

ACC

10000/142/650

CASE OF GENERALE M
MAR. - DEC. 1944

10000/142/650

CASE OF GENERALE MARTINI (JURISDICTION OF TRIAL, ETC.)
MAR. - DEC. 1944

FILE CLOSED 8 December 1944

S E C R E T

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

AG/4087/L.

/rlp.
5 December 1944.

SUBJECT : Case of General MARTINI.

TO : AHQ (Military Government Sec)
HQ AAI

Herewith for information translation of letter received from
Marshal Messe, Chief of Italian General Staff in connection with the
above.

For the Chief Commissioner,

Incl. Translation.

G. R. UPJOHN, Brig.
VP CA Sec
Dep CGSCopy to: Regional Commissioner (Attn: Regional
Legal Officer). SARDIGNA Region.

S E C R E T

76

GENERAL CHIEF OF STAFF

M.P.C. 3800, December 2nd 1944.

To the Legal Sub-Commission of the
Allied CommissionR O M M.

GUGLIELMO MARTINI CASE.

This is to inform you that the territorial Military Tribunal of war for Sardinia, sitting in Oristano, has on the 17 November rendered the sentence in the case against the ex consul General of the dissolved militia Giovanni MARTINI and others, charged of having attempted to reestablish the fascist party in Sardinia.

According the that sentence the following penalties have been imposed:

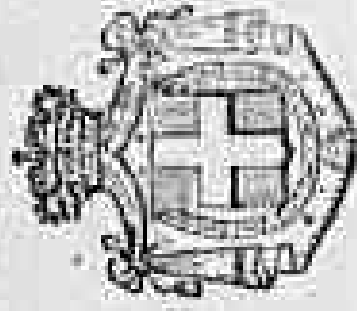
- (a) major of the reserve MARTINI Giovanni, sentenced to 14 years of imprisonment (reclusione), to degradation and to permanent interdiction from public offices.
- (b) SAVINO Vittorio to 5 years and 6 months of imprisonment (reclusione) and to temporary interdiction from public offices.
- (c) JAM Antonio to 4 years and 6 months of imprisonment, to the removal from his office and to temporary interdiction from public offices.
- (d) Lieut. Colonel of the reserve ROMEO Luigi to 4 years of imprisonment (reclusione), to the removal from his rank and to temporary interdiction from public offices.
- (e) Lieutenant of the reserve LAY Dario to 3 years and 4 months of military imprisonment, to the removal from his rank and to temporary interdiction from public offices.

The same sentence has acquitted on various grounds the Lieut. Colonel of the reserve CHIARA Felice, il capitano di complemento BARTOLOTTI Francesco, il capitano di complemento GERVINO Martino, il capitano di complemento GIRA Mario, il capitano di complemento MACCARI Antonio, il tenente di complemento TOLA Emanuele, il tenente di complemento MARULLA Raffaele, il tenente di complemento MARIN Livio, il sottotenente di complemento MARROZZU Giovanni, il sottotenente di complemento MACCHI Gustavo and the following accused persons not belonging to the Armed Forces: DE MARTINO Dino, ALONCHI Guglielmo, BERTINI Giovanni Antonio.

(384) The Chief of General Staff
Giovanni BERTINI
Marshal

(58A)
F. H. S.

4087 ✓



2/p

RESERVATO PERSONALE

P.M. 3800, li 8-12-1944

STATO MAGGIORE GENERALE

ufficio affari vari

Prot.no 8806/AV.

ALLA SOTTOCOMMISSIONE LEGALE DELLA COMMISSIONE ALLEATA

A.P.O. 394

OGGETTO: processo Martini.-

Per opportuna notizia, informo che il Tribunale militare territoriale di guerra della Sardegna in Cristiano ha emesso, in data 17 corrente, sentenza a carico dell'ex console generale della disciolta milizia Giovanni Martini ed altri, imputati di aver tentato di ricostituire in Sardegna il partito fascista.

In base a tale sentenza sono state irrogate le seguenti pene:

74

- a) - maggiore di complemento Martini Giovanni: condannato a 14 anni di reclusione, alla degradazione e all'interdizione perpetua dai pubblici uffici;
- b) - Sabino Vittorio: ad anni 6 e mesi 8 di reclusione e all'interdizione perpetua dai pubblici uffici;
- c) - Cau Antonio: ad anni 4 e mesi 8 di reclusione, alla rimozione dalla carica e all'interdizione temporanea dai pubblici uffici;
- d) - tenente colonnello di complemento Penso Luigi: alla pena di anni 4 di reclusione, alla rimozione dal grado e all'interdizione temporanea dai pubblici uffici;

ALLA SOTTOCOMMISSIONE ELEGALE DELLA COMMISSIONE ALLEATA

A.P.O. 394

OGGETTO: processo Martini.-

Per opportuna notizia, informo che il Tribunale militare territoriale di guerra della Sardegna in Oristano ha emesso, in data 17 corrente, sentenza a carico dell'ex console generale della discolta milizia Giovanni Martini ed altri, imputati di aver tentato di ricostituire in Sardegna il partito fascista.

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74

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- c) - Cau Antonio: ad anni 4 e mesi 8 di reclusione, alla rimozione dalla carica e all'interdizione temporanea dai pubblici uffici;
- d) - tenente colonnello di complemento Penso Luigi: alla pena di anni 4 di reclusione, alla rimozione dal grado e all'interdizione temporanea dai pubblici uffici;

./.

e) - tenente di complemento Lay Dario: ad anni 3 e mesi 4 di reclusione militare, alla rimozione dal grado e all'interdizione temporanea dai pubblici uffici.

La stessa sentenza ha assolto con formule varie il tenente colonnello di complemento Chiana Felice, il capitano di complemento Bertolotti Francesco, il capitano di complemento Ofieddu Martino, il capitano di complemento Gina Mario, il capitano di complemento Maccari Antonio, il tenente di complemento Tola Emanuele, il tenente di complemento Merella Raffaele, il tenente di complemento Martin Livio, il sottotenente di complemento Mannuzzu Giovanni, il sottotenente di complemento Scanu Gustavo, nonché i seguenti imputati estranei alle FF.AA.: De Martinis Dino, Alorora Guglielmo, Seccui Giovanni Antonio.-

IL MARESCIALLO D'ITALIA
CAPO DI STATO MAGGIORE GENERALE
(Giovanni Messe)

G. Messe

LEGAL SUB-COMMISSION	
CIO	1
DCIO	1
Chief Counsel	1
CIO	1
Italian Section	1

na temporanea dai pubblici uffici.

La stessa sentenza ha assolto con formule varie il tenente colonnello di complemento Chiana Felice, il capitano di complemento Bartolotti Francesco, il capitano di complemento Offeddu Martino, il capitano di complemento Gina Mario, il capitano di complemento Maccari Antonio, il tenente di complemento Tola Emanuele, il tenente di complemento Merella Raffaele, il tenente di complemento Martin Livio, il sottotenente di complemento Mannuzzu Giovanni, il sottotenente di complemento Scannu Gustavo, nonché i seguenti imputati estranei alle FF.AA.: De Martinis Dino, Alorosa Guglielmo, Seccui Giovanni Antonio.-

IL MARESCIALLO D'ITALIA
CAPO DI STATO MAGGIORE GENERALE
(Giovanni Messe)

G. Messe

LEGAL SUB-COMMISSION	
CLO	1
DCLO	1
Chief Counsel	1
CJO	1
Italian Section	
CL RKS	
4 DEC 1944	

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4087

(57A)

ALLIED COMMISSION SARDINIA REGION FOR RLO

HQ AC

5867

CONFIDENTIAL

PRIORITY

2/11/44

Legal Sub-Commission

PARA ONE PD SUBJECT IS MARTINI TRIAL REMINDER YOUR ACC THIRTY
OF NOVEMBER FIRST

PARA TWO AC SARDINIA REGION FOR RLO FROM HQ ALLIED COMMISSION PARME

PARA TWO PD PROSECUTOR GENERAL MILITARY STATES PRESENCE OF
PROFESSOR ALTAMURA AT TRIAL NOT REPEAT NOT NECESSARY PD HIS
EXPERT REPORT MAY BE READ.

73

CONFIDENTIAL
 AL ED CONTROL COMM SION
 INCOMING MESSAGE

TO: CO HQ ACC FOR LEGAL

SIGNAL MESSAGE CENTER No: 19/02

FROM: ACC SARDINIA REG FROM SOTNLAN

CLASSIFICATION:

REFERENCE No:

PRECEDENCE: PRIORITY

DATE AND TIME OF ORIGIN: NOV 011713

OFFICE OF ORIGIN: CITE ACC 30

ACTION

CONFIDENTIAL.

MARTINO trail is reference. Began 25 October as planned. Testimony of CASATI in
 CORSICA will be taken by deposit on as arranged by this office. Request that Regional
 Legal Officer Southern Region be contacted reference Professor ALTAMURA. Please cable
 when he will arrive

LEGAL SUB COMMISSION	
CLO	
DCLO	☒
Chief Counsel	
CJO	
Italian Section	
CLERKS	

AC DIST
 Act LEGAL 72
 JAF A/CC
 C.A. SEC
 FILE (2)
 FLGAT

CONFIDENTIAL
 NOV 02

DATE and Time of RECEIPT

Distribution:



RESTRICTED

ALL D CONTROL COMMISSION
INCOMING MESSAGE

TO: AGC SARDINIA REGION INFO HQ ACC FOR IAGAL SUB COMMISSION

SIGNAL MESSAGE CENTER No: 96/24

FROM: AFHQ SIGNED SACMED

CLASSIFICATION:

REFERENCE No: FX 43336

PRECEDENCE: ROUTINE

DATE AND TIME OF ORIGIN: OCT 24 2016 OFFICE OF ORIGIN: CITE FHLIA

ACTION

N/A

47A

54A

RESTRICTED. Status remains same as in our letter of 14 October, reference MARTINI trail. (Reference your AGCF 579 of 23 October) French Mission here sending expedite action cable to General Staff of National Defence. In meantime suggest you contact French Governor General of CORSICA direct by telephone on the subject if telephone communication still functioning

LEGAL SUB COMMISSION	
GO	
CCO	
Chief Counsel	
CC	
Italian Section	
C. RKS.	
20 OCT 1944	

INFO

DIST

LEGAL 78
INFO - A/CC

CA Sec

FILE (2)

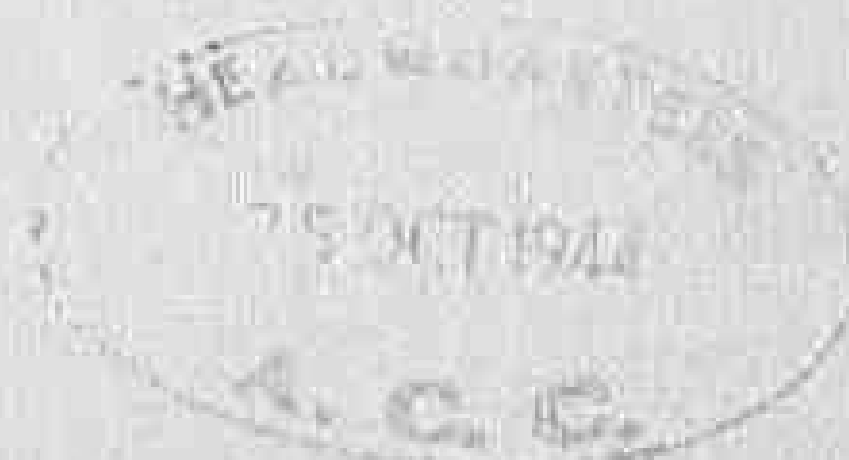
FLBAT

RESTRICTED

OCT 25

DATE and Time of RECEIPT

Distribution:



4087 **RESTRICTED**
ALL D CONTROL COMMISSION
INCOMING MESSAGE

8820

file

TO: AFHQ LIAISON SECTION; INFO HQ ACC FOR LEGAL
 SIGNAL MESSAGE CENTER No: 39/23
 FROM: ACC SARDINIA REGION CLASSIFICATION:
 REFERENCE No: NONE PRECEDENCE: PRIORITY
 DATE AND TIME OF ORIGIN: OCT 23/1944 OFFICE OF ORIGIN: CITE: ACC 579

INFO - ACTION

RESTRICTED. Information has been received this Headquarters from General Staff of National Defense. Reference your letter 14 October reference MARTINI trial. Request inquiry as to present status and reply by cable

ACC DIST

INFO-ACTION : LEGAL (2)

INFO : A/CC
 CA SEC
 FILE (2)
 FLOAT

→

LEGAL SUBCOMMISSION	
CIO	
CCO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
23 OCT 1944	

info

*-70***RESTRICTED**DATE and Time of RECEIPT OCTOBER 23/1955

Distribution:

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

53A

ACC/4087/L.

/rlp.
22 October 1944.

SUBJECT : Case of General MARTINI.

TO : Procuratore Generale Militare, ROME.

1. I have been asked by the ACC legal officer in Sardegna to inform you that, in connection with this case, Professor ALTAMURA Federico has not received payment of his fees as of 18 October 1944.

RICHARD H. WILMER.
Colonel, CAC,
Chief Legal Advisor.

69

RESTRICTED
ALLIED CONTROL COMMISSION

INCOMING MESSAGE

TO: ACC HQ FOR LEGAL

SIGNAL MESSAGE CENTER No: 11/22

FROM: ACC SARDINIA REGION

CLASSIFICATION:

REFERENCE No:

PRECEDENCE:

DATE AND TIME OF ORIGIN: OCT 21 1724Z OFFICE OF ORIGIN: CITE: ACC 561

ACTION

RESTRICTED. MARTINI case. Request Procurements Generale Militare of ROMA be informed that Professor FRANCESCO ALPAGLIA not received payment of his fees as of 18 October. Request travel orders be issued for ALPAGLIA to travel by sea air/sea transport from NAPLES, Italy these orders be sent ACC SOUTHERN REGION for ALPAGLIA. Necessary he arrive this HQ by 24 October. No word received reference witness CASANI.

68

DIST

Action - Legal (2)
Info - ALEC
CA Sec
ADJ
File (2)
Front

LEGAL SUB COMMISSION				
CLO				
Chief Counsel				
CLO				
Italian Section				
C- RKS				
22 OCT 1944				

HEADQUARTERS
22 OCT 1944

52A

8713

FROM: ACC SARDINIA REGION
SIGNAL MESSAGE CENTER No: 12/12
CLASSIFICATION:
PRECEDENCE: PRIORITY
DATE AND TIME OF ORIGIN: OCT 21 1724Z
OFFICE OF ORIGIN: CITE: ACC 561

ACTION

RESTRICTED. MARTINI case. Request Procurements Generale Militare of Rome be informed that Professor FREDERICO ALTURA not received payment of his fees as of 18 October. Request travel orders be issued for ALTURA to travel by sea air/sea transport from NAPLES. May these orders be sent ACC SOUTHERN REGION for ALTURA. Necessary he arrive this HQ by 24 October. No 4026 received reference witness CASATI.

68

DIST

LEGAL SUB COMMISSION	
CIO	
Chief Counsel	
CIO	
Legal Section	
CLERKS	
22 OCT 1944	

Action - Legal (2)
Info - A/Sec
CA Sec
ADJ
File (2)
Front

HEADQUARTERS
22 OCT 1944
A.C.C.

DATE and Time of RECEIPT OCT 22 0930Z

Distribution:

RESTRICTED

HEADQUARTERS
ALLIED CONTROL COMMISSION
SARDEGNA REGION

18 October 1944

TO : H.Q., A.C.C. - Legal Sub-Commission.
SUBJECT : Case of General Martini.
REFERENCE: L/1415.

1. Reference your ACC/4087/L dated 11 October 1944. I note that you are kindly taking in hand the matter of the witness CASATI.

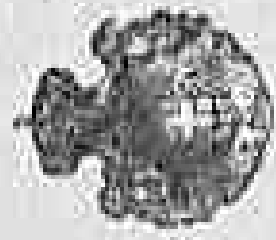
2. I have impressed upon the Italian Military Authorities here that their responsibilities as regards CASATI will include returning him to the French Authorities in CORSICA under proper guard. Assistance will be given them by ~~them~~ this Headquarters in arranging transport.

For the Regional Commissioner.

R. A. S. Alexander
R.C.S. ALEXANDER,
Major,
Regional Legal Officer.

RGSA/bcg

LEGAL SUB COMMISSION	
CIO	☒
CCLO	☐
Chief Counsel	☐
CIO	☐
Legal Section	☐
CLERKS	☐
22 OCT 1944	



PROCURA GENERALE MILITARE

DEL RE IMPERATORE REGNO

PRELATO IL

TRIBUNALE SUPREMO MILITARE di Guerra

N. 788 *h.c.* resp.

STAMPERIA REALE D. ROMA

ALLEGATI N.

OGGETTO Tribunale di guerra di Cristano. Processo contro MAR-
TINI Giovanni ed altri.

Sull'argomento sopraindicato si comunica a codesto Gottommis-
sione legale quanto appresso:

1) S.E. il Capo di Stato Maggiore Generale ha provveduto con pro-
prio bando in data 18 corrente ad attribuire al tribunale militare di
guerra della Sardegna la competenza territoriale anche per i reati
commessi entro la giurisdizione della sezione autonoma di Sassari,
quando l'azione penale sia stata iniziata anteriormente al 1° ottobre
1944.

Pertanto il tribunale di Cristano è ora territorialmente compe-
tente a conoscere del processo contro Martini e altri. **66**

2) S.E. il Capo di Stato Maggiore della Marina ha provveduto a
mettere a disposizione del Comando Militare della Sardegna due occi-
pi di vascello. Il detto Comando militare, avendo per tale modo alle
sue dipendenze i detti ufficiali, potrà provvedere a nominare uno di
essi giudice effettivo e l'altro giudice supplente per il processo di
cui è questione.

3) Questo Ufficio ha chiarito al Procuratore Militare di Cristano
che nella composizione del collegio non deve esser tenuto conto del
grado già rivestito dal Martini nella milizia, istituzionalmente in-
sciolta con il R.D.L. 6 dicembre 1943 n. 16.

4) Si è disposto telegraficamente che il Procuratore militare di

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

Roma, addì 3 ottobre 1944
21 OCT 1944

AL CAPO DELLA GOTTOMMISSIONE

LEGALE DELLA A.C.G.

Via Veneto

= ROMA =

4287 File Martini case (SOA)

—
OGGETTO Tribunale di guerra di Oristano. Processo contro MAR-
TINI Giovanni ed altri.

a) S.E. il Capo di Stato Maggiore Generale ha provveduto con proprio bando in data 18 corrente di attribuire al tribunale militare di guerra della Sardegna la competenza territoriale anche per i reati commessi entro la giurisdizione della sezione autonoma di sesseri, quando l'azione penale sia stata iniziata anteriormente al 1° ottobre 1944.

Pertanto il tribunale al Cristiano è ora territorialmente competente a conoscere del processo contro Martini e altri.

2) S.E. il Capo di Stato Maggiore della Marina ha provveduto a mettere a disposizione del Comando Militare della Sardegna due capitani di vascello. Il detto Comando militare, avendo per tale modo alle sue dipendenze i detti ufficiali, potrà provvedere e nominare uno di essi giudice effettivo e l'altro giudice supplente per il processo di cui è questione.

3) Questo Ufficio ha chiarito al Procuratore Militare di Crivento che nella composizione del collegio non deve esser tenuto conto del grado già rivestito dal Martini nella milizia, istituzionalmente discolta con il R.D.L. 5 dicembre 1943 n. 16.

4) si è disposte telegraficamente che il Procuratore militare di Napoli inviti il perito grafico prof. Altamura a presentarsi in udienza

1.

za ad Cristano per il 25 corrente. Ad ogni modo si è fatto presen-
ta al procuratore militare di Cristano che la relazione di pari-
zia può legalmente essere letta in udienza senza l'intervento del
perito.

Di tutto quanto sopra è stata data comunicazione per radio-
messaggio al Comando militare della Sardegna, con incarico di
dare notizie al Procuratore militare di Cristano.

IL PROCURATORE GENERALE MILITARE
(U. Borsari)

W. Denny

Rome, 19 October 1944.

Generale Militare
del Regio

(Military Attorney General
of the General)

at
with the Supreme Military Court of War

To the Chief of the Legal Sub-Commission
ACC

Rome

No. 288 P. G.

Subject: Court-martial of Cristano.

Proceedings against Giovanni
Martini and others. 65

On this subject we are communicating
to this legal Sub-Commission the following:

1., H. E. the Chief of the General Head Quarters
by his order of the 18 inst. has ^{conferred} ~~attributed~~
upon the Military Court of War of Sardinia
the territorial jurisdiction also for the crimes

(50B)

with the Supreme Military Court of War

To the Chief of the Legal Sub-Commission
ACC

From

No. 288 S. C.

Subject: Court-martial of Cristano.

Proceedings against Giovanni

Martini and others. 65

On this subject we are communicating
to this Legal Sub-Commission the following:

1. H. E. the Chief of the General Head Quarters
^{by} ~~with~~ his order of the 18 inst. has ^{conferred} ~~affiliated~~
~~upon~~ the Military Court of War of Sardinia
the Territorial jurisdiction also for the crimes
committed within the district of the auto-
nomous section of Sassari, when the criminal
proceeding has ~~been~~ begun before the 1. October 1941.
Therefore the "Tribunale" of Orestano ^{now} has
~~new~~ territorial jurisdiction in the proceedings

against Martini and others

2. H.E. the Chief of Staff of the Navy has put at the disposal of the Military Command of Sardinia two "capitani di vascello" (Captains Z.N.).

This Military Command, ^{having thus the} ~~disposing thus~~ ^{at its disposal}

~~of~~ said officers, can appoint one of them acting judge and the other one assistant judge for the process in question.

3. We have made it clear to the Military

"Procuratore" of Orestano that in the ^{college} ~~prosecution~~ appointment of the ~~court~~

~~prosecution judges~~ the court held by

Martini in the "militia", dissolved

with R.D.L. 6 December 1943 No. 16., has

not to be taken into account.

4. We have telegraphically ^{ordered} ~~disposed~~

that the Military "Procuratore" of ^{handwriting}

vareello" (Capitain R. M.). -
This Military Command, ^{having thus the} ~~disposing~~ ^{at its disposal}
of said officer, can appoint one of
them acting judge and the other one
assistant judge for the process in question.

3. We have made it clear to the Military
"Procuratore" of Crisiano that in the
~~formation~~ ^{college} appointment of the ~~court~~
~~judges~~ the court held by
Martini in the "militia", dissolved
with R.D.L. 6 December 1943 No. 16., has
not to be taken into account.

4. We have telegraphically ^{ordered} ~~disposed~~
that the Military "Procuratore" of
Naples shall ask the ^{handwriting} ~~graphical~~ expert
Prof. Altamura to attend the trial in
Crisiano on the 25th inst. - ^{In any case} ~~Anyhow~~,
the Military "Procuratore" of Crisiano

2.

was ~~been~~ advised that the opinion
of the expert may be legally read
at the trial without the intervention
of the expert.

The ~~that stated~~ above has been communicated
by wireless to the Military Command
of Sardinia to the attention of the
Military "Prosecutor" of Crisiano.

The Military Attorney General

Lt. Col. M. Dorsani

64

4087

File

49A

- 43A

Chace de Roue
Assistant

487 ✓

Legal 612

47A

ALLIED FORCE HEADQUARTERS
Liaison Section

14 October 1944.

MEMORANDUM:

TO : Headquarters A.C.C., Sardinia Region
(Attention: Major R. G. S. ALEXANDER)

COPY TO : Headquarters A.C.C., Legal Sub-Commission.

43A

1. Reference your letter 1/1415 dated 4 October 1944, on the subject of the trial of General MARTINI.

2. The Chief of the French Military Mission at AFHQ has informed this Section that he wired the General Staff of National Defense in Algiers on 12 October in order to have the Italian sailor CASATI put at the disposal of the A.C.C. Authorities in Sardinia.

3. He further informed this Section that he had requested that the General Staff of National Defense make known their decision directly, in order to save time in the case, to the Government General in Corsica, to the Allied Authorities in Sardinia and to the A.C.C. in Rome.

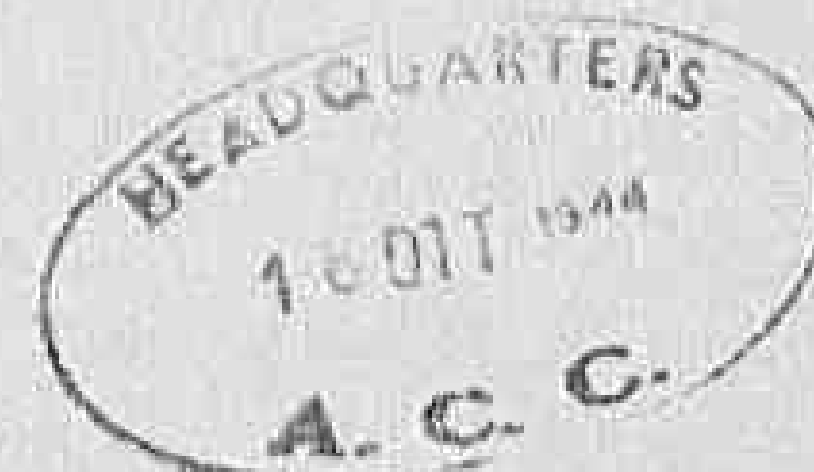
4. Upon notification of the decision, ~~which~~, it will be up to the command in Corsica to arrange directly with the authorities in Sardinia the question of the transfer of CASATI from Corsica to Sardinia.

62

F. G. BEAUMONT-NESBITT,
Major General,
Chief of Section.

RAM/ps

LEG - SUB COMMISSIO	
CLO	
OCLO	
Chief Counsel	
CD	
Liaison Section	
CL RKS	
16 OCT 1944	



Lt Col 01378

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

RHS/st.
11 Oct. 44

ACC/4087/L.

SUBJECT: Case of General MARTINI.

TO : Regional Legal Officer - Bardonia.

1. Reference your L/1415 of 4 Oct. 44 a letter has been written to Northern Base Section as requested.

2. I have also interviewed the French representative here and he will communicate with the French authorities in Corsica.

3. You no doubt appreciate that Sardinia authorities must assume responsibility for the collection and safekeeping of SABATI Orazio from the time he reaches Sardinia, and must also be prepared to take him back to Corsica and hand him over the French authorities there.

RICHARD M. WILMER,
Colonel, CAC,
Chief Legal Advisor.

61

Copy to: Général de Devin
French Representative, ACC.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/rm.

11 Oct. 44.

ACC/4087/L.

SUBJECT : Request for Presence of CASATI Orazio
at MARTINI's trial.

TO : C.G. Northern Base Section,
APO 386 U.S. Army.

1. By letter dated 21 July 1944 reference 000.5 the Commanding General of the Allied Garrison of Sardinia requested your HQ to obtain permission for the removal of CASATI Orazio from the Bastia Jail to Sardinia for the MARTINI trial. The letter stated that transportation would be provided by Allied Garrison of Sardinia.

2. It is understood that you obtained the necessary permission.

3. Allied Garrison of Sardinia now state that by reason of reduction of their staff they can no longer arrange for the transportation.

4. CASATI is required to be in Sardinia on or before the 24 October as the trial is fixed for 25 October.

5. It is understood that transport can be arranged through ATB who run a daily service between Sardinia and Corsica.

6. It will be much appreciate if you could arrange with the French authorities for the timely arrival in Sardinia of CASATI.

By Command of Commodore Stone:

RICHARD H. WILMER,
Colonel, CAC,
Chief Legal Advisor.

HEADQUARTERS
ALLIED CONTROL COMMISSION
SARDEGNA REGION

10 October 1944.

TO : H.Q.-A.C.C., Legal Sub-Commission.

SUBJECT : Martini Case.

REFERENCE: L/1415.

1. I am informed by the Procuratore Militare del Regno of the Tribunale Militare of Oristano that by Note #4643/44 Rg. dated 25 September 1944 he requested the Procura Generale Militare del Regno at Rome to issue an order permitting the trial of the above case in Oristano Military Tribunal. So far no reply has been received.

2. The position is that a new Military Tribunal with a territorial jurisdiction has been constituted for the district of Sassari. Strictly speaking this Tribunal would appear to have exclusive territorial jurisdiction to try the above case. The case has, however, been prepared by the Procuratore Militare of Oristano which was formerly the only Military Tribunal with a territorial jurisdiction in Sardinia, and transference of it to another Court would occasion still further delay and difficulty.

3. The Procura Generale Militare has consented in at least one other important case where the circumstances were similar to transfer of the jurisdiction to Oristano. It is thought that the application is merely a formality. In the other case referred to, however, the dilatoriness of the Procura Generale in giving their consent made it necessary to postpone the date originally fixed for the trial and it is desired to avoid this in the present case.

4. Will you kindly therefore request the Legal liaison Officer with the Procura General Militare to ensure that the necessary cabled consent is despatched in good time. The case is down for trial on 25th inst..

Yours Faithfully
ACC 4643/44 Rg. refer.

For the Regional Commissioner.

R. C. S. ALEXANDER,
Major,
Regional Legal Officer.

RGSA/bcg

REFERENCE: L/1415.

1. I am informed by the Procuratore Militare del Regno of the Tribunale Militare of Cristano that by Note #4643/44 Rg. dated 25 September 1944 he requested the Procura Generale Militare del Regno at Rome to issue an order permitting the trial of the above case in Cristano Military Tribunal. So far no reply has been received.

2. The position is that a new Military Tribunal with a territorial jurisdiction has been constituted for the district of Sassari. Strictly speaking this Tribunal would appear to have exclusive territorial jurisdiction to try the above case. The case has, however, been prepared by the Procuratore Militare of Cristano which was formerly the only Military Tribunal with a territorial jurisdiction in Sardinia, and transference of it to another Court would occasion still further delay and difficulty.

3. The Procura Generale Militare has consented in at least one other important case where the circumstances were similar to transfer of the jurisdiction to Cristano. It is thought that the application is merely a formality. In the other case referred to, however, the dilatoriness of the Procura Generale in giving their consent made it necessary to postpone the date originally fixed for the trial and it is desired to avoid this in the present case.

4. Will you kindly therefore request the Legal Liaison Officer with the Procura General Militare to ensure that the necessary cabled consent is despatched in good time. The case is down for trial on 25th inst..

your File ACC/4001-2-1-1 refer.

6087

For the Regional Commissioner.

R. G. S. Alexander
R.G.S. ALEXANDER,
Major,
Regional Legal Officer.

RCSA/bcg

P.S. Since writing the above I have had a further call from the Procuratore Militare who states that it will be necessary for two naval judges to be appointed to the Court on account of two of the accused being naval personnel. He is not sure whether in view of changes in the Italian Naval and Military Commands in Sardinia it will be necessary to apply to the Procura Generale Militare to make these appointments but if so he will send them a letter without delay. Will you please ask the legal liaison officer to keep in touch with the Procura Generale so that if this further matter is referred to them it, too, may be promptly dealt with.

Net.

(45)

1. Comptroller of Court

High Court

§ has been found. Violation of law
with no exception

2. Territorial jurisdiction

Trib. de Sanari at Antioch

banned by Rome.

3.

Court

has heard after united command
banned to Sanpaulo Africa.

4.

Banned. take in form for train &
receipt in London

Radio - message.

Today ^{1/2} tomorrow.

58

PARTITO FASCISTA REPUBBLICANO

FEDERAZIONE DI ROMA

UFFICIO INFORMAZIONI

Risposta a nota N. del
Protocollo N. / U. I.

Oggetto:

W

Cap. Behrens

~~452~~ 452

Proc. Soc. Ind. Surv.

(a) The Int. Fair. Orestano
is competent for contract
trial ~~the~~ ^{free} signing
according to Orestano.

(b) Only one naval officer is needed as Martin is not senior member of Navy.

Prose few will telephone to living
of many a century.

(c) - I've seen some personal
 accounts that trial
 will be held on 25th. (over)

14000 1000

R.

45w

d) Professor [unclear]
confirms in writing to us
the action he took
under (a) and (b).

56

Called up S.S. Borsani.

He will have a look of the Martin case records and see what ~~idea~~ the situation is. He will phone back ~~in~~ and inform us accordingly.

14 Oct. RHH W. 8, 45

W.H.

(ord. 10)

Quinn
ord. 15 d. Per

HEADQUARTERS
ALLIED CONTROL COMMISSION
SARDINIA REGION

4 October 1944.

TO : Regional Legal Officer (thru' Regional Commissioner)

Southern Region

SUBJECT : Prosecution of General Martini and others.

REFERENCE: L/1415.

1. The trial of the above very important case has been fixed to take place before the Italian Military Tribunal in Sardinia on 25th inst..
2. One of the essential witnesses is Prof. ALTAMURA Federico who resides at Traversa Pietro Collette 9 Naples. This man has hitherto adopted a very unsatisfactory attitude in regard to the case and he is known to be extremely reluctant to travel to Sardinia. The Italian Military Tribunal have accordingly appealed to this office to assist in arranging transport for ALTAMURA so that he will have no excuse for not appearing in Sardinia at the proper time.
3. I have told the Italian authorities here that they must make their own arrangements for delivering the citation to ALTAMURA and they are doing this through the Comando Militare di Napoli. I have also told them that the Comando Militare should be asked to make application to you for the necessary travel orders but that they must assume responsibility for seeing that Altamura actually does travel by whatever means of transport is arranged by you.
4. I understand that for the present there is no direct means of Air Travel between Naples and Sardinia and I would suggest that Altamura travels by Italian Cruiser. This may entail his sailing several days before the 24th inst. which is the date by which it is necessary he should be in Sardinia.
5. I shall be much obliged by your arranging for issue of the necessary travel orders and by your giving such other help as you can to ensure the arrival here of this important witness.

For the Regional Commissioner.

A. G. S. Alexander
R.C.S. ALEXANDER,
Major,
Regional Legal Officer.

1. The trial of the above very important case has been fixed to take place before the Italian Military Tribunal in Sardinia on 25th inst..
2. One of the essential witnesses is Prof. ALTAMURA Federico who resides at Traversa Pietro Colletta 9 Naples. This man has hitherto adopted a very unsatisfactory attitude in regard to the case and he is known to be extremely reluctant to travel to Sardinia. The Italian Military Tribunal have accordingly appealed to this office to assist in arranging transport for ALTAMURA so that he will have no excuse for not appearing in Sardinia at the proper time.
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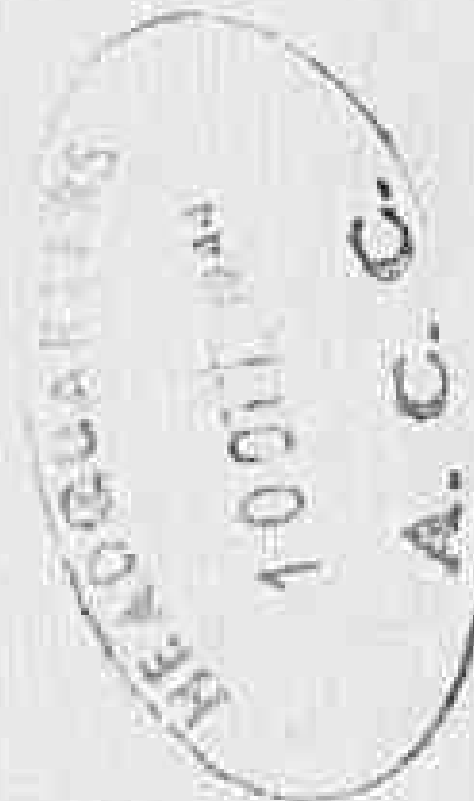
For the Regional Commissioner.

R. S. Alexander
R. S. ALEXANDER,
Major,
Regional Legal Officer.

AGSA/bog

Sub: Commission for information

Colony	U.S. SUBCOMMISSIONER	
	CLO	
	DCLO	
	Chief Counsel	
	(CJ)	
	Notion Sec	
	C. D.	
		10 OCT 1944



HEADQUARTERS
ALLIED CONTROL COMMISSION
SARDEGNA REGION

4 October 1944.

TO : HQ., A.C.C. Legal Sub-Commission.
SUBJECT : Trial of General Martini.
REFERENCE : L/1415.

1. This case is down for trial on 25 October 1944 before the Italian Military Tribunal at Oristano.

2. One of the essential witnesses is an Italian Sailor CASATI Orazio (Marinaio Cannoniere della R. Marina - matricola 5379) who is at present confined in a French Civil Prison at Bastia, Corsica.

3. Allied Garrison of Sardinia which from the outset interested itself in this case on instructions of A.F.H.Q. had assured this office that it would be responsible for securing the presence of this witness at the trial. This office accordingly applied to the Garrison to take the necessary steps whenever the date for the trial was fixed. The Garrison now state, however, that in view of reduction in their staff they cannot accept further responsibility in the matter.

4. On 21 July 1944 Allied Garrison wrote to Northern Base Section explaining the position and asking them to obtain permission for removal of CASATI at the time of the trial. A copy of this letter is attached. It may be presumed that Northern Base Section obtained this permission and that the French Authorities will consent without delay to make CASATI available on being apprised of the date of the trial. Transport will however require to be arranged by them with the Allied Authorities on the spot. It is understood from the Garrison Commander here that this can be done through A.T.S. which runs a daily service between Corsica and Sardinia. The Italian Authorities here will of course undertake to supply a suitable guard for the prisoner on arrival.

5. It is with reluctance that I trouble you with this matter, specially in view of the fact that I have already had to seek your assistance as regards another witness, but it is felt that in order to ensure the witnesses presence within the short time available there is no alternative but to take it up at the highest level. Will you kindly therefore communicate with Northern Base Section or, with the French Liaison Section at A.C.C. HQ. and endeavour to secure the prisoners arrival in Sardinia by 24th inst. *or earlier if possible?*

6. I enclose Citation issued by the Military Tribunal in case this should be required.

For the Regional Commissioner.

N. G. S. *Atkinson*

4. One of the essential witnesses is an Italian Sailor CASATI Crazio (Marinaio Cannoniere della R. Marina - matricola 5379) who is at present confined in a French Civil Prison at Bastia, Corsica.

4. On 21 July 1944 Allied Garrison wrote to Northern Base Section explaining the position and asking them to obtain permission for removal of CASATI at the time of the trial. A copy of this letter is attached. It may be presumed that Northern Base Section obtained this permission and that the French Authorities will consent without delay to make CASATI available on being apprised of the date of the trial. Transport will however require to be arranged by them with the Allied Authorities on the spot. It is understood from the Garrison Commander here that this can be done through A.I.S. which runs a daily service between Corsica and Sardinia. The Italian Authorities here will of course undertake to supply a suitable guard for the prisoner on arrival.

6. I enclose Citation issued by the Military Tribunal in case this should be required.

R. C. S. ALEXANDER,
Major,
Regional Legal Officer.

LEGAL SUB-COMMISSION	
CLO	
CLO	
Chief Counsel	
CLO	
Warren section	
CLO	
	10 OCT 1944

ALLIED GARRISON OF SARDINIA
APO 534

438
D-3.

21 July 1944.

000.5

SUBJECT: Request for Presence of Casati, Orazio at Martini Trial.

TO : Commanding General, Northern Base Section, APO 386, U.S. ARMY.

1. It is most urgent that Casati, Orazio be present as a material witness for the prosecution at the trial of General Giovanni Martini, to be held in Cristano, Sardinia, sometime during the month of July 1944.

2. Casati, an Italian sailor, is now being held by the French civil authorities in Bastia, Corsica on a charge arising out of an incident occurring between French and Italian sailors on or about 31 March 1944.

3. It is requested that permission be obtained by your headquarters for the removal of the said Casati to Sardinia at the time of trial.

4. Transportation of subject will be provided for by this headquarters both to Sardinia and return. Adequate arrangements for the security of this prisoner will be made by this headquarters.

For the Commanding General.

52
AUGUSTUS P. VITALI
Major, Field Artillery,
Adjutant General.



**Tribunale Militare Territoriale di Guerra
della Sardegna**

Ufficio _____

N. _____

O G G E T T O

Citazione di Testimoni nella causa contro

Oristano, li _____

194 _____

Si prega cotesto Comando di voler disporre
affinchè i sottonominat si presenti
alle ore _____ del giorno _____
in questo Tribunale Militare; muniti di copia
della presente per esservi sentit qual test _____

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

11. _____

12. _____

13. _____

14. _____

51

Cotesto Comando, nel restituire il presente
foglio di citazione, vorrà compiacersi inviare a
quest'ufficio l'attestato della fatta intimazione e
comunicare il preciso recapito dei testi non pre-
senti alla sede (art. 353 e 406 C.P.P.)

o c.d.m.

Al Comando

Ten. M. B. Sfer
CARCELLIERE MILITARE

Ove i testi non fossero presenti in codesta
sede pregasi interessare direttamente il comando com-
petente.

4087

42A

HEADQUARTERS
ALLIED CONTROL COMMISSION
Navy Sub-Commission
APO 394

NSC/364

22 September 1944.

From: Navy Sub-Commission, Hq. ACC.
To: Legal Sub-Commission, Hq. ACC.
Subject: Carlo MOCCHEZZI COCCHEZZI Tullio.

1. With reference to Navy Sub-Commission, ACC letter
NSC/785 of 30 August 1944, the subject man departed for Sardinia
by air on 14 September 1944.

39A

A. W. Equale
Commander, U.S. Navy,
For Chief, Navy Sub-Commission, ACC.

-50

LEGAL SUB-COMMISSION	
CLO	☒
DCLO	☐
Chief Counsel	☐
CJO	☐
Italian Section	☐
CLERKS	☐
	☐

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4001/2/L.

RHW/ep.

19 September 1944.

SUBJECT : Report of RC Region VI, 14 Sept 44.

TO : Admin Sec.

1. Referring to para 4 of above report:

- (a) The witness COCCHINI was obtained at my request through the Naval Sub-Commission. He reported here 9 Sept and was sent to Sardinia by plane 10 Sept.
- (b) I am calling attention of the Minister of Pardon and Justice to the congestion of the Courts in Sardinia at my meeting today and am leaving with him a letter embodying the figures given in the above report. I am requesting him to take immediate action. However, as you know efforts to get people from the mainland have not been particularly successful. The judiciary for the most part will have to be recruited locally and this has been done to some extent already.

2. I return the report herewith.

RICHARD H. WILMER,
Colonel, CAC.,
Chief Legal Officer.

Copy to : 4087
4011/14

1 Incl.

Extract

From letter Reg. VI ref JACP/DO/123 dated 14th Sept 44
From Col. Pennycook to Brig Upjohn

QIA

4. TRIALS AT MILITARY TRIBUNAL

With regard to my last letter of 30th August and the monthly report, COCCHINI, the Italian Navy witness required for the MARTINI case, still has not put in an appearance. This trial cannot now come up before October. We should be grateful if further efforts could be made to get this witness over to us. General MARTINI has been in custody some time.

GRAUSO Brothers' trial is fixed for 18th September. It is not without interest to note that one of the defending counsel in this case is Colonel SANTA. This officer, now retired to civilian life and his law practice, was, until last month, Chief Executive and Chief of Staff to the High Commissioner.

The case of Major ELIA and others (Fire Fighters) will come on directly after the GRAUSO case is disposed of.

Congestion in the Civil Courts has been allowed to get really serious. Up to date figures are not yet in, but there are about 13,000 cases awaiting trial. Of this number 1,800 of the accused are in prison, the rest are at liberty. The Courts are making no real headway with these cases; from April to June outstanding cases were reduced by about 1,000 but in July new cases considerably exceeded cases dealt with.

I will get my legal officer who is now in hospital to put up a concrete suggestion for easing the situation. It will almost certainly mean asking for judges to be sent from the mainland.

18

4087

408

HEADQUARTERS
ALLIED CONTROL COMMISSION
Navy Sub-Commission
APO 394

NSC/813

8 September 1944.

From: Navy Sub-Commission, Hq, ACC.
To. : Ministry of Marine, Rome.
Subject: Capo Roschiere COCCHINI - Tullio, Attendance
of as Witness.

Information is requested as to the action taken in
connection with the subject petty officer referred to in
Navy Sub-Commission, ACC letter NSC/783 of 30 August 1944.

39A

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

Copy to:
✓ Legal Subcomm, ACC.

LEGAL SUB-COMMISSION	
CLO	✓
DCLO	✓
Chief Counsel	
CJO	
Italian Section	
CLERKS	

47

4087 ✓

HEADQUARTERS
ALLIED CONTROL COMMISSION
Navy Sub-Commission
APO 394

NSC/723

30 August 1944

From: Navy Sub-Commission, HQ. ACC.
To : Ministry of Marine, Rome.
Subject: Capo Nocchiere COCCHINI - Tullio. Attendance
of as witness.

1. The presence of the subject petty officer as a witness in the MARTINI case, to be tried in Sardinia, is urgently required. This petty officer has repeatedly been informed officially to report to the Headquarters, Region VI. The trial has already been delayed nearly nine months, pending the assembly of evidence and availability of witnesses.

2. It is understood that Capo COCCHINI was at Taranto on or about 1 August 1944. It is requested that Capo COCCHINI be directed by despatch to proceed immediately to Sardinia and report to the Regional Commissioner, Region VI, through Italian Naval authorities for attendance as a witness in the trial of the MARTINI case. An endeavor will be made to obtain authorization for air travel, if necessary, in order to expedite the attendance of Capo COCCHINI.

H. W. ZIEROLI,
Commodore, U. S. Navy,
for Chief, Navy Sub-Commission, ACC. 6

Copy to:
Legal SC. ✓

→

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

38A

ACC/4087/L.

1 Sept 1944.

SUBJECT : Martini Case.

TO : RLO (thru Regional Commissioner), Region 6.

1. Reference your L/1415 dated 25 August 1944.
2. The Navy Sub-Commission, at our request, has requested the Italian Naval Authorities at TARANTO to expedite the trip of Capo Nocchiere COCCINI Tullio to Sardinia.
3. I am hopeful that he will arrive shortly. However, if there is any undue delay, taking into consideration the difficulties of transport etc., please let me know and I will repeat the request.

RICHARD H. WILMER.
Colonel, CAC.
Chief Legal Officer.

RHW/wcw.

45

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION 6

25th August 1944.

To : Headquarters, Allied Control Commission,
Legal Sub-Commission.

Subject : Martini Case.

Reference : L/1415.

1. I enclose letter dated 24th August 1944 received today from the Military Tribunal, Oristano together with copy "marconigramma" addressed by the Comando Militare della Sardegna to the Ministry of Marine referred to therein.

2. Major GRECO the Sostituto Procuratore Militare del Regno in charge of this case visited Naples at the end of last month and obtained all the evidence required at this stage from Sig. ALTAMURA the handwriting expert.

3. In addition to the evidence of ALTAMURA the evidence of two other witnesses namely Captain MARANO Enrico and Capo Nocchiere COCCHINI Tullio was required to complete the instruction. Both these witnesses "depend from" the MARISTAT presso il Ministero della MARINA - Taranto. Since his return to Sardinia during the first week of this month I have been in almost daily touch with Major Greco urging him to press the MARISTAT for the immediate despatch of these witnesses. The matter has apparently been the subject of a voluminous interchange of telegrams over the past few months. Captain MARANO has at long last made his appearance and the only witness now required is COCCHINI whose presence was promised without fail by the middle of August but who has not yet turned up. The last communication from Sardinia was the "marconigramma" above referred to.

4. In view of the fact that considerable uneasiness and dissatisfaction is being manifested by the public in Sardinia at the apparently endless delays which have postponed the trial of this case for nearly 9 months I shall be much obliged if you will now bring the strongest possible pressure to bear on the MARISTAT to make the witness COCCHINI forthcoming.

5. The instruction will be completed within a day or two of COCCHINI's arrival. After that a period of about 3 weeks will require to be allowed for the final preparation of the defence. This means that there is still a chance of the case being tried before the end of September. I trust you will do what is possible to secure this result because otherwise the matter may be prolonged beyond the time when legal representation of A.C.C. is available in Sardinia.

For the Regional Commissioner,

Reference : L/1415.

1. I enclose letter dated 24th August 1944 received today from the Military Tribunal, Oristano together with copy "marconigramma" addressed by the Comando Militare della Sardegna to the Ministry of Marine referred to therein.

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3. In addition to the evidence of ALTAMURA the evidence of two other witnesses namely Captain MARANO Enrico and Carlo Nocchiere COCCHINI Tullio was required to complete the instruction. Both these witnesses "depend from" the MARISTAT presso il Ministero della MARINA - Taranto. Since his return to Sardinia during the first week of this month I have been in almost daily touch with Major Greco urging him to press the MARISTAT for the immediate despatch of these witnesses. The matter has apparently been the subject of a voluminous interchange of telegrams over the past few months. Captain MARANO has at long last made his appearance and the only witness now required is COCCHINI whose presence was promised without fail by the middle of August but who has not yet turned up. The last communication from Sardinia was the "marconigramma" above referred to.

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LEGAL SUB COMMISSION				
→ CLO				
DOLO				
Chief Counsel				
RGSA/ejs.				

For the Regional Commissioner,



R.G.S. ALEXANDER,
Major,
Regional Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION 6

25th August 1944.

To : Headquarters, Allied Control Commission,
Legal Sub-Commission.

Subject : Martini Case.

Reference : L/1415.

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1. I enclose letter dated 24th August 1944 received today from the Military Tribunal, Cristiano together with copy "marconigramma" addressed by the Comando Militare della Sardegna to the Ministry of Marine referred to therein.

2. Major GAZCO the Sostituto Procuratore Militare del Regno in charge of this case visited Bayles at the end of last month and obtained all the evidence required at this stage from Sig. ALTAMURA the handwriting expert.

3. In addition to the evidence of ALTAMURA the evidence of two other witnesses namely Captain MARANO Enrico and Capo Bocchiere COCCINI Tullio was required to complete the instruction. Both these witnesses "depend from" the MARISTAT presso il Ministero della MARINA - Taranto. Since his return to Sardinia during the first week of this month I have been in almost daily touch with Major Greco urging him to press the MARISTAT for the immediate despatch of these witnesses. The matter has apparently been the subject of a voluminous interchange of telegrams over the past few months. Captain MARANO has at long last made his appearance and the only witness now required is COCCINI whose presence was promised without fail by the middle of August but who has not yet turned up. The last communication from Sardinia was the "marconigramma" above referred to.

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For the Regional Commissioner,

RCSA/aj/s.

A. S. Alexander
R. G. S. ALEXANDER,
Major,
Regional Legal Officer.


 V. 1980 (1980) L. 111
 (11. 1981 - Anno VII)

Oristano, 24, 8 / 44 Anno

 R. TRIBUNALE MILITARE TERR./LE
 DI GUERRA DELLA SARDEGNA

=°=°=°=°=°=

 A LA COMMISSIONE ALLEATA DI
 CONTROLLO PER LA SARDEGNA =
= UFFICIO LEGALE = CAGLIARI

e, per conoscenza

AL COMANDO MILITARE DELLA SARDEGNA

POSTA MILITARE 50

Prot. N. 4643/44 Gr. Allegati

Risposta al foglio del

Div. Sez. N.

OGGETTO: Processo MARTINI.=

In esito a richiesta verbale del Signor Maggiore
 ALEXANDER Capo dell'ufficio Legale in indirizzo, e facendo seguito
 alle mie relazioni pari numero ed oggetto in data 24/6/1944, 21/7/
 1944, 1° agosto 1944, 7 agosto 1944 comunico:

Sono state espletate tutte le operazioni inerenti alla perizia
 ed agli altri atti istruttori; in data 12 agosto 1944 si pre-
 sentò, e fu escusso quale teste, il Capitano di Fregata MARANO Enri-
 co della R. Marina: resta solo da esaminare il teste COGHINI Tullio
 Capo nocchiere 2° classe della R. Marina, dipendente da Maristat
 presso il Ministero della Marina - Taranto - la cui presentazione
 fu richiesta il 27/4/1944, e di recente fu sollecitata più volte
 dopo i fonogrammi alligati in copia alla mia relazione del 21
 luglio 1944, con altro fonogramma inviato da me al Comando Milita-
 re Marittimo della Sardegna in data 8/8/1944, e con radiogramma
 in data 9 agosto 1944 inviato al Ministero della Marina da parte
 di S.E. il Generale Brunetti Comandante Militare della Sardegna.

Dopo l'audizione del menzionato teste l'istruttoria potrà
 essere chiusa e potrà fissarsi il dibattimento concedendosi un
 congruo termine perché gli avvocati possano prendere cognizione
 degli atti. =

Allego per la A.C.C. copie del radiogramma
 in data 9.8.1944.
 PLII PROCURATORE MILITARE DEL REGNO A.P.S.
 (Maggiore Michele Greco Sostituto)

COPIA

370

MARCONIGRAMMA

DA COMIT¹SARDEGNA
 AT MINISTERO MARINA
 e, per conoscenza
 AT SUPERESERCITO

N° 3800/U.FPN. ALT CAPITANO FREGATA MARANO ARRIGO DIPENDENTE DA MARIPER
 ET SECONDO CAPO NOCCHIERE COCCINI TULLIO DIPENDENTE DA
 MARISTAT CUI PRESENTAZIONE TRIBUNALE GUERRA ORISTANO ERA
 STATA ASSICURATA DA CODESTO MINISTERO TRAMITE MARISARDE=
 GNA ENTRO PRIMA DECADE CORRENTE NON, DICO NON, SI SONO
 ANCORA PRESENTATI ALT POICHE' LORO INTERROGATORIO SONO
 INDISPENSABILI ET URGENTISSIMI PER DEFINIZIONE PROCEDIMEN
 TO PENALE SOLLECITATO RIPETUTAMENTE DA AUTORITA' CENTRALI
 PREGO VIVAMENTE PROVVEDERE IMMEDIATA PRESENTAZIONE PRE=
 DETTI ET ASSICURARE FINE

F/to Generale Brunetti.

===== 41

COMANDO MILITARE SARDEGNA (XIII° C.A.)
 = Ufficio Personale =

N° 3731/U.FP. di prot.

P.M. 50, 9 agosto 1944

AL TRIBUNALE MILITARE TERRITORIALE DI GUERRA DELLA SARDEGNA
 ===== Oristano

..... per conoscenza

IL CAPO DI S.M.
 F/to Colonnello Luigi Castellani.



RHW/pa

(36A)

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 9394

Tel.No. 563

25 Jul 44

REFERENCE : ACC/4087/L.

SUBJECT : Gen. Martini Case.

TO : Acting R.L.O. Region 3.

1. I am calling attention to signal from Region 6 asking you to assist Maj. Greco of the Italian Army if necessary in securing certain evidence from one Altamura a handwriting expert in Naples.

2. Maj. Holt is familiar with this matter.

RICHARD H. WILNER,
Colonel, C.A.C.,
Acting Chief Legal Officer.

-40

LRKB V MJAO NR.9-
 FROM: ACC REGION SIX24-1530B
 TO: ACC MAIN FOR LEGAL RPTD ACC REGION 3

BR--

CC 793 MARTINI CASE. (FROM ACC REGION SIX FROM ALEXANDER
 SIGNED CARR CITE ACC FIVE SIX THREE. HAVE LEARNED UNOFFICIALLY
 THAT ALTAMURA HANDWRITING EXPERT IS ILL AND UNABLE TRAVEL. HAVE
 AGREED TO MAJOR GRECO PROCURATORE MILITARE SARDINIA GOING NAPLES BY
 AIR TODAY TO OBTAIN NECESSARY EVIDENCE FROM ALTAMURA. GRECO MAY
 APPLY REGION THREE FOR ASSISTANCE. LEGAL SUB COMMISSION LETTER
 TO R L O REGION THREE ACC SLANT FOUR ZERO EIGHT SEVEN SLANT LOVE
 DATED TWO SEVEN JUNE REFERS.

BT.....24-1530B

HEADQUARTERS

25 JUL 1944

A. C. C.

JUL
(HBT) LEGAL SC 1

(INF) AJCC 1

FILE 2

PL. DAT 1

39 57

SENT NR.9.....1759-24B-CAL- B-3

RECD NR 9 1759B JFG K

ACTION

24/6/44

R. G. H.
 Please you arranged
 this. Part that is being
 converted by station and
 take the other reports so
 it can be paid by them?

12/7/94

See by GGH - 12/6/94

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U.S. ARMY

Naples, Italy
6 July 1944

34A

MON 10

4067
SUBJECT : Attached petition of ALTANURA Federico.
TO : C. E. O., Legal Subcommittee, Rear Headquarters
Allied Control Commission, SALERNO;

33A

1. Reference is made to your letter of 27 June 1944, ACC/4087/L subject: General Martini and to copy of letter L. 1415 dated 21 June 1944 from R.E.O. Region 6 attached thereto.
2. Enclosed herewith is request of the a/n handwriting expert for an advance of money to cover expenses incurred.
3. It appears from my conversations with Altanura that he is somewhat anxious about the compensation he is to receive for the work he is doing, and as to whether he must look directly to the Italian Government for payment.
4. Notwithstanding his recent attack of malaria which interrupted his work, he is now applying himself to the assignment given to him, and has undertaken to keep me informed as to the progress he is making and as to any assistance he may require.

28
M. C. Holt

M. C. HOLT Major
Officer i/c. Italian Courts
A. C. C. REGION III

Gen. Cav. UH. FEDERICO ALBERTO
Ufficio grafico e commerciale
Traversa Reale 10, Capoluogo N. 9
NAPOLI

On. Sotto Commissione DEL GOVERNO ALLEATO MILITARE

S A L E R N O

=====

Il sottoscritto Perito Grafico Prof. FEDERICO ALBERTO TANURA, domiciliato in Napoli Traversa Pietre Collette n. 9, espone quanto segue:

Il 12 giugno u.s. ebbe l'onore di essere nominato del Comando della Commissione Alleata di Controllo-Regione 6°-della Sardegna-Consulente Tecnico di Ufficio e nello interesse dei Governi Militari Alleati ed Italiani per la perizia nel grave processo politico-militare a carico di MARTINI GIOVANNI e di altri 19 imputati, la cui istruttoria si svolge dinanzi il Tribunale Militare di Oristano.

Accettato l'incarico il sottoscritto dovette il 14 giugno detto raggiungere in volo la Sardegna, ove fu costretto trattenervi otto giorni per la raccolta delle scritture di comparazione dei 19 imputati, tuttora in istato di arresto presso le Carceri Militari di Oristano, e per la fissazione dei quesiti ai quali dovrà rispondere con relazione scritta motivata

31

S A L E R N O

Il sottoscritto Perito Grafico Prof. FEDERICO AT-
TANURA, domiciliato in Napoli Traversa Pietro Collet-
ta n. 9, espone quanto segue:

Il 12 Giugno u.S. ebbe l'onore di essere nomina-
to dal Comando della Commissione Alleata di Controdi-
zio-Regione 6° della Sardegna-Consulente Tecnico di
Ufficio e nello interesse dei Governi Militari Al-
leati ed Italiano per la perizia nel grave processo
politico-militare a carico di MARTINI GIOVANNI e di
altri 19 imputati, la cui istruttoria si svolge di-
nanzi il Tribunale Militare di Oristano.

Accettato l'incarico il sottoscritto dovette il
14 Giugno detto raggiungere in volo la Sardegna, ove
fu costretto trattenersi otto giorni per la raccolta
delle scritture di comparazione dei 19 imputati, tut-
tora in istato di arresto presso le Carceri Militari
di Oristano, e per la fissazione dei quesiti ai qua-
li dovrà rispondere con relazione scritta motivata
da depositare dal sottoscritto nel termine di gior-
ni trenta circa.

Durante tutto il tempo di permanenza in Sardegna
l'esponente ha dovuto anticipare la somma di lire

cinquemila circa per spese varie (albergo, mensa ed altro) perchè la Autorità Militare Italiana di Oristano, alle quali la Commissione Alleata ha affidato, non poterono offrire ospitalità (albergo, mensa ed altro) perchè impossibilitate.

E non basta: tornato il 22 giugno a Napoli lo scrivente ha dovuto sborsare oltre migliaia di lire per curarsi (medici e medicine) della malaria presa in Sardegna, essendo, come è risaputo, Cristiano, un malarico: cura che egli è costretto almeno per il momento a continuare per debellare il male che lo affligge.

Pertanto l'esponente si permette rivolgere viva preghiera a cotesta Cn. Sotto Commissione perchè si compiacca disporre a suo favore di un congruo anticipo sulle spese e possibilmente di lire diecimila e ciò in attesa che venga espletato dallo scrivente il lavoro peritale di importanza e delicatezza eccezionali.

Con ossequio

Napoli 4 Luglio 1944

IL CONSULENTE TECNICO

altro) perchè le Autorità Militari Italiane di Oristano, alla quali la Commissione Alleata ha affidarono, non poterono offrirmi ospitalità (albergo, mensa ed altro) perchè impossibilitate.

Il non basta: tornato il 22 giugno a Napoli lo scrivente ha dovuto sborsare altre migliaia di lire per curarsi (medici e medicine) della malaria presa in Sardegna, essendo, come è risaputo, Oristano/paese malarico: cura che egli è costretto almeno per il momento a continuare per debellare il male che lo affligge.

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Con ossequio

Napoli 4 Luglio 1944

IL CONSULENTE TECNICO

Prof. Federico V. V. V.

36

File

HEADQUARTERS
ARMED SERVICES COMMISSION
Legal Information
ASAC 324

MS/GR

33A

27 Jan 44

MS/GR

SUBJECT: General Martin.

TO : SAC (then MS) Region 5.

1. I enclose copy letter HHS dated 21 Jan 44 from HHS Region 6. Your particular attention is drawn to para 4 & 5 thereof.

2. Will you please keep pressure on Altman to complete his work as soon as possible and also let us know if he requires any materials.

35

G. B. DUNN, Colonel
Chief Legal Officer.

cc: SAC Region 6.

4087
BY FAST AIR COURIER

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION 6

Legal S.C.
42557, 32A

21st June 1944.

To : Headquarters, Allied Control Commission (Near)
Legal Sub-Commission.

Subject : General Martini.

Reference : L/1415.

HEADQUARTERS
24 JUL 1944
A.C.C. 31

1. Reference previous correspondence on above subject and this office cable ACC 469 of even date.

2. Sig. ALTAMURA the handwriting expert duly arrived in Sardinia on 14th June 1944 and has since been in continuous touch with the Procuratore Militare del Re at Oristano. He is returning to Naples today.

3. Sig. Altamura has stated that it is necessary for him to take copies of all the documents on which his opinion is required to Naples in order to take advantage of technical and scientific facilities available there. The original negatives of any Photostatically copied documents removed by Sig. Altamura are retained here and the Procuratore Militare has assured me that nothing has been removed by Sig. Altamura the loss of which would affect the case.

4. Sig. Altamura stated at first that he would require two months in which to complete his examination of the documents. He was informed both by me and by the Procuratore Militare that such a delay was out of the question and that the work must be completed within 14 days. He stated that this was impossible but that he would do his best. It is clear that considerable pressure will require to be brought to bear upon him probably at frequent intervals if the matter is to be expeditiously carried through. Will you kindly take such steps as you consider necessary in this respect?

5. It is probable that Sig. Altamura will ask A.C.C. for assistance as regards supplies of photographic and other materials. Please be good enough to do what is possible and necessary in this way.

6. It was suggested by Altamura that he be allowed to give his final testimony before the Military Tribunal of Naples so as to make a return visit to his family.

1. Reference previous correspondence on above subject and this office cable AOC 469 of even date.
2. Sig. ALTAMURA the handwriting expert duly arrived in Sardinia on 14th June 1944 and has since been in continuous touch with the Procuratore Militare del Re at Oristano. He is returning to Naples today.
3. Sig. Altamura has stated that it is necessary for him to take copies of all the documents on which his opinion is required to Naples in order to take advantage of technical and scientific facilities available there. The original negatives of any photostatically copied documents removed by Sig. Altamura are retained here and the Procuratore Militare has assured me that nothing has been removed by Sig. Altamura the loss of which would affect the case.
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5. It is probable that Sig. Altamura will ask A.C.C. for assistance as regards supplies of photographic and other materials. Please be good enough to do what is possible and necessary in this way.
6. It was suggested by Altamura that he be allowed to give his final testimony before the Military Tribunal of Naples so as to make a return visit to Sardinia unnecessary. He was informed by the Italian G.O.C. here that it was imperative he should give his evidence here in person. For my part I entirely concur that this is necessary.
7. Copy Interrogatories put to Altamura are enclosed for your information.
8. I am informed that the case will be ready for trial as soon as Altamura's evidence is forthcoming.

For the Regional Commissioner,

R. G. S. Alexander
R. G. S. ALEXANDER.
Major.

R.SA/ajs.

Regional Legal Officer

E. TRIBUNALE MILITARE TERRITORIALE DI GUERRA DELLA SARDEGNA

328

VERBALE DI PERIZIA

(Art. 314, 316 C.P.P. 339, 332 Code Pen. Mil. di pace)

L'anno millenovecentoquaranta 44, il giorno 19 del mese di giugno in Oristano.

Avanti a noi Maggiore GRECO dott. Michele Sostituto Procuratore Militare del Re presso il suddetto Tribunale assistiti dal cancelliere sottoscritto.

È comparso il Signor prof. Federico ALTAMIRA fu Enrico nominato perito nel procedimento penale contro MARTINI Giovanni fu Antonio ed altri con ordinanza di questo Ufficio in data 16 giugno 1944.

Deferitogli il giuramento di legge previa ammonizione sull'importanza morale del giuramento, sul vincolo religioso con esso contrae dinanzi a Dio; sul pene stabilite contro i colpevoli di falsità in giudizio e sul dovere che egli ha di conservare il segreto; e tagli la formula: "Conoscevole della responsabilità che col giuramento assumete davanti a Dio e agli uomini, giurate di bene e fedelmente procedere nelle indagini a voi affidate, senz'altro scopo che quello di far conoscere la verità e di mantenere il segreto su tutti gli atti che dovrete compiere o che si faranno in vostra presenza" Il perito; stando in piedi a capo scoperto, al nostro cospetto, presta giuramento pronunciando le parole: "Lo giuro".

Interrogato sulle su generalità risponde:

Sono e mi chiamo ALTAMIRA prof. Federico fu Enrico di anni 47 nato e residente a Napoli in traversa Pietro Colletta 9.

Abbiamo quindi proposto al perito i seguenti quesiti:

Il perito esaminati i documenti costituenti i corpi di reato raccolti nel fascicolo allegato al presente verbale contraddistinto con la lettera A), e le scritture di comparazione manoscritte dagli imputati alla presenza dell'ufficio, e le altre anche raccolte in fascicoli contraddistinti con la lettera da B) a T), di data anteriore al reato oppure posteriore, o da scritture private la cui grafia è stata riconosciuta come propria dagli imputati, esprima motivato parere sui seguenti quesiti.

1) se le tredici firme segnate in calce al foglio intestato "verbale di riunione" (alligato 7) = 1 - A =) e le cinque firme apposte in calce al foglio indirizzato "al segretario del partito fascista repubblicano allegato 7 = 1 - B =) furono apposte di propria mano da ciascuno degli imputati.

2) Nel caso che tutte o alcune delle firme di cui al quesito precedente non furono apposte da ciascuno degli imputati, esprima il perito motivato parere se la scritturazione delle firme eventualmente false fu opera di uno o più degli imputati.

3) Se la scritturazione delle frasi "Tempio = (Rosso) 13 Maritza (Marina di Sorso) (rosso) 14" nonché le frasi " C. Corp Armata = nero 1 e le 9 frasi successive contenute nel cifrario intestato con le lettere R.B. (alligato 7) (4-B) furono eseguite da uno o più degli imputati ed in caso affermativo da quale di essi.

(2)

- 4) Se il biglietto tracciato a matita che comincia con le parole "Caro Regoli" e finisce con "saluti" fu scritto da qualcuno degli imputati ed in caso affermativo da quale di essi.
- 5) Se la frase "giornale - radio" inscritta a stampatello allo inizio del trerario (alligato V - 1 - C-) fu scritta da qualcuno degli imputati ed in caso affermativo da quale di essi.
- Il perito esamina la scrittura di comparazione dattiloscritta inserita nel fascicolo contraddistinto con la lettera U alligato al presente verbale esprimendo motivato parere anche sui seguenti quesiti:
- 6) Se i fogli dattilografati (alligato - 1 - A, 1-B, 1-C-) costituiscono l'originale (prima battuta), o copia successive ottenute mediante uso di carta copiativa (seconda, terza battuta etc) e se furono scritte con la stessa macchina dattilografica.
- 7) Se i fogli dattilografati di cui al quesito precedente furono scritti usando una o più delle macchine dattilografiche in sequestro, mediante le quali furono compilate le scritture di comparazione dattilografiche alligate agli atti, ed in caso affermativo precisare quale macchina fu usata.
- 8) Riferisce altresì il perito su quanto altro necessario ed utile all'accertamento della verità, anche se non compreso nei quesiti proposti.
- Il perito dichiara di accettare l'incarico e tenuto conto del numero dei quesiti, del numero delle firme da esaminare in numero di diciotto e della difficoltà delle indagini da espletarsi su numerose scritture manoscritte e su altre dattilografate, chiede l'autorizzazione a compiere il lavoro peritale nella sua residenza in Napoli ove potrà fruire di mezzi tecnici a sua disposizione (riproduzione, ingrandimenti fotografici, uso di apposite lente, ecc.) e che gli sia concesso il termine di mesi due e la autorizzazione di poter presentare la relazione peritale con tutti i documenti che gli sono affidati all'autorità giudiziaria militare di Napoli.
- Noi sostituto procuratore militare del RE ritenendo giustificate le richieste del perito autorizziamo lo stesso ad eseguire il lavoro peritale nella sua residenza di Napoli e concediamo allo stesso il termine di giorni quindici da oggi e prescriviamo che la consegna della relazione peritale e dei documenti allegati avvenga nella nostre mani.
- Consegniamo, quindi, al perito per la esecuzione della perizia numero diciannove fascicoli contenenti il primo i coroi di reato e gli altre le scritture di comparazione manoscritte e dattilografate come da indici sottoscritto dal cancelliere inscritto in ciascun fascicolo.
- Del che il presente verbale, letto, confermato e sottoscritto anche dal perito il quale firma per ricevuta dei fascicoli.
- F/to prof Federico Altamura
F/to Capitano ARCURI Rocco
F/to Maggiore GRECO.

IL CANCELLIERE MILITARE

4087

U. S. RESTRICTED

Equals British RESTRICTED

ALLIED CONTROL COMMISSION INCOMING

MESSAGE

/mor

SVC/RELAY NO.

CLASS: RESTRICTED

PREC: PRIORITY

FROM: ACC REGION 6 SCD CAHR CITE ACC 469

TO: ACC REAR FOR UPJOHN



M/C NO:

REF NO: 469

FILED: JUNE 211000B

REC'D: JUNE 211503B

31

Altamura handwriting expert returning Naples today to complete examination of Martini documents. Please contact him and render all assistance to expedite matters. Your cable No 2899 of 12 June refers. G. Wagstaff Capt

29

DISTRIBUTION:

- 1 Adj File
- 1 Fleet
- 1 DCC Info
- 1 Adj Main Info
- 1 Legal ACTION

ACTION

-31

U. S. RESTRICTED

Equals British RESTRICTED

Rang Major Holt
and asked him to
contact & assist Altamura
& let us know if there
was any difficulty

Jm.
22/6/44.

4087

BY FAST AIR COURIER

30

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION 6

Legal
0592

10th June 1944. 339.

To : Headquarters, Allied Control Commission,
(Near) Legal Sub-Commission.

Subject : General Martini.

Reference : L/1415.

1. Confirming my Cable No. 438 of today's date and with further reference to your letter ACC/4087/L dated 19th May 1944, I have to state that I have been informed by the Tribunale Militare here that they will be ready to receive the evidence of a handwriting expert on 15th inst.

2. Should the notice given be too short will you kindly arrange for the Experts despatch as soon after the 15th as possible Cabling this Headquarters of the probable date of his arrival?

For the Regional Commissioner,

HEADQUARTERS
11 JUN 1944
A. C. C.

RGSa/ajs.

A. G. S. Alexander
R.G.S. ALEXANDER
Major. 30

Regional Legal Officer.

U. S. RESTRICTED
 Equals British RESTRICTED

OUTGOING

1021
 2899

7/12 (29)

2899

JUNE 12/30/18

RESTRICTED

ROUTINE

ACC REL

TABLE



EXPERT TO SEND ALFAMORA FRIEDRICH HANDWRITING EXPERT PAREN TO TABLE FOR CASE
 FOR RLD FROM CC REAR FROM LEGAL SIGNED MICHAELONE PAREN TO ARRIVE ONE FIVE
 YOUR CABLE FOUR THREE EIGHT OF ONE ZERO JUNE REFERS

AUTHENTICATED:

E. J. Chiocea
 E. J. CHIOCEA
 CTO USA
 Asst Adj

DISTRIBUTED:

- 1 File
- 1 Flooy
- 1 ICC
- 1 Legal
- 1 Adj Main

29

U. S. RESTRICTED
 Equals British RESTRICTED

4087
ALLIED CONTROL COMMISSION INCOM6473
MESSAGE /msr

SVC/RELAY NO.

CLASS: NOT GIVEN

PREC : NOT GIVEN

FROM : ACC REGION 6 CITE ACC 438 SGD CARR

TO : ACC REAR FOR LEGAL SUBCOM



M/C NO :

REF NO: ~~ADRE~~ 438

FILED : JUNE 101000B

REC'D : JUNE 161650B
Teletype

Martini Case. Presence of handwriting expert required in Sardinia 15th current. Your letter ACC/4087/L dated 19 May refers. Please arrange.
G. Wagstaff Capt.

DISTRIBUTION:

1 File
1 Float Info
1 DCC
1 Adj Main
1 Legal ACTION

LEGAL SUB COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Itation Section	
CL RKS	

27
ACTION

HEAD HEADQUARTERS
ARMY OFFICE, COMMISSIONER
LEGAL SUB-COMMISSION
APO 374.

27

19 May, 1944.

REFERENCE : 100/1087/1.

SUBJECT : General Martini's Case.

TO : Regional Legal Officer (then Regional Commissioner) Region 6.

1. All HQ are saying that General Martini's case be heard forthwith. The reasons for the delay have been pointed out and it was explained that it would take a few weeks to get all the necessary documents together for the trial.

2. Would you, however, approach the Procuratore Generale Militare immediately and find out from him whether a definite date may be fixed for the opening of the trial and also if the presence of a handwriting expert will be required, in view of the facts of the case as known to this Sub-Commission.

27

G. G. RASTAFORD.

Major,

Officer i/o Italian Branch,
for, Chief Legal Officer.

CCF/vow.

U. S. CONFIDENTIAL
 Equals British CONFIDENTIAL
 OUTGOING

LEGAL/GRU
 /RBT

2783
 MAY 19/614B

(26)

CONFIDENTIAL
 ROUTINE
 ACC REAR
 HQ A&J



0-ING TO ACCIDENTAL DESTRUCTION OF DOCUMENTS IN AIR CRASH CMA INSTRUCTIONAL
 STAGE OF CASE OF GENERAL MARTINI HAS HAD TO BE RESTARTED ALL OVER AGAIN AND
 THIS UNDER ITALIAN PROSECUTION WILL TAKE SOME WEEKS TO BE ADJ FROM ACC REAR
 FROM LEGAL SUBCOM SIGNED MAGAR ARE PD ITALIAN AUTHORITIES ARE BEING URGED
 TO PROSECUTE CASE WITH ALL POSSIBLE SPEED PD YOUR CASE ITEM SLANT THREE NINE
 SEVEN DATED ONE EIGHT MAY ONE NINE FOUR FOUR REFERS

26

AUTHENTICATED

E. J. CHIOCCA
 CRO USA
 Asst Adj

DISTRIBUTION:

- 1 - Adj File
- 1 - DFO
- 1 - DUC
- 1 - Adj Main
- 1 - Legal

U. S. CONFIDENTIAL
 Equals British CONFIDENTIAL

4087

Adal (Rear)

9957

5-3613

(25)

MJAQ V LRAR NR1566 ~~NR1566~~TMDT
QQX

CPTG

BT

FROM HQ AAI

TO ACC

E-R-16-13T
I/398

24



REFERENCE OUR I/397 OF 18 MAY (.)

YOUR LETTER I/303/1 OF 13 MAY SINCE RECEIVED

THI 2215

BT

SENT SJP 2253 AR

RECD NR 18 (1566) 18/2252B WMI

25
This is not our letter.
Neither have we any record of it
AG Sec Rear Main HQ have
no knowledge of such a letter

4087

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

S-3596 9937

N29/18

Legal & C

(24)

AC-C JUST

(AC) LEGAL SC 1
 (AF) DEP CC 1
 C A B R 1
 ADMIN SEC 1
 FILE 1
 FLOAT 1

24

See folios 22

CLO

of Italian. This case will be to be
 tried by the new Peace Commission
 as it appears to fall within their jurisdiction. The charge of treason
 however goes sometimes to the Military Courts, but I feel that
 they may be prejudiced in favor of the accused.

23

MINISTERO DELLA GUERRA

GABINETTO

UFFICIO DI COLLEGAMENTO CON LA PRESIDENZA DEL CONSIGLIO

N. di prot. 210

Salerno 11, 11 Aprile 1944

OGGETTO: Incidente aviatorio del 6 marzo u.s.

AL MINISTERO DI GRAZIA E GIUSTIZIA

SALERNO

In merito a richiesta verbale fattami da un funzionario di codesto Ministero, comunico quanto segue:

Il giorno 6 marzo u.s. partiva regolarmente dal campo d'aviazione di Gaudio, l'aereo italiano di linea per rientrare a Lecce.

Prendevano posto in tale apparecchio, oltre ai quattro uomini di equipaggio il

MAGGIORE Badiali Omero del Ministero Guerra
e il Capitano Lo Pane Menotti Mario della Giustizia Militare.

Risulta che dopo oltre un'ora di volo, a causa delle cattive condizioni atmosferiche, e per probabili formazioni di ghiaccio, l'aeroplano cercava di rientrare al campo di partenza.

E' durante il ritorno che l'apparecchio, per cause imprecisate, nelle quali non è da escludere anche la fitta nebbia, urtava contro una montagna nei pressi di Vallo della Lucania.

Decedevano sia l'equipaggio sia i passeggeri.

I funerali delle vittime ebbero luogo il 19 marzo e le salme furono tumulate nel cimitero di Rofrano.

Le indagini sull'accaduto furono esperite dal Ministero della Aeronautica che ha escluso qualsiasi possibilità di atto di sabotaggio.

Dell'incidente si interessò pure il servizio informazione italiana che inviò presso questo ufficio un capitano accompagnato da

pto

due ufficiali americani per avere notizie dell'accaduto e svolgere per conto loro successive indagini.

Per accertare che cosa si sia potuto recuperare dei documenti trasportati dall'aereo, è opportuno che codesto Ministero si rivolga a quello dell'Aeronautica.

IL T. COLONNELLO CAPO UFFICIO
V. Ponzani

4087
HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION 6

Legal S.C. 374
(R. 142)
06025

30th April 1944.

(22)

To : Headquarters, Allied Control Commission,
R.C. and M.G. Section (for Legal Sub-
Commission)

From : Regional Commissioner.

Subject : General Martini's Trial.

Reference : L/1415

Major Alexander has had a meeting with the Procuratore Militare della Sardegna relative to the above case. (Your ACC/4087/L dated 10 Apr 44 refers) The present position is that the instructional phase of the case will require to be gone through again owing to the loss in the plane crash of the documents relating to the previous instruction. This is expected to take many weeks. The investigating authorities are not yet ready to take the evidence of a handwriting expert but will advise this office whenever one is required and you will then be notified.

22

HEADQUARTERS
- 2 MAY 1944
A. C. C.

RGSA/ajs.

M. Carr
M. CARR.
Brigadier.
Regional Commissioner.

file OK
VCSH

file
NEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

/gmf

21
19 April 1944

ACC/4087/L

SUBJECT: Political Activities in Sardinia. General ~~Marini~~.

TO : RC & M Section, ACC.

Receipt is acknowledged of your 297/16/CA of 18 April 1944 enclosing
file 297/CA on the above matter.

For your information the contents of this file have now been
transferred to this Subcommittee and bear the number ACC/4087/L.

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

21

✓
4087
HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. SECTION
APO 394

Ref/297/16/CA

18 April 1944

SUBJECT: Political Activities in Sardinia.
Generale Martini.

TO : Legal Sub-Commission.

Enclosed herewith is file No. 297/CA
forwarded to you as requested in your letter
ACC/4087/L of 16 April.

Please acknowledge receipt.

19
for Difficult White
Major
NORMAN E. FISKE
Colonel
Deputy Executive
Commissioner

To

Receipt is acknowledged
of your 297/16/CA of 18 April
1944 enclosing file 297/CA on the
above matter.

For your information the contents of the file
have been transferred to the Sub Comm and
please the number AC/4027/4.

C. C. H.
of the Sub Branch
etc.

17 APR Recd 297. TM

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

U /enf 45235

(19)

ACG/4087/L

16 April 1944

SUBJECT: Political Activities in Sardinia - Generale Martini.

TO : RC & MG Section.

In view of the fact that the above matter is essentially one for this Subcommittee, may your file thereon (297/CA) be handed over complete and struck from your records.

Agreed. Hand all papers to Legal.

kill
2 1944

G. G. Hamford

G. G. HAMFORD, Major
Officer i/c Italian Section
for Chief Legal Officer.

Gen. A. A. A. 4687
Cop.

MINISTERO DELLA GUERRA

GABINETTO

UFFICIO DI COLLEGAMENTO CON LA PRESIDENZA DEL CONSIGLIO

N. di prot. 210

Salerno li 11 aprile 1944

OGGETTO: Incidente aviatorio del 6 marzo u.s.

AL MINISTERO DI GRAZIA E GIUSTIZIA

SALERNO

.....

18

In merito a richiesta verbale fattami da un funzionario di codesto Ministero, comunico quanto segue:

Il giorno 6 marzo u.s. partiva regolarmente dal campo d'aviazione di Gaudio, l'aereo italiano di linea per rientrare a Lecce.

Prendevano posto in tale apparecchio, oltre ai quattro uomini di equipaggio il

Maggiore Badiali Omero del Ministero Guerra e il Capitano Lo Pane Menotti Mario della Giustizia Militare.

Risulta che dopo oltre un'ora di volo, a causa delle cattive condizioni atmosferiche, e per probabili formazioni di ghiaccio, l'aeroplano cercava di rientrare al campo di partenza.

E' durante il ritorno che l'apparecchio, per cause imprecisate, nelle quali non è da escludere anche la fitta nebbia, urtava contro una montagna nei pressi di Vallo della Lucania.

Decedevano sia l'equipaggio sia i passeggeri.

I funerali delle vittime ebbero luogo il 19 marzo e le salme furono tumulate nel cimitero di Rofreno.

Le indagini sull'accaduto furono esperite dal Ministero della Aeronautica che ha escluso qualsiasi possibilità di atto di sabotaggio.

Dell'incidente si interessò pure il servizio informazioni italiani che inviò presso quest'Ufficio un capitano accompagnato da due

UFFICIO DI COLLEGAMENTO COL LA PRESIDENZA DEL CONSIGLIO

N. di prot. 210

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Per accertare che cosa sia stato potuto recuperare dei documenti trasportati dall'aereo, è opportuno che codesto Ministero si rivolga a quello dell'Aeronautica.

IL T. COLONNELLO CAPO UFFICIO

- V. Ponzani -

*P. Ponzani*3 vol. per
14-

17

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

GGH/gmf

Copy for
ACC/4087/L

10 April 1944

SUBJECT: Validity of photostatic documents as judicial evidence.

TO : RLO (RC) Region 6.

Ref your L/1415 dated 23 March 44.

1. Please find enclosed copy of the Minister of Justice's opinion in regard to the above. It appears there is no doubt that such evidence is admissible. An extra copy of the above referred document is enclosed for the High Commissioner.

2. Steps will be taken to obtain the services of a handwriting expert. It is hoped that the President of the Court of Appeal of Naples will be able to produce one at short notice. However, no definite answer may be received until after the Easter holidays.

3. No report has been received here of any plane crash as described in General Pinna's letter. If relevant information in this connection is available in Region 6, could it be forwarded to this HQ.

4. The reason which may prevent the trial of General Martini by AMG Court is the fact before 11 Febr. 44 (Restoration Decree No. 31 Art. 3) such Courts had no jurisdiction in territories which have always remained under Italian rule, and General Martini's alleged offence took place in December 1943.

(signed) G.G. HANNAFORD, Major

G. G. HANNAFORD, Major
Officer i/c Italian Section
for Chief Legal Officer.

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(signed) G.G. HANNAPORD, Major

G. G. HANNAPORD, Major
Officer i/c Italian Section
for Chief Legal Officer.

The file of RCrash see in this

matter is 297/CA

The file is closed

16
MINISTERO DI GRAZIA E GIUSTIZIA

DIREZIONE GENERALE AFFARI PENALI

Salerno li,

PROMEMORIA PER LA COMMISSIONE ALLEATA DI CONTROLLO

Qualora non sia possibile recuperare gli atti originali del processo a carico del Generale MARTINI, si dovrà procedere alla ricostruzione degli atti stessi a norma degli articoli 162 e 163 C.P.P., ed in tale ricostruzione avranno senza dubbio rilevante importanza le copie fotografiche già eseguite a cura del Comando Militare.

Translation :

If it is found impossible to recuperate the original documents in General Martini's case, it will be necessary to proceed with the reconstitution of these in accordance with the provisions of Arts. 162 and 163 of the Code of Procedure, and among such reconstituted documents the photographic copies made at the request of the Military Command will constitute relevant evidence.

297.
TH
SECRETC.A. Rn
S-1506
TBJ/as
ALLIED FORCE HEADQUARTERS
Military Government Section

WGS: 091.112-2

10 April 1944

SUBJECT: Sardinia - Political Movements (General Martini).**TO :** HQ ACC. 7 10

1. Reference your 297/8/CA of 3 April enclosing copy of L/1415 of 26 March it is pointed out, as will be seen from the correspondence which has passed, that this Section has been concerned in the matter only by way of asking for information as to how it was being dealt with, this being in order that G-2 this HQ might be informed for their purposes. This Section is accordingly still only interested in the results of any trial which may be held and does not desire to give instructions in the matter of procedure which is within the competence of HQ ACC.

2. It is accordingly requested that the result of the trial may be reported in due course.

For the Acting Chief of Section:

(Signature)
T. B. JACKMAN
Major

15

23 APR RECD

Legal Subcommission
(Through Admin. Sec.)Please see above &
return file.Hills
2/12/44

reem

H

Assumed that Legal S.C.
is now dealing.

p.a.

Hills
2/16/44**SECRET**

14

Col. Upjohn. Legal Sub. Comm.

Herewith file as requested, copy of
our 283/42/CA having been added.

As you will see from IO a copy
of 9 has been sent to AFHQ, M.C.S.

This was done by the officer handling on
the assumption that as the matter was
first raised when Region VI was being
administered direct from AFHQ it
should be completed by them.

14
to Difficult (Buck)
Majors
6 Apr.

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. and M.G. Section
APO 394.

3 April 1944.

Ref/297/3/CA.

SUBJECT:- General Martini a Fascist of Sardinia.

To:- M.G.S. A.F.H.C.

1. Enclosed herewith copy of letter No L/1415 dated 28 March, received from R.C. of Sardinia (Region VI), also copy of a report enclosed with said letter, these being self explanatory.
2. Will you please advise this Headquarters as to how in the future, you wish this matter handled.

Encl.

M.B. LUSH,
Brigadier,
Executive Commissioner.

13

13/4 17/4/44

It is understood that before the plane crash in which the original documents were lost, or thought to have been

Date : 15th March 1944.

With further reference to your endorsement C91.112-2 dated 15th March 1944 AFHQ, MGS., I attach 2 copy letters received from the High Commissioner and the Sostituto Procuratore Militare del Re respectively.

1-2

This matter has been handled previously by MGS., AFHQ and they appear to have acted throughout on the assumption that the trial would take place before an Italian Tribunal. This may have been by special Agreement with the Italian Government but in view of the terms of A.C.C. letter 283/42/CA dated 5th March 1944, which may connote some change of policy, I think it right that your attention should be specially drawn to the matter in case it should be considered expedient to try General Martini before an Allied Military Court.

-12
The facts of the case (which may not be known to you) are briefly as follows :-

General Martini, a Fascist Militia General, stationed in Sardinia, was arrested on 3rd December last by order of Admiral Brivonesi, Commanding the Italian Naval Forces at La Maddalena, while attempting to cross to the Italian Mainland in a motor boat. It is alleged that incriminating documents were found in General Martini's possession including a document signed by 14 persons of which copy is attached. This document is an account of a meeting of Fascists at which it was agreed that action should be taken to restore the Island to Fascist rule. The fourteen signatories were afterwards arrested. They comprise, 11 Army Officers and 3 Civilians. The latter were the most important Fascists on the Island. One was Ispettore Federale for the whole Island (Sig. OFFETTU) and the other two were Federal Secretaries of Sassari and Nuoro Provinces respectively.

It is understood that before the plane crash in which the original documents were lost, or thought to have been lost, the Instruction phase of the proceedings had been practically completed except for certain evidence required from handwriting experts.

Up to date however the case appears to have been handled with some lack of urgency.

RGSA/ejs.

HEADQUARTERS

31 MAR 1944

A.C.C.

M. Carr

M. CARR.

Brigadier.
Regional Commissioner.

10

HIGH COMMISSIONER FOR SARDINIA

TO: GENERAL M. CARR
CHIEF OF THE ALLIED COMMISSION FOR SARDINIA
CAGLIARI

SUBJECT: Martini Process

In reply to your request per letter dated March 22nd, I advise you that the Prosecutor of the King has given full assurance that photostat copies of the documents relative to the Process Martini, in our possession, are sufficient to reconstruct the proceedings against the accused.

THE HIGH COMMISSIONER

/s/ PINNA

11

MILITARY WAR TRIBUNAL OF THE VII TH ARMY CORPS

File No. 230/43.

P.M. 112, 25 March 1944

TO: HEADQUARTERS OF THE ALLIED COMMISSION FOR SARDINIA
CAGLIARI

SUBJECT: Penal proceedings against ex-General Martini and others.

I refer to communications: L/1415 of 6 March 1944 and similar number of March 20th inst. addressed to H.E. the High Commissioner for Sardinia. I beg to state that the criminal proceedings against ex-General Martini and others ~~IN~~ are still in the investigating stage.

The Military Prosecutor of the King, Captain LOPANE MENOTTI, left on February 18th for Brindisi, taking with him all the processual documents so as to proceed in that city to a handwriting examination. Up to now Captain Lopane did not return. I am therefore not in condition to indicate when the process can take place.

I believe, however, that the investigating phase is completed and will be ready after the carrying out of the expert examination as above.

As soon as the Military Prosecutor of the King, Captain Lopane, returns, who will bring back with him all the documents, it will be my duty to ~~submit~~ ^{submit} your Headquarters all those advices which now I am unable of furnishing.

Delay in replying to your letter is to be attributed to the fact that I awaited the return of the Military Prosecutor who would have given you definite and exact news.

THE ASSISTANT ACTING MILITARY PROSECUTOR OF THE KING

.s. (Cap.no Fumu Doctor Giovanni)

you that the prosecutor of the trial of the accused, in our possession, copies of the documents relative to the Process Martini, in our possession, are sufficient to reconstruct the proceedings against the accused.

THE HIGH COMMISSIONER

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THE ~~XXXXXXXXXX~~ ACTING MILITARY PROSECUTOR OF THE KING

.s. (Cap.no Furu Doctor Giovanni)

MINUTES OF MEETING

On 18 September 1942, year XXI, at Sassari in a meeting place put at disposal by a faithful comrade, there met the undersigned Fascists for the purpose of examining the situation which has been created in Italy after 8 September, with particular reference to Sardinia, following departure of the German troops. Those present have unanimously recognized and affirmed the necessity to constitute immediately in Sardinia the Fascist Republican Party, giving to it most unconditional ~~XXXXXX~~ adherence.

In the material impossibility of communicating with the Continent, they have decided to attain themselves ~~over~~, within the limits of the possible, to the instructions

which from time to time will be broadcast by the central organs through radio. As regards in particular the activity to be unfolded in Sardinia, the following points have been fixed:

- 1) The Committee will act in most secret fashion for the purpose of reorganizing the files of Fascism; making appeal to all the comrades of proven faith and of unquestionable morality, who, especially after July 25th have demonstrated in indubitable manner their faith to the sworn oath.
 2. Will take immediate contact with the many commanders of large and small units which through ~~manifest~~ exterior manifestations or from informations assumed, appear to give faith of wanting to keep their trust to their given word, to be jealous guardians of military honor, and who want to save at any cost, the Country so ignominiously betrayed.
 3. The Committee, by such preliminary action, proposes to establish the base for a vast and safe political and military organization, which, at the proper moment, be in condition to carry out any order which the Duce might impart for the delivery of the most Italian Island, abandoned in spite of itself to the mercy of the hated enemy.
 4. To realize the above basic factors, the Committee proceeds to the assignment of the various tasks to the comrades present and deliberates at the same time to initiate immediately the activity which for the moment must limit itself to propaganda, among the population of the island and in the ranks of the Army, to the assistance of comrades persecuted and oppressed by the antifascist concentration, as also the collection of all information useful to the triumph of the cause.
- Finally, the Committee, in the certainty of being able shortly and with whatever means, to establish the necessary relations with the mother Country, decides that a copy of the present minutes be brought to the knowledge of the superior gerarchs by whom the Sardinians, whose faith was ~~lost~~ never deceived in their secular history, may to be redeemed from the ignominy and dishonor into which they have been plunged by the betrayal of a faithless King and a Government of traitors.

Sassari, 18.9.1943- XXI

THE ACTION COMMITTEE OF THE FASCIST REPUBLICAN PARTY OF SARDINIA

2. Will take immediate contact with the units which through ~~the~~ exterior manifestations or from informations assumed, appear to give faith of wanting to keep their trust to their given word, to be jealous guardians of military honor, and who want to save at any cost, the Country so ignominiously betrayed.

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Sassari, 18.9.1943- XXI

THE ACTION COMMITTEE OF THE FASCIST REPUBLICAN PARTY OF SARDINIA

ALTO COMMISSARIATO PER LA SARDEGNA.

AL GENERALE M. CARR
CAPO DELLA COMMISSIONE ALLEATA PER LA SARDEGNA
CAGLIARI

Oggetto: Processo Martini

In relazione alla Vostra richiesta formulata con lettera in data 22 marzo c.a., Vi comunico che il Procuratore del Re ha dato piena assicurazione che le copie fotografiche dei documenti relativi al processo Martini, in nostro possesso, sono sufficienti per ricostruire il procedimento a carico degli accusati.

L'ALTO COMMISSARIO

(s.d.) PINNA

TRIBUNALE MILITARE DI GUERRA DEL VII CORPO D'ARMATA

N.230/43 al Prot.

P.N.112, 11 25 Marzo 1944

AL GRAN QUARTIERE DELLA COMMISSIONE
ALLEATA PER LA SARDEGNA
• C A G L I A R I

OCCETTO; Procedimento penale a carico dell'ex Generale Martini ed altri.

Mi riferisco ai fogli: L/1413 del 6 Marzo 1944 e pari numero del 20 Marzo corrente diretto a S.E. L'Alto Commissario per la Sardegna. Mi prego comunicare che il procedimento penale a carico dell'ex Generale Martini ed altri trovavasi ancora in stato di istruttoria.

Il Procuratore Militare del Re, Capitano LOPANE MEMOTTI, è partito il 13 Febbraio u.s. per Brindisi portando con sé tutti gli atti processuali onde procedere in quella Città' a perizia calligrafica. A tutt'oggi il Capitano Lopane non ha fatto ritorno. Non sono pertanto in grado di potere indicare quando il processo potrà essere celebrato.

Mi consta però che l'istruttoria è finita e sarà completa dopo l'aspletamento della perizia di cui sopra.

Non appena farà ritorno il procuratore Militare del Re, Capitano Lopane che riporterà gli atti, sarà mio dovere comunicare a codesto gran Quartiere tutte quelle notizie che oggi sono impossibilitato a fornire.

Il ritardo nel riscontro alla Vs/ lettera è da attribuire al fatto che attendevo il ritorno del Procuratore Militare che avrebbe potuto inviarmi notizie precise ed esatte.

IL SOSTITUTO PROCURATORE MILITARE DEL RE

Atto (Cap.no Fumu dott.Giovanni)

COPIA

VERBALE DI RIUNIONE

Il giorno 18 settembre 1943 anno XXI a Sassari in un locale messo a disposizione da un fedele camerata, si sono riuniti i sottoscritti Fascisti allo scopo di esaminare la situazione creatasi in Italia dopo l'8 settembre, con particolare riferimento alla Sardegna, a seguito della partenza delle truppe tedesche.

I presenti hanno unanimemente riconosciuto ed affermato la necessità di costituire immediatamente in Sardegna il Partito Fascista Repubblicano, dando ad esso la più incondizionata adesione.

Nella materiale impossibilità di comunicare col continente, hanno deliberato di attenersi anzitutto, nei limiti del possibile, alle disposizioni che, di volta in volta, saranno diramate dagli organi centrali a mezzo della radio.

Per quanto riguarda in particolare all'attività da svolgere in Sardegna sono stati fissati i seguenti punti:

1°) Il Comitato agirà in maniera segretissima allo scopo di riorganizzare le file del Fascismo; facendo appello a tutti i camerati di provata fede e di indiscussa moralità, che, specialmente dopo il 25 luglio abbiano dimostrato in maniera indubbia la loro fedeltà al giuramento prestato.

2°) Prenderà immediati contatti con i molti comandanti della grandi e piccole unità che, attraverso palesi manifestazioni esteriori o da informazioni assunte, risultino dare affidamento di voler tener fede alla parola data, di essere gelosi custodi dell'onore militare, e di voler salvare, a qualsiasi costo, la Patria ignominiosamente tradita.

3°) Il Comitato, con tale azione preliminare, si propone di gettare le basi di una vasta e sicura organizzazione politica e militare che, al momento opportuno, sia in grado di rispondere a qualunque ordine che il Duce dovesse impartire per il riscatto dell'isola italianissima abbandonata, suo malgrado alla mercé dell'odiato nemico.

4°) Per realizzare i presupposti di cui sopra, il Comitato procede alla assegnazione dei vari compiti ai camerati presenti e delibera nel contempo di iniziare immediatamente l'attività che, per il momento, dovrà limitarsi alla propaganda, fra le popolazioni dell'isola e nelle file dell'Esercito, alla assistenza verso i camerati perseguitati ed oppressi dalla concentrazione antifascista, nonché alla raccolta di tutte le informazioni utili al trionfo della causa.

Il Comitato infine, nella certezza di potere quanto prima e con qualsiasi mezzo stabilire i necessari collegamenti con la madre Patria delibera che una copia del presente verbale sia portata a conoscenza delle superiori gerarchie dalle quali i sardi, la cui fede non fu mai smentita nella loro secolare storia, invocano di essere riscattati dalla ignominia e dal disonore in cui sono stati gettati dal tradimento di un Re fedifrago e di un Governo di traditori.

Sassari, 18.9.1943-XXI

IL COMITATO DI AZIONE DEL PARTITO FASCISTA REPUBBLICANO DELLA SARDEGNA.

HEADQUARTERS,
ALLIED CONTROL COMMISSION,
APO 394.

Regional Control & Military Government Section.

+++++

Ref: 283/A2/C4.

5th March 1944.

SUBJECT: Allied Military Courts in Unoccupied Territory.

TO : Regional Commissioner, Regions I, II, III & VI.

1. On the handing back to the Italian Government of territory now occupied by the Allied Forces, General, Superior and Summary Military Courts will cease to function except to deal with pending cases. Offences against the Allied Forces created by Proclamations and Orders will no longer exist as such.
2. The Allied Forces have reserved to themselves the right to hold military courts in unoccupied territory including the four provinces of Apulia and Basilicata, for the trial of acts hostile to the Allied Forces. An extract from the decree conferring this power upon Allied Courts is appended hereto as Appendix "A". Such Courts will try only cases of a serious nature such as would normally have been brought before a General Military Court during occupation.
3. Where cases of this nature are alleged to have occurred it will be the duty of the Regional Commissioner to have the facts investigated and if he considers that trial by an Allied Military, as opposed to an Italian civil court, is necessary he will so report to H.C., A.C.C. with a request that a Military Court be appointed.
4. All such courts will be convened only by order of H.C., A.C.C. and as appears from the decree will punish offenders in accordance with the Italian Codes, but will follow their own procedure.

(a) In view of these facts all charges will be framed under the Italian codes by H.C., A.C.C. and, therefore, it is essential that in requesting a Military Court pursuant to paragraph 3 hereof, full and complete facts be supplied in order that the charges may be properly framed.

(b) Normally a member of the Department of Special Prosecutions will undertake the prosecution.

(c) Where it transpires in the course of hearing that there is established against the accused (i) any other fact constituting an offence not expressed in the charge, or (ii) evidence of aggravating circumstances (Art. 61, Penal Code) not mentioned in the citation or charge, then on such question being raised by the President or submitted by the Prosecutor, the accused may apply for an adjournment of not more than 5 days to prepare his defence (Art. 444, 445 and 446 Code Penal).

TO : Regional Commissioner, Regions I, II, III & VI.

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2. The Allied Forces have reserved to themselves the right to hold military courts in unoccupied territory including the four provinces of Apulia and Basilicata, for the trial of acts hostile to the Allied Forces, an extract from the decree conferring this power upon Allied Courts is appended hereto as Appendix "A". Such Courts will try only cases of a serious nature such as would normally have been brought before a General Military Court during occupation.
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4. All such courts will be convened only by order of H.Q., A.C.C. and as appears from the decree will run in accordance with the Italian Codes, but will follow their own procedure.
 - (a) In view of these facts all charges will be framed under the Italian codes by H.Q., A.C.C. and, therefore, it is essential that in requesting a Military Court pursuant to paragraph 3 herof, full and complete facts be supplied in order that the charges may be properly framed.
 - (b) Normally a member of the Department of Special Prosecutions will undertake the prosecution.
 - (c) Where it transpires in the course of hearing that there is established against the accused (i) any other fact constituting an offence not expressed in the charge, or (ii) evidence of aggravating circumstances (Art. 61, Penal Code) not mentioned in the citation or charge, then on such question being raised by the President or submitted by the Prosecutor, the accused may apply for an adjournment of not more than 5 days to prepare his defence (ref. 444, 445 and 446 Code Penal Procedure).

If the accused does not ask for time, the offence in question or the aggravating circumstances are forthwith to be included in the charge and the trial proceeded with.

A note of compliance with these rules of procedure must appear on the record.
 - (d) The procedure to be followed will be the same as the procedure in a General Military Court in occupied territory, except, of course, that all sentences will be imposed in accordance with the applicable Penal Code.
 - (e) Reviews and appeals are dealt with in paras. 7, 8 and 9 below.

-2-

5. Where a Regional Commissioner requests that a military court shall be appointed, his request will also specify the names of officers available to sit on the court (a court will normally consist of not fewer than 3 officers), the interpreter, the officer to act as prosecuting officer in case none is available from the Department of Special Prosecutions, and the officer to act for the defence in the event of the accused not being represented by an advocate.

6. Every accused will be defended by a legal representative. Where the financial position of the accused does not permit him to engage the service of a legal representative on his own account, arrangements should be made by the Regional Commissioner for the provision of a legal representative in accordance with the provisions of the Italian Code of Penal Procedure (Article 128) and of the Rules of Penal Procedure contained in the Decree no. 602 of 23 May 1931 (Article 3 et seq). This procedure provides that in such cases nomination of defending counsel shall be made forthwith and in conformity with the competent Italian jurisdiction for each case by one of the following judicial officials:

- (a) an examining magistrate (giudice istruttore);
- (b) the public minister (procuratore del Re or procuratore generale);
- (c) president of a tribunal (presidente di tribunale);
- (d) the praetor (pretore).

The several jurisdictions of Italian courts being determined by somewhat complicated rules, applications should be addressed in the first instance to the praetor of the local court or to a procurator of a tribunal, whichever is the most expeditious or convenient, so that this official may determine the proper functionary having the power to take immediate action in each instance. The advocates or defense procurators, as the case may be, who are nominated under these rules, are obliged to appear for the accused, and are selected for this purpose from an official roll established locally at the seat of each Tribunal. If no such arrangements can be made, the accused must be defended by an Allied officer.

7. Any person convicted by a Military Court may, within 30 days of the imposition of sentence, file with the Regional Commissioner a petition addressed to the Chief Commissioner, H.Q., A.C.G. submitting reasons why the conviction should be set aside or the sentence modified.

8. Where a petition is so filed, the petition together with the record of the case shall be forwarded by the Regional Commissioner to H.Q. A.C.G. for review. Where no such petition is filed the record of the case shall at the expiration of 30 days from the imposition of sentence be transmitted to H.Q. A.C.G. for review.

9. In any case in which sentence of death is imposed whether a petition is filed or not, the record of the case at the expiration of the 30 days or on filing of a petition, whichever shall be sooner, shall be forwarded by the Regional Commissioner to H.Q. A.C.G. for confirmation of such sentence by the Chief Commissioner.

10. The above directive does not apply in any area which has been declared a military zone. If any area is hereafter declared to be a military zone further instructions will be issued for that area concerning the holding of

of a legal representative on his own account, arrangements should be made by the Regional Commissioner for the provision of a legal representative in accordance with the provisions of the Italian Code of Penal Procedure (Article 120) and 22 (Article 3 et seq). This procedure provides that in such cases nomination of defending counsel shall be made forthwith and in conformity with the competent Italian jurisdiction for each case by one of the following judicial officials:

- (a) an examining magistrate (giudice istruttore);
- (b) the public minister (procuratore del Re or procuratore generale);
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10. The above directive does not apply in any area which has been declared a military zone. If any area is hereafter declared to be a military zone further instructions will be issued for that area concerning the holding of Allied Military Courts.

Wish
M. S. LUSH,
Brigadier,
Executive Commissioner.

Copy to: Regional Commissioner, Regions IV and V.
H.Q., A.C.M.F.
H.Q., No. 1 District
H.Q., No. 2 District
H.Q., No. 3 District
Legal Sub-Commission (3)

4

Appendix "I" to 283/42/CA
dated 5th March 1944

Article 3 of Royal Decree Law No. 31,
11th February 1944.

Whoever within the liberated Italian territory commits a hostile act or crime against property to the prejudice of the Allied Military Forces or of any member thereof or of any functionary, representative or agent of United Nations, or whoever takes part in seditious manifestations against the Allied Forces or commits any act which in whatever way may hamper the war effort or help the enemy, shall be punishable under Italian penal law and shall be tried in Allied Military Courts according to their own procedure.

In the case contemplated by the preceding paragraph 1 any member of the Allied Armed Forces can effect the arrest of any person who may be reasonably believed to be implicated in acts herein above contemplated, except where an Italian officer or high government official is concerned, in which case the Italian Government or the appropriate superior local authority will be requested to co-operate in the premises to the extent necessary.

4

Legal 4067 Political Division
 23 March 1944 (3)
 U - 2831

TO: H.Q., Allied Control Commission.
 FROM: Regional Commissioner, Region 6.
 SUBJECT: Sardinia, Political Movements.
 REFERENCE: L/1415/

*Not in reference
 No trace*

Reference your indorsement C91.112-2 dated 15th March 1944, AFHQ, MGS, information as to the progress of this matter was requested recently from the Military Authorities here. In response to our further enquiry following upon your letter under reply, a letter has been received today from the High Commissioner, copy of which is attached.

The High Commissioner has been asked to state whether the photostatic records here are sufficient to enable the trial to proceed in the event of the original documents being irrecoverable. His reply will be communicated to you as soon as received.

M. Carr
 M. CARR
 Brigadier
 Regional Commissioner.

LC/pd

Sgt Stein

*Do you know this matter at all, please?
 No. He does say so.
 G.*

Martini Case

4087

MINISTRO DEL PENALE E GLI UFFICIALI

DIREZIONE GENERALE AFFARI PENALI

SECRETARIA

MEMORIA PER LA COMMISSIONE ALCAFA DI CONTROLLO

Qualora non sia possibile comporre gli atti di
 livello del processo a carico del Generale MARTINI, si
 dovrà procedere alla pubblicazione degli atti stessi in
 due volumi. 1° e 2° C.P.P.; ed in V.L. di cui
 si è fatta senza dubbio rilevante importanza di cui
 si è tenuto conto ed è stato a cura del comando militare
 ad.

Rto (RC) Capitolo II

1/11/1973 Ma -

Subject: Validity of Photostatic Documents and Evidence

- 1 - Please find enclosed copy of the Minutes of
 Justice's opinion in regard to the above. It appears that
 there is no doubt that such evidence is admissible and
 a separate copy of the document is a check for the High Commission.
- 2 - Steps will be taken to obtain the services of a
 handwriting expert. It is hoped that the results of the report
 of the expert will be able to produce or at least not to.

Question for the possibility of a...
 could be produced & added to the...
 would produce with...
 the... 195... 195... 195...
 the... 195... 195... 195...
 the... 195... 195... 195...

~~SECRET~~

PRO (PC) Report II

11/14/51

Subject: Validity of...
 Please find...
 There is no doubt that...
 Steps will be taken to...
 No report has been...
 relevant information...
 it be provided to...

11 - Please find...
 There is no doubt that...
 Steps will be taken to...
 No report has been...
 relevant information...
 it be provided to...

2 - Steps will be taken to...
 No report has been...
 relevant information...
 it be provided to...

3 - No report has been...
 relevant information...
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relevant information...
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H- The various interest groups present the heads of
 the various departments of the Army, Navy, Air Force, and
 State Department. The purpose of the meeting was to
 discuss the various interests of the various departments
 and to make recommendations to the President.
 The meeting was held on the 10th of December, 1945.
 The President was present and the meeting was held in
 the White House.

ALTO COMMISSARIATO PER LA SARDEGNA (4087)

Ufficio Affari Civili

Cagliari, 22/3/1944

N. 3903/Va-CP

Risposta al foglio n/L/1415 del 20/corrente.

OGGETTO: Giudizio a carico del Generale Martini.

ALLA COMMISSIONE REGIONALE ALLEATA
= Maggiore Alexander =

C A G L I A R I

1

Gli atti del processo a carico del Generale Martini, su richiesta del nostro Governo, vennero inviati a Brindisi per l'esame, si ritiene, da parte della Commissione Alleata di Controllo.

Lo stesso Procuratore Militare del Tribunale di Guerra in Ozieri, Capitano Avv. Lopane Menotti, venne incaricato di portare a Brindisi l'intero incartamento processuale.

Da notizie avute sembra che l'aereo che trasportava il Capitano Lopane di Salerno a Lecca sarebbe precipitato, infrangendosi contro una montagna.

Sono state già richieste in proposito, precisazioni, ma non sono ancora pervenute.

Prima dell'invio dei documenti a Brindisi, avevo disposto che venisse fatta la fotografia degli originali così da poter garantire la continuazione dell'istruttoria.

D'altra parte, anche nel caso che dovesse venire confermata la notizia del tragico incidente aereo, non è detto che non sia possibile, tra i rottami dell'apparecchio, recuperare gli originali del processo.

Sarà mia cura fornire tutte le notizie di cui sopra non appena mi perverranno.

Risposta al foglio n/L/1415 del 20/corrente.

OGGETTO: Giudizio a carico del Generale Martini.-

ALLA COMMISSIONE REGIONALE ALIENATA

= Maggiore Alexander =

C A G L I A R I

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D'altra parte, anche nel caso che dovesse venire confermata la notizia del tragico incidente aviatorio, non è detto che non sia possibile, tra i rottami dell'apparecchio, recuperare gli originali del processo.4

Sarà mia cura fornire tutte le notizie di cui sopra non appena mi perverranno.-

L'ALTO COMMISSARIO PER LA SARDEGNA
(Generale di Squadra Aerea Pietro Pinna)

1014

