

ACC

10000/142/656

10000/142/656

CASE OF COLASURDO & STAFF  
JAN. - MAR. 1945

FILE CLOSED 14 March 1945

SECRET.ALLIE/ ~~CONTROL~~ COMMISSION  
INTER OFFICE MEMO

From: Executive Commissioner

SUBJECT: COLASURDO Antonio

FILE No. 1005/EC.

TO: VP, CA Section.

14 March 1945. 194

14 MAR 1945

I refer to attached letter from G-5, AFHQ, dated 8 March.

I spoke with Major Hooton. We must drop this case and encourage the Prime Minister to do the same. Too much is at stake.

MSL/JC.

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MSL

2513

(86)

PERSONAL and CONFIDENTIALALLIED FORCE HEADQUARTERS  
G-5 Section  
APO 512

DSJ/HYA/mls

8 March 1945

SUBJECT: COLASURDO Antonio.

TO : Brigadier M. S. Lush,  
Chief of Staff,  
Allied Commission.Reference AC/4087/6/L dated 14 February and our G-5:  
OM.5 dated 20 February.

1. Attached hereto is a copy of a letter from G-2 Section at this Headquarters (GHI-389.701/PP/754 dated 6 March). You will see that though this letter contains no details of the case, Major Houston No. 1 S.C.I. Unit Rome is authorized to give to you or Brigadier Upjohn further details of the nature of the information held by Colasurdo.

2. In view of the letter attached hereto, we shall take no action on your letter under reference until we hear from you.

For ACOS 45

D. S. JACKLING,  
Colonel.Incl:  
as above.

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COPY.

SECRET.

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ALLIED FORCE HEADQUARTERS  
Office of the Assistant Chief of Staff, G-2.

CHI-369.701/EP/754.

6 March 1945

SUBJECT: GULIASUNDO Antonio.

TO : G-2, AFHQ.

Reference Allied Commission's letters AG/ASST/6/1 of 7 and 14 February 1945.

1. The over-riding consideration in asking for energetic action to be taken in Subject's case, resulting in the despatch of your signal on 20 January 1945 to Allied Commission, was the absolute necessity of ensuring the security of certain information of a TOP SECRET nature known to be (not improperly) in Subject's possession. The information relates to matters which constitute one of the main Allied counter-espionage defenses in Italy. Any risk of revelation of these matters to unauthorized persons constitutes a grave danger and their discovery by the enemy would have very damaging consequences for Allied interests. In accordance with general practice in such cases this information cannot be divulged to other than those officers directly responsible for the intelligence operations concerned. It is very likely that under interrogation prior to trial or in court Subject might be led to reveal his knowledge of these matters as items to be quoted in his defense or under duress.

2. It was for this reason and because of the great urgency of the matter that officers of Security Branch, AFHQ, made a direct approach to the Italian authorities. It is considered that in so doing their action was in the circumstances reasonable and justified. It is also considered that they acted quite properly and in the best interests of security in withholding intimate details of the case from officials of the Legal Division. If, however, Allied Commission wish to satisfy themselves as to the nature of the information held by GULIASUNDO, details can be supplied to the Chief of Staff or the Vice President, Civil Affairs Section, by Major HOOTON, No. 4 S.C.I. Unit, AFHQ.

3. Considerations of the security of the information in Subject's possession make it essential that he should not be submitted to close examination by the Italian authorities at any time for the duration of hostilities in Europe. So long as the Prosecutor's warrant is valid and the possibility exists of its being summarily executed there is a risk of his being re-arrested and interrogated. The desire not to impede the course of Italian justice is fully understood but it is felt that unless a guarantee can be obtained that the warrant will not be executed for the period mentioned the means of having it rescinded as an exceptional measure should be examined.

4. It will be realized that Subject's position in the service of the Allies is one of trust and it is superfluous to say that he would not enjoy such confidence had his background and loyalties not been carefully investigated.

Re create Allied Commission's letter AC/4087/6/1 of 7 and  
14 February 1945.

1. The over-riding consideration in acting for energetic action to be taken in subject's case, resulting in the despatch of your signal on 20 January 1945 to Allied Commission, was the absolute necessity of ensuring the security of certain information of a TOP SECRET nature known to us (not improperly) in subject's possession. The information relates to matters which constitute one of the main Allied counter-espionage defenses in Italy. Any risk of revelation of these matters by unauthorized persons constitutes a grave danger and their discovery by the enemy would have very damaging consequences for Allied interests. In accordance with general practice in such cases this information cannot be divulged to other than those officers directly responsible for the intelligence operations concerned. It is very likely that under interrogation prior to trial or in court subject might be led to reveal his knowledge of these matters as items to be quoted in his defense or under duress.

2. It was for this reason and because of the great urgency of the matter that officers of Security Division, IMAC, made a direct approach to the Italian authorities. It is considered that in so doing their action was in the circumstances reasonable and justified. It is also considered that they acted quite properly and in the best interests of security in withholding intimate details of the case from officials of the Legal Division. If, however, Allied Commission wish to satisfy themselves as to the nature of the information held by COLASUBICO, details can be supplied to the Chief of Staff or the Vice President, Civil Affairs Section, by Major ROOTER, No. 4 S.C.I. Unit, ROMA.

3. Considerations of the security of the information in subject's possession make it essential that he should not be submitted to close examination by the Italian authorities at any time for the duration of hostilities in Europe. So long as the Prosecutor's warrant is valid and the possibility exists of its being summarily executed there is a risk of his being re-arrested and interrogated. The desire not to impede the course of Italian justice is fully understood but it is felt that unless a guarantee can be obtained that the warrant will not be executed for the period mentioned the means of having it rescinded as an exceptional measure should be examined.

4. It will be realized that subject's position in the service of the Allies is one of trust and it is superfluous to say that he would not enjoy such confidence had his background and loyalties not been carefully investigated and found satisfactory.

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

for /s/ ? ? Lt. Col., U.S.  
S. S. HILL-BILLON,  
Colonel, G.S.,  
G-2 (CI) Section.

SECRET.

ALLIED FORCE HEADQUARTERS  
G-5 Section  
AFC 512

TBM/mls

G-5: 014.5

20 February 1945

SUBJECT: COLASURDE, Antonio.

TO : Headquarters, Allied Commission, AFC 394.

1. Reference is made to your AG/4007/6/L of 14 February.
2. This matter is receiving careful consideration and a full reply will be sent as soon as possible.

For the Asst. Chief of Staff, G-5:

*T. B. Jackson*  
Lt. Col.  
T. B. JACKMAN,  
Lt. Colonel.

23 FEB 1945

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HEADQUARTERS  
22 FEB 1945  
A. C.

SECRET

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HEADQUARTERS ALLIED COMMISSION  
APC 390  
CIVIL AFFAIRS SECTION

Tel: 478134

Ref: AC/4087/16/L.

14 Feb 45.

SUBJECT: COLASURTO, Antonio.

TO: Allied Forces Headquarters.  
(Attn: J-3 Section,  
G-2 Section.)

In furtherance of this Commission's letter under the same reference dated 7 Feb 45.

1. A letter has now been received from the Prime Minister pointing out very strongly the seriousness of the charges against COLASURTO. The Prime Minister draws attention to the fact that among other things he is charged with collaborating with the Quastore Carnes, recently executed, or working in collaboration with the German, Lt. Moon and that he was mixed up in an incident at the time of the arrest of some patriots who were later shot at the Ponce Ardeatine, and is suspected of having betrayed them.
2. The position is that COLASURTO has been denounced and the Procura Generale del Regno, having issued a warrant for his arrest, can under Italian law, only release the prisoner on receipt, pending the proper holding of the case, as penal action is only reversible through discharge after the investigation or following the demise of the defendants.
3. If, therefore, as it appears that COLASURTO has contravened Italian laws, even if while working for Allied organizations, he must stand his trial in order that the matter may be cleared. The circumstances of his work may well be mitigating circumstances which will obtain for him reduction in sentence or even acquittal.
4. It is therefore requested that as soon as the investigation referred to in your para 2 (b) of your telegram PX 88016 of 20 Jan 45 are completed, that the Italian Government be permitted to continue their proceedings.
5. In conclusion, it is stressed that the repeated requests to the Italian Government to drop proceedings against persons whom they wish to bring to trial places this Commission in a very invidious position, particularly when orders for arrest have already been made.

For the Chief Commissioner:

*G. R. Upjohn*  
G.R. UPJOHN, Brig.,  
Vp CA Section, DCOS AC.

SECRET

5A

Ref: 10/4557/5/1.

7 February 1945.

SUBJECT: Release of prisoners held by the Italian Government.

TO : Allied Base Headquarters.  
 FROM : G-5 Section  
 G-2 Section

1. In compliance with the orders in your signal PX 89465 of 20 Jan 1945 (as subsequently amended) the Italian Government was instructed to release Antonio COLASANO and his staff. COLASANO has been released but the Italian Government, through the Procuratore Generale of Rome, advised that any member of his staff has been arrested.

2. It is considered, however, that the ~~interrogation~~ procedure which has been adopted in this case cannot be allowed to pass without comment.

3. In the first place, officers of Security Branch made a direct approach on about 8 January 1945 to Italian judicial officials to secure the release of COLASANO, and when this was naturally and properly refused the officers declined to visit the headquarters or to explain to the Deputy Chief Legal Advisor the nature of their request. No further action was taken until the receipt of the signal of 20 January 1945.

4. It should not be necessary to emphasize that this Commission is the only authorized channel for communication with the Italian Government and that satisfactory results will not be achieved unless this rule is strictly observed.

5. Secondly, it should be borne in mind that this Commission is charged with the duty of enforcing the Armistice Terms and advising the Supreme Allied Commander thereon. It will be apparent that a signal of the kind received in this case, giving no information upon which a reasonable judgment can be formed in spite of the serious political consequences likely to attach to the action proposed, makes it difficult for this Commission properly to discharge either of these functions.

6. When this Commission is required to approach the Italian Government on any subject it is requested that it should be given full and detailed information. Such information may not only affect the manner in which the question has to be raised; it may also involve technical, political or legal points on which this HQ may have a right to express its views and in any event it is extremely embarrassing to be undeformed when discussing a matter on the highest level.

For the Chief Commissioner.

M. S. LUSH  
 Brigadier,  
 Chief of Staff.

Translation

The President of the Council of Ministers

n. 3083

Rome, 1 February 1945

5 FEB 1945

To Admiral Stone  
Chief Commissioner of the Allied Commission

R O M E

On December 28th 1944, the R. Questura of Rome sent to the Procura Generale to the Court of Appeal in Rome an accusation against the Deputy Commissioner of Public Safety, Dr. Antonio Colasurdo, because of facts which gave a concrete form to the hypothesis of collaboration with the Nazi-fascists.

The charges against Colasurdo referred to his collaboration with the Questore Caruso and with the gang of Lieutenant Koch, as well as to the serious episode of the arrest of some patriots, who were later shot in the Fosse Ardeatine, arrest which took place while they were in a restaurant of the town, with Colasurdo, who is therefore suspected of having betrayed them; there are also other circumstances of a general character.

On the basis of the denunciation, the Procura Generale del Regno ordered Colasurdo to be arrested and issued a warrant for arrest; the inquiry began, and while this was taking place, other serious circumstances against Caruso materialized.

According to the Italian penal code, penal action is only revocable through discharge after the investigation, or following the debate, of the defendants.

Therefore, after the request of this Commission, the Procuratore Generale del Regno could only suspend the proceedings, enforcing art. 2 of the law of July 9th, 1940, n. 924, i.e., considering that they couldn't follow their regular course for reasons which depended on the state of war. As a consequence, the said Procuratore ordered that Colasurdo and the other people who were suspected of complicity should be immediately set free.

When the reasons of a military character which determined the request of the Commission will no longer exist, I shall be most grateful to you if you will kindly let me know.

e.c.

|                      |  |
|----------------------|--|
| LEGAL SUB COMMISSION |  |
| CIO                  |  |
| USO                  |  |
| Chief Counsel        |  |
| CIO                  |  |
| Religion Section     |  |
| CL RKS               |  |
| 6 FEB 45             |  |

THE PRESIDENT OF THE COUNCIL  
MINISTER OF THE INTERIOR

S. I. Bonomi

CoS Hist - 3 FEB 45

Action: CASEC

INFO: CHIEF COMM

CoS.

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IL PRESIDENTE  
DEL CONSIGLIO DEI MINISTRI  
MINISTRO DELL'INTERNO

Roma, 1 febbraio 1945

FEB 3 REGO

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Ab 3683-Conte

Al Contrammiraglio ELMERY W. STONE  
Commissario Capo della Commissione Alleata

R O M A

In data 28 dicembre 1944 la R. Questura di Roma aveva inoltrato alla Procura Generale presso la Corte d'Appello di Roma denuncia a carico del Vice Commissario di P.S. Dott. Antonio Colasurdo, per fatti nei quali si concretava l'ipotesi di collaborazione coi nazi-fascisti.

Gli elementi a carico del Colasurdo si riferivano alla collaborazione con il Questore Caruso e con la banda del Tenente Koch nonché al grave episodio dell'arresto di alcuni patrioti, successivamente fucilati alle Fosse Ardeatine, arresto avvenuto mentre essi si trovavano a convegno in un ristorante della città con il Colasurdo, gravemente indiziato perciò di delazione a loro danno; infine su altre circostanze di indole generica.

Sulla base della denuncia, la Procura Generale del Regno ordinava l'arresto del Colasurdo con ordine di cattura e procedeva all'istruttoria, mentre continuandosi le indagini, si concretavano ulteriori gravi circostanze a carico del Colasurdo.

A norma della legislazione penale italiana, l'azione penale non è revocabile che con l'assoluzione in istruttoria, o a seguito di dibattimento, dei denunciati.

Pertanto, a seguito della richiesta di codesta Commissione, il Procuratore Generale del Regno non ha potuto che sospendere il procedimento, applicando l'art. 2 della legge 9 luglio 1940, n° 924, considerando cioè che esso non possa avere regolare corso per cause dipendenti dallo stato

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di guerra. In conseguenza, lo stesso Procuratore ha ordinato la immediata scarcerazione del Colasurdo e degli altri sospetti di complicità.

Quando dovessero venir meno le ragioni di carattere militare che hanno determinato la richiesta di codesta Commissione, Le sarei grato se volesse cortesemente tenermi informato.

IL PRESIDENTE DEL CONSIGLIO  
MINISTRO DELL'INTERNO

*Bonomi*

(3A)

AFHQ CITE THREE

606

27 January 45

PRIORITY

SECRET PD

SUBJECT IS RELEASE OF ANTONIO COLASURDO PD

PAREN TO AFHQ CITE FOX HOW GEORGE EASY GEORGE FROM HQ ALCOM PARENPARA ONE PD YOUR FOX KRAY EIGHT EIGHT ONE ZERO SIX OF TWENTY JANUARY AS AMENDED BY  
TELEPHONE MESSAGE TWENTY TWO JANUARY REFERS PDPARA TWO PD COLASURDO ANTONIO DISCHARGED TWENTY THREE JANUARY PD PROSECUTOR GENERAL  
DISCLAIMS KNOWLEDGE OF ANY MEMBER OF STAFF ARRESTED AND STATES THAT ACTION WAS TAKEN  
AGAINST COLASURDO ONLY PD REQUEST DETAILS OF PERSONS CONCERNED IF FURTHER ACTION  
REQUIRED

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Legal Sub-Commission

302

AS/4087/6/L.

RHS/rlp.

22 Jan 45

My dear Mr. Prime Minister:

The Supreme Allied Commander has notified me that Antonio COLASERDO and his staff have been arrested and are now in prison in Rome. It is understood that this action has been taken by the Procuratore Generale of Rome and it is believed that the charge against the accused is collaboration with the Germans in Rome.

The Supreme Allied Commander states that the arrest and trial of these persons is contrary to the Allied interests in the prosecution of the war and that it is essential that they should be released immediately.

H.E. BERLINGUERI has been interviewed. He stated that he believed the charges against COLASERDO to be unfounded and said that he would be glad to give every assistance in the withdrawal of the charges. He added that he had no power himself to intervene.

You are, of course, aware that under the Armistice Terms you are required to abstain from all action detrimental to the interests of the United Nations and to carry out promptly and efficiently all orders given by the United Nations.

In accordance with the orders of the Supreme Allied Commander, I must therefore require the immediate release of Antonio COLASERDO and his staff and the abandonment of all the proceedings against them.

I shall be glad to hear from you as soon as possible that the necessary action has been taken.

Very truly yours,

Erery W. Stone

ERERY W. STONE  
Rear Admiral, USN  
Chief Commissioner

His Excellency Ivanoe Bonomi  
The President of Council of Ministers  
Italian Government

Co: Legal S/C  
Chief of Staff  
"A" files

Prepared by: W.B. BARNES, DCLA, LEGAL Sub-Commission.

Colonel

## INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: FX 88106  
 Date Time of Origin: JAN 20/1236

Message Centre No: C/8711  
 Date Time Rec'd: JAN 20/1620  
 Precedence: PRIORITY

FROM: AFHQ SIGNED SACRED VITE FIVE  
 TO: ACTION: ALCON FOR BEHRENS

for "family" and "staff":  
 telephone message from  
 AFHQ. Lt Col Stacey  
 22 Jan 45. lmb.

SECRET

SECRET.

1. Reported ANTONIO COLASORDO (?) COLASORDO and family arrested and imprisoned in ROME on warrant procure Generale on 5 January 1945. Believed charge collaboration with Germans in ROME.

2. Requested utmost pressure be brought to bear on Italian authorities for release this man and family for following reasons:

- A. He has aided Allied authorities and has important information which essential should not be disclosed.
- B. His arrest delaying important Allied Intelligence investigation of enemy activity in ROME.
- C. For foregoing reasons his arrest and trial definitely against Allied interests in prosecuting war.

3. Treat matter utmost urgency and importance

LEGAL SUB-COMMISSION

CLO

ACTION

CLO

Italian Section

CL RKS

20 JAN 1945

SECRET

HEADQUARTERS  
20 JAN 45  
DIST

ACTION : LEGAL SC (2)

INFO : A/PRESIDENT  
 CHIEF COMMISSIONER  
 CoS  
 CA SEC  
 PUB SAFETY SC  
 FILE

1384