

ACC

10000/142/644

REOPENING OF
JULY-OCT. 194

10000/142/644

REOPENING OF MILITARY TRIBUNAL IN ROME
JULY - OCT. 1944

8 8

FILE CLOSED 10 October 1984

MINUTES OF MEETING BETWEEN LEGAL SUB-COMMITTEE, AGC AND MARSHAL MESSE
With the Procureurs Militaires Generaux on the subject of the functioning
of the administration of Italian Military Justice.
At MG., AGC, 10 Oct. 1944.

Present :-

Col. Wilmer, C.I.A.
Col. Beltrami, D.C.I.A.
Lt. Col. Thackwell,

Marshal Messe
Gen. Bernardi, P.M.G.

Marshal Messe expressed apprehension lest the terms of the Armistice might operate as a break on the Administration of Italian Military Justice and expressed the hope that the points of view might be conciliated in the field of military justice.

Col. Wilmer pointed out that many of the cases arising from offences affecting Allied Military interests were being handed over to Italian Military Courts for trial. In dealing with such cases only two alternatives were possible, either a satisfactory trial by Italian Military Courts or in default by AGC Courts. In Sicily, Naples and Sardinia the Italian Military Courts had worked very well whereas in Bari conditions were bad for some time. He outlined the procedure successfully adopted for liaison and co-ordination with the Ministry of Justice and proposed to proceed on the same lines with the Department of Military Justice, both centrally and locally.

In regard to meeting with the Procureurs Militaires Generaux as representing Military Justice, Col. Wilmer said he did not think it necessary to have fixed days, since the current problems were not sufficiently numerous. Marshal Messe and the P.M.G. agreed.

The P.M.G. (Gen. Bernardi) stressed the necessity of the immediate re-organization of the Supreme Military Tribunal in Rome as there were many important political cases pending involving the death sentence. The P.M.G. briefly explained the nature of the jurisdiction of the Supreme Military Tribunal and its relation to the lower military courts, drawing a parallel with that of the Court of Cassation.

Col. Beltrami gave the assurance that the Legal Sub-Committee was quite in accord that the Court should be set up, and the only question which remained was that of vetting the personnel. There had been a long meeting with the Ministers of War and Justice when the matter of principles had been settled, and the number of military magistrates fixed at 250.

The P.M.G. remarked that the establishment of the Supreme Military Tribunal was 25 magistrates and asked if those were included in the over all figure of 250.

Col. Beltrami replied that it had been decided that no more than 250 officers on the strength of the Italian Army could be employed in Military Courts and that the 25 would come out of that number, but temporary service on a Military Court by a legally qualified officer doing regimental duty would not count.

Marshal Messe asked if the figure of 250 was sufficient and the P.M.G.

Marshal Messe expressed apprehension lest the terms of the Armistice might operate as a break on the Administration of Italian Military Justice and expressed the hope that the points of view might be consolidated in the field of military justice.

Col. Wilmer pointed out that many of the cases arising from offenses affecting Allied Military Interests were being handed over to Italian Military Courts for trial. In dealing with such cases only two alternatives were possible, either a satisfactory trial by Italian Military Courts or in default by AMG Courts. In Sicily, Naples and Bari the Italian Military Courts had worked very well whereas in Bari conditions were bad for some time. He outlined the procedure successfully adopted for liaison and co-ordination with the Ministry of Justice and proposed to proceed on the same lines with the Department of Military Justice, both centrally and locally.

In regard to meeting with the Procureure Militaire Generale as representing Military Justice, Col. Wilmer said he did not think it necessary to have fixed days, since the current problems were not sufficiently numerous. Marshal Messe and the P.M.C. agreed.

The P.M.C. (Gen. Persard) stressed the necessity of the immediate re-organization of the Supreme Military Tribunal in Rome as there were many important political cases pending involving the death sentence. The P.M.C. briefly explained the nature of the jurisdiction of the Supreme Military Tribunal and its relation to the lower military courts, drawing a parallel with that of the Court of Cassation.

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The P.M.C. remarked that the establishment of the Supreme Military Tribunal was 23 magistrates and asked if those were included in the over all figure of 250.

Col. Beltrons replied that it had been decided that no more than 250 officers on the strength of the Italian Army could be employed in Military Courts and that the 23 would come out of that number, but temporary service on a Military Court by a legally qualified officer doing regimental duty would not count.

Marshal Messe asked if the figure of 250 was sufficient and the P.M.C. replied that it met present needs.

Col. Beltrons added that the Military Sub-Commission of AMG did not state that 250 was enough to meet all needs of all military tribunals but that it sufficed for those required in important places, thus if there were urgent need for a military court in a particular area, a tribunal could be closed down and transferred as required.

Marshal Messe observed that up to the present there had been no interference as to the appointment and functions of military courts, and asked if anything

had supervised to make it necessary to submit names for approval.

Col. Wilner said that the names of the prisoners were to be submitted to the Italian Military Tribunal of Rome as soon as possible. He said that the names of the prisoners were to be submitted to the Italian Military Tribunal of Rome as soon as possible. He said that the names of the prisoners were to be submitted to the Italian Military Tribunal of Rome as soon as possible.

The P.M.C. remarked that the Court of Cassation continued to function whilst awaiting operation, and asked whether the Supreme Military Court must wait or could function meanwhile.

Col. Wilner replied that he would refer this question of policy to the Army Sub-Commission and ask them if they wanted to screen the list of the members of the Supreme Military Tribunal.

Marshal Messe enquired if the submission of lists applied only to the Supreme Tribunal or also to the Military Tribunal of Rome.

Col. Wilner said that as far as he knew the Italian Tribunal was to return to Rome as soon as the list was approved. He would find out whether the Rome Tribunal could function pending approval.

The P.M.C. asserted that if operation was to be a preliminary to its functioning then the Supreme Military Tribunal would not function for 3 months.

Col. Beltroni anticipated that it would be difficult to get the Army Sub-Commission to recall these regulations without preliminary agreement.

After further discussion it was agreed that the best plan was for the list to be submitted to the "operating" authorities and to the Army Sub-Commission at the same time. The list to be prepared as soon as possible by the P.M.C. with all available information for submission by the Army Sub-Commission to the Army Sub-Commission.

Marshal Messe asked if there was any objection to the transfer of the personnel of the Tribunal which was with the Italian Corps of Liberation and had now been dissolved to form a Restructured Tribunal in the Marche-Ancona Region.

Col. Wilner said he thought not, so long as the ceiling of 250 was not exceeded, but please to put in an application in writing so that it could be taken up with the Military Sub-Commission.

The P.M.C. enquired if it was exact that Italian Military prisoners must wait 30 days in detention with their units or formations before being admitted to a Civil Prison, or whether they could now be sent direct.

Col. Wilner replied that he knew nothing about this and that this Sub-Commission had nothing to do with prisons, but he would take the query up with the Military Sub-Commission.

A discussion then took place on the subject of the dismissal and appointment of judicial personnel by the Allied Authorities in occupied territory and the situation was explained to Marshal Messe by analogy with the Civil

Col. Wilner replied that he would refer this question of policy to the Army Sub-Commission and ask them if they wanted to remove the list of the members of the Supreme Military Tribunal.

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Col. Wilner said that as far as he knew the Supreme Tribunal was to return to Rome as soon as the list was approved. He would find out whether the Army Tribunal could function pending approval.

The P.M.C. asserted that if operation was to be a preliminary to its functioning then the Supreme Military Tribunal would not function for 3 months.

Col. Petreus anticipated that it would be difficult to get the Army Sub-Commission to reveal these irregularities without preliminary screening.

After further discussion it was agreed that the best plan was for the list to be submitted to the "operation" authorities and to the Army Sub-Commission at the same time. The list to be prepared as soon as possible by the P.M.C. with all available information for submission by the Army Sub-Commission to the Army Sub-Commission.

Marshal Messe asked if there was any objection to the transfer of the personnel of the Tribunal which was with the Italian Corps of Liberation and had now been dissolved to form a Territorial Tribunal in the Marche Abruzzi Region.

Col. Wilner said he thought not, so long as the ceiling of 250 was not exceeded, but please to put in an application in writing so that it could be taken up with the Military Sub-Commission.

The P.M.C. enquired if it was correct that Italian Military prisoners must wait 30 days in detention with their wives or formations before being admitted to a civil prison, or whether they could now be sent direct.

Col. Wilner replied that he knew nothing about this and that this Sub-Commission had nothing to do with prisons, but he would take the query up with the Military Sub-Commission.

A discussion then took place on the subject of the dismissal and appointment of judicial personnel by the Allied authorities in occupied territory and the situation was explained to Marshal Messe by analogy with the Civil Judges.

Col. Petreus raised the point of the procedure to be adopted in channeling petitions for conditional liberty and pardon from military prisoners under Allied jurisdiction.

Marshal Messe stated that the petitions should go to the several Military Services accordingly as to whether the petitioner came under Marine, Army or Air. All appeals against judgments should go to the Supreme Military Tribunal.

The meeting has terminated.

4086/4

(15A)

Subject: Tribunale Militare - Rome
-----Military Mission
Italian Army,
R O M E
AQ/65
4 October 1944
-----MINISTRY OF WAR

BERUTTI	Mario
BASSANELLI	Giovanni
PRECEDELLO	Luigi
SALVATORI	Aristide
PENTA	Giovanni
D'ANNA	Cesare

1. It is desired that records of a/m officers be reviewed by the Epuration Commission, prior to their acceptance as officials of the Tribunale Militare Roma.

2. Please forward the report of Epuration Commission on these officers, to this HQ as soon as possible.

FJN/wk

F. J. NOAKES, Lt Col,
for Major General,
M. M. I. A.Copy to: Legal Sub Commission
(your ACC/4086/4/L of
30 Sept refers)

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

(14A)

ACC/A086/4/L.

ART /rm.

30 Sept. 44.

SUBJECT : Magistrates for Rome
Military Tribunal.

TO : M.M.I.A (Army Sub-Commission).

1. The Judicial Section of the Italian Ministry of War has asked this Sub-Commission if there is any objection either to the nomination of the following officials to the Military Tribunal of Rome to the functioning of this Tribunal.

2. Before replying it is considered that these officials should be suitably screened and that your accord on the functioning of the tribunale be obtained.

- ten. Col. G.M.	BRUTTI	Mario
- maggiore " "	BASCANELLI	Giovanni
- capitano ftr. cpl.	PRECEDELLLO	Luigi
- " G.M.	SALVATORI	Aristide
- tenente ftr. cpl.	PENTA	Giovanni
- s. tenente cav.	D'ARNA	Cesare

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Deep

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

(13A)



STATO MAGGIORE R. ESERCITO

UFFICIO SEGRETERIA E PERSONALE

Sezione giustizia

N° 2737/11h SP. 3 di prot.

P. M. 151, H 28 - 9 - 1944

OGGETTO: Autorizzazione per il funzionamento del tribunale
militare di Roma.-

ALLA SOTTOCOMMISSIONE ALLETA PER *Legale*
~~L. ESERCITO~~

R O M A

In relazione al n° 3 del foglio n° 4013/3/L in data
9-9-1944 diretto a S.E. il Ministro di Grazia e Giusti-
zia, si trasmettono i nominativi degli ufficiali destina-
ti al tribunale di Roma già discriminati dalla commis-
sione del Ministero della Guerra:

- A
- ten.col. G.M. BEPUTTI Mario
 - maggiore " " BACCANELLI Giovanni
 - capitano ftr.cpl. PRECEDERLO Luigi
 - " G.M. SALVATORI Aristide
 - tenente ftr.cpl. PENTA Giovanni
 - s. tenente cav. D'ANNA Cesare

Si gradirà conoscere il benestare di codesta sotto-
commissione al riguardo e il nulla osta per il funziona-
mento del tribunale militare di Roma.-

Saranno comunicati i nomi degli ufficiali di cui
è in corso la pratica per la discriminazione.-

IL GENERALE ADDETTO
-Alessandro Tanti-

[Signature]

[Handwritten notes and signatures]
18

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

12A

AOC/1086/1/L.

EGH/ps.
15 Sept 44.

SUBJECT : Military Tribunals.

TO : RMO (thru EC) Region IV.

1. With reference to your letter of 13 inst, the reopening of the Military Tribunal not only in Rome but all over Italy is under consideration.
2. The Army Sub-Commission has approved a scheme for the re-establishment of Military Justice in Rome and it is now up to the Italian authorities to take the next step.
3. Copy of a letter to Army Sub-Commission embodying the terms of the agreement reached with the Ministry of war, is enclosed.

1 Incl.

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

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(128)

Pursuant to the meeting which took place today at the Ministry of Justice between Your Excellency's representatives, the Army and Legal Sub-Commissions and Capt. ASCIANO of the Ministry of War, it is hereby confirmed :-

1. that from the 27000 officers and men agreed upon between the Ministry of War and the Army Sub-Commission as constituting the ceiling of the personnel for the administration Branch of the Italian Army, 250 officers in all will be assigned to the Tribunali Militari. These officers will be responsible for the functioning of Tribunali situated in restored and AMG territories and later on in enemy occupied territory when liberated.
2. The number of Tribunali to remain open or to be reopened will be from time to time decided jointly by the Ministry of War (Sezione Giudiziaria) and the Legal Sub-Commission in consultation with the Army Sub-Commission.
3. The personnel already appointed or to be appointed to the Tribunali Militari will be screened by the Reputation Commission of the Ministry of War and after screening submitted to the Legal Sub-Commission.
4. Such personnel may be selected from Military elements or from judicial officials recalled to the colours. The responsibility for such selection will rest with both the Ministries of Justice and War.
5. The control of the activities of the Tribunali Militari will be the responsibility of the Legal Sub-Commission.
6. Independently of the opening of the Tribunali Militari and of the completion of the list of the 250 officers above mentioned the existing Tribunali Militari and Tribunale Supremo Militare now functioning at OSTUMI will transfer to Rome as soon as the personnel forming these Tribunali have been approved by the Legal and Army Sub-Commissions. This personnel is included in the figure of 250.

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

11A

0-4398

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
REGION IV, LEGAL DIVISION
A.P.O. 394

13 September 1944

L/1205

SUBJECT : MILITARY TRIBUNALS

TO : Lt. Col. Hannaford,
Officer in Charge of Italian Branch
Allied Control Commission.

1. In our efforts to reduce the case load in the prison here in Rome, we find that a number of cases should be disposed of in the Italian Military Tribunals. Naturally these Tribunals are not functioning and prisoners must languish in jail. Would it not be possible to permit these Courts to function with restricted jurisdiction and under most careful scrutiny? My point is that we are not fully meeting our obligations as long as people remain in prison without any of the inherent rights, which we so boastfully claim for our system of justice.

2. Either these prisoners should be tried by Military Tribunals immediately or the Italian Government should make provisions by decree for their trials elsewhere.

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

RGH/PA.

COMMISSION	

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

41 5/4
Subject: Military Tribunal, Rome.

RA
File
Army Sub Commission(MMIA)
HQ. A.C.C.
R O H E
AQ/65
6 SEP 44

Ministry of War.

1. The attached report concerning the members of the proposed staff of the Military Tribunal is forwarded.
2. This information is to be passed to Lt.Gen. Di Biase, for consideration of the Defascism Committee.

F. J. Noakes
F. J. Noakes, Lt. Col.
for Major General
Army Sub Commission(MMIA)

SPA/jar

Copy 101- Legal Sub Commission.
Your AOC/AOS6/1/L of 28 Aug refers.

14

File

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/408 /4/L.

ES/ap.
5 September 1944.

SUBJECT : Military Tribunals.

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

1. Would Your Excellency please be good enough to make necessary arrangements for a meeting to be held to discuss the above subject preferably at the Ministry of Justice on Friday, September 8 between 9 and 13 in the morning. As agreed Your Excellency will kindly inform the Minister of War ; this Subcommission, when advised of the hour most convenient to you, will invite the Army Sub-Commission.

2. The Comando Supremo has on two occasions contracted this Sub-Commission in order to speed up the reopening of the Tribunale Territoriale of Rome which obviously cannot be effected without the agreement of both Ministers.

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

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P. S. Copy to Army S/Com.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

4 Sep 44.

ACC/4086/4/L.

SUBJECT : Military Tribunals
Ref. ACC/65 I Sep 44

To : Army Sub-Commission

1. An officer of the Ministry of War telephoned to this Sub-Commission in order to settle the date of a meeting with the Minister of Justice in connection with the above.

2. The Minister of Justice being absent from Rome the date of Friday 8 Sep has been provisionally selected subject to confirmation by all parties concerned.

3. As soon as the Minister returns, hour and place will be notified to you so that your representative may attend.

4. In the meantime your attention is drawn to ACC/4086/4/L of 28 Aug. and its enclosure as you may wish to initiate some enquiries thereon.

G. G. HANNAFORD : 12.
Lt. Colonel,
Officer i/c Italian Branch,
for acting Chief Legal Officer.

HEADQUARTERS
ARMED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 594

GGH/pa.
28 Aug 44.

file
ACG/4006/4/1.

SUBJECT : Tribunale Militari.
TO : Army Sub-Commission .

1. The enclosed information from a reliable source in regard to General TRAIWA and members of his Staff are passed to you for information and eventual action.

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

11

MEMORANDUM

Il Tenente Generale della Giustizia Militare Traina Francesco, riveste la carica di f.f. Procuratore Generale Militare presso la Sezione del Tribunale Militare di Ostuni (prov. Brindisi).

Egli sembra sia destinato a sostituire Sua Eccellenza Ovidio Ciancarini, Tenente Generale Capo, nella carica da questi rivestita presso il locale Tribunale Supremo Militare.

Nei riguardi del Tenente Generale Traina, sebbene già iscritto al partito fascista, non risultano elementi idonei a menomare la sua figura di magistrato.

Egli, solo ultimamente ha dato segni di impaziente arrivismo, tanto, da renderlo indelicato anche verso il suo vecchio superiore S.E. Ciancarini dal quale non ha ricevuto che del gran bene.

Non sarà superfluo all'uopo riferire che giorni or sono il su ricordato Generale Traina Francesco, ha inviato a Roma, da Ostuni una commissione composta dal Colonnello De Renzis Florimondo (magistrato di carriera), del Tenente sign. Lo Re e di un sergente, allo scopo di prendere in consegna i locali del Tribunale Militare Territoriale di Guerra sito in piazza Acquasparta. La consegna dei locali è avvenuta regolarmente.

Ciò che ha, però, deplorabilmente deposto in tale circostanza, è stato il riscontrare che i tre inviati straordinari non sono che tre figure fascistissime:

I°) Col. De Renzis Florimondo, fervente appassionato fascista
antemarcia

II°) Ten. Lo Re, antemarcia

III°) Sergente, del quale si ignora il nome, già capo-squadra della M.V.S.N. elemento violento il quale all'atto della consegna degli uffici ebbe ad uscirne con frasi molto significative.

All'opposto, se si conoscesse la tempra, la rettitudine, l'onestà irreprensibile, le sofferenze e le amarezze sopportate da S.E. Ciancarini Ovidio, durante quest'ultimo periodo di tempo, ci si pen-

sarebbe prima di sostituirlo.

S.E. Cinciarini nonostante tutto è uomo superiore sotto ogni riguardo stimato ovunque. Egli giurò alla repubblica in condizioni tragiche, dopo aver chiesto l'assenso al S. Padre, con tutte le riserve mentali.

Il consigliere di cassazione Pietro Traina, fratello del generale, è un magistrato di indiscusso valore giuridico, ma la sua dedizione al fascismo è assoluta e indiscussa. Magistrato di una falsità discussa in tutti gli ambienti, ed assente da ogni minimo senso di umanità. Egli diede la sua adesione al fascismo e alla sua legislazione fino a scrivere nella pubblicazione: "Codice Penale nel I Decennio di Attuazione" 2° volume pag. 923, trattando l'argomento: "Le impugnazioni nelle istruzioni".

9

CONFIDENTIAL

LEGAL SUB-COMMISSION

HEADQUARTERS

ALLIED CONTROL COMMISSION
SECURITY BRANCH
A.P.C. 394

CJO

Chief Counsel

CJO

Italian Section

CL RKS

23 August 1944

Ref

: SB/250.03

Subject : Military Tribunale of Rome

To

: Director, Security Branch, A.C.C.

Commission, dated 12 August 1944, under reference AGC/4086/W/L, regarding the above.

1. With reference to attached correspondence from Legal Sub-Commission, dated 12 August 1944, under reference AGC/4086/W/L, regarding the above.
2. The matter of the seals affixed by S. Force at 2/3 Via de-Gli Acquasparta and Piazza Benedetto Cairoli, Rome, has been taken up with of S.I.M. attached to S. Force and instructed him to call here. The records are apparently of no further interest to the Allies and it is suggested that an officer accompany the S.I.M. officer to remove the seals.
3. Information respecting certain officials is given below.

a) The undermentioned figure on your list "A" and available information is as follows.

MAGISTRATES

Chief magistrate amended the Italian Military Penal Codes to Fascist principles and certain parts of the military law. He worked with high officers of the M.V. S.N. and summoned the magistrates to the Special Tribunal. In intimate friend of Marshall GRAZIANI. He collaborated with the German authorities especially with the legal experts on law. CINCARINI caused the Italian Republican Government until May last when he was discharged at his own request. It is reported that on occasions he made feeble efforts to resist with prominent Fascist personalities. Lt. Gen. CINCARINI caused the Military Tribunal. This man worked with the Republican Government and made a rapid rise in his profession. He now claims he has movements by delaying action against anti-Fascist movements to resist.

Lt. Gen. CINCARINI Leopoldo, Councillor Relator of the High Tribunal. A veteran Fascist. He now claims he has movements by delaying action against anti-Fascist movements to resist.

23 August 1944

785016

Subject : Military Tribunale of Rome

To : Director, Security Branch, A.C.C.

3A

1. With reference to attached correspondence from Legal Sub-Commission, dated 12 August 1944, under reference ACC/4086/W/L, regarding the above.

2. The matter of the seals affixed by S. Force at 2/3 Via de- gli Acquasparta and Piazza Benedetto Cairoli, Rome, has been taken up with of S.I.M. attached to S. Force and instructed him to call here. The records are apparently of no further interest to the Allies and it is suggested that an officer accompany the S.I.M. officer to remove the seals.

3. Information respecting certain officials is given below.

a) The undermentioned figure on your list "A" and available information is as follows.

MAGISTRATES

Lt. Gen. GIACCARINI Cvidio, Military Attorney General as chief magistrate amended the Italian Military Penal Codes to Fascist principles and certain parts of the military law. He worked with high officers of the M.V.S.N. and summoned the magistrates to the Special Tribunal. In intimate friend of Marshall GRAZIANI. He collaborated with the German authorities especially with the legal experts on law. GIACCARINI caused the Military Magistrates to take an oath to the Fascist Government. He worked with the Republican Government until May last when he was discharged at his own request. It is reported that on occasions he made feeble efforts to resist but did not take the strong action as others did. He was always friendly with prominent Fascist personalities.

Lt. Gen. BILLETTI Leopoldo, Councillor Relator of the High Tribunal. This man worked with the Republican Government and under Fascism made a rapid rise in his profession. He now claims he helped the underground movements by delaying action against anti-Fascists.

Lt. Gen. CIARDI Giuseppe, Councillor Relator of the High Tribunal. A veteran Fascist, Squadrista and a Lt. Gen. of the M.V.S.N. who benefited by his activities in the Party, all of his position may be attributed to his Fascist influence. His brother and brother-in-law were both Fascist of high standing. CIARDI continued to serve the Republican Government after 8th September 1943.

Lt. Gen. MORGANTI Umberto, Substitute Military Attorney General. He commenced life as a dramatic actor. Was very friendly with many prominent Fascist. Claims he was ordered to go north but delayed starting.

CONFIDENTIAL

On the retirement of CLAUDEMANI he was appointed to his post but the occupation of Rome by the Allies prevented this. A man who was regarded most favourably by the Fascists, and later by the Republican Fascist Party.

Maj. Gen. ZINGALES Leone, Military Attorney. After 8th September 1943 he worked at Padua and Bologna, it is reported that he disagreed with the Fascist officials. Little information is available regarding him.

CHANCELLOR

Maj. POPOLLA Ugo, Vice Chancellor (Head). A volunteer in the Spanish war. He depended a great deal on Gen. CAMARÀ who was looked upon as his protector. He took the oath to the Republican Government and is an ardent fascist.

TERRITORIAL WAR MILITARY TRIBUNAL OF ROME (Piazza Cairoli)

Col. TARANTO Agesilao, Judge Relator. He consented to be removed to Perugia as Head Military Attorney because his family were living there. No other information available.

Col. CAPORALE Gaetano, Judge Relator. It is suspected he was a member of the P.F.R. He acted as prosecutor at an Extraordinary Tribunal at Viterbo at which he asked for capital punishment. He was ordered to the north but managed to remain in Viterbo and made known to Marshall GRAZIANI his enthusiastic prosecution of the prisoners.

CHANCELLOR

Maj. RUSSO Tommaso, Chancellor. A veteran Fascist and a Seniore of the Militia. He held office under both the Fascists and Republican Fascists.

SPECIAL TRIBUNAL, ROME

Maj. Gen. LANARI Pietro, Military Attorney who served a long time on the Special Tribunal of the Statist Defence, Rome was engaged in many important actions. He was faithful to Fascist orders but did not, after 8th September 1943, take the oath to the Republican Fascist Government.

Maj. Gen. MILAZZO Gioacchino, Judge Relator. In recent years he engaged at the Special Tribunal. After the dissolution of the Tribunal he awaited assignment at the General Legal Office.

Maj. Gen. PRESTI Giovanni, was engaged at the Special Tribunal. He did not take the oath and there is little information forthcoming about his past activities, he does not seem to have been an active Fascist.

Col. FALLACI Carlo, Attorney General, of the Special Tribunal. Was engaged on important cases and it is reported he took the Republican oath.

Col. MASALA Gavino, Vice Military Attorney. On his return from Libya he worked for a year at the Special Tribunal. He is described as very honest. He took the oath and after the dissolution of the Tribunal he went to Perugia.

Lt. Col. TERRAZZOLI Augusto, Head Chancellor at the Special Tribunal since its beginning. He was inscribed in the P.N.F. after his appointment. He took the oath to the Republican Government and after the dissolution of the Tribunal he was employed in the General Legal Office.

b) The following information has been obtained regarding

his protector. He took the oath to the Republican Government and is an ardent fascist.

TERRITORIAL WAR MILITARY TRIBUNAL OF ROSE
(Piazza Cairoli)

Col. TARANTO Agostino, Judge Relator. He consented to be removed to Perugia as Head Military Attorney because his family were living there. No other information available.

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Maj. RUSSO Tommaso, Chancellor. A veteran Fascist and a Seniore of the Militia. He held office under both the Fascists and Republican Fascists.

SPECIAL TRIBUNAL, ROSE

Maj. Gen. LANARI Pietro, Military Attorney who served a long time on the Special Tribunal of the Statute Defence. Rose was engaged in many important actions. He was faithful to Fascist orders but did not, after 8th September 1943, take the oath to the Republican Fascist Government.

Maj. Gen. MILAZZO Gioacchino, Judge Relator. In recent years he engaged at the Special Tribunal. After the dissolution of the Tribunal he awaited assignment at the General Legal Office.

Maj. Gen. PRESTI Giovanni, was engaged at the Special Tribunal. He did not take the oath and there is little information forthcoming about his past activities, he does not seem to have been an active Fascist.

Col. FALLACE Carlo, Attorney General, of the Special Tribunal. Was engaged on important cases and it is reported he took the Republican oath.

Col. MARALA Gavino, Vice Military Attorney. On his return from Libya he worked for a year at the Special Tribunal. He is described as very honest. He took the oath and after the dissolution of the Tribunal he went to Perugia.

Lt. Col. TERRAZZOLI Augusto, Head Chancellor at the Special Tribunal since its beginning. He was inscribed in the P.N.R. after his appointment. He took the oath to the Republican Government and after the dissolution of the Tribunal he was employed in the General Legal Office.

- b) The following information has been obtained regarding the undermentioned who appear in your list "B".

MAGISTRATES

Lt. Gen. SILVESTRI Giuseppe, Vice Military Attorney General. He was not an active Fascist but it is alleged his promotion was accelerated by friendly Fascist acquaintances who also assisted his son in his legal practice.

-3-

In 1934 he was dismissed but later recalled by an order of the State Council. He asked to be retired rather than take an oath to the Republican Government. A photograph of the King was removed from his desk after 8th September 1943.

Maj. LEONI Bruno, Substitute Military Attorney, attached to the General Legal Office and was responsible for the compilation of Fascist writs and explanatory circular letters. On 8th September 1943 he was at Mantua inspecting prisons. Later he became a Liaison officer at the War Office and to avoid being transferred to the north he went into hiding and joined up with the Christian Communist Party. He did not take the oath to the Republican Fascist Party.

CHANCELLOR

Capt. GROSSI Corrado, Chancellor, he consented to go to Perugia. He was a Seniore in the Militia and after its dissolution he returned to the Tribunal as a Chancellor.

- c) In addition to the names included in Lists A and B, information has been received on the following and is submitted for future reference.

Maj. CARLINI Diego, was employed as a Chancellor. In early Fascist and Head of a Fascist Group in Rome. He has always been in Government service.

Maj. Gen. PARINACCI Ettore, a relative of one of the leaders of Fascism, was Military Attorney at the General Command of the M.V.S.N. Rome. He was not actively engaged under the Republicans although he took the oath.

Col. VITALLI, Councillor of the Court of Appeal. On his return from Albania he voluntarily went to Florence to see Gen. GAMBARA and was appointed to the Military Tribunal of the General Staff in Rome in place of Col. DEL PRATO. He was responsible for sending several magistrates to the north, some of whom were ill. VITALLI was a fanatical supporter of the Republican Government and went to the north with the General Staff. He has left behind a bad reputation.

Col. SPOLETTI, was always at the Special Tribunal, first as private secretary to SALMA and later as an instructional judge. He has always been against the monarchy. As President of the Military Tribunal he was an ardent Republican and rigidly carried out Fascist orders. SPOLETTI was unsuccessful in his attempts to move the Tribunal to the north. On the arrival of the Allies he left Rome and is reported to have gone to Viterbo.

Col. PEVERATI Ippolito, Substitute Attorney of the Military Tribunal, is reported to have given money for the purchase of firearms for the Republican Fascist. A Fascist and pro-Nazi. His present whereabouts have not been ascertained.

4. I suggest a copy of this report be forwarded to Chief Legal Officer, Legal Sub Commission for the information of Lt. Col. G.C. Hannaford.

Legal Sub. Commission
(Lt. Col. Hannaford)

Albello

A.H. ELLI,

Captain,

Security Branch

CHANCELLOR

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Col. VITALLI, Councillor of the Court of Appeal. On his return from Albania he voluntarily went to Florence to see Gen. GALBARA and was appointed to the Military Tribunal of the General Staff in Rome in place of Col. DEL PRATO. He was responsible for sending several magistrates to the north, some of whom were ill. VITALLI was a fanatical supporter of the Republican Government and went to the north with the General Staff. He has left behind a bad reputation.

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4. I suggest a copy of this report be forwarded to Chief Legal Officer, Legal Sub Commission for the information of Lt. Col. G.G. Hannaford.

Legal Sub. Commission
(At. Col. Hannaford)

for information.

John Alexander
Major

W.B.W.

A.H. KELLY,
Captain,
Security Branch.

4086/4

Subject: Military Tribunal ROME

(5A)

Army Sub Commission MMIA
 HQ A.C.C.
 R O M E
 AQ/65

21 Aug 44

Ministry of War

not received

Reference 300075/CA of 21 August 44.

The Legal Sub Commission of the A.C.C. has not yet decided if the Tribunal in Rome is to be constituted. Until such decision is made the question of issue of rations does NOT arise.

F.J. Noakes

F.J. NOAKES Lt Col
 for Major General
 Army Sub Comm. A.C.C.
 (MMIA)

FJN/jrp

Copy to:- Legal Sub Commission

LEGAL SUB COMMISSION	
CLO	
DCLO	
Chief Counsel	5
CJO	
Italian Section	
CL RKS	

4086/4

(4A)

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

AC/1086/3/L.

/rlp.
19 August 1944.

SUBJECT : Military Tribunals.
TO : Army Sub-Commission.

1. At the request of this sub-commission, the Minister of Justice is making arrangements for a meeting to deal with personnel and other matters regarding Italian Military Tribunals and especially the problem of reopening the Territorial Military Tribunal at Rome.

2. The Minister of Justice has requested the Minister of War and this sub-commission to attend the meeting. Confirming the conversation between Col Kerr and Lt Col Hammarford as soon as the exact date of this meeting will have been notified to this sub-commission, you will be duly advised so that a representative of your sub-commission may attend the meeting in order that the policy may be decided upon in agreement between the various parties concerned.

W. C. HAMMARFORD,
Lt. Col.,
Officer i/c Italian Branch,
for Acting Chief Legal Officer.

Copy to: AC/1086/3/L.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

3A

ACC/4086/4/L.

GCH/pa.
12 Aug 44.

SUBJECT : Military Tribunale of Rome.
TO : Army Sub-Commission
Security Branch.

1. The Minister of Justice has requested the reopening of the Military Tribunale of Rome now closed and under seal at 2/3 Via degli Aquasparta and Piazza Benedetto Cairoli. Seals have been affixed by S. Force and maintained by Rome area.

2. He stresses that with the return of the city of Rome to the Italian Administration this Tribunale will have ample scope for its activities. The Minister is in agreement with his colleagues of the War Ministry.

3. Though the reopening of this Court does not present any material difficulty, two points must be borne in mind:

- a) that the archives under seal have not been examined yet;
- b) that many military and legal officials members of the Court are far from reliable (a list of them, showing those who took the Fascist oath and those who refused is enclosed).

4. Could you let us have your views at the earliest opportunity as this matter is considered to be urgent.

* File copy of lists
retained by Col Hennaford
12/8/44

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

MEMO

4086/4
GRU/Cal.

SUBJECT : Tribunale Militare di Roma.

TO : C.L.O. Legal Sub-Commission

Reference your letter 24 Jul 44 under the above mentioned subject (no reference number) the matters raised in para 3 are primarily for the Italian Government but the Minister for War should be advised first to move Gen. Traina and his staff to Rome as soon as possible for the direction of Courts from Ostuni must be extremely difficult and secondly either to confirm Gen. Traina in office or to submit the name of a successor to you as soon as possible.

ADMIN SEC
25 Jul 44

G.R. Upjohn
G.R. UPJOHN Col.
A/Adm Admin Sec.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

GGH/pa

24 JUL 1944

REFERENCE : ACC/

24 Jul 44.

SUBJECT : Tribunale Militare di Roma-
Tribunale Supremo Militare Roma.

TO : V.P.Admin.Section.

1. The premises of both these Courts are still under seal, as far as this HQ is aware, and no inventory of their contents have yet been made.

2. As the time is rapidly coming when the local Tribunale owing to the presence of Italian Troops in the capital, will have to be reopened, steps to that effect should be contemplated in agreement with the Army Sub-Commission.

3. As far as the Tribunale Supremo is concerned now under Gen.Traina in Southern Italy, two questions arise :

- a) Should it be transferred forthwith from Ostuna to Rome.
- b) Should Gen.Traina remain at its head or be replaced by a more senior officer.

In this connection it is pointed out that the personnel of both Tribunali need a very serious purge and that adequate investigation have been made the results of which are now with this Sub-Commission.

4. Could instruction as to the General policy in this matter be given.

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

0614

