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10000/142/635

THE
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10000/142/635

THEFT OF 143 CASES OF SOAP
(JUN. 1945); APR. - JUN. 1946

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

CONFIDENTIAL

2777

JKW/ne

14 June 1946

AC/4083/1/L

SUBJECT : Theft of 145 cases of soap -
HASC/NEI

TO : Hq., Naples Area.

1. See your letter A 16/3/411 of 23 April 1946.
2. There is attached hereto a copy of our letter of 31 May 1946 which is self-explanatory.
3. Article 11, "Consolidated Instructions for Allied Military Courts" provides that property seized in connection with an arrest (unless the property is perishable) will be retained by the person seizing it and it MUST be produced in Court. Article 28 provides that the order of Court MUST deal with the disposition of the property.
4. The above articles clearly define a judicial function to be exercised by a Court. Such function may not be surrendered, nor can it be otherwise assumed.
5. For these reasons, in this and many similar cases now being brought to our attention, it is necessary to examine the Court records for the expression or lack of expression of the Court's will.
6. In the case under discussion there is no record of a trial of these persons at Naples. It may be that the case was remanded to trial to the

DOWN GRADED
TO
UNCLASSIFIEDCol. Inf.
Chief Judicial Officer,
for Chief Civil Affairs Officer.

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- 2 -

Italian Courts. These Courts dispose of the property before it, if produced. In the absence of the record of trial, an answer to your inquiry cannot be made accurately.

By command of Rear Admiral STONE :

JOHN E. WEBER,
Colonel, Infantry,
Chief Legal Advisor.

File
4083/100
C O N F I D E N T I A LHEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

2751

AC/4083/1/L.

JKW/pa/
31 May 1946.SUBJECT : Theft of 143 cases of soap - RASC/EFI.
TO : HQ Naples Area.

1. See your letters A 16/3/411 of 23 April 1946 and 20 May 1946 respectively.
2. Efforts at locating the record of trial in this case have not been fruitful. Can it be ascertained if this case was tried by the Superior Military Court, as stated in your letter, or was the case remanded for trial before the Italian Courts? We are puzzled over our lack of any evidence of a trial of this case. The Archives Section have no trace of the names as here given.

By command of Rear Admiral STONE :

JOHN K. WEBER,
Colonel, Infantry,
Chief Legal Advisor.C O N F I D E N T I A LDOWN GRADED
UNCLASSIFIEDCol. Inf.
Chief Judicial Officer.
for Chief Civil Affairs Officer.

Page 2.

note comments of

these houses had occupied and apart from mentioning search was negative. This was not due to incorrect information, but to the information that of houses that should in fact, sending it previously impossible to search with any great degree of accuracy. In the collection of the village, an early O. I. vehicle was found abandoned and it was noted that the number corresponded with that of the one reported missing prior to that. This vehicle was located at the location of the vehicle and it was indeed fully collected by subject of this unit.

Later on the same day, the subject and I were brought to this location, from the investigation, as it seems that these two million of houses the vehicle by being "discovered" by unknown individuals, possibly civilians. After being closely questioned alternately, the two subjects admitted their original story was false and that they had taken them beyond their control, they had together sold the contents of many to civilians at the time and abandoned their vehicle nearby.

It appears that on the evening of the 1st, the subject, denied the 1st, was discharging a consignment of soap at a camp at the village. The subject and I were each in charge of vehicles, detailed to carry soap to the village and according to their decision, they each asked the Italian soldiers, who are a player on the basis to check the loading of vehicles, to regularly them with 10 cases of soap more than that written on the manifest. The two subjects and I agreed to this on the promise that they would be paid by the soldiers after they had sold the soap. Consequently the two vehicles left the camp together, but before doing so it was necessary to obtain approval from the soldiers, B and C. The subject to sell 10 cases each, to the soldiers, a vehicle developed engine trouble and in order to "assist" a friend, I pushed a vehicle with him, to the village. There they each sold their 10 cases to civilians, who were apparently awaiting their arrival, seeing that the transaction occurred at about 22.30 hours in 1944. I received 10,000 lire and 50,000 lire. As to the bottles, which are of the civilians, some of whom were armed and who were making repeated demands to buy the entire loads, I quickly turned the vehicle and drove out of the village, leaving with a load of soap on an Italian and vehicle, to get back as best he could. I returned via the village and unloaded the same amount of soap in about on the day, but I did not in suspicion was aroused. Meanwhile A and his friend B had decided to sell the entire load, due they say to the threatening attitude of the civilians and their own helplessness and situation in any case they received 15,000 lire for the load, which they shared between them. They then abandoned the vehicle and walked back to the village and pending on the advice of the civilians, reported that they had been "discovered" by some coloured soldiers.

With regards to C and D, who were not originally 21 suggested, it is due to the assistance of them, 22.30, investigation officers for the 2nd. Infantry Battalion, in carrying out enquiries within the Battalion, that their part in the affair was brought to light. Their questioning, even soldier revealed the whereabouts of their share of the money received for the soap, and I was able to recover it.

Page 2

Chapters and only copy

the allegations and as is to be expected state that be due to a number of the victims, it could only given to a large number of the victims. The fact that the victims' names and places have been altered, tends to eliminate this excuse by the victims that the Chapter 9 also has been altered.

Investigation of the most important case, including the fact that the victims' names have been altered, tends to eliminate this excuse by the victims that the Chapter 9 also has been altered. The fact that the victims' names and places have been altered, tends to eliminate this excuse by the victims that the Chapter 9 also has been altered.

The 4 civilians suspected of being involved in the killing of the victims have been arrested and the civilian body which they are suspected of being involved in the killing of the victims have been arrested and the civilian body which they are suspected of being involved in the killing of the victims have been arrested.

The total sum of 130,190 lire, recovered from the four soldiers, 1, 2, 3, and 4 is deposited at the Office of the Special Investigation, to the appropriate authorities.

11 documents relevant to this enquiry, are attached herewith.

J. H. Potts.

Major, General,
Chief, Section,
Special Investigation Bureau,
Office of Military Police.

In the Field.

H.A. and H.M. contributed equally to this work.

REPORT OF INTERROGATION.

(On July 6, June 1945, at the above named S. . , situated in the
COMMUNITY School's, LINDSAY, Author (Driver) later investigation reported before
official, OZING Radio, Officer in charge of investigations), by demand
of the National Commander, is in the presence of the witnesses;
and it appears that current information of the state of

At about 23.00 hours on the evening of the 17th, June 1945, during the course of my duty, I drove vehicle No. 46407, West Yorkshire, to Parkgate, White Horse, in order to load up with some of Mr. Gold. Whilst I was waiting my turn to be loaded, I approached a civilian, I do remember that he had a mountaineer, and I asked him if it would be possible to load a few extra cases onto my lorry, without putting them on the Dispatch Ticket, when it came to my turn to be loaded. He told me that he would think it over. Shortly after this I drove my vehicle to the appointed loading place and I then went in search of the civilian and saw mountaineer, but I was unable to find him. I returned to my vehicle and saw that the loading had been completed and one of the Cheekers was waiting out my Dispatch Ticket. I then asked this Cheeker, where the man with the mountaineer was, and he replied, "Gy" and I told him that he had promised to let me have some extra cases. This Cheeker informed me that he could arrange to let me have some extra cases, but only if I was certain that I could sell the cases. When I told him that I could sell the cases, he made out another Green Dispatch Ticket for me, writing 10 cases less than on the original one, which he destroyed. He then went and had a talk with the Cheeker who is in charge of the White Tickets, and as everything now alright when he came back, I satisfied that they had arranged things together.

I then drove to the Mexican Dispatch Office, where I was supplied with an Receipt and given Tickets, instructing me to go to the 1358 Depot. Whilst I was waiting to drive away from this Office, I informed my Employer that I had 10 cases over the number written on the Receipt. Ticket, which I intended to sell and that if he was agreeable to this, I would give him half of the earnings. He agreed to my proposal. I then contacted another driver in the Battalion, Cpl. Major Villalobos, who informed me that he also had 18 extra cases on his lorry, which he intended to sell, as we agreed to go to Atlixco and sell the 28 cases. On the way to Atlixco, my vehicle developed engine trouble and it had to be pushed by another of my vehicle. On arrival at Atlixco, some civilians approached and asked if I wanted to sell my load. I told them that I had 10 cases for sale and the Receipt unloaded these and I received 10,000 Liras from the civilians. I then tried to move away, as the civilians were becoming more and more numerous and threatening me and demanding that I should sell the entire load. Several of them were armed. With difficulty I got my vehicle moving and from what I was told later by the Report, three shots were fired after me, one of which hit the vehicle. After travelling a few hundred yards, my vehicle stopped and I was unable to start it again. I was then overtaken by a small civilian lorry which stopped immediately in front of mine. It was loaded with men and several of them were armed. I asked them

Coy. of the 2nd. Artillery Battalion, Military Mail 14.

At about 23.00 hours on the evening of the 13th. June 1945, during the course of my duty, I drove vehicle No. 6437, out to the front of the 2nd. Artillery Battalion, in order to load it with some of the 105mm. mortar rounds. I was driving my turn to be loaded, I approached a civilian, I do not know his name, and I asked him if it would be possible to load the extra cases onto my lorry, without putting them on the Dispatch Ticket, when it came to my turn to be loaded. He told me that he would think it over. Shortly after this I drove my vehicle to the appointed loading place and I then went in search of the civilian with the motorcycle, but I was unable to find him. I returned to my vehicle and saw that the loading had been completed and one of the Checkers was waiting out my Dispatch Ticket. I then asked this Checker, where the man with the motorcycle was, and he replied, "Why" and I told him that he had promised to let me have some extra cases. This Checker informed me that he could arrange to let me have some extra cases, but only if I was certain that I could sell the cases. When I told him that I could sell the cases, he made out another Green Dispatch Ticket for me, writing 40 cases less than on the original one, which he destroyed. He then went and had a talk with the Checker who is in charge of the White Tickets, and as everything was alright when he came back, I gathered that they had arranged things together.

I then drove to the American Dispatch Office, where I was supplied with a Green Dispatch Ticket and given Tickets, instructing me to go to the 105mm. mortar. When I was waiting to drive away from this office, I informed my Checker that I had 40 cases over the number written on the Dispatch Ticket, which I intended to sell and then if he was agreeable to this, I would give him some of the earnings. He agreed to my proposal. I then contacted another soldier in the Battalion, Sgt. Major Richardson, who informed me that he also had 40 extra cases of 105mm. mortar, which he intended to sell, as he agreed to go to the 105mm. mortar and sell the 40 cases. On the way to the 105mm. mortar, a vehicle developed engine trouble and it had to be pushed by another vehicle. On arrival at the 105mm. mortar, some civilians approached and asked if I wanted to sell my load. I told them that I had 40 cases for sale and the Checker unloaded these and I received 1,000. I told them the civilians. I then tried to move away, as the civilians were becoming more and more numerous and threatening me and demanding that I should sell the entire load. Several of them were armed. With difficulty I got my vehicle moving and from what I was told later by the Checker, three shots were fired after me, one of which hit the vehicle. After travelling a few hundred yards, my vehicle stopped and I was unable to start it again. I was then overtaken by a small civilian lorry which stopped immediately in front of mine. It was loaded with men and several of them were armed. I asked them to give me a push, but they refused and insisted that I should sell the remainder of the load. During this time I did not receive any support from my Checker, who although armed, remained hiding in the back of the lorry. All the time, more and more civilians were crowding around the vehicle, insisting and threatening that I should sell, until at last I was overwhelmed with them and as they had fired some shots previously, I realised that I could not get away with my load. As my last resistance, I told them that I would be put in prison, but they replied that they did not mind and in any case a soldier had been previously imprisoned for a similar offence and they had made all the arrangements to defend him and had succeeded in getting him out of prison.

Continued on Page 2.

My escort was terribly frightened and I could not understand anything and so the civilians took advantage of the situation and demanded to unload all the cases. They put some of the cases in the small lorry and some in two carts which had come up to the vehicle by this time.

A short time later, the small civilian lorry came back to my vehicle and I then accompanied the occupants of this lorry back to Appleton, where I was given some money, about 10,000 lire. After this they took me back to my vehicle and with the aid of their civilian lorry, I was towed in my vehicle out of the built up area, and left on the road a short distance out of Appleton.

The Escort and myself abandoned the vehicle and walked back to Appleton. On the way I gave the Escort 17,000 lire, and I had left for myself somewhere about 64,000 lire.

With regards to the two civilians with whom I was confronted, by order of the British Police. I am sure and I now confirm it again, that I recognise the two men as being the cases who were on duty as Checkers at North 25 on the night of the 11th June 1943.

I arranged the transaction with the first one, the man who the Green Ticket allowing me to have 10 extra cases, on condition that I could sell them.

The second Checker who wears glasses, I did not contact directly, but I noticed that the first Checker went to him after I had spoken with him, evidently to inform him of the agreement and I saw then that after the Checker who wears the glasses, had been informed, he immediately crossed out some writing on his White Mischon Tickets and wrote something else on them again. That is what I imagine he did, after having watched his movements.

Question.

Did you know that you were committing a theft against the Allied Forces?

Answer.

I knew that the money was Allied property and that by selling it, I committed a theft.

Question.

When you left the area, was it your intention to sell also the load that was written on the Tickets?

Answer.

No, I had no intention to sell the load that was written on the Tickets. Neither the lot or any part of it. When my did you sell the total load?

Question.
Answer.

I tried up to the last not to sell the load, but I was overwhelmed by the number and threats of the civilians. I realised that they would do anything and were full of bad intentions, for the purpose of getting possession of the total load.

I have nothing else to say.

Signed.

LEONA PURDINE.

Signed by Witness
Marshall CATLAND

Amerigo.

Signed by Witness
RAMPINI Guido.

to get in my vehicle out of the ball up there, and left on the road a short distance out of APUKATA.

The second and myself abandoned the vehicle and walked back to APUKATA. On the way I gave the second 77, and this remained and I had left for myself somewhere about 64,000 lire.

With regards to the two civilians with whom I was confronted by order of the British police. I am sure and I am certain it again, that I recognize the two men as being the ones who were on my way as Checkers at about 25 on the night of the 10th, June 1945.

I arranged the transaction with the first one, who wrote the Green Ticket allowing me to have 10 extra cases, on condition that I could sell them.

The second Checker who wears glasses, I did not contact directly, but I noticed that the first Checker went to him after I had spoken with him, evidently to inform him of the agreement and I saw also that after the Checker who wears the glasses, had been informed, he immediately ordered that some writing on his white dispatch tickets and wrote something else on them again. That is what I imagine he did, after having watched him move out.

Question. Did you know that you were committing a theft against the Allied Forces?

Answer. I knew that the two men Allied property was lost by selling it. I committed a theft.

Question. When you left the Port, was it your intention to sell also the load that was written on the tickets?

Answer. No, I had no intention to sell the load that was written on the tickets. Neither did I go to the Port of it.

Question. Then why did you sell the load I saw?

Answer. I tried up to the last not to sell the load, but I was overwhelmed by the number and threats of the civilians. I realized that they would do anything and were full of bad intentions, for the purpose of getting possession of the total load.

I have nothing else to say.

Signed. LUCCA Parisino.

Signed by Witness
Marshall GUSTAVO Amerigo.

Signed by Witness
RUBINI Guido.

Signed by Officer in Charge.
Emilio GARDINI.

I hereby certify that to the best of my belief and ability, this is a true and correct translation of the above statement made by Lucrezia LUCCA Parisino.

Signed. _____
Interpreter.

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I then returned to 1358 North, where the load of soap which was regularly written on the Dispatch tickets was offloaded. Whilst I was waiting at the depot to have my vehicle unloaded, I gave to Sergeant 7,000 lire as his reward for the part in the transaction. If the remaining 23,000 lire, I deposited 17,000 lire at the house of a friend of mine, since I am well acquainted with the family. On the morning given by me, Sergeant 7,000 lire of and, butler Battalion recovered this money from the above mentioned family and he handed it over to Sergeant POTOS of the British Investigation Police. The remainder of the money I spent before I was arrested.

In the 23rd June 1945, in the presence of the British Police, I was confronted by two civilians and I stated verbally that my ticket reached them they were the two Checkers who associated me to several cases of soap. I now confirm this again and I can definitely state that they were the two Checkers with whom I arranged to load and later sell, the 17 cases of soap. They are the same two civilians who on the evening of the 20th June 1945, came and asked for me at No. 2, rue, and I arranged with them then that I would meet them on the following morning at 09.00 hours in Piazza Garibaldi and it was agreed that I should give them 9,000 lire. I add that the civilian who wears the glasses, is the Checker who proposed to me that I should load the extra cases of soap and to sell them when I left the Port.

Question.

When you arrived at Berth 25 to load, had you the intention to put on the vehicle some extra cases and to sell them?

Answer.

I had not this intention. I did so, only because I was tempted by the offer of the Checker.

Question.

Why, did you know that the cases of soap were stolen property and belonging to the Allied Forces?

Answer.

Yes I knew it perfectly.

I have nothing else to say.

Signed Giuseppe POTOS.

Signed by Witness
Marcello G. (M. G.)Signed by Witness
Marcello G. (M. G.)Signed by Officer in Charge.
Milio Nigam.

I hereby certify that to the best of my belief and ability, this is a correct and true translation of the above statement made by Captain Major MARCELLO GIUSEPPE.

Signed.

Cesare Potos

Interpreter.

U.S. 503 Battalion Italian Guards.

144 Company "C".

1st. June 1945.

FOOTNOTES:

Statement of Pte. JAMES O'LEARY,
144 Company "C", 503 Battalion Italian Guards, No. 5031.

I the undersigned, JAMES O'LEARY of the 144 Company,
503 Battalion Italian Guards, state as follows:

At about 01.30 hours on the 28th June 1945, I was
detailed to act as escort to lorry No. 64276, which was driven by an
Italian driver, and was loaded with 4.3 cases of Allied Soap. The lorry
was destined for the 15th Depot, situated in VERTUGLI.

When we got out of the port with the load of soap, the
driver of the lorry, whose name I do not know, informed us that he had 10
cases of soap on his lorry, containing soap and that they were surplus to the
needs of the port and had been checked out from the port. He asked that it
be the intention to sell the extra cases to some sympathetic of his
living at VERTUGLI, and if I was agreeable, the profit would be shared
between us. I consented to go on this trip with him and take part in the
sale of the 10 extra cases. On arrival at VERTUGLI, I saw some civilians
beckon to us to stop down and as the driver slowed down, the civilians
directed us into a nearby lane, where we stopped. The civilians then
unloaded the 10 cases and I saw the driver receive 10,000 lire from them.
At first the driver attempted to argue for better or more money but as
more civilians were approaching from the village, he decided to return
immediately to VERTUGLI. Simultaneously to the driver turning the vehicle
around to return to VERTUGLI, the civilians fired three shots at us, which
however did not hit the lorry. We then attempted to drive to VERTUGLI but
as the engine of the lorry was running badly we were forced to stop several
times and just outside the village we stopped and were unable to continue.
A small civilian lorry containing four or five civilians then came up to
us and I saw that one of the civilians was armed with a rifle. The driver
of my lorry beckoned to the civilians and asked them if they could give
us a box with their vehicle. They refused and asked the driver to unload
the vehicle and then perhaps they would be able to buy him, as their
vehicle was very small. I cannot repeat the conversation that transpired
after this between the driver and the civilians, as it was dark and I was
sitting on the back of the lorry, neither can I be sure if they were the
same civilians who had previously bought the 10 extra cases from us.
Shortly afterwards however, the driver came to us and informed us that he
had sold the total load on the lorry to the civilians, for the sum of
150,000 lire, at the same time assuring us that he would give us half of
that sum.

Whilst this was going on some more civilians arrived
with two horses and carts and working in conjunction with those on the
small lorry, they unloaded the cases of soap from our lorry, and took it
away in two trips.

I consented to this unloading, because I had noticed that
the civilians were armed and I realized that had we opposed them, some
harm would have come to us, whereas if we did not interfere whilst the
civilians were unloading, we would get more profit. When all the cases had
been unloaded, I saw that the driver of the lorry had received 15

When we got out of the lorry with the load of soap, the driver of the lorry, whom I do not know, informed us that in his lorry there were 10 civilians, containing 500 lbs of soap. He said that they were anxious to get out of the lorry and had been checked out from the lorry. He added that it was his intention to sell the extra soap to some acquaintance of his living at Mafikeng, and if I was agreeable, the profit would be shared between us. I consented to go on this trip with him and take part in the sale of the 10 extra cases. On arrival at Mafikeng, I saw some civilians looking to us to slow down and as the driver slowed down, the civilians directed us into a narrow lane, where we stopped. The civilians then unloaded the 10 cases and I saw the driver receive 10,000 lire from them. At first the driver attempted to argue for better or more money but as some civilians were approaching from the village, he decided to return immediately to Mafikeng. Simultaneously to the driver turning the vehicle around to return to Mafikeng, the civilians fired three shots at us, which however did not hit the lorry. We then attempted to drive to Mafikeng but as the engine of the lorry was running badly we were forced to stop several times on a busy outside the village we stopped and were unable to continue. A small civilian lorry containing four or five civilians then came up to us and I saw that one of the civilians was armed with a rifle. The driver of my lorry brought to the civilian and asked them if they could give us a tow with their vehicle. They refused and asked the driver to unload the vehicle and then perhaps they would be able to tow him, as their vehicle was very small. I cannot recall the conversation that transpired after this between the driver and the civilians, as it was dark and I was sitting on the back of the lorry, neither can I be sure if they were the same civilians who had previously bought the 10 extra cases from us. Shortly afterwards however, the driver came to me and informed me that he had sold the total load on the lorry to the civilians, for the sum of 150,000 lire, at the same time assuring me that he would give me half of that sum.

Whilst this was going on some more civilians arrived with two horses and carts and working in conjunction with those on the small lorry, they unloaded the cases of soap from our lorry, and took the soap away in two trips.

I consented to this unloading, because I had noticed that the civilians were armed and I realized that had we opposed them, some harm would have come to us, whereas if we did not interfere whilst the civilians were unloading, we would get some profit. When all the cases had been unloaded, I saw three or four of the civilians hand over to the driver a sum of money.

The civilians then took our lorry with their small vehicle for a distance of about 400 yards, and then they left us. As our vehicle was broken down, the driver and myself decided to walk back to our respective units in Mafikeng and on the journey, the driver handed to me 57,000 lire. He also informed me that on advice he had received from the civilians to whom he had sold the soap, it would be advisable for us to report to our Commanders when we got back to our units, that we had been assaulted by black soldiers and therefore if I threw away my ammunition we could say that we had fired on these black soldiers. I then threw away my ammunition.

On the afternoon of 21st June 1945, I was questioned by Sergeant PUGH of the British Police and I later took him to my barrack, where in the presence of Sergeant Lieutenant GARCIA SANCHEZ, I handed over to the mentioned Sergeant, the sum of 57,000 Liras, which was my share obtained from the sale of the soap.

I state that I never had any intention of selling the total load of soap, but I did consent to sell the 10 cases of soap, that were not registered on the dispatch ticket.

I state that I have told the truth.

Signed. MANUEL SALAS.

I hereby certify that to the best of my belief and ability, this is a correct and true translation of the above statement made by MANUEL SALAS.

Signed.

W. J. ...

INTERPRETER.

TRANSLATED COPY.1st. Company, 203 Guards Battalion.Report of the Interrogation of
Infantryman CAMUANO Antonio.

On the 23rd. June 1945, I the undersigned Captain MIANA VINO, Officer Commanding 1st. Company of the 203 Guards Battalion, interrogated Infantryman CAMUANO Antonio, in order to ascertain his responsibility in the sale of a quantity of Soap belonging to the Allied Forces.

Questioned, the accused states:-

At 21.40 hours on the 19th. June 1945, I was detailed to escort lorry No. 3615 (Port Number) from Dispatch Area No. 2 to the 1598 Depot, which was loaded with 145 cases.

Due to a mechanical default, this lorry which I was detailed to escort, stopped at the Mechanical Workshops in the Port, near No. 2 Area and in consequence we did not leave the Port until 01.00 hours 20th. June 1945, when the repairs had been completed.

The driver of the vehicle drove towards LOSCHESAL, going through AFFAGALLA. In the vicinity of AFFAGALLA we met another lorry from the Battalion, which was also loaded with cases similar to ours. This lorry was having more engine trouble and was stopped. My driver immediately stopped his lorry and got out to see if he could assist in the repairing of the engine, but as he could not understand what was wrong with the engine, I who being a competent mechanic and well used to this type of engine, got down from my lorry to see what the trouble was. Unfortunately I could not understand anything and so our lorry commenced to push the one that was broken down. We pushed it for quite a long way, until at last we were obliged to leave it and to carry on alone.

After travelling a few hundred metres, the driver put his hand through the back window of the driving cab and he handed to me some money. This money I later checked and found it to be 7,000 lire. When I saw this money, I wondered where the driver had got it from and I immediately asked him where he obtained it and at the same time I threatened the driver that I would report the fact to the Police, if I saw that any of the cases on the lorry were missing. I then at once checked the number of cases that I was guarding and I saw that there was 145 cases, which corresponded to the number written on the ticket.

When I first got on the lorry, I did not check the cases because the driver had assured me that the quantity on the lorry, corresponded exactly with the quantity written on the tickets. In view of this I think that the driver sold some extra cases, which I did not know were on the lorry, whilst I was looking at the engine of the broken down lorry and the reason that he gave me the aforementioned sum of money was that he was in fear, that on my getting back onto the lorry, I would take notice of the fact that part of the load was missing.

Signed. MIANA VINO.

Captain Commanding the 1st. Company.

Quoted, the accused states:-

At 21.45 hours on the 15th June 1945, I was detailed to escort Lorry No. 3615 (Port Number) from Dispersal Area No. 2 to the 1553 Depot, which was loaded with 11.5 cases.

Due to a mechanical default, this Lorry which I was detailed to escort, stopped at the mechanical workshop in the Port, near No. 2 Area and in circumstances we did not leave the Port until 01.00 hours 20th June 1945, when the repairs had been completed.

The driver of the vehicle drove towards DONMILLAR, going through ABERMILLAR. In the vicinity of ABERMILLAR we met another Lorry from the installation, which was also loaded with cases similar to ours. This Lorry was having some engine trouble and was stopped. My driver immediately stopped his Lorry and got out to see if he could assist in the repairing of the engine, but as he could not understand what was wrong with the engine, I who being a competent mechanic and well used to this type of engine, got down from my Lorry to see what the trouble was. Unfortunately I could not understand anything and as our Lorry commenced to push the one that was broken down. We pushed it for quite a long way, until at last we were obliged to leave it and to carry on alone.

After travelling a few hundred metres, the driver put his head through the back window of the driving cab and he handed to me some money. This money I later checked and found it to be 7,000 Lira. When I saw the money, I wondered where the driver had got it from and I immediately asked him where he obtained it and at the same time I threatened the driver that I would report the fact to the Police, if I saw that any of the cases on the Lorry were missing. I then at once checked the number of cases that I was guarding and I saw that there was 11.5 cases, which corresponded to the number written on the ticket.

When I first got on the Lorry, I did not check the cases because the driver had assured me that the quantity on the Lorry, corresponded exactly with the quantity written on the tickets. In view of this I think that the driver sold some extra cases, which I did not know were on the Lorry, whilst I was looking at the engine of the broken down Lorry and the reason that he gave me the aforementioned sum of money was that he was in fear, that on my getting back onto the Lorry, I would take notice of the fact that part of the load was missing.

Signed. RAMON VINO.

Captain Commanding the 1st Company.

The undersigned Infantryman GILBERTO ANTONIO, states that what is written in the above statement, is exactly correspondent to what I said, during the interrogation.

Signed

Infante GILBERTO ANTONIO.

I hereby certify that to the best of my belief and ability, this is a correct and true translation of the above statement made by Infantryman GILBERTO ANTONIO.

Signed.

Cesar Palacios

Interpreter.

R.F.I. WAREHOUSE:
HARLES.
REG. NO. 50001.

STATEMENT OF:-

Captain A. ROWE. Personal No. 317008.
O.C. No. 53 R.C.D. R.F.I.

During the period 17th. to the 21st. June 1945, this Depot has been receiving quantities of toilet soap, ex. SS. 'W. LEVIN'!

On checking records I find that Lorry No. 3728, loaded on 19th. June 1945, with 143 Cases of Toilet Soap, did not arrive at this Depot.

The value of this load was £343. 4s. 0d.

Signed A. ROWE Captain.
R.A.S.C.

Record

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSIONCONFIDENTIALAC/4083/1/L LECLA Purissima
at alJXM/ns
14 June 1946SUBJECT : Theft of 145 cases of soap -
KASCO/FPI

TO : Hq., Naples Area.

1. See your letter A 16/3/411 of
22 April 1946.2. There is attached hereto a copy of
our letter of 31 May 1946 which is self-explanatory.3. Article 11, "Consolidated Instructions
for Allied Military Courts" provides that property
seized in connection with an arrest (unless the property
is perishable) will be retained by the person seizing
it and it MUST be produced in Court. Article 28 provides
that the order of Court MUST deal with the disposition
of the property.4. The above Articles clearly define
a judicial function to be exercised by a Court. Such
function may not be surrendered, nor can it be other-
wise assumed.5. For these reasons, in this and many
similar cases now being brought to our attention, it
is necessary to examine the Court records for the
expression or lack of expression of the Court's will.6. In the case under discussion there
is no record of a trial of these persons at Naples. It
may be that the case was remanded to trial to theDOWN GRADED
UNCLASSIFIEDCol. Inf.
Chief Judicial Officer,
for Chief Civil Affairs Officer.

- 2 -

Italian Courts. These Courts dispose of the property before it, if produced. In the absence of the record of trial, an answer to your inquiry cannot be made accurately.

By command of Rear Admiral STONE :

JOHN K. WEBER,
Colonel, Infantry,
Chief Legal Advisor.

C O N F I D E N T I A L

HEADQUARTERS ALLIED COMMISSION

APC 794

LEGAL SUB-COMMISSION

AC/4083/1/L.

JKW/pa/
31 May 1946.

SUBJECT : Theft of 143 cases of soap - HASCO/ESI.

TO : HQ Naples Area.

1. See your letters A 16/1/411 of 23 April 1946 and 20 May 1946 respectively.

2. Efforts at locating the record of trial in this case have not been fruitful. Can it be ascertained if this case was tried by the Superior Military Court, as stated in your letter, or was the case remanded for trial before the Italian Courts? We are puzzled over our lack of any evidence of a trial of this case. The Archives Section have no trace of the names as here given.

By command of Rear Admiral STONE :

JOHN K. WEBER,
Colonel, Infantry,
Chief Legal Advisor.

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UNCLASSIFIED

C O N F I D E N T I A L

Col. Inf.
Chief Judicial Officer,
for Chief Civil Affairs Officer.

Confidential

Subject: Theft of 143 cases of Sup - RASC/EF/

To: HQ Naples Area

Copy

1. See your letter of A 16/3/44 of 23 Apr 46
2. There is attached hereto a copy of our letter of 31 May 1946 which is self-explanatory.
3. ~~Do~~ Article 11, "Consolidated instructions for Allied Military Courts" provides that property seized in connection with an arrest (unless the property is perishable) will be retained by the person seizing it and it MUST be produced in Court. Article 28 provides that the order of Court MUST deal with the disposition of the property.
4. The above articles clearly define a judicial ~~process~~ ^{function} ~~which~~ ^{to be} exercised by

a court. Such ~~process~~^{function} may not be surrendered, nor can it be otherwise assumed.

5. ~~It~~ For these reasons, in this and many similar cases ~~wherein the arresting authority did not~~ now being brought to our attention, it ~~has~~ is necessary to ~~examine~~ examine the court records for the expression or lack of expression of the court's will.

6. Allied Military Court cases run into many thousands. These are now in the Archives section. To insure attention ~~to the heavy correspondence~~ the many and varied questions daily presented, it is essential that the identifying details be given. ~~As a result the~~ ~~greatly reduced~~

6 ~~It~~ In the case under discussion

there is no record of a trial
of these persons at Naples. It
may be that the case was
remanded to trial to the
Italian Courts. These courts
dispose of the property before
it, if produced. ~~If it is~~
In the absence of the record
of trial, ~~the~~ an answer to
your inquiry cannot be made
accurately.

Jue

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1941 AL

CONFIDENTIAL

Auto := 16136

A 16/3/411

June 46

HQ Allied Commission

Further to our letter even number
dated 23 Apr 46 and 20 May 46.

May a reply be expedited, please.

SUB-G
RG/

1st Col. Major
IA & QG.

DOWN GRADED

UNCLASSIFIED

Exp. Int.

for Chief Civil Affairs Officer.

10 June 46

785016

4082/1
✓

Subject:- Theft of 143 cases of
soap - RASC/EPI.

7399

Legal

CONFIDENTIAL

Hq Naples Area.

Auto: 16136

A 16/3/411

20 May 46

Hq Allied Commission

Ref our letter even reference dated
23 Apr 46.

May a reply now, please, be given.

DOWN GR DED
UNCLASSIFIED

Wardington
Lt Col,
AA & QMG.

L/B.

Col. Inf.
Chief Judicial Officer.
for Chief Justice Officer.

6367

LEAH

SUBJECT:- Theft of 143 cases of soap RASC/EFI**CONFIDENTIAL**CONFIDENTIAL

HQ Naples Area
 Tele: (3 Dist Ex 216
 10200 Ex 216
 A 16/3/411
 23 Apr. 46

HQ Allied Commission

1. Herewith attached is a copy of SIB report SIB/61/A/45/360 dated 30 June 45 concerning the theft of 143 cases of toilet soap, the property of NAAFI/EFI and a copy of DJAG GHQ letter of advice in respect of the sum of 136,190 lire recovered from the persons arrested in connection with the theft.
2. The facts of the case are as follows :- Six Italians were arrested by the SIB after investigation, two of the accused being employed as dock-checkers at Naples Docks by NAAFI/EFI. These accused were arraigned before the Superior Military Court, Tribunali Buildings, Naples on or about 31 July 45.
3. It appears that the stolen soap was taken by the thieves to AFRAGOLA and there sold to Italian civilians. None of the soap was recovered. When arrested the sum of 136,190 lire was found on the accused and this sum was impounded and is at present held by 95 Section S.I.B. C.M.P.
4. HQ EFI have now requested that the money recovered be paid to RASC/EFI accounts to cover the loss of the soap.
5. May this HQ be advised of the procedure which should be adopted in order to have this money paid to RASC/EFI or alternatively may advice be given as to the method of disposal of the matter.

LEGAL SUB-COMMISSION

CLO

DCLO

Chief Counsel

CJO

Italian Section

CL RKS

In the Field
C/C.

Encls:- SIB Report SIB61/A/45/360 of 30 June 45
 Copy of JAG/General/16/8 dated 4 Apr 46.

Copy to:- HQ EFI GHQ CMF-

CONFIDENTIAL

Lt Col
 AA & QMG

DOWN GRADED
 UNCLASSIFIED

Col. Inf.

Chief Judicial Officer,
 for Chief Civil Affairs Officer.

26 April 46

Tel: 3 District 234/5

Office of the :

Deputy Judge Advocate General
GHQ Central Mediterranean Forces

JAG/General/16/8

4 Apr 46

Headquarters 'A'
Naples Area

Restitution Order

Reference your A 16/3/411 dated 30 Mar 46.

1. Section 75 of the Army Act permits a confirming authority to order the restitution of any property unlawfully obtained found in the possession of an offender who has been convicted by court-martial in the circumstances set out in that Section.

2. The case forwarded by you does not fall within the Section and a restitution order cannot therefore be made by Commander Naples Area.

3. It would appear that an order for the payment over of this money to NAAFI/EFI can only be obtained through AC channels from the Italian authorities. No doubt you will wish to refer the matter to them.

4. All papers are returned herewith.

W. H. Houghton
Colonel,
D.J.A.G.

2208

