

ACC

10000/142/672

10000/142/672

RELEASE OF PRISONERS
SEPT. 1943 - JAN. 1946

(YIA)

HEADQUARTERS UNITED STATES
AR 354
LEGAL SUB-COMMISSION

AP/eda.

AE/4094/L.

25 January 1946.

SUBJECT : Detention of KONTAKHI Alfredo
without trial.

TO : Land Forces (Attn: M.M.F.).
For Capt. C.G. (RUISE 3014).

1. Reference is made to your letter dated 16 November 1945
without file number.

2. Advice has now been received from the Ministry of
Prison and Justice that the case of KONTAKHI Alfredo is being
investigated by the Special Section of the Rome Court of Appeal.

3. However, the prisoner has been released on 31 December 45.

127

C.G. HAWKINS,
Lt. Col.,
Deputy Chief Advisor.



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

Roma

21

Gennaio 1945

Mod. 40

Ufficio
Ind. N°

I° R.P.

1.1.875.2907/45

Rapporto del

21.11/1945

Dir. Ia

140.4091/L.

Oggetto: Procedimento penale contro MONTUSCHI
Alfredo.

All. n. 1

e per conoscenza:

All'Ufficio Collegamento

S E D E

Nel restituire l'imito promemoria,
trasmesso con la nota cui si risponde, si
informa che il Procuratore Generale presso
la Corte di Appello di Roma ha testè rife-
rito che il procedimento penale contro MON-
TUSCHI Alfredo, imputato del delitto di cui
all'art. 3 D.L.L. 27/7/1944, trovavasi in cor-
so d'istruttoria presso l'ufficio del P.M.
della Sezione Speciale di Corte d'Assise di
Roma.

Ha aggiunto che con ordinanza del 31
dicembre 1945 il MONTUSCHI è stato scarce-
CLOrato.

DCLO

per il MINISTRO

Chie

21/11/45

B. J.

128

Il Rag. Alfredo Montuschi è stato compreso nell'elenco facenti parte dell'Ovra e per tale motivo è stato arrestato su mandato di cattura dell'Alto Commissariato per la punizione dei delitti fascisti.. E' stata svolta l'istruttoria che è tuttora pendente presso lo stesso Alto Commissariato. Dall'esame dell'istruttoria fino ad oggi compiuto non risultano elementi a carico del Montuschi il quale ha svolto solo attività di consulenza tecnica nel ramo finanziario fornendo relazioni alla Presidenza del Consiglio dei Ministri.

Esistono in atti favorevoli deposizioni tra cui quella del Consigliere di Stato Comm. Scalise; ed esistono prove dell'antifascismo del Montuschi stesso dopo l'8 Settembre 1943 partecipando ai movimenti clandestini contro il tedesco invasore.

L'Alto Commissariato deve ora rimettere al fascicolo all'autorità giudiziaria e potrebbe chiedere l'assoluzione del Montuschi per non avere partecipato alla organizzazione Ovra.

Si fa presente che per casi molto più gravi come il Capitano Giulietti ed altri lo stesso Alto Commissariato ha provveduto chiedendo il proscioglimento e l'Alta Corte ha prosciolto.

E' quindi una vera ingiustizia fare il processo a Montuschi mentre alcuni veri componenti dell'Ovra sono stati assolti ed altri continuano a circolare per Roma indisturbati, e diversi altri sono a posti di comando essendo riusciti per ininfluenze a non farsi processare.

INTERNATIONAL ALLIED COMMISSION
APO 394
CIVIL AIR MAIL SERVICE

Ref: 2/13/47/26

SUBJECT: Release of Prisoners.

TO: AC Liaison Office - Sicily.

1 In para 6 of your monthly report for November 1945 you state that there seems to be a break down somewhere in the administration as numerous letters come to us direct from prison directors for release of prisoners. We always refer these to the Prisoners' Generals and have asked that the directors be told the proper procedure. The directors will now be told that all prisoners sentenced by AC will have to be released by AC or AGO.

2 The above is not understood. As the expiration of the term for which a prisoner has been sentenced by an AC Court, the prisoner is discharged by the Italian Prison Authorities. The order of confinement directs that such procedure be followed.

3 In all cases in which the term of imprisonment has not expired, no prisoner under sentence of an AC Court may be released without authority of the Allied Commission. In cases where clemency is granted, the Allied Commission notifies the Minister of Grace and Justice, who in turn issues an order to the appropriate penal institution in conformity therewith.

4 Petitions for clemency are usually filed by the prisoner with the prison authorities for ultimate transmittal to the Legal Sub-Commission. A Liaison Officer may also receive such petitions and forward them with recommendations as he may elect. Such recommendations are carefully considered when made on behalf of an applicant.

AC OFFICE OF THE CHIEF OF THE COMMISSION:

Copy to:

C. I. C. BATES
C. I. C. HART
C. I. C. LAMBERT
C. I. C. MORGAN
C. I. C. MURPHY

C. I. C. LAMBERT
C. I. C. MORGAN
C. I. C. MURPHY
C. I. C. BATES
C. I. C. MORGAN

Mr. CHIEF, BATES,
AC Section

5 Jan 46

121

1 In para 6 of your monthly report for November 1945 you stated:
 "There seems to be a trend down somewhere in the administration
 as numerous letters come to us direct from prison directors for
 release of prisoners. It always refer those to the Procureur
 Generale and never asked that the directors be told the proper
 procedure. The directors still seem to think that all prisoners
 mentioned by me will have to be released by me or me."

2 The above is not unfounded. At the expiration of the term for
 which a prisoner has been sentenced by an Italian Court, the prisoner is
 discharged by the Italian Prison authorities, this order of competent
 directors that such procedure be followed.

3 In all cases in which the term of imprisonment has not expired, no
 prisoner under sentence of an Italian Court may be released without authority
 of the Allied Commission. In cases where amnesty is granted, the Allied
 Commission notifies the Minister of Grace and Justice, who in turn issues
 an order to the appropriate penal institution in conformity therewith.

4 Petitions for amnesty are usually filed by the prisoner with the
 prison authorities for ultimate transmittal to the legal sub-commission.
 A Liaison Officer may also receive such petitions and forward them with
 recommendations as to any object. Such recommendations are carefully
 considered when made on behalf of an applicant.

BY ORDER OF THE CHIEF OF THE COMMISSION:

MLR
 Lt. Col. Major,
 77th Division

Copy to:

C. L. O. HANSEN
 C. L. O. HARRIS
 C. L. O. DEVERNO
 C. L. O. BULGARA
 C. L. O. JACOB

C. L. O. HANSEN
 C. L. O. HARRIS
 C. L. O. DEVERNO
 C. L. O. BULGARA
 C. L. O. JACOB

LEGAL SUB	Legal S/C (after Col. Weber)
CLO	
DCLO	
Chief Counsel	
CJO	
Italian	on
CL RK5	
2 JAN 1946	

→

File
HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

ES/es

21 November 1945

AC/4091/L.

SUBJECT : Detention of MONTUSCHI Alfredo without trial.

TO : The Minister of Pardon and Justice.

1. This Sub-Commission has been approached by an Allied Officer in the case of the above detainee who has been allegedly held in "Regina Coeli" 7th Braccio (politici) for more than 6 months without trial.

2. An advice as to the present position of Montuschi would be appreciated.

3. A memorandum pertaining to this case is enclosed.

123

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

Encl.

*When answer received
please send
Capt. J. J. Bell
of Allied Forces
Amisani*

4091 ✓

fr 4
87A

SUBJECT : Detention of an Italian in prison
without trial - Signor MONTUSCHI.

TO : Legal Sub Commission
(attn. Lt.Col. HANNAFORD)
H.Q. Allied Commission
A.P.O. 394

Rome, 16th November 1945.

Sir,

I wish to bring to your notice the case of Signor MONTUSCHI who has been in prison (Garcere Civile "Regina Coeli", 7th Braccio (politici) for more than 6 months without trial.

Reason for is detention in prison is apparently his association with O V R A solely as a financial expert. Although six Italian judges have stated there is no case for trial, he is still being retained in prison.

I have known this gentleman for 8 years and to me he and his family have always been anti-fascist.

I attach herewith certain particulars about him given me by his family. The name of his lawyer is Avvocato Tullo TAORMINA, piazza Adriana No. 5, Scala A, Interno 15. Telephone No. 53336.

I should be very grateful if his case could be investigated.

maf.

LEGAL COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italic	
CL RKS	
16 NOV 1945	

C. G. Loring - Bell
Capbani.
Attached M.M.I.A.

54
MONTUSCHI ALFRED - Rome- Viale Angelico N° 36 -B- Telephone: 30.918

Born in Faenza (region of Ravenna) he studied at the Technical Institute and when 17 years old he was tested as an Administrative Expert, a title which is now " Doctor in Commercial Sciences "

At 19 years old he was employed as Accountant Chief in Faenza at the Agency of the Bank " Credito Romagnolo ".

At 25 years old he was charged as Director of the Sclodens Bank at Schio (near Vicenza) which was an important Industrial Bank; and there he remained till September 1910.

In September 1910 he was called as General Director of the Tuscan Credit in Florence, an important Regional Catholic Bank.

In Florence, besides the local work in the Bank that he was managing he got very busy about some financial organisations with catholic program, which in that time were greatly developed, and he was one of the founders of the National Credit and of the National Union of Banks; which were the two most important organisations between all the Catholic Banks in Italy.

In both Organisations, Mr. Montuschi was a member of the Administrative Council and of the Committee of Central Direction.

In 1915, still being Chief Manager at the Tuscan Credit in Florence, he was called in Rome for the recovering of the Bank of Rome, and became a Counsellor of Administration and belonged to the Directive Central Committee of this Bank which had a Capital of two hundred millions Liras.

He kept this place till 1919 and left the Bank when it was entirely recovered in its functions.

Mr. Montuschi is a highly organisative character and during the before said period that he spent at the Bank of Rome, he had several other managing charges into Industrial Firms, the most important of which are here noted :

- 1 - He was the founder and President of the Italian Colonial Syndicate (which took care of the interests of the Bank of Rome in Tripolitania, Lybia and Egypt.
- 2- President of the " Cines " - the first italian Company for artificial silk.
- 3- President of the Mills of Fabbrocino in Torre Annunziata (Naples)
- 4- President of the Chemical Co. of Fossano - for Chemical productions for agriculture.
- 5- President of the Alimentary Products from Parma.

- 2 -

- 6- President of the Thermal Co. which directed the Grand Hotel in Fiuggi, the Thermes of Stigliano and Claudia's Water.
- 7- President of Cervisia Beer in Rivarolo Ligure seat in Genoa.
- 8- Counsellor of the brick-kiln of Sieci (Florence)
- 9- Counsellor of the " Cines " (italian " Movies ")
- 10- Counsellor of the Mechanical Industries in Reggio Emilia .

He has also administered foreign shares as Phosphati's Mines in Kosheira (Red Sea) and the Sponge Fishing Co. of London; and has been a Counsellor and Syndic in several other commercial and industrial Firms .

After 1919 he left the charges in Rome and Florence and promoted and founded the Italian Bank of Mercantile Credit in Milan , and the Italian Bank for Agriculture in Turin.

In both Banks he was in the Managing Committee.

He was also :

- 1 - Counsellor of the Bank of Central Italy for Agriculture and Trade in Pistoia
- 2 - President of the Commercial and Agriculture Bank in Bologna -
- 3 - Counsellor of the Savings and Current Accounts in Lucca
- 4 - Counsellor in the Tuscan Agricultural Bank in Florence
- 5 - Counsellor in the Technical Industrial Bank - Bologna /

In 1923 Fascism began its politic of totalitarian concentration - declaring war to all the regional local banks and Mr. Montuschi, not being a Fascist, and being instead an exponent of the Catholic bancarian finance was set apart .

He then worked as private professional expert, having a great practise in all the bancarian technical work .

Actually the condition of this kind of work are very unsettled; and will be so untill the Allied will ~~not~~ settle down their decisions.

Mr. Montuschi - as can be seen - is a perfect bancarian technic and is at complete disposal to those persons who would use his great practise and experience and knowledge in all the financial - commercial and industrial italian problems /.

Mr. Montuschi has ^{not} subscribed to none of the actual political Parties though his previous Catholic friends wanted him to suscribe to the Christian Democracy .

86A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4091/3/L.

20 November 1945 /es

SUBJECT : Raffacelli Andrea.

TO : Zone Commissioner, Naples Commune.
(Attn: Senior Legal Officer).

1. Reference your letter No. L-800 of 14 November 1945.
2. Please return as soon as possible the documents enclosed in this Sub-Commission's letter of 9 November.

By Command of Rear Admiral STONE:

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

119

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

85A

L- 8100

14 November 1945.

SUBJECT : Raffelli Andrea di Benedetto.
TO : HQ Allied Commission
(Attn: Legal Sub-Commission).

84A

1. Reference your letter AC/4091/3/L dated 9 November 1945.

2. Enclosed herewith is the "Posizione Giuridica" of subject who is retained at disposition of the Procura del Regno of Rome.

For the Commissioner,

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

118

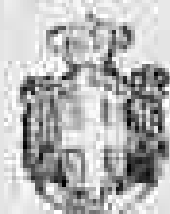
LEGAL SUB COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
19 NOV 1945	

Sir,
Documents forwarded
with your letter not
returned.

MODULARIO

Mod. 414 (Carceri)

8513



Direzione delle Carceri Giudiziarie **CARCERI GIUDIZIARIE DI NAPOLI**

Ufficio di Matricola

POSIZIONE GIURIDICA

di **Raffaelli Andrea**

figlio di **Benedetto**

d'anni **45** nato **Meptana (Roma)**

di professione **Possidente** arrestato **12/II/944.**

entrato in carcere il **14/6/945** a disposizione della

Procura del Regno Roma quale **Imputato**

di Collaborazione Nazi Fascista.

Giudicabile.

Napoli 11 14/II/945.

Libero

Il Comandante

[Signature]

117

File 4091

84A

HEADQUARTERS ARMED COMMISSION
APO 394
LEGAL SUB-COMMISSION

9 November 1945

AC/4091/2/L.

SUBJECT: Raffaelli Andrea

TO : Commissioner, Naples Commune
(Attn Senior Legal Officer)

1. I enclose a letter from Intelligence Corps and a report stating that Raffaelli Andrea has been as a result of personal vendetta held in prison in Naples for a year without trial. I should be glad if you would make immediate inquiries into the matter, and, if, as alleged in the report, there is no charge pending against Raffaelli, take the necessary steps to procure his release. If the facts in the report are correct, the case is one of great injustice that calls for immediate action.

2. Please advise this Sub-commission as soon as possible of the result of your inquiries and return the enclosed documents with your reply.

By command of Rear Admiral STONE.

118

MURGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

-8 AGO, 1946



4091

Roma 7 agosto 1946

83A

Mod. 805 MG.

Ministero di Grazia e Giustizia

DIREZIONE GENERALE
PER GLI ISTITUTI DI PREVENZIONE ED IRENAAla Commissione Alleata,
Sottocommissione legale.
ROMA

Ufficio

VI

Tel. N°

140506/25-9

Ripartizione N° A.C. 4091 L.
del 2 aprile u.s.

OGGETTO Informazioni.

59A

Compiute le necessarie indagini presso la locale Procura del Regno e presso il carcere di Viterbo, si comunicano le seguenti risultanze in merito alla lettera di cofesta on. Sottocommissione del 2 aprile A.C./4091/L.

1) Lascialandare (non Lasciamandare) Mario; Casali (non Casili) Luciano; Casali Renato e Dario Vittorio sono stati rinviati in istato di detenzione al giudizio della Corte di Assise di Roma per rispondere dei reati di "collaborazione coi tedeschi" e di "rapina"; reati per i quali sussistono la confessione del Lascialandare e il riconoscimento del Dario da parte della persona offesa (oltre la chiamata di correo fatta contro il Dario dallo stesso Lascialandare e dagli altri imputati);

2) Spigo Salvatore non risulta sia stato ristretto nelle carceri di Viterbo; nè risulta che presso la R. Procura di Roma vi sia a suo carico alcuna denuncia.

Del Ministro

11 AGO 1946

*Legal**824*

TRANSLATION M2C.
MINISTRY OF GRACE AND JUSTICE

SUBJECT : Information

N.140506/25-9

7 August 45

In possession of all the necessary information had ~~local~~ from the local State Attorney's Office and the Viterbo jail, we communicate the following regarding your favour of the 2 April 1945, ref.AC/4091/L.

- 1) Lascialandare (not Lasciamandare) Mario; Casali (not Casili) Luciano; Casali Renato and Dario Vittorio, still under arrest, have been remitted for trial to the Rome Court of Assise in order to give an account of their "collaboration with the Germans" and for "robbery". For proving said crimes there is, besides the confession made by Lascialandare, the recognition of Dario by one of the injured persons (apart from statements made against Dario by Lascialandare and the other culprits).
- 2) We have no proofs that Spigo Salvatore was ever imprisoned in the Viterbo Jail- nor does there appear anything against him with the Rome State Attorney's Office.

For the Minister
Volpe

111

TRANSLATION ETC.
MINISTRY OF GRACE AND JUSTICE

SUBJECT : Information

N. 140506/25-9

7 Aug 45

In possession of all the necessary information had local from the local State Attorney's Office and the Viterbo jail, we communicate the following regarding your favour of the 2 April 1945, ref.AC/4091/L.

- 1) Lascialandare (not Lasciamandare) Mario; Casali (not Casili) Luciano; Casali Renato and Dario Vittorio, still under arrest, have been remitted for trial to the Rome Court of Assize in order to give an account of their "collaboration with the Germans" and for "robbery". For proving said crimes there is, besides the confession made by Lascialandare, the recognition of Dario by one of the injured persons (apart from statements made against Dario by Lascialandare and the other culprits).
- 2) We have no proofs that Spigo Salvatore was ever imprisoned in the Viterbo jail- nor does there appear anything against him with the Rome State Attorney's Office.

For the Minister
Volpe

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4091/L

27 July 1945.

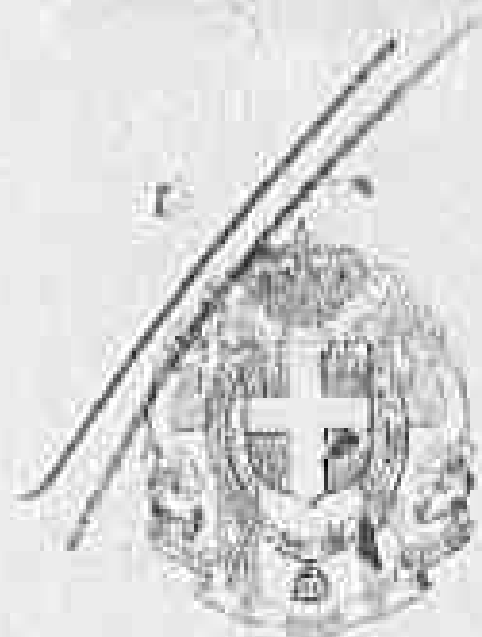
SUBJECT : Release of Milano Prison.
TO : French Representative, HQ AC.

1. Reference your LR/SA No. 2,172 of 28 June 1945.
2. Enclosed herewith is a copy of the reply of the Italian Minister of Pardon and Justice to your request contained in the above note.
3. Should you be able to obtain any further information in this matter do not hesitate to communicate it to this Sub-Commission.

Incl.

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

112



MINISTERO DI GRAZIA E GIUSTIZIA

*Direzione Generale degli Affari Penali
delle Grazie della Statistica e del Cavallario*Ufficio IV Grazie
Prot. V 5519/45Risposta al f. N° AC/4091/L
del 29.6.1945

Roma, 20.7.1945

Alla COMMISSIONE ALLEATA
SOTTOCOMMISSIONE LEGALE
ROMA

OGGETTO:

Scarcerazione di MILANO Ernesto
suddito francese

76A

Con la nota suindicata veniva fatto presente a questo Ministero, che il rappresentante francese presso cotesta Commissione aveva fatto premure, presso la Sottocommissione Legale, allo scopo di ottenere la escarcerazione di Ernesto Milano, che si assumeva nato a Le Kief (Tunisia) circa 36 anni or sono condannato da un Tribunale italiano ad un periodo di reclusione per aver fornito informazioni alle autorità francesi nel 1940 , arrestato nell'Italia del Nord e detenuto in espiazione della pena nelle carceri dell'Isola di Tremiti.

Il Procuratore del Regno di Lucera, cui sono state ~~richieste~~ telegraficamente richieste notizie, ha riferito che l'Arma dei Carabinieri di Tremiti ha comunicato che in quel carcere non trovavasi detenuto il suddito francese in oggetto, che lo stesso già confinato politico era stato prosciolto nel 1942 e che il

di lui fascicolo personale era stato distrutto, insieme col carteggio della colonia, da autorità alleate.

Precedenti al nome del Milano non ne sono stati rintracciati neppure presso altri uffici di questo Ministero .

In relazione a quanto sopra si è dolenti di dover fare presente a cotesta Commissione che non si è in grado di emettere gli ordini necessari per la escarazione del Milano , a meno che non vengano fornite ulteriori notizie atte al rintraccio dello stesso .

PEL MINISTRO

Stavans

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

80A

AG/4091/L.

ES/1c.
21 July 1945.

SUBJECT : Capt. SACCHI Vincenzo.

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

1. Your attention is invited to the enclosed correspondence concerning alleged war crime by subject officer.

2. Would you please take the steps requested by AFHQ in para 4 of the attached copy of letter file No. G-5, 000.5-1 dated 19 July 45

By command of Rear Admiral STONE:

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

Copy to : AFHQ, G-5 (your G-5, 000.5-1
of 19 July 45 refers).

4091
 ✓ ALLIED FORCE HEADQUARTERS
 G-5 Section
 APO 512

6218
 LEGAL S/C

PTH/jjr

79A

G-5: 000.5-1

19 July 1945

SUBJECT: Capt. SACCHI, Vincenzo.

TO : Headquarters, Allied Commission, APO 394
 (Attn: Legal Sub-Commission)

1. Transmitted herewith are papers concerning alleged war crime by subject officer.

2. You will note that after investigation, Allied Military authorities state that no war crime appears to have been committed.

3. The subject officer was, and, it is assumed, still is detained by CC.RR at Turin. (Letter L/RR of 5 June 45 from your Provincial Legal Officer, Turin).

4. It is suggested that appropriate action for release of subject officer be taken through your Provincial Office at Turin.

For the Assistant Chief of Staff, G-5:

109

F. T. Hammond, Jr.

F. T. HAMMOND, JR
 Colonel, G.S.C.,
 Legal Advisor

Incls: Papers on complaints
 and investigation of charges
 against Capt. SACCHI, Vincenzo.

LEGAL SUB COMMISSION

CLO

DCLO

Chief Counsel

CLY

1. 100 4

CL 100

21 JUL 1945

HEADQUARTERS IV CORPS
APO #304, U. S. Army

5 July 1945

SUBJECT: Investigation of Alleged War Crime in Vicinity of Locana,
Italy (Map Reference H-8868).

TO : War Crimes Commissioner IV Corps, APO 304, U. S. Army.

1. I, the undersigned, WALTER H. BERLET, 0343429, Headquarters IV Corps, as a member of the War Crimes Commission of the IV Corps, have made a personal investigation of an alleged war crime atrocity reportedly committed at or near Locana, Italy on or about the period of 12 September 1942 to 15 September 1943.

2. The undersigned went to Torina, Italy 27 June 1945 to make a preliminary investigation of alleged atrocity. The accuser, an ex-Prisoner of War, Mil. Mijuskovic was contacted and was questioned in regards to his accusations against Captain Vincenzo Sacchi. The accuser's statements appear to be highly inaccurate and lacks concrete evidences. After long questioning the accuser admitted that he was not shot in the camp, but when he escaped in the hills the prison guards shot him in order to recapture him. The accuser said he could get a number of witnesses in the town of Locana that would verify his statements. The undersigned on 29 June 1945 took the accuser to Locana to find witnesses. As Locana is a very small town the accuser had no difficulty in finding witnesses. None of the witnesses would testify against the accused or could they verify any of the accusations made by the accuser. According to statements of several civilians no crimes were committed by Captain Sacchi, the accused. In regard to Red Cross food parcels the civilians stated that they did not know if these parcels were sold to the civilians, but they stated that only after the Prison of War Camp #127 was disbanded on or about 12 September 1943 a small quantity of food was given to the local civilians but it was not sold to them, and they believed it was Italian military rations instead of Red Cross parcels. The civilians also stated that camp was well managed and no disturbance was ever seen around the Prison of War Camp #127.

3. The accused Captain Sacchi was found in the Provincial prison in Torina. He was questioned in regards to his statements and was cross examined on the accusations made by the accuser, Mil. Mijuskovic. Little or none of the accused's conversation or statements agreed with that of accuser.

4. None of the accusations made by the accuser are true in the opinion of the undersigned, and that the accused Captain Vincenzo Sacchi be released of the alleged war crime without further investigation.

WALTER H. BERLET
Major, Infantry

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

APW/lc.
10 July 1945.

AG/4091/L.

SUBJECT : Petras SERANTIS, Greek origin, born in Leros.
TO : Displaced Persons and Repatriation Sub-Commission.

Reference your letter 7 July 1945 DPR/15/G-II (DP),
it is the opinion of Legal Sub-Commission from examination of
attached paper that Petras SERANTIS is a common prisoner
sentenced under the laws existing on Leros Island at the time of
his conviction.

ANTHONY P. NUGENT, 107
Major,
Chief Counsel.

Incl.

file 409

77A

EVS/cp

HEADQUARTERS ALLIED COMMISSION
APO 394
DISPLACED PERSONS AND REPATRIATION SUB-COMMISSION

DPR/15/G-II (DP) Tel. 469081 Ext. 201

7 July 1945

SUBJECT : Petras SERANTIS, Greek origin, born in Leros.

TO : Legal Sub-Commission, A.C.

1. We are submitting herewith a copy of the a/m person's case for your consideration and legal advice.

2. Despite the fact that SERANTIS was born on the Island of Leros (Dodecanese) 9 March 1918, when these Islands were Italian possessions, the Greek Representative claims that the a/m person is a Greek subject, and as such, he requests for his immediate release from Lecce prison.

3. In view of this offence having been committed in 1938, we are unable to decide whether this person should be considered as a common prisoner, who is subject to the Laws of the country in which he lives or a political prisoner.

4. Therefore, your legal advice would be much appreciated under the circumstances.

For the Director:

E. V. Simcock
E. V. SIMCOCK
Major, G-II.

LEGAL SUB-COMMISSION	
CIO	
DCIO	
Chief Counsel	<i>AK</i>
CIO	
Italian Section	
CE RKS	
661 800 JUS 1945	

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4091/L.

/rlp.
29 June 1945.

SUBJECT : Release of MILANO Ernesto.

TO : The Minister of Pardon and Justice.
The Procuratore Generale Militare.

1. The French Representative to this Commission has approached this sub-commission with a view to obtaining the release of Ernesto Milano sentenced by an Italian Court to a term of imprisonment for having supplied information to French authorities in 1940.

2. Milano, born in Le Kief (Tunisia) about 36 years ago, is said to have been arrested in Northern Italy (Milano, Torino or Genova) and is serving his sentence in the prison on the Island of Tremite.

3. It is requested that the necessary instructions be issued for the release of Milano.

4. You will recall that such action was taken by the Procuratore Generale Militare in the analogous case of Adriano Benassi and Salvatore Ribauda (TCM Prot. R.P. 458 of 30 April 1945 and Ministry of Justice Uff IV f.n. 6230/42 of 21 April 1945 refer).

Jms
A. E. PERHENS,
Colonel,
Chief Legal Advisor.

105

See 75A

HEADQUARTERS ALLIED COMMISSION
Office of the French Representative
APO 394

Rome, June 28th 1945
AB/SM n° 2.172

TO : LEGAL SUB COMMISSION
Subject : Release of MILANO, Ernest.

- 1./ This Office has been asked to take up the case of MILANO, Ernest who has been condemned to imprisonment for having given information to the French Authorities in 1940.
- 2./ MILANO, Ernest was born in LE KIEF (Tunisia) and is about 36 years old. He has been arrested in Northern Italy : Milano, Torino or Genova. He is supposed to be in jail in the Isle of TREMITA.
- 3./ This Office would appreciate very much if, in accordance with paragraph 3 and paragraph B, article 32 of the Armistice terms this man could be released at the earliest possible time./.

X. de SEVIN, Major General
French Representative.

P. I. d'Avenas
adjoint.

COMMISSION	
DELO	
DELO	
Chief Counsel	
CJO	
Italian Section	
CLERKS	
28 JUN 1945	
5001 100 87	

40911 (file) 74A

AUTORITA' MITTENTE	DATA	Giorno	Me	Anno	Or	Minuti
		6	15	1945		

N. di protocollo 137555/54876 del _____

Ufficio VI Alla Direzione del carcere giudiziario di Viterbo

e per conoscenza:

Alla Commissione Alleata - Sotto-commissione Legale ROMA

OGGETTO: Detenuto Ramucci Raimondo.

La Commissione "Alleata - sottocommissione Legale" comunica quanto appresso:

" Con riferimento alla lettera di V.E. del 23 maggio 45 (VI-n. 134826/25-9) e 29 maggio e 6 giugno, siccome il nominato è stato in carcere dal 21 marzo è stato deciso che egli debba essere immediatamente scarcerato e nessun altro procedimento contro di lui debba aver luogo in relazione al possesso delle coperte.

Voglia l'E.V. compiacersi dare le necessarie istruzioni per dare esecuzione alla decisione di cui sopra. Si restituisce in allegato il fascicolo del processo penale. R/to pel Col. V.E. Beprens.

Si prega di provvedere in conformità, assicurando.

D'ordine del Ministro

U.E.W.

73A

HEADQUARTERS ALLIED COMMISSION
APO 398
LEGAL SUB-COMMISSION

OM/ra.
13 June 1945.

file
17440911L
~~17440911L~~
SUBJECT : Case of RANCOE Raimondo.

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

1. Reference is made to Your Excellency's letter of 23 May 45 (VI - No. 194526/2-9) and 29 May and 6 June.

2. As the above named has been in prison since 21 March it has been decided that he should be released immediately and no further proceedings should be taken against him in connection with the possession of the blankets.

3. Will Your Excellency kindly give the necessary instructions to carry the above decision into effect.

4. The file of "Procedimiento Penal" is returned herewith.

W.R. Biddens
W.R. BIDDENS,
Colonel,
Chief Legal Advisor.

Incl. : "Procedimiento Penal"

Copy to : Public Safety S/C.

102

724

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4091/L.

/rlp.
19 May 1945.

SUBJECT : Prisoners at Giocosa Ionica.

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

1. Further to this sub-commission's letter reference AC/4091/L dated 30 April 1945, the attached memo and copy of "mandato di cattura" in respect of Fazzolari and Comisso together with the names of 47 other detainees is forwarded to Your Excellency for the reasons set out in the previous letter.

2. It should be added for information that the legal officer whose name appears as having signed the "mandato" has left this theater of war and it is not possible therefore to obtain any enlightenment from this source.

Ref
A. R. THACKERAN,
Lt. Col.,
Italian French,
for Chief Legal Advisor.

2 incls.

✓
See file 4083/20/101



Ministero di Grazia e Giustizia

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

Ufficio

I° A.P.

Prot. N°

131.126.949

TA -

Min. le COMMISSIONE ALBA-
Sottocommissione Legale
ROMA

Ricevuto il 27 aprile u.s.

Per Per V. pance

OGGETTO Carcere di Spoleto - Detenuti giudicabili.

e per conoscenza:

ALL'UFFICIO DI COLLEGAMENTO

GABINETTO

Si assicura che in data odierna sono stati interessati i Capi della locale Corte di Appello, affinché nello espletamento delle istruttorie penali pendenti sia data la precedenza, nei limiti del possibile, a quelle relative ai 130 detenuti da poco trasferiti dal locale Carcere a quello di Spoleto, e, fra essi, a quelli la cui detenzione risale a più antica data.

Si assicura, altresì, che nessuna di dette istruttorie è stata o sarà sospesa a

./.

FED. JUDICIAL ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4091/L.

ART/mt.
1 May 1945.

SUBJECT : Release of Adriano BEMELLI.

TO : The French Representative, Allied Commission
(Attn: Maj. General M. de Sevin).

1. Reference is to your letter JH/SH No. 2.005 dated 23 April 1945.
2. Advice has been received from the Procura Generale Militare that following representation from this Sub-Commission the immediate release of the above named has been ordered.

of 99
A. B. THACKERAY,
Lt. Col.,
Italian Branch,
for Chief Legal Advisor.



B/a 491/100 694
TRIBUNALE SUPREMO MILITARE DI GUERRA

UFFICIO PROCEDIMENTI TRIBUNALI DI GUERRA SOPPRESSI

N. 213-356 Prot. esec. TSOS Roma, 30 aprile 1945 194

Risposta al foglio del N. Carte annesse N.

Stamperia Reale di Roma

OGGETTO: Scarcerazione di BENASSI Andriano e RIBAUDO
 Salvatore.-

~~ALLA~~ ALLA COMMISSIONE ALLEATA
 Sottocommissione Legale
 (R.f.n° AC/4091/L. del 24/4/1945) R O M A

e, per conoscenza:

AL MINISTERO DI GRAZIA E GIUSTIZIA
 Ufficio IV Grazie
 (Rif. f.n° 6230/42 del 21.4.45) R O M A

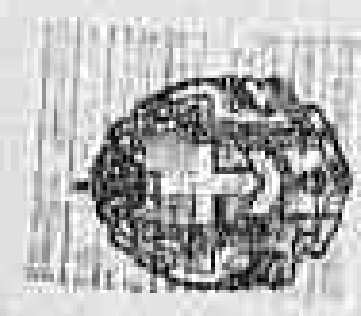
Con riferimento alle note suindicate, in data
 odierna è stata disposta, ai sensi dell'art. 589 C.P.P.,
 la scarcerazione dei nominati in oggetto.-

IL PROCURATORE MILITARE DEL REGNO
 - Ten. Col. G. M. Avv. G. Vignolo -

63A, B

98

30 Apr 1945



PROCURA GENERALE MILITARE

GENERALI E SOTTOSCRITTI

PRESSO IL

TRIBUNALE SUPREMO MILITARE

Roma, addì 30 aprile

1945-XXXX

ALLA COMMISSIONE ALLEATA

Sotto Commissione Legale

N. 458

prot. R.P.

risp.

ROMA

ALLEGATI N

OGGETTO: Scarcerazione di Adriano BENASSI e Salvatore

RIBAUDO.-

66A

Riferendomi alla nota n.AC/4091/L.in data 24
corr., sono lieto d'informare codesta Sottocommis-
sione che, tenuto conto delle ragioni esposte nella
nota sopra indicata, è stata disposta l'immediata
scarcerazione dei detenuti Adriano BENASSI e Salva-
tore RIBAUDO.-

97

IL SOST.PROCURATORE GENERALE MILITARE
(Magg.gen.M.Derutti)

M. Derutti

N. 458 prot. R.P. disp.

R O M A

ALLEGATI N.

OGGETTO: Scarcerazione di Adriano BENASSI e Salvatore
RIBAUDO.-

66A

Riferendomi alla nota n.AC/4091/L.in data 24
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nota sopra indicata, è stata disposta l'immediata
scarcerazione dei detenuti Adriano BENASSI e Salva-
tore RIBAUDO.-

97

IL SOST.PROCURATORE GENERALE MILITARE
(Magg.gen.N.Berutti)

M. Berutti

1 MAY 1945

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

674

AS/4091/L.

ART/mt.
30 April 1945.

SUBJECT : Prisoners at Gioiosa Jonica.

TO : H. E. The Minister of Pardon and Justice.

1. The enclosed file concerning FAZZOLARI Domenico and COMPISSO Salvatore both detained in the prison of Gioiosa Jonica, the former since 26 Dec 44 and the latter since some date in November 1944, has been forwarded by the A.C. Liaison Officer at Bari, with a view to clarifying the situation of these detainees.

2. It would appear that they were both arrested on the grounds of their alleged participation in unlawful disturbances. However, it is not clear whether the evidence available in the hands of the Procuratore del Regno is sufficient to warrant their trial on a charge under Italian law.

3. Your Excellency will no doubt wish to obtain a full report from the Procuratore del Regno at Locri in order to determine whether the accused should be released or some other disposition taken as may seem proper.

4. Advice in due course as to the results of these inquiries will be appreciated.

Incl : 1 File.

af

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

98

✓
See file 4083/20/L

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

66A

AG/4091/L.

SGH/MS.
24 April 1945.

SUBJECT : Release of Adriano BELLASSI and Salvatore RIBAUDO.

TO : H. E. The Procuratore Generale Militare,
Via degli Acquedotti n. 2 - ROMA.

1. At the instance of this Sub-Commission H. E. The Minister of Justice has requested Your Excellency to issue the necessary recommendation for the release of Salvatore RIBAUDO who had been sentenced by the Tribunale Speciale in 1940 to a term of eight years imprisonment.

2. As Your Excellency is aware under the provision of DLE 116 of 23 Nov 45 the revision of judgments pronounced by the "Tribunale Speciale" falls within the jurisdiction of the Court of Appeal concerned. However the power to suspend the execution of a sentence is vested in the "Procura Generale Militare" of Rome. (Bando del Capo di Stato Maggiore of 21 Nov. G.U. 24 refers) and therefore Your Excellency is responsible for issuing the requisite instructions.

3. The attached extracts of a letter addressed to H.E. the French Ambassador shows that Adriano BELLASSI was sentenced by the Tribunale Speciale for an offense identical to that of RIBAUDO and therefore should receive identical treatment.

4. No doubt Your Excellency will wish to give to these two applications your immediate consideration bearing in mind that it appears preferable to effect the release of these two men through the normal Italian channels than to apply ⁹⁵ their case the terms of the armistice.

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

4091

65A

HEADQUARTERS ALLIED COMMISSION

Office of the French Representative

APO 394

Rome, April 23rd, 1945
JM/SM n° 2.085

To: LEGAL SUB COMMISSION

Subject: Release of Adriano BENASSI.

- 1./ This Office has been asked to take up the case of Adriano BENASSI who has been condemned to 30 years imprisonment for having given information to the French authorities in 1939.
- 2./ As is stated in a letter addressed to the French Ambassador, copy of which is attached herewith, Benassi who, after his liberation by Allies in Spring 1944, was recaptured by the Germans, managed to escape and was on the point of entering the Italian Air Force as a volunteer, when he was told that he had to complete his sentence. He is now at "Regina Coeli".
- 3./ This Office would appreciate very much if, in accordance with paragraph 3 and Paragraph B, Article 32 of terms of the Armistice this man could be released at the earliest possible time./.

*X. de Sevin*X. de SEVIN, Major General
French Representative.

C O R I E

Rome, 21 Mars 1945.

65B

A Son Excellence

Le Comte ROUVÉ de MURVILLE,
Ambassadeur de France, Rome.

Excellence,

Je consigné, BENASSI Adriano, fils de Domenico et de MICHELE, Teresa, né à Gênes le 12/4/1914, actuellement détenu dans les prisons de "Regina Coeli" à Rome, pour expier une peine de 30 ans de prison, pour espionnage en faveur de la France, viens par la présente solliciter de Votre haute bienveillance, votre haut et immense appui dans sa malheureuse situation.

Au mois de Janvier 1939, je fis connaissance d'un juif polonais résidant à Monte-Carlo, qui se nommait LANDAU HANAN. Celui-ci me proposait si je voulais me mettre au service d'espionnage en faveur de la France, pour un certain temps; il me promettait que j'aurai pu, à mission terminée, rejoindre la France, être naturalisé et enfin obtenir une place comme travailleur dans une usine.

Comme j'étais antifasciste et que je désirais ardemment vivre dans une Nation démocratique, j'acceptais. Mon frère Robert s'associa à mon idée; tous les deux pleinement convaincus de lutter contre le fascisme. Landau me fournit l'adresse suivante: Bouzer (?) Régis, Avenue des Termes, Orange, Vaucluse, France, près laquelle nous surions du 93 envoyer par courrier toutes les informations militaires utiles; de que nous fimes, en effet, nous servant pour cela de l'encre "sympatique".

Le jour 2 Mars 1939, je fus arrêté. La censure avait réussi à déchiffrer une lettre à moi adressée. Cette lettre avait été mise à la poste par un des chauffeurs de la ligne Nice-San Remo, connu et par la cause facilement surveillable. Le même jour fut arrêté mon frère Robert. Dans le courant du même mois furent arrêtés Landau, un certain Bottoni, deux marins en service à la Spezia et un autre nommé Zasa.

Le 15 décembre furent émise par le Tribunal Spécial, contre nous, les suivantes condamnations; je sous signé à 30 ans, mon frère Robert à perpétuité, Landau et Bottoni à 30 ans, les deux marins à 3 ans et le seul Zasa fut acquitté.

Le 10 Juin 1944 je fus libéré par les patriotes de la prison de Saint Gimignano en compagnie d'autres ...

... prisonniers (condamnés eux aussi pour espionnage en faveur de Nations Alliées) parmi lesquels se trouvait Monsieur Édouard Ressort, actuellement en service au Consulat de France à Naples.

3 A la même date je m'engageais dans une formation de Patriotes qui opéraient dans la zone de Poggibonsi. Le 12 Juillet 1944, je fus chargé d'établir un service de liaison avec Florence, pour transmettre des ordres qui parvenaient du Commandement Américain de Grossette. Pris par les boches près de Florence, je réussis malgré toutes précautions prises par ces derniers, à porter à terme ma mission.

Transporté à Bologne pour être déporté en Allemagne, je réussis à fuir le 17 Juillet et le 23 je rejoignais la 36ème Brigade "Garibaldi" qui opérait en Romagne. Le 15 Octobre 1944, je repassais les lignes et le 18 je me trouvais, nouvellement à Florence, où le 20 Octobre je fis demande d'engagement comme volontaire dans l'Aviation Italienne en qualité de Sergent Pilote, pour continuer la "Guerre de Libération".

N'ayant reçu aucune réponse, le 15 Janvier 1945 je vins à Rome pour solliciter la demande. En effet, le Colonel François m'avait déjà destiné à l'École de Chasse de Lecce. Je rejoignis la Caserne Cavour sise "Viale G. Cesare" pour retirer ma feuille de voyage. A mon grand étonnement un Major pilote me communiqua que, par ordre du "Bureau I" de l'Aviation, il devait m'arrêter et m'enfermer pour me faire terminer la peine de 30 ans.

J'ai à faire remarquer, Excellence, que je suis le seul, condamné pour espionnage en faveur des Alliés, qui se trouve encore en prison dans l'Italie libre.

J'ai risqué ma vie et ma liberté (presque six ans de prison) pour servir un idéal, la France.

J'ai atrocement souffert pendant 5 mois parmi les patriotes pour combattre l'ennemi commun.

4 J'ai perdu deux frères, Robert et Léopold, déportés en Allemagne par les boches. J'ai deux autres frères, jeunes avec les patriotes. Sans nouvelles de mes parents, peut être victimes des représailles des nazistes et pour toute récompense on m'envoie nouvellement en prison, après avoir donné la dernière preuve de patriotisme demandant d'aller encore combattre.

Connaissant Votre droiture et Votre grand cœur, je me confie à Vous Excellence, fermement convaincu que justice sera faite à un qui aime la France autant que sa vraie Patrie.

Veillez agréer, Excellence, mes salutations les plus sincères.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

24 avril 1945

Mon General,

J'ai l'honneur de vous informer que le Quartier General des Armees Allies en Italie (AQGI) a autorise le voyage de Monsieur Richer dans ce theatre d'operation par cable en date du 17 courant.

En outre je me permet de joindre a cette lettre copie de la communication faite ce jour au Procureur Militaire de Rome par laquelle il lui est demande de donner les instructions necessaires a la liberation du detenu Adriano Benassi sans delai.

Veuillez agreer, Mon General, l'expression de ma consideration la plus distinguee.

General de Sevin
Mission Francaise
Commission Allies

92

COPIE

Rome, 21 mars 1945

A Son Excellence

le Comte GUY DE MURVILLE
Ambassadeur de France, Rome

Excellence,

Je soussigné, PENASSI Adriano, fils de Domenico et de MAGNANI Teresa, né à Genes le 18/4/1914, actuellement détenu dans les prisons de "Regina Coeli" à Rome, pour expier une peine de 30 ans de prison, pour espionnage en faveur de la France, viens par la présente solliciter de Votre haute bienveillance, Votre haut et impeccable appui dans sa malheureuse situation.

Le 15 décembre furent mises par le Tribunal Spécial, contre nous, les suivantes condamnations: je sous signe à 30 ans, mon frère Robert à perpétuité, Landaut Bettoni à 30 ans, les deux marins à 3 ans et le seul Zasa fut acquitté.

Le 10 Juin 1944, je fus libéré par les patriotes de la prison de Saint Gimignano en compagnie d'autres... prisonniers (condamnés eux aussi pour espionnage en faveur de Nations Alliées) parmi lesquels se trouvait Monsieur Edouard Ressort, actuellement en service au Consulat de France à Naples.

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J'ai perdu deux frères, Robert et Leopold, déportés en Allemagne par les boches. J'ai deux autres frères, jeunes avec les patriotes. Sans nouvelles de mes parents, peut être victimes des représailles des nazis et pour toute récompense on m'envoie nouvellement en prison, après avoir donné la dernière preuve de patriotisme demandant d'aller encore combattre.

Connaissant Votre droiture et Votre grand cœur, je me confie à Vous, Excellence, fermement convaincu que justice sera faite à un qui aime la France autant que sa vraie Patrie.

Veuillez agréer, Excellence, mes salutations les plus sincères.

68B
RIBAUDO Salvatore
di Giuseppe

nato il 18 febbraio 1904 a Palermo

Dagli atti esistenti presso questo Ministero risulta che il RIBAUDO con sentenza 15.1.1941 del soppresso Tribunale Speciale per la Difesa dello Stato è stato condannato alla pena di anni 8 di reclusione (interruzione perpetua dai pubblici uffici e sottoposto a libertà vigilata) per procacciamento e rivelazione di notizie non divulgabili concernenti la sicurezza dello Stato, e non a scopo di spionaggio .

Il RIBAUDO dal dicembre 1939 al maggio 1940 per incarico del suddito britannico Mac Donnel Bayard Aroldo indicava dietro compenso mensile di L. 50 il nome, la data di arrivo, il tonnellaggio, la provenienza e i dati relativi alle merci imbarcate e sbarcate dai piroscafi in arrivo e in partenza dal porto di Palermo .

Con la stessa sentenza il predetto suddito britannico è stato condannato alla pena di anni trenta di reclusione .

Il RIBAUDO, arrestato il 24 maggio 1940, doveva terminare la pena il 24 maggio 1948 .

Potrebbe aver diritto all'indulto di anni tre di cui al R.D. 5.4.1944 n. 96, nel qual caso la scadenza della pena avrebbe luogo il 24 maggio p.v. - Senonchè dall'istanza per grazia, ora pervenuta e diretta all'Ufficio Legale della Commissione Alleata, risulta che il RIBAUDO sarebbe stato liberato dal carcere di

della Autorità Americana.

Dagli atti esistenti presso questo Ministero risulta che il RIBAUDO con sentenza 15.1.1941 del soppresso Tribunale Speciale per la Difesa dello Stato è stato condannato alla pena di anni 8 di reclusione (interruzione perpetua dei pubblici uffici e sottoposto a libertà vigilata) per procacciamento e rivelazione di notizie non divulgabili concernenti la sicurezza dello Stato, e non a scopo di spionaggio .

Il RIBAUDO dal dicembre 1939 al maggio 1940 per incarico del suddito britannico Mac Donnel Bayard Arolão indicava dietro compenso mensile di L. 50 il nome, la data di arrivo, il tonnellaggio, la provenienza e i dati relativi alle merci imbarcate e sbarcate dai piroscafi in arrivo e in partenza dal porto di Palermo .

Con la stessa sentenza il predetto suddito britannico è stato condannato alla pena di anni trenta di reclusione .

Il RIBAUDO, arrestato il 24 maggio 1940, doveva terminare la pena il 24 maggio 1948 .

Potrebbe aver diritto all'indulto di anni tre di cui al R.D. 5.4.1944 n. 96, nel qual caso la scadenza della pena avrebbe luogo il 24 maggio p.v. - Senonchè dall'istanza per grazia, ora pervenuta e diretta all'Ufficio Legale della Commissione Alleata, risulta che il RIBAUDO sarebbe stato liberato dal carcere di Fossano e nuovamente arrestato a Lucca dalle Autorità Americane, in attesa di informazioni richieste dalle stesse Autorità Ame-

./.

ricane a Palermo .

Tre precedenti domande di grazia sono state respinte negli anni 1941-1942 e 1943, su conformi pareri contrari dei Ministri dell'Interno e della Marina e del Procuratore Generale del soppresso Tribunale Speciale per la Difesa dello Stato .

Poichè occorre far esaminare della competente autorità giudiziaria (Procura Generale Militare) se al RIBAUDO spettì il recente indulto e far procedere a nuova istruttoria della domanda di grazia testè presentata, risentendo i pareri dei Ministri interessati, si potrebbe nel frattempo disporre l'escarcerazione dello stesso ai sensi dell'art. 589 cap. 4 cod. pen., se non detenuto per altra causa .

*11. 4. 45.
P. e' intanto partito al Procuratore Generale M. B. Tan
in conformità della proposta fatta, approvata
dal Direttore Generale, e
dall'Esca del Ministero.*

SPALANZANI

4091 ✓

file

63A

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

REF : SD/550.07

18 April 1945

SUBJECT : RIBAUD *Salvatore*
Giuseppe

TO : Legal Sub-Commission

1. Subject according to his statement dated 23 March 1945, is not interested but is at present detained at Lucca Prison.

2. Subject's release would appear to depend solely on the question of whether a sentence passed by an Italian Court on an Italian subject for espionage against Italian interests during the period that the Allies were at war with Italy is still legally binding.

3. This legal point does not appear to be a matter for this Sub Commission.

89

LEGAL SUB COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
19 APR 1945	

CHM/HT

Hayes
JOHN T. CHAPMAN, *Capt*
Colonel J.A.G.D.,
Director Public Safety,
Sub Commission.

6803

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

18 April 1945.

SUBJECT: Prisoners held in Regina Coeli Prison.

TO : Col. W.E. Behrens, Deputy Chief Legal Advisor,
A.C. Legal Sub-Commission.

1. Reference your letter, hereto attached.
2. Upon pursuing this matter further I found that the Italian Authorities received copies of the complaints in each case at the same time Region 4 received the arrest reports, i.e.; September and October 1944. The Procuratore del Re of Rome has dealt with all of the defendants granting them provisional liberty prior to the close of 1944. The "istruttoria" has been completed in each case and the trials are forthcoming.
3. In view of the foregoing I delivered my files on these cases to Dr. Gatta, Procuratore del Re, Rome for consideration and use.

88

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CLERKS	
19 APR 1945	

Louis A. Sabatino
Louis A. Sabatino
1st. Lt. F.A.
Prosecutor, A.M.G. Courts, Rome.

(61A)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4091/L.

/rlp.
4 April 1945.

SUBJECT : Prisoners held in Regina Coeli Prison.

TO : 1st Lt. L.A. Sabetino, Prosecutor AMG Courts, Rome.

1. This letter is to record that you have referred to me the cases of the under-mentioned Italian personnel who are at present confined in the Regina Coeli Prison at the disposition of the Allied authorities and are awaiting trial for offences against the Allied Forces:

PARASOLITI Stefano
LANCIOTTI Domenico

ALFANESE Armando
LODRINI Ugo
CIVA Vincenzo
COMTESSICO Edoardo

DOLCI Adelmo
BORRIELLO Vincenzo
D'AMICO Aldo
SIMONI Pietro
VILLANI Antonio
PACIFICCO Luigi

2. In view of the information which you have supplied concerning the above persons, the charges and evidence against them, I hereby authorize you to arrange for their immediate release from the Regina Coeli Prison and for the abandonment of the charges against them.

By command of Rear Admiral STONE:

W. E. BEHRENS

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

87

No. 4 persons named, 12.

To: - D. L. A.

File

In connection with the enquiry made on your behalf by Lt. Sabatino in regard to the content of your letter 4091 of 2 April 1945, the Ministry of Justice has asked me to report you the following:

- 1) a pre-trial investigation is going on at the Procura del Reg. of Rome against

Bascaimondone Mario
Casili Luciano
Casili Renato
Dario Vittorio

to have them tried before the Court of Assize under art. 5 of D.L. 159.

- 2) Nothing is known in the Procura del Reg⁸⁶no of Rome in regard to Spigo Salvatore, and the Procuratore del Regno of Viterbo has been asked by wire for information on the subject. He will be released in case nothing should arise against him.

- 3) The Ministry will reply in due course to your letter, confirming those verbal information.

18 April 1945.

Dir.

60A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4091/L.

/rlp.
4 April 1945.

SUBJECT : Prisoners held in Regina Coeli Prison.

TO : 1st Lt. L.A. Sabatino, Prosecutor AMG Courts, Rome.

1. This letter is to record that you have referred to me the cases of the under-mentioned Italian personnel who are at present confined in the Regina Coeli Prison at the disposition of the Allied authorities and are awaiting trial for offences against the Allied Forces:

PARASILITI Stefano
LANCIOTTI Domenico

ALBANESE Armando
LODRINI Ugo
CIVA
COFRANCEGGO Edoardo

DOLCI Adelmo
BORRIELLO Vincenzo
D'AMICO Aldo
SIMEONI Pietro
VILLANI Antonio
PACIFICO Luigi

2. In view of the information which you have supplied concerning the above persons, the charges and evidence against them, I hereby authorize you to arrange for their immediate release from the Regina Coeli Prison and for the abandonment of the charges against them.

By command of Rear Admiral STONE,

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

No. of persons named - 12

85

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

59A

/rlp.
2 April 1945.

AC/4091/L.

SUBJECT : Prisoners in Viterbo Prison.

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

1. Your Excellency will recall that at our recent meeting, I promised to supply you with the names of certain persons who had been arrested by the Allied authorities, subsequently handed over to the Italian authorities, and about whose present condition I was not entirely satisfied.

2. The names of the prisoners are;

- a. LASCIAMANDARE Mario
- b. SPINO Salvatore
- c. CASILI Luciano
- d. CASILI Renato
- e. DARIO Vittorio

3. These persons were arrested by order of the Allied authorities in approximately June 1944 on suspicion of collaboration with the Germans. On 29 August 1944 the documents were handed to the Procuratore del Regno of Rome who was informed that these prisoners were entirely at the disposition of the Italian authorities.

4. It is not known what original evidence there was against these five persons, nor whether that evidence was available at the time that the prisoners were handed over to the Procuratore del Regno, nor whether at the present time there is any evidence against any of these prisoners at all.

5. A letter was recently received at this Hq from LASCIAMANDARE Mario which indicated that the prison authorities of Viterbo considered him to be still at the disposition of the Allied authorities.

6. I should be grateful if Your Excellency will investigate these cases and make sure that there is some evidence against the men upon which they are being held by the Procuratore del Regno. I do not, of course, wish to interfere in any way with your administration in these cases if in fact there is any evidence against any of the accused, and if the investigations are proceeding on their normal course. I am, however, afraid that in the course of change-over from military government to Italian administration, the cases of these accused may have been over-looked, and that they are being held in

prison as a matter of routine without any evidence against them and without any investigations being made into their cases. If this is so, you will, I am sure, appreciate that you have full authority from the Allied Commission to release the accused or make such other disposition of their case as seems proper to you.

7. I should appreciate being advised in due course as to the results of your inquiries in these cases.

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

83

40910 file
✓

58A

HEADQUARTERS ALLIED COMMISSION
Public Safety Sub-Commission
APO 394

Tel : 478709

AC/14208/PS

29 March 1945

SUBJECT : Prisoners reportedly at Allied disposition
TO : Legal Sub-Commission, HQ, AC.

1. This Sub-Commission is in receipt of two communications from the Director of Viterbo Judicial Prison, Viterbo Province, wherein it is stated that:

SCANDURRA	Serafino
RANUCCI	Raimondo
BAGNAIA	Fernando
ROSSI	Mario

are being held there at the disposition of Allied Authority.

2. In view of the fact that Region IV has turned its records over to Legal Sub-Commission, these communications are being forwarded for any action you deem necessary to clarify the judicial position of these inmates.

82

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

RWF/wg. *h R*

HEADQUARTERS ALLIED COMMISSION
Public Safety Sub-Commission
APO 394

Tel : 478709

26 March 1945

AC/14057/PS

SUBJECT : Case of Lasciamandare Mario.

TO : Legal Sub-Commission A.C.

56A

In reply to your communication of March 1945 on above subject (Ref. AC/4011/5/L) you are advised that the papers in question are being forwarded to the Procuratore del Regno of Rome with a covering letter requesting that his judicial position be clarified as to the authority at whose disposition he is being held, and that Italian judicial authorities handle the case as provided by Italian law.

See folder 59A

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

-8!

RMT/C.

B/F 16/4 for
possible investigation
by Col. Humphreys

LEGAL SUB-COMMISSION	
CLO	
DELO	ind
Chief Counsel	
CJO	
LEGAL COUNSEL	
CL 200	

27 MAR 1945

HEADQUARTERS ALLIED COMMISSION
AIO 394
LEGAL SUB-COMMISSION

56A

AC/4014/5/L.

22 March 1945.

SUBJECT : Case of LASCIAMANDARE Mario.

TO : Public Safety Sub-Commission.

1. Reference your Inter Office Memo AC/14057/PS of 21 March 1945. Article 80 C.F.P. provides that where a prisoner sends to the Director of the Prison a formal document of the nature involved in this case that document shall be deemed to have been sent to the appropriate judicial authority and the Director of the Prison shall in fact transmit accordingly.

2. I am advised that the document in this case is not an application for the appointment of counsel but is an official notification to the court concerned that LASCIAMANDARE Mario has in fact appointed the Advocate named to be his counsel. I think, however, that this should be verified as it is obviously undesirable that the prisoner should be deprived of the assistance of counsel through a confusion by the Director of the Prison as to the correct channels to follow.

3. LASCIAMANDARE Mario was arrested in company with four other persons named SPICO Salvatore, CASILI Luciano, CASILI Renato and DARIO Vittorio. The charge was collaboration with the Germans. The exact date of his arrest is not known but it was probably in June 1944. The arresting authority is not known but these five prisoners were held at the disposition of the Allied Authorities. The relevant documents in the case were handed over to the Procuratore del Regno of Rome on 29 August 1944 against a signature and the Procuratore was informed that these prisoners were held at the disposition of the Italian Authorities.

4. It appears, however, that LASCIAMANDARE Mario has now been in prison for some 9 months and no action has yet been taken about him since the Italian officials still seem to regard him as at the disposition of the Allied Authorities. The Allied Authorities have now no evidence against him and unless the Italian Authorities are in a position to proceed forthwith with the case I am of opinion that it is the responsibility of the Allied Authorities to take steps to secure his immediate release. I am aware, of course, that Viterbo is in Italian Government Territory and that we are not officially in a position to issue any orders in the matter but I feel that we cannot adopt a completely passive attitude and allow the man to be held permanently in prison at the disposition of nobody in particular and with nobody prepared to take any executive action about him. Please advise me what action is being taken.

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

WKB/wcw.

4091

HEADQUARTERS ALLIED COMMISSION
Public Safety Sub-Commission
APO 394

Tel : 478709

AC/14057/PS

Inter Office Memo

21 March 1945

SUBJECT : Request of prisoner LASCIALANDARE Mario
TO : Legal Sub-Commission

1. Attached papers sent to Public Safety Sub-Commission after having been received at Headquarters Lazio-Umbria Region from the prison at Viterbo. They represent a request by the subject prisoner LASCIALANDARE Mario for the appointment of a defense counsel. The request is directed to this Sub-Commission and refers to what is evidently an article of Italian law.

2. This office does not believe that this or any other prisoner at Viterbo is at the disposition of Allied authorities. Viterbo Province is under Italian Government control and Allied Courts are not being held. Neither does the under signed know of any provision where in Public Safety Sub-Commission is concerned in the possible appointment of a counsel.

3. If this is true can you so state, as a basis for our reply to the Viterbo prison director.

R.M. Freeman,
Captain.

Capt.
p5 5/c

LEG. SUB. COMMISSION	
CLO	
DCLO	
Chief Clerk	
CIO	
Italian Section	
QI RGS	
WG.	
21 MAR 1945	

Amato & charged with
collaboration sent to Paris
see Re & Rome in prison for
5 years in 29 Apr 44

79

4091-5
ALLIED MILITARY GOVERNMENT

ISLAND OF ELBA

(54A)

Ref:

Date: 17 February '45

Subject: Case of DAMIANI, Guiseppe, Island of Elba

To: Regional Legal Officer, Toscana Region

1. Reference is made to letter of inquiry of Col. Behrens, 29 January 45 (AC/4091/L).

2. The undersigned officer has investigated and handled this case as shown by the facts cited in the copy of the attached letter the original of which has been forwarded to the Procuratore del Regno, Livorno as of this date.

Robert M. Hill

Robert M. Hill, Major AUS
Judicial Officer-Special Detail

but

78

22 FEB 1945

ALLIED MILITARY GOVERNMENT

ISLAND OF ELBA

Ref: Elba/LD/Misc.

Date: 17 February 1945

Subject: Case of Damiani, Giuseppe, Island of Elba.

To: Procuratore del Regno of Livorno Province. (through Pretore, Elba).

1. The above named was arrested on 29 July 44 by public safety officers because he was considered a security threat; he was kept incarcerated in the prison at Portolongone until December 23, 44 at which time he was released on written order of Capt. Smith, who was at the time an AMG. officer at Elba. At the time of the release the Lt. of CGRR orally placed Damiani under the restriction that he should not leave the Island of Elba without permission of CGRR. His arrest status remains the same as of this date.
2. While serving at Elba, Captain Smith erroneously conducted a Court hearing on Damiani, the effect of which was merely a finding that Damiani had committed no offense against AMG. proclamations, orders, etc. It was thought, however, that Damiani might have been wanted for trial by the Italian authorities for offenses under RDL 159, (Sanctions against Fascism) and it is believed that Capt. Smith took his entire file on the case straight to the Central Commission of Epuration at Rome. The AMG. file is not now at Elba and the Italian Judicial and Police authorities at Elba do not have the file. The undersigned officer, upon inquiry at Elba has learned from the Pretore, Avv. Pazzaglia, Domenico, Elba (prosecuting attorney on the hearing at Elba) and others that Damiani is alleged to have: a) constituted and organized a Republican Fascio on the Island of Pianosa, which he forced citizens to join b) ordered an evacuation of the Island c) forced some type of military training on some citizens on the Island, d) shot his rifle at US planes overhead and e) mistreated US aviators in that he prevented them from securing drinking water. My informants say however that this last charge was not proved on the hearing held at Elba.
3. We suggest that you immediately contact the Epuration Commission at Rome and secure the file on this case, that you make decision as to whether or not this person is to be prosecuted under RDL 159 and that you give proper orders as to his arrest status. Allied Military Government is interested in the case only to insure that it is brought properly to the attention of the Italian judicial and Epuration authorities and that this man be relieved within a reasonable time from the restriction he is now under if he is not to be prosecuted by your Italian courts.

*Robert M. Hill*ROBERT M. HILL * Major AUS.
Judicial Officer * Specially InvestigatingCopy to RLO, Toscana
AC, Rome

ALLIED MILITARY GOVERNMENT

ISLAND OF ELBA

Ref: Elba/LD/Misc.

Date: 17 Febbraio 1945.

Subject: Damiani Giuseppe, Isola d'Elba.

To: Procuratore del Regno, Provincia di Livorno.
(A mezzo Pretore dell'Elba.)

1. Il su nominato fu arrestato il 29 luglio 1944, da agenti di Pubblica sicurezza, perche' considerato minaccia alla sicurezza; Egli fu confinato in carcere fino al 23 Dicembre 1944, a Portolongone, dove a quel tempo, fu rilasciato dietro ordine scritto del Capitano Smith, che era a quel tempo l'Ufficiale dell'AMG. per l'Isola. Al tempo della scarcerazione, il Tenente del CCR, oralmente piazzò il Damiani, sotto la restrizione, che non poteva lasciare l'Isola d'Elba, senza il permesso del CCR. Il suo stato di arresto e' finora cosi' rimasto.
2. Nella sua permanenza sull'Isola d'Elba, il Capitano Smith, erroneamente condusse una udienza su Damiani, il cui risultato fu il trovare che Damiani non aveva commesso nessun reato, contro i Proclami o ordini della AMG. Fu pensato, comunque, che il Damiani poteva essere ricercato dalle Autorita' Italiane per un probabile reato, sotto il DLL.159 (Sanzioni contro il Fascismo) e si crede che il Capitano Smith abbia portato il fascicolo su questa causa, direttamente alla Commissione Centrale di Epurazione a Roma. Il fascicolo dell'AMG. non e' ora all'Elba, e le autorita' giudiziarie e di polizia dell'Isola non l'hanno. Il sottoscritto ufficiale, dietro ricerche, all'Elba, ha appreso, dal Pretore, dall'Avv. Domenico Pazzaglia, (Pubblico Ministero nell'Udienza tenuta all'Elba), e da altri, che Damiani era accusato di avere: a) Costituito ed organizzato un fascio Repubblicano sull'Isola di Pianosa, e di aver forzato cittadini a parteciparvi; b) ordinato l'evacuazione dell'Isola; c) aver obbligato cittadini dell'Isola ad esercitazioni militari; d) aver sparato col suo moschetto contro europei americani che sorvolavano l'Isola; e e) di aver maltrattato aviatori americani, proibendo loro di bere acqua. I miei informatori comunque che questa accusa non fu potuta provare nell'Udienza tenuta all'Elba.
3. Noi suggeriamo che voi entriate immediatamente in rapporti con la commissione di Epurazione in Roma, e chiediate il fascicolo su questa causa, e che voi decidiate se questa persona deve o non essere giudicata in virtu' del DLL.159, e che voi diate propri ordini relativamente al suo stato di arresto. Il Governo Militare Alleato, e' interessato nella causa soltanto per provvedere a che' venga portata all'attenzione delle Autorita' Giudiziarie Italiane, e che questo uomo sia rilasciato dal suo attuale stato di arresto, se non deve essere giudicato da una delle vostre Corti Italiane.

*M. + L. Hill*ROBERT M. HILL * Major AUS.
Judicial Officer * Specially Investigating

HEADQUARTERS REGION VIII

ALLIED MILITARY GOVERNMENT

(53A)

Date: 8 February 1945.

File Ref: *RVIII/19/3008.*

SUBJECT: Case of DAMIANI, Giuseppe.

TO : LEGAL SUB-COMMISSION, Headquarters, AC. ✓

52A

1. See your letter, not dated, AC/4091/L, above subject.

2. A report on this matter will be made by Major Robert M. Hill, Provincial Legal Officer, Grosseto Province, who has been directed to proceed to Elba in connection with the present situation concerning the Allied Military Courts, Elba.

3. The report of Major Hill will be forwarded to you when completed.

For the Regional Commissioner:

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

75



LEGAL SUB-COMMISSION	
CLO	
→ DCLO	
Chief Counsel	
→ CJO	
Italion Section	
QL RKS	
11 FEB 1945	

52A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4091/L.

/rlp.
20 January 1945.

SUBJECT : Case of DANIANI Giuseppe.

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

1. Information has been received from Major Smith that a certain DANIANI Giuseppe is in jail on the Island of Elba having been there awaiting disposition since his arrest by Public Security officers in July or August of last year.

2. It is understood that no proceedings have been taken against this prisoner in AMO Courts for the adequate reason that he has committed no offences triable before the courts.

3. There appears to be a suggestion, though no evidence has been produced to support it, that the prisoner has been engaged in activities on behalf of the Fascist Republican authorities which render him liable to prosecution by the Italian authorities under D.L. 159 or for some other Italian offences.

4. Please give this matter your immediate attention and arrange for the Italian authorities to take charge of the case and make sure that the necessary investigations are put in hand forthwith.

By command of Rear Admiral STONE:

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

HEADQUARTERS ARMED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4091/L.

WEB/mt.
1 December 1944.

SUBJECT : Release of Prisoners in Agrigento.
TO : Regional Commissioner SICILIA Region
(For Regional Legal Officer).

An appreciation of the situation based upon the factors mentioned in Regional Legal Officer's letter RLM 013.03/EKL/of 28 Nov. 44 and other relevant considerations indicates that the objective likely to be gained by the proposed reconnaissance would not be such, from the point of view either of pure information or of any possible future action, as to justify the expenditure of time and materials likely to be incurred.

By command of Commodore STONE:

73

W. E. BEHR MS,
Colonel,
Deputy Chief Legal Advisor.

ALLIED COMMISSION
SICILIA REGION HEADQUARTERS
APO 394

FILE: RLE 013.03/EKM

28 November 1944

SUBJECT: Release of Prisoners in Agrigento.

TO : Headquarters, Allied Commission - APO 394.
(Attn: Legal Sub-Commission)

1. Reference your letter AGC/4091/I of 7.9.44 and my reply RLE 013.03/EKM of 18.10.44, I have not yet been able to obtain a final list of persons prematurely released. In order to do this I shall probably have to make another visit, to Agrigento, which is a somewhat difficult journey at the moment.

2. In these circumstances perhaps you would be good enough to let me have your observations on my letter of 18.10.44 before I take any further action in the matter.

For the Regional Commissioner:

E. K. Matthews
E.K. MATTHEWS, Captain,
Regional Legal Officer.

sf

LEGAL SUB COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
30 NOV 1944	

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

49A

AC/4091/L.

/mt.
13 Nov. 1944.

SUBJECT : Case of VIZZI Baldassarre.

TO : Regional Commissioner TOBACANA Region (2 copies),
(Attention Regional Legal Officer).

1. I return herewith the papers enclosed with your letter
A VIII/19/3008 of 8 Nov. 1944.

2. The question raised by Major Glenn is a Public Safety
question. If Public Safety wish to prosecute the man, they
must arrange for him to be brought from the south of Sicily to
Florence. I doubt if it is worth the effort: moreover it
would be hard on the man to bring him north when his release from
prison was due to AMG "inadvertence".

3. I am not sure whether Major Glenn, in his second para,
is suggesting a prosecution in Sicily in respect of an offence
against the Proclamation committed in Florence: needless to say,
this is impossible. Moreover, he does not appear to have
committed any offence in Sicily and if that is so he cannot be
prosecuted in Sicily.

By command of Commodore STONE:

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

71

PARTITO FASCISTA REPUBBLICANO

FEDERAZIONE DI ROMA

UFFICIO INFORMAZIONI

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

Oggetto:

Ref. Case of 11221 Baldassarre.

For questions arise out of Major Glenn's letter, ^{namely} regarding:-

(a) The territorial jurisdiction of the Italian Courts.

(b) The offence with which the accused might be charged under Italian law.

(a) Territorial jurisdiction.

Art 39 C. P. P. lays down as a general rule:

"Territorial jurisdiction is determined according to the place in which the offence was committed." (La competenza per territorio è determinata dal luogo in cui il reato fu consumato)

Art 40 C. P. P. makes provision for cases when such a determination cannot be made according to that rule. i.e. when the determination of the place of commission cannot be so made.

Therefore it would seem that in this case the trial must be held in Florence - and cannot be transferred at all to Sicily.

(b) Offence - The accused could be charged ^{as per an Italian Court} with carrying arms outside his dwelling house without a licence (Art 699 P.C.)

Ref: Case 7 Vizzani Baldassone.

For questions arise out of Meyer Glaser's letter, ^{namely} regarding:-

(a) The territorial jurisdiction of the Italian Courts

(b) The offence which the accused might be charged under Italian law.

(a) Territorial jurisdiction.

Art 89 C. P. P. lays down as a general rule:

"Territorial jurisdiction is determined according to the place in which the offence was committed." (La competenza per territorio è determinata dal luogo in cui il reato fu commesso.)

Art 40 C. P. P. makes provision for cases when such a determination cannot be made according to that rule. i.e. where the determining of the place of commission cannot be so made.

Therefore it would seem that in this case the trial must be held in Florence - and cannot be transferred at all to Sicily.

(b) Offence - The accused could be charged ^{begin as Italian Court} with carrying arms outside his dwelling house without a licence (Art 899 P.C.)

Penalty - Imprisonment up to six months.

4096

1st Ind.

47A

RVIII/19/3008

Regional Legal Officer, Toscana Region, 8 November 1944.
TO: CHIEF LEGAL ADVISOR, Headquarters, ACC.

1. It has been decided to forward these papers to you for decision.

LEGAL SUBCOMMISSION	
CLO	
DCLO	
Chief Counsel	
CIO	
Italian Section	
CLERKS	
12 NOV 1944	

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

69

ALLIED MILITARY GOVERNMENT
HEADQUARTERS
FLORENCE PROVINCE

(46A)

4091 R40

M/B

31 Octobre 1944

SUBJECT: Charges against VIZZI Baldassarre

TO : Legal Sub-Commission HQ., A.C.G.
(through R.E.O. HQ. AMG. Toscana Region)

1. On the 4th of October, VIZZI Baldassarre was inadvertently released from prison by the Florence City Public Safety Division and permitted to return to his home in Sicily although there was pending against him a charge of possession of arms.

2. Under the circumstances, I am forwarding the papers herewith so that you may decide whether they should be forwarded to his home town in Sicily, Via Martorana N.9 Cianciana, Provincia di Agrigento, and a prosecution be brought against him there.

63

Henry P. Glenn
HENRY P. GLENN
Major, JAGD.,
Legal Officer for
the Province and
City of Florence

HLC/PV

Encl.

4 NOV 1944

ALLIED CONTROL COMMISSION
SICILIA REGION HEADQUARTERS
ATO 324

FILE: 813.03/212

19 October 1944

SUBJECT: Release of Prisoners in Argentina.

TO: Legal Sub-Commission - A.C.C. HQ., ATO 324. 36A

1. With reference to your letter 483/4091/L of 7.9.44 in answer to Para 3(a) I now enclosed a first list of persons who appear to have been previously released. I regret the delay and also the fact that even now the list is incomplete which is due to the great difficulty of getting accurate and clear information from the very incomplete records of the S-8 prisons concerned. Answers to your other queries are as follows:-

3(a) The orders are for release on conditional liberty and are evidenced by an entry in the prison records. I am informed that the order was usually given in writing and these are available but I have not inspected them.

3(c) I am not aware now to the office records reveal that any such permission was ever given for those released by my predecessors.

3(d) I was unaware of these irregularities and so far as I know my predecessors were in a similar position.

For the Regional Commissioner:

67

sf

Encl: Report.

LEGAL SUB COMMISSION	
CLO	
DELO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
20 OCT 1944	

E. K. Matthews R.H.
E.K. MATTHEWS, Captain,
Regional Legal Officer.

Forwarded to
Bonell:
25 Oct

PRISONERS RELEASED - AGRIGENTO

PRISONER	DATE OF Trial	OFFENCE COMMITTED	SENTENCE	DATE
Caroselli Giovanni	23-24 aug. 43 tried by Lt.Col. Hill	1. Furto aggravato 2. Failing to obey an Allied order	6 months & 7000 lire fine	17.1
REMARKS: Written order suspending and apparently made at a regular Court on 16.10.43, no doubt because an appeal was lodged. On Review dated 26.11.43 balance of imp. and fine remitted. Does not appear very serious.				
Lauricello Sebastiano	18.9.43 tried by Lt.Col. Hill	Possn of gun & 65 rounds	10 years (reduced on re- review 29.6.44 to 3 yrs)	15.2
REMARKS: Original sentence was confirmed on 7 Nov.43. On 21 Jan. 44 Lt.Col. Hill wrote R.L.O. admitting he had made mistake and suggesting 9 years suspension it is clear what action if any was taken on this letter. When prison informed of re- tion in June 44, prisoner was already free.				
Spatazza Giuseppe	18.9.43 tried by Lt.Col. Hill	Possn of Arms Poss of Allied ppty	10 years reduced on re- review 29.6.44 to 3 yrs.	15.2
REMARKS: Court recommended reduction to 5 years on form 8 but original sentence was confirmed on 7.Nov.43. Otherwise facts similar to last case.				

PRISONERS RELEASED - AGRIGENTO

DATE OF Trial	OFFENCE COMMITTED	SENTENCE	DATE RELEASE	AUTHORISED BY
23-24 aug.43 tried by Lt.Col. Hill	1. Furto aggravato 2. Failing to obey an Allied order	6 months & 7000 lire fine	17.10.43	Lt. Col. Hill

order suspending and apparently made at a regular Court
0.43, no doubt because an appeal was lodged. On Review dated
3 balance of imp. and fine remitted. Does not appear very serious.

18.9.43 tried by Lt.Col. Hill	Possn of gun & 65 rounds	10 years (reduced on re- review 29.6.44 to 3 yrs)	15.2.44	Lt. Col. Hill
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1 sentence was confirmed on 7 Nov.43. On 21 Jan. 44 Lt.Col. Hill wrote
admitting he had made mistake and suggesting 9 years suspension it is not
that action if any was taken on this letter. When prison informed of reduc-
June 44, prisoner was already free.

18.9.43 tried by Lt.Col. Hill	Possn of Arms Poss of Allied ppty	10 years reduced on re- review 29.6.44 to 3 yrs.	15.2.44	Lt. Col. Hill
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recommended reduction to 5 years on form 8 but original sentence
firm on 7.Nov.43. Otherwise facts similar to last case.

PRISONERS RELEASED - AGRIGENTO

PRISONER	DATE OF Trial	OFFENCE COMMITTED	SENTENCE	DATE RE
Verme Alfonso	24.9.43 tried by Lt.Col. Hill	Possn Allied Property, 17 ex-Italian blankets & 1 tent-also 60 chsirs	2 years Reduced on re-review 30.6.44 to 1 yrs	2.3.

REMARKS: Original sentence confirmed on 8.II.43. On 17.12.43. Col. Hill wrote R.L.O. long letter recommending suspension of penalty no action taken on this letter.

Greco Matteo	28.10.43. tried by Lt.Col. Hill	Possn of arms & ammunitions	each 4 years of which 2 1/2 yrs suspended (immediate releases ordered on Re-review on 14.8.44.)	each 28.6
Albanese Vincenzo				
Terrazino Giuseppe				

REMARKS: Original sentence confirmed on 30.II.43. Prisoners were already free when Re-Review was carried out.

Sturniolo Angelo	2.8.43 trial judge unknown	Resisting CC.RR. carrying knife etc	1 year	1.I.
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REMARKS: Records in this office very incomplete. Probably a Summary Court. No evidence that sentence ever reviewed or varied in any way.

PRISONERS RELEASED - AGRIGENTO

DATE OF Trial	OFFENCE COMMITTED	SENTENCE	DATE RELEASE	AUTHORISED BY
24.9.43 tried by Lt.Col. Hill	Possn Allied Property, 17 ex-Italian blankets & 1 tent-also 60 chsirs	2 years Reduced on re-review 30.6.44 to 1 yrs	2.3.44	Lt. Col. Hill
sentence confirmed on 8.II.43. On 17.I2.43. Col. Hill wrote long letter recommending suspension of penalty no action taken letter.				
28.I0.43. tried by Lt.Col. Hill	Possn of arms & ammunitions	each 4 years of which 2 1/2 yrs suspended.(im-mediate releases ordered on Re-review on 14.8.44.)	each 28.6.44	Lt. Col. Hill
sentence confirmed on 30.II.43. Prisoners were already free review was carried out.				
2.8.43 trial judge unknown	Resisting CC.RR. carrying knife etc	1 year	1.I.44	Lt. Col. Hill

in this office very incomplete. Probably a Summary Court.No evidence
ence ever reviewed or varied in any way.

PRISONERS RELEASED - AGRIGENTO

PRISONER	DATE OF Trial	OFFENCE COMMITTED	SENTENCE	DATE R
Ferruggia Giuseppe	23.12.43 (trial judge Capt. Lukens)	Possn of arms carrying a loaded revolver	I year	23.
REMARKS: Sentence confirmed 5.2.44. No. evidence of any appeal or proper variation of the sentence.				
Colai Monachino	21.1.44 tried by Lt.Col. Hill	Possn of arms carrying loaded revolver	I year release ordered on Re-review on 14.8.44.	1.5
REMARKS: 26.1.44.Col. Hill wrote R.L.O. suggesting substitution of a fine. 29.2.44 sentence affirmed 2.3.44 Col. wrote C.L.O. a further plea for leniency.				
Carlino Giuseppe	13.1.44 tried by Capt. Lukens	Possn of arms carrying a loaded revolver	I year release ordered on Re-review 14.8.44.	23.4
REMARKS: Sentence affirmed 7.3.44. No evidence of any authority for release on 23.4.44. Prisoner already free at date of Re-review.				
Bertolino Gregorio Terrnova Domenico	22.12.44 tried by Capt.Lukens	Possn of arms carrying a loaded rifle and revolver	each I year from 12.6.44	each 12.6
REMARKS: Sentence affirmed 23.1.44. No evidence of any authority for release on 12.6.44 after serving exactly half the sentence.				

PRISONERS RELEASED - AGRIGENTO

DATE OF Trial	OFFENCE COMMITTED	SENTENCE	DATE RELEASE	AUTHORISED BY
23.12.43 (trial judge Capt. Lukens)	Possn of arms carrying a loaded revolver	1 year	23.3.44	Lt. Col. Hill
confirmed 5.2.44. No. evidence of any appeal or variation of the sentence.				
21.1.44 tried by Lt.Col. Hill	Possn of arms carrying loaded revolver	1 year release ordered on Re-review on 14.8.44.	1.5.44	Lt. Col. Hill
Col. Hill wrote R.L.O. suggesting substitution. e. 29.2.44 sentence affirmed 2.3.44 Col. wrote C.L.O. for plea for leniency.				
13.1.44 tried by Capt. Lukens	Possn of arms carrying a loaded revolver	1 year release ordered on Re-review 14.8.44.	23.4.44	Lt. Col. Hill
affirmed 7.3.44. No evidence of any authority case on 23.4.44. Prisoner already free at date of Re-review.				
22.12.44 tried by Capt. Lukens	Possn of arms carrying a loaded rifle and revolver	each 1 year from 12.6.44	each 12.6.44	Lt. Col. Hill
affirmed 23.1.44. No evidence of any authority for on 12.6.44 after serving exactly half the sentence.				

PRISONERS RELEASED - AGRIGENTO

PRISONER	DATE OF Trial	OFFENCE COMMITTED	SENTENCE	DATE RELEASE
Settembre Antonino	24.8.43 tried by Lt.Col.Hill	Possn of Allied property	2 years	1.4.44
REMARKS: Sentence affirmed 7.II.43. No evidence of any authority for release on 1.4.44.				
Gerenzia Rocco Bonafede Angelo	23.7.43 tried by Maj.Toscani	Looting (charges under Italian Law)	5 years 3 years of which ~~to~~ suspended	15.3.44 15.3.44
REMARKS: There were other accused who had minor sentences. Sentences affirmed 9.II.43. No evidence of any authority for the releases on 15.3.44.				
Bruno Angelo	20.7.43 tried by 1st.Lt.Gans	Possn of Allied clothing & property	3 years of which 2 suspended	20.3.44
REMARKS: A co-defendant was released on review according to prison records but there is nothing with the file to indicate that the case was ever reviewed.				
Gerlando Alfonso	8.II.43 tried by 2nd Lt. Anderson	Theft of Allied property - cabarettor	10 months	15.3.44
REMARKS: File does not show any authority for this release.				

PRISONERS RELEASED - AGRIGENTO

DATE OF Trial	OFFENCE COMMITTED	SENTENCE	DATE RELEASE	AUTHORISED BY
24.8.43 tried by Lt.Col.Hill	Possn of Allied property	2 years	1.4.44	Lt. Col. Hill

affirmed 7.II.43. No evidence of any authority
case on 1.4.44.

23.7.43 tried by Maj.Toscani	Looting (charges under Italian Law)	5 years 3 years of which ~~to~~ suspended	15.3.44 15.3.44	Lt. Col. Hill
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affirmed 9.II.43. No evidence of any authority
releases on 15.3.44.

20.7.43 tried by 1st.Lt.Gans	Possn of Allied clothing & property	3 years of which 2 suspended	20.3.44	Lt. Col. Hill
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under was released on review according to prison
but there is nothing with the file to indicate that
was ever reviewed.

8.II.43 tried by 2nd Lt. Anderson	Theft of Allied property - cabaretter	10 months	15.3.44	Lt. Col. Hill
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not show any authority for this release.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

ES/rul.

17 Oct. 44.

ACC/4091/L.

SUBJECT : CONTINO Antonio, Cassi Gismondo Soprano.

TO : H.E. The Minister of Pardon and Justice.

1. The above party was convicted on 9 November 1943 by a Superior Allied Military Court at Enna for selling approximately 70 quintals of grain and conspiring to assist in the removal of such grain. CONTINO was sentenced to 3 years imprisonment and 300,000 lire fine, and confined in the prison of Enna.

2. The above prisoner made several applications to the Regional Legal Officer for provisional release on medical grounds. After careful examination and consideration by the Regional Public Health Officer of A.C.C. these applications were refused.

3. On 12 Sept 1944 a further application was made for release on the ground that the release of the prisoner was necessary to ensure the planting of his large grain acreage for next year crop.

This was also refused by the competent Regional Legal Officer.

4. It is now reported to this Sub-Commission that the prisoner with one or two others was released on 5 July 1944 under prison supervision and on the direct order of the Ministry of Justice to the Prison Director. It appears from the investigation of the Procuratore Generale that the prisoner lived and slept in what is probably one of his own houses, attending to his own business and was to all interest and purposes a free man. The Allied Control Commission, the Procuratore del Regno Enna and the Procuratore Generale Palermo were quite ignorant of the matter. The Italian Court Officials and the A.C.C. are not aware of any general arrangement for release of prisoners to help with the grain harvest nor is there any evidence of any such release in Sicily except in this isolated instance.

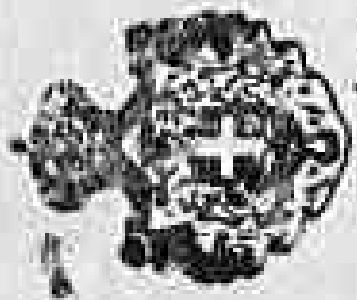
5. As a result of his activities while at large CONTINO is now charged with withholding from the granai del popolo and with selling at an excessive price about 300 quintals of grain.

1. The above party was convicted on 9 November 1943 by a Superior Allied Military Court at Enna for selling approximately 70 quintals of grain and conspiring to assist in the removal of such grain. CONTINO was sentenced to 3 years imprisonment and 300,000 lire fine, and confined in the prison of Enna.
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3. On 12 Sept 1944 a further application was made for release on the ground that the release of the prisoner was necessary to ensure the planting of his large grain acreage for next year crop. This was also refused by the competent Regional Legal Officer.
4. It is now reported to this Sub-Commission that the prisoner with one or two others was released on 3 July 1944 under prison supervision and on the direct order of the Ministry of Justice to the Prison Director. It appears from the investigation of the Procuratore Generale that the prisoner lived and slept in what is probably one of his own houses, attended to his own business and was to all interest and purposes a free man. The Allied Control Commission, the Procuratore del Regno Enna and the Procuratore Generale Palermo were quite ignorant of the matter. The Italian Court Officials and the A.C.O. are not aware of any general arrangement for release of prisoners to help with the grain harvest nor is there any evidence of any such release in Sicily except in this isolated instance.
5. As a result of his activities while at large CONTINO is now charged with withholding from the granai del popolo and with selling at an excessive price about 300 quintals of grain. The case involves some 13 persons and in all 3000 quintals of grain were sequestered by the police.
6. On September 18 CONTINO returned to the prison.
7. Information is requested as to why the above prisoner although sentenced by an Allied Court, was temporarily released without the consent of the Allied Control Commission under circumstances which led to a serious violation of the law on people's granaries.

6. Enclosed a copy of the report of the Procuratore del Regno of Mura. Copy of enclosures referred to in this report are not transmitted herewith as they can readily be found in Ministry's file (Prot. No. 38005.5.7B)

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

Incl.



PROCURA DEL REGNO

PRESSO IL TRIBUNALE DI ENNA

N. 1352 prot.

Risposta a nota N. del

OGGETTO: Detenuto Contino Antonino

Enna. 28 Settembre 1944

All'Eccellenza

Il Procuratore Generale del Regno
presso la Procura Generale di

P A L E R M O

Di seguito all'autorizzazione contenuta nell'alligato A) il Sig. Gallea Angelo richiedeva mano d'opera detenuti da adibire alla azienda agraria Casal Gismondo.-

Il Direttore delle locali Carceri riferì al Ministero che la richiesta anzidetta era, a suo avviso, determinata dal proposito di avere tra i lavoranti il condannato in oggetto.-

Ma il superiore Ministero di Grazia e Giustizia, pure di ciò edotto (alligato C), autorizzò l'ammissione al lavoro all'aperto di esso Contino col telegramma descritto nell'alligato B).-

Il Contino fu colà adibito a lavori agricoli in compagnia di altri detenuti ed era ivi preposto alla custodia un agente di queste Carceri.- Successivamente il Ministero richiese informazioni trascri-
te nell'alligato E).-

Il Direttore delle locali Carceri riferì sulla detta richiesta, come nell'alligato F), perché al momento in cui scriveva, nulla ancora risultava presso la locale Questura az carico del Contino. - 60

Ciò non ostante ne dispose il rientro addì 18 corrente.-

Peraltro durante la sua anzidescritta ammissione al lavoro all'aperto il Contino si rendeva responsabile del reato descritto nel verbale redatto a suo carico dalla squadra annonaria mista della R. Questura di Enna Catania in data 19 corr.-

Il Contino non poté venire arrestato dai funzionari di P.S. di Catania perché trovavasi presso l'azienda agraria di Casal Gismondo - 61
sottintesa nelle condizioni di detenuto.-

OGGETTO: Detenuto Contino Antonino

Enna 28 Settembre 1944

All'Eccellenza

Il Procuratore Generale del Regno
presso la Procura Generale di

P A L E R M O

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Il Contino non poté venire arrestato dai funzionari di P.S. di Catania perché trovavasi presso l'azienda agraria di Casal Gismondo della quale risulta affittuario, nelle condizioni di detenuto. -

Il Procuratore del Regno



491/

42A

Capendy

11 October 1944

THIS / RIB 013.03/SHV

SUBJECT: CONTINO Antonino.

TO : Legal Sub-Commission. A.C.C. HQ. - APC 194.

is any as you may deem necessary.

On 9 November 1943 CONTINO Antonino, Cassal Di Giuseppe Soprano, who is a surveyor engineer and wealthy landowner aged 54 was convicted by a Superior Allied Military Court at Inns on two charges under Broc. 8, namely, (1) Selling excess. 74 quanta of grain (2) Conspiracy in assisting in the removal of such grain. The case was a bad one taking place at night and the accused was found in hiding when his home was searched. He was sentenced to 3 years imprisonment and 300,000 lire fine, which has been paid.

The sentence was confirmed by A.C.C. on 17.12.43. In January 1944 and on 24.3.44, applications were made for his provisional release and removal to his home on medical grounds. After careful examination and consideration by the Regional Public Health Officer these applications were refused by the R.I.C.

On 12.9.44 a further application was made for release on the ground that the release of the accused was necessary to ensure the planting of his large grain sorgho for next year crop. This was also refused by the R.I.C.

On 15 September the R.I.C. casually heard from a judicial official in Catania that the accused had been released and on the 18th requested the Procuratore Generale to investigate the seeming irregularity.

It was then discovered that the prisoner with one or two others was released on 5 July 1944 under prison supervision and on the direct order of the Minister of Justice to the Prison Director. The complete evidence between these two persons is enclosed herewith which explains this aspect of the matter. Neither ACC nor the Italian Court officials are aware of any such general arrangement for release of prisoners to help with the grain harvest but is there any evidence of any such release in Region 1 except in this isolated instance. It is clear however from the investigation of the Procuratore Generale that the prisoner lived at and slept in what is probably one of his own houses, attended to his own business and was to all intents and purposes a free man. It will also be noted that the correspondence in the latter did not pass through any normal channels such as ACC, the Procuratore del Regno Roma, or the Procuratore Generale Palermo, all of whom were

if any so you may learn necessary.

On 2 November 1943 GOTTINO Antonio, Social Organizer to Soriano, who is a surveyor and military landowner and 54 was convicted by a Superior Allied Military Court at one on two charges under Proc. 8, namely, (1) Selling approx. 70 quintals of grain (2) Conspiracy in assisting in the removal of such grain. The case was a bad one taking place at night and the accused was found in hiding when his home was searched. He was sentenced to 3 years imprisonment and 300,000 lire fine, which has been paid.

The sentence was confirmed by A.C.I. on 17.12.43. In January 1944 and on 24.3.44, applications were made for the provisionally released and removal to his home as medical grounds. After careful examination and consideration by the Regional Public Health Officer these applications were refused by the F.I.C.

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It was then discovered that the prisoner with one or two others was released on 5 July 1944 under prison supervision and on the direct order of the Minister of Justice to the Prison Director. The correspondence between these two persons is enclosed herewith which explains this aspect of the matter. Neither A.C. nor the Italian Court officials are aware of any such general arrangement for release of prisoners to help with the grain harvest nor is there any evidence of any such releases in Region I except in this isolated instance. It is clear however from the investigation of the Procuratore Generale that the prisoner lived at and spent in what is probably one of his own houses, attended to his own business and was to all intents and purposes a free man. It will also be noted that the correspondence in the matter did not pass through any normal channels such as A.C., the Procuratore del Regno Etna, or the Procuratore Generale Palermo, all of whom were quite ignorant of the matter.

The accused returned to the prison on the 15 September and it may be a coincidence that it was on the morning of this day that the F.I.C. first heard of the matter. As a result of his activities while at large, the prisoner now is charged with withholding from the Government and with selling at an excessive price approximately 300 quintals of grain. This case is a grave one involving some 13 persons and will be tried on 28.10.44. In all 3000 quintals of grain were sequestered in this case by the Police.

Having regard to the above it is felt that the prisoner was quite improperly released without AGC consent and that all the circumstances are very unsatisfactory and give rise to suspicion. It is accordingly felt that you may desire to ask for some further explanation.

I shall be glad to receive your comments in due course.

Yours the Regional Commissioner Brigadier M. SMITH.

E. K. M. Williams C. L. F.

E. K. M. Williams, Capt.
Regional Prison Officer.

LEGAL SUBCOMMISSION								
CLO								
DCLO								
Chief Counsel								
CJO								
Liaison Section								
CL RKS								
16 OCT 1944								

58

Ministero di Grazia e Giustizia
 Direzione Generale per gli Istituti
 di Prevenzione e Pena
 Uff. VIII° prot. 39965

Salerno 3 maggio 1944

Al Direttore delle Carceri Giudiziarie
 di

E N N

Oggetto: autorizzazione a concedere mano d'opera detenuti

Si autorizza la S.V. a concedere la mano d'opera detenuti alle aziende agricole che ne facciano richiesta, purchè si assicuri il servizio di sorveglianza e siano evitati inconvenienti.

Sarebbe opportuno che la S.V. facesse conoscere le condizioni stabilite per la prestazione d'opera, tenendo presente che è in corso un provvedimento per raddoppiare le mercedi da corrispondersi ai detenuti, lavoratori.

per IL MINISTRO
 f/to: illeggibile

per copia conforme

Enna 28 sett. 1944

IL SEGRETARIO



Ministero di Grazia e Giustizia
 Direzione Generale per gli Istituti
 di Prevenzione e di Pena.
 Ufficio VIII

Salerno 2 Giugno 1944-

Al Direttore delle Carceri Giudiziarie di

E N N A

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di

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per IL MINISTRO
f/to: illeggibile

per copia conforme

Enna 28 sett. 1944

IL SEGRETARIO



87

Ministero di Grazia e Giustizia
Direzione Generale per gli Istituti
di Prevenzione e di Pena.
Ufficio VIII

Salerno 2 Giugno 1944-

Al Direttore delle Carceri Giudiziarie di

E N N A

OGGETTO: Mano d'opera detenuti.-

La S.V. deve, per inviare i condannati al lavoro all'aperto, avanzare sempre regolare proposta al Giudice di Sorveglianza in tempo utile; indicando in essa i nomi di quei condannati che per posizione giuridica e per condotta e per conoscenza del mestiere, sono idonei ad essere prescelti.-

Nel caso, qualora non vi sia possibilità, per l'urgenza dei lavori, di attendere la decisione del predetto Magistrato, V.S. provveda senz'altro a man-

./.

2)
dare presso l'azienda agricola Casal Gismondi i condannati lavoratori, adottando le misure necessarie per il servizio di sorveglianza annessa, nel contempo, regolare proposta al Giudice di Sorveglianza per l'ammissione al lavoro all'aperto dei predetti condannati.

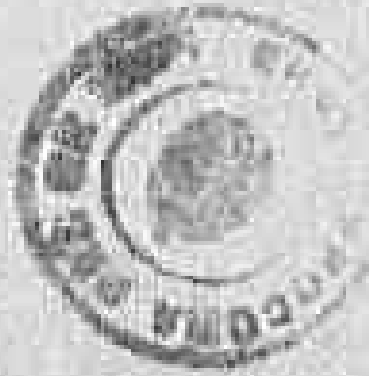
Questo Ministero approva la misura dei compensi stabiliti, e, se il lavoro dovesse prolungarsi nel tempo, invita V.S. a richiedere dalla Ditta la sottoscrizione di un atto d'obbligo, da inviarsi qui per l'approvazione, ed un deposito di garanzia. -
Assicuri. -

Pel MINISTRO F/to illegibile. -

P.c.c.

Enna 11 28/9/1944

IL SEGRETARIO



Direzione delle Carceri Giudiziarie di ENNA

Prot. N. 587 2/I/C/

Risp. alla lettera del 2 corr.
n. 4281/7 PR Uff. VIII.

Ministero di Grazia e Giustizia -

Direzione Generale per gli Istituti di
Prevenzione e di Pena

Oggetto: Mano d'opera detenuti - Condannato
Contino Antonino. -

SALERNO

Mentre assicuro il Ministero che saranno osservate tutte le disposizioni impartite con la lettera che si riscontra, ritengo mio dovere significare che ho ragione di credere che l'azienda agricola di Casal Gismondi si sia indotta a chiedere mano d'opera detenuta precipuamente al fine di avere tra i lavoratori il condannato in oggetto, espertissimo tecnico dell'agricoltura, già dirigente e forse proprietario della stessa azienda che, tra le più importanti della zona, trarrebbe notevole vantaggio dalla assistenza tecnica del Contino nell'imminente ciclo di lavori inerenti alla produzione del grano e degli altri cereali.

Esprimo tuttavia parere ampiamente favorevole all'avviamento al lavoro del condannato in oggetto, giusta la intercorsa corrispondenza e resto in attesa di altre determinazioni ministeriale che prego di farmi pervenire non oltre il 24 corrente. -

IL DIRETTORE F/to Dr. Giovanni Bellomo

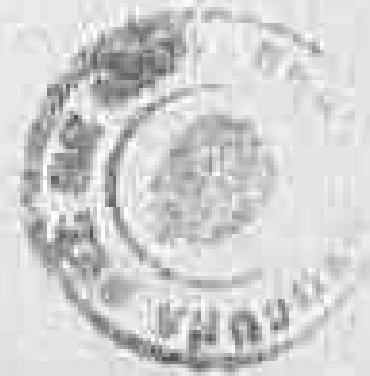
P.c.c.

all C

Enna 9 Giugno 1944

deposito di garanzia.-
Assicurati.-

P.c.c.
Enna 11 28/9/1944
IL SEGRETARIO



Pel MINISTRO F/to illegibile.-

Direzione delle Carceri Giudiziarie di ENNA

Prot.N.587 2/I/C/

Risp. alla lettera del 2 corr.
n.428I/7 PP Uff.VIII°

Oggetto: Mano d'opera detenuti.- Condannato
Contino Antonino.-

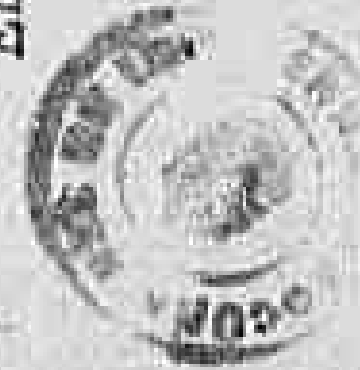
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Mentre assicuro il Ministero che saranno osservate tutte le disposizioni impartite con la lettera che si riscontra, ritengo mio dovere significare che ho ragione di credere che l'azienda agricola di Casal Gismondi si sia indotta a chiedere mano d'opera detenuta precipuamente al fine di avere tra i lavoratori il condannato in oggetto,espertissimo tecnico dell'agricoltura, già dirigente e forse proprietario della stessa azienda che, tra le più importanti della zona, trarrebbe notevole vantaggio dalla assistenza tecnica del Contino nell'imminente ciclo di lavori inerenti alla produzione del grano e degli altri cereali.-

Esprimo tuttavia parere ampiamente favorevole all'avviamento al lavoro del condannato in oggetto, giusta la intercorsa corrispondenza e resto in attesa di altre determinazioni ministeriale che prego di farmi pervenire non oltre il 24 corrente.-

IL DIRETTORE F/to Dr.Giovanni Bellomo

P.c.c.
Enna 28/9/1944
IL SEGRETARIO



Enna 9 Giugno 1944

Ministero di Grazia e Giustizia-

Direzione Generale per gli Istituti di
Prevenzione e di Pena

S A L E R N O

Copia di Telegramma

Direttore Carceri Enna -
Stato - Salerno - I62 I5/3/2I -
47706 - Mandi condannato Contini Salvatore lavoro se trovassi condizioni volute - Ministro Tupini.

P.c.c.

Enna 28/9/1944 -

IL SEGRETARIO.



Ministero di Grazia e Giustizia -
Direzione Generale per gli Istituti di
Prevenzione e di Pena
Ufficio 8°
Prot.N. 38008.5.7.B.

Roma 26/8/1944

Alla Direzione delle Carceri Giud.

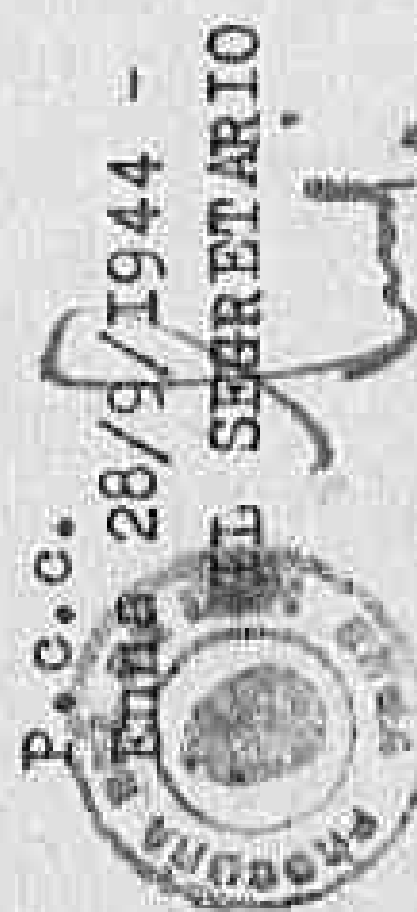
Risposta al f.N. 732
del 5/7/944-

ENNA

Oggetto: Azienda agricola Casal Gismondi. -
Contino Antonino

In relazione al foglio di cui sopra, si prega riferire sulla condotta del detenuto Contino Antonino e se la presenza di lui nell'azienda di cui in oggetto ha determinato inconvenienti in vista della sua conoscenza dell'ambiente esterno.

Pel MINISTRO P/to illegibile



P.c.c.
Enna 28/9/1944 -

IL SEGRETARIO

Direzione delle Carceri Giudiziarie di Enna 18 Settembre 1944
Risp. al f. del 26/8/1944
Uff. 8° Prot.N. 38008.5.7.B.
Prot.N. 963 3/I/O/

Ministero di Grazia e Giustizia -
Direzione Generale per gli Istituti di
Prevenzione e di Pena -

ROMA

Oggetto: Azienda agricola Casal Gismondi. Contino Antonino

Enna 28/9/1944 -

IL SEGRETARIO.



Ministero di Grazia e Giustizia-
Direzione Generale per gli Istituti di
Prevenzione e di Pena

Ufficio 8°

Prot.N. 38008.5.7.B.

Roma 26/8/1944 -

add. E

Alla Direzione delle Carceri Giud.

Risposta al f.N. 732

del 5/7/944-

ENNA

Oggetto: Azienda agricola Casal Gismondi.-
Contino Antonino+

In relazione al foglio di cui sopra, si prega riferire sulla condotta del detenuto Contino Antonino e se la presenza di lui nell'azienda di cui in oggetto ha determinato inconvenienti in vista della sua conoscenza dell'ambiente esterno.-

Pel MINISTRO F/to illeggibile

P.C.C.
Enna 28/9/1944 -
IL SEGRETARIO

56

Direzione delle Carceri Giudiziarie di Enna

18 Settembre 1944

Risp. al f. del 26/8/1944

Uff. 8° Prot.N. 38008.5.7.B.

Ministero di Grazia e Giustizia-
Direzione Generale per gli Istituti di
Prevenzione e di Pena -

Prot.N. 963 3/I/C/

ROMA

Oggetto: Azienda agricola Casal Gismondi. Contino Antonino

Di seguito alla ministeriale che riscontro posso assicurare al Ministero che la condotta del detenuto Contino Antonino fino a qualche giorno fa non aveva dato luogo a rilievi di sorta da parte degli agenti di custodia che via via sono stati avvicinati sul luogo.

La presenza di lui nell'azienda di cui in oggetto non aveva determinato inconvenienti in vista della sua particolare relazione con l'ambiente esterno, tanto che mi ero indotto ad inviare al Ministero il mio foglio n. 881 del 18 u.s.

Senonché qualche giorno fa la Polizia e l'U.P.S.E.A. di Enna si sono por-

tati nella detta azienda perché era stato ivi accertato contrabbandando grano, sia pure ad opera di coloni e mezzadri delle varie colonie parziarie dipendenti dell'azienda stessa.

Avendo conferito immediatamente col Questore di questa Città, mi è stato assicurato che non è emerso ancora alcunché a carico del Contino né degli altri detenuti e dell'agente ivi preposto.

Tuttavia ho subito disposto e fatto eseguire il rientro di essi tutti a queste Carceri sia per tale fatto che per la deficienza di personale di custodia da adibirvi e non da ultimo per la insicurezza delle campagne.

Il Direttore F/to Dr. Giovanni Bellomo

P.c.c.

Enna 28/9/1944

IL SEGRETARIO



MINUTES OF MEETING HELD ON 25 SEPTEMBER 1944

ACC/4014/13/L.

WEE/rfp.
26 September 1944.

PRESENT :

Major Hendrickson
Major Vecchielle
Capt Gilbreath
Capt Graziano

Musso, Chief of Cabinet
H.B. Spelacanti, Direttore Generale Affari
Pehali
H.A. Rubiani, Procuratore Generale Corte
d'Appello, Roma
Comm. Sciacca, Procuratore del Regno
Dr. Ciulli

Meeting opened at Ministry of Justice at 1345 hours.

1. Colonel Gehrens stated the object of the meeting was to consider the position which had developed at Pozzani Goeli prison. It was the opinion of AGC that a considerable number of prisoners should be released on provisional liberty. He said that there were some 250 prisoners who had been held at disposition of the Italian authorities for a period of up to three months and averaging two months and that these 250 were still awaiting trial. It was the strong advice of the Allied Control Commission that these prisoners should be granted provisional liberty without delay.

The Procuratore del Regno stated that it was impossible to grant provisional liberty in these cases. Of the prisoners who had been handed over to the Italian authorities, provisional liberty had already been granted in more than 800 cases and that although he had not got details available of the 250 cases of which reference was made, he was satisfied, that in the majority of cases these prisoners were held for serious crimes for which no provisional liberty was possible in accordance with Italian law.

The Procuratore Generale stated that in most cases the difficulty had arisen over arrest procedure adopted by the Allied military police. This arrest procedure amounted to a denunciation in Italian custom and that accordingly it was not possible to grant provisional liberty as the matter had to be referred to the instruction process and that pending completion of this instruction no liberty could be granted.

Col. Gehrens stated that he **could not** discuss details of Italian criminal procedure about which he was not informed. But he felt that any technical difficulties could be overcome by the representatives of the Italian justice who were there present. He wished to stress that the advice of AGC which came from Captain Stone was that a large number of prisoners should be released that day on provisional liberty. Of course, the territory is in AMG territory and there was no question of giving any order on this subject but the advice was given as **fully** as it could be and that the Italian officials must realize that if it was rejected the Italian government must bear the full responsibility for the rejection.

AGC was not prepared to put at the disposal of the authorities of the Regina Goeli prison any military assistance for the purpose of keeping order if the Italian Government rejected this advice. **P** The Procuratore del Regno stated that quite apart from generalities it was impossible to grant provisional liberty to anybody without going to his office and examining the detailed records and that in fact, in any case the processes had already been sent to the judicial istruttori and were not in his possession. The meeting accordingly adjourned to the Palace of Justice where the records were said to be available.

1. Colonel Behrens stated the object of the meeting was to consider the position which had developed at Regine Ceeli prison. It was the opinion of AGC that a considerable number of prisoners should be released on provisional liberty. He said that there were some 250 prisoners who had been held at disposition of the Italian authorities for a period of up to three months and averaging two months and that these 250 were still awaiting trial. It was the strong advice of the Allied Control Commission that these prisoners should be granted provisional liberty without delay.

The Procuratore del Regno stated that it was impossible to grant provisional liberty in these cases. Of the prisoners who had been handed over to the Italian authorities, provisional liberty had already been granted in more than 600 cases and that although he had not got details available of the 250 cases of which reference was made, he was satisfied, that in the majority of cases these prisoners were held for serious crimes for which no provisional liberty was possible in accordance with Italian law.

The Procuratore Generale stated that in most cases the difficulty had arisen over arrest procedure adopted by the Allied military police. This arrest procedure amounted to a denunciation in Italian custom and that accordingly it was not possible to grant provisional liberty as the matter had to be referred to the instruction process and that pending completion of this instruction no liberty could be granted.

Col. Behrens stated that he could not discuss details of Italian criminal procedure about which he was not informed. But he felt that any technical difficulties could be overcome by the representatives of the Italian justice who were there present. He wished to stress that the advice of AGC which came from Captain Stone was that a large number of prisoners should be released that day on provisional liberty. Of course, the territory is in AGC territory and there was no question of giving any order on this subject but the advice was given as ^{pragmatically} as it could be and that the Italian officials must realize that if it was rejected the Italian Government must bear the full responsibility for the rejection.

AGC was not prepared to put at the disposal of the authorities of the Regine Ceeli prison any military assistance for the purpose of keeping order if the Italian Government rejected this advice. The Procuratore del Regno stated that quite apart from generalities it was impossible to grant provisional liberty to anyone without going to his office and examining the detailed records and that in fact many cases the procurators had already been sent to the Giudici istruttori and were not in his possession. The meeting accordingly adjourned to the Palace of Justice where the records were said to be available.

In the Palace of Justice the meeting was continued in Major Vecchiola's office. (Major Vecchiola had not been present at the conference at the Ministry of Justice). Records were produced by Major Vecchiola. The Procuratore del Regno stated that these records were the same as the records which he had in his office. The only records which were actually examined at the time were the records of those persons who had been imprisoned during the months of June and July. The list of August was available but there was not sufficient time to examine it. The Procuratore del Regno agreed, however, that there was no reason to suppose that it was incorrect.

The Procuratore Generale stated that he had the fullest desire to cooperate with the advice given by ACC and that he would do anything in his power to follow that advice. But at the same time he was not prepared to release most of the prisoners mentioned on the list who were in fact held on charges of serious crimes. The list, however, was examined and it was found that 23 people were charged with relatively small offenses. The Procuratore del Regno agreed that these prisoners should be released on provisional liberty. But he stated that he would not grant provisional liberty unless he had been advised to do so by ACC because all these prisoners were habitual offenders in spite of the fact that the particular charges then being investigated were not serious. The Procuratore Generale added that the prisoners when released would be re-arrested for another offense within 24 hours.

An additional two prisoners were found to whom provisional liberty could be granted. Their cases were, in fact, under instruction of the giudice istruttore but the Procuratore Generale was prepared to take the responsibility of granting an actual release for 24 hours and stated that the necessary formal documents would be signed by the giudice istruttore next day.

It was agreed that provisional liberty would accordingly be granted to these 25 prisoners and any others whom the Procuratore del Regno considered it proper to release; that the whole matter would be further discussed at a conference the next day at which the question of the Giudice di Istruzione would be present and the whole question would then be cleared up. The Procuratore Generale, however, stated that in his opinion, the solution of the problem does not lie in the provisional liberty granted to prisoners but installing locks in the cells of the prisoners. He, however, reiterated his intention of cooperating with the advice given by ACC.

W. E. BIRRENS,
Colonel,
Deputy Chief Legal Officer.

56

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/rm.

ACC/4091/a.

30 Sept. 44.

SUBJECT : Release of prisoners.

TO : H.E. The Minister of Pardon and Justice.

Herewith enclosed for Your Excellency's information
a copy of the original list which was previously lost by
Your Excellency showing the names of the persons who have
been released from prisons in Sicily where they were serving
sentences imposed by A.M.G. Courts.

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

53

ALLIED CONTROL COMMISSION
SICILY REGION HEADQUARTERS
APO 394

File : RLE 013.04/EKM

Sept. 27th

SUBJECT : Report of released prisoners.

TO : LEGAL SUB-COMMISSION, ACC. HQ.

1. As requested I enclose 2 further lists of the cases re-reviewed by Major VECCHIOLLA recently.

By Order of Regional Commissioner Brigadier M. CARR :

E.K. Matthews Capt.
E.K. MATTHEWS, Capt.
Regional Legal Officer.

Encl.

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

384

388

- 1 -

- 51 -

"	"	1 year	3 months	"
"	"	18 months ()	3 months	"
"	"	2 years ()	3 months	"
"	"	9 months	6 months	"
"	"	5 years ()	3 months	"
"	"	1 year	11 months	"
"	"	1 year	11 months	"
"	"	18 months ()	3 months	"
"	"	3 years ()	7 months	"
"	"	1 year	6 months	"
"	"	1 year	8 months	"
"	"	1 year	8 months	"
"	"	2 years ()	7 months	"
"	"	3 years ()	7 months	"
"	"	1 year	7 months	"

Alleged Forces, party
Placards

Good Character

REPORT MADE TO COMMISSION

TIME SERVED

CONVICTION

CHARGE

<u>NAME OF ACCUSED</u>	<u>CHARGE</u>	<u>SENTENCE</u>	<u>TIME SERVED</u>
1. Pecceraro Ros.	Poss. of Allied Forces' property	1 year	7 months
2. Fiorellino Ant.	Poss. of Firearms	3 years (██████████)	7 months
3. Campanella Salv.	" "	2 years (██████████)	7 months
4. Busalacchi Dins.	" "	1 year	8 months
5. D'Aiello Pocco	" "	1 year	8 months
6. Colla Giuseppe	" "	1 year	8 months
7. Di Stefano Paolo	" "	3 years (██████████)	7 months
8. Buscia Leonardo	" "	18 months (██████████)	8 months
9. Rubino Vincenzo	" "	1 year	11 months
10. Sacchi Giuseppe	" "	1 year	11 months
11. Pirrone T. Paolo	" "	3 years (██████████)	8 months
12. Castrianni Viroli E.	" "	9 months	6 months
13. Di Tapani Leonardo	" "	2 years (██████████)	8 months
14. Venturelli Pietro	" "	18 months (██████████)	8 months
15. Pedone Rosario	" "	1 year	8 months

CHARGE	SENTENCE	TIME SERVED	RECORD PRIOR TO CONVICTION
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Member of Allied Forces Party	1 year	7 months	Good Character
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Member of Firecras	3 years (██████████)	7 months	" "
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"	2 years (██████████)	7 months	" "
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"	1 year	8 months	" "
---	--------	----------	-----

"	1 year	8 months	" "
---	--------	----------	-----

"	1 year	8 months	" "
---	--------	----------	-----

"	3 years (██████████)	7 months	" "
---	----------------------	----------	-----

"	18 months (██████████)	8 months	" "
---	------------------------	----------	-----

"	1 year	11 months	" "
---	--------	-----------	-----

"	1 year	11 months	" "
---	--------	-----------	-----

"	3 years (██████████)	8 months	" "
---	----------------------	----------	-----

"	2 months	6 months	" "
---	----------	----------	-----

"	2 years (██████████)	3 months	" "
---	----------------------	----------	-----

"	18 months (██████████)	8 months	" "
---	------------------------	----------	-----

"	1 year	8 months	" "
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<u>NAME OF ACCUSED</u>	<u>CHARGE</u>	<u>SENTENCE</u>	<u>TIME SERVED</u>
16. Carollo Antonino	Poss. of Firearms	1 year	6 months
17. Pagano Pietro	(1) " "	1 year	6 months
18. Miosi Romano	(2) Poss. of Allied pty	2 years	6 months
19. Grillo Salvatore	Poss. of Firearms	30 months	6 months
20. Buttitta Ludovico	" "	10 months	6 months
21. Borgeat Antonino	" "	1 year	6 months
22. Nuccio Salvatore	Poss. of Firearms	18 months	6 months
23. Costa P. Paolo	" "	2 years	10 months
24. Barboetta Giovanni	" "	12 months	9 months
25. Nascente Giacomo	" "	2 years	9 months
26. Marini Aldo	Allied Poss. of pty of Forces	9 months	6 months
27. Badami Agostino	Poss. of Firearms	12 months	6 months
28. Zito Antonino	Poss. of Allied pty	12 months	6 months
29. Zocco Girolamo	" "	12 months	6 months
30. Marrone Salvatore	Poss. of Firearms	18 months	7 months

CHARGESENTENCETIME SERVEDRECORD UPON TO CONVICTION

Poss. of Firearms	1 year	8 months	Good Character
" "			
Poss. of Allied pty	1 year	8 months	" "
Poss. of Firearms	2 years ()	8 months	" "
" "	30 months ()	8 months	" "
" "	10 months ()	6 months	" "
Poss. of Allied pty	1 year	8 months	" "
Poss. of Firearms	18 months ()	8 months	" "
" "	2 years ()	10 months	" "
" "	12 months	9 months	" "
" "	2 years ()	9 months	" "
Allied			
Poss. of pty of Forces	9 months	8 months	" "
Poss. of Firearms	12 months	6 months	" "
Poss. of Allied pty	12 months	6 months	" "
" "	12 months	6 months	" "
Poss. of Firearms	18 months ()	7 months	" "

<u>NAME OF ACCUSED</u>	<u>CHARGE</u>	<u>SENTENCE</u>	<u>TIME SERVED</u>
31. Sicchia Giuseppe	Poss. of Allied pty	1 year	10 months
32. Lo Jacono Antonio	" "	1 year	10 months
33. Miosi Filipo	Poss. of Firearms	2 years (████████)	10 months
34. Tramuto Natale	Poss. of Allied pty	1 year	8 months
35. Inzerillo Salvatore	Poss. of Firearms	18 months (████████)	8 months
36. Onorato Giovanni	" "	9 months	6 months
37. Chimenti Calogero	" "	1 year	8 months
38. Fiore Antonio	" "	2 years (████████)	8 months
39. Cravello Francesco	" "	9 months	8 months
40. Cane Pietro	" "	9 months	8 months
41. Anania F. Paolo	" "	3 years (████████)	8 months
42. Hanna Salvatore	" "	1 year	8 months
43. Cerasimo Ludovico	(1) " " (2) Poss. of Allied pty	18 months (████████)	8 months
44. Spinelli Salvatore	Poss. of Allied pty	1 year	10 months
45. Balistreri Giuseppe	" "	12 months	9 months

CHARGE	SENTENCE	TIME SERVED	RECORD PRIOR TO CONVICTION
Poss. of Allied pty	1 year	10 months	Good Character
" "	1 year	10 months	" "
Poss. of Firearms	2 years(<del> </del>)	10 months	" "
Poss. of Allied pty	1 year	8 months	" "
Poss. of Firearms	18 months(<del> </del>)	8 months	" "
" "	9 months	6 months	" "
" "	1 year	8 months	" "
" "	2 years(<del> </del>)	8 months	" "
" "	9 months	6 months	" "
" "	9 months	8 months	" "
" "	3 years(<del> </del>)	8 months	" "
" "	1 year	8 months	" "
Poss. of Allied pty	18 months(<del> </del>)	3 months	" "
Poss. of Allied pty	1 year	10 months	" "
" "	12 months	9 months	" "

<u>NAME OF ACCUSED</u>	<u>CHARGE</u>	<u>SENTENCE</u>	<u>TIME SERVED</u>
46. Frittitta Antonino	Poss. of Allied pty	12 months	9 months
47. Mistretta Damiano	" "	12 months	9 months
48. La Corte Carmelo	Poss. of Firearms	3 years (██████████)	9 months
49. Meli Giovanni	" "	18 months (██████████)	7 months
50. Meli B. Battista	" "	2 years (██████████)	7 months
51. Birriolo Antonino	" "	1 year	7 months
52. Vitti Pietro	" "	1 year	9 months
53. Salerno Giuseppe	Poss. of Allied pty	12 months (██████████)	9 months
54. Miccio Serafino	" "	2 years (██████████)	5 months
55. Gambino Francesco	" "	1 year	9 months
56. Romeo Luciano	" "	1 year	7 months
57. Russo Giuseppe	" "	1 year	9 months
58. Ferro Alfonso	" "	1 year	9 months
59. Ragano Carmelo	Poss. of Firearms	1 year	6 months
60. Bardo Carmelo	(1) " "	(2) Poss. of Allied pty	11 months

CHARGESEVERITYTIME SERVEDRECORD TRICK TO CONVICTION

<u>CHARGE</u>	<u>SEVERITY</u>	<u>TIME SERVED</u>	<u>RECORD TRICK TO CONVICTION</u>
Poss. of Allied pty	12 months	9 months	Good Character
" "	12 months	9 months	" "
Poss. of Firearms	3 years ()	9 months	" "
" "	18 months ()	7 months	" "
" "	2 years ()	7 months	" "
" "	1 year	7 months	" "
" "	1 year	9 months	" "
Poss. of Allied pty	18 months ()	9 months	" "
" "	2 years ()	9 months	" "
" "	1 year	9 months	" "
" "	1 year	7 months	" "
" "	1 year	9 months	" "
" "	1 year	9 months	" "
Poss. of Firearms	1 year	6 months	" "
(1) " "	1 year	11 months	" "
(2) Poss. of Allied pty	1 year	11 months	" "

98

<u>NAME OF ACCUSED</u>	<u>CHARGE</u>	<u>SENTENCE</u>	<u>TIME SERVED</u>	<u>REMARKS</u>
61. Ferruggia Giuseppe	Poss. of Firearms	1 year	8 months	
62. Calabro Vincenzo	" "	1 year	8 months	
63. Albanese Vincenzo	" "	18 months	9 months	
64. Terrazzino Giuseppe	" "	18 months	2 months	
65. Greco Matteo	" "	18 months	9 months	
66. Sirchia Angelo	" "	18 months	9 months	
67. Alletto Giuseppe	" "	1 year	10 months	
68. Giolai Monachino	" "	1 year	10 months	
69. Arnone Stefano	" "	2 years	7 months	
70. Marchio Carmelo	" "	1 year	7 months	
71. Carlino Giuseppe	" "	1 year	7 months	
72. Cocchipinti Giacomo	" "	18 months (too severe)	7 months	
73. Uste Giovanni	" "	1 year	7 months	
74. Fallo Basilio	" "	1 year	7 months	
75. Cantarino Rocco	" "	1 year	8 months	

<u>CHARGE</u>	<u>SENTENCE</u>	<u>TIME SERVED</u>	<u>RECORD PRIOR TO CONVICTION</u>
Poss. of Firearms	1 year	8 months	Good Character
" "	1 year	6 months	" "
" "	18 months	9 months	" "
" "	18 months	9 months	" "
" "	18 months	9 months	" "
" "	18 months	9 months	" "
" "	18 months	9 months	" "
" "	1 year	10 months	" "
" "	1 year	10 months	" "
" "	2 years	7 months	" "
" "	1 year	7 months	" "
" "	1 year	7 months	" "
" "	18 months (too severe)	7 months	" "
" "	1 year	7 months	" "
" "	1 year	7 months	" "
" "	1 year	8 months	" "

<u>NAME OF ACCUSED</u>	<u>CHARGE</u>	<u>SENTENCE</u>	<u>TIME SERVED</u>	<u>RE</u>
76. Catania Janto	Poss. of Firearms	1 year	9 months	
77. Denaro Vito	" "	1 year	9 months	
78. Mescalì Antonino	" "	3 years (~~1 year~~)	10 months	
79. Bombo Francesco	" "	18 months (~~1 year~~)	7 months	
80. Bruceoleri Gaetano	" "	1 year	9 months	
81. Salamone Sebastiano	(1) " " (2) Poss. of Allied pty	18 months (~~1 year~~)	7 months	
82. Bernotta Angelo	Poss. of Firearms	1 year	9 months	
X83. Bara Giovanni	" "	18 months (~~1 year~~)	9 months	
84. Giordano Orazio	" "	1 year	9 months	
85. Barnato Francesco	Poss. of Allied pty	1 year	7 months	
86. Carbone Massaro	" "	1 year	7 months	
87. Catena Angelo	" "	1 year	7 months	
88. Russo Salvatore	" "	1 year	7 months	
89. Lombardi Vincenzo	" "	1 year	9 months	
90. Ortolano Guglielmo	" "	1 year	9 months	

CHARGESENTENCETIME SERVEDRECORD PRIOR TO CONVICTION

Poss. of Firearms	1 year	9 months	Good	Character
" "	1 year	9 months	"	"
" "	3 years ()	10 months	"	"
" "	18 months ()	7 months	"	"
" "	1 year	9 months	"	"
(1) " "	1 year	9 months	"	"
(2) Poss. of Allied mty	18 months ()	7 months	"	"
Poss. of Firearms	1 year	9 months	"	"
" "	18 months ()	9 months	"	"
" "	1 year	9 months	"	"
Poss. of Allied mty	1 year	7 months	"	"
" "	1 year	7 months	"	"
" "	1 year	7 months	"	"
" "	1 year	7 months	"	"
" "	1 year	9 months	"	"
" "	1 year	9 months	"	"

<u>NAME OF ACCUSED</u>	<u>CHARGE</u>	<u>SENTENCE</u>	<u>TIME SERVED</u>	<u>REMARKS</u>
91. Patti Cosimo	Poss. of Allied pty	1 year	9 months	
X 92. Pistone Agostino	Poss. of Firearms	2 years (██████████)	7 months	
93. Taccetta Sebastiano	" "	2 years (██████████)	7 months	
94. Zerno Alfie	" "	1 year	7 months	
95. Lo Cicero Salvatore	" "	1 year	8 months	
96. Liotta Nicolo	" "	1 year	8 months	
97. Bivona Salvatore	" "	1 year	8 months	
98. Terranova Nicolo	Poss. of Allied pty	1 year	8 months	
99. Scalisi Pietro	Poss. of Firearms	1 year	8 months	
100. Landani Vincenzo	" "	1 year	8 months	
101. Fiorito Nunzio	Poss. of Allied pty	1 year	7 months	
102. Di Marco Giuseppe	" "	1 year	7 months	
103. Aniceto Antonino	" "	1 year	7 months	
104. Romeo Benedetto	" "	1 year	8 months	
105. Paglia Carmelo	Poss. of Firearms	1 year	8 months	

CHARGE	SENTENCE	TIME SERVED	RECORD PRIOR TO CONVICTION
Poss. of Allied mty	1 year	9 months	Good Character
Poss. of Firearms	2 years (██████████)	7 months	" "
" "	2 years (██████████)	7 months	" "
" "	1 year	7 months	" "
" "	1 year	8 months	" "
" "	1 year	8 months	" "
" "	1 year	8 months	" "
Poss. of Allied mty	1 year	8 months	" "
Poss. of Firearms	1 year	8 months	" "
" "	1 year	8 months	" "
Poss. of Allied mty	1 year	7 months	" "
" "	1 year	7 months	" "
" "	1 year	7 months	" "
" "	1 year	8 months	" "
Poss. of Firearms	1 year	8 months	" "

<u>NAME OF ACCUSED</u>	<u>CHARGE</u>	<u>SENTENCE</u>	<u>TIME SERVED</u>	<u>REC</u>
106. Morello Santo	Poss. of Firearms	1 year	8 months	
107. Randazzo Concetta	" "	1 year	8 months	
108. Constantino Matteo	Poss. of Allied pty	1 year	8 months	
109. Catalano Carmelo	Poss. of Firearms	18 months()	8 months	
110. Tocco Agostino	" "	18 months()	9 months	
111. Lo Piparo Cosimo	Poss. of Allied pty	1 year	9 months	
112. Costanzo Vincenzo	Poss. of Firearms	15 months()	8 months	
113. Caramazza Leonardo	" "	18 months()	8 months	
114. Vinciprova Nicolò	" "	18 months()	7 months	
115. Oliveri Calogero	" "	15 months()	7 months	
116. Schembri Calogero	" "	18 months()	7 months	
117. Inserra Giuseppe	" "	1 year	8 months	
118. Mazzola Angelo	" "	18 months()	8 months	
119. Nisi Felice	" "	18 months()	8 months	
120. Difano Giuseppe	" "	18 months()	8 months	

CHARGESENTENCETIME SERVEDRECORD PRIOR TO CONVICTION

Poss. of Firearms	1 year	8 months	Good Character
" "	1 year	8 months	" "
Poss. of Allied pay	1 year	8 months	" "
Poss. of Firearms	18 months (██████████)	8 months	" "
" "	18 months (██████████)	8 months	" "
Poss. of Allied pay	1 year	9 months	" "
Poss. of Firearms	18 months (██████████)	8 months	" "
" "	18 months (██████████)	8 months	" "
" "	18 months (██████████)	7 months	" "
" "	15 months (██████████)	7 months	" "
" "	18 months (██████████)	7 months	" "
" "	1 year	8 months	" "
" "	18 months (██████████)	8 months	" "
" "	18 months (██████████)	8 months	" "
" "	18 months (██████████)	9 months	" "

<u>NAME OF ACCUSED</u>	<u>CHARGE</u>	<u>SENTENCE</u>	<u>TIME SERVED</u>
121. Stagnetta Carmela	Poss. of Firearms	1 year	7 months
122. Manduzzi Vincenzo	" "	1 year	7 months
123. D'Amico Antonio	" "	1 year	11 months
124. Manzella Luigi	" "	18 months (██████████)	11 months
125. Ciambra Luigi	" "	18 months (██████████)	11 months
126. Savarino Angelo	" "	18 months (██████████)	11 months
127. Natale Francesco	" "	1 year	8 months
128. Villano Mario	Poss. of Allied pty	1 year	8 months
129. Anzalone Michele	" "	18 months (██████████)	9 months
130. Costanzo Giuseppe	Poss. of Firearms	15 months (██████████)	8 months
131. Proto Gaetano	" "	1 year	10 months
132. Rizzo Benedetto	" "	1 year	7 months
133. Stella Carmela	Poss. of Allied pty	2 years (██████████)	11 months

<u>CHARGE</u>	<u>SENTENCE</u>	<u>TIME SERVED</u>	<u>RECORD PRIOR TO CONVICTION</u>
Poss. of Firearms	1 year	7 months	Good Character
" "	1 year	7 months	" "
" "	1 year	11 months	" "
" "	18 months()	11 months	" "
" "	18 months()	11 months	" "
" "	18 months()	11 months	" "
" "	1 year	8 months	" "
Poss. of Allied pty	1 year	8 months	" "
" "	18 months()	9 months	" "
Poss. of Firearms	15 months()	8 months	" "
" "	1 year	10 months	" "
" "	1 year	7 months	" "
Poss. of Allied pty	2 years()	11 months	" "

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

HQ ACC, APO 394

417 Sec'y Gen.

Rec'd 28/7/44

BNW/pr.
27 Sept 1944.

SUBJECT : Release of Italian Prisoners.

MEMORANDUM TO : The Acting Chief Commissioner.

1. Reference letter MATCORA 14 Sept 1944 AG 383.4/060-P and 1st Ind. thereto which with accompanying papers are attached hereto.
2. I have looked into the three cases with respect to which letters were written to the President of the United States.
3. As to the case of D. ARDIZZONE I have merely called the attention of the Minister of Justice to the contentions made without in any way attempting to suggest what if anything should be done. The accused in that case was convicted in Sicily by an Italian Court some time before our invasion of the island.
4. As to the case of ASTER TIANO I had to send to Southern Region for the record. I have examined the record of this case which, because of the fact that the sentence was for one year only, was not reviewed in this AG originally. I see no reason for disturbing the sentence.
5. As to the case of Francesco BARBATTI the sentence was reviewed and confirmed here by Col. Pollock, then Chief Judicial Officer, and I see no reason for re-considering the case.
6. As the papers were merely forwarded for whatever action may be deemed necessary I have prepared a second indorsement for your signature.

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

A/CC 383.6 - 1

2nd Ind.

HEADQUARTERS ALLIED CONTROL COMMISSION, APO 394 27 September 1944.

TO : Commanding General SOS Natcusa, APO 750.

1. The three cases as to which the correspondence was applicable have been considered.

2. Two of these cases (Aster Tango and Francesco Barbatì) which were tried in Allied Military Courts have been carefully reviewed and no error appears to have been committed as to conviction or sentence in either of them.

3. The third case (D. Ardiszone) which was tried in Sicily by an Italian Court prior to our invasion of the Island has been called to the attention of the Minister of Justice of the Italian Government for such action, if any, that he deems necessary.

4. The correspondence is returned herewith.

MILERY W. STONE
Captain, USNR
Acting Chief Commissioner

Encls } Encls & basic communications
n/c } not copied for files.
Stelmiston

Dispatched by Legal S/C, 29/9/44

Wes

Prepared by: Col. R.H. WILMER, CLO, Legal Sub-Commission

.....
Colonel, C.A.C.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

36A

ACC/4091/L.

/ap.
7 September 1944.

SUBJECT : Release of Prisoners in Agrigento.

TO : Regional Legal Officer (THRU RC) Region I.

1. Unofficial information has been received through Wing Comdr DICKIE that, when Lt. Col. Hill gave up his appointment as F.L.O., Agrigento, he ordered the premature release of a large number of prisoners who had been sentenced by AMG Courts. This action is said to have been taken without any permission from higher authority.
2. Please investigate this information and report as soon as possible whether it is true or not.
3. If the information is true please furnish :
 - (a) Details of the persons released, including the date and length of sentence, the offences committed and the date of release.
 - (b) Details of the order or orders given by Lt. Col. Hill releasing the prisoners.
 - (c) Details, if any, if any permission given by you to Lt. Col. Hill to take this action.
 - (d) Information as to why these facts have not been reported to this Sub-Commission.

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

275 4091

P. De ga (35A)

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 384, U.S. Army

L-4007

15 August 1944

Subject : Cases of EROGOVIC, BULIT, ZEPINA and
VORCEVIC.

To : CLO, Legal Sub-Commission, ACC.

1. Herewith is sent, for your information,
copies of letters dated 1 and 10 August 44 from the
Provincial Legal Officer and the Provincial Public
Safety Officer, AVELLINO, relating to the release
of 4 Yugoslavs from AVELLINO jail.

For the Regional Commissioner:

Tabanlat

G.A. DANLET,
Major, G.L.,
Actg. Reg. Legal Officer

GAB/ca

39

Legal -	
LEGAL SUB-COMMISSION	
CLO	
→ CCLO	
Chief Counsel	
CIO	
→ Italian Section	
CL RKS	

Cop of letter d/d 1 August 44 from FLO, Avellino.
2. " " " " 10 " " " " PRSO, "

*see by
15.6.44 (Shuchard)*

HEADQUARTERS
APO 384
A. C. B.

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

Avellino, 1st August 1944.

SUBJECT : Cases of ERGOVOIC Grgo, BULIT Savo, ZEPINA Slavko and
VUKOEVIC Nikola.

To : Regional Legal Officer, Region 3, ACC, through Reg. Comm.

1. The above named are Yugoslavs presently confined in the Prison at Avellino.
2. The cases were brought to the attention of this office on 1st August 44 and, although upon the records, the men were not convicted of political offenses, it is nevertheless felt that the facts, as stated by them, warrants through investigation with a view to their possible release.
3. ERGOVOIC Grgo, age 36, and BULIT Savo, age 35, state substantially as follows: that they are former Gendarmes of Yugoslavia, the former with 12 years service, the latter with 10 years service; that after the occupation of Yugoslavia by the Italians, they were pressed into police service with the Carabinieri in Yugoslavia, that they were arrested on 24 November 1941, on a charge of accepting a bribe of L. 1000 for failure to denounce 7 kilos of sugar in a house searched by them while on duty; on 1 April 1942, and were each sentenced to imprisonment for 7 years; that the Court consisted of 3 officers and 3 fascist Officials; that they were not represented by Counsel; that no witnesses appeared against them and that there was not even an interpreter for the trial.
4. ZEPINA Slavko, age 31, states as follows: that he was arrested at Sebenico, Yugoslavia, 10 December 1941, for allegedly stealing a pig to take to the Partisan Army in the mountains, the accusation having been made by his cousin, that he was convicted on 3 March 1942; after 8 years imprisonment; and that he was not represented by counsel.
- a) It may be added that ZEPINA Slavko is suffering from Tuberculosis and is in a serious condition.
5. VUKOEVIC Nikola, states that he was convicted at Sebenico, Yugoslavia, by a Yugoslav Court the day before the Italian occupation 3 April 1941, of attempted homicide and robbery; that the Court consisted of supporters of the Pavelich Government, that he was charged with killing a Yugoslav supporter of Fascism, found dead near his home; that he was not represented by counsel and no witnesses were called against him; that his father and 2 brothers are in the Partisan Army.
6. It is impossible to investigate the cases here since the only records here are the bare statements that the men were convicted of the above offenses.

To : Regional Legal Officer, Region 37 AGO, through Reg. Comm.

1. The above named are Yugoslavs presently confined in the Prison at Avellino.
2. The cases were brought to the attention of this office on 1st August 44 and, although upon the records, the men were not convicted of political offenses, it is nevertheless felt that the facts, as stated by them, warrant investigation with a view to their possible release.
3. PROKOPIJ URO, age 36, and BULIT SAVO, age 32, state substantially as follows: that they are former gendarmes of Yugoslavia, the former with 12 years service, the latter with 10 years service; that after the occupation of Yugoslavia by the Italians, they were pressed into police service with the Carabinieri in Yugoslavia, that they were arrested on 24 November 1941, on a charge of accepting a bribe of L. 1000 for failure to denounce 7 kilos of sugar in a house searched by them while on duty; on 1 April 1942, and were each sentenced to imprisonment for 7 years; that the Court consisted of 3 officers and 3 Fascist Officials; that they were not represented by Counsel; that no witnesses appeared against them and that there was not even an interpreter for the trial.
4. ZEPINA SLAVKO, age 31, states as follows: that he was arrested at Sebenico, Yugoslavia, 10 December 1941, for allegedly stealing a pig to take to the Partisan Army in the mountains, the accusation having been made by his cousin, that he was convicted on 3 March 1942; after trial before a Special Italian Military Court and was sentenced to 13 years imprisonment; and that he was not represented by counsel.
 - a) It may be added that ZEPINA SLAVKO is suffering from Tuberculosis and is in a serious condition.
5. VUKCEVIC Nikola, states that he was convicted at Sebenico, Yugoslavia, by a Yugoslav Court the day before the Italian occupation 3 April 1941, of attempted homicide and robbery; that the Court consisted of supporters of the Pavelich Government, that he was charged with killing a Yugoslav supporter of Fascism, found dead near his home; that he was not represented by counsel and no witnesses were called against him; that his father and 2 brothers are in the Partisan Army.
6. It is impossible to investigate the cases here since the only records here are the bare statements that the men were convicted of the above offenses.

35C

7. It seems apparent that even if the men are guilty, which each one denies the sentences, particularly in the cases of the first three, are grossly excessive assuming, of course, that they are stating the truth as to the nature and extent of the offences.

8. It should also be emphasized again that one of the men, YEPIMA Slayno, is a tubercular and further confinement for any extended period may result in his death.

A.E. GOLD, Captain,
Provincial Legal Officer,
Avellino.

12

8. It should also be emphasized again that one of the men, SEPPIN
Slavko, is a tubercular and further confinement for any extended period
may result in his death.

A.E. GOLD, Captain,
Provincial Legal Officer,
Avellino.

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
PUBLIC SAFETY SECTION

TO : Liaison Officer, Yugo-Slavia, Military Division, Bari.

FROM : F.V.S.O. Avellino

I attach a report from Provincial Legal Officer of this Province relative to four Yugo Slavs who were found confined in Avellino prison.

It will be seen that these men were sentenced in Yugo Slavia three by Italian Military Courts and one by a pro Fascist Court.

The Procuratore del Re has ordered their provisional liberty but final orders for their freedom will undoubtedly follow.

ZEFINA SLAVKO is now in the Sanatorio "Villa Maria" Curteri di Seneverino Rota, Salerno and it would be appreciated if steps could be taken to arrange for his transfer to a hospital run by Yugo-Slav Staff if possible.

The other three are now in 5th Cdn Gen Hospital at Avellino as they are suffering from the effects of their incarceration.

When they are fit to travel they will be told to report at your office unless instructions are received to the contrary.

Dated : Avellino, August the 10th, 1944.

/s/ J.J. Bean

/t/ J.J. Bean, Major,
Prov. Public Safety Off.
Avellino.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

(34A)

ES/pa.
10 Aug 44.

ACC/4091/L.

SUBJECT : Life convicts in the ST. STEFANO prison.
TO : Chief Public Safety Division, Region IV.

1. This Sub-Commission communicated the content of your letter of 3rd Aug 44 to the Minister who promised to have the two cases investigated with view to obtaining a pardon for them.
2. Kindly advise the Procuratore del Regno to communicate the names of the convicts to the Ministry.

G. G. HA NAFORD,
Lt. Colonel,
Officer i/c Italian Branch,
for Acting Chief Legal Officer.

HEAT MATTERS
ALLIED MILITARY GOVERNMENT
SECTION IV
AFG. 394

Public Safety Division

3rd August, 1944.

Subject: Prisons

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

copy to Maj. Gilson (Supt. of Prisons A.C.C.)

1. Capt. Hoelscher, Provincial Police Officer at
Littoria, mentioned today that there are two life convicts
in the national jail located at S. Stefano.

2. One is reported to have been there for 40 years and
the other for 43 years.

3. It seems to me that they have been there long
enough and perhaps their cases might be reviewed now with a
view to getting rid of them.

4. Submitted for information.

J.R. POLLOCK
Lt. Colonel
Chief Public Safety,
REGION IV.

LEGAL SUB-COMMISSION	
CLIO	
CCLO	
Chief Counsel	
CJO	
Italian Section	
CLERKS	

34

HEADQUARTERS
4 AUG 1944
A.C.C.

4091 7th
 LEGAL
 328

2nd August 1944.

To : Regional Commissioner, Allied Control Commission,
 Region 2. (Attention Legal Officer).

Subject : Orni Guiseppe.

Reference : 1/1444.

1. The father of the above subject has committed this offence with reference to the possible release of his son from prison.

2. Orni Guiseppe was a Sergeant Marina in the Italian Cruiser "Albatros". Prior to 5th May 1943 he and several other variant officers and non-commissioned a meeting to discuss the possibility of assisting control of the cruiser and turning it over to the Allies. They were caught by their superiors and arrested.

3. After a 3 day trial before the Military Tribunal at Taranto, Orni, Guiseppe was sentenced to Military Prison for 5 years. The others involved in the plot received sentences of 13 years. They are now being held at the Military Prison at Lecce.

4. Pertinent information as to Orni is as follows:

a) Name	Orni Guiseppe.
b) Date of Birth	14th November 1920.
c) Status	Sergeant Marina
d) Father's Name	Orni Francesco.
e) Mother's Name	Floris Luigia.
f) Legal Address	Via Bolognese 7 Rogore, Province of Cagliari.

5. It would seem that the laws of Amnesty would be applicable in this case. May this office be advised, after investigation, what disposition may be had?

LEGAL SUB-COMMISSION

CLO

DCLO

Chief Counsel

For the Regional Commissioner,

[Signature]
 J. H. SPAIN

2. The father of the above subject has consulted this office with reference to the possible release of his son from prison.

3. Orni, Baldino was a Sergeant Major on the Italian Cruiser "Bianca". Prior to 5th May 1943 he and several other senior officers and men were held in a meeting to discuss the possibility of securing control of the cruiser and turning it over to the Allies. They were caught by their superiors and arrested.

4. After a 3 day trial before the Military Tribunal at Palermo, Orni, Baldino was sentenced to Military Prison for 5 years. The others involved in the plot received sentences of 13 years. They are now being held at the Military Prison at Lecce.

5. Pertinent information as to Orni is as follows:

a)	Name	Orni Baldino
b)	Date of Birth	14th November 1920.
c)	Status	Sergeant Major
d)	Father's Name	Orni Francesco
e)	Mother's Name	Floris Luigia
f)	Legal Address	Via S. Eleonora # 7 Rogato, Province of Cagliari.

6. It would seem that the Law of Amnesty would be applicable in this case. May this office be advised, after investigation, what disposition may be had?

33

LEGAL SUB-COMMISSION

CLO

DCLO

Chief Counsel

CJO

Italian Section

CL RKS

Copy to

Headquarters, Allied Control Commission
Legal Sub-Commission.

For the Regional Commissioner,

Handwritten signature: R. A. Alexander
 R. A. ALEXANDER
 1st Lieut. Col.
 Major.
 Regional Legal Officer.

4091

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

3/A
12/24/44
5/22/47

Ref/314/186/CA

22 July 1944

SUBJECT: Arrest of Avv. Pietro Lecciso.

TO : R.C. Region II

1. Herewith is translation in duplicate of a memorandum from the Ministry of Justice concerning the arrest of the above at LECCE.

2. Will you please ascertain the facts of the case and let us know as soon as possible.

NORMAN E. FISKE
Colonel
Deputy Executive
Commissioner

Copy to: Admin. Sect. (for Legal & Public Safety Sub-Commissions.)

For info →

CLERKS

32

TRANSLATIONEXTRADUM

On 18th July the Allied Police arrested at Lecce Avv. Pietro Lecciso Provincial Treasurer (Fiduciario) of the Christian Democratic Party, a man courageous and highly esteemed professionally, a member of the Committee of Liberation since the first fall of fascism; a man of high and unblemished character both social and political, a member of the Consiglio dell'Ordine degli Avvocati of the Province of Lecce.

The arrest was made following a sudden visit by an Officer and an N.C.O. of the aforesaid Police who asked Avv. Lecciso for information regarding the subject matter of a conversation of a professional nature which he had had two days before with a certain Patiscchia of Gersiano (a little Comune in Lecce Province about 3 Km. from the Provincial capital).

Avv. Lecciso admitted that Patiscchia had visited him but refused to divulge the subject matter of the conversation claiming that professional secrecy forbids it. After a thorough search of all the papers in his office, without any success as with the opposition of Avv. Lecciso was bound to be the case - the said officers of the Police asked Avv. Lecciso to follow them and from that day he has been detained in the "Penitenziario" at Lecce.

The following wish to know the reasons for the arrest: H.E. the Archbishop of Lecce (who has personally guaranteed the integrity and the moral and professional status of Avv. Lecciso) - H.E. the Prefetto of the Province; the members of the Party are most eager to guarantee from any point of view Avv. Lecciso, being fully convinced that they will not be called upon to answer for anything in the least for a man of such outstanding worth and exemplary professional character, seriously-minded and correct.

Even if the aforesaid avv. (whose practice is civil and commercial and not penal) was asked for advice or help by Patiscchia regarding lawful or other matter, it must be most strongly denied that he could thereby compromise himself in any way at all.

It is necessary and indeed most urgent for pressing reasons of personal and political nature that Avv. Lecciso should be freed.

REAR HEADQUARTERS
ARMED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 34

JH/pa

30A

REFERENCE : 424/4091/L
SUBJECT : FIORERA Lorenzo.
TO : ICAR (thru AG) Region III.

22 Jun 1944

1. Reference your letter 1/1020 of 19/6/44 and enclosures.
2. This is surely a matter to be taken up by P.L.O. with R.P.S.O., Naples Province by the P.L.O., who, if necessary, should report back to R.O., Region III, through you.
3. The enclosures to your letter (together with a copy of a translation of one of the documents which has been made here) are accordingly returned to you.

RICHARD H. WELLS JR.,
Colonel, U.S.A.,
Deputy Chief Legal Officer.

30

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.P.O. 394, U.S. Army

1/3920

19 June 1944

Subject: DOMENICA Lorenzo.

To : Chief Legal Officer, Legal Sub-Commission,
A.C.C., Salerno.

1. There is attached hereto correspondence and accounts relative to the above subject.

2. It would appear from the communication signed by the Assistant Procuratore del Re that the above subject was released from prison in violation of Article 34, Consolidated Instructions for Allied Military Courts.

3. Will you please investigate or have said matter investigated in order to determine the authority of the Officer releasing said prisoner.

For the Regional Commissioner:

SUBCOMMISSION

O

C/O

LTH/pv

Chief Counsel

C/O

Italian Section

CL RKS

J. A. Samant.

wain for

JOHN W. CHAPMAN,
Col., J.A.C.L.,
Regional Legal Officer.

HEAD HEADQUARTERS
IAD CONTROL COMMISSION
Legal Subcommission
APO 394

JGH/gat

(28)

3 May 1944

KCC/4091/1

SUBJECT: Freeing of Prisoners by American Troops.

TO : Region 2 (Attn. LO /pullis).

1. Could information be forwarded to this Subcommission in regard to the facts alleged to have been committed by American soldiers.
2. A copy of General Moricca's letter is attached.

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

28



COMANDO ~~SOTTO SEZIONE~~ R. GUARDIA DI FINANZA
DELL'ITALIA LIBERATA

DIVISIONE-Ufficio Servizio-

Prot. N. 5279

Risposta a nota N.



ALL N.

A/LA COMMISSIONE ALLEATA DI CONTROLLO
-Ufficio Legale-

S A L E R N O

OGGETTO: Abusiva scarcerazione di detenuti da parte di militari delle forze Armate Alleate.

Il comando della stazione dei RR.CC.di Corato, con foglio n.17/97 del 7 febbraio c.a., ha comunicato che il 4 febbraio, alle ore 17, un sottufficiale e due militari di truppa dell'Esercito Americano si presentarono al custode delle Carceri Mandamentali di Corato e imposero la liberazione dei seguenti detenuti:

- 1°) SOLAZZO Crociferisso ru Giuseppe;
2°) TARANTINI Luigi di Giuseppe;
3°) LOIUDICE Michele di Francesco.

Costoro erano stati arrestati il 3 febbraio c.a. da militari del Nucleo di P.T.I. di Bari e tradotti in quelle Carceri, a disposizione del Procuratore del Re di Bari, perchè responsabili, il primo, del reato di oltraggio a pubblico ufficiale, previsto e punito dall'art. 341 del Codice Penale Comune, il secondo ed il terzo, del reato di fabbricazione clandestina di spirito, previsto e punito dall'art. 37 del D.M. 8 luglio 1924 che approva il Testo Unico delle disposizioni legislative in vigore per l'imposta di fabbricazione sugli spiriti.

re per l'imposta di fabbricazione sugli spiriti.

Prego codesto Ufficio Legale di compiacersi fare impartire dagli organi competenti dell'Esercito Alleato opportune disposizioni, dirette ad evitare il ripetersi di simili atti.

IL GENERALE COMANDANTE
-Oreste Moricca-

Morice

4091
HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION II

11 APR 1944

2934

26

7 April 44.

Ref : 220I/52/B
Subject : Release of Capace Donato
To : CLO Legal Subcommittee ACC Salerno
Copy to PC Potenza.

Ref ACC 409I/L of 29.3.43

- I. It is regretted that without approval or knowledge by this H.Q., the above Italian was released on 28.I.44 on conditional liberty, and on the advice of the then LO. Potenza.
2. The facts are stated to be as follows. Capece Donato was arrested on 6.5.38, but was not tried until 1942, when he was sentenced to 24 years imprisonment. He had then served 5 years and 8 months. Under amnesties of 1940 and 1942, he was credited with the equivalent of 2 and 3 years imprisonment respectively, so that on 28.I.44 he had served the equivalent of 10 years and 8 months.
It appears that in another I year and 4 months he would have been able to claim conditional liberty, and in the circumstances stated in para I, this period was remitted.
The reasons given were that "the sentence was generally considered excessive", and that "one of the prosecuting counsel in the case was a powerful Fascist, and that the Bench was intimidated into awarding a heavy sentence".
3. It must frankly be admitted, that the assumption by the former LO. Potenza of the duties and powers of an Italian Court of Appeal, is indefensible.

B.K. Cousins
D.E.S. COUSINS, Lt. Col;
R.L.O.
Region II

26

*Returned
by HQ
at Potenza*

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

ART/ent

ACC/4091/L

29 March 1944.

SUBJECT: Release of CAPECE Donato.

TO : RLO Region 2 (thru RC).

1. The Minister of Justice has drawn attention to the above case, the facts of which are as follows:

It is stated that at Potenza on 28 Jan. 44 the release from prison of the above named was ordered on AMG authority. Capece was serving a sentence of 24 years imprisonment for homicide passed upon him by the Court of Assize of Potenza on 27 Oct. 42.

2. It is further pointed out by the Ministry that as Capece was sentenced for a common law crime and not for a political offence, he was not entitled under Italian law to the benefit of conditional liberty.

3. Therefore will you please cause the circumstances of this release to be investigated and report to this office in due course.

A. R. THACKRAH, Major
for Chief Legal Officer.

25



MINISTERO DI GRAZIA E GIUSTIZIA

PROTEZIONE GENERALE AFFARI PENALI
Ufficio 12

Prot. N. 36668/p.f.
Risposta al foglio N.
del

Salerno, 11 MAR 1954

OGGETTO: con la sua perizia di CAROCCO DONATO.-

ALLA COMMISSIONE ALLIATA DI CONTROLLO
(Sottocommissione Legale)

S A L E R N O

Vuole segnalato a questo Ministero che
l'A.M.G.C.T. di Potenza, in data 25-1-1944
ha ordinato la scarcerazione del detenuto
CAROCCO DONATO, condannato ad anni 24 di re-
clusione e pena accessoria per omicidio, dal
la Corte d'Assise di Potenza, con sentenza
del 27-10-1944.

Poiché il Carocco, condannato per reato
comune e non politico, per la legge italia-
na non può beneficiare della liberazione
condizionale, si prega di voler confermare
le comunicazioni a questo Ministero i capi-
per cui il detenuto in oggetto è stato libe-
rato.-

IL MINISTRO

Carrocc

24

4091

23

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

Ref/314/15/CA

NKF/mrd
8 March 1944

SUBJECT: Release of Prisoners Held for Trial
by Allied Military Courts

TO : Commanding General, A.C.M.G.

1. I am directed by the Chief Commissioner to make known to you the confusion that has resulted from the release of prisoners from jails or prisons by members of the Military Police without knowledge or approval of the Commission's officials. Cases are frequently called for trial in the Military Government Courts only to find that the accused have been released. If there is no case against the prisoner he should of course not be detained, but it is important that the release be ordered by a competent Military Government officer.

2. It is suggested that a prisoner held for trial before an Allied Military Court be released only on written order of the Court or, if none is sitting, of a Provincial Commissioner or a Civil Affairs Police Officer. It would be of great assistance if you should see fit to issue instructions to the above effect.

NORMAN E. FISKE
Colonel, Cavalry
Deputy Executive Commissioner

Copy to:

R.C. All Regions
SCAOs 3 & 8 Areas

Legal Sub. Group

See files 22, 21 + 20.

ICMAR HEADQUARTERS
ARMED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

2 March 1944.

ACC/ACM/L.

SUBJECT : Release of Prisoners.
TO : Executive Commissioner.

Reference my ACC/ACM/L dated 18 Feb 1944 may I please be informed
of the position in this matter.

GERALD R. UPTON,
Colonel,
Chief Legal Officer.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LOCAL GOVERNMENT.
APO 394.

(21)

18th February, 1944.

ACC/5091/1.

SUBJECT : Release of Prisoners.
TO : Executive Commissioner.

1. Considerable difficulty has been occasioned by the release of prisoners from jails or prisons by members of the Military Police without the knowledge or approval of Allied Military Government Officials in Occupied Territory. Cases are frequently called, particularly in Summary Courts, and the judges are advised for the first time that the accused has been released. If there is no case against a prisoner he should be promptly released but it is important that the release be ordered by a competent AMG Court or Officer.

2. To remedy this situation I suggest that a directive be issued to the effect that no prisoner held for trial before an Allied Military Court may be released except on written order of an Allied Military Court, or if none is sitting, of a Provincial Commissioner, or a C.A.F.O. and not under order of a member of the Military Police. I am enclosing a suggested form of the directive.

3. If you agree, I suggest that you request that an order to that effect be issued by the Military Authorities in order that hereafter the M.P.s. will not themselves directly order release of such prisoners.

CHARLES R. URQUHART,
Colonel,
Chief Legal Officer.

Encl. 1 Draft Directive.

CRU/waw.

See files 23

Copy of this letter & directive
handed to Capt Thompson
a certificate of AC approval
19/2/44

(DRAFT)

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

20

ACC/4091A

RMW/jpl

18 February 44

Subject : Release of Prisoners.

To : HQs Regions III, IV and V.
SCAOs 5th and 8th Army.

As considerable confusion has been caused by releases of prisoners awaiting trial before Allied Military Courts without the order of any such Court or AMF Officer, henceforth a prisoner held for trial before an Allied Military Court will be released only on the written order of such a Court or, if none is sitting, of a Provincial Commissioner or a CAPO, and not on the order of any member of the Military Police.

For The Chief Commissioner

M.S. LUSH

Brigadier
Executive Commissioner.

See folder 23

-20

ALLIED MILITARY GOVERNMENT

COURT

Case No.....

THE LAW
against

RELEASE ORDER

To: The Director.....

Prison.....or any other prison to

which the prisoner may have been lawfully transferred.

WHEREAS the above named was/were charged with the

offense of.....

.....

.....

To be filled in if
person to be rei-
eased pending
decision on review
or sentenced to a
term of imprison-
ment equal to the
time spent by accused
in jail.

But such charge(s) has/have not been proved/proceeded

with and the accused has/have been Discharged/Acquitted.

Now therefor you are authorized to release the said

prisoner(s) if detained for no other cause and for ⁹⁹

doing this shall be sufficient warrant.

*by a court or if no court is sitting by
a CAO or CPO. (Not CMP)*

109

THE LAW
against

RELEASE ORDER

To: The Director.....
Prison.....or any other prison to
which the prisoner may have been lawfully transferred.
WHEREAS the above named was/were charged with the
offence of.....
.....
.....

To be filled in if
person to be re-
leased pending
decision on review
or sentenced to a
term of imprison-
ment equal to the
time spent by accused
in jail.

But such charge(s) has/have not been proved/proceeded
with and the accused has/have been Discharged/Acquitted.
Now therefor you are authorized to release the said
prisoner(s) if detained for no other cause and for ⁹⁹
doing this shall be sufficient warrant.

*by a Clerk if no Clerk is sitting by
a CAO or CPO. (NOT CMP)*

.....1944.

.....
Name, Rank and Title of Officer.

ALLIED MILITARY GOVERNMENT
Region 1, Sicily.

Subject: Released Prisoners.

To : Legal Div. AMG. H.Q.
THRU: R.C.A.O. Region 1.

Reference AMG. 4091/L. dated 31 Oct. 1943.

Herewith reports received from Major BYE and Capt. Cox,
S.C.A.P.O. and S.L.O. Messina respectively.

H. J. Brown
H.J. Brown Capt..
Supt. Prisons
Region 1; Sicily.

Ind. 1

File R.P.S. 571

2nd December 1943

ALLIED MILITARY GOVERNMENT SICILY REGION HEADQUARTERS APO 394
To; Legal Division A.M.G. Headquarters

(1) Forwarded for information.
BY ORDER of Lt. Colonel CHARLES POLETTI, R.C.A.O.

Encl.

1. CC.RR. report
2. Major Hannaford's letter
3. SLO Messina report
4. SCAPO Messina
5. Prisons letter

R. A. Snook
RUSSELL A. SNOOK
Lt. Colonel
Chief Public Safety Division

18

409

AMGOT,
Messina,

Subject:- Released Prisoners.

To:- Lt. Col. Stephen B. Story,
S.C.A.C.,
Messina Province.

Referring to the attached letter received from the Officer i/c Italian Courts:

1. On about 10th October 1943, Major Lothian, Prisons Officer, Messina, informed me he had just previously visited Milazzo Prison and had found that difficulty was being experienced ~~then~~ in feeding the prisoners, due to the general food shortage in the Province.

2. After consultation with him, I arranged to have the convicted prisoners there transferred to the prison at Messina and any persons awaiting trial charged with minor offences, to be released and to report daily to the Police until their trial.

3. The following day I gave instructions through an interpreter to the Director of Messina Prison, to transfer the convicted prisoners to Messina (five in all) and informed him the prisoners awaiting trial, charged with minor offences, would be conditionally released until their trial. I also directed him to take some beans from Messina Prison for the prisoners still confined in Milazzo Prison.

4. Later I was informed that all the prisoners awaiting trial at Milazzo had been released by the Director.

5. I at once instructed the Carabinieri to rearrest them and sent for the Director of Messina Prison for an explanation.

6. He informed me that he had taken the beans and had transferred the five convicted prisoners to Messina, as directed (amongst this number were Arnelli Vincenzo and De Pando Angela, shown on attached list as having been released). He had in fact released the remainder, thirteen in all, (particulars shown on attached list).

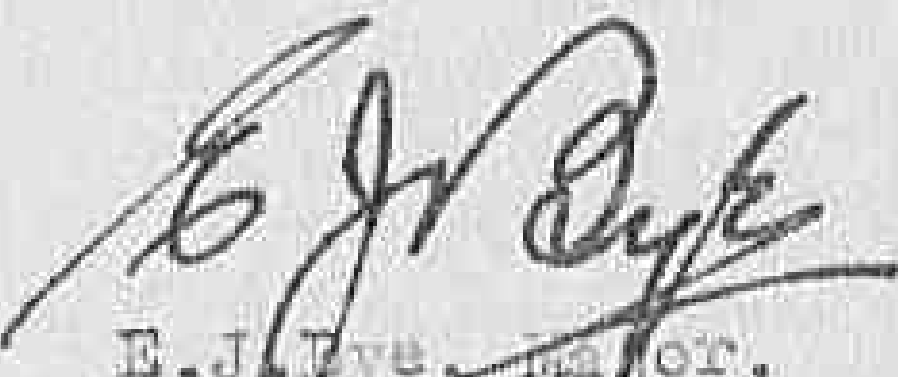
7. He explained that he had understood me to say that all the prisoners were to be released and although they were charged with grave offences he had complied with the order, at the same time he thought it was exceedingly strange. I asked him why he had not applied to me to confirm the order in view of its unusual character, he replied that he had heard the Allied Government had in the past released men sentenced to long terms of imprisonment, therefore, he had not questioned this order.

8. There is no doubt the incident was entirely due to a misunderstanding and possibly an accidentally wrong interpretation of my order.

9. So far seven of the thirteen persons have been rearrested and enquiries are in hand to effect the arrest of the remainder.

10. With regard to the list "B" - conditionally released through S.L.O. and Procuratori - a report from Capt. Cox, S.L.O., Messina Province, is attached.

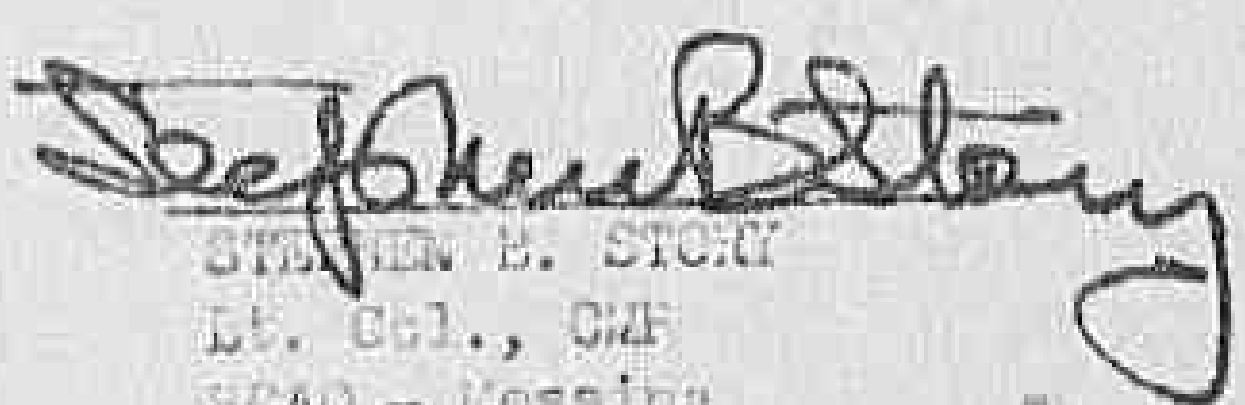
24 Nov 43.


E.J. Dye, Major,
S.C.M.F.O.,
Messina Province.

1st Ind.

FROM: SCAG - Messina, 30 Nov. 1943; TO: Chief Public Safety Division.

1. Forwarded for compliance.


STEPHEN B. STORY
Lt. Col., CMF
SCAG - Messina

A. M. G. O. T.

PROVINCE OF MESSINA

This Ref.:

November 19 19 43

Your Ref.:

Enclosures:

SUBJECT: - Released Prisoners.

To : Major E. J. Bye
Civil Affairs Police Officer.

Following an inspection of the Milazzo prison, and in accordance with instructions from Headquarters, Palermo regarding prisoners, two prisoners Domenico Schepis and Francesca Schepis who have been in prison 7 years and 18 months respectively and no dispositions have been made, were ordered released by me, subject to re-arrest and trial should the Procuratori Generale think fit. The Procuratori Generale has approved this conditional release.

Two other prisoners, Giuseppe Salimitri and Santo Mazzer, soldiers, one charged with desertion and another with disobedience of orders were ordered released unconditionally. This action was approved by the Procuratori Generale and the First President of the Court of Appeals.

Theodore S. Cox
Theodore S. Cox Capt.
Senior Legal Officer

TSC/ajm

Page 1

File R.P.C. 571

To: S.C.A.C. Messing

For necessary action as in minute 1 please.

By order of Lt. Col. Charles Poletti, R.C.A.C.

Russell A. Snock
Lt. Colonel
Chief Public Safety Division

Basic letter of 10/31/43 from Major Hannaford;
re improper release of persons awaiting trial for murder.

ARMED MILITARY GOVERNMENT
Region No. 2. Sicily.

AMG/1016/PS
11/10/43

Subject:- Release of Prisoners.

To:- S.C.A.O. Messina.
Thru R.C.A.O. Region I.

Reference to attached letter AMG/4091/L which is self explanatory.

It is asked that enquiry be made and the result forwarded to this Office.

By order of Colonel Poletti.



H.J. Brown Capt.
Supt. Prisons
Region I. Sicily.

Subject; Prisons

To ; C.P.S.

A+B
AMGOT/4091/L.
AMGOT HQ. SICILY.
31 October, 1943.

It is understood that a number of prisoners awaiting trial for murder (accused of) before Italian Courts have been released from Milazzo Gaol by a series of errors and in complete disregard of directives and orders issued by AMGOT from time to time.

Could an investigation be made as soon as possible into this matter?

The names of the prisoners referred to are as follows;

(a) Prisoners released unconditionally by Major Bye;

Armeli Vincenzo
Siracusa Nicolo
D'Angelo Domenico
Formica Giuseppe
Ballaro Letterio
Prisa Giovanni
Pettinato Vito
Torre Giuseppe
Calimeri Francesco
De Pando Angela

(b) Released conditionally through S.L.O. and Procuratore;

— Schepis Domenico
— Salimitri Giuseppe } 50/2000
— Mazzer Santo
— Schepis Francesco

G.G. HANNAFORD, Major
Officer i/o Italian Courts;

Lippi Chiaro
LEGIONE TERRITORIALE DEI CARABINIERI REA. DI MESSINA

per il servizio
Stazione di Milazzo
=====

ELENCO degli escarcerati per errore dal carcere di Milazzo il 18/10/1943.

- 1°) TORRE Giuseppe di Domenico e di Triolo Antonina, nato il 2/2/1908 a Bafia (Castroreale), ivi domiciliato, falegname - Imputato di omicidio in persona della propria moglie. *Arrestato*
- 2°) FORMICA Giuseppe di Cosimo e fu Mastroeni Nunziata, nato il 7/11/1915 a Milazzo, ivi domic. in Contrada Bastione, agricoltore, Autore di omicidio e di tentato omicidio. *Arrestato*
- 3°) D'ANGELO Domenico ~~fu~~ Giuseppe e di Previti Antonina, nato il 2/8/1922 ad Altolia (Messina), ivi domiciliato - Imputato di omicidio premeditato aggravato a scopo di rapina. *Arrestato*
- 4°) PRISA Giovanni di Giuseppe e di Marrale Verosa, nato il 13/5/1923 a Messina, ivi residente, venditore ambulante - Imputato di rapina a domicilio.
- 5°) BALLARO' Letterio d'Ignoto e di Ballard, nato a Messina il 19/1/1923, muratore, ivi residente - Imputato di rapina.
- 6°) LEONARDI Umberto di Lorenzo e di Guarduccia Tommasa, nato il 4/4/1904 a Messina, ivi residente, verniciatore - Imputato di atti di libidine.
- 7°) PETTINATO Vito di Giuseppe e di Gabriella Angelanno nato a Bronte il 5/3/1909, residente a Taormina Via Cesare Ottaviano N° 26, barbiere, - Imputato di omicidio a scopo di furto. *Arrestato*
- 8°) VASTA Rosario di Carmelo e di Cotugno Concetta, nato il 27/1/1927, a Messina, ~~xxx~~ residente a Castroreale, Fraz. Vigliatore, studente - Imputato di furto continuato.
- 9°) PALELLA Giuseppe di Ignoto e di Palella Caterina; nato il 10/5/1899 a Novara di Sicilia, domiciliato a Furnari, contrada Grotte, contadino - Imputato per furto. *Arrestato*
- 10°) PALELLA Vincenzo di Giuseppe e di Monforte Domenica, nato il 3/7/1924 a Tripi, residente a Furnari contrada Grotte, contadino. Imputato per furto continuato. *Arrestato*
- 11°) COTUGNO Francesco di Antonino e fu Cartaregia Concetta, nato il 17/1/1909 a Messina, ivi domicil. pescatore, - Furto continuato.

- 2 -

12°) ~~SI~~ARACUDA Nicolò di Antonio e di D'Attore Giuseppa, nato il
16/ 4/1926 a Tusa, ivi domiciliato in Via Pier della Vigna N°1
bracciante-Imputato per furto e omicidio volontario.

13°) CALIMERI Francesco da Tortorici-Imputato di omicidio in persona
del proprio fratello (per motivi di salute non era ancora stato
escarcerato e perciò trovasi in carcere. *l'arrestato*)

IL MARESCIALLO MAGGIORE
COMANDANTE DELLA STAZIONE
(Giuseppe Giordano)

Giordano

9

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
APO 512
LEGAL SUB-COMMISSION

AMG 4091/L

4 DECEMBER 1943

SUBJECT: Prisoner of War

TO : Colonel Sneek, Public Safety, Region I.

The son of the President of the Court of Appeal,
Tenente Leopoldo La Cecla, prisoner of war, ospedale
militare, corso caletafimi, Palermo, in civilian life
Secretary of the Banco Di Sicilia is strongly recommended
for freedom on parole in view of his state of health
and his antecedents.

G. G. Hannaford
Major
for Chief Legal Officer

9

AMS/4091/L

25 Nov. 1943 (8)

I spoke with A/L Dickie and Lt. Hemmendinger of Region I about attached order and inquired whether under #26 of General Administrative Instruction 7, the final action on release of prisoners should not be taken by the C.L.O., the power of the S.C.A.O. being merely to release temporarily pending action of H.Q.

Lt. Hemmendinger said that Amgot Instruction 4001/L refers to "provisional liberty" which in Italian law means liberty pending trial, but that it was intended to include also "conditional liberty" which means liberty pending good behaviour. (Major Hammarford confirms this and says he believes Col. Charles sent out a supplemental letter to this effect).

Hemmendinger says that in practice petitions are filed by prisoners with Procuratore delle Legge who examines them and submits them to R.L.O. with recommendation. If they approve they endorse approval of release on petition and return it to Procuratore. I pointed out that this was poor procedure, as no record kept.

Major Hammarford and I agreed that in present position it was inadvisable to take any steps to require petitions to be sent in to C.L.O. for approval.

J. S. Dawson
Capt.

Subject: - Temporary amendments to Italian Penal Procedure. AMGOT/10001/L.

AMGOT H.Q. SICILY. (7)

19 Sept. 1943.

To: - ALL S.L.Os. through S.C.A.Os.

Further to instructions set out in para. 4 of the Temporary Modifications to Italian Penal Procedure published in "Sicilia Liberata" of 6 Sept. 1943, reading as follows:-

"The Court and Prosecution to have the right to grant provisional liberty even in cases set forth in Article 253 of the Code of Penal Procedure, whenever the offence is not serious or the circumstances in which the act has been committed do not justify the continuous detention of the accused".

This provision applied only to offences committed since the occupation. It has now been decided that Procuratore delle Legge may also grant provisional liberty in cases of prisoners sentenced to a term of imprisonment by the Italian Courts before our occupation. In this instance, however, the decision of the Procuratore must be submitted to and approved by the S.C.A.O. of the Province.

W.C. CHANLER, Lt. Col. (A.U.S.)
Chief Legal Officer.

8 Via Basso

AEC 512

20 NOV 94 12 1943

100

It is hereby ordered that the power to grant liberation to Prisoners sentenced by Italian Court is before occupation, vested in Senior Civil Affairs Officers by AMGOT Instruction 4001/74 dated 19 September 1943 shall, after recommendation of the competent Italian authority, be exercised by the Regional Legal Officer, locally Region Headquarters, or by his Deputy.

This case shall be effective immediately.

CHARLES POLLETT,
Lt. Colonel,
American Civil A

• **Diffusion**

10 SEP 2005

② 2000

43037

ALLIED MILITARY GOVERNMENT
SICILY REGIONAL HEADQUARTERS
ARE SEC

13/11/43

NUMBERED MEMORANDUM:
NO. 13:

RELEASE OF PRISONERS OF WAR

1. The following extracts from a letter dated 11/11/43 from Major General G. Clark concerning No. 1 District are circulated for information:
 - a. Every endeavour is being made to employ usefully Italian P/W at present held in No. 1 District. Good progress has been made with the formation of Italian P/W Labour Companies. In addition a limited number of individual Italian Officers are rendering good services as interpreters and with the Battlefield Clearance Section.
 - b. The arrival of an Italian Division has enabled the advice and cooperation of the General Officer Commanding that Division to be enlisted. It is, however, apparent that some suspicion still exists in the minds of those held as to the attitude being adopted by the Allied Governments and a certain reluctance is noticeable on the part of individuals to volunteer for active participation in the war effort.
 - c. In order to amplify the proclamation of Marshal Badoglio the following statement will be published in the press on 13th November 1943.

Press Statement of General Clark

The disposal of Italian officers and soldiers held as Prisoners of War in Allied custody is governed by the following considerations;

1. They were taken in arms against the Allied Forces. They include a number of persons whose release would hamper the Allied Nations war effort on account of their pro-Fascist or pro-German leanings. These individuals will be held in custody in North Africa. They have the right to appeal through normal military channels to the Italian authorities.
2. Since the conclusion of the Armistice with Italy, it has been the desire of the Allied Governments to enable all Italian prisoners to be engaged in the active furtherance of the war against Germany and the deliverance of Italy from the German armed forces.
3. This desire is shared by Marshal Badoglio who exhorts all Italian subjects to cooperate in this task.
4. Natives of Sicily who are free from the taint of Fascism and willing to declare their loyalty to the cause of the Allied Nations have been released on parole and permitted to return to their homes.
5. Those held as prisoners in North Africa can not be returned to Sicily at present owing to the need for their services in Africa and difficulties of transport. Moreover the return of large numbers of ex-soldiers of Sicilian origin could only aggravate the problem of feeding the civilian population.

2. The following extracts from a letter dated 4/11/43 from Major General Clark concerning No. 1 District are circulated for information:

- a. Every endeavour is being made to employ usefully Italian P/W at present held in No. 1 District. Good progress has been made with the formation of Italian P/W Labour Companies. In addition a limited number of individual Italian officers are rendering good services as interpreters and with the Battlefield Clearance Section.
- b. The arrival of an Italian Division has enabled the advice and cooperation of the General Officer Commanding that Division to be enlisted. It is, however, apparent that some suspicion still exists in the minds of those held as to the attitude being adopted by the Allied Governments and a certain reluctance is noticeable on the part of individuals to volunteer for free participation in the war effort.
- c. In order to amplify the proclamation of Marshal Badoglio the following statement will be published in the press on 13th November 1943.

Press Statement of General Clark

The disposal of Italian officers and soldiers held as Prisoners of War in Allied custody is governed by the following considerations;

1. They were taken in arms against the Allied Forces. They include a number of persons whose release would hamper the Allied Nations war effort on account of their pro-Fascist or pro-German leanings. These individuals will be held in custody in North Africa. They have the right to appeal through normal military channels to the Italian authorities.
2. Since the conclusion of the Armistice with Italy, it has been the desire of the Allied Governments to enable all Italian prisoners to be engaged in the active furtherance of the war against Germany and the deliverance of Italy from the German armed forces.
3. This desire is shared by Marshal Badoglio who expects all Italian subjects to cooperate in this task.
4. Natives of Sicily who are free from the taint of Fascism and willing to declare their loyalty to the cause of the Allied Nations have been released on parole and permitted to return to their homes.
5. Those held as prisoners in North Africa can not be returned to Sicily at present owing to the need for their services in Africa and difficulties of transport. Moreover the return of large numbers of ex-soldiers of Sicilian origin could only aggravate the problem of feeding the civilian population.
6. Ex-prisoners of Sicilian origin who have been released on parole may voluntarily give up their civilian status and proffer their services in the furtherance of the war effort. They will then be employed on the same terms and under the same conditions as those mentioned below.

Alternatively they may seek employment as civilians.

- 1 -

Received 2/11/43

4. All other prisoners, including officers, have been invited to sign a declaration of loyalty to the cause of the Allied Nations and to volunteer their services to this end. Pending final arrangements between the Italian Government and the Allied Commander-in-Chief, the employment of such ex-prisoners in the armed forces of Italy is not authorized, except that individuals will be released whose services are specifically asked for by the Italian Military Authorities.
5. Prisoners who have signed the declaration referred to in paragraph 4 above will be released if their services are specifically asked for by Italy.
6. Prisoners who have signed the declaration referred to in paragraph 4 above will, in the immediate future, be employed by the Allied Military Authorities in the manner considered most suitable to further the war effort having in mind the capabilities of the individuals. Such individuals will be housed, fed and clothed by the British Military Authorities and for all practical purposes be treated as combatant soldiers of the Allied Nations. The issue of payment in cash to such personnel is under consideration. At the present moment, it is restricted to those who, by the nature of their duties, may be required to find their own means of subsistence. The individuals may be released on parole within a limited radius of the locality in which they are required to serve.
7. The unconditional release of prisoners with permission to return to their homes will only be granted on medical or compassionate grounds. Applications for such release will not be considered unless accompanied by supporting evidence; e.g. full medical history or independent corroboration of the compassionate grounds.

DISTRIBUTION:

B
35 Squares

Pl. A. Blatti

OLIVIERO POLETTI
Lt. Colonel
Regional Civil Affairs Officer

Subj: Prisoners.

To: C.I.S.

711
AMCOT/4091/L. 3
AMCOT H.Q. SICILY.
31 October, 1943.

It is understood that a number of prisoners awaiting trial for murder (accused of) before Italian Courts have been released from Milazzo Gulch by a series of errors and in complete disregard of directives and orders issued by AMCOT from time to time.

Could an investigation be made as soon as possible into this matter?

The names of the prisoners referred to are as follows:-

- (a) Prisoners released conditionally by Major By:-

Arzelli Vincenzo.
Siracusa Nicolo.
Di Angelo Domenico.
Dornica Giuseppe.
Ballaro Letterio.
Brise Giovanni.
Cattinato Vito.
Torre Giuseppe.
Calimari Francesco.
De Lando Angela.

- (b) Released conditionally through S.I.O. and Procureure:-

Scheris Domenico.
Calioitri Giuseppe.
Mazzeo Santo.
Scheris Francesco.

G.S. HANNAFORD, Major,
Officer i/c Italian Courts.

GSM/EM.



CORTE D'APPELLO DI MESSINA

con sede temporanea in CASTROREALE

UFFICIO Prima Presidenza

N. 355

Risposta a nota del

N.

Oggetto: Carceri di Milazzo: liberazione di tenuti.

Castroreale (Messina). 18 Ottobre 1943

Al

Sig. Comandante Capitano Cox

Messina

Vi informo che il 17 corrente, alle ore 12, si presentò alle carceri di Milazzo presente quel direttore dott. Spanò Umberto, il direttore delle carceri di Messina, dott. de Raffele Eduardo, accompagnato dal proprio veggione e dal maresciallo dei Reali Carabinieri di Milazzo, il quale, dichiarando di avere avuto esplicito mandato dal maggiore P. capo della polizia degli Alleati in Messina, mi in libertà tutti i giudicabili che si trovavano in attesa di giudizio, giudizio che era stato fissato per le prime udienze della Corte di Assise di Messina nei mesi di Novembre e Dicembre del corrente anno.

I detenuti predetti devono rispondere di reati gravissimi, omicidio e rapina, secondo le leggi italiane, non è applicabile il beneficio della libertà provvisoria, perché trattasi di reati punibili con la reclusione che va oltre gli anni dodici.

I detenuti scarcerati sono quelli indicati nell'elenco in data 2 Settembre scorso, in vostro possesso.

In conseguenza delle scarcerazioni sopra citate, le carceri di Messina sono rimaste vuote, pertanto, si desidera sapere se le carceri debbano continuare a funzionare, come nel passato, come sarebbe necessario tenendo presente che le sole carceri di Messina, poco ade-

Oggetto: Carceri di Milazzo: liberazione e tenuti.

Castoreale (Messina). 18 Ottobre 1943

Al Sig. Comandante Capitano Cax

Messina

Vi informo che il 17 corrente, alle ore 12, si presentò alle carceri di Milazzo presente quel direttore dott. Spanò Umberto, il direttore delle carceri di Messina, dott. de Raffele Edmundo, accompagnato dal proprio ragioniere e dal maresciallo dei Reali Carabinieri di Milazzo, il quale, dichiarando di avere avuto esplicito mandato del maggiore BNG, capo della polizia degli Alleati in Messina, mi ha in libertà tutti i giudicabili che si trovavano in attesa di giudizio, giudiziale che era stato fissato per la prima udienza della Corte di Assise di Messina nei mesi di Novembre e Dicembre del corrente anno.

I detenuti predetti devono rispondere di reati gravissimi ^{delitti} omicidio e rapina, secondo le leggi italiane, non è applicabile il beneficio della libertà provvisoria, perché trattasi di reati punibili con la reclusione che va oltre gli anni dodici.

I detenuti sequestrati sono quelli indicati nell'elenco in data 7 Settembre scorso, in vostro possesso.

In conseguenza delle sequestrazioni sopra citate, le carceri di Milazzo sono rimaste vuote, e, pertanto, si desidera sapere se le carceri debbano continuare a funzionare, come nel passato, come sarebbe necessario, tenendo presente che le sole carceri di Messina, poco adatte per numero di posti e per sicurezza, non sono sufficienti alla Giustizia di questo Distretto, che richiede di una disponi di non meno di 450 posti massili.

IL PRIMO PRESIDENTE

H. Cax



DIREZIONE CARCERI GIUDIZIARIE - MILAZZO

Elenco nominativo dei detenuti presenti in questo stabilimento
al 15. Settembre 1943.

Cognome Nome Età	Data di arresto	Autocritica che ha emesso l'ordine di carcerazione	Reato	Se è stato condannato	Condanna
Armieli Vincenzo. a. 51	18.2.943	St. Pretore di Naro	Furto aggravato	Si	a. 8. m. 4. gg. 15
Spracusa Nicolo- " 17	27.8.942	" " S. Maria E. U.	Furto e omicidio	"	a. 6. m. 8. (a. 3. cond. m. 10)
Leonardo Umberto " 39	21.5.942	R.R.E.E. Messina	Atti di libidine	"	a. 7. m. 8
Di Angelo Domenico " 21	20.6.941	" " Altalia	Omicidio premeditato	no	—
Pagliari Commiato " 50	19.8.943	" " Mesurto	Violenta alla ferza pubblica	"	22. — Capt. P. 1/5
Formica Giuseppe " 28	15.9.942	" " Milazzo	Omicidio premeditato	"	—
Ballaro Letterio " 20	2.4.942	" " Messina	Rapina e decurtatio	"	—
Paisa Giovanni " 20	idem	" " Messina	idem	"	—
Pellicano Lido " 34	2.5.939	" " Caccinno	Omicidio	"	—
Cerre Giuseppe " 35	9.7.940	" " Barcellona	Omicidio	"	—
Schepis Domenico " 55	9.11.936	" " Messina	Omicidio	"	—
Calimici Francesco " 51	27.7.942	" " Cervere	Omicidio	"	—
Salimitri Giuseppe " 20	23.5.943	" " Messina	Diruzione, reiterato, "	"	43
Mazzeo Santo " 23	E' un condannato militare appartenente al 4° Reggimento di artiglieria		Sequestrazione di effetti militari e di armamenti	"	—
Donne					
Di Santo Angela a. 42	19.2.940	R.R.E.E. P. M. M. M.	Concorso infanticidio	Si	a. 12.
Giardinio Lucrezia a. 51	20.2.940	idem	idem	"	a. 8. m. 6
Putame Caterina a. 52	18.2.940	idem	Infanticidio	"	a. 8. m. 6
Schepis Francesca a. 20	27.3.942	R.R.E.E. San di M. M.	Concorso omicidio	no	—



IL DIRETTORE

M. J. M.