

ACC

10000/142/653

CASE OF VAVALE PIETRO
LORD MIDDLETON AT E
(AUG. 1944); OCT., NOV. 19

10000/142/653

CASE OF VAVALE PIETRO & MINCUZZI ANGELO, (ASSAULT ON
LORD MIDDLETON AT BARI)
(AUG. 1944); OCT., NOV. 1944

FILE CLOSED 28 November 1944

4087/3.

(15A)

HEADQUARTERS
SOUTHERN REGION, ALLIED COMMISSION
LEGAL DIVISION
APO 394, U.S. Army

28 November 1944

L-3020

SUBJECT: Case of VAVABE Pietro and MINICUZZI Angelo.

To : Chief Legal Advisor, HQ, A.C.

(12A)

1. Further reference is made to your letter AOC/4087/3/L,
dated 23 October 1944. 15B

2. Enclosed herewith for your information is copy of
letter H3/LEG/2/5153/34, dated 24 November 1944, received
from our Legal Officer for Apulia and Calabria Zone.

For Lt. Col. L.F. DAWSON, R.C.L.O.

Carl C. Bennet
Carl C. Bennet
1st. Lt. A.C.
Officer i/c Italian Courts

COB/ga

Encl.

LEGAL SUB-COM

CLO

DCLO

Chief Counsel

CLO

Hutton

CL RKS

15

29 NOV 1944

(15B)

ALLIED COMMISSION
LEGAL OFFICE
B A R I

REF: B2/LEG/2/6163/34

24 NOV 44

SUBJECT: Case of VAVALLE, Pietro
MINCUZZI, Angelo

To: R.C.L.O. SOUTHERN REGION A.C. NAPLES E (in duplicate)

1. Ref your L 3020 of 26/10/44 and ACC/4087/3/L of 23/10/44.
2. The trial of above men for an assault upon Colonel Lord Middleton took place before Tribunale of BARI to-day, 24/11/44, having been held up to await further material forwarded with your L 3020 of 7/11/44.
3. VAVALLE, Pietro, the actual assailant, was sentenced to 4 months and fifteen days imprisonment. MINCUZZI, Angelo was acquitted. It may be added that in opinion of present Legal Officer not only was this acquittal proper but it is quite impossible to understand why he was ever charged.

J.A. Boyd-Carpenter
J.A. BOYD-CARPENTER
Major L.O.
Apulia & Calabria

JABC/BS

4087/3
HEADQUARTERS
SOUTHERN REGION, ALLIED COMMISSION
LEGAL DIVISION
APO 394, U.S. Army

14A

L-3020

6 November 1944

SUBJECT: Case of VAVALLE Pietro and MINICUZZI Angelo.

TO : Chief Legal Adviser, Allied Commission H.Q., C.M.F.

- 123A
1. Your ACC/4087/3/L dated 23 October 1944 refers.
 2. Lt. Col. Lord Middleton was treated at No.98 General Hospital Bari Zone.
 3. Major Boyd-Carpenter has obtained and given to the appropriate Italian Court all the available medical evidence from this Hospital and although such evidence is not very complete, the full medical history having been transmitted to the U.K. he has instructed the Court to complete the trial.
 4. It is expected that finality will be reached this week.
 5. The result of the trial will be reported to you.
 6. I understand from Major Boyd-Carpenter that Lord Middleton's attendance at the trial can be dispensed with.
- 13

L.F. Dawson.
L.F. DAWSON,
Lieut.Colonel, G.L.,
Reg.Chief Legal Officer
Southern Region.

W

LFD/mo

Major Battle

RDH

DR Lee Adalitz Base

13A

88/3/81

Note. On Nov 1st 1944 I received a letter dated
 June 13th 1944 from Dept. of War, London, asking
 address of Major Battle whom I had treated.
 Letter signed by A.C. & Gorman, Legal Officer.
 I replied same day saying I could not
 remember number of Major Battle, but thought
 it was a S. African Major & O.C. would
 be able to supply information.
 I also added that I understood that
 his case had been tried long ago &
 that the Government had received a
 sentence of 5 years imprisonment.

M. 4/4/44

12

I would like to see Lt Col. Williams about
 this on Sunday morning if possible, & could
 go to live evidence in Court any time before
 day, Nov. 17th

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

WJB/mt
23 Oct. 44

ALC/4087/3/L.

SUBJECT: Case of VAVALLI Pietro and MINISUZZI Angelo.

TO : Regional Commissioner, Southern Region.
(Attention Regional Legal Officer.)

1. The above two accused are charged before the Bari Tribunal with assaulting Lt. Col. Lord. Middleton on 26 Dec. 1943.

2. The case was adjourned several times owing to the absence of a medical certificate as to the degree of injury sustained by Lord Middleton. On 4 May 1944 it was finally adjourned pending production of the certificate.

3. Would you find out:
(a) - whether any steps are being taken to get the certificate;
(b) - whether any other evidence is necessary for the Tribunal to proceed.

4. If the answer to (a) is no would you point out to the Tribunal that they are already in possession of a certificate signed by an RASC Major stating that the wound had not healed on 6 Jan 44 i.e. more than 10 days after the assault.

5. We are anxious for the case to be disposed of and to be advised of the result.

BY COMMAND OF COMMODORE STONE:

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

- 17

Dear Maurice,
Loves Labour's Lost.

grm

ALLIED CONTROL COMMISSION
INTER OFFICE MEMO

(10A)

15 OCT 1944

From: Chief of Staff.

FILE NO.

14th October 1944.

SUBJECT:

TO: DGOS, CA Sec.

I refer to note by Major Little on DO letter written to him by CLO on 29. Aug. 44. I notice the lapse between the sending of the letter and its reply. I consider the delay in trying this case is quite scandalous. A British officer was brutally assaulted by an Italian. The Prefect was warned by myself that immediate action must be taken. The alleged culprits were arrested. Nothing has happened.

I consider that the matter should be brought to the attention of the Minister of Justice with the comment that the Chief Commissioner views the inability of the Italian Courts to administer justice with grave concern.

MSL

Brigadier,
Chief of Staff.

To VP

I make no attempt to
deal with the topic
you have seen

19 Oct. 1947

R. L. Taylor

18th October, 1944.

MEMORANDUM TO: DGOS CA Sec.

19 OCT 1944

1. I am not satisfied that the Italian Courts have behaved properly in this case. The medical certificate signed on 6th Jan is sufficient evidence that the injuries had not healed within ten days (the crime was committed on 26th December). It would seem, therefore, that even in the absence of a certificate stating whether the healing occurred before 40 days or not, they could have proceeded with the case, giving a minor sentence if found guilty.
2. I would also ask what attempts the Allied legal officers have made to obtain the necessary certificate and ensure that the case was tried.
3. I still consider that the matter should be brought to the attention of the Minister of Justice and I still consider that the Italian Courts apparently are unable to administer justice.

MSL/JG.

MSL
Brigadier,
Chief of Staff.

To. Legal

Please send to Southern Region for 8
report on present state of the case. I do not
think the matter should be referred to him at the
moment.
JW

WEB/pa.
16 Oct 44.

MEMORANDUM TO : V.P. Civil Affairs Section.

1. Before a drastic rebuke is administered to the Minister of Justice it is felt that you should realize the position.
2. As far as the delay in supplying Major Little with the information to answer CIA's letter is concerned:
 - (a) Affairs at Bari were particularly troublesome at that time and Major Little only reported to Bari at the end of August. It is unlikely that Major Little himself was able to treat this matter as of supreme urgency.
 - (b) The information supplied (on instructions) by CIA through Major Little to the Italians was not only incomplete but entirely inaccurate. In addition officials in the office of the Procura were being changed at the time. It is not surprising that they took some time to locate 2 unnamed individuals who were charged with an assault when they were told that, on some unspecified date, one accused had been sentenced to 5 years imprisonment. I doubt whether the British or American civil service would have been more rapid.
3. The Italian Courts themselves appear to have behaved properly in accordance with Italian law. They cannot proceed to trial without a medical certificate in the proper form. They have 3 times requested such certificate without result, and the position now is that the case is adjourned pending production of the certificate.

Richard H. Wiener
RICHARD H. WIENER,
Colonel, GAC,
Chief Legal Advisor,
Legal Sub-Commission.

To C.O.S. ✓

I agree with para 3. See for ~~this~~ info
in the present state of the case the particulars on
the back of the stiff card.

gpr

2678

(6A)

To VP.

Before getting ready to
act. I thought you
should see this, as it
is something of a rebuttal.

R. L. Lipp

15 OCT. 44

41

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

SA
10 OCT 1944

9 Oct 44.

MEMORANDUM TO : V.P. Civil Affairs Section.

Enclosed is correspondence growing out of an injury to Lord Middleton in Bari last year. I see no reason in view of the report just received to attempt to gain liberty for either of the two defendants as a "great gesture."

Richard H. Wilmer
RICHARD H. WILMER,
Colonel, GAC,
Chief Legal Advisor.

5

2371

(4A)

FROM : Colonel RICHARD H. WILMER, CAC.

Legal Sub-Commission,

Headquarters,

Allied Control Commission,

A.P.O. 394.

29th August, 1944.

Dear Don,

In December Lord Middleton, then in Bari, was assaulted (26 Dec 1943) by a cab driver and was quite painfully injured. After Lord Middleton had left Italy his assailant was sentenced to five years imprisonment by the Italian Court.

Lord Middleton now writes that he feels that the sentence was a rather stiff one and would like, if the man had a good previous record, to see that the balance is suspended. Lord Middleton does not give the name of the convicted person. However, I imagine that it should not be difficult to trace this record through the office of the Procuratore del Regno.

This is, of course, a pleasant gesture but I am not at all sure that it would be appreciated by the Italians. However before discussing this matter with the Minister of Justice, if we think it should be carried further, I should like you to get as much information as you can on the background of the individual - his general record and standing in the community.

Col. Wilmer,
Attached hereto is all available information in the Col. Middleton case. Defendants did not receive 5 years, and the case has not yet been tried. Both have previous criminal record

Faithfully yours,

Richard H. Wilmer

Donald C. Little
Major D. C. Little,
A.P.O., Bari.

Bari, 3rd Oct 44.

Rec 4 Sept 44.

2371

Letter

(3A)

I remember this case
well & also the mess it
made of Col Middleton's case.

I don't believe the
Italians would understand
Col's release but I doubt
we grant feelings one way
or the other. What are
your views?

3

29 Apr

W. J. ...

Brigadier Upjohn

(2A)

The Executive Commissioner
has told me to say that
he remembers this case -
that the man was sentenced
by an Italian Court. He
thinks it would be a
great gesture to have
the sentence suspended.

P. Russell.
28/P

Civil Affairs Planning Unit
B.N.A.F. (IA)

14 Aug.

Dear Lush,

You will remember that at
the end Dec. last a young Italian
snatched me in the face & made
rather a mess of it. I
subsequently heard that he has
been tried & sentenced to 5 years
imprisonment.

It seems to me rather a
light sort of sentence for a
Jumpy - according to our
ideas, & unless there is
a very good reason for handing

Out- such a matter I would like
to ask that the matter be
reviewed.

If such a crime is not
prevalent, & if the last
previous record is good, I would
hope that the remainder of
the term of imp. be re-
mitted or suspended.

I know that this is not
law pigeon, but I would be
very grateful if you would
send this letter to Hoover

has dealings with the
Italian Ministry of Justice.
I am sorry that I cannot
remember my assailant's name,
but no doubt the Court
records at Bari will have
it. The crime was commis-
sioned on Dec. 26th.

We are longing for our
active role to begin.

Yours

Guy Wickham

1208