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SOC. FRATELLI D
MAR. - JUN. 1946

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SOC. FRATELLI DAMIOLI (PROPERTY OWNERSHIP, PANTELLERIA)
MAR. - JUN. 1946

File

HEADQUARTERS ALLIED COMMISSION
APC 794
LEGAL SUB-COMMISSION

4A

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AG/1034/17/1.

12 June 1946.

SUBJECT : Property at Pantelleria
Societa' Rattelli Damioli, Milano.TO : Lieut.Col. L. Montague,
Chief Liaison Officer,
Sicily Liaison Group.

1. I enclose a copy of a letter from Prof. VASSALLI suggesting how an inventory of the property can be most satisfactorily made. This Sub-Commission has no objection to the procedure proposed by Prof. VASSALLI, if you have not.

By Command of Rear Admiral STONE :

G.C. HAINSWORTH,
Lieut.Colonel,
Deputy Chief Legal Advisor.

STUDIO VASSALLI
19 LUNGOTEVERE VALLATI, ROMA

4.12.46
4034/17
PROF. FILIPPO VASSALLI
PROF. GIUSEPPE FERRI
PROF. GIULIANO VASSALLI
PROF. PASQUALE CHIOMENTI

3A
TEL. 55521

Rome, 4th June 1946

Allied Commission,
Legal Sub-Commission
Rome.

Re: Equipment and machinery belonging to the Company "Soc. An. Ingg. Fratelli Damioli", and requisitioned by the Allied Authorities of Pantelleria.

I. Reference our letter dated 15th March 1946 and our conferences with the Deputy Chief Legal Advisor of the Allied Commission, we have the honour to submit the following:

- (a) Our client, "Soc. An. Ingg. Fratelli Damioli" of Milano, have informed us that their Ing. Vittorio RIVA, who- as stated in our said letter of 15th March 1946- was present when the inventory of May 5th 1943 was drawn up and who is fully informed of the situation, is at present employed by another firm. Ing. RIVA could get a fortnight leave from June 15th to June 30th instant. Since it seems most convenient that Ing. RIVA be present in Pantelleria when the Allied Authorities ascertain what material and equipment, the property of Damioli Bros., are left there- as requested in paras. 6 and 7 of our above mentioned letter- we respectfully request the Allied Commission to give instructions to the competent Authorities to the effect that the visit to Pantelleria take place at a date within the period from June 15th to June 30th 1946.
- (b) The Deputy Chief Legal Advisor to the Allied Commission told us some time ago that, in the present circumstances, it might be difficult for the Allied Authorities to send an officer to Pantelleria who should, together with a firm's representative, ascertain the material and the equipment left there. We respectfully submit that, if the Allied Authorities find themselves to be short of personnel, they ask

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the Italian Authorities resident in Pantelleria
to proceed to such ascertainment.

2. We shall be much obliged to the Allied Commission if
they will kindly take into consideration Damioli Pros.'s request.

A handwritten signature in dark ink, appearing to be 'Damioli', written over a horizontal line.

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

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AC/4034/17/1.

29 May 1946.

SUBJECT : Property at Pantelleria
Societa' Fratelli Damioli, Milano.

TO : Lieut.Col. L. Montague,
Chief Liaison Officer,
Sicily Liaison Group.

1. I enclose a copy of a letter from Prof. Vassalli on behalf of the firm of Damioli Bros. in respect of a claim regarding the firm's property left in Pantelleria. The firm was carrying out construction work on behalf of the Italian Government, and in May 1943 shortly before the Allied landing, when it had become impossible to continue the work, a full inventory of all its property in Pantelleria was drawn up by the firm's representatives and a representative from the Navy. A copy of this inventory is enclosed herewith.

2. After the occupation of the Island all the firm's property mentioned in the inventory was taken possession of by A.M.G., and later disposed of. As the firm's representatives were not permitted by the Allied Authorities to enter the premises where the material was kept, the firm has been unable to discover how much of its property was disposed of or to recover what remained when the Island was returned to the Italian Administration.

3. From the facts set out in the enclosed letter the claim of Damioli Bros. appears identical in nature to that made by Cidonio and Co., and this Sub-Commission suggests that the same procedure should be followed in dealing with it. Would you therefore take the necessary steps for a competent and trustworthy person to co-operate with the firm's representatives in drawing up a list of the existing material and equipment. In case an Allied Officer is not available at the present stage, possibly a member of the Italian Administration could be employed, bearing in mind that the Italian Government is finally responsible for the payment of any claims and not the Allied Authorities.

5. The Executive Commissioner, in the present case as in the previous one, approves of the procedure suggested in this letter.

By Command of Rear Admiral STONE:

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

STUDIO VASSALLI
10, LUNGOTEVERE VALLATI, ROMA



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PROF. FILIPPO VASSALLI
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PROF. GIULIANO VASSALLI
PROF. PASQUALE CHIOMENTI

4034/17

15th March, 1946

To: Allied Commission,
Legal Sub/Commission,
Rome.

Re: Equipment and machinery belonging to the Company
"Soc.An.Ingg.Fratelli Damioli", and requisitioned
by the Allied Authorities of Pantelleria.

The writer, on behalf of his client, Soc.An.Ingg.F.lli
Damioli, of Milano, has the honour to submit the following:

1.- Soc.An.Ingg.Fratelli Damioli, is a well renowned firm
of engineering contractors.

In the spring 1943 the Firm was carrying on public
works in Pantelleria, works which had been commissioned by the
Italian Government and by local Authorities.

2.- When the Allied air raids on the island became more
frequent and it was impossible to continue the works, the Firm or-
dered its engineers and its labour to go to the mainland and left
only a few personnel to watch and take care of the machinery and
equipment which was left on the island.

3.- On May 5th, 1943 - that is to say immediately before
the Allied landing -, the Firm caused a regular and full inventory
of all its property on the island to be drawn up by its representa-
tive and a representative of the Ministry of Navy (the only public
official who was at that time present on the island).

Copy of such inventory is attached hereto and marked

STUDIO VASSALLI

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4.- After the occupation of Pantelleria by the Allied Forces and the setting up of the Allied Military Government on the island, all the above mentioned property was first blocked and at a later date disposed of by the Allies, who even forbade the Firm's representatives to enter into the premises where the property in question was.

As a result of that, the Firm has not been able to ascertain how much of its property has been disposed of by the Allied Authorities of Pantelleria and to recover the property that was left there when the island was restored to the Italian Administration.

5.- The writer respectfully points out that, under international law, the Allied authorities could not confiscate private property, such as the property in question, which belonged to an Italian private concern; they could, of course, requisition the property - as they have in fact done -, but should either pay for it or give a receipt.

The writer is fully aware that according to the Armistice terms the Italian Government are ultimately responsible for requisitions effected by the Allied Forces, but begs to submit that his client, Soc. An. F.lli Damioli, cannot recover any damage from the Italian Government unless and until the proper documents of requisition are issued by the Allied Authorities concerned.

6.- The writer requests that the present illegal situation be redressed by ascertaining what material and equipment is left in Pantelleria - which material and equipment should be handed back to the Firm - and by issuing the proper documents of requisition for all material and equipment which have been disposed of by the Allied Authorities.

7.- The writer requests that the existing material and equipment be ascertained by a representative of the Allied Authorities and by two representative of the Firm, namely:

a) Ing. Vittorio RIVA, who was present when the in-

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ventory of May 5th, 1943, was drawn up and who is fully informed of the situation;

b) Ing. Giovanni RISO, who is one of the managers of the Firm.

Favali

