

ACC

10000/142/684
(VOL. 2)

EXTRAORDINARY
PETITIONS
JULY, AUG. 1945

10000/142/684
(VOL. 2)

EXTRAORDINARY COURTS OF ASSIZES, SENTENCES, CASES &
PETITIONS
JULY, AUG. 1945

FILE CLOSED 6 August 1945

See Volume 3

168

HEADQUARTERS - MILITARY COMMISSION
APO 594
MILITARY SUB-COMMISSION

267A

40/4092/2/L.

AP/rm.
5 August 1945.

SUBJECT : Extraordinary Courts of Axis-Pravens
Province. Death Sentence.
TO : Minister of Pardon and Justice.

1. Herewith enclosed copy of death sentence imposed in the case of the below listed accused:
Ludwig Garbis.
2. Please acknowledge receipt.

inc. *B*

G.D. HARRINGTON,
Lt. Colonel,
Officer i/c Italy Branch,
for Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

266A

AC/4092/3/L.

GGH/lc.

SUBJECT: Death Sentence against PILATI Cesare.

6 August 1945.

TO : The Minister of Pardon and Justice.

1. The enclosed report just received from Emilia Region appears to confirm some of the allegations made by the accused.

2. They are passed to you for consideration.

166

Incl.

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

HEADQUARTERS ALLIED COMMISSION
NO 395
LEGAL SUBCOMMISSION

NO/4092/2/L.

AF/100.
6 August 1945.

Subject : Extraordinary Courts of Justice.
Death sentences.

TO : Minister of Prison and Justice.

1. Herewith enclosed copy of death sentences imposed in the case of the below listed accused.

BRUNO	Angelo
CRISTO	Luigi
ALDO	de pino

ROBERTO	Giovanni
FRANCESCO	Ferdinando
ALDO	Fortunato

2. Please acknowledge receipt.

165

C.O. M. M. F. O. M.,
Lt. Colonel,
Officer i/c Italian "Trench",
for Chief Legal Advisor.

Inc.

Mr. J. ...
advised letter
28/6/45
28/6/45

HEADQUARTERS ALLIED COMMISSION
APC 594
LEGAL SUB-COMMISSION

AC/4092/2/L.

AP/10,
6 August 1945.

SUBJECT : Extraordinary Courts of Assize, Death Sentences.
TO : The Minister of Pardon and Justice.

1. Enclosed herewith copy of death sentences imposed by this Extraordinary Court of Assize of Treviso, in the following cases:

MORELLO	Vincenzo
MIGOTTI	Vincenzo
CAPPELLINI	Bruno
PISTONE	Michèle
COASSINI	Isidoro
BOTTER	Giuseppe
DAL COL	Daniilo
SIMEONI	Mario
BELLINI	Francesco
SIMEONETTI	Egidio
BONALDO	Giuseppe
DINALE	Ilario
GIRARDI	Emmanuel
BREVINELLI	Giorgio

2. Please acknowledge receipt.

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

Mr. J. C. [unclear]
34/13 Aug

16/9/45

264A

40

11/11/11

~~M. F. Vetter~~

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

263A

HEADQUARTERS UNITED COMMISSION
APO 374
LEGAL SUBCOMMISSION

AC/1052/2/L.

At/10.
6 August 1949.

SUBJECT : Extraordinary Courts of Assize.
Death Sentences.

TO : Minister of Prison and Justice.

1. Enclosed herewith copies of sentences imposed in the
case of the below listed persons:

ALONZI Aldo
BIO GIO ANNI
LORENZINI Francesco

ALONZI Antonio
ALONZI Francesco
ALONZI Egidio
ALONZI Giacomo
ALONZI Aldo

2. Please acknowledge receipt.

W. J. HAMMERSFORD,
Lt. Colonel,
Officer i/c Italian Branch,
For Chief Legal Advisor.

163

Encls.

Handwritten:
M. T. Adams
advised by letter 4/23/45
J. J. Adams

262A

UNITED STATES ARMY COMMISSION
A.O. 394
LEGAL SUBCOMMISSION

4/15.
5 August 1945.

AS/4032/2/L.

SUBJECT : Extraordinary Courts of Assize, Reggio Emilia Province.
Death sentences.

TO : Minister of Pardon and Justice.

1. Enclosed herewith is copy of death sentences imposed
in the case of the below listed accused:

BARBI Guglielmo,
BOINI Arrigo,
BARIOLI Vincenzo,
FERRARI Mario,
SPAGNI Giuseppe,
DE VITA Mario,
MARIANI Giorgio,
MARCHESI Nello,
PARANDELLI Giovanni,
SPALLANZANI Renato,
STROZZI Antonio,
GALLI Alberto,

PAVALERI Emilio,
ZARDINI Oscar,
BRODI Tommaso,
TAFURO Salvatore,
BORGONINO Ciriaco,
BONATTI Francesco,
BUSSINI Renato,
FANFETTI Sino,
MAGGIARDI Angiolino,
PERRONE Sino,
GUCCIARDI Walter,
MAGGIARDI Giuseppe.

2. Please acknowledge receipt.

162

J.G. H. HARRISON,
Lt. Colonel,
Officer i/c Italian Branch,
for Chief Legal Advisor.

Incl.
of 13 Aug 45

INCOMING MESSAGE
HEADQUARTERS ALLIED COMMISSION

Original Reference: 662
Date: 20 Aug 64 041245B

Message Centre No: F/2710
Date Time Rec'd: AUG 050930B
Precedence: IMPORTANT

FROM: AMG LIGURIA REGION
TO: HQ ALCON

RESTRICTED**RESTRICTED**

Brig Gen HUME intimates that VATICAN has requested stay of execution in case of priest AMBROSI ETILIO sentenced to death by SPEZIA extraordinary Court of Assize on 9 July pending submission of petition for pardon. Dismissal of appeal by Cassation was intimated to you by signal from LOMBARDIA Region Nr 1563 dated 25 July. Procuratore General states that no petition for pardon yet received. Action to expedite being taken. Please advise Ministry of above in case they are unaware of position. End signed
ALEXANDER.

Dist

Action - Legal SC
Info - Chief Commissioner
CA Sect

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

WHL/glg.

4 August 1945.

REF : RIX/LE/704-RE/167
SUBJECT : Death Sentences, Special Court of Assize Reggio Emilia
(Ferri Guglielmo et al.)
TO : Headquarters, Allied Commission, APO 394 (for Chief
Legal Advisor).

1. Reference your AC/4092/1/L, 12 July 45, forwarded
herewith copy of death sentences of the above accused.

For the Regional Commissioner.

William H. Levitt
WILLIAM H. LEVITT.
Lt. Col., J.A.G.D.
Regional Legal Officer.

Encls: as above

160

*passed to
Mr. T. on
6 Aug. 45
JAG*

259A

WHL/glg.
4 August 1945.

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

For the Regional Commissioner.

Encls: as above

Paved. To
 M. T. on
 6 Aug.
 45

1960
 Chief Counsel
 GJO
 Motion Picture
 G. W. S.

4092/2

HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394

258A

Office of the Regional Legal Officer

3 August 1945.

PR/LE/427

SUBJECT: Extraordinary Courts of Assize.

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

1. The Extraordinary Court of Assize of Aosta passed on 25 July 45 against:

- (a) GUARDACINO Giuseppe: 12 years.
 - (b) CIOCCI Giuseppe: 15 years.
 - (c) VAUTHIER Vittorio: 20 years.
 - (d) NOTO Corradino: 4 years.
- All charged with collaboration.

2. The Extraordinary Court of Assize of Alessandria passed on 25 and 26 July 45 against:

- (a) MALLIA Rosario: 4 years 5 months 10 days.
 - (b) GIACOMETTI Luigi: 1 year 4 months.
 - (c) GRAPPIO Leandro: 6 months.
 - (d) GUALCO Virginio: 10 months 20 days.
 - (e) FERRANDIS Luigi: 1 year.
- All charged with collaboration.

3. The Extraordinary Court of Assize of Casale Monferrato passed on 26 July 45 against:

- (a) BRAGAGNOLO Arturo: 2 years.
- (b) UMORET Giuseppe: 7 years 6 months, interdiction from public offices and 10,000 lire fine.
- (c) MAGGI Pietro: 4 years 6 months, interdiction from public offices and 10,000 lire fine.

- 2 -

- (d) QUINTAVALLE Arturo: 3 years and 8.000 lire fine.
 - (e) CASTELLA Stefano: 3 years and 8.000 lire fine.
 - (f) GATTONI Rinaldo: 3 years and 8.000 lire fine.
- All charged with collaboration and robbery.

4. The Extraordinary Court of Assize of Asti passed on 27 July and 1 August 45 against:

- (a) DEL GARRETO Ascanio: 30 years.
 - (b) QUIETE Anacleto: 16 years.
- Both charged with collaboration.
- (c) MIGLIORATI Mario: death.
 - (d) STILLI Ostorino: death.
 - (e) MORICI Carlo: death.
- Charged with treason.

5. The Extraordinary Court of Assize of Vercelli passed on 31 July 45 against:

- CARBONARI Gianni: death.
- Charged with treason.

For the Regional Commissioner.

Edwin J. Mercer
 Edwin J. Mercer 157
 Lt. Col., Ord.
 Regional Legal Officer.

EJM/AR.

CIO	
DOJ	
Chief Counsel	
CJO	
Italian Section	

7092/2

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

257A

Office of the Regional Legal Officer

3 August 1945.

PR/LE/427

SUBJECT: Death sentences: Corte d'Assise Straordinaria.

TO : Legal Sub-Commission H.Q. A.C.

1. Herewith letter of Procuratore Generale of Torino
relating to our signal of to-day.

For the Regional Commissioner.

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

DDM/IR.

Incl.

*M. J. informant
on 7 Aug. 45
sent space copies.
AS*

→

Chief Counsel
CIO
Italian Section
CL RKS

AS

7 AUG 1945

156

PROCURA GENERALE presso la CORTE d'APPELLO
di TORINO

N. 19/45 Prot.
Pos. Pen.

Torino, 2 agosto 1945

Risposta a nota

OGGETTO: Corte d'Assise Straordinaria di ASTI :
Ud. 1 agosto 1945. Comunicazione di sen-
tenza di condanna alla pena capitale.

U R G E N T E

AL GOVERNO MILITARE ALLEATO

T O R I N O ✓

AL MINISTERO DI GRAZIA E GIUSTIZIA
Direz. Gen/le Affari Penali

R O M A

Si comunica che la Corte d'Assise Straordinaria di
ASTI, nell'udienza del 1° agosto 1945, ha giudi-
cato e condannato per i reati di cui agli articoli
51 e 54 C.P. Militare Guerra:

MIGLIORATI Mario alla pena capitale.

STILLI Ottorino idem .

MORICI Carlo idem.

IL PROCURATORE GENERALE DEL REGNO
(B O Z Z I)

Bozzi

155

HEADQUARTERS
VENEZIE REGION
ALLIED MILITARY GOVERNMENT
APO 394

3 August 1945.

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

SUBJECT: Death Sentences Extraordinary Court of Assize.

FILE NO: RXII/LE/Reg/C/03.1.

1. Reference your signal 2594 herewith are sent Death Sentences as requested.

a) BUCCHI
DUO
TODERINI

Aldo
Giovanni
Francesco

from Padova.

b) RINALDI
SANTACROCE
RUZZANTE
TAPPARI
PAVIN

Antonio
Francesco
Isidoro
Giacomo
Aldo

from Rovigo.

2. Others will be sent as received.

W.ORDA
Colonel,
Regional Legal Officer,
Venezie Region.

TO	
CC	
Chief Counsel	
Legal Section	
File No	

HEADQUARTERS
VENEZIE REGION
Allied Military Government
APO 394

4 August 1945

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

SUBJECT : Death Sentences Extraordinary Court of Assize.

FILE N° : RXII/LE/Reg/C/03.I

I. Enclosed herewith a copy of each of the death sentences imposed by the Corte Straordinaria d'Assise of Treviso, in the following cases :

Morello Firminio
Migotti Vincenzo
Cappellini Bruno
Fistone Michele
Coassini Isidoro
Botter Giuseppe
Dal Col Danilo
Simeoni Mario
Bellini Francesco
Simeonetti Egidio
Bonaldo Giuseppe
Dinale Ilario
Girardi Emanuele

2. Others will be sent as received.

H. C. Wickham
Colonel,
Regional Legal Officer,
Venezie Region.

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Counsel

4092/2
HEADQUARTERS
VENEZIE REGION
Allied Military Government
APO 394

254A

3 August 1945

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

SUBJECT : Death Sentences Extraordinary Court of Assise.

FILE N° : RXII/LE/Reg/C/03.1

1. Copies of the death sentences imposed by the
Court of Assise of VICENZA in the following cases are
enclosed :

- (1) LONGONI Renato
GUIOTTO Danilo
RIZZI Beppino
- (2) COMPARINI Giovanni
SARTORI Ferdinando
- (3) ZORDAN Fortunato
- 15/112 ✓
15/113 ✓
7/153 ✓
7/150 ✓
20/153 ✓

152

2. Others will be sent as received.

W. D. Jones
Colonel,
Regional Legal Officer,
Venezie Region.

*Penet to H. J.
m 6 aug. 45*

EB

HEADQUARTERS ALLIED COMMISSION
APD 394
LEGAL SUB-COMMISSION

/ps.
5 Aug 45.

AC/4092/2/L.

SUBJECT : Extraordinary Courts of Assize - Death Sentences.

TO : The Ministry of Pardon and Justice.

1. This is to confirm that copies of sentences in the case of the below listed accused were transmitted to you on the following dates :-

<u>ACCUSED</u>	<u>DATE OF TRANSMITTAL</u>
NARDULLI Giovanni	3 Aug 45
OSTINI Giovanni	3 Aug 45
OPPEZZO Giacomo	3 Aug 45
BAROZZI Antenore	19 Jul 45
BERTI Alfio	19 Jul 45
BERTI Enrico	19 Jul 45
CASTELLANI Edmondo	19 Jul 45
FIORETTA Pierino	3 Aug 45
RUZZANTE Isidoro Antonio	31 Jul 45
SANACROCE Francesco	31 Jul 45
BOZZELLI Renzo	1 Aug 45
CANDRIELLI Manlio	19 Jul 45
CAIANI Auro	19 Jul 45
CANDOLFI Eugenio	19 Jul 45
MAGGI Vittorio	5 Aug 45
BARILLARI Alfredo	5 Aug 45
COLESELLI Aldo	27 Jul 45
ZUFFI Marcello	5 Aug 45
TARTAROTI Renato	3 Aug 45
MOLINENTI Francesco	3 Aug 45
FERRI Guglielmo	1 Aug 45
VALLI Antonio	1 Aug 45
LEONI Bruno	24 Jul 45
ARRIVABENE CARLO	5 Aug 45
MOTTA Stefano	5 Aug 45
MAPPARI Antonio	5 Aug 45
RINALDI Antonio	3 Aug 45

2. Please acknowledge receipt.

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

1 ADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AP/lc.

5 August 1945/

AC/4092/2/L.

SUBJECT : Extraordinary Courts of Assize. Death Sentences.

TO : Minister of Pardon and Justice.

1. This is to confirm that the below listed Petitions for Pardon, complete with "istruttoria" of the Procuratore Generale, were transmitted to you on the following dates:

CAPPELLI	Francesco	29 July 1945.
MORELLI	Firminio	30 July 1945.
OSTINI	Giovanni	3 August 1945.
FIONETTA	Pierino	31 July 1945.
NIGOTTI	Vincenzo	3 August 1945.
CANTACROCE	Francesco	18 July 1945.
CANDRIILLI	Manlio	20 July 1945.
CAIANI	Auro	5 August 1945.
GANDOLFI	Eugenio	5 August 1945.
DI STEPANO	Federico	29 July 1945.
MAGGI	Vittorio	5 August 1945.
VEZZALINI	Enrico	31 July 1945.
ZUFFI	Marcello	1 August 1945.
BUCCHI	Aldo	2 August 1945.
DUO	Giovanni	2 August 1945.
TODERINI	Francesco	2 August 1945.

2. Please acknowledge receipt.

G.G. HANNAFORD,
Lt. Col.,
Officer i/o Italian Branch,
for Chief Lega Advisor.

HEADQUARTERS EMILIA REGION
Allied Military Government
APO 394

LEGAL
251A
WHI/tl
4 August 1945

REF : RIX/LE/704-RE/155

SUBJECT: Pilati Cesare - Death Sentence
(Reggio Emilia Special Court of Assize)

TO : HQ. AC. APO 394 (for CIA)

1. Reference your AC/4092/2/L, 31 207A, 28 July 45, I have had Avvocato Elio Montixi go to Reggio Emilia and investigate the facts mentioned by you and his report (with translation) is enclosed herewith. Avv. Montixi is a Sostituto Avvocato dello Stato and is temporarily attached to this division by permission of the Avvocatura dello Stato of Bologna. I have the utmost confidence in his work.

2. It appears from this report that:

- a) Pilati was jailed by the Fascist Republicans of collaboration with the Partisans.
- b) No documents disappeared during the journey from Reggio Emilia to Milan.

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For the Regional Commissioner

W. H. LEVIT
Lt. Col., J.A.C.D.
Regional Legal Officer.

Encls: As above.

COMMISSION	
Chief Counsel	
Legal Section	A
5 AUG 1945	

I, Corporal Zannoni Gaetano, hereby state that I stood guard over Capt. Filati Cesare from 19 October to 10 November 1944, after which period I was transferred to Brescia Fortress.

Reggio E. (2-7-45)

s/ Zannoni Gaetano

This is a true copy for use in the office.

Reggio Emilia, 3 August 1945

The Segretario

s/ 1111111111

PILATI DENIED.
inquiries carried out at Reggio Emilia on 3-7-65.

1) It does not appear that documentary evidence attached to the Ricorso per Cassazione disappeared during the Reggio-Milan journey when the documents were forwarded to the Court of Cassation, because I checked the file at the Cancelleria of the P.M. of the Special Court of Assize and questioned the head of the P.M. Office, who reported at the trial, and the following facts emerged:
a) Neither at the Istruttoria nor during the hearing before the Court of Assize were documents ever produced in evidence to prove

that Pilati had been in jail.

b) No mention was made of this in the testimonial statement submitted by Pilati's counsel, Avv. Cesare Degli Occhi, before the Court of Assize of Reggio Emilia.

c) Attached to the case-file is a record of the documents produced in evidence by Avv. Degli Occhi at the Cassation too, among which is an application by that lawyer under Art. 536 in which, with regard to extenuating circumstances, it is stated: ".....Witness,

evidence for the defence being so scarce,

we enclosed, for what it's worth and for all necessary checking to be made, the statement by Giovanni Gastone. A true copy is attached of this statement, which, dated 2-7-45, states that Gastone was a stock guard over Capt. Pilati from 13 October to 10 December 1944 at Reggio Emilia and that Pilati was then transferred to a fortress at Arezzo.

In view of those facts, the possibility of documents concerning evidence of the arrest of Pilati having disappeared is to be ruled out.

12) About the arrest of Pilati I found out:

a) The accused mentioned this on 3-5-65 before the Justice Commission of Quindici, adding as a motive his conviction with the Partisans.

b) Before the P.M. on 24-3-65 Pilati stated: "I was arrested on 10-10-44 because I was with the Partisans. I was in the Partisans and wearing some people of Reggio Emilia then they were to be arrested and I was moved to Brescia Jail and here I learnt that I was to be shot, then I was put at the disposal of the Commission of Discipline and the inquiries about the case were still continuing in April 1945."

c) During the hearing before the Assize the accused did not insist on maintaining this point, but merely referred in a general way to what he had said to the P.M. at the Istruttoria.

d) The co-accused Luigi Albi, questioned by the P.M. on 26-3-65, stated: "However, as regards the written statement of 12 May 1945 (that is, the preceding testimony) I wish to make it clear that Capt. Pilati was not arrested by the S.S. for theft, but for conspiring with the Partisans."

e) Co-accused Renato Antonini, questioned on 25-3-65 by the P.M., stated: "Pilati left his office in Dec. 1944. It was said he had conspired with the Partisans. It was also said he had taken a car belonging to a lady of the name of Lucoli, of Carrara, to prevent

Reggio As... documents ever produced in evidence to prove that Filati had been in jail.

a) no mention was made of this in the testimonial statement submitted by Filati's counsel, Ave. Cesare Leali Cecchi, before the Court of Appeals of Reggio Emilia.

c) Attached to the case-file is a record of the documents produced in evidence by Ave. Leali Cecchi at the Cassation too, among which is an application by that Lawyer under Art. 530 14, which, with regard to extensive circumstances, it is stated: ".....whereas,

evidence for the defence being so scarce,

we enclose, for that it's worth and for all necessary checking to be made, the statement by General Gastman." A true copy is attached of this statement, which, dated 2-7-45, states that General xxx stood guard over Capt. Filati from 15 October to 10 December 1944 at Reggio Emilia and that Filati was then transferred to a fortification at Casale.

In view of these facts, the possibility of documents concerning evidence of the arrest of Filati having disappeared is to be taken into account.

II) About the arrest of Filati I found out:

a) the counsel mentioned him on 3-5-45 before the Justice Commission of Casale, indicating as a motive his coincidence with the Partisans.

b) Before the I.M. on 4-5-45 Filati stated: "I was arrested on 10-10-44 because I was charged with coinciding with the Partisans and wearing some people of Reggio Emilia that they were to be arrested. I was moved to Casale d'Alf and here I learnt that I was to be shot, then I was put at the disposal of the Commissioner of Discipline and the inquiries about the case were still continuing in April 1945."

c) During the hearing before the Justice the accused did not insist on maintaining this point, but merely referred in a general way to what he had said to the I.M. at the Instructor's.

d) The counsel Ugo Filati, questioned by the I.M. on 24-5-45, stated: "However, as regards the written statement of 14 May 1945 (that is, the preceding testimony) I wish to make it clear that Capt. Filati was not arrested by the S.S. for theft, but for conspiring with the Partisans."

e) Compared Luigi Antonino, questioned on 23-5-45 by the I.M., stated: "Filati left his office in Dec. 1944. It was said he had conspired with the Partisans. It was also said he had taken a car belonging to a lady of the name of Enrico, of Casale, to prevent its confiscation, intending to give it back later."

III) The above are the points furnished by the case-papers. I questioned the Just, Proc. del Reame of Reggio Emilia, Cost. Cesare Cecchi, and Ugo Filati, and they told me, privately:

a) Cost. (who is a native of Reggio): it is an established rumour in the town that in Autumn of 1944 Filati was arrested and held at Reggio, before being transferred elsewhere.

b) Cecchi (who prepares the cases against members of the Political Investigation Office, of which Filati was a director): from the results of his investigations it can be ruled out that Filati reappeared at Reggio Emilia after Autumn 1944.

Both these judges know that in Autumn 1944 the Political Investigation Office of Reggio Emilia was directed by Major Tesel, who held the post since until the liberation. Filati was never seen in Reggio again until the liberation.

The F.M. has also withheld information to be not want from people formerly belonging to the Political Investigation Office. The following were questioned:

1) CARLINO GIOVANNI (one of the 24 people sentenced to death), who stated he was a member of the Political Investigation Office when Filati was appointed to direct that office and that Filati was arrested at his office on about 20 or 21 October 1944 by order of Colonel Mangano Amelio, Provincial Commander of the C.M.I., on a charge of collaboration with the Partisans. Filati was transferred to the Reggio Emilia cell about January 1945 and was then transferred to the Fortress of Brescia, where he remained until death. Soon before the liberation of Reggio Emilia he saw Filati again, and the latter said in the presence of some people looking for him that they had forbidden him to rejoin the P.O. Later on, also stated: "in the Personal Office of the Provincial M. of the C.M.I. I was arrested, knowing that Filati had been arrested on a charge of collaboration with the Partisans."

2) CARLO CUNIBERTI (also sentenced to death) - formerly a "Segretario Federale" of Reggio Emilia, who stated that Filati was arrested at Reggio and then sent to Brescia, to the Fortress.

3) SODANO AMESANDRO, a Captain in the Political Investigations Office, who started work in Reggio Emilia in November 1944 and did not see Filati in that office. He learnt of his arrest and some people said this was caused by a case of motor case. Mezzo, who went to Brescia in 1945, Mr. Filati, there, attached to the Political Investigations Office of the C.M.I. General M.

The above facts make it appear true that Filati was arrested October 1944, presumably for collaborating with the Partisans, and did not return to Reggio Emilia till a few days before the liberation, but no longer arrested the Political Investigation Office of that city.

IV) It is true that Filati's appeal was based on Arts. 21, No. 1 of the C.M.I. and 26 of the C.M.I. (extenuating circumstances) and that the decision by the Court of Cassation did not even mention this point. This was recognized by the sentences of the Cassation, which, on this point, decided: "this sentence can act however being about an annulment of the decision because a careful examination of the reasons for it cannot help convincing one that the failure to consider the request of the defence was not due to the fact that the request itself escaped the notice of the Court, but to the serious view they took of the offences committed by the accused."

V) At the Cassation no mention was made of Filati's arrest, on his term in jail.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

3 August 1945

Ref.: LEG/5027

SUBJECT : Extraordinary Courts of Assize - Death Sentences.

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

1. Reference your letter AG/4092/1/L dated 18 July 1945.
2. The following death sentences are reported :-

<u>Date :</u>	<u>Court :</u>	<u>Name of person sentenced :</u>
31.7.45	Como	SALLUSTI Biagio
31.7.45	"	REVEL Antonio
31.7.45	"	PISANI Domenico
31.7.45	"	DAMASSO Vittorio
1.8.45	Sondrio	PIRAZZINI Cirillo
1.8.45	"	DEARCELIS Giacomo

For the Regional Commissioner :

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

*your copy
passed to Mr. J.
on 7 Aug. 45*

145

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

3 August 1945

Ref.: LEG/5027

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 :-

<u>Date :</u>	<u>Court :</u>	<u>Name of person sentenced:</u>
31.7.45	Como	SALLUSTI Biegie
31.7.45	"	REVEL Antonio
31.7.45	"	PISANI Domenico
31.7.45	"	DAMASSO Vittorio
1.8.45	Sondrio	PIRAZZINI Cirillo
1.8.45	"	DEANGELIS Giacomo

For the Regional Commissioner :

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

146

INCOMING MESSAGE

F. HEADQUARTERS ALLIED COMMISSION

Originator's Reference: PV/LE/219

Message Centre No: F/2550

Date/Time of Origin: AUGUST

Date/Time Rec'd: AUGUST 4/0830B

Precedence: ROUTINE

FROM: AMG PIEMONTE REGION

TO: ALCON FOR LEGAL SUB COMMISSION

UNCLASSIFIED.

Special Court Asti death sentence on (1) MIGLIORATIO MARIO (2) STILLI
 OTTORINO (3) MORICI CARLO

DIST

ACTION : LEGAL SC

INFO : CHIEF COMMISSIONER

CA 300

FILE (2)

FLOAT

M. J.
 informant
 on 5 Aug. 45.

File

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AP/1c.

4 August 1945.

AC/4092/2/L.

SUBJECT : Extraordinary Courts of Assize. Death Sentences.
TO : The Minister of Pardon and Justice.

For your information the following signal was
received here today:

"Special Court Asti death sentence on (1)
MIGLIORATIO Mario, (2) STELLI Ottorino, (3) MORICI Carlo."

142

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

ff

1. QUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

246A

AC/4092/2/L.

AP/lc.
4 August 1945.

SUBJECT : Extraordinary Courts of Assize. Death Sentences
on PINNA Raimondo, BUZZI Arturo and PIGNETTA
Pierino.

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

1. Reference your PR/LE/427 of 30 July 1945.
2. The two communications from the Public Ministero
of the Extraordinary Court of Assize of Ivrea, Province of
Aosta, to the Ministry of Justice referred to on letter
PR/AO/1823 of 25 July 1945 from Aosta Province have not been
received by this Sub-Commission.
3. Would you be kind enough to forward a copy of the
above mentioned communication to this Hq without further
delay.

By command of Rear Admiral STONE:

141
G. G. HANNAFORD,
Lt. Col.,
Officer i/c Italian Branch,
for Chief Legal Advisor.

HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394

Office of the Regional Legal Officer

30 July 1945.

PR/LE/427

SUBJECT: Special Courts of Assize - Death Sentences on
PINNA Raimondo, BUZZI Arturo and FIORETTA Pierino.

TO : Legal Sub-Commission H.Q. A.C.

1. Documents forwarded herewith for onward transmission,
please.

2. Reference para 3 of the P.M.'s letters: it appears that
he has written on the mistaken view that there is some difficulty
in finding an execution squad from the authorized police agencies.

3. Recommended that view of the Provincial Legal Officer
contained in para 4 of his letter be approved.

For the Regional Commissioner.

DDM Colm Lucja

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

DDM/LR.

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Legal Counsel	
CLARS	
3 AUG 1945	

**ALLIED MILITARY GOVERNMENT
AOSTA PROVINCE**

Pr. 1/10/45

25 July 1945

SUBJECT: Special Courts of Assizes - Death Sentences.
Transmission of Documents
(Pinna Raimondo, Buzzi Arturo, Picretta Pierino).

TO : The Ministry of Grace and Justice,
Through the Regional Legal Officer, Hqs., Piemonte Region, A.M.C.

1. Enclosed are two communications from the Public Minister of the Special Court of Assizes of Ivrea, Province of Aosta, to the Ministry of Grace and Justice regarding the prospective execution of three men convicted and sentenced to death by that court.

2. In paragraph 3 of each communication the Public Minister suggests that ex partisans "now being grouped in the regular army" be used as the execution platoon in performing the executions.

3. This suggestion is highly objectionable both to the Provincial Public Safety Officer of this Province and the undersigned.

4. It is recommended that this suggestion of the Public Minister be given unfavorable consideration by Regional Hqs. before the communications are forwarded to the Ministry. The Provincial Public Safety Officer has stated that authorized police agencies will supply the execution squads when called upon to do so.

5. If the Public Minister desires the presence of a representative of the Partigiani at executions as a witness or spectator this Hqs. has no objection.

For the Provincial Commissioner:

Edward E. Nevins Jr.
EDWARD E. NEVINS JR.,
1st Lt. C.M.P.
Prov. Legal Officer.

4092/2
✓ File

244A

HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394

Office of the Regional Legal Officer

31 July 1945.

PR/IE/427

SUBJECT: Special Courts of Assize.

TO : Legal Sub-Commission H.Q. A.C.

Ref. 2590 of 27 inst.

1. Herewith list in duplicate of sentences of death passed by above Courts in the cases named in your letter. The list does not include sentences on Oddone, Coppai, Ivaldi and Brandi about which this office and the Procuratore Generale have no information. Enquiries are being made. The list does include sentences in cases other than those specified by you namely (1) Jannuzzi, and eight others sentenced on 3 July by the Court at Casale Monferrato (2) Pompa (Novara) and Sofio (Asti).

2. While your cable requested "copies of sentences" the present information is forwarded immediately to avoid inevitable copying delay if a full copy of each sentence is desired.

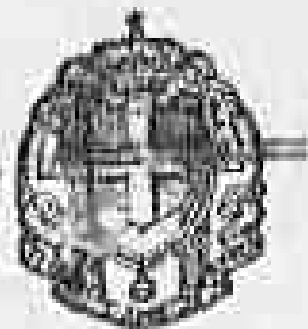
For the Regional Commissioner.

DDM/LR.

Incl.

LEGAL SUBCOMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Legal Section	
CL RKS	
3 AUG 1945	

138
D.D. Mc.Cole, Major R.A.
Deputy for
Edwin J. Mercer, Lt.Col., Ord.
Regional Legal Officer.



244B

REGNO
PROCURA GENERALE del R IMPERATORE
PRESSO LA
CORTE D'APPELLO DI TORINO

N. Allegati n.

Torino 30.7.1945

Riscontro a nota

OGGETTO: ELENCO DELLE CONDANNE ALLA PENA CAPITALE PRONUNZiate
DALLE CORTI D'ASSISE DEL DISTRETTO di TORINO

Corte Assise di Alessandria:

ud. 21 giugno 1945: MONERO Guido ed ELISENA Adriano, per collaborazio-
nismo e tradimento.

ud. 23 giugno 1945: ALESSANDRI Giovanni e CARADONNA Eugenio, per col-
laborazionismo e tradimento.

Corte d'Assise di Aosta:

Ud. 14 giugno 1945: LERCH Rudi, collaborazionismo e tradimento.

Corte d'Assise di Asti:

Ud. 4 giugno 1945: SOFIO Sante, collaborazionismo e tradimento.

Ud. 5 giugno 1945: ODDONE Marco, idem idem /

Ud. 9 giugno 1945: SALADINI Giuseppe idem idem.

Ud. 12 giugno 1945: NARDULLI Giovanni idem idem.

Ud. 12 luglio 1945: SPINATO Francesco idem idem.

Ud. 26 luglio 1945: BOARO Jole idem

Corte d'Assise di Biella:

Ud. 19 giugno 1945: PASQUA di BISCEGLIE idem idem /

Corte d'Assise di Casale Monferrato:

Ud. 2 e 3 luglio 1945: IANNUZZI Mario, SARACCO Osvaldo, MARTINOTTI Lu-
ciano, FORNERO Carlo, BARBANO Lorenzo, BERTAZZI
Carlo, ZOLA Giovanni, SARDI Giuseppe, DANESI
Giuseppe, collaborazionismo, omicidi e tradimento.

Corte d'Assise di Cuneo:

Ud. 27 giugno 1945: CAFFAI Pietro, IVALDI Giuseppe e BRANDI Emilio per
collaborazionismo, tradimento.

Ud. 2 luglio 1945: SALVI Ettore, tradimento, collaborazionismo.

Corte d'Assise di Ivrea:

Ud. 6 giugno 1945: PINNA Raimondo e BUZZI Arturo tradimento e collabo-
razionismo.

Ud. 9 giugno 1945: FIORETTA Pierino - tradimento e collaborazionismo.
idem idem.

Ud. 28 giugno 1945: BAUDINO Eligio

Corte d'Assise di Novara:

Ud. 15 giugno 1945: VEZZALINI Enrico, tradimento, collaborazionismo.

Ud. 28 giugno 1945: MISSIATO Arturo, RICCI Domenico, DINATALE Cosimo,
INFANTE Raffaele, ZENO Giovanni, SANTORO Salvatore,
per collaborazionismo e tradimento.

Ud. 16 luglio 1945: POMPA Giovanni, collaborazionismo e tradimento.

Corte d'Assise di Torino:

Ud. 8/6/1945: BONGIOVANNI Carlo, tradimento - collaborazionismo
./.

4092/2

File

LEGAL S/C

243A

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

REF : RIX/IE/704-12/147

W L/EP.
2 August 1945.

SUBJECT : Special Courts of Assize (Death Sentences).

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

1. Reference your AG/4092/1/L, 12 July 45, forwarded herewith copy of sentence to death in the following case:

Accused	Court
ROTTI ALDO	Genoa.

3 AUG 1945 For the Regional Commissioner :

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

Incl. as above.

136

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CIO	
Italian Section	
CL RKS	
3 AUG 1945	

Sentence passed to
M. T. on
4 Aug. 45

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

242A

/rlp.

AC/4092/2/L.

3 August 1945.

SUBJECT : Extraordinary Court of Assise, Reggio Emilia - Death Sentences.
TO : Ministry of Pardon and Justice.

For your information the following death sentences were imposed by
the above Court on 31 July 1945:

GUOGHI Annibale di Giuseppe
PERI Giuseppe di Antonio.

G. G. HANNAFORD,
Lt. Col.,
Officer in Italian Branch,
for Chief Legal Advisor.

135

File 4092/2

Regt 31-
242BHEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394WHL/SP/
1 August 1945.

REF : RIX/LE/704-RE/133

SUBJECT: Special Court of Assize, Reggio Emilia Prov.
(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 31 July 1945 on the follow-
ing accused:CROCHI Annibale di Giuseppe.
PERI Giuseppe di Antonio.

For the Regional Commissioner:

WHL/SP/ 134
WILLIAM H. LEVIT
Lt. Col., J.A.G.D.
Regional Legal Officer.

CIO	
DCIO	
Chief Counsel	
CIO	
Italian Section	WHL
CL RKS	

2 AUG 1945

M. J. infr.
m 3 Aug 1945

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

241
AP/1c.
4 August 1945.

AC/4092/2/L.

SUBJECT : Extraordinary Courts of Assize. Death Sentences.

TO : Ministry of Pardon and Justice.

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

"Subject is appeals against death sentences heard by Cassation 31 July. PETTI Antonio (Modena) dismissed. CALISELLA Aldo (Como), LEONI Bruno (Varese) both referred for rehearing.

Subject is appeals against death sentences heard by Cassation 30 July. LEGGERINI Plinio (Parma), ZANONI Filippo and SOLARI Bruno (both Piacenza), CIROVAZ Nerino (Udine) all dismissed. GRAZIANI Antonio (Forlì), BALDINI Pasquale and COSTA Lorenzo (both Piacenza) referred for rehearing.

Extraordinary Court Vercelli 31 July death sentence COBOGNANI Gianni."

133
G. G. HANNAFORD,
Lt. Col.,
Officer i/c Italian Branch,
for Chief Legal Adviser.

INCOMING MESSAGE

HF QUARTERS ALLIED COMMISSION

Originator's Reference: 1650
Date/Time of Origin: AUG 021150

Message Centre No: F/2374
Date Time Rec'd: AUG 030830
Precedence: ROUTINE

FROM: AMG LOMBARDIA REGION INC DIV FOR POLITICAL SIGNED LOMI
TO: AMCOM ROME ACLEG INFO RIO EMILIA

RESTRICTED

RESTRICTED.

Subject is appeals against death sentences heard by Cassation 31 July. PEITI ANTONIO (MOLENA) dismissed. CAIRELLA ALDO (COMO) LEONI BRUNO (VARESE) both referred for rehearing.

DIST

ACTION: LEGAL SC
INFO: CHIEF COMMISSIONER
CA SEC
FILE 2
PIONT

SUB COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
3 AUG 1945	

Mr. J. informed
on 4 Aug. 72.

RESTRICTED

INCOMING MESSAGE

HQ QUARTERS ALLIED COMMISSION

Origin's Reference: 1648
 Date/Time of Origin: AUG 021135B

Message Centre No: F/2386
 Date Time Rec'd: AUG 030900B
 Precedence: ROUTINE

FROM: AMG LOMBARDIA REG LEG DIV FOR POLETTI SIGNED DICKIE
 TO: ALCON ROME ACLEG INFO RLO EMILIA RPTD RLO VENEZIE

RESTRICTED

RESTRICTED

Subject is appeals against death sentences heard by Cassation
 30 July.

LEGGERINI PLINIO (PARMA) ZANONI FILIPPO and SOLARI BRUNO
 (both PIACENZA) CERIOVAZ NERINO (UDINE) all dismissed. GRAZIANI
 ANTONIO (FORLI) BALDINI PASQUALE and COSTA LORENZO (both PIACENZA)
 referred for rehearing.

Dist

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

G.I. SUB COMMISSION

CLO

DCLO

Chief Counsel

CJO

Italian Section

CL RKS

3 AUG 1945

RESTRICTED

M. J.
 informed
 on 4 Aug.
 45.

Σ4/D

Legal

TO : HQ ALCOM LEGAL SC

Extraordinary court VERCELLI 31 July death sentence CO
BOGNANI GIANNI.

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

30

LEGAL SUBSTITUTION

DECL

CJO

3 AUG 1945

MT.
Informed
on 4 Aug
41.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

GGH/lc.

4 August 1945.

AC/4092/R/L

SUBJECT : Death Sentences. (Special Courts of Assize).

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

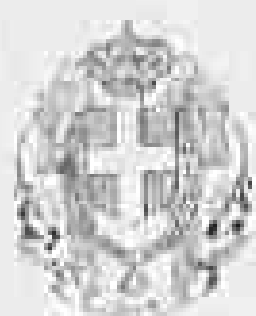
1. Your RH/LE/427 of 31 July received with thanks.
2. Although the duplicate list of death sentences passed by the Special Courts of Piemonte will serve a useful purpose, it is pointed out that all "copies of sentences" are urgently required by the Minister of Justice who cannot give an opinion on the merits of a petition for pardon without being aware of all the facts of the case.
3. These facts can only be ascertained from the texts of the sentence and "istruttoria". The "istruttoria" is generally embodied or summed up in the sentence.

By command of Rear Admiral STONE:

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

129

4092/2



file

30.7.1945

Mod. 40

239

Ministero di Grazia e Giustizia

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

ALLA COMMISSIONE ALLEATA

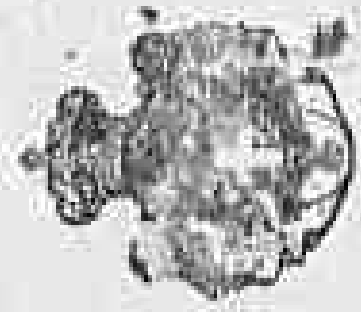
S. C. L. ROMA

Ufficio IV GRAZIE
Prot. N° 273/45Regista del
Dir. Sec. N°OGGETTO RISI Mauro - condannato a morte
Istanza di grazia

Per l'uso che codesta Commissione riterrà opportuno e facendo seguito alla ministeriale pari numero del 19 u.s. con la quale si trasmettevano gli atti relativi all'istanza per grazia del condannato a morte, RISI Mauro, si inviano le unite quattro segnalazioni presentate a favore del condannato dal Sindaco e dai segretari dei partiti comunisti, socialisti e d'azione del Comune di Montano Attilia (Salerno) .

PEL MINISTRO

128



COMUNE DI MONTANO ANTILIA

PROVINCIA DI SALERNO

N. DI PROT. 2098

CAT. CLASSE

RISPOSTA A NOTA

DEL

ALLEGATI N.

OGGETTO

LI 20 luglio 1945 19

AL DR. PALMERO ROGLIATTI

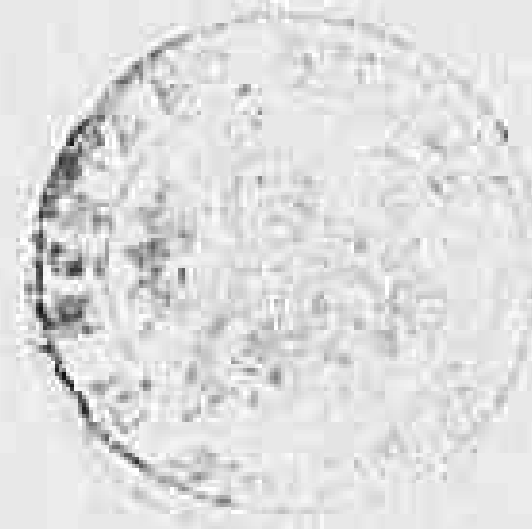
MINISTRO DI GRAZIA E GIUSTIZIA

R. O. R. A.

L. SPESA - Vallo della Lancia

Rendendomi interprete dei sentimenti di questa popolazione, Vi chiedo di interporre i Vostri uffici, perché a Rinaldo di Agnello, condannato a morte dalla Corte straordinaria di Assise di Genova, la pena venga commutata in quella dell'ergastolo.

Il giovane Ricci è di buoni precedenti ed è stimato da questa cittadinanza, presso cui la grazia vorrebbe produrre buone impressioni.



IL SINDACO

R. J. Amunozzi

127

PARTITO COMUNISTA ITALIANO

SEZIONE DI MONTANO ANTILIA (Salerno)

Montano Antilia 11 20 luglio 1945

AL MINISTRO DI GRACIA E GIUSTIZIA, PABLO TEGHETTI

R O M A

Il sottoscritto Della Monica Alfonso fa *Alfonso*, segretario della Sezione del Partito Comunista di Montano Antilia, fa voti alla S.V. di voler far trasferire la pena di morte in quella dell'ergastolo del condannato MAURO RICI di Agnello, di Montano Antilia, perché in paese farebbe buona impressione l'accoglimento della domanda di grazia e la commutazione della pena evasiva.

Infatti il condannato suddetto è di etnia processoria.

IL SEGRETARIO DEL P.C.I.

Della Monica Alfonso

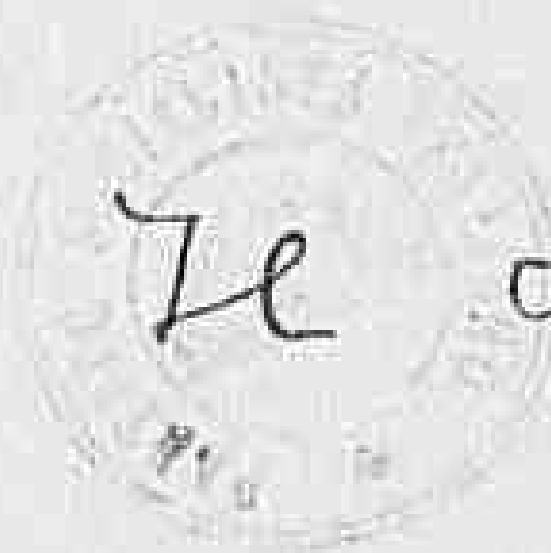
PARTITO SOCIALISTA ITALIANO
Sezione di Montano Antilia

MONTANO ANTILIA, 10 luglio 1945

Al Ministro Palmiro Togliatti

ROMA

Il sottoscritto segretario della sezione socialista di Montano Antilia, anche a nome dei suoi compagni, chiede la commutazione della pena di morte di Risi ~~Angelo~~ Mauro di Angelo, condannato dalla Corte D'Assise di Genova, in quella dell'ergastolo. «La commutazione della condanna sarebbe appresa benevolmente da questo popolo, che ha il Risi in grande stima.»



Il Segretario

125

Atello Salvatore

PARTITO D'AZIONE ITALIANO
SEZIONE DI MONTANO ANTILIA (Salerno)

Montano Antilia 11 26/Luglio 1945

ALDR. PAULINO TOGLIATTI-MINISTRO DI GRAZIA E
GIUSTIZIA

R O S A

Rendendoci interprete dei sentimenti di questa cittadinanza
faccio voti alla S.V. affinché la pena di morte inflitta al
condannato RISI MAURO di Agnello da Montano Antilia, con sentenza
della Corte Straordinaria di Assise di Genova, venga commutata in
quella dell'ergastolo.

Il condannato in parola è di ottimi precedenti morali e politici,
pertanto l'accoglimento della domanda di grazia produrrebbe
in paese buona impressione...

IL SEGRETARIO DEL PARTITO D'AZIONE ITALIANO
SEZIONE DI MONTANO ANTILIA

Dott Antonio Pauri

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

238A
EP/1c.

4 August 1945.

AG/4092/2/L.

SUBJECT : Extraordinary Courts of Assize. Death Sentences.

TO : The Minister of Pardon and Justice.

For your information the following signal was
received here today.

"Subject is appeals against death sentences heard
by Cassation 27 July. MARTINELLI Filomeno (Belluno) referred
for rehearing."

123

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

4092/2
INCOMING MESSAGE
HEADQUARTERS ALLIED COMMISSIO.

LEAD
228B

Originator's Reference: 182

Message Centre No: 17/212

Date/Time of Origin: 27 AUG 1945

Date Time Rec'd: AUGUST 1/20/45

Precedence: ROUTINE

FROM: US COMMISSION, WASH DC, FOR THE SUPREME INTL CT TRIBUNAL

TO: JUDGE ROSE HOBBS, 2207 1ST STREET

RESTRICTED

SUBJECT:

[Subject: Two panels against German activities under a captioned 27 July.

1. The first panel (Panel A) - accused for war crimes

122

US COMMISSION

NOTE

ACTION: 1. 100000 00

INFO: CHIEF COMMISSIONER
CA-SUP
FILE (2)
FBI/AT

Chief Counsel

CIC

Action Section

2 AUG 1945

RESTRICTED

ACTION

Mr. T.
informed
on 2 Aug.
45.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AP/1c.

4 August 1945.

AC/4092/2/L.

SUBJECT : Extraordinary Courts of Assize. Death Sentences.

TO : Minister of Pardon and Justice.

For your information the following signals have
been received here today:

"Subject is appeals against death sentences heard
by Cassation 1 August. CARADONNA Eugenio (Alessandria)
referred for rehearing.

Subject is appeals against death sentences heard
by Cassation 31 July. FRANCHI Benedetto, CRISCUOLO Nicola,
DI GENNARO Giustino, PRISCO Manfredi, NICCOLI Salvatore,
TERCONI Colombo, SIVIERI Bruno, SANNA Salvatore (all Genova)
all dismissed."

121

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

ab

4092/2
INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Original's Reference: 1666

Date/Time of Origin: AUG 031700B

Message Centre No: F/2528

Date/Time Rec'd: AUG 032055B

Precedence: ROUTINE

FROM: AMG LOMBARDIA REGION IEG DIV FOR POLETTI SIGNED DICKIE
 TO : ALCOM ROME ACLES INFO RLO PIEMONTE REG

RESTRICTED

RESTRICTED

Subject is appeals against death sentences heard by Cassation
 1 August. CARADONNA EUGENIO (ALESSANDRIA) referred for rehearing.

Dist

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

120

Mr. J.
 informed
 on 4 Aug 45.

RESTRICTED

Chief Counsel

CIO

Action - Action

CI RKS

AUG 1945

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Legal

Original's Reference: 1649
 Date/Time of Origin: AUG 021145B

Message Centre No: P/2384
 Date Time Rec'd: AUG 030900B
 Precedence: ROUTINE

FROM: AMG LOMBARDIA REGION LEG DIV FOR POLETTI SIGNED DICKIE
 TO: HQ ALCOM ACLES INFO RLO LIGURIA

RESTRICTED

RESTRICTED

Subject is appeals against death sentences heard by Cassation
 31 July.

FRANCHI BENEDETTO CRISCUOLO NICOLA DI GENNARO GIUSTINO PRISCO
 MANTREDI NICCOLI SALVATORE TENCONI COLOMBO SIVIERI BRUNO SANNA
 SALVATORE (all GENOVA) all dismissed.

Dist

119

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

M. J.
 informed
 on 4 Aug. 45.

RESTRICTED

Chief Counsel	
CIO	
Italian Section	
CLERKS	
3 AUG 1945	

HEADQUARTERS
UNITED STATES FORCES IN AUSTRIA
APO 777

29 July 1945

SUBJECT: Letter of Transmittal.

TO : Commanding Officer, Allied Commission, in Italy, A.P.O. #394,
U. S. Army.

1. The inclosed case, regarding ex Major Marco Zenoglio, is forwarded to you for any action deemed necessary.

Incl.

#1-Letter and translation
re. ex Major Marco Zenoglio.

John A. Bogart
JOHN A. BOGART,
1st Lieut., FA,
Actg Asst Adj Gen.

LEGAL SUBCOMMITTEE
CLO
DELO
Chief Counsel
CJO
Relto
3 AUG 1945

118

(Rho) Lombardy
Passed to you for
competence
J. J. H.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AP/lc.

5 August 1945.

AC/4092/2/L.

SUBJECT : Extraordinary Courts of Assize Reggio Emilia Province
TO : The Minister of Pardon and Justice.

For your information the following death sentences
were imposed by the above court:

ACCUSEDDATE OF SENTENCE

COSTA Luigi
CHESPI Luigi

30 July 1945.
1 August 1945.

117
G. G. HANNAFORD,
Lt. Col.,
Officer i/c Italian Branch,
for Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

GGH /lc.

4 August 1945.

AC/40902/2/L.

SUBJECT : Letter of "Transmittal" of ZENOGLIO Marco. ?

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

Passed to you " per competenza "

By command of Rear Admiral STONE:

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

Incl.

116

RE JUDICIAL ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AP/rm.
5 August 1945.

AC/4092/2/L.

SUBJECT : Extraordinary Court of Assize.
Death sentences.

TO : Minister of Pardon and Justice.

Herewith enclosed the following applications for pardon
filed on behalf of:

GENDOLFI	Eugenio
MAGGI	Vittorio
CHIRI	Arturo

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

Incls.

115

04092/2 *40* *232A*

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5008

3 August 1945

SUBJECT : Applications for pardon.

TO : HQ. Allied Commission
(Legal Sub-Commission)1. Herewith applications for pardon filed on behalf
of :

Gandolfi Eugenio
Maggi Vittorio
Caieni Arturo

all sentenced to death by the Extraordinary Court of Assize
at Pavia.

For the Regional Commissioner :

114

H.M. Dickie W/Cdr

H.M. DICKIE

W/CDR. RAF

Regional Legal Officer

Copy to : P.L.C. Pavia

*Passed to MS
on 5 Aug. 45
AB*

LEGAL

CLO

DCLO

Chief

CLO

Legal Section *AB*

CL RKS

4 AUG 1945

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

REF : RIX/LE/704-RE/156

WHL/sp.
3 August 1945.

SUBJECT: Special Court of Assize, Reggio E. Prov.
(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 the follow-
ing accused:

<u>Accused</u>	<u>Date of sentence</u>
CORTA LUIGI	30 July 1945.
CRESPI LUIGI	1 August 1945.

For the Regional Commissioner:

4 AUG 1945

W. H. Levitt
WILLIAM H. LEVITT
Lt. Col., J.A.G.D.
Regional Legal Officer.

Chief Counsel

CJO

Itellon

CL RKS

*M. J. informed
on 5 Aug. 45*

113

HEADQUARTERS ALLIED COMMISSION
 AIO 394
 LEGAL SUB-COMMISSION

AP/rm.
 5 August 1945.

AS/4092/2/L.

SUBJECT : Extraordinary Court of Assize.
 Death sentences.

TO : Minister of Pardon and Justice.

Enclosed please find copies of death sentences in
 the case of:

ARRIVABENE	Carlo
ASTA	Stefano
B. RILAKI	Alfredo
BOCCI	Vittorio
COLANI	Auro
CARDOLFI	Eugenio
ZUFFI	Marcello
PIRONI	Antonio

112

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

Incls.

229A

REF. MA/LEG/ 31A

: Hq. ALLIED COMMISSION APO. 394 - LEGAL SUB-COMMISSION
(THROUGH CHANNELS)

- I) Enclosed please find copies of death sentences in the case of:
- a) APPIVABENE CARLO
 - b) MOTTA STEFANO
- 2) In conformity with AC/4092/1/L - 12 July 1945.-

For the Provincial Commissioners:

Encl.: 2

CLERKS

FREDERICK H. BALSON
1st, Lt. Inf.
Legal Officer
Nentova Province

Officer
va Province
Harris P. M. J.
on 5 Aug. 45.
A.B.

Full #09212

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

Regal S/c
228A

REF : RIX/LE/704-MO/154 WHL/glg.
3 August 1945.

SUBJECT : Death Sentence by People's Court, Reggio Emilia
(Solito Giocchino).

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

1. Reference your AC/1092/1/L, 12 July 1945, forwarded
herewith copy of death sentence in the above case.

For The Regional Commissioner.

W. H. Levitt
WILLIAM H. LEVITT.
Lt. Col., J.A.G.D.
Regional Legal Officer.

Encls: as above

4 AUG 1945

action taken
Centura passed
TO M. T. on
5 Aug. 45.
AB

WFO	
DDO	
Chief Counsel	
CIO	
Religion Section	
CLERKS	
...	

10

AB

229A

HEADQUARTERS ARMED COMMISSION
APO 394
LEGAL SUB-COMMISSION

WED/1c.

3 August 1945.

AG/4092/2/L.

SUBJECT : Special Courts of Assize - Reggio Emilia.
TO : The Minister of Pardon and Justice.

1. As you are aware the Special Court of Assize at Reggio Emilia on 24 July 1945 sentenced to death FERRI Gu-
glielmo and 23 other persons. In addition five persons were
sentenced to very long terms of imprisonment.

2. In view of the date of the trial no appeal to the
Court of Cassation has yet been heard. It is presumed how-
ever that an appeal will be filed and heard in due course
and that if this appeal is denied a petition for grace will
be presented.

3. The province of Reggio Emilia passes to the
administration of the Italian Government on 4th August 1945
so that by the time a final decision was to be taken in this
case the responsibility for the decision will be entirely
that of the Italian Government.

4. Nevertheless, since the original trial was held
under the authority of AMG, I feel that it is necessary to
bring certain facts to your notice.

5. I enclose herewith a report submitted to the AMG
Legal Officer by the President of the Tribunale of Reggio
Emilia. This report indicates certain technical irregularities
in the proceedings and adds the following general complaints:

- (a) The atmosphere during the trial was anything but
calm; there were demonstrations against the accused
and even against their advocates.
- (b) One of the witnesses in the case assaulted one of
the defence advocates.

- (c) The defence advocates could not make speeches on behalf of the accused but had to submit their observations in writing.
- (d) While the President has not been able to examine the merits of all the sentences, he considers that several of the accused were treated with undue severity and that their offences were not serious.

6. It is not, as you are aware, the policy of AMG to interfere in the normal administration of Italian justice by Italian Courts. Nevertheless it is obvious that in cases of this nature it is essential that AMG should be protected against any suggestion that it has permitted the perpetration under its authority of acts of grave injustice. If therefore the Court of Cassation affirms the decision of the Special Court of Assize in these cases I am instructed to request that you will notify the British and American ambassadors of such action as you take in regard to the sentences imposed.

7. I should be grateful also if this Sub-Commission could be similarly notified.

8. I am sending copies of this letter for the information of the British and American ambassadors.

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

Incl : Report.

Copy to : Political Adviser, American (for American Ambassador),
(without report).
Political Adviser, British (for British Ambassador),
(without report).

Executive Commissioner.
VP CA Sec.

108

HEAD QUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

EGH/lc.

3 August 1945.

AC/4092/2/L.

SUBJECT : Execution of Sentences of Extraordinary Court of
Assizes.

TO : The Minister of Pardon and Justice.

1. The enclosed documents from Aosta Province are
forwarded for your consideration.

2. This Sub-Commission highly objects to the P.H.'s
suggestion that ex partisans should be used as execution
platoons.

3. During AMG administration only legally authorized
police and military bodies will be entrusted with the formation
of execution squads.

4. After the hand over of territory to the Italian
Government has taken place no doubt the Italian authorities
will consider the advisability of continuing such procedure.

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

Incls Documents.

Copy to : Regional Legal Officer PIERMONTE,
(for Provincial Legal Officer ACSTA).

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HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref : AG/4092/2/L

3 Aug 45

SUBJECT : Carlo Emanuele MASILE

TO : Avvocato CANARSA
Segretario Generale
Alto Commissariato per lo Sanzioni
contro il Fascismo,
Palazzo del Viminale, R O M A

- 1 We have been advised that on 27 July 1945 the Special Section of the Court of Cassation at Milan annulled the sentence of 20 years imprisonment imposed on Carlo Emanuele MASILE, former Minister of the Fascist Republican Government. The case was referred to Pavia for retrial.
- 2 In order to avoid any proceedings at Pavia, it is considered desirable that the High Court of Justice take jurisdiction on the original charges as well as those subsequently filed in Milan.
- 3 It is requested that appropriate action be taken immediately.

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E.L. PALMIERI
Major,
CA Section

LEGAL ATTACHMENT
CLD
DOCT
Ch. of Court
CLD
3 AUG 1945

3190

4092/2 Legal 3/1
222.4

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

MHL/219.

1 August 1945.

REF : RIX/LE/701-RE/132

SUBJECT : Special Court of Assize, Reggio Emilia (Ferr. Guglielmo et al.).

10 : Headquarters, Alien Commission, APO 394 (for Chief Legal Advisor).

1. Reference telephone conversation (Col. Behrens - Lt. Col. Levitt) forwarded herewith copy of letter (and translation) of 27 July 45 from the President of the Reggio Emilia Tribunale concerning alleged irregularities occurring during the trial of the above, wherein 24 persons were sentenced to death.

2. I have forwarded this letter to the Procuratore Generale of Bologna and requested him to send a report to the Minister when he has concluded his investigation.

For the Regional Commissioner.

W. Levitt
WILLIAM H. LEVITT.

Lt. Col., J.A.G.D.

Regional Legal Officer 105

Encls. as above.

AD	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
2 AUG 1945	

D. TRIBUNALE DI REGGIO EMILIA

27 luglio 1945

Al Capo dell'Ufficio Legale
del Governo Militare d'Italia - Reggio Emilia

Dietro vostro invito fornisco le seguenti informazioni in ordine al procedimento penale a carico di Ferri Guglielmo ed altri, conclusosi davanti la Corte d'Assise straordinaria di Reggio Emilia in data di 1/7/45 con 21 condanne alla pena di morte e con cinque condanne a pene carcerari dai 15 ai 20 anni di reclusione. In questa relazione tengo presente i punti sui quali la S.V. mi ha chiesto informazioni.

- 1) E' vero che il processo è stato iscritto in buona parte dal Procuratore del Regno presso il Tribunale di Reggio Emilia, con dal P.M. presso la Corte d'Assise straordinaria.
- 2) E' vero che si è verificata una grave irregolarità nella udienza del 7/10 e 22 luglio 1945. Infatti uno dei componenti la Corte d'Assise, certo Battini Ilmo, non solo non era compreso nell'elenco dei Giudici popolari, ma era per giunta direttamente interessato nel procedimento penale a carico della banda Ferri, in quanto veniva contestata ad alcuni imputati la partecipazione all'uccisione del padre e del fratello di esso Battini. Non so, e non posso quindi precisare, come il Battini sia stato incluso fra i giudici popolari. Indubbiamente le operazioni di composizione del collegio non sono state adeguatamente sorvegliate. In quella però, rilevata dal Cancelliere dopo la seconda udienza e portata a conoscenza del Presidente e del P.M. e nota per il fatto che il processo per un improvviso sopravvenuto malore del presidente della Corte, è stato rinviato avendo ruolo si è avuta così una nuova costituzione del collegio perfettamente regolare.

- 3) Lo svolgimento del processo è avvenuto in un ambiente poco sereno. Alcuni imputati erano molto odiati dalla popolazione in quanto per vario tempo avevano sparso il terrore nella provincia di Reggio Emilia. Le famiglie delle vittime, trovandosi nell'aula della Corte, di fronte alle persone che avevano ucciso e torturato i loro congiunti, non hanno saputo, o potuto, mantenere la dovuta calma. Sicché si sono avute le consuete manifestazioni contrarie agli imputati e, quel che è peggio, ai difensori di costoro.

Contro uno di essi, aus Sazini di Parma, come ella sa, si è stato anche un tentativo di aggressione nell'aula della Corte, mentre i giudici si erano ritirati in camera di consiglio per risolvere.

questione di procedura. L'aggressore pare fosse un testimone, sic-
come si desume da una lettera inviata dal predetto avvocato
Bacini al Presidente della Corte d'Assisi, allegata agli atti, con
la quale dichiarava di volere, in seguito all'incidente, abbandona-
re la difesa, cosa che poi è effettivamente avvenuta.

E' vero che l'Avv. Bacini si è solto del fatto che in
quell'occasione è stato redarguito a torto dal P.M.

I difensori, dopo gli episodi sopra riferiti, non hanno
voluto prendere la parola in difesa degli imputati e, come mi è sta-
to riferito, hanno presentato conclusioni scritte.

4) E' vero, quanto mi è stato riferito, che il P.M. nella sua
reputazione ha auspicato in Italia l'avvento della repub-
blica, io personalmente non ero presente nell'aula e non pos-
so quindi dare maggiori e precisi particolari.

5) Sul merito della sentenza, nulla di particolare e preciso, io
posso riferire, in quanto dovrei esaminare attentamente i
diversi volumi del processo. E' certo però che la maggior
parte degli imputati è stata raggiunta da prove schiaccianti
per loro stessa confessione. E' vero anche che altri imputa-
ti, quali ad esempio Lafaro, Savarini, Mariani, Guilerai,
Rossi, e qualche altro, sono stati colpiti con eccessivo
rigore, in quanto a loro carico non risultano fatti gravi.
Mi pare di aver risposto, sia pure succintamente a quanto
Lei mi avete chiesto.

Il Presidente del tribunale
// Di Marzo

ROYAL TRIBUNAL OF REGGIO EMILIA

27-7-45

To P.E.O. Reggio Emilia.

At your request I am furnishing you with the following information about the trial of Ferri Guglielmo and others, which ended before the Special Court of Assize of Reggio Emilia on 24-7-45 with twenty-four death sentences and five sentenced to terms varying from 15 to 20 years' imprisonment. In making my report, I am bearing your questions in mind:

1) It is true that the "istruzione" of the cases was largely carried out by the Procuratore del Regno at the Tribunale, rather than by the P.M. of the Special Court of Assize.

2) It is true that a serious irregularity took place on 9-10 and 12 July 1945. One of the members of the Court of Assize, Battini Lino, was not only not included in the list of popular judges, but had a personal interest in the case, some of the accused having been charged with taking part in the murder of Battini's father and brother. I don't know in what way Battini was included ~~in the~~ among the popular judges in this case. It would appear that the operations for choosing the Court had not been sufficiently checked.

This reason of nullity however, which was noticed by the Cancelliere after the second hearing and pointed out to the President and P.M., was validated by the fact that the trial, through a sudden seizure by the President of the Court, was remanded and the court reconstituted regularly.

3) The atmosphere during the trial was anything but calm. Some of the accused were hated by the population as for a long time they had terrorized the province of Reggio Emilia.

The families of their victims, who were in the court-room, confronted with the people who had killed or battered their relations, could not keep calm, which gave rise to demonstrations against the accused and even against their defenders.

One of these, Avv. Bazzini of Parma, they even tried to assault during a recess. It appears that the aggressor was a witness, as can be drawn from a letter sent by Avvocato Bazzini to the President of the Court of Assize, in which he decided to give up defence of the accused concerned. It is true that Avv. Bazzini complained that on that occasion he had been wrongly reprimanded by the P.M.

The defenders, after the above episodes, could not speak in defence of the accused and, as has been reported to me, defended them in writing.

4) It is true, according to reports I have received, that the P.M. in his speech advocated the establishment in Italy of a Republic. I was not there at the time, and can give no details.

5) About the sentence, I can give no precise information, as I would have to examine carefully the various volumes concerning the case. It is true, however, that the majority of the accused were convicted beyond doubt out of their own mouths. It is also certain that other accused, such as Tafuro, Pavarini, Mariani, Qualerzi Rossi and one or two others, were treated with excessive severity, as they have not been convicted of any very serious offence. I believe I have thus briefly answered your questions.

The president of the Tribunale.
s/ Di Marzo.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AP/Lc.
2 August 1945.

AC/4092/2/L.

SUBJECT : Extraordinary Court of Assize Ravenna. Death sentence.
TO : Minister of Pardon and Justice.

For your information a death sentence was imposed
by the above court on 20 July 45 on the following accused:

MORIGI Sergio.

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

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File 4092/2

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

REF : RIX/LE/704-RA/115 WHL/SP.
31 July 1945.
SUBJECT: Special Court of Assize, Ravenna Prov.
(Death Sentence).
TO : Headquarters, Allied Commission, APO 394
(for Chief Legal Advisor)

1. Ref. your AG/4092/1/L, 18 July 1945,
this is to advise that a death sentence was imposed
by the above Court on 20 July 45 on the follow-
ing accused:

MORICI SERGIO.

For the Regional Commissioner:

WHL/SP 100
WILLIAM H. LEVIT
Lt. Col., J.A.G.D.
Regional Legal Officer.

*M.T. informant
on 2 Aug 45
AB*

409/2

Legal 5/c

200

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 304

REF : RIX/LE/704-PZ/127
 SUBJECT : Special Court of Assize, Piacenza (Trial of Zanoni,
 Costa, Baldini and Solari).
 TO : Headquarters, Allied Commission, APO 304 (for Chief
 Legal Advisor).

JHL/jlg.

1 August 1945.

1. Reference telephone conversation (Col.-Behrens- Lt. Col.
 Levitt), forwarded herewith reports (with translations) from
 Procuratore Generale, President of the Special Court of Assize of
 Piacenza and from Lt. of the CC.RR., Piacenza, concerning alleged
 irregularities occurring at the trial of the above case.

2. I have requested the Procuratore Generale to forward
 a further report to the Minister as soon as his investigation is
 completed.

For the Regional Commissioner.

William H. Levitt

WILLIAM H. LEVITT.

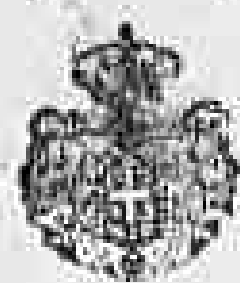
Lt. Col., J.A.G.D.

Regional Legal Officer.

Encls: as above

Chief Counsel	
CIO	
Italian Section	
CL RKS	
2 AUG 1945	

99



PROCURA GENERALE DEL REGNO BOLOGNA

Bologna, li 31 luglio 1945

N. III 5 di Prot.

Risposta a nota del

N.

OGGETTO: Corte d'Assise Straordinaria di Piacenza - Sentenza 3 luglio 1945 in causa contro Zanoni ed altri.

Allegati N.

Ill.mo Signor Colonnello WILLIAM LEVIT

Capo Ufficio Legale Regionale

B O L O G N A

1) Questo ufficio si trova nella incresciosa impossibilità di fornire precise informazioni circa la sentenza in oggetto e in ordine a quanto codesto ufficio ha segnalato con nota 3 luglio Rix /le/704-Px-353, perchè il Procuratore del Regno di Piacenza richiesto con nota 10 luglio e sollecitato con telegramma 27 corr. non ha ancora fatto pervenire alcun rapporto ufficiale.

2) Da notizie verbali pervenute e da una relazione diretta al Presidente di questa Corte d'Appello dal Presidente della Corte d'Assise Straordinaria Dott. Baggioli Antonio, si può, per ora, ritenere quanto segue:

- a) che la Corte era presieduta dal detto Dott. Baggioli Antonio;
- b) che la Corte uscita una prima volta non poté leggere integralmente la sentenza e perciò non è vero che sarebbe ~~sta~~ stata pronunciata condanna di Costa e Bandini alla reclusione per 30 anni;
- c) che la pronuncia della unica sentenza valida, portante condanna di tutti e 4 gli imputati alla pena capitale, si ebbe solo in un secondo momento quando la Corte poté rientrare nell'aula di udienza ;

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- 3) Si fa riserva di ulteriore seguito non appena perverrà il rapporto della Procura del Regno di Piacenza;
- 4) Si allega ad ogni buon conto copia della relazione del Presidente Baglioli.
- 5) Si trasmette altresì copia della nota 4 luglio 1945 del Tenente Carlo Gioia, Comandante la Compagnia Interinale dei RR.CC. di Piacenza, allegata alla nota 9 luglio di V.S. Ill.ma.

IL PROCURATORE GENERALE

Giorgio Ann. g.

PROCURA GENERALE LMI ROMA

BOLOGNA

21 July 1945

URGENT : Special Court of Asize of Piacenza - Sentence of
 2 July 45 in case against Lantoni and others.

Sad to ~~think~~ relate, this office is unable to give exact
 information about the above sentence and about what your office
 advised of in your ~~NY~~ 12/704-PC/355, because the Procureurs
 del Regno of Piacenza, though we wrote him on 18 July and sent a
 telegram to chase him up on 27 July, has not yet reported to us.

Verbal news we have received and a report to the
 President of the Court of Appeal by the President of the Special

Arelzo Court, Dott. Antonio Maglioli, are to the effect that:

a) The Court was decided over by Dott. Maglioli Antonio.

b) The Court, coming out the first time, could not read the whole

sentence, so it is not true that Costa and Lantoni were sentenced

to 30 years only.

c) The pronouncement of the only valid sentence, sentencing all four
 accused to death, only took place later when the Court could re-enter
 the court-room.

3) More will be reported as soon as we hear from the Procura del
 Regno of Piacenza.

e) We are attaching a copy of Maglioli's report.

5) We also attach a copy ~~extra~~ of the report dated 3 July 1945 from
 Lt. Carlo Gioia, Commanding the GMR company of Piacenza, which was
 attached to your letter

s/ Giorgi, Avv. Gen.

97

CORTE STRAORDINARIA DI ASSISE DI PIACENZA

PIACENZA 14 LUGLIO 1945

OGGETTO .- INCIDENTE PROCESSO ZANONI ED ALTRI.

Signor Primo presidente della Corte d'Appello

B O I L O G N A

A pronto riscontro della nota 532 dell'11 luglio corr. mi pregio comunicare a V.E. che il regolare funzionamento delle udienze presso questa corte specie di quelle destinate alla trattazione di importanti processi ha trovato spesso grave intralcio nel deplorabile contagio del pubblico abbandonandosi tal volta alla più vergognosa gazzarra e perfino a tentativi di linciaggio degli imputati di fronte alla imputenza della pubblica forza a frenarne la irruenza.

Non hanno mancato questo ufficio e quello del P.M. di interessare tempestivamente le autorità locali (S.E. Il prefetto e i Presidenti dell'Associazione dei Partigiani e del Comitato di Liberazione) ottenendo affidamento di opportuni provvedimenti, che stanno in fatti per essere adottati e che si spera varranno a ristabilire la normalità nello svolgimento delle udienze. Queste però hanno sempre potuto aver luogo, sia pure faticosamente, nel numero e nell'ordine fissato (due settimanali) e tutti i processi a ciascuna assegnati hanno potuto giungere a regolare definizione. Sono state infatti tenute sette udienze, e sono state pronunciate quindici sentenze, nella quasi totalità di condanna degli imputati, a otto dei quali è stata irrogata la pena capitale.

Il più grave degli incidenti si è verificato nella udienza del 3 luglio corr. alla quale era segnato il processo contro Zanoni Filippo, Solari Bruno, Baldini Pasquale e Costa Lorenzo. Io Zanoni era stato Vice comandante della brigata nera "Pippo Astorzi" tristemente famosa per le sue azioni

A pronto riscontro della nota 552 dell'11 luglio corr. mi pregio comunicare a V.V. che il regolare funzionamento delle udienze presso questa corte specie di quelle destinate alla trattazione di importanti processi ha trovato spesso grave intralcio nel deplorevole contegno del pubblico abbandonandosi tal volta alla più vergognosa gazzarra e perfino a tentativi di linciaggio degli imputati di fronte alla impotenza della pubblica forza a frenarne la irruenza.

Non hanno mancato questo ufficio e quello del P.M. di interessare tempestivamente le autorità locali (S.S. Il prefetto e i Presidenti dell'Associazione dei Partigiani e del Comitato di Liberazione) ottenendo affidamento di opportuni provvedimenti, che stanno in fatti per essere adottati e che si spera varranno a ristabilire la normalità nello svolgimento delle udienze. Queste però hanno sempre potuto aver luogo, sia pure faticosamente, nel numero e nell'ordine fissato (due settimanali) e tutti i processi a ciascuna assegnati hanno potuto giungere a regolare definizione. Sono state infatti tenute sette udienze, e sono state pronunciate quindici sentenze, nella quale si totalità di condanna degli imputati, a otto dei quali è stata irrogata la pena capitale.

Il più grave degli incidenti si è verificato nella udienza del 3 luglio corr. alla quale era segnato il processo contro Zanoni Filippo, Solari Bruno, Baldini Pasquale e Costa Lorenzo. Io Zanoni era stato Vice comandante della brigata nera "Pippo Astorri" tristemente famosa per le sue azioni terroristiche nel Piacentino, ed aveva poi coperto la carica di dirigente dell'ufficio politico investigativo. Nella suddetta occasione l'imputato

presago della bufera, si era stemuto del presentarsi alla udienza, consentendo che il giudizio si fosse svolto nella sua non comparsa; ma la straboccante folla riversatasi nell'aula della corte e nella sottostante piazza fino a gremirla, disillusa per l'assenza dell'imputato, contro il quale forse aveva predisposto qualche azione di violenza, prese a rumoreggiare e ad inveire, reclamando con altissima grida la presenza dello Zanoni nell'aula. Tuttavia fu possibile la integrale trattazione del processo e la corte poté ritirarsi mentre si riacceveva il clamore ed echeggiavano colpi d'arma da fuoco provenienti dalla sottostante piazza o dal recinto delle carceri, situate proprio di fronte al Tribunale. Ad un tratto un funzionario di P.S. entrava nella camera della deliberazione, prima che fosse cessata la discussione tra i giudici popolari, informando che era stato introdotto nell'aula lo Zanoni e che questi desiderava di essere interrogato. Non essendo ancora deliberata la sentenza la corte rientrava nell'aula dichiarando riaperta la discussione e procedendo quindi all'interrogatorio dello Zanoni. Sentito poi nuovamente la difesa ritornava in camera di consiglio trattandosi circa mezz'ora e facendo quindi ritorno nell'aula, dove frattempo il pubblico si era già installato in ogni parte, fino nell'emiciclo, dietro le poltrone della giuria e su tutti gli accessi dell'aula stessa. Alla lettura dei primi due nomi Zanoni e Solari e della pena loro inflitta la folla scoppiò in un urlo pauroso portandosi ancor più presso alla gabbia dei detenuti e al tavolo dei giudici sicché non fu più possibile nell'interinale fraccasso la prosecuzione della lettura della sentenza. Si trovò così la corte nella necessità di ritirarsi e vi riuscì contento. Dopo una ventina di minuti ritornò nell'aula per la integrale lettura della sentenza anche nella parte cioè che riguardava gli altri due imputati Baldini e Costa, essi pure condannati alla pena di morte.

L'eccellente fermando di questo pubblico che ha dato luogo anche ad una recente mozione del Comitato di Liberazione Nazionale e attiva

ed nell'aula. Tuttavia fu possibile la integrale trattazione del processo e la corte potè ritirarsi mentre si riaccondeva il clamore ed echeggiavano colpi d'arma da fuoco provenienti dalla sottostante piazza o dal recinto delle carceri, situate proprio di fronte al tribunale. Ad un tratto un funzionario di P.S. entrava nella camera della deliberazione, prima che fosse cessata la discussione tra i giudici popolari, informando che era stato introdotto nell'aula lo Zanoni e che questi desiderava di essere interrogato. Non essendo ancora deliberata la sentenza la corte rientrava nell'aula dichiarando riaperta la discussione e procedendo quindi all'interrogatorio dello Zanoni. Sautito poi nuovamente la difesa ritornava in camera di consiglio trattenendosi circa mezz'ora e facendo quindi ritorno nell'aula, dove frattempo il pubblico si era già installato in ogni parte, fino nell'emiciclo, dietro la poltrone della giuria e su tutti gli accessi dell'aula stessa.

Alla lettura dei primi due nomi Zanoni e Sclari e della pena loro inflitta la folla scoppiò in un urlo pauroso portandosi ancor più presso alla gabbia dei detenuti e al tavolo dei giudici sicchè non fu più possibile nell'infernale fracasso la prosecuzione della lettura della sentenza. Si trovò così la corte nella necessità di ritirarsi e vi riuscì contento. Dopo una ventina di minuti ritornò nell'aula per la integrale lettura della sentenza anche nella parte cioè che riguardava gli altri due imputati Baldini e Costa, essi pure condannati alla pena di morte.

L'eccellente fermendo di questo pubblico che ha dato luogo anche ad una recente mozione del Comitato di Liberazione Nazionale e a vive proteste da parte di altre autorità dipende dal fatto che in questa provincia più barbara e feroce si era fatta sentire la persecuzione della G.N.R. e della brigata nera "Astorri" contro le formazioni di partigiani raccogliendo migliaia di Gregari e gravissime erano state le stragi di costoro; sicchè irrefrenabile si mantiene la indignazione del popolo contro chi tali stragi ebbe a disporre e ad eseguirle.

Si fa presente che dopo il tre luglio le udienze sono regolarmente con-

tenuate tal volta in atmosfera di qualche tranquillità.
Con ossequio.

Il presidente

P.ma illeggibile.

Copia conforme all'originale per uso d'ufficio.

Bologna, 31 luglio 1945-

Il segretario

Manelli

JUDICIAL COURT OF A ZEN OF PIACENZA.

PIACENZA, 14 July 1945.

SUMMARY : Incident at Zenoni and others' trial.

To the P. Presidente of the Court of A. Zenoni. Bologna.

Hearings

The regular functioning of ~~trial~~ at this Court, especially those ~~cases~~ connected with important cases, has often been seriously hindered by the deplorable behaviour of the P. Zeno, who often make untimely suggestions and even try to Lynch accused, taking advantage of the weakness of the Police organ.

My office and the P.M. urgently requested the local authorities (Prefect, Presidents of Fascist Organizations and S.I.M.) to take action, and it is hoped the situation will soon be restored to normal.

In spite of all difficulties, the hearings have however always taken place as scheduled (two a week) and all cases have been regularly dealt with. Seven hearings have been held, and 15 decisions made, nearly all confirming the accused; there have been 8 death sentences.

The most serious incident happened on 3 July at the trial of Zenoni Filippo, Solari Bruno, Balzani Asquale and Costa Lorenzo. Zenoni was a vice commander of the "Pippo Astorri" Black Brigade, ill-famed for its terrorist activities in the Piacenza area.

Later he directed the political investigations office. On this occasion the accused, as though foreseeing the outbreak, had not come to the trial, allowing this to take place in his absence, but the big crowd which invaded the court-room and the square below, seeing it, disappointed at the absence of the accused, whom they had thought of attacking, shouted loudly that they wanted Zenoni in court. Nevertheless, the trial continued in full and the Court, while the shouting grew louder and shots were heard coming either from the square or from the precincts of the Carabinieri, appointed the Tribunale. Suddenly a police official entered the judges' chambers, before they had finished their discussion, and said Zenoni had been brought in and wished to be questioned. The verdict not having yet been decided on, the Court reentered the court-room, reopening the case and questioning Zenoni. The defence having spoken again, the Court took another recess, starting away half an hour and when they reentered the court-room, they found the public had invaded it further, and were standing behind the seats of the jury and all round the doors. When the first two names, Zenoni and Solari, and the sentences imposed on them were read out, the crowd gave a terrifying shout, edging still nearer to the cage containing the accused and to the judges' table, so much so that, the din being such, they could not go on reading the sentence. So the Court withdrew again, with difficulty. After about twenty minutes they appeared again and read the whole sentence, including the part relating to the death penalty also imposed on Balzani and Costa.

The exceptional unrest of these people, which caused a recent resolution to be passed by the CIM and drew protests from other Authorities, is due to the fact that in that Province persecution by the CIM and by the "Astorri" Black Brigade against Partisan formations, which included thousands of members, had been particularly fierce and bloody; hence the the lively indignation of the people against the perpetrators of these crimes.

After 3 July cases have continued to be dealt with in a calmer atmosphere.

extant connected with important cases, has often been seriously hindered by the deplorable behaviour of the public, who often make unhelpful suggestions and even try to lunch accused, taking advantage of the weakness of the police escort.

The President and the I. J. J. recently requested the local authorities (Prefect, Presidents of Parishan Organizations and C.I.C.) to take action, and it is hoped the situation will soon be restored to normal. In spite of all difficulties, the hearings have however always taken place as scheduled (two a week), and all cases have been regularly dealt with. Even hearings have been held, and 15 decisions made, nearly all convicting the accused.

The most serious incident happened on 3 July at the trial of Zanoni Filippo, Solari Enzo, leading assassins and Costa Lorenzo. Zanoni was a vice commander of the "Rinno Asprini" Black Brigade, ill-famed for its terrorist activities in the Piacenza area. Later he directed the political investigations office. On this occasion the accused, as the on foreclosing the outbreak, had not come to the trial, allowing this to take place in his absence, but the air crowd which invaded the court-room and the square below, pushing it, disorganized at the absence of the accused, when they had thought of attacking, shouted loudly that they wanted Zanoni in court. Nevertheless, the trial continued in full and the Court, while the shouting grew louder and shots were heard coming either from the square or from the precincts of the Carabinieri chambers, before they had finished their discussion, and said Zanoni had been brought in and wished to be questioned. The verdict not having yet been decided on, the Court reentered the court-room, returning the case and questioning Zanoni. The defence having spoken again, the Court took another recess, staying away half an hour and when they returned to the court-room, they found the public had invaded it further, and were standing behind the seats of the jury and all round the doors. When the first two names, Zanoni and Solari, and the sentences imposed on them were read out, the crowd gave a terrifying shout, edging still nearer to the cage containing the accused and to the judges' table, so much so that, the din being such, they could not go on reading the sentence. As the Court withdrew again, with difficulty, after about twenty minutes they appeared again and read the whole sentence, including the part relating to the death penalty also imposed on Solari and Costa.

The exceptional unrest of these people, which caused a recent resolution to be passed by the City and drew protests from other Authorities, is due to the fact that in that previous prosecution by the D.M. and by the "Astori" Black Brigade against partisan formations, which included thousands of members, had been particularly fierce and bloody; hence the the lively indignation of the people against the perpetrators of these crimes.

After 3 July cases have continued to be dealt with in a calmer atmosphere.

3/

The President.

LEGIONE TERRITORIALE DEI CARABINIERI REALI DI BOLOGNA
COMPAGNIA DI PIACENZA INTERNA.

N° 8/49 di Prot.

Piacenza 4 luglio 1945

Oggetto- Svolgimento processo a carico di ZANONI -GOSTA-BALDINI e SOLARI.

ALL'UFFICIO LEGALE DELL'A.M.G.

P I A C E N Z A

26 Un'enorme folla molto eccitata ha gremito l'aula del Tribunale fin dalle prime ore del mattino mentre 3 o 400 persone, per mancanza di spazio nell'aula stessa, rimanevano nelle sale del Tribunale e nella strada.

All'ingresso degli imputati Gosta, Baldini e Solari, vivacissime sono state le proteste del pubblico per la mancata presentazione dello Zanoni, proteste che sono gradatamente aumentate di intensità fino al punto da non consentire lo svolgimento del dibattito.

Contemporaneamente la folla rimasta nella strada che in primo tempo aveva mantenuto un contegno tranquillo cominciava a farsi turbolenta e tentava di sfondare la porta d'ingresso delle carceri per impadronirsi dello Zanoni. Data la poca forza disponibile veniva chiesto l'intervento della Polizia Alleata. Nel frattempo onde placare la folla che aveva sfondato la porta d'ingresso delle carceri ed evitare ulteriori atti di forza veniva comunicato che lo Zanoni sarebbe stato portato in aula. Mentre l'imputato veniva tradotto sotto la scorta dei carabinieri e degli agenti di P.S. la folla faceva impeto tentando di linciare. Grazie al fermo contegno della scorta ed all'intervento di due agenti della P.M. Alleata, il detenuto poteva essere tradotto in Tribunale, avendo ricevuto molte percosse, ma senza gravi lesioni.

Durante il processo la folla tentava a varie riprese di invadere la gabbia per assalire gli imputati, ma senza successo per l'intervento dei carabinieri.

Alla fine del processo, che condannava a morte lo Zanoni ed il Solari e gli altri due a trenta anni di reclusione e la folla insorgeva nuovamente invadendo il parco della corte e minacciando il Presidente ed i giurati. Questa ritirata nuovamente, rientrava ed emetteva il verdetto di pena capitale per tutti gli imputati.

La traduzione dei condannati dal Tribunale alle Carceri veniva effettuata da agenti della Polizia Militare Alleata, senza nessuna incidenza.

IL TIENTENTE COMANDANTE INT. LA COMPAGNIA

F.to Carlo Gioia.

Copia conforme all'originale per uso d'ufficio.
Bologna, 31 luglio 1945-

IL SEGRETARIO



TRANSLATION INTO ENGLISH

REGIONE TERRITORIALE DEI CARABINIERI REALI DI BOLOGNA

COMPAGNIA DI PIACENZA INTER A

Piacenza, 4 July 1945.

o. 3/49 di Prot.

SUBJECT : Trial of Zanoni, Costa, Baldini and Solari.

To the Legal Office - A.M.C.
PIACENZA

A very excited and enormous crowd filled the court from the first hours of the morning, while about 300 or 400 people remained in the other rooms and outside in the street, as there was no room in the court itself.

When the accused Costa, Baldini and Solari entered, the public protested very loudly because the accused Zanoni was not with them. The protests gradually increased in intensity until they arrived at such a point as not to allow the court to continue.

At the same time, the crowd in the street, which at first had been calm, started to be turbulent and attempted to break down the doors of the prison to get hold of Zanoni. Owing to the fact that there was not a great number of CC.RR. the Allied Military Police were called for. In the meantime, to calm the crowd which had broken down the first door of the prison and to avoid force being used in some other way, it was communicated that Zanoni would be taken into the court room. While he was taken under CC.RR. and P.S. guard, the crowd tried to lynch him. Thanks to the firmness of the guards and the intervention of two Allied M.P.s, the prisoner was taken into the court. He was badly shaken but without serious injuries.

During the trial the crowd tried various times to invade the cage and to assault the prisoners, but without success owing to the intervention of CC.RR.

At the end of the trial which condemned to death Zanoni and Solari and gave the other two 30 years imprisonment, the crowd protested again rising and invading the court-box and threatening the President and the Jury. These, retiring again, came back and gave the verdict of capital punishment to all the accused.

The condemned left the court for the prison, under Military Police guards; no incidents took place.

IL TENENTE COMANDANTE LA COMPAGNIA INT.
(Carlo Gioia)

File

4092/2

Legal 5/4

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

REF : REX/IS/704/133

WHL/gr.
1 August 1945.

SUBJECT : Special Courts of Assize (Death Sentences).

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

1. Reference your AC/4092/1/L, 12 July 45, forwarded herewith copies of sentences to death in the following cases:

Accused
Tartarotti Renato

Court
Bologna

Molmenti Alessandro

Bologna ✓

Leggerini Flinio

Parma ✓

For the Regional Commissioner :

W. H. Levitt
WILLIAM H. LEVITT
Lt. Col., J.A.G.D.
Regional Legal Officer.

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Encls. as above.

copy of
sentences
passed to H.T.
on 3 Aug. 45
JLB

Chief Counsel	
CID	
Italian Section	AP
CL RKS	

File 4092/2

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5031

1 August 1945

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/I/L dated 12 July 1945, herewith copy sentences of the Special Section of the Court of Cassation in the following cases:

Ostini Giovanni - Fioretta Pierino - Rinaldi Antonio - Ruzzante Isidoro - Santacroce Francesco - Oddone Marco - Nardulli Giovanni -

For the Regional Commissioner :

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

Encl. docts.

Copy to : LEG/5027

Legal Counsel

Legal Section

CL RKS

2 - Aug 1945

ar/

*passed to H.J.
on 3 Aug 45.
A.P.*

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

1 August 1945

Ref.: LEG/5027

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 :

18.7.1945
31.7.1945

Court :

Lecco
Verese

Name of person sentenced :

MARIANI Enrico
CALASTRI Francesco

89

2 A
For the Regional Commissioner :

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

ypare copy To
M J on 45
3 Aug 45
AB.

PR/LE/413

1st Ind.

DDM/AR.

HEADQUARTERS PIEMONTE REGION, A.M.G., LEGAL DEVISION, 31 July 1945.

TO: HQ., A.C. Legal Sub-Commission.
 (Attn. O. i/ch. Italian Branch).

1. Attached documents refer to the petition for clemency on behalf of VEZZALINI Enrico, sentenced to death by the special Assize Court of Novara, and already forwarded.

Incl. Documents.

D.D. Mc Colm Major

D.D. Mc Colm, Major R.A.
 Deputy for

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

SUB COMMISSION	
CIO	/
DCIO	/
Chief Counsel	/
CIO	/
Italian Section	Q. ←
CLIKS	/
8 AUG 1945	/

88

passed to
 M. T. on
 4 Aug. 45.

4042/5
File

215A

HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394

Office of the Regional Legal Officer

31 July 1945.

PR/LE/413

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
25 and 26 July 45 against:

- (a) TAVELLA Alfredo: 15 years. Charged with collaboration.
- (b) BOARO Jole: death. Charged with treason.

2. The Extraordinary Court of Assize of Aosta passed on 21
and 24 July 45 against:

- (a) ZOLI Riccardo: 20 years, watched liberty for 3 years,
perpetual interdiction from public offices, confisca-
tion of property.
 - (b) CHESI Giuseppe: 11 years.
 - (c) CHIMARELLI Giorgio: 2 years.
- All charged with collaboration.
- 87

3. The Extraordinary Court of Assize of Novara passed on 21
and 23 July 45 against:

- (a) PASIO Mario: 15 years.
 - (b) PEDRANA Aldo: 16 years.
- Both charged with collaboration.

4. The Extraordinary Court of Assize of Vercelli passed on
24 and 25 July 45 against:

- (a) CREOLA Alfredo: 15 years.
- (b) BARDI Antonio: 3 years.
- (c) VENDEMIATI Eugenio: 4 years 2 months 15 days.

- 2 -

- (d) VACCINO Domenico: 4 years.
 - (e) CARASSO Piero: 8 months.
 - (f) LAMBERTI Luciano: 7 years.
 - (g) VIGLIANI Ilves: 5 months.
 - (h) BELTRAMI Pierino: 3 years 4 months.
 - (i) MURO Francesco: 30 years.
 - (j) FERRAROTTI Domenico: 14 years.
 - (k) ARDIZZONE Emanuele: 3 years 4 months.
 - (l) ZANCA Cesare: 3 years 4 months.
 - (m) BARBANO Dario: 8 years.
 - (n) MARIANI Evelina: 3 years 1 month 10 days.
- All charged with collaboration.

5. The Extraordinary Court of Assize of Cuneo passed on 21 and 23 July 45 against:

- (a) MARROCCHI Guglielmo: 5 months.
 - (b) CAVIGLIA Pietro: 5 months.
 - (c) ATTUCCI Adolfo: 5 months.
 - (d) DE MARTINO Silvio: 4 years 10 months
 - (e) MASANTE Mario: 7 months.
 - (f) MAPPEI Giovanni: 7 months.
- All charged with collaboration.

For the Regional Commissioner.

Edwin J. Mercer

Edwin J. Mercer
Lt. Col., Ord.
Regional Legal Officer. 86

EJM/AR.

LEGAL SUB-COMMISSION	
CIO	
DCIO	
Chief Counsel	
CIO	
Italian Section	AB
CL RKS	
8 AUG 1945	

*Spec copy
made for
PIS for info
on 3 Aug 45
AB*

*File**4092/2**214A*

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: IEC/5027

31 July 1945

SUBJECT : Death sentences.

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

1. Reference your signal No. 2593
2. Herewith copy sentence in the case of Sangalli Mario sentenced to death at Varese on 8th June.
3. His case was later referred by Cassation for retrial at Milan, as a result of which he was on 23rd July sentenced to 22 years imprisonment.
4. The other copies sentences asked for will be forwarded as soon as they are received.

For the Regional Commissioner :

H. N. Dickie ⁸⁵
H.N. DICKIE
W/CDR. RAF
Regional Legal Officer.

LEGAL SUB-COMMISSION	
CLO	Encl.: Copy sentence
DCLO	Sangalli Mario
Chief Counsel	
CJO	
Italian	vb

*Cop. of sentence passed
To M. J. on 3 August
45. AB.*

*100-100-100**100-100-100*

PR/LE/413

File 4092/2 1st Ind.

(213A)
DDM/AR.

HEADQUARTERS PIEMONTE REGION, A.M.G., LEGAL DIVISION, 28 July 1945.

TO: H.Q., A.C., for Legal Sub-Commission.
(Attn. O. i/ch. Italian Branch).

1. Attached Petitions for Pardon forwarded ~~for your action, please.~~

Incl.

	REGION
	Chief Counsel
→	Italian Section
	CLERKS
	2 AUG 1945

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

Oppen
heir
Mardull

Petition and
Files to M.J.
on 3 Aug. 45
AB.

File 442/20

212A

HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394

Office of the Regional Legal Officer

28 July 1945.

PR/IE/427

SUBJECT: Extraordinary Court of Assize: Death sentence on
JANNUZZI Mario.

TO : Legal Sub-Commission., H.Q. A.C.

1. Yesterday an officer of 151 Sub-Area relayed in person a telephone message received by him from 4th Corps ordering 7 days stay of execution in the case of the above named. In view of the nature of the sentence this order was passed on to the Procuratore Generale here.

2. 2 District's AG/308/1(0) of 27th inst. received today refers.

For the Regional Commissioner.

83

D.D. Mc Colm Major

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

DDM/AR.

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CIO	
Recorder	<i>RP</i>
Clk	

2 AUG 1945

ALLIED MILITARY GOVERNMENT

AOSTA PROVINCE

PR/AO/1803

25 luglio 1945

OGGETTO: Corti Straordinarie di Assise - Condanne e Morte.
Trasmissione di documenti
(Signor Riccardo, Duci Arturo, Pieretta Pierino).

AL
Ministero di Grazia e Giustizia,
Tramite l'Ufficiale Legale Regionale, Quartier Generale,
Regione Piemonte, A.L.G.

I. Si concludono due comunicazioni del Pubblico Ministero della Corte Straordinaria di Assise di Ivrea, Provincia di Aosta, dirette al Ministero di Grazia e Giustizia riguardante la prevista esecuzione di tre uomini trovati colpevoli e condannati a morte da quella corte.

2. Dal paragrafo 3 di ogni comunicazione il Pubblico Ministero suggerisce che siano adoperati come plottone di esecuzione ex partibus i "in via d'ingrandimento nell'esercizio regolare".

3. Questo suggerimento è molto biasimato sia dall'Ufficiale Provinciale di Pubblica Sicurezza di questa Provincia come dal sottoscritto.

4. Si raccomanda che a questo suggerimento del Pubblico Ministero sia data sfavorevole considerazione da parte del Quartier Generale Regionale prima che le comunicazioni siano inoltrate al Ministero. L'Ufficiale Provinciale di Pubblica Sicurezza ha dichiarato che la polizia autorizzata provvederà a fornire le squadre di esecuzione quando le saranno richieste.

5. Se il Pubblico Ministero desidera la presenza di una rappresentanza di Partigiani alle esecuzioni come testimone o spettatrice, questo Quartier Generale non ha nessuna obiezione.

Per il Commissario Provinciale :

EDWARD E. EVANS Jr.,
1° Ten. C.M.R.,
Ufficiale Legale Provinciale.

210A

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref : AC/4092/2/L

3 Aug 45

SUBJECT : Carlo Emanuele BASILE

TO : Avvocato CANARSA
Segretario Generale
Alto Commissariato per le Sanzioni
contro il Fascismo,
Palazzo del Viminale, R O M A

- 1 We have been advised that on 27 July 1945 the Special Section of the Court of Cassation at Milan annulled the sentence of 20 years imprisonment imposed on Carlo Emanuele BASILE, former Minister of the Fascist Republican Government. The case was referred to Pavia for retrial.
- 2 In order to avoid any proceedings at Pavia, it is considered desirable that the High Court of Justice take jurisdiction on the original charges as well as those subsequently filed in Milan.
- 3 It is requested that appropriate action be taken immediately.

82
E.L. PALMERI
Major,
CA Section

seen by G.G.H.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5027

1st August 1945

SUBJECT : Basile Carlo Emanuele.

TO : HQ Allied Commission
Legal Sub-Commission

1. Referring to previous correspondence on this subject, the Court of Cassation on the 27th July annulled the sentence of 20 years imprisonment passed by the Milan Court of Assize and referred the case to Pavia for retrial.

2. In view of the fact that Basile has been transferred to Rome, it is considered that the High Court of Justice should take jurisdiction on the original charges as well as on those subsequently filed there, and thus avoid any proceedings in Pavia.

3. In order to prevent further discussion in this Region, might the authorities please be asked to take whatever action is necessary to stay the proceedings in Pavia and to transfer all the charges to the High Court.

For the Regional Commissioner :

Counsel

no Section

ar/

H.M. DICKIE

W/Comdr., R.A.F.

Regional Legal Officer.

Please ask HC to act and let them S/C
have a copy of your letter for
record transmitted to London 8/8/45

Fla *file* *4092/2* *208A*

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5027

30 July 1945

SUBJECT : Candrilli Manlio.

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

1. Attached hereto original letter from C.I.C. and a copy of same requesting that the execution of Candrilli Manlio be delayed until 15 August 1945 in order that a further and more detailed interrogation may be conducted.

For the Regional Commissioner :

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

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	

vb

31 JUL 1945

2818

To Promotor del R. 24 July 1945
Brescia.

Having preliminarily
interrogated Condrelli
Maurio, condemned to death,
it is requested that his
execution be delayed until
15 August 1945 in order
that further and more
detailed interrogation may
be conducted with relation
to secret and confidential
counter intelligence matters.
This matter is relation to
investigation of the 808 CSB.
Italian Army Intelligence

C.I.C.
Via Italia 59;
Via Gaeta 8.
Rome

Major E. G. G. G.
Major. C.I.C.
C.I. Section - AFHQ
IAI.

208 C
Il Procuratore del Re. BRUSCIA

24 July 1945

Having preliminarily interrogated CANDRILLI Manlio, condemned to death, it is requested that his execution be delayed until 15 August 1945 in order that further and more detailed interrogations may be conducted with relation to secret and confidential counter intelligence matters.

This matter in relation to investigations of the 808 C.S.Bn
Italian Army Intelligence.

signature illegible

Major C.M.P.
C.I. Section.- APHQ
I.A.I.

C.I.C.
Via Sicilia 59
Via Gaeta 8
ROME.

File
 BY QUARTERS ALLIED COMMISSION
 APO 324
 LEGAL SUB-COMMISSION

207A

AG/4092/2/1.

31 July 1945.

SUBJECT : Extraordinary Court of Assize, Reggio Emilia.
 Death sentence - PILATI Cesare.

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

1. Enclosed are copies of this Sub-Commission's Letter file No. AG/4092/2/1, dated 28 July addressed to the Minister of Justice and of letter REG/3038 dated 28 July 1945 of Regional Legal Officer LONGARDA.
2. The statements of Com. RANDIA set out in the last mentioned letter were denied by the wife of PILATI Cesare.
3. Would you please inquire at the Extraordinary Court of Assize at Reggio (Ufficio di Pubblica Istruzione) as to whether or not the allegations contained in the aforementioned letter of this Sub-Commission are true.

By command of Rear Admiral STONE:

Encls: 2.

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

206H

AC/4092/2/L.

AP/lc.
31 July 1945.

SUBJECT : Extraordinary Court of Assize, Modena. Death sentence.
TO : Minister of Pardon and Justice.

For your information the following death sentence
was imposed by the above Court on 27 July 45:

SOLITO Gioacchino.

G. G. HANNAFORD,
Lt. Col.,
Officer i/c Italian Branch, 111
for Chief Legal Advisor.

File *04092/2* *0* *20571*

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

REF : RIX/LE/704- MO/95

WHLEP.
30 July 1945.

SUBJECT: Special Court of Assize, Modena Prov.
(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 27 July 45 on the follow-
ing accused:

SOLITO GIOACCHINO.

For the Regional Commissioner:

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

LEGAL COUNSEL

CLO

DCLO

Chief Counsel

CJO

→ Italian Section *AB.*

CL RKS

*M.T. informant
on 1 Aug. 45.*

JUL 1945

4092/20
2048

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

REF: RIX/LE/704-PA/91

WHL/sp.
29 July 1945.

SUBJECT: Special Courts of Assize (Appeals).

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

1. Further reference your signal No. 2531, 27
July 45, enclosed herewith are copies of sentences in
the cases of:

ROSELLI RENZO - Piacenza.
VALLI ANTONIO - Parma.
PERRI GUOLIBINO - Parma.

For the Regional Commissioner:

Encls. as above.

W. E. Devin
WILLIAM E. DEVIN
Lt. Col., J.A.C.D.
Regional Legal Officer.

REG. SEC. DIV.
CLO
DCLO
Chief Counsel
CIO

Section
CLERKS

1 JUL 1945

*M. T. informant
on 1 Aug 45
AB.*

172

W.P.

203A

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5027

30 July 1945

SUBJECT : Accini Guido
Bergomi Giovanni.

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

1. Reference AC/4092/1/L dated 12 July 1945
para 2 (b) forwarded herewith is copy of death
sentence in the above cases.

For the Regional Commissioner :

for M. J. D. Major
M. J. DIGATE
C/CDR. RAF
Regional Legal Officer

LEGAL SUBCOMMISSION

C/O

C/O

Chief Counsel

C/O

Action Section

CL 2X5

31 JUL 1945

To M-J...
on 1 Aug. 45
AB

4092/2

202A

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5008

30 July 1945

SUBJECT : Zuffi Marcello - Petition for grace.

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

1. Enclosed herewith petition for grace filed by the above named who has been sentenced to death by the Extraordinary Court of Assize of Pavia and whose appeal to the Court of Cassation was dismissed on 19 July 1945.

2. The sentence of the Court of Cassation has not yet been filed. As soon as a copy of the same is received it will be forwarded.

For the Regional Commissioner :

270

H. M. DICKIE
H. M. DICKIE
W/CDR. RAF

Copy to : LEG/5033 (et SUB COM)

Regional Legal Officer

vb

CIO
GOLO
Chief Counsel
CIO

ab.

part
To M. T. on
any.
45
ab.

31 JUL 1945

4092/2
 fl
 HEADQUARTERS EMILIA REGION
 ALLIED MILITARY GOVERNMENT
 APO 394

201A

WMH/dsh.
 28 July 1945.

REF : RIK/LE/704-BL/72

SUBJECT : Special Courts of Assize - Death Sentences.

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

1. Reference your signal No. 2591, 27 July 1945, enclosed herewith is copy of sentence in cases of

TARTAROTTI Renato - Bologna
 MOISANTTI Alessandro - Bologna

2. A Courier has been sent today to Parma and Piacenza to get copies of sentences in other cases listed.

3. Your AG/4092/1/1, 12 July 1945, was translated at this Headquarters and distributed to all PLOs for distribution to Special Courts on 16 July 1945, and copies were also distributed on the same day to the Procuratore Generale. The delay is regretted, but it is due entirely to the failure of the Italian officials concerned to promptly comply with the directive.

4. PLOs have been requested to ensure that copies of all sentences not already forwarded are forwarded at once.

For the Regional Commissioner:

Encls. as above.

LEGAL STAFF DISTRIBUTION	
CLO	
DCLO	
Chief Counsel	
CIO	
Italian Section	AP
CL RKS	
30 JUL 1945	

69
 W. H. Levitt
 WILLIAM H. LEVITT
 Lt. Col., J.A.G.D.
 Regional Legal Officer.

Handed to M.J.
 on 31 July 45.

405-127
HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division
file

28 July 1945

Ref.: LEG/5038

SUBJECT : Pilati Cesare.

TO : HQ Allied Commission - Legal Sub-Commission
(Attn. Lt.Col. Hannaford)

1. Pursuant to telephone call Hannaford-Reynolds of this morning an effort was made to contact Presidente Giuliano of the Section of Cassation, but as he is ill he could not be interviewed.

2. The writer however contacted Consigliere BADIA the judge who studied the case prior to the hearing before the Court. Badia stated that all the records of the case have been returned to the Extraordinary Court of Assize at Reggio Emilia but to the best of his recollection the facts are as follows :

- a) There was no book or other document produced which purported to show that Pilati had been in jail for eight months prior to the liberation.
- b) Some of the witnesses stated that Pilati had been in jail but on a charge of illegal possession of a motor vehicle and not for a political offence.
- c) Pilati was not in jail for eight months but was released before the liberation and on his release he returned to perform his duties at the Fascist Political investigating office.
- d) The appeal was on a question of law as to the

./.

-2-

application of Art. 26 of the Military Penal Code which provides for mitigation of a penalty when an accused has been decorated in the last war 1915-1918, which the lower Court refused to apply.

e) The matter of the arrest and time spent in jail prior to liberation was not raised before the Court of Cassation.

For the Regional Commissioner:

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

ar/

SUBCOMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	1
CL PRC	

*Went for copy
of MS*

67

30 JUL 1965

HEAL JANTENS ALLIED COMMISSION
AIO 394
LEGAL SUB-COMMISSION

30 July 1945.

AC/4992/2/L.

SUBJECT : Transfer of prisoners to Padua for Special Courts of Assize.

TO : The Minister of Pardon and Justice.

The enclosed letter Prot. 133/A of Ufficio del Pubblico Ministero of the above Court is passed to you for any action you might deem fit.

1 Incl.

Copy to: RC (Attn: RIG)
VENETIE Region
(your XII/13/Pad/C/09
of 27 July 45 refers).

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

HEADQUARTERS
VENEZIE REGION
ALLIED MILITARY GOVERNMENT
APO 394

27 July 1945

TO : Chief Legal Advisor, Legal Sub-Commission, HQ, A.C.
(for Italian Branch)

SUBJECT : Extraordinary Court of Assize, Padova.

File No : RXII/LE/Pad/C/09.

1. Herewith are sent originals of letters respectively from Pubblico Ministero of Padova to P.L.O., Padova, and from the latter to the H.Q.

2. Is there any means of getting these two men from Sicily, where they fled, to stand their trial at Padova ? Perhaps you can help.

W. D. D. D.
Colonel,
for Regional Legal Officer,
Venezie Region.

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CIO	
Italian Section	
C. R. S.	

29 JUL 1945

65

F. DOVA PROVINCE
VENEZIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

July. 26. 45.

TO : R.L.O.

SUBJECT: Transfer of prisoners to Padua for Special Courts of Assize

FILE NO: RXII/PAD/ 6.1./134

1. I forward the attached application for assistance in obtaining Pisanò Vito and Pisanò Imigi for trial before Padua Special Court of Assize.
2. I have informed the Pubblico Ministero that he should adjourn the case until they have arrived here.
3. I would be grateful if some message could be sent through A.M.G. channels.

FOR THE PROVINCIAL COMMISSIONER

G. Stewart
G. Stewart
Major
P.L.O.

HQ. VENEZIA REGION

Doc No 26 C

Date Rec'd 27 JUL 1945

S E C R E THEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4092/2/L.

/rlp.
30 July 1945.SUBJECT : Execution of Lieut. Jannuzzi.
TO : HQ, No. 2 District.

1. Reference your AG/308/1(0) of 27 July 1945 may this sub-commission please be informed whether the facts stated in Lieut. Jannuzzi's petition are believed to be true and whether he is in fact considered as POW.
2. It is presumed that if such is the case, arrangements will be made for his transfer to POW camp.
3. It must be pointed out that, in any event, when Lieut. Jannuzzi's POW status terminates he will be liable to trial and execution by the Italian authorities. However, in the meanwhile his personal safety is more likely to be preserved by transfer to a POW camp.
4. If he is not considered a POW it is presumed that the stay of execution is withdrawn. It should be pointed out that it is this Hq which orders executions in these cases and that no (judicial) executions take place without such orders.

For the Chief Commissioner:

W. E. BEHRENS,
Colonel,
Chief Legal Advisor.S E C R E T*Please return enclosed papers when replying.*

Translation

7 July 1945. 1968

TO : A.M.G. Turin.

The undersigned Lieutenant of the former Black Brigades, JANNUZZI Mario, at present a prisoner in the judicial jail of Alessandria, sentenced to death by the extraordinary Court of Assize of Casale Monferrato on 3 July 1945, states A.M.G. as follows:

On the 27th of April 1945 the undersigned was locked up in the local new communal schools of casale with a group of about 20 men of the Black Brigade and of the Guardia Nazionale Repubblicana and with the Commander of the same Guardia of Casale, Major Fornero. The Ortskommandantur had its seat in the same building and there still remained the German Commanding Officer Major Mayer with several german soldiers.

The undersigned opposed to every order given him by his superiors to order or accept the guerrilla, and started negotiations for the purpose of surrender with the american Capt. Jonson though Black Brigades and Guardia Nazionale Repubblicana disposed of:

- 1 armoured truck
- 1 armoured car
- 6 motor cars
- 6 heavy machine-guns
- 20 normal machine-guns
- 40 rifles

an important quantity of hand grenades and ammunitions.

The surrender took place normally without any shot being fired by either party. During the negotiations Capt. Jonson promised that we would be put at the disposal of the Allied Military Command. 82

Therefore, and as the Black Brigades and Guardia Nazionale Repubblicana were armed forces depending directly on Gen. Graziani and considering the promises of Capt. Jonson, an officer of the Allied Army, undersigned requests to be considered, to all effects and pursuant to the provisions now in force, as a P.O.W. of the Allies and not as a "fascist criminal" while he has been wrongfully been sentenced as such.

/s/ Mario Jannuzzi.

4092/2

Legal
1-5-1988
2786

Abstract: Execution of HIV

34 No. 2 District 100
2/3 (B)(1)(c)
27 July 1972

4502 KOSHI, KANEKO, AND KAWASUMI

29 JUL 1943

Colonel
J. A. Quinn

64

CLO _____
 DCLO _____
 Chief Counsel _____

4230
1 MP 0.2

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: AG/308/1(0)
Date/Time of Origin: JULY 271340Z

Message Centre No: F/1547
Date Time Rec'd: JULY 272030Z
Precedence: OP PRIORITY

FROM: DISTWC

TO : RC ANG PIEMONTE REGION, PIEMONTE REG LEGAL CTR, ALCON ROME, IV
US CORPS

SECRET

SECRET

Ref ANG letter PR/1E/513 of 11 July 1945. In view of petition-
ing by JAMNUZZI authority is granted by IV US CORPS for 7 days stay
of execution in the case of Lt JAMNUZZI MARIO. Documents in this
case are being forwarded to ALCON ROME.

Dist

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



CLO

DCLO

Chief Counsel

CIO

Region - Action

CL RK

28 JUL 1945

SECRET

57 *Handwritten* -60

HEADQUARTERS ALLIED COMMISS: ON
APO 394
LEGAL SUB-COMMISSION

AC/4092/2/L.

AP/10.
28 July 1945.

SUBJECT : Extraordinary Courts of Appeal. Death Sentences.
TO : Ministry of Pardon and Justice.

For your information the following signal was
received here today:

"CAPPAI Pietro and BRANDI Emilia (both Cuneo)
dismissed, BENINI Clemente (Ferrara) and IVALDI Giuseppe
(Cuneo) both referred for rehearing."

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

4092/2
✓ INCOMING MESSAGE

ADQUARTERS ALLIED COMMISSION

Originator's Reference: 1594

Date/Time of Origin: JUL 27 1500B

Message Centre No: F/1693

Date Time Rec'd: JUL 28 1015B

Precedence: ROUTINE

FROM: AND LOMBARDIA REGION LEGAL FOR ROSETTI SIGNED TESTIMONIES

TO : LEGAL ROOM ACING, INFO HQ, PLEASANT, HQ BILDA

RESTRICTED.

RESTRICTED

Subject is appeals against death sentences. Execution 25 July.

CAPPAL PIETRO and BRARDI SALINA (both CUNEO) dismissed BIZINI CLARENTE (FERARA)
and IVALDI GIUSEPPE (CUNEO) both referred for rehearing..

DIST

ACTION: Legal SC
INFO: Chief Commissioner
CA Sec
File & Float 3

ACTION

CICLO
Chief Counsel
CIC

ad

HEADQUARTERS
28 JUL 1945
A. C.

-58

28 JUL 1945

RESTRICTED

Mr. J. informed
on 29 July 45
ad.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5027

27 July 1945

SUBJECT : Extraordinary Courts of Assize - Death Sentences.

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

1. Reference your letter AC/4082/1/L dated 18 July 1945.
2. The following death sentences are reported :-

<u>Date :</u>	<u>Court :</u>	<u>Name of person sentenced :</u>
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20 July 1945	Gallarate (Varese Prov.)	ACCHINI GUIDO
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20 July 1945	Gallarate (Varese Prov.)	BERGOMI GIOVANNI
--------------	--------------------------	------------------

For the Regional Commissioner :

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

*copy
sent to HJ
on 29 July
45. 28*

57

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5027

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:

19 July 1945

Voghera (Pavia Province)

STOPPINI ONOFRIO

21 July 1945

Voghera (Pavia Province)

BRUSCHI ANTONIO

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
29 JUL 1945	

For the Regional Commissioner :

H.M. DICKIE

W/CDR. RAF

Regional Legal Officer

56

PR/IE/427

1st Ind.

DDM/LR.

HEADQUARTERS PIEMONTE REGION, A.M.G., LEGAL DIVISION, 27 July 1945. 189A

TO: H.Q. A.C. Legal Sub-Commission
(Attn. O i/ch Italian Branch).

1. Enclosed herewith petitions for clemency in behalf of VEZZALINI Enrico and FIORETTA Pierino.

2. These cases were tried by Extraordinary Assize Courts of Novara and Ivrea respectively.

DDM Colm Mager

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

Incl.

6/43
4/27
Petitions sent
To M.J.
31 July 45

Legal Sub-Commission	
CLO	
DCLO	
Chief Counsel	
CIO	
Italian Section	AB
CL RKS	
8 JUL 1945	

-35

TO
M.J.

HEADQUARTERS ALLIED COMMISSION
APO 594
LEGAL SUB-COMMISSION

188A

AC/4092/2/L.

AP/lc.
27 July 1945.

SUBJECT : Extraordinary Court of Assize, Reggio Emilia.
TO : Ministry of Pardon and Justice.

For your information the following death sentences
were imposed by the above Court on 24 July 1945:

Giulio PERI.	Asieto PAVARINI.
Arrigo RUISTI.	Erardo ZERBINI.
Vincenzo BERTANI.	Tommaso BEGGI.
Mario PALAZZI.	Salvatore TAPURO.
Giuseppe SPAGNI.	Claudio BORGONOV.
Mario DE VITA.	Francesco BONETTI.
Giorgio ZANOTTI.	Renato MUSSINI.
Nello ZANICHELLI.	Gino FERRETTI.
Giovanni PATERLINI.	Angiolino MANZINI.
Renato SPALLANZANI.	Rino PENNINO.
Gaetano STORCHI.	Walter GURZI.
Alberto GIORGI.	Giuseppe MANGONI.

-54

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

04092/2 ✓

LEGAL S/C

(187A)

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 594

REF : RIX/LE/704- RE/33

WHL/EP.
25 July 1945.

SUBJECT: Special Court of Assize, Reggio Em. Prov.
(Death Sentence).

TO : Headquarters, Allied Commission, APO 594
(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 24 July 1945 on the follow-
ing accused:

✓ Guglielmo FERRI.	✓ Gaetano STO CHI.	✓ Angelino MARINI.
✓ Arrigo RUINI.	✓ Alberto GIORGI.	✓ Rino PENNING.
✓ Vincenzo BERTANI.	✓ Amleto PAVARINI.	✓ Walter GUZZI.
✓ Mario PALAZZI.	✓ Arrigo ZERBINI.	✓ Giuseppe MANCINI.
✓ Giuseppe SPAGNI.	✓ Tommaso LEGGI.	
✓ Mario DE VITA.	✓ Salvatore TAFURO.	
✓ Giorgio ZANOTTI.	✓ Claudio BORGOMANO.	
✓ Nello ZANICHELLI.	✓ Francesco BOMMATTI.	
✓ Giovanni PATERLINI.	✓ Renato RUSSINI.	
✓ Renato SPALLANZANI.	✓ Gino FERRETTI.	

For the Regional Commissioner:

53

Information
passed to
H. J. ...
27 July 1945
JH

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

26 JUL 1945

PROCURA *Hogge*

(186A)

PROCURA GENERALE PRESSO LA CORTE D'APPELLO DI MILANO

Milano, 27 luglio 1945.

N. 975/45-54-17

OCCORRENZA : Udienze 16, 18, 21 luglio 1945 della Corte d'Assise straordinaria di Voghera.

ALLA COMMISSIONE ARMIATA DI CONTROLLO
per il
MINISTERO DI GRAZIA E GIUSTIZIA
Direzione Generale degli Affari Penali
R. O. M. A.

Si ha il pregio di comunicare che nelle udienze del 16, 18, 21 e 23 luglio corrente avanti la sezione della Corte d'Assise straordinaria di Voghera sono stati trattati i seguenti processi contro:

UDIENZA 16 LUGLIO:

MARCHESE Armando, detenuto, imputato di collaborazionismo per avere teso ai partigiani una imboscata cagionando la morte di uno di essi e l'arresto di altri e per avere preso parte ad operazioni di rastrellamento e saccheggi.
Condannato alla pena di morte.

UDIENZA 18 LUGLIO:

Stoppini Onofrio, detenuto, imputato di collaborazionismo per avere fatto da informatore della polizia tedesca cagionando così la cattura e l'uccisione di due partigiani.
Condannato alla pena di morte.

UDIENZA 21 LUGLIO:

BRISERI Antonio, detenuto, imputato, di collaborazionismo con la polizia tedesca, per avere preso parte a rastrellamenti che cagionarono la morte di sei partigiani e l'interamento di carabinieri, nonché a perquisizioni e requisizioni arbitrarie.
Condannato alla pena di morte.

UDIENZA 23 LUGLIO:

BERTOLETTI Antonietta, detenuta, imputata di collaborazionismo per avere denunciato alla polizia tedesca e fatto catturare dei partigiani.
Condannata ad anni dieci di reclusione.

IL PROCURATORE GENERALE
[firma illegibile]

HEAD ARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

GGH/lc.

28 July 1945.

AC/4092/2/L.

SUBJECT : Extraordinary Court of Assize, Reggio Emilia.
Cesare PILATI. Death sentence.

TO : The Minister of Pardon and Justice.

1. It appears from some evidence which has not yet been checked that Cesare PILATI prior to the liberation of Northern Italy was held in prison from October 1944 to April 1945 by the Fascist Republicans as having been compromised with and given help to antifascist elements. It is also alleged that the documents in evidence which were attached to the "Ricorso in Cassazione" disappeared during the journey from Reggio to Milan.

2. Would you please be good enough to make a separate enquiry of this case and let this Sub-Commission know the result of your investigation.

Copy to Lombardina

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

51

File
4092/2

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

(124A)

Office of the Regional Legal Officer

25 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 Alessandria passed on 18 and 19 July 45 against:

- (a) VACCARI Carlo: 8 years 4 months, interdiction from public offices for same period of time, 500 lire fine and confiscation of property.
 - (b) RICAGNO Sergio: 1 year 4 months 20 days.
 - (c) COTRUPPI Gaetano: 1 year 4 months 20 days.
 - (d) MULAS Antonio: 1 year 4 months 20 days.
 - (e) PONTEFORTE Luigi: 1 year 6 months 20 days.
 - (f) TASSISTO Edmondo: 1 year.
 - (g) LAVA Ezio: 3 years 8 months 7 days.
- ALL charged with collaboration.

2. The Extraordinary Court of Assize of Aosta passed on 18 July 45 against:

- (a) ZEPPEGNO Giuseppe: 5 years 6 months.
 - (b) BOMBARDIERI Giovanni: 20 years.
 - (c) VERDANECA Andrea: 15 years.
- All charged with collaboration.
- 50*

3. The Extraordinary Court of Assize of Alba passed on 18 and 19 July 45 against:

- (a) PACELLI Flario: 2 years.
 - (b) DEGIOIA Gaetano: 5 years 8 months.
 - (c) PARODI Ugo: 9 months and 1500 lire fine, susp. sent.
- All charged with collaboration.

- 2 -

4. The Extraordinary Court of Assize of Cuneo passed on 18 July 45 against:

- (a) ARISTOTILE Nicola: 1 year 8 months.
- (b) CONIGLIO Tommaso: 3 years.
- (c) BELFORTE Giuseppe: 30 years and confiscation of property.

All charged with collaboration.

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.

DDM/AR.

*Spare copy passed
to M.J. for links
on 29 July 45.
AB*

Chief Counsel	
CIO	
Italian Section	AP
CL RKS	
28 JUL 45	

49

Ingresso per ordine di

27-7-45



by present

in ordine di

Ministero di Grazia e Giustizia

CABINETTO DEL MINISTRO

Pregiatissimo Col. Hammond mi permette
 introdurre la signora Maria Filati il
 cui marito si trova in una condizione
 disperata malgrado alcune prove che
 sembrerebbero deporre in suo favore ma
 che pure non siano state per in corso
 d'azione forse per l'aulente poco serena.
 Salvo non stia a me ingerirmi in
 materia ho creduto fare opera umana
 presentando la persona anzidetta ufficialmente

dit is alles

Virginia Bouell.

Rate = Demand for money -
 C. Transfers - Liabilities. A.V. - Form currency -

HEARINGS COMMISSION
AND 394
LEGAL SUB-COMMISSION

183A

10/4092/2/L

27 July 1945.

SUBJECT : Extraordinary Courts of Assize Modena - Death sentences.
TO : Ministry of Justice.

Advice has been received here today that a death sentence was imposed by the above Court on 6 July 45 on the following accused:

ITALI Antonio.

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

LEGAL SEC 182A

4072/2 ✓
HEADQUARTERS JACULTA REGION
ALLIED MILITARY GOVERNMENT
APO 394

25 July 1945.

WHL/ t1

REF : RIX/LE/704- MO/34

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

1. Ref. your AG/4092/1/L, 18 July 1945,
this is to advise that a death sentence was imposed
by the above Court on 6 July 1945 on the follow-
ing accused:

PETTI ANTONIO

For the Regional Commissioner:

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

47

Chief Counsel

26 JUL 1945

Passed to Mr. J. D. ...
on 27 July 45
[Signature]

[Handwritten signature]

181A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4092/2/1.

AP/mt.
26 July 1945.

SUBJECT : Extraordinary Courts of Anzio Pavia - Death sentence.

TO : Ministry of Pardon and Justice.

For your information the following death sentence was imposed by the above courts:

NAME OF PERSON SENTENCED

DATE

MAFONZI Antonio.

19.7.1945

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

46

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5027

26 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 :-

<u>Date :</u>	<u>Court :</u>	<u>Name of person sentenced :</u>
19.7.1945	Pavia	MAFFONT Antonio

For the Regional Commissioner :

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

27 JUL 1945

45

File 4572/2

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

(179A)

Office of the Regional Legal Officer

24 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 11 July 45 against:

- (a) GIOLITO Andrea: 6 months.
- (b) MANTELLLO Armando: 1 year.
- (c) DAMIANI Renato: 8 months, susp. sent.
All charged with collaboration.

2. The Extraordinary Court of Assize of Torino passed on 14, 18 and 19 July 45 against:

- (a) CALLEGARI Giorgio: 2 years, 11 months.
- (b) MODENA Alfonso: 8 years 4 months, perpetual interdiction from public offices.
- (c) OPRANDI Ida Pia: 12 years, perpetual interdiction from public offices.
- (d) CELLI Giuseppe: 10 months susp. sent.
- (e) DEL MORO Loris: 10 years, perpetual interdiction from public offices.
All charged with collaboration.

3. The Extraordinary Court of Assize of Novara passed on 16 July 45 against:

- (a) POMPA Giovanni: death, confiscation of property.
- (b) BATTIONI Guerino: 18 years, confiscation of property.
Both charged with collaboration and treason.

4. The Extraordinary Court of Assize of Cuneo passed on 16 July 45 against:

- 2 -

- (a) BALACCO Tina: 1 year 8 months.
 - (b) SAMARITANI Ermelinda: 2 years.
- Both charged with collaboration.

5. The Extraordinary Court of Assize of Casale Monferrato passed on 16 July 45 against:

- (a) LEPORATI Ottavio: 10 years 8 months, interdiction from public offices for 5 years.
 - (b) SALVAGGIO Luigi: 2 years 6 months.
 - (c) MARTINETTI Domenico: 24 years, perpetual interdiction from public offices.
 - (d) PEREGO Armando: 30 years, perpetual interdiction from public offices.
- All charged with collaboration.

6. The Extraordinary Court of Assize of Aosta passed on 13 July 45 against:

- (a) ALEO Giuseppe: 15 years, confiscation of property
 - (b) BIGLIERI Bernardo: 14 years 2 months, confiscation of property.
- Both charged with collaboration.

7. The Extraordinary Court of Assize of Ivrea passed on 6, 9 and 28 June 45 against:

- ✓ (a) PINNA Raimondo: death.
 - ✓ (b) BUZZI Arturo: death.
 - ✓ (c) FIORETTA Pierino: death.
 - ✓ (d) DAUDINO Eligio: death.
 - (e) DESSI Angelo: penal servitude for lifetime.
 - (f) MASALA Salvatore: 26 years.
- All charged with collaboration, treason and homicide.

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

- (a) CASAGRANDE Marcello: 1 year susp. sent.
 - (b) GIARGIA Elio: 4 years 9 months 10 days.
- Both charged with collaboration.

For the Regional Commissioner.

CLO

DCLO

Chief Counsel

CJO EJM/AR.

Spare copy passed
to M. J. on 28
July 45.

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

HEADQUARTERS
LIGURIA REGION
ALLIED MILITARY GOVERNMENT

WGE/ih

Lig/Leg/60

SUBJECT : Extraordinary Court of Assize - Death Sentence.

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

1. Ref from AC/4092/1/L letter dated the 18th July 1945.
2. The Pubblico Ministero of the Extraordinary Court of Assize of La Spezia has reported that DI GIACOMO Alessandro was sentenced to death as a spy on the 19th July 1945 at La Spezia.
3. This HQ. was further informed by the P.M. that he has ordered to open at once and independently of the Appeal to the Court of Cassation a regular inquiry pertaining to a possible petition for mercy.

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

CIC

DCIC

Chief Clerk

CIC

Station

CL RKE

27 JUL 1945

42

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

177A

27 July 1945

AC/4072/2/L

SUBJECT : SANDRILLI Manlio - Sentenced to death
by Court of Assize of Brescia

TO : Regional Commissioner (Attn: Regional Legal Officer)
LOMBARDIA Region (for F.L.O. Brescia)

1. This H. has been bombarded with requests, petitions, "pro memoria", applications for mercy, etc., all drawing the attention of the Legal Sub-Commission to the numerous irregularities of the proceedings.

2. Minister Togliatti has been informed of this and states that he is conducting an independent inquiry.

3. Col Hancock himself has written to Lt Col Hennaford and both the Executive Commissioner and the Chief Legal Advisor are getting worried about the form of justice which is dispensed under theegis of AMG.

4. Could you please ascertain from F.L.O. Brescia and President Giuliano confidentially what are the real facts of the case and report to this H. at your early convenience.

5. Enclosed you will find a copy of the Petition in Italian and a synopsis in English.

By Command of Rear Admiral STONE :

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

2 Incls - see para 5.

41

ALLIED COMMISSION
LPO 394
LEGAL SUB-COMMISSION

AG/1022/2/1

27 July 1945

SUBJECT : Sentence of General I. Menlio -
13 June 45 - Brescia.

TO : Minister of Pardon and Justice

1. The above mentioned individual has been sentenced to death by the Extraordinary Court of Assize of Brescia on 13 June.
2. This Commission has been tormented with petitions from all quarters setting out the numerous irregularities of the proceedings.
3. Could the Minister make an independent inquiry on the alleged facts and let this sub-commission have his personal opinion on the merits of the petition for revision, copy of which is enclosed.

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

Incl - see para 3

CAMBRILLI Manlio ex questore di Brescia nel periodo 8/9/44 25/4/45.

Costituitosi volontariamente alla Autorità di F.S. di Como il 29/4/45, con sentenza del 12/6 della R.Corte straordinaria di Assise di Brescia e' stato condannato a morte.

Il processo iniziatosi il 12/6/45 non lascio' all'imputato il tempo strettamente necessario per:

- 1°) scegliere un'avvocato di sua fiducia,
 - 2°) avendo avuto destinato un avvocato di Ufficio, furono a questi concessi soltanto due ore per studiare il processo.
- Fu presentata una lista di quindici testimoni a discarico- nessuno di essi fu inteso- ma soltanto furono raccolte le deposizioni contrarie che costituirono i soli elementi nel giudizio, provocando la nota sentenza.

es.

Fu opposto, il 21/6/45, alla Corte di Cassazione di Milano ricorso che il 21/6 stesso fu respinto.

Sono in corso:

1°) domanda di grazia a S.A.P. Il Luogotenente Generale del Regno-tramite

il Ministero di Grazia e Giustizia,

2°) esposto relativo allo Ufficio Legale della A.C. di Roma;

Sono state estese dal fratello del condannato a morte, Cambrilli Saverio, due querela contro le deposizioni di due testimoni: il Commissario Crocetti, e la Signora Pasotti, per falso. Nel processo fu dichiarato dal testa Cro-

cetti che il Cambrilli era stato implicato in un omicidio, in Villerosa, molti anni or sono. Cosa non vera, come risulta dal Certificato Penale, NULLO.

Non fu possibile esibire, ma che e' stato alle-

Costituitosi volonariamente alla Autorità di P.S. di Como il 29/4/45, con sentenza del 12/6 della R.Corte straordinaria di Assise di Brescia e' stato condannato a morte.

Il processo iniziatesi il 12/6/45 non lascio' all'imputato il tempo strettamente necessario per:

1°) scegliere un'avvocato di sua fiducia;

2°) avendo avuto destinato un avvocato di Ufficio, furono a questi concessi soltanto due ore per studiare il processo.

Fu presentata una lista di quindici testimoni a decoro - nessuno di essi fu inteso - ma soltanto furono raccolte le deposizioni contrarie che costituirono i soli elementi nel giudizio, provocando la nota sentenza.

Fu proposto, il 21/6/45, alla Corte di Cassazione di Milano ricorso che il 21/6 stesso fu respinto.

Sono in corso:

1°) domanda di Grazia a S.A.R. il Ingegnere Generale del Regno - tramite il Ministero di Grazia e Giustizia,

2°) esposto relativo allo Ufficio Legale della A.G. di Roma;

Sono state estese dal fratello del condannato a morte, Candrilli Severio, due querele contro le deposizioni di due testimoni: il Commesso Crocetti, e la Signora Pasotti, per falso. Nel processo fu dichiarato dal teste Crocetti che il Candrilli era stato implicato in un omicidio, lo Villaresa, molti anni or sono. Cosa non vera, come risulta dal Certificato Penale, NULLO, certificato che al processo non fu possibile esibire, ma che e' stato allegato alla domanda di Grazia.

La Signora Pasotti, dichiaro' essere stata bastonata per ordine del Candrilli dal fratello Speciale, entrambi Agenti di P.S., i quali furono successivamente assolti da tale accusa.

Il teste a carico Rossi trovandosi ora latitante per reato di concussione di lire 50.000,=

Romella e Robustelli sono gli uccisori di due Agenti di P.S. e furono congegni al Candrilli perché al quest'ultimo e suo tempo denunciati e fatti condannare. E' stato tratto in arresto a Brescia, in seguito alla sentenza, Speciale Calogero, per aver confidato al Candrilli in carcere di essere stato schiaveggiato dal Maresciallo Del Monte e dal Vice Brigadiere Basile perché si era egli rifiutato di proporre alla Udienza che il Candrilli distribuisse manganellate. Del Monte e Basile sono stati due testi a carico.

Del Monte e Crocetti sono marcia su Roma etc.

Non fu possibile al Processo per mancanza di tempo esibire lo stato di Servizio del Candrilli, già Ufficiale effettivo nel R. Esercito, da cui risulta la di lui qualifica di "Ottimo".

Non fu possibile, per mancanza di tempo, esibire i documenti da cui risulta che il Candrilli fu decorato due volte al Valor Militare (Medaglia di Bronzo e Croce di Guerra al Valore) Entrambe le Decorazioni della Camera 1915/1918. Il Candrilli e' invalido della Grande Guerra per ferita al femore e percepisce il massimo della pensione. Detti documenti sono stati allegati alla domanda di Gravia.

Le ricompense al Valor Militare e la ferita di Guerra costituiscono at-
tenuanti per la causa. Non ne fu tenuto conto nella elaborazione della Sen-
tenza. Il Candrilli e' congegnato con Signora appartenente ad ottima
famiglia Palermitana ed e' padre di un ragazzo di anni diciassette.

Si richiede che l'Ufficio Legale dell'A.C. di Roma riesamini il proce-
so in base ai nuovi elementi e decida possibilmente dopo aver sentito
i testi e discusso al

contrari al Candrilli perché' la quest'ultimo a suo tempo denunciato e fatto condannare. E' stato tratto in arresto a Brescia, in seguito alla sentenza, Uccidiale Callegari, per aver confidato al Candrilli in cure di essere stato congedato nel Maresciallo Del Monte e del Vice Brigadiere Basile perché' si era egli rifiutato di proporre alla Uscienza che il Candrilli distinuiva mangiellata. Del Monte e Basile sono stati due testi a carico.

Del Monte e Crocetti sono marcia su Roma etc.

Non fu possibile al Processo per mancanza di tempo esibire lo stato di Servizio del Candrilli, già' Ufficiale effettivo nel R. Esercito, da cui risulta la di lui qualifica di 'Ottimo'.

Non fu possibile, per mancanza di tempo, esibire i documenti da cui risulta che il Candrilli fu decorato due volte al Valor Militare (Medaglia di Bronzo e Croce di Guerra al Valore) Entrambe le Decorazioni della Campagna 1915/1918. Il Candrilli e' invalido della Grande Guerra per ferita al femore e percepisce il massimo della pensione. Tutti documenti sono stati allegati alla domanda di Gravia.

Le ricompense al Valor Militare e la ferita di Guerra costituiscono attinenze per Legge. Non ne fu tenuto conto nella elezione della Sen-tenza. Il Candrilli e' coniugato con Signora appartenente ad ottima Famiglia Palermitana ed e' padre di un ragazzo di anni diciassette.

Si richiede che l'Ufficio Legale dell'A.C. di Roma riesamini il processo in base ai nuovi elementi e decida possibilmente dopo aver sentito i testi a discrezione es=es

St. C. P. 174800 a P. 174800
H. C. P. 174800

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27 JUL 1963

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LOCAL 2/0

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174A

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26 JUL 1965

NOTES

FROM THE DIRECTOR, BUREAU OF PRISONS, TO THE ATTORNEY GENERAL, WASHINGTON, D.C.

[illegible]

LABEL SUB-COMMISSION

1/29/92

(173A)

NATIONAL COMMISSION (attest to the fact that the following is true)

1980

27 July 1985

1985

RECEIVED 1985

THE NATIONAL COMMISSION HAS TWO PARTS TO IT. THE FIRST PART IS THE NATIONAL COMMISSION ON THE STATUS OF THE AMERICAN INDIAN. THE SECOND PART IS THE NATIONAL COMMISSION ON THE STATUS OF THE AMERICAN INDIAN.

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THE NATIONAL COMMISSION ON THE STATUS OF THE AMERICAN INDIAN.

1985

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REGIONAL COMMISSIONER (ATTORNEY GENERAL LEGAL OFFICE), LONG BEACH REGION.

2593

26 JULY 1945

URGENT

RESTRICTED TO

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FROM TO REGIONAL COMMISSIONER FROM THROUGH REGIONAL LEGAL OFFICE FROM
LONG BEACH REGION FROM DA FROM CITY AGED FROM

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IN FOLLOWING CASES: COLON (MALLY) MARCHING FROM VARIOUS FROM CAPPELLI FRANCESCO
FROM UMBERTO FROM DI STEFANO FRANCESCO / MARCIA / POLETTI PIETRO FROM CAMERON
FROM MARCO VITTORIO FROM DIA FROM PARILLARI ALFREDO FROM DIA FROM CALECKI
ALSO FROM COLO FROM ANTONIO CARLO FROM MARCO FROM MOTA STEFANO FROM
MARCO FROM GOTTI MARCELLI FROM DIA FROM AND IN ANY OTHER CASE IN WHICH
SERVICES ARE NOT YET PROVIDED

33

LEGAL 2/0

8/27/71 U 692/2
~~Legend~~

Settis. Santo.

(1)

1. I presume the papers are with the Director.
2. I think we should mention it to him

and

See document with U.S.

on the 6 July 71

JP

PR/LE/427

409212 1st Ind.

EJM/LR.

21 July 1945.

HQ. Piemonte Region A.M.G., Legal Division.

TO : H.Q. A.C. for Chief Legal Advisor.

170A

1. This office ordered the execution of the sentence of death suspended until the facts could be presented to the Chief Commissioner. This order has been rescinded.

2. This office is in complete agreement with the policy as stated in para 2, and so informed Lt. Sabatino prior to his visit to A.C.

3. Recommendations for clemency do not meet the existing situation. This office is opposed to A.M.G. interjecting itself into individual cases and would not have allowed Lt. Sabatino to express his opinion on the merits or propriety of the sentence of the court had he not been requested by you so to do. However I am firm in the opinion that as long as A.M.G. stands in the shoes of the Italian Government a right of appeal granted to an accused by law must not be nullified by procedural interpretation.

4. The report requested of Lt. Sabatino is enclosed and the recommendation made in para 6 is adopted as the recommendation of this office.

For the Regional Commissioner.

Edwin J. Mercer
Edwin J. Mercer
Lt. Col., Ord.
Regional Legal Officer 32

LEGAL SUBCOMMISSION

BCLD

Chief Counsel

CJO

Italian Section

CLARKS

24 JUL 1945

PR/LR/427

1st Ind.

EJM/LR.

HQ. Piemonte Region, A.M.G., Legal Division.

21 July 1945.

TO : H.Q. A.C. for Chief Legal Advisor.

1. This office ordered the execution of the sentence of death suspended until the facts could be presented to the Chief Commissioner. This order has been rescinded.
2. This office is in complete agreement with the policy as stated in para 2, and so informed Lt. Sabatino prior to his visit to A.C.
3. Recommendations for clemency do not meet the existing situation. This office is opposed to A.M.G. interjecting itself into individual cases and would not have allowed Lt. Sabatino to express his opinion on the merits or propriety of the sentence of the court had he not been requested by you so to do. However I am firm in the opinion that as long as A.M.G. stands in the shoes of the Italian Government a right of appeal granted to an accused by law must not be nullified by procedural interpretation.
4. The report requested of Lt. Sabatino is enclosed and the recommendation made in para 6 is adopted as the recommendation of this office.

For the Regional Commissioner.

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4092/2/L.

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.

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) *W. J. Stone*
W. J. STONE, Colonel,
Chief Legal Advisor.

HEADQUARTERS
UNITED MILITARY GOVERNMENT
PIEMONTE REGION LEGAL DIVISION
APO 394.

19 July 1945.

AMG/492

SUBJECT : SOFFIO, Sante fu Placido, sentenced to
death by Special Court of Assize at Asti.

TO : R.L.G., Piemonte Region.

1. Ref. HQ. A.C., Legal Sub-Com. letter (AC/4092/3/L)
dated 14 July 1945.

2. Latest information received by this office is
that subject has filed petition for grace.

3. Order suspending execution of death sentence
issued by this office has been cancelled.

4. Position of subject re: his filing appeal in
his case which appeal was refused by Court of Cassation at
Milan, is as follows:

SOFFIO, Sante was sentenced to death on 4 June 1945. He presented
his intention to appeal within 5 days of 4 June 1945 as
provided by law. The sentence of the court was deposited on
8 June 1945, the defendant filed his formal appeal within
3 days of notice to him of the sentence having been deposited,
however it seems that he was notified more than one day after
the deposit was made as Court of Cassation refused to consider
the appeal on the ground, that it was not filed within 3 days
of the deposit of the sentence. 29

5. Procuratore Generale interprets that the legal
period in which the formal appeal must be filed in these cases
is not before and within 3 days after the sentence has been
deposited. The reason for this procedure is appreciated in the
light that it accelerates some of the slow moving machinery
adopted by the Italian Judiciary but certainly it should not
deny defendants of their rights under the law merely because
they are not notified of the deposit of sentence on the same

- 2 -

day it is deposited.

6. It is therefore recommended that the law of procedure in these cases be amended to the effect that the 3 days within defendants must file their formal appeals begin to run from the moment they are notified of the deposit of the sentence. It is further recommended that the defendants be so notified in writing and their rights explained.

6. The writer has reviewed the record in the case of Soffio from an indifferent standpoint and it respectfully submitted that Soffio should not suffer death. Soffio was a medical officer in the Fascist Republican Army and in addition to being a doctor, it is said, by way of conclusion not by specifying, that he took part in "rastrellamenti" of partisans, however no mention is made of what happened to these partisans nor of what Soffio did or had done with them. For this apparent zeal on Soffio's part which made him act over and above the call of duty as a doctor it is felt that he should not be made to serve more than a term of years. There are many prisons in Italy that could well use a good doctor, I might add.



Louis A. Sabatino

Lt. Louis A. Sabatino
Officer i/ch Italian Courts.

5 luglio 1945

ON. SOTTOCOMMISSIONE LEGALE COMANDO ALLEATO

T O R I N O

Sono INES TATE oriunda inglese, italiana per susseguente matrimonio con SORIO SANTE. Sono mamma di due bambine di anni 16 e 13. Sono consensualmente divisa da mio marito da dieci anni circa. Non ho, quindi, seguito da vicino la vita di Lui, e ignoravo, quindi, la tristissima sorte che ha incontrato. Nell'apprenderla il mio turbamento è immenso ed è straziante la disperazione delle mie figlie.

S O R I O S A N T E, tenente Colonnello medico, aveva sempre avuto una vita di onore e di sacrificio. All'8 settembre fu preso prigioniero dai Tedeschi. Per sottrarsi alla deportazione dovette aderire allo sciagurato movimento della cosiddetta repubblica sociale italiana. Non penso che mio marito- MEDICO- possa aver fatto opere colpevoli e deplorabili. SO CHE SENZA DIFESA, SENZA DIFESA NEL SENSO DI UNA DIFESA EFFICIENTE -di testimonianze e di documenti- in un'atmosfera rovente di odii ed eccitata di intimidazioni-E' STATO CONDANNATO A MORTE DALLA CORTE DI ASSISE STRAORDINARIA di A S T I, alla data del 4 giugno.

Il processo è presentemente dinanzi alla Corte di Cassazione Sezione Speciale di Milano dove il ricorso dovrebbe discutersi il 9 LUGLIO 1945.

Io, oriunda inglese, fedele sempre agli ideali di libertà, di onore -gloria della mia terra natale: io sorella di Ufficiale inglese- mamma di due creature, convinta che mio marito non merita la morte, INVOCO DALLA POTENZA E DALLA NOBILTA' DEL MIO PAESE DI ORIGINE L'INTERVENTO SALVATORE PER MIO MARITO. La grandezza e la generosità della Patria britannica-il senso del diritto della mia culla mi

affidano che codesto Comando interverrà per esaminare il caso
e COMUNQUE PER DISPERDERE L'ESTREMA CONDANNA. E se non fosse possi-
bile, nella atmosfera terribile, la Giustizia-SIA PER L'ALTO INTER-
VENTO DI CODESTO COMANDO LA GRAZIA!
Con profonda speranza,

INES TATE
CUNEO A.M.G.

PR/LE/413.

1st Ind.

DDM/ET.

23 July 1945.

HQ. Piemonte Region, A.M.G., Legal Division.

TO: Hdqrs., A.C., APO 394, Legal Sub-Commission.
(Attn. O i/ch. Italian Branch).

1. Attached documents relating to the petition for pardon presented by OPEZZO Giacomo, sentenced to death by the Extraordinary Assize Court of Vercelli and erroneously addressed to the Ministry for Pardon and Justice, are forwarded herewith.

ADM Colm Ingo

D.D. Mc. Colm, Major R.A.

Deputy for

Edwin J. Mercer, Lt.Col.Ord.

Regional Legal Officer.

Incl.

Forwarded to ILL on 27 July

26

26 JUL 1945

1092/2

OMO PROVINCE

ALLIED MILITARY GOVERNMENT

LOMBARDIA REGION

Legal

RECEIVED

A.P.O. 394

23 JUL 1945

NO 100 LOMBARDIA REG
REF

= CO/224

SUBJECT = EXTRAORDINARY COURTS OF ASSIZE
PROCEEDINGS IN DEATH SENTENCE CASES

TO = HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION A.P.O.394
LEGAL DIVISION

Como. 21. July 1945

Ref.: AC/4092/I/L. dated 12 July 45 and your letter
No LEG/5027 d. 14 July 1945.

Enclosed is sent copy of a Judgment d. 6 July 1945
of the Special Court of Assize of Como, condemning to
death CALESELLA ALDO, for onward transmission.

The copy judgment was received in this office this
morning.

W.J. Purcell
LT.COL. W.J. PURCELL
PROVINCIAL LEGAL OFFICER
A.M.G. COMO.PROV.A.P.O.394

Ref.: LEG/5027

1st Ind.

TO : HQ Allied Commission (Legal Sub-Commission)

1. Forwarded for onward transmission.

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

ar/

Forwarded to HQ 27 Jul 45

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
MANTOVA PROVINCE
A.P.O. 394

167A

REF. : MA/LEG/ 31A

DATE 23/July/1945

SUBJECT: DEATH SENTENCES SPECIAL COURT OF ASSISE.-

TO: : Hq. A.C. APO.394 - LEGAL SUB-COMMISSION-
THROUGH CHANNELS.-

I) Ref. Hq. Lombardia Region LEG/5048 a report is made
of the following death sentences pronounce by the
Special Court of Assise - MANTOVA Province.

i) PLACE: MANTOVA
DATE : 14/July/1945
NAME : ARRIVABENE CARLO

ii) PLACE: MANTOVA
DATE : 18/July/1945
NAME : MOTTA STEFANO

For the Provincial Commissioner:

*Do M.T.
informed on
2 July 45.
same copy transmitted.
GP.*

Frederick H. B. Bongi
FREDERICK H. B. BONGI
1st. Lt. Inf.
Legal Officer
Mantova Province

26

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

25 July 1945.

AG/4092/2/1.

SUBJECT : Valerio VALERI.

TO : Regional Commissioner (Attn: Regional Legal Officer),
VENETIAN Region (PIO Verona).

1. Copy of letter to Regional Legal Officer ISMIRIA is enclosed.
2. Could a copy of VALERI's sentence be supplied and possibly you may request the defence counsel to call on you to supply further details.

By command of Rear Admiral STONE:

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

Incl.

(166B)

VALERIO VALERI, nato a Legnago (prov. di Verona) il 24/8/1891

Fu nel 1915 propagandista per l'intervento contro il tedesco, parlando in tal fine in pubblici comizi nella città di Mantova e di Palermo.

Partecipò a quella guerra da lui propugnata, meritandosi la Croce di Guerra ed un Incomio Solenne, che avrebbe potuto essere tramutato in medaglia d'argento per la sua motivazione davvero lusinghiera.

Richiese volontariamente di prestare servizio in prima linea, dove rimase dal primo sino all'ultimo giorno della guerra mondiale.

Congedato verso la fine dell'anno 1918, riprese residenza in Legnago.

Nel generale disordine che seguì alla prima guerra mondiale, credette in buona fede di giovare all'interesse del suo paese iscrivendosi al fascismo nel 1922. Ma limitò la propria attività alla zona di Legnago; e furono noti il suo disinteresse e l'assenza di ogni faziosità.

Dopo il 1935 egli si allontanò dal Veronese in modo continuativo e totale, fissando la sua residenza in Firenze.

Ivi viveva modestamente, preferendo passare le ore libere del lavoro in tranquillità con sua moglie, che amava come al primo giorno di nozze e ne era egualmente ricambiato.

- 2 -

La moglie era, dal canto suo, contraria per principio ad interessi di politica ; la odiava anzi, perchè il marito non ne aveva avute che grosse noie e più perditempo che utili, dato che il suo temperamento idealista, disinteressato, proclive ad intervenire solo per difendere interessi dei miseri, che a lui nulla profittavano.

All'8 settembre 1943 egli si trovò per sua disgrazia, e proveniente da Firenze, in Legnago.

Il 10 settembre, in Legnago, un ufficiale che era di guardia all'Ufficio postale fece fuoco su alcuni tedeschi che passavano in una camionetta. Questi ne scesero aprendo un nutrito fuoco; vi furono da ambe le parti morti e feriti; i tedeschi caricarono i propri sulla camionetta e si allontanarono velocemente.

Contemporaneamente sul Viale della Stazione, passò un autocarro con altri tedeschi a bordo ; dalla caserma Rebola, dove si trovavano ufficiali e truppe italiane, fu sparato contro di essi qualche colpo, ed uno ne rimase ferito. I tedeschi voltarono la motocarrozzeria prontamente e per il momento ritornarono sui propri passi.

*21

Ma neppure un paio, d'ore dopo essi ritornarono in forza ed armatissimi, piazzarono mitragliatrici a tutti i crocevia, ordinando che tutti si ritirassero nelle proprie abitazioni,

- 3 -

con porte e finestre ermeticamente chiuse. Cominciò così uno strettissimo stato d'assedio : nessuno doveva scendere nelle vie; per ogni strada erano di guardia tedeschi con mitra spianata e bombe a mano a disposizione. Cannoni erano intorno al paese; la situazione era davvero paurosa e non se ne vedeva una pacifica soluzione. Il timore di rappresaglie tedesche era in tutti.

Il Podestà che poi confessò di avere in quelle ore tremato come una foglia, si recò da Valeri ad invocare il suo aiuto ; e concluse col pregarlo, a nome della popolazione, perchè si volesse adoperare per la tranquillità di tutti, adducendo che egli sapeva esprimersi meglio degli altri, possedeva tatto, quadratura e godeva la stima di tutti.

Il Valeri fece osservare al Podestà che era a Legnago soltanto di passaggio, che i suoi affari lo avrebbero chiamato altrove; che quindi era bene risolvessero la cosa fra di loro. Ma quegli, tanto accorato ed impaurito, insistette al punto che Valeri finì con l'andare con lui e con l'interprete a parlamentare.

Bisognava per cercare la soluzione della penosissima situazione.

Ma i tedeschi richiesero la prestazione di persona che garantisse sulla tranquillità della popolazione.

Egli ottenne che fosse levato lo stato d'assedio, garantendo però con la propria persona: per qualunque atto di sabotaggio e

- 4 -

disordine in paese egli avrebbe dovuto rispondere di persona.

Non vi era alternativa diversa: od accettare, od esporre il paese alle più gravi rappresaglie. Nessun altro avrebbe avuto né il suo coraggio né la sua generosità; egli confidò nell'assente proprio in luogo e nella viva speranza che tutti cooperassero alla tranquillità del paese.

Dapprima, appena sottili da questo stato di terrore, sembrò che tutti rimanessero calmi, ed egoisticamente accettarono il sacrificio di Valeri. Tutti approvarono il suo modo di agire; dissero che nessuno avrebbe potuto sostituirlo; che, per carità, conservare la sua presenza in luogo, poiché soltanto in tal modo si sarebbero sentiti tranquilli. Si dichiararono fortunati di avere tal uomo; ed anche gli avversari politici, nel momento sembravano contenti di questa soluzione.

La vita riprese, tutti ritornarono alle loro abituali occupazioni; mentre per Valeri si iniziò l'ascesa del calvario che non doveva più avere fine.

I soldati che erano fuggiti con l'8 settembre, vagavano per le circostanti campagne, compiendo atti che i tedeschi reputavano illeciti.

La situazione divenne così sempre più pericolosa per Valeri, mallevadore della tranquillità della zona verso i tedeschi, i quali lo sottoponevano a sorveglianza, controllo ed ordini.

- 5 -

Egli cercava perciò di ricondurre la tranquillità in paese, ma attraverso la conciliazione.

Si adoperò-tutti lo sanno- dietro insistenza delle rispettive famiglie, a far rimettere in libertà molti di coloro che erano stati prigionati per avere fra ^{il} 26 luglio e l'8 settembre bastonato a sangue i fascisti e distrutti pubblicamente emblemi fascisti. Particolarmente si rammentano i casi : del proprietario del caffè al Teatro, detto "Pepe" di un mediatore soprannominato "Fondo" , di un lattoniere di Via Fiume, tutti di Legnago. Quest'ultimo anzi ebbe a dire al Valeri: "Ma io e lei la pensiamo allo stesso modo, siamo tutti e due repubblicani, e lei è un galantuomo ". Questi ed altri erano tutti elementi socialisti e comunisti; eppure furono rimessi in libertà per intermissione di Valeri.

Nell'agosto 1943 un professore Polatti, insegnante del locale Ginasio- Liceo, aveva fatte proteste di antifascismo in lettere spedite a tutte le Autorità: comunali, provinciali e governative. Tali lettere furono trovate nei vari uffici dopo l'8 settembre 1943, ben firmate; egli ebbe perciò noie e fu carcerato.

Valeri si adoperò generosamente anche per lui, facendolo scarcerare e rientrare a casa, dove anzi lo accompagnò lui stesso in macchina.

Lo stesso Valeri poi fingeva di non sapere dove fossero i renitenti alla leva, nascosti nelle loro case, si dicevano

- 6 -

convalescenti di chissà quali ipotetiche malattie.

Un caso fra i tanti è quello di un certo Pradella del Comune di Villabartolomea.

Una famiglia del Valeri, sfollata, capitò un giorno proprio da quest'Pradella, nel prima di allora conosciuti, per cercare un paio di stanze. I Pradella avrebbero potuto benissimo affermare di non avere vani disponibili, perchè erano già in quattro in casa; ed invece la invitarono a ritornare, che nei frattempo si sarebbero consultati fra loro, Ella ritornò infatti; ed i Pradella le confessarono di avere nascondo in casa il figlio più giovane perchè lo dicevano cagionevole di salute e bisognoso di iniezioni. Il fratello maggiore del giovane, che è professore di lettere, e la madre anzi aggiunse: "Noi temiamo che questo figliolo non possa sopportare fatiche militari, temiamo che presentandosi alla visita lo abbiano a trattenere sotto le armi, questo timore secondo noi ci giustifica, almeno per il momento; conosciamo la bontà di Valeri, sappiamo che non sarà capace di farci del male".....

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La famiglia del Valeri non andò per varie ragioni, ad abitare da Pradella. Il Valeri venne a conoscenza della resistenza del giovane, ma avendola saputa lui solo, finse di nulla sapere. Il Pradella non ebbe bole, né allora, né in seguito.

Nessun vantaggio ebbero i Valeri dalla loro connivenza.

- 7 -

Altro renitente alla leva dello stesso Comune di Villabartolomea aveva, secondo una denuncia, fatto irruzione in una tabaccheria del luogo a mano armata con altri compagni, asportando merce ed ordinando il fermo a loro tutto vantaggio personale su altra in arrivo, con intimidazioni al proprietario. Valeri lo fece convocare, si limitò ad impartirgli una paternale verbale, lo addebi ad un leggero lavoro per occuparlo; e, visto poi che era figlio di una persona ricoverata tempo prima al tubercolosario, lo rinvio senz'altro a casa, facendosi promettere che avrebbe proseguito il lavoro affidatogli.

Altro renitente ottenne persino un sussidio in denaro per la madre. E mille altri casi del genere.

Valeri non si occupò di rastrellamenti in genere, dei quali si occupavano solo le S.S. tedesche, coadiuvate da elementi che venivano direttamente dal di fuori, operanti esclusivamente sotto gli ordini di quella.

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Dopo la liberazione del Nord, il Valeri venne arrestato; e il processo venne celebrato alla fine di giugno innanzi alle Assise Straordinarie di Verona, abbinato a quello contro sedici altri imputati.

- 8 -

Anzitutto ha nociuto alla Amministrazione di una retta giustizia il suddetto abbinamento, poichè i più gravi addebiti erano tutti rivolti verso gli altri imputati, e per fatti avvenuti fuori del Comune di Legnago, cui il Valeri era personalmente estraneo.

Ciò ha arroventato l'ambiente a danno del Valeri.

Questi indiziò bel 58 testimoni a difesa, dei quali pochi furono ammessi dalla Corte. Parte di essi, intimoriti, non si presentarono neppure a deporre.

Le disposizioni dei testimoni si presentarono di carattere calunioso; come risulta, per varie di esse, dalla contraddizione delle date, dalla contraddizione con quanto parenti dei testi avevano affermato in altro momento sulle stesse circostanze, e per non avere nessuno dei testi potuto fornire alcuna prova di quanto asseriva.

Il teste Cella Cesare, uno dei più fieri denunciati, non ebbe poi l'ardire di presentarsi al dibattimento per confermare sotto il vincolo del giuramento la propria infame denuncia; anche perchè non poteva fornire prove dei suoi asserti.

Egli aveva denunciato infatti che una sera dell'aprile 1944 nella caserma dei carabinieri si sarebbe svolto il seguente fatto: Il Valeri avrebbe, con la moglie, presenziato all'interrogatorio di lui, durante il quale la moglie del Valeri lo avrebbe torturato mediante la introduzione di spilli in varie parti

- 9 -

del corpo, e specialmente nelle parti genitali. Senonchè:
a) Anzitutto, mentre il Cella asserisce che nella caserma dei Carabinieri di Legnago avevano già preso possesso in quell'epoca le Brigate Nere è invece da tutti risaputo che in aprile 1944 i carabinieri erano ancora operanti ed in possesso esclusivo della loro caserma.

b) In secondo luogo: se al Cella fossero veramente stati introdotti dagli spilli negli organi genitali, egli - a detta dei medici - non avrebbe poi potuto camminare ed andarsene pacifico per i fatti suoi; mentre invece risulta che egli si recò poi tranquillamente a Venezia, senza disturbo fisico di sorta;

c) Infine, la cosa è assolutamente inverosimile sotto riflesso morale, poichè chiunque conosce il Valeri sa che questi non avrebbe mai consentito il riferito comportamento della moglie in tal senso, cioè che un uomo fosse spogliato dei calzonni dinanzi a lei. Era ben nota la sua delicatezza morale.

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Altro teste, il giovane Rigo (di Villabartolomea) depose in istruttoria di aver subito tortura. I fatti si svolsero invece ben diversamente.

Egli era stato tradotto in caserma per gravi fatti da lui compiuti in Villabartolomea; e veniva trattato con tale umanità, che durante il giorno si faceva
leggermente la-

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vorare nell'orto della caserma stessa, perchè potesse stare per diverse ore all'aria libera, mentre si attendevano deliberazioni sul conto suo. Questo asserirono il fratello e lo zio dello stesso Rigo nell'ottobre 1944, recandosi da una familiare del Valeri per incaricarla di porgere a lui i loro ringraziamenti per quanto sopradetto. A questo scopo andarono due volte (si noti che abitavano undici chilometri lontano dalla residenza della suddetta familiare e dovevano percorrere la strada sotto il pericolo di continui bombardamenti aerei), e vollero portarle alcune belle mele, a titolo di riconoscimento della umanità usata al loro rispettivo fratello e nipote.

A dimostrare poi l'assoluta disinteresse del Valeri, la di lui incapacità di profittare delle benchè minime somme di denaro, la di lui incorruttibilità dimostrata anche nella sua precedente vita politica di fronte a cospicue offerte fattegli per agevolare privati interessi con danno della collettività; a dimostrare tutto ciò, sta la obiettiva circostanza che, lungi dallo accumulare ricchezze, egli ha persino disperso il notevole patrimonio immobiliare ricevuto in eredità dal padre.

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In complesso, tutto l'operato del Valeri in Legnago durante il periodo successivo all'8 settembre 1943 fu conseguenza necessaria della situazione in cui egli venne a trovarsi per l'assunzione fatta di fronte ai tedeschi, nell'intento di salvare il paese e la tranquillità di Legnago per la situazione creatasi il 10 settembre 1943.

Si consideri la obbligatorietà per gli iscritti al p.r.f. (malgrado la parvenza di volontarietà risultante dal decreto costitutivo) sancita con disposizioni successive, di far parte delle brigate nere, sotto pena di essere considerato e trattato come traditore; l'automatica trasformazione di tali brigate di un corpo di polizia militare agli ordini di un generale tedesco.

Di contro, sta l'essersi già una volta opposto alla pretesa del comando tedesco di fare fucilare un numero rilevante di prigionieri partigiani di Villabartolomea; il non aver materialmente ucciso, né freddamente, né in combattimento, alcun partigiano; l'essere rimasto escluso che egli avesse comandato il plotone di esecuzione; l'aver separata la propria responsabilità, per l'uccisione del partigiano Veronesi Amelio, da quella del materiale uccisore Carella, facendo avvertire la direzione del partito perché accertasse i fatti e procedesse a carico dei responsabili; l'essersi opposto altra volta a che fossero prelevati tutti i capi di bestiame dell'Azienda Treves

- 12 -

per ordine dell'autorità militare tedesca, riuscendo nell'intento; il non aver mai comandato, né in generale, né in particolare, operazioni di rastrellamento; l'essere personalmente intervenuto per la liberazione di antifascisti arrestati; l'aver rivendicato, in sostanza, un certo atteggiamento di indipendenza verso la opprimente autorità tedesca, ispirato a motivi di moderazione ed orientato a mitigare gli effetti della tirannia politico militare dell'invasore sotto cui si trovava la sua plaga.

Tutto questo pone in chiara luce come egli pur essendosi dovuto iscrivere al p.r.f. in conseguenza delle malaugurate circostanze che lo portarono il 10 settembre 1943 a trattare coi tedeschi e a rendersi mallevadore dei suoi concittadini onde evitare a questi i gravi pericoli incombenti - non fu certo un seviziatore o torturatore dei suoi fratelli; né collaborò in effetti col tedesco invasore, del quale invece cercò di eludere - o almeno mitigare - il rigore tutte le volte che ciò gli fu materialmente possibile.

Potrà giustificarsi una pena; ma giammai quella capitale !

12. QUARTERS ALIEN COMMISSION
APO 394
LOCAL SUB-COMMISSION

165A

AC/4092/2/1.

25 July 1945.

SUBJECT : Extraordinary Court of Assize, Verona -
Valerio VALENTI - Death sentence.

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

1. Confirming telephone conversation Valerio VALENTI's sister who has been recommended to this Sub-Commission by Ministers De Gasperi and Tupini will call on you to bring you evidence of the tortures her sister in law is alleged to have endured in prison at Legnago and possibly Bergamo in May 1945.

2. Her brother has been sentenced to death by the Court of Assizes of Verona and the Provincial Legal Officer Verona has been requested to supply this Sub-Commission with a copy of the sentence.

3. If you think that Signora Valeri's allegations are supported by relevant evidence, please inform this Sub-Commission and the matter will be taken up with the Ministry.

By command of Rear Admiral STONE:

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Copy to : VENETIA Region
(for H.O. Verona).

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

~~SECRET~~
HEADQUARTERS ALLIED COMMISSION
APQ 394
LEGAL SUB-COMMISSION

(144A)
/rlp.
26 July 1945.

AC/4092/2/L.

SUBJECT : Extraordinary Courts of Assize - Death sentences.
TO : The Ministry of Pardon and Justice.

For your information the following signal was received here today:

"Subject is appeals against death sentences heard by Cassation 23 July. AMERQI EMILIO DOMENICHINI LUIGI (both LA SPEZIA) VALERI VALERIO ZAVARISE DAVID VICENTIN GAETANO FRACCAROLI LUIGI VEDOVELLO VITTORIO (ALL VERONA) MAGGI VITTORIO (PAVIA) all dismissed."

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

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HE' QUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

163A

AC/4092/2/L.

/lc.
25 July 1945.

SUBJECT : Extraordinary Courts of Assize. Death sentences.
TO : Ministry of Pardon and Justice.

For your information the following signal was
received here today :

"Subject is appeals against death sentences heard
by Cassation 20 July. MAZZANTI Mario, REVELLI Carlo, GARROME
Maria, AMODIO Rosa (all Savona) appeals dismissed."

G. G. HANNAFORD, 7
Lt. Col.,
Officer i/c Italian Branch,
for Chief Legal Advisor.

40912
✓ INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

162A

Legal

Originator's Reference: 1563

Message Centre No: F/1186

Date/Time of Origin: JULY 250830

Date Time Rec'd: JULY 251345B

Precedence: ROUTINE

FROM: LOMBARDIA REG LEGAL FOR POLETTI SIGNED DICKIE
TO : ALCON ROME ACLEG, INFO RLO LIGURIA, RLO VENEZIA.

RESTRICTED

RESTRICTED.

Subject is appeals against death sentences heard by Cassation 23 July. AMEROSI EMILIO DOMENICHINI LUIGI (both LA SPEZIA) VALERI VALERIO ZAVARISE DARIO VICENTIN GAETANO FRACCAROLI LUIGI VEDOVELLO VITTORIO (ALL VERONA) MAGGI VITTORIO (PAVIA) all dismissed.

DIST

ACTION LEGAL SC
INFO CHIEF COMMISSIONER
CA SEC
FILE 2
FLOAT

Recd. of Justice
informant 26 July 45.

RESTRICTED

6

TO	
INFO	
Chief Counsel	
CLERK	
Legal	20
CLERK	
20 JUL 1945	



409 2/2

Roma, 25.7.

 161A Mod 40
 161 51

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEI AFFARI PENALI
DELLA GRAZIA DELLA STATISTICA E DEL CASELLARIO
 Alla Commissione Alleata
 Sottocommissione Legale
 R O M A

Ufficio IV Grazie

Prot. N° 443/45

 Repertorio del
 Dir. Dir. N°

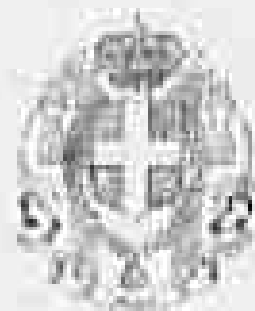
 OGGETTO Corrispondenza diretta ad uffici situati
 in territorio dell'A.M.G.

 Bucchi Aldo-condannato a morte-istanza
 per grazia-

 Si inviano a Cotesta Commissione gli uniti atti,
 con preghiera di curarne l'inoltro alla Procura
 Generale del Regno di Venezia.

D'Ordine del Ministro

 Transmitted
 To P.G. Venezia
 for P.G. Venezia
 on 26 July 45



4592/7 Roma 25.7.

Mod. 40

Ministero di Grazia e Giustizia

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

Ufficio IV Grazie
Rel. N° 406/45

La Commissione Alleata
Sottocommissione Legale
ROMA

Registrali del
Dn. N°

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

Vezzalini Enrico-condannato a morte-
istanza per grazia-

Si inviano a Cotesta Commissione gli uniti
atti, con preghiera di curarne l'inoltro al-
la Procura Generale del Regno presso la Cor-
te di Appello di Torino.

D'ORDINE DEL MINISTRO

Transmitted
to R.C.O. for
pg. 1
26 July 45

4092/2

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

159A

Legal

Originator's Reference:

1547

Message Centre No: F/1858

Date/Time of Origin:

JUL 24 1100B

Date Time Rec'd: JUL 24 1858

Precedence: ROUTINE

FROM: LEGAL/ADJUTANT GENERAL FOR POLICE-SIGNED BICKE

TO : RE: RE: ACID, INFO HLO LIGURIA

RESTRICTED

RESTRICTED.

Subject is appeals against death sentences heard by Cassation 20 July.

MIZZ/NTI BARTO REVELI CARLO GARROTE MARIA AMADIO ROSA (all SAVONA) appeals

dismissed.

DIST

ACTION: Legal SC

INFO: Chief Commissioner

CA Sec

File #

Float

HEADQUARTERS

25 JUL 1945

3

RESTRICTED

DCLO

Chief Counsel

CJO

Action Action

CL RKS

sp.

25 JUL 1945



No ; 99702 S/R.

City and Minister of
W. WEB - 26/7/45

158A

Dal Vaticano, li July 25, 1945.

Dear Colonel Behrens :

The Secretariat of State of His Holiness has been asked to transmit to the competent Allied Authorities a request presented by Signorine MIGOTTI BEATRICE for the commutation of the death sentence passed by the Popular Tribunal at TREVISO on June 9, 1945, on her brother, Sig. MIGOTTI VINCENZO.

It is stated that Sig. Migotti Vincenzo, by order of his superiors, arrested four partisans who were responsible for the assassination of a woman believed to have cooperated with the Germans during the occupation : the four partisans were later executed for the crime.

Signorine Migotti pleads for grace for her brother, in view of the fact that the sentence is excessive for the part played by her brother in the execution, as he was responsible for the arrest of the four partisans and had no part in their execution.

Thanking you for any possible consideration you may be able to give this matter, I am,

Sincerely yours,

Joseph F. Mc Geough

Mons. Joseph F. Mc Geough,
Secretariat of State of His Holiness.

Colonel Behrens,
Legal Sub-Commission,
Allied Commission,
Via Veneto, Rome.

26 JUL 1945



Ministero di Grazia e Giustizia

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

IV Grazie

Ufficio
Prot. N° 406/45

Roma 23.7.1945

Mod 40

ALLA COMMISSIONE
ALLEGATA ~~XXXXXXXXXXXX~~
Sottocommissione Legale
ROMA

Registrazione del
Dir. Leg. N°

Oggetto: Corrispondenza diretta ad Uffici
situati in territorio dell'A.M.G.
VEZZALINI Enrico
condannato alla pena di morte

S'invisano a codesta Commissione gli uniti
atti, con preghiera di curarne l'inoltro alla
autorità giudiziaria, alla quale gli atti stessi
sono diretti e cioè alla Procura Generale
del Regno in Torino.

D'ORDINE DEL MINISTERO

Spicciocanti

*File
Per l'invio
forwarded
TO P.G. Torino
on 25 July 45*

1600