

should be deferred until instructions were received from Crowcass. The Judge Advocate is still awaiting instructions whether Madori is to be tried as a War Criminal, or whether he is to be handed over to the Italians on the further charge of collaboration before the Torino Court.

5. The answer to (4) is: yes. P.W. Camp 209, Afragola, is used by GHQ to hold in custody persons connected with War Crimes under direct administration of GHQ; the number of persons so held is not known.

6. Very detailed directions have been issued by GHQ as to the procedure to be carried out in all cases of War Crimes. The subject has always been regarded as essentially one for the Army authorities, and quite outside the province of the Allied Commission. In these circumstances I think we should not go further than ask AFHQ to hasten a decision by Crowcass as to whether Madori is to be tried as a War Criminal; if so, he should be transferred to Allied custody: If not, he should be handed over to the P.M. of the Assize Court, Torino.

9 May 1946.

C.L.A.

Thank you.

Please forward petition to Madori, and

AFHQ to hasten decision etc. if possible

Reaction of Italians whether it numbers 1 people

Beane held for long periods in Allied Camps without

John K. Winter

JOHN K. WINTER,
Colonel, Infantry,
Chief Legal Advisor.

412

further than ask AFHQ to hasten a decision by Crowcase as to whether Madori is to be tried as a War Criminal; if so, he should be transferred to Allied custody: If not, he should be handed over to the I.M. of the Assize Court, Torino.

9 May 1946.

C.L.A.

Thank you. Please forward petition to AFHQ, and

AFHQ to hasten decision etc. I point out the possible

reaction of Italians rather at numbers of people

being held for long periods in Allied Camps without

specific charge or trial.

W.S. 18/50

P.S.

Ref 95 936-137 & 936-22-3

Pass to you for necessary action

Luigi SLC

20 June 46

John K. Webster

JOHN K. WEBSTER,
Colonel, Infantry,
Chief Legal Advisor.

192.

C. L. A. -

(4)

7 am movement about their case.

Madori Gustave is held as a War Criminal

3. What is the country has denounced him?

4. How long has he been in jail?

5. The Italian has previously been held in
prison and guilty of the execution.

6. Are there other cases similar to his in
which men are being held for months or

over criminals without charges being preferred?

7. So should we not request that cases be opened

W. J. G. 1918

(5)

TO: Executive Commissioner,

1. Madori is on War Crimes List No 2: denounced by Yugoslavia.

5. The Italian has previously been known to
furnish him with details of information.

6. At the present time Madori is in
which case he has been held for months at
was admitted without charges being preferred.

7/30 should be in reference to the case of Madori.

(5)

1945

TO: Executive Commissioner,

1. Madori is on War Crimes List No 2; denounced by Yugoslavia. He was Manager of the Broadcasting Station at Ljubljana, and is wanted on charges of assault and wanton destruction of property.
2. He has been in jail since 13th June 1945 when Allied Military Authorities placed him at the disposal of the Questura, Pisa.
3. In October last the Court of Assize in Pisa dismissed the charge on which Madori was being held, i.e. collaboration.
4. On 7th January last the P.M. of the Court of Assize, Torino, ordered the transfer of Madori to the Torino jail. In reply to this application for transfer the Theatre Judge Advocate, NTOSA, said the further charge of collaboration in Torino

1
The Chief Commissioner

Ref. Petition 1A for the release of Vladimir Gaborac.

As the result of inquiries from the Legal Officer, Licensing, and the Security Division of the Public Safety S/C it appears that Gaborac was handed over in June last by the Allied Military Authorities to the Gestapo of Paris for trial by the German authorities on charges of collaboration.

In October last the Public Prosecutor in Paris issued an order for Gaborac's release from custody. This was, however, not executed, as Allied instructions were issued that he was to be held as a War Criminal.

At present Gaborac is held as the subject of War Crime investigation by Allied Military Authorities.

J. C.
Venezkyan

3rd May '45.

to CMA

1947

That Matori was handed over in June last by the Allied
Military Authorities to the Custodian of Peace for trial by the Italian
authorities on charges of collaboration.

In October last the Public Prosecutor in Pisa issued an
order for Matori's release from custody. This was, however, not
executed, as Allied instructions were issued that he was to be
held as a War Criminal.

At present Matori is held as the subject of the
Crimis investigation by Allied Military Authorities.

106

3rd May '46.

I
Inquiries
for C.A.A.

MAY 8 1946

(2)

C. L. A.

May 7 see the instructions referred to in para 2.

of 6.

③ In all correspondence re MATORI is in the attached
file between the two tabs marked 'X'

106
4

0692
Declassified E.O. 12958 Section 1.4

Headquarters
Allied Commission
Attn: Legal Sub-Commission
Roma

Claim

of Gastone Madori

0693

Declassified E.O. 12958 Section 1.4

Claim

of Gastone Madori

165

Headquarters Allied Commission
(Attn: Legal Sub. Commission)

ROME

Claim

for Gastone Maderi

164

Translation

TO : HIS EXCELLENCY

REAL ADMIRAL ELLSWY STONE

Chief Allied Commission

K O M E

Excellency,

Following to my claim filed to you some months ago, an answer to which I had received by the Chief Legal Advisor, Col. John K. Weber, about the strange situation of my husband, I am honoured to ask the authoritative interference of Your Excellency in order to obtain the temporary release for him, waiting for the complete examination of the elements picked up during the inquired made by the Allied Authorities, and which shall lead to the apparent declaration of his not-guiltiness.

I dare therefore recall your memory about the below listed facts :

1. My husband, MADORI Gastone, was serving with the E.I.A.R. (Italian former Broadcasting Corporation) since 1937, on which date he was hired as a Secretary. He had previously been seven years (1930-37) the Secretary of a Touristic Association and Secretary of the University for Foreigners. When he was a young man, he was interested in a career of hotel-jobber, and reached to become the manager of one.
2. Since 1941 the E.I.A.R. committed to my husband directive functions in the artistic and administrative field. On 1944 he was appointed Chief of the Staff, and, subsequently, Districtual Manager of Milano Province; later of Torino.
3. Either during his activities in the hotels, or in his actions with the Touristic and University Agencies, or, endly, during his radiophonic career, he never took profit of his position of being enrolled in the fascist party in order to commit injustices against anybody. On the contrary he always used this former privilege only to save from the dismissal, from the persecutions, from the jail, from the transferment to Germany, and from the death friends, colleagues and personnel of his.
4. On 5 May 1945, I and my husband went spontaneously towards the Allied troops, entering the P.M.E. of Ivrea, in order to evade from the bloody facts then running over all North Italy.

Following to my claim filed to you some months ago, an answer to which I had received by the Chief Legal Advisor, Col. John K. Weber, about the strange situation of my husband, I am honoured to ask the authoritative interference of Your Excellency in order to obtain the temporary release for him, waiting for the complete examination of the elements picked up during the inquiry made by the Allied Authorities, and which shall lead to the apparent declaration of his not-guiltiness.

I dare therefore recall your memory about the below listed facts :

1. My husband, MARIO Gastone, was serving with the E.I.A.R. (Italian former Broadcasting Corporation) since 1937, on which date he was hired as a Secretary. He had previously been seven years (1930-37) the Secretary of a Touristic Association and Secretary of the University for Foreigners. When he was a young man, he was interested in a career of hotel-jockey, and reached to become the manager of one.

2. Since 1941 the E.I.A.R. committed to my husband directive functions in the artistic and administrative field. On 1944 he was appointed Chief of the Staff, and, subsequently, Districtual Manager of Milano Province; later of Torino.

3. Either during his activities in the hotels, or in his actions with the Touristic and University Agencies, or, finally, during his radio-phonetic career, he never took profit of his position of being enrolled in the fascist party in order to commit injustices against anybody. On the contrary he always used this former privilege only to save from the dismissal, from the persecutions, from the jail, from the transferment to Germany, and from the death friends, colleagues and personnel of his.

4. On 5 May 1945, I and my husband went spontaneously towards the Allied troops, entering the P.D. of Ivrea, in order to evade from the bloody facts then running over all North Italy.

5. On October 1945 the Italian Authorities, whom the P.D. of Coltano delivered my husband, acquitted him during the instruction, and ordered the release, as no specific charge had resulted on him. The Questura of Pisa, before releasing him asked the Allied Authorities for their approval, because my husband resulted to be at their disposition.

6. From October 1945, though the long statements and claims, the Allied Authorities have never made any question to him, nor

have specified the reasons of his detention.

7. In the meanwhile even the Special Section of Torino Court of Assize has ordered the release of my husband, dated April 1946.

Besides to the pains suffered by my husband, that is now on the 16th month of imprisonment, there are those, not lesser of course, had by me and by our small baby, being without the least resource and support. In order to evade the hungry I have been forced to sell even my personal cloths, and now I must contact the good hearth of some pitious friend because I have nothing else to sell.

In the full conscience of the absolute, crystalline not guiltiness of my husband, and of the tragic, unsufferable situation in which my baby and I are living to-day; in the certainness that the investigations will lead the Allied authorities to recognize the inexistence of the reasons for his imprisonment; I

I N V O K E

by Your Excellency the granting of the temporary release, in order to let him bring up again, with his capacities, our destine.

Due to the pures of his conscience we will offer whoever guarantee about his reperibility: we are ready to be submitted to those safety measures that the Allied authorities could possibly think opportune to take towards him.

I am warmly trusting in a benevolens examination of my request and I am expressing you the feelings of my devote gratefulness.

CLARA THURY MADORI,
wife of Mr. Gastone MADORI,
detained in the Judiciary Jail
of Pisa.

CLARA THURY MADORI,
Via S. Andrea 18
P I S A

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CLARA THURY MADORI,
wife of Mr. Gaston MADORI,
detained in the Judiciary Jail
of Pisa.

CLARA THURY MADORI,
Via S. Andrea 18
P I S A

Distribut-ion : Copy to the President of Italian Republic
(for information)

ATTACHED : No. 4

- 1) Approval of Pisa Questura
- 2) Approval of Pisa Jail
- 3) Releases' statements of Italian Authority
- 4) Confirmation of releases

Pisa, 1° settembre 1945

Illustre Ammiraglio ELLERY STONE
Capo della Commissione Alleata

R o m a

e, per conoscenza: Illustre AVV. UMBERTO COLLAMARINI
Capo Gabinetto del Capo Provvisorio dello Stato

R o m a

Illustre Ammiraglio,

Paceando seguito al mio esposto inviato alla S.V. alcuni mesi orsono ed al quale mi fu risposto dal Capo dell'Ufficio Legale Alleato, Colonnello John F. Weber, circa la stranezza della posizione di mio marito, mi permetto richiedere l'autorevole intervento della S.V. affinché, in attesa che le Autorità Alleate espletino le necessarie indagini dalle quali emergerà, evidentemente, la di lui innocenza, gli sia accordata la libertà provvisoria.

A tal uopo ritengo opportuno richiamare alla memoria della S.V. i seguenti dati di fatto:

- 1°) Mio marito (MADORI GASTONE) apparteneva all'I.A.R. (Società Radiofonica Italiana) fino dal 1937, epoca nella quale fu assunto segretario. Precedentemente era stato sette anni (1930-37) segretario di un'Associazione Turistica e Sportiva dell'Università per stranieri. Nell'età giovanile (1918-1930) si dedicò alla carriera alberghiera, fino a conseguire la direzione di un albergo di lusso.
Dall'età di 16 anni (1920- alla fine 1945, egli si è dedicato unicamente al lavoro, prima per sopportare ¹⁶¹ mantenimento dei genitori, poi anche quello della famiglia ¹⁶¹ acquisita.
- 2°) Già nel 1941 l'ENIAR affidò a mio marito compiti direttivi nel campo artistico-amministrativo, fino a nominarlo (1944) Capo del Personale e, successivamente, Direttore Compartimentale della Sede di Milano e, poi, di Torino.
- 3°) Sia durante la sua permanenza negli alberghi, sia nel periodo della sua attività nel campo turistico-universitario, sia, infine, durante la sua carriera radiofonica, egli non si è mai valso della sua qualità di iscritto al partito fascista per commettere ingiustizie e danno di credibilità. Al contrario egli ha adoperato questo ex privilegio unicamente per salvare dall'arresto, dalle persecuzioni, dal carcere, dalla de-

ed al quale mi fu risposto dal Capo dell'Ufficio Legale Alleato, Colonnello John H. Weber, circa la estraneità della posizione di mio marito, mi permise di richiedere l'autorevole intervento della S.V. affinché, in attesa che le autorità Alleate espletino le necessarie indagini dalle quali emergerà, evidentermente, la di lui innocenza, gli sia accordata la libertà provvisoria.

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Dall'età di 16 anni (1920- alla fine di aprile 1945, egli si è dedicato unicamente al lavoro, prima per sopprimerla ¹⁸¹ mantenimento dei genitori, poi anche quello della famiglia acquisita.
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- 4°) Il 5 maggio 1945 io e mio marito ci presentammo spontaneamente, insieme, al P.W. Camp di Ivrea, per sfuggire ai fatti di sangue allora in corso nell'Italia settentrionale.
- 5°) Nell'ottobre 1945 le autorità italiane, alle quali il P.W. Camp di Caltan consegnò mio marito, lo prosciolsero in istruttoria

ed emisero regolare mandato di escarcerazione, dato che nessuna accusa specifica risultava a suo carico. La Questura di Pisa, avanti di metterlo in libertà, richiese il nulla osta allento, dato che, nella pratica, risultava trovarsi anche a disposizione degli Alleati.

6a) Dall'ottobre 1945, malgrado gli innumerevoli esposti e memoriali, le Autorità Alleate non hanno proceduto al alcun interrogatorio né a significare le ragioni della sua detenzione.

7a) Trattando anche la Sezione Speciale della Corte d'Assise di Torino ha ordinato la escarcerazione di mio marito.

Oltre alle sofferenze sopportate da mio marito, che si trova ormai al 16° mese fra campo di concentramento e carcere, vi sono quelle, non certo minori, sopportate da me e dalla nostra piccola creatura, essendo privi di ogni più piccola fonte di risorsa. Per non morire di fame sono stata costretta a disfarmi perfino di indumenti personali; ed ora debbo ricorrere al buon cuore di qualche pietosa conoscenza per- ché non mi rimane più nulla da realizzare.

Nella piena consapevolezza dell'assoluta, cristallina innocenza di mio marito e della tragica, inaccettabile situazione in cui io ed il mio bambino viviamo; nelle certezza che le indagini condurranno le Autorità Alleate a riconoscere l'infondatezza delle ragioni che le hanno indotte fin qui a tenerlo in stato di detenzione, io invece della S.V. l'intercessione della libertà provvisoria affinché egli possa, con le sue capacità, risolvere le nostre disperate sorti.

Data la limpidezza della sua coscienza, qualunque garanzia sarà offerta circa la sua reperibilità, esigendo a quelle misure di sicurezza che le Autorità Alleate potrebbero eventualmente ritenere opportuno di prendere nei suoi confronti.

Vivamente confido, illustre Ammiraglio, in un benévolo esame della mia richiesta ed esprimo i sentimenti della mia devota gratitudine.

Clara Thury Madori

(Clara Thury Madori)

moglie del detenuto politico presso le
Carceri Giudiziarie di Pisa MADORI CASTONE

ne a significare le ragioni della sua detenzione.

7^a) Trattato anche la Sezione Speciale della Corte d'Assise di Torino ha ordinato la scarcerazione di mio marito.

Oltre alle sofferenze sopportate da mio marito, che si trova ormai al 16° mese fra campo di concentramento e carcere, vi sono quelle, non certo minori, sopportate da me e dalla nostra piccola creatura, essendo privi di ogni più piccola fonte di risorse. Per non morire di fame sono state costrette a disferma perfino di indumenti personali; ed ora debbo ricorrere al buon cuore di qualche pietosa conoscenza per- chè non mi rimane più nulla da realizzare.

Nella piena consapevolezza dell'assoluta, cristallina innocenza di mio marito e della tragica, insostenibile situazione in cui io ed il mio bambino veremmo; nelle certezza che le indagini condurranno le Autorità Alleate a riconoscere l'infondatezza delle ragioni che le hanno indotte fin qui a tenerlo in stato di detenzione, io invoco dalla S.V. l'intercessione della libertà provvisoria affinché egli possa, con le sue capacità, risolvere le nostre disperate sorti.

Data la limpidezza della sua coscienza, qualunque garanzia sarà offerta circa la sua reperibilità, esigendo e quelle misure di sicurezza che le Autorità Alleate potrebbero eventualmente ritenere opportuno di prendere nei suoi confronti.

Vivamente confido, illustre Ammiraglio, in un benévolo esau-¹⁶ della mia richiesta ed esprimo i sentimenti della mia devota gratitudine.

Clara Thury Madoni

(Clara Thury Madoni)

moglie del detenuto politico presso le
Carceri Giudiziarie di Pisa MARCHE GASTONE

Via S. Andrea, 10 - Pisa

QUESTIONS OF PISA

ATTACHED No. 1

translation

Subject: Madore Gastone
To : Hqs. Allied Commission
ROME

I hereby certify that Madore Gastone, detained in the Jail of Pisa at the disposition of that Office has no penal proceedings pending with the Italian Judiciary authority.

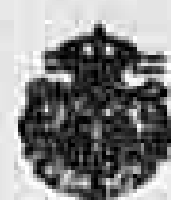
Subject was indeed firstly charged with collaboration with German invader, but was later acquitted during the instruction by the Court of Assize of Pisa and Torino.

He does not result to be a socially dangerous man, and this Office has no objections that he may be given possibly a temporary release.

/s/ THE QUESTONE
DE PAULA

Pisa, 2 Sept; 1946

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R. QUESTURA DI PISA

N. _____ Div. _____

Risposta a nota N. _____

del _____

Pisa, li _____

2 Settembre 1946

OGGETTO:
Madori Gastone

ON. COMMISSIONE ALLEATA DI CONTROLLO
= ROMA =

A richiesta dell'interessato, si dichiara che il Signor M A D O R I Gastone detenuto presso le locali carceri e disposizione di codesta On.le Commissione non ha pendenze penali presso l'Autorità Giudiziarie Italiana.

Il predetto infatti, imputato in un primo tempo di collaborazionismo col tedesco invasore, è stato prosciolto in istruttoria dalle Corti di Assisi Straordinarie di Pisa e di Torino.

Non risulta essere persona socialmente pericolosa e nulla osta da parte di quest'Ufficio alla concessione di un'eventuale libertà provvisoria in suo favore.



IL QUESTORE

cc

Per la

158

Attached No; 2

translation

JUDICIARY JAIL OF PISA

TO : Admiral Ellery STONE,
Chief Allied Commission
ROME

Hereby enclosed find a claim of the wife of Gastone Madori, political prisoner at disposition of the Allies; Even in consideration of his good conduct and of the spirit of discipline that he has shown during the 15 months of his captivity, I dare express my favourable opinion about the granting of temporary release in his favour;

With the best regards

/s/
THE DIRECTOR
Gennaro Palomba

Pisa, 1st Sept; 1946

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MODULARIO
G.G. - P. G. - 402

Mod. N. 25. (Carceri)
51. (Riformatori)

Pisa addì 1^o/3 1946



Ministero di Grazia e Giustizia

DIREZIONE
DEL

CARCERI GIUDIZIARIE-PISA

N. 1722 Tit. Fase. Lett.

Risposta alla lettera

del

Ufficio

N.

Ammiraglio HILERY STONE
Caso della Commissione
Alleata
R O M A.

Allegati N.

OGGETTO

Nel rimettere alla Signoria Vostra l'accluso esposto della moglie del detenuto politico a disposizione degli Alleati MADORI CASTONE, anche in considerazione della buona condotta e dello spirito di disciplina di cui il Madori ha dato prova durante i 15 mesi di detenzione, ci permettiamo di esprimere parere favorevole circa la concessione della libertà provvisoria.
Col massimo ossequio.

IL DIRETTORE
(Gennaro Palomba)

Attached No. 3
translation

DIRECTORY OF PISA JAIL

Ref : 4500

Subject : Prisoner Gastone Madori.
TO : Political Office of Questura Pisa (copy of the letter)

As by oral request of that Office are hereon referred the following orders of release for Subject :

1; Order of release of Prosecutor of Pisa Court of Assise

"The Chief of the custody guards of Pisa Jail will release from those Prisons the prisoner Gastone Madori, unless he is held for some other warrant of arrest or is required by some other Authority. The Chief Guards shall put this order in the proper file and keep it at the correspondent serial number of record.""
Signed : Giovanni Sorbi, Public Prosecutor; Dated 23 Oct; 1945

2; Order of release of Prosecutor of Torino Court of Assise

"Reference your letter 1732, dated 1st April 1946, I hereby order the temporary release of Madori Gastone as soon as the Allied Commission in Rome will have no more objections. Please ensure this Office as soon as he will be put out from Jail;"
Signed : Durando, Public Prosecutor. Thru telegram 14 Apr. 1946

/s/ Gennaro PALOMBA
Director of Pisa Jail

DIREZIONE DELLE CARCERI GIUDIZIARIE DI PISA

N.4500

Pisa, 19 Agosto 1946

ALLA QUESTURA DI

(Ufficio Politico)

P I S A

OGGETTO : Detenuto MADORI Gaetano di N. M.

Come da richiesta verbale di cotesto On/le Ufficio, si trascrivano di seguito gli ordini di scarcerazione nei riguardi del detenuto in oggetto indicato :

ORDINE DI SCARCARAZIONE DEL P. M. DELLA CORTE STRAORDINARIA D'ASSISE DI PISA :

" " " Il Capo Guardia delle Carceri Giudiziarie locali abiliterà da quelle Carceri qualora non sia ritenuto per altre cause in forza di regolari mandati di carcerazione, o non debba essere consegnato ad altre Autorità il detenuto MADORI Gaetano di Imoto e conserverà in filza il presente mandato, dando gli il numero corrispondente a quello del registro generale della rispettiva categoria di dette Carceri.

Pisa, 23/10/1945

IL P. M. DELLA CORTE STRAORDINARIA
D'ASSISE DI PISA

(firmato Giovanni Sorbi)

ORDINE DI SCARCARAZIONE DEL P. M. DELLA CORTE D'ASSISE SPECIALE DI TORINO = TELEGRAMMA DEL 14.4.1946.:

" " " Riferimento vostra lettera 1732 primo aprile ordine scarcerazione per libertà provvisoria detenuto MADORI Gaetano di N. M. appena Commissione Alleanza Roma conceda nulla osta prego assicurare questo Ufficio a scarcerazione avvenuta punto = Durando P. M. Corte Assise Sezione Speciale Torino " "

Come da richiesta verbale di cotesto
On/le Ufficio, si trascrivono di seguito gli ordini di
scarcerazione nei riguardi del detenuto in oggetto indi-
cato :

ORDINE DI SCARCERAZIONE DEL P. M. DELLA CORTE STRAORDINARIA
D'ASSISE DI LISA :

" " Il Capo Guardia delle Carceri Giudiziarie locali abilita-
rà da quelle Carceri qualora non sia ritenuto per altre cause
in forza di regolari mandati di carcerazione, o non debba
essere consegnato ad altre Autorità il detenuto MADORI Gastone
ne di Ignoto e conserverà in filza il presente mandato, dan-
dogli il numero corrispondente a quello del registro generale
della rispettiva categoria di dette Carceri.

Pisa, 23/10/1945

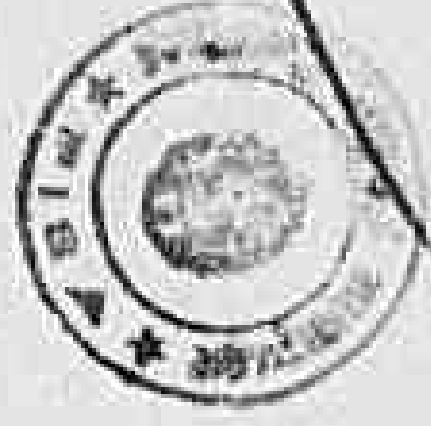
IL P. M. DELLA CORTE STRAORDINARIA
D'ASSISE DI PISA

(firmato Giovanni Sorbi)

ORDINE DI SCARCERAZIONE DEL P. M. DELLA CORTE D'ASSISE
SPECIALE DI TORINO = TELEGRAMMA DEL 14.4.1946.8

" " Referimento vostra lettera 1732 primo aprile ordine scar-
cerazione per libertà provvisoria detenuto MADORI Gastone di
N. N. appena Commissione Alliesta Roma conceda nulla osta
prego assicurare questo Ufficio a scarcerazione avvenuta
punto = Durando P. M. Corte Assise Sezione Speciale Torino "

Torino 14/4/1946.



IL DIRETTORE
(Gerardo Palomba)

[Handwritten signature]

Attached No. 4
Translation

OFFICE OF THE PROSECUTOR OF SPECIAL COURT OF ASSISE - PISA

Copy of the telegram of the Torino Special Court of Assise's
Prosecutor, dated 21 August 1946.

TO Prosecutor of Pisa Special Court of Assise.

Reference your telegram of to-day, we confirm our
order of release for the prisoner Gastone Madori dated 14
April 1946, sent to the Directory of Pisa Jail;

Please ensure effected release.

Signed : Gedda, Prosecutor of Torino. " " "

Copy conform to the original, that is held in the file of this
Office; released on request of MADORI's wife;

Pisa 2 Sept; 1946

THREE

/s/ Frazzetti
Secretary of the
Office

Ufficio del P.M. presso la Corte Straordin. di Assise
PISA

COPIA DEL TELEGRAMMA DEL P.M. PRESSO LA CORTE D'ASSISE SEZIONE SPECIALE
DI TORINO.

" PUBBLICO MINISTERO ASSISE SPECIALE PISA. 21 Agosto 1946
" RIFORMA VS. TELEGRAMMA ORDINE CONFEDERAZIONE NAZIONALE
" SCARICAMENTO DECRETI MAGGIORI PASTORI DE 1940 PASTORI
" QUATTORDICI APRILE SOGGERO ED INVENTO LOCALE DIREZIONE VARE
" CENI STUDENTANIE PRESSI ASSICURAZIONE AVVENUTA SCARICAMENTO.
" PUBBLICO MINISTERO CORTE ASSISE SPECIALE PISA.

Copia consegnata al P.M. originario stante negli
atti di questo Ufficio, in carta bianca per non copiare
a richiesta della signora Maria Clara Spina.

PISA 2 SETTEMBRE 1946

IL SEGREARIO



Manica

4016/3

MINISTERO DEGLI AFFARI ESTERI

D.G.A.P. UFF. VIII

Seg. Pol. n. 312

FILE

125A

APPUNTO PER L'UFFICIO DEL FUNZIONARIO
DISTACCATO PRESSO LA COMMISSIONE ALLEATA

Con riferimento all'appunto n. 11/225 in data 21 gennaio si comunica che quest'Ufficio ha interessato il Ministero dell'Interno per la scarcerazione di MADORI Gaetano.

Il predetto Ministero, con sua nota n. 224/51343 del 19 febbraio ha fatto conoscere che il MADORI risulta essere già scarcerato.

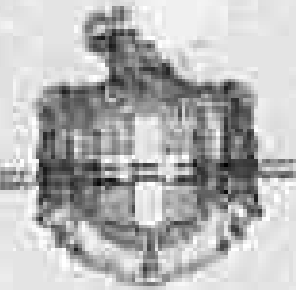
Roma 3 Marzo 1947

143

To Judge Thomas
with the compliments
of General Lohman
6/3/47

4016/3

V. fr.



File

Roma 13 gennaio 1947

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE E DEL CARCELLARIOALLA COMMISSIONE ALLEA
TA - Sottocommissione Le-
gale ROMA

Ufficio I° A.P.

Prot. N° 1664/131/78

Registrazione del 1° 11.5.946

Dir. N° ARC/4016/34

Oggetto: Istanza nell'interesse del Capitano ZUPI
Antonio.

e per conoscenza:

all'UFFICIO COLLEGAMENTO - Gabinetto

SEDE

In relazione alla comunicazione contenuta nel foglio sopra indicato, si fa presente che la Procura Generale della Repubblica presso la Corte d'Appello di Potenza ha informato che, con sentenza pronunciata da quella Corte in camera di consiglio il 4 luglio u.s., nei confronti del capitano ZUPI e di altri coimputati, è stato dichiarato non doversi procedere per il reato ascritto, in applicazione dell'amnistia concessa con l'art. 3 del D.P. 22 giugno 1946 n. 4, e ne venne conseguentemente disposta la scarcerazione.

per il MINISTRO
(A. Spallanzani)

Antonio ZUPI

STUDIO LEGALE
DOTT. RENATO TORTORELLA
PROCURATORE LEGALE
PISA : Via S. Maria, 13 - Tel. 679

120A

Pisa, Jan. 22nd, 1947

SUBJECT : Dott. Gastone MADORI
TO : Colonel HANNAFORD, Esq.
Deputy Chief Legal Officer
AG, Via Veneto - ROME

Dear Colonel,

I thank you very much for your kind and prompt answer to my letter requesting informations about the disposition of Subject as thru what stated in General L&S's message.

We have contacted directly and thru the Italian Questura and Prisons the proper Italian Department (~~Ministry~~ Justice and Interior) about the matter, and though we have cabled both to them, we haven't received any answer till now.

A late telegram sent by the Director of this Jail to your Office, making reference to your communication was not yet acknowledged.

You understand the very hard and pitiful situation of MADORI, who is spending at present time his 19th month of imprisonment. I am therefore asking you again, making appeal to your known good heart, to want courtesely send an answer to the cable forwarded by the Italian Authorities of these Prisons, and possibly speed up, in course with the Italian Public Safety General Directory of with the Italian Prisons General Directory, the screening of Subject, that now should not be more than a formality.

It is believed that only a favourable interference of that Commission shall hurry the slow procedure and dispose definitively a case which, I think, is absolutely absurd may be lasted under the Italian Bodies, whereas MADORI was twice ordered to be released both by the Prosecutor of Pisa Anti-Fascist Court and by that of Torino.

The same Public Safety and Jail Officials of Pisa

TO : Colonel HANNAFORD, Esq.
Deputy Chief Legal Officer
AO, Via Veneto - Rome

Dear Colonel,

I thank you very much for your kind and prompt answer to my letter requesting informations about the disposition of Subject as thru what stated in General LUK's message.

We have contacted directly and thru the Italian Questura and Prisons the proper Italian Department (~~Ministry~~ Justice and Interior) about the matter, and though we have cabled both to them, we haven't received any answer till now.

A late telegram sent by the Director of this Jail to your Office, making reference to your communication was not yet acknowledged.

You understand the very hard and pitiful situation of MADORI, who is spending at present time his 19th month of imprisonment. I am therefore asking you again, making appeal to your known good heart, to want courtesely send an answer to the cable forwarded by the Italian Authorities of these Prisons, and possibly speed up, in course with the Italian Public Safety General Directory of with the Italian Prisons General Directory, the screening of Subject, that now should not be more than a formality.

It is believed that only a favourable interference of that Commission shall hurry the slow procedure and dispose definitively a case which, I think, is absolutely absurd may be lasted under the Italian Bodies, whereas MADORI was twice ordered to be released both by the Prosecutor of Pisa Anti-Fascist Court and by that of Torino.

The same Public Safety and Jail Officials of Pisa will appreciate, as well as MADORI and I will, of any support or assistance you can give us even in these last phases of such unfortunate person. With deep gratefulness and most regards

Yours faithfully

Dr. Enrico Steddy

HEADQUARTERS ALLIED COMMISSION
OUTGOING MESSAGE

1190

Originator do not write above this line

DATE-TIME OF ORIGIN

FROM (A) HQ ALCON

TO (FOR ACTION) PALOMBA, DIRECTOR OF JUDICIAL PRISON OF PISA

TO (INFORMATION)

Ref. No 5086

Security
Classification UNCLASSIFIED

PARA ONE PD REFERENCE YOUR TELEGRAM SEVENTEEN JANUARY REGARDING
MADORI GASTONE PD

PARA TWO PD ALLIED COMMISSION PAREN EXECUTIVE COMMISSIONER PAREN
INFORMED PRESIDENT OF THE COUNCIL OF MINISTERS ON EIGHT JANUARY
THAT MADORI IS OF NO FURTHER INTEREST TO THE ALLIED AUTHORITIES
AND THAT THE RESPONSIBILITY FOR HIS CONTINUED DETENTION OR
RELEASE IS ENTIRELY A MATTER FOR THE ITALIAN AUTHORITIES PAREN
LETTER SD SLANT TWO SIX SIX DOT ZERO ONE OF EIGHT JANUARY REFERS
PAREN PD

PARA THREE PD MINISTRY OF INTERIOR SIMILARLY INFORMED ON SIXTEEN
JANUARY BY PUBLIC SAFETY DIVISION

(Copy sent to Ministry of Justice)

148

Not sent, but translation sent by post to Sig. Palomba

Message Centre advised that a signal could not be sent to
an Italian address

Precedence ROUTINE

Office of origin LEGAL

302 Originator's

Tel. No. Signature

M. J. Panathoras

Authenticated

JOHN R. HAYES

Maj. AGD

Adjutant

NO CLEARANCE
HEADQUARTERS ALLIED COMMISSION
OUTGOING MESSAGE *MPA*

Originator do not write above this line

DATE-TIME OF ORIGIN

20 JAN 1947

FROM (A) HQ ALCOM

TO (FOR ACTION) Mr. PALOMBA, Direttore Carceri Giudiziarie, PISA

TO (INFORMATION)

Security
Classification UNCLASSIFIED

Ref. No 5086

PARA ONE PD REFERENCE YOUR TELEGRAM SEVENTEEN JANUARY REGARDING
MADORI GASTONE PD

PARA TWO PD ALLIED COMMISSION PAREN EXECUTIVE COMMISSIONER PAREN
INFORMED PRESIDENT OF THE COUNCIL OF MINISTERS ON EIGHT JANUARY
THAT MADORI IS OF NO FURTHER INTEREST TO THE ALLIED AUTHORITIES
AND THAT THE RESPONSIBILITY FOR HIS CONTINUED DETENTION OR
RELEASE IS ENTIRELY A MATTER FOR THE ITALIAN AUTHORITIES PAREN
LETTER SD SLANT TWO SIX SIX DOT ZERO ONE OF EIGHT JANUARY REFERS
PAREN PD

PARA THREE PD MINISTRY OF INTERIOR SIMILARLY INFORMED ON
SIXTEEN JANUARY BY PUBLIC SAFETY DIVISION

145

Precedence ROUTINE

Office of origin LEGAL DIVISION

Tel. No. 302

Originator's
Signature

Murphy Thomas

Authenticated

John R. Hayes
JOHN R. HAYES
Maj. AGD
Adjutant

Mod. 70 - (1942)

MODULARE
C. - Tel. - 69

INDICAZIONI DI LINGUA

Il Governo non assume responsabilità civile in conseguenza del servizio della posta. Le tasse riscosse in tal caso, per errore od in seguito a rifiuto o irreperibilità del destinatario, devono essere rimborsate dal mittente. Il destinatario è invitato a firmare la ricevuta consegnata dal fattorino e a segnare la data e l'ora della consegna del telegramma. In mancanza di tali indicazioni il destinatario perde il diritto a reclamare in caso di ritardo della consegna.

Ricevuto il

Per servizio di



La rete di radiotelegrafia sul meridione copre l'intero territorio della Repubblica e per telesemplici interni e per radiotelegrafia esteri di regola da una mezzanotte all'altra. Nei telesemplici interni e nei radiotelesemplici di notte, il tempo di arrivo è superiore a quello delle parole, gli altri la data, l'ora e il minuto.

COLLIMAZIONE

DESTINAZIONE

PROVENIENZA

CODICE

PAESE

DATA DELLA POSTERIZZAZIONE

Mese e anno

Giorno e minuto

C.S. INDICAZIONI

C.S. INDICAZIONI

C.S. INDICAZIONI

C.S. INDICAZIONI

UFF. RM. FISA 9300 38/35 17 13/30 =

RIFERIMENTO VOSTRA AC. 4016/3/4 DATA 11 CORRENTE

PREGASI COMUNICARE SE MADORI GASTONE DETENUTO VOSTRA

DISPOSIZIONE PER CONTO AUTORITA ALLEGATE POSSA ESSERE

IMMEDIATAMENTE SCARCARATO = DRE SARDERI PISA PALOMBA

Fatevi correntisti postali.

PAGAMENTI E RISCOSSIONI IN TUTTE LE LOCALITÀ DEL REGNO - FRA CORRENTISTI I PAGAMENTI E LE RISCOSSIONI MEDIANTE POSTAGIRO SONO ESEQUITI SENZA LIMITAZIONE DI SOMMA ED IN ESENZIONE DA QUALSIASI TASSA

Declassified E.O. 12958 Section 1.4

TELEGRAMMA



Ufficio che ha in carico il fascicolo

Indice Indi. di segretezza

N. 67



Modello
TELEGRAMMA
PRIMA SOLE
ROMA

Circuito sul quale si deve fare l'ufficio del telegramma

Ufficio Telegramma al
TELEGRAMMA



BUONO per una tassa di 40 *Quaranta*
taccato per il telegramma N. 9300, accettato dall'Ufficio di Pisa
giorno 17-1- 1947, ricevuto il 17-1- 1947
con indicazione di via

La Direzione non assume alcuna responsabilità in conseguenza del servizio
non ricevuto.
Se il ricevente non ha ricevuto il servizio ed in seguito a rifiuto o altro, il mittente
deve restituire il fascicolo al mittente.

Trasmesso il 17-1- 1947 ore 11.40
all'Ufficio di Pisa Transmittente

Qualità	DESTINAZIONE	PROVENIENZA	NOM.	PAROLE	Data della presentazione		VIA (semplice o a indicazioni eventuali - ufficio)
					Giorno e mese	Ore e minuti	

AVVERTENZE

Questo buono, valido per tre
mesi a partire dal giorno successivo
a quello della sua emissione, serve
per pagare un telegramma a
qualsiasi destinazione, per qualsiasi via,
e non essere rimborsato a qualsiasi
ufficio governativo o ferroviario dello
Stato.
Se la tassa del telegramma
per l'incremento del buono, la
forza deve essere pagata in
caso della presentazione del
buono.

Cognome, nome e
titolo del mittente:

N. B. - Il telegramma dev'essere scritto con chiarezza, per modo che la lettura ne sia facile

INDICAZIONI EVENTUALI TASSATE

DESTINATARIO

DESTINAZIONE

TESTO

143

116A

NOT E.

1. Gastone MADORI was born in Florence in 1904. From 1930 to 1937 he was Secretary of a Touring Association and Secretary of a University for Foreigners. In 1937 he joined the Italian Broadcasting Corporation (R.A.I.) in which in 1944 he was Regional Manager for the Province of Turin.
2. On 5 May 1945 Madori and his wife entered an Allied Prisoner of War Camp at Ivrea to escape the acts of violence then taking place in North Italy.
3. On 13th June 1945 he was put in the Judicial Prison of Pisa to be held at the disposal of the Political Section of the Questura of Pisa.
4. On 23rd October 1945 the Assize Court of Pisa ordered his release, if he were not wanted on other charges.
5. The charges on which the Assize Court of Torino contemplated trying Madori were withdrawn in August 1946. As there were no further charges whatever by the Italian authorities against Madori, the Questura of Pisa on 2 Sept. '46 stated he could be given provisional liberty.
6. Madori is on War Crimes List No 2, denounced by Jugoslavians. He was Manager of the Broadcasting Station at Lubiana and is wanted on charges of assault and wanton destruction of property. No further particulars of the charges are known.

2. On 5 May 1945 Madori and his wife entered an Allied Prisoner of War Camp at Ivrea to escape the acts of violence then taking place in North Italy.

7. On 13th June 1945 he was put in the judicial prison of Pisa to be held at the disposal of the Political Section of the Questura of Pisa.

4. On 27th October 1945 the Assize Court of Pisa ordered his release, if he were not wanted on other charges.

5. The charges on which the Assize Court of Torino contemplated trying Madori were withdrawn in August 1946. As there were no further charges whatever by the Italian authorities against Madori, the Questura of Pisa on 2 Sept. '46 stated he could be given provisional liberty.

6. Madori is on War Crimes List No 2, denounced by Jugoslavia. He was Manager of the Broadcasting Station at Imbriana and is wanted on charges of assault and wanton destruction of property. ¹⁴³ Further particulars of the charges are known.

7. By letter dated 8th January '47 the Executive Commissioner informed the President of the Council of Ministers that a number of Italian nationals, including Madori, who are on the United Nations War Crimes List No 2, denounced by Jugoslavia, are of no further interest to the Allied authorities, and the question of their retention in custody or release is one entirely for the Italian authorities.

8. Madori has been 18 months in prison without any charge having been brought against him. In one of the petitions it is stated that all his savings in money, and all his household possessions, were taken from him by partisans. His wife, a well-educated Hungarian lady, is destitute, having been

obliged to sell her clothes to maintain herself and a child of about one year old. She has been living in great privation entirely dependent upon the charity of some friends in Pisa.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Copy handed to Liaison Officer (Rosa Colonna) on 20 Jan 47
together with copy of her Comm. letter of 18 Jan to the President
of the Council of Ministers

first

copy

U-7-G-3-N-1

HEADQUARTERS ALLIED COMMISSION
AGN 724
LEGAL DIVISION

FILE
HAA

AC/1016/3/L.

11 January 1947.

URGENT : Dott. Gastone VACCARI.
TO : Dott. Renato TORTORELLA
Via N. Valia, 13

RISA

1. Reference your letter of 5th inst.
2. It is believed that Dott. Gastone VACCARI is upon the Supervisory List of War Criminals. As far as this Division is aware the British and American Authorities having nothing whatever against Dott. VACCARI, and any action to be taken concerning his case is entirely within the competence of the Italian Government. We are of opinion that the best course for you to follow is to take up the matter at the earliest possible moment with the appropriate department of the Italian Government, as suggested to you by Major-General L. in his letter to you of 24th December.

SAC. RICHMOND,
Lt. Colonel,
Imperial War Legal Advisor.

U-7-G-3-N-1

140

The room has been replaced
in a telephone communication
from G-5 to Cdr. H. today 10 Jan. 47

Col. Hammarford

I am at a loss to understand

General Lee's recommendation "that the question of the future
status of Dr. Madore be taken up with the proper officials
of your Government" (i.e. the Italian Govt.).

The Italian judicial authorities, after inquiries lasting
more than a year, have stated that they have no
charges to bring against Madore, and have recommended
his being released. ~~The Italian Govt. to my mind is not~~
~~further concerned.~~

"Cinecra" for about ten months have declined
to reply to the request from AFHQ to state whether or
not they intended to try M. as a War Criminal.

I still think we should take the action I
recommended on p. 6 of HCA, viz. ask AFHQ to
inquire by telegram from Cinecra whether Madore
is to be tried, & if not, whether he may be released (pending
all the facts mentioned). Such action would not be contrary
to any directive.

It looks as if a grave miscarriage of justice is taking place
- and the action suggested would put an end to it one way or
the other. (See note in margin) ~~that~~

I am afraid I can say no further. It is for the C.A. to make up their mind. I cannot suggest anything about it to the States - when
you know that I can do nothing but present facts.

9 Jan. 47

STUDIO LEGALE
DOTT. RENATO TORTORELLA
PROCURATORE LEGALE

PISA: Via S. Maria, 13 - Tel. 679

Pisa, January 5 1947

4016/3
Sir,

Following to my foregoing correspondence relating to the case of:

Dec. Gastone Maderi.

Enclosed you will find copy of a communication on the matter lately received from the AFHQ.

I ask your courtesy in order to be kindly informed about the steps that your Office is accordingly going to take thereabout and to be possibly learnt about the decisions that you can foresee on the argument.

Should any further action have to be taken by us in favour of Mr. Maderi in order to enable you for a quicker disposition of the case, or should it be necessary a my trip to Rome, I'll appreciate your support.

I'll either will be quite grateful to you of any useful suggestion you could send to me.

Hoping to be kindly acknowledged by you as short as possible, have all my regards

Yours fithfull

(Dec. Renato Tortorella)

Doc Renato Tortorella

Colonel HANNAFORD
Legal Sub-Commission
Allied Commission
Via Veneto
R O L A



See file

ALLIED FORCE HEADQUARTERS
Office of the Deputy Supreme Allied Commander

24 December 1946

Gentlemen:

I wish to acknowledge the receipt of your petition with regard to Dr. Gastone Maderi who is detained in the jail at Pisa, Italy, at the disposal of the Allied Forces.

The position of the Allied Forces, with respect to the disposition of Dr. Maderi, has recently been communicated to the appropriate Italian authorities through Allied Commission. Under the circumstances, I am in a position to take no further action in the matter.

I would suggest that the question of the future status of Dr. Maderi be taken up with the proper officials of your Government.

Sincerely,

/s/ JOHN C. H. LEE
Lieutenant General, U. S. Army
Deputy Supreme Allied Commander

Giovanni Serbi, Lawyer
Renato Tortorella, Solicitor
Legal Office, 13 Via Santa Maria
Pisa, Italy

101613
MEMORANDUM FOR THE EXECUTIVE COMMISSIONER:

1130A

1. On the very threshold of this case one encounters the doctrine of law known as "legal fiction". A legal fiction is a principle of law which assumes as true, and will not allow to be disproved, something which, though it may not be strictly true, is yet considered to be so in the interest of the general advancement of justice. Briefly stated, the fiction now referred to is "Everyone is presumed to know the law".

2. When the parties entered into the contract in this case they stood charged with the notice, which the law will not allow to be disproved, that, regardless of the period of time mentioned therein, the contract could never extend beyond the length of time for which military government was authorized to make the contract in the first instance. The life tenant does not dispute the validity of the lease, nor any rights which may have been created thereunder. Her position is simply that:

a. Under international law, of which all parties stood charged with knowledge, the longest time for which the lease would remain effective could not extend beyond the period of Allied occupation;

b. By reason of voluntary relinquishment of rights of occupation by the Allies, the contract of lease came to its natural lawful end;

c. As life tenant, from and after the natural end of the term of lease, she is entitled to receive her property;

d. That full jurisdiction to decide all such questions relating to persons and property was vested by the Allies in the Italian courts upon restoration of the occupied territory concerned to the Italian Government.

3. It will be observed that the claimant here is not seeking to abrogate a contract entered into by Allied Military Government, nor is she disputing any rights which may have become hers during its lawful existence, which, of course,

2. When the parties entered into the contract in this case they stood charged with the notice, which the law will not allow to be dispensed, that, regardless of the period of time mentioned therein, the contract could never extend beyond the length of time for which military government was authorized to make the contract in the first instance. The life tenant does not dispute the validity of the lease, nor any rights which may have been created thereunder. Her position is simply that:

a. Under international law, of which all parties stood charged with knowledge, the longest time for which the lease would remain effective could not extend beyond the period of Allied occupation;

b. By reason of voluntary relinquishment of rights of occupation by the Allies, the contract of lease came to its natural lawful end;

c. As life tenant, from and after the natural end of the term of lease, she is entitled to receive her property;

d. That full jurisdiction to decide all such questions relating to persons and property was vested by the Allies in the Italian courts upon restoration of the occupied territory concerned to the Italian Government.

3. It will be observed that the claimant here is not seeking to abrogate a contract entered into by Allied Military Government, nor is she disputing any rights which may have become vested thereunder during its lawful existence, which, of course, are as valid after occupation as before. All she seeks is a declaration by the Court that the lease contract in question does not exist beyond the time of Allied occupation, and that the pretended right asserted by the tenant to the contrary is unfounded both in law and in fact. The claimant is the life tenant of the property. Neither Allied Military Government nor the lessee disputes this condition. In fact, they tacitly admit good title in the claimant by the execution of the lease in the first instance. Therefore, the only legal point really required to be decided in this case is regarding how long this contract is valid. This is a question of law for a court to determine. If it is held that occupation has not ceased, it follows

that the tenant temporarily is entitled to remain in possession, as the life tenant does not challenge any rights which may have accrued under the lease. If, on the other hand, it is held that occupation has ceased, then, as life tenant, the claimant is entitled to possession. This would be so not because of any invalidity of the lease, but because by operation of law the term for which it was to run had already expired.

4. Normally, of course, in the exercise of their lawful functions, it is for the Italian courts to pass on all legal questions relating to persons and property within their jurisdiction. This is true whether the legal question is bottomed on internal Italian law or external international law. Where Allied Military Government has relinquished such powers, it would be highly improper for the Allied Commission to re-invoke such jurisdiction of the Italian courts by giving an opinion regarding a matter which properly lies within the free exercise of their judicial mandate.

JOHN K. WHEELER
Colonel, Infantry
Chief Legal Advisor

10 December 1946

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

112A

AC8016/7/1

WE/no
8 October 1946

Egregio Dottore,

In assenza del Col. Hamraford le confermo che la richiesta per il caso Matori è stata già trasmessa a chi di dovere.

Non è possibile fornire altre informazioni dato il carattere confidenziale della materia.

Con perfetta osservanza

MICHAEL THOMAS,
Italian Branch,
for Chief Legal Advisor.

Dott. Renato TORTORELLA
Via Santa Maria 13,
PISA

135

Declassified E.O. 12958 Section 1.4, Date 11/19/2001

Dott. RENATO TORTORELLA
PROCURATORE LEGALE

Pisa, 4 Ottobre 1946

STUDIO LEGALE: VIA S. MARIA, 13
TEL. 679 PISA

NOSTRIL VOMO
SIG. COLONNELLO HANNAFORD
SOTTO-COMMISSIONE LEGALE
COMMISSIONE ALLIATA
V. VENETO
ROMA

Egregio Sig. Colonnello,

Grato ancora per la Sua gentilezza, mi permetto di chiederLe se e con quale data ha già trasmesso all'AFHQ la supplica a suo tempo inviata a Codesta On/le Commissione da Gastone Madori, e sapere possibilmente il parere generale espresso da codesto Ufficio.

Non mi è possibile per il momento venire a Roma, e Le sarei grato se potesse darmi queste informazioni per lettera.

Le accludo una lettera della Sig.ra Madori, che avrei dovuto recare io stesso.

La ringrazio, Sig. Colonnello, e La ossequio distintamente.

Dott. Renato Tortorella

0735

Declassified E.O. 12958 Section 1.4



Fin 30 settembre 1946

Al Colonnello Stanneford
Commissione Alleata - Roma.

Essendo a conoscenza che Lei ha fatto molto ed è stato molto buono per quella che riguarda la patria di mio marito, mi rivolgo a Lei Colonnello come ad un uomo giusto che certamente avrà un cuore.

Questa mia, ora vuol essere un esposto, di cui ne ho scritta già (diciamo) senza ottenere alcun risultato - ma una semplice lettera da mia moglie e madre disperata.

Avrei voluto venire a Roma al nostro avvocato, ma non posso e non della tenerezza che del mio bambino e anche perché mi mancano i mezzi necessari per affrontare un viaggio lungo e il relativo soggiorno. Avrei voluto venire da Lei Colonnello, pagarle di volentieri e convincerla che non sarebbe che tutelare un grand atto di giustizia aiutandomi di risolvere il più presto possibile la nostra disgiunta situazione.

Prima della dispersione già nello scorso dicembre, poco prima della nascita di nostro figlio, mi son decisa di venire a Roma per sapere di Lei in vista per chiedere di rendermi il mio marito, perché non ha commesso alcun delitto e perché io mi trovo, completamente sola alla nascita del bambino.

Su stata ricevuta dal magg. Harvey della sotto-commissione 13^a della D.G. Mi ha detto di avere pazienza di attendere finché si decideranno loro anche se dovessi stare due anni quest'attesa.

Ma se fra due anni risulterà che presto - o tanto pericoloso considerato Madison Gastone è innocente, che non ha altre colpe, se non quella, di essere stato troppo buono, di aver aiutato sempre tanti disgraziati perseguitati di esser venuto per il mio lavoro, i miei dipendenti e la mia famiglia se fra due anni sarò in carcere, come a casa mia, come non la trovo più, perché prima mia moglie è stata derubata dai partigiani perché i miei mobili, frutto del mio assiduo lavoro, son stati venduti tutti per far fronte alla nascita del bambino per dar mangiare, e per il bambino e i miei madre che la nutre, se lui ha perso l'impiego perché nel lontano maggio 1945 chiese la protezione degli Alleati per non essere bersaglio della ceca ira popolare contro i fascisti e ora la mia esistenza approfitta di questa situazione senza passare un centesimo alla

Le forze non mi mancano per attendere la giustizia che non potrei
mantenere se Dio vuole. Ma le esigenze della vita mi fanno disperare
e al bambino vicino non basta che non possa nemmeno lavorare.

Per questo se si dovesse dar ascolto ai miei precedenti esposti
avrebbe del lavoro e senza lavoro. Se non potete o volete togliere
la libertà assoluta, perché non potete lavorare per voi? Conosco l'inglese
ed è un eccellente lavoratore. Potreste averlo sotto la vostra moglie
e potrebbe occuparsi il pane quotidiano.

Se però Colonnello Hamford, non presta nostra disgiunta
attenzione prima che possa essere troppo tardi.

Se però si fa interpreti presso la Commissione Alleata affinché
mi si dia un mio marito per non fare morire di noia e di fame.

Con ringraziamenti, sua dev. ^{ma}

Clary Anselmi Thury

Fin 30 settembre 1946

Al Colonnello Blumford

Commissione Alleata - Roma

Essendo a conoscenza che Lei ha fatto molto ed è stato molto buono per quello che riguarda la patria di mio marito, mi rivolgo a Lei Colonnello come ad un uomo giusto che certamente avrà un cuore.

Questi miei non vuol essere un esodo, di cui ne ho sentiti già decine senza ottenere alcun risultato - ma una semplice lettera di mia moglie e madre disperate.

Avrei voluto venire a Roma al vostro ufficio, ma non posso e non posso per affrontare un viaggio lungo e il relativo soggiorno. Avrei voluto venire da Lei Colonnello, per farle di scottarmi e convincerla che non sarebbe da tutelare un grand'atto di giustizia anticomunista di risolvere il più presto possibile la nostra disperata situazione.

Prima della disperazione per tutto scorso dicembre, poco prima della nascita di nostro figlio, mi era deciso di venire a Roma per sapere di lei e brata per chiedere di rendermi il mio marito, finché non ha commesso alcun delitto e perché io mi trovo, completamente sola alla nascita del bambino.

Ho stato ricevuta dal magg. Harvey alla 13^a Commissione P.I. Mi ha detto di avere permesso di attendere finché si decideranno loro anche se dovessi durare due anni più oltre.

Ma se fra due anni non si fa più - ora tanto pericoloso considerato - Madison Gibson è innocente che non ha altre colpa, se non quella di essere stato troppo buono, di aver aiutato sempre tanti disgraziati, perseguitati, di aver vissuto per il suo lavoro i suoi dipendenti e la sua famiglia. Se fra due anni torni in carcere, torna a casa, una casa ma non la trova più, perché prima mia moglie è stata derubata dai partigiani, perché i miei mobili frutto del mio assiduo lavoro sono stati venduti tutti per far fronte alla nascita del bambino per due mangiare, e perché nel lontano maggio 1945 chiese la protezione degli Alleati per non essere bersaglio della cura in popolare contro i fascisti e ora la non essendo approfitta di questa situazione senza passare un centomila alla

ma famiglia, se lui, uomo altro e non, trova fuori un produttore
partito, merommalato, dolendo cominciare di ricostituirsi la vita e 83 anni.
che cosa può importare questo alla Commissione Uleaty di cui dipende?

Certamente nulla.

Ma io penso che anche lei avrà una famiglia, colonello, e allora
con famiglia di chiedo di pensare e non non come alla famiglia di
una qualunque criminale di uno dei tanti nomi cui fascioli ricongi-
urano le vostre sermone non come a qualcuno che si folla, non
molto vicino al cuore. Ma forse per un momento solo di esaminare
la nostra causa di un altro punto di vista.

Io sono un'unica figlia dell'ultimo di genitori inglesi, che lontani
in Romania in che avanzate stanno lottando disperatamente con
le difficoltà della vita. I genitori di mio marito di cui, lui pure
fu l'unica figlioletta sono morti in bombardamento. Siamo sposati
da 9 anni e per 4 anni aspettavamo ancora un bambino, che final-
mente, grazie l'inverno scorso. Mio marito ha preso per
bambini; per ben immaginare perché il suo dolore più non poter
conoscere e godere la sua creatura, che tanto desiderava. Guardo
Colonello gli occhi innocenti del piccolo Roberto Madoni. Può
essere un bambino così, un padre criminale?

Questo bambino non ha nessuno perché i nomi italiani
non morti, quelli inglesi non lontani, sì, sì, ma, esistono
non ha dunque che non madre che è completamente sola a lottare.
Eppure non è abbandonato, perché tutti lo vogliono bene, perché tutti
volcano bene a suo padre, che è un uomo giusto e onesto, perché
mama Italy è sempre in modo sinto.

Ma non è una vita piena, colonello, ridotti in un piccolo stan-
che debbo dividere il mio bambino con altre persone, dopo aver dato colui-
ty nei primi alloggi di Portofino, dove mi insegnarono cinque lingue.
Fino a più opportuno qualunque disagio che rassegnazione - come
come una data prima davanti a me, che dovrebbe pure decidere
il nostro destino. Aspettare sempre la carità dei nostri buoni
amici, col pensiero dell'inverno che s'avvicina, senza possedere un
angolo riscaldato per questo bambino piccolo. Penso che in nostri
più bei anni di vita per nulla.

Io amo mio marito con tutto il mio cuore, lui è tutto per
me, però non posso più offrire più nessuna offerta.
È innocente di fronte a qualunque accusa, ne rispondo
con la mia stessa vita e quella del nostro bambino.

Le forze non mi mancano per attendere la giustizia che non potrà
mancare a Dio esiste. Ma le esigenze della vita mi fanno disperare
e al bambino povero non basta di non poter nemmeno lavorare.

Non mi resta che mi dovesse dar ascolto ai miei precedenti esposti
uscendo dal carcere e non lavoro. A non potete o volete dagli
la libertà assoluta, perché non potete lavorare per Dio? Conosce l'inglese
ed è un eccellente lavoratore. Potreste averlo sotto la vostra sorveglianza
e potrete assicurarsi il pane quotidiano.

La signor Colonnello Hammond, rivolga questa nostra disgraziata
situazione prima che possa essere troppo tardi.

La prego di farsi interpreti presso la Commissione alleata affinché
mi sia concesso mio marito per non fare morire di noia e di fame

Con ringraziamenti, sua dev. ^{ma}

Clary Anneton Thierry

111A

The Chief Commissioner.

1. This case has been the subject of much consideration and correspondence, as the accompanying Files show. The material facts are as follows :
2. Gastone MADORI was born in Florence in 1904. From 1930 to 1937 he was Secretary of a Touring Association and Secretary of a University for Foreigners. In 1937 he joined the Italian Broadcasting Corporation in which in 1944 he was Regional Manager for the Province of Turin.
3. On 5 May 1945 Madori and his wife entered a POW Camp at Ivrea to escape the acts of violence then taking place in North Italy.
4. On the 13th June 1945 he was put in the Judicial Prison of Pisa to be held at the disposition of the Political Section of the Questura of Pisa.
5. The circumstances under which Madori continued to be detained in prison in Pisa are set out in a report dated 21 August 1946 furnished by the Director of the Prison at the request of this Sub-Commission (copy of Report marked (1)).
6. From this report it appears that no charge was preferred against Madori, and on the 23rd October 1945 the Assize Court of Pisa ordered his release, if he were not wanted on other charges.
7. It was contemplated to bring charges against him in Turin and the Public Prosecutor in Turin ordered his transfer to the Turin Prison for the purposes of trial there. The Allied Security Division did not agree to the transfer and Madori remained in prison in Pisa.

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8. On 21st June last AFHQ expressed the opinion that there was no objection to handing Madori over to the Italians if they still wished to try him. (See AFHQ letter to the Chief Commissioner marked (2)). The charges upon which the Assize Court in Turin intended to try Madori were withdrawn towards the end of August 1946 (See letter of Security Division dated 30 August 1946 and marked (3)). As there remained no further charges whatever by the Italian authorities against Madori, the Questura of Pisa on 2nd September said he could be given provisional liberty.

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9. In February or March last the Theatre Judge Advocate asked the U.N. War Crimes Commission to say whether it was intended to try Madori as a War Criminal (See para 4 of C.I.A.'s Minute (5) of 9 May 1946.) Up to the present no answer appears to have been made by the Commission to the request made by the Judge Advocate some six months ago.

10. On 17 May last this Sub-Commission addressed a letter to AFHQ : G-5 suggesting that Crowcase be asked to indicate as soon as possible whether Madori was to be tried as a War Criminal (See letter marked (4)).

11. The present position is that Madori has been kept in prison for almost fifteen months without having been brought to trial on any charge, and without having been ever interrogated by any Allied Authority. The Italian Judicial authorities have quite recently stated that they have nothing against Madori and have no objection to his release (Letter dated 2 September 1946 from the Questura of Pisa; marked (4a)).

12. Madori is on War Crimes List No 2; denounced by Jugoslavia. He was Manager of the Broadcasting Station at Lubiana and is wanted on charges of assault and wanton destruction of property. No further particulars as to the nature of these charges are known to this Sub-Commission.

13. The Security Division of Public Safety Sub-Commission have been definitely advised by A-Branch, GHQ, that any Italian subject held in custody as a War Criminal wanted by the Jugoslavs is to remain in custody pending a policy decision to be made by the United Nations War Crimes Commission (Letter 15422/2/A3 dated 24 April 1946 Brigadier Napier to Brigadier Lush), and that the only authority in this country dealing with all matters concerning War Criminals is A-Branch GHQ.

Remember

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11 Sept 46

M. Madori
Colonel, Infantry
Chief Legal Officer

Personal

MOA

Col. Weber,

The wife of Gastone Madoni has written another letter, a personal letter to Col. Hammond imploring him to do something to relieve her from the truly desperate situation in which she finds herself.

The Italian authorities have nothing whatever against her husband, and would have ~~done so~~ given him his liberty months ago, but for the fact that there is a very vague War Crimes charge hanging over his head. Madoni's case is one of many where persons have been kept a year or more in custody without any charge being preferred, without any inquiry or interrogation made, on the ground that he may be wanted on some charge at a future date. The keeping of people indefinitely in prison without any charge ~~being~~ brought against them is repugnant to the most elementary conceptions of justice throughout the world, and is a ~~gross~~ reflection upon the ^{utter} callousness of the authority responsible.

(2)

for allowing a man to remain fifteen months in prison without a single step being taken to bring him to trial. It is a matter of astonishment that the ^{procedures} ~~methods~~ of the Star Chamber has been revived ~~in 1945~~ after 300 years.

If Matorre was to be charged, he should have been brought to trial a year ago. ~~The War Crimes~~ ^(not mine) Early in the year, more than one representation was made by the Theatre Index Advocate urging the U.N. War Crimes Commission to state whether it was intended to try Matorre as a War Criminal. This Commission has not even considered the matter, because the question has to be answered by an examination of ~~an~~ ^a ~~report~~ ^{bill} made up possibly two years ago, containing the charge and ~~the~~ a ^{review} of the evidence. Further, the Commission has ^{for about 8 months} not ~~designed~~ ^{designed} to reply to AFHQ's requests.

I believe the Allied Authorities in Italy have handed over extremely few persons to Jugoslavia for trial for two reasons: ^{because they know} first, that the trial follows the precedent of Soviet ^{bill} justice, that is, the accused is condemned before the trial begins, & the trial contains everything contrary to what we consider the essentials of a fair trial: Secondly because many of the charges made by the Jugoslavs are not genuine. In the

present case the authority responsible for keeping this man 15 months in prison without a single step being taken to bring him to trial as the U.N. War Crimes Commission.

In May or June 1945 Medoni and his wife placed themselves under British protection but were handed over to the Italians. It is stated in the previous petitions that their entire fortune, the savings of many years work, and most of their property was taken from them by the Germans.

The wife's parents, ^{Hungarians,} very old, are refugees in Romania & can give no help; and there are none of the husband's people remaining. The wife is living in true poverty, sharing a small room in Ploesti with other persons. She has no money, and has sold most of her clothes to provide food & clothes for her child. As far as I can see she is entirely dependent upon the charity of a few friends to keep from starvation. She is a highly-educated person knowing five languages. The statement contained in her petitions rings true - that is **My Personal Conclusion**. She states her husband has committed no wrong whatever, and has ^{always} done a great deal to help other people in trouble. It is more than likely that the charges

④

put forward
 against her husband by the postmaster for something he has
 supposed to have done while manager of the Lubian &
 Robert Station (in 1943) with some to have as little substance
 as the majority of popular assertions.

I would like you to read the very last printed letter
 to Col. Hammond. The explorer knew to do something for
 them "before it is too late" (the explorer might have said it to you).

This case decidedly calls for some immediate action
 if the family of Madone are to be saved from their
 desperate situation. The only practicable thing that
 occurs to me as likely to produce any result is to
 request AFHQ to send a signal ^{to the American Commission} pointing out that
~~that~~ Madone's wife and small child are living in the
 greatest poverty, without any means, & entirely dependant
 upon the charity of a few friends; and request an
 immediately reply as to whether or not Madone ~~they~~
 be released.

W. J. P. Hammond

17 Oct. '46

4010/3

Legal

SUBJECT :- War Crimes - MANORI Gestone

CONFIDENTIAL

CHIEF

1097

16422/2/43

11 Sept 46

HQ Allied Commission
Legal Sub Commission

Reference your letter AG/1016/3/E dated 3 Sept 46 to G-5 AFHQ.

1. The question of the continued detention of MANORI is receiving active consideration at this HQ.
2. Pending further instructions he should be retained in Italian custody at Allied disposition.

[Signature]
Brig.
IC Adm.

Copy to : G-5 (Your Minute 936.22-3 dated 7 Sept 46 refers)

LEGAL SUB COMMISSION	
CHIEF LEGAL ADVISOR	
DEPUTY CHIEF LEGAL ADVISOR	
CHIEF COUNSEL	
STAFF OFFICER	
SECTION SECTION	
MEMBERS REVIEW BOARD	
SEP 16 1946	

DOWN GRADED
TO
UNCLASSIFIED

123

Col. Inf.
Chief of Staff
for Chief of Staff

~~SECRET~~ 48/63
REPUBBLICA ITALIANA

IL CAPO DI CABINETTO
DEL CAPO PROVVISORIO DELLO STATO

N. 253

10
Roma, 14 sett. 1946

ALLA SOTTOCOMMISSIONE LEGALE DELLA COMMISSIONE
ALLEATA - Via Vittorio Veneto

R O M A

- 1 -
A seguito della mia nota in data 22 luglio
u.s. n. 05/253/0253 ed in relazione con la lettera
di codesta Sottocommissione in data 24 luglio, si
trasmette l'acclusa copia di un esposto che la si-
gnora Clara Thury Madori (Pisa, via S. Andrea n. 18)
ha testè indirizzato al Signor Commissario Capo del-
la Commissione Alleata onde sollecitare la libertà
provvisoria per il marito Giuseppe Madori, tuttora
detenuto presso le Carceri Giudiziarie di Pisa.

Sarà gradito un cortese cenno in merito.
con la migliore considerazione.

(Avv. Umberto Collamarini)

U. Collamarini

122

Pisa, 1° settembre 1946

10872
Illustre Ammiraglio ELLERY STONE
Capo della Commissione Alleata

R o m a

e, per conoscenza: Illustre Avv. UMBERTO COLLAMARINI
Capo Gabinetto del Capo Provvisorio dello Stato

R o m a

Illustre Ammiraglio,

Facendo seguito al mio esposto inviato alla S.V. alcuni mesi orsono ed al quale mi fu risposto dal Capo dell'Ufficio Legale Alleato, Colonnello John H. Weber, circa la stranezza della posizione di mio marito, mi permetto richiedere l'autorevole intervento della S.V. affinché, in attesa che le Autorità Alleate espletino le necessarie indagini dalle quali emergerà, evidentiissima, la di lui innocenza, gli sia accordata la libertà provvisoria.

A tal uopo ritengo opportuno richiamare alla memoria della S.V. i seguenti dati di fatto:

- 1°) Mio marito (MADORI GASTONE) apparteneva all'E.I.A.R. (Società Radiofonica Italiana) fino dal 1937, epoca nella quale fu assunto segretario. Precedentemente era stato sette anni (1930-37) segretario di un'Associazione Turistica e segretario dell'Università per stranieri. Nell'età giovanile (1918-1930) si dedicò alla carriera alberghiera, fino a conseguire la direzione di un albergo di lusso.
Dall'età di 16 anni (1920- alla fine di aprile 1945, egli si è dedicato unicamente al lavoro, prima per sopprimere al mantenimento dei genitori, poi anche quello della famiglia acquisita.
- 2°) Già nel 1941 l'EIAR affidò a mio marito compiti direttivi nel campo artistico-amministrativo, fino a nominarlo (1944) Capo del Personale e, successivamente, Direttore Compartmentale della Sede di Milano e, poi, di Torino.
- 3°) Sia durante la sua permanenza negli alberghi, sia nel periodo della sua attività nel campo turistico-universitario, sia, infine, durante la sua carriera radiofonica, egli non si è mai valso della sua qualità di iscritto al partito fascista per commettere ingiustizie e danno di chicchessia. Al contrario egli ha adoperato questo ex privilegio unicamente per salvare dal licenziamento, dalle persecuzioni, dal carcere, dalla de-

ed al quale mi riferisco, circa la stranezza della posizione di mio marito, mi permetto richiedere l'autorevole intervento della S.V. affinché, in attesa che le Autorità Alleate espletino le necessarie indagini dalle quali emergerà, evidentiissima, la di lui innocenza, gli sia accordata la libertà provvisoria.

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- 4°) Il 5 maggio 1945 io e mio marito ci presentammo spontaneamente, insieme, al P.W. Camp di Ivrea, per sfuggire ai fatti di sangue allora in corso nell'Italia settentrionale.
- 5°) Nell'ottobre 1945 le autorità italiane, alle quali il P.W. Camp di Coltano consegnò mio marito, lo prosciolsero in istruttoria

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ed emisero regolare mandato di escarcerazione, dato che nessuna accusa specifica risultava a suo carico. La Questura di Pisa, avanti di metterlo in libertà, richiese il nulla osta alleato, dato che, nella pratica, risultava trovarsi anche a disposizione degli Alleati.

6°) Dall'ottobre 1945, malgrado gli innumerevoli esposti e memoriali, le Autorità Alleate non hanno proceduto al alcun interrogatorio nè a significare le ragioni della sua detenzione.

7°) Trattanto anche la Sezione Speciale della Corte d'Assise di Torino ha ordinato la escarcerazione di mio marito.

Oltre alle sofferenze sopportate da mio marito, che si trova ormai al 16° mese fra campo di concentramento e carcere, vi sono quelle, non certo minori, sopportate da me e della nostra piccola creatura, essendo privi di ogni più piccola fonte di risorsa. Per non morire di fame sono stata costretta a disfarmi perfino di indumenti personali; ed ora debbo ricorrere al buon cuore di qualche pietosa conoscenza perchè non mi rimane più nulla da realizzare.

Nella piena consapevolezza dell'assoluta, cristallina innocenza di mio marito e della tragica, insostenibile situazione in cui io ed il mio bambino versiamo; nelle certezza che le indagini condurranno le Autorità Alleate a riconoscere l'infondatezza delle ragioni che le hanno indotte fin qui a tenerlo in stato di detenzione, io invoco dalla S.V. l'intercessione della libertà provvisoria affinché egli possa, con le sue capacità, risollevare le nostre disperate sorti.

Data la limpidezza della sua coscienza, qualunque garanzia sarà offerta circa la sua reperibilità, soggiacendo a quelle misure di sicurezza che le Autorità Alleate potrebbero eventualmente ritenere opportuno di prendere nei suoi confronti.

Vivamente confido, illustre Ammiraglio, in un benevolo esame della mia richiesta ed esprimo i sentimenti della mia devota gratitudine.

(Clara Thury Madori)

moglie del detenuto politico presso le

Carceri Giudiziarie di Pisa MADORI CLARA

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(Clara Thury Madori)
moglia del detenuto politico presso le
Carceri Giudiziarie di Pisa MADORI GASTONE

Via S.Andrea, 13 - Pisa

PROCURA DELLA REPUBBLICA - PISA
=====

N° 1133 Prot.

Pisa, li 3 Settembre 1946

OGGETTO: MADORI Gastone - detenuto a Pisa.-

HEADQUARTERS ALLIED COMMISSION
Legal Sub Commission

APC 794

In risposta alla nota n. AC/4083/23/L del 12 agosto u.s.
si trasmette la nota della Questura di Pisa dalla quale
risultano tutte le informazioni richieste, proponendo che
siano presi provvedimenti per la risoluzione del caso
Madori che da oltre un anno risulta detenuto senza aver
avuto contestazioni di reati.

Con osservanza

IL S. PROCURATORE DELLA REPUBBLICA

113.

QUESTURA DI PISA

1047

Nr. 02477

Dir.

Geb.

Giustizia e Polizia

Fig. 4

25/8/1946

OGGI PRO. MALORI Gastone di n.n. nato a Firenze il 14.4.1904 -

= RACCOMANDATA A MANO - ALL. 1. =

AL SIG. PROCURATORE DELLA REPUBBLICA
= PISA =

Con riferimento alla nota nr. 1133 del 23 corr. comunicasi che il 13 giugno 1945, le Autorità Alleate consegnarono a quest'Ufficio il soprescritto, che trovavasi internato nel Campo di Concentramento di Coltano. Il Madori fu pertanto trasferito a cura di questa Questura alle locali carceri, in attesa di informazioni sul suo conto, perche' dichiaratosi ex-direttore dell' Eni durante il periodo repubblicano.

Di tale arresto nella informo il Ministero dell' Interno con lettera nr. 500/05008 del 7 luglio 1945 comunico che il Madori era incluso in un elenco di persone richieste dalle Autorità Alleate e che pertanto, qualora proscioltto dall' Autorità Giudiziarie Italiana doveva essere trattenuto in carcere a disposizione della Commissione Alleata.

Dalle informazioni richieste alle varie Questure di residenza e' risultato che il Madori fu fascista antecamera, di idee accese ed amico di noti gerarchi.

Comunque nessuna accusa specifica fu formulata a suo carico. Solo la Questura di Torino comunico che il predetto risultava e squarista, marcia su Roma e esorta littorio, iscritto al pfr. ed appartenente a brigate nere, senza però avere partecipato a reati delinquenti.

Interessante la Corte d'Assise straordinaria di Torino, questa investigativa delle istruttorie relative al Madori, il P.M. di questa Corte Straordinaria di Assise il quale successivamente ordinava l'escarcerazione del detenuto.

Il Madori, però, come è stato detto veniva trattenuto in que-

AL SIG. PROCURATORE DELLA REPUBBLICA

= PISA =

Con riferimento alla nota nr. 1133 del 23 corr. comunicasi che il 13 giugno 1945, le Autorità Alleate consegnarono a quest'Ufficio il soprascritto, che trovavasi internato nel Campo di Concentramento di Coltano. Il Madori fu pertanto trasferito a cura di questa Questura alle locali carceri, in attesa di informazioni sul suo conto, perché dichiaratosi ex-direttore dell' "Liberazione" il periodo repubblicano.

Di tale arresto nella informo il Ministero dell' Interno con lettera nr. 500/03608 del 7 luglio 1945 comunicò che il Madori era incluso in un elenco di persone richieste dalle Autorità Alleate e che pertanto, qualora proscioltto dall' Autorità Giudiziarie Italiana doveva essere trattenuto in carcere a disposizione della Commissione Alleata.

Delle informazioni richieste alle varie Questure di residenza è risultato che il Madori fu fascista antemarcia, di idee accese ed amico di noti gerarchi.

Comunque nessuna accusa specifica fu formulata a suo carico.

Solo la Questura di Torino comunicò che il predetto risultava a squadrista, marcia su Roma e scienza Littorio, iscritto al p.f.r. ed appartenente a brigate nere, senza però avere partecipato a rastrellamenti.

Interessata la Corte d'Assise straordinaria di Torino, queste investiva della istruttoria relativa al Madori, il P.M. di questa Corte Straordinaria di Assise il quale successivamente ordinava l'esecuzione del detenuto.

Il Madori, però, come è stato detto veniva trattenuto in queste carceri a disposizione della Commissione Alleata Sottocommissione per la P.S. -

La Commissione Alleata Sottocommissione per la **A.S.**, con lettera nr. S.D.206.01.43 in data 22.7.u.s. comunicò al P.M. presso la Corte d'Assise di Torino quanto segue :

- 1) Apprendiamo che il summinato si trova ancora detenuto nelle carceri di Pisa a disposizione degli Alleati ma che egli viene richiesto dalla Vostra Corte d'Assise per il processo;
- 2) Ricevo ora l'incarico di informarvi che le Autorità Alleate non hanno nulla in contrario che il Madori venga trasferito alla vostra

./././.

giurisdizione per il processo, subordinatamente alle seguenti condizioni:

- a) che egli venga trasferito sotto custodia e non venga rilasciato ancora temporaneamente;
- b) che non venga eseguita alcuna sentenza e che egli non sia rilasciato, se assolto, senza prima riferirne a questo Comando;
- c) vogliate cortesemente informare questo Comando allorché il Madori sarà stato trasferito "".

Poiché la corte d'Assise Straordinaria di Torino ha fatto conoscere che il detenuto non deve essere trasferito a quella carcere perché il procedimento penale a suo carico è stato archiviato per amnistia, il Madori rimane tuttora ristretto in questa carcere a disposizione della Ripetuta Autorità Allente.

S. h. m. b.

Si fa presente che il Madori ha ben 14 anni, non è stato nemmeno interrogato dalle Autorità Allente, né conosce il motivo specifico della sua lunga detenzione.

Si restituisce l'allegato.

IL QUESTORE



FILE

HEADQUARTERS ALLIED COMMISSION
APO 704
LEGAL SUB-COMMISSION

FILE

AC/4016/3A.

3 September 1946.

SUBJECT : MARCHI Gastone.

TO : AFHQ, C-5.

1. Reference your C-5 : 936.22-3 of 16 August 1946 and previous correspondence.

2. Herewith enclosed memorandum from the Director of the Judicial Prisons of Pisa relating to the present position of the above mentioned.

3. An English translation is also enclosed.

For the Chief Commissioner :

Copy to : Public Safety S/C.

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

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TRANSLATION

(Summary)

With reference to your 45/1053/224 of the 12th Inst/ Interim, the following information is regard to MARCHI GASTONE.

On 13 June 1945, the questura of Pisa ordered that MARCHI be escorted to this prison so he kept at the disposal of the Political Section of the above mentioned questura. He had been arrested while a captive at the S. Bonifazio Concentration Camp at that time in process of being dissolved.

No specific charges were being brought against him upon his arrest and therefore he was held in custody for reasons of public security. On 16 October 1945, the questura of Pisa informed this office by letter 04953 Div. Gen. that MARCHI should be kept at the disposal of the "Compagnia Interna dei Carabinieri di Pisa". Said "Compagnia" was to escort him to Turin and on and MARCHI once there was to be put at the disposal of the "questura" of that city.

In the meantime, on 3 October 1945, the Extraordinary Court of Assize of Pisa ordered that MARCHI be released if not being held for any other lawful cause.

However, in view of the previous orders and a letter from the questura of Pisa dated 4 October 1945, confirming the transfer of MARCHI to Turin, the latter was not released.

On 25 October 1945, the Carabinieri's Head Office Station of Pisa, issued an order for the release of the above mentioned prisoner, inasmuch as his transfer to Turin had been suspended by the "Pubblico Ministero" of the Extraordinary Court of Assize of Pisa by letter No. 3/45 P. G. of 24 October 1945.

On the same date, 25 October 1945, the Political office of questura of Pisa by letter No. 04955 confirmed that the MARCHI's transfer to Turin be suspended and that he be held in custody at the disposal of the office. On 13 November 1945 by order of the same office MARCHI was put at the disposal of the Allied Commission, Public Safety S/C.

On 8 January 1946, the "Pubblico Ministero" at the Court of Assize of Turin ordered the transfer of MARCHI to the Judicial Prisons of that city. However, as the prisoner was being held at the disposal of the AC, this office duly requested an authorization from the latter in order to carry out the proposed transfer, but the aforesaid Commission replied on 29 January 1946 with letter A. 5/266 of 13

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that the prisoner was in no case to be transferred without their consent.

Due to the above, this office promptly advised the Sublime Ministers of the Extraordinary Court of Assize of Turin in the matter who on 14 January 1946 instructed this office to release the prisoner as soon as the AG had given its approval.

Since that date the above mentioned is being held here at your disposal.

No specific charges pending against him, the prisoner is being held here only in view of an AG order, inasmuch as the Italian authorities have no objection to his release.

HEADQUARTERS ALLIED COMMISSION
A.P.O. 794
PUBLIC SAFETY SUB COMMISSION
SECURITY DIVISION

4018/3
P

105A

REF ED/256.01-43

30 August 1946

SUBJECT : MADORI Gastone

TO : Legal Sub Commission

1. This Division has been advised by the Ministry of Interior that the charges against the above named have been withdrawn by the Court of Assize of TURIN. His transfer from MILAN to TURIN is not now required.
2. MADORI is now held at FISA at Allied Disposition.

Attilio Bapt
E.J. BYR,
Colonel,
A/Director Public Safety,
Sub Commission.

AHE/nb

Copy to: G-5 AMHQ (your G-5; 936.22-3 dated 25 June 1946 refers)

LEGAL SUB COMMISSION	
CHIEF LEGAL ADVISOR	
DEPUTY CHIEF LEGAL ADVISOR	
CHIEF COUNSEL	
STAFF OFFICER	
ITALIAN SECTION	
MEMBERS REVIEW BOARD	
SEP 3 - 1946	

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2094

CARCEI E'IN'LA' PISA

DIREZIONE DELLE CARCERI GIUDIZIARIE DI PISA

N. 4520 = 3/1/46

Pisa, 21 Agosto 1946

40/22/93

124A

ALL HEADQUARTERS ALLIED COMMISSION

APD 794

LEGAL SUB COMMISSION

Con riferimento alla lettera AC/4083/23/4 del 12 corrente mese, si comunicano le seguenti notizie relative alla posizione giudiziaria del nominato Madori Gastone:

In data 13 giugno 1945, d'ordine della Questura di Pisa, il Madori venne introdotto in queste Carceri per rimanere a disposizione dell'Ufficio politico della Questura predetta; egli era stato arrestato presso il Campo di concentramento di S. Rossore, allora in via di scioglimento.

Al momento del di lui arresto nessuna specifica imputazione venne contestata al Madori e, pertanto, lo stesso, risultò fermato per misure di pubblica sicurezza.

Il 16 ottobre 1945, la Questura di Pisa, con sua nota N. 04953, Div. Gab. comunicò che il Madori doveva intendersi passato a disposizione della Compagnia Interna dei Carabinieri di Pisa, la quale, d'ordine del Ministero dell'Interno, doveva provvedere alla di lui traduzione alle Carceri di Torino, per rimanere a disposizione della Questura di questa ultima città.

Nel frattempo, il 23 ottobre 1945, la Corte di Assise Straordinaria di Pisa, ordinava che il Madori venisse scarcerato qualora non dovesse essere consegnato ad altre Autorità ed egli fu trattenuto in carcere in forza degli ordini sopracitati ed a seguito di comunicazione 24/10/1945 della Questura di Pisa, la quale confermava la disposizione di trasferirlo a Torino.

Intanto, in data 25/10/1945 la Stazione dei Carabinieri di Pisa Principale disponeva la scarcerazione del predetto poichè la traduzione a Torino del Madori era stata sospesa con foglio N. 3/45 R. Reg. del 24/10/1945 del Pubblico

112

12 corrente mese, si comunicano le seguenti notizie relative alla pesizione giuridica del nominato Madori Gastone :

In data 13 giugno 1945, d'ordine della Questura di Pisa, il Madori venne introdotto in queste Carceri per rimanere a disposizione dell'Ufficio politico della Questura predetta ; egli era stato arrestato presso il Campo di concentramento di S. Rossore, allora in via di scioglimento.

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Intanto, in data 25/10/1945 la Stazione dei Carabinieri di Pisa Principale disponeva la scarcerazione del predetto poichè la traduzione a Torino del Madori era stata sospesa con foglio N.3/45 R. Reg. del 24/10/945 del Pubblico Ministero della Corte Straordinaria di Assise di Pisa.

Sempre in data 25 ottobre 1945 la Questura di Pisa, con nota N.04955 Uff. Politico, mentre confermava la sospensione della traduzione a Torino, dava ordine che il Madori restasse in carcere a sua disposizione ed il 13/11/945 con nota pari numero lo poneva a disposizione della Commissione Alleata di Controllo - Sottocommissione per la P. S. .

L'8 gennaio del corrente anno, il Pubblico Ministero presso le Corti d'Assise di Torino ordinò che il Madori venisse tradotto, a sua disposizione a quelle Carceri Giudiziarie, poichè il detenuto risultava qui ristretto alle dipendenze della Commissione Alleata di Controllo, questa Direzione si premurò di chiedere il nulla osta per eseguire la ordinata traduzione, ma la Commissione predetta, con suo

foglio S. D./266 cl. 43 del 29 Gennaio 946, dispose che il detenuto in questione-risultante a disposizione degli Alleati-- non doveva essere trasferito senza successive istruzioni dariceversi da quello Ufficio.

Il Madori, pertanto, venne qui trattenuto mentre si comunicavano i motivi della mancata traduzione al Pubblico Ministero delle Corti d'Assise Straordinarie di Torino il quale, con successiva comunicazione telegrafica del 14 gennaio 946 ordinavala di lui scarcerazione da effettuarsi non appena fosse stato concesso tale assentimento da parte della Commissione Alleata.

Da quella data, il detenuto predetto, è rimasto qui ristretto ad esclusiva Vostra disposizione.

Dal carteggio a lui relativo, che qui si conserva, non risulta a suo carico, alcuna specifica imputazione, nè mai è fatto cenno ad alcun reato da lui commesso ; egli è rimasto in carcere a disposizione delle varie Autorità anzicitate senza che nei di lui confronti venisse mai fatta precisa accusa.

Al momento attuale la detenzione del Madori è mantenuta esclusivamente per conto di cotesto Comando inquantochè, per parte delle Autorità Giudiziarie Italiane, che già si sono pronunciate per la di lui scarcerazione, nulla permane a di lui carico che giustifichi il perdurare del suo arresto.

Col massimo ossequio.

IL DIRETTORE

(Genaro Palomba)

Alcubia

TRANSLATION

103A

Sir,

The writer is the wife of MADORI Gastone whose name is familiar to this S/C because of the great deal of correspondence concerning his case.

Said MADORI has been held at disposal of the Allies (M.T.O.U.S.A., Caserta) for 15 months and as yet no charge has been preferred against him. At first he was brought to trial before an Italian Court but he was acquitted.

Now his wife says that her moral and financial situation is desperate; she had to sell everything in order to buy bread for her child and herself.

What she wants is this: She would like to know the charges under which her husband will be brought to trial so that she can find a lawyer to take care of her husband's case.

Yours

Attached is a
Copy of a ~~petition~~ petition
forwarded to the President
of the U. S. A. for Col. Weber's
information

No action is required unless instructions
are received from ~~the~~ Washington.
Asapira

110

401613

XXXXXXXXXXXXXXXXXXXX

LEGAL SUB-COMMISSION

24 luglio 1946.

OGGETTO: Clara EILEY HANSEN.

Avv. Roberto TALLARONDI
 Capo di Gabinetto del Capo provvisorio
 dello Stato -

A seguito della lettera in data 22 luglio 1946 33/255/0253
 dietro precise istruzioni del Deputy Chief Legal Advisor, Lt. Col. G.C.
 FARMER questo Ufficio si e' immediatamente interessato per ottemperare
 al desiderio espresso dal Signor Presidente.

Questa sottocommissione si prega comunicare che sono stati
 sollecitati i competenti uffici di P.S. di Pisa per disporre l'immediato
 trasferimento del Sig. HANSEN a Torino e per ivi consegnarlo alle competenti
 Autorita' Italiane.

Per quanto riguarda questo quartiere Generale nulla osta al ri-
 lancio del Sig. Gastone Madoni che sovra' naturalmente essere disposto
 dalle Autorita' Italiane. 103

Questo Ufficio si lusinga di aver incontrato il gradimento del
 Sig. Presidente e coglie l'occasione di questo primo contatto con codesto
 Gabinetto per segnalare alla Vo' cortese attenzione il caso del Richard Von
 FLAMMER, suddito austriaco, attualmente prigioniero di guerra delle Forze
 Armate Americane.

Il Von Flammer ben conosciuto dal Deputy Chief Legal Advisor, Chief
 of Italian Branch, ha espresso il desiderio di ottenere il permesso di residenza
 in Italia dove la sorella convive con gli zii cittadini italiani si
 da n. 30 anni da molti anni.

Una segnalazione in questo senso e' stata gia' presentata al compe-
 tente Ministero degli Interni.

Data la particolare situazione del Von Flammer la cui famiglia e'
 composta della sorella residente in Italia e degli zii cittadini italiani si
 presume che la domanda dell'interessato venga' accolta benevolmente particolar-
 mente da codesto Gabinetto volendo gentilmente interporre i suoi buoni uffici.

Un cortese cenno in merito sarebbe particolarmente gradito

Con la migliore considerazione

G.C. FARMER, Lt. Col.,
 Deputy Chief Legal Advisor.

Al Signor HARRY S. TRUMAN

Presidente della Repubblica degli U.S.A.

WASHINGTON, D.C.

e per conoscenza: a S.S. Pio XII

Città del Vaticano

a S.E. Enrico De Nicola

Capo Provvisorio dello Stato Italiano

Roma

a S.S. l'Arcivescovo

Pisa

Al Collo Weber John K.

Ufficio Legale Alleanza Roma

Signor Presidente,

Dovrei sembrarvi strano che una moglie e madre italiana si rivolga al Presidente della Repubblica degli Stati Uniti per un caso personale e per una questione che esula dai Vostri altissimi compiti. Ma, appunto per questo, dovrete anche capire che un simile gesto deve essere ispirato da ben gravi ragioni e che esso deve rappresentare il tentativo in extremis per risolvere una situazione al fatto incredibile.

Alla vigilia dell'arrivo delle truppe anglo-americane mio marito era dirigente artistico-amministrativo della Sede dell'E.I.A.R. (Società Radiofonica Italiana) di Torino. Per sfuggire ai sanguinosi avvenimenti in corso nel Nord Italia ci presentammo spontaneamente, insieme, alle truppe americane ad Ivrea (5 maggio 1945). Il marito fu consegnato alle autorità italiane le quali, dopo essersi accertate che nessuna accusa pendeva a suo carico, lo prosciolsero in libertà e diedero ordine di scarcerazione del Carcere di Pisa, ove era stato precedentemente trattenuto. Tale scarcerazione non fu effettuata poiché la locale Questura chiese il preventivo voto della Corte degli Alleati, in quanto nella pratica risultava che si trovava anche a loro disposizione. Ma il nulla osta non venne, volendo i numerosi solleciti.

Esse allora iniziò una lunga, interminabile serie di istanze ¹⁰³ memoriali inoltrati dalla Segreteria di Stato di S.S. Pio XII, all'Arcivescovo di Pisa, dal nostro avvocato, da me e da mio marito, diretti alle varie autorità Alleate, dall'Intergiglio Stone al Generale Morgan. In questi memoriali è in questo momento non valeva chiesto che mio marito fosse messo in libertà, ma soltanto che venissero fatte conoscere le ragioni della sua detenzione, che

Pisa

Al Collo Weber John K.
Ufficio Legale Alleato Roma

Signor Presidente,

Non mi sembrava strano che una moglie e madre italiana si rivolga al Presidente della Repubblica degli Stati Uniti per un caso personale e per una questione che esula dai vostri abituali compiti. Ma, appunto per questo, dovrete anche convenire che un simile gesto deve essere ispirato da ben gravi ragioni e che esso deve rappresentare il tentativo in extremis per risolvere una situazione di fatto inaccettabile.

Alla vigilia dell'arrivo delle truppe anglo-americane mio marito era detenuto amministrativo della Sede dell'E.I.A.R. (Società Radiofonica Italiana) di Torino. Per sfuggire al sanguinoso avvenimento in corso nel Nord Italia ci presentammo spontaneamente, insieme, alle truppe americane ed ivrea (5 maggio 1945). Successivamente, mentre io dovevo alla luce la nostra creatura, mio marito fu consegnato alle autorità italiane le quali, dopo essersi accertate che nessuna accusa pendeva a suo carico, lo prosciolsero in libertà e diedero ordine di scarcerazione dal carcere di Pisa, ove era stato precedentemente tradotto. Tale scarceramento non fu effettuato poiché la locale Questura chiese il preventivo voto nullo osta degli alleati, in quanto nella pratica risultava che si trovava anche a loro disposizione. Ma il nulla osta non venne, malgrado i numerosi solleciti.

Subito allora indio una lunga, interminabile serie di istanze memoriali rivolte alla Segreteria di Stato di S.S. Mc XII, all'Arcivescovo di Pisa, dal nostro avvocato, da me e da mio marito, diretta alla massima autorità Alleata, dall'ambasciatore Stone al Generale Morgan. In questi memoriali e in queste istanze non veniva chiesto che mio marito fosse messo in libertà, ma soltanto che venissero fatte conoscere le ragioni della sua detenzione, che fosse interrogato, che gli fossero contestate le pretese accuse, ben sapendo che nessuna accusa, all'infuori di quelle di avere avuto una fede politica nel senso più puro e disinteressato, poteva esserli mossa. Perché in tutta la sua vita, dedico unicamente al lavoro, non ha compiuto che opere di solidarietà umana, senza mai nuocere ad alcuno, né per ragioni politiche né per ragioni private.

In 15 mesi, Signor Presidente, non soltanto non si è proceduto, per parte delle Autorità Alleate, a contestargli addebito alcuno, ma nessuno si è mai fatto vivo, nemmeno per conoscere personalmente la loro innocente vittima.

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./.

Ma sia dunque permesso, anche in considerazione delle tragiche condizioni morali ed economiche in cui questa inqualificabile persecuzione ci ha sospinti, di chiedere a Voi quale armonia possa sussistere fra questi metodi e i proponimenti di Giustizia e di carità cristiana manifestati in tante occasioni da Voi e dei Capi delle altre Nazioni Unite.

Mi rendo ben conto, Signor Presidente, che un episodio come questo possa sembrare trascurabile nel quadro del riassetto mondiale. Ma per me che sono sola con la mia creatura, che sono stata costretta a vendere perfino gli indumenti personali per trasformarli in pane, che sono stata privata del sostegno di mio marito, senza che egli abbia commesso alcunchè per meritarlo, che guardo con sempre maggiore spavento al domani, per me, Signor Presidente, questo episodio significa vita o morte.

Io sono figlia di un integerrimo magistrato ungherese e, perciò, non posso comprendere la giustizia se non in senso universale.

Voglio quindi auspicare che Voi possiate udire questa invocazione di giustizie di una moglie e di una madre italiana e di disporre secondo quanto il Vostro cuore di Uomo Vi suggerirà.

(Clara Thury Madori)
moglie del detenuto politico MADORI CASTONE
a disposizione del M.I.O.U.S.A. di Caserta,
G-2 Office, A-4 Section

e dei capi delle altre nazioni.
Mi rendo ben conto, Signor Presidente, che un episodio come questo possa sembrare trascurabile nel quadro del riassetto mondiale. Ma per me che sono sola con la mia creatura, che sono stata costretta a vendere perfino gli indumenti personali per trasformarli in pane, che sono stata privata del sostegno di mio marito, senza che egli abbia commesso alcunchè per meritario, che guardo con sempre maggiore spavento al domani, per me, Signor Presidente, questo episodio significa vita o morte.

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(Clara Thury Madori)

moglie del detenuto politico MADORI CASTONE
a disposizione del M.F.O.U.S.A. di Caserta,
G-2 Office, A-4 Section

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Pisa, via S.Andrea 18 - il 21 Agosto 1946



Colonel John K. WEBER, Esq.
Chief Legal Advisor
Allied Commission - Legal Sub-Commission
(Commissione Alleata
Sotto-Comm/ne Legale)

Via Veneto

R O M A

100

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

FILE

101A

FILE

AC/4016/3/L

GCH/ns
22 August 1946

SUBJECT : MADORI Giuseppe.

TO : AFHQ, G-5

Reference your G-5:936.132 of 21 June 1946.

1. This Sub Commission is informed by Public Safety that Madori is still detained in Pisa and has not been handed over to the Italian authorities.

2. Public Safety has been requested to hasten his transfer to Torino in accordance with your G-5: 136.932 of 21 June.

For the Chief Commissioner:

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

Copy to:Public Safety

FILE

105

LEGAL

365
101A

FILE

FILE

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 936.22-3

16 August 1946.

SUBJECT: MADORI, Gastone.

TO : Chief Commissioner,
Allied Commission,
APO 794.

Reference your AC/4016/3/L, 20 July 46.

1. Will you please state the present position
on this case.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

for *Shen* Major
A. L. HAMBLIN
Colonel, G.S.C.
Assistant Chief of Staff, G-5

LEGAL SUB COMMISSION	
CHIEF U.S. ADVISOR	
DEPUTY CHIEF LEGAL ADVISOR	
CHIEF COUNSEL	
STAFF OFFICER	
LEGAL SECTION	
MEMBERS REVIEW BOARD	
AUG 19 1946	

see letter of
AUG 29 1946

FILE

107

ENTER
and
FLOAT

QUARTERS ALLIED COMMISSION
APO 734
LEGAL SUB COMMISSION

100A

MP/ns
12 August 1946

AG/4683/23/L

OGGETTO : MADORI Gastone.

A : Direzione del Carcere Giudiziario
PISA.

1. Questa Sotto Commissione è informata che in codesto stabilimento carcerario è ristretto certo MADORI Gastone di S.N. da Firenze arrestato il 13 giugno 1946.

2. Pregasi informare con ogni cortese sollecitudine delle imputazioni contestate al menzionato in oggetto, dell'autorità che ordinò l'arresto, dando tutti i particolari che vengano ritenuti utili particolarmente riguardo alla materialità e le circostanze del reato.

JOHN K. WEBER,
Colonel, Infantry,
Chief Legal Advisor.

Copia a: Procura della Repubblica.

103

REPVBBLICA ITALIANA

IL CAPO DI GABINETTO
DEL CAPO PROVVISORIO DELLO STATO

US/253/0253

1016/2

Roma, 11

22 LUG 1946

D. M.
W. Pignone
Sale Confuso
99A

Alla Sottocommissione Legale
della Commissione Alleata

R O M A

- Via Vittorio Veneto -

Da parte della Signora Clara Thury Madori
residente a Pisa (Via S. Andrea 18) è stato
sollecitato il patrocinio del Capo Provviso-
rio dello Stato in appoggio all'istanza già
avanzata al Capo della Commissione Alleata in
Italia ed intesa ad ottenere la definizione
della posizione e, in seguito, la liberazione
del marito, il detenuto politico Gastone Mado-
ri.

Secondo le intenzioni del Signor Presi-
dente mi permetto segnalare alla benevola at-
tenzione di codesta Sottocommissione l'aspira-
zione di questa povera donna che vive nella
più grande angoscia per la sorte del marito,
per tutto ciò che, nei limiti del giusto e del
possibile, sarà dato di fare e prego di voler
favorire a suo tempo un cortese cenno in merito.
con la migliore considerazione.

(Avv. Umberto Collamarini) 102

U. Collamarini

Italian Section
CL RKS

JUL 23 1946

4016/3

9481

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

Sept 98A

G-5: 936.22-3

19 July 1946

SUBJECT: MADORI, Castone.

94A

TO : Chief Commissioner,
Allied Commission, APO 794.
(Attn: Legal Sub-Commission).

1. Reference your AC/4016/3/L dated 17 May 46 and this HQ letter dated 21 June 46.

2. Will you please inform this HQ whether MADORI has ~~yet~~ been handed over to the Italians and if so has he yet been tried and sentenced.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

Skur

Maj N

A. L. HAMBLEN
Colonel, G.S.C
Assistant Chief of Staff, G-5

10-COMMISSION

Counsel

on Sec
RKS

To: AFHQ

5 copies

Subject: Madon Castone

Ref your G-5: 936.132 of 21 June 1946.

APR 20 1946

This sub Commission is informed by Public Safety that Madon is still in Rome and has not been handed over to the Italian authorities. P.S. has been requested to hasten his transfer to Torino in accordance with your G-5 136.431 of 21 June 1946.

4016/3-
✓
file

LEGAL

8582

(MP)

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 936.132

21 June 1946

SUBJECT: War Crimes - Petition on behalf of MADORI
Gastone held in the Judicial Prison, Pisa.

TO : Chief Commissioner
Allied Commission
(Attn: Legal Sub-Commission)
APO 794

95A

Reference AC/4016/3/L, 17 May 1946.

1. Yugoslavia has already requested that MADORI be turned over to its Liaison Mission for return to Yugoslavia for trial. This has not been complied with for the reason that policy decision about handing over Italians to Yugoslavia is still being awaited.

2. This Headquarters sees no objection to turning MADORI over to the Italians if they still wish to try him. In the event he is brought to trial by the Italians, he should be handed over subject to the following provisions:

a. That he will be turned over in custody and not temporarily released.

b. That no sentence will be carried out, and that he will not be released, if acquitted, before the policy decision is received from CCS unless the charges by UNWCC or Yugoslavia have been disposed of.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

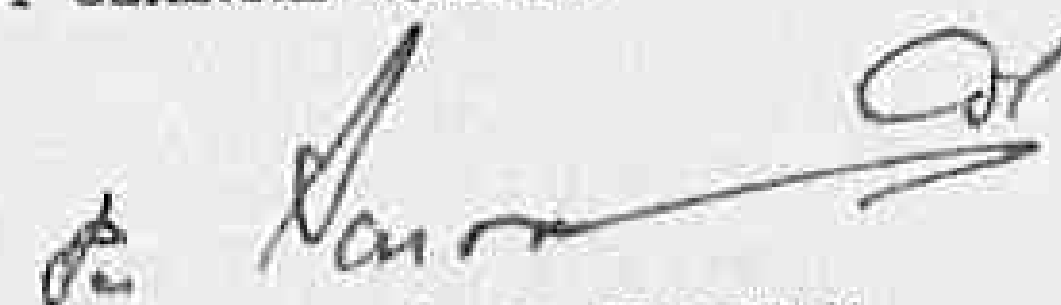
SUB-CON

Chief of Staff

Station Section

CL RKS

24 June 46


A. L. HAMBLER
Brigadier General, U.S.C.
Assistant Chief of Staff, G-5.

101

Memorandum for Dr GROSSI ATTILIO

Dr Attilio Grossi, Brazilian National, but of Italian descent, left Brazil in 1940 and came to Italy. After he had lived there for only three months, he was arrested for having insulted Mussolini and fascism and was interned for over eight months.

After his return to Rome, Grossi, with the assistance of several friends of his, started to work as a photographer. He also dealt with postage-stamps, succeeded in saving some money and started on a large foot a commercial business. He was a member of the Commercial Association of Rome.

Grossi has neither dealt on the black market, nor any other kind of foodstuff. He never had, nor any other membership.

He requested a fascist occupation, Grossi was during the German has used his already a rich man and in order to obtain

After he had been arrested for having insulted Mussolini and fascism and was interned for over eight months.

After his return to Rome, Grotti, with the assistance of several friends of his, started to work as a photographer. He also dealt with postage-stamps, succeeded in saving some money and started on a large foot a commercial business. He was a member of the Commercial Association of Rome.

Grotti has neither dealt on the black market, nor any other kind of foodstuffs. He never had, nor requested a fascist membership.

During the German occupation, Grotti was already a rich man and has used his friendship with German Officers in order to obtain the release of several persons, who were arrested

t. o. p.

COMUNICAZIONE DI AVVENUTA SCARCERAZIONE

Al Capo delle Carceri di _____

Oggi, il _____

è stato messo in libertà dal Tribunale Militare Alleato perché

gli è stato concesso la cauzione

è stato prosciolto

ha pagato la multa inflittagli

è stato giudicato ad una pena condizionale

Data: _____ 194 _____

(Presidente del Tribunale Militare Alleato)

Translation

STATEMENT OF RELEASE FROM PRISON

TO: The Head of the Prison of _____

Today _____

has been set free by the Allied Military Court because he has

been granted bail

been acquitted

paid the fine imposed on him

been sentenced to a suspend sentence

Dated: _____ 194 _____

(President of Allied Military Court)

2

by German troops, as well as to save a communist sentenced to death and also Prof. Giuliano Vassalli, a very well known man in Rome.

He assisted also several Brazilians hidden in Rome; helped and supported for a long time numerous partisans in hiding; transported to Rome six British prisoners, harboured them in houses hired by him, and supported them during the period of the German occupation. He supported also largely several Greek emigrants.

Grossi was arrested by the Allies on 10. VI. 44, having been charged with espionage in favour of the Germans. Among other, he was accused for having held in his house two or three radio-transmitting apparatus.

The Ambassador of Brazil at the Vatican, H. E. Accioly stated that Grossi has already sent him a letter in January or February 1944, which was translated into French, and was transmitted by said Ambassador to the British

t. o. p.

Embassador at the Vatican, H. E. Osborne. In any case, all the charges resulted unfounded: as a matter of fact, Gussi was only sent to a concentration Camp.

Gussi only wishes to-day, after twenty-three months of internment, to Return to Rome, regularize his position there, assist his wife who is imminently going to give birth to a child, and then, after having put in order his interests, return as a free citizen to Brazil, where he intends to resume his position of journalist.

PRO MEMORIA PER IL DOTT. ATTILIO GROSSI

Il Dott. Attilio Grossi, cittadino brasiliano ma oriundo italiano, nel '40 lasciava il Brasile venendo in Italia, ma dopo appena tre mesi di residenza a Roma fu arrestato per ingiurie a Mussolini e al fascismo e condannato poi al confino, dove rimase per oltre otto mesi.

Tornato a Roma, aiutato da vari amici iniziava la sua attività quale fotografo: commerciando anche in francobolli e facendo rigorose economie, mise insieme qualche risparmio che segnò per lui l'inizio di ampi affari commerciali, dopo essersi regolarmente iscritto alla Federazione dei commercianti di Roma. Non commerciò mai in borsa nera né in generi alimentari. Non richiese mai, ne mai ebbe, la tessera fascista.

Al momento dell'occupazione tedesca, egli, che aveva già fatto larghi guadagni, si avvalse dell'amicizia che aveva contratto con Ufficiali tedeschi per ottenere la liberazione di elementi rastrellati dalle truppe germaniche e per ottenere la liberazione di un comunista condannato a morte, come pure del prof. Giovanni Vassalli, molto noto negli ambienti romani.

Fu molto largo d'aiuti a vari brasiliani nascosti a Roma; aiutò e approvvigionò per vario tempo numerosi partigiani nascosti; trasportò a Roma sei prigionieri inglesi, nascondendoli in case da lui presi in fitto e mantenendoli generosamente durante tutto il periodo della dominazione tedesca. Aiutò pure largamente molti emigrati greci.

Il Grossi veniva arrestato il 10 giugno 1944 dagli alleati, sotto l'accusa di spionaggio a favore dei tedeschi. Fra l'altro gli si faceva carico della circostanza che in casa sua si trovavano due o tre radio transistori. E' risultato - dalle parole dell'Ambasciatore brasiliano presso la Santa Sede, S.E. Accioly - che il Grossi ne aveva già scritto a lui fin dal gennaio-febbraio 1944 in una lettera che lo stesso Ambasciatore aveva comunicato in parte, tradotta in francese, al Ministro inglese pres-

nel '40 lasciava il Brasile venendo in Italia, ma dopo appena tre mesi di residenza a Roma fu arrestato per ingiurie a Mussolini e al fascismo e condannato poi al confino, dove rimase per oltre otto mesi.

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Oggi il Grossi, dopo 23 mesi di campo, non ha che un solo desiderio: ritornare a Roma per regolarizzare le sue cose, assistere sua moglie alla nascita imminente di una sua creatura e poi, messi i suoi interessi a posto, ripartire, cittadino libero, per il Brasile, dove spera di riprendere la sua attività di giornalista.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

95A

AC/4016/3/L.

/mda.

17 May 1946.

SUBJECT : Istanza a favore di MADORI Gastone.

TO : Sig.ra Clara Thury Madori.
Via S.Andrea, 18 - P i a a -

La presente e' per informarla che la domanda da lei rivolta al Capo della Commissione Alleata in Italia e' stata debitamente esaminata da questa Sottocommissione.

E' da rilevarsi, pero', che il caso trattandosi di crimine di guerra, non e' di competenza della Commissione Alleata bensì del Quartiere Generale delle Forze Alleate a cui, pertanto, in data odierna, viene trasmessa la domanda.

JOHN K. WEBER,
Colonel, Infantry,
Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/nda.

17 May 1946.

AC/4016/3/L.

SUBJECT : War Crimes:
Petition on behalf of MADORI Gastone held
in the Judicial Prison, Pisa.

TO : A.F.H.Q.: G-5.

1. Enclosed herewith is a copy of a petition addressed to the Chief Commissioner concerning MADORI Gastone who is at present held in the Judicial Prison, Pisa, as the subject of War Crimes investigation by Allied Military Authorities.
2. Madori is on War Crimes List No. 2, and was denounced by Jugoslavia. He was Manager of the Broadcasting Station at Ljubljana, and is wanted on charges of assault and wanton destruction of property.
3. He has been in jail since 13th June 1945 when Allied Military Authorities placed him at the disposal of the Questura, Pisa. In October last the Court of Assise in Pisa dismissed the charge on which he was being held, viz. collaboration.
4. On 7th January last the Public Prosecutor of the Assise Court, Torino, ordered the transfer of Madori to the Torino jail. The Theatre Judge Advocate advised that the further charge of collaboration in Torino should be deferred until instructions were received from Crowcass. The Judge Advocate is still awaiting instructions whether Madori is to be tried as a War Criminal, or whether he is to be handed over to the Italians on a further charge of collaboration before the Torino Court.
5. In view of the circumstances mentioned above it is suggested that Crowcass be asked to indicate as soon as possible whether Madori is to be tried as a War Criminal, or to be handed over to the Italians for trial upon a further charge of collaboration.
6. We have on many occasions pressed the Italian authorities to bring persons to trial as soon as possible, and not hold them in prison

Declassified E.O. 12958 Section 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16, 5.17, 5.18, 5.19, 5.20, 5.21, 5.22, 5.23, 5.24, 5.25, 5.26, 5.27, 5.28, 5.29, 5.30, 5.31, 5.32, 5.33, 5.34, 5.35, 5.36, 5.37, 5.38, 5.39, 5.40, 5.41, 5.42, 5.43, 5.44, 5.45, 5.46, 5.47, 5.48, 5.49, 5.50, 5.51, 5.52, 5.53, 5.54, 5.55, 5.56, 5.57, 5.58, 5.59, 5.60, 5.61, 5.62, 5.63, 5.64, 5.65, 5.66, 5.67, 5.68, 5.69, 5.70, 5.71, 5.72, 5.73, 5.74, 5.75, 5.76, 5.77, 5.78, 5.79, 5.80, 5.81, 5.82, 5.83, 5.84, 5.85, 5.86, 5.87, 5.88, 5.89, 5.90, 5.91, 5.92, 5.93, 5.94, 5.95, 5.96, 5.97, 5.98, 5.99, 6.00

indefinitely without preferring any charge against them. The Executive Commissioner wishes to call your attention to the possible reaction of Italians and others to our holding numbers of people for long periods in Allied Camps without being brought to trial or having any specific charge made against them.

For the Chief Commissioner :

JOHN F. WEBER,
Colonel, Infantry,
Chief Legal Advisor.

DECLASSIFIED BY: 12356 Section 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

Admiral Ellery STONE
Chief of the Allied Command
R O M E.

Pisa, 2nd April 1946.

Allow me to express my keen astonishment at the method of procedure employed by the Allied Authorities with regard to my husband (GASTONE: Judicial Prison, Pisa).

In October last after four months in prison my husband was in the Preliminary Inquiry acquitted by the Public Prosecutor of the Extraordinary Court of Assize of Pisa who accordingly issued a regular order of release. This order was not carried out because the local Questura stated he was "at the disposition of the Allied Commission of Rome." At that time expecting a child, without any help, deprived of all that little which I possessed, I ran to Livorno, to Rome, for months wrote one application after another without succeeding to learn the reasons of his detention.

It is obvious that, if the Public Prosecutor of the Assize Court acquitted him in the Preliminary Inquiry, no imputation was made upon him. However I declare without fear of contradiction that my husband's fascist past was inspired only by kindness and understanding. In his last eight years of activity in ex-MIL, as in the previous seven years in Turin, he has given innumerable proofs of his love of his neighbour, helping by every means those who were in need, without considering their politics. In fact many anti-fascists have found in my husband a strenuous defender against German persecutions.

If there were anything with which to reproach him, I would not address myself to you, to ask how can a man be kept in prison for months and months without telling him the reasons for this indelible treatment.

Even the representative of the Allied Command at Pisa, Lieut. Erik Feldman, after having conferred with the local Commissioner for "Good Works" against Fascism, has proposed last January his release from prison.

In the meantime with a new-born child have been obliged as a last resource to sell piece by piece the little furniture that remained. But if my husband will not be released soon from prison and restored to his post, which he did not acquire through political merit, but solely on account of his qualities and aptitude, we shall sink in the deepest desperation.

Is it possible, Admiral STONE, that the noble American people can wish the sons of Dante, Michelangelo, Leonardo, Galilei, Columbus and so

many other great ones should be compelled, from desperation through unjust persecutions, to swell the bands already too numerous of criminals? I don't believe it. I cannot believe it.

And it is with this faith, Admiral Stone, that I await for my husband a gesture of humanity and justice.

Clary Thury Madori

(wife of the political prisoner Gastone Madori)
Via S. Andrea, 48-Fiume.

AMMIRAGLIO ELLERY STONE

Capo del Comando Alleato

ROMA

Pisa, 2 aprile 1946.

30 APR 1946

Mi permetta, Ammiraglio, di esprimerle la mia viva meraviglia per il procedimento usato dalle Autorità Alleate nei riguardi di mio marito (Madori Gastone-Carceri Giudiziarie di Pisa).

Nel mese di ottobre, dopo quattro mesi di detenzione in carcere, mio marito fu prosciolto in istruttoria dal Pubblico Ministero della Corte di Assise Straordinaria di Pisa, il quale, conseguentemente, emise il regolare mandato di scarcerazione. Mandato che non fu eseguito perchè la locale Questura dichiarò che si trovava anche "a disposizione della Commissione Alleata di Controllo di Roma". Pur trovandomi a quell'epoca in stato interessante avanzato, senza alcun aiuto, alleggerita di tutto quel poco che possedevo, corsi a Livorno, a Roma, scrissi esposti su esposti, per mesi e mesi, senza riuscire a sapere le ragioni della sua detenzione.

È ovvio che se il Pubblico Ministero della Corte Straordinaria di Assise lo prosciolsse in istruttoria, nessun addebito gli era stato imputato. Tuttavia tengo a dichiarare, senza timore di smentita, che il passato fascista di mio marito ebbe ad ispirargli soltanto delle azioni di bontà e di comprensione, ovunque, in qualsiasi momento della sua vita di autentico collaboratore. E nei suoi ultimi otto anni di attività nello ex-EIAR,

riguardi di mio marito (Maddori Gastone-Carceri Giudiziarie di Pisa).

Nel mese di ottobre, dopo quattro mesi di detenzione in carcere, mio marito fu proscioltto in istruttoria dal Pubblico Ministero della Corte di Assise Straordinaria di Pisa, il quale, conseguentemente, emise il regolare mandato di scarcerazione. Mandato che non fu eseguito perchè la locale Questura dichiarò che si trovava anche "a disposizione della Commissione Alleata di Controllo di Roma". Pur trovandomi a quell'epoca in stato interessante avanzato, senza alcun aiuto, alleggerita di tutto quel poco che possedevo, corsi a Livorno, a Roma, scrissi esposti su esposti, per mesi e mesi, senza riuscire a sapere le ragioni della sua detenzione.

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Se la sua coscienza avesse qualche cosa di cui rimprover-



Copy sent to M-14.5.

rarsi non mi rivolgerei a Lei, Ammiraglio, per domandarle come si può tenere in prigione, per mesi e mesi, un uomo senza fargli conoscere le ragioni di questo inqualificabile provvedimento.

Anche il rappresentante del Comando Alleato a Pisa, Tenente Erik Feldman, dopo aver conferito col locale rappresentante del Commissariato delle Sanzioni contro il fascismo, ha proposto, nello scorso gennaio, la sua scarcerazione.

Intanto io col neonato, sono costretta a vendere, pezzo per pezzo, i pochi mobili che mi sono rimasti come unica risorsa. Ma se mio marito non sarà presto scarcerato e reintegrato nella sua occupazione che non aveva conseguito per benemerenze politiche ma, unicamente, per le sue qualità ed attitudini, noi piomberemo nella più nera disperazione. E la disperazione è una pessima consigliera.

E mai possibile, Ammiraglio Stone, che il nobile popolo americano possa desiderare che i figli di Dante, di Michelangelo, di Leonardo, di Galilei, di Colombo e di tanti altri sommi siano sospinti, dalla disperazione per le ingiuste persecuzioni, ad ingrossare ancora le schiere già troppo numerose dei delinquenti? Non lo credo. Non posso crederlo.

Ed è con questa fede, Ammiraglio Stone, che attendo per mio marito un gesto di umanità e di giustizia.

Clara Thury Madori
80

(Clara Thury Madori)

mento.

Anche il rappresentante del Comando Alleato a Pisa, Tenente Erik Feldman, dopo aver conferito col locale rappresentante del Commissariato delle Sanzioni contro il fascismo, ha proposto, nello scorso gennaio, la sua scarcerazione.

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Ed è con questa fede, Ammiraglio Stone, che attendo per mio marito un gesto di umanità e di giustizia.

Clara Thury Madori
95

(Clara Thury Madori)

(moglie del detenuto politico Gastone Madori)

Via S. Andrea 18- Pisa.

DECLASSIFIED BY: 12320 Section 1.1
00

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

93A

AP/ada.

11 May 1946.

AC/LOME/3/L.

SUBJECT : Petition on behalf of Capt. ZUPI Antonio.
TO : Ministry of Pardon and Justice.

1. Herewith enclosed "per competenza" a petition on behalf of Capt. ZUPI Antonio who is awaiting trial in POTENZA Prison.
2. Would you be good enough to see that no injustice is being done.

G.C. HATHAWAY,
Lt. Colonel,
Deputy Chief Legal Advisor.

DECLASSIFIED E.O. 12958 SECTION 1.4
HEADQUARTERS ALLIED COMMISSION
APO 39L
LEGAL SUB-COMMISSION

AE/mda.

11 May 1945.

AC/4016/5/L.

TO : Sig.ra Anna Maria ZUFFI di Antonio.
C o s e n z a - Via Savoia 5.

La Sua domanda e' stata inoltrata in data odierna al
Ministero di Grazia e Giustizia, non avendo questa Sotto-
Commissione, nessuna competenza al riguardo.

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

SUMMARY-TRANSLATION

TO : Admiral Stone,
Chief Commissioner,
Allied Commission.

FROM : Anna Maria ZUPI di Antonio and
Gabriele ZUPI di Antonio,
Via Savoia 5, Cosenza.

The father of the two claimants, Antonio ZUPI di
Nicola, of Cosenza, was arrested some months back due to
local intrigue and has since been in prison, accused of
participation in a political case of twenty years ago when
the victim died of injuries. The daughters beg your good
offices in obtaining for their father provisional liberty
until the case is heard.

The enclosed photo copies testify to the assistance
that their father, (Capt. Zupi) gave to the Allies after the
Armistice of 1943.

OFF. SUB-COMMISSION

CL 29.4.46

DCLO

Chief Counsel

CJO

Italian Section

CL RKS

11 May 46.



85



50/13

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEI SERVIZI PENALI

UFF. 1° D. L.

Prot. n. 3950, 11176

CIRCOL. N. 3400

ROMA 2 MAGGIO 1946

AI DIRIGENTI DEI SERVIZI DELLE CORTI DI APPELLO
E DEI TRIBUNALI GENERALI PRESSO LE CORTI DI
CASSAZIONE DEL

I. R. G. R. C.

OGGETTO: Collocazione finanziaria dei giudici per esati politici,
in attesa delle Corti di Cassazione.

E' stato rilevato che una delle principali cause dei tumulti che avvengono qua e là, con impressionante frequenza e ripetizione, negli stabilimenti carcerari, risale al ritardo, talora notevolissimo, col quale i processi specialmente politici, vengono portati al dibattimento dopo la sentenza di rinvio e giudizio o la riforma della citazione per lo stesso.

Se la estensione dell'istituzione, o vice nel possesso del genere, nei quali vivono fatti avvenuti in epoche più o meno remote e in epoche politiche ininterrotte e non di rado ingiuste, da diversi fattori o da stimoli di condotta privata, sono il più delle volte molto numerosi. In ogni caso, con la disformità che hanno in fatto della condotta, dell'istituzione, non è assimilabile che, - questa conseguenza spesso con buona ragione di lavoro di parte degli istruttori incaricati di collazionare ufficiali e privati, il processo, giunto ormai alla fase naturale procedurale, giaccia ozioso lungo tempo in attesa della fissazione dell'udienza.

Si richiama all'attenzione del problema l'attenzione delle Corti, e si resta in attesa di conoscere la disposizione amministrativa, salvo a provvedere questa Ministero, all'indimento, nel momento di conseguenti processi singole dipendenti Corti di Cassazione.

IL MINISTRO
Togliatti

LEGAL SUB-COMMISSION

CIO

COMITATO DI AZIONE

COMITATO: Commissione di studio dei problemi per i vari paesi, in
 Italia, del
 1950

Il stato italiano che una delle principali cause dei tumori
 ti che avvengono qua e là, non impressione frequenza e ripetizione,
 rione, negli stabilimenti industriali, risale al ritardo, talora non
 tollerabile, nel quale i problemi sono ancora politici, vengono
 portati al dibattito dopo la sentenza di rinvio a giudizio o la
 richiesta di citazione per lo stesso.

Se le esigenze dell'istruzione, che sia nei processi del genere,
 nei quali rinvio fatti avvenuti in epoche più lontane, sono
 in vicenda politica, non è da meno che non di rado in Italia, da lavoro
 e di cui si è già parlato, è venuta a finire, sono il più delle volte
 assolutamente incomprensibili con la decisione, anche se questa
 nella chiusura, dell'istruzione, non è accessibile alla, e questa
 conseguenza spesso con ancora di più di lavoro di parte degli
 interpreti italiani da cui le decisioni ufficiali e private, il
 processo, giunto ormai alla fase ultima, viene naturalmente, giacché o
 stesso lungo tempo in attesa della fissazione dell'udienza.

Si richiama l'attenzione del problema l'attenzione delle
 commissioni, che resta in attesa di conoscere le disposizioni in vigore,
 salvo a suggerire questo Ministero, nel momento, per il quale
 si sono visti presso le varie commissioni certi di essere.

IN ITALIA
 Togliatti

LEGAL SUB-COMMISSION	
CLO	DCLO
Chief Counsel	CJO
Italy	CL RK
10 May 56	

Reverend





M. Ministero per la Guerra

103 212 / 11

110 - 4 - 16

Caro Colonnello,

Roma, 18 febbraio 1946

Il Ministero della Guerra è già stato interessato dalla Legal Sub Commission (lettera AC/4016/3/2 del 22.12.1945) al caso del detenuto Napoli Vincenzo. Venne risposto con lettera numero 129737/I.I. in data 31.12.1945 diretta alla Sottocommissione per l'Esercito, con preghiera di farla pervenire alla Sottocommissione Legale.

In detta lettera si chiariva che dalle informazioni fornite dalle Autorità di polizia, non risultava se il Napoli avesse fatto parte delle formazioni armate repubblicane fasciste e che quindi la definizione della sua posizione dipendeva dall'accertamento dell'attività militare repubblicana del Napoli. In caso di accertamento positivo, egli dovrebbe seguire la sorte degli ex militari repubblicani sui quali, per interessamento del Ministero della Guerra, sta per decidere la Presidenza del Consiglio dei Ministri; in caso negativo, come sembra che sia quello del Napoli, il fermo di questi dovrebbe essere considerato come un provvedimento di pubblica sicurezza e competente a revocarlo e la stessa autorità che diede ordine per il fermo, ossia l'autorità di polizia.

Ho già interessato in questo senso il Ministero dell'Inter-
no e spero che la situazione del Napoli possa essere ben ^{questo}
definita.

99A

47/17

Il Ministero della Guerra è già stato interessato dalla Legal Sub Commission (lettera AO/4016/3/L del 22.12.1945) al caso del detenuto Napoli Vincenzo. Venne risposto con lettera numero 129737/I.I. in data 31.12.1945 diretta alla Sottocommissione per l'Esercito, con preghiera di farla pervenire alla Sottocommissione Legale.

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Ho già interessato in questo senso il Ministero dell'Inter-no e spero che la situazione del Napoli possa essere ben presto definita.

Voglia gradire i miei più cordiali saluti

Ten.col.G.G. HANNAFORD
Sottocommissione Legale
Commissione Alleata

ROMA

19.2.46

DECLASSIFIED BY: 12356 Section 515/AM

72 4016/3/c

FROM : LT.COL. G.G. HANNAFORD

88A

LEGAL SUB COMMISSION
H. ALLIED COMMISSION
APO 394

19 February 1946.

Caro Dott. Brosio.

In data 22 gennaio 1946 Le inviai una lettera concernente il caso del detenuto NAPOLI Vincenzo.

Poiche' finora nessun cenno di riscontro e' stato ricevuto, Le invio copie della stessa temendo che l'originale sia andato smarrito.

Le rinnova i miei piu' cordiali saluti,

Dott. Renlio Brosio
Ministro della Guerra
S. O. M. A.
Via XX Settembre

Copia

AC/4016/3/1.

FACI : LT. COLONEL HANNAFORD

LEGAL SUB COMMISSION
HQ ALLIED COMMISSION
APO 594

22 January 1946.

Caro Dott. Brosio,

A richiesta di un membro delle Forze Armate Americane, Le segnalo il caso del detenuto NAPOLI Vincenzo, arrestato in data 1 settembre u.s. dalla Questura di "alerno perche' sospettato di aver appartenuto alle Forze Armate repubblicane.

La Questura di Alessandria e quella di Milano alla cui giurisdizione apparteneva il Na olti durante l'occupazione tedesca, hanno dichiarato che nulla risulta a carico del prodotto e che egli non era ricercato. Inoltre si ritiene sia dubbia la sua appartenenza alle Forze Arlate repubblicane.

Le sarei grato se, in considerazione di quanto sopra, Ella volesse intervenire in favore del Napoli, affinche' sia messo in liberta' o quanto meno la sua posizione venga definita al piu' presto tenendo presente che la sua condizione economica sono disastrose ed il suo ritorno in famiglia sarebbe di grande conforto ai suoi cari.

La prego di voler gradire i sensi della mia stima ed i miei sentiti ringraziamenti.

Dott. Naulio Brosio
Ministro di Guerra

R o s a
Via XI Settembre

Ex. Comm.

Handing over of Terni Camp to Italian authorities.

I am of opinion that under Italian law the Government cannot detain political or security offenders in camps of the type of R. Civilian Internee Camp. All the Italian Government could do would be to put them into "confino" as modified by amendment to the "Legge di Pubblica Sicurezza" of 1931 (D.L. N. 419 of 10 December 1944 refers).

In addition, if the internees were absolved by a Prefectural Commission set up under the decree having jurisdiction to review their cases, there would remain no legal means to the Government to keep them interned.

The Armistice terms do not help us in this case. The Government can refuse to take the camp over and would probably do so under the conditions imposed as you very rightly point out in para 4.

15 February 1946
Legal S/C.

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



Ministero di Grazia e Giustizia
GABINETTO DEL MINISTRO

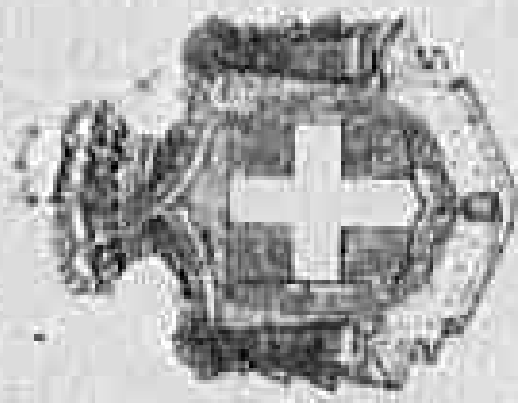
File 4016/3
Political
Detainees

18-1-03

Con
a la lettera relativa a
Cap. Ugolini secondo
notizie secondo
l'elenco

Donati

73



Ministero di Giustizia

Cabinetto del Capo del Ministero

Roma, 15. 1. 1945

Protocollo N° 20 / 4238

OGGETTO Capitano Ugolino UGOLENI.



Alla Commissione Alleata
Sottocommissione Legale

Per conoscenza:

Alla Commissione Alleata
Sottocommissione per la P.S. 78

R O M A

Si trasmette per competenza l'unità istanza nella quale si lamenta che si sarebbe proceduto ad arresto illegale contro il nominato in oggetto da parte delle Autorità Alleate. Mentre si prega di voler verificare quanto sopra al fine di voler rassicurare i familiari facendo ad essi conoscere il luogo di detenzione del Capitano UGOLENI ed eventuali imputazioni.

ready

ITALIA

OGGETTO Capitano Ugolino UGOLINI.



Alle Commissione Allentia
Sottocommissione Legale

per conoscenza:

Alle Commissione Allentia
Sottocommissione per la P.S.

73

ROMA

Si trasmette per conoscenza l'alta istanza nella quale si lamenta che si sarebbe proceduto ad arresto illegale contro il nominato in oggetto da parte della Autorità Allentia. Mentre si prega di voler verificare quanto sopra si chiede di voler rassicurare i familiari facendo ad essi conoscere il luogo di detenzione del Capitano UGOLINI ed eventuali imputazioni.

*action already
taken in
is under
always
Camp*



UFFICIO UFFICIALE DI COLLETTAMENTO
(Dr. Giorgio Bonelli)

Bonelli

AL MINISTERO DI GRAZIA E GIUSTIZIA

PRO-MEMORIA

Il sottoscritto, Dr. Franco UGOLINI, domiciliato a Firenze, via Bastioni, 26, fa presente quanto segue:

La sera del 7 Gennaio u.s., un reparto di polizia Britannica, agli ordini del Capt. Green, ADPM, si recava circa le ore 22, nella abitazione del sottoscritto chiedendo del Capt. Ugoline Ugolini padre dello scrivente.

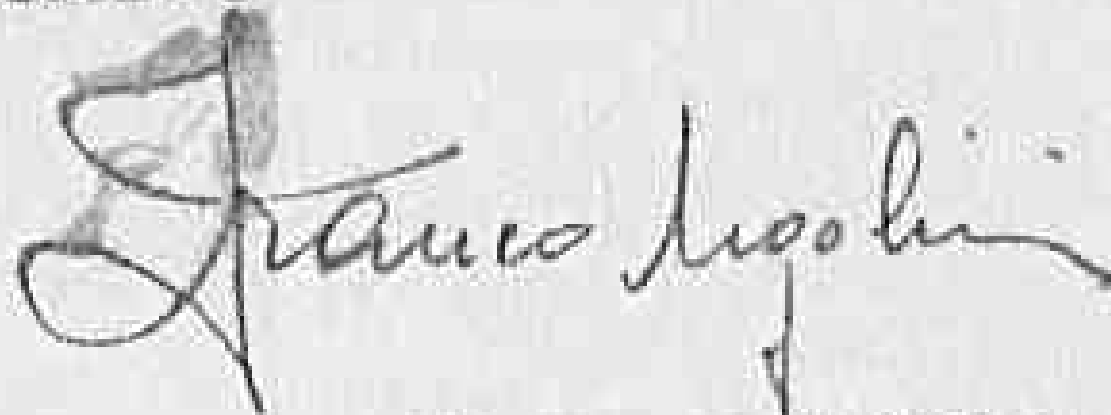
A richiesta il Capt. Green dichiara che trattavasi di fermo ai fini di testimonianza per un processo militare che si sarebbe svolto prossimamente a Roma.

Il sottoscritto fa presente l'illegalità di quest procedura per cui un onesto cittadino e' stato tratto in arresto senza mandato e senza che i familiari sappiano la sua attuale destinazione in modo da potergli recare il necessarie conforti morale e il non meno necessarie soccorsi materiali.

Si prega, pertanto, questo On. Ministero perche' voglia benignamente interessarsi presso la competente Autorita' alleata al fine di far conoscere ai familiari l'attuale luogo di detenzione del Cap. Ugolini e successivamente di revocare detto ordine di arresto e di precisare gli eventuali imputazioni a carico del detto Ugolini e l'urgenza di giustizia per cui si e' provvedute come dette in narrativa.

Con osservanza,

Roma, 14 Gennaio 1946



dott. Franco UGOLINI
Albergo S. Giorgio, Roma
No. 601

Ac/4016/3/-

FROM : LT. COLONEL HANNAFORD

LEGAL SUB COMMISSION
HQ ALLIED COMMISSION
APO 394

22 January 1946.

Caro Dott. Brosio,

* richiesta di un membro delle Forze Armate Americane, che segnalo il caso del detenuto NAPOLI Vincenzo, arrestato in data 1° settembre u.s. dalla Questura di Salerno perché sospettato di aver appartenuto alle Forze Armate repubblicane.

La Questura di Alessandria e quella di Milano alla cui giurisdizione apparteneva il Napoli durante l'occupazione tedesca, hanno dichiarato che nulla risulta a carico del predetto e che egli non era ricercato. Inoltre si ritiene sia dubbia la sua appartenenza alle Forze Armate repubblicane.

Le sarei grato se, in considerazione di quanto sopra, Ella volesse intervenire in favore del Napoli, affinché sia messo in libertà o quanto meno che la sua posizione venga definita al più presto tenendo presente che le sue condizioni economiche sono disastrose ed il suo ritorno in famiglia sarebbe di grande conforto ai suoi cari.

Le prego di voler gradire i sensi della mia stima ed i miei sentiti ringraziamenti

Dott. Manlio Brosio
Ministro della Guerra

Roma
Via XX Settembre

16



R.

Ministero dell'Interno

DIREZIONE GENERALE
DELLA PUBBLICA SICUREZZA

Divisione A.C.R. Sec. I°

Prot. N. 441/013747. Movente

16/13

Roma, 14 gennaio 1945

1945

ALL'ON. LE QUARTIER GENERALE DELLA
COMMISSIONE ALLEATA - SOTTOCOMMISSIO-
SIONE LEPALE - APO 394 -

R O M A

*Risposta al foglio del
Dir. Sec.*

24/2

OGGETTO NAPOLI Vincenzo fu Gennaro - ex milite del 6340 Btg. CC. NN.

77A

In riscontro alla nota AS/4016/3/L del 22 dicembre 1945, si comunica che in merito al nominato in oggetto, questo Ministero ebbe ad interessare il Ministero della Guerra, per un eventuale riesame della posizione del Napoli, esulando dalla propria competenza, la trattazione della pratica.

Detto Ministero ha fatto conoscere che per gli ex appartenenti alle forze armate repubblicane interessò a suo tempo la Presidenza del Consiglio dei Ministri, la quale ha comunicato che è necessario sia preventivamente definito lo "status" degli ex appartenenti alle formazioni fasciste, attualmente allo studio, prima di estendere ad essi le disposizioni adottate per gli internati nel campo di concentramento di Goltano.

Pertanto, in attesa delle anzidette decisioni, la posizione dell'ex milite Napoli Vincenzo non può essere per il momento definita.

OGGETTO NAPOLI Vincenzo fu Gennaro - ex Milite del 631^o Btg. CC.NN.

77A

In riscontro alla nota AG/4016/3/L del 22 dicembre 1945, si comunica che in merito al nominato in oggetto, questo Ministero ebbe ad interessare il Ministero della Guerra, per un eventuale riesame della posizione del Napoli, esulando dalla propria competenza, la trattazione della pratica.

Detto Ministero ha fatto conoscere che per gli ex appartenenti alle forze armate repubblicane interessò a suo tempo la Presidenza del Consiglio dei Ministri, la quale ha comunicato che è necessario sia preventivamente definito lo "status" degli ex appartenenti alle formazioni fasciste, attualmente allo studio, prima di estendere ad essi le disposizioni adottate per gli internati nel campo di concentramento di Goltano.

Pertanto, in attesa delle anzidette decisioni, la posizione dell'ex milite Napoli Vincenzo non può essere per il momento

DEFINITA.

PEL MINISTRO

[Signature]

CIO	
DCIO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	

Ver. Jan 18/46.

HEADQUARTERS DEIRD COMMISSION
APO 394
LEGAL SUB-COMMISSION

83A

AC/4016/3/3.

/es
17 January 1946

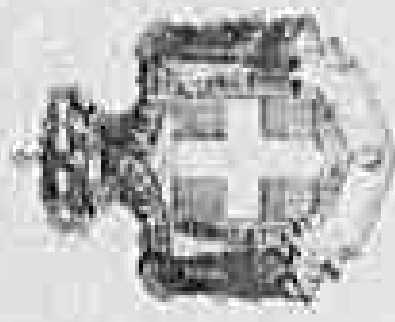
SUBJECT : Liberation of Monicennacci Jean and Gianferani Ange,
Politio Internees in Porli Camp.
TO : : French Liaison Office.

1. Reference your letter N. 2.198 of 21 July 1945.
2. An answer has been at last received from the Ministry of Interior, copy of which is enclosed herewith.

G.C. HANBAMOND,
Lt. Col.,
Deputy Chief Legal Advisor.

Encl.

Approved by [Signature]



B.
S.

Ministero dell'Interno

DIREZIONE GENERALE
DELLA PUBBLICA SICUREZZA

Direzione A.C.R. n. 3
Prot. N. 443/33058 Allegato

4076/3

121A
Roma, 11 Gennaio 1945

LA COMMISSIONE ALLEATA
Sottocommissione Legale

R O M A

Risposta al Foglio del
Dir.

OGGETTO Sudditi francesi MOZZICOMACCI Giovanni e CIANFERONI
Angelo.

67A

In relazione alla nota 21 luglio 1945 n. AC/4016/3/C diretta al Ministero di Grazia e Giustizia, e sciogliendo la riserva contenuta nella nota di questo Ministero di pari numero del 18 agosto 1945, si comunica che da accertamenti eseguiti è risultato quanto appresso sul conto dei sudditi francesi segnati in oggetto:

- 1°) CIANFERONI Angelo fu Antonio, venne dai tedeschi deportato in Germania alla metà di luglio 1944, mentre trovavasi in istato di detenzione nelle locali carceri.
- 2°) MOZZICOMACCI Giovanni che trovavasi al Sanatorio di Vecchiazano (Forlì) in istato di arresto, al giungere degli Alleati venne da questi preso in consegna, se ne ignora la sorte.

13

PER IL MINISTRO

101-1443/33090

101-1443/33090

101-1443/33090

Declassified 2-0-1250

OGGETTO

Sudditi francesi
Angelo.

MOZZICOMACCI Giovanni e CIANFERONI

67A

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PEL MINISTRO

[Handwritten signature]



LEG	
CLO	
DCLO	
Chief	
CJO	
Italian	
GI	

16.1.46.

From Lt. Col. F. H. M. Leary, Acting Executive Commissioner.

HEADQUARTERS ALLIED COMMISSION

APO 394

Office of the Executive Commissioner

Ref: 18/EC.

16 January 1946.

Dear Guy

We spoke about the attached letters: AC/504/Coun. dated 13 November 1945 addressed to the French Liaison Officer, A.C., and the reply of Le General Le Couteulx de Caumont of 20 December 1945. I now return them to you for any action that may be necessary.

Yours *W. J. L.*

W. J. L.

Lt. Colonel G. Hannaford
Deputy Director
Legal Sub-Commission,
Headquarters,
Allied Commission.

72

47613 File
SUBJECT : Prisoner NAPOLI Vincenzo.

Land Forces Sub Comm. AG,
(M.M.I.A.), R O M E.
Tel: 489031 Ext:380.

A 263

7 Jan. 46.

TO : Legal Sub Comm. HQ. AG.

The attached copy translation of letter 129737/I.I dated 31/12/45
from the Ministry of War in reply to your AG/4016/3/L is forwarded.

77A

LEGAL SUBCOMMISSION	
CLO	
OCLO	
Chief Counsel	
CJO	
Section Section	
CL RKS	
8 JAN 1946	

J.A.C. PEARCE Major,
for Major General,
M.M.I.A.

m.f.

73

C O P Y .

TRANSLATION .

FROM : Ministry of War

REF : 129757/1.1

TO : M.M.I.A.

DATE : 31/12/45

SUBJECT : Prisoner NAPOLI Vincenzo.

With letter AC/4016/3/L, the Legal Subcommittee approached this Ministry with regard to the case of ex-squadrista NAPOLI Vincenzo.

Will you kindly inform the said Subcommittee that Napoli was arrested on the 1st September by the Salerno questura as a fascist coming from the North and suspected of having served in the fascist republican army.

The Questuras of Alessandria and Milan, the Districts in which Napoli lived during the German occupation, have informed us that Napoli is not "wanted" since he does not appear to have carried out any political activity; it has not however been ascertained as to whether he did or did not belong to the armed fascist formations: in the first case Napoli would have to be treated in the same way as all the republican prisoners, whose position is being studied by the Italian Government; in the second case, dealing with an arrest for public security reasons, Napoli's position would have to be decided by the Ministry of the Interior - P.S. Directorate General - this Ministry not being competent in any way to intervene in the matter.

Sgd. LOMBARDI Col.

79

G. Danin Col.

maf.

Mod 12



4816/3

714

Ministero di Giustizia

Subordinato di V. C. di Montebello

Roma, 18 Dicembre 1945

Protocollo 1 ve 64215

LEGAL SUBCOMMISSION

OGGETTO	Arresto
DCLO	Dei
Chief Counsel	
CLO	
Refugee	
C. 1563	
3-1 DEC 1945	

II GORI Quirino e di MARCHESI Olga.

Alla Commissione Alleata
Sottocommissione Legale

R O M A

I coniugi in oggetto, reduci del Nord, furono al momento del loro ritorno a Montefalco (Perugia) fatti oggetto a una dimostrazione ostile da parte di quella popolazione.

Su denuncia di quel Comitato di Liberazione Nazionale furono tratti in arresto (nell'agosto u.s.): la Marchesi è stata denunziata per collaborazione ed è in corso la relativa istruttoria presso la Procura del Regno di Spoleto, mentre il Gori fu posto dal CC.RR. a disposizione delle Autorità Alleate.

Attualmente nessun ufficio giudiziario o di P.S. italiano è a conoscenza delle misure di sicurezza prese nei confronti del Gori, sebbene si ritenga che sia stato tratte-

OGGETTO Arresto

DCIO

Chief Counsel

CJO

Kathleen Schuch

C. R. S.

31 DEC 1945

di GORI Quirino e di MARCHESI Olga.

Allie Commissione Alleata
Sottocommissione Legale

R O M A

I coniugi in oggetto, reduci dal Nord, furono al momento del loro ritorno a Montefalco (Perugia) fatti oggetto a una dimostrazione ostile da parte di quella popolazione.

Su denuncia di quel Comitato di Liberazione Nazionale furono tratti in arresto (nell'agosto u.s.): la Marchesi è stata denunciata per collaborazione ed è in corso la relativa istruttoria presso la Procura del Regno di Spoleto, mentre il Gori fu posto dal CC.RR. a disposizione delle Autorità Alleate.

Attualmente nessun ufficio giudiziario o di P.S. italiano è a conoscenza delle misure di sicurezza prese nei confronti del Gori, sebbene si ritenga che sia stato trattato come prigioniero di guerra.

Si prega in proposito codesta Sottocommissione di voler fare gli opportuni accertamenti e di comunicare a questo ufficio la reale situazione del Gori.

L'UFFICIALE DI COLLEGAMENTO
(Dr. Ciriaco Bonelli)

Bonelli

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

22 December 1945

MEMORANDUM :

TO : Chief Commissioner

1. No doubt you have heard over the radio and read in the press about the activities of "Axis Sally", in civil life known under the name of Rita Zucca. Because of the similarity of the names and the mention made in the letter to Senator Vandenberg that she is being held in Rome on some "radio" charge, it is believed that Rita Zucca and Rita Louise Zucca are one and the same person.

2. It is unnecessary for us to inform you that persons held for War Crimes and violation of the espionage statutes of the United States, etc., are not the problem children of Allied Military Government. In fact we have been enjoined by existing orders not to concern ourselves with them.

3. It follows, therefore, that the most we can do is to inform the Representative and Senator that the person inquired about is not being detained under the authority or orders of Allied Military Government; that you do not know with certainty on whose authority she is being detained, but in view of items which have appeared in the press and as an aid in pursuing the inquiry it is suggested that inquiry be made to the Chief of Staff of the Army who is in a position to give accurate answers to their inquiries.

4. I am reluctant to draft the answers in letter form because of the personal tone of their inquiries. I will be happy to do so if you so desire.

JOHN K. WHEAT,
Col., Inf.,
Chief Legal Advisor.

Incls: Memo of Chief Commissioner.
4 copy letters.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

77A

AG/4016/3/L.

ES/ra.
22 December 1945.

SUBJECT : Detainee Vincenzo NAPOLI.

TO : 1. Ministry of War.
2. Ministry of Interior.

1. The enclosed memorandum was submitted to this Sub-Commission by a member of the U.S. Army, related to the above detainee.

2. It would be appreciated if you could kindly advise this Sub-Commission of the present status of Sig. NAPOLI and of the action it is intended to take in his respect.

1 Incl. : to each Ministry.

C.J. HANFORD,
Lt. Colonel,
Deputy Chief Legal Advisor.

67

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

ES/eda

11 December 1945

10/1016/3/L.

SUBJECT : IMMOBILE Antonio.

TO : Zone Commissioner (Attn: S.L.G.)
NAPLES, Commune.

1. Enclosed herewith is a letter pertaining to the above political detainees held at PROSIDA (Naples).
2. Would you please enquire into his position and advise this Sub-Commission so that a reply may be given to Signora IMMOBILE.
3. Please return the letter with your report.

By command of Rear Admiral STONE.

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

4216/3

75A

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

REF : SD/560.01

10 December 1945

SUBJECT : BAROZZI Siro

TO : Director Legal Sub Commission

74A

1. Reference your AC/4016/13/22 of 6 Dec. 45.
2. It is regretted that the Camp in question is not under the jurisdiction of this Division and is not known to this office.
3. It would appear that Subject is of P.O.W. Status in which case Italian P.O.W. S/Commission may be able to assist.

J. Hayes
JOHN W. CHAPMAN,
Colonel J.A.G.D., 63
Director Public Safety,
Sub Commission.

TFC/nb

LEG. SUB COM. 3	
CLO	
DCLO	11
Chief Counsel	
CLO	
Section Section	
CL RKS	
1 DEC 1945	

2365

HEADQUARTERS ALLIED COMMISSION
AFC 394
LEGAL SUB-COMMISSION

74A

AC/4016/3/L.

ES/rm.
6 December 1945.

SUBJECT : Capt. PAROZZI Siro, Italian Army,
interned in Camp of Grotteglie (Taranto).

TO : Security Branch of the Public Safety S/C.

It would be appreciated if some information could be obtained
as to the position and reasons for the internment of the above Italian
officer in the aforementioned camp.

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

64

Declassified 8-07-1950
HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

73A
ES/lc.

21 August 1945.

AC/4016/3/L.

SUBJECT : Liberation of MOZZICONACCI Jean and CIANFRANI Ange,
political internees in Forlì Camp.

TO : French Representative, HQ AC.

Enclosed herewith for your information is a copy of
letter 443/33058 of the Ministry of Interior containing a
preliminary reply to your SM No. 2.198 of 21 July 1945 on above
subject.

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

Incl.

63

4016/3



Ministero dell'Interno

DIREZIONE GENERALE
DELLA PUBBLICA SICUREZZA

Divisione S.G.E. N. III
Prot. N. 442/32252 Allegati

Leg. Roma

22A
IP ASSORI

Commissione Anbaita
Sottocommissione Iorala
R O H R

Proposta al Foglio del
Gm. N. 312

OGGETTO: sudditi francesi Mouchesagni Giovenni e Garoforoni
Angelo

67A

In relazione alla nota 21 luglio n. 2, N. 40/4016/3/2
diretta al Ministero di Grazia e Giustizia, ed come che non state
chieste notizie alle Prefetture di Forlì e di Modena per il ritiro che
dei sudditi francesi Mouchesagni Giovenni e Garoforoni Angelo.

Si fa riserva, pertanto, di ulteriori notizie al riguardo.

PER IL DIR.

[Signature]

62

LEGAL SUB-COMMISSION	
CLO	
DCLO	

Aut. N. 445/30338 Allegato

Proposta al Tribunale

Gen. L. 31.2

OGGETTO: Sindaci Francesi Mazzicomacci Giovanni e Biondini Angelo

67A

In relazione alla nota di luglio u.s. N. 40/4016/3/L
diretta al Ministero di Grazia e Giustizia, si comunica che sono state
omissive notizie alle Prefetture di Torino e di Modena per la rintracciare
dei sindaci Francesi Mazzicomacci Giovanni e Biondini Angelo.

Si fa osservare, pertanto, che i relativi comunicazioni al risultato.

RELAZIONE



62

LEGAL SUBCOMMISSION	
CLO	
DCLO	
Chief Clerk	
CJO	
Italian Section	
CLERKS	
20 AUG 1945	

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

71A

AC/4016/3/L.

ES/lc.
18 August 1945.

SUBJECT : Liberation of NOZZICONACCI Jean and CIANFERANI
Ange, Political internees, Forli.

TO : Office of the French Representative HQ AC.

1. Enclosed herewith is a copy of a letter received from the Minister of Justice to whom this Sub-Commission has communicated the content of your note SM No.2.198 of 21 July 1945.

2. You will be advised as soon as further information is available.

G. G. HANNAFORD,
Lt. Col.,
Officer i/c Italian Branch
for Chief Legal Advisor. 61

Incl: copy Prot.H.140423/25 of 12 August 1945.



Ministero dell'Interno

DIREZIONE GENERALE
PER GLI ISTITUTI DI PREVENZIONE E DI PENA

Ministero dell'Interno
Direzione Generale della
P.S. ROMA

Ufficio VI°

Prot. N° 140423/25-7

Risposta N°

Oggetto: Internat° politica Mozziconacci Giovanni
e Cianferoni Angelo

e p.c. alla Commissione Alleata-Sottocommissione

Legale

ROMA 7

Si trasmettono, per competenza, le unite note della Commissione Alleata-Sottocommissione Legale, comunicando, nel contempo, che nulla risulta nei riguardi dei nominati in oggetti presso questo Ministero.

pel MINISTRO

60

HEADQUARTERS
VENEZIE REGION
Allied Military Government
APO 394

HGW/lp

TO : Chief Legal Adviser,
Legal Sub-Commission, HQ., AC.
9 July 1945.

SUBJECT: Political Prisoners.

FILE No: RXII/LE/Reg/C/03.1.

1. Your advice and assistance is requested on the following point.

2. By Art. 2 of D.L.L. of 20 January 1944 No. 45 "fermo" cannot be protracted beyond 7 days, and the Procuratore del Regno is required to take proceedings against judicial police who violate this rule.

3. It is quite impossible to comply with this rule in this Region. As I have already reported on more than one occasion, there are large numbers of persons in gaol in every province, who were thrown there by the Partisans at the time of the liberation, mostly with no charges and with no record of what they were put inside for. The process of investigating this very large number of individual cases is of necessity slow, owing to shortage of staffs trained to interrogation and police investigation. Progress is being made, and the urgency of the matter is well in the minds of all legal officers, but it is going to take a long time before the investigations are completed.

4. In these exceptional circumstances it seems obviously ridiculous to invoke D.L.L. No. 45 of 1944 at the present juncture. If this were done, all the judicial police of all the Provinces would be liable to proceedings now.

5. I am telling the Provincial Legal Officer of the Province in which the point has been raised that, while I am not prepared to give a final ruling on such a point of Italian

Regno is required to take proceedings against judicial police who violate this rule.

3. It is quite impossible to comply with this rule in this Region. As I have already reported on more than one occasion, there are large numbers of persons in gaol in every province, who were thrown there by the Partisans at the time of the liberation, mostly with no charges and with no record of what they were put inside for. The process of investigating this very large number of individual cases is of necessity slow, owing to shortage of staffs trained to interrogation and police investigation. Progress is being made, and the urgency of the matter is well in the minds of all legal officers, but it is going to take a long time before the investigations are completed.

4. In these exceptional circumstances it seems obviously ridiculous to invoke D.L.L. No. 45 of 1944 at the present juncture. If this were done, all the judicial police of all the Provinces would be liable to proceedings now.

5. I am telling the Provincial Legal Officer of the Province in which the point has been raised that, while I am not prepared to give a final ruling on such a point of Italian procedure at Regional level, no proceedings such as are contemplated by D.L.L. No. 45 of 1944 are to be initiated for the time being, pending further instructions. I shall be glad if you will assist me with your advice as to what I am to do.

6. For your information I understand that the Regional Commissioner is proceeding to Rome to-morrow, and one of the points which he intends to raise is this whole question of political prisoners awaiting trial.

L. L. L. L. L.

Colonel,
Regional Legal Officer,
Venezie Region.

1 agree with para 5. Do you? A. L. L.
W. L. L. L. L.

Declassified in 1993 pursuant to E.O. 11652

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

68A

AC/4016/3/L.

GGH/1c.
21 July 1945.

SUBJECT: Liberation of ROZZICONACCI, Jean and CIAMFERANI
Ange, Political Internees in Forlì Camp.

TO : French Mission, HQ AC.

1. The Minister of Justice has been requested to take such action as may be necessary in order to obtain the release of the two Frenchmen mentioned in your SM n° 2.198 of 21 July 1945.

2. The Minister's reply will be forwarded to you as soon as received.

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

58

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

67A

GGH/lc.
21 July 1945.

file
AC/4016/3/L.

SUBJECT : Liberation of MOZZICONACC I, Jean and CIAMFERANI
Ange, Political Internees in Forlì Camp.

TO : The Minister of Pardon and Justice.

1. Would you be good enough to enquire in the cases
above referred which have been brought to the notice of the
Allied Commission by the French Embassy.

2. If the statement, that they are political prisoners,
is correct: could the necessary steps be taken in order to
effect the release of these two Allied Nationals without further
delay.

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

53

Incl.

4016/3 ✓
HEADQUARTERS ALLIED COMMISSION

Office of the French Representative

APO 394

Rome, July 21st 1945
/SH n° 2.198

To : LEGAL SUB COMMISSION

Subject : Liberation of MOZZISONACCI, Jean and
GIANFERANI Ange, Politic Internees in Forli Camp

1./ ~~This office and~~ the French Embassy would greatly appreciate if something could be done by Legal Sub-Commission in order to hasten the liberation of the two above named political internees in Forli Camp.

2./ These internees seem to be there since August 1943; they are both Corsicans. As far as we know, from the letters they sent us through the Italian Red Cross, these two young men are starving.

3./ Would you kindly let us know what can be done about letting them out and getting them back to their homes?

Avenas
B. de Guillin d'Avenas, Lt
i.c. French Mission.

58
French Mission HQ
Subject: *Aug.*
The Minister of Justice
has been requested
to take such action
as may be necessary
in order to obtain the release
of the two prisoners.

mentioned in your letter of 21st July 45 -

1) ~~The High Court~~ ^{will} the Minister ^{will} be ^{instructed} to ^{bring} as soon as relevant -

G. G. H.

The Minister of Justice

Would you be good enough to enquire in the cases above referred which have been brought to the notice of the Allied Commission by the French Embassy.

2) If the statements that they are political prisoners is correct: Could the necessary steps be taken ^{in order} to effect the release of these two Allied Nationals without further delay.

Copy of French Minister letter

G. G. H.

Inc 1

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

66A
ART/le.

12 June 1945.

AC/4016/3/L.

SUBJECT : CAPABELLI Lena (Russian Subject).

TO : U.S.S.R. Representative, AC.

1. The attached file of correspondence concerns the above named Russian female subject, aged 17 years, who is held by the Italian military authorities at Parma on charges of collaboration with the German Command and being in possession of false identity documents.

2. It will be seen from the dossier that the investigating magistrate of the Military Tribunal at Parma has already communicated with the Russian Military Mission at Reggio Emilia, but that no instructions are recorded as having been received from the Mission.

3. Would you kindly consider this case and advise this Sub-Commission what action you decide to take in the matter.

Ref
A. R. THACKRAH,
Lt. Col.
Italian Branch,
for Chief Legal Advisor.

Incls: 1 file.

Copy to: Regional Commissioner
Emilia Region for info.
Regional Legal Officer.

55

~~See 66A~~
Transferred
to AC/4001/14/L

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

/Fin.
9 May 1945.

DS/5.16/45

SUBJECT : Security Internment Procedure in relation to Italian Special Courts
of Assize.

TO : See Distribution.

1. Enclosed herewith for information, copy of HQ 15th Army Group letter
reference 1401/7/RSI (b) of 1 May 1945.

2. Sufficient copies are enclosed for distribution to Provincial Public
Safety Officers and Provincial Legal Officers.

By command of Rear Admiral STONE:

G. R. UPJOHN, Brig.,
VP SA Sec, HQ AC.

Encls.

Distribution:

Regional Commissioner,	POWELL Region	- 34 copies
"	EMILIA "	- 32 "
"	LIIGRIA "	- 16 "
"	PIEMONTE "	- 26 "
"	LOMBARDIA "	- 32 "
"	VENEZIA "	- 43 "

Public Safety Sub-Commission - 2

Legal Sub-Commission - 2

56

CONFIDENTIAL

HEADQUARTERS

15TH ARMY GROUP

LNO 777

14017/CSL (b)

1 May 1945.

SUBJECT: Security Internment procedure in relation to Italian Special Courts of Assize.

TO: See Distribution.

1. The Italian Government has passed a Decree (All. No. 249) establishing Special Courts of Assize for newly liberated territory. The Decree has been approved by the Allied Commission (whose letter, DW/5.16/CA dated 25 April 1945 refers).

2. Such Courts, which are to be composed entirely of Italians, are to be set up in each province of N. Italy as soon as possible after its liberation. They are to have jurisdiction to try Fascist criminals and German collaborators (post Italian Armistice), and their purpose is to enable the Italian people themselves to administer quick justice in respect of such persons.

3. It is believed that these "People's Courts" will go far towards eliminating the criticism and dissatisfaction hitherto expressed by the Italians against the Allied authorities concerning the latter's alleged weakness in dealing with Fascists and collaborators, and that they will therefore make a considerable contribution to public order and Allied security in the North.

4. The establishment of such Courts calls for some revision of the Allied internment procedure which has hitherto been followed, since it is important that Allied Security/CI agencies should not displace an interest to TERNI those persons whom the Italian authorities wish to bring to early trial before a Special Court of Assize. Not only would it involve a waste of time and effort to arrange for the return from TERNI for their trial, but their removal to TERNI might be misinterpreted by the participants as a form of "protection."

5. In future, therefore, the following procedure will be adopted by CIC/ISS with regard to leading Fascists and German collaborators, etc., when it is considered necessary to intern on security grounds.

a. Before placing such persons in the nearest PW cage for evacuation to TERNI, the CIC/ISS officer concerned will ask either the local President of the Tribunal, or the local Procuratore del Regno, or the President of the Provincial CMA, or their representative, whether or not they wish to try in the near future the person concerned.

b. If the answer is negative, the individual concerned will be interned in the normal way, i.e., despatched to TERNI through PW channels.

If the answer is affirmative, he will be handed over to the Italian authorities and thereafter be responsible for his custody and confinement.

CONFIDENTIAL

53

2. Such Courts, which are to be composed entirely of Italians, are to be set up in each province of N. Italy as soon as possible after its liberation. They are to have jurisdiction to try fascist criminals and German collaborators (past Italian Axisists), and their purpose is to enable the Italian people themselves to administer quick justice in respect of such persons.

3. It is believed that these "People's Courts" will go far towards eliminating the criticisms and dissatisfaction hitherto expressed by the Italians against the Allied authorities concerning the latter's alleged weakness in dealing with fascists and collaborators, and that they will therefore make a considerable contribution to public order and Allied security in the North.

4. The establishment of such Courts calls for some revision of the Allied interment procedures which has hitherto been followed, since it is important that Allied security/CI agencies should not dispatch as internees to GERMANY those persons whom the Italian authorities wish to bring to early trial before a Special Court of Assize. Not only would it involve a waste of time and effort to arrange for their return from ITALY for their trial, but their removal to GERMANY might be misinterpreted by the Germans as a form of "protection."

5. In future, therefore, the following procedure will be adopted by CIC/ISS with regard to leading Fascists and German collaborators, etc., whom it is considered necessary to intern on security grounds.

a. Before placing such persons in the nearest PW cage for evacuation to ITALY, the CIC/ISS officer concerned will ask either the local President of the Tribunal, or the local Procuratore del Regno, or the President of the Provincial CLN, or their representative, whether or not they wish to try in the near future the person concerned.

b. If the answer is negative, the individual concerned will be interned in the normal way, i.e., dispatched to ITALY through PW channels.

c. If the answer is affirmative, he will be handed over to the Italian authorities for their consideration. He will be responsible for his custody and confinement. He will be ^{considered} ~~in custody~~ that he must NOT be released without reference to the nearest Allied Security/CI authority.

d. The collection of such persons with the appropriate Italian authority, as described in e. above, can take place either before or after the actual arrest of the individual concerned by CIC/ISS. Whichever course appears the more suitable.

e. "Arrest Reports" will be made out in respect of those persons arrested by CIC/ISS and handed over to the Italian authorities in accordance with c. above, in the same way as such "Arrest Reports" are made out in respect of interment cases, and their distribution will be the same as hitherto. They will, however, indicate whether the individual concerned has been handed over to the Italians or whether he has been evacuated to ITALY.

f. The particulars of persons arrested and handed over to the Italians in the manner described above will be included in the fortnightly lists of inter-

ments submitted to this HQ by ARMY; such lists will show whether the persons concerned were dispatched to ALGERIA or handed over to the Italians.

6. Cases are likely to arise in which the appropriate Italian authorities, when consulted as to their intention to try certain individuals, will state vaguely that they are wish to do so at a later date and will be uncertain as to whether or not they wish to assume responsibility for the custody of persons concerned. In such cases it should be pointed out to them that, by agreement between ALGERIA and the Italian Government, persons interned by the Allies at TUNISI can later be released to the Italian authorities, if required for trial or espionage charges. In general, it is better that those whom the Italian Staff that they may wish to try in the distant future should be dispatched to TUNISI rather than held locally in Italian custody, in order not to overcrowd the limited prison accommodation.

7. The procedure described above will NOT normally be adopted in the case of enemy agents who are arrested by GIC/SS and whom it is desired to intern, nor need it apply to fascists etc., of little popular interest who are encountered in provinces other than that of their normal place of residence or work.

8. Finally, in connection with this same subject, attention is drawn to para. 3 of Appendix 1 to this HQ Operations Instruction No. 5, dated 12 April 1945, which lays down that persons who have been imprisoned as Axis collaborators by the Partisans or GICN prior to the Allied arrival will NOT, save in exceptional circumstances, be released or removed by the Allied authorities, but will remain at the disposal of the Italian authorities for such action as they may desire to take in pursuance of their operation programme: if there is undue delay on the part of the Italian authorities in dealing with such cases, these are to be reviewed and the prisoners disposed of by GIC in consultation with GIC and the Allied Security authorities. An example of the exceptional circumstances referred to above would be the case of persons required for interrogation, e.g., enemy agents, who may be removed by security/GI agencies, either temporarily or permanently, by arrangement with the Partisans should the arrest.

By command of General Clerk:

M. GAUMONTIER,
Major General, GSC,
Chief of Staff.

OFFICIAL:

/s/ G.E.R. ALMOCH
J.A.M. ALMOCH
Brigadier, GS
No. of 5, G-2.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

64A

AC/4016/3/V.

CCH/mt.
10 April 1945.

SUBJECT : Petition for the release of RIBAUDO Giuseppe.
TO : Public Safety Sub-Commission.

1. A petition for the release from internment of the above mentioned Italian citizen has been received by this Sub-Commission.
2. Mr. McDONNELL, Transportation Sub-Commission called and handed the attached memoranda in connection with this case. They speak for themselves.
3. It appears on the strength of them that there exist no valid reason for keeping RIBAUDO in an internment camp considering that he has already spent five years in a fascist gaol for pro ally activities in 1940.
4. RIBAUDO's petition and Mr. McDONNELL's memoranda are therefore passed to you for necessary action.

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

52

40,613

63A

LIST OF FASCIST INDUSTRIALISTS, WHOM IT PROPOSED BY 15 APRIL GROUP TO INTERVIEW

ROSSI, Antonio Stefano	President Bank of Rome	MILAN
GIOVARRA, Cesare	President Ente di Gestione e Liquidazione Immobiliare	TURIN
LOJACONO, Giuseppe	Naval Engineer	GENOA
INVERNIZZI, Achille	"Bel Paese" (cheese) Rome	MILANO
GORINI, Alessandro	Company Director. (of Alitalia) Milan	MILAN
DOMECANI, Guido	Montecatini	MILAN
CATTASAKA, Francesco	Tint	MILAN and TURIN
VALLAURI, Giancarlo	FIAT	TURIN
VANZETTI, Guido	Steel	MILAN
ROCCA, Agostino	Steel Tubes	GENOA
QUINTAVALLI, Bruno Antonio	- Radio Mfg.	MILAN
MORSILLI, Giovanni	Pharmaceutical	MILAN
GOZZA, Giuseppe	Engineer	MILAN
PERUSSINO, Carlo	Lloyd Triestino	TRIESTE
PANOLINO, Angelo	Banker	VENICE
MUEZZARINI, Mario	Shipping	REGGIO EMILIA
FRIGESSI di Ratalme, Arnoldo	- Finance	TRIESTE
RAZZINI Giuseppe	Company Director	TURIN
ALARI DE CUMANI,	Telephones	TURIN 51
TONDARI, Gian Luca	Silk	MILAN
PENNETTI, Antonio	Cement	BRESCIA
MOTTA, Giacinto	Engineer (Rome)	MILANO
PARRI, Carlo	Banker	TRIESTE
ALONZI Antonio ex Giuseppe	- accountant	PADUA

VALLAURI, Giancarlo	FIAT	TURIN
VAREZZI, Guido	Steel	MILAN
ROCCA, Agostino	Steel Tubes	GENOA
QUINTIVALLE, Bruno Antonio	- Radio Mfg.	MILAN
MONELLI, Giovanni	Pharmaceutical	MILAN
GORIA, Giuseppe	Engineer	MILAN
PERUSINO, Carlo	Lloyd Triestino	TRIESTE
PANCING, Angelo	Banker	VENEZIA
MUZARINI, Mario	Shipping	REGGIO EMILIA
TRIGGIANI di Ratalma, Amoldo	- Finance	TRIESTE
MAZZINI Giuseppe	Company Director	TURIN
MIANI DE CULANI,	Telephones	PADOVA
TONDANI, Gian Luca	Silk	MILAN
RESNATI, Antonio	Cement	BERGAMO
MOTTA, Giacinto	Engineer (Sewer)	MILANO
PAREZZI, Carlo	Banker	TRIESTE
MAGRINI Antonio or Giuseppe	- Accountant	PADOVA
BRUNETTI, Bruno	Credito Italiano	VENEZIA
VASCIN, Giuseppe	Agriculturist	PADOVA
FERRICCI, Giovanni	Banker	REGGIO EMILIA
MONTESI, Ilario	Sugar	PADOVA
ANCINOTTO, Agostino	Company Director	PADOVA
FERRARIO DE CUBERNATIS,	Shipbuilding	GENOA
DE LA PERRE,	Shipping	GENOA
MARINOTTI, Franco	Silk	MILAN

GRAMELLI, Ezio	Accountant	MILAN
PAICK, Giorgio Enrico	Steel	MILAN
DONZELLI, Geminiano	Paper	MILAN
PIRELLI, Piero	Pirelli	MILAN
PIRELLI, Alberto	Pirelli	MILAN
SESSA, Giulio	Textiles	MILAN

- 1) - PIRELLI brothers - according to enemy radio reports, one has been shot and the other interned for pro-ally activities.
- 2) - Achille *managing* in in Rome. He always was good chess, a *chessman* was playing rather than a *board*.
- 3) - Jurgens in *Portofino* is in Rome as Director of the *Italian* administration in the *Secretary* *Antonia* he was *Managing* Director under Swiss.

4) *San Agostelli* of *Trieste*, *Valletta* of *Trieste* was *missing* from the list. *Agostelli* is very old, born in 1866 (Pavane. 38, Via Giuseppe *Guarona*, *Torino*). *Admiral* *Alessandro* *Linna* a *Com. Pala* in *Genoa* are also *missing* also *San Boccardo* of *Torino*, was in *Genoa* (*Address* *Santa Margherita* - *Pesole*)

5) *Baronini*, Director of *Unicredit* di *Venezia* in *Torino* is also off the list, was in

- 2) Achille Geronzi is in Rome. He always visits
Giacca, a fascist, and is always with them - fascist
3) Geronzi is in Rome in a Rome

Director of the Italian administration in the
Sicilian territories was Monning
Director under Soviet.

4) San Agostino of Tint, Valletta, of Tint are
winning from the list. Agostino is very
old, born in 1866 (Piemonte). 32. Via Giuseppe
Giacca, Torino). Advised Adam Giacca
Ciano a Com. Pala in Genova are also
winning also San Baccardo of Torino, now
in Genova (Addition Santa Margherita. Petula)

5) Bonanni, Director of Amministrazione di
Venice in Trieste is also off the list, as is
Asquini, High Commissioner of IRI, now
with the fascist Republican Government.

6) Sen. Persanti of Bergamo is a first class
representative, of a fascist - Grandmaster in his
territory after 8 Sept 45 should be made.
7) Alessandro Geronzi is in Rome, is alleged
to be very active to the actual Government.
on territories in Northern Italy. - There are
two brothers Geronzi, however.

Valletta
Agostino

NOTES ON I (B) LIST

- 1) = FRUSILLI brothers - according to enemy radio-reports, one has been shot and the other interned for pro-ally activities.
- 2) = PIVATTI/AI Achille juar is in Rome. He is free. His father is over 65 years of age.
- 3) = FRIGIOLI di Dainbue is also in Rome as Managing Director of the "Rimione Adriatica di Sicurtà". Buovich's company.
- 4) = Senatore DESERBY of Bergamo is a first class specialist. His activities since 8 Sept should be investigated into. (Address: 7, Via Porta Dipinta, Bergamo).
- 5) = Alessandro GORINI is, it is believed, in Rome or may be his brother. An industrialist of the same name is alleged to be industrial adviser to the Allied for North Italy.
- 6) = Giulio NOTTA in half Swiss. Mos son is reported to have distinguished himself as a partisan.
- 7) = Agostino RUCCA is manager of Ansaldo.
- 8) = DE LA RENTE - One of them is a naval officer who named the one men submarines which sank two ships in Gibraltar harbour. The family is at present residing at Tolmezzo, Province of Udine.
- 9) = Are missing from that list the following well known fascist industrialist:

Sen. AGNELLI Giovanni - Fiat - Torino, 36 Via Giuseppe Giacosa.

Eng. VALENZA also of Fiat, Torino

Admiral CIAMO Alessandro, probably in Genova

Commigl. VILA

Sen. BOCCARDI, of Torino S.A. - Santa Margherita Ligure, Pedale, near Genova

BARONZINI, Director of Assicurazioni di Trieste, Trieste

ASQUINI - High Commissioner of "I.R.I.", now in Milan

5) = Alessandro CORNINI is, it is believed, in Rome or may be in Genoa. An industrialist of the same name is alleged to be industrial adviser to the Allied for North Italy.

6) = Giacinto MORVA in half Swiss. His son is reported to have distinguished himself as a partisan.

7) = Agostino ROCCA is member of Ansaldo.

8) = DE LA PERRE - One of them is a naval officer who named the one man submarine which sank two ships in Gibraltar harbour. The family is at present residing at Tolmezzo, Province of Udine.

9) = Are missing from that list the following well known fascist industrialist:

Gen. ACHILLE GIOVANNI - Fiat - Torino, 38 Via Giuseppe Giacosa.

Eng. VALENZA also of Fiat, Torino

Admiral CIAMPO ALESSANDRO, probably in Genoa

Comisiel. PALLA

Gen. DOCCIANDO, of Terzi S.A. - Santa Margherita Ligure, Pedale, near Genova

BALOGHINI, Director of Assicurazioni di Trieste, Trieste

ASQUINI - High Commissioner of "I.R.I.", now in Milan

ROMOLI, ex Minister of "Scambi e Valute", President of the Corporation of Furriers, etc, in Milan

10) = All the persons on the list are or have been at some time or other connected with Fascism. Many of them are very old. Their attitude may have changed since 2 Sept 43, as it is believed that some of them have given strong support to the partisan movement and C.I.N.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

GGH/eap

62A

AC/4016/3/L

7 April 1945

SUBJECT : Internment of Civilians in North Italy

TO : CA Section

1. Reference your 6/2.2/CA of 6 April 1945 the following suggestions are made :-

- a) In Class "A" add "President, Procuratore Generale and Avvocato Generale of Section of Court of Cassation located in BRESCIA.
- b) In Class "C" add "Other Members of the Section of Court of Cassation at BRESCIA.

2. This sub-commission has no further comments to make.

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

48

61A

4016/30

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ext : 469

6/22/45

6 April 45

SUBJECT : Internment of Civilians in N. Italy

TO : Economic Sec
Legal S/C
Pub Safety S/C
Local Govt S/C
Education S/C

15 Army Group proposes to INTERN the persons found in North Italy who are mentioned in the enclosed list. Those in Class "A" in any event; those in Class "B" unless AMG require their services for essential work; those in Class "C" if justified by investigation.

Will you please let us have your comments on the proposals, as a matter of urgency.

[Signature]

S.H. WHITE Lt Col.
for CGO CA Section

AB/ls

Comments
please

HEADQUARTERS ALLIED COMMISSION	
CGO	
Legal	✓
Chief Counsel	
ED	
Station Section	✓
CL RKS	
6 APR 1945	

63

61B

Suggested classification, from I (b) point of view, of appointment holders who it is expected will be located in North Italy.

CLASS "A" - Automatically Internable -

P.R.F.

Senators
Grand Councillors
Ministers of State
Councillors of State
National Councillors
National Directorate
Party Inspectors
Colonels and above of WSN

P.R.F.

Council of Ministers and Under Secretaries of State.
Chief Ministerial Officials.
National Directorate
Federal Commissioners, past and present and deputies.
President of Extraordinary Tribunal
Directorates of Youth Movements
Directorates of Women's Fascist Organisation

CLASS "B" - Internable subject to AMG not having urgent need of their services. Each case to be decided in consultation with AMG. -

Heads of Provinces
Prefectural Commissioners
Commissioners and Inspectors of Ministries of Corporative Economy.
Secretaries of National Syndicates. Commissioners of State controlled Commercial Institutions
Presidents and Commissioners of institutions controlled by Ministry of Popular Culture.

CLASS "C" - Probably internable, but subject to local investigations.

46

Other members of Special Tribunals
Members of Directorate of National Assn of Disabled Ex-Servicemen
Newspaper Editors
Presidents and Secretaries of Party Organisations e.g. O.N.D.

Members of the Section of the Court of Cassation sitting in Palermo

✓ 4016/3 *file*

60A

CONFIDENTIAL

HEADQUARTERS ALLIED COMMISSION
W.F.O. 39.
Civil Affairs Section.

Ref : GH/550.1

31 Jan 1945

Subject: Review of Civilian Internees

To : Distribution below.

1. Frequent applications for the review of Civilian Internee cases are received through Security Division, this Headquarters.
2. Civilians who have been detained for security reasons, will, normally, be interned for the duration. Cases are periodically reviewed and decision as to further internment or release is based on the individual merits of the case, its continued seriousness, and, of course, the health of the internees.
3. It is neither possible nor practicable to indicate the possibility of the release of any internee without a full review of the case. However, cases can be reviewed especially only when there is a preponderance of evidence to indicate a great alleviation of justice. Giving special consideration to any one individual without additional justifiable evidence would entail a loss of time prejudicial to the best interests of other cases already scheduled for review on their merits.
4. However, all applications for release of internees are forwarded to the appropriate internment camp where they become part of the internee's dossier and are given appropriate consideration when the case is reviewed.
5. The course of correspondence required to deal with this problem makes it impossible to reply to individual cases; therefore, recipients of appeals should inform the appellants that their appeal has been forwarded to the appropriate authority for consideration and that recipients will further applications will not be replied to. Recipients should forward the papers to this H.Q. attention security division, Public Safety Sub-Commission.

LEGAL SUBCOMMISSION

1. Frequent applications for the review of Civilian Internment cases are received through Security Division, Main Headquarters.

2. Civilians who have been detained for security reasons, will, normally, be interned for the duration. Cases are periodically reviewed and decision as to further internment or release is based on the individual merits of the case, its continued seriousness, and, of course, the health of the interned.

3. It is neither feasible nor practicable to indicate the possibility of the release of any interned without a full review of the case. However, cases can be reviewed specially only when there is a preponderance of evidence to indicate a great advantage of justice. Giving special consideration to any one individual without additional justifiably evidence, would entail a loss of time prejudicial to the best interests of other cases already scheduled for review on their merits.

4. However, all applications for release of internees are forwarded to the appropriate internment camp where they become part of the interned's folder and are given appropriate consideration when the case is reviewed.

5. The amount of correspondence required to deal with this problem makes it impossible to reply to individual cases; therefore, recipients of appeals should inform the applicants that their appeal has been forwarded to the appropriate authority for consideration and that reminders and further applications will not be applied to. Recipients should forward the papers to this H. Q., Attention Security Division, Public Safety Sub-Commission.

LEGAL SUB-COMMISSION

CLO

OCLO

Chief Counsel

CJO

Legal Section

CL RKS

Distribution "7" less copies 32 to 42 and Group

21 JAN 1945

APP. 1/12/45

S. R. WOODS, Jr.,
Y.P., C. Section
HCOB, AG.

DOWN ON 720
1/12/45

CONFIDENTIAL

Col. Inf.

Chief of Staff

for Col. Inf. Sub-Commission

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB COMMISSION
APO 394

ACC/4016/3/L.

ES/ps.
24 Aug 44.

SUBJECT : Petition on behalf of political internees AGATI Angelo.
TO : Director, Public Safety Sub-Commission.

1. The above petition received here from MIO Region IV is forwarded to you for any action you might wish to take.

Key
A. R. CHACKRAH,
Lt. Colonel,
Italian Branch,
for Acting Chief Legal Officer.

R-E-S-T-R-I-C-T-E-D.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
REGION IV - LEGAL DIVISION
A.P.O. 394

L/1023

22 August 1944.

SUBJECT : Petition for clemency of
MUCCIO NUNZIA. *on behalf of Angelo Agak,
Pacemaker*

TO : Chief Legal Officer,
Legal Sub-Commission, Headquarters, A.C.C.

1. A careful study of the enclosed petition has been made, but since this is a political problem, and one which is not within our jurisdiction, same is forwarded to you for transmission to the proper authority for attention.

RCH/AC.

*to P. S.
24 Aug
one*

[Signature]
ROBERT C. HENDRICKSON
MAJOR, A.U.S.
REGIONAL LEGAL OFFICER.

43

ENCLOSURE :

1 Petition Re: above mentioned case.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

57A

ACC/4016/3/L.

ES/pa .
10 Aug 44.

SUBJECT : Internee NALLI.

TO : Security Branch, HQ. ACC.

1. Further to this Sub-Commission's letter ACC/4016/3/L of 3 Aug 44 and to your SB/I40K of 2 Aug 44.

2. Enclosed additional evidence submitted through the Vatican and the Ministry of Justice in the case of the above internee.

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

42

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

(56A)

file
100/4016/3/1.

ES/ps.
4 Aug 44.

SUBJECT : Internees PIERRO DE SANTI GENTILI, Commissario Prefettizio
Romagnolo; ELSE SCHNEIDER-BENTUCH, German citizen.

TO : Public Safety Sub-Commission.

1. Enclosed for any action you may wish to take, two memoranda of the
Apostolic Nuncio concerning the above internees received from the Ministry
of Justice.

copy?

2. May this Sub-Commission please be informed of the outcome?

A. R. THACKERAY,
Lt. Colonel,
for Acting Chief Legal Officer.

41

Declassified E.O. 12958 Section 1.4
HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

File
Tel. No. 478925

(55A)
Confidential

ACC/4016/3/L

GCH/sp
3 Aug 44

SUBJECT : Internees PROKOPOWSKI, NALLI,
SPAZIANI and TRIFLOGI.

TO : SECURITY BRANCH, Ref. SB/140- 2 Aug 44.

1. This Sub-Commission is grateful for the information received from you in regard to the inquiry made on behalf of the Ministry of Justice.

2. As requested by you facts and reasons for the internment have not been communicated to the Minister, but on the contrary he has been asked to supply the names of the persons interested in the fate of the above mentioned individuals.

3. The Minister has handed to us the enclosed petitions, which are now forwarded to you for your information.

Noted

4. In the case of PROKOPOWSKI it is that the Minister Gronchi, John Serrao legal adviser to the British Embassy and Sig. Castani are well known anti-fascists and that their testimonies may be of use in clarifying the position of this internee.

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

DOWN GRAD
UNCLASSIFIED

Col. Inf.
icer.
a Officer.

Cl.
for

CONFIDENTIAL

Ist. Ind.

Confidential (54A)

Ref. SB/140 K.

HQ. A.C.C. Security Branch APC 394 2 August 1944

To : Legal Sub-Commission HQ. A.C.C. APC 394

1. The above is forwarded for your information in reply to your ACC/4016/3/L of 26 July 1944.

2. It is requested that you do not inform the Ministry of Justice of the facts and reasons for internment, but simply that the reasons for internment still exist and that the cases will be reviewed in due course.

DOWN GRADED
TO
UNCLASSIFIED

FOR THE DIRECTOR :

John A. McKay
Major,
Security Branch.

Col. Inf.
Officer.
for Chief of Staff Officer.

CONFIDENTIAL

33

CONFIDENTIAL (54B)

SUBJECT: Civilian Internees. PROKOPOWSKI, NALLI, SPAZIANI and
TRIPLOGI.

A.C.C. Security Branch Office,
371 P.W.CAMP, C.M.F.
371/I400/AC.
30 Jul 44.

Director, Security Branch A.C.C.

I. With reference to letter ACC/40I6/3/L. referring to the
above named civilian internees, who are all interned at this Camp,
the following is their present condition:-

PROKOPOWSKI Rudolf. Interned by S. Force (Col Gibson) on
5 June 44. Possibility of release extremely remote and reviewing
not thought advisable without directions from A.A.I.

NALLI Francesco, Interned by II Cnd F.S.S. on 3 Jun 44.
Review in six months recommended. Newspaper correspondent
and propagandist. Strong fascist record. Political Secretary.

TRIPLOGI Argeo. Interned by Ist Cnd F.S.S. Period of
internment not yet confirmed, only arrested on 17 Jun 44.
Political Secretary in Republican Fascist Party.

SPAZIANI Federico. Interned by Ist Cnd F.S.S. on 17 Jun 44.
Strong Fascist record Political Secretary, Lt. Col Militzia,
Squadrista etc. To be reviewed in six months.

2. Forwarded for your information.

Security Branch
Rec'd <i>2/1</i>
Book No. <i>1402</i>
File No. <i>1402</i>
Action <i>1402</i>



(P.G. GEACH)

P. G. Geach

Capt.

Security Branch attached 371 P.W. Camp.

Col. Inf.

Chief of Security Branch

for *Chief of Security Branch* Officer.

P 13

53A

File
Tel. 473525

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

ART/ap

ACC/4016/3/L

29 Jul 44

SUBJECT : List of detainees
at Palermo.

TO : H. E. the Minister of Justice.
(Penal Affairs)

1. Replying to Your Excellency's letter dated 17 May 1944 - ref. Prot. No. 27207, the list of persons detained in the Court of Appeal District of Palermo is returned herewith showing the position of each case in the last column.

dep
A. R. THACKRAH,
Lt. Colonel,
Italian Branch,
for Acting Chief Legal Officer.

Encls : 1 list.

37

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U.S. Army

L-4000

28 July 1944

SUBJECT: Detainees.

TO : Executive Commissioner, HQ. ACC.

1. Reference is to paragraph 5 of Executive Memorandum No.7, issued on 12 February 1944.

2. No person is detained under Article VII of Proclamation No.2 (old series) in the Provinces of Avellino and Benevento or in that part of the Province of Naples which has been handed back to the Italian Government.

For the Regional Commissioner:

GAB/mo

G.A. Bamlet
G.A. BAMLET,
Major, G.L.,
Actg Reg Legal Officer

Copy to
C.L.O., Legal Sub-Commission, ACC.

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

Declassified E.O. 11652 Section 1.4

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

ES/pa *SDA*

26 Jul 44.

100
REFERENCE : ACC/4016/3/L.

SUBJECT : Political Internees - PROKOPOWSKI, NALLI,
SPAZIANI and TRIFOGLI .

TO : Director, Public Safety Sub-Commission.

1. Enclosed herewith are three notes received from the
Ministry of Justice and concerning the above internees.

2. This Sub-Commission would appreciate it if the cases of these
internees could be re-examined with view of ascertaining whether
or not the reasons for internment still exist at the present time.

Copy
A. R. THACKRAH,
Lt. Colonel,
Italian Branch,
for Acting Chief Legal Officer. *35*

ALLIED CONTROL COMMISSION
SICILY REGION HEADQUARTERS
APO 394

Legal (50A)
7030

File : RLE 013.05/ELV

10th July 1944

SUBJECT : Italian Prisoners awaiting trial before AMG Courts.

TO : Legal Sub-Commission, A.C.C. Headquarters.

1. Reference your ACC/4016/3/L dated 19th May 1944,
forwarding list of prisoners arrested in Province of Palermo.

2. The attached list showing the disposition of each
prisoner is forwarded in reply.

For Colonel A.H. HANCOCK:

Frank L. Vecchiola
FRANK L. VECCHIOLA

Major; J.A.G.D.
Regional Legal Officer.

38.

34

File

49A
23/98

HEADQUARTERS
ARMED FORCES COMMISSION
Legal sub-Commission
APO 394

REFERENCE : AGC/4016/3/1.

3 July 44

SUBJECT : Political Internees Avv. TELORANO Attilio,
Dott. MELIARANO Sebastiano, Avv. M. TULLIO Do-
menico of Forti del Sannio (Iugoslavia).

TO : Director, Public Safety sub-Commission.

1. Enclosed a statement received here from the Minister of Justice concerning the above internees who at present are held in the Padula camp.

2. The Minister would appreciate it if the case could be re-examined with the view of ascertaining whether or not the reasons for internment still exist.

3. May this Sub-Commission please be notified of the decision.

cc
A. R. THACKERAY,
Lt. Colonel,
for Chief Legal Officer.

33

Copy to : H.E. The Minister of Pardon and Justice for information.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

OGH/smf

ACC/4016/3/1

17 May 1944

SUBJECT: Italian Prisoners awaiting trial before AM Courts.

TO : RLO (thru RC) Region 1.

1. The Minister of Justice has forwarded the enclosed list stating that it refers to prisoners arrested in Province of Palermo, charged under AM orders and triable by AM Courts.

2. Would you let this Subcommittee know whether this is correct or if these detainees are not in fact interned persons who should be, in that case, transferred to 371 POW Camp. (125/18/CA of 23 March refers).

G. G. HARRINGTON, Major
Officer i/a Italian Branch
for Chief Legal Officer.

(47)

MINISTERO DI GRAZIA E GIUSTIZIA,
Direzione Generale degli Affari Penali.

Salerno li 17 Maggio 1944.

Alla Commissione Alleata di Controllo
Sottocommissione Legale,

S a l e r n o .

Prot. N. 27207.

Oggetto: Elenco nominativo dei fermati a disposizione
dell'autorità alleata.

Per opportuna conoscenza e per i provvedimenti
di competenza, si trasmette copia dell'elenco dei fermati a
disposizione dell'Autorità alleata, che si trovano rinchiusi
nelle carceri del distretto della Corte di Appello di Palermo;
tale elenco mi è stato trasmesso dal Procuratore Generale
presso la Corte di Appello di Palermo.

p. IL SOTTOSEGRETARIO DI STATO

Fto. Illegibile.

46

ELENCO NOMINATIVO DEI FERMATI A DISPOSIZIONE DELLE AUTORITA'
ALLEATE, DETENUTI NELLE CARCERI GIUDIZIARIE DEL DISTRETTO
DELLA CORTE DI APPELLO DI PALERMO.

n.Ord.	Cognome e nome	Data di arresto
1	Cannatella Domenico di Vincenzo	11.8.1943
2	Tumminello Girolamo di Salvatore	20.8.1943
3	Fantauzzo Stefano di Amedeo	20.8.1943
4	Gaviero Sebastiano di Giacomo	20.8.1943
5	Leonardi Salvatore di Vincenzo	20.8.1943
6	Ginafferretti Otello di Francesco	20.8.1943
7	Fegino Giorgio di Lorenzo	4.1.1944
8	Li Calsi Giuseppe di Annibale	4.1.1944
9	Macaro Giovanni di Gustavo	4.1.1944
10	Azzaretto Salvatore di Giusto	4.1.1944
11	Buttafuoco Antonino di Salvatore	4.1.1944
12	Bruro Francesco di Giuseppe	29.1.1944
13	Arnetta Lorenzo di Antonio	1.2.1944
14	Arnetta Antonino di Lorenzo	1.2.1944
15	Mannino Girolamo di G. Battista	1.2.1944
16	Reina Francesco di Lorenzo	13.2.1944
17	Pinelli Arturo di Pietro	7.2.1944
18	Milazzo Virgilio di Carmelo	6.3.1944
19	Di Bella Francesco di Antonino	12.3.1944
20	Cofano Giuseppe di Vito	12.3.1944
21	Percovaz Rodolfo di Michele	13.3.1944
22	Montalbano Matteo di Carmelo	3.3.1944
23	Pellerito Francesco di Nicolò	3.3.1944
24	Imperiale Bice di Luigi	14.2.1944
		7.3.1944

6	Ginafferretti Otello di Francesco	20.8.1943
7	Pegino Giorgio di Lorenzo	4.1.1944
8	Li Calsi Giuseppe di Annibale	4.1.1944
9	Macaro Giovanni di Gustavo	4.1.1944
10	Azzaretto Salvatore di Giusto	4.1.1944
11	Buttafuoco Antonino di Salvatore	4.1.1944
12	Bruno Francesco di Giuseppe	29.1.1944
13	Arnetta Lorenzo di Antonio	1.2.1944
14	Arnetta Antonino di Lorenzo	1.2.1944
15	Mannino Girolamo di G. Battista	1.2.1944
16	Reina Francesco di Lorenzo	13.2.1944
17	Pinelli Arturo di Pietro	7.2.1944
18	Milazzo Virgilio di Carmelo	6.3.1944
19	Di Bella Francesco di Antonino	12.3.1944
20	Cofano Giuseppe di Vito	12.3.1944
21	Percovaz Rodolfo di Michele	13.3.1944
22	Montalbano Matteo di Carmelo	3.3.1944
23	Pellerito Francesco di Nicolò	3.3.1944
24	Imperiale Bice di Luigi	14.2.1944
25	Hetl Elena di Carlo	7.3.1944
26	Barile Natalina Lucia di Rosario	11.3.1944
27	Indovina Agata di Giuseppe	16.3.1944
28	Lanza Giuseppe di Calogero	12.3.1944
29	Fisco Antonino di Calogero	12.3.1944
30	Rizzo Bartolo di Salvatore	12.3.1944
31	Cimò Marte Gaetano fu Antonino	19.2.1944

30

Palermo, li 22 aprile 1944.

Il primo Segretario Visto il Procuratore Generale del Re
Fto. Illegibile. Fto. Illegibile.

P.c.c.
Fto. Illegibile.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

RHW/pa

7 May 1944

ACC/4016/3/L .

SUBJECT : GIULIODORI Faustino .

TO : R.L.G. (thru R.C.) Region II .

1. Enclosed herewith are six files marked "A" "B" "C" "D" "E" and "F" which I understand Maj. Franklin is to hand to Gen. Treina.

R.H. WILDER,
Lt. Col. SAC,
Deputy Chief Legal Officer.

BY FAST AIR COURIER

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION 6.

3 May 1944.

SUBJECT: Ten. Giulidori Fausto.

REFERENCE : L/1402.

TO : H.Q, A.C.C. (Rear) Legal Sub-Commission.

Reference your cable 2669 of 25th April 1944,
herewith the following documents relative to the case
of the above officer:-

- (1) File "A" Documents relating to proceedings at trial.
- (2) File "B" Pre-Trial documents including Statements by accused.
- (3) File "C" Documents relative to accused's Army Records.
- (4) File "D" Pre-Trial Interrogations.
- (5) File "E" Interrogations of other accused.
- (6) File "F" Certificates relating to absence of previous convictions etc.

Please acknowledge receipt.

M. Carr
M. CARR.
Brigadier.
Regional Commissioner.

Copy to: A.C.C. (Rear) Army Sub-Commission whose
QSl83 dated 8 April 44. refers.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB - COMMISSION
APO 344

GRU
/pa

7 May 1944

AGC/4016/V/L .

SUBJECT : Ten. Gialidori Sausto.

TO : R.C. Region 6 .

1. Receipt is acknowledged of your letter L/1402 of 3rd May 1944 with enclosures as mentioned therein.

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

27

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION VI

27 April 1944.

TO : R.C., A.C.C., R.C. and M.T. Section,
(Army Sub-Commission).
SUBJECT : Gen. GIULINORI Faneto.
REFERENCE : I/1402

Reference your RS 183 Dated 3 April 1944 addressed to Comando Supremo Salerno (copy to this R.C.) it is notified that information has now been received from the Procuratore Militare della Sardegna that the above named Italian Officer has been released. This office has today requested the Procuratore Militare to forward here all documents relating to the case for transmission to the legal Sub-Commission. This has been done at the cabled request of the latter Sub-Commission.

LEGAL SUB-COMMISSION	
CLO	✓
DCLO	
Chief Counsel	
CJO	
Italian Section	
CLERKS	

M. Carr
M. CARR.
Brigadier.
Regional Commissioner.

Legal Sub-Commission whose cable
NR 266 dated 25 April refers.

26

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HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
ATO 394

GRU/grf

41

ACC/4016/3/L

29 April 1944

SUBJECT: Giulideri Fausto.

TO : RLO Region 2. (Attn. Legal Liaison Officer, Apulia).

Please inform the Procuratore Generale Militare that we have received the following cable from ACC Sardinia;

"Procuratore Militare Sardinia declares that Giulideri is now excused. Please inform Army Subcommittee and the Italian Government. Your request for documents has been passed to Procuratore."

Please ask the P.G.M. if he still requires the documents.

G. H. UPJOHN
Colonel
Chief Legal Officer.

25

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APC 394

GSH/ap

40

AUC/4016/3/L

29 April 1944

SUBJECT : Lt. GIULIDARI Fausto

TO : RLC, Region II
for LO, Apulia.

1. It is understood from a cable received today from RC Region VI that Lt. Giulidari has been "excused" (pardoned) and that this Sub-Commission request on behalf of general Traina for the documents of the case has been forwarded to the local Procuratore Militare.

2. In all probability Lt. Giulidari's case came under the provisions of the last amnesty decree.

G. G. HANNAPOL
Officer i/c Italian Branch
for Chief Legal Officer

4016/3 U. S. RESTRICTED
EXCLUDED FROM DISSEM. INFO

OUTGOING

LEGAL

CRU/ax

6/29

2689

(39)

APR

RESTRICTED

ROUTINE

ACC. REAR

ACC. REGION VI



ITALIAN JUDGES FOR SARDINIA TO SEE YOUR ON ONE ONE FOUR ZERO TO TO ACC REGION
SIX FROM ACC REAR FROM LEGAL. SIGNED MACFARLANE TO MINISTER OF JUSTICE PROPOSED
TO PROMOTE TWELVE ON MORE JUDICIARY AND OTHER OFFICIALS AHEAD IN SARDINIA TO
FILL HIGHER GRADE JUDICIAL APPOINTMENT AND TO SEND OVER SIX ON MORE OFFICIALS
FROM MAINLAND TO NEW SUBJECT IN FACTS RE OULIDARI ARE BEING TRANSMITTED TO
PROSECUTORS GENERALI MILITARI AS YOUR CABLE TO ONE ONE SEVEN ONE REFERS

AUTHENTICATED:

J. P. Crocchia
R.S. CHIOCCA
CWO, AUS
Asst Acj

23

DISTRIBUTION:

- 1 - Adj File
- 1 - ISO
- 1 - ICC
- 1 - Legal ✓

U. S. RESTRICTED
EXCLUDED FROM DISSEM. INFO

Enter on card

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ALLIED CONTROL COMMISSION INCOMING MESSAGE /msr

SVC/RELAY NO.

I/C NO :

CLASS: CONFIDENTIAL

REF NO : 1171

PREC : ROUTINE

FILED : APR 27 2115B

FROM : FABLE FROM CARR CITE ACC 332

REC'D : APR 28 0845B

TO : ACC REAR FOR LEGAL SUBCOM

This cable acknowledges your cable 2669 dated April 25. [Procuratore Militare Sardinia declares that Guilizori is now excused. Please inform Army Sub-Commission and the Italian Govt. Your request for documents has been passed to Procuratore.]

DISTRIBUTION:

- 1 - AG
- 1 - DSG Info
- 1 - DCC "
- 1 - Army "
- 1 - Legal ACTION



Col. Inf. 22
Chief of Staff
for

Enter in

U.S. CONFIDENTIAL Equals British CONFIDENTIAL

401613
U. S. RESTRICTED
EQUIV. RESTRICTED

OUTGOING

Legal
OOH/abt

5/25

7669

APR

RESTRICTED

ROUTINE

FATIMA REAR

FABLE FOR ~~FOR~~ CARR

25/16308

IF GIULIDARI DOCUMENTS NOT YET DISPATCHED PAREN TO FABLE FOR ~~FOR~~ FOR
REGIONAL COMMISSIONER FROM FATIMA REAR FROM LEGAL SIGNED MACFARLANE PAREN
PLEASE FORWARD THEM THIS SUBCOMMISSION SOONEST FOR FURTHER TRANSMITTAL
TO PROCURATORE GENERALE MILITARE

AUTHENTICATED:

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

DISTRIBUTION:

- 1 - Adj File
- 1 - DCG
- 1 - DEC
- 1 - Legal

21

Encl in end sub

U. S. RESTRICTED
EQUIV. RESTRICTED

HEADQUARTERS
ALLIED CONTROL COMMISSION
SECURITY BRANCH

15th April, 1944.

SUBJECT: Civilian Internees at Padula, ex Potenza.

TO: Col. A. R. Young.

1. As directed in the course of my duties in reviewing the cases of internees at Padula, I made a special investigation of eight men interned by Orders of Provincial Commissioner, ACC, Potenza. It may here be stated that these men are the only ones at Padula who were interned by AMG, the others having been dealt with in the more normal manner by CIG or PSS. Authority is given however in Proclamation No. 2, Article 7, Section 2, for the S.C.A.O. to detain any person whom he believes to be either an actual or potential danger to military security. A proviso is added that a full report is to be submitted to the Chief Legal Officer for his consideration, approval or otherwise. There is no delegation of this authority by the S.C.A.O. and the responsibility remains his alone, subject to confirmation by C.L.C. It will be observed that this power only relates to detention (and this for a period of three months, not internment for the duration as ordered in these cases).

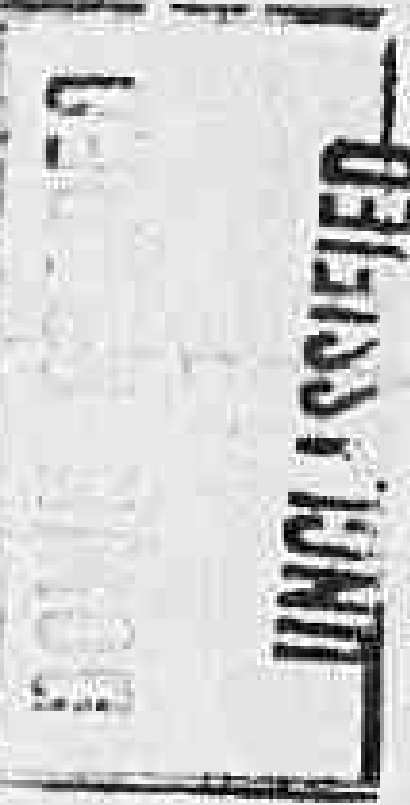
2. The history of the internments is centered upon the activities of two committees formed in Potenza for the purpose of reducing and screening Fascist personalities. On 15th October, 1943, was organized a "Committee of Investigation" consisting of the Legal Officer (Capt. Pety), Avv. ROTUNDO, Di NAPOLI and REALE - all anti-Fascists. The objects of this Committee were to investigate Fascist leaders who have escaped prosecution, but have offended against the Italian laws. On 15th November, 1943, a further committee called the "Committee of Public Safety" was formed and consisted of S.C.A.O. (Capt. Mille), Asst. S.C.A.O. (Capt. Howell), Legal Officer (Capt. Pety), C.A.P.O. (Lt. O'Neill), the Prefect, the Questore, Avv. ROTUNDO, Di NAPOLI, REALE. The object of this Committee was to enquire into the relative importance of Fascist personalities as regards their danger to military security. It will be seen that all the members of the Committee of Investigation were also members of the Committee of Public Safety and therefore, little cause for surprise that the functions should become confused. The Committee

military security. A proviso is added that a full report is to be submitted to the Chief Legal Officer for his consideration, approval or otherwise. There is no delegation of this authority by the S.C.A.O. and the responsibility remains his alone, subject to confirmation by O.L.C. It will be observed that this power only relates to detention (and this for a period of three months, not internment for the duration as ordered in these cases).

2. The history of the internments is centered upon the activities of two committees formed in Potenza for the purpose of reducing and screening Fascist personalities. On 15th October, 1943, was organized a "Committee of Investigation" consisting of the Legal Officer (Capt. Latty), Avv. ROTUNDO, Di NAPOLI and REALE - all anti-Fascists. The objects of this Committee were to investigate Fascist leaders who have escaped prosecution, but have offended against the "Italian law". On 15th November, 1943, a further committee called the "Committee of Public Safety" was formed and consisted of S.C.A.O. (Capt. Mills), Asst. S.C.A.O. (Capt. Howell), Legal Officer (Capt. Latty), C.A.P.O. (Lt. O'Neill), the Prefect, the Questore, Avv. ROTUNDO, Di NAPOLI, REALE. The object of this Committee was to enquire into the relative importance of Fascist personalities as regards their danger to military security. It will be seen that all the members of the Committee of Investigation were also members of the Committee of Public Safety and therefore ^{the} little cause for surprise that the functions should become confused. The Committee of Investigation ought to have had no connection with the other committee as it dealt with an entirely different matter.

3. The Committee of Public Safety divided the people whom they reviewed into the following categories:-

- (a) Those who introduced Fascism, and practised it violently with Fascist protection until the fall of Fascism.
- (b) Squadristi who were good executives for members of the first category and who carried out their orders with resort, if necessary, to violence.
- (c) These people who profited from their position in the Fascist Party, but who vacillated on many occasions.



Col. lat.

Chief of Police

for Chief of Police

The system of "confino" and "ammonitione" was purely a Fascist instrument and it is to be regretted that A.S.G. lent itself so readily to such practices. The committee possessed no powers of actual decision and the responsibility for such decisions as were made above must rest with the S.C.A.G. concerned. Where the power to impose "confino" came from is not apparent to me, but it is argued by Regon that if the S.C.A.G. had power to detain people it could also improve the latter evil.

5. It will be seen that in certain cases the Committee could cause immediate imprisonment followed by investigation, and it is here that the Committee of Investigation came into operation. These enquiries were usually passed on to a person delegated by the Procuratore del Re, and his evidence was accepted by the Committee. This evidence usually consisted of vague, but often definite, "collective" information, with no names of witnesses, their reliability or in fact any substantial degree of accuracy or credibility. When it is realized that the accused person was not present when his case was considered and was unable to speak for himself, it is at once apparent that here was a machine sponsored by authorized A.S.G. officials, which violated every democratic principle, for however much it might be stated that imprisonment and punishment were merely words inaccurately used, the very actions of the Committee did in fact punish the individuals denounced, and instead of being an instrument to advise the Allied Military Government it quickly became a machine which terrorized the population of Potenza. At least we must be thankful a similar system has not operated elsewhere.

6. Changes were made from time to time in the construction of the Committee of Public Safety. In December 1943 after Sicily became S.C.A.G. in place of Capt. Mille; Lt. O'Neill was transferred, but his successor, Lt. Anderson, had no dealings with the Committee at all; Mr. Heale severed his connections with the work soon after its inception and indeed he is now Minister of the Interior for the Audoglio Government. Capt. Howell frequently did not attend the meetings owing to other duties and this left Capt. Faby as the sole A.S.G. representative, assisted by the Prefect, Gaetano, Av. Notturno and M. Napoli.

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Capt. Pety after a period of sickness has left the country and is not in a position to give an account of the workings of the Committee which was suspended in February 1944, following enquiries by the Regional Legal Officer, Lt.Col. Cousins, who at once realised the damage being done generally by its activities. His predecessor, Major Howe, was not of the same opinion and had been kept informed throughout of the work being done.

7. I have searched the files in possession of Lt.Col. Cousins and Major Nicholls and have also interviewed Avv. Rotunno, Scognemiglio and Rignatori, all anti-Fascist lawyers in Potenza in an endeavour to obtain solid evidence which would justify the continued internment of the eight persons in detention. Both the Committee and Major Nicholls had recommended as recently as 5th April, 1944, that in their opinion the only one of the eight who should be released was one, BENVIGNATI Guido. I am sure this arose out of a confused idea of the reasons for detention, as when such is judged from the standard of "danger to military security", little objection can be found to the release of most of the others. For instance, crimes committed in the early Fascist days, acts of fraud or other enrichment, in more recent years suspected "black market operatives", the reaction by the rest of Potenza etc., were all given as reasons for continued internment, whereas the only point now at issue is "will he be a danger to military security if he is released now?". With Potenza much in the rear of Army area and with so little military traffic through the town it is difficult to appreciate how some of these men could be construed as potential military dangers now. Admittedly they might not be wanted in Potenza, but such does not justify continued detention, and any crimes committed by them as Fascists or war criminals, can and should be dealt with elsewhere.

8. Enquiries revealed that the strongest personality on the Committee was Av. Rotunno and there is no doubt in my mind that although he was "implicitly trusted" by Capt. Pety this was an ill advised trust. He had so little grasp of what ought to have been the real functions of the Committee that he talked to me of many personal and Fascist

had recommended as recently as 6th April, 1944, that in their opinion the only one of the eight who should be released was one, BENVIGNATI Guido. I am sure this arose out of a confused idea of the reasons for detention, as when such is judged from the standard of "danger to military security", little objection can be found to the release of most of the others. For instance, crimes committed in the early Fascist days, acts of fraud or other enrichment, in more recent years suspected "black market operatives", the reaction by the rest of Potenza etc., were all given as reasons for continued internment, whereas the only point now at issue is "will he be a danger to military security if he is released now?". With Potenza much in the rear of Army area and with so little military traffic through the town it is difficult to appreciate how some of these men could be construed as potential military dangers now. Admittedly they might not be wanted in Potenza, but such does not justify continued detention, and any crimes committed by them as Fascists or war criminals, can and should be dealt with elsewhere.

8. Inquiries revealed that the strongest personality on the Committee was Av. Rotunno and there is no doubt in my mind that although he was "implicitly trusted" by Capt. Paty this was an ill advised trust. He had so little grasp of what ought to have been the real functions of the Committee that he talked to me of many personal and Fascist habits of the internees, and of the necessity for continued detention as "punishment". It seems that he has used the Committee solely as an instrument against Fascists for redress for occurrences which happened many years ago. He is a most dominating man and I can well understand how, given a little authority, he would soon usurp far greater powers in a manner difficult to counter by anyone who does not retain an absolutely firm intention to exercise an independent judgment. This may be entirely due to honest motives, but trickery and vendetta form such a greater portion of the minds of some Italians that, whatever the motives, no Allied officer should allow himself to place implicit faith in their judgment where Allied interests are at stake. Lt. Col. Cousins and other officers have also formed this opinion of Rotunno, while Di Napoli is placed in the same, if not less reliable, category.

9. It must have been a difficult position for Major Nicholls to take over a Province with such a Committee functioning, apparently with the approval of the Regional higher officers, but looking back, it is a pity he did not enquire thoroughly into its activities and more particularly into the powers conferred upon him by Proclamation No. 2. His precarious position would soon have been apparent to him.

10. Following these enquiries Col. Young visited Potenza on 11th April, 1944, and in conjunction with Lt. Col. Cousins, Capt. Germain (Provincial Legal Officer) and Capt. Howell, considered the cases where the Committee had previously given decisions. In the first place it was decided to remove all restrictions of "confinno" and "ammonizione". Major Nicholls had reported two cases where he considered, if such measures were taken, the persons should be interned, but the evidence in these cases was so slight that their internment could not be justified at this late stage. The records and results of interviews regarding the eight internees were placed before the officers and it was decided as under:-

1. BENVIGNATI	Guido	Release immediately
2. ZAPPACOSTA	Silla	Review in normal way by A.C.O. Officers at Padula, as early as possible.
3. DONOFALIO	Donato	-do-
4. DONOFALIO	Carmine	-do-
5. ANGELINI	Amedeo	Review after enquiries of witnesses regarding definite anti-Allied acts.
6. PAGELLA	Carmine	Review early, bearing in mind stronger Fascist record.
7. CATALANO	Francesco	Review later - Med; Secty.
8. CARRIERO	Nicola	-do-

11. On 12th April, 1944, I, together with Lieut.

measures were taken, the persons should be interned, if such evidence in these cases was so slight that their internment could not be justified at this late stage. The records and results of interviews regarding the eight internees were placed before the officers and it was decided as under:-

- | | | |
|---------------|-----------|--|
| 1. BENVIGNATI | Guido | Release immediately |
| 2. ZAPPACOSTA | Silla | Review in normal way by A.C.C. Officers at Padula, as early as possible. |
| 3. DONOPRIO | Donato | -do- |
| 4. DONOPRIO | Carmino | -do- |
| 5. ANGELINI | Amedeo | Review after enquiries of witnesses regarding definite anti-allied acts. |
| 6. FAGELLA | Carmino | Review early, bearing in mind stronger Fascist record. |
| 7. CATALANO | Francesco | Review later - Med; Secty. |
| 8. CARRIERO | Nicola | -do- |

11. On 12th April, 1944, I, together with Ident. Ellis of A.C.C., reviewed cases Nos. 1 to 4 and in no case could continued internment be justified, a recommendation was made accordingly to the Camp Commandant who will arrange for their release at an early date.

12. Enquiries are proceeding regarding No. 5 and the remaining cases who were more active Fascists will be considered in due course. All the details and documents available are at No. 371 P.O.W. Camp.

13. As regards the activities of the Committee the only criticism I have to make is that more trust was not placed in the Public Safety Division, who, apart from Lt. O'Neill, in its early stages have not been represented on the Committee. Capt. Paty, the Legal Officer, seems to have taken upon himself the complete duties of Public Safety and I fail to see how he came into the picture at all as the internment of suspected dangers to security is essentially a matter for

Public Safety Division working with F.S.S. or O.I.C. It has been said that there were no F.S.S. available but I notice in each case an F.S.S. officer actually delivered the internee into the camp. Had the matter been referred to them, as had been done in every other Province, much less could have devolved upon ACC/AMC.

14. However, I think local feeling, which is directed more against Italian informers than the Allies, will simmer down and no hitch is anticipated in the review of the interned cases in the normal course of events.

S. J. Harvey
S. J. HARVEY. Capt.
A.C.C. (Security Branch).

15. The enquiries into case No. 5 revealed that of the five witnesses whose names were given to me by AV. Rotunno as being in a position to give evidence of Angelini indicating to the Germans a petrol dump. Four could only repeat hearsay evidence. The fifth stated that Angelini had shouted down from a balcony to him to tell the Germans to go up the road where there was petrol. The Germans at this time were breaking open garages and shops on the opposite side of the road and the informant says it was obvious that Angelini was in a panicky state and that his statement was made to get the Germans away from his immediate vicinity. Two days later he apologised for his cowardly behaviour. The informant says he told all this to the Committee of Public Safety, but it is difficult to see how they admitted this evidence and that four people who were not present, as to be so damning as to cause his internment months later.

16. Release was recommended in this case as in fact in all the others except No. 8, where the man was a Federal Secretary, a Lt. Col. in the Italian Army, and (I am strongly of this opinion) still a potential danger to us.

15. The enquiries into case No.5 revealed that of the five witnesses whose names were given to me by Av. Rotundo as being in a position to give evidence of Angelini indicating to the Germans a petrol dump, four could only repeat hearsay evidence. The fifth stated that Angelini had shouted down from a balcony to him to tell the Germans to go up the road where there was petrol. The Germans at this time were breaking open garages and shops on the opposite side of the road and the informant says it was obvious that Angelini was in a panicky state and that his statement was made to get the Germans away from his immediate vicinity. Two days later he apologized for his cowardly behaviour. The informant says he told all this to the Committee of Public Safety, but it is difficult to see how they admitted this evidence and, that four people who were not present, as to be so damning as to cause his internment months later.

16. Release was recommended in this case as in fact in all the others except No.8, where the man was a Federal Secretary, a Lt.Col. in the Italian Army, and (I am strongly of this opinion) still a potential danger to us.

17. The position now is, therefore, that seven releases have been recommended and I anticipate those being put into effect at an early date.

16 Apr. 44.

S. J. Harvey

S. J. HARVEY Capt.
A.O.C. (Security Branch).

Declassified S.O. 12356 Section 515/AMF
CONFIDENTIAL

7016
HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.C. Section
APO 394

Legal (31)
5 March 1944

Ref/312/14/CA

SUBJECT: Internment of Civilians

TO : All Regional Commissioners,
S.C.A.O.'s 5 and 8 Armies.

1. Attached memorandum No. ACMF/1401/7/G1(b) of 2 Feb 44 lays down new procedure for the internment of civilians. This memo has been approved by this H.Q. and immediate steps will be taken to implement it.

2. Consequent upon the adoption of the procedure referred to above General Order No. 10 issued by S.Q. AMF (then at Palermo) on 3 Dec 43 is cancelled.

3. In view of recent changes there is now no reason why Sicily and Sardinia should be excluded from the scheme (see para. 6 of ACMF memorandum) and H.Q. ACMF is being asked to take the necessary action. Copies of the amending instruction issued by ACMF will be sent to Regions I and VI.

4. For ease of reference a copy of the instruction referred to in the first sentence of the ACMF memo is also attached.

NORMAN E. FISKE,
Colonel, Cavalry,
Deputy Executive
Commissioner.

DISTRIBUTION:

R.C.'s Regions I - III	6 each
" " IV, V, VI	3 "
" " VIII, IX	1 "
S.C.A.O.'s 5 & 8 Armies	2 "
Adm. Section	1
Public Safety Sub-Com.	1
Security Branch	1
H.Q. ACMF	1
Spare	5

C O P Y

SUBJECT : Internment of Civilians;
Civil P.O.W.

Headquarters
Allied Central Mediterranean Force
BR CONFIDENTIAL - U.S. CONFIDENTIAL

TO: Fifth Army
Eighth Army
No.2 District
No.3 District

ACME/1401/7/GI(b)

2 Feb 44

Reference this HQ instruction 154G/1400/2/G(Ib) dated 1 Sept 43.

1. INTRODUCTION

(a) 371 POW Camp has now been established at PABULA (T 4194) in POTENZA Province as an internment camp for civil POW. It will be ready on 7 Feb 44, and it can accommodate females as well as males.

(b) The following instructions set out the procedure which will be adopted with regard to (i) the disposal of civilians already arrested in ITALY and interned since the beginning of the Italian campaign (3 Sep) and (ii) future cases of internment of civilians in ITALY.

(c) It is emphasised that the following instructions refer only to internment cases, and NOT to civilians arrested and charged with a security offence, nor to those detained pending further investigation.

(d) AFHQ and AFHQ Adv Adm Ech have agreed these instructions and approved their application throughout ITALY.

2. DISPOSAL OF CIVILIANS ALREADY INTERRED

(a) All civil internees located in POW Camps in ITALY and any who may, wrongly, be confined in civil prisons, will be evacuated to 371 Camp forthwith.

(b) This H.Q. will supply the Commandant of 371 Camp with a list of all those persons whose internment has been officially authorised by Armies since the beginning of the Italian campaign. 2 District will supply forthwith a similar list in respect of interments authorised by that HQ. P.3.S. is requested to do likewise.

(c) The Commandant of 371 Camp will then list the names of those persons in the Camp who do NOT feature in the listes described in para 1 (b) above and about whom he holds no record. He will submit this list to this HQ, 2 District, P.3.S. and A.C.C. These several HQ's should then notify the Commandant 371 Camp whether or not they know anything of the cases and whether or not they see any

Province as an internment camp for civil POW. It will be ready on 1 Feb 44, and it can accommodate females as well as males.

(b) The following instructions set out the procedure which will be adopted with regard to (i) the disposal of civilians already arrested in ITALY and interned since the beginning of the Italian campaign (3 Sep) and (ii) future cases of internment of civilians in ITALY.

(c) It is emphasized that the following instructions refer only to internment cases, and NOT to civilians arrested and charged with a security offence, nor to those detained pending further investigation.

(d) AFHQ and AFHQ Adv Adm Ech have agreed these instructions and approved their application throughout ITALY.

2. DISPOSAL OF CIVILIANS ALREADY INTERNEED

(a) All civil internees located in POW Camps in ITALY and any who may, wrongly, be confined in civil prisons, will be evacuated to 371 Camp forthwith.

(b) This H.Q. will supply the Commandant of 371 Camp with a list of all those persons whose internment has been officially authorised by Armies since the beginning of the Italian campaign. 2 District will supply forthwith a similar list in respect of interments authorised by that HQ. P.B.S. is requested to do likewise.

(c) The Commandant of 371 Camp will then list the names of those persons in the Camp who do NOT feature in the lists described in para 1 (b) above and about whom he holds no record. He will submit this list to this HQ, 2 District, P.B.S. and A.C.C. These several HQ's should then notify the Commandant 371 Camp whether or not they know anything of the cases and whether or not they see any objection to the release of the persons concerned. The Commandant will then arrange for the immediate release of those to whom no objection is raised.

(d) Those persons whose recommended period of internment has already expired will be released at once, i.e. as soon as they reach 371 Camp. Others recommended for a definite period of internment will be released at the expiration of that period, provided that the Commandant sees no objection to their release, and provided that he is not notified in the meantime of any such objection by the HQ which authorised the internment or by A.C.C. or by this HQ.

(e) Persons whose names feature in the lists described in para.2 (b) above, who do not arrive within reasonable time at 371 Camp, will probably have been evacuated to N.AFRICA. A list of these will be sent by the Commandant (through the usual channels) to AFHQ, with the request that they be returned to ITALY as soon as possible for confinement in 371 Camp or release, priority as regards their return being given to those who were recommended for a short or limited period of internment.

DOWN STAMPED

UNCLASSIFIED

Col. Int.

Chief of Staff

Tracy

(d) Release and Review.

(a) The practice of FS/CIC officers and Army or District HQ's intern-ing persons for a definite period, e.g. 6 months, or recommending their internment for such a period, will be discontinued, as this practice, though not contrary to the letter of international law, resembles too closely an arbitrary term of imprisonment without trial.

Instead, FS/CIC officers will recommend, and the HQ concerned will authorize the internment of the person in question, and they will recommend either that such internment should be for the duration of the war, or that the case should be reviewed after such and such a period (e.g. six months).

(b) At the end of this period the Commandant of 371 Camp will review the case, with the assistance of his interpreter/intelligence officer. If he considers that there is no objection to the release of the prisoner, and if the HQ which authorized the internment or this HQ or ACC have not in the meantime notified the Commandant that they consider that the prisoner should continue in internment beyond this period (owing to fresh evidence coming to light or to the general security situation or for any other reason), the Commandant will arrange for the release of the prisoner.

(c) Apart from reviewing cases at the end of the period recommended by the HQ concerned, the Commandant, with the assistance of his interpreter/intelligence officer, should review all cases from time to time (as frequently as practicable). If he considers that there is good reason on compassionate or other grounds why an internee should be released before the time recommended by the HQ concerned for the case to be reviewed, he will refer the case to this HQ for consideration and decision. If the internment was instigated by ACC the latter will be consulted by this HQ.

4. ADMINISTRATION.

371 Camp will be responsible for all administration and documentation of civil POW.

5. PENINSULAR BASE SECTION.

It is requested that P.B.S. adapt the same procedure, in order that this may be uniform throughout the Italian mainland, and it is suggested that, where reference is made above to District HQ in connection with authorization for internment or release, P.B.S. should be regarded as the equivalent of a District for this purpose.

6. SICILY AND SARDINIA.

C O P Y

SUBJECT : Internment of Civilians;
Civil P.O.W.

Headquarters
Allied Central Mediterranean Force

BR CONFIDENTIAL - U.S. CONFIDENTIAL

TO: Fifth Army
Eighth Army
No.2 District
No.3 District

ACME/1401/7/GI(b)

2 Feb 44

Reference this HQ instruction 15AG/1400/2/G(Ib) dated 1 Sept 43.

1. INTRODUCTION

(a) 371 POW Camp has now been established at PADULA (T 4194) in POTENZA Province as an internment camp for civil POW. It will be ready on 7 Feb 44, and it can accommodate females as well as males.

(b) The following instructions set out the procedure which will be adopted with regard to (i) the disposal of civilians already arrested in ITALY and interned since the beginning of the Italian campaign (3 Sep) and (ii) future cases of internment of civilians in ITALY.

(c) It is emphasised that the following instructions refer only to internment cases, and NOT to civilians arrested and charged with a security offence, nor to those detained pending further investigation.

(d) AFHQ and AFHQ Adv Adm Ech have agreed these instructions and approved their application throughout ITALY.

2. DISPOSAL OF CIVILIANS ALREADY INTERNEED

(a) All civil internees located in POW Camps in ITALY and any who may, wrongly, be confined in civil prisons, will be evacuated to 371 Camp forthwith.

(b) This H.Q. will supply the Commandant of 371 Camp with a list of all those persons whose internment has been officially authorised by Armies since the beginning of the Italian campaign. 2 District will supply forthwith a similar list in respect of interments authorised by that HQ. P.B.S. is requested to do likewise.

(c) The Commandant of 371 Camp will then list the names of those persons in the Camp who do NOT feature in the listes described in para 1 (b) above and about whom he holds no record. He will submit this list to this HQ, 2 District, P.B.S. and A.C.C. These several HQ's should then notify the Commandant 371 Camp whether or not they know anything of the cases and whether or not they see any objection to the release of the persons concerned. The Commandant will then

Province as an internment camp for civil POW. It will be ready on 7 Feb 44, and it can accommodate females as well as males.

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(c) The Commandant of 371 Camp will then list the names of those persons in the Camp who do NOT feature in the listes described in para 1 (b) above and about whom he holds no record. He will submit this list to this H.Q. 2 District, P.B.S. and A.C.C. These several H.Q.'s should then notify the Commandant 371 Camp whether or not they know anything of the cases and whether or not they see any objection to the release of the persons concerned. The Commandant will then arrange for the immediate release of those to whom no objection is raised.

(d) Those persons whose recommended period of internment has already expired will be released at once, i.e. as soon as they reach 371 Camp. Others recommended for a definite period of internment will be released at the expiration of that period, provided that the Commandant sees no objection to their release, and provided that he is not notified in the meantime of any such objection by the H.Q. which authorised the internment or by A.C.C. or by this H.Q.

(e) Persons whose names feature in the lists described in para.2 (b) above, who do not arrive within reasonable time at 371 Camp, will probably have been evacuated to N.AFRICA. A list of these will be sent by the Commandant (through the usual channels) to AFHQ, with the request that they be returned to ITALY as soon as possible for confinement in 371 Camp or release, priority as regards their return being given to those who were recommended for a short or limited period of internment.

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Oct 1944

(f) In addition, AFHQ will be requested by this HQ to arrange for the despatch to 371 Camp of any other civilians who may be confined in POW Camps in N.AFRICA and who are known to have been evacuated from ITALY, but who do NOT feature in the Commandant's list described in 2 (e) above. On the arrival of any such persons at 371 Camp, the Commandant will deal with them in the same way as with those described in 2 (c) above.

3. FUTURE CASES OF INTERMENT.

(a) General.

The following instructions on the procedure to be followed in future, with regard to the interment of civilians should be read in conjunction with this HQ instruction dated 1 Sep 43, quoted above, the latter remains valid except where modified by the following.

(b) Disposal.

Civilians arrested with a view to interment will continue to be placed in the nearest POW Cages. Thence they will be evacuated through POW channels to 371 Camp.

(c) Records.

(i) Arrest Slips.

As laid down in para 3 of this HQ instruction quoted above, a record of arrest ("Arrest Slip"), signed by the officer i/c the RS Section or CIC Detachment making the arrest, will be handed over to the authority i/c the POW Cages in which the prisoner is originally placed. This slip must accompany the prisoner to 371 Camp; it will be carried by the escort, and handed over to the Commandant of the Camp.

(ii) Authorisation.

Although any RS/CIC officer can arrest a civilian with a view to interment, the Army or District HQ concerned will be responsible for authorising interment. When the HQ concerned receives its "arrest slip" or report of the case, it will consider whether interment is justified or whether the arrestee should be released. In the latter event it will arrange for his immediate release. In the former event, it will indicate its authorisation in the manner shown in (iii) below.

(iii) Consolidated records.

Army and District HQ's will forward half-monthly to this H.Q. and to the Commandant of 371 Camp a consolidated record of persons arrested whose interment is authorized, giving particulars as hitherto.

(b) Disposal.

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As laid down in para 3 of this HQ instruction quoted above, a record of arrest ("Arrest Slip"), signed by the officer i/c the ES Section or CIO Detachment making the arrest, will be handed over to the authority i/c the POW Cages in which the prisoner is originally placed. This slip must accompany the prisoner to 371 Camp; it will be carried by the escort, and handed over to the Commandant of the Camp.

(ii) Authorisation.

Although any ES/CIO officer can arrest a civilian with a view to internment, the Army or District HQ concerned will be responsible for authorising internment. When the HQ concerned receives its "arrest slip" or report of the case, it will consider whether internment is justified or whether the arrested should be released. In the latter event it will arrange for his immediate release. In the former event, it will indicate its authorisation in the manner shown in (iii) below.

(iii) Consolidated records.

Army and District HQ's will forward half-monthly to this H.Q. and to the Commandant of 371 Camp a consolidated record of persons arrested whose internment is authorised, giving particulars as hitherto.

(iv) Reason for internment.

The reason for arrest and internment will be stated on both the "arrest slip" accompanying the prisoner and on the half-monthly consolidated record. In both instances, this reason will be stated more fully than has been the custom hitherto, in order that both this HQ and the Commandant of the Camp may be properly informed concerning the case.

(v) Arrests initiated by ACC.

When ACC officers wish to have a person arrested and interned on political grounds, they will, whenever possible, arrange for the actual arrest to be carried out by FSP/CIC. On the rare occasions when this may be found impracticable, they will hand over the prisoner to the FSP/CIC as soon after the arrest as possible. The disposal and records procedure described above will then be followed in such cases. This principle is laid down for the sake of uniformity and simplicity.

(d) Release and Review.

(a) The practice of RS/CIC officers and Army or District HQ's intern-ing persons for a definite period, e.g. 6 months, or recommending their internment for such a period, will be discontinued, as this practice, though not contrary to the letter of international law, resembles too closely an arbitrary term of imprisonment without trial.

Instead, RS/CIC officers will recommend, and the HQ concerned will authorize the internment of the person in question, and they will recommend either that such internment should be for the duration of the war, or that the case should be reviewed after such and such a period (e.g. six months).

(b) At the end of this period the Commandant of 371 Camp will review the case, with the assistance of his interpreter/intelligence officer. If he considers that there is no objection to the release of the prisoner, and if the HQ which authorized the internment or this HQ or ACC have not in the meantime notified the Commandant that they consider that the prisoner should continue in internment beyond this period (owing to fresh evidence coming to light or to the general security situation or for any other reason), the Commandant will arrange for the release of the prisoner.

(c) Apart from reviewing cases at the end of the period recommended by the HQ concerned, the Commandant, with the assistance of his interpreter/intelligence officer, should review all cases from time to time (as frequently as practicable). If he considers that there is good reason on compassionate or other grounds why an internee should be released before the time recommended by the HQ concerned for the case to be reviewed, he will refer the case to this HQ for consideration and decision. If the internment was instigated by ACC the latter will be consulted by this HQ.

4. ADMINISTRATION.

371 Camp will be responsible for all administration and documentation of civil POW.

5. PENINSULAR BASE SECTION.

It is requested that P.B.S. adopt the same procedure, in order that this may be uniform throughout the Italian mainland, and it is suggested that, where reference is made above to District HQ in connection with authorization for internment or release, P.B.S. should be regarded as the equivalent of a District for this purpose.

6. SICILY AND SARDINIA.

and procedures with regard to 371 Camp will not

either that such internment should be for the duration of the war, or that the case should be reviewed after such and such a period (e.g. six months).

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6. SICILY AND SARDINIA.

The above arrangements and procedure with regard to 371 Camp, will NOT, anyway at present, be applicable to SICILY or SARDINIA.

/s/W. D. Gibson, Lt Col,
for Lieut General,
Chief of General Staff,
A.C.M.F.

C O P Y

SUBJECT: Arrest of Civilians on Security Grounds

SECRET

FIFTH ARMY
SEVENTH ARMY
EIGHTH ARMY
PORTBASE

15/AG/1400/2/G/1b/

1 Sept. 1943

1. The following instructions regarding the arrest of civilians by military personnel on security grounds are issued in amplification of this H. A. instruction 15/AG/1400/2/G (1b) dated 23 Aug. 43.

The procedure set out below will be adopted forthwith in the case of SIXTLY and will be followed in future operations.

2. Categories of Arrest.

It must be clearly understood by all concerned, in particular by security personnel, that there are three categories of civilians who may be arrested on security grounds.

(a) Those who have committed, or are alleged to have committed, in the territory occupied by our forces, a security offence under international law or the provisions of our proclamations. These should be charged with the offence under international law or the provisions of our proclamations. These should be charged with the offence and tried by a military court.

(b) Those who are not chargeable with a security offence, but who appear on reasonable evidence to constitute a threat to the security of our forces, operations or Military Government, by virtue of their position, personality, sentiments or record.

These should be interned.

(c) Those against whom there is insufficient evidence to charge with an offence or to intern, but whom it is desirable in the interests of security to detain pending further investigation.

3. Records and Disposal

(a) General

(i) Whenever a civilian is arrested by military personnel on security ground, a record of such arrest must be made. This record will include the following items:

Particulars of individual arrested.

Date and place of arrest and by whom arrested.

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These should be interned.

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3. Records and Disposal

(a) General

(i) Whenever a civilian is arrested by military personnel on security ground, a record of such arrest must be made. This record will include the following items:

Particulars of individual arrested.

Date and place of arrest and by whom arrested.
Where confined.

Reason (in brief) for arrest and classification or category of arrest (ref para 2 above).

(ii) One copy of such record will be handed over with the prisoner to the authority in charge of the prison or cage in which he is confined.

A second copy will be submitted to the local Civil Affairs Officer or Civil Affairs Police Officer.

A third copy will be forwarded to the Army H.Q. concerned or will be retained to form the basis of a fuller report to Army H.Q. as laid down by Armies.

(iii) Army H.Q. will forward consolidated lists of such records to this H.Q. and to AMBOT H.Q. Palermo, at not more than fortnightly intervals.

(b) Security Offences.

A civilian arrested for the commission of a security offence will be placed in the nearest civil prison or police station approved by AMGOT. If no such establishment is available they will be placed in the nearest P/W cage.

In addition to the brief arrest records prescribed in (a) above, a full report of the case will be submitted to the local Civil Affairs Officer, who will then arrange for the case to be tried by a military court, and for the subsequent disposal of the prisoner.

(c) Internment

A civilian arrested with a view to internment will be placed in the nearest P/W Cage.

In addition to the records prescribed in (a) above, a full report of the case will, where necessary, be forwarded to the Army H.Q. concerned. The Army H.Q. will then consider at once whether internment is justified, the Army Security Staff and AMGOT representative consulting. The Army H.Q. will either authorise continued internment or order release, informing the P/W cage accordingly.

Records of arrest in internment cases, forwarded by Armies to this H.Q. and AMGOT H.Q., PALERMO, will show whether continued internment or release was authorised by the Army H.Q. concerned.

NOTES: Authorisation of internment will be the responsibility of this H.Q. in respect of the area in S.E. SICILY for which this H.Q. is directly responsible as regards security.

(d) Detention pending Investigation.

A civilian detained on security grounds pending further investigation will be placed either in the local prison or in the nearest P/W cage, according to whether investigations are proceeding with a view to internment or to the preferment of a charge for a security offence.

The Chief Legal Officer of AMGOT H.Q. or the Senior Legal Officer of the Province should be informed of any such detention and his agreement obtained.

The investigation of the case must be pursued as rapidly as possible by the security personnel concerned, so that the civilian detained may be either interned, released or charged with an offence with the minimum delay. If the Security Section making the investigation moves to another area before the case is disposed of, the case must be handed over to the incoming security section.

If the detention is to last longer than three months the agreement

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If the detention is to last longer than three months the agreement of the Chief or Senior Legal Officer should again be obtained.

In addition to the records prescribed in (a) above, the ultimate disposal of the case will be reported to those to whom the original record of arrest was sent.

4. Evacuation from P/W Cages.

Where possible, Provost Marshalls and officers in charge of P/W cages will ensure that arrested civilians are not evacuated from the cage in which they are originally placed until:

(a) They are removed by AMCOT for trial or to a civil prison pending trial, in the case of those charged with an offence.

(b) Their internment or release is authorised by Army H.Q., in the case of those arrested with a view to internment.

(c) Their disposal is authorized by the appropriate agency in the case of those detained pending investigation (i.e. by Army H.Q., AMGOT, or the local Security Officer, according to whether the prisoner is to be interned, tried or released).

5. Security Personnel

The procedure outlined above is based on the principle that security arrests should normally be carried out by Security Personnel (F.S.P. or C.I.C.)

It is realized however, that the arrest of civilians for security reasons may some times be initiated by a military personnel. In such cases, the civilian arrested should wherever possible be handed over to the nearest F.S. or C.I.C. Section : where this is not practicable, the latter should at least be informed of the particulars of the arrest. The case can then be handled in accordance with the procedure laid down above.

Major General,
Chief of General Staff,
15 Army Group.

HD. 15 Army Group
C.M.F.

Copy to: A.F.H.Q.
AMGOT H.Q., PALERMO
16 F.S. Section
47 F.S. Section
314 F.S. Section

Provost Marshall (u.s.)

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. Section
APO 394

Log 1744
1744
26

Ref/312/21/CA.

11 March 1944.

SUBJECT: Civilian Internees & Civilian P.O.W.

TO : Admin. Section.
For attention Legal Sub-Commission.

22

File

1. Reference your ACC/4016/L of 27 Feb 44.
2. It is confirmed that the Military Authorities have now assumed all responsibility for civilian internees and civilian P.O.W. who are in fact all treated as civilian P.O.W. No further advice on this matter is required at present.

W. L. Shipp

W. L. SHIPP

NORMAN E. PIERCE
Colonel, Cavalry,
Deputy Executive
Commissioner.

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ALLIED CONTROL COMMISSION
SICILY REGION HQ.
APO 394

File: RLE C13.29/HD

7 March 1944

SUBJECT: Detainees under Proc. No. 2 Art. VII.

TO : C.L.O., A.C.C. HQ. (Salerno Detachment) APO 394.

In accordance with the requirements of Executive Memorandum No. 7, it is hereby certified that no persons were detained in this Region under the provisions of the above Proclamation as at 11th February 1944.

For Lt. Col. HANCOCK:

H. M. Dickie S/L

H. M. DICKIE,
Squadron Leader R.A.F.,
Regional Legal Officer.

jd

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

GRU/EF

29 February 1944.

ACC/4016/L

SUBJECT: Lt. Giolidori, Fausto.

TO : Army Subcommittee.

1. The attached paper seems to be a matter for you to take up with the Supremo Comando.

2. In line with the policy prohibiting trials of Italian deserters it seems we should press for his release or you may think it wiser to ask to be supplied in the first place with the record in the case, and to consult us later.

3. Will you acknowledge the letter please from Region VI.

C. R. UFFORN, Colonel
Chief Legal Officer.

File *4016* *WV* *23*
General Mogli to the Allied Commander in Sardinia - 8 Feb 44

I have read with great care your letter No. 1401 dated 2 Feb on the subject of Lt. of Engineers Fausto Guillardori, sentenced to 27 years of reclusion and degradation by the Tribunal of Sardinia.

The records of the case show that this case took place on 25 Oct 43, at a time when the political and military situation had given to the judges the faculty to apply military law with less severity, but the consequence of the situation and its probable development in the near future had to be borne in mind by them when considering the political motives which determined this officer to commit offences for which he was liable to be shot.

The political conditions were considered in the mitigation of the sentence, but as far as the actual offences committed by this officer are concerned, if one forgets the personal opinions of the accused and the political reasons determining his act and also the responsibility of higher authorities, all of which were discussed during the debate, it remains that they were offences falling under the provisions of our military and penal codes.

The aviators were absolved because it was clearly established that they believed to have acted under superior orders.

Taking into consideration what has come to light from the examination of all the facts of the case may I express the opinion that the provisions of Article 32(b) of the Convention of Surrender passed between the Allied and Italian Governments do not apply in the specific case of Lt. Guillardori.

However, I take pleasure in informing your HQ that Lt. Guillardori has filed an appeal against the sentence of the Military Tribunal of Sardinia and that the file of his case will be reexamined by the Supreme War Tribunal.

Declassified E.O. 12958 Section 1.1
REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

GRU/gmf

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12

27 February 1944.

ACC/4016/L

SUBJECT: Civilian Internees and Civilian POW.

TO : Executive Commissioner, ACC.

Ref your request for a ruling on the distinction between Civilian Internees and civilian POW and my request for further information. I have been informed (a) that the Military Authorities have now assumed all responsibility for both classes and (b) that the Military Authorities in fact treat all civilians who are detained as civilian POW. Will you please let me know if this is so?

In this connection I am not of course referring to persons interned under Proc. 2 Art. VII Sec. 2. Will you please let me know what further advice you require.

G. R. UPJOHN, Colonel
Chief Legal Officer.

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PEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 304

GRU/gmf

26 February 1944.

ACC/AC16/L

SUBJECT: Review of Political Internee Cases.

TO : RLO Region 3.

1. Ref your letter 3/6060/L dated 22 Feb 44.

2. The formation of the committee proposed in your letter does not appear to run counter to any policy of HQ AIG ACWF or ACC.

3. I have been advised that certain people are held at Averca alleged to have committed war crimes and atrocities. Care must be taken that they are not released.

be concerned in

See file

G. B. DUNN
Colonel
Chief Legal Officer.

0913
Declassified A.O. 11555 Section 1.1
file
REFERENCE : AOC/4016/L.

MEMORANDUM.

(14) (17)
This Ministry has been informed by R.S. Reale that the Ministry of Interior is receiving numerous requests that rules be established for arrests and detentions effected by the Allied Authorities. While fully securing the purpose of such detentions the rules could provide some protection for the interested parties.

In view of the above please consider the advisability of granting to the interested parties a right to contest the detentions where such right has not yet been given.

Furthermore would you please make it clear whether the Commissions of Appeal against the detentions should be appointed by Italian Authorities for territories under their jurisdiction and particularly for the territories recently restored to the Italian Administration.

SALERNO. R.S. 25 FEB 44.

(Translation)

Subject : Detentions of Italians.

4016

16

HEADQUARTERS
REGION 3, ALLIED MILITARY GOVERNMENT
LEGAL DIVISION
APO 394, U.S. Army

22 February 1944

JWC/oa
3/5080/L

Subject: Review of Political Internee Cases.

To : Chief Legal Officer, Legal Subcommittee
A.C.C.

1. Advice has been received that there are a number of persons who have been interned at Aversa internment camp who may be unjustly detained.

2. I have proposed to the Regional Commissioner, and he has agreed, that we set up a committee composed of officers from Public Safety, Legal, C.I.C. and F.S.S. to review cases of political internees.

3. Will you please advise me whether the proposed plan would be counter to any policy or plan of Hq. AMG., ACNF or A.C.C. ?

John W. Chapman

JOHN W. CHAPMAN
Lt; Col., J.A.G.D.,
R.C.I.C.

U.S. CONFIDENTIAL Equals British CONFIDENTIAL

INCOMING

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FEB 22 16 45A

CONFIDENTIAL

ROUTINE

JPD: SIGNED CIVIC SITE VISAS

FATIMA, AND AOMF HIDE DISTONK, IRS, AND IRS FOR SHAKI FOR HANCOCK

- PARA 1. All cases Sicilian internees held in Sicily have been reviewed. Of these 120 are to remain interned under Allied Control. Request AOMF accepts these 120 and any other Sicilians interned in future in 371 PW Camp not withstanding AOMF/1401/7/ U-1 (B) of 2 February.
- PARA 2. In addition to above review Board has decided that 73 internees held Sicily could be transferred to Italian Control forthwith for continued internment. Do you agree, if not will AOMF accept in 371 PW Camp.
- PARA 3. Urge AOMF accepts personnel in both Paras 1 and 2 in 371 PW Camp as only alternative to establish separate camp in Sicily which we consider uneconomical.

DISTRIBUTION:

- 1 - AG
- 1 - DSG Info
- 1 - AGC ACTION
- 1 - INFC legal

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Col. 1st

Officer.

U.S. CONFIDENTIAL Equals British CONFIDENTIAL

- E X T R A C T -

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. Section
APO 394

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EXECUTIVE MEMORANDUM)

12 February 1944.

NUMBER 7)

TO: Regional Commissioners, Regions I, II, and VI.

INSTRUCTIONS TO LEGAL OFFICERS IN
REGIONS TRANSFERRED TO THE ITALIAN
GOVERNMENT.

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5. DETAINEES.

No persons detained under Article VII of Proclamation No. 2 will be released without further orders from HQ ACC, but Chief Legal Officers in the Regions will prepare lists of persons so detained. Such lists will show places of detention, and the Chief Legal Officers in the Regions will forward them with his comments to HQ ACC within 14 days of the restoration of territory to the Italian Government.

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By Command of Lieutenant General MASON MacFARLANE:

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M. S. LUSH
Brigadier,
Executive Commissioner.

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