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

ACC

10000/142/773
(VOL. 3)

CORRESPONDENC
MAY 1946 - SE
(1 OF 2)

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

10000/142/773
(VOL. 3)

CORRESPONDENCE CONCERNING WAR CRIMES & WAR CRIMINALS
MAY 1946 - SEPT. 1946; (AUG. 1947)
(1 OF 2)

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

41195

FX 72260

H/6805

SEP 251430B

IMPORTANT

A BRANCH GHQ CMF

DISTHREE INFO TROOPERS JUDVOCATE LONDON AFCOM HQ PUBLIC RELATIONS

(CM) CMF REAR 13 CORPS RAAC NAPLES AREA 22 ARMY NEWSPAPER UNIT CMF

CONFIDENTIAL

CONFIDENTIAL

Subject is war crimes trial ardeatine caves massacre.Our 16203/A3 of 04 your 156/40A of 10.

1.Trial will be held in Rome not Naples.

2.Court will be convened by this HQ.

3.Special security arrangements and provisions of 2 infantry platoons for special guard duties will be carried out by this HQ.

4.Request you (A) select suitable court room for trial.(B) Arrange suitable accommodation for accused and witnesses (C) ensure witnesses Alianello and Presti available.(D) arrange suitable accommodation in Rome for Maj Gen Playfair. 26

5.Date for trial will be decided by this HQ.Date not yet fixed.

6.Full instructions in amplification and modification our 16203/A3 of 4 Sept will be issued soonest.

AC DIST

INFO ACTION: SECURITY 2

INFO: CHIEF COMMISSIONER

LEGAL

L FORCES

FILE

SKELETON

SEP 25 1946

LEGAL SUB COMMISSION

LO

LO

Chief Co

CJO

Italian Section

CLERKS

SEP 26 1946

CONFIDENTIAL

AC LEGAL

4119/8/329

CONFIDENTIAL

SUBJECT:- War Crimes - ARDEATINE Caves Massacre.

GHQ CMF

16203/A3

4 Sep 46

TO:- GOC, (6)
No 3 District.

1. This letter constitutes notice that you will be responsible for convening and holding a War Crimes Trial, in connection with the above mentioned alleged War Crime, in accordance with GHQ CMF Administrative Instruction No 27.

2. The accused :-

Colonel General Eberhard von MACKENSEN

Lieutenant General Kurt MALTZER

are charged with :-

COMMITTING A WAR CRIME

in that they

at ROME, Italy, about the 24th March 1944, in violation of the laws and usages of war, were concerned in the killing as a reprisal of some 335 Italian Nationals in the ARDEATINE Caves.

3. Gen von MACKENSEN is understood to be in custody in the British Zone Germany, his transfer to this theatre being the responsibility of this HQ. You will be advised shortly where and when to take him into your custody.

General MALTZER will appear as the accused in a war crimes case which will be heard in the near future before an American Court. On the conclusion of the proceedin s of this Court MALTZER will be available for handover to British custody and arrangements will be made by this HQ for him to be transferred into your charge.

262

4. (a) The Judge Advocate General, London, has advised that the following witnesses will be required to attend and to give evidence at the trial in person.

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

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262

4. (a) The Judge Advocate General, London, has advised that the following witnesses will be required to attend and to give evidence at the trial in person.

Their names and last known addresses are as follows;-

i. Obersturmbannfuehrer Hebert Gustev Adolph KAPPLER - DACHAU EW Camp USFET

ii. General Umberto PRESTI - location unknown

iii. Raffaele /LIANELLO - 12 Via Eleonore d'Arboreo, ROME.

iv. Untersturmfuhrer Guenter LOHN - CC1 Compound 1 SEP Centre

v. Untersturmfuhrer Wilhelm KOFLER - location unknown.

vi. Bruno SPAMPANATO - location unknown.

--/ sheet 2

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(b) The affidavits of the following witnesses will be handed into the Court in accordance with the provisions of Regulation 8(1)(a) of Army Order 81 of 1945.

i. Dr Ugo SORRENTINO - 68 Via Circonvallazione Clodia ROME.

ii. Ottario d'AGOSTINI - 41 Via Alessandro Volta, ROME.

iii. General Leutnant Wilhelm HARSTER

(c) i. The affidavit of Lt Col JP SCOTLAND, exhibiting a statement taken by him from Gen von MACKENSEN, will be handed into the Court in accordance with Regulation 8(1)(a) of Army Order 81 of 1945.

ii. It is anticipated that a statement will shortly be obtained from the accused MALTZER. In this event the affidavit of the investigator or interpreter who has taken that statement exhibiting it, will be handed into the Court in accordance with the provisions of Regulation 8(1)(a) of Army Order 81 of 1945 unless the accused, through his defending officer gives notice of his intention to object to the admission of this statement. In the event of such an objection being raised this fact should be reported by signal to this HQ, repeated to JAG NAPLES.

5. You are requested to take the following action forthwith:-

(a) Arrange for the trial to be held in the Court Room now available in the Royal Palace, Piazza Plebiscito, NAPLES.

(b) Nominate a unit to which the accused will be attached for the purposes of the trial, in accordance with pares 6 and 7 of GHQ CMF Administrative Instruction No 27. The name of the unit so selected should be signalled to JAG NAPLES, repeated to this HQ.

(c) Appoint a British Defending Officer to represent each of the accused. It is likely that the accused will also wish to be represented by German lawyers and in this event the appointment of such lawyers should be arranged in conjunction with this HQ. It is probable that the services of Dr LINKE, permanent German defending lawyer, would be acceptable to one or other of the accused.

(d) Inform the accused as soon as possible, through their Defending Officers, of the general outline of the charge to be preferred against them, in order that they may have an adequate opportunity to call any witnesses they may require in their defence.

261

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

(d) It is anticipated that a statement will shortly be obtained from the accused MÄLTZER. In this event the affidavit of the investigator or interpreter who has taken that statement exhibiting it, will be handed into the Court in accordance with the provisions of Regulation 8(1)(a) of Army Order 81 of 1945 unless the accused, through his defending officer gives notice of his intention to object to the admission of this statement. In the event of such an objection being raised this fact should be reported by signal to this HQ, repeated to JAG NAPLES.

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(d) Inform the accused as soon as possible, through their Defending Officers, of the general outline of the charge to be preferred against them, in order that they may have an adequate opportunity to call any witnesses they may require in their defence. 261

(e) Ensure that the witness listed at para 4(a) above, serial iii is available in accordance with para 24 of GHQ CMF Administrative Instruction No 27.

(f) In conjunction with this HQ and DJAG decide upon a date for the trial. In view of the importance of bringing this case to trial as soon as possible this matter should receive your immediate attention. As soon as they are available the accused must be informed of this date.

6. This HQ will be responsible in the first instance for ensuring the attendance of the witnesses listed at para 4(a) above, other than Serial iii.

(a) RAAC have confirmed that ALI/NELLO is residing at the address stated and that he does not intend to move in the near future (HQ RAAC letter 32A10 dated 23 Aug 46 refers)

--/ sheet 3.

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

(b) Intensive efforts are being made by this HQ to trace PRESTI (Serial ii) and KOFLER (Serial v) (this HQ cables FX 71114 of 28 Aug and FX 71093 of 27 Aug refer respectively) If and when these persons are traced arrangements will be made by this HQ for their transfer to the NAPLES area and you will be advised accordingly. It is likely that Gen PRESTI is not now in custody and in that event, when his location has been ascertained, he may be treated as a normal civilian witness.

(c) Bruno SPAMPANATO (erial vi) who was at one time held in the Regina Coeli Prison, ROME, was recently released under the Italian Amnesty decree; HQ Allied Commission are making every endeavour to trace this man and you will be informed in due course of his address. It does not appear likely that it will be necessary for him to be taken into custody and when his address has been ascertained he may be treated as a normal civilian witness.

(d) Instructions will be issued by this HQ for the transfer of AMONN (Serial iv) from 1 SEP Centre to 21 CM and HC as soon as accomodation is available there for the housing of German war criminals and war crimes witnesses.

(e) Arrangements are being made by this HQ for the transfer of KAPPLER (Serial i.) to this theatre.

7. This HQ has been advised by the War Office that Major General PLAYFAIR has been appointed to preside over the Court in this case. Since General PLAYFAIR is now in the UK and in order that adequate time may be given for him to reach this theatre it is important that the date of the trial should be decided upon without delay. Four other officers, not below the rank of Lieutenant Colonel, should be detailed by you as members of the Court. If difficulty is experienced in securing this number of senior officers reference should be made to this HQ.

8. Arrangements for the attendance of a Judge Advocate at the trial will be made by DJAG GHQ. In these circumstances the Court need not include a Legal Member. DJAG GHQ will be responsible for the appointment of a Prosecutor.

9. Impartial persons competent to act as interpreters in the German and Italian languages should be available at the trial and the accused must also be provided with a GERMAN/ENGLISH interpreter. It is particularly important that the persons selected as Court interpreters should be thoroughly competent and experienced in this duty. This HQ will render any assistence necessary in finding such persons, if called upon to do so.

10. A Court shorthand writer will be supplied by DJAG GHQ if procurable.

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

(d) Instructions will be issued by this HQ for the transfer of [illegible] (Serial iv) from 1 SEP Centre to 21 CM and HC as soon as accomodation is available there for the housing of German war criminals and war crimes witnesses.

(e) Arrangements are being made by this HQ for the transfer of KAPPLER (Serial i.) to this theatre.

7. This HQ has been advised by the War Office that Major General FLAYFAIR has been appointed to preside over the Court in this case. Since General FLAYFAIR is now in the UK and in order that adequate time may be given for him to reach this theatre it is important that the date of the trial should be decided upon without delay. Four other officers, not below the rank of Lieutenant Colonel, should be detailed by you as members of the Court. If difficulty is experienced in securing this number of senior officers reference should be made to this HQ.

8. Arrangements for the attendance of a Judge Advocate at the trial will be made by DJAG GHQ. In these circumstances the Court need not include a Legal Member. DJAG GHQ will be responsible for the appointment of a Prosecutor.

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10. A Court shorthand writer will be supplied by DJAG GHQ if procurable.

11. Arrangements should be made by you for the suitable custody of the accused before and during the trial; it is not considered that they should be confined at either 209 PW Camp or 21 CM and HC. When these arrangements have been made this HQ should be informed in order that final approval may be given. The officer commanding the unit of attachment, without regard to the fact that the accused may not be in his physical custody, will be deemed to be their CO in all matters preliminary and relating to the trial. He must ensure that they are given every reasonable facility for the preparation of their defence.

12. This case will undoubtedly arouse considerable public interest and it is not unlikely that feeling may run high among the civil population, particularly against the witness KAPPLER. Very careful provision should therefore be made for the security of the accused and witnesses, both inside and outside the Court. The local civil authorities should be kept fully informed in order that proper steps may be taken for the preservation of public order.

13. In regard to the Press and publicity no action is required by you other than that laid down in GHQ CMF Administrative Instruction No 27. This HQ will communicate with HQ Public Relations CMF and 22 Army Newspaper Unit when the date of the trial is decided in order that any special arrangements may be co-ordinated

--/sheet 4.

260

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

14. The Commanding General MTOUSA and the Italian Government will be invited to send representatives to attend the trial as official observers. No action on this matter is required by you other than to ensure that proper provision is made for their accomodation in court.

15. The remaining documents mentioned in para 6 of GHQ CMF Administrative Instruction No 27 will be forwarded to you in the near future.

16. Arrangements for this trial will be treated as a matter of urgency, and will be given priority. In case of doubt or difficulty please communicate with this HQ (Telephone FREEDOM 388).

Brigadier,
D.G

Copies to:- Under Secretary of State,
The War Office AG3 (WT). (your cable 66680 AG3(B)(WW) of 31 Aug refers)
Judge Advocate General,
Spring Gardens,
Cockspur Street,
LONDON S. W. 1. (your letters MD/JAG/FS/45/38A(3F) of 13 Aug 46 and 23 Aug 46 refer)
Commanding General MTOUSA (this HQ letter of even reference dated 3 Sept 46 refers)
HQ Allied Commission (this HQ letter of even reference dated 4 Sept 46 refers)

HQ Allied Commission,
Public Safety Sub Commission,
Security Division. (this HQ cable FX 71244 of 30 Aug refers)
Land Forces Sub Commission AC (MMA) ROME (this HQ cable FX71114 of 28 Aug refers)

Rome Area Allied Command (this HQ cable FX 71114 of 28 Aug refers)
SACS
BRIT POLAD (your letter 47/150/4 dated 12 Aug 46 refers)
JA MTOUSA (your minute JA 000.5/WCC 90 dated 12 Aug 46 refers).
G(Ops) (your minute G3 AFHQ/113 dated 7 Aug 46 refers)
G2 (your minute GBI.389.601/2 /1 dated 12 Aug 46 refers)
G5
AG (your cable FX 71079 of 27 Aug to HQ BAOR refers)

259

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

Brigadier,
DAG

Copies to:- Under Secretary of State,
The War Office AG3 (WT). (your cable 66680 AG3(B)(WT) of 31 Aug refers)
Judge Advocate General,
Spring Gardens, (your letters MD/JAG/FS/45/38A(3F) of
Cooksgur Street, 13 Aug 46 and 23 Aug 46 refer)
LONDON S. W. 1.
Commanding General MTOUSA (this HQ letter of even reference dated 3 Sept 46 refers)
HQ Allied Commission (this HQ letter of even reference dated 4 Sept 46 refers)
HQ Allied Commission,
Public Safety Sub Commission,
Security Division. (this HQ cable FX 71244 of 30 Aug refers)
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G5
A2 (your cable FX 71079 of 27 Aug to HQ BAOR refers)
DJAG GHQ CMF (3)

259



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

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

41915 Legal 2d

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

Roma 11 settembre 1946

501A

Alla COMMISSIONE ALLEATA Sottocommissione Legale
ROMA

Ufficio II° A.P.
Prot. N° 131.639.1337

Risposta al f.to del 13/9/1946
Div. Sez. N° 41195/I.

OGGETTO Processo contro il tenente CARUSO ed altri per omicidio del capitano inglese A.D. MACKENZIE

Lee 499A

e per conoscenza:
ALL'UFFICIO COLLEGAMENTO
SEDE

Con riferimento al foglio sopra richiamato si assicura che in data odierna è stato telegrafato al P.M. presso la Sezione Speciale di Corte di Assise di Voghera perchè, qualora non sia stato già fatto, venga al più presto fissata nuovamente dinanzi detta Corte la celebrazione del dibattimento del processo contro il tenente CARUSO ed altri, di cui in oggetto.-

Si fa riserva pertanto di ulteriori comunicazioni al riguardo.-

258

d'ordine del MINISTRO

LEGAL SUB-COMMISSION
CLO
CLO
Chief Counsel
CLO
Italian Section
CL RKS
SEP 26 1946

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

4119/5 500A

SUBJECT : War Crimes - Trial of Tenente COLUCCI and others

CMS 1502
8 SEP 1946
1E171/104/A3
6 Sept 46

HQ Allied Commission
Legal Sub Commission

379A

Reference your letter AC/4119/5/I dated 29 July 46 and this HQ letters of even number dated 17 July 46, 19 June 46, 16 May 46 and 18 April 46.

311A 274A 239A

May this HQ please be informed of the present stage reached in this matter and, in particular, in view of the delay which has already taken place in bringing this case to trial, whether the Italian authorities are making any genuine effort to hasten the proceedings against these alleged War Criminals.

Brig
IC Adm.

257

See 499A

nal
Copy to :- DTAC CMS CMF

[illegible]	
[illegible]	
[illegible]	
[illegible]	
CHIEF COLINSE	
[illegible] OFFICE	
[illegible] SEC	
MEMBERS REVIEW BOARD	

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

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

FILE

499A

AC/4319/S/L

AT/mk
25 September 1946

SUBJECT : War Crimes :
Trial of Tenente CARNO & Others.

TO : MMG : CMP.

1. Reference your 15171/106/AT of 6 September 1946.

2. The Minister of Justice informs us that on 19th September he instructed by telegraph the Public Prosecutor of the Special Court of Assise at Voghera to have the case against Tenente Carneo and Others fixed for hearing as soon as possible, in case he had not already done so.

For the Chief Commissioner :

MURGRAVE THOMAS,
Italian Branch,
for Chief Legal Adv.

256.

2[illegible]

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

4/19/5

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Figl
4980

Originator's Reference: A/1830/2
Date/Time of Origin: SEPT 251000 B

Message Centre No: H/6837
Date Time Rec'd: SEPT 261800 B
Precedence: ROUTINE

FROM: 1 SEP CENTRE (CM)
TO : GHQ CMK, INFO; DISTHREE, ALCON ROME

UNCLASSIFIED.

Ref GHQ FX 1634 of 09. No trace KHELAL STARAVECKA RIMINI enclave.

AC DIST

INFO ACTION LEGAL 2
INFO CHIEF COMMISSIONER
FILE
FLOAT 2

HEADQUARTERS
27 SEP 1946
INFO - ACTION
253

Fili

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

N/1830/2
SEPT 251000 B

H/6837
SEPT 261800 B
ROUTINE

1 SEP CENTRE (CM)
GHQ CMH, INFO; DISTRBE. ALCOM ROME

UNCLASSIFIED.

Ref GHQ FX 1634 of 09. No trace KHELAL STARAVECKA RIMINI enclave.

AC DIST

INFO ACTION LEGAL 2
INFO CRIMP COMMISSIONER
FILE
FLOAT 2

HEADQUARTERS
27 SEP 1945
A. G.

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

41915

497A

HQ ALCOM

CHIEF OF STAFF, HQ MUSAF

5018

UNCLASSIFIED

SUBJECT 17TH CASE YOUR LETTER ABLE GEORGE ZERO ZERO ZERO ZERO FIVE SLANT ZERO ONE FOUR J10 ABLE DASH ONE OF EIGHTEEN SEPTEMBER JUST RECEIVED PD SUGGEST PROCURATOR GENERALS DEPARTMENT BE ASKED TO APPOINT OBSERVER REQUIRED

253

PRIORITY

LEGAL SUB-COMMISSION

302

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

LEGAL
1807 FILE
496

4119/5

FILE

HEADQUARTERS
MEDITERRANEAN THEATER OF OPERATIONS
UNITED STATES ARMY
APO 512

In reply
refer to AG 000.5/014 JA-O

18 September 1946

SUBJECT: Lyth Case

TO : Chief Commissioner
Allied Commission
APO 794

1. On 23 September 1946, at Florence, Italy, it is proposed to try, as war criminals, Lieutenant General Carloni and members of his staff for the murder of 2nd Lieutenant Lyth.

2. As the defendants are Italian subjects, it is felt that a member of the Italian Forces should be invited to attend as observer.

3. It is desired that ALCOM ask the appropriate Italian authorities to nominate a person to act as their observer at the trial.

BY COMMAND OF MAJOR GENERAL JAYNES:

Ralph C. Tilley
RALPH C. TILLEY
Colonel, AGD
Adjutant General

LEGAL SUB COMMISSION
CHIEF LEGAL ADVISOR
DEPUTY CHIEF LEGAL ADVISOR
CHIEF COUNSEL
STAFF OFFICER
ITALIAN SECTION
WAR CRIMES REVIEW BOARD
SEP 23 1946
FILE
FILE

See Cable # 5018
SEP 23 1946

252

FILE

FILE

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

4119/5/1

Legal
495A

SUBJECT : - ITALIAN Officials claimed by the FRENCH Authorities as War Criminals

1581

GEN GEF
1(d)43/A3
12 Sept 46

Headquarters
Allied Commission

407 A

Reference your AC/4119/5/L of 19 Aug 46.

1. It is regretted that there is no record at this Headquarters of the subjects claimed by FRANCE as being in BRITISH Custody and therefore it is impossible to carry out the FRENCH authorities wishes in the matter.

2. No doubt you will request the location of the subjects wanted by FRANCE from the appropriate ITALIAN authorities and if they can be found they should be arrested and JAG Branch Investigators will interrogate to establish identity, and their whereabouts whereever once identity is established, can be undertaken without further delay. All these are listed in UNWCC List 59.

LEGAL SUB COMMISSION
CHIEF LEGAL ADVISOR
DEPUTY CHIEF LEGAL ADVISOR
CHIEF COUNSEL
STAFF OFFICER
ITALIAN SECTION
MEMBERS REVIEW BOARD
SEP 16 1946

RW Grimson Major
for Brig,
IC Adm.

251

No action required.
The matter is being dealt with by the Security Bch.
File

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

4119/5/1

Legal
495A

SUBJECT : - ITALIAN Officials claimed by the FRENCH Authorities as War Criminals

1581

CMS. CHF

1643/13

12 Sept 46

Headquarters
Allied Commission

407 A

Reference your AC/4119/5/L of 19 Aug 46.

1. It is regretted that there is no record at this Headquarters of the subjects claimed by FRANCE as being in BRITISH Custody and therefore it is impossible to carry out the FRENCH authorities wishes in the matter.

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LEGAL SUB COMMISSION
CHIEF LEGAL ADVISOR
DEPUTY CHIEF LEGAL ADVISOR
CHIEF COUNSEL
STAFF OFFICER
ITALIAN SECTION
MEMBERS REVIEW BOARD
SEP 16 1946

RCW Grierson Major
for Brig,
IG Alm.

251

No action required.
The matter is being dealt with by the Security Div.
V Tale

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

(494A)

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

ETLP AC/4119/5/L

ST/ns
24 September 1946

SUBJECT : Italian request to try Cpl. PERCHE', U.S.F.

TO : AFHQ : G-5.

Reference your G-5 : 334.30 of 22nd September.

No report has yet been received from the Headquarters of the 6th South African Armoured Div. in Genova.

For the Chief Commissioner :

G.G.HAMMOND,
Lt.Colonel,
Deputy Chief Legal Advisor.

2511

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

4119/5 ✓

1838 Legal 493A

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 934.30

21 September 1946

SUBJECT: Italian Request to try Cpl. Fouché, U.S.F.

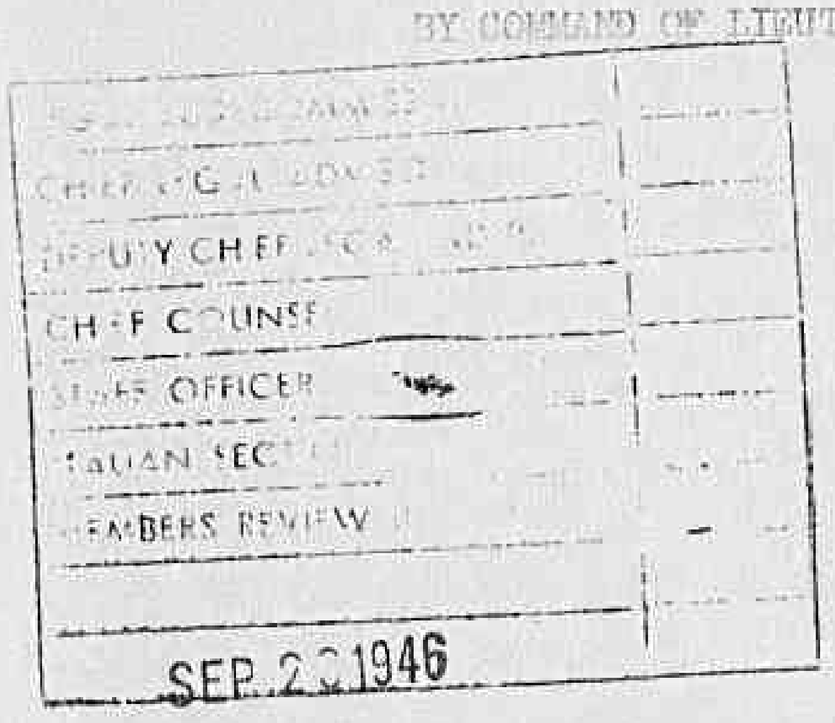
TO : Chief Commissioner
Allied Commission
(Attn: Leg Sub-Commission)
APO 794

429 A

Reference your AC/4119/5/L, 26 August 1946.

Are you yet in a position to submit a report in this case please?

BY COMMAND OF LIEUTENANT GENERAL MCREAM:



/s/ A. L. HARDEN
Colonel, G.S.C.
Assistant Chief of Staff, G-5.

Major

249

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

4925

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

C/LIII/S/L

27/ns
23 September 1946

SUBJECT : War Crimes : Shooting of Nathan Leach.

TO : CHQ : CMF.

1. Reference your 16172/25/A3 of 20th September 1946.

2. On receipt of your letter of 17th August this Sub-Commission wrote on 2nd August to the Ministry of Justice asking for full particulars in order to make a report explaining the altogether unreasonable delay in bringing this trial to a conclusion. At the same time the Ministry was requested to ensure that the trial was proceeded with as little delay as was possible in the circumstances, and, further, that the matter be treated as an urgent one.

3. The Ministry forwarded a copy of our letter to the Procuratore Generale Militare of the Tribunale Supremo Militare, Rome, on 3rd September.

4. This Sub-Commission has on 20th September requested the C.M.F. to send a reply to our letter of 27th August to enable a report to be furnished as required by your letter of 17 August. If no answer is received by the 27th inst., a further request will be made for an immediate reply.

For the Chief Commissioner :

245

USHAW THOMAS,
Italian Branch,
For Chief Legal Adviser.

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

4119/5

1825

SUBJECT:- War Crimes - Signing of Italian Peace

Legal
4918

CIC. G-2

AG 171.1 (8-3)

20 Sept 46

FROM Allied Commission
Legal Sub Commission

A reply is requested to this letter/ltr dtd/ltr number dated
17 Aug 46.

423A

LEGAL SUB COMMISSION
CHIEF LEGAL ADVISOR
DEPUTY CHIEF LEGAL ADVISOR
CHIEF COUNSEL
STAFF OFFICER
OPERATION SECTION
WAR CRIMES REVIEW BOARD
SEP 23 1946

Brigadier,
GSC.

247

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

490A

FILE

HEADQUARTERS ALLIED COMMISSION
APO 794
ITALIAN SUB COMMISSION

AT/ms
23 September 1946

AC/A110/S/L

SUBJECT : War Crimes :
DURELLO, GUIDO, DALLA PUIA, and DALA SO.

TO : GHQ : C A F .

374A

1. Reference your AP 16171/21/AT of 1 August 1946, and this Sub-Commission's letter of 12 September. 463A

2. The Fubblico Ministero of the Special Court of Assize, Padova, has reported that preliminary proceedings before the magistrate are nearly completed. As soon as this Sub-Commission is informed of the result of these proceedings, it will advise you.

For the Chief Commissioner :

WINGRAVE SMITH,
Italian Branch,
for Chief Legal Advisor.

245

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

411915/V fin.

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

FILE

Roma 17 settem. 1946

489 A

ALLA COMMISSIONE ALLEATA
Sottocommissione Legale
ROMA

Ufficio III A.P.
Prot. N° 131.430.880
Risposta al foglio del 24 giugno c.a.
Div. AC Sez. 14119/5/L.

OGGETTO DURELIO Natale ed altri.

320A

e per conoscenza:
ALL'UFFICIO COLLEGAMENTO Gabinetto
SEDE

Il Pubblico Ministero presso la Sezione Speciale di Corte d'Assise di Padova comunica che l'istruttoria nel processo per l'omicidio in danno dei due noti militari Alleati è pressochè ultimata.

Si riferirà il tenore delle decisioni, appena sarà reso noto a questo Ministero e, poi, l'esito dell'eventuale giudizio.

LEGAL SUB COMMISSION
CHIEF LEGAL ADVISOR
DEPUTY CHIEF LEGAL ADVISOR
CHIEF COUNSEL
STAFF OFFICER
MAIN SECTION
MEMBERS REVIEW BOARD
SEP 18 1946

d'ordine del MINISTRO

Fea 463A 265

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

FILE

HEADQUARTERS ALLIED COMMISSION
APO 791
LEGAL SUB COMMISSION

4884

AT/ns
21 September 1946

AC/4119/5/L

SUBJECT : Service of Summons on a German POW.

TO : APHQ : G-5.

1. Copy of letter from Munich Lega-tion is enclosed. The documents requested were enclosed in this Sub-Commission's letter of 15 July addressed to A-Branch, GHQ CMF.

For the Chief Commissioner :

G.G. HAYWARD,
Lt.Colonel,
Deputy Chief Legal Advisor.

Incl.: 1

LÉGATION DE DANEMARK
ROME

Jr.No. 20. M. 28.

411945

FILE

4P7A

P. M.

With reference to Major John R. Hayes' letter to this Legation, dated 31 July, 1946, regarding the divorce case Friedrich Carl ERN, German POW in US custody, the Legation would appreciate to have returned the documents in the matter, forwarded to the "Legal Sub-Commission", Allied Commission, Rome, with the Legation's P.M., dated 11th July last.

347A

Rome, 19th september, 1946.

LEGATION ROYALE DE DANEMARK A ROME

Jus 393A

LEGAL SUB-COMMISSION
CHIEF LEGAL ADVISER
DEPUTY CHIEF LEGAL ADVISER
CHIEF COUNSEL
CASE OFFICER
CASE NO.

243

ALLIED FORCE HEADQUARTERS

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

divorce case Friedrich Carl ERN, German POW in US custody, the Legation would appreciate to have returned the documents in the matter, forwarded to the "Legal Sub-Commission", Allied Commission, Rome, with the Legation's P.M., dated 11th July last.

Rome, 19th september, 1946.

347A

Le 393A

LEGATION ROYALE DE GRANDE BRETAGNE ROME

LEGAL SUB-COMMISSION
CHIEF LEGAL ADVISOR
DEPUTY CHIEF LEGAL ADVISOR
CHIEF COUNSEL
SENIOR OFFICER
INTERPRETER
FOR RELEASE REVIEW
SEP 20 1946

243

ALLIED FORCE HEADQUARTERS

APO 512

Declassified E.O. 12356 Section 3.5/NND No. 785016

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

41915

A2125

FILE

II/6680

SEP 191145

IMPORTANT

486A

86 AREA

A BRANCH NAPLES AREA INFO A NSAB 13 CORPS ALCOM 3 TRANSIT CAMP

CONFIDENTIAL

CONFIDENTIAL

Your AG(1)5403 dated 17 refers. Subject is Brunello Cesare.

Questura not able to locate him.

AC DIST

INFO ACTION : SECURITY 2

INFO: CHIEF COMMISSIONER

LEGAL CC

FILE

SKELETON

CONFIDENTIAL

2nd

SEP 19 1946

File

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

41195

Leo 1

FILE

FX 71940

161737 B

N/6629

SEPT. 170730

ROUTINE

485A

A BRANCH GHQ CMF

ACSEC HQ ALCOM INFO: JAG NAPLES

CONFIDENTIAL

CONFIDENTIAL

BANKS CASE. OUR 16171/90/3A OF 28 AUGUST TO LEGION HQ CARABINERI NAPLES COPY TO YOU. EVIDENCE IN BANKS CASE TRIAL SHOWS PAVANINI AND PATTACCHINI MAY BE OF FURTHER INTEREST TO THIS HQ. REQUEST THEY BE HLD IN CIVIL PRISON NAPLES AWAITISH DISPOSITION PENDING FURTHER INSTRUCTIONS FROM THIS HQ. WERE ADMITTED TO PUBLIC BAR ON 5 SEPTEMBER. REGRET NECESSITY ALTERATION OF INSTRUCTIONS.

MEMBERS REVIEW BOARD
SEP 17 1946

ACDIST

ACTION: SECURITY 2

INFO: CHIEF COMMR

LEGAL

FILE

SKELETON

HEADQUARTERS
17 SEP 1946

CONFIDENTIAL

261

File

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

4/19/15

Legal

AG (1) 5403
SEPT 170199

FILE

T/6645
SEPT 180000

TWX DEPARTMENT
484A

A WAFUSA AREA
G6 AREA ,INFO: REAR 13 CORPS 5 TRANSIT CAMP AIRCOM

CONFIDENTIAL

CONFIDENTIAL:

Subject Banks case. Reference your A2048 dated 13 September.Female witness despatched by you to 3 transit camp in BISTRITA ARGESU not PRUNELLO CESARE as advised by you and requested by this HQ. Please despatch Cesare Prunello urgently required.

[illegible]
CHIEF OF DIVISION
DEPUTY CHIEF LEGAL ADVISOR
CHIEF COUNSEL
[illegible]
[illegible]
NUREMBERG REVIEW BOARD
SEP 1 81946

AG DTGG

INFO ACTION : SECURITY NEW 2

INFO : CIVIL CONSTITUTION

LEGAL

FILE

SECTION

CONFIDENTIAL

HEADQUARTERS
17 SEP 1946 2:40
C

File
Amb 1479

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

LEGAL

4119/5

568

FILE

4B3A

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

16 August 1946

G-5: 93611

SUBJECT: War Crimes

TO : Chief Commissioner,
Allied Commission,
(Attn: Legal S/C),
APO 794.

Reference your AC/4119/5/L dated 20 July 1946.

1. The appeal submitted with your letter under reference 4/29.44/ CA, 2 April 1946 was considered by SAC when the proceedings of the case were before him for confirmation.

2. No consideration can be given to the appeal forwarded with your letter of 20 July 1946.

3. In this connection you are referred to Regulation for the Trial of War Criminals (Army Order 81 of 1945) Regulation 10.

4. A copy of this Regulation 10 is enclosed for easy reference in this and any other applicable case.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

Major

for A. L. HAMBLEN
Colonel, G.S.C.
Assistant Chief of Staff, G-5

Encl:
as above

ALLIED COMMISSION	
CHIEF LEGAL ADVISOR	
DEPUTY CHIEF LEGAL ADVISOR	
CHIEF COUNSEL	
STAFF OFFICER	
LEGAL SECTION	
MEMBERS REVIEW BOARD	

AUG 19 1946

23A

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

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 936.61

14 August 1946

SUBJECT: War Crimes

TO : Chief Commissioner,
Allied Commission,
(Attn: Legal S/C),
APO 794.

Reference your AC/4119/5/L dated 20 July 1946.

1. The appeal submitted with your letter under reference 4/29.45/ GA, 2 April 1946 was considered by SAC when the proceedings of the case were before him for confirmation.

2. No consideration can be given to the appeal forwarded with your letter of 20 July 1946.

3. In this connection you are referred to Regulation for the Trial of War Criminals (Army Order 81 of 1945) Regulation 10.

4. A copy of this Regulation 10 is enclosed for easy reference in this and any other applicable case.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

Major

for A. L. HAMBLEN
Colonel, G.S.C.
Assistant Chief of Staff, G-5

Encl:
as above

235

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

Para 10, Army Order 81/45

10. The accused may within 14 days of the termination of the Proceedings in Court submit a Petition to the Confirming Officer against the finding or sentence or both provided that he gives notice to the Confirming Officer within 48 hours of such termination of his intention to submit such a Petition. The accused shall have no right to submit any Petition otherwise than as aforesaid. Provided that if such Petition is against the finding it shall be referred by the Confirming Officer, together with the Proceedings of the trial to His Majesty's Judge Advocate General or to any Deputy of his approved by him for that purpose in the Command overseas where the trial took place for advice and report thereon.

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

Para 10, Army Order 81/45

10. The accused may within 14 days of the termination of the Proceedings in Court submit a Petition to the Confirming Officer against the finding or sentence or both provided that he gives notice to the Confirming Officer within 48 hours of such termination of his intention to submit such a Petition. The accused shall have no right to submit any Petition otherwise than as aforesaid. Provided that if such Petition is against the finding it shall be referred by the Confirming Officer, together with the Proceedings of the trial to His Majesty's Judge Advocate General or to any Deputy of his approved by him for that purpose in the Command overseas where the trial took place for advice and report thereon.

4119/5

Mod. 2

Ministero di Grazia e Giustizia

4P2A

Gabinetto di S.E. il Ministro

FILE

Roma 14. 9. 1946 /9

Protocollo N. U C/4549-3/.

OGGETTO Delitti di guerra - Maggiore Van WERDEN.

ALLA COMMISSIONE ALLEATA
Sottocommissione Legale
ROMA

G. 42-A

454A

Con riferimento alla lettera AC/ 4119/5/L. del 8 corrente, relativa all'oggetto, si fa presente che in conformità a quanto precedentemente chiarito circa l'esclusiva competenza dei tribunali militari italiani a conoscere dei crimini di guerra commessi dai tedeschi, l'incartamento processuale relativo al maggiore tedesco Van WERDEN è stato trasmesso in data 2 corrente (foglio UC/4746/3) alla Procura Generale Militare per competenza.

Pertanto si comunica che quanto riferito con la lettera sopra indicata è stato per competenza reso noto alla stessa Procura Generale Militare.

Con l'occasione si prega in proposito di prendere contatto per questa o per qualsiasi altra eventuale pratica con la autorità giudiziaria militare, la cui materia non rientra nella competenza di questo Ministero.

L'UFFICIALE DI COLLEGAMENTO

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

Protocollo / UC/4549-3/.

OGGETTO Delitti di guerra - Maggiore Van WERDEN.

ALLA COMMISSIONE ALLEATA
Sottocommissione Legale
ROMA

C. 425A

454A

Con riferimento alla lettera AC/ 4119/5/L. del 4 corrente, relativa all'oggetto, si fa presente che in conformità a quanto precedentemente chiarito circa l'esclusiva competenza dei tribunali militari italiani a conoscere dei crimini di guerra commessi dai tedeschi, l'incartamento processuale relativo al maggiore tedesco Van WERDEN è stato trasmesso in data 2 corrente (foglio UC/4748/3) alla Procura Generale Militare per competenza.

Pertanto si comunica che quanto riferito con la lettera sopra indicata è stato per competenza reso noto alla stessa Procura Generale Militare.

Con l'occasione si prega in proposito di prendere contatto per questa o per qualsiasi altra eventuale pratica con la autorità giudiziaria militare, la cui materia non rientra nella competenza di questo Ministero.

L'UFFICIALE DI COLLEGAMENTO
(Dr/G.Bonalli)

Bonalli 235

LEGAL SUB COMMISSION
CHIEF LEGAL ADVISOR
DEPUTY CHIEF LEGAL ADVISOR
CHIEF COUNSEL
STAFF OFFICER
WAR CRIMES SECTION
MEMBERS REVIEW BOARD
16 Sept 46

No action required.
File

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

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

FILE

FILE 481A

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

AC/4119/5/L.

MT/pa.
20 Sept 46.

SUBJECT : War Crimes. Banks case.

TO : HQ Naples Area, A Branch, Naples.

1. Reference your 15717/A 215/71 of 16 August 46, and your signal AG(1) 5793 of 23 August.

2. Prof.GATTI Tanoredi has made several applications to learn whether proceedings have been stopped against his client Vittorio PETRACCHINI, and, if not, the date when the case against him will be heard in order that he may appear for him at the trial.

3. It would be appreciated if information could be given to enable this Sub-Commission to reply to Prof.Gatti's inquiries.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

FILE

See 485A

23:

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

FILE

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

FILE 4802

AC/4119/5/L.

MT/pa.
20 Sept 46.

SUBJECT : War Crimes.
Trial of BERNARDI Giuseppe for killing a British POW.

TO : GHQ, C.M.F.

1. Reference your 16171/142/A3 of 29 Aug 46.

2. A letter has just been received from the Procuratore della Repubblica of the Assize Court, Parma, stating that owing to the absence of the President of the Court the hearing of the above case had not been fixed, but that upon his return on 19th inst. the date of hearing would be fixed and this Sub-Commission notified.

For the Chief Commissioner :

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

FILE

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

4119/5

PROCURA ~~DEL REGNO~~ PRESSO LA CORTE D'ASSISE SEZIONE SPECIALE
IN PARMA

479A

N. *Parma,* 10 Settembre *1946*

Risposta a nota del *N.*

OGGETTO: Procedimento penale contro BERNARDI Giuseppe GAMBARELLI Giovanni ed altri.

All. N.

ALLA HEADQUARTERS ALLIED COMMISSION APO 794 LEGAL SUB COMMISSION

450A

S. A. TIP. DONATI - PARMA

Con riferimento alla nota del 4 settembre 1946 AC/4119/5/L si comunica che il procedimento a carico di BERNARDI Giuseppe, imputato dell'uccisione di un prigioniero Inglese è stato rinviato al giudizio di questa Corte. Per l'assenza del presidente della Corte, che ritornerà in sede il 17 corrente mese, non è stata ancora fissata l'udienza.

Sarà cura di quest'Ufficio, appena ritornato il presidente di far fissare l'udienza e di comunicare a codesto Comando la data.

IL PROCURATORE DELLA REPUBBLICA
Presso la Corte D'Assise Sez. Speciale

232

CHIEF, WAR CRIMES BRANCH
DEPUTY CHIEF, LEGAL ADVISER
CHIEF COUNSEL
STAFF OFFICER
ITALIAN SECTION
MEMBERS REVIEW BOARD
FILED
SEP 18 1946

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

FILE

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

FILE 478A

U R G E N T

AC/4119/5/L. MT/pa.
20 Sept 46.

SUBJECT : War Crimes : Shooting of NATHAN Leach.
Proceedings against Coccia and Santelli.

TO : Procuratore Militare Generale
Tribunale Supremo Militare
ROME.

424A

1. Reference letter AC/4119/5/L of 23 August forwarded to you by the Ministry of Justice in their letter Iº A.P. Prot.No.398.138.17 of 3 September 1946.

2. This Sub-Commission would be glad to receive a reply to its letter of 23rd August in order to furnish a report to Allied Force Headquarters explaining the unreasonable delay that has occurred in bringing this trial to a conclusion.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

FILE

231

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

fm

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

Roma 3 settembre 46

4444

Al PROCURATORE GENERALE
MILITARE presso il Tribunale
Supremo Militare ROMA

Rif. foglio del 3.1.946
Div. Sez. N. 4042 P.G.

Ufficio Io A.P.
Prot. N. 398.138.17
OGGETTO Procedimento contro COCCIA Umberto per omicidio.

All. I
e per conosc.
ALLA COMMISSIONE ALLEATA - Sottocommissione Legale
risp.a f.23.8.946 n.AC.4119/5 L) ROMA

All'UFFICIO COLLEGAMENTO - Gab.
SEDE

424A

Per quanto di competenza si trasmette copia della nota 23.VIII.946 AC. n.4119/5/L. della Commissione Alleata, relativa al procedimento penale a carico di COCCIA Umberto per omicidio in persone del militare britannico LEACH Mattan.

pel MINISTRO
(A.Spallenzani)

[illegible] SUB COMMISSION	
[illegible] CHIEF EXEC.	
[illegible] DEPUTY CHIEF COMM.	
CHIEF COUNSEL	
[illegible] OFFICE	
[illegible] SECTION	FILE
MEMBERS REVIEW BOARD	

230

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

476A

FILE

HEADQUARTERS ALLIED COMMISSION
A.C.S 794
LEGAL SUB COMMISSION

AT/ns
17 September 1946

AC/ALIG/5/L

SUBJECT : War Crimes :
SOKOTA Boris and others.

TO : Il Procuratore Generale Militare
Tribunale Supremo Militare
ROME.

1. Reference your Prot.N°1169 of 19 August 1946.

2. With regard to the abovementioned trial this Sub-Commission would be grateful if you would supply information on the following points :

(a) the arrest of Sokota and Fanbri

(b) Notification of the sentences passed on Carti Guglielmo, Londino Lonatini, Donatello Pifferi, and Sergio Detti;

(c) whether or not Franchini (Franchi) is executed, and, if not, whether his sentence is commuted to a life sentence.

3. The above information is required by Allied Force Headquarters as soon as possible, and I would therefore request that this matter may be treated as urgent.

229

MURGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

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

4119/5

1600 Legal 435A

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 936.42

13 September 1946

SUBJECT: SOKCTA Boris and others.

TO : Chief Commissioner
Allied Commission
(Attn: Legal Sub-Commission)
APO 497

437A

Reference your AC/4119/5/L, 27 August 1946.

1. Will you please continue to press for the following information:-

a. The arrest of SOKCTA and FABBRI and notification of the fact to this Headquarters

b. Notification of the sentences passed on Guglielmo SARTI, Londino LOMBINI, Donatello PITTERI and Selgio DETTI.

c. Whether or not FRANCHINI (Franchi) is executed and if not whether his sentence is commuted to a life sentence.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

D Kerr
Major

for A. L. HAMBLEN
Colonel, G.S.C.
Assistant Chief of Staff, G-5.

LEGAL SUB COMMISSION
CHIEF LEGAL ADVISOR
DEPUTY CHIEF LEGAL ADVISOR
CHIEF COUNSEL
STAFF OFFICER
ITALIAN SECTION
MEMBERS REVIEW BOARD
16 Sept 46

228

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

Mod. 474A

fm 4119/5 Roma, 11 settem. 1946

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

4119 PA

Al LA COMMISSIONE LEGALE
Sottocommissione Legale
ROMA

Ufficio III A.P.
Prot. N. 291.32.2658
Risposta al f. del 22.8.946
Div. AC Sez. N. 4119/5/L

OGGETTO MARZONER Welter -

e per conoscenza:
all'UFFICIO COLLEGAMENTO Gabinetto
SEDE

Di seguito alla lettera del 30 agosto u.s. di questo Ministero, s'informa che il Comando Generale dei Carabinieri assicura di aver messo in traduzione alla volta di Bolzano, il MARZONER, il 2 settembre corrente, onde ha ritenuto superfluo comunicare le generalità dei componenti la scorta militare.

227

LEGAL LIAISON COMMISSION		
CHIEF LEGAL ADVISOR		
DEPUTY CHIEF LEGAL ADVISOR		
CHIEF COUNSEL		
STAFF OFFICER		
ITALIAN SECTION		
MEMBERS REVIEW BOARD		
SEP 14 1946		

d'ordine del MINISTRO
J. Pennacchi

No action required
FCa
Ass. 14/9

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

FILE

473A

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

AG/411/5/L. 17/rm.
16 September 1946.

SUBJECT : War Criminals.
DOLLMANN, KAPELER, MALTZAN and KESSELRING.
Request for trial by Italian Courts.

TO : AFHQ : C-5.

I enclose for onward transmission to the appropriate authorities translation of a letter from the Ministry of Justice, and original application with translation, of the National Association of Relatives of Nazi-Fascist Victims asking that the above-named war criminals be handed over for trial by the Italian Courts.

For the Chief Commissioner :

HERSCHEL BOUCH,
Italian Branch,
for Chief Legal Adviser.

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

472A

FILE

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

AC/4119/5/L. RT/ra.
16 September 1946.

SUBJECT : Request for handing over of War Criminals.
DELLEMAN, KAPPLER, MELETTON and KOSCHLITZ.

TO : The Ministry of Pardon and Justice.

1. Reference your Prot. UC/4456-1 of 7 September 1946.

2. A copy of your letter together with the application of the Associazione Nazionale tra le Famiglie dei Bruciati dei 8 zi-fascisti requesting the handing over of the above-named War Criminals for trial by the Italian Courts has been forwarded to Allied Force Headquarters, as the question is entirely outside the province of the Allied Commission.

BRIGADIER TRUMAN.
Italian Branch,
for Chief Legal Advisor.

225

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

C O P Y

471A

MINISTERO DI GRAZIA E GIUSTIZIA

Roma 7.9.1946

Gabinetto di S.E. il Ministro

Prot; N° vc/4456-1

OGGETTO: / SUBJECT: } Criminals, of war request - DOLLMANN, KAPPLER, MAELZER and KESSELRING.

TO : ALLIED COMMISSION -
LEGAL SUB COMMISSION
ROME

With our letter vc/4349/1 dated 14th July 1946 we forwarded to you an application of the National Association of Relatives of Nazi-Fascist victims, wherein it was suggested that the above named criminals of war should be handed over to the Italian Judicial authorities.

On the 20th August 1946 the above Association has written to this Ministry, pressing the request in question.

Would you please examine this delicate question and let us have your comments.

The Liaison Officer

Sgd.: Borelli

22.

471B

Mod.2

4119/3

Ministero di Grazia e Giustizia

Gabinetto di S.E. il Ministro

Roma, 7. 9. 1946 19

Protocollo N. UC/4456-1

OGGETTO Richiesta di criminali di guerra - Dollmann, Kappler, Maelzer e Kesserling.

ALLA COMMISSIONE ALLEATA
Sottocommissione Legale
ROMA

Questo Ufficio con foglio VC/4349/1 del 14/7/46 trasmise a codesta Sottocommissione l'istanza della Associazione Nazionale tra le Famiglie dei trucidati dai nazifascisti, nella quale si faceva presente opportunità che i criminali di guerra in oggetto fossero consegnati alle autorità giudiziarie italiane. 225

Infine in data 20 u.s. l'Associazione anzidetta si è rivolta a questo Ministero con la lettera che si unisce in copia per sollecitare quanto sopra.

Si prega in proposito di volere esaminare il delicato problema e di comunicare a questo ufficio il punto di vista della Commissione Alleata.

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

Protocollo 1 VC/4456-1

OGGETTO Richiesta di criminali di guerra - Dollmann, Kappler, Maelzer e Kesserling.

ALLA COMMISSIONE ALLEATA
Sottocommissione Legale
ROMA

Questo Ufficio con foglio VC/4349/1 del 14/7/46 trasmise a codesta Sottocommissione l'istanza della Associazione Nazionale tra le Famiglie dei trucidati dai nazifascisti, nella quale si faceva presente l'opportunità che i criminali di guerra in oggetto fossero consegnati alle autorità giudiziarie italiane.

223

Infine in data 20 u.s. l'Associazione anzidetta si è rivolta a questo Ministero con la lettera che si unisce in copia per sollecitare quanto sopra.

Si prega in proposito di volere esaminare il delicato problema e di comunicare a questo ufficio il punto di vista della Commissione Alleata.

L'UFFICIALE DI COLLEGAMENTO
(Dr. Giorgio Bonelli)

Bonelli

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

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

471C

Translation

NATIONAL ASSOCIATION OF RELATIVES
OF MARTYRS, who where murdered by
the Nazi-Fascist

Rome, the 20th August 1946.

TO Hon G U L L O
Minister of Pardon and Justice

R O M E

The relatives of martyrs have met in an extraordinary assembly after a protest which had been addressed by the above-mentioned Association to your Excellency on the 10th July 1946, minute 2573, they confirmed what was expressed and approved the following resolution:

The relatives of martyrs murdered by the nazi-fascists, rendering themselves interpreters of the deep sense of indignation and horror of thousands other relatives of persons dead for freedom, principally after the cynical confession which Kesselring has made during the Nuremberg trial, declaring that he has personally expressed his gratitude to the executioner of Via Tasso, Col. ex-shoemaker KAPPLER, for his monstruous crimes, - is appealing to the superior sense of justice of the Allies, in order that the detestable criminals of war MAELZER and KESSELRING be handed over without delay to the Italian Tribunal of war, with the purpose that they be tried and sentenced in Rome, together with criminals DOELLMANN and KAPPLER, who still are in Allied power, as principal and most responsible persons of the horrible execution of" Fosse Ardeatine" and of all the other tragical well known murders, as well as those, which are hidden and which were dug up in several places, by the mercyless and barburous invader in the outraged and bleeding body of our fatherland.

223

Only in Rome, and in presence of survivors of their endless crimes, should the regular trial be heard and the deserved sentence of the nazi-beasts be imposed.

As a matter of fact, the most execrable murders

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4710

committed by the Germans at Forte Bravetta, Fossoli, Leonessa degli Abruzzi and Poggio Mirteto, as well as the barbarian carnages of Farnocchia di Lucca, Marzabò di Bologna and of other infortunate places, are always present in the heart, in the pity and abomination of all Italians.

And because of all these execrate atrocities, committed by the cruel and abject German invader, which claim a revenge from civil humanity and from God, the immense family of murdered persons raises its frightful hawl of inexorable pain: requesting that their inextinguishable thirst of justice be finally satisfied, for all the river of generous blood poured out by the martyrs.

(The original was signed by about 80 persons.)

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

FILE 470 A

LB

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

MT/ns

16 September 1946.

AC/4113/5/L

SUBJECT : War Crimes : Killing of Robert Collins. PETORELLI Mazzarano and BRUDIANI Friedel.

TO : GHQ : CMF.

1. Reference your 16171/171/A.? of 5 June 1946.

2. I enclose herewith translation of a letter from the Ministry of Justice stating that the hearing of the appeal in this case will be fixed when the files of the case are received from Florence, and setting out a report of the Procuratore Militare of Florence upon the circumstances of Collins's death.

For the Chief Commissioner :

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Adviser.

2 Enc.

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

470 B

T-R-A-N-S-L-A-T-I-O-N

SUBJECT : PETRELLI Nazzareno and
FREDIANI Friedel.

With reference to letter AC/4119/5 of the 11th June 1946 and to their note of 2nd August No. 2465/131/760, relating to penal proceeding against PETRELLI Nazzareno and FREDIANI Friedel for having killed the British prisoner Robert COLLINS, the Ministry of Pardon and Justice communicates on the 7th September 1946 to this Legal Sub-Commission that the General Military Prosecutor has informed that the discussion of the appeal lodged by the P.M. will be fixed, as soon as the documents from the Court Martial at Florence will be received.

In regard to the particulars of COLLINS's death, the General Military Prosecutor of Florence has referred the following:

"I answer your note No. 2946 of the 10th inst. From investigations and discussings upon the circumstances which led to the death of the British prisoner Robert COLLINS, the following facts have been ascertained;

The militiamen of G.n.r. named PETRELLI Nazzareno and FREDIANI Friedel went on the 26th November 1943 to the Adriatica Cross-Road, railway-barrack No. 16, with the purpose to pick up a motor-cycle there. Incidently they met an individual in rags and in pitiable conditions, who seemed to be suspicious to the two militiamen. Having asked him, if he was German or British, and having the unknown man replied in a confused manner, the militiamen decided to bring him to the German Command on the first truck which should happen to pass by the way.

215

During their journey towards the High-Road, the unknown man, who preceeded the militiamen, suddenly turned round and delivered a blow to PETRELLI. A scuffle followed, during which PETRELLI's gun fell on the ground. FREDIANI jumped meanwhile on the unknown man, trying to hold him and crying to PETRELLI to get hold his gun.

Notwithstanding the intervention of a third person, named ASCIANI Agostino, who asked PETRELLI not to fire, being they three men against one, PETRELLI fired and wounded the British in the face. They held him tight, and he implored: "Don not kill me".

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470c

The Court, as it is known, has imposed against PETRELLI the highest penalty and against FREDIANI the minimal, both for the offence of murdering.

The crime of collaboration was not contemplated, because there were no elements to prove that TETRELLI and FREDIANI had the intention to favour in this way the military operations of the Italian Forces, but they had only completed a police service, under their normal activity.

The file of the trial will be forwarded in a few days to this General Office to be examined on appeal, as it was necessary to wait the advice, that the sentence had been served upon the fugitive FREDIANI Friedel, in accordance with Articles 3/9 and 378 C.P.M.P., 173 C.P.P..

Signature illegible

218

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

4700

Mod. 401 N.G.

fm

Roma, 7 settembre 1946 /+++++++

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

4119/5

/. // LA COMMISSIONE ALLEATA - Sottocommissione Legale

ROMA

301A

Ufficio IIº A.P.
Pref. N. 2485/131/780

Risposta al f. del 11.VI.946
Div. Sez. 1.AC/4119/[illegible]

OGGETTO PETRELLI Nazzareno e FREDIANI Friedel.

e per conoscenza:

All'UFFICIO DI COLLEGAMENTO
Gabinetto

SEDE

390A

Di seguito al foglio del 2 agosto u.s. numero pari, relativo al procedimento penale a carico di PETRELLI Nazzareno e FREDIANI Friedel per omicidio in persona del prigioniero inglese Robert COLLINS, si comunica che il Procuratore Generale Militare ha ora fatto conoscere che si procederà a fissare la discussione del ricorso interposto dal Pubblico Ministero appena saranno pervenuti gli atti dal Tribunale Militare di Firenze.

In merito agli ulteriori dettagli sulla morte del COLLINS, il Procuratore Militare di Firenze ha riferito in proposito quanto segue:

""""Rispondo al foglio n.2949 di prot.del 10 corr.
In base alle risultanze istruttorie e dibattimentali

./.

circa le circostanze che procurarono la morte del prigioniero inglese Robert COLLINS è stato accertato quanto appresso:

I militi della g.n.r. PETRELLI Nazzareno e FREDIANI Friedel, il 26.11.1943 si recarono al Casello Ferroviario n. 274957 lato Cupra Marittima, sulla strada Adriatica n.16,per ritirare una motocicletta.

Casualmente si imbetterono in un individuo lacero ed in pessime condizioni, che apparve sospetto ai due militi.Domandatogli se era tedesco o inglese ed avendo lo sconosciuto risposto in modo ambiguo, i due militi decisero di condurlo al comando tedesco col primo camion che sarebbe passato per la strada. Mentre i tre percorrevano lo stradino per raggiungere la statale, lo sconosciuto, che procedeva avanti ai due militi, all'improvviso si voltò e sferrò un pugno al PETRELLI. Ne seguì una colluttazione, durante la quale al PETRELLI cadde il moschetto dalla spalla. Il FREDIANI intanto saltò addosso allo sconosciuto cercando di tenerlo fermo, mentre gridava al PETRELLI di riprendere il moschetto. Quest'ultimo nonostante il pronto accorrere di tale ASCIANI Agostino che gridava: "Non sparare perchè noi siamo tre - che cosa può fare lui", lasciò partire un colpo che colpì al viso il suddito inglese, tenuto stretto per la vita e che implorava: "Non mi uccidere".

Il Tribunale, com'è noto, ha inflitto il massimo della pena edittale al PETRELLI ed il minimo al FREDIANI per il reato di omicidio.

Non ha ritenuto provato il delitto di collaborazionismo, non essendo emersi alcun elemento utile a dimostrare che

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

circa le circostanze che procurarono la morte del prigioniero inglese Robert COLLINS è stato accertato quanto appresso:

I militi della g.n.r. PETRELLI Nazzareno e FREDIANI Friedel, il 26.11.1943 si recarono al Casello Ferroviario n. 274957 lato Cupra Marittima, sulla strada Adriatica n.16, per ritirare una motocicletta.

Casualmente si imbetterono in un individuo lacero ed in pessime condizioni, che apparve sospetto ai due militi. Domandatogli se era tedesco o inglese ed avendo lo sconosciuto risposto in modo ambiguo, i due militi decisero di condurlo al comando tedesco col primo camion che sarebbe passato per la strada. Mentre i tre percorrevano lo stradino per raggiungere la statale, lo sconosciuto, che procedeva avanti ai due militi, all'improvviso si voltò e sferrò un pugno al PETRELLI. Ne seguì una colluttazione, durante la quale al PETRELLI cadde il moschetto dalla spalla. Il FREDIANI intanto saltò addosso allo sconosciuto cercando di tenerlo fermo, mentre gridava al PETRELLI di riprendere il moschetto. Quest'ultimo nonostante il pronto accorrere di tale ASCIANI Agostino che gridava: "Non sparare perchè noi siamo tre - che cosa può fare lui", lasciò partire un colpo che colpì al viso il suddito inglese, tenuto stretto per la vita e che implorava: "Non mi uccidere".

Il Tribunale, com'è noto, ha inflitto il massimo della pena edittale al PETRELLI ed il minimo al FREDIANI per il reato di omicidio.

Non ha ritenuto provato il delitto di collaborazionismo, non essendo emersi alcun elemento utile a dimostrare che

./.

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

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

470E

il PETRELLI e il FREDIANI avessero voluto in tal modo favorire le operazioni militari del nemico, ovvero nuocere alle operazioni armate delle forze italiane, ma semplicemente compiere un servizio di polizia, il che rientrava nell'ambito della loro normale attività.

Il fascicolo processuale tra qualche giorno sarà trasmesso a codesto Generale Ufficio per la discussione del ricorso, avendo dovuto finora attendere la notifica della sentenza al latitante FREDIANI Friedel ai sensi degli art.349 e 378 C.P.M.P., 173 C.P.P.."""""

L'ARVISTO del MINISTRO
(~~A.Spallanzani~~)

216

CHIEF, G.I. ADVISOR
DEPUTY CHIEF, FGA ADVISOR
CHIEF COUNSEL
CHIEF OFFICER
[illegible] SECTION
MEMBERS REVIEW [illegible]
SEP 12 1946

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

FILE 469A

HEADQUARTERS ALLIED COMMISSION
APO 794
[illegible] COMMISSION

AG/AIII/5/[illegible] LdG/ns
14 September 1946

SUBJECT : War Crimes - Conference.

TO : Assistant Chief of Staff, G-5, APHQ.

1. Reference is made to your letter G-5:936.00 dated 28 August 1946, subject as above.

2. The conference suggested therein has been arranged for at 0930 hours, 25 September 1946 in the Conference Room, 7th Floor Allied Commission Headquarters, Rome.

3. The United States Theatre Judge Advocate has been orally advised of the progress of these arrangements and of the date and place of this meeting. It is assumed that your office will make necessary arrangements with the British Deputy Judge Advocate General in this connection.

JOHN [illegible]
Colonel, Infantry
Chief Legal Division

215

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

Legal 1011

468A

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 936.00

28 August 1946

SUBJECT: War Crimes - Conference.

TO : Chief Commissioner,
Allied Commission,
(Attn: Legal S/C),
APO 794.

1. As the Italian Minister of War and not the Minister of Grace and Justice is the Minister responsible for dealing with War Crimes the U.S. Theatre Judge Advocate and the British Deputy Judge Advocate General would be glad if a conference could be arranged with the Minister of War at which the many outstanding points of mutual interest covering the investigation of war crimes could be discussed.

2. Will you please arrange such a conference. It is suggested that 10 days notice be given of the suggested date and that if the Italian Minister of War has any points to raise he submit an agenda at es early a date as possible.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

Major

A. L. HAMBLEN
Colonel, G.S.C.
Assistant Chief of Staff, G-5

214

LEGAL SUB COMMISSION		
CHIEF LEGAL ADVISOR		
DEPUTY CHIEF LEGAL ADVISOR		
CHIEF COUNSEL		
CASES OFFICER		
ACTION SECTION		
MEMBERS REVIEW BOARD		
AUG 30 1946		

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

468B

M E M O R I A L E

1. Il Giudice Avvocato dello Scacchiere Mediterraneo (American Theatre Judge Advocate) ha da un certo tempo in qua trasmesso al Governo Italiano un gran numero di procedimenti penali per crimini di guerra a carico di civili italiani per i quali non ha ricevuto alcun cenno di riscontro. Stante cio', si desidera conoscere se tali procedimenti ed il loro contenuto siano di qualche utilita' per lo svolgimento di nuove indagini che eventualmente il Ministero desiderasse compiere a carico degli accusati.

2. Il predetto Giudice che ha svolto, inoltre, indagini anche in molti altri casi di atrocita' commessi ai danni della popolazione italiana e' del parere che il loro proseguimento non e' da ritenersi opportuno se non si e' certi che le informazioni raccolte non siano di utilita', in forma od in sostanza, al Governo Italiano.

3. Siamo informati che e' stata fatta proposta di creare un collegamento in materia tra il Governo Italiano e l'ufficio del Giudice Avvocato Generale Inglese assegnando ivi un rappresentante italiano. Se cio' venga portato a termine si desidera che tale rappresentante svolgesse attivita' di collegamento anche coll'ufficio del Giudice Avvocato Generale Americano (American Judge Advocate General).

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

468 C

A G E N D A

1. The American Theatre Judge Advocate has heretofore transmitted to the Italian Government a great number of records of cases of War Crimes against Italian civilians and no acknowledgement of the receipt of such records has ever been received. It is desired to know whether such records, and the information contained therein, is of value to the Minister of War in further investigation of these cases.

2. The American Theatre Judge Advocate, along with other cases, has been investigating many atrocities against the Italian population but does not consider that such continued investigation is warranted unless it appears that the information submitted in connection therewith is in form and substance of value to the Italian Government.

3. It is understood that a proposal has been made that liaison regarding the matter of War Crimes be established between the Italian Government and the office of the British Judge Advocate General, by assignment there of an Italian representative. If this be done it is desired that such representative be made available as well to the Office of the American Judge Advocate General.

312

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

4/19/5

A2048

131015[illegible]SEP

Sezol

H/6507 467A

SEP 190943

PRIORITY

86 AREA

A NAPLES AREA INFO A REAR 13 COMPS 3 TRANSIT CAMP ALGCM A DISTRICT GHQ AJ DMAG GHQ

RESTRICTED

RESTRICTED

Subject banks case. Ref your signals AG.5324 of 06 to info addressee no (2) AG (1) 5316 of 06 to all and AG (1) 5315 of 06 to info addressees no (1) (4) and (5). Brunelli Cesare Mercorini Ottavio and Centellillella all being despatched ex Rovigo to 3 transit camp 13 Sept.

AC DIST

INFO ACTION: SECURITY DIV 2

INFO: CHIEF COMMISSIONER

LEGAL

FILE

SKELETON

221

LEGAL SUB COMMISSION		
CHIEF LEGAL ADVISOR		
DEPUTY CHIEF LEGAL ADVISOR		
CHIEF COUNSEL		
STAFF OFFICER		
ITALIAN SECTION		
MEMBERS REVIEW BOARD		
SEP 16 1946		

File

HEADQUARTERS
15 SEP 1946
A. M. C.

RESTRICTED

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

466A

FILE

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

AC/421I9/5/L

ST/ns
13 September 1946

SUBJECT : War Crimes : Xhelal Staravecka - Albanian Subject.

TO : AFHQ : G-5.

1. Reference this Sub-Commission's letter of even number dated 12 August 1946.

2. The Procuratore Militare of the Tribunale Militare Territoriale of Rome in a letter dated 28 August courteously asks that a reply may be made to the request contained in the letter forwarded to you on 12th July regarding the handing over of the above-named Albanian subject for trial by the Italian authorities.

For the Chief Commissioner :

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

210

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

465A

II.E

FILE

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

AC/4113/5/L.

3rd Sept 46.

OGGETTO: Crimini di guerra: XHELAL STARAVECKA-
Cittadino Albanese.

Al Procuratore Militare
presso
il Tribunale Militare Territoriale

R O M A

In riscontro alla sua lettera No.7559/46/PI del 28 agosto 1946, le informo che copia della sua lettera del 9 luglio é stata trasmessa al Quartiere Generale Alleato in data 12 luglio u.s.

Quanto prima sarà inviata al Comando di cui sopra una lettera di sollecito.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

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

465A

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

FILE

AC/4119/5/L. 3rd Sept 46.

OGGETTO: Crimini di guerra: XHELAL STARAVECKA-
Cittadino Albanese.

Al Procuratore Militare
presso
il Tribunale Militare Territoriale
R O M A

In riscontro alla sua lettera No.7559/46/PI del 28 agosto 1946, la informo che copia della sua lettera del 9 luglio é stata trasmessa al Quartiere Generale Alleato in data 12 luglio u.s.

Quanto prima sarà inviata al Comando di cui sopra una lettera di sollecito.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

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

464A

N. 2900 (208) del Catal.
(R. 1941)

1119/5

Roma, 28 agosto 1946

TRIBUNALE MILITARE TERR.LE
ROMA
PROCURA MILITARE

ALLIED COMMISSION
Legal Sub Commission
R O M A

Risposta al foglio del _____
Div. _____ *Sez.* _____ *N.* _____

Prot. N. 7559/46/P Tegati

OGGETTO XHELAL STARAVECKA - cittadino albanese.

342A

Gradirei cortese sollecito riscontro al mio foglio pari numero in data 9 luglio 1946, che trascrivo:

""Prego comunicarmi cortesemente se il nominato in oggetto, responsabile dell'uccisione, avvenuta nell'ottobre 1943 in Albania, del Colonnello dei Carabinieri Camucci, e del massacro di circa 110 carabinieri italiani, si trova a disposizione delle Autorità Alleate, e se può essere messo a disposizione delle Autorità Italiane per il procedimento penale a suo carico.

Lo Staravecka sarebbe attualmente nel campo slavo di Eboli.""

IL PROCURATORE MILITARE
(Generale A. Bellini)

Ricorri Sost.

209

Trattare per ogni affare a cui può dare luogo questa lettera solo la persona il numero di protocollo e l'ufficio da lei dipende

Indirizzo telegrafico: _____ e etc. postale e

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

4637

FILE

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

AC/4119/5/L

12 Sep 1946

SUBJECT : War Crimes : DURELLO, COLO, Dalla PRIA, and BALASSO.

TO : GHQ : CMF.

394A

1. Reference your No 16171/21/A3 of 1 Aug 1946.

2. The Ministry of Justice was duly informed of your views regarding the trial of the above-named persons. The Ministry wrote on 27th August to the Pubblico Ministero of the Special Court of Assize of Padova and on receipt of a reply, which is expected shortly, this Sub-Commission will advise you what action has been taken by the Italian Judicial authorities.

For the Chief Commissioner :

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

20½

See 375A

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: FX 71634
Date/Time of Origin: SEPT 091815B

Message Centre No: H/6440
Date Time Rec'd: SEPT 110900B
Precedence: ROUTINE

FROM: A BRANCH HQ CMF

TO : U OVERSEAS PW CAMP , 1 SEP CENTRE (CM) RIMINI , 209 PW CAMP
INFO: DISTHREE , ALCOM ROME

SECRET

SECRET

PLEASE SIGNAL SOONEST WHETHER ALBANIAN SUBJECT XHELAW L
N
STARAVECKA IS HELD BY YOU. For ALCOM your AC/AC/4119/5/L of
12 July 46.

343A

RAAC Cipher Note: This message has been delayed for check and repeat. Please instruct us if any further check is required.

AC DIST
Info. Action: Leagal (2)
INFO - ACTION Info: Chief Commissioner
File
Skeleton

CIPHER TELEGRAM

This message will not be distributed outside British or U.S. Government Departments or Headquarters or retransmitted even in Cipher without being paraphrased (Messages marked O.T.P. need not be paraphrased).

SEP 10 1946

Declassified E.O. 12356 Section 3.3/NND No. T85016

TO . U OVERSEAS PW CAMP , 1 SEP CENTRE (CM) RIMINI , 209 PW CAMP
INFO: DISTHREE , ALCOM ROME

SECRET

SECRET

PLEASE SIGNAL SOONEST WHETHER ALBANIAN SUBJECT XHELAW L N STARAVECKA IS HELD BY YOU. For ALCOM your AC/AC/4119/5/L of 12 July 46.

343 A

RAAC Cipher Note: This message has been delayed for check and repeat. Please instruct us if any further check is required.

AC DIST

INFO - ACTION Info. Action: Leagal (2)
Info: Chief Commissioner
File
Skeleton

SEP 19 1946

CIPHER TELEGRAM

This message will not be distributed outside British or U.S. Government Departments or Headquarters or retransmitted even in Cipher without being paraphrased (Messages marked O.T.P. need not be paraphrased).

SECRET

No action required by Legal S/C. File

Amc. 11/9

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

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

FX 71634
SEPT 091815B

H/6440
SEPT 110500B

ROUTINE

A BRANCH GHQ CMF

U OVERSEAS PW CAMP , 1 SEP CENTRE (CM) RIMINI , 209 PW CAMP

INFO: DISTHREE , ALCOM ROME

SECRET

SECRET

PLEASE SIGNAL SOONEST WHETHER ALBANIAN SUBJECT XHELAW L N STARAVECKA IS HELD BY YOU. For ALCOM your AC/AC/4119/5/L of 12 July 46.

343A

RAAC Cipher Note: This message has been delayed for check and repeat. Please instruct us if any further check is required.

AC DIST
Info-Action: Leagal (2)
Info: Chief Commissioner
File
Skeleton

CIPHER TELEGRAM

This message will not be distributed outside British or U.S. Government Departments or Headquarters and transmitted always in Cipher without being paraphrased. Messages marked O.T.P. need not be paraphrased.

SEP 11 1946

205

SECRET

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

AG 430
SEPT 061130 B

H/6375
SEPT 070945
IMPORTANT

DICTUREZ
ROME AREA G-1 (ER). INFO: NAPLES AREA ALCOM

CONFIDENTIAL

CONFIDENTIAL.

Subject is banks case. Court now in session most urgently requires witness ANTONIO ROMANO listed as serial 5 in this HQ letter 156/25A of 21 June 46. HQ 86 area state this witness now believed to be residing at 36 Via UMBERTO PRIMO ROME. Please do all possible trace and despatch this witness by fastest possible means.

SEP 7 1946

XXXXXXXX

XXXXXXXXXXXXXXXXX

CIPHER TELEGRAM

This message will not be [illegible] outside British [illegible] without [illegible] O.T.P. must not be [illegible]

INFO ACTION SECURITY DIV 2
INFO CHIEF COMMISSIONER 285
LEGAL
FILE
SKELETON

[illegible] D.
[illegible] CHIEF LEGAL ADVISER
[illegible] COUNSEL
[illegible] OFFICER
[illegible] SECTION
[illegible] ARMS REVIEW BOARD

CONFIDENTIAL

File

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

AG (i) 5316
SEPT. 06 NFT

H/6368
SEPT. 070915
ROUTINE

NAPLES AREA
A REAR 13 CORPS INFO: ALCOM = 86 AREA = A DISTHREE = 3 TRANSIT CAMP = DJAG GHQ CMF A-3

CONFIDENTIAL

CONFIDENTIAL.
Subject Bank case. Serial DS Marcomini Ottavios in custody at Rovigo Gaol required as witness for defence. Court recommends Italian authorities be requested to transport Marcomini to Naples soonest. Trial now in progress. Will you please take necessary action.

AC DIST

INFO ACTION SECURITY DIV 2
INFO CHIEF COMMISSIONER
EXTRA
FILE
SKELETON

CYPHER TELEGRAM

This message will not be distributed outside British or U.S. Government Departments or Headquarters or re-transmitted except in cipher without being paraphrased. (Messages marked O.T.P. need not be paraphrased)

CONFIDENTIAL

LEGAL SUB COMMISSION
CHIEF LEGAL ADVISOR
DEPUTY CHIEF LEGAL ADVISOR
CHIEF COUNSEL
STAFF OFFICER
ITALIAN SECTION
MEMBERS REVIEW BOARD
SEP 7 1945

File

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

LEGAL.

4119/5

AG (1) 5308
SEPT.051115B

H/6330
SEPT.6/0900

IMMEDIATE

'A' NAPLES AREA
ALCOM INFO: GHQ CMF A-3 REAR XIII CORPS DJAG GHQ CMF 56 AREA
DISTHREE

UNCLASSIFIED.
Subject is Banks case. Ref this HQ AG (1) 5273 prosecution witness Romano Antonio. Please inform this HQ if Romano has been traced. Urgently required by war crimes court Naples. The A/Q signal was dated 02 Sept 46.

CHIEF J.A.G. DIVISION
DEPUTY CHIEF J.A.G. DIVISION
CHIEF COUNSEL
EXECUTIVE OFFICER
PLANS SECTION
WAR CRIMES REVIEW BOARD
SEP.6-1946

AC DIST
ACTION SACURITY 2
INFO CHIEF COMMISSIONER
LEGAL
FLOAT 2
FILE

203

File
Ans. 6/9

HEADQUARTERS
6 SEP 1946

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

LEGAL

CONFIDENTIAL

AG 420
SEPT.0418COB

H/6316
SEPT.051400B
IMMEDIATE

DISTRIBUTION
59 SUB AREA ALCOM INFO LT-COL SEBAG-MONTEFIORE PRESIDENT OF THE COURT ROYAL PALACE NAPLES = BANKS CASE

CONFIDENTIAL.
Ref this HQ AG 387 of 30 Aug and your letter 64 A of 31 Aug. Court now in session urgently requires the copy of the original order of arrest of Maccapanni Dino on 4 July 45. And also the statement made by Maccapanni on that occasion. Please do all possible to obtain these documents from the Questura Milan and pass same to this HQ by fastest possible means.

LEGAL SUB COMMISSION
CHIEF LEGAL ADVISER
DEPUTY CHIEF LEGAL ADVISER
CHIEF COUNSEL
STAFF OFFICER
WAR AND LEGISLATION
MEMBERS REVIEW BOARD
SEP 6 1946
HEADQUARTERS
5 SEP 1946
A.F.H.Q.

AC DIST

INFO ACTION SECURITY 2
INFO CHIEF COMMISSIONER
LEGAL
FILE
SKELETON

207

File

CONFIDENTIAL

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

+1119/5

UFFICIO DEL P. M.
PRESSO LA SEZIONE SPECIALE DELLA CORTE DI ASSISE
DI VARESE

N. 818 Reg.

Varese, li 19 August 1946

Oggetto: Subject: War crimes: Carlo Pierino Beghi

Alleg.

Riferimento: Letter of C/4119/5/L-1 13 August 1946

To: Headquarters Allied Commission
APO 794 - Lgr. Sub. Commission

In reference to my request, I beg to inform this Headquarters that I have receive to day the statement made by Major Michael Parrish, M.C. relating the above affairs.

Public Prosecutor

File

201

CHIEF COUNSEL
[illegible] OFFICER
[illegible] N SECTION
MEMBERS REVIEW BOARD
SEP 7 - 1946

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

U.S. LEGAL 1354

SUBJECT :- War Crimes - Killing of LEROUX and GOODWIN

ACCUSED : DURELLO, COLO, DALLA, PELA and BALASSO.

3944

GHQ CMF.

16171/21/A-3.

4 Sept 46.

HQ Allied Commission,
Legal Sub Commission.

Reference this HQ letter of even number dated 1 Aug 46.

May this HQ please be informed of any action so far taken by the ITALIAN authorities in this matter.

LEGAL SUB COMMISSION
CHIEF LEGAL ADVISOR
DEPUTY CHIEF LEGAL ADVISOR
CHIEF COUNSEL
STAFF OFFICER
ITALIAN SECTION

204

Brig. Major
IC Adm.

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

454A

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

FHB

MT/pa.
4th Sept 46.

AC/4119/5/L.

CONFIDENTIAL

SUBJECT : War Crimes : Murder of Italian Civilians near Arezzo.

TO : Ministry of Pardon and Justice.

1. Reference your letter AC/4119/5/L of 23rd August 46.

2. Allied Force Headquarters wish to be informed whether the Italian Authorities intend to take any action against the persons alleged to be implicated in this atrocity.

3. AFHQ is endeavouring to trace the Germans Major Van Werden, Garrison Commander at Arezzo in 1944, and his assistants Karl DREYHAUPT and 2nd Lieut. Zunndorf who are believed to be concerned in this matter. So far no success has been achieved, but, should the Italian Authorities be anxious to pursue this case, further efforts will be made.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

193

CONFIDENTIAL

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

4119/5

453 A

HQ ALCOM 5 Sept 46

A BRANCH GEO CHF

CONFIDENTIAL

4843

REFERENCE YOUR FOX SEVEN ONE THREE SIX EIGHT DATED FOURTH SEPTEMBER PTD
ON RECEIPT OF YOUR FX SEVEN ZERO FIVE THREE TWO OF TWENTY AUGUST
MINISTRY OF JUSTICE IMMEDIATELY ADVISED AND REQUESTED FULLER NAMES
OF INDICTED BY LETTER GHQ CHF ONE SIX ONE SEVEN ONE SLANT SIX FIVE
SLANT A THREE OF THIRTEEN AUGUST TO APO NAPLES AREA BRIGADIERS
MANDUCA AND CARABINIERS ROSALINO AUTHORIZED TO TAKE DELIVERY OF
PRISONERS TAKEN

PRIORITY

Legal Sub-Commission

302

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

452 A

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: F 71368

Date / Time of Origin: SEPT 031241B

Message Centre No: H/6258

Date Time Rec'd: SEPT 040930

Precedence: PRIORITY

FROM: A BRANCH GHQ CMF

TO : HQ AICOM ROME FOR LEGAL SUBCOMMISSION

417A

CONFIDENTIAL: CONFIDENTIAL

No reply received our FX70730 of 20 August. Italian officials brig.MANDUCA and careb. ROSALLINO reported this HQ 30 August to take delivery of MARZONER WALTER. Have authorized handover. Request you confirm this in order dooneat.

LEGAL SUB COMMISSION	
CHIEF LEGAL ADVISOR	
DEPUTY CHIEF LEGAL ADVISOR	
CHIEF COUNSEL	
SECURITY OFFICER	
[illegible] SECTION	
MEMBERS REVIEW BOARD	
SEP 4-1946	

AC DIST

ACTION - LEGAL 2
SECURITY
INFO - CHIEF COMMISSIONER
C.A.S
FILE
SKELETON

ACTION

CONFIDENTIAL

HEADQUARTERS 4 SEP 1946 C

451 A

CONFIDENTIAL

4119/5

file

SUBJECT :- War Crimes - KARCHER Walter.

GHQ CMF

16171/65/A2

31 Aug 46.

A/M NAPLES Area
(for attention Major ZANCHINO)

Reference telephone conversation Major ZANCHINO/Major GOYANS of 30 Aug.

1. Forwarded herewith are permits to enable:-

Brigadiere MANDOLA Agato
Carabiniere RE SALINO Verdonino

to enter 209 PW Camp for the purpose of collecting the s/n prisoner and transferring him in Italian custody to MILANO.

2. It should be noted that the permits expire at sunset 2 Sept.

[signature]
Brigadier

HQ Allied Commission,
Legal Sub Commission.

LEGAL SUB COMMISSION	
CHIEF LEGAL ADVISOR	

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

A.M.M.L.S. Area
(For attention Major ZANCHINO)

Reference telephone conversation Major ZANCHINO/Major GOMANS of 30 Aug.

1. Forwarded herewith are permits to enable:-

Brigadiere MANDUCA Agato
Carabiniere M. SALIMI Verdonino

to enter 209 PW Camp for the purpose of collecting the a/m prisoner and transferring him in Italian custody to P.L.2.NO.

2. It should be noted that the permits expire at sunset 2 Sept.

Brigadier

MK

HQ Allied Commission,
Legal Sub Commission.

LEGAL SUB COMMISSION
CHIEF LEGAL ADVISOR
DEPUTY CHIEF LEGAL ADVISOR
CHIEF COUNSEL
STAFF OFFICER
ITALIAN SECTION
MEMBERS REVIEW BOARD
SEP 4 - 1945

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

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

450 A

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

AC/4119/5/L

4 Sept 46.

OGGETTO : Crimini di Guerra - BERNARDI Giuseppe.

AL PROCURATORE DELLA REPUBBLICA
presso La Corte d'Assise
PARMA

458 A

Il contenuto della sua lettera N.110/46 del 12 agosto é stato opportunamente comunicato al Quartiere Generale delle Forze Alleate.

Le sarei molto grato se lei volesse informare questa Sottocommissione della data in cui l'accusato in oggetto segnato sarà giudicato.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

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

Ital. 382A

450 B

Subject: War Crimes: Bernardi Ernesto.

TO: Procuratore della Repubblica
presso La Corte d'Assise
Parma

The contents of your N. 110/46 of 12th August were communicated to Allied Force Headquarters. Only

You should be obliged if you would inform this Inter-Commission of the date on which it is proposed to hold the trial of the above-named accused.

19:

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

449 A.

File

AG (1) 5275
SEPT 021500 B

H/6241
SEPT 021530
IMMEDIATE

A NAPLES AREA
ALCOM; INFO: GHQ CMF A-3 DJAG GHQ CMF A DISTHREE 3 TRANSIT CAMP
13 CORPS

CONFIDENTIAL

CONFIDENTIAL.

Subject Banks case. Following prosecution witnesses urgently required by the court. Will you please make every effort to trace and despatch to 3 transit camp NAPLES soonest. ACK. Serial (4) GIROTTI EGISTO 5 Via ROME ~~capit~~ TAGLIA DI PO serial (7) CREPALDI ERNESTO Piazza DANTE CAMERI PROVINCE of NOVARA serial (9) GHEZZO CARLO 98 Via CESARE BATTISTI GARO serial (12) SARTORI GUGLIELMO late of SAN BASILIO ORIOLO ROVIT- now believed residing NOVARA MILAN.

HEADQUARTERS
3 SEP 1946
153

LEGAL SUB COMMISSION
CHIEF LEGAL ADVISOR
DEPUTY CHIEF LEGAL ADVISOR
CHIEF COUNSEL
STAFF OFFICER
ITALIAN SECTION
MEMBERS REVIEW BOARD

AC DIST

ACTION SECURITY DIV 2
INFO CHIEF COMMISSIONER
LEGAL
FILE
SKELETON

CONFIDENTIAL

fm

448 A Mod.407

Zulé

Roma, 30 agosto 1946

Ministero di Grazia e Giustizia

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

4119/5

Div. III A.P. Sez. V. 291.32.658

Risposta al f. V.
del

Al COMANDO GENERALE DELL'ARMA
DEI CARABINIERI
ROMA

OGGETTO MARZONER Walter, internato nel Campo dei Prigionieri di guerra n.209, Afragola.

URGENTE

e per conoscenza:
ALLA COMMISSIONE ALLEATA - Sottocommissione Legale
ROMA

(rifr. a lettera del I° e 2 agosto corr. n.AC/4119/5/L.)

All'UFFICIO DI COLLEGAMENTO = Gabinetto
S E D E

All. I

Al PUBBLICO MINISTERO presso la Sezione Speciale di Corte d'Assise di
BOLZANO

Si prega codesto Comando Generale di voler provvedere affinchè l'internato in oggetto sia prelevato e tradotto a Bolzano a disposizione del P.M. presso quella Sezione Speciale di Corte d'Assise.

La scorta che sarà incaricata del prelevamento del MARZONER dovrà esibire l'unita autorizzazione rilasciata dalle Autorità Alleate.

Si resta in attesa di conoscere, tempestivamente, le generalità dei componenti detta scorta e la data approssimativa

194

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

Ufficio III A.I. Prot. N. 291.32.656 Risposta al f. N. del

OGGETTO MARZONER Walter, internato nel Campo dei Prigionieri di guerra n.209, Afragola.

URGENTE

e per conoscenza:
ALLA COMMISSIONE ALLEATA - Sottocommissione Legale
ROMA

(rifr. a lettera del I° e 2 agosto corr. n.AC/4119/5/L.)

All'UFFICIO DI COLLEGAMENTO = Gabinetto

S E D E

All. I

Al PUBBLICO MINISTERO presso la Sezione Speciale di Corte d'Assise di

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Si resta in attesa di conoscere, tempestivamente, le generalità dei componenti detta scorta e la data approsimativa, ella quale essa opererà il prelevamento del MARZONER, dovendo le une e l'altra essere comunicate in tempo alle Autorità Alleate che ne han fatto esplicita richiesta.

pel M I N I S T R O
(A.Spallanzani)

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

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

CONFIDENTIAL 447A

SUBJECT :- WAR CRIMES - Death of a British PW near PARMA

4119/5

CMG GMF
16179/1/2/A3
24 Aug 46

381B

HQ Allied Commission
Local Sub Commission

Reference this HQ letter of even number dated 26 July 46.

1. May it please be stated whether any information is yet to hand with regard to the trial of BERGAMINI Giuseppe before the Italian Court.

2. In addition to the information requested in the above quoted letter it would be appreciated if this HQ could be informed of the date on which it is proposed to hold the trial.

191

Brigadier,
IC Admin.

for 1. Information already sent in our letter of 28 August p 439A

ml

for 2. Ex court to Procura, Parma asking for the information

Ans? 4/9

File

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

H1119/5/L

CONFIDENTIAL

~~Secondary~~ 1044

LEGAL 91c

SUBJECT :- War Crimes - Murder of Italian Civilians near AREZZO.

446A

CMHQ CRS.
16200/5/A-3
28 Aug 46.

HQ Allied Commission.

Reference this HQ letter of even number dated 17 May 46.

1. May it please be stated whether the ITALIAN authorities intend to take any action against the persons allegedly implicated in this atrocity.

2. This HQ is endeavouring to trace the Germans Major Van WERDEN, Garrison Commander at AREZZO in 1944, and his assistants Lieut Karl DREYHAUPT and 2/lt ZUNDORF who are believed to have been concerned in this matter. So far no success has been achieved but should the ITALIAN authorities be anxious to pursue this case further efforts will be made.

LEGAL SUB COMMISSION
CHIEF LEGAL ADVISOR
DEPUTY CHIEF LEGAL ADVISOR
CHIEF COUNSEL
STAFF OFFICER
ITALIAN SECTION
MEMBERS REVIEW BOARD
AUG 30 1946
Copy to :- DJAG CMHQ

Ex p. 425A

150

Brig.
IC ACJ

(Your minute JAG/VW/16200/5 dated 20 July 46 refers.)

Sec 425A

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

445A

4/19/5 File

AC(1) 5273
SEPT 021500 B

H/6217
SEPT 031000 B
IMMEDIATE

A NAPLES AREA
ALCOM, INFO: OHQ CMF A-3 ADJAG GHQ CMF DISTHREE

CONFIDENTIAL

CONFIDENTIAL.

Subject banks case. Presence of (?) witness serial (5) ROMANO ANTONIO urgently required by court. Rear 13 Corps unable to trace. Will you please make every effort to trace and despatch 3 transit camp NAPLES soonest. Last known address 36 Via UMBERTO PRIMO MESSINA. Parents ANTONIO and GANCI VINCENZA. Was born at FRANCAVILLA di SICILIA (MESSINA) 6 August 21. ACK.

CIPHER TELEGRAM

This message will not be distributed outside British or U.S. Government Departments or Headquarters of Commands except in Cipher without being paraphrased. (Messages marked [illegible] will not be paraphrased).

LEGAL SUB COMMISSION
CHIEF LEGAL ADVISOR
DEPUTY CHIEF LEGAL ADVISOR
CHIEF COUNSEL
STAFF OFFICER
ITALIAN SECTION
MEMBERS REVIEW BOARD
SEP 3 - 1946

AC DIST

ACTION SECURITY 2
INFO CHIEF COMMISSIONER
LEGAL
FILE
SKELETON

Action taken by Security Div. Filed

CONFIDENTIAL

Answ...
3/9

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

CONFIDENTIAL

A3387
AUG NFT

H/6157
AUG 311630
IMPORTANT

DISTHREE
ALCOM 13 CORPS 59 SUB AREA
INFO CHQ CMF A-3 NAPLES AREA

CONFIDENTIAL
Subject is Banks Case

1."To the honourable Allied Military Court. The undersigned counsel of Dino Maccapanni begs to ask the honourable court to obtain from the Questura Centrale of Milan Police HQ the copy of the order of arrest of Maccapanni Dino. The arrest took place on 4 July 45. Also the copy of the denounce presented by SignorAntonio Mantorani which caused to arrest. These documents cannot be obtained by a private request,thank you" Signed Avv Vincezo Stazio.

2."Honourable Allied Court Martial. The Corte D'Assise Ordinaria(Ordinary assize court) of Rovigo is at the present moment in possession of a file which concerns the trial Against the false Partisan Boccato Eolo who is charged with several killings made in order to plunder with violations and other crimes.I beg to ask the court to obtain the file of this trial from the Corte D'Assise Ordinaria of Rovogo or to ascertain the existence of it and the existence of the charges against Boccato contained in the charge sheet" Signed Franco Di Lella counsel for Cattani Anna Maria. Court recommend these roquests be granted. Please take all action to secure these documents and despatch to this HQ by the fastest possible means.

HEADQUARTERS
31 AUG 1946
C.

CONFIDENTIAL

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

CONFIDENTIAL

CONFIDENTIAL

AC DIST

Action: Security

Info: Chief Commissioner

Legal

File

Skeleton

LEGAL SUB COMMISSION	
CHIEF LEGAL ADVISOR	
DEPUTY CHIEF LEGAL ADVISOR	
CHIEF COUNSEL	
STAFF OFFICER	
ITALIAN SECTION	
MEMBERS REVIEW BOARD	
SEP 3 - 1946	

File

Ans. 3/9

182

CONFIDENTIAL

LEGAL
443A
105

1119/5

CONFIDENTIAL

SUBJECT:- War Crimes - Disposal of acquitted war criminals.

GHQ CMF
16000/ENC2/A3
28 Aug 46

G2 (C1) AFHQ
JI. MTOUSA.
DJAG GHQ CMF

Further to this HQ letter of even reference dated 1 Aug 46.

Clearance of the undermentioned alleged war criminals is requested within the terms of the above quoted letter:-

Name	CRISTIANINI Nello	COSCI Furio Athos
Nationality	Italian	Italian
GHQ CMF File	16171/76/A3	
BRIT NAT OFF and UNWCC Reference	British National Office Charge No UK 1/B 158	
Outline of charge	Being concerned in the illtreatment and killing of an Allied airman at FRASINELLE, ROVIGO in August 44.	

Brig
IC Adm.
185

Copy to:- HQ Allied Commission
Legal Sub Commission

(The information contained in the name and nationality columns together

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

JA MEOUSA.
DJAG GHQ CMF

Further to this HQ letter of even reference dated 1 Aug 46.

Clearance of the undermentioned alleged war criminals is requested within the terms of the above quoted letter:-

Name	CRISTIANINI Nello	COSCI Furio Athos
Nationality	Italian	Italian
GHQ CMF File	16171/76/A3	
BRIT NAT CMF and UNWCC Reference	British National Office Charge No UK 1/B 158	
Outline of charge	Being concerned in the illtreatment and killing of an Allied airman at FRASINELLE, ROVIGO in August 44.	

Brig
IC Adm.

(The information contained in the name and nationality columns together with the information that these persons will shortly be brought to trial before a British Military Court on a War Crimes charge may be transmitted to the Italian authorities. The remaining information should not be disclosed.)

Copy to:- HQ Allied Commission
Legal Sub Commission
HQ Allied Commission
Public Safety Sub Commission
Security Division
Land Forces Sub Commission
AC (MMIA) ROME.

File 16171/76/A3

LEGAL SUB COMMISSION	
CHIEF LEGAL ADVISOR	
DEPUTY CHIEF LEGAL ADVISOR	
CHIEF COUNSEL	
STAFF OFFICER	
ITALIAN SECTION	
MEMBERS REVIEW BOARD	
AUG 31 1946	

File

3/9

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

LEGAL

1055

442A

1119/5

CONFIDENTIAL

SUBJECT :- Convicted War Criminals - Guiseppe RE
Francesco GATTI

GHQ CMF

16030/Enc 2/A3

28 Aug 46

G2(CI)
JA MTCUSA
DJAG GHQ

1. The above mentioned Italian convicted war criminals, now serving short terms of imprisonment at 32 Military Prison and Detention Barracks, will shortly become due for release.

2. Please confirm that you have no objection to their release on the expiration of their sentences.

ml

Brigadier,
DAG.

Copy to HQ Allied Commission
Legal Sub Commission
HQ Allied Commission
Public Safety Sub Commission
Security Division
Land Forces Sub Commission AC(MMIA) RCME
File 16030/2/A3
File 16099/7/A3

185

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

1. The above mentioned Italian convicted war criminals, now serving short terms of imprisonment at 32 Military Prison and Detention Barracks, will shortly become due for release.

2. Please confirm that you have no objection to their release on the expiration of their sentences.

ml

Brigadier,
DAG.

Copy to HQ Allied Commission
Legal Sub Commission
HQ Allied Commission
Public Safety Sub Commission
Security Division
Land Forces Sub Commission AC(MMIA) ROME
File 16030/2/A3
File 16099/7/A3

185

LEGAL SUB COMMISSION
CHIEF LEGAL ADVISOR
DEPUTY CHIEF LEGAL ADVISOR
CHIEF COUNSEL
STAFF OFFICER
ITALIAN SECTION
MEMBERS REVIEW BOARD
AUG 31 1946

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

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

441A

FILE

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

MT/pa.

30 Aug 46.

AC/4119/5/L.

SUBJECT : War Crimes - Italian trials;
Obgtr. WILMS George .

TO : AFHQ, G-5 .

1. Reference your letter of 19th July, and two letters dated 19th August, all numbered G-5: 936.42.

2. A translation of a letter from the Procuratore Generale Militare dated 28 August giving particulars of the charge against WILMS is enclosed herewith.

3. There are also three questionnaires, with translations, which the Procuratore Generale Militare desires to have answered by WILMS, HEINZ Levertz and HEINZ Richard.

FILE

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

186

Incls.

PROCURA GENERALE MILITARE

PRESSO IL

TRIBUNALE SUPREMO MILITARE

4119/5 File

440A

422A

N. 1185/Reg. Gen. Pros. Roma, li 28 agosto 1946

Risposta al foglio del 22 agosto 1946 - NAC/4119/5/L ~~Allegati N.~~ 3

STAMPERIA REALE DI ROMA

Oggetto: Crimini di guerra - Procedimento contro Wilms Georg. -

ALLA COMMISSIONE ALLEATA
Sottocommissione legale -
= R O M A =

Indicare sempre nella risposta la data e i numeri della presente.

Con riferimento alla nota cui si risponde e alla precedente nota, pari numero ed oggetto, del 22 luglio u.s., si comunica a codesta Commissione quanto segue:

Per l'identificazione dei militari tedeschi, responsabili dell'eccidio di Meina ed elencati nel foglio di questa Procura Generale Militare n.1186/R.G. in data 28 marzo u.s.; non é stato possibile ottenere sufficienti elementi oltre quelli già segnalati.

Si é potuto soltanto stabilire che tra di essi vi era un certo Krugen (tenente o capitano) dai quaranta ai quarantacinque anni, proveniente dal Quartier generale tedesco di stanza a Baveno, giunto a Meina il 22 settembre 1943, comandante del Presidio della S.S. in Stresa; un certo Bremmer, Breuner o Bremer, sottotenente; un certo Jünger Franz, (comandante), certi Rolab, Bols (comandante) e Jonger o Jorgr (soldato) ed altri ignoti militari tedeschi, appartenenti tutti al reparto delle S.S. di stanza a Stresa, il cui comando era contrassegnato dal n°09088 D.S.S.

Tenuto conto poi delle difficoltà segnalate da codesta Commissione per l'interrogatorio dell'imputato Wilms, si allega un questionario da far riempire a detto imputato, che, secondo una dichiarazione in data 11 agosto 1945 del prigioniero di guerra 159336 St.Ger. Voss Oskar, internato nel campo 380, avrebbe impiccata una donna, non individuata.

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

ALLA COMMISSIONE ALLEATA
Sottocommissione legale -

= R O M A =

Con riferimento alla nota cui si risponde e alla precedente nota, pari numero ed oggetto, del 22 luglio u.s., si comunica a codesta Commissione quanto segue:

Per l'identificazione dei militari tedeschi, responsabili dell'eccidio di Meina ed elencati nel foglio di questa Procura Generale Militare n.1186/R.G. in data 28 marzo u.s.; non é stato possibile ottenere sufficienti elementi oltre quelli già segnalati.

Si é potuto soltanto stabilire che tra di essi vi era un certo Krugen (tenente o capitano) dai quaranta ai quarantacinque anni, proveniente dal Quartier generale tedesco di stanza a Bavano, giunto a Meina il 22 settembre 1943, comandante del Presidio della S.S. in Stresa; un certo Bremmer, Breuner o Bremer, sottotenente; un certo Jünger Franz, (comandante), certi Rolab, Bols (comandante) e Jonger o Joigr (soldato) ed altri ignoti militari tedeschi, appartenenti tutti al reparto delle S.S. di stanza a Stresa, il cui comando era contrassegnato dal n°09088 D.S.S.

Tenuto conto poi delle difficoltà segnalate da codesta Commissione per l'interrogatorio dell'imputato Wilms, si allega un questionario da far riempire a detto imputato, che, secondo una dichiarazione in data 11 agosto 1945 del prigioniero di guerra 159336 St.Ger. Voss Oskar, internato nel campo 380, avrebbe impiccata una donna, non individuata, in località e giorno imprecisati, d'ordine del suo comandante di battaglione, per avere, a quanto pare, dissentito dall'opinione dei militari tedeschi, durante una conversazione, che ebbe luogo in casa sua su argomenti non precisati.

Il Wilms avrebbe successivamente anche bastonato il marito della donna.

Si allegano altri due questionari: uno relativo a Heinz Levertz, ristretto nel carcere n°14, e l'altro relativo a Heinz Richard, ristretto

./.

Indicare sempre nella risposta la data e il numero della presente.

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

nel carcere n°16, che furono presenti sia alla discussione che all'ucci=
sione della donna. -

IL PROCURATORE GENERALE MILITARE
(U. Borsari)

U. Borsari

LEGAL SUB COMMITTEE
CHIEF LEGAL ADVISOR
DEPUTY CHIEF LEGAL ADVISOR
CHIEF COUNSEL
STAFF OFFICER
ITALIAN SECTION
MEMBERS REVIEW BOARD
AUG 29 1946

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

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

#1191/5/L File

TRANSLATION

GENERAL MILITARY PROCURE AT THE SUPREME MILITARY TRABUNAL

Reference : 1185/Reg.Ben. Rome, 28 Aug 46.

In answer to note AC/4119/5/L dated 22 Aug 46.

SUBJECT : War Crimes - Proceedings against WILMS George.

TO : Allied Commission - Legal Sub-Commission, ROME.

With reference to the above mentioned letter and to the previous letter, same number and subject, on 22ndJuly 46, we communicate the following :-

It has been impossible to find new evidence other than what has already been submitted for the identification of those German soldiers responsable of the killing of MEINA and listed in the letter of this General Military Procure No.1186/R/G/ dated 28th March 1946.

The only thing that could be ascertained is that among these German soldiers there was a certain KRUGEN (Captain or Lieutenant), between forty and fortyfive years old, who came from the General Headquarters of Baveno, arrivet at MEINA on 22nd Sept '43 and was in command of S.S. at Stresa; a certain BREMMER, BREUNER or BREMER, 2nd Lieutenant; a certain YIMGER Franz (Commandant); a certain ROLAB Bols (Commandant); a certain JONGER or JOLGR (private), and and other unidentified soldiers all belonging to an S.S.Section, STRESA whose Headquarters was marked No.09088 D.S.S.

Having taken notice of the difficulty stressed out by the Legal Sub-Commission in interrogating the accused WILMS, the enclosed questionnaire to be filled in by the accused will serve the purpose.

It would appear that the prisoner of war St.Ger.VOSS Oskar, interned in the Camp No.380, stated on the 11th August 1945 that WILMS hanged an unidentified Italian woman, in unknown place and date, by order of the Battalion Commander, this woman having expressed a different opinion from that of the Germans durin an argument which took place in the woman's house.

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

Said WILMS also beat the husband of this woman.

Enclosed are two other questionnaires, one concerning a certain HEINZ Levertz, being held in the prison No.14 and the other one concerning a certain HEINZ Richard, being held in the prison No.16. These men were present at the argument mentioned above and at the hanging of the unidentified woman.

IL PROCURATORE GENERALE MILITARE

(signed) U.Borsari

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

No.1 QUESTIONNAIRE FOR THE ACCUSED WILMS GEORGE.

Q. A certain St. Gfr. VOSS Oskar has stated that you hanged an Italian woman by order of your Battalion Commander, during an argument which took place in her house, for having expressed contrary opinion on certain subjects to that of the Battalion Commander. You confessed to having committed such crime during your transfer from Italy to Egypt in the presence of/said VOSS, a certain HEINZ Leverz and a certain officer HEINZ Richard.

A.

Q. What was said during the course of the above argument ? In which locality, on what date and possibly at what time did it take place?

A.

Q. What approximately were the words said by the above woman for which it was decided she must die and what was her name?

A.

Q. What was the name of the Commander, what was the department under him and where was he at the time of the hanging? Unit And where is he now?

A.

Q. Why was the woman killed without having been tried by a regular Court?

A.

Q. If after the hanging of the woman you beat her husband, why did you do it?

A.

Q. Are any other persons responsible for the killing of the woman? If so, who are they?

A.

Q. Why didithe Commander give you the order to kill the woman? And why did you not refuse to carry out such an order, being openly illegal andarbitrary?

A.

Q. Is it true that in order to kill the woman you forced her to climb on to a table, put a rope around her neck with your own hands and removed the table from under her feet so as to leave her suspended by the rope?

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

TRANSLATION

QUESTIONNAIRE FOR THE WITNESS Levertz HEINZ -Prison No.14

Q. Is it true that during your transfer from Italy to Egypt, in your presence and in that of St.Gfr.VOSS Oskar, and officer HEINZ Richard, the parachutist Obfgr WILMS George did spontaneously confess that in an unspecified place and on an unspecified date he killed an Italian woman in her house by order of Mme Battalion Commander, for the only reason that she expressed contrary opinion to that of the above Commander during an argument on unknown subjects?

A.

Q. Whether the above parachutist WILMS specified or not that he forced the woman to climb on to a table, put a rope around her neck and then removed the table from under her feet so as to leave her suspended by the rope?

A. .

Q. If subsequently the above WILMS added that he beat the women's husband and for what reason.

A.

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

TRANSLATION

QUESTIONNAIRE FOR THE WITNESS Richard HEINZ - Prison No.16

Q. Is it true that during your transfer from Italy to Egypt, in your presence and in that of St.Gfr. VOSS Oskar and Levertz HEINZ the parachutist Obgfr George WILMS did spontaneously confess that in an unspecified place on an unspecified date he killed an Italian woman in her house by order of his Battalion Commander, for the only reason that she expressed contrary opinion to that of the above Commander during an argument on unknown subjects?

A.

Q. Whether the above parachutist WILMS specified or not that he forced the woman to climb on to a table, put a rope around her neck and then removed the table from under her feet so as to leave her suspended by the rope?

A.

Q. If subsequently the above WILMS added that he beat the woman's husband and for what reason?

A.

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

FILE (439A)

HEADQUARTERS ALLIED COMMISSION
APO 734
LEGAL SUB COMMISSION

AC/4II9/5/L

MT/ns
28 August 1946

SUBJECT : War Crimes :
Trial of BERNARDI Giuseppe for killing a British POW.

See 381 B
382 A

TO : GHQ : CMF.

1. Reference your 16171/142/A3 of 26th July 1946.

2. I enclose herewith translation of a letter from the Procura of the Assize Court, Parma, stating that orders have been issued for BERNARDI to be brought to trial on a charge of killing an English POW believed to be Lesley Buckett.

For the Chief Commissioner :

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

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

(439 B

T R A N S L A T I O N

PROCURA DEL REGNO with the SPECIAL SECTION OF THE COURT OF ASSIZES - PARMA

N° 110/46 — Parma, 12 August 1946

SUBJECT : Penal proceeding against BERNARDI Giuseppe, CAMBARELLI Giovanni et al.

TO : Headquarters Allied Commission APO 7[illegible]4
Legal Sub-Commission.

With reference to your letter relating to the above subject I have the honour to inform you that BERNARDI Giuseppe, an Italian citizen presently detained in the Parma Prison is now at the disposal of the Special Section of the Court of Assizes. Among the other charges he is being charged with the killing of an English POW believed to be Lesley Backett of Hampstead, London, in association with CAMBARELLI, also an Italian citizen. On the 1st August 1946 the Prosecutor requested the President of this Court to issue a decree for bringing the accused to trial.

As soon as the case will be heard, the requested information and a copy of the sentence will be transmitted to your office.

Sgd.: The Prosecutor

?

371

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

PROCURA DEL REGNO PRESSO LA CORTE D'ASSISE SEZIONE SPECIALE
IN PARMA

1119/51

4384

N. 110/46 Parma, 12 agosto 1946

Risposta a nota del N.

OGGETTO: Procedimento penale contro Bernardi Giuseppe Gambarelli Giovanni ed altri.

Ai folios 9787 and 382 A

All. N.

A HEADQUARTERS ALLIED COMMISSION APO 794 LEGAL SUB COMMISSION

S. A. TIP. BONATI - PARMA

In riscontro alla nota in oggetto mi pregio informare codesto Ufficio che il cittadino italiano Bernardi Giuseppe attualmente detenuto nelle Carceri di Parma, trovasi a disposizione di questa Corte d'Assise Sezione Speciale.- Egli deve tra l'altro rispondere, coll'italiano Gambarelli Giovanni, latitante, dell'uccisione del prigioniero di guerra inglese, che si suppone sia Lesley BACKETT di HAmpstead, Londra. In data I agosto 1946 il P.M. presso questa Corte ha richiesto al signor Presidente della Corte stessa il decreto di citazione a giudizio degli imputati.

A giudizio celebrato verranno trasmesse a codesto Ufficio le informazioni richieste, e copia della sentenza.-

Con Osservanza

IL PROCURATORE
presso la CORTE d' ASSISE - SEZIONE SPECIALE

P.M. - PARMA - CORTE D'ASSISE - SEZIONE

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

LEGAL SUB COMMISSION
CHIEF LEGAL ADVISOR
DEPUTY CHIEF LEGAL ADVISOR
CHIEF COUNSEL
STAFF OFFICER
ITALIAN SECTION
MEMBERS REVIEW BOARD
[illegible]

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

437 A
FILE

FILE

HEADQUARTERS ALLIED COMMISSION
A.O 794
LEGAL SUB COMMISSION

AC/4119/5/L MT/ns
27 August 1946

SUBJECT : War Crimes : SOKOTA Messe Boris

TO : AFHQ : G-5.

1. Reference your letters G-5 : 936.42 of 26th June and 27th July.

2. I send herewith translations of a letter dated 19th August from the Procuratore Generale Militare, and enclosure from the Pubblico Ministero of the Assize Court, Grosseto, replying to the points mentioned in your letter of 26th June.

For the Chief Commissioner :

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Adviser.

Incls.

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

(437 B)

SEZIONE DI CORTE D'ASSISE DI GROSSETO
UFFICIO DEL PUBBLICO MINISTERO

GROSSETO SECTION OF THE COURT OF ASSIZES

Grosseto, 9 August 1946
answer to note of 4th July 1946 n° 1169/Reg.Gen.

SUBJECT : War Crimes : SOKOTA Boris and others

To the GENERAL MILITARY PROSECUTOR
Superior Tribunal of War

R O M E

With reference to your letter of the 4th July 1946, we have the honour to communicate the following to you.

1. Morgantini Ferdinando remains implicated in the crime committed by Sarti Guglielmo, Londini Londino and Detti Sergio for having killed three British prisoners but his inclusion in the said trial arises only from reasons of procedure in that he is responsible for other acts(general collabotation) in connection with the a/a accused. persons. He is not charged with participation in the killing.neither materially or morally
2. Pifferi Enrico is charged as an accessory in the homicide but the proofs were not supported by sufficient elements inasmuch as he was released, because the grounds to convict him were insufficient.
3. For the above reasons the names of Morgantini and Pifferi Enrico had been omitted in our letter of the 31st May inst.
4. Sokota and Fabbri were sentenced to death on the 24th March 1945 by the Ordinary Court of Assizes at Grosseto; they are still in hiding.
5. Franchi was sentenced to death, as above mentioned ~~7~~ 7. He was arrested after the sentence and is now detained at Porto-longone prison.
6. A sentence against Sarti Guglielmo, Londini Londino, Pifferi Donatello and Detti Sergio has not yet been imposed. The relative trial is in the investigation stage.

Signed : The Pubblico Ministero
illegible

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

437C

T R A N S L A T I O N

PROCURA GENERALE MILITARE
presso il
TRIBUNALE SUPREMO MILITARE

Rome 19 August 1946

TO HQ ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION.
R O M E

Prot N° 1169/Reg Gen.

SUBJECT : War Crimes: SOKOTA MESSE Boris and others.

With reference to note of the 1st inst., copy of letter of the 9th Inst., which was received from Grosseto Section Court of Assizes, is herewith enclosed.

Signed : General Military Prosecutor

U. Borsari

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

436A

N. 2009 (208) del Catal.
(R. 1941 Anno XX)

Procura Generale Militare
presso il
Tribunale Supremo Militare

Roma, 19 agosto 1946 - A. ====

AlQUARTIER GENERALE DELLA
COMMISSIONE ALLEATA-A.P.O.394
SOTTOCOMMISSIONE LEGALE-
= R O M A =

Risposta al foglio del 28/6/46
Div. Sez. AC/4119/5/L.

Prot. N. 1169/Reg.Gen.

OGGETTO Crimini di guerra - Sokota Messe Boris ed altri.-

331A

397A

Facendo seguito alla nota pari numero in data 1° corrente di questa Procura Generale Militare, si trasmette in copia il foglio della Sezione della Corte d'Assise di Grosseto in data 9 corrente in merito all'oggetto, pervenuto in data odierna.-

IL PROCURATORE GENERALE MILITARE
(U. Borsari)

Si prega indicare nella risposta il numero di protocollo e l'ufficio cui si risponde

LEGAL SUB COMMISSION
CHIEF LEGAL ADVISOR
DEPUTY CHIEF LEGAL ADVISOR
CHIEF COUNSEL
CHIEF CLERK
WAR CRIMES SECTION
WAR CRIMES REVIEW BOARD
AUG 21 1946

U. Borsari

- C O P I A

436B

SEZIONE DI CORTE D'ASSISE DI GROSSETO
UFFICIO DEL PUBBLICO MINISTERO

Grosseto,9 agosto 1946-
risposta al foglio del 4 luglio 1946- n°1169/Reg.Gen.

Oggetto:Crimini di guerra:Sokota Boris ed altri.-

Illmo Signor
PROCURATORE GENERALE MILITARE
Tribunale Supremo di Guerra
= ROMA =

Con riferimento alla nota sopraindicata pregiomi comunicare:
1) Morgantini Ferdinando risulta implicato nel processo contro Sarti Guglielmo,Londini Londino,Pifferi Donatello,e Detti Sergio per l'uccisione dei tre prigionieri inglesi,ma la sua inclusione nel detto processo risponde a sole ragioni di procedura in quanto responsabile di altri fatti (collaborazionismo generico) in connessione soggettiva con i coimputati predetti.A suo carico non risulta la partecipazione nell'eccidio né materialmente né moralmente.
2) Pifferi Enrico é imputato di concorso in omicidio,ma le prove non sono state suffragate da sufficienti elementi tanto che é stato provveduto alla scarcerazione per insufficienza di indizi.
3) Per tali motivi i nominativi del Morgantini e del Pifferi Enrico sono stati omessi nella lettera di questo Ufficio del 31 maggio u.s.
4) Il Sokota e il Fabbri sono stati condannati a morte dalla Corte di Assise Ordinaria di Grosseto con sentenza del 24 marzo 1945. Sono tuttora latitanti.
5) Il Franchi é stato condannato a morte come sopra.E' stato arrestato dopo la condanna e trovasi recluso nello stabilimento penale di Portolongone.
6) Contro Sarti Guglielmo,Londini Londino,Pifferi Donatello,e Detti Sergio non é stata ancora emessa sentenza.Il relativo processo trovasi in

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

Oggetto:Crimini di guerra:Sokota Boris ed altri.-

Illmo Signor
PROCURATORE GENERALE MILITARE
Tribunale Supremo di Guerra
= R O M A =

Con riferimento alla nota sopraindicata pregiomi comunicare:
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2) Pifferi Enrico é imputato di concorso in omicidio,ma le prove non sono state suffragate da sufficienti elementi tanto che é stato provveduto alla scarcerazione per insufficienza di indizi.
3) Per tali motivi i nominativi del Morgantini e del Pifferi Enrico sono stati omessi nella lettera di questo Ufficio del 31 maggio u.s.
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Sono tuttora latitanti.
5) Il Franchi é stato condannato a morte come sopra.E' stato arrestato dopo la condanna e trovasi recluso nello stabilimento penale di Portolongone.
6) Contro Sarti Guglielmo,Londini Londino,Pifferi Donatello,e Detti Sergio,non é stata ancora emessa sentenza.Il relativo processo trovasi in fase istruttoria.-

PER COPIA CONFORME

F/to. Il Pubblico Ministero
(illegibile)

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

4119/5

FILE

CONFIDENTIAL

1435A

SUBJECT : WAR CRIMES - Disposal of Acquitted War Criminals

GHQ C.F

16000/ENC2/A-3

22 Aug 46

G2(CI) AFHQ
JA MTOUSA
DJAG GHQ C.F

Further to this HQ letter of even reference dated 1 Aug 46.

Clearance is requested of the under-mentioned alleged War Criminal within the terms of the above quoted letter :-

NAME	VALENTE Nicola
NATIONALITY GHQ C.F FILE	ITALIAN 16171/90/A-3
Brit Nat Office and UNWCC Ref	BRIT NAT OFF CHGE No UK G/B 505
Outline of Charge	Being concerned in the ill-treatment and death of a R.A.F Pilot at ARIANO POLESINE in Dec 1944.

ml

Brig,
IC Adm.

Copy to :- HQ Allied Commission,
Legal Sub Commission

(The information contained in the name and nationality

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

Further to this HQ letter of even reference dated 1 Aug 46.

Clearance is requested of the under-mentioned alleged War Criminal within the terms of the above quoted letter :-

NAME	VALENTE Nicola
NATIONALITY GHQ CMF FILE	ITALIAN 16171/90/A-3
Brit Nat Office and UNWCC Ref	BRIT NAT CMF CHGE No UK G/B 505
Outline of Charge	Being concerned in the ill-treatment and death of a R.A.F Pilot at ARIANO POLESINE in Dec 1944.

ml

Brig,
IC Adm.

Copy to :- HQ Allied Commission,
Legal Sub Commission

HQ Allied Commission
Public Safety Sub Commission
Security Division

Land Forces Sub Commission A.C.
(M.M.I.A.) ROME

File 16171/90/A-3

(The information contained in the name and nationality columns above may be transmitted to the Italian authorities. The remaining information should not be disclosed.)

LEGAL SUB COMMISSION	
CHIEF LEGAL ADVISOR	
DEPUTY CHIEF LEGAL ADVISOR	
CHIEF COUNSEL	
SENIOR OFFICER	
[illegible] SECTION	
MEMBERS REVIEW BOARD	

AUG 26 1946

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

NAME	VALENTE Nicola
NATIONALITY GHQ CMF FILE	ITALIAN 16171/90/A-3
Brit Nat Office and UNWCC Ref	BRIT NAT CMF CHGE No UK G/B 505
Outline of Charge	Being concerned in the ill-treatment and death of a RAF Pilot at ARLANO POLESINE in Dec 1944.

ml

Brig,
IC Adm.

Copy to :- HQ Allied Commission,
Legal Sub Commission

HQ Allied Commission
Public Safety Sub Commission
Security Division

Land Forces Sub Commission A.C.
(A.M.I.A.) ROME

File 16171/90/A-3

(The information contained in the name and nationality columns above may be transmitted to the Italian authorities. The remaining information should not be disclosed.)

LEGAL SUB COMMISSION	
CHIEF LEGAL ADVISOR	
DEPUTY CHIEF LEGAL ADVISOR	
CHIEF COUNSEL	
STAFF OFFICER	
OPERATIONS SECTION	
MEMBERS REVIEW BOARD	

AUG 26 1946

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

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

Security 424

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: AG(1) 5793
Date / Time of Origin: AUG. 221725B

Message Centre No: H/5950
Date Time Rec'd: AUG. 231130
Precedence: IMPORTANT

FROM: A NAPLES AREA
TO : HQ ALCOM

A copy of this Signal was received by Capel S/C about 10.30 on Saturday morning 24 August and Prof. Gatti, counsel for Patracchini, immediately informed by telephone & Signal sent to Pavannini's Counsel at Rovigo.

Ant. 26/8/46

UNCLASSIFIED.

Reference your A 683 Bankscase defence council. GHQ have now informed this HQ serial (16) PAVANNINI and serial (17) PATRACCHINI will not appear as accused in this case and defence counsel not required.

LEGAL SUB COMMISSION	
CHIEF LEGAL ADVISOR	
DEPUTY CHIEF LEGAL ADVISOR	
CHIEF COUNSEL	
STATES OFFICER	
ITALIAN SECTION	
MEMBERS REVIEW BOARD	

AUG 26 1946

AC DIST

ACTION SECURITY 2
INFO CHIEF COMMISSIONER
LEGAL
FLOAT 2
FILE

Security Branch
Box 24/8
Book 1943
File No. 264-01-111
Action

HEADQUARTERS
23 AUG 1946
C.

ACTION

Pass to Legal Sub. Commission for action 24 Aug Ho.

Ellis Capt.

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

AG(1) 5793
AUG.221725B

H/5950 433A
AUG.231130
IMPORTANT

A NAPLES AREA
HQ ALCOM

UNCLASSIFIED.
Reference your A 683 Bankscase defence council. GHQ have now informed this HQ serial (16) PAVANMINI and serial (17) PATRACCHINI will not appear as accused in this case and defence counsel not required.

AC DIST

ACTION SECURITY 2
INFO CHIEF COMMISSIONER
LEGAL
FLOAT 2
FILE

HEADQUARTERS
23 AUG 1946

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

4119/5

File

432 A

Mario Tramonti

Petition for release received from G-5.
Held in Fort Boccea. on Allied account
Left papers with Security Div. (Capt. Illis) for enquiries
on 13 Aug.
23 Aug. Spoke to Capt. Illis who asked particulars
from Capt. Forgione G-2.
27 Aug. Enquired of Capt E. who said he had already
answered the letter of G-5 giving full
particulars, & saying Tramonti was not wanted
further on Allied account

27/8/46

AGL

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

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

431A

FILE

MEMO
26 August 1946

AC/AIII9/5/3.

SUBJECT : Cpl. FOUCHE' U.D.F.; request by Italian authorities to try on charge of homicide.

TO : H.Q., 6th South African Armoured Div.
Equipment Park.
U.D.F.
GENOVA.

429A

1. The Italian Judicial Authorities have requested the Supreme Allied Command for permission to try Cpl. Fouché, belonging to a unit of the U.D.F. at Arquata Scrivia, on a charge of killing a certain Laguzzi Luigi on 1st April last at Castella Ponzano near Tortona by running into him while driving a jeep. I enclose a translation of a letter from the Procura del Regno of Alessandria giving the details of the case.

2. As there are no longer any British units in this area this Sub Commission would be greatly obliged to you if you would kindly have an investigation made into this case and make a report in duplicate to this office. A report into the facts and circumstances of the case is required by AFHQ in considering the request to try Fouché before an Italian tribunal.

For the Chief Commissioner :

MUSGRAVE THOMAS, Lt.Col.
Italian Branch,
for Chief Legal Advisor.

Copy to
S. Affari Legislativi
Roma.

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

(131 B

PROCURA DEL REGNO OF ALESSANDRIA

Alessandria, the 27th May 1946.

SUBJECT : Consent to proceed against an Allied soldier.

On the 1st April 1946, in the vicinity of Castellar Ponzano of Tortona, a South African Corporal named FOUCHE' U.S. CONC. KN. THATTON 17 REM. of Arquata Scrivia in driving a jeep car hit a certain LAGUZZI Luigi, the son of Carlo, who was killed.

In accordance with the statement made by a witness who was on the car, Fouché was slightly intoxicated at the time of the accident, having drunk a lot of cognac, and was proceeding at a speed of 75 km per hour.

Fouché did not stop, not tried to do it, because he had lost control of himself.

Laguzzi was riding a bicycle on the right side of the street. He was hit from the back as soon as Fouché tried to avoid another car coming from the opposite direction.

As the above said soldier, in accordance with the note of the Superior Ministry, has to be charged with murder, a legal certificate of the Superior Mediterranean Allied Command is hereby requested, in order to initiate a proceeding against him.

Signed : Procuratore Del Regno

Mazzoni

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

dec 4119/5

430A

HQ ALCOM 26 AUG 46

Avv. MERLIN Giuseppe, Via Silvestre, ROVIGO

4733 RESTRICTED

REFERENCE OUR LETTER FOUR ONE ONE NINE SLANT FIVE SLANT L DATED TWENTY AUGUST CONCERNING BANKS CASE FD

PARA ONE FD HEADQUARTERS NAPLES AREA ADVISES THAT PAVANNINI WILL NOT APPEAR IN THE CASE AS ACCUSED FD THEREFORE DEFENCE ADVOCATE IS NOT NECESSARY

PRIORITY
LEGAL SUB-COMMISSION

302

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

FILE

429A

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

MT/ns
26 August 1946

AC/4119/5/L

SUBJECT : Italian Request to try Cpl. Fouché, U.D.F.

434A

TO : AFHQ : G-5.

410-B

1. Reference your G-5 : 934.30 of 19th August 1946.

2. As it has not been found possible for a member of this Sub Commission to make an investigation into this case as had been hoped, and, as there are no longer any British units in the area in question, we have requested the Headquarters of the 6th South African Armoured Div. in Genova to cause an investigation to be made into the facts of the case. As soon as the report resulting from this investigation is received it will be forwarded.

For the Chief Commissioner :

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

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

file 4119/5

428
198A

HQ ALCOM 24 AUG 46

Avvocato MERLIN Giuseppe, Via Silvestri, ROVIGO

RESTRICTED

4733

RIFERIMENTO NOSTRA LETTERA QUATTRO UNO UNO NOVE SEARSA 5 SEARRA L DEL VENTI AGOSTO RIGUARDANTE PROCESSO BANES STOP

COMANDO NAPOLI ZONA COMUNICA CHE PAVANESINI NON COMPARIRA' AL PROCESSO QUALE IMPUTATO DI CONSUETUDINE AVVOCATO DIFENSORE . NON NECESSARIO

PRIORITY

LEGAL SUB-COMMISSION

302

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

411915

AG(1) 5793
AUG. 221725B

A NAPLES AREA
HQ ALCOM

Legal
H/5950
AUG. 231130
IMPORTANT
427A

415A

UNCLASSIFIED.
Reference your X5683 Bankscase defence council. CMQ have now informed this HQ serial (16) PAVANINI and serial (17) PATRACCHINI will not appear as accused in this case and defence counsel not required.

AC DIST

ACTION SECURITY 2
INFO CHIEF COMMISSIONER
LEGAL
FLOAT 2
FILE

151

HEADQUARTERS
23 AUG 1945

Vittorio Parri collezione

Prog Serie
Fil 31 815

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

HC/cm/5

V

FX 70348
AUG.221606B

H/5953 42[illegible]
AUG.231115B
IMPORTANT

A BRANCH GHQ CMF
ACSEC HQ ALCOM
JAG NAPLES

INFO: DISTHREE NAPLES AUEA REAR 13 CORPS

CONFIDENTIAL

CONFIDENTIAL
Subject is bonks case.
Following officials of questura Foggo required as witnesses to (?prove) statement of Santacroce Francesco at trial due Naples 29 Aug. Either . 1. Lieutenant CAVALLARO SEVERINO or 2. Brigadier GRECCIO UGO. Disthree are requesting Rear 13 Corps to arrange attendance but request you render assistance possible.

AC DIST

ACTION SECURITY
INFO CHIEF COMMISSIONER
LEGAL
FILE
SKELETON

LEGAL SUB COMMISSION	
CHIEF LEGAL ADVISER	
DEPUTY CHIEF LEGAL ADVISER	
CHIEF COUNSEL	
STAFF OFFICER	
ITALIAN SECTION	
MEMBERS REVIEW BOARD	
AUG 23 1946	

CONFIDENTIAL

HEADQUARTERS
23 AUG 1946
C.
A.

No action required.
Security is dealing with this. Ans 23/8

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

CICB

425A

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

AC/4119/5/L. MF/rm.
23 August 1946.

SUBJECT : War Crimes - Major Van WIJDEN.

TO : Ministry of Pardon and Justice.

1. Reference is made to the conversation on the same subject between Dott. FIORE and Dott. BONELLI.

2. The file in the case of the above mentioned is returned herewith for onward transmission to proper authorities.

Incls.

C.G. HANRAHAN,
Lt. Colonel,
Deputy Chief Legal Advisor.

Le # 446 A
425 A

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

FILE

FILE (4244

HEADQUARTERS ALLIED COMMISSION
AFO 794
LEGAL SUB COMMISSION

URGENT

AC/4II9/5/L

MT/ns
23 August 1946

SUBJECT : War Crimes - Shooting of Nathan Leach
Proceedings against COCCIA and SANTELLI.

TO : The Ministry of Pardon and Justice.

163P

1. Reference your Ufficio I° A.P. Prot. N° 138/17/398/45 of 16th January 1946, and our letter AC/4II9/5/L of 31th May 1946.

2. Allied Force Headquarters have asked this Sub Commission for a full report to explain the altogether unreasonable delay that has taken place in bringing this trial to a conclusion. Proceedings were begun in May 1944, and in January last were still in the "istruttoria" stage.

3. This Sub-Commission would be glad to receive from you at your earliest convenience full particulars that will enable it to make the report requested by AFHQ referred to in para 2 above. At the same time it is requested that the Ministry will take all necessary steps to ensure that the trial is proceeded with and brought to a conclusion with as little delay as is possible in the circumstances.

4. May the matter, please, be treated as a very urgent one.

FILE

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

See reply of Ministry p 477A

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

LEGAL

4119/5

123A

SUBJECT :- War Crimes - Shooting of Nathan LEACH

CONFIDENTIAL

CHQ CMF.

16171/15/A-3.

14 Aug 46.

HQ Allied Commission
Legal Sub Commission

163

164A

281A

Reference this HQ letter of even number dated 3 May 46 and further to your letter AC/4119/5/L dated 28 Jan 46.

1. May this HQ please be informed of any action taken by the ITALIAN authorities in this case.

2. In view of the fact that 10 months have now passed since the case was handed over to the ITALIAN authorities for trial it is requested that a full report may be made to this HQ setting forth the cause of this delay. You will no doubt take such action as may be necessary to bring this matter to a satisfactory conclusion.

Brig.
IC Adm.

/hs

Copy to :- DJAG CHQ CMF - (Your minute JAG/WW/16171/15 dated 6 Aug 46 refers).

LEGAL SUB COMMISSION	
CHIEF, G-3 DIVISION	
DEPUTY CHIEF LEGAL ADVISOR	
CHIEF COUNSEL	
[redacted] OFFICER	
[illegible] SECTION	
MEMBERS REVIEW BOARD	

AUG 20 1946

151

118A

135A

25 2 h

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

(11724

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

MT/rm.
22 August 1946.

AC/4119/5/L.

SUBJECT : War Crimes - Italian Trials. Ogeftr. WILMS Georg.

TO : Procuratore Generale Militare.
Via degli Acquasparta 2 - R O M A -

1. Reference our letter AC/4119/5/L of 22 July 1946.

2. I should be obliged if you would inform this Sub-Commission whether the Italian Government intend to submit a questionnaire for WILMS to complete or whether their interest in the case has terminated.

3. May the matter be treated as urgent, please. As the question has been long outstanding, Allied Force Headquarters wish to have a reply as soon as possible.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

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

411915 ✓

AG 293
AUG. 211000B

H/5837
AUG. 220900B

Legal H/c
(421A

ROUTINE

DISTRIBS
ED CORPS ALCOM INFO: GHQ CMF A-3 NAPLES AREA

CONFIDENTIAL

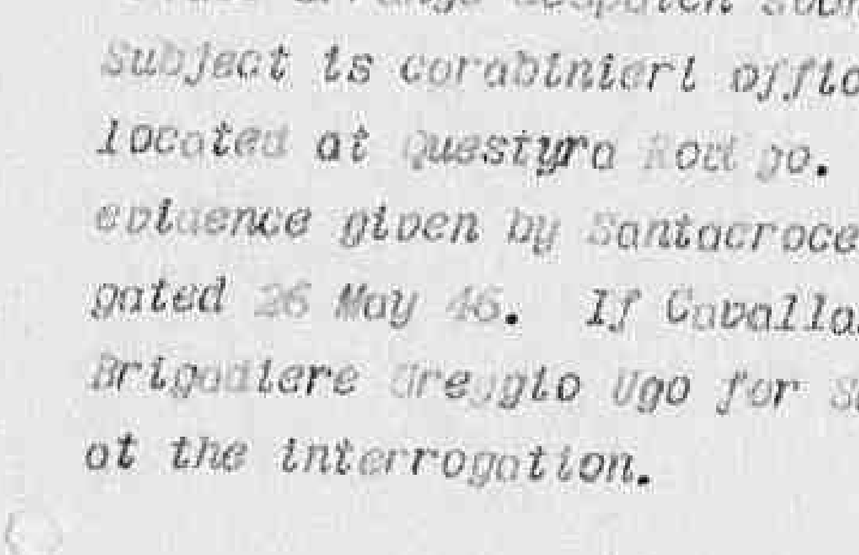
Cf. 415 A
416 A

CONFIDENTIAL.

Banks case. Lt Cavallaro Severino urgently required as witness. Please arrange despatch soonest arrive Naples before 29 August. Subject is carabinieri officer of Public Safety and is probably located at Questura Rocca. He is required to produce documentary evidence given by Santacroce Francesco when this witness interrogated 26 May 46. If Cavallaro Severino not available please send Brigadiere Greglo Ugo for same purpose as Greglo also present at the interrogation.

AC DIST

ACTION SECURITY 2
INFO CHIEF COMMISSIONER
LEGAL
FILE
SKELETON



CONFIDENTIAL

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

LEGAL
203
A20A

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 936.42

19 August 1946.

SUBJECT: War Crimes - Italian Trials - Ogefer WILMS Georg.

TO : Chief Commissioner,
Allied Commission,
APO 794.

Reference your AC/4119/5/4 dated 13 June 46 and this H letters of even number 26 June and 27 July.

This matter has been long outstanding. Will you please press for an answer without further delay.

BY COMMAND OF LIEUTENANT GENERAL LEE:

for A.L. HAMBLEN
Colonel, G.S.C.
Assistant Chief of Staff, G-5.

FOR YOUR COMMENTION
CHIEF LEGAL ADVISOR
DEPUTY CHIEF LEGAL ADVISOR
CHIEF COUNSEL
ASSOCIATE OFFICER
LEGAL SECTION
WAR CRIMES REVIEW BOARD
AUG 20 1946

130

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

LEGAL

704
H194

411 9/5

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 936.42

19 August 1946.

SUBJECT: War Crimes - Italian Trials -
Ogeftr WILMS Georg.

TO : Chief Commissioner,
Allied Commission,
APO 794.

224A

Reference your AC/411 9/5/L, 1 April and this HQ letter of our number 19 July 1946.

361A

Will you please inform this HQ whether the Italian Government intend to submit a questionaire for WILMS to complete or whether their interest in the case is terminated.

BY COMMAND OF LIEUTENANT GENERAL LEE:

for A.L. HASKELL
Colonel, G.S.C.
Assistant Chief of Staff, G-5.

CHIEF [illegible]
DEPUTY CHIEF [illegible]
CHIEF COUNSEL
STAFF OFFICER
ITALIAN SECTION
MEMBERS REVIEW BOARD

AUG 20 1946

15

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

CONFIDENTIAL

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

URGENT

4184

AC/4II9/5/L

MT/ms
22 August 1946

SUBJECT : War Crimes: MARZONER Walter.

TO : The Ministry of Pardon and Justice.

392A

1. Reference our letter AC/4II9/5/L of 12th August 1946.

2. Allied Force Headquarters have just advised by telegram that the handing over of MARZONER to the Italian Judicial Authorities has now been agreed. Would you please inform this Sub Commission as soon as possible the full names of the Italian escort nominated to collect MARZONER from 209 POW Camp, Afragola, and the approximate date on which they will arrive to collect him.

3. A copy of this letter is enclosed to serve as authority to the escort to take delivery of MARZONER.

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

351

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

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originators Reference: F£70730
Date/Time of Origin: 201810B AUG

Message Centre No: H/5846
Date Time Rec'd: AUG 210915
Precedence: PRIORITY

FROM: AFHQ A BRANCH GHQ CMF
TO : HQ ALCOM INFO ACSEC HQ ALCOM FOR LEGAL SUB COMMISSION

RESTRICTED

Our 16171/65/A3 of 8 Aug.Handover of Marzoner to italians now agreed.Request action in accordance para 2 our letter.Your 4624 of 17. Our F 70556 of 15 is cancelled.Error regretted.

LEGAL SUB COMMISSION
CHIEF LEGAL ADVISOR
DEPUTY CHIEF LEGAL ADVISOR
CHIEF COUNSEL
STAFF OFFICER
ITALIAN SECTION
MEMBERS REVIEW BOARD
AUG 21 1946

AC DIST

ACTION: LEGAL
SECURITY

INFO: CHIEF COMMISSIONER
CAS
FLOAT 2
FILE

LEGAL SUB COMMISSION
CHIEF LEGAL ADVISOR
DEPUTY CHIEF LEGAL ADVISOR
CHIEF COUNSEL
STAFF OFFICER
ITALIAN SECTION
MEMBERS REVIEW BOARD
AUG 21 1946

HEADQUARTERS
21 AUG 1946
A. C.

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

file 4119/5

4164

HQ ALGOM 221130 AUG 46

A BRANCH RAPIDS ARSA, N WIS

4700 RESTRICTED

FURTHER TO OUR SIGNAL FIVE SIX EIGHT THREE DATED YESTERDAY AVVOCATO

GATTI TANCREDI ASKED TO APPEAR FOR ACCUSED PATRACCHINI AT TRIAL TWO NINE AUGUST

NICHOLAS PIGNATINO
CWO USA
ASSISTANT ADJUTANT

HOUTLNS

LEGAL SUBCOMMISSION

302

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

HQ ALCOM 21 AUG 46

(1) A BRANCH, NAPLES AREA, NAPLES

5683 RESTRICTED

RA ONE PD REFERENCE YOUR ABLE TWO ONE FIVE SLANT ELEVEN DATED SIXTEEN AUGUST AND SIGNAL ABLE GEORGE PAREN ONE PAREN FIVE ONE FIVE FIVE DATED NINETEEN AUGUST REGARDING BANKS CASE TRIAL PD POSTED MONDAY LIST OF ADVOCATES IN NAPLES WILLING TO APPEAR FOR ACCUSED IN WAR CRIMES TRIALS PD

PARA TWO PD UNDERSTAND AVVOCATO GATTI TANCREDI WILLING TO APPEAR FOR ACCUSED PATRACCHINI VITTORIO BUT AWAITING HIS DEFINITE REPLY

PARA THREE PD INSUFFICIENT TIME TO ENGAGE INDIVIDUAL COUNSEL FROM ROVIGO AND BARI AS REQUESTED BY YOU PD SUGGEST ACCUSED OTHER THAN PATRACCHINI BE ASKED TO SELECT COUNSEL FROM NAPLES LIST PD ITALIAN GOVERNMENT HAS NOT REPEAT NOT YET AGREED TO BEAR EXPENSE COUNSELS FEES WHEN ACCUSED UNABLE TO DO SO

PRIORITY

LEGAL SUB COMMISSION

302

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

U-N-C-L-A-S-S-I-F-I-E-D

4147A

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

AC/Allg/5/L. AP/rm.
20 August 1946.

OGGETTO : Crimini di Guerra - Caso Banks.

A : Sig. Avv. Comm. Franco di LILLA
Via Chiaiamone 7
NAPOLI

Il Quartier Generale delle Forze Armate Alleate della Zona di Napoli ha inoltrato richiesta a questa Sottocommissione Legale per ottenere i suoi servizi nel giudizio a carico di Anna Maria CATTINI, fissato per l'udienza a Napoli il 27 Agosto 1946 davanti ad un Tribunale Militare Alleato per i Crimini di Guerra.

La CATTINI e' imputata di avere in dicembre 1944, ad Ariano Polesine, violato le leggi ed usi di guerra per aver maltrattato il Sergente Arthur Banks, della Royal Air Force, internato ivi quale prigioniero di guerra.

La preghiamo voler informare ~~mediante telegramma~~ il Quartier Generale di Napoli (Hq. Naples Area, Naples) se lei desidera accettare di difendere la predetta CATTINI.

for

JOHN K. [illegible],
Colonel, Infantry,
Chief Legal Adviser.

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

S-E-C-R-E-T

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

AC/A119/S/L.

AT/rm.
20 August 1946.

OGGETTO : Crimini di Guerra - Caso Banks.

A : Sig. Avv. Giuseppe MERLIN
Via Silvestre
NOVIGO

Il Quartier Generale delle Forze Armate Alleate della Zona di Napoli ha inoltrato richiesta a questa Sottocommissione Legale per ottenere i suoi servizi nel giudizio a carico del Milite Federico PAVANNINI, fissato per l'udienza a Napoli il 27 Agosto 1946 davanti ad un Tribunale Militare Alleato per i Crimini di Guerra.

Il PAVANNINI e' imputato di avere in dicembre 1944, ad Ariano Polesine, violato le leggi ed usi di guerra per aver maltrattato il Sergente Arthur BANKS, della Royal Air Force, internato ivi quale prigioniero di guerra.

La preghiamo voler informare a mezzo telegrafo il Quartier Generale di Napoli (HQ. Naples Area, Naples) se lei desidera accettare di difendere il predetto PAVANNINI.

for

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

1137

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

U-R-G-E-N-T-I-S-S-I-M-O

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

4124

AC/4119/5/1.

AP/rm.
20 August 1946.

OGGETTO : Crimini di Guerra - Caso Banks.

A : Prof. Avv. Comm. G/ETI Tancredi
Via Angelo Brofferio 3
ROMA

Il Quartier Generale delle Forze Armate Alleate della Zona di Napoli ha inoltrata richiesta a questa Sottocommissione Legale per ottenere i suoi servizi nel giudizio a carico di Vittorio PATRACCHINI fissato per l'udienza a Napoli il 2° Agosto 1946 davanti ad un Tribunale Militare Alleato per i Crimini di Guerra.

Il PATRACCHINI e' imputato di avere in dicembre 1944, ad Ariano Polesine, violato le leggi ed usi di guerra per aver maltrattato il Sergente Arthur BANKS, della Royal Air Force, internato ivi quale prigioniero di guerra.

La preghiamo voler informare a mezzo telegrefo il Quartier Generale di Napoli (Hq. Naples Area, Naples) se lei desidera accettare di difendere il predetto PATRACCHINI.

Musgrave Thomas

for

JOHN H. WEIER,
Colonel, Infantry,
Chief Legal Advisor.

Dott. Teore telephoned to Prof. Gatti's office yesterday and cannot be reached as was away from Rome until 26 Aug.
S.'s office telephoned this morning that Prof. G. had already been asked to appear in the case, & that he had been asked by the office by telegram for a definite reply.

21/8/46

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

1159/5

INCOMING MESSAGE

LEGAL CMA

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: AG(1) 5155
Date/Time of Origin: AUG. 19 NFT

Message Centre No: H/5827
Date Time Rec'd: AUG. 201415
Precedence: IMMEDIATE

FROM: 'A' NAPLES AREA
TO : ALLIED LEGAL COMMISSION ROME INFO: A DISTHREE / DJAG GHQ CMF = 3 TRANSIT CAMP = 209 PW CAMP = REME (FOR CAPT A PRINGLE BASE INSTALLATIONS REME).

RESTRICTED

RESTRICTED.
Further to our A215/11 dated 16 Aug. Defence counsel for banks case.
Request you obtain qualified defence counsel from italian Bari for under mentioned accused.
Please inform this HQ of nominees.
Serial (10) BORDON LUIGI milite
Serial (14) FERRACINI OLIMPIO milite
Both accused on charge "B".

AC DIST

ACTION LEGAL 2
INFO CHIEF COMMISSIONER
FILE
SKELETON

ACTIC

14

RESTRICTED

HEADQUARTERS
20 AUG 46
A. C.

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

LEGAL
702

4119/5

410B

429A

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 934.30

19 August 1946

SUBJECT: Italian Request to try Cpl. FOUCHE U.D.F.

TO : Chief Commissioner,
Allied Commission,
(Attn: Legal S/C)
APO 794.

341 A

Reference your AC/ 4119/5/L 12 July 46.

1. Are you yet in a position to forward the report mentioned in the last para. of your above quoted letter.

BY COMMAND OF LIEUTENANT GENERAL LEE:

Mayo

Per A. L. HAMBLEN
Colonel, G.S.C.
Assistant Chief of Staff, G-5.

SUB COMMISSION
CHIEF COMMISSIONER
DEP CHIEF COMMISSIONER
CHIEF COUNSEL
LEGAL OFFICER
ITALIAN SECTION
MEMBERS REVIEW BOARD
AUG 20 1946

143

411 9/5

410A

CONFIDENTIAL

Subject :- War Crimes Trial - Banks Case.

HQ Naples Area
Auto :- 15717
A 215/11
16 Aug 46

U R G E N T

Allied Legal Commission ROME

405A

1. Further to our AC 5140 dated 16 Aug 46.

2. The undermentioned, accused on the charges set out below, have requested civilian Defence Counsel either by name, or from the Italian Bar, to be made available for their trial which is arranged to take place at Naples on 29th Aug 46.

The Charges.

(a)

COMMITTING A WAR CRIME
in that they
at ARIANO POLESINE, MESOLA, in the month of December, 44, in violation of the laws and usages of war were concerned in the illtreatment of Sgt. ARTHUR BANKS, Royal Air Force, a prisoner of war.

(b)

COMMITTING A WAR CRIME
in that they
at ARIANO POLESINE, MESOLA, in the month of December 44, in violation of the laws and usages of war, were concerned in the illtreatment and killing of Sgt. ARTHUR BANKS, Royal Air Force, a prisoner of war.

3. Accused on Charge A.

(i) It is requested you will obtain for each of the undermentioned the services of a qualified Defence Counsel from the Italian Bar, and intimate to this HQ the particulars of the nominee :-

Serial (9) GIOVANNI BELLINI - LIEUT.
Serial (26) UGO LANUZZI - CAPT.

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

405A

1. Further to our AG 5140 dated 16 Aug 46.

2. The undermentioned, accused on the charges set out below, have requested civilian Defence Counsel either by name, or from the Italian Bar, to be made available for their trial which is arranged to take place at Naples on 29th Aug 46.

The Charges.

(a)

COMMITTING A WAR CRIME
in that they
at ARIANO POLESINE, MESOLA, in the month of December, 44, in violation of the laws and usages of war were concerned in the illtreatment of Sgt. ARTHUR BANKS, Royal Air Force, a prisoner of war.

(b)

COMMITTING A WAR CRIME
in that they
at ARIANO POLESINE, MESOLA, in the month of December 44, in violation of the laws and usages of war, were concerned in the illtreatment and killing of Sgt. ARTHUR BANKS, Royal Air Force, a prisoner of war.

3. Accused on Charge A.

(i) It is requested you will obtain for each of the undermentioned the services of a qualified Defence Counsel from the Italian Bar, and intimate to this HQ the particulars of the nominee :-

Serial (9) GIOVANNI BELLINI - LIEUT.
Serial (26) UGO TANUZZI - CAPT.

It is requested you will obtain the services of :- 142

(ii) Avv. GIUSEPPE MERLIN - Via Silvestre ROVIGO
for :
Serial (16) FEDERICO PAVANNENI - Milite

and

(iii) Avv. GATTI TANCREDI - Via Angelo Brofferio No. 3 ROME

for:
Serial (17) VITTORIO PATRACCHINI.

A. Branch
Tel. 16697, Naples

(4376A)

Fwd 401 A
245 A

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

4. Accused on Charge B.

(a) It is requested you will obtain the services of a qualified Defence Counsel from the Italian Bar, and intimate to this HQ the particulars of the nominee, for:
Serial (25) DINO MACCAPINI - Fascist Spy.

(b) It is requested you will obtain the services of :

Avv. Comm. FRANCO DI LELLA - Via Chiatamone 7 NAPLES
for :
Serial (12) ANNA MARIA CATTINI.

5. As soon as documents are received, the accused will be given an Italian translation of the Abstract of Evidence, and the British Officer, who will assist the Defence Counsel, will be supplied with an English copy of the same document.

6. There are other accused in connection with this case who have not yet decided on their choice of Defence Counsel. Immediately this HQ is informed you will be advised.

Brigadier,
Comd Naples Area

CC.

DISTRIBUTION :-

'A' 3 DISTRICT
GHQ CMF A-3
DJAG GHQ CMF
209 PW CAM
11 L of C Sigs (For Lieut. J.B.Rudkin R.Sigs)
55 Gp Pioneer Corps (For Capt.D Marlowe. 1003 German S Labour Unit)
26 General Transport Column RASC (For Capt.D.F.Pace.)(43 Coy RASC)
209 PW Camp (For Lt.Munsey)
3 Transit Camp

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

for :
Serial (12) ANNA MARIA CATTINI.

5. As soon as documents are received, the accused will be given an Italian translation of the Abstract of Evidence, and the British Officer, who will assist the Defence Counsel, will be supplied with an English copy of the same document.

6. There are other accused in connection with this case who have not yet decided on their choice of Defence Counsel. Immediately this HQ is informed you will be advised.

Brigadier,
Comd Naples Area

CC.

DISTRIBUTION :-

'A' 3 DISTRICT
GHQ CMF A-3
DJAG GHQ CMF
209 PW CAMP
11 L of C Sigs (For Lieut. J.B.Rudkin R.Sigs)
55 Gp Pioneer Corps (For Capt.D Marlowe. 1003 German S Labour Unit)
26 General Transport Column RASC (For Capt.D.F.Pace.)(43 Coy RASC)
209 PW Camp (For Lt.Munsey)
3 Transit Camp

LEGAL SUB-COMMISSION
CHIEF LEGAL ADVISOR
DEPUTY CHIEF LEGAL ADVISOR
CHIEF COUNSEL
STAFF OFFICER
WAR CRIMES SECTION
MEMBERS REVIEW BOARD

AUG 20 1946

141

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

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

FILE

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

4091P

MT/ns
20 August 1946

AC/4113/5/L

SUBJECT : War Crimes;
Petition on behalf of Col.F.P.TURCO.

TO : The Ministry of Pardon and Justice.

In reply to your Prot.N° 9727/46 of 7th August 1946 forwarding a petition on behalf of Col.TURCO, I have to inform you that Military Headquarters when advising this Sub Commission of the reduction of the death sentence to one of fifteen years imprisonment stated that no further petitions or appeals on behalf of Col. TURCO could be entertained for the present.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

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

Mod 402

C 4119/5

Roma 7.8.1946 anno

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI DELLE GRAZIE E DEL CASELLARIO

Alla Commissione Alleata
S.C.L. ROMA

Ufficio IV Grazie

Sez. N° 9727 /46

Negociato del Fascicolo

Div. Sez. N°

OGGETTO TUMEO Francesco
istanza per grazia

Sez 404 A

Si trasmette, per competenza, l'unita istanza riferendosi a condanna inflitta dal Tribunale Alleato .

D'ORDINE DEL MINISTRO

LEGAL DIVISION
CHIEF U.S.-L ADVISOR
DEPUTY CHIEF LEGAL ADVISOR
CHIEF COUNSEL
STAFF OFFICER
ITALIAN SECTION
MEMBERS REVIEW BOARD
AUG 19 1946

Corte Alleat

MINISTERO DI GRAZIA E GIUSTIZIA
Uffic Gen. Affari Civili
29 LUG 1946
SEGRETERIA

Al MINISTRO DI GRAZIA E GIUSTIZIA

= R O M A =

Il 10 aprile 1946 il Colonnelo Francesco Paolo Turco accoglieva col grido di"Viva l'Italia" la sen= tenza del Tribunale Alleato di Milano che lo condan= nava alla fucilazione.

La stessa Corte Alleata, per le risultanze ap= parse al dibattimento ha ritenuto di commentare la sentenza inflitta a un superdecorato e tre volte fe= rito dichiarando che la stessa Corte "inoltrava al Comando Supremo Alleato che doveva vagliare ed even= tualmente convalidare il verdetto una speciale racco= mandazione per la commutazione della pena capitale"

E la pena capitale fu ridotta a quindici anni di cetenzione .

L'attuale amnistia non contempla i condannati dai Tribunali Alleati.

A Lei - Signor Ministro - l'invocazione di una sposa e madre che è sorretta nel suo dolore, dall'ap= passionato grido che nessuna sbarra potrà mai soffoca=

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

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Comando Supremo Alleato che doveva vagliare ed even=
tualmente convalidare il verdetto una speciale racco=
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E la pena capitale fu ridotta a quindici anni
di detenzione .

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dai Tribunali Alleati.

A Lei - Signor Ministro - l'invocazione di una
sposa e madre che è sorretta nel suo dolore, dall'ap=
passionato grido che nessuna sbarra potrà mai soffoca=
re: Viva l'Italia.

Roma 7 luglio 1946

Elvira Turco Ricardi
Via tre Madonne N° 8 Int. 5 - Roma

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

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FILE

AG/A12/24.

19 August 1946

SUBJECT: Italian officials claimed by the French authorities as war criminals.

TO : ALLIED FORCE HEADQUARTERS.
Attn: G-5 Section.

1. You will find attached a letter from the French Liaison Officer to the Allied Commission stating the French Government requests the handing over of three alleged Italian war criminals for trial before a French Court.

2. The French Liaison Officer stated verbally that he understood that these men were still members of the Italian Police Force and had previously been employed by the Allies.

3. This HQ would appreciate being informed of whatever action, if any, you intend to take in the matter.

4. In the matter of war criminals does not come within the functions of the Allied Commission. I am writing to Force Headquarters.

For the Chief Commissioner:

M. S. BUSH

Brigadier,
Executive Commissioner.

Copy to: Chief Commissioner
Executive Commissioner } with copy of letter under reference.

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

C O P Y

COMMISSION ALLIÉE
en ITALIE

Rome le 9 Août 1946

Le Representant Français

N° 349

Le Capitaine de Vaisseau HERON De VILLEFOSSE
Représentant Français à la Commission Alliée
en Italie

à

Monsieur le Contre-Amiral Ellery STONE
Chief Commissioner A.C.

O B J E T : Arrestation de criminels de guerre.

P. Jointes: Copie du dossier N° 1267 de la Co mission de Londres.

REFERENCE : Art. 29 de l'Armistice du 29 Septembre 1943.

J'ai l'honneur de vous demander, de la part de mon Gouvernement, que soit procédé à l'arrestation, et ultérieurement à la remise aux mains des autorités françaises, des trois ressortissants italiens suivants:

BARRANCO, ex-chef de l'O.V.R.A. à Nice
VALENTE, alias SALERNO, ex-commissaire de l'O.V.R.A. à Nice
TISANI, alias PESCARA ou di RESTA, ex-commissaire de l'O.V.R.A. à Nice et Capitaine de Carabiniers.

Ces trois individus sont en effet inculpés d'association de malfaiteurs, homicides volontaires, arrestations illégales, séquestrations de personnes, coups et blessures, et vols, et de ce fait ont fait l'objet de mandats d'arrêt du juge d'Instruction près le Tribunal Militaire de MARSEILLE. D'autre part ils figurent sur la liste des Criminels de Guerre de la Commission des Nations Unies à LONDRES. Je joins à la présente lettre la copie du dossier N° 1267 de LONDRES donnant de plus amples détails sur ces individus.

Sgd.: de Villefosse

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

C O P I E

Dossier Londres 1267

Liste A.-

1° - BARRANCO ou BARANCO - Né en 1905, Chef de l'O.V.R.A. (Police politique italienne) de Nice
Ex-Consul d'Italie à NICE.
Figure sur Wanded liste CR. file N°205.811 comme SIPO, chief of Gestapo Nice, Security Suspect.

2° - VALENTE (Alias SALERNO)
Major des carabiniers royaux OVRA de NICE

3° - TISANI (Alias PESCARA ou Mario di RESTA ou de ARETA)
Capitaine de carabiniers OVRA de NICE (35 ans, 1 M 72, cheveux noirs ondulés).

Janvier - Juin 1943 (Alpes Maritimes)

Crime de guerre N° 3 : Tortures de civils
Crime de guerre N°13 : Pillage
Crime de guerre N° 3 : Art. 334 C.P. - PEINE DE MORT
Crime de guerre N°13 : Art 440 C.P. - 221 (222 C.J.M.) peine de mort
D.L. 1/9/39 - D/L/ 15/5/40)

Pendant la période d'occupation et plus particulièrement de janvier à Juin 1943, BARRANCO, Chef de l'O.V.R.A. de NICE, VALENTE et TISANI, Commissaires de l'OVRA ont fait arrêter de nombreuses personnes et leur ont fait subir des tortures à la villa "LYNWOOD" siège de l'OVRA. Ils se sont en outre approprié des sommes d'argent et des objets de valeur appartenant aux détenus.

De Janvier à Juin 1943, la police politique italienne de NICE ou OVRA, dont BARRANCO était le chef, a arrêté de nombreuses personnes et leur a fait subir les tortures au siège de cet organisme, à la villa LYNWOOD.

La principale torture employée par TISANI et VALENTE consistait à enchainer les détenus et à les faire tourner sans arrêt, nuit et jour sans aucune nourriture ni boisson, dans le couloir central de la cave jusqu'au moment où les suppliciés, à bout de forces, tombaient. Les carabiniers leur lançaient alors des seaux d'eau pour les ranimer, puis

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s'acharnaient sur eux à coups de pieds, de casque, de crosse, de mousqueton. (Dépositions de M. BLANCHARD, MESNARD, LEDERMAN, COSTE, CARENCO). M. GUETTA a été giflé par TISANI et a eu la machoire fracturée à la suite des coups reçus.

Un autre supplice, qui fut appliqué à M. CARENCO, consistait à passer aux prisonniers des menottes qui se réglaient à l'aide d'un clou spécial que l'on vissait jusqu'à ce que le sang se mette à couler. M. CARENCO en conserva la marque pendant près d'un an. Un autre peisonnier fur contraint d'absorber une grosse quantité de sel. Un jour, VALENTE s'adressant à un brigadier lui dit en parlant de M. CARENCO : "demain vous lui ferez creuser sa tombe. En attendant mettez-le dans une cellule.

VALENTE et TISANI se sont en outre appropriés d'importantes sommes d'argent et objets de valeur appartenant aux personnes qu'ils arrêtaient. Le Colonel BERNIS a été dépouillé de 82.000 francs et M. MESNARD de plus de 200.000 Fcs en pièces d'or, en timbres rares et en numéraire.

Dépositions de M. MESNARD en date du 30.9/44 (21/6/45, 25/7/45, 31/7/45)

P.V. d'audition du Colonel BERNIS
P.V. d'audition de M. CARENCO
P.V. d'audition de M. COSTI
P.V. d'audition du Capitaine DURAND
P.V. d'audition de M. LEDERMAN
P.V. d'audition de M. BLANCHARD.

----oooOooo----

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

3 3 Legat (407B

TRANSLATION

ALLIED COMMISSION IN ITALY Rome, 9th August 1946

407A

N.349 .

Le Capitain de Vaisseau Heron de Villefosse
French Repr. to Allied Commission in Italy to

Rear Admiral Ellery W.Stone
Chief Commissioner - A.C.

SUBJECT: Arrest of war criminals.

Enclosed:Copy of the file n.1267 of London's Commission

Ref. :Art.29 of Armistice 29 September 1943.

I have the honour to ask you, on behalf of my Government, for the arrest, and further for the hand over to the French Authorities, of the following Italian citizens.

[redacted], ex Chief of the OVRA at Nice.

[redacted], alias [redacted], ex commissioner of the OVRA at Nice.

[redacted], alias [redacted] or di [redacted], ex commissioner of the OVRA at Nice and Captain of Carabinieri.

These three men are in fact, charged with crimes, murders, illegal arrests, kidnapping, injuries and thefts, for which the investigating magistrate of the Military Tribunal in Marseille gave the order to arrest them.

Besides they appear on the list of war criminals of the United Nations Commission at London.

I enclose herewith the copy of the file n.1267 of London in which you will find more details about the above mentioned people.

/S/ HERON DE VILLEFOSSE .

for attachment to
AC/4119/5/2 dated
20th Aug 46

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

FILE

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

FILE
4064

AC/4119/5/1. MT/rm.
19 August 1946.

SUBJECT : War Crimes Trial, Banks Case.

TO : A.G. Branch
Naples Area
U.S.M.F.

1. Reference your signal AG (1) 5140 of 17 August 1946.

2. I enclose herewith a list received from the Ministry of Justice of advocates of the Naples Bar who have signified their willingness to appear on behalf of persons accused of War Crimes. It may be that you would like to submit the list to the three accused persons to enable each accused to choose his own counsel.

For the Chief Commissioner:

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

Incl.

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

NAPLES

ALOISI	Federico	- Piazza Mondragone, 13
APPIERMA	Gaetano	- Via Roma, 343
BORTI	Massimo	- Corso Umberto I°, 23
BORTI	Vittorio	- Corso Umberto I°, 23
CANDIDO	Augusto	- Santa Brigida, 51
CIAMPA	Salvatore fu Gennaro	- Via Roma, 418
CRESPO	Michele	- Enrico Pessina, 73
D'ELIA	Lorenzo	- Via De Pretis, 5
DELLA PIETRA	Andrea	- Piazza Vincenzo Calenda, 15
DI GIOVANNI	Giuseppe	- Via Giuseppe Mastrucci, 62
FERRARI	Giovanni	- S. Mattia, 50
FIORENTINO	Vittorio	- Via Latilla, 18
FOSCHINI	Nicola	- Via dei Mille, 40
FUGILLA	Luigi	- S. Anna dei Lombardi, 44
GUIDA	Giuseppe	- Chiatamone, 63
MASTROLILLI	Mario	- Via Roma, 24
MAZZA S.	Ettore	- S. Giuseppe dei Nudi, 18
PANDINI	Giovanni	- Piazza S. Domenico Maggiore, 9
PENTA	Giovanni	- Giuseppe Fiorelli, 5
PERRERA	Luigi	- Vico Zite, 48
PORZIO	Francesco	- Via Carlo Poerio, 90
REALE	Adriano	- Via di Chiaia nel nuovo rione, 20
RIBECCO	Vincenzo	- Via Tribunali, 245 (Materdei, 20)
STARACE	Lorenzo	- Corso Vittorio Emanuele, 86
TERRACCIANO	Ettore Leopoldo	- Galleria Umberto I°, 83

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+119/5

INCOMING MESSAGE

Legal 1057

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: AG (1) 514C

Date / Time of Origin: AUG 161700 B

Message Centre No: IV 5124

Date Time Rec'd: AUG 170900

Precedence: IMPORTANT

FROM: 'A' NAPLES AREA

TO : ALLIED LEGAL SUB-COMMISSION ROME

RESTRICTED

RESTRICTED.

Subject is banks case war crimes trial. The undermentioned accused have each requested civilian counsel to prepare defence ~~xxx~~ xxx for trial commincing 29 August 46 NAPLES. Request you will obtain services qualified defence counsel from Italian bar and inform this HQ of nominee.

Serial (9) GIOVANNI BELLINI Lieut.

Serial (26)UGO IANUZZI Captain

Serial (25)DINO MACCAPANI

Letter follows.

AC DIST

ACTION LEGAL (2)

INFO CHIEF COMMISSIONER
FILE
SKELETON

ACTION

Chief [illegible]
DEPUTY CHIEF LEGAL ADVISER
CHIEF COUNSEL
STAFF OFFICER
ITALIAN SECTION
MEMBERS REVIEW BOARD
AUG 17 1946

HEADQUARTERS
17 AUG 1946

RESTRICTED

AFG forwards
Verbatim Summary
[illegible]

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

Ministero di Grazia e Giustizia

DIREZIONE GENERALE
PER GLI ISTITUTI DI PREVENZIONE E DI PENA

Ufficio VI

Div. I^a 147869/72843 3P3A

Roma, 1 DIC 1946

Al Comando Generale
Carabinieri
ROMA

OGGETTO: Detenuto Kerzoner Walter.-

e p.c.: alla Commissione Alleata -Sottocommissione Legale (Rif.nota AC/4119/5/L del 1/8/1946)
ROMA

al Pubblico Ministero presso la Sezione Speciale Corte d'Assise (Rif.nota 173/46 del 24/7/46)
BOLZANO

alla Direzione delle carceri giudiziarie di
BOLZANO

La Commissione Alleata - Sottocommissione Legale ha dato incarico a questo Ministero di prendere in consegna l'individuo in oggetto dal Campo dei Prigionieri di Guerra n.209 in Afragola per tradurlo alle carceri di Bolzano a disposizione del Pubblico Ministero presso quella sezione speciale di Corte di Assise, che ne ha fatto richiesta.-

Si prega pertanto, codesto Comando Generale di voler impartire le necessarie disposizioni perchè tale traduzione sia effettuata con la maggiore sollecitudine.-

Si gradirà un cortese cenno di assicurazione.

Il Ministro

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



No action required.

Dept. of Justice informed on 12 Aug (p.392A)

that Margolies cannot be traced even

at present.

Ans.

19/8/46

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

FILE

HEADQUARTERS ALLIED COMMISSION
AFO 794
LEGAL SUB COMMISSION

403 A

AC/4II9/5/L

MT/ns
17 August 1946

SUBJECT : War Crimes : Petition of Col. F.P. TURCO.

TO : Prof. Avv. Comm Tancredi GATTI
Via Angelo Brofferio 3,
ROMA.

In reply to your letter of the 14th August regarding Col. F.P. Turco's application for pardon I have to inform you the sentence of death has been commuted to one of fifteen years imprisonment. In advising this Sub Commission of the commutation of sentence the Supreme Allied Command stated that "orders have been issued for this sentence to be put in execution and it is regretted that no further appeals or petitions can be entertained on behalf of Col. Turco."

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor

STUDIO GATTI
PENALE - CIVILE - AMMINISTRATIVO
ROMA - VIA ANGELO BROFFERIO, 3
TELEF. 31-815

DIRETTO DAL
PROF. AVV. COMM. TANCREDI GATTI
DELLA R. UNIVERSITÀ DI ROMA

4119/5

Roma, 14 agosto 1946

402A

Headquarters Allied Commission
Apo 394
Legal Sub Commission

242A

Con riferimento al foglio nº AC/4119/5/L qui diretto in data 25 aprile u.s. prego codesto Uf= ficio di voler far conoscere l'esito che ha ottenuto la domanda di grazia presentata a suo tempo, a favore del Col. F.P. TURCO.

In attesa di ricevere le informazioni ri= chieste, con osservanza. =

Avv. Gatti

LEGAL SUB COMMISSION
CHIEF LEGAL ADVISER
DEPUTY CHIEF LEGAL ADVISER
CHIEF COUNSEL
SUB-OFFICER

Mod. 3 - Ord. C.A. - 1000

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

242 A

Con riferimento al foglio n° AC/4119/5/L quì diretto in data 25 aprile u.s. prego codesto Ufficio di voler far conoscere l'esito che ha ottenuto la domanda di grazia presentata a suo tempo, a favore del Col. F.P. TURCO.

In attesa di ricevere le informazioni richieste, con osservanza. =

Avv. Gatti

LEGAL SUB COMMITTEE	
CHIEF LEGAL ADVISOR	
DEPUTY CHIEF LEGAL ADVISOR	
CHIEF COUNSEL	
STAFF OFFICER	
ITALIAN SECTION	
MEMBERS REVIEW BOARD	
AUG 16 1946	

AS/md

Si prega di citare nella risposta questo numero ▶ 04910/Mil.
Dirigere la risposta personalmente al Prof. Gatti.

Radio - Cable - Telegraph: LEGALGATTI - ROMA

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

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HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

FILE 401B

MT/pa.
15 Aug 1946

AC/4119/5/L.

SUBJECT : War Crimes: Defence Counsel.

TO : GHQ, C.M.F.

945A

1. Reference your 16000/A-3 of 18 April 1946.

2. A translation of a letter from the Ministry of Justice is enclosed herewith containing lists of Counsel submitted by the Bar Councils of Milan, Naples, Bologna and Ancona, and in the case of Milan the names of eight specialists in Criminal Law have been added.

3. The Ministry will inform us as soon as it receives a reply from the Treasury regarding the payment of fees by the Italian Government when the accused is unable to do so.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Encls.

12

TRANSLATION

SUBJECT : War Crimes - Expenses for the defence of accused persons who cannot afford counsel.

The Bar councils of Milan, Naples, Bologna and Ancona have communicated the following names of advocates who could undertake the defence before Allied Courts of persons accused of War Crimes, in case where they fall within the class of poor persons.

For Milan :

VACCHELLI Giuseppe	-	Corso Italia, 7.
BERTOLAZZI Aldo	-	Via Corridoni, 1.
CATELLI Lamberto	-	Corso Concordia, 11.
SUPPA Benedetto	-	Via Freguglia, 10.
GENOVESI Antonino	-	Via Corridoni, 1.
BERTOLAZZI Rodolfo	-	Via Colonetta, 5.
DONDINA Mario	-	Via Broletto, 43.
LUCCHINI Carlo	-	Via Malpighi, 8.
SONZINI Gianfranco	-	Largo Massimo Motari, 5.
DI MURO Raffaele	-	Via Vallazze, 26.
LO CURCIO Giuseppe	-	Via Lamarmora, 42.
VENEZZI Mario	-	Corso Monforte, 26.

In ~~the~~ case it should be required the following "Penalists" (Specialists in Criminal Law) have been also named same Bar Council.

DEGLI OCCHI Cesare	-	Via S. Sisto, 1.
DELITALA Giacomo	-	Via Meravigli, 7.
GONZALES Enrico	-	Via Freguglia, 4.
RE Ernesto	-	Via Donizetti, 2.
SBISA' Enrico	-	Via S. Barnaba, 49.
TARGETTI Ferdinando	-	Corso Buonaparte, 76.
VALENTE Antonio	-	Viale Regina Margherita, 38.
VENEZZI Mello	-	Corso Monforte, 26.

For Naples :

ALONGI Federico	-	Piazza Mondragone, 1.
AURIEMMA Gaetano	-	Via Roma, 343.
BOTTI Massimo	-	Corso Umberto Ia, 33.
BOTTI Vittorio	-	Corso Umberto Ia, 23.
CARBONE Augusto	-	Santa Brigida, 51.
CIAMPA Salvatore fu Gennaro	-	Via Roma, 418.
CRISCO Michele	-	Via Enrico Pessina, 73.
D'ELIA Lorenzo	-	Via De Pretis, 5.
DELLA PIETRA Andrea	-	Piazza Vincenzo Calenda, 15.
DI GIOVANNI Giuseppe	-	Via Giuseppe Marteucci, 42.
FERRARI Giovanni	-	Via S. MATTIA, 50.
FLOTTERON Vittorio	-	Via Ischia, 18.

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DONDINA Mario	-	Via Broletto, 43.
LUCCHINI Carlo	-	Via Malpighi, 8.
SONZINI Gianfranco	-	Largo Massimo Notari, 5.
DI MURO Raffaele	-	Via Vallazze, 26.
LO CURCIO Giuseppe	-	Via Lamarmora, 42.
VENENZI Mario	-	Corso Monforte, 26.

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DEGLI OCCHI Cesare	-	Via S. Sisto, 1.
DELITALA Giacomo	-	Via Meravigli, 7.
GONZALES Enrico	-	Via Freguglia, 4.
RE Ernesto	-	Via Donizetti, 2.
SERIA' Enrico	-	Via S. Barnaba, 49.
TARGETTI Ferdinando	-	Foro Buonaparte, 76.
VALENTE Antonio	-	Viale Regina Margherita, 38.
VENENZI Mello	-	Corso Monforte, 26.

For Naples :

ALONGI Federico	-	Piazza Mondragone, 13.
AURIEMMA Gaetano	-	Via Roma, 343.
BOTTI Massimo	-	Corso Umberto I°, 23.
BOTTI Vittorio	-	Corso Umberto I°, 23.
CARBONE Augusto	-	Santa Brigida, 51.
CIAMPA Salvatore fu Gennaro	-	Via Roma, 418.
CRISCO Michele	-	Via Enrico Pessina, 73.
D'ELIA Lorenzo	-	Via De Pretis, 5.
DELLA PIETRA Andrea	-	Piazza Vincenzo Calenda, 15.
DI GIOVANNI Giuseppe	-	Via Giuseppe Sartucci, 62.
FERRARI Giovanni	-	Via S. MATTIA, 50.
FLETTNER Vittorio	-	Via Latilla, 18.
FOSCHINI Nicola	-	Via dei Mille, 40.
FUSELLA Luigi	-	Via S. Anna dei Lombardi, 44.
GUIDA Giuseppe	-	Via Chiatamone, 63.
MASTROLILLI Mario	-	Via Roma, 24.
NASO Ettore	-	Via S. Giuseppe dei Nudi, 18.
PANSINI Giovanni	-	P.za. S.Domenico Magg. 9.
PENTA Giovanni	-	Via Giuseppe Miorelli, 5.
PESSINA Luigi	-	Via Vico Lito, 48.
PORZIO Francesco	-	Via Carlo Poerio, 90.
REALE Adriano	-	Via Di Gravina, 20.
RUBERTO Vincenzo	-	Via Tribunali, 243.
STAZIO Lorenzo	-	Corso Vitt. Eman., 86.
TERRACCIANO Ettore Leopoldo	-	Galleria Umberto I°, 83.

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For Bologna :

ARTELLI Riccardo	-	Via Castiglione, 11.
BOUTTIAU Umberto	-	Via Castiglione, 26.
BIANCHI Giorgio	-	Via Farini, 21.
CARDONA Giuseppe	-	Via Garibaldi, 7.
CICOGNANI Adolfo	-	Via Marchesana, 1[illegible].
DE CINQUE Ferdinando	-	Via Castiglione, 25.
FRIGGERI Attilio	-	Via S. Stefano, 30/2.
GIACOMELLI Renzo	-	Via Garibaldi, 4.
MASTELLARI Germano	-	Via S.Stefano, 17/
MELLONI Giuseppe	-	Via Farini, 11.
RUSSO Ernesto	-	Via Cesare Battisti, 4.
STOPPANO Sergio	-	Via Zamboni, 32.

For Ancona :

ROIA Remo	-	Corso Vitt. Eman., 9.
FIORE Umberto	-	Piazza Cavour, 3.
SPARAPANI Enrico	-	Via Castelfidardo, 4.
ASCOLI Corrado	-	Via Goito, 6.
CATALINI Ermenegildo	-	Corso Vitt. Eman. 19.
TAMBRONI Fernando	-	Piazza Umberto, 7.
TERNI Giorgio	-	Piazza Cavour, 1.

In regard to the payment of fees the Ministry of Treasury has been again asked to communicate their intentions.

The Legal Sub-Commission will be informed, as soon as the answer of said Ministry will be obtained.

For the Minister,
Sig. Ill.

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Mod 265 M.G.

4119/5

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI CIVILI
E DELLE LIBERE PROFESSIONI

Roma, li 10 agosto 1946

4007

Al la COMMISSIONE ALLEATA
- Sottocommissione legale -
ROMA

256A

+245-A

Ufficio VII
Prot. N.° 51.615

Risposta al Foglio del 4 maggio 1946
Div. *Sez.* AC/4119/5/L.

OGGETTO : Processi per crimini di guerra - Spese per la difesa degli imputati poveri.

I Consigli degli ordini forensi di Milano, Napoli, Bologna ed Ancona hanno comunicato i nomi dei sottonotati professionisti che potrebbero assumere la difesa degli imputati davanti ai tribunali alleati nei giudizi per crimini di guerra quando ricorrano condizioni di indigenza da parte degli imputati medesimi.

PER MILANO :

VACCHELLI Giuseppe	-	Corso Italia, 7
BERTOLAZZI Aldo	-	Via Corridoni, 1
CATELLI Lamberto	-	Corso Concordia, 11
SUPPA Benedetto	-	Via Freguglia, 10
GENOVESI Antonino	-	Via Corridoni, 1
BERTOLAZZI Rodolfo	-	Via Colonetta, 5
DONDINA Mario	-	Via Broletto, 43
LUCCHINI Carlo	-	Via Malpighi, 8
SONZINI Gianfranco	-	Largo Massimo Notari, 5
DI MURO Raffaele	-	Via Vallazze, 26
LO CURCIO Giuseppe	-	Via Lamarmora, 42
VENANZI Mario	-	Corso Monforte, 26

Per quanto possa occorrere sono stati designati anche i componenti " penalisti " dello stesso Consiglio dell'ordine.

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

Prot. N. 51.615 Div. Fer ACC/41197/71L.

OGGETTO : Processi per crimini di guerra - Spese per la difesa degli imputati poveri.

I Consigli degli ordini forensi di Milano, Napoli, Bologna ed Ancona hanno comunicato i nomi dei sottonotati professionisti che potrebbero assumere la difesa degli imputati davanti ai tribunali alleati nei giudizi per crimini di guerra quando ricorrano condizioni di indigenza da parte degli imputati medesimi.

PER MILANO :

VACCHELLI Giuseppe	-	Corso Italia,7
BERTOLAZZI Aldo	-	Via Corridoni,1
CATELLI Lamberto	-	Corso Concordia,11
SUPPA Benedetto	-	Via Freguglia,10
GENOVESI Antonino	-	Via Corridoni,1
BERTOLAZZI Rodolfo	-	Via Colonetta,5
DONDINA Mario	-	Via Broletto,43
LUCCHINI Carlo	-	Via Malpighi,8
SONZINI Gianfranco	-	Largo Massimo Motari,5
DI MURO Raffaele	-	Via Vallazze,26
LO CURCIO Giuseppe	-	Via Lamarmora,42
VENANZI Mario	-	Corso Monforte,26

Per quanto possa occorrere sono stati designati anche i componenti " penalisti " dello stesso Consiglio dell'ordine.

DEGLI OCCHI Cesare	-	Via S.Sisto,12
DELITALA Giacomo	-	Via Meravigli,7
GONZALES Enrico	-	Via Freguglia,4
RE Ernesto	-	Via Donizetti,2
SHISA' Enrico	-	Via S.Barnaba,49
TARGETTI Ferdinando	-	Foro Buonaparte,76
VALENTE Antonio	-	Viale Regina Margherita,38
VENANZI Nello	-	Corso Monforte,26

./.

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

PER NAPOLI :

ALONGI	Federico	- Piazza Mondragono,13
AURIEMMA	Gaetano	- Via Roma 343
BOTTI	Massimo	- Corso Umberto I°,23
BOTTI	Vittorio	- Corso Umberto I°,23
CARBONE	Augusto	- Santa Brigida,51
CIAMPA	Salvatore fu Gennaro	- Via Roma,418
CRISPO	Michele	- Enrico Pessina,73
D'ELIA	Lorenzo	- Via De Pretis,5
DELLA PIETRA	Andrea	- Piazza Vincenzo Calenda,15
DI GIOVANNI	Giuseppe	- Via Giuseppe Martucci,62
FERRARI	Giovanni	- S.Mattia,50
FLOTTERON	Vittorio	- Via Latilla,18
FOSCHINI	Nicola	- Via dei Mille,40
FUSELLA	Luigi	- S.Anna dei Lombardi,44
GUIDA	Giuseppe	- Chiatamone,63
MASTROLILLI	Mario	- Via Roma,24
NASO	Ettore	- S.Giuseppe dei Nudi,18
PANSINI	Giovanni	- Piazza S.Domenico Maggiore,9
PENTA	Giovanni	- Giuseppe Fiorelli,5
PESSINA	Luigi	- Vico Zite,48
PORZIO	Francesco	- Via Carlo Poerio,90
REALE	Adriano	- Via Di Gravina el Nuovo Rione,20
RUBERTO	Vincenzo	- Via Tribunali,243 (Materdei,20
STAZIO	Lorenzo	- Corso Vittorio Emanuele,86
TERRACCIANO	Ettore Leopoldo	- Galleria Umberto I°,83.

PER BOLOGNA :

ARTELLI	Riccardo	- Via Castiglione,11
BOUTTIAU	Umberto	- Via Castiglione,26
BIANCHI	Giorgio	- Via Farini,21
CARDONA	Giuseppe	- Via Garibaldi,7
CICOGNANI	Adolfo	- Via Marchesana,12
DE CINQUE	Ferdinando	- Via Castiglione,25
FRIGGERI	Attilio	- Via S.Stefano 3042
GIACOMELLI	Renzo	- Via Garibaldi,4
MASTELLARI	Germano	- Via S.Stefano,17
MELLONI	Guglielmo	- Via Farini,11
RUSSO	Ernesto	- Via Cesare Battisti,4
STOPPATO	Sergio	- Via Zamboni,32

PER ANCONA :

ROIA	Remo	- Corso Vittorio Emanuele,9
FIORE	Umberto	- Piazza Cavour,3
SPARAPANI	Enrico	- Via Castelfudardo,4
ASCOLI	Corrado	- Via Coito,6

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

FLOTTERON	Vittorio	-	Via Latilla,18
FOSCHINI	Nicola	-	Via dei Mille,40
FUSELLA	Luigi	-	S.Anna dei Lombardi,44
GUIDA	Giuseppe	-	Chiatamone,63
MASTROLILLI	Mario	-	Via Roma,24
NASO	Ettore	-	S.Giuseppe dei Nudi,18
PANSINI	Giovanni	-	Piazza S.Domenico Maggiore,9
PENTA	Giovanni	-	Giuseppe Fiorelli,5
PESSINA	Luigi	-	Vico Lite,48
PORZIO	Francesco	-	Via Carlo Poerio,90
REALE	Adriano	-	Via Di Gravina al Nuovo Rione,20
RUBERTO	Vincenzo	-	Via Tribunali,243 (Materdei,20
STAZIO	Lorenzo	-	Corso Vittorio Emanuele,86
TERRACCIANO	Ettore Leopoldo	-	Galleria Umberto I°,83.

PER BOLOGNA :

ARTELLI	Riccardo	-	Via Castiglione,11
BOUTTIAU	Umberto	-	Via Castiglione,26
BIANCHI	Giorgio	-	Via Farini,21
CARDONA	Giuseppe	-	Via Garibaldi,7
CICOGNANI	Adolfo	-	Via Marchesana,12
DE CINQUE	Ferdinando	-	Via Castiglione,25
FRIGGERI	Attilio	-	Via S.Stefano 30/2
GIACOMELLI	Renzo	-	Via Garibaldi,4
MASTELLARI	Germano	-	Via S.Stefano,17
MELLONI	Guglielmo	-	Via Farini,11
RUSSO	Ernesto	-	Via Cesare Battisti,4
STOPPATO	Sergio	-	Via Zamboni,32

PER ANCONA :

ROIA	Remo	-	Corso Vittorio Emanuele,9
FIORE	Umberto	-	Piazza Cavour,3
SPARAPANI	Enrico	-	Via Castelfidardo,4
ASCOLI	Corrado	-	Via Goito,6
CATALINI	Ermenegildo	-	Corso Vittorio Emanuele,19
TAMERONI	Fernando	-	Piazza Umberto,7
TERNI	Giorgio	-	Piazza Cavour,1

Circa il pagamento degli onorari nei casi di che trattasi si é nuovamente sollecitato il Ministero del Tesoro perché faccia conosce=

./.

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

Mod 266 M.G.

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI CIVILI
E DELLE LIBERE PROFESSIONI

Roma, 19

Al

Ufficio VII

Risposta al Foglio del

Div. Sez. N.°

Prot. N.°

OGGETTO

= 2 =

re i suoi intendimenti. Appena perverrà la risposta da parte del predetto Ministero, se ne darà notizia a codesta Commissione.

PEL MINISTRO

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

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

HEAD QUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

3994

MT/ns
13 August 1946

AC/4II9/5/L

SUBJECT : War Crimes: Carlo Pierino BEGHI.

TO : Pubblico Ministero presso
la Corte di Assise,
VARESE.

1. Further to our letter AC/4II9/5/L of 9 July 1946 enclosing the statements of Lt.Colonel Pawson and Captain Leviden, R.N.V.R., I enclose a further statement made by Major Michael Purrish, M.C., relating to the above case.

2. Please acknowledge receipt.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Incl.

12

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

MODULARIO G. G. - a - 1457

MINUTA

Mod. 1353 M. G.

4119/5

Roma, addì 10 AGO 1946 194

Ministero di Grazia e Giustizia

DIREZIONE GENERALE
per gli Istituti di prevenzione e di pena

10/8/46 Commissione Alleata Sottocommissione Italia ROMA

329A

Prot. N. —

Risposta al foglio del

Div. Sez.

OGGETTO: Detenuto [illegible]

In riferimento alla nota sopra indicata, si comunica che questo Ministero non è in grado di comunicare le generalità di quel detenuto in quanto, presso questo Archivio non risulta.

Ediz. 1945 - 28.277 - 16 c. (10.000) - (ord. 247)

LEGAL SUB COMMISSION
CHIEF LEGAL ADVISOR
DEPUTY CHIEF LEGAL ADVISOR
CHIEF COUNSEL
STAFF OFFICER
ITALIAN SECTION
MEMBERS REVIEW BOARD
AUG 13 1945

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

1119/5 360

LEGAL

398A

SUBJECT:- Treachery of Le Regie - ITALIAN NAVY.

CSDIC (LD).

16414/A-3.

9 Aug 46

To: Headquarters,
Allied Commission.

263A

Reference our 16414/A-3 of 26 Aug 46.

C

1. Further to our above quoted letter, a statement by Major Michael FARRELL, M.C. who was concerned in this case is forwarded. It is requested that it may be given to the ITALIAN authorities for disposal.

LEGAL SUB COMMISSION
CHIEF LEGAL ADVISER
DEPUTY CHIEF LEGAL ADVISER
CHIEF COUNSEL
STAFF OFFICER
ITALIAN SECTION
MEMBERS REVIEW BOARD
INITIAL :-

1 AUG 12

The case it is believed is being prepared by the Venice Court

See our l. to P.M., Venice
9/7/46 p. 336A.

R.W. Grieve Major
for Brig.
IC Adm.
7.8.46

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

+1195

Procura Generale Militare
presso il
Tribunale Supremo Militare

N. 2909 (208) del Catal.
(R. 1941 - Anno XX)

Roma, 1 agosto 1946 - XXIV

Al QUARTIER GENERALE DELLA
COMMISSIONE ALLEATA - A.P.O 394
SOTTOCOMMISSIONE LEGALE -
- ROMA -

Risposta al foglio del 28/6/46
Div. *Sez.* AC/4119/5/L.

Prot. N. 1169/Reg.Gen. *Allegati*

OGGETTO Crimini di guerra.- Sokota Messe Boris ed altri.-

331A

A seguito della richiesta telefonica odierna, si comunica che questa Procura Generale Militare ha interessato sin dal 7 luglio u.s. l'Ufficio del P.M. presso la Corte di Assise di Grosseto a fornire le notizie, di cui alla nota sopracitata, oggi stesso sollecitate telegraficamente.

Appena perverrà la risposta sarà cura di questo Generale Ufficio darne sollecita comunicazione a codesta Sottocommissione.

IL PROCURATORE GENERALE MILITARE
(U.Borsari)

M.D.-7-

Scrivere per ogni lettera un solo argomento ed indicare nella risposta il numero di protocollo e l'ufficio cui si risponde

Indirizzo telegrafico: ..... c.c. postale n. .....

File

Avv. c/o

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

4119/5

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

Legal s/c 9799 396A

G-5: 936.42

27 July 1946

SUBJECT: War Crimes - SOKOTA Boris.

TO : Chief Commissioner,
Allied Commission, APO 794
(Attn: Legal Sub-Commission).

330A

Lr. 231A

1. Reference your AC/4119/5/L dated 13 June 46 and our G-5: 936.42 dated 26 June 46.

2. Will you please enquire whether the queries raised in our above quoted letter can now be answered and if not when may an answer be expected.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

for A. L. HAMBLEN
Colonel, G.S.C.
Assistant Chief of Staff, G-5

JUL 29 1946

Procura Militare
Asked by telephone for reply to our Lr. of 28 June (331A)

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

FILE

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

2905
MT/ns
12 August 1946

AC/4119/5/L

SUBJECT : War Crimes;
Trial of DURELLO Natale and Others.

TO : The Ministry of Pardon and Justice.

1. Reference Prot.N° 131.430.888 of 18th July 1946, forwarding a letter from the P.M. of the Special Court of Assize, Padova, regarding the trial of DURELLO Natale and Others for the killing of Le Roux and Goodwin.

2. I should be obliged if you would inform the P.M. that there is no objection to the Italian Courts proceeding with the trial of the above named persons and BALASSO Quintino for the killing of two escaped British Prisoners of War Le Roux and Goodwin. May this Sub Commission please be kept fully informed of the progress of these proceedings.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

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

4119/5

CONFIDENTIAL

Legal 107

GHQ CMF 394A

16171/21/A3

1 Aug 46

SUBJECT:- War Crimes - Killing of LE ROUX and GOODWIN

CONFIDENTIAL

HQ Allied Commission,
Legal Sub Commission.

375A

Jse 463A

4 49cA

Reference your letter AC/4119/5/L dated 25 July 46.

1. It is agreed that you should instruct the Ministry of Justice to proceed with the case against BALASSO Quintino.

2. It appears from the letter from the Special Section of the Court of Assize at Padova dated 10 July 46 forwarded with your above quoted letter, that, in accordance with our letter G1(Br)/15184/A3 dated 8 Sep 45, the charges brought in the Italian court against BURELLO, COLO and DALLA PRIA were in connection with their collaborationist activities and not in connection with the killing of the two escaped British PsW, LE ROUX and GOODWIN. It is therefore now confirmed, as was stated in this HQ letter of even reference dated 17 June 46, that this HQ has no objection to the Italian authorities trying these three men and BALASSO Quintino on a charge of killing LE ROUX and GOODWIN.

3. May this HQ please be kept fully informed of the proceedings in the Italian courts in connection with this last named crime.

Brig,
IC Adm

MK

CONFIDENTIAL

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

Legal
9884
394A

FILE

4119/5

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

30 July 1946.

G-5: 965.21

SUBJECT: Service of Divorce Papers on a German PW.

TO : Chief Commissioner,
Allied Commission,
APO 794.

348 P

Reference your AC/4119/5/L of 19 July.

It is no part of Allied Commission's functions to act as Liaison between the Charge d'Affaires of other countries and this Headquarters or to act on behalf of individuals with branches of this Headquarters. In all such cases will you please not accept any papers but inform the applicant that he should communicate direct with this Headquarters. In this case a reply is being sent direct to the Danish Charge d'Affaires.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

A. L. HAMBLEN
Colonel, G.S.C.
Assistant Chief of Staff, G-5

CHIEF
DEPUTY CHIEF OF STAFF
CHIEF COUNSEL
STAFF OFFICER
ITALIAN SECTION
MEMBERS REVIEW BOARD
AUG 1 - 1946

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

FILE

CONFIDENTIAL

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

398A
HT/ns
12 August 1946

AC/4119/5/L

Sec 418A

SUBJECT : War Crimes : MARZONER Walter.

TO : The Ministry of Pardon and Justice.

1. With reference to our letter AC/4119/5/L of 1st August 1946, the following communication has just been received from Allied Force Headquarters:

"It is regretted that authority cannot yet be given for the handover of MARZONER to the Italian authorities, since it has now been found that he is of interest to the American Theatre Judge Advocate.

You will be informed by cable as soon as it is possible for this handover to be authorised. On receipt of this cable you are requested to inform this HQ of the full names of the Italian escort nominated to collect MARZONER from 209 PW Camp and the approximate date on which they will arrive to collect him. The escort, when sent, should be in possession of a written authority to take delivery of this man."

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

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

4119/5 331

CONFIDENTIAL.

LEGAL

SUBJECT: War Crimes : Walter MARZONER.

GHQ CMF
16171/65/A.3. 394A
8 Aug 46.

CONFIDENTIAL

HQ Allied Commission,
Legal Sub Commission.

384A

Reference your letter AC/4119/5/L dated 1 Aug 46.

1. It is regretted that authority cannot yet be given for the handover of MARZONER to the Italian authorities, since it has now been found that he is of interest to the American Theatre Judge Advocate.

2. You will be informed by cable as soon as it is possible for this handover to be authorised. On receipt of this cable you are requested to inform this HQ of the full names of the Italian escort nominated to collect MARZONER from 209 PW Camp and the approximate date on which they will arrive to collect him. The escort, when sent, should be in possession of a written authority to take delivery of this man.

CONFIDENTIAL

Brig,
IC Adm.

/br.

CHIEF LEGAL ADVISOR
DEPUTY CHIEF LEGAL ADVISOR
LEGAL COUNSEL
LEGAL OFFICER
PLANNING SECTION
WAR CRIMES REVIEW BOARD
AUG 12 1946

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

Papers with CEA
Annex are to file
7 Forms

in Warsaw file
July - Sept 45

4005

Roma 9 agosto 1947

Alla PROCURA GENERALE MILITARE Via degli Acquasparta Roma

e per copia alla COMMISSIONE ALLEATA Divisione Legale Roma

Oggetto: macchina recuperata tedesca "BMW" - telaio e motore n° 90404

Il sottoscritto Capt. A.A.r.n.Pilota in S.P.E. Leonardo Bargoni si permette esporre quanto segue:

in data novembre '44 il sottoscritto recuperò in località Pozzolo Umbro (Perugia) un relitto di autovettura tedesca "BMW" in pessime condizioni e ricostruì questo relitto a proprie spese, sia mediante l'acquisto di parti meccaniche che mediante l'impiego della propria capacità lavorativa. In data 14.6.46 il sottoscritto fece collaudare in Perugia dall'Ingegnere dell'Ispettorato Compartimentale della Motorizzazione Civile di Roma detto relitto ai fini previsti dal DLL n° 49 del gennaio 1945. In data 4 ottobre '46 il Giudice Istruttore Cap. Valocchi, addetto al Tribunale Militare di Firenze, spiccava mandato di cattura nei confronti del sottoscritto, contestando vari capi di accusa. In data 24.1.47 veniva concessa la libertà provvisoria. Il procedimento è tuttora in istruttoria presso il detto Tribunale Militare di Firenze. L'autoveicolo veniva sequestrato quale corpo di reato dall'Autorità Giudiziaria Militare in data 17 luglio 1946 e dato in consegna al Comandante l'Aeroporto di Castiglione del Lago senza però che si provvedesse ad apposizione di sigilli. All'atto del sequestro si constatò mediante scritturazione di verbale lo stato di perfetta efficenza del veicolo e fu anche ricevuta a verbale una dichiarazione dello scrivente per quanto riguarda le spese sostenute per la ricostruzione.

Si tenga presente che l'Amministrazione Aeronautica Italiana pretende di aver diritto alla proprietà della macchina stessa. Questa questione di carattere puramente civile verrà discussa e trattata al momento opportuno, salvo gli accertamenti incidentali di natura civile necessari al trattamento della questione penale. Si noti che la Divisione Legale e la Sottodivisione Materiale Nemico Catturato del Comando Alleato, rispettivamente con lettera G-5 930.000 del 25 marzo'47 e CEM/74 del 18 marzo '47 hanno escluso in modo definitivo ogni diritto dell'Amministrazione Aeronautica Italiana sul veicolo.

Il sottoscritto aggiungerà poi la cit vivil

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

Il sottoscritto Capt. [illegible] Leonardo Bargoni si permette esporre quanto segue:

In data novembre '44 il sottoscritto recuperò in località Pozzolo Umbro (Perugia) un relitto di autovettura tedesca "BMW" in pessime condizioni e ricostruì questo relitto a proprie spese, sia mediante l'acquisto di parti meccaniche che mediante l'impiego della propria capacità lavorativa. In data 14.6.46 il sottoscritto fece collaudare in Perugia dall'Ingegnere dell'Ispettorato Compartimentale della Motorizzazione Civile di Roma detto relitto ai fini previsti dal DLL n° 49 del gennaio 1945. In data 4 ottobre '46 il Giudice Istruttore Cap. Velacchi, addetto al Tribunale Militare di Firenze, spiccava mandato di cattura nei confronti del sottoscritto, contestando vari capi di accusa. In data 24.1.47 veniva concessa la libertà provvisoria. Il procedimento è tuttora in istruttoria presso il detto Tribunale Militare di Firenze. L'autoveicolo veniva sequestrato quale corpo di reato dall'Autorità Giudiziaria Militare in data 17 luglio 1946 e dato in consegna al Comandante l'Aeroporto di Castiglione del Lago senza però che si provvedesse ad apposizione di sigilli. All'atto del sequestro si constatò mediante scritturazione di verbale lo stato di perfetta efficienza del veicolo e fu anche ricevuta a verbale una dichiarazione dello scrivente per quanto riguarda le spese sostenute per la ricostruzione.

Si tenga presente che l'Amministrazione Aeronautica Italiana pretende di aver diritto alla proprietà della macchina stessa. Questa questione di carattere puramente civile verrà discussa e trattata al momento opportuno, salvo gli accertamenti incidentali di natura civile necessari al trattamento della questione penale. Si noti che la Divisione Legale e la Sottodivisione Materiale Nemico Catturato del Comando Alleato, rispettivamente con lettera G-5 S30.000 del 25 marzo'47 e CEM/74 del 18 marzo '47 hanno escluso in modo definitivo ogni diritto dell'Amministrazione Aeronautica Italiana sul veicolo.

Il sottoscritto apprendeva con la più viva sorprese che la macchina de quo era stata consegnata al Comando 3^ Zona Aerea Territoriale di Roma con facoltà di uso per servizio.

Il sottoscritto si permette di far presente che detta consegna è assolutamente illegale perchè:

a) la macchina costituisce corpo di reato ed andava perciò sequestrata

b) l'Amministrazione Militare Aeronautica Italiana è partein causa ed è da ritenersi violazione dei più elementari diritti l'assegnazione, prima della pronuncia definitiva, dell'oggetto in contestazione, ad una delle parti

c) la messa in uso della macchina ne può causare indebitamente il grave logorio con esclusivo pregiudizio dello scrivente proprietario

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

d) l'operato del Tribunale Militare Territoriale di Firenze contrasto con quanto ritenuto dal Comando Alleato.

Tutto ciò premesso e considerato il sottoscritto prega codesta Procura di assumere con cortese urgenza le dovute informazioni e disporre affinchè la macchina venga restituita allo scrivente proprietario o, quanto meno, sequestrata come corpo di reato ed affidato a terza persona estranea.

In attesa si prega di far cessare immediatamente l'indebito uso della macchina da parte della Amministrazione Militare Aeronautica (Comando 3^ Zona Aerea Territoriale).

In attesa di cortesi comunicazioni da parte di codesta Procura Generale

Con perfetta osservanza

Capt. Leonardo Bargoni

Capt. Pil. Leonardo BARGONI
Viale 21 Aprile 34 Roma
Castiglione del Lago (Perugia)

Allegati: ad uso della Procura Generale Militare si allegano cinque fogli dattilografati quali copie autenticate dal Comandante l'Aeronucleo di Castiglione del Lago della domanda e relative risposte della C.A. e lettera di trasmissione al Tribunale Militare di Firenze.

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

...quanto meno, sequestrate come corpo di reato ed ...ngo restituite allo scriven-
...tario e terza persona estranea.
In attesa si prega di far cessare immediatamente l'indebito uso della macchina da parte della Amministrazione Militare Aeronautica (Comando 3^ Zona Aerea Territoriale).
In attesa di cortesi comunicazioni da parte di codesta Procura Generale

Con perfetta osservanza

Cap. Leonardo Bargoni

Capt. Pil. Leonardo BARGONI
Viale 21 Aprile 34 Rome
Castiglione del Lago (Perugia)

Allegati: ad uso della Procura Generale Militare si allegano cinque fogli dattilografati quali copie autenticate dal Comandante l'Aeronucleo di Castiglione del Lago delle domande e relative risposte della C.A. e lettera di trasmissione al Tribunale Militare di Firenze.

407

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

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

ACCOMANDATA CON RICEVUTA DI RITORNO

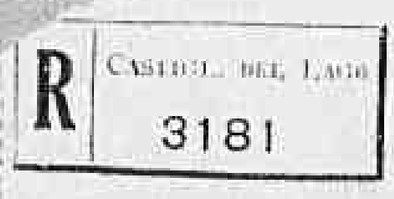






Alla COMMISSIONE ALLEATA
Divisione Legale
Via Veneto

ROMA



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

Leonardo Bargoni, Roma le 21 aprile 34 Roma

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

ACC

10000/142/773
(VOL. 3)

CORRESPONDENCE
MAY 1946 - SEPT
(2 OF 2)

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

10000/142/773
(VOL. 3)

CORRESPONDENCE CONCERNING WAR CRIMES & WAR CRIMINALS
MAY 1946 - SEPT. 1946; (AUG. 1947)
(2 OF 2)

MANO CON RICEVUTA

Mod.402

411915

Ministero di Grazia e Giustizia

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

Roma, 2 Agosto 1946

390A

Al PROCURATORE GENERALE presso
il Tribunale Supremo Militare
R O M A

Uffic. II°A.P. Prot. N. 2485.131.780

Risposta al f. N. 1367
del 10 Aprile 1946

OGGETTO PETRELLI Nazzareno e FREDIANI Friedel.-

301A

e per conoscenza:

ALLA COMMISSIONE ALLEATA
Sottocommissione Legale
(Rif.f. 11.6.1946 n° AC/4119)
R O M A

ALL'UFFICIO COLLEGAMENTO
(Rif.f. 9.5.1946 n° pari)
S E D E

****

In seguito al foglio suindicato, relativo al procedimento penale a carico di PETRELLI Nazzareno e FREDIANI Friedel, furono fatte le opportune comunicazioni alla Commissione Alleata - Sottocommissione Legale - facendo presente l'opportunità che le richieste della Commissione stessa, riguardanti procedimenti di competenza dell'Autorità Giudiziaria Militare, fossero fatte direttamente a codesta Procura Generale Militare.-

105

Senonchè con nota dell'11 Giugno u.s. n. 4119, la surripetuta Commissione ha chiesto a questo Ministero notizie circa lo esito del ricorso per annullamento proposto da codesto Generale Ufficio avverso la sentenza 20.3.1946 del Tribunale Militare di Fi-

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

10 Aprile 1946

OGGETTO PETRELLI Nazzareno e FREDIANI Friedel.-

301A

e per conoscenza:

ALLA COMMISSIONE ALLEATA
Sottocommissione Legale
(Rif.f. 11.6.1946 n° AC/4119)
R O M A

ALL'UFFICIO COLLEGAMENTO
(Rif.f. 9.5.1946 n° pari)
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****

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100

Senonchè con nota dell'11 Giugno u.s. n. 4119, la surripetuta Commissione ha chiesto a questo Ministero notizie circa lo esito del ricorso per annullamento proposto da codesto Generale Ufficio avverso la sentenza 20.3.1946 del Tribunale Militare di Firenze che assolveva i prevenuti dall'imputazione di collaborazionismo e condannava il PETRELLI a 24 anni ed il FREDIANI a 21 anni di reclusione per omicidio.-

./.

No action required. File.

[illegible] 6/8

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

La stessa Commissione ha inoltre ~~in~~ richiesto ulteriori dettagli sui fatti e le circostanze, rivelati al processo, sulla morte di ROBERT COLLINS.-

Si prega pertanto la S.V.Ill.ma di volere con cortese sollecitudine mettere in grado questo Dicastero di corrispondere alle richieste suindicate.-

per il MINISTRO

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

Mod 8:W

+119/5

RACCOMANDATA = URGENTE

Bal

Ministero dell'Interno

DIREZIONE GENERALE DELLA P.S.=DIVISIONE S.I.S.=Sez.II^

N.224/79589
Risp. a Nota del 23.6.c.a.
N° 216034/II.232.5.2.

Roma, I agosto 1946.==

OGGETTO: Crimini di guerra - PATACCHINI Vittorio.==

AL MINISTERO DELLA GUERRA-Gabinetto -

R O M A

e per conoscenza

ALLA COMMISSIONE-ALLEATA-Sottocommissione Legale

R O M A

ALLA COMMISSIONE ALLEATA-Sotocommissione per la P.S.

R O M A

LAND FORCES-SUB COMMISSION A.C.(M.M.I.A.)

R O M A

105

In relazione al foglio sopradistinto ed a seguito della nota p.n. del 24 luglio u.sc., si comunica che la Questura di Venezia ha riferito che il detenuto PATRACCHINI Vittorio fu Nicola é stato prelevato da quelle carceri il I6 luglio scorso da un ufficiale del Comando Po-

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

Risp. a Nota del 23.6.C.a.
N° 216034/II.232.5.2.

Roma, 1 agosto 1945.==

OGGETTO: Crimini di guerra - PATACCHINI Vittorio.==

AL MINISTERO DELLA GUERRA-Gabinetto -

R O M A

e per conoscenza

ALLA COMMISSIONE ALLEATA-Sottocommissione Legale

R O M A

ALLA COMMISSIONE ALLEATA-Sottocommissione per la P.S.

R O M A

LAND FORCES-SUB COMMISSION A.C.(M.M.I.A.)

R O M A

105

In relazione al foglio sopradistinto ed a seguito della nota p.n. del 24 luglio u.sc., si comunica che la Questura di Venezia ha riferito che il detenuto PATRACCHINI Vittorio fu Nicola é stato prelevato da quelle carceri il 16 luglio scorso da un ufficiale del Comando Polizia R.A.F. presso la Questura di Roma per essere quì tradotto a disposizione Polizia Militare Inglese.==

p. IL MINISTRO

No action required

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

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

4119/5

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Pearl 3 PM

Originator's Reference: AG 1104

Date/Time of Origin: AUG.

Message Centre No: H/5409

Date Time Rec'd: AUG. 071200

Precedence: ROUTINE

FROM: 211 SUB AREA

TO : DISTHREE ,INFO: ALLIED COMMISSION LEGAL SUB COMMISSION

UNCLASSIFIED:

Ref your AG 131 date 03 subject CORRADO SORCENTI Allied Commission requested by signal 22 July 46 to collect SORCENTI no action yet been taken. For Allied Commission please collect soon.

AC DIST

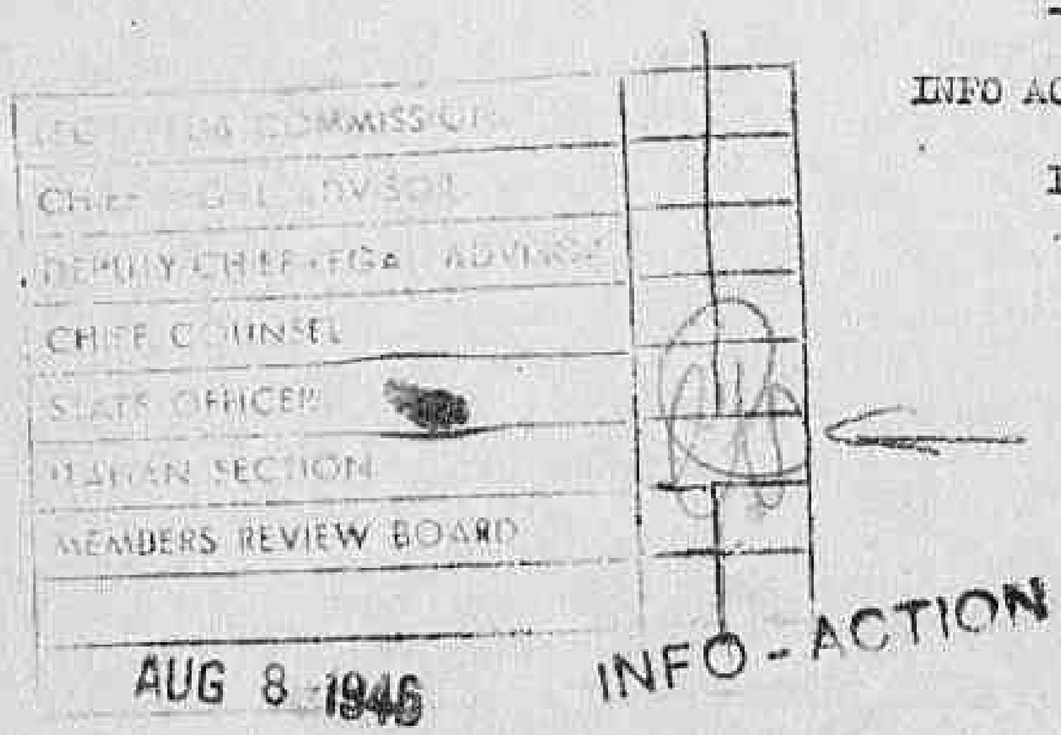
INFO ACTION - LEGAL SC

INFO - CHIEF COMMISSIONER

C.A. SEC

FLOAT 2

FILE





If Borcelli telephoned to send stolets directly out to Geneva to take delivery of Borcelli 8/8 Ant.

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

9961

Pamphlet 384/A

SUBJECT:- Handover of Italian PW to Italian Authorities for trial

GHQ CMF
3659/A2
30 Jul 46

HQ Allied Commission,
Legal sub-Commission,

Reference our 3659/A2 of 19 Jul 46, please delete last paragraph of above-quoted letter, SCROFFI is handed over to Italian authorities unreservedly.

J.B. ROBERTSON, Brig.
DAG.

DSF/AP

Copy to:- GHQ 2nd Echelon
HQ 3 District
A-3 (Your 16171/46/A3 of 26 Jul refers)

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

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

FILE 386A

AC/4II9/5/L

JKW/ns
9 August 1946.

SUBJECT : Wanted persons.

TO : Minister of Grace and Justice.

1. May we be informed if any of the persons named on the attached list are wanted on charges or offences against Italian law.

2. It is desired that this request for reply be treated as urgent.

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

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

NAME	NATIONALITY
AMORI Luigi	Italian
BORDON Luigi milite	Italian
CATTANI Anna Maria	Italian
CITERNI Teodorico Col	Italian
FABBRI Mario Sgt	Italian
FABBRIES Ottorino Sgt	Italian
FERRACINI Olimpio milite	Italian
GALDIERI Guido Lieut	Italian
GORI Mario Col	Italian
IANUZZI Ugo Capt	Italian
MACCAPANI Dino	Italian
MARIUCCI Filippo	Italian
MASCI Sabatino Lieut	Italian
MUSETTI Luigi Capt	Italian
MUSETTI Pietro Capt	Italian

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

NAME	NATIONALITY
OTTRIA Guido	Italian
PAVANNINI Federico milite	Italian
PATRACCHINI Vittorio milite	Italian
RAMEZZANO Ernesto	Italian
TUROLLA Sara	Italian
VECCHI Valeriano	Italian
VIEGI Sergio milite	Italian
VIGLIANO Antonio	Italian
ZAMBON Carlo	Italian

Legal

103

3P5

4119/5

CONFIDENTIAL

SUBJECT:- War Crimes - Disposal of acquitted war criminals.

GHQ CMF

16000/ENC2/13

1 Aug 46

CONFIDENTIAL

G2(C1)AFHQ.
JA MMOUSA.
DJAC GHQ CMF.

1. At Appendix A to this letter is a list of alleged war criminals who will be brought to trial before British Military Courts within the next six weeks, charged with having committed war crimes.

2. It is the policy of this HQ as soon as possible after trial to release acquitted war criminals, to hand them over to other wanting authorities or to revert them to previous PW status, whichever may be applicable.

3. This course will be taken in respect of any of the persons listed at appendix A who may be acquitted, subject to any comments you may have to make.

4. You are therefore requested to inform this HQ as soon as possible of any special interest you may have in the disposal of any of these subjects.

/

Brig.
IC Adm

Copy to:- HQ Allied Commission
Legal Sub Commission
HQ Allied Commission
Public Safety Sub Commission
Security Division
Land Forces Sub Commission

(The information contained in the name and nationality columns at Appendix A may be transmitted to the Italian authorities. The remaining information should not be disclosed.

JC (MMA)ROME

Files:- 16023/43
16025/43
16025/1/43
16030/4/43
16141/2/43
16141/6/43
16141/13/43
16141/19/43
16171/29/43
16171/50/43

94

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

+119/5

Legal

CONFIDENTIAL

103

SUBJECT:- War Crimes - Disposal of acquitted war criminals.

385

GHQ CMF

16000/ENC2/A3

1 Aug 46

CONFIDENTIAL

G2(C1)AFHQ.
JA MTOUSA.
DJAC GHQ CMF.

1. At Appendix A to this letter is a list of alleged war criminals who will be brought to trial before British Military Courts within the next six weeks, charged with having committed war crimes.

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Brig.
IC Adm

Copy to:- HQ Allied Commission
Legal Sub Commission
HQ Allied Commission
Public Safety Sub Commission
Security Division
Land Forces Sub Commission IC (MMLA)RCME
(The information contained in the name and nationality columns at Appendix A may be transmitted to the Italian authorities. The remaining information should not be disclosed).

Files:- 16025/A3
16025/A3
16025/1/A3
16036/4/A3
16141/2/A3
16141/6/A3
16141/13/A3
16141/19/A3

93

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

1. At Appendix A to this letter is a list of alleged war criminals who will be brought to trial before British Military Courts within the next six weeks, charged with having committed war crimes.

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Brig.
IC Adm

Copy to:- HQ Allied Commission
Legal Sub Commission
HQ Allied Commission
Public Safety Sub Commission
Security Division
Land Forces Sub Commission AC (MMIA)ROME

(The information contained in the name and nationality columns at Appendix A may be transmitted to the Italian authorities. The remaining information should not be disclosed.

Files:- 16025/A3
16025/A3
16026/1/A3
16036/4/A3
16141/2/A3
16141/6/A3
16141/13/A3
16141/19/A3
16171/29/A3
16171/50/A3
16171/52/A3
16171/66/A3
16171/90/A3
16171/111/A3

LEGAL SUB COMMISSION
CHIEF LEGAL ADVISOR
DEPUTY CHIEF LEGAL ADVISOR
CHIEF COUNSEL
STAFF OFFICER
ITALIAN SECTION
MEMBERS REVIEW BOARD
AUG 1946

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

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

APPENDIX A TO GHQ CMF LETTER 16000/ENC2/A3 DATED / AUG 46.

NAME	NATIONALITY	GHQ CMF File	BRIT MAT OFF & UNWCC REF	OC
AMORI Luigi	Italian	16171/52/A3	UNWCC CHGE NO UK 1/B 69	Being concerned in t NORCIA, Italy on 4 F
BAUMANN Georg	Austrian	16141/19/A3	BR MAT OFF CHGE NO UK G/B 565	Being concerned in t KLEINFELGITSCH in M
BORDON Luigi, Milite	Italian	16171/90/A3	BR MAT OFF CHGE NO UK G/B 505	Being concerned in t R/F pilot at ARIANO
BRANDT Ernst, Untersturmfuhrer	German	16171/111/A3		Being concerned in BORGO, Italy in Dec
CATANI Anna Maria	Italian	16171/90/A3	BR MAT OFF CHGE NO UK G/B 505	Being concerned in R/F Pilot at ARIANO
CITERNI Teodorico Col	Italian	16023/A3	UNWCC CHGE NO UK 1/B 129	Being concerned in PG 82 LATERINA in 1
FABBRI Mario Sgt	Italian	16171/90/A3	BR MAT OFF CHGE NO UK G/B 505	Being concerned in R/F Pilot at ARIANO
FABBRIES Ottorino Sgt	Italian	16171/90/A3	BR MAT OFF CHGE NO UK G/B 505	Being concerned in R/F Pilot at ARIANO
FELGITSCHER Johann	Austrian	16141/19/A3	BR MAT OFF CHGE NO UK G/B 565	Being concerned in KLEINFELGITSCH in
FERRACINI Classio Milite	Italian	16171/90/A3	BR MAT OFF CHGE NO UK G/B 505	Being concerned in R/F Pilot at ARIAN
FRITZ Johann	German	16141/13/A3	BR MAT OFF CHGE NO UK G/B 320 UNWCC REF NO 1911/UK/G 317	Being concerned in in March 42
GALDIERI Guido Lieut	Italian	16025/A3		Being concerned in in 1942 and 1943.

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

/ENC2/A3 DATED / AUG 46. CONFIDENTIAL

NALITY	CHQ CLF File	BRIT NAT OFF & UNWCC REF	OUTLINE OF CHARGE
alian	16171/52/A3	UNWCC CHGE NO UK 1/B 69	Being concerned in the killing of two British PsW at NORCIA, Italy on 4 May 44.
strian	16141/19/A3	BR NAT OFF CHGE NO UK G/B 565	Being concerned in the illtreatment of a PW at KLEINFELGITSCH in May 43.
alian	16171/90/A3	BR NAT OFF CHGE NO UK G/B 505	Being concerned in the illtreatment and death of a R/F pilot at ARIANO POLESINE in Dec 44.
rman	16171/111/A3		Being concerned in the killing of 2 British PsW at BORGO, Italy in Dec 44.
alian	16171/90/A3	BR NAT OFF CHGE NO UK G/B 505	Being concerned in the illtreatment and death of a R/F Pilot at ARIANO POLESINE in Dec 44.
alinn	16023/A3	UNWCC CHGE NO GK 1/B 129	Being concerned in the illtreatment of PsW at Camp PG 82 LATERINA in 1942 and 1943
clish	16171/90/A3	BR NAT OFF CHGE NO UK G/B 505	Being concerned in the illtreatment and death of a R/F Pilot at ARIANO POLESINE in Dec 44
alian	16171/90/A3	BR NAT OFF CHGE NO UK G/B 505	Being concerned in the illtreatment and death of a R/F Pilot at ARIANO POLESINE in Dec 44.
strian	16141/19/A3	BR NAT OFF CHGE NO UK G/B 565	Being concerned in the illtreatment of a PW at KLEINFELGITSCH in May 43.
alian	16171/90/A3	BR NAT OFF CHGE NO UK G/B 505	Being concerned in the illtreatment and death of a R/F Pilot at ARIANO POLESINE in Dec 44.
rman	16141/13/A3	BR NAT OFF CHGE NO UK G/B 320 UNWCC REC NO 1911/UK/G 317	Being concerned in the killing of a PW at PERNECG in March 42
alian	16025/A3		Being concerned in the illtreatment of PsW at PADUA in 1942 and 1943.

.../- 2 -

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

APPENDIX A TO GHQ CMF LETTER 16000/ENC2/A3 DATED / AUG 1946

NAME	NATIONALITY	GHQ CMF File	BRIT NAT OFF & UNWCC REF	C
GLSSNER Viktor 2/Lt	German	16141/2/A3	BRIT NAT OFF CHGE NO UK G/B 409 UNWCC CHGE NO 2211/UK/G/B 406	Being concerned ETZELSDORF, nea
GEIGER Georg Joachim Gefr	German	16171/90/A3	BRIT NAT OFF CHGE NO UK G/B 505	Being concerned an RAF Pilot at
von GLUNSTLETTEN, Baron, Aryan ALBER	German	16171/66/A3	BRIT NAT OFF CHGE NO UK G/B 553	Being concerned airman at PEGGI
GORI Mario Col	Italian	16025/A3	UNWCC REF 2222/UK/IT/86 UNWCC CHGE NO UK/1/B.138	Being concerned P.DULA in 1942
MANUZZI Ugo Capt	Italian	16171/90/A3	BRIT NAT OFF CHGE NO UK G/B 505	Being concerned a RAF Pilot at
MACCAPANI Dino	Italian	16171/90/A3	BRIT NAT OFF CHGE NO UK G/B 505	Being concerned a RAF Pilot at
MARIUCCI Filipoo	Italian	16171/29/A3	UNWCC CHGE NO UK 1/B 65	Being concerned in Feb 44.
MUSCI Sabatino Lieut	Italian	16025/A3		Being concerned P.DULA in 1942
MUSETTI Luigi Cap	Italian	16171/50/A3	BR NAT OFF CHGE NO UK G/B 155	Being concerned LANDORNO MICCA V
MUSETTI Pietro Cap	Italian	16171/50/A3	BR NAT OFF CHGE NO UK G/B 155	Being concerned LANDORNO MICCA V
OTTRIA Guido	Italian	16026/1/A3	UNWCC CHGE NO UK 1/B 43	Being concerned CHIAVARI in 194
PAVANINI Federico Milite	Italian	16171/90/A3	BRIT NAT OFF CHGE NO UK G/B 505	Being concerned a RAF Pilot at

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

ENC2/43 DATED / AUG 1946 — CONFIDENTIAL

ONALITY	GHQ CMF File	BRIT NAT OFF & UNWCC REF	OUTLINE OF CHARGE
rman	16141/2/43	BRIT NAT OFF CHGE NO UK C/B 409 UNWCC CHGE NO 2211/UK/G/B 406	Being concerned in the illtreatment of PsW at RETZELSDORF, near GRAZ, in Feb 45.
rman	16171/90/43	BRIT NAT OFF CHGE NO UK G/B 505	Being concerned in the illtreatment and death of an RAF Pilot at ARIANO POLESINE in Dec 44
rman	16171/56/43	BRIT NAT OFF CHGE NO UK G/B 553	Being concerned in the killing of an Allied airman at POGGIO MIRTETO in Sept 44.
alian	16025/43	UNWCC REF 2222/UK/IT/86 UNWCC CHGE NO UK/1/B.138	Being concerned in the illtreatment of PsW at PADUA in 1942 and 1943.
alian	16171/90/43	BRIT NAT OFF CHGE NO UK G/B 505	Being concerned in the illtreatment and death of a RAF Pilot at ARIANO POLESINE in Dec 44.
talian	16171/90/43	BRIT NAT OFF CHGE NO UK G/B 505	Being concerned in the illtreatment and death of a RAF Pilot at ARIANO POLESINE in Dec 44.
talian	16171/29/43	UNWCC CHGE NO UK 1/B 65	Being concerned in the killing of a PW at FERMO in Feb 44.
talian	16025/43		Being concerned in the illtreatment of PsW at PADUA in 1942 and 1943.
talian	16171/50/43	BR NAT OFF CHGE NO UK G/B 155	Being concerned in the killing of 3 PsW at ANDORNO MICCA VERCELLI in April 44.
talian	16171/50/43	BR NAT OFF CHGE NO UK G/B 155	Being concerned in the killing of 3 PsW at ANDORNO MICCA VERCELLI, in April 44.
talian	16026/1/43	UNWCC CHGE NO UK 1/B 43	Being concerned in the illtreatment of PsW at CHIARI in 1942 and 1943
talian	16171/90/43	BRIT NAT OFF CHGE NO UK G/B 505	Being concerned inthe illtreatment and death of a RAF Pilot at ARIANO POLESINE in Dec 44.

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

APPENDIX A TO GHQ CMF LETTER 16000/INC2/A3 DATED / AUG 1946

NAME	NATIONALITY	CHQ C.F File	BRIT NAT OFF & UNWCC REF	OUT
PATRACCHINI Vittorio Milite	Italian	16171/90/A3	BRIT NAT OFF CHGE NO UK G/B 505	Being concerned in t RAF Pilot at ARIA
PFISTERER Josef	German	16141/6/A3	BRIT NAT OFF CHGE NO UK G/B 278 UNWCC CHGE NO 1734/UK/G/275	Being concerned in t GRADEN in Dec 42.
RAIZZANO Ernesto	Italian	16026/1/A3	UNWCC CHGE NO UK 1/B 43	Being concerned in t CHIAVARI in 1942 and
SAGAU Hugo Major	German	16171/90/A3	BRIT NAT OFF CHGE NO UK G/B 505	Being concerned in t RAF Pilot at ARIA
SOBOZAK Adam Gefr	German	16171/90/A3	BRIT NAT OFF CHGE NO UK G/B 505	Being concerned in t RAF Pilot at ARIANO
STRADNER Heinrich	Austrian	16141/19/A3	BRIT NAT OFF CHGE NO UK G/B 565	Being concerned in KLEINFELGITSCH in M
TURCLLA Sara	Italian	16171/90/A3	BRIT NAT OFF CHGE NO UK G/B 505	Being concerned in RAF Pilot at ARI
VECCHI Valeriano	Italian	16171/29/A3	UNWCC CHGE NO UK 1/B 65	Being concerned in in Feb 44.
VIEGI Sergio Milite	Italian	16171/90/A3	BRIT NAT OFF CHGE NO UK G/B 505	Being concerned in a RAF Pilot at ARIA
VIENTEIDER Hermann	German	16171/111/A3		Being concerned in BORGO, Italy in Dec
VIGLIANO Antonio	Italian	16036/4/A3	UNWCC CHGE NO UK 1/B 104	Being concerned in PoW at [illegible] VAR
ZAMBON Carlo	Italian	16171/29/A3	UNWCC CHGE NO UK 1/B 65	Being concerned in in Feb 44.

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

CONFIDENTIAL

000/MISC2/43 DATED 7 AUG 1946

LTIONALITY	CHQ C.F File	BRIT N.T OFF & UNWCC REF	OUTLINE OF CHARGE
Italian	16171/90/43	BRIT N.T OFF CHGE NO UK G/B 505	Being concerned in the illtreatment and death of a RAF Pilot at ARIANO POLESINE in Dec 44.
German	16141/6/43	BRIT N.T OFF CHGE NO UK G/B 278 UNWCC CHGE NO 1734/UK/G/275	Being concerned in the killing of a PW at GULLING GRAEEN in Dec 42.
Italian	16026/1/43	UNWCC CHGE NO UK 1/B 43	Being concerned in the illtreatment of PsW at CHIAVARI in 1942 and 1943.
German	16171/90/43	BRIT N.T OFF CHGE NO UK G/B 505	Being concerned in the illtreatment and death of a R/F Pilot at ARIANO POLESINE in Dec 44.
German	16171/90/43	BRIT N.T OFF CHGE NO UK G/B 505	Being concerned in the illtreatment and death of a R/F Pilot at ARIANO POLESINE in Dec 44.
Austrian	16141/19/43	BRIT N.T OFF CHGE NO UK G/B 565	Being concerned in the illtreatment of a PW at KLEINFELGITSCH in May 43.
Italian	16171/90/43	BRIT N.T OFF CHGE NO UK G/B 505	Being concerned in the illtreatment and death of a R/F Pilot at ARIANO POLESINE in Dec 44.
Italian	16171/29/43	UNWCC CHGE NO UK 1/B 65	Being concerned in the killing of a PW at FERMO in Feb 44.
Italian	16171/90/43	BRIT N.T OFF CHGE NO UK G/B 505	Being concerned in the illtreatment and death of a R/F Pilot at ARIANO POLESINE in Dec 44.
German	16171/111/43		Being concerned in the killing of 2 British PW at BORGO, Italy in Dec 44.
Italian	16036/4/43	UNWCC CHGE NO UK 1/B 104	Being concerned in the illtreatment of British PsW at TRIDETE VARESE in June 43.
Italian	16171/29/43	UNWCC CHGE NO UK 1/B 65	Being concerned in the killing of a PW at FERMO in Feb 44.

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

FILE

3P417

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

AG/4119/5/L.

MT/pa.
1st July 1946.

SUBJECT : War Crimes : MARZONER Walter.

TO : GHQ, C.M.F.

354A

1. Reference your 16171/65/A.3 of 11th July 46.

2. The Ministry of Justice has been requested to make arrangements for an escort of Carabinieri to take delivery of MARZONER Walter, escort him to Bolzano and hand him over to the judicial authorities there.

3. I should be obliged if you would authorize the 209 POW Camp at Afragola to hand this prisoner over to the Italian authorities.

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

9

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

FILE

3 P 3A

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

AC/4119/5/L.

MT/pa.
1st Aug 46.

SUBJECT : War Crimes: Marzoner Walter.

TO : The Ministry of Pardon and Justice.

1. The Military Authorities have agreed to hand over to the Italian Authorities Marzoner Walter, at present held in 209 Prisoner of War Camp, Afragola, for his onward transmission to Bolzano, and this Sub-Commission so informed the Procuratore Generale of the Assize Court, Bolzano, by letter dated 18th July.

2. I enclose copy of a letter from the Pubblico Ministero, Bolzano, asking that an escort of Carabinieri may be furnished to take delivery of the prisoner and accompany him to Bolzano. I should be obliged if the Ministry would make the necessary arrangements to receive Marzoner at 209 POW Camp and have him duly conveyed under escort to Bolzano.

3. Allied Headquarters are being requested to issue the necessary authority to 209 POW Camp, Afragola, to hand over the prisoner.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Incl.

9

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

ITLB

HEADQUARTERS ALLIED COMMISSION
A.P.O. 794
LEGAL SUB COMMISSION

3 P2 A

AC/4119/5/3

LT/ms
1 July 1946

OGGETTO : Crimini di guerra : BERNARDI Giuseppe.

Al : Procuratore della Repubblica.

1. Si ritiene che il cittadino italiano BERNARDI Giuseppe di Montecelli Terme, prov. di Parma sia a disposizione del Procuratore della Repubblica e che tra breve verrà giudicato sotto accusa di omicidio in persona di un prigioniero di guerra inglese che si suppone sia Lesley BACCETT di Hampstead, Londra. Due altre persone vennero arrestate dalla questura in relazione a questo caso, ma furono dopo rimesse in liberta in seguito all'amnistia. I loro nomi ed indirizzi sono i seguenti:

a) SACCANI Gino - Via Traversetolo 100, Parma
b) GHIDEI Arnaldo - Borgo di Lazzaro 14 Parmense

2. Le autorità militari Alleate non intendono intervenire nel giudizio pendente davanti alle autorità giudiziarie Italiane a carico del Bernardi, ma richiedono che un rapporto completo in duplice co ha venga inoltrato a questa Sottocommissione Legale con le seguenti informazioni :

a) data e luogo del giudizio
b) accusa (e)
c) dispositivo e sentenza della Corte
d) riassunto dei fatti
e) a disposizione di quale autorita si trovano gli accusati.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

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

381B 9787

CONFIDENTIAL

SUBJECT:- War Crimes - Death of a British PW near PARMA

JUL 29 1946

GHQ CMF

16171/142/A3

26 July 46

HQ Allied Commission,
Legal Sub Commission.

1. It is understood that an Italian, BERNARDI Giuseppe of Montecelli Terme, Province of PARMA is in the custody of the Procuratore della Repubblica of PARMA and will shortly be brought to trial, charged with the shooting of a British PW, believed to have been Lesley BACKETT of Hampstead, London. Two other persons were arrested by the Questura in connection with this matter but were subsequently released on the proclamation of the amnesty. Their names and addresses are:-

(a) SACCANI Gino - Via Travesetolo 100, PARMA.

(b) GHERRI Arnaldo - Marrano di Lazzara 14, PARMENSE

2. This HQ does not propose to interfere in the trial of BERNARDI in the Italian court but it is requested that a full report may be rendered to this HQ, copy to DJAG GHQ CMF, containing the following information:-

(a) Date and location of trial

(b) Charge(s)

(c) Finding and sentence of the court

(d) A summary of the facts of the case

(e) Disposal of the accused.

C.O. Kelly Capt
Brigadier,
i/c Administration.

MK

Copy to :- DJAG GHQ CMF (Your minute JAG/VW/16171/142 dated 20 Jul 46 refers)

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

4119/5

3818

TO ALFSA

29 July 46

"A" MAILED ADSA

4360

CONFIDENTIAL

LEGAL SUB-COMMISSION HAS TO REPLY TO OBJECTION TO PROCEDURE OBTAINED IN YOUR SIGNAL ADSA 64367 UNDER NINE TWO TWO OF INSTRUCTIONS JULY REGARDING APPOINTMENT OF COUNSEL FOR DEFENCE IN TRIAL OF COLONEL ORI MANZO AND OTHERS

SECRET

Legal Sub-Commission

302

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

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: AG 0922
Date/Time of Origin: JUL.271300B

Message Centre No: H/5081
Date Time Rec'd: JUL.281000
Precedence: IMPORTANT

FROM: 'A' NAPLES AREA
TO : ALLIED LEGAL SUB COMMISSION ROME QUESTURA NAPLES

CONFIDENTIAL.
Subject is war crimes trial at 3 transit camp Naples on 5 Aug 46 accused are
1. Colonel GORI MARIO
2. Lieut MASCI SABATINO
3. Lieut. GALDIERI ~~KAKKK~~ GUIDO
Serial 2 and serial 3 have requested italian counsel to conduct defence.
Serial 2 MASCI requests qualfied counsel from italian bar.
This HQ suggests Avv. DE FILIPPIS Piazza del Gesu' e Maria N.1 Naples who has prepared groundwork of defence for serial 1 Colonel GORI.
Serial 3 GALDIERI has requested for his defence Avv. DE STEFANO ANGELO Via Principe Umberto 4 Naples. British officer will assist defence counsel. This matter is very urgent. Inform this HQ soonest.

AC DIST

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

ACTION

HEADQUARTERS
28 JUL 1946
A. C.

CHIEF LEGAL ADVISER
DEPUTY CHIEF LEGAL ADVISER
CHIEF COUNSEL
STAFF OFFICER
ITALIAN SECTION
MEMBERS REVIEW
JUL 29 1946

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

FILE

3494

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

AC/4337/3/L. HC/jm.
29 July 1946.

SUBJECT : War Crimes.
Trial of Tenente CARUSO and others.

TO : CHQ : C.M.F.

1. References your 10371/106/A-3 of 12 June and 17 July 1946.

2. In reply to a further request for information sent on 25th July the Ministry of Justice state that the trial was fixed for 25th July and that a copy of the judgment of the trial Court will be forwarded to this Sub-Commission as soon as it is received.

For the Chief Commissioner :

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Since the above was typed the President of the Assize Court, Taphera, has telegraphed that it has been found necessary to adjourn the hearing until the next Session of the Court.

81

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

MODELLO N. [illegible]

INDICAZIONE DI URGENZA

4119/54 Fole

M 229 BFVE 45

4119/54

PARTENZA | DESTINAZIONE | DATA/ORA/ORIGINE | NUM. | PAROLE | SERVIZIO INTERNAZIONALE

S VOGHERA 229 40 26 25 1950

COMUNICO CHE PROCEDIMENTO PENALE CARUSO UGO CUI NOTA 18 GIUGNO 1948 AC 4119/54 L IMPUTATO OMICIDIO DANNO PRIGIONIERO INGLESE MACKENZIE FISSATO UDIENZA 25 SCORSO EST RINVIATO RAGIONI PROCEDURALI NUOVO RUOLO PUNTO RISERVOMI COMUNICARE FISSAZIONE NUOVA UDIENZA , PRESIDENTE ASSISE VOGHERA MACCONE

Fatevi correntisti postali. PAGAMENTI E RISCOSSIONI IN TUTTE LE LOCALITÀ DEL REGNO - PRA CORRENTISTI I PAGAMENTI E LE RISCOSSIONI MEDIANTE POSTAGIRO SONO ESEGUITI SENZA LIMITAZIONE DI SOMMA ED IN ESENZIONE DA QUALSIASI TASSA

8V

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

4119/5

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

Roma, 24 luglio 1946

5WA

Alla COMMISSIONE ALLEATA
Sottocommissione Legale
R O M A

Ufficio II° A.P. 5WA
Prot. N° 131.639.1337
Rapporto del 18.6.1946
Div. Sez. AC.4119/5/L

OGGETTO Processo contro il Tenente CARUSO ed altri.-

372 A

e per notizia:

ALL'UFFICIO COLLEGAMENTO

346A S E D E

Facendo seguito alla Ministeriale di pari numero in data 10 c.m. diretta all'ufficio del P.M. presso la Sezione Speciale della Corte di Assise di VOGHERA e, per conoscenza, a codesta Sottocommissione Legale, si comunica che il predetto ufficio ha testè riferito che il processo a carico del tenente CARUSO ed altri, responsabili di omicidio in persona del prigioniero inglese A.D. MACKENRIE, è stato fissato per l'udienza del 25 luglio prossimo.-

Si assicura che copia della emananda sen-

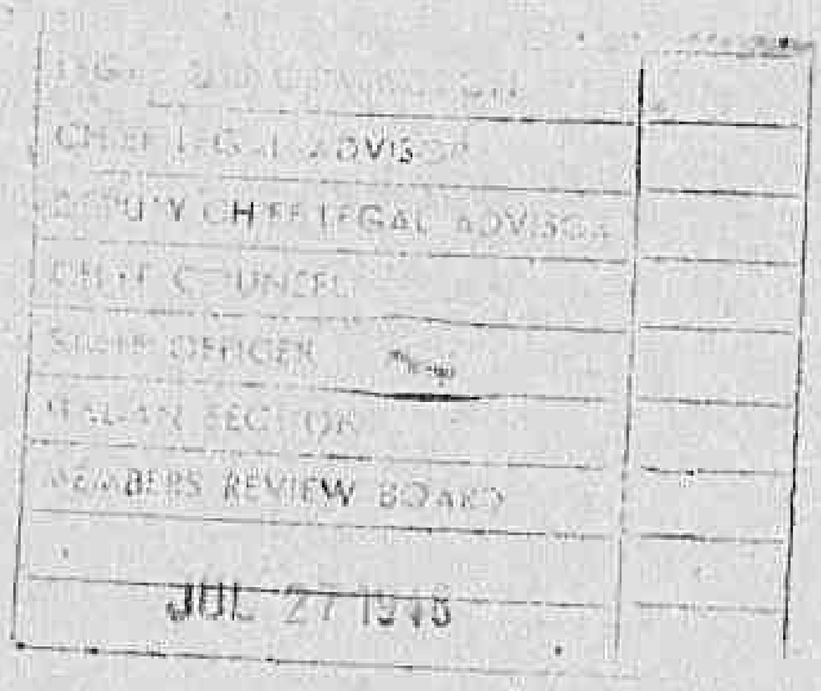
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87

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

tenza sarà, non appena pervenuta, trasmessa a codesta On.le Sottocommissione.-

d'ordine del MINISTRO



Ma/

RACCOMANDATA = URGENTE

Roma 25 luglio 346A/19 46

Ministero dell'Interno
DIREZIONE GENERALE
DELLA PUBBLICA SICUREZZA

AL MINISTERO DELLA GUERRA
-Gabinette ROMA
p.c. ALLA COMMISSIONE ALLEATA
Sottocommissione Legale ROMA
ALLA COMMISSIONE ALLEATA
Sottocommissione per la P.S. ROMA
ALLA LAND FORCES-SUB COMMISSION A.G.
(M.M.I.A.) ROMA

Divisione S.I.S. Sez. II^a
Pret. N° 224/79589 Allegati

Risposta al Foglio del 23.6.u.s.
Div. N°216034/II-232.5.2

OGGETTO Crimini di guerra - Patracchini Vittorio

In relazione al foglio sopradistinto ed a seguito della ministeriale N°224/78944 del I5 andante, si comunica che Patracchini Vittorio, arrestato a Padova, è stato tradotto a Venezia a disposizione dell'Ufficio Politico di quella Questura.

E' stata subito interessata la Prefettura di Venezia per conoscere la località precisa dove il Patracchini trovasi detenuto e perchè sia colà trattenuto fino alla consegna alle Autorità Alleate.

Si fa riserva di ulteriori comunicazioni al riguardo.

PEL MINISTRO

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

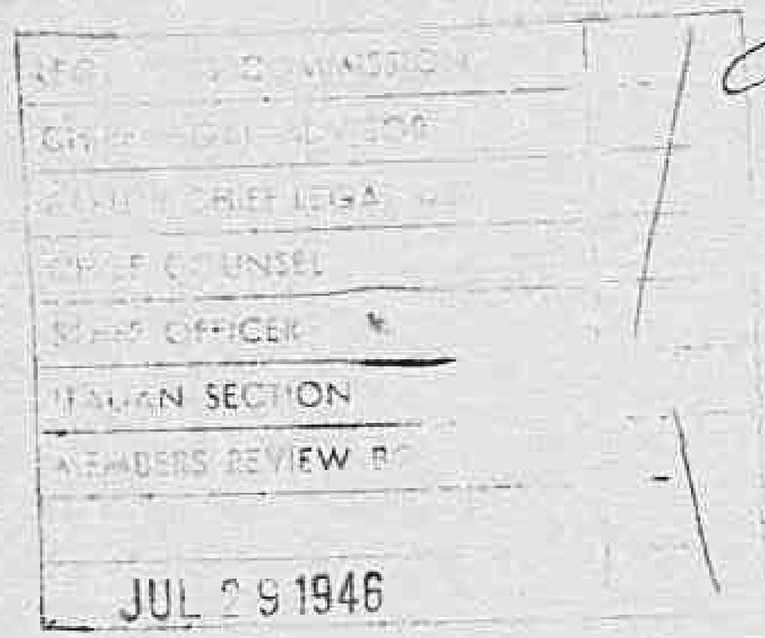
OGGETTO

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E' stata subito interessata la Prefettura di Venezia per conoscere la località precisa dove il Patracchini trovasi detenuto e perchè sia colà trattenuto fino alla consegna alle Autorità Alleate.

Si fa riserva di ulteriori comunicazioni al riguardo.

PEL MINISTRO



No action required: File.

29/7

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

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

FILE

3475A

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

/sdn.

AI/4119/54.

25 July 1946.

SUBJECT : War Crimes:
Trial of Darulin Tetuio and Others.

TO : CSA: U.N.W.

1. Reference your 16171/21/45 of 17th June '46.

2. Translation of a letter from the Ministry of Justice and one from the Public Prosecutor of the Special Section of Justice Court, Padova, are enclosed.

3. This Sub-Commission proposes, unless advised to the contrary, to inform the Ministry of Justice that the trial of Balsamo Quintino should proceed before the Italian Courts in the same way as the proceedings against Turolio and Others, and request to be informed of the findings of the trial Court and the sentence imposed.

For the Chief Commissioner.

MURRAY'S THOMAS,
Italian Branch,
for Chief Legal Advisor.

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

CONFIDENTIAL

4119/5

Legal
3 1958 82
GHA

SUBJECT : War Crimes - Trial of DURELLO, COLO and DALLA ROSA

GHQ CMF

16171/21/A3

19 Jul 46

HQ Allied Commission
Legal Sub Commission

May a reply please be given to this HQ letter of even reference dated 17 June 46, the matter being treated as one of urgency.

Brigadier,
DAG.

rd

3

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

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

Roma, 17 Luglio 1946

Uffizio II° A.P.
Prot. N° 131.430.888

Risposta al f.to del 24.6.1946
Div. Sez. N° 4119.5.4

OGGETTO Processo DURELLO Natale ed altri.-

Alla COMMISSIONE ALLEATA
Sottocommissione Legale
R O M A

All. n. I

e per conoscenza:
ALL'UFFICIO COLLEGAMENTO
S E D E.

L'ufficio del P.M. presso la Sezione Speciale di Corte di Assise di Padova, interessato da questo Ministero in conformità della suindicata richiesta di codesta Sottocommissione, ha risposto con la nota n° 917, in data 10 Luglio c.a. che si unisce in copia.-

SUB-CO Si è replicato perchè quell'Autorità Giudiziaria si attenga alle disposizioni comunicate da codesta Sottocommissione col foglio del 24 giugno c.a., dandone assicurazione a questo Ministero.-

per il MINISTRO

CIO
Chief Counsel
CIO
Italian Secret
CLERKS
JUL 22 1946

fm

PUBBLICO MINISTERO PRESSO LE SEZIONI SPECIALI DI CORTE D'ASSISE
P A D O V A

N. 917 prot.

10 luglio 1946

3/3A

On.le MINISTERO DI GRAZIA E GIUSTIZIA
Direzione Generale Affari Penali

ROMA

OGGETTO Procedimento penale contro DURELLO Allegro e compagni.

In risposta alla nota del 2 corr. Uff.I° A.P. prot.131.430.080 comunico che quest'Ufficio istruì procedimento penale contro:

ALLEGRO Antonino, FONTANA Silvio, DURELLO Natale, DALLA PRIA Agostino e CALO' Luigi per collaborazione militare e per l'omicidio dei militati alleati Iack LE ROUX ed Erik Goodivin, nonchè per molti altri delitti comuni.

Su richiesta dell'Ufficio Provinciale Legale dell'A.M.G. di Padova, contro gli imputati si procedette per tutti i reati meno chè per i due omicidi in danno dei militari alleati, e con sentenza 31 maggio 1946 furono condannati ALLEGRO e DURELLI all'ergastolo, CALO' e DALLA PRIA ad anni 15 di reclusione, FONTANA ad anni 25 dalle medesime pena.

Nel frattempo erano emerse responsabilità a carico di BALASSO Quintino in ordine ai due omicidi dei militari alleati, per cui si iniziò procedimento penale, ancora in fase istruttoria.

Dalla nota 24 giugno 1946 della Commissione Alleata, diretta a codesto Ministero, pare che il Governo Alleato non intenda più procedere contro gli imputati sopra menzionati, e vorrebbe invece che si procedesse da parte dell'autorità giudiziaria italiana.

Poichè c'è contrasto tra la nota in parola e quella del 22.9. 1945 con la quale veniva inibito procedere, chiedo disposizioni a codesto On.le Ministero prima di trarre a giudizio gli imputati per riportare anche degli omicidi in danno dei militari alleati.

8

Alla nota 13 febbraio 1946 dell'A.M.G. direttale

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

comunico che quest'Ufficio istruì procedimento penale contro:

ALLEGRO Antonino, FONTANA Silvio, DURELLO Natale, DALLA PRIA Agostino e CALO' Luigi per collaborazione militare e per l'omicidio dei militati alleati Iack LE ROUX ed Erik Goodwin, nonchè per molti altri delitti comuni.

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Poichè c'è contrasto tra la nota in parola e quella del 22.9. 1945 con la quale veniva inibito procedere, chiedo disposizioni a codesto On.le Ministero prima di trarre a giudizio gli imputati per rispondere anche degli omicidi in danno dei militari alleati.

Alla nota 13 febbraio 1946 dell'A.M.G. diretta a questo Ufficio fudfta risposta.

IL CAPO DEL PUBBLICO MINISTERO
f.to illeggibile

PER COPIA CONFORME
Roma, lì 17 luglio 1946
IL DIRETTORE CAPO DELL'UFFICIO II° A.P.

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

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

HEADQUARTERS ALLIED COM ISSION
APO 794
LEGAL SUB-COMMISSION

3424

FILE

/go.
25 July 1946.

AC/4119/5/L.

SUBJECT : War Crimes : Trial of Tenente Caruso and others.

TO : The Ministry of Pardon and Justice.

X, This Sub-Commission would be glad to receive as soon as possible the information requested in its letter AC/4119/5/L. of 18th June 1946.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

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

E0139

LEGAL

CONFIDENTIAL

3 & 11A

4/19/15

SUBJECT :- Trial of Tenente CARUSO

GHQ CASE.

16171/106/A-3.

17 July 46.

HQ Allied Commission
Legal Sub Commission.

Reference this HQ letter of even number dated 13 June 46.

May it please be stated whether any information is yet available as to the finding and sentence of the Court trying CARUSO and others.

FOR SUBC'M

CLO

CLO

Chief Counsel

CLO /ns

Italian Sec

CLERKS

1 JUL 20 1946

CONFIDENTIAL

3 11A

O. L. Rudolph
Brigadier.
LEGAL.

CONFIDENTIAL

3 1

SUB-COMMISSION
Ref Courses
Justice
CLERKS

4119/5

FILE

FILE

Mod.402

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

JUL 221946

Roma 18 luglio 1945

3697

Ufficio II A.P. Prot. N. 131.915.2001

Alla COMMISSIONE ALLEATA - Sottocommissione Legale ROMA
e per con: All'UFFICIO COLLEGAMENTO - Gabinetto SEDE

Risposta al f.° N.° AC/4119/5/4
del 4 giugno u.s.

292 A

OGGETTO FRANCIOLINI Giuliano.

Si comunica che il Procuratore Generale presso la Corte di Appello di Firenze, interessato da questo Ministero circa le notizie chieste da codesta Commissione con la nota sopraindicata, ha riferito quanto segue:

""""Il procedimento penale a carico di FRANCIOLINI Giuliano fu Giuseppe, agente agrario della tenuta "Pomino", imputato di omicidio commesso mediante colpi di pistola in danno di Carlo Enrico KING, fu definito con sentenza del 26 marzo 1945 del Giudice Istruttore di questo Tribunale, con la quale, su conforme richiesta di questo Ufficio, venne dichiarato non doversi procedere contro l'imputato per avere agito in stato di legittima difesa. L'uccisione era così avvenuta. Nel pomeriggio dell'11 novembre 1943, mentre l'imputato CEI Ugo lavorava nello scrittoio della fattoria di Pomino, si trovò davanti uno sconosciuto qualificatosi per ufficiale inglese evaso da Berlino dalla prigionia. Entrato nel locale anche il ragazzo FRANCIOLINI Giuseppe, figlio del fattore, solito a trattenersi con il CEI, inopinatamente, quell'individuo, cavò dall'interno del pullover una pistola automati-

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

OGGETTO FRANCIOLINI Giuliano.

292 A

Si comunica che il Procuratore Generale presso le Corte di Appello di Firenze, interessato da questo Ministero circa le notizie chieste da codesta Commissione con la nota sopraindicata, ha riferito quanto segue:

""""Il procedimento penale a carico di FRANCIOLINI Giuliano fu Giuseppe, agente agrario della tenuta "Domino", imputato di omicidio commesso mediante colpi di pistola in danno di Carlo Enrico KING, fu definito con sentenza del 26 marzo 1945 del Giudice Istruttore di questo Tribunale, con la quale, su conforme richiesta di questo Ufficio, venne dichiarato non doversi procedere contro l'imputato per avere agito in stato di legittima difesa. L'uccisione era così avvenuta. Nel pomeriggio dell'11 novembre 1943, mentre l'imputato CEI Ugo lavorava nello scrittoio della fattoria di Domino, si trovò davanti uno sconosciuto qualificatosi per ufficiale inglese evaso da Berlino della prigionia. Entrato nel locale anche il ragazzo FRANCIOLINI Giuseppe, figlio del fattore, solito a trattenersi con il CEI, inopinatamente, quell'individuo, cavò dall'interno del pullover una pistola automatica, intimando ai due di tenere le mani in alto. Il CEI ed il piccolo FRANCIOLINI ubbidirono. Lo sconosciuto prese un pezzo di carta sulla scrivania e vi scrisse a lapis alcune frasi: indi chiese la consegna di £.3000 ed avuta risposta dai malcapitati che non avevano, in quel momento, denaro, e tenendo sempre puntata l'arma cominciò a frugare i cassetti della scrivania. Sopraggiunse il fattore FRANCIOLINI Giuliano, al quale pure fu ingiunto, con la pistola puntata, di alzare le

FLB

./.

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

mani e di consegnare le £.3000,=== il FRANCIOLINI riuscì ad impugnare una pistola, fattosi consegnare poco prima dalla guardia FANTACCINI Rodolfo, ed esplose varii colpi verso l'aggressore freddendolo. Era il fattore allora rincasato ed, a un rumore che gli parve un colpo di rivoltella, era salito sulla scaletta portante allo scrittoio, scorgendo il CEI ed il figlio pallidi, con le braccia in alto, e la pistola dello sconosciuto puntata verso i loro petti. Senza farsi avvertire, ridiscese ed armarsi di qualche ordigno per difendersi ed, avendo trovato il FANTACCINI, si fece dare la pistola, che adoperò in stato di legittima difesa.

Dopo che si erano occupati del fatto sia il comando tedesco che il Procuratore del Tribunale Militare, il quale inviò la denunzia al Procuratore presso il Tribunale Civile e Penale di Firenze per competenza, avvenuta la liberazione di Firenze, indagò sul reato anche l'Autorità Militare Alleata a mezzo del sergente DICHINSON della 75^ Sez.Speciale investigativa, che, il 4 dicembre 1944, fece arrestare il FRANCIOLINI poichè "imputato di avere ucciso un uomo in un giorno di novembre 1943". Compiuta l'investigazione il Maggiore MARCH, Giudice della città di Firenze, trasmise, anch'esso, gli atti al Procuratore del Regno, rimettendo il caso all'Autorità Giudiziaria ordinaria italiana.

Il processo fu diligentemente istruito e le risultanze della istruzione accertarono in modo non dubbio che il FRANCIOLINI agì per la necessità di difendere un diritto proprio ed altrui contro il pericolo attuale di un'offesa ingiusta. """"

pel M I N I S T R O

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

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

FILE

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

FILE 3407

MT/ns
23 July 1946

AC/4119/5/L

SUBJECT : FRANCIOLINI Giuliano : shooting of a British Officer.

TO : GHQ : C.M.F.

1. Reference your 16171/35/A - 3 of 29 May 1946.

2. I enclose herewith translation of a letter from the Ministry of Justice setting out a report on this case by the Procuratore Generale of the Court of Appeal of Florence.

For the Chief Commissioner :

FILE

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Incls.

Subject: FRANCIOLINI GIULIANO 2 Copies

With reference to letter AC/4119/5/4 of the 4th June 1946, the Ministry of Jardon and Justice, General Direction of Penal Affairs, communicates on the 18th July to this Legal S/C that the "Procuratore Generale" of the Court of Appeal in Florence "has answered to the request made by said Ministry in regard to the informations asked by the Legal S/C, as follows:

"The penal proceeding against Franciolini Giuliano, son of the deceased Giuseppe, an agriculture holder of the "Pomino" farm, who was charged with having killed by means of a pistol a certain Carlo Enrico Klug, was closed with the passing of a sentence on the 26th March 1945, issued by the Investigating Judge of this Court, by which, in accordance with the orders of the Ministry, it has been declared that no proceedings should be brought against the above mentioned accused, because he has acted for legitimate defense.

The Killing occurred in the following way:

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

of the Court of Appeal in Florence has answered to the request made by said Ministry in regard to the informations asked by the Legal S/C, as follows:

"The penal proceeding against Franciosini Giuliano, son of the deceased Giuseppe, an agriculture holder of the "Pomino" farm, who was charged with having killed by means of a pistol a certain Carlo Enrico Kong, was closed with the passing of a sentence on the 26th March 1945, issued by the Investigating Judge of this Court, by which, in accordance with the orders of the Ministry, it has been declared that no proceedings should be brought against the above mentioned accused, because he has acted for legitimate defense.

The killing occurred in the following way: During the afternoon of the 11th November 1943, while the accused CEi U90 was working in

t. o. p.

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

his office on the „Pomino" farm, an unknown man, who pretended to be a British officer escaped from imprisonment at Berlin, entered the room. At that moment also the farmer's son, a young man named Franciolini Giuseppe, who often used to pay visits to Cei, entered into the place. Unexpectedly, the former individual drew from his pocket an automatic pistol and ordered both men to hold up their hands. Cei and the boy Franciolini obeyed. The unknown man took a piece of paper from the writing-desk and wrote something down with a pencil. He then asked 3000 lire from the unfortunate present people. As they had no money, the newcomer proceeded to search the writing-desk, keeping them under cover of his pistol. At that moment the farmer Franciolini Giuliano entered the room. Also he was ordered to rise his hands up and to give 3000 lire. Franciolini however drawing out a pistol, which had

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

Cei, entered [illegible]
individual drew from his pocket an automatic
pistol and ordered both men to hold up their
hands. Cei and the boy Franciolini obeyed. The
unknown man took a piece of paper from the
writing-desk and wrote something down with a
pencil. He then asked 3000 lire from the un-
fortunate present people. As they had no money, the
newcomer proceeded to search the writing-desk,
keeping them under cover of his pistol. At that
moment the farmer Franciolini Giuliano entered
the room. Also he was ordered to rise his hands
up and to give 3000 lire. Franciolini however
succeeded in drawing out a pistol, which had
been consigned to him a little earlier by a
guard named Fantaccini Adolfo. He fired
several shots against the assaulter, who has

t. o. p.

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

subsequently deceased. The farmer had just returned
home, he had heard a noise, like a pistol shot, coming from the office,
so he entered and saw Cei and his son with
their arms rised and an unknown person threa-
tening them with his pistol Nobody took notice of
the farmer, who returned downstairs and took
Fantaccini's pistol and used it afterwards for
legitimate defense.

The whole affair was investigated by the
German Command, as well as by the Prosecutor of
the Military Court, who forwarded the file to the
Procuratore of the Civil and Penal Court in Flo-
rence. When Florence was liberated, the Allied
Military Authorities entrusted Sergeant Dickinson
of the 75th Special Investigating Section with the
inquiring of this case. Serg. Dickenson arrested
on the 4th December 1944 Franciolini, having charged
him with the killing of a man on an November
day 1943. After having made further investigations,
Provincial Legal Officer of Florence,

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

the farmer, who returned downstairs and
Fantaccini's pistol and used it afterwards for
legitimate defense.

The whole affair was investigated by the
German Command, as well as by the Prosecutor of
the Military Court, who forwarded the file to the
"Procuratore" of the Civil and Penal Court in Flo-
rence. When Florence was liberated, the Allied
Military Authorities entrusted Sergeant Dickinson
of the 75th Special Investigating Section with the
inquiring of this case. Serg. Dickenson arrested
on the 4th December 1944 Franciolini, having charged
him with the killing of a man on an November
day 1943. After having made further investigations,
Maj. Waugh, Provincial Legal Officer of Florence,
forwarded the file to the "Procuratore del Regno",
transmitting this case to the ordinary Italian
Judicial Authority.

t. o. p.

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

The trial was duly investigated, and the results doubtlessly lead to believe that Franciolini had acted in defense of his own right, as well as for that of other persons."

For the Minister

Signature illegible

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

For the Minister

Signature illegible

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

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

Fm 41/45

MINISTERO DI GRAZIA E GIVSTIZIA

Direzione Generale degli Affari Penali delle Grazie delle Natalizie e del Cerimoniale

3688

Ufficio IIº A.P.
Prot. N° 291.15/987.46
Risposta al foglio N° 224/780/46 SIS
del 11.7.1946 Sez.II
OGGETTO: Criminali di Guerra

Roma, 16 luglio 1946

AL MINISTERO DELL'INTERNO - Direzione Generale della Pubblica Sicurezza
ROMA

e per conoscenza a
AL MINISTERO DELLA GUERRA - Gabinetto
ALLA COMMISSIONE ALLEATA - Sottocommissione Legale
LAND FORCES SUB COMMISSION A.C. (M.M.I.A.)

ALL'UFFICIO DI COLLEGAMENTO - Gabinetto ROMA

Nel prendere atto di quanto è stato comunicato con la nota sopra distinta, si informa che la Procura Generale di Roma ha testè riferito che il Settotenente CARATI Giovanni trovasi attualmente ristretto nelle locali carceri giudiziarie e che alla Direzione delle predette carceri sono state date le disposizioni del caso affinchè il detenuto venga, a richiesta delle Autorità Alleate consegnato alle stesse in qualsiasi momento.

Circa il PASSACHINI Vittorio, il medesimo risulterebbe detenuto nelle carceri di Rovigo; pertanto sono state impartite analoghe istruzioni alla Procura Generale di Venezia.

p. IL MINISTRO

No action required

4119/15 Mar.

Ministero dell'Interno
DIREZIONE GENERALE
DELLA PUBBLICA SICUREZZA

Roma, 15 luglio 46

3674

ESPRESSO URGENTE

AL MINISTERO DELLA GUERRA
=Gabinetto= ROMA

e p.c. AL MINISTERO GRAZIA E GIUSTIZIA ROMA

ALLA COMMISSIONE ALLEATA -S.Comm.ne Legale ROMA

AT LAND FORCES SUB COMMISSION A.C. (M.M.I. Restituito al Foglio) ROMA

Div. S.I.S. Sez. II^a
Prot. N.^o 224/78944 Allegati

Risp.al f.216034/II 232.9.2. del 28.6.c.a.

OGGETTO Criminali di guerra.-

In relazione al foglio sopradistinto e di seguito alla nota N°224/78046 in data II corrente, comunicasi che giusta segnalazione telegrafica della Prefettura di Rovigo, il criminale di guerra Petracchini Vittorio è stato arrestato a Padova.-

In adempimento alle disposizioni impartite dalle Autorità Alleate, comunicate col foglio surrichiamato da codesto Ministero, è stato disposto che il predetto individuo sia trattenuto nelle carceri di Padova pronto ad essere spostato per raggiungere quella località che sarà in seguito designata dalle Autorità Alleate.

LEGAL SUB COMMISSION
A.C.O.
Chief Counsel

PEL MINISTRO

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

Ref. N. ... Allegati

(M.M.I. Risposta al foglio N. ... Div. ...

Risp.al f.2I6034/II
232.9.2.
del 25.6.c.a.

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PEL MINISTRO

ITALIAN SUB-COMMISSION
Chief Counsel
JIO
Italian Section
CLERKS
JUL 19 1946

No action required

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

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

URGENT

366A

HEAD QUARTERS ALLIED COMMISSION
AFO 794
LEGAL SUB COMMISSION

AC/4II9/5/L

MT/ns
23 July 1946

SUBJECT : War Crimes :
SORCETTI Corrado.

TO : Ministry of Pardon and Justice.

1. Reference our letter AC/4II9/5/L of 19 June 1946.

2. By a letter 7659/A2 Allied Force Headquarters authorised 211 Sub Area, Ancona, to hand over Sorcetti Corrado at present held in the Guard Room, Ancona, to the Italian Authorities for trial.

3. A telegram has been received this afternoon from 211 Sub Area, Ancona, requesting this Sub - Commission to "arrange collection Sorcetti Corrado from N° 20 Garrison guard-room soonest."

4. In these circumstances I should be obliged if you issue the necessary instructions for the Italian authorities to take immediate delivery of Sorcetti Corrado from N° 20 Garrison guard-room, Ancona.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

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

4119/5/L

M.M.i.P.

9529

CENTRAL SIGNALS 3650

SUBJECT: Handover of IIW to Italian Authorities for Trial.

211 Sub Area.

GHQ CMF.
3659/42.
19 Jul 46.

SECRETT CORRADO

1. This GHQ letter constitutes the authority for the handover of the above-named Italian at present held in the Ancona Guard Room to the Italian authorities for trial.

It is, therefore requested that SORRETTI be held in readiness and Headquarters Allied Commission Legal Sub Commission informed in order that they may make the necessary arrangements for his collection.

For Legal Sub Commission Please inform this GHQ when trial has been completed in order that disposal instructions may be issued.

AGM/BQ.

J.L.O. MARTIN,
Brigadier,
DAG.

Copy to:- Headquarters,
No. 3 District.
A-3 - Your Min 1 and 5 IIS 16121/46/AS
Headquarters,
Allied Commission,
Legal Sub Commission - Your AD/4119/5/L dated 18 Jun 46 refers.
GHQ 2nd Echelon.

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

E-9 7/19/5

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Legal 3691

Originator's Reference: AG 104/1056

Date/Time of Origin: JUL.22/1830B

Message Centre No: H/4823

Date Time Rec'd: JUL.23/0000

Precedence: ROUTINE

FROM: 211 SUB AREA

TO: ALLIED COMMISSION LEGAL SUB COMMISSION INFO: 20 GARRISON GUARD ROOM

UNCLASSIFIED.

Reference GHQ letter 3652/A2 dated 12 July 45.

Please arrange collection Sorcetti Corrado from No. 20 Garrison guard room soonest.

AC DIST

ACTION LEGAL SC

INFO CHIEF COMMISS CMEN
C.A. SEC
CLOAT 2
FILE

ACTION

LEGAL SUB-COMMISSION

O

O

Chief Counsel

CLO

Italian Section

CLERKS

HEADQUARTERS 23 JUL 1946 A.F.H.C.

G-2

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

C. A. Sec.

AC 104/1056
JUL.2218308

H/4913
JUL.231000

ROUTINE

211 SUB AREA

ALLIED COMMISSION LEGAL SUB COMMISSION INFO: 20 GARRISON GUARD ROOM

Legal

UNCLASSIFIED.

Reference GHQ letter 3659/A2 dated 19 July 46.

Please arrange collection Sorcetti Corrado from No. 20 Garrison guard room soonest.

AC DIST

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

ALLIED COUNCIL FOR JAPAN 2472

HEADQUARTERS 23 JUL 1946 G-5

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

365A

311B

HEADQUARTERS ALLIED COMMISSION
APO 794
LEC 1, SUB-COMMISSION

/mda.

22 July 1946.

AC/4119/5/1.

SUBJECT : Emilio Napoletano
P.O.W. Camp, Afragola.

TO : C-1 (Sec) A 2, GHQ, C.M.F.

I enclose for your consideration a request received from the Secretariat of the Holy See for the liberation of Emilio Napoletano, a prisoner at present detained in the Internment Camp at Afragola, Naples.

MERCHANT THOMAS,
Italian Branch,
for Chief Legal Advisor.

60

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

362A

HEADQUARTERS ALLIED COMMISSION
APO 794
U.S. SUB-COMMISSION

/mln.

22 July 1946.

AC/4119/S/L.

SUBJECT : War Crimes: Italian Trials,
WILMS Case.

TO : Procuratore Generale Militare
Via degli Acquasparta 2 - Rome.

1. In reply to our letter of 1 April '46 forwarding letters received from you relating to WILMS Case, Allied Force Headquarters write as follows:

" 1. It is regretted that some delay has occured in settling
" this matter, but it has not been possible readily to obtain
" necessary clearances for WILMS.

" 2. Owing to the heavy pressure on the War Crimes Investigation
" resources it is not possible to interrogate WILMS. If, however,
" the Italian Government wish to submit a questionaire, arrangements
will be made for WILMS to complete it.

" 3. The 33 personnel listed in letter 1186/Reg-Gen dated 28 March 46
" cannot be traced unless further particulars are given - e.g. full
" Christian names."

2. I may further say that any application for information made by the Procura Generale Militare should be made through the Allied Commission and not direct to Allied Force Headquarters.

MUSGRAVE PIGGOTT,
Italian Branch,
for Chief Legal Adviser.

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

4119/5

9482

ALLIED FORCE HEADUARTERS
G-5 Section
APO 512

Legal 3618

G-5; 936.42

19 July 1946

SUBJECT: War Crimes - Italian Trials- Ogeftr WILMS Georg.

2248

TO : Chief Commissioner,
Allied Commission, APO 794.
(Attn: Legal Sub-Commission).

See p. 419 A
422 A

1. Reference your AC/4119/5/L dated 1 April 46.

2. It is regretted that some delay has occured in settling this matter, but it has not been possible readily to obtain necessary clearances for WILMS.

3. Owing to the heavy pressure on the War Crimes Investigation resources it is not possible to interrogate WILMS. If, however, the Italian Government wish to submit a quetsionaire, arrangements will be made for WILMS to complete it.

4. The SS personnel listed in letter 1186/Reg-Gen dated 28 March 46 cannot be traced unless further particulars are given - e.g. full Christian names.

5. The Italian Government should be informed that any applications for information made by General Court must be made through ALCOM and not direct to this Headquarters.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

for A. L. HAMBLEN
Colonel, G.S.C.
Assistant Chief of Staff, G-5

Major

SUB C MMIC
O
AO
Chief Counsel
AO
Italian
CLERKS
JUL 20 1946

cc to: A-3 (Your 16300/A3 dated 15 July 46 refers)

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

FILE

Fl. 3604

HEADQUARTERS A LIED COMMISSION
APO 794
LEGAL SUB COMMISSION

AG/AII9/5/L

MT/ms
20 July 1946

SUBJECT : War Crimes: Marinello SODINI.

TO : G-5: AFHQ.

I enclose herewith for onward transmission to the appropriate authorities two petitions with translations on behalf of Marinello SODINI who is at present under a life sentence for killing a prisoner of war at Grupignano di Friuli in May 1943.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

FILE

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

Patronage A.C.L.I.

Social Services of Workers

Head Office

Rome, the 28th June 1946

To H.E. the Ambassador
of the United Kingdom

ROME

We take the liberty of forwarding to your Excellency the petition addressed by the wife of Carabiniere Marinello SODINI to H.M. the King, in order that her husband, who was sentenced by a British Court Martial of Afragola be pardoned.

After having examined said petition, your Excellency will understand the reasons why Mrs. SODINI was led to address her application for Pardon to H.M. the King, and will kindly decide, if said petition may be forwarded.

Yours very truly

Sgd.: Hon. Giulio Pastore
President

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

FILE 57/21/46.

FILE 359A

15 July 46

To: Legal Sub-Commission, Allied Commission.

From: British Embassy, Rome.

Subject: Petitions for Clemency.

4 3/57. Sodini ?
~~Marinello (D'AMBROSIO)~~
MAROTTA, Alfonso
COLELLA Tommaso

411/5
MARINELLO
Sodini.

With reference to Mr. Wilson's memorandum No.57/14/46 of 12th June I am directed by the Ambassador to transmit to you for such action as may be found appropriate four further appeals for the remission of sentences passed by Allied Courts on Italian nationals.

R.H. Sarell.

R. Sarell.

FILE

See 411/5 of 20 July 46.

To be retained on Legal S/C File

SUB
CO
Chief Counsel
CJO
RKS
JUL 18

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

SECRET

FILE

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

FILE
3284

MT/pa.
19 July 1946.

AC/4119/5/L.

SUBJECT : War Crimes: Obergefreiter Rudolph Robert LANGE.
Central
TO : The Italian/War Crimes Commission.

1. The above mentioned prisoner will shortly be reverted to ordinary Prisoner of War status which means he will be repatriated when his turn comes.

2. Please inform this Sub-Commission whether the Italian authorities wish to prefer any charges against Lange. If so, it is necessary to state before the prisoner is handed over the formal charges on which it is proposed to bring Lange to trial.

3. May this matter be treated as urgent and a reply be sent as soon as possible.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

SECRET

FILE

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

SECRET LEGAL

4119/5

9335

FILE 354/D

Subject;- Obergefreiter Rudolf Robert LANGE.

FILE

GHQ CMF
16300/A3
15 Jul 46

Headquarters,
Allied Commission.

298A

Reference our 16300/A3 of 4 Jun 46.

1. The above subject having ceased to be of War Crimes interest to the office of the Deputy Judge Advocate is shortly to be reverted to ordinary PW status which means that he will be repatriated when his turn comes.

2. It is thought that the ITALIAN authorities may care to know this in case any action is contemplated by them against LANGE.

/cds

for Brigadier,
DAG.

...SUB COMMISSION
...of Counsel
...tion Section
CLERKS
JUL 17 1946
FILE

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

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

356A
mba.

18 July 1946.

AC/A119/5/L.

SUBJECT : War Crimes: MARCHINI Walter.

TO : Procuratore Generale presso la Corte
di Assise, BRESCIA.

1. Reference your letter No. 173/46 of 15th June 1946, of which this office has no copy.

2. The above-named Italian subject at present held in 209 PW Camp will shortly be available for handover to the Italian Authorities.

3. The following documents have been received from Military Headquarters for transmission to you:

(1) Copy of a statement of Otto Wolf of 20 June 1945.

(2) " " " " " " " " 12 March 1946.

(3) " " " Red Cross Report dated 2nd May 1945.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

50

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

FILE

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

FILE

3 0 5 5 A
/mdm.

AG/4419/5/L.

16 July 1946.

SUBJECT : War Crimes: KARCHER Walter.

TO : SIR, C.H.F.

1. The three documents enclosed in your letter No. 16171/65/A.3 of 11 July 46 have been duly forwarded to the Procuratore Generale of the Assize Court, Bolzano.

2. There is no objection to KARCHER being handed over to the local Italian Authorities for transmission to Bolzano as proposed by you.

For the Chief Commissioner:

MICHAEL TURNAGE,
Italian Branch,
for Chief Legal Advisor.

FILE

53

FILE 41/9/5 FILE

CONFIDENTIAL.

Legal

9201

SUBJECT : War Crimes - MARZONER Walter.

3547
CHQ CMF.

16171/65/A.3.

11 Jul 46.

See 384A

HQ Allied Commission,
Legal Sub Commission.

1. The above named Italian subject, at present held in 209 PW Camp, will shortly be available for handover to the Italian authorities.

2. The Corte di Assise di BOLZANO, in their letter 173/46 dated 15 Jun 46, requested that any documentary evidence in the possession of this HQ should be forwarded to them. It also appears that they wish to take this man into their custody.

3. The following documents are enclosed for onward transmission to the above mentioned Court.

a. Copy of a statement of Otto WOLF of 20 Jun 45.

b. Copy of a statement of Otto Wolf of 12 Mar 46.

c. Copy of a Red Cross Report dated 2 May 45.

4. Subject to confirmation by you arrangements will be made by this HQ for the handover of MARZONER to the local Italian authorities for onward transmission to BOLZANO through Italian channels.

LEGAL SUB-COMMISIO
CLO
CIO
Chief Counsel
CIO
Italian Section
PWS

Sent to Procuratore Generale Corte d'Assise, Bolzano
JUL 13 1946

Brigadier,

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

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c. Copy of a Red Cross Report dated 2 May 45.

4. Subject to confirmation by you arrangements will be made by this HQ for the handover of MARZONER to the local Italian authorities for onward transmission to BOLZANO through Italian channels.

SUB-COMMISIO
CIO
CCIO
Chief Courier
CIO
Italian Section
CC RKS
JUL 15 1946

Sent to Procuratore Generale
Corte d'Assise, Bolzano
JUL 15/1946

Brigadier,
DAG.

56

ENCL :

/br.

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

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

CONFIDENTIAL

FILE

353A

AG/A119/5/1.

18 July 1946.

SUBJECT : Crimini di guerra. - Capitano Alois SCHMID
A.A.C47390 CI, Jager, Udine.

TO : Capo dell'Ufficio del Pubblico Ministero
presso la Corte d'Assise - Sezione Speciale - TORINO.

Allego alla presente dichiarazione di RUSSO Alberto, relativa ai capi d'accusa di cui potrebbe essere imputato il Capitano Alois SCHMID, gia' comandante di una sezione della S.S. di Torino.

Nell'eventualita' che le Autorita' Italiane desiderassero giudicare il caso del capitano di cui sopra, probabilmente egli potra' essere preso in custodia dalle suddette Autorita' Italiane stesse. Pero', prima che abbia luogo il trasferimento occorre trasmettere al Quartiere Generale Militare una copia delle accuse sotto le quali le suddette Autorita' Italiane intendono giudicare il capitano SCHMID.

Pertanto, questa Sottocommissione rimane in attesa della copia delle accuse di cui sopra, con cortese sollecitudine.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

51

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

FILE

ALLIED COMMISSION
A20 794
LEGAL SUB-COMMISSION

5582/2

/Index.

AG/4119/94.

18 July 1946.

SUBJECT : War Criminal:
Capt. Alois STEINER.

TO : GHQ : C.M.F.

1. Reference your 16500/A.5 of 15 July 1946.

2. The documents enclosed in your letter have been sent to the Judicial Authorities in TURIN, who have been asked to submit a copy of the charges upon which they propose to try Capt. STEINER.

For the Chief Commissioner:

RICHARD THOMAS,
Italian Branch,
for Chief Legal Adviser.

26

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

LEGHL

CONFIDENTIAL

GHQ CMF

16300/43

15 Jul 46

9323

3519

SUBJECT : Hauptsch SCHMIT Alois

U11615

Headquarters
Allied Commission

1. The attached documents in the case of the above subject are returned and in accordance with instructions before handover could you please inform the Italian authorities that they are required to submit the formal charge or charges on which they are proposing to try SCHMIT.

2. CROWCASS have been asked to clear SCHMIT it is hoped this will not take long.

SUBCOMMISSION
CJO
Chief Counsel
CJO
Italian Section
CLERKS
JUL 17 1946

Brigadier,
D.A.G.

55

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

4119/5

LEGAL

9363

FILE 350A

Subject: Murder of ITALIAN Civilians at PORTOFINO.

CHQ CMF

16300/A-3

16 Jul 46.

Headquarters,
Allied Commission.

Reference your AC/4119/5/L of 10 July 46.

A copy of our 16300/A3 of 14 Jun 46 is attached for your information.

/gjs

Brigadier,
DAG.

LEGAL SUB-COMMISION
CHQ
Chief Counsel
CMF
Italian Section
CLERKS
JUL 18 1946

FILE 5

This can be filed.
A copy is already on the file, but on a new Volume of 4119/5. Aug. 1947

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

COPY

CONFIDENTIAL

Subject;- Murder of ITALIAN Civilians at PORTOFINO.

GHQ CMF

16300/A3
14 Sqns
Jul 46

Headquarters
Allied Commission.

1. Reference the attached depositions on the above subject, as the incidents refer only to ITALIANS it is thought that you may care to hand over the case to the appropriate authorities.

2. Efforts are being made at the present time to trace the wanted Germans. They are not in British custody but it is possible REIMERS is in United States hands.

/gjs

Sgnd R.W. GOWANS. Capt.
for Brigadier,
DAG.

5

Mod.839

Bal/ 41/915 CTAF

Ministero dell'Interno

DIREZIONE GENERALE DELLA P.S.-DIVISIONE S.I.S.-SEZIONE II^a

N.224/70046

Risp. a N.216034/II/232.5.2.
del 23.6.c.a.

Roma, 11 luglio 1946.-

OGGETTO: Criminali di guerra.-

AL MINISTERO DELLA GUERRA - Gabinetto -

R O M A

e per conoscenza

AL MINISTERO DI GRAZIA E GIUSTIZIA

R O M A

ALLA COMMISSIONE ALLEATA-Sottocommissione Legale

R O M A

AT LAN FORCES SUB COMMISSION A.C. (M.M.I.A.)

R O M A

SUB-C
CLO
CRKS
RACCOMANDATA-URGENTE
JUL 15 1946

In relazione alla nota sopradistinta, comunicasi che:

IANNUZZI Ugo è attualmente detenuto nelle Carceri di Ferrara. Egli potrà essere messo a disposizione delle Autorità Alleate e tradotto a Napoli, dopo il 30 luglio corrente;

PAVANINI Federico si trova in atto detenuto nelle carceri di Portolongone a disposizione delle Autorità Alleate. Il medesimo potrà essere prelevato in qualsiasi momento per raggiungere la destinazione

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

CLO

CL RKS

RACCOMANDATA-URGENTE

JUL 15 1946

AL MINISTERO DELLA GUERRA - Gabinetto -

R O M A

e per conoscenza

AL MINISTERO DI GRAZIA E GIUSTIZIA

R O M A

ALLA COMMISSIONE ALLEATA-Sottocommissione Legale

R O M A

AT LAW FORCES SUB COMMISSION A.C. (M.M.I.A.)

R O M A

In relazione alla nota sopradistinta, comunicasi che:

IANNUZZI Ugo é attualmente detenuto nelle Carceri di Ferrara. Egli potrà essere messo a disposizione delle Autorità Alleate e tradotto a Napoli, dopo il 30 luglio corrente;

PAVANRINI Federico si trova in atto detenuto nelle carceri di Portolongone a disposizione delle Autorità Alleate. Il medesimo potrà essere prelevato in qualsiasi momento per raggiungere la destinazione che sarà richiesta.-

GRANELLINI Natale risulta prelevato dalle Carceri di Rovigo, in data 27.6.u.sc., da militari alleati. Si presume che sia stato tradotto a Napoli;

BONDON Luigi, il 9 giugno u.sc. é stato tradotto dalle carceri di Rovigo a quelle di Napoli a disposizione delle Autorità Alleate.-

../..

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

Nei riguardi di CERATI Giovanni e PETRACCHINI Vittorio sono state date disposizioni per l'intensificazione delle ricerche, mentre TUROLLA Sara, il I.6.c.a. é giunta in traduzione a Napoli ed é stata subito posta a disposizione del Tribunale Militare Britannico.mm

PEL MINISTRO

No action necessary : File War Crimes File

18/7

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

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

3494

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

/mda.

15 July 1946.

AC/A119/4/L.

SUBJECT : Service of Summons on a German Prisoner of War: POW Friedrich Carl XXX.

TO : A-Branch: G&Q, C.M.F.

1. I enclose copy of a memorandum left today at this office by the Danish Chargé d'Affaires in which he requests that a Summons issued by the Municipal Court of Copenhagen be served upon Friedrich Carl XXX, a German POW at present detained in PWE 359, Naples.

2. Please send the two enclosed Summonses, to both of which are attached German translations, to the Camp Commandant and request him to serve the copy (which I have marked in red pencil "COPY"). The Danish Legation ask that the original be returned with a certificate that the Summons has been duly served. I would suggest that a certificate be endorsed on the last page of the original Summons in the following terms:

> I hereby certify that I served a copy of the Summons set out above, together with the translation in German attached to it, upon Friedrich Carl XXX by handing the same to him on the day of 1946 in the presence of (set out name of officer, rank, and official designation).

It would be of assistance if the Summons could be served in the presence of one of the Camp Commandant's officers and his name set out in the certificate. It is desirable that the Summons should be served by the Camp Commandant and his description as such should be clearly stated in the certificate.

3. On receiving back the original Summons after service has been made I should be obliged if you would return it to this Sub-Commission with a covering letter in duplicate which will serve to authenticate the signature of the Camp Commandant, stating that you are returning the Original Summons with a certificate

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

of Service endorsed thereon and duly signed by..... Officer in command of POW Camp....., or whatever is the correct description of the officer signing the certificate.

4. The Danish Legation has especially asked to have the service made and the original Summons returned at the earliest possible date.

For the Chief Commissioner:

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

LÉGATION DE DANEMARK
ROME

J.No.20-M.28.

347A

P. M.

The Danish Legation presents its compliments to the Legal Sub-Commission of the A.C. and ventures to avail itself of the Sub-Commission's good offices in the following matter.

On behalf of Mrs. Karen Ingeborg ERN, née Gyldholm, Matzensvej 16, Copenhagen, Messrs. Oscar Engholm, Solicitors, of Copenhagen, have, by a document dated March 29, 1946, summoned Friedrich Carl ERN, a German POW in Italy, husband of the aforesaid Karen Ingeborg Ern, to appear before the 10th Section of the Municipal Court of Copenhagen (Kjøbenhavns Byret) on Monday, Sept. 23, 1946, at 10 o' clock a.m., as defendant in a civil action brought against the aforesaid Friedrich Carl Ern by Mrs. Ern, in order to obtain a decree of separation of their marriage contracted on Sept. 9,1928.- It should be added that Mrs. Ern is Danish born.

./. The Legation begs to enclose the original summons (with
./. a translation into German), as well as a copy of same (with a translation into German), requesting the Legal Sub-Commission to be good enough to transmit the said documents to the

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

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./. The Legation begs to enclose the original summons (with
./. a translation into German), as well as a copy of same (with a translation into German), requesting the Legal Sub-Commission to be good enough to transmit the said documents to the competent Allied authorities, and to ask them to serve the summons on Friedrich Carl Ern, whose address is given as follows:

Fritz Ern, Obersoldat,
81 - G 638466 - H,
U.S. - PWE - 339,
Naples.

The copy of the summons should be handed over to Ern, and the original document returned to this Legation, with a-

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

duly legalized - annotation certifying that the summons has been served on Ern.

The Legation would be very grateful for a speedy dispatch of the present case.

Rome, 11th July 1946.

DANISH CHARGE' D'AFFAIRES.

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

DANISH CHARGE' D'AFFAIRES.

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

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

4119/5 a/3

MINISTERO DI GRAZIA E GIVSTIZIA

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

Roma, 12 Luglio 1946

Ufficio II° A.P.
Prot. N° 131.639/1337/46
Risposta all'f. N° 122
del 17.5.1946
OGGETTO: Procedimento penale contro il Ten.CARUSO ed altri per omicidio in persona del prigioniero inglese A.D. MACKENZIE.-

All'UFFICIO DEL P.M. presso la Sezione Speciale di Corte d'Assise
VOGHERA

e per conoscenza:
ALLA COMMISSIONE ALLEATA
Sottocommissione Legale
(Rif. nota 18.6.1946 n. AC.4119/5/L
ROMA

ALL'UFFICIO COLLEGAMENTO
SEDE

****

Facendo seguito a procedente corrispondenza relativa all'oggetto, si trascrive integralmente, la nota 18 u.s. n. AC.4119/5/L. della Commissione Alleata - Sottocommissione Legale:

"""Con riferimento alla vostra lettera I A.P. Prot. n. 131639/1337/46 in data 27 Maggio 1946, si gradirebbe moltissimo se vorrete far pervenire al più presto a questa Sottocommissione una copia del verdetto e della condanna emessa dal Tribunale che ha giudicato CARUSO ed altri.""".-

Si prega codesto Generale Ufficio di voler trasmettere a questo Ministero copia della sentenza con la quale è stato definito il procedimento a carico del/

./.

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

File

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

3457
/mda.

15 July 1946.

AC/4119/5/1.

SUBJECT : Murder of Italian Civilians at Porto Fino:
REIMERS Ernest.

TO : Ministry of Pardon and Justice.

1. Reference our letter AC/4119/5/1 of 22 June 1946.

2. This Sub-Commission has been informed that the Germans concerned were in United States custody; that REIMERS escaped 9757 Port Company 8 January 1946; Krim repatriated 18 July 1945; Meyers at present 339 PWE Camp. Further that REIMERS cannot be accounted for, but if and when recaptured this Sub-Commission will be informed.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Adviser.

15

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

MINISTERO DI GRAZIA E GIVSTIZIA

Direzione Generale degli Affari Penali
della Grazia della Statistica e del Casellario

Ufficio II° A.P.
Prot. N° 131.639/1337/46
Risposta all'N° 122
del 17.5.1946
OGGETTO Procedimento penale contro il Ten.CARUSO ed altri per omicidio in persona del prigioniero inglese A.D. MACKENZIE.-

Roma 12 Luglio 1946

All'UFFICIO DEL P.M. presso la Sezione Speciale di Corte d'Assise
VOGHERA

e per conoscenza:
ALLA COMMISSIONE ALLEATA
Sottocommissione Legale
(Rif. nota 18.6.1946 n. AC.4119/5/L
ROMA

ALL'UFFICIO COLLEGAMENTO
SEDE

^^^^^^^^^^^^^^^^

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./.

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

Ten. CARUSO e coimputati, ovvero dar notizia dello stato del procedimento stesso, se tuttora in corso.-

d'ordine del MINISTRO

HQ SUB COMMAND
CIC
Chief Counsel
CIC
Italian Section
JUL 13 1946

No action required at present.
Bring forward again on
30th July

13/7

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

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

3457
/mdb.

AC/4119/5/1.

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KUSCRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

A MANO CON RICEVUTA Local Stranieri - 5/c Mod 402

fm

4119/5

Roma, 11 luglio 1946

344A

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

Al PROCURATORE GENERALE MILITARE
presso il Tribunale Supremo Militare
ROMA

Uff. II A.P. Rif. N. 291/29/2124/46 Risposta al f. N. del

OGGETTO CRIMINI DI GUERRA.

316A

All. vari

e per conoscenza:
ALLA COMMISSIONE ALLEATA - Sottocommissione Legale
(risp. a nota 22.6.946 num. AC/4119/5/L. ROMA

e
All'UFFICIO DI COLLEGAMENTO - Gabinetto
SEDE

Per competenza, si trasmette l'unita documentazione, qui pervenuta dalla Commissione Alleata - Sottocommissione Legale - con l'allegata nota 22.6.946, relativa a crimini di guerra commessi, durante il periodo dell'occupazione, in S.Margherita Ligure e Portofino da militari tedexchi dietro ordine del Tenente germanico Ernest REIMERS, già comandante del Presidio tedesco di quella città, attualmente sotto custodia alleata.

Dagli atti raccolti a cura del C.L.N. di S.Margherita Ligure, risulta che il REIMERS, coadiuvato dai dipendenti sottufficiali, si è reso responsabile della fucilazione di 22 partigiani, prelevati dalle carceri di Genova, avvenuta il 3.2.1944 sulla spiaggia di Portofino, dell'esecuzione di altri 6 patrioti catturati a Rapallo, di arresti e deportazioni e torture in danno di numerosissime per-

Istituto Poligrafico dello Stato

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

316A

All. vari

e per conoscenza:
ALLA COMMISSIONE ALLEATA - Sottocommissione Legale
(risp. a nota 22.6.946 num. AC/4119/5/L. ROMA

e
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pel MINISTRO

No action required
See our letter E 1h 4 J
dated 15/7/96 Page

ISTITUTO POLIGRAFICO DELLO STATO

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

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

FILE

343A

FILE HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

/ndm.

AC/Al/2419/5/L. 12 July 1946.

SUBJECT : War Crimes: XHELAL STARAVECKA - Albanian subject.

TO : G-5: A.F.H.Q.

I enclose herewith translation of a letter from the Procuratore Militare of the Military Tribunal in Rome asking that the above-named Albanian subject may be handed over to the Italian authorities in order to be tried for the murder of Col. Genoud of the Carabinieri.

For the Chief Commissioner:

MERCHANT THOMAS,
Italian Branch,
for Chief Legal Advisor.

L.L.

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

9th July 1946

TRANSLATION

PROCURA MILITARE at the
TRICUNALE MILITARE TERRITORIALE
ROMA

7559/46/Pi.

SUBJECT : XHELAL STARAVECKA - Albanian citizen.

TO : ALLIED COMMISSION , Legal Sub-Commission, Rome.

Please advise this office whether the above mentioned person, who is responsible of the killing of the Italian Colonel of Carabinieri GAMUCCI and of the massacre of other 110 Italian Carabinieri, during the mouth of October 1943 in Albania, is being held by the Allied authorities and if he can be handed over to the Italian Authorities in order to be brought to trial.

The above STARAVECKA is supposed to be interned at present in the Slovenian Camp of Eboli (Salerno).

THE PROCURATORE MILITARE

(sgd) Alberto Bellini.

40

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

N. 2909 (208) del Catal.
(R. 1941)

Roma, 9 luglio 1946

PROCURA MILITARE
presso il TRIBUNALE
MILITARE TERRITORIALE
ROMA

Prot. N. 1559/46 Pi Allegati

Al ALLIED COMMISSION
Legal Sub Commission
ROMA

Risposta al foglio del

Div. Sez. N.

OGGETTO XHELAL STARAVECKA - cittadino albanese.

Prego comunicarmi cortesemente se il nominato in oggetto, responsabile dell'uccisione, avvenuta nell'ottobre 1943 in Albania, del Colonnello dei Carabinieri Gamucci, e del massacro di circa 110 carabinieri italiani, si trova a disposizione delle Autorità Alleate, e se può essere messo a disposizione delle Autorità Italiane per il procedimento penale a suo carico.

Lo Staravecka sarebbe attualmente nel campo slavo di Eboli.

IL PROCURATORE MILITARE
(Gen. Alberto Bellini)

Trattare per ogni affare in sede apposita il numero di protocollo e l'ufficio ed il dipende... Indirizzo telegrafico: ... e postale e...

SUB COMMISSION
Chief Counsel
Prosecution Section
WAR CRIMES
JUL 12 1946

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

FILE

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

3417

MT/ns

AC/AI30/5/2.

12 July 1946

SUBJECT : Murder charge against South African Corporal, request for authority to try before Italian Court.

TO : G-5 : AFHQ.

Loc 4-10 B
429 A

1. I enclose translation of a letter from the Minister of Justice (together with two enclosures) requesting permission for the Procure Generale in Turin to bring to trial before an Italian Court a South African Corporal who is alleged to have killed a person at Castellar Ponzano on 1st April last while driving a jeep in a state of intoxication.

2. A member of this Sub Commission will shortly go to Turin and Milan to investigate this and two other similar cases. Upon completion of the investigations a report upon each case with the recommendations of this Sub Commission will be forwarded to you.

For the Chief Commissioner :

GUSTAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Subject: Consent to proceed against an Allied soldier.

With reference to Art. 12 of document "A" relating to Restoration of Italian Territories, issued by the Allied Authorities in agreement with the Italian Government, the Ministry of Pardon and Justice forwards on the 4th July 1946 copies of two letters, which they have received from the Procura Generale of Turin and from the Procura del Regno of Alessandria, requesting the consent of the Superior Allied Mediterranean Command, in order to bring to trial as South African Corporal named Fouché, H.J. CONC. KN. TRATTON 17 REM of Acquata Scrivia, accused with having killed LAGUZZI Luigi (Art. 589 of Penal Code).

An answer of the Legal S/C, relating to the decision of the Superior Mediterranean

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

Allied Authorities in agreement with the Italian
vernment, the Ministry of Pardon and Justice for-
wards on the 4th July 1946 copies of two letters,
which they have received from the Procura Gene-
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rior Allied Mediterranean Command, in order to
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Touchi, H.J. CONC. KN. TRATTON 17 REM of
Arquata Scrivia, accused with having Killed
LAGUZZI Luigi (Art. 589 of Penal Code).

An answer of the Legal S/C, relating
to the decision of the Superior Mediterranean
Command is requested.

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

Copy

Procura Generale, Court of Appeal, Turin.

Turin, the 31st May 1946.

Subject: Consent to proceed against an Allied soldier.

Copy of letter, which we have received from the Procura del Regno of Alessandria requesting the consent of the Superior Mediterranean Allied Command, in order to bring to trial Corporal Fouché H.S. CONC. KN. TRATTON 17 REM. of Arquata Scrivia, accused with murder, is hereby requested.

Signature illegible.

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

Copy of letter, which we have received from the Procura del Regno of Alessandria requesting the consent of the Superior Mediterranean Allied Command, in order to bring to trial Corporal Fouché H.S. CONC. KN. TRATTON 17 REM. of Arquata Scrivia, accused with murder, is hereby requested.

Signature illegible.

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

Copy

Procura del Regno of Alessandria.

Alessandria, the 27th May 1946

Subject: Consent to proceed against an Allied soldier.

On the 1st April 1946, in the vicinity of Castellar Ponzano of Tortona, a South African Corporal named FOUCHE' H.S. CONC. KN. TRATTON 17 REM. of Arquata Scrivia in driving a jeep car hit a certain LAGUZZI Luigi, the son of Carlo, who was killed.

In accordance with the statement made by a witness, who was on the car, Fouchè was slightly intoxicated at the time of the accident, having drunk a lot of cognac, and was proceeding at a speed of 75 Km. per hour.

Fouchè did not stop, nor tried to do it, because he had lost control of himself.

Laguzzi was riding a bycicle on the right side of the street. He was hit from the back

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

On the 1st April 1946, in the vicinity of Castellar Ponzano of Tortona, a South African Corporal named FOUCHE' H.S. CONC. KN. TRATTON 17 REM. of Arquata Scrivia in driving a jeep car hit a certain LAGUZZI LUIGI, the son of Carlo, who was Killed.

In accordance with the statement made by a witness, who was on the car, Fouché was slightly intoxicated at the time of the accident, having drunk a lot of cognac, and was proceeding at a speed of 75 Km. per hour.

Fouché did not stop, nor tried to do it, because he had lost control of himself.

Laguzzi was riding a bycicle on the right side of the street. He was hit from the back as soon as Fouché tried to avoid another car coming from the opposite direction.

t. o. p.

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

As the above said soldier, in accordance with the note of the Superior Ministry, has to be charged with murder, a legal certificate of the Superior Mediterranean Allied Command is hereby requested, in order initiate a proceeding against him.

Signed: Procuratore del Regno

Mazzoni

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

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

FILE 340A

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

AC/4110/5/L

MT/as
11 July 1946.

SUBJECT : War Crimes : Cirillo CUDINA.

TO : The Secretariat of State of the Holy See, ROME.

Your letter of May last was duly forwarded to Military Headquarters which now request this Sub-Commission to advise you that after the most careful consideration of all the facts in this case His Majesty's Government and the Government of the United States have decided that CUDINA should be handed over to the Jugoslav Authorities and this is at the moment in the course of being done.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

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

4119/5

FILE V

9107
339A

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

FILE

286A

G-5: 936.24

9 July 1946

SUBJECT: War Crimes - Cirillo CUDINA.

TO : Chief Commissioner,
Allied Commission, APO 794.
(Attn: Legal Sub-Commission).

1. Reference your AC/4119/5/L dated 1 June 46.

2. Will you please advise the Secretariat of State of the Holy See that after the most careful consideration of all the facts in this case His Majesty's Government and the Government of the United States have decided that CUDINA should be handed over to the Jugoslav Authorities and this is at the moment in the course of being done.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

DKers Major

A. L. HAMBLEN
Colonel, G.S.C.
Assistant Chief of Staff, G-5

SUB-COMMISION
O
Chief Counsel
CIO
Section
CLERKS
JUL 11 1946

FILE

35

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

fm

MINISTERO DI GRAZIA E GIVSTIZIA

Direzione Generale degli Affari Penali delle Grazie della Giustizia e del Culto

Ufficio Iº A.P. 320A *Roma* 2 luglio 1946

Prot. N. 131.430.888

Risposta all'N. 4119/5/L.A.C. *del* del 24 giugno u.s.

OGGETTO Delitti di guerra - Procedimento penale contro DURELLO Natale, COLO Luigi e DELLA PRIA Agostino.

II^A COMMISSIONE Alleata - Sottocommissione Legale ROMA

e per conoscenza: UFFICIO COLLEGAMENTO
GABINETTO

Alla nota del 22 marzo scorso di codesta Sottocommissione Legale, fu risposto il 30 aprile, comunicando che il giudizio a carico dei suindicati tre individui sarebbe stato celebrato davanti la Sezione Speciale della Corte d'Assise di Padova, nell'udienza del 16 maggio.

Questo Ministero non conosce l'esito di detto giudizio, e nulla sa dei procedimenti simili a carico di BALOTTO Quintino, ALLEGRO Antonio e FONTANA Silvio. Si è scritto in proposito al P.M. presso la Sezione Speciale di Corte d'Assise predetta, segnalandogli i desideri espressi da codesta Sottocommissione, e si riserva di tornare sull'argomento.

pel MINISTRO

Chief Counsel
War Crimes
Italian Section
APO 512
JUL 8 - 1946

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

FILE

FILE

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

3315

AC/4119/S/L. /mdm.

10 July 1946.

SUBJECT : Murder of Italian Civilians at Porto Pino.

TO : CHQ : G.M.F.

With reference to your 16500/A3 of 3rd July 1946 may this Sub-Commission be supplied with a copy of your 16500/A3 of 14 June 1946, as no copy of this letter appears on our files.

For the Chief Commissioner:

315 A

Letter sent on 18th July, Vol. 2, Sheet 18 front.

FILE

GEORGE THOMAS,
Italian Branch,
For Chief Legal Advisor.

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

AWPS/5 FILE 8930 FILE Legal 33MA

SUBJECT:- Murder of ITALIAN Civilians at PORTO FINO

GHQ CMF
16300/A3
3 Jul 46

To:- Headquarters
Allied Commission.

315A

Reference our 16300/A3 of 14 Jun 46.

1. The GERMANS concerned were in United States custody and the following is the latest information on them.

REIMERS escaped 9757 Port Company 8 Jan 46.
KRINS repatriated 18 July 45
HOYERS at present 339 PWE Camp.

2. It is regretted that REIMERS cannot be accounted for but if and when recaptured you will be informed.

SUB-COMMISION
O
O
Chief Counsel
JO
Italian Section
CI RKS
JUL 5 - 1946

MK

Brigadier
DAG

E

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

FTAS

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

FTAS

3364

/mda.

AC/4119/5/L.

9 July 1946.

SUBJECT : War Crimes: Carlo Pierino BERNI.

TO : Pubblico Ministero presso la Corte di Assise - VARESE -

1. Reference your letter of 18th February 1946 addressed to Allied Force Headquarters, Rome, and to this Sub-Commission's letter to you dated 29th March 1946.

2. Duly attested statements of Lt.Col. PAWSON and Captain LEVIDES, R.H.N., have just been received from Greece and are now sent herewith in compliance with the request contained in your of 18th Feby.

3. Please acknowledge receipt of the two statements.

MURGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

FTAS

FTAS

31

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

4119/5

HEADQUARTERS ALLIED COMMISSION
NAVY SUB-COMMISSION APO 794

335A

NSC/5245
6 July 1946

From: Navy Sub-Commission, Hq. Allied Commission.
To : Legal Sub-Commission, Hq. Allied Commission.

Subject: Trial of Lt. di comp. BEGHI, Carlo.

264A
ref. 263A
221A

1. With reference to your letter dated 14th May 1946 certified statements of Lt. Col. PAWSON and Captain LEVIDIS, R.H.N., are forwarded herewith for onward transmission to Italian authorities in accordance with letter D.A.G. - GHQ. 16414/A-3 dated 26th April 1946.

LEGAL SUB-COMMISSION
CLO
DCLO
Chief Counsel
CJO
Italian Section
CLERKS
JUL 8 - 1946

G. F. MENTZ,
CAPTAIN, U. S. NAVY,
FOR REAR ADMIRAL,
CHIEF, NAVY SUB COMMISSION, A.C.

cc: DAG - GHQ, C.M.F.

30

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

FILE

FIL 3340

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

/mdk.

MG/4119/5/L. 6 July 1946.

SUBJECT : FRANCIOLINI Giuliano: alleged shooting of British Officer.

TO : CHQ, C.M.F.

1. Reference your 16171/35/A-3 of 29th May 1946.

2. The Ministry of Justice has written to the Procuratore Generale of the Court of Appeal in Florence to obtain information about the result of the trial. When these particulars are received they will be sent to you at once.

For the Chief Commissioner.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

FILE

Mod.402

Roma, 27 Giugno 1946

Ministero di Grazia e Giustizia

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

Uffizio I° A.P. Sez. N. 131.915.2001

Risposta al f. N. AC
del

PROCURATORE GENERALE
presso la Corte di Appello di
F I R E N Z E

OGGETTO FRANCIOLINI Giuliano.-

e per conoscenza:

ALLA COMMISSIONE ALLEATA
Sottocommissione Legale
(Rif. f. AC. 4119.5.L. del 4.6.1946)
R O M A

291/A

Pregasi codesto Generale Ufficio di voler fornire a questo Ministero gli elementi per rispondere alla Commissione Alleata che, in data 4 c.m., ha richiesto quanto segue:

"1°) Un certo FRANCIOLINI Giuliano, direttore del fondo POMINO situato nelle vicinanze di BORSELLI (Prov. di Firenze) è sospetto di aver ucciso un Ufficiale Britannico che si trovava in casa sua nel Novembre 1943.-

2°) La cosa venne passata alle Autorità Italiane perchè l a giudicassero alla stregua di un caso di omicidio ordinario.-

3°) Questa Sottocommissione gradirebbe le fossero fatte pervenire al più presto delle informazioni relative ai risultati del

JUL 6 - 1946

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

e per conoscenza:

ALLA COMMISSIONE ALLEATA
Sottocommissione Legale
(Rif. f. AC. 4119.5.L. del 4.6.1946)

R O M A

JUL 8 - 1946

291 A

Pregasi codesto Generale Ufficio di voler fornire a questo Ministero gli elementi per rispondere alla Commissione Alleata che, in data 4 c.m., ha richiesto quanto segue:

"1°) Un certo FRANCIOLLINI Giuliano, direttore del fondo POMINO situato nelle vicinanze di BORSELLI (Prov. di Firenze) è sospetto di aver ucciso un Ufficiale Britannico che si trovava in casa sua nel Novembre 1943.-

2°) La cosa venne passata alle Autorità Italiane perchè l a giudicassero alla stregua di un caso di omicidio ordinario.-

3°) Questa Sottocommissione gradirebbe le fossero fatte pervenire al più presto delle informazioni relative ai risultati del processo."".-

28

d'ordine del MINISTRO

ISTITUTO POLIGRAFICO DELLO STATO

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

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

File

3324

HEADQUARTERS ALLIED COMMISSION
APO 794.
LEGAL SUB-COMMISSION

AP/mdm.

AC/4119/5/L.

5 July 1946.

SUBJECT : War Crimes Trials - Defence Counsel.

TO : CMFC, C.M.F.

1. Reference your 16000/A-3 of 19 February 1946.

2. Herewith enclosed for your information letter of the Ministry of Pardon and Justice forwarded to the Ministries of Treasury and War dealing with the above mentioned matter.

3. An english translation is also enclosed.

For the Chief Commissioner.

MUSGRAVE TERRAS,
Italian Branch,
for Chief Legal Advisor.

Incls.

Copy to: G-5, AMG.

27

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

Copia

MINISTERO DI GRAZIA E GIUSTIZIA

UFFICIO DI COLLEGAMENTO CON L'A.C.

Protocollo No. 4563-3

Roma, 28.6.1946

OGGETTO : Processi per crimini di guerra - spesa per la difesa di imputati poveri.

Alla Commissione Alleata
Sottocommissione Legale

R o m a

Con riferimento al foglio AC/4119/5/L del 4 Maggio u.s. si trasmette per opportuna conoscenza copia della lettera della Direzione Generale degli Affari Civili del 29 maggio c.a. diretta ai Ministeri del Tesoro e della Guerra e relativa all'oggetto.

L'UFFICIALE DI COLLEGAMENTO
(Dr. G.Bonelli)

f.to Bonelli

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

Copia

MINISTERO DI GRAZIA E GIUSTIZIA

DIREZIONE GENERALE DEGLI AFFARI CIVILI E DELLE LIBERE PROFESSIONI

==========

Uff. VII =
Prot. n. 615/51

Roma, 29 maggio 1946

All. 2

AL MINISTERO DEL TESORO
Roma
AL MINISTERO DELLA GUERRA
Roma

OGGETTO : Processi per crimini di guerra - spesa per la difesa di imputati poveri.

RISERVATA RACCOMANDATA

Come risulta dalle unite copie di lettere, la Commissione Alleata - Sottocommissione Legale -, stante la deficienza, nello scacchiere mediterraneo, di ufficiali britannici forniti della necessaria idoneita' tecnica per assumere la difesa di imputati italiani in processi per crimini di guerra, ha chiesto di conoscere se vi siano avvocati italiani disposti ad assumere tale difesa; e, premesso che la maggior parte di questi imputati non saranno in grado di pagare i relativi onorari ha fatto la proposta "di chiedere al Ministero della Guerra perche' voglia autorizzare che le spese per i compensi agli appartenenti al Foro Italiano vengano tratte dal fondo pubblico".

Questo Ministero per quanto si riferisce alle spese predette conviene che esse dovessero essere sostenute dallo Stato nei casi di poverta' debitamente accertata. Inoltre per corrispondere alla richiesta della detta Commissione Alleata, detto incarico ai Procuratori Generali delle Corti di Appello delle citta' nelle quali i processi dovrebbero aver luogo, di indicare, previo accordo con i consigli degli ordini forensi, i nomi dei professionisti idonei, disposti ad assumere l'ufficio di difensore nei processi di che trattasi. Intanto la Commissione Alleata ha richiesto di "confermare che il Governo italiano sarebbe disposto a pagare gli onorari per quegli imputati che non fossero in grado di farlo."

Si prega perciò codesto Dicastero di volere esaminare una questione e fare conoscere i provvedimenti che intende adottare. A tale scopo sarà da tenere presente che i processi predetti si svolgono dinanzi a tribunali stranieri e non potranno quindi trovare applicazione le norme del codice di procedura penale italiano, per il quale gli avvocati hanno l'obbligo di prestare il loro patrocinio agli imputati quando siano nominati d'ufficio (art. 128), ne' sembra, per lo stesso motivo, che si possa fare ricorso alle

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

norme della legge sul gratuito patrocinio, le quali sono dirette unicamente ad assicurare le difese degli imputati poveri dinanzi agli organi giurisdizionali dello Stato italiano.

Dato che la Commissione Alleata desidera una urgente risposta, si prega di esaminare la questione con cortese sollecitudine.

pel Ministro

f.to: C. Millozza

p.c.c.

Salerni

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

T-R-A-N-S-L-A-T-I-O-N

MINISTER OF PARDON AND JUSTICE

Rome 28 June 1946.

SUBJECT : War Crimes. Penal Proceedings.
Expenses to be paid to Defense Counsel
in cases where the accused is poor.

TO : Allied Commission - Legal Sub-Commission.

With reference to your AC/4119/5/L of 4 May 1946, herewith enclosed for your information copy of letter by the "Direzione Generale degli Affari Civili" of 29 May 1946 forwarded to the Ministry of Treasury and the Ministry of War.

Liaison Officer

s/ Bonelli

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

Ministry of Pardon and Justice

Rome 29 May 1946

Ref. n. 615/51
Uff. VII

To the Ministry of Treasury
Rome

To the Ministry of War
Rome

SUBJECT : War Crimes. Penal Proceedings.
Expenses to be paid to Defense Counsel
in cases where the accused is poor.

C-O-N-F-I-D-E-N-T-I-A-L

Due to the shortage, of British offices, in the Mediterranean Theatre, qualified to defend Italian citizens brought to trial for war crimes, the Legal Sub-Commission, AC, has requested this Ministry whether it were possible for Italian attorneys to undertake such a defence and in view of the fact that most of these accused cannot afford to pay the relative fees has proposed that the Ministry of War be asked that such expenses and fees be charged to the State.

This Ministry concurred that such expenses should be charged to the State only in cases where poverty could be duly ascertained. Moreover, in order to comply with the request by the Legal Sub-Commission, this Ministry advised the appropriate Procuratori Generali to indicate, prior arrangements made with the local Law Councils, the names of qualified attorneys willing to assist war criminals before Allied Courts. In the meantime the Allied Commission has requested that it be confirmed whether the Italian Government was willing to sustain such expenditures.

It is therefore requested that your Department examine the question and inform this Ministry of the provisions intended to be adopted.

It should be borne in mind that the above mentioned cases are to be tried before Allied Tribunal's and cannot, therefore, be governed by the provisions under the Italian Code of Penals Procedure, according to which the attorneys are obliged to give their assistance to accused person upon ex-officio appointment (art. 128). Neither can the rules governing the ~~Penal Law~~ apply, because such law can be applied for cases being tried by Italian Courts.

In view of the fact that the Allied Commission wishes to have an early reply, please be good enough to consider the matter as urgent.

for proceedings
Penal Matters

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

331A

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

AC/4I19/5/L

AF/ns
28 June 1946

SUBJECT : War Crimes. SOKOTA Boris and others.

TO : Procura Generale Militare
Corte Suprema Militare,
Via Acquasparta 2
ROME.

1. Reference is made to your letter 1169 R.C. of 11 June 1946.

2. This Sub Commission has been requested to obtain information on the following points which appear to be still outstanding in this case :

a) It is believed that two men, MORGANTINI and [illegible] Enrico, not mentioned in the letter from the Supreme Military Court GROSSETO 31 May were involved in this killing. Are charges and if so what charges are being preferred against them.

b) Have SOKOTA and MANCINI yet been arrested and executed.

c) Has FRANCHI been executed.

d) What sentences have been passed on BARTI Guglielmo LONDINI Landino, PIEFERI Donatello and DEETI Sergio.

3. It would be very much appreciated if the above points could be clarified at the earliest possible date.

Cat IGM's 6 & 7 Aug. 46 397A

G.G. BARNAFORD,
Lt. Colonel,
Deputy Chief Legal Advisor.

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

8755

5304

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 936.42 26 June 1946

SUBJECT: War Crimes - SOKOTA Boris and Others, Killing of WRIGHT and Two Other British PWs.

TO : Chief Commissioner,
Allied Commission, APO 794.
(Attn: Legal Sub-Commission).

308A

1. Reference your AC/4119/5/L dated 13 June 46.

2. The following points appear to be still outstanding in this case:

a) It is believed that two men, MORGANTINI and PIFFERI Enrico, not mentioned in the letter from the Supreme Military Court GROSSETO 31 May were involved in this killing. Are charges and if so what charges are being preferred against them.

b) Have SAKOTA and FABBRI yet been arrested and executed.

c) Has FRANCHI been executed.

d) What sentences have been passed on SARTI Guglielmo, LONDONI Landino, PIFFERI Donatello and DETTI Sergio.

3. Will you clarify these points as soon as possible.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

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

Major

SUBCOMMISSION
Chief Counsel
LD
Action Section
RKS

27 June 46

Ltr # 396A

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

3294

STOP FILE

ITALIAN CLEAR ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

AP/mlm.

27 June 1946.

AG/4119/S/L.

SUBJECT : PARACCOLLO Salvatore. - Petition for Pardon.

TO : Ministry of Pardon and Justice.

1. Reference is made to your letter 3227/46 Uff. IV Grazia of 25 May 1946.

2. Please be advised that on reconsideration ten years of the sentence of twenty years imprisonment passed on the above mentioned were remitted.

3. This sentence has now been put into execution and it is regretted that no further appeals or petitions can be entertained on behalf of this man.

G.G. HAMILTON,
Lt.Colonel,
Deputy Chief Legal Advisor.

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

LEGAL

8709
328A

4119/5

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

25 June 1946

G-5: 934:44

SUBJECT: War Crimes - PARACUOLLO Salvatore.

TO : Chief Commissioner,
Allied Commission, APO 794.
(Attn: Legal Sub-Commission).

385A

1. Reference is made to your 4119/5/L dated 12 June 46.

2. On confirmation ten years of the sentence of twenty years imprisonment passed on PARACUOLLO by a British Military Court was remitted.

3. This sentence has now been put into execution and it is regretted that no further appeals or petitions can be entertained on behalf of this man.

BY COMMAND OF LIEUTENANT GENERAL MORGAN;

Major

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

LEGAL SUB-COMMISSION
(1)
Chief Counsel
(2)
Italian Section
CC RKS
27 June 46

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

File

HEADQUARTERS ALLIED COMMISSION
AFO 794
LEGAL SUB COMMISSION

-274-

AC/4II9/5/L

AF/ha
25 June 1946

SUBJECT : GOTTARDI Ernesto.

TO : Secretariat of State of His Holiness.

With reference to your letter N° 117160/S of 3 June 1946 requesting clemency on behalf of Signor Ernesto GOTTARDI please be advised that the sentence in his case was commuted by the Supreme Allied Commander to one of imprisonment for life.

M.J. ATKINSON,
Lt.Colonel, IGD,
Chief Counsel.

16

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

4/19/5 file

8617

Legal

3267

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 934.44

22 June 1946

SUBJECT: War Crimes: Petition for pardon on Behalf of GOTTARDI Ernesto.

TO : Chief Commissioner,
Allied Commission, APO 794.
(Attn: Legal Sub-Commission).

1. Reference your AC/4119/5/L dated 10 June 46.

2. GOTTARDI was sentenced to death by a British Military Court, charged with being concerned in the killing of a British Officer. This sentence was commuted by the Supreme Allied Commander to one of imprisonment for life.

3. It is regretted that no appeals or petitions can now be entertained on behalf of this man.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

Major

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

LEGAL SUB COMMISSION
CLO
DCLO
Chief Counsel
CLO
Italian Section
CLERKS
24 June 46

GOTTARDI

See pp. 277A, 294A., Vol 2.

17

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

RESTRICTED

/dela

41195 Italy

HEADQUARTERS
MEDITERRANEAN THEATER OF OPERATIONS
UNITED STATES ARMY
APO 512

3257A

GENERAL ORDERS)
:
NUMBER 119)

20 June 1946

Before a Military Commission which convened at Naples, Italy, 9, 10, 11, 12, 13, 14, 15 January 1946, pursuant to Special Orders No. 359, Headquarters Peninsular Base Section, APO 782, U.S. Army, dated 25 December 1945, of which Military Commission Colonel Herbert B. Scanlon was President and Major Samuel L. Lewis, Judge Advocate, were arraigned and tried:

HEINZ ANDERGASSEN, AUGUST SCHIFFER, and ALBERT STORZ, formerly members of organizations acting in support of combatant forces of the German Reich, a belligerent enemy Nation.

CHARGE: Violation of the law of war.

Specification 1: In that August Schiffer, Albert Storz, Heinz Andergassen and Hans Putz, then members of organizations acting in support of combatant forces of the German Reich, a belligerent enemy nation, acting jointly and in pursuance of a common intent, did, at or near Bolzano, Italy, on or about 20 February 1945, wrongfully, and contrary to the law of war kill summarily Captain Roderick G. S. Hall, an officer of the Army of the United States who had then recently been captured and was a prisoner of war, by causing him to be hanged by the neck until dead.

Specification 2: In that August Schiffer, Albert Storz, and Heinz Andergassen, then members of organizations acting in support of combatant forces of the German Reich, a belligerent enemy nation, acting jointly and in pursuance of a common intent, did, at or near Bolzano, Italy, on or about 19 March 1945, wrongfully, and contrary to the law of war kill summarily Major R. Ruger Littlejohn, an officer of the British Army, Second Lieutenant Charles Parker, an officer of the Army of the United States, and Corporal Joseph David Crawley, a non-commissioned officer of the British Army, each of whom had then recently been captured and were prisoners of war by causing each of them to be shot to death with a gun.

Specification 3: In that August Schiffer, Albert Storz, and Heinz Andergassen then members of organizations acting in support of combatant forces of the German Reich, a belligerent enemy nation, acting jointly, and in pursuance of a common intent, did, at or near Bolzano, Italy, on or about 27 March 1945, wrongfully, and contrary to the law of war kill summarily First Lieutenant George W. Hammond, Second Lieutenant Hardy D. Marron, both officers, and Staff Sergeant Medard R. Tafoya, a non-commissioned officer, each of whom was a member of the Army of the United States, and each of whom had recently been captured and were prisoners of war, by causing each of them to be shot to death with a gun.

16

RESTRICTED

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

Hq MTOUSA General Orders No. 119, 1946 (Cont'd)

PLEAS

To all the Specifications of the Charge and to the Charge, the accused pleaded as follows:

AUGUST SCHIFFER	-	Not Guilty.
HEINZ ANDERGASSEN	-	Not Guilty.
ALBERT STORZ	-	Not Guilty.

FINDINGS

As to AUGUST SCHIFFER - of all of the Specifications of the Charge and to the Charge: Guilty.

As to HEINZ ANDERGASSEN - of all of the Specifications of the Charge and to the Charge: Guilty.

As to ALBERT STORZ - of all of the Specifications of the Charge and to the Charge: Guilty.

SENTENCES

As to AUGUST SCHIFFER - to be hanged by the neck until dead.

As to HEINZ ANDERGASSEN - to be hanged by the neck until dead.

As to ALBERT STORZ - to be hanged by the neck until dead.

The sentence was adjudged on 15 January 1946.

The action of the Reviewing Authority, after review of the Record of Trial is as follows:

"HEADQUARTERS
PENINSULAR BASE SECTION
APO 782

26 March 1946

In the foregoing case of AUGUST SCHIFFER, HEINZ ANDERGASSEN, and ALBERT STORZ the sentence is approved as to each accused and the record of trial is forwarded to the Commanding General, Mediterranean Theater of Operations, for action as confirming authority.

FRANCIS H. OXX
Colonel, Corps of Engineers
Commanding"

The action of the confirming authority, after review of the Record of Trial, is as follows:

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

"HEADQUARTERS
MEDITERRANEAN THEATER OF OPERATIONS
UNITED STATES ARMY
APO 512

6 June 1946

In the foregoing case of AUGUST SCHIFTER, German National, HEINZ AHLERGASSEN, Austrian National, and ALBERT STORZ, Austrian National, all formerly acting in support of combatant forces of the German Reich, the findings and sentences of the Military Commission is approved and confirmed as to each. The sentence as to each will be carried into execution on or before 15 July 1946, at or in the vicinity of Leghorn (Livorno) Italy. The act of execution, to carry out the death sentence imposed upon each of the above-named persons, will be performed under the direction of the Commanding Officer, Peninsular Base Section, Mediterranean Theater of Operations.

JOHN C. H. LEE, Lt. General
Commanding
Mediterranean Theater of Operations
United States Army"

BY COMMAND OF MAJOR GENERAL JAYNES:

L. C. JAYNES
Major General, United States Army
Chief of Staff

OFFICIAL:

Ralph C. Tilley
RALPH C. TILLEY
Colonel, AGD
Adjutant General

DISTRIBUTION:
Y
Plus
100 - JA

15

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

LEGAL (CIRCULATING)

HQ AC

DATE : 1946	PLEASE INITIAL
Col. JOHN K. WEBER	
Lt.Col. G.G. HANNAFORD	
Lt.Col. H.J. ATKINSON	
Lt.Col. L.R. HOLMES	
Major D.D. McCOLM	
Capt. L.C. BETH	LCB
Judge M. THOMAS	

PLEASE PASS QUICKLY

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

file

HEADQUARTES ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

3240

AP/ns
21 June 1946.

AC/4119/5/L

SUBJECT : WENDEL Karl.

TO : Public Safety Sub Commission
(Attn: Security Division) Hq., AC.

1. Herewith enclosed letter 291.13/127/46 of 12 June 1946 from the Ministry of Pardon and Justice relating to the above mentioned, for your consideration.

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

Incls.

14

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

File

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

323A

AC/4II9/5/L 21 June 1946.

SUBJECT : WENDEL Karl.

TO : Ministry of Pardon and Justice.

1. Your letter 291.18/127/46 of 12 June 1946 and previous correspondence has been referred to Public Safety Sub Commission (Attn: Security Division) Hq., AC. for action.

2. Please transmit all future correspondence relating WENDEL Karl direct to the above mentioned Division.

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

13

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

4119/5

M I N I S T E R O D I G R A Z I A E G I U S T I Z I A
Direzione Generale degli Affari Penali della Grazia
della Statistica e del Casellario

322A

Roma 12 Giugno 1946

Ufficio 1° A.P.
Prot. 291.18/127/46

ALLA COMMISSIONE ALLEATA
Sottocommissione Legale

ROMA

Oggetto: Identificazione e rintraccio del maresciallo delle SS tedesche WENDEL o WENDL Karl, responsabile di omicidio.

e per notizia:

ALL'UFFICIO DI COLLEGAMENTO -
Gabinetto

SEDE

Di seguito alla nota pari numero del 7 u.s., si prega codesta On. Sottocommissione di voler far conoscere quale sia stato l'esito delle indagini, eventualmente compiute dalle Autorità Alleate, per la precisa identificazione ed il rintraccio del maresciallo tedesco in oggetto, resosi responsabile di omicidio in persona del giovane FORNI Luciano.

Si raccomanda un cortese ed urgente riscontro, facendo presente che l'Ufficio d'Istruzione presso il Tribunale di Torino ha in pari data sollecitato telegraficamente le notizie di cui sopra, indispensabili per la definizione del procedimento a carico del WENDEL nel quale sono imputate persone che si trovano da lungo tempo, in istato di detenzione preventiva.

pel MINISTRO

Sgd.: ? 12

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

4119/57 Fald. 392

MINISTERO DI GRAZIA E GIVSTIZIA

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

32/A

Ufficio I° A.F.
Prot. N° 291.18.1271/46
Risposta al f. N°
del

Roma Maggio 1946

Oggetto Identificazione e rintrac
cio del maresciallo delle
S.S. tedesche WENDEL o WENDL
Karl responsabile di omicidio.-

All 2

Alla 1ª COMMISSIONE ALLEATA
Sottocommissione Legale
R O M A

e per conoscenza:
ALL'UFFICIO COLLEGAMENTO
S E D E
AL PROCURATORE GENERALE
presso la Corte di Appello
(Rif.nota 13.4.1946 n° 304/45)
T O R I N O

Si trasmettono in copia le unite note 12 e 13 u.s. del Giudice Istruttore di Torino e della Procura Generale presso la Corte di Appello di quella città, con preghiera di voler cortesemente interessarsi per la precisa identificazione ed il rintraccio del maresciallo delle S/S. tedesche in oggetto indicato, resosi responsabile di omicidio in persona del cittadino italiano FORNI Luciano.-

Si resta in attesa di notizie circa i risultati delle indagini che saranno svolte all'uopo.-

per il M I N I S T R O

Il

Original passed to Security Division on 15 April 1946

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

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

320A

AC/4II9/5/L

AP/ns
24 June 1946.

Le 375A
395A

SUBJECT : War Crimes: Trial of DURILLO Natale, COLO Luigi and DELLA PRIA Agostino.

TO : Ministry of Pardon and Justice.

1. Reference is made to this Sub Commission's letter AC/4II9/5/L of 22 March 1946.

2. It is now understood that the above mentioned persons have been tried before an Extraordinary Court of Assize in Padova and that they have been sentenced to long terms of imprisonment. It is therefore requested that a reply may now be given to letter CLO/V/13/47 of 13 February 1946 addressed to "Pubblico Ministero di Padova" by the Chief Liaison Officer Venezia, copy of which is enclosed for your information.

3. It is not now proposed to bring these persons to trial before a British Military Court. It is however understood that BALASSO Quintino, who was implicated in the offence is at present in Italian custody.

4. It is requested that it may be stated whether it is intended to bring BALASSO to trial before an Italian Court: if such is the case it is not proposed to interfere in any civil process at this stage.

5. If BALASSO is tried before an Italian Court it is requested that this Sub Commission be informed of the charges preferred against him and the findings and sentence of the Court.

6. Under no circumstances should any of the persons mentioned above be released or executed without prior

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

reference to this Headquarters.

7. Please consider the matter as very urgent.

G.G. HANRAHAN,
Lt Colonel,
Deputy Chief Legal Advisor.

Incls.

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

C O P Y

13 Febbraio 1946.

Al : PUBBLICO MINISTERO DI PADOVA

OGGETTO : Crimini di guerra, processo di DURELLO Natale, COLO Luigi e DELLA PRIA Agostino.

FILE : n° CLO/V/13/47.

1. In riferimento al processo degli imputati di cui all'oggetto davanti alla Corte Straordinaria di Assise a Padova.

2. Il Comando delle Forze Alleate desidera essere informato dei capi d'accusa e di quanto fu scoperto dalla Corte in questa causa. Inoltre dichiara che qualora delle sentenze di pena capitale dovessero essere pronunciate esse non dovranno essere eseguite senza riferirne previamente a detto Comando. Analogamente, se qualcuno degli imputati dovesse essere assolto, egli dovrà essere trattenuto in detenzione. Il Comando delle Forze Alleate dichiara anche che si riserva il diritto di sottoporre a processo questi uomini dopo che la causa alle Assisi di Padova sarà ultimata.

3. Il Comando delle Forze Alleate ha pure chiesto conferma che ALBERGO Antonio/FONTANA Silvio sono pure essi in detenzione presso le Autorità Italiane. Questo Comando ha accertato che è così ed in attesa che ulteriori disposizioni arrivino dal Comando delle Forze Alleate, si chiede che questi casi vengano considerati come essendo della stessa categoria di quelli dei tre imputati enumerati in oggetto.

4. Vogliate conformarvi a queste istruzioni quando le cause saranno state ascoltate alla Corte d'Assise e quando le sentenze saranno pronunciate vogliate informare immediatamente questo Comando dell'esito perchè tale informazione possa essere trasmessa al Comando delle Forze Alleate.

5. Favorite accusare ricezione della presente.

Brigadier
Chief Liaison Officer

Copia a: OC 55 Field Security Section, 1st Corps (vostra S/3 del 17 Gen.46 FSI

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

8513

25 2
244A

LEGAL

3/9A

SUBJECT : War Crimes - Trial of BURGLIO, COLO and DALLA PRIA

CONFIDENTIAL

4/19/5 Tulw

GHQ CMF

16171/21/A3

14 Jun 46

HQ Allied Commission
Legal Sub Commission

Reference this HQ letter of even number dated 10 May 46.

1. It is now understood that the above mentioned persons have been tried before an Italian Court and that they have been sentenced to long terms of imprisonment. It is therefore requested that a reply may now be given to this HQ letter of even number dated 7 Jan 46.

2. It is not now proposed to bring these persons to trial before a British Military Court. It is however understood that BALASSO Quintino, who was implicated in the offence which was the subject of investigations made by this HQ, is at present in Italian custody.

3. It is requested that it may be stated whether it is intended to bring BALASSO to trial before an Italian court : if such is the case it is not proposed to interfere in any civil process at this stage.

4. If BALASSO is tried before an Italian court it is requested that this HQ may be informed of the charges preferred against him and the findings and sentence of the Court.

5. Under no circumstances should any of the persons mentioned above be released or executed without prior reference to this HQ.

Brigadier,
DAJ.
17

ml
Copy to :- LJAG, GHQ,CMF. (this Section minute of even number dated June refers)

Legal Section
CLERKS

21 June 46

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

HEADQUARTERS ALLIED COMMISSION
AFO 794
LEGAL SUB COMMISSION

31PA

AC/4II9/5/L

AF/ns
22 June 1946.

My dear Mr. Prime Minister,

Further to my letter AC/4II9/5/L of 3 June 1946 please be advised that the sentence of death passed on Col. TURCO at Milan on 10 April 1946 was on 14 May 1946 commuted to one of fifteen years imprisonment.

Orders have been issued for this sentence to be put into execution and it is regretted that no further appeals or petitions can be entertained on behalf of Col. TURCO.

Yours very truly,

M. S. LUSH
Brigadier,
Executive Commissioner
for the Chief Commissioner.

His Excellency
Dott. Alcide De Gasperi
Presidente del Consiglio dei Ministri
ROME.

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

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

14 June 1946

G-5: 934.44

SUBJECT: War Crimes: Col. Paulo TURCO

TO : Chief Commissioner
Allied Commission
(Attn: Legal Sub-Commission)
APO 794

1. Reference is made to your letter AC/4119/5/L 1 June concerning the above named.

2. The sentence of death passed on Col. TURCO at Milan on 10 April 1946 was on 14 May 1946 commuted by SAC to one of fifteen years imprisonment.

3. Orders have been issued for this sentence to be put into execution and it is regretted that no further appeals or petitions can be entertained on behalf of Col. TURCO.

4. Your attention is directed to CMC CMF letter 1.036/1/-3 of 27 May 1946 which transmitted the above information to the Public Safety Sub-Commission.

BY COMMAND OF LIEUTENANT GENERAL MARK W. CLARK:

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

17 June 46

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

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

316A

AC/4II9/5/L AP/ns
22 June 1946.

SUBJECT : Murder of Italian Civilians at Porto Fino
- KRIEGER ERNEST -

TO : Ministry of Pardon and Justice.

1. Herewith enclosed the following documents relating to the above mentioned subject for your consideration and onward transmission to the appropriate Italian judicial authority :

1) Letter of CLN, Santa Margherita Ligure of 8 April 1946 addressed to Capt. Crusoe, All. Screening Commission, Santa Margherita Ligure.

2) List of charges against Lt. ERNST KRIEGER.

3) Report on the first questioning of Giorgia CUPIDO

4) " " " second questioning of Giorgia CUPIDO

5) Statement of Ortensia SCHIAFFINO Vedova CUNEO

6) Statement of ROCCA Siro fu Luigi

7) " " Vittorio MORTOLA

8) " " DALL'OGLIO Enrico

9) " " Emilia CIANA

10) " " Elsie BUTTERS

11) " " Giovanni BONETTI

12) " " Giuseppe COSTA

4

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

13) Statement of Amleto NAPOLI

14) " " LANZI Mario

15) " " CARLINI Ffisio

16) " " Flin de V.HINDT carried HATTES

17) " " PASCV Giacomo

18) " " ONFTO Domenico

19) " " Giovanni MACCIO

20) " " SVRAFINI Mary

21) " " CARBONI Marcella

22) " " Luigi MACALDI

23) Letter LIG/SAF/642 of RPSO of Liguria Region dated 27 November 1945

24) Statement of Ortensia SCHIAFFINO et al.

2. Efforts are being made at present time to trace the wanted Germans. They are not in British custody but it is possible RETERS is in United States hands.

3. Please acknowledge receipt.

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

Incls.

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

LEGAL

CONFIDENTIAL

8515

SUBJECT: Murder of ITALIAN Civilians at PORTO FINO

41/9/5 Fulton

GHQ CMF
16300/A3
14 Jun 46

3167A

Headquarters
Allied Commission

1. Reference the attached depositions on the above subject, as the incidents refer only to ITALIANS it is thought that you may care to handover the case to the appropriate authorities.

2. Efforts are being made at the present time to trace the wanted GERMANS. They are not in British custody but it is possible REIDERS is in United States hands.

ml

CLO
DCLO
Chief Counsel
CIO
Italian Section
CLERKS
21 June 46

W.A. Brown 14/6

for Brigadier,
DAG.

Dec 22 June 46

Ltr 337 A2

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

LEGAL

8414

314A

4/19/5.

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 926.121

17 June 1946

SUBJECT: War Crimes by Italians against British.

TO : Chief Commissioner,
Allied Commission,
(Attn: Legal S/C),
APO 794.

SUB COMMISSION
CO
DO
Chief Counsel
CIO
Italian Section
RAS

Reference your AC/4119/5/I, 13 June 46.

Will you please request the Procura Generale Militare, Rome to advise the results when the pending investigations/trials have been concluded.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

18 June 46

Major

/s/ A. I. HAMBLEN
Brigadier General, G.S.C.
Assistant Chief of Staff, G-5