

ACC

10000/142/146

REI
MA

10000/142/146

RED CROSS PARCEL THEFTS
MAR. - JUN. 1944

NOTE FOR ARCHIVIST :

Minutes beneath this sheet retained on file
as a matter of record.

10

Minute Sheet No. 1 - File ACC/4011/1/L

To: Deputy Chief Commissioner.

30th April 1944

1. Reference undated memorandum of 11/3/44 from Chief Commissioner to Chief Legal Officer enclosing letter 21/B/3365/43 of 8/3/44 from Commander in Chief. (Flag "A")
2. The papers relating to the Tuturano case have been recovered and are attached hereto. (Flag "B")
3. Also attached (Flag "C") is the report dated 27/1/44 of the Italian Ministry of War concerning the Lecce case, together with comments dated 3/4/44 of Capt. Cunningham 67 S.T.B. (Flag "D") and observations dated 13/4/44 of Army Sub-Commission, ASC, Lecce (Flag "E"). You will see from these comments and observations that the Italian report on this case is considered far from satisfactory.
4. In the Tuturano case the evidence appears substantially complete and in the Lecce case it seems to me unlikely that any further progress will be made except by an investigation conducted by British military personnel. I propose that the investigations should be concluded at No. 371 P.O.W. Camp, where I understand suitable facilities exist and where three of the officer implicated in the Tuturano case are already in custody.
5. In spite of requests forwarded by the Ministry of Justice to the Ministry of War (Flags "F" and "G") a fourth officer implicated in the Tuturano case, Lt. Col. Angelo ALBARELLI, and an officer implicated on the Lecce case, Captain YOLLA, have not, so far, been handed over for custody, and I consider that the time has come for representations to be made at the highest level.
6. A letter to Marshal Messe is submitted for your signature accordingly.

G. R. Hargrave
Colonel,
Chief Legal Officer.

Minute 2.

To D.C.C.

Reference letter dated 12 May 44
from Region 2 may I please be authorised
to instruct Reg 2 in accordance with the
recommendation in para 2 (a) of this
letter

17 May 44.

G. R. Hargrave

CR

2. The facts relating to the Futurano case have been recovered and are attached hereto. (Flag "B")

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5. In spite of requests forwarded by the Ministry of Justice to the Ministry of War (Flags "F" and "G") a fourth officer implicated in the Futurano case, Lt. Sol. Angelo ALEMANO, and an officer implicated on the Lecce case, Captain VOTZI, have not, as far as I have been handed over for custody, and I consider that the time has come for representations to be made at the highest level.

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G. R. *byj*
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*G. R. *byj**

*All letters signed in copy
of para 2*

DRAFT

1. With reference to your letter of 8 March 1944 I have

now been able to reassemble the files dealing with the Red Cross Parcel thefts at the British Prisoner of War Camps at Lecce and Tuturano and enclose them herewith.

2. On 13 Dec. 1943, the Area Commander 71 Sub-Area directed that the investigation of the Lecce (affair?) be referred to the Italian Ministry of War. This was done. At the time I wrote to Marshal Badoglio on 2 February 1944 the results of such investigation had not been made known. Shortly thereafter the report was submitted by the Minister of War to HQ 71 Sub-Area. This report and a translation are enclosed. A copy of the report of 67 Special Investigation is contained as Appendix C to the Tuturano file.

3. Capt. Vozza implicated in the theft was directed to be turned over to the custody of the Commanding Officer No. 2 District. You will note that he was tried by an Italian Military Tribunal prior to the release of the report by the Italian Ministry of War and sentenced to 30 days imprisonment and moved to another station.

4. The report of the Ministry of War appears to be inadequate. On inquiry I am advised that in the course of its investigation the Ministry did not seek any information from the British personnel who made the original investigation and whose actions the report treats in an unfavorable light.

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4. The report of the Ministry of War appears to be inadequate. On inquiry I am advised that in the course of its investigation the Ministry did not seek any information from the British personnel who made the original investigation and whose actions the report treats in an unfavorable light.

5. Also enclosed is the file in respect of the thefts at Turenano.

6. Of the officers implicated, I am advised that Capt. Cassolino, Capt. Travisi and Capt. Cerano are now in the custody of No. 2 District and that

Col. Albanese who is reported ill in a hospital will be transferred as soon as possible he is able to be moved. None of these officers has been tried.

7. While technically the officers named and any other members of the Italian Army who might be found to be similarly situated may be said to be war criminals, I feel that there should be some further determination whether it is the real intention of the War Crimes Commission or the interested governments to hold for trial after the war offenders in this category of war crime. The publicity given with respect to post war trials dwelt principally if not entirely on the aspect of physical violence to defenceless people. On the other hand if it is the intention that war criminals of all classes except those expressly excepted are to be held until after the end of the war for trial, any person no matter how slight his connection may be in the two cases here involved or similar ones will have to be imprisoned for an indefinite time on facts that amount to little more than suspicion.

8. Until further instructions are received the of 27 November

1943 will be rigidly adhered to.

1 . 67

Lieut. General
Chief Commissioner, ACC.

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1 : 67

Lieut. General
Chief Commissioner, ACC.

40011

REAR HEADQUARTERS
ALL J CONTROL COMMISSION
APO 394

FJS/ajp

(98)

12 June 1944

MEMORANDUM FOR: Legal Sub-Commission. ←

Attached are memorandum from General Infante of the Italian Supreme Command and translation, which are transmitted to you for necessary action.

[Signature]
F. J. S.

Capt Sloughter

- 2 Incl- 1. Ltr fr Gen Infante dtd 11-6-44
2. Translation.

66

(97
frustaTRANSLATION

SUPREME COMMAND

Unit I - Office of Miscellaneous Affairs

Prot. No. 91318/AV

P.M. 135

11 June 1944

MEMORANDUM FOR: Captain Ellery W. Stone, USNR
Deputy Chief Commissioner, Allied Control Commission.

SUBJECT: Lt. Col. Albanese and Capt. Vozza

Reference DCC 250 of 1 May 1944.

His Excellency the Chief of General Staff has directed me to inform you that Lt. Col. Albanese and Capt. Vozza have been placed at the disposition of the commander of No. 2 District, who has sent them to the camp at Padula.

/s/ A. Infante

ADOLFO INFANTE
MAJOR GENERAL, FCS

Trans - Sgt Shenfield/lwa

65

LEGAL SUB COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	



COMANDO SUPREMO

I reparto

ufficio affari vari

Prot. n° 91318 /AV
91318

P.M. 135, 11 giugno 1944

DSM 1109
12 JUL 1944

PROMEMORIA PER IL COMANDANTE ELIOT W. STONE

-- vice commissario capo della Commissione Alleata di Controllo --

ATO 394

OGGETTO: tenente colonnello ALBANESE e capitano VOZZA.

Riferimento DCO 250, del 1° maggio u.s. 1 64

S.E. il Capo di Stato Maggiore Generale mi incarica di comunicare che il tenente colonnello ALBANESE ed il capitano VOZZA sono stati messi a disposizione del comandante del 2° Distretto e da questi avviati al Campo di Padula.

IL GENERALE DI DIVISIONE F.C.S.

(Adolfo Infante)

A. Infante

91318

DSM 1104

12 JUN 1944

PROMEMORIA PER IL COLONNANDE ELLERY W. STONE

- vice commissario capo della Commissione Alleata di Controllo -

APC 394

OGGETTO: tenente colonnello ALDANESE e capitano VOZZA.

1 64

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IL GENERALE DI DIVISIONE F.S.S.

(Addio Infante)

A. Infante

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUBCOMMISSION
APO 394.

6 June, 1944.

REFERENCE : ACC/4011/1A.
SUBJECT : Red Cross Parcels Thefts.
TO : GSI (B) H.Q., A.A.I.

1. With further reference to this Sub-Commission's letter
ACC/4011/1/L dated 26 May 1944.

2. Inasmuch as it was reported to us that the contents of many
of the British Red Cross parcels were deteriorating, these being some of the
parcels which the Italians failed to turn over to the British P.O.W., we
were authorized by A.F.H.Q. to have these parcels handed over to the Red
Cross first taking the necessary details and obtaining receipts for use in
any future trial.

3. The delivery has been made and I enclose herewith receipt
together with copy of letter of the Regional Legal Officer, Region 2,
transmitting this receipt. I am sending these papers to you so that they
may ~~make up~~ ^{be added to} the file in these two cases.

RHW
GERALD R. UPJOHN,
Colonel,
Chief Legal Officer.

RHW/wow.

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION 2

REF: 2201/70/K

3 June 1944

SUBJECT: Col. Albanese.

TO : Chief Legal Officer

1. 71 Sub-Area reports that the parcels of cigarettes and Tobacco were handed over to a representative of Red Cross on 26 May. Receipt is attached.

2. The names of the persons making the lists are:-

Lieut. C.W. KIRBY
S/888901 Pte E.W. MOON

} H.Q. 71 Sub-Area

FB/mk

D.E.S. Cousins
D.E.S. COUSINS Lt. Col.
R.L.O.
REGION 2



COPY.

(94)

RECEIPT.

RECEIVED FROM Headquarters, 71 Sub-Area, C.M.F.

244 Cartons (cigarettes and tobacco) - some broken.

(signature) G. GARDNER
for B.R.C.S.

Witnesses Colin M. Quay Lt.
 R. Moon. Pte.

Date 26 May 44.

1 61

93

Subject: Red Cross Parcels Thefts. HQ ALLIED ARMIES IN ITALY

SECRET.

AAV/ 1471 /G.SI(b).

31 May 44.

G.S.I., 2 District.

1. Reference attached correspondence and files concerning the theft of Red Cross parcels at LECCE and TUTURANO.
2. It has been ruled by A.F.H.Q. that these offenses fall within the category of War Crimes, and therefore A.F.H.Q. instruction C.I.B/3305/A.3 dated 6 Feb 44 is applicable.
3. This instruction lays down that the assistance of F.S.P. should be invoked in such cases, when required, in connection with the investigation of the allegations.
4. In the TUTURANO case no further investigative action is required, but in the LECCE case, further investigations and enquiries are necessary before it is ready for handing over to the appropriate legal authorities.
5. In particular it appears that statements should be obtained from 2/Lt LEONELLI and 2/Lt CALASSO GIOVANNI, who had charge of the stores at LECCE before the arrival of Capt. VOZZA; Sgt. TAZZO Mido, who first gave information to S.I.B.; and Capt. GAMBESIA, who it appears should be well-informed on this matter.
Further, Captain VOZZA's statement that the goods arrived at LECCE and were unloaded prior to his taking over, should be carefully checked.
6. Please arrange for the necessary further investigations and enquiries to be made, and then forward the result thereof, together with the attached files, direct to Chief Legal Officer, A.C.G.

W.D. Gilman H.C.

Brigadier,
D.C.S.(I).

LEGAL SUB-COMMISSION

Copy to: G.L.O., A.C.G.

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60

CF.

Copy to:- C.L.O., A.C.C.

W.D. Gilson H.C.

Brigadier,
F.G.S.(I).

LEGAL SUB-COMMISSION

CJU

Italian Section
CL RKS

CONFIDENTIAL

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

92
/rlp.
30 May 1944.

File
ACC/4011/1/L.

SUBJECT : Red Cross Parcels Thefts (Lecce and Tuzurano).
TO : GSI (B) HQ AAC.

1. Enclosed herewith is copy of the translation of the letter from the War Ministry to the Army Sub-Commission dated 21 May 1944 (7576/L).

190
RICHARD H. WILMER,
Colonel,
Deputy Chief Legal Officer. 59

CONFIDENTIAL

SUBJECT: Red Cross Parcels Theft (LECCE)

CONFIDENTIAL

4011/1
Army Sub Commission A.C.C.
Main H.Q. (MMIA)
LEQUILE (LECCE)
I/114
24 May 44

(91)

Legal Sub Commission
Rear HQ ACC

Further to para 3 and Appx "C" of our I/114 of 15 Apr.

1. Attached is a translation of a War Ministry letter furnishing further information as to the place of arrival of the goods in Italy.
2. It will be seen from attached letter that the BARI State Railway authorities have no further details on this case.

COMMISSION	
	✓
	✓
Chief Counsel	

CGL.

58
J. K. Selby, Capt
for Maj Gen,
Army Sub Comm A.C.C.

TRANSLATION

From War Ministry

Ref: 7576/T

To Army Sub Commission

Date: 21 May 44

Subject: Red Cross goods destined for English POW.

1. Further to our 4539/I/36.1.9 dated 28 March further information is forwarded following inquiries made at the Military HQs of BRINDISI and LECCE.

- rly truck 42980 - from SANARICA - destination URBISAGLIE
- " " 186286 " 75 Transit and Disinfection Camp BARI
destination URBISAGLIE
- " " 13517 from S. VITO dei NORMANNI destination
URBISAGLIE
- " " 115576 from SANARICA - destination URBISAGLIE

2. The Head Office Distribution Centre of the State Railways BARI, which was asked to forward any further information in our 4539/I quoted above, has reported that no other details on this matter are to hand.

(Sgd) FIORE - VERNAZZA
Chief of Cabinet

Subject: Col. A. Banerjee 27.8.44

On File 4134 (in safe) (89)

From H.Q. Refia 2.

56

4011/1

40111

ALLIED CONTROL COMMISSION INCOMING MESSAGE /msr

58

SVC/RELAY NO.

CLASS: NOT GIVEN

PREC: NOT GIVEN

FROM: RLO REGION 2

TO: CLO LEGAL SUB COM ACC SALENNO



M/C NO:

REF NO: 2201/77D

FILED: MAY 28 1135B

REC'D: MAY 28 1745B
94 Sub Area

The Albanese is at Padula. Body receipt held by 6 Sub Area acting under authority of AAI.

DISTRIBUTION:

- 1 File
- 1 DSG Info
- 1 DCC "
- 1 Adj Main Info
- 1 Legal ACTION

3 55

ACTION

4011/1
Letter to CS9(B) AA1 (87)
Ref No 4011/1 Red Cross thefts at Peccer
In Safe Folio 12. Cont. Invarius! 54

SECRET

✓
4011/1
SUBJECT: Thefts of Red Cross parcels at British POW
Camps, Tui rano and Lecce.

Make copy to go forward

371 P.W. Camp, C.M.F.
371/1400.
24 May 44.

Chief Legal Officer,
Rear Headquarters,
Legal Sub-Commission,
Allied Control Commission.

- 77
1. Reference your letter ACC/4011/1/L of 20 May 44 and previous correspondence.
 2. Captain VOZZA arrived at this Camp on 22 May 44, together with Lt.Col. Angelo ALBANESE.
 3. A statement was taken from him on 23 May 44 in accordance with paragraph 2 of your letter dated 6 May 44.
 4. It is suggested that statements should be obtained from 2/Lt. CALASSO Giovanni, who had charge of the stores at LECCE before the arrival of Capt. VOZZA; Sgt. TATEO NITO, who first gave information to S.I.B.; and Captain CANESSA, who it appears should be well informed on this matter.
 5. As the evidence is far from complete in this case I am returning the papers herewith together with the original statement and a covering report by the officer carrying out the interrogation of Captain VOZZA.

LEGAL SUBCOMMISSION

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Chief Counsel

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Section - Section

53

J. E. Marshall
(J.E. MARSHALL) Major.
Commandant No. 371 P.W. Camp, C.M.F.

SECRET 85

quitted by 10/4/44

SUBJECT: Thefts of Red Cross parcels at British POW Camp, Lecce.

No. 371 P.W. Camp,
C.M.F.
24 May 44.

Commandant, No. 371 P.W. Camp, C.M.F.

1. Reference ACC letter No. ACC/4011/1/L dated 6 May 44.
2. Captain VOZZA arrived at this Camp, under escort, on 22 May 44.
3. On 23 May 44, with Lieut. Geach I interviewed Captain VOZZA and took a statement from him as requested in above letter.
4. VOZZA was transferred from Bari to Lecce on 18 Oct 44, he has a copy of a movement order amongst his property which confirms this. According to his story he did not take over control of the seven warehouses at Lecce until the end of October. Prior to this a 2/Lt. LEONELLI was in charge.
5. It is stated in para. 2 of the Ministry of War letter dated 27 Jan 44 that four trucks containing British stores arrived at Lecce between 16 and 22 Oct 43. Captain VOZZA claims that no British stores were unloaded at Lecce during his period of duty. The Ministry of War memorandum of 28 Mar 44 gives the information that four trucks were despatched to Lecce on 15 Sep 43, further Lieut. McKinnon in his report mentions that an Italian N.C.O. informed him that the stores arrived on 18 Sep 43.

6. Regarding the Italian military truck referred to in Lieut. McKinnon's report, Captain VOZZA says this was the vehicle in which he and 2/Lt. CALESSO collected the broken packages for removal to Banco di Roma.

7. Captain VOZZA says he was placed under arrest immediately after Lieut. McKinnon's visit on 11 Dec 43. On or about 20 Dec 43 he was interviewed by General PIRZIO BIROLI regarding the food found at his quarters and towards the end of the month received a letter from the Ministry of War informing him that he had been awarded thirty days imprisonment. He was released on 11 Jan 44 and returned to Lecce where he was instructed to complete an inventory on the stores. He continued with this duty until 9 Apr 44 when he was taken under escort to Bari and again placed under arrest until 22 May 44 when he was transferred to this Camp.

8. Original statement and two copies are attached.

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Attilio

Lieut.,
A.O.C. (Security Branch),
Att. No. 371 P.W. Camp.

SECRET
84
No. 371 P.W. Cf. 7, C.M.F.

23 May 44.

STATEMENT OF:- Capt. VOZZA Angelo.

I have been told that I need not say anything unless I wish but whatever I do say will be taken down in writing and may be used in evidence.

(sgd;) Capitano ANGELO VOZZA.

On 18th October 1943, I was serving as a Captain at the disposition of the Dirizione Commissariato Militare of the 9th Army Corps of the Italian Army at Bari, when I was ordered to report to No. 9 Base Command at Lecce.

On the 19th October, 1943, I reported to Col. PINI, the Commander, who instructed me to take charge of the unloading of stores from railway trucks at the station, because the British Military Authorities urgently needed these trucks. The stores were all Italian, no British.

About 31st October, I was ordered to take over the seven warehouses at Lecce and after a few days I opened an office in the premises of the Banco di Roma which was being used as a warehouse. Before I became responsible for the warehouses at Lecce, Lt. CAVALLLO, at Brindisi was in charge and he appointed 2/Lt. LEONELLI to take over the warehouses.

When I took over there was no record of the stores in the various warehouses and as a result of what I reported to the Commissariato a Commission was ordered to make an inventory. The Commission consisted of myself as the officer taking over, 2/Lt. LEONELLI as the officer handing over and 2/Lt. CALASSO as the independent member. There was seven warehouses, each contained, chiefly, Italian material, but in four there was British W.D. property which I think contained stores for British prisoners of war, some of the packages were marked with a red cross. There was quite a lot of these British stores. 51

When I discovered this material I reported it verbally to Capt. CANESSA, of the Quartermaster Branch, 7th Army H.Q., this was on or about 17th November, 1943. 2/Lt. CALASSO was with me when I made the report. Capt. CANESSA told me to make an inventory of the British material and to suspend the making of the inventory on Italian stores. An inventory of the British material was commenced, chiefly under the supervision of 2/Lt. CALASSO, I noticed many parcels were open and the contents partly missing. The parcels all contained foodstuffs and tins of cigarettes.

When I first saw the British goods I asked 2/Lt. LEONELLI and

used in evidence.

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When I first saw the British goods I asked 2/Lt. LEONELLI and Sgt. Major GHELLI, who was supervising the unloading at the railway where these goods came from. They both told me the goods were unloaded at night sometime ago on the orders of Col. PINI. This was before I arrived at Lecce. They also told me some of the material had been stolen by Italian soldiers employed on the unloading.

- 2 -

I reported these facts to Capt. CANESSA at 7th Army H.Q. who told me to collect all the material from the broken packages, make an inventory of all British material and put it into bags. All the open parcels were collected from the other three warehouses by 2/Lt. CALASSO and myself and taken to the Banco di Roma where they were placed in a room and the door locked to prevent theft by troops. An inventory was made and taken to the Commissariato by 2/Lt. CALASSO. Many of the parcels were broken. I had two sick children at home and I took some tins of butter; milk, cigarettes and other things as I could not buy them. I only did this on one occasion, about 20th November, 1943.

On 11th December, 1943, General FELLIGRA, of the Ministry of War inspected all the stores at Lecce, I pointed out the Red Cross packages to him and he told me to be careful that they were not touched because there would be trouble.

I then decided to return the things I had taken to the stores but the same afternoon a British Lieutenant came to the house at Via Giravolte, Lecce, where my family and I had a furnished room for sleeping and found some of the food. My family and I were eating frequently with my brother-in-law, Rag. VENUTO, at his house, Casa Incis, Lecce. I had taken things there and what was found there was mine, it was nothing to do with my brother-in-law.

I have no knowledge of any other British stores being taken away, each of the warehouses was in charge of an Italian officer or N.C.O. I would add that before the broken packages were collected from the warehouses I advised the persons in charge of each place to see such packages were not touched by anybody. All the doors were locked at each warehouse where there was British goods and at the warehouse Costa, the room in which these goods were stored was sealed. At the other warehouses the sealing could not be done as British and Italian stores were mixed. The keys of each warehouse were kept by the individuals in charge.

The above statement has been read over to me in Italian and is true

(sgd;) Captain Angelo Vozza.

The above statement was taken by me in the presence of Lieut. Geach, and with the assistance of British military interpreter at Padula on 23rd May, 1944.

(sgd;) A.H. Ellis Lieut;
A.C.C.(Security Branch).

I hereby certify that the above statement given to me orally in Italian has been translated into English to the best of my knowledge.

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(sgd;) A.H. Ellis Lieut;
A.C.C. (Security Branch).

I hereby certify that the above statement given to me orally in Italian has been translated into English to the best of my ability and is true. I have read over the statement in the Italian language and the above named, Captain Vozza Angelo has declared it to be true.

23.5.44.

(sgd.) M. Novitarger. Sgt.
P/14470.

ALLIED CONTROL COMMISSION INCOMING MESSAGE /msr

SVC/RELAY NO.

CLASS: NOT GIVEN

PREC : NOT GIVEN

FROM : 371 PW CAMP

TO : ACC SALERNO (for action)



M/C NO:

REF NO: R/1

FILED : MAY 221630B

REC'D : MAY 221850B
Army Sigs

5706
83

Ref my letter 371/1400 dated 5 April 44.

4th PW named now with this camp.

Albanese.

Sent with papers to 371 PW
No record of Army Sublim.

DISTRIBUTION:

- 1 File
- 1 ISG Info
- 1 DCC "
- 1 Adj Main Info
- 1 ~~Army S/S ACTION~~

LEGAL

LEGAL SUB-COMMISSION	
CLO	☒
DCLO	☐
Chief Counsel	☐
CJO	☐
Italian Section	☐
CL RKS	☐
	☐
	☐

49

23 May 44.
File 2.

Reference : ACC/4011/1/L.

Subject : Alleged War criminals - Theft of Red Cross Parachutes
(Capt. Am, to VOLZA).

82

Top Secret letter to H.Q., 6 Base Sub-Area from
No. 2 District 25/213.A. dated 19 May, 1944 filed on
^(copy held)
Top Secret File 23 May, 1944. Lili 11

Wan
Lgt.

SECRET

PRIORITY

ACC REAR

ACC MAIN

OUTGOING

LEGAL/RRV/MSR



MAY 27 11 31 58

IN VIEW OF LATEST REPORTS MEDICAL FACILITIES AT PADULA REGION TWO AUTHORIZED
BARI
TO MOVE ALBANISE TO BRITISH HOSPITAL/PD TO ACC MAIN FOR RE AND RE SECTION
FROM ACC REAR FROM LEGAL SIGNED MACFARLANE PD SEE TWO SEVEN EIGHT NINE OF
TWO ZERO MAY PD RELYING YOUR FOUR TWO ONE OF TWO ZERO MAY

AUTHENTICATED:

E. J. Chiocca
E. J. CHIOCCA
CWO USA
Asst Adj

DISTRIBUTION:

- 1 File
- 1 DSO
- 1 DCC
- 1 Legal

U. S. SECRET

Equals British

SECRET

4011/1✓

ALLIED CONTROL COMMISSION - INCOMING

MESSAGE /hft

5069

80

SVC/RELAY NO.

M/C NO:

CLASS: NOT GIVEN

REF NO: 421

PREC : PRIORITY

FILED : MAY 201425B

FROM : ACC MAIN

REC'D : MAY 201435B

TO : ACC REAR

via teletype



65

Reference RT/409 dated 11 May 1944 grateful early reply.

DISTRIBUTION:

- 1 - File
- 1 - DSG - info
- 1 - DCC - "
- 1 - Adj Main - "
- 1 - Legal - action

46

ACTION

Letter dispatched
1215. 21/5

U. S. SECRET
 Equals British SECRET

sent w/out 4011/1 ✓

- OUTGOING

LEGAL
GRU/Art

8345

3/20 (79)

2789

MAY 20

SECRET

ROUTINE

ACC REAR

DISTWO



IN REPLY TO YOUR TWO TWO ZERO ONE SLANT FIVE EIGHT SLANT SEVEN TATED ONE TWO
 MAY ALBANESSE ID TO DISTWO FOR ACC REGION TWO FOR DLO FROM ACC REAR FROM LEGAL
 SIGNED MACFARLANE ID YOUR ACTION PROPOSED IN PARA TWO PAREN A PAREN IS
 APPROVED PD IN VIEW OF LATEST REPORTS MEDICAL FACILITIES AT PADULA AUTHORIZED
 YOU TO MOVE ALBANESSE IMMEDIATELY TO BRITISH HOSPITAL BARI

AUTHENTICATED:

Roger B. Derby
 ROGER B. DERBY
 Capt, A G D
 Adjutant

DISTRIBUTION:

- 1 - File
- 1 - DCG
- 1 - DCC
- 1 - Adj Main
- 1 - Legal ✓

4 45

U. S. SECRET
 Equals British SECRET

*File*REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

(78)

AGC/4511/1/L.

/119.
20 May 1944.SUBJECT : Thefts of Red Cross parcels at British POW Camps, Tuzunano & Looce.
TO : Commandant No. 371 POW Camp.

1. Reference your letter 371/1400 of 17 May 44. 73.
2. Capt. Voza has been ordered to No. 371 POW Camp by telegram No. 2782 of 19 May 44 yesterday. Please let us know when he arrives and if there appears to be any undue delay please signal me. 74
3. Capt. Voza was involved in the Looce thefts. Paragraphs 5 and 7 of my letter of 6 May 1944 apply to him. Para 6 thereof applies to the Tuzunano thefts. In any event, when all investigation you can make in both cases has been completed, I will appreciate it if you will comply with my request in paragraph 9 of such letter.

G. R. UPJOHN,
Colonel,
Chief Legal Officer. 44

4-5-44

19.5.44

Letter from No 2 District

(77)

Ref. 25/213.A.

Capt Angelo Vozza.

In Safe. Folio 11.

43

4011/1 ✓

487

SECRET

(70)

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION II

Ref. :- 2201/58/7

May 15 1944

Subject:- In re l'Albanese

To :- C.L.O. Legal Subcommittee ACC. SALERNO

67

Ref 2753 of 13.5.44. attached please is
translated copy of the medical report on the Albanese.

75

B.E.S. Cousins

B.E.S. COUSINS, Lt. Col.
R.L.O.
Region II

SUB-COMMISSIO	
CLO	
DCLO	
Chief Co	
CIO	
Itel	
En RKS	

Red Cross file

Cost ant to let witness

Dick

Capt Stone has the
file on this; he is 42asked to authorize the
sending of a cable. Will you
check that the file
has been seen by him.

TERRITORIAL MILITARY HOSPITALBariOfficers Section -

(75)

To :- Direction of Military Hospital "Balilla"

Lt. Col., Infantry, ALBANESE Angelo has been received in this department, coming from the Military Hospital "L. Bonomo", on the 18.3.44, with diagnosis: BRONCHIAL CATARRH WITH ASTHMA".

At his arrival in Hospital he was affected by diffuse ~~and~~ bronchial catarrh and nightly asthma attacks.

The radiological examination of the respiratory system carried out on 10 May 44 has given following results: "Diffuse accentuation of chronic bronchitis. Slight widening of the aorta.

The arterial tension at his arrival has given the following values : Mx 190 - Mn 90.

During the whole period of his stay in hospital the patient has had asthma attacks, namely on the nights of the : 9,13,16,21, 29 March; 1,6,15,24,26,30 April; 4,7,8 May.

The examination of the respiratory system has given following results : "Sharp breath with roughs and hissings". The second tone of the pulmonary artery is heavier.

The patient has still a tendency to dispnea. The arterial tension on 6.5.44 has given : Mx 150 - Mn 80.

I believe that asthma attacks are also caused by his hypertension ~~and~~.

Bari 9 May 1944

(Sgd) Brindicci Gaetano . 41
Lieutenant, M.O.
Head of Department

240111
Enter in and out

U. S. RESTRICTED

Equals British RESTRICTED

OUTGOING

LEGAL
GRU/ck

8296

1/1974

2782

19609B

RESTRICTED

ROUTINE

ACC REAR

MEMIA, DISTWO, RTD 371 POW CAMP



IN REPLY TO YOUR PD ONE ONE TWO DATED SIXTEEN MAY PAREN TO MEMIA DISTWO RTD
THREE SEVEN ONE POW CAMP FROM ACC REAR FROM LEGAL. SIGNED MAGPAR. ONE PAREN
CAPTAIN VOZZA SHOULD BE TRANSFERRED TO THREE SEVEN ONE POW CAMP AS AN ALLEGED
WAR CRIMINAL

AUTHENTICATED:

E. J. Chiocca
E.J. CHIOCCA
CNO, USA
Asst Adj

DISTRIBUTION:

- 1 - Adj File
- 1 - DSG
- 1 - DDC
- 1 - Adj Main
- 1 - Legal

40

U. S. RESTRICTED

Equals British RESTRICTED

4011/1/1

CONFIDENTIAL

Subject: Thefts of Red Cross parcels at British
POW Camps, Taturano and Lecce.

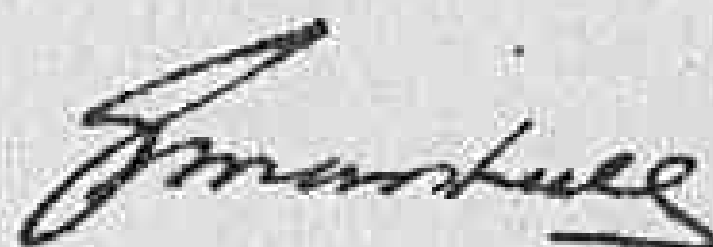
(73)

371 P.W. Camp, C.M.F.
371/1400.
17 May 44.Chief Legal Officer,
Rear Headquarters,
Legal Sub-Commission,
Allied Control Commission.

(62)

Ref ACC/4011/1/L dated 6 May 44.

The Italian Officer, Capt; VOZZA, referred to
in the above has not yet arrived at this Camp and it
is requested that instructions be transmitted regarding
the disposal of the files which are still being
retained here.

(J.E. MARSHALL) Major.
Commandant No. 371 P.W. Camp, C.M.F.

U. S. CONFIDENTIAL

Equals British CONFIDENTIAL

CONFIDENTIAL

IMPORTANT

MMIA LO (Distivo)

FATIMA FOR QUINSMITH

INCOMINT

4774

/hft

PD112

MAY 161230B

MAY 161430B
Via Teletype

Further to my PD 111 Captain Vozza is being held Bari for disposal please
inform action required.

DISTRIBUTION:

- 1 File
- 1 DSG Info
- 1 ICC "
- 1 Adj Main Info
- 1 Army SC Action
- 1 Legal

INFO

38

U. S. CONFIDENTIAL

Equals British CONFIDENTIAL

U.S. CONFIDENTIAL
Equals British CONFIDENTIAL

INCOMING

4773

/hst

(71)

PD11

MAY 161045B

MAY 161427B
Via Teletype

CONFIDENTIAL

IMPORTANT

MMIA LO DISTWO

FATIMA FOR QUINSMITH

Italian War Ministry require pay books of Captains Caslano Carano and
Trevisi. Please send to MMIA.

DISTRIBUTION:

- 1 File
- 1 DSG (info)
- 1 DCC "
- 1 Adj Main Info
- 1 Army SC Action
- 1 Legal

*Plus also
Red Cross info?*

INFO

37

U. S. CONFIDENTIAL
Equals British CONFIDENTIAL

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION II

12 May 44.

Ref: 2201/58/7

SUBJECT: In re L'Albanese

TO : CIO Legal Sub-Commission, ACC Salerno.

1. Ref your cipher message No. 2739 of 10-5-44 the Executive Officer at this H.Q. and I are making preliminary arrangements for L'Albanese to be inspected by two British Medical Officers, one of them a Senior Officer.

2. Such however is the freemasonry among Italians when it is a question of shielding an officer, that it is felt essential

- (a) That the inspection should not previously be notified, since otherwise Col Albanese may well have received certain injections. This view is fully corroborated by the Intelligence Officer at this HQ. who has lived in Italy for 20 years.
- (b) That there should be authority to move L'Albanese immediately after inspection, either to Padula if the diagnosis so permits, and if not to a British hospital in Bari, where he would be under British guard.

May early instructions please be given.

LEGAL SUB-COMMISSION	
CIO	☒
Senior Counsel	☐
CJO	☐
Italian - Section	☐
CLERKS	☐

D.E.S. Cousins
D.E.S. COUSINS, Lt. Col.
R.L.O.
Region II

36

File 4011/1/L

13 May 1944

(68)

Letter ~~to~~ ~~71~~ from G 1(B) AFHQ.

Reference GIB/3305/1/A3. of 13 May 44.

(IN TOPSECRET FILE - 4134/L)

U. S. SECRET
[Equals British SECRET]

- OUTGOING

LEGAL
FHE/mtt

7780

(67)

4/13

2753

MAY

13/9/78

SECRET

ROUTINE

ACC HEAR

DISTWO

*4011/1
- file*



SEND TO LEGAL SUBCOMMISSION MEDICAL REPORT ON ALBANESE PAREN TO DISTWO
FOR ACC REGION TWO FOR HLO FROM ACC HEAR FROM LEGAL SIGNED MASTAYLANE PAREN
REFERRED TO IN YOUR TWO TWO ZERO ONE SEANT SIX ZERO OF EIGHT MAY

(63)

AUTHENTICATED:

E. J. Chiocca
E. J. CHIOCCA
CWO, USA
Asst Adj

DISTRIBUTION:

- 1 - File
- 1 - DSC
- 1 - DCC
- 1 - Legal
- 1 - Adj Main

1 34

U. S. SECRET
[Equals British SECRET]

4011/1
RESTRICTED

TRANSLATION

✓ COL UPJUN
P.M. 135 12 May 1944

(66)

Supreme Command

Office of Miscellaneous Affairs

Seen by AGA.

File No. 91056/AV

Subject: Lt. Col. Albanese and Capt. Voza.

To: Allied Control Commission,
APO 394.

(55)

Reference: DCC 250, of 1 May.

In connection with the contents in your above reference, I have interested the War Ministry in the release of Lt. Col. Albanese and Capt. Voza to the Commander of the 2nd District, so that they be interned in POW Camp 371.

/s/ Giovanni Messe
/s/ GIOVANNI MESSE
Marshal of Italy, Chief of the
Supreme General Staff.

Trans/DCC/ajp.

33

40111

4510
65

ALLIED CONTROL COMMISSION INCOMING MESSAGE

SVC/RELAY NO.

CLASS: NOT GIVEN

PREC : PRIORITY

FROM : ACC REGION II HQ

TO : ACC REAR, PADULA FOR MACFARLANE RPT TO RC AND M SECTION
ACC MAIN FOR LUSH



M/C NO:

REF NO: RT/409

FILED : MAY NFI

REC'D : MAY 121530B
Teletype

Your 2739 refers. (64)

Am arranging with 2 Dist for Medical Inspection. Understood Padula normal POW Camp British war establishment with medical officer and fully capable caring Albanese. If further information required Re Padula suggest you signal No 3 District. If condition not serious and Albanese fit to move propose moving him immediately after inspection by Allied Military Officer to Padula. Signal approval proposed action.

DISTRIBUTION:

- 1 - File
- 1 - DSG Info
- 1 - DCC "
- 1 - ~~Adj Main Info~~
- 1 - Legal ACTION

ACTION

U. S. SECRET
 Equals British SECRET
 OUTGOING

64
 LEXAL/GRU/INT

6/10 7546

2739

MAY

101728 B

SECRET

ROUTINE

ACC REAR

DISTO

COL ALBANESE PD DEPUTY CHIEF COMMISSIONER HAS ASKED MARSHAL MESSE TO SECURE
 REMOVAL TO PADULA WHERE MEDICAL FACILITIES EXIST BUT IN VIEW YOUR TRO TRO ZERO ONE
 SLANT SIX ZERO DATED EIGHT MAY YOU WILL INSTRUCT ALLIED MEDICAL OFFICER TO INSPECT
 ALBANESE IN HIS HOSPITAL TO ASCERTAIN NATURE AND SERIOUSNESS OF HIS
 CONDITION PAREN TO DIST O FOR AM REGION TWO FROM ACC REAR FROM LEGAL SIGNS
 MACCARONE PAREN AND WHETHER HE IS FIT TO MOVE PAREN B PAREN WHETHER ARE UAIN
 FACILITIES AT PADULA FOR PARTICULAR TYPE OF TREATMENT REQUIRED

AUTHENTICATED

E. J. CHIOCCA
 CWO USA
 Asst Adj

DISTRIBUTION:

- 1 - Adj File
- 1 - Adj Main
- 1 - IEC
- 1 - IEC
- 1 - Legal

1

31

U. S. SECRET
 Equals British SECRET

44011/1.
(5)

4294
(63)

ALLIED CONTROL COMMISSION INCOMING

MESSAGE /msr

SVC/RELAY NO.

M/C NO:

CLASS: NOT GIVEN

REF NO: 2201/60

PREC: NOT GIVEN

FILED: MAY 081820B

FROM: RLO REGION 2

REC'D: MAY 091000B
Via Italian Teletype

TO: CLO LEGAL S/C ACC



C. Colonel Albanese has not been handed over since CC Balilla Hospital
Bari states he is suffering from asthma. Have requested Italian
Liaison Officer for supply of medical certificate. Submit that medical
treatment can be given at Padula.

DISTRIBUTION:

- 1 - File
- 1 - DSG Info
- 1 - DCC "
- 1 - Legal Action
- 1 - Adj Main Info

File 4011/1/L

6 May 1944

(62)

Letter to 371 POW Camp (TOPSECRET)
dated 6 May 44 - Ref. 4011/1/L.

SEE FILE 4134/L (in safe)

29

File 4011/1/L

6 May 1944

(61)

CI(B) AFHQ
Letter to ~~371 POW Camp~~ (TOPSECRET)
dated 6 May 44 - ref 4011/1/L

SEE FILE 4134/L (in safe)

60
ALLIED MILITARY GOVERNMENT

SUBJECT: *Thefts of Red Cross Parcels at*
TO: *C.H.O. British P.O.W. Camps,*
Tuturano and Lecce.

FILE No. *4011/1/L*
AMGOT HQ., SICILY
6/5/1944

1. The letter to Marshal Messe submitted for the signature of the Deputy Chief Commissioner was signed and despatched by him on 3/5/44. (see folio 55).
 2. The papers have been split as between those we wish to retain and those to be sent to No 371 POW Camp.
- Amongst the former are included copies of the correspondence regarding the securing and custody of the*

acc'd officers.

3. A letter to 371 POW Camp enclosing the bulk of the papers is submitted for your signature.
4. Also submitted is a letter to GI(B) AFHQ reporting the action letter.
5. In view of photos 24A and 31A on the file of papers to be sent to 371 POW Camp, both our outgoing letters have been labelled "TOP SECRET".

J. Moore
Capt.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

6 May, 1944.

REFERENCE : AGO/4011/1/1.

SUBJECT : Red Cross Parcels.

TO : R.F.O. (thru Regional Commissioner), Region 2.

1. Reference your 2201/52/1 dated 29 April, 1944.
2. This Sub-Commission has been advised by A.F.H.Q. that the deteriorating parcels should be given to the Red Cross but that they must all be identified and all their contents listed by someone who later can give evidence whenever that becomes necessary. In view of changing personnel it is my suggestion that this listing be done by two or three persons so that at least one of them will be available. Likewise the necessary receipt should be obtained from the Red Cross when the parcels are actually turned over.

RICHARD H. WILMER.
Lieutenant-Colonel R.F.C.,
Deputy Chief Legal Officer.

RHW/wcm.

U.S. SECRET Equals British SECRET

ALLIED CONTROL COMMISSION INCOMING MESSAGE

/sk

SVC/RELAY NO.

CLASS: SECRET

PREC : ROUTINE

FROM : AFHQ

TO : ACTION ACC REAR FOR LEGAL



M/C NO:

REF NO: F 41482

FILED : 051114B MAY

REC'D : 051410B MAY

British signals

57
Your 2701 of 3 May. We agree deteriorating parcels be given to Red Cross but they must first be identified and contents listed by person who can later give evidence if required.

DISTRIBUTION:

- 1 - Adj File
- 1 - DSC - info
- 1 - ECC - info
- 1 - Legal - ACTION

26

U.S. SECRET Equals British SECRET

U. S. SECRET Equals British SECRET

OUTGOING

LEGAL/HIV/MEX

1/03

2701

7025

SECRET

ROUTINE

ACC REAR

AFHQ



MAY

DATED SEVEN APRIL FOUR FOUR CMA YOUR G ONE SLANT B SLANT THREE THREE ZERO FIVE
SLANT ONE SLANT A THREE REFERS PD TO AFHQ FROM ACC REAR FROM LEGAL SIGNED
MACFARLANE PD REPORT RECEIVED THAT CONTENTS OF ABOUT TWO FIVE ZERO RED CROSS
PARCELS ARE DETERIORATING PD RECOMMEND THEY BE TURNED OVER TO RED CROSS AFTER
COMPLETE LIST MADE FOR FUTURE REFERENCE PD PLEASE CONFIRM

AUTHENTICATED:

E. J. Chiozza
E. J. CHIOZZA
C O U A
Asst Adj

DISTRIBUTION:

- 1 - File
- 1 - DCC
- 1 - DCC
- 1 - Legal —

25

U. S. SECRET Equals British SECRET

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION II

Ref. :- 2201/58/1

29 April 1944

Subject:- Col. Albanesi and Others.

To :- Chief Legal Officer.

1. 71 Sub-Area has raised the question of the disposal of the Red Cross parcels which are the subject of a charge of theft against Col. Albanesi and others. There are 250 parcels, containing about 1,000,000 cigarettes and a corresponding amount of tobacco.
2. As the case may not be disposed of for some time, and the contents of the parcels are subject to deterioration, it is suggested that they should be handed over to the Red Cross to deal with.
3. If so, a record of the parcels and of their contents should no doubt be made by someone who could produce the same at the trial, and prove its accuracy.
4. Your instructions in this matter are requested.
5. No. 2 District state that, Col. Albanesi will be ready for discharge from hospital in Bari on 30 April, and will be handed over to a guard which they will provide and brought to Padula.

LEGAL SUBCOMMISSION	
10	
Chief Counsel	
Section	
CLERKS	

Jackhouse Capt
D.E.S. COUSINS, LT. Col.
R.L.O.
Region II.

24

55
GHI/cap

In reply refer to:
DCS 250

1st May 1944

Dear Marshal Kesser:

I have the honour to ask your assistance in securing the handing over to the Allied authorities of two officers of the Italian Armed Forces in the circumstances following.

As a result of investigations made since the Armistice two cases have been disclosed of thefts by Italian officers of Red Cross parcels destined for British Prisoner of War Camps in Italy, at (a) Taturano and (b) Lecce. These cases have already been reported to His Excellency Marshal Badoglio.

As a result of a request dated 29th March 1944 (reference Prot.N. 5453) addressed by the Ministry of Justice to the Comando Presidio Militare, Bari, three Italian officers implicated in the Taturano case have already been handed over to the Allied authorities and are at present interned at No. 371 P.O.W. Camp. A fourth officer implicated in the thefts, Lieutenant-Colonel Angelo ALBANESE, was reported to be in hospital and for that reason has not so far been handed over.

I am satisfied from the enquiries which I have made that there exist at No. 371 P.O.W. Camp adequate hospital facilities for interned officers. I accordingly request that arrangements be made for Lt.Col. ALBANESE to be handed over immediately to the Officer Commanding No. 2 District, for internment in this Camp.

In the Lecce case, investigations were conducted by the Ministry of War, as a result of which I understand that a Captain VOZZA was dismissed from his position, transferred to another post and punished by 30 days imprisonment in a fortress. The Ministry of Justice have forwarded to me an undated copy letter (Reference 4822/1 - 36.4.44) - addressed to them by the Ministry of War, enquiring amongst other things whether this officer should also be transferred to Bari and put at the disposal of the Officer Commanding No. 2 District. The Ministry of Justice was informed on 7 April 1944 that Captain VOZZA should also be transferred, but up to date no information has reached me that Captain VOZZA has arrived at No. 371 P.O.W. Camp.

54

I accordingly request your good offices in arranging for both these officers to be handed over.

Yours very truly,

(Sgd). Ellery W. Stone.

ELLERY W. STONE
Captain, USMC
Deputy Chief Commissioner

His Excellency Marshal Menso
Chief of the Supremo General Staff
Comando Supremo

Despatched over 3 May 1944.

22

COPY

SUBJ: Red Cross Parcel's Theft (LECCE)

CONFIDENTIAL

Army Subcommission A.C.C.
Main H.Q. (NMIA)
LECCE (LECCE)
I/114
15 Apr 44

Legal Subcommission
Rear HQ Allied Control Commission

Copy to: HQ 71 Sub Area (Your 47/22/A of
13 Apr 44 refers)

Ref your ACC/4119/L and ACC/4011/L of 16 and 23 Feb respectively.

1. Herewith returned at Appx "A" the report on the LECCE case.
2. Comments on the above report by Capt. J. McKINNON, (i/c/the LECCE investigations made by 67 S.I.B.) are attached at Appx "B".
The following observations on Capt McKINNON's comments are made for your assistance.
 - (a) Ref para 3 of the comments. Last sentence of the para is correct. This Subcommission became aware of the existence of the property in LECCE the day following the start of Capt McKINNON's inquiries.
 - (b) Ref para 7 of the comments. Last sentence is correct. Two reps from this Subcommission were present at the time.
 - (c) Ref para 14 of the comments. This Subcommission on 12 Dec 43 was requested by the ITALIAN War Ministry to represent to higher authority that investigations be handed over to the ITALIANS. It Col G H MCINTYRE replied, in Capt McKINNON's presence, that it was not within the sphere of the Subcommission to intervene in the matter. Capt McKINNON was therefore left a free hand to continue his inquiries.
3. Details regarding dates when the property in question was received originally in ITALIAN territory are given in a translation of a War Ministry letter attached at Appx "C". If any further data comes to hand in this respect you will be informed. *with AA1- no wfy kept.*
4. The other points raised in your ACC/4119/L of 16 Feb were answered by our I/103 of 25 Feb.

COL.

for Maj Gen.
Army Sub Comm A.C.C.

21

18 April

Q.S. 726 10 April was 29
written by Lt Col Owen Smith.
He is writing to Dist II -
to explain his confusion.
Will then turn over to us
letter of Dist II which 20
was intended for us
Ang. Freeman

...to serve a further period of
 " that all officers trying cases are in-

WILLIAM C. CHANDLER,
 Lt. Col., FA,
 Chief Legal Officer.

COT Liaison	(1)
" 8th Army	(6)
" 5th Army	(6)
" 15th Army Group	(6)
S AFHQ	(12)
Sub-Commissions	(15)
le	(1)
eat	(1)
ares	(20)

U.S. CONFIDENTIAL Equals British CONFIDENTIAL

4011/1

INCOMING

/sk

48

CONFIDENTIAL

NOT GIVEN

From DISTWO

FATIMA ADV INFO FATIMA REAR

13225
161500B AR

170900B AR

Via 94 SubArea

24

NOT
Received by legal

29

Your letter QS 226 of 10 April not understood by this Hq. Fatima Rear signal 2541 of 27 March to this Hq and this Hq signal 13139 of 30 March in reply should make position clear. Suggest Fatima Rear have information you require.

DISTRIBUTION:

- 1 - Adj
- 1 - ISG Info
- 1 - DCC "
- 1 - Army "
- 1 - Legal ACTION /

19

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✓ 4011/1
Subject:- Charges against Officers of the
dissolved P.W. Camp No 85 (TUTURANO)

To:- Rear HQ ACC Legal Subcommittee APO 394

Reference your ACC/4012/1 dated 7 April 44

Col. ALBANESE has not yet been received by this Camp. It is understood that this Officer is in Hospital, and will be transferred to this Camp upon his discharge.

This HQ will notify you as soon as he arrives.

In the Field.

Emmerville
Major,
Commandant No 37I P.W. Camp, C.M.F.

15 APR 44 3074
37I P.W. Camp.
37I/I400
10 Apr 44

4011/1 *File*
HEADQUARTERS
ALLIED CONTROL COMMISSION
.....

44
Q8/mms

Q8251

14 April 1944

SUBJECT: Red Cross Parcel Theft.TO : Army Sub-Commission, A.C.C. Main HQ (AMIA)
LEWIS (MEGGE).*31*
Reference your I/103/1 of 28 March.

Please state if those papers and report
required urgently by the Legal Sub-Commission have
yet been forwarded.

W Lt. Col.

(Sgd) (G. W. QUINSMITH)
Army Sub-Commission
Advanced Headquarters

Copy to Legal Sub-Comm. ✓

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

GCH/gaf

(42)

ACC/4012/1.

7 April 1944

SUBJECT: Charges against officers of the dissolved P.W. Camp No. 85 (TUTURANO)
TO : POW Camp 371.

1. Please inform this Subcommittee of ACC whether Col. Albanese
has been handed over by the Italian authorities.

2. Your 13139 of 30 March refers.

G. G. HAINWATFORD, Major
Officer i/c Italian Section
for Chief Legal Officer.

Copy to: No. 2 District.

4 APR 1948

U.S. CONFIDENTIAL Equals British CONFIDENTIAL

4011/1

OUTGOING

LEGAL

EAP/sk

3/04

2576

APR

g/pch

041658B

CONFIDENTIAL

PRIORITY

FATIMA REAR

FATIMA

PRISONERS NOT TRIED AND HAVE BEEN TRANSFERRED TO THREE SEVEN ONE PW CAMP
 EXCEPT ONE WHO IS ILL AND WILL BE TRANSFERRED LATER PD TO FATIMA FROM FATIMA
REAR FROM LEGAL PD MEANTIME FILE TEMPORARILY HELD HERE PENDING FURTHER
 EXAMINATION OF LECCE THIEFS PD REFERENCE IS YOUR TWO EIGHT NINE SIX DATED
 TWO APRIL

AUTHENTICATED

E. J. Chiocca
 E. J. CHIOCCA
 CWO, AUS
 Asst Adj

DISTRIBUTION:

- 1 - AG
- 1 - DSG
- 1 - DCC
- 2 - Legal ✓

15

U.S. CONFIDENTIAL Equals British CONFIDENTIAL

8 APR 1944

266/

(35)

U.S. CONFIDENTIAL Equals British CONFIDENTIAL

ALLIED CONTROL COMMISSION INCOMING MESSAGE /sk

SVC/RELAY NO.

I/C NO :

CLASS: CONFIDENTIAL

REF NO : 2896

PRIC : PRIORITY

FILED : 021810B APR

FROM : FATIMA

REC'D : 021845B APR

TO : FATIMA REAR FOR LEGAL

teletype

Paraphrase of Freedom F-26361 dated 1 April 1944.

Subject is Red Cross parcels case. Reference letter G1/E/3305/A3. Has
action been taken?

DISTRIBUTION:

- 1 - AG
- 1 - DSG - info
- 1 - DCC - info
- 1 - Legal - Action

See folio 31

14

U.S. CONFIDENTIAL Equals British CONFIDENTIAL

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4012/L.

7 April 1944

SUBJECT : Charges against Officers of the dissolved P.W. Camp No.85 (TUTURANO).

TO : H. E., The Minister of Pardon and Justice.

1. In answer to your query in behalf of the Ministry of War, Capt. Vozza, who is indicted for the same offence should be transferred to Allied authorities (CO District 2).

Leave
Camp
Code

2. Sgt. Tateo, on the other hand, has not been considered a party to the offence and until further evidence may be forthcoming, no similar action is contemplated in his respect.

G. G. HANNAFORD, Major
Officer i/c Italian Section
for Chief Legal Officer.

S E C R E T

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4011/1/L.

31 March 1944.

SUBJECT : War Criminals (Red Cross thefts).

TO : 371 POW Camp.

1. Information has been received from No. 2 District as to the handing over of Capitani Trevesi, Carano and Casalini to the authorities of 371 POW Camp. Col. Albanese, now in hospital, will be transferred at a later date.

2. The above mentioned Italian officers are alleged War Criminals and should be detained by you until further instructions as to their disposal are received from AFHQ.

G. R. UPJOHN, Colonel
Chief Legal Officer.

Copy to: No. 2 District
AFHQ (Your GI/B/3305/A3
dated 8 Mar 44 ref).

12

S E C R E T

SECRET

30 Mar 70/4

C
O
P
Y
rlpALLIED CONTROL COMMISSION INCOMING MESSAGE/mar

SVC/RELAY NO.

M/C NO :

CLASS: SECRET

REF NO: 13139

PREC: ROUTINE

FILED : MAR 30 NIL

FROM: DISTWO

REC'D : MAR 30 1540A
Via Br Sig

TO : FATIMA REAR

Reference your 2541 of 27. No jail available in this District.

Officers referred to handed over to this Hq today. Arrangements being made to order 3 under officer escort to 371 PW Camp. Lt Col Albanewse ill and will be transferred later. Please advise 371 P W Camp status of these persons.

DISTRIBUTION:

1 - AG
1 - DSG Info
1 - DCC "
~~xxxxxxx~~
1 - Legal ACTION

11

SECRET

S E C R E T

27/3/44

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rlp

OUTGOING

LEGAL
GRU/sk

SECRET

ROUTINE

FATIMA REAR

DISTWO

UNDERSTOOD GAOL AVAILABLE YOUR DISTRICT TO RECEIVE WAR CRIMINALS PD TO DISTWO
FROM FATIMA REAR FROM LEGAL SIGNED MACFARLANE PD PLEASE ADVISE TO WHOM AND
WHERE ITALIAN GOVERNMENT SHOULD SURRENDER ITALIAN OFFICERS NOW DETAINED IN
ITALIAN PRISON WHO ARE ACCUSED OF THEFT OF RED CROSS PARCELS IN BREACH OF
GENEVA CONVENTION

AUTHENTICATED:

/s/ E. J. CHIOCCA
E. J. CHIOCCA
CWO, AUS
Asst Adj

DISTRIBUTION:

1 - AG
1 - DSG

1 - DCC
1 - Legal

10

S E C R E T

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HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

14 March 1944.

To His Excellency Marshal Pietro Badoglio.

Dear Marshal Badoglio:

On 2 February 1944, I sent to you a file with respect to the theft of Red Cross and other parcels at the Prisoner of War Camp at Tuteurano requesting investigation and trial of those believed to be implicated.

Pursuant to directive from higher authority I request you to return to me the file submitted and to refrain from bringing the implicated personnel to trial. They should be held in custody pending further communication as to their disposition.

Most sincerely,

(Sgd) Noel MacFarlane.

Lieutenant-General,
Chief Commissioner,
Allied Control Commission.

20

Notes on War Crimes. as
applied to ~~the~~ Red Cross Parcel Thefts

I The offense is undoubtedly a war crime either under Rules of Land Warfare § 347 - "ill treatment of prisoners" or under Laws and usages of war as Land § 443 "other violations of the Red Cross Convention" or Art 37 of the Prisoners of War Convention - Geneva 1929.

II It might be claimed that the definition of war crimes is so broad as to deprive allied military courts of much of their jurisdiction except for IPB 52 circular which reads as follows: "Persons who commit crimes against members of the allied command during the period of occupation may be charged and tried before military tribunals in accordance with established practice. As to occupied territory, it would accordingly appear that the trial of war criminals is reserved only for offenses committed against non-members of the allied command."

III The ~~to~~ Instrument of Surrender would require the Italian Government upon proper representations to Surrender into the hands of the United Nations " Benito Mussolini his chief fascist associates and all persons suspected of having committed war crimes or analogous offenses whose names appear on lists to be communicated by the United Nations xxx. Any instructions given by the United Nations for this purpose will be complied with.

IV The very language of its above negatives the idea that such shall fry as are here involved were within the contemplation of this provision. It is of the United Nations elect to so regard them, unquestionably the Italian Government would have to Surrender them.

V It would appear that only under this provision could the Surrender of these officers be required.

The reservation in the
remaining documents whereby
persons in unoccupied territory

V It would appear doubtful whether
the surrender of these officers could
be accomplished thru any reservation
in ABCD because.

- (1) No offenses contemplated
were against the prosols
after occupation or acts
hostile to the allied forces
after occupation.
- (2) These offenses were before
occupation and only could
be cognizable by AM Courts
~~if the~~ if it be assumed
of violation of Italian
law before occupation
are amenable to trial
by allied Military Cts

Subject: Gift British
Red Cross Parcel
To: Chief Commissioner

1 March 44

8347 - rules of
land warfare.
all treatment of
prisoners of war

I The

Direction 27 Nov

war crimes are acts committed
by any person in violation
of the laws & customs of war.
In doubt - refer to A.P.H. 1.

Document D

2. b. "Empowering any member of allied forces
to arrest any person whom such member
had reasonable grounds for believing is concerned
in such act (offenses entailing any hostile act
or against the allied forces), except in
case of an Italian officer or an Italian
high official in which case the Italian
Government or any local Superior Authority
concerned shall be asked to cooperate
in any such action)

Document A. The right to hold a request
the Italian Gov. to hold in
custody prisoners of war.

5. The right to capture "allied"
military personnel for the trial 3
of any person violating any order
or regulation issued by the allied
military authorities and of any other

Document D

2. b. "Empowering any member of allied forces to arrest any person whom such member had reasonable grounds for believing is concerned in such act (offenses entailing any hostile act against the allied forces), except in case of an Italian officer or an Italian high official in which case the Italian Government or any local Superior Authority concerned shall be asked to cooperate in any such action."

Document A. The right to hold or require the Italian Gov. to hold in custody prisoners of war.

5. The right to capture allied Military Prisoners for the trial ³ of any person violating any order or regulation issued by the Allied Military Authority and of any other person doing any act hostile to the allied forces or a member thereof in any part of the unoccupied territory.

(over)

war crimes are acts committed by any persons in violation of the laws & customs of war. No doubt - refer to article 6.

Contabilità

delle somme dovute da
per spese di assistenza dell' illegittimo

nala

Assunto l'onere assistenziale con nota

Esente da bollo: Circolare Ministero Finanze 9 ottobre 1926 n. 83884, par. 17.

[illegible]

Tip, * Cap. patch. prev. (31-5-1936-1000)

La suddetta somma potrà spedirsi direttamente al Tesoriere Provinciale (Banco di Napoli, Sede Spirito Santo, via Roma 402).

Visto
IL PRESIDE

II Ragioniere Capo

no right to conduct and carry to
ultimate conclusion the trial
by actual Military Tribunal of
II Ragioniere Capo
any person charged with
Napoli 1933
hectoface Communist

Mich. 110

Matricola

delle somme dovute da

nata

Assunto l'onere assistenziale con nota

Tip.⁸ Exp. patch. prov. (31—5-1939—1600)

**Ammonitare delle
contabilità inviate
e finora non ancora
rimborsate. - L.**

La suddetta somma potrà spedirsi direttamente al Tesoriere Provinciale (Banca di Napoli, Sede Spirito Santo, via Roma, 402).

May 19

Wagant

19

Colonel Up JohnLegal
Sub-commission

Reference attached.
 Please take all necessary
 action and let me know as
 soon as you require my
 personal intervention or
 action.

Wm ¹¹ ₂ ²¹

S-431

18

(MOST SECRET)

ALLIED FORCE HEADQUARTERS.
G1/B/3305/A3.

8 Mar '44.

Chief Commissioner,
ALLIED CONTROL COMMISSION.

1. My attention has been drawn to your letter ACC/080/AS dated 2 Feb '44 to H.E. Marshal Badoglio requesting action with a view to trial by a military tribunal of Italian officers alleged to be implicated in the theft of British Red Cross parcels.

2. As you point out in your letter the theft of Red Cross parcels is a war crime, and as such falls to be dealt with as laid down in the directive of the Combined Chiefs of Staff in signal No: 1151 of 29 Oct '43. Persons suspected of war crimes should be held in custody by Allied command pending decision by the United Nations as to their disposal. You have no authority to issue contrary instructions.

3. In any event the present case is one of such gravity, and having regard also to the reported non-cooperation by Italians during investigation, I consider that an Italian tribunal is not a suitable Court to try or to sentence the offenders. The offences are against international law and against British nationals.

4. You will therefore issue immediate instructions to Marshal Badoglio that the four named Italian officers and any other persons who may be found to have been implicated will be handed over to the British authorities for custody, if they have not already been tried.

Action will then be taken in accordance with this HQ instruction G1/B/3305/A3 dated 6 Feb '44 - copy attached. 1

5. Investigations by the Italian authorities should continue and reports submitted to you from time to time until you are satisfied that no further progress can be made.

A.C.C.

13

file 419

Chief Commissioner,
ALLIED CONTROL COMMISSION.

(13) 1. My attention has been drawn to your letter ACC/OSO/AS dated 2 Feb '44 to H.E. Marshal Badoglio requesting action with a view to trial by a military tribunal of Italian officers alleged to be implicated in the theft of British Red Cross parcels.

2. As you point out in your letter the theft of Red Cross parcels is a war crime, and as such falls to be dealt with as laid down in the directive of the Combined Chiefs of Staff in signal No: 1151 of 29 Oct '43. Persons suspected of war crimes should be held in custody by Allied command pending decision by the United Nations as to their disposal. You have no authority to issue contrary instructions.

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file 419

Action will then be taken in accordance with this HQ instruction G1/B/3305/A3 dated 6 Feb '44 - copy attached. 1

5. Investigations by the Italian authorities should continue and reports submitted to you from time to time until you are satisfied that no further progress can be made.

[Handwritten signature]

General.
Commander-in-Chief.

