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POLITICAL
NOV. 1944 - JAN. 1945

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

14A

AC/4014/14/L

ES/mt.
31 January 1945.

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

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

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

18
G. G. HANNAFORD,
Lt. Col.,
Officer i/c Italian Branch,
for Chief Legal Advisor.



4014/14 ✓

PROCURA GENERALE MILITARE DEL RE

REGNO

PRESSO IL

TRIBUNALE SUPREMO MILITARE

13A

NG/35267

Prot.

Roma, 11

29

gennaio

1945

N.

Alleg.

Risposta a nota del

STAMPERIA REALE DI ROMA

Oggetto: SMERDEL Antonio.

12A
ALLA COMMISSIONE ALLEATA
SOTTOCOMMISSIONE LEGALE
Via Veneto

= ROMA =

Con riferimento al foglio AC/4014/14/L. del 20/1/45 si comunica che l'istanza di grazia Sovrana, avanzata dal fante SMERDEL Antonio, condannato alla pena di anni quattro e mesi nove di reclusione militare per furto e concorso in furto, è stata respinta dal Ministero della Guerra, soprattutto in considerazione dei cattivi precedenti penali dell'istante, già condannato altre due volte per furto.

IL PROCURATORE GENERALE MILITARE
(U. Borsari)

U. Borsari

17

31 JAN 1945

Confer
8/10

12A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4014/14/L

20 January 1945^{int.}

SUBJECT : Anton MEREDJ.

TO : U.S. the Procuratore Generale Militare.

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

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

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

G. G. MASHAKOV,
Lt. Col.,
Officer i/c Italian branch,
for Chief Legal Advisor.

16

11A

R.R. CRIPPS Col
CSO CA Section

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

104
IGHC/pe.
15 Jan 45.

3/10
10/100/11/1.

SUBJECT : Friar Josef MEKA.
TO : Political Section.

1. The memo from the Polish Consul General in connection with the case of Friar MEKA does not give any particulars as to the time, place or nature of the offence: however a Polish monk came into this HQ on 12 or 13 Jan and it is thought that he must be the same man.

2. This monk said that he was charged with trafficking in Allied Currency (or some such offence): that he had already been before the Court: that he had been remanded on bail: and that he was then in Rome to engage an advocate and arrange for attendance of witnesses at the trial, which will be in Ancona.

3. I notice that the letter is dated 12 Jan: i. e. the same day or the day before the visit to this HQ by the monk: no doubt he made arrangements with his superiors while he was in Rome. We have no knowledge here of the date fixed for trial.

10
16
W. H. BARRON,
Colonel,
Deputy Chief Legal Advisor.
(absent on duty)

N/R

File

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

9A

AG/ 4014/14/L

3 January 1945.

SUBJECT : Public opinion on PENTIMALLI, DEL TESTO, Cornelia TANZI trials.

TO : Political Section.

1. Reference attached papers (no file number) and your written enquiry.
2. The Section shows clearly that
 - (a) that the merchant thought that the Court was either incompetent or dishonest
 - (b) that the Government employee thought the court was influenced by the Royal House.
3. You ask whether the section is "misleading"
 - (a) If by "misleading" you mean not representative of public opinion, the answer is that the Legal Sub-Commission has no means of ascertaining whether these two opinions are representative.
 - (b) If by "misleading" you refer to the extent to which, if at all, the opinions are accurate, our answer is that we are not in a position to appraise the same.
4. We do suggest however that the opinions do tend to bring the court into contempt and disrepute and in the absence of substantial proof in support thereof should not in our opinion be published.

MARC J. GROSSMAN,
Lt. Col.,
Chief Counsel,
for Chief Legal Advisor.

File

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

SA

AG/4014/14/L.

/mt.
26 December 1944.

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

Reference the request of 11 Nov 44 by Royal Yugoslav Delegation concerning the case of Anthony SMERDELJ the attached letter 4071/C/P dated 10 Dec 44 from Prigioni Militari R.E., Lecce, gives the necessary information.

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

12
W. E. BEHRENS,
Colonel,
Deputy Chief Legal Advisor.

(7A)

HEADQUARTERS
SOUTHERN REGION, ALLIED COMMISSION
LEGAL DIVISION
APO 394, U.S. Army

L-3020

22 December 1944

SUBJECT: Case of SMERDEIJ Anthony.

TO : Chief Legal Advisor, Legal Sub-Commission, A.C., Rome.

1. Reference is made to your communication AC/4014/14/L, 23 November 1944, relative to the above subject.

2. I am attaching hereto a letter this day received from the Prigioni Militari R.M., Lecce, which gives the information that you requested.

For the Regional Commissioner:

ETK/pv

L. F. Dawson
L.F. DAWSON, *By E. T. Keen*
Lt.Col., G.L., *Capt.*
Reg.Chief Legal Officer.

20 DEC 1941

6A

Attached two letters received
from P.S. Note pencil note on folio 6B.

[Signature]
26 DEC 1941

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HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LAZIO-UMBRIA REGION
APO 394

227 60
D-7802

Public Safety Division.
15th December, 1944.

File No. :- LUR/14/PS.
Subject :- Decree of eviction - 4 Corso Trieste.
To :- HQ., AC., Public Safety Sub-Commission.

1. Reference your AC/14028/PS of 7th December, 1944, enquiries have been made by Dr. Rodriguez, Italian P.S. Liaison Officer attached to this Headquarters and a copy of his report is attached.
2. It will be noticed that Lt. Col. Bracco's ^{story} stay differs considerably to that of the Yugoslav Delegation and ~~that~~ the decree is being opposed.
3. It seems, therefore, that no action can be taken by this Headquarters and should be left to the Italian Courts to settle.

all papers sent to the Yugoslav Commission. 20 Dec 1944

TO	INIT	DATE
COL. CHAPMAN		
COL. YOUNG		
LT. COL. WILCOX		
MAJ. LUCKYMAN		
MAJ. WILSON		
MAJ. HANBURY		
MAJ. BALLANCE		
CAPT. POWEL		
CHIEF CLERK		

M. Francis
C.T. FRANCIS.
Lt. Colonel.
EFSO., LAZIO-UMBRIA REGION.

HEADQUARTERS ALLIED COMMISSION
Public Safety Sub-Commission
APC 394

File 6c
7A
Tel : 439081 - 365

7 December, 1944.

AE/14028/PS

SUBJECT : Decree of eviction.

TO : Regional Commissioner, Lazio-Umbria Region.
(Att. R.P.S.O.).

1. The following documents was forwarded :

(a) Copy of letter dated 4th December 1944 from Yugoslav Delegation to Allied Commission.

(b) Copy of decree of eviction from the Sindaco of Rome dated 17th November 1944.

(c) Memo. AC/4014/14/L dated 5th December 1944.

2. May this Sub-Commission please be informed when the decree has been executed in order that a reply may be sent to the Yugoslav Delegation.

CHW
JOHN W. CHAPMAN
Colonel, J.A.G.D.
Director Public Safety
Sub-Commission.

APC/G.

File

file

54

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4014/14/1.

/rip.
14 December 1944.

MEMO

TO : Political Sec.

4A rfer

Reference attached memorandum, it is entirely agreed that the three individuals should be handed over to Italian justice before being repatriated.

7

Incl.

W. E. REPPERS,
Colonel,
Deputy Chief Legal Advisor.

✓
4014/14

HEADQUARTERS ALLIED COMMISSION
APO 394

4A

To: Legal Sub-Commission, ✓
Displaced Persons and Refugees Sub-Commission.

The Political Section would be grateful for your views on the attached memorandum from the Ministry of Foreign Affairs. On the face of it it would seem that the three individuals concerned should be handed over to Italian justice and not repatriated to Ethiopia.

M. A. Koprenin

13.12.44

A/V President,
Political Section.

LEGAL SUB-COMMISSION

C/O

C/O

Chief Counsel

C/O

Italian

CE RKS

10 DEC 1944

6

HEADQUARTERS ALLIED COMMISSION
APR 1944
LEGAL SUB-COMMISSION

ES/ra.

AC/1014/11/1.

7 Dec. 1944.

SUBJECT : Flat of Dr. Antonija MILIĆ.

TO : Yugoslav Delegation to the Advisory
Council for Italy.

Enclosed for your information a copy of the letter
directed by this Sub-Commission to the Director of the
Public Safety Sub-Commission in the above matter.

Incl.

5
G.S. HARRABOW,
Lt. Colonel,
Officer i/c Italian branch,
for Chief Legal Advisor.

file

2A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4014/14/L.

IS/mt.
5 December 1944.

SUBJECT : Dr. Antonije FILIPIC, member of the Yugoslav Delegation
to the Advisory Council for Italy.

TO : Public Safety Sub-Commission.

1. The enclosed papers were handed to this Sub-Commission
by the Political Section.

2. The decree of eviction against family Bracco appears to
be valid. In view of the fact that the Bracco family is unduly
occupying a flat belonging to a citizen of one of the United
Nations would you please issue the necessary instruction to the
Italian police that the flat be vacated without further delay.

Encl.

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

4

RE QUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4014/14/L.

WEB/ap.
23 November 1944.

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

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

2. Please ascertain and report in due course:

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

By command of Commodore STONE:

2

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

Copy to : Political Section.

Nr. 677

Rome, November 11th, 1944

Delegation Royale de Yougoslavie
au Conseil Consulatif pour l'Italie

To : ALLIED COMMISSION,
POLITICAL SECTION,
Rome.

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

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

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

(sgd)

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

Nr. 677

Rome, November 11th, 1944

Délégation Royale de Yougoslavie
au Conseil Consulatif pour l'Italie

To : ALLIED COMMISSION,
POLITICAL SECTION,
Rome.

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(sgd)

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

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