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ALLIED MILITARY COURTS IN RESTORED TERRITORY
MAR. 1944 - APR. 1946; (JAN. 1947)

Col. Hamnford.

The Procura ^{in Rome} Militare, wrote to us on

4th April last asking to be informed at once whether we wished to try a carabinieri for the wounding of an Algerian soldier, or whether the matter could go before the Italian Courts. By a mistake of the post the letter was sent to South Africa & has now come back to us.

The Algerian soldier, Tamin ben Hamid, ^{with two others} was suspected, of discharging firearms near some barracks. Called upon to stop by carabinieri two of them stopped, but ~~Hamid~~ ^{Tamin} went on, picked up a pistol from the ground, and started to run away followed by one of the carabinieri, Tampi. Tamin fired several shots at Tampi who fired three shots in return from his automatic, wounding Tamin.

Tamin is supposed to have started the trouble & has

of Kirchburg firearms near some barracks. Called upon to stop by carabinieri two of them stopped, but Tamini went on, picked up a pistol from the ground, and started to run away followed by one of the carabinieri, Tampi. Tamini fired several shots at Tampi who fired three shots in return from his automatic, wounding Tamini.

Tamm is supposed to have started the trouble by firing his pistol in the street, and no further trouble would have ensued, if he had stopped, as his companions did, when called upon to do so by the Carabiniere.

In the circumstances I think the case is a proper one to be tried by the Italian judicial authorities, but, before so informing the Procura Militare, I should be glad if you could ascertain whether the French authorities have any objection to

the course of action we propose

Judge M. Thorne.

6 Aug. '46.

6 Aug. '46. The French should be informed that the trial is
guaranteed. The French should be informed that the trial is
guaranteed to take place.

Myzomela

Stello
file
✓

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL DIVISION

2.

AG/4127/A.

AP/ra.
10 January 1947.

OGGETTO : Fabiano ben Hag. Mohammed di Gabao,
Malut, Tripolitania.

ADIA : Procura Generale Militare,
Via degli Acquasparta 2.

ADIA

Le Autorita' Militari Inglesi della Tripolitania
ci informano che l'individuo in oggetto soprato, condannato
a morte dal Tribunale Militare di Guerra di Tripoli, il
23 luglio 1935, riuscì ad evadere prima della esecuzione
della sentenza e troverebbe attualmente nascosto nel suo
distretto nativo.

Poiche' tutti gli incartamenti dei Tribunali
Militari furono all'epoca della ritirata, incassati in fretta
dalle forze dell'Asse, le Autorita' Inglesi non hanno alcun
documento, per poter emanare un ordine di arresto a carico
dello Bahama.

In considerazione di quanto sopra, si prega codesta
Procura di voler trasmettere a questa Divisione copia conforme
della sentenza emessa contro l'individuo in parola.

C. C. HARRAPOND,
Lt. Colonel,
Deputy Chief Legal Advisor. 77

BRITISH EMBASSY,

ROME.

January 9th 1947.

Dear Guy,

Civil Affairs Branch, G.H.Q., M.E.L.F.
seem to have taken matters into their own hands
and addressed to us the enclosed enquiry about
a Tripolitanian native said to have been
convicted of murder and sentenced to death
by the Italians in 1935.

I hope I am in order in passing it
on to you in original.

Yours ever
Henry

H.A. Hankey.

Colonel Guy Hannaford,
Allied Commission,
ROME.

No. 11099/T/372/CA.

CIVIL AFFAIRS BRANCH
G.H.Q., M.E.L.F.

1st January, 1947.

First Secretary,
British Embassy,
R o m e.

Sir,

I have the honour to refer to the case of your Rahuma ben Hag. Mohammed of Cabao, Nalut, Tripolitania, who, it is understood, was convicted of murder and sentenced to death by the Italian Military Tribunal, Tripoli, on 23rd July 1935, but escaped, and is at present reported to have returned to his native district.

2. It appears that the archives of the Italian Military Courts are not available to the British Military Administration Tripolitania, as they were taken away by the retreating Axis forces to Tunisia, and then shipped to Italy. The only evidence now available is a "general certificate" of conviction and sentence issued by the local Procuratore, which is insufficient for a warrant of arrest to issue against the convicted person.

3. I am therefore directed to ask if you will be so good as to ascertain if the Italian Ministry of Justice has any records relating to this case, and to transmit any information obtainable to this office.

I have the honour to be,
Sir,

Your obedient servant, 75


(G. TRACEY-WATTS)

for CHIEF CIVIL AFFAIRS OFFICER

GTW/AA.

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

3PA

AC/4129/L

MT/ns
9 August 1946

SUBJECT : Wounding of an Allied soldier by a CO.RR.

TO : Il Procuratore Militare
presso il Tribunale Militare Territoriale
di Guerra,
ROME.

1. Reference your Prot. N° 3601/P1 of
4th April 1946.

2. Your letter of 4th April last, although
correctly addressed (see original envelope enclosed), was
by a mistake of the post sent to the Union of South Africa
from where it was only recently returned to this office.

3. This Sub Commission has no objection
to the case being dealt with by the Italian Judicial
Authorities.

4. The French Liaison Officer has been in-
formed that the trial is about to take place.

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

7



PROCURA MILITARE DEL REGNO

presso

il Tribunale Militare Territoriale di Guerra

ROMA

Roma, 4 aprile 1946

A/ HEADQUARTERS ALLIED COM=
MISSION - Legal Sub Commission
A.P.O. 394

Risposta al foglio del

Prot. N. 3601/Pi Allegati Div. Sez. N.

OGGETTO: Ferimento di un militare alleato in conflitto con un carabiniere.

Come risulta dal rapporto n.127/3 in data 18 marzo u.s. della 6^a Compagnia della Legione Allievi Carabinieri Reali di Roma, che trasmetto in copia, la sera del 12 c.m. il soldato algerino Tamin Ben Hamid veniva colpito da due colpi d'arma da fuoco esplosi dal carabiniere Zampi Tommaso.

Prego codesta Commissione Alleata di volermi comunicare con cortese urgenza se, ai sensi del D.L.L. 13.4.1944 n.112, intende avocare a sè la cognizione del caso in questione, ovvero intende che il caso sia giudicato dall'autorità giudiziaria italiana.

IL PROCURATORE MILITARE
(Gen.Alberto Bellini)

73

(Summary M.B.)

PROCURA MILITARE DEL RECHO
at the TRIBUNALE MILITARE
TERRITORIALE DI GUERRA - ROME

Rome, 4/4/1946

Nr. 3601/Pi

To : ALLIED COMMISSION
Legal Sub Commission

R O M E

SUBJECT : Allied soldier wounded by a CC.RR.

As it appears from report Nr. 127/3 dated 18th March last by the 6th Coy CC.RR. Cadets (Rome), a copy of which is herewith attached, on the evening of the 12th inst., the Algerian soldier YAVIN BEN HAWID was wounded by two fire-arm shots discharged by CC.RR. ZAMPI Sommaso.

I beg to ask your Sub Commission to urgently communicate if it is its intention to take over the case in question, according to D.L.L. No. 112 dated 13/4/1944, or else if the case must be dealt with by the Italian Judicial Authorities.

The Procuratore Militare

sg3/ ELBERTO DELLINI? gen.

LEGIONE ALLIEVI CARABINIERI REALI DI
ROMA 6^a COMPAGNIA

N.127/3 di protocollo

Roma li 18 marzo 1946

OGGETTO: Ferimento di un militare alleato in conflitto con un carabiniere.-

AL COMANDO DELLA LEGIONE ALLIEVI CC.RR.

- Ufficio Servizio -

= S E D E =

La sera del 12 corrente, verso le ore 23,45 gli allievi carabiniere a piedi effettivi DI PARTOLO Italo e PRINZO Giuseppe, della 3^a compagnia, comandi di pattuglia alla periferia esterna della Caserma Vittorio Emanuele - sede di questa legione - mentre vigilavano lungo il viale delle Milizie, scossero sul marciapiede opposto, in prossimità di Via Legnano, tre individui che conversavano tra loro ad alta voce ed in modo piuttosto concitato. Ad un tratto, uno di detti individui esplose un colpo di pistola in direzione corrispondente al secondo piano del fabbricato della caserma. I due allievi si avvicinarono subito ai tre individui e constatarono che due di essi indossavano la divisa alleata, senza distintivi di grado e di Corpo, mentre il terzo vestiva l'abito civile. Contestato loro lo sparo dell'arma in luogo abitato, che, com'è noto, secondo la legge penale italiana costituisce reato, tutti e tre negarono insistentemente di avere esploso il colpo di pistola. Invitati a seguirli nella vicina caserma della legione, per gli ulteriori accertamenti, non vollero aderire alla richiesta, sostenendo che non possedevano armi e non dovevano perciò fornire spiegazioni a chiunque sia.

Sopraggiungevano, nel frattempo, il maresciallo maggiore a piedi effettivo IMPAGLIAZZO Leopoldo, comandato di picchetto alla caserma, seguito dal carabiniere a piedi effettivo ZAMPI Tommaso, della 2^a compagnia, il quale, dai locali del proprio reparto, aveva udito il colpo di pistola e notato, attraverso la finestra di una camerata, che i militari di pattuglia discutevano animatamente con i tre individui, per cui era corso subito ad informare il sottufficiale. Questi, coadiuvato dal vice brigadiere a piedi effettivo CAVALLI RE Tobia, d'ispezione ai servizi di pattuglia, giunto sul posto subito dopo e nello stesso momento in cui accorreva, richiamata dalla denotazione, la pattuglia di vigilanza lungo il tratto di Via Barletta - composta dagli allievi carabiniere a piedi effettivi ANTONETTI Foscaro e SILVESTRI Antonio - cercò di persuadere i tre individui a seguirlo in caserma, anche per poterli identificare ed accertare soprattutto se trattavasi di militari o

lievi si avvicinarono subito ai tre individui e constatarono che uno di essi indossavano la divisa alleata, senza distintivi di grado e di Corpo, mentre il terzo vestiva l'abito civile. Contestato loro lo sparo dell'arma in luogo abitato, che, com'è noto, secondo la legge penale italiana costituisce reato, tutti e tre negarono insistentemente di avere esploso il colpo di pistola. Invitati a seguirli nella vicina caserma della legione, per gli ulteriori accertamenti, non vollero aderire alla richiesta, sostenendo che non possedevano armi e non dovevano perciò fornire spiegazioni a chiunque sia.

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rono, ad eccezione del TAMIN BEN HAMID, il quale si dà alla fuga precipitando verso Via Giacinto Mompiani. Inseguito dai militari dell'AMA, l'algerino, voltatosi improvvisamente indietro, esplose alla distanza di circa 15 metri contro il carabiniere Zampi, che gli era più vicino, due colpi di pistola, andati fortunatamente avuoto. Il carabiniere, a sua volta, estratta dalla fondina la pistola d'ordinanza, rispose subito al fuoco del militare alleato con tre colpi. Il soldato algerino continuò a correre, attraversando Via Garibaldi e, successivamente, Via Silvio Pellico, sempre inseguito dal carabiniere, il quale, dopo aver sparato il terzo colpo, si fermò qualche istante per eliminare un inceppamento della pistola. In Via Silvio Pellico, sul marciapiede centrale della strada, il Tamin Ben Hamid cadde a terra, come se fosse scivolato, ma si rialzò prontamente e riprese la corsa, senza che il carabiniere riuscisse a raggiungerlo. Per dargli le tracce (i due sottufficiali e gli allievi avevano desistito dall'inseguimento in Via Mompiani), il carabiniere Zampi rientrò in caserma, ove erano stati già accompagnati gli altri due individui, identificati in persona del soldato PLONCHNIK Joseph di Willem, pure in servizio presso le truppe francesi, e del suddito polacco GORSKI Jan, nato il 14.II.1924 a Lipini p. Katowice ed abitante a Roma - Viale delle Milizie 96 -.

Dopo un sommario interrogatorio, quest'ultimi vennero rimessi in libertà. Il maresciallo Impagliazzo, non appena giunto in caserma il carabiniere Zampi, provvide a ritirargli la pistola contenente 4 cartucce inesplose, e precisamente 3 nel caricatore - composto inizialmente di 7 cartucce ed 1 nella canna.

Il sottufficiale ebbe così conferma che il carabiniere aveva sparato 3 colpi.

Trascorso circa un quarto d'ora, si presentarono in caserma due militari francesi, comunicando al maresciallo Impagliazzo che il Tamin Ben Hamid era rimasto ferito durante il conflitto avuto con il carabiniere.

Dal complesso degli accertamenti e verifiche iniziate la notte stessa e condotte a termine dallo scrivente nella sua qualità di capitano d'ispezione alla caserma, è risultato che l'incidente ebbe a svolgersi nelle circostanze di tempo e di luogo sopra riferite.

E' emerso altresì:

1°) che il soldato francese Technik Joseph, pur non avendo confermato di aver visto sparare il Tamin Ben Hamid, ha ammesso (allegato n.3) di aver udito "molto vicino alle sue spalle" il primo colpo di pistola esplosivo sul Viale delle Milizie, aggiungendo di "non poter escludere che l'autore fosse uno dei suoi compagni".

2°) che lo stesso militare ha precisato di "aver udito, poi, mentre il Tamin Ben Hamid veniva inseguito dal carabiniere, diversi colpi d'arma da fuoco, forse cinque";

3°) che la signorina Palma Giuliana, di anni 24, abitante in Viale delle

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2°) che lo stesso militare ha predato di "aver udito, poi, mentre il Tamin Ben Hamid veniva inseguito dal carabiniere, diversi colpi d'arma da fuoco, forse cinque";

3°) che la signorina Palma Giuliana, di anni 24, abitante in Viale delle Milizie 94, ha dichiarato "di aver udito un colpo di pistola" e di "aver visto poi, dalla finestra della sua camera da letto, sita in Via Mompiani, al pianterreno del fabbricato, un individuo in divisa alleata, inseguito da un carabiniere, esplodere due colpi di pistola contro questo ultimo". La stessa ha aggiunto di "aver visto pure il medesimo carabiniere rispondere subito al fuoco dell'individuo in divisa alleata con tre colpi di pistola" (allegato n.9);

4°) che il padre della predetta giovane, Palma Domenico, udì dalla propria camera il primo colpo di pistola e, successivamente, dalla camera della figliola, altri cinque colpi, dei quali gli ultimi tre di tonalità diversa (allegato n.10);

5°) che la stessa deposizione ha reso, in sostanza, la signora DESTINO Antonietta, abitante nel medesimo stabile (allegato 11). Nonostante le accurate ricerche praticate nei luoghi in cui si svolse /.

1 2 9 3

L'episodio, non sono stati rinvenuti i bossoli delle cartucce esplose. Come pure non è stato possibile addividere al rintraccio della pistola di cui era armato il militare algerino, dilagatosi durante l'inseguimento.

E' provato comunque:

a) che il primo colpo di pistola fu esploso da uno dei tre individui e, probabilmente, dallo stesso Tamin Ben Hamid, il quale, liberatosi della pistola prima che i militari dell'Arma lo avvicinassero, la raccolse da terra dopo essere stato rimesso in libertà dal maresciallo Impagliazzo;

b) che i successivi due colpi furono esplosi dal Tamin Ben Hamid;

c) che il carabiniere Zampi reagì, facendo fuoco contro il Tamin Ben Hamid, solo ed immediatamente dopo che questi ebbe a sparare i due colpi al suo indirizzo, e perciò in stato di legittima difesa.

Oltre gli allegati sopradetti, si rassegnano;

-1 verbale d'interrogatorio dell'allievo carabiniere a piedi effettivo Prinzo Giuseppe (allegato 2);

-1 verbale d'interrogatorio dell'allievo carabiniere a piedi effettivo Di Bartolo Italo (allegato 1);

-1 verbale d'interrogatorio del carabiniere a piedi effettivo ZAMPI Tommaso (allegato 4);

-1 verbale d'interrogatorio del maresciallo maggiore a piedi effettivo IMPAGLIAZZO Leopoldo (allegato 5);

-1 verbale d'interrogatorio del vicebrigadiere a piedi effettivo Cavaliere Tobia (allegato 6);

-1 verbale d'interrogatorio dell'allievo carabiniere a piedi effettivo ANTONETTI Foscaro (allegato 7);

-1 verbale d'interrogatorio dell'allievo carabiniere a piedi effettivo SILVESTRI Antonio (allegato 8);

-1 verbale d'interrogatorio della signora ARZENI Agata (allegato 12);

-1 referto medico rilasciato dall'ospedale americano n. 34 (allegato 13);

-1 foglio contenente le generalità del suddito polacco GORSKI Jan (allegato 14);

-1 corpo di reato, consistente in una pistola semiautomatica d'ordinanza Beretta mod. 34, calibro 9 mm., al n. di matricola F.33848, con 4 cartucce inesplose.

I due militari alleati risultano in forza presso i reparti francesi alloggiati nell'ex caserma Mussolini, sita in Via Baimonti.-

per copia conforme
Roma 4 aprile 1946
IL CANCELLIERE



IL CAPITANO COMANDANTE LA COMPAGNIA
F.to Pietro Loretelli

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IL CAPITANO COMANDANTE LA COMPAGNIA
F.to Pietro Loretelli



per copia conforme
Roma 4 aprile 1946
IL CANCELLIERE

De l'avis en a antecoord
in reply to
please quote

No.



Recd 22/7

Z. 14 H. e.

ITAL/104/1946.

UNIE VAN SUID-AFRIKA.—UNION OF SOUTH AFRICA.
KANTOOR VAN DIE—OFFICE OF THE

Legal
POW RECORDS & RETURNS,
POW CAMP, ZONDERWATER.

10th June, 1946.

Headquarters,
Allied Commission,
Legal Sub Commission,
A.P.O. 394,
Italy.

Procura Militare del Regno,
presso il Tribunale Militare
Territoriale di Guerra,
ROMA - Italy. : (for information).

1. Enclosed herewith is a letter from the Procura Militare del Regno, Tribunale Militare Territoriale di Guerra, Roma, No. 3601/Pi, dated 4.4.1946, addressed to you, together with a report of the Legione Allievi Carabinieri Reali, Roma, No. 127/3, dated 18.3.1946, on the subject:- "Ferimento di un militare alleato in conflitto con un carabiniere".

2. The a/m correspondence reached this Office by error.

ENCL. 2.

P. De la Chapelle apt
COLONEL, CAMP COMMANDANT,
P.O.W. CAMP, ZONDERWATER.

LEGAL. S/C Pae

66

13C/AMG/12/13/4

General Court Venezia Giulia.

LEGAL

35A

23 May 1946.

Executive Commissioner,
Allied Commission.

1. With further reference to my signal No. 8/134 of 23 May 1946.
2. I suggest that Col. WEBER is appointed President of the General Court to be set up to try certain members of the Venezia Giulia Police Force and that either Major MCCOIM or Major GILSHENNON be appointed prosecutor. Alternatively, that GILSHENNON be President and MS COIM Prosecutor with two American assistants appointed by 13 Corps. The first suggestion would be preferred.
3. There is considerable work to be done by the Prosecutor in preparing the case for trial and it is suggested that he should be here at least two weeks before the trial starts. The first week in July would be the probable date of trial.
4. Major GOLD leaves for U.S.A. on or about 30 June. It is imperative that his replacement proceeds to TRIESTE at least one week before that date. D.C.L.A. could accompany him in order to relieve pressure on local Legal Officers who would have little time to spare to coach him.
5. Major BEAKES is in Venezia Giulia at present and has stated that he would be willing to be posted to TRIESTE as soon as his Staff duties with the Vice President Civil Affairs come to an end.

SUB COMMISSION

→

G.A. HANNEFORD,
Lt. Colonel,
Deputy Chief Legal Adviser.

FOSR/gar

Copy to: Chief Legal Adviser. ✓

F.S. For policy reasons none of V.G. officers can sit in court without risking dangerous repercussions.

CL RKS
25 May 46

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: 8/134

Date/Time of Origin: MAY 230915

Message Centre No: H/3229

Date Time Rec'd: MAY 231630

Precedence: IMPORTANT

FROM: HQ AMG XIII CORPS SIGNED HANNEFORD.

TO : ALCOM FOR EXECUTIVE COMMISSIONER

INFO: CHIEF LEGAL ADVISER ALCOM

CONFIDENTIAL

CONFIDENTIAL.

Reference this HQ signal 13C/AMG/4 dated 17 May 45 I suggest for General Court Col Weber as President and Major Mccolm or Gilshenon as prosecutor alternatively Gilshenon and Mccolm with 2 American assessors appointed by XIII Corps. 1st suggestion preferred. Approx date 1st week July. Prosecutor should arrive soonest to prepare case. Gold leaving on or about 30 June. Suggest replacement ~~affixes~~ proceeds Trieste at least 1 week before to enable overworked legal officers to coach him.

AC DIST.

ACTION: LEGAL SC

INFO: CHIEF COMMISSIONER

EX COMM

FILE

~~XXXXX~~ SKELETON

UU

DOWN TO

UNCLASSIFIED

RECEIVED

23 MAY 1946

32B
CONFIDENTIAL.

Reference this HQ signal 13C/ANG/4 dated 17 May 45 I suggest for General Court Col Weber as President and Major Mccolm or Gilshenon as prosecutor alternatively Gilshenon and Mccolm with 2 American assessors appointed by XIII Corps. 1st suggestion preferred. Approx date 1st week July. Prosecutor should arrive soonest to prepare case. Gold leaving on or about 30 June. Suggest replacement ~~effixxxx~~ proceeds Trieste at least 1 week before to enable overworked legal officers to coach him.

Col. Inf.
Chief of Staff
Chief of Staff

RECEIVED
11 MAY 1946
TO
JUNIOR OFFICERS

AC DIST.

ACTION: LEGAL SC

INFO: CHIEF COMMISSIONER

EX COMER

FILE

~~FILE~~ SKELETON

66

CONFIDENTIAL ACTION



04/59

Roma 23.5.1946

Ministero di Grazia e Giustizia
Uff. 3
Alla Commissione Alleata
Sottocommissione Legale
ROMA

Del. N. 1972/4265

6 aprile
AC/4129/C.S.

OGGETTO Dott. ONOFRI Armando, pretore
Milano.

I fasciolo alleg.

284

Si restituiscono, dopo averne presa copia, gli allegati trasmessi colla lettera sopra indicata.

PEL MINISTRO

Alfonso

LEGAL SUB COM	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
<i>J. H. Mayfield</i>	

no action required
28/5

85

R E S T R I C T E D

Our Ref: SIB/94/A/46/79.
Your Ref:

34A
94 Section S.I.B.,
C.M. Police, C.M.P.,
8th. March, 1946.

SUBJECT: PARSONS ARRESTED: IMPROPER POSSESSION
SUSPECTED CORRUPTION AND EMISERY OF
ITALIAN OFFICIALS.

BIPPI Cesarina,
87, Corso MAGENTA,
MILAN.

D.A.P.M.,
94, Section, S.I.B.,
C.M. Police, C.M.P.

READ & SUBMITTED:

W. J. Moore Capt.

D.A.P.M.,
24, Section, S.I.B.

DISTRIBUTION:

Report & Statements:

RPSO. A.C., MILAN.
DFM. HQ 2 District.(2)
AFM. HQ 59 Area.
File.

On 4th. February, 1946, information was received from the VIGILANZA URBANA, MILAN, to the effect that the above named Italian civilian was in possession of a large quantity of Italian sugar and 49 large tins of Allied coffee.

This property having been returned to BIPPI by order of the PREFETURA of MILAN after being impounded by the said VIGILANZA URBANA on 29 November, 1945, and owing to this return it was thought that corruption of some nature had taken place between BIPPI and the said PREFETURA.

I immediately searched the premises, and later on the evening of the 6th., re-searched the premises and recovered the following Allied Foreign Property:

42x51lb. tins coffee,
1x28lb. tin coffee,
9 Bots Coco Cola,
2 tins Salmon,
20lbs of sugar, (10oz)
4x51lb tins Green Beans

READ & SUBMITTED:

W. B. Moore Capt.

D.A.P.M.

94, Section, S.I.P.

DISTRIBUTION:

Report & Statements:

RPSO. A.C., MILAN.

DEM. HQ 2 District. (2)

APM. HQ 59 Area.

File.

On 4th. February, 1946, information was received from the VIGILANZA URBANA, MILAN, to the effect that the above named Italian civilian was in possession of a large quantity of Italian sugar and 40 large tins of allied coffee.

This property having been returned to BIFFI by order of the PRIMUM of MILAN after being impounded by the said VIGILANZA URBANA on 29 November, 1945, and owing to this return it was thought that corruption of some nature had taken place between BIFFI and the said PRIMUM.

I immediately searched the premises, and later on the evening of the 5th., researched the premises and recovered the following Allied Forces Property:

42x51lb. tins coffee,
1x28lb. tin coffee,
9 Bots Coco Cola,
2 tins Salmon,
20lbs of sugar, (loaf)
4x51lb tins Cocoa powder,
2x28lbs cases Sultan's.

Also recovered was 294 Kilo sugar.

Upon entering the premises of the BIFFI Cafe, I saw BIFFI Cesarina, and I asked her for her brother Paolo, who she stated to me was not in the building. BIFFI Paolo is unknown to me personally.

The coffee, was hidden, in the wine cellar behind a large quantity of cardboard boxes, the bulk of the sugar was found in four wooden cases, in the wood cellar, together with the tins of cocoa powder.

.....Sheet two.

In another cellar was found the two cades of Allied Sultana's hidden behind some empty tins. Other sugar, the 20lbs of Allied loaf was found in the cades, in 2 kilo packets. The remainder of the white sugar was in 8 kilo paper bags in the flat occupied by BIFFI.

I asked BIFFI Cesarina how she came to be in possession of the Allied property and she replied that it had been obtained in exchange for wine. When questioned with regard to the sugar she replied: "Non so". I again asked her where her brother Paolo was and she stated that he had been in the cafe when I first entered, and she had told him to leave BILAN as the Military Police wanted him.

Since this date BIFFI Paolo was not been seen. I arrested BIFFI Cesarina and conveyed her to San Vittore Civil Prison.

I then commenced enquiries and interrogated BIFFI Cesarina, and the following would appear to be the facts of the case:

On the 3rd. December 1945, the VIGILANZA URBANA, Food Ration Squad, MAGGIORA 302A, entered 87 Corso Magenta, Milan, the premises known as the BIFFI Cafe and from there recovered the following property:

474 kilo of sugar, refined, unrefined and loaf.
 47 tins coffee (sealed), 122.200 kilo
 2 sealed tins coffee, 17.800 kilo
 9 kilo raw coffee
 100 kilo white flour
 64 tins Nestogone
 3 kilo butter.

This property was impounded by them, and the General (Italian Food Rationing Office) informed who issued disposal instructions for this property.

A report to the VIGILANZA was submitted, by the VIGILANZA URBANA.

At this point BIFFI got in touch with a certain MANONI Antonio, who recommended BIFFI to telephone a certain LOZZA - this LOZZA being known in certain quarters as being a contact of the VIGILANZA.

On the 3rd. December 1945, the VIGILANZA URBANA, Food Ration Squad, MAGENTA 202A, entered 87 Corso Magenta, MILAN, the premises known as the RIFI Cafe and from there recovered the following property:

474 kilo of sugar, refined, unrefined and loaf.
 47 tins coffee (sealed), 122.200 kilo
 2 sealed tins coffee, 17.300 kilo
 9 kilo raw coffee
 100 kilo white flour
 54 tins Nestle's
 3 kilo butter.

This property was impounded by them, and the SERIAL (Italian Food Rationing Office) informed who issued the usual instructions for this property.

A report to the PREFETURA was submitted, by the VIGILANZA URBANA.

At this point RIFI got in touch with a certain GIANNI ANTONIO, who recommended RIFI to telephone a certain LOZZA - This LOZZA being known in certain quarters, as being able to arrange things with the different Italian Officials.

LOZZA was put in possession of the facts of the case, she then went to the SERIAL to endeavour to obtain the return of this property.

At the SERIAL, LOZZA was told that the food had been impounded and the matter was now being dealt with by the PREFETURA OF MILAN.

.....Sheet three.

= 3 =

There LOZZA saw a certain SINATRA, clerk to the Pretore of Milan, Dr. Armando ONOFRI, there again LOZZA called for the return of the property and promised SINATRA a present if this could be effected to which he replied, "Va bene" (all right).

LOZZA was told to tell BIFFI that they had to make an application to the PRETURA, in which was to be certified the rightful possession of the seized goods.

LOZZA informed GARATTINI bookkeeper to BIFFI who himself gave these to Dr. ONOFRI.

On the 21st., January, 1945, the Pretore Dr. ONOFRI, studied the case of BIFFI, and wrote a letter and a judgement upon the case of BIFFI without bringing the case for trial.

Dr. ONOFRI fined BIFFI, for having flour and making pastry!

With regard to the sugar Dr. ONOFRI states the "possession is justified" by several bills and an "economy of sugar accomplished by circumspecions and substitutions with molasses and honey in the manufacture of biscuits".

Assuming this to be the truth which Dr. ONOFRI states, then the possession of the sugar is not justified, for if this sugar was substituted for molasses and honey then BIFFI committed a fraud on the population of MILAN, for the content of biscuits is governed by regulations. (See copy of composition of Standard Biscuits and Ministerial Telegram 1/5/09775-15/3/45, attached).

The penalties laid down under article, 515, of the Italian Penal Code are heavy for this offence.

Dr. ONOFRI further states that no request for the requisition of the property was made, in point of fact SERRAVAL issued on the 30th., November 1945, an order for the disposal of this property; SERRAVAL reference No. 4910 refers.

In BIFFI Paolo's original replies to the VIGIL-LANZA Agents interrogation he states that this sugar is that which was left over because of the requisition.

substitutions with molasses and honey in the manufacture of biscuits".

Assuming this to be the truth which Dr. ONOFRI states, then the possession of the sugar is not justified, for if this sugar was substituted for molasses and honey, then BIFFI committed a fraud on the population of MILAN, for the content of biscuits is governed by regulations. (See copy of composition of Standard Biscuits and Ministerial Telegram 1/6/09775-16/3/45, attached).

The penalties laid down under article, 515, of the Italian Penal Code are heavy for this offence.

Dr. ONOFRI further states that no request for the requisition of the property was made, in point of fact SERIAL issued on the 30th., November 1945, an order for the disposal of this property; SERIAL reference No. 4910 refers.

In BIFFI Paolo's original replies to the VICI-LANZA Agents interrogation he states that this sugar is that which was left over because of the prohibition of the manufacturing of pastry (Cir. letter No. 393 Provinces Decree No. 029/13916 of the 12/11/44, Art. 147).

If this is the truth then he has committed a further offence in failing to declare the possession of the sugar. The penalty for this offence is also heavy.

The whole of the Italian law with regard to sugar, has for the last three years and more, been to control the use and misuse of it, in order to try and give a share to all the population.

Dr. ONOFRI's action, to say the least of it, seems in this case contrary to the ends of justice, and assisting the black-market, for what other construction can be put on the fact that the loaf sugar, was in 1/2 kilo packets under the counter of the BIFFI cafe, than for sale to customers.

.....Sheet four.

= 4 =

With regard to the coffee Dr. ONOFRI states " this is not an offence to the law ".

Since 1940 the civilian population have been without coffee, the whole of Italy's coffee being frozen for the Armed Forces, etc.

Ref 47, sealed tins of coffee apparently did not suggest to Dr. ONOFRI that this was Allied coffee, a point which unfortunately was not in the original Vigilancia report. But Dr. ONOFRI in his position as Pretore of Milan can reasonably be expected to know that coffee, in tins, to day here in Italy is Allied coffee.

When LOZZA's house was searched a number of documents were found relative to permits for vehicles, carrying of arms, together with correspondence generally suggesting that the writer had now obtained some permit which they required.

LOZZA placed to her credit in a local Bank in January, 1946, 100,000 Lire - yet she is employed locally for a wage of 5,900 Lire a month. In her house was a large quantity of shirt material and a number of demi-johns of wine.

I respectfully suggest that the case against BIFFI be reopened and the correct charges be made against them together with a charge of improper possession of Allied Forces Property found in their possession on the 4th., February, 1946.

That the Italian authorities conduct an investigation into the dealing of LOZZA, who apparently makes a living bribing officials.

Further that a copy of this report be sent to the A.C.C. Legal Branch in order that an enquiry be started into the working of the PREFETURA of Milan, with particular attention being paid to Dr. ONOFRI and his clerks, and the files of any previous cases dealt with by this Pretore.

The sugar has been handed over to the CONSORZIO AGRARIO, MILAN, against receipt, to be held at the disposition of the A.C.C.-

The documents normally held in the files of the

1907

785016

for a wage of 5,900 Lire a month. In her house was a large quantity of shirt material and a number of demi-johns of wine.

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The sugar has been handed over to the CONSORZIO AGRARIO, MILAN, against receipt, to be held at the disposition of the A.C.C.-

The documents normally held in the files of the PREFURA, regarding the case of BIFFI, are now held personally by Capo Pretore, BOMMESINI of MILAN.

The Allied Property recovered has been handed over to the 227 Provost Coy, C.M. Police for disposal.

Copy of all statements, etc, attached.

In the field.

John C. Toomer
J.C. TOOMER

Sgt.
94 Section, S.I.B., C.M. Police.

Milan, 3rd. December, 1945.

CITY OF MILAN

VIOLAZZA URBANA

REPORT TO THE JUDICIAL AUTHORITIES

FOR : Subtraction of rationed food-stuffs, making of sweets with rationed food-stuffs, abusive possession of coffee.

The above mentioned charges are preferred against **GIULIO PAOLO, pseudonym Filippo, No. 37, Corso Magenta, Milan.**

On the 3rd. Dec. 1945, at 11.00 hrs. the undersigned agents of the "Vigilanza Urbana" have made out a report against the s/n person, owner of a cafe with bakery, at No. 37, Corso Magenta, because on the 29th. Nov. 1945, at 08.30. hrs., it found that the s/n person kept unlawfully in his bakery kg. 17 of pastry and No. 300 small rolls made with white flour not sifted in accordance with the law now in force, to a weight of 5 kg. and further more in a room close to the bakery, the following goods were found:

- kg. 474 (netweight) of sugar, refined, unrefined and lumps.
- No. 47 sealed tins of coffee to a total weight of 122.200 kg. (deadweight)
- kg. 9 (deadweight) of raw coffee (loose).
- No. 2 sealed tins of coffee to a total weight of kg. 17.800 (deadweight).
- kg. 100 (deadweight) of white flour.
- No. 64 tins powder milk Nestogene to a total weight of kg. 33.000 (gross weight).
- kg. 3 butter.

Owing to the fact that this is rationed food-stuff, the undersigned requisitioned it.

The bakery and the rolls were sent to the **VIGILANZA URBANA**, at No. 15, Via Privatalio,

further more in a room close to the bakery, the following goods were found:

kg. 474 (netweight) of sugar, refined, unrefined and lumps.
 No. 47 sealed tins of coffee to a total weight of 122,200 kg. (deadweight)
 kg. 9 (deadweight) of raw coffee (loose).
 No. 2 sealed tins of coffee to a total weight of kg. 17,800 (deadweight).
 kg. 100 (deadweight) of white flour.
 No. 64 tins powder milk Nestogene to a total weight of kg. 13,000 (gross weight).
 kg. 3 butter.

Owing to the fact that this is not a food-stuff, the undersigned requisitioned it.

The bakery and the rolls were sent to the RIO ALBERGO PRIVILEGIO, at No. 12, Via Privilegio, and getting for it the sum of 2457.50 lire, which were backed by the Banca Commerciale Italiana, for which we got a cheque No. 11596, which is attached to the original of this report.

The other requisitioned stuff was stored at this RI. at the disposal of the Authorities, in order to be let into the normal market.

This being a violation of the Disposition, art. No. 1 of the decree issued by the High Commissioner for the Alimentation, dated 20th March, 1943, and of the art. 4-5 and 22 of R.D. of 22.4.1943, we informed Maffi Paolo that he was going to be reported.

Signed :

FRANCESCO CARLO
 DELL'ACQUA GIUSEPPE.
 GIUSEPPE GIUSEPPE.
 AGOSTINI ELIA.

Agents anonymous.

61
94 Section, S.I.B.
CHP. CHZ.
13th, February 1946.

STATEMENT OF : BLANCHI AUSANO, fathername Carlo (died),
aged 50 years, living at Miller, 71, Foro
Bonomarte, Milan.

WHO STATED :

I have been cautioned that I am not
obliged to say anything unless I wish to do so but that
anything I do say will be taken down in writing and may
be given in evidence.

(Signed) AUSANO BLANCHI.

I am married but lawfully separated from
my wife and so I am living together with my mother at the
above mentioned address.

About the end of November, last year, I
entered a poetry shop situated in Corso Magenta No. 57,
and of which I am a client, in order to get a drink.
As soon as I entered the shop, the joint-owner of the shop,
Miss BIFFI Cesarina, whom I know for a long time, told me
that on the previous day, some agents of the Economic Pol-
ice (Vigili Annunzieri), called at her shop and confiscated
a quantity of goods, but BIFFI did not tell me what kind
of goods they were.

Miss BIFFI asked me if I was able to
take an interest in the matter and I replied that it
would be useful to apply to Miss LOZZA who knows personally
some agents employed by the Police. BIFFI told me that
she had already telephoned to Miss LOZZA, asking her to
take an interest in the matter but she had replied she was
sick and therefore unable to leave her house. At this
moment BIFFI asked me to telephon to Miss LOZZA, whom I
have also known for a long time, in order to convince her
in taking interest in the matter. I telephoned imme-
diately and succeeded in convincing Miss LOZZA.

Some days later, Miss LOZZA called me on the
phone and told me that the agents of the Police had
taken an interest in the matter.

Miss Biffi called me the previous day, and called at her apartment confidentially (Vigilant Announcer), but Biffi did not tell me what kind of goods they were.

Miss Biffi asked me if I was able to take an interest in the matter and I replied that it would be useful to apply to Miss Lanza who knows personally some agents employed by the Bureau. Biffi told me that she had already telephoned to Miss Lanza, asking her to take an interest in the matter but she had replied she was sick and therefore unable to leave her home. At this moment Biffi asked me to telephon to Miss Lanza, whom I have also known for a long time, in order to convince her in taking interest in the matter. I telephoned immediately and succeeded in convincing Miss Lanza.

Some days later Lanza called me on the telephon telling me that the case of Biffi was to take place at the Bureau and that therefore she had approached the Chief Chamberlain, in order to solve the question favourably for Biffi. I approved it.

Since then I do not know anything else about the above mentioned case.

I do not know whether Lanza or any other persons received any compensation in money or in goods for the interest taken in helping Biffi.

I personally did not get any compensation

at all.

Sheet 2.....

= 2 =

7
The above was called on the telephone telling me that she had been arrested by the British Military Police and that she had been sent to the office of the British Military Police on the following day. I am very anxious to know what happened when I was detained and I am sure that there was something wrong with the investigation carried out by myself in the case of Mrs. L. I am sure that everything had been done but I will try to get to the bottom of it. I am sure that the goods to say a line of 1.000 lire in order to get the goods.

(signed) ANTONIO DIAMANTI.

I can give the above statement and the opportunity to make a statement or addition where necessary, it is up to you and I am sure that you will be satisfied.

(signed) ANTONIO DIAMANTI.

At the time I was taken into custody with me by British Military Police, I was at the office of the British Military Police in the presence of Mrs. L. I am sure that everything had been done but I will try to get to the bottom of it. I am sure that the goods to say a line of 1.000 lire in order to get the goods.

I can give the above statement and the opportunity to make a statement or addition where necessary, it is up to you and I am sure that you will be satisfied.

Ingelobio
Off. Interpreter.
36

8
94 Section 3.1.3.
C.M. Police C.M.P.
7th. February 1946.

STATEMENT OF : LOZZA PINOIA ROBERTA
Luigi, aged 34,
Corso Monforte 39,
Milan

WHO STATES :

I have been cautioned that I am not obliged to say anything unless I wish to do so, but that anything I do say will be taken down in writing and may be given in evidence.

I am a married woman and live with my husband at the above address.

About the end of Nov. 1945, I received a telephone message from Signora BIRRI Gertruda, owner of a pastry shop situated in Corso MAGENTA, 87, Milan, to the effect that the food supply Police had been to her shop and had seized a certain quantity of goods stored in the shop.

The BIRRI whom I have known a pretty long time, asked me whether I could take care of the case; I replied that I could not, because I was not in good health.

About 21.00 hrs. the same day, I received one more telephone message, but this time from a certain BIANCHI, N.75 Corso Magenta, Milan, whom I have known a pretty long time and also as a customer of the BIRRI Café. He insisted in my cutting of about the goods seized from BIRRI. Due to this new request, I accepted to take care of the case, and the following morning I went to the BIRRI's Café, where BIRRI told me all what had happened about the seizure of a quantity of sugar, coffee and milk powder. Three days later I went to the Suburban office to ask what was the situation of the BIRRI's case, there I was told that the case had been handed over to the court, so that if I wanted to know some thing I was to go to the court.

of a pastry shop situated in Corso Sallustiana, 37, Milan, to the effect that the food supply Police had been to her shop and had seized a certain quantity of goods stored in the shop.

The BIFFI whom I have known a pretty long time, asked me whether I could take care of the case; I replied that I could not, because I was not in good health.

About 21.00 hrs. the same day, I received one more telephone message, but this time from a certain BIANCHI, 4.76 Foro Sallustiana, Milan, whom I have known a pretty long time and also as a customer of the BIFFI Café. He insisted in my caring of about the goods seized from BIFFI. Due to this new request, I accepted to take care of the case, and the following morning I went to the BIFFI's Café, where BIFFI told me all what had happened about the seizure of a quantity of sugar, coffee and milk powder. Three days later I went to the Sallustiana office to ask what was the situation of the BIFFI's case, where I was told that the case had been handed over to the court, so that if I wanted to know some thing I was to go to the PATTURA.

Two days later I went to the PATTURA, where I saw the Chief Councillor, Signor SALLUSTIA, whom I have known a pretty long time, I explained to him the nature of my visit and asked whether he could do something; he told me to call again in a couple days time whilst he would have seen the BIFFI's file.

About ten days later I again called to the PATTURA where Signor SALLUSTIA, told me that the BIFFI's case was going all right but that BIFFI had to make an application to the PATTURA, in which was to be certified the rightful possession of the seized goods, and that one would need a lawyer for the defence in the court.

.....Sheet 2/

101
GARATTONI Ultimo
Corso Lodi 104
Via Silvio Pellico 12
MILAN.

I undersigned GARATTONI Ultimo state :

On the 29th. November 1945, the Food supply Police seized from BIERI some various property among which sugar, coffee and tinned milk.

On the date when the confiscation took place I was not in Milan.

On my returning, I came to know of what had happened and then went to the judicial offices (Ufficio Discipline) to get some informations regarding the property.

I was told that there was nothing to do and that the authorities were to decide about the property.

I reported this to BIERI. In the meantime Mrs. LOZZA (I think she is a friend and customer of BIERI's) took an interest in the matter and I therefore did not care any longer.

I personally cannot say what Mrs. LOZZA has done about this.

One day, I think about the middle of January 1946, she rang me up and told me I had better write an application, explaining everything about the property, and attach all the receipts for the purchase of the sugar and take it to the Pretura, to a certain judge, ONOFRI or ONOFRIO, this I did.

Some days later I went to the Pretura again to see if there was any news.

The same judge told me that it would be sent to BIERI an invitation to pay a fine and that the sugar the coffee and the tinned milk would be given them back.

When BIERI received the invitation they asked me to go and pay, and gave me 20.000 Lire. 3.

I went to the Pretura and handed the exit to a Chancellor whose name starts with an F (I think it was

Mrs. LOZZA (I think she is a friend of my father's) took an interest in the matter and I therefore did not care any longer.

I personally cannot say what Mrs. LOZZA has done about this.

One day, I think about the middle of January 1945, she rang me up and told me I had better write an application, explaining everything about the property, and attach all the receipts for the purchase of the sugar and take it to the Pretura, to a certain judge, OMORI or OMORIO, this I did.

Some days later I went to the Pretura again to see if there was any news.

The same judge told me that it would be sent to MIRRI an invitation to pay a fine and that the sugar the coffee and the tinned milk would be given them back.

When MIRRI received the invitation they asked me to go and pay, and gave me 20,000 Lira. 30

I went to the Pretura and handed the unit to a Chancellor whose name starts with an F (I think it was Florida) who gave me another chit with which I should pay to the cashier.

He also told me to bring him back the receipt.

This I did and the Chancellor told me to go back the next day, that he would give me the authorization to get back the goods. The following morning, I believe it was on a Saturday morning, I went to get the letter. I made the comment that there was no official stamp on the paper but he replied that it did not matter, and that it was sufficient if the stamp and signature were on it.

I handed this document to Mrs. MIRRI.

The above statement is correct and true, and the document in question can be found at the Chancery.

Read over, confirmed and signed :

GABRIELLI Ultimo.

15th. July 1944. 11

C O P Y

From : " THE COMERCIO DI MILANO "

COMPOSITION OF " STANDARD BISCUITS "

As we are in the necessity of reduce anteriorly consumption of hydrogenate fat, the Ministry of Agriculture and Forest, Food General Direction, on consequence of Circo. No. 131, Prot. 56266 S.S.A.I., of the 9th. June 1944, came to the determinations of modifying, as follow the composition of standard biscuits, established with Cir. Letter No. 647 dated 19/11/941.

Flour	Gr. 84.
Sugar	" 20.
Fat	" 4.
Powder milk	" 2.
Fluid extract of malt	" 3.
Honey	" 3.
Vanillated sugar	" 0.5.
Soda bicarbonate and amino.	" 2.
Salt	" 1.
Total	Gr. 119.5

The total of Gr. 119.5 corresponds to Gr. 100 of baked biscuits.

The new composition formula has been introduced from the 1st. July 1944.

Ministerial Telegramm 1/6/39773 dated 15th. March, 1943.

" In order to av olds abductions of 3 : sugar which has been given for the manufacturing of biscuits, we inform that these biscuits must contain 16% sugar. Sugar will pay attention and will furnish

TOTAL Cr. 119.5

The total of Cr. 119.5 corresponds to 62,100 of baked biscuits.

The new competition formulae has been introduced from the 1st July 1944.

Ministerial Telegram 1/6/09773 dated 16th March, 1945.

"In order to avoid abductions of sugar which has been given for the manufacturing of biscuits, we inform that these biscuits must contain 15% sugar. SUGAR will pay attention and will punish severely the law evader."

Art. 215 PENAL CODE.

Whoever in the practice of a commercial activity, or in a public shop, and over to the buying a thing for another, different to the one that has been fixed, for origin, source, quality and quantity.

Is punished, when the fact does not constitute a more serious offence, with two years imprisonment and with a fine of 20,000 lire.

CHARTER OF MICHIGAN

PENAL CODE

In the name of the law, the Charter of Michigan, after having seen the acts against RICHARD B. BLOOM, owner of a bar in Milan, Green Michigan 37, who is charged of :

- a). Of the offense contrary to art. 22, law No. 245, of the 23.4.43, for the procuring of 100 kg. of flour and 25.5 of butter for manufacturing pastry.
- b). Of the offense contrary to art. 22, law No. 245, of the 23.4.43, for manufacturing pastry.
- c). Of the offense contrary to art. 22, law No. 245, of the 23.4.43, for making bread rolls, not according to the regulations, at Milan on the 3rd. Dec. 1943.

and in the acts and the investigations carried out pursuant to the responsibility of the defendant, for this reason after having seen the above named articles and No. 505 & 507 of the Penal Code, charges the accused to a fine of 5,000 lire for the first offense, to a fine of 7,000 lire for the second offense, and to a fine of 7,000 lire for the third offense, furthermore orders the confiscation of the sum received for the sale of the requisitioned pastry and of the flour and butter, which are put at the disposal of the State.

The Clerk
Signed : FLORENTI.

IL PUGLIESE
Signed : CORRADI.

I certify that the above is a true copy of the original, and it is given in request of the request of the original, and it is given in request of the request of the original.

carried out pursuant to the responsibility of the accused
for this reason after having seen the above named articles
and No. 556 & 507 of the Penal Code, observe the accused
to a fine of 5,000 Lire for the first offence, to a fine
of 7,000 Lire for the second offence, and to a fine of
7,000 Lire for the third offence. Furthermore orders the
confiscation of the sum received for the sale of the
requisitioned property and of the floor and butter, which
are set at the disposal of the State.

The Clerk.
Signed: P. MONTANA.

The Clerk.
Signed: P. MONTANA.

I certify that the above is a true copy
of the original, and it is made on request of the
S.I.D., C.M., Police.

MILAN, 28.2.1946.

The Clerk.
Signed: P. MONTANA.

785016

Upper middle class, 74 of the family

1113-1120

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With the joint commission's report, copies are being furnished to the various departments and the staff is required to reply.

William, 24, b. 1946.

[illegible]

0403921

ILLUM. 26.1.1945.

Feed: The Prosecuting Officer, signed:

POST

I certify that the above is a true copy of the original and it has been made for the use of SA Section C.I.N.: C.C. Police.

[illegible]

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28.2.1945.

BRUNNEN, UNTERDOLM, - ATLAND.

MINISTERO DI SANITA' P.S.

15th. November, 1944.

Circular letter No. 358.

SUBJECT: PROHIBITION OF MAKING PASTRY, SWEETS, ICE CREAMS
OF ANY TYPE OR ANY KIND WHERE SUGAR IS NECESSARY

The Chief of the Milan Province owing to the urgent necessity to discipline the manufacturing of sweets in regard to the war contingencies and to the lower consumption of sugar; according to Art. 19 of the "Legge Comunale e Provinciale" (Town and Provincial law) approved with R.D. 3/3/1934, No. 383.

In accordance with Art. 16 No. 3 of the Law 21/5/1940 No. 415 about the organisation of the Nation in war time.

O R D E R S

Art. 1. From to-day it is strenuously forbidden for everybody - no exceptions - the manufacturing of pastry and sweets of any kind or type where sugar is to be used, including ice creams.

Art. 2. The sugar stuff in stock by the pastry sweet factories have to be declared immediately to the SEPRAI in order to distribute the stock by retail.

Art. 3. To the retailers it is allowed to sell the stuff on stock until the 30th., November, at official prices.

Art. 4. On the 1st., of December, the pastry sweet factories as well as the wholesale dealers and retailers, must hand over to the SEPRAI, all the stocks of sweets made with sugar which has not been sold, AND which will be distributed to the Charity institutions, Hospitals, etc.

Art. 5. Any and every violation to this Decree will be punished in accordance with the dispositions of the war-time law.

Art. 6. The agents of the Control Police are charged with the execution of this Decree, which has to be carried out rapidly and precisely.

15th. November, 1944.

Circular letter No. 358.

SUBJECT: PROHIBITION OF MAKING PASTRY, SWEETS, ICE CREAMS
OF ANY TYPE OR ANY KIND WHERE SUGAR IS NECESSARY

The Chief of the Milan Province owing to the urgent necessity to discipline the manufacturing of sweets in regard to the war contingencies and to the lower consumption of sugar; according to Art. 19 of the "Legge Comunale e Provinciale" (Town and Provincial law) approved with R.D. 3/3/1934, No. 383.

In accordance with Art. 16 No. 3 of the Law 21/5/1940 No. 415 about the organization of the Nation in war time.

ORDER

Art. 1. From to-day it is strongly forbidden for everybody - no exceptions - the manufacturing of pastry and sweets of any kind or type where sugar is to be used, including ice creams.

Art. 2. The sugar stuff in stock by the pastry sweet factories have to be declared immediately to the SEPRAI in order to distribute the stock by retail.

Art. 3. To the retailers it is allowed to sell the stuff on stock until the 30th., November, at official prices.

Art. 4. On the 1st., of December, the pastry sweet factories as well as the wholesale dealers and retailers, must hand over to the SEPRAI, all the stocks of sweets made with sugar which has not been sold, and which will be distributed to the Charity Institutions, Hospitals, etc.

Art. 5. Any and every violation to this decree will be punished in accordance with the dispositions of the war-time law.

Art. 6. The agents of the Control Police are charged with the execution of this decree, which has to be carried out rapidly and precisely.

- Art.2. The sugar stuff in stock by the pastry sweet factories have to be declared immediately to the SEPRAI in order to distribute the stock by retail.
- Art.3. To the retailers it is allowed to sell the stuff on stock until the 30th., November, at official prices.
- Art.4. On the 1st., of December, the pastry sweet factories as well as the wholesale dealers and retailers, must hand over to the SEPRAI, all the stocks of sweets made with sugar which has not been sold, AND which will be distributed to the Charity institutions, Hospitals, etc.
- Art.5. Any and every violation to this Decree will be punished in accordance with the dispositions of the war-time law.
- Art.6. The agents of the Control Police are charged with the execution of this Decree, which has to be carried out rapidly and precisely.
- Art.7. All quantities of sugar on stock by the sweet factories must be declared before the 15th., November 1944, to the U.S.I.S. and to the SEPRAI in order to be distributed to the population. A false, incomplete, or declaration however not in accordance with this Decree will be punished besides that with the penalties of law, also with the requisition of the sugar and with the withdrawal of the business license.

The Chief of the Province.
(signed) BASXI
The Chief Commander
(signed) SARTORIO.

Authentication of the copy.
The Vice Chief Commander
(signed) CIROLA.

VIGILANZA URBANA H.9.

10 November, 1945.

Circular Letter No. 176.

SUBJECT: PROHIBITION OF MAKING BISCUITS.

(Decr. Pref. 30/10/1945).

The Prefect of the Province of MILAN, in accordance with the order No. 3254/CB, dated 25 October 1945, issued by the MINISTRY of ALIMENTATION - Regional Inspector for the Lombardia Region - with the order of the Interregional Commissary for the Alimentation, about the prohibition of the manufacturing of biscuits;

ORDER

Art.1.

Owing to the limited disposition of the required materials, from the 1st. November, 1945, it is forbidden to all firms, the making of biscuits for any purpose, which require the use of flour, sugar and fat.

Art.2.

The quantities of flour, fats, and sugar, and the biscuits already manufactured in stock on the 31st. October, 1945, by the biscuits firms, pastries, etc; have to be held for the SERIAL to which the firm concerned have to make regular declaration.

Art.3.

All the stocks of biscuits held in abeyance by the retailers on the 31st. October, 1945, can be sold to the customers until the 15th. November, 1945, against the respective tickets of the ration card for bread. After this date the sale is forbidden and the quantities on stock will be declared to the SERIAL and kept at its disposal.

Art.4.

The trade organization have to inform the firms concerned about the orders of this Decree

Art.5.

The agents of the Vigilanza are responsible for the executions of this Decree.

the biscuits firms, the 31st. October, 1945, by the biscuits firms, pastries, etc; have to be held for the SERVAL to which the firm concerned have to make regular declaration.

Art.3.

All the stocks of biscuits held in abeyance by the retailers on the 31st. October, 1945, can be sold to the customers until the 15th. November, 1945, against the respective tickets of the ration card for bread. After this date the sale is forbidden and the quantities on stock will be declared to the SERVAL and kept at its disposal.

Art.4.

The trade organisation have to inform the firms concerned about the orders of this Decree

Art.5.

The agents of the Vigilancia are responsible for the executions of this Decree.

Milan, 30, October, 1945.

Authentication of the
copy .

(Signed) DAVENNI

The Vice Commissioner.

The Prefect
(Signed) LOMBARDI.

The Chief Commissioner
(Signed) BOZZI.

1929

File

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

33A

AC/4129/L.

21st May 1946.

SUBJECT : Trial of Civil Policemen.

TO : Headquarters Allied Military Government, 13 Corps.

1. See your letter 13c/AMG/200 of 15 May 1946.
2. The Legal Sub-Commission is ~~not able~~ to furnish a prosecutor for this case. Its only British Officer, Major McColm, is engaged at Bari in the trial of two cases of surrendered enemy troops. Immediately on returning he goes into two Courts Martial trials and upon completion thereof, starts the trial of an important case in Milan. All these cases have been set for some time.
3. Depending on the date of trial, it may be possible to furnish a judicial officer. We will do our utmost in that behalf.

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

- C O N F I D E N T I A L -

DOWN GRADED
UNCLASSIFIED

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

43

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
13 CORPS

G/MP

30A

LEGAL DIVISION

FILE REF.: 13C/AMG/200.

SUBJECT: Trial of Civil Policemen.

Date 15 May 1946

CONFIDENTIAL

TO : ALLIED COMMISSION - APO 794
(for Legal Sub-Commission;
attention: Chief Legal Officer)

1.- The Corps Commander, 13 Corps, has directed that 8 members of the Venezia Giulia Police Force be tried before an Allied General Military Court, for violation of Articles 54, 55, and 589 of the Penal Code, arising out of an occurrence at Servola, near Trieste, in which the police fired into a crowd killing 2 persons and wounding others.

2.- It is felt that for reasons of policy and lack of adequate personnel, the Legal Division here is not in a position to furnish the Legal Member of the Court or the Prosecutor.

3.- It would be very much appreciated if the Legal Sub-Commission could furnish the Legal Member who would be appointed President of the Court, and the Prosecutor. It is suggested that the Legal Member be American and the Prosecutor British.

4.- If this request can be complied with, it is felt advisable to send the Prosecutor here as soon as possible since considerable

police fired into a crowd killing 2 persons and wounding others.

- 2.- It is felt that for reasons of policy and lack of adequate personnel, the Legal Division here is not in a position to furnish the Legal Member of the Court or the Prosecutor.
- 3.- It would be very much appreciated if the Legal Sub-Commission could furnish the Legal Member who would be appointed President of the Court, and the Prosecutor. It is suggested that the Legal Member be American and the Prosecutor British.
- 4.- If this request can be complied with, it is felt advisable to send the Prosecutor here as soon as possible since considerable preliminary work must be done before the trial.

LEGAL SUBCOM	
CLO	
CCLO	
Chief Counsel	
CLO	
Information Section	

20 Kaeyle

Alfred C. Bowman

ALFRED C. BOWMAN
COLONEL J.A.G.D.
SENIOR CIVIL
AFFAIRS OFFICER

DOWN GRADED
UNCLASSIFIED

Col. Inf
Chief Justice
for Chief Civil Affairs Officer

1 9 3 2

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Message Centre No: H/3061
Date Time Rec'd: MAY 180900B
Precedence: PRIORITY

Originator's Reference: 13C/AMG/4
Date/Time of Origin: 171600

FROM: AMG 13 CORPS
TO : ALCOM FOR LEGAL

CONFIDENTIAL

CONFIDENTIAL

Corps commander has directed trial of 8 Venezia Giulia Police before general court as result of sheeting incident involving 2 dead and several wounded. Policy reasons and lack of personnel prevent legal division providing legal member or prosecutor. Suggest sub commission nominates american president and british prosecutor. If agreed prosecutor should report here soonest considerable preliminary work before trial. Letter follows.

AC DIST
ACTION: LEGAL SC
INFO: CHIEF COMMISSIONER
FILE
SKELETON

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

18 May 46

ACTION

DOWN GRATED

division providing legal member or prosecutor. Suggest sub commission nominates american president and british prosecutor. If agreed prosecutor should report here soonest considerable preliminary work before trial. Letter follows.

AC DIST

ACTION: LEGAL SC

INFO: CHIEF COMMISSIONER

FILE

SKELTON

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

18 May 46

ACTION

DOWN GRATED
UNCLASSIFIED

18 MAY 46

CONFIDENTIAL

Col. Inf.

Chief Judicial Officer

for Chief Civil Affairs Officer

1 9 3 4

File 4129

31A

HQ ALOCM

16 May 1946

(1) 1 AGRA

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UNCLASSIFIED

PARA ONE PD REFERENCE YOUR ABLE QUEN ONE FIVE KING ONE TWO DATED SIXTEEN
MAY PD
PARA TWO PD AUTHORITY IS GIVEN FOR THE TRIAL OF GERMAN SEP ONE SIX THREE
SEVEN FIVE HOFMAN OMA FIVE ONE EIGHT ONE WETTRICH AND FIVE TWO ONE DELBERICH
BY ANG COURT UDINE

46

PRIORITY

Legal

302

NICHOLAS PIOMBINO
CWO USA
ASSISTENT ADJUTANT

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: AQ15012

Date/Time of Origin: 151825B

Message Centre No: H/2985

Date Time Rec'd: MAY 150900

Precedence: PRIORITY

FROM: 1 AGRA

TO: HQ ALLIED COMMISSION INFO AMG UDINE

UNCLASSIFIED

Subject is trial of german SEP.3 SEP detained on charges of stealing W D property. Request you signal authority vide para 11 (G) of AFHQ instructions for ORG and ADM of german service units under british control in Italy and Austria for trial by AMG court to AMG Udine. Names of SEP are as follows. 16375 Hofman. 5181 Wettlich. 521 Dellerich. Your prompt reply appreciated.

AC DIST

ACTION: LEGAL SC

INFO: CHIEF COMMISSIONER

CA SEC

FIQAT 2

FILE

ACTION

LEGAL SUB-COMMISSION

CLO

DCLO

Chief Counsel

UNCLASSIFIED

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AC DIST

ACTION: LEGAL SC

INFO: CHIEF COMMISSIONER

CA SEC

FLCAT 2

FILE

ACTION

LEGAL SUB-COMMISSION	
CLO	☒
DCLO	☐
Chief Counsel	☐
CJO	☐
Italian Section	☐
CL RKS	☐
16 May 46	☐

HEADQUARTERS
16 MAY 1946
A. J. C.

To - P. Safety,

7. Mar 46.

(29A)

4129 Col Weber wishes to
know if you received any report
about this case. Which happened
on 19 Sept 1944.

LEBAL
Capt. W. Boardman.

Legal S-b.

No knowledge of this case. It is
thought possible that RAAC may be
able to help.

15:3:46

Public Safety S-b.

4129



Red 7 M. 10. 16.

Roma 22 febbraio 1946

PROCURA MILITARE DEL REGNO

presso

il Tribunale Militare Territoriale di Guerra

ROMA

AI HEADQUARTERS ALLIED
COMMISSION - Legal Subcommittee

A. P. O. 394

Risposta al foglio del

Prot. N. 22033/45 Legati Lu. Div. Sez. N.

OGGETTO: Incidente tra un militare americano e mili-
tari italiani.-

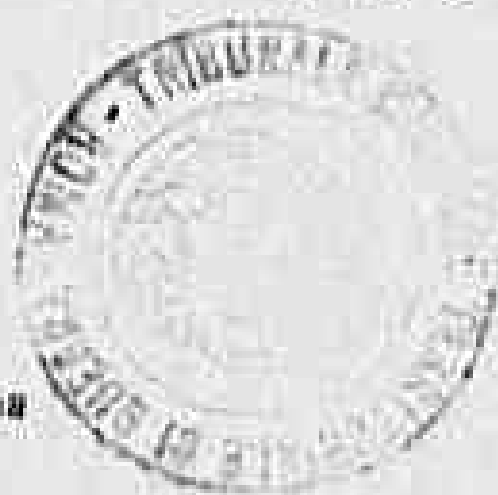
Con rapporto n°208/II di prot. del 17/11/944
il Comando C.E.R.S.E.T.I. di Roma riferì a questo Tri-
bunale Militare ed al Tribunale Militare Alleato un
incidente sorte la sera del 19/9/944 nella Caserma
Bianchi in Roma fra alcuni soldati italiani ed un mi-
litare americano, incidente in cui quest'ultimo, dopo
una serie di colluttazioni, venne ferito alle gambe da
un colpo di pistola sparategli contro dal carabiniere
Bernardini Silvano.

Prege cotesta Commissione Alleata di volermi
comunicare con cortese urgenza se intende avocare a
sè la cognizione del caso in questione ovvero intende
che sia giudicato dall'autorità giudiziaria italiana.

(R.D.L. 13/4/944 n°112)

43

II. PROCURATORE MILITARE
DEL REGNO



TRANSLATION

PROCURA MILITARE DEL REGNO

SUBJECT : Incident occurred in Rome in which there was an American soldier and some Italian soldiers.

On the 17th November 1944 the Command of C.E.R.S.E.T.I. sent a report to this Procura Militare concerning an incident occurred at the Caserma Bianchi in Roma in which there were involved an American soldier and some Italian soldiers. Copy of said report was sent to the Allied Military Tribunal.

As a result of the incident the American soldier was shot in the leg by an Italian carabinieri named BERNARDINI Silvano.

This Allied Commission is kindly requested to let this Office know whether this case must be tried by an Allied or an Italian Court.

(See R.D.L. 13/4/1944, No. 112)

Letter Red 7 March 46

Incident occurred. 19 Sept 1944 47

1940

785016

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB COMMISSION

CONFIDENTIAL

AC/4129/L

MT/rs
6 April 1946.

SUBJECT : Dott. ONOFRI, Pretore : Milano.

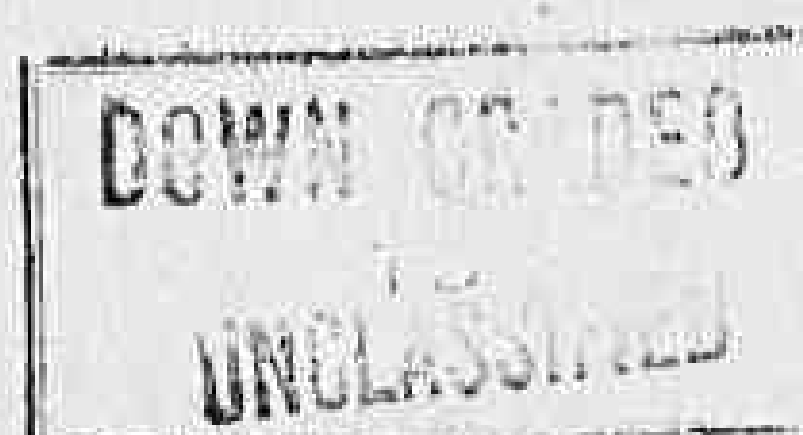
TO : The Minister of Pardon and Justice.

I enclose a copy of a Report made by the Military Police in Milan upon an investigation made with regard to the unlawful possession of goods including those of Allied origin. The report alleges that the facts disclosed suggest improper conduct on the part of certain officials at the Pretura. The report is forwarded in order that the Ministry may consider whether an inquiry should be made concerning the allegations of misconduct.

Will you please return the enclosures.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Enclosure.



41
Chief Legal Advisor
for Chief Legal Advisor

1941

File

277

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB COMMISSION

AG/4129/L

MT/ns
6 April 1946.

SUBJECT : Complaint against a Pretore.

TO : Public Safety - Liaison Officer
Palazzo Montecatini
20 Via Albania, MILANO.

1. Reference your PS/37 of 1st April 1946.

2. The matter is being referred to the Minister of Justice in order that he may have an inquiry made into the conduct of the officials of the Pretura.

By command of Rear Admiral STONE:

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

1 9 4 2

26A

HEADQUARTERS
LOMBARDIA REGION LIAISON GROUP
ALLIED COMMISSION

PS/37 APO 394 Public Safety Liaison Office
Montecatini Building
Via Albania 20, Milan
'phone 12641 ext. 2041

1 April 1946.

SUBJECT : Complaint against a Pretore.
TO : Chief Legal Advisor,
Legal Sub-Commission, AC.

1. The attached Military Police (SIB) report, with translation of all statement, is forwarded for your information and such action as you deem necessary.
2. As I have been asked by the DPM, 2 District to inform him of the action taken in connection with this matter will you please let me know what action is taken by you.

For the Chief Liaison Officer,

J.B. Fleetwood
J.B. FLEETWOOD, Major
Public Safety
Liaison Officer.

JBF/nr.

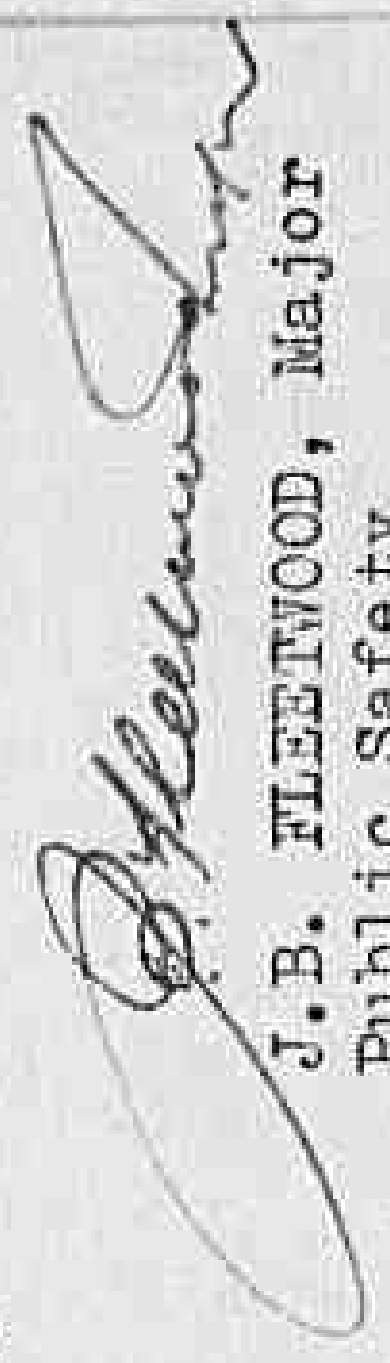
encs: SUB-COMMISSION

CLO

1. The attached Military Police (SIB) report, with translation of all statement, is forwarded for your information and such action as you deem necessary.

2. As I have been asked by the DPM, 2 District to inform him of the action taken in connection with this matter will you please let me know what action is taken by you.

For the Chief Liaison Officer,



J.B. FLEETWOOD, Major
Public Safety
Liaison Officer.

39

JBF/nr.

enclos: 1 SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
4 April 66	

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

JKT/ps.

21 Jan 46.

AC/4129/L.

SUBJECT : Trial of SILVAGNI Giovanni.

TO : Chief Commissioner.

*Now Specified
No 4129/44*

Herewith is an investigation report relating to one SILVAGNI, Giovanni, a former A.M.G. employee in MAGENTA, employed by the Provincial Officer, Major Dunolly, now returned to Canada.

The report of investigation indicates that SILVAGNI has been guilty of conduct which has brought Allied Military Government in disrepute. The offences are numerous and were committed in the guise of official AMG acts.

The Italian public officials of MAGENTA have asked that SILVAGNI be tried by an Allied Military Government Court. It is pointed out that a conviction by the AMG Court would do much to put the stamp of dis-approval to the acts of SILVAGNI reputedly done under official sanction.

To such contention may be added the fact that the accused will without question seek to justify his conduct as lawful under orders of Major Dunolly, making it embarrassing for the Italian Courts to deal with this delicate issue.

Further Italian procedure is not adapted to the liquid requirements of war, and by the time the case was ready for trial the available witnesses will have departed for home on re-deployment.

On Saturday (19 Jan 46) in conversation with the Minister of Justice, it was agreed that it was expedient to bring SILVAGNI to trial before an AMG Court, provided that the action would not be taken as a precedent. 30

It is the recommendation of the Legal Sub-Commission that the case be tried by an AMG General Court. In this

1945

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connection, attention is drawn to the directive of 23 May 1944, Ref.283/4/CA issued by the Executive Commissioner. The record of investigation reveals ample evidence upon which a conviction may be predicated.

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

Incls.

1946

File
HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

204A

AC/4129/L.

WEB/ap.
13 February 1945.

SUBJECT : Forgery of AM Lire notes.

TO : AFHQ, G - 5 Section.

1. It is understood that in the course of a telephone conversation (Major Anderson - Lt. Col. Hannaford) you asked to be advised whether it would be possible to establish in Italian Government Territory Allied Military Courts for the trial of persons charged with counterfeiting Allied lire currency and similar offences.
2. Under Italian law currency offences of this nature are severely penalized and in fact the Italian Courts always take a very serious view of these offences. Furthermore any counterfeiting or dealing in false currency is far more injurious to the Italian Government than to the Allied war effort. It is to be presumed that if the Allies do ever decide to give credit for genuine AM Lire which have been issued this credit will not be extended to spurious notes.
3. For these reasons it is not considered either necessary or desirable to hold Allied Military Courts for the trial of such cases and in the absence of any special circumstances such trials will not be authorized. Where special circumstances do exist in any particular case and a trial by Allied Military Court is strongly desired the request for such Court should be made in the normal way with all necessary evidence and particulars.

For the Chief Commissioner.

36

G. R. Upjohn
G. R. UPJOHN, Brig.
VP CA Sec
Dep COS AC

Copy to : AC/4129/6/L.

1947

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

14 August 1944.
/rlp.

ACC/4129

SUBJECT : AMB cases in Region II.

TO : Acting Chief Legal Officer.

The following is a summary of the cases authorized for trial by AMB Courts in Region II:

<u>A.</u>	<u>Name and Offence</u>	<u>Report to ACC</u>	<u>Charges to Trial</u> <u>Reg II</u>	<u>Result & Remarks</u>
(1)	Lecca Spy Case Chironi Romualdo & 37 others-espionage	20/4/44	6/5/44	23/5/44 Nine convicted - Sentences ranging fr 20 yrs to 6 yrs imprisonment.
(2)	Piscopo Francesco and 3 others Rifling US Mail bags	8/5/44	15/5/44	26/5/44
(3)	Barletta Spy Case	21/5/44		26/7/44 - Letter fr Deputy Executive Com ordering accused to be sent to Padula Internment Camp for the duration.
(4)	D'Istanto Ciro murder	31/5/44	23/6/44	11/7/44 Guilty - 13 yrs imprisonment
(5)	Mastrovita Cosimo	31/5/44	23/6/44	10/7/44 Guilty - Death
(6)	Gaudio Mastone	4/7/44	- -	7/8/44 (a) RLO, Reg II to prepare charges (a) Transferred to Reg V
(7)	Beriondis Riccardo espionage	5/8/44		
(8)	Da Birardi Michele sabotage	20/6/44	12/7/44	7/8/44

B. Cases where trial by AMB authorized, but which ^{are} in fact tried by Italian Courts.

These may be divided into two:

- I. Bitonto theft and sabotage trials.
- | | | |
|--------------|--------------|----------|
| Accused, (a) | (b) | (c) |
| (DL Bari) | (Mannio) | (Barone) |
| (Mastello) | (De Gennaro) | (Basso) |

(2) 3 others
Rifling U S Mail bags 21/5/44
(3) Barletta SPV Case

(4) D'Istanto Oiro murder	31/5/44	23/6/44	11/7/44	26/7/44 - Letter fr Deputy Executive Com ordering accused to be sent to Padula Interment Camp for the duration. Guilty - 13 yrs imprisonment
(5) Mastrovita Cosimo	31/5/44	23/6/44	10/7/44	Guilty - Death
(6) Gaudio Mastone	4/7/44	-	7/8/44	(a) PLO. Reg VI to prepare charges (a) Transferred to Reg V
(7) Berlandis Riccardo espionage	5/8/44			
(8) Da Birardi Michele sabotage	20/6/44	12/7/44	7/8/44	

B. Cases where trial by AM authorised, but which ~~are~~ ^{was} in fact tried by Italian Courts.

These may be divided into two:

- I. Bitonto theft and sabotage trials.
- | | | | |
|----------|-------------|--------------|---------------|
| Accused: | (a) | (b) | (c) |
| | (D.L. Bari) | (Mannio) | (Barone) |
| | (Mastello) | (De Gennaro) | (Ragno) |
| | (Virgillio) | | (Chiappesini) |
| | | | (Ruggini) |

(1) Application was made for the trial of all the above. On 5/6/44 Brig Lush wrote to Admin. Sec.: *Chief Legal Off.* stating "..... The proceedings are not..... in anything like final form nor does the Regional Commission give any special reason why the cases should be tried by AM Courts nor does he state that the District Command has so ordered.

My recommendation is that the case should be dealt with by the Italian Court." (Bitonto Lush May 1)
(11) PLO, Reg 2 states in report of 27/7/44 that he received this letter. (Lush C. Legal Lush Lush)
(11) There is no copy of any correspondence to indicate any change of policy but charges sent to Reg 2 on 23/6/44. (Bitonto Lush May 2)

(iv) RLO, Reg 2 states that order was not changed until 26/6/44 by which time the Italian Courts had already dealt with the accused.

(v) He further states that he first knew of these cases on 5/5/44 and that full police reports were not received when his Hq first received notice of the case and it was not until 25/5/44 that those were forthcoming after renewed application to the Allied police 6 Base Sub-Area.

(vi) Re (a)

(Hay F. v G. Legal Lit. File)

1. Those accused were tried by Italian Court on 20/5/44. That is sixteen days before Frig Lush's letter recommending trial by Italian Courts was written. It would seem therefore that the Italian authorities never considered that AMG might want to try these accused themselves.

2. The accused were sentenced to 5 months imprisonment each of which only Virgilio is serving sentence. Mastello's sentence was suspended on grounds of age (72) and of De Peri the prison authorities had no knowledge.

3. The charge against them was of being in possession of military explosives (14lbs) and the court came to the conclusion that they did not intend to sabotage the war effort, but had simply taken the explosive away from some children.

(vii) Re (b)

(Hay F. v G. Legal Lit. File)

1. They were tried by Italian Courts on 20/5/44. No notification of the trial being given to RLO.

pieces 2. They were not charged with sabotage but of theft of a few pounds of rope as the court apparently did not realize the significance of this "rope" (in fact *gunpowder* for shells)

3. No *expert witness* evidence was called or asked for.

4. Sentence: Morino 6 months and 600 lire) } suspended
De Genaro 4 months and 400 lire)

(viii) Re (c)

(Hay F. v G. Legal Lit. File)

1. Accused tried by Italian Court 23/6/44. First notification to RLO 1/7/44.

2. Court found only Baroni guilty of sabotage and that not intentional sabotage, and sentenced him to 4 years and 4000 lire fine.

*NOTE: This is given as 10 months in Capt. Jorman's report but 4 years in translation of Court proceedings. Court found Negro, Chiapperoni and Ruggiero guilty of receiving military armament and sentenced them respectively to 9 months, 9 months and 6 months, the sentences in Ruggiero's case being suspended on the grounds of his youth (17).

3. Italian authorities at first claimed that they had asked for expert witnesses in this case but later Substitute Procureurs Militaires admitted this was not so. He had intended to, but request never made. (Hay E)

(ix) From the above it seems that either

1. The Italian authorities were deliberately trying to prevent AMG Courts hearing these cases or

2. They acted in complete ignorance of AMG being at all interested in the matter. In this respect RC, Reg 2 states that "In order to obviate another rung in the ladder whereby applications for AMG Courts are submitted to you it has been the practice for such case to be sent directly to this Hq and for the LO concerned to be notified officially when the application is approved and for him then to notify the Italian authorities." *It is not really clear how this worked but it seems possible that some of the trouble might originate here - (Hq C)*

II. Case of Loggiero - Sabotage.

(i) application for trial by AMG court was made by Reg 2 by letter dated 20/6/44.

(ii) Application recommended and forwarded to Legal Sub-Commission by Brig Luch on 25/6/44.

(iii) Charges and order for AMG Court sent by letter dated 12/7/44.

(iv) There is no indication in the files as to how or why the accused came to be tried by Italian Courts. But *on* the Form of Cases for Trial by AMG sent to Reg 2 "Trial already by Italian Courts" has been written.

No mention is made of this case in any reports from Reg 2.

W. G. PRYCE,
1st Lt.,
Italian Branch.

REAR READ BARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

RWB/gmf

ACC/1129/L

7 Jul 44

SUBJECT: A.M. Courts in Apulia.

TO : RLD Region 2 (thru R.C.).

1. It having been brought to our attention that some ^{Italian} judicial official in Apulia had questioned the right to hold A.M. Courts in any part of the 4 Provinces because of the wording of Art. 3 of the RUL No. 31 as amended by RUL No. 112 (the word "restituito" was used) we mentioned this to the Minister of Justice yesterday. He agrees that any such contention is without merit.

2. In the event you experience any difficulty please let me know and the Minister will take the necessary action.

RICHARD H. WINTER
Colonel, GAC.
Acting Chief Legal Officer.

Copy to ACC/1150/L

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

20A

6 July 1944.

REFERENCE : AGO/4329/L.
SUBJECT : Trials by MG Courts.
TO : HQ., No.2 District.

1. As a matter of interest I am enclosing a copy of a letter from Major Franklin, Legal Officer in Apulia, in respect to a recent murder by Italians of a Pte. Hancock.

2. It has been **OVA** feeling generally that if the Italian courts are given the opportunity to try cases of this kind they are quite likely to produce reasonably good results.

RICHARD H. WILMER.,
Colonel OAC.
Acting Chief Legal Officer.

PHW/vow.

Copy to : HQ. AAI.
R.C. & M.C. Section.

31

1953

785016

To: C.L.O.

ALLIED CONTROL COMMISSION,
Legal Office,
APULIA.

20B

Subject: Murder of Pte HANCOCK.

Taranto, 2nd July, 1944.

- 1) In compliance with your verbal order I enclose S.I.S. report in this matter.
- 2) The accused were found guilty:
 - a) BONDELLI of murder with the 2 aggravating circumstances set out in the Penal Code article 61 paragraphs 1 and 5, wrongfully carrying arms of a prohibited kind and of being involved in a fight
 - b) CUSIMANO of robbery with aggravating circumstances, of desertion and of being involved in a fight
 - c) LA TORRE of desertion with aggravating circumstances, of being involved in a fight and being accessory after the fact
 - d) FALSITTA of repeated desertion with aggravating circumstances and destruction of equipment
 - e) DE SIMONE of repeated desertion
 - f) ALIETTI and LISCIANDRELLI of simple desertion.
- 3) The Court wished to impose the death sentence in BONDELLI's case but were unable to do so.
- 4) The Court sentenced:
 - a) BONDELLI to the "ergastolo"
 - b) CUSIMANO to 22 years imprisonment and 18000 lit fine
 - c) LA TORRE to 19 years imprisonment and a similar fine
 - d) FALSITTA to 13 years and 4 months imprisonment
 - e) DE SIMONE to 16 years imprisonment
 - f) LISCIANDRELLI and ALIETTI to 9 years imprisonment each.
- 5) The punishment of the "ergastolo" is much severer than the punishment of penal servitude for life as it involves a period of solitary confinement and the prisoner is never released.
- 6) It is submitted that the sentences in this case may impress some persons who believe the Italian Courts to be always too lenient especially in murder cases .-

Ch. R.C.L.O.

Qu. S. Branal Major
Legal Officer - Apulia.

Let. Do you know this matter at 30/0000

To: C.I.O.

ALLIED CONTROL COMMISSION,
Legal Office,
APULIA.

203

Subject: Murder of Pte HANCOCK.

Taranto, 2nd July, 1944.

- 1) In compliance with your verbal order I enclose S.I.S. report in this matter.
- 2) The accused were found guilty:
 - a) BONDELLI of murder with the 2 aggravating circumstances set out in the Penal Code article 61 paragraphs 1 and 5, wrongfully carrying arms of a prohibited kind and of being involved in a fight
 - b) CUSIMANO of robbery with aggravating circumstances, of desertion and of being involved in a fight
 - c) LA TORRE of desertion with aggravating circumstances of being involved in a fight and being accessory after the fact
 - d) FALSITTA of repeated desertion with aggravating circumstances and destruction of equipment
 - e) DE SIMONE of repeated desertion
 - f) ALIETTI and LISCIANDRELLI of simple desertion.
- 3) The Court wished to impose the death sentence in BONDELLI's case but were unable to do so.
- 4) The Court sentenced:
 - a) BONDELLI to the "ergastolo"
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 - c) LA TORRE to 19 years imprisonment and a similar fine
 - d) FALSITTA to 13 years and 4 months imprisonment
 - e) DE SIMONE to 16 years imprisonment
 - f) LISCIANDRELLI and ALIETTI to 9 years imprisonment each.
- 5) The punishment of the "ergastolo" is much severer than the punishment of penal servitude for life as it involves a period of solitary confinement and the prisoner is never released.
- 6) It is submitted that the sentences in this case may impress some persons who believe the Italian Courts to be always too lenient especially in murder cases .-

Chy R.C.L.O.

Luigi S. ... Major
Legal Officer - Apulia.

Yes, Do you know this matter at 30/10/44

30

FILE

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommission
APO 394

GRU/AG

19A

ACC/4129/L

27 June 44

SUBJECT : AMG Courts-Italian Government Territory.

TO : Deputy Executive Commissioner.

1. Ref. your 283/105/GA dated 23 June 44 erroneously headed Military Government Territory enclosing letter 2201/72/B dated 20 June from Region 2. The attitude of Col. ZELLARS has the full support of this Subcommission.

2. I have already discussed this unsatisfactory matter with the Chief Commissioner and he has issued a directive on the future handling of such cases and a copy was sent to you- See my ACC/4129/7/L dated 19 June 1944.

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

Copy to : R.C. Region 2.

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

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HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.C. SECTION
APO 394

Ref/283/105/CA

23 June 1944

SUBJECT: AMG Courts - Military Government Territory.

TO : Admin. Section (for Legal Sub-Commission. ✓)

A Copy of a letter from R.C. Region II is forwarded
in case you have not already heard of it from the R.L.O.

I would be glad to have any comments you may have on
this rather regrettable and dismal incident.

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
GMS/JR CJO	
Italian Section	
CL RKS	

No Shipp 1851

NORMAN E. FISKE
Colonel
Deputy Executive
Commissioner

21

COPY

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION II

Ref : 2201/72/B

20 June 44

TO : Major General E.P. NARES C.B.E. M.C., Commanding District 2,
Copy to: : Executive Commissioner, R.C. & M.G. Section, ACC, Naples.

My Regional Legal Officer who was recently President of the A.M.G. Court at Lecce, has reported the following facts to me:

1. During the trial, Major Mattei of your Security Section, proposed that such of the 36 defendants as were acquitted should be taken into custody at Padual on security grounds. None of the Court agreed, and represented that if such action was considered necessary, the utmost care must be taken that any acquittal by an A.M.G. Court should not appear ineffective, and that a token period of liberty must be granted. To this Major Mattei agreed in principle.

2. Later in the trial, Major Mattei proposed to take into custody any persons who should be acquitted on the last day. The President demurred, but stipulated that any way they must have a period of freedom first, and it seemed understood that at barest minimum, this should be one full night.

3. It seems that Major Mattei was away when judgement was given, and the President announced in open Court, that all the acquitted would be freed when the Court had left. It was therefore unfortunate that as a result of orders given by some assistant, unaware of the significance, acquitted men were taken straight back to gaol and have never been freed at all, while the next day the prison gates were besieged by relations relying on the Courts promise.

4. The Court earnestly endeavored to "put across" to the public the impression of Allied Justice. I entirely endorse their view that this action has been unfortunate, and I am informed that the Chief Commissioner is in agreement. While it is a fact that in the very forward areas, such action may sometimes be necessary on security grounds, it is felt that the matter is very different in a case decided far from the front, involving a great deal of publicity, and where in the unanimous view of the Court, the conspiracy was exploded by the sentences imposed upon the leaders.

5. While the President and Major Mattei appreciate each other's point of view, it does seem that the matter requires clarification. I feel sure you would be foremost in agreeing on the essential policy that an A.M.G. Courts'

2. Later in the trial, Major Mattei proposed to take into custody any persons who should be acquitted on the last day. The President demurred, but stipulated that any way they must have a period of freedom first, and it seemed understood that at barest minimum, this should be one full night.

3. It seems that Major Mattei was away when judgement was given, and the President announced in open Court, that all the acquitted would be freed when the Court had left. It was therefore unfortunate that as a result of orders given by some assistant, unaware of the significance, acquitted men were taken straight back to gaol and have never been freed at all, while the next day the prison gates were besieged by relations relying on the Courts promise.

4. The Court earnestly endeavored to "put across" to the public the impression of Allied Justice. I entirely endorse their view that this action has been unfortunate, and I am informed that the Chief Commissioner is in agreement. While it is a fact that in the very forward areas, such action may sometimes be necessary on security grounds, it is felt that the matter is very different in a case decided far from the front, involving a great deal of publicity, and where in the unanimous view of the Court, the conspiracy was exploded by the sentences imposed upon the leaders.

5. While the President and Major Mattei appreciate each other's point of view, it does seem that the matter requires clarification. I feel sure you would be foremost in agreeing on the essential policy that an A.M.G. Courts' acquittal must not be allowed to appear ineffective and unimpressive.

After consultation with H.Q., A.C.C., therefore, I am writing to propose that if any further A.M.G. Courts are to be held in District No. 2, the Security Branch should be instructed not for at least 48 hours, to take into custody persons acquitted by the Court - at any rate unless the Court which has heard all the facts, agree with any proposal to the contrary.

6. The Lecce trial was the first of its kind, and of the utmost importance both because of the publicity it aroused, and its effect on the population. I personally attended part, and both from my own observation and from reports received, am satisfied that the widest impression was conveyed of Allied fairness and impartiality. I request as a matter of urgency, that all persons acquitted by the Court in this instance, be liberated entirely.

JOHN T. ZELLARS,
Colonel, Infantry
Regional Commissioner,
Region II, ACC.

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION II

(17A)

2003

20 Jun 44

Ref. :- 2201/70/A

Subject:- Security & A.M.G. Courts

To :- C.I.O. Legal Subcommittee A.C.C. - SALERNO -

1. In the light of the recent Lecce A.M.G. Court case it is submitted that clarification is required in respect of certain security aspects of trials by A.M.G. Courts in A.C.C. territory.

2. It has been represented to the Security Branch that it is impossible for A.M.G. Courts to convict persons unless full evidence for the prosecution is given, with rights of cross-examination by the defence.

3. It is felt highly detrimental to Allied justice that persons acquitted by A.M.G. Court should later be taken to Padula on security grounds without even a token period of liberty. In the Lecce case, after declaration in open Court that all persons who had been acquitted would be liberated as soon as the Court left, owing to instructions from some minor security official eight acquitted persons were taken straight back to gaol and have never been liberated. On the day following the acquittals the prison gates were besieged by the relations and friends of the acquitted men relying on the promise of the Court. Apparently a misunderstanding must have occurred between the President and Major Mattei of G.S. (I), but this can hardly account for the "gaffe" which in fact occurred, and which has rendered the acquittals somewhat farcical.

4. Representations are being made by the RC to the District Commander, and by the RLO to Major Mattei that if any further cases are to be tried by AMG Courts, it must be stipulated that at least 48 hours must elapse after acquittal before a re-arrest is made, but that there is no objection to persons being sent direct to Padula on arrest, and the leaders later selected for trial by AMG Court.

5. In the Lecce case, the Court was unanimously of the opinion that after conviction of the leaders the persons who were acquitted constituted no menace whatever to security, and after the mistake that has been made the RC is requesting as a matter of urgency that the eight persons acquitted should be liberated altogether.

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

Enter Heat

LEGAL SUBCOMMISSION
JAN 29

Copy to 4-129/1

SECRET

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001/012

001/012/7/1

19 Jan 44

SUBJECT: Trial of Cases by A.A. Courts in Italian Government Territory.

TO : SO Region 2.

1. Continuing conversation Col. Spinks - Lt. Col. Connel yesterday morning I have to state that the Chief Commissioner has reconsidered the Benetton spy case and has taken this opportunity of laying down certain principles applicable to this type of case for the guidance of Regional Commissioners in Italian Government Territory generally.

2. Type of case under discussion. These principles are applicable to cases where circumstances call for light, usually but not invariably, through Allied Security Channels involving a considerable number of defendants who are charged with complicity in some conspiracy to promote a neo-fascist or pro-Nazi or some like anti-Allied activity usually accompanied by some actual or attempted spy activity. A further feature of this type case is that the facts are complicated and the preparation and hearing of the case is likely to be prolonged and most of the defendants even if found not guilty will continue to be interned for security reasons.

3. In these cases the Chief Commissioner desires that the number of trials by A.A. Courts should be reduced to a minimum for the reasons (a) that the accused will probably remain in confinement even if found not guilty, which is an unsatisfactory feature, (b) that the number of legal officers who have to be employed for long periods in preparing and trying these cases imposes a very severe strain on Regions in Italian Government Territory who are very under-staffed with legal officers.

4. In these cases therefore the Chief Commissioner directs that Regional Commissioners will only recommend cases for trial in A.A. Courts if the following conditions are fulfilled:

(a) A trial will be held if, but only if, it is essential for security purposes and to warn the local populace of the danger of assisting in such matters; e.g. if there has recently been a case of similar type in the locality it may be necessary to have another.

(b) Only a few of the ringleaders against whom there appears to be a reasonably strong case can be made will be tried, the remainder being interned (if this is required by the Security agencies) and not tried.

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UNCLASSIFIED

100 Chief Commissioner's Office

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- 2 -

(c) The Security agencies concerned must be prepared to produce all the evidence required to support their case quite strictly in closed court and to permit full examination and cross-examination of their witnesses on all relevant matters in the presence of the accused.

(d) It will be made quite clear at the opening of the Court that the accused will in any event continue to be interned (if such internment is required by the Security agencies concerned).

5. It appears therefore that initially all persons concerned in this type of case should be interned in 371 P.O.S. Camp and brought out for the hearing if it is decided to try them in A.M. Courts.

6. The foregoing has reference only to Allied Military Courts. In no instance will consideration be given to any such case being tried in an Italian court unless and until that security situation could permit it.

7. You will therefore please reconsider the Barletta spy case, (the papers were returned to you yesterday) and reconsider the matter with HQ 2 Dist. in the light of the foregoing principles and make such further recommendations as you may be advised.

GRH
G. S. TRUMAN
Colonel
Chief Legal Officer.

Copy to: Recd. Com. (Your 252/24/39 of 15 June refers.
Hqs Regions 1, 6, 7 for info.

SECRET

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14A

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

3 June 1944.

ACC/4129/L.

SUBJECT : Allied Military Courts in Italian Government Territory.

TO : R.L.O., (thru Regional Commissioner), Region 2.

1. Reference your 2201/70/A dated 28 May 1944.
2. It is NOT proposed to issue a more specific directive. The general principle has been laid down that only in "exceptional cases" will Allied Military Courts be set up in Italian Government territory.
3. Each case depends entirely on its own merits and consistently with legal principles adopted by Courts both in England and America it is neither necessary nor desirable to lay down any more specific guides.
4. It is for this reason that the Chief Commissioner desires full reports to be submitted to him.

GERALD R. UPJOHN.
Colonel.
Chief Legal Officer.

GRU/wcw.

23

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION 2

SECRET

Ref: 2201/74 D Copy to 74 H

28 May 1944

TO : - R.C. & M.G. Section
HQ. A.C.C. APO. 394

Copy to: - C.L.O. Legal Sub-Commission A.C.C. - SALERNO

1. Reference 283/4/CA of 23.5.44, there are at present eleven serious cases on the tapis in Region 2, which as a matter of policy, it may be considered should be tried by A.M.G. Courts they are:-

- (a) The Barletta spy case - particulars of which were forwarded to the C.L.O. on 22.5.1944
- (b) The Taranto train robbery case - particulars of which were forwarded to the C.L.O. on 22.5.1944.
- (c) The Brindisi spy case as to which investigations are still proceeding, which it is reported as likely to be the most serious.
- (d) The Bari ammunition theft case - as to which depositions are being prepared in full by 6 Sub-Area
- (e) The Brindisi ammunition theft case - as to which depositions are still being prepared by PSS.
- (f) The Bitonto ammunition theft case - particulars of which are attached.
- (g) Six cases of homicide of Allied Soldiers by Civilians in Apulia, short particulars of 5 of which were forwarded to the C.L.O. on 15.5.1944.
The last has just occurred and is being investigated.

2. If it should be considered as a matter of general principle that all or any should be tried by A.M.G. Court, may it respectfully be submitted that the present Legal Staff in Region 2 admit only of very limited contribution to the personnel of the Court, the Prosecution and the Defence.

It is therefore suggested that any future A.M.G. Court should be composed of:

- (a) A President chosen from among the A.C.C. Legal Division

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION 2

SECRET

Ref: 2201/74 D Copy to 74 H

28 May 1944

TO : - R.C. & M.C. Section
HQ. A.C.C. APO. 394

Copy to: - C.L.O. Legal Sub-Commission A.C.C. - SALERNO

1. Reference 283/4/GA of 23.5.44, there are at present eleven serious cases on the tapis in Region 2, which as a matter of policy, it may be considered should be tried by A.M.G. Courts they are:-

- (a) The Barletta spy case - particulars of which were forwarded to the C.L.O. on 22.5.1944
- (b) The Taranto train robbery case - particulars of which were forwarded to the C.L.O. on 22.5.1944.
- (c) The Brindisi spy case as to which investigations are still proceeding, which it is reported as likely to be the most serious.
- (d) The Bari ammunition theft case - as to which depositions are being prepared in full by 6 Sub-Area
- (e) The Brindisi ammunition theft case - as to which depositions are still being prepared by FSS.
- (f) The Bitonto ammunition theft case - particulars of which are attached.
- (g) Six cases of homicide of Allied Soldiers by Civilians in Apulia, short particulars of 5 of which were forwarded to the C.L.O. on 15.5.1944.

The last has just occurred and is being investigated.

2. If it should be considered as a matter of general principle that all or any should be tried by A.M.G. Court, may it respectfully be submitted that the present Legal Staff in Region 2 admit only of very limited contribution to the personnel of the Court, the Prosecution and the Defence.

It is therefore suggested that any future A.M.G. Court

should be composed of:

(a) A President chosen from among the A.C.C. Legal Division

(c) The Brindisi spy case as to which investigation is still proceeding, which it is reported as likely to be the most serious.

- (d) The Bari ammunition theft case - as to which depositions are being prepared in full by 6 Sub-Area
 - (e) The Brindisi ammunition theft case - as to which depositions are still being prepared by FSS.
 - (f) The Bitonto ammunition theft case - particulars of which are attached.
 - (g) Six cases of homicide of Allied Soldiers by Civilians in Apulia, short particulars of 5 of which were forwarded to the C.L.O. on 15.5.1944.
- The last has just occurred and is being investigated.

2. If it should be considered as a matter of general principle that all or any should be tried by A.M.G. Court, may it respectfully be submitted that the present Legal Staff in Region 2 admit only of very limited contribution to the personnel of the Court, the Prosecution and the Defence.

It is therefore suggested that any future A.M.G. Court should be composed of:

- (a) A President chosen from among the A.C.C. Legal Division at A.C.C. HQ. or Region 2.
- (b) Two members supplied by the nearest J.A.G. department or American equivalent, or at least one such member, and for the other to be a lay officer supplied by the nearest Formation.

It is further suggested that the Prosecution should be conducted by either the Special Prosecutions Branch at A.C.C. HQs. assisted where applicable by the Military Police responsible for investigations, at that if Allied Officers are to defend, officers for this be provided by the nearest J.A.G. Department or American equivalent.

DOWN GRADED

UNCLASSIFIED

JOHN T. ZELLARS
Col. Inf.
Regional Commissioner

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

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION 2

4129

12A

688

REF: 2201/70/A

28 May 44

SUBJECT: Attribution of Cases to
Italian or Allied Military Courts

TO : C.I.O., Legal Sub-Commission, ACC, Salerno.

In order to save unnecessary applications, it is hoped that you will issue a*directive showing for what types of cases in general, applications for AMG Courts should be made. The following types of cases would appear to fall under the category of those which should be tried by AMG Courts, provided of course adequate personnel is furnished with which to form the Courts:-

- (a) All serious cases affecting Allied interests i.e.
 - (i) Espionage
 - (ii) Sabotage
 - (iii) Crimes involving the death or serious injury of Allied personnel.
 - (iv) Serious cases of larceny or wrongful possession of property of the Allied Forces above some value to be named.
 - (v) Crimes involving a serious tampering with arms ammunition mail or telephone or telegraph wires.
- (b) Any serious case where it is apprehended that the sentence of an Italian Court may be grossly inadequate, or that a manifestly guilty person may be acquitted, or convicted of a crime less serious than that of which he is accused.

LEGAL SUB-COMMISSION	
CO	
CHIEF OF COUNSEL	
LEGAL SECTION	
CL RKS	

B.W. Cousins
D.E.S. COUSINS Lt. Col.
R.L.O.
REGION 2

* more specific

21

1967

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

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HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. SECTION
APO 394

Ref/283/¹⁰⁹CA

23 May 1944

SUBJECT: Allied Military Courts.

TO : Legal Sub-Commission.

The Executive Commissioner directs me to thank you for your letter ACC/4129/L of 20 May 44 enclosing draft directive. The Executive Commissioner agrees with the additions made by you and the directive has been issued and copies are attached for your use.

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

Norman E. Fiske
NORMAN E. FISKE
Colonel
Deputy Executive
Commissioner

May Campbell
Note made on Cons. Instructions
File as to publishing necessary
and in due course.

K
24 May.
61

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. SECTION
APO 394

Ref/283/4/CA

23 May 1944

SUBJECT: AMG Courts in Territory administered by
the Italian Government.

TO : R.C.'s Regions I, II, III, IV, V, VI and VII.

1. The Chief Commissioner directs that recommendations for the setting up of AMG Courts in territory under the jurisdiction of the Italian Government should, as questions of policy are concerned, be made by the Regional Commissioner concerned, after discussion with his Regional Legal Officer, to the R.C. & M.G. Section. In submitting such recommendations the Regional Commissioner will give detailed reasons, together with the advice of his Regional Legal Officer, and, if the request has originated from the local military commander, the opinion of the G.O.C. District concerned. These reasons advice and opinion are required in addition to the facts and particulars already required by paras 3(b) and 4 of Article 3 of Consolidated Instructions for Allied Military Courts. The recommendations will then be passed with comment to the Chief Legal Officer who will advise the Chief Commissioner.

2. Article 3 of the Consolidated Instructions will be amended to conform to the above in due course.

3. Regional Commissioners are reminded that approval for such courts will be given only in very exceptional cases.



M.S. LUSH
Brigadier
Executive Commissioner

Copy to:

R.C.'s Regions VIII and IX.
Admin. Section.

13

FILE

URGENT.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

20 May, 1944.

REFERENCE : ACC/4129/L.

Dear Brigadier,

Reference your 283/101/CA dated 18 May 1944 I have
ventured to make certain additions to your draft directive in order
to avoid confusion with the existing instructions. I hope that
these amendments will meet with your approval.

Yours

Colonel,
Chief Legal Officer.

Brigadier M. S. Lush, C.B.E., M.C.,
Executive Commissioner,
Headquarters, A. C. C.,
NAPLES.

10

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

Regional Control and Military Government Section.

Ref

May 1944.

SUBJECT: AMG Courts in territory administered by
the Italian Government.

TO : Regional Commissioners,
Regions I - VII.

1. The Chief Commissioner directs that recommendations for the setting up of AMG Courts in territory under the jurisdiction of the Italian Government should, as questions of policy are concerned, be made by the Regional Commissioner concerned, after discussion with his Regional Legal Officer, to the E.C. & M.G. Section. In submitting such recommendations the Regional Commissioner will give detailed reasons, together with the advice of his Regional Legal Officer, and, if the request has originated from the local military commander, the opinion of the G.O.C. District concerned. These reasons advice and opinion are required in addition to the facts and particulars already required by paras 3(b) & 4 of Art. 3 of Consolidated Instructions for Allied Military Courts. The recommendations will then be passed with comment to the Chief Legal Officer who will advise the Chief Commissioner.

2. Art. 3 of the Consolidated Instructions will be amended to conform to the above in due course.

3. Regional Commissioners are reminded that approval for such courts

in exceptional cases.

sioner concerned, after discussion with his Regional Legal Officer, to the R.C. & M.C. Section. In submitting such recommendations the Regional Commissioner will give detailed reasons, together with the advice of his Regional Legal Officer, and, if the request has originated from the local military commander, the opinion of the R.C.C. District concerned. These reasons and opinion are required in addition to the facts and particulars already required by paras 3(b) & 4 of Art. 3 of Consolidated Instructions for Allied Military Courts. The recommendations will then be passed with comment to the Chief Legal Officer who will advise the Chief Commissioner.

2. Art. 3 of the Consolidated Instructions will be amended to conform to the above in due course.

3. Regional Commissioners are reminded that approval for such courts will be given only in very exceptional cases.

Brigadier,
Executive Commissioner.

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HEADQUARTERS,
ALLIED CONTROL COMMISSION,
APO 394

R.C. & M.G. SECTION.
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4129

471
(9A)

Ref: 283/101/CA.

18th May 1944.

Dear Colonel,

Attached hereto is draft of the letter which the Brigadier spoke to you about this morning and which he will be sending out. He asks me to say how much he appreciates your meeting his views on this matter.

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

Colonel C. R. Upjohn,
Chief Legal Officer,
Legal Sub-Commission,
Rear H.Q.,
Allied Control Commission.

E. Shorden.
Captain,
PA to Executive Commissioner.

DRAFT.

HEADQUARTERS,
ALLIED CONTROL COMMISSION,
APO 394

4411

(9B)

Regional Control and Military Government Section.

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Ref:

May 1944.

SUBJECT: AMG Courts in territory administered by
the Italian Government.

TO : Regional Commissioners,
Regions I - VII.

1. The Chief Commissioner directs that recommendations for the setting up of AMG Courts in territory under the jurisdiction of the Italian Government should, as questions of policy are concerned, be made by the Regional Commissioner concerned, after discussion with his Regional Legal Officer, to the R.C. & M.C. Section. In submitting such recommendations the Regional Commissioner will give detailed reasons, together with the advice of his Regional Legal Officer, and, if the request has originated from the local military commander, the opinion of the G.O.C. District concerned. The recommendations will then be passed with comment to the Chief Legal Officer who will advise the Chief Commissioner.

2. Art 3 of the Consolidated Instructions will be amended to read as follows:
3. Regional Commissioners are reminded that approval for such courts will be given only in very exceptional cases.

which is done.

Brigadier,
Executive Commissioner.

2. These reasons advice & opinion are required in addition to the facts & particulars required by Art 3(b) & 4 of Art 3 of Consolidated Instructions for allied units, Art 3.

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Administrative Section,
Rear Headquarters,
Allied Control Commission,
APO 394

DO/STAN/1

15 May 44

With reference to your DO letter concerning the setting up of AMG Courts, I quite appreciate the points you raise as the Regional Commissioners are closely concerned. The matter however concerns the Transfer Documents and moreover, the judicial side is of major importance.

I would suggest that you, Colonel Upjohn and myself discuss procedure with the Chief Commissioner.

Brigadier M. Lush,
Executive Commissioner,
HQ ACC APO 394.

14

1975

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

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4129

PERSONAL.

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HEADQUARTERS,
ALLIED CONTROL COMMISSION,
APO 394

Regional Control and Military Government Section.

Legal
17 MAY 1944283/93/CA.11th May 1944.

My dear Stansgate

I propose to submit the attached draft to the Chief Commissioner. The setting up of AMG Courts is to my mind a matter of policy which must be considered by the Regional Commissioner himself - who is in touch with the G.O.C. District and is concerned with every aspect of such questions, and is definitely a matter where Regional Control & Military Government Section are closely concerned. I need not say that such recommendations will be referred to you in order that the Chief Commissioner may have the value of your own and the Chief Legal Officer's advice before making his decision. I know that the Chief Legal Officer does not agree with this procedure and I should like to have your agreement before submitting the draft to the Chief Commissioner. If you are not in agreement, perhaps you would let me know and bring the matter up at the next Vice Presidents' meeting.

Yours truly

Maime [Signature]

The Rt. Hon. The Viscount Stansgate,
Vice President,
Administrative Section,
Rear Headquarters,
Allied Control Commission.

LEGAL SUB-COMMISSION

Counsel

Section

RKS

Big push
is starting a directive
with instructions on
Surrey.

See note Declin
Meeting 17. May.
S

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DRAFT.

HEADQUARTERS,
ALLIED CONTROL COMMISSION,
APO 394

Regional Control & Military Government Section.
+++++

Ref:

May 1944.

SUBJECT: AMG Courts in territory administer by the
Italian Government.

TO : Regional Commissioners,
Regions I - VII.

1. The Chief Commissioner directs that recommendations for the setting up of AMG Courts in territory under the jurisdiction of the Italian Government should, as questions of policy are concerned, be made by the Regional Commissioner concerned after discussion with his Regional Legal Officer, to the R.C. & M.G. Section. In submitting such recommendations the Regional Commissioner will give detailed reasons, together with the advice of his Regional Legal Officer, and, if the request has originated from the local military commander, the opinion of the G.O.C. District concerned.

2. Regional Commissioners are reminded that approval for such courts will be given only in very exceptional cases.

MSL/JG.

Brigadier,
Executive Commissioner.

7B

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4129
HEADQUARTERS
ALLIED CONTROL COMMISSION
AFO 394

Admin 4080
Regional Control and Military Government Section. -5 MAY 1944-
+++++

Ref: 275/11/CA.

SUBJECT: Offences by Civilians in Italy.

TO : Military Government Section.
Allied Force Headquarters.

3rd May 1944.

Reference your letter MGS 015 dated 18 April 1944.

1. The question of the use of Allied Military Courts in unoccupied territory has had careful consideration and the Chief Commissioner has decided that cases of injury to Allied personnel should be referred to the Italian courts, except where there are unusual circumstances in an individual case, and except where after experience it is found that Italian courts in a particular locality are not performing their functions satisfactorily or where there is a series of inflicted injuries which it is believed can best be stopped by quick and vigorous action by an Allied Military Court.

2. The reasons for this policy are twofold:-

- (a) It is most desirable that the new Italian Government should have every opportunity of proving itself capable of administering the territory under its jurisdiction and the Chief Commissioner has initiated a policy whereby cases in unoccupied territory affecting Allied interests are reported to Legal Liaison Officers and practice has shown so far that on the whole adequate sentences are imposed by the Italian authorities.
- (b) There is not available sufficient legal personnel to permit Allied Military Courts to function continually in unoccupied territory and this shortage will be more acute as we move forward.

3. In accordance with the above policy, the Chief Commissioner has directed that the case of the injury to Moon, W.G. Sic USNR, mentioned in the correspondence which you submitted be referred to an Italian Court for trial.

4. With regard to the report of the Senior Naval Officer, Eastern Sicily, dated 2nd February, if you desire further information on the cases there referred to, if you will let this Headquarters have the names of the accused and dates and places of the trials the matter will be investigated further.

(Sgd) M. S. Lush, Brigadier,
Executive Commissioner,
For Chief Commissioner.

Copy to Admin Sec: R.C., Regim I.

1978

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4129/L.

/rlp.
28 April 1944.

SUBJECT : Offences of Civilians in Italy.

TO : Executive Commissioner.

1. Reference your 283/76/CA dated 25 April 1944.
2. As requested therein I enclosed a suggested form of letter to be sent by the Chief Commissioner to AFHQ.
3. I have informed Region I in accordance with your letter concerning the two cases mentioned in my letter 27 April 1944.

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

10

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

/rlp.
28 April 1944.

SUBJECT : Offences by Civilians in Italy.

TO : Allied Forces Headquarters (AFHQ).

(1A)

1. Reference your letter MGS 015 dated 18 April 1944.
2. The question of the use of Allied Military Courts in unoccupied territory has had careful consideration and I have decided that cases of injury to Allied personnel should be referred to the Italian courts, except where there are unusual circumstances in an individual case, and except where after experience it is found that Italian courts in a particular locality are not performing their functions satisfactorily or where there is a series of inflicted injuries which it is believed can best be stopped by quick and vigorous action by an Allied Military Court.
3. The reasons for this policy are twofold:
 - a. It is most desirable that the new Italian Government should have every opportunity of proving itself capable of administering the territory under its jurisdiction and I have initiated a policy whereby cases in unoccupied territory affecting Allied interests are reported to Legal Liaison Officers and practice has shown so far that on the whole adequate sentences are imposed by the Italian authorities.
 - b. There is not available sufficient legal personnel to permit Allied Military Courts to function continually in unoccupied territory and this shortage will be more acute as we move forward.
4. In accordance with the above policy, I have directed that the case of the injury to Moon, W. C. S. mentioned in the correspondence which you submitted be referred to an Italian Court for trial.
5. With regard to the report of the Senior Naval Officer, Eastern Italy, dated 2 February, if you desire further information on the cases there referred to, I shall be glad if you will let me have the names of the accused and dates and places of the trials and I will investigate the matter further.

Lieutenant General,
Chief Commissioner,
Allied Control Commission.

1980

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4129 Repe 3538

REF: 283/76/CA.

25th April 1944.

4A

SUBJECT: Appointment of Military Court.

TO : Administrative Section
(For Chief Legal Officer).

1A

1. I referred the contents of your ACC/4129/L of 22 April 1944 to the Chief Commissioner at the Vice Presidents' meeting to-day.

2. The Chief Commissioner approves your recommendations and would be glad if you would inform Region I accordingly and submit to him a draft reply to MCS., AMHQ.

LEGAL SUB-COMMISSION	
CLO	
MSL/JG.	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	

M. S. M. L. /
Brigadier,
Executive Commissioner.

8

SECRET 38

HEADQUARTERS
ALLIED CONTROL COMMISSION
APC 394

April 1944

ACC/429/3/1

SUBJECT: Trials by Allied Military Courts in Unoccupied Italy.
Case of Chironi, Romaldo and others.

TO : Major General E. A. Hares, C.B.E., M.C., No. II District.

My Dear General, *Name*

1. I am writing to ask your views as to the proper action to be taken regarding a group of some 35 Italian civilians, now held in the Civil prison of Bari, who have been arrested by the Italian authorities on charges of Fascist activities and of espionage against our forces in the Lecce region.

2. The investigation made by the Carabinieri indicates that the activities of these men were amateurish and that in fact they were apprehended before their plans were able to mature; but that they were nevertheless a potential danger both to the Italian Government and to our own military operations.

3. In normal circumstances, it would be perfectly proper on our part, consistently with the restoration terms agreed with the Italian Government, to require that these men should be handed over to us for trial by a General Military Court.

4. At the present juncture, however, I am anxious that, wherever it can be done without serious risk to Allied military dispositions, cases of this character should be left entirely in the hands of the Italian authorities. It is very desirable that the new Government should be given every opportunity to deal with their own nationals, particularly where, as here, anti-governmental activities are involved as well as espionage and the case has come to light through the vigilance and activity of their own police. To do otherwise would in fact be to suggest a serious lack of confidence on our part in the loyalty of the new Government, and in their willingness and ability to impose effective punishment on disloyal elements.

5. If you feel strongly that this is a case which should be handled by an Allied Military Court, I shall of course be very willing to fall in with your wishes. It has, however, to be borne in mind that under the restoration terms, the case would in any event have to be tried under Italian law and that,

DOWN GRADED
TO
UNCLASSIFIEDCol. Inf.
Chief Judicial Officer.
for Chief Civil Affairs Officer.

SECRET

as regards imposition of sentences, an Allied Court would have no wider powers than an Italian Court. I would propose to have one of my legal officers in attendance during all Italian court proceedings.

6. I am accordingly writing you this personal letter to ask that this case shall be left in the hands of the Italian authorities. Would you be good enough to hand to the officer bearing this letter a reply informing me whether you are in agreement with my proposal?

Lieutenant-General
Chief Commissioner,
Allied Control Commission.

File

HEAD HEADQUARTERS
Allied Control Commission
Legal Subcommittee
APO 394

RHV/gmf

ACC/4129/L

22 April 1944.

SUBJECT: Appointment of Military Court.

TO : Executive Commissioner, ACC.

1. The Legal Subcommittee has received two requests from Region 1 with respect to the appointment of Allied Military Courts to try two cases that have arisen there recently. As the decision was reached some time ago that Allied Military Courts would not be used in unoccupied territory except in extreme cases I am writing to you concerning these cases.

2. At AUGUSTA, Sicily, about one month ago a British seaman was stabbed to death without there being any apparent personal cause and it would appear from the papers that the real culprit, a noted criminal, has been arrested. The Regional Commissioner, writing through the Regional Legal Officer to this Subcommittee, has requested that a General Court be constituted for the trial of the case. I recommend that this request be approved.

3. The other case is that of an American sailor who was stabbed and apparently not severely wounded by a Sicilian at PALERMO as a result of a somewhat drunken altercation. It has been recommended by the Regional Commissioner, through the Regional Legal Officer, that the case be referred again to the Italian Court. However the United States Naval Authorities requested that the case be referred to an Allied Military Court. Upon receipt of this request the case was withdrawn from the Italian Court awaiting decision at this Headquarters.

Since receiving the above mentioned communication, there has been received by this Subcommittee a letter dated 18 April 1944 from the Chief of the Military Government Section, AFHQ, referring to this same case, and enclosing copies of additional correspondence. The Naval Authorities take the position that all cases involving injuries to Allied Forces personnel should be tried exclusively in Allied Military Courts.

4. As to the last mentioned case, I think there is some doubt if an Allied Military Court, on the facts as thus far stated, would convict the accused or in any event give a severe sentence in view of the surrounding circumstances. On the other hand I am inclined to think that an Italian Court, in view of the very strong directives sent out by the Minister of Justice, would be apt to go as far as it can to give a stiff sentence.

5. In my recent conversations with the First Presidents of the Courts of Appeals in Sicily and the Procuratori Generali attached to these courts,

I gained the very definite impression that they were determined to do their best to satisfy us in trying cases involving damage to or theft of Allied property and injuries to Allied personnel. Therefore, despite the representations made by the Naval Authorities I recommend that no Allied Military Court be appointed to try this case and that it be referred again to the Italian Court for trial.

6. In view of the situation with which you are thoroughly familiar, I recommend that the Italian Courts try all injury cases, except extreme cases, such as the murder first above mentioned and except where after experience it is found the Italian Courts in any particular place are not performing this function adequately or except where there is a series of inflicted injuries which it is believed can best be stopped by quick and vigorous action by an Allied Military Court. Obviously, without material increase in legal personnel it will be impossible to keep various Allied Military Courts going in various places in unoccupied territory to try ^{all} cases of injury to Allied personnel.

7. I am sending to you by Major Van Deusen this letter and the letter and file above referred, received from MOS, AFHQ.

8. I will appreciate your views in order that I may advise the RLO, Region I as to how the two cases shall be dealt with. If you wish me to do so I will be glad to draft a reply for HQ ACC to send to MOS, AFHQ.

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

CONFIDENTIALC
O
P
YALLIED FORCES HEADQUARTERS
Military Government Section

CMS/CF/thh

MGS OIS

18 April 1944

SUBJECT : Offences by Civilians in Italy.
TO : Headquarters, Allied Control Commission.

See 100424/2.

1. Attention is invited to the enclosed letter of the Commander, U.S. Naval Forces, North African waters, subject "Trial by (of) Civilians who commit Offences against U.S. Military Naval Personnel", with accompanying papers including copy of reply by the Supreme Allied Commander; also to the inclosed memorandum for the Commander-in-Chief, Mediterranean Station, entitled "War diary for January 1944, from the Senior Naval Officer, Eastern Sicily".

2. It is requested that information be supplied to this Section, in order that the respective naval Commanders may be informed, each as to the outcome of the matters as to which he made complaint.

CHARLES M. SPOTFORD,
Colonel, G.S.C.,
Chief of Section.

Incl. as above.

DOWN GRATED
UNCLASSIFIED

Col. Inf.
Chief Judicial Officer,
for Chief of Section.

HEADQUARTERS,
ALLIED CONTROL COMMISSION,
APO 394.

Regional Control & Military Government Section.
+++++

5th March 1944.

Ref: 283/42/C.

SUBJECT: Allied Military Courts in Unoccupied Territory.

TO : Regional Commissioner, Regions I, II, III & VI.

1. On the handing back to the Italian Government of territory now occupied by the Allied Forces, General, Superior and Summary Military Courts will cease to function except to deal with pending cases. Offences against the Allied Forces created by Proclamations and Orders will no longer exist as such.
2. The Allied Forces have reserved to themselves the right to hold military courts in unoccupied territory including the four provinces of Apulia and Dardania, for the trial of acts hostile to the Allied Forces. An extract from the decree conferring this power upon Allied Courts is appended hereto as Appendix "A". Such Courts will try only cases of a serious nature such as would normally have been brought before a General Military Court during occupation.

3. Where cases of this nature are alleged to have occurred it will be the duty of the Regional Commissioner to have the facts investigated and if he considers that trial by an Allied Military, as opposed to an Italian civil court, is necessary he will so report to H.Q., A.C.C. with a request that a Military Court be appointed.

4. All such courts will be convened only by order of H.Q., A.C.C. and as appears from the decree will punish offenders in accordance with the Italian Codes, but will follow their own procedure.

(a) In view of these facts all charges will be framed under the Italian codes by H.Q., A.C.C. and, therefore, it is essential that in requesting a Military Court pursuant to paragraph 3 hereof, full and complete facts be supplied in order that the charges may be properly framed.

(b) Normally a member of the Department of Special Prosecutions will undertake the prosecution.

(c) Where it transpires in the course of hearing that there is

occupation.

3. Where cases of this nature are alleged to have occurred it will be the duty of the Regional Commissioner to have the facts investigated and if he considers that trial by an Allied Military, as opposed to an Italian civil court, is necessary he will so report to H.Q., A.C.C. with a request that a Military Court be appointed.

4. All such courts will be convened only by order of H.Q., A.C.C. and as appears from the decree will punish offenders in accordance with the Italian Codes, but will follow their own procedure.

(a) In view of these facts all charges will be framed under the Italian codes by H.Q., A.C.C. and, therefore, it is essential that in requesting a Military Court pursuant to paragraph 3 hereof, full and complete facts be supplied in order that the charges may be properly framed.

(b) Normally a member of the Department of Special Prosecutions will undertake the prosecution.

2

(c) Where it transpires in the course of hearing that there is established against the accused (i) any other fact constituting an offence not expressed in the charge, or (ii) evidence of aggravating circumstances (Art. 61, Penal Code) not mentioned in the citation or charge, then on such question being raised by the President or submitted by the Prosecutor, the accused may apply for an adjournment of not more than 5 days to prepare his defence (ref. 444, 445 and 446 Code Penal Procedure).

If the accused does not ask for time, the offence in question or the aggravating circumstances are forthwith to be included in the charge and the trial proceeded with.

A note of compliance with these rules of procedure must appear on the record.

(d) The procedure to be followed will be the same as the procedure in a General Military Court in occupied territory, except, of course, that all sentences will be imposed in accordance with the applicable Penal Code.

(e) Reviews and appeals are dealt with in paras. 7, 8 and 9 below.

5. Where a Regional Commissioner requests that a military court shall be appointed, his request will also specify the names of officers available to sit on the court (a court will normally consist of not fewer than 3 officers), the interpreter, the officer to act as prosecuting officer in case none is available from the Department of Special Prosecutions, and the officer to act for the defence in the event of the accused not being represented by an advocate.

6. Every accused will be defended by a legal representative. Where the financial position of the accused does not permit him to engage the services of a legal representative on his own account, arrangements should be made by the Regional Commissioner for the provision of a legal representative in accordance with the provisions of the Italian Code of Penal Procedure (Article 128) and of the Rules of Penal Procedure contained in the Decree No. 602 of 28 May 1931 (Article 3 et seq). This procedure provides that in such cases nomination of defending counsel shall be made forthwith and in conformity with the competent Italian jurisdiction for each case by one of the following judicial officials:

- (a) an examining magistrate (giudice istruttore);
- (b) the public minister (procuratore del Re or procuratore generale);
- (c) president of a tribunal (presidente di tribunale);
- (d) the practor (pretore).

The several jurisdictions of Italian courts being determined by somewhat complicated rules, applications should be addressed in the first instance to the practor of the local court or to a procurator of a tribunal, whichever is the most expeditious or convenient, so that this official may determine the proper functionary having the power to take immediate action in each instance. The advocates or defense procurators, as the case may be, who are nominated under these rules, are obliged to appear for the accused, and are selected for this purpose from an official roll established locally at the seat of each Tribunal. If no such arrangements can be made, the accused must be defended by an Allied officer.

7. Any person convicted by a Military Court may, within 30 days of the imposition of sentence, file with the Regional Commissioner a petition addressed to the Chief Commissioner, H.Q., A.C.C. submitting reasons why the conviction should be set aside or the sentence modified.

8. Where a petition is so filed, the petition together with the record of the case shall be forwarded by the Regional Commissioner to H.Q. A.C.C. for review. Where no such petition is filed the record of the case shall at the expiration of 30 days from the imposition of sentence be transmitted to H.Q. A.C.C. for review.

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licated rules, applications should be addressed in the first instance to the praetor of the local court or to a procurator of a tribunal, whichever is the most expeditious or convenient, so that this official may determine the proper functionary having the power to take immediate action in each instance. The advocates or defense procurators, as the case may be, who are nominated under these rules, are obliged to appear for the accused, and are selected for this purpose from an official roll established locally at the seat of each Tribunal. If no such arrangements can be made, the accused must be defended by an Allied officer.

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9. In any case in which sentence of death is imposed whether a petition is filed or not, the record of the case at the expiration of the 30 days or on filing of a petition, whichever shall be sooner, shall be forwarded by the Regional Commissioner to H.Q., A.C.C. for confirmation of such sentence by the Chief Commissioner.

10. The above directive does not apply in any area which has been declared a military zone. If any area is hereafter declared to be a military zone further instructions will be issued for that area concerning the holding of Allied Military Courts.

M. S. LUSH
M. S. LUSH,
Brigadier,
Executive Commissioner.

Copy to: Regional Commissioner, Regions IV and V.

H.Q., A.C.M.F.

H.Q., No. 1 District

H.Q., No. 2 District

H.Q., No. 3 District

Legal Sub-Commission (3)

Appendix "A" to 283/42/CA
dated 5th March 1944

Article 3 of Royal Decree Law No. 31,
11th February 1944.

Whoever within the liberated Italian territory commits a hostile act or crime against property to the prejudice of the Allied Military Forces or of any member thereof or of any functionary, representative or agent of United Nations, or whoever takes part in seditious manifestations against the Allied Forces or commits any act which in whatever way may hamper the war effort or help the enemy, shall be punishable under Italian penal law and shall be tried in Allied Military Courts according to their own procedure.

In the case contemplated by the preceding paragraph 1 any member of the Allied Armed Forces can effect the arrest of any person who may be reasonably believed to be implicated in acts herein above contemplated, except where an Italian officer or high government official is concerned, in which case the Italian Government or the appropriate superior local authority will be requested to co-operate in the premises to the extent necessary.

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