

ACC

10000/142/707

ITALIAN
NATIONS
(JAN. - MA

10000/142/707

ITALIAN JURISDICTION OVER UNITED
NATIONS * NATIONALS
(JAN. - MAY 1942); DEC. 1943 - APR. 1944

FILE CLOSED 6 April 1944



PARTITO FASCISTA REPUBBLICANO
FEDERAZIONE DELLA LIGURIA

IL COMMISSARIO FEDERALE

4101

11 APR 1944 5:30
29350

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION II

(13)

6 April 44

Ref:- 2201/61/A

Subject:- Mark Solomon Yugo Slav Subject

To :- CLO. Legal Subcommittee ACC. SALERNO

(9)

Ref ACC/4101/1 of 16.3.44, attached is
copy of a report on the above case, received from
the DAFM. No. 6 Base Subarea.

BEK

D. E. S. COUSINS, Lt. Col.
R. L. O.
Region II

Major Hammond

*Taken up by him
at Conference
73/4/44*

27

Subject :- MARK SOLOMON - Yugo Slav Subject.

L.P.M.

No 2 District HQ.

28 Mar 44
6BSA/DAEL/22.

Ref attached correspondence under covering letter 2201/65/A
dated 24 Mar 44.

I am in a position to clarify same, as I well remember the
case.

On 13 Jan 44 I was asked by No 1 P.W. Sub Commission if I
would take the a/m YugoSlav and place him in the CMF Guardroom
for a period of 28 days. This was a punishment awarded for some
offence. I replied that I was unable to accept the prisoner and
it was finally arranged that if the Prison Governor agreed, he
should serve his 28 days imprisonment in the Civil Prison.

It is thought that Lt. J.J.M. HORLICK communicated with the
Prison authorities and Mark Solomon was accepted for that period and
the usual committal slip prepared and taken with prisoner by PW Sub
Commission.

After he had completed his 28 days, this office received a
telephone call to the effect that Mark Solomon had completed his
term of imprisonment and was requesting his release. This message
as sent to PW Sub Commission who stated they would collect him.

Some hours later another telephone message was received to
the effect that the prisoner was violent, and breaking up everything
possible in his cell. Owing to the urgency of the request the CMF
Stand By Truck was sent and Lt.J.J.M. Horlick accompanied same and
the prisoner left peacefully.

More difficulty was experienced when the prisoner came to
this H.Q. in getting the P.W. Sub Commission to take the man away.
He was eventually taken over by Major Brown F.S.S. No 1 P.W. Sub
Commission.

26

Capt.,

D.A.F.M.

H.Q. 6 Base Sub Area.

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26

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D.A.P.M.

H.Q. 6 Base Sub Area.

In the Field.
LMH/GI.

Copy
HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
Administrative Section

SECRET

(11)

19 Mar 44

SPM
TO: Property Control, (through Legal)
Public Safety, (through Interior)

The attached copy cable from CCS to AFHQ is circulated for information as to the policy which is to be followed.

No action thereon (see e.g. para 6) will be taken prior to receipt from AFHQ of their orders putting the policy into effect.

Property Control, and Public Safety will please file the attached copy. 25

SH White
SH WHITE
Major

U. S. SECRET EQUALS BRITISH MOST SECRET

INCOMING MESSAGE
AFHQ MESSAGE CENTER10
COPY

WAR

filed 150404Z

AFSC N 360/15
150658A
rjk

ROUTINE

FROM: AGWAR FROM CCS

TO : WILSON REPEATED USFOR INFORMATION BRITISH CHIEFS OF STAFF

REF. NO. THIS MESSAGE: 2197, 15 March 1944

For FMCS.

Cite CCAC.

TAM 155.

Questions covered by article 28-long surrender terms. Questions covered by article 28 of the long surrender terms should be dealt with as follows:

1. The Military, Naval, and Air personnel and the civilian Nationals of friendly countries now occupied by the enemy such as BELGIUM, NETHERLANDS, FRANCE, POLAND, LUXEMBURG, NORWAY, GREECE, YUGOSLAVIA, et cetera, should not be interned or prevented from leaving ITALY solely on account of their nationality.

2. Persons mentioned in paragraph 1 above should be accorded the same treatment in this respect as the Nationals of the United Nations not occupied by the Axis except that those who have or are suspected of having pro Axis tendencies or who are known or suspected of having aided the enemy should be investigated and depending upon the seriousness of their offense should either be interned or prevented from leaving ITALY.

3. All property in Italian territory belonging to the government of any of the Nations referred to in paragraph 1 should be released from custody upon receipt of proper evidence of ownership from the accredited and recognized government of such country.

4. Where a National of any country contemplated in paragraph 1 above is actually residing outside enemy or enemy occupied territory and is the owner of any property in Italian territory, as a general rule it should be released from custody to such National or his accredited agent, upon receipt of proper evidence of ownership, provided, however, that the term ownership as used herein shall be subject to construction or further definition by the

Continuing message from AGWAR. AFSC M 37-/15, Ref. No. 2197.

Theater Commander in any particular case. In no event should the benefits of this paragraph be accorded to individuals known or suspected of pro axis tendencies.

5. The transmission to points outside of ITALY of any funds or property so released from custody will, of course, be subject to such transfer and exchange regulations as are generally in effect.

6. Appropriate instructions in conformity with this message should be given to the Italian Government. The Italian Government shall be responsible for notifying the Allied Control Commission of the names and particulars of persons referred to in paragraph 1 above. The Allied Control Commission shall determine which of the mentioned individuals are embraced within the exception contained in paragraph 2 above.

7. It is not the purpose of these instructions to afford the Governments or Nationals contemplated herein rights superior to those of the other United Nations or their Nationals.

8. These instructions apply only to property that was in ITALY at outbreak of hostilities with that country or when the territory concerned was occupied by the enemy as the case may be and further instructions will be given regarding looted property (that is, property imported since that date by the enemy).

ACTION: MBS

INFO: SCS
G-2
MR MURPHY
MR MACMILLAN
LIAISON
G-1 (3)
FINANCE
DPIC
FINANCIAL ADV
AG RECORDS
--
SUMMARY

ADD DIST: MGS, 15/3/44-4

23

MC IN 9053

15 Mar 44 1037A

Ref No 2197

S/F/H

NEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

rlp.
16 March 1944.

ACC/4101/L.

SUBJECT : Detention of Members of the United Nations in Italian Jails.
Case of Mark Salomon, Yugoslav citizen.

TO : RLC (THRU: BG), Region II.

1. Copy of the correspondence in connection with the above is enclosed.

2. It would appear that No. 2 District are in a better position than anyone else for securing the information they require this sub-commission to obtain from the Minister of Justice. The alleged facts took place within their area and they ought to be able to interview the Director of the Bari Prison personally.

3. Would you please take up this matter with them and let this sub-commission have a report at your earliest convenience, as the Minister of Justice has many times stressed the fact that prisoners are handed in custody to Italian Prison officials by members of the Allied police without charges, warrant or documents of any sort. This procedure places these officials in a rather awkward position in so far as the further disposal of these prisoners is concerned.

GERALD E. USJOEW,
Colonel,
Chief Legal Officer.

4 Incls: Copies of

- 1 - Letter dated 2 Mar 44, ACC/4108/L.
- 2 - " " 2 Mar 44, ACC/4101/L.
- 3 - Memo for ACC.
- 4 - Letter dated 9 Mar 44, Hq No 2 Dist., OMF 124 A.

22

SUBJECT:- Detention of Members of the United Nations in 13 MAR 1944
Italian Jails. - Case of Mark Salomon, Yugoslav citizen. 1794

HQ H District CME.
124

9 Mar 1944

Copy

Rear HQ ACC.

Reference your ACC/4101/L of 2 Mar 1944, forwarding a memorandum from the Minister of Justice.

1. This HQ has been unable to trace any British Military HQ who was responsible for placing the Yugoslav in question in BARI prison.
2. Will you please obtain further particulars from the Italian authorities.

Walter H. H. H. H.

Antony Mullings
Major General,
Cmd. No. 2 District.

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

2 March 1944

ACC/4108/L

SUBJECT : Detention of members of the United Nations in Italian Jails.

TO : H.E. the Minister of Justice.

1. With reference to your memorandum of 29 inst. it has always been understood that when Italian Prison authorities are requested by a qualified member of the Allied Forces to detain a subject of the United Nations in the jails under Italian supervision, the prisoner will be subjected to exactly the same treatment to which all other prisoners are subjected under the provisions of the existing Italian legislation.

2. It is up to the responsible Italian officials to take the necessary steps to prevent damages to the prison and prison material being caused by the disorderly action of such detainees during the period of their sojourn in the premises or until such time as they are handed back to the Allied authorities or set free under their instructions.

G. G. BURNARD,
Major,
Officer in Charge Italian Section,
For Chief Legal Officer.

-20

0784

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 391.

6

2 March 1944.

ACC/4101/L

SUBJECT : Detention of members of the United Nations in Italian Jails.
Case of Mark Salomon, Yugoslav citizen.

TO : Hq. 2 District.

Copy

1. It appears from the enclosed memorandum from the Minister of Justice that a certain amount of difficulty is being experienced by the Italian Prison officials in dealing with members of the United Nations handed over to them by Allied authorities for safe custody.

2. Would you please enquire in the above stated matter and inform this Hq of the result of your investigation.

3. A copy of our reply to the Minister of Justice is enclosed and your observations thereon will be appreciated.

G. G. HARMANCO,
Major,
Officer i/c Italian Section,
for Chief Legal Officer.

19

APPUNTO PER LA COMMISSIONE ALLEATA DI CONTROLLO

OGGETTO: Disciplina detenuti stranieri a disposizione delle autorità Anglo-americane.-

È avvenuto che il suddito jugoslavo Salomon Mark, rinchiuso nel carcere giudiziario di Bari per ordine del Comando Militare inglese, pretendendo di essere liberato prima che alla direzione di detto stabilimento fossero impartite disposizioni, si abbandonò ad atti di violenza contro le cose, cagionando un danno di oltre L. 100 all'amministrazione carceraria. Trattandosi di detenute stranieri a disposizione del Comando Anglo-americano, gli agenti di custodia si astennero dall'usare mezzi di repressione.

È avvenuto altresì che sudditi stranieri all'entrata negli stabilimenti carcerari non hanno voluto sottostare alla prescritta perquisizione.

L'uno e l'altro inconveniente, mentre riescono di grave pregiudizio alla disciplina generale degli stabilimenti carcerari, possono agevolare le evasioni e la perpetrazione di altri reati.

APPUNTO PER LA COMMISSIONE ALLIATA DI CONTROLLO

OGGETTO: Disciplina detenuti stranieri a disposizione delle Autorità Anglo-Americane.-

E' avvenuto che il suddito jugoslavo Salamen Mark, rinchiuso nel Carcere Giudiziario di Bari per ordine del Comando Militare Inglese, pretendendo di essere liberato prima che alla Direzione di detto stabilimento fossero impartite disposizioni, si abbandonò ad atti di violenza contro le cose, cagionando un danno di oltre lire 400 all'Amministrazione carceraria. Trattandosi di detenuto straniero a disposizione del Comando Anglo-Americano, gli agenti di custodia si astennero dall'usare mezzi di repressione.

E' avvenuto altresì che sudditi stranieri all'entrata negli stabilimenti carcerari non hanno voluto sottoporsi alla prescritta perquisizione.

L'uno e l'altro inconveniente, mentre riescono di grave pregiudizio alla disciplina generale degli stabilimenti carcerari, possono agevolare le evasioni e la perpetrazione di altri reati.

A Yugoslav subject incarcerated by an Italian prison at the request of the British authorities, demanding his freedom and as it is argued, spending intervention from the British community, creates a dangerous situation for the long term. The Prison authorities have no experience other than the very limited prisoner who had already spent his sentence under the Italian authorities. Whilst a situation has arisen by the supplying the rights of action of the Italian authorities in so far as this type of

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L'uno e l'altro inconveniente, mentre riescono di grave pregiudizio alla disciplina generale degli stabilimenti carcerari, possono agevolare le evasioni e la perpetrazione di altri reati.

A Yugoslav subject is incarcerated in an Italian prison at the request of the British authorities. Demanding his freedom and as it is refused, pending instructions from the British Command, he has damaged everything he can lay his hands on. The prison authorities took no repressive action as he was entitled to prison rules and orderly refusal to be searched when searched by the Italian officials. Could a situation like given by the subject be repeated by the Italian authorities in so far as prison type of prison is concerned.

MEMORANDUM

SUBJECT: Stevanja Pasko Case.

TO : Chief Legal Officer, HQ ACC.

Ref correspondence received from the Regional Commissioner of Sardinia on the above case the following are a few suggestions to be considered.

Stevanja, a Yugoslav citizen, was sentenced, in the name of the Italian King, by a civil court sitting at Sibenik, Yugoslavia and applying apparently Yugoslav penal law. The question arises whether the sentence can be recognized by the Allied authorities in the light of the International law. The answer to this question depends upon whether or not the court sitting under the authority of the King of Italy had jurisdiction over Stevanja.

1. The right of an occupying power to establish courts in enemy territory may be based upon the fundamental right and duty of an occupant to maintain public order and safety in the occupied enemy territory (Art. 43 Hague Reg.). Such right is limited and should be exercised only when the military necessity so requires i.e. when the local courts cease functioning or cannot be relied upon. In such case the occupant has a right to establish military courts or to appoint new reliable judges who would sit in local civil courts.

However, it is generally agreed that under no circumstances may the occupant compel the local judges, whether they have been appointed by the enemy government or by the occupant himself, to carry on their functions in occupant's name. (Oppenheim, p. 348, Hall, p. 567).

(a) The court in our case was obviously a local court consisting of Yugoslav judges (all names appearing on the documents are Yugoslav) and applying Yugoslav law (although the Yugoslav penal codes are not available here it is obvious that these codes were applied by the court since it clearly appears that the court did not follow the Italian penal laws). Thus if we assume that the jurisdiction of the court is based on the right of the Italian occupying power and that the court was a Yugoslav court, the sentence against Stevanja is a nullity because pronounced in the name of the occupant, in violation of an established principle of the International law.

(b) Assuming now that the court at Sibenik was not a Yugoslav court i.e. that the Italians have imported Italian judges and created an Italian civil tribunal for the occupied territory, the sentence still would probably be a nullity unless the occupant is able to prove that absolutely no local judges were available in the occupied Yugoslavia who would be ready and able to administer justice in matters which were of no interest to the occupant. Even if such absence of suitable judges could be proved the establishment of a civil tribunal by the occupant would be most unusual. The usual practice is for the occupant to set up military tribunals which would function within the narrow jurisdictional limits dictated by military necessity.

First Conclusion: The sentence can hardly be upheld if the jurisdiction of the court is based upon the power of the occupant of an enemy territory.

2. However, it seems probable that the Italian King attempted to exercise his power in the case under consideration not as a commander in Chief of enemy forces which have effectively occupied Sibenik but as a sovereign over an annexed zone.

Art 368
Mon. of
Mil. Law

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2. However, it seems probable that the Italian King attempted to exercise his power in the case under consideration not as a commander in Chief of enemy forces which have effectively occupied Sibenik but as a sovereign over an annexed zone of Yugoslavia, which was brought under his jurisdiction by a legal act, under Italian laws, effecting the annexation. Assuming that this is the case the only grounds on which the jurisdiction of the court may be contested are:

(a) the attempt of annexation at the time of the trial was premature

because

- (i) the occupation was not effective
 - (ii) the enemy forces had not been annihilated (see Oppenheim p. 467)
- (At the time of the trial Gen. Michailovich was reported as having gathered an Army of Yugoslavs ready to fight the Axis).

& a complete annexation transfers full sovereignty.

(2) (b) the illegality of the war. According to Orheim "if (the occupant) desires to acquire the whole of the conquered territory for himself, he annexes it, and thereby formally ends the war through subjugation. That the expelled head and government of the vanquished State protests and keep up their claims, matters as little as do protests of neutral states. These protests may be of political importance for the future; legally they are of no importance at all, unless they are made in pursuance of existing international instruments rendering illegal the war and the conquest on the part of the victorious state."

The Italian war on Yugoslavia was a cynical and contemptible manifestation of fascist aggression violating the Italian-Yugoslav pact of nonaggression, ~~annexation~~ constituting an aggression within the meaning of the League Covenant of which Yugoslavia was a member at the time of aggression; the attack and the following annexation under the Covenant (if properly applied) made Italy subject to sanctions; it was a violation of the Kellogg-Briand pact, setting the standard of a "legal war" etc.

Second Conclusion: Assuming that the sentence of the court is based upon annexation of Sibenik by Italy it is valid unless

(i) the occupation of Sibenik was not effective or, even though effective, the Yugoslav forces have not been annihilated, thus making the annexation premature.

(ii) the war leading to annexation was illegal. If that is the case the question remains open whether official acts performed by the annexing power during the period of annexation are ~~illegal~~ *automatically void*. This problem would require further study.

3. It should be emphasized that if the request of the Sardinian prison director should be granted and Stevanja sent back to prison, such act could be interpreted as constituting an implied recognition on the part of the AGC of the Italian aggression and annexation. It might set up a dangerous precedent involving the test of legality of acts undertaken not only in Italian annexed territories, but also in territories overrun and formally annexed by the Germans and Japanese. Although it might not be practicable to automatically upset all that has been done by the annexing powers, the problem merits a careful consideration on a high level. The Political Section should be consulted both on the matter of policy and on the background of the events in Yugoslavia which took place during 1942.

4. Considering the above, at least three solutions are possible:

(a) To surrender Stevanja as a PW released under the Armistice or ^{as a} civilian for trial in Yugoslavia to the representatives of either the officially recognized Yugoslav government of King Peter or to the representatives of the Allied supported government of Marshal Tito.

(b) To keep Stevanja under Allied control until final settlement of the problem of legality of acts undertaken by Axis powers in annexed territories.

(c) To surrender Stevanja to Italian authorities (i) without any instructions, (ii) with recommendation that he be pardoned by the King, (iii) with recommendation that he be paroled, (iv) with recommendation that the case be reopened in an Italian court on account of newly found evidence which could not be brought up at the time of trial (the defendant would have been shot as a guerilla if he would have told his story, which he claims is true).

The alternatives under (iii) & (iv) seem impracticable because

(a) a conflict of laws might arise as to whether Yugoslav or Italian law is applicable,

(b) under International law an Italian court sitting anywhere within the Italian Kingdom probably does not have any jurisdiction ~~to~~ ^{over} an occupant may not bring an enemy national from the occupied territory before a court.

of which Yugoslavia was a member at the time of aggression; the attack and the following annexation under the Covenant (if properly applied) made Italy subject to sanctions; it was a violation of the Kellogg-Briand pact, setting the standard of a "legal war" etc.

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3. It should be emphasized that if the request of the Sardinian prison director should be granted and Stevanja sent back to prison, such act could be interpreted as constituting an implied recognition on the part of the ACC of the Italian aggression and annexation. It might set up a dangerous precedent involving the test of legality of acts undertaken not only in Italian annexed territories, but also in territories overrun and formally annexed by the Germans and Japanese. Although it might not be practicable to automatically upset all that has been done by the annexing powers, the problem merits a careful consideration on a high level. The Political Section should be consulted both on the matter of policy and on the background of the events in Yugoslavia which took place during 1942.

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(a) a conflict of laws might arise as to whether Yugoslav or Italian law is applicable,

(b) under International law an Italian court sitting anywhere within the Italian Kingdom probably does not have any jurisdiction (an occupant may not bring an enemy national from the occupied territory before an occupant's court in occupant's own territory).

Mandate 349, v. 3 in file.

ES/gmf

28 Feb. 44

Sgt Eric Stein

①

TO : H.Q., A.C.C., Displaced Persons Sub Commission.
 FROM : Regional Commissioner, A.C.C. Region 6.
 SUBJECT : Stevenia Paska di Alessio.
 REFERENCE : PS/1502.
 DATE : 15 Feb 44.

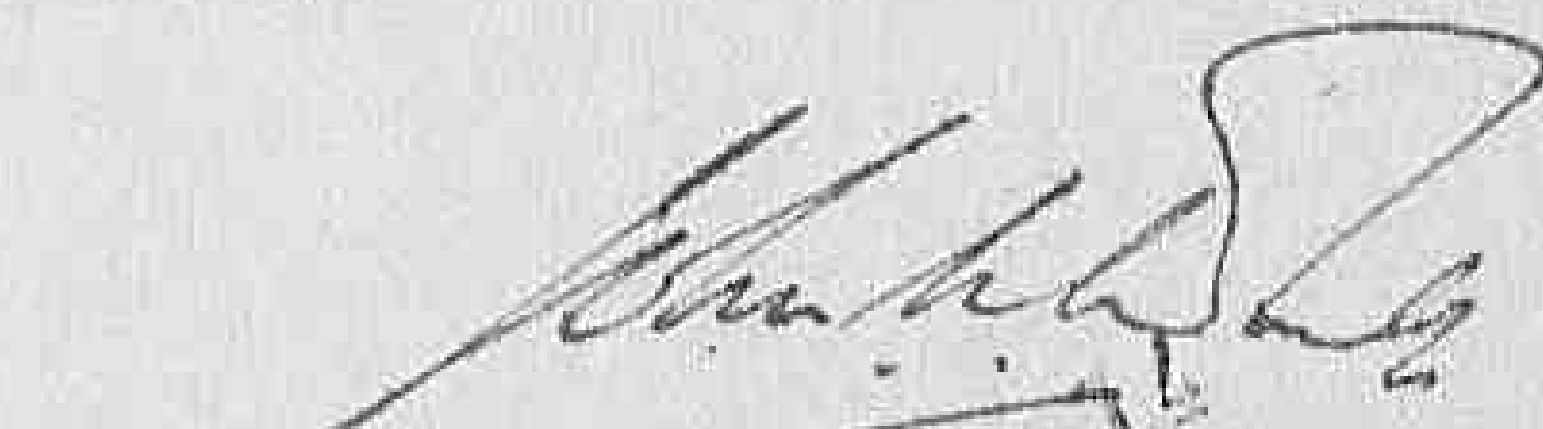
Herewith (1) Copy letter dated 7 Jan 44 from Public Safety to Legal Branch of this Region re above Jugo-Slav Prisoner who is accompanying the party of released prisoners and guerillas under the charge of Captain Bean from Sardinia to Naples.

(2) Copy opinions by Legal Officer of this Region dated 10 Jan 44.

(3) Foglio Matricolare and three other official documents relating to the sentence in this case.

(4) Two letters from the Governor of Alghero Prison.

It will be seen from the above letters, which are self explanatory, that a legal question of some importance has arisen in connection with this case and it is assumed that you will take up the matter of disposal of this prisoner with the Legal Sub Commission, and make known the ultimate decision to the Italian Government


 J. K. DUNLOP.
 Brigadier.
 Regional Commissioner.

Copy to : Legal Sub Commission (with copies of (1) and (2) above for information.)

TO : H.Q., A.O.C., Displaced Persons Sub Commission.
FROM : Regional Commissioner, A.O.C. Region 6.
SUBJECT : Stevania Paaka di Alessio.
REFERENCE : PS/1502.
DATE : 15 Feb 44.

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HEADQUARTERS

ALLIED COMMISSION FOR SARDINIA

Sassari. 7 Jan. 44.

TO: Lt. Col. E.E. Berl.
 FROM: Public Safety Section.
 SUBJECT: Stevenia Pasko di Alessio.
 REFERENCE: PS/1502/

I shall be obliged if you will please let me have your advice from the legal standpoint in the following case:-

A large number of Jugo-Slav, Greek Montenegrin P.C.W.'s and guerillas have recently been liberated from prisons in Sardinia and are now under the care of the Allied Commission. In November last about 80 of these men were liberated from the prison at Alghero. After their release a letter was received from the prison authorities saying that the above named Jugo-Slav had been released in error along with the Prisoners of War and guerillas and could we please return him to prison or alternatively take the matter through proper channels at the Court of Appeal in Sardinia and obtain his formal release. The reason stated for this request was that Pasko was in a different category from his colleagues, inasmuch as he was serving a sentence for a criminal offence. Various documents were forwarded which are attached and it will be seen therefrom that Pasko is alleged to have committed his crime on 15. 8. 41 and that he kicked his wife in the stomach inflicting injuries from which she apparently subsequently died. Pasko was arrested on 17. 8. 41 and appears to have been tried by a Civil Tribunal at Sebenico on the 13.1.42 where he was found guilty and sentenced to 6 years imprisonment as from the 17. 8. 41.

A further letter has been received from the Alghero Prison, dated 23. 12. 43 (attached), asking for our decision in the case.

Pasko has been interviewed and denied having injured his wife in any way. He said, however, that he had been informed that she was dead. Pasko said that on the date of his arrest he was fighting with guerillas in Jugo-Slavia and they were hiding in some woods. Eventually they were captured and all his comrades shot on the spot. Fearing a similar fate, Pasko told his captors that he was not with the guerillas but that he was hiding in the wood because he had killed his wife. He says that this was a lie to avoid death. He said he was subsequently tried as stated above.

0793

advice from the legal standpoint in the following case:-

A large number of Jugo-Slav, Greek Montenegrin P.O.W.'s and guerillas have recently been liberated from prisons in Sardinia and are now under the care of the Allied Commission. In November last about 80 of these men were liberated from the prison at Alghero. After their release a letter was received from the prison authorities saying that the above named Jugo-Slav had been released in error along with the Prisoners of War and guerillas and could we please return him to prison or alternatively take the matter through proper channels at the Court of Appeal in Sardinia and obtain his formal release. The reason stated for this request was that Pasko was in a different category from his colleagues, inasmuch as he was serving a sentence for a criminal offence. Various documents were forwarded which are attached and it will be seen therefrom that Pasko is alleged to have committed his crime on 15. 8. 41 and that he kicked his wife in the stomach inflicting injuries from which she apparently subsequently died. Pasko was arrested on 17. 8. 41 and appears to have been tried by a Civil Tribunal at Sebenico on the 19. 1. 42 where he was found guilty and sentenced to 6 years imprisonment as from the 17. 8. 41.

A further letter has been received from the Alghero Prison, dated 23. 12. 43 (attached), asking for our decision in the case.

Pasko has been interviewed and denied having injured his wife in any way. He said, however, that he had been informed that she was dead. Pasko said that on the date of his arrest he was fighting with guerillas in Jugo-Slavia and they were hiding in some woods. Eventually they were captured and all his comrades shot on the spot. Receiving a similar fate, Pasko told his captors that he was not with the guerillas but that he was hiding in the woods because he had killed his wife. He says that this was a lie to avoid death. He said he was subsequently tried as stated above.

In view of the foregoing, therefore, I shall appreciate your advice as to the disposal of Pasko.

Please return enclosures with your reply.

SB/mm

H.W. DALE-GLOSSOP.
Lieut. Colonel.
Public Safety Branch.

HANDMASTERSALLIED COMMISSION FOR SARDINIA

Sassari, 7 Jan. 44.

TO: Lt. Col. E.M. Berl.
 FROM: Public Safety Section.
 SUBJECT: Stevenia Pasko di Alessio.
 REFERENCE: PS/1502/

I shall be obliged if you will please let me have your advice from the legal standpoint in the following case:-

A large number of Jugo-Slav, Greek Montenegrin P.O.W.'s and guerrillas have recently been liberated from prisons in Sardinia and are now under the care of the Allied Commission. In November last about 80 of these men were liberated from the prison at Alghero. After their release a letter was received from the prison authorities saying that the above named Jugo-Slav had been released in error along with the prisoners of War and guerrillas and could we please return him to prison or alternatively take the matter through proper channels at the Court of Appeal in Sardinia and obtain his formal release. The reason stated for this request was that Pasko was in a different category from his colleagues, inasmuch as he was serving a sentence for a criminal offence. Various documents were forwarded which are attached and it will be seen therefrom that Pasko is alleged to have committed his crime on 15. 8. 43 and that he kicked his wife in the stomach inflicting injuries from which she apparently subsequently died. Pasko was arrested on 17. 8. 43 and appears to have been tried by a Civil Tribunal at Senevico on the 15. 1. 42 where he was found guilty and sentenced to 6 years imprisonment as from the 17. 8. 41.

A further letter has been received from the Alghero Prison, dated 23. 12. 43 (attached), asking for our decision in the case.

Pasko has been interviewed and denied having injured his wife in any way. He said, however, that he had been informed that she was dead. Pasko said that on the date of his arrest he was fighting with guerrillas in Jugo-Slavic and they were hiding in some woods. Eventually they were captured and all his comrades shot on the spot. Fearing a similar fate, Pasko told his captors that he was not with the guerrillas but that he was hiding in the wood because he had killed his wife. He says that this was a lie to avoid death. He said he was subsequently

I shall be obliged if you will please let me have your advice from the legal standpoint in the following case:-

A large number of Jugo-Slav, Greek Montenegrin P.O.W.'s and guerrillas have recently been liberated from prisons in Sardinia and are now under the care of the Allied Commission. In November last about 30 of these men were liberated from the prison at Alghero. After their release a letter was received from the prison authorities saying that the above named Jugo-Slav had been released in error along with the prisoners of war and guerrillas and could we please return him to prison or alternatively take the matter through proper channels at the Court of Appeal in Sardinia and obtain his formal release. The reason stated for this request was that Pasko was in a different category from his colleagues, inasmuch as he was serving a sentence for a criminal offence. Various documents were forwarded which are attached and it will be seen therefrom that Pasko is alleged to have committed his crime on 15. 8. 41 and that he kicked his wife in the stomach inflicting injuries from which she apparently subsequently died. Pasko was arrested on 17. 8. 41 and appears to have been tried by a Civil Tribunal at Sebenico on the 16. 1. 42 where he was found guilty and sentenced to 6 years imprisonment as from the 17. 8. 41.

A further letter has been received from the Alghero prison, dated 23. 12. 41 (attached), asking for our decision in the case.

Pasko has been interviewed and denied having injured his wife in any way. He said, however, that he had been informed that she was dead. Pasko said that on the date of his arrest he was fighting with guerrillas in Jugo-Slavia and they were hiding in some woods. Eventually they were captured and all his comrades shot on the spot. Fearing a similar fate, Pasko told his captors that he was not with the guerrillas but that he was hiding in the wood because he had killed his wife. He says that this was a lie to avoid death. He said he was subsequently tried as stated above.

In view of the foregoing, therefore, I shall appreciate your advice as to the disposal of Pasko.

Please return enclosures with your reply.

CB/ma

H.W. DALL-010330F.
Lieut. Colonel.
Public Safety Branch.

JACCIO

10th January 1944.

TO : Allied Commission for Sardinia.
 FROM : Legal Officer.
 SUBJECT : Stevenia Fasko di Alessie.
 REFERENCE : PS/1502.

This is in reply to your inquiry of 7 January 44.

My understanding is that the above mentioned Jugo-Slav was convicted by an Italian Civil Court purporting to act as such in Jugo-Slavia. This appears from seal affixed to some of the official papers submitted with your inquiry and seems to be confirmed by the suggestion of the prison authorities at Alghero found in your letter to the effect that the matter might be resolved by resort to the Court of Appeal in Sardinia. We are thus concerned with the case of Jugo-Slav tried for a crime alleged to have been committed in Jugo-Slavia by an Italian Civil Court which asserted and took jurisdiction in the premises.

So far as the file advises or as I am otherwise aware there had been at the time no annexation or purported annexation of Jugo-Slavia or the part of it in which the commission of the crime was charged. Military occupation of enemy territory under the accepted law of nations with the rights thereto appurtenant connotes for its recognition certain requirements which we may assume for the present purposes to have been complied with on the part of the Italian Forces.

Formerly the usages of war attributed wide powers to an occupying force the extent of which may be illustrated by its right by the sole virtue of the occupation to cede the territory to another nation or to compel its inhabitants to serve in its own forces against their own sovereign (Oppenheim International Law Vol. II para; 166). The development of the latter part of the 19th century and of the present one has tended toward a limitation of occupying rights to those which affected the military situation, recognised among which however is the necessity for the maintenance of public order. (Ibid; Manual of Military Law 1929, para 353; FM 27 - 10 Rules of Land Warfare para 285). Likewise wide powers in the interest of military necessity are conceded to the occupant in the matter of control over the legislative and executive branches of government by both the British and American Manuals (FM 27 - 10 para 288; Manual of Military Law para 359) but this recognition

It does not appear definitely that the text of the paragraph cited from the manuale is based directly upon provisions of the Hague Convention. The provisions of this are not presently available for reference in this respect. It is not to be doubted, however, that in stating the rules as they have, they did so in accordance with their interpretation of the spirit of the convention. If indeed the convention does not in terms so provided. In this connection the Manual of Military Law in referring to the chapter from which the foregoing sections have been cited says: "Whilst, therefore, the chapter does not necessarily represent a code universally accepted, it may be considered as the best guide at present available on the subjects of which it treats."

Viewing the matter under advisement in the light of the recent course of international law as this deals with military occupations and the applicable provisions of the directing manuals of the two Allied Nations which are concerned with it, the Italian Authorities should be advised that in the absence of a showing

- (a) That the Jugo-Slav Civil Courts were not functioning at the time of Pasko's conviction by an Italian Court, and if this was in fact so, that
 - (b) They had been suppressed for unquestionable military reasons,
- the Court which convicted Pasko was without jurisdiction under the usages of war.

9

(signed)

E. EMALLS BERL.
Lt.Col. Spec. Res.

AJACCIO

10th January 1944.

TO : Allied Commission for Sardinia.
 FROM : Legal Officer.
 SUBJECT : Stevenia Fasko di Alessie.
 REFERENCE : PS/1502.

This is in reply to your inquiry of 7 January 44.

My understanding is that the above mentioned Jugo-Slav was convicted by an Italian Civil Court purporting to act as such in Jugo-Slavia. This appears from seal affixed to some of the official papers submitted with your inquiry and seems to be confirmed by the suggestion of the prison authorities at Alghero found in your letter to the effect that the matter might be resolved by resort to the Court of Appeal in Sardinia. We are thus concerned with the case of Jugo-Slav tried for a crime alleged to have been committed in Jugo-Slavia by an Italian Civil Court which asserted and took jurisdiction in the premises.

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0802

My understanding is that the above mentioned Jugo-Slav was convicted by an Italian Civil Court purporting to act as such in Jugo-Slavia. This appears from seal affixed to some of the official papers submitted with your inquiry and seems to be confirmed by the suggestion of the prison authorities at Alghero found in your letter to the effect that the matter might be resolved by resort to the Court of Appeal in Sardinia. We are thus concerned with the case of Jugo-Slav tried for a crime alleged to have been committed in Jugo-Slavia by an Italian Civil Court which asserted and took jurisdiction in the premises.

So far as the file advises or as I am otherwise aware there had been at the time no annexation or purported annexation of Jugo-Slavia or the part of it in which the commission of the crime was charged. Military occupation of enemy territory under the accepted law of nations with the rights thereto appurtenant connotes for its recognition certain requirements which we may assume for the present purposes to have been complied with on the part of the Italian Forces.

Formerly the usages of war attributed wide powers to an occupying force the extent of which may be illustrated by its right by the sole virtue of the occupation to cede the territory to another nation or to compel its inhabitants to serve in its own forces against their own sovereign (Oppenheim International Law Vol. II para; 166). The development of the latter part of the 19th century and of the present one has tended toward a limitation of occupying rights to those which affected the military situation, recognised among which however is the necessity for the maintenance of public order. (Ibid; Manual of Military Law 1929, para 353; F M 27 - 10 Rules of Land Warfare para 285). Likewise wide powers in the interest of military necessity are conceded to the occupant in the matter of control over the legislative and executive branches of government by both the British and American Manuals (F M 27 - 10 para 288; Manual of Military Law para 359) but this recognition does not extend to interference with existing laws either civil or criminal which are of non-military nature nor with the courts which administer them. (Manual of Mil. Law para 364; F M 27 - 10 para 285; "All crimes not of a military nature and which do not affect the safety of the invading army are left to the jurisdiction of the local courts".)

/Continued.....

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It does not appear definitely that the text of the paragraph cited from the manuals is based directly upon provisions of the Hague Convention. The provisions of this are not presently available for reference in this respect. It is not to be doubted, however, that in stating the rules as they have, they did so in accordance with their interpretation of the spirit of the convention, if indeed the convention does not in terms so provided. In this connection the Manual of Military Law in referring to the chapter from which the foregoing sections have been cited says: "Whilst, therefore, the chapter does not necessarily represent a code universally accepted, it may be considered as the best guide at present available on the subjects of which it treats."

Viewing the matter under advisement in the light of the recent course of international law as this deals with military occupations and the applicable provisions of the directing manuals of the two Allied Nations which are concerned with it, the Italian Authorities should be advised that in the absence of a showing

- (a) That the Jugo-Slav Civil Courts were not functioning at the time of Pasko's conviction by an Italian Court, and if this was in fact so, that
 - (b) They had been suppressed for unquestionable military reasons,
- the Court which convicted Pasko was without jurisdiction under the usages of war.

(signed)

7
E. ENNALLS BERL.
Lt.Col. Spec; Res.

N. 1466 di Matricola

MODELLO N. 80 carce
Art. 81, lettera g, del regolamen

ESTRATTO MATRICOLAR

del ^{ex} detenuto Stevenson, Carlo

entrato nello stabilimento il 9-10-1945 alle ore

di Matricola

MODELLO N. 80 carceri

Art. 81, lettera g, del regolamento generale

RATTO MATRICOLARE

del ⁹⁹ *deliberato* Giuseppe Presto

nello stabilimento il 9-10- 1945 alle ore 14

entrato nello stabilimento il 9-10 1943 alle ore

(1) Cognome e nome e soprannome del condannato.

nello stabilimento il 19 alle ore 11

nome e soprannome del condannato.

N. di matricola

1466

Cognome e nome e soprannome

Pierin

Generalità

Figlio di Alberto
 e di Lidia Rinaldi
 nato il 1921
 nel Comune di Garavito
 Provincia di Avina
 domiciliato nel Comune di Avina
 Provincia di Avina
 di condizione libero
 di professione campesino
 di stato civile (celibe, ammogl. o ved.) celibe
 cognome e nome della moglie
 numero dei figli

Connotati personali

Capelli castano
 Viso ovale
 Fronte reg.
 Sopracciglia castano
 Occhi "
 Naso reg.
 Bocca "
 Mento "
 Barba nessa

Indicazioni antropometriche

Peso 60
 Statura 1,65
 Capacità toracica
 Dinamometria
 Lunghezza massima del capo
 Larghezza massima del capo
 Distanza dei denti all'occipite
 Lunghezza del dito medio sinistro

Segni particolari

Cicatrici
 Parti del corpo tatuato
 Segni del tatuaggio

Notizie suppletive
 sulla famiglia del condannato (se minorenne)

- a) Se il padre o la madre erano passati a seconde nozze
 b) Se il padre, la madre o ambedue i genitori erano in carcere
 c) Professione del padre o del nonno

NOTIZIE PARTICOLARI AL SUO INGRESSO NELLO STABILIMENTO

Luogo dal quale proviene e indicazione degli stabilimenti in cui stette precedentemente	Data del passaggio da uno stabilimento all'altro	Stato di salute	Confessione religiosa alla quale ha dichiarato di appartenere e grado dell'istruzione letter
<u>Avina</u>		<u>buono</u>	<u>cattolico</u>
<u>Avina</u>			<u>cattolico</u>
<u>Avina</u>	<u>22-5-48</u>		
<u>Avina</u>	<u>5-11-48</u>		
<u>Avina</u>	<u>4-8-48</u>		
<u>Avina</u>	<u>25-5-48</u>		

CONDANNE

Titolo del delitto	Data del commesso delitto	Pena principale		
		Specie	Durata	
			anni	mesi
<u>Avina</u>				
<u>Avina</u>	<u>15-8-48</u>	<u>reclusione</u>	<u>8</u>	

NOTIZIE PARTICOLARI ALL'ATTO DELL'USCITA

Data dell'uscita	Data dell'ammiss. al Patronato	Stato di salute	Grado dell'istruzione	Altri (in istruzione)

di matricola

Cognome e nome e soprannome

Generalità

NOTIZIE PARTICOLARI AL SUO INGRESSO
NELLO STABILIMENTO

CONDIZIONE PENALE AL

		Luogo dal quale proviene e indicazione degli stabilimenti in cui stette precedentemente	Data del passaggio da uno stabilimento all'altro	Stato di salute	Confessione religiosa alla quale ha dichiarato di appartenere e grado dell'istruzione letter.	Se in istato di ammo- nizione	Se sottoposto alla vigilanza della P. S.	Se di carce razione preventiva
Comune di								
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Indicazioni antropometriche

Statura

Dinamometria

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Lunghezza del dito medio sinistro .

Segni particolari

Parti del corpo tatuato

Segni del tatuaggio

Notizie suppletive

sulla famiglia del condannato (se minorenne)

c) Professione del padre o del congiunto col quale conviveva - Specie (se padrone o principale, ovvero se dirigente, impiegato, commesso, operaio, giornaliero, ecc.).

di) Se in caso di persistente trascuratezza (art. 113 della legge di P. S.), sia stata provocata dai genitori o tutori la perdita:

e) Se con precedente sentenza od ordinanza sia stata fatta comminatoria al genitore, all'ascendente o al tutore, di pagare una somma e quale

Live.

Se ha dichiarazioni da fare

Firma del condannato, o segno di croce per gli illetterati

Pena principale

Data
del commesso
delitto

Specie

Durata

100

msi

मिठाई

20

15-8-94

Коллекция



NOTIZIE PARTICOLARI ALL'ATTO DELL'USCITA

Data	dell'uscita	Motivo
1990	1990	1990
1991	1991	1991
1992	1992	1992
1993	1993	1993
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2094	2094	2094
2095	2095	2095
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2097	2097	2097
2098	2098	2098
2099	20	

Data
dell'ammiss.
al Patronato
—
A quale

Stato
di
salute

Grado
dell'istruzione
letteraria

Alb
(luo
stab
fong

7850/6

CONDANNE

Indicazioni antropometriche

ma del capo . . .	60
ma del capo . . .	1,65
ti all'occipite . . .	
to medio sinistro . . .	

Segni particolari

...	
stato	
gio	

Notizie suppletive

alla famiglia del condannato (se minorenne)

o la madre erano
conde nozze . . .
la madre o ambedue
ano in carcere. . .
del padre o del con-
quale conviveva - Spe-
ne o principale, ovve-
nte, impiegato, com-
ajo, giornaliero, ecc.).
per- (della potestà
cura- paterna
3 del-)
P. S.),
voca- dell' autorità
tori o tutoria
rdita:)
cedente sentenza od
la stata fatta commi-
enitore, all'ascendente
di pagare una som-
Lire

Se ha dichiarazioni da fare

[illegible]

ma del condannato, o segno di croce per gli illetterati!

[illegible]

NOTIZIE PARTICOLARI ALL'ATTO DELL'USCITA DALLO STABILIMENTO

[illegible]

SITUAZIONE GIURIDICA E MUTAMENTI SUCCESSIVI

Data della sentenza di condanna o ricovero Tribunale o Corte che l'ha pronunciata	Segregazione cellulare continua per condannati all'ergastolo ed alla reclusione (art. 12, 13, 80 e 81 C. P.)								Data				Carcerazione preventivamente sofferta	Amnistie, indulti e grazie sovrane		Scadenza della pena
	Durata			Data effettiva					dell'arresto	della decorrenza della pena				Data del R. decreto	Quantità di pena condo- nata	
	anni	mesi	giorni	del principio		del termine										
8/4/1968 Tribunale di Milano												16-1-1968	anni 4 giorni 29		3	1/4/1972

OCCUPAZIONI NELLO STABILIMENTO — CLASSIFICAZIONE

CLASSIFICAZIONE	DATE	Azioni coraggiose e servizi lodevoli a vantaggio dell'amministrazione (art. 11 388 del Reg. Gen. e 84 del regio decreto 14 nov. 1903).	RICOMPENSE ottenute		NOTE sulla ed altre
			Data	Specie	
Passaggio al 2° periodo della pena della reclusione e assegnazione alla 1ª classe (prova)	non classificato				1/4/1972 non classificato
Promozione alla 2ª classe (ordinaria)					1/4/1972
Promozione alla 3ª classe (di merito)					1/4/1972
Retrocessione alla 2ª classe (ordinaria)					1/4/1972
Nuova promozione alla 3ª classe (di merito)					1/4/1972
Ammissione e passaggio alla casa di pena intermedia					1/4/1972
Revoca del passaggio alla casa di pena intermedia (classe)					1/4/1972
Promozione alla 2ª classe (ordinaria)					1/4/1972
Promozione alla 3ª classe (di merito)					1/4/1972
Riammissione allo stato intermedio					1/4/1972
Passaggio alla casa di rigore (classe di punizione)					1/4/1972
Promozione alla 2ª classe (di prova)					1/4/1972
Promozione alla 3ª classe (di riabilitazione)					1/4/1972
Retrocessione alla classe 2ª (prova)					1/4/1972
Retrocessione alla classe di punizione					1/4/1972
Ritorno alla 2ª classe (prova)					1/4/1972
Nuova promozione alla classe 2ª (riabilitazione)					1/4/1972
Riammissione allo stabilimento (classe 2ª ordinaria)					1/4/1972
Promozione alla classe 3ª (merito)					1/4/1972

gazione cellulare continua per coadannati
astolo ed alla reclusione (art. 12, 13, 80 e 81 C. P.).

OCCUPAZIONI NELLO STABILIMENTO — CLASSIFICAZIONE

OCCUPAZIONI NELLO STABILIMENTO — CLASSIFICAZIONE					
CLASSIFICAZIONE	DATE	Azioni coraggiose e servizi lodevoli a vantaggio dell'amministrazione (art.li 388 del Reg. Gen. e 84 del regio decreto 14 nov. 1903).	RICOMPENSE ottenute		NOTE SPECIALI sulla condotta ed altre osservazioni
			Data	Specie	
della pena della reclusione e asse-	non classificato				Il detenuto di Minio con data 21-10-1912 che si è 59 anni che alla detenzione è stato assegnato il numero di matr. 1
se (prova)					
se (ordinaria)					
se (di merito)					
asse (ordinaria)					
3 ^a classe (di merito)					
alla casa di pena intermedia					
la casa di pena intermedia (class e...)					
se (ordinaria)					
asse (di merito)					
intermedio					
rigore (classe di punizione)					
asse (di prova)					
asse (di riabilitazione)					
se 2 ^a (prova)					
se di punizione					
(prova)					
la classe 2 ^a (riabilitazione)					
bilimento (classe 2 ^a ordinaria)					
e 3 ^a (merito)					

9 October

19 12 a ore

Mc

[illegible]

SITUAZIONE GIURIDICA E MUTAMENTI SUCCESSIVI

[illegible]

OCCUPAZIONI NELLO STABILIMENTO — CLASSIFICAZIONE

CLASSIFICAZIONE	DATE	Azioni coraggiose e servizi lodevoli a vantaggio dell'amministrazione (art. II 388 del Reg. Gen. e 84 del regio decreto	RICOMPENSE ottenute	NOTI sull ed altre
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o 11

9 October

19 2 a ore

a ore

14

Modello N. 80 Carceri

PRECEDENTI GIUDIZIARI

[illegible]

SITUAZIONE GIURIDICA E MUTAMENTI SUCCESSIVI

[illegible]

OCCUPAZIONI NELLO STABILIMENTO — CLASSIFICAZIONE

SIFICAZIONE	DATE	Azioni coraggiose e servizi lodevoli a vantaggio dell'amministrazione (art. II 388 del Reg. Gen. e 84 del regio decreto	RICOMPENSE ottenute	NOTE SPECIALI sulla condotta ed altre osservazioni



0818

6

DIREZIONE CASA PERALE DI ALCHERO

25 NOV. 1943

Ha sempre tenuto buona condotta



IL DIRETTORE

[Signature]



V. IL DIRETTORE

[Signature]

Addi

25 dicembre

19

43

IL SEGRE

[Signature]

6

DIREZIONE CASA PENALE DI ALGHERO

25 NOV 1943

Ha sempre tenuto buona condotta



IL DIRETTORE

[Signature]

Addl

25 Novembre

19

43

V. IL DIRETTORE

[Signature]

IL SEGRETARIO

[Signature]

IN NOME DI SUA MAESTÀ VITTORIO EMANUELE III.

PER GRAZIA DI DIO E VOLONTÀ DEL POPOLO

RE D'ITALIA E DI ALBANIA ED IMPERATORE D'ETIOPIA:

Il Tribunale Civile e Penale di Sebenico (omissis) ha pronunciato la seguente sentenza

--Sentenza--

L'imputato Stevanja Pasquale di Alessio e di madre Rada nata Carić da Gozizza-Zaravecchia, nato il 2/5-1921, cattolico, contadino, vedovo, analfabeta, nulla tenente, incensurato, in carcere istruttorio

è colpevole

di aver il giorno 15 agosto 1941 sull'imbrunire a Gorizza causato alla sua moglie, ora defunta Stevanja Zorka, lesione grave, pericolosa per la vita, e proprio di averla colpita due volte col piede nel ventre, dalla parte destra nella regione del basso ventre, il quale colpo le procurava la lacerazione dell'intestino retto.

Con quanto sopra l'imputato commetteva il reato contro la persona e proprio il delitto di cui l'art. 178/I 2.2 c.p., ed in base del detto § ed applicando il § 30 c.p.

si condanna

alla pena restrittiva la libertà personale di 6 anni di detenzione, nella quale pena a sensi dell'§ 77 c.p. deve computarsi il carcere già espiato nell'istruttoria dal 17/8-1941 alle ore 19:15 fino al giorno 16/1-1942 alle ore 17.

A sensi del § 309-314 p.p. l'imputato è condannato inoltre al risarcimento delle spese del procedimento, nonché di quelle dell'espiazione della pena, le quali spese a sensi del § 313 p.p. vengono dichiarate irriscontabili, liberandolo a sensi del § 314 p.p. dall'obbligo di pagare l'importo causale dal detto §-o.

Motivi (omissis)

Sebenico, li 16 gennaio 1942/XX.

(Carić m.p.)

Il Tribunale Civile e Penale di Sebenico (omissis) ha pronunciato la seguente sentenza

--Sentenza--

L'imputato Stevanja Pasquale di Alessio e di madre Ruda nata Caric da Gorizza-Zaravecchia, nato il 2/5-1921, cattolico, contadino, vedovo, analfabeta, nulla tenente, incensurato, in carcere istruttorio

è colpevole

di aver il giorno 15 agosto 1941 sull'imbrunire a Gorizza causato alla sua moglie, ora defunta Stevanja Zorka, lesione grave, pericolosa per la vita, e proprio di averla colpita due volte col piede nel ventre, dalla parte destra nella regione del basso ventre, il quale colpo le procurava la lacerazione dell'intestino retto.

Con quanto sopra l'imputato commetteva il reato contro la persona e proprio il delitto di cui l'art. 173/I n.2 c.p., ed in base del detto § ed applicando il § 30 c.p.

si condanna

alla pena restrittiva la libertà personale di 6 anni di detenzione, nella quale pena a sensi dell'§ 77 c.p. deve computarsi il carcere già espiato nell'istruttoria dal 17/8-1941 alle ore 19:15 fino al giorno 16/1-1942 alle ore 17.

A sensi del § 309-314 p.p. l'imputato è condannato inoltre al risarcimento delle spese del procedimento, nonché di quelle dell'espiazione della pena, le quali spese a sensi del § 313 p.p. vengono dichiarate irriscontabili, liberandolo a sensi del § 314 p.p. dall'obbligo di pagare l'importo causale dal detto §-o.

Motivi (omissis)

Sebenico, li 16 gennaio 1942/XX.

(Suric m.p.)

Si conferma l'esattezza dell'estratto:

Cancelleria

del Tribunale Civile e Penale di Sebenico
addì 4 maggio 1942/XX.

Il cancelliere:



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Kre 15/42/2

No. d'affari: Kzp 342/41

67

IN NOME DI SUA MAESTÀ VITTORIO EMANUELE III.

PER GRAZIA DI DIO E VOLONTÀ DEL POPOLO

RE D'ITALIA E DI ALBANIA ED IMPERATORE D'ETIOPIA!

La Corte d'Appello di Spalato, quale corte di cassazione a mente dell'art. 13 del Bando del 17/5-1941 pubblicato nella Gazzetta Ufficiale (omissis) ha pronunciato la seguente

Sentenza

Si respinge la revisione, e si accetta l'appello, e modificando la sentenza impugnata nelle sue disposizioni riguardanti la pena, aumentando la pena inflitta al condannato dal giudizio di prima cognizione della durata di 6 anni di detenzione ad 8 anni di detenzione. Nella pena restrittiva della libertà personale è da computarsi il carcere istruttorio come detto nella sentenza impugnata.

Del resto la sentenza rimane immutata.

Motivi.

(omissis)

Spalato, li 8 aprile 1942/XX.

(Buzolić m.p.)

Si conferma l'esattezza dell'estratto:

Cancelleria

del Tribunale Civile e Penale di Sebenico

addì 4 maggio 1942/XX.

Il cancelliere:



Numero d'affari. Kzp 349/41/69

CONCHIUSO

Il R. Tribunale civile e penale di Sebenico, deliberando nel processo penale a carico di Stevanja Paško fu Aleksa e di fratana Zrilić, nato a Gorizza (Zaravechia) li 22/XII-1873, catt., agricoltore, vedovo, analfabeta, incensurato, detenuto,

condannato

con sentenza dd. 8/IV-1942-XX al No d'affari Kzp 349/41/69 alla pena di otto anni di reclusione per il reato previsto al paragrafo 178/I No 2 cp., visto il Regio Decreto di amnistia e di condono 17 ottobre 1942-XX N 1156 poiche si ravvisa applicabile il disposto dell'art. 2 del citato decreto in quanto nel soggetto caso non ricorrono le ipotesi degli articoli 3, 4, 5 e 8

P.Q.M.

dichiara ridotta di tre anni per effetto di condono la pena di otto anni di reclusione alla quale il nominato Stevanja Paško fu Aleksa è stato condannato con sentenza dd. Sebenico 8/IV-1942-XX No Kzp 349/41/67 e ciò sotto la condizione di cui all'art. 6 del citato decreto.

R. Tribunale civile e penale di Sebenico,
li 21 ottobre 1942-XX.

PAJALIĆ

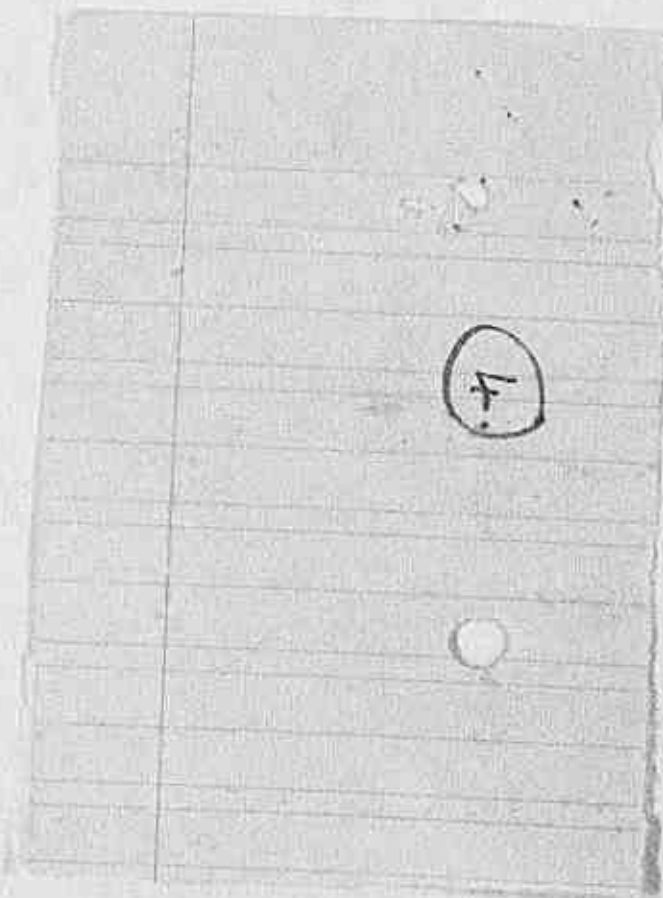
Per l'esattezza della spedizione
Il Direttore della cancelleria:



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0824

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



Direzione della Casa di Reclusione di Alghero

Spettabile Commissione Alleata

Office of Public Safety

S a s s a r i

e per doverosa notizia: a S.E. il Procuratore Generale del
Re Imperatore, presso la Corte d'Appello della Sardegna in

O z i e r i

Oggetto: Detenuto Stevania Pasko di Alessio, condannato dal Tribunale Penale di Sebenico, per lesione grave.

Dall'esame dei fascicoli personali, testé pervenuti da Mone, dei detenuti consegnati all'Ufficiale di cotesta Spettabile Commissione Alleata, Signor L.T. Pruet A. Wood, è risultato che il nominato in oggetto era stato condannato dal Tribunale Penale, e non dal Tribunale Militare, di Sebenico, per lesione grave.

Si rassegnano, pertanto, le copie dei documenti giuridici e del foglio matricolare relativi al predetto liberato e si prega cotesta Spettabile Commissione di voler disporre che lo Stevania sia subito riaccompagnato a questo stabilimento di pena.

Nel caso poi che sia ritenuta opportuna anche la scarcerazione di lui, si prega di voler promuovere la emissione, da parte di S.E. il Procuratore Generale del Re Imperatore presso la Corte d'Appello della Sardegna in Ozieri, di uno speciale ordine di rilascio, ritenente il solo Stevanje.

S a s s e r i
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e per doverosa notizia: a S.E. il Procuratore Generale del
Re Imperatore, presso la Corte d'Appello della Sardegna in

O z i e r i
=====

Oggetto: Detenuto Stevanja Pasco di Alessio, condannato dal Tribunale
Penale di Sebenico, per lesione grave.-

Dall'esame dei fascicoli personali, testé pervenuti da Mame, dei detenuti consegnati all'Ufficiale di cotesta Spettabile Commissione Alleata, Signor L.T. Pruet A. Wood, è risultato che il nominato in oggetto era stato condannato dal Tribunale penale, e non dal Tribunale Militare, di Sebenico, per lesione grave.

Si rassegnano, pertanto, le copie dei documenti giuridici e del foglio matricolare relativi al predetto liberato e si prega cotesta Spettabile Commissione di voler disporre che lo Stevanja sia subito riaccompagnato a questo stabilimento di pena.

Nel caso poi che sia ritenuta opportuna anche la scarcerazione di lui, si prega di voler promuovere la emissione, da parte di S. E. il Procuratore Generale del Re Imperatore presso la Corte d'Appello della Sardegna in Ozieri, di uno speciale ordine di rilascio, riflettente il solo Stevanja.

Con osservanza

Il direttore
(dott. Dante Melis)

DIREZIONE DELLA CASA DI RECLUSIONE DI ALGERO

N° 8, 1/1 Prot. 3-I-1466

Algero 23 dicembre 1943

OGGETTO: Detenuto Stevania Pasko di Alessio condannato dal Tribunale Penale di Sebenico per lesioni gravi.

Spett.le Commissione Alleata
Office of Public Safety

Sassari

Con mio foglio N° 8301 del 25 novembre scorso, segnalavo a cotesta Spett.le Commissione che il signor L. Pruet A. Wood era stato condannato, insieme con detenuti politici e coi prigionieri di guerra, tale Stevania Pasko di Alessio, che dall'esame del fascicolo personale, solo allora pervenuto dalla Casa di Lavoro all'aperto di Mamone, era risultato condannato dal R. Tribunale Penale di Sebenico, per reato comune lesioni gravi.

Allo scopo di regolarizzare la posizione dello Stevania, mi permetto pregare ora questo On.le Ufficio perchè voglia compiacersi comunicarmi le sue determinazioni al riguardo.

Porgo sentite grazie ed ossequio

IL DIRETTORE
(Dante Melis)

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