

2380

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

785016

ACC

10000/142/797

142/797

CASE OF MARTELLUCI, ALDO ESPIONAGE (REGION 2)
SEPT. - NOV. 1944

MINISTERO DELLE CORPORAZIONI

GABINETTO

Cal.

785010

[illegible]

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

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

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

785016

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MINISTERO DELLE CORPORAZIONI

GABINETTO

Name. _____

Cat.

Declassified E.O. 12356 Section 3.3/NND No

785010

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

785016

164

164

164

10000

164

4129/17

Case of Martellucci Aldo

not received

TO : V.P. Adm.

31 Aug 44

1. It has been proposed that an Allied Military Court should sit in Region 2 for the trial of MARTELLUCI Aldo on charges of espionage.
2. The offence, if any, was committed in the area of BARI, where Martelluci landed by parachute and where he was arrested within a few hours. The trial therefore will have to be held under Italian Law.
3. In view of the opinion recently expressed on the proposed Decree for the abolition of the death penalty we think that Martelluci could be tried under the C.P.M.G. and if he is found guilty a death sentence could be imposed.
4. There is a strong prima facie case, based largely on his own signed confession, that Martelluci was acting as a German agent for some purpose. He admits that he had received training at spy-school. On the other hand the evidence at present available to show that he was on a spying mission at the material time is weak. More might be produced at the trial, particularly if Martelluci gives evidence. The Military Authorities have requested a trial by an Allied Military Court and we feel that in all the circumstances it would be proper to authorise such proceedings.
5. If you agree with this we will settle the charges and make necessary arrangements. We feel however that we should then advise Regional Legal Officer, Southern Region, of the potential weaknesses in the case in order that he may forewarn the military authorities of our opinion. The military authorities can then withdraw their charges and intern Martelluci if they decide that this is the wiser course.

Richard H. Wilmer
 RICHARD H. WILMER,
 Colonel, CAC,
 Chief Legal Officer.

To Legal

I agree. Please follow the course recommended by you in para 5.

for A. Chief

4129/17

HEADQUARTERS
SOUTHERN REGION, ALLIED COMMISSION
LEGAL DIVISION
APO 394, U.S. Army

LHA

27 November 1944

Subject: Case of MARTELLUCCI Aldo and others.

To : Chief Legal Officer, Legal Sub-Commis-
sion, A.C., Rome.

1. Reference is made to your letter AC/4129/17/L,
23 November 1944, relative to the above subject.

2. Receipt is acknowledged of the complete
record in the case of the above subject.

For the Regional Commissioner:

ETK/pv

L. F. Dawson
L.F. DAWSON, By E. T. Kern
Lt.Col., G.L., Capt.
Reg. Chief Legal Officer.

Seen
N.A.

29 Nov 44.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

23 November 1944.

AG/4129/17/L.

SUBJECT : Case of MARTELLUCI Aldo and others.

TO : Regional Commissioner SOUTHERN Region.
(Attn: Regional Legal Officer).

1. MARTELLUCI Aldo was executed on 18 Nov. 1944
2. I return herewith, for retention in safe custody, the record in these proceedings; included therewith is the original confirmation of the sentence of death signed by the Chief Commissioner.
3. Please acknowledge receipt.

By command of Commodore STONE:


W. D. WHEARENS,
Colonel,
Deputy Chief Legal Advisor.

Copy.

I have considered the evidence and judgment in this case and I confirm the sentence of death passed by the Court on the accused MARTELUCCI Aldo. The sentence will be executed under orders to be issued by G.O. C. number three District. He said MARTELUCCI Aldo will be shot dead by musketry.

For the Military Governor,

(Sgd) Ellery W. Stone

ELLERY W. STONE
Commodore, USNR
Acting Chief Commissioner
Allied Commission

10 Nov. 1944

file 4129/17

19A

THREE DISTRICT

ALCOM

6346

SECRET

ROUTINE

LEGAL SUB-COMMISSION

23/

SECRET PD

PARA ONE PD SUBJECT EXECUTION OF MARTINELLI PD

PARA TWO THREE DISTRICT FROM ALCOM FROM LEGAL PARA

PARA TWO PD RECEIPT ACKNOWLEDGED FOUR ZERO FOUR SLANT ONE A OF
TWENTY ONE NOVEMBER WITH ENCLOSURES SPECIFIED.

4129/17

Subject: Execution of SpiesTOP SECRET.

HQ Allied Commission,
Legal Sub-Commission,
A.P.O. 394.

3 District,
Ext 15,
404/1A,
26 Nov 44.

GMARTELLUCI Aldo

Ref your AC/4129/17/L of 11 Nov 44 and this HQ signal AG 348 of 19 Nov 44.

1. The following documents are forwarded herewith: -
 - ✓ a) Original confirmation of death sentence passed on the above named signed by the Acting Chief Commissioner, Allied Commission.
 - ✓ b) Certified true copy of authority to confirm death sentence.
 - ✓ c) Certificate of A.P.M.
 - ✓ d) Certificate of Medical Officer.
 - ✓ e) Burial Certificate.
2. Please acknowledge by signal.

AGS/KM

[Signature]
2
Maj. Gen.
Comd.

ALLIED COMMISSION
LEGAL OFFICE
BARI

SECRET

4/29/17
REF : BZ/LEG/2/6163/33

15 Nov 44

SUBJECT : Case of MARTELLUCCI, Aldo.

TO : C.L.O., Legal Sub-Commission, AC, Rome.

1. Further to my BZ/LEG/2/6163/33 of 31st October 44.
2. At request of Lieut. O'Leary who acted as defending Officer at trial of MARTELLUCCI, Aldo there is forwarded direct to save time:
 - (i) Original of statement made by MARTELLUCCI, Aldo, together with typed copy;
 - (ii) Letter from Director of Bari Gaol reporting incident at which time statement was made.
3. I have no comment to make as to the statement itself.
4. With respect to incident ~~in fact~~, facts set out are substantially true. Mistake was due to an unfortunate misunderstanding by APM 54 Area, who had in fact received instructions for the execution of BERLENDIS, but had failed to appreciate the presence in the gaol of more than one person under sentence of death. BERLENDIS was duly executed. It is respectfully submitted that incidents of this sort would be prevented if directions for the carrying out of an execution were sent through Allied Commission channels instead of thorough Army channels, since the Legal Officer of the Zone concerned is better acquainted with the situation of each case than Army authorities who may have had no previous knowledge of the case.

J.A. Boyd-Carpenter
J.A. BOYD-CARPENTER
Major, LO,
Apulia & Calabria.

Copy to R.L.O., Allied Commission
Southern Region, Naples.

JABC/mk

DIREZIONE STABILIMENTI PENITENZIARI
BARI

SI.12058 di prot.

Bari, 15 novembre 1944

3/1/m

Risp. al f° 15 corr. N. Ref: B.Z.Lec./2/6163/33

164

AL COMANDO ALLIED COMMISSION LEGAL OFFICE

B A R I

OGGETTO: Pel detenuto MARTELLUCCI Aldo di Adamo, condannato a pena capitale.-

Aderendo alla richiesta di cotesto On/le Ufficio trasmetto l'originale e una copia conforme dattilografata del verbale, steso la mattina del 30 ottobre u.s. alle ore 4,32 per raccogliere le ultime dichiarazioni del controscritto a sensi dello art.209 del Regolamento Generale sugli Istituti di Prevenzione e di Pena.

Il detto verbale è stato redatto nelle seguenti circostanze.

La sera del 28 ottobre u.p. il brigadiere dei RR.CC. addetto all'Ufficio del Sig. Magg.Reveley, Comandante di Zona di Polizia della Commissione Alleata, mi telefonò che per l'alba del 30 d'ordine del Sig.Magg.il condannato a pena capitale MARTELLUCCI Aldo doveva essere informato che alle ore 5 si sarebbe dovuta eseguire la condanna inflittagli dal Tribunale di Guerra Alleato e ciò nel massimo segreto per evitare possibili perturbamenti nella disciplina dell'Istituto superaffollato. L'indomani ne informai con circospezione il capoguardia e Mons.Cappellano. Alle ore quattro il condannato con un pretesto fu chiamato nell'Ufficio di matricola, dove gli partecipai la ferale notizia, presenti il Capoguardia e Mons.Cappellano. Ebbe un istante di commozione, ma poi esortato alla calma, mi chiese di fargli prendere dalla cella una lettera contenente le ultime volontà scritte alla madre in busta chiusa-rispettandone il segreto.Avutala, la baciò più volte e me la porse alla militare. Detta lettera la tengo depositata e da me controfirmata sul lembo chiuso della busta. Ripeté ancora le raccomandazioni alquanto commosso.Rimessosi lo invitai a farmi le ultime dichiarazioni che avessero potuto illuminare ancora e meglio la giustizia sul fatto addebitatogli ed egli con voce calma mi rispose quanto è stato consacrato nel verbale di cui sopra alligato in copia conforme dattilografata ed in originale a questa relazione. Avendomi chiesto di volersi confessare e avere i sacramenti in extremis, disposi un servizio precauzionale e lo feci ritirare con Mons.Cappellano della stanza attigua a quella dell'Ufficio matricola. Poco dopo, su invito di Mons.Cappellano, sono entrato seguito dal Capoguardia Rolli Crocifisso e da tre agenti: il sottocapo De Vivo Antonio l'agente Vese Giuseppe e l'agente Ciccarelli Giuseppe mentre nell'Ufficio matricola ve ne stavano altri. Il Mons.Cappellano mi disse: Sig.Direttore MARTELLUCCI, riconciliato con Dio,La prega di assistere alla S.Comunione.Il MARTELLUCCI stava ancora in ginocchio col volto coperto con le palme delle mani.Ricevuta l'Ostia sacra ristette ancora alquanto in preghiera insieme a Mons.Cappellano. Poi mi disse: Sig.Direttore perdonatemi Voi e tutti gli agenti se ho dato qualche involontario fastidio; Vi prego di far pervenire alla mia

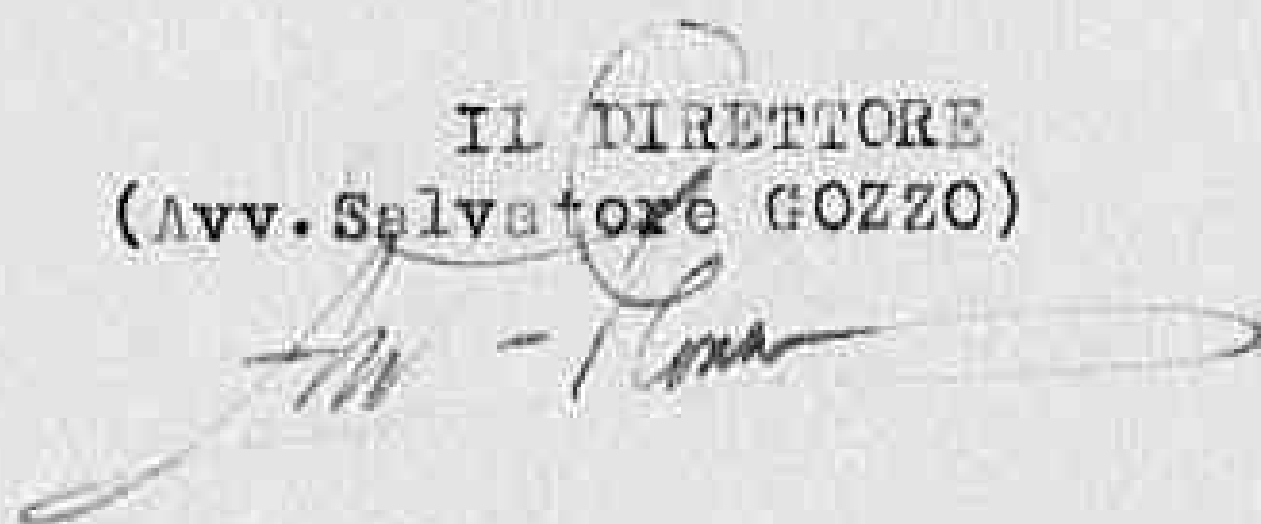
o/o/

(2)

potera e santa madre la mia lettera e non datemi del noioso se vi prego di salutarmi gli agenti della Polizia Americana che mi scoprirono e arrestarono assicurandoli che non nutro rancore contro di loro, perchè loro hanno compiuto il loro dovere, come io ho compiuto il mio di soldato. Confermate loro che io mi son calato vestito della mia divisa e che ciò mi deve essere creduto mentre sto per presentarmi avanti il Tribunale di Dio. Ultima preghiera Vi faccio, fatemi andare all'esecuzione col giubetto ed il berretto del mio Corpo di paracadutisti, che potreste farmi dare da altro militare qui detenuto certo Francesconi Gilberto. Ciò detto volle baciarmi la mano e poi chiese di fumare una sigaretta. Avuto ed indossato il giubetto ed il berretto sulla maglia azzurra, ringraziò molto commosso e rivolto a Mons. Cappellano si rimise a pregare.

Poco dopo le ore 5 si presentarono in matricola un Sig. Magg. Inglese, che si qualificò per Ufficiale della Giustizia Militare, accompagnato da un Magg. di polizia Inglese e da un Tenente Medico pur esso Inglese. Mi richiese di accompagnarlo davanti la cella del condannato a pena capitale Berlendis Riccardo per comunicargli che l'esecuzione doveva avvenire per le ore 6. Gli feci rilevare che mi era stato partecipato di preparare il condannato Martellucci, ma egli insistè per il Berlendis, sicchè il Martellucci fu provvisoriamente rinchiuso in camera di sicurezza e poscia ricondotto in cella, dove si buttò prono sul letto, scosso da singhiozzi .-

IL DIRETTORE
(Avv. Salvatore GOZZO)



C o p i a

Direzione Uffici Giudiziario Centrali di Bari

L'anno 1944 il giorno 30-10 alle ore 4 e 32 minuti nell'Ufficio di matricola dell'Istituto Penitenziario di Bari avanti me Avv. Gozzo Salvatore-Direttore assistito dall'agente Ciccarelli Giuseppe in funzione di Segretario e presenti Monsignore Lopez Cappellano, Capoguardia Rolli Crocifisso e altri agenti, è stato fatto presentare il detenuto MARTELLUCCI Aldo.

Interrogato risponde, sono MARTELLUCCI Aldo di Adamo e di Rinaldi Teresa d'anni 24 da Roma celibe Aiutante di battaglia della 10a flottiglia Mas Gruppo paracadutista u.p.

Chiesto se avesse dichiarazioni da rendere alla Giustizia a sensi dell'art. 209 del Regolamento Generale sugli Istituti di Prevenzione e di Pena;

R: Confermo le dichiarazioni da me rese in periodo d'istruttoria e al Giudizio e ancora una volta affermo che io mi sono calato col paracadute vestito della mia divisa. Prego che siano fatto tenere a mamma mia lo spazzolino da denti, la pipa e la sciugatoio. Prego infine che mi si faccia indossare all'atto della esecuzione capitale una giubba ed un berretto della mia arma, che potrei avere dal condetenuto Francesconi Gilberto e che sia fatta recapitare alla mia santa madre l'ultimo pensiero mio, contenuto in una lettera che prego che mi si faccia scrivere in busta chiusa.

Nulla ho da lagnarmi verso il personale di custodia che nel rigido adempimento del suo dovere mi ha sempre trattato con umanità e per cui mi sento il dovere di esternare gratitudine.

Dichiaro infine che intendo confessarmi e fermi la S. Comunione perché la mia anima possa andare a Dio senza alcun risentimento e passione terrena.

Ultimo mio desiderio che rivolgo ai miei Giudici è quello che il mio corpo possa essere inumato nel cimitero di Rieti.

Perdono a chiunque mi abbia fatto del male.

Letto, approvato e sottoscritto.

f/to Martellucci Aldo
Aiutante di Battaglia

f/to Avv. GOZZO Salvatore
" Mons. Giuseppe Lopez
" Capoguardia Rolli Crocifisso
" Ciccarelli Giuseppe ff. Segretario

per copia conforme all'originale

Bari, 15 novembre 1944

Il Direttore..

(Avv. Salvatore GOZZO)



Avv. Gozzo

Intervento a Ottawa, sono: Paul Celibe tra
e di Rivale Tereza e Paul 24 00 Paul Celibe tra
di tutti di bottoni della 10a foglia sua.
gruppo parrebbero da n. 11
Chiedo se avete dichiarazioni da rendere alla Giustizia
o se si dell'art. 209 del Reg. Evidenti neg-
tutti di corruzione di Paul.
D. Come la dichiarazione da me nel in fondo di
istituzione e al bilancio e avrebbe una volta offerta
che io un po' colato nel precedente visto ~~che~~
sulla sua esistenza - Questo che ho sotto tener a memoria
non lo spargono da tutti la cosa e la simpatico.
Questo mi pare che mi si faccia in un modo - Al centro della
dichiarazione capitale non esista col un conto della sua. Paul
che si tratti di un bel con il suo che non ha subito
e che non potrà ricambiare alla sua. Paul

Spazio per Sopracciglia	Tatuaggi
Occhi	
Naso	
Zigomi	
Orecchie	
Guancie	
Labbro superiore	
Labbro inferiore	
Bast	
Bocca	
Mandibola	
Mento	
Barba	
Collo	
Spalle	
Torace	
Dorso	
Addome	
Estrem. sup.	
Estrem. inf.	
Apprezioni	

Caratteri professionali

Anomalie

Malattie fisiche mentali

Spazio per Sopracciglia	
Occhi	
Naso	
Zigomi	
Orecchie	
Guancie	
Labbro superiore	
Labbro inferiore	
Bast	
Bocca	
Mandibola	
Mento	
Barba	
Collo	
Spalle	
Torace	
Dorso	
Addome	
Estrem. sup.	
Estrem. inf.	
Apprezioni	

Caratteri professionali

Anomalie

Malattie fisiche mentali



(1) Ufficio

II

193

4

Roma Tip. delle Mantellate 1936 XIV

2 3 5 3

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

785016

4129/17
ALLIED COMMUNICATIONS COMMISSION

INCOMING MESSAGE

205 AC

(C/1359)

TO: ACTION ALCON LEGAL, INFO ALLIED FORCE LAND G2 (CI)
SIGNAL MESSAGE CENTER No: 34/20
FROM: DISHTREE
CLASSIFICATION: IMPORTANT
PRECEDENCE: IMPORTANT
REFERENCE No: AE 348
DATE AND TIME OF ORIGIN: NOV 19123CA OFFICE OF ORIGIN:

SECRET.

17

Ref your AC/4129/6/L of 11th. MARTELLUCCI ALDO executed 18th.

ACTION

Dist

Action - Legal SC (2)
Info - Chief Commissioner
CA Sec
File

120 nov

HEADQUARTERS

20 NOV 1944

Dist

Action - Legal SC (2)
 Info - Chief Commissioner
 CA Sec
 File

PC
~~20 Nov~~

HEADQUARTERS
 20 NOV 1944
 A. C

SECRET

DATE and Time of RECEIPT NOV 20 1000A

Distribution:

SECRET

HEADQUARTERS ALLIED COMMISSION
Legal Sub-Commission
APO 394

ACC 859
8/11/44

/JDL 159

ACC/4129/17/L

8 Nov. 44

Subject: Case of MARTELLUCCI Aldo.

To : A/Chief Commissioner. HQ AC

1. Herewith the record of proceedings against MARTELLUCCI Aldo. He was convicted by an Allied Military Court at BARI on 28 Sep 44 of an offence under Art 61 of the Italian Military Penal Code and sentenced to death. He is 24 years old.

Art 61 makes it an offence punishable by death for an enemy soldier or any other person in the service of an enemy state to enter disguised into any place of the type specified. One of the types of place specified is a "ZONE di STAZIONE" is a zone where many troops are stationed. I am advised by my Italian Adviser that BARI (where the accused was arrested) falls within the scope of the expression "ZONE di STAZIONE."

2. The accused was arrested in BARI on the 28th May 1944 in the following circumstances. At 0500 hours he got permission from the guard of a goods train going towards BARI to ride in his wagon. His coat was torn and he was wearing parachutist's boots. On arrival at BARI the guard took him to a tailor's shop to have his coat mended. While there his conduct was very suspicious: he produced a pistol out of his pocket and tried to keep it out of sight of the tailor: when given some Allied Military lire in change he evinced surprise at these notes: he said that he had no identity card and urged the tailor to get him one "whatever the cost may be, even if I have to pay 2 or 3 persons." He told the tailor's assistant that he came from ROME and asked questions about the King, Badoglio and others and whether the Fascist Eagle still flew. The tailor made a report to the RRCC who arrested him and handed him over to the Allied security service. On his person he had 134,000 lire and 8 English one pound notes.

3. On the same day he was interrogated and told the story that to escape from one TRINGARANO, a German Secret Service Agent, he came across the lines with a friend: that near NAPLES they separated: and that he went to BARI because his former C.O. was there and because he was born at FOGGIA.

4. He adhered to this story during a series of interrogations lasting until the 15th July. However, during interrogation he mentioned that he had known one GIAMPAOLI in ROME. When he was told that GIAMPAOLI had been arrested and had admitted to being a spy, he was startled and then admitted that he had been to a German Spy School in ROME. That night he broke out of prison but was recaptured. On interrogation the following day he admitted that he had come down by parachute and that his instructions were to organise a band to operate against the allies in the NAPLES area. He also made a written statement: see Flag "B".

5. In his evidence, the accused repeated this story, but denied that he intended to carry out the mission and claimed that he, with GIAMPAOLI, had always intended to desert. GIAMPAOLI was produced from custody to give evidence for the defence: his evidence did not corroborate the statement of the accused to any great extent.

The defence also put in evidence a short statement by one MARIO DI MARCO: see Flag "E". The writer explains that he knew the accused and that the accused intended to desert and goes on to explain that when the pupils of the Spy School got their orders to leave, the accused managed to escape from the German Secret Service. He puts this episode as happening on the 2nd June - after the accused had been arrested in BARI.

6. In my opinion the Court was fully justified in finding the accused guilty of the offence charged.

7. The Court sentenced the accused to death. You will note (see Flags C & D) that the decision on sentence was a majority decision: but this was due to the fact that the minority member of the Court addressed his mind to an article of the Code which was not properly applicable.

The art. 61 under which the accused was charged provides that any person found guilty thereunder shall be shot: this does not prevent you commuting the sentence, if you so wish. In my opinion, however, the Court was justified in imposing a sentence of death and I recommend that it should be confirmed.

8. If you agree, you will find the document for your signature at Flag "F."

9. Flags are as follows:-

Flag "A".....Record of case.
 Flag "B".....Accused's statement.
 Flag "C".....Court's statement.
 Flag "D".....Dissenting opinion.
 Flag "E".....MARIO DI MARCO's statement.
 Flag "F".....Confirmation slip.

W. E. Behrens

W. E. BEHRENS
 Colonel
 Deputy Chief Legal Adviser.

Enc: 1 Record.

SECRET

HEADQUARTERS ALLIED COMMISSION
APO 394
Legal Sub-Commission

/jpl

15a

AG/4129/17/L

11 Nov. 44

Subject: Case of MARTELLUCCI Aldo

To : Number Three DISTRICT.

1. As stated in this HQ signal 6315 of 11 Nov. the Chief Commissioner has confirmed the death sentence imposed on MARTELLUCCI Aldo.

2. AFHQ has informed this HQ that the execution will be carried out under your orders.

3. Enclosed herewith are

(a) original confirmation, signed by the Chief Commissioner
Please Ack receipt (b) certified true copy of the authority to confirm death sentences.

4. Immediately the execution has been carried out, will you please inform this HQ; also, please return the confirmation which, being the original, must be kept with the record.

By Command of COMMANDER STONE.

W.E. DEHRENS
Colonel
Deputy Chief Legal Adviser

Copy to: SOUTHERN REGION
Record will be returned
when confirmation returned by
No. 3 DISTRICT.

DISTRICT THREE REPT SOUTHERN REGION CMA AFHQ G TWO CMA AAI
GSI PAREN B PAREN

HQ AC

6315

11 NOV

SECRET

PRIORITY

LEGAL S/C

SECRET PD

PARA ONE PD SUBJECT MARTELLUCCI ANDO PD
PAREN TO DISTRICT THREE REPT SOUTHERN REGION CMA AFHQ G TWO CMA
AAI GSI PAREN B PAREN FROM HQ ALLIED COMMISSION FROM LEGAL PAREN
PARA TWO PD DEATH SENTENCE ON MARTELLUCCI ANDO SENTENCED TO DEATH
AT BARI CONFIRMED BY CHIEF COMMISSIONER PD
PARA THREE PD UNDER INSTRUCTIONS AEM, EXECUTION TO BE CARRIED OUT
BY DISTRICT THREE PD
PARA FOUR PD ORIGINAL CONFIRMATION AND CORRECTED COPY AUTHORITY
TO CONFIRM FOLLOW

HEADQUARTERS ALLIED COMMISSION
Legal Sub-Commission
APO 394

13 A

AC/4129/17/L

9 Nov. 44

Subject: Case of MARZLUCCI Aldo.

To : PA to Acting Chief Commissioner

Please substitute the enclose confirmation of death
sentence slip in place of the slip which is now with the record.

Enc: Confirmation
slip.

W.E. BRIDGES
Colonel
Deputy Chief Legal Adviser

2360

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

785016

JH-vt

2882

12R

4129/17.

GBI-389.701-PF-264

8 November, 1944

SUBJECT: MARTELLINOI Aldo.

TO : GSI., HQ. No. 3. District.

The case of the above-named enemy agent will be familiar to you. He was arrested by CC. RR on 28 May after landing by parachute in the MONOPOLI area. He was subsequently tried and condemned to death.

If his sentence is confirmed, you will receive instructions from HQ., Allied Commission to carry out execution. Please therefore make the necessary preliminary arrangements.

For the Assistant Chief of Staff, G-2

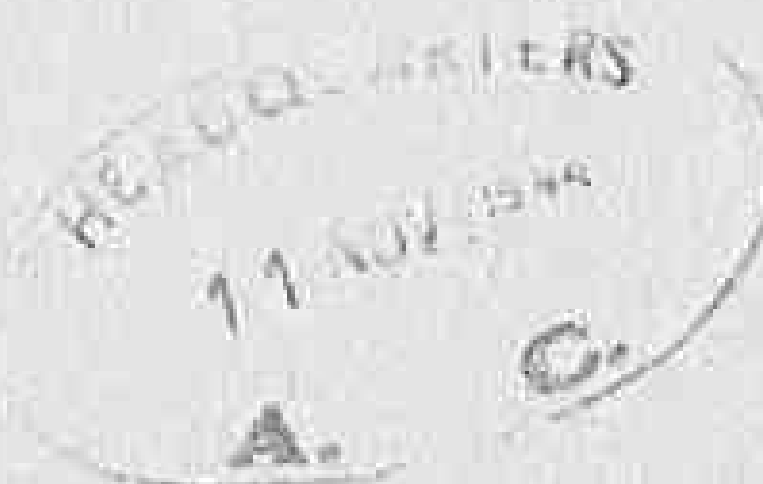
S. S. Hill-Dillon.

S. S. HILL-DILLON.
Colonel, G.S.
G-2(CI Section)

Copy to Legal Section, H.Q., Allied Commission.
A.C. of S., G-2, R.A.A.C.

See
File
N.A.

10
11 Nov



4129/17

ALLIED **RESTRICTED** COMMISSION

INCOMING MESSAGE

C/343

TO: HQ AC LEGAL

SIGNAL MESSAGE CENTER No: 97/8

FROM: AFHQ SIGNED SACHED

CLASSIFICATION:

ROUTINE

REFERENCE No: F49837

PRECEDENCE:

DATE AND TIME OF ORIGIN: NOV 081457A OFFICE OF ORIGIN: CITE FHGBI, FHGAP

RESTRICTED.

Your 5921 of 3 Nov. 3 District.

Copy of relevant letter to them

being sent you.

ACTION

Dist

Action - Legal SC (2)

Info - A/CC

CA Sec

File (2)

Float

1 seen

2 Confirmation slip, having GOC 3 District, to be submitted for slip submitted to Chief Commission (NOT yet sent)

12

HEADQUARTERS

9 NOV 1944

A. S. C.

Your 5921 of 3 Nov. 3 District. Copy of relevant letter to them being sent you.

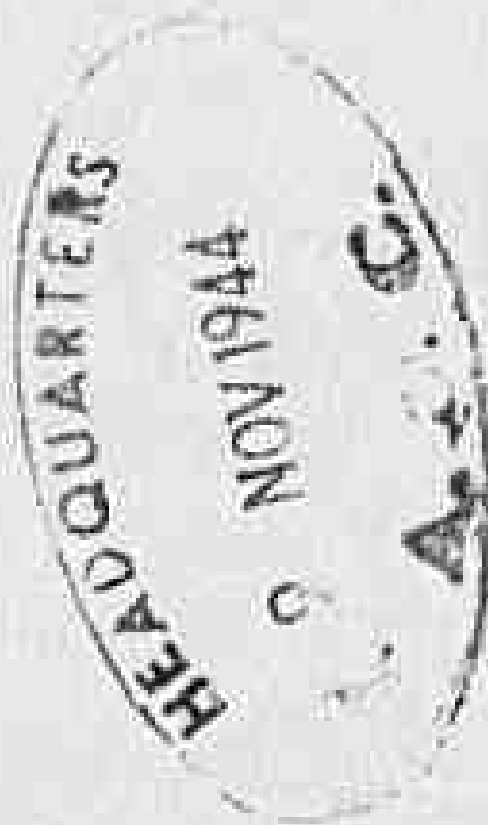
ACTION

Dist

Action - Legal SC (2)
Info - A/CC
CA Sec
File (2)
Float

1/ seen.
2/ Confirmation slip - having GOC 3 District,
to be substituted for slip submitted to
Chief Commissioner (not yet signed)

12



RESTRICTED

DATE and Time of RECEIPT NOV 08 1900A

Distribution:

2363

785016

OFFICE OF CHIEF COMMISSIONER

100

8 Nov. 44

Receipt is hereby acknowledge of the record in the proceedings against
MARTELLUCCI Aldo.

W. Dominguez, Cpl.

For Acting Chief Commissioner

2 3 6 4

8A

AFHQ G TWO

HQ AC

SECRET
PRIORITY
LEGAL SUB-COMMISSION

6142

7

SECRET PD

PARA ONE PD REQUEST EARLIEST ANSWER TO SIGNAL 5921 REQUESTING
INSTRUCTIONS WHAT FORMATION DETAILED TO CARRY OUT EXECUTION
OF MARTELLUCCI ALDO

PAREN TO AFHQ G TWO FROM HQ ALLIED COMMISSION FROM LEGAL PAREN

063 not

2365

785016

7A

AFHQ G TWO

HQ AC

5921

3 NOV 44

SECRET
ROUTINE
LEGAL S/C

SECRET PD

PARA ONE PD SUBJECT IS CASE OF MARTELLUCCI ALDO PD

PAID TO AFHQ G TWO FROM HQ ALLIED COMMISSION FROM LEGAL PAID

PARA TWO PD RECORD IN THE PROCEEDINGS AGAINST MARTELLUCCI ALDO NOW RECEIVED PD
REVIEW WILL TAKE PLACE SHORTLY PD

PARA THREE PD PLEASE INFORM THIS HQ EARLIEST WHICH FORMATION YOU DESIRE TO CARRY OUT
EXECUTION IF DEATH SENTENCE IS CONFIRMED AND PLEASE GIVE NECESSARY ORDERS TO
THAT FORMATION

4129/17 ALLIED CONTROL COMMISSION
LEGAL OFFICE
BARI

6A

REF: BZ/LEG/2/6163/33

31 OCT 44

SUBJECT : Case of MARTELLUCCI, Aldo.

TO : CLO, Legal Sub-Commission ACC, Rome.

1. Forwarded direct to save time is application for grace by above man who was sentenced to death by an Allied Military Court at BARI on 28th Sept 44.
2. The record was handed personally to RLO, Southern Region on October 11th.
3. As President of the Court which tried this man I do NOT wish to add any comments on the application in addition to these made on the Record.

J.A. Boyd-Carpenter

JA. BOYD-CARPENTER
Major, LC,
Apulia & Calabria.

Copy to RLO, Southern Region ACC, Naples.

2367

4129/17

5A

SECRET
HEADQUARTERS
SOUTHERN REGION, ALLIED ~~CONTROL~~ COMMISSION
LEGAL DIVISION
APO 394, U. S. ARMY

1 November 1944

L-

SUBJECT: MARTELLUCCI Aldo (Death penalty)
TO : Chief Legal Officer, Legal Sub-Commission, A.C., Rome.

1. Attached hereto are the complete files in the case of the above subject.
2. In this case the accused was tried before a General Military Court at Bari on 26, 27 and 28 September 1944 and upon conviction, sentenced by said court to death.

ETK/pv

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
→ CJO	
Italian - Section	
CLERKS	
3 NOV 1944	

L. F. Dawson
L.F. DAWSON, *By E. T. Kern*
Lt.Col., G.I.,
Regional Legal Officer.

SECRET

copy
Allied Control Commission
Legal Office
Bari

4A

Ref: BZ/LEG/2/6148/A

To CLO, ACC, Rome

From Legal officer, ACC.

Subject: (1) martelucci Aldo
(2) Berlendis Riccardo

I enclose herewith formal notice of appeal in the
above cases.

Bari, 2 oct. 44

copy to RLO So. Reg.
ACC Naples.

A.C.J. German, Capt.

Legal Officer, Bari.

4/15/80

PRISON BARI.

From the statements made by the prisoner on 29/9/44. (3A)

(art. 80 C.P.P.) forwarded to President of A.M.G. Gen. Court.
Bari. (through D.O. A.C.C. Bari.)

MARTELLUCCI Aldo di Adamo, aged 25, from Foggia.

Legal position: Charged with violation of mil. zone, disguised,
to carry out espionage there, - sentenced 28/9/44 by A.M.G.
Court, Bari.

states: I formally appeal against above sentence for motives
which will be presented by my defence council (adv.) C'Leary.

(sgd)

Martellucci Aldo.

CARCERI GIUDIZIARIE - BARI

Estratto del Registro

Mar. 14 3

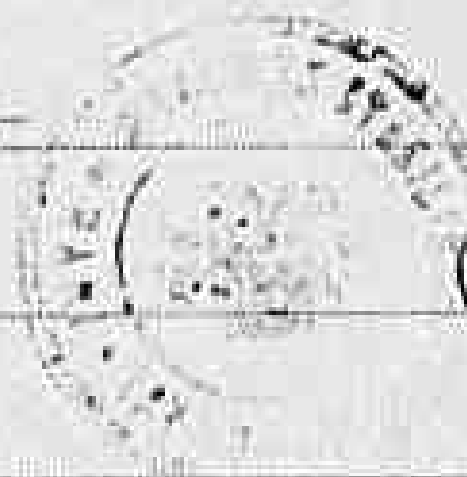
Dalle dichiarazioni fatte dai detenuti il 29/9/1944 N.º 10 del Reg. 1531
a termine dell'Art. 80 c.p. che si rinviene alla Presidenza della Corte Generale
Militare di Bari (presso l'Ufficio legale avvocato Municipale S. Lanza N.º 15
Fam. 71 del detenuto Martelluccio Aldo di Adamo di anni 15 che fogg.

Perizione giuridica. Imputato d'aver violato la zona militare, Traverso,
per esercitare spionaggio - Tentata 28-9-1944 Trib. Mil. F.
Municipio di Bari -

Dichiarazioni. Produco formalmente ricorso contro la sentenza di cui sopra per i
motivi che saranno presentati dal mio difensore d'ufficio avvocato H. L. S.

Il detenuto Martelluccio Aldo -

- Il Sottosegretario -



RECEVUE
29/9/1944

am. 11/10/1944

INIZIATIVE - BARI

Estratto del Registro

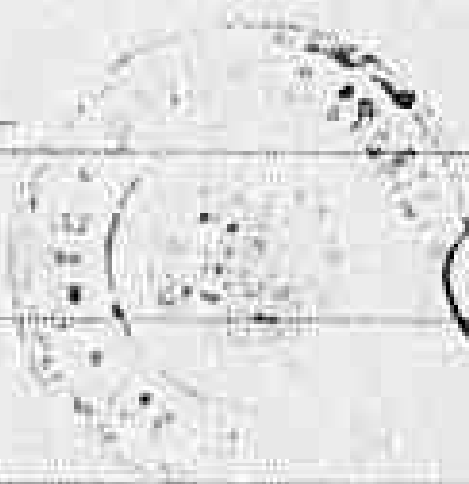
Mar. 14 38

mi fatte ai detenuti il 29/9/1944 N. 80 del Reg. 1631
 di 80 c. p. e si rimette alla Presidenza della Corte Generale
 di (presso l'Ufficio legale annesso al Municipio stanza n. 15
 Martelluccio Aldo di Adamo di anni 15 di foggio

Imputato d'aver violato la zona militare, travestito,
 per esercitare spionaggio - Tentata 28-7-1944 Trib. Mil. F.
 Alessio R. Bari -

Produce formale ricorso contro la sentenza di cui sopra per i
 presentati dal mio difensore d'ufficio avvocato H. C. Lisa
 Martelluccio Aldo -

Sungiguaris -



DI DIRETTORE
 MOD. 1000

HEADQUARTERS
ALLIED CONTROL COMMISSION
ITALIAN SUB-COMMISSION
APO 394

WAB/pa.
3 Sept 44

ACG/4129/17/L.

SUBJECT : Case of MATTELUCCI Aldo.

TO : AIO (thru RC) Southern Region.

1. The documents in the case of MATTELUCCI Aldo are returned herewith. The VP Jan Sec. has authorized the holding of an Allied Military Court to try the case and you will therefore select the panel and make the necessary arrangements. Court from the
2. Since the offences took place in the Bari district the trial must be held under Italian law and the suggested charges are attached.
3. You will observe that the accused is charged as a soldier of the Italian Army and as a member of a Fascist Republican battalion. The Prosecution of Rome advises that in law he was and is a member of the Italian Army. For the purposes of proof the statement of the accused is sufficient evidence that he was a member of the Army up to 8 Sept 1943; no formal evidence is necessary. There is no issue on the prosecution to prove that he was not discharged.
4. You may feel that in spite of this advice there is a danger that the Court will reject the contention that MATTELUCCI was a member of the Italian Army. We are of opinion that on the evidence at present available it would be difficult to establish a charge against a civilian under Art. 257 C.P. since it is clear that MATTELUCCI did not procure any information and doubtful how far he actually attempted to do so.
5. In these circumstances you may think that there is a possibility of an acquittal. We feel that it would be advisable to explain the situation to the Military authorities before the trial is started so that they may consider their position.
6. In any case it would be advisable for the Court to follow the procedure laid down in ACG/4129/7/L, dated 19 Jan 44 and to state at the outset of the proceedings that if MATTELUCCI is acquitted he will be interned.

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

3. You will observe that the accused is charged as a soldier of the Italian Army and as a member of a Fascist Republican battalion. The known Military of Rome advises that in law he was and is a member of the Italian Army. For the purposes of proof the statement of the accused is sufficient evidence that he was a member of the Army up to 8 Sept 1945; no formal evidence is necessary. There is no issue on the prosecution to prove that he was not discharged.

4. You may feel that in spite of this advice there is a danger that the Court will reject the contention that MARTINELLI was a member of the Italian Army. We are of opinion that on the evidence at present available it would be difficult to establish a charge against a civilian under Art. 257 C.P. since it is clear that MARTINELLI did not procure any information and doubtful how far he actually attempted to do so.

5. In these circumstances you may think that there is a possibility of an acquittal. We feel that it would be advisable to explain the situation to the Military authorities before the trial is started so that they may consider their position.

6. In any case it would be advisable for the Court to follow the procedure laid down in AGC/4129/7/L dated 19 Jan 44 and to state at the outset of the proceedings that if MARTINELLI is acquitted he will be interned.

RICHARD H. WILSON,
Colonel, CAG,
Chief Legal Officer.

CHARGE

(2B)

MARTINELLI AldoCharged

1. With military espionage in favour of the enemy
(Art. 59 of the Military Penal Code of War in connection with Art. 15 of said Code), in that, being a member of the Italian Royal Army, he joined Republican Fascist Military Unit that is to say the S. Marco Btl. of the 10th MTH Flotilla, and the German Secret Service; and, on or about May 28th 1944, he was dropped by parachute from a German plane in the area of Monopoli and attempted to obtain documents, articles or information with intent to compromise the security of the Italian and of the Allied Armed Forces.

2. With entering, disguised as a civilian, into an area of concentration, action or station of the Armed Forces
(Art. 61 of the Military Penal Code of War in connection with Art. 15 of said Code), in that having become a member of the Republican Fascist Military Unit S. Marco Btl., 10th MTH Flotilla, and having joined the German Secret Service, on or about May 28th 1944 he dropped by parachute from a German plane in the area of Monopoli and, dressed in civilian clothes entered into an area of concentration and station of Italian and of Allied Armed Forces.

20

IMPUTAZIONEMARTELLI Aldo

imputato

1. Di spionaggio militare a favore del nemico
(Art. 59 del Codice Penale Militare di guerra in relazione all'art. 15 del detto Codice), in quanto, facendo parte del Regio Esercito Italiano, si arruolò in un reparto militare fascista repubblicano, e cioè nel Battaglione "S. Marco" della 10a. Flottiglia Mas, ed entrò a far parte del Servizio Segreto Tedesco; e verso il 28 Maggio 1944, lanciandosi con un paracadute da un aeroplano tedesco nel territorio di Monopoli, tentò di procurarsi documenti, oggetti e notizie in-
tense e compromettere la sicurezza delle Forze Armate Italia-
ne e Alleate.

2. Di introduzione, travestito da borghese, in una zona di adunata, azione o stazione delle Forze Armate
(Art. 61 del Codice Penale Militare di Guerra in relazione all'art. 15 del detto Codice), in quanto, essendosi arruolato nel Battaglione militare fascista repubblicano "S. Marco" della 10a. Flottiglia Mas ed essendo entrato a far parte del Servizio Segreto Tedesco, verso il 28 Maggio 1944, si lanciò con un paracadute da un aeroplano tedesco nel territorio di Monopoli e, travestito in abiti borghesi, si introdusse in una zona di adunata e di stazione delle Forze Armate Italia-
ne e Alleate.

4129/17 file
ALLIED CONTROL COMMISSION
INCOMING MESSAGE

3853

1A

TO: RC & IG SECTION ACC ROME

SIGNAL MESSAGE CENTER No:

FROM: B STATO ROMA BARI

CLASSIFICATION: NONE

REFERENCE No: NONE

PRECEDENCE: NONE

DATE AND TIME OF ORIGIN: AUG

OFFICE OF ORIGIN: NONE

CITE: NONE

HEADQUARTERS

76 AUG 1944

A C C

B STATO ROMA BARI 4500 27,27 25 19,40

REF THIS HQ LETTER 2201, 74, 1/4 OF 11, 8, 44, MAY AND EARLY DECISION PLEASE

BE GIVEN - MILITARY PRESSING FOR SAME - RC REGION 2

ACC DIST

ACTION: LEGAL S/C

INFO : A/CC
ADM SEC
FILE (2)
FLOAT

LEGAL

Italian Section
CLERKS

2377

26 AUG 1944

A C C

B STATO ROMA BARI 4500 24.27 25 19.40

REF THIS HQ LETTER 2201, 14, D OF 11, 8, 44, MAY AND EARLY DECISION PLEASE

BE GIVEN - MILITARY PRESSING FOR SALE - RC REGION 2

ACC DIST

ACTION: LEGAL S/C

INFO : A/CC
ADM SEC
FILE (2)
FLOAT

LEGAL					
Chief Clerk					
Section					
CLERKS					

AUGUST 26, 1430

DATE and Time of RECEIPT

Distribution:

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION 2

Legal SC
6851 (1A)

REF: 2201/74/D

11.8.44 (1A)

SUBJECT : In re Martelluci Aldo.

TO : Executive Commissioner RC & MG Section, ACC, Rome.

1. Applications is hereby made for trial by AMG Court of the case against the above individual. Particulars are attached, and it is requested that these may be returned, please.
2. No 2 District have requested such action, and it is agreed by this HQ, that cases of spying should, it is submitted, be tried by AMG Court.
3. The trial should last approximately 24 hours, and would be fixed for 10 days after receipt of charges.
4. The Court and Prosecutor would be selected from the panel of officers approved by your Section.



John T. Zellars

John T. ZELLARS
Col. Inf.
REGIONAL COMMISSIONER

*Red integral
Brahman
14 Aug.*

Nº 04003 11.VIII44

2379

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

785016

WAR DEPARTMENT

OFFICIAL BUSINESS

Markell
Aldo

26

2380

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

785016

26, 27 + 28 LYO 40

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

Montellucci

Aldo

Sept - 1944

Opening

Arrested Bari 29/5/44 — From 9th March
 member of I. Fasc. Army — From 15 Jan
 in San Marco Bt — March met Lino
 Cressman who arranged for him to join
 German S.S. — Sent to Rome School —
 course at Caproni spy school — Left
 Rome with Caproni 25 May & went
 to Forth — There rec'd instructions
 for Caproni — rec'd 80,000 lire & 20
 dollars & 10 English — instructed
 by Caproni — to be dropped near
 Annapolis — to go to Naples — contact
 Farast — organize partisan bands
 & allies — warned to avoid Bari
 area — Dropped between Martina
 Franca & Cisterna — in civilian
 clothes to Laguardia — caught
 a freight train — conversation as
 a result of which he went to
 a tailors shop — coat torn —
 couldn't wear uniform, — arrested

-fake stories-

1st witness

Petruscelli Vito - 46 yrs - Bari Italy
 employee - (Sicilian) - Saw
 a person on 28 May - I was looking for him -
 - he boarded train - He boarded train
 at Lido di Ostia at about 5 a.m. - drink
 - he said where he went over a ledge
 he had been his coat on way from
 Lido di Ostia to Lido di Ostia on foot -
 came to Bari to get information re
 family - at Lido di Ostia I left & went
 to take van to sleep - at Bari
 at his request I took him to a bar
 where I left him -

X^d by Lt O'Leary - 28 yrs with Police
 - always with employees of Police -

Re-see^d - In civilian clothes with tan coat -
 about 5 a.m. 28 May - (2)

2nd witness

Camerini Michele - 31 yrs - Born (near
Waltham Mass - Father

I somewhat accused - I saw him about 8 or
9 p.m. - came to shop alone - I & my
brother Giuseppe were in shop - conversation
- last witness men with accused when
he came to shop - last witness said
accused wanted his coat mended -
I said I couldn't because it was Sunday
I had other work - I should be paid
well. Accused asked me to do it & said
that price didn't matter - he took coat
off & I gave it my brother to mend -
he took a pistol out of his belt & put it
on a small shelf under some cloth -
I saw him check pistol - he then sat
down opposite me - he offered cash -
they were \$1000 - but saw him for a
long time - asked him what brought - reply

at home — He asked if C. B. P. had
 stopped people in the street ^{to examine documents} — I said
 not an inch — I asked what he had —
 from Italy Lecce — then said he had
 come from Area — Area + then when I
 said Altamura, said yes — said he had
 crossed from + walked over mountains —
 seen a German plane 20 miles from ground —
 bombing + machine gunning — took cover —
 A.A. firing — wore coat white having
 a cap — I asked why no alarm at Bari
 if Altamura bombed — he said it was so
 — Had walked all night — arrived at
 M. Antoni Franca 5 a.m. — had boarded
 a goods train — arrived at Bari on the
 I was wearing a blue coat — he asked
 cost — 6-7000 lire — said he wd have
 one made — he was reading *Il Messaggero*
 — my uncle returned — said he had
 been unable to find a room for him for night
 — my uncle said he wd look for one —
 said he wanted an isolated room —

Boy went to first room — Accused came
near me and said "Gotta voce" Master,
you must return me an identity card
what was the cost may be and even if
you have to pay 2 or 3 pesos — I said
impossible — where do you come from then?
He knew? — He stated he knew an
Sgt. Major in Pan Army corps — he said you
must get me identity card at any cost
— told him to go to the mess — he said
"No, he got an identity card & never
mind about it" — Boy returned — had
found room — something said at Brunch
is it possible — yes — ~~asked~~ Asked for
break to clean his trousers — they were
dirty — his shoes were green, high & back
with rubber — accused has been on now —
he took coat and asked price — pay
what you want — tell me — 30 line
— produced a bundle of notes — 1000
& 100 in each — he handed me 50 line and
asked if note was still valid as a note

with fur coat left in night the treated - I
said it was valid - gave him 20 lbs claps
in 5th, 2 3rd and 2 A.M.C - looked
at latter as if strange - asked if he wanted
them changed - said no and read them
carefully - He got his gun - when he
saw we had noticed he said "dear
friend, better to have a gun etc." we
shook hands and he said we would meet
again tomorrow about "that affair" [He
had asked previously re our firm (at same
time re about documents)] I reported to
C.C.C.R. what had happened and denounced
him - He was carrying a black leather
bag when he came into shop (Ex 1).

X^d cage were Saraga - did not say they
were Persian - came from Rome - no attempt
to hide them - shop is only one room - 4
sq. meters - 1 1/2 meters from me when he
had gun - I saw pistol - accused
did not ask me about shoes - gave a

Spd. statement to American policy I met
 after the incident — it was ~~late~~ —
 — that I stated he came from the same
 home in Buenos Aires — I remember him saying
 he came from there — I said it before
 he came but did not notice the mistake —

Re-ent He was tired, had drunk a
 lot of liquor I was very thirsty in the
 shop. He asked if there was coffee — he
 had a glass of water — he didn't have
 a beard — he was not freshly shaved

3rd witness

Camerini Giuseppe — 30 — tailor (brother of
 last witness).

Saw accused on one occasion in a doorway — don't
 remember date — dressed in grey — I mended
 his coat — I heard my brother & accused
 having a conversation but only heard the
 word 'documenti' and identity card.
 They were speaking in a low voice.

fourth witness

Grippe Fardmande - 20 yrs - Bari - Factor

I saw a man when he came to our shop
I can't tell date for certain - in the morning
I heard nothing at Factor's shop - I left
the shop with him to go to a boarding house
On the way I asked him where he had come
from and he said Rome. I asked if he
had passed the lines, and whether he came
by land, sea or air. He was looking for
some food. I found something & we then
went to the boarding house. The owner
asked for documents & he said he had lost
them but was trying to get them made tomorrow.
Reminded & I went to another boarding house.
Reminded asked on the way where the house
Italian first was, including Badoglio,
Zarling and the King. He asked where
they had taken them from. I told
him they had been first at Brindisi,
then at Salerno & I didn't know where now

Asked if groups of patriots & I told her "No"
 Does the Farwest maybe still fly - I said No
 etc - Paid for room with 3 beds to be
 in this room. - He asked for help &
 Italian govt money received - I replied
 that he must be received as was due
 to him.

Marescallo Armata SAPANA Bare 5th witness
 Saw arrived 28 May at 10:30 a.m. in a furnished
 room in Bare - He was asleep - I had four
 articles in plain clothes - Brand searched him
 - asked for identity cards - civilian clothes
 found a black bag & a postal box on
 the mattresses - compass in pocket - shoes
 new - same type as now - new leather
 case with 134,000 lire - lire £1 + dollar
 notes - Italian notes new and of same
 series - said he had sold everything in Rome
 to escape the Germans - no documents as
 it would make it easier for him to pass the
 lines - was to go to Foggia to get identity and -

6th witness

LONGO Salvatore 19 yrs - mechanic, 19 Franco
 Sono accused at station ~~known~~ - don't
 know date - early in a.m. - I was in
 break car - accused and another man in
 another car. - conversation with accused
 at Bari station - He said he had come
 a long way on foot - he wanted a forged
 identity card - a room for himself -
 He showed me a compass & said he had
 worked with it during night that had just
 passed - asked us to take him to tailor
 - he told us that Roman money was
 still high - nothing else - nothing about
 other, fascists or political bonds - he
 was armed - pistol with 15 shots -
 he promised much money (10,000 lire) for
 identity card. - Told him we would
 meet him at 10 a.m. next day -
 intended to advise police - Said he had
 come to see his uncle. - said he did not
 know latter address.

X^d

==

1st witness was not present when he

spoke a identity card — Benjamin ^{Arpino} was present — he was at Bari station — my friend did not accuse him of being German soldier.

7th witness

Benjamin. Beniamino — 45 yrs — Italian — M. T. S. S. arrived board train at Lacivita da on 28 May — He asked train master — said he had walked to Palermo, showed us a compass and said he had worked with it during the night — would want an isolated room in Bari — wanted a false identity card — would give 10,000 lire — wanted a ladies shop to mend coat — we took him to tailor's shop — did not hear him speak about German morale — he showed me a gun — if police or C.C.P.R. come, I'll shoot like a man.

Xth Chief of train, one Italian present at conversation.

8th witness

Mr. X

American C.I.D.

Case occurred afternoon on 28 May -
 Present at 3 conversations. 1st. @ evening @ next is in
 1st conversation - same etc - with a delay delay
 concerning gun, compass & money
 2nd interrogation - object to get story & ask no
 questions - Prisoner told his story & interrogator
 wrote it down in Italian - I followed it -
 manuscript read back to him & prisoner
 assented to it - not asked to sign it - said
 "he was living in Rome & was a friend of a
 friend who had met ^{him} in ^{Italy} Transachens. The latter
 was a German S.D. agent. Was threatened
 by Transachens because of his attention to
 the girl with death & torment. Therefore
 decided to make a dash thru the lines.
 Took a truck from Rome towards the front.
 Other people on truck - I remember a
 Petrollo - went towards Ferrara - walked
 from there - at Naples split up - and
 acc. with a greeting to Maj. D'Archim in

Bari & because his birth place was Bari made his way to this side of peninsula.

Following a.m. returned and took another story of his military history & family, back ground. Taken in same way as

statement B but cannot say if it was read back. And he was a member of

3rd Grenadier up to time of arrest. — in formal interrogation he admitted having joined the 10 F to Italia. M.T.B. — drove a truck —

was in considerable fear owing to a wound for greater part of previous 6 mths.

Another ^{interview} conversation on or about 2nd June

— taken from Rome to N Italy on black market

— said he had never been in Bari before

— names of several persons he knew who

are in on file — walk from S of Rome to

Bari — told in main story received at

1st interrogation — bought shoes in Rome

— kept a large stove — compass has one

for a long time — but one newly bought

— examined for certain houses — on 28th May

slight bruise on elbow & back - major bruise
on other elbow - explained by Staffing story
at Altamira

Next interview: 17 & 18 June - no substantial
change in story - was put in guardhouse of 5th
US depot - inscription on wall of room near
where he landed -

~~X~~^{at} Only ~~with~~ physical evidence found that
a member of Fascist Army - mentally "yes."
No other proof that he belonged to any
other organization. Have seen parachute
in which he is alleged to have landed - it
was not destroyed - other pieces of
equipment and materials found there -
- no evidence that he tried to procure a
pair of shoes before his arrest -

The Court Accused was not warned that he
need not make a statement

9th witnessWitness Z (Anthony)

Saw accused first in our mess early in June.
 First conversation 17 June - Witness X was present.
 Compl'd he had seen friend of Trenchard because
 of a girl etc etc (id. X). Had met
 Petrolle ~~was~~ on other side of line P could help
 him out - accused to supply funds. Acc.
 decided to cross to us - left Rome by truck -
 farmhouse near line 2 or 3 days - on foot to
 Naples. Parted from Petrolle - boat at Foggia
 - Max Machini (former CC) might be in Bari.
 - Reached for Adriatic - came to Bari - on foot.
 Further interrogations most days from 17 June
 to end of July. Truck to same place until
 about 15 July. (had told us ^{had told us} arrived with Giampoli -)

On 15 July told acc that Giampoli had
 been arrested & had confessed to being
 an enemy agent and had included acc's
 name as being in enemy service. He
 then admitted this. ("It was true. He
 considered Giampoli a traitor") - in emotional

state. - Admitted - recruited by ^{name} ~~James~~ ^{James} ~~James~~
- gone to school at Rome. Still stuck to story
of trip from Rome to Bari. He told me that
Capri was the head of the school. I saw
acc. again on 16 July. He would rather have
forced a firing squad than me because he
had given his word of honor & broken it.
I asked him how he escaped & he told me
attitude me of completely willing to tell
his whole story & said that he would do
as. Had never before told me that he
had crossed the lines as a spy. I let him
talk. He said he had come down by
parachute. I asked him many questions.
I had told him on several occasions that he
needn't make a statement unless he
wished. He wrote his own confession. He
was asked to write it - not told to.

WRITTEN STATEMENT PRODUCED Ex. 5

I identified a statement made & handed to
me on 17 July. I saw him write the last
half and sign it.

Also had verbal conversation. He had gone with Capone from Rome to Fosse. He pointed out - as a criticism of German methods - that the money given him was none and of consequence several numbers. He had tried at Fosse to change some of that money at Fosse - Some he had changed - when first at the school told his job was espionage - later altered to organize Italian bands - no specific instructions. - complicated method to contact other agents - sign & verbal system. Introduced to airplane crew by Capone (3 times). It was a JU 88 (or 88A). Said that he had not been hurt when landing - no attempt to use parachute - had something to eat - walked helplessly. Some days after confession, said he came down in uniform & had an identity card but did not bring it as it was of a German N.C.O. Said he had thrown it behind a rock - discovered he had lost one shoe on road - threw the other away - Italian army uniform - pay

to be 6000 lire per month & expenses - instructed
to use a certain password if he needed to
re-enter the lines - told to adopt an alias
but refused to do so - ~~He~~ Did not
report to police as he wanted the money
they had given him and he thought it
would have been taken from him -
Said he came down in uniform - thought it
might be more conspicuous than civilian
clothes -

Xd Said he not only wanted the money but
wanted to get back to his people with it & know
if he gave himself up he would be held in
custody. Also gave it as a reason for
wanting a false identity card - time & having
to relate whole story - ordered to bury his
parachute etc - did not intend to accept
his mission so did not bother to cover his tracks

Count Intense to get to Naples. Re chief of a
partisan band. No admission that he was to
take part in escape. - moving to a different

of band. — he told them it was not enough —
 — Band had no intention to carry out mission —
 — thought of deserting when in Rome (told Giampoli)
 — various reasons. He was prepared to risk life
 for Giampoli (as designated with instructions
 (3) not allowed to go home before receiving the
 funds he promised (4) 100,000 in form of 500,000
 — no intention to receive — but had promised
 — worried about family

X^d (with permission — LE O'Henry) — agreed to
 drop his armed punishment — he knows Rome was
 about to fall — did not tell me he had asked
 to drop with Giampoli — deft felt he had
 been under suspicion of attempting to desert
 — prefer not to answer what of Giampoli
 arrested as the competitor of an other security
 officer — from reports received Giampoli gave
 himself up voluntarily ← [Objection by May
 Little] — information only from reports
 — received reports about Prof. Mario de Matte
 — known as a Communist — came in a Swiss

— helped him to avoid arrest by
German S.S. —

Rescued by Maj Little — Para shows me a
part of a official report from another agency
— of part only, I know the truth — "if arrested
to say he was an escapee from the North"

Defence

Accused (Sworn) — Called up in March 1940
— 2nd Grenadiers — trained until May — sent to
Sardinia — no part in operations at start of war
— mid of Aug transferred to Rome — Trieste
— Bari 19th Oct Albania — Durazzo —
Oct. — Greek front — 28 Oct all war ops
in force — hospital — Italy (Naples)
— convalesced 3 mos — July '41 (Matera?)
further war history as in statement

During stay in Naples, leave to Rome.
Returned & was left for North Africa —

- court martial Nov. 6 (pres. ~~forfeited~~)
(sentence adjourned). Sent to Mantua -
mountain escape - [- - - further as in
statement - - -]

27th arrived in Rome - Ruck to family -
I gave order to present - thought of situation -
was under suspicion - went to Rome - met
Lt. Cicetti - told him ^{history} - he 1st he
was head of recruiting office Rome - enrolled
- Spaggiari - Umana - Giampoli a
companion - met son - assistant in chief
Prisoners - told me I could make my
sentence shorter - spoke about Roman
P.P. - promises & obligation of sentence -
- fight with colleagues - arrested &
waiting at the station - inf. transferred
to Roman police in Venice - again met
Prisoners - Rome (via Florence)
Introduced to Capone & agreement made
to meet 3 times a week for 1 hour.
- Giampoli's house - Tolson problem 21

Mario was introduced to me as a friend - said he was a communist

Caproni showed me American & English uniforms - study books etc - told Caproni work was too good for me - said I preferred a job as a partisan - in future only taught partisan organization - This was in May - used to see Lt. Minore & Giampolo each day -

In May, Lt. Ciccarelli & another came to Rome - both were proposed for Giampolo to desert - Caproni had promised to send her with me on a mission - I said we would either embark after deserting or wait for liberation of our families - other agents would tell us - Caproni suspicious - Caproni made me go to another class - unable to turn back - met Caproni twice in May - learned for journey to N. Italy - uniform in suit case & wear civilian clothes - P. told Giampolo no room. * Left at midnight alone Caproni & I - Florence - Forli

Hotel - Caproni came in morning -

a.m. 27th Caproni came, - gave me 50,000 lire
 80 S and 2 white sheets - money for messen-
 - C. said I was leaving in messen that evening
 - explained about not seeing family - told
 Caproni I did not intend to leave that evening
 - threatened with court martial - finally
 accepted. - C. said 'you will go on that
 mission and in a short time return - he
 said 1/2 up a tip etc to crew. - He advised
 me to change some of the money so as to have
 some change. - 8 pm late by Caproni
 to aeroplane at Forlì - given parachute of
 Italian model - given compass - was in
 civilian clothes - went to dress in uniform
 & in harness placed some food etc ~~and~~
~~pieces of brown sheet~~ + 2 ^{bottles} - given cap
 I put in Italian parachute and then
 civilian clothes - first to last from Munich
 to Naples - shown a map & route of
 plane - were going to fly at 30 miles

above sea - land at Monopoli - I asked if
anyone would mark me as I intended to
desert - C said probably - pilot showed
me how to take out of junction - Caproni
said we had to take this plane - entered plane
Flew over Adriatic - attached - [Before
mounting plane Caproni told me to be careful
& not to play any game disadvantageous to
Germany as it would cost me very much
Reminded me of my family in Berlin & his
words meant that my family would be taken
as hostages if I did wrong - not to go
to Bay as we were guarded and I had
no mission at Berlin - He said I had food
for 3 days & in 3 days could reach
Naples - He mentioned the Coast I had
to pass - if kind of walking, about a
breeze - when to leave plane -]
Plane - coast of Albania - the Monopoli
- eventually baled out - took off my
things and ran away. After I had changed
clothes - found only one shoe - found road

station - offered place on goods train - got on
Train in the morning - began to appear Caps
on train - later he went to a broke van to
sleep drinks - said I was a deserter
& going to Bani to see parents - only
asked me to get me an identity card -
said I wd pay for it. V said he
would get it as he had a son in tax
office. Caps de train I only asked for
a ticket. At Bani couldnt find
to answer. So V again re identity
card & made appointment for 10 am
next day. Caps joined us again & I asked
him for a room to sleep - ticket shop
300 meters - took off my coat - pulled
out pocket of empty & ticket told me to
put it on shelf - coffee - never
asked Bani re identity card, military
information or anything similar. Started
to read paper. Boy sent to find a
room. Boy returned - coat ready - pocket
with boy to boarding house - I had no drinks

another boarding house - another room - got
piece of meat & so on - sharp look
up with the hands in room and hand
- cuffed - Never had Samaya left -
2 packages of linen - questioned by
transcriber - later witness X - military
history. Said I had some things on
on foot and didn't remember names
of places. - That day, to America office -
questioned re military, life & individuals
- Casata by plane - Born - further
interrogations. - Always denied I
had come by parachute - was told that
my friends were here to get me P.P.
+ that I was also a member. - did not
deny but said I had hit one to spy out
to carry out acts of sabotage as chief
of a band of partisans. I said that
was my mission. Mr. Haffman took
away three hours and after I admitted
that I had come down by parachute
and my intention was to go back to my

family. Parachute not destroyed & stored
place. - If you had intention, to deprive
Germans of 100,000 lbs & return to my
parents. - Court martial sentence had
not been issued when I left - Capt
Cipriani told me to make up a story
for myself if captured - I don't think
he told me to say I was a refugee -
I saw the lights of a car just before
jumping from plane - I thought it
might have something to do with me -
I thought of Cipriani's last words - I
thought they might be German agents and
did not want to be caught there.
Attempted to procure an illegal identity
card became afraid of telling local
authorities how I had come here and
what time would have passed before
I got card. Did not report because
wanted to keep my money & police would
have taken it away. I intended to wait
for word of the front. Thought I should be

sent to an anti-air camp. If I reported to
authorities — General knew I had been
ordered to Naples area — intended to
desert & had this information when taken to
Naples. The I identity shoe produced
an very last one (Ex 6)

X^d shoe was packed in Koverack. Joined
S.S. because of promises made to me and
canceling of substance. However, reached
the border of the German could not have
brought me and I should have had a
some more left over. 3 times a week
at Italian zone school. Mission given
to me was to do with traffic, etc. concepts
etc. Told how to organize hands. To
look to Italian soldiers and deserters
and begin if they were able for present
& for future. — It so to ask if they
intended to take up arms & fight the
Allies — Did not tell me how to
desert traffic — As I had been in

guerrilla I knew how to disturb
trappers & convoys but had been much
disturbed by them. Our attacks were
to be made in Lucania, Calabria &
Naples. Calabria was a mountainous
place where partisans could act easily.
Told to attack convoys either day or
night. To tear up tracks. Orders
were if arrested to know none of
anything. I understood the purpose
of my mission. I did not want to go
on mission because none of the promises made
to me had been kept. I left to avoid
Capt. Mantel. Although the notes at
landing point were starting apart. I thought
that now I joined up with them I should
not be able to do anything. All I
wanted to do was to desert. I was
a member of the San Marco RM.
After landing by parachute I put on
civilian clothes after 1 hour. I had
no interest in revealing that I was a

member of the P. Marco R. I wanted to get home. When I asked for identity card, I did not give anyone my name. I did not want to be apprehended by C.C.R. or others. I was curious as to whether C.C.R. & police stopped people.

The statement made by me ^{to} the Agent ~~of the C.C.R.~~ was made absolutely voluntarily and without any threats.

I was cautioned before making it. First time I admitted I was a Lima Agent was after I was informed that Campoli had been arrested and confessed. I had already made my mind up to tell the truth before this. If I said Campoli was a traitor, it was because he had given me away. I escaped the same night but it was not planned. I dreamed of my mother that night. The fact that I had been implicated and made a partial confession had nothing to do with my escape. I was recaptured by

civilians. I have referred to them as treacherous
Italians. Even if I had been a criminal
they should not have invited me to a house
& had me arrested. I wish to pardon them
for their treachery. I made no other
attempt to escape. I ~~did not~~ I told an
officer that I changed my clothes on the spot
it was a mistake. I did not ask how
Badoglio and the King had been received
in Bari. While in cell I wrote on
the wall. I wrote the name of a woman
- "Mama Teresa" - a girl friend from Forlì.
I did write in Italian to live a hundred
years as a sheep than me as a lion. "Workers
of the world unite" "The blood of the
new revolution will rise etc" "I
am innocent & everyone knows it etc etc"
I am a Sgt. Major in Italian Army
- appointed 12 Sept 1943 - while working
for Tadt organization - Finished working
for Germans 23 Dec 1943. San Marco
R 3 (10th Flotilla Mass) has been decorated

by the Germans. Many Italian - Genoa SS Agents are taken from the San Marco R.M. Got English ass from the driver of the goods train.

Re-ex^d I meant Giampolo was a traitor to me.

By Court Written statement read out to me in Court was written entirely by myself, without any threat or compulsion of any kind and is true.

Arrested May 28th. Did not tell him anything until July 13th. Ask Court to believe that I thought I was only being held for revolution & identity card offense.

2nd witness

CAPT LOSAECO Linco - Bari

Ex 7 is a copy of a copy of a document sent by L.I.M. to Bari. I believe original must be in Rome. Have not seen it.

3rd witness for defence

GIAMPOLI Piero - 20 yrs - (Sworn & confirmed) -
 Wrote Student

I have not been tried by any Court - I know
 accused. I know Mario De Marco. I know the
 latter & accused in Rome. I met De Marco during
 my leave from Varese about 22 Feb 1944. I had
 known him 9 years. About De Marco accused
 came to Rome. He came to my house where
 to chance De Marco was also invited to
 dinner. Afterwards we often met in a
 friendly way. I was at Rome to take
 part in espionage school. Accused told
 me that he had been captured to attend
 that school. Frequently De Marco at Rome
 we spoke about our interests & what we
 were doing. During these conversations I
 understood that accused had no intention
 of renouncing his faith. He did not actually
 say, Co. It was too dangerous for your
 life. He knew about revolutionary activities

center which he had never mentioned to the
Germans. Ace had his family at Rome. He
stated his desire to see them. I made a
statement when I was asked that Ace
had no intention of seeing the Germans.
Ace told me about his intention to live
quietly & to forget with the expected time
he had been living during the war & which
had prevented him joining his family.
Ace told me they intended to make his head
of armed groups. He told me that when
he received money from the Germans, he
intended to live quietly. He did not say
where. We were sure that Rome was
going to fall. There were no precise plans
between Montebianco & I. Last time I
saw Montebianco we agreed that if we were
to go to Naples we would meet by means
of a signal sign on the wall on the Uffizi.
The German did not know of this. This was
a way to meet if "by chance" we were
to go to Naples. I had agreed on Sunday

myself over to partisan groups to inform the Allies as soon as I should contact them, what I know about that school. I could not tell Marbuccini this. He did not know about my contact with the Allied partisans. He knew that De Manno was a patriot. Cipriani did not suspect us but the administration of the school, through the way he treated me especially, left me no doubt that they were suspicious of me & that suspicion might fall on Marbuccini.

Xth Marbuccini & I lived in the same apartment after 10 May. He told us that he had studied radio telephony. I never told anyone about resistance groups in Rome. Marbuccini and I never discussed resistance groups. I don't know if he knew of their existence. I don't know if De Manno ever mentioned them to him.

Re: Marbuccini helped De Manno to avoid P.P.

MILITARY PENAL CODE OF WAR.

Art. 15.

(Soldiers of Allied states or associated in war).

To the effects of the military penal law of war, the crimes committed by Italian soldiers or persons outside the armed forces of the Italian State to the damage of the soldiers or the armed forces of an allied state are considered as if committed to the damage of the soldiers or the armed forces of the Italian State. The observation of this rule is subordinate to the condition that the allied state guarantees equal penal protection to the Italian soldiers and the armed forces of the Italian State.

To the effects of the orders of this code, under the denomination of "Allied State", also the State associated in war is ~~is~~ intended as being comprehended.

Art. 59.

(Military espionage)

The death penalty with degradation will be applied to a soldier, who, in order to favour the enemy procures himself or attempts to procure himself documents, objects or information, which may compromise the security of a place, fort or military spot, a military or transport ship, a military or transport plane, an arsenal or other military building, zones of assembly, action or station of the land, sea or air forces, or anyhow of armed forces of the State; also without having introduced himself into the above named places.

The same penalty will be applied to the soldier who, in order to obtain documents, objects or information in favour of the enemy, introduces himself into any of the places indicated in the preceding para.

,Art. 61.

(Hostile soldier who introduces himself disguised into places of military interest.)

The soldier of the armed forces of the enemy, or any person in the service of the hostile State, who introduces himself disguised into any of the places indicated in the first para of art . 59, will be shot in the breast.

If the culprit has used the Italian military uniform to disguise himself, he will be shot in the back.

,Art. 61.

(Hostile soldier who introduces himself disguised into places of military interest.)

The soldier of the armed forces of the enemy, or any person in the service of the hostile State, who introduces himself disguised into any of the places indicated in the first para of art . 59, will be shot in the breast.

If the culprit has used the Italian military uniform to disguise himself, he will be shot in the back.

MILITARY PENAL CODE OF WAR.

Art. 158.

(Destruction or Sabotage of works or other military objects).

With imprisonment not inferior to 15 years will be punished he who in places in state of war:

- 1^o removes, destroys, or renders wholly or partially, also temporarily unserviceable: ships, planes, convoys, roads, establishments, stores, machines or other war-instruments, telegraphic, radio-telegraphic or telephone apparatus or lines and similar, or works for military defence, closings, fences and similar, constructed for a military purpose or destined for it.
- 2^o throws away or renders wholly or partially unserviceable arms or ammunitions.

The death penalty with degradation will be applied, if the crime has compromised the preparation or war-efficiency of the State, or military operations. If the crime has been committed unintentionally, military imprisonment from 1 to 10 years will be applied.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

/s/ RLP
1 September 1944

ACC/4129/19/1.

Subject : Trial by Allied Military Court.
To : Regional Legal Officer (THRU: Regional Commissioner).
Southern Region.

1. In reply to the request from RLO, Region II, reference 2201/74/D dated 20 August 1944 for trial in an Allied Military Court of Serafin Giusseppe and Campaneale Antonio, please be advised that the Vice President, Admin Sec has authorized the holding of this court.

2. The Court will be constitute out of your regional panel and you will make all necessary arrangements.

3. The accused will be charged and tried for the offences set out Appendix "A" attached hereto.

/s/ ?

/s/ RICHARD M. WILLIAMS,
Colonel, SAC,
Chief Legal Officer.

1 Encl.

IMPUTAZIONEMARTELLUCCI Aldo

imputato

1. Di spionaggio militare a favore del nemico (Art. 59 del Codice Penale Militare di guerra in relazione all'art. 15 del detto Codice), in quanto, facendo parte del Regio Esercito Italiano, si arruolò in un reparto militare fascista repubblicano, e cioè nel Battaglione "S.Marco" della 10a. Flottiglia Mas, ed entrò a far parte del Servizio Segreto Tedesco; e verso il 28 Maggio 1944, lanciandosi con un paracadute da un aeroplano tedesco nel territorio di Monopoli, tentò di procurarsi documenti, oggetti o notizie intese a compromettere la sicurezza delle Forze Armate Italiane e Alleate.

2. Di introduzione, travestito da borghese, in una zona di adunata, azione o stazione delle Forze Armate (Art. 61 del Codice Penale Militare di Guerra in relazione all'art. 15 del detto Codice), in quanto, essendosi arruolato nel Battaglione militare fascista repubblicano "S.Marco" della 10a. Flottiglia Mas ed essendo entrato a far parte del Servizio Segreto Tedesco, verso il 28 Maggio 1944, si lanciò con un paracadute da un aeroplano tedesco nel territorio di Monopoli e, travestito in abiti borghesi, si introdusse in una zona di adunata e di stazione delle Forze Armate Italiane e Alleate.

FORM No 4

GOVERNO MILITARE ALLEGATO

+++++

FOGLIO D'ACCUSA

PLACE B A R I
 Luogo
 DATE 18 September 1944.
 Data 18 Settembre 1944.

MARI PRISON-Carcere Bari.
 (ADDRESS)
 (Indirizzo)

MARTELLUCCI Aldo
 (NAME OF DEFENDANT)
 (Nome dell'accusato)

IS HEREBY CHARGED WITH THE FOLLOWING OFFENSES:
 è qui accusato delle offese seguenti:

First Charge: See detailed charges annexed.
 Vedi foglio allegato con particolari.

Particulars: _____

Second Charge: _____

Particulars: _____

TRADUZIONE

Prima accusa: Vedi foglio allegato con particolari.

(Se non tradotto dall'ufficiale, voi dovete farvelo tradurre da un
 amico o presso qualsiasi Ufficio di Questura).

Le suddette accuse sono riferite a processo davanti

Vedi foglio allegato con particolari.

Particulars:

Second Charge:

Particulars:

TRADUZIONE

Prima accusa: Vedi foglio allegato con particolari.

(Se non tradotto dall'ufficiale, voi dovete farvelo tradurre da un amico o presso qualsiasi Ufficio di Questura).

Le suddette accuse sono riferite a processo davanti

AME General Court BARI.
(NAME AND ADDRESS OF COURT
(Nome e indirizzo della Corte)

Per ordine:

Firma della persona autorizzata.

IMPUTAZIONEMARTINUCCI ALDO

imputato.

1. Di spionaggio militare a favore del nemico
(Art.59 del Codice Penale Militare di guerra in relazione all'art.15 del detto Codice), in quanto, facendo parte del Regio Esercito Italiano, si arruolò in un reparto militare fascista repubblicano, e cioè nel Battaglione "S.Marco" della 10^a Flottiglia Mas, ed entrò a fare parte del Servizio Segreto Tedesco; e verso il 28 maggio 1944, lanciandosi con un paracadute da un aeroplano tedesco nel territorio di Monopoli, tentò di procurarsi documenti, oggetti o notizie intese a compromettere la sicurezza delle Forze Armate Italiane ed Alleate.

2. Di introduzione, travestito da borghese, in una zona dinadunata, azione o stazione delle Forze Armate. (Art.61 del Codice Penale Militare di Guerra in relazione all'art.15 del detto Codice) in quanto, essendosi arruolato nel Battaglione militare fascista repubblicano "S.Marco" della 10^a Flottiglia Mas ed essendo entrato a fare parte del Servizio Segreto Tedesco, verso il 28 maggio 1944, si lanciò con un paracadute da un aeroplano tedesco nel territorio di Monopoli e, travestito in abiti borghesi, si introdusse in una zona di adunata e di stazione delle Forze Armate Italiane ed Alleate.

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

Allied General Military }
Court Convening Order. }

WHEREAS it has become necessary to convene an Allied General Military Court for the trial of CAMPANALE ANTONIO and SERAFINA GIUSEPPE on the charges annexed to this Convening Order;

AND WHEREAS such Court must be held in unoccupied territory;

AND WHEREAS H.Q. Allied Control Commission, C.M.F. has ordered by letter No. 100/4123/13/A dated 1 September 1944 that an Allied General Military Court should be convened to try the said CAMPANALE ANTONIO and SERAFINA GIUSEPPE on the said charges;

Now THEREFORE, I, OLIVE E. THOMPSON, Colonel, Regional Commissioner Southern Region, hereby convene an Allied General Military Court and APPOINT Major J.A. Boyd-Carpenter to be President and Captain A.D.J. Gorman and such other officer as may be selected by the said President in consultation with the Commissioner for BARI Zone to be members of the said Court for the trial of the said CAMPANALE ANTONIO and SERAFINA GIUSEPPE on the said charges.

H.Q. Southern Region,
dated this 12th day of September 1944.

OLIVE E. THOMPSON,
Colonel,
Regional Commissioner
Southern Region.

Other member Appointed

Capt. Keman.

RECEIVED
10 JUN 44

and SERAFINA GUERRA on the charges
vening Order;

And WHEREAS such Court must be held in unoccupied
territory;

And WHEREAS H.Q. Allied Control Commission, S.M.F.
has ordered by letter No. ACC/4179/19/L dated 1 September
1944 that an Allied General Military Court should be con-
vened to try the said CAMPANALE ANTONIO and SERAFINA
GUERRA on the said charges;

Now THEREFORE, I, CLIVE B. THORNTON, Colonel, Regional
Commissioner Southern Region, hereby convene an Allied
General Military Court and APPOINT Major J.A. Boyd-Darppenter
to be President and Captain A.G.J. German and such other
officer as may be selected by the said President in consulta-
tion with the Commissioner for AMM 2041 to be members of
the said Court for the trial of the said CAMPANALE ANTONIO
and SERAFINA GUERRA on the said charges.

H.Q. Southern Region,

Dated this 18th day of September 1944.

LFD/mo

L-3071

CLIVE B. THORNTON,
Colonel,
Regional Commissioner
Southern Region.

MILITARY PENAL CODE OF WAR.

Art. 15.

(Soldiers of Allied states or associated in war).

To the effects of the military penal law of war, the crimes committed by Italian soldiers or persons outside the armed forces of the Italian State to the damage of the soldiers or the armed forces of an allied state are considered as if committed to the damage of the soldiers or the armed forces of the Italian State. The observation of this rule is subordinate to the condition that the allied state guarantee equal penal protection to the Italian soldiers and the armed forces of the Italian State.

To the effects of the orders of this code, under the denomination of "Allied State", also the State associated in war is ~~is~~ intended as being comprehended.

Art. 59.

(Military espionage)

The death penalty with degradation will be applied to a soldier, who, in order to favour the enemy procures himself or attempts to procure himself documents, objects or information, which may compromise the security of a place, fort or military spot, a military or transport ship, a military or transport plane, an arsenal or other military building, zones of assembly, action or station of the land, sea or air forces, or anyhow of armed forces of the State; also without having introduced himself into the above named places.

The same penalty will be applied to the soldier who, in order to obtain documents, objects or information in favour of the enemy, introduces himself into any of the places indicated in the preceding para.

,Art. 61.

(Hostile soldier who introduces himself disguised into places of military interest.)

The soldier of the armed forces of the enemy, or any person in the service of the hostile State, who introduces himself disguised into any of the places indicated in the first para of art . 59, will be shot in the breast.

If the culprit has used the Italian military uniform to disguise himself, he will be shot in the back.

ALLIED CONTROL COMMISSION
ZONE COMMISSIONERS OFFICE
DARI

16/3/44

Subject: Allied General Military Court

Major T.A. Boyd - Carpenter
Captain A.C.T. German
Captain Daniel L. Coleman
Major Donald C. Little
1st Lieutenant Patrick O'Leary
Major G.M. Revelley

Convening Order be Regional Commissioner Southern Region
dated 7 Sept. 1944.

1.

An Allied General Military Court, composed as under, will assemble at a time and place to be notified for the Trial of MARTELLUCCI Aldo, and such other accused as may be brought before it:-

President

Major T.A. BOYD - CARPENTER

Members

Captain A.C.T. GERMAN

Captain Daniel L. COLEMAN

Prosecutor

Major Donald C. LITTLE

Defending Officer: 1st Lieutenant Patrick O'LEARY

2.

Zone Police Officer will arrange for the preparation of the Court Room, the attendance of accused and of all wit-

Convening Order be Regional Commissioner Southern Region
dated 7 Sept. 1944.

1. An Allied General Military Court, composed as under, will assemble at a time and place to be notified for the Trial of MARTELLUCCI Aldo, and such other accused as may be brought before it:-

President

Major T.A. LOYD - CARPENTER

Members

Captain A.C.T. GERMAN

Captain Daniel L. COLEMAN

Prosecutor Major Donald C. LITTLE

Defending Officer: 1st Lieutenant Patrick O'LEARY

2. Zone Police Officer will arrange for the preparation of the Court Room, the attendance of accused and of all witnesses as required by Prosecutor and Defending Officer and for the attendance of sufficient CC.RR. in full dress.

[Signature]
ZONE COMMISSIONER
FARI

FORM No 4

GOVERNO MILITARE ALLEATO

F O G L I O D' A C C U S APLACE PARI

Luogo

DATE 20 September 44.Data 20 Settembre 44.

1. CAMPANALE Antonio

2. SERAFINA Giuseppe

(NAME OF DEFENDANT)

(Nome dell'accusato)

Pari-Prison (Carcere Pari)

(ADDRESS)

(Indirizzo)

IS HEREBY CHARGED WITH THE FOLLOWING OFFENCES:
è qui accusato dei seguenti reati:

First Charge: See detailed charges annexed.

Particulars: _____

Second Charge: _____

Particulars: _____

TRADUZIONE

Prima accusa: Vedi foglio allegato con particolari.

(Se non tradotto dall'Ufficiale, voi dovete farvelo tradurre da un amico o presso qualsiasi Ufficio di Questura).

Le suddette accuse sono riferite a processo davanti

A.M.C. General Court, PARI

(NAME AND ADDRESS OF COURT)

(Nome e indirizzo dell Corte)

Second Charge: _____

Particulars: _____

TRADUZIONE

Prima accusa: Vedi foglio allegato con particolari.

(Se non tradotto dall'Ufficiale, voi dovete farvelo tradurre da un amico o presso qualsiasi Ufficio di questura).

Le suddette accuse sono riferite a processo davanti

A.M.C. General Court, BARI
(NAME AND ADDRESS OF COURT)
(Nome e indirizzo dell Corte)

Per ordine:

(Firma della persona
autorizzata).

You are therefore ordered to be at the Assize Court, Palazzo di
Giustizia, Bari, on Tuesday, 26 September, at 9.30hrs a/m.
Dovete perciò essere alla Corte d'Assise, Palazzo di Giustizia, Bari,
Martedì 26 Settembre, 44. alle ore 9.30 antimeridiane.

CHARGE

1. CAMPANALE Antonio.
2. GERAPINA Giuseppe.

Both charged

(a) with malicious sabotage against military articles (pursuant to art. 158, Para(1), Sub-para (2), of the Military Penal Code of War, in conjunction with art. 15 of the said Code) in that on or about 17th May 1944 in a place declared to be in a state of war and when in the employment of 14 Base ammunition Dump situated on the road from Bisceglie to Molfetta, they rendered unserviceable a stock of British ammunition by extracting therefrom the cordite contained therein and by acting with malice.

(b) with doubly aggravated theft (pursuant to Art. 624 625 Para(1), Sub-Paras 2 and 7 of the Penal Code) in that on the aforesaid date and in the same capacity and place indicated in the first charge, they did by the use of violence on the said military articles subtract quantities of cordite contained in ammunition the property of the British Army deposited on 14 Base Ammunition Dump, a British Military Establishment.

IMPUTAZIONE

1. CAMPANALE Antonio
2. SENAPINA Giuseppe.

Entrambi imputati.

(a) di sabotaggio doloso di cose militari (art. 158, comma 1, N°2, C.P.M.G., in relazione all'art. 15 dello stesso codice), per avere il giorno 17 maggio 1944 in luogo dichiarato in stato di guerra, e precisamente come laboratori impiegati nella 14 Base Ammunition Dump sulla sponda Fiscole-Melfetta, reso inservibile una quantità di munizione del servizio inglese estraendo la cordite in esse contenuta e agendo con dolo.

(b) di furto doppiamente aggravato (art. 624, 625, comma 1, N°2 e 7 C.P.) per avere, nel giorno, nella qualità e nel luogo indicati sub (a), mediante violenza alle cose, sottratto quantitativi di cordite contenute in munizioni appartenenti al servizio inglese ed esistenti nello stabilimento militare britannico 14 Base Ammunition Dump.

2 4 3 5