

ACC

10000/142/647
(VOL. I)

PROCEEDINGS AGAINST
FORCES
FEB. 1945 - FEB. 1946

10000/142/647
(VOL. I)

PROCEEDINGS AGAINST MEMBERS OF ITALIAN ARMED
FORCES
FEB. 1945 - FEB. 1946

NB.

For correspondence re
requests for release of neo-
fascist POW see File
AC/4076/4/L.

167

TO : M.M.I.A.

1. Reference conversation - Col. Behrens - Capt. Archer - herewith letter from FMG with rough translation attached.

2. As to the law :-

- (a) An occupying power has, without doubt, jurisdiction under international law to try in its own courts members of the armed forces of the occupied power, notwithstanding anything in the law of the occupied power to the contrary.
- (b) The decrees referred to by the PMG make it clear that even in Italian Government territory (a fortiori in AMG territory) Italian soldiers are subject to the jurisdiction of AMG Courts for offences against Allied interests.

3. As to the facts:-

- (a) This jurisdiction is very rarely exercised and only in cases where Allied interests are directly concerned, e.g., the two cases referred to were the manslaughter of a British soldier and the stealing of flour from an AC warehouse.
- (b) We recently discussed with Col. Pidsley the desirability of this procedure (in a case when Italian soldiers cut the hair of girls with Allied soldiers and attacked the Allied soldiers) and he warmly approved it.

4. I don't think that technically your Adm. Instr. No. 18, as quoted, excludes the jurisdiction of AMG Courts. Possibly a layman might take the view that it ~~adds~~.

5. If you agree, it might be desirable for the Adm. Instr. to be qualified or explained by you while I will reply to the PMG that AMG courts have jurisdiction. Incidentally I expect that in future it will be even rarer than formerly for this jurisdiction to be exercised.

W. E. Behrens

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

(b) The decrees referred to by the PMG make it clear that even in Italian Government territory (a fortiori in AMG territory) Italian soldiers are subject to the jurisdiction of AMG Courts for offences against Allied interests.

3. As to the facts:-

(a) This jurisdiction is very rarely exercised and only in cases where Allied interests are directly concerned. e.g., the two cases referred to were the manslaughter of a British soldier and the stealing of flour from an AC warehouse.

(b) We recently discussed with Col. Pidsley the desirability of this procedure (in a case when Italian soldiers cut the hair of girls with Allied soldiers and attacked the Allied soldiers) and he warmly approved it.

4. I don't think that technically your Adm. Instr. No. 13, as quoted, excludes the jurisdiction of AMG Courts. Possibly a layman might take the view that it ~~excludes~~.

5. If you agree, it might be desirable for the Adm. Instr. to be qualified or explained by you while I will reply to the PMG that AMG courts have jurisdiction. Incidentally I expect that in future it will be even rarer than formerly for this jurisdiction to be exercised.

W. E. Behrens

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

6 June 1945.

Legal S.C.

I entirely agree with your opinion above and would be grateful if you would reply to P.M.G. accordingly. In this case I don't think any qualification of Adm 18 necessary and would prefer to leave it as it stands

W. E. Behrens

M.P.A.

4 Aug

FILE OF GEN 25 February 1946

166

HEADQUARTERS ALLIED COMMISSION
AFO 394
LEGAL SUB COMMISSION

MF/ns

25 February 1946.

EC/4586/8/L

All'Avv. Indeblando Secchetti

E. A. L.
Pia. Umberto 22

Oggetto: FALCINI Giuseppe.

A riscontro della Vostra in data 12-2-1946
si significa che essendo il processo in questione di
esclusiva competenza delle autorità militari italia-
ne questa Sotto-Commissione non ritiene opportuno in-
terferire nella amministrazione della giustizia ita-
liana.

ANTHONY P. NOBLETT,
Major, Aus.,
Chief Counsel,
for Chief Legal Advisor. 165

Copie: Procura Generale Militare

A. O. 3. 3.

12/2/1946

HEADQUARTERS ALLIED COMMISSION
LEGAL SUB COMMISSION

(A P 394)

R O M A

In data 1 dicembre 1945 a nome e per conto dei familiari del detenuto: PATALLARE FRANCESCO ad Alghero, trattamento presso le carceri mandamentali di Bari sotto l'insubordinazione di diversi reati, vi rimettevo copia della sentenza di rinvio a giudizio, richiesta dalla Procura Militare di Bari, per cui è stata spett: Commissione, data lettera dell'anzidetta sentenza di rinvio a dibattimento e constatato che i reati reati commessi dal Patellaro prima e dopo l'amnistia conclusa dall'Italia, fossero stati commessi in favore degli Alleati, fosse intervenuta prontamente per liberare dalle carceri il detenuto. In effetti costata spett: Commissione ebbe ad interessarsi del risultato in quanto con lettera del 19 dicembre 46/4006/8/A: costata spett: Commissione mi comunicava ricezione della mia lettera nell'assunzione però era veniva richiamata l'attenzione della Procura Generale Militare in merito all'esposto presentato dai familiari e da me in favore del predefinito carabiniere Patellaro.

161

Se nonché ad omnia del venturo interessamento la Procura Militare di Bari e non quella di Roma, così come la famiglia Patellaro ha manifestato, in ricezione del processo penale, ha eliminato dai capi di accusa il reato di diserzione a carico del Patellaro, lasciando però impregiudicata gli altri reati che secondo lo stesso detenuto Patellaro e i familiari di questi se-

In data 1 dicembre 1945 a nome e per conto dei familiari del detenuto: PATELLARE FRANCESCO di AUGUSTO, trattante presso le carceri mandamentali di Bari sotto l'imputazione di diversi reati, vi rimetteva copia della sentenza di rinvio a giudizio, ricevuta dalla Procura Militare di Bari, e aveva esposto spett: Commissione, data lettera dell'anzidetta sentenza di rinvio a dibattimento e constatato che i pretori reati commessi dal Patellare prima e dopo l'amnistia conclusa dall'Italia, fossero stati commessi in favore degli Alleati, fosse intervenuta prontamente per liberare dalle carceri il detenuto. In effetti esposta spett: Commissione esse ha interessato del nominato in quanto con lettera del 10 dicembre 40/4000/8/2: esposta spett: Commissione mi comunicava ricezione della mia lettera nell'assiduarla però era veniva richiamata l'attenzione della Procura Generale Militare in merito all'esposto presentato dai familiari e da me in favore del predefinito carceriere Patellare.

162

Senonché ad ora del vostro interessamento la Procura Militare di Bari e non quella di Roma, così come la famiglia Patellare ha ritenuto esatto, in riesame del processo penale, ha eliminato dai capi di accusa il reato di disordine a carico del Patellare, lasciando però impregiudicata gli altri reati che secondo lo stesso detenuto Patellare e i familiari di questi sono stati commessi in favore e per conto degli Alleati, a seguito dei movimenti avvenuti in Grecia dal luglio al novembre 1943-

A seguito di ciò il Tribunale Militare di Bari ha fissato la data del 26 e 27 febbraio per la discussione del processo. ~~Esistono~~ I familiari del Patellaro ancora una volta a me nezzie si rivolgono a questo spett: Commissione alleata alla quale chiedono aiuto. Come risulta dalla copia di sentenza e rinvio, secondo a quell'altra già rimessa vi in data prima dicembre, i velati e pretesi delitti commessi dal Patellaro sarebbero stati commessi in Grecia dal luglio all'agosto al novembre 1943 e cioè in quel periodo di tempo in cui è facile comprendere l'attività processuale del Patellaro in favore degli Alleati. D'altro lato leggendo la copia della sentenza di rinvio si arguisce chiaro che il Patellaro ha agito in favore delle forze armate alleate. La illora per impedire che il Patellaro possa essere ritenuto responsabile e condannato è necessario il vostro pronto e sollecito intervento a norma delle esecuzioni d'arrestazione. La causa è fissata per i giorni 26 e 27 febbraio per i quali girai questo spett: Commissione verrà prendere solleciti provvedimenti, impedendo innanzi tutto la discussione della causa e ~~prevenendo~~ richiedendo la liberazione del Patellaro coll'archiviazione del processo.

Seguirà tale mandato essere assicurato dai miei clienti a quali assie- me a me vi pregarò di voler considerare il caso grave del Patellaro che av- be commesso i delitti, compreso anche la diserzione, ~~allora~~ cui oggi anche la Procura di Bari ha commesso l'errore. Colla speranza di riuscire subito ad evitare il processo ringrazio cordialmente spett: Commissione di questo vostro ser- nella l'interesse del Patellaro. Con osservanza.

André...

a rinvio, secondo e quell'altro già rimandavi in data esile dicembre, i veluti e pretesi delitti commessi dal Patellaro sarebbero stati commessi in Grecia dal luglio all'agosto al novembre 1943 e cioè in quel periodo di tempo in cui è facile comprendere l'attività promossa dal Patellaro in favore degli Alleati. D'altro lato, secondo la copia della sentenza di cui ho già parlato, si arguisce chiaro che il Patellaro ha agito in favore delle forze armate alleate. Ma allora per impedire che il Patellaro possa essere ritenuto responsabile e condannato è necessario il vostro pronto e sollecito intervento a norma delle conclusioni d'arrestazione. La causa è fissata per i giorni 26 e 27 corrente per i quali girai espressa espressa: Commissione vorrà prendere solleciti provvedimenti, imponendo innanzi tutto la sospensione della causa e ~~confermare~~ ~~richiedere~~ la liberazione del Patellaro coll'arrestazione del processo.

Seguisce tale mandato perché considerato dai miei clienti a quali antiche e me vi prego di voler considerare il caso grave del Patellaro che avrebbe commesso i delitti commessi anche in diversità, al fine di oggi anche la Procura di Bari ha commesso l'errore. Cella speranza di riuscire subito ad evitare il processo rinviato espressa espressa: Commissione di questo verrà far nell'interesse del Patellaro-Gem conservanza.

Arduelli

(Arduelli)

Waffa Umberto 22

Bari

Atti: 1-1 Copia di Arduelli

N. 4674/45 R.G.

N. 347/45 G.I.

MILITARY TERRITORIAL TRIBUNAL OF WAR OF BARI

sentence of delay to judgement

IN NAME OF HIS ROYAL HIGHNESS
HUMBERT OF SAVOIA PRINCE OF PIEMONTE
GENERAL LIEUTENANT OF THE KINGDOM

THE MILITARY INSTRUCTOR JUDGE of the
Territorial military tribunal of war of Bari
seen and examined the acts of the trial and the written conclusions of the public min
has pronounced the following

SENTENCE

in the procedure to the charge of

patellaro francesco ~~son~~ of Angelo and of pailla vincenza, born at monreale (palermo)
on January 2nd 1916- on foot carabinieri- serving in ~~XXXXXX~~ the Territorial Legion
C.C.R.R.-Bari- retained.

IMPUTED

- a) desertion to enemy- art. 143 C.P.M.G. 47 N. 2 C.P.M.P.-because on one imprecised ¹⁸³
day of July 1943, being aggregated to the station C.C.R.R. of Eleusi (Greece), he
left arbitrarily out troops, passing to the enemy.
- b) insubordination with continuous violence against superior officers-art. 106-47
N. 2 C.P.M.P. 47 C.P.M.G.-because with many consecutive actions of one same criminal
design, in imprecised times between September-November 1943, forming part of the
food warehouse in the concentration field for Italian soldiers prisoners of German
sion (Greece), he caned in presence of other soldiers, until swoon, lieutenant of
persaglieri Faonte, he tried to stab with a poignard, during ~~some~~ a meeting, Major
Iabus, he killed Major of C.C.R.R. pace Livio, after having forced him to wash a pot.
- c) extortion- art. 629 C.P.M.P.- because in the same circumstances of time and place
of the preceding rubric, he forced, by menace of death, Captain Sollaz G. to give him
one pistol that this last had.
- d) continuous rapine- art. 81 ops. 628 C.P. and 21 C.P.M.P., because in the same cir-
cumstances of time and place of the chap. b of the rubric, by violence to the person
in order to get an unjust profit, he spoiled many Italian prisoners in the field of
Germanisation (Greece) of the golden objects and of the use effects that were in
their possession.

FACT AND RIGHT

By sheet in date April 12th 1945, the command of the Legion C.C.R.R. of Bari,
brought to knowledge of the military prosecution of the Kingdom, the fact that the
carabinieri groce Antonio, returned from Greece, had known among the other soldiers
returned from captivity, the carabinieri patellaro francesco, who in Greece would

have praised himself to have killed one major of C.C.R.R., ~~ma~~ ^{ma} ~~li~~ ^{li} ~~vio~~ ^{vio}, fallen prisoner of the partisans.

For the gravity of the accusation and for the Greek's concise affirmations, ~~strong~~ ^{strengthened} too by the driver soldier ~~Maggiore~~ ^{Maggiore} Salvatore, it was proceeded with formal trial against ~~patellaro~~ ^{patellaro} for the crime in the art. 186 C.P.M.P..

From the expletive of the formal instruction, emerged the following circumstance: ~~as~~ ^{as} ~~the~~ ^{the} confirmed the first accusation towards the imputed, and specified the ~~most~~ ^{most} activity by him practiced in Greece, making clear the other criminal numerous committed actions, the ~~patellaro's~~ ^{patellaro's} moral figure.

This man, assigned to the 3rd Battalion 2nd company C.C.R.R. in Greece, ~~aggregated~~ ^{aggregated} to the station C.C.R.R. of ~~plausi~~ ^{plausi}, commanded on duty on July 1943, didn't come back to our lines, giving in the first time the impression he had remained victim of some enemy ambush.

After some suspicions the command ordered one ready investigation that could ~~clear~~ ^{clear} the position of ~~patellaro~~ ^{patellaro}, and Captain Picocchi, for this purpose delegated after the necessary verifications, proposed the denunciation of the above-mentioned to the military Tribunal of ~~Atene~~ ^{Atene}, as responsible of desertion to enemy.

Although the verifications and the proofs collected by Picocchi cannot, for obvious reasons, be united to the trial, however the actual results strengthen the first investigations made, making clear the behaviour of the imputed during the period spent among Greeks, the following liberty and authority he enjoyed, and clearly revealing not only the sentiments by which he was animated towards his fatherland and his compatriots generally, but in particular way what criminal actions he was capable to commit for getting the sympathy and what he thought the esteem of the partisans.

The particular treatment that for him was used, the same as for the other Italian deserters, clearly demonstrate his volunteer passage to the enemy. 162
~~patellaro~~ ^{patellaro} didn't neglect to repay in the way he thought the best the different treatment for him used.

The pages of the written trial, often remember with no doubt, his horrible activity, whose hostility of sentiments with the blindest fury against the old superiors and Italian officers generally, and with the most repugnant avidity made ~~the~~ ^{the} most ferocious galley-slave of his brothers, and he didn't spare any moral or physical suffering, but surpassing in cruelty the same enemies, he gained the greatest faith by them, who didn't hesitate in giving him the greatest liberty, well knowing that it would have been used for tormenting more those men he would have to love as unfortunate brothers of arms.

Remember for the purpose Major ~~patellaro~~ ^{patellaro} (sheet 223), there results to me that ~~patellaro~~ ^{patellaro} praised himself to have killed many Italians, and for immortalizing his figure of hero, unfortunately two Italian painters, whose name I will say, one of which lives in Venice, the other in Rome, the second one lieutenant of the Division Cassale, have painted the features of Franco, while with an Italian machine-gun, discharged on our running troops, trampling our flags.

And the fantasy of the two fellows has well described the character of ~~patella~~ ^{patella}, well known in his bad actions with the name of "Franco", who did not hesitate to tear his compatriots for getting the sympathy of the Greeks, and ignoring that in the orgies of blood he loved, couldn't arise among the same enemies that ~~sentiments~~ ^{sentiments} of disgust, similar as the sentiments that the lecture of the processual papers arises now, hidden then perhaps by the circumstances of the moment. This field was commanded by a Greek lieutenant, but ~~patellaro~~ ^{patellaro} was the chief of a

group of reactionaries yet deserters before September 8th 1943, exercised functions of supervision with systems of violence and all kinds of vexations, against his compatriots, especially officers. When he wanted to do something bad, to anybody, he accused him of fascism and after he cursed him to blood.

One of his preferred systems was to put a cover on the head of a chosen guy and to order to some men of the group, to give him a strong blow.

I personally heard the cries of the cursed. Petellaro was the terror of all the field (sheet 21) and of this sad activity of the imputed, suffered the consequences lieutenant Faconti too. In an imprecised day in fact, as this officer remembers and confirming many witnesses, for foolish reasons, he closed Faconti in one room and with no explanation of any kind, cursed him many times on his head with a stick, until he swooned.

When I came to myself again, goes on Faconti (sheet 110) under the pain of the continuous blows, I heard Franco saying to his friends, I am tired to curse him; enjoy you a little now.

The field of concentration of what is spoken in the preceding depositions, is the garpension's, where Petellaro was a warehouseman, and where, as remembers among the others the testimony Monti (sheet 179), he used to assault the Italian soldiers and to steal all what they got, that is golden objects, pieces of linen and other things, and if anybody resisted, he used the hardest violence.

From the processual papers it is possible to get an almost complete picture of the cruelties to which Petellaro subjected our prisoners, and of the methods by the same used, and notwithstanding we cannot enumerate one by one all his infinite crimes, not being possible, for clear reasons, to collect the depositions of each soldier, a sad fate compelled to fall under the power of Franco, however there is no doubt that the few accusations in the rubric said, have the comfort of many and concordant witnesses and such as to permit a judgement with tranquillity of conscience and objectiveness.

On August 13th 1943 Major of C.C.R.R. Pace Livio, travelling from Rebe to Ateno with two captains and few other soldiers, fell in an ambush made by a department of partisans, and after a short fighting, wounded, he was taken prisoner.

It begins in this way the tragic odyssey of this superior officer, who, not well cared, in inexpressible hygienic and ambience conditions, was carried through the hard mountains of Greece, continually by one place to another one without the least comfort could be given not by Greeks, but not even by the few Italian prisoners who could sometimes approach him, because they were in the impossibility of giving him any help.

In this period Petellaro approached Major Pace. remembers Passina (sheet 15):- After the capture, Major Pace and the others knew Petellaro, who was yet with Greeks and among whom he was with the greatest liberty.

But this common life endured only few days, because after a while, Passina, Petellaro and other Italians were divided by the mentioned Major and sent to the concentration field of garpension.

What has the true behaviour of the imputed towards the mentioned superior officer, doesn't result precisely from my deposition in act, resulting rather many of them in contrast. It is possible anyway from all the results, to be sure that he cannot be retained the only and direct responsible of the death of Major of C.C.R.R., but with no doubt he must be considered among those who gave the greatest contribution to the shooting of the officer, compelling the Greeks who perhaps in an impetus of generosity, considering his diminished physical condition and the wonderful military behaviour, would have saved his life.

Truly, as testimonies Croci, Gigliano and many other remember, the imputed praised himself in Greece of the killing of the said officer saying to have finished him

after having compelled him to wash a pot.

perhaps in the confession of Patella there is some exaggeration, it looking impossible that Major Puce had made what declared by Patellaro, and this for the impossibility of making any work for the recent wound in his arm, and for his moral figure that would have forced him to prefer death to humiliations that his ferocious galleys-sergeant wanted to impose to him.

put all the behaviour of this last guy well lets see the facility with which he could do similar insane acts, and his boasting cannot wonder, only thinking to the homicide sentiments the animated him against his compatriots.

it's true the successively, in judicial meeting, the imputed has retreated his first admission, trying to change the situation and that some deposition can look to him favourable and such as to arise some doubt on his effective participation to the capital execution of the mentioned officer, but anyway after a careful examination of the many positions in act, it's surely possible to assume that this continuous inciter work among the Andartes, it's owed in great part the death of the mentioned Major.

the ascendant of which Patellaro enjoyed among Greeks, with the odium that compelled him against the Italian officers, comforted these elements by the other processual results, makes surely understand the imputed as responsible of the said homicide.

and there is no ~~ground~~ worth to object that it's presumed that when Major Puce was killed, Patellaro was in another field of concentration and then in the mentioned field impossibility not only of killing, but of influencing the Greeks too, because it's enough to remember on contrary the great liberty of which he enjoyed, and that allowed him to be absent even for many days from the field of Perpenision, for easily understanding as such a situation has not been considered for an eventual exclusion of responsibility, while on contrary many concurring indications are against him, that with the confession at right time made by the same imputed, let easily see his fault.

what was the reason that compelled Patellaro to crime, it's not possible to relieve clearly from the acts, in fact it can be thought as an insane act as a vengeance for the denunciation of desertion advanced by the mentioned Major, or consequence of some disciplinary punishment given him as the processual papers remember.

but prescindig from any other inquiry on the true reason of the crime, made impossible for the circumstances of time and place in which the facts in question unfolded, and having no influence on the ontology of crime, it's clear that the reason which compelled him to inveigh against Major Puce, Lieutenant Facenti, Major Iabue, and numerous other Italian officers, must be attributed only to the blind odium that animated him against his compatriots and to the innate bestiality of his sentiments.

put the Field of Perpenision had to see numerous other criminal acts of Patellaro, remembers on purpose Major Iabue, and confirms some testimony, rather specific, as around the mentioned officer had been constituted an armed guard, for defending him against the assaults of the energumens. on the mentioned date I assume the command of the field of Perpenision, by order of the commander in that time the Pinerolo Division, General Infante Adolfo, actual first field adjutant of the General Lieutenant.

on a meeting by me done for transmitting some orders to this disbanded troops, Franco tried to stab my shoulder with a poignard (sheet 122) other episode that the presence of each part permits to specify, remembered by Captain Gollazzo, and confirmed as usual by present testimonies. one day Patellaro, went to the tent where Patellaro was recovered, ordered him

to give him the pistol he had, for the gollazzo's refusal Patellaro with menace answered that if he wouldn't have given him the arm, he would have induced the greek partisans to shoot him and the other three who lived in the tent. For avoiding a useless effusion of blood, well knowing the sanguinary instincts of the imputed and his great ascendancy among greeks, the officer was forced to give the requested arm. These facts confirmed by the concise affirmations of each officer who suffered the Patellaro's violence and confirmed in their particulars by the mass of the testimonies, who for the seriousness and for the concordant precision of facts and circumstances let no doubt on their veracity. But the mass of the processual results it is not limited in confirming the few episodes of violence in rubric mentioned and of which Patellaro with no doubt has to be considered direct responsible, but lets clearly see all the web of crimes and vexations committed by the imputed during his permanence among greeks, and that, although cannot be confirmed in each accusation, clearly demonstrate what is the moral figure of the mentioned revealed, with the complicity of numerous other Italian soldiers deserters, and of the less worthy among the greek patriots individual of a disgusting cynism and bestiality, worse among the worst delinquents that the story of criminality remembers.

FOR THESE REASONS

seen the art. 343 C.P.M.P. 143 C.P.M.G. 186 C.P.M.P. 628-629 C.P.
seen the conformable conclusions of the P.M.
closed the formal instructions

END RS

the delay to judgement of the territorial military Tribunal of Bari of Patellaro Francesco of Angelo for answering of the crimes to him attributed in rubric.

Bari, October 27th 1945.

THE MILITARY CHANCELLOR
adj. lieut. Giuseppe Perazzoli

THE INSTRUCTOR MILITARY JUDGE
adj. lieut. Pietro De Francisci

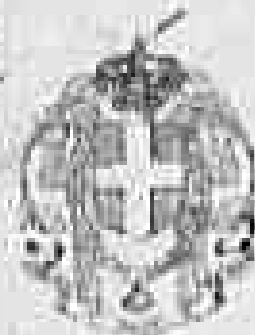
deposited in chancery on October 27th 1945

THE MILITARY CHANCELLOR
adj. lieut. Giuseppe Perazzoli.

for copy conformable to its original.

THE MILITARY CHANCELLOR
adj. lieut. Giuseppe Perazzoli.

153



Ministero di Grazia e Giustizia
DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE DELLA STATISTICA E DEL CASELLARIO

Al PROCURATORE DEL REGNO
presso il Tribunale di
RIETI

Ufficio I° A.P.
Prot. N° 131/54.2363/45

Deposito di
Dati N°

Oggetto: Procedimento contro NERI Armando imputato di estorsione, furto ed altro.-

e per conoscenza:

ALLA COMMISSIONE AL LEGAL
Sottocommissione Legale
(Nota 29/12/1945 n° AG.4086/8/L.)

ROMA

All'Ufficio Collegamento

S E D E

Si prega V.S.I. di voler corrispondere, con la massima sollecitudine, alla Ministeriale pari numero in data 6/12/1945, facendo conoscere se sia stato definito, e con quale esito, il procedimento contro la persona in oggetto che ha fissato per l'udienza del 31 Ottobre d.a. -

LEGAL SUB-COMMISSION

CLO

DCLO

CJO

d'ordine del

MINISTRO

→ *Prova*
21 Jan 46

G/A

Col. Humphord to see

A/S

7/1

A Capt. from MM/A
 came in yesterday, and
 said they would get in
 touch with PWB who
 would advise Lt Arago
 that a favorable recommendation
 had been sent to the Min. of War

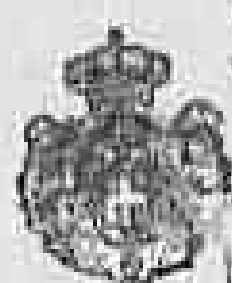
A/S

18/1

A

A/S

File to be
returned to the
Legal S/C



Allegato 8/8/L
PROCURA GENERALE MILITARE DEL RE IMPERATORE

PRESSO IL

TRIBUNALE SUPREMO MILITARE

Roma, li 4 gennaio

1946

N. *1512 E. A. C.* Prot.

N° AC/4086/8/L.

Alleg.

Risposta a nota del

STAMPERIA REALE DI ROMA

Oggetto: Ten. AONZO Emanuele.-

AL HEADQUARTERS ALLIED COMMISSION

APO 394

Legal Sub-Commission

ROMA

La istanza di grazia presentata dal nominato in oggetto è stata trasmessa in data 1/12/1945, istruita e con parere favorevole di questa Procura Generale Militare, al M.ro della Guerra per il provvedimento definitivo.

LEGAL SUB COMMISSION

CLO

DCLO

Chief Counsel

CJO

Inter.

C

IL PROCURATORE GENERALE MILITARE

- U. Borsari -

U. Borsari

9 JAN 1946

157

4586/8

103A

Subject: Memorandum AORSO.Land Forces Sub Comm. AG.
(M.M.I.A.), H G M S.

A 260

10 Jan '46.

To

: ASHQ, G-5 Section US Army APO 512.

Ref your G-5 : C14.5 dated 13 Nov 45.

The action requested in para 2 of your a/q letter has been taken by the Legal Sub-Commission AG., who have informed us, that the Procureure Militaire has now transmitted the file on this case to the Ministry of War - Direzione Generale Personali Civili e Affari Generali - with a favourable opinion.

Alfredo L. L.

Major-General,
M.M.I.A.
Fu

Copd to Legal Sub-Commission AG. (Your AG/4086/3/L dated 4 Jan 46 refers).

156

/R.S.

See. no action required.

4/1

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/AC86/1/L.

/sg.
4 January 1945.

Subject : Lt. Emanuele ANZO.

TO : Land Forces Sub-Commission.

1. Please be advised that the Procuratore Militare has now transmitted the file in the case of the above mentioned to the Ministry of War - Direzione Generale Personali Civili e Affari Generali with favorable opinion.

By command of Rear Admiral STONE :

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

155



PROCURA GENERALE MILITARE presso il
TRIBUNALE SU REMO MILITARE DI GUERRA

N. 4371 Pro.

Roma, 28 dicembre 1945

Risposta a nota del 20-12-1945 U.A.C./4086/8.L. All.

Stamperia Reale di Roma

OGGETTO: Tenente Emanuela AONZO.

ALLA COMMISSIONE ALLEATA
 Sottocommissione Legale

ROMA

La pratica di grazia a favore dell'Uffici-
 ciale in oggetto distinto, in data 1-12-1945
 è stata trasmessa per la decisione, al Mini-
 stero della Guerra - Direzione Generale Per-
 sonali Civili e Affari Generali, con parere
 favorevole.

4086/8/L →

LEGAL SUBCOMMISSION	
CIO	
PROCURATORE GENERALE MILITARE	
(U. Borsari)	
Chief Counsel	
CIO	
Italian Section	
CL RKS	
31 DEC 1945	

154

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4086/8/L.

/pa.
29 Dec 45.

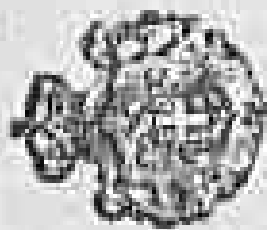
SUBJECT : Trial of Italian soldier : NERI Arnaldo.

TO : The Minister of Pardon and Justice.

With reference to your letter Prot.No.131/634/2363/1945 of
6th December 1945 this Sub-Commission would be glad to be
informed of the result of the trial of NERI Arnaldo which was fixed
for hearing on 31st October last.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

t/d.



PROCURA GENERALE MILITARE DEL REGNO

PRESSO IL

TRIBUNALE SUPREMO MILITARE

N. 3935 prot. risp.

STAMPERIA REALE DI ROMA

ALLEGATI N.

OGGETTO : Notizie intorno a procedimenti penali GIUBBANI
— Antonio ed altri.

ALLA COMMISSIONE ALLEATA
SOTTOCOMMISSIONE LEGALE

R O M A

Sciogliendo la riserva di cui al foglio n° 2831 P.G.

in data 11 settembre 1945, si comunica che, con sentenza in data 30 ottobre u.s. il Tribunale militare territoriale di guerra di Firenze ha ritenuto GIUBBANI Antonio, PERELLA Alfredo e BRAUNI Valentino, colpevoli di trasporto abusivo su automezzo militare a scopo di lucro e come tali li ha condannati alla pena di anni uno di reclusione militare ciascuno, con il beneficio della sospensione condizionale della pena, assolvendoli dal reato di appropriazione indebita per insufficienza di prove.

LEGAL SUB-COMMISSION

CLO

IL PROCURATORE GENERALE MILITARE

194 5

Novembre

Roma, ad 19

N. 2935

prot.

dist.

STAMPERIA REGIA DI ROMA

ALLEGATI N

OGGETTO : Notizie intorno a procedimenti penali GIUBBANI
Antonio ed altri.

ALLA COMMISSIONE ALLEATA
SOTTOCOMMISSIONE LEGALE

R O M A

Sciogliendo la riserva di cui al foglio n°2831 P.G. in data 11 settembre 1945, si comunica che, con sentenza in data 30 ottobre u.s. il Tribunale militare territoriale di guerra di Firenze ha ritenuto GIUBBANI Antonio, PERELLA Alfredo e BRUNI Valentino, colpevoli di trasporto abusivo su automezzo militare a scopo di lucro e come tali li ha condannati alla pena di anni uno di reclusione militare ciascuno, con il beneficio della sospensione condizionale della pena, assolvendoli dal reato di appropriazione indebita per insufficienza di prove.

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
20 NOV 1945	

IL PROCURATORE GENERALE MILITARE
(U. Borsari)

W. Dancy

Can. case originally from Florence office.
No further action required. [initials]

29/11

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB COMMISSION

GGH/na

20 December 1945

AC/4095/8/L

SUBJECT : Lt. Emanuele AONZO

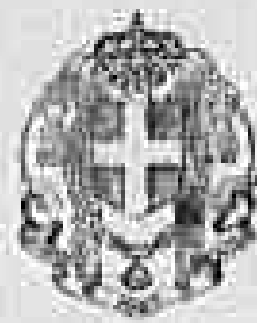
TO : Procuratore Generale Militare -
Via Acquasparta 2, Rome.

1. Reference this Sub Commission's letter of even
number dated 28 November 1945.

2. May this Sub Commission please be informed of
the action taken regarding the above named.

G.G. HANNAFORD,
Lt. Colonel,
Deputy Chief Legal Advisor.

Copy to Land Forces Sub Commission.



4086/8

Roma, 6 Dicembre 1945

97A Mod. 40

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE DELLA STATISTICA E DEL CASELLARIOIIa COMMISSIONE LEGATA
Sottocommissione Legale

ROMA

Ufficio

I° A.P.

Aut. A.° 131/634/363/1945

90A

Rapporto del 23/11/1945

Su AC Su N° 4086/8/1

OGGETTO: Processo contro NERI Armando imputato di
estorsione, furto ed altro.-

e, per conoscenza:

ALL'UFFICIO COLLEGAMENTO

G A B I N E T T O

In relazione alla nota sopra distinta,
si assicura che in pari data sono state chie-
ste alla Procura del Regno di Rieti notizie
circa la definizione del processo a carico
della persona in oggetto.-

Si fa riserva, pertanto, di ulteriori
comunicazioni!-

LEG

CIO

DELO

Chief Counsel

CJO

Italian Action

CL RKS

d'ordine del MINISTRO

Being forward on 27 Dec

159

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/mde

10 Dicembre 1945

AC/1086/8/L.

OGGETTO : PATELLARO Francesco. Procedimento
davanti al Tribunale Militare di Bari.

ALL' : Avv. Ildebrando SACCHETTI
P.zza Umberto, 22. - BARI

1. Con la presente si accusa ricevuta di una Vostra lettera
in data 4 Dicembre 1945 con cui veniva richiesto l'appoggio di questa
Sottocommissione a favore del menzionato in oggetto.

2. E' stata richiamata l'attenzione della Procura Generale
Militare per i provvedimenti di sua competenza.

C.G. HAYNABORD
Lt.Sol.,
Deputy Chief Legal Advisor.

149

CONFIDENTIAL

HEADQUARTERS ALLIED COMMISSION
APO 374
LEGAL SUB-COMMISSION

95A

AC/4086/8/L.

ES/ra.
10 December 1945.SUBJECT : FANTILLATO Francesco - proceeding before
the Italian Military Tribunal of Bari.TO : Procuratore Generale Militare,
Via Acquasparta 2,

ROME

1. The defense counsel of the above mentioned has forwarded to this Sub-Commission a letter the copy of which is enclosed. It will be noted that the case is scheduled for trial at Bari within the next few days.

2. It would appear from a translation of the sentenza di rinvio a giudizio that the accused is charged, among others, with desertion. In this connection it is desired to point out that, as you are aware, according to an agreement between Marshal BADOLLO and Lt. Gen. Mason MAC FARLANE concluded on 9 May 1944 members of the Italian Armed Forces who deserted such forces within the period of July 10 - Sept. 8 1943 will undergo no punishment for the desertion. You will recall that it was also understood that no publicity shall be given to this agreement.

Incl. : Copy letter of
Sv. SACCHETTI dated
1 Dec. 1945.

G.C. HANSTFORD,
Lt. Colonel,
Deputy Chief Legal Advisor

148

DOWN GRADDED
TO
UNCLASSIFIED

CONFIDENTIAL

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

Studio Legale

Avv. Ildebrando SACCHETTI
Tel. 11-643 - BARI - Piazza Umberto, 2.

Bari, 1 December 1945.

On.le HEADQUARTERS ALLIED COMMISSION
Legal Sub-Commission

(Via Veneto - Palazzo delle Corporazioni)

ROMA

Con la presente vi rimetto copia della sentenza emessa dalla Procura Militare del Tribunale di Bari a carico del mio cliente PATELLARO Francesco oltre un'istanza dei familiari PATELLARO perche' potente onorevole Comando, possa visione di quanto sia avvenuto a carico dello stesso, voglia esaminare gli atti e disporre lo stralcio del processo. A quanto dichiara lo stesso PATELLARO, i reati sarebbero stati da questi consumati per aver nel luglio 1943 e dopo, difeso e sostenuto gli interessi degli Alleati in Grecia. Io ho il dovere pertanto di richiamare la vostra nobilita' attenzione in merito, non senza comunicarvi che entro questo mese il Tribunale Militare di Bari decidera' la condanna del PATELLARO. Se il PATELLARO a quanto afferma non e' responsabile ai termini dell'armistizio, e' d'uopo provvedere con cortese sollecitudine, evitando allo stesso PATELLARO di poter essere condannato a gravissima pena. Soltanto cotesto spelt. Comando puo' salvare da morte o da grave condanna il PATELLARO il quale si rivolge a voi per essere protetto e difeso, richiedendone un immediato provvedimento.

La copia della sentenza e l'istanza sono trascritte in lingua inglese appunto per la sollecita definizione della grave vertenza. Vi affido quindi al vostro autorevole interessamento per il dissenzato caso del carabinieri PATELLARO il quale vuole essere aiutato da voi, ritenendo ripeto di aver commesso gli atti incriminati per andare incontro agli interessi degli Alleati.

Con osservanza

(Firmato)

Ildebrando SACCHETTI

STUDIO LEGAL
 AVV. ILDEBRANDO S. CCHETTI
 Telefono 11-543 BARI - Piazza Umberto. 22

Bari, 1 -12

1945

On.le ~~XXXXXXXXXXXX~~ HEAD QUARTERS ALLIED COMMISSION
 LEGAL SUB COMMISSION

(via veneto-Palazzo delle Corporazioni)

R O M A .

Con la presente vi rimetto la copia della sentenza emessa dalla procura militare del Tribunale di Bari a carico del mio cliente rastellaro Francesco oltre una istanza dei familiari rastellaro perche' sostenga onorevole comando, presa visione di quanto sia avvenuto a carico dello stesso, voglia esaminare gli atti e disporre lo stralcio del processo. A quanto dichiara lo stesso rastellaro, i reati ¹⁴⁸ sarebbero stati commessi quest'anno consumato per aver nel luglio 1945 e dopo, difeso e sostenuto gli interessi degli Alleati in Grecia. Io ho il dovere pertanto di richiamare la vostra sollecita attenzione in merito, non senza comunicarvi che entro questo mese il Tribunale militare di Bari decidera' la condanna del rastellaro. Se il rastellaro a quanto afferma non e' responsabile ai termini dell'armistizio, e' a'uopo provvedere con cortese sollecitudine, evitando allo stesso rastellaro di poter essere condannato a gravissima pena. Solcato questo spetto: comando puo' salvare la morte e da grave condanna il rastellaro il quale si rivolge a voi per essere protetto e difeso, richiedendo un immediato provvedimento. La copia della sentenza e l'istanza sono trascritte in lingua inglese appunto per la sollecita definizione della grave vertenza. Mi attido quindi al vostro autorevole interessamento per il disgraziato caso del carabiniere rastellaro il quale vuole essere aiutato da voi, ritenendo ripeto di aver commesso gli atti incriminati per andare incontro agli interessi degli Alleati.

Con osservanza-



The Allied Comintern Command

BART

In the of my brother Bart, I am present as stated and detailed at the end of the history of the of Bart, I am the first member of the Allied Comintern Command of the of delay to present me by the Military Commission of the Allied Comintern Command.

In this present Comintern will observe, to my brother Bart, I am present as stated at the end of the history of the of delay to present me by the Military Commission of the Allied Comintern Command.

Let me recall to you the same, as stated at the end of the history of the of delay to present me by the Military Commission of the Allied Comintern Command.

In this present Comintern will observe, to my brother Bart, I am present as stated at the end of the history of the of delay to present me by the Military Commission of the Allied Comintern Command.

93A

124

125

But, I came to this remarkable Allied Commandery at the expense of delay to headquarters by the Military Department of the Ministry of War.

the world. But we have seen the world.

There are many things that we have seen.

There are many things that we have seen.

There are many things that we have seen.

There are many things that we have seen.

There are many things that we have seen.

There are many things that we have seen.

There are many things that we have seen.

There are many things that we have seen.

There are many things that we have seen.

There are many things that we have seen.

There are many things that we have seen.

There are many things that we have seen.

There are many things that we have seen.

There are many things that we have seen.

There are many things that we have seen.

There are many things that we have seen.

There are many things that we have seen.

There are many things that we have seen.

There are many things that we have seen.

There are many things that we have seen.

There are many things that we have seen.

are also violations of the International Convention

and the Convention on the Rights of the Child and the Convention on the Rights of the Child. It is especially serious that, despite the fact that the Convention is the United Nations Convention on the Rights of the Child, it is not being observed in many of the countries.

The United Nations Convention on the Rights of the Child and the Convention on the Rights of the Child are the only instruments of this kind of Convention for the purpose of the Convention and for the purpose of the Convention.

With the best wishes

Paris, November 24th 1945

154

N. 4670/45 R.G.

N. 347/45 G.I.

MILITARY TERRITORIAL TRIBUNAL OF WAR OF PARI

sentence of delay to judgement

IN NAME OF HIS ROYAL HIGHNESS
HERBERT OF SAVOIA PRINCE OF PIEMONTE
GENERAL LIEUTENANT OF THE KINGDOM

THE MILITARY INSTRUCTION JUDGE of the
Territorial military tribunal of war of Bari
seen and examined the acts of the trial and the written conclusions of the public min
has pronounced the following

SENTENCE

in the procedure to the charge of

patellaro francesco ~~son~~ of angelo and of pailla vincenza, born at ~~marrese~~ (alezmo)
on january 2nd 1916- on foot carabinieri- serving in ~~the~~ the territorial legion
C.C.R.R.-Bari- retained.

DETTED

143

- a) desertion to enemy- art. 143 C.P.M.G. 47 N. 2 C.P.M.P.-because on one imprecised ~~in~~
day of july 1943, being aggregated to the station C.C.R.R. of gleusi (greece), he
left arbitrarily out tour, passing to the enemy.
- b) insubordination with continuous violence against superior officers-art. 106-47
N. 2 C.P.M.P. 47 C.P.M.G.-because with many consecutive actions of one same criminal
design, in imprecised times between september-november 1943, forming part of the
food warehouse in the concentration field for italian soldiers prisoners of german
sion (greece), he came in presence of other soldiers, until noon, lieutenant of
paraglieri faonte, he tried to stab with a poignard, during ~~xxx~~ a meeting, ~~major~~
rabus, he killed ~~major~~ of C.C.R.R. juce pivio, after having forced him to wash a pot.
- c) extortion- art. 629 C.P.M.P.- because in the same circumstances of time and place
of the preceding rubric, he forced, by menace of death, captain gollazo, to give him
one pistol that this last had.
- d) continuous rapine- art. 81 cpc. 628 C.P. and 21 C.P.M.P., because in the same cir-
cumstances of time and place of the chap. b of the rubric, by violence to the person
in order to get an unjust profit, he spoiled many italian prisoners in the field of
warpenision (greece) of the golden objects and of the use effects that were in
their possession.

FACT AND RIGHT

by sheet in date april 12th 1945, the command of the legion C.C.R.R. of Bari,
brought to knowledge of the military prosecution of the kingdom, the fact that the
carabinieri grace antonio, returned from greece, had known among the other soldiers
returned from captivity, the carabinieri patellaro francesco, who in greece would

have prised himself to have killed one major of C.C.R.R., Luca Livio, fallen prisoner of the partisans.

For the gravity of the accusation and for the Greek's concise affirmations, strengthened too by the driver soldier Miggiano Salvatore, it was proceeded with formal rite against Patellaro for the crime in the art. 186 C.F.M.P.

From the expletment of the formal instruction, emerged the following circumstances: the confirmed the first accusation towards the imputed, and specified the nasty activity by him practiced in Greece, making clear the other criminal numerous committed actions, the Patellaro's moral figure.

This man, assigned to the 3rd battalion 2nd company C.C.R.R. in Greece, aggregated to the station C.C.R.R. of Pleusi, commanded on duty on July 1943, didn't come back to our lines, giving in the first time the impression he had remained victim of some enemy ambush.

After some suspicions the command ordered one ready investigation that could clear the position of Patellaro, and Captain Picocchi, for this purpose delegated after the necessary verifications, proposed the denunciation of the above-mentioned to the military Tribunal of Athens, as responsible of desertion to enemy. Although the verifications and the proofs collected by Picocchi cannot, for obvious reasons, be united to the trial, however the actual results straighten the first investigations made, making clear the behaviour of the imputed during the period spent among Greeks, the following liberty and authority he enjoyed, and clearly revealing not only the sentiments by which he was animated towards his fatherland and his compatriots generally, but in particular way what criminal actions he was capable to commit for getting the sympathy and what he thought the esteem of the partisans.

The particular treatment that for him was used, the same as for the other Italian deserters, clearly demonstrate his voluntary passage to the enemy. Patellaro didn't neglect to repay in the way he thought the best the different treatment for him used.

The pages of the written trial, often remember with no doubt, his horrible activity, whose bestiality of sentiments with the blindest fury against the old superiors and Italian officers generally, and with the most repugnant avidity made in the most ferocious galley-sergeant of his brothers, and he didn't spare any moral or physical suffering, but surpassing in cruelty the same enemies, he gained the greatest faith by them, who didn't hesitate in giving him the greatest liberty, well knowing that it would have been used for tormenting more those men he would have to love as unfortunate brothers of arms.

Remembering for the purpose Major Jabus (sheet 223): There results to me that Patellaro prised himself to have killed many Italians, and for immortalizing his figure of hero, unfortunately two Italian painters, whose name I will say, one of which lives in Venice, the other in Rome, the second one lieutenant of the Division Cosale, have painted the features of Franco, while with an Italian machine-gun, discharged on our running troops, tramping our flags.

And the fantasy of the two fellows has well described the character of Patella, well known in his bad actions with the name of "Franco", who did not hesitate to tear his compatriots for getting the sympathy of the Greeks, and ignoring that in the orgies of blood he loved, couldn't arise among the same enemies that sentiments of disgust, similar as the sentiments that the lecture of the processed papers arises now, hidden then perhaps by the circumstances of the moment. This field was commanded by a Greek lieutenant, but Patellaro was the chief of a

group of reactionaries, yet deserters before September 8th 1943, exercised functions of supervision with systems of violence and all kinds of vexations, against his compatriots, especially officers. When he wanted to do something bad, to anybody, he accused him of fascism and after he cased him to blood, one of his preferred systems was to put a cover on the head of a chosen guy and to order to some men of the group, to give him a strong blow.

I personally heard the cries of the wailed, Petellaro was the terror of all the field (sheet 21), and of this sad activity of the imputed, suffered the consequences lieutenant Vacanti too. In an imprecised day in fact, as this officer remembers and confirming many witnesses, for foolish reasons, he closed Vacanti in one room and with no explanation of any kind, cased him many times on his head with a stick, until he swooned.

When I came to myself again, goes on Vacanti (sheet 110) under the pain of the continuous blows, I heard Franco saying to his friends: I am tired to cane him; enjoy you a little now.

The field of concentration of what is spoken in the preceeding depositions, is the concentration camp, where Petellaro was a warehouseman, and where, as remembers among the others the testimony Vacanti (sheet 179), he used to assail the Italian soldiers and to steal all what they got, that is golden objects, pieces of linen and other things, and if anybody resisted, he used the hardest violences.

From the preceeding papers it is possible to get an almost complete picture of the cruelties to which Petellaro subjected our prisoners, and of the methods by the same used, and notwithstanding to cannot enumerate one by one all his infinite crimes, not being possible, for clear reasons, to collect the depositions of each soldier, a sad fate compelled to fall under the power of Franco, however ever there is no doubt that the few accusations in the rubric could, have the tranquillity of conscience and objectiveness.

On August 13th 1943 Major of C.C.R.R. Mace Livio, travelling from Rebe to Atene with two captains and four other soldiers, fell in an ambush made by a department of Germans, and after a short fighting, wounded, he was taken prisoner.

It begins in this way the tragic odyssey of this superior officer, who, not well cared, in insupportable physical and mental conditions, was carried through the hard mountains of Greece, continually by one place to another one without the least comfort could be given not by Greeks, but not even by the few Italian prisoners who could sometimes approach him, because they were in the impossibility of giving him any help.

In this period Petellaro approached Major Mace, remembers reading (sheet 12): after the capture, Major Mace and the others knew Petellaro, who was yet with Greeks and among whom he was with the greatest liberty.

But this common life endured only few days, because after a while, passing, Petellaro and other Italians were divided by the mentioned Major and sent to the concentration field of Karpenision.

What was the true behaviour of the imputed towards the mentioned superior officer, doesn't result precisely from my deposition in act, resulting rather many of them in contrast, it is possible anyway from all the results, to be sure that he cannot be retained the only and direct responsible of the death of Major of C.C.R.R., but with no doubt he must be considered among those who gave the greatest contribution to the shooting of the officer, compelling the Greeks who perhaps in an impetus of generosity, considering his diminished physical condition and the wonderful military behaviour, would have saved his life.

Truly, as testimonies of Geli, Miggiano and many other remember, the imputed praised himself in Greece of the killing of the said officer saying to have finished him

after having compelled him to wash a pot.
 Perhaps in the confession of Patellaro there is some exaggeration, it looking impossible that Major Ruce had made what was declared by Patellaro, and this for the impossibility of making any work for the recent wound in his arm, and for his moral figure that would have forced him to prefer death to humiliations that his ferocious galley-sergeant wanted to impose to him.
 But all the behaviour of this last guy well lets see the facility with which he could do similar insane acts, and his boasting cannot wonder, only thinking to the homicide sentiments that animated him against his compatriots.
 It's true the successively, in judicial meeting, the imputed has retreated his first admission, trying to change the situation and that same deposition can look to him favourable and such as to arise some doubt on his effective participation to the capital execution of the mentioned officer, but anyway after a careful examination of the many positions in act, it's surely possible to deduce that this continuous inciter work among the Andartes, it's owed in great part the death of the mentioned major.
 The ascendancy of which Patellaro enjoyed among Greeks, with the odium that compelled him against the Italian officers, comforted these elements by the other processual results, makes surely understand the imputed as responsible of the said homicide.
 And there is no doubt worth to object that it's presumed that when Major Ruce was killed, Patellaro was in another field of concentration and then in the material impossibility not only of killing, but of influencing the Greeks too, because it's enough to remember on contrary the great liberty of which he enjoyed, and that allowed him to be absent even for many days from the field of Karpenision, for easily understanding as such a situation has not been considered for an eventual exclusion of responsibility, while on contrary many concerning indications are against him, that with the confession at right time made by the imputed, let easily see his fault.
 That was the reason that compelled Patellaro to crime, it's not possible to relieve clearly from the acts, in fact it can be thought as an insane act as a vengeance for the denunciation of desertion advanced by the mentioned major, or consequence of some disciplinary punishment given him as the processual papers remember.
 But prescindendo from any other inquiry on the true reason of the crime, made it's possible for the circumstances of time and place in which the facts in question unfolded, and having no influence on the ontology of crime, it's clear that the reason which compelled him to inveigh against Major Ruce, Lieutenant Vacanti, Major Rube, and numerous other Italian officers, must be attributed only to the blind animus that animated him against his compatriots and to the innate bestiality of his sentiments.
 But the field of Karpenision had to see numerous other criminal acts of Patellaro. Remembers on purpose Major Labas, and confirms some testimony, rather specific, around the mentioned officer had been constituted an armed guard, for defending him against the assaults of the emergency. On the mentioned date I assume the command of the field of Karpenision, by order of the commander in that time the Vinero division, General Infante Adolfo, actual first field adjutant of the General lieutenant.
 On a meeting by me done for transmitting some orders to this disbanded troops, Franco tried to stab my shoulder with a poignard (sheet 122)* other episode that the presence of each part permits to specify, remembered by Captain Collazo, and confirmed as usual by present testimonies.
 One day Patellaro, went to the tent where Patellaro was recovered, ordered him

to give him the pistol he had. For the goliardo's refuse, Patellaro with menace answered that if he wouldn't have given him the arm, he would have induced the greek partisans to shoot him and the other three who lived in the tent. For avoiding a useless effusion of blood, well knowing the sanguinary instincts of the imputed and his great ascendancy among greeks, the officer was forced to give the requested arm. These two facts confirmed by the concise affirmations of each officer who suffered the patellaro's violence and confirmed in their particulars by the mass of the testimonies, who for the seriousness and for the concerning precision of facts and circumstances let no doubt on their veracity. But the mass of the processual results it is not limited in confirming the few episodes of violence in rubric mentioned and of which Patellaro with no doubt has to be considered direct responsible, but lets clearly see all the web of crimes and vexations committed by the imputed during his permanence among greeks, and that, although cannot be confirmed in each accusation, clearly demonstrate what is the moral figure of the mentioned revealed, with the complicity of numerous other italian soldiers deserters, and of the less worthy among the greek patriots individual of a disgusting cynism and bestiality, worse among the worst delinquent delinquents that the story of criminality remembers.

FOR THESE REASONS

seen the art. 343 C.P.M.P. 143 C.P.M.P. 186 C.P.M.P. 628-629 C.P.
seen the conformable conclusions of the P.M.
closed the formal instructions

ORDERS

the delay to judgement of the territorial military Tribunal of Bari of Patellaro Francesco of Angelo for answering of the crimes to him attributed in rubric 149

Bari, October 27th 1945.

THE MILITARY CHANCELLOR
sgt. lieutenant. Giuseppe Perazzoli

THE INSTRUCTOR MILITARY JUDGE
sgt. lieutenant. Pietro De Francischi

deposited in chancery on October 27th 1945

THE MILITARY CHANCELLOR
sgt. lieutenant. Giuseppe Perazzoli.

for copy conformable to its original.

THE MILITARY CHANCELLOR
sgt. lieutenant. Giuseppe Perazzoli.

File

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

91A

AC/4086/8/L.

ES/es
28 November 1945

SUBJECT : Lt. Emanuele AONZO.

TO : Procuratore Generale Militare -
Via Acquasparta 2 - ROME

1. The above member of Italian Army was sentenced to death by the Italian Military Tribunal of the Fourth Italian Army for desertion committed allegedly for anti-fascist motives in 1940. He filed a petition for pardon with the Lieutenant General of the Realm on August 1945.

2. This Sub-Commission is directed by the Allied Forces Headquarters to state that Lt. Aonzo has been in the service of the Psychological Warfare Branch of that Headquarters subsequent to his sentence and specifically from May 1943 to July 1945. At all times he demonstrated his loyalty and devotion to the Allied cause.

3. It is desired to bring this information to the attention of the appropriate authority for consideration in connection with the aforementioned petition for pardon.

G.G. HANNAFORD,
Lt. Col.,
Deputy Chief Legal Advisor.

Copy to:
Land Forces Sub-Commission.

90A

HEADQUARTERS UNITED STATES
APO 394
LEGAL SUB-COMMISSION

/s/

10/1036/5/1.

25 November 1955

SUBJECT : Trial of Italian Soldier: NERI Arnaldo.

TO : The Minister of Pardon and Justice.

1. Reference your Lett. No. 131/634/2365/1945 of 9 Oct. 45.
2. This Sub-commission would be glad to be informed of the result of the trial of the above-named soldier which was fixed for hearing on 31st October.

138

MICHAEL THOMAS
Italian Branch,
War Chief Legal Advisor.

4086/8 ✓
 Subject: Trial of Italian Soldier - NERY ARNALDO.

89A

Land Forces Sub-Comm A.C.,
 (M.M.I.A.) ROME

A 269

19 Nov '45.

To : Legal Sub-Commission, A.C.

96A

85A

81A

Reference our A 269 dated 19 Sept 45 and your
 AC/4086/8/L dated 15 Oct 45.

1. Please inform us whether the trial of the above
 mentioned soldier is yet completed, and if so, what he was
 awarded.

137

LEGAL SUB-COMMISSION

CLO

DCLO

Chief Counsel

CJO

Italian Section

CL RKS

21 NOV 1945

J.A.C. Pearce Dep
 J.A.C. PEARCE, Major.
 for Major General,
 M.M.I.A.

JACP/ecs

40868 ✓

88A

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/ 5055

26 October 1945

SUBJECT : Documents - Mezzacapo Tito.

TO : Headquarters Allied Commission
(Legal Sub-Commission)

136

1. Your letter AC/4086/8/L dated 23rd October 1945 is acknowledged and the enclosures will be delivered to the First President of the Court of Appeal.

For the Regional Commissioner :

H.M. Dickie

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

2

COMMISSION	
Chief	unsel
Chief	action
Item	29 Oct
C	

*SECRET**87A*

/16.

23 October 1945.

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4086/8/L.

SUBJECT : Documents to be forwarded. MEZZACAPO Tito.
TO : Regional Commissioner (Attn: Regional Legal Officer),
LOMBARDIA Region.

Please have the attached documents delivered to the
Court of Appeal in Milan.

By command of Rear Admiral STONE:

MUEGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Incls.

135

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

86A
/lc.
16 October 1945.

AG/4086/8/L.

SUBJECT : Trial of General Renzo DAIMAZZO.
TO : Procura Generale Militare.

1. Reference your letter No. 661 RP of 9th September 45.
2. This Sub-Commission has been informed by G.H.Q., C.M.F., that the present location of Major G.V. Seymour, M.C., R.S.F., is unknown, and it is consequently not possible to obtain any statement from him.

134

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

File

HEADQUARTER ALLIED COMMISSION
APO 394
LEGAL SUB COMMISSION

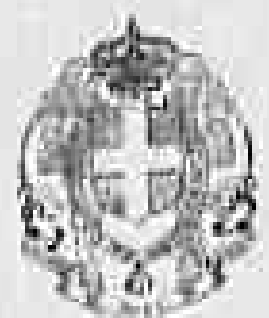
(85A)
/LN
15 October 1945

AC/4086/8/L

SUBJECT : Trial of Italian Soldier - NERI Arnaldo
TO : M.M.I.A.

1. Reference your letter No. A/269 of 19th Sept.
2. I have been informed by the Minister of Justice that the trial of the above named Italian Soldier is fixed for the 31st October.

133
MUEGRAVE THOMAS
Italian Branch
for Chief Legal Advisor



4086/p
V

Roma 7 Ottobre 1945

Mod 40

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE DELLA STATISTICA E DEL CASELLARIO

1^a COMMISSIONE ALLEAT
SOTTOCOMMISSIONE LEGALE
ROMA

82A

Ufficio I^o A.P.
Prot. N^o 131/634/2363/1945

Registrazione 21/9/1945
Dir. AC Ia N^o 4086/8/L

OGGETTO: Processo a carico del soldato NERI Arnaldo.-

e, per conoscenza:

ALL'UFFICIO COLLEGAMENTO

GABINETTO

Con riferimento al foglio sopra distinto
si comunica a codesta On.le Commissione, che,
giusta le informazioni fornite a questo Mini-
stero dal Procuratore del Regno di Rieti, il
processo contro NERI Arnaldo, imputato di
estorsione, furti e altro, è stato fissato
per il 31 Ottobre p.v.-

d'ordine del MINISTRO

132

4086/8

83A

Subject : Trial of General Renzo DALMAZZO.V
Land Forces Sub Comm.AC.
(M.M.I.A.) R O M E

A 313

13 Oct. '45.To : HQ AC for Legal Sub Commission.

75A

Reference your AC/4086/8/L dated 11 Sep '45 and this HQ letter
A 313 of 17 Sep 45 (copy to you).

1. Enclosed is copy of a letter (reference 4053/A 3 dated 7 Oct 45).
received from GHQ, CMF.
2. The letter from the P.G.M. is returned herewith.

/er

LEGAL SUBCOMMISSION
CLO
DCLO
Chief Counsel
CIO

131
publy w/ser
mover
Major General,
M.M.I.A.

CONFIDENTIAL.Subject : Trial of General DALMAZZO.GHQ CMF.4053/A3.7 Oct. 45.M.M.I.A.

Reference your A 313 dated 17 Sep 45.

1. It has been ascertained that the officer referred to is Major G.V. SEYMOUR, MC, RSF. The present location of this officer is not known to this HQ.

2. In these circumstances, it is not considered that any action can be taken to obtain a statement from him.

3. The letter from the PGM is returned herewith.

Sgd. R.D. ????, Major
for Major General,
M.M.I.A.

DOWN GRADED
TO
UNCLASSIFIED

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

130

10460

Rom addi 9 settembre 1945

PROCURA GENERALE MILITARE
DEL RE

IMPERATORE

PRESSO IL

TRIBUNALE SUPREMO MILITARE

N. 661 prot. R. f. risp.

STAMPERIA REALE DI ROMA

ALLEGATI N.

OGGETTO: Procedimento penale a carico del Gen. di C. d'A. desi-
gnato d'A. DALMAZZO Renzo.-

ALLA COMMISSIONE ALLEATA

Sottocommissione Legale

R O M A

Via Veneto

Il Procuratore Militare del Regno (Maggiore Generale
Domenico Chinnici) al quale, ai sensi dell'art. 25 R.D.L. 9/9/1941
n° 1022, sono state affidate le funzioni di giudice istruttore
nel procedimento a carico dell'ufficiale generale suindicato,
rappresenta a questo Generale Ufficio quanto segue:

" Dalla relazione redatta dall'imputato sull'azione di
comando da lui svolta dall'8 settembre 1943 in poi e diretta
al Ministero della Guerra - Gabinetto - Uff. Generali, in data
7 luglio 1945, risulta a pag. 7-8 che dopo l'8 settembre 1943
il Comando della 9^a Armata prese contatti col Maggiore inglese
SEMMOUR, che a capo di un nucleo di ufficiali inglesi, si tro-
vava in Albania a contatto coi partigiani locali.

Scopo di tali contatti sarebbe stato: 1°-studiare la
possibilità di azioni comuni con le forze partigiane contro i
tedeschi; 2°-sollecitare l'intervento in forze da parte degli
Alleati per svolgere azioni combinate con quelle italiane;
3°-qualora ciò non fosse stato possibile richiedere almeno azio-
ni dimostrative da parte degli Alleati allo scopo di facilitare
le operazioni che il Comando della 9^a Armata aveva in animo di

N. 661

prot. R. I.

risp.

STAMPATO IN ITALIA

ALLEGATI N.

OGGETTO: Procedimento penale a carico del Gen. di C.d'A. desi
— gnato d'a. DALMAZZO Renzo. —

ALLA COMMISSIONE ALIBATA

Sottocommissione Legale

R O M A

Via Veneto

Il Procuratore Militare del Regno (Maggiore Generale
Domenico Chinnici) al quale, ai sensi dell'art. 25 R.D.L. 9/9/1941
n° 1022, sono state affidate le funzioni di giudice istruttore
nel procedimento a carico dell'ufficiale generale suindicato,
rappresenta a questo Generale Ufficio quanto segue:

" Dalla relazione redatta dall'imputato sull'azione di
comando da lui svolta dall'8 settembre 1943 in poi e diretta
al Ministero della Guerra - Gabinetto - Uff. Generali, in data
7 luglio 1945, risulta a pag. 7-8 che dopo l'8 settembre 1943
il Comando della 9° Armata prese contatti col Maggiore inglese
SEYMOUR, che a capo di un nucleo di ufficiali inglesi, si tro-
vava in Albania a contatto coi partigiani locali.

Scopo di tali contatti sarebbe stato: 1° studiare la
possibilità di azioni comuni con le forze partigiane contro i
tedeschi; 2° sollecitare l'intervento in forze da parte degli
Alleati per svolgere azioni combinate con quelle italiane;
3° qualora ciò non fosse stato possibile richiedere almeno azio-
ni dimostrative da parte degli Alleati allo scopo di facilitare
le operazioni che il Comando della 9° Armata aveva in animo di
svolgere.

Risulta dalla suddetta relazione che le richieste di
cui sopra, accettate dal Magg. SEYMOUR, avrebbero avuto dal Co-
mando Alleato risposta negativa.

Risulta inoltre che le formazioni partigiane albanesi,

./.

di propria iniziativa e in contrasto con le direttive eccetto nella zona Miloti-Turreli, ove agiva la divisione "ze" e dove dal Magg. Seymour fu inviato il capitano STELL, avvertito contro le forze italiane, astenendosi nei primi giorni da qualunque azione contro i tedeschi."

Per acclarare le circostanze suddette, sarebbe opportuno che il Maggiore SEYMOUR fosse sentito quale teste dal giudice istruttore, incaricato della istruttoria a carico del generale DAMIANZO.

Qualora ciò non fosse possibile, lo stesso Maggiore Seymour potrebbe essere invitato a fornire tutte le notizie a sua conoscenza sui fatti e sulle circostanze sopra specificate.

Prego codesta Commissione di voler comunicare a questo Generale Ufficio i provvedimenti che intenderà adottare.

IL PROCURATORE GENERALE MILITARE
(U. Borsari)

W. Borsari

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CLO	

Chief Counsel	
CLO	
Italian Section	
CL RKS	

ce istruttore, incaricato della istruttoria a carico del genera-
le DAMAZZO.

Qualora ciò non fosse possibile, lo stesso Maggiore
Seymour potrebbe essere invitato a fornire tutte le notizie
a sua conoscenza sui fatti e sulle circostanze sopra speci-
cate.

Prego eccelsa Commissione di voler comunicare a questo
Generale Ufficio i provvedimenti che intenderà adottare.

IL PROCURATORE GENERALE MILITARE
(U. Borsari)

W. Borsari

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CLO	
Italian Section	
CL RKS	
11 SEP 1945	

SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CLO	
Italian Section	
CL RKS	

HEADQUARTERS ALLIED C MISSION

APO 394

LEGAL SUB-COMMISSION

AC/4086/8/L.

AP/10.

21 September 1945.

SUBJECT : Trial Italian Soldier - NERI Arnaldo.

TO : Minister of Pardon and Justice.

1. It is understood from N.M.I.A. that the above named Italian soldier is shortly due for trial at the Rieti Tribunal for his part in an assault and robbery on 16 September 1944 at the premises of Camillo Pietro Borgo, Quindò where he and a British soldier stole approximately 90.000 lire.

2. Will you please obtain from the Procuratore Generale of Rieti the date of the trial and inform this Sub-Commission accordingly.

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

128

H086/9

81A

Subject : Trial Italian Soldier.

Land Forces Sub Comd. AC.
(M.M.I.A.) R O M E

A/269

19 Sep. '45.

To : Legal Sub-Commission A.C.

Sold. NERI Arnaldo.

We understand from the Italian Min. of War, that the s/n Italian soldier is shortly due to be tried by the Min. of Grace and Justice at TRIESTE Tribunal for his part in an assault and robbery on 16 Sep. '44 at the residence of COMRADE Pietro Borgo, QUINZIO (25 R.E. home), when he and a British soldier stole approx. 90,000 Lire.

Will you please contact the Min. of Grace and Justice and obtain from them the date of the trial of the s/n soldier and inform this HQ accordingly.

127

N. S. Munn
Capt
Major General,
M.M.I.A.

MEH/er

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CIO	
Italian Section	
CL RKS	
20 SEP 1945	

[Signature]

4086/8

CONFIDENTIAL.

80 M

Subject : Trial of General Renato BALMATTO.Land Forces Sub Comm. AG,
(M.M.I.A.) R O H Y

A 313

17. Sep. '45.

To : AFHQ for G1(D) A 3.

Enclosed is copy of a letter received from Legal Sub-Commission
HQ AF together with original letter from P.C.M. for such action as you
consider necessary.

W. G. J. ...
Major General,
M.M.I.A.

Copy to Legal Sub-Commission HQ AG (Hq AG/4086/8/L. dated 11 Sep. '45 refers)

12

75A

DOWN GRADED
TO
UNCLASSIFIED

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

SUB COMMISSION

CLO

DCLO

Chief Counsel

CJO

Italian Section

CL RKS

18 SEP 1945

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4086/8/L.

/rlp.
13 September 1945.

SUBJECT : Trials of Italian Military Tribunal - Case of BERTOLA Armando.
TO : Regional Commissioner (Attn: Regional Legal Officer),
LOMBARDIA Region.

1. For your information herewith enclosed findings of the Military Tribunal of Florence in the case of BERTOLA Armando which were received here only today.

2. As you are aware this case arose when you were Legal Officer for AMG Fifth Army.

By command of Rear Admiral STONE:

G. G. HARRISFORD,
Lt. Col.,
Officer i/o Italian Branch,
for Chief Legal Advisor.

Incls.

TRIBUNALE MILITARE TERRITORIALE DI GUERRA DI FIRENZE

ELENCO DEI PROCESSI DEFINITI NELL'UDENZA DEL 30 LUGLIO 1945

No. del
Reg. Gen.

GENERALITA' IMPUTATI

CORPO APPARTENENZA

IMPUTAZIONE

ESITO PROCEDI-
MENTO

1 272/45

BRETOLA Armando di Giacomo,
cl. 1922 da Montebello Vicentino
(Vicenza)
Cap. Magg. - Detenuto.548^o reggimento fanteria
P.M. 179

a) concorso in furto cont. Anni 6 e mesi 7 di reclusione
b) concor. in furto contin. L. 6000 multa
c) Detenzione abu- L. 10 mila am-
siva di arma. monda, remo-
zione grado.

TRIBUNALE MILITARE TERRITORIALE DI GUERRA DI FIRENZE
ELENCO DEI PROCESSI DEFINITI NELL'UDIENZA DEL 30 LUGLIO 1945

No. del Reg. Gen.	GENERALITA' IMPUTATI	CORPO APPARTENENZA	IMPUTAZIONE	ESITO PROCEDI- MENTO
1 272/45	BERTOLA Armando di Giacomo, cl. 1922 da Montebello Vicentino (Vicenza) Cap. Magg.- Detenuto.	548 ^o reggimento fanteria P.M. 179	a) concorso in furto cont. b) Concor. in furto contin. c) Detenzione abu- siva di arma.	Anni 6 e mesi 7 di reclusione L. 6000 multa L. 10 mila an- menda, remo- zione grado.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

48A

AC/4086/8/1.

AP/lc.

14 September 1945.

SUBJECT : Trial of Italian soldiers. Case of BERTOLA Armando.
TO : Procura Generale Militare.

1. Reference your Prot. N°2831 P.G. of 11 Sept. 1945.
2. As requested herewith returned list of findings in the case of BERTOLA Armando et al.

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

Incls.



PROCURA GENERALE MILITARE DEL RE

presso il

TRIBUNALE SUPREMO MILITARE

N. 2831 P-G 4086/8 11 Settembre 1945
 Risposta a nota del
 N. 1100/8
 Alleg. 1
 DA RESTITUIRE

Oggetto: Notizie intorno a procedimenti penali

ALLA COMMISSIONE ALLEATA
 SOTTOCOMMISSIONE LEGALE

ROMA

Con riferimento al f. A.C./4086/8/L. del-
 l'11 aprile 1945, si comunicano le notizie richie-
 ste da codesta Commissione:

1)- Il procedimento a carico di BERTOLA Arman-
 do ed altri è stato definito dal Tribunale Mili-
 tare di Firenze nell'udienza del 30 luglio 1945.

Si trasmette la relazione d'udienza, con
 preghiera di restituirla a questo Ufficio, dopo
 averne presa visione.

2)- Il procedimento a carico di GIUBBANI An-
 tonio e PERELLA Alfredo ed altri è tuttora in
 istruttoria.

Agli imputati sono stati contestati al
 reato di concorso in appropriazione indebita
 di benzina in danno dell'Amministrazione Alleata

./.

ed altri reati di carattere anonario.
Si fa riserva di comunicare l'esito del
predetto procedimento.

IL PROCURATORE GENERALE MILITARE
(U. Borsari)

M. Borsari

Che Counselor
CIO

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4086/8/L.

/lc.
13 September 1945

SUBJECT: Military Court - 386156 Cpl. MARCHETTI A.

TO : Land Forces Sub-Commission. (MMIA).

The attached letter 153/95A of 9 September 1945
from 3 District is passed to you as it appears to be your
matter.

G. G. HANNAFORD,
Lt. Col.,
Officer i/c Italian Branch 121
for Chief Legal Advisor.

Incl.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4086/8/L.

/rlp.
11 September 1945.

SUBJECT : Trial of General Renzo DAIMAZZO.

TO : Land Forces S/C (UKIA).

1. The PCM stresses in the enclosed letter that the evidence of Major Seymour, British IO Albania, is essential to the defence of the accused.

2. It is not known whether it is considered desirable for Major Seymour to testify either personally or in writing. As you are aware, no Allied officer falls under the jurisdiction of Italian Courts.

3. However as the trial of General DAIMAZZO may have considerable repercussions, the request of the PCM is passed to you for any action you may deem appropriate.

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

Incl.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

8 August 1945.

AG/4036/8/L.

SUBJECT : Case of DI MARTINO and Cap. MAGG. FAZZARI ROCCO.
TO : Procuratore Generale Militare.

With reference to your note of 1st August, enclosing copy of your letter of 3rd June, this Sub-Commission understands the position to be as follows :-

- (a) MILA Administrative Order No. 18 was never meant to exclude the jurisdiction of AMG Courts over Italian military personnel. It simply made it clear that although for all other administrative purposes Italian military personnel fell under Allied military administration, the Italian Military Courts were still competent to try them for criminal offenses.
- (b) Insofar as Italian Government Territory is concerned RDL 31 of 11 Feb 44 and more so RDL 112 of 13 April 44 (Art. 1) make it abundantly clear that AMG Courts retain full jurisdiction over Italian citizens, whether military personnel or not, who commit an offence against Allied interests.
- (c) As you are aware, these decrees, passed at the request of the Allied authorities, and forming part of the terms of restoration of territory to Italian administration, can only be abrogated, amended or modified by subsequent legislation approved by Allied authorities and not by administrative order.
- (d) It is obvious that the rights of the Allied Courts are not less in AMG territory than in restored territory, indeed under the Laws and Usages of War on Land (Art. 43) and accepted international practice they clearly have full jurisdiction to try Italian citizens.
- (e) Furthermore so far as concerns sentences which have actually been passed by AMG Courts on Italian military personnel in AMG territory you will remember that by Art. 2 of RDL 31 such sentences are recognized as valid without restriction.

Copy to: Land Forces S/C (MILIA)

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



REGNO
PROCURA GENERALE E MILITARE DEL RE IMPERATORE

PRESSO IL

TRIBUNALE SUPREMO MILITARE

N.

2438 P-G.

Prot.

Roma, li

12 agosto

1945

Risposta a nota del

N.

Alleg.

Oggetto: Procedimenti penali a carico del M. S. G.
 DI MARTINO Mario e del Cap. M. S. G. FAZZARI Rocco.

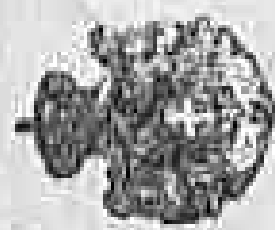
ALLA COMMISSIONE ALLEATA
 Sottocommissione Legale
 Via Veneto

= ROMA =

Come da intesa verbale, si trasmette copia del foglio 1478 P.G. del 3 giugno 1945, pari oggetto.

LEGAL SUB-COMMISSION	
CLO	IL PROCURATORE GENERALE MILITARE
DCLO	(U. Borsari)
Chief Counsel	
CJO	
Italian Section	✓ M. Borsari
CL RKS	
3 AUG 1945	

118



PROCURA GENERALE MILITARE

DEL RE IMPERATORE REGNO

PIEMONTE

TRIBUNALE SUPREMO MILITARE

N. 1478 prot. J. C. risp.

STAMPERIA REALE DI ROMA

ALLEGATI N.

OGGETTO: Procedimenti penali a carico del MESS. DI MARIANO
MARIO e del Cap. MESS. FAZZARI ROCCO.

ALLA COMMISSIONE ALLEATA

Sottocommissione Legale

Via Veneto

ROMA

Il Comando Italiano 212 P.M. 101 ha comunicato al Ministero della Guerra che il Tribunale dell'A.M.G. di Firenze procedette a carico del Maggiore di Geniera DI MARIANO Mario per traffico di armi di provenienza alleata, mentre la Corte Marziale Alleata di Firenze avrebbe condannato alla pena di cinque anni di reclusione il caporale FAZZARI ROCCO di Giuseppe, ritenuto colpevole di omicidio nella persona di un soldato inglese.

Nel chiedere in scritto ai due casi segnalati l'avviso di questa Procura Generale Militare, il Ministero della Guerra ha espresso il dubbio che le decisioni delle Corti Alleate non siano rispondenti alla seguente disposizione contenuta nel paragrafo 9 lettera C. della Istruzione Amministrativa n. 18 della M.M.I.A.:

" Tutto il personale dell'esercito italiano sarà sog-

Indicare sempre nella risposta, la data e i numeri della presente.

Roma, 3 GIUGNO 194

4086/8

72A

nisp.

STAMPATO NEGLI UFFICI DI ROMA

ALLEGATI N.

OGGETTO: Procedimenti penali a carico del Maggiore DI MARTINO
MARIO e del Cap.Maggiore PIZZARI ROCCO.

ALLA COMMISSIONE ALLIATA

Sottocommissione Legale

Via Veneto

ROMA

Il Comando Italiano 212 P.M.181 ha comunicato al Ministero della Guerra che il Tribunale dell'A.M.G. di Firenze procede-
rebbe a carico del Maggiore di Fanteria DI MARTINO MARIO per traffi-
co di armi di provenienza alleata, mentre la Corte Marziale Alleata
di Firenze avrebbe condannato alle pene di morte tutti gli reclusi
il caporale PIZZARI ROCCO di Giuseppe, ritenuto colpevole di omici-
dio nella persona di un soldato inglese.

Nei chiedere in merito ai due casi segnalati l'avviso
di questa Procura Generale Militare, il Ministero della Guerra ha
espresso il dubbio che le decisioni delle Corti Alleate non siano
rispondenti alla seguente disposizione contenuta nel paragrafo 9
lettera C. della Istruzione Amministrativa n.18 della M.M.I.A.:

" Tutto il personale dell'esercito italiano sarà sog-
getto alla legge militare italiana, che sarà amministrata da Uffi-
ciali Italiani, in conformità del codice italiano".

Si osserva:

1. - Fare e la regola suesposta, nel rinviare alla legge
penale militare italiana, si richiama anche alla legge che regola-
no la giurisdizione militare in guerra e tra esse all'art.232 n.2 del
C.P.M.G., secondo il quale anche la cognizione dei reati prevedu-

ti della legge tende comune, compresi dei militari, durante il tempo di guerra ed in servizio militare in stato di guerra appartenenti ai tribunali militari.

Il La istrizione amministrativa n.18, diversamente da quanto stabilisce il R.D.L. il regolamento n.18, emanato dal R.D.L. 13 Aprile 1944 n.112) non dispone espressamente che i militari, compresi militari possano avere a sé la cognizione dei militari, compresi dei militari, contro le persone appartenenti alla forza armata alleate od in danno dell'amministrazione militare Alleata.

Si prega voler far conoscere l'arrivo di questa Commissione intorno alla portata della Istruzione Amministrativa n.18; se cioè con detta disposizione si sia voluto derogare al citato R.D.L. 13 Aprile 1944 per quanto riguarda i reati commessi da militari, devoluti alla competenza dei Tribunali Militari Italiani; o se invece anche per detti reati debba intendersi salvo la facoltà delle Corti Alleate di convocare a sé la commissione.

IL PROCURATORE GENERALE MILITARE

(G. Bossari)

M. Bossari

LEGAL SUBCOMMISSION

CLO

DCLO

Chief Counsel

CLO

questo stabilisce il R.D.L. 11 Febbre 1944 n. 18, diversamente da R.D.L. 12 Aprile 1944 n. 112) non dispone espressamente che i tribunali militari alleati possano avocare a sé la cognizione dei reati, commessi da militari, contro le persone appartenenti alla forza armata alleata od in danno dell'Amministrazione Militare Alleata.

Si pensa voler far conoscere l'avviso di codesta Commissione intorno alla portata della Istruzione Amministrativa n. 18: se cioè con detta disposizione si sia voluto derogare al citato R.D. 11 Febbre 1944 per quanto riguarda i reati commessi da militari, devoluti alla competenza dei Tribunali Militari Italiani; o se invece anche per detti reati debbano intendersi salva la facoltà delle Corti Alleate di avocare a sé la cognizione.

IL PROCURATORE GENERALE MILITARE

(D. Bonseri)

W. Bonseri

LEGAL SUBCOMMISSION					
CLO					
DCLO					
Chief Counsel					
CJO					
Italian Section					
CL RKS					
		4	JUN 1945		

The 212 Ital. HQ Military post No. 181, has communicated to the Minister of War that an AMG Court of Florence will have proceeded against Infantry Major De Martino Mario for

illegal traffic of Allied prop. while the Florence Military Courts Martial has already found Col. Fazzari Rocco di Giuseppe guilty of having killed an English Soldier, and sentence to 5 yrs "reclusione."

In asking for an opinion of the Procuratore Generale Militare, the Min. of War is doubtful that the decisions of the AMG Courts conform to the following contained in Para 3 (c) of the Administrative Directive No. 18 of MMIA.

"All Ital. Army personnel will be subjected to the Ital. Mil. law which will be administered by Ital. officials in conformity to the Ital. Code.

It will be noticed

I. It seems that the above rule in remanding to the Ital. Mil. penal law attention is also drawn to the norms that regulate the military jurisdiction and among them arts. 232 n. 2 of CP, according to which cognizance of crimes set forth in said comune penal law, committed by Military personnel during war time and areas set out as war zones, belong to the Mil. tribunals.

II. The no. 18 directive, contrary to that set forth in RDL 11 Feb 44 (modified by RDL 13 April 44 No 112) does not expressly set forth that the Allied mil. tribunals may reserve for itself the cognizance of crimes committed by Ital. Mil. personnel, against Allied personnel or Allied interest.

It is requested that the opinion of your sub commission with ref to

illegal practice of war prop. while the Florence Military Courts

has already found Col. Fazzari Rosso di Giuseppe guilty of having killed an English Soldier, and sentence to 5 yrs "reclusione."

In asking for an opinion of the Procuratore Generale Militare, the Min. of War is doubtful that the decisions of the AMG Courts conform to the following contained in Para 9 (c) of the Administrative Directive No. 13 of MWIA.

"All Ital. Army personnel will be subjected to the Ital. Mil. law which will be administered by Ital. officials in conformity to the Ital. Code.

It will be noticed

I. It seems that the above rule in remanding to the Ital. Mil. penal law at issue is also drawn to the norms that regulate the military jurisdiction and among them arts. 232 n. 2 of CP, according to which cognizance of crimes set forth in said comune penal law, committed by Military personnel during war time and areas set out as war zones, belong to the Mil. tribunals.

II. The no. 18 directive, contrary to that set forth in RDL 11 feb 44 (modified by RDL 13 April 44 No 112) does not expressly set forth that the Alld ~~trial~~ mil. tribunals may reserve for itself the cognizance of crimes committed by Ital. Mil. personnel, against allied personnel or allied interest.

It is requested that the opinion of your sub commission with ref to the extensivity of directive No 18, that if with the said directive it was intended to derogate from that which was mentioned above,

RD L. 11 feb. 1944, with ref to crimes, committed by Ital mil personnel placed under the jurisdiction of Ital mil tribunals; or if however, for the same crime it must be presumed that

PARTITO FASCISTA REPUBBLICANO

FEDERAZIONE DI ROMA

UFFICIO INFORMAZIONI

Risposta a nota N. del

Protocollo N. U. I.

Oggetto:

the allied courts have reserved the right to itself to take
cognizance of the said crimes

Proc. en.

71A

HEADQUARTERS ALLIED COMMISSION
AFO 394
LEGAL SUB-COMMISSION

AC/4086/8/L.

/rlp.
12 June 1945.

SUBJECT : SALERNO Filippo.

TO : H.E., the Minister of Pardon and Justice.

1. Reference is to Your Excellency's letter dated 30 March 1945 -
Off. 1/P. No. 131.III/598/45.

2. The following information has now been received from the Allied
authority concerned:

We have made inquiries about this man who was employed by FWB
in Tunis and later in Palermo, but have been unable to trace his present
whereabouts, except that he is believed to be at Valenzano (Bari).

In January 1945 Salerno was taken on as a translator with the
"Corriere di Tripoli" and "Tripoli Times" a joint paper under the direction
of Captain Charlton of 8th Army.

About 10 days later was dismissed by Capt. Charlton on account of
his record.

For the next three months did nothing, remained in Tripoli, went
to Tunis at about the end of May 43 to work for FWB on clandestine radio
"Radio Balbo". Remained there for about two months, when he was sent to
Palermo."

3. The three communications attached to your above-quoted letter are
returned herewith.

3 Incls.

A. R. THACKRAH,
Lt Col.,
Italian Branch,
for Chief Legal Advisor.

785016

4086/8

76A

ALLIED FORCE HEADQUARTERS
~~ORIGINATOR~~
PSYCHOLOGICAL WARFARE RANCH
~~THEATRE HEADQUARTERS~~
 P.W.B. UNIT No. 12 U.S.A.P.O. 512

11 June 1945

TO: Lt. Colonel Thackrah, Italian Branch
 Legal Sub-Commission.

Ref. your AC/4086/8/L. of 9 June 1945

It is regretted that, owing to a clerical error, the name "Mario" was substituted for "Filippo" in my letter to you of June 8th. The inquires we made concerned Filippo Salerno, and the information received dealt with this individual.

I enclose the three letters referred to your AC/4086/8/L. of 3 April 45.

67A

Handwritten signature

114

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CLERKS	
11 JUN 1945	



HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4086/S/L.

/lrh.
11 June 1945.

SUBJECT : MIGALE Rosario.

TO : Provincial Commissioner, (Attn: Senior Legal
Officer), Ancona Commune.

1. The S.I.B. report on the above man enclosed with
your AGC/11/12 of 6 June 1945 is returned herewith.

2. The accused is stated to be a P.O.W. taken on
the W.E. of a stationery depot in Algiers, and subsequently
posted to the stationery depot where he was working at the
date of his arrest. If he is still within the category of
a P.O.W. he is not subject to the jurisdiction of AMG
Courts. It is therefore recommended that he should be
handed over to the Italian Courts for trial, and an addi-
tional charge could be preferred against him under R.D.
4 1942 of 8 December 1934 Art's 1 and 3, and M.D. of
14 July 1943 Art 1 for possession and non declaration of
the French currency in his possession.

By command of Rear Admiral STONE:

112

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

Encl:
S.I.B. report

4096/8
 HEAD QUARTERS
 ALLIED MILITARY GOVERNMENT
 ANCONA PROVINCE

(SA)

Subject: Application to try Italian Soldier in A.M.G. Court
 to C.L.A. Legal Sub Commission Alcom - Rome.

LEGAL OFFICE

From: L.C. Ancona

Ref: HQ/II/12

Date: 6 June 1945

1. Forwarded herewith is file involving an Italian Soldier in a case of wrongful possession of W.D. property.
2. It is doubted as to whether above said should be tried by an Allied Military Court or by an Italian Court.
3. Authority is requested under Art. IV of Consolidated Instructions to try above said case in an Allied Military Court.

LEGAL SUB COMMISSO

CLO

DCLO

Chief Counsel

CIO

Italian Section

CL RKS

Guerrino Sidmapp
 for AWL. FRANKLIN, Major
 L.C. Ancona

113

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

ART/lc.

9 June 1945.

AC/4086/8/L.

SUBJECT : SALERNO Filippo, Enquiry on.

TO : HQ P.W.B. Rome (Attn: Liaison Officer AC).

1. Reference your letter dated 8 June 45 with information regarding the above, it is noted that you describe this man as "Mario" and therefore, it seems desirable to make a further check as to identity on this account.

2. Moreover, you have omitted to return the 3 letters referred to in para 2 of our AC/4086/8/L. of 3 April 45.

39A
A. R. THACKRAH,
Lt. Col.
Italian Branch,
for Chief Legal Advisor.

40861,8
✓

66A

ALLIED FORCE HEADQUARTERS
INFORMATION XANXRENSORSHIP XETON
PSYCHOLOGICAL WARFARE BRANCH
ITALIAN THEATRE HEADQUARTERS
P.W.B. UNIT No. 12 U.S.A.P.O. 512

8 June 1945

TO: Legal Sub Commission, A.C.

Reference your letter of April 3rd regarding Mario Salerno.

"We have made inquiries about this man who was employed by PWB in Tunis and later in Palermo, but have been unable to trace his present whereabouts, except that he is believed to be at Valenzano (Bari)

In January 1943 Salerno was taken on as a translator with the "Corriere di Tripoli" and "Tripoli Times" a joint paper under the direction of Captain Charlton of 8th Army.

About 10 days later was dismissed by Capt. Charlton on account of his record.

For the next three months did nothing, remained in Tripoli, went to Tunis at about the end of May 43 to work for PWB on clandestine Radio "Radio Balbo". Remained there for about two months, when he was sent to Palermo.

LEGAL SUB COMMISSO

CLO

DCFO

Chief Counsel

CJ

Legal Section

Lt. B.A.S.

9 JUN 1945

See
Please note that enclosures
to our letter copied into the returned
were not in fact returned

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISS N

29 May 1946

AG/4086/8/L

SUBJECT :- PERRI Vittorio - CO. RR

TO :- Regional Commissioner (Att: Regional Legal
Officer) VENEZIA Region

1. Reference your RM/LE/Reg/A/06 of 25 May 1946,
authority is given for trial of the above named by General
Court.

2. The enclosures to your letter are returned
herewith.

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

maile.

109

0086/8 ✓
HEADQUARTERS
VENEZIE REGION
Allied Military Government
APO 394

HGW/lp

(64A)

25 May 1945

TO : Chief Legal Adviser, Legal Sub-Commission, HQ., AC.

SUBJECT: Alleged Assault on a British soldier.

FILE No: RXII/LE/Reg/A/05.

1. In accordance with Article 4, paragraph 1(c) of the Consolidated Instructions for Allied Military Courts, the attached documents relating to the case of FERRI Vittorio, a member of the CC.RR., are forwarded to you for your instructions.

2. I recommend that the case be tried by an Allied Military Court, and that I be authorised to have a General Court convened to deal with it.

108

H. C. L. L. L.
Colonel,
Regional Legal Officer,
Venezie Region.

file
Copy to Provincial Commissioner, PADOVA Province
(for Provincial Legal Officer)

CLC	
DCLO	
Chief Counsel	
CIO	<i>Imus</i>
Italian Section	
CLERKS	
-2-9 MAY 1945	

INTER-ALLIED COMMISSION
AG 394
LEGAL SUB-COMMISSION

63A
H/mt.
17 May 1945.

10/1036/8/1.

SUBJECT : Proceeding against the soldiers BIANCHIETTI Amadeo.

TO : H. . The Procuratore Generale Militare,
Via degli Arcangeli n. 2 - ROME.

1. This Sub-Commission is obliged to Your Excellency for Prot. No. 1005 of 8 April 1945.

2. The trial having now taken place may this Sub-Commission be supplied with a copy of the sentence.

107
A. E. CHACON,
Lt. Col.,
Italian Branch,
for Chief Legal Advisor.

ALLIED COMMISSION
LIAISON OFFICE
BARI

May 8, 1945

Subject: Case of CHERRY Gaetano, MANFARICI Carlo, CALDERONI and others.

Ref.: 145/53

To: Colonel Francesco D'Ambrosio, Procuratore Militare del Regno, Tribunale Militare di Taranto.

1. Further to my letter No. Ls/53 of April 25, 1945, I have today received the following reply from H.Q. Allied Commission:

"(a) Legal Department are in agreement that the papers in the case of the above named men appear to be lost, and although enquiries were initiated in Sep. 1944, they have not been traced.

(b) No information is available as to whether any particular officer, or department of A.C., has ever been in possession of these papers, with the possible exception of 115 Pss who cannot be contacted, and it is therefore considered that the possibility of tracing them, after 7 months, is extremely remote.

(c) It is therefore suggested that the facts be put to G-2 (CI) AFHQ and that they be asked to give an opinion.

(d) CALDERONI is of course to be interned by Allied Authority.

(e) File returned herewith."

2. Will you therefore kindly take the action required by para 1 (c) in regard to the internment of Lt. CALDERONI and inform me in due course that this has been done.

3. Meanwhile in accordance with para 1 (c) of the above letter I am sending copies of my previous correspondence to G-2 (CI) AFHQ today for an urgent opinion and will communicate with you again as soon as possible.

S. M. Dean

S. M. Dean, Lt. Col.,
Allied Commission
Liaison Officer

62A

1. Further to my letter No. 15/53 of April 25, 1945, I have today received the following reply from H.Q. Allied Commission:

"(a) Legal Department are in agreement that the papers in the case of the above named man appear to be lost, and although enquiries were initiated in Sep. 1944, they have not been traced.

(b) No information is available as to whether any particular officer, or department of A.C., has ever been in possession of these papers, with the possible exception of 315 Pcs who cannot be contacted, and it is therefore considered that the possibility of tracing them, after 7 months, is extremely remote.

(c) It is therefore suggested that the facts be put in G-2 (CI) AFHQ, and that they be asked to give an opinion

(d) CALDERONI is of course to be interned by Allied

Authority.

(e) File returned herewith."

2. Will you therefore kindly take the action required by para 1 (c) in regard to the internment of Lt. CALDERONI and inform me in due course that this has been done.

3. Meanwhile in accordance with para 1 (c) of the above letter I am sending copies of my previous correspondence to G-2 (CI) AFHQ today for an urgent opinion and will communicate with you again as soon as possible.

J. H. Miller

J. H. Miller, Lt. Col.,
Allied Commission
Liaison Officer

Copy to: Director Public Safety Sub-Commission H.Q. A.C.
Ref. SD/14044-4 of 3 May '45.

✓ Legal Sub-Commission H.Q. A.C. See 5940604

3. Ammiraglio A. Tarona, Com. in Capo Dp. Marittimo, Taranto.
Ref. his letter 19869 of 1 May '45 addressed to: Proc. del
Regno, Tribunale Militare - Taranto -

10 MAY 1945

4086/8 ✓
HEADQUARTERS ALLIED COMMISSION
Public Safety Sub-Commission
APO 394

61A

Inter Office Memorandum

Tel : 478800

AC/14080/5/1/PS.

3 May 1945

SUBJECT : Control of Movement. - Italian Armed Forces.

TO : Legal Sub-Commission. ✓

17A

1. Reference is made to your letter AC/4086/8/L, dated 22 February, 1945, relative to the trial of Members of the Italian Armed Forces before Allied Military Courts for breaches of movement orders.

2. An instruction relating to this matter is now contained in Executive Memorandum No. 77/45, dated 30 April, 1945 (Para. 8 (c) (VI)), a copy of which is attached.

3. Forwarded as requested for issue of such instructions to Legal Officers as you may consider necessary.

105

W. C. Ballance May

for
JOHN W. CHAPMAN
Colonel, J.A.G.D.
Director Public Safety
Sub-Commission.

Copy to : Navy Sub-Commission.
(Your NSC/1687 of 20 February refers).
File. AC/14080/13/PS.

WCB/va

16A

NA

4086/8
✓
CONFIDENTIAL
60AHEADQUARTERS ALLIED COMMISSION
A.P.O. 394
PUBLIC SAFETY SUB COMMISSION
SECURITY DIVISION

REF : SD/14000-4

3 May 1945

SUBJECT : CHEVRY Gastano, and others

TO : Liaison Officer, Allied Commission
Bari

Sec 59A

1. Legal Department are in agreement that the papers in the cases of the above named men appear to be lost, and although enquiries were initiated in Sep. 1944, they have not been traced.

2. No information is available as to whether any particular officer, or department of AG., has ever been in possession of these papers, with the possible exception of 315 FSS who cannot be contacted, and it is therefore considered that the possibility of tracing them, after 7 months, is extremely remote.

3. It is therefore suggested that the facts be put to G-2 (CI) AFHQ and that they be asked to give an opinion.

4. CALDERONI is of course to be interned by Allied authority.

5. File returned herewith.

104
J. Hayes
JOHN W. CHAPMAN, Capt
Colonel J.A.C.D.,
Director Public Safety,
Sub Commission.

Copy to: Legal Sub Commission ✓

CBH/nb

CONFIDENTIAL
4 MAY 1945
1165

40248
597
ALLIED COMMISSION
LIAISON OFFICE
BARI

April 25, 1945

Subject: Case of CHETRY Gaetano, MANNARICI Sante, CALDERONI and others.

Ref.: LB/53

To: Allied Commission H.Q.
for Attn.: Public Safety Sub-Commission and Legal Sub-Commission.

- 1) In the course of a visit which I paid to Taranto on 24 April '45, the Procuratore del Regno, Colonel Francesco D'Ambrosio, raised the a/m case with me.
- 2) From such papers as are available to me here and from a personal inspection of the file of correspondence in the possession of Col. D'Ambrosio it seems that the complete docket of the criminal investigation of this case has been mislaid and must now be presumed lost. In the circumstances Col. D'Ambrosio states that it is impossible to bring the accused persons to trial.

3) From the file of papers relating to this case which I have been able to discover here and which constitutes the only information I have in the matter, it will be observed that the case has not been very efficiently handled and at this date I am informed by the Procuratore Militare del Regno that the accused have been in prison without trial for some ten months. It will further be observed that on the 3rd of April '45 Capt. Christians whose office had by then been separated from any control by the former Southern Region H.Q. in Naples, instructed the Procuratore that it seemed to him that all the detained persons should be released. As according to Colonel D'Ambrosio's recollection of the case the charges against the accused smacked of espionage, he decided, as I think rightly, not to adopt Capt. Christians' advice and the accused are all accordingly still detained in prison.

4) As I noticed from a study of the Procuratore's file that the Public Safety Sub-Commission had been in communication about the case with the Italian Ministry of Marine I requested him to take no action on Capt. Christians' letter until I had had an opportunity of referring the matter to you. Public Safety Sub-Commission's file is numbered SD/140 SE-4 and one of its letters to the Ministry of Marine is dated 6 Mar '45. The latter's letters are numbered Foglio 979/FO and prot. B 2967 dated 12 Mar '45.

To: Allied Commission H.Q.
for Attn.: Public Safety Sub-Commission and Legal Sub-Commission.

- 1) In the course of a visit which I paid to Taranto on 24 April '45, the Procuratore del Regno, Colonel Francesco D'Ambrosio, raised the e/m case with me.
- 2) From such papers as are available to me here and from a personal inspection of the file of correspondence in the possession of Col. D'Ambrosio it seems that the complete dossier of the criminal investigation of this case has been mislaid and must now be presumed lost. In the circumstances Col. D'Ambrosio states that it is impossible to bring the accused persons to trial.
- 3) From the file of papers relating to this case which I have been able to discover here and which constitutes the only information I have in the matter, it will be observed that the case has not been very efficiently handled and at this date I am informed by the Procuratore Militare del Regno that the accused have been in prison without trial for some ten months. It will further be observed that on the 3rd of April '45 Capt. Christians' whose office had by then been separated from my control by the former Southern Region H.Q. in Naples, instructed the Procuratore that it seemed to him that all the detained persons should be released. As according to Colonel D'Ambrosio's recollection of the case the charges against the accused smacked of espionage, he decided, as I think rightly, not to adopt Capt. Christians' advice and the accused are all accordingly still detained in prison.
- 4) As I noticed from a study of the Procuratore's file that the Public Safety Sub-Commission had been in communication about the case with the Italian Ministry of Marine I requested him to take no action on Capt. Christians' letter until I had had an opportunity of referring the matter to you. Public Safety Sub-Commission's file is numbered SD/140 22-4 and one of its letters to the Ministry of Marine is dated 6 Mar '45. The latter's letters are numbered Foglio 273/FO and prot. B 2567 dated 12 Mar '45.
- 5) As all the information at my disposal here is obviously incomplete I am referring the matter to you for your instructions. I enclose such papers as I have been able to find here. I shall be glad if you will treat this communication as one of urgency. The Procuratore tells me that the detained persons are now clamouring either for trial or for release and that his position is in consequence becoming one of some delicacy.

- 2 -

6) I may say that CALDERONI who has been ordered to be interned is at present in a hospital here where he is being kept under guard until fit for discharge. ~~and internment~~

L. E. Dawson.

L. E. Dawson, Lt. Col.
Allied Commission
Liaison Officer

4 MAY 1945

1 Encl.: Complete File of Papers.

102

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4036/8/L.

27 April 1945.

SUBJECT : Trial of Italian sailors.

TO : Regional Commissioner, UMBRIA-MARCHE,
(Attn. Regional Legal Officer)

1. In reply to your RS/511/14/ANG of 25 Apr 1945 the application for trial of Italian sailors under paras. 25 and 41 of Proclamation 1 is refused.

2. I am of opinion that the charge in respect of possession of cigarettes could and should be tried by the Italian court at Macerata. If, however, there is a long delay in trials by this court or the sentences awarded appear inadequate I am prepared to authorize the trial of the two sailors and one Italian merchant seaman by an Allied Military Court.

3. It is pointed out that the merchant seaman is also subject to the jurisdiction of the Italian Military Tribunal.

By command of Rear Admiral STONE.

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

WEB/waw.

4086/8 ✓

TO : HQ ALLIED COMMISSION
(for attention of Legal Sub-Commission) ✓

FROM : HQ AME UMBRIA MARCHE REGION (Legal)

SUBJECT : Application for trial of members of the Regia Marina by A.M. Court.

REF. : R5/511/14/ANG

DATE : 25 April 1945

HEADQUARTERS
26 APR 1945
A. C.

- Forwarded herewith is ^{copy} application by PIO Ancona for authority to try 2 Italian sailors by A.M. Court.
- In accordance with Consolidated Instructions for A.M. Courts Art 4 (1)(c), application is hereby made for authority to try these two men by A.M. Court. Grounds of application are set out in para 3 of PIO's letter.

LEGAL SUB COMMISSION	
CLO	1
DCLO	←
Chief Counsel	1
CJO	1
Italian Section	1
CL RKS	1
25 APR 1945	1

R. G. S. ALEXANDER, Major
R.I.O.

2796

HEADQUARTERS ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE57B
COPY

Subject : AMG Court Cases
To : RLO Umbria Marche Region
From : FLO Ancona
Ref. : Anc/11/12
Date : 20 April 1945

1. Request is hereby made to try in AMG Court Marine AMADORI G. and Fireman PRINCIPAL V., sailors of the Italian Navy who are charged with the violation of the following laws :

Proc. 1, art 4, para 11 -- being jointly concerned in the improper possession of 34,700 cigarettes, property of the Allied Forces;

Proc. 1, art 5, para 41 -- not being in possession of means of identity;

Proc. 1 art. 5, para 25 -- circulating in the harbour without the requisite authority.

2. A third individual, an Italian merchant seaman is jointly charged with the 2 a/n sailors with the improper possession of the cigarettes in question, and the disposal of this item.

3. These violations are considered important to the Military in that they emanate from the Ancona Port and in particular involve a substantial quantity of cigarettes. Request is therefore made under Art 4, Sec 1 c Consol. Instr. 1945 authority to try these individuals in an AMG Superior Court.

For the Provincial Commissioner

S/
W. T. DOONE
Capt. CLP
FLO Ancona

Copy to : S.P.P.S.C. Ancona.

HEAD PARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

56A

AQ/4086/S/L.

/mt.
24 April 1945.

SUBJECT : Cases against MONTANELLI Dino, TESCONI Enrico and
VIGANO' Giuseppe.

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

1. In reply to the letter of Maj W. D. STUMP, Provincial
Legal Officer of Arezzo, 16 April 1945, your indorsement
18 April 1945, the following opinion is expressed.

2. The circumstances disclosed by the statements and
reports forwarded, appear to warrant trial of accused MONTANELLI
Dino, TESCONI Enrico and VIGANO' Giuseppe by an Allied Military
Court.

3. Art. 3, Consolidated Instructions referred to in
paragraph 3 of the letter was evidently meant for Art. 4, as
Art. 3, has no application.

4. Arrest report and statements are returned herewith.

By command of Rear Admiral STONE:

98

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

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
PROVINCE OF AREZZO

16 April 1945.

Subject: Cases against MONTANELLI Dino, TENCONI
Enrico and VIGANO' Giuseppe.
To : HQ Toscana Region, AMG.
(Attn: R.L.O.)

1. Enclosed please find the arrest report and allied papers in the above mentioned cases.

2. These defendants are Italian soldiers and are members of an Italian Military Unit, referred to in these papers as "Gruppo di Combattimento 'Folgore'" which, appears, from these papers, is located at Borgo S. Lorenzo near Florence. These soldiers are being held in jail at Montevarchi on the charge of throwing a hand grenade near the entrance to a dance hall at Montevarchi wounding slightly an Allied soldier and 3 Italians. These soldiers do not admit guilt.

3. In accordance with Article 5 of Consolidated Legal Instructions for AMG Officers, it seems to me that these Italian soldiers should be tried by the Italian Military Court rather than an AMG Court. I am therefore sending all the papers to you for such disposition as you conclude should be made of them.

Maj. W.D. STUM
P.L.O.

1st Ind.
Regional Legal Officer, TOSCANA Region, AMG - 18 April 45
TO : LEGAL SUB-COMMISSION, HEADQUARTERS, AG.

1. Forwarded for your decision.

For the Regional Commissioner:

JOHN K. WEINER,
Colonel, Infantry
Regional Legal Officer.

CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CLERKS	
22 APR 1945	

2011/17/5008

W
QUARTERMASTER ALIENED COMMISSION
APO 394
LEGAL SUB-COMMISSION

54A

ENB/mt.
21 April 1945.

AC/4006/8/L.

SUBJECT : Case of BONCHI Guerino and others.

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

1. Reference your RVIII/19/6006 of 15 April 1945.
I hereby authorize trial in an AMG court of the Italian soldiers
concerned in the case.

2. I am not directing that such trial must be had, and if
by reason of the operation of the Tribunale Militare or of the
shortage of AMG officers or upon any other ground you desire
to remit the case to the Italian Military Court you are, of
course, at liberty to do so. I feel myself that if the Italian
Military Court is functioning with reasonable dispatch and
awarding proper sentences it should be allowed to take jurisdic-
tion in a case of this nature. Apart from other considerations
it is more probable that the accused will serve, and that future
potential delinquents will expect to serve, the full length of
any long prison term imposed than if the case comes before an
AMG court. Moreover Italian soldiers may be more impressed
and deterred by a condemnation by their own army than by an
AMG court.

3. The papers are returned herewith.

By command of Rear Admiral STONE:

96
Forbes
W. R. BEARDS,
Colonel,
Deputy Chief Legal Advisor

Incl.
Copy to: AC/4003/1/L.

✓ 48618
HEADQUARTERS
LIVORNO PROVINCE
ALLIED MILITARY GOVERNMENT

53A

File: P.L.O.1227 /B/15.

15 April 1945

Subject: Trial of member of Italian Army.

To: R.L.O., Toscana Region.

1. In accordance with Article 4, Para. 1 (c), Consolidated Instructions, request advise whether it is desired that the Allied Military Court take jurisdiction of the attached complaint as regards military personnel.

2. Attached report is the only copy available to this Office.

Robert M. Woodward
ROBERT M. WOODWARD
Major, AUS, P.L.O.
Livorno Province

95

Rem/19/6006
Headquarters, Toscana Region, ANG - 1st Ind.
TO: LEGAL SUB-COMMISSION, HEADQUARTERS A.C. - 17 April 45.

1. Forwarded, for your decision.

LEGAL SUB-COMMISSION

For the Regional Commissioner:

CLO

DCLO

Chief Counsel

CLO

Italian Section

CL RICS

20 APR 1945

John E. Weber
JOHN E. WEBER,
Colonel, Infantry
Regional Legal Officer.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4086/8/L.

/rlp.
20 April 1945.

SUBJECT : Prison space for Italian deserters. Italian Military Tribunal.
TO : Land Forces Sub-Commission (MMA).

1. Ref your A/11/3 of 27 Feb 45 and further to our AC/4086/8/L of 17 April 45.

2. Your attention is drawn to the attached copy of letter.

3. The present situation of military prisons has created an impasse, which cannot be solved unless further accommodation becomes available.

454
W. B. BEHRENS,
Colonel,
Deputy Chief Legal Advisor.

2 Incl^g Copy letter 20 Apr 45, AC/14215/TS.
Letter dtd 17 Apr 45, AC/4086/8/L.

ALLIED [REDACTED] COMMISSION
INTER-OFFICE MEMORANDUM

SUBJECT: Prison Space for Italian
Deserters

FILE No. AC/14215/PS

TO : Legal Sub-Commission

20th April 1945

1. This section has no knowledge of cases in question. They are strictly within the jurisdiction of Italian Military Authorities, and the PGM should justify his statement that a lack of prison space justifies failure to arrest 3 deserters from the Italian Army.

2. Civilian prisons cannot accept Italian Military prisoners unless they have been in custody of the Military for 30 days (at which time they revert to "ineffective" or civilian status), or have been duly sentenced for 30 days or more. As far as PS S/C is concerned, these deserters are the responsibility of the Italian Military and must attain "ineffective" status thru Italian Military procedures before they may be accepted in Civilian prisons.

3. Fort Boccea, the nearest Military Prison (Rome), has a capacity of approximatively 300. Today's population is 473. They are desperately short of beds, bedding, hygienic supplies, etc. and the situation is admittedly critical.

R.M. Freeman, Capt.
R.M. Freeman
for D.P.S. S/C

File

HQ QUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

50A

19 April 1945.

AC/4088/8/L.

SUBJECT : Case of PALASCHI Faro and others.
TO : Regional Commissioner (Attn: Regional Legal Officer),
TOSCANA Region.

1. Reference your RVIII/19/3008 of 15 April 1945.
 2. Trial by AMG Court is authorized.
- By command of Rear Admiral STONE

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

92

49A

LEGAL SUBCOMMISSION

ES/ps.
17 Apr 45.

AC/4086/8/L.

SUBJECT : Italian Military Tribunals - Trials of Deserters.

TO : Land Forces Sub-Commission. (ISILA)

1. Reference your A/41/3 of 27 Feb 45.
2. Enclosed herewith is the reply received from the Procuratore Generale Militare.
3. Attention of the Public Safety Sub-Commission (Prison Division) has been drawn to the problem of prison space.

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

91

Incl. : copy No. 1121 P.C. of 15 Apr 45.

(48A)

HEADQUARTERS UNITED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4086/8/1.

EB/pa.
17 Apr 45.SUBJECT : Prison space for Italian deserters. Italian
Military Tribunal.

TO : Public Safety Sub-Commission (Prisons).

1. This Sub-Commission has relayed to the Procureure Generale Militaire an enquiry of the Land Forces Sub-Commission as to the outcome of the proceeding against INTINO Renato, RUZZARO Stefano, ESPOSITO Adolfo, Italian soldiers charged with desertion before the Italian Military Tribunal of Rome.

2. In his reply the P.G.M. states that the proceeding cannot be completed because the lack of prison space rendered is impossible to arrest the accused.

3. This information is passed to you for any action you might deem necessary.

C. C. HARRISON

C. C. HARRISON,
Lt. Colonel,
Officer i/c Italian Branch,
For Chief Legal Advisor.

Copy to : AC/4085/1.

See 51A & 52A

90

89

4086/8/11
PROCURA GENERALE MILITARE DEL RE IMPERATORE

PRESSO IL
TRIBUNALE SUPREMO MILITARE

Roma, li

15 Aprile

1945

Risposta a nota del

N.

Alleg.

Oggetto:

ALLA COMMISSIONE ALLEATA

Sottocommissione Legale

ROMA

234

In risposta alla richiesta in data 1° marzo
 45 A.C. 4086/8/L. si comunica che procedimenti pen-
 nali contro i soldati

INFINO Renato

FUZZARRO Stefano

ESTOSITO Adolfo

Imputati di diserzione sono tuttora in corso pres-
 so la Procura Militare di Roma.

Quel Procuratore Militare interpellato ha fat-
 to sapere che non è possibile procedere alla defi-
 nizione delle istruttorie perché, non essendovi
 posto nelle Carceri, egli non può far procedere al-
 l'arresto dei predetti disertori.

IL PROCURATORE GENERALE MILITARE

(U. Borsari)

10 APR 1945

M. Borsari

THE QUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4086/8/L.

/mt.
15 April 1945.

SUBJECT : Application for Trial of Italian soldier by Allied Military Court.
TO : Regional Commissioner (Attn: Regional Legal Officer),
UGRIA-MARCHE Region.

1. Reference your R5/511/14/P of 13 Apr 1945.
2. Permission is hereby granted to try IANA in respect of the assault:
it will be made plain to the Italian authorities that this action in no way
prejudices their right to try him for any other offences he may have committed.

By command of Rear Admiral STONE:

Copy to: AC/4083/1/L.

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

✓ 4086/8

45A

TO : HQ ALLIED COMMISSION
(for attention of Legal Sub-Commission)

FROM : HQ AMG UMBRIA MARCHE REGION

SUBJECT : Application for trial of Italian soldier by A.M. Court

REF. : R5/511/14/P

DATE : 13 April 1945

LANA Teresio
CIANCALONE Emio

1. The two above mentioned Italians have been arrested on a charge of assaulting a member of the English police.
2. Subsequent investigations show that Lana is a deserter from the Italian Forces and was also in possession of forged documents.
3. Application is made to try Lana jointly with Ciancaleone on the assault charge alone, but to leave an Italian Military Court to deal with the former on the other two charges. Art (4) of Consolidated Instructions refers.
4. Details of the case are as follows :-
 - (a) Sjt. Williams S.I.B., accompanied by an agent of the Questura, on 19 Feb. near Assisi saw Ciancaleone wearing W.D. overalls which he ordered him to remove. This Ciancaleone did, but then refused to hand them over.
 - (b) A struggle then ensued to gain possession of the overalls, during the course of which Lana appeared, and began to assist Ciancaleone by attempting to force Sjt. Williams and the agent of the Questura away.
 - (c) Lana was told that Williams and the agent were members of the Police, but paid no heed to this warning, and struck Sjt Williams several blows in the face and body.
 - (d) Eventually Lana was subdued and arrested. He then escaped, and was re-arrested later on the same evening by the CORR.
 - (e) He was found to be in possession of two false documents, one purporting to be a leave pass and the other an identity card. He admitted forging these documents, and also being an absentee from his Italian unit stationed at Benevento.
5. An application for the trial of Lana by A.M. Court was made by P.L.O. Perugia on 26 Feb. and details were supplied by him on 17 Mar., but no reply has yet been received.

13 APR 1945	CIO	For the Regional Commissioner
	DCIO	
	Chief Counsel	
	CIO	
	LEGAL SECTION	
	CL RAS	

R. E. S. ALEXANDER, Major
R.L.O.

Copy to P.L.O. Perugia

14 APR 1945

13

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/1586/8/L.

44A
11 April 1945

SUBJECT : Case of BERTOLA Alando and others.
Case of CIUSANI Antonio and others.
Theft of Allied property.

TO : H. E. The Procuratore Generale Militare,
Via degli Agnusparta 2, ROME.

1. This is to acknowledge with thanks your Excellency's
Prot. No. 955 RG of 10 April 1945.

2. It is noted that Your Excellency has taken steps to
ensure a rapid completion of the proceedings and will keep this Sub-Commission
informed of the progress.

G. G. HANNAFORD,
Lieutenant-Colonel,
Officer i/c Italian Branch
for Chief Legal Advisor. 86



REGNO
PROCURA GENERALE MILITARE DEL RE IMPERATOR

PRESSO IL

TRIBUNALE SUPREMO MILITARE

N.

Prot.

Roma, li

10 aprile

1945

Risposta a nota del

N.

Alleg.

STAMPERIA REALE DI ROMA

Oggetto: Procedimento contro BERTOLA Armando e altri.
 Procedimento contro GIUBBANI Antonio e altri. - Furto
 di cose di proprietà degli Alleati.

ALLA COMMISSIONE ALLEATA
 Sotto Commissione Legale

= ROMA =

31A

Con riferimento alla lettera AC/4086/8/L. in data 22 marzo 1945 si comunica che i procedimenti penali contro BERTOLA Armando ed altri e contro GIUBBANI Antonio ed altri sono di competenza del Tribunale Militare di Firenze (che riprende il suo funzionamento il 15 c.m.). L'istruttoria già iniziata dal Procuratore Militare di Roma verrà pertanto proseguita da quello di Firenze dove attualmente si trovano in istato di detenzione i numerosi imputati.

Questo Generale Ufficio darà disposizioni affinché i due procedimenti siano

Seccato 30A. D.C.

keep PG.M
 copy on file
 write again
 25/4/45
 54A

trettati con la maggior possibile sollecitudine e terrà informata codesta Sotto Commissione degli sviluppi ulteriori delle due procedure.

IL PROCURATORE GENERALE MILITARE
(U. Borsari)

Mr. Borsari

3-2079 - 9 ANXAO 1542 -

1° - Ing. Luigi Antonio Alfano di Segala e di corrente ideologica
in - nato a Francavilla Pontana (Mandoli) il 14 giugno 1911 -
residente a Roma in Via Volturno n. 2 - Distr. Roma - appartenente
alla 101° Reg. A.S. dal 27.10.47 (ex 7° Reg. del 25.10.47) -
per aver concorso con altri militari italiani e con un civile
in due furti di veleni commessi tra il settembre 1941 ed il 4 feb-
braio 1943 nel carcere n. 5/1 (processo n. 2 del 2.12.43 e n.
11.) -

21.-Conte R'ADOLFO Giuseppe fu Luigi e di conte Verona - nato a
Lano Adriano (Teramo) il 1°/10/1918 - residente a Roma in Via
Montana n. 65 - distr. Roma - C.A. Roma - appartenente alla
104° Reg. del 27° Reg. (ex 7° Reg. del 104° Reg.) - per il reato di
furto di mercantile commesso nel magazzino del 1° Medical Depot
(articolo n. 1 art. 4 e n. 11). -

1. - Nato Maria Giuseppe il Salvatore a li 28/04/1943 - nato a S. Giovanni in Fiore (Cosenza) li 14/5/1943 - ad ivi residente -
2. - Giovanni in Fiore - distr. Cosenza - appartenente alla
3. - 101° Reg. del 37° Regt. Pz. - (ex 7° Reg. del 37° Regt. Pz.) - per aver
condotto nel corso del servizio (problemi di salute art. 4 e 5.113)

1. - Fughe 1941: Vincenzo di Giovanni e di Giovanni Jacopo - nato a
Camp - Al 17/1/1924 - ex ivi residente in Via Vico
n. 5 - Distr. Roma - 31.03.1941 - appartenente alla 101^a
reg. - del 67^o Reg. (ex 7^a Reg. del 17^o Reg. 101^a) - per avere
comesso i due furti di tela attribuiti al fuggiasco su di cui
correda (processo n. 1 del 1941 art. 1 e 2.11).

MINISTERO DELL'INTERNO - DIREZIONE GENERALE DI PUNIZIONE DI - R.S.P.A. -
- Direzione del Se -

[illegible]

AL MINISTRO DELLA GIUSTIZIA - Dr. Don/Caro Dott. Li
e Gruppo - Ufficio del Direttore -

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 08-14-2010 BY 60322 UCBAW/STW

AL DIRIGENTE DELLA 117 DIVISIONE PATRULLIA - 117-173-
- " per Personale e Segreteria -

AL COMANDO DISTRICTO 358 BOGOTÁ, COLOMBIA
- Centro Pasa/río de Rehabilitación -

AL COMANDO DEL 5º REGIMIENTO INFANTERIA

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

附註：本表係根據本報記者採訪所得，如有錯誤，恕不負責。

12

- Foglio II -

Fonte Comando:

VISTO gli atti giudiziari relativi alla Banda "Bartola";
 VISTO i rapporti pervenuti dalla Leg. Terr./le CC. NN. - Gruppo Int. - Firenze;
 VISTO il processo verbale di sommario intercettato del 11/12 autoindicati;
 VISTO le precedenti denunce avanzate da questo Comando a codesto Trib./le
 a carico:
 - del Cap. le Leg. SANCARO Alfredo (f.n. 4/308/11/A del 1/1/45) per diserzio-
 ne e per appropriazione indebita;
 - del fante NERI Pierino (f.n. 577/11/A del 9/10/44) per diserzione e f.n.
 4/308/11/A del 13/12/44 per diserzione reiterata e per appropriazione in-
 debita;

CONSIDERATO che:

- 1°) - il Cap. le Leg. SANCARO Alfredo ha partecipato con la Banda "Bartola"
 a due furti di tale natura tra il settembre 1944 e il 4 febbraio '45
 nel magazzino del 1° Medico Depot (proclama n. 2 art. 4 e n. 11);
- 2°) - il fante D'ACOSTA Giuseppe ha esportato del mercurio dal 1° Medico
 Depot (stesso proclama art. 4);
- 3°) - il fante NERI Giuseppe ha concorso nel furto del mercurio col 1° Me-
 dico Depot (stesso proclama art. 4);
- 4°) - il fante NERI Pierino ha concorso nei due furti di tale natura col Sancar-
 o ed i suoi corredi (stesso proclama art. 4);

P E N AIN DATA DI CONDANNA AL CARCERE CIVILE DELLE MORTE IN FINESTRA:

- 1°) - (dal 3 febbraio 1945) - il Cap. le Leg. SANCARO Alfredo di Angelo e
 di quaranta e passa anni - nato a Francavilla Fontana (Brindisi) il 14
 giugno 1911 - residente a Roma in Via del Velabro n. 9 - Distr. Roma -
 CC. NN. Roma - appartenente alla 103^a Cpg. C. N. del 57^o Rgt. Pz. (ex 7^a Cpg.
 del 7^o Rgt. Pz.) - reparte mobilitato in zona di operazione - per il re-
 to al furto ai danni dell'Arm. ne all'rs Allenta (art. 330 C. P. N. P.) con
 le circostanze aggravanti del grado (art. 47 C. P. N. P. e dell'art. 331 C.
 P. N. P. - art. 47 C. P. N. P.) -
- 2°) - (dal 7 febbraio 1945) - il fante D'ACOSTA Giuseppe di Luigi di Sag-
 to Terza - nato a Fano Adriatico (Pesaro) il 1^o/10/1918 - residente a
 Roma in Via Ementana n. 263 - Distr. Roma - CC. NN. Roma - appartenente
 alla 103^a Cpg. C. N. del 57^o Rgt. Pz. (ex 7^a Cpg. del 57^o Rgt. Pz.) - repar-
 te mobilitato in zona di operazione - per il reato di furto ai danni
 dell'Arm. ne all'rs Allenta (art. 330 C. P. N. P. + 331 C. P. N. P. + art. 47
 C. P. N. P.) -

/./././

foglio 1° -

1°)-(8-7 febbraio 1945)- il fante **MARIA** Sinacoppe di Salvatore e di Maria Anna - nato a S. Giovanni in Fiore (Cosenza) il 14/5/1922 - ed ivi residente - CC. RR. S. Giovanni in Fiore - Distr. Cosenza - appartenente alla 103° Cpg. del 67° Rgt. Str. (ex 7° Cpg. del 525° Str. 1 - reparto mobilitato in zona di operazioni - per il reato di concorso nel furto perpetrato dal D'Agostino (art. 58 C.P.S.P.);

4°)-(in istato di latitanza) -il fante **MARI** Pierino di Giovanni e di Benedetta al Casiro - nato a Roma - il 1°/1/1924 - ed ivi residente in Via Vicola S. Passera - n. 6 - CC. RR. Trastevere - Distr. Roma - appartenente alla 301° Cpg. del 67° Rgt. Str. (ex 7° Cpg. del 525° Str. 1 - reparto mobilitato in zona di operazioni - per concorso in due furti di tela perpetrati dal Sangaro e correi (art. 58 C.P.S.P.).-

Il rapporto giudiziario n. 134/6 del 17/2/45 della Legione CC. RR. di Firenze è stato trasmesso, in copia integrale, dal 548° Rgt. Str., al quale appartengono la maggior parte dei militari della banda, fra cui il "capo tela", e del quale sono stati denunciati tutti i civili coimputati, con f.n. 1203/5 del 8/3/45.

Questo Comando fa riserva di trasmettere tutto il rimanente carteggio che la Corte Mil/re Alleata farà tenere nel proseguire dell'inchiesta. Questo Comando invia allo stesso tempo i militari, già detenuti, alle Carceri Militari di Roma, in quanto messi a disposizione del Tribunale Militare Italiano della Corte Mil/re Alleata (v.f. allegato del 7/3/45).

All/Min. _____

IL COLONNELLO COMANDANTE
- Nicola Balzani -

L'Aiutante Maggiore in P.

Per. Cane

- 1° foglio -

Il Procuratore Militare della Corte di/ve Alleata in Firenze rende
Note, con foglio che si allega in copia, che desidera che in questo caso
si proceda il più rapidamente possibile, tenendo presente la gravità dell'a
accusa.--

All/ri: 20

IL COLONNELLO COMANDANTE
- Nicola Balzani -

L'Assistente Maggiore al P.
Tan. Carlo J. [signature]

-81

P/F

COMANDO DEL 525° REGGIMENTO FANTERIA

N.4/2132/12/A di prot.

P.M. 279 - 7 marzo 1945 -

OGGETTO: denuncia per direttissima:

1°-acc/re PERRELLA Alfredo di Angelo e di Maestrini Vittoria - nato a Panicale (Perugia) il 12/3/1915 - resia/te a Magione (Perugia) - 00. Magione - Distr. Perugia - per il reato di correttezza nel trasporto abusivo di automanne mil/re alleate di generi contingentati per conto di civili.-

2°-acc/re RUFFINI Antonio di Filippo e di Mastrogiacomo Angela - nato a Saccano (Frosinone) il 29/3/1924 - resia/te a Roma in Via Saccano n.7 - 00.85. Roma - Distr. Roma - per il reato di furto d'uso di automanne mil/re alleate (art. 413 C.P.S.P.) e per il reato di violenza connessa in servizio (art. 120 C.P.S.P.) e per il trasporto abusivo di generi destinati al "mercato nero".-

centrati militari in servizio alla 4° esp. Aut/ma - 1° Regt. 2675° Regt. - reparto mobilitato in zona di operazioni.-

3°-civile RUFFI Valentino di Ferdinando e di Casagrandi Rosa, nato a Poppi (Arezzo) - il 12/9/1913 - abitante a Larniano - frazione di Poppi - "frangibile" - colono - per il reato di corruzione verso i militari prodotti per trasporto abusivo su autocarro americano di farina italiana destinata al "mercato nero".-

4°-civile RUFFI Mario di Angelo e di Borgellini Maria - nato a Vigasio di Mugello (Firenze) il 14/3/1913 - abitante in Via S. Sabini 26 - Firenze - proprietario di una bottega sita in Via Pantheon 26 (cassa) per correttezza col Bruni, per aver dato ricetto nel suo magazzino di generi contingentati.-

AL TRIBUNALE MILITARE TERRITORIALE DI GUERRA DI
- Procuratore del Re -

- R.O.M. -

e per conoscenza:

AL MINISTERO DELLA GUERRA - Dir/Gen/Leva/30tt.11
e Truppa - Ufficio del Direttore -

- P.M. 1390 -

ALLA COMMISSIONE "5" DELLA C.P.S.P.
- Ufficio Personale -

- P.M. 1390 -

AL COMANDO DELLA 10° DIVISIONE FANTERIA
- Ufficio Personale e Legr.-

- P.M. 179 -

AL COMANDO DEL 10° GRUPPO AUT/RI
- Centro di Mobilitazione -

- NAPOLI -

AL COMANDO DEL 10° GRUPPO INFERNO DEL 00.85. DI

- FIRENZE -

././././.

folio 2° -

Questo Comando:

Visto il rapporto della C.I.B. (Divisione Investigazioni Criminali);
Visto la proposta di denuncia a carico dei militari, avanzata dal Comandante
la 4° Reg. Aut/ma - 1°/2575° Reg. A.C.;
Visto il verbale d'interrogatorio di tutti gli imputati;
Considerato che il PERRELLA prese gli accordi del trasporto di farina italiana
con automezzo militare alleato in previsione di un personale guadagno;
che GIUBBANI Antonio fece uso illecito di un veicolo del Governo Americano
per trasportare farina per conto di civili che intendevano venderla sul "mer-
cato nero" e che ricevette una somma di L. 30.000 (trentamila) per tale servizio
che il civile BRUNI Valentino trasportò illegalmente farina italiana con mezzo
militare alleato adempiendo così quanto l'aut/re Giubbani - tramite l'aut/re
Perrella - per venderla sul "mercato nero" -
che GIUBBANI Mario fece spazio nel suo magazzino per facilitare il commercio ne-
ro del grano, accettando L. 3000 (mille) di compenso per l'uso del magazzino;

PROSECUTION:

- 1°-l'aut/re PERRELLA Alfredo di Angelo e di Castorini Vittoria - cl. 1916 - res.
a Sarnano (Perugia) - Distr. Perugia - per il reato di corruzione nel porto di
uso di automezzo mil/re alleato - violata consegna - e trasporto abusivo
di generi destinati al "mercato nero" -
- 2°-l'aut/re GIUBBANI Antonio di Vilippo e di Mastrogiovanni Angelo - nato a Seg-
nano (Perugia) - cl. 1914 - Distr. Roma - ivi residente in Via Badoglio 7 -
per il reato di fatto d'uso di automezzo mil/re alleato (art. 233 S.P.A.P.)
e per il reato di violata consegna in servizio (art. 120 S.P.A.P.) e per il
trasporto abusivo di generi contingenti destinati al "mercato nero";
- i dipendenti militari sono stati ristretti nelle Prigioni Civili di Firenze
dal giorno 1° febbraio 1945, perché arrestati dalla Polizia Mil/re Alleata.
Gli stessi sono lasciati a disposizione delle Competenti Autorità Italiane
per il proseguo del giudizio, e pertanto vengono avviati a questo Trib/le.
- 3°-civile BRUNI Valentino di Fernando e di Cecarelli Rosa - cl. 1911 - abita-
a Sarnano - frazione di Toppi - "Preggiaia" - colono - per il reato di cor-
ruzione delle persone dei militari prelevati e per trasporto abusivo su au-
tomezzo militare alleato di farina italiana destinata al "mercato nero".
Il prelevato trovato ristretto nelle Prigioni della Carate in Firenze e vi-
vicine a disposizione di questo Tribunale e per il proseguo delle indagi-
ni che verrà condurre il Comando Gruppo Interno del 75. Reg. di Firenze.
- 4°-civile GIUBBANI Mario di Angelo e di Margellini Maria - nato a Vicchio del
Mare (Firenze) - cl. 1912 - abita in Via S. Landi 10 - Firenze - propri-
tario di una bottega sita in Via Sarnano 26 (regio) per complicità col Bru-
ni per aver dato ricetto - dietro ricompensa - negli sue magazzini, di generi
contingenti.
Il prelevato è stato rilasciato temporaneamente, dopo l'interrogatorio, e piede
libero, dal Tribunale dell'A.S.P.

1.1.1.1

2. 2. 74. 11 3 marzo 1945

此種情形，在經濟學上，可稱為「外部經濟」。

0000 0000 0000 0000 0000 0000 0000 0000

- 1°) caporalmaggiore **MARTOLA** Armando di Giacomo e di Vannara Amelia, nato a Montebellio Vicentino (Vicenza) il 24 agosto 1924, fermato dal 4 febbraio 1945;
- 2°) tenente **DELLA** Vincenzo di Domenico e di Gori Antonia, nato a Roma il 24 settembre 1911, fermato dal 4 febbraio 1945;
- 3°) sergente **MARILLI** Mario di Pietro e di Grassi Libera, nato a Frangineto (Braccia) il 18 marzo 1917, fermato dal 4 febbraio 1945;
- 4°) sergente **MIANO** Eusebio di Enrico e di D'Antuoni Italia, nato a Castellammare di Stabia (Napoli) il 5 dicembre 1903, fermato dal 4 febbraio 1945;
- 5°) soldato **MASSA** Antonio di Francesco e di Carnevale Maria, nato a Castellammare di Stabia (Napoli) il 12 agosto 1903, fermato dal 4 febbraio 1945;
- 6°) soldato **PASSERINI** Eusebio di Carlo e di Mannocchi Giuseppina, nato a S. Giorgio di Pieve (Bologna) il 22 ottobre 1925, fermato dal 4 febbraio 1945;
- 7°) soldato **PERINI** Guido di Igotti, nato a Roma il 16 febbraio 1921, domiciliato a Roma, in via Falterona n.1, fermato dal 4 febbraio 1945;

- 34) soldato LUIGI GIOVANNI di Vico e di Costanza Caruso, nato a Milano (Milano) il 1° gennaio 1901, fermato dal 3 febbraio 1945;
- 35) sergente maggiore GIUSEPPE di Pasquale e di Agnese Ragusa, nato a Maccione (Napoli) il 1° marzo 1906, fermato dal 12 febbraio 1945;
- 36) sergente LUIGI VINCENZO di Alce e di Pasquale Giuseppina, nato a Martine della Rocca (Napoli) il 1° maggio 1902, fermato dal 7 febbraio 1945;
- 37) caporal maggiore VITO DI DONATO di Luigi e fu de Rosa Maria Raffesi, nato a Maccione (Napoli) il 6 gennaio 1901, fermato dal 7 febbraio 1945;
- 38) soldato ANGELO di Giovanni e di Caterina De Petrillo, nato a Maccione (Napoli) il 10 settembre 1902, fermato dal 7 febbraio 1945;
- 39) soldato VITO DI DONATO di Salvatore e fu Vito Maria Raffesi, nato a Maccione (Napoli) il 10 marzo 1903, fermato dal 7 febbraio 1945;
- 40) soldato ANGELO di Giovanni e di Petronilla Pasquale, nato a Maccione (Napoli) il 16 marzo 1901, fermato dal 7 febbraio 1945;
- 41) soldato VITO DI DONATO di Pietro e di Teresa Maria, nato a Maccione (Napoli) il 16 marzo 1901, fermato dal 7 febbraio 1945;
- 42) soldato VITO DI DONATO di Pietro e di Teresa Maria, nato a Maccione (Napoli) il 16 marzo 1901, fermato dal 7 febbraio 1945;
- 43) soldato VITO DI DONATO di Pietro e di Teresa Maria, nato a Maccione (Napoli) il 16 marzo 1901, fermato dal 7 febbraio 1945;
- 44) soldato VITO DI DONATO di Pietro e di Teresa Maria, nato a Maccione (Napoli) il 16 marzo 1901, fermato dal 7 febbraio 1945;
- 45) soldato VITO DI DONATO di Pietro e di Teresa Maria, nato a Maccione (Napoli) il 16 marzo 1901, fermato dal 7 febbraio 1945;
- 46) soldato VITO DI DONATO di Pietro e di Teresa Maria, nato a Maccione (Napoli) il 16 marzo 1901, fermato dal 7 febbraio 1945;
- 47) soldato VITO DI DONATO di Pietro e di Teresa Maria, nato a Maccione (Napoli) il 16 marzo 1901, fermato dal 7 febbraio 1945;
- 48) soldato VITO DI DONATO di Pietro e di Teresa Maria, nato a Maccione (Napoli) il 16 marzo 1901, fermato dal 7 febbraio 1945;
- 49) soldato VITO DI DONATO di Pietro e di Teresa Maria, nato a Maccione (Napoli) il 16 marzo 1901, fermato dal 7 febbraio 1945;
- 50) soldato VITO DI DONATO di Pietro e di Teresa Maria, nato a Maccione (Napoli) il 16 marzo 1901, fermato dal 7 febbraio 1945;
- 51) soldato VITO DI DONATO di Pietro e di Teresa Maria, nato a Maccione (Napoli) il 16 marzo 1901, fermato dal 7 febbraio 1945;
- 52) soldato VITO DI DONATO di Pietro e di Teresa Maria, nato a Maccione (Napoli) il 16 marzo 1901, fermato dal 7 febbraio 1945;
- 53) soldato VITO DI DONATO di Pietro e di Teresa Maria, nato a Maccione (Napoli) il 16 marzo 1901, fermato dal 7 febbraio 1945;

- 3 -

23*) soldato MAZZONI Enrico di Vincenzo e di Lucrezia Perena, nato a Vallo d'Abruzzo (Potenza) il 15 giugno 1922, a piede libero;

24*) caporal maggiore COZZA Aldo di Antonio e di Laura Maslino, nato a Fiesole (Firenze) il 13 settembre 1923, a piede libero;

Dannato inoltre a seguito Tribunale Militare i seguenti civili (in base alla disposizione di cui all'art. 211 n.1 c.p.s.m.):

25*) MARIANI Guido di Luigi e di Margherita Amadori, nato a Fiesole (Firenze) il 19 agosto 1919, domiciliato a Firenze in via Reginaldo Giuliani 11, industriale, arrestato dal 5 febbraio 1944;

26*) MARIANI Mario di Antonio e di Margherita Fortunata, nato a Firenze il 17 febbraio 1911, ivi domiciliato in via Reginaldo Giuliani 11, operaio, arrestato dal 5 febbraio 1944;

27*) VIGNAROLI Giuseppe di Luigi e di Isabella Giovannina, nato a S. Maria della Vigna (Viterbo) il 17 novembre 1925, residente a Corti (Napoli), interprete civile presso la 54^a Ambulanza Marittima, arrestato dal 7 febbraio 1944;

28*) VIGNAROLI Alvino di Luigi e di Isabella Giovannina, nato a Firenze il 15 ottobre 1925, ivi domiciliato in via Carlo del Greco 11, operaio, arrestato dal 7 febbraio 1944;

29*) MARIANI Antonio di Francesco e di Margherita Giuseppe, nato a Livorno il 14 gennaio 1908, residente a Firenze in via Emilio Spinucci 1, operaio specializzato, arrestato dal 5 febbraio 1944;

30*) MARIANI Vito di Antonio e di Isabella Angela, nato al Cairo d'Egitto il 14 gennaio 1900, domiciliato a Firenze in via Carlo del Greco 11, venditore ambulante, arrestato dal 5 febbraio 1944;

31*) MARIANI Emilio di Arturo e di Margherita Rosa, nato a Firenze il 7 luglio 1923, ivi domiciliato in via S. Antonina 16 venditore ambulante, a piede libero;

32*) MARIANI Mario di Emilio e di Virgilia Giusti, nato a Torino il 29 gennaio 1900, domiciliato a Firenze in via Ponte di Sesto 11, operaio, a piede libero;

33*) ROSSI Giuseppe di Cesare e di Teresa Natali, nato a Pistoia il 4 maggio 1925, domiciliato a Firenze in via della Portena 5, industriale, a piede libero;

34*) PASTORI Paola dei Parrigioni fu Giuseppe e Ceprera Rosa, nata a Milano il 13 luglio 1914, domiciliata a Firenze in via Galliano 11, confessozionista, a piede libero;

- 4 -

- 35) - PASCHICHI Vittorio fu Cesare e fu Tami Arduina, nato a Firenze il 14 dicembre 1909, ivi residente in via delle Panche 12, carrettiera, a piede libero;
- 36) - AMBROSINI Elena detta Saira, nei Barti, fu Angelo e di Marzetti Gerolamo, nata a Pescareto (Perù) il 16 luglio 1904, domiciliata a Firenze in via Emilio Spinucci 37, nata a casa, a piede libero;
- 37) - PALISNI Gaetano di Lino e di Vani Frosi, nato a Campi di Bisenzio il 10 ottobre 1910, ivi domiciliato in via Giuseppe Giusti 15, industriale, a piede libero;
- 38) - MORAS Aldo di Luigi e di Annella Ottavia, nato a Santarelli il 13 maggio 1909, domiciliato a Firenze in via Faenza 65, carrettiera del R.L., in attesa di essere chiamato in servizio, a piede libero;
- 39) - GIANNINI Gaetano fu Antonio e fu Giulietti Calliope, nato a Perugia il 24 dicembre 1901, domiciliato a Firenze in via Faenza 65 presso Bianchi, ottico, a piede libero;
- 40) - FAVORI Rinaldo fu Ugo e di Capaccioli Santa, nato a Montepulciano (Siena) il 23 settembre 1901, domiciliato a Firenze in via Paolo Pasolini 4, impiegato, a piede libero;
- 41) - AMORINI Enea in Vincenzi di fu Augusto e di Vallini Emilia, nato a Firenze il 20 febbraio 1916, ivi domiciliato in via Raffaele Sanzi 10, a piede libero;

R E S U M E

Il capomastro Bartoli, il ten. Nelli, il serg. MARZAMINI, il serg. GIARDI, i soldati GILBERTI, MARZAMINI, MARZAMINI, MARZAMINI, MARZAMINI, i civili MARZAMINI, MARZAMINI, MARZAMINI, di associazione a delinquere per essersi accordati tra loro, in Firenze, dal settembre 1944 al febbraio 1945, per commettere delitti contro il patrimonio delle Forze Armate Alleate e di cittadini italiani (art. 416 C.P. - comma 3°); il reato del MARZAMINI è aggravato dall'aver egli capeggiato la banda;

- 7) il caporal maggiore MARZAMINI è inoltre imputato:
- di commisione di pubblico ufficiale delle persone del proprio commando di compagnia e del sergente MARZAMINI (art. 324 C.P., aggravato dal n. 3 dell'art. 47 C.P.);
 - di sei distincti furti aggravati e di un tentato furto di materiale commessi in Firenze dal settembre 1944 al 4 febbraio 1945 nei magazzini del 1° Medical Depot (art. 130 comma 1 e art. 131 n. 1 e 4 C.P., art. 47 C.P.);
 - di due furti patti-aggravati di ente industriale (circa 30 quintali) commessi con altri, di notte tempo e mediante scasso, nei magazzini della S.A. Montecatini e sede di Rifredi - nella prima decade del mese di gennaio 1945 (art. 130 n. 1 e 4 C.P., art. 47 C.P.);

/.

- 3 -

- La possesso non giustificato di una pistola automatica "Beretta" e di cose appartenenti alle Forze Armate Americane, eccedenti la dotazione (art. 166 c.p.m.p. - 15 e 47 c.p.m.p.).
I reati imputati al capitano Bartola sono aggravati dall'essere il militare rivestito di un grado (art. 47 n. 2 c.p.m.p.) e dall'aver concorso nei reati con armi inferiori (art. 57 c.p.m.p.):

2) Il tenente Belli Vincenzo è inoltre imputato:

- di corruzione per aver inizialmente accettato somme dai componenti la banda Bartola per mettere atti del suo ufficio di comandante di compagnia (art. 319 c.p.);
 - di concorso in tre distinti furti commessi in danno del 1° Reggimento (art. 130 e 31 n. 1 e 4 c.p.m.p. - art. 15 e 47 c.p.m.p.);
 - di concorso in due furti plurigravati di sale in danno della S.A. Montecatini (art. 134 e 315 n. 2 e 3 c.p.);
 - di possesso non giustificato di cose appartenenti alle Forze Armate Americane, eccedenti la dotazione prescritta (art. 166 c.p.m.p. - art. 15 e 47 c.p.m.p.);
 - di inadempienza in commissioni militari, per aver venduto al ricettatore Piccioli Mario venti cartucce di sigarette nazionali, sostituendo la ragione quadrangolare di tabacco a pagamento per la sua compagnia (art. 130 c.p.m.p. - 47 c.p.m.p.);
 - di commercio abusivo di alcoolici, venduti al Piccioli Mario (art. 166 c.p.).
- I reati commessi dal tenente Belli sono aggravati dall'essere il militare rivestito di un grado (art. 47 n. 2 c.p.m.p.) e dall'aver concorso nei reati con armi inferiori (art. 57 c.p.m.p.):

3) Il sergente Maranghini è inoltre imputato:

- di concorso con altri militari italiani in furto di cinque balle di cotone con altri militari italiani, commesso la notte del 23 dicembre 1943 nel magazzino S. 2/43 (art. 130 e 31 n. 1 e 4 c.p.m.p. - art. 15 e 47 c.p.m.p.);
- di furto plurigravato di sale (circa 20 quintali) commesso con altri, il nottetempo a mediante scasso, nella prima decade del mese di gennaio 1944 nel magazzino della S.A. Montecatini di Mirafiori (art. 134 e 315 n. 2 e 3 c.p.);
- di possesso non giustificato di cose appartenenti alle Forze Armate Americane, eccedenti la sua dotazione (art. 166 c.p.m.p. - 15 e 47 c.p.m.p.);
- di corruzione, per aver inizialmente accettato somme per non denunciare altri militari che sapeva colpevoli di furto (art. 319 c.p.);
- di corruzione per aver concesso con denaro il sergente d'ispezione Leonardi e la sentinella Bulatti e del 2° Reggimento, per avergli consentito il furto di cotone nella notte del 23 dicembre 1943 (art. 319 c.p.);

I reati imputati al sergente Maranghini sono aggravati dall'essere

- 5 -

12) militare rivestito di un grado (art. 47 n. 1 c.p.m.p.) e dall'aver concorso con suoi inferiori (art. 55 c.p.m.p.);

4) Il sergente ALLANO è inoltre imputato:

- di possesso non giustificato di una pistola mitragliatrice tedesca con due caricatori e cartucce (art. 166 c.p.m.p. - 47 c.p.m.p.);
 - di tentato furto nel magazzino viveri americano di Castello (art. 230 e 231 c.p.m.p. - 13 e 47 c.p.m.p.);
 - di furto plurigravato di sale (circa 50 quintali) commesso con altri, di nottetempo e con scasso, nella prima decade del mese di gennaio 1945, nel magazzino della S.A. Montecatini (art. 624 e 625 c.p.);
- I reati commessi dal sergente Allano sono aggravati dall'essere il militare rivestito di un grado e dall'aver concorso con suoi inferiori;

5) Il fante GABRIEL Antonio è inoltre imputato:

- di corruzione di pubblico ufficiale nelle persone del proprio comandante di compagnia e del sergente Quarantini (art. 319 c.p. e 61 n. 1 c.p.);
- di cinque distinti furti di tela, calzini, maglie, medicinali, commessi con altri militari italiani tra il settembre 1944 ed il 4 febbraio 1945 nei magazzini 5/43 e 12° Medical Depot, nonché di un tentato furto in danno del magazzino viveri americano di Castello (art. 230 e 231 c.p.m.p. e art. 13 e 47 c.p.m.p.);
- di due furti plurigravati di sale (circa 50 quintali), commessi con altri, di nottetempo e con scasso, nella prima decade del mese di gennaio 1945 nei magazzini della S.A. Montecatini (art. 624 e 625 c.p.);
- di possesso non giustificato di una pistola automatica "Beretta" e di materiali di proprietà delle Forze Armate americane, accidenti la dotazione (art. 166 c.p.m.p. - 13 e 47 c.p.m.p.);

6) Il fante GABRIEL è inoltre imputato:

- di corruzione di pubblico ufficiale nelle persone del proprio comandante di compagnia e del sergente Quarantini (art. 319 c.p. e 61 n. 1 c.p.);
- di quattro distinti furti e di un tentato furto commessi in concorso con altri militari italiani e civili nei magazzini 5/43 e 12° Medical Depot e in quello viveri di Castello (art. 230 e 231 c.p.m.p. - 13 e 47 c.p.m.p.);
- di due furti plurigravati di sale (circa 50 quintali) commessi con altri militari e civili, di nottetempo e con scasso in concorso con altri militari e civili, nella prima decade del mese di gennaio 1945 nei magazzini della S.A. Montecatini (art. 624 e 625 c.p.);
- di possesso non giustificato di due fucili da caccia (art. 637 c.p.);
- di possesso non giustificato di affetti e di viveri americani accidenti la sua dotazione (art. 166 c.p.m.p. - 13 e 47 c.p.m.p.);

- 7 -

7) Il fante BELLINI è inoltre imputato:

- di corruzione di pubblico ufficiale nelle persone del proprio comandante di compagnia e sergente Quarosini (art. 315 c.p. e 61 n.2 c.p.);
- di cinque furti e di tentato furto commessi in concorso con altri militari italiani e civili nei magazzini 5/43 e 12° Medical ed in un magazzino viveri americani (art. 230 e 231 c.p.m.p. - 15 e 47 c.p.m.p.);
- di due furti plurigravati di sale (circa 50 quintali) commessi nottetempo con scasso e in concorso con altri militari e civili nella prima decade del mese di gennaio 1945 in danno della S.A. Montecatini (art. 624 e 625 c.p.);
- di possesso non giustificato di effetti e viveri americani eccedenti la sua dotazione (art. 166 c.p.m.p. - 15 e 47 c.p.m.p.);

8) Il fante BOCARI è inoltre imputato:

- di un furto di quattrocento maglie militari americane e di un tentato furto commessi in concorso con altri nei magazzini 5/43 ed O.S. di Castello (art. 230 e 231 c.p.m.p. - 15 e 47 c.p.m.p.);
- di due furti plurigravati di sale commessi nottetempo con scasso in concorso con altri nella prima decade del mese di gennaio 1945 nella fabbrica della S.A. Montecatini (art. 624 e 625 c.p.);
- di possesso non giustificato di effetti e viveri americani eccedenti la sua dotazione (art. 166 c.p.m.p. - 15 e 47 c.p.m.p.);

9) Il fante BAIANI è inoltre imputato:

- di corruzione di pubblico ufficiale nelle persone del proprio comandante di compagnia e del sergente Quarosini (art. 315 c.p. e 61 n.2 c.p.);
- di tre distinti furti di tela e calzini commessi tra il settembre 1944 e il 4 febbraio 1945 nei magazzini americani 12° Medical e 5/43 (art. 230 e 231 c.p.m.p. - 15 e 47 c.p.m.p.);
- di possesso non giustificato di effetti e viveri americani eccedenti la sua dotazione (art. 166 c.p.m.p. - 15 e 47 c.p.m.p.);

10) Il civile MAGGIA è inoltre imputato:

- di tentato furto in danno del magazzino viveri C.A.S. di Castello (art. 230 e 231 c.p.m.p. - 15 e 47 c.p.m.p.);
- di ricettazione di cose rubate alle Forze Armate alleate (art. 237 c.p.m.p. - 15 e 47 c.p.m.p.);
- di due furti plurigravati di sale commessi nottetempo con scasso in concorso con militari italiani, nel magazzino della S.A. Montecatini - sede di Rifredi - (art. 624 e 625 c.p.);

11) Il civile PROBILI è inoltre imputato:

- di concorso in quattro furti di tela, calzini e maglie commessi con militari italiani nel magazzino 3/43 e 12° Medical (art. 230 e 231 c.p.m.p. - 15 e 47 c.p.m.g.);
- di ricettazione continuata di cose rubate all'amministrazione militare alleata e di venti chilogrammi di sigarette nazionali italiane sottratte ai militari della 1° compagnia del 1/548° (art. 237 c.p.m.p. - 15 e 47 c.p.m.g.);
- di possesso non giustificato di cose appartenenti alle F.F.A.A. americane (art. 166 c.p.m.p. - 15 e 47 c.p.m.g.);

12) Il civile VITALE è inoltre imputato:

- di due distinti furti di tela e uno di medicinali, commessi in concorso con militari e civili italiani, tra il settembre 1944 e il febbraio 1945 nel magazzino 12° Medical Depot (art. 230 e 231 c.p.m.p. - 15 e 47 c.p.m.g.);
- di un tentato furto di viveri al magazzino 3/43 in Castello in concorso con militari italiani e civili (art. 230 e 231 c.p.m.p. - 15 e 47 c.p.m.g.);
- di aver concorso a disporre, vendendo a civili, materiali di proprietà dell'amministrazione militare alleata (art. 166 c.p.m.p. - 15 e 47 c.p.m.g.);
- di possesso non giustificato di cose appartenenti all'esercito americano (art. 166 c.p.m.p. - 15 e 47 c.p.m.g.);

13) Il sergente maggiore BIANCHI è imputato:

- di concorso in furto di cinque balle di calze militari di lana, commesso con altri militari italiani nella notte del 23 dicembre 1944, a danno del magazzino 3/43 (art. 230 e 231 c.p.m.p. - 15 e 47 c.p.m.g.);
 - di aver determinato a concorrere nel suddetto furto il fante lanese Angelo (art. 111 c.p. e 112 n.1 c.p.);
- Il sergente maggiore BIANCHI ha a suo carico la aggravante del grado (art. 23 e 47 c.p.m.p.).

14) Il sergente BIANCHI è imputato:

- di detenzione illecita di una pistola mitragliatrice tedesca (nonché di cose appartenenti all'esercito americano, eccedenti la sua dotazione (art. 166 c.p.m.p. - 15 e 47 c.p.m.g.));
- di concorso in furto di cinque balle di calze di lana commesso con altri militari italiani nella notte del 23 dicembre 1944 a danno del magazzino 3/43 (art. 230 e 231 c.p.m.p. - 15 e 47 c.p.m.g.);
- di due furti di sale per circa cinquanta quintali, commessi nello stesso tempo con altri e mediante mezzo nave della S.A. Pontecattini (art. 230 e 231 c.p.);
- di violata consegna, per aver concorso al furto di calze suddette e per aver consentito al sergente Quaresmini e al fante Falco di rubare una balle di calze di lana, sempre nella notte del 23 dicembre 1944, essendo egli sergente d'ispezione alla guardia del magazzino 3/43, ove avvennero i furti (art. 122 c.p.m.p. - 15 c.p.m.g.);

- di aver determinato le sentinelle da lui dipendenti, Fanti Pulatti e del Giudice, a violare la consegna, permettendo i furti di calzini avvenuti la notte del 23 dicembre 1944 (art. 131 c.p. e 112 n. 3 c.p.);
- di corruzione per aver accettato come dal sergente Quaracini e dal fanto Folco, in compenso dall'aver loro permesso i furti di calzini essendo egli sergente d'ispezione (art. 149 c.p.);
- i reati commessi dal sergente Leonard sono aggravati dall'essere il militare rivestito di un grado (art. 47 n. 3 c.p. e 112 n. 3 c.p.) e dall'aver concesso con suoi inferiori (art. 50 c.p. e 112 n. 3 c.p.);

(5) Il Fante LORATI è imputato:

- di concorso in furto di cinque balle di calzini commesso la notte del 23 dicembre 1944 nel 5/43 Depot (art. 130, 131 e 112 n. 3 c.p. e 113 n. 3 c.p. e 114 n. 3 c.p.);

(6) Il Fante DEL CROCIUS è imputato:

- di concorso in furto di calzini commesso nel magazzino 5/43 (art. 130 e 131 c.p. e 112 n. 3 c.p. e 113 n. 3 c.p.);
- di violata consegna per aver consentito al sergente Quaracini e al fante Folco di esportare balle di calzini americani dal magazzino ove egli era nominella (art. 130 c.p. e 112 n. 3 c.p. e 113 n. 3 c.p.);
- di corruzione per aver ricevuto come di denaro in compenso della violazione di consegna di cui sopra (art. 149 e 150 c.p.);

(7) Il Fante FULIARI è imputato:

- di concorso in furto di balle di calzini di lana americani, commesso la notte del 23 dicembre 1944 nel magazzino 5/43 (art. 130 e 131 c.p. e 112 n. 3 c.p. e 113 n. 3 c.p.);
- di violata consegna per aver consentito al sergente Quaracini e al fante Folco di esportare balle di calzini dal deposito ove egli era di nominella (art. 130 c.p. e 112 n. 3 c.p. e 113 n. 3 c.p.);
- di corruzione per aver ricevuto come di denaro in compenso della violazione di cui sopra (art. 149 e 150 c.p.);

(8) Il Fante FULIO è imputato:

- di furto continuato di indumenti militari nel periodo fra il settembre 1944 e il febbraio 1945 al 5/43 Depot del magazzino militare americano 5/43 (art. 130 e 131 c.p. e 112 n. 3 c.p. e 113 n. 3 c.p.);
- di concorso in furto di una balle di calzini di lana commesso la notte del 23 dicembre 1944 nello stesso magazzino;
- di corruzione, per aver compensato con denaro il sergente d'ispezione Leonard e le sentinelle del Giudice e Pulatti, per avergli consentito il furto di calzini del 23 dicembre 1944 (art. 149 e 150 c.p.);
- di possesso non giustificato di cose dell'esercito americano come i furti la sua dotazione (art. 145 c.p. e 112 n. 3 c.p.);

- 10 -

- di favoreggiamento reale per aver sottratto la sera del 6 febbraio 1944, col fante Caligiuri } due pistole automatiche "Beretta" illegalmente possedute dal caporal maggiore Natale ed al fante Stabile, già fermati, onde evitare il sequestro da parte della polizia (art. 379 c.p.);

19) Il caporal maggiore Natale è imputato:

- di furto di due paia di scarpe, di una balla di pappucchi, di una balla di calzini nel magazzino 2/43 (art. 230 e 231 c.p.m.p.);
- di possesso non giustificato di una pistola automatica "Beretta" (art. 166 c.p.m.p. e 47 c.p.m.g.);

I reati commessi dal caporal maggiore Natale sono aggravati dall'essere il militare rivestito di un grado e dall'aver concorso coi suoi inferiori (art. 47 e 58 c.p.m.p.).

20) Il fante Stabile è imputato:

- di concorso in furto di balla di calzini di lana commesso nel magazzino 2/43 tra il settembre 1944 ed il febbraio 1945 (art. 230 e 231 c.p.m.p. - 15 e 47 c.p.m.g.);
- di possesso non giustificato di una pistola automatica "Beretta" e di cosa dell'esercito americano occorrenti la sua detenzione (art. 166 c.p.m.p. - 15 e 47 c.p.m.g.);

21) Il fante Caligiuri è imputato:

- di furto, in concorso con altri militari italiani, di una balla di calzini di lana americani commesso la notte del 23 dicembre 1944 nel magazzino 2/43 (art. 230 e 231 c.p.m.p. - 15 e 47 c.p.m.g.);
- di favoreggiamento reale, per aver sottratto la sera del 6 febbraio 1944, col fante Folco, due pistole automatiche "Beretta" illegalmente possedute dal caporal maggiore Natale e dal fante Stabile, già fermati, onde evitare il sequestro da parte della polizia, (art. 379 c.p.);

22) Il fante PASARILLA è imputato:

- di furto di una balla di calzini, commesso in concorso di altri militari nel magazzino 2/43 (art. 230 e 231 c.p.m.p. - 15 e 47 c.p.m.g.);

23) Il fante MANTON è imputato:

- di favoreggiamento reale, per aver accettato dal fante Caligiuri l'incarico di sottrarre alle ricerche della polizia una pistola

= 11 =

automatista "Beretta" illecitamente posseduta dal Fante Stabile già fermato, consegnandola per la custodia al civile Borselli Carlo (art. 379 c.p.) ;

24) Il fante MURARI è imputato :

- di concorso in furto di tela commesso con altri militari italiani dal settembre 1944 al febbraio 1945 nel magazzino 12° Medici (art. 130 e 131 c.p.m.p. - 15 e 47 c.p.m.g.) ;
- di possesso non giustificato di cosa dell'esercito americano eccedente la sua dotazione (art. 156 c.p.m.p. - 15 e 47 c.p.m.g.) ;

25) Il sopralmaggiore della Sichel è imputato :

- di concorso in furto di sale (circa 90 quintali), commesso con altri militari e civili nottetempo e mediante danno, in danno della S.A. Montecatini (art. 64 e 625 c.p.) ;

26) Il fante della Alpina è imputato :

- di concorso in furto di sale commesso con altri militari e civili italiani nottetempo e con danno, nella prima decade del mese di gennaio 1945 nello stabilimento della S.A. Montecatini - sede di Rifredi - (art. 624 e 625 c.p.) ;

27) Il sopralmaggiore della Sichel è imputato :

- di furto agguato di 60 chilogrammi di sale industriale proveniente dal furto in danno della S.A. Montecatini (art. 72 c.p.) ;

28) Il civile VIGNANI è imputato :

- di ricettazione continuata di cose rubate all'amministrazione militare alleata (art. 237 c.p.m.p. - 15 e 47 c.p.m.g.) ;

29) Il civile VIGNANI è imputato :

- di ricettazione continuata di calzini di lana rubati all'amministrazione alleata (art. 237 c.p.m.p. - 15 e 47 c.p.m.g.) ;

30) Il civile VIGNANI è imputato :

- di ricettazione di calzini di lana rubati all'amministrazione militare alleata (art. 237 c.p.m.p. - 15 e 47 c.p.m.g.) ;

31) Il civile VIGNANI è imputato :

- di ricettazione di cinque balli di calzini rubati all'amministrazione militare alleata (art. 237 c.p.m.p. - 15 e 47 c.p.m.g.) ;

32) La civile VIGNANI è imputata :

- di ricettazione di una balla di calzini rubata alla amministrazione militare alleata (art. 237 c.p.m.p. - 15 e 47 c.p.m.g.) ;

33) Il civile VIGNANI è imputato :

- di ricettazione di 30 pezzi di lino rubati nel magazzino 12° Medici (art. 237 c.p.m.p. - 15 e 47 c.p.m.g.) ;

[illegible]

- 13 -

- Questi delitti riguardano principalmente:
- la sottrazione del magazzino americano 5/43 in Rifredi di: 20 balle di pantaloni di 75 pezzi per ogni balle; 16 balle di calze di lana di 150 pezzi per ogni balle; 41 coltroni termici per letto; 222 pezzi di materassi di lana; 730 cappucci parapigiama not. 43; 2967 sacchetti di carta impermeabile; 535 pezzi di guanti ed altro di vario conto;
 - la sottrazione del 12° Deposito Medico Americano di: 20 balle di pezze di tela bianca di line grigia, per altro 7000 metri complessivi; circa 200 grammi di mercurio; 4 casse di medicinali;
 - la sottrazione di circa 50 quintali di sale industriale dal magazzino della S.I. Montecatini stabilimento di Rifredi;
 - un tentato furto di viveri presso il magazzino americano S.I.S. di Cavale (Firenze);
 - la preparazione di due grossi farti di cento chilogrammi di mercurio e di un milione di pastiglie occidendole, esistenti rispettivamente presso il 12° Medical Depot e presso il 5/43 Depot.

Non tutti i partecipanti alla succitata attività criminale, militare e civili, sono noti; comunque una parte preponderante in essa ha avuto la banda "Bertola".

Nel settembre 1944 il caposquadriglia Bertola Armando e i farti Cassone Antonio, Passerini Agostino, Donigi Guido e Pizani Angelo si occupavano tra loro per commettere farti nei magazzini ove prestavano servizio, e vendere poi a ricettatori civili i materiali sottratti. Tra gli associati era stato stabilito che chiunque di loro avesse rubato, il ricavato della vendita della refurtiva doveva essere diviso fra tutti gli affiliati.

Suocessivamente entrarono a far parte dell'associazione e delinquere il tenente Belli Vincenzo, i sergenti Quaracchini Mario ed Alfano Pasquale, il fante Legari Giovanni, nonché i civili Masola Guido, Piccioli Mario e Vitaliano Vitaliano, quest'ultimo interprete civile presso la 549° Ambulanza Militare Americana, che ha sede nello stesso stabilimento del 12° Medical Depot, presso cui presta servizio la 7° compagnia del 539° reggimento fanteria italiana.

In giorno imprecisato, verso i primi del dicembre 1944, il tenente Belli comprese il Bertola, il Cassone, il Passerini, il Donigi, il Pizani mentre esportavano pezzi di tela dal 12° Medical Depot; per non denunciare, come suo dovere, gli accettava dal colpevole la somma di lire trentamila. In quel momento il Belli si legava all'associazione, percependo la sua quota per ogni azione delittuosa, completa con o senza la sua partecipazione.

Anche il sergente Quaracchini Mario in un primo tempo riceveva varie migliaia di lire dai cinque primi associati, per non svelarne le malefatte; successivamente partecipava con gli altri all'attività della banda.

I civili Masola Guido e Piccioli Mario contrattavano la ricettazione della merce prima ancora che venisse rubata e partecipavano all'organizzazione dell'attività ladresca.

Il civile Vitaliano, data la sua posizione presso il 12° Medical Depot, organizzava farti in detto magazzino per conto della banda, in collaborazione coi militari della 7° compagnia del 539° reggimento fanteria,

- 14 -

e precisamente caporal maggiore ~~XXXXXX~~ Alfredo, fante ~~XXXXXX~~ Giuseppe, ~~XXXXXX~~ M. Giuseppe, ~~XXXXXX~~ Florino, i primi tre arrestati, il quarto latitante. Questi quattro militari vengono denunciati a codesto Tribunale Militare dal comando del 940° reggimento fanteria con foglio n. 4/216/12/1 in data 9 marzo 1945.

Il caporal maggiore Bertola Arnaldo era praticamente il capo dell'associazione.

Non disponeva di una pistola mitragliatrice tedesca, che il sergente ~~XXXXXX~~ aveva acquistato dall'ex partigiano Baldi Mario. Il sergente ~~XXXXXX~~, ritenendo troppo pericoloso tenere l'arma nel suo alloggio privato, l'aveva consegnata al sergente ~~XXXXXX~~, che dormiva nell'assompimento della compagnia.

Il cameriere Baldi Mario, venditore dell'arma, sarà giudicato dalla Corte Militare Alleata di Firenze.

Anche il caporal maggiore Bertola e il fante ~~XXXXXX~~ possedevano illecitamente una pistola automatica "Beretta" ciascuna, e il fante ~~XXXXXX~~ due fucili da caccia.

Anche il civile De Galeri Roberto, colpevole di aver ostacolato la rivalutazione del Bertola, sarà giudicato dalla Corte Militare Alleata di Firenze.

Il civile ~~XXXXXX~~ Guido in sede di interrogatorio ha dichiarato che i militari predetti durante i furti portavano ~~XXXXXX~~ le rispettive armi.

I fatti principali accertati dalla deposizione dei farneti sono i seguenti:

- a) - Durante una notte di data imprecisata il caporal maggiore Bertola, i fanti ~~XXXXXX~~, ~~XXXXXX~~, ~~XXXXXX~~, ~~XXXXXX~~, sottrassero tre balle di calibro militare nel magazzino n. 5/43, gettando la refurtiva oltre il muro di cinta svendendola poi al vasaio Piccioli Mario, già d'accordo. I calibri passarono poi all'operaio Villorosi Alviero, da questi all'operaio Paristini Mario e infine all'industriale Baldi di Sesto.
- b) - In altre notti di data imprecisata ma sempre anteriori al Natale 1944, venivano compiuti almeno due furti di tela bianca dall'amministrazione militare americana, custodita nel 13° edicol Depot. A tali furti organizzati dall'interprete civile Vitaliano Giuseppe, parteciparono il Bertola, i fanti ~~XXXXXX~~, ~~XXXXXX~~, ~~XXXXXX~~, ~~XXXXXX~~, ~~XXXXXX~~ Gregorio ed inoltre il caporal maggiore ~~XXXXXX~~ Alfredo e il fante ~~XXXXXX~~ Pierino del 945° reggimento fanteria. Anche la tela gettata oltre il muro del magazzino, veniva subito portata in casa del Piccioli Mario, secondo gli accordi già presi, e venduta all'industriale Rocchi Giuseppe, nel concorso di Piccioli Vittorio, di Anderlini Teodoro in Rimondini, e della confezionista Pastori Paola.
- c) - Altro furto accertato da addebitarsi alla banda Bertola è quello di 400 maglie americane e di un notevole numero di scarpe usate, compiuto nel magazzino n. 5/43 verso la fine del dicembre 1944. A tale delittuosa impresa parteciparono il Bertola, il ~~XXXXXX~~, il ~~XXXXXX~~, il ~~XXXXXX~~ e il fante ~~XXXXXX~~ Giovanni; essi approfittarono di una finestra inaccessibile.

- 15 -

La refettoria fu trasportata in casa del Piccioli Mario, e poi venduta
a ricettatori non identificati.

d) - Nella prima decade del mese di gennaio 1945 si notò che, mediante una
breccia aperta nel muro di un magazzino delle abitazioni "Montecentini"
in Rifredi, vennero importati, almeno in due volte, circa cinquanta
quintali di sale sofisticato per uso industriale. Al furto collabora-
rono il caporal maggiore Bartola, i Santi Gaspare, Donigi, Passerini,
Lugari, Nello Alfano, il caporal maggiore Nello Michele, i sergenti
Marescialli Bruno, Alvaro Mangano, e Leonardo Vincenzo, il civile Ma-
sola Guido e il tenente Nelli.

I civili Santi Gino e Norzani Gino, ricettatori di notevole quantità
di refettoria, furono giudicati dalla Corte Militare Aleria di Firenze.
Il caporal maggiore Costa Aldo, verso il 10 gennaio 1945, acquistava da
uno sconosciuto circa 60 chilogrammi del sale robato alla S.A. Montecentini, senza accertarsi della provenienza dell'istesso sale. Il Costa
aveva subito il sale a disposizione del suo co-
mandante di compagnia, per la panificazione della farina del suo re-
parto.

e) - Successivamente, in una notte del dicembre gennaio, su indicazione del
l'interprete civile Vitaliano e della sua collaborazione materiale,
il Bartola, il Gaspare, il Passerini, il Donigi, e il tenente Nelli
importarono dal 1° Reggimento Reparto, sotto il nome di sale, quat-
tro casse di medicinali, che trasportarono direttamente in casa del Ma-
sola Guido.

Il tenente Nelli incaricò il civile Bacharini Gino per la vendita
dei medicinali; per difficoltà varie lo stesso non avvenne.

f) - In un giorno imprecisato del gennaio 1945 veniva tentato un furto di
vivere presso il magazzino americano S.A.S. sito in località Castello
(Firenze). Da parte dei militari e civili: Bartola, Gaspare,
Donigi, Passerini, Lugari, sergente Nello, Masola e Vitaliano. Il col-
po non riuscì, avendo una sentinella aperto il fuoco sui predetti.

g) - Per il mese di gennaio, di cui avrebbero dovuto essere tratti dai seque-
strati di parte chilogrammi, i ladri cercavano l'acquirente prima ancora
di rubare. A tal fine il furto fu commesso da Giuseppe, della 7^a compa-
gnia del 9^o Reggimento Fanteria, formata dal battaglione cospicuo
al caporal maggiore Bartola ed un'altra al civile Masola Guido. Il Bar-
tola dopo aver restituito il campione, mentre faceva il Masola passava
il suo al Bacharini, questi al civile Bartolozzi Danilo, questi al
civile Favoni Mario, questi al maresciallo in attesa di riassunzione
coro Aldo, e infine quest'ultimo all'ottico Diamantei Qualitiero.

h) - A carico del tenente Nelli e del vincente Piccioli Mario è emerso inoltre
un illecito traffico di liquori e marcano, venduti dall'ufficiale al
civile per alti prezzi.

Verso la fine del gennaio 1945 il tenente Nelli vendeva allo stesso
Piccioli venti chilogrammi di sigarette nazionali. Tali sigarette co-
stituiscono la ragione quindici di tabacco a pagamento per tutti i
militari in forza alla 1^a compagnia, ai quali pertanto non è stata

- 16 -

distribuita. Le sigarette erano state regolarmente prelevate dal Balli
comando di battaglione per lire ventottomila.

- 1) - Come precedentemente accennato, altri militari e civili sono risultati i
implicati nei furti ai magazzini americani di Rifredi.
In notte del 23 dicembre 1944 il sergente Leonard Vincenzo, comandante
in servizio d'ispezione al 35/41 Depot, si accordava col fante Felco
Giovanni per sottrarre una balla di calzini. Avvertiva quindi il fante
Giulietti Firmine, sentinella alla stiva dei calzini, di permettere al
Felco di esportare una balla; ed il fante del "Giulio Angelo", sentinella
in all'ingresso principale del magazzino, di lasciarlo passare.
Un civile Sabatucci Lisa ricevette la refurtiva. Il sergente d'ispe-
zione e la sentinella venivano ricompensati.
Nella stessa notte d'accordo, come sopra, col sergente d'ispezione Leo-
nardi e la sentinella Giulietti, anche il sergente Quaracchini esportava,
da sole, una balla di calzini, ricompensando poi in denaro i corredi.
Poco ore dopo questo furto, il sergente Quaracchini si accordava col
sergente Leonard, col sergente maggiore Cesare Giuseppe, e colla stessa
sentinella Giulietti e del "Giulio", per un nuovo furto di calzini. Su in-
vito del sergente maggiore Cesare anche il fante Leonard Angelo partecipa-
va al furto. Venivano apportate altre cinque balle di calzini di lana,
vendute la notte stessa al civile Maggi Antonio per lire 100 mila, come
in precedenza convenuto.

- 1) - Il sopralluoggero Natale Silvestro, il fante stabile Raffaele, il fan-
te Caligiuri Pietro e il fante Quaracchella Francesco hanno confessato di
aver sottratto una balla di calzini americani dal 35/41 Depot, scaval-
candone il muro di cinta. La refurtiva fu venduta al civile Villorosi
Alvino e da questi al Mariottini Carlo.

Il sopralluoggero Natale e il fante stabile possedevano illegalmente
una pistola automatica "Beretta" ciascuno. Subito dopo il loro furto, il
fante Felco e il fante Caligiuri sottraevano le due pistole per evitarne
il ritrovamento da parte della polizia. Il Felco dichiarò di averne so-
lito venduta una a un negro; l'altra invece fu affidata dal Caligiuri
al fante Mantone e da questi al civile Borselli Carlo.
Il Borselli era giardiniere della Corte Militare Alleata di Firenze.

- 2) - Nelle perquisizioni effettuate presso le camere tenute abusivamente in
affitto presso famiglie borghesi, è risultato che i seguenti militari
erano in possesso di abiti e viveri americani occulti in sottrazione
prescritta: ten. Balli, serg. Quaracchini, serg. Leonard, serg. magg. Per-
tola, fante Cascone, Quaracchini, Bonigi, Lugari, Stabile, Quaracchini, Pol-
co; anche i civili Casola, Piccoli, Vitaliano sono stati trovati in
possesso non giustificato di cose militari.

Le somme sequestrate (tra cui lire 435 mila al ten. Balli, e 130 mila
al fante Lugari), e gli oggetti non di pertinenza dell'amministrazione
alleata sequestrati e giacenti presso il Gruppo interno Co. 33. di
Firenze, passano a disposizione di questo Tribunale.

I militari e i civili fermati a suo tempo dal Gruppo interno del
Co. 33. di Firenze per ordine della Polizia Militare Alleata, e tutti

- 17 -

vinchianti nel Carcere Giudiziario della stessa città, come pure quelli lasciati a piede libero, contemporaneamente passano a disposizione di questo Tribunale. Prego voler esaminare d'organo la perizia di ciascuno ed emettere i relativi provvedimenti di competenza.

Informo che le autorità militari e giudiziarie alleate hanno affidato la cognizione dei reati qui descritti ai competenti organi italiani, dietro assicurazione di una rapida e severa sanzione, quale invece la gravità dell'offesa. Prego pertanto fornire, a questo Comando copia della sentenza, non appena verrà pronunciata, onde portarla a conoscenza degli enti interessati.

Allegati alla presente denuncia:

- 1 - Copia del foglio senza numero della Corte Militare Italiana di Firenze in data 7 marzo 1945, col quale vengono devoluti alla cognizione del Tribunale Militare Italiano i reati compresi nella presente denuncia;
- 2 - Rapporto giudiziario n. 134/6 in data 17/2/45, sugli atti degli interrogatori, confronti e perquisizioni compiuti dal Gruppo Interno S.M. di Firenze;
- 3 - Rapporto giudiziario n. 61 in data 21/2/45, relativa ad ulteriori indagini praticate dal Gruppo Interno S.M. di Firenze;
- 4 - Dichiarazione del sottotenente Gennaro Bianconi, della 1^a del 1/345^o reggimento fan.
- 5 - Verbale di denuncia n. 3 della stazione S.M. di Rifredi a carico del caporal maggiore Costa Aldo, con un interrogatorio di Villaresi e due dichiarazioni rilasciate dal Costa e dal ten. Belli;
- 6 - Rapporti informativi e degli notizie per ciascuno dei militari denunciati;
- 7 - Numero quindici libretti di depositi giudiziari presso la S.M. Poste di Firenze del denaro sequestrato agli imputati, per complessive lire 306.540,00, intestati come da elenco unito.

Mi riservo di inoltrare, non appena possibile, proposte per la sospensione dal grado a carico dell'ufficiale e dei sottufficiali denunciati. =

IL COLONNELLO COMANDANTE
(Bartorella Attilio)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4086/8/L.

ES/ap.

6 April 1945.

SUBJECT : Soldato BIANCHESI Amedeo, Italian
Military Tribunal.

TO : Land Forces Sub-Commission (MMIA)

1. Reference your A/6 of 16 March 1945 re Discipline
Italian Army.

2. Enclosed herewith is a copy of letter No. 1005
of the Procuratore Generale Militare with the Supreme Military
Tribunal containing a preliminary reply to the enquiry con-
tained in your above referred communication.

3. You will be advised of the outcome of the trial
as soon as the sentence is available.

See
A. R. THACKERAY,
Lt. Colonel,
Italian Branch,
for Chief Legal Advisor.

Encl. (copy Prot. No. 1005 Proc.Gen.Mil., 4 Apr 45).



REGNO
PROCURA GENERALE MILITARE DEL RE IMPERATORE

FRESSO IL

TRIBUNALE SUPREMO MILITARE

N.

1005

Prot.

Roma, li 4 aprile

1945

Risposta a nota del

N.

Alleg.

STAMPERIA REALE DI ROMA

Oggetto: Procedimento a carico del militare

BIANCHESSI Amedeo.

ALLA COMMISSIONE ALLEATA
Sottocommissione Legale
Via Veneto

29A

= ROMA =

Con rif. al f.AG/4086/8/L. del 19 marzo 1945,
si comunica che il soldato BIANCHESSI Amedeo di
Emilio comparirà dinanzi al Tribunale militare di
Napoli il 26 aprile prossimo, per rispondere del
reato di furto in danno dell'Amministrazione Mi-
litare.

Questa Procura Generale trasmetterà, a suo
tempo, copia della sentenza che sarà emessa a
carico del predetto militare.

Intanto sono state richieste più dettagliate
informazioni al Procuratore Militare di Napo-
li al fine di accertare se il fatto addebitato
al BIANCHESSI sia stato esattamente configurato

./.

come furto o integri invece il reato di se-
botaggio previsto e punito dell'art. 158 C.
P.M.G.

Si ritiene opportuno trasmettere copia
della circolare n. 657 del 10 marzo 1945, che
questo Ufficio ha diretto ai Procuratori Mi-
litari dipendenti al fine di richiamare la
loro attenzione sull'esatta nozione del rea-
to di sabotaggio.

IL PROCURATORE GENERALE MILITARE
(U. Borsari)

M. Borsari

LEGAL SUB COMMISSION	
CLO	
DCLO	
Chief Counsel	
CIO	
Religion Section	
CL RKS	
5 APR 1945	

PROCURA GENERALE MILITARE
presso

IL TRIBUNALE SUPREMO MILITARE

657.

CIRCOLARE N. 6777

Roma, 1° marzo 1943

Prot. n. 662 P.G.

OCCASIONE: Procedimenti penali per sabotaggio (art. 158 primo e secondo comma C.P.M.G.).

AI PROCURATORI MILITARI DEL REGNO

Le Autorità Alleate hanno segnalato a questo Generale Uffici
cio alcuni casi di miti condanne inflitte dalle autorità giudiziarie militari italiane per fatti che, pur avendo le caratteristiche di atti di sabotaggio, sarebbero stati definiti come reati di furto o di danneggiamento.

Credo quindi opportuno richiamare l'attenzione dei signori Procuratori militari sull'esatta nozione del reato di sabotaggio secondo le disposizioni dell'art. 158 codice Penale Militare di Guerra.

Per quanto riguarda l'elemento costitutivo materiale di questo reato l'art. 158 C.P.M.G. contiene una elencazione tassativa di atti la cui enunciazione non sembra richiedere particolari chiarimenti. Pare invece che vi sia stata alle volte incertezza se a integrare in tutti i suoi estremi il reato di sabotaggio sia sufficiente il dolo generico ovvero occorra anche il cosiddetto dolo specifico. La risposta a tale quesito non può essere dubbia poiché l'art. 158 non richiede che l'autore delle azioni ivi previste si proponga il raggiungimento di un fine determinato, ma si limita a stabilire in modo non equivoco quali siano, nella loro materialità, gli atti di sabotaggio prescintesi dal fine o dal motivo particolare del colpevole. Non si deve quindi per l'integrazione del reato di sabotaggio il cosiddetto dolo specifico, ma è sufficiente il dolo generico e cioè

Le Autorità Alleate hanno segnalato a questo Generale Uffici alcuni casi di miti condanne inflitte dalle autorità giudiziarie militari italiane per fatti che, pur avendo le caratteristiche di atti di sabotaggio, sarebbero stati definiti come reati di furto o di danneggiamento.

Credo quindi opportuno richiamare l'attenzione dei signori Procuratori militari sull'esatta nozione del reato di sabotaggio secondo le disposizioni dell'art. 158 Codice Penale Militare di Guerra.

Per quanto riguarda l'elemento costitutivo materiale di questo reato l'art. 158 C.P.M.G. contiene una elencazione tassativa di atti la cui enunciazione non sembra richiedere particolari chiarimenti. Pare invece che vi sia stata alla volte inesattezza se a integrare in tutti i suoi estremi il reato di sabotaggio sia sufficiente il dolo generico ovvero occorre anche il cosiddetto dolo specifico. La risposta a tale quesito non può essere dubbia poiché l'art. 158 non richiede che l'autore delle azioni ivi previste si proponga il raggiungimento di un fine determinato, ma si limita a stabilire in modo non equivoco quali siano, nella loro materialità, gli atti di sabotaggio praticati, do del fine o del motivo particolare del colpevole. Non si deve quindi per l'integrazione del reato di sabotaggio il cosiddetto dolo specifico, ma è sufficiente il dolo generico e cioè coscienza e la volontà di compiere su opere o cose militari destinate a scopo militare, taluno degli atti specificati nell'art. 158 cod. pen. mil. guerra.

Accertato pertanto che l'autore del reato abbia mente e volontariamente commesso il fatto, l'indagine specifica è manifestamente superflua quando non serva tenimento di altre responsabilità di carattere penale

Quando rimulti, ad esempio, che il colpevole abbia commesso la distruzione o la rimozione di opere o cose militari per impedire l'uso di tutto o in parte, al fine di trarne profitto, il sabotaggio potrà apparire come delitto commesso per eseguire un altro, secondo la previsione dell'art. 61 n. 2 C.P. ma i due reati non potranno mai confondersi o identificarsi, nè il primo potrà in ogni caso essere assorbito dal secondo. Invero il momento consumativo del reato di sabotaggio si esaurisce, nei casi sopra ricordati, con la rimozione o distruzione delle cose e non col successivo impossessamento e con la sottrazione delle stesse a fine di lucro: sicchè l'autore del reato che, dopo aver consumato il sabotaggio esporta per trarne profitto le cose rimosse o deteriorate, metterà in opera un'ulteriore azione delittuosa: in questo caso l'indagine sul dolo specifico potrà essere utile al fine di stabilire l'esistenza di un reato concorrente al furto, ma non mai al fine di discriminare o attemperare il delitto più grave precedentemente consumato.

Con le disposizioni dell'art. 158 C.E.M.C. il legislatore ha voluto tutelare contro ogni azione di danneggiamento le opere e le cose di grande interesse militare comminando quelle pene che ha ritenute adeguate alla eccezionale importanza di tale interesse in tempo di guerra. E' pertanto opportuno che tali norme vengano applicate in tutta la loro severità nei casi di sabotaggio commessi su cose appartenenti alle forze armate degli Alleati, il cui sforzo bellico, affiancato dalla collaborazione italiana, tendendo alla liberazione dell'Italia dei Tedeschi e dei Fascisti è di vitale importanza per il nostro paese e deve quindi essere sorretto con tutti i mezzi consentiti dalla legge.

Attendo cenno di ricevuta.

non potranno mai considerarsi come delitti in ogni caso essere assorbito dal secondo. Invero il momento consumativo del reato di sabotaggio si esaurisce, nei casi sopra ricordati, con la rimozione o distruzione delle cose e non col successivo impossessamento e con la sottrazione delle stesse a fine di lucro: sicchè l'autore del reato che, dopo aver consumato il sabotaggio, esporta per trarne profitto le cose rimosse o deteriorate, metterà in opera un'ulteriore azione delittuosa: in questo caso l'adempimento sul solo specifico potrà essere utile al fine di stabilire l'esistenza di un reato concorrente di furto, ma non mai al fine di discriminare o attenuare il delitto più grave precedentemente consumato.

Con le disposizioni dell'art. 158 U.L.M.C. il legislatore ha voluto tutelare contro ogni azione di danneggiamento le opere e le cose di grande interesse militare comminando quelle pene che ha ritenute adeguata alle eccezionali importanza obbiettive interresse assunte in tempo di guerra. E' pertanto opportuno che tali norme vengano applicate in tutte le loro severità nei casi di sabotaggio commessi su cose appartenenti alle forze armate degli Alleati, il cui sforzo bellico, affiancato dalla collaborazione italiana, tendendo alla liberazione dell'Italia dai Tedeschi e dei Fascisti è di vitale importanza per il nostro paese e deve quindi essere sorretto con tutti i mezzi consentiti dalla legge.

Attendo cenno di ricevuta.

IL PROCURATORE GENERALE MILITARE
(U. Borseri)

M. B. 2

40A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4086/8/L.

/rlp.
4 April 1945.

SUBJECT : Jurisdiction of AM Courts.

TO : Land Forces Sub-Commission (MMIA).

1. I regret that I cannot agree with the arguments or conclusion of Major Van Kirk.

2. It is true that members of the Italian army are subject to Italian Military Law, but that fact does not prevent them being also subject to Allied Military Government.

3. The jurisdiction of AM Courts is founded on:

- a. International Law, as limited by
- b. The Proclamations of the Supreme Allied Commander, as further limited by
- c. The "Consolidated Instructions for AM Courts" issued by the Executive Commissioner.

4. Under International Law such jurisdiction extends, beyond any possibility of argument, to all inhabitants of the occupied territory. See for example Oppenheim's International Law, 6th Edition, vol. II, pp. 345 and 346.

5. Under the Proclamations, the jurisdiction of the AM Courts is expressly stated to extend to all persons except (a) members of the Allied Forces and (b) prisoners of war or persons treated as such.

The Italians are not allies nor are members of the Italian Army members of the Allied Forces.

6. Under the Consolidated Instructions, Italian troops are expressly stated to be subject to the jurisdiction of AM Courts, although it is added that in the absence of some very special reason to the contrary, this jurisdiction will not be exercised. The Instruction further provides that in cases of doubt, e.g., when the offence is against the personnel or property of the Allied Forces, reference should be made to this sub-commission. I was consulted upon this case and authorized the proceedings.

7. I need hardly point out that the AFHQ letter of 16 Nov 44, as quoted by Major Van Kirk, is an enabling letter so far as the Italian Military Courts and Allied arresting authorities are concerned. It is not restrictive upon Allied Military Courts.

8. In conclusion, I must point out that AM Courts are most careful not to assume jurisdiction over Italian soldiers and that I do not authorize such action except in very rare cases. In this instance, however, I feel sure that you will agree that the intervention of an AM Court was both desirable and salutary.

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

56

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4086/8/L.

ART /ap.
3 April 1945.

SUBJECT : SALERNO Filippo, Enquiry on.
TO : HQ.P.W.B., ROME.
(Attn: Liaison Officer AC).

1. The Ministry of Justice acting on behalf of the Tribunale Supremo Militare di Guerra has requested this Sub-Commission to obtain information from your department as to the employment of the above-named with your organization. He is at present a prisoner at large.

2. In order to facilitate your replies, the file of correspondence is transmitted herewith (including a letter of reference from P.W.B. Unit No. 6) for return in due course please.

Dep
A. R. THACKRAH,
Lt. Col.,
Italian Branch,
for Chief Legal Advisor.

Incls : 3 letters.



Ministero di Grazia e Giustizia
DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE DELLA STATISTICA E DEL CASELLARIO

Ufficio I° A.P.
Aut. N° 1312111/593/45

4086/8 (38A)
Roma 20 MARZO 1945
ON. COMMISSIONE ALLEATA
SOTTOCOMMISSIONE LEGALE
Via Veneto R O M A
e p.c. Off. Collegamento
S E L E

Supplente del
Gi. Luc. 1°
Oggetto Condannato SALERNO Filippo già centurione
della milizia fascista - Informazioni

All. 2

Si trasmette l'unita lettera con la quale
il Tribunale Supremo Militare, Ufficio Proce-
dimenti Tribunale di Guerra soppressi, chiede a co-
desta On. Commissione informazioni in merito alla
persona in oggetto, condannata con sentenza 24-9-
1942 del Tribunale di Guerra di Tripoli ad anni
10 di reclusione per il reato di concussione, ed
evaso dalle carceri di quella città il 19-1-1943.

PER IL MINISTRO
(A. Spallanzani)

[Signature] 54

2 APR 1945

4586/8.

COMPETENCE

37A

HEADQUARTERS AMERICAN COMMISSION

A.F.O. 394

PUBLIC SAFETY GUN COMMISSION

SECURITY DIVISION

RNF : 30/14000

11 March 1945

SUBJECT : Lt. SANTI MANNARICI

10. 1997-1998

1. Reference MSG/1891 of 21 March 1945.
2. Attached is a copy of a letter received from WHG which it is hoped may assist in clarifying the matter.

53

DOWN GRADED
TO
UNCLASSIFIED

Col. Inf.

Chief Judicial Officer.
for Chief Civil Affairs Officer.

CSH/nb

Copy to : Legal S.C.
(would you please reply direct to
query raised in last paragraph) of customer.

N.A.
Agenda

Sec 3A, 4A, 10A, 11A, 12A, 27ABC

CONSTITUTIONAL

JOHN W. CAMPBELL, Capt.
Colonel J.A.C.D.,
Director Public Safety,
Sub Commission.

SUB COMMISSION	
1	1
2	1
3	1
4	1
5	1
6	1
7	1
8	1
9	1
10	1
11	1
12	1
13	1
14	1
15	1
16	1
17	1
18	1
19	1
20	1
21	1
22	1
23	1
24	1
25	1
26	1
27	1
28	1
29	1
30	1
31	1
32	1
33	1
34	1
35	1
36	1
37	1
38	1
39	1
40	1
41	1
42	1
43	1
44	1
45	1
46	1
47	1
48	1
49	1
50	1
51	1
52	1
53	1
54	1
55	1
56	1
57	1
58	1
59	1
60	1
61	1
62	1
63	1
64	1
65	1
66	1
67	1
68	1
69	1
70	1
71	1
72	1
73	1
74	1
75	1
76	1
77	1
78	1
79	1
80	1
81	1
82	1
83	1
84	1
85	1
86	1
87	1
88	1
89	1
90	1
91	1
92	1
93	1
94	1
95	1
96	1
97	1
98	1
99	1
100	1

6311-

C O P Y

37B

ALLIED FORCE HEADQUARTERS
Office of the Assistant Chief of Staff, G-2
APO 512 U.S. ARMY

GSI-389.701/PP/453.

28 March 1945

SUBJECT : Lt. Santo MANNANICI

TO : HQ Allied Commission
Public Safety Sub Commission
Security Division,
A.P.O. 394

Ref. your SO/1402-5 dated 22 March.

(a) Subject is at present held by the Italians
at San Pietro, TARANTO.

(b) No proceedings are contemplated by this Hq.

(c) This Hq has no objections to his being handed
over to the Italian naval authorities.

It is presumed that Major GERMAN (see on GSI-389.463
dated 10 March and enclosure) has been unable to throw any
light on the whereabouts of the documents relevant to MANNANICI.

For the A.C. of S., G-2:

S/TTTTTTTTTTT
for T/ S.S. HILL-D LICH,
Colonel, G.S.,
G-2 (CI) Section.

Copy to: GSI Hq., No. 3 District.

710
HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

36A

AC/4086/6/1a

IGHQ/mt
29 March 1945.

SUBJECT : Application to try Italian Soldier by Allied Military Court.
TO : Regional Commissioner (Attn: Regional Legal Officer),
UMBRIA-MARCHE Region.

Authority to try CAMPANALE Giacomo before an AM Court
is granted as asked in 45/511/14/AMC. of 27 Mar forwarding a
copy of AMO/11/12 of 23 Mar.

By command of Rear Admiral STONE:

WEB

51

Copy to: AC/4083/1/L.

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

40861/8

350

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

FROM : H.Q. AMG/AC MARCHE UMBRIA REGION

SUBJECT: Application to try Italian Soldier by Allied Military Court.

REF. : R5/511/14/ANC.

DATE : 27 March '45

CAMPANALE GIACOMO

HEADQUARTERS
28 MAR 1945

Copy application re above received from P.L.O. ANCONA is forwarded.
May the required authority under Consolidated Instructions Art. 4 be
granted please.

LEG. (H.Q. 1945/1032)

CLO

DELO

Chief Counsel

→ CLO

Leg. Sec.

CLO

For the Regional Commissioner

R. G. S. ALEXANDER, Major
R.L.O.

28 MAR 1945

COPY

35B

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

SUBJECT : Application to try Italian soldier in AMG Court.

TO : R.L.O. Abruzzi Marche Region

FROM : P.L.O. ANCONA

REF. : Anc/11/12

DATE : 23 March 1945

Campanale Giacomo

1. The above named is an Italian soldier of No 1004 Italian G.T. Company, A.A. Barracks Osimo, and is a lorry-driver.

→ 2. On 24th February 1945 he commenced to work for AMG at Ancona and on the following day was instructed to take a load on his 5 ton truck from AMG warehouse to Ancona Railway Station, consisting of 32 sacks of sugar. He took this load to Osimo and delivered it at the farm occupied by four brothers ANTONELLI. On his return to Ancona he was arrested. When the farm was searched by the C.M.P. the sugar had been disposed of and no trace of it could be found.

3. The brothers ANTONELLI have already been tried before a Superior Court held this week at Ancona, and three of them found guilty of receiving the 32 bags of sugar, and sentenced. The chief witness in the case was CAMPANALE, who made a full statement as to his part in the crime. |||

4. It is thought that this case is one of great importance in view of the facts that a vast quantity of sugar was involved and that it was intended for distribution to the civil population, and the necessary authority as required under Article 4 of Consolidated Instructions in therefore requested to proceed against CAMPANALE in an AMG Court. 19

For the Provincial Commissioner:

V.T. BOONE
Capt. CMP
PLC Ancona

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rlp.
26 March 1945.

AG/4086/8/L.

SUBJECT : Soldato TALIA Agostino, 4th Company, 505 Bn, Guards (Italian).
TO : Regional Commissioner (Attn: Regional Legal Officer),
EMILIA Region.

1. Reference your RIX/LE/654/344 of 24 Mar 45. trial of TALIA Agostino by an AM Court is approved.

2. Documents returned herewith.

By command of Rear Admiral STONE:

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

Incls: All documents.

Copy to AG/4083/1/p

34A

48

4086/8

33A

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

REF : RIX/LE/651/344

WHL/dsh.
24 March 1945.SUBJECT : Soldato TALIA Agostino, 1st Company, 505 Battalion, Guards,
(Italian).TO : Headquarters, Allied Commission, APO 394 (For Deputy Chief
Legal Advisor).

1. Forwarded herewith is report of investigation concerning shooting of two Allied soldiers by above on 28 December 1944.
2. The evidence is in conflict on the important question of whether the soldiers attacked TALIA or fired a pistol shot at him before he fired on them with his rifle. Under the circumstances, it would appear that TALIA should stand trial for these shootings.
3. It is my recommendation that the trial be held before an AMG Court.
4. File referred to you for instructions pursuant to para. 1 (c), Article 4 of the Consolidated Instructions.

For the Regional Commissioner:

Encl. as above.

WHL
WILLIAM H. LEVIE
Lt. Col., J.A.G.D.
Regional Legal Officer.

LEGAL SUBCOMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Liaison	
CLERKS	
26 MAR 1945	

1. Ref y-

trial of TALIA Agostino
by an AMG Court is
approved.

2. Documents returned herewith
copy to Acl 4083/1/4

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

32A

AC/4086/8/L.

26 March 1945.

SUBJECT : Case of V. Brigadier RASCI Mario CG. RR.

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

1. I entirely agree with the recommendations made by the
Regional and Provincial Legal Officers in this case.

2. Documents returned herewith.

By command of Rear Admiral STONE:

Incl.

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

46

RVII/19/3008

4066/8

1st Ind.

32B
LEGAL STC

Headquarters, Toscana Region AMG - 22 March 45
 TO : LEGAL SUB-COMMISSION HEADQUARTERS AC

1 We are in accord with the recommendation made in paragraph 12,
 of the basic letter.

For the Regional Commissioner:

John K. Weber
 JOHN K. WEBER,
 Colonel, Infantry
 Regional Legal Officer.

HEADQUARTERS

LEGAL SUB-COMMISSION	
CLO	
ASST	
Chief Counsel	
CID	
Info	
Q. R. S.	
26 MAR 1945	

55

✓
HEADQUARTERS
PISA PROVINCE
ALLIED MILITARY GOVERNMENT

Ref.

3050/L

Date: 16 March 1945

SUBJECT: Exercise of Jurisdiction in Charges Involving a
Carabiniere
TO : C.O. Hqs., Legal Sub-Commission Through Regional
Legal Officer, Hqs., A.M.G., Toscana Region

1. On the night of 21 January 1945 at Bientina in Pisa Province an Italian civilian shot and critically wounded a British soldier. He used a revolver which he had failed to surrender as required by the Proclamation.

2. On 31 January 1945 Sgt. Gaskell of the 75 S.I.B. section, C.M.P., C.M.F. made a verbal report of the incident and his investigation to Capt. C.L. Farber the Provincial Public Safety Officer of this Province.

3. On that date Sgt. Gaskell stated that upon initiating his investigation he had contacted CC.RR. Brig. Mario Masci in charge of the caserma at Bientina but had actually been misled in his investigation by the refusal of the Brigadiere to divulge material information of the shooting to him.

4. The Sgt. proceeded with his investigation and brought it to a successful conclusion. The civilian was taken into custody and is being held pending the filing of charges.

5. At the time of making his report to Capt. Farber, Sgt. Gaskell stated that the Brigadiere had informed him that the wounded British soldier had requested him not to give any information to military police who might investigate the shooting.

6. The reason given for this request was that the shooting allegedly took place because of an attempt on the part of soldiers and civilians to steal some domestic animals belonging to the accused.

7. In the preliminary report made by Sgt. Gaskell which is attached hereto for your consideration, it is stated that some American soldiers had requested him to remain silent.

8. The final report in the case was received yesterday in this office from the 75 Section, S.I.B., C.M.P. The investigation was a thorough one and well handled.

9. The civilian will be tried as soon as the British soldier is released from the hospital and can appear as a witness.

10. Instructions are requested from the Legal Sub-Commission as to whether an Allied Military Court should proceed against Brig. Mario Masci under Proc.I, Art.4, Sec.7 or to have the Carabinieri Command of Livorno take disciplinary action against him.

11. In view of the agitation of some minority groups against the Carabinieri and the Italian Government generally the unfavorable publicity which would attend an Allied Military Court trial of the charge would be undesirable.

12. It is recommended therefore that his Command be permitted to discipline him.

Edward E. Nevans Jr.

EDWARD E. NEVANS Jr.,
1st Lt. C.M.P.
Prov. Legal Officer.

FORWARDED:

T. W. J. Walters
T. W. J. WALTERS
Lt. Colonel
Prov. Commissioner.

2010/11/2008

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

ES/pa.

22 March 1945.

AC/4086/8/1.

SUBJECT : Case of BERTOLI Armando and others. Case of GIUBANI
Antonio and others. Theft of Allied Property.

TO : H. E. The Procuratore Generale Militare,
Via degli Acquasparta, 2, ROMA.

1. Enclosed for Your Excellency's perusal and return please are charges and other documents pertaining to the above two cases.

2. In compliance with the request of the Italian military authorities the 5th Army has agreed that the cases should be tried before an Italian Military Tribunal. The Italian authorities have undertaken to transfer all the defendants to Rome in order that the trials may be dealt with expeditiously.

3. In view of the importance of the first case involving large stocks of Allied property, and of the fact that the two soldiers in the second case belong to an Italian Truck Company attached to the Allied Commission it would be appreciated if the trials could be expedited and this Sub-Commission informed of the progress of the proceeding.

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

Incls.

HEADQUARTERS
AMG FIFTH ARMY
APO 464 US ARMY

30A

208/26

HMD/jm
19 March 1945

SUBJECT: Trials by Italian Military Tribunal.

TO: HQ Allied Commission,
(Legal Sub-Commission for attn. Lt Col Hannaford).

1. Herewith copy letter from the Prosecutions Office Florence dated 16th March with attached documents relating to large scale thefts from a Fifth Army warehouse, in which an officer and 26 soldiers of the 210th Division of the Italian Army and some 17 civilians are concerned in various degrees.

2. A further copy letter dated 10th March and attached documents are also enclosed which relate to a separate case involving two Italian soldiers members of the 1st Bn. 2675th Regiment A.C., and two civilians concerned together in the unlawful transport of flour by an Allied truck.

3. For the reasons stated in the attached letters, it is considered desirable that both these cases be tried by an Italian Military Tribunal, and the Italian military authorities here are making arrangements for the transfer of the prisoners to Rome in order that the trials may be dealt with expeditiously.

4. In view of the importance of the first case involving large stocks of Allied property, and of the fact that the two soldiers in the second case belong to an A.C. Truck Company, it would be appreciated if Lt. Col. Hannaford would advise the Procuratore Generale Militare that the trials should be expedited, and exercise a general supervision over the subsequent proceedings in Rome.

5. May this HQ please be informed in due course of the findings of the Tribunal and sentence~~s~~ imposed?

For the Commanding General:

H. M. Dickie W/Ldr.

H. M. DICKIE,
W/Cdr., RAF.,
Legal Officer,
A.M.G. Fifth Army.

- 2 -

Action plan

INFO SUB-COMMITTEE	
CLO	
→ DCLO	<i>hw</i>
Chief Counsel	
CIO	
→ Italian Section	
CL RKS	
21 MAR 1945	

50

COPY/jm

ALLIED MILITARY COURTS
FLORENCE PROVINCEOffice of the Prosecutor.
Florence, 16 March 1945.

SUBJECT: Case of Bertola, Armando and others.

TO : W/Cdr. H.M. Dickie,
Legal Officer,
A.M.G. Fifth Army.

1. Reference is made to your inquiry concerning the above matter.
2. Attached to the original of this letter are copies of the denunciations made by the Italian Military Authorities concerned against Belli Vincenzo, a Lieutenant of the 548th Infantry Regiment, 8 N.C.O's and 15 privates of the same command, one 17 civilians. Both Regiments are components of the 210 Division, Italian Army.
3. The Military personnel, who were detailed to guard Allied Forces Supply Depots, stole and delivered to the civilians a large quantity of Allied Forces property, to wit: 3 bales of socks, 60 bolts of cloth, 400 woolen vests, 4 cases of medicines, and other property.
4. In addition they had conspired to steal one million lighter flints and one hundred kilograms of mercury.
5. The 44 page report of the investigation made by the CC.RR. discloses a series of thefts made at various times and participated in by varying groups of individuals, all but one of whom (a soldier) have made written confessions.
6. In my judgement it is the type of case which an Italian Court can deal with most expeditiously, while A.M.G. Courts will be obliged to try the various groups separately and rely to a large extent upon the testimony of accomplices.
7. On 7th March 1945, Lt. Ceccarelli, Sergio, Hq. 548th Inf. Regt., representing Col. Bertorelli, Attilio, C.O. and Col. Balzani Nicolai, C.O., 525th Inf. Regt., advised me that the C.G., 210 Division had commanded that the above mentioned individuals be charged forthwith and tried before an Italian Military Tribunal.

C O P Y

8. The officers stated that the Italian Military Authorities feel that the honor of the Italian Army has been besmirched as the result of the disgraceful conduct of the military personnel involved, and that they wish to put their own house in order by bringing both the soldiers and civilians to trial before an Italian Military Tribunal.

9. The officers stated that the Italian Military Authorities will transport that alleged offenders to Rome within the next several days, and see that they are brought to trial promptly before the Military Tribunal there.

10. Subject to the approval of higher authority I have instructed the Italian Military Authorities to proceed with the prosecution and I have notified the prison director that these prisoners are now at the disposition of the Italian Military Authorities.

11. In the event that my action in the premises is approved, I suggest that Col. Hammadford be requested to see that the trial of this case is expedited.

William F. WAUGH, 38
Lt Col, JAGD.,
Prosecutor AMG Courts.

Copies to:

Major Holt.
Col. Weber
Major Glenn

COPY/jm

ALLIED MILITARY COURTS
FLORENCE PROVINCE

Office of the Prosecution.

Florence, 10 March 45.

SUBJECT: Case of GIUBBANI ANTONIO et al.

TO : W/Cdr. H.M. DICKIE, Legal Officer
AMG 5th Army.

1. Reference your inquiry regarding the above case.
2. The C.I.D. report charges that Giubbani Antonio, a member of the 4th Co., 1st Bn., 2675th Regt, A.C., (pursuant to an arrangement made by Perella Alfredo, also a member of the 4th Co.) transported 4 tons of flour for one Bruni Valentino in a military vehicle and was paid the sum of 30.000 lire therefor. The flour was delivered to the store of Ciucchi, Mario, another civilian.
3. Ciubbani and Perella are under the command of Col. Balzani Nicola, 525 Inf. Regiment, Italian Army for disciplinary purposes.
4. Col. Balzani has advised me, that the Italian Military Authorities desire to try these soldiers and the civilians as well; that a denunciation against them has been prepared (a copy thereof is attached to the original of this letter); that the Italian Authorities will transport them to Rome within next several days and see that they are brought to trial promptly before the Military Tribunal there.
5. Subject to the approval of higher authority I have instructed Col. Balzani to proceed with the prosecution of these alleged offenders and I have notified the prison director that these prisoners are now at the disposition of the Italian Military Authorities.
6. I suggest that Col. Hannaford be requested to see that this case is expedited.

William F. WAUGH
Lt Col, JAGD.,
Prosecutor AMG Courts.Copies to:
RIO, Toscana.
PIO, Florence.
Col. Balzani. /////

6709th C.I.D. Platoon (Prov.)

HEADQUARTERS ALLIED COMMISSION
AFC 394
LEGAL SUB-COMMISSION

AS/4086/C/L.

/mt.
19 March 1945.

SUBJECT : Soldato BIANCHETTI Amedeo. Italian Military Tribunal.
TO : H. A. The Procuratore Generale Militare,
Via degli Acquedotti n. 2 ROME.

1. The Headquarters of the 12th Army are anxious to know the outcome of the penal proceedings initiated against the above soldier before the Military Tribunal of Naples for an offence connected with damage to telephone communications committed in June 1944.

2. Could this Sub-Commission please be supplied with a copy of the sentence or if the trial has not taken place as yet could steps be taken to complete the proceedings at an early date and this Sub-Commission advised accordingly.

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

086/8

CLD	Subject : <u>Discipline - Italian Army.</u>
DCLO	
Chief Counsel	
CJ	
Italian Section	
CL-RKS	
18 MAR 1945	

Land Forces Sub Comm.A.C.
(M.M.I.A.)
R O M E
A/6

16 March 45.

Legal Sub Comm.
HQ Allied Commission.

Soldato BIANCHESSI Amedeo.

1. Rear HQ Eighth Army are anxious to know the result of the trial by Court Martial of the above named Italian soldier.
2. Offences connected to damage to telephone communications were committed in June 44 and soldier BIANCHESSI was remanded for trial by the Military Tribunal, Naples.
3. There has therefore been a nine months delay since this soldier was remanded for trial. It is requested that you will please make inquiries and advise this HQ of the punishment awarded if the man has been tried or make representation to have this case tried at an early date.

S.P. Archer Capt.

S.P. ARCHER, Capt.
for Major General,
M.M.I.A.

Copy to : MMIA. LO.
Rear HQ. Eighth Army
Your MM/IO4, dated 11th of March refers.

SPA/fc

see 29A

28A

35

4086/8
4

27A

HEADQUARTERS ALLIED COMMISSION
A.P.O. 394
PUBLIC SAFETY SUB COMMISSION
SECURITY DIVISION

REF : SD/140RE-4

15 March 1945

SUBJECT : Lt. Sante MANNANIGI

TO : Legal Sub Commission.

1. Ref. AG/4086/L of 8 Feb. 1945.

2. Copy of letter and enclosure from G-2 (CI) AFHQ
are attached for your information.

C Hayes
JOHN E. CHAFFIN, *Capt*
Colonel J.A.G.D.,
Director Public Safety,
Sub Commission.

GBH/nb

LEG. SUBCOMMISSION	
CLO	/
Secy	/
Chief Counsel	/
(CI)	/
Section Secy	/
CL RKS	/
17 MAR 1945	/

Spike Hayes:
He will clarify
further with G-2
10
21 Mar

Wagner Wright
10A

See 3A, 4A

10A, 11A, 12A

585A

ALLIED FORCE HEADQUARTERS
Office of the Assistant Chief of Staff, G-2
APO 512, U.S. Army

GBI. 389.463

10 March, 1945

SUBJECT : Lt. Sante MANMANICI

TO : Security Division,
Public Safety Sub Commission,
Allied Commission

Further to our letter of even number dated 14 February, 1945.

1. Attached for your information is a copy of GSI, No. 3 District letter 29/GSI dated 3 March, 1945.
2. It is considered unlikely that at this date GSI, No. 2 District will have any further information and it is suggested that Major GERMAN now be asked to enlarge upon this case.
3. Subject is understood to be still in San Pietro, SARANTO.

For the Assistant Chief of Staff, G-2:

S/ E. MURRAY Capt.
T/ E.B. NICHOLS,
Colonel, G.S.C.,
Asst. A.C. of S., G-2

Copy to : File GBI. 389.701/PF/453,
G.S.I., No. 3 District.

COPY

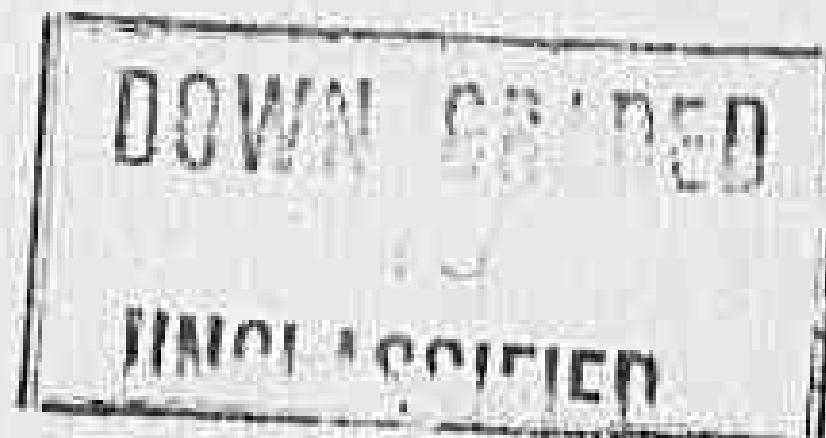
SUBJECT: Lt. Sante KANNANICI, Lt Royal NavyCONFIDENTIALAFHQ
G-2(CI) Sec
-----3 District
baseball, Ext. 6
29/GSI

3 Mar 45

Reference is made to your GBI. 389 463 dated
14 Feb. 45.

1. Enquiries at TARANTO reveal that Subject was arrested in that town by S.I.S. on 17 May 44 on the instructions of 2 District.
2. The Legal Officer A.C. TARANTO states that all relevant documents in this case were forwarded to Legal Officer AC Naples.
3. Legal Division A.C. Naples assert that no such documents have ever been received by them.
4. It is suggested therefore that further information on this case may be obtained from the ex Legal Officer TARANTO, Maj. German now believed to be at the Legal Sub Commission A.C. ROLE, or from GSI(b) No. 2 District.

LBR:HH

s/ E.M. ROBERTS Capt.
for Major Gen
Comd.

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

26A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4086/6/L.

4 March 1945.

SUBJECT : Case of RUBINO Giuseppe.

RO : Regional Commissioner, ABRUZZI-MARCHE REGION. (2)
(Attn. Regional Legal Officer)

Authority is given for the trial of RUBINO Giuseppe before an
Allied Military Court.

By command of Rear Admiral STONE.

HHH/ww.

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

Copy to : AC/4085/1/L.

25A

INTER OFFICE MEMORANDUMHEADQUARTERS ALLIED COMMISSION
Public Safety Sub-Commission
APO 394

Tel : 478300

25 February, 1945.

AC/14080/18/PS

SUBJECT : Control of Movement - Italian Navy Personnel.

TO : Navy Sub-Commission.

1. With reference to your letter HSC/1687, dated 20 February, 1945, this Sub-Commission is in agreement with the proposals put forward by you for dealing with Italian Service personnel travelling in the Army Zone without proper authority.

2. It will be necessary, however, to amend Executive Memorandum No. 77, para 11, and this can only be done in agreement with H.Q. 15 Army Group and AFHQ.

3. Steps are being taken at the moment to revise Executive Memorandum No. 77 and it is hoped that it will be possible to incorporate the proposals which you put forward.

Wm. C. Ballantyne
for Colonel, J.A.G.D.
Director Public Safety
Sub-Commission.

Copy : Legal Sub-Comm.
(Your AC/14086/8/L of 22 February, refer)

SCP/3.

17A →

LEGAL SUB-COMMISSION	
CLO	
CCLO	✓
Asst. Comm.	
Section	
24 MAR	
4 MAR 1945	

TO : HQ AC (for attention of Legal Sub-Commission)
FROM : HQ AC ABRUZZE-MARCHE REGION
SUBJECT : Trial of Italian soldier by AM Court.

R5/511/14/ANC

2 March '45

RUBINO Giuseppe

Authority is requested for trial of a/n soldier by AM Court,
please.

For the Regional Commissioner



R. G. S. ALEXANDER, Major
R.L.O.

9 MAR 1945

536

248

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

Subject: Application to try Italian Soldier in AMG Court

To : R.L.O. Abruzzi-Marche Region

From : L.O. Marche Region

Ref : Ano/11/12

Date : 28 February 1945

Legal Office

RUBINO GIUSEPPE

1. The a/n is an Italian soldier of No 3 I.W.T. Coy attached to 947 I.W.T. Coy. Royal Engineers at the Italian Naval Barracks, Ancona.

2. In the early hours of 24 JAN'45 he, together with another soldier and two civilians, was seen lying on his stomach on top of the Dock wall in the vicinity of the tobacco factory in the Ancona docks. He was arrested by a member of the C.M.P. and on top of the wall was found a large quantity of sacks and brown paper parcels containing 91,000 D.F.I. cigarettes. The remainder of the gang escaped into the night.

3. It is only necessary to add that RUBINO was on duty at the time of the offence. He has made a voluntary statement in which he states that the other soldier said "Come on and give us a hand to throw these parcels over the wall" and that they were engaged in that act when the Military Police arrived.

4. In view of the special circumstances set out above, it is thought that this is a proper case to be tried in an Allied Military Court.

5. The necessary authority as required under ART IV of the Consolidated Instructions is therefore requested.

For the Provincial Commissioner :

/s/ P.D. COTES-PREDDY Major
L.O. Ancona Province.

Date : 28 February 1945

RUBINO GIUSEPPE

1. The a/n is an Italian soldier of No 3 I.M.T. Coy attached to 947 I.M.T. Coy. Royal Engineers at the Italian Naval Barracks, Ancona.
2. In the early hours of 24 JAN'45 he, together with another soldier and two civilians, was seen lying on his stomach on top of the Dock wall in the vicinity of the tobacco factory in the Ancona docks. He was arrested by a member of the C.M.P. and on top of the wall was found a large quantity of sacks and brown paper parcels containing 51,000 M.F.I. cigarettes. The remainder of the gang escaped into the night.
3. It is only necessary to add that RUBINO was on duty at the time of the offence. He has made a voluntary statement in which he states that the other soldier said "Come on and give us a hand to throw these parcels over the wall" and that they were engaged in that act when the Military Police arrived.
4. In view of the special circumstances set out above, it is thought that this is a proper case to be tried in an Allied Military Court.
5. The necessary authority as required under ART IV of the Consolidated Instructions is therefore requested.

Per the Provincial Commissioner :

/s/ P.D. COTES-PREEDY Major
L.O. Ancona Province.

Copy to: S.P.P.S.O.

file

23A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4066/8/L.

ES/pa.
1 Mar 45.

SUBJECT : Italian Military Tribunals - Trials of Deserters.

TO : H. E. The Procuratore Militare Generale,
Via degli Acquasparta 2, ROME.

1. It is reported that the below listed Italian soldiers are awaiting trial by Rome Military Tribunal on charge of desertion :-

Soldier	INTINO Renato
"	PIZZARO Stefano
"	ESPOSITO Adolfo.

2. It would be appreciated if Your Excellency would advise this Sub-Commission of the sentences imposed in these cases, if the defendants are found guilty.

See 22A

27

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

(27A)

Subject:- Discipline - Italian Army.

Land Forces Sub Comm. A.C.
 (M.M.I.A.)
 R O M E
 A/11/3

Legal Sub Comm.(A)
H.Q. A.C.

27 Feb 45.

Sold. INTINO Renato
 PIZZARO Stefano
ESPOSITO Adolfo.

1. It is reported that the above named Italian soldiers are awaiting trial by Rome Military Tribunal on charges of desertion.
2. Will you please advise this H.Q. of the sentence of the Court in these cases.

P. Archer Capt 26

S.P. ANCHER, Capt.
 for Major General,
 M.M.I.A.

SPA/ab

SUB-COMMISSION

C.O.

C.O.

Chief Counsel

CJO

Italian Section

CL RKS

28 FEB 1945

~~SECRET~~

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

21A

/mt.
27 February 1945.

AT/4086/R/L.

SUBJECT : BENEDETTO Francesco and EGIDI Aurelio.
TO : Land Forces Sub-Commission (R.M. L.A.).

1. Reference AT/6 of 20 Feb 45.

2. The Procuratore Generale Militare Rome has informed this Sub-Commission to-day that the two above named Italian soldiers will be tried by a Military Court as soon as the pre trial investigation procedure is terminated and that he will duly inform this HQ of the result of the trial.

3. You will be kept advised as requested.

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

25

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

WGB/pa.
27 Feb 45.

AC/4086/8/L.

SUBJECT : Suspension of Prison sentences.

TO : H. E. The Procurators Generale Militare.
Via Acquasparta 2, ROME.

1. In answer to Your Excellency's letter No. 625 of 25 Feb 1945 this Sub-Commission is not prepared to state as a general rule that sentences imposed by Allied Military Courts may be suspended to enable the prisoners to join the Army.

2. The procedure which should be adopted however is for prisoners to make application on these grounds to this HQ. This Sub-Commission would then be willing to give favourable consideration to cases which appear to be desirable.

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

Copy to : AC/4002/L



4086/8 ✓
PROCURA GENERALE MILITARE DEL RE

REGNO

PRESSO IL
TRIBUNALE SUPREMO MILITARE

N. 625 P.G.
 Risposta a nota del

Prot.

Roma,

25 febbraio 1945 - AEROK

N.

Alleg

Stamperia Reale di Roma

OGGETTO: Sospensione delle esecuzioni di condanna.

ALLA COMMISSIONE ALLEATA
 Sottocommissione Legale

= ROMA =

Il Ministero della Guerra segnala a questo Generale Ufficio che alcuni militari condannati il 14 luglio 1944 dalla Military Court di Avelli-
 no ad anni tre di reclusione, ed attualmente dete-
 nuti in espiazione di pena, hanno fatto domanda
 di sospensione di esecuzione della condanna, per
 poter essere arruolati in reparti combattenti.

Si gradirebbe conoscere, in linea di massi-
 ma, se ed in quali limiti può essere riconosciuta
 alla autorità italiana la facoltà di sospendere
 l'esecuzione delle pene a norma delle leggi sta-
 liane anche per i militari condannati da Tribunali
 Alleati e se, in caso affermativo, le relative do-
 mande dovrebbero essere sottoposte all'approvazio-
 ne della Commissione stessa. In caso contrario si

//.

gradirebbe sapere se le domande di sospensione,
possono essere inviate alle Autorità Alleate per
la deliberazione di loro competenza, accompagn
te dal parere delle Autorità italiane.

IL PROCURATORE GENERALE MILITARE
(U. Borsari)

U. Borsari

MILITARY SUBCOMMISSION	
CIO	
ADJO	
Chief Counsel	
→ CIO	
→ Italian Section	
CL RKS	
26 FEB 1945	



REGIO
PROCURA GENERALE MILITARE DEL RE IMPERATORE

PRESSO IL

TRIBUNALE SUPREMO MILITARE

N. 413

Prot. RP

Roma, 26 febbraio

1945 - AMAX

Risposta a nota del

N.

Alleg.

Stamperia Reale di Roma

OGGETTO: Procedimento contro **BENEDETTO Francesco**
 e **ESIDI Aurelio**.

ALLA COMMISSIONE ALIBATA

Sotto Commissione Legale

In risposta alla nota n.4026/8/L. si comunica che il procedimento penale a carico dei militari sopra indicati è tuttora in corso di istruttoria.

Ho dato disposizioni affinché il procedimento venga definito colla maggior possibile sollecitudine e mi riservo di comunicare al più presto le ulteriori notizie richieste da codesta Sotto Commissione.

LEGAL SUB COMMISSION

CLO

IL PROCURATORE GENERALE MILITARE
 (U. Borsari)

DCLO

Chief Counsel

CJO

Religion Section

CL RGS

27 FEB 1945

M. Borsari

22

HEADQUARTERS ALLIED COMMISSION
AIO 39A
LEGAL SUB-COMMISSION

AC/1026/S/L.

22 Feb 45.

SUBJECT : Control of Movement - Italian Navy Personnel.

TO : Executive Commissioner (via Public Safety Sub-Commission).

1. Reference NSC/1687 of 20 Feb 45, there is no legal objection to the trial in Allied Military Courts of Italian Navy personnel who infringe A.M.C. Orders for the control of movement.

2. Article 4 of the Consolidated Instructions for Allied Military Courts provides that these courts have a jurisdiction over Italian troops (since they are co-belligerents and not allies) but in the absence of some very special reason to the contrary this jurisdiction will not be exercised.

3. The circumstances set out in the letter from Navy Sub-Commission will may be taken to constitute such reason and there is, therefore, no legal cause why such personnel should not be tried by Allied Military Courts.

4. In face of the present ruling I feel confident that Regional Legal Officers would hold that as a general rule Allied Military Courts should not try Italian Naval personnel on the sole ground that they have been technically guilty of a breach of an order controlling movement. If, therefore, it is decided that such personnel should be tried by Allied Military Courts it would be appreciated if this Sub-Commission could be so informed in order that the necessary directive may be issued to the Regional Legal Officers concerned.

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

WED/WW.

Copy to : Navy Sub-Commission.

4086/8

16A

HEADQUARTERS, ALLIED COMMISSION
Navy Sub-Commission APO 394NSC/1687
20 February 1945.

From: Navy Sub-Commission, Hq. Allied Commission.
 To : Executive Commissioner, Hq. Allied Commission.
 Via : Legal Sub-Commission, Hq. AC.
 Public Safety Sub-Commission, AC.

Subject: Control of Movement - Italian Navy Personnel.

Enclosure: (A) Navy Sub-Com. AG ltr NSC/1321 of 12 December 1944.

1. A copy of the Italian Ministry of Marine letter No. 8.5420 of 9 December 1944, relative to the control of movement of Italian Navy personnel in the Rear Army Zone, was forwarded to AMB 5TH and 8TH Armies by enclosure (A). The Italian Minister of Marine therein pointed out to Italian Naval commands that Italian Navy personnel entering the Rear Army zone without proper authorization are subject to being placed in concentration camps.

2. The present practice in the Rear Army Zone is to apprehend Italian Navy personnel travelling without proper authorization and to evacuate these persons through POW channels. A report is forwarded to the Navy Sub-Commission, AC in many instances and the Italian Ministry of Marine is requested to take appropriate disciplinary action.

3. As indicated in the Minister's letter of 9 December 1944, the matter has been repeatedly brought to the attention of Italian Naval authorities. Nevertheless, violations of the security of the Rear Army zone continue to occur. As a result the Chief, Navy Sub-Commission, AC has directed that steps be taken to have Italian Navy personnel apprehended in the Rear Army zone without orders countersigned either by the Navy Sub-Commission, AC, POMAW, POTALI or British Naval Officer-in-Charge, of the rank of Captain or above, arrested and tried by Allied Military Courts.

4. Comments indicating whether this procedure would be feasible and is approved, are requested.

LEGAL SUB-COM

CLO

DCLO

Chief

CLO

Det

H. W. ZINOLI,
 Commodore, U. S. Navy,
 for Chief, Navy Sub-Commission, AC.

22 FEB 1945

HEADQUARTERS, ALLIED COMMISSION
Navy Sub-Commission APO 394

163

NCC/1321
12 December 1944.

From: Navy Sub-Commission, Hq. AC.
To : AIG 5th Army
AIG 6th Army.
Subject: Control of Movement, Italian Navy Personnel.

A copy of the Italian Ministry of Marine letter No. B5420 of 9 December 1944, in which instructions have been issued to the principal commands of the Italian Navy, in connection with the control of movement of Italian Navy personnel in the Army zone, is forwarded herewith for information, with particular reference to paragraph 4, which provides for detention of personnel not in possession of proper credentials.

H. W. ZIROLI,
Commodore, U. S. Navy,
for Chief, Navy Sub-Commission, AC.

Copy to:
C. IN C. Med.
FOITALI-Taranto
FONAM
NOIC-Taranto
NOIC-Leghorn
NOIC-Ancona
NOIC-Maddalena
CSI. (B) AAI
CIVIL AFFAIRS SECT. Ac.
PUBLIC SAFETY SC.AC

COPY

160

From: MINISTRY OF MARINE (Cabinet)
 To : M. CESARE per isp. FF.MU
 M. DUILIO per Divisione.
 M. VITT. VENETO per Gr.
 M. EUGENIO PER IRER.
 SILURANTI
 MARIACCOSSA
 GENERALMAS

MARITIMPART - NAPOLI
 MARITIMPART - TARANTO
 MARISARDIGNA - LA MADD.
 MARISICILIA - MESSINA
 MARICENTRO - ROMA
 MARINACCAD - BRINDISI
 CENTRO R. MARINA FIRENZE
 CENTRO R. MARINA ANCONA
 CENTRO R. MARINA LIVORNO

Date: 9/12/44
 H.5420

Subject: Sending I.M.R. Personnel on Leave or on Missions to Military and Restricted Areas.

In spite of the many communications under this heading, ships and shore commands continue to send personnel on leave to Military and Restricted Areas without a pass issued by Allied Authorities.

In this manner definite instructions are contravened which stipulate that no leave is to be granted to Military Areas and only personnel furnished with Allied Authorization through the "Questura" may travel in Restricted Areas. 18

In addition to this, Commands send personnel on mission to Military Areas with travel permits which have not been approved by Allied Naval Commands; this also is against orders as such permits are only valid if duly authorized by Navy Sub-Commission, Allied Commission, FORAM-FOTALI and British N.Os. I.C. holding Captain's rank.

On instructions from Allied Forces Command, all service-men found in Military Areas without proper permits, from now on will be put into Concentration Camps at least until such time as their position has been clarified.

All Commands are ordered to adhere strictly to this ruling and are notified that measures will be taken against those who do not observe these oft repeated instructions.

(Sgd) THE MINISTER.

COPY OF TRANSLATION.

H. Q. QUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

15A

AC/4086/8/L.

GGH/ap.
22 Feb 45.

SUBJECT : Case of BENEDETTO Francesco
and EGIDI Aurelio.

TO : H. E. The Procuratore Generale Militare.

1. It is understood that these two Italian soldiers have been remanded for trial before the Rome Military Tribunal on charges of desertion, house breaking, armed robbery etc.

2. Would Your Excellency be good enough to notify this Sub-Commission as to the outcome of the trial and if the defendants are found guilty as to the sentences passed.

BF-14/3
G. S. HANNAFORD, Lt. Col.
Officer i/o Italian Branch,
for Chief Legal Advisor.

4086/8
~~10.55~~✓ ~~file~~

14A

Subject:- Discipline Italian Army.Land Forces Sub Comm. A.C.
(M.M.I.A.)
R O M E
AQ/6

20 Feb 45.

Legal Sub Comm.
H.Q. A.C.BENEDETTO Francesco
EGIDI Aurelio.

16

1. This H.Q. has been informed that the above named Italian soldiers have been remanded for trial by the Rome Military Tribunal on charges of

- a) desertion
- b) improper possession of Military property
- c) housebreaking
- d) armed robbery.

2. It is requested that you will arrange for this H.Q. to be informed of the sentences passed on these soldiers when their cases have been tried.

SPA/ab

LEGAL SUBCOMMISSION	
Chief Counsel	
CJO	
Liaison Section	
CL RKS	
21 FEB 1945	

S.P. Archer Capt.

S.P. ARCHER, Capt.
for Major General,
M.M.I.A.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(13A)

AC/4086/8/L.

/mt.
20 February 1945.

SUBJECT : Trial of Italian soldiers by AMG Courts.
TO : Regional Commissioner (Attn: Regional Legal Officer),
ABRUZZI-MARCHES Region.

In reply to your letter R5/511/14/AMC of 19 Feb 1945, it is considered by this HQ that the case of CINA Romano should be tried before an AMG Court.

By command of Rear Admiral STONE:

Copy to file AC/4083/1.

W. L. BEHRENS, A/C
Colonel,
Deputy Chief Legal Advisor.

4086

(12A)

CONFIDENTIAL

HEADQUARTERS ALLIED COMMISSION
A.P.O. 394
PUBLIC SAFETY SUB COMMISSION
SECURITY DIVISION

REF : SD/14CEE-4

19 February 1945

SUBJECT : Lt. CALDERONI Antonio
Lt. MANNANICI Mario

- Italian R.N. 6

TO : Navy Sub Commission

DOWN GRADED
UNCLASSIFIED

Col. Inf.
Chief Judicial Officer
for Chief of Staff Officer

1. Your letter NSC 1619 of 5 Feb. 1945, addressed to Legal Sub Commission has been passed to us for enquiry.
2. CALDERONI is at present in University Hospital, Bari under G.C.P.R. guard. When he recovers sufficiently, he will be interned at "A" Internec Camp, Padua, for the duration.
3. Enquiries respecting MANNANICI are being continued.

C. Hayes
JOHN W. CHATMAN, Capt
Colonel J.A.G.D.,
Director Public Safety,
Sub Commission.

CH/nb

Copy to: Legal Sub Commission. ✓

Police ~~Gravely~~ refer.
3A, 4A, 10A & 11A refer.

CONFIDENTIAL

19 FEB 1945

H086

11A

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

L-3020

19 February 1945

SUBJECT: Lt. CALDERONI Antonio,
Lt. MANNANICI Sante, Italian Royal Navy.

TO : Deputy Chief Legal Advisor, Legal Sub-
Commission, A.C., Rome.

1. Reference is made to your communication
AC/4086/L, 8 February 1945, relative to the above
subject. (3A)

2. Immediately upon receipt of your communica-
tion I wrote to Major Boyd-Carpenter with respect
thereto. I am attaching hereto copy of communica-
tion this day received in reply to my letter which
is self-explanatory. 13

For the Regional Commissioner:

See also 4A

LEG. SUB COMMISSION	
CLO	
DELO	
Chief Counsel	
ETK/pv	
Regional Secretary	
CLARKS	
21 FEB 1945	

L. F. Dawson
L.F. DAWSON, By E. F. Kean
Lt. Col., G.I.,
Reg. Chief Legal Officer.

7 Feb
C. F. Kean
S. F. Kean

SECRET
ALLIED COMMISSION
LEGAL OFFICE
BARI

15 Feb 45

Ref : 6163/C

Subject : Lieut. CALDERONI
Lieut. MANNANICI, Italian Royal Navy.

To : R.L.O., Hqs Southern Region
Allied Commission (in duplicate).

1. Ref your L-3020 of 10/2/45.
2. This Hqs has no correspondence with respect to any case relating to above persons.
3. Having regard to your Hqs reference to A.O. TARANTO inquiry has been made of Legal Officer, TARANTO. That Officer states that there is no trace of any such case at TARANTO.
4. CALDERONI is in fact in hospital in BARI, where he has been for a month and this Hqs is informed by 315 F.S. Section that on instructions from Hqs 3 District he will be interned when he is fit to leave hospital. 315 F.S. Section knows nothing of any trial pending.
5. MANNANICI is at TARANTO where he is held by 410 Port Security Section. Similarly nothing is known of any legal action.

JABC/ev

J.A. ROYD-CARPENTER
Major LC,
Apulia & Calabria.

(X) Hqs by Capt Bryce to HAYES (Security)

to : A.L.O., HQs Southern Region
Allied Commission (in duplicate).

1. Ref your L-3020 of 10/2/45.
2. This HQs has no correspondence with respect to any case relating to above persons.
3. Having regard to your HQs reference to A.O. TARANTO inquiry has been made of Legal Officer, TARANTO. That Officer states that there is no trace of any such case at TARANTO.
4. CALDERONI is in fact in hospital in BARI, where he has been for a month and this HQs is informed by 315 P.S. Section that on instructions from HQs 3 District he will be interned when he is fit to leave hospital. 315 P.S. Section knows nothing of any trial pending.
5. MANNANICI is at TARANTO where he is held by 410 Port Security Section. Similarly nothing is known of any legal action.

JABC/ev

A.B. York-Gli
J.A. BOYD-CARPENTER
Major LC,
Apulia & Calabria.

(X) Shown by Capt Bryce to HAYES (Security)
Hayes with inform N.S.C. of all
available info as para 5 goes
para 3 of file 12A
byev

4086/8

TO : HQ ALLIED COMMISSION
(for attention of Legal Sub-Commission)

FROM : HQ AMG/AC ABRUZZI MARCHE REGION

SUBJECT : Trial of Italian soldiers by AM Courts.

REF. : R5/511/14/ANC

DATE : 19 Feb. '45

9A

GINA Rosario di Salvatore
260 Italian Pioneer Coy.

Copy letter ANC/11/12 dated 15 Feb. '45 received from FLO Ancona requesting authority for trial of above named Italian soldier is forwarded for your decision in terms of Consol. Insts. Art. 4 (1), please.

LEGAL SUB-COMMISSION

For the Regional Commissioner

CLO

SOLO

Chief Counsel

CLO

Italian Section

CL RKS

20 FEB 1945

R. G. S. ALEXANDER, Major
R.I.O.

20 FEB 1945

Copy to : FLO ANCONA (through PG) for information.

1776

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

(98)

CONFIDENTIAL

SUBJECT : AMG COURTS
TO : R.L.O. Abruzzi Marche Region
FROM : L.O. Ancona
REF. : Anc/11/12
DATE : 15 Feb. '45

CIMA Rosario di Salvatore
260 Italian Pioneer Coy.

1. The above named is an Italian soldier who is now awaiting trial upon a charge of causing malicious damage to telephone cable.
2. The facts are that on 7 Feb. '45 the South African Signals 61 Area discovered that their telephone cable in the area of Ancona had been severed thereby causing a disruption of communications. An examination showed that the cable had been completely severed and four yards of it were missing.
3. As a result of investigations suspicion fell upon CIMA who made a full confession and stated that he intended selling the lead at a profit.
4. The F.S.S. are quite satisfied that there is no evidence of sabotage in this case. While this greatly mitigates the seriousness of the charge it is to be observed that the cable damaged is of extreme importance to the general organization in this Area and the delay of eight hours caused by the severing of the cable would have had in all probability far more serious consequences in the event of enemy air activity.
5. The application for trial before an AMG Court is urged by the S.P.F.S.O. In this connection your attention is drawn to Consolidated Instructions Art. 4 c.
6. May I please be informed whether this case may be brought for trial before an AMG Summary Court, The case is ready for trial.

For the Provincial Commissioner

DOWN GRADED
TO
UNCLASSIFIED

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

S/
P.D. COTES-FREEDY, Major
L.O. Ancona Province.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4086/6/L.

WES/PA.
19 Feb 45.

SUBJECT : Case of CERQUONI Umberto.

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

1. Reference your RVIII/19/3008 of 13 February 1945 the accused in this case was apparently dealing in counterfeit currency.

2. I do not consider 18 months excessive for this offence and I feel sure that any Italian Military Court would have inflicted a penalty at least as severe.

3. In these circumstances I am of opinion that the case should be affirmed. I do not consider that it is necessary or even desirable to waste time and trouble in referring the case to the Italian Military Courts, more particularly as the accused appears to have become a deserter and may therefore have been struck off strength. In any case his offence cannot have been even remotely connected with his service.

4. Thank you for drawing the case to my attention.

By command of Rear Admiral STONE :

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

Copy to : AC/4083/1/L.

HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT

File Ref:

RVIII/19/3008

Date: 13 February 45.

SUBJECT: Case of CERIUCHI Umberto 311 S. (2353)

TO: LEGAL SUB-COMMISSION, HEADQUARTERS AG.

1. In the above case, tried before a Superior Court at Livorno, the above accused, with others, was charged under Proclamation 1, Art. IV, Sec. 22. All plead "Not Guilty", and the case was tried. Before the conclusion of the case CERIUCHI assumed full responsibility for this particular offence, changing his plea to 'Guilty'. The record sustains said plea.

2. In his oral confession, before the Court, the accused stated "I am a soldier and I have my unit in Florence. I asked a leave to my Officer. He said it was impossible. I have no mother 70 years old and with heartache so I left without permission. The name of my unit is 525 Regiment Infantry Command 1 Battalion."

3. The accused was unable to produce any probative evidence of the above facts other than these oral declarations. He was sentenced to 18 months imprisonment. The trial Court has recommended that sentence be affirmed even if the accused is a soldier, pointing out that no Military Court is functioning in the Area, and the interference with the war effort which would result in transporting witnesses, etc., elsewhere.

4. I am reluctant to affirm the case without first disclosing the above to you beforehand for your information and for advise, if any, you may care to give. It may be, of course, that accused is not a soldier, but then again, it may be that he is what he represents himself to be.

LEG. SUB-COMMISSION

C/O

C/O

Chief Counsel

C/O

Italian Section

CL RKS

13 FEB 1945

JOHN K. WEEB,
Colonel, Infantry
Regional Legal Officer.

HEADQUARTERS ALLIED COMMISSION
APO 394
Legal Sub-Commission

/lrh

AC/4086/8/L

12 FEB 1945

Subject: Trial of member of Italian Army (L'AMANTE Ettore).

To : Regional Commissioner, Attention Regional Legal Officer,
Toscana Region.

1. In reply to your letter RV11/19/2011 of 8 February 1945 regarding the above Italian soldier, it is considered by this HQ that this is a proper case for trial before an A.M.C. Court.

2. I return herewith the report on the case as requested.

By Command of Rear Admiral STONE:

W. E. BELMONT
Colonel.

Deputy Chief Legal Adviser.

Copy to AC/4083/1/L

HEADQUARTERS ALLIED COMMISSION
APO 394
Legal Sub-Commission

/lrb

12 FEB 1945

AC/4086/8/L

Subject: Trial of member of Italian Army (MARILLI Luciano).

To : Regional Commissioner, Attention Regional Legal Officer,
Toscana Region.

Reference your letter RV111/19/2011 of 8 February 1945.

1. It is considered by this HQ that the case of the above Italian sailor should be tried by an A.M.C. Court together with that of the civilian also concerned in the theft.

By Command of Rear Admiral STONE:

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

Copy to AC/4083/1/L

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

HA

AG/1086/b.

ICHS/da.
8 Feb 45.

SUBJECT : Lt. GILBERTO Antonio,
Lt. MARCOLO Sante, Italian Royal Navy.
TO : Public Safety Sub-Commission (Security).

1. I forward to you Navy Sub-Commission's letter R33/1649 of 5 Feb 45 and enclosures thereto.
2. I am finding out from the Legal Division, Naples, what papers they have and what they know about the case.
3. Will you also find out how the cases stand from the point of view of the Security Authorities and inform Navy Sub-Commission?

See ¹²109 A

1C

Incls.

Copy to : Navy Sub-Commission.

This is really more for Security than Legal,
but we will give you all information we can procure.

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

3A

AG/ACSC/L.

ICMC/pa.
8 Feb 45.

SUBJECT : Lt. CALDERONI Antonio,
Lt. RAINARICI Sante, Italian Royal Navy.
TO : Regional Commissioner, SOUTHERN Region.
(Attn: Regional Legal Officer).

1. The two above mentioned Lieutenants in the Italian Navy have been held by the Security Agencies in Bari and Taranto for many months; and the Italian authorities are very anxious to know whether any proceedings are going to be taken before an Allied Court.

2. It is alleged that the papers were sent to by Allied Commission TARANTO to AG Judicial Officer, NAHLES.

3. It will be appreciated if you will give this Sub-Commission any information you may have in regard to these two cases.

4. Enquiries are also being made through the Security Branch.

By command of Rear Admiral STONE :

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

✓
4086/8

2A

1st Ind.

RVM/19/2011

Headquarters, Toscana Region, AMG, 8 February 1945.
 To: LEGAL SUB-COMMISSION, Headquarters, AC. ✓

1. May we have your direction on the request contained
 in the basic letter?

For the Regional Commissioner:

[Signature]
 JOHN K. WEBER
 Colonel, Infantry
 Regional Legal Officer



LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CLO	← 3
Italian Section	
CL RKS	
11 FEB 1945	

HEADQUARTERS
FLORENCE PROVINCE
ALLIED MILITARY GOVERNMENT

LB

FI/2

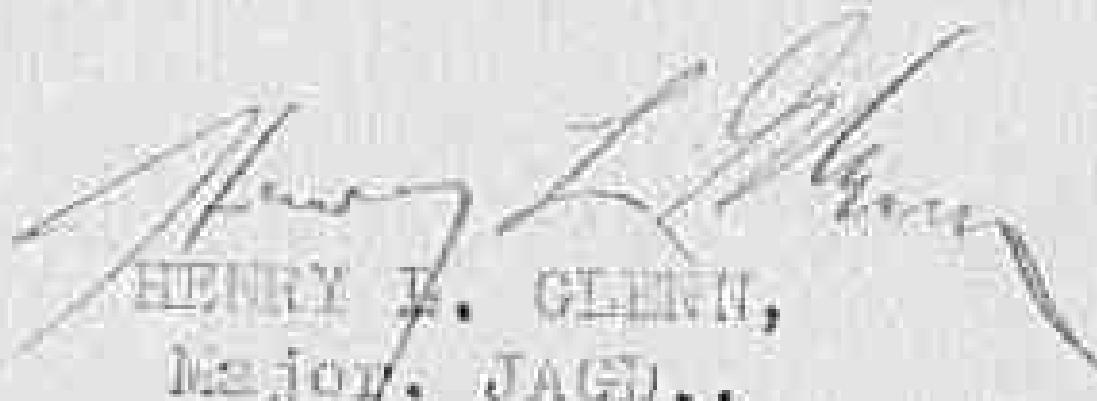
5 February 1945

SUBJECT: Marilli Luciano

TO : A.C. HQ (through R.L.O.)

1. The above named, a member of the Italian Navy, has been arrested on a charge of theft of Allied gasoline together with several civilians. He is a driver for an Italian Navy Captain who is stationed in Florence. At the time of the offence he was not on leave and used the Captain's car abusively. His Unit is under the direct command of the Navy Ministry in Rome (Maristat Ufficio 2°).

2. Normally I suppose he should be handed over to the Italian Military courts for trial but the above-mentioned Captain informs me that the nearest Navy Tribunal is in Taranto. Under all the circumstances perhaps it will be more convenient for everyone concerned if he were tried by an Allied Military Court in Florence. May I have a directive as to whether this accused should be tried by a military court in Florence or turned over to his Unit.


HENRY L. GLENN,
Major, JAGD.,
Legal Officer for the
Province and City of
Florence.

HLC/FV

(2)

✓ 4086/8

PROVINCIAL LEGAL OFFICE
LIVORNO PROVINCE
ALLIED MILITARY GOVERNMENT

(1A)

6 February 1945

P.L.O. 1049/B/15

SUBJECT : Trial of member of Italian Army.
TO : R.L.O. TOSCANA REGION.

1. In accordance with Article 4, Para. 1 (c), Consolidated Instructions, request advice whether it is desired that the Allied Military Court take jurisdiction of the attached complaint.

Robert M. Woodward
ROBERT M. WOODWARD
Maj. A.U.S. P.L.O.
Livorno Province

1st Ind.

RVIII/19/2011

Headquarters, Toscana Region, AMG, 6 February 1945.
To: HEADQUARTERS, A.G., Legal Sub-Commission. ✓

1. Your direction is sought on the above request.
2. Please return the attached report.

LEGAL SUB COMMISSION
CLO
DCLO
Chief Counsel
CJD
Italian Section
CL RKS

11 FEB 1945

For the Regional Commissioner:

John K. Weber
JOHN K. WEBER
Colonel, Infantry
Regional Legal Officer

0 8 8 7

