

785016

ACC

10000/142/435

CASUAL
AUTHOR
MAY 19

0172

Declassified E.O. 12356 Section 3.3/NND No. 785016

10000/142/435

CASUALTIES TO ITALIANS EMPLOYED BY BRITISH MILITARY
AUTHORITIES
MAY 1944 - JAN. 1945

0173

Declassified E.O. 12356 Section 3.3/NND No.

785016

FILE CLOSED 17 OCTOBER 1944.

87

~~SECRET~~

CONFIDENTIAL

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

70A

AC/4053/L.

/rlp.
18 January 1945.

SUBJECT : Lt. Col. MANUCCI Giovanni.

TO : Land Forces S/C, MMIA.

1. In further reply to your AC/6 of 30 Dec 44, Col MANUCCI is subject to the jurisdiction of the Tribunale Militare Territoriale di Guerra di Catanzaro.
2. The complaint should be forwarded to the Procuratore Militare di Catanzaro who should be invited to take proceedings.
3. The documents are returned herewith.

N.R.

26

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

Incls.

CONFIDENTIAL

Roma, addì 16 gennaio 1945

69A

PROCURA GENERALE MILITARE

DEL REIMPERATOREX REGNO

PRESSO IL

TRIBUNALE SUPREMO MILITARE

N. 381 RP

risp.

STAMPERIA REALE DI ROMA

ALLEGATI N.

OGGETTO: Ten. Col. MANSUTTI Giovanni.

**ALLA COMMISSIONE ALLEATA
SOTTOCOMMISSIONE LEGALE**

63A

In risposta alla nota n. 4053 L. in data 3 gennaio 1945 si comunica quanto segue.

Da indagini disposte telefonicamente a mezzo dei Carabinieri risulta che il Ten. Col. MANSUTTI Giovanni di Francesco nato a Venezia il 3 luglio 1893 venne inviato in congedo nel novembre del 1944 e che il medesimo nel settembre dello stesso anno era regolarmente in servizio militare perchè richiamato alle armi dal 1940.

Il predetto Ufficiale nel settembre del 1944 era quindi soggetto alla giurisdizione militare, e per i reati eventualmente commessi in tale epoca dovrebbe essere

In risposta alla nota n. 4053 L. in data 3 gennaio 1945 si comunica quanto segue.

Da indagini disposte telefonicamente a ^{C.O.} ~~Leggio~~ dei Carabinieri risulta che il Ten. Col. ~~MAMMOTTI~~ ^{MAMMOTTI} Giovanni di Francesco nato a Venezia il 3 luglio 1893 venne inviato in congedo nel novembre del 1944 e che il medesimo nel settembre dello stesso anno era regolarmente in servizio militare perchè richiamato alle armi del 1940.

Il predetto Ufficiale nel settembre del 1944 era quindi soggetto alla giurisdizione militare, e per i reati eventualmente commessi in tale epoca dovrebbe essere giudicato dal Tribunale militare territoriale di guerra di Catanzaro competente per territorio.

La eventuale denuncia dovrebbe quindi essere inviata al Procuratore Militare di Catanzaro.

LEGAL SUBCOMMISSION	
CIO	
CICLO	
Chief Counsel	
CJO	
Italian Section	
17 JAN 1945	

IL PROCURATORE GENERALE MILITARE

(U. Borsari)

W. Borsari
U. Borsari
U. Borsari
U. Borsari

HEADQUARTERS ALLIED COMMISSION
A.C. 394
LEGAL SUB-COMMISSION

AC/4053/L

EG/at.
16 January 1945.

SUBJECT : Criminal proceedings against DONA Pietro.
TO : Procura Militare del Regno - Rome.

1. With reference to your Prot. No* 7733/BI of 20 Dec 1944 please indicate to this Sub-Commission the time and the place when and where the two Allied officers referred to in the aforesaid letter are to appear in the above proceeding.

2. It is requested that an advance notice of at least 14 days be given.

30 Jan 45
1/5
see 67A
J. S. HANNAFORD,
Lt. Col.,
Officer i/c Italian Branch,
for Chief Legal Advisor.

4053
14

SUBJECT : Civilian Proceedings.

(67A) Legal
8005

Headquarters
15 Army Group,
Civil Affairs.

Tel : FILPOT 121

DOCAO/14/8.1

14 January 45

TO : Legal Sub-Commission
HQ Allied Commission.
(Attn: Chief Judicial Officer).

- (60A)
- 1 Reference your AC/4053/L dated 31 December 44.
 - 2 Lt. W.O.F. WALTERS, RB can be made available at seven days notice.
 - 3 Capt L.R. ADAMS RTR is reported as serving with Allied Commission at Officer's Mess Unit, AFHQ and contact should be made direct by you to that headquarters.
 - 4 Please advise this Section as to when you wish Lt WALTERS to be present, and as to the date of the trial.

Robert A. Perrell
ROBERT A. PERRELL,
Lt Colonel; Inf.,
for DOCAO.

33

LEGAL SUB COMMISSION	
C.O.	
CCO	
Chief Counsel	
C.O.	
Italian Section	
C.O.	

Gen Hannaford - for spoke ref above. Look you please take up with Italian authorities @ fix an appointment? I suggest 14 days notice, owing to travelling difficulties. I will then call for the officers.

15 JAN 1945

1 Campbell
16 Jan

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

664

AC/4053/L

ES/mt.
4 January 1945.

SUBJECT : Case of Sergio ROSETTI.

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

1. The enclosed communication has been received from the War Office, London.

2. It would be appreciated if information could be obtained on the above case and whether or not it has been reviewed.

3. If it will be noted that Avv. Berlinguer, assistant High Commissioner for punishment of fascist crimes, is named as counsel for the defense.

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

Tel. No. —

Any for communication on this subject should be addressed to:—
The Secretary of State,
The War Office
(as opposite),
and the following number quoted.

CA2/BM/150

Your Reference



THE WAR OFFICE, 65A

Hotel Victoria,
Northumberland Ave.,
London W.C.2.

25th November, 1944.

✓
4053

Sir,

I am directed to refer to the attached letter and censorship extract, and I am to request that the matter be investigated and any action taken that you may consider necessary.

I am,

Sir,

Your obedient Servant,

C. J. Robins
J. Lond.

Director of Civil Affairs.

LEG & SUB-COMMISS

CLO

DOLO

Chief Counsel

CJO

→ Italian Section

CL RKS

4 JAN 1945

The Director,
Legal Sub-Commission,
Allied Commission for Italy,
A.P.O. 394.

61

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

64A

AC/4053/L

/mt;
3 January 1944.

SUBJECT : Lt. Col. G. MANSUTTI.

TO : Land Forces Sub-Commission.

1. Reference your AG/6 of 30 Dec. 1944 receipt is acknowledged of the report by Capt. Turnbull, dated 27 Sept 44 and documents attached.

2. The exact status of Lt. Col. Mansutti is not entirely clear from your letter and inquiries are being put in hand to clarify this point.

3. When the necessary information has been obtained you will be advised of the tribunal before which Lt. Col. Mansutti can be brought to justice.

W. E. BEIRNS, 30
Colonel,
Deputy Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4053/L

/st.
3 January 1945.

SUBJECT : Lt. Col. G. MANSUTTI.

TO : H.E. the Procuratore Generale Militare.

1. It would be appreciated if you would advise this Sub-Commission in the following circumstances.

2. The High Commissioner for Refugees appointed to the command of the Refugees Camp Reggio Calabria is a certain Lt. Col. G. Mansutti.

3. It is desired that criminal proceedings be instituted against this officer because on the 20 Sept 1944 he was found in possession of a large quantity of rations to which he was not entitled, either for himself or for the detachment under his command or for the refugees. It is not entirely clear whether he was ever entitled to these goods, but if he was advised to return them on 23 Aug and failed to do so.

4. There is some doubt as to Lt. Col. Mansutti's status. It is thought that in Sept 1944 he was not an effective member of the Italian Army, and possibly therefore not subject to military law. On the other hand he was in command of the Italian Refugees Centre Unit which consisted of 2 Officers and 49 ORs.

5. It would be appreciated if you could ascertain and advise this Sub-Commission by what court this officer can be tried for his offence as set out above.

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

BF 24/1

See 63B

✓ 4053

(638)

Subject:- Discipline Italian Officers.

Land Forces Sub Comm. A.C.
 (M.M.I.A.)
 R O M E
 AQ/6

30 Dec 44.

Legal Sub Comm.
H.Q. A.C.

Col. MANSUTTI
Italian Refugee Centre, Reggio

1. Attached are the proceedings of a Court of Inquiry held on the above named Italian Officer, who was found to be in possession of inauthorised rations.
2. At the time of the offence Col. Mansutti was not an effective member of the Italian Army and was not therefore subject to Military Law.
3. Col. Mansutti was appointed by the High Commissioner for Refugees, Italian Government. The appointment was approved by Southern Region A.C., but this was probably purely formal, as A.C. was not directly interested.
4. The terms of the appointment were limited to control of Refugee Camp Reggio, and local movement of Refugees.
5. It is requested that you will please say what Authority should try Col. Mansutti's case, and who should take action to put the trial into effect.
6. Please acknowledge receipt of proceedings of Court of Inquiry as these are original documents.

S.P. Archer Capt.

S.P. ARCHER, Capt.
 for Major General,
 M.M.I.A.

Copy to:- H.Q. 204 Sub Area
 C.M.F.

your 204/208/143/A of 19 Dec refers.

SPA/ab

62A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4053/L

2 Jan 45

SUBJECT: Case of RAPONI - Corte d'Assise di Macerata

TO : The Ministry of Grace and Justice
(Direzione Generale degli Affari Penali)

1. Reference is made to a memorandum from your "Ufficio di Coordinamento" dated 27 Nov 44 in relation to the murder of one BELLUCCINI.

2. From enquiries made by this sub-commission it appears that the Procuratore del Regno at the seat of Macerata misunderstood the Provincial Legal Officer, as will be gathered from the following extract from his report:-

"The Procuratore then inquired of me if AMG wanted the records transmitted to the Supreme Court, Special Section, for review and I answered in the negative. Since the arrest and proceedings had been ordered by an AMG Officer, my answer was meant to signify that AMG was not to be concerned further in this situation."

3. As a result, the P.L.O. Macerata has been instructed to inform the Procuratore del Regno that AMG is not further interested in the matter and that he should now proceed as required by Italian law.

sep
A. R. THACKRAH,
Lt. Colonel,
Italian Branch,
for Chief Legal Adviser

4053-
TO : H.Q. ALI () COMMISSION
(for attention of Legal Sub-Commission) *[initials]*
FROM : H.Q. AMG/AC ABRUZZI MARCHE REGION
SUBJECT : Revision of the proceeding for the Murder of BELLUCCINI
REF. : AMR/511/12/AIM
DATE : 30 Dec. '44
57A

61A

1. Ref. your AC/4053/L dated 12 Dec. '44 I enclose copy Report today received from P.L.O. Macerata which is self explanatory. It will be seen that some misunderstanding apparently arose between him and the Procuratore del Regno.

2. I am today writing to P.L.O. Macerata instructing him to inform the Procuratore del Regno, if he has not already done so, that AMG is not further interested in the matter and that he should now proceed as required by Italian law.

LEGAL SUB-COMMISSION
For the Regional Commissioner

40
31 DEC 1944
R. G. S. Alexander
R. G. S. ALEXANDER, Major
R.L.O.
4726

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
MACERATA PROVINCE
ABRUZZI MARCHE REGION
C.M.F.

24 December 1944

REF. : M/11/7

SUBJECT : Revision of the Proceedings for Murder of Bellucini

TO : R.L.O. ABRUZZI MARCHE REGION, CMF

FROM : P.L.O. Macerata

Ref. your letter 18 Dec. '44 AMR/511/12/AIM

1. In December 1924 (not 1944 as the enclosure with AC letter AC/4053/L 12 Dec. 44 states) Rapini Luigi and Eraldo Trombetti were tried by the Court of Assize of Macerata for the murder of Bellucini. Rapini, who admitted committing the crime, was sentenced to 5 years imprisonment and Trombetti was acquitted. Rapini, served his sentence and then went to America.

Nothing further developed in this case until August 1944, after our occupation, when the CC.RE. submitted a report to the Procuratore del Regno, stating that people were saying that Trombetti had committed the murder and had paid Rapini to accept the responsibility. No concrete facts not previously presented to the trial court were presented and there were no facts stated to indicate that the judicial determination of the case resulted from moral coercion established by fascism. It is pertinent here to call attention to the fact that in December 1924, the Court of Assize was not a fascist constituted court.

On September 25, 1944, the Provincial Officer of Macerata ordered the arrest of Trombetti for the murder of Bellucini and directed the Procuratore del Regno to commence proceedings of homicide against him. This case then came to my attention on Oct. 1, 1944, as the Procuratore inquired of me how it could be possible to re-try a person for a crime of which he had been acquitted 20 years ago. I concluded the arrest was improper and directed that Trombetti be released and that any new proceedings against him be quashed.

The Procuratore then inquired of me if AMG wanted the records transmitted to the Supreme Court, Special Section, for review and I answered in the negative. Since the arrest and proceedings had been ordered by an AMG Officer, my answer was meant to signify that AMG was not to be concerned further in this situation.

2. If the Italian Law now requires such a situation to be forwarded for review (which I seriously doubt) there was and now is no tendency on my part to direct otherwise.

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2. If the Italian Law now requires such a situation to be forwarded for review (which I seriously doubt) there was and now is no tendency on my part to direct otherwise.

S/

W. T. BOONE
Capt. CMF
P.L.O. Macerata

File

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/RM.

AC/1053/L.

31 Dec. 1944.

SUBJECT : Criminal proceedings against
DONA' Pietro.

TO : Civil Affairs, HQ. 15 Army Group.

1. Criminal proceedings are pending in the Italian Military Courts against one DONA' Pietro in respect of an assault against Lieutenant V.E.V. WALTERS 2 R.E. and Capt. L.R. ADAMS. If the proceedings are to continue, it is essential that these two officers should come to Rome and personally identify the accused.

2. Will you please take this up with HQ 15 Army Group, to ascertain whether these officers can be made available?

3. If so, they should be instructed to report to the Chief Judicial Officer, Legal Sub-Commission, HQ AG, who will make the necessary arrangements.

4. If not, please so inform this Sub-Commission so that the Italian authorities can be informed and the proceedings dropped.

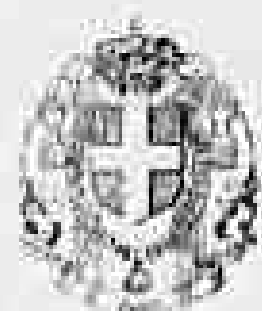
22

For the Chief Commissioner:

le

J.E. BERRINS,
Colonel,
Deputy Chief Legal Advisor.

See 60B



4053

Roma 20/12/44

60B

Ministero della Guerra

Procura Militare del Regno

 ALLA COMMISSIONE AL-
 LEATA - SOTTO COMIS-
 SIONE LEGALE

 Divisione *Legale*
 Prot. N° 7733/S1 *Allegato*

 Resp. del *Legale*
 Div. *Legale* N°

OGGETTO: Procedimento penale

In un procedimento penale contro il Caporale italiano Donà Pietro è necessario sentire come testimoni il Ten.inglese W.D.F. Walters della 2.R.B. e il Capitano inglese L.R. Adams del 12th Royal Tank REGT.

Poichè questo ufficio è privo di notizie sulla località ove attualmente i due ufficiali si trovino, nè ha i necessari poteri di coercizione processuale per ottenerne la comparizione, prego di comunicarmi come questo ufficio debba contenersi per sentire i ripetuti ufficiali e per farli presentare avanti questa Procura Militare per un atto di cognizione personale.

 IL SOST.PROC.MILITARE
 (A. Salvatori)

59A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

ES/rm.

AC/4053/L.

23 Dec. 1944.

SUBJECT : Incident between British officers
and Italian soldiers.

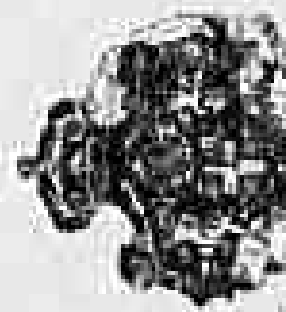
TO : Procura Militare del Regno,
Tribunale Militare Territoriale di guerra.

1. With reference to your Prot. N. 13064 of 18 Dec. 1944 this Sub-Commission cannot take any decision as to the jurisdiction in the above case without a detailed statements of facts.

2. Would you please submit the relevant record for perusal by this Sub-Commission.

cap
A.R. THACKERAY,
Lt. Colonel,
Italian Branch,
For Chief Legal Advisor.

84



TRIBUNALE MILITARE TERRITORIALE DEL REGNO

PROCURA MILITARE DEL REGNO

COMANDO MILITARE

LAZIO UMBRIA E ABRUZZI

7053/58A

N. 2509 (200) del 1944

Roma, 18 dicembre 1944

la SOTTOCOMMISSIONE LEGALE PRESSO IL COMANDO ALLEATO - Via Veneto, 62

Roma

Risposta al foglio del

Prot. N. 13064

Allegati

Dir.

Sez.

N.

OGGETTO Incidente occorso la sera dell'8 novembre 1944 fra ufficiali inglesi e militari italiani. =

e, per conoscenza

AL MINISTERO DELLA GUERRA - Gabinetto Ufficio C.A.

AL COMANDO MILITARE DEL LAZIO UMBRIA E ABRUZZI Ufficio territoriale e affari vari.

R O M A

Procedo, con rito sommario, contro il caporale DONA' Pietro per il reato di lesioni personali previsto dagli artt. 223 - 224 C.P.M. Pace, 47 C.P.M. Guerra e 61 n.5 cod. penale. =

Verso le ore 23 dell'8 novembre 1944 il caporale Donà avrebbe colpito con pugni il Capitano Adams e il Tenente Walters dell'esercito inglese. =

Il procedimento è in corso di istruttoria. =

Tanto comunico affinché cotesto Comando Alleato possa decidere se ritenga di dover avocare a se la cognizione del giudizio, a norma dell'articolo unico del Regio Decreto Legge 13 aprile 1944 n.112. =

Resto pertanto in attesa di conoscere la decisione adottata. =

e, per conoscenza

AL MINISTERO DELLA GUERRA - Gabinetto Ufficio C.A.

AL COMANDO MILITARE DEL LAZIO UMBRIA E ABRUZZI
Ufficio territoriale e affari vari.

R O M A

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Guerra e 61 n.5 cod.penale.=

Verso le ore 23 dell'8 novembre 1944 il ca-
porale Donà avrebbe colpito col pugno il Capitano Adams
e il Tenente Walters dell'esercito inglese.=

Il procedimento è in corso di istruttoria.=

Tanto comunico affinché cotesto Comando
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a se la cognizione del giudizio, a norma dell'articolo
unico del Regio Decreto Legge 13 aprile 1944 n.112.=

Resto pertanto in attesa di conoscere la
decisione adottata.=

IL PROCURATORE MILITARE
(T.Col. A. Bealini)

g. Bealini

57A

HEADQUARTERS ALLIED COMMISSION
APC 394
LEGAL SUB-COMMISSION

ES/pa.
12 Dec 44.

AC/4053/L.

SUBJECT : Revision of the proceeding for murder
of BELLOCCHI.

TO : Regional Commissioner, ASSEMBEI - MARCHE Region.
(Attn: Regional Legal Officer) for HD Macerata Province.

1. Enclosed translation of a memorandum of the Ministry of
Justice on the above subject.

2. Kindly submit to this Sub-Commission a report on the matters
set out in the memorandum.

By command of Commodore STONE :

Self
A. R. THACKERAY,
Lt. Colonel,
Italian Branch,
for Chief Legal Advisor.

Encls.

TRANSLATION

578

The Court of Assizes of Macerata sentenced on 3 December 1944, RAPANI Luigi, a fascist, for the premeditated murder of one BELLUCCINI: this murder was committed for political reasons. Four other fascists, involved in the charge, were acquitted.

Last August the local R.E.C.C. pointed out to the R.Procura the desirability of revising the proceedings, as there was a reason to believe that not RAPANI but TROMBETTONI, one of the other four fascists acquitted, was responsible for the murder.

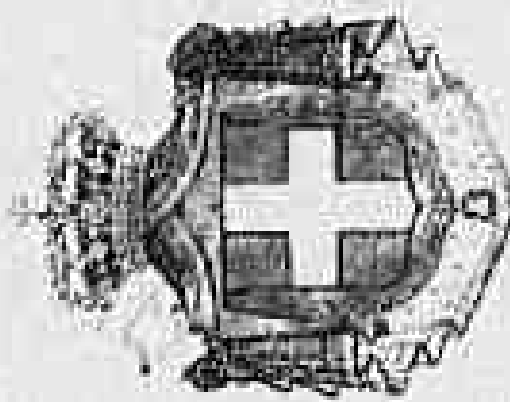
The R.Procura, in informing the Ministry of the above, declared that it would forward the documents to the Supreme Court according to Art.6 of It. Gen.Leg.Decree No. 159 of 27.7.44, which gives power to declare juridically non-existent certain sentences and specifically (penultimate para) the sentences which have been pronounced under the influence of the moral coercion established by fascism.

However, on 25 September the AMG Civil Commissioner of Macerata ordered the arrest of TROMBETTONI as being responsible for the murder of BELLUCCINI and placed him at the disposal of the R.Procuratore of Macerata. But when informed that the measure was illegal, the said Civil Commissioner declared that the prisoner was to be held at his disposal. Finally, on 2 October the Allied Military Command ordered the prisoner to be released, while the R.Procura granted the authorization for the records to be transmitted to the Supreme Court, Special Section, for the above mentioned purpose.

The R.Procura now informs us (letter of 14th Inst.) that the Provincial Legal Office of the AMG "has ordered" the acts NOT to be transmitted to the Supreme Court.

Have the Allied authorities the power to prohibit any proceeding which may be taken against Trombettoni and, consequently, prevent the rectification of such judicial error as may have been committed against the condemned Raponi?

27 Nov 1944.



1053

56A

Mod. 1348 MQ

Ministero di Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI

A P P U N T I

PER L'UFFICIO DI COORDINAMENTO

La Corte d'Assise di Macerata, il 3 dicembre 1924, condannò per omicidio premeditato, determinato da ragioni politiche, in danno di tal BELLUCCINI, il fascista RAPANI Luigi, ed assolse quattro altri fascisti, computati.

Nell'agosto u.s. i RR.CC. del luogo prospettarono a quella R.Procure l'opportunità della revisione del processo avendo motivo di ritenere che autore dell'omicidio fosse non il RAPANI, ma uno degli altri quattro fascisti, assolti, tal TROMBETTONI.

La Procura del Regno, nell'informare al tutto ciò questo Ministero, dichiarò di riservarsi di trasmettere gli atti alla Corte Suprema agli effetti dell'art. 6 del D.L.B. 27.7.1944 n. 159, che ha raccolto ed dichiarato l'inesistenza giuridica di determinate sentenze, e precisamente (cpv. penultimo) di quelle pronunziate sotto l'influenza dello stato di morale coercizione determinato dal fascismo.

Intanto, il Commissario Civile A.M.G. di Macerata, il 25 settembre succ. dispose l'arresto del TROMBETTONI, quale responsabile dell'omicidio BELLUCCINI, e pose l'arresto a disposizione del R. Procuratore di

omicidio preterintenzionale, determinato da ragioni politiche, in danno di tal BELLUCCINI, la rescissa RAIANI Luigi, ed assolse quattro altri fascisti, compresi.

Nell'agosto u.s. i R.R.CC. del luogo prospettarono a quella R.Procure l'opportunità della revisione del processo avendo motivo di ritenere che autore dell'omicidio fosse non il RAIANI, ma uno degli altri quattro fascisti, assolti, tal TROMBETTONI.

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Intanto, il Commissario Civile A.M.G. di Macerata, il 25 settembre succ. dispese l'arresto del TROMBETTONI, quale responsabile dell'omicidio BELLUCCINI, e pose l'arrestato a disposizione del R.Procuratore di Macerata, ma - avvertito dell'illegittimità del provvedimento - dichiarò che l'arrestato rimaneva a disposizione di esso Commissario Civile A.M.G., finché il 2 ottobre il Com.Mil. Alleato ne dispese la scarcerazione, mentre la R.Procura "conosceva il nulla osta per la trasmissione degli atti alla Suprema Corte, Sez. Speciale, agli effetti già indicati.

Ora, la stessa R.Procura comunica (lettera 1.11 corr.) che lo

./.

Ufficio Legale Provinciale del Governo Militare Alleato "ne ordinato" che gli atti NON siano trasmessi alla Suprema Corte.

Le Autorità Alleate hanno raccolto al vietare che si proceda, eventualmente, a carico del TROMBETTONI, e--ui conseguenza--che si ripari all'errore giudiziario eventualmente commesso in danno del condannato RAPONI?

27 novembre 1944

Bojani

Ufficio Legale Provinciale del Governo Militare Alleato "ha ordinato" che
gli atti NON siano trasmessi alla Suprema Corte.

Le Autorità Alleate hanno raccolto la vietare che si proceda, even-
tualmente, a carico del TROMBETTONI, e-ai conseguenza- che si ripari alto
errore giudiziario eventualmente commesso in danno del condannato RATONI?

27 novembre 1944

Bojani

4053 ✓
Subject:- Prosecution of NOUACO CIRO

Legal 55A
Civil Affairs Section,
HQ Allied Armies in Italy
TEL: FILPOT 132

To:- Legal Sub-Commission,
HQ Allied Commission.

DCCAO/320
2 Dec 44 54A

1. Reference your AC/4053/L of 30 Nov 44, enclosing a copy of the communication from Southern Region of 25 Nov 44. 53A

2. Please note that the Italian driver's name is NOUACO and not NOVACA as stated by Southern Region.

3. The accident which occurred on the 19th of May was reported on the following day in writing to AMG Naples Province and NOUACO's address was given as No. 44 Via San Giovanni, Naples.

4. The question of tracing the witness Cpl. WALTON T. MARTIN arose three months later and the Commune of Naples were informed that he was available and that if Lt. Wilt were called at GORDON 201 that this NCO would attend the trial. It was stated further that the request for Cpl Martin should be confirmed in writing to 12th Air Force Service Command, APO 650, U.S. Army (for attention of Lt. Wilt, Officer i/c Personnel)

5. Mention is made in the letter from Southern Region of an endeavour to locate the injured driver J.W. COBB. On the 23rd July, I wrote to ACC Naples Province, stating that he had had a leg amputation at the thigh and that for three days his life was in the balance. I pointed out that when he had sufficiently recovered from his serious injuries, that he would be returned to England to be discharged from the Army. A letter was received by one of the staff from Driver Cobb this week in which he states that he does not know how much longer he will be in the hospital but it would seem there is a good prospect that he will be discharged by the end of this month.

6. I fully realize the practical difficulties which have to be overcome before the trial is convened and I am grateful for all that is being done. As more than six months have elapsed it would be very much appreciated if the hearing could be expedited.

TO: RLO, SOUTHERN Region. 4 Dec 44.

1. The above forwarded.
2. Particular attention is drawn to the first sentence, para. 6.

W. E. Behrens
Lt. Colonel,
Chief Staff Officer

4 DEC 1944

W. E. BEHRENS,
Col., DCLA.

4 DEC 44

HEADQUARTERS ARMY COMMISSION
AND
LEGAL SUB-COMMISSION

W/1053/L.

/ps.
30 Nov 44.

SUBJECT : Prosecution of NOVACA Case.

TO : Civil Affairs Section HQ ALC (Attn: Lt. Col. Friend James).

53A
I enclose a copy of a letter today received from Southern Region regarding the prosecution of NOVACA Case. From this letter you will see that all possible steps have been taken and are being taken to hasten things but the practical difficulties are great.

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

53A

4059

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

L-4020

25 November 1944

SUBJECT: Prosecution of NOVACO Ciro.

TO : Chief Legal Advisor, HQ, A.C.

1. Further reference is made to your letter AWC/4053/L, dated 21 October 1944.

2. A thorough investigation has been made into this matter and the following may be reported:

a. This matter was originally called to our attention by your letter with reference number stated in paragraph 1, dated 14 August 1944. Said letter was received by us on 17 August 1944.

b. A translation of all documents was made and the matter was referred to the Procuratore Generale on 24 August 44.

c. On 31 August 1944 the Procuratore Generale forwarded all papers to the Procuratore del Regno of Santa Maria Capue Vetere for the matter was in the latter's territorial jurisdiction.

d. On 1 September 1944, Lt. Col. Friend-James was notified of the above, and on 7 September this office received an acknowledgment dated 3 September 1944 from Lt. Col. Friend-James.

e. The Procuratore del Regno of Santa Maria C.V. on 4 September 1944 forwarded all papers to the Pretore of Marcianise for investigation.

f. The said Pretore eventually notified the Procuratore del Regno that an exhaustive investigation was made, but it was impossible to identify or find Novaco Ciro, inasmuch as the only information contained in the arrest report was the name Novaco Ciro.

The Pretore thru the Royal Carabinieri, attempted to locate J.W. COBB, the injured soldier, and, Cpl. WALTON T. Martin, a witness. However, it was discovered that the said soldiers were no longer stationed in Marcianise.

g. Similar inquiries were made at Caserta with the same negative results.

h. It appears that Novaco Ciro was never arrested.

i. Further inquiries are being made by the Italian Court Officials in order to locate all interested parties and thereby bring this matter to a final conclusion.

j. It will be noted that in the letter referred to in paragraph 2a, one of the enclosures is a copy of letter NOA/302, dated 8 August 1944 from the Commissioner of Naples City to ACC Liaison Officer, Main HQ A.A.I. Said letter states in paragraph 1 thereof the following: "Your communication was forwarded by me to Capt. Kerr, Judicial Officer who has today advised me as follows: "I have this day examined the files in the Tribunale and find that only an arrest report was submitted in connection with the attached matter. It might be that if witnesses are available said case could be set down for hearing before a Superior Court".

3. This office will continue to urge action in this matter and will render a report to you from time to time.

For Lt. Col. L.F. DAWSON, R.S.L.O;

LEGAL SUB COMMISSION	
CIO	
CCIO	
Chief Counsel	
CIO	
Nation Section	
DE RKS	
29 NOV 1944	

CCB/ga →

Carl C. Bannò
 Carl C. Bannò
 1st. Lt. A.C.
 Officer i/c Italian Courts

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(52A)

AG/4053/L.

BS/mt.
21 Nov. 1944.

SUBJECT : Italian Military Tribunals.
TO : Regional Commissioner (Attn.: Regional Legal Officer),
ABRUZZI-MARONE Region.

1. Reference is made to your AMR/511/36 of 17 Nov. 1944.

2. As all the offences involved appear to be ordinary crimes the defendants may be brought before the competent Tribunal or Court of Assize instead of a Military Tribunal and may be charged with offences established by the common penal code. This has been confirmed by the Procuratore Generale Militare.

By command of Commodore STONE:

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

TO : H.Q. ALLIED COMMISSION
(for attention of Legal Sub-Commission)

FROM : H.Q. AMG/AC ABRUZZI MARCHE REGION

SUBJECT : Italian Military Courts

REF. : AMR/511/36

DATE : 17 Nov. '44

(51A)

4053

HEADQUARTERS
18 NOV 1944

*no objection for transfer to
Ordinary Court as all charges
are made under
C.P.*

1. I have received from P.L.O. Pesaro Urbino a list of detainees formerly at the disposition of the Fascist Special Tribunal at Parma of which I attach copy.
2. I understand that R.D.L. No 668 of 29 Jul. '43 abolished the Special Tribunals for the Defence of the State and transferred jurisdiction to the Military Tribunals.
3. The accused listed appear to be charged with ordinary crimes and although there will be inevitable delay in bringing them to trial owing to the records having been transferred to the special Court at Parma thus necessitating investigations de novo it would appear that such delay would be minimized if permission could be granted to have the cases disposed of by the Tribunal or Court of Assize instead of by a Military Tribunal.
4. May this matter be taken up with the appropriate authorities please and early instructions issued for disposition of these cases either by the Military or Civil Courts ?

For the Regional Commissioner

LEG. SUB-COMMISSION	
C.O.	
S.O.	
Chief Counsel	
C.O.	
18 NOV 1944	

Ordinary Court

R. G. S. Alexander

R. G. S. ALEXANDER, Major
R.L.O.

P R O C U R A D E L R E G N O D I U R B I N O

ELENCO DEI I N T E R V E N T I A D I S P O S I Z I O N E D E L T R I B U N A L E S P E C I A L E R E L A T I V O A L C I R C O N D A R I O D I U R B I N O

No	COGNOME E NOME	PATERNITA'	DATA ARRESTO	TITOLO DEL REATO	ARMA CHE HA PROCEDUTO ALL'ARRESTO
1	BATTISTELLI Luigi	Nazzareno	16/12/43	Tentato furto, tentata lesione con arma da fuoco ed altro	RR. CC. Fossombrone
2	PANIGUARDINI Primo	Benedetto	19/1/44	Omicidio	RR. CC. Carpegna
3	ZAFFINI Ermete	Angelo	11/4/44	Rapina	RR. CC. Fermignano
4	FANTONI Egidio	Leopoldo	13/4/44	Rapina	" " "
5	MANNA Ettore	G. Battista	23/4/44	Estorsione	RR. CC. Urbino
6	MANNA Candido	Ettore	23/4/44	Estorsione	" " "

Urbino, li' 4/11/1944

IL SEGRETARIO CAPO
F/to BaicocchiV/o IL PROCURATORE DEL REGNO
F/to Tanas

P R O C U R A D E L R E G N O D I U R B I N O

P R E S E N T I A D I S P O S I Z I O N E D E L T R I B U N A L S P E C I A L E R E L A T I V O A L C I R C O N D A R I O D I U R B I N O

(573)

P A T E R N I T A ' D A T A A R R E S T O T I T O L O D E L R E A T O A R M A C H E H A P R O C E D U T O A L L ' A R R E S T O

Nazzareno	16/12/43	Tentato furto, tentata lesione con arma da fuoco ed altro	RR. CC. Fossombrone
Benedetto	19/1/44	Omicidio	RR. CC. Carpegna
Angelo	11/4/44	Rapina	RR. CC. Fermignano
Leopoldo	13/4/44	Rapina	" " "
G. Battista	23/4/44	Estorsione	RR. CC. Urbino
Ettore	23/4/44	Estorsione	" " "

L. 14/11/1944

IL SEGRETARIO CAPO
F/to Baiocchi

PROCURATORE DEL REGNO
F/to Tamas

TO : HQ ALLIED COMMISSION
(for attention of Legal Sub-Commission)

FROM : HQ AMG/AC ABRUZZI MARCHE REGION

SUBJECT : Italian Courts Officials

REF. : AMR/511/12

DATE : 7 Nov. 1944

4553



(50A)

1. Attached hereto is request of the Procuratore Generale of the Court of Appeals of Aquila (Prot. No 675 File 57/536) to the Minister of Justice.
2. The point involved is the request for authorisation by the Minister for trial (with others) before the Court of Assize of Aquila of a Brigadiere of the Carabinieri, involved in a disturbance at Ortucchio, Aquila Province (near Avezzano) on 16 Oct. 1944.
3. The Regional Commissioner desires a speedy trial and believes that normal postal service and routine attention will cause too great delay. It is desired that the Legal S/C send this to the Ministry and return the authorisation to this HQ by early courier service.

For the Regional Commissioner

Copy to : L.O. Abruzzi, Aquila

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
ITALIAN SEC	

R. G. S. ALEXANDER, Major
R.L.O. WRC

8 NOV 1944

8 NOV 1944

9305

QUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(49A)

AC/4053/L.

/mt
4 Nov. 44

SUBJECT: Riots at S. Eufemia di Aspromonte.

TO : Regional Commissioner SOUTHERN Region.
(Attention Regional Legal Officer).

1. The remarks contained in a memorandum forwarded to this Sub-Commission by the Minister of Justice a translation of which is enclosed are correct and unless there exist strong reasons of public order justifying the transfer of jurisdiction from Palmi to Reggio it is not proposed to ask the Minister to alter the normal procedure.

2. Would you please let this Sub-Commission have your views as soon as possible, remembering that this case falling under the jurisdiction of the Court of Assizes the bench will be composed of counsellors of the Court of Appeal of Catanzaro whether the trial takes place at Palmi or Reggio.

By command of Commodore STONE:

G.G. RANFORD,
Lt. Colonel,
Officer i/c Italian Branch
for Chief Legal Advisor.

ADV. FORM 1

MINISTRY OF PARDON AND JUL 01

REPORT

In the territory of S. Eufemia di Aspromonte (belonging to the jurisdiction of the "Tribunale" of Palmi) there have been formed two armed bands of persons associated for purposes of delinquency, one of which headed by Vincenzo PINNERO' and the other one by Giocachino LEONELLO.

Soon some dissensions arose between them and they came into conflict. On the 10th of July ult. the band of PINNERO', which was the stronger, being more numerous, besieged the city of S. Eufemia, penetrated into it the same day and occupied there public buildings, private houses and strong-points.

In the fighting, during which automatic weapons, hand-grenades and a 37 mm. gun were employed, four bandits and six civilians were killed.

On the following day the forces of the public order, composed of Royal Carabinieri, with the participation of two officers of ACC, undertook an action through which the order was re-established: 21 members of the band and PINNERO' himself were arrested. Further 18 members were captured later on.

With its report of September 29, 1944, the Procura Generale of Catanzaro informed this Ministry that the records of the proceedings have been forwarded to it only on that day by ACC of Catanzaro, which asked that, "considering the importance of the proceedings, instructions should be given in order that those cases might be judged by the "Tribunale" of Reggio and not by that of Palmi".

The Procura Generale related furthermore to have answered to ACC of Catanzaro that according to the provisions of the Italian law, the proceedings could not take place at Reggio Calabria, but in Palmi and that there was not even a positive

0 2 1 0

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by that of Palmi".

The Procura Generale related furthermore to have answered
to ACC of Catanzaro that according to the provisions of the
Italian law, the proceedings could not take place at Reggio
Calabrie, but in Palmi and that there was not even a positive
reason of legitimate suspicion for asking the transfer to another
Court.

With a further report of October 4, 1944, the "Procura
Generale" informs that ACC Catanzaro thus insists upon its standpoint:

"We deem it desirable, considering the importance of the
cases, that a way be found in order that the trial takes place
before the "Tribunale" of Reggio Calabria, as this is the Central
Court of Law in the Province of Reggio Calabria".

"The reasons for which we wish it are:

- (a) the presence of the defending counsels in the
jail of Reggio;
- (b) the convenience of the witnesses in the proceedings
which will presumably last a certain time before
the final judgment;
- (c) the importance of the proceedings concerning the
public order and the administration in the province

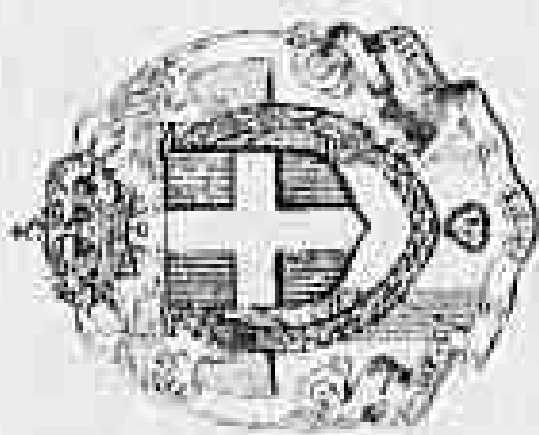
of Reggio Calabria".

It seems that ACC of Catanzaro bases its wish on the wrong presupposition that the "Tribunale" of Reggio Calabria is a "Central Court of Law of the Province" which does not correspond to the reality according to our judicial organization.

In any case, we must point out that our procedural system establishes in a categorical manner the territorial jurisdiction (Art. 39 and 40 It. Code of Criminal Procedure) and consents to derogate from these rules only for grave reasons of public order or for grounds of legitimate suspicion (Art. 55 C. C. P.).

On the other hand, even when an application for transfer may be made, the Judge before whom the trial must be taken is always nominated by the Supreme Court of Cassation (Art. 58 C.C.P.), which is the only body having jurisdiction for the decision on the said application.

Mod. 1345 M.C.



Ministero di Giustizia

RELAZIONE

Nel territorio di S. Eufemia di Aspromonte (appartenente alla giurisdizione del Tribunale di PALMI) si erano costituite due bande armate di associati a delinquere, condotte l'una da Pinnerò Vincenzo, e l'altra da Leonello Gioacchino.

Tra di esse sorsero ben presto dei dissidi, e vennero a conflitto: Il 10 luglio u.s., quella del PINNERO', numericamente più forte, cinse di assedio l'abitato di S. Eufemia, penetrando nello stesso giorno ed occupandovi edifici pubblici, case private e luoghi strategici.

Nel conflitto, in cui si fece impiego di armi automatiche, bombe a mano e di un cannone da 37 mm., furono uccisi quattro banditi e sei cittadini.

Il giorno 11 successivo le forze dell'ordine pubblico, composte di militari dei RR.CC., con la partecipazione di due ufficiali dell'A.C.C., procedettero ad un'azione in cui l'ordine fu ristabilito: ventuno membri della banda e lo stesso PINNERO' furono arrestati. Altri diciotto membri furono catturati in seguito.

Con rapporto 29 settembre 1944 la Procura Generale di Catanzaro comunicava a questo Ministero che gli atti processuali le erano stati rimessi soltanto in quel giorno dall'A.C.C. di Catanzaro, la quale chiedeva che "data la importanza dei processi" venissero "date disposizioni perchè tali questioni siano giudicate dal Tribunale di Reggio e non di Palmi".

La Procura Generale riferiva inoltre di aver risposto all'A.C.C. di Catanzaro, che, stante le disposizioni della legge italiana, il processo non poteva svolgersi a Reggio Calabria, ma a Palmi, e che non vi era neppure un concreto motivo di legittima suspizione, per chiedere la rimessione ad altra autorità giudiziaria.

Con altro rapporto del 4 ottobre 1944 la Procura Generale di Catanzaro riferisce che l'A.C.C. di Catanzaro così insiste sul proprio punto di vista:

"Si stima desiderabile data l'importanza dei casi che si cerchi di fare in modo che tale processo abbia luogo nel Tribunale di Reggio Calabria essendo questo la Corte Centrale di Giustizia nella Provincia di Reggio Calabria.

"Le ragioni per cui si desidera ciò sono: a) la presenza dei difenso-

lici pubblici, case private, armi automatiche, bombe a mano.

Nel conflitto, in cui si fece impiego di armi automatiche, bombe a mano e di un cannone da 37 mm., furono uccisi quattro banditi e sei cittadini.

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"Le ragioni per cui, si desidera ciò sono: a) la presenza dei dirensori nella prigione di Reggio. b) La convenienza dei testimoni del processo che presumibilmente si protrarrà per un certo tempo prima del giudizio finale. c) l'importanza del processo riguardante l'ordine pubblico e l'amministrazione nella provincia di Reggio Calabria".

Pare che l'A.C.C. di Catanzaro fondi l'espressione del suo desiderio sull'errato presupposto che il Tribunale di Reggio Calabria sia una "Corte Centrale di Giustizia della Provincia", cosa che non corrisponde invece alla realtà del nostro ordinamento giudiziario.

Ad ogni modo è da rilevare che il nostro sistema processuale determina in modo categorico il giudice naturale competente per territorio (art. 39 e 40 C. P.P.) e non consente deroghe alla garanzia di questa competenza naturale, se non per gravi motivi di ordine pubblico o per legittimo sospetto (art. 55 C. P.P.).

./.

D'altra parte, anche quando l'istanza di remissione possa essere avanzata, il giudice innanzi al quale il processo deve aver corso, è sempre designato dalla Suprema Corte di Cassazione (art. 58 C.P.P.), che è l'unico organo competente a decidere sull'istanza medesima.

4053

760

48 A

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

L-4020

27 October 1944

SUBJECT: Prosecution of NOVACO Ciro.

TO : Chief Commissioner, HQ, ACC;
(att: Legal Sub-Commission).

1. Reference is made to your letter ACC/4053/L,
dated 21 October 1944.

2. A letter replying ^{to} your order in the above matter
will follow immediately upon the completion of the investi-
gation which we are now making of same.

For Lt. Col. L.F. DAWSON, R.C.L.O:

Carl O. Bann
Carl O. Bann
1st. Lt. A.C.
Officer i/c Italian Courts

CCB/ga

Copy to: Lt. Col. P. FRIEND-JAMES,
Civil Affairs Section
HQ, AAI

30

10 OCT 1944

4053/

Legal S/C 1530

Subject:- Prosecution of NOVACO Ciro

Civil Affairs Section
HQ Allied Armies in Italy
TEL: PIRPOT 132

47A

To:-

Legal Sub-Commission,
HQ ACCDOCAO/320
24 Oct 44

46A

1. Reference your ACC/4053/L of 21 Oct 44.
2. I am most appreciative of the direction given by your Vice President for NOVACO Ciro to be brought before an ~~Italian~~ *Italian* court.

*Arthur James*Lt. Col., Chief Staff Officer
for DOCAO

FILE
 HEADQUARTERS
 ALLIED CONTROL COMMISSION
 LEGAL SUB-COMMISSION
 APO 394

(46A)

AGC/4053/L.

WIB/mt
21 Oct. 44

SUBJECT: Prosecution of NOVACO Giro.

TO : Regional Commissioner Southern Region.
(Attention Regional Legal Officer).

1. The case of NOVACO Giro, who by negligent driving seriously injured T. 264435 Dvr COBB J.W. RASC was brought to your attention about 21 May 1944.

2. The accused has not yet been brought to trial and the latest available information from you is contained in Lt. Banno's letter of 1 Sept 1944 that the Procuratore del Re no has the case under consideration.

3. I am directed by the Vice President, Civil Affairs Section HQ ACC to say that he takes a most serious view of the dilatory behaviour of the Italian Courts in this case and of your failure to press for an immediate trial. This is a case which obviously affects the interests of the Allied Forces and high priority should have been and must be given to it.

4. Please see that all necessary action is taken to bring this case to trial without further delay.

BY COMMAND OF COMMODORE STONE:

RICHARD H. WILMER,
 Colonel, CAC,
 Chief Legal Advisor. 33

Copy to: Lt. Col. P. Friend James,
 Civil Affairs Section
 HQ AAI

See 44A
 445A

(45A)

Legal

This is just the
sort of case which high
priority should be given

Why have the States not
acted more quickly?

Please write a strong
letter to R.H.D. stating it
must be given high priority
& heard at once, on my
personal direction - copy of
letter to Friend James.

W.H.

DCCAO/320.

4053

Civil Affairs Section,
Headquarters,
Allied Armies in Italy.

18 October 44.

44A

Dear Brigadier,

I should be grateful for your help to expedite proceedings on a charge of alleged dangerous driving against an Italian driver by name NOVACO Ciro.

It was as long ago as 19 May that Dvr COBB the DR at ACC Liaison Main HQ AAI was seriously injured and to the best of my knowledge the case has not yet been listed for hearing.

COBB, who was a first class chap, narrowly escaped losing his life (he was on the danger list for three days). Besides other injuries he had a leg amputated at the thigh and only last month had to undergo yet another operation.

I realise that some delay is inevitable but at the same time as five months have elapsed, I am bringing the case to your notice for such action as is deemed necessary.

Captain ODEN on Brigadier LONE's staff has recently been on the phone with Naples Province in an endeavour to expedite the hearing and can supply you with any details.

It may be therefore that some steps are being taken but so far we have not been informed that this is the case.

The relevant correspondence is attached.

Yours Sincerely


Brigadier G.R. URJOHN, KC,
 Vice President, Civil Affairs Section,
 Headquarters, Allied Control Commission.
 C.M.F.

Copy to: Captain C.R. ODEN,
 HQ ACC CMF.

Folios 33A, 34A & 35A refer.

COPY

(44B)

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

1 September 44

SUBJECT : Prosecution of NOVACO Ciro.

TO : ACC Liaison, HQ AAI (Attn: Maj. FRIEND-JAMES). 35A.

- 1 Reference is made to letter ACC/4053/L dated 14 August 44 concerning injury to COBB, J.W., military driver.
- 2 The Italian Courts have been instructed in this matter and the Procuratore del Regno of S. Maria Capua Vetere has the case under his consideration.
- 3 As soon as further information reaches this office regarding the progress made in this case, you will be advised accordingly.

For the Regional Legal Officer

S/ CARL C. BARNES
Carl C. Barnes
1st Lt A.C.
Officer i/c Italian Courts.

61

CCB/ga/wh

C O P Y

Tel : FIFOT 132 and Dial 496535

SUBJECT : Accident, Caserta - Naples Highway, 19 May 44.

26 Aug 44

TO : HQ Comune of Naples ACC.

FROM : ACC Liaison, Main HQ AAI.

- 1 Reference previous correspondence (your WCA/302 refers), and confirming telephone conversation (Maj Hershenson and Maj Friend James speaking).
- 2 The witness, No 18125631 Cpl Welton T Martin, is available, and as arranged, will you please telephone Lieut. Wilt, GORDON 201, stating when and where the hearing will take place giving seven days notice.
- 3 This should be confirmed in writing to the
Commanding General,
12 Air Force Service Command,
APO 650, US Army.
(For attention of Lieut Wilt, officer i/c Personnel).
- 4 A copy of this Section's letter (ref AGCI/500 of 12 Aug 44), endeavouring to trace the witness and which appears to have miscarried, is attached for information.

S/ P. FRIEND JAMES,
P. Friend James,
Major,
ACC Liaison Officer.

C O P Y

(440)

HEADQUARTERS
COMMUNE OF NAPLES, A.C.C.

MUNICIPIO, NAPLES

File NCA/302

14 August 44.

SUBJECT : Prosecution of NOUACO Ciro.

TO : ACC Liaison, Main HQ AAI.

- 1 I have just been advised by Captain KERR, Judicial Officer, that Nouaco Ciro is not in prison at Poggioreale.
- 2 When the matter was received by me originally, it was turned over to Colonel Weber, Provincial Legal Officer who stated that he would take the necessary action to initiate proceedings against the defendant in accordance with your request.
- 3 I have requested Captain KERR, Judicial Officer to take immediate action towards arresting this civilian and as soon as he is arrested I will immediately advise you.

S/ HARRY C. HERSHENSON,
Harry C. Hershenson,
Major, A.U.S.,
Commissioner, Naples City.

HGH/aar/ep/wib

COPY

44E

HEADQUARTERS
COMMUNE OF NAPLES,
ALLIED CONTROL COMMISSION
MUNICIPIO, NAPLES.

File : NCA/302

8 August 44

SUBJECT: Prosecution of Mouaco Giro.

TO : ACC Liaison Officer, Main HQ AAI.

Reference your comm. ACCI/283 of 23 July 44.

1 Your communication was forwarded by me to Capt KERR, Judicial Officer who has today advised me as follows:

" I have this day examined the files in the Tribunale and find that only an arrest report was submitted in connection with the attached matter. It might be that if witnesses are available said case could be set down for hearing before a Superior Court."

2 May I suggest that you advise me whether the witnesses are available and I will then ask Capt KERR to set the matter down for hearing before a Superior Court.

3 In the meantime I am endeavouring to ascertain whether this Mouaco Giro who as we understand it resides in No 44 Via San Giovanni, is in jail.

S/HARRY G. HERSHENSON,
Harry G. Hershenson,
Major, A.U.S.
Commissioner, Naples City.

HGH/aar/wb

C O P Y

44F

SUBJECT : Negligent Driving -
Prosecution of Nouaco Ciro

23 July 44

TO : HQ ACC Naples Province,
Municipio, Naples.

Ref : ACCL/283

From : ACC Liaison, Main HQ AAI.

- 1 Reference your HCA/302 of 23 May 44.
- 2 It would be appreciated if you would please inform this Section of the result of this case.
- 3 You will be sorry to hear that Dvr COBB had a leg amputated at the thigh and for three days his life was in the balance. When sufficiently recovered from his serious injuries he will return to England to be discharged from the Army.

S/P.FRIEND JAMES,
P. Friend James
Major,
ACC Liaison Officer.

Copy to: Capt ODEN, Adv AAI.

38

C O P Y

20 May 44

SUBJECT : Negligent Driving.
Prosecution of Nouaco Giro.

TO : Major Harry Hershenson,
Asst to Provincial Commissioner,
Naples Province.

Ref : ACCL/179

FROM : ACC Liaison, HQ AAT.

- 1 Confirming telephone conversation (Major Hershenson and Captain Oden speaking).
- 2 On 19 May 44 at approx 0830 hours, Nouaco Giro, an Italian civilian driving an Army 2 1/2 ton truck, USA X 45065, smashed into T/264435, Dvr. COBB, J. W., a British motor cyclist engaged in carrying of important Army mail, on his motor cycle.
- 3 The accident occurred at the intersection of Route 87 and Marcianise Highway, Naples Province.
- 4 A report of an eye witness is attached.
- 5 As a result of the accident, Dvr COBB was seriously injured. His leg may have to be amputated. At best his services will be lost for a considerable period of time.
- 6 The motorcycle is reported to be a complete loss.
- 7 The evidence collected by the Military Police, 1179 M.P.CO., gives evidence of both careless and negligent driving on the part of the civilian truck driver. It is believed that a strong case exists against Nouaco Giro and that he should be prosecuted before an Allied Military Court.
- 8 Nouaco Giro is said to reside at No 44 Via San Giovanni.
- 9 May we have your opinion please.

S/ C.R. ODEM, Captain
for Major,
ACC Liaison Officer.

Copy to: G-1, HQ AAT.
Lt Col Bowman, Liaison Div, HQ ACC.

COPY

20 May 44.

444

TO : Capt C.R. Oden,
ACC Liaison, HQ AAI.

Sir,

On the morning of 19 May 1944, I was driving WD vehicle (2½ ton truck belonging to 324 Service Squadron, 332 Service Group) south on the Caserta-Naples highway.

At approx 3 miles south of Caserta and at about 0830 hours, as I was within 100 yards of the intersection of the Caserta - Naples highway and the Mercianise north south highway, I was overtaken by a motor cyclist, later identified as J.W. COEB.

I was preparing to make a right hand turn into the Mercianise intersection and gave proper hand signal to that effect. I presume the motorcyclist observed this and as I slowed to approx 15 miles per hour, the motorcyclist passed me. Mr COEB was proceeding south at approx 20 miles per hour. He passed my truck on the left and regained the right hand side of the road approx 20 yards north of the intersection.

Proceeding north (from the direction of Naples) was a 2½ ton truck driven by an Italian civilian. I was at a point approx 30 feet from the intersection where I was preparing to turn right, when the Italian driver, without warning or hand signals, turned sharp left, striking the motor cycle. The motor cycle was thrown directly against a stone wall on the S.W. corner of the intersection. The Italian driver halted his truck near the right centre of the highway. The motorcyclist was thrown clear of his machine and fell approx 5 feet behind it.

I pulled my truck into the right hand side of the road, still north of the intersection, and went into the Squadron Dispensary (324 Service Squadron) and requested the surgeon (Capt Hamilton) to give first aid. The Capt left for the motorcyclist, while I proceeded to adjacent Motor Pool and secured an ambulance. The motorcycle, completely smashed, was removed to the abovementioned Motor Pool.

I do not know of any other eye-witnesses.

The motor cyclist had no chance to avoid this accident. It was plainly the fault of the Italian driver who without giving any warning as to his intentions, cut sharply and struck the motor cyclist with the bumper of his truck. The truck sustained no damage.

Weather - good. Visibility - good. Road - good.

Signed

No. 18125631
Rank Cpl.
Name Welton T Martin
Orgn 324 Service Squadron
332 Service Group.

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

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LAZIO-UMBRIA REGION, LEGAL DIVISION

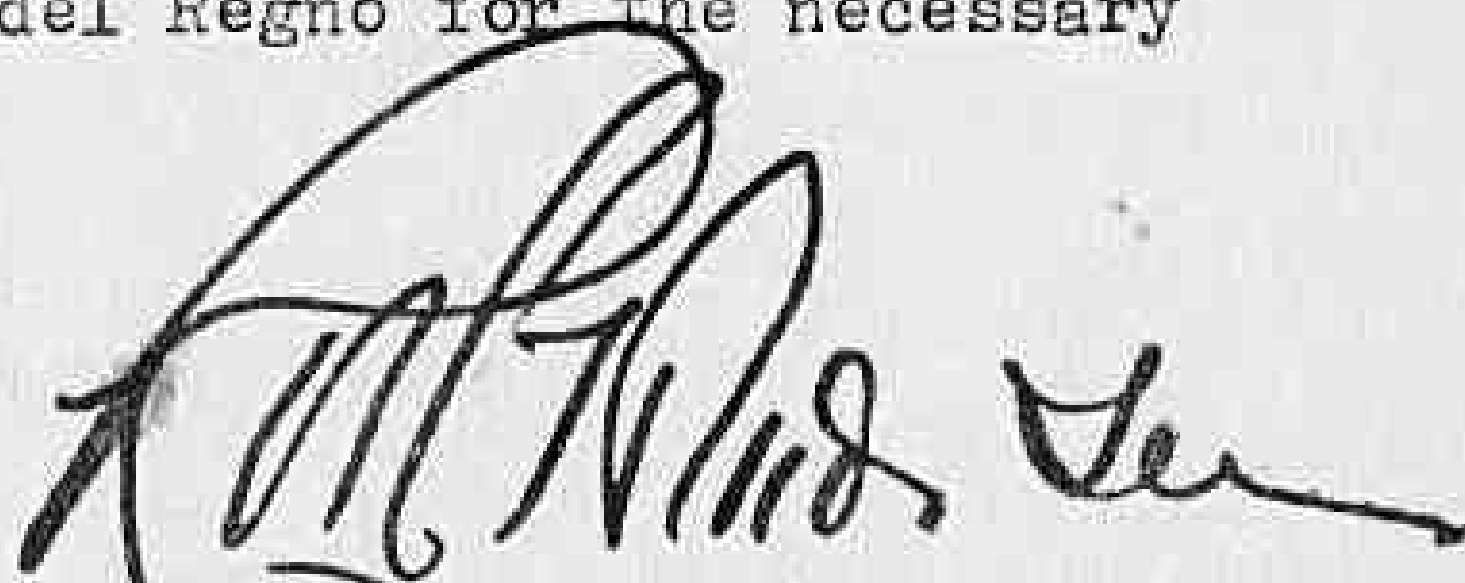
30 September 1944

L/1016

SUBJECT : Case of SAVI Nello and others.

TO : Legal Sub Commission
Italian Branch
(attention Lt.Col.Thackrah)
ALLIED COMMISSION

This is to acknowledge receipt of the above matter and to assure you that the same will be referred immediately, pursuant to provisions of the circular of the Ministry of Justice dated 9 August, 1944, to the Procuratore del Regno for the necessary action.



Robert C. Hendrickson,
Major, A.U.S.
Regional Legal Officer,

RCH/PA.

LEGAL SUB COMMISSION

CLO

DCLO

Chief Counsel

CJO

Italian

CL RKS

File with Order Dec 3/10/44

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

4053
 HEADQUARTERS
 SOUTHERN REGION, ALLIED CONTROL COMMISSION
 LEGAL DIVISION
 APO 394, U.S. Army

42A

39A

L/3020

29 September 44

Subject: Case of TIZZANO Camillo.

To : Chief Legal Officer, Legal Sub-
 Commission, A.C.C., Rome.

1. Reference is made to your communi-
 cation ACC/4053/L, 19 September 1944, relative
 to the above subject.

2. I have checked this matter with the
 Procura del Regno and they advised me that this
 case is not pending either in the Tribunale or
 their office.

3. If you can give me further information
 in the matter, I will make additional investi-
 gation.

52

LEGAL SUB COMMISSION

CLO

DCLO

ETK/pv

Chief Counsel

CJO

Italian Liaison

C. 305

L. F. Dawson By E. F. J. [Signature]
 Lt. Col., G.L.,
 Regional Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ART/pa.

30 Sept 44.

ACC/4053/L.

SUBJECT : Authority to Prosecute.

TO : Regional Legal Officer (thru Regional Commissioner)
Southern Region.

Reference to your L-4020 date 27 Sept 44 as requested, enclosed is a copy of this Office letter ACC/4017/2/L dated 5 June 44 covering the transmission of the file in the DONADIO-NOVELLI'S cases.

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

Enclos.: 1 copy letter

453
✓

41B

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

L-4020

27 September 44

Subject: Authority to prosecute.

To : Lt.Col. A.R. Thackrah, Italian
Branch, Legal Sub-Commission, A.C.C.

40A

1. Reference is made to your communication ACC/4053/L, 23 September 1944, relative to the above subject.

2. We have examined our files and failed to locate any file or correspondence relating to DONADIO Antonio and NOVELLI Antonio. The Officer in charge of Italian Court also states that he has no record of this matter.

3. Will you be kind enough to send us a copy of the letter ACC/4017/2/L of 5 June 44, referred to in your letter that we may further investigate this matter.

7APC

L. F. Dawson By *E. T. Kern*
L.F. DAWSON,
Lt.Col., G.I.,
Regional Legal Officer.

ETK/pv

ALLIED CONTROL COMMISSION
LEGAL DIVISION
CLERKS

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
AFS 394

(40A)

ACC/4053/L.

/ap.
23 September 1944.

SUBJECT : Authority to prosecute.

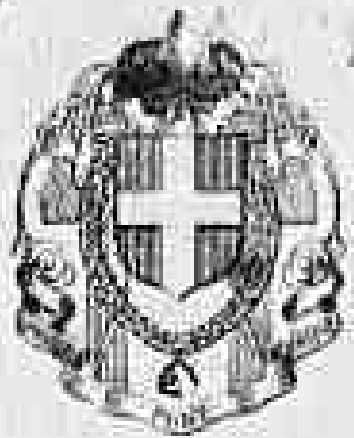
TO : Regional Legal Officer (Thru RC) Southern Region.

1. Ministry's request to authorize the prosecution of DONADIO Antonio and NOVELLI Antonio of Campagna (Eboli) has been referred to you with this Sub-Commission's covering letter ACC/4017/2/L. of 5 June 1944.

2. The Ministry informs us that no action was taken in this matter by the Regional Commissioner. The examination of our files reveals that no reply was received from your HQ to the above letter.

3. Would you give this case your immediate attention please.

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



MINISTERO DI GRAZIA E GIUSTIZIA

*Direzione Generale degli Affari Penali
delle Grazie della Statistica e del Casellario*

91/100/402

Ufficio 1°

Prot. N° 28029-1366369-1944

Roma, 13 Settembre 1944

Ripet. al f. N°

R. O. 69

Alla COMMISSIONE ALLEATA
DI CONTROLLO

del 12-6-1944

OGGETTO: Autorizzazione a pro-

R O M A

cedere contro Donadio An-

tonio e De Novelli Anto- e per conoscenza:

nio

All'ufficio Collegamento Minister
io Giustizia Gabinetto

S E E

In relazione alla nota suindicata questo Ministero prega di voler comunicare le determinazioni adottate da codesta Commissione Alleata di Controllo in ordine alle richieste autorizzazione a procedere a carico di Donadio Antonio e De Novelli Antonio, imputati di offese al Re ed al Capo del Governo, e di vilipendio alle istituzioni costituzionali.

Pel Ministro

Let. cir. del Ministero 43
12 Maggio 44

inviato
(E. G. G.)
L. G. G.

file.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

39A

ACC/4053/L.

WEB/pa.
19 Sept 44.

SUBJECT : Case of TIZZANO Camillo.

TO : Regional Legal Officer (TIERU: Regional Commissioner)
Southern Region .

1. We have been consulted by the Public Works and Utilities Sub-Commission in connection with TIZZANO Camillo, who is Chief Inspector of the Office of the Civil Engineers in Naples and who claims that he has been libelled by the Naples newspaper "La Voce di Napoli" .

2. TIZZANO has started criminal proceedings for libel in the Naples Tribunal in order to clear himself of the allegation made.

3. Public Works & Utilities Sub-Commission are of course anxious not to interfere with or prejudice this proceedings in any way, but they are anxious that the matter should be disposed of as soon as possible, since the continuance of TIZZANO in Office would appear to depend to some extent on the result of the proceedings.

4. It will be appreciated if you would encourage the Tribunal to proceed with this case with all possible dispatch .

5.

RICHARD H. WILMER,
Colonel, OAC,
Chief Legal Officer.

Copy to : Public Works & Utilities Sub-Commission.

(With return of papers & documents)

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

38A

ACC/4053/L.

GGH/ap.
5 September 1944.

SUBJECT : Riots of Calitri.

TO : H. E. The Minister of Justice.

1. It appears from the memorandum forwarded to Your Excellency by the Court of Naples that this is entirely a matter for the Italian Courts.

2. The memorandum sets out that the PLO of Avellino released a certain number of persons because of the congestion of gaols at a time when this province was under the Allied administration. This territory having been restored to the Italian Government and the offences committed not affecting Allied interests, it is entirely for the Italian authorities to decide whether the defendants should be arrested or not.

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

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUBCOMMISSION
APO 594

37A

ACC/4053/L.

AMC/pa.
26 Aug 44.

SUBJECT : Transmission of Documents - SARACENA Ugo.

TO : RLO (thru RC) Region 3 .

1. Please transmit the enclosed file and covering letter from the Ministry of Justice in the case of SARACENA Ugo to the Procuratore Militare of the Tribunale Militare Territoriale di guerra at Naples.

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

Enclos.: 1 file.



Roma 9-8

37B Mod 40
1944.1

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE DELLA STATISTICA E DEL CASELLARIOTribunale Militare
Territoriale di Guerra
NAPOLIUfficio I°
Prot. N° 139-3-324Espresso del 1.6.1944
Liv. Liv. N° 3281OGGETTO Autorizzazione a Procedere nei confronti
di Saraceno Ugo, imputato di Vilipendio alle FF.AA.

all. 1-

Con l'unita copia di autorizzazione a procedere concessa dalla Commissione Alleata di Controllo, Sottocommissione Legale, su parere favorevole di questo Ministero, si restituiscono gli atti del procedimento in oggetto, per l'ulteriore corso di legge.

Il Ministro



Med. 2

Ministero di Grazia e Giustizia ³⁷⁰

UFFICIO DI COLLEGAMENTO CON L'ACC.

*Gabinetto di S. E. il Ministro**Roma* 24 agosto 1944 *A**Protocollo N. 2*

OGGETTO Trasmissione di lettera.

Alla COMMISSIONE ALLEATA DI CONTROLLO
Sottocommissione LegaleR O M APer l'inoltro si trasmette l'acclusa lettera
della Direzione Generale degli Affari Penali, n.
139/3/324.

L'UFFICIALE DI COLLEGAMENTO CON L'ACC.

*Liv,**See folio 30A**A*

37D

Copia

Commissione Alleata di controllo

Sottocommissione Legale

ACC/4053/L/

11 Luglio 1944

Oggetto : Saraceno Ugo. Art. 313 C.P.

A S.E. il Ministro di Grazia e Giustizia
(Affari Penali)

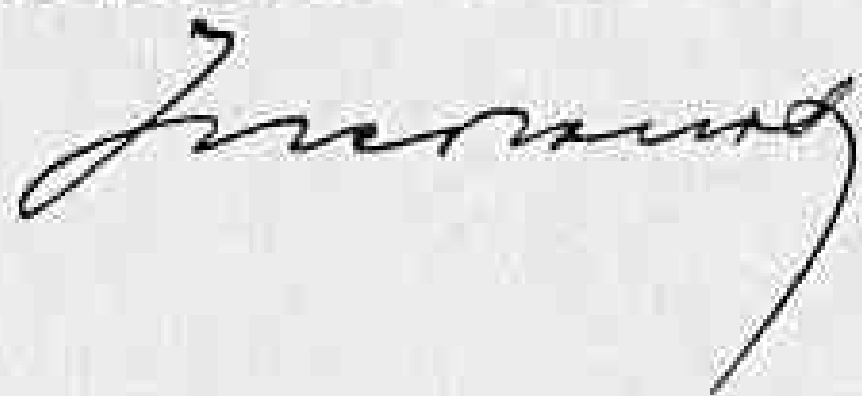
1. Con riferimento alla lettera di V.E. prot. n.75 A.P.
in data 15 Giugno 1944, si dà l'autorizzazione richiesta di
procedere alla causa contro il sopra menzionato.

2. Con la presente si restituisce il fascicolo dei docu-
menti del Tribunale militare territoriale di Guerra di
Napoli.

firt.T.Col.A.R. THACKRAH

P.C.C.

Il Direttore dell'ufficio I°



Case of Calitri - massacre in Avellino Province

PROCURA GENERALE DEL REGNO
presso la Corte di Appello di Napoli

Div. 2^a N. 1176/43
Risp. nota 2.8.1944
N. 47

Napoli, 18 agosto 1944

OGGETTO: Processo di Calitri. Ricorso Cappa.

AL MINISTERO DI GRAZIA E GIUSTIZIA
Gabinetto

R o m a

In relazione al foglio suindicato, si comunica quanto, in ordine al processo di cui in oggetto, riferisce il Procuratore del Regno in S. Angelo dei Lombardi:

"Come è noto alla E.V. il processo per l'eccidio di Calitri subì parecchie vicissitudini: vie sconvolte per azioni belliche e impraticabili in un primo momento per mine, per ponti rotti, per nevi, per fanghi; impossibilità poi di accesso per mancanza assoluta di mezzi di trasporto. Solo in questi ultimi tempi è stato possibile istruirlo per lo zelo e l'abnegazione del pretore dott. cav. Renato Ognissanti: si attendono ancora alcune rogatorie e poi il processo sarà trasmesso alla E.V. per visione e per quei suggerimenti e provvedimenti che l'E.V. crederà di impartire.

"Domati i disordini, furono tratti in arresto una trentina e più di individui, i maggiori indiziati, tra cui il Niccolais cui il Cappa accenna nel suo ricorso, il peggior delinquente tra tutti. Ma erano i primi tempi dell'occupazione e il Legal Officer di Avellino, ritenendo potersi trattare un tanto tatto con una procedura sommariissima, ritenne, trascorso appena un mese, provvedere alla libertà di molti detenuti, e impose la concessione del detto beneficio, almeno alla metà di essi. "Intanto occorreva accertare le singole responsabilità,

R o m a

In relazione al foglio suindicato, si comunica quanto, in ordine al processo di cui in oggetto, riferisce il Procuratore del Regno in S. Angelo dei Lombardi:

"Come è noto alla E.V. il processo per l'eccidio di Calitri subì parecchie vicissitudini: vie sconvolte per azioni belliche e impraticabili in un primo momento per mine, per ponti rotti, per nevi, per fanghi; impossibilità poi di accesso per mancanza assoluta di mezzi di trasporto. Solo in questi ultimi tempi è stato possibile istruirlo per lo zelo e l'abnegazione del pretore dott. cav. Renato Ognissanti: si attendono ancora alcune rogatorie e poi il processo sarà trasmesso alla E.V. per visione e per quei suggerimenti e provvedimenti che l'E.V. crederà di impartire.

"Domati i disordini, furono tratti in arresto una trentina e più di individui, i maggiori indiziati, tra cui il Nicola e più di Cappa accenna nel suo ricorso, il peggior delinquente tra tutti. Ma erano i primi tempi dell'occupazione e il Legal Officer di Avellino, ritenendo potersi trattare un tanto tatto con una procedura sommariissima, ritenne, trascorso appena un mese, provvedere alla libertà di molti detenuti, e impose la concessione del detto beneficio, almeno alla metà di essi.

"Intanto occorreva accertare le singole responsabilità e escludere centinaia di testi, procedere a indagini delicate e si attendeva il momento proprio, ma il Legal Officer, pur riconoscendo l'impossibilità di questo ufficio di provvedere a tanto, ritenne che anche gli altri 26 detenuti si dovessero mettere in libertà.

"Dall'istruzione compiuta altre responsabilità sono emerse, e gli imputati sono più di 80; di essi, è evidente, si dovrà procedere alla cattura della maggior parte, dei più respon-

...//...

sabili, ma occorrerà per farlo, la maggior segretezza e gli accordi più completi con le autorità di polizia per l'invio sopralluogo di un largo stuolo di agenti - per impedire la fuga e per evitare possibili reazioni armate.

"Allego, per opportunità, il ricorso del segretario comunale Cappa. L'E.V. potrà renderlo qualora creda debba essere allegato agli atti processuali".

Seguiterò ad invigilare sull'andamento del processo e fo riserva di ulteriori comunicazioni.

IL PROCURATORE GENERALE

F.to illegibile

per copia conforme

Rizzardi

Subject:-

4653
 Accident / Caserta-Naples Highway,
 19 May

33A

To:-

C.O.,
 321 Service Squadron,
 332 Service Group, C.M.F.

12 Aug 44.

From:-

A.C.C. Liaison,
 HQ. A.A.I.

Ref. ACCL/300.

It is probable that the case in which
 an Italian driver was involved will shortly be set
 down for hearing.

As it is essential that the only
 witness No. 18125631, Cpl. Welton T. Martin should
 be available to give evidence, it would be
 appreciated if you will inform this section his
 present address.

LEGAL SUB-COMMISSION

CLO

DCLO

Chief Counsel

→ CLO

Copy to: Legal Sub-Commission, A.C.C.

CL RKS



Major,
 A.C.C. Liaison Officer.

33A, 34A v 35A refer

46

Ref: ACCL/302

15 AUG 44

36B

Dear Colonel,

Many thanks for your letter of 14 Aug 44 returning the file.

I am grateful to you for your help in this case.

I am enclosing the copy of the letter to 321 Service Sqn. Which was inadvertently returned with the file. When the witness is traced I shall inform your goodself as well as Region 3.

Yours Sincerely

Philip James Major,
A.C.C. Liaison Officer.

Lt. Col Ian Campbell
Legal Sub-Commission
A.C.C.

36B

HEADQUARTERS
LIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

35A

ACC/ 4053/L

14 Aug. 44

Dear Major:

*4 new James**HA AFI*

34A

1. I send you herewith a copy of a letter I have today written to the Regional Legal Officer, Region 3. and I return your file about Drv. Cobb
2. Will you please honour my word in para 5 of that letter.
3. I have extracted from your file:
 - (a) 1 copy of the report by Cpl. MARTIN, plan, accident report.
 - (b) 1 copy of HERSHENSON's letter of 8 Aug. 44.

My reason for so doing is to ensure that the Legal Staff at Region 3 have a copy of them: the copies you sent to Naples Province (in a different building, as you know) do not seem to have reached the legal staff at Regional H.Q.

Enc: 1 letter.

1 file.

PC
I.G.H. CAMPBELL
Lt. Colonel
Chief Judicial Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal-Sub-Commission
APO 394

/jpl

(34A)

ACC/4053/L

14 Aug. 44

Subject: Prosecution of ROUACO Ciro.

To : Regional Legal Officer, Region III.

1. There has been some correspondence in recent months between Major FRIEND-JAMES (ACC Liaison Officer with H.Q. AAI) and Naples Province, about suggested proceedings against one ROUACO Ciro for dangerous driving resulting in serious injury to driver COBB including the amputation of one leg at the thigh.

33A

2. I attach a copy of the last letter received by Major FRIEND-JAMES, which shows the present position.

3. I also enclose for your use a copy of a report by an eye witness (with plan).

4. For many reasons it is clear that this case must be disposed of in the Italian Courts. Will you please take up the question with the Procuratore del Regno.

5. Major FRIEND-JAMES is finding out the present address of Cpl. Walton, the witness, and will inform you direct.

6. It will be appreciated if you will keep Major FRIEND-JAMES informed of progress. The address is "ACC Liaison, H.Q. AAI."

R

RICHARD H. WILMER
Colonel, CAC

Acting Chief Legal Officer.

Copy to: Major FRIEND-JAMES
"ACC Liaison,
H.Q. AAI."

Enc : Cpl. Martin's Statement
1 plan
Maj. Hershenson's letter (copy)
Report on injuries.

file
053

(33A)

A.C.C. LIAISON,

HQ. A.A.I.

12 AUG 44.

Dear Colonel,

1. Confirming our telephone conversation.
2. The file is enclosed and the relevant letters are flagged. Please note A & B are not in order of date.
3. Both Capt Oden and I hold Dvr. Cobb with considerable regard and I should be grateful if you would help by expediting the hearing of the case against NOUACO CIRO, the Italian driver concerned on an alleged charge of dangerous driving, or such other alternative as you may decide is proper from the statement of the witness.
4. A copy of a letter to 321 Service Squadron is enclosed from which an endeavour is being made to trace the witness.
5. Please return the file at your convenience.

Yours Sincerely

Phred James

LT Col I.G.H. Campbell
Legal Sub Comm
ACE

(324)

file
Tel. No. 478525HEADQUARTERS
LIED CONTROL COMMISSION
Legal Subcommission
APO 394

ACC/4053/L

GGH/ap
2 Aug 44SUBJECT : Taddei Italo di Giuseppe, De Persis Rodolfo
fu Luigi, and Muscio Antonio fu Antonio.

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

1. Your Excellency's attention is drawn to the above mentioned case, which RIO Region IV reports to be still pending.
2. Your Excellency will recollect that the documents of the case were handed personally by the undersigned to the Procuratore del Regno, Volpe and copies forwarded to the Ministry and the Procura Generale.
3. Could instructions be given please for this matter to be proceeded with at the earliest possible date, as the accused are still in gaol awaiting trial. RIO is reluctant to have the case transferred from the Italian Court to an Allied Military Court in view of the good cooperation he has received up to date from the judicial officials in Rome.

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

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

31A

✓
4053
HEADQUARTERS
ALLIED MILITARY GOVERNMENT
ROME REGION
LEGAL DIVISION
A.P.O. 394

30 July 1944

SUBJECT : Taddei Italo di Giuseppe, De Persis Rodolfo
fu Luigi, and Muscio Antonio fu Antonio.

THRU : Regional Commissioner

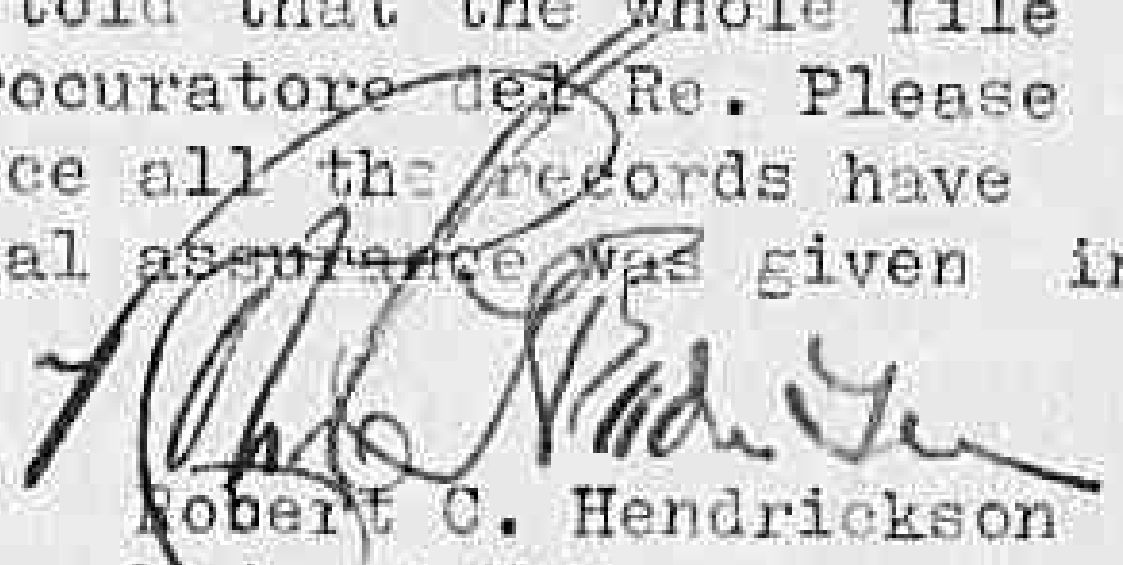
TO : Legal Sub Commission, A.C.C.
(attention of COL. Hannaforth)

1. In view of the assurances which you received from the Minister of Justice with respect to the above case shortly after the arrest on 6 June 1944, I am amazed to find these accused are still awaiting trial.

2. Under the circumstances I seem to have only one course open to me and that is to order the matter to a General Court for trial and disposition.

3. Before I do this, may I suggest that in order to avoid the political complications which are certain to arise if this course is followed, it might be well for you to press the Minister once more for immediate action.

4. When you do this you will be told that the whole file was not placed in the hands of the Procuratore del Re. Please do not accept this as an answer, since all the records have been at his disposal since the original assurance was given in the matter.


Robert C. Hendrickson
Major A.U.S.
Regional Legal Officer.

RCH/PA

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

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

ART/pa 304

11 Jul 44.

REFERENCE : AGC/4053/L.

SUBJECT : SARACENO Ugo - Art.313 C.P.

TO : H.E.The Minister of Pardon and Justice
(Affari Penali).

1. Reference your Excellency's letter - Prot.No.75 AP dated 15 June 1944, as requested, authorization is hereby given to proceed with the case against the above-mentioned.

2. The file of documents from the Tribunale Militare di Guerra of Naples is returned herewith.

cc
A. R. THACKER, Lt.Colonel,
for Acting Chief Legal Officer.

Enclos.: 1 file.

33

HQ. ALLIED

8 JUL. 1944

Time in
14124053
Legal
CONTROL COMMISSION
SALERNO PROVINCE

LEGAL OFFICE

5 July 1944

Ref. : ACC/4053/L.

Subject: Request for authorization to initiate criminal proceedings against SARACINO Ugo for "vilipendio" of Armed Forces.

To : C.L.O. Legal Subcommission H.Q. ACC. (Att. Lt. Col. Thackrah).

1. Upon the request of the Regional Commissioner, Region 3, the above matter has been investigated, and, in accordance with instructions, this report is made directly to your office.

2. There is a basis for action against SARACINO under section 313 of the Italian Penal Code and the other sections therein mentioned. To institute such an action, the consent of the Minister of Justice is necessary. This office believes that the letter of said Minister, dated 15 June 1944, gives the required consent.

3. It is noted that the Minister is of the opinion that this matter is one which is properly under ACC jurisdiction, because the Military Tribunal is situated in Naples. We are of the opinion that this is a case over which the Italian Government has jurisdiction. The alleged crime took place in Italian Government territory and hence the Italian Courts have jurisdiction over the person and the offence. The fact that the Court is physically situated in Allied Military Government territory is merely coincidental.

4. Inquiries by this office reveal no information as to the good or bad character of SARACINO.

5. File is herewith returned. Your further advice is requested.

Rel 4-1
S 690

1. Upon the request of the Minister, and, in accordance with instructions, this report is made directly to your office.

2. There is a basis for action against SARACINO under section 313 of the Italian Penal Code and the other sections therein mentioned. To institute such an action, the consent of the Minister of Justice is necessary. This office believes that the letter of said Minister, dated 15 June 1944, gives the required consent.

3. It is noted that the Minister is of the opinion that this matter is one which is properly under ACC jurisdiction, because the Military Tribunal is situated in Naples. We are of the opinion that this is a case over which the Italian Government has jurisdiction. The alleged crime took place in Italian Government territory and hence the Italian Courts have jurisdiction over the person and the offence. The fact that the Court is physically situated in Allied Military Government territory is merely coincidental.

4. Inquiries by this office reveal no information as to the good or bad character of SARACINO.

5. File is herewith returned. Your further advice is requested.

For the Provincial Commissioner.

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CCB/ga	
1 Incl.	
Copy to: R.L.O., Region 3.	

Carl C. Banno
Carl C. Banno
1st. Lt. A.C.
Provincial Legal Officer
Salerno Province

0252

Declassified E.O. 12356 Section 3.3/NND No.

785016

ADVANCE HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

28A
/JDI

4053
ACC/R/25/L

4 July 44

Subject: Case of PATENIA Arturo.

To : Rome Province, A.C.C., Region IV, APO 394
Att: G.W. McFADYEN, Major.

I agree entirely with your letter RL/RPT/LE/6-309, of
1 July 44.

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

Enc: 1 Arrest Report.

File

Rome Province
Allied Control Commission
Region IV
AFO 394

Ref. R4/RPR/LE/6-309

1 - 7 - 44

Subject: Italian Courts

To: Lt.Col G.B.Hannaford

From: P.L.O. Rome Province

I enclose Arrest Report in the case of Paterna Arturo, charged with an offence under Italian Law. Personally, I think that as the shooting was purely accidental and the accused is only 16 years old, I would let him out, without prejudice to re-arrest, and warn him not to change his address in case he is wanted as a witness at any Court of Enquiry.

G. W. Hannaford, Major 56
Legal Officer
Rome Province

file

27A

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

L-5090

4 July 1944

Subject : Consent to proceedings under the Italian
Military Code. ROSSI Luigi fu Nicola.

To : The Procuratore Militare del Re, Naples.

1. Reference is to your letter of 5 June 1944,
No. 3487 of file 6733/44, on this subject.

2. Pursuant to Article 313 of the Penal Code
authority is hereby given to the prosecution of ROSSI
Luigi fu Nicola under Article 278 of the Penal Code. 23

3. The file of papers in the matter is attached.

For the Regional Commissioner:

G.A. Banlet

G.A. BANLET,
Major, G.L.,
Acting Regional Legal Officer.

GAB/cm

Encl -

1 file.

Copy to

CLO, Legal Sub-Commission, A.C.C.
(ltr. ACC/4053/L of 30.6.44 refers).

AKH

26A

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

30 June 1944.

REFERENCE : ACC/4053/L.

SUBJECT : Case of ROSSI Luigi, Insulting H.M. The King of Italy.

TO : Acting R.L.O., (thru Regional Commissioner), Region 3.

1. Reference your letter L-5090 dated 28 June 1944.

2. While the alleged offence took place in the Province of CAMPOBASSO nevertheless it is proposed that the trial shall take place in NAPLES - in your region. For this purpose I am returning herewith the papers and ask you to comply with this Sub-Commission's letter ACC/4053/L dated 21 June 1944.

3. As far as can be seen here there is no reason why the trial cannot take place but there may be technical reasons for not proceeding with the case and for this reason the ^{matters} trial was referred to you.

RICHARD H. WILMER.
Colonel CAC.
Deputy Chief Legal Officer.

4053
HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U.S. Army

(25A)

L-5090

28 June 1944

Subject : Case of ROSSI Luigi, Insulting H.M. The King
of Italy.

To : CLO, Legal Sub-Commission, A.C.C.

1. Reference is to your letter ACC/4053/L of 21 23
June 44.
2. The alleged offence in this case took place at
MONTECILFONE in the Province of CAMPOBASSO. It would seem
that the consent required is that of the RC, Region 5.
3. The papers in this matter are returned.

For the Regional Commissioner :

GAB/cm

Enclos -
1 file.

G.A. Bamlet

G.A. BAMLET,
Major, G.L.,
Acting Reg. Legal Officer.



MINISTERO DI GRAZIA E GIUSTIZIA
 Direzione Generale Affari
 SEGRETERIA PARTICOLARE DI S. E. IL MINISTRO
 GUARBASIOLETTI

Prot. N.

1988

Risposte al foglio del

Div.

Sez.

N.

OGGETTO: Procedimento penale a carico dell'Avvocato
 MACCHIAIOLI Stefano.-

ALLA COMMISSIONE ALLIATA
 DI CONTROLLO
 Sottocommissione Legale

SALERNO

In relazione alla precorsa corrispondenza, si comunica che, giusta quanto riferisce la Procura Generale di Napoli, non vi sono, per lo meno allo stato, motivi che giustifichino, a norma dell'art. 35 C.P.P., la trasmissione del procedimento in oggetto dal Tribunale di Lagonegro a quello di Salerno.

In corrispondenza, pertanto, con gli accordi verbali intercorsi con predetta Commissione, il processo, in pari data, viene restituito al Procuratore del Re di Lagonegro per l'ulteriore corso di legge.

IL SOTTOSEGRETARIO DI STATO

Curia

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

AUT/pa

(23A)

REFERENCE : ACC/4053/L.

21 Jun 44

SUBJECT : Case of CONTE Raffaele of Cerignola.

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

1. Having caused enquiries to be made in regard to the proposed prosecution, it is ascertained that there are now objections to proceedings being instituted.

2. Your Excellency will judge whether in view of the nature of the offence, which seems to be an idle threat without special significance, it will be deemed necessary to continue the proceedings.

3. The file is returned herewith.

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

053 *Exhibit*
✓
HEADQUARTERS,
REGION 3, ALLIED CONTROL COMMISSION,
APO 394, U.S. Army.

(22)

L-5090

21 June 44.

SUBJECT : Request for authorization to initiate criminal proceedings
against SARACINO Ugo for "vilipendio" of Armed Forces.

TO : PIO Salerno Province (THRU PC).

1. Herewith is sent a letter dated 19 June 44, reference ACC/4052/L,
which has been received from the CIO, Legal Sub-Commission, ACC, together
with the file which accompanied it.

2. As the incident to which the complaint relates occurred in
SALERNO, the Regional Commissioner is not the authority to consent to
the initiation of proceedings. The Chief Legal Officer, however,
wishes you to make enquiries into the case and let him know whether you
consider proceedings should be initiated. Will you please reply direct
to the Chief Legal Officer.

By Order of Colonel CHAPMAN,

G. A. Ramet

G. A. RAMET, Major G.I.
Deputy Regional Legal Officer.

GAE/

Encs:

- #1. Ltr. d/d 19.6.44 from CIO, Legal Sub-Commission, ACC.
- #2. Ltr. d/d 15.6.44 from Under Secretary of State.
- #3. File of papers re SARACINO Ugo.

Copy to -

CIO, Legal Sub-Commission, ACC, (ATTN Lt.Col Thackrah). ACC/4053/L
refers.

ART/pa

(21A)

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB COMMISSION
APO 394

REFERENCE : AGC/4053/L.

21 Jun 44

SUBJECT : Case of ROSSI Luigi, insulting RSM. the King of Italy.

TO : RLO (thru RC) Region 3.
(for Att. Officer i/c Italian Courts).

1. The case presented in the attached file is before the Military Tribunal of Naples of which the Procuratore Militare del Re applies for permission to proceed under Art. 313 C.P.

2. The incident happened on 29 September 1943 in the public Post-Office at Montecilfone apparently in the presence of German soldiers.

3. If there is no objection by the Regional Commissioner ^{to} the continuance of proceedings please notify the Procuratore direct with a copy to this office.

Def

A. R. THACKER,.
Lt. Colonel,
for Chief Legal Officer.

Enclos.: 1 file.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

E3/da

20A

19 Jun 44

REFERENCE : AGC/4051/L.

SUBJECT : Request for authorization to initiate criminal proceeding against SARACINO Ugo for "vilipendio" of Armed Forces.

TO : RLO (thru RC) Region 3 .
(Att. Officer i/c Italian Courts).

1. Would you kindly ask the RC to consider the enclosed request and act upon it at his discretion .
2. This Sub-Commission is not over-impressed by the charges brought against SARACINO.
3. Opinion of the Ministry is enclosed.

22

By
A. R. THORNTON,
Lt. Col.,
for Chief Legal Officer.

6053 file
 HEADQUARTERS
 REGION 3, ALLIED CONTROL COMMISSION
 APO 394, U. S. Army.

17 June 1944.

SUBJECT : Proceedings against Fiata Vincenzo di Antimo.

TO : Procuratore del Re, Santa Maria C. V..

1. Reference is made to the request for authority to proceed against the above named for alleged violations of Articles 278 and 282 C.P.
2. Free speech and the free expression of opinions concerning the government will not be interfered with unless made under such circumstances as to cause civil disorder.
3. By virtue of the powers assumed by the Regional Commissioner authority to proceed against Fiata Vincenzo di Antimo for violation of Articles 278 and 282 C.P. is denied.

By Order of Colonel POLETTI

JOHN W. CHAPMAN,
 Colonel, J.A.G.D.,
 Reg. Legal Officer.

JC/rb

Encl: Application file.

Copy to: C.L.O. Legal Subcommittee.

LEGAL SUBCOMMISSION	
TO	
FROM	
Chief Counsel	
CIO	
Italian Section	
CLERKS	

To : C.L.O. Rear H.Q., A.C.C.

From : ~~REAR~~, H.Q. Region 5, A.M.G.

4053

18A

Subject : Case of CONTE RAFFAELE di ROBERTO of CERIGNOLA.

Reference : R5/511/19.

Date : 16 Jun 44.

1. The Regional Commissioner feels that in the case of Conte Raffaele there are no special factors affecting this Region: he therefore has no objection to the proceedings being instituted.

2. He does feel, however, that the act complained of appears to be an idle threat of no particular significance and that it should not be part of A.C.C. policy generally to encourage prosecutions in such cases.

for Regional Commissioner,



20

WEB/EM.

W.E. BEHRENS,
Col.,
R.L.O.

7460

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ART/pa

(17A)

10 June 1944

ACC/4053/L.

SUBJECT : Authorization to proceed. Cases of ESPOSITO and
COPIERTINO.

TO : H.E. The Ministry of Pardon and Justice.
(Penal Affairs).

1. I have the honour to inform your excellency that there is no objection to the Italian Authorities taking whatever steps they think proper in the circumstances in regard to the cases of the delinquents named in the attached report.

ay
A. R. THACKRAH,
Lt. Col. :
for Chief Legal Officer.

Enclosure : 1 Report.

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
ASO 394

APT/gmf

15A

7 June 1944

ACC/4053/L

SUBJECT: Proceedings against guard MUOIO Ciro.

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

1. Reference is made to Your Excellency's letter Prot. N. 26076 AP dated 6 May 44 concerning the authorization for proceedings against the a/m member of the police at Torre Annunziata under Art. 16 C.P.P.

2. On investigation it has been decided that the authorization to proceed should be withheld in this case for the reasons set out in the above quoted letter.

3. The file is returned herewith.

cy
A. R. THACKRAH, Lt. Col.
for Chief Legal Officer.

file
REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APC 394

ANT/gof

15A

ACC/4053/L

7 June 1944

SUBJECT: Proceedings against guard MUOIO Ciro.

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

1. Reference is made to Your Excellency's letter Prot. N. 26076 AP dated 6 May 44 concerning the authorization for proceedings against the a/m member of the police at Torre Annunziata under Art. 16 C.P.P.

2. On investigation it has been decided that the authorization to proceed should be withheld in this case for the reasons set out in the above quoted letter.

3. The file is returned herewith.

cy
A. R. THACKER, Lt. Col.
for Chief Legal Officer.

✓ 4053
4053
TO CLO Rear HQ ACC.
FROM HQ Region 5 AMG.
SUBJECT Permission for Italian Court to proceed.
REF R5/511/19.
DATE 6 June 1944.

Legal 6296
16A

1. Referring to ACC/4017/2/L, 31 May 1944:-

This HQ has no objection to the Italian Court at Bari proceeding with its prosecution in the cases of ESPOSITO and COBERTINO.

2. It appears that the interests of AMG are not affected and that the affair is of Italian domestic concern.

3. It is understood that approval is granted in the case of these 2 men only and the other cases will be determined on their merits.

For the Regional Commissioner

17

N. E. DEURENS
Colonel
RLC

by

A. R. TROVATI
Lt. Colonel
ERLO

2 enclosures
ART/EP

file

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
A.P.O. 394

(11A)

ACC/4053/L

SUBJECT: Authorization to Proceed
FAIELLO, Antonio and Marino Anna

6th June 1944

TO : H.E. The Minister of Pardon and Justice
(Penal Affairs)

Ref your 59 AP dated 27 May 1944, I have the honour to inform Your Excellency that the proceedings in question are authorized.

Accordingly the file is returned herewith.

Encl: File in case
of FAIELLO, Antonio

Any

A. R. THACKRAH
Lt. Col.
for, Chief Legal Officer

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
A.P.O. 394

File
ACC. 3/L

SUBJECT: Authorization to Proceed (Case of FLEGO Carlo)

(th June 1944)

TO : H.E. The Minister of Justice and Pardon
(Penal Affairs)

Ref No. 55 AP dated 22 May 1944. I have the honour to inform Your Excellency that the proceedings in question are authorized. Accordingly the file is returned herewith.

Encl: file on case
of FLEGO Carlo.

See
A. B. THACKER
Lt. Col.
for, Chief Legal Officer.

4053
HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U.S. Army

file 13A

1-5090

6 June 1944

Subject: Authorization to proceed.

To : Procuratore del Re, Tribunale Militare di Napoli.

Under the powers assumed by Allied Military Government by which the Regional Commissioner exercises the authority of the former Minister of Justice, authorization is hereby granted, in accordance with Article 313 C.P., to proceed with the case against

Graziani Gino di Bomolo e di Pesce Maria Assunta.

By Order of Colonel POLETTI:

JWC/mc

JOHN W. CHAPMAN
Colonel, JAGP,
Reg. Legal Officer.

Copy to -

1. Legal Sub-Commission, Hq. ACC.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
A.P.O. 394

(10A)

ACC/4053/L

6th June 1944

SUBJECT: Authorization to proceed -
PASSIGLI, Renato and PASINETTI, Ernesto.

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

Ref your 63 AP dated 27 May 1944, I have the honour to inform Your Excellency that the proceedings in question are authorized.

Accordingly the file is returned herewith.

Encl: File in case of
PASSIGLI, Renato and
PASINETTI, Ernesto.

ay
A. R. THACKERAY,
Lt. Col.
for, Chief Legal Officer.

13

✓ ~~1017~~ 4053 (9A)

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

L-5090

5 June 1944

Subject: Permission to Proceed.

To : Legal Sub-Commission, ACC (ATT Lt.Col. Thackrah)

1. Returned herewith are the files in the proceedings against (a) Passigli and Pasinetti, and (b) Faiello which you sent to this Headquarters with your letter ACC/4017/2/L 31 May 1944.

2. There are no reasons known to this Headquarters for objection to the prosecution.

For the Regional Commissioner:

John W. Chapman
JOHN W. CHAPMAN,
Colonel, JAGD,
Reg. Legal Officer.

JWC/mo

Encls-

No.2 letters of Sottosegretario di Stato
Atti against Faiello
Atti against Passigli and Pasinetti.

✓ ~~HEADQUARTERS~~ 4053
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U.S. ARMY

14A
Naples, Italy
5 June 1944

MCH/LC

SUBJECT : Proceeding against the guard MUOIO Ciro.
TO : C. L. C., Legal Subcommittee, Rear Headquarters Allied
Control Commission, SALERNO (Attention officer i/c
Italian Branch).

1. Reference is made to your letter of 15 May 1944,
ACC/4017/2/L.

2. Following investigation it is decided that no
authorisation to proceed should be given for the same reasons as
expressed by the Minister of Grace and Justice.

3. The record is returned herewith.

M. C. Holt?
M.C. HOLT Major
Officer i/c. Italian Courts
A. C. C. REGION III.

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

(8A)

File

4053

REFERENCE : ACC/40172/L.

SUBJECT : Authorization to Prosecute.

TO : R.L.O. (thru Regional Commissioner), Region 5.

5 June, 1944.

1. The attached file in respect of the case against Conte Raffaele di Roberto of Gerignola, forwarded to the Ministry of Justice for authority to proceed under Art. 313 C.P. has been referred to this Sub-Commission as being within A.M.C. jurisdiction (vide covering letter).

2. If on enquiry, there is no objection to this prosecution will you please obtain the Regional Commissioner's authorization to proceed:

A. R. Thackrah 10
A. R. THACKRAH,
Lieutenant-Colonel,
for Chief Legal Officer.

ART/wen.

Enclosure : 1 File.

4017/2

Salerno 11, -2 GIUN 44



MINISTERO DI GRAZIA E GIUSTIZIA

~~Direzione Generale Affari~~~~XXXXXXXXXXXXXXXXXXXX~~~~XXXXXXXXXXXXXXXXXXXX~~

Penali

Prot. N. 44 A.P.

Risposta al foglio del

Div. Sez. N.

ALLA COMMISSIONE ALLEATA
DI CONTROLLO

Sottocommissione Legale

S A L E R N O

OGGETTO: Autorizzazione a procedere contro Conte Raffae-
le di Roberto nato il 17.1.1924 a Cerignola, ivi re-
sidente.

Con rapporto del 4 marzo c.a. i RR.CC. di
Incoronata denunciavano in istato di arresto
la persona in oggetto, quale responsabile del re-
ato di cui all'art. 290 C.P., per avere scrit-
to su un muro di quel centro le parole: "Via
Badoglio - Fucilate il Re.". Il Conte ha confes-
sato il fatto, che è anche confermato dalle de-
posizioni di numerosi testimoni.

Il Procuratore del Re di Foggia ha chiesto
a questo Ministero l'autorizzazione a procedere,
a norma dell'art. 313 C.P.

Poichè nel luogo del commesso reato, Inco-
ronata (prov. Foggia), vige ancora l'amministra-

://:

zione alleata, si trasmette, per competenza, a questa Commissione la suindicata richiesta con il processo alligato, ~~che~~ esprimendo parere favorevole per la concessione dell'autorizzazione.

IL SOTTOSEGRETARIO DI STATO

Q.M.

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

file
REFERENCE : ACC/401772/L.

5 June, 1944.

SUBJECT : Authority to Prosecute.

TO : R.L.O. (thru Regional Commissioner), Region 3.

1. The attached file in the cases of DONADIO Antonio and NOVELLIS both of Campagna (Eboli) has been transmitted to this Sub-Commission for authorization to prosecute under Art. 313 C.P. (wide covering letter).

2. If on enquiry there is no objection, will you please obtain the Regional Commissioner's authorization to proceed.

Enclosure : 1 File.

7A
A. R. THACKRAH.
Lieutenant-Colonel,
for Chief Legal Officer.

~~4017/2~~ 4033 (6A)
HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U.S. Army

L-5090

5 June 1944

Subject: Authorization to Proceed.

To : Legal Sub-Commission, ACC (ATT Lt.Col.Thackrah)

1. Returned herewith is the file on the case of Flego Carlo forwarded to this Headquarters with your letter ACC/4017/2/L, 2 June 1944.

2. It is the opinion of this Division that the authorization to prosecute under Art. 313 P.C. should be made .

For the Regional Commissioner:

John W. Chapman
JOHN W. CHAPMAN,
Colonel, JAGD,

Reg. Legal Officer.

JWC/mo

Encl-

1. File on Flego Carlo.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
A.P.O. 394

4052
ACO/LOA 7/2/L

Subject: Authorization to proceed.

To : RIO (thru RC) Region 3

2nd June 1944

1. The accompanying file on the case of FLECO Carlo is remitted under favourable opinion from the Minister of Justice for authorization to prosecute under Art 313, P.O.

2. The alleged offence against the Allied Forces does not seem sufficiently serious for retention and, unless there are any circumstances calling for special action, the Regional Commissioner may be requested to give the authorisation called for.

Encl. File of FLECO Carlo

A. R. Thackeray
A. R. THACKERAY
Lt. Col.
for, Chief Legal Officer.



MINISTERO DI GRAZIA E GIUSTIZIA

UFFICIO SUPERIORE DEL PERSONALE
E DEGLI AFFARI GENERALI

Ufficio

Prot. N. 55 A.P.

Salerno li 22 MAR 1944

Alla Commissione Alleata
Controllo-Sottocommissione
legale.

SALERNO

Risposta al foglio del

Div. Sez. N.

OGGETTO: Autorizzazione a procedere contro Flago Carlo
di Alberto per il reato di cui all'art. 290cpv.C.P.

Con rapporto in data 6 corrente i RRCC. di Capua denunciavano che Flago Carlo, in oggetto generalizzato, recatosi al 1° letto nella caserma "Fianelli" di Capua, come a rivolgere ad un gruppo di cinque soldati, che ivi si trovavano, le seguenti espressioni: "Siete vigliacchi, cosa fate qui? Andate a casa, ormai siete stati vinti, uccidete il Re. Perché aiutare questi farabutti di inglesi che vi portano in prima linea?"

Il Flago, che sembra abbia agito in stato di ubriachezza, è stato arrestato e contro di lui è stato iniziato procedimento penale per i reati di cui agli art. 266.30, e 290 C.P., per il qual ultimo delitto il Procuratore del Re di S. Maria C.V. ha richiesto l'autorizzazione a procedere, necessaria a norma dell'art. 313 C.P.

Poiché nel luogo del commesso reato vige ancora l'amministrazione alleata, si trasmettono, per competenza, gli atti del procedimento, esprimendo parere favorevole per la concessione della autorizzazione.

Il Sottosegretario di Stato

Vincenzo Lombardi

S.

405-30
REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

4A
/rlp.
31 May 1944.

ACC/4017/2/L.

SUBJECT : Permission to Proceed.

TO : Regional Legal Officer (MEM: Regional Commissioner), Region III.

1. The attached charges against (a) Passigli and Passinetti, and (b) Mareello, are referred for authorization of the Regional Commissioner on technical grounds under Art. 313 Penal Code.

2. Please advise if there are any reasons for objection to these prosecutions when returning files.

A. R. Thackeray
A. R. THACKERAY,
Major,
for Chief Legal Officer.

Encl. 2 files.

4053 4017/2
HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U.S. Army

3A

L-4015

28 May 1944

Subject: Case of Flego.

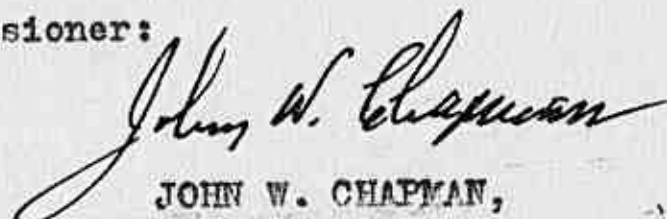
To : C.L.O. Legal Sub-Commission, A.C.C.

1. Reference is to your letter ACC/4017/2/L, dated 25 May 1944, and accompanying documentd.

2. In my opinion the Ministry of Justice should be instructed to proceed with the a/m case.

3. All documents are returned herewith.

For the Regional Commissioner:



JOHN W. CHAPMAN,
Colonel, JAGD,
Reg. Legal Officer/

JWC/mo

Encls-

1. Letter of Ministry of Justice, dated 22 May 1944
2. complete set of "procedimento penale"- R.Pretura, Santa Maria Capua Vetere, N°1592.

ART. 3A

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION

APO 394

2 June 1944

ACC/4017/2/L.

SUBJECT : Authorization to Proceed.

TO : R.L.O. (thru RC) Region 3.

1. The papers in the attached case, brought by the R.R.CC. against GRAZIANI Gino, are forwarded under favourable advice from the Minister of Justice.
2. Unless any special circumstances are disclosed why this prosecution should not be proceeded with, please have the Regional Commissioner act under Art. 313 C.P.



A.R. THACKRAH,
Lt. Col.,
for Chief Legal Officer.

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

1A

/rlp.
31 May 1944.

File 4053
KOC/WD/2/L.

SUBJECT : Permission to Proceed.

TO : Regional Legal Officer (THU: Regional Commissioner), Region V.

1. The attached charges against Paposito and Copertino are referred for authorization of the Regional Commissioner on technical grounds under Art. 313 Penal Code.

2. Please advise if there are any reasons for objection to these prosecutions when returning file.

Encl. 1 file.

Ray
A. R. THACHERAH,
Major,
For Chief Legal Officer.

0 2 8 5