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CASE OF N
APR. - JU

2/784 CASE OF NAVA CESARE (SHOOTING OF FRENCH MOROCCAN SOLDIER)
APR. - JUNE 1944

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

AC/ 4123/LEGAL

OPENED : 11 April 1944

CLOSED : 3 June 1944

SUBJECT : CASE OF NAVA CESARE (SHOOTING OF FRENCH MOROCCAN SOLDIER)

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CONTAINS
FROM APR. 1944
TO JUNE 1944
CATALOGUE

READY FOR ARCHIVE

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FILE CLOSED 3 June 1944

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

GRU/ap

ACC/4123/L

3 June 1944.

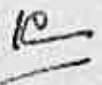
SUBJECT : Case of NAVA Cesare.

TO : Regional Legal Officer (thru RC) Region 3.

1. In reply to L/3046 of 28 May.

2. NAVA Cesare was found guilty on the charge of killing a Moroccan soldier and sentenced to 5 years imprisonment. Having regard to the extenuating circumstances and to the fact the accused was an Italian soldier serving with his unit at the front, the sentence was suspended on condition of his immediate return to his unit and continued good behaviour.

3. Incidentally, I am told that the record of this case is at your HQ having been sent to you from AMG 5th Army.


G. R. UPJOHN, 10
Colonel,
Chief Legal Officer.

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HEADQUARTERS
AMG FIFTH ARMY (FIELD)
LEGAL DIVISION
APO 464 U.S. ARMY.

1 June 1944.
208/CA/92.

SUBJECT: Case of Nava Cesare.

TO : C.L.O., A.C.C. HQ. (Rear).

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1. With reference to your letter ACC/4123/L dated 29 May, the above-named was found guilty on the charge of killing a French Moroccan soldier and sentenced to 5 years imprisonment. Having regard to the extenuating circumstances and to the fact that the accused was an Italian soldier serving with his unit at the front, the sentence was suspended on condition of his immediate return to his unit and continued good behaviour.
2. All the members of the Court were in agreement as to the facts of the case and as to the sentence imposed.
3. The Record of Proceedings has already been sent to R.L.O. Region III for safe custody. If it is required by your HQ., arrangements can be made for the Record to be forwarded to you immediately.

H.M. Dickie Wldr.

H.M. DICKIE., W/Cdr., R.A.F.,
S.L.O. AMG 5 Army.

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CLP	
Italian Section	
CLERKS	

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

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ACC/4123/L

29 May 44

Subject: Case of NAVA Cesare

To : Regional Legal Officer, Region 3.

In answer to L-3046 of 28 May 1944

1. The papers have not yet been received for Review.
2. The information you ask for is being obtained and will be forwarded as soon as received.

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GERALD R. UPJOHN
Colonel
Chief Legal Officer

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REAR HEADQUARTERS
AL CONTROL COMMISSION
Legal Sub-Commission
APO 394

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ACC/4123/L

29 May 44

Subject: Case of NAVA Cesare

To : Senior Legal Officer, AMG, 5th Army.

1. Will you please inform this Sub-Commission the outcome of the proceedings against NAVA Cesare, tried by a General Military Court at SERRA AURENCA on 5 May 44?

2. This information is wanted to enable the Legal Sub-Commission to answer a query put to it.

3. No doubt, the papers will come up for review in due course, unless the accused was acquitted.

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GERALD R. UPTON
Colonel
Chief Legal Officer.

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HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U.S. Army

L-3046

28 May 1944

Subject: Case of Nava Cesare.

To : C.L.O. Legal Sub-Commission, A.C.C.

1. The a/m is an Italian soldier and was tried by an AMG court 5 May 1944, at Sessa Aurunca for the killing of a Moroccan soldier.

2. The Procuratore del Tribunale Militare would like to know what sentence was imposed. Can you give me that information.

For the Regional Commissioner:



JOHN W. CHAPMAN,
Colonel, JAGD ;
Reg. Legal Officer.

JWC/mo

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

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HEADQUARTERS
AMG FIFTH ARMY
LEGAL DIVISION.
APO 464 U.S. ARMY.

amy

27 April 1944.
208/CA/45.

SUBJECT: Case of Nava Cesare.

TO : C.L.O., ACC HQ. _____

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1. Receipt of your letter ACC/4123/L dated 24 April 1944 with enclosures is hereby acknowledged.
 2. The necessary arrangements are being made for the accused to be tried by General Military Court during next week.

LEGAL SUB-COMMISSION	
LO	✓
DELO	✓
Chief Counsel	
CJO	
Copy to 208/CA/92.	

H.M. Dickie Wllan
H.M. DICKIE., W/Cdr., R.A.F.,
S.L.O., AMG 5 Army.

CONFIDENTIAL (4)

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

RHV/gmf

ACC/4123/1

24 April 1944

SUBJECT: Case of Nava Cesare.

TO : SIO AMG 5th Army.

1. Ref your 208/CA.45 dated 11 April 1944.
2. The papers which you sent were transmitted to the Chief Commissioner who has now given directions that the case shall be tried by an Allied Military Court. Will you please make arrangements accordingly.
3. The papers you sent are returned herewith together with the letter of 22 April 1944 from the Chief Commissioner.

RICHARD H. WILMER
Lt. Col. CAC
Deputy Chief Legal Officer.

COPY

CONFIDENTIAL

HEADQUARTERS ALLIED CONTROL COMMISSION

Office of the Chief Commissioner
APO 394

FMM/rj

22nd April 1944.

I return attached papers.

2. I referred the question to General De Sevin and have attached his reply.
3. Under the circumstances I direct that the case be tried by an Allied Military Court.

Sgd. Noel Mason Macfarlane
NOEL MASON MACFARLANE
Lieutenant-General,
Chief Commissioner.

Colonel G. Upjohn
Chief Legal Officer
Legal Subcommittee
SALERNO.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

GRU/gmf

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ACC/4123/1

16 April 1944

SUBJECT: Case of NAVA Casara.

TO : Chief Commissioner, ACC.

1. The attached papers relate to the death of a French Moroccan soldier who was shot by an Italian soldier belonging to the First Italian Motorised Group.

2. The proces verbal of the Prevote du Quartier General (which appears to have conducted a very thorough investigation) indicates:

(a) That the Italian intervened to prevent a donkey being stolen by the Moroccan from Italian civilians.

(b) That the Moroccan was drunk and threatened him with a revolver.

(c) That he shot the Moroccan in self defence.

(d) That the only witnesses were Italian soldiers and civilians.

3. It is competent for us to try this case in an Allied Military Court or to turn it over to an Italian Military Court.

4. Our normal policy is to permit Italian soldiers to be tried by their own Military Courts but in circumstances such as the above I think there are strong reasons for taking over jurisdiction ourselves. If, as may easily happen, the man is acquitted, the French will the more readily accept an Allied than an Italian verdict and if on the other hand the man is guilty, trial before an Allied Tribunal will ensure the imposition of an appropriate sentence.

As this is the first case of its type the matter is submitted to you for a policy decision.

5. You may desire to refer the matter to the French Member, ACC for his view as to the Court to be selected or as to whether, in view of the weakness of the case, the French authorities would wish the case to be dropped completely.

G. R. UPJOHN
Colonel
Chief Legal Officer.

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HEADQUARTERS
AMC FIFTH ARMY
LEGAL DIVISION
APO 464 U.S. ARMY.

11 April 1944.
208/CA.45.

SUBJECT: Case of NAVA Cesare.

TO C.L.O., ACC. HQ.

See 18 and 24
of file 4061

1. The enclosed Proces-Verbal with English translation attached relates to the alleged shooting of a French Moroccan soldier by Nava Cesare an Italian soldier belonging to the 1st Italian Motorized Group. The accused is at present detained at Sessa Aurunca.

2. Having regard to para. 3 of your letter ACC/4027/L dated 29 February 1944, instructions are requested as to whether this case should be tried by A.M. Courts or referred to the Italian Military Courts for trial.

3. If further action is required by this HQ, may the enclosed documents be returned please as they are the only copies in our possession.

LEGAL SUB-COMMISSION	
CLO	✓
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RYS	
Exp. Home	✓

John A. Dickie

H.M. DICKIE, S/Ldr., R.A.F.,
S.L.O., AMC 5 Army.

*Write a letter to Chief
Commissioner for the*

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