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GUITTI  
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GUITTI LUIGI (TITO.)  
JULY, AUG. 1945

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GVITTI LUIGI (TITO)

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THIS FOLDER

CONTAINS PAPERS

FROM

TO

CATALOGUE

AC 74035/91/L

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OPENED 13 JUL 45

CLOSED 23 AUG 45.

SUBJECT: GUINIAI LIGE (INFO.)

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2025

Declassified E.O. 12356 Section 1.3/MD No.

795516

SUBJECT: GUININE LUISI (TINO.)

THIS FOLDER  
CONTAINS PAPERS  
FROM July 1945  
Aug - 1945  
AT A LOGUE - 10000/47-630

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

ES/lc.

28 August 1945.

AC/4092/2/L.

SUBJECT : GUITTI Luigi (Tito).

TO : The Minister of Pardon and Justice.

Enclosed herewith for your information is a copy  
of letter ref. N°. LEG/5106 dated 25 August 1945 received from  
Regional Legal Officer Lombardia Region.

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

Incl.

Copy to : AC/4083/91/L.

C O P Y

HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
LOMBARDIA REGION  
APO 394  
Legal Division

Ref.: LEG/5106

25 August 1945.

SUBJECT : Guitti Luigi (Tito).

TO : Provincial Legal Officer Brescia  
(through Provincial Commissioner)

1. As you are aware, the above-named together with his two companions Simpei Angelo and Bartagna Giovanni has been transferred to the prison at Volterra pending trial by an Italian Court of Assise in Central Italy.

2. The Minister of Justice stated in the course of a discussion on this case that as the alleged offences had been committed in the Brescia district, the criminal proceedings would have to be commenced there and subsequently remanded by the Brescia Court to whatever Court was selected for the trial.

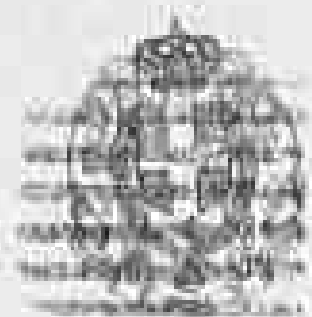
3. The two accompanying files are accordingly forwarded to you for transmission to the Procuratore Generale for appropriate action. These files contain the original and duplicate copies (in Italian) of the various statements taken as received from the Chief Public Safety Officer A.M.G. 5th Army

4. Please acknowledge receipt of the documents.

By order of Colonel Poletti:

(Sgd) H.M. DICKIE  
W/CDR. RAF  
Regional Legal Officer

Copy to : HQ. Allied Commission  
Legal Sub-Commission  
vb (for info. to Ministry.)



*Ministero di Grazia e Giustizia*

DIREZIONE GENERALE  
PER GLI ISTITUTI DI PREVENZIONE ED I PENALI

Ufficio VI  
Int. A 11.17.16/5

*24 agosto 1945*  
Roma  
11<sup>a</sup> Commissione Aliata  
Sottocommissione Legale  
ROMA

Rapporto di A  
del

Oggetto: Causa di Gritti Luigi (Tito)

In relazione al foglio in data 10 corrente, AC/4093/1/L, si comunica che sono state impartite telegraficamente disposizioni alla direzione delle carceri di Volterra, perché accetti in custodia il detenuto Gritti Luigi (Tito) e i suoi due complici, e provveda a fare esercitare sui medesimi la più rigorosa sorveglianza.

Per il ministro

11.17.16/5  
AUG 24/5

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

GGH/lc.

10 August 1945.

AC/4083/1/L.

SUBJECT : Case of GUITTI Luigi (Tito).

TO : Regional Commissioner (Attn: Regional Legal Officer),  
LOMBARDIA Region.

1. Reference your Leg/5106 of 7 August 1945.
2. Chief Legal Advisor and Lt. Col. Hannaford met the Minister this morning.
3. It was agreed:
  - (a) That Tito and his two colleagues should be tried by an Italian Court of Assize preferably in Central Italy.
  - (b) That the three accused be transferred to the Prison of Volterra at the earliest possible date, under AMG responsibility. R.P.S.O. to provide transport and escort from Brescia to Volterra.
4. The Minister will instruct the prison authorities at Volterra to accept custody of the prisoners from the Allied authorities and to deliver the necessary receipt.
5. Will you please advise R.P.S.O. accordingly and report the date upon which it is proposed to effect the transfer of the prisoners.

By command of Rear Admiral STONE:

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

Copy to : Minister of Pardon and  
Justice.

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HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
LOMBARDIA REGION  
APO 394  
Legal Division

Ref.: LEG/5106

7 August 1945

SUBJECT : Case of Guitti Luigi (Tito).

TO : HQ Allied Commission  
Legal Sub-Commission

1. As directed by the C.I.A. over the telephone, this case was discussed with the Minister of Justice when he called on the Regional Commissioner last night.
2. After hearing an outline of the facts, the Minister expressed the view that it would be preferable for the charges to be tried by an Italian Court on the ground that the trial of what amounted to political issues in an Allied Military Court created an unfavourable impression. The Regional Commissioner is also of opinion that the case should be transferred to the Italians.
3. With regard to the place of trial, the Minister agreed that this should not take place in Brescia or indeed anywhere in Northern Italy but that it should be sent to a Court of Assize in Central Italy where a calm atmosphere prevailed.
4. It was pointed out that with the removal of Fifth Army Guards, the problem of detaining Tito had become more difficult. The Minister suggested that he be transferred to Volterra prison, and if this can be agreed, the R.P.S.O. Lombardia is prepared to arrange the necessary transport

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and escort to take him there.

5. The Minister proposes to discuss the matter further with the C.L.A. on his return to Rome. May a decision please be communicated to this HQ as soon as possible as action in regard to Tito's detention is now urgent.

For the Regional Commissioner:

*H.M. Dickie*

H.M. DICKIE  
W/Comdr., R.A.F.  
Regional Commissioner.

Copy to : R.P.S.O.

ar/

P.S. Your letter AC/4083/1/L dated 3rd August was received since the above letter was written. It is considered that the course suggested in para 2 (d) and (e) should be followed and your further instructions are requested as soon as you have had an opportunity to speak to the Minister.

GB/COMMISSION

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Chief Clerk

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9 AUG 1948

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

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3 August 1945.

AG/4083/1/L.

SUBJECT : GUTTI Luigi (Tito).

TO : R.C.L. (Attention: Regional Legal Officer) LOMBARDIA Region.

1. Your LEX/5106 of 2 August 1945 is sadly acknowledged.
2. There appear to be five courses open to you in this case:-
  - a. Try Tito before an AMG Court.
  - b. Release Tito.
  - c. Arrange for the trial of Tito by an Italian court in Brescia.
  - d. Arrange in conjunction with this sub-commission for the trial of Tito by an Italian court elsewhere.
  - e. Discuss the matter with Signor Tegliatti and either follow or neglect his advice as you think fit.
3. As to a. you do not send the detailed statements from which I can form an independent opinion of the prospects of success. I have sufficient confidence in your judgment to accept your view without question; I should have thought however that if you can really prove the facts stated in paragraph 9 of your letter there must be some charge under AMG or the Italian law on which a conviction could be obtained.
4. As to b. and c. I appreciate that these two courses are substantially identical and that both are in the circumstances extremely undesirable.
5. I have no doubt that you could arrange that Tito could be tried by some other Italian court in some other area. This is a perfectly proper course of action under Italian law when the normal venue is unsatisfactory on the grounds of public order. On the other hand the appropriate court to try Tito would be the Court of Assize (Ordinary); such a court would presumably not assemble until after the termination of military government and it is at least doubtful whether a conviction would be obtained under such circumstances.
6. The Minister of Justice is visiting Milan on Sunday and Monday, the

5th and 6th of August. We will tell him to call upon you and you can discuss this question with him if you think it desirable. I think he would probably urge a trial by an Italian court and will support the suggestion I have indicated above of a trial in a different area. I may add that when discussing matters of this kind he is always extremely helpful and his advice appears to be disinterested and sound. More I cannot say.

7. My own feeling is that it will be fatal to try Tito by an AMG Court unless some conviction is sure to be obtained; that if conviction can be obtained, the best course is to try him by an AMG Court; failing this that he should be tried by an Italian Court in a district other than Brescia and that arrangements should be made for his transfer to a prison in that area before the American guard from his prison is transferred. If you agree with this the exact area concerned could be perhaps discussed with the Minister of Justice; I think somewhere in the south could be selected preferably in a reasonably quiet agricultural area.

By command of Rear Admiral STONE:

W. E. BERRITS,  
Colonel,  
Chief Legal Advisor.

HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
LOMBARDIA REGION  
APO 394  
Legal Division

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4A

Ref.: LEG/5106

2 August 1945

SUBJECT : Guitti Luigi (Tito).

TO : HQ. Allied Commission  
(Legal Sub-Commission)

1. Reference is made to your letter AG/4083/1/L dated 16th July 1945 enclosing a petition submitted on behalf of the above to the Ministry of Pardon and Justice, which as stated in our reply dated 19th July, was forwarded to A.M.G. Fifth Army for attention.

2. On 31st July a large file of documents relating to this case was delivered by A.M.G. Fifth Army to the R.P.S.O. Lombardia with the suggestion that this Region now handle the matter, as Brescia Province was no longer under Fifth Army jurisdiction. It does not appear from these documents that any reply was ever sent to your letter under reference or any report made on the circumstances.

3. It is desired to stress the fact that up to the present time this HQ. has had no official information regarding this case, as all the investigations have been made by Fifth Army A.M.G. Now that the papers are available, it is thought desirable to give you an outline of the facts, as the case has already given rise to local feeling in Brescia Province and may lead to further political repercussions.

4. The facts are briefly as follows. On the night of 8th May 1945 a group of Partisans belonging to the 122 Garibaldi Brigade rounded up a number of alleged Fascists in the Sald area and took them in a bus to a schoolhouse at S. Dufemia, some 3 km. outside Brescia. During the

/journey

- 2 -

journey and the time they were in the schoolhouse the prisoners were brutally kicked and beaten by their captors to such a degree that at least one went out of his mind.

5. On the following night the prisoners were taken with their hands tied behind their backs to some trenches not far from the schoolhouse, where they were shot in the back of the head. Two by good fortune managed to escape. When the trenches were uncovered on the 24th May, twenty-three corpses were found, the majority of which were identified by their relations as being persons taken away by the Partisans on the night of 8th May.

6. The first statements taken by Lt.Col. Bye pointed to certain named Partisans as leaders of the Brigade concerned in this mass murder. Of these some escaped to the mountains, but three including Guitti Luigi, known as Tito, were arrested at the end of May or early in June and have been in custody ever since.

7. Tito himself was the military Commissario of the 122nd Garibaldi Brigade and is a man with a large and vocal following in the Braccia District. Slogans such as "Liberate Tito" soon appeared on the walls, protest meetings were organized and petitions for his release were signed by numerous members of his political party.

8. In the meantime Lt.Col. Bye continued with his investigations until he had taken nearly 40 different statements. These statements make the sequence of events perfectly clear but fall short, in the opinion of the writer, of producing a water-tight case against any of the persons in custody at least on any charge that could be brought before an A.M.G. Court.

9. The evidence against Tito is that he was present in the schoolhouse while the prisoners were there, that on the night of the 9th May they were brought before him, and that after a short interrogation their hands were bound and they were taken out to the truck in which they were

/driven

- 3 -

driven to the place of execution. There is no direct evidence that Tito was present at the execution or gave any orders that it should take place, though the circumstantial evidence against him on the latter point is considerable. The other two persons in custody took only a minor part in the proceedings.

10. Copies of three statements made by one of the two men who escaped at the last moment are enclosed, as it is thought that these will give a better picture of the extreme brutality practised by this gang as well as of the extent of the evidence against Tito personally.

11. As Tito and his companions have now been in custody for two months without a charge, it is clear that some action will have to be taken in the near future. This is all the more urgent by reason of the fact that the Fifth Army expect shortly to withdraw their guards from the prison in which Tito is held and the problem of keeping him in safe custody will be a difficult one. To release him, on the other hand, under pressure of popular clamour is equally difficult.

12. It would seem that the proper course is to turn the case over to the Italian authorities in Brescia and to place all three men at their disposition. This, however, must be recognized as tantamount to releasing the prisoners since in the existing political atmosphere it would be folly to expect any Italian Court in this District to try the case.

13. It is observed that somewhat similar occurrences in Verona and Inola have been discussed by you with the Minister and it may be that before further action is taken in this case you will wish to refer the facts to the same quarter. In any event, may this HQ. please have the benefit of your advice, having regard in particular to the conditions existing at the time the crime was committed, the strong political flavour of the case, and the circumstances in which it has been turned over to this Region? For the reasons stated in para 11 above an early reply would be appreciated.

14. As requested, the original petition addressed to Minister Togliatti is returned herewith. The Ministry letter of 13th July 1945 is not among the papers received from AMG Fifth Army.

p.t.o.

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HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
LOMBARDIA REGION  
APO 394  
Legal Division

Ref.: LEG/5008

19 July 1945

SUBJECT : GIUETI, Luigi (Tito)  
TO : HQ. Allied Commission  
(Legal Sub-Commission)

1. Your letter AG/4083/1/L dated 16th July has been forwarded to AMG Fifth Army with the request that the required information be sent to you direct as the details are not available at this HQ.

2. The arrest of the above-named and members of his gang was effected by the Chief Public Safety Officer AMG Fifth Army who has been conducting investigations into the alleged murder under orders from "Tito" of upwards of twenty alleged "fascists" in circumstances of great brutality.

For the Regional Commissioner :

*H.M. Dickie*

H.M. DICKIE  
W/CDR. RAF  
Regional Legal Officer

vb

Legal Counsel

C/O

Legal Section

RKS

27 JUL 45

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

JL/rm.

16 July 1945.

AC/4083/1/L.

SUBJECT : GOMITI Luigi.

TO : Regional Commissioner (attn. Regional Legal  
Officer), LOMBARDIA Region.

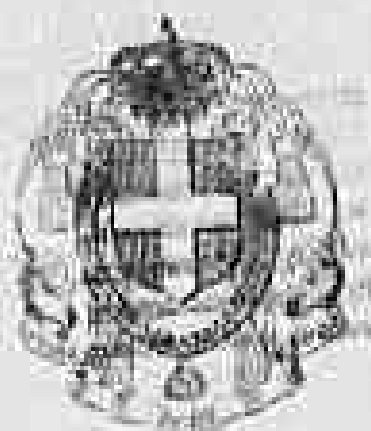
1. Enclosed please find a petition submitted on behalf of the above by the Ministry of Pardon and Justice, UC/741 of 13 July 45.
2. It is stated that he was arrested by Allied Authorities and was placed aboard an allied vehicle in the "localite" S. Eufemia, - Brescia - \*.
3. Will you please supply any information that you might possess in re GOMITI Luigi, and also any other facts which will assist in disposing of the petition.
4. Please return the enclosed letter and petition.

By command of Rear Admiral STONE:

A.C. WRIGHT,  
Major,  
Judicial Branch,  
for Chief Legal Advisor.

Incl : Ministry letter,  
UC/741 of 13 July 45.

BA. 30 July



*Legal* (2035)  
 Ministero di Grazia e Giustizia  
 Ufficio di collegamento con l'A.C. (1A)

Ufficio di collegamento con l'A.C.

*Gabinetto di S.E. il Ministro*

*Roma* 13 luglio 1945 *A*

*Protocollo N. 104761*

OGGETTO Guitti Luigi.

Alla Commissione Alleata  
 Sottocommissione di P.S.

(Public Safety) R o m a

Si trasmette l'unita istanza relativa al partigiano Guitti Luigi fermato dagli Alleati per motivi non precisati.

L'istanza è accompagnata dalle firme degli aderenti al C.L.N. di S. Eufemia Fonte (Brescia).

Data l'importanza della cosa si prega dare notizie in merito all'eventuale liberazione del Guitti.

L'UFFICIALE DI COLLEGAMENTO  
 (Dr. Giorgio Bonelli)

*Bonelli*

*file*

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