

ACC

10000/142/629

INVESTIGATION OF
JULY, AUG. 1945

10000/142/629

INVESTIGATION OF AMG TRIAL IN GORIZIA
JULY, AUG. 1945

4062/29

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

FTE/AMB/JJJr

336

Regal s/c

(7A)

1 August 1945

G-5: 015

SUBJECT: Yugoslav Report of AMG Trial in GORIZIA.

TO : Headquarters, Allied Commission, APO 394
(Attn: Legal Subcommittee)1. Reference is made to our letter dated 18 July,
subject and file as above,

2. It is requested that reply be expedited.

For the Assistant Chief of Staff, G-5:

F. T. Hammond, Jr.
F. T. HAMMOND, JR
Colonel, G.S.C.,
Legal Adviser

LEGAL SUBCOMMISSION	
CL O	
DOLO	
Chief Counsel	
CL Y	
Legal Section	
CL RKS	
3 AUG 1945	

6A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

ACW/rjp

AC/4083/89/L

1 August 45

SUBJECT : Yugoslav report of AMG trial in Gorizia
TO : Allied Force Headquarters, G - 5 Section,
APO 512

1. Reference your letter G-5 015 of 18 July.
2. Enclosed please find a copy of the report submitted by our officer in Venezia Giulia Region. It is obvious that the newspaper account is grossly unfair.

J. P. W.

S. C. WRIGHT,
Major,
Judicial Branch,
for Chief Legal Adviser

ENCL: 1 letter

2/3

6/18/45

ALLIED MILITARY GOVERNMENT
13 Corps
Venezia Giulia

408189

Office of Chief Legal Officer

File: 100/110/LD/40

Subject: Report of AMG Court Trials at Gorizia; Russo-Slav Report Thereof

To: Chief Legal Adviser, Legal Sub-Commission, Allied Commission, Rome
(Attention: Chief Judicial Officer)

Reference is made to your letter of inquiry of 30 July 45 (AG/4093/ES/L concerning an AMG court trial at Gorizia on 19 June 1945.

The inclosures attached to your letter undoubtedly refer to the cases of the following named four civilians who were tried before an Allied Military Court at Gorizia on the 30th day of June, 1945 for having taken part on the 19th day of June in a public demonstration at or in the vicinity of the Prefettura Building, Gorizia not authorized by Allied Military Government. They are:

SOSOL	Josel,	Age 45, Clerk
VERDANA	Dzila,	Age 42, Peasant
BELTRAM	Juan,	Age 58, Peasant
VALENTINICIS	Franc,	Age 35, Carpenter

Charles Sheets were served on each defendant before trial. Each was represented by an Attorney, one Tonkli, Nicola, of Gorizia. The charges were based on Arrest Reports filed by Corporal Rudolph M. Zoran, Military Policeman, of the 31st Division. The trial judge was Major A.E. Gold, a qualified judicial official of AMG.

Witnesses for the prosecution on the trial were Corporal Loman, Pfc. Willie Smith and Pfc. Leroy Hainness, of the 31st Division Corps of Military Police, who testified in substance as follows: On June 19th, we were on duty at the Prefettura Building, at Gorizia. In the afternoon and early evening there was a large demonstration of from 3000 to 5000 civilians at or near the Prefettura Building. We received orders from superior military authorities to disperse the crowd. We told the agitators to go home or that they would be arrested. The crowd was told four different times to leave but refused to leave. The defendant Beltran upon being so told personally replied: "This is my soil. What business do you have to throw me off?", that the defendant Beltran tried to force himself further into the square and resisted violently and four MPs got him finally into a Jeep and took him to jail.

To: Chief Legal Adviser, Legal Sub-Commission, Allied Commission,
 (Attention: Chief Judicial Officer)

1. Reference is made to your letter of inquiry of 20 July 45 (40/4085/89/L) concerning an AMB court trial at Gorizia on 19 June 1945.

2. The inclosures attached to your letter undoubtedly refer to the cases of the following named four civilians who were tried before an Allied Military Court at Gorizia on the 30th day of June, 1945 for having taken part on the 19th day of June in a public demonstration at or in the vicinity of the Prefecture Building, Gorizia not authorized by Allied Military Government. They are:

BOGOI	Goser,	Age 45, Clerk
WILDEMAN	Daniel,	Age 33, Sergeant
BRUNNEN	Evans,	Age 38, Sergeant
VALENTINICIS	Brano,	Age 35, Carpenter

Charles Sheets were served on each defendant before trial. Each was represented by an Attorney, one Tonelli, Nicolai, of Gorizia. The charges were based on Arrest Reports filed by Corporal Rudolph M. Zeman, Military Policeman, of the 91st Division. The trial judge was Major A.W. Gold, a qualified judicial official of AMG.

Witnesses for the prosecution on the trial were Corporal Zeman, Pfc. Willie Smith and Pfc. Leroy Barnes, of the 91st Division Corps of Military Police, who testified in substance as follows: On June 19th, we were on duty at the Prefecture Building, at Gorizia. In the afternoon and early evening there was a large demonstration of from 1000 to 3000 civilians at or near the Prefecture Building. We received orders from superior military authorities to disperse the crowd. We told the agitators to go home or that they would be arrested. The crowd was told four different times to leave but refused to leave. The defendant Beltram upon being so told personally replied: "This is my soil. What business do you have to throw me off?", that the defendant Beltram tried to force himself further into the square and resisted violently and four MPs got him finally into a Jeep and took him to jail.

The defendant, Valentincis (identified in open court) was agitating the crowd. He had a flag. He was told to leave and refused, and when we tried to disperse the crowd they loudly called us "Fascists".

Sent by WEB

To disperse the crowd tanks and infantrymen were used and after the tanks came in the crowd broke up into large groups who refused to disperse. Those people were told that the demonstration was at an end and to go home. They were told this several times. Some dispersed but others tried to push their way forward. Some of the people swung the banners they were carrying at us, and also sticks. The defendant Sosol was carrying either a banner or a flag stick. Sosol was very excited and was urging the others to stay.

The girl, Verbramie was also ordered personally to leave but refused. She was excited and urged the others not to leave.

The witnesses identified each of the four accused in open court.

Each of the accused testified in his own behalf. The lawyer served the cases to the trial judge at the close of the evidence.

4. At the close of the evidence and arguments the trial was adjourned until July 2nd, at which time the court found each of the defendants guilty as charged. The sentences were as follows as to each of the accused: "Imprisonment for six months, suspended on condition that the accused do not in the future participate in an illegal demonstration, that is, a demonstration not authorized by Allied Military Government and in other respects obey the law: fine of five 2000 payable in ten days and in default of payment, imprisonment for 30 days."

5. Remarks of the trial judge on the record included: "The court suspended the prison sentences because it was felt that the crowd gathered without adequate knowledge of the prohibition of the proclamation which had been published only a few days before. A warning was given that participation in future demonstrations would result in prison sentences of a substantial duration which would not be suspended."

6. The final record of these cases in on file in this office. No decision has yet been given on review inasmuch as the 30 day period for filing of Petition for Review has not yet expired, and no such petition has been received to date.

7. The record in this office discloses that the trial was conducted in a fair and impartial manner and was in accordance with law.

For the Senior Civil Affairs Officer.

Robert M. Hill
Major
Lt. Col.

Distribution:

The witnesses identified each of the four accused in open court.

Each of the accused testified in his own behalf. The lawyer argued the cases to the trial judge at the close of the evidence.

4. At the close of the evidence and arguments the trial was adjourned until July 2nd, at which time the court found each of the defendants guilty as charged. The sentences were as follows as to each of the accused: "Imprisonment for six months, suspended on condition that the accused do not in the future participate in an illegal demonstration, that is, a demonstration not authorized by Allied Military Government and in other respects obey the law: fine of five \$1000 payable in ten days and in default of payment, imprisonment for 30 days."
5. Remarks of the trial judge on the record included: "The court suspended the prison sentences because it was felt that the crowd gathered without adequate knowledge of the prohibition of the Proclamation which had been published only a few days before. A warning was given that participation in future demonstrations would result in prison sentences of a substantial duration which would not be suspended."
6. The final record of these cases in on file in this office. No decision has yet been given on review inasmuch as the 30 day period for filing of Petition for Review has not yet expired, and no such petition has been received to date.
7. The record in this office discloses that the trial was conducted in a fair and impartial manner and was in accordance with law.

For the Senior Civil Affairs Officer.

Robert M. Hill
Major

L. F. DAWSON

1st Col.

Chief Legal Officer

Distribution:

Chief Judicial Officer (2)
File of C.I.C. (3)

JCO	
DCJO	
Chief Counsel	
CJO	
Adm. Section	
CL RKS	
31 JUL 1945	

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

JKW/rm.
20 July 45.

AG/4083/89/L.

SUBJECT : Yugoslav report of AMG trial in Gorizia.

TO : SCAG (attn. Senior Legal Officer),
VENEZIA GIULIA Region.

1. Attention is invited to the enclosed communications, and the request contained in paragraph 2, letter of Allied Force Headquarters, 18 July 45. Presumably, the cases in question have been reviewed at your Headquarters. If this presumption is incorrect, please give information that will enable this office to identify the records.

2. The request should be treated as urgent.

By Command of Admiral STONE.

JOHN K. WEBER,
Colonel, Inf.
Chief Judicial Officer,
for Chief Legal Advisor.

Incl : 1 letter G-5 015
of 18 July 45.
1 letter 9/150/1
from Office of
the Resid. Min.
of Gen. Med. AFHQ.
1 text of telegram
from Belgrado to
Foreign Office 76.

4085/89 ✓

6061

Legal 3/4

(3A)

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

FTM/MB/thh

G-5 015

18 July 1945

SUBJECT: Yugoslav Report of NK Trial in
GORIZIA.TO : Headquarters, Allied Commission,
(Attn: Legal Sub-Commission)
APO 394.

1. There are inclosed herewith copies of telegram from Belgrade to Foreign Office No. 76 and note dated 16 July 1945 from the Office of the Resident Minister to the Chief of Staff with respect to said telegram.

2. It is requested that this matter be investigated and a summary of facts be forwarded in order that reply may be made to the Resident Minister.

For the Assistant Chief of Staff, G-5:

F. T. Hammond, Jr.
F. T. HAMMOND, JR.,
Colonel, U.S.A.,
Legal Adviser.

Incls: as above

LEGAL SUBCOMMISSION

CLO

DCLO

Chief Counsel

CJO

Italia

C. R. S.

20 JUL 1945

3

COPY

2A

9/150/1

OFFICE OF THE RESIDENT MINISTER
GENERAL MILITARY AREA

A.F.H.Q.

16 July, 1945.

To: Chief of Staff
From: Deputy Resident Minister

I attach a copy of a telegram from H.M. Ambassador at Belgrade reporting an account in the Yugoslav newspaper of a trial by the Allied Military Court at Coricia on the 19th June. You will see that this account alleges that the trial was a travesty of justice.

I have received a telegram from the Foreign Office commenting on the report and stating that they consider that we should not allow a Yugoslav newspaper to make a statement of this kind without entering a formal protest to the Yugoslav Government. I have been instructed to consult A.F.H.Q. and to telegraph a summary of the facts. I should accordingly be grateful if these could be ascertained.

/s/ ???

2

COPY

(1A)

Text of telegram from Belgrade to Foreign
Office No. 76 Saving of 7th July, 1945

Today's Press gives renewed prominence to the subject of Istria.

2. The "Primorski Dnevnik" reports a trial by the Military Court at Gorizia, in which persons taking place in the manifestations of 19th June were accused of disturbing the peace. The paper claims that this "trial" was a travesty of justice; the accused were old warriors in the fight against Fascism, and had done nothing more than assert their loyalty to Marshal Tito and Yugoslavia. It was another case of victimization of the Slovenes in this area.
3. A Tanjug report states that a strong protest has been made by the National Liberation Committee for the Primorje concerning the dissolution of the National Courts. The Italian courts which have been set up in their place will be using laws valid under the regime of Mussolini.
4. Another Tanjug report states that workers in Trieste are demanding the punishment of certain Fascists, among them Silosai (formerly called Shos Carlo), Ferdinando Shosa, Milio Shos, and the police informer Dr. Djakvint.
5. A whole series of greetings are published from the people of Istria to Marshal Tito, AVNOJ and the Central Yugoslav Government.

2019

