan	15 Apr 45	CC	C.I.P. Decree.
177	ES/13.01, Antolini	16 Apr 45	CC	C.I.P. Decree.
177a	SD/149.01, Fiske	24 Apr 45	CG RAAC	Security cases pending in AMG Courts.
178	Memo, Quayle	25 Apr 45	CC	C.I.P. Decree. Text of Decree, dated 1 Mar - final (?)
178a	Ltr 358, Bonomi	28 Apr 45	Stone	C.I.P.Decree - covering statement on.
179	AC/4010/9/L, Lush	30 Apr 45	RCs, SCAOs, IVth	Implementation of Econ Decrees in N.
179a	Aide-Memore, Forein Affrs	2 May 45	AC	Searching of Minister Talamo's house.
180	ES/13.02, Antolini	3 May 45	CC	C.I.P.Decree-cover statmt acceptable.
181	Ltr Alex Kirk	7 May 45	CC	C.I.P. Decree - US aims for record on petroleum policy of IG. INCL: Note Verbale, 7 May, to IG.
182	Ltr, Stone	11 May 45	Alex Kirk	Thanks for note on C.I.P. Decree.
183	Memo, Quayle	15 May 45	Llewellyn	Whereabouts of Senator RiccardoMotta.
184	997/91/EC, Llewellyn	17 May 45	RC Lumbardia	Whereabouts of Senator Riccardo Motta
185	997/92/EC, Llewellyn	17 May 45	Disper S/C	Whereabouts of Senator Riccardo Motta
186	325, Bonomi	17 May 45	Stone	Decrees on admin of parastatal institutions in Libya & It East Africa.
187	UNITA'	17 May 45		"A veto of the Allies on the law of surplus profits".
188	Chl 8 Army, COS-507	17 May 45	AFHQ, AC	Tito's imposter son in Padova.

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DD RM MILAN 44044 23 23 1020 D

JAN 26 RECD

ADMIRAL STONE PRESIDENT ALLIED COMMISSION ROME

PRISONERS SENTENCE ALLIED COURT 2/ OCTOBER BEG FOR
RECONSIDERATION OF TRIAL REQUIRED SAME MONTH
PINO MARIA TALESI ANNA

EC DIST
ACTION - CA Sec (2)
INFO - CC
- EC

(143)

1744

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ALLIED CONTROL COMMISSION
INTER OFFICE MEMO

From: Liaison Officer to Chief Commissioner

SUBJECT: Application of Mrs Pasquale NESTA.

FILE No. 25 b/MD

24 Jan 1946

TO: Legal S/C

Enclosed application of Mrs Pasquale NESTA asking for the reduction of term for her husband sentenced to three years by Foggia Court, is forwarded for your consideration.

5613

P.APOSTOLO,
Lt Comdr,RNR,
L.O.to C.C.

3 enclosures

292

1745

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N 239 Diritti Esatte L. 2,50

COMUNE DI TORREMAGGIORE

Il Sindaco del Comune suddetto

ATTESTA

che la famiglia di Testa Pasquale di Luigi

nato a Torremaggiore addì 2-8-1923 si compone come segue:

moglie

Severino Giovanna di Stefano nata il 6-1-925

figli

Luigi nato il 2-5-1943

Antonietta nata il 3-8-1945

Onde consti si rilascia il presente stato di famiglia in carta libera per solo uso concesso dalla legge

Torremaggiore, li 1° gennaio 1946

L'impiegato responsabile

IL SINDACO

242

L 7 4 6

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S. E. L'Ammiraglio

ELLERY STONE

Capo Commissione Alleata

Roma.

La sottoscritta Semenza Giovanna di Stefano, moglie di Nesta Pasquale di Luigi, da Tommaggiore (Foggia) si permette rivolgere la presente istanza per far conoscere quando segue.

La corte di Foggia nella seduta del 17 aprile 1944 ha condannato a mio marito a tre anni di reclusione per aver egli comperato e venduto pochi oggetti di vestiario appartenenti ai soldati alleati. Che si trova nel Carcere di Lucera. Sono madre di due figli mi trovo ammalata e inoltre di fame, Vengo ai vostri piedi a pregarvi in ginocchio come se pregassi Gesù in Chiesa di volermi concedere la grazia a mio marito per la metà pena.

O voi Giudici siate grande di cuore, datelo per l'amore dei miei piccini che hanno perduto il

istanza per far conoscere quanto segue.
La corte di Foggia, nella seduta del 17 aprile 1944 ha condannato a mio marito a tre anni di reclusione per aver egli comperato e venduto pochi oggetti di vestiario appartenenti ai soldati alleati. Che si trova nel carcere di Lucera. Sono madre di due figli mi trovo ammalata e moribonda di fame, vengo ai vostri piedi a pregarvi in ginocchio come se pregassi Gesù in Chiesa di volermi concedere la grazia a mio marito per la metà pena.
O voi Giudici siate grande di cuore, datelo per l'amore dei miei piccini che hanno perduto il sostegno del padre. È stato certamente la volontà di procurare il necessario ai suoi figli.
Concedetegli la grazia vi ne supplico in ginocchio Siamo simili la pena e la tristezza di una intiera famiglia
In tale fiduciosa attesa di una consolazione m'inchino reverente stringendomi alla clemenza del vostro buon cuore e del vostro giudizio
Netta Semenza Giovanna.
Bonefro 18-1-1946 via Nicola Fiani 80

[792]

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Certifico io sottoscritto che la
signora Semeraro Giovanna
moglie di Nitta Pasquale è affetta
da colicistite per cui abbia
bisogno di riposo, di cure
e di ospitalità.
In fede del vero ed a richiesta
dell'interessata si rilascia il
presente certificato in carta
semplice per uso farmacia.
Torremaggiore 12 gennaio 1946

Visto
Il Podestà
Dott. Luigi Bellavenuta

COMUNE DI TORREMAGGIORE * RAGIONERIA *

Il Segretario Comunale
dr. Luigi Bellavenuta

Per uso di farmacia
TORREMAGGIORE 12-1-946
IL MEDICO

COMUNE DI TORREMAGGIORE * SEGRETERIA *

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presente certificato in carta
semplice per uso Ferrovia.
Torre Pellice 12 Gennaio 1946

Visto
Per la Legazione della Gran
Bretagna
Il Sig. Litt.

Visto Bellentani

e per uso di Ferrovia
TORRE PELLICE 12-1-946

IL SINDACO

5641

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1638
JAN 211030 A

G/7782
JAN 220930 A

ROUTINE

ALLIED COMMISSION LIAISON GROUP GENOA

ALCOM HQ PSO

RESTRICTED

RESTRICTED.

Para 1. Reference telegram 299 of 16, execution of Piazza Liberio was duly effected at 0720 hours,

Para 2. No incidents or public unrest.

AC DIST.

ACTION: PUBLIC SAFETY

INFO: CHIEF COMMISSIONER

FILE 2

FLOAT

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2916

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Declassified E.O. 12356 Section 3.3/NND No. 785015

IPW Division LAND FORCES B/O, MMIA 21 1130 Jan 46

MTOUSA

424 UNCLASSIFIED

SUBJECT IS COURTS MARTIAL OF ITALIAN PRISONERS OF WAR PD

PARA ONE PD FOLLOWING CABLE HAS BEEN RECEIVED FROM MASO JEDA CASABLANCA QUOTE PREVIOUS DIRECTIVES FROM HEADQUARTERS MTOUSA REQUIRED NOTIFICATION TO SWISS CONSULATE TWO ONE DAYS PRIOR TO TRIAL OF ANY ITALIAN SERVICE UNIT PERSONNEL PD WHEN SWISS CONSUL INFORMED US THAT THIS PROCEDURE SHOULD CEASE CMA WE QUERIED AFRICAN MIDDLE EAST THEATRE HEADQUARTERS AS TO POLICY PD AFRICAN MIDDLE EAST THEATRE INFORMED US THE MATTER HAD BEEN TURNED OVER TO ALLIED COMMISSION PD NOW CMA WE WANT TO KNOW IF WE SHOULD NOTIFY ANY PROTECTING POWER OR OTHER AGENCY PRIOR TO TRIAL OF AN ITALIAN SERVICE UNIT MAN OR DO WE HANDLE JUST AS AN AMERICAN SOLDIER BEING TRIED PD WE DO NOT DESIRE TO SEND THESE CASES TO ITALY FOR TRIAL CMA BUT WANT TO HOLD THEM HERE WHERE WITNESSES AND FACTS ARE AVAILABLE PD REQUEST REPLY SOON AS WE ARE HOLDING UP CASES NOW PD QUOTE PD

PARA TWO PD LEGAL SUB COMMISSION ALLIED COMMISSION HAS NO INFORMATION ON THIS MATTER PD

PARA THREE PD PLEASE ADVISE PD

OP PRIORITY

IPW Division

511

2 7 1 b

5645

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Comdr. Agostolo

To note & return

Grs

cc

26 II

26-II

1753

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FEB 21 REC'D

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB COMMISSION

INTER OFFICE MEMO

Note for the Chief Commissioner .

Presid.Giuliano of the Supreme Court of Cessation, Section of Milan, has now communicated on the case of BELLINETTI Silvio. He appears to be one of the worst fascist criminals on record and doesn't deserve any mercy.

G.G. HANNAFORD,
Lt.Colonel,
Deputy Chief Legal Advisor.

21 Feb. 1946.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

ALLIED CONTROL COMMISSION

INTER OFFICE MEMO

From: Liaison Officer to Chief Commissioner

SUBJECT: Application of Mr.Formaggia

FILE No. 29 b/MD

7 feb 1946

TO:Legal S/C

Enclosed application sent by the lawyer Formaggia, is forwarded for your consideration.

P.APOSTOLO,
Lt Comdr,RNR,
I.O.to C.C.

ALLIED CONTROL COMMISION

→ Gen Thomas
8.2.46.

1753

Declassified E.O. 12356 Section 3.3/NND No. 785015

Translation

Adv. Antonio Formaggia — Genoa, 20 January 1946

To : Admiral Stone - Rome

I am the lawyer of Silvio Bellinetti, of the late Antonio and of Olimpia Marlando, born in Naples, on November 8th, 1912, formerly a Lieutenant of the Royal Italian Army, and then of the Republican Army.

Bellinetti was sentenced to death by the Corte di Assise Straordinaria of Cuneo on October 23rd, 1945.

He is appealing to the Supremem Court, and the case will be judged in Rome, on March 11th, 1946.

Besides the reasons and motives which are supporting the appeal, the undersigned wants to bring the following facts to your attention, in the hope that you will deem it fit to intervene favourably, in this unfortunate matter.

Silvio Bellinetti, a member of the "Littorio" column flanked by Germans retiring from Cuneo, had been given the assurance that when weapons were surrendered at Strambino Romano (Ivrea) all the members of the column would pass in allied hands as prisoners of war.

Such assurance was guaranteed by thesurrender treaty signed by the German General Schlemmer, General Adami Rossi and the Commander of the 7th Division of the 5th American Army.

The Allied Command had even given its word of honour that none of the members of the column, women included, would for any reason whatever pass in Italian hands.

In fact, Bellinetti was sent to the Coltano concentration camp (N. 337), as a "Prisoner of war".

The enclosed photographs proves that he was classified as such and gives his number.

However, according to what I have been told, on 10/7/45, Lt Bellinerti was taken away from the Coltano Concentration camp by communist partisans, under the false charge of having killed British parachutists.

The files of the law suit and the registers of the Cuneo prison prove that the arrest and removal from Coltano took place on July 10th 1945; on the other hand, it has been proved that the charge on which Lt. Bellinetti was taken from the camp was false. In fact, no mention of such a charge was ever made either in the Cuneo trial, or by the Allied Authorities.

Because of such a procedure, and in spite of the regulations on the relations between belligerents in relation with the treat ent of prisoners, the position of Bellinetti was completely modified.

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Ever since, fwom being a 'prisoner of war' he became just a 'political prisoner' at the disposition of popular justice.

What is more, it so happened that the prisoner of war Lt. Silvio Bellinetti was tried together with the members of the Political Office of the Federazione dei Fasci of Cuneo, organism which was entirely political, and with which, as a military man, he had nothing to do,

The result was that all attempts at a logical defence in favour of this officer were quite useless in the hostile atmosphere which naturally surrounded the members of the Political Office, charged with many crimes.

The Corte d'Assise proved to be under the influence of popular passions, not only during the hearing, but also in the verdict, so that besides the lack of motives there are other serious reasons to invalidate the verdict.

The undersigned takes the liberty of enclosing a summary of the main motives supporting the appeal to the Supreme Court.

s. Formaggia

2 enclosures

c/c

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RG 43

STUDIO LEGALE
Avv. ANTONIO FORMAGGIA
Dott. ARNALDO MAGIONCALDA
GENOVA
VIA PETRARCA, 2-11 (4° PIANO)
TELEFONO 55025

Genova, 20 Gennaio 1946

Al GRAND' AMMIRAGLIO STONE
Comandante Supremo Alleato

ROMA

Nella mia qualità di difensore del già Tenente del R. Esercito Italiano e quindi Tenente Repubblicano Silvio Bellinetti fu Antonio e di Climpia Murlando, nato a Napoli l'8 novembre 1912.

Il Bellinetti nanti la Corte di Assise Straordinaria di Cuneo con sentenza 23 ottobre 1945 venne condannato alla pena di morte.

Contro tale sentenza ricorre per cassazione e la discussione avverrà in Roma il giorno 11 marzo 1946.

Oltre a quelle ragioni e motivi che sono stati addotti a sostegno del ricorso, il sottoscritto si pregia sottoporre a V.E. queste altre osservazioni nella speranza che, vagliate, possiate intervenire favorevolmente in questa disgraziata vertenza giudiziaria.

Al Bellinetti Silvio partecipante alla colonna "Lidonnici" affiancata a tedeschi in ripiegamento da Cuneo si era data assicurazione che al momento della resa delle armi a Strambino Romano (Ivrea) tutti i partecipanti alla colonna sarebbero passati in mano alleata come prigionieri di guerra.

Garantivano questa assicurazione il trattato di resa scritto tra il Generale Tedesco Schlemmer, il Generale Adami-Rossi ed il Comandante la 75° Divisione della 5ª Armata Americana.

Anzi, si era data parola di onore da parte del Comando Alleato che nessuno componente la colonna, comprese le donne, avrebbe dovuto per nessuna ragione passare in mano degli italiani.

Infatti, il Bellinetti fu rinchiuso nel Campo di concentramento di Coltano N. 337 con qualifica di "prigioniero di guerra".

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Infatti, il Bellinetti fu rinchiuso nel Campo di concentramento di Coltano N. 337 con qualifica di "prigioniero di guerra".

Di questa qualifica e del numero della matricola si da prova con il qui prodotto allegato fotografico.

Invece, é avvenuto - secondo quanto mi si riferisce - che il Tenente Bellinetti il 10/7/45 é stato prelevato dal Campo di Concentramento di Coltano da elementi dichiaratesi partigiani comunisti, sotto la pretestuosa accusa di avere ucciso paracadutisti inglesi.

Mentre da un lato vi é la prova documentale attraverso l'incarto processuale e i documenti in matricola del Carcere di Cuneo che l'arresto ed il prelievo da Coltano é avvenuto il 10/luglio

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1945 dall'altro lato si é dimostrato calunniosa l'accusa in base alla qua
le i prelevatori avrebbero ottenuto la consegna.

Infatti di questa accusa non si fece parola mai né nel processo di Cu -
neo, né tanto meno dalle autorità alleate.

In conseguenza di questa procedura ed in dispregio alle norme regolanti
i rapporti fra i belligeranti relativemente al trattamento dei prigionie
ri, la posizione del Bellinetti fu modificata totalmente.

Da quel giorno da "prigioniero di guerra" divenne normale "detenuto po_
litico" a disposizione della giustizia popolare.

Di più, é accaduto che il militare prigioniero di guerra Tenente Silvio
Bellinetti é stato processato unitamente agli appartenenti dell'Ufficio
Politico della Federazione dei Fasci di Cuneo, organo prettamente poli_
tico al quale egli, come militare, era completamente estraneo.

Ne conseguì quindi, che qualsiasi tentativo di logica difesa a favore
di questo militare fu del tutto smontata dall'ambiente naturalmente osti
le contro gli appartenenti all'Ufficio Politico al quale si faceva adde
bito di molti crimini.

La Corte di Assise ha dimostrato oltre che nella udienza anche nella
sentenza di essere stata soggiogata dalla passione popolare, sicché al_
la deficiente motivazione vanno aggiunti altri motivi gravi di annulla_
mento della sentenza stessa.

Ad ogni buon fine il sottoscritto si permette allegare un estratto dei
principali motivi a sostegno del ricorso per la Cassazione.

Con ossequio .

n.2 allegati

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

1. BELLINETTI SILVIO TEN. 8 NOV 1916 GE.
(Surname—Zuname) (First name—Vorname) (Rank—Dienstgrad) (Date and place of birth—Geburtsdatum und Geburtsort)

2. LEONARDA BORIA GENOVA VIA CAMAREGUA N 9-6- 710909 H
(Name and address of next of kin—Name und Anschrift des nächsten Angehörigen) (Internment serial number)

3. 5.5.45
(Date of capture—Datum der Gefangennahme) IVREA (Place of capture—Ort der Gefangennahme) IT

4. 32 5-7 135 BR BLK
(Age—Alter) (Height—Grösse) (Weight—Gewicht) (Eyes—Augenfarbe) (Hair—Haarfarbe)

5. BLACK BRIG CUNEO TORINO
(Unit—Truppeneinheit) (Serial number—Nr der Erkennungsmarke)

6. NONE PLAT. LEADER CUSTOM OFFICIAL
(Distinguishing marks—Besondere Kennzeichen) (Occupation—Beschäftigung) (Army—Heer) (Civil—Zivilberuf)

7. Branch of service—Waffengattung Air Corps—Luftwaffe Army—Heer Navy—Marine

NO. 20132

(Signature—Unterschrift)

MEDICAL RECORD: Date of stimulating dose typhoid
Date atebrine therapy started
Other inoculations or medical data

Date of arrival 30 MAY 1945 PRISONER OF WAR PRELIMINARY RECORD
Date of transfer VORLÄFUIGE ERKLÄRUNG DES KRIEGSGEFANGENEN

PW camp 32
Group No
Date

PRINT CLEARLY—DO NOT FOLD IN DRUCKSCHRIFT SCHREIBEN

RIGHT HAND				
1. Thumb	2. Index finger	3. Middle finger	4. Ring finger	5. Little finger

LEFT HAND				
6. Thumb	7. Index finger	8. Middle finger	9. Ring finger	10. Little finger

W. D., A. G. O. Form No. 19-3
28 July 1944
(Old W. D., P. M. G. Form No. 51
11 March 1944)

TO ACCOMPANY PRISONER

Note: Amputations to Proper Scale

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MOTIVI PRINCIPALI A SOSTEGNO DEL RICORSO IN CASSAZIONE

1

Nullità della ordinanza per violazione ed errata interpretazione dell'art. 64 e 68 C.P.

Nullità della ordinanza per violazione dell'art. 150 C.P.P. in relazione all'art. 185 n.2 stesso Codice.

Nullità della ordinanza per violazione dell'art. 25 T.U. delle disposizioni legislative riguardanti l'ordinamento delle Corti Di Assise.

2

Errata interpretazione ed applicazione dell'art. 521 CP.P.G. in relazione all'art. 5 D.L.L. 27/7/44 n. 159 e all'art. 1 D.L. 22/4/45 n. 132 e mancata applicazione dell'art. 58 CP.M.G. e 52 stesso codice .

Nullità della sentenza per mancanza di motivazione su tale punto, a sensi dell'art. 475 n. 3 C.P.

3

Nullità della sentenza a sensi dell'art. 475 n.3 C.P.P. in relazione all'art. 42 C.P. per mancanza di motivazione sul punto del dolo.

Declassified E.O. 12356 Section 3.3/NND No. 785015

Nullità della ordinanza per violazione dell'art. 25 T.U. delle disposizioni legislative riguardanti l'ordinamento delle Corti Di Assise.

2

Errata interpretazione ed applicazione dell'art. 2I CP.P.G. in relazione all'art. 5 D.L.L. 27/7/44 n. I59 e all'art. 1 D.L. 22/4/45 n. I32 e mancata applicazione dell'art. 58 CP.M.G. e 52 stesso codice .

Nullità della sentenza per mancanza di motivazione su tale punto, a sensi dell'art. 475 n. 3 C.P.

3

Nullità della sentenza a sensi dell'art. 475 n.3 C.P.P. in relazione all'art. 42 C.P. per mancanza di motivazione sul punto del dolo.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

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Declassified E.O. 12356 Section 3.3/NND No. 785015

1. 4092/2

A S. C.
L' AMMIRAGLIO S[illegible]E
Comando in Capo Alleato
R O M A

Oggetto: Esposto

Il sottoscritto Ballinetti Silvio, attualmente detenu_ to nelle Carceri Giudiziarie di Cuneo, e già appartenente all'Esercito Repubblicano Italiano quale Tenente della bri_ gata nera "Lidonnici" di Cuneo, espone a V.C. quanto appres so:

Il 5 maggio 1945, secondo gli accordi di resa intercorsi tra il Gen. U.S. Army Comandante la 75ª Div. U.S. della 5 Ar_ mata, e il Gen. di C. d'A. Schlemmer, dell'Esercito Tedesco e comandante del 5 Corpo Germanico cui era aggregata la briga ta nera di Cuneo, mi costituii con tutti i componenti della colonna quale prigioniero di guerra dell' Esercito Americano, in Ivrea (Piemonte).

Tali accordi prevedevano che gli italiani componenti la colonna (fossero essi militari o civili d'ambo i sessi) avreb bero avuto lo stesso trattamento riservato ai germanici, ossia protezione assoluta ed incondizionata dalle rappresaglie parti giane, ed escludevano altresì la consegna di essi componenti - in tutto od in parte - alle autorità italiane per motivi di polizia politica.

Avuta comunicazione dai rispettivi comandanti di reparto delle condizioni di resa, e confidando, a giusto titolo, nella lealtà e nel senso d'onore della Nazione Americana, tutti i componenti della colonna italiana si costituirono come il sot_ toscritto, prigioniero di guerra.

Dopo alcuni giorni fummo trasferiti al P.W.E. di Coltano (Pisa), campo 337/A dove restai fino al 10/7/1945.

In tale giorno, dal Comandante Italiano del Campo ricevet_ ti ordine, unitamente ad altri 15 ufficiali e militari, di te_ nermi pronto a partire per ignota destinazione. L'ufficiale ita liano che ci dette l'ordine non seppe o non volle precisare qua le fosse questa destinazione. Al momento di abbandonare il cam_ po, ci vedemmo presi in consegna da una squadra di partigiani della cosidetta Polizia del Popolo di Cuneo, che ci significò di doverci tradurre in quella città per rispondere della nostra attività durante il periodo repubblicano.

Dai componenti della stessa squadra venimmo a conoscere che altri ufficiali, di grado molto superiore al nostro, quali Colonnelli e Ten.Colonnelli, che pure erano stati richiesti, era no stati invece rifiutati dal Comando del Campo; e venimmo al_ tresì a conoscere che era stato esibito un foglio al Comando del Campo da cui risultavano a nostro carico gravissime accuse

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riflettenti delitti che violavano le leggi di guerra, delitti commessi nei confronti di militari alleati nel corso della guerra.

Tali accuse, ovviamente, erano insussistenti, altrimenti non osarei rivolgermi a V.C. col presente esposto: ma furono evidentemente credute al Comando del Campo tanto da motivare la nostra consegna. Tale opinione è suffragata, oltre che da successive informazioni, dalle ammissioni stesse della squadra che ci tradusse e dalla circostanza che nessun altro, ufficiale o soldato, è stato concesso in seguito a successive richieste.

Si è così determinata la strana situazione che elementi, come il sottoscritto, del tutto secondari e semplici esecutori di ordini, sono stati incarcerati e condannati a pene anche gravissime, mentre coloro che gli ordini stessi impartivano, sono stati rilasciati e, se non vengono arrestati per imprudenza, sono tutori a piede libero!

Poichè tutta la mia attività, nel periodo repubblicano, è stata una attività militare, riconosciuta implicitamente anche dalla Nazione Americana attraverso le condizioni di resa concesse in nome del suo Governo dal Comandante della 75° Divisione, oso quindi sottoporre a V.C. il caso, chiedendo di essere deferito nella mia qualità di ufficiale dell' Esercito Repubblicano Italiano, al giudizio di un Tribunale Militare Italiano o Alleato; e nello stesso tempo chiede che vengano esaminate le ragioni per cui fui consegnato dal Comando del Campo di Coltano e quali responsabilità vi siano da parte di coloro che hanno concesso la nostra consegna alla Polizia Partigiana rifiutando quella degli altri ufficiali e militari richiesti contemporaneamente e successivamente a noi.

Confidando quindi nella lealtà e nel senso di giustizia di V.C. quale massimo rappresentante in Italia delle Grandi Nazioni Unite, sottopongo a V.C. la questione, certo che V.C. vorrà benevolmente esaminarla, conseguendo con questo lo scopo, oltre che di compiere un atto di vera giustizia, anche di far scomparire quel senso di diffidenza che, in seguito alla esposta violazione di una delle condizioni di resa compiuta da elementi forse irresponsabili, oggi si nutre da parte di alcuni di noi per la Nazione Americana.

Accogliete V.C., i sensi della mia anticipata riconoscenza ed i miei voti personali per la vostra prosperità.

5698

Dev/mo

Silvio Bellinetti

Silvio Bellinetti fu Antonio e di Olimpia
Murlando nato a Napoli l'8/II/1912.
Prigioniero di guerra 91G 710909 H.

Cuneo, 5 Novembre 1945

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Declassified E.O. 12356 Section 3.3/NND No. 785015

26

1. BELLINETTI SILVIO TEN. 8 NOV. 1912 IT.
(Surname - Zuname) (First name - Vorname) (Rank - Dienstgrad) (Date and place of birth - Geburtstatum und Geburtsort)

2. LEONARDA BORI (W) GENOVA VIA CASAREGIS 45-1 91 G 710909 H
(Name and address of next of kin - Name und Anschrift des nächsten Angehörigen) (Internment serial number)

3. 5. 5. 1945 IVREA IT
Date of capture - Datum der Gefangennahme) (Place of capture - Ort der Gefangennahme)

4. 32 5-7 135 BR BLK
(Age - Alter) (Height - Grösse) (Weight - Gewicht) (Eyes - Augenfarbe) (Hair - Haarfarbe)

5. BLACK BRIG CUNEO TORINO
(Unit - Truppenteil) (Serial number - No. der Erkennungsmarke)

6. NONE PLAT LEADER CUSTOM OFFICIAL
(Distinguishing marks - Besondere Kennzeichen) (Occupation - Beschäftigung) (Army - Heer) (Civil - Zivilberuf)

7. Branch of service - Waffengattung : Air Corps - Luftwaffe - Army - Heer ✓ Navy - Marine

VO. 20102

(Signature - Unterschrift)

MEDICAL RECORD : Date of stimulating dose Typhoid
Date atebrine therapy started
Other inoculations or medical data

Date of arrival 30 MAY 1945 PRISONER OF WAR PRELIMINARY RECORD P/W camp 337
Date of transfer VORLÄFUIGE ERKLARUNG DES KRIEGSGEFANGENEN Group No
Theater

RIGHT HAND

1. Thumb 2. Index finger 3. Middle finger 4. Ring finger 5. Little finger

LEFT HAND

6. Thumb 7. Index finger 8. Middle finger 9. Ring finger 10. Little finger

W. D., A.G.O. Form. No. 69-3
28 July 1941.
(Or W.D. P.M.G. Form No. 2-1
11 March 1944)

TO ACCOMPANY PRISONER Note amputations Proper Space

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Declassified E.O. 12356 Section 3.3/NND No. 785015

A. S. C.

L' AMMIRAGLIO STONE

Comando in Capo Alleato

R O M A

La sottoscritta Bori Maria Maddalena in Bellinetti attualmente residente in Genova - Via Canneggio 45/I - quale moglie del prigioniero di guerra 9IG 7IO909 H Tenente Bellinetti Silvio fu Antonio e di Olimpia Murlando, nato a Napoli l' 8 novembre 1912, attualmente nelle Carceri di Torriano a V.O. espone:

Mio marito Bellinetti Silvio ex Tenente della brigata nera "Lidonnici" faceva parte della colonna, formata da reparti tedeschi ed italiani in ripiegamento da Cuneo, che ha trattato la resa a Strambino Romano (Ivrea) il 3 e 4 maggio 1945 tra il Generale tedesco Schlemmer, presente il Generale Adami-Rossi comandante le truppe italiane ammassate a Strambino Romano con il Comandante la 75 Div. della V Armata Americana. Le trattative si conclusero con il preciso accordo scritto che le truppe sarebbero rimaste con le armi fino ad Ivrea, località questa in cui tutti (italiani e tedeschi) avrebbero deposte le armi. I comandanti e le truppe hanno accettato per evitare spargimento di sangue e soprattutto per assicurazione formale ricevuta e sottoscritta dal Comando Alleato di essere tutti considerati prigionieri di guerra e come tali presi in consegna dagli Americani con i privilegi stabiliti dalle clausole internazionali e venne data garanzia assoluta che nessuno sarebbe stato consegnato alle autorità italiane.
A conferma di quanto sopra il Comandante della 75 Div. della V Armata Americana é in possesso della resa firmata dove risulta che gli Alleati hanno dato la loro parola d'onore che nessun componente della colonna sarebbe stato consegnato agli italiani.

In forza a ciò mio marito fu rinchiuso nel campo di concentramento di Coltano n. 337 e qualificato "prigioniero di guerra" con regolare documento e conseguente numero di matricola.
(Di tale documento si allega copia, l'originale é in possesso della sottoscritta).

A V.O. faccio presente che il Tenente Bellinetti venne prelevato il 10/7/45 dal campo di concentramento di Coltano R.C. 337 dai partigiani comunisti, i quali per ottenerne la consegna lo accusarono di avere ucciso dei paracadudisti inglesi, cosa assolutamente non vera, e che non venne neanche accennata nel processo al quale venne successivamente sottoposto. Ed infatti, se il Tenente Bellinetti si fosse reso colpevole di tale delitto dovevano essere gli Alleati a processarlo e giudicarlo.

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Tutti gli internati del campo di concentramento di Coltano in numero di 35.000 circa, tra i quali si trovevano anche i capi del Tenente Bellinetti che furono richiesti contemporaneamente a lui, sotto la stessa accusa, e non consegnati, furono messi in libertà quando il campo venne sciolto. Solo mio marito con altri 15 prigionieri furono consegnati agli italiani per essere sottoposto a processo.

Venne così a trasformarsi, in contrasto alle più elementari norme militari, la sua posizione da quella di "prigioniero di guerra" in quella di normale "detenuto politico" e passato al Carcere di Cuneo.

Faccio presente a V.O. che gli appartenenti alle brigate nere non erano altri che gli iscritti al P.F.R. passati a detto corpo d'autorità in quanto il partito fascista repubblicano con decisione del consiglio dei Ministri venne trasformato in corpo ausiliario delle camicie nere e come tale passato alle dipendenze del Ministero della Guerra, con obbligo assoluto a tutti d'immediato impiego, salvo casi eccezionali per cui occorreva il nulla osta del ministro segretario del P.F.R.

Mio marito venne processato ed in seguito ad accuse per le quali venne considerato "non soldato" ma solo "fascista" fu condannato a morte.
Il processo svoltosi a Cuneo dal 1o al 33 ottobre 1945 non ha giudicato "Silvio Bellinetti" singolarmente, perché con lui erano altri 11 imputati. Il Tribunale di Cuneo ha voluto asserire che mio marito facesse parte dell' Ufficio Politico della Federazione, a cui mai ha appartenuto, in quanto era nella brigata nera, come detto precedentemente.
Venne quindi giudicato in una atmosfera di basso odio di parte, per il solo motivo che in Cuneo tutti coloro che con un grado appartenevano alla brigata nera erano considerati come "criminali di guerra" e pertanto la popolazione appoggiata dai partiti e dalla propaganda giornalistica ha influito sulla sentenza capitale solo per sete di vendetta.

Confidando nell'alto senso di equità che anima V.O., prego V.O. a voler prendere in esame il caso Silvio Bellinetti che fiducioso della lealtà e delle promesse delle Forze Alleate, si era consegnato a loro come ufficiale vinto; che V.O. voglia rendergli giustizia mantenendo integri gli accordi di resa stipulati a Strambino Romano (Ivrea) il 3 e 4 maggio 1945; e che V.O. voglia disporre che sia nuovamente internato nei campi di concentramento per i prigionieri di guerra italiani o quanto meno che venga annullata la sentenza capitale o che venga processato dagli Alleati, dove vige imparzialità ed giustizia.

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Fiduciosa che V.O. vorrà accogliere la presente istanza, sentitamente ringrazio riconoscente.

Dev/ma

Maria Maddalena Bori Bellinetti

(Maria Maddalena Bori in Bellinetti)
Via Casaregis 45/1 - Genova

Genova, I3 Novembre I945

5624

2-91a

1769

Declassified E.O. 12356 Section 3.3/NND No. 785015

1636
JAN.191200 RAN 46

G/7704
JAN.200900

IMPORTANT

ALLIED COMMISSION LIAISON GROUP GENOA

HQ ALCOM CITE ACPS

Confidential

RESTRICTED.

1. Reference your signal 299 dated 16 January, the execution of Piazza Liborio has now been postponed to Monday 21 January 46.

2. Information received from A P M 59 Area, for 2 District.

AC DIST

ACTION : P.SAFETY
INFO : CHIEF COMMISSIONER
FILE 2
FLOAT

Confidential

5633

1770

Declassified E.O. 12356 Section 3.3/NND No. 785015

HQ ALCOM 18 JAN 46

(1) HQ 2 DISTRICT MILAN

387 RESTRICTED

SUBJECT IS CASE OF PIAZZA LIBORIO

CONFIRMING CONVERSATION ON TELEPHONE MAJOR GOLD COLONEL WEBER ON EIGHTEEN JANUARY APPLICATION FOR CLEMENCY IN CASE OF PIAZZA LIBORIO SENTENCED TO DEATH BY ALLIED MILITARY COURT HAS BEEN DENIED

Distribution : (BY ELS)
to : HQ 2 District - Milan

5632

PRIORITY

Legal Sub-Commission

302

1771

Declassified E.O. 12356 Section 3.3/NND No. 785015

PLN
PTN-502
JAN 1809452

G/7620

JAN 181600

PRIORITY

JDOA CASABLANCA

ALCOM

UNCLASSIFIED:

Reurad number 141 dated 11 January CITE A C I P W.Never received your cable 9370 dated 14 December to QSOS Mediterranean Base Section.For your information.Correct name this Headquarters is North African Service Command.Our cable was not asking you to try these cases.Previous directives from Headquarters MTOUSA required notification to Swiss Consulate 21 days prior to trial of any Italian Service unit personnel.When Swiss Consul informed us that this procedure should cease, we queried African Middle East theater Headquarters as to Policy.African Middle East theater informed us the matter had been turned over to Allied Commission. Now, we want to known if we should notify any protecting power or other Agency prior to trial of an Italian Service Unit man or do we handle just as an American soldier being tried.We do not desire to send these cases to Italy for trial, but want to hold them here where witnesses and facts are available.Request reply soon as we are holding up cases now.

AC DIST

ACTION - I.P.W.
INFO - CHIEF COMMISSIONER
FILE 2
FLOAT

5631

2 x 9

1772

Declassified E.O. 12356 Section 3.3/NND No. 785015

FROM: CAS H. ALCOR 15 JANUARY 1946/12,30 hrs

DISTG REPT ALCOS TO GENOA

299 UNCLASSIFIED

F Y S 2 4 6

PARA ONE ED ABLE BRANCH ONE FOX KRAY FIVE EIGHT OUR SIX THREE OH ONE TWO JANUARY FOUR SIX ED

PARA TWO ED REQUEST FOR REMOVAL TO UNITE WAS RECEIVED BY PIUS HQ BY TELEPHONE FROM MAJOR GHOST AND TRANSMITTED TO ASHCAN ED

PARA THREE ED IT IS CONFIRMED THAT EXECUTION WILL NOW TAKE PLACE ONE NINE JANUARY IN ACCORDANCE WITH ALCOS CABLE NINE ONE OF NINE JANUARY FOUR SIX ED PLACE OF EXECUTION TO BE SELECTED BY YOU IN CONSULTATION WITH PUBLIC SAFETY LIAISON OFFICER AT GENOA IF NECESSARY ED

5930

IMMEDIATE

Civil Affairs Section

478427

1221

H. CAMP, Brigadier.

G. J. LEONE
CMO USA
Asst Adjutant.

1773

Declassified E.O. 12356 Section 3.3/NND No. 785015

A/831 (PS)
15JAN1600A

G/7451
16JAN0900
IMMEDIATE

DISTWO

ALCOM FOR ACPSF INFO: 59AREA NEED:

CONFIDENTIAL.

REF YOUR 169 DATED 11 JANUARY SUBJECT PIAZZA LIBORIO. REQUEST IMMEDIATE DIRECTIONS AS TO PLACE AND DATE OF EXECUTION

ACTN: PUBLIC SAFETY
INFO: CHIEF COMMISSIONER
FILE 2
FLOAT

2602/c

Confidential

5629

288a

1774

Declassified E.O. 12356 Section 3.3/NND No. 785015

ACPSF 15 JANUARY 1946 15.30 HRS

VENEZIA GIULIA POLICE FORCE

276 UNCLASSIFIED

SUBJECT IS DE MATTIA GIUSEPPE FD
PARA ONE FD THE DIRECTOR OF THE JUDICIAL POLICE OFFICE AT THE PROCURA GENERALE OF THE COURT OF APPEAL OF ROME HAS ASKED THAT THE FOLLOWING CABLE BE FORWARDED TO YOU FD
PARA TWO FD PLEASE DISPOSE URGENTLY THE ARREST AND SPECIAL TRANSPORTATION REPEAT SPECIAL TO THE LOCAL JUDICIAL PRISON AT DISPOSITION OF THE SPECIAL SECTION OF THE ASSISE COURT ROME DE MATTIA GIUSEPPE DI PACIFICO BORN AT VEROLI SIX JULY ONE NINE ZERO THREE CMA WHO SHOULD ACTUALLY BE THERE WITH HIS BROTHER STATION MASTER STATE RAILWAYS FD BELOW MENTIONED HAS A WARRANT OF ARREST ISSUED BY GENERAL LAWYER SPECIAL SECTION ASSISE DATED ONE EIGHT DECEMBER FOUR FIVE FOR COLLABORATION AND AID IN SEQUESTRATION FD WARRANT OF ARREST NOT TRANSMITTED OWING TO URGENCY A AND WILL BE NOTIFIED AFTER TRANSPORTATION FD
DIRECTOR JUDICIAL POLICE OFFICE AT THE PROCURA GENERALE DR MONACO FD
PARA THREE FD PLEASE REPLY ACTION TAKEN FD

5698

ROUTINE

PUBLIC SAFETY SUB COMMISSION

G.J.LEONE
CWO USA
Asst. Adjutant

365

F.J.WILSON, Lt.Colonel

238

1775

Declassified E.O. 12356 Section 3.3/NND No. 785015

AG/hCE3/23/L.

15 January, 1946.

Re : CAVALIERO Umberto MVIII No. 2569.

TO : War Department, Washington D.C.

This is in reply to your letter of 10 December 1945 WDSJA/997.797.

Before a Superior Military Government Court, Major G.A. BRANT, (B) presiding, at FIRENZE (Toscana) sitting on the 30 and 31 October, and the 3, 4, 5, 7, 8, 11, 12, 13, 15, 16, 19, 20, 21, 22, 24 and 25 days of November, 1944, CAVALIERO Umberto and four others were tried for violation of Allied Military Government proclamations issued by the Military Governor of Italy. CAVALIERO Umberto was specifically charged with violation of Proclamation 1, Article VI, Section one, in that he conspired with others to offer a bribe to obtain the use of an army truck, and conspired with others to obtain the use of an army truck for illegal purposes. CAVALIERO plead not guilty to these charges.

The record of trial in this case is voluminous. The statement of the evidence alone consists of 104 pages.

At the conclusion of all the evidence three of the defendants were acquitted.

CAVALIERO was convicted of the first charge and was sentenced to seven years imprisonment. He was acquitted on the second charge.

Both on trial, and in the appeal of his case CAVALIERO was represented by Avv. ARRIGHI, recognized by many as the most resourceful defense lawyer of the Italian Bar. There is no evidence in the record that Avv. ARRIGHI was negligent in any of his duties to his client.

An appeal filed on behalf of CAVALIERO was considered by the Chief Judicial Officer, and on 12 January 45, after due deliberation was overruled and the conviction and sentence were affirmed.

Thereafter, petitions for rehearing were filed based on the presentation of alleged new evidence. The entire case was re-examined by a Judicial Officer not previously involved in the review. It was determined that the alleged new evidence was not helpful to CAVALIERO; actually it tended to prove conclusively the guilt of the defendant, and on the 13 day of June 1945, the re-hearing was denied. On the question of sentence, however, it was held that there was little in the record in definite support of the theory that CAVALIERO was the ring leader of the gang, on

[illegible]

1776

Declassified E.O. 12356 Section 3.3/NND No. 785015

which basis he received a heavier sentence than his co-conspirator, and the sentence of seven years was reduced to four years.

The issue in the case at the trial and on appeal was a pure question of fact whether or not CAVALLARO was a party to the conspiracy with Catullo, a co-defendant, to bribe Allied soldiers. The record reveals substantial evidence upon which the trial court could come to the conclusion that CAVALLARO was a party to such conspiracy. It was the opinion on review by the Judicial Officers that such conclusion was natural and proper on the evidence. Affirmance of the conviction and sentence therefore was foreclosed by the law of the case, and an order was entered to that effect.

Nothing further can be added to these prosaic facts, except, perhaps the observation that the trial of the case and the reviews had thereon were the acts of men who in civil life have dedicated their adult years to the administration of justice and have consistently discharged their military duties in keeping with the best judicial traditions of Anglo-American law.

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

5426

287

1777

Declassified E.O. 12356 Section 3.3/NND No. 785015

Cable FX 58463 dated 12 Jan 66.

Transfer to CE 3753 Folio 82.

KR95

2864

1778

Declassified E.O. 12356 Section 3.3/NND No. 785015

HEADQUARTERS ALLIED COMMISSION 111600 Jan 46

GHQ CMF

148 UNCLASSIFIED

REFERENCE YOUR SIX TWO EIGHT THREE SLANT QUEEN PARIS MAINT PARIS OF ONE FOUR DECEMBER FOUR FIVE PD MISTER CATCHPOOL CMA INTERNATIONAL PRESIDENT OF FEDERATION OF YOUTH HOSTELS CMA WISHES VISIT ITALY APPROXIMATELY FOUR TO ONE FOUR FEBRUARY PD THIS HEADQUARTERS ANXIOUS TO GIVE ALL ASSISTANCE PD GRATEFUL YOU APPROVE VISIT AND IF SO YOU REQUEST TROOPERS NOTIFY MISTER CATCHPOOL AT YOUTH HOSTELS ASSOCIATION NATIONAL OFFICE CMA HOWARDSGATE CMA WELWYN GARDEN CITY CMA HERTS PD SPONSORED BY ALLIED COMMISSION SO PROPER ENTITLED FACILITIES FROM MILITARY SOURCES PD PLEASE CONFIRM

PRIORITY

Office of the Executive Commissioner

343

Lt. Colonel
Acting Executive Commissioner

5894

12861

1779

Declassified E.O. 12356 Section 3.3/NND No. 785015

ACTGF HQ ALCOM 10 JANUARY 1946

ADG UDINE

(1) AMHQ FOR G-FIVE (2) FAN THIRTEEN CORPS (3) CLO VENEZIA
(4) TWO ZERO CMLO SUB AREA

151 UNCLASSIFIED

SUBJECT IS UDINE GOAL PD

PARA ONE PD REFERENCE SIGNAL ZERO FOUR THREE TEN SEVEN JANUARY
FROM FAN THIRTEEN CORPS ADDRESSED TO AMHQ PD
PARA TWO PD PLEASE REPLY WHAT ACTION IS BEING TAKEN UNDER ONE
AND THREE OF SIGNAL PD ALLIED AC ORDINATION EXISTS AT THE
POLITICAL PRISONERS CAMP CWA FOSCOLI C WA MODENA PROVINCE PD
PARA THREE PD LEGAL SUB COMMISSION ILL REQUEST ITALIAN
GOVERNMENT TO ACCELERATE TRIAL OF TWO ZERO ONE POLITICAL PRISONERS
PARA FOUR PD WHAT IS THE POSITION REGARDING PRISON GOVERNOR
PLEASE PD

INTERNAL DIST. CHIEF COMMISSIONER
CA SECTION
LEGAL

5623

ROUTINE

PUBLIC SAFETY S/C

P.J. ELSON, Colonel

G.J.LEONE
C/C USA
Asst. Adjutant

365
285

1780

Declassified E.O. 12356 Section 3.3/NND No. 785015

090011

IPW Division ~~Hqs A.F.~~ Land Forces s/c, A C 30 January 1946

JDOA CASABLANCA

141

RESTRICTED

PARA ONE PD RHUR CABLE DATED EIGHT JANUARY FOUR SIX WITHOUT REFERENCE NUMBER SUBJECT COURT MARTIAL MATTERS PERTAINING TO ITALIAN PRISONERS OF WAR PD

PAREN TO FOR ACTION JIG DOG OBOE ABLE CASABLANCA FROM ALCOM CITE AGIPW PAREN

PARA TWO PD OUR CABLE NINE THREE SEVEN ZERO DATED ONE FOUR DECEMBER TO HQ SOS MEDITERRANEAN BASE SEC CASABLANCA READS QUOTE PARA ONE PD RHUR HARRY SIX FIVE TWO SEVEN OF ONE ZERO DECEMBER NOT UNDERSTOOD PD PARA TWO PD IF YOU WISH ITALIAN GOVERNMENT TO TRY THESE CASES THEY MUST BE REPATRIATED UNDER ESCORT AND ETA AND PORT OF ARRIVAL NOTIFIED TO THIS DIVISION QUOTE PD

5892

2841

ROUTINE

IPW Division

THOMAS H. GOURLAY
1st Lt., USA

[7811]

Declassified E.O. 12356 Section 3.3/NND No. 785015

ACPSF HQ ALCOM 11 JANUARY 1946/16,20 hrs

AFHQ

(1) DISTO (2) ALCOM TO LIGURIA

159 F X 4 6 3 7 5 2 SECRET CL/

WDJK SIGNAL SOX XRAY FOUR SIX THREE SEVEN FIVE O. TWO EIGHT SEPTEMBER FOUR FIVE TO DISTO PD

PARA ONE PD DATE OF EXECUTION OF PIAZZA LIBERIO HAS BEEN TWICE POSTPONED FOR ONE WEEK AT REQUEST OF ITALIAN GOVERNMENT FOR PUBLIC SECURITY REASONS PD

PARA TWO PD IN MARASSI PRISON GEA GENOA GEA HERO PIAZZA LIBERIO IS CONFINED ARE ELEVEN OTHER ITALIANS SENTENCED TO DEATH BY ITALIAN COURTS PRIOR TO PIAZZA'S CONVICTION AND THESE SENTENCES ARE NOT YET CONFIRMED PD

PARA THREE PD THIS HAS CAUSED GREAT DISCONTENT AMONGST CIVIL POPULATION GENOA AND SERIOUS DISTURBANCES HAVE THREATENED PD

PARA FOUR PD DISTO REQUESTS THAT TO AVOID CIVIL DISTURBANCES PIAZZA LIBERIO BE REMOVED WITHOUT DELAY FROM MARASSI PRISON GENOA TO A PRISON IN OSIMO AND EXECUTION BE CARRIED OUT BY FIFTH CORPS PD

PARA FIVE PD DATE OF EXECUTION HAS NOW BEEN FINALLY FIXED FOR ONE NINE JANUARY NOUR SIX PD

PARA SIX PD IF REQUEST OF DISTO IS APPROVED YOU WILL PRESUMABLY DESIGNATE UNIT TO CARRY OUT EXECUTION PD

PARA SEVEN PD IT IS ALSO SUGGESTED THAT IF PRISONER IS AUTHORIZED ALLIED PERSONNEL SHOULD BE INCLUDED IN ESCORT DURING REMOVAL WHICH MAY REQUIRE FOUR EIGHT HOURS PD

5621

URGENT

Public Safety S/C

G. J. LEONE
CWO USA
Asst Adjutant.

M. CARR, Brigadier
VP CA Sec.

11827
283

1782

Declassified E.O. 12356 Section 3.3/NND No. 785015

1612
111700 JAN 46

G/7196
JAN 120845A

IMPORTANT

ALLIED COMMISSION LIAISON GROUP GENOA

ALCOM CITE ACPSF INFO RPTD ALCOM CITE ACLEG

RESTRICTED

RESTRICTED

For your information at 0740 hours 11 January 46 at Poligono di Pedegoli di Quezzi in this Province deatjan T sentences have been carried out on the following political prisoners,Vito Spiotta,Enrico Podesta and Giuseppe Righi.Public order normal.

AC DIST

ACTION: PUBLIC SAFETY

INFO: CHIEF COMMISSIONER

C A S

LEGAL

FILE 2

FLOAT

Confidential

RC20

2 2 2

1783

Declassified E.O. 12356 Section 3.3/NND No. 785015

Memo to th Chief Commissioner:

Attached is a translation of the petition for commutation of the death sentence in the case of PFC AZZA Liborio.

I have no favorable recommendation to make in this case. In my opinion, your original decision should NOT be disturbed.

Thurber
Colonel, Infantry
Chief Legal Advisor

11 Jan 46.

CLA

J Concur

Dis

CL

RG 92/rc

12/1

Sec 277

281

1784

Declassified E.O. 12356 Section 3.3/NND No. 785015

4783/83

HEADQUARTERS
LOMBARDIA REGION LIAISON GROUP
ALLIED COMMISSION
APO 394

8 January 1946

SUBJECT: Appeal in case of Piazza Liborio of Genoa.

TO : Chief Legal Officer, Allied Commission, APO 394.
ATTENTION: Colonel JOHN WEBER

1. In compliance with your request by telephone this afternoon, I am forwarding herewith by fastest possible means the appeal of Piazza Liborio of Genoa, and of his attorney for a further stay of execution.

FOR THE CHIEF LIAISON OFFICER:

WILLIAM H. SAVIN
Major CMP
Deputy Chief LO.

2 Incls:
1 - Appeal (Piazza Liborio)
1 - Appeal (Attorney)

LEGAL SUB-COMMISION
CLO
DCLO
Chief Counsel
CLO
Italian Section
CCRS
10 JAN 1946

KE18

KE1P 281

1785

Declassified E.O. 12356 Section 3.3/NND No. 785015

TO : Admiral STONE.

The undersigned Counsel of Piazza Liborio, son of Salvatore deceased, sentenced to death on 22 Sept. 1945 by A.M.G. Court sitting in Genova because he was found guilty of the murder of three Carabinieri, forward to your Excellency a petition for pardon on behalf of the accused.

The abolition of the death penalty has constitued in the past a great conquest for Italian civilisation, a conquest which only the Fascist barbarities could despise and destroy.

By means of recent provisions your Excellency has recognised these feelings which are present in the Italian population, and has exercised benevolently his sovereign right of pardon, thus showing to our people the bright wisdom which illuminates the Commander of the Allied Troops, liberators of Italy, when Italy has loved and honoured with feeling of a true friendship.

The undersigned not only in their duties as defending counsel, but especially for their conscience as citizens and old soldiers, do not hesitate to declare to Y.E. that Piazza is a young man, not of bad character, lead astray by the bad influence exercised by others upon him, and today in on the road of a spiritual redemption by repentance and reviewed conscience.

We may be sure, because of the conduct in prison, of the conversation with the undersigned counsel Brunetti, of the feelings truly and ever expressed by the prisoner, that he has now understood the gravity of his fault, and that a spontaneous and strong will of moral reinbilitation has come upon him.

It is with a trembling heart, but with serene faith that the undersigned turn to your Excellency, sure of the grant of a pardon.

We do not claim extenuating circumstances, but we point out to your Excellency that the past life of Piazza has been one of painful sacrifices, without joy or hope, without even the support and advice of a father, brave soldier in the War of 1915-1918, too soon taken away from the accused.

The great trials undergone and horrors of the war inevitably had a deep affect on the weak character of the young prisoner.

But there remains also the depth of his nature not completely corrupted and often enlightened by good impulses, and the certainty that today repentance will certainly lead him towards good.

Human conscience remains doubtful in front the death penalty.

The execution of Piazza would be an exception to the general rule of pardon which, largely and always, also in these recent times, has been a tradition in Italy.

#11-281

1786

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His youth, his character not yet formed, the remote motives of social order which have pushed him to the crime without being conscious of it and without an internal reaction to such act, support undoubtedly this petition.

Life imprisonment is a suffering dear and for some persons more severe than death itself.

But it leaves a human being the possibility of redemption, and has as an end re-education which is particularly suitable in the repression of crimes to the nature of our people.

The undersigned, who on account of their painful professional duties, had the possibility to fathom the feelings of Piazza, are personal witnesses of the truth of what is stated above.

The supreme benefit we are invoking from your Excellency should obtain a good result.

The undersigned forward to Y.E. the present petition at the express request of Piazza's mother, and his three brothers, all young and under age, broken down by a boundless sorrow, and which can be compared to the sorrow of the parents of the poor victims, and associating themselves with the petition confident that Y.E., in your sovereign right of justice, will once more give proof of the magnanimity shown in other cases, and will commute the death penalty imposed on Piazza into life imprisonment.

With respect.

Counsel Brunetti
also for the Counsel Oppenheim.

Genova 4 January 1946.

5616

(RM) 781

AVV. GIOVANNI BATTISTA BRUNETTI
GENOVA - Via S. Lorenzo N. 13 - Tel. 2 557

Al Grande Ammiraglia Elley W. Stone

Comandante Supremo del Governo Alleato del Mediterraneo=

==========

I sottoscritti, Avvocati in Genova, difensori di Pia=
za Liborio fu Salvatore condannato il 22 Settembre 1945
dalla Corte Generale alleata di Genova, alla pena di
morte, per aver concorso alla uccisione di tre carabi
nieri, si onorano di presentare alla S.V.Ill.ma doman=
da di grazia per il loro difeso.=

L'abolizione della pena di morte ha costituito, nei
tempi passati, una grande conquista per la civiltà
italiana, conquista che solo la barbarie fascista po=
teva disprezzare e distruggere.

La S.V.Ill.ma, con recenti provvedimenti, ha ricono=
sciuto questa particolare concezione che vige nel
sentimento italiano, ed ha benevolmente esercitato il
suo sovrano diritto di grazia, additando così al nostro
popolo quanta luce di saggezza illumini i Comandanti

5613

Declassified E.O. 12356 Section 3.3/NND No. 785015

za Liborio fu Salvatore condannato il 22 Settembre 1945 dalla Corte Generale alleata di Genova, alla pena di morte, per aver concorso alla uccisione di tre carabinieri, si onorano di presentare alla S.V.Ill.ma domanda di grazia per il loro difeso.=

L'abolizione della pena di morte ha costituito, nei tempi passati, una grande conquista per la civiltà italiana, conquista che solo la barbarie fascista poteva disprezzare e distruggere.

La S.V.Ill.ma, con recenti provvedimenti, ha riconosciuto questa particolare concezione che vige nel sentimento italiano, ed ha benevolmente esercitato il suo sovrano diritto di grazia, additando così al nostro popolo quanta luce di saggezza illumini i Comandanti delle Truppe Alleate, liberatrici dell'Italia, e che l'Italia ha amato e onorato con sentimento di vera amicizia.=

5613

I sottoscritti, come difensori, ma sopratutto per la loro coscienza di cittadini e di vecchi soldati, non esitano ad affermare alla S.V. che il Piazza è un giovane, non cattivo di animo, traviato dalla influenza

Declassified E.O. 12356 Section 3.3/NND No. 785015

nefasta che altri esercitarono su di lui,ed oggi ~~xka~~ sicuramente avviato,nel rimorso e nella ritrovata coscienza,sulla via della redenzione spirituale.

Nel contegno stesso tenuto in carcere dopo la condanna,nei colloqui avuti col sottoscritto Avvocato G.B. Brunetti,nei sentimenti costantemente e veracemente espressidal Piazza,si ricava,senza tema di errare,la certezza che il Piazza ha finalmente sentito la gravità della sua colpa,e che in lui vi è una spontanea ed inalienabile volontà di riabilitazione morale.=

E' con cuore tremante ma con serena fiducia che i sottoscritti si rivolgono alla S.V.,fiduciosi nello accoglimento della presente domanda di grazia.

Non si invocano attenuanti per il fatto,ma si rappresenta alla S.V.,perchè di ciò sia a Sua personale conoscenza,che la vita del Piazza fu nel passato vita dolorosa di sacrifici,senza mai una gioia od una speranza, senza nemmeno l'appoggio e il consiglio del padre,valoroso combattente della guerra 1915/1918,che troppo

Declassified E.O. 12356 Section 3.3/NND No. 785015

Nel contegno stesso tenuto in carcere dopo la condan=
na,nei colloqui avuti col sottoscritto Avvocato G.B.
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Non si invocano attenuanti per il fatto,ma si rappre=
senta alla S.V.,perchè di ciò sia a personale cono=
scenza,che la vita del Piazza fu nel passato vita dolo=
rosa di sacrifici,senza mai una gioia od una speranza,
senza nemmeno l'appoggio e il consiglio del padre,va=
loroso combattente della guerra 1915/1918,che troppo
presto fu rapito al giovine imputato.

Le tremende prove subite e gli orrori della guerra
dovevano fatalmente far preda di sè unanimo debole
come quello del giovane condannato.

Ma rimane il profondo della sua natura,non corrotto
del tutto e sovente illuminato da impulsi buoni,e la

Declassified E.O. 12356 Section 3.3/NND No. 785015

Subject: Appeal in case of Piazza Liborio of Genoa

To : Chief Legal Officer, Allied Commission
attention Col. Weber -

I am to comply with yr req. of the 15th inst. & am forwarding herewith by fastest possible means the appeal of [redacted] of Gen. & of his atty. for a further stay of ex.

For the C.A.O.

5614

Declassified E.O. 12356 Section 3.3/NND No. 785015

1. To comply with the req. stated [illegible] of
2 am [illegible] received by [illegible] permits means
the appeal ? — ? [illegible] of his city.
for a further stay ? ed.

for the C & O

5614

Declassified E.O. 12356 Section 3.3/NND No. 785015

certezza che oggi il rimorso guida sicuramente verso il bene chi ha ritrovato sè stesso.=

La coscienza umana si arresta pensosa e dubbiosa di fronte alla esecuzione di una pena di morte.=

Il Piazza costituirebbe quasi una eccezione a quel= la grazia che largamente e sempre,ed anche in tempi recentissimi,è stata di consuetudine in Italia.=

La sua giovine età,il suo carattere non formato,i motivi remoti e d'ordine sociale che lo hanno spinto senza coscienza e senza interna reazione al delitto, confortano indubbiamente la presente supplica.=

L'ergastolo è sofferenza che si avvicina,e per taluni può superare in asprezza la morte stessa.=

Ma lascia la possibilità ad un'anima di salvarsi e di redimersi,ed innegabilmente contiene in sè una superiore finalità di rieducazione e di prevenzione, che particolarmente si adatta alla natura del nostro popolo,nella repressione dei crimini.=

5615

I sottoscritti,che per le dolorose funzioni del loro

Declassified E.O. 12356 Section 3.3/NND No. 785015

Il Piazza costituirebbe quasi una eccezione a quel= la grazia che largamente e sempreped anche in tempi recentissimi,è stata di consuetudine in Ithalia.=

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L'ergastolo è sofferenza che si avvicina,e per taluni può superare in asprezza la morte stessa.=

Ma lascia la possibilità ad un'anima di salvarsi e di redimersi,ed innegabilmente contiene in sè una superiore finalità di rieducazione e di prevenzione, che particolarmente si adatta alla natura del nostro popolo,nella repressione dei crimini.= 5615

I sottoscritti,che per le dolorose funzioni del loro ministero,hanno avuto possibilità di indagare a fondo nei sentimenti del Piazza,si rendono personalmente testimoni della verità di quanto esposto.=

Il supremo beneficio che si invoca dalla S.V.,non può che raggiungere un benefico risultato.=

Per espressa preghiera della madre del Piazza e dei

(ATT) (781)

1794

Declassified E.O. 12356 Section 3.3/NND No. 785015

suoi tre fratelli, tutti giovinetti e di minore età, affranti da un dolore che non ha limiti, e che nella sua innocenza può essere reverentemente avvicinato al dolore dei genitori delle povere vittime, i sotto= scritti inviano alla S.V.Ill.ma la presente supplica associandosi ad essa, e confidano che la S.V., nel suo sovrano esercizio di giustizia, vorrà ancora una volta dar prova della magnanimità in altri casi così bene dimostrata, e vorrà commutare nell'ergastolo la pena di morte comminata al Piazza.=

Con ossequio.=

Genova 4 Gennaio 1946=

anche per am Giulio Oppenheim
Avv. U. Bellucci

Declassified E.O. 12356 Section 3.3/NND No. 785015

1796

Declassified E.O. 12356 Section 3.3/NND No. 785015

ACPSF HQ ALCOM 10 JANUARY 1945

ALCOM LO LIGURIA

DISTWO

130 SECRET

PARA ONE PD AN APPLICATION HAS BEEN RECEIVED AT THIS HQ FROM DISTWO ASKING THAT PIAZZA LIBERTA CMA AT PRESENT AWAITING EXECUTION IN THE MARASSI GAOL CMA GENOA CMA BE REMOVED FOR PUBLIC SECURITY REASONS TO A PRISON IN ANOTHER PART OF ITALY PD

PARA TWO PD IF YOU DEEM IT ADVISABLE THIS HQ HAS NO OBJECTION TO THE PRISONER BEING REMOVED TO ANOTHER PRISON WITHIN DISTWO PD

PARA THREE PD IF PRISONER MOVED RECOMMEND YOU SECURE ASSISTANCE DURING MOVE OF DISTWO FOR SAFE CUSTODY AND DELIVERY OF PRISONER PD

PARA FOUR PD PLEASE ADVISE THIS HQ OF ACTION TAKEN AND IF PRISONER MOVED NOTIFY DISTWO OF NEW LOCATION PD

5612

PRIORITY

Public Safety L/C

476427

E. J. BYE, Colonel.

E. J. LLOYD, 2WO USA
Asst Adjutant

L-8051

1797

Declassified E.O. 12356 Section 3.3/NND No. 785015

ACPSF HQ ALCOM 9 JANUARY 1946

HQ DISTWO
ALCOM LO LIGURIA

91 SECRET

IN CONFIRMATION OF TELEPHONE CONVERSATION COLONEL BYE DASH CAPTAIN GARDNER CMA STAFF CAPTAIN TO DAAG DISTWO CMA RE PIAZZA LIBERO AWAITING EXECUTION IN MARASSI PRISON CMA GENOA PD PARA ONE PD IT IS CONFIRMED THAT THERE SHOULD BE A FURTHER STAY OF EXECUTION UNTIL ONE NINE JANUARY FOUR SIX FOR PUBLIC SECURITY REASONS AT THE REQUEST OF THE ITALIAN GOVERNMENT PD PARA TWO PD UNLESS ADVISED TO THE CONTRARY THE EXECUTION MAY BE CARRIED OUT ON ONE NINE JANUARY FOUR SIX PD

5911

PRIORITY

Public Safety S/C

478427

E. J. BYE, Colonel.

C. J. LYONS
CWO USA
Asst Adjutant.

2804

1798

Declassified E.O. 12356 Section 3.3/NND No. 785015

JAN 081015Z

G/7013
JAN -090930A

PRIORITY

JEDA CASABLANCA

ACTION: ALCOA ROME

RESTRICTED

RESTRICTED.

Subject is our message M-6527 dated 10 December 45 requesting instructions concerning procedure to be followed in clearing court-martial matters (M-6641) pertaining to Italian prisoners of war through the Italian government through your Commission. Reply has not been received. General court-martial case now pending against member Italian Service Unit. Please cable instructions relative pre-trial notification.

AC DISTRIBUTION

ACTION: LAND FORCES SC
I P W DIV

INFO: CHIEF COMMISSIONER
FILE (2)
FLOAT

RESTRICTED

Confidential

1799

Declassified E.O. 12356 Section 3.3/NND No. 785015

G/7011
JAN 090930A

JAN 081645

IMPORTANT

ALCOM LIAISON GROUP GENOA

ACTION: ALCOM CITE ACPSF, HQ 2 DISTRICT INFO: OC TROOPS GENOA

RESTRICTED

RESTRICTED.

Reference telephone conversation today and messages 1591 and 1592. At the request of the Prefect of Genoa I forward the following information. The Prefect has already sent a telegram to the Minister of Interior on the matter.

(1) The execution of Piazza before the Italian political prisoners condemned to death is likely to create a situation which he will be unable to control.

(2) On 7 January four deputations from various political and workers organisations attended the Prefettura and requested that steps be taken to secure a postponement of the execution of Piazza.

(3) On 8 January deputations from Associazone Partigiani and workers of Ansaldo dock yard and steel works attended Prefettura and requested similar steps be taken. All make it clear their desire is to secure a postponement only of the execution of Piazza until political prisoners are dealt with.

AC DISTRIBUTION

ACTION: PUBLIC SAFETY SC

INFO: CHIEF COMMISSIONER
FILE (2)
FLOAT

Confidential

1800

Declassified E.O. 12356 Section 3.3/NND No. 785015

1591 QQX
JAN.

G/6956
JAN.081615
ROUTINE IMPORTANT

ALLIED COMMISSION LIAISON GROUP GENOA PSO

HQ 2 DISTRICT HQ ALCOM CITE ACPSF OC TROOPS GENOA

RESTRICTED.

At 1820 hours on 7 January 1946 a mutiny occurred at marassi by about 300 prisoners. Mutiny quelled about 0200 hours 8 January 2 prisoners killed 2 wounded.

Reasons given for mutiny - pardon of piazza demanded and improved food conditions. Further signal will follow also full report.

AC DIST

ACTION : PUB SAFETY SC
INFO : CHIEF COMMISSIONER
FILE 2
FLOAT

Confidential

1801

Declassified E.O. 12356 Section 3.3/NND No. 785015

Cable F57992 dated 7 Jan 46.

Transferred to EE 3703 folio 83.

5607

2770

1802

Declassified E.O. 12356 Section 3.3/NND No. 785015

AIGOM CITE ACMF TRAVEL CONTROL 5 JANUARY 1946

GOVERNOR MALTA

UNCLASSIFIED

9947

REFERENCE YOUR NUMBER SEVEN FOR OF TWO JANUARY RE CASE OF FRECE HAS BEEN RETURNED TO ITALIAN GOVERNMENT WHO TAKE UP TO THREE MONTHS TO REPLY

5806

ROUTINE

Public Safety S/C Travel Control

G.J.LEONE
CEC.USA.

542

1803

Declassified E.O. 12356 Section 3.3/NND No. 785015

IPW Division Hq A.O. 5 Jan 46

NASO

Hq SOS MEDITERRANEAN BASE SEC. CASABLANCA

9911 RESTRICTED

PARA ONE PD REUR CABLE DATED TWO SEVEN DECEMBER WITHOUT REFERENCE NUMBER SUBJECT COURT MARTIAL MATTERS PERTAINING TO ITALIAN PRISONERS OF WAR AND HQ SOS MEDITERRANEAN BASE SEC CASABLANCA HARRY SIX FIVE TWO SEVEN DATED ONE ZERO DECEMBER PD

PARTY TO FOR ACTION NASO RPTD HQ SOS MEDITERRANEAN BASE SEC CASABLANCA FROM IPWAC PAREN PARA TWO PD OUR CABLE NINE THREE SEVEN ZERO DATED ONE FOUR DECEMBER TO HQ SOS MEDITERRANEAN BASE SEC CASABLANCA READS QUOTE PARA ONE PD REUR HARRY SIX FIVE TWO SEVEN OF ONE ZERO DECEMBER NOT UNDERSTOOD PD PARA TWO PD IF YOU WISH ITALIAN GOVERNMENT TO TRY THESE CASES THEY MUST BE REPATRIATED UNDER ESCORT AND ETA AND PORT OF ARRIVAL NOTIFIED TO THIS DIVISION PD QUOTE PD

5605

2779 ROUTINE

IPW Div.

1804

Declassified E.O. 12356 Section 3.3/NND No. 785015

1573

G/6731

JAN 050900

IMPORTANT

ALLIED COMMISSION LIAISON GROUP GENOA P S O

HQ ALCOM CITE ACPSF

RESTRICTED

RESTRICTED

Reference previous correspondence and my signals 1481 of 12 December regarding political prisoners comdemned to death and 1535 of 22 December respecting sentence of death against Piazza Liborio formurder of carabinieri. For some time considerable discontent expressed here at delays in confirming sentences against condemned political prisoners. Information received from time to time regarding attempts to release and summarily execute these political prisoners and to set at liberty prisoners convicted for murder of carabinieri. So far precautions successful. Arrangements for execution of Piazza Liborio in hand vide your 9590 dated 22 December but if Piazza executed before political prisoners grave disturbances may occur. Suggest postpone execution of Piazza pending decision RE condemned political prisoners. Reply instruction urgently. Report follows.

AC DIST

ACTION: LEGAL S/C

INFO: CHIEF COMMISSIONER

EX.COMMISSIONER 2

C A SECTION

PUBLIC SAFETY S/C

FILE

RESTRICTED

1805

Declassified E.O. 12356 Section 3.3/NND No. 785015

Rough Translation

State Department
16/00368/47

Rome, Jan. 5th, 1946

SEN 3 2 REC'D
E 1130

Dear Admiral Stone,

I had these days occasionto hear that the Italian Government's authority to take adequate measure against aliens whose permanence in Italy appears on'proven grounds' - to be undesirable, hasn't yet been recognized.

It follows that the Italian Authorities are deprived of the power to expell alien citizens guilty of breaches of the law. In fact a note addressed by the P.S. Subcommission of the Allied Commission to the Ministry for the Interior makes clear that no alien can be enjoined to leave Italy unless with his own consent!

I believe it to be unnecessary to call your attention on the many and serious complications which may arise from such a state of affairs, from the point of view of public order and also under other aspects which are of particular importance as for instance that of foodstuffs.

Moreover the question is of special importance also in principle inasmuch as it affects the very prerogatives of the Italian Government whose authority to regulate the entry of foreigners into the country has already been recognized. It is therefore obvious that the Italian Government shall also be entitled to dictate, wherever necessary, the expulsion of those who have made themselves undesirable.

The above refers particularly to German citizens, who, as enemy aliens, ought tobe interned and gradually repatriated to Germany, individual cases excepted. A quite peculiar situation has arisen whereby the Germans, who must underlie in all other countries to special controls and are being repatriated, continue to reside freely in Italy because the allied authorities have vetoed that similar measures be adopted against them.

I kindly ask you, therefore, dear Admiral Stone, to kindly obtain that full authority on the alien may reverse to the Italian Government, and to begin with, that said authorities may be immediately exercised in dealing with German subjects.

EC 11-Jan 1946
ACTION: CA Sec(2)
INFO: CE
EC

Please accept, dear Admiral Stone, my hartful greetings.

S. De Gasperi

Admiral Ellery W. Stone
Chief Commissioner
Allied Commission
Rome

(276)a

1806

Declassified E.O. 12356 Section 3.3/NND No. 785015

ACPSF MQ ALCOM

4 JANUARY 1945

HQ DISTWO

AMG LIGURIA REGION RC FOR RPSO

9923

SECRET

PARA ONE PD IN CONFIRMATION OF TELEPHONE CONVERSATION COLONEL BYE CMA PUBLIC SAFETY ALLIED COMMISSION AND MAJOR GHOST DAAG DISTWO PD

PARA TWO PD RE PIAZZA LIBERTÀ AWAITING EXECUTION IN MARASSI PRISON GENOA CMA IT IS CONFIRMED THAT THERE SHOULD BE A STAY OF EXECUTION UNTIL ONE TWO JANUARY FOUR SIX FOR PUBLIC SECURITY REASONS AT THE REQUEST OF THE ITALIAN GOVERNMENT PD UNLESS ADVISED TO THE CONTRARY THE EXECUTION MAY BE CARRIED OUT ON ONE TWO JANUARY PD

5602

PRIORITY

Public Safety S/C

478427

2.7b

E. J. BYE, Colonel.

G. J. LEONE
CWO USA
Asst Adjutant.

1807

Declassified E.O. 12356 Section 3.3/NND No. 785015

3 JAN 45

HQ ALCOM

(1) GHQ, CMF

(2) JAG NAPLES

RESTRICTED

9890

FOLLOWING RECEIVED FROM LEGAL DIVISION VENEZIE REGION PD

SUBJECT IS WAR CRIMES PD REFERENCE YOUR SIGNAL NINE FIVE NINE THREE OF PUBBLICO MINISTERO CORTE STRAORDINARIA DI ASSISE DI PADOVA STATES ISTRUTTORIA IN CASES OF DURELLO NATALE CMA COLO LUIGI CMA DELLA PRIA AGOSTINO CMA NEARLY COMPLETED AND THEIR TRIAL BY CORTE STRAORDINARIA DI ASSISE DI PADOVA IS EXPECTED TO TAKE PLACE TOWARDS END JANUARY ONE NINE FOUR SIX PD ALL THREE MEN ARE DETAINED IN PADOVA PRISON

Distribution:by(ELJ)
GHQ, CMF
JAG NAPLES

275 b

5601

PRIORITY

LEGAL SUB COMMISSION

302

1808

Declassified E.O. 12356 Section 3.3/NND No. 785015

ALCOM CITE AC3990

031715 JAN 46

AFHQ

9882

SECRET

PARA ONE PD SUBJECT IS OBERREMI FEDERICO SUSPECTED WAR CRIMINAL REFERRED TO IN THIS OFFICE LETTER TWO SIX SIX ZERO STROKE FIFTY SEVEN OF FIFTEEN DECEMBER FORTY FIVE NOW HELD AT ALLIED DISPOSITION AT REGINA COELI PRISON ROME PD

PARA TWO PD MINISTRY OF GRACE AND JUSTICE HAVE REQUESTED HE BE RELEASED TO CUSTODY OF CORTE DI APPELLO DI ROMA PD SUBJECT REQUIRED AS WITNESS REPEAT WITNESS IN TRIAL OF TIRONE LUIGI WHO IS ON CAPITAL CHARGE PD

PARA THREE PD AS TRIAL EXPECTED TO END WITHIN FIVE DAYS AND SUBJECT IS ESSENTIAL WITNESS PLEASE CABLE REPLY AS TO WHETHER OBERREMI CAN BE SO RELEASED PD

(375) a

5600

PRIORITY

SECURITY DIVISION PUBLIC SAFETY SUB COMMISSION

367

1809

Declassified E.O. 12356 Section 3.3/NND No. 785015

HQ AFCOM 3 JANUARY 1946

REGIONAL COMMISSIONER (ATTN: R.L.O.) VENEZIE REGION

9842 RESTRICTED

FURTHER TO OUR SIGNAL NUMBER NINE SEVEN FIVE SIX OF TWENTY NINTH DECEMBER PD

SUBJECT IS CASE OF CAPPELLINI BRUNO SENTENCED TO DEATH ASSIZE COURT TREVISO PD

SENTENCE OF DEATH HAS BEEN COMMUTED TO IMPRISONMENT FOR LIFE PD

ACKNOWLEDGE RECEIPT BY SIGNAL

B

7

5599

PRIORITY

LEGAL SUB-COMMISSION

275

302

1810

Declassified E.O. 12356 Section 3.3/NND No. 785015

ALCOM CITE ACSEC 031715 JAN 46

AFHQ

9882

SECRET

PARA CNE PD SUBJECT IS CERRETANI FEDERICO SUSPECTED WAR CRIMINAL REFERRED TO IN THIS OFFICE LETTER TWO SIX SIX ZERO STROKE FIFTY SEVEN OF FIFTEEN DECEMBER FORTY FIVE NOW HELD AT ALLIED DISPOSITION AT REGINA COELI PRISON ROME PD

PARA TWO PD MINISTRY OF GRACE AND JUSTICE HAVE REQUESTED HE BE RELEASED TO CUSTODY OF CORTE DI APPELLO DI ROMA PD SUBJECT REQUIRED AS WITNESS REPEAT WITNESS IN TRIAL OF TIRONE LUIGI WHO IS ON CAPITAL CHARGE PD

PARA THREE PD AS TRIAL EXPECTED TO END WITHIN FIVE DAYS AND SUBJECT IS ESSENTIAL WITNESS PLEASE CABLE REPLY AS TO WHETHER CERRETANI CAN BE SO RELEASED PD

PRIORITY

SECURITY DIVISION PUBLIC SAFETY SUB COMMISSION

367

2746

Declassified E.O. 12356 Section 3.3/NND No. 785015

ALCOM CITE ACSEC 031715 JAN 46

AFHQ

9882 SECRET

PARA ONE PD SUBJECT IS CERRETANI FEDERICO SUSPECTED WAR CRIMINAL REFERRED TO IN THIS OFFICE LETTER TWO SIX SIX ZERO STROKE FIFTY SEVEN OF FIFTEEN DECEMBER FORTY FIVE NOW HELD AT ALLIED DISPOSITION AT REGINA COELI PRISON ROME PD

PARA TWO PD MINISTRY OF GRACE AND JUSTICE HAVE REQUESTED HE BE RELEASED TO CUSTODY OF CORTE DI APPELLO DI ROMA PD SUBJECT REQUIRED AS WITNESS REPEAT WITNESS IN TRIAL OF TIRONE LUIGI WHO IS ON CAPITAL CHARGE PD

PARA THREE PD AS TRIAL EXPECTED TO END WITHIN FIVE DAYS AND SUBJECT IS ESSENTIAL WITNESS PLEASE CABLE REPLY AS TO WHETHER CERRETANI CAN BE SO RELEASED PD

PRIORITY

SECURITY DIVISION PUBLIC SAFETY SUB COMMISSION

367

2744

1812

Declassified E.O. 12356 Section 3.3/NND No. 785015

Cal 5—
Send copy to CLH
Eng
L L

DEC 2714562

G/6583
JAN 021045A

ROUTINE

HASC

ACTION: AICOM ROME

RESTRICTED.

Subject in our message H-6527 dated 10 December 45 requesting instructions concerning procedure to be followed in clearing of count-martial matters (H-6641) pertaining to Italian prisoners of war through the Italian Government through your commission. Reply has not been received. General court-martial case now pending against member Italian Service unit. Please cable instructions relative pre-trial notification.

AC DISTRIBUTION

ACTION: LAND FORCES S/C (2)
IPW

INFO: CHIEF COMMISSIONER
FILE (2)
FLOAT

5507

(374) a

1813

Declassified E.O. 12356 Section 3.3/NND No. 785015

HQ ALCOM 3 JANUARY 46

(1) REGIONAL COMMISSIONER (ATTENTION REGIONAL LEGAL OFFICER)
LOMBARDIA REGION

9841

RESTRICTED

FURTHER TO OUR SIGNAL NINE SEVEN SIX AND OF TWENTYNINE DECEMBER RE SUBJECT RE CASE OF BOTTINA GIUSEPPE SENTENCED TO DEATH ASSIZE COURT VIGEVANO RE SENTENCE OF WHICH HAS BEEN COMMUTED TO IMPRISONMENT FOR LIFE RE ACKNOWLEDGE RECEIPT BY SIGNAL

5

5505

PRIORITY

274

MILGOV RUE CORRESPONDENCE

1814

Declassified E.O. 12356 Section 3.3/NND No. 785015

HQ ALCOM 31 DEC 45

(1) REGIONAL COMMISSIONER (Attn: REGIONAL LEGAL OFFICER) PIEMONTE REGION

9825 RESTRICTED

SUBJECT IS SOFIO SANTE AND EXTRAORDINARY COURT OF ASSIZE PD

PARA ONE PD TAKE NO FURTHER ACTION WHATEVER UNTIL FURTHER INSTRUCTED BY THIS SUB COMMISSION PD RECORD FOLLOWS

Distribution (ELS)
RC for RLO PIEMONTE Region

5595

PRIORITY

Legal Sub-Commission

302

273a

1815

Declassified E.O. 12356 Section 3.3/NND No. 785015

H. BLOOM 3 JAN 46

(1) REGIONAL COMMISSIONER (ATTENTION REGIONAL LEGAL OFFICER)
PIEMONTA REGION

9940 RESTRICTED

FURTHER TO OUR SIGNAL NINE EIGHT TWO FIVE OF THIRTYFIRST DECEMBER PD
SUBJECT IN CASE OF COLONEL SOFIO SANTE SENTENCED DEATH BY COURT OF ASSISE
ACTA PD SENTENCE OF DEATH HAS BEEN COMMUTED TO IMPRISONMENT FOR LIFE PD
ACKNOWLEDGE RECEIPT BY SIGNAL

PRIORITY

LEGAL SUB COMMISSION

302

273

JAN 8

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION
++++++++++++++++++++++++++++++++

Ref: AC/4092/1/L. January 1946.

SUBJECT: Petitions for mercy in death sentences pronounced by Extraordinary Courts of Assizes in AMG territory now restored to Italian administration.

TO : Ministro della Real Casa.

1. Following the conversation which took place on Monday, 31st December, between Marchese LUCIFERO and Lt.Col. HANNAFORD, you will find as agreed, and under separate cover, the files of cases where persons sentenced to death by the Extraordinary Courts of Assizes of Northern Italy have lodged petitions for mercy. The Chief Civil Affairs Officer has not taken any decision on these petitions.

2. The Chief Civil Affairs Officer, after obtaining the verbal agreement of the Minister of Justice has commuted three sentences. They are those of BRUNO CAPPELLINI of TREVISO, GIUSEPPE BOTTINI of VIGEVANO, and SANTE SOFIO of ASTI. The files of these cases are also forwarded to you under separate cover.

3. As explained to you by Colonel HANNAFORD, the Chief Civil Affairs Officer believes that the powers of mercy being vested in the Sovereign under Article 8 of the Statuto, it was the proper procedure to forward to the Sovereign who resumes his powers and functions, such cases as would normally under international law come within his jurisdiction.

4. The Chief Civil Affairs Officer did not feel that it fell within his province to ascertain whether or not under Italian constitutional practice, some other procedure should have been followed, especially in a case, which, as far as this Sub-Commission is aware, has no precident in international law. Furthermore in view of the short time left there was no doubt that the decision taken was the most practical.

5. After discussing the matter with you Colonel HANNAFORD called on Signor TOGLIATTI and explained the considerations which had prompted the Chief Civil Affairs Officer's action. The Minister of Justice has accepted the Chief Civil Affairs Officer's view as set

Declassified E.O. 12356 Section 3.3/NND No. 785015

persons sentenced to death by the Extraordinary Courts of Assises of Northern Italy have lodged petitions for mercy. The Chief Civil Affairs Officer has not taken any decision on these petitions.

2. The Chief Civil Affairs Officer, after obtaining the verbal agreement of the Minister of Justice has commuted three sentences. They are those of BRUNO CAPPELLINI of TREVISO, GIUSEPPE BOTTINI of VIGEVANO, and SANTE SOFIO of ASTI. The files of these cases are also forwarded to you under separate cover.

3. As explained to you by Colonel HANNAFORD, the Chief Civil Affairs Officer believes that, the powers of mercy being vested in the Sovereign under Article 8 of the Statuto, it was the proper procedure to forward to the Sovereign who resumes his powers and functions, such cases as would normally under international law come within his jurisdiction.

4. The Chief Civil Affairs Officer did not feel that it fell within his province to ascertain whether or not under Italian constitutional practice, some other procedure should have been followed, especially in a case, which, as far as this Sub-Commission is aware, has no precident in international law. Furthermore in view of the short time left there was no doubt that the decision taken was the most practical.

5. After discussing the matter with you Colonel HANNAFORD called on Signor TOGLIATTI and explained the considerations which had prompted the Chief Civil Affairs Officer's action. The Minister of Justice has accepted the Chief Civil Affairs Officer's view as set out in the preceding paragraph.

6. A list of petitions and the opinion of the Legal Sub-Commission on each of them is also enclosed. As pointed out to Signor TOGLIATTI and yourself the Allied authorities do not consider such opinions as binding or either the Luogotenente or the Minister of Justice.

G.G. Hannaford

G.G. HANNAFORD, Lt Col.,
Deputy Chief Legal Advisor.

Copies to:- Minister of Justice (With Legal opinions) —
AFHQ. G-5.
Chief Commissioner.
Executive Commissioner.
Polad 'A' and (B).

Declassified E.O. 12356 Section 3.3/NND No. 785015

1818

Declassified E.O. 12356 Section 3.3/NND No. 785015

file

31 December 1945

My dear Mr. Ambassador:

Thank you for your letter of 21 December transmitting the Fifteenth List of War Criminals.

One

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

The Hon. Alexander Kirk
American Embassy
Via Vittorio Veneto 119
Rome

(271) b

letter from Ambassador
with 15-th list 5092
Criminals
E C. 5/1/46

1819

Declassified E.O. 12356 Section 3.3/NND No. 785015

HQ. ALCOM

31 December 1945

(1) REGIONAL COMMISSIONER LIGURIA REGION

RESTRICTED

9827

SUBJECT IS SIRI FRANCESCO PD

PARA OUR PD DEATH SENTENCES AGAINST SIRI FRANCESCO COMMUTED BECAUSE OF

HIS AGE PD

PARA TWO PD YOUR CABLE ONE FIVE THREE FIVE OF TWENTY SEVEN DECEMBER REFERS

Rec'd 2/1/46

B

5591

PRIORITY

Legal Sub-Commission

27/a

END

1820

Declassified E.O. 12356 Section 3.3/NND No. 785015

HQ ALCOM 29 DEC 45

(1) REGIONAL COMMISSIONER (Attn: REGIONAL LEGAL OFFICER)
LOMBARDIA REGION

9760 RESTRICTED

SUBJECT IS CASE OF BOTTINI GIUSEPPE SENTENCED TO DEATH BY ASSIZE COURT VIGEVANO PD

PARA ONE PD SUSPEND ALL ACTION IN THIS CASE UNTIL FURTHER INSTRUCTIONS FROM THIS SUB-COMMISSION AS DEATH SENTENCE WILL PROBABLY BE COMMUTED

Distribution :by(ELS)
HQ (Attn: RLO) LOMBARDIA REGION

PRIORITY
LEGAL SUB COMMISSION

302

1821

Declassified E.O. 12356 Section 3.3/NND No. 785015

29 DEC 45

HQ AIGOM

REGIONAL COMMISSIONER (Attn: REGIONAL LEGAL OFFICER)

(1) VENEZIE REGION

RESTRICTED

9756

SUBJECT IS CASE OF BRUNO CAPPELLINI SENTENCED TO DEATH BY ASSIZE COURT TREVISO PD

PARA ONE PD SUSPND ALL ACTION IN THIS CASE UNTIL FURTHER INSTRUCTIONS FROM THIS SUB-COMMISSION AS DEATH SENTENCE WILL PROBABLY BE COMMUTED

Distribution (MLS)

RC (attn RLO) VENEZIA Region.
PRIORITY

LEGAL SUB COMMISSION

270

302

1822

Declassified E.O. 12356 Section 3.3/NND No. 785015

Rg AGCM

29 DEC 1945

AGWE, G-5

9758

PARA (SEE FD NOTICE IN PETITION FOR MERCY IN EACH RECORD) OF EXTRAORDINARY COURTS OF ASSIZE IN A LETTER DATED TWENTY-EIGHT DECEMBER LAST OF WHICH I AM SENDING FORWARD TO YOU HEREWITH BY AIRMAIL EXPRESSED IDENTICAL VIEWS AS SET OUT IN LETTER ABOVE CHARGED STATE FOR ARMY WHICH TWO STATE (SEE STATE L OR FORTYFIVE DECEMBER FD CONFIRMING ATTITUDE ADOPTED BY ITALIAN AUTHORITIES THEMSELVES IN THIS MATTER I PROPOSE TO EXERCISE FORTHWITH THE POWERS OF MITIGATION VESTED IN ME AS CHIEF CIVIL AFFAIRS OFFICER IN ALL EXTRAORDINARY COURTS OF ASSIZE CASES NOW PENDING EXACTLY AS IF SENTENCES HAD BEEN PRONOUNCED BY ANG COURTS FD AS THEY ARE ABOUT TO BE IN CONFORMITY WITH ACCEPTED INTERNATIONAL LAW ON WHICH MILITARY OFFICERS OPINION IS BASED

PRIORITY
Legal Sub Commission

269

302

1823

Declassified E.O. 12356 Section 3.3/NND No. 785015

AFCOM CITE ACCAS 290915

RR ATTENTION REGION

9736 UNCLASSIFIED

MARA CIR ED REPORT HAS BEEN RECEIVED THAT THE SINDACO OF VERCELLI IS BEING TRIED BY AN ALLIED COURT CMA AND THAT THEREFORE THE VERCELLI GIUNTA COMMUNALE IS RESTORING ED MARA TWO ED HEADS SEND BRIEF REPORT OF THIS MATTER

Ltr 2/11/44

4407

PRIORITY

CIVIL AFFAIRS SECTION

J.G. LEGGE
CWO, USA
Asst Adjutant

2628

437 H.H. ARGEN, Major

1824

Declassified E.O. 12356 Section 3.3/NND No. 785015

HQ ALCOM 27 DEC 45

REGIONAL COMMISSIONER (ATTN: REGIONAL LEGAL OFFICER)
PIEMONTE REGION

9653

RESTRICTED

PARA ONE PD ADVICE OF MINISTER OF PARDON AND JUSTICE ON PETITION FOR PARDON OF PIGNARI MOBILE SENTENCED TO DEATH BY THE EXTRAORDINARY COURT OF ASSIZE OF ASTI ON SEVEN AUGUST ONE NINE FOUR FIVE HAS BEEN RECEIV D PD

PARA TWO PD IT IS NOTIFIED THAT THE SENTENCE IS COMMUTED TO LIFE IMPRISONMENT PD DOCUMENTS BEING RETURNED

PRIORITY

Legal Sub-Commission
302

302

1825

Declassified E.O. 12356 Section 3.3/NND No. 785015

1535
DEC 271400A

G/6267
DEF 271800
IMPORTANT

AMG LIGURIA REGION SIGNED JORDAN
HQ ALCOM CITE ACPSF

CONFIDENTIAL.

Reference message 950P dated 22 December.

Subject is Piazza Liberie and SIRI FRANCESCO. Not understood why sentence against Piazza confirmed and not SIRI. Can clarification be given please. End m

AC DIST

ACTION LEGAL SC
INFO CHIEF COMMISSIONER
PUB SAFETY SC
FILE 2
FLOAT

Confidential

5503

267

1826

Declassified E.O. 12356 Section 3.3/NND No. 785015

464

DEC 31 RECD
CE-1006

Translation

The Undersecretary of State for the Interior
0343

Rome, 22 December 1945

Dear Admiral,

I take the liberty of forwarding a copy of a letter signed by me, sent on December 20th last. month, n. 0343.

This for your information.

Sincerely yours,

G. Scelba

Admiral Stone
Allied Commission
Rome

e/a

FC 9207 19 Dec

ACTION: CA Sec
INFO: CC
FC

FRUS

766 b

1827

Declassified E.O. 12356 Section 3.3/NND No. 785015

Translation

Rome, 28 December 1945

6949

TO THE PREFECTURE OF

S A S S O A

Comm. Pave[illegible] -residing at Cardone Riviera - forwarded a request to this Ministry to have the temporary permission for the opening of a gambling house at Cardone Riviera transformed into a permanent permission. The temporary permission has been issued by this Prefecture by a decree dated October 25th, n. 52109, div,.11a, approved by the Allied Military Government.

Will you inform the person concerned that his request will be taken in consideration as soon as the legislative regulations about this matter have been issued.

Of course, the autorization issued by the prefecture, in the above mentioned decree is valid till the province goes back under Italian Administration.

[illegible]

[illegible]

c/c

(760) bm

4403

1828

Declassified E.O. 12356 Section 3.3/NND No. 785015

NOF/8858
261742A

G/6256

DEC 270915
PRIORITY

CGUSFA CITE PAPMD
ALLIED COMMISSION IN ITALY

UNCLASSIFIED

Reference your cable number 9456. 2 sons of Colonel Miodrach Selakovic Royalist, Ovetko and Ivan, now in military custody awaiting trial for entering under forged orders and for black market activities. Will not consider release prior to trial.

AC DIST

ACTION: PUBLIC SAFETY (TRAVELCONTROL)
INFO: CHIEF COMMISSIONER
FILE 2
FLOAT

2660

A492

1829

Declassified E.O. 12356 Section 3.3/NND No. 785015

AC/4092/1/I.

22 December 1945

SUBJECT : Petitions for mercy in death sentences pronounced by Extraordinary Courts of Assise in AMG territory.

TO : AFHQ (Attn: G-5 Section).

1. With reference to your F 55307 of 3 December 1945 it appears that the instructions contained therein may have been issued under some misapprehension and probably without full knowledge of the present position.

2. Under Italian Law the power of pardon is a privilege of the Head of the State and is at present vested in the Luogotenente. The role of the Minister of Justice is to recommend that a petition for mercy be granted or denied. The decision of the Luogotenente is by no means automatic. It may very well be contrary to the Minister's opinion, although, more often than not his opinion is followed.

3. Sig. TOGLIATTI, the present Minister of Justice takes the view that in AMG territory the powers and functions of the crown are suspended and vested in SAC or his representatives. Therefore, when a petition for pardon reaches his office, he studies the record, makes up his mind and forwards the whole case with his opinion (either favourable or not) to the CCAO for decision. Sig. TOGLIATTI considers that his role ends there.

4. On a number of occasions, when there existed some doubt as to the regularity of the proceedings, and the Legal Sub-Commission decided to refer the matter to the Minister, Sig. TOGLIATTI's answer has invariably been "I have given my considered opinion, it is up to you to follow it or not. My function is purely advisory."

5. Therefore when confirming a death sentence pronounced by an Extraordinary Court of Assise of Northern Italy, we are not rendering executive a ministerial order, but are in fact taking an independent decision in each case. Furthermore by simply endorsing the Minister's "opinion" the Allied authorities do not accomplish the act of discretion which the granting or denial of a petition for mercy is supposed to represent.

6. I should also like to indicate that my legal advisers often disagree with the Minister's opinion, as it appears to be based on political as well as on legal grounds. For instance death sentences of kids of 18 have been confirmed. The acknowledged fact that witnesses were prevented from appearing and defence

781

266

1330

Declassified E.O. 12356 Section 3.3/NND No. 785015

counsel could not make himself heard has not convinced the Minister of the desirability of a new trial. There is a case where the Methodist Church of America have requested the commutation of a sentence on grounds which my legal advisers consider relevant. There are other instances where the death penalty appears to be an excessive punishment for the offence committed, especially considering the general attitude adopted by the Italian authorities in similar cases where, however, no political questions are involved.

7. Finally I should like to make it clear that the Italian judicial authorities are never unaware of the conditions in which trials take place. They are much more "au fait" with the circumstances of each case than we are. There is therefore no question of new elements being disclosed by us to the Minister in the hope that he may change his mind even after he has given his opinion.

8. In view of the above I should be grateful if the instructions contained in your F 55307 of 3 December 1945 be revised and my recommendations contained in signal 8923 of 1 December 1945 given further consideration.

/s/ Ellery W. Stone

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

A66

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Declassified E.O. 12356 Section 3.3/NND No. 785015

22 1115 DEC 45

ACLED RR ALCOM

(1) DESTWO

(2) RUOTLIG/LEGLO OFFICER LIGURIA REGION (3) AFHQ

CONFD

9590

SUBJECT TO PIAZZA LIBORIO AND SIRI FRANCESCO PD

PARA ONE PD DEATH SENTENCE AGAINST PIAZZA LIBORIO DULY CONFIRMED PD CONFIRMATION AND DELEGATION OF AUTHORITY FOLLOW PD

PARA TWO PD CHIEF COMMISSIONER HAS COMMUTED SENTENCE OF DEATH AGAINST SIRI FRANCESCO PD

PARA THREE PD AFHQ CABLE FOA 2GAY FOUR SIX FOREX SEVEN FIVE NOT TO LIGURIA REPEAT

2 copies

Distribution (by ZIS)

District TWO
HLO Liguria Region
AFHQ

5580

PRIORITY

LEGAL SUB-COMMISSION

965

679

1832

Declassified E.O. 12356 Section 3.3/NND No. 785015

HEADQUARTERS ALLIED COMMISSION
APO 394
Economic Section

Ref. ES/13.01

21 December 1945

DEC 21 1945

SUBJECT :Amendment of letter "Procedures for Imported Petroleum Products"

TO :President, Interministerial Committee for Reconstruction
Minister of Industry and Commerce

1. Reference our ES/13.01 of 13 December 1945.

2. Paragraph # 6 should be amended to read as follows:

" It was recognized by those present at the meeting that most of the actual work of preparing requirements and handling reception and distribution of supplies would be done by the Comitato Italiano Petrolio (C.I.P.) under arrangements approved by the Italian Government".

Harlan Cleveland

HARLAN CLEVELAND
Acting Vice President

Distribution:-

C.I.P.
American Embassy
British Embassy
ANPB Representatives
PETSEC, GHQ, CMH
Chief Commissioner ✓
Executive Commissioner
Supply Group
Requisition Branch
Industry & Utilities S/C

229

1833

Declassified E.O. 12356 Section 3.3/NND No. 785015

c C

Ref: 6517/100/MC

24 December 1945

SUBJECT: Persons Wanted by the Allied Authorities

TO : AFHQ (Attn: G-5 Section)

1. There has been lately a considerable increase in the number of requests for information in respect of Italian Army officers and men, believed to be connected with War Crimes against the Allies. It is understood that these requests originate with the International War Crimes Investigation Authorities, from whom they are passed via AFHQ to Land Forces Sub-Commission, Allied Commission (MMIA) for investigation by the Italian War Ministry.

2. In recent lists appear the names of several Italian Generals and senior officers who are well known to have co-operated wholeheartedly and fought with the Allied Armies in Italy since September 1943, who are still engaged with us in reorganising the Italian Army as required by the Allied Combined Chiefs of Staff, and on whose services reliance is being placed for future co-operation and success.

3. It is realised that in many cases requests for tracing these officers are based on very scanty information and that they may be required more for purpose of evidence than actual indictment; nevertheless, such demands, particularly when made in their present form, are likely to have a disturbing effect on the morale, confidence and co-operation of the Italian Army.

4. It should also be remembered that at the same time there is going on the Italian defascistisation and epuration campaign involving investigations into the former activities of most Italian officers.

5. Although this matter has not been discussed with the Ministry of War, it is clear that they are a little disturbed at these requests and it is only natural to suppose that, not knowing for what purpose the information on an individual is required, they may in some cases not pursue their investigations as energetically as they should.

6. Whilst it is obvious that enquiries must be made in respect of those reasonably suspected of crimes and justice done to those guilty, it is felt there should be some means of differentiating between these and those against whom there are no charges but who are wanted for evidence.

J 8 3 A

Declassified E.O. 12356 Section 3.3/NND No. 785015

7. Without willing Italian co-operation in this matter we can achieve but little and full co-operation is not assured by the present procedure. It is recommended, therefore, that a full policy statement should be issued by AFHQ which can be passed to the Ministries concerned; and that when requests for tracing individuals are made, these should be accompanied by some remarks or reasons or background for the request, perhaps mentioning the nation or nations concerned who have made the request. It is felt that by so doing we shall be more likely to achieve our object and to avoid unnecessary unsettlement in Italian minds.

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Copy to:

Naval Sub-Commission, AC
Land Forces Sub-Commission, AC (MMIA)
Air Force Sub-Commission, AC
CA Section.

4227

761

1835

Declassified E.O. 12356 Section 3.3/NND No. 785015

REGIONAL COMMISSIONER (ATTN: R.L.O.),

LIGURIA REGION

9537 21 DECEMBER 1945 PRIORITY

RESTRICTED PD

PARA ONE PD ADVICE OF MINISTER OF PARDON AND JUSTICE ON PETITION FOR PARDON OF CAVIGLIA PILADE SENTENCED TO DEATH BY THE EXTRAORDINARY COURT OF ASSIZE OF GENOA HAS BEEN RECEIVED PD

PAREN TO REGIONAL COMMISSIONER PAREN ATTENTION REGIONAL LEGAL OFFICER PAREN LIGURIA REGION FROM HQ ALCOM CITE ACLEG PAREN

PARA TWO PD IT IS NOTIFIED THAT THE SENTENCE IS COMMUTED TO THIRTY YEARS IMPRISONMENT PD DOCUMENTS BEING RETURNED

Legal Sub-Commission

302

(264) a

1836

Declassified E.O. 12356 Section 3.3/NND No. 785015

REGIONAL COMMISSIONER (ATTN: REGIONAL LEGAL OFFICER)
VENEZIE REGION

9560 21 DECEMBER 1945 OPS PRIORITY

RESTRICTED PD

PARA ONE PD SENTENCES OF DEATH IN THE CASES OF FRANCESCHINI RENZO CMA FOCHESATO ANTONIO AND BARTOLOSO VALENTINO COMMUTED REPEAT COMMUTED TO LIFE IMPRISONMENT PD

PAREN TO REGIONAL COMMISSIONER PAREN ATTENTION REGIONAL LEGAL OFFICER PAREN VENEZIE REGION FROM HQ ALCOM CITE ACLEG PAREN PARA TWO PD WRITTEN OPINION SETTING OUT LEGAL GROUNDS FOR COMMUTATION ARE BEING TRANSMITTED WITH DECISION ON SENTENCES OF COMPANION DEFENDANTS PD

PARA THREE PD PRISONERS SHOULD BE TRANSFERRED UNDER THE GREATEST VIGILANCE TO PRISON IN UDINE PROVINCE IMMEDIATELY PD THE PROVINCIAL COMMISSIONER UDINE SHOULD BE GIVEN SPECIFIC AND PERSONAL INSTRUCTIONS THAT IT IS HIS RESPONSIBILITY TO ENSURE THAT THE PRISONERS ARE MAINTAINED IN SAFE CUSTODY

Legal Sub-Commission
302

1837

Declassified E.O. 12356 Section 3.3/NND No. 785015

Regional Commissioner (Attn: Regional Legal Officer)
VENEZIE Region

9337 14 December 1945 PRIORITY

RESTRICTED PD

PARA ONE PD ADVICE OF MINISTER OF PARDON AND JUSTICE ON PETITIONS FOR PARDON OF BETTELLA MELCHIS AND MILANI ACHILLE SENTENCED TO DEATH BY THE EXTRAORDINARY COURT OF ASSIZE OF PADOVA ON TWENTY SIX JULY ONE NINE FOUR FIVE HAS BEEN RECEIVED PD

PAREN TO REGIONAL COMMISSIONER PAREN ATTENTION REGIONAL LEGAL OFFICER PAREN VENEZIE REGION FROM FD ALCOM CITE ACLEG PAREN

PARA TWO PD IT IS NOTIFIED THAT BOTH SENTENCES ARE COMMUTED TO LIFE IMPRISONMENT PD DOCUMENTS BEING RETURNED

264

LEGAL SUB COMMISSION

302

1838

Declassified E.O. 12356 Section 3.3/NND No. 785015

REGIONAL COMMISSIONER (ATTN: REGIONAL LEGAL OFFICER)

VENEZIE REGION

9327 14 DECEMBER 1945 PRIORITY

RESTRICTED FD

PARA ONE FD ADVICE OF THE MINISTER OF PARDON AND JUSTICE ON PETITION FOR PARDON OF BONALDO GIUSEPPE SENTENCED TO DEATH BY THE EXTRAORDINARY COURT OF ASSIZE OF TREVISO ON ELEVEN JULY ONE NINE FOUR FIVE HAS BEEN RECEIVED FD

PAREN TO REGIONAL COMMISSIONER PAREN ATTENTION REGIONAL LEGAL OFFICER PAREN VENEZIE REGION FROM HQ AIOOM CITE ACLEG PAREN

PARA TWO FD IT IS NOTIFIED THAT THE SENTENCE IS COMMUTED TO LIFE IMPRISONMENT FD DOCUMENTS BEING RETURNED

(765)

LEGAL SUB-COMMISSION

302

1839

Declassified E.O. 12356 Section 3.3/NND No. 785015

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

REF : SD/266.01-57 15 December 1945

SUBJECT : Major (Count) CERRETANI Federico,
UNWCC list V part II personality No. 77

TO : AFHQ

1. Further to this office letter of 6 Dec. 45.

2. We are now advised that due to lack of evidence subject will not now be tried by the Italian authorities. The Ministry of the Interior has confirmed however that Subject will continue to be held at the disposition of the Allies.

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

TFC/nb

C O P Y

2620

1840

Declassified E.O. 12356 Section 3.3/NND No. 785015

HEADQUARTERS ALLIED COMMISSION
APO 394
Office of the Executive Commissioner

DEC 14 RECD

Ref: 2604/116/EC

December 1945

SUBJECT: Casino at Cardone Riviera

MEMO TO: The Ministry of the Interior

The Chief Commissioner has had requests to enforce the regulation issued by the Prefect of Brescia in respect to the opening of a Casino at Cardone Riviera.

It would be appreciated if you could inform this Headquarters whether you support this request.

2604/cc

See 258 259

2602

1841

Declassified E.O. 12356 Section 3.3/NND No. 785015

1 481
DEC. 121030A

G.5480
DEC. 131200

AMG LIGURIA REGION SIGNED HEFFORD
ALCOM CITE ACPSF

PRIORITY

SECRET

SECRET.

Information received that owing to delays in confirming death sentences on political prisoners condemned by ~~xxxxx~~ Courts of Assize strong attempts are likely to be made to ~~xxx~~ enter the goals for the purpose of summarily executing such prisoners.

Considerable discontent expressed at delays.

Some cases sentenced in August. Precautions have been taken but urgently request confirmation of sentence or otherwise by the Italian Government.

AC DIST

ACTION : LEGAL SC
INFO : CHIEF COMMISSIONER
EXEC. COMM.
C A SEC
PUBLIC SAFETY SC
FILE 2
FLOAT

CONFIDENTIAL

Confidential

1842

Declassified E.O. 12356 Section 3.3/NND No. 785015

H6527

XXX 1016002

3/5478

DEC 13 1215

ROUTINE

HQ SOS MEDITERRANEAN BASE SEC CASABLANCA

AIC 68

RESTRICTED

RESTRICTED

Directive has been recieved from comcenamet to clear all court-martial matters pertaining to ITALIAN prisoners of war including members service units through the ITALIAN government your commission, instead of through the BRIT consulate as heretofore. Detailed instructions are requested concerning procedure to be followed.

AC DEPT

ACTION: LAND FORCES S/C (2)
(I CON DIV)

INFO: CHIEF COMMISSIONER

FILE (2)

FLOAT

Sal 280

5569

Confidential

261 a

1843

Declassified E.O. 12356 Section 3.3/NND No. 785015

10 December 1945

My dear Mr. Ambassador:

Thank you for your letter of 3 December forwarding list no. 14 of war criminals prepared by the United Nations War Crimes Commission.

Sincerely yours,

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

The Hon. Alexander Kirk
American Ambassador
Via Vittorio Veneto 119
Rome

261

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1844

Declassified E.O. 12356 Section 3.3/NND No. 785015

C.C. copy

W. Thalheim 515/2C of 5 Dec

S/Sgt T.
C.C's clerks need telling Ltr has not been sent.

T 8 4 5

Declassified E.O. 12356 Section 3.3/NND No. 785015

Ref: 515/MC

7 December 1945

My Dear Mr. Agrile,

I have received the letter of 16 October 1945 written on behalf of your colleagues and yourself requesting Allied intervention against your confinement.

I must stress at once that it is neither the function nor the desire of the Allied Authorities to interfere with the internal policy of Italy.

I am further informed that the action taken by the Italian Government against your colleagues and yourself is legitimate under existing Italian legislation.

Yours very truly,

HILLARY W. STONE
Rear Admiral, USNR
Chief Commissioner

Mr. Andrea Minocciaro Agrile
Ponza Island
Italy

260

1846

Declassified E.O. 12356 Section 3.3/NND No. 785015

COPY

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

Rome, December 3, 1945

My dear Admiral,

The Office of the United States Political Adviser at Allied Force Headquarters has asked the Embassy to forward to you the attached list (no. 14) of war criminals prepared by the United Nations War Crimes Commission. This list was received at Caserta from the Department of State, which requested that it be forwarded to you.

Sincerely yours,

/s/ A. KIRK.

Enclosure

Rear Admiral Ellery W. Stone,
Chief Commissioner,
Allied Commission,
Rome.

COPY
5556

25 Dec

"A" File

1847

Declassified E.O. 12356 Section 3.3/NND No. 785015

CC

NOV 3 0 1945

HEADQUARTERS ALLIED COMMISSION
APO 394
Office of the Executive Commissioner.
++

Ref: 2604/EC. 29 November 1945.

SUBJECT: Gaming Houses.

TO : Legal Sub-Commission.

Would you advise me as to the existing Italian legislation on gaming houses. I understand a Fascist Decree closed them down some years ago (during the war). Does this Decree apply now (a) in Italian Government territory: (2) in AMG territory.

2604/EC

M. S. LUSH

Brigadier,
Executive Commissioner.

MSL/JG.

See also
(262)

(259)

1848

Declassified E.O. 12356 Section 3.3/NND No. 785015

HEADQUARTERS ALLIED COMMISSION
APO 394
Office of the Executive Commissioner

Ref: 2604/EC

26 November 1945.

SUBJECT: Casino at GARDONE.

TO : Regional Commissioner,
Allied Military Government,
LOMBARDIA REGION.

A delegation representing the promoters of the Casino at GARDONE called on the Chief Commissioner, presented the attached Prefectural order and complained that the opening of the Casino had been vetoed by the Regional Commissioner, Lombardia Region. If it is true, as would appear, that the Provincial Commissioner or one of his officers approved the order, as a consequence of which funds were raised, it would seem difficult now to forbid the opening. I am having the general legal position on the opening of gaming houses studied. In the meantime I should be glad of your comments.

For the Chief Commissioner:

M. S. LUGH

Brigadier,
Executive Commissioner.

NEL/JG.

1849

Declassified E.O. 12356 Section 3.3/NND No. 785015

N.o 32109 Div. II Brescia li 25 Ottobre 1945

IL PREFETTO DI BRESCIA

Vista la domanda in data 17 Settembre 1945 e successiva lettera del 20 Ottobre c.a. del Comm. Besana Soave - Commissario Straordinario dell'azienda Autonoma di soggiorno di Gardone Riviera - Salo', con sede in detto Comune.
Vista la necessita' di dare aiuti finanziari a detta Azienda, per l'attrezzatura turistica-alberghiera della Riviera del Garda, notevolmente danneggiata a causa della guerra;
Viste le informazioni ed il parere favorevole del Sig. Questore di Brescia e del Comando dell'Arma dei Carabinieri competente per il territorio;
Sentita l'Intendenza di Finanza di Brescia;
Visto il parere favorevole del C.L.N. Provinciale di Brescia;
Visto il parere favorevole del Sindaco e del C.L.N. di Gardone Riviera;
Visto il D.L. 27/4/24 N. 636

D E C R E T A

Art. I) E' autorizzato in Gardone Riviera l'apertura provvisoria di una casa da giuoco nel Casino' di proprieta' dell'Azienda Autonoma di soggiorno, di cui e' rappresentante il Commissario Straordinario Comm. Besana Soava di Gardone Riviera.
Art II) L'Azienda Autonoma di Soggiorno, e per Essa il Comm. Besana Soave, amministrera' in proprio, la casa da giuoco ed evolvera' a proprio beneficio gli utili netti della Gestione.
Art III) L'Amministratore Comm. Besana Soave e' personalmente tenuto alla osservanza delle norme, cautele, e condizioni stabilite nel presente atto di concessione.
Art. IV) Il Comune di Gardone Riviera e' autorizzato a rilasciare tessere di frequenza ai locali della Casa da Giuoco a persone che siano in possesso di validi documenti di identita' e dietro compilazione di apposite schede.
Art V) Compete esclusivamente al Comune suddetto il rilascio delle tessere di frequenza, - Esse devono essere munite del timbro della Azienda ed avranno validita' di giorni 15.
Art. VI - Nessuno puo' essere ammesso a frequentare i locali della Casa da giuoco se non sia provvisto della tessera di frequenza, la quale non puo' essere rilasciata ai minorenni, ne' a persone residenti nei Comuni di Gardone Riviera e di Salo', ad eccezione degli stranieri.
Art. VII - Non possono essere ammessi a frequentare la casa da giuoco gli Ufficiali, i sottufficiali ed i soldati appartenenti alle Forze Armate Italiane ne' possano accedervi impiegati statali, parastatali ed i salariati dello Stato.
Art VIII.- A cura dell'Azienda Autonoma di soggiorno sara' istituito nella casa da giuoco uno schedario dei frequentatori.
Art. IX - Il sig. Questore di Brescia e' autorizzato a costituire in Gardone Riviera un Commissario di P.S. e per l'alloggio del personale che vi sara' addetto.
Art XI - Agli effetti della vigilanza da parte degli Agenti della Forza Publica i locali adibiti al giuoco sono considerati pubblici.
Art. XII - La violazione alle disposizioni contenute negli articoli precedenti da' luogo alle applicazioni delle sanzioni di cui all' art. 494 e seguenti del Codice Penale.
La condanna importa decadenza di diritto della presente concessione. Ogni contravvenzione al disposto degli articoli 5.6.7.8. e' punita a termine di legge.
Art. XIII - In qualsiasi caso di trasgressione alle disposizioni del presente Decreto e indipendentemente dall'esercizio dell'azione penale puo' essere ordinata

./. p.t.o.

1850

Declassified E.O. 12356 Section 3.3/NND No. 785015

la chiusura della Casa da Giuoco e la revoca della concessione. L'ordinanza di chiusura e' eseguita in via amministrativa mediante il diretto impiego della forza pubblica.
La facolta' della chiusura dei locali e della revoca della concessione e' applicabile anche nei casi nei quali, pur non essendosi verificata alcuna trasgressione alle disposizioni del presente decreto, sussistano motivi di ordine pubblico o di pubblica sicurezza che consigliano il provvedimento.
Art. XIV - Il Presente Decreto ha validita' del giorno della sua affissione all'Albo Comunale di Cardone Riviera.

IL PREFETTO
F/to Bullond

Per copia conforme:

Il Capo del Gabinetto
(col timbro della Prefettura di Brescia)

Visto li 27/10/45

F/to David Goodmann

Capt. C.M.P.
Provincial Commissioner.

1851

Declassified E.O. 12356 Section 3.3/NND No. 785015

27 November 1945.

Dear Captain Allen:

Replying to your letter of 22 November, I am having this case investigated and thank you for bringing it to my attention. I shall communicate with you further.

Very sincerely,

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Captain Philip J. Allen, USA,
Base Chaplain,
European Division A.T.C.,
1419th AAF BU,
APO 512, U.S. Army.

Copy to: Legal Sub-Commission.

257

1852

Declassified E.O. 12356 Section 3.3/NND No. 785015

PRESIDENT COURT OF ASSIZE PALERMO

8747 26 NOVEMBER 1945 PRIORITY

UNCLASSIFIED FD

PARA ONE FD SUBJECT IS BARCA GIUSEPPE

PARA TWO FD RECORDS SHOW BARCA GIUSEPPE CONVICTED TENTH OCTOBER FORTYTHREE OF POSSESSION OF FIREARMS SENTENCED SEVEN YEARS IMPRISONMENT FD

~~R~~ETER TO PRESIDENT CMA COURT OF ASSIZE CMA PALERMO FROM HQ ALCOH CITE ACING PARES

PARA THREE FD CASE FOR PROSECUTION INCLUDED EVIDENCE THAT B RCA THREW TWO GRENADES FROM WINDOW WHEN POLICE ARRIVED TO ARREST HIM

5581

LEGAL SUB-COMMISSION

302

1853

Declassified E.O. 12356 Section 3.3/NND No. 785015

AFHQ G 5

8727 24 November 45 ROUTINE

UNCLASSIFIED PD

REFERENCE CHARLIE FOUR ZERO ONE EIGHT TWO DATED TWO TWO NOVEMBER ONE NINE FOUR FIVE PD

PAREN TO AFHQ G FIVE FROM ALCOM CITE ACPSP PAREN

PAREN ABLE PAREN GOVERNMENT HAS NO INFORMATION AS TO ALLEGED CRIMES PAREN BAKER PAREN ANGELO WAS ACTING DIRECTOR QUESTURA AT POLA AND THIOLA WAS VICE COMMISSARIO SAME PLACE PD

PAREN CHARLIE PAREN GOVERNMENT IS APPEALING ON BEHALF OF BOTH OFFICIALS PD

PAREN DOG PAREN GOVERNMENT APPEALS FOR SUSPENSION OF EXECUTIONS IN ORDER THAT COMPLETE INFORMATION OF CRIMES CHARGED CAN BE OBTAINED PT PAREN EASY PAREN SOURCE OF INFORMATION IS VICE PREFECT FROM POLA AND NEWSPAPER PRINTED AT FIUME PD

Public Safety S/C

478427

JOHN W. CHAPMAN
Colonel J.A.G.D.
Director

G.J. LEONE
CWO USA
Asst Adjutant

1854

Declassified E.O. 12356 Section 3.3/NND No. 785015

AFHQ G-5 SECTION

8712 24 NOVEMBER 1945 PRIORITY

UNCLASSIFIED HD

PARA ONE HD REFERENCE LETTER ABLE CHARLIE SLANT FOUR ZERO SEVEN NINE SLANT ONE SLANT LOVE OF SIX NOVEMBER AND SIGNAL EIGHT TWO NINE FIVE OF ONE THREE NOVEMBER HD

PAREN TO AFHQ GEORGE FIVE SECTION FROM HQ ALCOM CITE ACCAS PAREN

PARA TWO HD IF NOT POSSIBLE TO GIVE DECISION ON ACT CLEMENCY IMMEDIATELY IS MATTER SUFFICIENTLY ADVANCED TO JUSTIFY DISCUSSION OF MACHINERY WITH MINISTRY OF JUSTICE CMA IT WOULD NOT BE NECESSARY IN SUCH DISCUSSION TO MENTION ACTUAL DECREE OR SCOPE OF PROPOSED REDUCTIONS OF SENTENCE.

INT.DISTR.

Chief Commissioner
Exec. Commissioner

5589

Notified C&R

CIVIL AFFAIRS SECTION

608

S.H. WHITE Lt Col.

J.J. LEONE
CWO, USA
Asst Adjutant

1855

Declassified E.O. 12356 Section 3.3/NND No. 785015

HEADQUARTERS ALLIED COMMISSIC
Office of the Chief Commissioner
APO 394

Ref: 3636/199/[illegible] 23 November 1945

My dear Mr. Prime Minister,

Further to my letter 3636/199/[illegible] of 8 November 1945, I have been requested by AFHQ to inform you that they have noted with satisfaction the action which has been taken and that they hope that the persons who have been apprehended will be brought speedily to trial.

In addition I would be grateful if you would ensure that I am notified of the outcome of the trials in order that I may inform the Supreme Allied Commander.

Very truly yours,

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Professor Ferruccio Parri
The President of the Council of Ministers
Italian Government
Rome

Copy to: CA Sec

See 3035

1856

Declassified E.O. 12356 Section 3.3/NND No. 785015

E.C. Personal
A broad viewpoint!

CC

DEC 10 RECD
CC 1800

ALLIED FORCE HEADQUARTERS
Office of the Chief of Staff

G-5: 014.9

21 November 1945

SUBJECT: Clemency for prisoners

TO : Chief Commissioner, Headquarters, Allied Commission, APO 394.

1. Reference is made to your letter above subject file G/A 370/1/1, dated 6 November. The matter of clemency for prisoners has been given careful consideration. The Supreme Allied Commander however finds that he is unable to accept the line of argument put forward to substantiate the viewpoints set forth in your letter and therefore unable to agree the proposal.

2. Any General act of clemency based on sentences imposed by AMG Courts rather than based on the type of the offense and the conditions under which it was committed is considered an admission of quantitative error in the functioning of AMG courts and in the sentences imposed. If the good will of the Allies and their reasonable and humanitarian attitude have not and are not being demonstrated to the Italians in other matters of far greater import, then it is believed that the release of convicted offenders will be of little avail. The overcrowding of jails and the labour involved in consideration of individual offenses does not justify action which is otherwise undesirable. Nor is it considered that the turn back of certain territory in the North marks a milestone of allied activity in Italy which requires a revision of our legal administration.

3. It should be noted that the Italian Government is within its authority to apply for the modification of sentences imposed by AMG courts in turned-back territory under the provisions of paragraph 4 of the Proclamation made by the President of the Council of Ministers when such territory is turned back to Italian jurisdiction. It is not expected however, that the Allied Commission will agree any blanket authority based solely on length of sentence imposed or on other than a consideration of the offense committed and the surrounding circumstances.

BY COMMAND OF THE SUPREME ALLIED COMMANDER:

A. D. WARD
Major General
Chief of Staff

CC DIST - 12 Dec
ACTION:- CA Sec(2)
INFO:- EC
Original retained by CC

(155) K
C.A Sec (action) (2)
E.C.

Chief Comm concur EC Personal Abroad viewpoint

1857

Declassified E.O. 12356 Section 3.3/NND No. 785015

Ref : AC/S(B)/1/a

6 November 1945

SECRET : Clemency for Mussolini

TO : AFHQ (Ref Section)

1. The Italian Government has asked this Commission to consider favourably the granting of a General Act of clemency to mark the return of Trieste by Italian administration and as a token of Allied appreciation and good will.

2. This Commission has very carefully considered the suggestion, which it had already independently had in mind, and recommends that the Supreme Allied Commander should be empowered to grant an Act of Clemency mainly where for the following reasons:

a) That in most cases sentences carried a deterrent factor - that factor has served its usefulness, the serving of the deterrent portion of the sentences is of no benefit to the Allies and that it is not necessary able to enforce sentences to what they might have expected to have been but for the no longer necessary deterrent factor.

b) That the Allies imposed very high sentences such as death, imprisonment on remands and the like and that there are other offences which there were extraordinary circumstances that the sentences may light might receive rather more generous treatment.

c) That the act will be a mark of the Allies' good will and appreciation.

d) That the gesture would be one acceptable to the Italian people and to public opinion.

e) That it would demonstrate to the world the reasonable and humanitarian attitude of the Allies.

f) That the overwhelming of Italian crimes in advance not that a substantial reduction in the lighter sentences will go some small way to meet the situation which is acute.

3. This Commission having considered alternative schemes recommends that the Act of Clemency in respect of sentences imposed by AFHQ Courts should take the following form:

5566

a) That life sentences be commuted to 30 years.
b) That sentences in excess of 30 years be reduced to 15 years.
c) That sentences from 4 to 10 years be granted a remission of 4.
d) That sentences of 4 years or under be granted a remission of 2.
e) That all sentences so to reduced be entitled to the usual remission for good conduct for the whole of their period.
f) That no remission be granted in respect of fines or sentences in default of payment of fines.

It is also recommended that the Italian Government be informed that it

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Sec (2)

1858

Declassified E.O. 12356 Section 3.3/NND No. 785015

may make similar reductions in the case of prisoners sentenced before Italian Courts for offences against the Allies.

4 This scheme discriminates between cases of differing gravity, it provides an easily applicable formula, it will entail little work to carry out (which in view of the AC manpower position is an important factor) and is of immediate political value.

5 The proposed Act of Clemency should apply to Italian Government territory and to that shortly to be returned to the jurisdiction of the Italian Government. The deterrent effect of sentences is still required in territory which will remain under AMG; similar acts of clemency can if desired be made concurrently with other restorations of territory.

6 It is desirable, if this recommendation is approved, that an announcement should be made simultaneously with the restoration of North Italy to Italian Administration. It is requested therefore that this matter may be treated as urgent and that the Coalition be communicated to this HQ as long before the handover date as possible to allow of the necessary arrangements being made with the Ministry of Justice.

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

RRB

(250)

1859

Declassified E.O. 12356 Section 3.3/NND No. 785015

HQ MTOUSA FOR ADJUTANT GENERAL RPTD USFET MAIN FOR WAR CRIMES BRANCH FOR INFO

8602 21 NOVEMBER 45 IMPORTANT

CONFIDENTIAL PD

REFERENCE FOX XRAY FIVE THREE SEVEN FOUR SIX OF ONE NINE NOVEMBER CITE HAAGE PD

PAREN TO HQ MTOUSA FOR ADJUTANT GENERAL RPTD USFET MAIN FCR WAR CRIMES BRANCH

FOR INFO FROM HQ AIGOM CITE ACSCC PAREN

CONSUL GENERAL GUGLIELMO ARIO AND CAPTAIN GIUSEPPE COLACCI PIANELLI DEPARTED

CIAMPINO AIRPORT ROME AT ONE SEVEN ONE FIVE HOURS ONE NINE NOVEMBER FOR DACHAU

CONCENTRATION CAMP TRIALS VIA PARIS PD

Agcaf

Chief Commissioner

Lt Col, AGD

T 8 6 0

Declassified E.O. 12356 Section 3.3/NND No. 785015

AFHQ G-5 SECTION

8634 21 Nov PRIORITY

UNCALSSIFIED PD

PARA ONE PD PLEASE REQUEST YUGOSLAV AUTHORITIES SUSPEND EXECUTION OF EX ACTING DIRECTOR OF QUESTURA OF POLA PD

PAREN TO AFHQ GEORGE FIVE SECTION FROM ALCOM CITE ACCAS PAREN

PARA TWO PD ETER PD SUGAR PD COMMISSARIO CAPO DOG AMATO ANGELO AND VICE PETER PD SUGAR PD COMMISSARIO TRIOLA AMLETO REPORTED SENTENCED TO DEATH BY YUGOSLAV MILITARY COURT OF FIUME PD

PARA THREE PD ACTION OF THE COURT APPEARS TO BE ULTRA VIRES AND FURTHER DOCUMENTS ARE BEING PROVIDED BY ITALIAN GOVERNMENT WHICH SHOULD BE TAKEN INTO CONSIDERATION BEFORE FINAL SENTENCE CARRIED OUT

Int Distribution:
Ex Commissioner
Public Safety S/C
Legal S/C

Civil Affairs Section

437

H.E. ANSON, Major.

G.J. LEONE
CWO, USA
Asst Adjutant

5563

1861

Declassified E.O. 12356 Section 3.3/NND No. 785015

Col. S.
Kalla appl. for
This allegy

NOV 24 RECD

SEGRETERIA DI STATO
DI SUA SANTITA'

November 19, 1945

My dear Admiral STONE,

The Secretariat of State of His Holiness has been requested to recommend to you the bearer, Countess Rita Palazzi Trivelli; and to request that you kindly accord her a benevolent hearing.

I hesitate to encroach upon your valuable time, but take the liberty to do so on this occasion, because of the urgency of the case, and also because the matter has been brought to the attention of His Holiness who in pursuance of His Humanitarian mission has directed that the Secretariat of State assist the Countess in the presentation of her case.

With the renewed assurance of my high esteem and consideration, I remain

Very sincerely yours,

/s/ Walter S. Carroll

1215 Wed 28

2602/1c

Admiral ELLERY W. STONE, U.S.N.
ROME

5502
ECDIST - 24 Nov
ACTION - CA Tec (2)
INFO - CC
- EC.

Translation

Memorandum

NOV 24 RECD

Charge from Reggiolo

On a Sunday morning, I cannot remember whether it was the 17th or 18th of September, Major Quini arrived by car at Correggio at about 10 a.m., and ordered me to proceed at once with my company to Reggiolo; he told me that two men of the local garrison of Black Brigades had been killed there during the night. Quini left at once without giving me any information. About an hour later, we reached Reggiolo. I proceeded at once to the Podesta where the 'Federale' Ferri, the deputy federale Bertani, and Captain Pisati, then head of the U.P.I., and the man who was then political secretary and commander of the Black Brigade garrison (whose name I don't remember for he was a refugee from some town, he may have been called De Vita, had already gathered. I didn't see the people who had been arrested. A short time afterwards, soldiers units from Reggiolo, and from the neighbouring garrisons arrived. Quini came also. I was ordered to place my company and the village so as to control all the roads leading to it. Reggiolo was empty. There wasn't a soul about. Even the shutters were closed. I placed my men as I had been ordered to. Then I was summoned to the village. There I found the officers who were present and a shooting squad formed of four men armed with automatic rifles.

Major Quini ordered me to give the command to fire. I obeyed against my will. I didn't know any of the four people who were shot. I knew by sight only Advocate Finocci. But then, I couldn't have done anything, for, as I repeat, they were already standing before the firing squad, and the general staff Ferri - Bertani - Quini - Pisati had already made up their mind.

I didn't help setting the houses on fire, and can say nothing definite about such a matter.

Charges from Lugo

One morning, I don't remember the date, a non commissioned officer of the federation brought me an order saying that I was to send 15 soldiers to Reggio. During the afternoon, I went to the federation at Reggio and heard that a mopping up operation was being carried on because of the murder of a fascist at Massa and Villa Lugo. As my family and many relatives on my wife's side had taken refuge there, I went there by car to protect the villa where they lived against possible reprisals.

Declassified E.O. 12356 Section 3.3/NND No. 785015

to control all the ro[illegible] shutters were closed. I pa[illegible]
e soul about. Even the shutters were closed. I pa[illegible]
been ordered to. Then I was summoned to the village. There I found the
officers who were present and a shooti g squad formed of four men armed
with automatic rifles.

Major Guini ordered me to give the co mand to fire. I obeyed against
my will. I didn't know any of the four people who were shot. I knew by
sight only Adversario Palacci. But then, I couldn't have done anything, for,
as I repeat, they were already standing before the firing squad, and the
general staff Ferri - Bertuni - Guini - Viiati had already made up their
mind.

I didn't help setting the houses on fire, and can say nothing definite
about such a matter.

Charges from Regno

One morning, I don't remember the date, a non commissioned officer of
the federation brought me an order saying that I was to send 10 soldiers
to Regio. During the afternoon, I went to the federation at Regio and
heard that a mopping up operation was being carried on because of the mur-
der of a fascist at Gasolo and Villa Regno. As my family and many relatives
on my wife's side had taken refuge there, I went there by car to protect
the villa where they lived.against possible re risals.

Near the church, I found us to trucks loaded with people who had been
rounded up. I had a few people that I knew set free at once under my own
responsibility, then I told Lieutenant Olivieri who was in command to
carry out his orders. He told me he was to take them personally to the
federation, and this on a personal order from the federale. I went back
to Regio where I intend to speak in favour of the population of Villa
Regno to the federale himself but he was away. He was supposed to be coming
back on the next morning.

In fact, at 8 a.m. on the next day, I went back to the federation and
exercised strong pressure on Mender to have him set the prisoners free
after a short examination. I obtained the immediate release of the parish
priest whom I saw home in my car.

On the evening before, one Corradini, butcher, was killed I don't know
by whom; a few weeks before, for some futile matters of rations, he had
had a discussion with my wife. I didn't even know about it.

For this reason, I was charged with his murder.

(255) C

Declassified E.O. 12356 Section 3.3/NND No. 785015

Charges from Campagnola

I didn't participate personally in the Campagnola happenings, for on that morning, without knowing anything about this matter, I proceeded to Reggio at 9.a.m., for I had an appointment with the Bishop to negotiate the exchange of the ex-federale Pander, prisoner of the partisans. In the seat of the federation, I was told that Chief of Staff Pennino was inspecting various detachments, and would also visit my Correggio garrison. Therefore I immediately went back there after my visit to the Bishop. Immediately after my arrival, a motorcycle messenger brought me the order to proceed to Campagnola, where early in the morning, political Secretary Bacchelletti Ifro had been kidnapped by the partisans. I was giving the necessary orders when Pennino arrived and asked me where I was going. I showed him my orders; he then told me to send my men and stop with him at Correggio where he wanted to visit the barracks and obtain a few explanations about the functioning of the garrison, etc.. I did so. Pennino remained for lunch, then left and proceeded, I think, to Campagnola. I delayed my departure, for on Pennino's order, I had to draft a list of the works to be done in the barracks. Then I went by car to Campagnola where I arrived as the first cars were already leaving. Thus I went back with them.

Charges from Childini

I don't know anything about that. The charges are unfounded.

[illegible] did service with the 'brigate nere' for two months only, in the village of Correggio, where he was political commissioner; no charges against him were brought from there.

From Reggio

Various people, who had been condemned to death on the charge of murder or for commanding firing squads, had their sentence commuted by the Supreme Court, (Cassazione). Among them : Codino - Costa - Menni and others.

Apropos of the way in which the trial took place, we want to stress the fact that it was in an atmosphere of great unrest. Such barristers as attempted to speak were attacked by the crowd and ill-treated. The carabinieri were ordered to have the room evacuated, but such an order couldn't be carried out for they weren't in sufficient number. The president was unwell and the meeting was postponed to the following week.

Declassified E.O. 12356 Section 3.3/NND No. 785015

I arrived as the first cars were already leaving. Thus I went back with them.

Charges from Chiaromonte

I don't know anything about that. The charges are unfounded.

[illegible] served with the 'brigate nere' for two months only, in the village of Correggio, where he was political commissioner; no charges against him were brought from there.

from Reggio

Various people, who had been condemned to death on the charge of murder or for commanding firing squads, had their sentence commuted by the Supreme Court, (Cassazione). Among them : Lolino - Costa - Fieni and others.

As regards the way in which the trial took place, we want to stress the fact that it was in an atmosphere of great unrest. Even barristers as attempted to speak were attacked by the crowd and ill-treated. The carabinieri were ordered to have the room evacuated, but such an order couldn't be carried out for they weren't in sufficient number. The president was unwell and the meeting was postponed to the following week.

When the Court met again, twenty four death sentences and three sentences to thirty years were pronounced in not more than three or four hours.

For what concerns the appeal to the Supreme Court, we point out that, while Adv. Giuseppe Lamenti states, as from the letter enclosed with the request for the commutation of the death sentence, that he sent a regular appeal to the Supreme Court, the Assisi of Milan have no trace whatever of any document about such an appeal.

trans. o/c

(255) c

Declassified E.O. 12356 Section 3.3/NND No. 785015

1866

Declassified E.O. 12356 Section 3.3/NND No. 785015

AFHQ G-5 SECTION

8497 17 NOVEMBER 1945 PRIORITY

RESTRICTED FD

PARA ONE FD MAY A REPLY TO THIS HQ ABLE CHARLIE SLANT FOUR ZERO NINE TWO SLANT ONE SLANT LOVE OF NINE NOVEMBER BE EXPEDITED PLEASE FD

PAREN TO ABLE FOX HOW QUEEN GEORGE FIVE SECTION FROM HQ ALCOM CITE ACLEG PAREN

PARA TWO FD OVER A DOZEN SENTENCES DEATH ARE AWAITING ACTION SOME OF WHICH HAVE BEEN WAITING SOME TIME FD REGIONS ARE PRESSING FOR ACTION

5559

LEGAL SUB-COMMISSION

302

1867

Declassified E.O. 12356 Section 3.3/NND No. 785015

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

NOV 16 REC'D
CC 145

S.O. To C.C.

Originator's Reference: ETWCB-81
Date / Time of Origin NOV 16 1825 A

Message Centre No: G/3758
Date Time Rec'd: NOV 170945 A
Precedence: IMPORTANT

FROM: WAR CRIMES BRANCH SIGNED EISENHOWER CITE WTWCB

TO : ACTION AFHQ CASERTA ITALY AFHQ ROME ITALY (ALCOM)

COPY DESTROYED

250

CONFIDENTIAL.

Reference ACSCC 8236 HQ ALCOM. It is recommended in view of importance attached to the dachau concentration camp trial by allies and co belligerents whose nationals were incarcerated there that necessary permits be immediately issued to and air transportation be furnished for Comsul General GUGLIELMA ARNO and Captain GIUSEPPE CODACCI PIYANELLI as observers as this trial. Commerces at dachau Germany on 15 November 45

AC DIST

ACTION S.O. to CHIEF COMMISSIONER
INFO EX COM
FILE

RECEIVED
17 NOV 45

cc 5558

COPY DESTROYED

ACTION

5558

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1868

Declassified E.O. 12356 Section 3.3/NND No. 785015

REGIONAL COMMISSIONER (Attn: Regional Legal Officer)

LOMBARDIA Region.

8422 15 NOVEMBER 1945 PRIORITY

RESTRICTED PD

PARA ONE PD ADVICE OF MINISTER OF PARDON AND JUSTICE ON PETITIONS FOR PARDON OF AGOSTINELLI VINCENZO CMA LUSSANA ARNALDO AND NORIS GIUSEPPE SENTENCED TO DEATH BY EXTRAORDINARY COURT OF ASSIZE OF BERGAMO HAS BEEN RECEIVED PD

PAREN TO REGIONAL COMMISSIONER PAREN ATTENTION REGIONAL LEGAL OFFICER PAREN LOMBARDIA REGION FROM H ALCOM CITE ACLEG PAREN

PARA TWO PD IT IS NOTIFIED THAT THE SENTENCE IS COMMUTED TO LIFE IMPRISONMENT PD DOCUMENTS BEING RETURNED.

Copy

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254b

LEGAL SUB-COMMISSION

302

1869

Declassified E.O. 12356 Section 3.3/NND No. 785015

REGIONAL COMMISSIONER (Attn: Regional Legal Officer).
LIGURIA REGION

8465 16 NOVEMBER 1945 PRIORITY

RESTRICTED FD

PARA ONE FD ADVICE OF MINISTER OF PARDON AND JUSTICE ON PETITIONS FOR PARDON OF DI GENNARO GIUSTINO CMA NICCOLI SALVATORE CMA PRISCO MANFREDI AND SANNA SALVATORE SENTENCED TO DEATH BY EXTRAORDINARY COURT OF ASSIZE OF GENOVA HAS BEEN RECEIVED FD

PAREN TO REGIONAL COMMISSIONER PAREN ATTENTION REGIONAL ~~LEGAL~~ OFFICER PAREN LIGURIA REGION FROM HQ ALCOM CITE ACLEG PAREN

PARA TWO FD IT IS NOTIFIED THAT THE SENTENCE IS COMMUTED TO THIRTY YEARS IMPRISONMENT FD DOCUMENTS BEING RETURNED

2607/c

5556

2554a 302

LEGAL SUB-COMMISSION

1870

Declassified E.O. 12356 Section 3.3/NND No. 785015

2368

NOV 14/0095

G/3570

NOV 14/1600

ROUTINE

AMG LOMBARDIA REGION LEGAL DIVISION FOR HANCOCK SIGNED PURCELL.

HQ ALLIED COMMISSION LEGAL SUBCOMMISSION

RESTRICTED

RESTRICTED

Subject is execution of death sentences.

It is notified that BRUSCHI ANTONIO has been ecevuted at VOGHERA cementery this day 13 November at 0630 AM.

DIST

ACTION LEGAL S/C (2)
INFO CHIEF COMMISSIONER
FILE (2)
FLOAT

RESTRICTED

5555

254

1871

Declassified E.O. 12356 Section 3.3/NND No. 785015

AFHQ G-5

0295 13 Nov 45 PRIORITY

UNCLASSIFIED FD

PARA ONE FD TRUST IT WILL BE CONVENIENT TO GIVE EARLY DECISION ON PROPOSED ACT CLEMENCY CMA ABLE CHARLIE SLANT FOUR ZERO SEVEN NINE SLANT ONE SLANT LOVE [redacted] OF SIX NOVEMBER FOUR FIVE REFERS FD PAREN TO AMHQ GEORGE FIVE SECTION FROM HQ ALCOM CITE AGCAS PAREN

PARA TWO FD ARRANGEMENTS WITH MINISTRY OF JUSTICE WILL TAKE A FEW DAYS

Internal Distribution. Chief Commissioner,
Executive Commissioner.

5554

CIVIL AFFAIRS SECTION

608

G.J. LEONE,
CWO USA,
Asst. Adjutant.

1872

Declassified E.O. 12356 Section 3.3/NND No. 785015

REGIONAL COMMISSIONER (Attn : Regional Legal Officer)
LUSAKA Region.

8303 13/11/1965 Priority

RESTRICTED FD

PARA ONE FD ADVICE OF MINISTER OF PARDON AND JUSTICE ON PETITION FOR PARDON OF MPUNDU PENO PAREM PENSCIA PAPEN HAS BEEN RECEIVED FD

PAREM TO REGIONAL COMMISSIONER PAREM ATTENTION REGIONAL LEGAL OFFICER PAREM LOMPANDA PETION FROM HO ALONG CITE ACLEC PAREM

PARA TWO FD IT IS NOTEPED THAT THE SENTENCE IS CONFIRMED TO LIFE IMPRISONMENT FD RECORDS BEING RETURNED

2 CR/12

5553

(252)

~~8303~~ 502

LEGAL SUB-COMMISSION

1873

Declassified E.O. 12356 Section 3.3/NND No. 785015

NOV 13 REC'D

TO: AFHQ G-5 SECTION

8295 13 Nov 45 PRIORITY

250

UNCLASSIFIED PD

PARA ONE PD TRUST IT WILL BE CONVENIENT TO GIVE EARLY DECISION ON PROPOSED ACT CLEMENCY CMA ABLE CHARLIE SLANT FOUR ZERO SEVEN NINE SLANT ONE SLANT LOVE XXXXXXXXX OF SIX NOVEMBER FOUR FIVE REFERS PD

PAREN TO AFHQ GEORGE FIVE SECTION FROM U. S. NAVY CITE ACCAS PAREN

PARA TWO PD ARRANGEMENTS WITH MINISTRY OF JUSTICE WILL TAKE A FEW DAYS

Internal Distribution: Chief Commissioner
Executive Commissioner.

Civil Affairs Section

608

G.J. LEONE.
C.W.O. USA.
Asst. Adjutant.

251

See 256

COMMANDING GENERAL USFET FOR STAFF JUDGE ADVOCATE EASTERN MILITARY DISTRICT, APO 403, US ARMY

8236 10 NOVEMBER 45 PRIORITY

CONFIDENTIAL PD

ITALIAN MINISTER FOR FOREIGN AFFAIRS DE GASPERI SENDS FOLLOWING MESSAGE TO STAFF JUDGE ADVOCATE EASTERN MILITARY DISTRICT CLN QUOTE UPON INVITATION BY USFET THROUGH COLONEL FIORE VERNAZZA CMA ITALIAN GOVERNMENT HAS APPOINTED AS OBSERVERS TO DACHAU WAR CRIMINALS TRIAL CONSUL GENERAL GUGLIELMO ARNO AND CAPTAIN GIUSEPPE CODACCI PISANELLI CMA LAW PROFESSOR PD PLEASE WIRE AFHQ CASERTA AND AC HQ ROME RECOMMENDING IMMEDIATE GRANTING NECESSARY PERMITS AND AIR TRANSPORTATION FOR ITALIAN OBSERVERS JOURNEY TO DACHAU BRACKETS SIGNED BRACKETS DE GASPERI UNQUOTE

PAREN TO COMMANDING GENERAL USFET FOR STAFF JUDGE ADVOCATE EASTERN MILITARY DISTRICT APO FOUR ZERO THREE UNITED STATES ARMY FROM HQ AICOM SIGNED STONE CITE ACSCC PAREN

Declassified E.O. 12356 Section 3.3/NND No. 785015

AFHQ CASERTA AND AC HQ ROME RECOMMENDING IMMEDIATE GRANTING NECESSARY PERMITS AND AIR TRANSPORTATION FOR ITALIAN OBSERVERS JOURNEY TO DACHAU BRACKETS SIGNED BRACKETS DE GASPERI UNQUOTE

PAREN TO COMMANDING GENERAL USFET FOR STAFF JUDGE ADVOCATE EASTERN MILITARY DISTRICT APO FOUR ZERO THREE UNITED STATES ARMY FROM HQ ALCOM SIGNED STONE CITE ACSCC PAREN

Office of the Chief Counsr

222

Lt (JG)

Declassified E.O. 12356 Section 3.3/NND No. 785015

1876

Declassified E.O. 12356 Section 3.3/NND No. 785015

339

c.c.

Translation

NOV 27 RECD

Italian Red Cross

Provincial Committee of Turin

n. 51611

20 November 1945

To Admiral Stone
Allied Commission
Rome

Subject : Lt. BELLINETTI Silvio

Enclosures : 1

Will you kindly read the enclosed letter in which Lt. Bellinetti Silvio, tried by the Cuneo Court (15th-25rd of October) and sentenced to death, explains his situation.

We beg you to take this matter in consideration and see whether you can do something for the said officer.

Waiting for your answer, we thank you for whatever you may be able to do.

Sincerely yours,

L'INSPECTRICE
(Paola de la Forest)
s. P. de la Forest

E.C. DIST - 24 Nov
Action : C.A Sec. (C)
Info : CC.
EC.
AC 50

c/c

(153) b

1877

Declassified E.O. 12356 Section 3.3/NND No. 785015

Translation

To Admiral Stone - Rome

Memorandum

The undersigned, Bullinetti Silvio, at present a prisoner in the Carceri Giudiziarie of Cuneo, and formerly belonging to the Republican Army (he was a Lieutenant of the Black Brigade 'Lidonnici' of Cuneo), brings the following facts to your attention:

On May 5th, 1945, according to the surrender agreements made by the American General Commanding the 75th U.S. Division of the 5th Army, and General Schlemmer, of the German Army, commanding the 5th German Corps, to which the Cuneo Black Brigade was attached, I surrendered with all the men of the column, as prisoners of war of the American Army, at Ivrea (Piedmont).

According to such agreements, all the Italians forming the column (whether military or civilians, of both sexes) were to be treated like the Germans, i.e. receive complete and unconditionnal protection from partisan reprisals; besides, they excluded the handing over of the members of the column - all of them or in part - to the Italian authorities for reasons of political policy.

Having been told the surrender conditions by the various unit commanders, and deservedly trusting the loyalty and honour of the American nation, all the members of the Italian column surrendered, like the undersigned, as prisoners of war.

After a few days, we were transferred to the P.W.E. of Coltano (Pisa), camp 338/A where I remained till 10/7/1945.

At that date, the Italian commander of the camp, received orders, according to which myself and 19 other officers were to be ready to leave for an unknown destination the Italian officer who transmitted the order to us couldn't or wouldn't tell us what this destination was. When we left the camp, we were taken in consignment by a squad of partisans of the so called Cuneo police of the people, , which meant that we were to be taken to this town to answer for our activity during the republican period.

We were told by other members of our squad that higher ranking officers, such as Lt. Colonels and Colonels, that had also been asked for, had instead been refused by the commander of the camp; we were also informed that the commander of the Camp had been shown a paper according to which we were charged with very serious offences; violation of the laws of war, and crimes committed against allied soldiers during the war.

Such charges are obviously false, for otherwise, I shouldn't dare to appeal to your excellency in the present memorandum: however, the Commander of the camp obviously believed them and handed us over. Such an opinion is supported not only by further informations, but also by the statements of the squad that escorted us and by the fact that no one else, whether officer, or enlisted man, was handed over on the requests that were made later on.

1878

Declassified E.O. 12356 Section 3.3/NND No. 785015

This has brought about a strange situation: people like the undersigned, with a secondary position, and who simply carried out the orders given to them, have been put in jail, and hard sentences passed on them, while those who issued such orders have been set free, and still enjoy their freedom if they are not careless enough to be arrested.

As my activity during the republican period was a military activity, implicitely acknowledged by the American nation in the surrender conditions granted by the Commander of the 7th Division in the name of his Government, I take the liberty of submitting my case to you, asking, as an officer of the Italian Republican Army, to be brought before an Italian or Allied Military Court; I also ask that the reasons why I was handed over by the Commander of the Coltano Camp be given proper attention, and also that investigations be made to find out the responsibility of those who granted our consignment to the Partisan Police and refused to hand over other officers asked for at the same time or at alater date.

Trusting in your sense of justice, as chief representatives of the United Nations in Italy, I bring my case to your attention, and ask you to give it proper consideration. This will be an act of justice, and also dissipate the mistrust that some of us are feeling towards the American Nation, after this violation of the surrender conditions by some irresponsible elements.

Thanking you in advance, I remain,

Sincerely yours,

s. Silvio Bellinetti

trans. e/o

R-518

(25)

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Declassified E.O. 12356 Section 3.3/NND No. 785015

REGIONAL COMMISSIONER (Attn. Regional Legal Officer)
LIGURIA Region.

8204 9 NOVEMBER 1945 PRIORITY

RESTRICTED PD

PARA ONE PD ADVICE OF MINISTER OF PARDON AND JUSTICE ON PETITION FOR PARDON OF GARRONE MARIA AND AMODIO ROSA HAS BEEN RECEIVED PD

PAREN TO REGIONAL COMMISSIONER PAREN ATTENTION REGIONAL LEGAL OFFICER PAREN LIGURIA REGION FROM HQ ALCOM SITE ACLEG PAREN

PARA TWO PD SENTENCES TO BE COMMUTED TO THIRTY YEARS IMPRISONMENT PD DOCUMENTS ARE BEING RETURNED

RR/7

LEGAL SUB-COMMISSION

302

250 aw

1880

Declassified E.O. 12356 Section 3.3/NND No. 785015

COPY

Ref: AC/4079/1/L

6 November 1945.

SUBJECT: Clemency for Prisoners.

TO : AFHQ., G-5 Section.

1. The Italian Government has asked this Commission to consider favourably the granting of a General Act of Clemency to mark the return of North Italy to Italian Administration and as a token of Allied appreciation and good will.

2. This Commission has very carefully considered the suggestion, which it had already independently had in mind, and recommends that the Supreme Allied Commander should, as an act of Grace, grant an Act of Clemency among others for the following reasons:

a) That in most cases sentences carried a deterrent factor - that factor has served its usefulness, the serving of the deterrent portion of the sentence is of no benefit to the Allies and that it is not unreasonable to reduce sentences to what they might have expected to have been but for the no longer necessary deterrent factor.

b) That the Allies imposed various restrictions such as curfew, restrictions on movement and the like and that these and other offences when there were extenuating circumstances and the sentence was light might receive rather more generous treatment.

c) That the Act will be a mark of the Allies' good will and appreciation.

d) That the gesture would be one acceptable to the Italian people and to public opinion.

e) That it would demonstrate to the world the reasonable and humanitarian attitude of the Allied.

f) That the overcrowding of Italian Prisons is extreme and that a substantial remission in the lighter sentences will go some small way to ease the situation which is acute.

250

./.

2682/a

1881

Declassified E.O. 12356 Section 3.3/NND No. 785015

3. This Commission having considered alternative schemes recommends that the Act of Clemency in respect of sentences imposed by AMG Courts should take the following form :

a) That life sentences be commuted to 20 years.
b) That sentences in excess of 20 years be reduced to 15 years.
c) That sentences from 4 to 20 years be granted a remission of ⅓.
d) That sentences of 4 years or under be granted a remission of ½.
e) That all sentences as so reduced be entitled to the usual remission for good conduct for the whole of their period.
f) That no remission be granted in respect of fines or sentences in default of payment of fines.

It is also recommended that the Italian Government be informed that it may make similar reductions in the case of prisoners sentenced before Italian Courts for offences against the Allies.

4. This scheme discriminates between cases of differing gravity, it provides an easily applicable formula, it will entail little work to carry out (which in view of the AC manpower position is an important factor) and is of immediate political value.

5. The proposed Act of Clemency should apply to Italian Government territory and to that shortly to be returned to the jurisdiction of the Italian Government. The deterrent effect of sentences is still required in territory which will remain under AMG; similar acts of clemency can if desired be made concurrently with other restorations of territory.

6. It is desirable if this recommendation is approved, that an announcement should be made simultaneously with the restoration of North Italy to Italian Administration. It is required therefore that this matter may be treated as urgent and that the decision be communicated to this HQ as long before the hand-over date as possible to allow of the necessary arrangements being made with the Ministry of Justice.

/s/ Ellery W. Stone

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

210

1882

Declassified E.O. 12356 Section 3.3/NND No. 785015

TOP SECRET

S 30811
NOV 8/1430 A

G/3203
NOV 9/1150
ROUTINE

USFET MAIN ACC CITE EMALC SIGNED EISENHOWER
FROM COLONEL FIORE VERNAZZA, CHIEF OF ITALIAN LIAISON.

ALCOM

RESTRICTED

Mission this Headquarters, requests following message transmitted to Italian War Ministry Cabinet :

" 2 ITALIAN OBSERVERS INVITED FOR DACHAU WAR CRIMINALS TRIAL COMMENCING ABOUT 15 NOVEMBER. THEIR NAMES HAVE TO BE NOTIFIED BY 12 NOVEMBER TO COMMANDING GENERAL, ATTENTION OF STAFF JUDGE ADVOCATE, EASTERN MILITARY DISTRICT, APO 403, US ARMY, AND TO ITALIAN LIAISON MISSION, HEADQUARTERS USFET"

DIST

ACTION — CA SECTION
INFO — CHIEF COMMISSIONER
LEGAL S/C
FILE (2)
FLOAT

5544

Confidential

249 b

1883

Declassified E.O. 12356 Section 3.3/NND No. 785015

RESTRICTED

2333
NOV 021600A

G/2750
NOV 031100A
ROUTINE

AMG LOMBARDIA REG LEGAL DIV FOR HANCOCK SIGNED REYNOLDS

HQ ALCOM LEGAL SC

RESTRICTED

Subject is execution of death sentences. It is notified that PIRAZZINI CIRILLO has been executed at SONDRIO on 31 Oct at 1037 PM.

Dist

Action Legal SC
Info Chief Commr
CA Seat
File 2 Float

Confidential

5543

(24)a

1884

Declassified E.O. 12356 Section 3.3/NND No. 785015

RESTRICTED

8/4/121
OCT 301630A

G/2458
OCT 311030A

IMPORTANT

AMG 13 CORPS FROM BOWMAN

HQ ALCOM CITING ACEXC PERSONAL TO SWONE

RESTRICTED.

Reference your 7743 dated 27 subjet JACSETIC.

Widespread felling among civilians of all categories that sentence excessive particularly when compared to those imposed in POLA for actual assaults on Allied personnel. General impression is charge was far fetched and actual crime for which JACSETIC was punished was his political views. Feeling that sentence excessive or that subject should not have been convicted at al extends beyond VENEZIA GIULIA as witness petition for clemency from leading Italian journalists of many political shades. Political balence in this area is delicate and I feel our reputation for fairness and tolerance would be enhanced by clemency with no hint of weakness implied. When subject was freed to visit his son reaction from press and public was very favourable with no objection from anyone. Statement that case was being forwarded for review also well received and general impression then was that reduction of sentence would show justice rather than vulnerability to pressure of which there has actually been very little. After first sensation of conviction all left wing papers hoping and expecting full sentence would not be served have maintained moderate tone on the case which will not continue much longer.

DIST

ACTION: Ex Commissioner 2
INFO: Chief Commissioner
File

241

1885

Declassified E.O. 12356 Section 3.3/NND No. 785015

OCT 1 1945

Ref: DF/5.23/OA

29. October 1945

My dear Mr. Prime Minister,

I have reconsidered the request in your letter 45411/1012/4-6-19/1/7 of 17 September that DL 149 should be implemented in North Italy and am prepared to implement the Decree if the Italian Government will make two amendments.

They are as follows:

(1) To DL 149 so that the appeal under Article 3, (whereby a man may be interned or sent to a labour camp for 5 years) shall be to the Court of Cassation and not to a special ad hoc Court of Appeal.

(2) To DL 625 to add at the end of Article 14, (which provides that the case of a man arrested shall be disposed of within 30 days), the Proviso that if his case is not disposed of within the 30 days he shall be acquitted and released and shall not be liable to further process as being politically dangerous.

Yours very truly,

/Sgd/ KELLEY W. STORE
Rear Admiral, USNR,
Chief Commissioner.

Professor Ferruccio PARRI
The President of the Council of Ministers,
Italian Government,
ROME.

5241

Seen and approved by Council of Legal Sub-Commission.

248

1886

Declassified E.O. 12356 Section 3.3/NND No. 785015

Ref: 2619/101/EC.

27 October 1945.

My dear Bowman:

I think that if you review the action taken by you over the JANSETICH case, culminating in your telegram of 26 October, you will agree that it could have been better handled at your end.

The case was a cause celebre. Your Chief Legal Officer confirmed conviction and sentence but you, rightly, considered that a better perspective of the case could be held here and sent it for review by the C.L.A. and myself. You did not at that time make any recommendation for clemency. The C.L.A. confirmed conviction and sentence and so informed you.

Then came the possibility of JANSETICH being nominated for and accepting an appointment in the Consulta and your signalled suggestion for executive clemency based on that possibility.

You were properly held to send me full reasons for your recommendation.

In the meantime, JANSETICH did not accept the appointment in the Consulta and has not, so far, put in a petition for clemency.

Your letter of 16 October was duly received here. Eight paragraphs of the letter raise legal points all of which have been dealt with when the case was reviewed by C.L.A. and should, of course, never have been submitted in a petition for executive clemency. Two paragraphs deal with his personal character. You mention psychological and political benefits but do not say what they are.

Next comes your telegram of 26 October in which you cite public relations and political value of the pardon. But you have never told me what this amounts to.

The proper way to have handled this would have been for you to have sent with the papers of the case when they came here for review a recommendation for clemency based on the man's personal character and the psychological and political value of clemency.

I have now instructed you by signal to specify the political and public relations benefits on receipt of which I will consider a par[illegible]

40

Sincerely yours,

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

(247)

Colonel Alfred C. Bowman,
SCAO, AMG XIII Corps.

Copy to: CA Sec (for Legal S/C)

1887

Declassified E.O. 12356 Section 3.3/NND No. 785015

AMG XIII CORPS

7743 27 October 1945 IMPORTANT

RESTRICTED

TO BOWMAN FROM STONE FAIRY TO ABLE MIKE GEORGE THIRTEEN CORPS FROM HOW QUEEN ALOOM CITY ACTING PAREN NEITHER IN ANY SIGNAL NOR IN YOUR LETTER OF ONE SIX OCTOBER DO YOU EXPLAIN WHAT WILL BE THE POLITICAL AND PUBLIC RELATION BENEFITS WHICH MIGHT ACRUE FROM AN ACT OF CLEMENCY IN THIS CASE PD ON RECEIPT OF SIGNAL GIVING SUCH EXPLANATION I WILL CONSIDER THE CASE

5529

Office of the Exec Comm.

343

J/emdr.
PA To the Executive Commissioner.

1888

Declassified E.O. 12356 Section 3.3/NND No. 785015

OCT 26 RECD
CC-1760

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

S.D.Z.C.C.

Originator's Reference: S/4
Date/Time of Origin OCT 261130A

Message Centre No: G/2112
Date Time Rec'd OCT 261530A
Precedence: IMPORTANT

FROM: AMG 13 CORPS FROM BOWMAN

TO : HQ ALCOM

RESTRICTED

RESTRICTED

Personal for Chief Commissioner.

All public relations and political value of pardon or suspension of balance of sentence of JAKSETICH will be lost unless you act at once, and I urge that you do this.

Dist

Action - SO to Chief Commissioner 2
Info - Exec Commr
CA Sect
File

HEADQUARTERS
26 OCT 1945

ACTION

Confidential

5598

Action taken by EC
Seen by CC 29/10

245

1889

Declassified E.O. 12356 Section 3.3/NND No. 785015

25 October 1945.

Dear Mr. Kirk:

Thank you for your letter of 23 October 1945, enclosing a paraphrase of telegram you received from the American Minister at Bern, concerning a certain Giovanni Mauro, reported to be a zealous fascist, who is planning to attend an International Football Association meeting in Switzerland next month.

Sincerely yours,

/s/ Ellery W. Stone

ELLERY W. STONE,
Rear Admiral, USNR
Chief Commissioner

The Hon. Alexander Kirk,
American Ambassador,
Via Vittorio Veneto 119,
ROME.

Ltr from Mr. Kirk was
routed to FE, FC, FN2
Public Safety, SC,
25 Oct 45.

247

5597

1890

Declassified E.O. 12356 Section 3.3/NND No. 785015

OCT 2 RECD CC
CC 1425

Translation

The President of the Council of Ministers

n. 47792/2.4.2

Rome, 19 October 1945

Dear Admiral,

I think I must draw your attention on the advisability, in the present situation of the country, of an act of clemency on the part of the Allied Authorities in favour of those who were condemned by Allied Courts either according to our laws, or according to the ordinances and proclamations of the A.M.G. I can assure you that an amnesty for the above mentioned offences is eagerly expected by Italian public opinion, now that unavoidable war requirements which often caused severe sentences on the part of the Allied Courts, sentences which were rarely commuted, no longer exist because of the victory on nazi-fascism.

Besides, such a possibility would avoid the great difference of treatment at present existing between those who were tried by Italian Courts and those who were condemned by Allied Courts. For the latter only, no amnesty has been granted, while the former benefitted from the amnesty of April 5th 1944, and will in all probability benefit from a further favour which is at present being studied.

I think that the said amnesty could conveniently be granted on the occasion of the handing over by A.M.G. to the Italian Government of the remaining part of the national territory, and could take the form of a regulation by the Italian Government, previously approved by the Allied Commission.

On this subject, I must inform you that in a meeting which lately took place between the members of the Legal Sub-Commission and the Minister of Justice, the Director of the Legal Sub-Commission, Colonel G.B. Behrens, mentioned, as his personal opinion, that the Allied Commission could take the above mentioned amnesty in consideration. It is useless to add that the Allied Authorities would of course fix the limits of such a concession and except such offences as they consider to have been most prejudicial to their interests.

Will you kindly let me know your opinion on this plan; should you agree to it on general principles, it can then be studied in detail by the Ministry of Justice and the Legal Sub-Commission, in collaboration.

Believe me, my dear Admiral,

Yours very truly,

s. Ferruccio Parri 5596

Admiral Ellery W. Stone
Chief Commissioner
Allied Commission
R o m e

(243)

trans.s/c

RC DIST - 23 Oct
ACTION: CO SEC (2)
INFO: CHIEF COMMR
DEP COMMR

1891

Declassified E.O. 12356 Section 3.3/NND No. 785015

(From Gen Taylor)

Translation

Note

It seems that following the abolition of the Alta Corte di Giustizia, lately decided by the Council of Ministers, a regulation giving the functions of the Alta Corte to a certain number of Corti d'Assise Straordinarie similar to those which are functioning in the North is being studied.

This plan means that central and Southern Italy, which has up to now been spared from the partial action of the judges appointed by the C.L.N. and the Parties, would be submitted to terror, bloodshed and violence, thus increasing the exasperation of the population and sowing the seed of reaction and riots.

Such an institution would still further delay the pacification of the spirits without which Italian life cannot go back to order.

As it is well known, except for the presiding Magistrate, the Corti d'Assise Straordinarie are exclusively composed of men selected from the lists presented by the C.L.N., and the functions of Public Prosecutor can equally well be attributed to a magistrate or an advocate appointed by the C.L.N.

trans. e/c

5595

242

2/2/43

...Istituzione che in seguito all'abolizione ...Alta Corte di Giustizia, ...reantemente dal Consiglio dei Ministri, sarebbe allo studio un ... funzionamento legislativo che demanderebbe le ... certo numero di Corti d'Assise Straordinarie ...mano nel Nord.

...e progetto parebbe si che l'Italia centro meridionale, preservata ...nati dal C.L.N. e dai Partiti dall'azione partigiana dei giudici nominati ...ebbe sottoposta ad una ondata di terrore, ...e, di scene e di abusi e — quando anche il governo italiano ...ntervenisse per reprimerli — non si può ...ssumere.

...tale istituzione si allontanerebbe sempre ...macchiazione degli animi senza la quale ...ordinato ripristinare della vita italiana.

...è noto le Corti di Assise straordinarie ...sidente, sono composte esclusivamente di ...tate dal C.L.N. e che la funzione del P.M. ...differentemente attribuita ad un magistrato come ad un giudice designato dal C.L.N.

Declassified E.O. 12356 Section 3.3/NND No. 785015

1892

Declassified E.O. 12356 Section 3.3/NND No. 785015

(1.42)

R292

finora dall'azione partigiana dei giudici nominati dal C.L.N. e dal [illegible]
ti, sarebbe sottoposta ad una ondata di terrore, di sangue e di abusi e-
sasperando ancor di più le popolazioni e sviluppando il germe di reazioni
e di sommosse.

Con tale istituzione si allontanerebbe sempre di più il momento di
quella pacificazione degli animi senza la quale non si può pensare al ci-
vile e ordinato riprendere della vita italiana.

Come è noto le Corti di assise straordinarie ad eccezione dei Magistra-
to presidente, sono composte esclusivamente di uomini scelti nelle liste
presentate dai C.L.N. e che la funzione del P.M. può indifferentemente
essere attribuita ad un magistrato come ad un avvocato designati dai C.L.N.

1894

Declassified E.O. 12356 Section 3.3/NND No. 785015

11 October 1945.

MEMORANDUM TO: Executive Commissioner

Subject: Minister of Justice TOGLIATTI's circular to Crown Prosecutors.

1. There has been considerable comment in the Rome press for the past week on the circular sent by Minister of Justice Togliatti to Crown prosecutors to suspend the issue of warrants of arrest for métayers denounced for misappropriation of property. To their credit, the Rome District section of the National Association of Magistrates at its meeting on 7 October protested this action as being contrary to the functions of a Minister of Justice.

2. I think it is important that we investigate to see whether the Togliatti circular in question was sent to crown prosecutors in AMG territory. If so, we should determine whether they are following these instructions, and if so, whether we should take action to instruct them to disregard it, in view of AMG responsibilities for good government.

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Copy to: VP CA Section
Legal S/C

24

5523

1895

Declassified E.O. 12356 Section 3.3/NND No. 785015

Ref: 2604/72/GC.

9 October 45.

SUBJECT: Amnesty.

TO : Civil Affairs Section.
(For Chief Legal Adviser).

D37

1. Reference your AG/4079/L dated 2 October 45.

2. Would you be good enough to submit for consideration the draft of a scheme you consider suitable, bearing in mind the points raised in the copy of the Executive Commissioner's minute of 6 October 45, given below.

"On p.56 the F.M. asks for an amnesty for persons convicted by Allied Courts either under Proclamation or Italian law. Your C.L.A. agrees that in certain cases an amnesty would be desirable. Polads agree in principle.

We need to be very careful about this. Sentences passed by Allied Courts are not to be lightly reversed or reduced. We must always remember that the death sentence is irrevocable, and that an amnesty passed on other sentences would rightly make capital sentences appear unjust.

Moreover, we still have AMG in Venezia Giulia and Udine and must relate our clemency to law and order in those areas.

C.L.A., should, however, I submit, put up a scheme."

F H McCLEMENTS

Chief Staff Officer,
To the Executive Commissioner.

5532

240

1896

Declassified E.O. 12356 Section 3.3/NND No. 785015

REGIONAL COMMISSIONER (ATTN. REGIONAL LEGAL OFFICER)

PIEMONTE REGION

6615 5 OCTOBER 1945 PRIORITY

RESTRICTED PD

PARA ONE PD ADVICE OF MINISTER OF PARDON AND JUSTICE ON PETITIONS FOR PARDON OF POMPA GIOVANNI PAREN NOVARA PAREN CMA PASQUALE DI BISCEGLIE GEROLAMO PAREN BIELLA PAREN CMA GALADINI GIUSEPPE PAREN ASTI PAREN HAS BEEN RECEIVED PD PAREN TO REGIONAL COMMISSIONER PAREN ATTENTION REGIONAL LEGAL PAREN PIEMONTE REGION FROM HQ ALCOM CITE ACLEG PAREN

PARA TWO PD THE MINISTER RECOMMENDS THAT THE PETITIONS FOR PARDON BE DENIED PD DOCUMENTS BEING RETURNED

E531

LEGAL SUBCOMMISSION

302

1897

Declassified E.O. 12356 Section 3.3/NND No. 785015

001 8 RECD

CA FILES

SEGRETERIA DI STATO
DI S. SANTITA.

No. 104458/SA

Dal Vaticano, li October 5, 1945

The Secretariat of State of His Holiness has been requested to invoke the good offices of His Excellency Admiral Stone in recommending to the Italian Authorities the commutation of the death sentence decreed for BRUNO CAPPELLINI by the Tribunal of Treviso. A pro-memoria submitted in defense of Sig. Cappellini is herewith enclosed.

15

MO DIST - 8 Oct 45

Action : C.A. Sec 30
Info : Chief Comm
Exec Comm

His Excellency
Rear Admiral L.W. STONE
Chief Commissioner
Allied Commission
Via Veneto, ROME.

238

(enclosure)

T 8 9 8

Declassified E.O. 12356 Section 3.3/NND No. 785015

Transl ation

Memorandum forwarded by Mrs Lina Biondi, living in Rome, via degli Scipioni, 276 tel. 70382

Request fot the comutation of the death sentence decreed for C PELLINI Bruno, former Deputy Commander of the 'Cavellino' Black Brigade (Treviso Province)

---

1. CAPPELLINI was sentenced to death by the Treviso Court, which refused to comute the sentence. Bruno CAPPELLINI's brother, Massimo, was murdered by the Treviso partisans; the husband of his sister, Vittorina CAPPELLINI MARZALONA, died in a concentration camp, for he refused to acknowledge anti-fascism.

2. From the documents of the trial, it appears that Cappellini Bruno only carried out superior orders, assuming the full responsibility of the consequences, and thus discharging all the men under his orders from any responsibility, for they were simply the instruments of the executions.

3. According to the procuratore generale, the proofs of all the charges against Cappellini haven't convinced the Court that such charges were true.

4. From some documents which were obtained after the verdict had been pronounced and confirmed, it appears that Dr. DANILO GIACOMETTI, leader of the Castelfranco partisans, was spared thanks to the courageous intervention of Cappellini.

5. Besides, six partisan prisoners were saved by Cappellini Bruno, as it was proved during the trial.

6. Two were partisans, PICCIN Alberto and VIERA Riccardo, telegraphed to the Minister, saying they owed their life to Cappellini and asking for the death sentence to be commuted.

7. There is absolutely no evidence that Cappellini ever tortured people.

8. The crimes committed by his brother, Massimo Cappellini, killed by the partisans, were often attributed to Cappellini Bruno, as from the statements of Dr. Enzo MATTEA, head of the volunteers of Freedom Unit if Treviso.

9. With the documents, there is a statement signed by VIERA Riccardo, saying that he had been condemned to death by the anti-fascists, together with PIOTTO Ultimo, BOTTO Adriano, and PERON Mario, all member of the Garibaldi Brigade "Goffredo Mameli" of Massimo, and that they were saved by the personal intervention of Cappellini Bruno.

Should you kindly decide to intervene, the requests for the commutation of the sentence must be sent to Admiral Stone, Chief of the Allied Commission in Italy and also for the attention of the British and American Ambassadors.

(238)

I 8 9 9

Declassified E.O. 12356 Section 3.3/NND No. 785015

The documents of the trial and the verdict have been sent to the Allied Commission, Legal Sub-Commission, which is supposed to forward them to have them carried out, and is temporarily keeping them, to wait for the result of these last steps.

trans. e/c

238

R.28

19001

Declassified E.O. 12356 Section 3.3/NND No. 785015

1221/2

6 October 1945

My dear Mr. Prime Minister:

I understand that a recent decree of the Italian Government transfers the program of forfeiture of Fascist profits from the High Commissioner for Sanctions Against Fascism to the Ministry of Finance. In this connection, I should appreciate information on the following points:

(a) How much has actually been paid in to date to the Treasury under the procedure which has been in effect;

(b) What has been the average period of time during which a protective sequester has had to be maintained prior to final assessment of tax to be paid;

(c) Does the Government contemplate retaining profits of regime on a separate levy, or will it be assimilated into a capital levy or some other extraordinary levy to expedite its collection.

I should also appreciate any other pertinent data or material which you may have which bear on your answers to the above questions.

Very truly yours,

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

5297

Professor Ferruccio Parri
The President of the Council of Ministers
Italian Government
Rome

239

1901

Declassified E.O. 12356 Section 3.3/NND No. 785015

E.C.

To see, if correct for what I sent on this subject

ENS cc

C.E. Clarke

We already have copy

RETURNED FOR YOUR FILES.
OCT 2 / RECD

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

October 1945.

SUBJECT : Amnesty.

TO : The Chief Commissioner.

OCT - 9 1945

Herewith translation of draft of letter which the Prime Minister proposes to address to you in the near future.

G. G. Hannaford

G. G. HANNAFORD,
Lt. Col.,
Deputy Chief Legal Advisor.

Copy to : Exec. Commissioner.

See 240

237

A

OCT 2 REC'D

THE PRESIDENT OF COUNSEL
OF MINISTERS

Rome,

To Hon. Admiral Stone,

I should like to inform you how opportune would be in the present state of the country an act of clemency by the Allied autorities in favour of those who have been condemned by Allied tribunals either under our laws or under the orders and proclamations of A.M.G..

I assure you that an amnesty for the above-mentioned offences is keenly awaited by public opinion in Italy now that the indispensable but temporary necessities of war have ended with victory over the Nazi-Fascists. Such necessities often obliged Allied tribunals to impose severe sentences which have been only rarely mitigated by a grant of pardon.

Such provision for an amnesty would moreover avoid the serious difference now existing between the conditions of those condemned by Italian tribunals and those condemned by Allied courts. No amnesty has been granted for the latter, while the former have enjoyed the amnesty of 5th April 1944, and with the probability that they will enjoy a further benefit that is now under consideration.

I think, my dear Admiral, that the amnesty in question would be suitably granted on the occasion of the restoration by A.M.G. to the Italian Government of the remaining national territory

24
525

Declassified E.O. 12356 Section 3.3/NND No. 785015

offences is keenly awaited by public opinion in Italy now that the indispensable but temporary necessities of war have ended with victory over the Nazi-Fascists. Such necessities often obliged Allied tribunals to impose severe sentences which have been only rarely mitigated by a grant of pardon.

Such provision for an amnesty would moreover avoid the serious difference now existing between the conditions of those condemned by Italian tribunals and those condemned by Allied courts. No amnesty has been granted for the latter, while the former have enjoyed the amnesty of 5th April 1944, and with the probability that they will enjoy a further benefit that is now under consideration.

I think, my dear Admiral, that the amnesty in question would be suitably granted on the occasion of the restoration by A.M.G. to the Italian Government of the remaining national territory and could take the form of a legislative provision of the Italian government with the previous consent of the Allied Commission.

Referring to the same question I inform you moreover that at a recent meeting between the members of the Legal Sub-Commission and the Minister of Justice the Chief Legal Adviser Col. W.E. Behrens, not officially but in his private capacity, has indicated that the Allied Commission would be able to examine the above question. It is unnecessary to add that it will be for the Allied authorities to fix the limits of such a concession, and exclude those offences which are considered more harmful to their own interests

237

26 2/1 E

525

Declassified E.O. 12356 Section 3.3/NND No. 785015

would you therefore, my dear Admiral, kindly tell me your opinion regarding this proposal which with your general approval could be considered in detail by the Minister of Justice and the Legal Sub-Commission in collaboration.

I have the honour to be etc. etc.

1904

Declassified E.O. 12356 Section 3.3/NND No. 785015

1905

Declassified E.O. 12356 Section 3.3/NND No. 785015

NARA

1906

HEADQUARTERS ALLIED COMMISSION
APO 394
FINANCE SUB-COMMISSION

SECRET

SEP 28 PM
CC 0910

13191/F

27 September 1945

SUBJECT: Sequestration of Fascist Profits.

CC FILES

TO : The Chief Commissioner.

1. I refer to your CC 2602 of 7 September, on the allegei misuse in north Italy of the law for the Sequestration of Fascist Profits to expel owners and managers.

2. As you are aware, we immediately telegraphed to our Regional Finance Officers in north Italy, asking for reports. The answers from Lombardia, Liguria, Piemonte, and Venezie Regions were in the negative. For example, the situation in Piemonte was summarised by the RFO as follows:

"Detailed examination now discloses the following situation for Piemonte Region:

Total number of cases for sequestration of Fascist profits under DLL 27 July 1945 n. 159 and 31 May 1945 n. 364	164
Numbers of requests by owners to revoke the sequestration	15
Number revoked	5
Number reduced	1
Still under review	9

It is considered that as only 15 owners out of a total of 164 have lodged objections, and that these objections are being adequately considered, the position is in order and in accordance with the Italian law."

3. After reviewing these reports, at your suggestion I consulted with Mr. Tasca of the American Embassy, who stated that Lt-Col. Palmieri of the Legal Sub-Commission and Senatore Ricci, Minister of the Treasury, had details as to specific cases. I then saw Lt-Col. Palmieri, who indicated he had no such details, but would be glad to see Minister Ricci with me. I informed Tasca of this, who objected to seeing Ricci in the presence of Palmieri. Tasca and I then saw Ricci alone on 25 September. Ricci was extremely vague as to specific cases, saying that construction firms in Genoa were being paralyzed in their operations by having inexperienced or incompetent sequestrators appointed. Ricci's point seemed to be not that the law was being abused or extended illegally, but that it was being administered unwisely. Thus, a firm might rightly be sequestrated, but the sequestrator appointed might proceed to ruin the company. Sequestered firms were rendered

Declassified E.O. 12356 Section 3.3/NND No. 785015

"Detailed examination now discloses the following situation for Piemonte Region:

Total number of cases for sequestration of Fascist profits under DLL 27 July 1945 n. 159 and 31 May 1945 n. 364	164
Numbers of requests by owners to revoke the sequestration	15
Number revoked	5
Number reduced	1
Still under review	9

It is considered that as only 15 owners out of a total of 164 have lodged objections, and that these objections are being adequately considered, the position is in order and in accordance with the Italian law."

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4. The law is being revised and the new text is promised for an early date.

[signed] ROBERT B. MENAPACE.
Colonel.

Joint Director,
Finance Sub-Commission.

BELT:RBM:jbh

Declassified E.O. 12356 Section 3.3/NND No. 785015

1908

Declassified E.O. 12356 Section 3.3/NND No. 785015

ADQUARTERS ALLIED COMMISS. N
APO 394
LEGAL SUB-COMMISSION

AC/4092/1/L. GGH/pa.
26 September 1945.

SUBJECT : Execution of Death Sentences in Emilia and other Regions of Northern Italy.

TO : The Minister of Pardon and Justice.

1. During the last few days the Minister of Justice has been good enough to forward to this Sub-Commission copies of the orders of execution of persons sentenced to death by the Extraordinary Court of Assize of Emilia when this region was under AMG.

2. The Minister's desire of placating the local population by speeding up the execution of neo-fascists is well understood. On the other hand this Sub-Commission notes that since 13 September last the Minister has not confirmed any death sentence pronounced in Regions other than Emilia, in spite of the fact that 19 complete cases, with copies of sentences and "istruttoria" have been forwarded to the Ministry some time ago. On the contrary two sentences have been commuted.

3. This situation has caused some surprise at this Headquarters, as it cannot be believed that the Minister is endeavouring to create artificial differences in the administration of justice between territories still under AMG and those restored to Italian administration.

4. This Sub-Commission would be grateful if the Minister's decisions could be more evenly distributed.

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

Copy to : Chief Commissioner.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

CROSS-REFERENCE SHEET

Letter DF/5.23/CA, dated 26 Sep 45, from Admiral Stone to Italian Prime Minister, Subject: Implementation of DLL 149 in AMG Territory.

DOCUMENT FILED IN: 2610/CC

5521

334

1910

Declassified E.O. 12356 Section 3.3/NND No. 785015

AC/1692/1/1.

/rlp.
26 September 1945.

My dear Mr. Prime Minister:

I have to acknowledge your letter of 12 September 1945 in which you press for quicker action for the execution of persons sentenced to death by the extraordinary Courts of Assize. I entirely agree with you that this problem is a matter of the highest importance in securing good order in S. Italy; in fact I have already written to you on 12 July 1945 in order to speed up the existing procedure.

I was however so surprised by the suggestion, contained in your letter, that the Legal Sub-Commission was responsible for the delay that I have had a full enquiry into the position.

As you are aware the sole concern of the Legal Sub-Commission is to obtain from the Minister of Justice his opinion on each case as soon as possible, and for that purpose to provide the Minister with the necessary documents at the earliest possible date. The Minister himself laid down, in a Ministerial Circular, exactly what documents are required for his examination of each case, and this Circular has been given full effect in AMG territory and is scrupulously followed.

I should, I think, explain that the Minister stated that for normal cases he would only require the "sentence" of the court of first instance and the Court of Cassation, together with the reports of the Publico Ministero on the merits of the petition. He specifically stated that he did not normally require a copy of the "istruttoria" into the merits of the case, since he realised the length of time that would be needed for the production of such a copy. If he needed to read the "istruttoria" in any particular case he would ask for it specifically.

The situation is that so far 270 death sentences have been pronounced by the Courts of first instance in S. Italy. Of these, 122 have been confirmed by Cassation. Of the remaining 148, some have been varied in appeal and others are still pending in Cassation. The Minister has already requested the "istruttoria" in no less than 104 cases. This of course causes considerable delay, first in the time taken by the Minister to decide that he requires the "istruttoria," and secondly in the preparation of the necessary documents, which are normally of very considerable length. These documents can only be prepared by the Publico Ministero of the court of first instance, where, as you know, there is a great shortage of staff. However, of these 104 cases the "istruttoria"

520

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1911

Declassified E.O. 12356 Section 3.3/NND No. 785015

has already been supplied in 39. The total number of cases in which the Minister of Justice has expressed his opinion is 29, and in each of these he has retained the papers from 2 to 4 weeks before making his recommendations. In some cases he has been in possession of the papers for over a month and has not yet expressed any view.

Finally I would like to draw your attention to the position in Emilia Region. 22 death sentences imposed in that Region had been confirmed by cassation and were in the hands of the Minister of Justice by 4 August 1945. Although this territory has been under Italian administration for over 6 weeks the Minister has only been able to give a decision in one of these 22 cases up to this time.

I feel sure that you will agree that, in these circumstances the delay rests entirely with the Italian procedure and I must repeat, my dear Prime Minister, the request contained in my earlier letter for a procedure to be devised by the Italian Government which will produce quicker results.

Yours very truly,

/s/ Ellery W. Stone

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

Prof. Ferruccio Parri
The President of the Council of Ministers
Italian Government
Rome

5519

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1912

Declassified E.O. 12356 Section 3.3/NND No. 785015

13 RFCD
CC 1555

Headquarters Allied Commission
APO 394
Finance Sub-commission

Ref: 13191/F

14 September 1945

SUBJECT: Sequestration of Fascist profits

TO: The Chief Commissioner

1. Further to my memorandum 13191/F of 12 September to you, a report on the administration of the Italian law for the sequestration of Fascist profits has now been received from our Regional Finance Officer in Liguria Region.

2. The R.F.O. reports that the law in question is being most rigidly observed and that cases of sequestration show no unusual features.

3. Reports from Lombardia and Venezia Regions will be sent to you as soon as they are received.

See 236

R.A. Shenefield
Col.
Joint Director
Finance Sub-commission

cc CA Section

232

2618

1913

Declassified E.O. 12356 Section 3.3/NND No. 785015

SEP 15 RECD

cc files

HEADQUARTERS ALLIED COMMISSION
APO 394
Finance Sub-commission

Ref: 13191/F

14 September 1945

SUBJECT: Desequestration of Fascist Profits

TO: The Chief Commissioner
(Through Executive Commissioner).

1. Further to my memoranda 13191/F of 12 September and 14 September, I have now received a report from the Regional Finance Officer, Venezia Region.

2. The R.F.O. reports that he has found no cases of the misuse of the Italian law for the sequestration of Fascist profits.

(signed) ROBERT H. MENAPACE,
Colonel

Joint Director
Finance Sub-commission

(Copy retained for files)

1914

Declassified E.O. 12356 Section 3.3/NND No. 785015

EC Files

HEADQUARTERS ALLIED COMMISSION
APO 394
Finance Sub-commission

Ref: 13191/F

12th September 1945

SUBJECT: Sequestration of Fascist Profits

TO: The Chief Commissioner

226

1. Reference your CC 2602 of 7 September 1945 to Executive Commissioner, copy to Civil Affairs Section, which was transferred to us by them for action.

2. Upon receipt of this letter we immediately sent out telegrams to all Regional Finance Officers for reports both by telegram and letter on this subject.

3. We have just received a telegram from the Regional Finance Officer, Piemonte region, reporting one case only. In Biella a case brought up concerning the firm of Crollo was erroneously admitted to the courts by the President of the local Tribunal, but it was dismissed by the Court of appeal.

4. We will send further reports to you as soon as they are received.

(signed) ROBERT B. MENAPACE.
Colonel.

Joint Director
Finance Sub-commission

5516

CC to CA Section

2314 (Copy Retained For EC Files)

1915

Declassified E.O. 12356 Section 3.3/NND No. 785015

SECRET

901
SEP 121145B

F/7407
SEP 121830B
IMMEDIATE

AMG LIGURIA REGION

HQ ALGOM CITE ACFIN

SECRET.

Reference your telegram 5002 dated 8 September am informed by INTENDENTE all provinces Italian law on sequestration Fascist profits most rigidly observed by them. Cases of sequestrations made show no unusual features. Letter will follow as directed. Signed WARE.

HEADQUARTERS
17 SEP 945
A.G.

DIST

ACTION: Finance SG
INFO: Chief Commissioner
Econ Sec 2
File 2
Float

SECRET

5515

1916

Declassified E.O. 12356 Section 3.3/NND No. 785015

reyu.146

EP 15 REC'D
CC-1140

Translation

The President of the Council of Ministers

427/8664 Rome, 12 September 1945

Dear Admiral,

the Minister of Justice pointed out to me that matters are getting rather difficult in some provinces, for the condemnations to death pronounced by the 'Corti di assise straordinarie' are not being carried out, or only in small part.

Most of this delay is due to the fact that the Department of Justice is not able to express its opinion on the appeals for grace which it receives, for it doesn't have the necessary documentation about the trial, which it must receive through the channel of the Allied authorities.

I shall be most grateful, my dear Admiral, if you kindly intervene with the competent offices of the Legal Sub-Commission, to have the said documentation forwarded more rapidly to the Department of Justice. This will enable the Ministry to give its opinion without delay about the pending appeals for grace, and quiet down a discontent about the executions which do not take place as well as about acts of clemency postponed too long, that might grow dangerous.

Believe me,

Truly yours,

s. Ferruccio Parri

Admiral Ellery W. Stone
Chief of the Allied Commission
R o m e

trans. e/s

Ec Dist — 14 SEP
Action : C A SEC (2)
Info : CHIEF COMINT
EXEC COMINT

1917

Declassified E.O. 12356 Section 3.3/NND No. 785015

REGIONAL COMMISSIONER (ADMIN. REGIONAL LEGAL OFFICER) VENEZIA REGION

8231 10 SEPT. 45 SECRECY

RESTRICTED FD

PARA ONE FD ADVICE OF THE MINISTER OF PARDON AND JUSTICE ON PETITION

FOR PARDON OF VALERI VALERIO CMA ZAVAGNIN DARIO CMA VICENTINI GAETANO AND

MARCAROLO LUIGI HAS BEEN RECEIVED FD

REFER TO REGIONAL ADMIN. SECTION, PADUA ATTENTION REGIONAL LEGAL OFFICER

PADUA VEN. GIL MARTIN KING H. ARCOR GATE ACCRG PADUA

PARA TWO FD IT IS NOTIFIED THAT ALL THE PETITIONS ARE DENIED FD

DOCUMENTS BEING RETURNED

5513

ALLIED SUBCOMMISSION

302

1918

Declassified E.O. 12356 Section 3.3/NND No. 785015

AMG VENEZIE REGION GMA AMG PIEMONTE REGION GMA AMG LIGURIA REGION GMA AMG LOMBARDIA REGION

5002 8 Sept 45 PRIORITY

SECRET PD

PARA ONE PD CHIEF COMMISSIONER IS INFORMED THAT ITALIAN LAW ON REGISTRATION FASCIST PROFITS IS BEING USED IN NORTH ITALY FOR SEIZURES OF PLANTS AND EXPULSION OF OWNERS AND MANAGERS TO A DEGREE NOT PROVIDED FOR IN THIS LAW PD

PARA TWO PD SEND UNDERF REPORT THIS HEADQUARTERS BY TELEGRAM GMA WITH DETAILS BY LETTER

See 2-3

Finance SC

516

NICHOLAS PIOMBINO,
CWO USA, Asst. Adjutant.

1919

Declassified E.O. 12356 Section 3.3/NND No. 785015

CC

Tel: 735

Ref: 567/95/EC. 7 September 1945.

SUBJECT: Sequestration of Fascist Profits.

TO : Civil Affairs Section.

With reference to the Chief Commissioner's CC 2602 dated 7 Sept 1945 on the above subject, will you please take the necessary action.

R. W. KEMSLEY

Chief Staff Officer,
To Executive Commissioner.

5511

1920

Declassified E.O. 12356 Section 3.3/NND No. 785015

CC 2602

7 September 1945

Subject: Sequestration of Fascist Profits

To: Executive Commissioner

Information has reached me that the Italian law providing for sequestration of Fascist profits is being used in the North for seizure of plants and expulsion of managers and owners to a degree not provided for by the law in question. It is requested that this matter be investigated and a report rendered to me promptly so that, if necessary, appropriate representations may be to the Italian Government.

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral
Chief Commissioner

cc: CA Section
Pol Adver (A)
Pol Adver (B)

Sec 2.7

CC 2602/1

510

2 Pp

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

REF : SD/140-AL 4 September 1945

SUBJECT : LAURO Achille

TO : Director, Public Safety Sub Commission

1. The case of LAURO was reviewed at Terni on the 23 Aug. 45 by a board consisting of Lt. Col. CHAD Commandant of "R" Internee Camp, Terni, and myself, when it was decided to recommend his release. This recommendation was forwarded to AFHQ, whose decision is now awaited.

2. LAURO's arrest report contained no information other than that he was to be interned on security grounds for the duration of the war.

3. A lengthy Intelligence report was examined from which it was ascertained that the charges leading to his arrest were that he give hospitality at his Villa to GOERING and Von RIBBENTROP and had been on intimate terms with CIANO. Other charges such as illicit profiteering and corruption were of no security interest.

4. The Board came to the decision to recommend LAURO's release on the following grounds:-

a. His continued detention purely on the grounds of his association with GOERING& others could not be justified without evidence of activity against Allied interest. No such evidence was available.

b. Questioned about these associations he denied ever having met GOERING or RIBBENTROP and stated that no ~~GOERING~~ officer or official had ever visited his house, but that a Villa belonging to him had been requisitioned by the then Prefect of Naples for the use of such officials. While this assertion may or may not be true, there is no evidence that such association, if any, produced any tangible results effecting Allied interests or security.

Declassified E.O. 12356 Section 3.3/NND No. 785015

release. This recommendation was forwarded to AFHQ, whose decision is now awaited.

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a. His continued detention purely on the grounds of his association with GOERING&others could not be justified without evidence of activity against Allied interest. No such evidence was available.

b. Questioned about these associations he denied ever having met GOERING or RIBBENTROP and stated that no ~~GOERING~~ officer or official had ever visited his house, but that a Villa belonging to him had been requisitioned by the then Prefect of Naples for the use of such officials. While this assertion may or may not be true, there is no evidence that such association, if any, produced any tangible results effecting Allied interests or security.

c. He admitted association with CIANO on purely business matters, and the Board was of the opinion that the association of two of the most influential business men in Italy was not unreasonable and did not necessarily indicate a danger to security.

d. His firm's long association with English firms of repute and his obvious desire to reestablish connections with them as soon as possible made it appear unlikely that he would, if released, take any steps which might lead to the severance of these connections.

e. Having taken the evidence and LAURO's explanations into consideration, and bearing in mind the cessation of hostilities, the Board was of the opinion that his release did not constitute a threat to military security and would have no political significance.

5. LAURO has already appeared before a court set up by the High Commissioner for Sanctions against Fascism on a number of charges alleging collaboration with the Germans, illicit profits,

Declassified E.O. 12356 Section 3.3/NND No. 785015

corruption, etc. He was acquitted on all charges. He held no offices under the Fascist regime and has not exhibited any political activity. At the time of these proceedings his property was sequestrated, but in view of the collapse of the case against him it is understood that the order has been rescinded.

6. Release of internees after review is generally recommended in view of the end of hostilities; enemy agents, saboteurs and persons considered highly dangercus politically being excepted.

C.B. HAYES,
Captain,
Security Division.

CBH/nb

Ist. Ind.

Ref: SD/140-AL

5 September 1945

Hq., ALCOM, Security Division, Public Safety Sub Commission APO 394

TO : Chief Commissioner

1. No reply to the recommendation has yet been received from AFHQ by the Camp authorities, but should they desire to release him it appears he will be free to resume his business, as he has been cleared by the High Commissioner for Sanctions against Fascism.

JOHN W. CHAPMAN,
Colonel J.A.G.D.,

Declassified E.O. 12356 Section 3.3/NND No. 785015

CEH/nb

Ist. Ind.

Ref: SD/140-AL 5 September 1945

Hq., ALCOM, Security Division, Public Safety Sub Commission APO 394

TO : Chief Commissioner

1. No reply to the recommendation has yet been received from AFHQ by the Camp authorities, but should they desire to release him it appears he will be free to resume his business, as he has been cleared by the High Commissioner for Sanctions against Fascism.

John W. Chapman

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

5508

SJH/nb

225

Declassified E.O. 12356 Section 3.3/NND No. 785015

1925

Declassified E.O. 12356 Section 3.3/NND No. 785015

Ref: AC/4083/53/...

21 August 1945.

223

Dear Meden,

I thank you for your letter of the 11th August 1945.

I have examined the circumstances of your son's case, but I regret to inform you that, in view of the seriousness of the offences which he committed, I am not in a position to reduce or modify his sentence.

Yours truly

/s/ Ellery W. Stone

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

Signore .ISACAR mert. PENZA,
Via Concenzio Muzy,
Piazza Tribunale,
Naples.

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1926

Declassified E.O. 12356 Section 3.3/NND No. 785015

AUG 22 RECD

HEADQUARTERS ALLIED COMMISSION
AcO 394
LEGAL SUB-COMMISSION

WEB/rm.
21 August 1945.

AC/4083/23/L.

SUBJECT : Case of PANZA Giuseppe.

TO : Chief Commissioner.

1. Reference the attached petition, PANZA Giuseppe was found guilty by an AMG Court at Naples on 11 Dec. 44 of:

(a) Conspiring to forge allied documents and effect by means of such documents the release from geol of persons sentenced by AMG Courts.

(b) Effecting or condoning the release of such prisoners by such documents.

2. There was abundant evidence to support the convictions; PANZA admitted that he received L. 4000 from one released prisoner to "keep silent".

3. PANZA has been sentenced to 3 years imprisonment. In view of the fact that a large number of prisoners were being released from Naples by forged release orders I do not consider that this sentence is excessive or that it should be reduced. 8 other persons, tried at the same time, are serving a similar term.

4. As the petition raises no new point, I recommend that it be denied. I have drafted the attached reply.

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

- See 224

5506

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1927

Declassified E.O. 12356 Section 3.3/NND No. 785015

Ref: AC/4010/2/L.

8 August 1945

My dear Mr. Prime Minister,

I have carefully considered the difficulties in the implementation of Italian legislation within AMG territory to which you refer in your letter of 30 July 1945.

As you are aware, all Official Gazettes are supplied by AMG to the Prefects of all provinces in AMG territory and the distribution of the Gazettes is made by the Prefect within the province on the same scale as in Italian Government territory. Owing to the different areas to be reached, delivery cannot be made to all Prefects nor even to all communes within one province on the same day. Delivery is, however, made as soon as possible.

The legislation in any particular Gazette is, unless disapproved by AMG, made effective in each province of AMG territory on the date of the receipt by the Prefect of that province of the subsequent Gazette containing the relevant implementation order. This date is officially recorded by the Prefect, who signs a dated receipt for the Gazette. The Prefect can and should notify his communes and the Italian Government of this date so that there should be no difficulty for either the communes or the Italian Government to know the exact date upon which any decree becomes operative in any particular area.

I feel that at this late stage in AMG administration it might create complications to vary the existing system, which is by now fully understood both by AMG officers and Italian officials. For the time which AMG is likely to continue in North Italy it appears to me to be doubtful whether any advantages would accrue from a modification.

The suggestion which you propose of making laws effective from the date of publication in a subsequent Gazette of notice of the receipt by Prefects of an earlier Gazette does not appear to me to be expedient and would involve an even greater delay in the application of Italian decrees to AMG territory. These decrees can only be applied to AMG territory by an order of AMG, and this order can only be issued in respect of those decrees which are not disapproved by AMG. The procedure for this cannot be shortened. If, therefore, the operation of the laws is to depend upon the subsequent issue of a notice in another Gazette a further period of some ten days must elapse in each case before a decree can become effective.

785015

1928

Declassified E.O. 12356 Section 3.3/NND No. 785015

I entirely agree, however, that Prefects should be ordered in accordance with the existing system to give notice to their communes and to the Ministry of the Interior of the date upon which they receive Gazettes, and I am issuing the necessary instructions for this to be done.

I hope that this will meet your requirements.

Yours very truly,

/s/ Ellery W. Stone
ELLERY W. STONE,
Rear Admiral, USNR,
Chief Commissioner.

Professor Ferruccio Parri,
The President of the Council of Ministers,
Italian Government,
R o m e.

5504

222

1929

Declassified E.O. 12356 Section 3.3/NND No. 785015

RESTRICTED

FX 32003
AUG 041440B

F/2643
AUG 041720
ROUTINE

AFHQ SIGNED CG MTOUSA CITE NAPMG
HQ ALCOM INFO CG 5TH ARMY

RESTRICTED.

See ALCOM cable 2488, of 25 July 1945 for reference and letter Allied Force 18 January 1945, execution of convicted persons, AG 014.53/047 GEG-O, subject: Execution of LINI ACHEILLE, Commanding General 5TH ARMY will be delegated authority to conduct execution if sentence is confirmed and he will designate a UNITED STATES Military Police unit under his command for this purpose under the immediate supervision of the UNITED STATES Provost Marshal. Original confirmation of sentence and certified copy of delegation of authority to confirm sentences and other necessary documents will be presented direct to Commanding General 5TH ARMY, who will cable this Headquarters, Attention: Provost Marshal General, that such is on hand and indicate unit designated to carry out execution, upon receipt of this information specific instructions to conduct execution will be issued. Procedure for executions will be subs tantially as announced in WAR DEPARTMENT pamphlet 27-4, dated 12 June 1944. Both addresses.

Please acknowledge receipt of this message.

dist

ACTION LEGAL SC
INFO CHIEF COMMISSIONER
CA SEC
FILE 2
FLOAT

331

RESTRICTED

1930

Declassified E.O. 12356 Section 3.3/NND No. 785015

Translation

Maps 5 Following up from EC files Ryu. 27

The Presidnat of the Council of Ministers
N. 30512/1/1.26

30 July 1945

AUG 1 RECD
CC 1142

My dear Admiral,

as you well know, according to the ordinances of the Allied Military Government concerning the extension of the Italian legislative regulations to the territories which are under it, the said regulations become in force on the day when the prefects of the various provinces receive from A.M.G. a copy of the Gazetta Ufficiale containing the text of the said ordinances.

Now it happens that this communication is not always brought in time to the knowledge of the offices and citizens concerned with the enforcement of the above mentioned regulations. There occurs therefore the following serious inconvenience: for a more or less long lapse of time, legal regulations which are formally in force can be unknown to the very people who have to observe them. On this subject, we have taken in consideration the hypothesis that the said time limits fixed by law to exercise some rights or fulfil some obbligation happened to fall due without the knowledge of the persons concerned.

I think that two different solutions could eliminate the above mentioned inconvenience. One of them would be to give instructions to the prefects to give immediate and adequate publicity to the enforcement of the said regulations, informing also the Presidency of the Council of Ministers, because of the interest even if only indirect, which this enforcement may have for the central administrations. The other solution would be to have the announcement of the sending of the Gazzetta to the prefects published in one of the next numbers of the said Gazzetta: the regulations would naturally become in force on the date of this announcement. This second solution appears to be preferable, for it has the advantage of having the enforcement of the decrees start from a well defined date of which it would be easy to make certain.

I shall be most grateful if you kindly consider the advisability of having this matter studied by your offices, to have this matter settled in a different way.

Waiting for your answer, I remain,

Yours very truly,

s. Ferruccio Parri (?)

trans. e/o
C.C

333

See EC List - 31 July 45

ACTION: C of S Sec (2)
INFO: Chiefs Comm
Exec Comm

333 √ 4

1931

Declassified E.O. 12356 Section 3.3/NND No. 785015

Tian Luo Talks
Place in North
Regions, & in
Particular of
ALL 151?

Luis
CC

24
7

1932

Declassified E.O. 12356 Section 3.3/NND No. 785015

V.P.– C.A. Sec.

See marked P

P. 2.

In view of
the overlap
between IV Corps
& Reg. Comms.,
can you say
what implementa-

1933

Declassified E.O. 12356 Section 3.3/NND No. 785015

HEAD ARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

JUL 26 RECD
cc 0915
25 LUG 1945

AC/4010/2/L. WEB/lc.
25 July 1945.

SUBJECT : Implementation of DLL 151.

TO : Chief Commissioner (through VP CA Sec.).

1. By agreement with 5th Army, 8th Army, and IV Corps Italian legislation was implemented (except of course those decrees specifically excluded) during the continuance of Army and Corps control. No question therefore arises about any overlap.

2. The procedure was that on a given date in each province the whole bulk of legislation passed by the Italian Government between 8 Sept. 1943 and that given date was implemented (except the decrees specifically excluded) with effect from that given date.

The given date varies very slightly in different provinces of Regions but substantially the dates are: -

EMILIA..... 8 May.
LIGURIA..... 7 "
VENEZIA.....19 "
PIEMONTE.....19 "
LOMBARDIA.....19 "

3. DLL 151 was an approved decree, included in the bulk implementation, and was therefore implemented in the provinces with effect from the dates set out above.

5501

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

SO to Chief Commissioner ←
This answers Chief Commissioner's query underneath.
O.A.B. Bankes Lieut. 1/101

219 25/7

213

1934

Declassified E.O. 12356 Section 3.3/NND No. 785015

IMPLEMENTATION OF DLL 151 IN NORTHERN ITALY

1) DLL 151 of 25 June 1944 is included in the "Raccolta" of Laws and Decrees of the Italian Government promulgated between 8 Sept. 43 (18 Nov.) and 8 July 44 (Page 646) and implemented in AMG territory by order of the ~~Chief~~ Commissioner on 21 July 44.

2) The "Raccolta" together with the supplement of G.U. 151 implmenting all Italian decrees promulgated from 18 Nov. 43 to 12 April 45 in territories situated North of a line formed by the boundaries of the provinces of RAVENNA, FIRENZE, PISTOIA, LUCCA and APUANIA became executive through established procedure on the following dates:

EMILIA (BOLOGNA)..... 8 May 45.
LIGURIA (GENOVA).....7 " "
VENEZIA (VENEZIA).....19 " "
PIEMONTE (TORINO).....19 " "
LOMBARDIA(MILANO).....19 " "

3) The date upon which an Italian decree acquires full force and effect of law in any given province under AMG being the date on which the Prefect receives from AMG such decree (see Italian Government directive) the fact that IV Corps and Lombardy Region overlaped did not in any way effect the established procedure above referred.

SGH

300

(219)

1933

Declassified E.O. 12356 Section 3.3/NND No. 785015

ALLIED [redacted] COMMISSION

INTER-OFFICE MEMORANDUM

SUBJECT:

TO : P.A. to CC. 22 July 1945

The CC. asked for particulars as to the detailed procedure for implementing decrees in Allied Territory.

Here is the governing directive - see para 4 in particular

5109

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4010/2/L.

EG/rm.
8 January 1945
23 L[illegible]

SUBJECT : Implementation of Italian legislation in Military Government and Army Territory.

TO : See Distribution List.

1. The following text is substituted for that contained in ACC/4010/2/L dated 25 July 1944. It will be noted that the basic procedure established by the previous directive remains unaltered.

2. At para (4) below is reproduced in English the text of the attached explanatory circular in Italian which will be handed to the Prefect on the occasion (a) of a province passing under Regional Control or (b) whenever the Army Authorities decide to apply the system of implementation in advance to a province within the zone under Army control and the competent SCAO issues an order to that effect.

At the foot of the directive is a form of acknowledgement which will be signed by each Provincial Legal Officer and returned to the Legal Sub-Commission for the purpose of recording that the circular was duly delivered to the Prefect when one of the aforesaid alternatives have taken place.

3. As is indicated in paras (2) and (3) of the circular to the Prefects, the Provincial Legal Officer will be responsible for assisting the Provincial Commissioner in carrying out the required formalities and also for remitting to the Legal Sub-Commission at HQ AC the receipts essential for maintaining the records.

The Regional Legal Officers will see that all Provincial Commissioners and Provincial Legal Officers become thoroughly familiar with this directive exercising all possible care in putting it into effect and especially that the receipts are forwarded regularly and without delay.

Whenever a consignment of "Gazzette Ufficiale" is dispatched to a province for distribution a warning note is sent to the Regional Legal Officer concerned giving the number of packets dispatched and

Declassified E.O. 12356 Section 3.3/NND No. 785015

apply the ... the zone under Army control and the competent ... to that effect.

At the foot of the directive is a form of acknowledgement which will be signed by each Provincial Legal Officer and returned to the Legal sub-Commission for the purpose of recording that the circular was duly delivered to the Prefect when one of the aforesaid alternatives have taken place.

3. As is indicated in paras (2) and (3) of the circular to the Prefects, the Provincial Legal Officer will be responsible for assisting the Provincial Commissioner in carrying out the required formalities and also for remitting to the Legal Sub-Commission at HQ AC the receipts essential for maintaining the records.

The Region I Legal officers will see that all Provincial Commissioners and Provincial Legal Officers become thoroughly familiar with this directive exercising all possible care in putting it into effect and especially that the receipts are forwarded regularly and without delay.

Whenever a consignment of "Gazzetta Ufficiale" is dispatched to a Province for distribution a warning note is sent to the Regional Legal Officer concerned giving the number of packets dispatched and the corresponding issue number of "Gazzetta Ufficiale", thus keeping the RLO informed and enabling him to ensure proper delivery by checking with the message center of his HQ.

4. Translation of the Circular to Prefects:

MINISTRY OF EDUCATION AND JUSTICE
Office for Publication of Laws and Decrees

Rome, 5 Jan. 1945

To: Their Excellencies the Prefects

SUBJECT : Efficacy and promulgation of decrees carried by the Italian Government and published in the "Gazzetta Ufficiale" of the Kingdom.

The Allied Commission (A.C.) has ordered the distribution /of the

(19)

Declassified E.O. 12356 Section 3.3/NND No. 785015

of the "Gazzette Officiale" of the Kingdom in territories administered by the Allied Military Government (A.M.G.) exclusive of the provinces in the zone of operations controlled by the Army.

However in the last mentioned provinces the distribution may be made from time to time on the order of the competent Senior Civil Affairs Officer (SCAO).

By agreement with this Ministry the said Allied Commission has issued the following instructions in respect of the efficacy and promulgation in the aforesaid territories of the legislation enacted by the Italian Government and published in the "Gazzette Officiale" of the Kingdom:

(1). Said legislation shall be made operative in territories administered by A.M.G. by virtue of a special endorsement of the Deputy Chief of Staff of the Allied Commission published at the end of the "Gazzetta" and referring to legislative provisions published in one or more issues of the "Gazzetta" preceding the issue containing the said endorsement. By way of exception the said endorsement may refer to legislative provisions contained in the same issue of the "Gazzetta" in which the endorsement is printed. The provisions thus made operative will become effective in each Province of the aforesaid territories as of the date on which the competent Prefect receives from A.C. (as explained below in para 2) the copies of the "Gazzetta" containing the above mentioned endorsement, for distribution to addressees within his Province.

However the Deputy Chief of Staff of the Allied Commission may in his endorsement exclude the application to the aforesaid territories of any legislative provision published in those issues of the "Gazzetta" to which the endorsement refers. The legislative provisions thus excluded are published in said territories <u>for information only.</u>

(2) The distribution of the "Gazzetta" is entrusted in each Province of the said territories to the Prefect. For this purpose the Prefect receives from the A.C. through

Declassified E.O. 12356 Section 3.3/NND No. 785015

published at the end of the "Gazzetta" and referring to legislative provisions published in one or more issues of the "Gazzetta" preceding the issue containing the said endorsement. By way of exception the said endorsement may refer to legislative provisions contained in the same issue of the "Gazzetta" in which the endorsement is printed. The provisions thus made operative will become effective in each Province of the aforesaid territories as of the date on which the competent Prefect receives from A.C. (as explained below in para 2) the copies of the "Gazzetta" containing the above mentioned endorsement, for distribution to addressees within his Province.

However the Deputy Chief of Staff of the Allied Commission may in his endorsement exclude the application to the aforesaid territories of any legislative provision published in those issues of the "Gazzette" to which the endorsement refers. The legislative provisions thus excluded are published in said territories for information only.

(2) The distribution of the "Gazzette" is entrusted in each Province of the said territories to the Prefect. For this purpose the Prefect receives from the A.C. through the Office of the Provincial Commissioner, and specifically through the Provincial Legal Officer, a package containing as many copies of the "Gazzette" as are to be distributed under the Prefect's supervision to the addressees indicated on each copy.

(3) In order to record and make known the date of receipt of the individual issues of the "Gazzetta" containing the endorsement set out above in para 1 each Prefect before distribution is made shall cause every copy to be stamped or otherwise marked with the date on which he has received the specific issue of the "Gazzetta"; this date, as explained above in para 1, shall be the effective date in the Province concerned of the legislative provisions thus rendered operative therein. To ensure compliance with this requirement the Prefect receives from A.C. with each packet mentioned above in para 2 a triplicate form of receipt in Italian and English to be executed and

/signed by

Declassified E.O. 12356 Section 3.3/NND No. 785015

signed by him at the request of the Provincial Commissioner thus certifying the date of receipt.

The Prefect shall forward two copies of the aforesaid empliecte form of receipt to the Provincial Commissioner attention Provincial Legal Officer (one for onward transmission to the Legal Sub-Commission of the A.C. and the other to be filed in the files of the Provincial Commissioner) - and shall keep the third copy among the records at the Prefettura. In course, no receipt forms will accompany packets of the "Gazzetta" that do not contain an endorsement.

(4) The legislative provisions enacted by the Italian Government in Brindisi and Salerno and published in the "Gazzetta Ufficiale" Nos. 1/B to 6/B of 1943 and Nos. 1 to 39 of 1944 have been reprinted and collected in one special volume. On page 661 of this volume is reproduced an endorsement of the Allied Commission rendering the major part of said legislative provisions operative in territories administered by the A.M.G. The above set out instructions relating to the "Gazzetta" shall apply equally to the procedure for the putting into effect and divulgation of the provisions reprinted in this "Collection".

(5) It should be noted that when the above system first begins to operate in a Provance, the Prefect concerned will receive in one or more consignments a considerable number of packages each containing an appropriate number of copies of the "Collection" referred to above in para 4 and of the subsequent issues of the "Gazzetta Ufficiale" beginning with issue N°. 40. At this initial stage particular attention will be required to ensure that the receipt forms mentioned above in para 3, relating to the packets to which they are attached, are dealt with in accordance with para 3 of this directive.

1940
Declassified E.O. 12356 Section 3.3/NND No. 785015

to 39 of 1944 have been reprinted and collected in one special volume. On page 661 of this volume is reproduced an endorsement of the Allied Commission rendering the major part of said legislative provisions operative in territories administered by the A.M.G. The above set out instructions relating to the "Gazzetta" shall apply equally to the procedure for the putting into effect and divulgation of the provisions reprinted in this "Collection".

(5) It should be noted that when the above system first begins to operate in a Provance, the Prefect concerned will receive in one or more consignments a considerable number of packages each containing an appropriate number of copies of the "Collection" referred to above in para 4 and of the subsequent issues of the "Gazzetta Ufficiale" beginning with issue No. 40. At this initial stage particular attention will be required to ensure that the receipt forms mentioned above in para 3, relating to the packets to which they are attached, are dealt with in accordance with para 3 of this directive.

(6) Considering the importance attaching to this service designed to ensure within the limits of present possibilities the continuity of the Italian legislative system in territories not yet restored to the administration of the Italian Government, Your Excellencies are enjoined at the request of the A.C. to supervise personally the proper application of this directive.

5405

For any question arising out of these matters please consult the individual Provincial Legal Officers.

Director
Gazzetta Ufficiale of the Kingdom
and Official Collection of Laws
and Decrees.
(sgd) G. GIORGETTI

219

By command of Rear Admiral STONE:

W.E. REYNOLDS.
Colonel.
Deputy Chief Legal Advisor

Distribution list: (see over)

Declassified E.O. 12356 Section 3.3/NND No. 785015

1942

Declassified E.O. 12356 Section 3.3/NND No. 785015

MINISTERO DI GRAZIA E GIUSTIZIA

UFFICIO PUBBLICAZIONE LEGGI E DECRETI

Roma, 5 gennaio 1945.

Alle LL. EE. i Prefetti

OGGETTO: **Efficacia e divulgazione dei provvedimenti emanati dal Governo Italiano e pubblicati nella "Gazzetta Ufficiale" del Regno.**

La Commissione Alleata (A.C.) ha disposto la distribuzione della *Gazzetta Ufficiale* del Regno, nel territorio sottoposto all'Amministrazione del Governo Militare Alleato (A.M.G.) eccezione fatta per le provincie incluse nella zona delle operazioni, sotto controllo delle armate, alle quali provincie, tuttavia, può esserne fatto invio ove lo disponga, di volta in volta, il competente Ufficiale Capo Affari Civili (S.C.A.O.).

D'intesa con questo Ministero, detta Commissione Alleata impartisce le istruzioni in ordine alla entrata in vigore ed alla divulgazione, in detti territori, dei provvedimenti emanati dal Governo Italiano e pubblicati nella *Gazzetta Ufficiale* del Regno:

1) Detti provvedimenti vengono resi operativi nel territorio amministrato dall'A.M.G. mediante una speciale ordinanza del Sottocapo di Stato Maggiore della Commissione Alleata pubblicata in calce alla *Gazzetta* stessa e relativa ai provvedimenti pubblicati in uno o più numeri delle *Gazzette* precedenti il numero ove è inserita l'ordinanza stessa. Eccezionalmente l'ordinanza suddetta potrà riferirsi ai provvedimenti contenuti nello stesso numero della *Gazzetta* in cui l'ordinanza viene pubblicata. I provvedimenti così resi operativi entrano in vigore, in ciascuna Provincia nel detto territorio, dalla data sotto la quale il Prefetto competente riceve, dall'A.C., come specificato al n. 2), gli esemplari della *Gazzetta* che contengono la menzionata ordinanza, per la distribuzione ai destinatari della sua Provincia.

Il Sottocapo di Stato Maggiore della Commissione Alleata si riserva, però, la facoltà, sempre limitatamente agli stessi spazi territoriali di escludere con la stessa sua ordinanza l'efficacia di alcuni fra i provvedimenti pubblicati nel numero della *Gazzetta* cui l'ordinanza si riferisce. I provvedimenti così esclusi vengono resi noti, in detti territori, unicamente a scopo informativo.

2) La distribuzione della *Gazzetta* viene affidata, per ciascuna Provincia in detto territorio, al Prefetto. Allo scopo Egli riceve dall'A.C., pel tramite degli Uffici dei Commissari provinciali ed in particolare degli Ufficiali Legali Provinciali un pacco contenente tanti esemplari della *Gazzetta* quanti dovranno distribuirsene, a sua cura, ai destinatari indicati su ogni copia.

(1) 5

1943

Declassified E.O. 12356 Section 3.3/NND No. 785015

3) Per rendere certa e per divulgare la data di ricezione degli esemplari della *Gazzetta* che pubblica l'ordinanza di esecutorietà menzionata al n. 1), ciascun Prefetto deve, prima di distribuirli, far timbrare, o annotare ufficialmente in altro modo, su ognuno di essi, la data di ricezione da parte sua di quello specifico numero della *Gazzetta*, che, come precisato al n. 1), rappresenta la data di entrata in vigore nella relativa Provincia, dei provvedimenti così resi operativi. Per meglio assicurare questo adempimento, egli riceve dall'A. C., insieme col pacco menzionato al n. 2), un modulo in triplice copia redatto in lingua inglese ed italiana. A richiesta del Commissario provinciale, lo compila e lo firma per attestare la data di ricevimento degli esemplari. Delle tre copie dei moduli anzidetti, ne invia una al Commissario provinciale — all'attenzione dell'Ufficiale Provinciale Legale — una per l'inoltro alla Sottocommissione legale dell'A. C. e l'altra per la conservazione negli atti dell'Ufficio) e trattiene la terza negli atti della Prefettura. Naturalmente nessun modulo di ricevuta accompagna quei pacchi di *Gazzetta* che non contengono ordinanze di esecutorietà.

4) I provvedimenti emanati a Brindisi e a Salerno dal Governo Italiano e pubblicati nella *Gazzetta Ufficiale* dal n. 1/B al n. 6/B nell'anno 1943 e dal n. 1 al n. 39 dell'anno 1944, sono ristampati e raccolti in un volume speciale ove a pagina 661 trovasi pubblicata un'ordinanza della Commissione Alleata che rende operativi nei territori amministrati dall'A.M.G. la maggior parte di detti provvedimenti. Anche per l'entrata in vigore di essi e per la divulgazione della loro « Raccolta », valgono le istruzioni sopra menzionate per la *Gazzetta*.

5) E' da notare che allorchè in una Provincia il sistema sopra esposto ha la sua prima applicazione, il Prefetto interessato riceverà in una o più consegne un rilevante quantitativo di pacchi contenenti il necessario numero di copie della « Raccolta » di cui al n. 4) e dei successivi numeri della *Gazzetta* dal n. 40 in poi. Particolare cura sarà necessaria esplicare in tale stadio iniziale affinchè le ricevute relative ai pacchi cui sono allegate, vengano utilizzate in conformità di quanto precisato al n. 3).

6) Data l'ovvia importanza che attiene al regolare funzionamento di questo servizio, con il quale si vuole assicurata per quanto possibile, la continuità del sistema legislativo italiano nei territori non ancora restituiti all'Amministrazione del Governo Italiano, a richiesta dell'A.C. si prega affinchè le LL. EE. i Prefetti seguano personalmente l'applicazione delle istruzioni che formano oggetto della presente.

Per ogni questione relativa a tale soggetto le LL. EE. i Prefetti vogliano rivolgersi ai singoli Ufficiali Legali Provinciali.

Il Direttore
della Gazzetta Ufficiale *del Regno*
e della Raccolta Ufficiale delle Leggi e dei decreti

G. GIOLITTI

(1103724) Roma, 1945 - Istituto Poligrafico dello Stato - G. U.

Distribution List:

R.C. (attn: R.L.O.) Lazio -Umbria Region	4	
R.C. (attn: R.L.O.) Abruzzi-Marche Region	6	
R.C. (attn: R.L.O.) Toscana Region	11	for distri-
R.C. (attn: R.L.O.) Emilia Region	10	bution to
R.C. (attn: R.L.O.) Liguria Region	6	PLOs in AMG
R.C. (attn: R.L.O.) Piemonte Region	9	and Army
R.C. (attn: R.L.O.) Lombardia Region	12	territory.
R.C. (attn: R.L.O.) Venezia Region	17	
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SCA : AMG 8th Army	2	
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Civil Affairs Section HQ AC	9	
Economic Section HQ AC	10	
Civil Affairs Section HQ		for
15th Army Group	1	info
Navy S/C	1	
Land Forces S/C	1	
Air Forces S/C	1	
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Minister of Pardon and Justice	1	
R.C. (attn: R.L.O.) Sicily Region	1	
R.C. (attn: R.L.O.) Southern Region	1	
R.C. (attn: R.L.O.) Sardinia Region	1	
Spares	25	

ACKNOWLEDGMENT

To: HQ. ALLIED COMMISSION, Legal Sub-Commission 5405

I have noted the content of the directive [illegible]

Declassified E.O. 12356 Section 3.3/NND No. 785015

Civil Affairs Section H.Q. AC	9	
Economic Section H.Q. AC	10	
Civil Affairs Section H.Q. 15th Army Group	1	For info
Navy S/C	1	
Land Forces S/C	1	
Air Forces S/C	1	
Communications S/C	1	
War Mat. Disp. and POW S/C	1	
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R.C. (attn: R.L.O.) Sicily Region	1	
R.C. (attn: R.L.O.) Southern Region	1	
R.C. (attn: R.L.O.) Sardinia Region	1	
Spares	25	

ACKNOWLEDGEMENT

TO: HQ. ALLIED COMMISSION, Legal Sub-Commission 5405

I have noted the content of the directive file No. AC/4010/2/L of 4 Jan. 1945 and delivered the circular attached to the Prefect in _____.

_____
Provincial Legal Officer
_____ Province

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(19)

Declassified E.O. 12356 Section 3.3/NND No. 785015

1946

Declassified E.O. 12356 Section 3.3/NND No. 785015

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref: AC/14754/7/P3 13 Jul 45

SUBJECT: Lt. Colonel Arturo PINTO.

TO: General Confederation of Italian Industry
Association of the Manufacturers of the Florence Province.

213

I have received your letter of the 3 July 45 addressed to Admiral Stone.

I have given instructions for the case of Lt. Colonel Arturo Pinto to be investigated by the responsible authorities, from whom I hope to get a reply within the course of a week or two.

G.R. Upjohn

G.R. UPJOHN, Brig.,
VF CA Section.

Copy to: Chief Commissioner,
Executive Commissioner.

218

K494

1946

Chief Commissioner

JUL 12 RECD

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4010/9/L.

/mt.
11 July 1945.

SUBJECT : Economic Decrees.

TO : See Distribution List.

1. Reference is made to directive AC/4010/9/L of 30 April 1945.

2. By order of AMG published in Gazzetta Ufficiale No. 80 dated 5 July 1945 the following 5 economic decrees have been implemented in Northern Italy:-

RDL No. 18/B of 6 Dec 1943;
RDL No. 85 of 13 Mar 1944;
DLL No.328 of 18 Nov 1944;
DLL No. 3 of 11 Jan 1945;
DLL No. 41 of 30 Jan 1945.

3. This order, which is a "further order of AMG" for the purposes both of General Order No. 41 Art. 2 and DLL No. 180 of 26 April 1945, has the effect of supplementing the official 8 Sept 1943 salaries and pensions of the persons affected in the manner laid down in these decrees. It will be observed that the increases are not related to the salaries which were being paid on 3 April 1945 and which were continued de facto by General Order No. 41 and DLL No. 180.

4. It will further be noted that the decrees implemented include DLL No. 3 of 11 Jan 1945, although this decree is not specifically mentioned in letters from Finance Sub-Commission 13065/F of 27 June and 2 July 1945.

By Command of Rear Admiral CROW:

W. E. BEMBRIDGE,
Colonel,
Chief Legal Advisor.

DISTRIBUTION:

Chief Commissioner (2)
CA Sec (9)
Econ Sec (15)
Finance S/C (2)
Executive Commissioner (1)

1947
Declassified E.O. 12356 Section 3.3/NND No. 785015

in the manner laid down in these decrees. It will be observed that the increases are not related to the salaries which were being paid on 3 April 1945 and which were continued de facto by General Order No. 41 and DLL No. 180.

4. It will further be noted that the decrees implemented include DLL No. 3 of 11 Jan 1945, although this decree is not specifically mentioned in letters from Finance Sub-Commission 13065/F of 27 June and 2 July 1945.

By Command of Rear Admiral STONE

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

DISTRIBUTION:

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Econ Sec	(15)	
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LIGURIA Region	(30)	"
PIEMONTE Region	(45)	"
LOMBARDIA Region	(50)	"
VENEZIE Region	(40)	"
VENEZIA GIULIA	(30)	

Sufficient for distribution down to Provincial Commissioners, Provincial Finance Officers, Provincial Labor Officers and Provincial Legal Officers.

SCAO 5 Army
SCAO 8 Army
} 2 copies

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K493

1948

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1949

Declassified E.O. 12356 Section 3.3/NND No. 785015

Translation

C. C 1130

JUL 12 RECD

The President of the Council of Ministers

29928-10124-6.17

1.7

Rome, 11 July 1945

Dear Admiral,

(204)

in answer to the letter of June 14th in which my predecessor submitted the text of a statement concerning the new law on the allotment of the profits of the past regime, the Allied Commission stated in its note of June 18th (DF/S.17) that it had no objections against the enforcement of the decree, as in the text which had been sent.

(208)

After this unconditional agreement, the On. BONOMI proceeded to have the decree countersigned. It is now being published.

(213)

Referring to your letter of the 3rd (DF.S.17/CA) I have no difficulty in telling you that any observations which the Governments of the United Nations may make concerning citizens or concerns of the United Nations, will be given proper attention by the competent Authorities.

I remain,

Yours truly,

s. Ferruccio Parri

Admiral Stone
Chief Commissioner
Allied Commission
Rome

c/c

(216)

LEC LIST - 12 JULY 45
(567/LEC)

ACTION: C A Sharp
INFO: CHIEF CSDIC
EXEC CSDIC

1950

Declassified E.O. 12356 Section 3.3/NND No. 785015

Translation

CC

To Admiral Stone
Chief of the Allied Commission
Rome

In the name of numerous Advocates of the circumscription of the Court of Appeal of Catania, which includes four rovinces of Eastern Sicily, I feel it is my duty to tell Y. Ex. about the state of moral misery of these magistrates, which is certainly deeply felt by all Italian advocates and magistrates, as well as by all honest Italians, because politics are constantly in erfering with the administration of Justice. Even during the fascist period, Justice was entirely free from and above party interference. In Milan, judges are threatened by riots when the sentence does not please the bloodthirsty sadism of the North, probably inherited from the Germans. In numberless villages of the North, common offenders invade the prisons and murder the accused, thus taking them away from their natural judges. A few days ago, the communist paper of Palermo violently attacked the Catania Magistrature and its illustrious head, a magistrate whose probity and learning, for all matters concerning the law, are well known. The Minister of Justice, Communist leader, and who has the Russian citizenship, takes no action to stop unlawful interferences, on the part of the fascists who found shelter in the ranks of the communist party. How are Advocates and Magistrates to carry on their functions with serenity and objectivity amidst such violences? Don't you think that in such a state of moral and material disaster, your strong intervention with the Italian Government would be most necessary; its members are only concerned with personal and party interests, and not at all with those of our great and unfortunate country. The majority of the Italians, composed of honest, hard-working people, who are not the prey of political passions, are anxiously waiting for you to exercise a moderating action and hope for peace, justice and good-understanding among men.

E. G. Menaruza (?)

Catania, July 10th, 1945

E.C. DIST - 14 July 45.

2604///EC.
ACTION:- C.A. SECTION
INFO:- CHIEF COMMR.
EXEC COMMR.

s/c

215

5491

1951

Declassified E.O. 12356 Section 3.3/NND No. 785015

Translation

General Confederation of Italian Industry
Association of the Manufacturers of the Florence Province

Florence, 5 July 1945

To Admiral Stone
Allied Commission
Rome

Subject : Lt. Colonel Arturo PINTO (R. Navy)

On September 3rd, 1944, the above mentioned Navy officer was arrested, after being calumniously denounced by sr. Ital ar. by the F.S.S. 412 of Florence, under the charge of having collaborated with the Germans when he was head of the IX Delegation for war production, after the armistice of September 8th 1943.

Three days later, as President of the Association of the Manufacturers of the Florence Province, I sent a collective statement to F.S.S. 412, from which it clearly appeared that when in charge, Lt. Col. Pinto did his best with intelligence, and without thinking about the risk he was running, to save from the Germans all that it was possible to save in the way of men, machinery and raw materials, forming the Florentine industrial power. Among many others, the men who signed the above mentioned statement (which I enclose) can give evidence of his loyal and courageous attitude, which greatly benefited Italy as well as the Cause of the United Nations. They can also supply the best possible evidence and produce the most irrefutable documents.

In spite of this, on September 15th, 1944, Lt. Col. Pinto was interned in the Italian Camp of Padula (Salerno), and it seems he has not yet been released, though war is now over in Italy and in Europe.

As I know that the highest ranking Authorities in the Italian Navy have asked the highest ranking Allied Authorities to liberate Lt. Col. Pinto, I feel it as my duty, as President of the Associations of the Manufacturers of the Florence Province, which owes so much to the said officer, to ask for your personal intervention to have Lt. Col. Pinto liberated at once, to clear up the mistake of which he has been a victim, and do him justice.

I would greatly doubt about the possibilities of human justice if the utmost wasn't done by all concerned to make good the mistake because of which Col Pinto has been a prisoner for ten months.

Trusting that you will solve without delay this question of elementary justice, I remain,

e/a

EC requested to send c/f to Naval s/c and ask them to coordinate investigation with CA Section F. 13/7/45

Sec (216)

EX-COMMR. DIST - 12 July 45

ACTION:- C.A. SECtion

CHIEF COMMR.
EXEC COMMR.
NAVAL s/c

1952

Declassified E.O. 12356 Section 3.3/NND No. 785015

Translation

General Confederation of Italian Industry

COPY

Statement

The undersigned, directors of firms and industrial plants which are among the most important in the Florence Province, state, with full freedom of judgement and assuming complete responsibility for the truth of what they are stating, for what concerns their work and within their knowledge, that Lt. Col. Pinto Arturo, "il head of the IX Delegation during the period September 1943 - 12 August 1944, during the absence of the titulary of the said Delegation, followed a line of conduct conform to the interests of the Nation.

From what they know, the undersigned can give evidence that the above mentione Head of the IX Delegation made ceaseless and intelligent efforts to save the machin ry and equipment, the raw meterials and the personnel from the systematic spoliati and destruction of the Germans.

Thanks to his help and work, it has been possible to save from the Ge man commands part of a valuable industrial patrimony which is now being handed over to the country and to the cause of the Allies; to do this he had to run the gravest risks.

The undersigned are able to prove what they have just said with facts and irrefutable proofs, concerning the relations between the various concerns and the Command of the IX Delegation.

In faith.

3 September 1944

Signed: Officina Galileo
Ditta G. De Micheli & C.S.A.
Superpila
Officina Mario Dorin
Officina G. Tacconi & Co
Salvo
Ditta Pietro Sbisa' & Co
S.A. Lanificio La Briglia
Fiat Automobili
Officine Meccaniche S.A.(Umsa)
Cipriani e Baccani
Offcine Meccaniche Boschi e Cinelli
Ditta Oreste Muzzi & CO
Officina R. Mannaioni

213 A
s/c

5109

1953

Declassified E.O. 12356 Section 3.3/NND No. 785015

HEADQUARTERS ALLIED COMMISSIO'
Office of the Chief Commissioner
APO 394

5 July 1945.

NSC/2855

SUBJECT: Italian "Milmart" Officer ZANFAGNA, Marcello.

TO : Allied Force Headquarters.
ATTENTION: G-2 Section.

1. The enclosed explanation by the Minister of Marine in reply to the Chief, Navy Sub-Commission's letter No. NSC/2692 of the 19th June 1945, with reference to the improper removal of Marcello ZANFAGNA to Rome, is forwarded in accordance with Allied Force Headquarters' signal 141602B June 1945, (Signed SACMED CITE FHGBI).

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Encls.
1. Navy Sub-Commission ltr NSC/2692 of 19 June 1945.
2. Ministry of Marine ltr B.7590 of 24 June 1945, with Enclosure.

Prepared by S. N. BLACKBURN
Captain RN

R108

214

1954

Declassified E.O. 12356 Section 3.3/NND No. 785015

HEADQUARTERS ALLIED COMMISSION
Navy Sub Commission APO 194.

NSC/2692.
19th June, 1945.

P-E-R-S-O-N-A-L

From : Navy Sub Commission, Hq., Allied Commission.
To : The Minister of Marine, Rome.

Subject : ZANFAGNA, Marcello.

Your attention is invited to the following report which has been received from Allied Force Headquarters.

2. On the 7th June, 1945, 808 Contro Spionaggio Battalion arrested at Naples a certain ZANFAGNA, Marcello, who had returned from former enemy occupied territory at the end of May. The grounds for the arrest, which had the support of the Allied Security Authorities, were that ZANFAGNA has collaborated with the German Secret Service, was a former enemy agent, and was also formerly an officer of the Xth Flotilla M.A.S.

3. The Contro Spionaggio Centre at Naples notified the Allied Security Authorities on the 10th June, 1945, that the Comando in Capo, Dipartimento Marittimo Basso Tirreno has applied the same day for ZANFAGNA to be surrendered to Italian Naval custody. The Italian Naval Authority claimed to be acting on the orders of Admiral De Courten, who wished to interrogate ZANFAGNA on an unspecified subject.

4. Owing to pressure and the superior rank of the Italian Naval Authority, the Contro Spionaggio Centre at Naples, surrendered ZANFAGNA at the FOGGIORALE gaol on the 13th June, 1945, stipulating his eventual return to the Contro Spionaggio Centre. It is believed that ZANFAGNA has been transferred to Rome.

5. Allied Force Headquarters wish me to state that they consider the interference by the Italian Ministry of Marine, with Contro Spionaggio work which was being carried out on behalf of the Allies is in their opinion most irregular. Allied Force Headquarters have requested me to demand the immediate return of ZANFAGNA to the custody of Contro Spionaggio Centre, Naples, and an explanation of the unwarranted interference in Allied Security measures.

A.107

(714)

REAR ADMIRAL,
CHIEF, NAVY SUB COMMISSION.

1955

Declassified E.O. 12356 Section 3.3/NND No. 785015

C O P Y

From : Ministry of Marine, (Cabinet)

To : Rear Admiral WARREN.

Date : 24th June, 1945. (Received for translation 1240 June 28th.)

Ref. : R.7590 - 1 Enclosure.

Subject : "Milmart" Officer ZANFAGNA, Marcello.

In reply to your NSC/2692 of 19th inst.

1. On 24th May last the "Commission Dipartimentale d'Inchiesta" (Maridipart Naples Inquiries Commission) pointed out to this Ministry's Inquiries Sub Commission that "Milmart" Officer ZANFAGNA, Marcello had presented himself of his own accord adding that he had admitted having served with 10th M.A.S. Flotilla of the Republican Navy from November '43 to April, '45.

2. Subsequently in letter dated 31st March, said Commander-in-Chief informed that ZANFAGNA, at 8th September '43, after having been appointed an "Active Service" Milmart Officer, was carrying out duties at the "Scuola Aeronautica Allievi Ufficiali" (Air Cadet's College), awaiting appointment.

3. On several occasions, the "Commissione Dipartimentale" asked for guidance with regard to ZANFAGNA's service position, but there was no sign of Italian or Allied Counter-spy intervention in regard to the above-named.

4. On 1st inst. the "Commission d'Inchiesta Ministeriale" aware only that ZANFAGNA was at Naples asked for him to be sent to Rome, by signal signed "De Courten".

Under this heading it is pointed out that all outgoing signals from Ministry of Marina Departments or Commands, in accordance with General orders in force, are sent signed by the Minister, who, in this particular case, as happens in similar normal administrative matters, was not yet aware of ZANFAGNA's position.

5. In the meantime, ZANFAGNA was arrested by the C.S.Centre at Naples who following verbal instructions from said Commander in Chief, allowed him to be temporarily placed at the disposal of the Italian Royal Navy, to complete inquiry being held, as per letter sent to Commander-in-Chief (Copy attached) dated 8th inst.

5109

214

1956

Declassified E.O. 12356 Section 3.3/NND No. 785015

6. On 13th inst. with ZANFAGNA in Rome, the President of the "Commissione d'Inchiesta Ministeriale", (aware for the first time), from C.in C's attached letter that ZANFAGNA had been detained by C.S. Centro Naples and temporarily handed over to I.R.N. for completion of disciplinary inquiry, ordered his immediate transfer back to Naples, under escort, which order was put into effect the same day by means of subordinate R.Carabinieri who had him returned to Poggioreale Prison from whence he had been taken.

(Sgd) The Minister.

1957

Declassified E.O. 12356 Section 3.3/NND No. 785015

C O P Y

Letter from C.S. Centre, Naples to Commanier in Chief (Italian), Naples. No.5674 dated 8th June, 1945.

During the interrogation of enemy agent, now arrested - ZANFAGNA, Marcello (son of Nicola and CERISA, Anna), born in Naples on 16th August, 1922, address Vico 2 Montecalvario No.7, was shown to have belonged to 10th M.A.S. Flotilla with the rank of Officer, for which reason I consider it necessary to inform your command.

With reference to verbal request, I have arranged for him to be accompanied to your command and I ask that, on completion of inquiry, he be placed at this Centre's disposal for future action to be taken in his regard.

ZANFAGNA's arrest was duly notified (by letter No.5645 of 7th inst.) to War Ministry - S.I.M.E.R.S. Office, 1 Section 2 and to similar local Allied organisations.

214

1958

Declassified E.O. 12356 Section 3.3/NND No. 785015

DF/5.17/CA

3 July 45

My dear Mr. Prime Minister,

As you are no doubt aware there has been considerable correspondence between the Italian Government and the Allied Commission regarding the proposed decree concerning the forfeiture of unlawful profits.

On the 14 June 1945 your predecessor wrote a letter (reference 364/1012/.6.17/1.7) with which he enclosed a proposed statement on the future enforcement of the law. He suggested that this statement should be made by his successor. Since that date the Allied Commission has said that there is no objection to the decree becoming law in its present state, but I would be glad if you would inform me whether the statement proposed by your predecessor has your approval. It removes any possible doubts which may exist concerning the body of the law itself.

Yours very truly,

[illegible]

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Professor Ferruccio PARRI
The President of the Council of Ministers
Italian Government,
ROME.

1959

Declassified E.O. 12356 Section 3.3/NND No. 785015

CC1021

Translation

Camera dei Deputati

Rome, 2 July 1945

Excellency,

the family of Miss Ernesta Vacca, at present interned in Padula, sent me a memorandum to answer the possible charges which are supposed to have caused the present sentence, which she has been serving for about nine months.

A similar request, for similar reasons was sent to me by the family of Mr. Anselmo Della Casa, who is also interned in Padula.

As this is a matter of justice for which it is advisable to take in considerations all the reasons given, I thought it my duty to forward to your Excellency the documents which had been sent to me, asking you to give them due attention.

Yours truly,

S. V. E. Orlando

Admiral Ellery Stone
Chief Commissioner
Allied Commission
Rome

Attn:
Ex Comm

c/c

212

5182

2222/72

1960

Declassified E.O. 12356 Section 3.3/NND No. 785015

Translation

Note about Ernesta Vacca, interned in Padula

Ernesta Vacca, born in 1922, physics student in the Rome University, daughter of Prof. Giovanni Vacca, well known professor of the Rome University, was arrested by the American police of October 5th 1944, kept two months in the Mantellate, and sent to the concemtration cam p of Padula, on De. 1st 1944.

The family never succeeded in di covering t.e charges made against her.

It appears that the harsh treatment to which she was and is still submitted, is caused by the fact that Ernesta Vacca had been in relations with the X Mas flotilla.

As a matter of fact, Miss Vacca, knew some people in the flotilla, whom she had met in 1943, while she was doing service in the Relief Organization for the town of Rome, to help the victims of the San Lorenzo bombardment.; during the Spring of 1944, she worked for the relief of the men of the said flotilla who had been wounded and were being taken care of in the Rome hospitals.

With the said flotilla, she had no other relations than those connected with the relief work she had undertaken in a generous and humanitarian spirit, to fulfil what she considered to be a superior duty; at the same time, her anti-fascist spirit can be proved by the manifests she wrote ever since 1942.

For this reason, she refused to enlist in the X Mas, took no oath, received no salary, never wore any uniform.

Her fellow-students and former teachers can give evidence about her straightforwardness, the esteem that people had for her and the confidence they had and still have in her; during the time when she was obviously in relation with the X Mas, Jewish friends entrusted their papers to her and communist friends remained in friendly relations with her.

As it is obvious, when Rome was liberated, she had nothing to do whatever with the above mentioned persons and concerned herself exclusively with her studies, and with relief work in favour of the refugees, with the Pontifical Commission (Don Carbone, Don Piacentini).

The moral and political prededents of her family are well known and in her favour.

Her father, Prof. Giovanni Vacca, was one of the founders of Italian Socialism.(1890-1907); her grandfather Federico, had been secretary to Giuseppe Garibaldi in Naples in 1866 and was exiled for patriotical motives with his brother Giuseppe Vacca, who was later Minister of Justice. Her Grandmother, on her mother's side, Liliana de Bosis, is American; on her mother's side, her uncle was the well known anti-fascist Lauro De Bosis.

From Padula, Miss Vacca wrote to her family that the colonel in charge of th

E.101

1961

Declassified E.O. 12356 Section 3.3/NND No. 785015

camp was satisfied with her conduct, for she was most useful for the organization of the camp services, and gave her the hope she might be liberated when the war was over.

We ask her personal and family precedents to be taken in consideration, as well as the straightforwardness of her characterincapable of dissimulation or reprehensible activities; the non-political intentions which caused the activity which is supposed to have brought about her emprisonment, this because of her impulsive generosity; the fact that she kept quite apart from suspicious elements; the fact that any suspicion about her political feelings, and her ensuing activity are entirely unfounded.

o/o/

217

080

1962

Declassified E.O. 12356 Section 3.3/NND No. 785015

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

CC 1715

JUN 21 RECD

Originator's Reference: PR/LE/219

Date/Time of Origin: JUNE 21

Message Centre No: E/6063

Date Time Rec'd: JUNE 211455B

Precedence: IMMEDIATE

FROM: RLO PIEMONTE

TO : AL COM CITE ACSCC

RESTRICTED

RESTRICTED.

Reference CARLOS BONGIOVANNI stay of execution has been accomplished.

DIST

ACTION - CHIEF COMMISSIONER
INFO - CA SEC
LEGAL SC
FILE 2
FLOAT

ACTION

HEADQUARTERS
21 JUN 1945

RESTRICTED

5179

1963

Declassified E.O. 12356 Section 3.3/NND No. 785015

PIEMONTE REGION

175 20 JUNE OF PRIORITY

RESTRICTED PD

REFERENCE TELEPHONE CONVERSATION MISTER KORN OF AMERICAN EMBASSY ROME DASH TURIN
DUTY OFFICER ABLE MIKE GEORGE ~~TURIN~~ CMA ZERO TWO THREE ZERO HOURS TWENTY JUNE

PAREN TO PIEMONTE REGION FOR REGIONAL COMMISSIONER FROM RI ALCOM SIGNED STONE

CITE ACSCC PAREN

MAY WE HAVE A REPORT AS SOON AS POSSIBLE AS TO WHETHER STAY OF EXECUTION

HAS BEEN ACCOMPLISHED

See 211

210

Chief Commissioner

222

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

5478

2602/2

1964

Declassified E.O. 12356 Section 3.3/NND No. 785015

Ref: DF/5.17/CA.

18 June 1945

My dear Mr. Prime Minister,

I refer to your letter of 14 June 1945 regarding the decree concerning the forfeiture of unlawful profits to the State.

The Allied Commission has no objection to the decree becoming law in its present state.

Yours very truly,

S/ M.S.LUSH

for

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

President of the Council of Ministers,
Italian Government,
R O M E.

cc: American Ambassador
British Ambassador } 20/6/45

DISPATCHED
Jun 19/0850
Pfc. Bonanno

2602/15

5177

1965

Declassified E.O. 12356 Section 3.3/NND No. 785015

JUN 19 RECD
CC OFF

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref: DF/5.17/CA. 18 Jun 45

SUBJECT: Decree on Forfeiture of Property of
Convicted Fascists & Fascist Companies.
TO: Political Adviser (A).
Political Adviser (H).

(204)

On the instructions of the Chief Commissioner I enclose copy of a letter from the Prime Minister dated 14 June 45 and request that you will inform me whether the text of the proposed statement has your approval.

3640/10 134.6.17/1.7

for G.R. UPJOHN, Brig.
VP CA Section.

W. D. Benhamfield
1'101

Copy to: Chief Commissioner,
Executive Commissioner.

(207)

5476

1671

1966

Declassified E.O. 12356 Section 3.3/NND No. 785015

British Embassy,

Rome.

16th June, 1945.

132/37/45

Immediate.

My dear Admiral

In your letter of May 26th, you asked for my comments on the redrafted decree on the forfeiture of Fascist profits.

As, I think, you are already aware, it was necessary to consult the Foreign Office, and I am now able to tell you that His Majesty's Government see no objection to the terms of the proposed decree as it stands.

Believe me

Yours very sincerely

Rear Admiral Ellery W. Stone,
USNR,
Chief Commissioner,
Allied Commission,
Rome.

cc: Exec. Commr.
CA Sec.
Chief Commissioner

2600211

K175

206

1967

Declassified E.O. 12356 Section 3.3/NND No. 785015

JUN 16 RECD
CC 1435

Rome, Italy.
June 14, 1945.

(201)

Dear Admiral Stone:

With reference to your letter of June 12, 1945 regarding the proposed law for the forfeiture of Fascist profits, while the Embassy's views are those expressed in my letter of May 30, 1945, the measure in question has been reported to the State Department with the request that the Embassy be informed whether it is desired that representations be made to the Italian Government in the matter. I shall be glad to write you further on the subject when a reply is received from the Department.

(195)

Sincerely yours,

A. Kirk

Admiral Ellery W. Stone,
Chief Commissioner,
Allied Commission,
R o m e.

cc: Exec. Commr.
CA Sec.

(212)

711.24

1968

Declassified E.O. 12356 Section 3.3/NND No. 785015

TRANSLATION NO. 194

THE PRESIDENT OF THE COUNCIL OF MINISTERS

Ref. No. 2044/10124.6.17/1.7

ROME, 14 June 1945

2602/c. (185

See 212

My Dear Admiral,

With reference to your letter DF/5.17/CA of 21 May I had ordered that the law concerning the forfeiture of unlawful profits to the State, already approved by the Council of Ministers, be not enforced until your approval was given.

The opinion you expressed, that the part of the measure concerning profits of corporations might affect vital interests of the Allied Governments has been a cause of apprehension to me inasmuch as the Italian Government, even outside any question of control, does not desire in any way to impair the interests of the Allied Governments.

On the other hand, the measure in question must be applied throughout the entire territory of the State in order to be fully effective; it is therefore necessary that it receives the approval of the A.C. so that its sphere of enforcement will not be limited, as it has happened recently (I am referring to your letter DF/4.1/CA).

See file 2602/c.

Minister Pesenti, who has kept in touch with the Commission through a delegate, informs me that a statement of the Italian Government on the matter would be enough to dispel the expressed apprehensions, and suggests the text herewith enclosed.

Since I am resigning, it is evident that the statement on the future enforcement of the law should be made by my successor; I should be very grateful if you will send me your approval of the text of the statement so that my successor may sign it immediately, thus avoiding further delays.

I remain, my dear Admiral

Yours truly
/s/ I. Bonomi

CA dist - 15 June 45

ACTION - CR Sec

INFO - CC

- Ex Comm

American Ambassador
British Ambassador

5473

ANX

With reference to the clarifications and assurances requested by the AC on the complementary rules for the forfeiture of profits derived from the regime and, in particular, on the extent of art 6 (b) and (c), the application of which may impair the interests of citizens or companies of the United Nations, the Italian Government would like to make it clear that:

1) Art 6, (b) consists in forfeiture proceedings persons associated or having common interests with fascist leaders or persons declared to be profiteers by the law.

In order to determine that a relation of association existed, it must be proved that such a relation was kept with persons on whose fascist activities there cannot be nor could there have been any doubt. Moreover, the said article specifies that the presumption covers only that part of the profit obtained by private citizens or companies in partnership with profiteers, which is derived directly from one or more definite transactions made in association with the profiteer.

This is the second assurance for third parties. If by chance a company in which citizens of the United Nations have interest, should be committed to proceedings for forfeiture, the factor of good faith and the proof contemplated by art 7 of the draft may favor the company.

2) Art 6 (c) gives the power to refer to proceedings of forfeiture those companies, nine tenths of whose stocks or proportionate interests on 31 December 1942 belonged to persons declared to be profiteers by the law or to relative or persons associated with them.

With these rules the legislator intended to hit the fictitious companies, presuming that when the nine tenths of the stock capital belonged to profiteers, the other tenth was also to be considered as belonging to profiteers by means of nominees. This is in fact what experience has proved and what is actually true in all cases.

However, if by chance in the remaining one tenth there are stocks held by persons of good faith, these persons would not be hit as would the profiteers who hold the nine tenths, but would only lose their proportionate interests in the company. This is evidently a just rule.

In any case the Italian Government would like to consider it impossible for citizens of the United Nations to have acted as nominees for recognised fascists or used as nominees recognised fascists. This would mean that the fascist regime and its economic and international policy had been supported.

In proceedings for forfeiture involving the interests of citizens or companies of the United Nations, the Italian Government will examine carefully any observations which the United Nations may make.

1946

Declassified E.O. 12356 Section 3.3/NND No. 785015

2) Art 5 (c) gives the power to refer to proceedings of forfeiture those companies, nine tenths of whose stocks or proportionate interests on 31 December 1942 belonged to persons declared to be profiteers by the law or to relative or persons associated with them.

With these rules the legislator intended to hit the fictitious companies, presuming that when the nine tenths of the stock capital belonged to profiteers, the other tenth was also to be considered as belonging to profiteers by means of nominees. This is in fact what experience has proved and what is actually true in all cases.

However, if by chance in the remaining one tenth there are stocks held by persons of good faith, these persons would not be hit as would the profiteers who hold the nine tenths, but would only lose their proportionate interests in the company. This is evidently a just rule.

In any case the Italian Government would like to consider it impossible for citizens of the United Nations to have acted as nominees for recognized fascists or used as nominees recognized fascists. This would mean that the fascist regime and its economic and international policy had been supported.

In proceedings for forfeiture involving the interests of citizens or companies of the United Nations, the Italian Government will examine carefully any observations which the United Nations may make.

5472

204

Declassified E.O. 12356 Section 3.3/NND No. 785015

1971

Declassified E.O. 12356 Section 3.3/NND No. 785015

CONFIDENTIAL

FX 92978
JUNE 141502B

T/5044
JUNE 142130
PRIORITY

AFHQ SIXTH SACMED SITE FHGBI
HQ ALCOM ETFO: FBS SOUTH FOR INFO G 2

CONFIDENTIAL

1. ZANFAGNA MARCELLO returned end May from former EOT to residence NAPLES was arrested 7th June by 808 CS Battalion Centro NAPLES on orders from Staff CS. Grounds for arrest were that he had SS collaborationist record. Was subject enemy agent and was former x-Flotilla MAS officer. Arrest had support of G 2 FBS (South) who consider him security threat requiring investigation.

2. CS Centro NAPLES notified FBS 10th June Comando in Capo Dipartimento Marittimo BASSO TIRRENO had applied same day for ZANFAGNA's surrender to Naval custody. Italian Naval authority claimed acting on orders of DE COURTEN who wished to interrogate ZANFAGNA on unspecified subject.

3. CS persisted on advice FBS and this HQ. Ceded to pressure and superior rank Italian Naval authority yesterday when surrendered ZANFAGNA at FOGGIORAIN road stipulating eventual return to CS. ZANFAGNA believed transferred ROME.

- 1 -

CONFIDENTIAL

1972

Declassified E.O. 12356 Section 3.3/NND No. 785015

CONFIDENTIAL

(Cont'd: FROM AFHQ, CONFIDENTIAL E/5044)

4. Consider this interference of Italian Admiralty with C S work on behalf Allied security unwarranted and procedure adopted most irregular. Request you demand ZANFAGNA's immediate return to CS custody and full explanation.

Dist

Action - Public Safety
Navy SC
Info - Chief Commissioner
CA Sec
File

CONFIDENTIAL

203.

1973

Declassified E.O. 12356 Section 3.3/NND No. 785015

LWS/hjp

CC 2602

13 June 1945

198

Dear Sig. Lucifero:

In reference to your letter No. 5760 of 3 June to the Chief Commissioner relative to the liberation of Cesare Spizzichino, who is confined in Florence on the verdict of an Allied Court, the Admiral's Chief Legal Adviser is having the entire record of this case investigated and as soon as the proper information is received, Admiral Stone will communicate with you directly.

199

Sincerely,

/s/ L. W. Stearns

L. W. STEARNS
Major, A.G.D.
Staff Officer to CC

His Excellency F. Lucifero
Minister of the Royal Household
Rome

cc: Exec. Comm'r.

207

2602/1

6974

1974

Declassified E.O. 12356 Section 3.3/NND No. 785015

CC 2602

12 June 1945.

Dear Mr. Ambassador:

Thank you for your letter of 8 June in reply to my letter of 2 June on the subject of the law providing for the forfeiture of fascist profits.

In order to avoid any possible misunderstanding, can you inform me for my guidance if the American Embassy itself intends to make any representations to the Italian Government with respect to this law.

Very truly yours,

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

The Honorable Alexander Kirk,
American Ambassador,
119 Via Vittorio Veneto,
Rome.

Exec Comm

CC 2602

F 168

1975

Declassified E.O. 12356 Section 3.3/NND No. 785015

JUN 12 RECD
CC 1036

Rome, Italy, June 8, 1945.

Rear Admiral Ellery W. Stone,
Chief Commissioner,
Headquarters, Allied Commission,
APO 394.

Dear Admiral Stone:

I have received your letter of June 2, 1945, enclosing a copy of a letter prepared by the Civil Affairs Section of the Allied Commission, regarding certain provisions of the law providing for the forfeiture of Fascists profits, and although I appreciate very much your courtesy in submitting the information on the matter, it would not appear that the additional comments provided in the enclosed letter from the Civil Affairs Section need alter the position taken in my letter of May 30, 1945, on this subject.

Yours very truly,

A. Kirk.

Alexander Kirk.

cc. Exec Comm

Chief Commissioner

1976

Declassified E.O. 12356 Section 3.3/NND No. 785015

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4063/23/L. JL/lrb.
7 June 1945.

SUBJECT : SPIZZICHINO Cesare.

TO : Regional Commissioner, (Attn: Regional Legal Officer), Toscana Region.

1. Please forward the record in the case against SPIZZICHINO Cesare, which is needed in connection with an informal petition. It is stated that the above is imprisoned in Florence.

2. Your comments on the case will be appreciated.

By command of Rear Admiral STONE:

W. E. BEHRENS,
Colonel,
Chief Legal Adviser.

1977

Declassified E.O. 12356 Section 3.3/NND No. 785015

JUN 6 RECD
C C 0956

Translation

The Minister of the Royal Household
2760

Rome, 3 June 1945

Dear Admiral,

His Royal Highness, the Lieutenant General of the Kingdom received the enclosed telegram signed by Mrs Esther Di Consiglio who is asking for the liberation of her husband Cesare Spizzichino, who has been in jail two months in Florence, because of a verdict of the Allied Court.

As you can see, the petitioner is closely related to seven of the people who were shot in the Fosse Ardeatine, and belongs to a family who had twenty five members deported to Germany.

According to the wish of His Royal Highness and considering the circumstances mentioned by Mrs De Consiglio, I want to draw your personal attention on this case for whatever action you will deem advisable to take.

Awaiting for your answer and thanking you in the name of the Lieutenant, I remain, my dear Admiral,

Yours very truly,

C. Lucifero

Admiral Ellery W. Stone
Chief Commissioner
Allied Commission
Rome

EC IN 1317 — 5 JUNE 45

ACTION: C. A. SEC (2)
INFO: CHIEF COMM
EXEC COMM

AFHQ

2764

G.C.

1978

Declassified E.O. 12356 Section 3.3/NND No. 785015

Translati

DD ROSSE FLORENCE 19 00 78 15 15

I AM THE DAUGHTER AN SISTER OF SEVEN OF THE VICTIMS OF THE FOSSE ARDEATINE. 25 MEMBERS OF MY FAMILY HAVE BEEN DEPORTED TO GERMANY. I ASK THE DISCHARGE OF MY HUSBAND CESARE SPIZZICHINO WHO IS IN FLORENCE AND HAS BEEN CONDEMNED TO SIX MONTHS IMPRISONMENT BY THE ALLIED COURT FOR FAKING A PASS. HE HAS ALREADY SERVED TWO MONTHS. HE HAS ALREADY BEEN OPERATED TWICE (STOMACH) AND MUST NOW BE OPERATED FOR THE THIRD TIME. HE HAS GOT FIVE CHILDREN TO KEEP. AFTER SO MANY MISFORTUNES HE HOPES TO BE RELEASED.

ESTER DI CONSIGLIO

O.O.

198

5485

1979

Declassified E.O. 12356 Section 3.3/NND No. 785015

HEADQUARTERS ALLIED COMMISSIO
Office of the Chief Commissioner
APO 394

2 June 1945.

Dear Mr. Ambassador:

Thank you for your letter of 30 May in connection with the proposed decree on forfeiture of fascist profits.

I have just received from my Civil Affairs Section a letter, a copy of which is enclosed, calling attention to certain passages in the proposed decree which possibly would affect Allied commercial interests. You may, therefore, wish to give the matter further consideration.

Very truly yours,

/s/ Ellery W. Stone

Albert K. O'Neil
Rear Admiral, USNR
Chief Commissioner

1 Encl.

The Honorable Alexander Kirk,
American Ambassador,
119 Via Vittorio Veneto,
Rome.

cc: Ex. C.
Chief Commissioner

1980

Declassified E.O. 12356 Section 3.3/NND No. 785015

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref : DF/5.17/CA. 1 June 1945

SUBJECT : Decree on Forfeiture of Fascist Profits.

TO : Executive Commissioner.

N/R Copies in file 388/EC and/or DF/5.17/CA.

Reference my DF/5.17/CA dated 25 May 45.

1 I feel that your attention should be drawn specifically to Article 6 of the above mentioned Decree. You will observe that by Sub-para (b) of that Article, companies who have common interests with the persons on the proscribed lists set out in Articles 1, 3 and 4, will suffer confiscation to the degree that their increase in wealth has been the result of such association or co-interest.

It seems to me that this might hit Allied companies, e.g. oil or silk companies who have been associated with prominent fascists in the course of their business dealings and that they are, therefore, laid open to attack under Article 6.

This is not a matter which affects Allied Commission as such, but is one upon which I feel the Chief Commissioner would desire to consult the Embassies before giving his permission to the publication of the decree.

2 I should also draw your attention to Sub-para (c) of Article 6, which lays open to attack a company wherein nine-tenths of the investments or interests belonged to fascists on the proscribed lists. It follows that an Allied holding of the remaining 10% would be open to suffer heavy loss and this also is a matter which the Embassies may care to consider although it is not so important from an Allied point of view as the provision of Article 6 (b) which I have discussed above.

See 197

/s/ G.R. UPJOHN, Brig.,
VP CA Section.

Copy to: Political Adviser (A)
Political Adviser (B)
Legal Sub-Commission,
Finance Sub-Commission.
Chief Commissioner

194

5463

1981

Declassified E.O. 12356 Section 3.3/NND No. 785015

JUN 1 RECD

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

AMERICAN EMBASSY
Rome, Italy,
May 30, 1945.

My dear Admiral:

In reply to your letter of May 26, regarding proposed decree on forfeiture of fascist profits, this Embassy perceives no objections to the measure such as would justify representations by the Allied Commission in order to protect American interests.

Sincerely yours,

A. Kirk.

Rear Admiral Ellery W. Stone,
Chief Commissioner,
Allied Commission,
ROME.

1982

Declassified E.O. 12356 Section 3.3/NND No. 785015

CC 2602

30 May 1945

Subject: Commutation of Death Sentences

To: Deputy Chief Legal Advisor, Legal Sub-Commission.

MEI Ugo Ezio
BENDANDI Leopoldo
VASCONI Giorgio
FALCONI Mario
LO VASTO Vincenzo

193

1. The above named persons have been convicted by Allied Military Courts and sentenced to death for espionage committed before the conclusion of hostilities in Italy.

2. I have decided that in all such cases the death sentences should be commuted and I accordingly authorize you to review these cases, commute the death sentence and, if you affirm the conviction, impose an appropriate term of imprisonment.

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

cc: Ex. C.
CC

194

2 Encl
Encl 1

5181

1983

Declassified E.O. 12356 Section 3.3/NND No. 785015

MAY 28 RECD
CC 1435

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4040/L. /lrb.
23 May 1945.

SUBJECT : Death Sentences Awaiting Review.

TO : Chief Commissioner.

193

As requested I forward herewith the names of the persons sentenced to death for espionage whose cases are being held in this Sub-Commission:

NAME		DATE OF SENTENCE
BENDANDI	Leopoldo	11 April 1945.
VASCONI	Giorgio	11 April 1945.
MEI	Ugo Enzo	13 April 1945.
FALCONI	Mario	17 April 1945.
LO VASTO	Vincenzo	17 April 1945.

W. E. BEHRENS,
Colonel,
Deputy Chief Legal Adviser.

See 194

193

160

1984

Declassified E.O. 12356 Section 3.3/NND No. 785015

CE/1810

MAY 2 7 RECD

HEAD QUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION.

AC/4083/77/L. /lrb.
27 May 1945.

SUBJECT : Review of Espionage Cases.

TO : Chief Commissioner.

1. It is desired respectfully to draw to your attention the case of MICELI Silvio. This man was sentenced to death as a typical espionage case on 10 March 1945 and was forwarded to you for review on 16 April 1945. Numerous requests for information have been received from the military authorities.

2. There are some 4 similar cases for review still held by this Sub-Commission pending your decision.

3. I understand that it is your intention, with which I fully concur, to commute all these sentences.

4. May I suggest that you authorize me, as you are entitled to do, to commute all these sentences, including that of MICELI, on your behalf and to substitute terms of imprisonment.

Lobschewsky.

See

W. L. Rehfeld,
Colonel,
Deputy Chief Legal Adviser.

Spoke to Col. Rehfeld who will submit authorization for CC's signature

Ptd. 30/5

See 193

26021 Cancelled

5459

192

679

1985

Declassified E.O. 12356 Section 3.3/NND No. 785015

26 May 1945.

Dear Mr. Ambassador:

On Friday, 25 May 1945, a copy of the decree on the Forfeiture of Fascist Profits was sent over to your Embassy.

I would very much appreciate your comments on this document and recommendations as to whether or not any representations should be made by this Commission.

Yours very truly,

HENRY W. STONE
Rear Admiral, USNR
Chief Commissioner

See 191

The Honorable Alexander Kirk,
American Ambassador,
119 Via Vittorio Veneto,
Rome.

191

5458

1986

Declassified E.O. 12356 Section 3.3/NND No. 785015

2 June 1945

Chief Commissioner--

Mr. Halford reports that the British Embassy is referring the decree to the Foreign Office for review and accordingly their reply will be delayed for several days.

L.W.S.

Seen by CC

DF/S.17/CA
588/EC

1987

Declassified E.O. 12356 Section 3.3/NND No. 785015

26 May 1945.

Dear Mr. Ambassador:

On Friday, 25 May 1945, a copy of the decree on the Forfeiture of Fascist Profits was sent over to your Embassy.

I would very much appreciate your comments on this document and recommendations as to whether or not any representations should be made by this Commission.

Yours very truly,

ELLERY W. STONE
Vice Admiral, USNR
Chief Commissioner

Sir Noel Charles, Bt., K.C.M.G.,
British Ambassador,
84 Via Venti Settembre,
Rome.

190

See 206

5556

1988

Declassified E.O. 12356 Section 3.3/NND No. 785015

Ref : DF/5.17/CA. 21 May 45

Dear Mr. Prime Minister,

I have been informed that certain amendments have been suggested to the proposed decree providing for the confiscation of illicitly acquired wealth, which re-introduce the principle of confiscation of the property of private companies in certain circumstances.

This is a matter in which the Allied Governments are vitally concerned and I must ask you, my dear Prime Minister, to let this Commission see a draft of the proposed decree in its final form before it is passed by the Council of Ministers, or if already passed before its publication in the Gazzette.

Yours very truly,

/s/ Ellery W. Stone

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

His Excellency Ivanoe BONOMI
The President of the Council of Ministers
Italian Government,
ROME.

189

F455

1989

Declassified E.O. 12356 Section 3.3/NND No. 785015

TOP SECRET

C. Commissioner

Copy No 3

MAY 18 RECD CC 11461

CITE COS 507
MAY 172200B

E/1236
MAY 181100B
PRIORITY

MAIN 8TH ARMY

ACTION FREEDOM. INFO ALCOM HOME

TOP SECRET.

Reference your FX 75396 dated 15 May. Subject is TITO's imposter son.

1. Local patriots in PADUA contacted AC Regional staff PADUA and said they had TITO's son with them.

2. The individual was produced by them and taken to Brig DUNLOP Regional Commissioner AC. The individual then said to Brig DUNLOP that he was in fact Marshal TITO's son.

3. The individual was taken to HQ 8th Army by Capt ERSKINE AMG LO of 8 Indian Division. On arrival HQ 8th Army he again asserted to AMG that he was Marshal TITO's son.

4. He stated he had not seen his supposed father for 18 months and that his father was annoyed with him for not returning home sooner.

5. On being conducted to AMG billet Capt ERSKINE said to him "if you are an imposter there will be serious consequences for you" so he thereupon confessed he was not Marshal TITO's son and added that he had been persuaded by his companions to adopt this guise.

6. Is reputed to bear some resemblance to one of Marshal TITO's sons.

7. The patriots from PADUA have since apologised to Provisional Commissioner for their action in this matter.

188

TOP SECRET

1990

Declassified E.O. 12356 Section 3.3/NND No. 785015

(COS 507 cont'd)

8. Name of imposter given by himself is GIORGIO BROX.

9. At present time in jail FERRARA in custody of 311 Field Security Section of DISTONE.

DIST

Copy No 1 INFO-ACTION: P.Safety S/C
" " 2 INFO: A/President
" " 3 Chief Commissioner
" " 4 Executive Commissioner
" " 5 CA Sec
" " 6 File

54-3

188

1991

Declassified E.O. 12356 Section 3.3/NND No. 785015

A veto of the Allies on the law on surplus-profits

Yesterday, preoccupying rumours were being circulated in the goverument milieux, about the fate reserved to the law on fascist profits. As it is well known, this law which was prepared by the On. Berlinguer, was studied for a long time by a ministerial commission. After this, it was discussed in two meetings of the Council of Ministers, and when it had been approved on general principles, it was discussed wiht the representatives of North Italy who particularly insist that it should soon be published to bring to an end the lack of equilibrium existing between the situations created on this subject in the North and in the South.

However, it seems now that the Allied Commission has intervened or is to intervene with the On. Bonomi to oppose a veto to the publication of this law.

The Government milieux point out that this intervention would be a violation of the pledges assumed by the Allied Nations in the well-known and solemn statements of Mr. Mc Millan, and particularly of para 4 of these statements, which says that no allied intervention will take place any longer in non-military matters, which are of the exclusive competence of the Italian Goverament. It has also been observed that a regrettable situation might be created in our Country and in the Government, in case the Allied Commission should insist about a question which might lead to believe that it is acting after the aspirations or urgings of the concerned parties.

o/o.

Above submitted by Major Bergin.

Unità, 17 may.

187

21682

Translation

C.C

The President of the Council of Ministers

325

Rome, 17 May 1945

(174)

Dear Admiral,

I have received your letter of April 11th about the decrees for the Administration of parastatal institutes in Lybia and in Italian East Africa.

For what concerns the decree which suppresses the Italian Africa Police Corps, we agree; it is understood that this decree can change neither the statpus, of the officers and other ranks who belonged to this corps and as such are still prisoners of war in France, nor on the action which has been taken by the Allied Military Authorities for the possible utilization of elements of the P.A.I. in the Italian Colonies.

For what concerns the other regulations, as you have seen, their aim is to take care of the patrimony of the parastatal institutes, which exercise an industrial or commercial activity, and administer their property placed under the administration of the Italian Government, and settle the question of the personnel, in the service of these institutes, and at present in liberated Italy. I am also very anxious that these regulations shouldn't create juridical difficulties , for what concerns our commercial laws, in relation with analogous regulations for the patrimony and personnel of the said Institutes in Africa, which might be issued by the Allied Military Government in the territories of Italian Africa. To avoid future difficulties, I think it would be advisable, meanwhile, to agree with the Allied Military Administrations consented to an exchange of informations. These Administrations might be told about the regulations which we have issued up to now, and we might ask information about the similar regulations which might have been made, thus reaching a periodical exchange of news on the administrative functioning of the various Institutes, to assure here as well as there, a regular administration of their balance.

I remain,

Truly yours,

S. I. Bonomi

54-1

1962

Declassified E.O. 12356 Section 3.3/NND No. 785015

...of the officers and other ranks who belonged to this Corps and as such are still prisoners of war in France, nor on the action which has been taken by the Allied Military Authorities for the possible utilization of elements of the P.A.I. in the Italian Colonies.

For what concerns the other regulations, as you have seen, their aim is to take care of the patrimony of the parastatal Institutes, which exercise an industrial or commercial activity, and administer their property placed under the administration of the Italian Government, and settle the question of the personnel, in the service of these Institutes, and at present in liberated Italy. I am also very anxious that these regulations shouldn't create juridical difficulties, for what concerns our commercial laws, in relation with analogous regulations for the patrimony and personnel of the said Institutes in Africa, which might be issued by the Allied Military Government in the territories of Italian Africa. To avoid future difficulties, I think it would be advisable, meanwhile, to agree with the Allied Military Administrations concerned to an exchange of informations. These Administrations might be told about the regulations which we have issued up to now, and we might ask information about the similar regulations which might have been made, thus reaching a periodical exchange of news on the administrative functioning of the various Institutes, to assure here as well as there, a regular administration of their balance.

I remain,

Truly yours,

S. I. Bonomi

Pt 22/ 1

E.C. DIST. 18 MAY 45

ACTION C A SECT (2)
INFO: CHIEF COMM R
EX COMM R

Admiral Ellery W. Stone
Chief Commissioner
Allied Commission
R o m e

186

e.c.

Declassified E.O. 12356 Section 3.3/NND No. 785015

1994

Declassified E.O. 12356 Section 3.3/NND No. 785015

C.C

Ref: 997/92/IBC.

Rel: 735.

17 May 1945.

SUBJECT: Welfare and Whereabouts.

TO : Diaper A.F. S/C. (for Records Bureau).

184

1. The Chief Commissioner is most anxious to get information on the welfare and whereabouts of Senator Riccardo MOTTA. Senator MOTTA was a leading figure in the partisan movement in NICE and a very fine man. He has been imprisoned in LANGOSCO LOMELLINA and his wife is most anxious to have news of him.

2. LANGOSCO LOMELLINA is in the Province of PAVIA, 15 Km. from CASALE MONFERRATO and 5 Km. from the railroad station of CANDIA LOMELLINA.

3. It would be appreciated if special attention could be given to this most deserving case.

for Chief Staff Officer,
To the Executive Commissioner.

A/Q.

Keep this handy

5/1-0

(3)

185

1995

Declassified E.O. 12356 Section 3.3/NND No. 785015

C.C.

Tel: 478201.

Ref: 997/91/MC.

17 May 1945.

SUBJECT: Welfare and Whereabouts.

TO : R.C., VERCELLI Region.

1. The Chief Commissioner is most anxious to get information on the welfare and whereabouts of Senator Riccardo MOTTA. Senator MOTTA was a leading figure in the partisan movement in NOVI and a very fine man. He has been imprisoned in LANDRICO MONFERRATO and his wife is most anxious to have news of him.

2. It would be greatly appreciated if you could, when opportunity permits, do everything you can to locate Senator MOTTA and let me know if you are able to obtain any news of him.

3. LANDRICO MONFERRATO is in the Province of PAVIA, 15 Km. from CASALE MONFERRATO and 5 Km. from the railroad station of CANDIA LOMELLINA.

D. Ld.
For Brigadier,
Executive Commissioner.

5459

1996

Declassified E.O. 12356 Section 3.3/NND No. 785015

JAQ/hjp

15 May 1945

TO: Office of the Executive Commissioner
(Attn: Miss Llewelyn, Welfare and Whereabouts Dept.)

This promemoria was brought to me by the wife of Senator Motta who was a leading figure in the partisan movement in Rome and a very fine man. He has been imprisoned in Langosco Lomellina (wherever that may be) and now his wife is most anxious to have him restored to her here in Rome or at least have news on him. Can you do all you can to help in this matter which I think is a very deserving case?

/s/ J. A. Quayle

J. A. QUAYLE
Major, R. A.
Staff Officer to CC

Encl.

Senatore Riccardo Motta

Via Piceno 7, Rome

184

See

183

5458

1997

Declassified E.O. 12356 Section 3.3/NND No. 785015

HEADQUARTERS ALLIED COMMISSIC
Office of the Chief Commissioner
APO 394

11 May 1945.

My dear Mr. Ambassador:

Thank you for your letter of 7 May enclosing a copy of the Note Verbale which you submitted to the Italian Government with respect to its petroleum policy.

Yours very truly,

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

The Hon. Alexander Kirk,
American Ambassador,
119 Via Vittorio Veneto,
Rome.

F/R1 CIA declass/rel
2002/[illegible]

5/5/7.

(184)

1998

Declassified E.O. 12356 Section 3.3/NND No. 785015

Rome, Italy
May 7, 1945.

PERSONAL & CONFIDENTIAL.

Dear Admiral Stone:

In connection with the Decree recently enacted by the Italian Government giving legal status to the Comitato Italiano Petroli, there is enclosed for your information a copy of a Note Verbale which on instructions from the State Department I am today submitting to the Italian Government setting forth certain broad aims which the United States Government wishes to place on record with respect to the petroleum policy of the Italian Government.

Sincerely yours,

Enclosure:
As stated.

Admiral Ellery W. Stone,
Chief Commissioner,
Allied Commission,
R o m e.

Declassified E.O. 12356 Section 3.3/NND No. 785015

2000

Declassified E.O. 12356 Section 3.3/NND No. 785015

No.

N O T E V E R B A L E

The Embassy of the United States of America presents its compliments to the Royal Ministry of Foreign Affairs and upon instructions from the Department of State at Washington has the honor to submit the following considerations with reference to the decree recently enacted by the Italian Government giving legal status to the Comitato Italiano retroli:

In connection

To the

Royal Ministry of Foreign Affairs,

R o m e.

181

2001

Declassified E.O. 12356 Section 3.3/NND No. 785015

In connection with that decree, the Government of the United States of America desires to place on the record certain broad aims with respect to the petroleum policy of the Italian Government.

It will be recognized by the Italian Government that the injuries done to petroleum operations in Italy to nationals of the United States and the United Kingdom constitute a general problem which will ultimately have to be dealt with. Before the war, preferential treatment was received by AGIP and ANIC as compared with that given the petroleum enterprises controlled by Allied nationals, and during the war serious injury has been inflicted on these enterprises.

As the

(181)

2002

Declassified E.O. 12356 Section 3.3/NND No. 785015

As the settlement of this problem may require a considerable period, it is the desire of the United States Government that in the meantime the conduct of petroleum affairs in Italy should be such that the interests of American nationals will not be further prejudiced.

The Italian Government must also recognize that American petroleum interests in Italy have suffered great damages, and that at the proper time some satisfactory recompense must be made. Meanwhile, no actions which might tend to complicate further the position of American nationals in the petroleum industry in Italy should be taken or be permitted by the Italian Government.

In particular,

(18)

4452

2003

Declassified E.O. 12356 Section 3.3/NND No. 785015

In particular the petroleum properties and rights formerly belonging to American nationals, or to enterprises in which American nationals were interested, which were confiscated by the Italian Government should not be disposed of to private concerns or individuals. The policies and actions of the Italian Government should be such as to facilitate the return at the earliest possible moment of the properties to the companies from which they were confiscated, including the rights and other intangible assets of the companies and the competitive opportunities which they enjoyed.

In addition it should be a matter of record

that in 5451

(1)

2004

Declassified E.O. 12356 Section 3.3/NND No. 785015

that in the ultimate settlement the Italian Government may be required to cede or liquidate various state-owned or controlled properties and assets in order to provide compensation to Allied nationals for damages suffered growing out of the war declared by Italy against the United States. As the petroleum properties and assets which belonged to the Italian Government prior to the confiscation of the American properties may be included among the holdings that will be required for this purpose, no action should be taken by the Italian Government pending the settlement which might result in dissipating these assets or in rendering more difficult their possible

mobilization

5450

121

2005

Declassified E.O. 12356 Section 3.3/NND No. 785015

mobilization and transfer. This statement is made without prejudice to the claims of American nationals to just compensation for damage and injury suffered, whether sustained before or after the promulgation of the decree legalizing the Comitato Italiano Petroli.

The points set forth above have little to do with petroleum operations currently conducted in Italy, but in anticipation of the proper time for their consideration it is believed appropriate to place them upon the record now so as to avoid future misunderstandings.

Rome, May 7, 1945.

CAL:EM

5449

181

2006

Declassified E.O. 12356 Section 3.3/NND No. 785015

HEADQUARTERS ALLIED COMMISSION
APO 394
ECONOMIC SECTION

E3/13.02 5 May 1945

SUBJECT: Accompanying Letter C.I.P. Decree

TO : Chief Commissioner

1786

1. Attached is original of letter N358 from Prime Minister Bonomi dated 28 April 1945 relative to C.I.P. Decree.

2. I have had this letter checked by Mr. Frothingham of Pet. Section AFHQ who informs me that it is in conformity with the statement which it was desired that the Italian Government issue.

3. The statement is considered satisfactory from the standpoint of the Economic Section.

A.E. MICOLINI
Acting Vice President
Economic Section

Enc. Letter N358

cc: Exec. Comm.

Have written A/Pres.

CAIRETA

R.I.8

180

2007

Declassified E.O. 12356 Section 3.3/NND No. 785015

MINISTERO DEGLI AFFARI ESTERI

6/1220/563

AIDE - MEMOIRE

SUBJECT: Minister TALAMO

On the 27th of April, at about 15,30 hours, a n.c.o. of the British M.P., together with a Carabiniere of the Salaria Station, presented themselves at Minister TALAMO's house (Piazzale delle Arti n.1) to carry out a search.

In the absence of the Minister, his wife objected that they lacked the necessary warrant. The n.c.o. answered that he would provide to it immediately and returned soon after with the enclosed note, which, it is believed, he wrote himself.

The search was carried out, but no explanation was offered as regards its object.

Minister TALAMO interested in the matter the Ministry for Foreign Affairs, the latter pending further steps, gave him a certificate stating that no search could be carried out in his house without previous agreement between the Allied Commission and the Ministry.

Subsequently, Minister TALAMO learnt that a similar search had been carried out in his brother's apartment at via Lima 36. It appeared, however, in this case, that object of this search was Minister TALAMO's nephew, Alexander KINGSLAND, who had recently crossed the lines near Genoa and had to be questioned according to the normal procedure.

The aforesaid searches appear to be all the more surprising as KINGSLAND lives in Rome, via Pagadini n. 24, and does not make any effort to conceal his identity or whereabouts.

Minister TALAMO, together with his brother, went to his nephew's house to see what had happened. Having found the house blocked, he assured the n.c.o. of the M.P. that, should he meet his nephew, he would not fail to tell him to return home at once. On the same evening, at about 21,30 hours the same n.c.o. presented himself again at Minister TALAMO's home, while armed Carabinieri blocked all the exits and the telephone was disconnected.

The Minister showed to the n.c.o. the certificate, but the latter insolently replied that he did not believe it was authentic and insisted upon carrying out a further search.

Some time after the police left the house and the phone was again connected.

Minister TALAMO has been subsequently informed that in the evening of the 27th, his nephew was arrested as he was returning to his house.

Rome, May 2th, 1945.

5417

179a

2008

Declassified E.O. 12356 Section 3.3/NND No. 785015

Tel: 735

Ref: 3601/104/80. 11 May 1945.

SUBJECT: Irregular Searching of Minister's Property.

TO : Civil Affairs Section.

1. Attached hereto is Aide Memoire dated 2 May 1945 from the Ministry for Foreign Affairs. It relates, as you can see, to what would appear to be an irregular searching of the house of Minister TALAMO in ROME.

2. Will you please cause this matter to be investigated and prepare a suitable reply to the Ministry in due course.

Chief Staff Officer.
To Executive Commissioner.

Encl:
as above

179a

C.C.

HEADQUARTERS ALLIED COMMISSION
APO 394
OFFICE OF THE EXECUTIVE COMMISSIONER

AC/4010/9/L. 30 April 1945

SUBJECT : Economic Decrees.

TO : Regional Commissioners, UMBRIA-MARCHE, TOSCANA, EMILIA, LIGURIA, PIEMONTE, LOMBARDIA and VENEZIE Regions (for distribution see page 2);
SCAOs 5th and 8th Armies· HQ, IV Corps.

1. This directive cancels directive AC/4010/9/L of 31 March 1945.

2. To avoid inflation in Northern Italy it has been proposed that the economic levels in territory north of the provinces of Ravenna, Florence, Pistoia, Lucca and Apuania should be kept separate from those in Southern Italy, at least during the initial period after liberation. Wages and prices in the north would then be maintained initially at their level of 3 April 1945.

3. In view of the rapid advance in the north it has been decided that before this policy is introduced a survey should be made of the price and wage structure now existing in various parts of the northern territory.

4. In order to enable Italian decrees to be implemented in the north during the period when this survey is being made it is necessary to exclude from implementation in the north all decrees creating allowances, increasing salaries or wages, or establishing prices which are in force in the South and are inconsistent with the proposed northern levels.

5. A Special Order has been issued for this purpose and appears in the supplement to G.U.No.51 of 28 April 1945. The decrees concerned are listed in the schedule to that order. The schedule is in two parts: the decrees in the first part grant allowances or increases which have retrospective effect and commence at dates earlier than the effective date of operation of the decrees themselves, e.g., 1 Nov 1945; the decrees in the second part of the schedule contain provisions which are inconsistent with the above mentioned economic policy.

6. It is uncertain to what extent it will be possible to maintain separate levels, and local conditions may require the reintroduction of certain elements of the southern economy. For this purpose it may be necessary to bring into effect at short notice in a particular province the provisions of some or all of these decrees. The special order therefore provides that the decrees in both parts of the schedule will remain

5445

Declassified E.O. 12356 Section 3.3/NND No. 785015

initially at their level of 3 April 1945.

3. In view of the rapid advance in the north it has been decided that before this policy is introduced a survey should be made of the price and wage structure now existing in various parts of the northern territory.

4. In order to enable Italian decrees to be implemented in the north during the period when this survey is being made it is necessary to exclude from implementation in the north all decrees creating allowances, increasing salaries or wages, or establishing prices which are in force in the South and are inconsistent with the proposed northern levels.

5. A Special Order has been issued for this purpose and appears in the supplement to G.U.No.51 of 28 April 1945. The decrees concerned are listed in the schedule to that order. The schedule is in two parts: the decrees in the first part grant allowances or increases which have retrospective effect and commence at dates earlier than the effective date of operation of the decrees themselves, e.g., 1 Nov 1945; the decrees in the second part of the schedule contain provisions which are inconsistent with the above mentioned economic policy.

6. It is uncertain to what extent it will be possible to maintain separate levels, and local conditions may require the reintroduction of certain elements of the southern economy. For this purpose it may be necessary to bring into effect at short notice in a particular province the provisions of some or all of these decrees. The special order therefore provides that the decrees in both parts of the schedule will remain excluded in all the northern territory unless implemented in any province by order of the Provincial Commissioner. No such order may be issued in any province without express authority from HQ Allied Commission. Any Provincial Commissioner who considers that local economic conditions require the issue of such an order will therefore forward through the Regional Commissioner, his recommendations to HQ Allied Commission before issuing any order to bring these decrees into operation. If authority is given for the reimplementation of any of the decrees contained in the first part of the schedule to the special order, the authority will state the date from which the payments will commence.

7. The special order covers also the Provinces of Apuania, Forli and Ravenna.

8. In Apuania the southern economy will in general prevail. The decrees in the second part of the schedule will be implemented in full and those in the first part will be implemented but retrospective only to the date of liberation of the provincial capital. When the general implementation procedure is introduced into Apuania Province, the Provincial Commissioner should issue an order to establish the date for commencement of the payments under these decrees. One decree, DLL No. 13 of 25 Jan 45, which established a bonus for Christmas 1944, is excluded from Apuania Province as it is considered too late to give such a bonus.

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b. In Forli and Ravenna Provinces the same considerations apply to the retrospective decrees. In these provinces, Provincial Orders have already been made establishing the dates for commencement of payments in the case of some of these decrees and the special order therefore applies these dates to all the decrees in the first part of the schedule.

DLL No. 13 will be implemented in these provinces, since they had already been liberated by Christmas 1944.

The decrees implemented in Forli and Ravenna Provinces, include DLL No. 38 of 1 March 1945 which imposes an economic price for bread. This decree should be put into operation in these provinces when the territory is handed over to the control of EMILIA Region and the Army area has moved forward. Until such time it can be excluded from implementation by ensuring that the prefects do not receive a copy of the Gazzetta Ufficiale containing the decree.

8. There are attached hereto:

a. Translation of the special order referred to in para. 5.

b. Draft of Provincial Order for use as in para. 6.

c. Draft of Provincial Order for use as in para. 7 (a).

M S Lind

Brigadier,
Executive Commissioner.

3 Incls:
Incl 1 - Translation of special order
Incl 2 - Draft of Provincial Order
Incl 3 - Draft of Provincial Order

Copies to: Chief Commissioner (2)
CA Sec (9)
Econ Sec. (15)
Executive Commissioner

Distribution to Regions:

UMBRIA-MARCHE Region - 25 copies
Toscana Region - 60 "
Emilia Region - 50 " } sufficient for distribution

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c. Draft of Provincial Order for use as in para. 7 (a).

MS/lmk

Brigadier,
Executive Commissioner.

3 Incls:
Incl 1 - Translation of special order
Incl 2 - Draft of Provincial Order
Incl 3 - Draft of Provincial Order

Copies to: Chief Commissioner (2)
CA Sec (9)
Econ Sec. (15)
Executive Commissioner

Distribution to Regions:

UMBRIA-MARCHE Region	- 25	copies	
Toscana Region	- 60	"	
Emilia Region	- 50	"	) Sufficient for distribution
Liguria Region	- 30	"	) down to Provincial Commissioners,
Piemonte Regionn	- 45	"	) Provincial Finance Officers,
Lombardia Regioon	- 50	"	) Provincial Labor Officers and
Venezia Region	- 60	"	) Provincial Legal Officers.
SCAO, 5th Army (20)			
SCAO, 8th Army (20)			
Hq IV Corps (5)			

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ORDER NO. 1

I, GERALD R. URQUHART, Brigadier, Vice-President (Civil Affairs Section), Allied Commission, hereby make the following order in respect of the territory hereinafter mentioned which is or may hereafter become subject to Allied Military Government.

1. So far as concerns the provinces of Apuania, Forli' and Ravenna, I hereby vary the implementation orders already made in respect of the decrees enumerated in the first part of the schedule hereto and I order that each of the said decrees shall have full force and effect of law from the date on which the Prefect of each of the said provinces shall receive from the Allied Commission a copy of the present number of the Gazzetta Ufficiale, it being understood that the date from which payments under the said decrees shall commence shall be in the Province of Apuania the date which may hereafter be laid down in the said province by order of the Provincial Commissioner thereof and in the provinces of Forli' and Ravenna the 9th November 1944 and 5th December 1944 respectively.

2. So far as concerns the provinces situated north of a line forming the northern boundaries of the Provinces of Ravenna, Firenze, Pistoia, Lucca and Apuania, I hereby cancel the implementation orders previously made in respect of all the decrees listed in the first and second parts of the said schedule and I order that the said decrees shall remain excluded from implementation in the said provinces unless the Provincial Commissioner of any province shall hereafter make a further order in respect of any of the said decrees in which case in such province such decrees shall have full force and effect of law as provided by such order, it being understood that in no case shall payments commence in respect of any of the said decrees at a date earlier than the date which may hereafter be laid down by the order of the Provincial Commissioner as aforesaid.

3. So far as concerns the Province of Apuania and also the Provinces situated north of a line forming the northern boundaries of the Provinces of Ravenna, Firenze, Pistoia, Lucca and Apuania, I hereby cancel the implementation previously made in respect of DLI No. 13 of 25 Jan 45 which is published for information only.

Dated: 27 April 1945.

G. R. URQUHART, Brigadier,
Vice President,
(Civil Affairs Section),
Allied Commission.

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of all the decrees listed in the first and second parts of the said schedule and I order that the said decrees shall remain excluded from implementation in the said provinces unless the Provincial Commissioner of any province shall hereafter make a further order in respect of any of the said decrees in which case in such province such decrees shall have full force and effect of law as provided by such order, it being understood that in no case shall payments commence in respect of any of the said decrees at a date earlier than the date which may hereunder be laid down by the order of the Provincial Commissioner as aforesaid.

3. So far as concerns the Province of Apuania and also the Provinces situated north of a line forming the northern boundaries of the Provinces of Ravenna, Firenze, Pistoia, Lucca and Apuania, I hereby cancel the implementation previously made in respect of PIL No. 19 of 25 Jan 45 which is published for information only.

G. R. UNJOHN, Brigadier,
Vice President,
(Civil Affairs Section),
Allied Commission.

Dated: 27 April 1945.

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C.C.

HEADQUARTERS ALLIED COMMISSION
APO 394
OFFICE OF THE EXECUTIVE COMMISSIONER

AC/4010/9/L. 30 April 1945

SUBJECT : Economic Decrees.

TO : Regional Commissioners, UMBRIA-MARCHE, TOSCANA, EMILIA, LIGURIA, PIEMONTE, LOMBARDIA and VENEZIE Regions (for distribution see page 2);
SCAOs 5th and 8th Armies; HQ, IV Corps.

1. This directive cancels directive AC/4010/9/L of 31 March 1945.

2. To avoid inflation in Northern Italy it has been proposed that the economic levels in territory north of the provinces of Ravenna, Florence, Pistoia, Lucca and Apuania should be kept separate from those in Southern Italy, at least during the initial period after liberation. Wages and prices in the north would then be maintained initially at their level of 3 April 1945.

3. In view of the rapid advance in the north it has been decided that before this policy is introduced a survey should be made of the price and wage structure now existing in various parts of the northern territory.

4. In order to enable Italian decrees to be implemented in the north during the period when this survey is being made it is necessary to exclude from implementation in the north all decrees creating allowances, increasing salaries or wages, or establishing prices which are in force in the South and are inconsistent with the proposed northern levels.

5. A Special Order has been issued for this purpose and appears in the supplement to C.C.No.51 of 28 April 1945. The decrees concerned are listed in the schedule to that order. The schedule is in two parts: the decrees in the first part grant allowances or increases which have retrospective effect and commence at dates earlier than the effective date of operation of the decrees themselves, e.g., 1 Nov 1945; the decrees in the second part of the schedule contain provisions which are inconsistent with the above mentioned economic policy.

6. It is uncertain to what extent it will be possible to maintain separate levels, and local conditions may require the reintroduction of certain elements of the southern economy. For this purpose it may be necessary to bring into effect at short notice in a particular province the provisions of some or all of these decrees. The special order therefore provides that the decrees in both parts of the schedule will remain

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decided that before this policy is introduced a survey should be made of the price and wage structure now existing in various parts of the northern territory.

4. In order to enable Italian decrees to be implemented in the north during the period when this survey is being made it is necessary to exclude from implementation in the north all decrees creating allowances, increasing salaries or wages, or establishing prices which are in force in the South and are inconsistent with the proposed northern levels.

5. A Special Order has been issued for this purpose and appears in the supplement to C.G.No.50 of 28 April 1945. The decrees concerned are listed in the schedule to that order. The schedule is in two parts: the decrees in the first part grant allowances or increases which have retrospective effect and commence at dates earlier than the effective date of operation of the decrees themselves, e.g., 1 Nov 1943; the decrees in the second part of the schedule contain provisions which are inconsistent with the above mentioned economic policy.

6. It is uncertain to what extent it will be possible to maintain separate levels, and local conditions may require the reintroduction of certain elements of the southern economy. For this purpose it may be necessary to bring into effect at short notice in a particular province the provisions of some or all of these decrees. The special order therefore provides that the decrees in both parts of the schedule will remain excluded in all the northern territory unless implemented in any province by order of the Provincial Commissioner. No such order may be issued in any province without express authority from HQ Allied Commission. Any Provincial Commissioner who considers that local economic conditions require the issue of such an order will therefore forward through the Regional Commissioner, his recommendations to HQ Allied Commission before issuing any order to bring these decrees into operation. If authority is given for the reimplementation of any of the decrees contained in the first part of the schedule to the special order, the authority will state the date from which the payments will commence.

7. The special order covers also the Provinces of Apuania, Forli and Ravenna.

a. In Apuania the southern economy will in general prevail. The decrees in the second part of the schedule will be implemented in full and those in the first part will be implemented but retrospective only to the date of liberation of the provincial capital. When the general implementation procedure is introduced into Apuania Province, the Provincial Commissioner should issue an order to establish the date for commencement of the payments under these decrees. One decree, DLL No. 13 of 25 Jan 45, which established a bonus for Christmas 1944, is excluded from Apuania Province as it is considered too late to give such a bonus.

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b. In Forli and Ravenna Provinces the same considerations apply to the retrospective decrees. In these provinces, Provincial Orders have already been made establishing the dates for commencement of payments in the case of some of these decrees and the special order therefore applies these dates to all the decrees in the first part of the schedule.

DLL No. 13 will be implemented in these provinces, since they had already been liberated by Christmas 1944.

The decrees implemented in Forli and Ravenna Provinces, include DLL No. 38 of 1 March 1945 which imposes an economic price for bread. This decree should be put into operation in these provinces when the territory is handed over to the control of EMILIA Region and the Army area has moved forward. Until such time it can be excluded from implementation by ensuring that the prefects do not receive a copy of the Gazzetta Ufficiale containing the decree.

8. There are attached hereto:

a. Translation of the special order referred to in para. 5.

b. Draft of Provincial Order for use as in para. 6.

c. Draft of Provincial Order for use as in para. 7 (a).

Brigadier,
Executive Commissioner.

3 Incls:
Incl 1 - Translation of special order
Incl 2 - Draft of Provincial Order
Incl 3 - Draft of Provincial Order

Copies to: Chief Commissioner (2)
CA Sec (9)
Econ Sec: (15)
Executive Commissioner

Distribution to Regions:

UMBRIA-MARCHE Region - 25 copies
Toscana Region - 60 "
Emilia Region - 50 ") Sufficient for distribution
Liguria Region - 30 ") down to Provincial

Declassified E.O. 12356 Section 3.3/NND No. 785015

c. Draft of Provincial Order for use as in para. 7 (a).

Brigadier,
Executive Commissioner.

3 Incls:
Incl 1 - Translation of special order
Incl 2 - Draft of Provincial Order
Incl 3 - Draft of Provincial Order

Copies to: Chief Commissioner (2)
CA Sec (9)
Econ Sec. (15)
Executive Commissioner

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Toscana Region	- 60	"	
Emilia Region	- 50	"	) Sufficient for distribution
Liguria Region	- 30	"	) down to Provincial Commissioners,
Piemonte Region	- 45	"	) Provincial Finance Officers,
Lombardia Region	- 50	"	) Provincial Labor Officers and
Venezie Region	- 60	"	) Provincial Legal Officers.
SCAO, 5th Army	(20)		
SCAO, 8th Army	(20)		
Hq IV Corps	(5)		

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ORDER NO. 1

I, GERALD R. URQUHART, Brigadier, Vice-President (Civil Affairs Section), Allied Commission, hereby make the following order in respect of the territory hereinafter mentioned which is or may hereafter become subject to Allied Military Government.

1. So far as concerns the provinces of Apuania, Forli' and Ravenna, I hereby vary the implementation orders already made in respect of the decrees enumerated in the first part of the Schedule hereto and I order that each of the said decrees shall have full force and effect of law from the date on which the Prefect of each of the said provinces shall receive from the Allied Commission a copy of the present number of the Gazzetta Ufficiale, it being understood that the date from which payments under the said decrees shall commence shall be in the Province of Apuania the date which may hereafter be laid down in the said province by order of the Provincial Commissioner thereof and in the provinces of Forli' and Ravenna the 9th November 1944 and 5th December 1944 respectively.

2. So far as concerns the provinces situated north of a line forming the northern boundaries of the Provinces of Ravenna, Firenze, Pistoia, Lucca and Apuania, I hereby cancel the implementation orders previously made in respect of all the decrees listed in the first and second parts of the said schedule and I order that the said decrees shall remain excluded from implementation in the said provinces unless the Provincial Commissioner of any province shall hereafter make a further order in respect of any of the said decrees in which case in such province such decrees shall have full force and effect of law as provided by such order, it being understood that in no case shall payments commence in respect of any of the said decrees at a date earlier than the date which may hereafter be laid down by the order of the Provincial Commissioner as aforesaid.

3. So far as concerns the Province of Apuania and also the Provinces situated north of a line forming the northern boundaries of the Provinces of Ravenna, Firenze, Pistoia, Lucca and Apuania, I hereby cancel the implementation previously made in respect of DLI No. 13 of 25 Jan 45 which is published for information only.

G. R. URQUHART, Brigadier,
Vice President.
(Civil Affairs Section),
Allied Commission.

Dated: 27 April 1945.

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Apuania, I hereby cancel the implementation orders previously made in respect of all the decrees listed in the first and second parts of the said schedule and = order that the said decrees shall remain excluded from implementation in the said provinces unless the Provincial Commissioner of any province shall hereafter make a further order in respect of any of the said decrees in which case in such provinces such decrees shall have full force and effect of law as provided by such order, it being understood that in no case shall payments commence in respect of any of the said decrees at a date earlier than the date which may hereafter be laid down by the order of the Provincial Commissioner as aforesaid.

3. So far as concerns the Province of Apuania and also the Provinces situated north of a line forming the northern boundaries of the Provinces of Ravenna, Firenze, Pistoia, Lucca and Apuania, I hereby cancel the implementation previously made in respect of DLL No. 13 of 25 Jan 45 which is published for information only.

Dated: 27 April 1945.

G. R. UNGER, Brigadier,
Vice President,
(Civil Affairs Section),
Allied Commission.

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THE SCHEDULE

PART I

DECREES	No.	DATE
RDL	18/3	6 Dec 1943
RDL	23/B	7 Dec 1943
RD	12	19 Jan 1944
RDL	85	13 Mar 1944
RDL	103	23 Mar 1944
RDL	113	16 Apr 1944
RD	121	23 Mar 1944
RD	122	5 Apr 1944
RDL	131	9 May 1944
RD	156	2 Jun 1944
DLL	276	20 Jul 1944
MD (G.U. No. 79 of 9 Nov 1944)		28 Sept 1944
DLL	301	19 Oct 1944
DLL	303	2 Nov 1944
DLL	307	9 Nov 1944
DLL	328	18 Nov 1944
DLL	351	19 Oct 1944
DLL	360	19 Oct 1944
DLL	386	2 Nov 1944
DLL	400	4 Dec 1944
DLL	424	5 Nov 1944
DLL	434	22 Nov 1944
DLL	28	4 Jan 1945

PART II

Bando	3	8 Oct 1943
Bando	10	4 Nov 1943
Bando	11	4 Nov 1943
Bando	12	1 Nov 1943
RDL	12/B	2 Dec 1943
RDL	14/B	2 Dec 1943
RDL	24/B	13 Dec 1943
RDL	6	3 Jan 1944
RDL	11	13 Jan 1944
RDL	18	2 Feb 1944
RDL	19	24 Jan 1944

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RDL (C.O. No. 7) of 9 Nov 1944)		26 Sept 1944
DLL	301	19 Oct 1944
DLL	303	2 Nov 1944
DLL	307	9 Nov 1944
DLL	328	16 Nov 1944
DLL	351	19 Oct 1944
DLL	360	19 Oct 1944
DLL	386	2 Nov 1944
DLL	400	4 Dec 1944
DLL	424	5 Nov 1944
DLL	434	22 Nov 1944
DLL	28	4 Jan 1945

PART II

Bondo	3	8 Oct 1943
Bondo	10	4 Nov 1943
Bondo	11	4 Nov 1943
Bondo	12	1 Nov 1943
RDL	12/B	2 Dec 1943
RDL	14/B	2 Dec 1943
RDL	24/B	19 Dec 1943
RDL	6	3 Jan 1944
RDL	11	13 Jan 1944
RDL	18	2 Jan 1944
RDL	19	24 Jan 1944
RDL	34	31 Jan 1944
RDL	43	20 Jun 1944
RDL	74	2 Mar 1944
RDL	80	2 Mar 1944
RDL	84	10 Mar 1944
RDL	85	13 Mar 1944
RDL	102	27 Jan 1944
RDL	108	6 Apr 1944
RD	129	13 Apr 1944
LLD	152	3 Jul 1944
RDL	158	4 Jun 1944
DLL	165	3 Aug 1944
DLL	167	10 Aug 1944
DLL	230	3 Aug 1944
DLL	231	3 Aug 1944
DLL	233	8 Sep 1944
DLL	234	8 Sep 1944
DLL	237	23 Sep 1944
DLL	240	24 Aug 1944
DLL	248	28 Sep 1944

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DLL	253	9 Aug 1944
DLL	254	3 Aug 1944
DLL	273	21 Sep 1944
DLL	295	19 Oct 1944
DLL	312	26 Oct 1944
DLL	329	26 Sep 1944
DLL	335	17 Nov 1944
LLD	345	12 Oct 1944
DLL	370	23 Nov 1944
DLL	377	29 Sep 1944
DLL	380	9 Nov 1944
DLL	405	23 Nov 1944
DLL	425	5 Dec 1944
DLL	480	22 Dec 1944
DLL	3	11 Jan 1945
DLL	18	5 Jan 1945
DLL	22	18 Jan 1945
DLL	29	11 Jan 1945
DLL	31	18 Jan 1945
DLL	35	1 Feb 1945
DLL	39	18 Jan 1945
DLL	41	30 Jan 1945
DLL	53	7 Feb 1945
DLL	56	12 Mar 1945
DLL	57	18 Jan 1945
DLL	60	9 Mar 1945
DLL	87	8 Feb 1945
DLL	91	19 Mar 1945
DLL	104	1 Feb 1945
DLL	107	8 Feb 1945

Decree of the Chief of Govt (G.U. No. 21 of 22 Apr 44)

MD	(G.U. No. 24 of 3 May 44)	30 Dec 43
MD	(G.U. No. 26 of 10 May 44)	2 May 1944
MD	(Fixing Wages for the purpose of workman's accident insurance - G.U. No. 33 of 3 Jun 44)	19 Apr 1944
MD	(G.U. No. 38 of 5 July 1944)	25 May 1944
MD	(G.U. No. 38 of 5 July 1944)	28 Mar 1944
MD	(G.U. No. 40 of 27 July 1944)	28 Jun 1944
MD	(Olive oil collection - G.U. No. 54 of 12 Sep 44)	26 Jul 1944

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DLL	31	18 Jan 1945
DLL	35	1 Feb 1945
DLL	39	18 Jan 1945
DLL	41	30 Jan 1945
DLL	53	" Feb 1945
DLL	56	12 Mar 1945
DLL	57	18 Jan 1945
DLL	60	8 Mar 1945
DLL	87	8 Feb 1945
DLL	91	19 Mar 1945
DLL	104	1 Feb 1945
DLL	107	8 Feb 1945
Decree of the Chief of Govt (G.U. No. 21 of 22 Apr 44)		
		30 Dec 1943
MD (G.U. No. 24 of 3 May 44)		2 May 1944
MD (G.U. No. 26 of 10 May 44)		19 Apr 1944
MD (Fixing Wages for the purpose of workmen's accident insurance - G.U. No. 33 of 9 Jun 44)		
		25 May 1944
MD (G.U. No. 38 of 5 July 1944)		28 Mar 1944
MD (G.U. No. 38 of 5 July 1944)		28 Jun 1944
MD (G.U. No. 40 of 27 July 1944)		26 Jul 1944
MD (Olive oil collection - G.U. No. 54 of 12 Sep 44)		
		7 Sep 1944
MD (G.U. No. 59 of 23 Sep 44)		19 Sep 1944
MD (G.U. No. 82 of 15 Nov 1944)		14 Nov 1944
MD (G.U. No. 6 of 13 Jan 45)		1 Dec 1944
MD (G.U. No. 7 of 16 Jan 45)		1 Jan 1945
MD (G.U. No. 13 of 30 Jan 45)		22 Jan 1945
MD (G.U. No. 21 of 17 Feb 45)		13 Feb 1945
MD (G.U. No. 41 of 5 Apr 45)		30 Mar 1945
MD (G.U. No. 44 of 8 Aug 44)		31 May 1944
MD (G.U. No. 7 of 16 Jan 45)		4 Jan 1945.

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I, , Provincial Commissioner, Province, pursuant to the authority granted to me by order of the Allied Commission promulgated in the supplement to Gazzetta Ufficiale No. 51 of 28 April 1945 hereby order that all decrees listed in (Parts I and II of) the schedule hereto shall have full force and effect of law in the Province of from 1945 (and I further order that in respect of the decrees listed in (Part I of) the said schedule the date for the commencement of payments under all such decrees shall be the 1945).

* * *

IO, , Commissario Provinciale della Provincia di , in base ai poteri conferitimi con l'ordinanza della Commissione Alleata, pubblicata nel Supplemento Ordinario alla Gazzetta Ufficiale del 28 aprile 1945 n. 51, con la presente ordino che tutti i decreti elencati nelle Tabelle ivi contenute (Parte I e II) abbiano piena forza ed effetto di legge nella Provincia di a partire dal 1945 (io ordino inoltre che rispetto ai decreti elencati nella Parte I della detta Tabella la data per l'inizio dei pagamenti ai sensi dei decreti stessi sia il 1945).

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Notes:

1. Only those decrees required to be implemented should be listed. If the decrees to be implemented are comprised in both parts of the schedule to the basic order in G.U. they should be similarly enumerated in two schedules to this order.
2. If any decrees in Part I of the schedule are implemented it will be necessary to make provision for the date of the commencement of payments.
3. Unnecessary parts of the order should be deleted before issue.

****

Pursuant to the order of the Allied Commission promulgated in the Supplement to Gazzetta Ufficiale No. 51 of 28 April 1945 I, , Provincial Commissioner of Apuania Province hereby order that in the Province of Apuania the date for the commencement of payments under the decrees listed in the schedule hereto shall be the 1945.(Here set out the 23 decrees listed in Part I of the Schedule)

* * *

In conformita' con l'ordinanza della Commissione Alleata pubblicata nel Supplemento Ordinario alla Gazzetta Ufficiale del 28 aprile 1945 n. 51, IO, , Commissario Provinciale della Provincia di Apuania, con la presente ordino che nella Provincia di Apuania la data per l'inizio dei pagamenti ai sensi dei decreti elencati nella Tabella ivi contenuta sia il 1945.

(Here set out the 23 decrees listed in Part I of the Schedule).

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sic order in G.U. they should be similarly enumerated in two schedules to this order.

2. If any decrees in Part I of the schedule are implemented it will be necessary to make provision for the date of the commencement of payments.

3. Unnecessary parts of the order should be deleted before issue.

****

Pursuant to the order of the Allied Commission promulgated in the Supplement to Gazzetta Ufficiale No. 51 of 28 April 1945 I, , Provincial Commissioner of Apuania Province hereby order that in the Province of Apuania the date for the commencement of payments under the decrees listed in the schedule hereto shall be the 1945.(Here set out the 23 decrees listed in Part I of the Schedule)

* * *

In conformita' con l'ordinanza della Commissione Alleata pubblicata nel Supplemento Ordinario alla Gazzetta Ufficiale del 28 aprile 1945 n. 51, IO, , Commissario Provinciale della Provincia di Apuania, con la presente ordino che nella Provincia di Apuania la data per l'inizio dei pagamenti ai sensi dei decreti elencati nella Tabella ivi contenuta sia il 1945.

(Here set out the 23 decrees listed in Part I of the Schedule).

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MAY 4 RECD

Translation

The President of the Council of Ministers

n. 330

Rome, 28 April 1945

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Dear Admiral,

referring to the decree instituting the S.I.A. and to the verbal agreements on the same subject, I want to give you the following informations:

a) The word 'substitutes' included in a) of art. 2 of the decree means methane gas.

It is understood that, for what concerns methane gas, the S.I.A. will undertake all the operations described in the decree, as long as the gas itself will be used as fuel for vehicles.

Should the Italian Government, in agreement with the competent Allied authorities, decide to destine the methane gas entirely to other uses, the S.I.A. will no longer have anything to do with its production and distribution.

b) Referring to letter b) of art. 2 of the decree, it is understood that S.I.A. will provide to the distribution of the products mentioned in a) of the said article, according to the regulations of the Allied Military Authorities for what concerns military requirements; and according to the plans made by the Italian Government in agreement with the Allied Commission for what concerns civilian uses.

c) Referring to art. 3, after the enforcement of the decree, the S.I.A. will inform the Ministry of Industry, Commerce and Labour about the all concerns in alberated Italy of which it will have to make use to fulfil its activity, and the said Ministry will take the necessary action for the said concerns to fulfil without delay all the engagements foreseen in the decree.

To use the plants, organizations and equipment of other concerns which S.I.A. may later find necessary for its requirements, special requests will have to be made every time by S.I.A. to the Ministry of Industry, Commerce and Labour.

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Admiral Ellery W. Stone
Chief Commissioner
Allied Commission
R o m e

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4) It is understood that the Italian Government will adopt the regulations foreseen in art. 1, para. 4; in art. 5, para 2; in art. 6, para 1; in art. 7, para 2; in art. 10, para 2 and in art 12, after agreeing with the Allied commission or with the organization or organizations which might substitute it.

5) Italian Government agrees with what I have just written.

z. l. Zoppi

...o.

cc: Econ. Sec.
Chief Comm.
Exec. Comm'r.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

Roma, li 28 aprile 1945

Il Presidente
del Consiglio dei Ministri

N. 358

Caro Ammiraglio,

Con riferimento al decreto istitutivo del C.I.P. ed alle intese verbali in merito, Le preciso quanto segue:

I°) La parola "succedanei", inclusa nella lettera a) dell'art. 2 del decreto, sta ad indicare il gas metano.

E' inteso che, rispetto al gas metano, il C.I.P. provvederà a tutte le operazioni descritte nel decreto fintanto che il gas stesso verrà usato come carburante per autoveicoli.

Qualora il Governo Italiano, d'accordo con le competenti Autorità Alleate, decidesse di destinare il gas metano interamente ad altri usi, il C.I.P. non avrà più alcuna ingerenza nella produzione e distribuzione di esso.

2°) Con riferimento alla lettera b) dell'art. 2 del decreto, è inteso che il C.I.P. provvederà alla distribuzione dei prodotti indicati nella lettera a) dell'articolo stesso secondo le disposizioni delle Autorità Militari Alleate per quanto riguarda le esigenze belliche; e secondo il piano prestabilito dal Governo Italiano di intesa con la Commissione Alleata per quanto riguarda gli usi civili.

- - - - -

Al Sig. Ammiraglio
Ellery W. Stone
Capo della Commissione Alleata

R O M A

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Declassified E.O. 12356 Section 3.3/NND No. 785015

Il Presidente del Consiglio dei Ministri

3°) Con riferimento all'art. 3 il C.I.P. dopo l'entrata in vigore del decreto indicherà al Ministero dell'Industria, Commercio e Lavoro di quali aziende petrolifere dell'Italia liberata esso ha bisogno di valersi per lo svolgimento della sua attività, ed il Ministero predetto adotterà le misure necessarie perchè le aziende stesse adempiano con la maggiore prontezza a tutte le prestazioni previste nel decreto.

La utilizzazione degli impianti, organizzazioni ed attrezzature di altre aziende che il C.I.P. potrà successivamente ritenere necessaria alle sue esigenze, formerà oggetto di apposite richieste da presentarsi di volta in volta dal C.I.P. al Ministero dell'Industria, Commercio e Lavoro.

4°) E' inteso che il Governo Italiano adotterà i provvedimenti previsti nell'art. I, comma 4; nell'art. 3, comma 2; nell'art. 6, comma I; nell'art. 7, comma 2; nell'art. IO, comma 2 e nell'art. I2, previa intesa con la Commissione Alleata o con quell'Ente, o con quegli Enti, che ad essa

./.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

Il Presidente del Consiglio dei Ministri

eventualmente siano sostituiti.

Il Governo Italiano ha l'onore di dichiararsi d'accordo su quanto precede.

Vittorio Emanuele Orlando

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Declassified E.O. 12356 Section 3.3/NND No. 785015

C.C.

Translation

The President of the council of Ministers

n. 398

CC 1755
APR 29 0 CERO

Rome, 28 April 1945

Dear Admiral,

referring to the decree for the intitution of the C.I.P. and the verbal agreements on the same subject, I want to tell you what follows:

1) The word 'substitutes' in para a) will cover all the operations described in the decree, as long as the gas itself will be used as fuel for motor-vehicles.

Should the Italian Government, in agreement with the Allied Authorities, decide to destine the methane gas to other uses, the C.I.P. will no longer have anything to do with its production and distribution.

2) Referring to b) of art. 2 of the decree, it is understood that C.I.P. will provide to the distribution of the products mentioned in a) of the same article, according to the regulations of the Allied Military Authorities for what concerns war requirements and according to the plan prepared by the Italian Government, in agreement with the Allied Commission for what concerns civilian use.

3) Referring to art. 3, after the enforcement of the decree, C.I.P. will let the Ministry of Industry, Commerce and Labour know, what oil plants it requires in liberated Italy for its activity, and the above mentioned Ministry will take the necessary action for the said plants to fulfil all the conditions foreseen in the decree, and this as soon as possible.

In case the C.I.P. should later on find it necessary to use the plants, organisations and equipment of other firms, it will have to make a special request for every case, to be presented by C.I.P. to the Ministry of Industry, Commerce and Labour.

4) It is understood that the Italian Government will adopted the regulations foreseen in art. I, para 4; in art. III para 2; in art. VI, para 1; in

Admiral Stone
Chief Commissioner
Allied Commission
Rome

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E C DIST 329 APR 45
ACTION: ECON SEC (2).
INFO: CHIEF COMM/
EX COMM

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art. VII, para. 2; in art. [illegible], para 2; and in art. XII, after agreeing with the Allied Commission or with the organization or organizations, by whom it might be substituted.

The Italian Government agrees with what I have written.

s. Ivanoe Bonomi

e.c.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

HEADQUARTERS ALLIED COMMISSION
Office of the Chief Commissioner
APO 394

25 April 1945.

Copy to Caccia

Admiral:

The C.I.F. decree has been published and is in effect.

This, I gather, is not altogether satisfactory however for the following reason. As a measure of face-saving the Italians were allowed a certain latitude in the decree itself and these points were to be covered by an undertaking in writing by the Prime Minister to yourself.

This covering letter has not yet appeared, and is causing some anxiety.

You may wish to check with Mr. Antolini at the Vice Presidents' meeting.

J. A. Q.

J. A. QUAYLE
Major, R. A.

See 178

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Q

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APR 23 RECD
C.C. FILES

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Translation

UMBERTO DI SAVOIA PRINCE OF PIEDMONT

Lieutenant General of the

Kingdom

By virtue of authority invested in us;

Having considered Royal Decree No. 1741 of 2/11/33 regulating the importation, handling, storage and distribution of mineral oils and fuel, converted to Law 8/2/34 No. 367;

Considered Royal Decree No. 106, 6/4/44 which lays down regulations for the rationing, allocation and distribution of liquid fuels for civilian use;

Considered Decree of the Lieutenant 2 June, 1944, No151;

Considered the war requirements which make it necessary to regulate exceptionally and temporarily the arrival, storage, handling, manipulation and distribution of petroleum products and substitutes, for essential military needs and for the nation's civilian requirements;

Considered the deliberation of the Council of Ministers;

On the proposal of the Minister of Industry, Commerce and Works, in agreement with the Minister of Finance and that of Treasury;

We hereby decree as follows:

Art. 1

The Comitato Italiano Petroli (CIP) is constituted, with seat in Rome, for the purpose of coordinating and disciplinating, through special and temporary channels, all supplies of petroleum products and substitutes needed by Italian and Allied Armed Forces and for civilian requirements; the management, the functioning and the organization of the oil companies existing in Italy will nevertheless remain autonomous.

CIP has a juridical personality and will not aim at making profits. It is placed under the surveillance of the Minister of Industry, Commerce and Work and of that of the Ministers of Finance and Treasury.

CIP will last one year after the liberation of the Italian territory from

Declassified E.O. 12356 Section 3.3/NND No. 785015

Considered the deliberation of the Council of Ministers;

On the proposal of the Minister of Industry, Commerce and Works, in agreement with the Minister of Finance and that of Treasury,

We hereby decree as follows:

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CIP has a juridical personality and will not aim at making profits. It is placed under the surveillance of the Minister of Industry, Commerce and Works and of that of the Ministers of Finance and Treasury.

CIP will last one year after the liberation of the Italian territory from German occupation.

According to war requirements, this duration can be shortened or prolonged of not more than one year by a decree of the Minister of Industry, Commerce and Works, in agreement with the Ministers of Finance and Treasury.

Art. 2

CIP is entrusted with:

1) The receiving, handling and storage of all petroleum products and their substitutes.

2) The distribution of such products for military and civilian uses.

3) Whatever manipulations may have to take place for military requirements.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

Art. 3

Following application made to the Ministry of Industry, Commerce and Works, CIP wil be authorized to make use temporarily, according to its requirements and to carry out the functions mentioned in the preceding article, of the plants, organizations and equipments belonging to the existing national petroleum concernsin the territory of the State.

CIP may further have the right of disposing of stock in trade belonging to the said concerns.

These concerns wil be placed under the obligation of putting at CIP's disposal for temporary use either the whole or any part of their plants, organization or equipment.

The machinery and the recompense for such temporary use will be settled by agreement between the two parties on the basis of the system in force for 'operations carried out on behalf of third parties'. In the same way the parties will settle between themselvesthe price to be paid in cases of purchase of the stock in trade.

In case of disagreement, and after hearing both sides, the Minister of Industry, Commerce and Work will decide [illegible].

While awaiting such settlement, CIP will make whatever payment it deems adequate, such payment being of a temporary nature and subject to final adjustment.

The same procedure is to be followed in cases of transfer of stocks in trade owned by the above mentioned concerns.

Art. 4

Such concerns as are affected by sub-para 3 of the preceding Article must carry out at CIP's request all operations covered by Art. 2 in connection with military requirements as well as other operations which may be practicable in the plants owned by them. The technical conditions and the recompense will be settled by agreement between the two parties and failing agreement, by the Ministry of Industry, Commerce and Works, following the procedure outlined in sub-para 4 of art. 3.

In such cases, sub-para 5 and 6 of art. 3 apply.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

agreement between the two parties on the basis of the system in force for 'operations carried out on behalf of third parties'. In the same way the parties will settle between themselvesthe price to be paid in cases of purchase of the stock in trade.

In case of disagreements and after hearing both sides, the Minister of Industry, Commerce and Work[illegible] will decide [illegible].

While awaiting such settlement, CIP will make whatever payment it deems adequate, such payment being of a temporary nature and subject to final adjustment.

The same procedure is to be followed in cases of transfer of stocks in trade owned by the above mentioned concerns.

Art. 4

Such concerns as are affected by sub-para 3 of the preceding Article must carry out at CIP's request all operations covered by Art. 2 in connection with military requirements as well as other operations which may be practicable in the plants owned by them. The technical conditions and the recompense will be settled by agreement between the two parties and failing agreement, by the Ministry of Industry, Commerce and Works, following the procedure outlined in sub-para 4 of art. 3.

In such cases, sub-para 5 and 6 of art. 3 apply.

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Art. 5

All controversies of any nature whatsoever, which may arise between CIP and the aforesaid petroleum concerns will be deferred to the Minister of Industry, Commerce and Works, who will give a decision as from Art. 3, sub-para 5

Art. 6

The selling prices for petroleum products and their substitutes destiend for civilian use , will be fixed by the Ministry of Industry, Commerce and Works in collaboration with the Ministers of Treasury and Finance, after proposlas have been made by CIP.

Such prices will be fixed to cover CIP's administrative and operational expenses, including disbursements to the petroleum concerns mentioned in Art. 3 and 4. An estimate of such costs will be made by CIP to cover the first period of its existence and it can be revised every three months in relation with the expenses which were actually made by the CIP.

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Art. 7

The following bodies will be appointed:

1) A Board of Directors

2) An Audit Board

The Board of Directors will administer CIP, and be composed of five members, appointed by a decree of the Minister of Industry, Commerce and Works, in agreement with the Ministers of Treasury and Finance.

The Board will elect one of its members as President.

The Audit Board will be composed of three active members and 2 deputy members, each of the three Ministries concerned, i.e., the Ministry of Industry, Commerce and Work, Treasury and Finance, will appoint an active member by decree, while the 2 deputy members will be appointed by joint decree of the three Ministeries after previous agreement.

The Board of Directors and the Audit Board will both remain in office for 1 year, at the end of which period they may be re-appointed.

Art. 8

The legal representation of CIP is vested in its President or should he be unable to act, in two members of the Board of Directors jointly.

Art. 9

At the end of every operational period, CIP will prepare a statement of income and expenses, which supported by reports from the Board of Directors and Audit Board, will be submitted for approval to the Ministry of Industry, Commerce and Work, the Treasury, and the Ministry of Finance.

Each operational period will be of one year's duration, the first closing on December 31st 1945.

Art. 10

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Any profit which may have been realized [illegible]

Declassified E.O. 12356 Section 3.3/NND No. 785015

The Board of Directors and the Audit Board will both remain in office for 1 year, at the end of which period they may be re-appointed.

Art. 8

The legal representation of CIP is vested in its President or should he be unable to act, in two members of the Board of Directors jointly.

Art. 9

At the end of every operational period, CIP will prepare a statement of income and expenses, which supported by reports from the Board of Directors and Audit Board, will be submitted for approval to the Ministry of Industry, Commerce and Work, the Treasury, and the Ministry of Finance.

Each operational period will be of one year's duration, the first closing on December 31st 1945.

Art. 10

5431

Any profit which may have been realised will have to go to the State, which may leave it in whole or in part to CIP for the purpose of financing schemes submitted to the Ministry of Industry Commerce and Work, and approved by it as being of national interest.

Dispositions relative to the disposal of CIP's assets at the close of its activities will be taken by the Ministry of Industry Commerce and Work, the Treasury and the Ministry of Finance and set out in a decree issued jointly.

Art. 11

Relations between CIP and the personnel it will employ will be regulated by the existing laws governing conditions of employment, in the absence of special contracts.

Art. 12

CIP's statute is to be approved by decree of the Ministry of Industry, Commerce and Labour, subject to agreement of the Treasury and of the Ministry of Finance.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

Art. 13

The present decree will operate as from the day following its publication in the Official Gazette

Rome, 1 March 1945

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Declassified E.O. 12356 Section 3.3/NND No. 785015

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Declassified E.O. 12356 Section 3.3/NND No. 785015

SD/149.01 24 April 1945

SUBJECT : Security Cases Pending before MIS Courts.

TO : Commanding General,
Rear Area Allied Comm'n.

175

The Chief Commissioner directs me to reply to your letter reference AG.371(G-2) GmL4 dated 11 April 1945.

1. This Commission, in a letter reference SD 149.01/LVG dated 16 April, recommended that COLLETTA and DE MONTIS be interned. Copy of the letter was sent to your G-2 Section.

2. It is understood that the CIC agent, who is the chief witness in the cases against the remaining accused, is in the United States but will be returning in the very near future.

3. There will be no difficulty in convening the Court when the CIC officer is available, but his evidence is essential to the prosecution.

/s/ Norman E. Fiske

NORMAN E. FISKE
Colonel
Acting Executive Commissioner.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

HEADQUARTERS ALLIED COMMISSION
APO 394
ECONOMIC SECTION

E3/13.01 16 April 1945

SUBJECT: C. I. P. Decree

TO : Chief Commissioner

1. This memorandum is written with reference to your note of this date inquiring as to what the facts are as to the C.I.P. decree.

2. I have been bringing this matter to the attention of the Italian Ministers two and three times a day for the past two weeks.

3. I have talked with Minister Cronchi on the matter three times this morning. He advises me that the decree was signed at noon today by Minister Solori. The decree is now to be returned to Minister Cronchi who assures me that he will do everything possible to have it cleared with the Ministry of Justice, and Corte dei Conti. He states that the decree will be out by the end of the week.

4. I have requested our representative on Corte dei Conti, Major J. Hall to personally look for the decree, and expedite it upon receipt.

5. I shall follow up the matter daily until the decree is out.

A. C. ANTOLINI
Acting Vice President
Economic Section

Enc. - 1
copy of letter to Minister Cronchi

APPROVED
JOHN M. MURTAGH,
Major, AC
SA to AVP - Economic Section

(18) (12) (122) (177)

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Declassified E.O. 12356 Section 3.3/NND No. 785015

Major Quayle--
of Econ Sec

Major Murtagh/called with reference to the memo of the Econ Section dated 16 April, EC/13.01, in the matter of the CIP decree. The decree has now been registered and sent for publication to the Gazetta Ufficiale.

Sgt HF

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Declassified E.O. 12356 Section 3.3/NND No. 785015

Ministero delle Corporazioni

DIREZIONE GENERALE DEL SEGRETARIATO
DEL CONSIGLIO NAZIONALE DELLE CORPORAZIONI
DEGLI AFFARI GENERALI E DEL PERSONALE

I have informed Mr Macmillan's office and the Political Advisers of the above.

T:
19. iv.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

HEADQUARTERS ALLIED COMMISSIO
Office of the President
APO 394

To: Chief Commissioner.

From: Mr. Macmillan.

C.I.P. DECREE.

In reply to my minute of the 27th March, you informed me on April 2nd that there did not appear to be any deliberate delay and that the decree regarding petroleum and oil affairs in Italy was up for final signature by the Minister of Finance. I was informed on the 5th April that Minister Gronchi had given a personal assurance to Mr. Antolini -

(a) that the decree was in the hands of the printers;

(b) that it had been drawn in the terms agreed; and

(c) that the covering letter from the President of the Council of Ministers to the Chief Commissioner would be drawn in the terms agreed and sent at the time of the publication of the decree.

2. I am now informed that (a) is not true: the decree has not even been sealed, much less gone to the printers. I am therefore a little suspicious that the Italian Government are trying to go slow on all this in the hope that the war will end before the issue of the decree. I feel that stern action is necessary with the Italian Government on this matter.

15th April, 1945.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

HEADQUARTERS ALLIED COMMISSION
Office of the President
APO 394

18th April, 1945

Subject: C.I.P. Decree

To: Major Quayle

I am under the impression that the Chief Commissioner has had a copy of the attached minute, but I can find no trace of one having passed out through our Registry, so I am enclosing this, as confirmation.

RC.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

CC 1630

COPY

SECRET

ROME AREA ALLIED COMMAND
APO 794, US Army

JWF/TKH/:av

AG 371 (G-2) G-44

11 April 1945

SUBJECT: Security Cases Pending before AMG Courts.

TO : Chief Commissioner, Allied Commission, APO 394, US Army.

1. This headquarters is making every effort to effect a rapid disposition of the cases of Allied security prisoners held in the Rome area. With reference to those persons arrested during 1944, I wish to call to your attention the cases listed in paragraph 2. In the first two cases, AC personnel are making the necessary preparations for trial; in the last three cases, CIC have completed the preparations. All of the cases are to be tried by an AMG court under your general supervision.

2.

NAME	DATE OF ARREST
COLLETTA, Vincenzo	13 July 44
DE MONTIS, Mario	22 Aug 44
MARTINI - ZACCAGNI, Aris	11 Oct 44
BIANCHI, Armando	10 Nov 44
BADIO, Eilene	10 Nov 44

3. It is requested that every effort be made to expedite the trials of the persons named above. In the event that any case presents features such as insufficient evidence, it is requested that this headquarters be informed accordingly, so that we may make some other disposition of the persons concerned.

See 177a

/s/ THOBURN K. BROWN
/t/ THOBURN K. BROWN
Brigadier General, US Army
Commanding

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SECRET

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Declassified E.O. 12356 Section 3.3/NND No. 785015

C.G 16.30
APR 13 RECD

SECRET

Tel: 735

Ref: 1008/21/EC. 13 April 1945.

SUBJECT: Security Cases Pending before AMG Courts.

TO : Civil Affairs Section.

With reference to the attached letter dated 11 April 1945 from RAAC, reference AG 371 (G-2) G - 44, the Chief Commissioner directs that in this instance a reply is to be prepared for his signature.

Chief Staff Officer,
To Executive Commissioner.

Incl:
as above

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Declassified E.O. 12356 Section 3.3/NND No. 785015

AC/2115/2/L. 11 April, 1945.

My dear Mr. Prime Minister,

The Italian Government has recently passed five decrees for the administration of parastatal institutions in Libya and Italian East Africa.

The decrees are:-

DL of 15 Feb 45 N. 43.	Suppression of the African Italian Police Corps.
DD of 7 Oct 44 (G.U.No.31.)	Nominating a Receiver for the Ente per la costruzione di Acquedotti in Italian East Africa.
DD of 26 Jan 45 (G.U.No.57)	Appointment of Liquidator for the EIAS.
DD of 10 Oct 44 (G.U.No.40)	Appointment of Receiver for the Libya Savings Bank.
DD of 15 Feb 45 (G.U.No.48)	Substitution of administrator of EIAO.

I appreciate that it is necessary to make provision for the management and administration of assets of such concerns which are at present situate in Italian Government Territory. I feel, however, that the enactment of decrees of this nature, without limitation as to the territory to which they refer, may cause confusion and may create legal difficulties as to the validity of measures taken by the Military Administrations which are at present governing Italian Colonial territories.

I must therefore request Your Excellency that if it is necessary in the future to create further decrees of this nature, you will ensure that the decrees are so framed as to contain definite words of limitation which restrict the scope of the decree to property or assets now situated in Italian Government territory and actually under the control of the Italian Government.

Yours very truly,

(Lee 186)

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USN
Chief Commissioner

His Excellency Ivanoe Bonomi,
The President of the Council of Ministers,
Italian Government,

(174)

E.A.C.

2052

Declassified E.O. 12356 Section 3.3/NND No. 785015

HEADQUARTERS ALLIED COMMISSION
Public Safety Sub-Commission
APO 794

AG 091.3-PS

1 August 1946

SUBJECT : Motor Patrol

TO : Allied Commissioners, Vice-Commissioners and Deputies

1. The attached letter received from subject is forwarded for your information and such action as you may deem necessary.

2. If it is decided to send an appropriate testimonial to Mr. Lou, the Chief Commissioner has asked that a copy be forwarded to him for information.

FOR THE CHIEF COMMISSIONER:

A. G. HILL, Colonel,
Acting Director.

FJH/ho

Copy to Chief Commissioner.

2052/12

K421

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Declassified E.O. 12356 Section 3.3/NND No. 785015

COPY

Milano25-7-46

Comm. LUIGI M O T T A
Via Dustachi N. 30
M I L A N O
Tel.255517

His Excellency
Admiral Ellery Stone
R O M E

Sir,

I do not know whether I will have the pleasure of a reply from you, but I do think the writer and journalist who is writing to you deserves it at least for what he did for your brothers. For it was on account of my having saved and helped some English officers that I was arrested by the German S.S. in February 1944, and I spent a year in an alternative of death and life in the worst prisons, and I only regained my freedom in April 1945. The Allied Screening Commission, asked for the documents proving that I had been in prison and how much I had given and spent for those I had helped saving them from the S.S.

I stated, for it was true, that during the prison term of a year in order to avoid starvation and to have the help of lawyers and for my wife's journeys I spent more than Lit.200.000.= while that same year in prison during which I had to give up my work as a writer and journalist cost me more than Lit.300.000.

Now the Allied Screening Commission has called me to give me Lit.91.000 and this as a payment for what I had given to the prisoners! Well I do not like this for I did not mean to save Allied officers and to be paid for it! On the contrary I hoped that I should be repayd partly if not wholly for what I spent and lost during my year in prison, and that for my good deed I should receive not money, but some testimonial I have not yet received. I wrote the Allied Screening Commission about this, but I did not get any answer and I beg leave to complain with you for it is not right that a man who risked his own life to help the Allied be treated like this without even answering his letters.

Since I know, Sir, that you are a fair minded person, I take the liberty of writing to You and hoping you to interest yourself of this matter very important to me also because I should like to keep of the Allied the best of memories and I want to perpetuate it in a book I am writing.

I hope to receive an answer from you and meanwhile I remain, K 420

Sir,

respectfully yours

/s/ Luigi Motta

Comm. Luigi Motta
Writer, journalist.

2054

Declassified E.O. 12356 Section 3.3/NND No. 735015

15 August 1946.

My dear Major:

Thank you for your letter of 12 July with reference to the cases of Salvatore MONCADA and Salvatore BUAMANTE of Sicily.

With regard to MONCADA's case, Colonel Weber informs me that it was the unanimous opinion of the three members of the Review Board that the conviction should be quashed. Colonel Weber concurred and ordered the release of the accused and the remission (not suspension) of the fine, if paid. MONCADA was duly released in March 1946. Colonel Weber adds that on examination of the case he could see where the order to quash may have been misunderstood and therefore, to foreclose any doubt in the case, he has sent an amended order to the Ministry of Grace and Justice with explicit instructions thereon.

I am grateful to you for calling MONCADA's case to my attention.

BUAMANTE's case was one of alleged sabotage and, as you know, Allied Force Headquarters has not delegated to the Allied Commission authority to deal with such cases. In this case it was the unanimous opinion of the Review Board that the facts there presented did not warrant a conviction under the theory of espionage, but merely unauthorized political activity, and following a conference between representatives of the Allied Commission and AFHQ on 10 July 1946, BUAMANTE was ordered released. According to the record, this was accomplished by the Ministry on 24 July 1946, and he is now at liberty.

With best wishes,

Sincerely,

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

5419

Major Frank L. Vecchiolla,
30 Colony Street,
Meriden, Connecticut.

2055

Declassified E.O. 12356 Section 3.3/NND No. 785015

15 August 1946.

My dear Major:

Thank you for your letter of 12 July with reference to the cases of Salvatore MONCADA and Salvatore BUSCAINO of Sicily.

With regard to MONCADA's case, Colonel Weber informs me that it was the unanimous opinion of the three members of the Review Board that the conviction should be quashed. Colonel Weber concurred and ordered the release of the accused and the remission (not suspension) of the fine, if paid. MONCADA was duly released in March 1946. Colonel Weber adds that on examination of the case he could see where the order to quash may have been misunderstood and therefore, to foreclose any doubt in the case, he has sent an amended order to the Ministry of Grace and Justice with explicit instructions thereon.

I am grateful to you for calling MONCADA's case to my attention.

BUSCAINO's case was one of alleged sabotage and, as you know, Allied Force Headquarters has not delegated to the Allied Commission authority to deal with such cases. In this case it was the unanimous opinion of the Review Board that the facts there presented did not warrant a conviction under the theory of espionage, but merely unauthorized political activity, and following a conference between representatives of the Allied Commission and AFHQ on 10 July 1946, BUSCAINO was ordered released. According to the record, this was accomplished by the Ministry on 24 July 1946, and he is now at liberty.

With best wishes,

Sincerely,

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

5418

Major Frank L. Verchiolla,
30 Colony Street,
Meriden, Connecticut.

2056

Declassified E.O. 12356 Section 3.3/NND No. 785015

PERSONAL

25 October 1946.

Dear Arch:

To assist you in your consideration of what Weber and I believe to be a misconception of "State" in AMG Venezia Giulia orders, I thought it would save time if I sent you a marked copy of the 15 October supplement in which there are a number of turned-down pages and marked portions.

Speaking generally, I think their difficulties could be overcome in the main if the word "State" when used as a noun were replaced by "Allied Military Government" and when used as an adjective were replaced by "Public Agency". This suggestion is pointed up by Orders No. 229 and 232.

The marked paragraph on page 97 reflects the correct approach to this problem.

With regards,

Yours,

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Colonel A. L. Hamblen, U.S. Army,
Assistant Chief of Staff, G-5,
Allied Force Headquarters,
APO 512 - U.S. Army.

See 351/2 for other material

2602/2

5417

2057

Declassified E.O. 12356 Section 3.3/NND No. 785015

PERSONAL

25 October 1946.

Dear Arch:

To assist you in your consideration of what Weber and I believe to be a misconception of "State" in AMG Venezia Giulia orders, I thought it would save time if I sent you a marked copy of the 15 October supplement in which there are a number of turned-down pages and marked portions.

Speaking generally, I think their difficulties could be overcome in the main if the word "State" when used as a noun were replaced by "Allied Military Government" and when used as an adjective were replaced by "Public Agency". This suggestion is pointed up by Orders No. 229 and 232.

The marked paragraph on page 97 reflects the correct approach to this problem.

With regards,

Yours,

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

[See 851/cc for other Material]

Colonel A. L. Bamblen, U.S. Army,
Assistant Chief of Staff, G-5,
Allied Force Headquarters,
APO 512 - U.S. Army.

5416

Spares

2058

Declassified E.O. 12356 Section 3.3/NND No. 785015

1 November 1946.

Dear Dr. Capps,

I wish to thank you for your letter of 29 October concerning the property belonging to the Royal Palace at Caserta.

I have forwarded a translation of your letter to Allied Force Headquarters inviting attention to your request for the appointment of an officer to aid the caretaker in assessing damages and carrying out investigations. I shall advise you as soon as their reply is received.

Very sincerely yours,

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Avv. Paolo Capps
Undersecretary of State
Presidency of the Council of Ministers
Italian Government
Rome.

5415
5 pages
260/to

2059

Declassified E.O. 12356 Section 3.3/NND No. 785015

1 November 1945.

Dear Mr. Cappa,

I wish to thank you for your letter of 29 October concerning the property belonging to the Royal Palace at Caserta.

I have forwarded a translation of your letter to Allied Force Headquarters inviting attention to your request for the appointment of an officer to aid the caretaker in assessing damages and carrying out investigations. I shall advise you as soon as their reply is received.

Very sincerely yours,

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Avv. Paolo Cappa
Undersecretary of State
Presidency of the Council of Ministers
Italian Government
Rome.

5414

2060

Declassified E.O. 12356 Section 3.3/NND No. 785015

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 926.11 R

7 November 1946

SUBJECT: Removal of furniture from the Royal Palace CASERTA.

TO : Chief Commissioner,
Allied Commission,
APO 794.

1. Receipt is acknowledged of our letter dated 1 November enclosing translation of a letter from the Undersecretary of State to the Presidency of the Council of Ministers, on the above subject.

2. The complaints contained in the letter are being investigated and a reply will be forwarded to you in due course.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

A. L. PALMER
Colonel, G.S.C.
Assistant Chief of Staff, G-5.

KAB

SPMIL
7602

2061

Declassified E.O. 12356 Section 3.3/NND No. 785015

COPY

16 November 1946.

AIDE MEMOIRE

ALLEGED ACTS DEMOLITION - TENDA AND BRIGA

Frequent allegations are presently being made that material is being removed by the Italian authorities from the region of Briga and Tenda. These allegations include the following :

(a) 1. Forest industries. Intensive felling of trees with the risk of seriously compromising the exploitation of the woods in the coming years.

2. Hydro-electric factories. The whole stock of copper wire (about 3,200 kgs) part of the line Cen Dolmazzo-Limone, spare pieces as well as material have been taken away to Cuneo.

3. Stations. The stations have been emptied of all material (stocks of rails, wire, cranes, etc.) and the electric traction wires are being taken down. The buildings have been deprived of their doors, windows, framework, pipes - always for the benefit of Cuneo.

While there would appear to be no objection to the removal of private property in the normal transaction of business, the abnormal reduction of natural resources or the removal of permanent plants or equipment would appear to be a violation of article 12 of the Armistice terms.

Article 12 of the Armistice terms lays down that there will be no destruction of, nor damage to, nor, except as authorized or directed by the United Nations, any removal of war material, wireless or radio locations or meteorological stations, railroad, port or other installations or, in general, public or private utilities or property of any kind wherever situated and the necessary maintenance and repair will be the responsibility of the Italian authorities.

An immediate investigation into the above allegations and a report on the result of such investigations is required.

If it transpires that any irregularities have been committed, the Italian Government should arrange for the reinstatement or repair of plants or equipment which have been damaged or wrongfully removed, and assurances should be given by the Italian Government that their responsibilities under Article 12 of the Armistice Terms will be fulfilled and that no further irregularities will be committed in this region.

Dist
Ex Commission Chgo 5.12
Folder (a)
Folder (b)
C.C.

Delivered by CC to Prime Minister
1130 hrs 16 November.-

COPY

Spare
2602/46

2062

Declassified E.O. 12356 Section 3.3/NND No. 785015

CC 2602 20 March 1946.

MEMORANDUM FOR THE MINISTRY OF FOREIGN AFFAIRS

SUBJECT: Expulsions from Italy - Dr. Ferdinand DURCANSKY and Dr. Stanislav BENCIAR, Czech subjects.

1. Reference is made to your memorandum on the above subject dated 5 March 1946.

2. The answer to both questions (a) and (b) in paragraph 2 of your memorandum is in the negative.

3. It will be noted from the attached copy of letter from the Czechoslovakian Minister that the subject citizens of Czechoslovakia have not yet been officially recognized as war criminals. This being so, the cases would appear to be covered by your normal extradition procedure and pertinent extradition treaties with Czechoslovakia.

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

5411
pamphlet
2602/cc

2063

Declassified E.O. 12356 Section 3.3/NND No. 785015

AFHQ G-5 SECTION

8712 24 NOVEMBER 1945 PRIORITY

UNCLASSIFIED PD

PARA ONE PD REFERENCE LETTER ABLE CHARLIE SLANT FOUR ZERO SEVEN NINE SLANT ONE SLANT LOVE OF SIX NOVEMBER AND SIGNAL EIGHT TWO NINE FIVE OF ONE THREE NOVEMBER PD PAREN TO AFHQ GEORGE FIVE SECTION FROM HQ ALCOM CITE ACCAS PAREN

PARA TWO PD IF NOT POSSIBLE TO GIVE DECISION ON ACT CLEMENCY IMMEDIATELY IS MATTER SUFFICIENTLY ADVANCED TO JUSTIFY DISCUSSION OF MACHINERY WITH MINISTRY OF JUSTICE CMA IT WOULD NOT BE NECESSARY IN SUCH DISCUSSION TO MENTION ACTUAL DEGREE OR SCOPE OF PROPOSED REDUCTIONS OF SENTENCE

INT.DISTR.

Chief Commissioner
Exec. Commissioner

CIVIL AFFAIRS SECTION

608

S.H. WHITE Lt Col.

G.J. LEONE
CWO, USA
Asst. Adjutant

2064

Declassified E.O. 12356 Section 3.3/NND No. 785015

1 November 1946.

SUBJECT: Removal of furniture from the Royal Palace at Caserta.

TO : G-5, Section, AFHQ.

1. Forwarded herewith is a translation of a letter received from the Undersecretary of State to the Presidency of the Council of Ministers concerning the removal of furniture from the Royal Palace of Caserta. Your attention is invited to the request that an officer be appointed to assess damages and cooperate with the curator in the checking of the inventory.

2. It is requested that I be advised of the action contemplated in this regard so that I may reply to Avvocato Cappa.

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Incl.: - Translation of letter from Avvocato Cappa.

5409

Spare

2065

Declassified E.O. 12356 Section 3.3/NND No. 785015

1 November, 1946.

Dear Colonel Bowman,

I am forwarding to you for transmission to Mr. di Demetrio my reply to his letter of 12 October.

Very sincerely yours,

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Colonel Alfred C. Bowman
SCAO
AMG Venezia Giulia

8023

2066

Declassified E.O. 12356 Section 3.3/NND No. 785015

1 November 1946.

My dear Mr. di Demetrio,

I wish to acknowledge receipt of your letter of 12 October forwarding a copy of Colonel Bowman's letter and your reply thereto.

I must inform you that Colonel Bowman's letter was based on a directive dispatched from Allied Force Headquarters on 23 August which left no alternative but to request that you suspend the exercise of your consular functions during the interregnum prior to the final disposition of the Venezia Giulia problem.

It is suggested that the Rumanian consul at Venice might wish to make occasional visits to Trieste to transact the necessary consular business as suggested in the last paragraph of Colonel Bowman's letter.

Very sincerely yours,

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Mr. Antonio di Demetrio
Via San Nicolo 14
Trieste

5407

2067

Declassified E.O. 12356 Section 3.3/NND No. 785015

1 November 1946.

My dear Mr. di Demetrio,

I wish to acknowledge receipt of your letter of 12 October forwarding a copy of Colonel Bowman's letter and your reply thereto.

I must inform you that Colonel Bowman's letter was based on a directive dispatched from Allied Force Headquarters on 23 August which left no alternative but to request that you suspend the exercise of your consular functions during the interregnum prior to the final disposition of the Venezia Giulia problem.

It is suggested that the Rumanian consul at Venice might wish to make occasional visits to Trieste to transact the necessary consular business as suggested in the last paragraph of Colonel Bowman's letter.

Very sincerely yours,

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Mr. Antonio di Demetrio
Via San Nicolo 14
Trieste

5408

2068

Declassified E.O. 12356 Section 3.3/NND No. 785015

CC 2602 12 November 1946

My dear Dr. Cappa:

Reference your letter 85275/47183/4.1 concerning the removal of furniture from the Royal Palace at Caserta, Allied Force Headquarters has advised me that the complaints contained in your letter are being investigated and that a reply will be forwarded in due course.

Sincerely yours,

[s/] Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Dr. Paolo Cappa,
Undersecretary of State to the
Presidency of the Council of Ministers,
Italian Government,
Rome.

5403

2069

Declassified E.O. 12356 Section 3.3/NND No. 785015

1 November, 1946.

Dear Colonel Bowman,

I am forwarding to you for transmission to Mr. di Demetrio my reply to his letter of 12 October.

Very sincerely yours,

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Colonel Alfred C. Bowman
SCAO
AMG Venezia Giulia

P 407

Spares
P 602 / a
+ 65 01 / a

2070

Declassified E.O. 12356 Section 3.3/NND No. 785015

G-5: 014.5

21 November 1945

SUBJECT: Clemency for Prisoners

TO : Chief Commissioner, Headquarters, Allied Commission, APO 394.

1. Reference is made to your letter above subject file AC/4079/1/L dated 6 November. The matter of clemency for prisoners has been given careful consideration. The Supreme Allied Commander however finds that he is unable to accept the line of argument put forward to substantiate the viewpoints set forth in your letter and therefore unable to agree the proposal.

2. Any General act of clemency based on sentences imposed by AMG Courts rather than based on the type of the offense and the conditions under which it was committed is considered an admission of quantitative error in the functioning of AMG courts and in the sentences imposed. If the good will of the Allies and their reasonable and humanitarian attitude have not and are not being demonstrated to the Italians in other matters of far greater import, then it is believed that the release of convicted offenders will be of little avail. The overcrowding of jails and the labour involved in consideration of individual offenses does not justify action which is otherwise undesirable. Nor is it considered that the turn back of certain territory in the North marks a milestone of allied activity in Italy which requires a revision of our legal administration.

3. It should be noted that the Italian Government is within its authority to apply for the modification of sentences imposed by AMG courts in turned-back territory under the provisions of paragraph 4 of the Proclamation made by the President of the Council of Ministers when such territory is turned back to Italian jurisdiction. It is not expected however, that the Allied Commission will agree any blanket authority based solely on length of sentence imposed or on other than a consideration of the offense committed and the surrounding circumstances.

BY COMMAND OF THE SUPREME ALLIED COMMANDER:

A. D. WARD
Major General
Chief of Staff

5403

235 F

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Declassified E.O. 12356 Section 3.3/NND No. 785015

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

Ref : FES/El

1st December 1946

SUBJECT: Removal of Furniture from the Royal Palace, CASERTA.

TO : Chief Commissioner,
Allied Commission,
APO 794.

1. The matter contained in your no reference number letter of 1 November 1946 on the above subject is still under investigation.

2. It is hoped to soon be in a position to reply.

BY COMMAND OF LIEUTENANT GENERAL LEE:

for A. L. HAMBLEN,
Colonel, GSC,
Assistant Chief of Staff, G-5.

ALH/CHF/jto

5402

Spaso
26 Dec/46

2072

Declassified E.O. 12356 Section 3.3/NND No. 785015

TRANSLATION

The President of the Council of Ministers.
73387/50077.4.2.4.2.

Rome, 24 June 1946

My dear Admiral,

As you already know, in occasion of the advent of the Republic and with a view to a fruitful internal pacification, the Government has made a large provision of amnesty and pardon for the crimes committed up to 18 June 1946.

Besides, all the sanctions forseen by art 3 of the Decree of 26 April 1945, No. 149, against those who developed Fascist activities were pardoned. Also, the Minister of the Interior has been requested to make arrangements for the liberation of those who, in compliance with Public Safety laws, were assigned to police confinement.

I am sending you herewith the text of the provisions so that you may exactly know their terms.

From the Amnesty and pardon decree are expressly excluded the persons sentenced by Allied Military Courts, in whose favor the Italian Government had no power to dispose. Equally excluded from any benefit are those who are still interned in concentration camps under Allied Administration or anyhow at the disposal of Allied authorities.

In consideration of the same reasons which inspired the above provisions by the Italian Government I feel that I ought to call your attention to the painful disparity of situation arising from the above mentioned exclusions, so that you, with your deep sense of justice, may value the possibility of a similar act of clemency granted by Allied Authorities.

Besides, I shall be grateful if you will kindly let me know the number of citizens interned at the disposal of Allied Authorities, as the Italian Administration does not possess precise data in this regard.

Believe me, my dear Admiral,

5101

Respectfully yours,

/s/ De GASPERI

Admiral Ellery W. Stone
Chief Commissioner
Allied Commission - Rome.

Surplus

2075

Declassified E.O. 12356 Section 3.3/NND No. 785015

29 July 1946.

MEMORANDUM TO: Brigadier Carr.

With reference to the attached telegram, will you please get on to Trieste and see what this is about.

Based on our unfortunate experience at La Spezia, when I was in the States, I trust, if these people have been arrested, that their offense was some violation of local AMG rules and not because of cooperation with a potential violation of regulations in Palestine.

I have had considerable doubt as to our rights to take action in Italy (including Zone "A") because of conspiracy to violate the laws of another country unless such conspiracy is in fact illegal under local Italian laws or their equivalent AMG regulations.

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

5400

2074

Declassified E.O. 12356 Section 3.3/NND No. 785015

5th Ind to ltr Hq Rome Area MTOUSA, APO 512, dtd 25 July 1945, subj: Transmittal of Report of Survey.

OFFICE OF THE CHIEF COMMISSIONER, HEAD QUARTERS ALLIED COMMISSION, APO 794, U.S. Army, 26 August 1946.

TO: Commanding General, MTOUSA, APO 512, U.S. Army.

1. Forwarded, concurring in recommendation made in paragraph 4 of 4th indorsement.

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

5209

Land Forces
DCL

Stone
2602/11
4520/11

2075

Declassified E.O. 12356 Section 3.3/NND No. 785015

MINISTRY OF FOREIGN AFFAIRS

MEMORANDUM FOR THE ALLIED COMMISSION

Subject: Expulsions from Italy - Dr. Ferdinand DUNCANSKY and Dr. Stanislav MENCIAR - Czech subjects.

1. The Legation of Czechoslovakia in Rome has requested the Ministry for Foreign Affairs that the u/m Czech subjects, both residing in the neighbourhood of Rome, be arrested and deported from Italy.

a) Dr. Ferdinand DUNCANSKY, born at Rajes, Czechoslovakia, in 1907;

b) Dr. Stanislav MENCIAR, born in 1906.

2. In view of the Allied Commission's standing in the matter of expulsions of foreigners from Italy as stated in note AC/14756/5/PS, dated 5 February 1946, addressed by the Chief Commissioner to the President of the Italian Council of Ministers, the Ministry for Foreign Affairs, before undertaking any steps with a view to tracing the two above named individuals, would be very grateful to the Allied Commission if they will let them know whether;

a) Their sojourn in Italy has been authorised by the Allied Commission;

b) They are to be considered under the protection of the Allied Authorities.

3. The Ministry for Foreign Affairs, while thanking the Allied Commission for their interest in the case, will greatly appreciate the courtesy of an early reply.

Rome, March 5th, 1946

COPY

5208

2076

Declassified E.O. 12356 Section 3.3/NND No. 785015

AG/4083/23/L 18 June 1946

SUBJECT: CONSTANTINE LOMBARDO

TO : Mr. Michael Lombardo
80 Underhill Avenue
Brooklyn, New York

1. A diligent search of the records fails to disclose a case wherein the above-mentioned accused was ever before an Allied Superior Court in Naples.

2. In the event you can forward more definite information a further search will be made.

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

5297

2077

Declassified E.O. 12356 Section 3.3/NND No. 785015

Basic: Jugoslav Rep. ACI ltr Pov.br.1183/46 dated 8 Nov 46, subj: SIMURINA Vjekoslav, Jugoslav Red Cross official.

2nd Ind.

TO: Supreme Allied Commander, Mediterranean Theater, AFHQ.
(Attention: G-5 Section)

1. Forwarded.

2. Basic letter was presented to me yesterday by Dr. Smodlaka. In the course of our meeting, he elaborated on the allegation that Mr. Simurina's clothing had been taken from him -- stating that no camp clothing had been issued to him and he had only one shirt.

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

5296

Spares

260-/12

2078

Declassified E.O. 12356 Section 3.3/NND No. 785015

Basic: Jugoslav Rep. ACI ltr Pov.br.1183/46 dated 6 Nov 46, subj: SIMURINA Vjekoslav, Jugoslav Red Cross official.

2nd Ind.

TO: Supreme Allied Commander, Mediterranean Theater, AFHQ.
(Attention: G-5 Section)

1. Forwarded.

2. Basic letter was presented to me yesterday by Dr. Smodlaka. In the course of our meeting, he elaborated on the allegation that Mr. Simurina's clothing had been taken from him -- stating that no camp clothing had been issued to him and he had only one shirt.

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

5996

Spares

2 6 0 x /2

20799

Declassified E.O. 12356 Section 3.3/NND No. 785015

Basic: Jugoslav Rep. ACI ltr Pov.br.1183/46 dated 8 Nov 46, subj: SIMURINA Vjekoslav, Jugoslav Red Cross official.

2nd Ind.

TO: Supreme Allied Commander, Mediterranean Theater, AFHQ.
(Attention: G-5 Section)

1. Forwarded.

2. Basic letter was presented to me yesterday by Dr. Gradilska. In the course of our meeting, he elaborated on the allegation that Mr. Simurina's clothing had been taken from him -- stating that no camp clothing had been issued to him and he had only one shirt.

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

5295

2080

Declassified E.O. 12356 Section 3.3/NND No. 785015

JUN 4 REC'D

COPY

Office of British
Political Adviser

57/ 46

The Chief Commissioner

Allied Commission

Subject: Clemency for Prisoners.

Your letter No. AC/4879/1/L of 6th November 1945 to Allied Force Headquarters, G-5 Section.

The British Government have been in correspondence with the United States Government on the subject of a general act of clemency in Italy. This act, as you are aware, was originally intended to mark the return of North Italy to Italian administration but it now seems likely that any such act can only take place on the signature of a Peace Treaty with Italy.

2. The British Ambassador has been instructed to inform you of the above-mentioned correspondence and I accordingly enclose copies of a Note Verbale addressed by the British Embassy in Washington to the United States Department of State and of the latter's reply thereto.

31.v.46

(Sgd) A.C.Halford
Br. Political Adviser

Copied to: Executive Commissioner, AC
Vice President Civil Affairs Section, AC
Political Adviser (US), AC
British Embassy.

EC DIST - 3 June

ACTION - CA Sec (Legal)(2)

INFO - CC

- EC R201

2081

Declassified E.O. 12356 Section 3.3/NND No. 785015

COPY

No.192

Ref: 1333/2/46

MEMORANDUM

In November 1945 the Italian Government suggested to the Allied Commission that the Supreme Allied Commander, Mediterranean, should grant a general act of clemency to mark the return of North Italy to Italian Administration and as a token of Allied appreciation and goodwill. Allied Forces Headquarters felt unable to adopt the proposal but it was agreed in Rome that the matter should be referred to the United States Government and His Majesty's Government in case the two Governments should think it desirable to pursue it any further.

2. The suggestion of the Italian Government for a general act of clemency reached His Majesty's Government too late for consideration before the transfer of further territory in the North of Italy to Italian Government administration. Nevertheless, His Majesty's Government are inclined to think that the suggestion merits serious consideration, and in particular they are advised that the argument that a general act of clemency would reflect on the aptness of the sentences passed by the Allied Military Government courts is unsound. They are therefore prepared to consider whether a general act of clemency should be made at some date in the future.

3. The obvious occasion for such an act would be the conclusion of the Peace Treaty, provided always that this were not unduly delayed. It is, on the whole, a matter of no great concern to His Majesty's Government whether sentences imposed by Allied Military Government courts continue to be enforced after the conclusion of the Peace Treaty, and His Majesty's Government do not intend for their part to propose that any provision to limit Italian sovereignty in this respect should be inserted in the Peace Treaty. For the most part severe sentences were passed as a deterrent to protect what were at the time important Allied Military interest and when the Peace Treaty is concluded, this factor ceases to be operative. In these circumstances it would seem superfluous at this stage to take any special measures, apart from the normal work of reviewing performed by the Allied Commission, to reduce sentences which are still outstanding.

4. On the other hand, His Majesty's Government would see no objection to agreeing to any proposal from the Italian Government that sentences of Allied Military Government courts which are still outstanding at the time of the conclusion of the Peace Treaty should be remitted or reduced by the Italian Government at their discretion.

5. His Majesty's Government would be grateful for the views of the United States Government on this question, and would be glad to know whether they agree to the procedure suggested in the foregoing paragraph.

28th March, 1946

BRITISH EMBASSY
WASHINGTON, D.C.

740.9

2 0 8 2

Declassified E.O. 12356 Section 3.3/NND No. 785015

COPY

MEMORANDUM

The Department of State concurs with the views expressed in the British Embassy's memorandum No. 192 dated March 28, 1946, concerning the suggestion that the Supreme Allied Commander, Mediterranenan, should grant a general act of clemency at the conclusion of the Italian peace treaty. The Department of State agrees that for the most part factors involved in the imposition of severe sentences by Allied Military Government courts will cease to be operative at the conclusion of the treaty and is prepared to agree to any proposal from the Italian Government that sentences from such courts outstanding at the conclusion of the treaty should be remitted or reduced by the Italian Government at their discretion.

Department of State
Washington, May 1, 1946.

740.00119 Control (Italy) 3-2846

5992

2083

Declassified E.O. 12356 Section 3.3/NND No. 785015

CC 2602

7 March 1946

Dear Sir:

Replying to your letter of February 8th with reference to your request that the two Czechoslovakian citizens, DUPCANSKY and MERCIAR be arrested and extradited, my recollection of our conversation of March 1st on this subject is that you stated that your request was based on the fact that these men are war criminals.

Will you kindly advise me if my understanding is correct.

Very truly yours,

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

The Czechoslovakian Minister,
Czechoslovakian Legation,
Rome.

CC Mr. Miller.

US S/C
Ex Sec
CD

5291

2602/1

2084

Declassified E.O. 12356 Section 3.3/NND No. 785015

CC 2602

20 March 1946.

Dear Sir:

Replying to your letter of 14 March, this is to inform you that I have sent a memorandum to the Italian Foreign Office stating in response to their two questions as to the status of Dr. DURCANSKY and Dr. MERCIAR that (a) their sojourn in Italy has not been authorized by the Allied Commission and that (b) they are not to be considered as under the protection of the Allied authorities.

Since both of the parties in question are not yet officially listed as war criminals, the Allied authorities would appear to be without authority to take the action requested in your letter of 8 February.

Sincerely yours,

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Hon. Jan PAULINY-TOTH,
Minister of Czechoslovakia,
Czechoslovakian Legation,
Rome.

5290

Enclosure
2602/K

2085

Declassified E.O. 12356 Section 3.3/NND No. 785015

LEGATION de TCHECOSLOVAQUIE
ROME

No.1668/46 Rome, March 9th.1946

Re CC 2602

Dear Sir,

I have the honour to receive your letter of 7th March and to inform you that DURCANSKY and MACIAR are both considered by the czechoslovak government as war criminals.

I wired to Prague to ask if they are on the London war criminal's list and I shall comminicate the answer to you as soon as I shall get it.

Faithfuly Yours

/s/ Pauliny Toth

Dr. Jan PAULINY-TOTH
Minister of Czechoslovakia

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

ALLIED COMMISSION
Rome

CC Ltr 11 Mar 46

FS 5/e
Ex Com
CF 5349

2086

Declassified E.O. 12356 Section 3.3/NND No. 785015

LEGATION de TCHECOSLOVAQUIE
ROME

No.1668/46

Rome, March 9th,1946

Re CC 2602

Dear Sir,

I have the honour to receive your letter of 7th March and to inform you that DURCANSKY and MACIAR are both considered by the czechoslovak government as war criminals.

I wired to Prague to ask if they are on the London war criminal's list and I shall communicate the answer to you as soon as I shall get it.

Faithfuly Yours

/s/ Pauliny Toth

Dr. Jan PAULINY-TOTH
Minister of Czechoslovakia

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

ALLIED COMMISSION
Rome

(CC Inst 11 Mar 46)

PS 3/c

CC 5298

2087

Declassified E.O. 12356 Section 3.3/NND No. 785015

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Rear Admiral, USNR
Chief Commissioner

ALLIED COMMISSION
Rome

Seen By CC 11 MAR
No Action to be
Taken until Cypt
Ltr Re 2nd Copy is received.

CC Mail 11 Mar. 46

PS S/C
Ltr Com.
CC 2907

Duplicate.

2088

Declassified E.O. 12356 Section 3.3/NND No. 785015

LEGATION de TCHECOSLOVAQUIE
ROME

No. 1860/46

Your No. CC 2602

Rome, 14th of March 1946.

Dear Sir,

I have the honour to inform you that the Ministry of Foreign Affairs at Prague had asked to include Mr. DURCANSKY and MECIAR on the war criminals list. This demand until now has not been realised.

Further the American Ambassador at Prague, H.E.L. STEINHARDT declared to the czechoslovak Foreign minister J. Masaryk that the State Department has no objection against the arrest and extradition of Mr. DURCANSKY.

Faithfuly Youre:

/S/ Jan PAULINY-TOTH
Minister of Czechoslovakia.

ELLERY W. STONE
Rear Admiral USNR
Chief Commissioner

ALLIED COMMISSION
Rome
- - - - - - -

This letter is attachment to 2 Mar. 46 Memo for Ministry of Foreign Affairs.
5505

2 0-8 7

Declassified E.O. 12356 Section 3.3/NND No. 785015

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB COMMISSION

APPEAL OFFICE, MILAN

Note for the Chief Commissioner

President Giuliano of the Supreme Court of Cassation, Section of Milan, has now communicated on the case of BELLINETTI Silvio. He appears to be one of the worst fascist criminals on record and doesn't deserve any mercy.

21 Feb. 1946.

C.G. HANNAFORD,
Lt.Colonel,
Deputy Chief Legal Advisor.

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2090

Declassified E.O. 12356 Section 3.3/NND No. 785015

COPY

LEGATION TCHECOSLOVAQUIE
ROME

No. 1029/46

Rome, February 8th, 1946.

SUBJECT: Extradition of
Dr. Ferdinand DURCANSKY
and STANISLAV MERCIAR.

TO: LEGAL DIVISION

ALLIED COMMISSION? ROME.

The Czechoslovak Legation begs the ALLIED COMMISSION to find out the whereabouts of two Czechoslovak citizens Dr. Ferdinand DURCANSKY and Stanislav MECIAR to arrest and extradit the same.

Dr. Ferdihand DURCANSKY born 1907 in Rajec, Czechoslovakia, was formerly Minister of Foreign Affairs under the fascist p resident of Slovakea Mr. Tuka. Dr. Durcansky fled from Slovakia with the Germans in 1945 and in December 1945 managed to come to Italy and it is believed that he lives in the surroundings of Rome, the precise place is not known.

Dr. Stanislav MECIAR born in 1906 was Secretary of Matice of Slovakia /Slovak Cultural Academy/, is also a Fascist whom the Czechoslovak Government holds responsible for the denunciation of a great number of Slovak patriots and handing them over to the Germans. He also is according informations living near Rome.

Thanking you in advance for your help in the above mentioned matter I remain

Yours very truly
/s/Dr. Jan Pauliny-Toth
Dr. Jan PAULINY-TOTH
Envoy Extraordinary and Minister
Plenipotentiary of Czechoslovakia

2091

Declassified E.O. 12356 Section 3.3/NND No. 785015

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Yours very truly
/s/Dr. Jan Pauliny-Toth
Dr. Jan PAULINY-TOTH
Envoy Extraordinary and Minister
Plenipotentiary of Czechoslovakia

5909
260/2

2092

Declassified E.O. 12356 Section 3.3/NND No. 785015

Translation

Adv. Antonio Formaggia — Genoa, 20 January 1946

To : Admiral Stone - Rome

I am the lawyer of Silvio Pellinetti, of the late Antonio and of Olimpia Murlendo, born in Naples, on November 8th, 1912, formerly a Lieutenant of the Royal Italian Army, and then of the Republican Army.

Pellinetti was sentenced to death by the Corte di Assise Straordinaria of Cuneo on October 23rd, 1945.

He is appealing to the Supreme Court, and the case will be judged in Rome, on March 11th, 1946.

Besides the reasons and motives which are supporting the appeal, the undersigned wants to bring the following facts to your attention, in the hope that you will deem it fit to intervene favourably, in this unfortunate matter.

Silvio Pellinetti, a member of the "Lodonnici" column flanked by Germans retiring from Cuneo, had been given the assurance that when weapons were surrendered at Strembino Romano (Ivrea) all the members of the column would pass in allied hands as prisoners of war.

Such a surence was guaranteed by thehourrender treaty signed by the German General Schlemmer, General Adami Rossi and the Commander of the 7jth Division of the 5th American Army.

The Allied Command had even given its word of honour that none of the members of the column, women included, would for any reason whatever pass in Italian hands.

In fact, Pellinetti was sent to the Coltano concentration camp (n. 337), as a "Prisoner of war".

The enclosed photographs proves that he was classified as such and given his number.

However, according to what I have been told, on 10/7/45, Lt Pellinetti was taken away from the Coltano Concentrati n camp by communists partisans, under the false charge of having killed British parachutists.

The files of the law suit and the registers of the Cuneo prison prove that the arrest and removal from Coltano took place on July 10th 1945; on the other hand, it has been proved that the charge on which Lt. Pellinetti was taken from the camp was false. In fact, no mention of such a charge was ever made either in the Cuneo trial, or by the Allied Authorities.

Because of such a procedure, and in spite of the regulations on the relations between belligerents in relation with the treat ent of prisoners, the position of Pellinetti was completely modified.

F. 1612

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Declassified E.O. 12356 Section 3.3/NND No. 785015

Translation

Adv. Antonio Formaggia

Genoa, 20 January 1946

To : Admiral Stone - Rome

I am the lawyer of Silvio Bellinetti, of the late Antonio and of Olimpia Murlando, born in Naples, on November 8th, 1912, formerly a Lieutenant of the Royal Italian Army, and then of the Resistance Army.

Bellinetti was sentenced to death by the Corte di Assise straordinaria of Cuneo on October 22nd, 1945.

He is appealing to the Supreme Court, and the case will be judged in Rome, on March 11th, 1946.

Besides the reasons and motives which are supporting the appeal, the undersigned wants to bring the following facts to your attention, in the hope that you will deem it fit to intervene favourably, in this unfortunate matter.

Silvio Bellinetti, a member of the "Monnici" column flanked by Germans retiring from Cuneo, had been given the assurance that when weapons were surrendered at Strambino Torano (Ivrea) all the members of the column would pass in allied hands as prisoners of war.

Such a surrender was guaranteed by thehurrender treaty signed by the German General Schlemmer, General Adami Rossi and the Commander of the 7Oth Division of the 5th American Army.

The Allied Command had even given its word of honour that none of the members of the column, women included, would for any reason whatever pass in Italian hands.

In fact, Bellinetti was sent to the Coltano concentration camp (N. 337), as a "Prisoner of war".

The enclosed photographs proves that he was classified as such and given his number.

However, according to what I have been told, on 10/7/45, Lt Bellinetti was taken away from the Coltano Concentrati n camp by communists partisans, under the false charge of having killed British parachutists.

The files of the law suit and the registers of the Cuneo prison prove that the arrest and removal from Coltano took place on July 10th 1945; on the other hand, it has been proved that the charge on which M. Bellinetti was taken from the camp was false. In fact, no mention of such a charge was ever made either in the Cuneo trial, or by the Allied Authorities.

Because of such a procedure, and in spite of the regulations on the relations between belligerents in relation with the treat ent of prisoners, the position of Bellinetti was completely modified.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

Ever since, from being a 'prisoner of war' he became just a 'political prisoner' at the disposition of popular justice.

What is more, it so happened that the prisoner of war Lt. Silvio Bellinetti was tried together with the members of the Political Office of the Federazione dei Fasci of Cuneo, organism which was entirely political, and with which, as a military man, he had nothing to do.

The result was that all attempts at a logical defence in favour of this officer were quite useless in the hostile atmosphere which naturally surrounded the members of the Political Office, charged with many crimes.

The Corte d'Assisi proved to be under the influence of popular passions, not only during the hearing, but also in the verdict, so that besides the lack of motives there are other serious reasons to invalidate the verdict.

The undersigned takes the liberty of enclosing a summary of the main motives supporting the appeal to the Supreme Court.

s. Formaggia

2 enclosures

s/c

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HEADQUARTERS
LOMBARDIA REGION LIAISON GROUP
ALLIED COMMISSION
APO 394

8 January 1946

SUBJECT: Appeal in case of Piazza Liborio of Genoa.

TO : Chief Legal Officer, Allied Commission, APO 394.
ATTENTION: Colonel JOHN WEBER

1. In compliance with your request by telephone this afternoon, I am forwarding herewith by fastest possible means the appeal of Piazza Liborio of Genoa, and of his attorney for a further stay of execution.

FOR THE CHIEF LIAISON OFFICER:

WILLIAM H. SAVIN
Major CMP
Deputy Chief LO.

2 Incls:
1 - Appeal (Piazza Liborio)
1 - Appeal (Attorney)

Declassified E.O. 12356 Section 3.3/NND No. 785015

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TO : Chief Legal Officer, Allied Commission, APO 394.
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FOR THE CHIEF LIAISON OFFICER:

WILLIAM H. SAVIN
Major CMP
Deputy Chief LO.

2 Incls:
1 - Appeal (Piazza Liborio)
1 - Appeal (Attorney)

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Surplus
2602/11

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Declassified E.O. 12356 Section 3.3/NND No. 785015

2097

Declassified E.O. 12356 Section 3.3/NND No. 785015

4004/CC

Q. M. C. Form 353 (Old No. 490)
Revised July 20, 1918

LIST OF PAPER

Office of the
Chief c

File under No. _____

8—6788

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS

INSTRUCTIONS.—When papers on a subject become numerous they will be numbered serially and brief entries made on this form.