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142/805

CASE OF SILVAGNI GIOVANNI (EMPLOYEE IN MAGENTA)
MAY 1944 - JAN. 1946

Chief Commissioner (thru C.I. Section)

Letter at 2 A. from Hq. Lombardia

" " 3 A. mins of meeting

(Para 1 where case of Giovanni Silvagni was discussed.)

Letter at 4 A. proposed action for approval of Chief Commissioner.

[Signature]
JOHN F. WEBER
Colonel, Infantry
Chief Legal Advisor.

21 January 1946.

LEGAL -

3

Chief Legal Advisor.

21 January 1945.

L E G A T -

Con. Sec.
INCOMING MESSAGE
HEADQUARTERS ALLIED COMMISSION

Originator's Reference: 27145
Date/Time of Origin: JUL 11 1400

Message Centre No: H/4572
Date Time Rec'd: JUL 12 1030

FROM: LOMBARDIA REGION LIAISON GROUP P.B.L.C. SIGNED DARE
Precedence: ROUTINE

TO: C.F.O. FINANCE SUB COMMISSION HQ A.C. FOR GARDNER

RESTRICTED.

Reply urgently requested to our PS/37 of 28/6/45. Case of Stibagni is now before Italian court.

ACTION
INFO
AC DIST
ECON SEC
CHIEF COMMISSIONER
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FILE

ACTION

RESTRICTED.

Reply urgently requested to our PS/37 of 23/6/45. Case of Silvagni is now before Italian court.

AC DIS

ACTION
INFO
ECON SEC
CHIEF COMMISSIONER
FLOAT 2
FILE

ACTION

12 JUL 1946



32

HEADQUARTERS

LOMBARDIA REGION LIAISON GROUP
ALLIED COMMISSION

Public Safety Liaison Office
Mantecattini Building
Via Albani 20, Milan
Phone 12541 ext. 2341

APO 394

11 July 1946.

SUBJECT : Trial of Silvagni Giovanni.

TO : Chief Legal Advisor,
Legal Sub-Commission, AO.
(attn. Lt. Col. C. Harnesford).

1. With reference to my letter P3/37 of 9/7/1946, on 9/7/1946 I saw the Procuratore del Regno (Spagnolo) and his assistant (Barreca) at the Palazzo di Giustizia, Milano, and was informed that they had carefully considered all the files in the Silvagni case and were quite prepared to take over this prosecution immediately.

2. They did not anticipate any difficulty in dealing with the case and did not consider that the previous "trial" by the Pretore Onofri would in any way embarrass them.

3. In anticipation of your approval I agreed to their commencing proceedings immediately and this has now been done.

4. All outstanding property has now been handed over to the Cancelleria del Tribunale (Ufficio Copia di Reato) and a receipt obtained.

5. A copy of the sentence imposed will be submitted by the Procuratore del Regno as soon as the case has been disposed.

For the Chief Liaison Officer,

A. L. L. L. L.
J. L. L. L. L., Major
Public Safety
Liaison Officer.

LEGAL SUB-COMMISSION

1. With reference to my letter PS/57 of 8/7/1946, on 9/7/1946 I saw the Procuratore del Regno (Spagnolo) and his assistant (Barreca) at the Palazzo di Giustizia, Milano, and was informed that they had carefully considered all the files in the Silvagni case and were quite prepared to take over this prosecution immediately.
2. They did not anticipate any difficulty in dealing with the case and did not consider that the previous "trial" by the Pretore Onofri would in any way embarrass them.
3. In anticipation of your approval I agreed to their commencing proceedings immediately and this has now been done.
4. All outstanding property has now been handed over to the Cancelleria del Tribunale (Ufficio Compi di Reato) and a receipt obtained.
5. A copy of the sentence imposed will be submitted by the Procuratore del Regno as soon as the case has been disposed.

For the Chief Liaison Officer,

J.B. Fleetwood

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

FROM SUB-COMMISSIO

TO

BY

Chief Counsel

CJO

Station Secrecy

C. RKS

JUL 15 1946

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HEADQUARTERS

LOMBARDIA REGION LIAISON GROUP
ALLIED COMMISSION

APO 394 Public Safety Liaison Office
Montecatini Building
Via Albania 20, Milan
Phone 12641 ext. 2041

8th July 1946.

SUBJECT : Trial of Silvagni Giovanni.

TO : Chief Legal Advisor, Legal Sub-Commission, AC.

1. On 8/7/1946, in accordance with arrangements made by Lt. Col. G. Hannaford I handed to Melle, Procuratore Generale di Milano, 15 files containing all the Italian reports and statements referring to the case of Silvagni Giovanni, together with translations of all the relevant reports, letters etc. in English.

2. The normal files (18) are retained in this office.

For the Chief Liaison Office,

LEGAL SUBCOMMISSION

LO

CLO

Chief Counsel

CJO

Italian Section

CL RKS

JUL 9 1946

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

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For the Chief Liaison Office,

LEGAL SUBCOMMITTEE

CLO

CWO

Chief Counsel

CJO

Italian Section

CL RKS

JUL 9 1946

J. B. Flentwood

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

4129/44

HEADQUARTERS
LOMBARDIA REGION LIAISON GROUP
ALLIED COMMISSION
APO 394

140

PS/37

Public Safety Liaison Office
Montecatini Building
20, Via Albania - Milan
(phone 12641 ext. 2041)

12th July 1946

SUBJECT : Trial of SILVAGNI GIOVANNI
TO : Chief Legal Advisor,
Legal Sub-Commission A.C.
(Attn Lt. Col. G. Hannaford)

The attached copy of a letter sent to the Procuratore del Regno,
Milan, is forwarded for your information.

For the Chief Liaison Officer,

LEGAL SUB COMMISSION	
CIO	
Chief Counsel	
CIO	
Italian Section	
CL RKS	
JUL 20 1946	

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

Public Safety Liaison Office
Montecatini Building
Via Albano, 20 - Milano
Tel. 12614 int. 2044.

PS/37.

11 luglio 1946.

OCCORRENZA : Processo di SILVAGNI Giovanni.

Al : Procuratore del Regno - Palazzo di Giustizia

Milano

1. Con riferimento alla nostra conversazione del 9/7/46, confermo che il processo di Silvagni Giovanni dovrà essere svolto in una Corte Italiana appropriata ed in conformità alla procedura Italiana ordinaria.
2. Il detenuto che è attualmente nelle prigioni di S. Vittore, Milano, in conseguenza, è stato passato a vostra disposizione del 10/7/46.
3. Le invio per conoscenza tutte le prove della procedura penale ecc. di Silvagni che si trovano in questo Ufficio. Tutta la proprietà in pendenza è stata reperita e consegnata alla Cancelleria del Tribunale (Ufficio Corpi del Reato).
4. Altro telegramma è stato appena inviato al Chief Finance Officer, Finance Sub-Commission A.C. sollecitando una risposta riguardo le 751.600 lire e le 48.000 lire che furono ricevute dal Silvagni.
5. In risposta alla vostra domanda circa il sospetto dello status di Silvagni posso dire che non è solito per un ufficiale dell'A.M.G. di accettare ad un impiegato civile una posizione tale da renderlo un pubblico ufficiale.
6. Nel caso di Silvagni però, non vi è dubbio che egli è stato dato il permesso di agire come infatti egli ha agito in qualità di pubblico ufficiale. Ciò è provato dall'evidenza data dai testimoni Mangelli, Tagliavini, Merlini, ecc.
7. Per quanto riguarda la vendita del materiale preda bellica, il Capitano Outbet non era autorizzato a vendere detto materiale, esso doveva essere denunziato alla War Material Disposal Section della Commissione Alleata.
8. Se per qualche ragione speciale il Capitano Outbet ha deciso di vendere alcun materiale bellico catturato, egli avrebbe dovuto rilasciare una ricevuta.

1. Con riferimento alla nostra conversazione del 9/7/46, confermo che il processo di Silvagni Giovanni dovrà essere svolto in una Corte Italiana appropriata ed in conformità alla procedura Italiana ordinaria.
2. Il detenuto che è attualmente nelle prigioni di S. Vittore, Milano, in conseguenza, è stato passato a vostra disposizione dal 10/7/46.
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6. Nel caso di Silvagni però, non vi è dubbio che gli è stato dato il permesso di agire come infatti egli ha agito in qualità di pubblico ufficiale. Ciò è provato dall'evidenza data dai testimoni Mangulli, Tagliavini, Merlini, ecc.
7. Per quanto riguarda la vendita del materiale preda bellica, il Capitano Outthet non era autorizzato a vendere detto materiale, esso doveva essere devoluto alla War Material Disposal Section della Commissione Alleata.
8. Se per qualche ragione speciale il Capitano Outthet ha deciso di vendere alcun materiale bellico catturato, egli avrebbe dovuto rilasciare una ricevuta per la somma necessaria e versare il denaro nel conto dell'Agenzia Finanziaria Alleata.

- 2 -

9. Percio' affinche' qualsiasi vendita di materiale preda bellica fosse regolare, le due seguenti condizioni erano essenziali:

- 1) L'autorizzazione specifica del Capt. Outbet e
- 2) il versamento della somma ricevuta nel conto corrente dell'A.F.A.

10. A termine del processo Silvagni prego di comunicare il risultato a questo ufficio ed al Chief Legal Advisor, Sub-Commission, Allied Commission, al piu' presto possibile.

Per l'Ufficiale Capo di Collegamento.

J. D. WILKINSON, Major
Liaison Officer
Public Safety.

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Subject: Trial against SILVAGNI GIOVANNI

To: Procuratore del Regno, Milano.

1. With reference to our conversation of the 9th July 1946, I confirm that the trial against Silvagni Giovanni has to be heard before an appropriate Italian Court, in accordance with the ordinary Italian procedure.
2. The prisoner, who is actually being held in S. Vittore prison, Milan, is therefore at your disposal from the 10th of July 1946.
3. I forward herewith for your information all the evidences in the case etc. relating to Silvagni, which were in possession of this office. All the pending property has been listed and consigned to the Chancellery of the Court (Evidence Office).
4. Another wire is being now sent to the Chief Finance Officer, Finance S/C., A.C., asking him to do the amount of 20. Our instructions in regard to the amount have been

in accordance with the

2. The prisoner, who is actually being held in S. Vittore prison, Milan, is therefore at your disposal from the 10th of July 1946.

3. I forward herewith for your information all the evidences in the case etc. relating to Silvagni, which were in possession of this office. All the pending property has been listed and consigned to the Chancellery of the Court (Evidence Office).

4. Another wire is being now sent to the Chief Finance Officer, Finance S/C, A.C., asking him to give instructions in regard to the amount of Lit. 731.600 lire and of 48.000 lire, which have been received from Silvagni.

5. In reply to your request concerning Silvagni's status, I can declare that it is not a custom

t.o.p.

of an A.M.G. officer to entrust a civilian employee with functions of a public officer.

6. However, there is no doubt in the case of Sbragni that he was allowed to act, as he did act, as a public officer. It was proved by the statements made by the witnesses Fumagalli, Tagliarini, Merlini etc. 7. In so far as the purchase of the war prize material is concerned, Capt Outbet was not authorized to sell this material; it had to be denounced to the War Material Appraisal Section at the A.C.

8. If Capt. Outbet has decided for any special reason to sell some captured material of war, he should issue a receipt for the necessary amount and pay the money on the account of the Allied Finance Agency.

9. Therefore a purchase of any kind of war prize material could only be considered as

made by the witnesses Fumagalli, Tagliarini, Merlino etc.
7. In so far as the purchase of the war prize material is concerned, Capt. Outbet was not authorized to sell this material; it had to be denounced to the War Material Hospital Section at the A.C.

8. If Capt. Outbet has decided for any special reason to sell some captured material of war, he should issue a receipt for the necessary amount and pay the money on the account of the Allied Finance Agency.

9. Therefore a purchase of any kind of war prize material could only be considered as a regular one, if these two essential conditions should be observed:

- 1) specific authorization of Capt. Outbet and
- 2) payment of the received amount on the account current of the A.F.A.

t.o.p.

10. When the trial against Straghi will be ended, an urgent communication of the result to this office and to the Chief Legal Advisor, A.C., is hereby requested.

for ^{the Chief} Liaison Officer,

Signed: J. B. Fleetwood, Maj.
Public Safety
Liaison Officer.

File

13A

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

MF/mda.

AC/4129/44/L.

1 June 1946.

SUBJECT) SILVAGNI case.

TO : Ministry of Pardon and Justice.

1. Reference is made to this morning's conversation between Dott. Fiore and Dott. Bonelli on the same subject.

2. It will be very much appreciated if you could request the Pretura of Milan (Dr. Onofri) to dispatch to this Sub-Commission a certified copy of sentence which may have been passed against the above mentioned.

3. Would you kindly consider the matter at your earliest convenience.

D.D. McCORM,
Major, M.C.
for Chief Legal Advisor.

HEADQUARTERS LOMBARDIA REGION LIAISON GROUP ALLIED COMMISSION

PA/37

APO 394

Public Safety Liaison Office
Montecatini Building
Via Albania 20, Milan
Phone 12641 ext. 2041

27 May 1946.

SUBJECT : Prosecution of Silvagni Giovanni.

TO : Chief Legal Advisor,
Legal Sub-Commission, AG.

1. With reference to your AG/4129/44/L of 17/5/1946; as the result of the re-questioning of several of the witnesses etc. new evidence has been obtained the effect of which is that many of the charges are no longer appropriate.

2. The Director of San Vittore Prison has today informed me that Silvagni has been removed to Ospedale Niguarda for an urgent operation for hernia. An independent doctor has confirmed the necessity for this.

3. I have therefore informed Silvagni, and all others concerned that the hearing of the case has been postponed indefinitely and I intend to visit Rome at the earliest possible moment and discuss the whole matter with the Chief Legal Advisor. Owing to the approaching elections I do not expect to be able to visit Rome before the 8th of June.

4. The absence of Cort. Outbet is now proving a great embarrassment to the prosecution as many of the charges depend upon whether or not he gave certain instructions and, in his absence, it is not possible to decide this matter.

5. As there are still other witnesses to be re-questioned it is not possible to submit the files with this report but the following summary of the position regarding each charge (particulars attached) is forwarded for the information of the Chief Legal Advisor.

CHARGE 1.

1. With reference to your AC/4129/44/I of 17/5/1946; as the result of the re-questioning of several of the witnesses etc. new evidence has been obtained the effect of which is that many of the charges are no longer appropriate.
2. The Director of San Vittore Prison has today informed me that Silvagni has been removed to Ospedale Niguarda for an urgent operation for hernia. An independent doctor has confirmed the necessity for this.
3. I have therefore informed Silvagni, and all others concerned that the hearing of the case has been postponed indefinitely and I intend to visit Rome at the earliest possible moment and discuss the whole matter with the Chief Legal Advisor. Owing to the approaching elections I do not expect to be able to visit Rome before the 8th of June.
4. The absence of Capt. Outlet is now proving a great embarrassment to the prosecution as many of the charges depend upon whether or not he gave certain instructions and, in his absence, it is not possible to decide this matter.
5. As there are still other witnesses to be re-questioned it is not possible to submit the files with this report but the following summary of the position regarding each charge (particulars attached) is forwarded for the information of the Chief Legal Advisor.

CHARGE 1.

23

The evidence in respect of the property of the Contessa Castani seems quite clear but the evidence re: the allied property is nowhere near so clear and the position is made more unsatisfactory by Capt. Outlet's written statement (letter of 19/11/1945). "Any military rations found were left behind by me and, as a matter of fact, in reimbursement for meals I had eaten at his home".

Would it not be better to divide this into two separate charges?

**HEADQUARTERS
LOMBARDIA REGION LIAISON GROUP
ALLIED COMMISSION**

APO 394

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CHARGE 2.

This charge has already been tried by the Pretore of Milan and dismissed.

CHARGE 3.

The last phrase in the English version seems to be incorrect. I think this should be - "Obtaining through the sale of the latter a large personal profit".

This "omnibus" charge deals with the following separate transactions:

- a) The alleged misappropriation of two "Topolino" cars.
- b) The obtaining of a third "Topolino".
- c) The sale of steel scaffolding etc. to Belloli Silvestro for 734,700 lire and 48,000 lire.
- d) The sale of 2 barges to Belloli Silvestro for 282,000 lire.
- e) The sale of 1 barge to Pecoli Francesco for 201,000 lire

charge A: This is very difficult to prove in view of the statements made Capt. Outet's in his letters.

charge B: Capt. Outet is apparently quite satisfied this was a legitimate transaction. The car was returned by Silvagni on 3/11/1945.

charge C: I am awaiting a statement from the Chief Finance Officer to prove that the money received was never paid into an IRS account.

charge D: There is very, very little evidence against Silvagni. The transaction was arranged by Avioili; all the money was received by him and, according to him, was paid over to the partisans.

charge E: The money (200,000 lire) received in this case was paid to the local partisans and subsequently recovered from them and paid into an

A.F.A. account.

Silvagni took no direct part in this matter and a very definite statement from the independent and reliable Sindaco of Magenta shows that Capt. Outet was fully aware and approved of what was being done in this case. **22**

CHARGE 3.

The last phrase in the English version seems to be incorrect. I think this should be - "Obtaining through the sale of the latter a large personal profit".

This "omibus" charge deals with the following separate transactions:

- a) The alleged misappropriation of two "Topolino" cars.
- b) The obtaining of a third "Topolino".
- c) The sale of steel scaffolding etc. to Balloli Silvestro for 131,700 lire and 15,000 lire.
- d) The sale of 2 barges to Balloli Silvestro for 282,000 lire.
- e) The sale of 1 barge to Frontali Francesco for 201,000 lire

charge A: This is very difficult to prove in view of the statements made Capt. Outbet's in his letters.

charge B: Capt. Outbet is apparently quite satisfied this was a legitimate transaction. The car was returned by Silvagni on 3/11/1945.

charge C: I am awaiting a statement from the Chief Finance Officer to prove that the money received was never paid into an A.P.A. account.

charge D: There is very, very little evidence against Silvagni. The transaction was arranged by Arioli; all the money was received by him and, according to him, was paid over to the partisans.

charge E: The money (200,000 lire) received in this case was paid to the local partisans and subsequently recovered from them and paid into an A.P.A. account.

Silvagni took no direct part in this matter and a very definite statement from the independent and reliable Cinisio of Macenta shows that Capt. Outbet was fully aware and approved of what was being done in this case. 22

CHARGE 4.

I cannot find any evidence to support this charge. The evidence available is that Arioli received the 15,000 lire and paid it over to the partisans.

CHARGE 5.

Would it not be better to make this into two separate charges?

HEADQUARTERS LOMBARDIA REGION LIAISON GROUP ALLIED COMMISSION

APO 394

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The evidence regarding the butter is not very satisfactory particularly as Capt. Outbet apparently accepts responsibility. I feel that to prove this charge we would require a definite statement from Capt. Outbet that Silvagni had acted without authority. The charge respecting the four tyres has already been considered and dismissed by the Pretore of Milan.

CHARGE 6.

I can find no evidence to support this charge. Silvagni rented a villa at Alessio. When arrested an unsigned copy of a letter addressed to the Commune of Alessio was found amongst his documents. The original cannot be found. There is no evidence that Silvagni wrote the letter and in any case the letter merely asks the Commune of Alessio to see that no one occupies the villa rented by Silvagni.

CHARGE 7.

There is at the moment no evidence to support this charge and there seems very little prospect of obtaining sufficient evidence to secure a conviction.

CHARGE 8.

The "permit" is not a circulation permit but a permit to use allied tyres. The "requisition order" has already been referred to under charge 6. It is not a requisition order. The original cannot be traced and the copy is simply initialed.

CHARGE 9.

This charge has already been dealt with and dismissed by the Pretore of Milan. In his letter of 19/11/1945 Capt. Outbet says:- "Silvagni was given an and permit by me some time ago. The permit was taken from him before I left. He had the pistol for six months with my knowledge. He may have understood that my not taking it away from him amounted to a tacit consent of his right to retain it".

CHARGE 6.

I can find no evidence to support this charge. Silvagni rented a villa at Alessio. When arrested an unsigned copy of a letter addressed to the Commune of Alessio was found amongst his documents. The original cannot be found. There is no evidence that Silvagni wrote the letter and in any case the letter merely asks the Commune of Alessio to see that no one occupies the villa rented by Silvagni.

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There is at the moment no evidence to support this charge and there seems very little prospect of obtaining sufficient evidence to secure a conviction.

CHARGE 8.

The "permit" is not a circulation permit but a permit to use allied tyres. The "requisition order" has already been referred to under charge 6. It is not a requisition order. The original cannot be traced and the copy is simply initialled.

CHARGE 9.

This charge has already been dealt with and dismissed by the Pretore of Milan. In his letter of 19/11/1945 Capt. Outbet says:- "Silvagni was given an armed permit by me some time ago. The permit was taken from him before I left. He had the pistol for six months with my knowledge. He may have understood that my not taking it away from him amounted to a tacit consent of his right to retain it".

The Pretore who rather summarily disposed of the charges against Silvagni is Dr. Crofari who has already been the subject of complaint to your office (ref. my letter PC/37 of 1/4/1946 and your AC/L429/L of 6/4/1946) regarding a case affecting allied interests.

Copy to: C.I.C.

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

FIRST CHARGE:

Charged with the crime under art. 624 of the Italian Penal Code as aggravated under art. 625 (Nos. 1 and 2); art. 61 (Nos. 7 and 11) as read with paras 2 and 3 of art. 61 of the same in that, between approximately 8 July 1945 and 6 November 1945, in many acts of the same criminal intent, he did take and carry away a relevant number of articles, as specified in the attached list, the property of the Countess Gaetani as well as having taken and carried away a relevant quantity of goods, the property of the Allied Forces in such a manner as to be considered as a repeated theft.

FIRMA ACCUSA:

Imputato del reato di cui all'art. 624 del Codice Penale Italiano aggravato ai sensi dell'art. 625 n. 1 e n. 2; 61 n. 7 e n. 11 in relazione all'art. 61, secondo e terzo comma stesso Codice per avere esportato, con più azioni esecutive di un medesimo disegno criminoso, un rilevante numero di oggetti, meglio specificati nella lista allegata di proprietà della Contessa Gaetani, come pure per aver esportato notevole quantità di materiale di proprietà delle Forze Armate Alleate, tanto da costituire il reato di furto continuato, reato commesso tra l'8 luglio e il 6 novembre 1945.

SECOND CHARGE:

For having violated, approximately between 8 July 1945 and 6 November 1945, article 646 of the same code in accordance with the aggravating circumstances under art. 61 (No. 11) in that he did wrongfully appropriate himself of property belonging to Dr. DE MELGAZZI and to LUISA BERGAMASCHI.

SECONDA ACCUSA:

Voncise' imputato del delitto di cui all'art. 646 stesso codice, aggravato ai sensi dell'art. 61 No. 11 per essersi indebitamente appropriato di oggetti di proprietà del Dr. DE MELGAZZI e della Sig. LUISA BERGAMASCHI, reato commesso in un periodo decorrente tra l'8 luglio 1945 e il 6 novembre 1945.

THIRD CHARGE:

For having violated article 514 of the same code in accordance with the aggravating circumstances under art. 61 (No. 7) in that in the exercise of his duties as a Senior Administrative, he did take possession of 3 "topolino" automobiles, as well as other relevant war

SECOND CHARGE:

delle forze armate alleate, tanto da costruire il
di furto continuato, reato commesso tra l'8 luglio e il
6 novembre 1945.

For having violated, approximately between 8 July 1945
and 6 November 1945, article 646 of the same code in
accordance with the aggravating circumstances under art.
61 (No. 11) in that he did wrongfully appropriate himself
of property belonging to Dr. DE BELGAZZI and to LUISA
BERGAMASCHI.

SECONDA ACCUSA:

Nonche' imputato del delitto di cui all'art. 646 stesso
codice, aggravato ai sensi dell'art. 61 No. 11 per
essersi indebitamente appropriato di oggetti di proprie-
ta' del Dr. DE BELGAZZI e della Sig. LUISA BERGAMASCHI,
reato commesso in un periodo decorrente tra l'8 luglio
1945 e il 6 novembre 1945.

THIRD CHARGE:

For having violated article 314 of the same code ^{2b}
in accordance with the aggravating circumstances under art.
61 (No. 7) in that in the exercise of his duties as a
Senior Administrative, he did take possession of 3
"Topolino" automobiles, as well as other relevant war
price material, obtaining through their sale a large
personal profit.

TERZA ACCUSA:

Nonche' del delitto di cui all'art. 314 stesso Codice
Penale aggravato ai sensi dell'art. 61 No. 7 per essersi
appropriato avvalendosi della sua posizione di Senior
Administrative, di 3 Automobili Topolino, di una ingente
quantita' di materiale di preda bellica realizzando ne-
dante la vendita di quest'ultimo un ingiusto profitto.

FOURTH CHARGE:

For having violated art. 316 of the same code, in that in
taking profit by the error of another person he wrongfully
retain money belonging to the Allied Military Govern-
ment due as payment for the sale of a "Tint" motor vehi-
cle the property of said administration.

QUARTA ACCUSA:

Nonche' del delitto di cui all'art. 316 stesso codice in
quanto, traendo profitto da errore altrui, trattene inde-
bitamente somme destinate all'amministrazione (AMG) come
pagamento dovuto per un camioncino Fiat venduto dalla

./.

- 2 -

stessa amministrazione.

FIFTH CHARGE:

For having violated article 347 of the same code as read with paras 2 and 3 of art. 81 in that in abusing of his capacity as public official he did induce, the Provincial Food Administration Office several times assign him various quantity of butter as well as having induced a certain Volentieri Ettore to assign him 4 automobile tyres.

QUINTA ACCUSA:

Nonche' del delitto di cui all'art. 347 stesso codice in relazione all'art. 81 secondo e terzo comma per avere indotto, approfittando della sua qualita' di pubblico ufficiale le Amministrazioni della Sezione Provinciale Alimentazione a cederli in diversi periodi varie quantita' di burro come pure per aver indotto certo Volentieri Ettore a cederli 4 ruote complete di automobile.

SIXTH CHARGE:

For having violated article 347 of the same code as read with art. 56 that in abusing of his capacity as public official he did attempt to avail for his own use a "Villa" in Allassio.

SESTA ACCUSA:

Nonche' del delitto di cui all'art. 347 stesso codice penale in relazione all'art. 56 detto codice per aver tentato di ottenere la disponibilita' di una villa in Allassio abusando dei suoi poteri di pubblico ufficiale.

SEVENTH CHARGE:

For having violated article 367 of the same code in that on or about 25 Sept. 1945 in Abbiategrasso, he did falsely denounce the theft of a "Topolino" automobile.

SETTIMA ACCUSA:

Nonche' del delitto di cui all'art. 367 stesso codice per aver il 25 settembre 1945 in Abbiategrasso falsamente denunciato il furto di una "Topolino".

EIGHTH CHARGE:

For having violated article 467 as read with paras 2 and 3 of article 81 of the Penal Code in that on or about 28 August 1945 he did falsify a circulation permit, as well as a requisition order for a "Villa" in Allassio.

OTTAVA ACCUSA:

Nonche' del delitto di cui all'art. 476 in relazione all'art. 81, secondo e terzo comma del detto codice penale

SIXTH CHARGE:

For having violated article 347 of the same code as read with art. 56 that in abusing of his capacity as public official he did attempt to avail for his own use a "villa" in Alassio.

SESTA ACCUSA:

Nonche' del delitto di cui all'art. 347 stesso codice penale in relazione all'art. 56 detto codice per aver tentato di ottenere la disponibilita' di una villa in Alassio abusando dei suoi poteri di pubblico ufficiale.

SEVENTH CHARGE:

For having violated article 367 of the same code in that on or about 25 Sept. 1945 in Abbiategrasso, he did falsely denounce the theft of a "Topolino" automobile.

SETTIMA ACCUSA:

Nonche' del delitto di cui all'art. 367 stesso codice per aver il 25 settembre 1945 in Abbiategrasso falsamente denunciato il furto di una Topolino.

EIGHTH CHARGE:

For having violated article 467 as read with paras 2 and 3 of article 84 of the Penal Code in that on or about 28 August 1945 he did falsify a circulation permit as well as a requisition order for a "villa" in Alassio.

OTTAVA ACCUSA:

Nonche' del delitto di cui all'art. 476 in relazione all'art. 84, secondo e terzo comma del detto codice penale per aver falsificato un permesso di circolazione come pure per avere falsificato un ordine di requisizione per una villa d Alassio in data 28 agosto 1945.

NINTH CHARGE:

For having violated article 699 of said Penal Code in that he did unlawfully carry arms outside his dwellings or appurtenances thereof without a licence from the authorities.

NONA ACCUSA:

Nonche' della contravvenzione di cui all'art. 699 detto codice penale per aver portato fuori della propria abitazione un'arma da fuoco senza la prescritta licenza.

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: 27128

Date/Time of Origin: 281415

Message Centre No: H/3402

Date Time Rec'd: MAY 290930

Precedence: ROUTINE

FROM: LOMBARDIA REG LIAISON GROUP P SAFETY DIV SIGNED FLEETWOOD

TO : MAJOR MC COIM LEGAL SUB COMMISSION AC FOR HANCOCK

RESTRICTED

RESTRICTED

Silbagni trial postponed indefinitely. Detailed report submitted to C I advisor. Will visit Rome after elections to discuss entire matter.

AC DIST

ACTION: LEGAL SC 2

INFC: CHIEF COMMISSIONER

CIV AFFAIRS

FLOAT 2

FILE

HEADQUARTERS

29 MAY 1946

C

LEGAL SUB COM

CLO

RESTRICTED

RESTRICTED

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AC DIST

ACTION: LEGAL SC 2

INFO: CHIEF COMMISSIONER

CIV AFFAIRS

FLCAT 2

FILE

HEADQUARTERS

29 MAY 1946

LEGAL SUB COM

CLO

DCLO

Chief Counsel

W. J. MacCabe

Italian Section

CL RKS

29 May 46

RESTRICTED

18

ACTION

27128
281415

H/3402
MAY 290930

ROUTINE
LOMBARDIA REG LIAISON GROUP P SAFETY DIV SIGNED FLEETWOOD
MAJOR MC COIM LEGAL SUB COMMISSION AC FOR HANCOCK

RESTRICTED

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to C L adviser. Will visit Rome after elections to discuss entire matter.

RESTRICTED

AC DIST

ACTION: LEGAL SC 2

INFO: CHIEF COMMISSIONER

CIV AFFAIRS

FLOAT 2

FILE



RESTRICTED

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB COMMISSION

AC/4123/44/L

DDMC/na
17 May 1946.

SUBJECT : Trial of SILVAGNI Giovanni.

TO : Chief Liaison Officer (Attn: Public Safety L.O.)
Lombardia Liaison Group
Allied Commission

Reference your PS/37 of 13 May 1946 with letter from defence avvocato applying for the attendance of Captain M.A. Outhet at the above trial.

1. It has always been the custom of Allied Military Courts to assist the defence in securing the attendance of essential witness and that assistance has usually taken the form of citing witnesses within the Court's jurisdiction and assisting with travel difficulties. In this case Captain Outhet is believed to be in Canada and the Court officers have no power of citation.

2. Any application through higher authority to secure his attendance would involve stating in full most convincing grounds requiring his attendance: certainly much more than a general ability to depose on many of the circumstances. It being a principle of the justice administered by Allied Military Courts that the accused is innocent until he is proved guilty the grounds for requiring the attendance of a defence witness must be all the stronger before they can be considered adequate.

3. Keeping in mind that the prosecution must prove a prima facie case before the defence is even called upon this Sub Commission is not prepared to take steps meantime to have Captain Outhet present. It will of course be open to the defence to make the application at the trial both before the hearing of the prosecution case and before opening the defence

- 2 -

if a prima facie case is held to have been made. It will then be for the Court, with a full knowledge of the facts, to make a decision.

JOHN K. WEBER,
Colonel, Infantry,
Chief Legal advisor;

4178141
 HEADQUARTERS
 LOMBARDIA REGION LIAISON GROUP
 ALLIED COMMISSION

PS/37

APO 394
 Public Safety Liaison Office
 Montecatini Building
 Via Albina 20, Milan
 Phone 12641 ext. 2041

13th May 1946

SUBJECT : Trial of Silvagni Giovanni.
 TO : Chief Legal Advisor,
 Legal Sub-Commission, AC.

1. The attached letter is self explanatory.
2. The trial of Silvagni Giovanni has been fixed to commence at the Palazzo di Giustizia, Milan, at 10 a.m. on Tuesday 21/5/1946.
3. Every effort will be made to have the case ready by that time but this will only be accomplished at the cost of great interference with the work of this office and even then this may not be possible to achieve.
4. A signal will be sent as soon as it seems probable that the case will not be ready by the 21st and in that case the hearing will be postponed until after the elections - probably until about the 7th of June.

To: the Chief Liaison Officer,

J. B. Westwood
 J. B. WESTWOOD, Major
 Public Safety
 Liaison Officer

LEGAL SUB COMMISSION

C/O

13

Legal Sub-Commission, AG.

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3. Every effort will be made to have the case ready by that time but this will only be accomplished at the cost of great interference with the work of this office and even then this may not be possible to achieve.
4. A signal will be sent as soon as it seems probable that the case will not be ready by the 21st and in that case the hearing will be postponed until after the elections - probably until about the 7th of June.

For the Chief Liaison Officer,

B. H. Llewellyn Jones
 J. A. FLEETWOOD, Major
 Public Safety
 Liaison Officer

LEGAL SUB COMMISSION	
CLO	
Copy to: Chief Liaison Officer, LEG.	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
16 May 46	

encl,

Avv Proc GUIDO FRATI

MILANO

VIA G. MAYR, 10 (PIAZZA TRICOLORI)
TELEF. 76.385

Milano, 10 Maggio 1946

Al Magg. J. B. FLEETWOOD,
Public Safety Liaison Office,
Palazzo Montecattini,
MILANO.

Nel processo a carico di SILVAGNI GIOVANNI avanti
il Tribunale Militare Allicato, fissato per l'udienza del
21 Maggio p.v., il sottoscritto Avv. Guido Frati, nella
sua qualità di difensore, fa istanza perchè sia sentito
come testimone a discarico il Sig. Capitano R.A. OUTHET,
residente a Kirkland Lake, Ontario, Canada (c/o O'Neera &
Burns - Barristers).

Il Capitano Outhet, già Governatore di Magenta dal
Giugno all'Ottobre del 1945, era a quotidiano contatto col
suo dipendente Sig. Silvagni sia per ragioni d'ufficio sia
perchè abitò con lui per diversi mesi nella stessa villa in
Magenta. Egli è quindi in grado di deporre su molte delle
circostanze di cui ai vari capi d'accusa.

La sua presenza al processo è pertanto ritenuta
essenziale ed indispensabile della difesa, ai fini di
giustizia.

Con ossequio,

I/

sua qualità di difensore, fa istanza perchè sia sentito come testimone a discarico il Sig. Capitano R.A. OUTHET, residente a Kirkland Lake, Ontario, Canada (c/o O'Meara & Burns - Barristers).

Il Capitano Outhet, già Governatore di Magenta dal Giugno all'Ottobre del 1945, era a quotidiano contatto col suo dipendente Sig. Silvagni sia per ragioni d'ufficio sia perchè abitò con lui per diversi mesi nella stessa villa in Magenta. Egli è quindi in grado di deporre su molte delle circostanze di cui si veri capi d'accusa.

La sua presenza al processo è pertanto ritenuta essenziale ed indispensabile dalla difesa, ai fini di giustizia.

Con ossequio,



Avv. Guido Frati.

HEADQUARTERS ALLIED COMMISSION
APO 94
LEGAL SUB COMMISSION

AC/4129/44/L

MF/nb

15 April 1946.

SUBJECT : SILVAGNI case.

TO : A.C. Liaison Officer (Att: Major Fleetwood)
MILAN.

1. Herewith attached files No. 1 and 2 pertaining to the above mentioned case.

2. The charge sheets and forms 8 (two copies) requested by Major Mc Cola are also enclosed herewith.

3. This Sub Commission has approached the Ministry of Justice in order to ascertain whether any "istruttoria" is pending before the Italian judicial authorities against Silvagni or whether any decision has been issued in this case.

4. As Dr. Fiore pointed out to Major Mc Cola it is very unlikely that the proceeding referred to in para 3 above took place without knowledge of this Sub-Commission.

5. We shall advise you by signal as soon as the answer of the Ministry is obtained.

By command of Rear Admiral STONE :

H.J. ATKINSON,
Lt. Colonel, IGD,
Acting Chief Counsel.

SILVAGNI Giovanni fu Carlo e fu TROILI Maria, born at Cairo (Egypt) on 6 December 1896, previously residing at No.4 Via Giotto Magenta. Interpreter at the service of the Allied Forces now under arrest.

- a) Charged with the crime under art. 624 of the Italian Penal Code as aggravated under Art. 625 (Nos. 1 and 2); art. 61 (Nos. 7 and 11) as read with paras 2 and 3 of art. 81 of the same in that, between approximately 8 July 1945 and 6 November 1945, in many acts of the same criminal intent, he did take and carry away a relevant number of articles, as specified in the attached list the property of Countess Gaetani, as well as having taken and carried away a relevant quantity of goods, the property of the Allied Forces in such a manner as to be considered as a repeated theft.
- b) For having violated, approximately between 8 July 1945 and 6 November 1946, art. 646 of the same code in accordance with the aggravating circumstances under art. 61 (No. 11) in that he did wrongfully appropriate himself of property belonging to Dr. DE BERGAMAZZI and to Luisa BERGAMASCHI.
- c) For having violated article 314 of the same code in accordance with the aggravating circumstances under art. 61 (No. 7) in that in the exercise of his duties as a Senior Administrative, he did take possession of 3 "Topolino" automobiles, as well as other relevant war Prize material, obtaining through their sale a large personal profit.
- d) For having violated Article 316 of the same code, in that in taking profit by the error of another person he did wrongfully retain money belonging to the Allied Military Government due as payment for the sale of a "Piat" motorvehicle the property of the said administration.
- e) For having violated art. 317 of the same code as read with paras 2 and 3 of Art. 81 in that in abusing of his capacity as public official he did induce, the Provincial Food Administration Office several times assign him various quantity of butter as well as having induced a certain Volentieri Vittore to assign him 4 automobile tyres.
- f) For having violated article 317 of the same code as read with art. 56 in that in abusing of his capacity as public official he did attempt to avail for his own use a "Villa" in Allassio.

- g) For having violated article 367 of the same code in that on or about 25 March 1945, at Abbiategrasso, he did falsely denounce the theft of a "Topolino" automobile.
- h) For having violated article 476 as read with paras 2 and 3 of Article 81 of the Penal Code in that on or about 28 August 1945 he did falsify a circulation permit as well as a requisition order for a "Villa" in Alassio .
- i) For having violated article 699 of said Penal Code in that he did unlawfully carry arms outside his dwellings or appatenances thereof without a licence from the authorities.

SILVAGNI Giovanni fu Carlo e fu Moroli Maria, nato al Cairo (Egitto) il 6 dicembre 1896, già residente a Magenta, Via Giotto No. 4, interprete presso il Governo Militare Alleato di Magenta, detenuto.

A) Imputato del reato di cui all'art. 624 Codice Penale Italiano aggravato ai sensi dell'art. 625 No. 1 e 2; 61 No. 7 e No. 11 in relazione all'Art. 81, secondo e terzo comma stesso codice per avere asportato, con più azioni esecutive di un medesimo disegno criminoso, un rilevante numero di oggetti, meglio specificati nella lista allegata, di proprietà della Contessa Gaetani, come pure per aver asportato notevole quantità di materiale di proprietà delle Forze Armate Alleate tanto da costituire il reato di furto continuato, reato commesso tra l'8 luglio e il 6 novembre 1945;

B) Nonchè imputato del delitto di cui all'art. 646 stesso codice, aggravato ai sensi dell'art. 61 No. 11 per essersi indebitamente appropriato di oggetti di proprietà del Dott. DE FIGAZZI e della Sig. Luisa BERG. MASCHI reato commesso in un periodo decorrente tra l'8 luglio 1945 e il 6 novembre 1945;

C) Nonchè del delitto di cui all'art. 314 stesso codice Penale aggravato ai sensi dell'art. 61 No. 7 per essersi appropriato, avvalendosi della sua posizione di Senior Administrative, di 3 automobili Topolino nonchè di un'ingente quantità di materiale di preda bellica realizzando mediante la vendita di quest'ultimo un ingiusto profitto.

D) Nonchè del delitto di cui all'art. 316 stesso Codice in quanto, traendo profitto da errore altrui, trattene indebitamente somme destinate all'Amministrazione (A.M.G.) come pagamento dovuto per un camioncino Fiat venduto dalla stessa Amministrazione.

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E) Nonchè del delitto di cui all'art. 317 stesso codice in relazione all'art. 81 secondo e terzo comma per aver indotto, approfittando della sua qualità di pubblico ufficiale le Amministrazioni della Sezione Provinciale Alimentazione a cedergli in diversi periodi varie quantità di burro come

pure per aver indotto certo VOLANTIERI Ettore a cedergli 4 ruote complete di automobile.

F) Nonchè del delitto di cui all'art. 317 stesso codice penale in relazione all'56 detto codice per aver tentato di ottenere la disponibilità di una villa in Alassio abusando dei suoi poteri di pubblico Ufficiale.

G) Nonchè del delitto di cui all'art. 367 stesso codice per aver il 25 marzo 1945 in Abbiategrasso falsamente denunciato il furto di una Topolino.

H) Nonchè del delitto di cui all'art. 476 in relazione all'art. 81, secondo e terzo comma del detto codice penale per aver falsificato un permesso di circolazione come pure per aver falsificato un ordine di requisizione per una villa ad Alassio in data 28 agosto 1945.

I) Nonchè della contravvenzione di cui all'Art. 699 detto codice penale per aver portato fuori della propria abitazione un'arma da fuoco senza la prescritta licenza.

for 4/4/46

(YA)

I, M. CARR, Brigadier, C.B.E.M.C. by virtue of the powers conferred upon me by the General Officer Commanding the Allied Forces in Italy and Military Governor, hereby and on behalf of the Military Governor appoint Maj. D.D. McCORM to sit as a Superior Military Court for the trial of Giovanni SILVAGNI and such other persons who may be brought before it in Milan.

Dated this 30th day of March 1946.

M Carr Brigadier

M. CARR,
Brigadier,
V.P. CA Sec.

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4129/44

HEADQUARTERS
LOMBARDIA REGION LIAISON GROUP
ALLIED COMMISSION
APO 394

07

Office of the Chief Liaison Officer

LOMB/CLO/24

15 January 1946.

SUBJECT: Trial of Giovanni Silvagni

TO : Executive Commissioner, Allied Commission,
APO 394.

1. The above case, of which the papers are submitted herewith, was discussed with Lt. Col. Hannaford during his recent visit.
2. Although it is now the policy to defer trials of this kind to the Italian Courts, in view of the opinion expressed by the Procuratore Generale of Turin and the fact that local authorities and opinion at Magenta continue to invoke the justice of an Allied Military Court, I think it is desirable that an exception be made in this instance.
3. I understand that Maj. McCole of Turin is available, has studied the case, and is ready to sit as a Superior Court. The additional officers necessary can be obtained from either 59 Area or 2 District.
4. I trust this recommendation may receive favorable consideration.

LEGAL SUB COMMISSION

CLO

→ DCLO

Chief Counsel

Enclosures

Copy to: Lt. Col. G. Hannaford,
Deputy Chief Legal Advisor,
RKS HQ, Allied Commission, APO 394.

18 Jan 46

A. N. Hancock

Col. A. N. HANCOCK, O.B.E.
Chief Liaison Officer.

5A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB COMMISSION

AC/4129/44/L

JAW/ns
24 January 1946.

SUBJECT: Case of SILVAGNI Giovanni

TO : Chief Liaison Officer,
LOMBARDIA Region Liaison Group.

1. See your letter 15 January 1946, LOMB/CLO/I, above subject.
2. Confirming telephone conversation Colonel Weber-Colonel Hancock, the Chief Civil Affairs Officer has approved the request that the above case be tried by an Allied Military Government Court. In this connection, attention is drawn to Article 3, Consolidated Instructions.
3. May we be advised of the names of the personnel to constitute the Court, so that the proper order may issue?
4. The record of investigation is returned herewith.

By command of Rear Admiral STONE :

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

4A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

JKW/pa.

21 Jan 46.

AC/4129/L.

SUBJECT : Trial of SILVAGNI Giovanni.

TO : Chief Commissioner.

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 adopted 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.

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

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.

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

Incls.

Approved

EWS

LL

*23
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HEADQUARTERS ALLIED COMMISSION

AWO 394

LEGAL SUB COMMISSION

AWO/4013/3/-

C/L/MS

21 January 1946

SUBJECT : Minutes of meeting of 19th inst.

TO : The Minister of Justice.

I beg to confirm the minutes of the meeting which took place at your office at 11.45 Saturday last at which were present besides yourself, Col. Weber, Sig. Bonelli and myself.

Agreement was reached on the following points : -

1) Case of Giovanni Silvegini -

In order to placate the population of Legnano anxious to see Silvegini promptly brought to justice and considering the inevitable delays and complications which Italian procedure would entail, the Minister is of opinion that it would be more expedient to have Silvegini tried by an AMG Court on the condition that this action would not be taken as constituting a precedent. It was therefore agreed that C.L.A. would request A.M. to grant the necessary authority to convene an AMG Court in Milan to try Silvegini at the earliest possible date.

2) Situation at Livorno -

The Minister agrees to give instructions for a special session of the Tribunale to be constituted as soon as possible to deal exclusively with offences against Allied interests. The Minister is adverse to the reopening of AMG Courts.

3) Sale of Captured and abandoned vehicles by AMG to private citizens and firms. -

In order to clarify the situation in respect of the above; considering the overwhelming difficulties which would arise from an attempt to adjudicate on the bona fide of each claim,

1) Case of Giovanni Silvegni -

In order to placate the population of Legnano anxious to see Silvegni promptly brought to justice and considering the inevitable delays and complications which Italian procedure would entail, the Minister is of opinion that it would be more expedient to have Silvegni tried by an AMG Court on the condition that this action would not be taken as constituting a precedent. It was therefore agreed that C.L.A. would request A.M. to grant the necessary authority to convene an AMG Court in Milan to try Silvegni at the earliest possible date.-

2) Situation at Livorno -

The Minister agrees to give instructions for a special session of the Tribunale to be constituted as soon as possible to deal exclusively with offences against Allied interests. The Minister is adverse to the reopening of AMG Courts.

3) Sale of Captured and abandoned vehicles by AMG to private citizens and firms. -

In order to clarify the situation in respect of the above; considering the overwhelming difficulties which would arise from an attempt to adjudicate on the bank side of each claim, the Minister will give instructions to all Procuratori Generali in the following sense: All Italian or enemy vehicles, either abandoned or captured by the Allies, which have been sold by AMG to Italian private individuals or firms shall be deemed to have become their legal property. Procuratori will inform M.C.I., I.M. and other Italian agencies that the sales by AMG to Italian citizens constitute proper transfer of ownership and title to the purchaser and that such vehicles can now be regularly registered in the names of the said purchasers.-

G.G. HAMILTON,

Lt. Colonel,

Deputy Chief Legal Advisor.

HEADQUARTERS
LOMBARDIA REGION LIAISON GROUP
ALLIED COMMISSION
APO 394

Office of the Chief Liaison Officer

LOMB/CLO/1

15 January 1946.

SUBJECT: Trial of Giovanni Silvagni

TO : Executive Commissioner, Allied Commission,
APO 394.

1. The above case, of which the papers are submitted herewith, was discussed with Lt. Col. Hannaford during his recent visit.

2. Although it is now the policy to defer trials of this kind to the Italian Courts, in view of the opinion expressed by the Procuratore Generale of Turin and the fact that local authorities and opinion at Magenta continue to invoke the justice of an Allied Military Court, I think it is desirable that an exception be made in this instance.

3. I understand that Maj. McCollm of Turin is available, has studied the case, and is ready to sit as a Superior Court. The additional officers necessary can be obtained from either 59 Area or 2 District.

4. I trust this recommendation may receive favorable consideration.

Wiffanock Col

Col. A. N. HANCOCK, O.B.E.
Chief Liaison Officer.

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2. Although it is now the policy to defer trials of this kind to the Italian Courts, in view of the opinion expressed by the Procuratore Generale of Turin and the fact that local authorities and opinion at Magenta continue to invoke the justice of an Allied Military Court, I think it is desirable that an exception be made in this instance.

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4. I trust this recommendation may receive favorable consideration.

C. N. Hancock Col

Col. A. N. HANCOCK, O.B.E.
Chief Liaison Officer.

Enclosures

Copy to: Lt. Col. G. Hannaford,
Deputy Chief Legal Advisor,
HQ. Allied Commission, APO 394.

1A

COPY

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. SECTION
AFO 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.

(Sgd) M.S. LUSH
M.S. Lush,
Brigadier
Executive Commissioner.

Copy to:

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

1

