

ACC

10000/142/160

CASE AGAINST THE FIR
JULY-SEPT. 1944

10000/142/160

CASE AGAINST THE FIRM OF GRAUSO BROTHERS & OTHERS
JULY-SEPT. 1944

FILE CLOSED 30 September 1944

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION VI

30 September 1944.

TO : Legal Sub-Commission, HQ. A.C.C.
SUBJECT : Case against Grauso Brothers et al.
REFERENCE: I/1470

1. Penal Side.

The above case was completed on 22 September 1944 and a summary of the situation involved is as follows:-

a) Brief Statement of the Facts.

The accused involved in the case were the following:

- (1) Vespa Marco
- (2) Vespa Luigi
- (3) Grauso Adriano
- (4) Grauso Vincenzo
- (5) Pagani Giovanni
- (6) Montaldo Gino.

The Vespa Brothers were members of the Consorzio Imbarchi e Sbarchi which was responsible for receiving A.C.C. food at the Warehouse, providing labor for all handling, keeping records and inventories, and dispatching on A.C.C. orders.

The Grauso Brothers are merchants to whom food was consigned from the A.C.C. warehouse for distribution to the Communes of Cagliari Province on orders of S.E.P.R.A.L. These goods were paid for by the Grausos.

Pagani was a dispatch man at the A.C.C. warehouse. He was an employee of the Consorzio. Montaldo was the head-bookkeeper for the Consorzio.

Information reached Dottore Colonna, Acting Inspector General for Special Police in Sardinia that a theft of a considerable quantity of goods was in the process of perpetration. A vigorous investigation was conducted by the Food and Public Safety Divisions and Dottore Colonna.

It was discovered that Pagani had been paid a bribe of Lire 15,000 by Marco Vespa to destroy certain shipping tickets. By this method Vespa was able to ship certain goods to Grauso that would not show up as missing until the next physical inventory. Goods to the value of Lire 726,000 were found in one of the Grauso warehouses which were received under manipulation. These goods were immediately recovered by A.C.C.

b) The Trial.

The trial began on 18 September 1944 with Lt. General Adolfo Sardi, the First President, presiding. Accused were represented by ten of the best lawyers on the Island. The trial was handled by General Sardi and the

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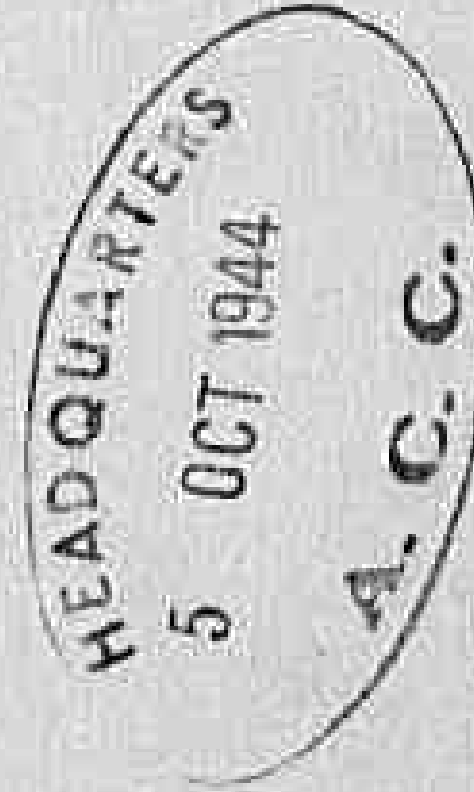
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b) The Trial.

The trial began on 18 September 1944 with Lt. General Adolfo Sardi, the First President, presiding. Accused were represented by ten of the best lawyers on the Island. The trial was capably handled by General Sardi and the prosecution conducted by Lt. Francesco Coco was of the highest order.

The trial was covered at all times by this office. The Regional Commissioner and other officers visited the court from time to time.



ON 18 SEP 1944
HEADQUARTERS A.C. CASE NO.

(page one)

contd/.....

c) Sentence.

Sentence was imposed by Tribunal on 22 September 44 after a deliberation of three and half hours. The sentence is as follows:

against

- (1) Grauso Adriano - 13 years penal servitude and Lire 750,000 fine.
- (2) Grauso Vincenzo - 13 years penal servitude and Lire 750,000 fine.
- (3) Vespa Marco - 15 years penal servitude Lire 425,000 fine.
- (4) Pagani Giovanni - 7 years penal servitude and Lire 16,000 fine.

A perpetual interdiction was placed against all four, forever barring them from public office or public trust.

The following were absolved, there being insufficient evidence to warrant a conviction.

- (1) Vespa Luigi
- (2) Montaldo Gino

d) Appeal

An appeal has been taken by the defense, on points of law, to the Supreme Military Tribunal. A cross appeal has been taken by the Prosecutor to have a more serious punishment imposed.

e) Public Reaction.

Good publicity has been given this case by the radio and newspapers through the efforts of P.W.B. The accused were widely known on the Island and the population seems highly elated over the results obtained.

2. Civil Side.

Aside from any possible claims for restitution of, or compensation for, missing goods over and beyond the Lire 726,000 worth, stated in paragraph 1 (a), Grauso Brothers at the time of their arrest owed A.C.C. the sum of Lire 11,736,096, resulting from normal sales.

The goods of Grauso Brothers in both their warehouses in the amount of Lire 28,000,000 were sequestered by the Italian judicial authorities to protect the interests of A.C.C.

With reference to the debt of Lire 11,736,096, this office entered into an agreement with the lawyers for Grausos, and the Grausos themselves, for a return of Soup to A.C.C. and satisfaction of the remainder of the debt in cash. This was the subject of a Court Order and A.C.C. has already received Soup to the value of Lire 9,339,432. The balance in cash will be paid over by the sequesterator. on 2 October 1944.

The penal trial did not disclose further thefts than the amount already recovered in kind, as slated in paragraph 1 (a). The financial side of the case may therefore be considered closed when the balance in cash is received on 2 October 44.

LEGAL SUBCOMMISSION

R. G. S. Alexander

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LEGAL SUBCOMMISSION	
CJO	✓
DJO	✓
Chief Counsel	✓
CJO	✓
Italian Mission	
C. RK5	

R. G. S. Alexander
R.G.S. ALEXANDER,
Major,
Regional Legal Officer.

*note in
Sept report*

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

(12A)

for 4011/14
ACC/ACCL/2/L

RHW/ap.
19 September 1944.

SUBJECT : Report of RC Region VI, 14 Sept 44.
TO : Admin Sec.

1. Referring to para 4 of above report:
 - (a) The witness COCCHINI was obtained at my request through the Naval Sub-Commission. He reported here 9 Sept and was sent to Sardinia by plane 10 Sept.
 - (b) I am calling attention of the Minister of Pardon and Justice to the congestion of the Courts in Sardinia at my meeting today and am leaving with him a letter embodying the figures given in the above report. I am requesting him to take immediate action. However, as you know efforts to get people from the mainland have not been particularly successful. The judiciary for the most part will have to be recruited locally and this has been done to some extent already.
2. I return the report herewith.

RICHARD H. WILSON,
Colonel, CAC.,
Chief Legal Officer.

14

Copy to : 4087
4011/14

1 Incl.

Extract

From Regime VI letter ref JAC P/DO/123 dated 14th Sept 44
from Col Perryman to "my agent" (11A)

4. TRIALS AT MILITARY TRIBUNAL

With regard to my last letter of 30th August and the Monthly Report, COCCHINI, the Italian Navy witness required for the MARTINI case, still has not put in an appearance. This trial cannot now come up before October. We should be grateful if further efforts could be made to get this witness over to us. General MARTINI has been in custody some time.

GRAUSO Brothers' trial is fixed for 18th September. It is not without interest to note that one of the defending counsel in this case is Colonel SANTA. This officer, now retired to civilian life and his law practice, was, until last month, Chief Executive and Chief of Staff to the High Commissioner.

The case of Major ELIA and others (Fire Fighters) will come on directly after the GRAUSO case is disposed of.

Congestion in the Civil Courts has been allowed to get really serious. Up to date figures are not yet in, but there are about 13,000 cases awaiting trial. Of this number 1,800 of the accused are in prison, the rest are at liberty. The Courts are making no real headway with these cases; from April to June outstanding cases were reduced by about 1,000 but in July new cases considerably exceeded cases dealt with.

I will get my legal officer who is now in hospital to put up a concrete suggestion for easing the situation. It will almost certainly mean asking for judges to be sent from the mainland.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
AFO 394

(10A)

ACC/4011/14/L.

GGH/ap.
26 Aug 44.

SUBJECT : Case of the firm of GRAUSO Brothers.

TO : H. E. the Minister of Pardon and Justice.

1. Reference is made to para 8 of this Sub-Commission's letter 4011/14/L of 9 Aug 1944.

2. Due to the impending change of assignment of 2nd Lt. SCARIANO, Lt.Col. CHAYTON has now been appointed to represent the Allied Control Commission in the civil proceeding.

The Procuratore del Reame of Cagliari has been advised accordingly.

G. G. HANNAFORD,
Lt. Colonel,
Officer i/c Italian Branch, 12
for Acting Chief Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION 6

22nd August 1944.

To : Headquarters, Allied Control Commission,
Legal Sub-Commission.

Subject : Case against Grauso Brothers and Others.

Reference : L/1470.

1. Your two letters AGO/4011/14/L dated 11th and 14th August 1944 respectively and enclosures are acknowledged. Return of all the documents etc., which accompanied this office letter of even file of 6th August 1944 are also acknowledged.

2. The position as regards the representation of A.C.C. in this matter is now perfectly clear. Orders have, however, now been received by Lieut. Scariano to leave Sardinia and proceed on duty elsewhere. While it is not thought there will be any difficulty in retaining him here until after the penal proceedings which should take place about 10th September it is doubtful whether his presence beyond that time can be counted upon. I have therefore, intimated by formal letter to the Procuratore del Regno of Cagliari Tribunal that Lt. Col Joseph Chayton who is now head of the Food Division here will take Lieut Scariano's place as parte civile representing A.C.C. Copy of this letter is enclosed herewith. Will you kindly intimate this change to the Ministry of Justice?

3. A Legal representative of A.C.C. was appointed at the same time as Lieut Scariano.

4. Negotiations are at present going forward for settlement of A.C.C.'s contractual claim against the Grauso Bros. and it is expected that this will be settled without difficulty leaving only the question of compensation for any goods found to have been stolen and not since recovered to be dealt with in the civil courts after the criminal trial.

For the Regional Commissioner,

LEGAL SUB-COMMISSION
CLO
→ DCLO
Chief Counsel
CIO
RGSA/ajs.
Italian Section
CLERKS



R. G. S. Alexander
Major.
Regional Legal Officer.

(98)

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION 6

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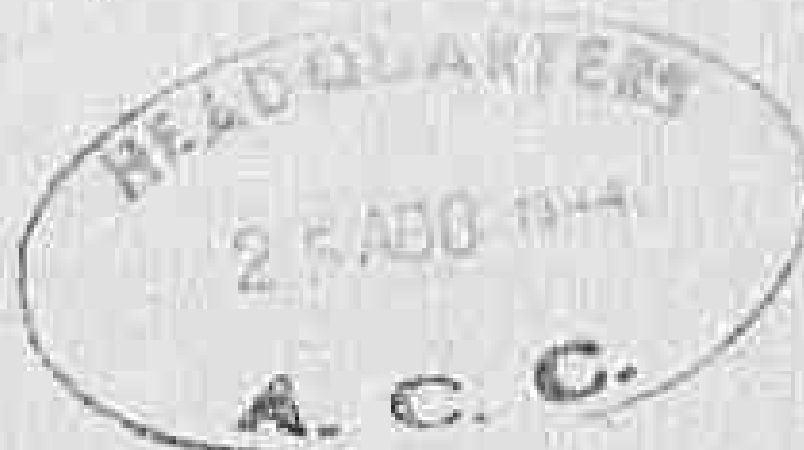
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For the Regional Commissioner,

1 10

RCSA/ajs.



R. G. S. Alexander
R. G. S. ALEXANDER,
Major,
Regional Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Division

Cagliari, 11 22 Agosto 1944.-

AL PROCURATORE DEL REGNO di -Cagliari

OGGETTO: Nomina di rappresentante della A.C.C. nel processo
contro GRAUSO Vincenzo, GRAUSO Adriano, VESPA Marco,
VESPA Luigi ed altri.

Rif. : L/1470.

- 1.- Il sottoscritto Lt. Col. Edward POWELL PRICE, Acting Regional Commissioner of the Allied Control Commission for Sardinia, col-
la presente richiama la nomina del Lt. Athony SCARIANO, dell'Uf-
ficio Viveri di questa Commissione, quale rappresentante della
A.C.C. nel suddetto processo, nomina contenuta nella lettera di
questo Comando, di pari riferimento ed in data 13 Luglio 1944,
e nomina in sua vece, quale rappresentante della A.C.C. il Lt.
Col. Joseph CHAYTON, pure dell'Ufficio Viveri di questa Commis-
sione.
- 2.- Le suddetta revoca e nomina avranno effetto dalla presente
data.-

E. POWELL PRICE
Lt. Colonel
Acting Regional Commissioner

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommission
APO 394

SA

ACC/4011/14/L

RHW/ap
11 Aug 44

SUBJECT : Case against GRAUSO Bros and others.

TO : Regional Legal Officer (thru RC) Region VI.

1. Lt. Colonel HANNAFORD wrote you about the above situation and handed the file to the RC of your Region who is taking his letter of 9 Aug and other papers with him for delivery to you.

2. Among the papers is a copy of my letter to the Minister of Justice of 9 Aug 1944. I am now enclosing a true copy of the letter from the Minister of Justice in reply dated 10 Aug 1944.

3. Without some proper safeguard I was unwilling to commit ACC, which in fact is acting only in behalf of one or more of the United Nations or Italy in this particular matter in the distribution of food, to any definite position of liability or as to ownership of the supplies in question by virtue of any position taken in this case. It has been impossible to determine the exact position.

4. It appears that food arrives from one or more of the United Nations and is distributed. While there appears to be no definite arrangements it is assumed that the Italian government is liable for all the supplies either from the point of shipment or at least from the time of arrival at a port in Italy. Later of course a definite agreement will be reached. At this time, therefore, it is impossible to say whether ACC in this affair is agent for one or more of the United Nations or the Italian Government.

5. The exchange of letters is merely to permit ACC to collect what it can in the case without in so doing defining as to the past, present or the future the liability or responsibility of any particular nation.

RICHARD H. WILMER,
Colonel, CAC.,
Acting Chief Legal Officer.

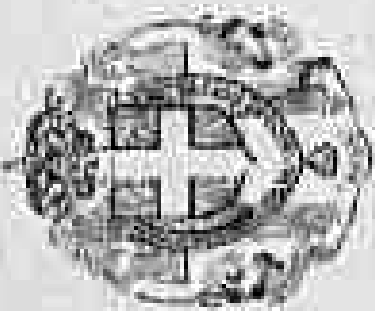
Mod. 461 MGG

7A

1944 A

10 agosto

Roma.



It. Guardasigilli

MINISTRO DI GRAZIA E GIUSTIZIA

ALLA COMMISSIONE ALLEATA DI CONTROLLO
Sottocommissione Legale

R O M A

O G G E T T O : Processo contro la Ditta Grauso in Sardegna.

Con riferimento al foglio ACC/4011/4/L del 9 agosto c.a., si concorda che nella causa contro la Ditta dei fratelli Grauso presso il Tribunale civile di Cagliari, relativa al furto di notevoli quantità di derrate alimentari, sono congiuntamente rappresentati gli interessi del Governo italiano e della Commissione Alleata di Controllo.

I L M I N I S T R O

Carpi

7

HEADQUARTERS
ALLIED CONTROL COMMISSION
ITALIAN SUB-COMMISSION
APO 394.

ACM/ACOMM/1.

9 August 1944.
/rlp.

SUBJECT : Case of the Firm of GRAUO Brothers.

TO : H.M., the Minister of Justice and Justice.

1. Your Excellency will recollect that at a meeting on the 16th July 1944 the question of the theft in Sardinia by the Firm of GRAUO Brothers of supplies received from Allied sources was discussed in order to consider the constitution of the *parte civile* of the trial of this case which will take place on 17 August 1944 before the Military Tribunal in Sardinia.

2. In order to determine the possible liability of the Italian Government the facts have been further investigated and it now appears that *GRAUO* was not concerned with the supplies in any way. These supplies were received by the *GRAUO* Brothers who were accountable for the proceeds of sale direct to *ACM*.

3. On the other hand, you will appreciate that these proceeds of sale were receivable by *ACM* solely as agents although it may be a matter for argument whether for this purpose *ACM* were the agents of the United Nations or of the Italian Government.

4. It is obviously desirable that a *parte civile* should be constituted in order to ensure that an order for payment is made and the actual cash recovered, and it would seem that the body to be so constituted should be *ACM* since there can be no dispute that the proceeds of sale were payable in the first instance to them.

5. With this end in view, 2nd Lieut. *ROMANO Antonio di Antonio*, of the *ACM* Food Sub-Commission, has been authorized by *ACM* to constitute himself and has in fact constituted himself *parte civile* in accordance with Art. 94, c.p.c. by Document dated 14 July 1944.

6. In the particular circumstances, however, it would appear desirable that you, on behalf of the Italian Government, should formally approve this representation, in case the question of title should be raised at the trial and the argument put forward that *ACM* were to receive the proceeds of sale as agents of the Italian Government, but have no authority from the Italian Government to constitute the *parte civile*.

7. It should be observed that the sole purpose of this procedure is to provide a quick and easy method for the recovery of the actual sum owing in respect of the supplies. It should be made clear that by taking this course *ACM* is in no way concerned with the ultimate liability for the payment of these or other supplies delivered to the Italian Government by the United Nations. It is certainly not the case that *ACM* is making any admission of any liability on behalf of any of the United Nations. Nor is it intended to suggest in any way that by agreeing to the proposal the Italian Government is making any admission of their own liability for these supplies. The procedure is, in fact, entirely without prejudice to any question of ultimate liability.

8. It would be appreciated therefore if at an early date you would signify your consent to the constitution of 2nd Lieut. *ROMANO* acting for *ACM* as *parte*

6A

TO : H.E., the Minister of War and Justice.

1. Your Excellency will recall that at a meeting on the 16th July 1944 the question of the theft in Verdina by the firm of GRASSO Brothers of supplies received from Allied sources was discussed in order to consider the constitution of the *parte civile* at the trial of this case which will take place on 17 August 1944, before the Military Tribunal in Verdina.

2. In order to determine the possible liability of the Italian Government the facts have been further investigated and it now appears that GRASSO was not concerned with the supplies in any way. These supplies were received by the GRASSO Brothers who were accountable for the proceeds of sale direct to ACC.

3. On the other hand, you will appreciate that these proceeds of sale were receivable by ACC solely as agents although it may be a matter for argument whether for this purpose ACC were the agents of the United Nations or of the Italian Government.

4. It is obviously desirable that a *parte civile* should be constituted in order to ensure that an order for payment is made and the actual cash recovered, and it would seem that the duty to be so constituted should be ACC since there can be no dispute that the proceeds of sale were payable in the first instance to them.

5. With this end in view, 2nd Ident. SCARANO Antonio di Antonio, of the ACC Food Sub-Commission, has been authorized by ACC to constitute himself and has in fact constituted himself *parte civile* in accordance with Art. 34, c.p.c. by Document dated 14 July 1944.

6. In the particular circumstances, however, it would appear desirable that you, on behalf of the Italian Government, should formally approve this representation, in case the question of title should be raised at the trial and the argument put forward that ACC were to derive the proceeds of sale as agents of the Italian Government, but have no authority from the Italian Government to constitute the *parte civile*.

7. It should be observed that the sole purpose of this procedure is to provide a quick and easy method for the recovery of the actual sum owing in respect of the supplies. It should be made clear that by taking this course ACC is in no way concerned with the ultimate liability for the payment of these or other supplies delivered to the Italian Government by the United Nations. It is certainly not the case that ACC is making any admission of any liability on behalf of any of the United Nations. Nor is it intended to suggest in any way that by agreeing to the proposal the Italian Government is making any admission of their own liability for these supplies. The procedure is, in fact, entirely without prejudice to any question of ultimate liability.

8. It would be appreciated therefore if as an early date you would signify your consent to the constitution of 2nd Ident. SCARANO acting for ACC as *parte civile* in these proceedings.

RICHARD H. WILMER,
Colonel, CBE,
Acting Chief Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

file
Tel. No. 478525
ACC/4011/14

GGH /ap
9 Aug 44

SUBJECT : Case against GRAUSO Bros and others.

TO : Regional Legal Officer (thru RC) Region VI

1. Reference your L/1470 of Aug 6, it has been agreed after consultation with the Minister of Justice that the procedure initiated by ACC before the "Tribunale Militare" should not be modified and that the constitution of Lt. SCARIANO as "parte civile" before the Civil Court of Cagliari should remain.

2. It appears from the file that the "parte civile" was constituted before the Civil Court and not the Tribunale Militare as referred by you. This procedure is perfectly regular and proceedings should be initiated before the Civil Court in order to assess ACC claims as soon as the Tribunale Militare has rendered its verdict. It is assumed that an "avvocato" or "procuratore" has been briefed to represent Lt. SCARIANO in Court.

3. In order to avoid creating a precedent which the Italian Government could avail itself of, when the final settlement for goods imported through ACC channels takes place at the Peace Treaty, the Ministry of Justice has been requested to concur to the action of ACC in the GRAUSO case.

A copy of a letter to the Minister of Justice which is self explanatory is enclosed. The Minister agrees with its terms.

4. All documents and correspondence in relation to the case are returned to you herewith.

5
G. G. HANNAFORD,
Lt. Colonel,
Officer i/o Italian Branch,
for Acting Chief Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL DIVISION

TO: H.Q. ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION

SUBJECT: Case against GRAUSO Bros. and others.

REFER: I/1470.

1. Reference your ACC/4011/1/6 dated 27 July 1944 and my conversation with Col. Hamaford, on Tuesday, at which it was decided that the whole proceedings in this case should be sent to you, to enable you to revise the charges against the accused. I now enclose:

- (1) All documents in connection with the completed Instruction including the proposed charges.
- (2) Copy correspondence relevant to the matter which kindly return with the other papers after perusal.

2. As regards para. 2 of your letter above referred to, the excess quantities of goods (i.e. the stolen goods) received by Grauso Bros. were received directly from a warehouse conducted by ACC and NOT by S.E.P.R.A.I.. The warehouse in which the goods were received was conducted by Grauso.

3. You will see from the enclosed correspondence that, contrary to information previously supplied to me and given in my letter to you of 19th inst., the firm of Grauso Bros. did not act as Agents for SEPRAI. SEPRAI does not function in Sardinia as a financial agency. Grauso Bros. appear, in fact, to have acted as Agents for ACC. The possibility of making SEPRAI the parte civile would therefore appear to be ruled out.

4. All the stolen goods so far recovered, amounting in value to £.725,120, have been returned to the warehouse operated by A.C.C. and therefore no question of recovery of their value from Grauso arises. The only claim which A.C.C. may have against Grauso in respect of stolen goods is in respect of goods not already recovered. It is thought unlikely that these will now be traced.

5. As regards Grauso's indebtedness to A.C.C. in respect of regular transactions, your attention is directed to my letter of 4th inst. to the Procuratore Militare del Regno at Cristano, included in the correspondence. It would appear probable that the sum in question can be recovered from the Sequestator without the necessity of A.C.C. appearing in any Court as a Parte Civile and if so this will simplify matters considerably. I shall advise you of the Procuratore Militare's reply, as soon as I receive it.

6. I further enclose copy of a statement dated 11th July 1944 signed by Lt. Scariano of the Food Division of this Region, which sets forth the total value of the goods missing from A.C.C. warehouse at the date of the arrest of the accused and of those since recovered.

461184
July 28th, 1944
3A

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2. As regards para. 2 of your letter above referred to, the excess quantities of goods (i.e. the stolen goods) received by Grauso Bros. were received directly from a warehouse conducted by ACC and NOT by S.E.F.R.A.L., the warehouse in which the goods were received was conducted by Grauso.

3. You will see from the enclosed correspondence that, contrary to information previously supplied to me and given in my letter to you of 19th inst., the firm of Grauso Bros. did not act as Agents for SEPRAL. SEPRAL does not function in Sardinia as a financial agency. Grauso Bros. appear, in fact, to have acted as Agents for ACC. The possibility of making SEPRAL the parte civile would therefore appear to be ruled out.

4. All the stolen goods so far recovered, amounting in value to £.725,120, have been returned to the warehouse operated by A.C.C. and therefore no question of recovery of their value from Grauso arises. The only claim which A.C.C. may have against Grauso in respect of stolen goods is in respect of goods not already recovered. It is thought unlikely that these will now be traced.

5. As regards Grauso's indebtedness to A.C.C. in respect of regular transactions, your attention is directed to my letter of 4th inst. to the Procuratore Militare del Regno at Cristano, included in the correspondence. It would appear probable that the sum in question can be recovered from the Sequestator without the necessity of A.C.C. appearing in any Court as a Parte Civile and if so this will simplify matters considerably. I shall advise you of the Procuratore Militare's reply, as soon as I receive it.

6. I further enclose copy of a statement dated 11th July 1944 signed by Lt. Scariano of the Food Division of this Region, which sets forth the total value of the goods missing from A.C.C. warehouse at the date of the arrest of the accused and of those since recovered. A copy of this list was submitted to the Procuratore Militare to enable him to complete the instruction in the case. I am now informed by the Food Division that the total amount of goods missing according to this list (i.e. value £.4,647,526) is not correct. The real figure is something considerably less, but will not be known until completion of a further inventory, which is now being made. An alteration in the charge against the accused will no doubt be necessary on this account. The amount of goods recovered as given in the list remains unchanged. This

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is the sum to which accused have confessed.

You will see from a copy Carabinieri Report, which is included in the copy correspondence forwarded herewith, that certain foodstuffs were discovered in the possession of the firm DOLFI of Iglesias. I am informed by the Food Division of this Region that it has now transpired that these goods were in Dolfi's possession with the authority of SEPRAI and are not part of the stolen goods. No charge against Dolfi accordingly arises.

8. I have only just received the documents from the Military Tribunal and have not had time to examine the Instruction proceedings myself, but I trust that you now have sufficient information to enable you to consider the case and let me have your advice. The whole question appears to amount to this: assuming the accused are found guilty of stealing the whole quantity of goods which is ultimately found to be missing from A.C.C. warehouse, is there any legal means by which A.C.C. can recover the value thereof from the sequestered funds of Grauso, without having to appear as a Parte Civile? I should explain that the sequestered funds are understood to be amply sufficient to cover any possible claim by A.C.C.

9. Trial of the case had been fixed for 17th inst.. If you should be able to return the documents in time for the trial to proceed on that date, it would be a great advantage. The Bearer, Capt. Turner of this Region, will be returning to Sardinia in a few days and it might be possible for you to arrange for him to bring the documents back with him.

For the REGIONAL COMMISSIONER

R. G. S. Alexander

R. G. S. ALEXANDER

MAJOR

REGIONAL LEGAL OFFICER

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File
HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

(2A)

ACC/4011/4/L.

/rlp.
27 July 1944.

SUBJECT : Case against Grauso Brothers and others in Region VI (Sardinia)
Parte Iesa.

TO : Regional Legal officer (THRU: Regional Commissioner), Region VI.

1. Reference yours L/1470 dated 19 July 44.

2. It would be helpful if the facts contained in para. 1 of your letter could be made clearer. It is not clear whether the excess quantities were received directly from a warehouse actually conducted by ACC or by SEPRAL. While no directive has been issued on this subject and while I have not asked as yet for a determination of policy, I would be disinclined to have ACC appear as a parte civile in any court as it is hardly a juridical entity for such purposes and even if it were I would think it better policy for ACC to refrain from being involved as a party to actual litigation in any Italian court.

3. However, if SEPRAL appears on further ascertainment of facts to be the aggrieved party, it might be the parte civile. From information obtained from the Food Sub-Commission, it appears that SEPRAL is a Provincial Agency of the Italian Government, which purchases for its account from the Allied Agencies food and commodities for distribution to the Italian population. Though it is true that the status of SEPRAL varies according to regions, it is confirmed that in Sardinia this agency acts as representative of the Italian Government and acquires title to the food supplies provided by ACC which are debited to the Italian Government.

4. The foregoing sets forth my general thought on the subject. I will appreciate it if you will submit additional clarifying facts and also confirm to me your views as to the exact position of SEPRAL in Sardinia as to ACC and the Italian Government.

RICHARD H. WILMER,
Colonel, GAO,
Acting Chief Legal Officer.

Copy to: Food Sub-Commission (Lt Col Chayton),
Region VI.

BY FAST AIR COURIER.

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION 6

19th July 1944.

To : Headquarters, Allied Control Commission, (Advanced)
Legal Sub-Commission.Subject : Crimes Against Allied Forces - Case Against
Grauso Brothers and others.

Reference : L/1470.

1. An important case involving theft of Allied foodstuffs to a large amount has been brought to light here. The accused, Grauso Brothers, are warehousemen who have acted for the past few months as distributing agents for SEPRA of ACC food supplies. They have confessed to receiving in one of their warehouses goods from ACC warehouse in excess of the quantities legitimately delivered to them and in the knowledge that the goods were stolen. The thefts were committed in conspiracy with a checker at the ACC warehouse who has also confessed. The thefts to which accused have confessed do not account for all the discrepancies of stock which have been found to exist and investigations are continuing. Meantime, instruction in the case so far as it relates to the confessed thefts has been completed by the judge instructor of Cagliari Tribunale, and the case has been transferred to the Military Tribunal at Oristano where it will be more swiftly dealt with than by the Assize Court. A full report regarding the matter will be rendered in due course.

2. A.C.C. will have a claim on the assets of the Firm of Grauso for the value of any goods found to have been stolen by accused and not subsequently recovered. In any event a large sum is due by accused to A.C.C. in respect of legitimate transactions. It will therefore be necessary for A.C.C. to be represented as Parte Civile. Meantime, the Legal Officer on the Staff of the High Commissioner is acting as legal representative of ACC. The greater part of the assets of the Grauso Firm has been sequestered.

3. I have been unable to trace in my files any written instructions regarding the procedure to be followed for representation of ACC as Parte Civile. I remember the matter being discussed at one of the Legal Sub-Commission meetings, but I unfortunately do not have notes as to what was

10 : heavy weapons, Allied Control Commission, (Advanced)
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3. I have been unable to trace in my files any written instructions regarding the procedure to be followed for representation of ACC as Parte Civile. I remember the matter being discussed at one of the Legal Sub-Commission meetings, but I unfortunately do not have notes as to what was then said. May I be informed please as to the appropriate procedure to be followed as regards such representation?

GRSA/ajs.

R. G. S. Alexander
R.G.S.ALEXANDER.
Major.
Regional Legal Officer.

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