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OFFENSES BY AL
PROPERTY
MAY 1944 - JAN

00/142/835

OFFENSES BY ALLIED FORCES AGAINST ITALIAN PERSONNEL &
PROPERTY
MAY 1944 - JAN. 1947

4143

A.C.



MINISTERO DI GRAZIA E GIUSTIZIA

IL CAPO DI GABINETTO DI S. E. IL MINISTRO

Roma, 30. 1. 1947

M. 5/3-Pr.

Ill.mo Sig. Colonnello HANNAFORD
Commissione Alleata-Divisione Legale
R O M A

In relazione alla Sua autorevole lettera del 21 corrente, mi prego informarla che è stato telegrafato ufficialmente al Primo Presidente della Corte di Appello di Napoli per chiarire, ai fini delle condizioni di procedibilità, nei termini segnalatimi, la posizione del Sig. Ledger. Il suddetto Primo Presidente è stato anche interessato sull'opportunità di rinviare la causa fino a quando sarà proceduto agli accertamenti del caso.

Mi riservo farle tenere ulteriori comunicazioni e, intanto, Le porgo i miei migliori saluti

(A. Emiliani Pescetelli)

O.G.

156

4143

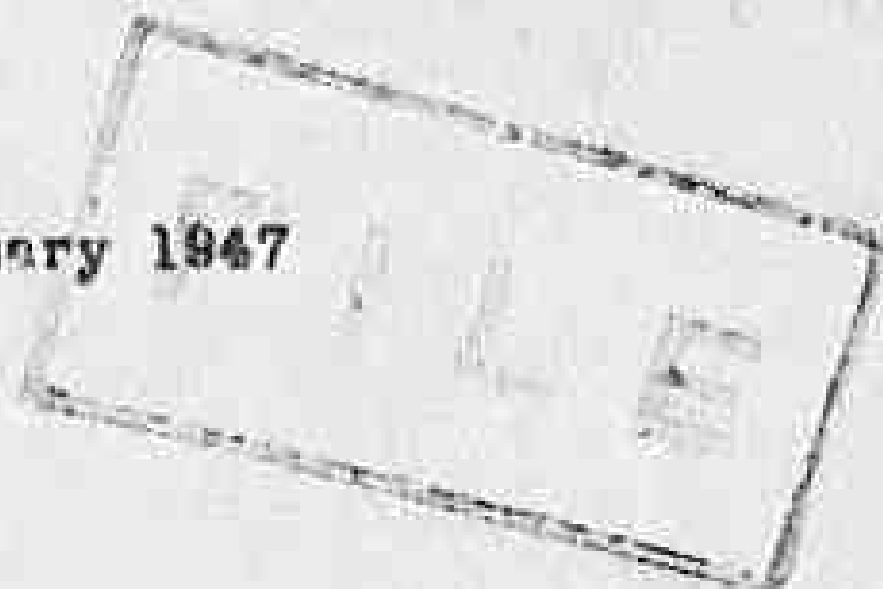
HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL DIVISION

CONFIDENTIAL

92A

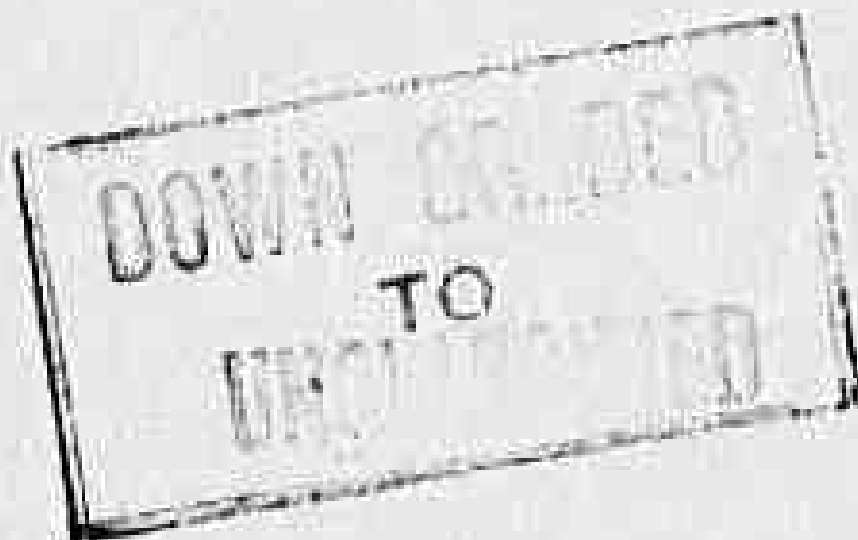
4005/L

25 January 1947



SUBJECT : Officer's Debts
TO : Lt. Col. S. C. Tomlin
Commanding
British Troops in Rome

1. Reference your letter 33A of 23 January 1947.
2. In the case of debts incurred by British officers for hotel bills, money lent, repairs to motor cars, and similar items, the correct procedure would be for the creditor to submit to your Headquarters a bill with full facts and details as to dates, the goods or services supplied, and the amount claimed in respect of each item. The Commanding Officer should then call upon the debtor to pay the bill submitted. If he fails to do so within a reasonable time, say 14 days, it is suggested that you inform the creditor that he has the right to take proceedings in an Italian Court against the officer debtor, provided he obtains the prior consent of the Supreme Allied Commander, Mediterranean Theater, to such proceedings, as provided in Art. 12 of the terms of Restoration of Italian Territory; and further, that if he desires to take such steps he should apply through your Headquarters to the Supreme Commander for his consent.



MUSGRAVE THOMAS
Italian Branch
for Chief Legal Adviser

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

CONFIDENTIAL

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HEADQUARTERS ALLIED COMMISSION
SFO 794
LEGAL DIVISIONEnter and
FILE
91A

AS/1143/L.

WF/rf.
21 January 1947.

SUBJECT : Mr. E. LEGER (ex T/Capt P.A.).

TO : R.R. Dr. IMILIANI-PROGITTOLI
Chief of Cabinet
Ministry of Pardon and Justice.

My dear Dr. IMILIANI,

May I call your personal attention to a question which deserves your earliest consideration. I am advised that a certain Mr. E. LEGER soon will be brought to trial in Naples before the Penal Tribunal there. The date established in this connection is 4 February 1947. It would appear that there has been some misunderstanding as to the status of this person. In fact Mr. LEGER is subject to Military Law and is still to be considered as a member of Allied Forces within the meaning of para 13 of Terms of Restoration of Territory - Document A of Armistice Terms. It seems evident therefore that he should not be tried without the approval of the Commander in Chief of the Allied Forces. Such approval is, in my mind, a definite condition precedent of "procedibilita'" in his case.

Under these circumstances I would be grateful if you will take necessary steps for the adjournment of the trial of Mr. LEGER at this time. Then, as soon as practicable, you will be advised whether a trial by an Italian Court or, in the alternative by the British Military Court, accords with the approval of the Commander in Chief.

Your early consideration of this matter will be appreciated.

I am glad of this opportunity to express to you my best personal regards.

G.O. HANNAFOOD,
Lt. Colonel,
Deputy Chief Legal Advisor.

15.

4143

90A

CONFIDENTIALHEADQUARTERS
ROME AREA ALLIED COMMAND

SUBJECT: Mr E. LEDGER (Ex T/Capt R.A.)

DC/14/2
17 Jan 47

TO : Legal Adviser of the Allied Commission

The case of Mr E. LEDGER against whom proceedings are being taken in the Italian Court at NAPLES is referred to you.

The Ministry of Supply in ROME informed me this morning of this case and request advice.

The case is down for trial at NAPLES on the 4th FEB 47 along with other civilians involved in the alleged offenses. Mr LEDGER, however, in his capacity of an ex-officer having held an Emergency Commission is a person still subject to military law. Special Army Order 83/45 refers.

Paragraph 13 of the Terms of Restoration of Territory, Document 'A' of the Armistice Terms, states that a person subject to military law may not be charged in the Italian courts without the consent of the C-in-C of the Allied Forces.

This matter should be referred by the Ministry of Supply to GHQ for a decision as to whether the C-in-C considers it advisable to give his consent for trial in the Italian Courts or not. The alternative to this being that Mr LEDGER should be recalled and tried before a military court.

In any case it appears essential that the trial in the Italian Courts on the 4th February should be postponed until the C-in-C has given his decision. It is felt necessary that the Italian Court in NAPLES should be warned that if they do proceed without the C-in-C's permission it would be an infringement of the Treaty Terms, and would probably result in the quashing of the case.

Mr LEDGER is not in my Area nor did he commit any alleged offences in my Area. I can therefore only advise you as far as I am able from the proceedings which have been shown to me by the Ministry of Supply.

*S.C. Tomlin*S.C. TOMLIN
Lieutenant-Colonel
Commanding
British Troops in ROME

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Copy to: Ministry of Supply

4-14-3

FILE

89A

From Judge Advocate Gen.
 AM Sol Gen P. ~~Gen~~ MTOUSA

Ralph V. Meach ~~334~~
 34504601 is confined
 in Italian Jail
 Campo Base. Italians
 refuse to release to
 PM at Foggia
 Request for
 order release to PM
 Foggia

Advise by phone
 official at Rome
 Camp 13000.

152

James J. Baker
 Judge

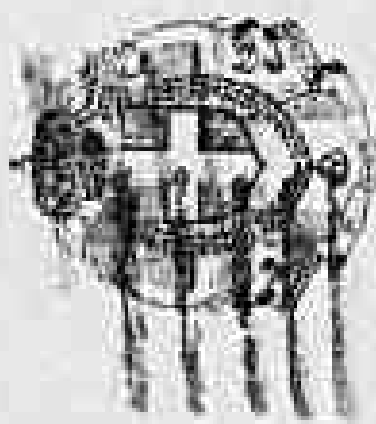
P.L.

10/10/66 - 10/11/66 - 10/12/66

53762 - Pine + Lls

Mod. 462 NIGG

Roma. 30 novembre 1946 A



U. Guadagnigelli

MINISTRO DI GRAZIA E GIUSTIZIA

mc/4348-1

ALLA COMMISSIONE ALLEATA
Divisione di P.S.

R o m a

OGGETTO: Detenzione di personale dell'Esercito americano.

Ralph V. Mead.

Con riferimento alla lettera odierna diretta al Ministero dell'Interno comunicasi che l'autorità giudiziaria di Campobasso interpellata dallo scrivente ha reso noto che il soldato americano in oggetto è già stato tradotto a Benevento.

Nel contempo è stato inviato un telegramma al Procuratore della Repubblica presso il tribunale di Benevento affinché, previ accertamenti del caso, venga disposta la consegna del soldato americano anzidetto al Provost Marshal Americano.

OGGETTO: Detenzione di personale dell'Esercito americano.

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Si fa riserva di ulteriori comunicazioni.

IL MINISTRO

Moriconi

TRANSLATION

MINISTRY OF PARDON AND JUSTICE

UC/4348-1

30 Nov 46

SUBJECT : Detention of members of the American Army -
Ralph V. Mead.

TO : Allied Commission

With reference to the letter of even date addressed to the Ministry of Interior, you are informed that the Judicial authorities of Campobasso on my request has communicated that the American soldier Ralph V. Mead has been transferred to Benevento.

In the meantime a cable has been sent to the Procura della Repubblica at the Tribunal of Benevento in order that the above soldier be handed over to the American Provost Marshal after the case is duly investigated.

Further information will be sent on the above matter.

THE MINISTER

(signature illegible)

150

Judicial authorities of Campobasso in my request has communicated that the American soldier Ralph V. Mead has been transferred to Benevento.

In the meantime a cable has been sent to the Procura della Repubblica at the Tribunal of Benevento in order that the above soldier be handed over to the American Provost Marshal after the case is duly investigated.

Further information will be sent on the above matter.

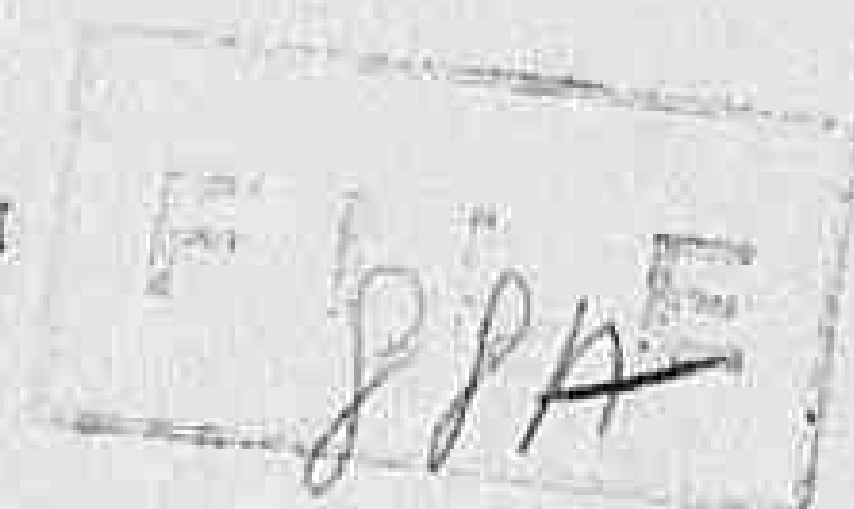
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THE MINISTER

(signature illegible)

Translated by Mrs. Pisapia.

HEADQUARTERS ALLIED COMMISSION
AFO 794
LEGAL DIVISION



AC/4143/L

MT/ns
15 January 1947.

SUBJECT : Proceedings against U.S. Deserter,
"Il Moro", chief of an armed band.

TO : G-5 : AFHQ.

1. Forwarded herewith is a self-explanatory report from the Italian judicial authorities in Livorno for such action, if any, as may be considered necessary.

For the Chief Commissioner :

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

4143

Fm



Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE E DEL CASELLARIO

Mod. 404

Roma, 9 gennaio 1947

ALLA COMMISSIONE ALLEA-
TA Sottocommissione Lega-
le ROMA

Ufficio II A.P.

Prot. N° 9.23.3491

Risposta al fedel

Dir. Sec. N°

OGGETTO: Disertore dell'Esercito Americano, det-
to "Il Moro", capo di una banda armata.

All. I

e per con:

All'UFFICIO COLLEGAMENTO - Gab.
SEDE

Si invia a codesta Sottocommissione Lega-
le copia del rapporto n.4984, in data 28 novembre
scorso, dal Procuratore della Repubblica in Li-
vorno e si prega di voler fare conoscere se le
Autorità Alleate intendano procedere giudiziarial-
mente a carico dell'indicato suddito americano, o
vero autorizzino il procedimento innanzi le Auto-
rità Giudiziarie Italiane.

del MINISTRO
(A. Spallanzani)

TRANSLATION -

MINISTERO DI GRAZIA E GIUSTIZIA
Direzione Generale
degli Affari Penali delle Grazie
e del Casellario

Roma, 9 gennaio 1947

Uff II A.P.
Prot. 9.23.3491

ALLA COMMISSIONE ALLEATA
Sottocommissione Legale

R O M A

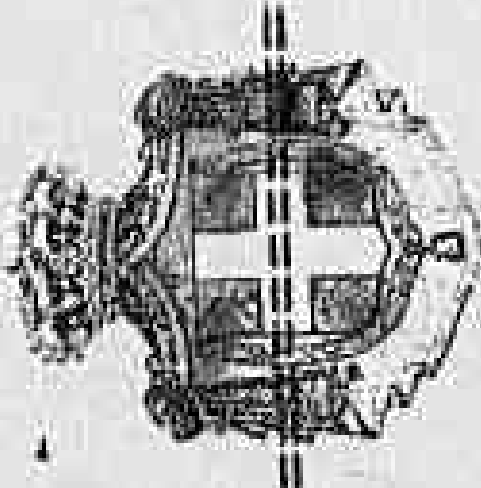
SUBJECT : U.S. Army Deserter "IL MORO", chief
of an Armed Band.

Copy of report N° 4984, dated November 28th last,
of the "Procuratore della Repubblica" of Livorno is
hereby forwarded to you, and information is requested
whether the Allied authorities intend to proceed against
the above-mentioned American citizen, or authorize that
the proceeding be heard by the Italian Judicial authorities.

For the MINISTER

Sgd.: A. Spallanzani.

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Ministero di Giustizia
DIREZIONE GENERALE AFFARI PENALI

COPIA

PROCURA DELLA REPUBBLICA DI LIVORNO

Livorno, 28 novembre 1946

N. 4984/R.G.

AL PROCURATORE GENERALE DELLA REPUBBLICA

FIRENZE

OGGETTO: avviso di reato - Conflitto tra banditi e forza pubblica con morte di un agente di P.S., rapina a mano armata e organizzazione di banda armata.

La mattina del 21 c.m. la Questura di Livorno, a seguito di rapina a mano armata avvenuta nei giorni precedenti in località Calambrone, decise di compiere una operazione di polizia in quei luoghi ed una colonna di agenti di P.S. si recò sul posto. Mentre procedeva lungo la ferrovia Livorno-Pisa incontrò dei giovani ai quali intimò il fermo e chiese i documenti di riconoscimento ma uno di costoro, identificato per ORLANDI Elio di Armando estrasse di tasca una pistola e sparava a breve distanza parecchi colpi addosso al primo agente che gli si era avvicinato, uccidendolo. L'agente è BIAGINI Silvano fu Dino di anni 22; l'altro dei banditi sparava contro gli agenti e si colluttavano con loro finchè il maresciallo MORERA non riusciva a colpirlo alla testa con un calcio del moschetto producendogli lesione alle ossa del cranio, con conseguente morte dello stesso colpito, il quale è stato identificato per LENZI Valentino.

Altri quattro giovani che assistettero al conflitto senza prendere

La mattina del 21 c.m. i banditi precedenti in località Calambrone, ma a mano armata avvenuta nei giorni precedenti in quei luoghi ed una colonia decise di compiere una operazione di polizia in quei luoghi ed una colonia di agenti di P.S. si recò sul posto. Mentre procedeva lungo la ferrovia Livorno-Pisa incontrò dei giovani ai quali intimò il fermo e chiese i documenti di riconoscimento ma uno di costoro, identificato per ORLANDO DI ELIO di Armando estrasse di tasca una pistola e sparava a breve distanza parecchi colpi addosso al primo agente che gli si era avvicinato, uccidendolo. L'agente è BIAGINI Silvano fu Dino di anni 22; ~~il~~ altro dei banditi sparava contro gli agenti e si colluttavano con loro finchè il maresciallo MORERA non riusciva a colpirlo alla testa con un calcio del moschetto producendogli lesione alle ossa del cranio, con conseguente morte dello stesso colpito, il quale è stato identificato per LENZI Valentino.

Altri quattro giovani che assistettero al conflitto senza prendervi parte fermati perchè facenti parte della banda sono: MAZZATONI Giancarlo di Anacleto di anni 15, NARDELLI Luigi di Cino di anni 15, STEFANO Vincenzo di anni 18, GIANFORCHETTI Aldo di Armando di anni 18.

La polizia nei giorni seguenti ha proceduto ad altri rastrellamenti nella località procedendo all'arresto di altre numerose maggiori persone ed accertando che avevano commesso rapine ed estorsioni nei

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T R A N S L A T I O N

Livorno, 23 Novembre 1946.

MINISTRY OF ARDON AND JUSTICE
General Direction of Penal
Affairs

PROCURA DELLA REPUBBLICA DI
L I V O R N O

N° 4984/R.G. AL PROCURATORE GENERALE DELLA REPUBBLICA

FIRENZE

SUBJECT : Report - Shooting between gangsters and the Police resulting in the death of a Public Safety guard, robbery with arms and organization of an armed band.

In the morning of the 21st Inst. the "Questura" of Livorno, having been informed of a robbery with arms committed in the previous days at Calambrone, decided to send a squad of P.S. guards on the spot, in order to clear the zone.

The guards were proceeding along the Livorno-Pisa railway road. They caught up with a few young men, whom they ordered to stop and show their identity cards. One of them, later identified as being one ORLANDI Elvio, son of Armando, drew a pistol from his pocket and fired several shots from a short distance against the first guard, who approached him. The guard was killed. His name is BIAGINI Silvani, son of the late Dino, 22 years old. Another gangster also fired against the guards, and put up resistance, until "Maresciallo" MORERA finally succeeded in hitting him on the skull. The wounded person died later on. He was identified as being a certain LENZI Valentino.

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The other four young men, who were present during the fight but did not participate in it, were also arrested, because they belonged to the gang. Their names are the following: MARZARONI Giuncarlo, son of Anacleto, 15 years old; MARDELLI Luigi, son of Gino, 15 years old; STEFANO Vincenzo, 18 years old, GIANFORCHETTI Aldo, son of Armando, 18 years old.

On the following days the police continued their investigations in this zone and arrested several other persons all of whom,

having been informed of a robbery with arms committed in the previous days at Calambrone, decided to send a squad of P.S. guards on the spot, in order to clear the zone.

The guards were proceeding along the Livorno-Pisa railway road. They caught up with a few young men, whom they ordered to stop and show their identity cards. One of them, later identified as being one ORLANDI Elvio, son of Armando, drew a pistol from his pocket and fired several shots from a short distance against the first guard, who approached him. The guard was killed. His name is BIAGINI Silvani, son of the late Dino, 22 years old. Another gangster also fired against the guards, and put up resistance, until the carabinieri finally succeeded in hitting him on the skull. The wounded person died later on. He was identified as being a certain LENZI Valentino.

143
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On the following days the police continued their investigations in this zone and arrested several other persons all of whom, it was ascertained, have committed robberies and extortions on the proceeding days.

The Police has also ascertained that the offences were being committed by an armed gang, organized for such purpose, and that its Chief was an U.S. Army deserter called "il MORO", who appears to be at present under treatment at the Hospital of Pisa, due to a wound, caused by fire-arm.

As the offence falls under the provisions of Art. 2 of D.L. n. 274, dated May 10th 1945, and as the robberies were committed in such a way as to cause particular alarm, I am of the opinion that special provisions under Art. 1 and 2 of D.L. n. 64 of October 2nd 1946 should apply.

As soon as the documents in the case will be received, (reports

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on the questioning of numerous accused persons, medical examination of Police guards, who were injured in the fight), I intend to forward the files for action to the Military Command of La Spezia in order that an Extraordinary Military Tribunal be convened, provided you are of the same opinion. If you do not approve, please advise me immediately.

THE "PROCURATORE DELLA REPUBBLICA"

Signature illegible

THIS IS CERTIFIED TRUE COPY:

DIRECTOR CHIEF OF DEPT. 2ND PENAL AFFAIRS

Signature illegible

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL DIVISION

LJG/ns

17 January 1947.

AG/4143/L

SUBJECT : Case of Vernon Mead - American soldier.
TO : Ministry of Pardon and Justice.

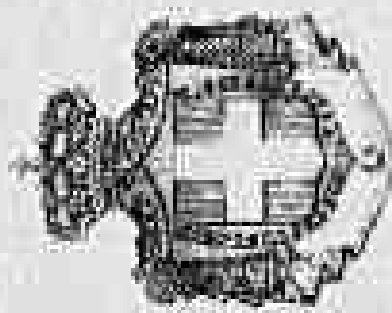
1. Reference is made to letter of your Ministry No 165.24.3569, dated January 1947, subject as above.

2. The accused in this case, being an American soldier may be tried only by U.S. Army Courts Martial. The interest of this Division in this matter extended only to rendering assistance in expediting transfer of his custody from Italian to U.S. Army authority for this purpose, at the request of the Judge Advocate General's Department of our Army. At the time such transfer was effected he was placed in confinement in the U.S. Army Disciplinary Training Center at Pisa pending trial, with the understanding that he would there be accessible to proper Italian officials concerning investigation of any collateral matters in the case that might come within Italian jurisdiction.

3. The matter of additional charges to be preferred against this man, if any, should be presented to the Judge Advocate General of Peninsula Base Section, U.S. Army, at Leghorn, who would be the prosecuting officer in this case, inasmuch as the Disciplinary Training Center referred to is under the Commanding Officer of Peninsula Base Section.

L.J. GILBRIDE,
Major, IGD,
Chief Counsel,
for Chief Legal Advisor.

Mod. 402



4143
 Ministero di Grazia e Giustizia

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

Roma, Gennaio 19 47

ALLA COMMISSIONE ALLEATA
 Sottocommissione Legale
 ROMA

Uffice II^a A. P. Sub. V. 165.24.3569

Risposta al f. V. Stessi
 del 17 Dicembre 1946

OGGETTO Suddito Americano VERNON Mead, già indicato col nome
 ROLF.-

e per conoscenza:
 AL PROCURATORE GENERALE
 presso la Corte di Appello di
 (Rif. 1869 del 6 Dicembre 1946)

NAPOLI

ALL'UFFICIO COLLEGAMENTO

S E D E

A complemento della comunicazione fatta a codesta
 Sottocommissione Legale con l'indicata Ministeriale, si informa
 che a carico del VERNON e compagno vi è denuncia anche per il
 reato di rapina aggravata della somma di L. 2.000 e di vari in-
 dumenti in danno del contadino SILVESTRI Giovanni, commessa il
 3 novembre scorso, in località Ponte Sorigenza del Comune di Ponte-
 landolfo.-

Per tal reato procede il Procuratore della Repubblica del
 Tribunale di Benevento, il quale probabilmente assumerà, per ra-
 gioni di connessione, anche il procedimento pendente presso la

e per conoscenza:
 AL PROCURATORE GENERALE
 Presso la Corte di Appello di
 (Rif. 1869 del 6 Dicembre 1946)

NAPOLI

ALL'UFFICIO COLLEGAMENTO

S E D E

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 pumenti in danno del contadino SILVESTRI Giovanni, connessa il
 3 novembre scorso, in località Ponte Sorigenza del Comune di Ponte-
 lendolfo.-

Per tal reato procede il Procuratore della Repubblica del
 Tribunale di Benevento, il quale probabilmente assumerà, per ra-
 gioni di connessione, anche il procedimento pendente presso la
 Procura di Larino a carico delle stesse persone e di altri, in
 ordine al commercio illecito di granaglie, di cui alla precedente
 Ministeriale.-

Si gradirà, pertanto, conoscere se le Autorità Alleate inten-
 dono riservare alle proprie Autorità Giudiziarie anche il nuovo
 reato di cui trattasi, ascritto al VERNON e, nell'affermativa, com-

././.

piacersi tenere informato questo Ministero degli sviluppi del
procedimento o dei procedimenti, fino all'esito, per l'opportu-
na cognizione delle Autorità Giudiziarie Italiane.-

per il MINISTRO

A handwritten signature in dark ink, appearing to be 'G. J. P.' or similar, written in a cursive style.

Subject: VERNON MEAD, American Citizen, previously indicated under the name of ROLF.

The Ministry of Prison and Justice informs this Legal Division, with reference to their letter N° 165.24.3569, dated December 17th 1946, that Vernon and his companion are also charged with aggravating robbery, in that they stole on the 3rd November last, at Ponte Sargenza, Pontelendolfo Commune, the amount of lire 2.000.- and several clothes, belonging to the farmer SILVESTRI GIOVANNI.

A penal proceeding is being initiated for the aforesaid offence by the "Procuratore della Repubblica" of the Tribunal of Benevento, who will also take over the proceeding pending before the "Procura" of Larino against the same accused, who are being charged with illicit traffic of cereals, as mentioned in Ministry's previous letter.

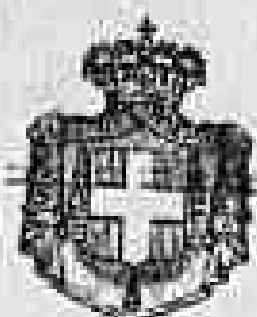
It is therefore desirable to be informed, whether the Allied Authorities intend to reserve the right of trying Vernon for the new charge being

t.o.p.

2
brought against him. In the affirmative, this Legal Atti-
sion is requested to constantly keep the Ministry advi-
sed of the development of the case, until a final de-
cision is taken, in order that the Ministry may inform
the Italian Judicial Authorities accordingly.

For the Minister

Signature illegible.



Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE E DEL CASELLARIO

Roma, 17 dicembre 1946

ALLA COMMISSIONE ALLEATA
Sottocommissione Legale
ROMA

Ufficio I^o A.P.

Prot. N^o 165.24.3569

Resposta al Fedel

Dir. Sec. N^o

Oggetto: Suddito americano MEAD VERNON HALE, arrestato dai carabinieri di Campobasso, il 5.11.u.s.

per con: ALL'UFFICIO COLLEGAMENTO
Cabinetto SEDE

Per opportuna notizia, s'invia copia del rapporto n. 1869/46, in data 29 novembre u.s., del Procuratore Generale di Napoli, in merito al procedimento penale in cui è implicato l'indicato straniero.

Sarà gradita la comunicazione dei provvedimenti che saranno adottati dal Tribunale Alleato menzionato nel rapporto stesso.

A'ordine del MINISTRO

[Signature]

fm

COPIA

PROCURA GENERALE PRESSO LA CORTE D'APPELLO NAPOLI

DIV. II N. 1859/45

Napoli, 29 novembre 1946

AL MINISTERO DI GRAZIA E GIUSTIZIA
 Direzione Generale degli Affari Penali - Ufficio

ROMA

Oggetto: Irocedimento penale a carico di MEAD VERNON Self, suddito americano, ed altri.

In data del 5 andante veniva fermato dall'Arma di Campobasso un autotreno americano con a bordo il suddito americano MEAD VERNON SELF, una donna, tal CIMOLINI Conestta e tal PALAZZOLLO salvatore di Raffele da Teormine.

Sull'autotreno si rinvenivano 60 sacchi di grano pari a q.li 59,93 che l'americano dichiarava trasportare a Napoli per conto di un amico del quale non volle fare il nome. Il grano veniva versato al Consorzio di Campobasso.

I due e cioè il MEAD e il PALAZZOLLO, dopo non poche tergiversazioni, finivano per confessare che il grano era stato loro venduto dalla signora BARBA Francesca in La Vaira in Petacciato alla presenza del suo fattore Di Giacobbe Marino e del suo amministratore Di Vaira Arturo, pagati a lire 5 mila al quintale. Confessavano altresì che, circa una settimana avanti, altro grano era stato loro venduto dalla BARBA per lo stesso prezzo aggiungendo che esso era stato portato a Napoli e là venduto a prezzo di mercato nero.

In signora BARBA, scegliendo il suo fattore ed il suo amministratore

Sull'autorevole si rinvenivano 50 pacchi di grano e che l'americano dichiarava trasportare a Napoli per conto di un amico del quale non volle fare il nome. Il grano veniva versato al Consorzio di Cambrano.

I due e cioè il HEAD e il BALAZZIO, dopo non poche tergiversazioni, finivano per confessare che il grano era stato loro venduto dalla signora BARBA francese in Di Vaira il petticiato alla presenza del suo fattore Di Giacobbe Marino e del suo amministratore DI VAIRA Arturo, pagato 1310 e lire 5 mila al quintale. Confessavano altresì che, circa una settimana avanti, altro grano era stato loro venduto dalla BARBA per lo stesso prezzo aggiungendo che esso era stato portato a Napoli e là venduto a prezzo di mercato nero.

La Signora BARBA, scagionando il suo fattore ed il suo amministratore e dichiarando che suo marito, DI VAIRA Francesco, persona notoriamente onesta di mente, di nulla era a conoscenza occupandosi solo lei dell'amministrazione della vasta azienda agricola, ammetteva di aver venduto all'amministratore del BALAZZIO il grano nel quantitativo e al prezzo di cui sopra.

In seguito a ciò il Comandante la Stazione dei carabinieri di Cambrano, con l'assistenza dei signori CALANTI e LAURITI dell'EPSA, si portava nell'azienda del BARBA e sequestrava altri 581 quintali di grano, che essa BARBA teneva nascosti peronè destinati al mercato nero.

Si conosceva una produzione di grano per l'annata 1945-46 di q.li 4639,44 su circa 590 ettari, quasi tutti seminati a grano, dei quali solo 1450,30 erano stati conferiti ai granai del Comune.

./.

Sono stati tratti in arresto la BADA, il DIVINA Arturo, il PALLAZZO e DI VALLA Maria proprietaria con DI VALLA Francesco, marito delle BADA, del greco sequestrato; nonché il MEAD, il quale dovrà rispondere del reato commesso innanzi al Tribunale Alesato. Il DI VALLA Francesco veniva denunciato e piede libero.

L'arresto la latitanza veniva rinvenuta la minuta della nota n. 2467 di protocollo in data 15 ottobre 1946 del Comune di Patoscio riguardante le informazioni riservate chieste a quel sindaco sul conto di DI VALLA Francesco della Commissione provinciale per le sezioni contro il fascismo.

I carabinieri denunciavano il sindaco signor DI VALLA per rivelazioni di segreto d'ufficio (art. 326 C.P.).

Si riferisce dai carabinieri che il DI VALLA e la BADA erano in strette relazioni con la famiglia dell'ex duce del qualeudevono favori e protezioni e che essi si arricchirono durante l'infamato ventennio fascista.

Il procuratore della Repubblica in Torino attende con tutta urgenza e sollecitudine all'istruttoria della quale ne riserva di far conoscere i risultati.

IL PROCURATORE GENERALE F. de Valle

PER CORTE CONFORME

Roma, 11 11 novembre 1946

IL DIRETTORE CARO DELL'UFF. I.° AFF. PEN. A

si rifugge dai carabinieri che il Di Villa e la causa erano in
 altre relazioni con la famiglia dell'ex cuoco del quale godevano favori e
 protezioni e che essi si arricchirono durante l'infame ventennio fascista.

Il procuratore della Repubblica in infine attende con tutta rigidiz-
 ze e scrupolosità all'istruttoria, della quale ha il dovere di far conoscere i
 risultati.

IL PROCURATORE GENERALE C. de Volpe

PER COPIA CONFORME

Roma, 11 novembre 1946

IL DIRETTORE CAPO DELL'UFF. 1° ATT. IEN.

Alm

LEGAL SUB - COMMISSION	
CHIEF	
CHIEF	
CHIEF COUNSEL	
ITALIAN SECTION	
JAN 1947	

Ministry of Order and Justice.

Department 1st, Penal Affairs.

File No 165.24.3569.

Rome, December 14th 1946.

To the A.C., Legal S/C.

Rome.

Subject: MEAD VERNON RALF, American citizen, arrested
on the 5th November 1946 by the "Carabinieri" of
Campobasso.

and for information: To the Liaison Office
Cabinet

Seat.

Enclosure 1.

The Ministry forwards copy of report No
1869/46, dated November 29th inst., received from the
"Procuratore Generale" of Naples and requests in-
formation as to the action taken by the Allied
Court in the case. 136

By order of the Minister

Signature illegible.

Copy, Procura Generale of the Court of Appeal of Naples.

Section II, N° 1869/46.

Naples, November 29th 1946.

To: Ministry of Pardon and Justice,
General Direction of Penal Affairs, -
Department 1st

Rome

Subject: Penal proceeding against MEAD VERNON
ROLE, American citizen, and others.

On the evening of the 5th inst., an American truck, upon which were travelling: an American citizen named MEAD VERNON ROLE, a woman named CINGARI CONCETTA, and a certain PALAZZOLO SALVATORE, son of RAFFAELE, was halted by the Carabinieri of Campobasso. Sixty sacks of flour, (59,46 Quintals weight), were found on the truck. Upon questioning, the American soldier stated that he was carrying it to Naples, on behalf of a friend of his, the name

t. o. h.

of whom he was unwilling to reveal. Said flour was delivered by the Police to the "Ammassi" of Campobasso.

Upon further questioning, Mead and Palazzolo have confessed that the flour was sold to them by Mrs Barba Francesca, married to Di Vaira, at Petacciato, and that they paid her 5.000 lire per Quintal in the presence of her farmer Giacobbe Marino and of her Administrator Di Vaira Arturo. They have also confessed that some other flour was sold to them one week before by Mrs Barba at the same price, and that they brought it to Naples and sold it on the black-market.

Mrs Barba has stated that her farmer, as well as her Administrator and her husband, Di Vaira Francesco, the latter a person of unbalanced mind, did not know anything at all

t.o.p.

about the matter, and that she herself was the only responsible person, having sold the flour in question to Mead and Palazzolo at the a/m. price.

Due to this statement, the Commandant of the 'Carabinieri' - Station of Campobasso, assisted by Messrs 'Galanti and Talenti Dell' Isola, went to the Barba's estate and confiscated other 681 Quintals of flour, which were hidden there.

On a cultivated area of 590 Acres, only 4639,44 Quintals of grain were denounced as the production for the 1945-1946 years, of which only 1450,30 Quintals were delivered to the

13.

People - Granaries.

Mrs Barba, Di Vaira Arturo, Palazzolo and Di Vaira Maria, who owned the sequestered flour in partnership with Di Vaira Francesco, - the husband of Barba, - were all arrested. Mead, who was also arrested, was put at the disposal of the Allies for trial.

t. o. p.
~~~~~

4

Draft of note N° 2407 of the Report of Petacciato -  
Commune, dated October 15<sup>th</sup> 1946, and relating to con-  
fidential information requested from this "Sindaco"  
on Di Vaira Francesco by the Provincial Commission  
for sanctions against fascism, was found during the  
search. The "Carabinieri" have denounced the "Sin-  
daco" De Lerma for having disclosed secrets of  
office (Art. 326 Penal Code).

The "Carabinieri" have reported that Di  
Vaira and Barba were on friendly relations  
with the family of the ex-duce and have  
enjoyed from the latter several favours and  
protections, and became rich during the "drift"  
stems twenty years of fascist rule.

The "Procuratore" of Larino is carefully  
investigating the case. You will be informed of  
the outcome.

"Procuratore Generale"  
Signed: Volpe

This is a certified true copy.  
Rome, November 11<sup>th</sup> 1946.

Director Chief of 1st Dept Penal Affairs  
Signature illegible.

4143  
✓

fm



FILE

Roma, 9

gennaio 1947

Mod. 504

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI  
DELLE GRAZIE E DEL CASELLARIOALLA COMMISSIONE ALLEATA  
Sottocommissione Legale  
ROMA

Ufficio II A.P.

Prot. N° 3765.138Ris.23

Risposta al F. 111

Dir. Leg. N°

OGGETTO IASINSKI Antonio

e per conoscenza

All'UFFICIO COLLEGAMENTO - Gabinetto  
SEDE

Giusta quanto riferisce il Procuratore Generale di Ancona, il Procuratore della Repubblica presso il Tribunale di quella città comunica che l'Arma della Stazione Principale di Fesi, con rapporto del 20 corr., denunciava al Pretore di Iesi, che il Polacco in oggetto nominato, la sera del 28 novembre u.s., nei pressi del Ponte Granita, veniva colpito con corpo contundente, sul capo, da tre giovanotti italiani a lui sconosciuti, i quali lo derubarono di £.35mila, di un orologio da polso e di un paio di guanti di pelle.

Si fa riserva di far conoscere a suo tempo l'esito del giudizio di cui si tratta.

del MINISTRO

133

No action required

File

  
10/1/47

Mr. Thomas

P3A

Subject: JASINSKI ANTONIO

The Ministry of Justice informs this Legal Division that the "Procuratore Generale" of Ancona has received from the "Procuratore delle Re-pubblica" of the same town a communication that the "Carabinieri" - Station of Pesì has denounced to the "Pretore" of Pesì that the a/m. Polish Citizen was hit on the head with heavy stick on the 28th November last, in the neighbourhood of Ponte Granito by unknown young Italians, who robbed him of 35.000 lire, a wrist-watch ~~and~~ a pair of leathern gloves.

The outcome of the relative trial will be communicated in due course.

For the Minister

Signature illegible.

HEADQUARTERS ROME AREA MTOUSA  
APO 794, US ARMY

Rome, 30 March 1946  
CBM/eb

TO: Allied Commission  
Legal Sub-Commission, APO 394.

Attached report has been received by G-2 Section, from  
Italian Military Tribunal and is forwarded to you.

BY COMMAND OF BRIGADIER GENERAL DASHER.

*C.B. Murphy*  
C.B. MURPHY 131  
Major AGD  
Adjutant General

*all this appears to be is a police  
report of a shooting some six months  
ago. When it is sent us is not apparent.  
I conferred with Public Safety and was  
advised this was for our information. As  
no action is requested or required, this  
will be filed.*

*4/4/46.*

COPY.

ALLA HEADQUARTERS ALLIED COMMISSION  
LEGAL SUBCOMMISSION

A.P.O. 394.

Oggetto: Incidente tra un militare americano e militari italiani.

PIOMEMORIA.

A seguito della nota n. 22033/45 Lu.

Il 19.9.1944, un soldato americano in evidente stato di ubbriachezza aggrediva alle spalle il Maresciallo Meggio re R.G.F. PORCEDDU Paolo malmenandolo e cercando di colpirlo con pugni. Intervenevano militari italiani fra i quali il S.Ten. Paracadutista MUREDDU Bruno, armato di mitra.

L'americano, dopo aver chiesto inutilmente un'arma all'artigliere BUSI Luigi, fuggiva e si nascondeva sotto un autocarro sdraiandosi a terra. Il S.Ten MUREDDU con gli altri militari invitava l'americano ad uscire dal nascondiglio ma, poiché non ubbidiva, lo faceva tirar fuori a viva forza. L'americano reagiva sferrando un calcio al viso dell'S.Ten. MUREDDU. Interveneva il carabiniere COPOCHER Celste che tentava di ricondurre alla calma e proteggere l'americano, questo mandava a terra con un forte pugno al viso e fuggiva. Inseguito, veniva raggiunto e tenuto con le mani alzate sotto la minaccia della pistola del carabiniere BERNARDINI; mentre il S.Ten. MUREDDU si avvicinava per immobilizzare l'americano strappava di mano il mitra all'ufficiale, e, addossatosi ad un albero del cortile, minacciava con l'arma gli astanti. Il carabiniere BERNARDINI sparava allora per terra contro l'americano che, colpito, fuggiva fuori della caserma gettando dopo pochi passi in terra.

Alcuni militari alleati sopraggiunti caricavano il ferito su un autocarro e si allontanavano verso Montesacro. Sembra che l'americano sia stato ferito ad un piede.

Report of the Italian Military Tribunal, received by G-2 Section,

Date: 30. III. 1946.

Subject: incident between an American soldier and Italian soldiers.

### Memoria

following the note n° 22033/45/LU.

On 19. IX an American soldier in evident state of drunkenness assaulted the "Maresciallo Maggiore Carabonieri" Porceddu Paolo, ill-treated him and tried to hit him with fists. The Italian soldiers have intervened, and among them the Commissioned Officer-Parachutist Mureddu Bruno, armed with a machine-gun.

The American, having unsuccessfully asked the gunner Busi Luigi for an arm, escaped and made himself under a truck, lying up on the ground. The Commissioned Officer Mureddu, with the other soldiers, invited the American to come out from this place, but, as he did not obey, he was brought out by force. The American reacted by giving a slap to Mureddu. The Carabonieri Corocher intervened and tried to calm and to protect the American, but that last gave him a strong fist-kick and escaped again. He was rejoined, and Mureddu tried to ~~intervene~~ use him. The American took by violence the Mureddu's machine-gun and threatened with it the present people. Then Carabonieri Bernardino fired against the American, who, injured at the foot, escaped from the truck and fell after a few steps on the ground.



HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB COMMISSION

FIA

AC/4143/-

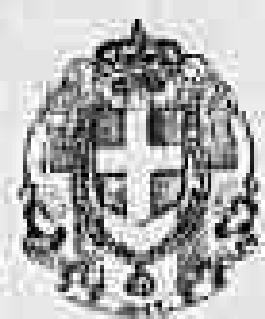
ai/ns  
28 December 1945

SUBJECT : Claims by families of ~~MALIESE~~ Sebastiano and  
GIUFFRIDA Nicola  
TO : D.A.D.,  
53rd Claims and Mornings.

I enclose herewith for your consideration a claim  
by the families of ~~MALIESE~~ Sebastiano and GIUFFRIDA Nicola who  
are alleged to have been killed in April 1940 by a British  
soldier guarding a dump near Fiume-Freddo in Sicily.

MUSGRAVE THOMAS.  
Italian Branch,  
for Chief Legal Advisor.

128



*Ministero di Grazia e Giustizia*

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

Ufficio II° A.P.  
Prot. N° 3034/131/913/1945

Roma 22

dicembre 1945

ALLA COMMISSIONE ALLEATA  
Sottocommissione Legale

R O M A

Sp. uff. coll. file

Dispositivo del

Dir. Dir. N°

OGGETTO: MALTESE Francesco - provvedimenti per l'unione di MALTESE Sebastiano e GIUFFRIDA Nicola ad opera di militare alleato.-

All. n. 1

Per quanto del caso si trasmette l'unito esposto con il quale i congiunti di MALTESE Sebastiano e GIUFFRIDA Nicola si dolgono che non siano finora adottati adeguati provvedimenti per l'uccisione degli individui su nominati commesso ~~in~~ dal 2 aprile u.s. presso Piumefreddo di Sicilia ad opera di un militare alleato.-

Si gradirà di essere informati delle determinazioni adottate.-

CLO

DCLO

Chief Counsel

CLO

Italian Section

7 DEC 1945

per il MINISTRO

*[Signature]*

127



HH3

Roma

Novembre 1945

Mod 40

81A

Ministero di Grazia e Giustizia

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

Al la COMMISSIONE ALLIATA  
TA SOTTOCOMMISSIONE LEGALE  
R O M A

Ufficio I° A.P.  
Prot. N° 131/652/2397/1945

Risposta al f. del  
Dir. Sec. N°

Oggetto: MARCIANO Vita - ricorso.-

*g. b.*  
Al. n. 2

e, per conoscenza:  
ALL'UFFICIO COLLEGAMENTO  
G A B I N E T T O

In relazione al foglio Ref. 7A1 20  
sep 45 si restituisce l'unito ricorso e si  
invia una dichiarazione, con la quale MARCIA-  
NO Vito fornisce alcune informazioni per rin-  
tracciare il processo definito in Napoli il  
7 Maggio 1945 a carico del negro che la vio-  
lentò.-

ISTITUTO MONITORIO DELLO STATO

ELIO  
DOLO  
Chie. Conf.  
CJO  
Italian  
CL RKS

d'ordine del MINISTRO

125

*[Signature]*

13 NOV 1945

785016

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

ES/es

16 November 1945

AC/4143/L.

SUBJECT : Alleged Killing of Italian Civilian by a British  
Soldier at Orte (Viterbo).

TO : Public Safety Sub-Commission.

The enclosed file of the Pretura of Orte is  
forwarded to you for transmittal to the appropriate British  
Police Authority with a view to initiating necessary  
investigations.

123  
MUSGRAVE THOMAS,  
Italian Branch,  
for Chief Legal Advisor.

(79A)

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB COMMISSION

24 October 1945

AC/4143/L

SUBJECT : Offences against Italians.  
TO : The Minister of Pardon and Justice.

1. In reply to your letter dated about 24th September giving particulars of an alleged offence committed by two Indian soldiers in Taranto I have to inform you that one of the Indian soldiers was charged before a Court Martial with having on 9th June 1945 committed rape on Caterina ASSETTATE of Grotteglie. He was found NOT GUILTY.
2. The other Indian soldier concerned in this case has not been apprehended.

MUSGRAVE THOMAS  
Italian Branch  
for Chief Legal Advisor

124

4143 ✓  
Subject: Offences against Italian Civilians.

78A

Land Forces Sub-Comm A.C.,  
(M.M.I.A.) R O M E

A 269

22 Oct 45.

To : Legal Sub-Comm A.C.,

76A

Reference your AC/4I43/L dated 27 Sep 45.

1. The attached copy of a letter received from HQ, 3 District is forwarded for information.

REH/ecc.

| LEGAL SUB COMMISSION |  |
|----------------------|--|
| CLO                  |  |
| DCLO                 |  |
| Chief Counsel        |  |
| CID                  |  |
| Italian Section      |  |
| CL RKS               |  |
| 23 OCT 1945          |  |

*R.E. Hector*  
R.E. HECTOR, S/Captain.  
for Major General,  
M.M.I.A.

12.

C O P Y.C O N F I D E N T I A LSubject: Discipline - Indian Tps.3 DISTRICT,  
Tel Ext 36  
I37/I72IA

18 Oct 45.

To : LAND FORCES SUB-COMMISSION,  
(MMIA) R O M E  
-----23698 Spr UDHAM SINGH - Ind PD Coy IE

Reference your A 269 of 3 Oct 45.

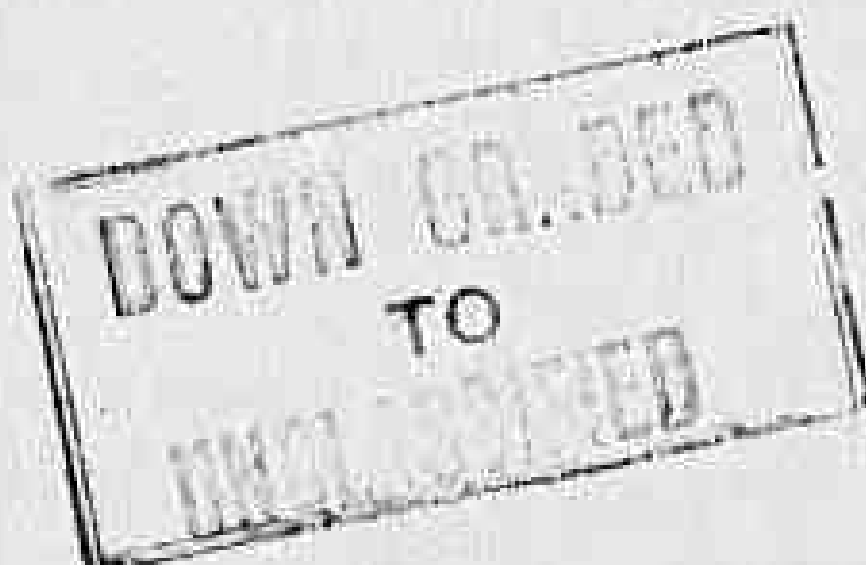
1. It is notified for your information that the above named man was tried by Summary General Court Martial on 9-II Jul 45 on the following charge and found NOT GUILTY:

Sec 4IAA

Committing a Civil Offence i.e. on 9 Jun 45 committed rape on CATERINA ASSETTATE of GROTTAGLIE.

122

2. The other INDIAN soldier concerned in this case has not been apprehended.



Col. Inf.

Chief of Staff Officer.  
for Chief of Staff Officer.(Signed) ??????????????  
for Major General,  
Comd.

/ecc.

4143

47A

Subject : Offences against Italian Civilians.

Land Forces Sub Comm. AG.  
(M.M.I.A.) ROME

A 269

3 Oct. '45.

To : U.S. 3 District.

The attached correspondence received from A.M.M.Q. is passed to you for necessary investigation, and subsequent disciplinary action.

*W. E. Skelton*  
Capt.  
Major General,  
M.M.I.A.

/or

76A

121

Copy to : Legal Sub Comm. AG. (for information) your AG/4143/L dated 27 Sep. 45 refers.

| LEGAL SUB-COMMISSION |   |
|----------------------|---|
| CLO                  | 1 |
| DCLO                 | 1 |
| Chief Counsel        |   |
| CI                   |   |
| Receiv. on           |   |
| CL 585               |   |
| 5 OCT-1945           |   |



76A

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

AC/4143/1.

27 September 1945. /rlp.

SUBJECT : Offences against Italian personnel.

TO : MMIA.

1. The enclosed letter from the Minister of Justice sets out the particulars of an offence allegedly committed by two Indian soldiers in Taranto. One of the accused has been identified.

2. Would you be good enough to forward the complaint to the appropriate military authorities?

Incl.

C. G. HANNAFORD,  
Lt. Col.,  
Officer i/c Italian Branch,  
for Chief Legal Advisor.

120

75A

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

MT/pa.  
4 Sept 45.

AC/4143/L.

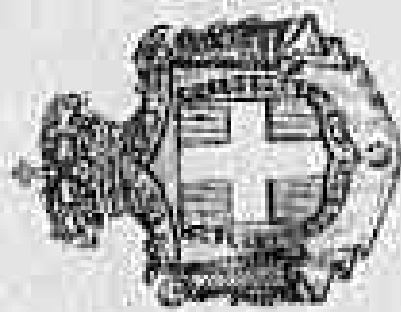
SUBJECT : Claim by Francesco RICCA (C.O.Ref. CC 3/53.254/A)  
TO : DAD, 53 Claims and Hirings.

With reference to a telephone conversation this morning ( DAD - Judge Thomas) regarding the above claim I enclose copy of a letter from the Prime Minister's Secretary regarding a claim made by a certain Francesco RICCA in respect of the death of one of his daughters and the injury to another at Bracciano on 6 November last, and inquiring whether the matter may be expedite. To enable me to reply to the Prime Minister's inquiry I should be obliged if you would let me know whether a decision may be expected soon.

MUSGRAVE THOMAS,  
Italian Branch,  
for Chief Legal Adviser

Incl/

785016



4143

Roma,  
37 AGO. 1915

*Agendere Particolare  
del Presidente del Consiglio dei Ministri*

Ms 007252

Al Comando della Commissione Alleata  
Legal Subcommission

## ROMA

Il signor Francesco Ricca, residente a Bracciano, si è rivolto al Presidente del Consiglio per ottenere la sollecita conclusione del procedimento a carico di due militari di colore alleati che il 6 novembre 1944 uccisero in Bracciano una sua figlia (Gardenia) e ne ferirono gravemente un'altra (Agnesina).

(Agnesina).

Il sig. Ricca ha fatto presente che pochi giorni dopo l'accaduto, si recò sul posto un tribunale militare alleato e che un tenente della marina inglese (con ufficio in Roma - via Botteghe Oscure 46, piano 3°) sta svolgendo un'inchiesta; tuttavia, pur essendo trascorsi quasi dieci mesi dal fatto, la questione non è stata ancora definita, mentre la figlia Agnesina trovasi ancora in gravi condizioni di salute e bisognevole di cure costose.

E' stata interessata la Croce Rossa Italiana perchè procuri di agevolare il Ricca in alcune prestazioni mediche, di cure costose.

ta conclusione del procedimento e colore alleati che il 6 novembre 1944 uccisero in Bracciano una sua figlia (Gardenia) e ne ferirono gravemente un'altra (Agnesina).

Il sig. Ricca ha fatto presente che pochi giorni dopo l'accaduto, si recò sul posto un tribunale militare alleato e che un tenente della marina inglese (con ufficio in Roma - via Botteghe Oscure 46, piano 3°) sta svolgendo un'inchiesta; tuttavia, par essendo trascorsi quasi dieci mesi dal fatto, la questione non è stata ancora definita, mentre la figlia Agnesina trovandosi ancora in gravi condizioni di salute e bisognevole di cure costose.

E' stata interessata la Croce Rossa Italiana perchè procuri di agevolare il Ricca in alcune prestazioni mediche, delle quali la giovane ferita ha bisogno.

In pari tempo si prega codesta Sottocommissione di sollecitare se possibile la pratica di cui sopra è cenno.

Si resta in attesa di cortesi notizie al riguardo.

IL CAPO DELLA SEGRETERIA  
(Giovanni Mira)

AL SUBCOM

CIO

Chief Counsel

CIO

Hallion - Section

9 SEP 1945

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

73A

AC/4143/L.

GCH/lc.  
11 August 1945.

SUBJECT : Killing of Sergio VEVEY.

TO : Minister of Pardon and Justice.

In accordance with the agreement made with the Ministry of Justice at the request of the French Embassy, please find enclosed the file relating to the killing of Vevey Sergio, of Introd, Province d'Aosta for such action as you may consider necessary.

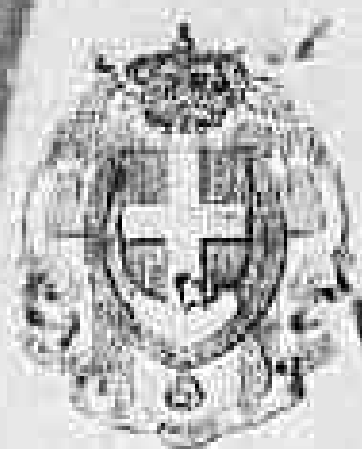
G. G. HANNAFORD,  
Lt. Col.,  
Officer i/c Italian Branch,  
for Chief Legal Advisor.

Incls.

Copy to : French Mission HQ, AC.

Regional Commissioner (Attn: RLO) PIEMONTE.

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*File* 4143 <sup>Mod. 2</sup> 72A  
 Ministero di Grazia e Giustizia

*Gabinetto di S. E. il Ministro*

*Roma* 9 agosto 1945 A

*Protocollo N. 564/741*

OGGETTO Uccisione di Vevey Sergio.

Alla Commissione Alleata

Sottocommissione Legale

R o m a

Con riferimento a quanto verbalmente riferito dal Colonnello Hannaford in data 9 corrente sul reato di omicidio commesso in Val d'Aosta da ignoti contro il nominato in oggetto di nazionalità francese, si comunica quanto segue.

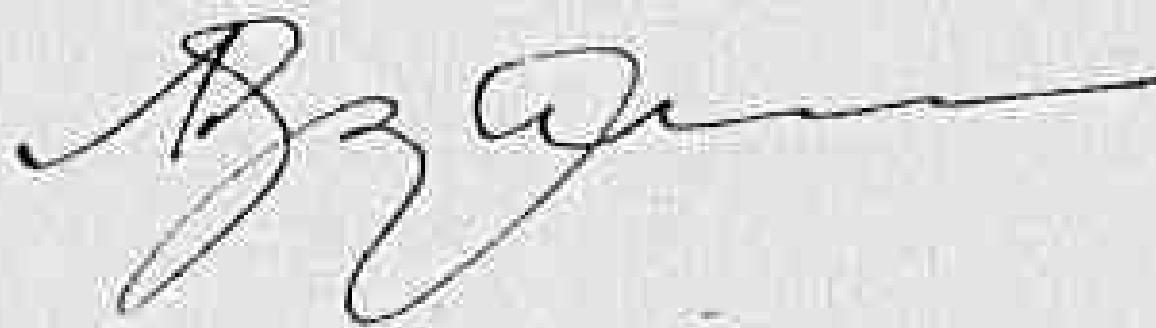
Poichè il giudice istruttore presso il Tribunale d'Aosta, ha in proposito con sentenza dichiarato la propria incompetenza ed ordinato la trasmissione degli atti al Comando Militare Alleato della Provincia d'Aosta; considerata l'inopportunità che del detto processo conosca il Governo Militare Alleato, in quanto si prevede ~~proibita~~ la restituzione della Regione del Piemonte all'amministrazione italiana, si prega codesta Commissione di volere, nel caso in esame spogliarsi di tale competenza affinché

10 AUG 1945

./.

il Governo Italiano possa appena possibile prendere concreti accordi con il Governo francese per lo svolgimento del processo stesso.

IL CAPO DI GABINETTO  
(A. Spallanzani)



Rec'd  
HQ Piemonte Reg AMG  
Monte 7/10/45

*Legal*

## ALLIED MILITARY GOVERNMENT

### AOSTA PROVINCE

8 July 1945

PR/AO/1801

SUBJECT : Homicide of Italian Civilian by the French Military.

TO : Regional Legal Officer, Hqs., Piemonte Region, A.M.G.

I. On 10 June 1945 at about 2200 hours at Introd, in the Province of Aosta, an Italian civilian, Sergio Vevey, was shot and killed after being taken into custody by the French Military who were present in the Province on that date as an alleged occupational force.

2. Vevey was an ex-partisan and a former leader of a local band of Partigiani. It appears that he was actively opposed to the annexation movement being fostered by the French Military in Aosta at that time.

3. A preliminary investigation of the incident made by the Procuratore del Re of Aosta indicated that the circumstances under which Vevey was killed were questionable. He was instructed by this Hqs. to make a full official investigation.

4. The Instrutory Judge of the Tribunale of Aosta at the request of the Procuratore del Re conducted an official investigation up to the point of questioning the French soldiers involved.

5. When the French Military Commander refused the request of the Instrutory Judge to interrogate members of his command, the Judge completed his Instrutory record and sent it to this Hqs. for proper disposition.

6. Enclosed are:

a. The preliminary report of the Procuratore del Re with an English translation.

b. The formal report of the Instrutory proceedings by the Instrutory Judge of the Tribunale of Aosta. (Because of the limited facilities of this office and because an official translation will be necessary if any future action is decided upon in the case, no translation of this document is being

**113**

2. Vevey was an ex-partisan and a former leader of a local band of Partigiani. It appears that he was actively opposed to the annexation movement being fostered by the French Military in Aosta at that time.

3. A preliminary investigation of the incident made by the Procuratore del Re of Aosta indicated that the circumstances under which Vevey was killed were questionable. He was instructed by this Hqs. to make a full official investigation.

4. The Instrutory Judge of the Tribunale of Aosta at the request of the Procuratore del Re conducted an official investigation up to the point of questioning the French soldiers involved.

5. When the French Military Commander refused the request of the Instrutory Judge to interrogate members of his command, the Judge completed his Instrutory record and sent it to this Hqs. for proper disposition.

6. Enclosed are:

a. The preliminary report of the Procuratore del Re with an English translation.

b. The formal report of the Instrutory proceedings by the Instrutory Judge of the Tribunale of Aosta. (Because of the limited facilities of this office and because an official translation will be necessary if any future action is decided upon in the case, no translation of this document is being furnished).

7. No recommendation is being made by this Hqs. with regard to a further investigation into the homicide of Vevey or for disposition of the reports forwarded in view of the international aspect of the incident and the fact that such considerations are for higher Hqs. It should be stated in this connection, however, that the French Military have withdrawn from the Province of Aosta and have released the only other Partisan whom they had taken into custody here.

For the Provincial Commissioner:

*Edward E. Nevans Jr.*

EDWARD E. NEVANS JR.,

1st Lt. C.M.P.

Prov. Legal Officer.

444  
N° 823/45 R.G.

To the Allied Command  
Provincial Legal Office

A O S T A

Yesterday afternoon - 11 June - I received a telegram from the Sindaco of Villanova that read as follows:

" Request authorization for the burial of a dead body, Vevey Sergio, 27 years old, deceased, last night at Introd following a wound by a fire arm."

I am keeping suspended any disposition in regard to the burial I requested formal instruction inviting the Instructory Judge to go immediately to the locality for the ascertainment as to the cause of the death and for the most urgent investigation. The Instructory Judge has returned this afternoon, and informed me that Vèvey was a leader of the Partisans in Introd and having being opposed to the annexation movement, he had had some vivid discussions with the French troops camping at Introd. The evening of the 10th, about 2200 hr. while Vèvey was about to return home he was invited by a French soldier to follow him but when he arrived at the barracks where the French were located he fell fatally shot by a firearm. French officers retain that Vèvey was brought to the camp to be questioned and having attempted to escape he was shot. This version is in conflict with the fact that he was not shot in the back but in his chest. According to witnesses three shots were fired but the body of Vèvey reveals only one wound. Having ascertained that the death of Vèvey was caused by a French soldier the ordinary authorities are not competent to continue the investigation for which I shall propose that the Instructory Judge pronounce the incompetence and forward the matter to the Allied Command.

Aosta 12 June 1945

Il Procuratore del Regno  
G. Grandi

SERGE VEVEY

movement, in the evening of the 10th, about to  
camping at Introd. The evening of the 10th, about to  
Vivey was about to return home he was invited by a French soldier to  
follow him but when he arrived at the barracks where the French were  
located he fell fatally shot by a firearm. French officers retain  
that Vivey was brought to the camp to be questioned and having attempted  
to escape he was shot. This version is in conflict with the fact that  
he was not shot in the back but in his chest. According to witnesses  
three shots were fired but the body of Vivey reveals only one wound.  
Having ascertained that the death of Vivey was caused by a French soldier  
the ordinary authorities are not competent to continue the investigation  
for which I shall propose that the Instructional Judge pronounce the  
incompetence and forward the matter to the Allied Command.

Aosta 12 June 1945

Il Procuratore del Regno  
G. Grandi

SERGE VEVEY

*Not a bullet wound*  
*As the body of Vivey*  
*shows a single*  
*shot wound*

4143  
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ALLIED COMMISSION  
PUBLIC SAFETY LIAISON OFFICE  
R.A.A.C. QUESTURA BLDG. VIA S. VITALE

PSL/L/1

To : AC/HQ Legal Sub-Commission.  
From : Lt. Col. R. T. Millhouse, L.O.  
Subject : Alleged Robbery by Allied Military Personnel.

Rome, 1st June 1945

1. Attached is a file concerning a robbery allegedly attempted by Allied Military personnel, for which reason Italian Prosecuting office has declared their own incompetence.
2. The matter was at the time reported to the Provost Marshal but owing to the lack of information no enquiries could be made to a useful purpose.
3. Forwarded to you for further disposal.

*R. T. Millhouse*  
R. T. Millhouse, Lt. Col.  
A. C. Public Safety, L.O.

1st Ind

To Provost Section Rome Allied Area Command

Forwarded in ~~Allied Commission~~ *as per*  
~~immediate communication~~

5 June 45

*W. F. Schenck*  
Chief of Police, Rome

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

AC/4143/L

2 June 1945

SUBJECT : Application of Art 15, CPMG

TO : H.E. the Procuratore Generale Militare,  
Via degli Acquasparta 2, Roma.

Further to our AC/4143/L dated 5 May 1945  
herewith particulars of a sentence recently passed by an  
Allied Court Martial on an Allied soldier for an offence  
against Italian personnel.

| <u>Rank</u> | <u>Offence</u> | <u>Date</u> | <u>Punishment</u>                                                   |
|-------------|----------------|-------------|---------------------------------------------------------------------|
| Pte         | Murder         | 31 May 45   | Dishonourable discharge<br>and confined to hard<br>labour for life. |

W. E. BEHRENS,  
Colonel,  
Deputy Chief Legal Officer.

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K-L-S-T-R-I-C-T-E-D

HEADQUARTERS, ROME AREA WTCUSA  
APO 784, U.S. ARMY

31 May 1945

General Court Martial)

Orders No. 16 )

Before a General Court Martial which convened at Headquarters, Rome Area WTCUSA, APO 784, U.S. Army, pursuant to Paragraph 2, Special Orders No. 34, this Headquarters, 20 February 1945, was arraigned and tried:

Private William (VII) Massey, 32355034, 4173 Quartermaster Service Company, APO 782, U.S. Army.

Charge I: Violation of the 92nd Article of War.

Specification: In that Private William (VII) Massey, 4173 Quartermaster Service Company, APO 782, US Army, did, at . . . ., Italy, on or about 15 December 1944, with malice aforethought, willfully, deliberately, feloniously, unlawfully and with premeditation kill one Filacchioni Mario di Giulio, a human being by shooting him with a revolver.

Charge II: Violation of the 96th Article of War.

Specification 1: In that Private William (VII) Massey, 4173 Quartermaster Service Company, APO 782, US Army, did, at . . . ., Italy on or about 15 December 1944, by force and violence and by putting him in fear, feloniously attempt to take, steal and carry away from the person of Filacchioni Mario di Giulio, the property of Filacchioni Mario di Giulio, of some value.

Specification 2: In that Private William (VII) Massey, 4173 Quartermaster Service Company, APO 782, US Army, did, at . . . ., Italy, on or about 15 December 1944, by force and violence and by putting her in fear, feloniously attempt

Legal  
69A

Specification: In that Private William (WH) Massey, 4173 Quartermaster Service Company, APO 782, US Army, did, at ....., Italy, on or about 15 December 1944, with malice aforethought, willfully, deliberately, feloniously, unlawfully and with premeditation kill one Filacchioni Mario di Giulio, a human being by shooting him with a revolver.

Charge II: Violation of the 96th Article of War.

Specification 1: In that Private William (WH) Massey, 4173 Quartermaster Service Company, APO 782, US Army, did, at ....., Italy on or about 15 December 1944, by force and violence and by putting him in fear, feloniously attempt to take, steal and carry away from the person of Filacchioni Mario di Giulio, the property of Filacchioni Mario di Giulio, **III** of some value.

Specification 2: In that Private William (WH) Massey, 4173 Quartermaster Service Company, APO 782, US Army, did, at ....., Italy, on or about 15 December 1944, by force and violence and by putting her in fear, feloniously attempt to take, steal and carry away from the presence of Arlotti Marcello, the property of Arlotti Marcello, to wit, Italian lire, having some value.

#### PLEAS

|                                   |             |
|-----------------------------------|-------------|
| To the specification of Charge I: | Not Guilty. |
| To Charge I:                      | Not Guilty. |
| To specification 1, Charge II:    | Not Guilty. |
| To specification 2, Charge II:    | Not Guilty. |
| To Charge II:                     | Not Guilty. |

#### FINDINGS

|                                   |         |
|-----------------------------------|---------|
| Of the specification of Charge I: | Guilty. |
|-----------------------------------|---------|

R-I-S-T-H-I-C-T-E-D

|                                  |             |
|----------------------------------|-------------|
| Cf Charge I:                     | Guilty.     |
| Of specification 1 of Charge II: | Not Guilty. |
| Cf specification 2 of Charge II: | Guilty.     |
| Cf Charge II:                    | Guilty.     |

SENTENCE

To be dishonorably discharged the service, to forfeit all pay and allowances due, or to become due, and to be confined at hard labor, at such place as the reviewing authority may direct, for the term of his natural life.

The sentence was adjudged 1 March 1945.

The sentence is approved. Article of War 504 having been duly complied with, the sentence will be duly executed. The United States Penitentiary, Lewisburg, Pennsylvania, is designated as the place of confinement. The accused will be confined in WFOUSA Disciplinary Training Center pending further orders.

BY COMMAND OF BRIGADIER GENERAL BROWN:

WFO 6642  
OFFICIAL:

*J. E. Collier*  
J. E. COLLIER  
Captain AGD  
Adjutant General

WILLIAM A. WEDDELY  
Colonel, 25C  
Chief of Staff

DISTRIBUTION

LEGAL SUBCOMMISSION

The United States Penitentiary, Lewisburg, Pennsylvania, is designated as the place of confinement. The accused will be confined in HCUUSA Disciplinary Training Center pending further orders.

BY COMMAND OF BRIGADIER GENERAL BROWN:

WFO 6642

OFFICIAL:

*J. E. Chalk*

I. E. CHALK

Captain AGD

Adjutant General

WILLIAM A. WEDDEYER  
Colonel, 3SO  
Chief of Staff

DISTRIBUTION

"R"

| LEGAL SUBCOMMISSION |          |
|---------------------|----------|
| CLO                 |          |
| DCLO                | <i>W</i> |
| Chief Counsel       |          |
| CL                  |          |
| CL                  |          |
| 1                   | JUL 1945 |

*Shall we send  
a note of this to  
Ministry?*

*Yes*

-2-

R-B-S-T-R-I-C-T-E-D

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

AC/4143/L.

/rlp.  
5 May 1945.

SUBJECT : Application of Art. 15, CMAG.

TO : H.E., the Procuratore Generale Militare,  
Via degli Acquasparta 2, Rome.

1. Further to our AC/4143/L dated 26 April 1945, Your Excellency will find enclosed a list of sentences more recently passed by Allied Courts Martial on Allied soldiers for offences against Italian property and personnel.

2. The names of the sentenced persons are again withheld for security reasons, but should Your Excellency be interested in any special case, such name could be produced.

W. E. BERRELL,  
Colonel,  
Deputy Chief Legal Advisor.

Incl: List of sentences.

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| RANK  | OFFENSE                               | DATE       | PUNISHMENT |
|-------|---------------------------------------|------------|------------|
| Pvt   | Larceny, Robbery                      | 28 Dec 44  | CHL 6 yrs  |
| Pvt   | Assault with dangerous weapon         | 5 March 45 | CHL 10 yrs |
| T/Sgt | Murder                                | 5 Feb 45   | Not Guilty |
| Pvt   | Larceny                               | 12 Jan 45  | CHL 12 yrs |
| Pvt   | Assault with intent to do bodily harm | 12 Jan 45  | CHL 3 yrs  |
| Pvt   | Larceny                               | 10 Mar 45  | CHL 2 yrs  |
| Pvt   | False Pretenses, Abuse                | 6 Feb 45   | CHL 5 yrs  |
| Pvt   | Larceny, Robbery                      | 29 Dec 44  | CHL 2 yrs  |
| Pvt   | Larceny, Robbery                      | 28 Dec 44  | CHL 6 yrs  |
| Pvt   | Rape                                  | 5 Mar 45   | Death      |
| Pvt   | Rape                                  | 5 Mar 45   | Death      |

(1) CHL - Confinement to Hard Labor

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67A

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

AC/4143/L.

/rlp.  
5 May 1945.

SUBJECT : Records of convictions in Courts-Martial.

TO : Commanding General, Hq AAF/MTO, APO 650, U. S. Army  
(Attn: Colonel C.O. Baird, Jr., Adjutant General).

This is to acknowledge receipt of your letter of 2 May 1945, file 250.4, giving data as to Court-Martial sentences in cases involving Italian property and personnel. Your aid to us in furnishing this information is greatly appreciated.

For the Chief Commissioner:

W. E. BEHRENS,  
Colonel,  
Deputy Chief Legal Advisor.

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✓ 4143  
HEADQUARTERS ARMY AIR FORCES  
MEDITERRANEAN THEATER OF OPERATIONS  
APO 650

JAG/OZI/ece

2 MAY 1945

250.4

SUBJECT: Records of Convictions in Courts Martial.

TO : Commanding General, Allied Commission, Legal Sub Commission,  
APO 394, U.S. Army. (ATTN: Colonel W.E. Behrens, Deputy Chief  
Legal Advisor)

In compliance with your request of 27 April 1945, file AC/4143/L, addressed to Colonel O.Z. Ide, Staff Judge Advocate, Hq., AAF/MTO, we are inclosing herewith a list of eleven cases wherein American Military Personnel have been tried and punished for offenses against Italian citizens. Whether or not the citizens are soldiers or civilians does not appear by the records available at this headquarters but could be ascertained if time permitted. The places where the offenses took place and the units of accused have been omitted as a security measure.

FOR THE COMMANDING GENERAL:

1 Incl:  
Records of Conviction.

*C.O. Baird Jr.*  
C.O. BAIRD JR.,  
Colonel, AGD,  
Adjutant General.

|                      |  |
|----------------------|--|
| LEGAL SUB COMMISSION |  |
| CIO                  |  |
| → CIO                |  |
| Chief Counsel        |  |
| CIO                  |  |
| Training Section     |  |
| CIO                  |  |

4 MAY 1945

HEADQUARTERS ARMY AIR FORCES  
MEDITERRANEAN THEATER OF OPERATIONS  
APO 650

JAG/OZI/eee

2 MAY 1945

250.4

SUBJECT: Records of Convictions in Courts Martial.

TO : Commanding General, Allied Commission, Legal Sub Commission,  
APO 394, U.S. Army. (ATTN: Colonel W.E. Behrens, Deputy Chief  
Legal Advisor)

In compliance with your request of 27 April 1945, file AC/4143/L, addressed to Colonel O.Z. Ide, Staff Judge Advocate, Hq., AAF/ETO, we are inclosing herewith a list of eleven cases wherein American Military Personnel have been tried and punished for offenses against Italian citizens. Whether or not the citizens are soldiers or civilians does not appear by the records available at this headquarters but could be ascertained if time permitted. The places where the offenses took place and the units of accused have been omitted as a security measure.

FOR THE COMMANDING GENERAL:

1 Incl:  
Records of Conviction.

C.O. BAIRD JR.,  
Colonel, AGD,  
Adjutant General.

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| NAME OF ACCUSED          | OFFENSE COMMITTED                     | DATE       | ITALIAN CITIZEN AGAINST WHOM COMMITTED                                         | DATE TRIED   |
|--------------------------|---------------------------------------|------------|--------------------------------------------------------------------------------|--------------|
| Pvt. Donald Storkel      | Larceny, Robbery                      | 1 Nov '44  | Carmino Boccarisa                                                              | 28 Dec '44   |
| Pvt. Russell Thomas      | Assault with dangerous weapon         | 13 Feb '45 | Francesco Marzocco<br>Guiseppe Di Lea<br>Vittoria Marzocco<br>Mauro De Gennaro | 5 March '45  |
| T/Sgt Kenneth R. Hinshaw | Murder                                | 4 Jan '45  | Guiseppe Caterino                                                              | 3 Feb '45    |
| Pvt. Eugene Honaker      | Larceny                               | 12 Dec '44 | Basili Giovanbattista                                                          | 12 Jan '45   |
| Pvt. Patrick D. Dunnigan | Assault with intent to do bodily harm | 23 Nov '44 | Modistino Romano                                                               | 12 Jan '45   |
| Pvt. Wm S. Harley        | Larceny                               | 6 Feb '45  | Rosa Capurso                                                                   | 10 March '45 |
| Pvt. Bernardo L. Salazar | False Pretenses, Abuse                | 19 Jan '45 | Nenni Vincenzo<br>De Cesare Emilio                                             | 6 Feb '45    |
| Pvt. John J. Stepanchuk  | Larceny, Robbery                      | 1 Nov '44  | Carmino Boccarisa                                                              | 29 Dec '44   |
| PFC Lester R. Walker     | Larceny, Robbery                      | 1 Nov '44  | Carmino Boccarisa                                                              | 28 Dec '44   |
| Pvt. Holbrook Duncan     | Rape                                  | 24 Jan '45 | (name withheld)                                                                | 5 March '45  |
| Pvt. Joseph Jones        | Rape                                  | 24 Jan '45 | (name withheld)                                                                | 5 March '45  |

CHL—Confined to Hard Labor

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| DATE      | ITALIAN CITIZEN AGAINST<br>WHOM COMMITTED                                      | DATE TRIED   | SENTENCE   | GCM NUMBER | HEADQUARTERS |
|-----------|--------------------------------------------------------------------------------|--------------|------------|------------|--------------|
| Nov '44   | Carmine Boccarisa                                                              | 28 Dec '44   | CHL 6 Yrs  | 72         | 15th AF      |
| 3 Feb '45 | Francesco Marzocco<br>Guiseppe Di Lea<br>Vittoria Marzocco<br>Mauro De Gennaro | 5 March '45  | CHL 10 Yrs | 28         | AAFSC/MTO    |
| Jan '45   | Guiseppe Caterino                                                              | 3 Feb '45    | Not Guilty | 24         | 15th AF      |
| 2 Dec '44 | Basili Giovanbattista                                                          | 12 Jan '45   | CHL 12 Yrs | 4          | AAFSC/MTO    |
| 3 Nov '44 | Modistino Romano                                                               | 12 Jan '45   | CHL 3 Yrs  | 5          | AAFSC/MTO    |
| Feb '45   | Rosa Capurso                                                                   | 10 March '45 | CHL 2 Yrs  | 21         | XV AFSC      |
| 9 Jan '45 | Nenni Vincenzo<br>De Cesare Emilio                                             | 6 Feb '45    | CHL 5 Yrs  | 19         | XV AFSC      |
| Nov '44   | Carmine Boccarisa                                                              | 29 Dec '44   | CHL 2 Yrs  | 71         | 15th AF      |
| Nov '44   | Carmine Boccarisa                                                              | 28 Dec '44   | CHL 6 Yrs  | 73         | 15th AF      |
| 4 Jan '45 | (name withheld)                                                                | 5 March '45  | Death      | 68         | MTUSA        |
| 4 Jan '45 | (name withheld)                                                                | 5 March '45  | Death      | 68         | MTUSA        |

*File.*

HEADQUARTERS, ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

65A

AG/4445/L.

27 April 1945.

SUBJECT : Records of Convictions in Courts Martial.

TO : Col. G. Z. IDE, Staff Judge Advocate, AAF/MTO.

1. As you are aware the Italian Courts in Italian Government Territory are, in practice, the only courts which can try Italians charged with offences against the Allied war effort. Where such offences concern American or British - as opposed to Italian-property - there is no specific charge which can be brought, but the Italian Courts have applied Article 15 of the Military Penal Code of War. This Article provides :-

For the purposes of (this) Code, crimes committed by Italian soldiers or by persons not members of the Italian armed forces which are to the prejudice of the soldiers or armed forces of a State allied to or associated in war with Italy are deemed to have been committed to the prejudice of the soldiers or armed forces of Italy. This rule is subject to the condition that the Allied or associated state guarantees reciprocal protection to the soldiers and armed forces of Italy.

2. An appeal is now pending before the Italian military court of appeal which is based on the contention that this Article is not applicable as there is no reciprocity.

3. It is admitted that there is no exactly equivalent clause in either the U. S. Articles of War or the British Army Act. But the Italian authorities will be satisfied if they are assured that there is reciprocity in fact i.e. that British and American troops who commit offences against Italians, and particularly against Italian soldiers, are tried and punished with appropriate severity.

4. It would be of great assistance therefore if you could supply a list to this Sub-Commission for transmission to the Italian Court, of some of the principal recent cases in which allied troops have interfered with Italian soldiers or carabinieri and have been punished. It is appreciated that there may be very few such cases, so that if you could include cases where allied troops have been punished for offences against Italian civilians, this would probably suffice.

5. The names of any cases given will not be forwarded officially to the Italian Courts, but it is requested that this Sub-Commission may be informed in case any particular case is known to the Italians and they wish to check it.

6. A similar request has been made to the British J.A.G. at AFHQ.

For the Chief Commission

*W. E. Bennett*  
W. E. BENNETT, Colonel,  
Deputy Chief Legal Advisor.

*File*

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

*64A*

GGH/pa.  
26 Apr 45.

AC/4143/1.

SUBJECT : Application of Art.15 C.P.M.G.

TO : H.E.The Procuratore Generale Militare.  
Via degli Acquasparta 2, Rome.

1. With reference to previous correspondence and conversations on the above subject, Your Excellency will find enclosed duplicates of the lists of sentences passed by Allied Courts Martial on Allied soldiers for offences against Italian property and personnel. These lists have been from time to time forwarded to the Minister of Justice in pursuance of the agreement on reciprocal treatment of which Your Excellency is aware.

2. You will notice that, for security reasons, the names of the sentenced persons do not appear on the list. They are however in the possession of this Sub-Commission and should Your Excellency be interested in any special case such name could be produced.

3. It is hoped that the communication of these lists will serve Your Excellency's purpose. However, should more recent reports be required, this Sub-Commission has already requested Allied JAG to supply the information and will be in a position to communicate it to you in a fortnight or so.

Note:

JAG's requested by telephone by Lt Col Hanford.

G. G. HANFORD,  
Lt.Colonel,  
Officer i/c Italian Branch,  
for Chief Legal Advisor.

Incls.

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64B

| RANK   | OFFENSE                                                                                          | DATE      | PUNISHMENT                                                                                   |
|--------|--------------------------------------------------------------------------------------------------|-----------|----------------------------------------------------------------------------------------------|
| Gnr    | Murder                                                                                           |           | Death (confirmed)                                                                            |
| Gnr    | Murder                                                                                           |           | Death (commuted to P.S. for life)                                                            |
| Gnr    | Murder                                                                                           |           | Death (commuted to P.S. for life)                                                            |
| Spr    | Manslaughter                                                                                     |           | 10 yrs P.S., remitted to 5 yrs P.S.                                                          |
| Sgt    | Rape                                                                                             |           | 10 yrs P.S., remitted to 3 yrs P.S.                                                          |
| Gnr    | Rape -<br>wore badges of rank of 2/lt.                                                           |           | 7 yrs P.S., commuted to 2 yrs IHL                                                            |
| L/Cpl  | Robbery with aggravation                                                                         |           | 2 yrs IHL (confirmed)                                                                        |
| Pte    | Robbery with aggravation                                                                         |           | 2 yrs IHL (confirmed)                                                                        |
| Cpl    | Robbery with aggravation                                                                         |           | 2 yrs IHL (confirmed)                                                                        |
| Pte    | Robbery with aggravation                                                                         |           | 2 yrs IHL (confirmed)                                                                        |
| Spr    | Stealing 2,000 lire and bottle of cherry brandy<br>Created disturbance in Bar Italia, Marigliano |           | 1 year detention (confirmed)                                                                 |
| Spr    | Stealing 2,000 lire and bottle of cherry brandy                                                  |           | 1 year detention (confirmed)                                                                 |
| w/ser. | Rape                                                                                             | 20 Nov 43 | 12 year transportation commuted to 7 years rigorous penitentiary                             |
| Cpl    | Robbery with violence                                                                            | 24 Nov 43 | Reduced to ranks and 3 years penal servitude, commuted to reduced to ranks and 12 months IHL |

|                                   |                                                                                                                                                                                                                                |                                                                                                                                     |
|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| L/Cpl<br>Pte<br>Cpl<br>Pte<br>Spr | 2/11.<br>Robbery with aggravation<br>Robbery with aggravation<br>Robbery with aggravation<br>Robbery with aggravation<br>Stealing 2,000 lire and<br>bottle of cherry brandy<br>Created disturbance in Bar<br>Italia, Margliano | 2 yrs IHL (confirmed)<br>2 yrs IHL (confirmed)<br>2 yrs IHL (confirmed)<br>2 yrs IHL (confirmed)<br>1 year detention<br>(confirmed) |
| Spr                               | Stealing 2,000 lire and<br>bottle of cherry brandy                                                                                                                                                                             | 1 year detention<br>(confirmed)                                                                                                     |
| w/Gr.                             | Rape                                                                                                                                                                                                                           | 12 year transportation<br>commuted to 3 years<br>rigorous punishment                                                                |
| Cpl                               | Robbery with violence                                                                                                                                                                                                          | Reduced to ranks and 3<br>years penal servitude,<br>commuted to reduced to<br>ranks and 12 months IHL                               |
| Mne                               | Stealing (10,000 lire)                                                                                                                                                                                                         | 91 days field punishment                                                                                                            |
| Pte                               | Larceny (1,200 lire)<br>Larceny (200 lire)<br>Larceny (1,940 lire)                                                                                                                                                             | 1 year IHL                                                                                                                          |
| Tpr                               | Common Assault (two charges)<br>Stealing                                                                                                                                                                                       | 6 months IHL                                                                                                                        |
| A/RSE                             | Conduct, failing to prevent<br>Italian civilians being<br>assaulted in mess when<br>senior member present.<br>Common assault.                                                                                                  | Reduced to S/Sjt - sentence<br>reduced to severe<br>reprimand                                                                       |
| Cpl<br>(A/Sjt)                    | Common Assault<br>(two charges)                                                                                                                                                                                                | Reduced to ranks                                                                                                                    |
| Pus                               | Assault                                                                                                                                                                                                                        | 6 months detention                                                                                                                  |

.//.

|       |                                                                                                                                                                         |                          |                                    |
|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|------------------------------------|
| 5/3jt | Shopbreaking and larceny<br>(6 fur coats)                                                                                                                               | 19 Jan 44                | Reduced to ranks and<br>1 year IHL |
| Gnr   | Manslaughter                                                                                                                                                            | 13 Feb 44                | 5 years penal servitude            |
| Spr   | Indecent exposure<br>(three charges)                                                                                                                                    | 28, 29, 30 March<br>1944 | 91 days field punishment           |
| Pte   | Stealing (1,000 lire)                                                                                                                                                   | 5 Feb 44                 | 15 months IHL                      |
| Spr   | Receiving stolen goods contrary<br>to Section 33 (1) of the<br>Larceny Act 1916                                                                                         | 4 Jan 44                 | 6 months IHL                       |
| Pte   | Stealing and drunkenness                                                                                                                                                | 9 Jan 44                 | 84 days detention                  |
| Spr   | Improperly created disturbance<br>in house of civilian, armed<br>with rifle.<br>Attempted rape<br>Stealing (wallet containing<br>600 lire) (Alternative to<br>robbery). | 31 Jan 44                | 1 year IHL                         |
| pte   | Assault contrary to s. 47 of<br>the offences against the<br>person Act 1861                                                                                             | 31 Jan 44                | 6 months IHL                       |
| Pte   | Larceny and threats contrary<br>to s. 13 (b) of the larceny<br>act 1916 - Desertion                                                                                     | 31 Jan 44                | Both accused -<br>7 years P.B.     |
| Pte   | Demanding with menaces contra-<br>ry to Sec. 30 of the larceny<br>act 1916 -                                                                                            | "                        |                                    |
| Pte   | Desertion - Offering violence<br>to Superior officer - Stealing<br>from RAF Unit.                                                                                       | "                        |                                    |
| Pte   | Stealing                                                                                                                                                                | 4 Feb 44                 | 9 months IHL                       |
| Dvr   | Offence against property of<br>inhabitant (stole a fount. pen)                                                                                                          |                          | 50 days P.B.                       |

101

|      |                                                                                                     |           |                                     |
|------|-----------------------------------------------------------------------------------------------------|-----------|-------------------------------------|
| Pte  | 500 lire) (Alternative to robbery).                                                                 | 31 Jan 44 | 6 months IHL                        |
| Pte  | Assault contrary to S. 47 of the offenses against the person Act 1861                               | 31 Jan 44 | Both accused -<br>7 years P.S.      |
| Pte  | Larceny and threats contrary to S. 13 (b) of the larceny act 1916 - Desertion                       | "         | 9 months IHL                        |
| Pte  | Demanding with menaces contrary to Sec. 30 of the larceny Act 1916 -                                | "         | 50 days P.P.                        |
|      | Desertion - Offering violence to Superior officer - Stealing from RAF Unit.                         | "         | 60 days P.P.                        |
| Pte  | Stealing                                                                                            | 4 Feb 44  | 60 days P.P.                        |
| Dvr  | Offence against property of inhabitant (stole a fountain pen)                                       |           | 60 days P.P.                        |
| Pte  | Offence against property of inhabitant (stole a ring)                                               |           | 60 days P.P.                        |
| Pte  | Offence against property of inhabitant (stole a ring)                                               |           | 90 days IHL<br>Reduced to the ranks |
| Pte  | Offence against property of inhabitant (stole a ring)                                               |           | 90 days P.P.                        |
| Sgt  | Manslaughter of an Italian Girl                                                                     |           | Each accused:-<br>90 days P.P.      |
| Pte  | Offence against property of inhabitant (stole a chair)                                              |           |                                     |
| Fus) | Conduct - created disturbance in house of inhabitant, causing damage there and injury to inhabitant |           |                                     |

|             |                                                                           |           |                                                                                                       |
|-------------|---------------------------------------------------------------------------|-----------|-------------------------------------------------------------------------------------------------------|
| Cpl         | Assault on inhabitant (2 counts)                                          |           | 90 days P.P.                                                                                          |
| Cpl         | Offence against property of inhabitant (stole a clock)                    |           | 56 days P.P.                                                                                          |
| Pte (L/Cpl) | Conduct - entered civilian premises and created a disturbance             |           | 45 days forfeiture of pay                                                                             |
| Pte         | Desertion                                                                 |           | 2 years IHL - Not to be transferred to the U.K.                                                       |
| 1) Pte)     | Offence against person of inhabitant -                                    |           | 1) 56 days P.P. )                                                                                     |
| 2) Pte)     | assault (4 counts against each accused)                                   |           | 2) 90 days P.P. )                                                                                     |
| Dvr         | Three charges of improperly receiving sums of money from Italian civilian | 19 Apr 44 | 56 days detention                                                                                     |
| Dvr         | Homicide (rash driving)                                                   | 6 Jun 44  | 18 months hard labour                                                                                 |
| Pte         | Entering a private house at Syracuse and damaging property therein        |           | 8 months imprisonment with hard labour and was put under stoppages of pay to make good the sum of £2. |
| Pte         | Entering a private house at Syracuse and damaging property therein        |           | 120 days imprisonment with hard labour and was put under stoppages of pay to make good sum of 36s.    |
| Sgt         | Stealing - two pigs. Obtaining goods by false pretences                   | 16 Dec 43 | Reduced to 30 days                                                                                    |
| Sgt         | Stealing - two pigs. Obtaining goods by false pretences                   | 16 Dec 43 | 120 days detention, commuted to 90 days field punishment                                              |

|     |                                                                                                                    |                   |                                                                                                       |
|-----|--------------------------------------------------------------------------------------------------------------------|-------------------|-------------------------------------------------------------------------------------------------------|
| Dvt | Homicide (rash driving)                                                                                            | 6 Jun 44          | 18 months hard labour                                                                                 |
| Pte | Entering a private house at Syracuse and damaging property therein                                                 |                   | 8 months imprisonment with hard labour and was put under stoppages of pay to make good the sum of £2. |
| Pte | Entering a private house at Syracuse and damaging property therein                                                 |                   | 120 days imprisonment with hard labour and was put under stoppages of pay to make good sum of 36s.    |
| Sgt | Stealing - two pigs. Obtaining goods by false pretences                                                            | 16 Dec 43         | Reduced to 305 days                                                                                   |
| Sgt | Stealing - two pigs. Obtaining goods by false pretences                                                            | 16 Dec 43         | 120 days detention, counted to 90 days field punishment                                               |
| Pte | For stealing radio set and a menace or threat causing bodily fear and demanding with menaces 10,000 lire.          | by 31 Jan 44      | Penal servitude for 7 years                                                                           |
| Pte | For stealing radio set and a menace or threat causing bodily fear and demanding with menaces 10,000 lire.          | by 31 Jan 44      | Penal servitude for 7 years.                                                                          |
| Tpr | Wounding                                                                                                           | 14 Nov 43         | 6 months detention                                                                                    |
| Pte | 10 charges of buggery against six Italians. 1 charge of disgraceful conduct of an indecent kind against an Italian | Sept 43 to Apr 44 | 7 yrs penal servitude                                                                                 |
| Pte | Stealing 20,000 lire. Common assault                                                                               | 28 Apr 44         | 18 months imprisonment with hard labour                                                               |

.//.

|     |                                         |           |                                          |
|-----|-----------------------------------------|-----------|------------------------------------------|
| ENR | Common assault                          | 25 Dec 43 | 2 years imprisonment with<br>hard labour |
| Tpr | Common assault                          | 19 May 44 | 3 months detention                       |
| Tpr | Common assault                          | 19 May 44 | 9 months detention                       |
| DVR | Robbery of 500 lire with<br>aggravation | 16 May 44 | 1 year imprisonment                      |
| DVR | do.                                     | do.       | do.                                      |
| DVR | do.                                     | do.       | do.                                      |
| Cfn | Stealing                                | 10 Jun 44 | 1 year imprisonment with<br>hard labour  |
| Rfn | Stealing                                | 9 Jun 44  | 70 days field punishment                 |

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

63A

AG/4143/L.

/mt.  
4 March 1945.

SUBJECT : Case of Carabiniere STILE

TO : Ministry of Pardon and Justice (General Direction  
Penal Affairs).

In answer to your undated memorandum requesting information on the above matter, I have to inform you that the affair was duly investigated by the Special Investigation Branch of the Military Police: the case was then referred for legal advice to the Staff of Allied Force Headquarters and proper disciplinary action was taken in accordance with such advice.

W. E. BEHRENS,  
Colonel,  
Deputy Chief Legal Advisor.

✓ 4143

62A

SUBJECT:- Discipline - Other Ranks

Legal Sub Commission,  
HQ Allied Commission  
APO 394

3 District  
Baseball 17  
126A  
23 Feb 45

60A

Ref your AC/4143/L dated 7 Feb 45.

The incident in question was investigated by the SIB and, on the advice of DJAG AFHQ, the charges against the soldiers concerned of improperly taking part in a disturbance in a public street were disposed of summarily by their Commanding Officer.

EHS



|                 |
|-----------------|
| LEGAL SUB COM   |
| CIO             |
| Chief Com       |
| CIO             |
| Italian Section |

*Ho Robert*  
Col  
DA & QMG

917

26 FEB 1945

HEADQUARTERS ALLIED COMMISSION  
A.P.O. 394  
LEGAL SUB-COMMISSION

61A  
WIE/cap

AC/4143/L

22 February 1945

SUBJECT: Case of Carabinieri STILE

TO : 3 District

With reference to this Hq's letter AC/4143/L of 7 Feb 45 can you please supply the information requested in paragraph 2 thereof.

For the Chief Commissioner

*W. G. Egan*  
F. E. BEHNEN, Lt Col  
Colonel,  
Deputy Chief Legal Advisor.

95

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

AC/4143/L.

7 February 1945.

SUBJECT : Case of carabinieri STILE.

TO : 3 District.

1. The Ministry of Grace and Justice have written to this Commission stating that at Salerno on 22 Sep 44 there was a struggle between Carabinieri STILE and 5 allied soldiers in the course of which a shot was fired which killed STILE. It is also stated that the soldiers involved were traced by the Military Police and arrested.

2. It will be appreciated if you will inform this HQ whether any disciplinary action was taken against any or all of these soldiers and, if so, what punishments were imposed.

3. If the episode concerned U.S. soldiers, will you please pass this on to the appropriate U.S. HQ.

For the Chief Commissioner:

W. E. BEMBRINS,  
Colonel,  
Deputy Chief Legal Advisor



File 4143

59A  
Mod 1348 MG

*Ministero di Grazia e Giustizia*

DIREZIONE GENERALE AFFARI PENALI

APPUNTO PER L'A.C.

La sera del 22-9-1944, in Salerno, il Carabiniere STILE Ferdinando s'imbatteva in una comitiva di cinque militari Alleati, avvinazzati, che tentarono di disarmarlo.

Nella colluttazione che ne seguì, fu esploso un colpo, che attese lo STILE uccidendolo.

La Polizia Alleata identificò i colpevoli, che furono tratti in arresto.

Si desidererebbe conoscere l'esito del procedimento a loro carico.

LEGAL SUBCOMMISSION

CJO

CJO

Chief Counsel

CJO

Italian Section

CL RKS

tratti in arresto.

Si desidererebbe conoscere l'esito del procedimento a

loro carico.

LEG. SUB-COMMISSION  
O  
C  
Chief Counsel  
CJO  
Italian Section  
CL RKS  
6 FEB 1945

Note / Have written to 3 District for information, so that  
an answer can be supplied; but it is against our rule  
to divulge sentences --- to avoid awkward comparisons  
between Courts Manual & sentences in A.M. Courts  
we can (if such be the fact) give an assurance that  
they were tried by Court Manual

R-671

443 ✓

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
SARDINIA REGION

58A

25/10/44

20 October 1944

PS/1511

SUBJECT: Enclosed letter.

TO : Headquarters, A.C.C., Legal Sub-Commission.

1. With reference to your letter ACC/4143/L dated 7 October 1944, enclosed please find copy of letter PS/1511 dated 20 October 1944 which has been forwarded to Naval Officer in Charge, Royal Navy, La Maddalena for further action.
- 57A

JAC Pennyquick  
wld

JACP/wld.

J. A. C. PENNYCUICK, Col.;  
Regional Commissioner,  
A.C.C., Sardinia Region.

5

| LEGAL SUB-COMMISSION |  |
|----------------------|--|
| CLO                  |  |
| DCLO                 |  |
| Chief Counsel        |  |
| CID                  |  |
| CLERK                |  |
| 25 OCT 1944          |  |

→

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
SARDEGNA REGION

58B

PS/1511

20 October 1944

SUBJECT: Alleged thefts by personnel of Royal and Hellenic Navies.

10 : N. O. I. C., Royal Navy, La Maddalena.

1. I attach a copy of report from the Colonel commanding the Carabinieri of Sardinia that has recently been sent to me.

2. The report alleges theft of gold objects, grapes, guns, vegetables, fruit, fowls etc. to the value of 40,000 lire from gardens and houses in the territory of Arzachena, Sassari Province. The thefts are, as you will see, attributed to British and Allied Naval personnel and constitute a serious allegation.

3. I should be glad to know if you have any information of these incidents which occurred on or about the 26th and 28th August 1944, and whether it will be possible to trace those responsible?

4. The original letter addressed to Capt HUGHES of this office on the 4th of September by the Carabinieri never reached me, consequently I appreciate that any enquiries at this stage may be difficult. In view of the extensive nature of the alleged offences, however, I should be grateful for any assistance you can give in investigating this case.

92

J. A. C. PENNYCUICK, Col.,  
Regional Commissioner,  
A. C. C., Sardegna Region.

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
LEGAL SUB-COMMISSION  
APO 394

ART/mt.  
7 Oct 44.

ASG/4143/L.

SUBJECT: Alleged robbery by Armed Forces at Arzachena.  
TO : Regional Legal Officer (thru R.C.) - Sardinia.

1. In case you have not received direct from the Procuratore Generale particulars of the above incident, the attached report received thru the Ministry is forwarded with the request that any information as to action taken by the Allied Military Authorities be communicated to this Sub-Commission.

2. You will note that a report has been made to the Military Tribunal at Oristano.

A.R. THACKERAY,  
Lt. Colonel,  
Italian Branch,  
for Chief Legal Advisor.

91

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
LEGAL SUB-COMMISSION  
APO 394

WEE/pa.  
6 Oct 44

ACC/4143/L.

SUBJECT : Allied interference in arrest of Italians by CC.IR.  
TO : H. E. The Minister for Pardon and Justice.

1. Letter No. 7155/289 of 3 October has been received from the Ministry of Grace and Justice.

2. It was understood from Your Excellency that there had been several instances, in which the Italian CC.IR. had met with interference from the Allied Forces when seeking to arrest Italians for offences which they had committed.

3. It now appears that the complaint arises from one Italian soldier who was arrested in the BARI district for desertion and was subsequently released by the Italian authorities themselves.

4. This is to inform Your Excellency that in the circumstances it is proposed to take no action in the matter.

RICHARD H. WEIMER,  
Colonel, G.A.C.,  
Chief Legal Advisor.



## MINISTERO DI GRAZIA E GIUSTIZIA

*Gabinetto di S.E. il Ministro*

Ufficio Collegamento con L'Acc.

Roma, 3 ottobre 1944

Prot. N°

4155/189

OGGETTO: Arresto di italiani al servizio delle Autorità Alleate.

Alla Commissione Alleata  
Sottocommissione Legale  
R o m a

Con riferimento a quanto discusso nell'incontro del 25 agosto sull'argomento in oggetto, si trasmette l'unita lettera della Direzione Generale degli Affari Penali in cui sono specificate le notizie richieste in proposito da codesta Sottocommissione.

L'UFFICIALE DI COLLEGAMENTO

*Donelli*



*Ministero di Giustizia*

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

*Ministero di Giustizia*

Ministero Giustizia

S. E. D. E.

Ufficio I

Prot. N. 431-24-541

Prospetto di Fedel.

Dir. Sec. M.

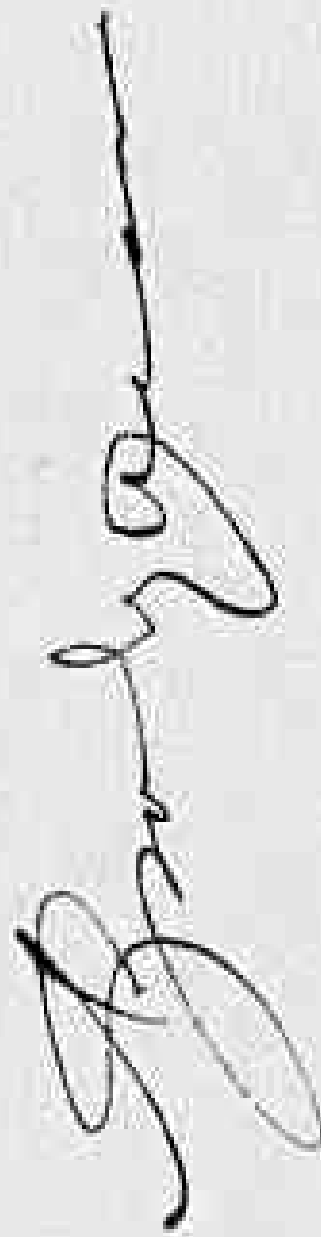
OGGETTO Arresto di Italiani al servizio delle Autorità Alleate.

In relazione alla richiesta fatta verbalmente, diretta a porre la Commissione Alleata di Controllo in grado di provvedere nel senso stabilito nell'incontro del 25 agosto u.s., in caso di arresto di italiani al servizio delle Autorità Alleate, si comunica che il Procuratore Generale presso la Corte di Appello di Bari, che aveva sollevato la questione, telegrafa, in seguito a richiesta di questo Ufficio, che lo arrestato cui si riferiva nella precedente corrispondenza è certo ABBINANTE Francesco di Vincenzo e di Pastore Camilla, nato a Carbonara il 10 febbraio 1922, militare, arrestato il 27 luglio u.s. dai RR.CC. per diserzione e scarcerato per ordine della R. Procura militare di Bari il 13 agosto successivo.

In relazione alla richiesta fatta verbalmente, diretta a porre la Commissione Alleata di Controllo in grado di provvedere nel senso stabilito nell'incontro del 25 agosto u.s., in caso di arresto di italiani al servizio delle Autorità Alleate, si comunica che il Procuratore Generale presso la Corte di Appello di Bari, che aveva sollevato la questione, telegrafa, in seguito a richiesta di questo Ufficio, che lo arrestato cui si riferiva nella precedente corrispondenza è certo ABBINANTE Francesco di Vincenzo e di Pastore Camilla, nato a Carbonara il 10 febbraio 1922, militare, arrestato il 27 luglio u.s. dai RR.CC. per diserzione e scarcerato per ordine della R. Procura militare di Bari il 13 agosto successivo.

IL DIRETTORE GENERALE

( Spaklanzani )



● TRANSLATION

MINISTRY OF PARDON AND JUSTICE  
Office of the Director General  
for Penal Matters etc.

Col Beltrami  
55c

Rome 19 Sept 44

TO Liaison Office

Ministry of Justice

R O M E

SU BJECT : Arrest of Italians employed by Allied Authorities.

With reference to the verbal request made with view of enabling the Allied Control Commission to take steps as stated in the meeting of Aug 25, 1944 in cases of arrest of Italians employed by Allied authorities, you are advised that the Procurator General of the Court of Appeal, Bari, who brought up the question, signaled as follows in response to the request made by this office (Director General for penal matters) : the arrested person referred to in the previous correspondence is a certain ABBINANTE Francesco son of Vincenzo and of Pastore Camilla, born at Carbonaro on 10 Feb 1922, soldier, arrested on 27 July 1944 by Royal Carabinieri for desertion and ordered released by G.R. Procura Militare of Bari on 13 Aug.

DIRECTOR GENERAL  
(Spallanzani)

84

*File*

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
LEGAL SUB-COMMISSION  
APO 394

541

AOC/4143/L

ART/pa.  
22 Sept 44.

SUBJECT : Alleged robbery of PACENZA Giovanni by British soldiers.

TO : Regional Legal Officer (thru Regional Commissioner)  
Southern Region .

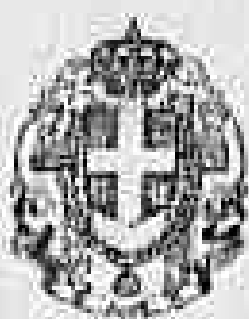
1. The attached copy of a report made to the Ministry of Justice by the Procuratore Generale at LECCE is forwarded for the obtention of any available information from the military authorities as to the outcome of this case if any .

2. As will be seen from the report the Procuratore merely mentions that the complaint was filed with the Carabinieri at Taranto Scalo, and that it was not possible to identify the assailants.

*ceef*

A. R. THACKRAH,  
Lt.Colonel,  
Italian Branch,  
for Chief Legal Officer.

Enclos. : 1 report.



4143/

Roma

16 settembre 1941

Mod 40

54B

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI  
DELLE GRAZIE DELLA STATISTICA E DEL CASELLARIOLA COMMISSIONE ALLEATA  
DI CONTROLLO - Uff. Legale  
ROMA

Ufficio I°

Sol. N° 138 tris - 18 - 716

Ripetuto f. del

In. In. N°

Oggetto: Rapina della somma di L. 2000 in danno di  
PACENZA Giovanni, attribuita a dodici militari allea-  
ti. In Taranto, il 18 agosto c.a.

1 all.

per conoscenza  
All'Ufficio di Collegamento  
GABINETTO

Si invia, per conoscenza, copia del rap-  
porto n. 4367, in data 6 settembre corr., della  
Procura "enerale presso la Sezione della Corte  
di Appello di Lecce, relativo al procedimento  
penale per il delitto indicato in oggetto.

d'ordine del MINISTRO

540

COPIA

PROCURA GENERALE DEL REGNO PRESSO LA SEZIONE DI CORTE D'APPELLO DI LECCE

N. 4367 di pret.

Lecce, 6 settembre 1944

OGGETTO: Rapina in danno di PACENZA Giovanni fu Antonio da Ressa, ad opera di un gruppo di militari alleati.

A.S. IL MINISTRO DI GRAZIA E GIUSTIZIA  
Direzione Generale degli Affari Penali - Ufficio I°  
R O M A

e per conoscenza a

S.E. IL PROCURATORE GENERALE DEL REGNO

BARI

Mi perviene dal Procuratore del Regno in Taranto il seguente avviso di reato del 24 agosto u.s.:

"Infermo che il 18 corrente, mentre i carabinieri CAVALLI Michele e MACRILLO Francesco si trovavano di servizio nel Rione Taranto - Tamburi, furono attratti da alcune grida che chiedevano soccorso. I predetti militari giunti all'imbocco di via Orsini notarono un uomo ed una donna che pochi minuti prima erano stati aggrediti da alcuni soldati inglesi.

"Essi vennero identificati per PACENZA Giovanni fu Antonio e LI Grazia di Giergie, moglie del primo, ed interrogati dai militari dell'Arma, riferivano che pochi minuti prima un gruppo di circa 12 militari inglesi, li avevano fermati, chiedendo delle denari e cercavano nel contempo di attirare a loro la Mentali. Alle proteste di costei ed alle difese del marito, uno dei militari colpiva con un pugno il PACENZA, mentre

Mi perviene dal Procuratore del Regno in Taranto il seguente avviso

di reato del 24 agosto u.s.:

"Infermo che il 18 corrente, mentre i carabinieri CAVALLIO Michele e MACRILLO Francesco si trovavano di servizio nel Rione Taranto - Tamburi, furono attratti da alcune grida che chiedevano soccorso. I predetti militari giunti all'imbocca di via Orsini notarono un uomo ed una donna che pochi minuti prima erano stati aggrediti da alcuni soldati inglesi.

"Essi vennero identificati per PACENZA Giovanni fu Antonio e ~~MARTA~~ LI Grazia di Giorgio, moglie del primo, ed interrogati dai militari dell'Arma, riferivano che pochi minuti prima un gruppo di circa 12 militari inglesi, li avevano fermati, chiedendo delle donne e cercavano nel contempo di attirare a loro la Mentali. Alle proteste di costei ed alle difese del marito, uno dei militari colpiva con un pugno il PACENZA, mentre un altro gli prendeva la giubba che portava sopra le spalle, contenente la somma di £.2000 custodita nel portafoglio, allontanandosi velocemente seguiti dagli altri soldati inglesi.

"I coniugi PACENZA-MENTALI si recavano in una locanda, dovendo il mattino successive partire per il proprio paese.

"Non è stato ancora possibile identificare gli autori del fatto, sole a circa 5 metri di distanza da dove avvenne l'aggressione fu trovata abbandonata per terra la giubba, però senza il portafoglio.

"Ho rimesso la denuncia ai Carabinieri di Taranto Seale per accurate e diligenti indagini".

Mi riserbo di tenere informata V.E. sull'ulteriore corso del procedimento.

P.L'AVVOCATO GENERALE

f.to Oronzo Citti - Sost.

Gesso.

53A

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
LEGAL SUB-COMMISSION  
APO 394

ACC/ADJ/L.

/rlp.  
21 August 1944.

SUBJECT : Conduct of French Troops.

TO : Regional Legal Officer (THU: Regional Commissioner), Region V.

1. Reference our ACC/ADJ/L of 20 August 1944.
2. The papers you have submitted have been sent forward to RC & MC Section and from there will go to higher authority.
3. It is, of course, difficult to do anything about the case, since the French soldiers are not known and ~~may~~ not be identified, or they may have left the country.
4. If I should hear anything further about this matter I shall advise you.

RICHARD H. WILSON,  
Colonel, SAC,  
Acting Chief Legal Officer.

0143

52A

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

20 August 1944.

Ref/702/115/CA

SUBJECT:- Clorinda Verrecchia.

TO: Legal Sub-Commission.

1. This is to acknowledge your note of 19 August 1944,  
Ref:ACC/4143/L.

2. The answer to this note is similar to that contained in  
our letter to you dated 19 August 1944 Ref/702/108/CA.

50A

W.G.S. Dollard  
Mjr

for Norman E. Fiske,  
Colonel,  
Deputy Executive Commissioner.

82

51A

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
LEGAL SUB-COMMISSION  
APO 394.

20 August 1944.

/CC/4143/L.

SUBJECT : Conduct of French Troops.

TO : RLO (thru R.C.), Region 2.

1. Reference your 2201/79/D dated 11 August 1944.
2. Today I have been advised by the R.C. & M.G. Section, (which I must say is not indicative of the fact that anything is likely to be done about the case) that the papers which you originally sent in were sent on to Higher Authority.
3. It is to be appreciated, of course, that no action can be taken if the names of the offenders have not been taken or they cannot be identified in some manner.
4. Should any further communication be received about this case I will advise you.

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

RHW/wew.

51A

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
LEGAL SUB-COMMISSION  
APO 394.

20 August 1944.

/CC/4143/L.

SUBJECT : Conduct of French Troops.

TO : RLO (thru R.C.), Region 2.

1. Reference your 2201/79/D dated 11 August 1944.
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4. Should any further communication be received about this case I will advise you.

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

RHW/vsw.

50A

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

CONFIDENTIAL

Ref/702/108/CA

19 August 1944.

SUBJECT: Conduct of French Troops.

TO : Legal Sub-Commission, A.C.C.

1. This is to acknowledge your note of 14 August 1944 Ref/ACC/4143/L. The case you refer to is one of many that have been dealt with through liaison Officers and finally brought to the attention of the Commanding General C.E.F.
2. A report forwarded from the Commanding General 5th Army to the C in C AFHQ through the Chief Commissioner A.C.C. sent to this Section. The covering letter from 5th Army is dated 14 August 1944.
3. The report from the Commanding General C.E.F. lists action taken against proved offenders and expresses the concern of the Commanding General that relations between French troops and the Italian population must be correct. This report also points out that a great many so called cases have either been not proved or have been the result of propaganda against the French Forces.
4. Since the whole question of the behaviour of French troops has been referred to higher authorities and this report from the Commanding General C.E.F. has been forwarded to us it appears that this is the valadictory statement on the subject.

LEGAL SUB-COMMISSION

NORMAN E. FISKE.

Colonel

Deputy Executive Commissioner.

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

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Sub-Commission  
APO 394

H9A

ACC/4443/L.

/pa.  
19 Aug/44.

SUBJECT : Clorinda VERBUCHIA.

TO : R.C. & M.G. Section.

14A 18A  
Further to our ACC/4443/L of 1 June 44 and your Ref.307/167/CA  
of 3 June 44 the papers in another case of alleged killing and wounding  
by French soldiers are forwarded for such action as you may deem necessary.

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

73

✓ 4143.0  
 TO: CLO HQ. AGC  
 FROM: HQ. REGION V ANG/AGC  
 SUBJECT: Offences by French Soldiers.  
 REF: P5/511/12/C

16 August 1944

1. Herewith communication from FLO Campobasso concerning misconduct of French Soldiers in that Province.
2. As we have no jurisdiction, the file is being forwarded to you for disposition.

5 Inclosures  
 ART/nm

|                     |  |
|---------------------|--|
| LEGAL SUB-COMMISSIO |  |
| CLO                 |  |
| DCLO                |  |
| Chief of Counsel    |  |
| CLO                 |  |
| Section             |  |
| 1. CCLCRKS          |  |

J. L. WILLIS  
 Lt. Colonel,  
 RLO

by A. R. TROXELL  
 Lt. Colonel  
 DRLO

78

211

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Sub-Commission  
APO 394

RHW/Pa.  
14 Aug 44.

ACC/41 3/L.

SUBJECT : In re TORLUCCI Vitale.

TO : R.C. & M.G. Section.

1. Reference ACC/4143/L of 1 June 44.
2. I enclose a copy of a letter from the RLO Region 2 dated 11 Aug 1944 concerning the above matter.
3. I would appreciate it if you can ascertain what, if anything, is being done about it.

RICHARD H. WILNER,  
Colonel, CAC,  
Acting Chief Legal Officer

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
REGION II

Legal 46A SC

9463

Ref. :- 2201/79/D

11 Aug 44

Subject:- In re Torlucci Vitale

To :- CLO Legal Subcommittee ACC ROME

Ref ACC/4143/L of 1.6.44, and RC & MG  
Sections letter 307/107/CA of 3.6.44, both with  
copies to this HQ., may information now be given  
as to the results of action taken.

The case has very understandably caused  
the greatest indignation in the province of Potenza.

Nº 04072 11.VIII.44

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

14A 18A

|                     |  |
|---------------------|--|
| LEGAL SUBCOMMISSION |  |
| CLO                 |  |
| Legal Council       |  |
| Notary Section      |  |
| CLARKS              |  |

78

HEADQUARTERS  
1 AUG 1944  
A. C. C.

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
LEGAL SUB-COMMISSION  
APO 394

ACC/4143/L.

/rlp.  
20 July 1944.

SUBJECT : Homicide of Savino and Santacesaria.

TO : H.E., the Minister of Justice (Penal Affairs).

Replying to Your Excellency's communication dated 4 July 44, Prot. No. 28686, with attached report on above case from the Procureure Generale at Bari, this sub-commission is informed by its Regional Legal Officer that the author of the alleged crime, Pte Camps, is under arrest pending the completion of the investigations preliminary to trial for murder.

*Cay*  
A. P. THACHERAH,  
Lt. Col.,  
Italian Branch,  
for Acting Chief Legal Officer.

HEADQUARTERS  
COLUG 1944  
A. C. C.

HEADQUARTERS  
REGION 3, ALLIED CONTROL COMMISSION  
A.P.O. 394, U.S. Army

*Copy*

*Legal*

44

I 2135

19 July 1944.

Subject: Alleged killing of member of RR.CC.  
by American Police at Casoria.

To : Procura Generale del Re - Court of Appeal -  
N A P L E S -

34A

1. Attached hereto is copy of letter this day received from the Headquarters, Allied Control Commission, Legal Sub-Commission relative to the above subject.

2. I have this day written to the J.A.G.D. F.B.S. requesting that they furnish this office with the results of the investigation.

3. This office will keep you advised in the matter.

G.A. Banlet,  
Major General List  
Acting Reg. Legal Office

*handed  
1/10/45  
G.M.  
25/7/45*

74

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

/ap

ACC/4143/L

17 Jul 44

SUBJECT : Offences against Italian Civilians.

TO : H.E. the Minister of Justice.

Further to our ACC/4143/L dated 16 Jul 44 the following are particulars of some further cases recently dealt with:

Particulars of Offences  
of which convicted

Sentence

For stealing radio set and by a menace or threat causing bodily fear and demanding with menaces 10,000 lire.

Sentenced to penal servitude for 7 years

Wounding

6 months detention

11 charges of disgraceful conduct of an indecent kind committed against Italians.

7 years penal servitude.

Stealing 20,000 lire. Common assault.

18 months imprisonment with hard labour.

Common assault

2 years imprisonment with hard labour.

Common assault

3 months detention.

A. R. THACKRAH, Lt. Col.  
Italian Branch  
for Acting Chief Legal Officer.

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
REGION 2

Legal (42A) 3073  
J-5931

REF: 2201/74/D

16 July 1944

SUBJECT: In re Santacassana &amp; Savina.

TO : C.I.C., Legal Subcommittee ACC, Rome.

30A

1. Ref ACC/4143/1 of 6.7.44, the Procuratore Generale never inquired of ACC Region 2 regarding the above. He has now however been advised that P.te William Camps is under arrest on a holding charge pending completion of investigations when he will be tried for murder.

2. The facts as at present alleged are that P.te Chambers met the two Italians for appointment to sell them a large quantity of WD goods. They actually brought the money with them and P.te Chambers shot them both dead.

|                      |          |
|----------------------|----------|
| LEGAL SUB-COMMISSION |          |
| CLO                  |          |
| DELO                 |          |
| Chief Counsel        |          |
| 19 JUL 1944          |          |
| Section              |          |
| Q. 135               | A. C. C. |

D. H. Conin  
D. H. S. COUSINS Lt. Col.  
R.I.C.,  
Region 2

72

20/7/44

Hold until further  
instructions are received

Ally

CONFIDENTIALJudge Advocate General's Branch,  
HQ Allied Forces in Italy.

JAG/General/20

12 Jul 44

Chief Legal Officer,  
Rear HQ, AGC

Reference my minute of even number dated 10 Jul 44.

Forwarded herewith for your information is a record of two field general courts-martial in which British Military personnel have been convicted of offences against Italian civilians.

(1) No. 7655232 Cpl. E. Cassar, 20 Welsh Coy RMF.

Convicted by FCM on 10 Jun 44 of stealing one "Zenith" folding camera, one "Kodak" box camera and 28,500 lire the property of Erminio Tracostano.

The accused was sentenced to 1 year's imprisonment with hard labour.

(2) No. 7550642 Pte J. Davies, 1 KIRG.

Convicted by FCM on 9 Jun 44 of stealing articles of clothing from Russo Antonino di Antonino.

The accused was sentenced to 70 days field punishment.

DOWN GRADED  
TO  
UNCLASSIFIED

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

Lieut. Col.  
A.D.J.A.G.

Legal. S.C. (41A) 5896

4143

(39A)

Chief Counsel

C/O

Legal Section

C. AGC

CONFIDENTIAL

4/43  
✓

Legal 5870

Judge Advocate General's Branch  
in Allied Forces in Italy

(40A)

JAG/General/26

18 Jul 44

Chief Legal Officer,  
Rear Headquarters,  
Allied Control Commission,  
Legal Sub-Commission, AFV 394.

Disclosure of crimes against Italian  
Civilians.

MAC, IAI, has decided as a matter of policy that the disclosure to civilians of the result of trials of British soldiers for offenses committed against them must be left to the discretion of District Commanders to decide the cases in which information may be given.

As you will appreciate, I am bound by this letter, so I suggest that you take up this question with the District Commanders in this theatre.

| LEGAL SUB-COMMISSION |   |
|----------------------|---|
| CLO                  | 1 |
| SCLO                 | ✓ |
| Chief Counsel        |   |
| CJO                  |   |
| Legal Section        |   |
| CL RK5               |   |

DOWN GRADED  
TO  
UNCLASSIFIED

File

Col. Inf.  
Chief Judicial Officer.  
for Chief of Staff  
Lieut. Col.  
A.B.J.A.G.

HEADQUARTERS  
10 JUL 1944

Under circumstances  
believe it best not  
press this further unless  
some further inquiries  
RAN

403  
✓  
CONFIDENTIAL

Legal 39A  
5717  
Judge Advocate General's Branch  
HQ Allied Armies in Italy

JAG/General/20

10 Jul 44

Received 17th July 44

Chief Legal Officer,  
Rear HQ, ACC.  
-----

Reference your ACC/4143/L dated 7 Jul 44.

1. Enclosed herewith for your information is a record of field general courts martial in which British military personnel have been convicted of offences against Italian civilians.
2. In future I will let you have this information when the proceedings are received in this Office for legal review. In this way you will be kept up to date in regard to offences committed by British military personnel in respect to black market participation or against Italian civilians and their property.

DOWN GRAD  
TO  
UNCLASSIFIED

*[Signature]*  
Lieut.col.  
A.D.J.A.G.

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

HEADQUARTERS  
ALLIED ARMY  
JUL 1944  
68

PARTICULARS OF BRITISH MILITARY PERSONNEL CONVICTED BY F.G.C.M.  
IN RESPECT OF BLACK MARKET PARTICIPATION AND INJURIES TO ITALIAN  
CIVILIANS AND THEIR PROPERTY FROM 21 APRIL 44 to 14 JUNE 44

| Date of offence   | Date of trial | Particulars of Accused                                       | Particulars of offences of which convicted                                                                                                                                                                                                      |
|-------------------|---------------|--------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 31 Jan 44         | 21 Apr 44     | 6296564 Pte E. Williams, RWK<br>6104704 Pte W. Fairy, Queens | Both convicted of stealing radio set from house of Signore Lacorte Attilio and by a menace or threat of putting Signorina Pierina Palermo in bodily harm. Pte. Williams convicted of demanding with menaces 10,000 lire from Margherita Grazia. |
| 14 Nov 43         | 15 May 44     | 7961210 Tpr F.S. Donaldson<br>46 RTR.                        | Wounding Filippo Ventromile                                                                                                                                                                                                                     |
| Sept 43 to Apr 44 | 27 May 44     | 105062 Pte H.C. Trebble<br>52 BCD RASC EFL.                  | 10 charges of buggery against six Italians.<br>1 charge of disgraceful conduct of an indecent kind against an Italian.                                                                                                                          |
| 28 Apr 44         | 1 Jun 44      | 2658302 Pte G. Welburn<br>510 Ind Mob Pro Coy, CMP.          | Stealing 20,000 lire from Borgia Giovanna of No. 7 Via Paola Pellicano, Reggio Calabria.<br>Common assault on same person.                                                                                                                      |
| 25 Dec 43         | 2 Jun 44      | 864810 Gnr G. Rowland<br>26 Defence Regt RA att 71 Gn.       | Common assault on Michelangelo Bufalino.<br>Common assault on Girolano Dipallemessina.                                                                                                                                                          |
| 19 May 44         | 8 Jun 44      | 7894916 Tpr F. Wood 6 RTR                                    | Common assault on Francesco Paolini and Dino Pasquale.                                                                                                                                                                                          |

BRITISH MILITARY PERSONNEL CONVICTED BY P.G.C.M.  
 BLACK MARKET PARTICIPATION AND INJURIES TO ITALIAN  
 THEIR PROPERTY FROM 21 APRIL 44 to 14 JUNE 44

39/3.

Particulars of offences  
 of which convicted

Sentence

Both convicted of stealing radio set from house of  
 Signore Lacorte Attilio and by a menace or threat  
 putting Signorina Pierina Palermo in bodily fear.  
 Pte. Williams convicted of demanding with menaces  
 10,000 lire from Mageria Grazia.

Both accused sentenced to  
 penal servitude for 7 years.

Wounding Filippo Ventromile

6 mths. detention.

10 charges of buggery against six Italians.  
 1 charge of disgraceful conduct of an indecent  
 kind against an Italian.

7 yrs. penal servitude.

Stealing 20,000 lire from Borgia Giovanna of  
 No. 7 Via Paola Pellicano, Reggio Calabria.  
 Common assault on same person.

18 mths. imprisonment  
 with hard labour.

Common assault on Michelangelo Bufalino.  
 Common assault on Cirolano Dipallomessina.

2 yrs. imprisonment with  
 hard labour.

Common assault on Francesco Paolini and  
 Dino Pasquale

3 mths. detention.

| Date of offence | Date of trial | Particulars of Accused                                                                                                | Particulars of offences of which convicted                        |
|-----------------|---------------|-----------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 49 May 44       | 9 Jun 44      | 3529760 Tpr J. Chappell, 6 RTR.                                                                                       | Common assault on <del>Francesco Paolini and Dino Pasquale.</del> |
| 16 May 44       | 14 Jun 44     | T/3245918 Dvr T. Docherty )<br>T/177141 Dvr W.J. Lewis )<br>T/274260 Dvr F. Craraldi )<br>410 RASC Coy (Blk Pet Tpt). | Robbery with aggravation of <del>Engi-</del><br>of 500 lire.      |

sed

Particulars of offences  
of which convicted

Sentence

RTR.

Common assault on ~~Francesco Paolini~~  
and ~~Dino Pasquale~~.

9 mths. detention.

Robbery with aggravation of ~~Raggio Armando~~  
of 500 lire.~~Docherty and Craraldi:~~  
6 mths. imprisonment.  
~~Lewis:~~ 1 yr. imprisonment.

69

85

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

ART/gmf

38A

ACC/4143/L

16 Jul 44

SUBJECT: Offences against Italian citizens.

TO : H.E. the Minister of Justice.

For Your Excellency's information in regard to the punishment by the Allied Military Authorities of offences committed by military personnel to the prejudice of Italian citizens, the following are particulars of some cases recently dealt with:-

| <u>Offence</u>                                                                     | <u>Punishment</u>                                                                                      |
|------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| For entering a house at Syracuse and damaging property therein.                    | 8 months imprisonment with hard labour - fine of £2 to make good damage.                               |
| ditto                                                                              | 120 days imprisonment with hard labour - fine of 36 shillings to make good damage.                     |
| Dangerous driving at Castellammare causing death of an Italian girl, aged 6 years. | 18 months imprisonment with hard labour.                                                               |
| Stealing 2 pigs obtaining 7 hens by false pretences.                               | Sgt reduced to the rank of Private soldier. - 120 days detention commuted to 90 days Field Punishment. |

Further particulars will be furnished from time to time as they come to hand.

*Dep.*  
A. R. THACKER, Lt. Col.  
Italian Branch  
for Acting Chief Legal Officer.

*File 4143*

*5635 Legal*

*37A*

HEADQUARTERS  
15 JUL 1944  
A. C. C.

CONFIDENTIAL

Judge Advocate General's Branch  
HQ Allied Armies in Italy

JAG/General/20

14 Jul 44

Chief Legal Officer,  
Rear Headquarters,  
Allied Control Commission,  
Legal Sub-Commission,  
APO 394.

The following particulars of a trial by field general court-martial in respect of offences committed against Italian civilians are forwarded for your information.

Name of accused: MS 7844 Sjt. A. Collet, 68 Airfield Construction Group,  
P/23490 Spr. H.S. Mieguelman, No. 1 Camouflage Company.

Particulars of offence:

1. Stealing - two pigs, the property of Guerra Pasquale.
2. Obtaining goods by false pretences - Obtaining from Carmine Vaccarella seven hens by falsely pretending that they were then authorized to collect hens for the Italian Red Cross.

(Both offences committed 16 December 1943.)

Sentence:

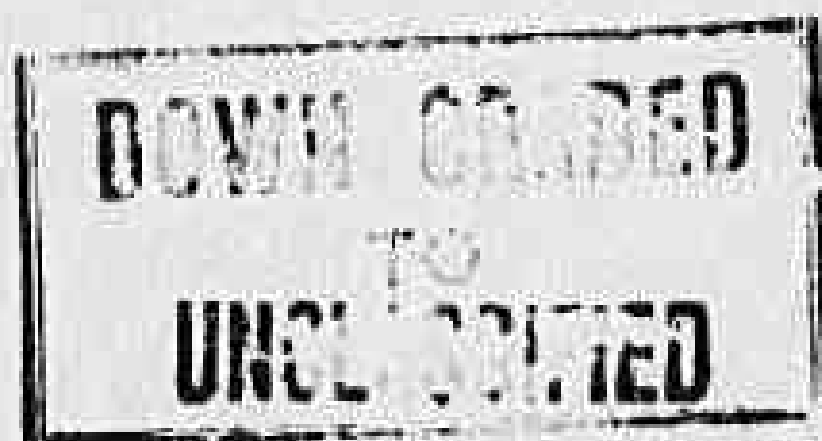
Sjt. Collet - Reduced to the ranks.

Spr. Mieguelman - 120 days' detention, commuted to 90 days' field punishment.

Date of trial:

21 May 44.

63



*M. J. Quinn*  
Lieut. col.  
A. D. J. A. G.

Col. Inf.  
Chief Judicial Officer,  
for Chief of Staff, A. C. C.

CONFIDENTIALJudge Advocate General's Branch  
HQ Allied Armies in Italy

JAG/General/20

13 Jul 44Chief Legal Officer,  
Rear HQ, ACC.  
-----14208489 Pte J. Hawkins  
5782688 Pte R. Parnell  
both of 30 Norfolks att 71 Gn.

Reference my minute of even number dated 10 Jul 44.

The above-named soldiers were convicted of entering a private house at Syracuse and damaging property therein.

Pte. Hawkins was sentenced to 8 months imprisonment with hard labour and was put under stoppages of pay to make good the sum of £2.

Pte. Parnell was sentenced to 120 days imprisonment with hard labour and was put under stoppages of pay to make good the sum of 36s.

Lieut.col.  
A.D.J.A.G.

HEADQUARTERS

14 JUL 1944

A. C. C.

Col. Int.  
Chief Judicial Officer.  
for Chief of Staff Officer.No record. Probably  
have not yet reached  
as an delivery of mail at  
present a little disorganized

414 ~~file~~

(350)

CONFIDENTIALJudge Advocate General's Branch  
HQ Allied Armies in Italy

JAG/General/20

13 Jul 44Chief Legal Officer,  
Rear HQ, ACC.  
-----T/10660021 Dvr K.L.E. Dias,  
657 Gen Tpt Coy, RASC.

Reference my minute of even number dated 10 Jul 44.

The above-named soldier was convicted on 6 Jun 44 of dangerous driving under Section 41 Army Act as the consequence of an accident at Castellamare on 25 Dec 43 in which an Italian girl, Buonaccunto Luisa Maria di Francesco di Salza Emilia, of Via Mazine 8 Castellamare, aged 6 years, was killed.

He was sentenced to 18 months imprisonment with hard labour.

*performed*  
Lieut. col.  
A.D.J.A.G.HEADQUARTERS  
14 JUL 1944  
A.C.G.DOWN 20 050  
UNCLASSIFIED

63

Col. Inf.  
Chief Judge-Adv. Officer,  
for Chief Legal Affairs Officer.

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Sub-Commission  
APO 394

ART/pa

REFERENCE : ACC/4143/L.

12 Jul 44

SUBJECT : Alleged killing of member of RR.CC.  
by American Police at Casoria.

TO : RLO ( THRU: Regional Commissioner) Region 3.

1. The attached report concerning the alleged killing by American Military Police of a member of the Carabinieri has been handed to this Sub-Commission by the Minister of Justice.

2. Doubtless the Procuratore Generale will be able to furnish more detailed particulars in due course, and we should like to be kept informed of the outcome of this case so that the result of any Court Martial proceedings may be notified to the Ministry.

*arf*  
A.R. THACKRAH,  
Lt. Colonel,  
for Acting Chief Legal Officer.

Enclos.: 1 Report.

62

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Sub-Commission  
APO 394

30A.  
JM/pa

REFERENCE : AGC/414/L.

11 Jul 44.

SUBJECT : Punishments for offences against Italians.

TO : H.Q. Peninsular Base Section APO 782.

1. Reference your letter RDL/hp of 31 May 1944 to Chief, Liaison Division, Allied Control Commission.
2. The cases of which information is particularly requested are (a) Black Market offences and (b) injuries to Italian civilians and their property.
3. As already stated, the names of military personnel and their units will not be divulged.
4. Similar information is being obtained as to British military personnel.
5. It has been suggested to us that it is better to obtain this information from you direct rather than have our legal officers in the field obtain it locally.

R. H. WILSON,  
Colonel,  
Acting Chief Legal Officer.

copy to : R.C. & M.G. Section (Ref. letter 307/135/GA  
of 4/7/1944).

file  
REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

321  
HHW/gat

ACC/4113/L

7 Jul 44

SUBJECT: Punishment for Offences against Italians.

TO : HQ AAI (JAG).

1. Reference our letter ACC/4113/L of 30/6/44.
2. Information is particularly required by this Subcommittee as to punishments given to British Military personnel with respect to (a) black market participation and (b) injuries to Italian civilians and their property.
3. In your letter JAG General/1/L of 21/5/44, you furnished us with certain examples of punishments inflicted for offences against Italian civilians, and in your letters JAG/General/20 of 29/5/44 and 31/5/44 you gave us particulars of two other cases. We would be glad to have from time to time additional information as to both classes of cases mentioned in para 2 above.
4. You will recall that we wanted to be in a position to assure the Italian Government that Allied Military personnel involved in such cases were being dealt with adequately. Of course, as previously stated, the names of the Military personnel and their units will not be divulged.
5. Similar information is being obtained as to United States Military personnel.
6. It has been suggested that it is better to obtain this information direct from you rather than have our legal officers in the field attempt to obtain it locally.

RICHARD H. WILDER  
Colonel, GAO  
Acting Chief Legal Officer.

Copies to RC & HQ Section (ref letter 307/135/CA of 4 Jul 44)  
File ACC/4060/L.



# MINISTERO DI GRAZIA E GIUSTIZIA

UFFICIO DIREZIONE GENERALE AFFARI PENALI

Prot. N. 23902

Salerno

- 6 LUG. 1944

Risposta al foglio del

Div. Sez. N.

ALLA COMMISSIONE ARMAIA  
DI CONTROLLO

Sezione Missione Legale

SALERNO

OGGETTO: Uccisione di un prigioniero del R.E. SS. da  
parte di militari nazionali.-

4143

Per opportuna conoscenza, si tra-  
mette copia del rapporto inviato dal  
Procuratore Generale di Napoli, con  
data 27.6.1944 n. 475/44.-

IL MINISTRO

*Qui.*

52

700  
HEAD HEADQUARTERS  
ASSISTANT TO THE COMMISSION  
Legal Subcommittee  
APO 394

AYE/maf

6 Jul 44

ACC/4115/L

SUBJECT: Homicide of Santacessaria Nicola and Savino Giovanni.

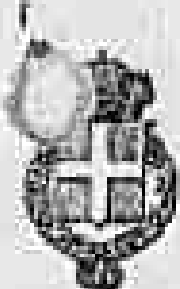
TO : RIO (thru NC) Region 2.

1. The Minister of Justice has forwarded to this Subcommittee the copy of a report made to his Ministry by the Proc. Generale at Bari concerning the above case involving a British soldier, named William Camps.

2. It is stated that a copy of such report was handed to the Legal Officer of ACC on 24 June 44. Please confirm and report position of this matter. 58

See folios 29A

Dep  
A. R. TEACRAH, Lt. Col.  
For Chief Legal Officer.



Salerno li,

4 LUG. 1944

MINISTERO DI GRAZIA E GIUSTIZIA  
Direzione Generale Affari  
~~UFFICIO SUPERIORE DEL PERSONALE~~  
E DEGLI AFFARI GENERALI  
Penali

Ufficio

Prot. N. 28886

A LLA COMMISSIONE ALLEATA  
DI CONTROLLO

Sottocommissione Legale  
SALERNO

Risposta al foglio del

Div. Sez. N.

OGGETTO: Omicidio in persona di Santacesaria Nicola  
e Savino Giovanni.-

Per opportuna conoscenza si trasmet-  
te copia del rapporto inviato dal Procu-  
ro Generale di Bari il 27.6.1944 n.6985 e  
relativo all'affare indicato in oggetto.-

A IL MINISTRO

*Quin,*

PROCURA GENERALE DEL RE PRESSO LA CORTE DI APPELLO DI BARI

N. 6985 Prt.

N. 242/44 A.R.

Bari 27 giugno 1944

Oggetto: Omicidio in persona di Santacesaria Nicola e Savino Giovanni.  
Avviso di reato.-

Ecc./se Ministero di Grazia e Giustizia  
Direz. Gen. Affari Penali Ufficio I°

SALERNO

Pregiarmi comunicare a codesto Ecc./se Ministero che, nella notte sul 17 giugno corr., i contadini Savino Giovanni e Santacesaria Nicola, in contrada Macchia di Case, agere di Monopoli, venivano fatti segno a colpi di arma da fuoco da parte di militare inglese. Colpiti entrambi, il Santacesaria decadeva immediatamente, mentre il Savino riportava gravi lesioni che ne causavano il decesso nell'ospedale di Monopoli il 19 corrente.

Il Savino, interrogato dai RR.CC. e dal Pretore di Monopoli, riferì che con il cugino Santacesaria aveva presi accordi con un militare inglese per la compra di affretti di vestigie per il prezzo di L. 62.000 che la notte del 16 corr. si era recato col cugino nel luogo convenuto, contrada Macchia di Case, verso le ore 23,30 e che il militare inglese, dopo essersi accertato che il Santacesaria era in possesso del danaro, li aveva invitati ad andare avanti, verso il luogo dove diceva essere la merce, seguendoli a poca distanza. Ad un tratto, alle loro spalle, erano stati colpiti dai colpi di arma da fuoco che li avevano colpiti entrambi e mentre il Santacesaria era caduto al suolo, il Savino era riuscito a fuggire ed a ricoverarsi in una vicina casa colonica dalla quale era stato poi condotto all'ospedale.

Il militare di cui trattasi è stato identificato per tale William Camps. Sul cadavere del Santacesaria furono rinvenute lire 10.000 mentre il Savino aveva affermato che il cugino portava seco lire 312.000. 58

E' stato proceduto all'espletamento degli atti generici e specifici urgenti.

In data 24 giugno corr. il Procuratore del Re di Bari ha rimesso gli atti, per competenza, all'Ufficio Legale della Commissione Alleata di Controllo, che ne aveva fatta richiesta.

Il Procuratore Generale del Re  
f.to Giuseppe De Santis

*f.c.c.*  
*[Signature]*

*4080 4143 Regal*

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

4078

28A

Ref/307/135/CA.

4 July 1944.

SUBJECT: Punishment for Offences against Italians.

TO : Admin Section (for Legal Sub-Commission)

1. With reference to your letters of 4080/L of 15 May and 30 June 1944, your attention is drawn to your earlier letter 4143/L of 18 May 1944 addressed to this Section and to letter addressed by the Chief Liaison Officer to PBS dated 23 May 1944 and to reply received from PBS dated 31 May 1944. Copies of the two latter letters are attached.
2. It is suggested that it might be better for you to contact the British J.A.G. at AAI and the A.G.D's Branch at PBS referring to the above letters, and obtain from them examples of Court Martial sentences rather than ask KLO's to try and get the information.

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

JSR/RAC

*W. E. Fiske*

NORMAN E. FISKE,  
Colonel,  
Deputy Executive  
Commissioner

55

AG (23 May 44) BPJAG

1st Ind.

HEADQUARTERS PENINSULAR BASE SECTION, APO 782, 31 May 1944 RDL/hp.

To: Chief, Liaison Division, Headquarters Allied Control Commission,  
APO 324.

1. This headquarters sees no objection to furnishing information regarding selected cases involving Black Market transactions provided the name and organization of the soldier involved is not shown and provided the information furnished is regarded as Confidential and not published.

2. Court-martial proceedings are classified as Confidential material and cannot be disclosed for public dissemination. In order that the Minister of Justice may know that suitable punishment is being given American soldiers participating in Black Market activity, the Judge Advocate will from time to time select certain representative cases and provide information for the Italian Minister of Justice without, however, disclosing matters so classified as Confidential.

For the Commanding General:

L.C. SUTTON, JR.,  
Captain, A. G. D.  
Ass't Adj.General

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

Ref/307/84/CA.

23 May 1944.

SUBJECT : Divulging Court Martial Sentences.

TO : Commanding General, Peninsular Base Section.  
(Attn.; Secretary, General Staff)

1. The Chief Legal Officer, Allied Control Commission, feels very strongly that our position in insisting that the Italians impose adequate sentences on civilians involved in Black Market and other criminal cases, would be greatly strengthened if we might demonstrate by specific instances that when our own military personnel are convicted of offenses against the Italian people, they are also severely punished.

2. This general subject-matter was discussed several months ago with Colonel LeMar, Staff Judge Advocate, Peninsular Base Section, who advised that it was contrary to General Pence's policy to divulge the nature of court martial sentences. At that time, however, it was proposed actually to publish details of specific cases in local newspapers, for their psychological effect. No formal request was made upon your headquarters at that time.

3. The current situation and proposal differ from those involved in my discussion with Colonel LeMar, in that:

- a. It is not proposed to publish any information in newspapers but merely to give the data to the Minister of Justice of the Italian Government, as a confidential matter.
- b. No names of soldiers are to be divulged.
- c. Arrangements similar to that proposed with P.B.S. have in fact been made with the JAG, A.A.I. (see attached letters)
- d. Peninsular Base Section has changed commanding generals.

- 2 -

4. Officers of the Regional Control and Military Government Section of this headquarters believe, and I agree, that a reasonable demonstration of comity and good faith in our military legal matters would pay dividends in greater cooperation on the part of Italian officials and judicial officers, and that any objections which might be interposed to the proposal are more than outweighed by these considerations.

5. It is requested that Peninsular Base Section sympathetically consider entering into an informal arrangement similar to that reflected in the attached letter dated 20 May 1944 between A.A.I. (JAG) and our Legal Sub-Commission.

6. The present aspect of the matter has also been discussed preliminarily with Colonel LeMar.

ENOCH BROWN, Major  
for  
ALFRED C. BOWMAN  
Lt.Col.  
Chief, Liaison Division

2Incls -

(2A) Incl 1- "Punishment for Offenses Against Italians"  
ACC/4143/L. 18 May 44, Legal S-C.

(4A) Incl 2- "Particulars of Court Martial Cases involving Italian  
Civilians." ACC/4143/L., 20 May 44, Legal S-C.

Copy to: LeMar, Staff Judge Advocate, P.B.S.

52

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

30 June 1944.

REFERENCE : ACC/4143/L

SUBJECT : Punishment of military personnel for offences against  
Italian civilians and property.

TO : HQ AAI (JAG)

1. Legal officers in regions are frequently asked questions as to the disposition of trials of members of the Allied Forces who have committed offences against Italian individuals or their property and have experienced great difficulty in learning of the disposition of such cases. This does affect, as you will appreciate, relations with Italian civilians.

2. It is requested that some arrangement may be made so that your officers in various Districts or Sub-Areas may be authorised to give information to our legal officers concerning the disposition of cases in order that the person who has suffered may have at least some general idea as to the punishment awarded. It is appreciated that this is a somewhat delicate matter but it seems that some general information might properly be forthcoming as to the disposition of any particular case.

RICHARD H. WILLIAMS  
Colonel CAG,  
Deputy Chief Legal Officer.

RHW/wow.

51

(26A)

REAR HEADQUARTERS  
ARMED CONTROL COMMISSION  
Legal Subcommission  
APO 39A

ART/gac

ART/323/L

25 Jun 64

SUBJECT: Alleged Violation of Graves at Caserta.

TO : H.E. Minister of Justice.

On or about 5 June 64, Your Excellency referred to this Subcommission a report from the Commandant General 101 AC regarding alleged sacrilegious acts by Allied soldiers at the Church of St. Giuseppe, Palomano di Caserta.

The matter was immediately taken up with the military authorities and from the results of investigation made it would appear that it is by no means certain that these regrettable acts were committed by soldiers. On the other hand the facts point to at least some of the acts complained of having been the work of small children from a neighbouring village who broke through a small window in the rear of the church in an attempt to get into the adjoining camp area in search of food.

The slight damage done was repaired and the skulls disturbed in the Cemetery replaced to the satisfaction of the parish priest Sac. Joseph Bernardino, a copy of whose statement is attached for Your Excellency's information.

Dep  
A. R. TURKMAN, Lt. Col.  
for Chief Legal Officer.

Enclos: 1 copy of Statement.

5U

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
LEGAL SUB-COMMISSION  
APO 394

ART/pa

(25A)

REFERENCE : ACC/4143/L.

22 Jun 44

SUBJECT : Alleged shooting of TESSE Michele  
by British Military Police at Andria.

TO : H.M. The Minister of Pardon and Justice.

1. Further to your Excellency's letter No. 27192 dated 15 May 1944 drawing attention to the alleged shooting at Andria of the above-named by a member of the British Military Police, a report of the incident has now been received.

2. The circumstances were that Tesse, who was found to be in unlawful possession of property of the Allied Forces, fled when called upon to stop by the Military Police. In the act of evading arrest he was properly fired upon by a Military Policeman and wounded with the result that death ensued.

A. R. THACKER,  
Lt. Colonel,  
for Chief Legal Officer.

69

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

ACC/gmf

22 Jun 44

ACC/4443/7

SUBJECT: Robbery by Allied Soldiers at Martina France.

TO : HQ (thru HQ) Region 2.

1. The attached copy of report from the Procuratore of the Court of Appeal at Lecce has been forwarded to this Subcommittee with request from the Minister of Justice for information as to the outcome of the case.

2. Therefore will you please ascertain what action, if any, has been taken by the Military authorities, assuming that it has been possible to identify the authors of the crime.

Def  
A. R. THACKERAM, Lt. Col.  
for Chief Legal Officer.

Enclosed: 1 Report.



04143 200 33A  
Salerno li , 194  
MINISTERO DI GRAZIA E GIUSTIZIA  
Direzione Generale Affari  
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~  
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

Penali

ALLA COMMISSIONE ALL DATA  
DI CONTROLLO

Sottocommissione Legale

S A L E R N O

Prot. N. 28465

Risposta al foglio del

Div. Sez. N.

Oggetto. Rapina commessa da militari alleati in danno  
di nostri connazionali.

, Per opportuna conoscenza, si trasmette  
copia della nota 12.6.1944 n.2111 inviata  
dalla Procura Generale di Lecce.

Si gradirà conoscere, a suo tempo, l'es-  
ito della segnalazione.

p IL SOTTOSEGRETARIO DI STATO

Pini.

64

2143  
HEADQUARTERS  
ALLIED CONTROL COMMISSION  
R.C. & M.C. SECTION  
AFC 394

92A  
1731

Ref/307/126/CA

19 June 1944

SUBJECT: Violation of Graves.

TO : Admin. Section (For Legal Sub-Commission)

1. Reference your ACC/4143/L of 5 June 44 there are forwarded to you copy CMP report of 13 June with statements by Officer Commanding the detachment of 232nd Prov. Coy (British) billeted at FALCIANO and Priest Sal Joseph Bernardino Parroco.

2. It appears that the incident was dealt with by Capt. Ziccardi at the time and it is by no means certain that the regrettable acts of sacrilege were committed by soldiers rather than by local children.

*Thurval Davis Maj*  
L

*See  
Any action please  
JSR*

NOBMAN E. FISKE  
Colonel  
Deputy Executive  
Commissioner

JSR/JR

46

COPY.

Parrocchia dei SS. GENNARO e Giuseppe-Falciano di Caserta.

Al Comando della stazione dei RR.CC.

CASERTA

Io sottoscritto Parroco dichiaro quanto segue:

Per gli atti sacrileghi commessi nella notte dal 19 al 20 maggio scorso nella chiesa di S. Giuseppe (Ossario), feci denuncia ai RR.CC. ritenendo colpevoli i soldati Alleati di stanza nell'attigua caserma "Sacchi". Dietre ulteriori indagini fatte da me e dal Capitano Medico Ziccardi del Comando Alleato, non s'è potuto accertare che gli Alleati fossero stati i colpevoli, ma elementi italiani che per lavoro frequentavano la caserma "Sacchi".

Tali elementi non è stato possibile identificarli.

Il Capitano nominato ha già da molto provveduto alla riparazione della piccola finestra.

Non intendo che la questione abbia ulteriore corso data la mia sacra professione di bontà e di misericordia e bene al popolo. Ne per gli Alleati, ai quali sono unito da un affetto paterno e riconoscente, ne per elementi italiani affidati a me per il bene, desidero che si pigliano provvedimenti. Tutto è calmo e riparato.

Firmato

Sac. JOSEPH BERNARDINO PARROCO.

HEADQUARTERS  
125th ORDNANCE BASE AUTO MAINT BN  
APO 782

220

13 June 44.

SUBJECT: Investigation of Complaint.

TO : OC Detachment, 232 Prov Company (British).

1. On or about 20 May 44, I, CARL H. BURNHAM, 1st Lt., 125th Ord BAM Bn, went to Church of Saint Giuseppe to investigate a report by the priest of this Church that soldiers of our command entered above-named church and committed acts of vandalism. Upon investigation, it was discovered that skulls from an ossuary below the church had been removed from their graves and placed on benches in a school room above. I was unable to determine through investigation whether or not these acts were committed by our soldiers. However, I am inclined to believe that the majority of these vandalisms were carried out by small children from a neighbouring village.

CARL H. BURNHAM  
1st Lt., Ord Dept,  
Adjutant.

22

REPORT

To:-

THE OFFICER COMMANDING  
DET 232 L of C PROVOST COMPANY  
C.M. POLICE. (P).

Sir,

I have to report that at CASERTA on the 10th Jun 1944, I was instructed to make enquiries reference the attached message. I found that the Unit concerned was the 125th ORDNANCE BASE AUTO MAINT BTN, APO 782, stationed in billets next to the Church St GIUSEPPE, FALCIANO.

I had an interview with CAPT ZICCARDI of the above-mentioned unit who informed me that on the 20th May 1944, he visited the OSSARY of CHURCH St GIUSEPPE with the Priest., SAC JOSEPH BERNARDINO PARROCO, and found that a small window in the rear of the church had been broken, apparently by Italian children in an attempt to get into the camp area in search of food. He saw the skulls placed on school desks in a school room. He made arrangements for the repair of the slight damage done, the skulls being replaced by Italian children assisted by soldiers of 125 th ORD UNIT. Capt ZICCARDI then handed the matter over to Lt. BURNHAM, Ord Depot, from whom I obtained the attached statement (N°1). From the Priest I also obtained a statement(N°2). He expressed a wish that the mattershould now be considered closed, as the skulls had been replaced, and the damage repaired to his satisfaction.

In the Field.  
13th June 1944.

(Signed) W. PRITCHARD, ~~pl.~~ pl.  
C.M. POLICE (P) 48

COPY.

COMMANDANT OF THE ROYAL CARABINIERI IN LIBERATED ITALY.

28 May 1944.

n. 12/684-I of Prot. R.P.

Army Post Office 135.

SUBJECT: Sacrilegious acts committed by Allied Soldiers.To MINISTRY OF INTERIOR SALERNO  
MINISTRY OF PARDON and JUSTICE  
SALERNOand for information  
To THE PRESIDENCY OF THE COUN-  
CIL OF MINISTERS - SALERNO.

The following communication dated 21 May 1944 has been received to-day from the Commandant of the Station of Royal Carabinieri at CASERTA:

"The night of 19/20th this month at FALCIANO di Caserta Allied soldiers not yet identified billeted next to Church St. Giuseppe broke into ossuary of this Church destroyed niches skeletons and carried away nine skulls, put them on school benches on floor above, placed one of the head of the statue S. ANNA period. Such act caused resentment of clergy and religiously minded people.

THE COMMANDANT GENERAL

(Signed) Giuseppe Picche 62

4143  
HEADQUARTERS  
ALLIED CONTROL COMMISSION  
REGION II

15 June 44

Ref. :- 2201/74/D  
Subject:- TESSE, Michele.  
To :- Chief Legal Officer.

Ref your ACC/4143/I dated 19 May,  
full particulars of the case of the shooting  
of the above civilian are enclosed.

*on*  
*Jackman*

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

|                      |  |
|----------------------|--|
| LEGAL SUB-COMMISSION |  |
| CLO                  |  |
| SOLO                 |  |
| Chief Counsel        |  |
| CLO                  |  |
| Italian Section      |  |
| CL RKS               |  |

A.P.S.

A brief letter to  
Minister stating that Tessa was  
a thief who ran away when  
he was stopped and was  
found in a car with  
valuable papers and  
other things.

- 2 -

We ran after them for about one hundred yards and then came to a 'Y' Junction. L/Cpl. Mercer went one way and I went the other. When I had turned the corner of the road I heard a burst from a machine gun. I turned around and saw L/Cpl. Mercer running towards a person lying by his bicycle. I followed him and found that he had been shot in the left side. He, the civilian, was then conveyed to the 1st Canadian General Hospital, where his wound was dressed and he was later transferred to the Civilian Hospital at Andria.

(Signed) 5728738 L/Cpl. WHISTHEAD.

C.M. POLICE

Andria.

25 April 1944.

COPY

REPORT

TO THE OFFICER COMMANDING,  
643 INDEPENDENT PROVOST UNIT.

Sir,

I have to report that at Andria on the 25.4.44. at about 1500 hours, I was detailed by Cpl. Bell to accompany him and other N.C.Os. and two Italian Carabinieri. We arrived at our destination, approx. three kilometres on the Andria - Corato Road, about 1700 hours.

The train which we were to search arrived but on searching it no M.D. property was found.

Cpl. Bell then detailed me, along with the other N.C.Os. to proceed to Via Macchia Rosa. At approx. 1730 hours, we were proceeding along Via Macchia Rosa when the truck suddenly stopped and we jumped out. I then saw four civilians and one had a bicycle with a bag tied on the handlebars. This civilian was accompanied by a woman and ran down the road when they saw we were Military Police. The other two civilians ran in the opposite direction.

L/Cpl. Westhead and myself, with the two Carabinieri, immediately gave chase and shouted to the civilian with the bicycle to stop, but he failed to do so. After chasing them for approx. one hundred yards, we came to a 'Y' Road, from which L/Cpl. Westhead went in one direction and I took the other road. I then saw the civilian with the bicycle and whilst I was running I fired a burst from my Thompson Sub Machine gun which I had carried with me on the road and the civilian then fell from his bicycle. I examined him and found that I had wounded him in the left side.

The other police then arrived and he was conveyed to No. 1 Canadian General Hospital and later transferred to the Italian Civil Hospital, Andria.

I obtained his particulars, which are as follows:-

TESSE Michele di Antonio,  
17 years of age,  
No. 2, 2nd Vicolo Castromonte,  
Andria.

He was in unlawful possession of five M.D. mosquito nets.

(Signed) W.J. MERCER D/Cpl.

Andria.

Can. Provost Corps.

and I took the other Thompson Sub Machine and whilst I was running I fired a burst from my Thompson Sub Machine gun which I had carried with me on the road and the civilian then fell from his bicycle. I examined him and found that I had wounded him in the left side.

The other Police then arrived and he was conveyed to No. 1 Canadian General Hospital and later transferred to the Italian Civil Hospital, Andria.

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17 years of age,

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He was in unlawful possession of five M.D. mosquito nets.

(Signed) W.J. MERCER D/Cpl.

Cdn. Provost Corps.

Andria.

25th April 1944

TO OFFICER COMMANDING,  
643 INDEPENDENT PROVOST UNIT.

Sir,

I have to report that at Andria on the 25.4.44. about 1500 hours, I was a member of a party of which Cpl. Bell C.M.P. was in charge. We proceeded to search a train which was coming from Bari to Andria.

About 1700 hours, the train arrived and was searched but no M.D. property was found. We then proceeded to search the surrounding area and on arrival at Via Macchia Rosa, we saw some civilians, one of whom had a bicycle. When they saw that we were Military Police, as we were dressed in duty order, they started to run away. I/Cpl. Mercer of the Cdn. Provost Corps and myself gave chase.

(over)

- 2 -

We ran after them for about one hundred yards and then came to a 'Y' Junction. L/Cpl. Mercer went one way and I went the other. When I had turned the corner of the road I heard a burst from a machine gun. I turned around and saw L/Cpl. Mercer running towards a person lying by his bicycle. I followed him and found that he had been shot in the left side. He, the civilian, was then conveyed to the 1st Canadian General Hospital, where his wound was dressed and he was later transferred to the Civilian Hospital at Andria.

(Signed) 5728738 L/Cpl. WESTHEAD.

C.M. POLICE

Andria.

25 April 1944.

COPY

TO OFFICER COMMANDING,  
643 INDEPENDENT PROVOST UNIT.

Sir,

I have to report that at Andria on the 25.4.44. about 0900 hours, I was detailed by Sgt. Le Conte, Cdn. Provost Corps, to detail four Military Policemen to accompany two Carabinieri to search a train which was travelling from Corato to Andria, between the hours of 1600 and 1700 on 25.4.44. I immediately detailed the following N.C.Os:- L/Cpl. Baker, L/Cpl. Himphen, L/Cpl. Westhead, 643 Ind.Pro.Unit, C.M. Police, and L/Cpl. Mercer, Cdn. Provost Corps.

About 1500 hours, accompanied by the above mentioned N.C.Os. and two Carabinieri, of Andria, I proceeded to a point about three kilometres on the Andria - Corato Road. About 1700 hours, the train arrived and a search was made, but no W.D. property was found and the train was allowed to proceed. Whilst the train was being searched the Carabinieri received information that the train had stopped six kilometres further up the road and a number of civilians who were in possession of W.D. property, had got off.

I then made a search of the surrounding area and on arrival at Via Macchia Rosa, four Italian civilians were seen to run away when they recognised us as being Military Police. Two civilians ran one way and two went the other. I accompanied by L/Cpl. Baker, gave chase and caught two of the civilians, whilst L/Cpl. Mercer and L/Cpl. Westhead chased the other two. Whilst I was questioning the two Italians, I heard shots being fired. I immediately went in the direction from which the shots had come and on arrival there, L/Cpl. Mercer informed me that he had shot and wounded an Italian civilian who was lying by the side of the road.

The civilian was immediately conveyed to No. 1 Cdn. General Hospital, Andria, and I carried on with my search.

About 1900 hours I returned to Detachment H.Q. and reported the incident to C.S.M. Smith, 643 Ind. Provost Unit.

Andria  
25 April 1944

(Signed) J.C. BELL

C.M. POLICE

33

STATEMENT OF CARABINIERE ALLAMERSE VINCENZO

they recognised us as being Military Police. Two civilians ran one way and two went the other. I accompanied by I/Cpl. Baker, gave chase and caught two of the civilians, whilst L/Cpl. Mercer and L/Cpl. Westhead chased the other two. Whilst I was questioning the two Italians, I heard shots being fired. I immediately went in the direction from which the shots had come and on arrival there, L/Cpl. Mercer informed me that he had shot and wounded an Italian civilian who was lying by the side of the road.

The civilian was immediately conveyed to No. 1 Cdn. General Hospital, Andria, and I carried on with my search.

About 1900 hours I returned to Detachment H.Q. and reported the incident to C.S.M. Smith, 643 Ind. Provost Unit.

Andria

25 April 1944

(Signed) J.G. BELL

Col.

C.M. POLICE

35

# STATEMENT OF CARABINIERE ALLAMPRESE VINCENZO

I, the undersigned, Carabiniere Allamprese Vincenzo, from the Principal Station, state:-

Today I was on duty with the Military Police on the Road Macchia di Rose. Whilst I was waiting with Carabiniere Spirto, I saw a young man, about sixteen or seventeen years of age, make away on a bicycle carrying a bag. After a few minutes I heard a gun shot but I can not say who fired.

Andria

25 April 1944

(Signed) ALLAMPRESE VINCENZO

- 3 -

21D

STATEMENT OF CARABINIERE SPIRTO OFFICER.

Today I was on duty with the Military Police on the Road, "Macchia di Rosa". Whilst we were waiting for the thieves, I saw a young man on a bicycle and when he recognised us, he made off. Shortly afterwards I heard a gun shot.

I cannot say who fired the shot.

Andria

25 April 1944

(Signed) SPIRTO OFFICER.

TO

OFFICER COMMANDING,  
643 INDEPENDENT PROVOST UNIT.

Sir,

I have to report that on the 25.4.44., I accompanied the Military Police, as Interpreter, to search the train travelling from Corato to Andria. A search was made and afterwards we went on the Road, "Via Macchia di Rosa". Whilst the Policemen were going towards the thieves, I stopped at the beginning of the road and afterwards I heard shots being fired. Immediately I proceeded in the direction where the shots appeared to have been fired, and there I saw a young man lying wounded near a bicycle, by the side of the road.

The young man was conveyed by truck to the Italian Hospital and I returned to the office on the bicycle of the wounded man.

(Signed) ABBATE PASQUALE

STATEMENT OF THE WOMAN WITNESS, CANNONE ADDOLORATA,  
BORN 1921, LIVING AT NO.8, 1ST VICCLO CASALINO, ANDRIA

Today, whilst I was going to Andria on the Road, "Macchia di Rosa", I met a young man with a bicycle. I asked him for a ride and he replied, "Yes". After 10 minutes we met a truck of English Policemen.

and I returned to the office on the bicycle

(Signed) ABBATE PASQUALE

STATEMENT OF THE WOMAN WITNESS, CANNONE ADDOLORATA,  
BORN 1921, LIVING AT NO. 8, 1ST VICCLO CASALINO, ANDRIA

Today, whilst I was going to Andria on the Road, "33  
Macchia di Rosa", I met a young man with a bicycle. I asked him for  
a ride and he replied, "yes". After 10 minutes we met a truck of  
English Policemen. The young man told me to get off the bicycle and  
afterwards he peddled away.

Later, I heard shots and saw the young man fall from  
his bicycle.

Andria  
25.4.44.

(Signed) CANNONE ADDOLORATA

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

20A 9813  
RCH

Ref/307/120/CA

8 June 1944

SUBJECT: Violation of Graves.

TO : W. A. I.

1. Translation of report dated  
28 May from the Italian Minister of  
Justice is forwarded.

2. Please advise this HQ. of any  
action taken.

Alfred L. Fawcett, Head  
for Brigadier  
Executive Commissioner  
For Chief Commissioner

Copy to:

Region III  
Monuments & Fine Arts  
Sub-Commission  
Legal Sub-Commission (Your 100/1  
1143/3 of 5 June 44 refers.)

19A

37

COMMANDANT OF THE ROYAL CARABINIERI IN LIBERATED ITALY

28 May 1944

n. 12/584-I of Prot. R.P.

Army Post Office 135

SUBJECT : Sacrilegious acts committed by Allied Soldiers.

TO MINISTRY OF INTERIOR SALERNO  
TO MINISTRY OF PARDON AND JUSTICE  
SALERNO

and for information  
TO THE PRESIDENCY OF THE COUNCIL  
OF MINISTERS - SALERNO

The following communication dated 21 May 1944 has been received to-day from the Commandant of the Station of Royal Carabinieri at Caserta:

" The night of 19/20th this month at FALCIANO di Caserta Allied soldiers not yet identified billeted next to Church St. Giuseppe broke into ossuary of this Church destroyed niches skeletons and carried away nine skulls, put them on school benches on floor above, placed one on the head of the statue S. Anna period. Such act caused resentment of clergy and religiously minded people.

THE COMMANDANT GENERAL  
(sgd) Giuseppe Fieche.

ART/pa

19A

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
LEGAL SUB-COMMISSION  
APO 394

5 June 1944

ACG/4I43/L.

SUBJECT : Violation of Graves.  
TO : Executive Commissioner  
R.C. & A.M.C. SECTION, HQ, ACG.

1. The attached report and covering letter from the Ministry of Justice are forwarded (with translation) for consideration.
2. May this Sub-Commission be advised please of any action taken thereon .

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

38

4143 ✓ Legal 8678  
 HEADQUARTERS  
 ALLIED CONTROL COMMISSION  
 E.O. & M.G. SECTION  
 APO 394

18A

Ref/307/107/GA

3 June 1944

SUBJECT: Discipline - French Troops.

TO : Hq. A.A.I.

1. There are forwarded to you letter dated 28 May 44 from Region II and letter (with translation) from the Procureurs Generals at Potenza concerning the alleged murder of an Italian civilian by French soldiers. May the matter be taken up with the French Military Authorities

|                      |
|----------------------|
| LEGAL SUB-COMMISSION |
| CLD                  |
| CSO                  |
| The Counsel          |
| Region Section       |
| Copy to:             |

Brigadier  
 Executive Commissioner  
 For Chief Commissioner

31/14A  
 Legal Sub-Comm. (Your L.D. 5/1 of 1 June.)  
 Region II (Your 2701/70/A of 2 May refers)

CONFIDENTIAL.

(17A)

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

3 June 1944.

REFERENCE : ACC/4143/L.

SUBJECT : F.G.C.M. - T/6915737 Dvr. H. F. Coates.  
1513 H.A.A. Regt. Platoon RASC.

TO : Judge Advocate General's Branch, H.Q., A.A.Y.

Your letter of 29 May 1944 (JAG/General/20) has been received.  
Your aid to us in furnishing information as to the result of the above  
case is greatly appreciated.

/wca.



J. MORE.  
Captain.  
for Chief Legal Officer.

Chief Judicial Officer.  
for Chief Civil Affairs Officer.

38

CONFIDENTIALJudge Advocate General's Branch  
HQ Allied Armies in Italy

JAC/General/20

29 May 44Chief Legal Officer,  
Rear Headquarters,  
Allied Control Commission,  
Legal Sub-Commission,  
APO 394.A | T/6915737 Dvr. H.F. Coates,  
1513 HAA Regt Platoon RASC.

Reference your ACC/4143/L. dated 20 May 1944.

The above-named soldier was tried by field general court-martial on 19 April 1944 and pleaded guilty to three charges of improperly receiving sums of money from: -

(a) Rosa Gentile,  
105, Via Tavernola,  
Castellammare di Stabia.(b) Paolo Cascone,  
52, Via Tavernola,  
Castellammare di Stabia.

For use in War Department vehicle for the improper transport of chestnuts. He received altogether the sum of 240-0-0.

2. The accused was sentenced to fifty-six days detention and no doubt this lenient sentence was due to the fact that the court took into account the fact that if he had not made a full admission there was no evidence upon which to convict, as the Italian civilians concerned denied that they had taken any part in this affair.

CLO

CLO

Chief Counsel

CLO

Italian Section

CL RKS

Lieut. col.  
A.D.J.A.G.Capt have to  
acknowledge receipt

15A

CONFIDENTIAL

RHU/gmf

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

2 June 1944

ACC/4143/L

SUBJECT: Sjt T.E. Davies, RASC/EFI.

TO : Judge Advocate General's Branch, HQ AAI.

Your letter of 31 May 1944 (JAG/General/20) has been received.  
This will also acknowledge receipt of your letter JAG/General/1/4 of 21  
May 44 giving data as to Court Martial sentences. Your aid to us in furn-  
ishing this information is greatly appreciated.

DOWN ON  
TO  
UNCLASSIFIED

Col. Inf.  
Chief Judicial Officer.  
for Chief Administrative Officer.

G. R. DEITCH  
Colonel  
Chief Legal Officer.

31

~~CONFIDENTIAL~~

4143

15R  
Judge Advocate General's Branch  
HQ Allied Armies in Italy

JAG/General/20

31 May 44

Chief Legal Officer,  
Rear Headquarters,  
Allied Control Commission,  
Legal Sub-Commission, APO 394.

148913 Sjt. T.E. Davies, RASC/EFI.

For your information the above-named soldier was convicted of the offence of rape of an Italian girl, and after action had been taken on confirmation by the Supreme Allied Commander, was sentenced to three years' penal servitude.



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

*Josephine*  
Lieut. col. **30**  
A.D.J.A.G.

14A

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

RHW/Gmf

ACC/4143/L

1 June 1944

SUBJECT: Torlucci, Vitale.

TO : RC & MD Section (OAB).

14B

1. I am enclosing letter of 28 May 1944 from RLO of Region 2 and letter (with translation) from the Procuratore Generale at Potenza concerning the alleged murder of an Italian civilian by French soldiers.
2. Following our telephone conversation of today (Col. Wilmer - Lt. Col. Bowman) it is understood your office will take such other steps as are required.

RICHARD H. WILMER  
Colonel  
Deputy Chief Legal Officer.

Copy to: RLO Region 2 (thru RC).

See 11A

28

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
REGION II

28 May 1944

148

C  
P  
y  
F

Ref. 2201/70/A

SUBJECT : Murder by French soldiers.

TO : Chief Legal Officer .

TORLUCCI VITALE

1. Enclosed is a letter from the Avvocato Generale, Potenza concerning the murder of the above named at Pescopagano (Melfi) by French soldiers.
2. No doubt the matter will be taken up at once with the French Military authorities.

(sgd) D.E.S. COUSINS, Lt. Col.  
R.L.C.  
Region II

28

TranslationCOPY  
14C  
pa

PROCURA GENERALE DEL RE = POTENZA

SUBJECT : Homicide of Torlucci Vitale from Laviano by  
French soldiers.

Potenza 22 May 1944

I beg to inform you, if it is of interest for you, that the Procuratore del Re at Melfi advised me that the RR. CC. at Pescopagano reported on May 8, 1944 one Torlucci Vitale in order to consummate a double carnal violence on his daughters.

Above Torlucci, brought by his relatives to the hospital at Pescopagano, died there on the 7th May.

The General advocate

(sgt) Marino

90A  
27

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

IS/gf

13A

ACC/4143/L

30 May 1944

SUBJECT: Reports of Offences (INEALATA Emilio, TORLUCCI Vitale).

TO : H.E. The Minister for Pardon and Justice.

1. Reference is made to Your Excellency's notes 27704 of 26 May and 27834 of 28 May 1944.
2. This Subcommittee requested report on both incidents and will relay the information as soon as received.

*A. R. Thackrah*

A. R. THACKRAH, Major  
for Chief Legal Officer.



MINISTERO DI GRAZIA E GIUSTIZIA  
 SEGRETERIA PARTICOLARE DI S. E. IL MINISTRO  
 GUARDASIGILLI  
 PENALI

MILANO 11,

1944

13B

COMMISSIONE PUBBLICA  
 DI CONTROLLO

Sottocommissione "Legale"

S A L E R N O

Prot. N. 27034

Risposta al foglio del

Div. Sez. N.

Oggetto: omicidio in persona di Torricci Vitale da  
 napoli = si opera il soldato francese. =

Per opportuna conoscenza si trasmette  
 copia della nota del Procuratore Generale  
 del Re di Potenza in data 22.5.1944 n. 220.  
 sarebbe gradito conoscere l'esito del  
 procedimento.

IL SOTTOSCRITTO DI STATO

*Al V. m.*

130

REGIA CANTIERA DEL RE PRESSO LA CANTIERA DI UOGLIA DI ARDENNA DI ARDENNA

PROV. N. 226

ROMA 22 MAGGIO 1944

Oggetto: Omicidio di persona il coniuge di UOGLIA DI ARDENNA (S. L. 1944)  
 et opera di solisti francesi.

Accidentato

Ministero di Grazia e Giustizia

Direzione Generale Affari Penali

Collegio

Per avere il ufficio, prezioni portare a conoscenza di questa sec/ma  
 Direzione che il represso che si è di UOGLIA, con l'arresto del 1944  
 te, pervenuti ieri, ha riferito quanto segue:

La persona che ha riferito quanto sopra, che si è di UOGLIA, con l'arresto del 1944  
 che solisti francesi, per conoscere il suo che si è di UOGLIA, con l'arresto del 1944  
 come la persona figlia di UOGLIA, che si è di UOGLIA, con l'arresto del 1944  
 ma può essere interpellato anche, passando stesso arresto di UOGLIA  
 ufficiale francese.

U. L. 1944

*firmato*

h.c.c.

Assistentissimo

Ministero di Agricoltura e Silvicultura

Direzione Generale Affari Rurali

3012356

Per avere il miglior, pregio portare a conoscenza la solista 300/40  
Direzione che il riodatore del de di 10.11.11, con certissima 10.11.11  
e, perche non si, in diritto 10.11.11

Nonostante l'eccezionale rapporto che connesso, ogni permesso, concesso  
che solista 10.11.11, per conoscere 10.11.11  
capitale in persona 10.11.11, prodotti 10.11.11, 10.11.11  
in poco spazio 10.11.11, 10.11.11 10.11.11 10.11.11  
pagare 10.11.11.

10.11.11

*firmato*

*b.c.c.*

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

ART/ap

12A

ACC/4123/L

30 May 1944

SUBJECT : Report on auto accident of Rigoglioso Raffaele at  
Vibetri; Report on alleged theft by Allied Soldiers  
at Pellezzano; Report on auto accident of Bertolotti  
Angelo at Centola.

TO : Director, Public Safety Commission.

1. The above reports are forwarded to you for action, please.

*A. R. Thackrah*

A. R. THACKRAH,  
Major,  
for Chief Legal Officer.

20

11A

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

ES/gmf

ACC/4143/L

30 May 1944

SUBJECT: Killing of TOSLUCCI Vitale of Livorno (Salerno) by French soldiers.

TO : RLO (thru RC) Region 3.

1. Would you please have this incident investigated and report to this Subcommittee on the action taken by the French authorities.

24/6/44

Planned  
Chapman Reg 3.  
send back  
papers

See

14a

any



A. R. THACKRAH, Major  
for Chief Legal Officer.

22

CONFIDENTIAL

HWW/gmf

HEAD HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

ACC/4082/1

30 May 1944

SUBJECT: U.S. Court Martial Punishments.

TO : EC &amp; MD Section (G/S).

1. I have been just reviewing a case in which the Italian defendants were convicted of bribery and heavy penalties were inflicted by a Superior Allied Military Court. The case was heard before Major Curry Carter MS on 25 April 1944 at Naples, the defendants being TORIO VINCENSO AND NICAROLI VINCENSO.

2. The testimony developed that an American lieutenant (name not disclosed) and Sgt Marvin Karle 6880452, presumably both of 314 Fighter Squadron participated in black market operations using an American military truck and receiving substantial sums of money therefor. In his testimony the sergeant refers to the infliction of some punishment by the military authorities.

3. I would be much interested in ascertaining what punishment, if any, was meted out to the lieutenant and the sergeant involved.

DOWN GRADED

UNCLASSIFIED

Copy to: ACC/4143/1.

Col. Inf.  
R. F. WILSON  
Colonel, CAC &  
Deputy Chief Legal Officer.  
Chief Judicial Officer  
Chief

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

Ref/307/100/CA

27 May 1944

SUBJECT: Relations with Italians.

TO : Public Safety Sub-Commission, A.C.C.

Attached copy of Hq. AAI letter No. 5063/6/A(P.S) of 10 May 1944,  
is forwarded for your information.

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

## Copies to:

Admin. Section (for Legal Sub-Commission)  
Communications Sub-Commission  
R.C.'s Regions I, II, III, IV, V, VI, VII, VIII and IX (2 copies each Reg.)  
Copy for R.P.S.O.  
S.C.A.O's. 5th & 8th Armies.

|                      |   |
|----------------------|---|
| LEGAL SUB-COMMISSION |   |
| CLO                  | ✓ |
| SOLO                 | ✓ |
| Chief Counsel        |   |
| Admin Section        |   |
| CL RKS               |   |
|                      |   |
|                      |   |

(98)

Subject :- Relations with Italians.

Headquarters,  
Allied Armies in Italy.  
C.M.F.

5C53/6/A (PS).

10 May 44.

C.G., FIFTH ARMY.  
Main H.Q. EIGHTH ARMY  
5 Corps.  
H.Q. 1 District.  
H.Q. 2 District.  
H.Q. 3 District.  
-----

A considerable number of cases have occurred where troops of the Allied Forces have come into conflict with the Italian Carabinieri. In several instances the Carabinieri have used their arms, with fatal results.

It should be very clearly understood by all ranks that cases of this nature will be judged strictly upon their merits. The Carabinieri have important responsibilities. If Allied soldiers molest them, or interfere with them in the course of their duties, they should not expect any different treatment from that which they would receive if they gave similar trouble to Military Police of the Allied Forces.

On the whole the Italian Carabinieri have behaved well and constitute an important factor in the maintenance of order among the civil population. So long as they carry out their responsibilities in a correct manner, the Commander - in - Chief wishes them to be given support, and he directs that suitable punishment should be meted out to any ill-disciplined soldiers who misbehave towards them.

Major - General,  
Chief Administrative Officer.  
-----

BHR/emb.  
-----

Copy to :- C.G., T.A.F.  
C.G., P.B.S.  
Chief Commissioner, Allied Control Commission.



MINISTERO DI GRAZIA E GIUSTIZIA  
Direzione Generale Affari  
SEGRETERIA DEL SOTTOSEGRETARIO  
DIREZIONE  
Penali

4143 File 20  
Salerno 11, 20/10/1944

SA

ALLA COMMISSIONE ABILITA  
DI CONTROLLOSottocommissione Legge  
3 A L E R N O

Prot. N. 420/44 = A.R.

Risposta al foglio del

Sez. Div. N

OGGETTO: Omicidio in danno di Sposito Pasquale di anni  
19 da Castellammare di Stabia.

Si trasmette, per conoscenza, copia della  
nota n. 1564 in data 15.5.1944, pervenuta a que-  
sto Ministero dalla Procura Generale del Re di  
Lecce, riguardante l'omicidio della persona  
in oggetto indicata.

Non appena possibile si faranno ~~ulteriori~~  
informazioni.

IL SOTTOSEGRETARIO DI STATO

Quir.



PROCURA GEN. DEL RE PRESSO LA S.M. (R. ARMANDO)  
LUGO

Prot.n.1004

Lugli 15.2.1944

Oggetto: omicidio in luogo di deposito sospeso di  
anni 19 la Castelnuovo di Stabia.

A S.M. il Ministro di Grazia e Giustizia  
Direz. Gen. Affari Penali Off. I

S A L E R N O

o per conto proprio

A S.M. Il Procuratore Generale del Re  
(rif. nota n.4291 del 27.4.1944)

B A R I

Si perviene dalla R. Procura di Aranto il  
rapporto di reato che qui appresso si trascrive:  
n.....del 12 maggio 1944  
"Mi pregio comunicare che la sera del 13 aprile  
u.s. fu trasportato a mezzo di un'autocarro in  
gliose in questo ospedale civile la persona in ogget-  
to indicato, che girava colare al detto pio luogo  
Memori della polizia della R.S.P. dichiararono che  
la quella sera, in un campo di aviazione inglese si  
to sulla via di S. Vito, la sentinella di servizio  
aveva esploso dei colpi di fucile contro civili ita-  
liani, che si sono introdotti nel campo allo  
scopo di rubare del materiale ivi giacente.

Dalla visita esterna eseguita il 20 aprile sul  
cervello dell'Esposito, sono risultate tre ferite  
di arma da fuoco, una in corrispondenza dell'8°  
spazio intercostale di destra, lungo la linea ascel-  
lare posteriore e l'altra in corrispondenza del 4°  
spazio intercostale sinistro, sulla linea ascellare  
anteriore.

E' stata altresì successivamente operata l'autopsia,  
dalla quale è risultato che la morte dell'Esposito  
è stata causata esclusivamente per emorragia encef-  
alica, con lesioni in pericranio e del cervello.  
Il relativo incartamento è stato rimesso al quest. per  
diligenti indagini, e non mancherà di tenerne infor-  
mato questo Superiore Ufficio non appena questa  
perverranno."

Mi riserbo di ulteriormente riferire.

L'avvocato generale  
F/to Giacomo Vita

*Copia conforme all'originale  
N. cancelliere  
Gaufer*

785016

CONFIDENTIAL

Judge Advocate General's Branch  
HQ Allied Armies in Italy

JAG/General/1/4

Chief Legal Officer (Br),  
A.C.C.

21 May 44

Offences against Italian civilians.

I have obtained from ADJAG Eighth Army and Officers i/c JAG Branches of the three Districts under command of this HQ examples of the punishments awarded to British troops for offences committed against Italian civilians.

This list does not by any manner of means include every case of this type.

It is requested that you do not show the actual lists to the Italian authorities, who should not know the names and units of the men involved, but make use of it in your discretion to show that a serious view is taken of offences of this nature.

DOWN COUNTRY

Col. Inf.  
Chief Journalist Officer,  
for Chief - [illegible] Officer.

Lieut.col.  
A.D.J.A.G.

14

RECEIVED &  
CENTRAL

2854  
REG. NO.  
DATE 20 44  
FILE NO. 604/6

Judge Advocate General's Branch,  
HQ 3 District.

JAG/37/3301/19

19 May 1944

ADJAG,  
HQ, AFI.

Reference your JAG/General/L dated 15 May 1944.

1. Herewith return as requested :-

| No. & Name of accused                                          | Unit                                                      | Offence of which<br>found guilty                                                                                                  | Sentence.                                |
|----------------------------------------------------------------|-----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| 1474762 Cnr HARRIS, C.P.                                       | 40/14 IMA Regt, PA.                                       | Sec 41 - Murder<br>(Rudolfo Mastromundo)                                                                                          | Death<br>(Confirmed)                     |
| 18119105 Cnr SMITH, P.S.                                       | - do -                                                    | - do -                                                                                                                            | Death<br>(Committed to<br>P.S. for life) |
| 1771724 Cnr BENNETT, E.                                        | - do -                                                    | - do -                                                                                                                            | - do -                                   |
| 2023881 Sqr FIDELAY, A.                                        | 501 RB Coy, RE                                            | Sec 41 - Manslaughter<br>(Elda Codella)                                                                                           | 10 yrs P.S.<br>remitted to<br>5 yrs P.S. |
| 148913 Sgt DAVIES, T.E.                                        | AFI/HQ, 53 BCD.                                           | Sec 41 - Rape<br>(Maria Pecorone)                                                                                                 | 10 yrs P.S.<br>remitted to<br>3 yrs P.S. |
| 951308 Cnr BROWN, C.J.                                         | 25 IFA Bty, PA.                                           | Sec 41 - Rape<br>(Maria Scialo)<br>Sec 40 - Wore badges of<br>rank of 2/Lt.                                                       | 7 yrs P.S.<br>Committed to<br>2 yrs ILL. |
| 14053362 L/Cpl BURGESS, A.<br>and<br>1560698 Pte OSBORNE, A.J. | both of:<br>184 Ports Prov-<br>ost Coy, GRT.              | Sec 41 - Robbery with<br>aggravation (3,500 lire etc)<br>(Joint charge)                                                           | 2 yrs ILL each<br>(Confirmed)            |
| 13096437 Cpl SCOTT, A.E.<br>and<br>13110843 Pte HEWARD, R.P.A. | both of:<br>141 Coy P.C.<br>att 3 Airfield<br>Con Gp, RE. | Sec 41 - Robbery with<br>aggravation (Italia<br>Revolacqua - 4,500 lire)<br>Sec 41 - Robbery with<br>aggravation (Anna Bisantine) | 2 yrs ILL each<br>(Confirmed)            |

78

|                                                                |                                                        |                                                                                                                                                                                                    |                                                                            |
|----------------------------------------------------------------|--------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| 1771724 Cpl Blum, R.                                           | 501 Pz Coy, Pz                                         | Sec 41 - Manslaughter<br>(Elia Godella)                                                                                                                                                            | 10 yrs P.S.<br>remitted to<br>5 yrs P.S.                                   |
| 148913 Sjt Davis, T.L.                                         | EWI/IR, 53 DCD.                                        | Sec 41 - Rape<br>(Maria Feccone)                                                                                                                                                                   | 10 yrs P.S.<br>remitted to<br>5 yrs P.S.                                   |
| 951300 Cmr Shorne, C.J.                                        | 25 Hqs Bty, RA.                                        | Sec 41 - Rape<br>(Maria Scialo)<br>Sec 40 - Wore badges of<br>rank of 2/Lt.                                                                                                                        | 7 yrs P.S.<br>Committed to<br>2 yrs H.L.<br>2 yrs H.L. each<br>(Confirmed) |
| 11053362 L/Cpl Burgess, A.<br>and<br>1560688 Pte Osborne, A.J. | both of:<br>104 Pz Bde, Pro-<br>west Coy, CME.         | Sec 41 - Robbery with<br>aggravation (3,500 lire etc)<br>(joint charge)                                                                                                                            | 2 yrs H.L. each<br>(Confirmed)                                             |
| 13096437 Cpl Scott, A.E.<br>and<br>13410943 Pte Howard, R.T.A. | both of:<br>104 Coy P.C.<br>and 3 Airfield<br>Coy, RE. | Sec 41 - Robbery with<br>aggravation (Anna Bisantina)<br>Al Plinto - 700 lire<br>(both joint charges)                                                                                              | 2 yrs H.L. each<br>(Confirmed)                                             |
| 3654045 Spr Miller, J.                                         | 161 Pz Coy<br>Coy, RE.                                 | Sec 41 - Stealing 2,000 lire<br>and bottle of cherry brandy<br>from Bar Italia, Morillon.<br>(jointly with Spr Fuller)<br>Sec 40 - Created disturbance in Bar Italia.<br>(jointly with Spr Miller) | 1 yrs deten-<br>tion<br>(Confirmed)                                        |
| 1922566 Spr Bulman, R.                                         | - do -                                                 | Sec 41 - Stealing 2,000 lire<br>and bottle of cherry brandy<br>from Bar Italia, Morillon.<br>(jointly with Spr Miller)                                                                             | 1 yrs deten-<br>tion<br>(Confirmed)                                        |

/ 1948952 Pte Miller, R. ....

1922952 Pte Smith, R.,

PAGE

2699001 Gdsm EUSA, H.

2 seats Cdb

Sec 41 - Common assault  
(restaurant proprietor)Sec 41 - Malicious damage  
(2 pieces of glass in  
restaurant)Sec 41 - Stealing white  
collarSec 41 - Stealing nail  
scissors, etc.

Sec 41 - Common assault.

112 days deten-  
tion (confirmed)90 days D.P.  
(confirmed)

S. A. Carlin

Major,  
Officer IC JAG's Branch.

JFA/TM

| <u>Number</u> | <u>Rank</u>      | <u>Name</u>   | <u>Unit</u>                         | <u>Offence(s)</u>                                                                                                                  | <u>Date</u><br><u>Off</u> |
|---------------|------------------|---------------|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| IGSF/11995    | W/Cr.            | FAQIR MOHD    | 16 Indian Reinforcement Camp.       | Sec.25(k) I.A.A. Rape.                                                                                                             | 20<br>194                 |
| 7390876       | Cpl.             | LAVERICK H.   | 1 Mobile Mil. Hosp. RAMC.           | Sec.41 Robbery with violence                                                                                                       | 24<br>194                 |
| CH/X 109266   | Mne.             | PAGE S.W.     | 7 Bn. Royal Marines                 | Sec.41 Stealing (16,000 lire).                                                                                                     | 10<br>194                 |
| 878           | Pte.             | ESPARON D.    | 2036 Seychelles Coy. Pioneer Corps. | Sec.41 Larceny (1,700 lire).<br>Sec.41 Larceny (200 lire).<br>Sec.41 Larceny (1,040 lire).                                         | 11<br>Dec                 |
| 319433        | Tpr.             | RATTUE R.W.T. | 1st Scorpion Regt. RAC.             | Sec.41 Common Assault (two charges)<br>Sec.41 Stealing                                                                             | 2<br>194                  |
| 1064852       | A/RSM            | CULLUM H.     | 500 AOD RAOC                        | Sec.40 Conduct, failing to prevent Italian civilians being assaulted in Mess when senior member present.<br>Sec.41 Common Assault. | 25<br>194                 |
| 5947876       | Cpl.<br>(A/Sjt). | NORTH J.      | Beds & Herts. HQ 59 Area            | Sec.41 Common Assault (two charges)                                                                                                | 22<br>194                 |
| 4272343       | Fus.             | WATSON N.     | 2 Bn. R.N.F.                        | Sec.6(3)(d) Assault.                                                                                                               | 1<br>194                  |
| 553552        | S/Sjt.           | REYNOLDS W.J. | att. 1007 Docks. Op. Coy. R.E.      | Sec.41 Shopbreaking and larceny (6 fur coats).                                                                                     | 1<br>194                  |

| <u>Unit</u>                        | <u>Offence(s)</u>                                                                                                                  | <u>Date of Offence</u> | <u>Date of trial</u> | <u>Sentence</u>                                                                                |
|------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|------------------------|----------------------|------------------------------------------------------------------------------------------------|
| Indian Reinforcement Camp.         | Sec.25(k) I.A.A. Rape.                                                                                                             | 20 Nov 1943            | 20 Jan 1944          | 12 years transportation commuted to 7 years rigorous punishment.                               |
| Mobile Mil. Hosp. MC.              | Sec.41 Robbery with violence                                                                                                       | 24 Nov 1943            | 8 Jan 1944           | Reduced to ranks and 3 years penal servitude - commuted to reduced to ranks and 12 months IHL. |
| Bn. Royal Marines                  | Sec.41 Stealing (16,000 lire).                                                                                                     | 10 Dec 1943            | 5/6 Jan 1944         | 91 days field punishment.                                                                      |
| 036 Seychelles Coy. Pioneer Corps. | Sec.41 Larceny (1,700 lire).<br>Sec.41 Larceny (200 lire).<br>Sec.41 Larceny (1,040 lire).                                         | 11 & 12 Dec 43         | 10 Jan 1944          | 1 year IHL.                                                                                    |
| st Scorpion Regt. RAC.             | Sec.41 Common Assault (two charges)<br>Sec.41 Stealing                                                                             | 2 Jan 1944             | 17 Jan 1944          | 6 months IHL.                                                                                  |
| 500 AOD RACC                       | Sec.40 Conduct, failing to prevent Italian civilians being assaulted in Mess when senior member present.<br>Sec.41 Common Assault. | 25 Dec 1943            | 24 Jan 1944          | Reduced to S/Sjt. - sentence reduced to severe reprimand.                                      |
| Beds & Herts. HQ 59 Area           | Sec.41 Common Assault (two charges)                                                                                                | 22 Dec 1943            | 19 Jan 1944          | Reduced to ranks                                                                               |
| 2 Bn. R.N.F.                       | Sec.6(3)(d) Assault.                                                                                                               | 17 Dec 1943            | 18 Jan 1944          | 6 months detention.                                                                            |
| att. 1007 Docks. Op. Coy. R.E.     | Sec.41 Shopbreaking and larceny (6 fur coats).                                                                                     | 19 Jan 1944            | 23 Feb 1944          | Reduced to ranks and 1 year IHL                                                                |

cont....

- 2 -

| <u>Number</u> | <u>Rank</u> | <u>Name</u>  | <u>Unit</u>             | <u>Offence(s)</u>                            | <u>Date<br/>Off</u> |
|---------------|-------------|--------------|-------------------------|----------------------------------------------|---------------------|
| 1494241       | Gnr.        | F. McPARLAND | 180 H.A.A. Bty. R.A.    | Sec.41 Manslaughter.                         | 13 E<br>1944        |
| 13906334      | Spr.        | P. BARBIER   | 1064 Docks Op. Coy. RE. | Sec.41 Indecent exposure<br>(three charges). | 28,<br>30<br>1944   |
| 6084752       | Pte.        | E. GARNER    | The Buffs. att. 3 CRU   | Sec.41 Stealing (1,000<br>lire).             | 5 Fe<br>1944        |

- 2 -

| <u>Unit</u>  | <u>Offence(s)</u>                            | <u>Date of Offence</u>   | <u>Date of trial</u> | <u>Sentence</u>           |
|--------------|----------------------------------------------|--------------------------|----------------------|---------------------------|
| L. Bty. R.A. | Sec.41 Manslaughter.                         | 13 Feb<br>1944           | 17 Mar<br>1944       | 5 years penal servitude.  |
| Op. Coy. RE. | Sec.41 Indecent exposure<br>(three charges). | 28, 29<br>30 Mar<br>1944 | 2 May<br>1944        | 91 days field punishment. |
| att. 3 CRU   | Sec.41 Stealing (1,000<br>lire).             | 5 Feb<br>1944            | 28 Apl.<br>1944      | 15 months IHL.            |

## No. 3 DISTRICT

OFFENCES AGAINST ITALIAN CIVILIANS COMMITTED  
SINCE 1 JANUARY 1944.

| ACCUSED                                                                        | DATE OF TRIAL | DATE OF OFFENCE | OFFENCE                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------------------------------------------------------------------------------|---------------|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2068199 Spr.F.McKAY,<br>540 E. & M Coy.R.E.                                    | ?             | 4 Jan.          | S.41 - WOAS CACO - RECEIVING-TOLEN GOODS CONTRARY<br>SECTION 33(1) OF THE LARCENY ACT 1916.<br>( a clock - the property of civilian).<br>(Alternative to stealing).                                                                                                                                                                                                                                          |
| 5675336 Pte.S.G.HEARN<br>172 Coy., P.C.                                        | 19 Jan        | 9 Jan.          | S.41 - WOAS CACO - STEALING (bottle of cognac from<br>a store).                                                                                                                                                                                                                                                                                                                                              |
| 3961757 Spr.T.W.HAYWARD<br>2 Pipeline Op.& Maint.Coy.RE.                       | 29 Feb        | 31 Jan          | S.40 - CONDUCT - improperly created disturbance in<br>house of civilian, armed with rifle.<br>S.41 - WOAS CACO - ATTEMPTED RAPE.<br>S.41 - WOAS CACO - STEALING(wallet containing<br>600 lire) (Alternative to Robbery).                                                                                                                                                                                     |
| AS/13834 Pte.L.MOKALANYAIE<br>1920 Coy.AAPC,                                   | 17 Feb        | 31 Jan          | S.41 - WOAS CACO - ASSAULT CONTRARY TO S.47 OF THE<br>OFFENCES AGAINST THE PERSON ACT 1861                                                                                                                                                                                                                                                                                                                   |
| 6296564 Pte.E.WILLIAMS }<br>R.W.Kents. }<br>6104704 Pte.W.FAREY, }<br>Queens } | 21 Apr.       | 31 Jan          | JOINT<br>S.41 - WOAS CACO - LARCENY AND THREATS CONTRARY TO<br>S.13(b) OF THE LARCENY ACT 1916.(stole<br>radio set from dwelling house & by menace<br>or threat put civilian being therein in<br>bodily fear)<br>SEPARATE.<br>S.41 - WOAS CACO - DEMANDING WITH MENACES CONTRARY<br>TO SECTION 30 OF THE LARCENY ACT 1916<br>(with menaces or by force demanded 10,000 l.<br>with intent to steal the same). |
| Pte. WILLIAMS.                                                                 |               |                 |                                                                                                                                                                                                                                                                                                                                                                                                              |
| Pte. Farey.                                                                    |               |                 |                                                                                                                                                                                                                                                                                                                                                                                                              |
| 7017785 Pte.H.FINNEGAN<br>40 Coy. P.C.                                         | 29 Feb        | 4 Feb           | S.41 - WOAS CACO - STEALING (powder box, pair scissors,<br>letters, photographs, identity card, from a                                                                                                                                                                                                                                                                                                       |

OFFENCES AGAINST ITALIAN CIVILIANS COMMITTED  
SINCE 1 JANUARY 1944.

| OFFENCE                                                                                                                                                                                                      | OTHER OFFENCES                                                                                                                                | SENTENCE.                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| 41 - WOAS CACO - RECEIVING TOLLEN GOODS CONTRARY TO SECTION 33(1) OF THE LARCENY ACT 1916.<br>( a clock - the property of civilian).<br>(Alternative to stealing).                                           |                                                                                                                                               | 8 months IHL.                  |
| 41 - WOAS CACO - STEALING (bottle of cognac from a store).                                                                                                                                                   | S.19 - Drunkenness                                                                                                                            | 84 days Detention.             |
| 40 - CONDUCT - improperly created disturbance in house of civilian, armed with rifle.<br>41 - WOAS CACO - ATTEMPTED RAPE.<br>41 - WOAS CACO - STEALING(wallet containing 600 lire) (Alternative to Robbery). | -                                                                                                                                             | 1 year IHL.                    |
| 41 - WOAS CACO - ASSAULT CONTRARY TO S.47 OF THE OFFENCES AGAINST THE PERSON ACT 1861                                                                                                                        | -                                                                                                                                             | 6 months IHL.                  |
| <u>JOINT</u><br>41 - WOAS CACO - LARCENY AND THREATS CONTRARY TO S.13(b) OF THE LARCENY ACT 1916.(stole radio set from dwelling house & by menace or threat put civilian being therein in bodily fear)       |                                                                                                                                               | Both accused -<br>7 years P.S. |
| <u>SEPARATE.</u><br>41 - WOAS CACO - DEMANDING WITH MENACES CONTRARY TO SECTION 30 OF THE LARCENY ACT 1916<br>(with menaces or by force demanded 10,000 lire with intent to steal the same).                 | S.12(1)(a) -<br>DESERTION.<br>S.8(2) Offering violence to Superior officer.<br>S.41 - Stealing from RAF Unit.<br><br>S.12(1)(a)<br>Desertion. |                                |
| 41 - WOAS CACO - STEALING (powder box, pair scissors, letters, photographs, identity card, from a house)                                                                                                     | -                                                                                                                                             | 9 months IHL.                  |

Field  
17 May 44.Eighth Army.Return of twelve cases where soldiers have been convicted  
of offences against Italians, during period 1 Jan 44 to date.

## Accused

## Offence

2017689 Dvr W.RANDALL, 26 ME Sec.RE

Sec.6(3)(d) - Offence against property of inhabitant  
stole a fountain pen4627562 Pte T.JOWSEY, Devon, att  
HQ 13 Corps

-do- stole a ring

4985605 Pte W.JEPSON, Forkesters,  
att HQ 13 Corps

-do- stole a ring

4984698 Pte J.CATTLE, Y & L, att  
HQ 13 Corps

-do- stole a ring

6284427 Sjt S.A.REINAERT, 5 Buffs

Sec.41 - manslaughter of an Italian girl

AS 4992 Pte C.MATREKA, 1926(Basuto)  
Coy AAICSec.6(3)(d) - offence against property of an inhabi  
stole a chair6982894 Pte W.JOHLSON }  
6985413 Pte J.MURRAY } JOINT TRIAL  
both of 6 InnisksSec.40 - Conduct - created disturbance in house of  
causing damage there and injury to inhabitant5949536 Cpl R.WALSH, 1 Bedfs.Herts  
att 370 POW Camp

Sec.41 - Assault on inhabitant ( 2 counts)

1457198 Cnr E.ROBERTS 422 S/L Bty RA

Sec.6(3)(d) - offence against property of inhabitan  
stole a clock

5827022 Pte(L/Cpl) G.W.MARTIN, 5 Buffs

Sec.40 - Conduct - entered civilian premises and o  
a disturbance

4399853 Pte R.C.CATTERMOLE, 5 Buffs

(Sec.12(1)(a) - Desertion)  
Sec.6(3)(d) - offence against property of inhabit  
stole 262 lire  
-do- stole a fountain pen5499703 Pte L.SHORT, Son L.I.  
2940513 Pte W.SULLIVAN, Camerons  
both att HQ 28 Inf BdeSec.6(3)(d) - Offence against person of inhabitant  
assault (4 counts against each accused)

ases where soldiers have been convicted  
Italians, during period 1 Jan 44 to date.

| Offence                                                                                                     | Sentence                                               |
|-------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| 6(3)(d) - Offence against property of inhabitant -<br>steal a fountain pen                                  | 50 days' F.P.                                          |
| -do- stole a ring                                                                                           | 60 days' F.P.                                          |
| -do- stole a ring                                                                                           | 60 days' F.P.                                          |
| -do- stole a ring                                                                                           | 60 days' F.P.                                          |
| 41 - manslaughter of an Italian girl                                                                        | 90 days' I.H.L.<br>Reduced to the ranks.               |
| 6(3)(d) - offence against property of an inhabitant -<br>steal a chair                                      | 90 days' F.P.                                          |
| 40 - Conduct - created disturbance in house of inhabitant,<br>causing damage there and injury to inhabitant | Each accused:-<br>90 days' F.P.                        |
| 41 - Assault on inhabitant ( 2 counts)                                                                      | 90 days' F.P.                                          |
| 6(3)(d) - offence against property of inhabitant -<br>steal a clock                                         | 56 days' F.P.                                          |
| 40 - Conduct - entered civilian premises and created<br>disturbance                                         | 45 days forfeiture<br>of pay                           |
| c.12(1)(a) - Desertion                                                                                      | } 2 yrs I.H.L. Not to<br>be transferred to the<br>U.K. |
| c.6(3)(d) - offence against property of inhabitant -<br>steal 262 lire                                      |                                                        |
| -do- stole a fountain pen                                                                                   |                                                        |
| c.6(3)(d) - Offence against person of inhabitant -<br>assault (4 counts against each accused)               | Short - 56 days F.P.<br>Sullivan - 90 days F.P.        |



14143

Salerno 11, 21 MAG 1944

MINISTERO DI GRAZIA E GIUSTIZIA  
affari Penali  
UFFICIO SUPERIORE DELLE PERSONE  
DELEGATE GENERALI

ALLA COMMISSIONE ALLEATA  
DI CONTROLLO

Sottocommissione Legale

Ufficio

SALERNO

Prot. N. 27507

Risposta al foglio del

Div. Sez. N.

Oggetto: Omicidio in persona del soldato Cabras Antonino  
da Bono (Nuoro) ad opera di due soldati dell'esercito  
americano.

Per opportuna conoscenza, si trasmette  
copia del rapporto pervenuto a questo Uffi-  
cio, con nota 9.5.1944 n.1222 dalla Procura  
Generale del Re di Palermo, relativo all'af-  
fare indicato in oggetto.

IL SOTTOSGREGARIO DI STATO

## PROCURA GENERALE PRESSO LA CORTE DI APPELLO DI PALERMO

N.4 Prot.n.1222

Palermo li, 9 Maggio 1944

Oggetto: Omicidio in persona del soldato Gabras Antonino di Pasquale la Bona (duoro) ad opera di due soldati dell'esercito americano.

A.S.E. Il Ministero di Grazia e Giustizia  
Direzione Generale degli Affari Penali

P A L E R M O

Per opportuna notizia, comunico che il Procuratore del Re presso il Tribunale di Termini Imerese, con rapporto del 5 corrente mese, oggi pervenutomi, mi ha riferito che, in località Canna di Cerda, due soldati dell'esercito americano, comandati di ronda, sorprendevo il giorno 4 maggio corrente il militare Gabras Antonino di Pasquale la Bona (duoro) intento a rubare delle cassette di munizioni di proprietà dell'amministrazione Alleata. Intimato il fero il Gabras tentò di dileguarsi ed allora i soldati americani aprirono il fuoco contro di lui, uccidendolo.

Comunico inoltre che non si è proceduto da parte dell'autorità Giudiziarie ad atti generici, in quanto del fatto se ne è interessato il Comando del 46° Reggimento Fanteria.

Analogha partecipazione è stata fatta in data odierna all'Ecc./m. Commissione Alleata di Controllo in questa città.

Il Procuratore Generale del Re

P.to ~~XXXXXXXXXX~~  
Cappelloni

p.c.c.



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

20 May, 1944.

REFERENCE : ACC/4143/L.

SUBJECT : Particulars of Court Martial cases involving  
Italian Civilians.

TO : H.Q., A.A.I.(J.A.S.)

1. I confirm conversation on Monday last (Colonel UPJOHN -  
Lieutenant-Colonel GUNNING) when we agreed to the following :-

- (a) You would be kind enough to supply to us some examples of cases of Courts Martial where soldiers under command H.Q., A.A.I. had been court martialled for offences against Italian civilians. This was to enable us to show in conference to the Italian Minister of Justice such excerpts from your particulars as we deemed advisable so as to indicate to him that the British authorities were fully alive to the necessity for punishing severely soldiers who interfered with the person or property of Italian civilians. Such information will, I can assure you, have the most beneficial effect in assisting our efforts to persuade the Italians to punish severely Italian civilians who commit offences involving allied interests.
- (b) This H.Q. will on the other hand let you have such particulars as come into its possession from time to time of British, Polish or French soldiers who are concerned in 'Black-Market' or other crimes in order that you may check up as to whether Court Martial proceedings have been instituted against such personnel.
- (c) Finally you will let us have the names and particulars of any Italian civilians whose names crop up in connection with Court Martial proceedings who are alleged to be concerned in any crime so that we may see that such civilians are brought to justice.

GERALD R. UPJOHN,  
Colonel,  
Chief Legal Officer.

GRU/wcw.

Copy to : H.Q. & M.G. Section.  
(Attention Lt.Col. A.C. Bowman)

*File*

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

19 May, 1944.

REFERENCE : ACC/4143/L.

SUBJECT : Alleged shooting of TESSÉ, Michele, by British M.P. in BARI.

TO: Regional Legal Officer, (thru Regional Commissioner), Region II.

1. Please let this Sub-Commission have full particulars of the above mentioned case.

... 2. Copy of Procuratore Generale's letter to the Minister is enclosed.

*See folio 20*

G. G. HONNAPOLLO  
Major,  
Officer i/c Italian Branch,  
for, Chief Legal Officer.

CCZ/vow.

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
LEGAL SUB-COMMISSION  
APO 394

/rlp.  
18 May 1944.

ACC/4145/L.

SUBJECT : Punishment for offenses against Italians.  
TO : RC & MG Section (CAB).

1. Confirming my telephone conversation of today, there appears to be a definite feeling in the Italian Government that the Allied Forces, while insisting on severe punishment of Italians for acts against Allied property and personnel, have not dealt severely with their own personnel in cases involving injuries to property of Italians and to Italian citizens.

2. The British Judge Advocate General at AAI Hq has undertaken to prepare and send to this sub-commission a sample list of cases where the local populace is affected showing the punishments imposed by British Courts-Martial in various types of offense.

3. It would be extremely helpful if a similar statement could be obtained from the Judge Advocate General, PBS. The names of the offenders and their **units** are not desired.

4. By making a proper showing in this regard, it is believed that our own position will be strengthened and that we will receive greater cooperation in connection with trials before Italian Courts affecting the Allied interests.

5. It is proposed that any statements with regard to punishment of Allied soldiers will be submitted to the Minister of Justice as a confidential matter only.

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



4143

Salerno 11.

1944

MINISTERO DI GRAZIA E GIUSTIZIA

DIREZIONE GENERALE DEGLI AFFARI CIVILI

ALLA COMMISSIONE ALLEATA  
DI CONTROLLO

Sottocommissione Legale

SALERNO

Risposta al foglio del

Div. Sez. N.

Ufficio

Prot. N

331 AR

Occasi attribuiti a militari alleati.

Si trasmette, per conoscenza, e per gli opportuni provvedimenti, l'unita copia della nota del Procuratore Generale di Bari, relativa a reati (rapine e omicidio) che sarebbero stati commessi da militari alleati. Si gradirebbe conoscere l'esito del procedimento.

IL SOTTOSEGRETARIO DI STATO

*Orini*



MINISTERO DI GRAZIA E GIUSTIZIA  
DIREZIONE GENERALE DEGLI AFFARI CIVILI

Ufficio

Prot. N. 27192

Salerno 11,

4143

Alla Commissione Alleata  
di Controllo - Sottocom-  
missione Legale -  
SALERNO

Risposta al foglio del

Div. Sez. N.

Oggetto: Omicidio in persona di Teseo Michele ad opera  
degli agenti della polizia inglese - avviso di res-  
to. -

Per opportuna conoscenza si trasmette  
copia della nota inviata dalla Procura  
Generale del Re di Bari il 2.5.1944 n.4585  
=72/44 A.R., relativa all'affare indicato  
in oggetto.

P IL SOTTOSCRITTO DI STATO

ScvMh

PROCURA GENERALE DEL RE BARI

n. 4385

Fasc. 72/44 A.n.

Argomento: omicidio in persona di Tesse Michele 97 per  
degli agenti della Polizia Inglese. Avviso di reato.

Bari 2 maggio 1944

Ecc.mo Ministero di Grazia e Giustizia

Direzione Generale Affari Penali-Uff. I<sup>a</sup>S A L E R N O

Il detto 25 aprile h.s. in contrada "Macchie di Rose" agro di Andria, veniva ferito, con un colpo di arma da fuoco, sparato da un agente della Polizia Inglese, il nominato Tesse Michele di Antonio di anni 17 di Andria. Il Tesse decedeva il giorno 27 detto.

Dai primi accertamenti risultava che l'agente aveva sparato contro il Tesse, che era in possesso d'indumenti militari alleati, perchè, non obbedendo al fermo intimatogli, cercava di allontanarsi in bicicletta.

Gli atti saranno rimessi alla competente autorità Alleata.

Con osservanza.

Il Procuratore Generale del Re  
f.to De Santis

f.c.c.  
Ruz

FILE  
HEAD HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
AIO 394

18  
GRT/gmf

ACC/4143/L

9 May 1944

SUBJECT: Offences by Allied soldiers against Italian persons and property.

TO : Executive Commissioner.

May the enclosed please be signed and sent to HQ AAI, copy to this Subcommittee.

G. P. UPJOHN, Colonel  
Chief Legal Officer.

HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
PO & MC SECTION  
APO 374

CHU/gmf

Reference:

May 1944

SUBJECT: Offences by Allied Soldiers against Italian persons and property.

TO : HQ AAI (JG).

Art. 15 of the Military Penal Code of War provides that Italian Courts will enforce the penalties therein laid down for offences against the armed forces of the Italian State to offences against the armed forces of associated states provided such associated states grant reciprocal rights to the Italians.

This Article has been invoked by the Allied and the Italian Government have agreed to put it into force so that in unoccupied territory Italians may be prosecuted under the Military Penal Code of War for offences against Allied property and personnel on the tacit understanding that we are recognising our reciprocal obligations thereunder.

Naturally they are not asking for any returns of cases tried by British and American Courts partial for offences against Italian property and persons, although of course we obtain returns of cases affecting us tried in the Italian Courts, but it would greatly strengthen the pressure, already considerable, which we are putting on the Italian Government to try cases involving Allied property and persons expeditiously if we were in a position to show them in confidence a few statistics relating to trials of British and American soldiers for offences against Italian persons and property.

I should be grateful if you would let us have for this purpose a brief statement of the number of cases so tried with aggregate of sentences imposed and with particulars of one or two big cases.

M. S. LUSH,  
Brigadier,  
Executive Commissioner,  
Allied Control Commission.

6143

## PROCURA GENERALE DEL RE BARI

Prot.n.4529

Bari 5 Maggio 1944

Oggetto: Reati commessi da militari inglesi.

Ecc.mo Ministero di Grazia e Giustizia  
Direzione Generale Affari Penali

S a l e r n o

Pregiarmi trascrivere la seguente nota in data 2 corrente  
mese trasmessami dal Procuratore del Re di Trani:

"Informo V.E. che sono pervenuti stamane:

- 1) denuncia 18.4.1944 dei RR.CC. di Molfetta per tentata rapina armata in danno di Lovero Gerardo, commessa il 9.4.1944.
- 2) denuncia in pari data degli stessi verbalizzanti per rapina in danno di Valiera Giuseppe, commessa il 9 aprile 1944.
- 3) denuncia in pari data degli stessi carabinieri per rapina armata in danno di Aurora Antonio, commessa il 10.4.1944.

Le prime due ad opera di due militari britannici, la terza ad opera di sei militari britannici, nessuno identificato.  
4) rapporto 25.4.1944 degli stessi carabinieri per omicidio, mediante colpo di fucile, in persona dell'undicenne Cifarelli Francesco, in Molfetta, addì 23 aprile 1944, ad opera di militari britannici, non identificati ma chesi ritengono appartenenti al 12 A.B.W Rome Recovery Post. in Molfetta, che probabilmente erano in servizio di guardia nella località. Assunti gli atti generici ed accertato che la causa esclusiva della morte fu l'emorragia seguita alla lesione femorale.

Gli atti tutti relativi alle denunce prelette sono stati trasmessi oggi stesso all'ufficio di Polizia Militare allenta in Bari, per competenza.

Mi riservo di comunicare ulteriormente in merito avendo richiesto quel Procuratore del Re di comunicarmi l'esito dei relativi procedimenti.

Con osservanza.

Il Procuratore Generale del Re

F.to Giuseppe De Santis

p.e.c.

Ruy