Declassified E.O. 12356 Section 3.3/NND No. 785016

ACC

10000/142/683
(VOL. 1)

EXTRAORDINARY COURT OF A
JUN., JULY 1945

Declassified E.O. 12356 Section 3.3/NND No. 785016

10000/142/683
(VOL. 1)

EXTRAORDINARY COURT OF ASSIZE, SENTENCES, CASES, PETITIONS
JUN., JULY 1945

Declassified E.O. 12356 Section 3.3/NND No. 785016

PARTITO FASCISTA REPUBBLICANO
FEDERAZIONE DELL'URBE
IL COMMISSARIO FEDERALE

177

Declassified E.O. 12356 Section 3.3/NND No. 785016

FILE CLOSED 23 July 1945

Declassified E.O. 12356 Section 3.3/NND No. 785016

156A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4092/2/L.

25 July 1945.

SUBJECT : Extraordinary Courts of Assise - Death sentences.

TO : Ministry of Defence and Justice.

1. Advice has been received that the following death sentences were imposed by the Extraordinary Court of Assise in Bergamo:

| PERSON SENTENCED | DATE OF TRIAL |
|---|---|
| LUCCHIA Arnaldo | 14 July 1945 |
| AGOSTINELLI Vincenzo | 14 July 1945 |
| MORIS Giuseppe | 14 July 1945 |

2. Copy of sentence in the above case is enclosed herewith.

G. G. HANKAMER, 176
Lt. Col.,
Officer i/c Italian Branch,
for Chief Legal Advisor.

Incl.

Declassified E.O. 12356 Section 3.3/NND No. 785016

(155A)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AP/lc.
24 July 1945.

AC/4092/2/L.

SUBJECT : Extraordinary Court of Assizes - Death sentences.

TO : The Ministry of Pardon and Justice.

For your information the following signals have been received here to-day:

"Subject is appeals against death July. CAMPINO Alberto (Udine) referred for rehearing.

Subject is appeals against death sentences heard by Cassation 20 July 1945. SARDI Giuseppe and DANE Giuseppe (both Casale Monferrato) dismissed. FINAZZI Mario, SARACCO Osvaldo, MARTINOTTI Luciano, FORNERO Carlo, BARBANO Lorenzo, UBBERTAZZI Carlo and ZOLA Giovanni (same Court) referred for rehearing.

Subject is appeals against death sentences heard by Cassation 21 July. MISSIATO Arturo, RICCI Domenico, DI NATALE Cosimo, INFANTE Raffaele, ZENO Giovanni, SANTORO Salvatore (all Novara) appeals dismissed."

175

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

Declassified E.O. 12356 Section 3.3/NND No. 785016

4092/2 (1544A) Legal

# INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: 1546
Date/Time of Origin: JULY 241100B

Message Centre No: F/1019
Date Time Rec'd: JULY 241220B
Precedence: ROUTINE

FROM: LOMBARDIA REGION LEGAL FOR POLETTI SIGNED DICKIE

TO : ALCOM ROME ACLEG INFO RLO VENEZIA

RESTRICTED

RESTRICTED

Subject is appeals against death July.
CAMPINO ALBERTO (UDINE) referred for rehearing.

Dist

Action - Legal SC
Info - Chief Commissioner
CA Sec
File 2
Float

176

HEADQUARTERS
ALLIED COMMISSION
24 JUL 1944

minisdy informed
on 24 July 44
JO.

RESTRICTED

ALLIED COMMISSION
CJO
DCJO
Chief Counsel
CJO
Italian Section
CJ RC

24 JUL 1944

ACTION

Declassified E.O. 12356 Section 3.3/NND No. 785016

# INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: 1545
Date/Time of Origin: JULY 241000B

Message Centre No: F/1015
Date Time Rec'd: JULY 241220B
Precedence: ROUTINE

FROM: LOMBARDIA REGION LEGAL FOR POLETTI SIGNED DICKIE
TO : ALCOM ROME ACLEG INFO RLO PIEMONTE

RESTRICTED

RESTRICTED

Subject is appeals against death sentences heard by Cassation 20 July 1945. SARDI GIUSEPPE and DANE GIUSEPPE (both CASALE MONFERRATO) dismissed. FANAZZI MARIO SARACCO OSVALDO MARTINOTTI LUCIANO BORNERO CARLO BARBANO LORENZO UBERTAZZI CARLO and ZOLA GIOVANNI (same court) referred for rehearing.

Dist 173

Action - Legal SC
Info - Chief Commissioner
CA Sec
File 2
Float

HEADQUARTERS
24 JUL 1945

Minority information on 24 July 45

RESTRICTED

HQ COMMISSION
DCLO
Chief Counsel
CJO
Italian Section
CLERKS
24 JUL 1945

Declassified E.O. 12356 Section 3.3/NND No. 785016

4092/2

152A

# INCOMING MESSAGE

**HEADQUARTERS ALLIED COMMISSION**

legal

Originator's Reference: 1544

Date/Time of Origin: JULY 241000B

Message Centre No: F/1011

Date Time Rec'd: JULY 241140B

Precedence: ROUTINE

FROM: LOMBARDIA REGION LEGAL FOR POLETTI STORED DICKIE

TO : ALCOM ROME ACLEG INFO RLO PIEMONTE

RESTRICTED

RESTRICTED

Subject is appeals against death sentences heard by Cassation 21 July. MISSIATO ARTURO RICCI DOMENICO DI NATALE COSIMO INFANTE RAFFAELE ZENO GIOVANNI SANTORO SALVATORE (all NOVARA) appeals dismissed.

Dist

Action - Legal SC
Info - Chief Commissioner
CA Sec
File 2
Float

HEADQUARTERS 24 JUL 1945

172

RESTRICTED

Minister informed on 24 July 45.

SUB-COMMISSION
RLO
DCLO
Chief Counsel
CJO
Italian Section
CLERKS
24 JUL 1945

Declassified E.O. 12356 Section 3.3/NND No. 785016

(151A)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4052/2/3.

AP/mt.
24 July 1945.

SUBJECT : Extraordinary Court of Assise - Death sentences.

TO : Ministry of Pardon and Justice.

Advice has been received here of the following death sentences imposed by the Court of Assise in Mantova:

| PERSON SENTENCED | DATE OF TRIAL |
|---|---|
| BRIVARENE Carlo | 14 July 1945 |
| ROSSA Stefano | 18 July 1945 |

O. C. HARWARD,
Lt. Col.,
Officer i/c Italian Branch,
for Chief Legal Advisor

171

Declassified E.O. 12356 Section 3.3/NND No. 785016

(150A)

File

C 6092/2

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

23 July 1945

Ref.: LEG/5008

SUBJECT : Applications for pardon

TO : HQ Allied Commission
Legal Sub-Commission

1. Herewith applications for pardon filed on behalf of Oddone Marco, Sofio Sante and Saladini Giuseppe all sentenced to death by the Extraordinary Court of Assize at Asti.

H.M. Dickie W/Cdr

H.M. DICKIE
W/Comdr., R.A.F.
Regional Legal Officer.

Copy to R.L.O. Piemonte

Encl. 3 applications.

170

LEGAL SUBCOMMISSION
DCLO
DDLO
Chief Counsel
CJO
Italian Section
CLERKS
24 JUL 1945

ar/
Passed to M.J. on 24 July 45 AB

Declassified E.O. 12356 Section 3.3/NND No. 785016

File

4092/2

149A

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5027

23 July 1945

SUBJECT : Extraordinary Courts of Assize - Death Sentences.

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

1. Reference your letter AC/4092/1/L dated 18 July 1945.

2. The following death sentences are reported :-

| Date : | Court : | Name of person sentenced : |
|---|---|---|
| 14.7.45 | Bergamo | LUSSANA Arnaldo |
| -do- | -do- | AGOSTINELLI Vincenzo |
| -do- | -do- | NORIS Giuseppe |

169

For the Regional Commissioner :

H.M. Dickie

H.M. DICKIE
W/CDR. RAF SUB COMMISION
Regional Legal Officer

Ministry informed on 24 July 1945 AB.

P.S. Copy "sentenza" in the above case is enclosed herewith.

CLO
DCLO
Chief Counsel
CJO
Italian Section
CLERKS
24 JUL 1945

vb

Declassified E.O. 12356 Section 3.3/NND No. 785016

file

4092/2

148A

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref. : LEG/5027 21 July 1945

SUBJECT : Extraordinary Courts of Assize .
Death Sentences

TO : HQ Allied Commission
Legal Sub-Commission

1. Reference your letter AC/4092/I/L dated 18th July 1945.

2. Following persons have been sentenced to death by the Court in Mantova :-

14.7.45 ARRIVABENE Carlo
18.7.45 MOTTA Stefano

ALLIED COMMISSION
CLO
DCLO
Chief Counsel
CJO
Italian Section
CL RKS
24 JUL 1945

H.M. Dickie Lt Col.
H.M. DICKIE
W/Comdr., R.A.F.
Regional Legal Officer.

168

Ministry informed on 24 July 1945.

ar/

Declassified E.O. 12356 Section 3.3/NND No. 785016

1474

HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394

Office of the Regional Legal Officer

20 July 1945.

PR/LE/427

SUBJECT: Extraordinary Courts of Assize.

TO : HQ. A.C., APO 394, for Legal Sub-Commission. (Attn. Italian Branch).

1. The Extraordinary Court of Assize of Asti passed on 12 July 45 against:

(a) SPINNATO Francesco: death, confiscation of property. Charged with homicide, treason and collaboration.

2. The Extraordinary Court of Assize of Aosta passed on 10 July 45 against:

(a) POLINI Giuseppe: 4 years 11 months, watched liberty.
(b) DONATONI Remo: 4 years 9 months, watched liberty.
(c) CATTILINO Sergio: 4 years 9 months, watched liberty.
All charged with collaboration.

167

3. The Extraordinary Court of Assize of Torino passed on 17 July 45 against:

(a) NATOLI Carlo: 30 years, perpetual interdiction from public offices, watched liberty for 3 years.
(b) SPAGNA Dario: 4 years 6 months.
Both charged with collaboration, treason and homicide.

4. The Extraordinary Court of Assize of Cuneo passed on 14 July 45 against:

Declassified E.O. 12356 Section 3.3/NND No. 785016



(a) MAZZOLETTI Carlo: 2 years.
(b) BARONE Domenico: 5 months, susp. sent.
(c) RACCA Eugenio: 5 months susp. sent.
All charged with collaboration and membership in the armed forces of the so called Italian Republic.

For the Regional Commissioner.

Edwin J. Mercer
Lt. Col., Ord.
Regional Legal Officer.

EJM/AR.

166

Copy passed to R.J. on 24 July 1945.

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

146A

10/4090/2/1. 23 July 1945.

SUBJECT : Extraordinary Court of Assise, Treviso - Death sentence, Petition for pardon.

TO : The Ministry of Pardon and Justice.

Enclosed herewith is the petition on behalf of MIGOTTI Vincenzo delivered to this Sub-Commission by Signorina MIGOTTI Beatrice.

165

Incl.

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

Declassified E.O. 12356 Section 3.3/NND No. 785016

145A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

RS/lc.
21 July 1945.

AC/4092/2/L.

SUBJECT : Extraordinary Court of Assize Bologna. Death sentence.

TO : The Minister of Pardon and Justice.

For your information the following signals have been received here to-day:

"Subject is appeals against death sentences heard by Cassation 18 July 1945. BENATI Gaetano (Bologna) referred to Modena for rehearing."

"Subject is appeals against death sentences heard by Cassation 18 July. BUCCHI Aldo DUO Giovanni TODERINI Francesco (all Padova) and PIGTONE Michele (Treviso) appeals dismissed."

"Subject is appeals against death sentences heard by Cassation 19 July. ONORI Onorio (Sondrio)referred for rehearing PG GUIDETTI Carlo (Genova) death sentence quashed but prison term confirmed. TAPPARI Giacomo (Rovigo) and ZUPPI Marcello (Pavia) appeals dismissed."

Furthermore, advice has now been received of the following death sentences imposed by the following Extraordinary Courts of Assize:

| | | |
|---|---|---|
| TARTAROTTI | Renato | Bologna, 4 July 1945 |
| MOLMENTI | Francesco | |
| FERRI | Guglielmo | Parma 2 July 1945 |
| VALLI | Antonio | |

164

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

Declassified E.O. 12356 Section 3.3/NND No. 785016

4092/2

# INCOMING MESSAGE

(144A)

**HEADQUARTERS ALLIED COMMISSION**

Legal

Originator's Reference: 1511
Date/Time of Origin: JULY 201435

Message Centre No: F/599
Date Time Rec'd: JULY 210850B
Precedence: ROUTINE

FROM: LOMBARDIA REGION FOR POLETTI SIGNED DICKIE
TO : ALCOM ROME INFO RLO ACLEG

RESTRICTED

RESTRICTED.

Subject is appeals against death sentences heard by Cassation 18 July 1945. BENATI CAETANO (BOLOGNA) referred to MODENA for rehearing.

DIST

ACTION LEGAL SC
INFO CHIEF COMMISSIONER
CA SEC
FILE 2
FLOAT

Classification
CO
DCO
Chief Counsel
CIO
Italian Section
CLERKS

163

RESTRICTED

Declassified E.O. 12356 Section 3.3/NND No. 785016

✓ 4097/2

# INCOMING MESSAGE

(143A) legal

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: 1512
Date/Time of Origin: JULY 201445

Message Centre No: F/598
Date Time Rec'd: JULY 210850B
Precedence: ROUTINE

FROM: LOMBARDIA REG LEGAL FOR POLETTI SIGNED DICKIE
TO : ALCOM ROME ACLEG INFO FLO VENEZIE

RESTRICTED

RESTRICTED.

Subject is appeals against death sentences heard by Cassation 18 July. BUCCHI ALDO DUO GIOVANNI TODERINI FRANCESCO (all PADOVA) and PISTONE MICHELE (TREVISO) appeals dismissed.

DIST

ACTION LEGAL SC
INFO CHIEF COMMISSIONER
CA SEC
FILE 2
FLOAT

162

ACTION

RESTRICTED

Chief Counsel
C.O.
Station Venice
CL RKS
23 JUL 1945

Declassified E.O. 12356 Section 3.3/NND No. 785016

4092/2

(142A)

# INCOMING MESSAGE

Legal

**HEADQUARTERS ALLIED COMMISSION**

Originator's Reference: 1521
Date/Time of Origin: JUL 210920B

Message Centre No: W/647
Date Time Rec'd: JUL 211400B
Precedence: ROUTINE

FROM: LOMBARDIA REGION LEGAL FOR POLETTI SIGNED DICKIN

TO : ALCOM RUMB ACLEG INFO RLO LIGURIA RLO VENEZIA

RESTRICTED

RESTRICTED.

Subject is appeals against death sentences heard by Cassation 19 July. ONORI ONORIO (SONDRIO) referred for rehearing PG GUIDETTI CARLO (GENOVA) death sentence quashed but prison term confirmed. TAFFARI GIACOMO (NOVICC) and ZUCCI LAPOMELLO (PAVIA) appeals dismissed.

DIST

ACTION: Legal SC
INFO: Chief Commissioner
CA Sec
File 2
Fleet

HEAD QUARTERS
21 JUL 1945
C.

ACTION

RESTRICTED

CLO 161
DCLO
Chief Counsel
CIO
Italian Section
CL RKS
21 JUL 1945

Declassified E.O. 12356 Section 3.3/NND No. 785016

Regal S/C

1L/A

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

WHL/gp.
REF: REX/LE/704-BL/487 20 July 1945.

SUBJECT: Special Court of Assize, Bologna Province (Death Sentence).
TO: Headquarters, Allied Commission, APO 394 (for Chief Legal Advisor).

1. Ref. your AC/4092/1/L, 18 July 1945, this is to advise that a death sentence was imposed by the above Court on 4 July 1945 on the following accused:

Tartarotti Renato.
Molmonti Francesco.

For the Regional Commissioner:

21 JUL 1945

WILLIAM H. LEVIT
Lt. Col., J.A.G.D.
Regional Legal Officer.

LEGAL SUB-COMMISSION
CLO
DCLO
Chief
CLO
Harlen
CL RKS

160

Declassified E.O. 12356 Section 3.3/NND No. 785016

Regn. C/c.

(140A)

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

REF: MIX/IE/704-PA/490

WGL/ep.
20 July 1945.

SUBJECT: Special Court of Assize, Parma Province (Death Sentence).

TO: Headquarters, Allied Commission, APO 394 (for Chief Legal Advisor).

1. Ref. your AC/4092/1/L, 18 July 1945, this is to advise that a death sentence was imposed by the above Court on 2 July 1945 on the following accused:

Ferri Guglielmo.
Valli Antonio.

For the Regional Commissioner:

WILLIAM N. LEVIT
Lt. Col., J.A.G.D.
Regional Legal Officer.

21 JUL 1945

LEGAL SUBCOMMISSION
21 JUL 1945

Declassified E.O. 12356 Section 3.3/NND No. 785016

139A

4092/V

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5027

21 July 1945

SUBJECT : Extraordinary Courts of Assize - Death sentences.

TO : HQ Allied Commission
Legal Sub-Commission

1. Reference para 2(b) of Directive AC/4092/I/L dated 12 July, herewith copy Death Sentence pronounced by the Extraordinary Court of Varese against LEONI Bruno on 6th July.

2. The accused has appealed to the Court of Cassation.

H.M. Dickie
H.M. DICKIE
W/Comdr., R.A.F.
Regional Legal Officer.

158

Encl. 1 copy Death Sentence.

Passed To M.J. on 23 July 1945.

ar/

SUBCOMMISSION
CLO
DCLO
Chief Co
CJO
Italian
CLERKS
23 JUL 1945

Declassified E.O. 12356 Section 3.3/NND No. 785016

File

4-882/2

138A

HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394

Office of the Regional Legal Officer

19 July 1945.

PR/LE/427

SUBJECT: Extraordinary Courts of Assize.

TO : HQ. A.C., APO 394, for Legal Sub-Commission.
(Attn. Italian Branch).

1. The Extraordinary Court of Assize of Aosta passed on July 45 against:

(a) MAFFI Dario: 14 years.
(b) GAMBA Amilcare: 14 years.
Both charged with collaboration.

2. The Extraordinary Court of Assize of Turin passed on 10, 11 and 13 July 45 against:

(a) BELTRAMO Antonio: 10 years.
(b) DEL DOTTORE Vittorio: 20 years.
(c) BORAZZA Maria Teresa: 6 months.
(d) CAVIGLIASSO Antonietta: 8 years 4 months.
(e) GIANNETTI Tullio: 14 years, perpetual interdiction from public offices and watched liberty for at least 3 years.
All charged with collaboration.

157

3. The Extraordinary Court of Assize of Alessandria passed on 21, 23, 28 June and 3, 5 July 45 against:

(a) MONERO Guido: death.
(b) ELISENA Adriano: death.
(c) ALESSANDRI Giovanni: death.
(d) CARADONNA Eugenio: death.
(e) BERARDINELLI Alfredo: 10 months.

Declassified E.O. 12356 Section 3.3/NND No. 785016



(f) TRAVERSA Alessandro: 3 years 10 months.
(g) BIANCHI Giuseppe: 6 months.
(h) ROTA Giovanni: 10 months 20 days.
(i) PERINI Teosvaldo: 2 years 8 months.
(j) MONTALDO Francesco: 2 years 8 months.
(k) BASSONI Mario: 10 years.
(l) ROMANI Mario: 10 months, susp. sent.
(m) BRUNETTI Mario: 1 year, susp. sent.
(n) BENTIVEGNA Vincenzo: 4 years 7 months.
All charged with collaboration, treason and membership in the armed forces of the so-called Italian Republic.

4. The Extraordinary Court of Assize of Asti passed on 10 July 45 against:

(a) BOLOGNA Francesco: 4 months, susp. sent.
(b) GAY Francesco: 10 months, susp. sent.
Both charged with collaboration.

5. The Extraordinary Court of Assize of Cuneo passed on 9 July 45 against:

(a) SANTAMARIA Angelo: 2 years 6 months.
(b) SUSINI Francesco: 20 years 6 months.
(c) CONTI Vincenzo: 1 year 8 months.
All charged with collaboration and membership in the armed forces of the so-called Italian Republic.

156

6. The Extraordinary Court of Assize of Biella passed on 23 June 45 against:

(a) PASQUA DI BISCEGLIE Gerolamo: death.
Charged with membership in the armed forces of the so-called Italian Republic.

7. The Extraordinary Court of Assize of Alba passed on 13 July 45 against:

(a) BARACCO Oreste: 8 months.
(b) TERZOLO Olimpia: 6 years 8 months.
(c) GAZZERA Paola: 6 years 8 months.
All charged with collaboration.

Declassified E.O. 12356 Section 3.3/NND No. 785016



8. The Extraordinary Court of Assize of Turin passed on 12 July 45 against:

(a) FIORINI Augusto: 7 months.
Charged with collaboration.

For the Regional Commissioner.

Edwin J. Mercer
Lt. Col., Ord.
Regional Legal Officer.

EJM/AR.

OBJECTIONS
LCO
DCLO
Chief Counsel
CJO
Action Section
CLERKS
23 JUL 1945



passed spare copy to NJ on 23 July 1945. AB

Declassified E.O. 12356 Section 3.3/NND No. 785016

137A

HEADQUARTERS ALLIED COMMI. ION
APO 394
LEGAL SUB-COMMISSION

/lc.
20 July 1945.

AC/4092/2/L.

SUBJECT : Extraordinary Court of Assize GENOVA - Death sentence - Petition for Pardon.

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

1. Advice of Minister of Pardon and Justice on Petition for Pardon of RISI Mauro has been received.

2. It is notified that the Petition is DENIED.

3. The documents are being returned.

By command of Rear Admiral STONE :

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

Incl.

154

Declassified E.O. 12356 Section 3.3/NND No. 785016

file

137B

C O P I A

Roma, 7.1945.

Ufficio IV Grazie

MINISTERO DI GRAZIA E GIUSTIZIA
Direz. Gen. degli Affari Penali
delle Grazie della Statistica e del
Casellario

Prot. 293/45

ALLA COMMISSIONE ALLEATA
=Sottocommissione Legale=

Risposta a f. n. 4092/2/1 Div. 10 dell'11 e 15.7.1945 R O M A

OGGETTO : RISI Mauro condannato alla pena di morte istanza per grazia.

Con parere contrario all'accoglimento, trasmetto l'istanza per grazia presentata a favore di RISI Mauro, condannato, con sentenza della Corte Straordinaria di Assise di Genova del 16.6.1945, alla pena di morte, perche' ritenuto responsabile del delitto, di cui all'art. 5 del decreto legge luogotenenziale 27.7.1944, n. 159, in relazione all'art. 54 cod. pen. militare di guerra.

Unisco gli atti relativi alla istruttoria per grazia espletata dal Procuratore Generale presso la Corte di Appello di Genova.

IL MINISTRO
f.to Palmiro Togliatti

Declassified E.O. 12356 Section 3.3/NND No. 785016

Mod. 40

Roma 20.7. 1354 Ris. 5.1

4092/12

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

Ufficio IV Grazie
Prot. N. 284/45

Alla Commissione Alleata
Sottocommissione Legale
R O M A

Risposta al foglio
Del Div. N.

OGGETTO: Istanza per grazia PEPI UMBERTO-
condannato a morte

Allegati:2

Si fa seguito alla ministeriale pari numero del 5 luglio u.s.e si trasmette l'acclusa nuova istanza presentata a favore del condannato a morte Pepi Umberto,che ha formato oggetto della nota di Cotesta Sottocommissione in data 3.7.1945-A.C.4092.I.L.

P E L M I N I S T R O

152

Declassified E.O. 12356 Section 3.3/NND No. 785016

Box 9

MINISTERO DELLA GIUSTIZIA
19 LUG. 1945
GABINETTO DEL MINISTRO

Levanto (Spezia) 10. VII. 45

All' Eccellenza Il Ministro della Giustizia Roma

A corroborare la supplica da me inviatagli giorni addietro, per ottenere la grazia a favore del mio unico figlio, Umberto Pepi condannato a morte dalla Corte d'Assise Straordinaria di Venezia, mi permetto inviare, accluso alla presente, l'attestato di benemerenza rilasciatomi, per effettivi e sempre controllabili fatti, dal locale Comitato di Liberazione Nazionale, i di cui due membri più in vista e appartenenti al Partito Comunista, furono da me non solo aiutati ma addirittura salvati con estrema difesa e raro coraggio, l'uno Buaglierini Dante, segretario del locale Sotto C.L.N.

151

Declassified E.O. 12356 Section 3.3/NND No. 785016

preso come ostaggio dalle SS. Germaniche
e l'altro arrestato con altri comunisti
d'qui, dal Vicora F., dalla polizia re
pubblicana fascista, sotto l'imputa
zione di attentato ordito contro il Pre
fetto, il Questore e contro il Commissa
rio Federale repubblicano di Spezia.
Se la valutazione dei miei precedenti poli
tici, sempre ostili al fascismo, tanto da es
sere colpito nel 1937 dal famigerato Ca
po della Polizia Bocchini, con un ani
cipato collocamento a riposo per man
canza di fede fascista, non dovessero in
fluire favorevolmente sulla triste sor
te toccata al mio figliuolo, ostaggio
vane sotto ogni rapporto, prego considera
re che egli per 18 anni appartenne ai
ranchi fascisti; non ricoprì mai ca
riche nel partito fascista e nella de
precata milizia V.S.N., e che solo un atto
d'imperio di Pavolini, gl'impose ultimamen
te di occupare un posto nella Federaz. Repub. di Ve
nezia contro sua volontà. Con ossequi Comm.re Primo Pepi - ex Questore

Declassified E.O. 12356 Section 3.3/NND No. 785016

SOTTOCOMITATO DI LIBERAZIONE NAZIONALE DI LEVANTO

S I A T T E S T A

che il Comm. Primo Pepi fu Gaetano di anni 67 da Livorno fino dal 1943 ha dato il suo spontaneo contributo ed appoggio morale al movimento di liberazione nazionale in questa Provincia, segnalandosi altresì nella sua efficace attività collaboratrice, con consigli, aiuti ed assistenza a favore dei principali esponenti del movimento locale: in occasione di rastrellamenti ed arresti da parte delle forze armate e di polizia repubblicane nonchè delle S.S. Germaniche.

Lo si ritiene, a buon diritto, benemerito del movimento di liberazione nazionale.

Levanto 10 Luglio 1945

Il SOTTOCOMITATO DI LIBERAZIONE

SOTTOCOMITATO DI LIBERAZIONE NAZ. - LEVANTO

D. Guaglierino

150

Declassified E.O. 12356 Section 3.3/NND No. 785016

134A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4092/2/L. 20 July 1945.

SUBJECT : Extraordinary Court of Assise, Turin and ASTI. Sentences of imprisonment.

TO : Ministry of Justice.

Herewith for your information copy of letter HQ/1427 of 17 July 45 from PIEDMONT Region relating to imprisonment sentences passed on by the Courts of Assise of Turin and Asti.

149

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

Incl. 06

Declassified E.O. 12356 Section 3.3/NND No. 785016

file copy 2

(133A)

REGIONAL COMMISSIONER (ATTN: REGIONAL LEGAL OFFICER)
LIGURIA REGION

2216 20 JULY 1945 PRIORITY

RESTRICTED PD

SUBJECT IS DEATH SENTENCE EXTRAORDINARY COURT OF ASSIZE GENOVA PD

PARA ONE PD ADVICE OF MINISTER OF JUSTICE ON PETITION OF RISI MAURO HAS BEEN RECEIVED PD

PAREN TO REGIONAL COMMISSIONER PAREN ATTENTION REGIONAL LEGAL OFFICER PAREN LIGURIA REGION FROM HQ ALCOM CITE ACLEG PAREN

PARA TWO PD IT IS NOTIFIED THAT THE PETITION IS DENIED PD DOCUMENTS ARE BEING RETURNED

148

Legal Sub-Commission
302

Declassified E.O. 12356 Section 3.3/NND No. 785016

PROCURA GENERALE
PRESSO LA
CORTE APPELLO di MILANO

Milano, li 19 Luglio 1945

N. 1050/45=23=76

Oggetto: Condanna a morte di CALESELLA Aldo. Richiesta inoltro telegramma.

On.le COMMISSIONE ALLEATA DI CONTROLLO

MILANO

Prego volere fare inoltrare l'unito telegramma riguardante l'affare in oggetto.

IL PROCURATORE GENERALE

147

Declassified E.O. 12356 Section 3.3/NND No. 785016

PROCURA GENERALE
PRESSO LA
CORTE d'APPELLO di MILANO

Milano, li 19 Luglio 1945

Rexx N. 1020/45=23=73

Oggetto: Richiesta di inoltro di telegramma relativo alla pratica di grazia CAIANI Arturo e GANDOLFI Eugenio condannati a morte.

On.le COMMISSIONE ALLEATA DI CONTROLLO

MILANO

Prego di volere fare inoltrare l'unito telegramma diretto al Ministero di Grazia e Giustizia relativo all'affare in oggetto indicato.

IL PROCURATORE GENERALE

Declassified E.O. 12356 Section 3.3/NND No. 785016

PROCURA GENERALE
PRESSO LA
CORTE d'APPELLO di MILANO

Milano, il 18 Luglio 1945

XXXXX N. 1945=32=284

Oggetto: Inoltro di telegramma

To Commissione aggiunto prefettizio alla Procura Roma

On.le COMMISSIONE ALLEATA DI CONTROLLO

M I L A N O

Prego voler inoltrare l'unito telegramma riguardante il procedimento contro il senatore VINAZZA Paolo.

IL PROCURATORE GENERALE

145

Declassified E.O. 12356 Section 3.3/NND No. 785016

409 12 File

129A

HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394

Office of the Regional Legal Officer

17 July 1945.

PR/LE/427

SUBJECT: Extraordinary Courts of Assize.

TO : HQ. A.C., APO 394, for Legal Sub-Commission. (Attn. Italian Branch).

1. The Extraordinary Court of Assize of Turin passed on 7 July 45 against:

(a) ASTOLFI Sergio: 1 year 2 months.
(b) BRACCO Nello: 6 months susp. sent.
Both charged with collaboration.

2. The Extraordinary Court of Assize of Asti passed on 5, 6 and 9 July 45 against:

(a) PIAZZA Calogero: 1 year.
(b) FERONDI Giulio: 6 months.
(c) DIONISIO Alfredo: 10 years, confiscation of property, perpetual interdiction from public offices.
(d) GIANOGLIO Giuseppe: 13 years 4 months, 5000 lire fine, confiscation of property, perpetual interdiction from public offices.
(e) GUADALAXARA Alberto: 14 years, confiscation of property, perpetual interdiction from public offices.
(f) GRIFONI Giovanni: 9 years, 1333 lire fine, confiscation of property, perpetual interdiction from public offices.
All charged with collaboration.

144

LEGAL SUB-COMMISSION
CLO
DCLO
Chief Counsel
CJO
Italian
EJM/AR.
19 JUL 1945

For the Regional Commissioner.

Edwin J. Mercer
Lt.Col.,Ord.
Regional Legal Officer.

Sent copy to LMJ on 20 July 45.

Declassified E.O. 12356 Section 3.3/NND No. 785016

128A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/pa.

AC/4992/2/L. 20 Jul 45.

SUBJECT : Extraordinary Court of Assize NOVARA-
Death sentence - Petition for Pardon.

TO : The Minister of Pardon and Justice.

Enclosed herewith the Petition for Pardon of VEZZALINI Enrico for your recommendation.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Incls.

142

Fb 4097/72

LEGAL S/C

# CONSOLATO GENERALE DI SVIZZERA
# MILANO

PER LE PROVINCIE DI
MILANO, BERGAMO, BOLOGNA, BRESCIA, CREMONA, COMO, MANTOVA, MODENA, NOVARA, PARMA, PAVIA, PIACENZA REGGIO EMILIA, SONDRIO, VARESE

RIFERENZA: NOSTRA N.o ..... VOSTRA N.o .....

MILANO, li July 14th 1945. 127A

Corso Venezia, 49
Telefono 72.919

SI PREGA DI AGGIUNGERE L'AFFRANCAZIONE PER LA RISPOSTA E DI NON TRATTARE CHE UN SOL OGGETTO IN OGNI LETTERA

Personal.

Dear Sir,

I take the opportunity of our courier going to Torino to send you the request of grace by Mrs. Lena Vezzelini, whom I know personally.

I beg to consider this transmission as an act of humanity on my part.

Yours faithfully.

Frey

143

Dr. W. Frey - Vice Console

ADVCOMMISO
CLO
DCLO
Chief Counsel
CJO
Italian Section
CLERKS
received on 19 July 45.

Transmitted to M.J. on 20 July 1945.

To

Col. Marshal,

Chief of the Allied Military Government

Unclassified E.O. 12356 Section 3.3/NND No. 785016

PER LE PROVINCIE DI
MILANO, BERGAMO, BOLOGNA, BRESCIA, CREMONA, COMO, MANTOVA, MODENA, NOVARA, PARMA, PAVIA, PIACENZA REGGIO EMILIA, SONDRIO, VARESE

NOSTRA N.o .....
RIFERENZA: VOSTRA N.o .....

SI PREGA DI AGGIUNGERE L'AFFRANCAZIONE PER LA RISPOSTA E DI NON TRATTARE CHE UN SOL OGGETTO IN OGNI LETTERA

Personal.

Dear Sir,

I take the opportunity of our courier going to Torino to send you the request of grace by Mrs. Lena Vezzalini, whom I know personally.

I beg to consider this transmission as an act of humanity on my part.

Yours faithfully.

Frey

143
Dr. W. Frey - Vice Consule

RECOMMENDED
CLO
DCLO
Chief Counsel
CIO
Italian Section
CL RKS
received on 19 July 45.

Transmitted to M.J. on 20 July 1945.

To

Col. M a r s h a l ,

Chief of the Allied Military Government,

PR/LE/413 1st Ind. DDM/LR.
HQ. Piemonte Region, A.M.G., Legal Division 16 July 1945.
TO : Legal Sub-Commission H.Q. A.C.
1. Forwarded.

DDM McColm Major
D.D. Mc. Colm, Major R.A.
Deputy for
Edwin J. Mercer, Lt.Col.,Crd.
Regional Legal Officer.

Declassified E.O. 12356 Section 3.3/NND No. 785016

Declassified E.O. 12356 Section 3.3/NND No. 785016

Mod.40

7092/2/Lib. Roma 17.7.1945

1264

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

Alla Commissione Alleata
Sottocommissione Affari Legale
R O M A

Ufficio IV Grazie
Prot. N. 381 /45

Registrato al N. del
Div. Sez. N.

OGGETTO: Corrispondenza diretta ad uffici situati in territorio dell'A.M.G.
OSTINI Giovanni - istanza per grazia

S'inviano a codesta Commissione gli uniti atti, con preghiera di curarne l'inoltro al Procuratore Generale del Regno in Torino.

IL ORDINE DEL MINISTRO
Giovanni

Trans. to RC (attn RCO) Piemonte for P.G. Torino on 20 July 45

141

Legal Div (125A)

Allied Commission
Civil Affairs Section
APO 394

Tel : 47 417-500

July 1945

AC/14812/2

SUBJECT : Administration of Death sentences.

TO : P.P's Emilia, Liguria, Lombardia, Piemonte
Venezia Tridentina, Marche, Umbria, Abruzzi
(attention of CMG's)
I.G's Sardinia, Sicily, Puglia, Legal, CMG
Rm. 500m A.C.C. Ministry of Interior
(for information)

1. The following instructions are forwarded in order that you may be aware of the procedure to be adopted in AMG territory, if an Italian Civil execution has to be carried out.

140

2. Under Italian Law, where a sentence of death is imposed by an Italian court, the execution of the death sentence is regulated by the Code of Criminal Procedure Art. 588. The Procuratore General of the Court of Appeal concerned is instructed by the Minister of Justice to carry out the execution and he is solely responsible for the necessary arrangements.

3. The actual physical execution is carried out by one or other of the following forces :-

Carabiniere
Agents of Public Security
Guardia di Finanza
Italian Army

It is the practice that each force is called on in turn to perform the duty.

4. In AMG territory, the Procuratore General will normally receive his instructions through AMG channels and not from the Minister of Justice. Apart from this the normal procedure will be employed and the Procuratore General will be solely responsible for the execution.

When the death sentence is imposed by an AMG

Declassified E.O. 12356 Section 3.3/NND No. 785016

SC

R.O's Emilia, Liguria, Lombardia, Piemonte
Venezia, Naples, Ancona, Livorno
(attention of AMGO's)

L.O's Sardinia, Sicily, Puri, Legal
Dr. Sodh, A.C.C. Ministry of Interior
(for information)

1. The following instructions are forwarded in order that you may be aware of the procedure to be adopted in AMG Territory, if an Italian Civil execution has to be carried out.

140

2. Under Italian law, where a sentence of death is imposed by an Italian court, the execution of the death sentence is regulated by the Code of Criminal Procedure Art., 589. The procuratore General of the Court of Appeal concerned is instructed by the Minister of Justice to carry out the execution and he is solely responsible for the necessary arrangements.

3. The actual physical execution is carried out by one or other of the following forces :-

Carabiniere
Agents of Public Security
Guardia di Finanza
Italian Army

It is the practice that each force is called on in turn to perform the duty.

4. In AMG territory, the Procuratore General will normally receive his instructions through AMG channels and not from the Minister of Justice. Apart from this the normal procedure will be employed and the Procuratore General will be solely responsible for the execution.

5. When the death sentence is imposed by an AMG Court and confirmed by the Chief Commissioner, similar arrangements will be made for execution, except in security cases, where a British or American military firing party will be made available.

6. The Questore, acting under the orders of the Prefect, details the execution party and makes the local arrangements. The duties of the Officers of AMG are to ensure as far as possible, that public order and safety are not endangered, especially in cases where the accused has been sentenced by an AMG Court.

[illegible]
Lt. Col. [illegible] Brig.
for C. [illegible] Sec

Declassified E.O. 12356, Section 3.3/NND No. 785016

Declassified E.O. 12356 Section 3.3/NND No. 785016

124A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4032/2/1.

19 July 1945.

SUBJECT : Extraordinary Courts of Assize - Death sentences.

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

1. Reference your LEG/5031 of 17 July 1945 only the sentence is required. The "atti" should NOT be forwarded here.

By command of Rear Admiral STONE:

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

139

Declassified E.O. 12356 Section 3.3/NND No. 785016

4-920/20

File

123A

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
TO BADEN REGION
APO 394
Legal Division

Ref.: LEG/5008 18 July 1945

SUBJECT : Application for pardon
Di Stefano Federico

TO : H. Allied Commission
Legal Sub-Commission

1. Herewith application for pardon on behalf of the above-named Di Stefano Federico condemned to death at Brescia on 14th June 1945.

H.M. DICKIE
W/Comdr., R.A.F.
Regional Legal Officer.

138

Encl. 1 application
for pardon.

sent to
MJ on
20 July 45

LEGAL SUB
CLO
DCLO
Chief
CIO
Italy
CL
19 JUL 1945

Declassified E.O. 12356 Section 3.3/NND No. 785016

f. 4092/2

122A

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
BRESCIA PROVINCE

REFERENCE: BR/220/W/213 17 July 1945

SUBJECT : Transmission of documents.

TO : C.L.A. Legal Subcommission, HQ.,A.C.,Rome.
(Attention Officer i/c Italian Branchs.)

May the attached letter(petition for grace) of the ex Questore of Brescia of the Procura Generale of the Extraordinary Court of Assise of Brescia be transmitted please to the Ministry of Grace and Justice.

E.V. FAIK, Capt.
P.L.O.K Brescia.

19 JUL 1945

Passed to MJ on 20 July 45

137

Declassified E.O. 12356 Section 3.3/NND No. 785016

121A

HEADQUARTERS
VENEZIA REGION
Allied Military Government
APO 394

17 July 1945.

TO : Chief Legal Adviser, Legal Sub-Commission, HQ., Allied Commission.

SUBJECT: Executions.

FILE No: RXII/LE/Reg/A/19.

77A

1. Reference your AC/4092/2/L of 12 July 1945.

2. I confirm to-day's telephone conversation (Colonel Willmer - Lt. Col. Hannaford), when I reported the following executions :-

PEPI Umberto :
ZANI Waifro :
CAFIERO Giovanni .

136

All the above were executed at S. NICOLO di Lido, Venezia, at 0330 hours on 12 July 1945.

H. G. Willmer
Colonel,
Regional Legal Officer,
Venezia Region.

LEGAL SUB-COMMISION
CLO
DCLO
Chief Counsel
CJO
Italy
19 JUL 1945

Declassified E.O. 12356 Section 3.3/NND No. 785016

120A

U 892/2

HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ROMAGNA REGION
APO 394
Legal Division

17 July 1945

Ref.:AMG/ 5031

SUBJECT : Extraordinary Courts of Assize
Death Sentences

TO : HQ Allied Commission
Legal Sub-Commission

1. In accordance with the instructions contained in para 2(c)(iii) of Legal Sub-Commission Directive AC/4092/L/I dated 12 July 1945, herewith copy sentences of the Special Section of the Court of Cassation in the following cases:-

Bisi Mauro
Cetani Auro
Gamoldi Eugenio
Cancellii Marlio
Casella Riminio (30 years Dep.)
Coffio Sante
Filetti Cesare
Barozzi Antenoro
Berti Alfio
Berti Enrico
Artioli Pietro
Castellani Edmondo

135

2. The Cancelleria of the Court of Cassation has also forwarded to this HQ the "atti" relating to the above cases in accordance with the decisions come to at the conference on 30th June. In the light of your Directive it is assumed that the "atti" are not required by the Ministry and can be returned direct to the trial Court. Please confirm that this understanding is correct or if not, advise what should be done with the files.

Sent to WJ 19 Jul 45

18 JUL 1945

H.M. DICKIE
W/Cmdr., R.A.F.
Regional Legal Officer.

Copy to: IEG/5027

ar/

1281

Declassified E.O. 12356 Section 3.3/NND No. 785016

119A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4092/2/L. /mt. 18 July 1945.

SUBJECT : Extraordinary Court of Assise, TORINO and ASTI - Sentences of imprisonment.

TO : The Minister of Pardon and Justice.

1. Further to AC/4092/2/L of 17 July 1945.

2. Enclosed herewith a further copy of the letter of Regional Legal Officer PIEMONTE Region as requested by Dott. Bonelli this morning.

134

G. G. HAMMARGREN,
Lt. Col.,
Officer i/c Italian Branch,
for Chief Legal Adviser.

Incl.

Declassified E.O. 12356 Section 3.3/NND No. 785016

118A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

LS/lc.
17 July 1945.

AC/4092/2/J.

SUBJECT : Extraordinary Courts of Assize, Turin and Asti. Sentences of imprisonment.

TO : The Minister of Pardon and Justice.

Enclosed for your information is a copy of a letter of RLO Piemonte Region on the above subject.

133

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

Incl.

Declassified E.O. 12356 Section 3.3/NND No. 785016

File 4.92/2

117A

HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394

Office of the Regional Legal Officer

12 July 1945.

PR/LE/427.

SUBJECT : Extraordinary Courts of Assize.

TO : Hdqrs. A.C., APO 394, for Legal Sub-Commission. (Attn. Italian Branch).

1. Following are results of proceedings held by above mentioned courts:

in Turin, on 5 July 1945 against:

(a) MICHELINI Edmondo : 6 months, susp. sent.
(b) DESTEFANIS Oreste : 10 years and interdiction from public offices for lifetime.
(c) GIORSA Biagio : 3 years and 5000 lire fine
(d) BOTERO Nicola : 6 months, susp. sent.

in Asti, on 3 July 1945 against:

(a) FEMORE Alberto : 6 months, susp. sent.
(b) GERBI Michele : 6 months.

2. All of the above accused were charged with collaboration with the enemy.

132

For the Regional Commissioner.

Edwin J. Mercer
Lt. Col., Crd.
Regional Legla Officer.

EJM/CB.

Declassified E.O. 12356 Section 1.3/NND No. 785016

116A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/pa.
16 Jul 45.

AC/4092/2/L.

SUBJECT : Extraordinary Court of Assize BRESCIA-Death sentence -Petition for Pardon of DI STEFANO Federico.

TO : The Minister of Pardon and Justice.

Enclosed herewith the above petition for pardon for your recommendation please.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Incl.

131

Declassified E.O. 12356 Section 3.3/NND No. 785016

115A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

16 July 1945.

AC/4092/2/1.

SUBJECT : Extraordinary Courts of Assize Asti. Petition for Pardon. Death Sentence. SCETO Sante.

TO : The Minister of Pardon and Justice.

1. Further to AC/4092/2/1. of 13 July 1945.

2. An additional petition is forwarded herewith.

130

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

Incl.

GEROTHEO ( Avice )

129

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

Incls:

Declassified E.O. 12356 Section 1.3/NND No. 785016

File

1154

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4092/2/L.

SUBJECT : Extraordinary Courts of Assise Asti. Petition for Pardon. Death sentence. SCUTO Sante. 16 July 1945.

TO : The Minister of Pardon and Justice.

1. Further to AC/4092/2/L. of 13 July 1945.

2. An additional petition is forwarded herewith.

Incl.

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

130

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

114A

AC/4092/2/L.

ES/lc.
16 July 1945.

SUBJECT: Extraordinary Courts of Assize. Death Sentences. Petitions for Pardon.

TO : The Minister of Pardon and Justice.

Enclosed herewith for your recommendation are the petitions on behalf of the following petitioners:

CAPELLINI Bruno ( Treviso )
VEZZALINI Enrico ( Novara )
PASQUA di Bisceglie Gerolamo ( Ivrea )

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

Incls:

Declassified E.O. 12356 Section 3.3/NND No. 785016

113A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

ES/lc.
16 July 1945.

AC/4092/2/L.

SUBJECT : Extraordinary Courts of Assize. Death Sentences. Appeals rejected by Cassation.

TO : The Minister of Pardon and Justice.

For your information the Special Section of the Court of Cassation at Milan has adjudicated the " ricorsi " in the following cases in the sessions held on 11, 12 and 13 July:

" BASSI Edoardo (Venezia),
APRILE Carlo (Venezia),
CAPPELLINI Bruno (Treviso) all dismissed."

"PESCE Edgardo (Verona);
COMPARIN Giovanni (Vicenza),
SARTORI Ferdinando (Vicenza),
BELLINI Francesco (Treviso) ,
MARTINELLI Filomeno (Belluno) all referred for rehearing."

"GHIBANDI Antonio (Savona).referred for rehearing."

128

"BARERO RENATO (Piacenza),
INCERTI Francesco (Reggio Emilia) both referred for rehearing."

"PRIMO Raimondo (Ivrea),
BUZZI Arturo (Ivrea),
VEZZALINI Enrico (Novara),
PASQUA DI BISCEGLIE Gerolamo (Biella),
LERCH RUDI (Aosta) all dismissed."

"POLITI Pietro (Cremona),
MAGGO Vittorio (Pavia) referred for rehearing."

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

Declassified E.O. 12356 Section 3.3/NND No. 785016

112A

4092/2

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5008

14 July 1945

SUBJECT : Appeals for pardon

TO : HQ Allied Commission
Legal Sub-Commission

1. Herewith are forwarded for onward transmission appeals lodged on behalf of the following

Capellini Bruno (Treviso)
Vezzalini Enrico (Novara)
Pasqua di Bisceglie Gerolamo (Ivrea)

127

H.M. DICKIE
W/Comdr., R.A.F.
Regional Legal Officer.

Encl. 3 applications for grace.

ar/

Declassified E.O. 12356 Section 3.3/NND No. 785016

111A

HQ, UNITED ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/mt.
15 July 1945.

AG/1092/2/1.

SUBJECT : Extraordinary Court of Assize - Death Penalty - Inquiry whether petition of pardon filed.

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

Would you please deliver to the Procuratore Generale Court of Appeal Milan the enclosed form communications concerning:

CARABELLA Elio, Como
TONTI Bruno, Varese
GANDOLFI Eugenio, Pavia
GALANI Arturo, Pavia

126

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

Declassified E.O. 12356 Section 3.3/NND No. 785016

116A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4092/2/L.

ES/lo.
15 July 1945.

SUBJECT : Extraordinary Court of Assize, Ivrea. Death penalty. Enquiring whether petition for pardon filed.

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

Would you please hand the enclosed communication of the Minister concerning FIORETTA Pierino to Procuratore Generale Torino.

By command of Rear Admiral STONE:

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

125

Incl.

Declassified E.O. 12356 Section 3.3/NND No. 785016

File

109A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4092/2/L. 16 July 1945.

SUBJECT : Extraordinary Court of Assise, Venezia.
Death Sentence. Petition of Pardon - BASSO Edoardo.

TO : The Ministry of Pardon and Justice.

Enclosed herewith is the above petition of pardon for your recommendation.

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

Incl.

124

Declassified E.O. 12356 Section 3.3/NND No. 785016

168A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

ES/lc.
15 July 1945.

AC/4092/2/L.

SUBJECT : Extraordinary Court of Assize. Death penalty.
RIGI Mauro.

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

Would you please instruct the Procuratore Generale of Genova to complete the investigation of the petition for pardon on behalf of the above as a matter of urgency and forward the file to this Sub-Commission without delay.

By command of Rear Admiral STONE:

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

Declassified E.O. 12356 Section 1.3/NND No. 785016

Mod. 1382 M. G.

# MINISTERO DI GRAZIA E GIUSTIZIA

Direzione Generale degli Affari Penali
DELLE GRAZIE, DELLA GIUSTIZIA E DEL PATRONATO

(1)

Bollo dell'ufficio di accettazione

## TELEGRAMMA DI STATO

(Veggansi le importanti avvertenze stampate a tergo)

| INDICAZIONI D'URGENZA | UFFICIO TELEGRAFICO di | | Spedito il ... 193... ore ... all'Ufficio di | | pel Circ. N. ... Trasmittente | | | | CIRCUITO sul quale si deve fare l'inoltro del telegr. |
|---|---|---|---|---|---|---|---|---|---|
| D.D.D. | DESTINAZIONE | PROVENIENZA | Num. | Parole | Data della presentazione: giorno e mese | ore e minuti | VIA | INDIC. EVENTUALI D'UFFICIO | |

N. B. - Scrivere una sola parola per casella; mai a tergo dei modelli. Il telegramma deve essere scritto con chiarezza per modo che la lettura sia facile.

Destinatario: PROCURATORE GENERALE APPELLO

Destinazione: GENOVA

Testo: UFFICIO IV GRAZIE Nº 283/45

Riferimento mio telegramma 18 giugno u.s. informo che Commissione alleata ha comunicato avvenuto rigetto ricorso Cassazione condannato morte RISI Mauro .

Attendo urgente invio atti istruttori grazia in corso presso Ufficio Pubblico Ministero cotesta Corte Assise Straordinaria come da sua nota 25 giugno ultimo .

MINISTRO TOGLIATTI

122

Spazio riservato alla dichiarazione di Stato o Cifra di Stato e bollo del funzionario mittente.

di Stato

(1) Ufficio o funzionario autorizzato a spedire telegrammi di Stato. — Si raccomanda di non omettere questa indicazione nè quella relativa al Ministero da cui l'Ufficio o funzionario dip-

Declassified E.O. 12356 Section 3.3/NND No. 785016

Mod. 1382 M. G.

# MINISTERO DI GRAZIA E GIUSTIZIA

Direzione Generale degli Affari Penali
DELLA GRAZIA, DELLA GIUSTIZIA E DEL CASELLARIO

(1)

## TELEGRAMMA DI STATO

(Vegansi le importanti avvertenze stampate a tergo)

Bollo dell'ufficio di accettazione

Bollo dell'ufficio di accettazione

| AZIONI GENZA | UFFICIO TELEGRAFICO di | | Spedito il ... 193... ore ... pel Circ. N. ... all'Ufficio di ... Trasmittente ... | | | | | | CIRCUITO sul quale si deve fare l'inoltro del telegr. |
|---|---|---|---|---|---|---|---|---|---|
| .D. | DESTINAZIONE | PROVENIENZA | Num. | Parole | Data della presentazione: giorno e mese | ore e minuti | VIA | INDIC. EVENTUALI D'UFFICIO | |

Scrivere una sola parola per casella; mai a tergo dei modelli. Il telegramma deve essere scritto con chiarezza per modo che la lettura sia facile.

rio

ne

PROCURATORE GENERALE APPELLO
GENOVA

UFFICIO IV GRAZIE Nº 283/45

Riferimento mio telegramma 18 giugno u.s. informo che Commissione alleata ha comunicato avvenuto rigetto ricorso Cassazione condannato morte RISI Mauro .

Attendo urgente invio atti istruttori grazia in corso presso Ufficio Pubblico Ministero cotesta Corte Assise Straordinaria come da sua nota 25 giugno ultimo .

MINISTRO TOGLIATTI

122

Fil. Alfonsi

SCONTRINO DI RICEVUTA DA CONSEGNARSI AL MITTENTE DEL Telegramma

N. ...
di pari ...
per ...
ore ...

Indicazioni eventuali

...nzionario autorizzato a spedire telegrammi di Stato. — Si raccomanda di non omettere questa indicazione nè quella relativa al Ministero da cui l'Ufficio o funzionario dipe...

Declassified E.O. 12356 Section 3.3/NND No. 785016

(105A)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/pa.
19 Jul 45.

AC/4092/2/L.

SUBJECT : Extraordinary Court of Assize GENOVA . Death Sentence -Petition for Pardon of RISI Mauro.

TO : The Minister of Pardon and Justice.

Herewith enclosed Petition for Pardon of the above mentioned accused for recommendation.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Incls.

Declassified E.O. 12356 Section 3.3/NND No. 785016

1044

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4092/2/L.

/pa.
13 Jul 45.

SUBJECT : Extraordinary Court of Assise VERCELLI- Death sentence- Petition for Pardon OPEZZO Giacomo.

TO : Regional Commissioner (Attn: R.L.O.), PIEMONTE REGION.

Will you please transmit the enclosed petition for pardon from the Ministry of Justice to the Procura Generale del Regno TORINO as a matter of urgency.

By command of Rear Admiral STONE :

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Incl.

Declassified E.O. 12356 Section 3.3/NND No. 785016

Mod. 602

Roma 11 LUG 1945 anno

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE E DEL CASELLARIO

Al Comando Alleato
Commissione Italiana
R O

Ufficio IV Grazia
Pratica n. 346/45

Riferito al foglio
Div. Sez. Sp.

OGGETTO: Invio ordine diretto ad ufficiali alleati in servizio dell'Armata.

Opezzo Giacomo- condannato alla pena di morte- istanza per grazia.

Trovandosi codesto Comando alle dipendenze del quale lo detenuto, alla Procura Generale presso la Corte d'Appello di Torino.

P. IL DIRETTORE DELLA DIVISIONE
Cancellieri

Copia per conoscenza
Ufficio
Rel.
CL. RIS.
1 / 10 / 945

120

Declassified E.O. 12356 Section 3.3/NND No. 785016

103A

HEADQUARTERS
LIGURIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

Lig/Leg/43

WGE/pm
10 July 1945

SUBJECT : Plea for Pardon - RISI Mauro

TO : Headquarters Allied Commission -
(Attn: Legal Sub-Commission)

Herewith Petition for Pardon by above named prisoner with relative papers.

For the Regional Commissioner

W.G. ELDER,
Lt.Col., Cdn.Prov.C.,
Regional Legal Officer.

Encl: Petition for Pardon.

119

CLD
DCLO
CR
CLD
Hdqrs
CL RIS
12 JUL 1945

Declassified E.O. 12356 Section 3.3/NND No. 785016

409/12

102A

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5031/2 14 July 1945

SUBJECT : Appeals - Basso Edoardo.

TO : HQ. Allied Commission
Legal Sub-Commission.

1. Herewith application for pardon by the above-named sentenced to death at Venezia.

For the Regional Commissioner :

H.M. DICKIE
W/CDR. RAF
Regional Legal Officer

Copy to : R.L.O. Venezia

118

vb

Declassified E.O. 12356 Section 3.3/NND No. 785016

file

101A

# INCOMING MESSAGE

Legal

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: 1474

Date/Time of Origin: JULY 141655

Message Centre No: E/0719

Date Time Rec'd: JULY 150940

Precedence: ROUTINE

FROM: LOMBARDIA REGION LEGAL FOR POTENTI SIGNED BIGGIN

TO : ALCOM HOME ACTEC, INFO: ADO VENEZIA.

RESTRICTED.

Subject to appeals against death sentences heard by Commission 11, 12 and 13 July. <BASSI EDGARDO (VENEZIA) ALIONE CARLO (VENEZIA) CAPPELLETTI TULIO (TRIESTE) all dismissed. BASSI EDGARDO (VERONA) COLLATTI GIOVANNI( VICENZA) SARTORI FERDINANDO (PADOVA) BENETTI COLLATTI GIOVANNI( VICENZA) SARTORI FERDINANDO (PADOVA) BENETTI ALDIGHERO (TRIESTE) ARGLIGHERI FIORENZO (TRIESTE) all released for rehearing.>

DIST

ADMIN : LEGAL SC
INFO - CHIEF COMMISSIONER
JA SEC
FILE 2
FLOAT

147

RESTRICTED

Declassified E.O. 12356 Section 3.3/NND No. 785016

108A

# INCOMING MESSAGE

**HEADQUARTERS ALLIED COMMISSION**

legal

Originator's Reference: 1473

Date/Time of Origin: JULY 141645

Message Centre No: E/9717

Date Time Rec'd: JULY 150940

Precedence: ROUTINE

FROM: LOMBARDIA REGION LEGAL FOR POLETTI SIGNED DICKIE

TO : ALCOM ROME ACLEG INFO RLC LIGURIA

RESTRICTED.

Subject is appeals against death sentences heard by Cassation 11, 12 and 13 July.

CHIERADI ANTONIO (SAVONA) referred for rehearing.

DIST

ACTION LEGAL SC
INFO CHIEF COMMISSIONER
C A SEC
FILE 2
FIGAT.

116

HEADQUARTERS 15 JUL 1945

RESTRICTED

Declassified E.O. 12356 Section 3.3/NND No. 785016

99A

Legal.

# INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSIO

Originator's Reference: 1475

Date/Time of Origin: JULY 141700

Message Centre No: E/9720

Date Time Rec'd: JULY 150940

Precedence: ROUTINE

FROM: LOMBARDIA REGIONAL LEGAL FOR LIEUTI SIGNED DIRIE

TO : ALCOR ROME ATLEG, ZIPO NLO EMILIA

---

RESTRICTED.

Subject to appeals against death sentences heard by Cassation 11, 12 and 13 July. <MARENGO TENENTE (PIACENZA) and ENGERTI FRANCESCO (MODENA) both referred for reheering.>

Emilia

DIST

ATTEN - LEGAL SC
ZIPO - CHIEF COMMISSIONER
CA SEC
EXES 2
FLOAT

1156

RESTRICTED

Declassified E.O. 12356 Section 3.3/NND No. 785016

# INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSIC

98A Legal

Originator's Reference: 1472

Date / Time of Origin: JULY 141610

Message Centre No: E/5718

Date Time Rec'd: JULY 150040

Precedence: ROUTINE

FROM: [illegible] POLETTI SIGNED [illegible]

TO : AFHQ, ROME ACTING, INFO NEO [illegible]

RESTRICTED.

Subject is appeals against death sentences heard in Cassation 11, 12 and 13 July. <PIERO TALLONDI (IVREA) RUZZI ARTURO (IVREA) [illegible] (MOLINA) PASQUA DI [illegible] (SELLA) [illegible] RUDI (ACSTA) all dismissed.>

DIST

ACTION - SECAD 30
INFO - CHIEF COMMISSIONER
OA SEC
FILE 2
FLOAT

RECEIVED
17 JUL 1945

116

ACTION

RESTRICTED

Declassified E.O. 12356 Section 3.3/NND No. 785016

# INCOMING MESSAGE

**HEADQUARTERS ALLIED COMMISSION**

97A

Legal

Originator's Reference: 1471

Date/Time of Origin: JUL 1/1630B

Message Centre No: 3/9722

Date Time Rec'd: JUL 150910B

Precedence: ROUTINE

FROM: LOMBARDIA REGION LEGAL FOR POLETTI SIGNED DICKIE

TO : ALCOM ROME ACLEG

RESTRICTED.

Subject is appeals against death sentences heard by CASSATION 11, 12 and 13 July.

POLETTI PIETRO (CREMONA) MAGGO VITTORIO (PAVIA) referred for rehearing.

DIST

ACTION: Legal SC
INFO: Chief Commissioner
CA Sec
File 2
Fleet

113

RESTRICTED

Declassified E.O. 12356 Section 3.3/NND No. 785016

RECEIVED
19 JUL 1945
HQ AMG LOMBARDIA REG.

Legal 96A

**HEADQUARTERS**
**PIEMONTE REGION**
**ALLIED MILITARY GOVERNMENT**
**APO 394**

Office of the Regional Legal Officer

11 July 1945.

PR/LE/427

SUBJECT : Petition of Sofio Sante.

TO : R.C. Lombardia (Attn. R.L.O.).

1. Enclosed herewith for transmission to Court of Cassation, petition in behalf of above mentioned, who was convicted to death by Extraordinary Court of Assize in Asti.

For the Regional Commissioner.

D.D. Mc. Colm, Major R.A.
Deputy for
Edwin J. Mercer, Lt. Col.,Ord.
Regional Legal Officer.

CCS/LR.

112
82A

Ref.: LEG/5008 1st Ind.

To: HQ. Allied Commission (Legal Sub-Commission)

1. Forwarded. Our letter Ref. LEG/5008 dated 11 July refers.

H.M. DICKIE
W/CDR. RAF
Regional Legal Officer

Declassified E.O. 12356 Section 3.3/NND No. 785016

file copy to DT

I, am Ines Tate English by birth and Italian by subsequent marriage with Sofio Sante. I am the mother of two girls one 16 years old and the other 13.

I am by common consent divided from my husband since 10 years . I haven't therefore followed his life, I ignored the sad lot that he had met . In learning it my agitation was very deep, and immense is the tortu ure of my two daughters

Sofio Sante Lt Colonel has always led a life of honour and sacrifice in the great war he was twice decorated for military valour. On September 8th he was taken prisoner by the Germans. To escape deporta tion he adhered tothe wretched movement of the so called Social Italian Republic.

I don't believe my husband-Doctor- has committed any culpable or deplorable actions. I know that without defence, defence in the sense of an efficient defence of testimony and documentations in an atmosphere of burning hatred and exited by intimidation he has been condemned to death by extraordinary Court of Assise in Asti on June 4th . The trial is presently before the court of Cassation special section in Milan, where the petition will be heard on July 9 th 1945

I, English by descent, have always been faithful to the ideals of liberty and honour which are the glory of my native country: I, sister of an English officer, mother of two creatures convinced that my husband doesn't deserve death, invoke from the nobility and power of my native country the rescuing intervention for my husband.

the greatness and generosity of the British Country, the sense of right given by my birth make me rely on this Command so that it shoul

Declassified E.O. 12356 Section 3.3/NND No. 785016

intervene to examinate the case and anyhow disperse the extreme condemnation; if that wasn't possible I plead th grace be granted by the intervene of this Command

I heartily thank you

Yours very truly

Ines Tate Ines Tate

July 6th 1945

Ines Tate presso Marenco
San Michele (Mondovì)
(Cuneo)

110

Declassified E.O. 12356 Section 3.3/NND No. 785016

95A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4092/2/L.

ES/lc.
14 July 1945.

SUBJECT : Extraodrinary Court of Assize, Asti. Death sentence. SOFIO Sante, petition for pardon.

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

Would you please hand the enclosed petition with supporting documents to the Procuratore Generale, Court of Appeal, Torino.

By command of Rear Admiral STONE:

168
169

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

Incls:

Declassified E.O. 12356 Section 3.3/NND No. 785016

(94A)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4092/2/1.

14 July 1945.

SUBJECT : Extraordinary Court of Assise, Reggio Emilia - Death sentence, Petition for Pardon PILATI Cesare.

TO : The Minister of Pardon and Justice.

1. Further to AC/4092/1/L of 9 July 1945.

2. Enclosed herewith for you recommendation is the above petition delivered here last night by the sister of Pilati.

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

Incl.

168

Declassified E.O. 12356 Section 3.3/NND No. 785016

93A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUBCOMMISSION

/rlp.

AC/4092/2/L. 13 July 1945.

SUBJECT : Application for pardon - BERTI Enrico.

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

1. It is not understood how the information contained in your para 3 was passed by the Minister to the applicants. It is a fact however, that this morning this Hq were officially informed by AFHQ that the Commander in Chief had received a petition from BERTI's father. The Legal S/C was requested to draft a suitable reply for his signature.

2. The "parere" of the Minister having not so far been received, no decision has been taken in the matter as yet. This will be communicated to you through established procedure.

By command of Rear Admiral STONE:

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

167

Declassified E.O. 12356 Section 3.3/NND No. 785016

File

92A

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 354
Legal Division

Ref.: LEG/5008

12 July 1945

SUBJECT : Application for pardon

TO : HQ Allied Commission
Legal sub-Commission

1. Herewith application for pardon on behalf of BETTI Enrico addressed by his parents to Cardinal Schuster who has forwarded it to this HQ with his personal recommendation.

2. It is requested that this document be transmitted to the Ministry for consideration in conjunction with the appeal forwarded on the 5th July.

3. It is not known on what grounds the Ministry of Justice should have informed the applicants that the Allied Authorities were interesting themselves in this case.

H.M. DICKIE
W/Comdr., R.A.F.
Regional Legal Officer.

Encl. 1 application
for pardon.

106

ar/

Declassified E.O. 12356 Section 3.3/NND No. 785016

91A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4092/2/4. 14 July 1945.

SUBJECT : Extraordinary Courts of Assize.

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

1. Lieut. Sabatino has just visited this Sub-Commission in order to enlist my assistance in the case of an unfortunate who had been sentenced by the Special Court of Assize and whose appeal had been rejected by the Supreme Court of Cassation on the ground that it was out of time. I understand that you have ordered that the sentence of death be suspended for the time being.

2. I have informed Lieut. Sabatino and am writing to you in order to record officially that the policy of this Commission is not to interfere in matters of procedure of this type. The question of appeals being made in or out of time and the true construction of the decree upon this question were fully discussed at the Milan conference. If the Italian Courts consider that they are correctly interpreting the intention of the legislature it does not appear to me to rest with Lieut. Sabatino, the undersigned or even the Regional Legal Officer, Piemonte, to reach a different conclusion.

3. At the same time I feel confident that the Chief Commissioner would not wish to affirm a death sentence which was contrary to the justice of the case and which had been rejected on appeal owing to some technical difficulty in procedure.

105

4. I accordingly informed Lieut. Sabatino that the suspension on the death sentence should be removed provided that sufficient time has been given to the accused to place with the Minister of Justice any petition which he feels would serve his interests. At the same time I requested Lieut. Sabatino (if the scope of the duties entrusted to him extends so far) to write this Sub-Commission a full report on the case in order that we may ascertain whether in fact there is any real chance of a miscarriage of justice. If there is we shall naturally take action.

5. The strings of Lieut. Sabatino's heart had clearly also been wrung in other cases and he wished to complain bitterly over such sentences as those of eight years imprisonment on a domestic servant and twelve years upon a layer out of dead bodies. The same considerations apply to all cases of this nature and it is entirely within your discretion to recommend that the Chief Commissioner should exercise clemency on behalf of this or any other accused.

By command of Rear Admiral STONE.

W.A. [illegible], Colonel,
Chief Legal Advisor.

Declassified E.O. 12356 Section 3.3/NND No. 785016

90A

QUARTERMASTER ALLIED COMMISSION
AFO 394
LEGAL SUB-COMMISSION

AO/4092/2/i.

13 July 1945.

SUBJECT : Extraordinary Courts of Assise.
Death Sentences.

TO : The Minister of Pardon & Justice

Confirming this morning's conversation (Dott. Sonelli - S/Sgt. Stein) the following two messages have been received here last night.

"Subject is appeal against death sentences heard by Cassation 9 July. DI STEFANO FEDERICO (MESSINA) dismissed."

"Subject is appeal against death sentences heard by Cassation 9 July. GUGNE MARCO and SOFIO SANTE (ASTI) both dismissed."

106.

MUSGRAVE THOMAS,
Italian Branch,
For Chief Legal Advisor.

Declassified E.O. 12356 Section 3.3/NND No. 785016

89A

# INCOMING MESSAGE

ADQUARTERS ALLIED COMMISSION

Originator's Reference: 1450

Date / Time of Origin: JULY111500

Message Centre No: E/9226

Date Time Rec'd: JULY 111830

Precedence: ROUTINE

FROM: LAGUARDIA REGION LEGAL FOR POLETTI SIGNED DICKIE

TO : ASCOM ROME ACLEC

RESTRICTED

RESTRICTED.

Subject is appeal against death sentences heard by Cassation 9 July. DI STEFANO FEDERICO (BRESCIA) dismissed.

DIST

ACTION - LEGAL SC
INFO - CHIEF COMMISSIONER
CA SEC
FILE 2
FLOAT

103

ACTION

RESTRICTED

DECLASSIFIED
12 JUL 1945

Declassified E.O. 12356 Section 3.3/NND No. 785016

88A

# INCOMING MESSAGE

ADQUARTERS ALLIED COMMISSION

Originator's Reference: 1449
Date/Time of Origin: JULY 111540

Message Centre No: 3/9225
Date Time Rec'd: JULY 111830
Precedence: ROUTINE

FROM: LC BARDIA REGION LEGAL FOR ROLETTI SIGNED DICKIE

TO : ALCOM ROME ASTEN, INFO: RLC PIEMONTE REGION.

RESTRICTED

RESTRICTED.

Subject to appeal against death sentences heard by Cassation 9 July. CEDONE MARCO and SOFIO SANTE (ASTI) both dismissed.

DIST

ACTION - LEGAL SC
INFO - CHIEF COMMISSIONER
SA SPO
FILE 2
FLOAT

102

RESTRICTED

Declassified E.O. 12356 Section 3.3/NND No. 785016

Mod 40

N. 9312 Roma 12.7. 1945 87A

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

Ufficio IV GRAZIE
Rif. N° 345/45

A LA COMMISSIONE ALLEATA
SOTTOCOMMISSIONE LEGALE
R O M A

Risposta al foglio
Div. Sez. N°

OGGETTO Corrispondenza diretta ad uffici situati in territorio dell'A.M.G.
SOPIO SANTE=CONDANNATO ALLA PENA CAPITALE
istanza per grazia.

Si inviano a Codesta Commissione gli uniti atti, con preghiera di curarne l'inoltro al Procuratore Generale del Regno presso la Corte di Appello di Torino.

D'ORDINE DEL MINISTRO

Pelaccini

101

Declassified E.O. 12356 Section 3.3/NND No. 785016

86A

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

AC/4092/2/L. /rlp.
13 July 1945.

SUBJECT : Appeal for clemency. - BENTI Enrico.

TO : AFHQ, G-5.

1. Receipt is acknowledged of your letter G-5: 383.6-11 of 11 July 1945 with appeal from BENTI Giovanni on behalf of BENTI Enrico attached.

2. It is requested that a reply be sent to the appellant on behalf of the Supreme Allied Commander to the effect that in such cases the Supreme Allied Commander acting through this Commission is advised by the Minister of Justice; the Supreme Allied Commander takes the view that the question is one solely of the administration of Italian law and that he therefore follows the advice of the Minister in this as in other cases.

3. It is desired to bring to your notice the extreme importance of the principle involved in this case. At the present moment there is a considerable delay between the imposition of death sentences by the Extraordinary Courts of Assize in North Italy and the actual execution of the sentences. This delay is causing much adverse criticism and considerable unrest; it has been undoubtedly responsible for several of the instances of attacks upon jails and murders of the inmates. It is the view of this Commission that every effort must be made to reduce these delays.

100

4. The position under Italian law in regard to the sentences in the Extraordinary Courts of Assize is as follows:-

a. The accused has the right of appeal to the Court of Cassation.

b. If the appeal to Cassation is dismissed, the accused may petition for clemency to the King of Italy. Such a petition is considered by the Minister of Justice who advises the sovereign thereon.

5. Under international law the position of the King is taken by the Allied Military Government. In the early days of AMG the Military Governor delegated to the Chief Civil Affairs Officer all his functions in this matter. Pursuant to such delegation this Commission takes the

Declassified E.O. 12356 Section 3.3/NND No. 785016

advice of the Minister of Justice and gives decisions in accordance with that advice.

6. It is considered that if in addition to this procedure further petitions which may be addressed personally to the Supreme Allied Commander are to be examined before a sentence is carried out, the additional delay will have most unfortunate results.

7. In the particular case of BENTI Enrico the papers are at the present moment being examined by the Minister of Justice. The petition addressed to the Supreme Allied Commander has been forwarded to the Minister with a request that he give all proper consideration to it. So far no opinion has been received from the Minister on the case.

For the Chief Commissioner.

G. H. UPJOHN, Brig.,
VP, CA Sec.

99

Declassified E.O. 12356 Section 1.3/NND No. 785016

85A

Rome, July 13, 1945.

My dear Colonel Behrens:

I appreciate very much your kindness in sending me in your letter of July 9th additional information on the Bongiovanni case.

The Department of State at Washington has just informed me that it has informed the Venezuelan Embassy at Washington of its understanding that that Embassy is handling this case direct with the Italian Embassy in Washington and of the Department's wish that a settlement be reached promptly.

The Department repeats that it wishes it to be clearly understood that its part in this matter was merely to offer communication facilities to the Venezuelan Government and that it retains no other interest in the case.

Yours truly,

A. Kirk.

98

Colonel W. E. Behrens,
Legal Sub-Commission,
Allied Commission,
Rome.

Declassified E.O. 12356 Section 3.3/NND No. 785016

84A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4092/2/L. /pa.
13 Jul 45.

SUBJECT : Extraordinary Court of Assize- Death sentence-
Petition for Pardon of CAPELLI Francesco.

TO : Regional Commissioner (Attn: R.L.O.),
LOMBARDIA Region.

Will you please transmit the enclosed file in the case of the above named accused to the Procura Generale del Regno MILANO as a matter of urgency.

By command of Rear Admiral STONE :

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

Incl.: 1 file.

97

Declassified E.O. 12356 Section 3.3/NND No. 785016

83A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/pa.
13 Jul 45.

U09 2/2/L.

ICT : Extraordinary Courts of Assize - Petitions for Pardon- Death sentences.

: The Minister of Pardon and Justice.

Herewith the below listed petitions for pardon for recommendation please :

SOFIO Sante
OPEZZO Giacomo
CAIANI Auro
SANTACROCE Francesco
ODDONE Marco.

G. G. HANNAFORD,
Lt.Colonel,
Officer i/c Ital.Branch,
for Chief Legal Advisor.

Incls. 5 petitions.

96

Declassified E.O. 12356 Section 3.3/NND No. 785016

85A

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 354
Legal Division

11 July 1945

Ref.: LEG/5008

SUBJECT : Application for pardon

TO : HQ Allied Commission
(Legal Sub-Commission)

1. Herewith are forwarded the following documents for onward transmission:

a) Application for pardon on behalf of Sofio Sante sentenced to death at Asti.

b) Further application on behalf of Grezzo Giacomo sentenced to death at Vercelli.

c) Application on behalf of Caiani Auro sentenced to death at Pavia.

d) Application for pardon on behalf of Santacroce Francesco sentenced to death at Rovigo.

e) Application for pardon on behalf of Oddone Marco sentenced to death at Asti.

95

H.M. DICKIE
W/Comdr., R.A.F.
Regional Legal Officer.

Copy to: R.L.O. Piemonte
R.L.O. Venezie

ar/

Declassified E.O. 12356 Section 3.3/NND No. 785016

LEGAL 5/ 81A

8341

4092/2

ALLIED FORCES HEAD QUARTERS
G-5 Section
APO 512

HYE/1

G-5: 383.6-11

11 July 1945

SUBJECT: Appeal for clemency - Berti, Enrico

TO : Headquarters, Allied Commission, APO 394

1. Attached hereto is original letter and translation of one Berti, Giovanni appealing to the Supreme Allied Commander to intervene on behalf of his son Berti, Enrico who has been sentenced to death by the Supreme Court of Assize of Reggio Emilia.

2. You are requested to investigate this case and advise this section of a suitable reply to be sent on behalf of the Supreme Allied Commander.

For the Assistant Chief of Staff, G-5:

H. Y. ANDERSON,
Lt. Colonel, R. A.

Encl: as above

LEGAL SUBSECTION
[illegible]
Chief Capt
[illegible]
13 JUL 1945

94

Declassified E.O. 12356 Section 3.3/NND No. 785016

80A

ROME AREA ALLIED COMMAND
APO #794, US Army
Office of the Commanding General

AG 253.1 (CG)

TKB/lm
9 July 1945

SUBJECT: Appeal for Clemency - BERTI ENRICO.

TO : Supreme Allied Commander, Mediterranean Theater of Operations, APO #512, US Army.

1. Attached hereto is a letter from one, Berti Giovanni, father of Berti Enrico, making an appeal for clemency for the said Berti Enrico. These papers are forwarded for such action as you deem appropriate.

THOBURN K. BROWN
Brigadier General, US Army
Commanding

2 Incl:
Handwritten letter from Berti Giovanni (no date).
Translation of letter from Berti Giovanni (translated 8 July 1945).

93

Declassified E.O. 12356 Section 3.3/NND No. 785016

TRANS. NO. 417

88B

ROME AREA ALLIED COMMAND
Office of the AC of S, G-2
APO 794, US ARMY
Translation Department

8 JULY 1945

Translation of attached is as follows:

- - - -

TO : The Supreme Commander of the
Allied Military Government
( ROME

The undersigned, BERTI Giovanni, a resident of Rome, living at Via Urbano 33, has a son who formed part of the Republican-Fascist army. He has been condemned to death by the Supreme Court of Assise of Reggio Emilia on 8 June 1945. His name is BERTI Enrico.

In these days the Milan Section of the Court of Cassation has denied an appeal.

Since my son is charged with minor offences, the sentence of capital punishment must be attributed to the fact that the judges wanted to make a single block of six guilty persons (in fact the same witnesses who accused him said that my son was much less guilty than the others). Torn by pain, I dare to turn to you, the Supreme Commander of the Allied Military Government in Italy. 92

We know that you have come victorious in the name of liberty and justice; we know that in your generous heart harbors no sense of approval for cruelty and vengeance. A poor father and poor mother make an appeal.

To the magnanimity of your heart. We know that at present the execution of the sentence has been suspended while awaiting the revision and the approval of the Allies. This has been stated by the Italian Judicial organs this morning.

A gesture of clemency can save a young life, a whole family. We will be eternally grateful.

Incl #2

Declassified E.O. 12356 Section 3.3/NND No. 785016

May God inspire you! May God grant this to us! May God save and protect you always!

Yours devotedly,

/s/ Berti Giovanni.

91

Declassified E.O. 12356 Section 3.3/NND No. 785016

Mod 40

4592/2 Roma 5.7.1945 (79A)

Ministero di Grazia e Giustizia

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

IV Grazie

Ufficio
Sez. N° 284 /45

ALLA COMMISSIONE ALLEATA
S. C. L. ROMA

Registrato al fol.
Div. Sez. N°

OGGETTO: PEPI Umberto - condannato alla pena di morte con sentenza 2.6.1945 della Corte di Assise Straordinaria di Venezia : istanza per grazia .

Si trasmette l'unita nuova istanza per grazia a favore del nominato in oggetto, per l'unione alla precedente inviata, con parere contrario all'accoglimento , con ministeriale 30 giugno u., pari numero .

PEL MINISTRO

( A. Spallanzani )

90

Declassified E.O. 12356 Section 3.3/NND No. 785016

GABINETTO DEL MINISTRO
A

798

Eccellenza il Ministro di
Grazia e Giustizia
Roma -

Il sottoscritto, questore a riposo, si onora sottoporre al benevolo ed illuminato esame dell' E. V. quanto segue:

Il proprio figlio Pepi Umberto è stato di recente condannato, dalla Corte d'Assise Straordinaria di Venezia, alla pena capitale, per imputazione, che a me non è finora nota; soltanto so che egli era impiegato nei Sindacati del Commercio di Venezia, e dai giornali ho appreso che era ora applicato alla Federazione fascista repubblicana di quella Città. Egli non ricoprì mai cariche politiche, nè di Partito nè della Milizia e mai ebbe a macchiarsi di azioni delittuose o disonoranti, sia come fascista, sia come impiegato, che cittadino privato. Dal 1939 entrò a prestar servizio nel Patronato Nazionale per l'assistenza agli operai infortunati sul lavoro e da lì passò ai Sindacati fascisti del Commercio nell'anno 1942. In tali incarichi si distinse sempre per l'appassionato aiuto prestato agli operai sinistrati, sì da conquistarne le simpatie e il favore e tal

89

Roma -

Il sottoscritto, questore a riposo, si onora sottoporre al benevolo ed illuminato esame dell'E. V. quanto segue:

Il proprio figlio Pepi Umberto è stato di recente condannato, dalla Corte d'Assise Straordinaria di Venezia, alla pena capitale, per imputazione, che a me non è finora nota; soltanto so che egli era impiegato nei Sindacati del Commercio di Venezia, e dai giornali ho appreso che era ora applicato alla Federazione fascista repubblicana di quella Città. Egli non ricoprì mai cariche politiche, nè di Partito nè della Milizia e mai ebbe a macchiarsi di azioni delittuose o disonoranti, sia come fascista, sia come impiegato, che cittadino privato. Dal 1930 entrò a prestar servizio nel Patronato Nazionale per l'assistenza degli operai infortunati sul lavoro e da lì passò ai Sindacati fascisti del Commercio nell'anno 1942. In tali incarichi si distinse sempre per l'appassionato aiuto prestato agli operai sinistrati, sì da conquistarne le simpatie e il favore e talvolta anche incorrere (incredibile ma vero!) in richiami superiori, che, secondo il detestato costume fascista, preferivano anteporre l'interesse del Partito, a quello degli operai sinistrati! Mio figlio, è vero, ha una

Declassified E.O. 12356 Section 3.3/NND No. 785016

ausiarità fascista inoltrata, ma occorre tener conto che ottenne l'iscrizione nel partito poco più che quindicenne, non per spontanea sua volontà, ma per esclusiva iniziativa degli allora dirigenti della Sezione Fascista di Terni, i quali per sopperire alla scarsità numerica di aderenti, ricorrevano a questa forma illecita di proselitismo, iscrivendo d'ufficio giovani inesperti di politica e della vita.—

Mio figlio, nel 1938, per le sue benemerenze private, di Motu-Proprio fu insignito senza alcuna interferenza fascista, dell'onorificenza di Commendatore della Corona d'Italia, e fino dallo scorso anno, seguendo pure un mio consiglio, aveva progettato di allontanarsi dall'ambiente di Venezia, per trasferirsi presso di me a Levanto (Spezia), onde poi dare, con me, il suo apporto al movimento di liberazione nazionale; ma sia per la impraticabilità delle vie ordinarie di comunicazione, sia per i gravi pericoli del viaggiare, non gli fu praticamente possibile di mandare ad effetto tale progetto, anche per la severa vigilanza, cui era sotto segno per parte

Declassified E.O. 12356 Section 3.3/NND No. 785016

tale fosse più che giustificato, non per spontanea sua volontà, ma per esclusiva iniziativa degli allora dirigenti della Sezione Fascista di Terni, i quali, per sopperire alla scarsità numerica di aderenti, ricorrevano a questa forma tale di proselitismo, servendo d'ufficio giovani inesperti di politica e della vita.-

Mio figlio nel 1938, per le sue benemerenze private, di Motu-Proprio fu insignito senza alcuna interferenza fascista, dell'onorificenza di Commendatore della Corona d'Italia, e fino dallo scorso anno, seguendo pure un mio consiglio, aveva progettato di allontanarsi dall'ambiente di Venezia, per trasferirsi presso di me a Levanto (Spezia), onde poi dare, con me, il suo apporto al movimento di liberazione nazionale; una sua per la impraticabilità delle vie ordinarie di comunicazione, sia per i gravi pericoli del viaggiare, non gli fu praticamente possibile di mandare ad effetto tale progetto, anche per la severa vigilanza, cui era sotto segno per parte dei fascisti locali.-

E' per questo che, nell'interesse di questo sventurato giovane, che è l'unico mio figlio e unico sostegno morale, io vengo a sottoporre all'E.V. supplice e umile

Declassified E.O. 12356 Section 3.3/NND No. 785016

istanza di volerti benignare di accogliere il ricorso in grazia inoltrato da mio figlio, in considerazione altresì della mia inoltrata età e della mia qualità di benemerito del movimento di liberazione nazionale, avendo appoggiato e aiutato i principali esponenti del movimento locale, a fianco degli alleati e contro i tedeschi ed il fascismo, questa quando hanno attestato le comprovate benemerenze; con assoluta dichiarazione, da me allegata ad una domanda inoltrata al Comitato di Liberazione Nazionale di Venezia, e comunicata da me per conoscenza, al Comando Interalleato di Venezia.

Infatti il sottoscritto non ebbe mai fondamentale ad aderire, fu Questore del Regno al Partito Fascista di cui solo nell'anno 1933 dovette perché costretto da una norma di carattere generale, a chiedere la tessera, cui i miei sani principi ripugnano.

Con profondo ossequio

Declassified E.O. 12356 Section 3.3/NND No. 735016

inoltrata da colà e della mia qualità di benemerito del movimento di liberazione nazionale, avendo appoggiato e aiutato i principali esponenti del movimento locale, a favore degli alleati e contro i tedeschi ed il fascismo, questa quando hanno attestato le competenti autorità, con apposita dichiarazione, da me allegata ad una domanda inoltrata al Comitato di Liberazione Nazionale di Venezia, e comunicata da me per conoscenza, al Comando Interalleato di Venezia.

Infatti il sottoscritto non ebbe mai spontaneamente ad aderire, lebbene questore del Regno, al Partito Fascista di cui solo nell'anno 1933 dovette perchè costretto da una norma di carattere generale, a chiedere la tessera, cui i miei buoni principi ripugnavano.

Con profondo ossequio

Primo Pepi
questore a riposo

Levanto. Via Jacopo da Levanto N. 5

Declassified E.O. 12356 Section 3.3/NND No. 785216

Declassified E.O. 12356 Section 3.3/NND No. 785016

784

U R G E N T

HEAD UARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4092/2/L.

AP/lc.
12 July 1945.

SUBJECT : Court of Assize - Death sentence Petitions for Pardon of BERTI Enrico, PILATI Cesare, CASTELLANI Edmondo, BERTI Alfio, BAROZZI Antenore.

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

Would you please be kind enough to transmit the enclosed communication from the Ministry of Justice to the Procura Generale Appello Bologna as a matter of urgency please.

By command of Rear Admiral STONE:

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Incl.

87

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

E3/lc.
AC/4092/2/L. 12 July 1945.

SUBJECT : Extraordinary Courts of Assize. Report on execution of death penalties.

TO : Regional Commissioners (Attn: Regional Legal Officers) EMILIA, LOMBARDIA, PIEMONTE, LIGURIA, VENEZIE Regions.

1. Would you please arrange that this Sub-Commission be advised by telephone (No AC 478187 or 478525) immediately upon execution in your Region of a death penalty imposed by an Extraordinary Court of Assize.

2. This advice is required by the Minister of Justice who intends in each case to issue a press release indicating the court which rendered the death sentence, the full name of the executed person, the exact time and place of the execution.

3. In case where no immediate telephone connection is available would you please supply the required information by signal.

By command of Rear Admiral STONE:

G. G. Harnaford

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

96

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS ALLIED COMMISSION
AFO 394
LEGAL SUB-COMMISSION

ES/mt.
12 July 1945.

AC/4092/2/1.

SUBJECT : Extraordinary Court of Assise Treviso - Death sentence - CAPPELLINI Bruno.

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

Would you be kind enough to transmit the enclosed communication from the Ministry of Justice to the Procuratore Generale Court of Appeal Venezia as a matter of urgency please.

By command of Rear Admiral STONE:

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Encl.

85

Declassified E.O. 12356 Section 3.3/NND No. 785016

UNITED STATES MILITARY COMMISSION
APO 194
LEGAL SUB-COMMISSION

12 July 1945.

c/1097/2/1.

SUBJECT : Extraordinary Court of Assize Piacenza. Death penalty.
Petition of Pardon - Renzo BOSETTI.

TO : The Ministry of Pardon and Justice.

Enclosed herewith for your recommendation are two petitions relating to the above.

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

2 Incls.

Declassified E.O. 12356 Section 3.3/NND No. 785016

74A

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5008 10 July 1945

SUBJECT : Application for pardon - Boselli Renzo.

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

1. The enclosed documents have been received on behalf of Boselli Renzo whose application for clemency was forwarded on the 9th July.

2. If the facts stated by the accused are true, the case may be deserving of further investigation.

For the Regional Commissioner :

H.M. DICKIE
W/CDR. RAF
Regional Legal Officer

83

vb

11 JUL 1945

Declassified E.O. 12356 Section 3.3/NND No. 785016

73A

H QUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4092/2/L. /pa.
11 Jul 45.

SUBJECT : Extraordinary Court of Assize - Petition for Pardon.

TO : The Minister of Pardon and Justice.

Enclosed herewith the below listed petition for pardon for recommendation please.

MORELLI Fiorenzo

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Incls.

-82-

Declassified E.O. 12356 Section 3.3/NND No. 785016

72A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/pa.

AC/4092/2/L. 11 Jul 45.

SUBJECT : Extraordinary Court of Assize -Petitions for Pardon.

TO : : The Minister of Pardon and Justice.

1. Enclosed herewith the below listed Petitions for Pardon for recommendation please :

CANDRILLI Manlio
RISI Mauro
BOSELLI Renzo.

2. A letter from the Vicar General of Vercelli is also enclosed for attachment to the appeal of OPEZZO Giacomo which was forwarded previously.

MUSGRAVE THOMAS
Italian Branch,
for Chief Legal Advisor.

Incls.

181

Declassified E.O. 12356 Section 3.3/NND No. 785016

file 4092/1

71A

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5008

9 July 1945

SUBJECT : Applications for clemency.

TO : HQ. Allied Commission
(Legal Sub-Commissions)

1. Herewith three applications for clemency for onward transmission to the Ministry :-

(1) CANDRILLI Menlio (Brescia)
(2) RISI Mauro (Genoa)
(3) BOSELLI Renzo (Piacenza)

2. A letter from the Vicar General of Vercelli is also enclosed for attachment to the appeal of OPEZZO Giacomo which was forwarded previously.

For the Regional Commissioner :

H.M. DICKIE
W/CDR. RAF
Regional Legal Officer

Copy to : R.L.O. Liguria
R.L.O. Emilia

vb

10 JUL 1945

Declassified E.O. 12356 Section 3.3/NND No. 785016

WGRO/lp (70A)

HEADQUARTERS
VENEZIE REGION
Allied Military Government
APO 394

9 July 1945.

TO : Chief Legal Adviser, Legal Sub-Commission, HQ., AC. (for Italian Branch)

SUBJECT: MORELLO Firminio.

FILE No: RXII/LE/BEL/C/09.

1. Enclosed herewith are an application together with a comment thereon by the Provincial Legal Officer from MORELLO Firminio condemned to death by the Treviso Court of Assize, and also a letter from the Procuratore of the said court.

2. Although the application is addressed to the Allied Command it is sent for transmission to the Minister of Grace and Justice as being in the nature of an appeal for grace which the condemned man has not otherwise made.

W G R Dutes
major

Colonel,
for Regional Legal Officer,
Venezie Region.

79

Declassified E.O. 12356 Section 3.3/NND No. 785016

Files

69A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4092/2/L. /pa.
12 Jul 45

SUBJECT : Extraordinary Court of Assize- Death sentences- Petitions for Pardon of CAPPELLINI Bruno and MORELLI Firminio.

TO : Regional Commissioner (Attn: R.L.O.), VENEZIE Region.

Will you please transmit the enclosed files in the case of the above mentioned accused to the Procura Generale del Regno VENEZIA as a matter of urgency.

By command of Rear Admiral STONE :

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

Incls: : 2 files.

78

Declassified E.O. 12356 Section 3.3/NND No. 785016

Mod 40

Roma 10.7.45 1946 A

68A

Ministero di Grazia e Giustizia

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

Alla Commissione Alleata
Sottocommissione A.C. Legale
R O M A

Ufficio IV Grazie
Prot. N° 347/ 45

Risposta al f. del
Div. Pos. N°

OGGETTO Corrispondenza diretta ad uffici situati in territorio dell'A.M.G.
NORELLI Firminio - istanza per grazia

S'inviano a codesta Commissione gli uniti atti, con preghiera si curarne l'inoltro alla Procura Generale del Regno in Venezia.
Si permette pregare cortese urgenza nell'invio degli atti, trattandosi di condannato alla pena di morte.

D'ORDINE DEL MINISTRO
Carnacchi

77

Declassified E.O. 12356 Section 3.3/NND No. 785016

Mod.40

Roma 10.7.1945 anno

(67)

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

Ufficio IV Grazie
Rif. N° 347 / 45

Alla Commissione Alleata
Sottocommissione Legale
R O M A

Risposta all'off.
Div. Sez. N°

OGGETTO Corrispondenza diretta ad uffici situati in territorio dell'A.M.G.
CAPPELLINI Bruno - istanza per grazia

S'inviano a codesta Commissione gli uniti atti, con preghiera di curarne l'inoltro alla Procura Generale del Regno in Venezia.
Si permette pregare cortese urgenza nell'invio degli atti, trattandosi di condannato alla pena di morte.

D'ORDINE DEL MINISTRO
Cocuccioni

76

Declassified E.O. 12356 Section 3.3/NND No. 785016

66A

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/pa.
12 Jul 45.

AC/4092/2/L.

SUBJECT : Extraordinary Court of Assize- Death sentence -Petition for Pardon of UPEZZO Giacomo.

TO : Regional Commissioner (Attn: R.L.O.), PIEMONTE Region.

Will you please transmit the enclosed file in the case of the above named accused to the Procura Generale del Regno TORINO as a matter of urgency.

By command of Rear Admiral STONE :

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

Incls.

75

Declassified E.O. 12356 Section 3.3/NND No. 785016

Mod 40

Roma 10.7.1945 anno 1

(657)

Ministero di Grazia e Giustizia

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

Alla Commissione Alleata
Sottocommissione Affari Legale
R O M A

Ufficio IV Grazie
Rif. N° 347 / 45

Risposta al f. del
Div. Sez. N°

OGGETTO: Corrispondenza diretta ad uffici situati in territorio dell'A.M.G.

**OPEZZO Giacomo** - istanza per grazia -

S'inviano a codesta Commissione gli uniti atti, con preghiera di curarne l'inoltro alla Procura Generale del Regno in Torino.

Si permette pregare cortese urgenza nell'invio degli atti, trattandosi di condannato alla pena di morte.

P'ORDINE DEL MINISTRO

Carnevali

Declassified E.O. 12356 Section 3.3/NND No. 785016

64A

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5027 10 July 1945

SUBJECT : Buffarini Guidi Guido.

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

The execution of the above-named took place at 05.45 hours this morning.

For the Regional Commissioner :

H.M. DICKIE
W/CDR. RAF
Regional Legal Officer

73

11 JUL 1945

vb

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

63

G/4092/1/1.

/ps.
10 Jul 45.

SUBJECT : Extraordinary Court of Assize Verona-
Petition for Pardon.

TO : The Minister of Pardon and Justice.

Herewith the below listed petition for pardon for recommendation please.

OSTINI Giovanni.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Incl:

72

Declassified E.O. 12356 Section 3.3/NND No. 785016

67A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4092/1/L.

ES/mt.
10 July 1945.

SUBJECT : Courts of Assize. Genova and Pavia.

TO : The Minister of Pardon and Justice.

Confirming this morning's conversation (Dott. Bonelli - S/Sgt Stein) the following two signals have been received here this morning:-

1. "Subject is appeals against death sentence heard by Court of Cassation 7 July.
CAIABI Aurs and GANDOLFI Eugenio (both Pavia) dismissed."

2. "Subject is appeals against death sentences heard by Court of Cassation 7 July.
NIGRO Eugenio (Genoa) referred for rehearing to Savona.
RISI Mauro (Genoa) dismissed."

MILGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

#71

Declassified E.O. 12356 Section 3.3/NND No. 785016

WGRO/lp

HEADQUARTERS
VENEZIE REGION
Allied Military Government
APO 394

9 July 1945.

TO : Chief Legal Adviser,
Legal Sub-Commission, H.Q., A.C. (for Gholian Branch)

SUBJECT: OSTINI Giovanni.

FILE No: RXII/LE/VER/C/09.

Herewith is sent for transmission to the Minister for Grace and Justice petition for grace on behalf of the above named, condemned to death on 12 June. by the Verona Court of Assize, which sentence has been confirmed by the Court of Cassation.

Colonel,
for Regional Legal Officer,
Venezie Region.

70

Declassified E.O. 12356 Section 3.3/NND No. 785016

# INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Legal 60A

Message Centre No: E/8837
Date Time Rec'd: JUL 091600B
Precedence: ROUTINE

Originator's Reference: 1425
Date/Time of Origin: JUL 091100B

FROM: LOMBARDIA REGION LEGAL FROM MOLETTI SIGNED DICKIE

TO: ALCOM HOME ACLEG INFO AMG LIGURIA REG FOR LEGAL

IN CLEAR.

1. Subject is appeals against death sentences heard by Court of CASSATION 7 July.

2. NIGRO EUGENIO (GENOA) referred for rehearing to SOVONA. RISI MAURO (GENOA) dismissed.

DIST

ACTION: Legal S/C
INFO: Chief Commissioner
CA Sec
File 2
Float

ACTION

69

HEADQUARTERS
JUL 1945

SCIO
PCIO
Chief Commr
CIO
Italian
SK

10 JUL 1945

Declassified E.O. 12356 Section 3.3/NND No. 785016

# INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Legal

Originator's Reference: 1424

Date/Time of Origin: JULY 091100B

Message Centre No: 2/0834

Date Time Rec'd: JULY 091530B

Precedence: ROUTINE

FROM: LOMBARDIA REGION LEGAL FROM POLETTI SECRETARIATE

TO : ALLIED HQS ACLEG

1. Subject is appeals against death sentence heard by Court of Cassation 7 July.

2. CAIANI ARRO and SANDONI MUSSINO (both PAVIA) dismissed.

LEGAL SUBCOMMISSION

CLO

Dist

Action - Legal SC
Info - Chief Commissioner
CA Sec
File 2
Float

ACTION

HEADQUARTERS 9 JUL 1945

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/pa.

9 Jul 45.

AC/4092/1/L.

SUBJECT : Extraordinary Court of Assize -Petition for Pardon -OFEZZO Giacomo.

TO : Regional Commissioner (Attn. R.L.O.)PIEMONTE Region.

Would you be kind enough to transmit the enclosed communication from the Ministry of Justice for the Procurstore Generale Court of Appeal TORINO as a matter of urgency please.

By command of Rear Admiral STONE :

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor

Incl.

67

Declassified E.O. 12356 Section 3.3/NND No. 785016

59A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AP/lc.
9 July 1945.

AC/4092/1/L.

SUBJECT : Extraordinary Court of Assize - Petition of Pardon - MORELLO Firmino.

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

Would you be kind enough to transmit the enclosed communication from the Ministry of Justice for the Procuratore Generale Court of Appeal Venezia as a matter of urgency please.

By command of Rear Admiral STONE:

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Incl:

66

Unclassified E.O. 12356 Section 3.3/NND No. 785016

56A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

ES/10.
9 July 1945.

AC/4092/1/L.

SUBJECT : Extraordinary Courts of Assize. Appeals against death sentence.

TO : The Minister of Pardon and Justice.

1. Confirming this morning's conversation (Dott. Bonelli - S/Sgt Stein) the following signal has been received here from RLO Lombardia Region:

" Subject is appeals against death sentences by Court of Cassation 4th July. Appeals of PILATI Cesare, BAROZZI Antenore, BERTI Enrico, BERTI Alfio, CASTELLANI Edmondo (All Reggio Emilia) dismissed. Application for clemency on behalf of each will be forwarded by to-day's post."

2. The enclosed four petitions in case of BERTI Enrico and Alfio, BAROZZI and CASTELLANI were delivered this morning in the office of this Sub-Commission on behalf of the accused. Five petitions filed through regular channels by all of the accused mentioned in the above signal are also attached.

3. A further signal has been received stating the following:

" Subject is Appeals against death sentences heard by Court of Cassation Fourth July. Appeal of FIORETTA Pierino (Ivrea) dismissed. Case of BORGIOVANNI Carlo (Torino) referred to Alessandria for rehearing."

65

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

Encls: 10

Declassified E.O. 12356 Section 3.3/NND No. 785016

55A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

EB/lc.
9 July 1945.

AC/4092/1/L.

SUBJECT : Extraordinary Courts of Assize. Death sentences.

TO : The Minister of Pardon and Justice.

For your information the following three signals have been received here to-day.

"Subject is appeals against death sentences heard by Court of Cassation 6 July.
CANDRILLI Manlio (Brescia) dismissed."

" Subject is appeals against death sentences heard by Court of Cassation 6 July.
BOSELLI Renzo (Piacenza) dismissed.

"Subject is appeals against death sentences heard by Court of Cassation 6 July.
MIGOTTI Vincenzo (Treviso) dismissed. DINALI Flavio (Treviso) referred to Padova for rehearing. RUZZANTE ISIDORO ANTIONIO SANTACROCE Francesco (all Rovigo) dismissed."

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor

64
13

Declassified E.O. 12356 Section 3.3/NND No. 785016

FROM: Colonel W.E. [illegible], Chief Legal Advisor.

4092/1

LEGAL SUB-COMMISSION
HQ ALLIED COMMISSION
APO 394

9 July 1945

My dear Mr Ambassador,

Further to my letters of the 3rd and 4th July, I have now heard that the Court of Cassation has set the case of BONGIOVANNI, Carlo back for rehearing.

Meanwhile, pending the retrial, the death sentence is temporarily quashed.

Yours very truly,

The Hon. Alexander Kirk,
The American Ambassador,
United States Embassy,
119 Via Vittorio Veneto,
Rome.

Declassified E.O. 12356 Section 3.3/NND No. 785016

# INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: 1420

Date/Time of Origin: JULY 071700

Message Centre No: E/8626

Date Time Rec'd: JULY 072040

Precedence: ROUTINE

FROM: LOMBARDIA REGION LEGAL FROM POLETTI SIGNED DICKIE

TO: ALCOM ROME ACLEG RPTD INFO AMG BRESCIA FOR LEGAL.

IN CLEAR.

1. Subject is appeals against death sentences heard by Court of Cassation 6 July.

2. CANDRILLI MANDIO (BRESCIA) dismissed.

DIST

ACTION - LEGAL SC
INFO - CHIEF COMMISSIONER
CA SEC
FILE 2
FLOAT

62

HEADQUARTERS

Declassified E.O. 12356 Section 3.3/NND No. 785016

4092

52A

Legal

# INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: 1421

Date/Time of Origin: JULY 071700

Message Centre No: E/8627

Date Time Rec'd: JULY 072040

Precedence: ROUTINE

FROM: LOMBARDIA REGION LEGAL FROM GLETTI SIGNED DICKIE.

TO : ABCOM ROME ACLEG RPTD/INFO AMG EMILIA FOR LEGAL.

IN CLEAR.

1. Subject is appeals against death sentences heard by Court of Cassation 6 July.

2. BOSELLI RENZO (PIACENZA) dismissed.

DIST

ACTION - LEGAL SC
INFO - CHIEF COMMISSIONER
CA SEC
FILE 2
FLOAT

ACTION

HEADQUARTERS A.C.C.

61

Declassified E.O. 12356 Section 3.3/NND No. 785016

# INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: 1396

Date/Time of Origin: JUL 061030B

Message Centre No: E/8480

Date Time Rec'd: JUL 070900B

Precedence: ROUTINE

FROM: LOMBARDIA REGION LEGAL FOR POLETTI SIGNED DICKIE

TO: ALCOM BASE ACLEG RPTD EMILIA REG

RESTRICTED.

Subject is appeals against death sentences heard by Court of CASSATION 4th July. Appeals of PILATI CESARE BAROZZI ANTENORE BERTI ENRICO CASTELLANI EDMONDO (All REGGIO EMILIA) dismissed. Applications for clemency on behalf of each will be forwarded by todays post.

DIST

ACTION: Legal S/C
INFO: Chief Commissioner
CA Sec
File 2
Flost

RESTRICTED

Declassified E.O. 12356 Section 3.3/NND No. 785016

4092/1

# INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Legal 50A

Originator's Reference: 1419

Date/Time of Origin: JULY 071700

Message Centre No: E/3629

Date Time Rec'd: JULY 072040

Precedence: ROUTINE

FROM: LOMBARDIA REGION LEGAL FROM POLETTI SIGNED DICKIE

TO: ALCOS ROME ACLEG REGD AMG VENEZIE FOR LEGAL INFO

IN CLEAR.

1. Subject is appeals against death sentences heard by Court of Cassation 6 July.

2. MIGOTTI VINCENZO (TREVISO) dismissed. DIVALI FLAVIO (TREVISO) referred to PADOVA for rehearing. RUZZANTE ISIDORO ANTONIO SANTACROCE FRANCESCO (all ROVIGO) dismissed.

DIST

ACTION - LEGAL SC
INFO - CHIEF COMMISSIONER
CA SEC
FILE 2
FLOAT

ACTION
LEGAL COMMISSION
DUE
FILED
CONC
DUE
REPLY REQUIRED
OF
8 JUL 1945

Wm

Hamm

HEADQUARTERS
8 JUL 1945
A. C.

59

Declassified E.O. 12356 Section 3.3/NND No. 785016

# INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: 1397

Date/Time of Origin: JUL 061045B

Message Centre No: E/8483

Date Time Rec'd: JUL 070900B

Precedence: ROUTINE

FROM: LOMBARDIA REGION LEGAL FOR PELETTI SIGNED DICKIE

TO : ALCOM ROME ACLEG RETD PIEMONTE REG.

RESTRICTED.

Subject is appeals against death sentences heard by Court of CASSATINO 4th July. Appeal of FIORETTA MERINO (IVREA) dismissed. Case of BONGIOVANNI CARLO (TORINO) referred to ALESSANDRIA for rehearing.

DIST

ACTION: Legal S/C

INFO: Chief Commissioner
CA Sec
File 2
Float

RESTRICTED

Declassified E.O. 12356 Section 3.3/NND No. 785016

4092/1

48A

Il Guardasigilli
MINISTRO DELLA GIUSTIZIA

H 3A/288

Roma, 7 Luglio 1945

Alla Commissione Alleata
Sottocommissione Legale
R O M A

OGGETTO: BONGIOVANNI Carlo.

In relazione alla nota 4092/1/L del 3 corrente si ha il pregio d'informare codesta Commissione che è pervenuto a questo Ministero il messaggio del Presidente del Venezuela in favore del Bongiovanni suindicato.

Ho richiesto la copia della sentenza per potermi rendere conto della effettiva situazione del Bongiovanni in ordine ai fatti per i quali gli è stata inflitta la pena di morte.

Dalle informazioni fin qui pervenute sembrerebbe che, almeno allo stato, non sussistano le condizioni per un intervento favorevole da parte di questo Ministero.

In questo momento mi perviene un telegramma col quale si comunica che la Sezione speciale della Corte di Cassazione in Milano ha accolto il ricorso del Bongiovanni avverso la sentenza della Corte straordinaria di Assise di Torino, ha annullato la sentenza ed ha rinviato la causa per nuovo giudizio alla Corte di Assise straordinaria di Alessandria.

IL MINISTRO

Togliatti

Declassified E.O. 12356 Section 3.3/NND No. 785016

47A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4092/1/L.

ES/lc;
7 July 1945.

SUBJECT : Extraordinary Courts of Assize. Transmittal of files.

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

1. Reference your LEG/5038 of 5 July receipt is hereby acknowledged of the files, in the case of MORELLO Firminio (file and petition for pardon) and OPEZZO Giacomo.

2. The files have been transmitted to the Ministry this date.

56

By command of Rear Admiral STONE:

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Declassified E.O. 12356 Section 3.3/NND No. 785016

file

CLOA

HEADQUARTERS ALLIED COMMISSION GGH/rjp
APO 394
LEGAL SUB-COMMISSION

AC/4392/1/L 6 July 45

SUBJECT: Extraordinary Courts of Assize-Transmittal of files.

To : The Minister of Pardon and Justice.

1. Enclosed herewith are the files in the case of Operaio Giacomo and Morello Flavio sentenced to death by the Extraordinary Court of Assize of Vercelli and Treviso respectively.

Refferred to Pardons & Grants & Justice

G.G.HAMMERSFORD,
Lt.Colonel,
Officer i/c Italian Branch,
for Chief Legal Adviser

55

Incl.

Declassified E.O. 12356 Section 3.3/NND No. 785016

4092/1

(45A)

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5027

6 July 1945

SUBJECT : Buffarini Guidi Guido and Uccelli Oscar.

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

1. Your letter AC/4092/1/L dated 3rd July and enclosures are acknowledged.

2. The Procuratore Generale has been notified that the petition has been denied.

3. The attached telegram reports the rejection of the application for review. The last paragraph was written before the Procuratore Generale had been informed of the contents of your letter under reference.

For the Regional Commissioner :

H.M. DICKIE
W/CDR. RAF
Regional Legal Officer

Encl.: 1 telegram

vb

7 JUL 1945

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

6 July 1945.

Ref.: DEG/5031

SUBJECT : Appeals to Special Section of Court of Cassation.

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

1. Following upon the sitting of the above Court on 4th July, the following signals have been despatched to your HQ. :-

" SUBJECT IS APPEALS AGAINST DEATH SENTENCES HEARD BY
" COURT OF CASSATION FOURTH JULY PD PAREN TO ALCOM
" ROME ACLEG RPTD EMILIA REGION FROM LOMBARDIA REG
" LEGAL FOR POLETTI SIGNED DICKIE PAREN APPEALS OF
" PILATI CESARE BAROZZI ANTENORE BERTI ALFIO BERTI
" ENRICO CASTELLANI EDMONDO PAREN ALL REGGIO EMILIA
" PAREN DISMISSED PD APPLICATIONS FOR CLEMENCY ON
" BEHALF OF EACH WILL BE FORWARDED BY TODAYS POST PD

" SUBJECT IS APPEALS AGAINST DEATH SENTENCES HEARD BY
" COURT OF CASSATION FOURTH JULY PD PAREN TO ALCOM
" ROME ACLEG RPTD PIEMONTE REG FROM LOMBARDIA REG
" LEGAL FOR POLETTI SIGNED DICKIE PAREN APPEAL OF
" RICRETTA PIERINO PAREN (IVREA) PAREN DISMISSED PD
" CASE OF BONGIOVANNI CARLO PAREN (TORINO) PAREN
" REFERRED TO ALESSANDRIA FOR REHEARING PD.

2. Herewith are forwarded five applications for clemency filed on behalf of the accused mentioned in the first signal.

For the Regional Commissioner :

H.M. DICKIE
W/CDR. RAF
Regional Legal Officer

vb

Italian Dec.

Declassified E.O. 12356 Section 3.3/NND No. 785016

409211 G 45A

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

5 July 1945

Ref.: LEG/5038

SUBJECT : Morello Firminio
Opezzo Giacomo

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

1. Herewith are sent the following documents received to-day from the Court of Cessation :-

(a) File of proceedings in the case of Morello Firminio

(b) Application for clemency on behalf of Morello Firminio

(c) File of proceedings in the case of Opezzo Giacomo.

2. Please transmit to the Ministry and acknowledge receipt to this HQ.

For the Regional Commissioner :

H.M. Dickie

H.M. DICKIE
W/CDR. RAF
Regional Legal Officer

Copy to: P.L.O. Treviso
(through R.L.O. Venezie)
P.L.O. Vercelli
(through R.L.O. Piemonte)

vb

Declassified E.O. 12356 Section 3.3/NND No. 785016

# INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: 1381

Date/Time of Origin: JULY 031700

Message Centre No: 5/8055

Date Time Rec'd: JULY 04 1925

Precedence: ROUTINE

FROM: LOMBARDIA REGION LEGAL FROM POLETTI SIGNED DEKITE

TO : ALCOS ROME ACLEC INFO AMG VENEZIA REGION FOR LEGAL OFFICER, AMG PIEMONTE REGION FOR LEGAL OFFICER

RESTRICTED

RESTRICTED.

Para 1. subject is proceeding of Court of Cassation 2 July.

Para 2. Following appeals against death sentences dismissed MORELLO FIRMINIO (TREVISO) GATTI GIOVANNI (VERONA) CHEZZO GIACOMO (VERCELLI). Case of FERRARA ERNESTO (VERCELLI) referred to NOVEXA for review.

ACTION

DIST

ACTION LEGAL SC
INFO CHIEF COMMISSIONER
C A SEC
FILE 2
FLOAT

RESTRICTED

HEADQUARTERS
5 JUL 1945
A. C.

Advised Brell on 6 July 45

Declassified E.O. 12356 Section 3.3/NND No. 785016

41A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AF/lc.
4 July 1945.

AC/4092/1/L.

SUBJECT : Extraordinary Court of Assize Asti.- Case of ODDONE Marco.

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

Would you please be kind enough to transmit the enclosed communication from the Ministry of Justice to the Procura Generale del Regno Torino as a matter of urgency please.

By command of Rear Admiral STONE:

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Adviser.

50

Incl:

Unclassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

WEB/pa.
3 Jul 45.

AC/4092/1/L.

SUBJECT : Case of BONGIOVANNI Carlo.

TO : Minister of Pardon and Justice.

1. The above named was sentenced to death by the Special Court of Assize in Turin early in June.

2. I am informed by the Ambassador to the USA that the President of Venezuela has requested H.R.H. the Lieutenant General to suspend the sentence .

3. The Ambassador wishes to stress that the USA are not endeavouring to interfere with the due course of Italian justice.

4. Would you be so good as to tell me whether the message for the President of Venezuela has been received; if so whether it contains sufficient information to enable you to form an opinion on the case and what that opinion is.

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

Declassified E.O. 12356 Section 3.3/NND No. 785016

39A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4092/1/L.

/ps.
3 Jul 45.

SUBJECT : Petition for Pardon.

TO : Regional Commissioner (Attn: R.L.O.),
LOMBARDIA Region.

1. Advice of Minister of Justice on Petition for Pardon of BUFFARINI-GUIDI Guido has been received. It is notified that the petition is denied.

2. The file is returned herewith.

By command of Rear Admiral Stone:

W. E. BEHRENS,
Colonel,
Chief Legal Advisor,
for Chief Commissioner.

Copy to : Minister of Justice
" " : AC/4030/L.

Incls.

40

Declassified E.O. 12356 Section 3.3/NND No. 785016

38A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/pa.
3 Jul 45.

AC/4092/1/L.

SUBJECT : Petitions for Pardon.

TO : Regional Commissioner (Attn: R.L.O.),
VENEZIE Region.

1. Advice of Minister of Justice on Petitions for Pardon of PEPI Umberto, ZANI Raifro and CAFIERO Ernani has been received. It is notified that the petitions are denied.

2. The files are returned herewith.

By command of Rear Admiral STONE :

W. E. BEHRENS,
Colonel,
Chief Legal Advisor,
for Chief Commissioner.

Incls.

Copy to : The Minister of Justice
AC/4030/L.

46

47

Declassified E.O. 12356 Section 3.3/NND No. 785016

37A

REGIONAL COMMISSIONER (Attn: R.L.O.) LOMBARDIA REGION

1068 1 JULY 1945 PRIORITY

RESTRICTED FO

PARA ONE FO ADVICE OF MINISTER OF JUSTICE ON ERECTION OF BOMPARINI
GUIDI GUIDO HAS BEEN RECEIVED FO

PARER TO REGIONAL COMMISSIONER FROM PARER ATTACH A MAJORS, LEGAL OFFICER
PARER LOMBARDIA REGION FROM BG ALDEN DIXE ACLEO PARER

PARA TWO FO IT IS NOTIFIED THAT THE PETITION IS DENIED FO
DOCUMENTS HEREWITH RETURNED

Legal Sub-Commission
302

Declassified E.O. 12356 Section 3.3/NND No. 785016

36A

REGIONAL COMMISSIONER (ATTN: S.L.O.) VENEZIE REGION

PRIORITY

1069 3 JULY 1945

RESTRICTED PD

PARA ONE PD ADVICE OF MINISTER OF JUSTICE ON PETITIONS OF PEPI UMBERTO CMA ZANI WALTRO AND CAPIERO ERNANI HAS BEEN RECEIVED PD PAREN TO REGIONAL COMMISSIONER PAREN ATTENTION REGIONAL LEGAL OFFICER PAREN VENEZIE REGION FROM HQ ALCOM CITE ACLEG PAREN

PARA TWO PD IT IS NOTIFIED THAT THE PETITIONS ARE DENIED PD DOCUMENTS BEING RETURNED

Legal Sub-Commission

302

Declassified E.O. 12356 Section 3.3/NND No. 785016

35A

LEGAL SUB-COMMISSION

HQ. ALLIED COMMISSION

APO 394

9 July 1945 - WEB/rlp

My dear Mr. Ambassador:

I am now in a position to give you the following further information on the case of BONGIOVANNI Carlo.

The two children of Bongiovanni were never taken to prison, but were left in the custody of their aged grandmother, where they still are.

The wife, Consuelo Rodriguez, was in prison because she was alleged to have accompanied her husband on his tours and to have been present when his murders were arranged and executed. As no charges had been filed against her, however, she has been released on the orders of AMG. She is now at liberty in Turin, but she has given an assurance that she will not leave the city. The Italian authorities have been informed that if it is intended to bring charges against her in the future, the full requirements of Italian procedure must be respected.

The stay of execution upon the husband is causing considerable resentment locally.

Yours very truly,

46

The Hon. Alexander Kirk
The American Ambassador
United States Embassy
119 Via Vittorio Veneto
ROME

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394

Office of the Regional Legal Officer

3 July 1945.

PR/LE/427

SUBJECT: Extraordinary Courts of Assize.

TO : Hdqrs. A.C., APO 394, for Legal Sub-Commission. (Attn. Italian Branch).

1. Following are results of proceedings held by above mentioned courts in Turin Province:

26 June 1945 against;

(a) D'ARIENZO Serafino: 10 months suspended sentence.
(b) GATTARELLI Renato: 6 months.
(c) BERNA Mario: 6 months suspended sentence.
(d) GALIMBERTI Ada: 6 months suspended sentence.

2. All of the above accused were charged with collaboration with the enemy.

For the Regional Commissioner.

Edwin J. Mercer
Lt. Col., Ord.
Regional Legal Officer.

CCS/AR.

Declassified E.O. 12356 Section 3.3/NND No. 785016

33A

Rome, July 2, 1945.

My dear Colonel Behrens,

In continuation of my letter of June 25th regarding the Bongiovanni case I wish to inform you that I am in receipt of a message from the Department of State at Washington to the effect that the President of Venezuela sent a radio message to the Lieutenant General of the Realm soliciting a suspension of the sentence on Bongiovanni and a commutation thereof if possible.

According to the message which I have received from the Department of State, it would appear that the President of Venezuela desires me to ascertain whether the Lieutenant General of the Realm actually received this message, whether any action was taken thereon and what additional steps the Government of Venezuela might properly take in the premises. I wish to add, however, that in view of the fact that the sentence against Bongiovanni appears to be entirely regular, I would not wish to appear to intervene in any way in this case on behalf of the American Government.

I shall be grateful for any information which you may be able to furnish me along the foregoing lines.

Yours very truly,

A. Kirk

American Ambassador.

Colonel W. E. Behrens,
Legal Sub-Commission,
Allied Commission,
Rome.

Declassified E.O. 12356 Section 3.3/NND No. 785016

32A

PR/LE/427 1st Ind. DDM/AR.
HQ. Piemonte Region, A .G., Legal Division. 28 June 1945.
TO: HQ. A.C., APO 394 for Legal Sub-Commission.

1. ~~Our PR/LE/427~~ of 22 June 45 refers. 109A

2. Since that time representations were made by the Swiss Consul regarding the wife Consuelo Rodriguez who was in prison here. The two children, incidentally, were not, but were in custody of their aged grandmother.

3. Consuelo Rodriguez is alleged to have accompanied her husband on his tours and to have been present when he was arranging some of his murders and having them carried out.

4. It was found, however, that formal charges had not been made against her nor any application to the Procuratore Generale for extension of the time for doing so. The Provincial Public Safety Officer accordingly ordered her release and this order has been carried out by the Italian authorities who have moreover been warned that in this case as in all other cases they must conform strictly with the law. The P.P.S.O. has the lady's assurance that she will not leave Torino without his knowledge and he does not anticipate that any charges will in fact be brought against her. If they are brought the strict requirements of arrest and procedure will be carried out.

5. The stay of execution of the sentence against BONGIOVANNI has apparently raised considerable displeasure here: possibly this is ill-informed opinion which does not appreciate that the "delay" to date is only to allow of further investigations.

For the Regional Commissioner.

DDM Colm Major

D.D.Mc Colm, Major R.A.
Deputy for
Edwin J. Mercer, Lt.Col.Ord.
Regional Legal Officer.

LEGAL DEPARTMENT
CLO
DCLO
Chief Legal
CIO
Italian
CI Pol
1 JUL 1945

Declassified E.O. 12356 Section 3.3/NND No. 785016

3/A

L...QUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

LC/4092/1/L.

22 June 1945.

SUBJECT : Case of Carlo Bongiovanni.

TO : Regional Commissioner, PALERMO REGION.
(Attn. Regional Legal Officer)

1. With reference to the above case the American Embassy has informed me that the Venezuelan Government is interested in the wife of Bongiovanni whose name is Consuelo Rodriguez and who is alleged to be with her husband in prison in company with her two small children.

2. I am not entirely clear as to the grounds upon which the Venezuelan Government is desiring to interfere in this case but I understand that these grounds are being officially presented to the Italian Government so that in due course the matter will be allowed to proceed one way or the other. In the meanwhile please send me in triplicate a short summary of the facts of the case so that I can notify the American Ambassador and AFHQ of necessary action to be taken.

By command of Rear Admiral STONE.

W. E. HEMENS,
Colonel,
Chief Legal Advisor.

40

Declassified E.O. 12356 Section 3.3/NND No. 785016

# INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator Reference: 1341

Date/Time of Origin: JUNE 271700

Message Centre No: E/7145

Date Time Rec'd: JUNE 281415

Precedence: ROUTINE

FROM: LOMBARDIA REGION LEGAL FOR POLETTI SIGNED DICKIE

TO: AICOM ROME AGLEG

RESTRICTED

RESTRICTED.

Subject is death sentences imposed by Extraordinary Courts of ASSIZE. CAPPELLI FRANCESCO sentenced BERGAMO 2nd June confirmed by Cassation 25 June. SANGALLI MASSIMO sentenced VARESE 8th June referred by Cassation for new trail. Please inform Minister.

DIST

ACTION LEGAL SC
INFO CHIEF COMMISSIONER
C A SEC
FILE 2
FLOAT

DCLO
Chief Counsel
JAG

RESTRICTED

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS ALLIED COMMISSION
A.C 394
U. SUB-COMMISSION

APO.
28 June 1945.

20/2092/1/1.

SUBJECT : Court of Assise Turin.
Sentence of MORGANTI Carlo.

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

Would you be kind enough to transmit the enclosed communication from the Ministry of Justice to the Procuratore Generale Corte Appello Torino as a matter of urgency please.

By command of Rear Admiral STUART:

W. S. BETHESE,
Colonel,
Chief Legal Advisor.

Incl.

38

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/LS92/1/1.

28 June 1945.

SUBJECT : Special Court if assize Turin.
Sentence - PORTOVENERE Carlo.

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

Would you be kind enough to transmit the enclosed communication from the Ministry of Justice to the Procuratore Generale Sezione Corte Cassazione, Milano, as a matter of urgency please.

By command of Rear Admiral STOW:

W. S. HOLMES,
Colonel,
Chief Legal Adviser.

Incl.

37

Declassified E.O. 12356 Section 3.3/NND No. 785016

27A

HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394

Office of the Regional Legal Officer

27 June 1945.

PR/LE/427

SUBJECT: Extraordinary Courts of Assize, Piemonte.

TO : HQ. A.C., APO 394 for Legal Sub-Commission.
(Attn. Italian Branch).

1. The following sentences have been passed by subject courts:

1. Court of Torino pronounced on 21 June against:

(a) GRAZIANI Ettore: 6 months.
(b) CAVERNI Maria: 6 months, susp. sent.
(c) ALBERTELLI Domenico: 8 months, susp. sent.
(d) SANTUCCI Lorenzo: 1 year, susp. sent.
(e) CROTTI Alessandro: 18 months.
All charges with collaboration with the enemy.

2. Court of Cuneo pronounced on 16 and 19 June against:

(a) MOLINARA Silvio: 6 months.
(b) CRAVAREZZA Francesco: 6 months susp. sent.
(c) BUSSO Maria, aged 16: acquitted.
(d) PAGELLA Argentino: 6 months.
(e) BONAN Mario: adjourned.
(f) GALLO Camillo: 17 years and 6 months.
(g) CICALA Nicolo: acquitted.
(h) FRANCONE Vincenzo: 1 year susp. sent.
All charges with collaboration with the enemy, GALLO also with treason.

36

Declassified E.O. 12356 Section 3.3/NND No. 785016



3. Court of Aosta pronounced on 16 June against:

(a) GIANOGLIO Olimpo charged with collaboration by having adhered to the repubblican fascist party and joined the Brigata Nera as head of its Information office: 10 years.

(b) on 19 June against PASI Franco charged with collaboration and with having been a member of the Brigata Nera: 5 years, 6 months and 15 days.

For the Regional Commissioner.

D.D.Mc. Colm, Major R.A.
Deputy for
Edwin J. Mercer
Lt. Col., Ord.
Regional Legal Officer.

EJM/AR.

LEGAL SUB COMMISSION
FLO
D.P.O.
Chief
C.L. (A)
Tech
CL (A)
6 JUL 1945

35

Declassified E.O. 12356 Section 3.3/NND No. 785016

26A

HQ 7 [illegible] LEGAL DIVISION
APO 394
LEGAL SUB-DIVISION

/mt.
27 June 1945.

c/1232/1/3.

SUBJECT : Case of Carlo BORGIOVANNI.

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

Further to my letter of 22 June, the following copy of a letter received from the American Ambassador is forwarded for information and action:

"I appreciate very much the information concerning the BORGIOVANNI case which you were good enough to convey to me in your letter of June 21 and wish to inform you that I am now in receipt of a message from my Government stating that the Venezuelan Embassy in Washington is obtaining further instructions in the case from the President of Venezuela. The Department of State adds that in the meanwhile the Venezuelan Embassy asks that the appropriate authorities take such steps as may be possible with a view to ameliorating the condition in which Mrs. BORGIOVANNI and her children find themselves.

I have informed my Government that I assume that the Venezuelan Embassy in Washington is in communication with the Italian Embassy in that city, but I convey to you the foregoing request affecting the BORGIOVANNI family in the event that some action may be possible".

By command of Rear Admiral STONE:

W. F. JONES,
Colonel,
Chief Legal Advisor.

36

Declassified E.O. 12356 Section 3.3/NND No. 785016

(35A)

Rome, June 25, 1945.

My dear Colonel Behrens:

I appreciate very much the information concerning the Bongiovanni case which you were good enough to convey to me in your letter of June 21 and wish to inform you that I am now in receipt of a message from my Government stating that the Venezuelan Embassy in Washington is obtaining further instructions in the case from the President of Venezuela. The Department of State adds that in the meanwhile the Venezuelan Embassy asks that the appropriate authorities take such steps as may be possible with a view to ameliorating the condition in which Mrs. Bongiovanni and her children find themselves.

I have informed my Government that I assume that the Venezuelan Embassy in Washington is in communication with the Italian Embassy in that city, but I convey to you the foregoing request affecting the Bongiovanni family in the event that some action may be possible.

Yours very truly,

A. Kirk

American Ambassador.

33

Colonel W. E. Behrens,
Legal Sub-Commission,
Allied Commission,
Rome.

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

U R G E N T

/rlp.

AC/4092/1/L. 26 June 1945.

SUBJECT : Court of Assize - Extraordinary Court of Rovigo; Petitions for Pardon: Ten. Rinaldi, Maresciallo Santacroce, Ruzzanti et al.

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

Would you be kind enough to transmit the enclosed communication from the Minister of Justice to the Procuratore Generale Appello Venezia as a matter of urgency please.

By command of Rear Admiral STONE:

LESTER C. BERN,
Capt., Inf.,
for Chief Legal Advisor.

Incl: Telegram Min of Pardon & Justice.

32

31

Declassified E.O. 12356 Section 3.3/NND No. 785016

23A

HEADQUARTERS URGENT

# VENEZIE REGION

ALLIED MILITARY GOVERNMENT

APO 394

To : Chief Legal Adviser, Legal Sub-Com. HQ AC (for Italian Branch) Date 25 June 1945

Subject : Special Court of Assize (Application for Pardon)

File No: R XII/LE/Reg/C/ 03.1

1. Attached herewith please find applications of PEPI Umberto, CAFIERO Ernani and ZANI Waifro for pardon from death sentence imposed by the Venice Court of Assize.

2. We will appreciate if you will transmit these documents to the Minister of Grace and Justice without delay.

Felix J. Conlin, Major

for H. G. WILLMER, Colonel,
Regional Legal Officer,
Venezie Region.

31

Declassified E.O. 12356 Section 3.3/NND No. 785016

409 2/1.

22A

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref: LEG/5027 23 June 1945

SUBJECT : BUFFARINI GUIDI Guido

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

The enclosed documents have reached this HQ this afternoon and are forwarded for urgent attention.

For the Regional Commissioner:

H.M.DICKIE
W/Cdr.,R.A.F.
Regional Legal Officer.

30

LEGAL SUB-COMMISSION
CCO
RECEIVED
SEP 1945
CASE
REF

LL/

Declassified E.O. 12356 Section 3.3/NND No. 785016

File

21A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4092/1/L.

/mt.
22 June 1945.

SUBJECT : Extraordinary Courts of Assise, Savona - Death sentence.

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

1. The Regional Legal Officer LIGURIA Region reports that the "Ricorso in Cassazione" of ZUNINO Alberto, POS ENTI Luigi and GENOVESE Giacomo, all sentenced to death by the above Court has been rejected. The execution was ordered stayed pending consideration of petitions of pardon filed by each of the three sentenced persons.

2. Petitions with supporting documents have been forwarded by the Regional Legal Officer to this Sub-Commission and will be transmitted to Your Excellency as soon as received here.

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

29

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

22 June 1945.

AC/4092/1/L.

SUBJECT : Case of Carlo Bongiovanni.

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

1. With reference to the above case the American Embassy has informed me that the Venezuelan Government is interested in the wife of Bongiovanni whose name is Consuelo Rodriguez and who is alleged to be with her husband in prison in company with her two small children.

2. I am not entirely clear as to the grounds upon which the Venezuelan Government is desiring to interfere in this case but I understand that these grounds are being officially presented to the Italian Government so that in due course the matter will be allowed to proceed one way or the other. In the meanwhile please send me in triplicate a short summary of the facts of the case so that I can notify the American Ambassador and AMG of necessary action to be taken.

By command of Rear Admiral STONE.

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

Declassified E.O. 12356 Section 3.3/NND No. 785016

19A

HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL SUB-COMMISSION

AP/mt.
22 June 1945.

AC/1092/V/L.

SUBJECT : Extraordinary Court of Assise Treviso - Death Penalty DRUDI Mario.

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

Would you be kind enough to transmit the enclosed communication from the Ministry of Pardon and Justice to the Procuratore Generale Court of Appeal Venezia as a matter of urgency please.

By command of Rear Admiral BYNES:

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

Incl.

27

Declassified E.O. 12356 Section 3.3/NND No. 785016

18A

HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394

Office of the Regional Legal Officer

22 June 1945.

PR/LE/427.

SUBJECT : Extraordinary Court of Assize. Sentence of death passed on Carlos Bongiovanni.

To : H.Q. AC. Legal Sub-Commission (Attn. O i/c Italian Courts).

1. On receipt about 0330 hrs. on night 19/20 June 45 of message to Regional Commissioner from American Embassy Rome the Prefect of Turin was instructed to stay execution of the sentence of death on Carlos Bongiovanni. The written assurance of the Prefect that he had instructed the Chief of the Prison that the sentence should not be carried out without further orders of A.M.G. is held here.

2. On receipt about 1030 hrs. on 20 June 45 of your message through Milan the matter was dealt with through normal channels and we hold the written assurance of the Procuratore Generale of Torino (Ecc. Bozzi) that the death sentence against Bongiovanni will not be executed until further notice from A.M.G.

26

For the Regional Commissioner.

Edwin J. Mercer
Lt. Col., Ord.
Regional Legal Officer.

DIM/CB

Declassified E.O. 12356 Section 3.3/NND No. 785016

17A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rlp.
22 June 1945.

AC/4092/1/L.

SUBJECT : Case of Vittorio Emanuele Basile.

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

1. It is understood that formal instructions had been sent to PS Lombardy Region to transfer Basile to Rome as the High Court had claimed jurisdiction. This, as you are aware, was done at this sub-commission's request, following the undersigned's letter from Milan LEG/5038 of 27 May. Such instructions were forwarded from this HQ to Lombardy Region on 4 May (AC/14754/6/PS of 4 June refers).

2. Apparently PS Division took no action.

3. It is further understood that the documents forwarded on 4 May have formally established the jurisdiction of the High Court and therefore ousted that of the Extraordinary Court of Assises of Milan. This being the case, the proceedings of this Court should be considered null and void.

4. Will you therefore on receipt of this letter hand to the PG of the Section of Cassation forthwith the two letters which you will find enclosed and the "Mandato di Cattura" also enclosed, to PS for the Questura.

5. As soon as the Section of Cassation will have notified its agreement, please see that PS Division take the necessary steps for the transfer of Basile to Rome immediately.

By command of Rear Admiral STONE:

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

3 Incls.

Copy to: CA Sec.

25

Declassified E.O. 12356 Section 3.3/NND No. 785016

16A

HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394

Office of the Regional Legal Officer

21 June 1945.

PR/LE/427

SUBJECT: Extraordinary Courts of Assize.

TO : HQ. A.C. APO 394 for Legal Sub-Commission.
(Attn. Italian Branch).

1. The following are results of proceedings in subject Courts of Piemonte:

(1) Court of Asti pronounced:

(a) on 9 June against SALADINI Giuseppe charged with collaboration with the enemy: death and confiscation of all property of accused.

(b) on 12 June 45 against NARDULLI Giovanni charged with collaboration with the enemy, looting, setting fire, extortion: death and confiscation of all property of accused.

(2) Court of Aosta pronounced on 9 June 45 against GANDELLI Cesare charged with collaboration with the enemy: 15 years imprisonment.

(3) Court of Torino pronounced on 14 June 45 against:

(a) PICCIOLO Giuseppe: 10 years.

(b) ALESSIO Oreste: 6 months, susp. sent.

(c) RICCABONE Novarino:acquitted.

Declassified E.O. 12356 Section 3.3/NND No. 785016



(d) ANELLI MONTI Liliana: acquitted.

All charged with collaboration.

For the Regional Commissioner.

Edwin J. Mercer
Lt. Col., Ord.
Regional Legal Officer.

EJM/AR.

LEGAL SUB COMMISSION
NOV 1945

Declassified E.O. 12356 Section 3.3/NND No. 785016

409211

15A

LEGAL SUB-COMMISSION,
HEADQUARTERS,
ALLIED COMMISSION,
A.P.O.394.
21 June 1945.

Sir,

I thank you for your letter of the 20th June and for the copy of the message from Washington enclosed therein.

As I informed your secretary this afternoon I have received a message from Turin that the execution of Carlo Bongiovanni has been suspended.

I am obtaining from Turin details of the case which I will supply to you on receipt.

No doubt the Government of the United States or the Government of Venezuela is taking the necessary action to inform the Italian Government of the reasons for the application to commute or delay the execution in this case.

Yours truly,

Mr. Ambassador Kirk,
United States Embassy,
ROME.

Declassified E.O. 12356 Section 3.3/NND No. 785016

# INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: 335

Date/Time of Origin: JUNE 201430B

Message Centre No: E/6018

Date Time Rec'd: JUNE 211015

Precedence: IMPORTANT

FROM: AMG LIGURIA REGION SIGNED ELDER

TO : HQ ALCOM CITE ACLEG ATTN CHIEF LEGAL ADVISOR

RESTRICTED

RESTRICTED.

Subject is petition for mercy by ZUNINO ALBERTO POSSENTI LUIGI and GENOVESE GIACOMO- each sentenced to death by Court Assize SAVONA and affirmed by Court of Cassation. Execution ordered stayed pending consideration of petitions. Petitions and supporting documents forwarded by courier service. Courtrecords not received. Signed ELDER.

DIST

ACTION - LEGAL SC
INFO - CHIEF COMMISSIONER
CA SEC
FILE 2
FLOAT

ACTION

HEADQUARTERS ALLIED COMMISSION
CLO
DCLO
Chief Legal
CA
Rotation Plans
Courts
21 Jun 195

RESTRICTED

Declassified E.O. 12356 Section 3.3/NND No. 785016

13A

U R G E N T

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AP/lc.
AC/4092/1/L. 21 June 1945.

SUBJECT : Court of Assize Turin, BUONGIOVANNI Carlo - Petition for Pardon.

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

Would you be kind enough to transmit the enclosed communication from the Ministry of Justice to the Procuratore Generale Court of Appeal Turin as a matter of urgency please.

By command of Rear Admiral STONE:

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

Incl:

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(12A)

ES/lc.
21 June 1945.

AC/4092/1/L.

SUBJECT : Extraordinary Court of Assize, Venezia. Death penalty.

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

Confirming to-day's telephone conversation (Dottor Bonelli - S/Sgt Stein) the below signal has been received this morning for transmission to Your Excellency:

" Risposta telegramma n.284 confermo sentenze condanna morte PEPI Umberto BASIERO Ernani ZANI Waifro divenute esecutive in seguito alla notizia del rigetto ricorso Cassazione. I tre condannati presentarono data odierna domanda Grazia esprimo parere contrario Suo accoglimento Procuratore Generale Segaci."

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

Declassified E.O. 12356 Section 3.3/NND No. 785016

# RESTRICTED

H0924. ✓ 11A

FR/LC/249 R/5053
J SEP 21 JUNE 211455B
IMMEDIATE

RLO PIEMONTE

[illegible] CIVIL AFFAIRS

RESTRICTED.

Reference CARLOS [illegible] stay of execution has been accomplished.

DIST

ACTION - CHIEF COMMISSIONER
INFO - CA [illegible] HC
LEGAL SC
FILE 2
FLOAT

18
18

HEADQUARTERS [illegible] 1945

wB.

RESTRICTED

Declassified E.O. 12356 Section 3.3/NND No. 785016

File
4092(1)

10A

REGIONAL COMMISSIONER, PIEDMONT REGION, (ATTN: REGIONAL LEGAL OFFICER)

245 21 JUNE 1945 URGENT

RESTRICT D FD

PARA ONE FD SUBJECT IS CARLO BONTICVANI SENTENCED TO DEATH BY SPECIAL COURT OF ASSIZE FD

PARAS TWO REGIONAL COMMISSIONER PIEDMONTS EARLIER PARAS ATTENTION REGIONAL LEGAL OFFICER PARAS FROM HQ ALLIED CITE ACLHQ PARAS.

PARA TWO FD CONSIDERING THIS HEADQUARTERS CABLE ONE FIVE NINE OF TWENTY JUNE TO REQUEST ADVISE IMMEDIATELY PRESENT POSITION

Legal Sub-Commission

302

HEADQUARTERS
LIGURIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

Lig/Leg/43

WGE/sf
20 June 1945

SUBJECT : Appeal for Mercy to the Minister of Justice in the Case of POSSENTI, Luigi - GENOVESI, Giacomo - ZUNIO, Alberto.

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

1. Enclosed herewith are the following documents:-

A. Petition of grace on behalf of each of the above named accused against sentence of death; and recommendation of Public Prosecutor in each case.

B. Supporting the Petition of POSSENTI

(a) Asecond petition signed by the sister of this accused.
(b) A certificate by Parish Priest.
(c) Certificate by Vincenzo GAILA
(d) English translation of Petition on behalf of POSSENTI mention in sub para 'A' above.

2. Each of the above prisoners were separately tried at the Savona Special Court of Assize and condemned to death. Each of the Sentences were affirmed by the Court of Cassation at Milano. The accused POSSENTI being the first case tried.

3. Your AC/4092/1/L letter dated the 15 June 1945 has just this date been received and was not available as instructions when the P.L.O. was notified of the confirmation of the sentence. The P.L.O. on receiving the Petitions for mercy ordered a stay of Execution pending consideration of the petition. The documents have been received from the P.L.O. this date.

4. In future the procedure as outlined in your letter above will be followed but in the meantime a signal has been sent forwarded to you and it would be appreciated if this letter would be treated as if in compliance with proper drill.

5. Two letters, dated 16 June and 18 June from the P.L.O. to the R.L.O. this Region, are inclosed for your independent information.

6. The sister petitioner has, in addition to the facts set forth in her second petition, advised this Headquarters that she has learned from discussions with many persons who were at the trial that both the Court and prosecutor because of the attitude of the crowd were induced to refuse the application for adjournment in this one case and dissuaded from insisting in the other case.

Declassified E.O. 12356 Section 3.3/NND No. 785016

1. Enclosed herewith are the following documents:-

A. Petition of grace on behalf of each of the above named accused against sentence of death; and recommendation of Public Prosecutor in each case.

B. Supporting the Petition of POSSENTI

(a) Asecond petition signed by the sister of this accused.
(b) A certificate by Parish Priest.
(c) Certificate by Vincenzo GAILA
(d) English translation of Petition on behalf of POSSENTI mention in sub para 'A' above.

2. Each of the above prisoners were separately tried, at the Savona Special Court of Assize and condemned to death. Each of the Sentences were affirmed by the Court of Cassation at Milano. The accused POSSENTI being the first case tried.

3. Your AG/4092/1/L letter dated the 15 June 1945 has just this date been received and was not available as instructions when the P.L.O. was notified of the confirmation of the sentence. The P.L.O. on receiving the Petitions for mercy ordered a stay of Execution pending consideration of the petition. The documents have been received from the P.L.O. this date.

4. In future the procedure as outline in your letter above will be followed but in the meantime a signal has been sent forwarded to you and it would be appreciated if this letter would be treated as if in compliance with proper drill.

5. Two letters, dated 16 June and 18 June from the P.L.O. to the R.L.O. this Region, are inclosed for your independent information.

6. The sister petitioner has, in addition to the facts set forth in her second petition, advised this Headquarters that she has learned from discussions with many persons who were at the trial that both the Court and prosecutor because of the attitude of the crowd were induced to refuse the application for adjournment in this one case and dissuaded from insisting in the other case.

7. It is to be noted that the PLO's report is largely based on hearsay information as is also the sister petitioner's remarks. The writer has no independent information other than from these sources.



Declassified E.O. 12356 Section 3.3/NND No. 785016

8. Your letter in para 3 hereof will be the subject of a separate communication.

For the Regional Commissioner:

W.G. ELDER,
Lt. Col., Cdn. Prov. C.,
Regional Legal Officer.

7 Incls-

Incl 1 - Petition of grace & Recommendation of Public prosecutor
Incl 2 - Pettion signed by sister of Accused, POSSENTI.
Incl 3 - Certificate by Parish Priest
Incl 4 - Certificate by Vincenzo GAILA
Incl 5 - English translation of petition on behalf of POSSENTI
Incl 6 - Letter-June16-PLO,Savona
Incl 7 - Letter-June17-PLO,Savona



Declassified E.O. 12356 Section 3.3/NND No. 785016

W.G. [illegible],
Lt. Col., Cdn. Prov. C.,
Regional Legal Officer.

7 Incls-

Incl 1 - Petition of grace & Recommendation of Public prosecutor
Incl 2 - Pettion signed by sister of Accused, POSSENTI.
Incl 3 - Certificate by Parish Priest
Incl 4 - Certificate by Vincenzo GAILA
Incl 5 - English translation of petition on behalf of POSSENTI
Incl 6 - Letter-June16-PLO,Savona
Incl 7 - Letter-June17-PLO,Savona

14

15

Declassified E.O. 12356 Section 3.3/NND No. 785016

Declassified E.O. 12356 Section 3.3/NND No. 785016

8A

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
SAVONA PROVINCE
APO 394

18 JUNE 1945

Subject: POSSENTI LUIGI

TO : REGIONAL LEGAL OFFICER
LIGURIA REGION

1. Pursuant to your request I have made a carefull investigation of the trial of the above subject before The Extraordinary Court of Assize I should add that I have followed carefully all the proceedings of the Court and have attended some of the sessions held. In addition, however, following your telephone call, I conferred at length with the Publico Ministero and with Counsel for the defense, singly and together, and I have also spoken to persons who attended the trial of Possenti.

2. The facts, which are undisputed are as follows:
Possenti was accused of 2 crimes each of which carried the death penalty and the Court convicted him of both crimes. In respect to one charge, that concerning partecipation in a proceedings leading to the death of a leading citizen of Savona, Possenti offered to prove that during the period in question he was stationed on service at the town of Calizzano, some distance away. He asked the witnesses . The Court heard one. The Pubblico Ministero conceded, however , that during the period involved Possenti did in fact live in Calizzano. The request of Possenti for a continuence to bring the second witness, the proprietor of the hotel of Calizzano, was thereupon refused. Counsil for the defense did not insist on the point becouse he believed it of no significance. The Publico Ministero adduced evidence that notwithstanding Possenti's residence in Calizzano he was personnaly connected with the incident in question and the Court found Possenti guilty on this charge, as well as on the second charge with did not relate to the evidence deal-

LIGURIA REGION

1. Pursuant to your request I have made a carefull investigation of the trial of the above subject before The Extraordinary Court of Assize I have followed carefully all I should add that the proceedings of the Court and have attended some of the sessions held. In addition, however, following your telephone call, I conferred at length with the Publico Ministero and with Counsel for the defense, singly and together, and I have also spoken to persons who attended the trial of Possenti.

2. The facts, which are undisputed are the follows:
Possenti was accused of 2 crimes each of which carried the death penalty and the Court convicted him of both crimes. In respect to one charge, that concerning participation in a proceedings leading to the death of a leading citizen of Savona, Possenti offered to prove that during the period in question he was stationed on service at the town of Calizzano, some distance away. He asked the witnesses . The Court heard one. The Publico Ministero conceded, however , that during the period involved Possenti did in fact live in Calizzano. The request of Possenti for a continuence to bring the second witness, the proprietor of the hotel of Calizzano, was thereupon refused. Counsil for the defense did not insist on the point becouse he believed it of no significance. The Publico Ministero adduced evidence that notwithstanding Possenti's residence in Calizzano he was personnaly connected with the incident in question and the Court found Possenti guilty on this charge, as well as on the second charge with did not relate to the evidence just described above. The conviction on both charges has been upheld.

3. In my conference with Counsel for the defence, he stated that the witness Possenti wanted to present was immaterial. He also stated that he was satisfied that he had been given a full opportunity to present the defence of Possenti.

4. I might add that I have investistigated Defence Counsel Ferro Andrea. He is considered one of the most able conscientious and experienced Criminal lawyers in town. His defence of Possenti was so

Declassified E.O. 12356 Section 3.3/NND No. 785016

vigorous that the day following the trial writing appeared on thewalls accusing him of being a Fascist becouse of his method of defe ce of Possenti .

5. I am convinced that the trial was a fair one and that Possenti was properly convicted. Under the circumstances the point of law involved in my inqiury was probecly decided in a manner similar to that which would pertain under Anglo-American law. However that may be, the point was decided as a legal point, and not becouse of ~~wan~~ any prejudice.

B. D. CAHN
LEGAL OFFICER
SAVONA PROVINCE

Declassified E.O. 12356 Section 3.3/NND No. 785016

ALLIED MILITARY GOVERNMENT
HEADQUARTERS
SAVONA PROVINCE
APO 394

prot 17/17

16 June 1945

SUBJECT : Attached Ricorsi in Grazia.

TO ; REGIONAL LEGAL OFFICER

1. Attached hereto are Ricorsi in Grazia filed on behalf of ZUNINO Alberto, POSSENTI Luigi, and GENOVESI Giacomo. The above were sentenced to death by the Extraordinary Court of Assise in Savona and the sentences have been upheld by the Court of Cassation at Milano.

2. As to these Ricorsi I recommend that any appeal for clemency be denied. These persons were notorious throughout the area as some of the very worst perpetrators of atrocities and I know of no facts or considerations which could be properly considered in attenuation of the offences.

3. These are the first cases confirmed by the Court of Cassation. For various obvious reasons it would be desireable to execute the sentences as soon as possible. Your cooperation is requested in disposing of the matter at an early time.

B.D. CAHN
Capt. SR

Declassified E.O. 12356 Section 3.3/NND No. 785016

prot 47/17

16 June 1945

SUBJECT : Attached Ricorsi in Grazia.

TO ; REGIONAL LEGAL OFFICER

1. Attached hereto are Ricorsi in Grazia filed on behalf of ZUNINO Alberto, POSSENTI Luigi, and GENOVESI Giacomo. The above were sentenced to death by the Extraordinary Court of Assise in Savona and the sentences have been upheld by the Court of Cassation at Milano.

2. As to these Ricorsi I recommend that any appeal for clemency be denied. These persons were notorious throughout the area as some of the very worst perpetrators of atrocities and I know of no facts or considerations which could be properly considered in attenuation of the offences.

3. These are the first cases confirmed by the Court of Cassation. For various obvious reasons it would be desireable to execute the sentences as soon as possible. Your cooperation is requested in disposing of the matter at an early time.

12

B.D. CAHN
Capt. SR
PROVINCIAL LEGAL OFFICER

PROVINCE OF SAVONA LIGURIA REGION
LEGAL OFFICER
A. M. G.

Declassified E.O. 12356 Section 3.3/NND No. 785016

Declassified E.O. 12356 Section 3.3/NND No. 785016

4092/1.

6A

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref: LEG/5027 20 June 1945

SUBJECT : BUFFARINI GUIDI Guido.

TO : HQ Allied Commission (Legal Sub-Commission)

1. With reference to this HQ letter of even reference dated 15th June, herewith a further telegram addressed by the Procuratore Generale to the Minister for onward transmission.

2. A prompt decision by the Minister is urgently required, as delay in carrying out the sentence imposed by the Extraordinary Court and confirmed by Cassation is likely to create a very unfavourable impression amongst the public. If further documents are wanted in Rome, will you please notify this HQ by telephone so that they can be despatched on the same day.

3. The C.L.A.'s instructions regarding Bongiovanni Carlo were this morning communicated by telephone to Colonel Selby in the absence of Lt.Col. Mercer.

For the Regional Commissioner:

H.M.DICKIE
W/Cdr.,R.A.F.
Regional Legal Officer.

LEGAL SUB COMMISSION
CLO
DCLO
Chief Control
CI
Italian
C
20 JUN 1945

LL/

Declassified E.O. 12356 Section 3.3/NND No. 785016

4092/2nc

V

4A

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5031 20 June 1945

SUBJECT : Court of Cassation.

TO : HQ Allied Commission (Legal Sub-Commission )

1. The Special Section of the Court of Cassation disposed of the following appeals at its sitting on the 18th June :

| Name | Place of trial | Sentence | Decision |
|---|---|---|---|
| Amicucci, Ermanno | Milan | Death | Sentence quashed; case referred to Brescia Court for rehearing of extenuating circumstances. |
| Cafrero; Ernani | Venice | Death ) | ( Rejected |
| Zani, Naipo | do | Death ) | |
| Pepi, Umberto | do | Death | Rejected |
| Fara, Raffaele | Genova. | Death | New trial of Sentence ordered |

2. R.L.O. Venezie, who was in Milan on Monday, took the decisions back with him to Padova.

10

For the Regional Commissioner :

H.M. DICKIE
W/CDR. RAF
Regional Legal Officer

LEG. COMMISSION
CLO
DCLO
Chief Counsel
CIO
Italian Section
CLERKS
22 JUN 1945

vb

4092/1

HEADQUARTERS
LIGURIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

Lig/Leg/43

WGE/sf
20 June 1945

SUBJECT : Appeal for Mercy to the Minister of Justice in the Case of POSSENTI, Luigi - GENOVESI, Giacomo - ZUNIO, Alberto.

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

1. Enclosed herewith are the following documents:-

A. Petition of grace on behalf of each of the above named accused against sentence of death; and recommendation of Public Prosecutor in each case.

B. Supporting the Petition of POSEENTI

(a) Asecond petition signed by the sister of this accused.
(b) A certificate by Parish Priest.
(c) Certificate by Vincenzo GAILA
(d) English translation of Petition on behalf of POSSENTI mention in sub para 'A' above.

2. Each of the above prisoners were separately tried at the Savona Special Court of Assize and condemned to death. Each of the Sentences were affirmed by the Court of Cassation at Milano. The accused POSSENTI being the first case tried.

3. Your AC/4092/1/L letter dated the 15 June 1945 has just this date been received and was not available as instructions when the P.L.O. was notified of the confirmation of the sentence. The P.L.O. on receiving the Petitions for mercy ordered a stay of Execution pending consideration of the petition. The documents have been received from the P.L.O. this date.

4. In future the procedure as outlined in your letter above will be followed but in the meantime a signal has been sent forwarded to you and it would be appreciated if this letter would be treated as if in compliance with proper drill.

5. Two letters, dated 16 June and 18 June from the P.L.O. to the R.L.O. this Region, are inclosed for your independent information.

6. The sister petitioner has, in addition to the facts set forth in her second petition, advised this Headquarters that she has learned from discussions with many persons who were at the trial that both the Court and prosecutor because of the attitude of the crowd were induced to refuse the application for adjournment in this

Declassified E.O. 12356 Section 3.3/NND No. 785016

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

1. Enclosed herewith are the following documents:-

A. Petition of grace on behalf of each of the above named accused against sentence of death; and recommendation of Public Prosecutor in each case.

B. Supporting the Petition of POSSENTI

(a) Asecond petition signed by the sister of this accused.
(b) A certificate by Parish Priest.
(c) Certificate by Vincenzo GAILA
(d) English translation of Petition on behalf of POSSENTI mention in sub para 'A' above.

86A

2. Each of the above prisoners were separately tried at the Savona Special Court of Assize and condemned to death. Each of the Sentences were affirmed by the Court of Cassation at Milano. The accused POSSENTI being the first case tried.

3. Your AC/4092/1/L letter dated the 15 June 1945 has just this date been received and was not available as instructions when the P.L.O. was notified of the confirmation of the sentence. The P.L.O. on receiving the Petitions for mercy ordered a stay of Execution pending consideration of the petition. The documents have been received from the P.L.O. this date.

4. In future the procedure as outlined in your letter above will be followed but in the meantime a signal has been sent forwarded to you and it would be appreciated if this letter would be treated as if in compliance with proper drill.

5. Two letters, dated 16 June and 18 June from the P.L.O. to the R.I.O. this Region, are inclosed for your independent information.

6. The sister petitioner has, in addition to the facts set forth in her second petition, advised this Headquarters that she has learned from discussions with many persons who were at the trial that both the Court and prosecutor because of the attitude of the crowd were induced to refuse the application for adjournment in this one case and dissuaded from insisting in the other case.

7. It is to be noted that the PLO's report is largely based on hearsay information as is also the sister petitioner's remarks. The writer has no independent information other than from these sources.



Declassified E.O. 12356 Section 3.3/NND No. 785016

8. Your letter in para 3 hereof will be the subject of a separate communication.

For the Regional Commissioner:

W.G. ELDER,
Lt. Col., Cdn. Prov. C.,
Regional Legal Officer.

7 Incls-

Incl 1 - Petition of grace & Recommendation of Public prosecutor
Incl 2 - Pettion signed by sister of Accused, POSSENTI.
Incl 3 - Certificate by Parish Priest
Incl 4 - Certificate by Vincenzo GAILA
Incl 5 - English translation of petition on behalf of POSSENTI
Incl 6 - Letter-June16-PLO,Savona
Incl 7 - Letter-June17-PLO,Savona

LEGAL AND COMMISSION
CLO
DCLO
Chief Counsel
CLA
Ex Pol Branch
23 JUN 1945

Declassified E.O. 12356 Section 3.3/NND No. 785016

W.G. ELDER,
Lt. Col., Cdn. Prov. C.,
Regional Legal Officer.

7 Incls-

Incl 1 - Petition of grace & Recommendation of Public prosecutor
Incl 2 - Pettion signed by sister of Accused, POSSENTI.
Incl 3 - Certificate by Parish Priest
Incl 4 - Certificate by Vincenzo GAILA
Incl 5 - English translation of petition on behalf of POSSENTI
Incl 6 - Letter-June16-PLO,Savona
Incl 7 - Letter-June17-PLO,Savona

LEGAL SUBCOMMITTEE
CDO
Chief Colonel
Chief
Deputy Chief
Colonel
Staff
2 JUL 1945



Declassified E.O. 12356 Section 3.3/NND No. 785016

Declassified E.O. 12356 Section 3.3/NND No. 785016

3A

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5027 19 June 1945

SUBJECT : Death sentences imposed by the Extraordinary Court of Assize.

TO : HQ Allied Commission (Legal Sub-Commission)

1. Your letter Ref. AC/4092/1/L dated 15th June 1945 is acknowledged.

2. The Cancelleria of the Court of Cassation will notify the Procuratore Generale of the Court of Assize District from which the appeal originates of the decision of the Court in each case and the latter will be responsible for all necessary further action under paras 4 and 5 of your letter.

3. A signal was despatched to you this morning informing you of the confirmation on the 15th June of the death sentence imposed on Buffarini Guidi on the 28th May. Enclosed herewith is a telegram from the Procuratore Generale to the Minister of Justice on the same subject.

4. The cases against Uccelli and also Amicucci have been referred to the Extraordinary Court of Brescia for re-hearing of the accused's evidence of mitigating circumstances, which in the opinion of the Court of Cassation was not properly heard by the trial Court.

For the Regional Commissioner :

H.M. DICKIE
W/CDR. RAF
Regional Legal Officer

Encl.: telegr.of P.G.

vb

Declassified E.O. 12356 Section 3.3/NND No. 785016

40921/1

2A

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

18 JUN 1945

Ref.: LEG/5031

16 June 1945

SUBJECT : Court of Cassation

TO : H.Q. Allied Commission
Legal Sub-Commission

1. The Special Section of the Court of Cassation has held two sittings, this week, at which the following judgments were delivered :

| Name | Place of trial | Sentence | Decision of Cassation |
|---|---|---|---|
| Attilio Teruzzi | Milan | 30 years | Appeal rejected |
| Faustino Cencini | Milan | Acquitted | -do- |
| Alberto Zunino | Savona | Death | -do- |
| Giacomo Genovesi | Savona | Death | -do- |
| Luigi Possenti | Savona | Death | -do- |
| Guido Buffarini Guidi | Milan | Death | -do- |
| Oscar Uccelli | Milan | Death | Sentence quashed and new trial ordered at Court of Assize, Brescia. |
| Carlo Rive | Milan | Acquitted | Appeal rejected |

2. With regard to Uccelli, it is understood that the Military Authorities previously concerned with this case have stated that they have no further interest.

For the Regional Commissioner:

H.M. DICKIE
W/Comdr., R.A.F.
Regional Legal Officer.

ar/

Declassified E.O. 12356 Section 3.3/NND No. 785016

ALFREDO BAZARRI, father of a convicted fascist asks that his son be tried by the Allies or be considered prisoner of war and this in compliance with the Allied Authorities' statement declaring that "all those fascists who have been incorporated in military units during the past fascist republican period will be considered prisoners of war under the Allies". That statement was reported by the Italian newspaper.

Legal S/C

Gen. le Commissione Armistizio

[illegible]

Il 2 corrente mese, durante conversazione tenuta con ufficiali, di iniziativa di parte delle autorità Alleate, per "metti volere l'appartenenza a formazioni militari delle regole responsabile Germania, stato "e Governi di gli belligeranti di guerra della Forze "ze Armate Alleate e pertanto, comune autorità, durante "tramite che le consegnati alle Competenti Autorità di "Alleato centro Americano o Inglese di prigionieri "di guerra."

Dopo ovvi diversi giorni nella stessa disposizione, non è stato però ancora emanato in conseguenza delle Autorità Giudiziarie Italiane alcun provvedimento, non solo, ma gli Uffici competenti dichiarano non avere a tutt'oggi ricevuto istruzioni al riguardo, sicchè si continua così la celebrazione di processi per pretesuto collaborazionismo col tedesco, anche a carico di militari che appartennero o dovettero appartenere a reparti armati isolati collettivamente in semplici lavori, sia pure a carattere militare.

Non si è certo sta legittimo augurare che la si-

Declassified E.O. 12356 Section 3.3/NND No. 785016

Declassified E.O. 12356 Section 3.3/NND No. 785016

[illegible] 2 [illegible]

[illegible] Sect. [illegible] Pubblica Sicurezza, dimostra "[illegible] 1 [illegible] delle Forze Armate [illegible] "[illegible] Autorità ed "di vigilare contro [illegible] Inglesi ed [illegible] "del [illegible]."

Dopo [illegible] dimostrazione, con lo stato d'assedio [illegible] delle Autorità Militari Italiane [illegible] te, non solo, ai più utili [illegible] per [illegible] [illegible] colla [illegible] col tabacco, anche a carico di [illegible] appartenenze o [illegible] armati [illegible] collettivamente in [illegible] lavori, sia pure a [illegible] militare.

Non [illegible] certamente detto [illegible] che la [illegible] dopo [illegible] il Nord Italia, perchè [illegible] si trovavano nell'[illegible] contrasto che [illegible] i capi rimasero il Nord

./.

Declassified E.O. 12356 Section 3.3/NND No. 785016

o vi si [illegible] appositamente per spingere una più decisa resistenza col nemico e quin- di [illegible] di combattimento, [illegible] [illegible] di guerra ( [illegible] avrebbe [illegible] nessun'altra specifica [illegible], [illegible], potrà [illegible] in mezzo ai [illegible] per- [illegible]) [illegible] al [illegible] anche in mezzo [illegible] [illegible] restare in [illegible] e quindi essere [illegible] per collaborazione militare [illegible] [illegible] [illegible] mesi di [illegible] anni [illegible] Codi- ce penale militare italiano.

Si [illegible] Commissione affinchè [illegible] Uffi- [illegible] (1) [illegible] (Stato Generale) [illegible] [illegible] in corso [illegible] militare, [illegible]

[illegible]

[illegible] (1)

[illegible]

(1) comprese anche quelle residenti nelle zone già passate all'Amm.ne del Governo Italiano

Declassified E.O. 12356 Section 3.3/NND No. 785016

[illegible]

[illegible]

[illegible]

PADUA, 15 Giugno 1945

Alfredo Bazzani ofmp?
padre di un deportato

Declassified E.O. 12356 Section 3.3/NND No. 785016

Declassified E.O. 12356 Section 3.3/NND No. 785016

1A

13 June 1945.

PM/LS/427

SUBJECT: Extraordinary Courts of Assize, Piemonte.

TO : Regional Legal Officer, Lombardia Region.
(Attn. O i/c. Italian Branch).
Lt. Col. Hannaford.

1. The following sentences have been pronounced by subject courts:

I. Special Court of Assize, Torino, pronounced on 6 June 1945 against:

(a) BONAVOLONTA Carlo, accused of treason: death and confiscation of all property.

(b) ASCHIERI Grazia (woman), accused of collaboration: 5 months stop. sent.

II. Special Court of Assize, Aosta, pronounced on 4 June 1945 against:

(a) TOMMONI Raffaele, ex-Fascist secretary and Brigata Nera Commander: 30 years and confiscation.

(b) CIANI Aldo, Deputy of TOMMONI: 20 years and confiscation.

(c) FERRERO Mario, Head of Staff of Brigata Nera: 10 years and confiscation.

III. Special Court of Assize, Asti, pronounced on 4 June 1945 against:

(a) OSELLA Armando, accused of assistance to the enemy: 30 years.

(b) SOFIO Sante, accused of assistance to the enemy by presiding an Extraordinary Fascist Court, etc.: death.

Declassified E.O. 12356 Section 3.3/NND No. 785016



IV. Special Court of Annam, Anti, pronounced on 5 June 1945 sentence:

(a) ADOUE Pierre, accused of homicide, torture, etc.: death.

4. This report is for your information.

For the Regional Commissioner.

Edwin J. Lacey
Lt. Col., Cmd.
Regional Legal Officer.

ZSY/LB.

Copy to Mr. Ayer, Legal Info-Consultation, for attn. Italian Branch.

RECEIVED
CAO
DCAO
Chief Clerk
CAO
Italian Section
G2 AMS
26 JUN 1945

N.A

1418