

ACC

10000/142/659

10000/142/659

CASE OF COL. A. A. JONES
OCT. - DEC. 1945

John Jones

Let me see on Monday
kindly telephone to Tom Col. George Repack
(Sec SA) and ask him in case the
documents have not ^{yet} been sent to Hapton
to see that they are sent at the
earliest possible moment, as Col. Jones
is suffering great hardship until the
judgment of the Tribunal. Special Agent
is not available.

29 Dec

Miss Mable telephoned on Sept 30th to say doctor
had given her a letter sent to her in charge of an officer
to Hapton on Sept 29th for

3/10

RECEIVED
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE
WASHINGTON, D.C. 20535
15

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

L - 4007

13 December, 1945.

SUBJECT: Col. A. A. Jones.

TO : Chief Legal Advisor, HQ Allied Commission,
Legal Subcommittee,
(attn. Officer i/C Italian Branch Musgrave Thomas).

1. Ref. your letter on Col. A. A. Jones dated 6 Dec. 1945, File AC/4087/9/L. The President, Court of Appeal, Naples states that he has not received the sentence in the case of Col. A. A. Jones. He has received letter dated Nov. 18, 1945, from Procuratore Militare del Regno, Ten. Col. Guido Vignola, advising him that the sentence of the Tribunale Speciale per la Difesa dello Stato against Col. A. A. Jones would be sent in the first ten day period of December.

2. It is requested that the Procuratore Militare Generale, Rome, be urged to expedite the transmission of the sentence to the First President Court of Appeal, Naples.

For the Commissioner.

Rosario A. GAZIANO
ROSARIO A. GAZIANO
Captain, Infantry
Senior Legal Officer

RAG/eb

LEGAL SUBCOMMISSION	
Chief Counsel	
CLERKS	
RECEIVED	
DATE	
TIME	
BY	
INITIALS	
REMARKS	

B/H 28/12/45
to Mr. Thomas

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/ude

13 December 1945.

AG/1087/9/1.

SUBJECT : Colonel A.A. JONES

TO : Zone Commissioner - NAPLES Comune.

1. Reference this Sub-Commissions letter of even number dated 6 December 1945.

2. The Procuratore Generale Militare, Rome, has informed us that his office has just begun to go through the records of the Tribunale Speciale, and that immediately the decision and record relating to Col. A.A. JONES's case is found it will be forwarded to the Court of Appeal, NAPLES.

By command of Rear Admiral STONE.

MUSGRAVE THOMAS
Italian Branch,
for Chief Legal Adviser.

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6A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/edm

6 December 1945

AG/1067/9/1.

SUBJECT: Colonel A.A. JONES

TO: Zone Commander - NAPLES Command.

1. Reference your C/1712 of 3rd December 1945.

2. This Sub-Commission wrote to the Commissariato per l'Esecuzione asking that the records and sentence passed by the Tribunale Speciale in December 1942 in Col. JONES's case should be sent at once to the Court of Appeal in NAPLES to enable it to pronounce a decision in the matter. Immediate action was asked for as "the delay in setting aside the decision of the Tribunale Speciale with the consequent forfeiture of his property in TURIN left Col. JONES without means, and is causing him considerable hardship."

3. Upon hearing from the Alto Commissariato per le Sanzioni contro il Fascismo that the documents of the Tribunale Speciale are with the Procura Militare in ROME, this Sub-Commission wrote on 27 Nov. to the Procuratore Generale Militare, ROME, sending copies of the previous correspondence, and asking for the documents of the trial of Col. JONES to be sent as soon as possible to the Court of Appeal in NAPLES. In case the documents have not yet been sent to NAPLES a reminder from this Sub-Commission will be sent in a few days time.

MUSGRAVE THOMAS
Italian Branch,
for Chief Legal Advisor.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
APO. 394.

3 December 1945

C/1712

SUBJECT : Colonel A.A. Jones.
TO : HQ A. C.
(Attention Legal Sub-Commission)

Reference our L/4007 dated 19th of October 1945.

May the action on Colonel Jones's case, please, be expedited as the case is urgent, the officer will be without means of livelihood very shortly.

J. A. C. Pennyquick
J. A. C. PENNYQUICK
Colonel
Commissioner.

SUB-COMMISSION	
DOLO	
Chief Counsel	
CIO	
Italian Section	
CL RKS	
1 DEC 1945	

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4087/9/L.

/es
5 November 1945

SUBJECT : Colonel A.A. Jones.

TO : Commissariato per l'Epurazione
Palazzo Viminale - ROME

1. I enclose a copy of a letter reference L-4007 of 19 October 1945 received from the Senior Legal Officer, Naples Commune, referring to the case of Colonel A.A. Jones, who was sentenced to life imprisonment in December 1942 by a Fascist "Tribunale Speciale". He was released from imprisonment by the American Forces on 8th September 1943, since when he has been employed by the British Military and Naval Authorities in Naples.

2. Col. Jones made an application in December 1944 to the Court of Appeal of Naples to set aside the decision of the Tribunale Speciale. The Court of Appeal has investigated the case but cannot complete the matter without seeing the original files of the Tribunale Speciale. It is understood that the records of "Tribunale Speciale" have recently arrived in Rome and are now with the Commissariato per l'Epurazione.

3. I should be obliged if all the documents of the trial of Col. Jones and the sentence passed by the Tribunale Speciale on 14 December 1942 could be sent at once to the Court of Appeal, Naples, to enable it to pronounce a decision in the matter.

4. The delay in setting aside the decision of the Tribunale Speciale with the consequent forfeiture of his property in Turin has left Colonel Jones without means, and is causing him considerable hardship. I would therefore request that action may be taken immediately by sending the files of the case to Naples in order that the Court of Appeal may have before it the documents necessary for its decision.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Copy to S.L.O., Naples Commune (Reference L-4007 of 19 Oct. 1945 and 5 November 1945).

4A

HEAD QUARTERS ALLIED COMMISSION
APO 194
LEGAL SUB-COMMISSION

/eds

AC/4067/2/1.

27 November 1945

SUBJECT : Colonelle A.A. JONES.

TO : Procuratore Generale Militare, ROMA.

1. I enclose a copy of a letter from the Alto Commissariato per la Sanzione contro il Fascismo, and copies of this Sub-Commission's letter and one from the Senior Legal Officer, NAPLES Command, concerning the case of Col. JONES.

2. I should be obliged if you would send as soon as possible all the documents of the trial of Col. A.A. JONES and the sentence passed by the Tribunale Speciale on 14 December, 1942, to the Court of Appeal, NAPLES, whose decision is postponed pending the receipt of these documents.

Please return enclosed documents

HUGHDAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

10

*Alto Commissariato
per le Sanzioni contro il Fascismo*
ALTO COMMISSARIATO AGGIUNTO
PER LA PUNIZIONE DEI DELITTI

Prot. N° 012208

Allegati

Roma 17 novembre

45

3A

HEADQUARTERS ALLIED COMMISSION
APO 394

LEGAL SUB-COMMISSION

= R O M A =

*Risposta al Foglio N°
del*

OGGETTO : Colonnello A.A. JONES.=

Con riferimento al foglio N° A.C./40
87/9/L. in data 8 corrente, si comunica che, trovandosi gli atti
processuali dell'ex Tribunale Speciale presso la Procura Genera-
le Militare in Roma, questo Commissariato ha trasmesso il suindi-
cato foglio, con preghiera di provvedere in merito con ogni sol-
lecitudine, al detto Procuratore Generale Militare, al quale co-
desto Ufficio potrà rivolgersi direttamente per ogni altra even-
tuale ulteriore richiesta.

IL COMMISSARIO
(Avvocato Generale di Cassazione)
G. Macaluso

Macaluso

CA/TA

LEG	COMMISSION
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
21 NOV 1945	

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COM-MUNE
LEGAL DIVISION
APO 394

L-4007

5 November 1945

SUBJECT: Colonel A.A. JONES.

TO : HQ, Allied Commission,
(Att: Legal Sub-Commission).

1. Further to our letter of even number, dated 19 October 1945.
2. Enclosed herewith is supplementary document.

For the Commissioner:

CCB/ga

Encl:
1 letter.

Carl C. Banno
CARL C. BANNON,
Capt., AC.,
Senior Legal Officer.

LEGAL SUB-COMMISS	
CLO	
DCLO	
Chief Counsel	
CJO	
Italien	
CL RKS	
7 NOV 1945	

MEMORANDUM

Naples, 5th November 1945.

Continuing my previous memos, handed on October 15th last, with which I have outlined the difficulty met by Naples Court of Appeal in obtaining from the "Ministero di Grazia e Giustizia" (Rome) the trial papers of my case, I beg to inform that my legal advisor is just returned from Rome where : he has ascertained that it is understood that the records of the former Fascist Court have arrived in Rome and are now at the Palazzo Viminale "Commissariato per l'Epurazione".

With a view to assist Naples Court of Appeal, speedily completing the review of my trial, it is suggested the Italian "Commissariato per l'Epurazione" at the Palazzo Viminale Rome, be requested :

- 1) - either to send to Naples Court of Appeal, without delay the trial documents and sentence passed on 14th December 1942 of Col. Jones trial;
- 2) - or to reply that the trial documents and sentence cannot be found.

Adrian B. Jones

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

L- 4007

19 October 1945

SUBJECT: Colonel A.A. JONES.

TO : HQ, Allied Commission, (Attn: Legal Sub-Commission).

1. Enclosed herewith is statement of facts, and pertinent documents, regarding the above named.
2. Our inquiries at the First Presidency of the Court of Appeal reveal that the case is being considered by the Court of Appeal of Naples, but that said case cannot be brought to completion until such time as the original files of the case are before said Court. Col. Jones has produced only a few private original documents.
3. Said Court of Appeal communicated with the Procuratore Militare Tribunale Supremo di Guerra, Ufficio Procedimenti Tribunale Guerra Soppressi, Rome, for the purpose of obtaining the original files. Said Procuratore replied by letter N.3361 Prot., dated 20 September 1945, that he is waiting for transportation to haul boxes containing said original documents from Northern Italy (to which place they were transferred by the Fascists) to Rome and then from Rome to Naples.
4. Inasmuch as the case of Col. Jones has long been pending final disposition and inasmuch as the rights of Col. Jones seem to be prejudiced, this matter is referred to you for whatever action you deem necessary.

For the Commissioner:

Carl C. Banno
CARL C. BANNO,
Capt. A.C.,
Senior Legal Officer.

CCB/ga

Encl: 1 statement of facts.

Copy to: Office of Naval Officer i/c (Ref.229/138).

(18)
Colonel A.A. JONES was born 62 years ago of English parents and baptised at St. Michael's Church (Tifeste) an Anglican and British national. After his father's death, which took place in Italy, (1897) he naturalised Italian, joined the Army and became a Regular Army Cavalry officer - later went through the Staff College in Turin (1912-15).

He speaks English, French, German and Italian.

During world War I, as an Italian Staff Officer, when British troops came over to Italy, autumn 1917, he was attached to Lord Cavan's H.Q. and was then awarded the M.C.

During the years 1918-19 with rank of Major he was appointed Secretary to the Italian Section, Supreme War Council (Versailles) when the British Military Representative was General Sir C. Sackville-West and Chief of the Joint Secretariat was Lt. Colonel Sir M. Hankey; he was then awarded the D.S.O.

His military career was rather brilliant, as he was promoted a full Colonel in 1927 and held the command of a Cavalry regiment during 5 Years. After Fascism had got into power and had taken the upper hand also in the Army, his troubles began.

At the end of 1934 (he was not a subscriber to the Fascist party) he was put with rank of Colonel on the Retired List, and 6 months later, promoted a Brigadier, but on the same list.

On March 16th 1936, he was arrested and sent to "Confino" (political deportation) for 5 years and accompanied to the island of Tylos (Dodecanne se) on the alleged charge of being "in touch with Anti-Fascists in France, belonging to the Revolutionary Movement of Justice and Freedom". He was arrested in Turin, accompanied to Rome and not even examined. On new year 1938 he was released and allowed to return to his home. He was then recalled on Active Service, but only, to be tried by a Military Board of Enquiry, which found no evidence of the alleged charge; the War Minister, however, put him on "Absolute Retirement" - rank of Colonel and lowest pension (1939). He had power to do this for political reasons by the system introduced by the Fascist Government.

In June 1940, Italy joined the 2nd World War - only 2 years later on the 13th June 1942, he was again arrested in Turin and accompanied to Rome to be tried by the "TRIBUNALE SPECIALE" (Mussolini's and Party's special Court) and sentenced to Life Imprisonment on 14.12.42 on the following charges:

=Of having been during the winter 1935-36, in touch with the British consul in Turin (Mr. Leach) as a paid British spy. The charge is false.

=Of listening to London Radio - the charge is true.

=Of having always criticised the institutions of the Fascist Regime the charge is true.

=Of having criticised, also in writing, the alliance with Germany and the methods of war followed by Germany during the Polish Campaign (1939-40) - the charge is true.

On September 8th 1943 U.S.A. Rangers released him from the worst Italian Jail, that of S. Stefano di Ventotene, with a batch of other political convicts, which was brought over to Capri. He was retained in Capri and put to work with the local A.M.G.O.I., then transferred to Naples.

the Italian Gazette

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With reference to legal procedure, published in the Italian Gazette of 23.11.44, for the review of sentences passed by the Fascist Special Court, Colonel Jones legal advisor took up the matter in December 1944 with Naples Court of Appeal.

Naples Court of Appeal has begun investigating the case, but requires the original trial Documents. These are not available, because the Special Fascist Court fled to North Italy with all their records.

On his visit to Rome in June last, Colonel Jones managed to obtain: an original copy of the Charge-sheet and copies of the trial documents but not the Sentence; one copy of the sentence was in Colonel Jones prison-file. The liberating Commando removed it together with all the prison files of the political-convicts released from S. Stefano Jail.

Despite FONAM's enquiries it has no more been traced. Neither has the Italian Ministry of War, on which Colonel Jones called in June last, copy of the Sentence.

As you are aware Colonel Jones has got into this scrape, only on account of his feelings and his English origin. He is at present without means and his former property at Turin is under legal sequestration.

3.

On September 8th 1943, an Allied Commando, captured Ventotene island and released all the political convicts in that jail. An Italian retired Army Officer: Col. A.A. JONES, who had been sentenced to Life Imprisonment by the Special Fascist Court was among them. He was then brought to Capri and Naples and employed by the AMG and later by the R.N.

Col. JONES was out of jail, but his legal and administrative remained to be solved.

Being an Italian subject, Col. JONES had to wait the publication of the legal procedure on the review of sentences passed by the Special Fascist Court. The procedure appeared in the Italian Official Gazette of 23.11.1944, when his legal advisor took up the matter with Naples Court of Appeal.

Naples Court of Appeal started investigating the case, but requires the original trial papers. These are not available, because the Special Fascist Court fled to North Italy with all their records.

Col. JONES managed in June last to produce an original charge sheet, together with a copy of the trial documents, an extract of the Sentence (not a full copy thereof). Full copy of the sentence was in Col. JONES prison file: the liberating Commando removed it together with all the released political convicts prison files and despite enquiries it could no more be traced.

Neither has the Italian Ministry of War (Rome) copy of the sentence.

Another year is soon over and to assist Col. JONES in speedily regulating his position, it is requested his situation be represented to the Italian authorities: es-yr to the President of Naples Court of Appeal, with a view that his case be settled without delay even if the full copy of the sentence is missing.

As you are aware Col. JONES got into this scrape, only on account of his feelings and his English origin. He was endeavoured to try and have his case reviewed.

He is at present without means and his former property at Turin is under legal sequestration.

10
Office of Naval Officer-in-Charge,

NAPLES AREA.

12th October, 1945

No. 225/138

Dear Pennyquick,

This letter is to introduce Colonel A.A. Jones, D.S.O., M.C., in the hope that you may be able to help him.

He is a naturalised Italian subject, 61 years of age and a retired Colonel in the Italian Army. He was tried by the Fascist Courts and sentenced to life imprisonment in December 1942 on various charges. In September 1943 he was released from the Italian jail at Ventotene by a U.S.A. Commando. He worked with the A.M.G. in Capri and since the opening of Naples has worked on the staff of Admiral Morse and the Naval Officer-in-Charge, Naples Area, as an interpreter and translator.

He is anxious to get his sentence quashed but apparently there is some difficulty in tracing some of the trial documents including the sentence.

Will you be kind enough to see him when he will supply full particulars and if you are able to do so help him in connection with his application to the Italian Legal Authorities.

At the present time he is without means except for the salary paid him by the British Navy and his former property at Turin is under legal sequestration.

COLONEL. J.A.C. PENNYQUICK,
Commissioner,
HEADQUARTERS,
ALLIED MILITARY GOVERNMENT,
NAPLES COMMUNE.
A.I.O. 394.

/s/ ???????
CAPTAIN, ROYAL NAVY.

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