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ACC

10000/142/576
(VOL.9)

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100/142/576
-9)

REVIEW OF AM COURT CASES, CORRESPONDENCE
OCT. 1944

24
ICC/NOE3/1/1

vol. 9

FRG: No. 923

TC: No. 1017

SUBJECT: REVIEW OF AM COURT CASES - CORRESPONDENCE

101 w

SUBJECT : REVIEW OF AM COURT CASES - CORRESPONDENCE

101 *W*

100000 142

576

THIS FOLDER
CONTAINS PAPERS

FROM

Oct. 44

LOGUE

923	2 Oct. 44	T/ RLO so. reg.	Notification of decision in
924	3 Oct. 44	T/ RLO Lazio	Piscitelli, Mosca & Tagliavini
925	3 Oct. 44	F/ RLO Abruzzi Marche	Gerelli Bruno.
926	3 Oct. 44	T/ RLO Toscana	Paolino D. & Cannello Tom.
927	3 Oct. 44	T/ RLO Toscana	Brunner Leone et al
928	4 Oct. 44	F/ RLO Lazio	Capt. Roberts.
929	4 Oct. 44	T/ RLO So. reg.	Sconocchia, Barnaffe, Soffri.
			Rocco Giuseppe
930	4 Oct. 44	T/ RLO Lazio	Forinola Giovanni
931	5 Oct. 44	T/ RLO Lazio	Gerelli Bruno
932	6 Oct. 44	F/ RLO So. reg.	Anabile G. Anabile Gennaro
933	6 Oct. 44	F/ Antolini econ. ch.	Scarpa.
934	7 Oct. 44	T/ Antoline	Puoti Vincenzo.
935	7 Oct. 44	T/ RLO So. reg.	Puoti Vincenzo
936	7 Oct. 44	F/ RLO so. reg.	Puoti Vincenzo
937	7 Oct. 44	T/ RLO So. reg.	Rocco Giuseppe
938	8 Oct. 44	T/ RLO So. reg.	Palumbo, Bucarelli, Demurtas
939	9 Oct. 44	T/ RLO So. reg.	Messina and Ortega.
940	9 Oct. 44	T. RLO So. reg.	Piscitelli Mosca & Tagliavini
941	9 Oct. 44	T/ rlo so. reg.	Rocco Giuseppe
942	10 Oct. 44	T/ rlo so. reg.	Gagnani Pasquale
943	10 Oct. 44	F/ rlo so. reg.	Alfano Enrico
944	10 Oct. 44	F/ rlo so. reg.	Piscitelli Mosca & Tagliavini
945	10 Oct. 44	T/ D/Chief of staff	Puoti Vincenzo
946	11 Oct. 44	F/ rlo Lazio	Palumbo, Bucarelli, Demurtas
947	11 Oct. 44	F/ Lazio	Messina and Ortega.
948	12 Oct. 44	F/ rlo so. reg.	Summary of mil. cases.
949	19 Oct. 44	F/ plo arezzo to	Di Nicola Giulio
950	17 Sept. 44	Rlo reg. 8	Sconocchia Marco
951	12 Oct. 44	Rlo Toscana	Vigilante et al
952	9 Oct. 44	F/ Sir Osborne	Sterri Antonio
953	12 Oct. 44	T/ Sir Osborne	Sterri Antonio.
954	13 Oct. 44	T/ Antolini econ. chief	Sterri Antonio
955	13 Oct. 44	F/ RLO abruzzesi	Emiliozzi Emilio
95			

945	10 oct. 44	T/ D/Chief of staff	L/1002	Summary of mil. cases.
946	11 oct. 44	F/ rlo Lazio	TER/A/04	Di Nicola Giulio
947	11 oct. 44	F/ Lazio	no file. #	Seconochia Marco
948	12 oct. 44	F/ rlo so. reg.		Vigilante et al
949	19 oct. 44	F/ plo arezzo to		
		Rlo reg. 8		
950	17 Sept. 44	" "	no file	Storri Antonio
951	12 oct. 44	Rlo Toscana	RVIIL/19/3018	Storri Antonio
952	9 oct. 44	F/ Sir Osborne	50/119/44	Emiliozzi Emilio
953	12 oct. 44	T/ Sir Osborne		Emiliozzi Emilio
954	13 oct. 44	T/ Antolini econ. chief		Puoti Vincenzo
955	13 oct. 44	F/ RLO abruzzai	ARR/511/14/PU	Cambrini; Briganti, Vagnini
				Arduini
956	14 oct. 44	F/ rlo so. reg.	L-2020	Palieri Filippo
957	14 oct. 44	T/ rlo so. reg.		Puoti Vincenzo
958	15 oct. 44	F/ rlo so. reg.	no file #	Amabile Giovanni & gemaro
				and Scarpa
959	16 oct. 44	F/ rlo so. reg.	L-3021	Fiscitelli, Mosca & Tagliav-
960	16 oct. 44	F/ RLO abruzzai	ARR/511/14	Di Bisceglia Natale
961	16 oct. 44	F/ rlo abruzzai	ARR/511/14	Foglia & compenso records.
962	16 oct. 44	F/ rlo abruzzai	ARR/511/14 - Scarpa	Foglia & compenso records.
963	16 oct. 44	T/ rlo abruzzai		Briganti, Vagnini Cambrini
964	16 oct. 44	T/ rlo foglia		Palieri Filippo
965	16 oct. 44	F/ rlo pub. safety		Ballerini Giuseppe
966	17 oct. 44	F/ rlo Lazio	RIE/A/04	Lelli Emilio
967	17 oct. 44	F/ rlo so. reg.	no file #	Enna Salvatore
968	17 oct. 44	F/ rlo Lazio	RIE/A/04	Giampaolletti Don.
969	17 oct. 44	T/ rlo Lazio		Soffici & Baruffa
970	17 oct. 44	F/ rlo Lazio	TER/A/04	Belestro Vito.
971	17 oct. 44	F/ rlo so. reg.	L-9135-C	Borelle Vincenzo
972	18 oct. 44	F/ rlo Lazio	L/TER/A/04	Belestro Vito
973	18 oct. 44	T. H.E. Minister		Lists of Ital. condemned
974	17 oct. 44	F/ pub. safety	14018/10/PS	by mil. tribunal
				Ballerini case.
975	19 oct. 44	F/ rlo Lazio		Movement control vetran.
976	19 oct. 44	F/ rlo abruzzai	TER/A/04	Maro Giuseppe
977	18 oct. 44	T/ rlo abruzzai	ARR/511/19	Pte Barton W.H.
978	19 oct. 44	T/ rlo abruzzai		Barton W. E. (allied soldier
979	19 oct. 44	T/ rlo so. reg.		Berto Giovanni
980	20 oct. 44	T/ Sir Serrao		Amabile bro. & scarpa
				Di Bisceglia Natale

PUL

981	20 oct. 44	T/ rlo so. reg.	Barralle Vincenzo
982	20 oct. 44	T/ rlo abuzzi	Di Biscaglia Natale
983	20 oct. 44	T/ R. C. Sardinia	Berele Vincenzo
984	20 oct. 44	T/ rlo so. reg.	Piscitelli Luigi, Mosca and Tagliavini
985	21 oct. 44	T/ chief of staff	Confirmation of death sentences by chief of staff
986	21 oct. 44	T/ rlo toscana	Ballerini Giuseppe
987	17 oct. 44	F/ Bo Romagna	Murasco Nazzereno
988	21 oct. 44	T/ rlo so. reg.	Murasco Nazzereno.
989	21 oct 44	F/ rlo so reg	<i>BOMANO-DAMAGIA-2nd ALINIS</i>
990	23 oct 44	F/ rlo ABRUZZI	<i>BEATO GIOVANNI</i>
991	24 oct 44	F/ Province Liguria	<i>CASIRASO BROTHERS</i>
992	24 Oct. 44	F/ So. reg.	Chiumello Giesco
993	25 Oct. 44	F/ so. reg.	Nocera Ferd ando
994	24 Oct. 44	F/ so. region	Romano Biagio
995	24 oct. 44	F/ so. reg.	Camagna Elena (see case number 2357 incoming regist.)
996	2 Oct. 44	F/ reg. 5	Berto Giovanni
997	24 oct. 44	F/ so. reg.	Nocera Ferdinando
998	26 oct. 44	T/ so. reg.	Di Fresco Carlo (Partisan.
999	27 Oct. 44	T/ Lazio Umbria	Giamsoletti, Lelli, Moro
1000	30 Sept 44	F/ Reg. 8	<i>Saverio Alessio 1000</i>
1001	27 oct 44	T/ Reg. 8	<i>Saverio Alessio 1001</i>
1002	27 oct 44	F/ SO C	<i>Remigio - Alessio 1002</i> <i>Carlo Goldano</i>

REF/3067

no file
AMB/501/4/10
no file

4B5941

REV 1/14/50/8

FROM : No. 923

TO : No. 1017

4083/1

REF/3068
28 Oct 1944

1016

SUBJECT: Application for review of sentence:

DE BONIS Domenico

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

FROM : Legal Officer A.C. Foggia Zone

824-22

Reference is made to letter of 28 August 1944
under ref. 3068 to which no reply appears to have been
given.

RJH/24

Major

Legal Officer

A.C. Foggia Zone



408301
2362
HEADQUARTERS
SOUTHERN REGION, ALLIED CONTROL COMMISSION
LEGAL DIVISION
APO 394, U. S. ARMY

1043

30 October 1944

1- 3029
SUBJECT: NOCERA Ferdinando.
TO : Chief Legal Officer, Legal Sub-Commission, A.C.C., Rome.

1. On 23 October 1944 Form 8 and application for review were sent to the Chief Legal Officer. On this day the attached document was filed in this office and request made that same be considered with the Application for review.

ETK/pv

L. F. Dawson
L.F. DAWSON, *By E. T. Key*
Lt.Col., G.L., *capt.*
Regional Legal Officer. *pt.*

97

SUBJECT : AMG Case - PALER 0 Filippo
REF. : AMR/511/14/F
TO : H.Q. ALLIED CONTROL COMMISSION
(for attention of Legal Sub Commission)
Copy to : L.O. FOGGIA

4083/1

1942

30 Oct. '44

1012

Ref. your ACQ/4083/I/L of 16 Oct. addressed to P.L.O. Foggia, the Record in the above case is enclosed as desired.

For the Regional Commissioner



Major
A/RIO Abruzzi Marche Region



WFB

96

8742

Legal Sub Commission

MEMO to Public Safety Sub-Commission

1011

AC/4083/1/L

31 Oct. 44

Subject: FINAGUERRA-DE SANCHEZ SILVERIO.

The attached ~~petition~~^{petty} regarding FINAGUERRA - DE SANCHEZ SILVERIO has been sent to the Legal Sub Commission by the Minister of Grace and Justice

The suggestion is that he has been taken to a concentration camp by the Polish Security Police.

This is not a question for the Legal SubCommission. Perhaps you will think fit to initiate investigations.

12

W.E. BEYRENS
Colonel
Deputy Chief Legal Adviser.

SUBJECT : Case of ~~BEATRAME~~ Luigi and ~~BEATO~~ Giovanni
REF. : AMR/511/14/M
TO : H.Q. ALLIED CONTROL COMMISSION
(for the attention of Legal Sub-Commission)

#083/1

1009

30 Oct. '44

1005

Immediate instructions have been given in accordance with the directions contained in your AC/4083/I/L of 28 Oct. '44, which were by no means unexpected.

For the Regional Commissioner

HEADQUARTERS
31 OCT 1944
A. C. G.

P. BACKHOUSE, Major
A/RLO ABRUZZI MARCHE REGION

Yo Ho!
Why didnt somebody do
something about it? 10 3!

8776

HEADQUARTERS ALLIED COMMISSION
Legal Sub-Commission
APO 394

/jpl

AG/4033/1/L

31 Oct. 44

1008

Subject: Case of CRETI Mario

To : Regional Commissioner (Att. Regional Legal Officer)
LAZIO-UMBRIA REGION.

1. A further petition has been received by this HQ with regard to the case of CRETI Mario.

2. Will you please send the record of the above case to this HQ for further consideration.

BY COMMAND OF COMODORE STONE.

[Signature]
W. E. BARNES
Colonel
Deputy Chief Legal Officer.

HEADQUARTERS ALLIED COMMISSION
APO 334
LEGAL SUB-COMMISSION

1006

/rn.

AC/4083/1/L.

29 Oct. 44.

SUBJECT : Case of DE MARIA Salvatore.

TO : Regional Commissioner (attn. R.L.G.)
Southern Region.

1. Returned herewith is the petition of DE MARIA Salvatore.

2. The said petition raises no point of law or fact which was not considered at the trial or on review of the case.

By Command of Commodore STONE:

*W.E. Blumens*W.E. BLUMENS,
Colonel,
Deputy Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/ps.
28 Oct 44.

AC/4063/1/1.

SUBJECT : Case of BREITRAME Luigi and BERTO Giovanni.
TO : Regional Commissioner, Abruzzi-Marche Region.
(Attn. for Regional Legal Officer).

1. Returned herewith is the record of the proceedings against BERTO Giovanni and BREITRAME Luigi.

2. It is clear that the conviction of these two men was against the weight of evidence: the whole of the evidence tends to show that the eggs in question were bought in Ascoli and NOT in Macerata, and that at the material time the purchase and export of eggs from Ascoli was not forbidden.

3. It is therefore directed as follows :-

- a. that the convictions be quashed
- b. that BERTO and BREITRAME be set at liberty immediately
- c. that the fines (if paid) be refunded
- d. that the lorry be restored
- e. that proper compensation be made for the 16,000 eggs wrongly confiscated.

BY COMMAND OF COMMANDER STONE :

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

HEADQUARTERS ALLIED COMMISSION
LEGAL SUB COMMISSION
APO 394

/jpl

1003

ACG/4083/1/L

28 Oct. 44

Subject: Case of CHIUMIELLO Biagio and PARENTE Angelina

To : Regional Commissioner (Att. Regional Legal Officer)
Southern Region.

1. Returned herewith is the record in the proceedings against
CHIUMIELLO Biagio and PARENTE Angelina, forwarded by you on 23 Oct. 44.

2. It is noticed that the case was ^{filed} as long ago as the 5th May and
has not previously been reviewed: also that PARENTE Angelina by her
Avvocato says that she had presented an earlier petition but had not been
informed of any decision.

/c

W.K. BEHRENS
Colonel

Deputy Chief Legal Adviser.

Enc: 1 record.

HEADQUARTERS ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

1002

/jpl

ACG/4083/1/L

27 Oct. 44

Subject: Case of ROMANO Biagio
De MARIA Salvatore
ZANFALDINO Antonio.

To : Regional Commissioner. (Att. Regional Legal Officer)

1. Herewith returned is the record in the proceedings against

ROMANO BIAGIO
DE MARIA SALVATORE
ZANFALDINO ANTONIO

2. Convictions and sentences have been affirmed except that it is directed that the money which the Court purported to confiscate from ZANFALDINO Antonio be returned to him. It is obvious that this accused intended to use this money to make an unlawful purchase. However, the accused was not convicted of a wrongful sale, purchase, use or possession of this money, but only of a conspiracy so to use it. The purported confiscation was, therefore, ultra vires the Court.

W.E. BENRINS
Colonel

Deputy Chief Legal Adviser.

Enc: 1 record.

87

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

1001

ACC/ACB3/1/L

27 Oct. 44

Subject: Case of SAVI Savio, GUERRI Guerino, FARAGNI Angelo.

To : Regional Commissioner. (Att. Regional Legal Officer)
TOSCANA Region.

1. Returned herewith is the record of proceedings against

SAVI Savio
GUERRI Guerino and
FARAGNI Angelo.

The conviction of SAVI Savio has been quashed.

2. In answer to your general question. As the sentence on at least one accused exceeded 2 years, the whole case is reviewable here and you are correct in thinking that the R.C. has no power to quash the conviction of one accused.

It was to meet just such cases as this that a discretionary power to order release pending review was given to Regional Commissioners and Regional Legal officers - see Consolidated Instructions Art. 35.

(R)

W.E. BEHRENS
Colonel

Deputy Chief Legal Adviser.

Enc: 1 Record.

file

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
AFO 394

/jpl

999

ACG/4083/1/L

27 Oct. 44

Subject : Base of GIAMPAOLETTI Domenico
LELLI Camillo
MORO Giuseppe

To : Regional Commissioner (att. Regional Legal Officer
LAZIO - UMBRIA Region.

1. Herewith returned are the records in the proceedings against

GIAMPAOLETTI Domenico
LELLI Camillo
MORO Giuseppe.

2. All these cases were tried in July - over 9 months ago - and have not been previously reviewed. Are there any more cases still unreviewed?

By Command of COMMODORE STONE.

W.E. BEHRENS
Colonel

Deputy Chief Legal Adviser.

Enc: 3 records.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

998

26 Oct. 44

AOC/4259/L

Subject: Case of DI PRISCO Carlo

To : Regional Commissioner (att. Regional Legal Officer)
Southern Region.

In answer to L-3031 of 23 Oct. 44.

1. It has been found impossible to issue any directive on the point raised: circumstances vary in every case. The following suggestions are offered as guidance:-

- (a) The general policy that patriots in Military Government Territory are required to surrender their arms on the same basis as everybody else.
- (b) The fact that an accused has been an active patriot does not mean necessarily that he is of good character; indeed, many of them are of the turbulent element and are just the type whom it is particularly desirable to disarm.
- (c) If, therefore, an accused has been living as a private citizen in Military Government territory for a substantial period, the Court should not attach much weight to the fact that the accused had previously been a patriot. If he has actually been of service to the Allies, the Court should take this into general consideration along with many other factors, in assessing sentence.
- (d) Similarly, if it is apparent that the accused knew of the obligation to surrender arms or to obtain an AMG permit and deliberately disregarded this obligation, the mere fact that he is a Patriot should not be accepted as an excuse; again, in fixing sentence his background should be taken into consideration along with other relevant factors.
- (e) Where, however, the accused is actively and presently engaged in Patriot activities and his time in AMG territory is brief and there is no suggestion of any intention to flout the proclamation, all consideration should be shown and any punishment should only be such as to show that the AMG requires a strict compliance with the orders. In many cases, a sentence wholly or to a large extent suspended may be sufficient.

2. As I understand from para 6 that the question and record were submitted for general guidance, I have not entered any Decision on Review. *It would seem that (not final) applies to this case.*

3. The record is returned herewith.

Copy to: 4259/L

W.E. BURNES
Colonel
Deputy Chief Legal Adviser

SUBJECT : Record of case - Macerata 74

REF. : AMR/511/14/AP

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

24 Oct. '44

Berto, Beltrame and others

Ref. your AOC/4083/I/L of 19 Oct., an appeal in this case (which has just arrived) is enclosed.

For the Regional Commissioner



P. BACKHOUSE
Major,
A/RLO Abruzzi Marche Region

*enter
16
Hood*

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

(991) /jpl

ACC/4083/1/L

24 Oct. 44

Subject: Court Records (Campobasso - Foggia)

To : Regional Commissioner (Att. Regional Legal Officer)
Abruzzi-Marche Region.

1. Reference your letter AMR/511/14 of 16 Oct. 44.
2. The Chief Legal Adviser has already ruled (ref. ACC/4082/1/L of 31 Aug. 44) that
"region V should continue to hold the records of
all AMR Court proceedings that took place in
Campobasso and Foggia."

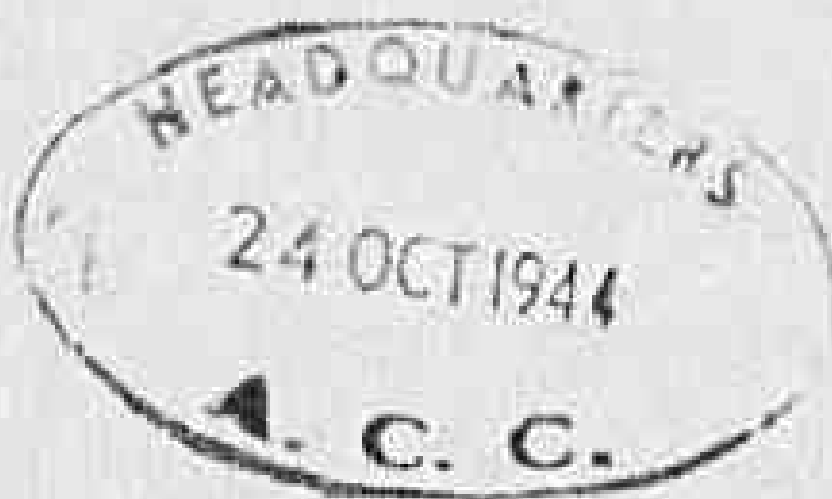
BY COMMAND OF COMMODORE STONE.

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

SUBJECT : Record of case (Macerata)
REF. : AMR/511/14/M
TO : H.Q. ALLIED CONTROL COMMISSION
(for attention of Legal Sub-Commission)

23 Oct. '44

Ref. your ACQ/4083/I/L of 19 Oct. record (Macerata 74) in the case of BELTRAME and five others is attached.



P. Backhouse
P. BACKHOUSE
Major,
A/ELO
for C.H.A. FRENCH Lieut. Col.
Provincial Commissioner
Abruzzi Marche Region

74

HEADQUARTERS
ARMED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpi

ACC 3/1/L

21 Oct. 44

Subject: Confirmation of death sentences.

To : Chief of Staff, H.Q. ACC.

1. I transmit the names, date of conviction and date of confirmation of sentence by the Chief of Staff, in proceedings in which a death sentence was imposed.

This office does not receive a report of date of execution.

2. Please note that our records do not contain the specific wording of each respective charge. The most serious charge is recorded on our records.

3. If any other information is desired it will be necessary that the record of the case be recalled.

RICHARD H. WILMER
Colonel, CAC
Chief Legal Adviser.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

AOC/4083/1/1

SIR J.A. SERRAO, K.B.E.
36 Via Regina Elena
Rome, Italy.

26 Oct. 44

Dear Sir John:

You will remember coming to see me in regard to the case of DI BISCEGLIA who was convicted at CERIGNOLA of wrongfully acquiring flour and was sentenced to six years imprisonment and a fine of one hundred and fifty thousand lires. At the time you put forward a submission that DI BISCEGLIA had been convicted under the wrong article (art. 8) of R.D.L. 22 april No. 245 and should have been convicted under Art. 4 of that R.D.L. and that thereby the Court had imposed a sentence in excess of the maximum allowed by Italian law. As a consequence I sent for the record of the case.

On examination of the record I find, however, that the accused was charged and convicted under Proc. No. 8 (old series) which states that "the present system of rationing will remain in force until further order of the Allied Military Government." The accused was therefore convicted of a substantive proclamation ^{offence} and not of an offence against Italian Law. That being so the Court was not bound by the limitation of punishment imposed by the Italian law, but only by the by the limitation to its jurisdiction imposed by the Proclamation.

I must therefore inform you that the sentence of the Court as affirmed on review must stand.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

979

ACC/4083/1/L.

19 Oct. 44

SUBJECT: Case of AMABILE Giovanni, AMABILE Gennaro, SARPA Antonio.

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

1. Returned herewith are the petitions submitted on behalf of the above-mentioned dependents.

2. These appeals add nothing and raise no point that was not considered at the trial.

BY COMMAND OF COMMODORE STONE:

RICHARD H. WILDER,
Colonel, CAC,
Chief Legal Advisor.

62

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

19 Oct. 44

ACC/4003/1/L.

SUBJECT: Record of Case (BENITO Giovanni).

TO : Regional Commissioner, Marche-Abruzzi Region.
(Attention Regional Legal Officer).

1. A question has been raised at this HQ. in connection with the case of BENITO Giovanni.

2. We understand that BENITO Giovanni was convicted at Ancona on or about 30 Aug. 44 for traveling without a permit.

3. Will you please arrange for the record of the case to be sent to this HQ.

BY COMMAND OF CONNOCKRE STONE:

WfB
RICHARD H. WILDER,
Colonel, CAC,
Chief Legal Advisor. 61

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

917
WJH/pa.
18 Oct 44.

ACC/LR3/1/L.

SUBJECT : Shooting of Pte BARTON W.H.

TO : Regional Commissioner, Abruzzi-Marche Region (for R30).

1. The papers in this case are returned herewith.
2. There is no doubt that the three men, TRUFFELLI, SPONTACCI and POLAZZETTI formed part of a semi-organized group which included an Italian Army officer, two Italian soldiers and several CC, NN, whose mission was to capture three men genuinely believed to be German spies.
3. It is hardly to be expected that men on such a "mission of war" would apply the normal peacetime standards before resorting to the use of firearms.
4. It should also be observed that it will be difficult to establish whether Pte BARTON was killed by TRUFFELLI or by SPONTACCI, and though each of them might be convicted of shooting with intent to kill it is unlikely that either would be convicted of the actual killing.
5. It is felt that an AMC Court would in all probability acquit both TRUFFELLI and SPONTACCI and that a trial of these partisans by AMC would serve no real purpose. If, however, the military authorities desire a trial there are clearly charges which can be brought against these two men and the necessary court should be convened. It is felt that the specific wishes of the military authorities should be ascertained before this course is adopted.
6. POLAZZETTI is no concern of AMC. He should be handed over to the Italian Courts for disposal and, subject to the wishes of the military authorities, it is recommended that this course be followed also with TRUFFELLI and SPONTACCI.

BY COMMAND OF COMMANDER STONE

53

RICHARD H. WILSON,
Colonel, GAC,
Chief Legal Advisor.

SUBJECT : Shooting of Pte Ballin W.H.
 TO : CLO LEGAL SUB COMMISSION
 FROM : A/RLO ABRUZZI MARCHE REGION

AMR/511/19

13 Oct. 44

1. Enclosed are statements and reports concerning the shooting at Cagli on 20 Sep. 44 of the above soldier. These did not arrive until just after Lt. Col. Willis left. The facts had been previously reported before the statements were taken.
2. The matter was reported to 5 Corps personally by PLO Gasaro, and D.A.A.G. said that if AMC were investigating, their report would suffice, and that a Court of Enquiry would not therefore be held.
3. Whilst much can be said for the defence, and whilst, if the dead man had raised his hands and remained still as his companions did, the incident would probably never have occurred, it is felt that the shooting was extremely reckless, and that several shots were fired without the faintest justification.
4. Your advice is asked as to the action which you consider should be taken against Trufelli, Sponticcia and Polaretti.

LEGAL SUB COMMISSION	
CLO	
DCLC	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
14 OCT 1944	

P. BACKHOUSE
 Major,
 A/RLO

Shooting by Partisan 58
 264.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

973
ART/mt.
18 Oct. 44.

ACC/4083/1/L.

SUBJECT: Lists of Italians condemned by Allied Military Tribunals.

TO : H.M. The Minister of Justice.

1. Replying to your Excellency's memo on the above subject and after consultation with the Chief Judicial Officer of this Sub-Commission it is regretted that the recording of the additional information required is not provided for under the regulations for the holding of such tribunals, moreover it would be a matter of considerable difficulty to bring about an effective change in both court and Allied Military police procedure in this respect.

2. However on consultation with the Public Safety Sub-Commission it appears that the desired information is recorded at the provincial prisons to which the sentenced persons are committed and that in all cases of incarceration by A.M. Courts special indications are given on their prison dockets which are maintained according to the Italian system.

Def
A.M. THACKER, Lt. Colonel,
Italian Branch,
for Chief Legal Advisor 51

4083/11

Copy.

(file)

MEMORANDUM FOR THE CO-ORDINATING COMMISSION

LISTS OF ITALIAN CITIZENS SENTENCED BY ALLIED COURTS

X The A.C.C., Legal Sub-Commission, has received some lists of Italian citizens sentenced by Allied Courts in various Italian regions. Such lists are intended to be used for compilation of criminal registers in the "casellario" (office for criminal registers). However, in those lists each sentenced person is identified only by christian and family name. This is not enough for compilation of the criminal register which should also contain the father's christian name, the mother's christian and family name, the date and place of birth of the sentenced person to avoid any error of ascribing penal sentences to a different person. The Court which rendered the sentence should also be stated. X

Are the Allied Authorities prepared to have the lists completed accordingly to the above?

Are the persons registered in the lists detained in Italian prisons? (If so the required particulars may be requested from the Director of Prisons).

X Copy handed to Chief Judicial Officer by AR Thakral.
16/10/44

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

969

AOC/4083/1/L

17 Oct. 44

Subject: Case of SOFFERI Salvatore and
BARUFFA Federico

To : Regional Commissioner (Att: Regional Legal Officer)
Lazio - Umbria Region.

1. I return herewith the records in the proceedings against the
following:-

- (a) Sofferi Salvatore
- (b) Baruffa Federico.

2. In each of these cases the sentences exceed two years and
therefore they are properly submitted here for review; but in each
case you have already reviewed the case and entered your decision in the
"Review" space on the form 5.

By Command of Commodore STONE.

Enc: 2 Records.

10
RICHARD H. WILMER
Colonel, CAC
Chief Legal Adviser.

