

785016

ACC

10000/142/771
(VOL. 1)

CORP
FEB

000/142/771
OL. 1)

CORRESPONDENCE CONCERNING WAR CRIMES & WAR CRIMINALS
FEB. 1944 - JAN. 1946

1927

1.

CA Sec

Letter to DJAG, AFHQ written pursuant to letter of Liaison Officer, ANONA at folios 26A, B and C is submitted for signature if approved please.

Relevant letters are at folios 15A, 16A and 19A.

LEGAL S/C
19 May 1945.

for *Max Anthony Nugent, C.E.*
W.E. BEHRENS, Colonel,
Deputy Chief Legal Advisor.

AS.

Will you please sign reply to 29A.
15 June 1945

W.E. Behrens
C.L.A.

19

1928

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

785016

FILE CLOSED 15 January 1946

191

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4119/5/L

/es
19 January 1946

SUBJECT : War Crimes - Sorcitti Corrado and Cornacchia Giuseppe.
TO : AFHQ. A Branch.

1. Reference your M. 16173/A-3 of 5 November 1945 and this Sub-Commission's letter M. 4119/5/L of 17 December 1945.

2. On 3rd January a letter was sent to the Ministry of Justice pointing out that the Procuratore Generale of Ancona had failed to comply with the Ministry's telegraphic instructions of 18th December, and asking again for the prisoners to be hand over at once to British Military custody.

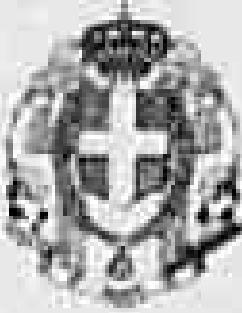
3. I enclose a copy of a letter from the Ministry of Justice in which he states that he has again urgently requested by signal the Procuratore Generale at Ancona to hand over the two above named prisoners to a British Military Escort, and further that the file of the proceedings will be sent to this Sub-Commission.

19

For the Chief Commissioner

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

1930

4119/5  Roma 7 Gennaio 1945 Mod. 402
Ministero della Giustizia
DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE E DEL CASELLARIO
Ufficio 1° A.P.
Aut. 1° 105 bis/19/2852
11a COMMISSIONE ALLEATA
Sottocommissione Legale
ROMA
W. Raff.
Rapporto del 12.1.1945
Per AC/Le N° 4119/5/1
OGGETTO SORCETTI Corrado e CORNACCHIA Giuseppe.

e, per conoscenza: 146A
ALL'UFFICIO COLLEGAMENTO
S E D E

Con riferimento al foglio suindicato si informa che il Procuratore generale di Ancona ha comunicato a questo Ministero che contro SORCETTI Corrado e CORNACCHIA Giuseppe per l'omicidio di un prigioniero inglese rimasto sconosciuto si procedette col consenso dell'ufficiale legale del Comando Militare Alleato di Ancona.-

I detti individui si ~~trovano~~ trovano detenuti nelle carceri di Ascoli Piceno, ed in pari data si telegrafa nuovamente al Procuratore generale suddetto perchè provveda con urgenza come già gli era stato comunicato

././.
16.

alla consegna dei detti individui alla
scorta militare britannica, incaricata
di rilevarli. Gli atti del processo saran-
no trasmessi da Ancena a codesta On.le
Commissione.-

Si riservano comunicazioni ulteriori
circa l'effettuata consegna.-

d'ordine del MINISTRO



HEADQUARTERS ALLIED COMMISSION
AFS 394
LEGAL SUB COMMISSION

10/4119/3/L

AT/22
8 January 1946

SUBJECT : War Crimes: Shooting of the Ate. Bowers

TO : AFHQ, A Branch.

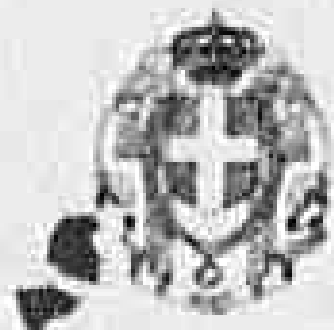
1. Reference your No. 161171/15/A - 3 of the
20th October 1945.

2. I enclose herewith copy of a letter from
the Minister of Justice and the File of proceedings before
the Court of Rome against BASILI Mazzarano, VANUZZI
Vinicio and others.

For the Chief Commissioner

MUSGRAVE THOMAS
Italian Branch,
for Chief Legal Advisor.

180



19/51
Roma, 6 Gennaio 1945

MOD. 40

Ministero di Grazia e Giustizia

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

Commissione Alleata
Sottocommissione Legale

R O M A

Ufficio I° A.P.

Aut. 1° 291-27-2805/15

Reg. da 1° del 5/11/1945

In 1° 4119/51

Oggetto: Delitti di guerra - Uccisione del soldato BOWERS.-

e per conoscenza:

All'Ufficio Collegamento

S E D E

All. UN fascicolo processuale

Facendo seguito a precedente corrispondenza, si trasmette a codesta On.le Sottocommissione l'unita copia del processo penale in istruzione presso il Tribunale di Fermo contro BASILI Nazareno, VANHOZZI Vinicio ed altri, imputati di tentato omicidio e di concorso in omicidio volontario.-

Con l'occasione si fa presente che la Procura del Regno di Fermo ha riferito che identica copia degli atti processuali di che trattasi stata trasmessa alla Sottocommissione Alleata di Fermo che ne aveva fatta diretta richiesta all'Ufficio.-

6 JAN 1945

per il MINISTRO

[Signature]

187

1 9 3 4

785016

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

152A

AC/4119/5/L

/es
10 January 1946

SUBJECT : War Crimes : PETRELLI Nazareno

TO : A.F.H.Q. A Branch.

1. Reference your N. 16171/A3 of 13 October 1945.
2. I enclose copy of a letter received from the Ministry of Justice stating that the case against Petrelli Nazareno was sent on 25 April last to the Tribunale Militare of Macerata.

For the Chief Commissioner

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

1935

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

Ufficio I. A. P.
Prot. 131.780.2485/45

Mod. 151A
LA COMMISSIONE ALLIATA -
Sottocommissione Legale
ROMA
22.10.945
1345/5/L

OGGETTO: *PETRILLI Nazzareno.*

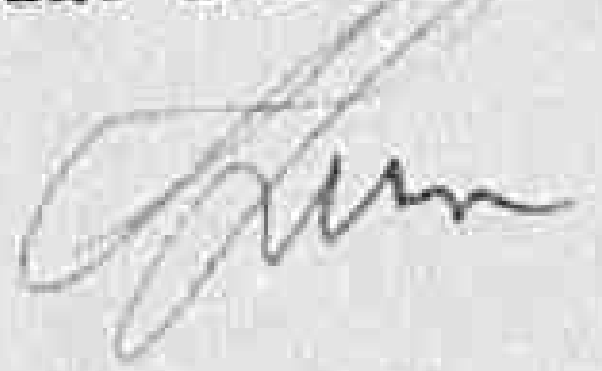
e per conoscenza:
ALL'UFFICIO DI COLLEGAMENTO
CABINETTO

In risposta alla nota 22.10.945, si comunica che il processo contro *PETRILLI Nazzareno*, fu dal Giudice Istruttore presso il Tribunale di Fermo, in data 25 aprile 945, inviato al Tribunale Militare di Macerata.

E' stato interessato il Procuratore Generale Militare presso il Tribunale Supremo Militare su punti prospettati da codesta On. Commissione.

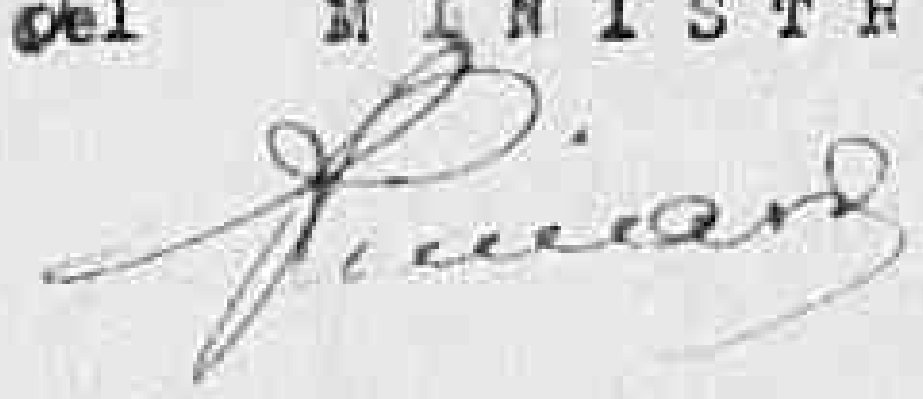
Si fa riserva di ulteriori comunicazioni.

d'ordine del MINISTRO

 18


 4119/5
 Roma 3/11/45
 Ministero di Grazia e Giustizia
 DIREZIONE GENERALE DEGLI AFFARI PENALI
 DELLE GRAZIE DELLA STATISTICA E DEL CASELLARIO
 LA COMMISSIONE ALLEATA
 Sottocommissione Legale
 ROMA
 Ufficio I° A.P.
 Tel. N° 131.318/1370/45
 5217
 Repertorio del 27.8.945
 Per AC 14119/5/L.
 OGGETTO BERNABEI Egiato fu Adamo.

In relazione alla nota sopra distinta;
 si informa che la Procura Generale del Regno
 presso le Corti d'Appello di Firenze ha comuni-
 cato che il detenuto BERNABEI Egiato fu dimesso
 dalle carceri giudiziarie di Grosseto in data
 10 settembre u.s.

D'ordine del MINISTRO


No action required.

10/1/46

18.

HEADQUARTERS ALLIED COMMISSION
APO 394
ITALY SUB-COMMISSION

/ma.

AC/4119/5/L.

10 January 1946.

SUBJECT : War Crimes, trial of Durello Natale, Carlo Luigi
and Bella Fria Agostino.

TO : Regional Commissioner (Attn: Senior Legal Officer)
VENETIAN Region.

1. Reference your signal No. G/6451 of 30 December 1945.

2. Regarding the trial of the above named accused before the Extraordinary Court of Assize in PADOVA at the end of this month AFHQ has written to this Sub-Commission as follows:

"It is requested that you will inform this HQ of the charges and findings of the Court. Should any death sentences be awarded it is requested that they should not be put in effect without reference to this HQ. Similarly, should any of the accused be acquitted they should be retained in custody."

AFHQ further state: "... it is necessary for this HQ. to reserve the right to bring these men to trial after the completion of the case at the PADOVA Assizes."

3. Please keep this Sub-Commission informed in order that it may pass on to AFHQ the particulars requested in the para 2 of their letter cited above.

4. AFHQ further wish to have confirmation as soon as possible that Allegro Antonio and Fontana Silvio are also in Italian custody (see enclosure to letter No. XVII/LR/Reg/E/03 of R.L.O., VENETIAN Region, dated 18 July 1945).

By command of Rear Admiral STONE.

MUSGRAVE THOMAS
Italian Branch,
for Chief Legal Advisor.

181

4/19/5

2239.

CONFIDENTIAL AND URGENT.

Subject:- WAR CRIMES - Shooting of LEROUX and GOODWIN.

CHQ CF.

16171/21/A-3.

7 Jan 46.

HQ Allied Commission.

Copy to - G-5 AFHQ
DJAG, GHQ CMF.

142A

Reference HQ ALCOM signal 9890 dated 31 Dec 45 (not to G-5).

1. It is agreed that the three men in question should be tried at the PADUA Assizes in January.
2. [It is requested that you will inform this HQ of the charges and findings of the Court. Should any death sentences be awarded it is requested that they should not be put in effect without reference to this HQ. Similarly, should any of the accused be acquitted they should be retained in custody.]
3. The reason for these requests is that this HQ possesses evidence sufficient to justify the trial of these three men for murder and it is necessary for this HQ to reserve the right to bring these men to trial after the completion of the case at the PADUA Assizes.
4. Will you please obtain confirmation that

ALLEGERO Antonio and
FONTANO Silvio

are also in Italian custody (AFHQ letter G-1(Br)15184/A-3 dated 8 Sep 45 refers).

1.2TW/mem.

DE MRSID +
 CLO
 DCLO
 Chief Counsel
 CJO
 Motion Section
 CL RKS
Dr. Thomas
 REC JAN 1946

D. Naseri
Major General

DOWN GRAD
UNCLASSIFIED

Col. lat.
Chief Justice Officer.
for Chief Civil Affairs Officer.

1 9 3 9

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

785016

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: FX 57757

Date/Time of Origin 0321,9A

FROM: AFHQ FROM A BRANCH CMF

TO : ALCOM INFO JAG NAPLES

Message Centre No: 6/0639

Date Time Rec'd: JAN 4 0845

Precedence: ROUTINE

CONFIDENTIAL:

REFERENCE OUR LETTER 16171/21/A-3 OF 18 DECEMBER. STATE POSITION.

AC DIST

ACTION: LEGAL S/C

INFO : CHIEF COMMISSIONER

FILE (2)

FLOAT

DOWN GRATED
UNCLASSIFIED

Chief Liaison Officer
for Chief Civil Affairs Division

HEADQUARTERS
4 JAN 1946
A. C.

NOTION

NOTION

070

1940

AC DIST

ACTION: LEGAL S/C

INFO: CHIEF COMMISSIONER

FILE (2)

FLOAT

DOWN GRADED
UNCLASSIFIED

Col. 1st
Chief Judicial Officer
for Chief Civil Affairs Officer

181

Reply already sent 10-2-46

4/11/46

ACTION

RECEIVED

DCLO
Chief Counsel
CJO

2 Jan 1946

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

MT/es

3 January 1946

AC/4119/5/L.

SUBJECT : War Crimes - Sorcitti Corrado and Cornacchia
Giuseppe.

TO : The Minister of Pardon and Justice.

1. Reference your Prot. No. 138 Bis. 19/2852 of 12
December 1945.

2. In view of the fact that the Procuratore Generale
(Ancona) has failed to comply with the instructions contained
in your telegram to him of 12 December, Army Headquarters have
requested the immediate surrender of the above named prisoners.

3. Would you therefore please take the necessary steps
to ensure that the Procuratore Generale (Ancona) has the
prisoners Sorcitti Corrado and Cornacchia Giuseppe handed over
at once to British Military custody.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

4/9/5

WAR CRIMES
ALLIED COMMISSION
APOCR.

145A

Ref.: ANC/11/12

37 Dec 45.

SUBJECT: War Crimes. Shooting of Pte Bowers.

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

91A

1. Ref. your AC/4112/5.2 of 5 Nov 45.
2. Herewith file referring to the enquiry made
by the Procuratore del Regno at Fermo re above, which
has been received to-day at this office.

Al. Goldstein Sen. Adv. Asst.

for E. F. VAN WYK, Capt. R.A.M. Regt.
A Liaison Officer, APOCR.

LEGAL SUB COMMISSION

CLO

DCLO

Chief Counsel

CJO

Legal Section

CLERKS

31 DEC 1945

179

1943

785016

144A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB COMMISSION

AC/4119/5/L

MT/ns
4 December 1945

SUBJECT : War Crimes : Shooting of Pte Bowers.

TO : AFH : A Branch

With reference to your letter No. 16171/29/A 3 of 23rd October 1945 I send herewith file of the proceedings in the inquiry held at Fermo which has just been received from the Procuratore del Regno at Fermo through the A.C. Liaison Officer, Ancona.

MUSGRAVE THOMAS
Italian Branch,
for Chief Legal Advisor.

170

1944

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

785016

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: **EA 57406**
Date/Time of Origin: **29 DEC 1943**

Message Centre No: **W/1311 6/6123**
Date Time Rec'd: **29 DEC 1943**
Precedence: **ROUTINE**

FROM: **AEHQ *A* BRANCH CMT**
TO : **ALCOM INFO: 3 DISTRICT 61 AREA**

RESTRICTED

RESTRICTED:

REFERENCE YOUR **AG/4119/5/A** DATED **17/12/43**. REQUEST THAT YOU EXPEDITE ACTION BY PROCURATORE GENERALE AND THAT SUBJECTS BE HANDED INTO BRITISH MILITARY CUSTODY SOONEST.

AC DIST

ACTION: **LEGAL S/C**

INFO: **CHIEF COMMISSIONER**

FILE 2

FLCAT

HEADQUARTERS

29 DEC 1943

LEG SUB COMMISSION RESTRICTED

CLO

1 945

ACTION BY PROCURATURE GENERALE AND THAT SUBJECTS BE HANDED INTO BRITISH
MILITARY CUSTODY SOONEST.

AC DIST

ACTION: LEGAL S/C

INFO: CHIEF COMMISSIONER

FILE 2

FLOAT

HEADQUARTERS
20 DEC 1945
43 C.

LEG UB.COMMISSION RESTRICTED

CLO	
DCLO	
Chief of Staff	
CLO	
Radio	in
C	

→

31 DEC 1945

177

file 4119/50

142A

HQ ALCON

3

JAN 45

(1) GHQ, CMF

(2) JAG NAPLES

9890

RESTRICTED

FOLLOWING RECEIVED FROM LEGAL DIVISION VENEZIA REGION PD
SUBJECT IS WAR CRIMES PD REFERENCE YOUR SIGNAL NINE FIVE
NINE THREE OF PUBBLICO MINISTERO CORTE STRAORDINARIA DI ASSISE
DI PADOVA STATES ISTRUZIONE IN CASES OF DURELLO NATALE CMA
COLO LUIGI CMA DELLA FRIA AGOSTINO CMA NEARLY COMPLETED AND
THEIR TRIAL BY CORTE STRAORDINARIA DI ASSISE DI PADOVA IS
EXPECTED TO TAKE PLACE TOWARDS END JANUARY ONE NINE FOUR SIX PD
ALL THREE MEN ARE DETAINED IN PADOVA PRISON

Distribution: by (ELS)
GHQ, CMF
JAG NAPLES

178

PRIORITY

LEGAL SUB COMMISSION

1947

4/19/5
141A
10/1/5

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference:
 Date/Time of Origin: DEC. 29 XX0930
 Message Centre No: G/6451
 Date Time Rec'd: DEC. 300930
 Precedence: ROUTINE

FROM: LEGAL DIVISION VENEZIA REGION AMG

TO : LEGAL SUB-COMMISSION HQ ALLIED COMMISSION

140A

UNCLASSIFIED/

Subject is war crimes. Reference your signal 9593 of Dubbio Mi-
 nistero of Corte straordinaria di ASSISE di Padova states istrut-
 toria in cases of DURELLO NATALE, COLO LUIGI, DELLA PIRA AGOSTINO,
 nearly completed and their trial by Corte Straordinaria di Assise
 di Padova is expected to take place towards end January 1946.
 All 3 men are detained in Padova Prison.

AC DIST

ACTION : LEGAL SC
 INFO : CHIEF COMMISSIONER
 P. SAFETY
 SAFETY
 FILE 2
 FLOAT

30 DEC 1945
 LEGAL SUB-COMMISSION

UNCLASSIFIED/

Subject is war crimes. Reference your signal 9593 of Pubblico Ministero of Corte straordinaria di ASSISE di Padova states istruttoria in cases of DUELLO NATALE, COLO LUIGI, DELLA FRIA AGOSTINO, nearly completed and their trial by Corte Straordinaria di Assise di Padova is expected to take place towards end January 1946. All 3 men are detained in Padova Prison.

AC DIST

ACTION : LEGAL SC
INFO : CHIEF COMMISSIONER
P. SAFETY
SAFETY
FILE 2
FLOAT

NEW GUARDED

30 DEC 1945

LEGAL SUB.COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italia	
C: XX	
81 DEC 1945	

175

1631

419/5

CONFIDENTIAL
AND URGENT.

139A

Subject: WAR CRIMES - Shooting of LEROUX and GOODWIN.

GHQ CMF.

16171/21/A-3.

19 Dec 45.

HQ Allied Commission.

Copy to - G-5 AFHQ
DJAG, GHQ CMF.

131A

53A

Reference AFHQ letter G-1(Br)15184/A-3 dated 8 Sep 45 and this HQ letter 16171/21/A-3 dated 2 Dec 45.

1. Will you please inform this HQ urgently whether proceedings are being taken against the following by the Italian authorities :-

- (a) DURELLO Natale
- (b) COLO Luigi
- (c) DELLA FRIA Agostino.

2. Investigations into the shooting of LEROUX and GOODWIN have now been completed and it is proposed to bring the above named to trial before a British Military Court in the near future, provided that proceedings are not already being instituted against them by the Italians.

3. Will you please signal the position to this HQ (repeated JAG NAPLES) as soon as possible and confirm that the three wanted men are still in Italian custody; this HQ could then make the necessary arrangements for taking them into Allied custody with a view to trial.

MEAW/mem.

EG	
Chief Counsel	
21 DEC 1945	

Nathaniel Peyroni
Major General,
DJAG.

DOWN OR RED
UNCLASSIFIED

Col. Inf.
Chief Judicial Officer,
for Chief Civil Affairs Officer.

Confidential

138A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4119/5/L.

MT/es
17 December 1945

SUBJECT : Coccia Umberto : Charged with causing death of
ex-Prisoner of War.

TO : Procuratore Generale Militare
Tribunale Militare - FIRENZE.

1. Reference this Sub-Commission's letter No. AC/4119/5/L
of 30 November 1945.

2. I enclose herewith copy of an Affidavit sworn by
No. 202497 Pte. William John McKie, Royal Army Ordinance Corps,
relating to the charges now being heard against Coccia Umberto.

3. This Sub-Commission would be glad to learn when a
decision in this case can be expected.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Copy to : The Ministry of Justice reference Prot. No. 138/17/
398/1945 of 20 November 1945.

112

73.

THE MATTER OF :

The shooting of Signalman Nathan Leach on 12th May 1944 at Morignano, near Petritoli.

A F F I D A V I T

I, No. 202497 Pte. WILLIAM JOHN HICKIE, Royal Army Ordnance Corps, now stationed at No. 1 V.R.D. Laleham, Nr. Staines, Middlesex, and with a private address at Low Startforth, Barnard Castle, County Durham, make Oath and say as follows :-

1. In 1942 I was a driver in the Royal Army Service Corps, 524 Company, 50th Division. I was captured at Mersa Matruh on 29th June 1942 by German troops and handed over to the Italians. At the end of July or beginning of August 1942 I was taken by sea from Benghazi to Taranto in Italy and after some time in a transit camp there I was moved to Camp 51 at Altamura arriving in the latter part of August 1942. From a date in October 1942 to 25th May 1943 I was at Camp 73 at Carpi near Bologna and was then until the Italian armistice at a Working Camp on a farm the other side of Bologna. This Camp was attached to Carpi and at the armistice the Commandant had us kept at the farm, so giving me a chance to escape, which I did with my companions on the 9th September 1943.

2. I was recaptured owing to a fascist in control of the farm having reported us to Germans. After seven days at Bologna barracks some fifty of us were put in a prison train at Bologna station. This train had come up from the south and held about 3,000 prisoners. Two extra trucks were put on the front and there were about 23 in the one I was in.

3. A Parachute Officer, Captain Bonville Clay, who had been recaptured after escaping from Carpi Hospital with the help of a nurse, started planning an escape and six of us volunteered to go with him. We jumped the train and Captain Bonville Clay, Private Edward Dale (Essex Regiment) and a man named Guest of the Royal Artillery, myself and two others turned up. After two days Guest and one of the men whose name I do not remember were taken to a boat. We tried to get to the coast, a South African joining us intending to sail

29th June 1942 by German troops and handed over to the Italians. At the end of July or beginning of August 1942 I was taken by sea from Benghazi to Taranto in Italy and after some time in a transit camp there I was moved to Camp 51 at Altamura arriving in the latter part of August 1942. From a date in October 1942 to 25th May 1943 I was at Camp 73 at Carpi near Bologna and was then until the Italian armistice at a Working Camp on a farm the other side of Bologna. This Camp was attached to Carpi and at the armistice the Commandant had us kept at the farm, so giving me a chance to escape, which I did with my companions on the 9th September 1943.

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4. Dale and I went down the coast, getting news from time to time that Bonville Clay and the South African had been seen and we tried to get down to the allied lines.
5. After getting nearly to Pescara, but finding that more prisoners were getting shot or captured than were getting through, we went back a few miles. Dale went to lodge with a family at Petritoli and I lost sight of him.
6. At this time I met Signalman Nathan Leach, who told me he was attached to a Tank Regiment. After trying to get to the coast to see if we could get in touch with Commandoes said to be landing to take off prisoners, but without success, Leach stayed with a

farmer near the village of Morignano, near Petritoli. While I stayed at a farm rather nearer to the road, about a quarter of a mile away.

7. On 12th May 1943 I was talking to the farmer with whom Leach was staying, whose name was Ismaili Flamini, and his wife and daughter. They were just going down to have dinner, and said Leach was at their farm working. Later on they told me that when they and Leach were at dinner, two Italians, who I think were fascists and either Carabinieri or Guard of some kind, entered the room. They were armed, but Leach, who was unarmed and in civilian clothing, immediately jumped up and tackled them and put them both on the floor before they could draw their weapons. Leach dashed downstairs, but at the door met two guards who fired on him immediately and he fell shot in the stomach. The guards took Leach to the hospital at Petritoli, but being a very rough track and there only being a bullock cart for the purpose, this would be very bad for a man with a stomach wound. I heard that he died in the hospital two days later and was buried in the cemetery at Petritoli.

8. I also heard that the Italians were not in fact looking for Leach, but were picking up Italians and were probably taken by surprise when Leach tackled them. I believe also that the Flamini family would know the names of these guards.

9. I was later released when allied troops came into the district and was repatriated and, after being in repatriation camps at Naples and Salerno, arrived in England in August 1944.

SWORN at Daacre House, Victoria
Street, in the City of Westminster
this 15th day of October 1945

W.J. McKIE.

Before me,
F. ALAN WRIGHT.
A Commissioner for Oaths.

785016

13244

4/19/5

CONFIDENTIAL

Legal.

CONFIDENTIAL.

137A

Subject:- WAR CRIMES - SHOOTING OF LEACH, Nathan,

11 GHQ CMF.

16171/15/A-3.

11 Dec 45.

HQ Allied Commission,
APO 394,
Legal Sub-Commission.

Copy to - G-5
DJAG, GHQ CMF.

77A

118A
117A
109A

Reference our letter of even number dated 20 Oct 45 and your AC/4119/5/L dated 13 and 19 Oct 45.

1. The attached Affidavit by No 202497 Pte McKIE, W.J. RAOC is forwarded for such action as may be considered appropriate in connection with the proceedings against COCCIA Umberto.
2. Please keep this HQ informed of the progress in this case.

Neville G. H. Atherton
DAG.

Major General,
DAG.

mem.

Encl. 1 copy affidavit

DOWN GRATED
UNCLASSIFIED

Col. Inf.
Chief Judicial Officer
for Chief Civil Affairs Officer.

LEGAL SUB-COMMISSION	
CLO	
DELO	
Chief	
CLO	
Relation	
2 - DEC 1945	

11

1956

~~Confidential~~

136A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4119/5/L.

/es
17 December 1945

SUBJECT : Caccia Umberto : Charged with causing death of
ex-Prisoner of War.

TO : GHQ , CMF.

1. Reference your No. 16171:15/A-3 of 11 December 1945.
2. The Affidavit of Pte. William John McKie is being forwarded to the Procuratore Generale Militare in Florence who has again been asked to advise this Sub-Commission when a decision of this case can be expected.

For the Chief Commissioner

JOHN K. WEBER,
Colonel, Infantry,
Chief Legal Advisor.

DOWN GR DED
10
UNCLASSIFIED

Col. Inf.
Chief Justice
for Chief Civil Affairs Officer.

180

1957

785016

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

135A

AC/4119/5/L.

/es

17 December 1945

SUBJECT : War Crimes: Sorcitti Corrado and Cornacchia Giuseppe.
TO : GHQ, CMP.

1. Reference your No. 16173/A-3 of 5 November 1945 to the Civil Affairs Section, and No. 16171/46/A-3 of 7 December 1945 to Public Safety, Security Division.

2. The Minister of Justice was asked on 13 November to have the two above named prisoners handed over to British authorities and also to inform this Sub-Commission where the prisoners were detained in order that arrangements might be made for them to be handed over to a British escort.

3. On 4 December the Ministry passed on the request to the Procuratore Generale, Ancona, and on 12 December sent the following telegram:

"Reference note 4 December you are informed that A.C. has requested surrender of Sorcitti Corrado and Cornacchia Giuseppe and notification of place where they are held in order to be able to take them over under British escort. According Art. 3 R.D.L. 11-2-1944 persons accused of having committed offences against Allied Military Forces must be judged by Allied Military Courts. Please take with urgency necessary steps according to the a/m request and inform this Ministry".

158

G.G. HANNAFORD,
Lt. Col.,
for Chief Legal Advisor.

1958



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

Ufficio I A.P.
Prot. N° 136BIS.19/2852

Mod 40
Roma 11 dicembre 1945
34A
ALLA COMMISSIONE ALLEATA
Sottocommissione Legale
R O M A

Proposta al f. del 13.11.945
In AC N° 4119.5./1

OGGETTO SORCETTI Corrado e CORNACCHIA Giuseppe.

In relazione al foglio surricordato e con riferimento alla nota 4 dicembre corr. per numero, si trascrive il seguente telegramma oggi spedito al Procuratore Generale di Ancona:

""""Riferimento nota 4 dicembre corrente comunicasi che Commissione Alleata richiesto consegna SORCETTI Corrado et CORNACCHIA Giuseppe e conoscere luogo detenzione per rilevarli con scorta britannica punto Termini art.3 R.D.I.11 febbraio 1944 imputati reati commessi danno Forze Militari Alleate, debbono essere giudicati Tribunali Militari Alleati punto Pragasi pertanto, provvedere urgenza conformità richiesta, informando ~~urgente~~ questo Ministero. """"

Si riservano comunicazioni

d'ordine del MINISTRO

15

RECEIVED

In 954
96
32

1959

785016

1144

4119/5

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

6163

Security

Subject:- WAR CRIMES.

GHQ GAF.

16171/46/A-3.

7 Dec 45.

133A

HQ Allied Commission,
APO 394,
Public Safety Sub Commission,
Security Division.

Copy to - DJAG, GHQ GAF
G-5.

Reference your SD/266.01-51 dated 30 Nov 45, herewith copy
of this HQ letter 16171/A-3 dated 5 Nov 45. It is requested
that this matter may receive your earliest attention.

Security
Division
Rec'd 10/12
Box No 2260
File No 266-01-17
Action

mem.

Encl. 1 ltr

CLO
DLO
Chief Counsel
CLO
Hollan

Dean

Major General,
DAG.

DOWN OR RED
TO
UNCLASSIFIED

166
Col Inf
Chief Judicial Officer,
for Chief Civil Affairs Officer.

419/5
COPY.

CONFIDENTIAL.

Subject:- WAR CRIMES.

GHQ CMF.

16171/A-3.

5 Nov 45.

HQ Allied Commission,
APO 394,
Civil Affairs Section.Copy to - DJAG, GHQ CMF.
SIB, c/o DJAG, GHQ CMF.

Reference AFHQ letter G1/B/15110/A3 dated 20 Jun 45.

1. In para 2 sub-para(c) it was stated that the case of the shooting of an escaped PW (possibly Lieut MADDICK, RAMC) should not be tried by the Italian Courts pending further instructions.
2. It appears that the Judge of Instruction of ASCOLI PICENO has submitted this case to the Court of Appeal in ANCONA for trial of the accused SORCITTI Corrado and CORNACCHIA Guiseppe on a charge of homicide of the Ex-PW.
3. DJAG has advised that the above named accused should be transferred to British custody, and it is requested that authority may be obtained for the handing over of SORCITTI and CORNACCHIA to a British escort.
4. May this matter please be treated as urgent and this GHQ notified when authority has been obtained, stating the place of detention. Arrangements will then be made for the necessary transfer.

169

mem.

Major General,
DAG.DOWN GR DED
UNCLASSIFIEDCol. Inf.
Chief Liaison Officer.
for Chief Civil Affairs Officer.

1 DEC 1945

132A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4119/1/L.

ES/es
14 December 1945

SUBJECT : War Crimes. Charges against Marshal Kesselring.

TO : Italian Central War Crime Commission -
Presidenza del Consiglio - Viminale - ROME.

1. Enclosed herewith for your consideration is correspondence pertaining to the above subject forwarded by Avv. Augusto Diaz of Livorno thru AMG channels.

2. It is noted that Marshal Kesselring is not a defendant in the present trial of war criminals at Nurnberg.

G.G. HANNAFORD,
Lt. Col.,
for Chief Legal Advisor.

Encl.

164

1962

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

785016

419/5

Subject: - WAR CRIMES.CONFIDENTIAL.LEGAL SIC
~~13~~CHG. CTF.16171/21/A-3.2 Dec 45.

131A

HQ., Allied Commission.Copy to: - G-5
DAAG.

53A

Further to this HQ letter G-1(3-15184/A-3)
dated 8 Sep 45.

1. May this HQ please be advised of the present position of the Italian proceedings in this case.

LEGAL SUB COM 10

CLO

OCLO

Chief Counsel

CLO

Italian Section

CL RKS

DEC 1945

DEC 1945

M. M. White
Major General.
DAAG.

DOWN ON 30

UNCLASSIFIED

Col. Inf.
Chief Judicial Officer,
for Chief Civil Affairs Officer.

1963



4119/5.

Roma 16 Novembre 1945

130A

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

Ala COMMISSIONE ALLEATA
SOTTOCOMMISSIONE LEGALE

Ufficio I° A.P.
Prot. N° 89/91/2724/1945

ROMA
26/10/1945
Dir. AC. Dir. N° 4119/5/L

OGGETTO Detenuto politico ROSCIOLI Settimo.-

e, per conoscenza:
ALL'UFFICIO COLLEGAMENTO
G A B I N E T T O

Con riferimento al foglio sopra indicato si comunica che il ROSCIOLI Settimo è a disposizione della Procura del Regno di Roma quale imputato di collaborazione con il tedesco invasore.-

Il Procuratore del Regno presso il detto Tribunale si è dichiarato disposto ad aderire alla richiesta di consegna del detenuto stesso ad una scorta militare britannica qualora in virtù di clausola dell'armistizio gli Alleati abbiano il diritto di richiedere la consegna di detenuti giudicabili.-

163

per il MINISTRO

Chief Counsel

CJO

10 DEC 1945

Italian Section

[Signature]

No return, Roscioli already handed over to military court - Naples.

1964

785016

129A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

ED/nda

AG/4419/5/L.

10 December 1945

SUBJECT : Court record on Klobotschnig alleged
War Criminal, held in Nürnberg, Germany.

TO : The Italian Central War Crimes Commission,
Presidenza del Consiglio dei Ministri -
Palazzo del Viminale.

1. Enclosed herewith for your consideration is a file
of the Corte Straordinaria di Assise di Trieste pertaining to the
above case.

2. Please acknowledge receipt.

G.D. HARRISON,
Lt. Col.,
Deputy Chief Legal Advisor.

161

4119/5
211



DELICATA

0128A

Ministero degli Affari Esteri

MEMORANDUM FOR THE ALLIED COMMISSION

Subject: Consul General Guglielmo Arnd - Italian Observer at Dachau trial.

1. Reference is made to Allied Commission note AC/4119/5/L, dated 10 November 1945 and to the correspondence subsequent thereto.

2. It would be appreciated if the enclosed letter, addressed by Mrs. Arnd to Consul General Arnd, one of the Italian Observers at the Dachau trial, could be forwarded to him.

Rome, December 8th, 1945

1. ENCL.

*sent to Lt Col - Diche
Vernazza 12/2/45
Hedg*

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

ES/mda

AC/4113/5/L.

10 December 1945

SUBJECT : Court Record on War Criminal
Klobotchnig.

TO : SCAO (Attn: C.L.O.)
VENETIA GIULIA Region.

1. Reference your 13a/AMG/LD/202/635 of 4 December 1945.
2. Receipt of the above record is hereby acknowledged as requested.
3. The record was passed to the Italian Central War Crimes Commission.

By Command of Rear Admiral STONE.

G.G. BARNHART, 139
Lt. Col.,
Deputy Chief Legal Advisor.

126A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4119/5/L.

ES/m.
10 December 1945.

SUBJECT : War Crime allegedly committed
at Grimaldi (Ventimiglia).

TO : The Italian Central War Crimes Commission.

1. Enclosed herewith for your consideration is a statement of FALLANO, Alberto of Ventimiglia with enclosures pertaining to the above subject.

2. The statement was forwarded to this Sub-Commission by the Regional Legal Officer of Liguria Region with a remark that if the matter is followed up the most reliable person to contact is Dott. Giulio LORENZI, Genova-Nervi, via Marco Salvi 23/2.

Incl.

G.O. HANNAFORD.
Lt. Colonel,
Deputy Chief Legal Advisor.

HEADQUARTERS
LIGURIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

4119/5
Lig/Leg/73

G.C.R/ih
4 December 1945

SUBJECT : Evidence of War Crimes.

TO : ALLIED COMMISSION A.P.O.394
(Attn.Legal Sub-Commission).

1. I enclose a statement of events alleged to have taken place at Grimaldi in Imperia in December 1944.
2. The evidence appears to me to be fairly precise and I should be glad if the information could be passed on to the proper quarter.
3. If this matter is followed up the most reliable person to contact is :
Dott. Giulio Lorenzi, Genoa - Nervi, Via Marco Sala 23/2 .

For the Regional Commissioner,

LEGAL SUB COMMISSION	
CLO	
DCLO	
Ch. of	
CJO	
Italian Section	
CL RKS	

137
G.C.RAFFETY Lt.
R.A.
Regional Legal Officer.

Encl/

1969

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124A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

ES/nda

AG/4419/5/L.

10 December 1945

SUBJECT : War Crime allegedly committed
at Grimaldi (Ventimiglia)

TO : Regional Commissioner (Att: Regional Legal Officer)
LIGURIA Region.

1. Reference your Lig/Leg/75 of 4 Dec. 45 with enclosures.
2. Please inform Signor Pallanca Alberto di Secondo of Ventimiglia per Truoco (Imperia) that his statement enclosed with your letter was forwarded to the Italian Central War Crimes Commission at Rome for appropriate action.

By command of Rear Admiral STONE.

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

158

123A

HEADQUARTERS ALLIED COMMISSION
APO 334
LEGAL SUB-COMMISSION

AC/4119/5/L.

/ms.
7 December 1945.

SUBJECT : War Crimes.

TO : AFHQ. A Branch.

1. Reference your No. 16171/11/A-3 of 11th October 1945.
2. I enclose a translation of a letter from the Ministry of Justice stating the results of the proceedings taken in connection with the shooting of three English prisoners of War, Harry WRIGHT, Lawrence HALL, and George Michael BARRALE.

For the Chief Commissioner:

JOHN E. WHELER,
Colonel,
Chief Legal Advisor.

10.



L4119/5

Roma 24 Novembre 1945

Mod 40

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE DELLA STATISTICA E DEL CASELLARIOUfficio I° A.P.
Aut. N° 131/772/2656/1945Alla COMMISSIONE ALLEATA
SOTTOCOMMISSIONE LEGALE

8017 R O M A

Ricevuto al f. del 23/10/1945

Per AC. Ba. 34119/5/L

Oggetto: Crimini di Guerra.-

e, per conoscenza
ALL'UFFICIO COLLEGAMENTO
G A B I N E T T O

Il relazione alla nota sopraindicata, si informa che con sentenza 22 marzo 1945 della Corte di Assise di Grosseto vennero condannati a morte SOKOTA Messe Boris, FABBRI Severino e FRANCHI Aldo detto Ilvio e non Livio e vennero assolti per insufficienza di prove SANTINI Ereneo e SANTINI Unito. Contro l'assoluzione di questi due, la Procura Generale del Regno di Firenze si gravò, e gli atti furono rimessi alla Corte Suprema di Cassazione fino dal 6 novembre corrente. Il FRANCHI è stato arrestato e trovasi nelle carceri di Grosseto, mentre gli altri due condannati sono tuttora latitanti.-

././.

13

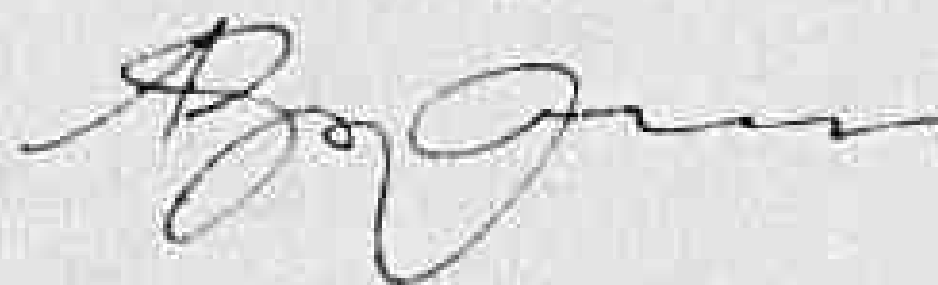
1972

785016

Al Franchi venne, a suo tempo, notifi-
cata la sentenza ai sensi dell'art. 170 C.P.P.,
e, dopo l'arresto, a tuziorismo, è stata esegu-
guita una nuova notifica a mani proprie._

Egli, peraltro, non ha proposto gravame.-

per il MINISTRO



LEGAL SUB COMMISSION
CLO
DCLO
Chief Counsel
CJO
Italian Section
CL RKS
6 DEC 1945

1973

785016

4119/5

122A

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

RAS/ms

L-4007

4 December 1945

SUBJECT: ROSCIOLI Settino, Alleged War Criminal.

TO : Chief Legal Adviser, Legal Sub-Commission,
Allied Commission, APO 394, U.S. Army.

1. Ref. your telegram, 8444, dated 17 November 1945 re ROSCIOLI Settino, alleged war criminal.

2. Previous report in compliance with par. 4 of telegram was made by Public Safety Division, a copy of which is attached.

3. The prisoner was handed over to Lt. ODHAM, R.A., and escort from No.209 P.O.W. Camp, to await trial, 23 November 1945.

For the Commissioner.

Rosario A. Gaziano
ROSARIO A. GAZIANO
Capt., Inf.
Senior Legal Officer

153

Incl. 1. Copy of ltr, Sig. ROSCIOLI Settino,
23 Nov. 45.

No action necessary
We have already advised AF#8. Akr
of the substance of the letter enclosed
in 1945 letter.

J. O. C.

LEG	1
CLIO	
DCIO	
Chief Counsel	
7 DEC 1945	

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
APO 394
PUBLIC SAFETY DIVISION

Ref: PS/ 12.1

Date 23 Nov. 45

SUBJECT: Sig. ROSCIOLI Settino

TO : Headquarters, Allied Commission,
Legal Sub-Commission,
(through P.S. Sub-Commission).

1. Referring to your telegram dated 17th November 1945, No. 8444, respecting the handing over to Military Escort of the above named prisoner, for trial as a war criminal.

2. Following communications with A-3 Section A.F.H.Q., the prisoner was handed over to Lieutenant OEHAN, R.A., and escort from No. 209 P.O.W. Camp, to await trial.

3. At Poggioreale Prison, it was pointed out by the Director, (Colonel BOKORI) that the subject is also wanted for offences against Italian law, and should he be acquitted at any Allied Military trial, it is asked that he be returned to Italian custody.

For the Commissioner,

AOE/jag.

F.P. LUCKIAN 159
Major, A.O.,
S.C.A.P.O.

A true copy:

Rosario A. Galiano
ROSARIO A. GALIANO,
Capt., Inf.,
Senior Legal Officer.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/wla.

AG/419/5/6.

1 December 1945

SUBJECT: War Crimes: handing over of ROSSIGNI Section
for trial.

TO: A.F.M.Q. (Attn: A. Branch)

1. Reference signal No. 8725 of 24th November.

2. Public Safety Sub-Commission NAPLES Commune advised this Sub-Commission that after communication with 4-3 Section ARMO ROSSIGNI was handed over to Lieutenant OMIAH, R.A., and escort from No. 209 P.O.W. Camp to await trial. The Director of the Poggioreale Prison, NAPLES, where the prisoner has been confined, asks that, if ROSSIGNI is acquitted, he should be returned to Italian custody, as he is wanted for offences under Italian law.

For the Chief Commissioner

JOHN K. WARDER,
Colonel, Infantry,
Chief Legal Advisor.

151

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120A

Date 23 November 1945

signal 1/5/c

signal 1/5/c

- signal 1/5/c

- signal 1/5/c

- signal 1/5/c

signal 1/5/c

Founders, 15
E. P. LUCKMAN
Major, A. C.,
S. C. A. P. O.

F. P. LUCKMAN
Major, A.C.,
S.C.A.P.O.

F. P. LUCKMAN
Major, A.C.,
S.C.A.P.O.

F. P. LUCKMAN
Major, A.C.,
S.C.A.P.O.

F. P. LUCKMAN
Major, A.C.,
S.C.A.P.O.

F. P. LUCKMAN
Major, A.C.,
S.C.A.P.O.

F. P. LUCKMAN
Major, A.C.,
S.C.A.P.O.

F. P. LUCKMAN
Major, A.C.,
S.C.A.P.O.

F. P. LUCKMAN
Major, A.C.,
S.C.A.P.O.

112A
111A
103A
102A
101A
100A
84A
83A
76A
75A



4119/5

Mod 40

Roma 22 Novembre 1945

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE DELLA STATISTICA E DEL CASELLARIOLa COMMISSIONE ALLEATA
SOTTOCOMMISSIONE LEGALE

R O M A

Ufficio I° A.P.

Prot. N° 291/27/2805/1945

898
Risposta del 5/11/1945

Per AC La 34119/5/L.

OGGETTO: Delitti di guerra - decisione del soldato
BOWERS.-

e, per conoscenza

ALL'UFFICIO COLLEGAMENTO

G A B I N E T T O

Di seguito alla Ministeriale pari numero in data 17 corrente, si informa che il Procuratore del Regno di Fermo ha dato assicurazione che le copie degli atti relativi all'istruttoria compiuta contro VANNOZZI Vinicio, GILIBERTI Carmine, VECCHI Valeriano e ZAMBON Carlo, per l'omicidio in persona del soldato britannico BOWERS, saranno trasmesse a questo Ministero non appena formate dall'ufficio Istruzione di quel Tribunale, facendo altresì presente che si ignora tuttora l'attuale dimora del ZAMBON, e si attende la cattura di MARIUCCI Filippo risultato cooperatore dell'uccisione del BOWERS.

Ha aggiunto che l'istruttoria contro BAGI-
li Nazzareno, imputato di tentato omicidio in

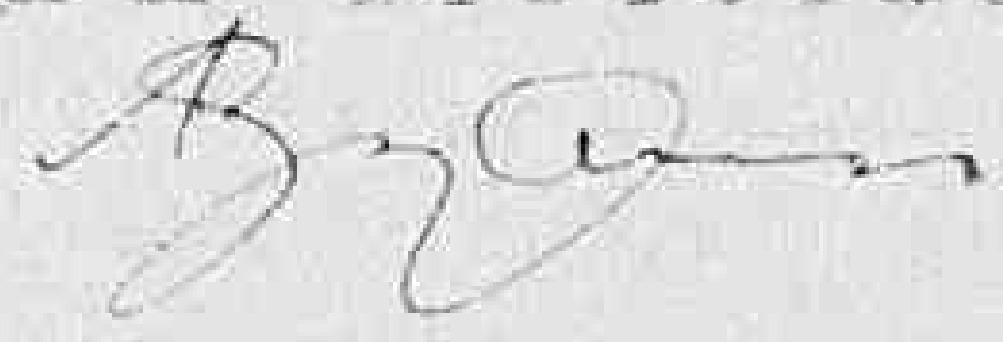
././

1978

danno del predetto BOXERS, è stata completata
e gli atti relativi sono stati riuniti, per
connessione, al processo di cui sopra.-

Si fa pertanto riserva di ulteriori co-
municazioni.-

per il MINISTRO



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



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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

MT/en

30 November 1945

AC/4119/5/L.

SUBJECT : Coccia Umberto : Charged with causing death of
ex-Prisoner of War.

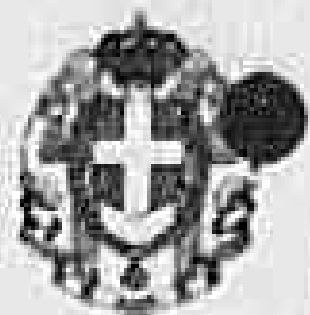
TO : Procuratore Generale Militare
Tribunale Militare - FIRENZE.

This Sub-Commission has just been informed by the Ministry of Justice that the trial of Coccia Umberto is at present in progress before the Tribunale Militare in Florence. In view of the fact that the proceedings began in May last this Sub-Commission would like to be informed when a decision may be expected. This information is urgently wanted by Military Headquarters who have been repeatedly asking to be informed of the result of the case.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Copy to the Minister of Pardon and Justice (reference your Prot.
N. 138/17/398/1945 of 20 November 1945.)

148



Mod 40

Roma 20 Novembre 1945

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE DELLA STATISTICA E DEL CASELLARIOAlla COMMISSIONE ALLEA-
TA SOTTOCOMMISSIONE LEGALEUfficio I.° A.P.
Aut. 1° 138/17/398/1945R. O. E. A.
Suppl. al f. del 13/10/1945
In AC. Sc. N° 4119/5/1.

Oggetto Procedimento penale contro SOCCIA Umberto
imputato di omicidio in persona del militare britan-
nico LEACH MATTAN.-

e, per conoscenza:

ALL'UFFICIO COLLEGAMENTO

G A B I N E T T O

Facendo seguito a precedente corrispon-
denza, si informa che la Procura del Regno di
Fermo ha comunicato che il procedimento pena-
le di cui all'oggetto fu rimesso, per compe-
tenza, al Tribunale Militare di Macerata in
data 21/4/1945, ed attualmente dovrebbe trovar-
si in corso avanti il Tribunale Militare di
Firenze.- In pari data vengono richieste in-
formazioni del caso alla Procura Generale Mili-
tare presso il Tribunale Supremo Militare con
riserva di comunicarle, a suo tempo, a codesta
On.le Sottocommissione.-

per il MINISTRO

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

116A

AC/4119/5/L.

MT/es
30 November 1945

SUBJECT : War Crimes committed by German Nationals.
TO : The Italian Central War Crimes Commission

I enclose herewith for the consideration of the Commission the following:

(1) Memorandum of the President of the Tribunale of Gorizia and three Judges, and a letter from the Avvocato Generale of the Extraordinary Court of Assize of Trieste, relating to war crimes alleged to have been committed by Dr. Rainer and other German authorities against the personnel of the Tribunale of Gorizia;

(2) Documents relating to a charge against Col. Neufelner of killing a hostage, Ferraretto Ottavio, at Cherasco in October 1944.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor. 146

1982

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

785016

4119/50
 ALLIED FORCE HEADQUARTERS
 G-5 Section
 APO 512

857

26 NOV 1945

Ref: G-5: 000.5-1

24 November 1945

SUBJECT: War Crimes

TO : Headquarters, Allied Commission,
 APO 394.

1. Reference is made to your AC 4119/5/L dated 17 November 1945 and 20 November 1945 and enclosures thereto - Col. Neufelner and Dr. Rainer, respectively.

2. Subject correspondence is returned herewith with a request that this be forwarded directly by you to the Italian Government in accordance with the provisions of our letter of 22 August 1945. (G-5: 000.5-1 - subject as above).

not recd

BY COMMAND OF LIEUTENANT GENERAL MORGAN,



A. L. HAMBLÉN
 Brigadier General, G.S.C.
 Assistant Chief of Staff, G-5.

Incl: as above

LEGAL SUB	
CIO	
DCIO	
Chief Counsel	
CIO	
Italian S.	
CL RICS	
26 NOV 1945	

145
 July-Thomson
 to disc
 please
 1/11

114A

26.12.48

TO: Sig. Procuratore del Regno, Torino.

91A

Dato che la sotto-Com. si è in via d'istituzione, con lettera del 15/5/5 del 3.11.50 faceva pervenire l'urgenza delle informazioni richieste. Vi prego di fornire al più presto possibile.

John W. Gifford, Captain
No. 377 Co. 30th U. S. Inf. Corps
Hudson, N. Y.

JAGS/2007

Copy to: Procuratore Generale del Regno. Ancona.

H.C., A.C., Legal Sub-Committee, Chief
Legal Advisor, Indian Branch. —

CEO
CFO
Chief Counsel
CJO

Section

CL 1045
2 1045

144

1984

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

785016

HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394

113A

*Hold until
further notice is received from RLO Piemonte*

20 November 1945

PR/LE/513

SUBJECT: War Criminals.

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

1. Herewith copy of letter from Procuratore del Regno at Biella to A.M.G. there.

2. As will be seen from our letter of which a copy is annexed, we cannot trace having received the previous letter referred to.

3. It is thought right to forward this copy of the Procuratore's letter for interim information and any action you think right as communication with Biella is slow.

For the Regional Commissioner.

DDM Tolm Major 143
D.D. Mc Colm
Major, R.A.
Regional Legal Officer

DDM/AR.

Encl.: a/m letter

LEG. SEC. COM. 5.3	
CLO	
DCLO	✓ ←
Chief Counsel	
CJO	
Italian Section	
C.	
26 NOV 1945	

COPIA

=====

To Legal Sec. 10

R. I. PROCURA DI BIELLA

12.11.45

Cn. Governo Militare Alleato
di Biella
per l'inoltro al Competente Ufficio
Legale

Biella.

OGGETTO: Imputati irreperibili e che si presume siano in campo
di concentramento.

Confermo la mia nota del 4/10/45 colla quale trasmettevo
a codesto Comando per l'inoltro al competente ufficio un lungo ele-
elenco di individui, contro i quali pende processo in istruttoria
avanti a questa Corte e per i quali da tempo è stato spiccato ordi-
ordine di cattura per gravissimi reati: articolo 51 o 58 C/P/M di
guerra.

Finora non ho ricevuto risposta di sorta. E dire che il
Campo di internamento di Coltano è stato sciolto.

Attiro la vostra attenzione in specie su alcuni italiani
arruolatisi nella SS tedesche e che durante la loro permanenza a
Biella compiono cose inaudite contro cittadini inermi. Le SS di
Biella al Comando dei famigerati Magg. Wilche e Ten. Schu (entrambi
mi consta siano nel campo di concentramento alleato nei pressi
di S. Rossore oppure nel campo n° 338 nei pressi di Modena) arre-
tarono in 18 mesi a Biella più di 1300 persone di cui almeno 500
sono morti o per sevizie, o per sommaria esecuzione o per inter-
namento in Germania in campi di eliminazioni.

Chiedo anzitutto che il Magg. Wilche ed il Ten. Schu siano
giudicati come criminali di guerra da un Tribunale alleato a
disposizione del quale tengo abbondante materiale accusatorio.

Chiedo poi che i seguenti italiani militi nelle SS tedesche
i quali trovansi con ogni probabilità nel campo 338 di Modena
e dei quali alleghai fotografie, per facilitare il loro ricono-
scimento, quando vi trasisci gli elenchi di cui sopra, mi siano
consegnati per essere giudicati per svariati assassini, per tor-
ture e per sevizie inferte a civili ed a partigiani, per rapine di
mobili, per arresti arbitrari ecc. ecc.

1° BEGHETTI Antonio di Erminio e di BONDELLI Amelia nato a

Massa il 28/11/1921 e res. in Aosta.
2° CHAVERO Giuseppe di Guido e di Natta Giuditta nato a Torino
il 9/1/1908 ed ivi residente
3° RU GERI Gennaro non meglio identificato res. in Torino.

Insisto proprio a che i tre suddetti individui mi siano consegnati e son anche disposto ad andarli a prendere personalmente e con miei mezzi ovunque si trovino, purché mi vengano messi a disposizione per il loro giudizio.
Resto in attesa di risposta qualsiasi. o/o Ringrazio ed ossequio.

Il Proc. Generale del Regno f.f.

o/o che diversamente dovrò procedere subito in loro contumacia.

1987

To: Legal Sub-Commission

20 November 1945

PR/LE/313

SUBJECT: War Criminals.

20 : P.S. Vercelli.

1. Ref. your PR/VE/237 of 17 Sept. We have no trace of the Procuratore Generale's letter of 4 Oct. being received here either directly from Biella, or through Provincial H.Q.

2. Will you please enquire into the matter.

By order of Colonel de Mase.

D.S. de Golin
Major, R.A.
Regional Legal Officer

DIS/AR
Copy to Legal Sub-Commission.

14

1988

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

785016

419/5

File

112A

AFHQ (ATTN. A BRANCH)

8725

24 NOV. 45

PRIORITY

SECRET PD

PARA ONE PD REFERENCE YOUR SIGNAL FREDDIE FIVE THREE
ZERO SIX NINE OF FOURTEENTH NOVEMBER PD

PAREN TO AFHQ PAREN ATTENTION A BRANCH PAREN FROM HQ
ALCOM CITE ACOM PAREN

PARA TWO PD INFORMED THAT ROSCIOLI SETTIMO HANDED
OVER YESTERDAY TO ALLIED MILITARY AUTHORITIES IN NAPLES

DOWN GRADED
UNCLASSIFIED

133

Col. Inf.
Chief, Allied Office
for Coord. and Liaison Officer

LEGAL SUB-COMMISSION

302

(111A)

ZONE COMMISSIONER AND NAPLES COMMUNE PUBLIC SAFETY OFFICER

2717

24 Nov 1945

ROUTINE

UNCLASSIFIED PD

REFERENCE SIGNAL EIGHT FOUR FOUR SIX FROM ALCON CITE AGING DATED
ONE SIX NOVEMBER ONE NINE FOUR FIVE PD

PARA TO ZONE COMMISSIONER AND NAPLES COMMUNE PUBLIC SAFETY OFFICER
FROM ALCON CITE AGING PATER

PARA ONE PD BY AUTHORITY OF COMBINED CHIEFS OF STAFF PLEASE
ARRANGE FOR IMMEDIATE HANDOVER TO BRITISH CUSTODY ROSSIGLI SETTING
HAND IN ITALIAN CUSTODY AT NAPLES JUDICIAL PRISON OR POSSIBLY
PRISON OR REPARTO POLITICO AND REPORT THIS HEADQUARTERS SO THAT
EFFECT CAN BE LAID ON TO COLLECT PRISONER PD
PARA TWO PD ROSSIGLI REQUIRED FOR TRIAL IN CONNECTION WITH
SHOOTING BRITISH PRISONER OF WAR PD

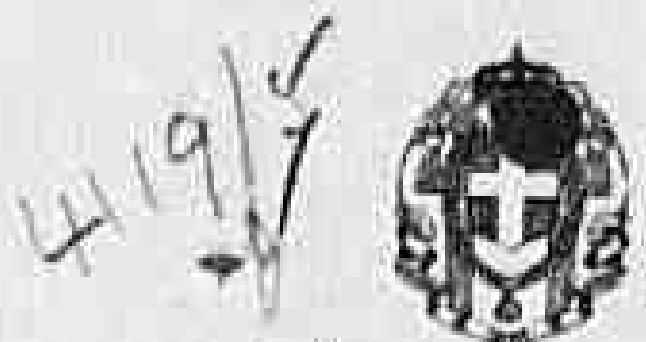
*Amid to file and with
yesterday 23*

Public Safety Sub/Comm

262

E.J. WIK Col.
DASH

G.J. LORNE
CWO USA
Asst Adjutant



Roma 12 Novembre 1945

110 A Mod 40

Ministero di Grazia e Giustizia

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

 11a COMMISSIONE ALLEATA
Sottocommissione Legale

R O M A

 Ufficio I° A.P.
Aut. N° 291/27/2805/1945

 Dispositivo del 5/11/1945
Dir. AC Dir. N° 411915/L

OGGETTO: Delitti di guerra - uccisione del soldato BOWERS.

e, per conoscenza:

ALL'UFFICIO COLLEGAMENTO

G A B I N E T T O

Con riferimento alla nota sopra distinta, si assicura che in pari data il Procuratore del Regno di Fermo è stato richiesto di trasmettere a questo Ministero copia degli atti relativi all'istruttoria compiuta per l'omicidio in persona del militare britannico BOWERS, e notizie circa l'attuale dimora di uno dei responsabili, certo ZAMBON Carlo.

Si fa riserva, pertanto, di ulteriori comunicazioni.

LEG. SUBCOMMISSION

CLO

DCLO

Chief Counsel

CJO

Italian Section

MKS

21 NOV 1945

per il MINISTRO

131

No action; being forwarded on 7th Dec 1945

1991

785016

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

109A

AC/4119/5/L.

/es
19 November 1945.

SUBJECT : Penal Proceedings against Coccia Umberto.

TO : GHQ, CMF. (Attn: D.A.G.)

1. Reference your 16171/15/A-3 of 20 October 1945.

2. The Liaison Officer, Ancona, has just informed us that the Procuratore del Regno of Fermo, to whom the Report enclosed in your letter was sent, states that "the Report has been forwarded to the Procuratore Militare del Regno at the Military Tribunal of Florence, where all the documents relating to the above proceedings had been previously sent in accordance with the findings of the Enquiring Judge (Giudice Istruttore) dated 21 April 1945."

For the Chief Commissioner

JOHN K. WEBER,
Col., Infantry,
Chief Legal Advisor.

36

449/5

HEADQUARTERS
ALLIED COMMISSION
ANCONA.SECRET

108A

Ref.: AN/12/23

14 Nov 45.

SUBJECT: Penal Proceedings against CCCCCIA Umberto.

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

FROM: A.C. Liaison Officer, Ancona.

1. Ref. your AC/4419/5/L of 23 Oct 45 and this office letter AN/12/23 of 12 Nov 45.

2. The Procuratore del Regno of Fermo communicated that the report attached to your a/c letter has been forwarded to the Procuratore Militare del Regno at the Military Tribunal of Florence, where all the documents relating to the above proceedings had been previously sent in accordance with the findings of the Enquiring Judge (Giudice Istruttore) dated 21 Apr 45.

John W. Gurney
JOHN W. GURNEY, Captain, Corps
Liaison Officer, ANCONA.

LEG. SUB COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
10 NOV 1945	

133

107A

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

/m

10/11/45.

November 1945

SUBJECT : Alleged war crimes committed by Dr. RAUPE
and other German authorities against Italian
personnel of Tribunale of GORIZIA.

TO : AFHQ C-5 Section.

The enclosed documents signed by the President of the Tribunale
of GORIZIA and three Judges and a letter of the Chief Prosecuting Officer
of the Extraordinary Court of Assize VENEZIA are forwarded to you for
consideration.

For the Chief Commissioner.

S.M. HITE, Lt. Col.,
A/W Civil Affairs Section.

134

1994

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

785016

107A

HEAD-QUARTERS ALLIED COMMISSION
ATO 394
CIVIL AFFAIRS SECTION

/mla

10/4119/5L

November 1945

SUBJECT : Alleged war crimes committed by Dr. RAINE
and other German authorities against Italian
personnel of Tribunale of GORIZIA.

TO : AMHQ G-5 Section.

The enclosed memorandums signed by the President of the Tribunale
of GORIZIA and three Judges and a letter of the Chief Prosecuting Officer
of the Extraordinary Court of Assize TRIESTE are forwarded to you for
consideration.

For the Chief Commissioner.

S. R. WHITE, Lt. Col.,
A/AF Civil Affairs Section.

134

106A

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

/ndn

AM/4119/5/L.

17 November 1945

SUBJECT : War Crimes committed by Germans. COL. REPPENHAGEN.

TO : ASHQ G-5 Section.

The enclosed file pertaining to the above subject is passed
to you for consideration.

For the Chief Commissioner.

S. H. WHITE, Lt. Col.,
A/VP Civil Affairs Section.

133

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
13 CORPS

Legal
105A

LEGAL DIVISION

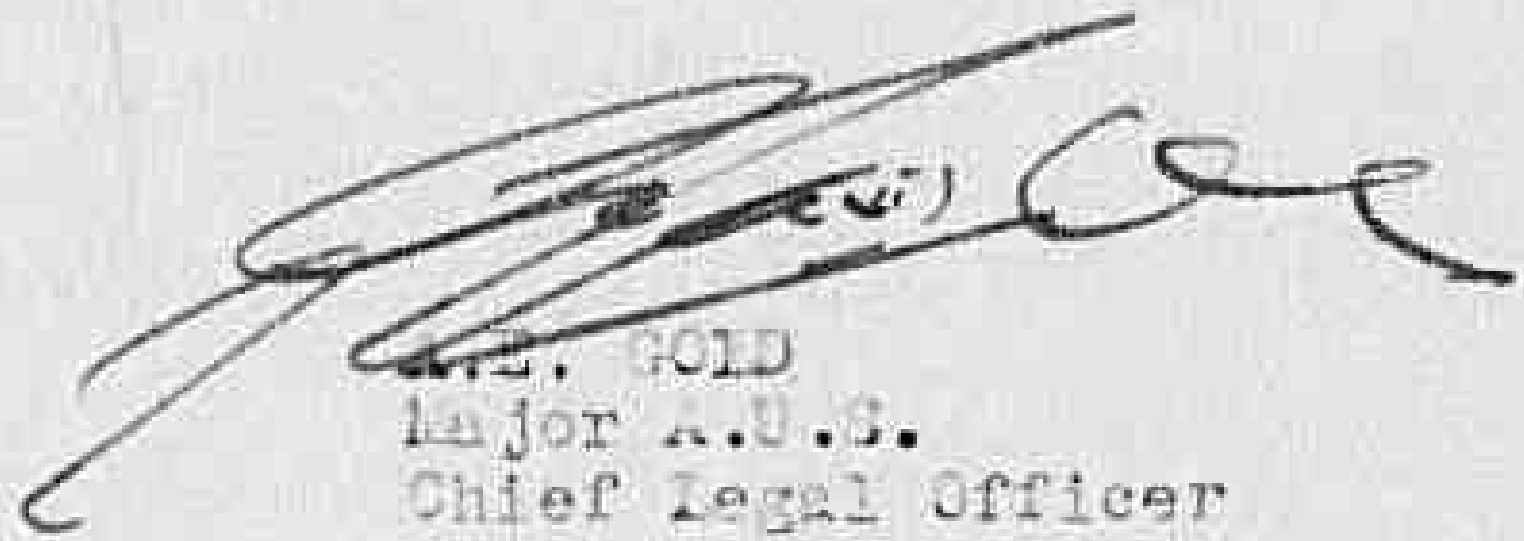
Date 2 November 1945

FILE REF.: 13c/AMG/LD/102/393

SUBJECT: Allegations by personnel of the
Tribunale of Trieste against
Dr. RAINER and other German
Authorities.

TO : LEGAL SUB-COMMISSION, H.Q. Allied Commission

Herewith correspondence in this matter, for transmission
to the appropriate authority.


MAJ. GOLD
Major A.S.G.
Chief Legal Officer

CU	
DOLO	
Chief Counsel	
CIN	
Italian Section	
CL RKS	
5 NOV 1945	

4 NOV 1945

132

1997

4119/5

104A

HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394

8 November 1945.

PR/LE/513.

SUBJECT : War Crimes - Col. NEUFELNER.

TO : Legal Sub-Commission - Rome.

Attached documents from Cuneo are forwarded for onward transmission, please.

For the Regional Commissioner.

D.D. Mc Colm
D.D. Mc Colm,
Major, R.A.,
Regional Legal Officer.

DDM/CB

from to 95
AFHQ

LEGAL SUBCOMMISSION	
CLO	
DCLO	A ←
Chief Counsel	
CJO	
Italian Section	←
CLERKS	
13 NOV 1945	

131

1998

Declassified E.O. 12356 Section 3.3/HND No.

785016

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

AC/4119/5/L.

/es
16 November 1945SUBJECT : War Crimes: Handing over of Roscioli Bettino held in
Naples Judicial Prison.

TO : A Branch AFHQ

1. Reference your signals F 48524 of 12 October 1945 and
F 53069 of 14 November.2. On 15 October this Sub-Commission wrote to the Minister
of Justice on the matter and received confirmation from the
Ministry on 19 October that Roscioli was held in the Naples
Judicial Prison. The same day the Ministry was requested to
authorise the handing over of the prisoner to a British Escort.
Up to the present no reply has been received to this request.3. In order to prevent any further delay a signal has
been sent to the Zone Commissioner Naples Comune asking him
to arrange for the immediate handover of Roscioli, to a British
escort. A copy of the signal is attached.

For the Chief Commissioner

130

Encl.

DOWN GRAD
UNCLASSIFIED

G.O. HANNAFORD

Lt. Col.

Deputy Chief Legal Advisor.

Col. J.C.
Chief Legal Officer
AFHQ

17119/5
INCOMING MESSAGE
10 2A
Legal

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: F 53069

Message Centre No: 9/3610

Date/Time of Origin NOV 14/1529 A

Date Time Rec'd NOV 15/1000

Precedence: IMPORTANT

FROM: A BRANCH CMF

TO : ALLIED COMMISSION

SECRET

SECRET

Further this HQ Signal F 48524 of 12th October F 50395 of 25th October.

Request reason delay hand over ROSCIOLI

DISTACTION LEGAL S/C (2)
INFO CHIEF COMMISSIONER
C AFFAIRS SEC (2)
FILE (2)
FLOAT

123

SECRET

DOWN GRADED
TO
UNCLASSIFIED

HEADQUARTERS

15 NOV 1945

Col. Inf.
Chief Judicial Officer
for Chief Civil Affairs Officer.

RECEIVED 14 NOV 1945

SLO

DELO

Chief Counsel

CJO

Italian

CE RUS

1 NOV 1945

S E C R E T
- - - - -

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/es

16 November 1945

AC/4119/5/L.

SUBJECT : War Crimes : Roscioli Settimo.

TO : The Minister of Pardon and Justice.

1. Reference this Sub-Commission's letter to you No. AC/4119/5/L of 19 October 1945 asking the Ministry to authorize the handing over of Roscioli Settimo to a British Military Escort.

2. In view of the urgency of this matter the Zone Commissioner AMG Naples Commune has been asked to arrange for the immediate handing over of Roscioli Settimo to British custody.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

DOWN GRADED
TO
UNCLASSIFIED

Col Inf.
Chief Judicial Officer.
for Chief Legal Officer.

128

100A

ZONE COMMISSIONER AMG NAPLES COMMUNE

8446

16 NOVEMBER 1945

PRIORITY

SECRET PD

PARA ONE PD BY AUTHORITY OF COMBINED CHIEFS OF STAFF ARRANGE
FOR IMMEDIATE HANDOVER TO BRITISH CUSTODY ROSCIOLI SETTING HELD
ITALIAN CUSTODY NAPLES JUDICIAL PRISON PAREN POGGIOREALE PRISON
CMA REPARTO POLITICO PAREN PD
PAREN TO ZONE COMMISSIONER AMG NAPLES COMMUNE FROM HQ ALCON
CITE ACLEG PAREN

PARA TWO PD ROSCIOLI REQUIRED FOR TRIAL IN CONNECTION SHOOTING
BRITISH PRISONER OF WAR PD

PARA THREE PD ARRANGE FOR BRITISH ESCORT TO TAKE OVER PRISONER
FOR DISPOSAL OF A BRANCH AFHQ CMF PD

PARA FOUR PD ADVISE LEGAL SUBCOMMISSION OF ACTION TAKEN

DOWN GR DED
TO
UNCLASSIFIED

Legal Sub-Commission

302

fa

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

99A

AC/4119/5/L.

/es
15 November 1945

SUBJECT : War Crimes Trial. ZANONI Filippo, fu Camillo.
TO : GHQ MEF.

1. Reference your 16171/38/A3 of 22 October 1945.
2. Enclosed herewith is a copy of the requested report.

For the Chief Commissioner

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Encl.

ALLIED COMMISSION
Liaison Office I.G.T.
Bologna

98A

8th Nov. 1945

Ref. AC-LG/PS/24.6
Subject: WAR CRIMES. ZANONI FILIPPO.
To: Chief Legal Adviser,
Legal Sub-Commission,
A.C.H.Q.

(Attn. Italian Branch) —

(through Lt. Col. Walters,
Liaison Officer,
B o l o g n a .)

1. Reference letter AC/4119/5/L dated 5th Nov. 1945.
2. Attached find copy of CC.RR. report of death sentence on ZANONI Filippo carried out at Piacenza on 6 Oct. 1945.

Andrew G. P. Way
ANDREW G. P. WAY, MAJOR,
Public Safety Officer

Forwarded

T. W. J. Walters
T. W. J. WALTERS,
Lt. Col.
Liaison Officer.

AGPW/ls

Enc. CC.RR. report.

125

LEGIONE TERRITORIALE DEI CARABINIERI REALI DI GENOVA
COMPAGNIA DI PIACENZA INTERNA

N° 45/21 di prot.R.P.

Piacenza, 6 ottobre 1945

Oggetto: Esecuzioni capitali a Piacenza. Segnalazione.

COMANDO GENERALE ARMA CC.RR.	ROMA	
VI° COMANDO MIL.TERR.BOLOGNA	P.M.225	
COMANDO 1° DIVISIONE CC.RR.	MILANO	
COMANDO 1° BRIGATA CC.RR.	TORINO	ALLIED COMMISSION
COMANDO LEGIONE CC.RR.	GENOVA	OFFICER SAFETY I.G.T.
COMANDO LEGIONE CC.RR.	BOLOGNA	<u>BOLOGNA</u>
REGIA PREFETTURA	PIACENZA	
REGIA QUESTURA	PIACENZA	
COMANDO GRUPPO CC.RR.	PIACENZA	

Ore 6,45 stamane nel locale poligono di tiro sono stati fucilati:

= ZANONI Filippo

= SOLARI Bruno,

in esecuzione alla sentenza del 3 luglio 1945 della Corte d'Assise Straordinaria di Piacenza.

Nessun incidente.

123

IL CAPITANO COMANDANTE
 F/to Giovanni Contini

*Certified true copy
 of original letter received by this Office.
 [Signature]
 Public Safety Officer*

ALLIED MILITARY GOVERNMENT

GOVERNO MILITARE ALLEATO

Crimini di guerra. Uccisione del Soldato Bowers.

Н. О. Ансопа.

Subject: Sig. Procuratore del Regno, Fermo.

Ref. AWO/11/10

To: A.C. Liaison Officer, Ancona.

Date 6.12.45.

1. ^{From:} Con riferimento all'acclusa traduzione di lettera della Sotto-Commissione Legale dell'A.C. al Ministero di Grazia e Giustizia, dd. 5 Novembre 1943, No. AC/4119/5/L. Data 8.11.45.

2. Quest'ufficio è stato incaricato di farvi notare l'urgenza di quanto richiesto al paragrafo 3 della lettera suddetta. Vogliate quindi farvi pervenire i documenti richiesti al più presto possibile.

JWGS/ag

John G. Guthrie
J. G. GUTHRIE SQUAD. Capt. Int. Corps
Liaison Officer, ANCONA.

Distribution:

Copy to: Procuratore Generale del Regno, Ancona.
" : HQ A.C. Legal Sub-Commission, Chief Legal Advisor,
Italian Branch

122

C10

HEADQUARTERS ALLIED COMMISSION

APC 394

LEGAL SUB-COMMISSION

AC/4119/5/L.

/es

13 November 1945

SUBJECT : Sorcitti Corrado and Cornacchia Giuseppe

TO : The Minister of Pardon and Justice.

1. I have been informed that Sorcitti Corrado and Cornacchia Giuseppe have been charged before the Court of Appeal in Ancona with the killing of an ex-prisoner of war. As the charge is one against a British Prisoner of War, Army Headquarters request that in conformity with the regular procedure the two abovementioned be handed over to the British authorities. Will you kindly inform this Sub-Commission where these two prisoners are detained in order that arrangements may be made for them to be handed over to a British escort.

2. May this matter please be treated as urgent.

MUSGRAVE THOMAS, 123
Italian Branch,
for Chief Legal Advisor.

86.

Subject: - WAR CRIMES.

14/19/5

CONFIDENTIAL.

LEGAL S/C

GHQ CEF.

16171/A-3.

3 Nov 45.

95A

HQ Allied Commission,
APO 394,
Civil Affairs Section.

Copy to - DJAG, GHQ CEF.
SIB, c/o DJAG, GHQ CEF.

32A

Reference AFHQ letter GI/B/15110/A3 dated 20 Jun 45. —

1. In para 2 sub-para(c) it was stated that the case of the shooting of an escaped PW (possibly Lieut MADDICK, RANC) should not be tried by the Italian Courts pending further instructions.
2. It appears that the Judge of Instruction of ASCOLI PICENO has submitted this case to the Court of Appeal in ANCONA for trial of the accused SORCETTI Corrado and CORNACCHIA Giuseppe on a charge of homicide of the Ex-PW.
3. DJAG has advised that the above named accused should be transferred to British custody, and it is requested that authority may be obtained for the handing over of SORCETTI and CORNACCHIA to a British escort.
4. May this matter please be treated as urgent and this GHQ notified when authority has been obtained, stating the place of detention. Arrangements will then be made for the necessary transfer.

DOWN GRADED
TO
UNCLASSIFIED

Col. Inf.
Chief Judicial Officer,
for Chief Civil Affairs Officer.

LEG. COUNCIL MEMO
CLO
DCLO
Chief Counsel
CJO
Italian Section
CL RKS
3 NOV 1945

J. Napier, Brigadier

Major General,
DAQ.



121

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

File 94A

AC/4119/5/L.

/es
10 November 1945

SUBJECT : Italian observers at Dachau Trial.

TO : President of Council of Ministries; Minister of
Pardon and Justice; Minister of War.

The following signal has been received to-day
and is passed to you as directed :

" FROM : USFET MAIN ACS CITE ETALC SIGNED EISENHOWER
FROM COLONEL PIORE VERNAZZA, CHIEF OF ITALIAN
LIAISON

TO : ALCOM

RESTRICTED

Mission this Headquarters, requests following message
transmitted to Italian War Ministry Cabinet :

" 2 ITALIAN OBSERVERS INVITED FOR DACHAU WAR CRIMINALS
TRIAL COMMENCING ABOUT 15 NOVEMBER, THEIR NAMES HAVE TO BE
NOTIFIED BY 12 NOVEMBER TO COMMANDING GENERAL, ATTENTION OF
STAFF JUDGE ADVOCATE, EASTERN MILITARY DISTRICT, APO 403, .
US ARMY, AND TO ITALIAN LIAISON MISSION, HEADQUARTERS USFET "

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Fabrizio
Liaison Dev

17/11

room 41 III floor

2010

9 NOV 1945 4119/5

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

CA 93A

Originator's Reference: S 30811

- 9 NOV 1945

Message Centre No: G/3203

Date/Time of Origin: NOV 8/1430 A

Date Time Rec'd: NOV 9/1150

Precedence: ROUTINE

FROM: USFET MAIN ACS CITE ETALC SIGNED EISENHOWER
FROM COLONEL FIORE VERNAZZA, CHIEF OF ITALIAN LIAISON.

TO : ALCOM

RESTRICTED

RESTRICTED

Mission this Headquarters, requests following message transmitted to Italian War Ministry Cabinet :

* 2 ITALIAN OBSERVERS INVITED FOR DACHAU WAR CRIMINALS TRIAL COMMENCING ABOUT 15 NOVEMBER. THEIR NAMES HAVE TO BE NOTIFIED BY 12 NOVEMBER TO COMMANDING GENERAL, ATTENTION OF STAFF JUDGE ADVOCATE, EASTERN MILITARY DISTRICT, APO 403, US ARMY, AND TO ITALIAN LIAISON MISSION, HEADQUARTERS USFET.

HEADQUARTERS
9 NOV 1945

SUBCOMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
9 NOV 1945	

DIST

ACTION
INFO

CA SECTION
CHIEF COMMISSIONER
LEGAL S/C
FILE (2)
FLOAT

119

ACTION

RESTRICTED

5042

2011

785016

92A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4119/5/L.

/es
6 November 1945

SUBJECT : Penal Proceedings against COCCIA Umberto.
TO : The Minister of Pardon and Justice.

1. Reference this Sub-Commission's letter of even number dated 13 October 1945 and your 138/17/398/1945 of 26 October 1945.

2. I should be obliged if you would inform this Sub-Commission whether the rehearing of this case has now taken place, and, if so, what was the decision of the Court.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

118

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

91A

AC/4119/5/L

MT/es
5 November 1945

SUBJECT : War Crimes. Shooting of Pte Bowers.

TO : AC/Liaison Officer. ANCONA.

1. Enclosed herewith is a copy of a letter directed to the Minister of Justice re the above.

2. GHQ CMP requests urgent action on para 3 of said letter.

3. Please contact the Procuratore del Regno at Fermo (Ascoli Piceno) and ensure that the requested information be made available to this Sub-Commission at an early date.

By Command of Rear Admiral STONE

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Encl.

111

4119/5
26 OCT 1945
SUBJECT: War Crimes.

14074 Security
26 OCT 1945 CONFIDENTIAL
90A

CHQ CMF,

16171/29/43.

23 Oct 45.

HQ Allied Commission
APO 394
Civil Affairs Section.

(Some F.P.s - with
R. 14754/1/PS - 100)

Copy to :- DJAG.
FK (For SIB).

32A

Security
Div 1
Rec'd 27/10
Book No 1671
File No 266.01
Action

Reference AFHQ letter G1/3/15110/A3 of 20 Jun 45.

1. In the precis enclosed with the a/m letter, particulars were given of the case resulting from the shooting of No. 14809 Pte BOWERS, G.V. - U.D.F. Extensive enquiries have now been made by S.I.B. and two of the suspected men, VASSOZZI, Vinicio and VACCINI, Valeriano are held in British custody.
2. The Procuratore del Regno, PISTO made certain enquiries into the shooting of BOWERS, following investigation of the grenade throwing incident at MONTERUBIANO in which BOWERS was involved and in which case action by the Italians was authorised. Except, that in each case, Pte BOWERS was involved, there is no connection between the grenade throwing incident and the shooting.
3. It would be appreciated if you would obtain a copy of the Italian Report together with any statements taken relative to the shooting of BOWERS, for consideration in conjunction with evidence already in possession of this HQ. It is desired to bring this case to trial as soon as possible and we shall be grateful if the matter may be treated as urgent.
4. Will you please also enquire whether the Italian Police have any information yet, as to the present whereabouts of ZAMBON, Carlo the third suspect.

116

26 OCT 1945
Chief Counsel
Civil Affairs Section
CL RKS
2 NOV 1945

26 OCT 1945

DOWN GRADED
UNCLASSIFIED

7.2.2.2
Brigadier
Major General,
DAG.

Col. Inf.
Chief Judicial Officer.
for Chief Civil Affairs Officer.

29/13

89A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

MT/es

5 November 1945

AC/4119/5/L

SUBJECT : War Crimes. Shooting of Pte Bowers.

TO : The Minister of Pardon and Justice.

1. This Sub-Commission is advised that the Procuratore del Regno of Fermo has made certain inquiries into the incident at MONTERUBBIANO in which a British Prisoner of War Pte Bowers 14809 and three other soldiers (Beadsworth, Jones and Brown) were injured by grenades. In connection with this incident BASILI Nazareno is held on the charge of attempted murder. In view of the recovery of the ex-Prisoner of War concerned the Italian authorities were authorized to proceed against Basili.

2. After the above incident Pte Bowers is said to have escaped from custody of the Carabinieri. On 21 February 1944, while walking along a road near Fsta, in the vicinity of Fermo, Fascist occupants of a car called on him to halt. Dismounting they shot him. Suspects in the case are:

VANNOZZI Vinicio
CELIBERTI Carmine
VECCHI Valeriano
ZAMBON Carlo.

Investigations have been made by both Allied and Italian Authorities. Vannozzi and Vecchi were apprehended and are now in British custody. The Procuratore del Regno of Fermo reported to have also investigated this second incident.

3. It would be appreciated if you could obtain a copy of the report with any statements taken relative to the shooting of Bowers described above under 2. It is desired to bring this case to trial by Allied Authorities as soon as possible and this Sub-Commission shall be grateful if the matter may be treated as urgent.

4. Would you please also inquire whether the Italian Police have any information yet, as to the present whereabouts of ZAMBON Carlo, the third suspect.

MUSGRAVE THOMAS, Italian Branch,
for Chief Legal Advisor.

88A

HEADQUARTERS ALLIED COMMISSION
APO 374
LEGAL SUB COMMISSION

AC/4119/5A

MT/ln
5 November 1945

SUBJECT : War Crimes - ZANONI Filippo fu Camillo, born 23 April 1905.
TO : AC Liaison Officer, BOLOGNA.

1. Enclosed herewith is a copy of letter from GHQ CW 16171/38/A3 dated 22 Oct 45.

2. Would you please supply this Sub Commission with the particulars asked for in para 3.

Incls :

Am...
MUSGRAVE THOMAS
Italian Branch
for Chief Legal Advisor

114

2016

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

785016

4119/5 R. FILE

ALLIED MILITARY GOVERNMENT

HEADQUARTERS UNITED STATES ARMY

Subject: Panel Proceedings Against COGOLA Reports.

To: HQ AG Panel 3/3

From: HQ AG Panel 3/3

Ref: AG/4/11/20

Date: 2 Nov 45

PUBLIC SAFETY OFFICE,
A. M. G.
PROVINCIAL HEADQUARTERS.

87A

Receipt is acknowledged of your AG/4/11/20 dated 25 Oct 45 and
attachment thereto.

Necessary action is being taken.

John G. Gurney Ogden Bell

Capt., Inf Corps,
Lieut. Colonel & Adj. Officer,
AG/4.

✓ 5 10 1945

113

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5027

27 October 1945

SUBJECT : Zanoni Filippo.

TO : Headquarters Allied Commission
(Legal Sub-Commission)

1. In reply to your letter AC/4119/5/L dated 25 October, this H.Q. has no information regarding the above case.

2. As the trial took place in Piacenza, it is suggested that you refer to the A.M.G. Liaison Officer for Emilia Region or to the Italian authorities at the Ministry of Justice.

For the Regional Commissioner :

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

1	REGIONAL COMMISSION
2	CHIEF OF STAFF
3	CHIEF COUNSEL
4	CHIEF CLERK
5	CHIEF RECORDS

2 NOV 1945

of Lt. Papp

Being forward in about a
week time when we will
no doubt have to make
a further request ^{for information} on the
progress of the Bureau **111**

June
1950



4119/5

Roma 20 ottobre 1945

SSA mod. 40

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE DELLA STATISTICA E DEL CASELLARIOAlla COMMISSIONE ALLEA-
TA SOTTOCOMMISSIONE LEGALEUfficio III^o A.P.

Tel. N° 1128/17/283/1945

Ricevuto al f. del 12/10/1945

In AQ In N° 112/5/1

OGGETTO Procedimento penale contro COCCIA Umberto

e per conoscenza:

ALL'UFFICIO COLLEGAMENTO

C A B I N E T T O

In relazione al foglio sopra distin-
to, si comunica che in pari data sono state
richieste al Procuratore del Regno di Fermo le
opportune informazioni circa lo stato attuale
del procedimento contro COCCIA Umberto.-

Si fa riserva, pertanto, di ulteriori
notizie.-

d'ordine del MINISTRO

MINISTERO DI GRAZIA E GIUSTIZIA

29 OCT 1945

110

SECRET

84A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB COMMISSION

AC/4119/5/L

MT/LN
26 October 1945

SUBJECT : War Crimes - ROCCIGLI Settimio

TO : The Minister of Pardon and Justice.

1. This Sub Commission is being pressed for the order authorizing the prisoner ROCCIGLI Settimio at present held in the Poggioreale Prison (Reparto Politico), Naples, to be handed over to a British Escort as requested in letter AC/4119/5/L of 19 Oct 45.

2. May this matter please be treated as very urgent.

MISGRAVE THOMAS
Italian Branch
for Chief Legal Advisor

Copy to : *A* Branch
GHQ. CMF.

DOWN GRAD
UNCLASSIFIED

Col. Inf.
Chief Judicial Officer.
for Chief Civil Affairs Officer.

109

4119/5 ✓
INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: F 50395

Message Centre No: 3/2059

Date/Time of Origin: OCT 252038A

Date Time Rec'd: OCT 260930A

FROM: A BRANCH OMF

Precedence: PRIORITY

TO: ALCOM

SECRET

SECRET

This Hq signal F 48524 of 12th October. Request urgently
 ROSCIOLI hand over be expedited.

AC

Dist

Action - Legal
 Info - Chief Commissioner
 CA Sect
 File 2 Float



Col. Inf.
 Chief Judicial Officer
 for Chief Civil Affairs Command

SECRET

~~CONFIDENTIAL~~

82A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB COMMISSION

40/4119/5/L

25 October 1945

SUBJECT : ZANONI Filippo fu Camillo, executed for offences of collabora-
tion, and offences against Allied POW's.

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

I enclose copy of a letter from GH 16171/38/A3 of 22 Oct. 45 and
would be glad if you will supply the particulars asked for in para 3.

By command of Rear Admiral STONE :

DOWN GRADER
TO
UNCLASSIFIED

Incls :

Col. Inf.

MURRAY THOMAS

Italian Branch

for Chief Legal Advisor

10.

LEGAL 512397

CONFIDENTIAL.

82B

SUBJECT: War Crimes Trials.GHQ GEF.16171/38/A3.22 Oct 45.

HQ, AC

ZANONI, Filippo fu Carmillo
Born 23 Apr 1905.

1. It has been reported by ANG PIACENZA that the above named Italian was arrested by the Questura on 30 May 45 and tried on 3 Jul 45 on charges including collaboration with the Germans and offences against Allied POW.

2. ZANONI was found guilty and sentenced to death. His appeal is now reported to have been dismissed and the sentence carried out on 6 Oct 45.

3. It would be appreciated if a brief report in confirmation of trial and death, could be forwarded to this HQ.

DOWN OF DED
TO
UNCLASSIFIED

jlb.

Col. Inf.

Chief Judicial Officer
for Chief Civil Affairs Officer.

Major General,
DAG.

100

4119/5

(SIA)

HEADQUARTERS
VENEZIA REGION
Allied Military Government
APO 394

19 October 1945

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

SUBJECT : War crimes

FILE No : EXII/LE/Reg/E/01

59A

1. Reference your AC/4119/5/L of 26 September.
2. I enclose copy of letter received from P.L.O. Padova Province who later informed me by telephone that he understood the case was in the hands of the Publico Ministero of the Florence Extraordinary Court of Assize. I have requested him to obtain an immediate report in the present status of the case, and this will be forwarded as soon as it comes to hand.

C. D. P. Gilshenan
C.D.P. Gilshenan Major,
Regional Legal Officer,
Venezia Region.

LEG-AC-SECTION

CLO

D.C.O.

Chief Counsel

CLO

Italian Section

CL RKS

105

COPY

81B

PADOVA PROVINCE
Venezia Region
ALLIED MILITARY GOVERNMENT
APO 394

TO : R.L.O., Venezia Region
SUBJECT : Ten. PEROTTO
FILE NO : RXII/PAD/39.5.37

17 Oct 45

1. Reference attached letter.
2. The Ten. PEROTTO referred to in attached letter is at present in the Casa di Pena, Padova.
3. All documents concerning this case have been forwarded to the Giudice Istruttore of the Tribunale, Florence.

FOR THE PROVINCIAL COMMISSIONER

R.W. BRIDGTON
1st Lt, CMP
Provincial Legal Officer.

104

CONFIDENTIAL

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4119/5/L.

23 October 1945.

SUBJECT : War Crimes.

TO : The Minister of Pardon & Justice.

1. It is understood that the carabinieri have now arrested a certain FRANCHI Ilvio who was sentenced to death in his absence by an Italian Court for complicity in the shooting of English Prisoners of War HARRY WRIGHT, LAWRENCE BASS and GEORGE MICHAEL BAGRAIM.

2. No indication of which Court imposed the sentence has been received. However, it is known that the victims were shot at Manciano (Grosseto Province) on or about 4 May 1944.

3. There will be no objection if the Italian Authorities wish to carry out the sentence. Nevertheless, will you please keep this Sub-Commission fully informed on any action taken in order that the result of the case may be reported to the appropriate authority.

DOWN DATED
TO
UNCLASSIFIED

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Col. Inf.
Chief Legal Officer

SECRET

79A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4119/5/L.

MT/lc.
23 October 1945.

SUBJECT : Penal Proceedings against COCCIA Umberto.

TO : AC Liaison Officer, ANCONA.

1. The attached report concerning proceedings taken against COCCIA Umberto in connection with the death of an Ex-Prisoner of War has been received from AFHQ for transmission to the Procuratore Generale of Fermo in order that the question of charging SANTE LI for his part in the alleged crime may be considered.

2. Please inform the Procuratore Generale that Santelli Nazzeno is still living at his home in Petritoli.

3. Please acknowledge receipt.

By command of Rear Admiral STONE:

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Incl.

DOWN GRADED
TO
UNCLASSIFIED

Col. Inf.
Chief of Staff
for Chief of Staff

102

CONFIDENTIAL

HEADQUARTERS ALLIED COMMISSION
APO 304
LEGAL SUB-COMMISSION

78A

3/4119/5/L

22 October 1945

Subject : PETRELLI Nazareno.

TO : the Minister of Pardon and Justice.

1. Information has been requested on the present status of the case against PETRELLI Nazareno, alleged to be in jail at Fermo and awaiting trial by an Italian Court for the murder of a British Prisoner of War.

2. Would you be kind enough to inform this Sub-Commission of progress in this case.

It would be appreciated if information as to the date of the trial could be forwarded, well in advance.

73A



MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

L-32A

Col. Inf.
Chief of Staff
for Chief Legal Advisor.
CONFIDENTIAL

101

SECRET

9334
77ASubject: - WAR CRIMES - SHOOTING OF HEATH HATHOR.

LEGAL 8/c

REF. REF.

16271/15/A-2.

20 Oct 45.

HQ., Allied Commission
APO 394,
Legal Sub Commission.

D. 32 A

68 H

Reference your AS/1119/5/L dated 13 Oct 45, concerning proceedings to be taken against COCCIA Umberto in connection with the death of the above ex PM.

1. A copy of a report made by 62 Section 513 is forwarded from which it will be seen that there is reason to believe that SANTINI Nazareno was assisting COCCIO at the time of the shooting.
2. It has come to the notice of this HQ that SANTINI Nazareno is still living at his home in PAVIA.
3. May the above report please be passed to the Procuratore Generale of PAVIA together with the information contained in para 2 above in order that the question of charging SANTINI for his part in the alleged crime may be considered.

DOWN ORDER

UNCLASSIFIED

100

20 OCT 1945

LEGAL SUB COMMISSION

M.M. Wheeler Lt Col

Major General, DML.

ANG

only.

Copy to: - DIAG.

IPL, (SIL)

CLO

DCLO

Chief Counsel

CJO

Italian Section

CL RKS

22 OCT 1945

SECRET

HEAD QUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

MT/lc.

19 October 1945.

AC/4119/5/L.

SUBJECT : War Crimes - ROSCIOLI Settimio.

TO : The Minister of Pardon and Justice.

1. Reference letter N°.. AC/4119/5/L. of 15th October
and your letter N°..VI/147013/94774 of 15th October 1945.

2. I should be obliged if you would issue an order
authorizing the prisoner ROSCIOLO Settimio at present held
in the Foggioneale Prison (Reparto Politico), Naples to be
handed over to a British Military Escort.

3. As this matter is one of urgency may the order be
sent to this Sub-Commission at once.

DOWN ON RED

TO

UNCLASSIFIED

MUSGRAVE THOMAS,

Italian Branch,

for Chief Legal Advisor.

93

Col. Inf.
Chief Judicial Officer
Chief Legal Officer

SECRET

4119/5



URGENTE A MANO

SEGRETA

Ministero di Grazia e Giustizia
DIREZIONE GENERALE
PER GLI ISTITUTI DI PREVENZIONE E DIFESA

la Commissione Allentata
Sottocommissione Legale
ROMA

*Ufficio
Per. N.*

VI

147013/94774

Supplemento AC/4119/5/L.
15-10-45

OGGETTO: Detenuto Roscioli Settimio.

Con riferimento al foglio sopra indicato, si comunica che il detenuto Roscioli Settimio trovasi attualmente ristretto nelle carceri giudiziarie di Napoli.

Pel Ministro

LEG	COMMISSION
CLO	
DCLO	
Chief Counsel	
CJO	
Italian	10/01/45
CL RKS	
14 SEP 1945	



50

2032

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

785016

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: NO/1422
Date/Time of Origin: OCT

Message Centre No: G/1246
Date Time Rec'd: OCT 17 1130A
Precedence: ROUTINE

FROM: AMG ITALIAN CASSINE
TO : HQ ALGER CITE ALGER

UNCLASSIFIED.

Reference your signal 7117 dated 15 October 45.

ROSCIONI SETTINI is in POSIZIONE DI RUOLO NEPARTO POLITICO.

DIST

ACTION: Legal SC
INFO: Chief Commissioner
File 2
Float

97



ACTION

LEGAL SUB COMMISSION	
CLO	
DCLO	
Chief Counsel	
CIO	
Italian Section	
CLAS	
18 SEP 1945	

2033

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

785016

8017

410/5

~~CONFIDENTIAL~~

73A

Subject : WAR CRIMES~~CONFIDENTIAL~~

HQ CTF

16171/A3

13 Oct 45

HQ Allied Commission,
APO 394,
Civil Affairs Section

16 OCT 1945

32A

Reference AFHQ letter G-1(Br)/15110/A3 of
20 Jun 45.

1. It is understood that PETRELLI, NAZZARENO who is held at the Civil Prison, FERMO is to be tried by the 'Assize Court' for the murder of a British PW - ROBERT COLLINS - in the PORTO S. GIORGIO area in Nov 1943.

2. May this HQ please be kept fully informed of progress in this case? It would be appreciated if information as to the date of the trial could be forwarded, well in advance.

LEGAL SUB COMMISSION

CLO

DCLO

Chief Counsel

CJO

PGK/jeml.

Italian Section

CLERKS

16 OCT 1945

Major General,
DAG.

Col. Inf.

for Chief Civil Affairs Officer

UNCLASSIFIED

2038

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

785016

7038

13 OCT. 1945

4/19/5

CONFIDENTIAL.CAS
72ASubject: - WAR CRIMES.GHQ CMF.16171/11/A-3.11 Oct 45.

15 OCT. 1945

CONFIDENTIAL(HQ Allied Commission,
APO 394,
Civil Affairs Section.)Copy to - DFM (SIB).
G-5 AFHQ.

Legal/c

32A

Reference AFHQ letter G1/B/15110/A3 of 20 Jun para 2(e).

1. It is understood from DFM(SIB) GHQ CMF, that FRANCHI Ilvio who was sentenced to death in his absence by the Italian Courts for complicity in the shooting of English POW Harry WRIGHT, Lawrence HASS and George Michael BAGRAIM has now been arrested by the Carabinieri.

2. If the Italian Authorities wish to carry out the sentence this HQ will have no objection. Will you please keep this HQ fully informed on any action taken in order that the result of the case may be reported to the War Office.

15 OCT 1945

mem.

M. M. Wade Lt Col
Major General, AMG
DAG.

55

DOWN ON RED
UNCLASSIFIED**CONFIDENTIAL**Col. Inf.
Chief Judicial Officer
for Chief Civil Affairs Officer.

LEGAL SUB COMMISSION
CLO
DCLO
Chief Counsel
CJO
Italian Section
CL RKS
1 - OCT 1945

4891

U 119/5

71A

COMMISSIONER (Attn: Legal Officer) NAPLES Commune.

7117

15 October 1945

PRIORITY

RESTRICTED PD

PARA ONE PD PLEASE INQUIRE IF PRISONER NAMED ROSCIOLI SETTING IS AT
PRESENT HELD IN ITALIAN CUSTODY IN NAPLES JUDICIAL PRISON PD
PAREN TO COMMISSIONER PAREN ATTENTION LEGAL OFFICER PAREN NAPLES
COMMUNE FROM HQ ALCOM CITE ACLEG PAREN
PARA TWO PD REPLY BY SIGNAL

91

LEGAL SUB-COMMISSION

302

70A
SECRETHEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB COMMISSION

AC/1119/5/L

/LN
15 October 1945SUBJECT : War Crimes : ROSCIOLI Settino
TO : The Minister of Pardon and Justice

1. I certain Roscioli Settino is believed to be at present held in Italian custody in the Judicial Prison in Naples. I should be glad if you can inform me whether this information is correct; if not, can you inform me in which prison he is held.

2. As the above information is urgently required, may this Sub Commission have an immediate reply.

DOWN GRADED
TO
UNCLASSIFIEDCol. Inf.
Chief Judicial Counsel
Chief Administrative OfficerMURGRAVE THOMAS
Italian French
for Chief Legal Advisor

33

4219/5

Legal

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

69A

Originator's Reference: F 48524
 Date/Time of Origin: OCT 122030A

Message Centre No: G 895
 Date Time Rec'd: OCT 131400A
 Precedence: PRIORITY

FROM: A BRANCH CMF
 TO: ACTION ALCOM

SECRET

SECRET

Authority of Combined Chiefs of Staff received for application to Italian Govt to hand over to British custody ROSCIOLI SETTINO held Italian custody NAPLES Judicial Prison. Required for trial in connection shooting British PW. Request arrangements made urgently with Italian Govt for authority for British escort to collect and confirmation of present whereabouts.

Dist

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

LEGAL SUB-COMMISSION
CLO
CLIO
Chief
CIO
Roller
CLIO
13 OCT 1945

DOWN GRADED
 UNCLASSIFIED

SECRET

Chief Judicial Officer
 for Chief Civil Affairs Officer

HEADQUARTERS
 13 OCT 1945

HEAD QUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4119/5/L.

AP/10.
13 October 1945

SUBJECT : Penal Proceedings against COCCIA Umberto.

TO : The Ministry of Pardon and Justice. (Ufficio III A.P.)

May this Sub-Commission please be informed of the present position in the case of the above mentioned accused, the record of which was transmitted to the Procuratore Generale of Perno for rehearing.

Your Prot. N°. 138.17/45-398/45 of 13 March 1945
refers.

23 A
MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

CONFIDENTIAL (67A)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4119/5/L.

AP/lc.
13 October 1945.

SUBJECT : Penal Proceedings against COCCIA Umberto.

TO : GHQ, CMF.

1. Reference your 16171/15/A-3 of 9 October 1945.
2. The file in the case of the a/m accused was forwarded to the Procuratore Generale of Perno (Ascoli Piceno Province) for hearing.
3. Ministry of Justice has been requested to inform this Sub-Commission of the outcome.
4. You will be notified as soon as the decision reaches this Hq.

For the Chief Commissioner:

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

DOWN GRADED
UNCLASSIFIED

Chief Legal Officer
for Chief Civil Affairs Officer.

6828

4119/5

CA SEC.
CONFIDENTIALSubject: - WAR CRIMES.66A Lo/c

11 OCT. 1945

CONFIDENTIAL

11 OCT. 1945

11 OCT. 1945

9 Oct 45.

Hq., AC.,
APO 394,
Civil Affairs Section.

30A

Reference your AC/4119/5/1 of 16 Jun
45 and APO letter G-1(Br)15110/A-3 dated 20
Jun, 45, para 2 (a).

22A

1. Will you please advise this HQ of the
present position concerning the trial of COCCIA
Umberto for the shooting of Br PW No. 3331696
Nathan LEACH.DOWN GR DED
UNCLASSIFIED

Col. Inf.

Chief Judicial Officer.
for Chief Civil Affairs Officer.

11 OCT 1945

Major General,
TAG.

LEG 2 13 1 11 04

CLO

DCLO

Chief Counsel

CJO

Legal Section

CL RKS

amb.

12 OCT 1945

CONFIDENTIAL

4770

654

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/lo.
1 October 1945.

AC/4119/5/L.

SUBJECT : War Crimes committed by Germans in Venezia.
TO : The Minister of Pardon and Justice.

Reference this Sub-Commission's letter of even number dated 29 September 1945 forwarding copy of instructions received from AFHQ, the attached documents are returned in accordance therewith.

G. G. HANNAFORD,
Lt. Col.,
for Chief Legal Advisor.

80

refers to
death of Count Manci

File

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

GHA

AG/4119/5/L.

/lc.
1 October 1945.

SUBJECT : War Crimes committed by Germans in Liguria.
Case of Moritz Herwin and others.

TO : The Minister of Pardon and Justice.

Reference this Sub-Commission's letter of even number dated 29 September 1945 forwarding copy of instructions received from AFHQ, the attached documents are sent in accordance therewith.

G. G. HANNAFORD,
Lt. Col.,
for Chief Legal Advisor.

Incls.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

63A

GGH/pa.
29 Sept 45K

AC/4119/5/L.

SUBJECT : War Crimes committed by Germans against Italians.
TO : The Minister of Pardon and Justice.

1. The enclosed documents received from Piemonte Region are returned herewith together with a copy of instructions received from APHQ on the matter.
2. Will you please follow the procedure indicated therein.

G. G. HANNAPORD,
Lt. Col.
for Chief Legal Advisor.

Incls.

2044

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

785016

5020..

4/9/5.

CA Sec
62AALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

FTH/AMB/sg

28 SEP 1945
26 September 1945

G-5: 060.5-11

SUBJECT: War Crimes Committed by Germans against Italians.

TO : Headquarters, Allied Commission, APO 394.

1. Reference is made to your 4/29.5/A/CA of 22 September forwarding letters and documents with respect to the alleged murder of an Italian by the Germans.

2. The papers are returned herewith as the investigation of war crimes by Germans against Italians is now the responsibility of the Italian Government except in the Ardeatine Caves case and the case of certain high ranking Germans who may later be brought to trial in connection with the policy for reprisals against the civilian population.

3. If the Italian authorities require German personnel traced, sufficient details to identify them and a short statement of the evidence against them should be submitted to this HQ, translated into English with a request that the whereabouts of the accused may be ascertained. If the details supplied are sufficient for this purpose the names will be circulated in an endeavour to trace the wanted persons.

For the Asst. Chief of Staff, G-5:

Incls:
as above

27 SEP 1945

F. T. Hammond, Jr.
F. T. HAMMOND, JR
Colonel, GSC

Legal

2

Please pass these papers to the Minister of Justice for such action as may be appropriate and inform them of the action they should take if they require any person to be traced or produced.

CA S
28 SEP 1945S. H. WHITE Lt Col
For VP CA Section.

28 SEP 1945

The Enclosures received from Private Pigeon on 28 September 1945 with a copy of enclosure received from APO 512 in the letter of 28 September 1945.

62B

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref 4/29.5/A/GA

22 Sep 45

SUBJECT : War Crime

TO : AFHQ, G-5 Section

The attached documents deal with a War Crime committed by the Germans at Chiusa Pesio and they are forwarded for such action as you may deem appropriate.

FOR THE CHIEF COMMISSIONER:

[Signature]
M. CARR, Brig,
VP CA Section.

Encls: Letters and documents relating to the murder of Consigliere Carlo Pedraro.

2620

21 SET. 1945

62c

17 September 1945.

PR/LB/513

SUBJECT: War Crimes - Death of Dott. Carlo Ferrero.

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

1. Letter of 12 September 45 from Procuratore Generale here with file is forwarded at his request.

2. It would appear from the letter dated 10 March 45 from the Military Commandant to the Procuratore Generale that Dr. Ferrero was condemned by a regular Military Court and there is no evidence to the contrary in the file.

For the Regional Commissioner.

D.D. Mc Colm
Major, R.A.
Act'g Reg. Legal Officer.

DDM/AR.

Encl.: Letter and file.

2

TO : CA Sec. Reference above.

The attached file is passed to you for necessary action.

LEGAL SUB-COMMISSION
21 Sept 45.

J. J. Hannaford
J. J. HANNAFORD,
Lt. Colonel,
Officer i/c Itai Branch,
for Chief Legal Advisor.



HEADQUARTERS ALLIED COMMISSION
APC 194
LEGAL SUB-COMMISSION

(62D)

AO/4019/5/L.

GSH/pa.
20 Sept 45.

21 SET 1945

SUBJECT : War Crimes - Consigliere Carlo FERRERO.

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

1. File of the above case is duly acknowledged and has been passed to Civil Affairs for action.
2. There is no evidence, except the word of a Nazi, that a Military Court was ever convened to try Consigliere FERRERO.
3. On the contrary from the letter of 27 Dec 44 addressed by the Procuratore of Cuneo to the Primo Presidente it appears that a number of persons were arrested and interrogated by the Germans on 17 Dec at Chiasso Pesio. While some of the persons were transferred to Cuneo for trial Ferrero and Mauro were shot with or without judgement on the 19th.
4. No minutes or of the alleged trial are available to support Col. Wolf's statement.

By command of Rear Admiral STONE :

G. G. Hannaford

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

Copy to : CA Sec. ←



HEADQUARTERS
LIGURIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

GIA

Lig/Leg/17

WGE/sf
26 September 1945

SUBJECT : War Criminals.

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

1. The attached denuncia is forwarded for onward transmission to AFHQ, please.

For the Regional Commissioner:

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

Encl/

LEG. SUB-COMMISSION	
CIO	
DOLO	
Chief	
CIO	
Italian	
CLAS	
1 OCT 1945	

Check
Send to Ministry of
Justice as per
previous
instructions
GIA

CONFIDENTIAL

607

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4119/5/L.

/rlp.
26 September 1945.

SUBJECT : War Crimes - Tenente PEROTTO.

TO : Hq MTCOM (Attn: Capt. R. A. Stukoy, Asst. Adjutant General).

1. Reference your letter AC 000.3/518 JA-O of 21 September 1945.
 2. Padova being in AMG territory information as to the position of the Perotto case has been requested from RIG Venezia Region.
 3. A certain Mario PEROTTO has been sentenced to 20 years imprisonment by the Court of Assize of Aosta (Piemonte).
 4. Please let this sub-commission know whether this is the same man.
- For the Chief Commissioner.

G. G. HASTAFOOT,
Lt. Col.,
for Chief Legal Advisor.

80

CONFIDENTIAL

54A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION/rlp.
26 September 1945.

AG/4119/5/L.

SUBJECT : War Crimes.

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

1. MTOURA request information on the present status of the case against Italian SS Officer Tenente PEROTTO, alleged to be in jail at Padova and awaiting trial by an Italian Court, presumably an Extraordinary Court of Assize.

2. Ten. Perotto is accused of having tortured Ted 5 Edward J. KROUPA of the U. S. Army, and therefore may be tried by an Allied Court for this offence, unless sentenced to death on other charges by the Court of Assize.

By command of Rear Admiral STONE:

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

See 60A

713

4632

CASEC

HEADQUARTERS
MEDITERRANEAN THEATER OF OPERATIONS
UNITED STATES ARMY
APO 512

58A

In reply
refer to AG 000.5/518 JA-0

21 September 1945

SUBJECT: War Crimes.

24 SET 1945

TO: Chief Commissioner
Allied Commission
APO 394

1. Letter this headquarters, file AG 000.5/518 JA-0, dated 17 July 45, subject: "War Crimes," forwarded to the Minister of Occupied Italy, Piazza Indipendenza, No. 6, Rome, a request for the inclusion of a charge of torture to Tec. 5 Edward J. KROUPA, against an Italian SS officer, Tenente PEROTTO. At that time it was understood that PEROTTO was in jail at Padova awaiting trial by an Italian court on other charges.

2. Request the Italian authorities be asked to furnish a report on the present status of the case against PEROTTO.

BY COMMAND OF GENERAL MCNARNEY:

R. A. Stucky
R. A. STUCKY
Captain, AGD
Asst Adjutant General

AGS	SUB-COMMISSION
CLO	
DCLO	
Chief Counsel	
CJO	
Italia	
CLARKS	
SEP 1945	

DOWN GRADED
UNCLASSIFIED

Col. Inf.
Chief Adjutant Officer
for Chief Civil Affairs Officer



CONFIDENTIAL

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

File 57A

AC/4119/5/L.

GGH/pa.
20 Sept 45.

SUBJECT : War Crimes - Consigliere Carlo FERRERO.
TO : Regional Commissioner (Attn: R.L.O.),
PIEMONTE Region.

1. File of the above case is duly acknowledged and has been passed to Civil Affairs for action.

2. There is no evidence, except the word of a Nazi, that a Military Court was ever convened to try Consigliere FERRERO.

3. On the contrary from the letter of 27 Dec 44 addressed by the Procuratore of Cuneo to the Primo Presidente it appears that a number of persons were arrested and interrogated by the Germans on 17 Dec at Chiasso Pesio. While some of the persons were transferred to Cuneo for trial Ferrero and Mauro were shot with or without judgement on the 19th.

4. No minutes ~~are~~ of the alleged trial are available to support Col. Wolf's statement.

By command of Rear Admiral STONE :

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

Copy to : CA Sec.

HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394

56A

17 September 1945.

PR/LE/513

SUBJECT: War Crimes - Death of Dott. Carlo Ferrero.

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

1. Letter of 12 September 45 from Procuratore Generale here with file is forwarded at his request.

2. It would appear from the letter dated 10 March 45 from the Military Commandant to the Procuratore Generale that Dr. Ferrero was condemned by a regular Military Court and there is no evidence to the contrary in the file.

For the Regional Commissioner.

G.A.Sec.

21 Sept 45.

Reference above.

The attached file is passed to you for necessary action.

DDM Tolm Major

D.D. Mc Colm

Major, R.A.

Act'g Reg. Legal Officer.

G. G. HANNAFORD,
Lt. Col.,
for Chief Legal Advisor.

DDM/AR.

Encl.: Letter and file.

LEGAL SUB-COMMISSION	
CLO	.
DCLO	.
Chief Counsel	
CJO	
Information Section	H
CLTCS	
20 SEP 1945	

75

4/19/5
3967

Legal

Pls. find to Atty. Gen. Vandy
14 SEP 1945

CA SECTION

5354

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

file

JBS/JJJr

G-5: 000.5-1

12 September 1945

SUBJECT: Execution of War Criminals.

14 SET 1945

TO : Headquarters, Allied Commission, APO 394

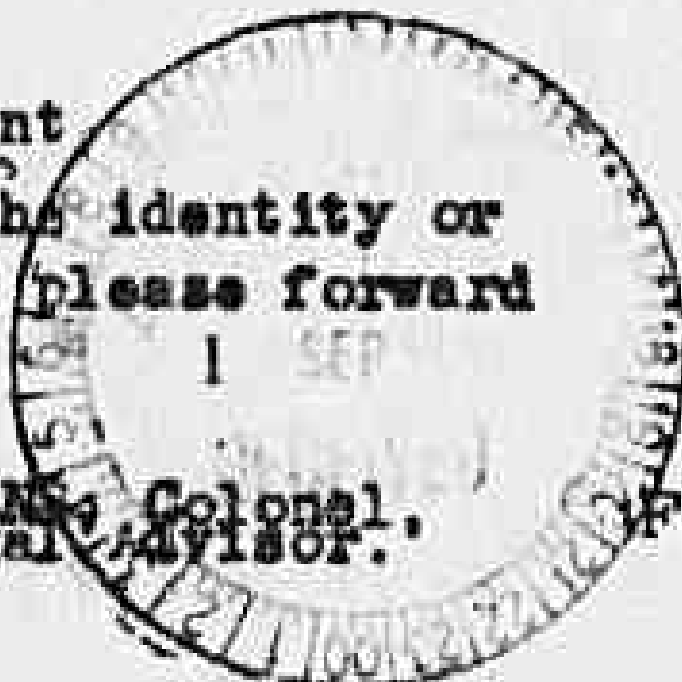
The attached 21 A Gp/3796/2/A(PS.4) dated 30
July 1945 is forwarded for action.TO : R.C., (Attn. R.L.O.)
Venezia Region

1. Forwarded without comment
2. If you are unaware of the identity or location of Dvr. HELMUTH ROEHR please forward to Venezia Giulia.

Legal S/O.

18.9.45

Incl: as above

W. E. BRENNAN, Colonel,
Chief Legal Advisor.J. B. STUBBS
Captain
Brigadier,
D.A.C.O.S., G-5

Italian Section

17 SEP

24 24
- 31-7-45

File
Confidential.

54A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4119/5/L.

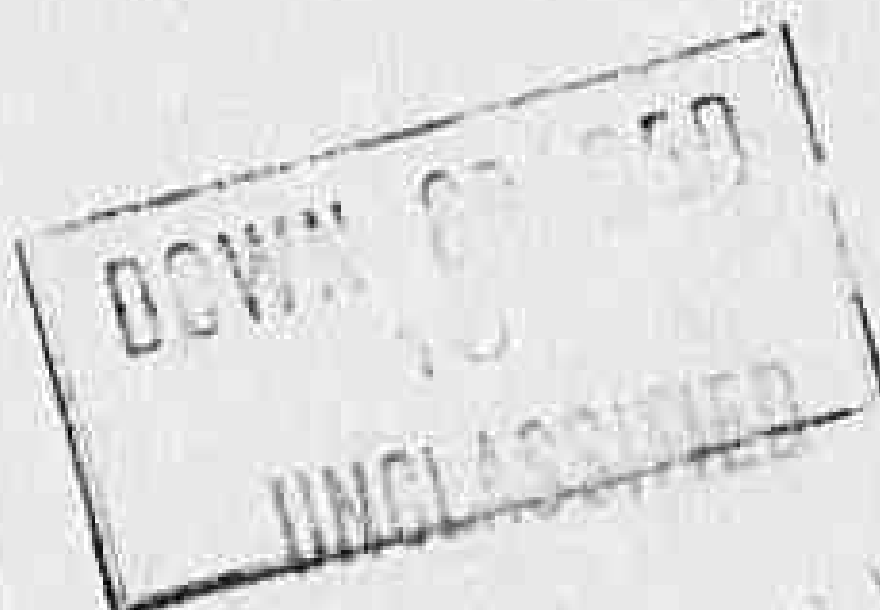
GGH/pa.
11 Sept 45.

SUBJECT : Suspected murder cases.

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

1. Reference your RXII/LE/Reg/E/03 of 18 July instructions have been received from AFHQ in this matter which you will find enclosed.
2. Will you please let this Sub-Commission know whether the trial of DURELLO and Co is likely to take place before the hand over.
3. Should the trial be fixed for a date after Venezia has been restored to Italian administration the information requested by AFHQ will have to be obtained from the Ministry of Justice direct.

By command of Rear Admiral STONE :

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

SUBJECT:-

War Crimes -

Shooting of 104,121 Bdr LEROUX and 6016185 G. ODWIN, E.

CONFIDENTIAL

Regal S/C (53A)

HQ Allied Commission

ALLIED FORCES HEADQUARTERS

GI(Br)/15184/A3

8 Sep 45

Reference your AC/4119/5/L dated 24 Jul 45 and SD/266.01-13 dated

9 Aug 45.

1. The evidence required to bring the accused to trial in a British Military Court for the murder of the above named British ex PW is not yet complete and it will be necessary to make additional detailed enquiries.

2. There is no objection, however, to the Italian authorities taking immediate steps to bring the persons concerned in this case to trial on charges of collaborating with the Germans and other crimes provided no charge is made against them for taking part in the shooting of British Ex PW.

3. It is requested that this HQ may be informed of the place and date of trial well in advance in order that arrangements may be made for a British representative to attend.

4. The unmentioned persons and any others who are alleged to be concerned in the killing of the two British Ex PW who may later be taken into custody should not be released, without reference to this HQ even if acquitted by the Italian Courts on the collaboration charges:-

DUMELLO Natalo
COLO Luigi
DELLA PELA Agostino
ALBERTO Antonio
MONTANO Silvio

DOWN DATED

UNCLASSIFIED

5. In the event of any of the persons covered by para 4 above being condemned to death they should not be executed until this HQ has had an opportunity of deciding, as a result of the trial, whether they will be

2. There is no objection, however, to the Italian authorities taking immediate steps to bring the persons concerned in this case to trial on charges of collaborating with the Germans and other crimes provided no charge is made against them for taking part in the shooting of British Ex PW.

3. It is requested that this HQ may be informed of the place and date of trial well in advance in order that arrangements may be made for a British representative to attend.

4. The undermentioned persons and any others who are alleged to be concerned in the killing of the two British Ex PW who may later be taken into custody should not be released, without reference to this HQ even if acquitted by the Italian Courts on the collaboration charges:

DIRELLO Natale
COLO Luigi
DELLA PIA Agostino
ALIERO Antonio
PORTANO Silvio

DOWN ORDER

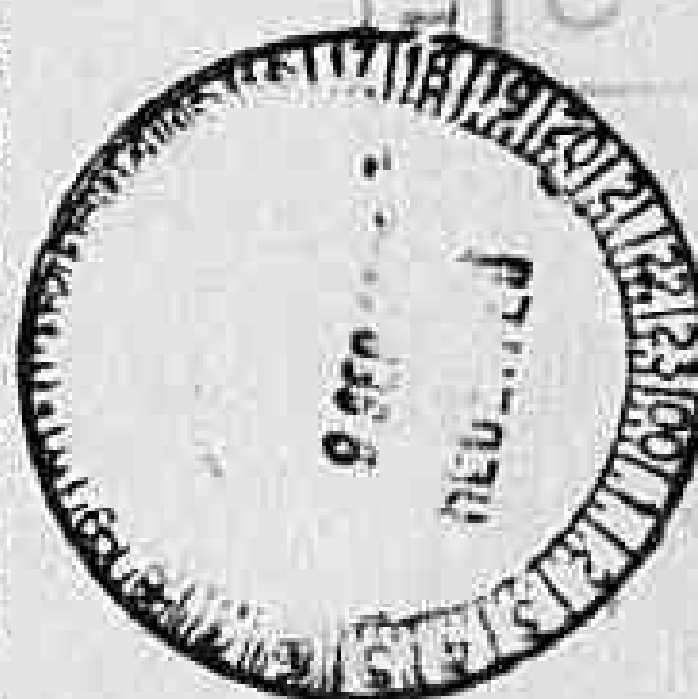
UNCLASSIFIED

5. In the event of any of the persons covered by para 4 above being condemned to death they should not be executed until this HQ has had an opportunity of deciding, as a result of the trial, whether they will be required as witnesses in any later trial in a British Military Court; any persons sentenced to a term of imprisonment should be made available for interrogation and attendance at the British proceedings as witnesses or accused if required.

6. It is requested that the result of the trial or trials may be forwarded to this HQ as soon as possible after their conclusion.

hw

Copy to: G-5 (your COO, 5-11 dated 23 Aug 45 refers)
DIAC
DEK (SIB)



D. Napier Baynes
Major General,
DAG, CI (Br).

LEGAL SUBCOMMISSION

C/O

C/O

C/O

21 SEP 1945

52A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4119/5/L.

/rlp.
27 August 1945.

SUBJECT : BERNABEI Egiato fu Adamo.

TO : Minister of Pardon and Justice.

1. Reference is made to your letter 131-318/1370/45 of 10 August 1945 concerning BERNABEI Egiato fu Adamo, now detained in Grosseto jail.

2. I have now obtained from AFHQ authority for the release of BERNABEI Egiato from jail.

3. Will you please therefore make arrangements for the immediate discharge of this man.

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

4119/5

2603.

51A

✓ ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 000.5-1

25 August 1945

SUBJECT: War Crimes - Bernabei Egisto.

TO : Headquarters Allied Commission, APO 294.
(Attn: Legal Sub-Commission) ✓

50A

1. Reference is made to your AC/4119/5/L dated 18 August subject as above in which you enquire whether Bernabei Egisto may be released from prison.

2. In view of the nature of the alleged offense and the character of the evidence it is not believed that trial is warranted and further detention of subject is not desired.

3. It is requested that you take action accordingly.


A. L. HAMBIEN
Brigadier General, G.S.C.
Assistant Chief of Staff, G-5

26 AUG 1945



RECEIVED	
Chief of Staff	
CID	
Italian Section	
CLIPS	
27 AUG 1945	

71

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

50A

AC/4119/5/L.

WEB/lc.
18 August 1945.

SUBJECT : War Crimes. BERNABEI Egisto.

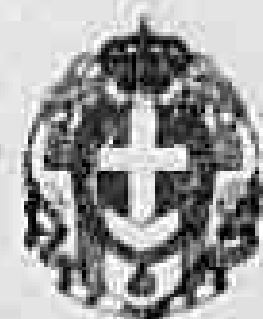
TO : AFHQ G-5 Section.

1. Reference is made to your G-5:010.2 of 28 January 45, G-5:000.5-1 of 27 January and 5 March 1945.
2. Apparently ~~there~~ is a third man, BERNABEI Egisto, who is accused with TURCHI and MASTERI in connection with the alleged war crimes.
3. The documents in the case are in possession of your HQ so that we are not in a position to ascertain the true facts. However Bernabei states that at the time of the Grosseto air-raid his son was wounded. Shortly afterwards seeing the pilots come down he became excited and struck one pilot one blow. He claims that he did nothing else.
4. Turchi and Masieri were removed from Grosseto prison to a POW camp in March but Bernabei is still held in prison, where he has now been for many months. He petitions for his release.
5. This Sub-Commission does not know what the facts are, but if it be true that, under the stress of seeing his son wounded, Bernabei struck a blow (not mortal) at one pilot he surely should not be kept in prison awaiting a hypothetical trial at an indefinite future date. At the very least he should be granted provisional liberty pending trial.
6. If on investigation of the documents you find that what Bernabei says is probably true it would be appreciated if you could authorize the release of Bernabei from prison, if necessary on provisional liberty.

For Chief Commissioner:

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

FM 4083/1



Mod.

Roma 40 agosto 1945 51+++

Ministero della Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE DELLA STATISTICA E DEL CASELLARIOALLA COMMISSIONE ALLEATA
Sottocommissione Legale

R O M A

Ufficio I° A.P.

Prot. N° 131.318/1370/45

Proposta al f. del 14.6.945

Inv. Pa. AC N° 4083/1/L

OGGETTO: BERNABEI Egiato fu Adamo.

All. 5

e per conoscenza:

ALL'UFFICIO DI COLLEGAMENTO

GABINETTO

In relazione al foglio sopra distante,
si trasmette la nota 17 luglio corr. del Pro-
curatore del Regno di Grosseto, contenente le
informazioni richieste da codesta On. Sottocom-
missione sul procedimento a carico del BERNA-
BEI, nonché una dichiarazione del Capoguardia
delle Carceri Giudiziarie di Grosseto e copia
della lettera inviata il 17.3.945 da questo Mi-
nistero alla Direzione delle predette carceri.
Si restituisce l'istanza del detenuto

LEGAL SUB COMMISSION

Bernabei Egiato.

CLO

DCLO

Chief Counsel

CLO

pel MINISTRO



Procura del Re Imperatore di Del Regno del Grosseto

Grosseto

li 17 luglio 1945

194

Allegati N.

Risposta a Nota del 6-7-1945

N. 5856

OGGETTO: Barbabei Egisto - detenuto dal 5.10.1944

A.S.E.

Il Procuratore Generale

F i r e n z e

Il ricorrente Barbabei Egisto ~~aveva~~ trovati a disposizione della A.M.C. perché coinvolto nella imputazione contestata a Turchi Ivo e Masieri Anatolio (non Massieri) cui tratta la ministeriale 132196/55480-55478 Ufficio VI ai cui si alliga copia.

Il Turchi e il Masieri, come risulta dal certificato del Capoguardia del Carcere giudiziario che qui si unisce, sono stati consegnati alla Polizia Alleata il giorno 11 aprile 1945 per il trasferimento al Campo di Concentramento di Aversa, Polizia Militare 54

Si restituiscono gli alligati

Con ossequio

Il procuratore del Regno

63

2063

sizione della A.M.G. perché coinvolto nella imputazione
a Turchi Ivo e Masieri Anatolio (non Masieri) cui tratta la ministe-
riale 132196/55480-55478 Ufficio VI al cui si alliga copia.

Il Turchi e il Masieri, come risulta dal certificato
del Capoguardia del Carcere Giudiziario che qui si unisce, sono stati
consegnati alla polizia Alleata il giorno 11 aprile 1945 per il tra-
sferimento al Campo di Concentramento di Aversa, Polizia Militare 54

Con ossequio

Si restituiscono gli alligati

63

Il Procuratore del Regno

(Polimeno dottor Paolo)

Polimeno

2064

Copia
=====

Ministero di Grazia e Giustizia - Direzione Generale per gli Istituti
di prevenzione e di pena - Ufficio VI

Urgente

Roma li 17 marzo 1945

Prot. 132196/55480-55478

Alla Direzione delle Carceri Giudiziarie

Grosseto

Oggetto= Detenuti Turchi Ivo e Massieri Anatolio

Si trascrive qui ~~il~~ ^{allegato} il testo della nota N. 48/4/29.I/C.A.
della Commissione Alleata- Sottocommissione per la P.S. in data 12 cor-
rente mese:

"Il Comando Alleato ha stabilito che le persone di cui in oggetto, attua-
mente detenute nel carcere di Grosseto, siano giudicate per delitti di
guerra da un Tribunale Alleato e che, in attesa ~~del~~ di tale processo,
siano trasferite ad un campo di prigionieri di guerra.

Vi preghiamo di dare istruzioni al Direttore del carcere di Grosseto
affinché, dietro presentazione di una richiesta da parte del Comando Al-
leato, i sunnominati detenuti vengano consegnati agli incaricati dello
stesso Comando per essere trasferiti al Campo di Prigionieri di guerra.

Quando avrete provveduto al riguardo, vogliate cortesemente avver-
tire questo Ufficio e farci pervenire una copia delle istruzioni che avre-
te impartite al Direttore del carcere di Grosseto. 33.

Ciò premesso, si comunica che nulla osta da parte di questo Ufficio

68

2065

Vi preghiamo di dare istruzioni al Direttore del carcere di Grosseto affinché, dietro presentazione di una richiesta da parte del Comando Al-
loato, i sunnominati detenuti vengano consegnati agli incaricati dello
stesso Comando per essere trasferiti al Campo di Prigionieri di Guerra.

Quando avrete provveduto al riguardo, vogliate cortesemente avver-
tire questo Ufficio e farci pervenire una copia delle istruzioni che avre-
te impartite al Direttore del carcere di Grosseto. 33.

68
Ciò premesso, si comunica che nulla osta da parte di questo Ufficio
Ministero, che i detenuti in oggetto siano consegnati agli incaricati del
Comando Alleato per essere trasferiti in un campo di Prigionieri di Guerra.

Pel Ministro
(firma illeggibile)

Per copia conforme al suo originale

Grosseto li 17 luglio 1945

Il Segretario
(Magi Angiolo)

Magi

Legal S/L
 Modulo N. 26 (Carcere)
 4. 27 (Municipalità)

Proscritto G. G. 1881 -

Ministero di Grazia e Giustizia

Foglio di trasmissione al *Comandante*

Militare Ometto

Roma

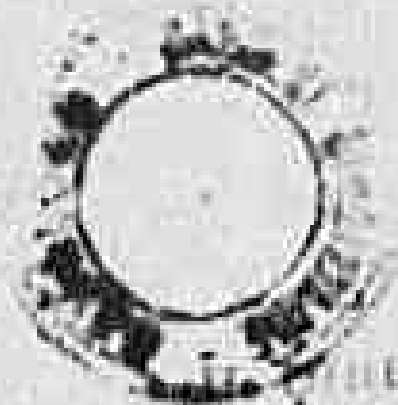
Conto corrente postale N.

1886 Tit. *3* Fasc. *1* Lett. *5*

Risposta alla lettera del

1886

N. inv.	ALLEGATI DESCRIZIONE	OSSERVAZIONI
	<i>1 Intesa del detenuto</i>	
	<i>Bernabè Epato</i>	<i>in corso d'uffi</i>
	<i>1 provvedimento</i>	<i>no -</i>



INVIATORE

Proscritto

Ricevuto da

Ministero

Coperto da

Grosseto, 5 Giugno 1943

COMANDO MILITARE ALLEATO

E C M A

Il sottoscritto BERNARDI EGISTO fu Adamo, domiciliato a Grosseto, e detenuto nelle locali Carceri Giudiziarie dal 5 Ottobre 1944, a disposizione di codesto on.le Comando, si permette esporre quanto segue:

999 Il giorno 26 Aprile 1943, nell'incursione aerea su Grosseto, nei pressi delle Case Popolari, un figlio unicecane dello scrivente riportò grave ferita prodotta da scheggia di spazzone, ferita per cui occorsero 4 mesi di cura ospedaliera e tuttora il bambino non è perfettamente ristabilito.

All'atto del ferimento, il sottoscritto, che era insieme al figlio vide avvicinarsi un paracondutista alleato, alla vista del quale occitato per il grave stato in cui versava il figlio, gli si approssimò e lo percosse con UN SOLO SCHIAFFO. Quindi raccolse il proprio figlio e lo trasportò all'ospedale. Il sottoscritto si allontanò subito dopo e non richiama quindi altre molestie o violenze al paracondutista in oggetto.

1944, a disposizione di codesto on.le Comando, si permette esporre quanto

sugue:

999. Il giorno 26 Aprile 1943, nell'incursione aerea su Grosseto, nei pressi delle Case Popolari, un figlio undicenne dello scrivente riportò grave ferita prodotta da scheggia di spazzone, ferita per cui occorsero 4 mesi di cure ospedaliere e tuttora il bambino non è perfettamente ristabilito.

All'atto del ferimento, il sottoscritto, che era insieme al figlio vide avvicinarsi un paracadutista alleato, alla vista del quale eccitato per il grave stato in cui versava il figlio. Gli si approssimò e lo percorse con UN SOLO SCHIAPPONE. Quindi raccolse il proprio figlio e lo trasportò all'ospedale. Il sottoscritto si allontanò subito dopo e non recò quindi altre molestie o violenze al paracadutista in oggetto, né ebbe possibilità di assistervi.

In conseguenza di ciò, data la lieve entità del fallo commesso, in considerazione anche dello stato di eccitazione in cui il sottoscritto si trovava, data la numerosa famiglia (composta dalla moglie e di sei figli), la sua età ormai matura (49 anni), e che mai ebbe a riportare condanne o a subire detenzione, lo scrivente si onora pregare codesto On.le Comando affin

2089

che si compiacca disporne la scarcerazione e restituirlo alla propria famiglia che necessita del suo lavoro e della sua assistenza.

Fiducioso per un favorevole scioglimento anticipa ringraziamenti e

ossequia

Beniamini. csp/te

Modello N. 454 (Carceri)

Direzione delle Carceri Giudiziarie di *Grosseto*DIREZIONE CARCERI GIUDIZIARIE - GROSSETO
Ufficio di Matricola

POSIZIONE GIURIDICA

di *Bernabei Egidio* figlio di *fu Adamo*
 d'anni *49* nato a *Castiglioni d'Orcia* di profes-
 sione *operaio* arrestato il *5 - X - 1944*
 entrato in carcere il *5 - X - 1944* a disposizione di *Military Police*
 quale *A.M.G.*

li *6* *Giugno 1945*

IL COMANDANTE.

Inverdi

65

2071

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

785016

PRIGIONE CARCERI GIUDIZIARIE - GROSSETO

Allegoria sottostante
 Ombra

che Enrico Tro fu Giuseppe, fu Enrico
 Mario nato il 4.4.908 a Conigliano (Grosseto)

Masimo Anastasio fu Gov. Battista, fu
 Bisogni Caterina nato il 4.12.1908 a Poggia
 nel

Fuono consegnato alla Polizia Militare
 il giorno 11.4.45 per essere trasferito al paese
 per il provvedimento di Arretrato, quanta lettera
 della Commissione Militare del 12.8.45 che dispone
 la traduzione di sopra indicati detenuti
 ad un campo di prigionia di guerra per essere
 guidati da un Esercito Militare

Masera Instabile fu Gov. Battista, fu
Bisogni Catena nato il 18. 1905 a Pavia
nd

Fuono consegnat alla Polizia Militare
il giorno 14. 11. 95 per essere tradotti al pane-
ro di provvedimento di A. N. S. A., giunta allora
alla Commissione Militare del 18. 8. 95 che dispone-
va la traduzione del sopra indicati detenuti
ad un campo di prigionieri di guerra per essere
guidati da un Esercito Militare.

Grassano 17. 7. 95

Il Capo Guardia

Lucaio

67

2074

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

82

14915



Ministero di Giustizia

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

10 A.P.

Prot. N. 131.336.1429/1945

Ufficio

Oggetto: Criminali di guerra.

e per conoscenza:

AMMINISTRO CUTERANBATO - GABINETTO -

S E D E

Facendo seguito a prec. via corrispondenza ad
informa cedesta Or. Commissione che il Procuratore Generale
di Firenze ha risposto comunicando che il Procuratore del Re
Gro di Grosseto, conlinato da due agenti della Polizia Alleata,
ha iniziato almoramente la istruttoria contro Santi Guglielmo,
Landini Landino, Piffetti Enrico Donatullo, Morgantini Raffaele
e Piffetti Enrico.

LEGAL SUBCOMMISSION

D'ordine del Ministro

14915

Roma, 11 agosto 1945

149A

ALLA COMMISSIONE ALLEATA
Sottocommissione Legale

ROMA

34A

Supplemento al fascicolo 5/4. 1945
Dir. Gen.

per conoscenza:

ALL'UFFICIO COLLEGAMENTO - CASSINIO -

SECRET

Facendo seguito a precedente corrispondenza si
informa codesta On. Commissione che il Procuratore Generale
di Firenze ha risposto comunicando che il Procuratore del Re-
gno di Grosseto, coinvolto da due agenti della polizia italiana,
ha iniziato alcuni procedimenti contro Sarti Guglielmo,
Luigi Landino, Piffetti Enrico Donatello, Margherita Ferdinando
e Piffetti Enrico.

LEGAL SUBMISSION	
CIO	
ECIO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
15 AUG 1945	

L'ordine del Ministro

Puccini

61

4119/5

LEGAL

48A

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

REF : RIX/LE/786/107

WHL/ gp.
30 July 1945.

SUBJECT : Alleged War Criminals (Rabanzer, Thiers, Rosselin)

TO : A.P.M. 217 Sub Area.

1. Pursuant to AFHQ, GRO No. 697, 1 September 1944, reports concerning above are forwarded to you for information and action.

For the Regional Commissioner:

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

Encls. as above.

Copy to:

— Headquarters, Allied Commission, APO 394 (for Chief Legal Advisor) ✓

13 JUL 1945

SECRET

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

46A

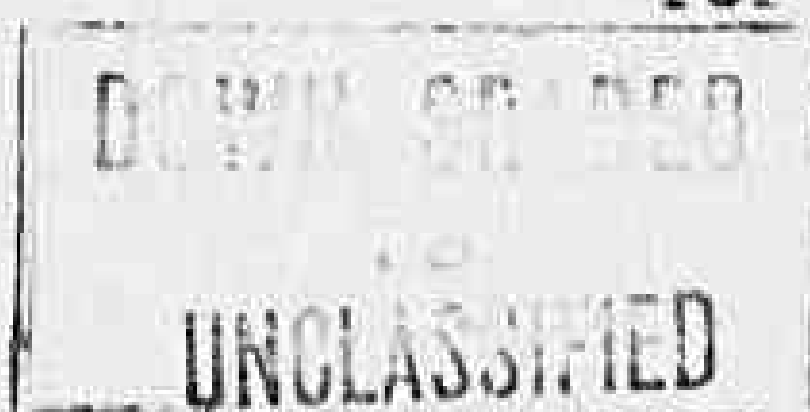
AC/4119/5/L.

/rlp.
24 July 1945.

SUBJECT : War Crime - Murder of 104121, Bdr. Le Roux and another.
TO : AFHQ, G-1 (B).

1. Reference is made to signal FX 20772 of 11 July.
2. DURELIO Natale, DALLA PRIA Agostino and COLO Luigi are in custody at the Casa di Pena, Padova.
3. From the evidence contained in the attached document, which is a letter written by an officer of the Italian Courts to the AMG legal officer in Padova, it will be seen that there is clear evidence of the murder by the three above named of Bdr. Le Roux and Pte Goodwin.
4. The Italian authorities are investigating charges against these men of other murders of Italian civilians. Orders have been given however that no trial for the murders either of the Italian or of the British personnel will take place without previous authority from this Hq.
5. In addition to these three men there are also in custody ALLEGRO Antonino and FONTANA Silvio who were both implicated in the murder of Bdr. Le Roux and Pte Goodwin. The same orders have therefore been issued for these two men.
6. Every effort is being made to arrest one other person who is suspected of having been implicated in the affair and who is believed to be at liberty in the area. From the information at present in the possession of this Hq it is not possible to state the name of this person.
7. Will you please issue further instructions on this case as early as possible since the Italian Courts will wish to try the accused at least for the murders of the Italian citizens, unless the Allied authorities wish to take action first.

For the Chief Commissioner:



Chief of Staff Officer
Chief of Staff Officer

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

Incl: 2 copies of letter 14 July 45.

SECRET

SECRET

45A

HEADQUARTERS
VENEZIE REGION
Allied Military Government
APO 394

HGW/lp.
18 JULY 45.

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

SUBJECT: Suspected Murder Case.

FILE No: RXII/LE/Reg/K/O3.

39A

1. Reference your Secret telegram No. 1674 of 12 July 1945.
2. Contents of this telegram were conveyed to P.L.O., Padova Province, who has taken the necessary steps to comply with your instructions.
3. I attach copy report on the case by P.L.O., Padova, together with translation of a letter from the Pubblico Ministero of the Extraordinary Court of Assize, which it is thought will be of interest to you.
4. Please let me have your further instructions in due course.

LEGAL SUB-COMMISSION	
DCLO	
Chief of Staff	
CI	
Italia	H
CL REG	
20 JUL 1945	

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

*Col Beltrami to see
SSA*

57

COPYSECRET

45B

PADOVA PROVINCE
 VENEZIE REGION
 Allied Military Government
 APO 394

July.17.45

TO : R.L.O.

SUBJECT : Alleged murder of British military by Black Brigade

FILE NO : RXII/PAD/6.1/108

Ref. Your RXII/LE/K/03 of 13 July 45.

1. Durello Natale, Dalla Pria Agostino, and Cold Luigi are in custody at the Casa di Pena - Padova, at the disposition of Allied Military Authorities.

2. These men are also charged with various homicides of Italian Civilians and the case is in Istruttoria before the Special Court of Assize. I have ordered the Pubblico Ministero to complete the istruttoria but not to fix any date for trial: since they may be first required by an Allied Tribunal.

3. Investigations by the Pubblico Ministero show that at least two others now in custody are implicated in the murder and I have therefore given the same orders about them, as I have about the three mentioned in your letter. The two persons concerned are Antonino Allegro, an Officer of the Black Brigade who is alleged to have ordered the murder, and Fontana Silvio, who transmitted information to the Black Brigade obtained from an informer.

4. Suspicion of being seriously implicated in this affair has also been cast on a person now at liberty and at the request of the Pubblico Ministero all the relevant documents have been passed to the F.S.S. who are making enquiries. Every effort is being made to conceal from this person that enquiries are being made.

5. Attd is a translation of a letter recd from the Pubblico Ministero setting out the main features of the case.

FOR THE PROVINCIAL COMMISSIONER

DOWN GRADED
 TO
 UNCLASSIFIED

G. STEWART
 Major
 P.I.O.

Col. Inf.
 Chief Judicial Officer,
 for Chief Civil Affairs Officer.

56

COPY

TRANSLATION

July 14th 1945

Subject: Murder of two British soldiers

To Maj. Stewart - P.L.O. - Padova

On November 2nd 1944 in the barracks of the

"Brigate Nera" at Piove di Sacco FONTANA Silvio, member of the said Brigade, called for his dependant IUNARDI Giacomo and gave him some orders. The latter ordered DURELLO Natale, DALLA PRIA Agostino, COLO' Luigi e PALASSO Rino to follow him. They took their bicycles and went to Via Piave at Campolongo Maggiore, where they lay at 4.30 p.m. in a small ditch situated by the cross-way and waited for two members of the British Army Forces, who indeed arrived from the provincial road. As soon as they found themselves at three meters from the members of Black Brigade, the latter discharged their guns, killing at once ERIC GOODWIN, a man of Surrey (England), living at London. Also JACK LE ROUX of Johannesburg (South-Africa) - Av. Roodepoort - No 10412L, was wounded, but he did not die at once, though mortally wounded.

A third British soldier, who followed at a distance the former, was captured and was indebted for his safety to Mrs FERRO Maria, born TROLESE, living in house close by, who with her baby in her arms, covered him with her body.

The corpses were plundered of all things having some worth: watches, pocket-books, one cigarette-holder and of the bicycles. They hoed up with a penknife from the dying man's gums two golden teeth. The said Mrs. TROLESE is an

at three meters from the members of Black Brigade, the latter discharged their guns, killing at once ERIC GOODWIN, a man of Surrey (England), living at London. Also JACK LE ROUX of Johannesburg (South-Africa) - Av. Roodepoort - No 10412L, was wounded, but he did not die at once, though mortally wounded.

A third British soldier, who followed at a distance the former, was captured and was indebted for his safety to Mrs FERRO Maria, born TROLESE, living in house close by, who with her baby in her arms, covered him with her body.

The corpses were plundered of all things having some worth: watches, pocket-books, one cigarette-holder and of the bicycles. They hoed up with a penknife from the dying man's fums two golden teeth. The said Mrs. TROLESE is an eye witness of what happened.

From the inquiry up to this time it appears that all the five members of Black Brigade shot and, by the circumstances resulting from examinations and witnesses, we think the other four men too, besides LUNARDI, perfectly knew beforehand the end of the ambushade.

By formal order of the murderers the corpses were allowed to be taken away only after three days.

The third Englishman, captured alive, was taken to prison to Padua.

JACK LE ROUX died about an hour after.

There are heavy circumstantial proofs upon some individuals, who possibly were the informers or mandators and the order of the action is supposed to have set out from

ANTONINO ALLEGRO, who transmitted it to FONTANA Silvio, who after cared about the pertol compounded by the five above.

BALASSO Rino and LUNARDI Gisoco are yet absconding.

f. The Chief of Pubblico Ministero
(sign. Avv. Giuseppe Destro)

*Alto Commissariato
per le Transizioni contro il Fascismo*

ALTO COMMISSARIO AGGIUNTO PED/CA
PER LA PUNIZIONE DEI DELITTI

Rel. N. 010569 Allegato

Proposta al

del

N. de' Pret.

OGGETTO

4119/5 Roma 19 LUGLIO 1945

COMMISSIONE ALLEA-
TA
- LEGAL SUB COMMISSION -

R O M A

con preghiera di inoltrare
la pratica alla Commissione per i crimini
di guerra.

L'ALTO COMMISSARIO AGGIUNTO

LEGAL SUB COMMISSION

CFO

DECO

Chief Clerk

CFO

Italian

CL RUS

*Read further
c/o planning of
Interim*

53

21 JUL 1945

SECRET

4119/5

P23593
JULY 16 MILLegal
43AJULY 17 0955
ROUTINEFREEDOM SIGNED SACRED CITY PHCAB
ALCON**SECRET.**

Request enquiries made concerning persons believed implicated in murder of British POW Lieutenants LORDS BRADGURN and VIVIAN at BRONZOLA between BELANG and TRENTO September 1943. Former Mayor of BRONZOLA name GRUBER and accomplice VALPI GIER. Reported handed over to local Public Safety Officer believed BROWN. Information required whether in custody and essential not released pending further investigation.



Col. Inf.
Chief Judicial Officer
for Chief of Staff Officer

DIST

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

17 JUL 1945

SECRET

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

42A

13 July 1945.

AC/4119/2/L.

SUBJECT : Alleged case of armed robbery by a
German soldier against an Italian.

TO : Italian Central War Crimes Commission.

A German soldier, Schelpfeffer Erwin, was arrested at Merano on 10 May last on a charge of robbery with violence of an Italian subject at Merano 30th April. On the 16th May he was removed from prison by the American Military Police, and is believed now to be in a Prisoners of War Cage. The papers in this matter are enclosed herewith for consideration by the Commission.

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

51

41A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4119/5/L.

13 July 1945.

SUBJECT : Alleged case of armed robbery
committed by German soldier.

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

1. Reference your EXII/1.6/Reg H/01 of 7 July 1945.
2. In pursuance of instructions issued by AFHQ regarding cases of crimes committed by Germans or Italians against the Italian civil population the documents enclosed in your letter relating to the above case have been sent to the Italian Central War Crimes Commission.

By command of Rear Admiral STONE.

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

30

HEADQUARTERS
VENEZIE REGION
ALLIED MILITARY GOVERNMENT
APO 954

7 July 1945.

TO : Chief Legal Adviser, Legal Sub-Commission,
HQ., A.C.

SUBJECT : Alleged Crime committed by German Soldier.

File : RXII/LE/Reg/H/Ol.

1. Attached documents, together with letter as per copy attached, have been submitted to me by P.L.O., Bolzano.
2. I am not in agreement with the view expressed by P.L.O., Bolzano. I do not see how an enemy soldier could be tried by an Italian Military Court in respect of acts done during the period of hostilities and before he was made a prisoner. Chapter V, Section I, of the Italian Codice Penale Militare di Guerra does not appear to cover this type of offence, and I should have thought that it would be a breach of International Law for the Courts of any country to seek to try an enemy soldier for an act done in his capacity as such.
3. Equally clearly this man could not be tried by an Allied Military Court, for the same reason.
4. Unless the offence alleged can be classified as a War Crime, I do not see how this man can be brought to trial.
5. In these circumstances will you, please, give me your directions as to whether this case is to be treated as a War Crime, or if not, what other course should be adopted for bringing this man to trial? If you advise trial of any sort, will you take the necessary steps, through the U.S. Military authorities to have the present whereabouts of this man traced, and to have

19/

407

HEADQUARTERS
VENEZIE REGION
ALLIED MILITARY GOVERNMENT
APO 394

7 July 1945.

TO : Chief Legal Adviser, Legal Sub-Commission,
HQ., A.C.

SUBJECT : Alleged Crime committed by German Soldier.

File : RXII/LE/Reg/H/Ol.

1. Attached documents, together with letter as per copy attached, have been submitted to me by P.L.O., Bolzano.

2. I am not in agreement with the view expressed by P.L.O., Bolzano. I do not see how an enemy soldier could be tried by an Italian Military Court in respect of acts done during the period of hostilities and before he was made a prisoner. Chapter V, Section I, of the Italian Codice Penale Militare di Guerra does not appear to cover this type of offence, and I should have thought that it would be a breach of International Law for the Courts of any country to seek to try an enemy soldier for an act done in his capacity as such.

3. Equally clearly this man could not be tried by an Allied Military Court, for the same reason.

4. Unless the offence alleged can be classified as a War Crime, I do not see how this man can be brought to trial.

5. In these circumstances will you, please, give me your directions as to whether this case is to be treated as a War Crime, or if not, what other course should be adopted for bringing this man to trial? If you advise trial of any sort, will you take the necessary steps, through the U.S. Military authorities to have the present whereabouts of this man traced, and to have

File : RXII/LE/Reg/H/OI.

1. Attached documents, together with letter as per copy attached, have been submitted to me by P.L.O., Bolzano.
2. I am not in agreement with the view expressed by P.L.O., Bolzano. I do not see how an enemy soldier could be tried by an Italian Military Court in respect of acts done during the period of hostilities and before he was made a prisoner. Chapter V, Section I, of the Italian Codice Penale Militare di Guerra does not appear to cover this type of offence, and I should have thought that it would be a breach of International Law for the Courts of any country to seek to try an enemy soldier for an act done in his capacity as such.
3. Equally clearly this man could not be tried by an Allied Military Court, for the same reason.
4. Unless the offence alleged can be classified as a War Crime, I do not see how this man can be brought to trial.
5. In these circumstances will you, please, give me your directions as to whether this case is to be treated as a War Crime, or if not, what other course should be adopted for bringing this man to trial? If you advise trial of any sort, will you take the necessary steps, through the U.S. Military authorities to have the present whereabouts of this man traced, and to have him placed at the disposal of whatever court is recommended?

W.R. Oates 19
Colonel, Major
Regional Legal Officer,
Venezia Region.

Copy to P.C., Bolzano (for P.L.O.).

1945

BOLZANO PROVINCE
 VENETIAN REGION
 ALLIED MILITARY GOVERNMENT
 APO 594

DATE: 5 July 1945

Ref: BZ/OI/A/0705

SUBJECT: Crime committed by German Soldier.

TO : R.G. Venetian Region (for attention of R.L.C.).

Schelpfeffer Ervin

1. The papers in this case are inclosed. This is a case of armed robbery with violence by a German Soldier against an Italian citizen.
2. The crime was committed on 30 April '45 - that is to say during the period of German occupation.
3. The accused was arrested by the Questore on 10 May, but on 15 May was removed from prison by the American CMP, and is believed to be in a PW cage.
4. It is felt that action should be taken to trace this man and try him. It would appear to be within the powers of an Italian Military Court.

for the Provincial Commissioner

/S/ P. Backhouse

/T/ P. Backhouse

Major

Provincial Legal Officer.

2094

Declassified E.O. 12356 Section 3.3/RND No.

785016

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

38A

Legal

Originator's Reference: FX 26772

Message Centre No: E/9216

Date/Time of Origin: JULY 111443

Date Time Rec'd: JULY 120830

FROM: AFHQ SIGNED SACRED CITE FHCAB

Precedence: PRIORITY

TO : ALCOM INFO UNIDEF MAIN

SECRET

Venezia

SECRET.

Following reported in Italian custody. DUREILLO NATALE DI GIOVANNI. COLO DUIGI DI AGOSTINO both civil prison PIOVE DI SACCO. DALLA PRIA AGOSTINO civil prison DOLO Province of PADOVA. Not known what charges being preferred by Italians but all above believed responsible for killing 104121 HDR LEROUX and 6016185 E GOODWIN Ex-PW. ~~Request local AMB Legal Officers instructed~~ arrange that accused not released from custody and that trial for killing of above Ex-PW should not take place by Italian courts pending instructions from this HQ. For UNIDEF MAIN only. Above information received after despatch FX 14882 dated 29 June.

DOWN GRADED
UNCLASSIFIED

Col. Inf.
Chief Judicial Officer.
for Chief Civil Affairs Officer.

SECRET

DIST

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

46

NOLLOV

fm



Roma

6 luglio

1945/1++++

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE DELLA STATISTICA E DEL CASELLARIOLA COMMISSIONE ALLEATA
Sottocommissione Legale
R O M A

Ufficio I° A.P.

Aut. 1.731.336.1429/45

Risposta al f. del 26 giugno 1945

Da AC 1°4119/5/L

OGGETTO Crimini di guerra.

e per conoscenza:

All'UFFICIO DI COLLEGAMENTO

CABINETTO

Con riferimento alla nota sopra distinta, questo Ministero ha scritto in pari data al Procuratore Generale di Firenze, segnalandogli le comunicazioni di codesta On. Commissione.

Si fa riserva di inviare ulteriori informazioni, non appena sarà pervenuta a questo Ministero la risposta del Procuratore Generale di Firenze.

pel MINISTRO
(A. Spallanzani)

1.731.336.1429/45

45

(36A)

4119/5

✓ G. R. L.

30 June 1945.

PR/LE/513

SUBJECT : War Crimes.

TO : HQ. A.C. APO 394 for Legal Sub-Commission.

1. Request is made for copy of A.F.H.Q., G.R.O. No 697 dated 1 Sept. 44 mentioned in last para Art. 5 Sec. 3 b of "Consolidated Instructions for Allied Military Courts".

For the Regional Commissioner.

EJM/LR.

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

1st Ind.

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

Reference above herewith copy of AFHQ, G.R.O. No.697 dated 1 Sept 1944 as requested.

By command of Rear Admiral STONE :

2 JUL 1945

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

C
O
P
Y
rlpG.R.O. No. 697

dated 1 Sept. 1944

697. WAR CRIMES

1. The responsibility of units and formations in relation to war crimes will be limited to reporting any matters which may indicate that such a crime has been committed. This Hq Circular G1/B/3305/A3 dated 6 Feb 44 (which required a Commanding Officer to investigate any circumstances suggesting the commission of a war crime which might be notified to him) is cancelled.

2. (a) Examples of offences falling within the category of war crimes are given in the Manual of Military Law, Chapter XIV, para 443.

(b) The examples most commonly encountered are ill-treatment of British and Allied Prisoners of War and atrocities committed by the enemy against the civil population.

3. Any unit or formation which discovers any circumstances suggesting the commission of a war crime will report by signal direct for action to AFHQ (G1 (Br) A3) and to DPM, APM or DAPM of the formation district or area concerned, repeated, if the unit or formation is under command of Hq, AAI, to Main Hq, AAI, for information.

4. The signal will give the location, with map reference, at which the crime is believed to have occurred and a very brief indication of the nature of the crime.

5. Detailed instructions as to the action to be taken by DPMs, APMs, or DAPMs of formations, districts or areas on receipt of signals under para. 3 of this GRO, and as to the action required in respect of reports of war crimes received through channels other than those specified in this GRO, are being issued separately to those concerned.

CR/6501/G1(Br)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

35A

WEB/lc.
27 June 1945.

AC/4119/5/L.

SUBJECT : War crimes.

TO : CA Sec.

1. RIO Toscana Region reports that on 11 April 1945 three alleged war criminals were still in gaol in Grosseto in connection with death of American aviators April 1943.

2. Their names are:

TURCHI Ivo.

MASSIERI Anatolio.

BERNABEI Egisto.

3. As I understood that these men were to be transferred to a POW camp in March 1945, I feel that the present position should be investigated.

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

42

SECRET

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4119/5/L.

/rlp.
26 June 1945.

SUBJECT : War Crimes.

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

1. The accused SKOTA Messa Boris, FABBRI Severino, FRANCHI Aldo, SANTINI Erenzo and SANTINI Unito were tried on 22 March 1945 by the Court of Assize, Grosseto on charges of killing SANTARELLI Ilvio and three British soldiers, Harry Wright, Lawrence Hass and George Michael Bagrain.
2. The case against SANTINI Erenzo was dismissed for lack of evidence, and SANTINI Unito was acquitted. The remaining accused not in custody, were condemned to death in their absence.
3. I have now been informed that the following named persons were also involved in the same crimes:-
 SARTI Guglielmo di Leopoldo, now in CC.NR. station in Manciano;
 LANDINI Landini fu Giuseppe, and
 PIFFERI Bonatello di Salio both in CC.NR. station in Pitigliano;
 MORGANTINI Ferdinando fu Pietro; and
 PIFFERI Enrico di Salio both in Pitigliano Mandamentale Gaol.
4. Will Your Excellency please advise the Procuratore Generale that the Italian Courts are requested to proceed with the trial of the above named persons as soon as possible.

DOWN CODED
UNCLASSIFIED

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

Chief Legal Advisor
for Chief Civil Affairs Officer

SECRET

SECRET

33A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4119/5/L.

/rlp.
22 June 1945.

SUBJECT : Alleged War Crimes.

TO : Hq. 60th Section, SIB.

1. Allied Force Headquarters has replied to our AC/4119/5/L dated 16 June 1945, a copy of which was sent to you.
2. Instructions were given to allow the Italian Courts to proceed with the trials of COCCIA Umberto and BASILI Razzareno.
3. The Italian Courts should not take any action in the case of SERGETTI Corrado and CORNACCHIA Giuseppe, nor in the case of LUCETTI Nilo and FOLLIA Mario.
4. As the case against SANTINI Erenco has been dismissed for lack of evidence and SANTINI Unito has been acquitted and the remaining accused, SOKOTA Messer Boris, FABERIS Severino and FRANCHI Aldo, condemned to death in their absence, no further action is required in this case other than to impress upon the Italian authorities the necessity for taking all possible steps to trace the condemned men. AFHQ should be informed of any details which would assist in tracing the above and notified if they should be taken into custody.
5. Will you please inform the proper authorities of the above instructions from AFHQ.

By command of Rear Admiral STONE;

DOWN GRADED
TO
UNCLASSIFIED

Col. Int
Chief Judicial Officer
for Chief Civil Affairs Liaison

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

46

SECRET

4/19/5
SUBJECT: War Crimes.

SECRET

ALLIED FORCES HEADQUARTERS.

51/3/15119/A3.

20 Jun 45.

HQ ALLIED COMMISSION,
APO 394,
CIVIL AFFAIRS SECTION.

Reference your AS/4119/5/L dated 16 June 45.

1. Attached is a precis of a number of cases where Italians are accused of crimes against British personnel.
2. Pending further instructions from the War Office it is considered that the cases mentioned in the precis should be dealt with as under.

(a) No 2331696 LAMCH Nathan, Ex PW.
reported shot by COCCIA Umberto.

As official sanction has been given to the Italian Courts to proceed with the case the trial should proceed under their jurisdiction.

(b) No 5045993 READSWORTH, H.
904120 Sgt. JONES, W. V.
621/40 Pte. BROWN, E.
14609 Pte. POWERS.

Injured by grenades. BASILI Nazario, in
custody accused of attempted murder.

In view of the recovery of the No-PW concerned, the case does
not appear to warrant removal from the Italian Courts.

(c) Shooting of escaped PW. Possibly Lt. MADDICK, RASC.
Accused SORRENTI Corrado and CORNACCHIA Giuseppe.

This case should not be tried by Italian Courts pending further
instructions.

No 844151 L/Sgt. FORD John, RA.

LUCHEZZI Milo and FOGLIA Mario believed responsible
for his death.

No action should be taken by the Italian Courts to try this case.

(c) WRIGHT Harry, RASC Lawrence, BARKER George Michael,

- (b) No 5045993 HEADSMITH, R.
201120 Sgt. JONES, W.E.
624140 Pte. BROWN, L.
14839 Pte. POWERS.

Injured by grenades. BASILI Nazareno, in custody accused of attempted murder. In view of the recovery of the Ex-17 concerned, the case does not appear to warrant removal from the Italian Courts.

- (c) Shooting of escaped PW. Possibly Lt. ALWOOD, RMC. Accused SOMMERI Corrado and CORRIACCHIA Guiseppe. This case should not be tried by Italian Courts pending further instructions.

No 840151 L/Sgt. FORD John, RA. LUCCHETTI Nilo and FOLLIA Mario believed responsible for his death.

No action should be taken by the Italian Courts to try this case. 39

- (e) WRIGHT Harry, HASE Lawrence, BACHMAN George Michael, killed by Italians. Accused SOKOPK Messie Boris. PARRISERVINO, FRANCHI Aldo, SAMBINI Erenco and SAMBINI Uldio.

As the case against SAMBINI Erenco has been dismissed for lack of evidence and SAMBINI Uldio has been acquitted and the remaining accused condemned to death in their absence, no further action is required other than to impress upon the Italian Authorities the necessity for taking all possible steps to trace the condemned men. This HQ should be informed of any details which would assist in tracing the above and notified if they should be taken into custody.

See also 33A

Alld 17/1/45
Major-General,
DIE. G-1(a).

Copy to: LWAG (Precis enclosed).
LPH (SIB).

DOWNING
COPIES
UNCLASSIFIED

Col Inf
Chief Medical Officer
for Chief Civil Affairs Officer

EG-1018-CC-MISSON			
10			
DCIO			
Chief Counsel			
CIO			
22 JUN 1945			

1. VICTIM:-
 PLACE:-
 DATE:-

No. 2331696 - LEACH, Nathan - ex PW.
PETRITOLI Area.
14 MAY 1944.

LEACH shot by COCCHI, Umberto who was accompanied by another Italian, whilst attempting to escape from a farmhouse where he had been hiding. LEACH subsequently died. COCCHI, Umberto in arrest at PERMO, awaiting trial by a Military Tribunal at FLORENCE.

2. VICTIMS:-
 PLACE:-
 DATE:-

No. 5045993 - BEADSFORTH, M.
 904120 - Sgt JONES, W.T.,
 624440 - Pte BROWN, E.,
 14809 - Pte BOWERS, CV, UDF.
MONTESUBELANO Area.
19 FEB 1944.

The above men were talking in a group. BASILL, Nazareno suspected they intended to proceed to his house. He threw two grenades at them causing injuries. They all subsequently recovered. BASILL, Nazareno is in custody at PERMO. He is to be tried by an Italian Court (Assize) on a charge of the attempted murder of two English PWs. (Note: BROWN and BOWERS were only slightly injured).

3. VICTIM:-
 PLACE:-
 DATE:-

No. 14809 - Pte BOWERS, CV, UDF.
PERMO, Near PERMO.
24 FEB 1944.

After the incident above, BOWERS escaped from custody of the Carabinieri. On 24th FEB, whilst he was walking along a road, the Fascist occupants of a car called on him to halt. Dis-mounting, they shot him. Suspects in the case are:-

VANNOCCHI, Vinicio,
CELLERENTI, Carmine,
VECCHI, Valeriano,
ZAMPON, Carlo.

Investigations have been made by SIS and the Italians. The suspects are believed to be in hiding in Northern ITALY.

4. VICTIM:-
 PLACE:-
 DATE:-

Believed to be: COLLINS, Robert - ex PW.
P OAO S. GIORGIO Area.
25 NOV 1943.

were only slightly injured).

3. VICTIM:-
 PLACE:-
 DATE:-
 No. 14899 - Pte BOWERS, CV, UDF.
 STM, Near FERMO.
 21 FEB 1944.

After the incident above, BOWERS escaped from custody of the Carabinieri. On 21st FEB, whilst he was walking along a road, the Fascist occupants of a car called on him to halt. Dis-mounting, they shot him. Suspects in the case are:-

VANNOLZI, Vinicio,
 GELIBERTI, Carmine,
 VECCHI, Valeriano,
 ZACCONE, Carlo.

Investigations have been made by SID and the Italians. The suspects are believed to be in hiding in Northern ITALY.

4. VICTIM:-
 PLACE:-
 DATE:-
 Believed to be: COLLINS, Robert - ex PW.
 P OMO S. GIORGIO Area.
 25 NOV 1943.

COLLINS was shot at a Fascist check point by PATRELLI, Messerene and FREDIANI, Fridi. PATRELLI, Messerene is in Italian custody at FERMO and is 'on trial' for murder. FREDIANI is believed to be in Northern ITALY.

33

5. VICTIM:-
 PLACE:-
 DATE:-
 UNKNOWN - Possibly Lieut MADDOCK, RMC.
 ANAGOLA Area.
 2 MAY 1944.

SCORCELLI, Corrado and CORRACCHIA, Cinisio, not a man who said he was an escaped PW. CORRACCHIA is alleged to have shot and eventually killed him. CORRACCHIA was arrested by the Italians in APR 1945. Enquiries by them are not complete.

6. VICTIM:-
 PLACE:-
 DATE:-
 No. 840151 - L/Sgt FORD, John, RA. - Ex PW.
 MOGLIANO-MACINI Area.
 Approx 11 DEC 1943.

FORD was shot by LUCHETTI, Nilo and subsequently died. POGLIA, Mario was an accomplice. POGLIA, Mario is in Italian custody and is being held at the disposal of British authorities. LUCHETTI who appears to be the Principal in the case, is not in custody.

7. VICTIMS:-
 PLACE:-
 DATE:-

British:- WELCH, Harry, HASS, Lawrence, BACCHINI, George Michael.
 Italians:- SAVATERRA, Ilvio.
MANCIANO.
 4 MAY 1944.

/.....Page 2

Page 2.

These 3 escaped FSW and the Italian who had sheltered them were captured and shot by Germans with the assistance of Italian Fascists and SANTARELLI's house was burnt. SONOZZI, Menzo Boris, FABI, Severino, FRANCHI, Aldo, SARTINI Brenco and SARTINI, Unito were tried on 22 MAR 45 by the Court of Anzio, GRASSANO on charges of assisting in capture and killing of these four men, and of ARCONI, ENZO, FARI and FRANCHI not in custody, condemned to death in absence. Damages awarded against them. Case against SARTINI, Brenco dismissed for lack of evidence, SARTINI, Unito, acquitted.

4129/5

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 39417ga31A
Legal

REF : RIX/LE/786/139

WHL/dsh.
17 June 1945.SUBJECT : Alleged War Crimes (Casavecchio, Pizzolesse, and
Ravadease di Cortile S. Martino, Prov. of Parma).

TO : A.P.M., 217 Sub Area.

1. Pursuant to AFHQ, GEO No. 697, dated 1 September 1944 report concerning above is forwarded for your information and action. Also forwarded herewith identity books of each of the alleged war criminals.

Encls. as above.

Copy to:
HQ 10 (for CIA) ✓
PC Parma Province.

For the Regional Commissioner: LEGAL SUB-COMMISSION	
CLO	WILLIAM H. LEVIT
DCLO	Lt. Col., J.A.G.D.
Chief Counsel	Regional Legal Officer.
CJO	
Italian Liaison	
CL RKS	
18 June 1945	

SECRET

30A

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS DIVISION

AC/119/5/L.

/rlp.
16 June 1945.

SUBJECT : Alleged War Crimes.

TO : AFHQ, DAG, G-1 (2).

1. Receipt is acknowledged of your GI/ST/1110/1-3 of 12 June 1945.
2. It is not clearly understood whether your letter is intended to cancel your previous instructions which authorized the trial of COCCIA Sabato by the Italian Courts.
3. If such is the intention of your letter, it is requested that if possible in this particular case the matter be reconsidered.
4. There has already been correspondence between our respective Headquarters on this case (our letter reference as above dated 12 August 1944 and your letter JAG/General/34/11 of the 16 August 1944 refer). For the reasons appearing on that correspondence, AFHQ authorized the trial of COCCIA by an Italian Court. Upon receipt of your letter, this Hq gave official sanction to the Italian Courts to proceed with the case and have been in correspondence with the Ministry of Justice thereon. In fact, the Italian Courts have done everything possible and taken considerable trouble to meet our wishes in this case.
5. In these circumstances it is considered that it is unfortunate at this stage to have to cancel the authority that we have already given to the Italian Courts.

For the Chief Commissioner:

DOWN GRADED
UNCLASSIFIED

Copy to: AFHQ, DAG
AFHQ, OPNS IS
Hq 6th Sec AGC.

P. D. B. B. B. B. B.
O. A. UNICH, Brig.
VP CA Sec, Hq AG.

Col. Inf.
Chief Judicial Officer,
for Chief Civil Affairs Officer.

SECRET

H19/5 ✓

SUBJECT: Alleged War Crimes.

SECRET

CA Sec Legal
2909
(29A)

14 GIU. 1945

ALLIED FORCE HEADQUARTERS.

G1/Br/15110/A-3.

12 Jun 45.

HQ, Allied Commission,
A.P.O. 394,
Civil Affairs Section.

Reference your letter AG/4119/5/L dated 19 May 45 addressed to DTAG, AFHQ.

1. The delay in replying has been due to the fact that AAG, G1(Br)A-3 has recently been on a visit to UK to discuss questions concerned with War Crimes. The trial of Italians for crimes against British personnel in circumstances which would be War Crimes if committed by enemy forces was one of the subjects for discussion.
2. In the opinion of War Office AG3(VW) and JAG's Dept LONDON these crimes should be tried by British Military tribunals in the same manner as War Crimes.
3. The above opinion has been reached for the following reasons:-
 - (a) If the accused were embodied as part of the German forces they are War Criminals.
 - (b) If accused carried arms but did not comply with the usages of war as to organisation distinguishing marks etc they are franc tireurs and can be tried as such (See IML Chap XIV para 444).
4. The War Office is considering the question in greater detail and will issue instructions shortly.
5. Pending confirmation of the above policy authority should not be given for crimes of the type referred to in para 1 to be tried by Italian courts. Detailed procedure to be adopted in such case will be notified to you when instructions are received from the War Office.

RECEIVED
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HEADQUARTERS
14 JUN 1945
C. Inf.
C. Officer.

Chief Judicial Officer
for Chief Civil Affairs
to:- DTAG,
DEW(SIB),
HQ, 60 Sec SIR.

Major General,
TAG, G1(Br).

7883

SECRETHEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION/rlp.
19 May 1945.

AG/4119/5/L.

SUBJECT : Alleged War Crimes.

TO : DTG, AFHQ.

1. Herewith enclosed is correspondence forwarded to this Hq for a ruling as to whether the five cases therein referred to should be treated as war crimes or should be tried in the Italian courts.

2. This Hq has no record of the three cases referred to in this correspondence as the Collins Case, the Powers Case and the Unknown ex-Prisoner of War. If your files contain any information about these cases may this Hq please be informed of their present status.

3. A case of BASILI Vincenzo was submitted to this Hq in November 1944 and instructions were given that the trial could be held in the Italian courts. Presumably this BASILI is the same as the one referred to in the attached correspondence.

4. The case of COCCLA Umberto was also referred to this Hq and after reference to your Hq (see your JAG/General/34/11 of 16 August 1944) instructions were given for the accused to be tried in the Italian courts.

5. It is suggested that it is impossible on the existing evidence to say that the cases referred to in the report of 60 Sec. SIB can properly be described as war crimes, and it is therefore suggested that it would be better for them to be investigated in the Italian courts.

6. Could you please therefore advise 60 Sec SIB that the cases of BASILI and COCCLA have in fact been referred to the Italian courts, and if you agree with the views expressed above, could you also advise them that the other 3 cases should be similarly referred.

For the Chief Commissioner:

Incls.

DOWN GR-123
UNCLASSIFIEDCol. Inf.
Chief of Staff
for Chief of StaffG. R. UPJOHN, Brig.,
VP CA Sec, Hq AC.SECRET

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4119/5/1.

18 May 1945.

SUBJECT : Alleged War Crimes.

TO : Liaison Officer, Allied Commission ANCONA Commune.

1. Reference Ana/11/10 of 12 May 1945.

2. Para 3 of your letter refers to the case of Basili Nazzeno. Our files reveal that on 3 November 1944 we wrote that one Basili Vincenzo, had not committed a war crime; ruling that his trial could proceed either before AMG or Italian Court. If these are one and the same person, his trial may proceed in the Italian Courts.

3. As to Coccia Umberto his trial should proceed without delay in the Court of Assize, Ascoli Piceno Province, as directed in our letter of 17 August 1944. It appears he has been in Jail about a year.

4. Regarding the others: (1) Petrelli Nazzeno, (2) Unknown Fascist, (3) Sorcetti Corrado and Cornacchia Giuseppe, we find nothing in our files concerning them and are therefore inquiring of AMG regarding the cases.

5. Your suggestion to inform AMG that such cases are not classed as war crimes will be followed.

By command of Rear Admiral STONE :

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

Incls:

Copy letter AC/4119/L of 3 Nov 44 to ARRUZZI-MARCHE Region
" " AC/4119/5/L of 17 Aug 44 to HQ Region 5.

411915
 HEAD QUARTERS
 ALLIED MILITARY GOVERNMENT
 ANCONA ~~PROVOST~~

26A

Subject: Alleged War Crimes

To: C.L.A., Legal Sub Commission HQ Allied Commission

From: L.O. ANCONA

Re: Anc/11/10

Date: 12 May 1945

LEGAL OFFICE

Ancona

1. On taking over at ANCONA from Capt. W.F. BOONE, / was handed attached letter dated April 18th, 1945 and enclosure from A Group 80 Section S.I.B.
2. I today contacted 80 S.I.B. on the phone, and was informed that situation set out in S.I.B. ~~letter~~ i.e. of simultaneous pre-trial investigation by Italian Courts and Provost investigations under War Crimes procedure, not only continues but has become more acute.
 18A 7 19A
3. The files of this office disclose that with respect to the case of BASILI Nazareno your HQ ruled in November last that BASILI had NOT committed any war crime, and should be tried by either A.M. or Italian Court. Only a Region 5 reference is available.
4. Captain BOONE expressed the opinion that some of these other cases had similarly been referred to your HQ., but there is no correspondence in support of this.
5. Matter is therefore submitted to you:
 - a) For ruling as to which, if any of these cases, shall be continued in the Italian Courts.
 - b) In respect of such cases as have NOT previously been referred to you as report under Article 5(3) Consolidated Instructions.
 - c) With suggestion that in respect of any other cases...

transmitted attached letter dated April 18th, 1945 and enclosure from A Group 60 Section S.I.B.

2. I today contacted 60 S.I.B. on the phone, and was informed that situation set out in S.I.B. ^{also} i.e. of simultaneous pre-trial investigation by Italian Courts and Provost investigations under War Crimes procedure, not only continues but has become more acute.

18A 7 19A

3. The files of this office disclose that with respect to the case of BASILI Mazzareno your HQ ruled in November last that BASILI had NOT committed any war crime, and should be tried by either A.M. or Italian Court. Only a Region 5 reference is available.

4. Captain BOOME expressed the opinion that some of these other cases had similarly been referred to your HQ., but there is no correspondence in support of this.

5. Matter is therefore submitted to you:

- a) For ruling as to which, if any of these cases, shall be continued in the Italian Courts.
- b) In respect of such cases as have NOT previously been referred to you as report under Article 5(3) Consolidated Instructions.
- c) With suggestion that in respect of any cases which it is desired should continue to be tried in Italian Courts, AMIQ be requested to instruct S.I.B. that such cases are not war crimes, and that Italians should be permitted to try them without interference.

150-Sub C-100-100
CLO
DCL
Chief Counsel
CJO
Italian
CL R/S

A. Boyd
J.A. BOYD CARPENTER, Major
L.O. Arcona

268

SECRET.

Ref: No.
SIB60/A-Gn/GS/45/15.

H.Q., 'A' Group, 60 Section,
Special Investigation Branch,
c/o A.P.M.'s Office, 61 Area,
Central Mediterranean Forces.

SUBJECT :- Investigation of War Crimes.

To :-
Capt. Boone,
Legal Officer,
A.M.G., ANCONA.

1. During my conversation with you some weeks ago regarding BASILI Nazareno and the MONTEPUBBLANO grenade throwing incident, you explained to me A.M.G.'s position on receipt of information suggesting the commission of a war crime. I understood that before the Italian judicial authorities took any action in matters affecting (particularly) allied prisoners of war, they first communicate with you, and under the procedure laid down they would not receive instructions to carry out an investigation of any incident subsequently considered to be a war crime.

2. I have received information of certain instances where Italian authorities are investigating, apparently on their own initiative, cases which at first sight are obvious war crimes. If this is correct, then I foresee a duplication of enquiries by two departments, not only adopting different methods of investigation, or proceeding in accordance with different legislation, but, whose action on the completion of the case is also at variance. The complications that may arise where witnesses are concerned are obvious, apart from the legal issues involved, and it does seem that some definite instruction should be issued on the subject. The cases to which I refer are appended, and I would add, in so far as case TWO is concerned, that a witness named SANTARELLI Domenico was interviewed by an investigator of this Group and a statement obtained from him on 13th April, 1945, and the next

DOWN GRATED
UNCLASSIFIED

Col. Inf.
Officer.

SECRET.

26C

Summary of Information received from Procura, FERMO.

1. COLLINS CASE.

Victim : ROBERT COLLINS, ex-prisoner of war.
 Place: PEDASO 1:200,000 Sheet 14. MR. X.8789.
 Date: 27.11.1943.
 Type: Shooting.
PRECIS: Collins shot by (believed) PETRELLI Nazzareno. Understood PETRELLI now in custody at ASCOLI Prison, and that trial will take place at TOLENTINO Assizes when case completed.
 Charge - Murder. Investigated by FERMO, who now have file.

2. BOWERS CASE.

Victim: 14809 Pte. C.V. BOWERS. UIF - ex-prisoner of war.
 Place: Near PORTO S. GIORGIO. 1:200,000 Sh. 14. MR. X8499.
 Date: 21.2.1944.
 Type: Shooting.
PRECIS: Shot by Fascists. No previous action by Procura, FERMO, prior to 14/4/1945. Now appear to be investigating.

3. NATHAN LEACH CASE.

Victim: 2331696 LEACH Nathan, ex-prisoner of war.
 Place: PETRITOLI Area: 1:200,000, Sheet 14. MR. X.7287.
 Date: 14.5.1944.
 Type: Shooting.
PRECIS: Believed shot by a carabinieri COCCIA Umberto, who is now in prison at FERMO. Investigated by Procura, FERMO, but case not yet complete.

26 11/19/45
 9A, 10A, 11A, 16A
 12A, 14A, 15A, 16A
 +

2. BOWERS CASE.

Victim: 14809 Pte. C.V.BOWERS. UDF - ex-prisoner of war.
Place: Near PORTO S. GIORGIO. 1:200,000 Sh. 14. MR. X8499.
Date: 21.2.1944.
Type: Shooting.
PRECIS: Shot by Fascists. No previous action by Procura, FERMO, prior to 14/4/1945. Now appear to be investigating.

26 Aug 15
9A, 10A, 11A, 16A
12A, 14A, 15A, 16A

3. NATHAN LEACH CASE.

Victim: 2331696 LEACH Nathan, ex-prisoner of war.
Place: PETRITOLI area: 1:200,000, Sheet 14. MR. X.7287.
Date: 14.5.1944.
Type: Shooting.
PRECIS: Believed shot by a carabinieri COCCIA Umberto, who is now in prison at FERMO. Investigated by Procura, FERMO, but case not yet complete.

4. UNKNOWN Ex-Prisoner of War.

Victim: Not known, but ex-prisoner of war.
Place: Near AMANIOLA, 1:200,000, Sheet 16. M.R. B.4887.
Date: 2.5.1944.
Type: Shooting.
PRECIS: Two (presumed) Fascists implicated named SORCETTI Corrado and CORNACCHIA Giuseppe. Former now in ASCOLI Prison. Has been there since August 1944 when arrested by carabinieri as an accessory; latter (believed principal) recently arrested at AVELLINO - Carabinieri at AMANIOLA initiated enquiries and took certain statements. Later apparently taken up by Procura as file now understood to be at Military Tribunal, MACERATA.

Gillian

D.A. THORN. Lieut.
60 Section, S.I.B.

18 Apr '45.

419/5.

All

25A
LEGAL 516

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

REF: RIX/LE/786/205

WHL/dsh.
10 May 1945.SUBJECT: Alleged War Crime (Torre dei Manfredi, Solarolo,
Ravenna Province.)

TO: A.P.M., 217 Sub Area.

1. Pursuant to AFHQ, GRO No. 697, dated 1 September 1944,
report concerning above is forwarded for your information and
action.

For the Regional Commissioner:

WHL/dsh.

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

Encl. as above.

Copy to:

HQ AC (for DCIA)
PC, Ravenna Province.

LEGAL SUB COMMISSION	
CLO	1
DCLO	1
Chief Counsel	
CJO	
Re: 100 - Section	
CL RKS	
13 MAY 1945	

(25B)

A.M.G.

SLO

A.M.G.

SOLO

SUBJECT : War Crime.

A.M.G.

TO : Senior Legal Officer, Ravenna. SOLAROLO 21/4/45
L.O. 2 Polish Corps.Torre dei Manfredi, Solarolo (Ravenna Prov.)

Map Ref. M. 2833

On the 10th April 45 the Germans left the above Commune and prior to leaving blew up the Torre dei Manfredi standing over the Carabinieri Caserma. This place was being used as a refuge by 40 persons, most of them old persons, at the time and 32 people were killed. 8 others being dug out of the debris alive. It is alleged that the Germans knew these people were in the building and although efforts were made by the priest to prevent the destruction it was blown up at 4-45 p.m. 10th instant, by a Sgt. Major, believed named Mueller. The officer in charge of the company was said to be a lieut. named Sednale who gave the order but left himself at noon. They are attached to a Panzer Grenadier unit.

S/ G. W. Brooke, Major
T/ G.W. BROOKE, Major
C.A.O. Solarolo

28

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(24A)

AC/4119/5/L.

/mt.
16 March 1945.

SUBJECT : Case of COCCIA Umberto.

TO : Regional Commissioner (Attn: Regional Legal Officer),
ABRUZZI-MARCHE Region.

20A

22A

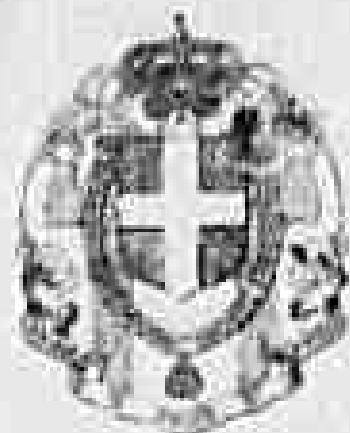
1. Reference your R5/511/19 of 16 Feb and 14 March 1945.
2. Enclosed herewith is a copy of the reply of the Ministry which is selfexplanatory.
3. The file is returned herewith.

By command of Rear Admiral STONE:

Incl: Copy letter of Min
Justice dtd 13 Mar 45.

G. D. HANNAFORD, 27
Lt. Col.,
Officer i/c Italian Branch,
for Chief Legal Advisor.

fu



MINISTERO DI GRAZIA E GIUSTIZIA

*Direzione Generale degli Affari Penali
delle Grazie della Statistica e del Casellario*

Ufficio III^o A.P.
Prot. N^o 138.17/45 - 398/45
Risposta al f. N^o 119/5/L
del 17.2.945

Roma, 13 GENNAIO 1945

LA COMMISSIONE ALIBATA - Sotto
Commissione Legale

Oggetto: Procedimento penale contro il ca-
rabiniere COCCIA Umberto.

R.O.M.A.

In merito al procedimento penale in oggetto, que-
sto Ministero è d'avviso che l'autorizzazione a procedere
non sia necessaria.

Infatti, indipendentemente dalla circostanza che
a norma dell'art. 1 n. 1 del D.L.R. 5 ottobre 1944, n. 249 si
devono ritenere in massima illegittima la costituzione e
il funzionamento della così detta guardia nazionale repub-
blicana, occorre rilevare che il preteso servizio al quale
il COCCIA era adibito nel momento dell'uccisione del LEACH,
consisteva nel "catturare disertori e rastrellare renitenti
di leva". Ora non possono considerarsi come commesse in ser-
vizio e meritevoli perciò della speciale tutela di cui allo
art. 16 C.P.P. azioni compiute nell'interesse politico e mi-
litare di uno stato nemico.

Si rendono gli atti, con preghiera di voler comu-
nicare quanto sopra al Procuratore del Regno di Fermo.

26

per MINISTRO
(A. Spallanzani)

LEGAL 51-22A

4119/5 ✓

TO : HQ ALLIED COMMISSION
(for attention of Legal Sub-Commission)

FROM : HQ AMG/AC ABRUZZI MARCHE REGION

SUBJECT : Case of COCCIA Umberto

REF. : R5/511/19

DATE : 14 March 1945

file

DOA

Ref this HQ letter of even file dated 16 Feb. '45 may I be informed as to the present position of this matter, please ? Your ACX/4119/5/L dated 17 Aug. '44 refers.

/GA

LEG SUB COMMISSION	For the Regional Commissioner
CLO	
DCLO	
Chief Counsel	
CJO	
Region Section	
CL RKS	
14 MAR 1945	

R. G. S. Alexander

R. G. S. ALEXANDER, Major
R.L.O.

21A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4119/5/L.

ES/ps.
17 February 1945.

SUBJECT : Penal proceedings against carabinieri COCCIA Umberto.
TO : H. E. The Minister of Pardon and Justice.

1. Enclosed herewith is the record relating to the penal proceedings initiated against carabinieri COCCIA Umberto for homicide of a British soldier. This proceeding has been referred by the Allied Military Government Authority to the Italian jurisdiction.

2. Would Your Excellency please execute the necessary authorization in accordance with Art. 16 of the C.P.P. for the prosecution of the above defendant and forward it with the record to this Sub-Commission for transmission to the competent Italian Court.

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

Incl.: 1 Record.

Copy to : AC/4053/L.

BF 21 *Hand*

TO : HQ ALLIED COMMISSION
(for attention of Legal Sub-Commission)
FROM : HQ AMG/AC ABRUZZI MARCHE REGION
SUBJECT : Case of COCCIA Umberto
REF. : R5/511/19
DATE : 16 Feb. '45

419/5

File

20A

1. Ref recent conversation (Col. Behrens-Major Alexander) regarding above case herewith file and relative letter received from the Col. of the CC.RR..
2. Will you please pass the papers to the Ministry so that their consent which is required under Art. 16 of the Code of Penal Procedure may be obtained ?
3. This matter has previously been before you. Your ACC/4119/5/L dated 17 Aug. '44 refers.

16A

For the Regional Commissioner

R. G. S. Alexander
R.L.O.

158/

23

19A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rlp.
3 November 1944.

AC/4119/L.

SUBJECT : Case of BASILI Vincenzo.

TO : Regional Commissioner (Attn: Regional Legal Officer),
ABRUZZI-MARCHE Region.

- 18A
1. Reference your AMR/511/19 of the 2nd of Nov 44.
 2. BASILI Vincenzo has not committed any war crime. BASILI, however, can be tried under Italian law for injuring the two Allied soldiers with a hand grenade.
 3. The trial may be held before either an Allied Military or an Italian Court as you prefer.

By command of Commodore STONE:

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

Enc. Rtd

TO : H.Q. ALLIED COMMISSION
(for attention of Legal Sub-Commission)

FROM : ABRUZZI MARCHE REGION

SUBJECT : War Crimes

REF. : AMR/511/19

DATE : 2 Nov. 1944

BASILI Vincenzo

1. File is enclosed relating to this man who is now held in arrest pending instructions from you.
2. This matter has been characterised by the Public Safety Division as a 'War Crime'.
3. In point of fact however BASILI appears :-
 - (a) To have been in possession of comforts dropped for ex PWs by the R.A.F., having himself received them from a PW. and
 - (b) To have thrown two bombs at 4 ex PWs who were engaged in a quarrel with a fourth PW with whom he (Basili) was in close co-operation.

For the Regional Commissioner



R. G. S. ALEXANDER, Major
R.L.O. ABRUZZI MARCHE REGION

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4112/5/L.

WER/pa.
17 Sept 44.

SUBJECT : Case of TURCHI Ivo.

TO : V. P. Administrative Section.

1. We have considered the case of TURCHI Ivo and are of opinion :-
 - (a) that at the moment when TURCHI assaulted the pilot, the pilot was a prisoner of war ;
 - (b) that the assault was an infringement of the terms of the Geneva Convention 1929 and amounted to a war crime ;
 - (c) that this crime is not a crime committed during the period of occupation of Italian territory within the meaning of para 6 of the circular of 27 Nov 1943 and therefore should not be tried by AMI Courts.
2. We are of opinion that the papers should be forwarded to AFHQ for their investigation and disposition.
3. It may be, however, that AFHQ will take the view that this is a case which should be disposed of by the ordinary criminal courts. If so, we think that it should be heard by an AMI, not an Italian court. In view therefore of a possible handover of Grosseto Province to the Italian Government, we think that at the same time the accused should be formally charged with "An international war crime that is to say assaulting a prisoner of war with intent to kill" and, for good measure, with violation of the Italian civil Penal Code. If AFHQ should determine that the case is not to be dealt with by an AMI Court, this charge would be abandoned.
4. It might be desirable to obtain, if possible, through the War Department details about the injured pilot and whether he is known to be still alive. His name appears in the attached file.

Incl.: 1 file.

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

20

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

(16A)

ACC/4419/5/L.

/pc.
17 Aug 44.

SUBJECT : COCCIA Umberto - Shooting of POW.

TO : HQ (Area BC) Region V.

1. Reference your B5/511/19 of 9 Aug 44 and further to our ACC/4419/5/L of 5 Aug 44.

2. After perusal of the file it is confirmed that COCCIA Umberto should be tried by the Court of Assize in Ancoli Piceno Province.

3. The file is returned herewith.

RICHARD H. WILSON,
Colonel, CAC,
Acting Chief Legal Officer.

19

Legal Sec.
SECRET

15A

56965

Office of the :-

Deputy Judge Advocate General
ALLIED FORCE HEADQUARTERSJAG/General/34/1116 Aug 44HQ Allied Control Commission
Legal Subcommittee,
APO 394
-----War crimes

14A

Your ACC/4119/5/L dated 12 Aug 44.

I agree that if the shooting of Leach was not justifiable under international law it is a war crime but as there is unlikely to be any further evidence available and it is proposed to try Coccia by an Italian Court I see no reason why that course should not be adopted.

The file is returned herewith.

DOWN GRADED
TO
UNCLASSIFIEDCol. J.A.G.
Chief, Legal Section
for Chief of Staff, AFHQColonel,
D.J.A.G.

Russett

18

SECRET

SECRET

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
A-3 394

(14A)

ACC/4X19/5/L

RHW/ap
12 Aug 44

War Crimes -
SUBJECT : Shooting of a British Prisoner of War.

TO : DJAG AFHQ

1. In accordance with paras 2 and 3(c) of your circular dated 27 Nov 1943 on War Criminals, there is forwarded herewith for your consideration the case of Coccia Umberto who shot and killed on 12 May 1944 in the Province of Ascoli Piceno one Nathan Leach, an escaping British prisoner of war.

2. Coccia Umberto was, and is, a member of the CCRR, and the only evidence which it has been possible to obtain is the story as told by two other CCRR who were on duty with him at the time.

3. According to this story the 3 CCRR were on duty to catch deserters and escaping prisoners of war; Leach approached them, dressed in civilian clothes; he was halted and questioned but ran away without answering; he was caught, and again questioned but freed himself and ran away again, at a distance of 15 meters Coccia shot him with his revolver. The bullet entered the abdomen and Leach subsequently died.

4. It would appear from the above story that Leach was an escaping prisoner of war, ^{and} that technically Coccia was entitled to shoot him.

5. On the other hand there is no suggestion that Leach was armed: the CCRR were 3 to 1. They had already caught him once: he was only 15 meters away but they made no effort to catch him again.

6. Furthermore the fact that the bullet entered the abdomen indicates that the CCRR are lying and gives rise to a suspicion that Leach was wilfully murdered.

7. It does not appear likely that any other evidence can be obtained in that the CORR will change their story.

8. The Italian Court of Assize is proposing to try Coccia on a charge of murder (omicidio volontario).

It is felt that, technically, if Coccia is convicted, his crime is a war crime, and that any trial of this case by the Italian courts would be contrary to the spirit, if not the letter, of para 2 of your directive of 27 November 1943. The trial has accordingly been stayed pending a decision by you.

9. It would be appreciated if you would advise as soon as possible whether or not you wish the Italian trial to proceed. If you do, would you please return the file.

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

SECRET

(13A)

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 39A.

8 August 1944.

ACZ/1419/27L.

SUBJECT : War Criminals.

TO : SCAGs, 5 and 6 Army.

At the request of the Executive Commissioner I am enclosing copies of circulars on War Criminals - AFHQ dated 27 November 1943 and 6 February 1944 and MATOUEA dated 26 January 1944. From these it would appear that in Army Areas the question is one to be dealt with by the Areas themselves.

KEM/wow.

ROBERT H. WILDER.
Colonel, GAC.,
Acting Chief Legal Officer.

Copy to : R.C. & M.C. Section.

15

4119/5 Legal 9/65
SUBJECT : Shooting of British Prisoner of war.

TO : CLO ACC

R5/511/19

(12A)

FROM : RLO REGION V

9 August 1944

- 1A
1. Ref. your ACC/4129/5/1 dated 5 August 1944.
 2. Herewith file of all the evidence, available at this HQ.
 3. Instructions have been issued that the Italian Courts shall not proceed with this trial.

For the Regional Commissioner

John L. Willis
J. L. WILLIS
Lt. Colonel,
RLO

Copy to PLO ASCOMI for information



1374

14

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

11A

ACC/4119/5/L.

/rlp.
5 August 1944.

SUBJECT : Shooting of British Prisoner of War.

TO : Regional Legal Officer (FNU: Regional Commissioner), Region V.

1. Reference yours 3 August 1944 (R5/511/19).
2. If the story of the two CCJST. is believed that the deceased was shot in a bona fide attempt to prevent his escape, no question of the possible commission of a war crime would be involved.
3. Your letter, however, recites circumstances which gives rise, at least, to the suspicion that this may well have been a deliberate "murder" of a prisoner along the familiar German pattern.
4. Allied Force Headquarters Circular of 27 November 1943 precludes the trial by Military (and we assume Italian) Courts of persons "suspected" of war crimes unless directed by AFHQ.
5. It may well be that the circumstances of this case are such as reasonably to raise the suspicion that a war crime has been committed. Accordingly, without further information, we are not prepared to say that the case does not come within the purview of the aforesaid directive.
6. Will you therefore please submit the statements of all witnesses together with such additional information, if any, as can be secured with the objective of ascertaining whether this defendant can be regarded as being suspected of committing a war crime.
7. Meanwhile, the Italian Courts should be instructed not to proceed with the trial.

MARC J. GROSSMAN,
Lt. Col.,
Chief Counsel,
for Acting Chief Legal Officer.

Shooting of a British Prisoner of War (10A)

To Col Wilmer.

1. If the story of the def. is believed and it be assumed that the soldier was shot by the def in a bare faced attempt to prevent the escape of a prisoner of war - the act was justified.
2. There are ~~fact~~ circumstances however which might possibly indicate a "murder" of a prisoner of war under the familiar ^{German} pattern ~~with~~.
3. Only a most complete inquiry would give any hope of a disclosure of the catagory into which this case falls.
4. ~~Current~~ Circular 27 Mar 1943
refus to prison "suspected"
of war crimes.

5. Has Stung must the
 suspicion be and how
 far supported to bring the
 crime within the purview
 of the act?

[Signature]

May 9
 discuss this
 with you
[Signature]

4119/5 • 4229/6
 TO CLO HQ. ACC (Through PC)
 FROM HQ. REGION 5 ACC
 SUBJECT Shooting of a British Prisoner of War.

R5/511/19

3 August 44

1. A British prisoner of war, Nathan LEACH, was shot in the Province of Ascoli Piceno on 12 May 1944 by COCCIA Umberto, a member of the CC.RR. who was on duty at the time to catch deserters and escaping prisoners of war.

2. The facts, as stated by two other CC.RR. who were on duty with COCCIA, are that LEACH approached in civilian clothes and while being interrogated refused to answer and ran away. He was caught but ran away again. At a distance of 15 metres COCCIA shot him, but the bullet entered the abdomen indicating that he must have been shot from the front.

3. There appears to be no other evidence, and even if the above story is untrue it is unlikely that the 2 CC.RR. will substantially depart from it.

4. It appears further that there is no suggestion that LEACH was armed: that the CC.RR. were 3 to 1: that they already had caught him once: that they made no effort to catch him again though he was only 15 metres away.

5. Nevertheless it would seem that, since it is impossible to deny that LEACH was an escaping prisoner of war (whether or not the actual details as told by the CC.RR. are true), the CC.RR. were entitled to shoot him under international law- (See Hall 8th Ed. p. 488).

6. The Italian courts are proposing to try COCCIA for murder at the Court of Assise.

7. It is submitted that this procedure is proper and that there is no occasion for this HQ. to intervene, but in case you are of opinion that a serious war crime has been committed the matter is referred to you for decision.

Copy to FLO ASCOLI PICENO (Through PC)

For the Regional Commissioner

WEB/nn

W. E. BEHRENS
 Colonel, RLO

HEADQUARTERS
 1 AUG 1944
 A. C. G.

LEG SUB-COMMISSIONER

Chief Counsel

CJO

Italian Section

CL RKS

10

751

~~SECRET~~

4119

Legal Sub. Comm.
Rear HQJudge Advocate General's Branch,
HQ AAI (AGM Echelon) OCS.

(8A)

JAG/General/3.

5 APR 1944

DIAG (Br),
AFHQ EMAP.

C. C.

S-1273

Forwarded herewith are copies of letters from Chief
Legal Officer, Allied Control Commission, DCS (I) AAI, and
Legal Staff Officer 10 Corps. (14)

1. It would appear that this matter was investigated
by Major H.B.H. Hylton-Foster according to instructions given
by you in your JAG/General/31/1 of 5 December 1943.
2. It would also appear that this alleged war crime was
investigated by Captain Kolish of the United States Army, and
that the suspected prisoners were released for repatriation
elsewhere on the authority of JAGD Commissioner, Office of
the War Crimes Commission, HQ Fifth Army.
3. There appears to be some overlapping in the investi-
gation of war crimes in this theatre. I understood from
AFHQ circular GHR/3305/A3 of 6 Feb 44 that this was purely
a British responsibility.

J. P. ...
Lieut. Col.
A.D.J.A.G.

Copies: Chief Legal Officer,
Allied Control Commission,
Legal Sub. Commission, APO 394.

DOWN GRADED
TO
UNCLASSIFIED

Col. Inf.

Chief Justice of the Court

SECRETJudge Advocate General's Branch,
HQ AAI (Adm Echelon) CTF.JAG/General/3.2 Apr 44.Captain E.F. Hatch, Legal Staff,
No. 20 Court Martial and Holding Centre.By Originals.

1. Enclosed herewith is a copy letter from Chief Legal Officer, ACC, Legal Sub-Commission, together with copy letter from RSM I, AAI.
2. Will you please obtain statements from the witnesses whose names are set out in the attached copy letter from Chief Legal Officer, ACC.
3. When obtained, please forward these statements to me as soon as possible in order that I may send them to JAGC (Br) AMHQ.

J. H. J. A. C.
Lieut. col.
A. D. J. A. C.

Copies: Chief Legal Officer,
Allied Control Commission,
Legal Sub-Commission, APO 394.
RSM(I) AAI.

DOWN GRADED
UNCLASSIFIED

Classified
for Allied Control Commission

2139

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

785016

Subject:- WarCriminals.

H.Q. ALLIED ARMS IN ITALY.

CONFIDENTIALS-1192

AI/1469/12/C(Ib).

D.J.A.G.,
A.A.I. Adm Sch.

1 Apr 44.

The attached letter Ref ADC/4119/L dated 30 March 1944,
received from Chief Legal Officer A.C.C., is forwarded for
action as necessary.

DOWN GRATED
TO
UNCLASSIFIED

HEADQUARTERS

2 APR 1944

A.C.C.

For Brigadier,
B.S.(I).

Copy to:- Chief Legal Officer, A.C.C.

For Chief Legal Officer

TB

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

REF : ACC/4119/L

GRU/ep
30 March 1944

SUBJECT: War Criminals.

TO : BSIB. A.A.I.

1. The P.O.W. named below in POW stockade at Aversa on January 19th have been notified to this sub-commission as possible witnesses in Massaria Canale and Massaria Carcereri atrocities.

2. It is submitted that, if not already done, appropriate action with regard to their evidence should be taken in accordance with AFHQ Directive on War Criminals.

GERREITER	FRANZ	KERNHART
OBER "	GEORG	HOLAND
"	WERNER	MUELLER
"	FRANZ	FLODER
SOLDAT	LUDWIG	MATERA
"	FRANZ	SIKORA
UNTEROFFIZIER	OTTO	MOELLER
"	GERHARD	GINSCH

All of 3rd Bn 115th Panzer Grenadier Regt.

GERALD R. UPJOHN
Colonel,
Chief Legal Officer

Copy to : RLO, Region 3, Ref.letter
ACC/4016/L 26 Feb., para 3.

(6A)

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

/guf

ACC/4119/L

20 March 1944.

SUBJECT: Special Prosecutor.

TO : SLO (thru SCAO) 5th Army.

1. Ref conversation Col. Upjohn - Lt. Col. Shields on Saturday, please note that Lt. Col. Willis will not be attached as prosecutor to 5th Army in view of his urgent duties in Naples.

If, however, he is required in any special cases he can be loaned to you if you require him for a week or ten days on giving this office 3 or 4 days notice.

2. Signor Marino Maccario can be sent to you at any time you want him.


G. H. UPJOHN, Colonel
Chief Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUBCOMMISSION

5A

ACC/4119/L

2 February 1944

SUBJECT : War Crimes

TO : Commanding Officer, Military Mission to Italian Army

1. Reference your I/102 dated 18 January.
2. The file attached to your letter of 18 January 1944 relative to MARINO et al has been referred to the Senior Legal Officer, 8th Army.
3. Enclosed is a copy of our letter of transmittal.

RICHARD H. WILMER,
Lt. Col.,
Deputy Chief Legal Officer

File

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUBCOMMISSION

4A

2 February 1945

ACC/4119/L

SUBJECT : Arrest Reports, MARINO et al

TO : Senior Legal Officer, 8th Army

1. Enclosed is a file received from Military Mission to Italian Army and a copy of the letter of transmittal dated 18 January.
2. The men arrested should be turned over to the proper Italian military authorities, who should be given such opportunity as they wish for making strict investigation.
3. While certain of the prisoners are civilians, and it has been our view that generally civilians should not be tried by Italian military tribunals, the Legal Subcommittee offers no objection to ~~these~~ civilians in this particular case being tried by an Italian Military Tribunal if the Italian Military Authorities so desire.

RICHARD H. WILSON, Jr.
Lt. Col.,
Deputy Chief Legal Officer

SUBJECT:

San Marino

101

19 JAN 1944

2325

MILITARY MISSION

TO ITALIAN ARMY
I/102

18 Jan 44

3A

Allied Control Commission

1. Ref telephone conversation (Capt COLLINS, AGC - Capt SUMNER JONH, AMIA) of 17 Jan 44. I forward herewith for your necessary action a copy of AMIA (Military Government Section) No JCH 37/44, dated 8 Jan 44, concerning a case of four Italian subjects. Two are charged with "Suspected betrayal of the Italian Army" and two with "complicity in betrayal of the Italian Army". These four men have been detained on the orders of the Allied Military Government and at present are in confinement at CAMBICHO (CHINAI).

All the available evidence is att.

2. The a/m documents were sent to us by AMG 15 Army GP, with the request that the Italians take over the four men from CAMBICHO as the case rested with the Italian military army for disposal.

DOWN GR PED
TO
UNCLASSIFIED

Col. Inf.

Chief Judicial Officer
for Chief Civil Affairs Officer

A. P. Thurner Capt
for
Comd

F. J. [unclear] 3
[unclear]

621

Moscow Decisions, Traces Cruelty Orders to Higher Nazis

CONFESIONS INVOLVE CHIEFS

By EDWIN L. JAMES

The trials which have begun at Kharkov of Nazi officers and soldiers accused of atrocities against the Russian population provide a propaganda opportunity of enormous and telling nature. It appears that Stalin has decided to make full and legitimate use of the opportunity. Before the tribunals got to work Moscow provided facilities for the visit of foreign correspondents to liberated cities where evidence was given them of wholesale killings of civilians and unexampled torture inflicted by the Germans. Now that the tribunals have started, large facilities are being supplied for reporting the trials.

The Russians hold several hundred thousand German prisoners, according to their figures. They have liberated thousands of square miles of territory which had been occupied by the invaders. Thus they have in hand large numbers of accused Nazis and they have plenty of witnesses.

When the Moscow Conference announced the decision that Germans accused of atrocities should be handed over to the authorities of the regions where they committed their crimes for trial and judgment, one thought immediately of Russia. In France, in the Netherlands, in Belgium, in Norway, in Poland, in Denmark, in Greece and in Yugoslavia there were no national governments functioning and the turning over of atrocity-committing Germans to the authorities of those countries had to wait. But it was different in Russia. There the national government is functioning efficiently; there were liberated regions where military crimes had been committed; there were Germans in custody. This seemed to make a large difference. It still seems so.

Looking for Leaders

The first days of the Kharkov trial seem to indicate a pattern the Russians will follow. Russian courts are known for confessions and so at Kharkov we have confessions—confessions of Germans that they did commit atrocities. The excuses of the Germans on trial there run along the line that they were military men carrying out orders.

Indictments of three Nazis and one Russian traitor were read. Mass executions, group killings by asphyxiation, murders of civilians in wholesale fashion—all that was put on record. The four accused pleaded guilty. But that did not halt the proceedings.

Captain Langheld of the German Army testified he had falsified records in order to promote executions of persons not even guilty of violating the strict German war regulations. He said Major Lulei, his superior, criticized him for the fewness of killings and so he promoted more killings. According to the Moscow radio, the captain said Russian civilians were used as live targets for rifle practice.

A Good Nazi Lieutenant

Even more useful for the Russians was the testimony of Lieutenant Ritz. Admitting many acts of great cruelty, the lieutenant brought in the names of Hitler, Himmler and Rosenberg to testify that he was only carrying out the teachings of the Nazi leaders. He said that the lawlessness of the Germans was deeply rooted in them by Nazi teachings. Ritz told of how, when Kharkov was recaptured in 1943, he participated in the shooting of 3,000 civilians accused of having welcomed the Russian troops when they retook the city some months previous. He testified his command.

used of having welcomed the Russian troops when they took the city some months previous. He testified his commanding major had told him to take part in the murders. He said in court: "I am an army officer and I did not refuse. So I took a Tommy-gun from a soldier and fired a burst."

After Ritz' testimony, Captain Langheld was recalled and asked the question whether orders "for mass executions of innocent Soviet citizens came directly from the German Government." He replied in the affirmative.

Observers considered that this line of questioning meant the preparation for the trial later on, even in absentia, of Hitler and other Nazi leaders for crimes committed on Russian soil. It is to be expected that the Kharkov trials will be followed by other trials in which the Russians will at one and the same time bring to justice Germans in their hands open to accusations and build up a strong case against the Nazi leaders and their methods of total warfare.

The Political Significance

The trials of Kharkov serve to give additional indications that Stalin is nursing no plan of a peace deal with Nazi Germany, as some used to fear. The trials and the publicity given them will serve to increase hatred of the Russians for the Nazis and certainly no such propaganda effort would be made by a Russian leader who had any other intention than crushing the present Germany.

It is possible that the development of the trials will have some effect among the Nazi leaders in Germany. After all, they may face the issue of the result of withdrawing men from the Russian front to meet invasion threats elsewhere. The Kharkov proceeding does not indicate that Hitler would wish to withdraw enough men to open the way for a Red Army which might put him on trial.

For the Moscow radio yesterday broadcast a bit of the testimony of Lieutenant Ritz. It was:

"Adolf Hitler was the man responsible for the reign of terror in the Soviet Union."

And the trial has just begun.

of the Germans on trial there run along the line that they were military men carrying out orders. There is no evidence that the court discourages this line; indeed, there is an apparent design to put on the record in full this plea of the accused Germans. In other words, the Russians intend to chase the guilt as high up as they can. It is not likely that the Nazis before the court will win pardon by this sort of testimony. What the Russians intend to do, in all probability, is to try to chase blame officially right on up to Himmler and then to Hitler. They haven't got their hands on the arch-culprits, but perhaps they may some day. In any event, the Russians have an opportunity for a campaign of propaganda, and justified propaganda, which is perhaps without equal in this war.

Pravda puts it this way: "The ring-leaders of the accursed Fascist band will pay with their heads for all their crimes against mankind."

It adds: "It is precisely these criminal acts and banditism, the unprecedented extermination of the civil population that constitute the very essence of the Hitlerite total war of extermination."

The Kharkov trial is of great international significance. It proclaims the triumph of justice. It shows that arrogantly violated international standards of law will not go unpunished."

Action Without Waiting

After the Moscow meeting many persons regarded the decision about war criminals as something for the future, something to be attended to after the fighting was over. Many recalled the now famous 1919 cry of "Hang the Kaiser" and recalled that it came to nothing, and they classified the Moscow ruling as something for later on.

Not so Stalin. Whether or not Secretary Hull and Foreign Secretary Eden expected the Russians to start trials right away is not on the record, but it is quite plain that the Russian leader interpreted the Moscow decision quite literally and has seized the earliest opportunity to carry it out.

As the Kharkov trial opened the

BUSINESS END OF BERLIN



the civil population that constitute the very essence of the Hitlerite total war of extermination.

The Kharkov trial is of great international significance. It proclaims the triumph of justice. It shows that arrogantly violated international standards of law will not go unpunished.

Action Without Waiting

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Not so Stalin. Whether or not Secretary Hull and Foreign Secretary Eden expected the Russians to start trials right away is not on the record, but it is quite plain that the Russian leader interpreted the Moscow decision quite literally and has seized the earliest opportunity to carry it out.

As the Kharkov trial opened the

BUSINESS END OF BERLIN



White in The London Daily Herald

The trials of Kharkov serve to give additional indications that Stalin is nursing no plan of a peace deal with Nazi Germany, as some used to fear. The trials and the publicity given them will serve to increase hatred of the Russians for the Nazis and certainly no such propaganda effort would be made by a Russian leader who had any other intention than crushing the present Germany.

It is possible that the development of the trials will have some effect among the Nazi leaders in Germany. After all, they may face the issue of the result of withdrawing men from the Russian front to meet invasion threats elsewhere. The Kharkov proceeding does not indicate that Hitler would wish to withdraw enough men to open the way for a Red Army which might put him on trial.

For the Moscow radio yesterday broadcast a bit of the testimony of Lieutenant Ritz. It was:

"Adolf Hitler was the man responsible for the reign of terror in the Soviet Union."

And the trial has just begun.

Radio Fabrications Are Interpreted as A Sign of Weakening Morale

By SIDNEY SHALETT

WASHINGTON, Dec. 18.—The astounding antics of the Tokyo radio, which today sinks all our ships and decimates all our troops but tomorrow confesses to its people that the Japanese Navy no longer has the war situation under "complete control" have convinced official observers here that Japan's leaders realize at last that they no longer can be victorious.

Three distinct elements emerge in the confused pattern of Japanese propaganda. First, there is an attempt to boost morale on the home front by disseminating claims of "victories" that Secretary of the Navy Frank Knox has characterized as "lies" of unprecedented brazenness; second, there is a companion attempt to lift the spirits of the beleaguered Japanese troops, who are able to see for themselves what the Americans are doing to them.

The third element is the attempt to spur Japanese war production by warning the people that the war really is not going too well for them. This is the most realistic and most revealing clue, for it shows that the Japanese leaders really appreciate the situation and know that they must have more planes and ships if they are to stay in the fight at all. At the same time it is a highly paradoxical element, as it virtually contradicts the flow of "victory" propaganda.

A "Reasonable" Appeal

There is a fourth feature of the Japanese propaganda effort that obviously is of less importance. This is the line broadcast to American troops and to the United States itself, seeking to disillusion our fighters and civilians with the war. Often, in pursuing this line, Japan represents herself as a "reasonable" and essentially peace-loving nation that really does not want to scrap and would like to get along harmoniously with everyone.

Needless to say, these appeals have no effect on Americans who remember Pearl Harbor and other milestones in Japan's "peace-loving" career.

There is ample evidence that all is not well on the Japanese propaganda front. In the last year there have been numerous changes in the

even was launched, and the Japanese have "killed" almost 200 times as many Americans as have been killed, wounded or captured on all war fronts—the Tokyo radio suddenly has taken to warning the home front that it must buckle down.

Tokyo Doubletalk

The Imperial Navy is continuing to gain victories in separate battles, but even if this is stated to be the case, it cannot be said that the Japanese Navy has the war situation under complete control," the Tokyo radio doubletalked recently. It went on to tell how the "Imperial forces" were "gallantly and valiantly fighting" and were "achieving great results" by displaying their spirit of Yamamoto" (Yamamoto being the now dead Japanese admiral who was going to dictate peace in the White House), but it warned that "to succeed fully in this battle of intercepting enemy attacks" it was going to be necessary to "give the enemy a feeling of miserable defeat."

The pay-off came when the radio speaker exhorted: "We must pledge to construct a great quantity of planes. If one more additional plane is sent to the fighting fronts, then the war results can be increased in proportion."

Some observers here believe the Japanese admission that their navy no longer "rules the waves" is part of an involved oriental alibi for the fact that Japan is not giving full naval and air support to her besieged garrisons. Informed sources here say there has been information that even the controlled Tokyo press has put out some veiled suggestions lately that it was a great pity that "valiant" Japanese soldiers were being wiped out for lack of support. These sources say the Tokyo Government even has had to suppress some Japanese papers lately—strange as this may seem in a country where the press is presumed to be completely muzzled.

Warning by Tojo

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There is ample evidence that all is not well on the Japanese propaganda front. In the last year there have been numerous changes in the direction of the Tokyo propaganda machine. Apparently, when some blunder is made that is too colossal to be covered up, the propaganda director is considered to have "lost face" and is replaced.

Japanese propaganda is directed by an Information Board, which has connecting links with the Foreign Ministry, the Army and the Navy. The Information Board presently is headed by one Elji Amari, who has various underlings

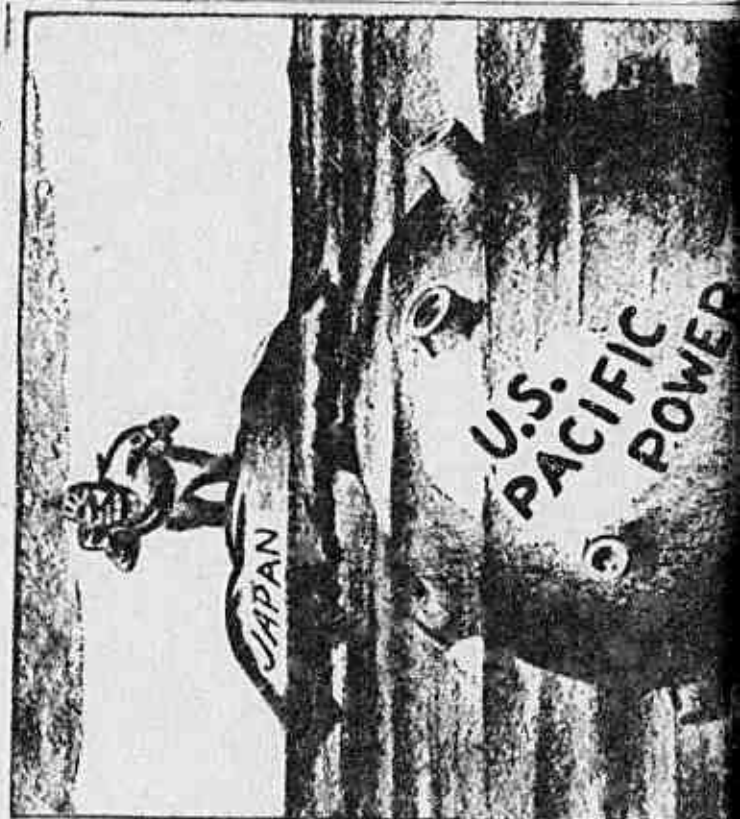
Warning by Tojo

Premier Tojo himself has taken on a somber note and has used the Anglo-American-Chinese pledge at Cairo as a warning to the Japanese people that, unless they work and fight, the empire will be reduced to a "third-rate power."

The Japanese also have warned their people that, with the Gilberts (which they finally have admitted have been captured) in American hands, Japan proper may be "doomed" again.

For America, when they are not making their mawkish appeals to our troops and civilians, the Japanese are inclined to bluster about

CLOSER THAN YOU THINK, TOJO





Little in The Nashville Tennessean

One of his chief section leaders is the terrific "Insects" they are in a Japanese named Sadao Iguchi, flitting on us. Every now and then a former "diplomatic aide" to for they pause to assure us that the Harbor fame. Iguchi recently res-mistie" over the Pacific war.

Emperor's Role

On the second anniversary of Pearl Harbor Day they even beamed to the United States Em-peror Hirohito's Imperial rescript, telling of the Japanese "victories" at Bougainville. As Mr. Knox, whose sensibilities as both Navy Secretary and a lifelong news-paper man have been offended by the preposterous nature of the Nipponese claims, has pointed out, the use of the "sacred" Emperor as a propaganda puppet indicates how desperately Japan's military dictators are striving to bolster up their cause.

Japan has some fifteen or more traitors—American, partly Amer-ican and British—in her propa-ganda service who are known to officials here. A few of the trait-lors are recognized as clever op-erators, and every now and then there is some evidence that the Japanese may have listened to them, for there is some dangerous-ly "smooth" appeal in the propa-ganda beamed to America. Then, apparently, the Japanese mind tri-umphs and the Information Board has its way. for the Tokyo radio returns to the ridiculous false-hoods that no sane occidental pos-sibly could believe.

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Emphasis on Racism

The military observers, however, are inclined to the theory that, once Germany is knocked out of the war, Japan will plunge 100 per cent into selling her war effort as a "racial war," and that this is when the GEAR will come into its own.

After months of feeding the Japanese and subjugated peoples fantastic stories of victories—the United States Fleet, which still is doing pretty well, has been "annihilated" at least four or five times now; our new battleship, the Wisconsin, was "sunk" before she

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUBCOMMISSION

2 February 1944

ANG/4019/L

TO : Chief Clerk, Col. Spofford's Office

SUBJECT : Transmittal of Document

1. Your request for a copy of ACC/L/341/5 has been received.
2. The communication in question originated from the Brindisi HQ. The Brindisi files are on the way to Salerno and a copy of the document will be available in about a week's time, if still wanted.

George C. Schenzer,
M/Sgt., M.I., Chief Clerk

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