

ACC

10000/142/989

10000/142/989

COMPLAINTS & DENUNCIATIONS
NOV. 1943 - MAR. 1944



R. PREFETTURA DI BARI

Divisione Gab N. di prot. II59

Bari 3 Marzo 1944 -

Risposta a nota

Allegati

OGGETTO: Deni del soppresso p.n.f.

ALLIED CONTROL COMMISSION
~~LEGAL SUBCOMMISSION~~

B A R I

Di seguito alla nota di questa Prefettura 14.1.us/N°232 gab, comunico che il Ministero delle Finanze ha avuto dalla Commissione Alleata di Controllo la risposta, di cui allego copia, circa la questione segnalata del ritiro da parte di Comandi Militari Alleati di mobili del soppresso partito nazionale fascista.

Unisco, pertanto, le copie delle segnalazioni fatte al riguardo dei Comuni di Casamassima, Noicattaro, Sammichele e ~~Turi~~, con preghiera di compiacersi esperire le necessarie ricerche intese ad accertare la reale entità del materiale requisito e far rilasciare, poi, la ricevuta delle requisizioni effettuate.

Gradirò dalla cortesia di cotesto Ufficio un gentile cenno di riscontro. -

IL PREFETTO
(Li Voti)

[Handwritten signature]

61

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee

GRU/gmf

12 January 1944.

In reply
refer to: ACC/L/112.

SUBJECT: Property of the Suppressed National Fascist Party.

TO : H.E. The Undersecretary of State
The Ministry of Finance.

In reply to your letter of 13 January I have requested the Military Authorities to make it clear to all concerned that fascist property must be treated like any other property and can only be requisitioned in the usual way by giving a receipt.

In the meantime I shall be glad if you will let me have particulars of the houses in the towns you mention in order that a more detailed investigation may be made.

60

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

2310

Notifica - Tribunale - Repubblica - Roma

COPIA - COMUNE DI NOICATTARO

7 gennaio 1944

Oggetto - Rapporto informativo

Prot. n. 101

ECCCELLENZA PREFETTO

BARI

Porto a conoscenza di V.E. quanto appresso:

Premesso che, avvenuto lo scioglimento del fascio, con le organizzazioni del partito, i locali ove erano alloggiati gli uffici, furono invasi dai dimostranti e messi a socquadro.

Premesso che, allo scopo di evitare maggiori vandalismi, si ritenne opportuno far trasportare tutte le suppellettili e quanto altro vi era, in un locale messo a piano terra del Palazzo Comunale, destinato a sala di udienza per la Conciliazione.

Premesso che nel medesimo locale erano stati in precedenza depositati i mobili che avevano arredato la Milizia v.s.n. (Ufficio Comando)

Premesso ancora che nello stesso locale furono depositati i mobili e quanto altro fu rinvenuto in divise nel fascio femminile e gil femminile.

Premesso che tutto questo materiale che comprendeva anche due macchine da cucire, due banchi da lavoro per falegnami rinvenuti in un sottoscala del fascio maschile e che dovette, a suo tempo, servire per la preparazione dei giovani artigiani ai litorali del lavoro, nonché una radio a mobile, la lana raccolta dal fascio e non ancora consegnata.

Premesso che di tutto questo materiale era stato già dato elenco all'Intendenza di Finanza come da precedente istruzione ricevuta.

Si fa presente che nelle ore pomeridiane del giorno 2 corrente alle ore 15,30 trasportati con camionette vennero qui un Capitano un Tenente apertamente agli Eserciti Alleati, probabilmente inglesi, accompagnati da un interprete, la camionetta era targata M.439-0269-34295.

Essi richiesero la consegna del materiale già appartenuto **59** fascio e sue organizzazioni, dovendolo requisire, allo scopo di arredare Ospedali

ECCellenza Prefetto

BARI

Porto a conoscenza di V.L. quanto appresso:

Premesso che, avvenuto lo scioglimento del fascio, con le organizzazioni del partito, i locali ove erano alloggiati gli uffici, furono invasi dai dimostranti e messi a socquadro.

Premesso che, allo scopo di evitare maggiori vandalismi, si ritenne opportuno far trasportare tutte le suppellettili e quanto altro vi era, in un locale messo a piano terra del Palazzo Comunale, destinato a sala di udienza per la Conciliazione.

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Premesso che di tutto questo materiale era stato già dato elenco all'Intendenza di Finanza come da precedente istruzione ricevuta.

Si fa presente che nelle ore pomeridiane del giorno 2 corrente alle ore 15,30 trasportati con camionette vennero qui un Capitano un Tenente appai tenenti agli Eserciti Alleati, probabilmente inglesi, accompagnati da un interprete, la camionetta era targata M.489-C269-34285.

Essi richiesero la consegna del materiale già appartenuto **59** fascio e sue organizzazioni, dovendolo requisire, allo scopo di arredare Ospedali Militari.

Erano con me, il Maresciallo dei RR.CC. Comandante la Stazione ed il Vice Brigadiere, nonchè il Segretario Comunale e la Guardia Municipale Colucci.

Aperto il locale di deposito, i due Ufficiali lo ispezionavano e facevano notare che in un fascio di piccole bandiere, vi erano due o tre bandiere con la croce uncinata, che ci affrettammo a far staccare dalle aste dalla guardia presente e consegnare al Capitano, che le portò con se, insieme alla radio, a varie aste metalliche, per gagliardetti e porta aste in cuoio.

Si fa notare che il fascio di bandiere era stato, a suo tempo, rinvenuto in un sotto scala del fascio maschile.

Richiesta una ricevuta degli oggetti che venivano portati via, l'interprete fece conoscere che sarebbero ritornati presto, per ritirare il resto e che avrebbero allora, rilasciato la ricevuta.

Il locale venne chiuso a chiave dal Capitano, che intascò la chiave stessa.

La mattina del 4 corrente verso le undici, furono qui due camion con vari soldati; circa una decina, comandati da un sergente e con lo stesso interprete, fu aperta la porta di cui avevano la chiave e caricata sul camion tutto quanto era nel locale contenuto, meno una certa quantità di divise appartenute alla fil femminile, che vennero amucchiate in un angolo di esso.

Financo il tavolo di udienza del Conciliatore era stato caricato e ci volle opera di persuasione da parte del Segretario Comunale per convincerli a lasciarlo.

Si attende ora istruzione di come dovrà regolarsi in un eventuale ritorno dei detti militari, mentre si prega tenere avvisato, di quanto accaduto, l'Intendenza di Finanza.

Il Commissario Prefettizio

F/to: Guarnieri

COMUNE DI NOICATTARO

(Copia)

Prot. n. 471

Noicattaro, 29 gennaio 1944

Oggetto: Materiale e mobili di pertinenza del soppresso P.M.F. preso dalle Forze Armate Alleate.

ECC. PREFETTO

BARI

In riscontro alla nota n. 232 Gab. del 25 corr. pari oggetto.

Confermo nei suoi dettagli, la mia relazione sull'accaduto, tenuta nella mia nota 7 corrente ed aggiungo, i seguenti maggiori dettagli: l'interprete che accompagnava i due ufficiali medici il giorno 2 corr? era evidentemente uno straniero, dal modo come pronunciava l'italiano.

Egli indossava un gabarden molto chiaro ed alquanto lo oro e portava cappello.

Lo stesso interprete, accompagnò i soldati che vennero qui a ritirare tutto il materiale.

Oltre a ciò il Capo Centro Comunale della Gioventù Italiana, conobbe un sergente inglese tal D.H. SMITH della Polizia Militare Britannica, il quale dichiarava a richiesta del V. Brigadiere di questa Stazione, di conoscere i due ufficiali medici, che erano venuti, il primo giorno essi avevano residenza a Mola.

Si precisa ancora che i soldati venuti coi due camion per caricare la roba, era comandati da un Sergente e dallo stesso interprete della volta precedente, essi si accinsero alla operazione, senza dare avviso ad alcuno, aprendo la porta del locale con la chiave che il Capitano deve aver dato loro.

Mentre avveniva la caricazione, la chiave venne portata dai ragazzi, che in gran numero assistevano all'operazione, esportando quello che capitava sotto mano (come venne riferito)

La porta venne quindi chiusa con chiodi e così continua a stare,

ECC. PREFETTO

BARI

In riscontro alla nota n.232 Gab. del 25 corr. pari oggetto.

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La porta venne quindi chiusa con chiodi e così continua a stare, in attesa di ordini.

Non si può allo stato dare un elenco dettagliato e particolareggiato del materiale e dei mobili requisiti, fino a quando non sarà assodato, con precisione, quant'altro si trova nel locale.

Il Commissario Prefettizio

F/TO: Guarnieri

Copia

COMUNE DI TURI -Provincia di Bari

Turi, 27 gennaio 1944

N.404

risp. a n.25 gennaio 1944 n.232 Gab.

Oggetto: materiale e mobili di pertinenza del soppresso P.N.F. preso in consegna dalle Forze Armate Alleate.

A S.E. IL PREFETTO DI

BARI

In adempimento a quanto contenuto nella prefettizia 25 gennaio, corr. n.232 Div. Gab. si riferisce che quest'amministrazione non è in grado di fornire particolari sui reparti che hanno proceduto in questo comune al ritiro del materiale e dei mobili del soppresso P.N.F., solo può dire che tutto fu ritirato per ordine ed in presenza di un capitano inglese da una diecina di militari, caricato su camion e portato via, pare, verso Putignano.

Epperò il Podestà dell'epoca, per suo discarico, chiede al detto capitano una ricevuta ma questi fece capire che ciò non era necessario.

Dopo aver ultimato le operazioni di carico ebbe; il detto ufficiale a portarsi con se anche la chiave dell'ingresso ai locali che non è stata più restituita.

Si fa inoltre presente che vennero asportati perfino i lampadari dalle volte di tutti i quattro locali.

Non si è in grado di aggiungere altro.

IL COMISSARIO PREFETTIZIO

F/to: Aceto

Turi, 27 gennaio 1944

N. 404

risp. a n. 25 gennaio 1944 n. 232 Gab.

Oggetto: materiale e mobili di pertinenza del soppresso P.N.F. preso in consegna dalle Forze Armate Alleate.

A S.E. IL PREFETTO DI

BARI

In adempimento a quanto contenuto nella prefettizia 25 gennaio, corr. n. 232 Div. Gab. si riferisce che quest'amministrazione non è in grado di fornire particolari sui reparti che hanno proceduto in questo comune al ritiro del materiale e dei mobili del soppresso P.N.F., solo può dire che tutto fu ritirato per ordine ed in presenza di un capitano inglese da una diecina di militari, caricato su camions e portato via, pare, verso Putignano.

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Si fa inoltre presente che vennero asportati perfino i lampadari dalle volte di tutti i quattro locali.

Non si è in grado di aggiungere altro.

IL COMMISSARIO PREFETTIZIO

F/tw: Aceto

2317

COPIA - COMUNE DI CASAMASSIMA

Prot. n.748/66I Sez. I

risp. a nota n.232 Gab. del 25.I.44

28 gennaio 1944

Oggetto: Materiale e mobili di pertinenza del soppresso P.N.T. preso
in consegna dalle Forze Armate Alleate.

ALLA R. PREFETTURA DI

BAIT

In riscontro alla nota sopracitata comunico che i mobili in
oggetto sono stati prelevati dal "Comando Deposito Convalescenziario
Neo Zelandese" di stanza in Casamassima.

I mobili ritirati come sopra sono:

1 armadio grande a 3 sportelli
5 armadi grandi con sportelli a vetri
1 armadio piccolo " "
2 armadi " " "
2 scrivanie
4 tavoli
49 sedie

Materiale diverso e carteggio contenuto nei mobili di cui
sopra, di cui il predetto Comando non ha fatto tenere l'elenco.

IL COMITISSARIO PREFETTIZIO

T/to: Susca

C O P I A

COMUNE DI RUTIGLIANO

Risp. a N.25/I/44 n.232 Gab.

Rutigliano, 1 febbraio 1944

N° 374 di Prot.

Oggetto: Materiale e mobili di pertinenza del soppresso P.N.F. in
consegna dalle Forze Armate Alleate.

R. PREFETTURA

BARI

Con riferimento alla richiesta in oggetto si uniscono n. 3
elenchi di mobili e materiali ritirati dal Capitano, dai due sergenti
e da otto militari inglesi il 21 dicembre u.s.-

S'ignorano i nomi dei suddetti appartenenti alle Forze Armate
Alleate.

Gli automezzi che hanno asportato il materiale portavano le
seguenti targhe:

L. 4966697 - L. 4966692

IL COMISSARIO PREFETTIZIO

F/to Domenico Divella

55

G. I. L.

Asta porta bandiera
due banchi con spalliera
due scaffali aperti, in legno faggio a 4 ripiani
8 sedie di faggio
3 poltroncine di faggio
2 schedari a 8 cassetti
2 scaffali per archivio
2 rastrelliere per moschetti
2 pedane di abete
schedario a 9 scompartimenti, contenente carteggio vario
Una bandiera tricolore
Una pedana per il tavolo grande di faggio
pantaloni azzurri 4
giacca Kaki
maglioni neri n. 7
camicie nere 6
Bustine nere 73
Fez n. 2
Bustine Kaki 2
Cinturone grigio verde 36
Palle di ferro sferiche (una da Kg. 5 e una da 3)
Gavette con borracce 6
Pazzoletti GG.FF. 46
Guanti moschettieri per balilla 18
Fiamme per GG.FF. 4
Ostacoli di legno 2
Giacchellotti 1
Tamburi 2
Tamburo per ginnastica 1
Cinghia porta tamburo 1
Baccette per tamburo 7

due scaffali aperti, in legno faggio e 4 ripiani
8 sedie di faggio
3 poltroncine di faggio
2 schedari a 8 cassetti
2 scaffali per archivio
2 rastrelliere per moschetti
2 pedane di abete
schedario a 9 scompartimenti, contenente carteggio vario
Una bandiera tricolore
Una pedana per il tavolo grande di faggio
pantaloni azzurri 4
giacca Kaki
maglioni neri n. 7
camicie nere 6
Bustine nere 73
Tez n. 2
Bustine Kaki 2
Cinturone grigio verde 36
Palle di ferro sferiche (una da Kg. 5 e una da 3)
Gavette con borracce 6
Pazzoletti GG. FF. 46
Guanti moschettieri per balilla 18
Fiamme per GG. FF. 4
Ostacoli di legno 2
Giovellotti I
Tamburi 2
Tamburo per ginnastica I
Cinghia porta tamburo I
Baccette per tamburo 7
Tabelle per saggi 2
Paline per salto 3
Pedana per il lancio 2
Cestini per pallacanestro di ferro 2

Moschetti Mod. 91 ridotti per i balilla 14
Fiamma in pietra 1
Macchine Singer con coperchio
Macchine Necchi senza coperchio
Divise complete donne fasciste 15
Tavolo con due tiretti
Divise nere giovani fascisti 10
Bustine nere 30
Baschi 15
Calzettini grigi per figli della lupa n. 3
Calzine bianche 4 paia
Calze grigie 3 paia
Divise complete per giovani italiane 20
Fazzoletti tricolore di seta 15
Divise nere giovani fasciste 12

- 51°) - Coppe nere 51
- 52°) - Bracce 26
- 53°) - Piatti uso stagno di cui 6 grandi N. 34
- 54°) - Cucchiaini 66
- 55°) - Coltelli da tavola 2
- 56°) - Bicchieri di stagno 6
- 57°) - Asciugamani 8
- 58°) - Colalatte uno
- 59°) - Grembiuli bianchi con la scritta "viva il duce" 13
- 60°) - Mutandine nere 43
- 61°) - Sgabelli di legno abete pittato 6
- 62°) - Tovaglie da tavola 16
- 63°) - Tovaglioli da tavola 99
- 64°) - Fondine di alluminio 20
- 65°) - Piatti speni (uso stagno) di cui 6 più grandi 209
- 66°) - Scodelline (uso stagno per brodo, alcune ammaccate) 140
- 67°) - Cucchiaini di diverse dimensioni (metallo cromato) 123
- 68°) - Forchette (metallo cromato) 112
- 69°) - Coltelli da tavola (acciaio) 6
- 70°) - Bicchieri di stagno 143
- 71°) - Camici bianchi per cuoche 11
- 72°) - Cuffie bianche per cuoche 4
- 73°) - Pentole di alluminio bilancia piccola con una coppetta
- 74°) - Zuppierie grandi di creta argilla 7
- 75°) - Cuppini di alluminio 3
- 76°) - Mestolo di legno 1
- 77°) - Palette per il fuoco due
- 78°) - Guantiere di legno abete due
- 79°) - Grembiuli azzurri in buono stato 3
- 80°) - Spegni fuoco 1
- 81°) - Piatti bianchi di argilla 1
- 82°) - Colapasta di stagno latta
- 83°) - Ceste di canne due
- 84°) - Vaschetta di zinco
- 85°) - Conche di creta per 1 vare i panni due
- 86°) - Pentole di creta grandi
- 87°) - Catinelle di ferro smaltato due
- 88°) - Mutandine 37
- 89°) - Berrettini 39
- 90°) - Bandiere tricolore 5
- 91°) - Armadietto con portiera in legno piccolo armadietto e vetri sovrapposto
- 92°) - Scrivania con 11 tiretti.

Fascio Femminile

C O P I A

- 1°) - Un armadio a vetri contenente carteggio vario
- 2°) - Un cestino per carte
- 3°) - N° 2 armadi con portiera contenenti divise G.I.I.
- 4°) - N° 1 cappottiera
- 5°) - N° 55 fazzoletti Massaie Rurali
- 6°) - N° 57 mezzi fazzoletti Operai Lavoranti a domicilio
- 7°) - N° 2 paia di scarpette per neonati
- 8°) - N° 8 camicine per neonati
- 9°) - Metri uno di nastro bianco

BAGNO FEMMINILE

- 1) Una angoliiera per porta fiamme, con porta in vetro contenente un gagliardetto.
- 2) n. 6 sedie
- 3) Una radio fuori uso
- 4) Scaffale ad archivio a 9 tiretti contenente carteggio vario
- 5) Una valigetta in fibre contenente il gagliardetto ed asta nichellata
- 6) Una cartella per scrittoio in tela nera
- 7) N° 8 quadri con cornice
- 8) Un tavolino per macchina da scrivere
- 9) Un quadro ad incastro dipinto mogano
- 10) Un quadro con cornice nera con fotografie di Bari
- 11) Un duplicatore grande
- 12) Un armadio e vetri contenente cartelle personali e carteggio vario
- 13) N° 2 Arazzi
- 14) Una cappa in metallo lucido.

112
TRANSLATION: HFJ/dfe

CHIEF OF GOVERNMENT

January 28, 1944

No. 616/Pres. Cons.

Dear General MacFarlane,

It has been brought to my attention that some HQ's of Allied troops have ordered the removing of furniture and equipment from the seats of the ex-Gioventi Italiana del Littorio with the erroneous idea that they belonged to the suppressed Fascist party.

I therefore consider it necessary to point out that said organization, now devoid of any political activity and called "Gioventu Italiana (Italian Youth), has been made dependent on the Ministries for War and National Education, under the provisions of R.D.L. No. 704, August 2, 1943 (which is enclosed).

The property of this organization has been taken over by the State which because of the present contingencies apportions it among the State offices deprived of furniture.

I would be very grateful to you, dear General, if you would authoritatively intervene so that these infractions may cease as they are only reducing the already scarce supply of equipment indispensable for the functioning of the State organs.

I thank you, dear General, for the assuredly favorable news which you will have the kindness to communicate to me.

Cordial greetings,

Badoglio

For Comment
TW

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706

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LEGAL SUBCOMMISSION

24 January 1944.

MEMORANDUM:

SUBJECT: Conferences at Potenza on 20-21-22 January 1944.

TO : C.L.O., H.Q., A.C.C., Brindisi.

1. Pursuant to your instructions, I attended a conference at Potenza on 20 January 1944 at the office of Captain Paty, Legal Officer; Colonel Cousins, and Sig. Rotunno were present. I attended several other conferences on the succeeding two days at Potenza with other persons. I will take up serially the matters which you outlined in your letter of instructions of 17 January 1944 addressed to Major Hanaford.

GIACOMO VITA

2. The opposition to Vita is based largely on the statements of Sig. Rotunno, a member of the Bar at Potenza. Captain Paty stated that he had full confidence in this gentleman's opinions. I believe the various statements made by Region 2 officers concerning Vita had been inspired by opinions expressed by Sig. Rotunno.

3. Sig. Rotunno's objection to the appointment of Giacomo Vita was explained in a letter which he handed me for delivery, if possible, to his friend and colleague, Under-Secretary of the Interior Vito Reale, who comes from Potenza. A copy of this letter is attached to this report. It states, in substance, the following:

(a) That the father of Vita avoided the payment of his just debts and was a man of scant moral rectitude.

(b) That the brother of Vita was high in Fascist circles, was unscrupulous in business dealings, and was the object of an "ammonizione" by the Allied Public Security Committee (of which Sig. Rotunno was a member).

(c) That another brother of Vita employed in a Ministry, was convicted for conversion of State funds and corruption notwithstanding Fascist protection.

(d) That there are rumors concerning acts of favoritism and corruption on the part of Vita when he was a member (for several years between 1930 and 1940) of the Commissariato Usi Civici at Bari. This was a special court having jurisdiction over cases concerning the administration and liquidation of former rights derived from feudal tenure, as for instance, the right to cut wood in forests, and rights of pasture.

4. It will be noted that none of the information offered by Sig. Rotunno was of a precise nature, and that most of it concerned Vita's family and not Vita himself.

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- (c) That another brother of Vita employed in a Ministry, was convicted for conversion of State funds and corruption notwithstanding Fascist protection.
- (d) That there are rumors concerning acts of favoritism and corruption on the part of Vita when he was a member (for several years between 1930 and 1940) of the Commissariato Usi Civici at Bari. This was a special court having jurisdiction over cases concerning the administration and liquidation of former rights derived from feudal tenure, as for instance, the right to cut wood in forests, and rights of pasture.

4. It will be noted that none of the information offered by Sig. Rotunno was of a precise nature, and that most of it concerned Vita's family and not Vita himself.

5. At the time of my second interview with Sig. Rotunno on 21 January 1944, I pointed this out to him. He replied with great emphasis that Vita was rendered unsuitable by the conduct of his close relatives and that rumors about the professional integrity of a man were generally based on fact. Sig. Rotunno wept at one point and spoke with much feeling of the necessity of removing the Fascist curse from Italy, and of doing it thoroughly.

6. Sig. Rotunno informed me at the second interview that one Brienza, an ex-Commissario di Pubblica Sicurezza was in Potenza and that this person had personal knowledge concerning the corrupt activities of Vita when he was a member of the Court at Bari.

7. I arranged to see Brienza later that day. At Brienza's request, I arranged to have the Questore of Potenza, Cianci, join the meeting. Both these men had heard the rumors that were alluded to by Sig. Rotunno in his letter, and said that they believed there was a file in the Questore at Potenza dealing with the matter. After several telephone calls to the Questura, Cianci advised me that it would take several hours to make the search and that he would report to me the next day, 22 January 1944. The search proved fruitless, however. The only files that could be found at the Questura dealt with a brother of Giacomo Vita. It is interesting to note that Brienza was formerly connected with O.V.R.A. at Naples and was removed from his position as a police official by the Allied Military Government.

8. There was a third conference with Sig. Rotunno at which Captain Paty was present on the afternoon of 22 January 1944. I pressed both gentlemen for specific facts concerning Vita's Fascist activities. I pointed out to Captain Paty that Major Backhouse had referred to Giacomo Vita as one of the most prominent Fascists in Southern Italy. It developed from our discussion that it was fairly certain that Giacomo Vita was an enrolled member of the party. Since Giacomo Vita had spent most of his time in Bari and Naples, Sig. Rotunno had practically no personal knowledge of Vita's activities. There was nothing to indicate that Vita had occupied any position whatever in Fascist circles either of an honorary or a stipendiary nature. Both Captain Paty and Signor Rotunno placed great emphasis on the fact that the brothers of Vita in Potenza had been active Fascists and that one of them had been the last Fascist Podesta at Potenza.

My impression of these conferences concerning Giacomo Vita was that his family name has been so closely allied with Fascist activities through the prominence of his brothers, that his appointment by the Ministry of Justice would not be favourably received at either Potenza or, probably, elsewhere.

9. With regard to the report of the rumors concerning Vita's alleged corruption in his judicial capacity, an investigation at Bari would have to be undertaken.

ASSIZE COURT AT POTENZA

10. Colonel Cousins and Captain Paty stated that they had no objection to the transfer of judges contemplated by the Minister of Justice in his letter of 15 January 1944. I conferred with the Procuratore Generale Marino and the Sostituto Procuratore del Re Fuschillo. The former said that irregularities had been committed at the Assize Court and the Assessors had been chosen without regard to the law. The latter, having come to his office very recently, knew nothing about the matter.

REGGIO AND MESSINA COURTS

11. Colonel Cousins stated that he believed the matter had already been satisfactorily dealt with. He agreed that the Reggio court should not go to Messina and that the civil side of the Court of Appeal should stay at Reggio.

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PROPOSALS FOR THE ESTABLISHMENT OF A SEPARATE COURT OF APPEALS AT POTENZA

12. This matter, like the Giacomo Vita matter, stems very largely from the views expressed to Captain Paty by Sig. Rotunno. There are attached hereto the two alternative provisions of the plan submitted by Sig. Rotunno with the approval of a committee of lawyers. The first is to establish the Court of Appeals at Potenza as an autonomous court, entirely independent of the Court of Appeals at Naples. This would permit the court to assume jurisdiction over all appeals which now go to Naples from Potenza and would include the right to deal with all administrative and disciplinary matters.

13. In view of the breakdown of civilian transport, Italian citizens find themselves unable to resort to the Court of Appeals at Naples and they are consequently deprived of their normal rights. While the committee would prefer the establishment of the Potenza Court of Appeals permanently as a separate court, the President of the Court, Simonetti, with whom I conferred, believes that it should be established as a temporary measure pending the reestablishment of normal lines of communication and travel.

14. The second alternative proposal would give the Court of Appeals at Potenza administrative and disciplinary powers so that the delay and inconveniences attendant upon the necessity of communication with Naples could be obviated.

15. President Simonetti pointed out that it may be necessary to revise the statute dealing with appellate procedure so that certain categories of cases, viz., industrial accidents, suits against departments of the government, could be handled on appeal at Potenza.

ANNOUNCEMENT OF AMNESTY PROVISIONS

16. The request for the abrogation of the Fascist amnesty laws and for the statutes of limitations dealing with many penal offenses was suggested by the Committee of Investigation for Lucania set up by the Allied Military Government at Potenza.

17. I conferred with Sig. Rotunno and Sig. Pagliuca, who had been members of this Committee. The Committee has been receiving (since 22 Oct. 1943) complaints against offenders of the Italian Penal Code and was to undertake to arrange for the initiation of proceedings in the Italian Courts where they considered that a *prima facie* case existed.

18. I examined a number of the files which were offered by the Committee as examples of cases to be dealt with and in which the accused persons were favored by amnesty provisions. All of these cases presented very slight hope of successful prosecution as they were from 15 to 20 years old and the declarations of witnesses, recently procured, were extremely vague and uncertain. I pointed this out to Sig. Rotunno who replied that the cases had been investigated by the Carabinieri, who were corrupt, and that on proper investigation the truth would undoubtedly come out.

19. I learned that the Committee had the benefit of the services of Sostituto Procuratore del Re Cassone, and I conferred with him in the evening of 22 January 1944. Sig. Cassone agreed that the cases which I had examined did not offer any hope for effective prosecution. We discussed at some length some more recent cases which represented flagrant instances of unjust enrichment and the utter disregard of penal statutes by persons apparently in favor with the Fascist Regime. Sig. Cassone had recently secured the conviction of a Dr. Delfino of Tolve, who was such a person. I examined the files in the Delfino case and conferred with the President of the Court of Appeals who had reviewed the matter. It seemed quite plain that Delfino had previously escaped prosecution due to the intervention of Fascist officials. In connection with this matter I made preliminary studies of the steps to be taken and arranged with Captain Paty a method of procedure for investigating the acts of the local judges and local police

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20. In conclusion, the opinion which I formed in accord with Captain Paty, is as follows:

(a) That it is premature to request the abrogation of amnesty laws at this time.

(b) That a few of the more flagrant cases of unjust enrichment and abuse of political power should be investigated and proposed for possible prosecution.

HEADQUARTERS
ARMED CONTROL COMMISSION
Legal Subcommittee

AMT/gmf

30 January 1944.

In reply
refer to: ACC/1/112.

MEMORANDUM:

SUBJECT: Ex-Fascist Property.

TO : Captain Ellery Stone.

1. Marshall Badoglio omits to indicate in what region or places this erroneous action has been taken.
2. The Badoglio Decree in question of Aug. 1943 being too early in date was not circulated by this office to CIOs of Regions, although in so far as the 4 free provinces are concerned the attention of HQ No. 2 District on 18 Jan. was called to the special conditions attaching to the use of ex-fascist property following representations from Finance Minister.
3. Regarding Regions 1 & 2 in view of the imminence of transfer to Italian Administration, the circulation of the Decree at this juncture might be deemed superfluous.
4. But in so far as AMG and Military Zone territory are concerned, this office can circulate the Decree for information to CIO, AMG HQ ACME for information, as per attached draft submitted for approval.

G. R. Urychin
for G. R. URYCHIN, Colonel
Chief Legal Officer, ACC.

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HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee

B3/gaf

23 Gennaio 1944.

Risp. al foglio n. ACC/1/112.

OGGETTO: Signor Gatti.

ALLA Signora Gatti Camela,
Via Galasso Carlo
San Vito dei Normanni.

La Vostra istanza a favore di vostro marito è stata ricevuta
in codesto ufficio ed è stata inoltrata al Ministero Italiano
di Grazia e Giustizia per opportune disposizioni.

G. R. UPJOHN, Colonello

112
HEAD-MASTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee

RS/gmf

23 January 1944.

In reply
refer to: ACC/1/112.

SUBJECT: Mr. Gatti.

TO : Mrs Gatti Carmela,
Via Galasso Carlo
San Vito dei Normanni.

Your petition on behalf of your husband has been received here and has been forwarded to the Italian Ministry of Justice for further action.

G. R. UNGER, Colonel
Chief Legal Officer, ACC.

112
HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee

ES/gaf

23 January 1944.

In reply
refer to: ACC/I/112.

SUBJECT: Transmittal of Documents.

TO : H.E. The Undersecretary of State,
Ministry of Pardon and Justice.

Enclosed herewith a petition of Mrs. CAURELLA GATTI of
of San Vito, filed on behalf of her husband who is held in the
prison of Bari.

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

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HEAD QUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee

GRU/grf

16 January 1944.

In reply
refer to: ACC/1/112.

SUBJECT: Court of Assizes, Potenza.

TO : The Undersecretary of State
Ministry of Pardon and Justice.

I have read with much concern Your Excellency's letter of the 15th January with regard to the Court of Assize at Potenza. I am having an immediate investigation made and if I find that the reports which have reached your ears are well founded and lead to the conclusion that there has been any avoidable disregard of the proper rules of procedure in the circumstances then prevailing, I shall be happy to fall in with Your Excellency's wishes.

G. R. BRUCE, Colonel
Chief Legal Officer, ACC.

42

(c) That when these cases have been prepared an integrated plan should be submitted, not only for annulment of the amnesty laws and the suspension of the statutes of limitation, but for the trial of these cases.

(d) I suggested to Captain Paty that the Italian Government would undoubtedly take a great interest in this matter and might be prepared to set up a special office for the investigation and the prosecution of these cases, as well as a special tribunal to deal with them speedily. Captain Paty agreed that we should permit the Italian Government to explore the feasibility of setting up this special machinery; and that we would be in a position to deal more constructively with the problem at a later date after having gone into the cases indicated.

E. L. PALMERI, Major

ment to explore the feasibility of setting up this special machinery; and that we would be in a position to deal more constructively with the problem at a later date after having gone into the cases indicated.

E. L. PALMERI, Major

41

Her. Acc.

17 Jan 44

Dear Guy

I want you to go to AMG Her Potenza there to meet Mr. CI Consins on Thursday (20th) at 1500 hrs to assist him to investigate the following matters.

1. Giacomo VITA (letter enclosed). Before I can act on this letter I want to know the details of this man's career & why he is so insistent I cannot tell the Govt. that he is a persona non grata" to act as representative of the Minister of Justice at Salerno unless I am in a position to back this up with reasons how if need should arise. Please let me know a full written report on the history, career & activities of this man. This matter is most urgent.

2. Assign a Cmt at Potenza.

at 1500 hrs to assist him to investigate the following matter.

1. Giacomo VITA (letter enclosed). Before I can act on this letter I want to know the details of this man's career & why he is so insistent. I cannot tell the Govt that he is a persona non grata to act as representative of the Minister of Justice at Salerno unless I am in a position to back this up with reasons here if need should arise. Please let me have a full written report on the history, career & activities of this man. This matter is most urgent.

2. Assize Court at Potenza.

I enclose letter from Minister of Justice. There may be nothing in it & it may be that the best was done in the circumstances then prevailing & that there is no real complaint to be made. On the other hand there may have been some real slackness & we ought to make the change.

At the same time I want you to consider the enclosed petition as to setting up Potenza as a separate C of A. We might repeat the Foggia precedent but I don't want to do so if it can be avoided; you & I know that there is a mass dispar line between Naples & Potenza but the Italians don't & as both Courts are in occupied territory from ^{their point of view} there is no reason why ^{Potenza} they should not be administered from Naples.

It is more than possible that the 7th President at Naples has not been allowed to help Potenza vis-à-vis to the attitude of Adm. G. Region III but do not investigate the matter in Naples until you have investigated the matter in Potenza & reported to me.

3. I also ^{at Potenza} enclose a letter from Region 2 be annexed; until we find out exactly

2342
a mass division line between haples & Potura
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occupied territory from their point of view there
is no reason why ^{Potura} they should not be
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Region III but do not investigate the
matter in haples until you have investigated
the matter in Potura & reported to me.

3. I also enclose a letter from Region 2
at ^{Potura} be amnesties; until we find out exactly
what amnesties have been granted, whether
pursuant to some decree or law of general
application or whether a particular amnesty
in each particular case I don't think we
can give any useful advice to Region 2
or take the $\frac{1}{2}$ matter up with the Govt.

~~both your tasks~~

Please investigate this matter in detail with the local L.O. & C.A. Cousins.

4. When you ~~have~~ ^{are} investigated the above matter please come straight in to Brindisi & with your reports so that we can consider them & take it up with the Govt.

5. C.A. Cousins tells me he has written to Naples re the alleged peculiar attitude of the ~~1st~~ President of the C.A. at Messina. It seems true that the correct answer is that A.M.G. Regim 1 should be ordered to direct the ~~1st~~ President to rescind his order ordering the Reggio C.A. to come over to Messina & to open the civil side of the C.A. of Appeal at Reggio.

6. Please bring back with you the enclosed letting petitions etc & this letter as I have

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Yrs
Ford

Major G. Hammett

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happy to be able to help you

16

This image shows a vertical strip of a document page, likely a page from a book or manuscript. The paper is heavily aged, discolored, and stained, with a mottled appearance. There are several dark, irregular spots and smudges scattered across the surface. Faint, illegible markings and fragments of text are visible, particularly in the upper half of the strip. The overall texture is rough and uneven, suggesting significant wear and tear over time.

TRANSLATION

MINISTRY OF PARDON & JUSTICE

Prot. No. 147

112

Bari, 13 January 1944

TO THE ALLIED CONTROL COMMISSION
Legal SubcommitteeBRINDISI

The first President of the Court of Appeal of Naples reports that he was notified of the following: The Corte di Assise of Potenza is at present functioning without any decree convening the Court having been issued by this office of the First President, which office has held in suspension the functioning of the court mainly due to the wish expressed by the Allied Command to revise the lists of assessors for the purpose of eliminating those who have acquired fascist merits under the past regime. It appears that contrary to the provisions of the Italian laws, the convening of the court and the selection of the bench has been effected by a local provision and the names of the assessors were drawn from an urn of supplementary candidates whereby numerous nullities were caused, which, if at all curable, constitute a grave prejudice for the austerity of the function. For this reason it seems advisable to transfer from the Court of Appeal at Catanzaro VICECONTE LUIGI who at present presides over the said Court of Assises by order of the Allied Command, and to provide that Comm. ROCCO LUIGI who at present holds the office of the President of the Court of Appeal Section at Lecce be sent to assume the functions of the President of the Court of Appeal Section at Potenza.

The said president should then designate a magistrate who would be suited to assume the functions of the President of the Court of Appeal Section at Potenza.

Please inform us whether there are any objection against the execution of the proposed transfer of magistrates.

40

THE UNDERSECRETARY OF STATE
(de Santis)

J46

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee

16 January 1944

In reply
refer to: ACC/L/112.

SUBJECT: Court of Assises, Potenza.

To : The Undersecretary of State
Ministry of Pardon and Justice.

I have read with much concern Your Excellency's letter of the 13th January with regard to the Court of Assise at Potenza. I am having an immediate investigation made and if I find that the reports which have reached your ears are well founded and lead to the conclusion that there has been any available disregard of the proper rules of procedure in the circumstances then prevailing, I shall be happy to fall in with Your Excellency's wishes.

G. R. UFJCIN, Colonel
Chief Legal Officer, ACC.

- 1 -

39

55-2

RISERVATA

Avv. Giuseppe Rotunno
Dott. Domenico Iabbate
Potenza

Potenza 19-1-44.

A S.E.l'On. Avv. Vito Reale

Sottosegretario agli Interni

Brindisi.

Carissimo Vito,

al Sig. Cap.no Paty, richiesto dai superiori uffici del Comando Alleato, sono pervenute le seguenti informazioni sul conto del Comm. Giacomo Vita, Sostituto Procuratore Generale del Re:

1. Il padre avv. Picho Vita era ritenuto uomo di scarsa sensibilità morale; ebbe molti debiti; non si curò di pagarli; anzi con astuti rixieghi giudiziari eluse il pagamento di fronte agli atti di espropriazione.
2. Il fratello avv. Comm. Enrico Vita ebbe eminente posizione nel fascismo. È accusato di scarsa scrupolosità negli affari. È stato colpito da " ammonizione " da parte della Commissione Militare di Pubblica Sicurezza.
3. Un altro fratello, funzionario di un Ministero, fu processato e condannato per malversazioni e profitti, nonostante le protezioni fasciste.
4. Sul conto personale del Comm. Giacomo Vita vi sono vociferazioni per favoritismi o corruzioni durante le sue funzioni presso il Commissariato Usi Civici a Bari.

È desiderio del Comando Alleato che informi personalmente il Sottosegretario della Giustizia nel caso che le informazioni innanzi riferite siano, in tutto od in parte, di sua personale conoscenza; - ovvero che tu faccia espletare indagini a Bari nell'ambiente giudiziario. -

Cio nell'interesse del buon nome italiano presso gli Alleati-

Cordialissimi saluti, anche dal Cap.no Paty

G. Rotunno

35

112
HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee

GRU/guf

18 January 1944.

In reply
refer to: ACC/1/112.

SUBJECT: Property of the Suppressed National Fascist Party.

TO : H.E. The Undersecretary of State
The Ministry of Finance.

In reply to your letter of 13 January I have requested the Military Authorities to make it clear to all concerned that fascist property must be treated like any other property and can only be requisitioned in the usual way by giving a receipt.

In the meantime I shall be glad if you will let me have particulars of the houses in the towns you mention in order that a more detailed investigation may be made.

G. R. VOJOHN, Colonel
Chief Legal Officer, ACC.

MINISTRY FOR FINANCE

TRANSLATION

N. 872

Jan 13, 1944

To the Allied Control Commission

SUBJECT: Property of the Suppressed
National Fascist Party.

It has been brought to our attention that in these last few days the headquarters (the commands) of British-American troops in several towns (Tutigliano, Turi, Casamassina) of the province of Bari have demanded the keys to houses containing the furniture and correspondence of the Fascist Party organizations. Later officers accompanied by enlisted men carried away the furniture and correspondence without making out any receipt to the trustees.

This Ministry, under Art. 9 of the Royal Decree Law (August 2, 1943 n. 704), is competent to provide for the liquidation of the Fascist party activities. Therefore a procedure of the sort described above deprives us of any chance of verifying the property ~~deposited~~ deposited with the trustees and of controlling it. Since the trustees could profit by this situation to appropriate furniture and correspondence in their care, we strongly beg you to have it arranged so that every time that furniture and correspondence are carried away a regular itemized receipt is given to the trustee of the material taken.

UNDERSECRETARY OF STATE

(Jung)

MINISTRY FOR FINANCE

TRANSLATION

N. 872

Jan 13, 1944

To the Allied Control Commission

SUBJECT: Property of the Suppressed
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UNDERSecretary OF STATE

(Jung)

MINISTRY FOR FINANCE

TRANSMISSION

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Jan 13, 1944

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This Ministry, under Art. 9 of the Royal Decree Law (August 2, 1943 n. 704), is competent to provide for the liquidation of the Fascist party activities. Therefore a procedure of the sort described above deprives us of any chance of verifying the property ~~quantities~~ deposited with the trustees and of controlling it. Since the trustees could profit by this situation to appropriate furniture and correspondence in their care, we strongly beg you to have it arranged so that every time that furniture and correspondence are carried away a regular itemized receipt is given to the trustee of the material taken.

UNDERSECRETARY OF STATE

(Jung)

34

112

Subject:- Alleged Damage at Ortanova.

AUG HM.,
15 Army Group,
C.M.F.

Ref. AM/206/152
10 January 1944.

Chief Legal Officer,
Legal Sub-Commission,
Allied Control Commission.

Reference your communication of 30 November, 1943,
(art/gmf), herewith a report submitted by the C.A.F.O. of
Gerignola on the damage alleged to have been done to the Praetura
at Ortanova by Allied Troops.

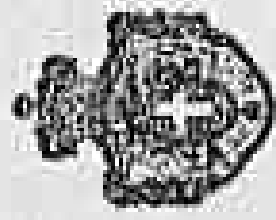
Pass to Govt

Wend Hux

Major, A.U.S.,
Chief Legal Officer.

32

468



MINISTERO DELLE FINANZE

N. 872

Risposta alla lettera

N. _____ del _____

OGGETTO

Beni del soppresso Partito Nazionale Fascista. -

Viene segnalato che in questi ultimi giorni i Comandi delle truppe Alleate Anglo-americane in alcuni Comuni della provincia di Bari (Rutigliano) Turi, Casamassima) hanno voluto la consegna delle chiavi dei locali contenenti i mobili ed il carteggio delle organizzazioni del Partito fascista e che poi ufficiali e militari dipendenti hanno portato via il mobilio ed il carteggio senza rilasciare ricevuta alcuna ai depositari.

Poichè una tale procedura toglie a questo Ministero, cui per l'art. 9 del R.D.L. 2 agosto 1943 n. 704 compete di provvedere alla liquidazione delle attività del Partito fascista, ogni possibilità di verifica e di controllo del patrimonio in consegna ai depositari, i quali **33** potrebbero profittare della occasione per appropriarsi indebitamente di parte del mobilio e carteggio loro affidati, si prega vivamente di volere disporre che tutte le volte che siano ritirati mobili e carteggi sia rilasciata ai consegnatari regolare ricevuta qualitative e quantitativa degli oggetti ritirati.

14 JAN 1944

R.M. 151, 11

13 GEN 1944

ALLA COMMISSIONE ALLEATA DI CONTROLLO

S E D E

OGGETTO

Beni del soppresso Partito
Nazionale Fascista.-

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IL SOTTOSegretario DI STATO

REF: FP/1201.

28 DEC. 1943.

SUBJECT: PREMISES OF PRAETURA, FOGGIA AT ORTANOVA.
TO: SCAC--FOGGIA.
FROM: CAPO--CERIGNOLA.

AN INVESTIGATION HAS BEEN COMPLETED BY THIS OFFICE RELATIVE TO THE SUBJECT MATTER. I HAVE INTERVIEWED THE PRETOR CAV. CARLO ASCOLESE AT ORTANOVA AT THE COURT-ROOM OFFICE OF THE PRETOR OF ORTANOVA, ILDO SCOLOZZI. THE TOWN COMMISSARIO, DOMENICO DE FRANCESCO WAS PRESENT DURING THE INTERVIEW. I AM NOW PREPARED TO REPORT THE FOLLOWING FACTS:

(1) PRETOR CAV. CARLO ASCOLESE NOW SAYS THAT ALL OF THE MATERIAL REPORTED MISSING OR DAMAGED IN HIS LETTER DATED 29 OCT. 1943 HAS BEEN LOCATED AND FOUND TO BE IN GOOD ORDER, WITH THE EXCEPTION OF THREE WOODEN STRAIGHT BACK CHAIRS. ALL THE COURT RECORDS AND REGISTERS ARE IN THEIR PROPER PLACES, ONE WRITING DESK THAT HAD BEEN REPORTED SMASHED, IS ONLY SLIGHTLY DAMAGED AND HAS SINCE BEEN REPAIRED. THE TYPEWRITER, INKSTANDS, CABINET, PENS, BLOTTERS, STATIONARY, ENVELOPES, CARBON PAPER AND STAMPS REPORTED MISSING HAVE BEEN FOUND IN GOOD ORDER AND RETURNED TO THEIR ORIGINAL USE.

THREE ORDINARY WOODEN STRAIGHT BACK CHAIRS ARE STILL MISSING AND HAVE NOT BEEN RECOVERED. ASCOLESE EXPRESSED DEEP REGRET THAT HIS LETTER HAD CAUSED SO MUCH OFFICIAL CONCERN AND APOLOGISED FOR NOT SUBMITTING A LETTER AT A LATER DATE AFTER HE HAD ^{3p} AND THE ARTICLES INTACT, INFORMING HIS SUPERIORS OF THE FACT.

(2). THE TOWN COMMISSARIO DOMENICO DE FRANCESCO AND THE PRET. OF ORTANOVA, ILDO SCOLOZZI SAY THAT IT WAS NOT AN ENGLISH MILITARY POLICE UNIT THAT OCCUPIED THIS PLACE.

THEY DESCRIBE THE UNIT AS HANDLING DETAIL AND ALL SUPPLIES AND

FROM: CAPO--CERIGNOLA.

AN INVESTIGATION HAS BEEN COMPLETED BY THIS OFFICE RELATIVE TO THE SUBJECT MATTER. I HAVE INTERVIEWED THE PRETOR CAV. CARLO ASCOLESE AT ORTANOVA AT THE COURT-ROOM OFFICE OF THE PRETOR OF ORTANOVA, ILDO SCOLOZZI. THE TOWN COMMISSARIO, DOMENICO DE FRANCESCO WAS PRESENT DURING THE INTERVIEW. I AM NOW PREPARED TO REPORT THE FOLLOWING FACTS:

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(2). THE TOWN COMMISSARIO DOMENICO DE FRANCESCO AND THE PRET. OF ORTANOVA, ILDO SCOLOZZI SAY THAT IT WAS NOT AN ENGLISH MILITARY POLICE UNIT THAT OCCUPIED THIS PLACE. THEY DESCRIBE THE UNIT AS HANDLING PETROL AND OIL SUPPLIES AND HAD A RATHER LARGE DUMP LOCATED IN THE SPORTS PARK OF ORTANOVA AND THE OFFICERS WERE BILLETED IN THE ASILO INFANTILE (CHILDREN'S HOME), WHICH IS THE SAME PLACE THE PRET. ASCOLESE WAS ESTABLISHED IN A TEMPORARY OFFICE, DESCRIBED IN HIS LETTER OF 29 OCT. 1943.

(PAGE 2. REF: FP/1201--TO SCAG-FOGGIA)

DE FRANCESCO AND SCOLOZZI ARE MOST CERTAIN THAT IT WAS NOT A MILITARY POLICE UNIT AS THEIR SOLE FUNCTION WAS THAT OF A SUPPLY SERVICE OF PETROL AND THERE WAS A SIGN UP AT THE ENTRANCE TO THE SPORTS PARK AT ORTANOVA THAT HAD THE FOLLOWING LETTERS PRINTED ON A BOARD WHILE THIS UNIT WAS THERE/:-P.O.L. THERE WAS NO OTHER IDENTIFYING MARK NOR NUMBER GIVEN.

THE UNIT ARRIVED ABOUT 1ST. OCT. 1943 AND DEPARTED ON THE 28TH OF OCTOBER 1943. ONE CAPTAIN AND A SERGEANT REMAINED ABOUT THREE DAYS AFTER THE MAIN GROUP HAD LEFT, APPARENTLY TO CLEAR UP LAST MINUTE MATTERS, THEN THEY DEPARTED. DESTINATION UNKNOWN TO THOSE INTERVIEWED.

IN COMPLIANCE WITH YOUR ORDER, I ATTACH, HERETO, THREE COPIES AND THE ORIGINAL LETTER SENT BY YOU AS OF 19 DEC. 1943.

BY:

Stanley Beatty

STANLEY BEATTY
CAPTAIN, AMC.
CAPO-CERIGNOLA.

A SUPPLY SERVICE OF PETROL AND THERE
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Stanley Beatty

STANLEY BEATTY
CAPTAIN, AMG.
CAPO-CERIGNOLA.

30

*Rev'd
11/13/43
P. J. H.*

TRANSLATION

Prot. No. 147

MINISTRY OF PARDON & JUSTICE

Bari, 13 January 1944.

TO THE ALLIED CONTROL COMMISSION
Legal SubcommitteeBRINDISI

The First President of the Court of Appeal of Naples reports that he was notified of the following: The Corte di Assise of Potenza is at present functioning without any decree convening the Court having been issued by this office of the First President, which office has held in suspension the functioning of the court mainly due to the wish expressed by the Allied Command to revise the lists of Assessors for the purpose of eliminating those who have acquired fascist merits under the past regime. It appears that contrary to the provisions of the Italian laws, the convening of the court and the selection of the bench has been effected by a local provision and the names of the Assessors were drawn from an urn of supplementary candidates whereby numerous nullities were caused, which, if at all curable, constitute a grave prejudice for the austerity of the function. For this reason it seems advisable to transfer from the Court of Appeal at Catanzaro VICECONTE LUIGI who at present presides over the said Court of Assizes by order of the Allied Command, and to provide that Comm. ROCCO LUIGI who at present holds the office of the President of the Court of Appeal Section at Lecce be sent to assume the functions of the President of the Court of Appeal Section at Potenza.

The said president should then designate a magistrate who would be suited to assume the functions of the President of the Court of Appeal Section at Potenza.

Please inform us whether there are any objections against the execution of the proposed transfers of magistrates.

THE U DERSECRETARY OF STATE
(de Santis)

2.

office of the First President, which office has held in suspension the functioning of the court mainly due to the wish expressed by the Allied Command to revise the lists of Assessors for the purpose of eliminating those who have acquired fascist merits under the past regime. It appears that contrary to the provisions of the Italian laws, the convening of the court and the selection of the bench has been effected by a local provision and the names of the Assessors were drawn from an urn of supplementary candidates whereby numerous nullities were caused, which, if at all curable, constitute a grave prejudice for the austerity of the function. For this reason it seems advisable to transfer from the Court of Appeal at Catanzaro VICECONTE LUIGI who at present presides over the said Court of Assizes by order of the Allied Command, and to provide that Comm. ROCCO LUIGI who at present holds the office of the President of the Court of Appeal Section at Lecce be sent to assume the functions of the President of the Court of Appeal Section at Potenza.

The said president should then designate a magistrate who would be suited to assume the functions of the President of the Court of Appeal Section at Potenza.

Please inform us whether there are any objections against the execution of the proposed transfers of magistrates.

THE UNDERSECRETARY OF STATE
(de Santis)

MINISTERO DI GRAZIA E GIUSTIZIA

Bari, 13 gennaio 1944

ALLA COMMISSIONE ANIMATA DI COMMERIO
Sottocommissione LegaleBRINDISI

Il primo Presidente della Corte di Appello di Napoli segnala di avere avuto notizia che attualmente trovasi in funzione la Corte di Assise di Potenza, senza che nessun decreto di convocazione fosse stato emesso da quella Prima Presidenza, la quale vi aveva soppressuto soprattutto per il desiderio espresso dal Comando Alleato di rivedere le liste degli Assessori al fine di eliminare quelli che avessero, sotto il pretesto regim, acquietato benemerite fasciste.

Risulta che contrariamente a quanto disposto dalla legislazione italiana, alla convocazione della Corte e alla formazione del ruolo dei componenti si provvede sul luogo e che la estrazione dei nomi di detti Assessori fu eseguita dalla urda dei supplenti, incontrandosi così in numerose nullità che, se pure sanabili, costituiscono un grave pregiudizio per la serietà della funzione.

Apare pertanto la opportunità di trasferire della Corte di Appello di Catanzaro il Comm. Vicente Luigi che attualmente presiede la detta Corte di Assise per designazione del Comando Alleato, e di provvedere ad inviare ad assumere le funzioni di Presidente della Sezione della Corte di Appello di Potenza il Comm. Rocco Luigi, che attualmente ricopre la stessa carica presso la Sezione di Corte di Appello di Lecce.

Per detto Presidente dovrebbe in seguito essere designato un magistrato idoneo ad assumere le funzioni di Presidente di Sezione della Corte di Assise di Potenza.

Si prega di voler far conoscere se esistono motivi che si oppongano alla effettuazione dei proposti movimenti di magistrati.

IL SOTTOSCRITTO DI STATO
(de Santis)

28

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee

ACT/pt

refile

112

27 December 1943.

In reply
refer to: ACC/1/111.

SUBJECT: Case of Avv. Bonito Umberto.

TO : Capt. H. Armand de Nard
Liaison Officer,
Allied Control Commission
Palazzo del Governo, Bari.

1. The above named, whose place of domicile is at Cerignola, Province of Foggia, as the result of condemnation by an Allied Military Tribunal has been in forced residence at Bari where his address is given as c/o Altomare, Comitato di Liberazione di Bari, Via Roma 18.

2. As the result of a Petition presented by his wife to the Allied Military Authorities through the Allied Control Commission, the GLO 15th Army Group has informed this office that ~~the~~ sentence has been quashed, but it is not known whether the petitioner has been advised of this by your or any other agency.

3. It would be appreciated if you would say whether Avv. Bonito or his wife has been advised of the decision, and if not, contact GLO 15th Army Group direct with a view to transmitting the information to the interested parties.

Clap

A. R. THACKER, Major. *27*
Legal Subcommittee, ACC.

Translation

THE MINISTRY OF PARDON AND JUSTICE

Office IV

Bari, 15 December 1943.

Protoc. N. 1282

SUBJECT: Petition - BRACCIA Vincenzo.

To the R. Procurator of Foggia.

Enclosed a petition for the purpose of inviting the party to give particulars of his request and for obtaining information on the case.

Precis

Petition for Rehabilitation.

Petitioner's son Dante, a teacher and prisoner at the Tunisian front, sometime in 1942 was convicted for the rape and abduction of a minor by the Tribunal of Foggia and sentenced to a term of three years and nine months. Sentence affirmed by Court of Appeal of Bari - Recourse in Cassation rejected.

The conviction is a result of a plot designed by the relatives of the victim (names given), the Procuratore Sostituto of Foggia de Rossi and H.E. Attilio de Cicco. The real guilty person lives freely at Sansevero (Foggia).

Note: It does not appear when the crime and the trial took place, where the prisoner is presently located, or whether he served any part of the sentence.

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SUBJECT: Petition - ERACCIA Vincenzo.

To the R. Procurator of Foggia.

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Note: It does not appear when the crime and the trial took place, where the prisoner is presently located, or whether he served any part of the sentence.

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HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUBCOMMISSION

AKC/gaf

4 January 1944.

In reply
refer to: ACC/I/112.

SUBJECT: Request for Payment.

TO : The Commissario Prefettorio
Comune di Squinzano
Province of Lecce.

It is regretted that the subject matter of your letter of 30 Dec. 1943 (Prot. No. 6581), returned herewith, cannot be dealt with by this Commission. The question of the settlement of such a claim may be properly taken up with the Allied Military Authority of the district where the claim arises.

Major
G. R. URQUHART, Colonel
Chief Legal Officer, ACC.

Translation

Commendation Cr. Suppl. in

Comune of Squinzano
Province of Lecce

Dec 30 1943

~~Having been requested by Signora Fedeluccia~~

Subject: Request for a local payment

file in this
returned to AB

To the Commission, Brindisi

Having been requested by Signora Fedeluccia Manca, I have the honor to ^{beg} ~~ask~~ your headquarters for a favorable decision from you ~~and~~ in the following matter:

Last November 21st property of Signora Manca in Via Campi was occupied by Indian troops for a month. Since Signora Manca is at present in very bad financial straits, I hope you will interest yourself in this matter ^{so} that a payment may be made to an extent deemed by you reasonable.

Thanking you,

26

Commissioner of the Prefecture
(Dott. Luigi FRASSANITI)

Reg. 71 for area
Cassino 1943

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee

ES/gaf

*referred to Ryman
and not to de la Rosa*

29 Dicembre 1943.

Risp. al foglio n. ACC/1/112.

*Given to history
for delivery*

Signora Gioia Maria Confortino
Via Vitale 25
Ceglie Messapico.

In vostra istanza e stata ricevuta da codesta Commissione
ed e stata inoltrata al R. Ministero di Grazia e Giustizia.

A. R. THASERAN, Major
Legal Subcommittee, ACC.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee

SM/gut

21 December 1945.

In reply
refer to: 400/1/150.

SUBJECT: Petition for Sicilians Condemned to Penal Jail of
Lecce.

TO : Group Commander, 134 82nd Fighter Gp, APO 500.

Your letter of Dec. 14, 1945 on the above subject,
with enclosures, has been received here and will be forwarded
to the Italian Ministry for Pardon and Justice for further
action. Would you kindly communicate this information
to the petitioners concerned.

C. R. STJOHN, Colonel
Chief Legal Officer, ACC.

*This inaccurate translation
was received as original.*

112

17 DEC 1943

175

file

The Commander of the American Troops

We are Sicilians held in the penal jail of Lecce and we have been condemned by the old Fascist Law. We are serving our time in jail for crimes we have committed.

We are guilty of robbery - robbery ^{to} ^e of securing food for our children. We are guilty of assaults to bring justice with our own- ^{by} hands and we were condemned without leniency ~~from~~ a corrupt government consisting of political leaders who were using the spoils of their own crimes for their own purposes and amusement.

Count Ciano, Count Volpi, Bottai, Farinacci, Starace, and many others killed Matteotti and many others of society; not to defend themselves but to get them out of the way for their political ambitions.

We are the guilty of the road; of those places where the government never put their hand to help the people, to prevent their crimes, but only to let us feel the weight of the unfair justice.

We feel that the many years of sacrifice, starving, and rigid discipline and the coming of the war which made it impossible to get word to or from our families in Sicily, has been enough to wash our hands of our sins.

For six months we have had no news of our families and the Italian Government has done nothing to get in contact with them. Probably the Government has too many troubles of its own to think about us because we are Sicilians, Sons of the Big Island, being the first ones to move out from Fascist rule to get united to the American power - emblem of peace, liberty, and work. Because no one is taking care of us - the outcasts of Society, we are coming to you to use your great power to liberate us so we can go back to the love of our families and back to our wonderful Sicily.

exchange We promise that upon obtaining our freedom we will be honest, fit for society, and hard working people. We have sinned before God and man, but we have already paid for these sins. We ask for clemency of our misery - in exchange for which we will give anything we have to show our gratitude and are willing to go to the front to fight against the Germans.

The Sicilians Condemned to the Penal Jail of Lecce.

17 DEC 1943

125

1st W/Ind.
Hq 82nd Fighter Gp, APO 520, 14 December 1943.

(C/a/f)

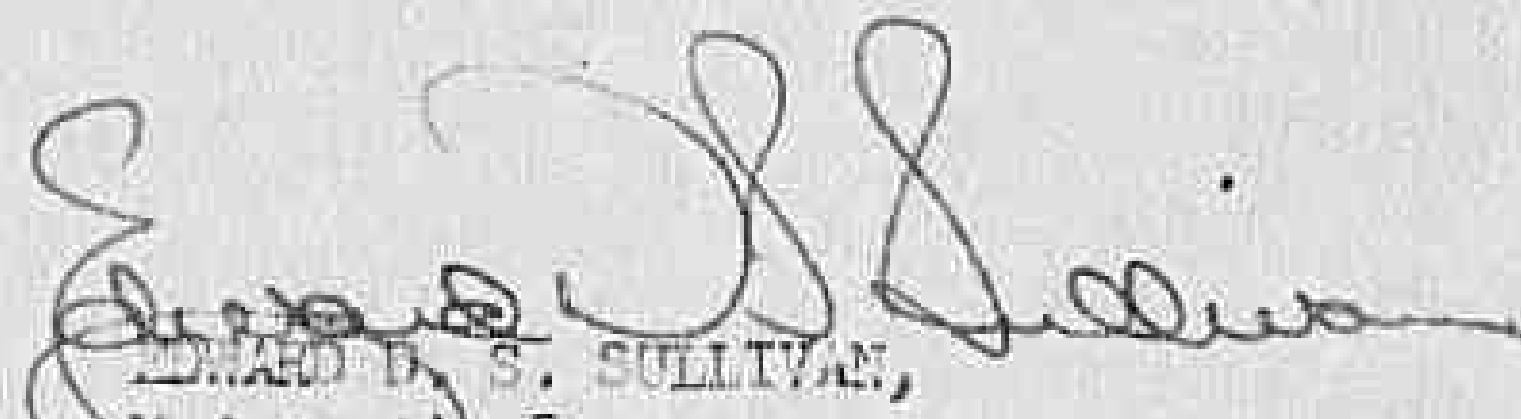
To: Commanding General, Allied Military Mission.

1. Herewith letter received by this Group for such action as your Headquarters may deem advisable.

For the Group Commander:

04821

DEC 15 1943 11 00


EDWARD D. S. SULLIVAN,
Major, Air Corps,
Adjutant.

20

Subject: Arrested persons at LUCERA - Release.

303
112
AMC HQ.,
15 Army Group,
G.M.F.

Ref. AGC/206/63
13 December 45.

Chief Legal Officer,
Legal Sub-Commission,
Allied Control Commission.

Reference your letter AGC/1/303 of 9 December, and enclosure, I am directed to state that the Allied Military Government is not prepared to give any explanation to the Italian Government of its actions in releasing the persons referred to in your communication, or to hold itself responsible to confer with any official before taking action to effect releases.

2. For your own information, an enquiry is being made into the releases in question.

HER/ES.


H.E. BOYD,
Lt. Colonel,
Chief Legal Officer,
for Chief Civil Affairs Officer.

112

INDEPENDENT
ARMED CONTROL COMMISSION
Legal Subcommittee

21/200

9 December 1943.

In reply
refer to: 420/1/503.

TO : HQ AIG, IV Army Group.

SUBJECT : Arrested Persons at Lurea. Release.

Enclosed for your information an extract of the letter of 25 November 1943 written by the Procuratore Generale del Re in Bari to the Minister of Justice and forwarded by the latter to this Subcommission.

G. R. URBAN, Colonel
Chief Legal Officer, AIG.

9 December 1943.

In reply
refer to: AGC/1/103.

TO : HQ 146, XV Army Group.
SUBJECT : Arrested Persons at Lureira. Release.

Enclosed for your information an extract of the letter of 25 November 1943 written by the Procurador General del Re in Paris to the Minister of Justice and forwarded by the latter to this Subordination.

G. E. URBAN, Colonel
Chief Legal Officer, AGC.

18

No. 12446 of prot. Div. I

Reel, 25 Nov. 1943.

SUBJECT: Relations in Judicial Matters with British Authorities.

TO THE MINISTER OF JUSTICE

P. B. 141

I wish to communicate to this Ministry that on Sept. 21, 1943 several German soldiers came to the Prison of Lucca and by threatening to blow up the building effected the liberation of a certain Luigi PORCELLI who was accused of stealing objects which remained unguarded in Foglia in consequence of the air raids.

The Procuratore del Re made a vain attempt to convince a non-commissioned officer of the impropriety of the release in view of the fact that Porcelli was a common criminal.

In the presence of the above mentioned magistrate Porcelli affirmed his desire to enlist in the German forces. It seems that this did not materialize.

The records of the proceedings have been transferred to the Army Post-office at the Military War Tribunal of Bari for further disposition.

On the 7th of Oct. 1943 the British Military Commander released a certain Bonaga Michelina di Ignoti who was accused of theft of objects which remained unguarded in Foglia in consequence of an air raid. That commander having heard verbal explanations submitted from the Procuratore of Foglia held that the guilt of Bonaga was doubtful. In fact the guilt of Bonaga according to the report of the aforementioned magistrate is not certain since the accused went to the apartment belonging to her, but loaned to another person, in order to observe the effects of an air raid. Bonaga possesses

I wish to communicate to this Ministry that on Sept. 21, 1943 several German soldiers came to the Prison of Lamezia and by threatening to blow up the building expected the liberation of a certain Luigi FOROMMI who was accused of stealing objects which remained unguarded in Foggia in consequence of the air raids.

The Procuratore del Re made a vain attempt to convince a non-commissioned officer of the imprudence of the release in view of the fact that Forommi was a common criminal.

In the presence of the above mentioned magistrate Forommi affirmed his desire to enlist in the German forces. It seems that this did not materialize.

The records of the proceeding have been transferred to the Army Post-office at the Military War Tribunal of Bari for further disposition.

On the 7th of Oct. 1943 the British Military Commander released a certain Donato Michelina di Ignoli who was accused of theft of objects which remained unguarded in Foggia in consequence of an air raid. That commander having heard verbal explanation requested from the Procuratore of Foggia held that the guilt of Donato was doubtful. In fact the guilt of Donato according to the report of the above mentioned magistrate is not certain since the accused went to the apartment belonging to her, but loaned to another person, in order to observe the effects of an air raid. Donato possesses both money and real estate.

On the 17th Oct. 1943 the British Military Commander acting contrary to verbal and written advice of the Procuratore del Re of Foggia ordered the release of the following persons detained in the prisons of Lamezia on account of the well known events of Monteleone di Puglia:

- (1) CONNASCITA Pasquale - (2) CAROZZO Lucia - (3) CONNASCITO Veneranda -
- (4) DE PACIA Giuseppina - (5) LA MARELLA Rosaria - (6) LA MARELLA Pasquale

(7) MUCCI Pasquale - (8) EMERENZIA Lucia - (9) DUCILIO Carmel - (10) BAL-
VACNO Rosaria - (11) VISCONTI Teresa - (12) VISCONTI Angela - (13) VIS-
CONTI Antonia - (14) VISCONTI Filomena - (15) MARINO Rosa - (16) ZAMBONI
Rocco - (17) ZAMBONI Ernesto - (18) ZAMBONI Gaetano.

On Oct. 22, 1943 the British Command ordered the release of
MILANA Vincenza, detained in the prison of Bovino and accused of
having taken part in the well known events of Montelione di Puglia.

The Procuratore del Re has not been requested to give his opinion.

Furthermore I am told that the prohibition issued by the Anglo-
American Command to hold Penal hearings at the Tribunale of Foggia is still
in effect. I received notification on this subject from the Procuratore
del Re of Foggia in a letter of the 4th of this month.

For the Procuratore del Re

Signed: Lafovisco Denza

La Nuova Venezia, detained in the prison of Montebelluna and accused of

having taken part in the well known events of Montebelluna di Puglia.

The Procuratore del Re has not been requested to give his opinion.

Furthermore I am told that the prohibition issued by the Anglo-

American Command to hold Panel hearings at the Tribunale of Foggia is still

in effect. I received notification on this subject from the Procuratore

del Re of Foggia in a letter of the 4th of this month.

For the Procuratore del Re

Signed: Indovico Densa

PROCURA GENERALE DEL RE PRESSO LA CORTE DI APPELLO DI
B A R I

Nel 2445 di prot. Div. I

Bari, 25 novembre 1943

OGGETTO = Rapporti giudiziari con le Autorità Inglesi.

AL MINISTERO DI GRAZIA E GIUSTIZIA

Repetto
P.M. 151

Fregioni comunicare a cotesto Ministero che il 21-9-1943 alcuni militari tedeschi, venuti nelle carceri di Incera e minacciando di far saltare lo stabilimento, hanno imposto la liberazione di tale PERCELLI Luigi, imputato di furto di cose rimaste incustodite a Foggia in seguito ad incursioni aeree.

In vano il Procuratore del Re ha tentato convincere un sott'ufficiale della inopportunità della liberazione, essendo il Porcelli un volgare delinquente.

In presenza del detto Magistrato il Porcelli affermava di voler far parte delle forze tedesche. Sembra che ciò non sia avvenuto.

Gli atti del procedimento sono stati rimessi, per competenza, al P.M. presso il Tribunale Militare di guerra in Bari.

Il 7-10-1943 il Comando Militare Inglese ha messo in libertà tale Donaga Michelina di Ignoti, imputata di furto di cose rimaste incustodite a Foggia in seguito ad incursione aerea. Quel Comando, in esito ai chiarimenti verbali chiesti al Procuratore del Re di Foggia, ha ritenuta dubbia la responsabilità della Donaga. Ad davvero, la responsabilità della Donaga, secondo quanto riferisce il prefato Magistrato, non è certa essendoci la medesima recata ad osservare gli effetti della incursione aerea in un quartino di sua proprietà ma ad altri dato in locazione. La Donaga ha ricchezza immobiliare e pecuniaria.

Il 13-10-1943 il Comando Militare Inglese, nonostante il contrario avviso verbale e scritto del Procuratore del Re di Foggia, ha ordinato la liberazione delle seguenti persone detenute nelle carceri di Incera

AL MINISTERO DI GRAZIA E GIUSTIZIA

P.M. 151

Redda

Pregiarmi comunicare a cotesto Ministero che il 21-9-1943 alcuni militari tedeschi, venuti nelle carceri di Incera e minacciando di far saltare lo stabilimento, hanno imposto la liberazione di tale PORCELLI Luigi, imputato di furto di cose rimaste incustodite a Foggia in seguito ad incursioni aeree.

In vano il Procuratore del Re ha tentato convincere un sott'ufficiale della inopportunità della liberazione, essendo il Porcelli un volgare delinquente.

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Gli atti del procedimento sono stati rimessi, per competenza, al P.M. presso il Tribunale Militare di guerra in Bari.

Il 7-10-1943 il Comando Militare Inglese ha messo in libertà tale Donega Michelina di Ignoti, imputata di furto di cose rimaste incustodite a Foggia in seguito ad incursione aerea. Quel Comando, in esito ai chiarimenti verbali chiesti al Procuratore del Re di Foggia, ha ritenuta dubbia la responsabilità della Donega. Ed invero, la responsabilità della Donega, secondo quanto riferisce il prefato Magistrato, non è certa essendosi la medesima recata ad osservare gli effetti della incursione aerea in un quartino di sua proprietà ma ad altri dato in locazione. La Donega ha ricchezza immobiliare e pecuniaria.

Il 13-10-1943 il Comando Militare Inglese, nonostante il contrario avviso verbale e scritto del Procuratore del Re di Foggia, ha ordinato la liberazione delle seguenti persone detenute nelle carceri di Incera per i noti fatti di Monteleone di Puglia:

1°) CORNACCHIA Pasquale - 2°) CARUSO Inela - 3°) COLANGELO Veneranda - 4°) DE PAOLA Giuseppina - 5°) LA MANNA Rosaria - 6°) LA MANNA Pasquale - 7°) PUCCI Pasquale - 8°) PERAZZA Lucia - 9°) RUGGIERO Carmela - 10°) SALVANO Rosaria - 11°) VISCONTI Teresa - 12°) VISCONTI Angela - 13°) VI-

SCONTI Antonia - 14°) VISCONTI Milomana - 15°) TACCIO Rosa - 16°) ZAMBRI
Rocco - 17°) ZAMBRI Ernesto - 18°) ZAMBRI Giuseppina.

Il 22-10-1943 il Comando Inglese ha ordinato la liberazione di LA
MANNA Vincenza, detenuta nelle carceri di Sovino ed imputata dei noti
fatti avvenuti in Mantelone di Puglia. Nessuna richiesta di parere è
stata rivolta al Procuratore del Re di Foggia.

Mi viene inoltre segnalato che continua il divieto, da parte del
Comando delle Truppe Anglo-Americane, di far tenere udienza penale al
Tribunale di Foggia. Tale segnalazione il Procuratore del Re di Foggia
me l'ha fatta con nota del 4 corr.-

PER IL PROCURATORE GENERALE DEL RE

c/te: Indovico Decca

Il 22-10-1943 il Comando Inglese ha ordinato la liberazione di LA MANNA Vincenza, detenuta nelle carceri di Bovino ed imputata dei noti fatti avvenuti in Monteleone di Puglia. Nessuna richiesta di parere è stata rivolta al Procuratore del Re di Foggia.

Mi viene inoltre segnalato che continua il divieto, da parte del Comando delle Truppe Anglo-Americane, di far tenere udienza penale al Tribunale di Foggia. Tale segnalazione il Procuratore del Re di Foggia me l'ha fatta con nota del 4 corr.-

PER IL PROCURATORE GENERALE DEL RE
f/to: Indovico Dezza

12 13

ARMED FORCES
ALLIED COMMISSION
Legal Subordinate

21/10

see 12/10

9 December 1943.

In reply
refer to: AM/14/120.

File 112
11/13/1943
11/13/1943

SUBJECT: Release of interned persons at Lugano.
(Room at Monteleone di Puglia).

TO: 1. H.E. The Under Secretary of State
Ministero di Guerra e Marina.

I have the pleasure of informing Your Excellency that I have forwarded an extract of the letter of the Procureur General of Bari addressed to the Ministry of Justice and dated Nov. 25, 1943 to the proper Allied authorities in occupied territory.

G. M. BROWN, Colonel
Chief Legal Officer, AFM.

9 December 1943.

In reply
refer to: AM/1/120.

Handwritten:
62-112
11/13 Dec
100-1002/163

SUBJECT: Release of Arrested Persons at Lucern.
(Marta at Monteleone di Puglia).

TO: 2.2. The Italian Secretary of State
Ministero di Guerra e Marina.

I have the pleasure of acknowledging Your Excellency that I
have forwarded an extract of the letter of the Prothonotary General of
Marta addressed to the Ministry of Justice and dated Nov. 25, 1943 to
the proper allied authorities in occupied territory.

S. S. BARKER, Colonel.
Chief Legal Officer, AGC.

(36)

13

112
PROCURA GENERALE DEL RE PRESSO LA CORTE DI APPELLO DI
B A R I

N°12450 di prot. Div.1.

Bari, 25 novembre 1943

OGGETTO = Rapporti giudiziari con le Autorità Inglesi.

Reale y Bar.
AL MINISTERO DI GRAZIA E GIUSTIZIA

P.M. 151

Per opportuna notizia e per i provvedimenti che cotesto Ministero creerà di provocare trascrivo il seguente rapporto pervenutomi dal Procuratore del Re di Foggia:

"La situazione dell'amministrazione della Giustizia, nella Provincia di Foggia, è tristissima.

Le Autorità Inglesi usano il massimo riguardo verso i Magistrati, ma sono inflessibili nel chiedere la esecuzione delle loro disposizioni. Così, ci è ancora interdetto di tenere le udienze civili e penali e tutti noi funzionari siamo sottoposti ad indagini sulla nostra attività, in quanto dall'A.M.G.O.T. e dal Prefetto della Provincia ci sono stati richiesti elenchi dei Magistrati e funzionari dei Tribunali (Foggia e Lucera), delle Regie Procure, delle Preture dipendenti.

Essendomi stato riferito che il Palazzo di Giustizia in Foggia è stato devastato da civili e militari in tutto ciò che colà è rimasto, per mancanza di trasporti sufficienti e di personale di ufficio e di lavoro, i giorni 5 e 6 corr. mi sono portato a Foggia (con un carretto nell'andata ed a piedi nel ritorno) per rendermi conto della entità dei danni. Non mi è stato possibile accedermi locali, perchè occupati da truppe inglesi. Ho chiesto il permesso all'A.M.G.O.T., ma sono stato inviato al TOWN MAJOR. Per due giorni non mi è riuscito vedere costui, non ostante le frequenti visite fatte al suo ufficio, riferendomi una sua segretaria: "Or, ora è uscito". Non potevo ulteriormente fermarmi a Foggia, perchè città esclusivamente militare e perchè riabitata sol-

OGGETTO = Rapporti giudiziari con le Autorità Inglesi.

AL MINISTERO DI GRAZIA E GIUSTIZIA

P.M. 151

Per opportuna notizia e per i provvedimenti che cotesto Ministero creerà di provocare trascrivo il seguente rapporto pervenutomi dal Procuratore del Re di Foggia:

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Ritengo necessario tentare il recupero di carte, documenti, oggetti di valore giacenti sotto le macerie di tre vani del mio ufficio, mentre cose più importanti dovrebbe recuperare il Tribunale civile; ond'è che vi prego di volermi procurare un permesso libero e continuato acces-

so nel detto ufficio, anche con operai, nonchè di fornitura del mezzo di trasporto.

Del denaro promesso per il trasporto di carte e mobili da Foggia a Lucera, nulla è pervenuto, mentre le mercedi giornaliere sono molto alte.

In seguito agli accertamenti, potrei riferirvi sulla concreta situazione del Palazzo di Giustizia in Foggia"".

PER IL PROCURATORE GENERALE DEL RM
f/to: Ludovico Denza

al trasporto.
Del denaro promesso per il trasporto di carte e mobili da Foggia a Lucera, nulla è pervenuto, mentre le mercedi giornaliere sono molto alte.

In seguito agli accertamenti, potrei riferirvi sulla concreta situazione del Palazzo di Giustizia in Foggia".

PER IL PROCURATORE GENERALE DEL RE
f/to: Ludovico Denza

ON THE 12/50 01 NOV. 1945

1000, 25 Nov. 1945.

No. 12450 01 NOV. 1945.

SUBJECT: Relations in judicial matters with English authorities.

TO THE MINISTER OF JUSTICE.
P.M. 151

I am presenting a transcript of the following report forwarded to me by the Proc. del Re of Foggia, for your information and as a basis for any dispositions which this Ministry will decide to take:

"The situation of administration of justice in the Province of Foggia is very sad indeed.

The English authorities show utmost regard for the magistrates but they are inflexible in requesting execution of their dispositions.

Thus we still are prohibited to hold civil and penal hearings and the activities of all the functionaries are being subjected to investigations in that both the Prefect of the Province requested us to furnish lists of Magistrates and Functionaries of the Tribunals (Foggia and Lucera) of the Royal Decree, of the Prefect.

Having been advised that the Palace of Justice at Foggia (whatever remained of it) has been contaminated by civilians and military because of lack of sufficient transport, office personnel and work, I on 3 & 6 of this month proceeded to Foggia (by car) on the way there and returning on foot) in order to estimate the extent of the damage. It was not possible for me to enter the premises because they were occupied by English troops. I asked them for permission but they sent me to the Town Major. For two days I did not succeed in seeing him in spite of

I am presenting a transcript of the following report furnished to me by the Proc. del Re of Foggia, for your information and as a basis for any dispositions which this Ministry will desire to make:

"The situation of administration of justice in the Province of Foggia is very sad indeed.

The English authorities show great regard for the magistrates but they are inflexible in requesting execution of their dispositions.

Thus we still are prohibited to hold civil and penal hearings and the activities of all our functionaries are being subjected to investigations in that both Mayor and the Prefect of the Province requested us to furnish lists of magistrates and functionaries of the Tribunals (Foggia and Lucera) of the Royal Province, of the Prefecture

Having been advised that the Palace of Justice at Foggia (whatever remained of it) has been devastated by civilians and military because of lack of sufficient transport, office personnel and work, I on 5 & 6 of this month proceeded to Foggia (by cart on the way there and returning on foot) in order to estimate the extent of the damage. It was not possible for us to enter the premises because they were occupied by English troops. I asked ASPECT for permission but they sent us to the Town Major. For two days I did not succeed in seeing him in spite of my frequent visits to his office; one of his secretaries reported to me: "He left just now." I was not able to stay at Foggia any longer because the town is exclusively of military character and inhabited solely by a few families whose houses have not been wrecked.

I consider it necessary to attempt the salvage of papers, documents and objects of value laying under the ruins of the three rooms of my office while the more important objects should be salvaged by the

Civil Tribunal; therefore I ask you to kindly procure for me and workers a free and continuous access to the said office, and furnish me a means of transportation. Nothing has come out of the promise of money for the transport of papers and materials from Foggia and the workers' wages are very high.

Only after the inspection would I be able to report to you as to the actual state of the Palace of Justice at Foggia.

FOR THE PROSECUTOR GENERAL OF THE RE

Signed: Lucio De Luca

2392

Only after the inspection would I be able to report to you as to
the actual state of the Palace of Justice at Foggia.

FOR THE INFORMATION GENERAL DEL RE

Signed: Amovico Denza

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee

cmg/gmf

8 December 1943.

In reply
refer to: AGO/L/112.

SUBJECT: Conviction of Arr. Bonito, Umberto.

TO : Mrs. Giuseppina Bonito.
c/o Altomare -
Comitato di Liberazione di Bari
Via Roma 18.
Bari.

Dear Mrs. Bonito:

Your letter with enclosures on the above subject has been received here by Major General Joyce. In view of the fact that Mr. Bonito has been convicted by an Allied Military Court any revision of the punishment imposed upon Mr. Bonito is only possible on a review of the case in accordance with Proclamation 4 Art. VII.

In the circumstances, although your letter should not have been addressed to the Allied Control Commission, I am directed to say that your letter and accompanying statement will be treated as a Petition for review in accordance with the above mentioned Article and they have accordingly been forwarded to the Chief Civil Affairs Officer who will review your husband's case in due course.

If the Chief Civil Affairs Officer is satisfied that

In reply
refer to: AGO/1/112.

SUBJECT: Conviction of Avv. Bonito, Umberto.

TO : Mrs. Giuseppina Bonito.
c/o Altomare -
Comitato di Liberazione di Bari
Via Roma 10.
Bari.

Dear Mrs. Bonito:

Your letter with enclosures on the above subject has been received here by Major General Joyce. In view of the fact that Mr. Bonito has been convicted by an Allied Military Court any revision of the punishment imposed upon Mr. Bonito is only possible on a review of the case in accordance with Proclamation 4 Art. VII.

In the circumstances, although your letter should not have been addressed to the Allied Control Commission, I am directed to say that your letter and accompanying statement will be treated as a Petition for review in accordance with the above mentioned Article and they have accordingly been forwarded to the Chief Civil Affairs Officer who will review your husband's case in due course.

If the Chief Civil Affairs Officer is satisfied that any revision of the punishment imposed upon Mr. Bonito is required, your husband will be notified.

3

G. R. URYEN, Colonel
Legal Subcommittee, AGC.

Copy to Ch-0
XV Army Group

(24)

112
Bari, 5 novembre 1943

Al Sig. Generale Joyce
Head of the Allied Control Commission

Erindisi

Sono la moglie dell'Avv. Umberto Bonito, da Cerignola (Foggia); e mi rivolgo a Lei, per avere quella Giustizia che non riesco ad avere altrove e da altri.

Dai documenti alligati alla presente, risulta di che si tratta: mio marito è vittima di un grave errore e, me lo si permetta, anche di una grave ingiustizia. Cosa questa gravissima per un perseguitato per 21 anni dal fascismo.

Mio marito non è ricco e vive, mantenendo la sua famiglia composta da me e da tre figliuoli, dal suo lavoro professionale: adesso è costretto a vivere lontano di casa, a spese sue e senza poter lavorare. Egli ha speso finora circa 6000 mila lire...!

Si aggiunga che egli è sofferente e malato, come risulta dal certificato medico alligato, ed ha bisogno di cure assidue e di vitto buono e sano, possibile, per i tempi che si attraversano, soltanto in casa. Mi sono rivolta a tutti i Comandi ed Uffici Alleati di Bari, per ottenere il ritorno a casa di mio marito: ma nessuno mi sa dire nulla.

E' incredibile!

Avevo deciso di rivolgermi ai rappresentanti della Commissione di Controllo per l'Italia, per denunciare ogni cosa, quando mi è stato suggerito di rivolgermi a Lei, che per essere Capo della Commissione Alleata di Controllo e perché di animo generoso, è l'unico che possa provvedere seriamente e sollecitamente.

Mio marito deve ritornare a casa e subito, perché ammalato: egli non può restare ancora fuori di casa, perché gli mancano i mezzi e perché il suo stato di salute si aggraverebbe. Egli, come antifascista (socialdemocratico), perseguitato dai fascisti, e come amico sincero degli Alleati, ha diritto alla maggiore e migliore benevolenza.

Lei, Sig. Generale, può e deve concedere a mio marito il permesso dell'immediato ritorno a Cerignola: riparerà così ad un errore e ad una ingiustizia e farà ritornare la fiducia e la stima della intera cittadinanza di Cerignola, oltre che delle Puglie, verso gli Alleati.

Mi creda Suo dev/ma

Giuseppina Bonito

Brindisi

Sono la moglie dell'Avv. Umberto Bonito, da Cerignola (Foggia)! e mi rivolgo a Lei, per avere quella Giustizia che non riesco ad avere altrove e da altri.

Dai documenti alligati alla presente, risulta di che si tratta: mio marito è vittima di un grave errore e, me lo si permetta, anche di una grave ingiustizia. Cosa questa gravissima per un perseguitato per 21 anni dal fascismo.

Mio marito non è ricco e vive, mantenendo la sua famiglia composta da me e da tre figliuoli, dal suo lavoro professionale: adesso è costretto a vivere lontano di casa, a spese sue e senza poter lavorare. Egli ha speso finora circa 6000 mila lire...!

Si aggiunga che egli è sofferente e malato, come risulta dal certificato medico alligato, ed ha bisogno di cure assidue e di vitto buono e sano, possibile, per i tempi che si attraversano, soltanto in casa. Mi sono rivolta a tutti i Comandi ed Uffici Alleati di Bari, per ottenere il ritorno a casa di mio marito: ma nessuno mi sa dire nulla.

E' incredibile!

Avevo deciso di rivolgermi ai rappresentanti della Commissione di Controllo per l'Italia, per denunciare ogni cosa, quando mi è stato suggerito di rivolgermi a Lei, che per essere Capo della Commissione Alleata di Controllo e perché di animo generoso, è l'unico che possa provvedere seriamente e sollecitamente.

Mio marito deve ritornare a casa e subito, perché ammalato: egli non può restare ancora fuori di casa, perché gli mancano i mezzi e perché il suo stato di salute si aggraverebbe. Egli, come antifascista (socialdemocratico), perseguitato dai fascisti, e come amico sincero degli Alleati, ha diritto alla maggiore e migliore benevolenza.

Lei, Sig. Generale, può e deve concedere a mio marito il permesso dell'immediato ritorno a Cerignola: riparerà così ad un errore e ad una ingiustizia e farà ritornare la fiducia e la stima della intera cittadinanza di Cerignola, oltre che delle Puglie, verso gli Alleati.

Mi creda Suo dev/ma

Giuseppina Bonito

Il mio indirizzo: Giuseppina Bonito
presso Altomare -
Comitato di Liberazione di Bari
Via Roma 13.

7

(12)

2391

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

6

1500 HRS: 00 00 11

Sentenced by Allied Military Tribunal at Casergola on 17 Nov. 1943 to a fine of 2,000 Liras and 6 months imprisonment for violating 2 Articles of an Allied Proclamation. The sentence of imprisonment commuted to hardiment from provisions of Togli for an unlimited period of time.

Defendant's witnesses Barone Pasquale and Bonito Luigi of Carigola witnessed the conversation described in the preceding paragraph between the defendant and the theatre owners.

Defendant presents a copy of an Order of the Day by the Provincial Committee of the Liberation of Paris protesting against the sentence and describing the defendant's anti-Fascist past.

There is no reason to suppose that the standard of the 19th century is any higher than the standard of the 18th century. The standard of the 19th century is the standard of the 18th century.

health and his need for home care.
 forwarded to Mrs. [unclear] [unclear]
 forwarded over to [unclear] [unclear]
 forwarded the statement
 is not wife page 43

2399

Nov. 1943 ordered movie proprietors Pietro and Giuseppe DeGemma to close their theatre because it was to be requisitioned by the Allied Forces beginning the 15th of Nov. 1943. On 14th Nov. Giuseppe DeGemma inquired of the defendant whether the cinema could be opened that evening. The defendant replied that he knows nothing of the matter and doesn't want to know anything about it. That night a performance was given in the theatre and on the 16th Nov. 1943 the defendant was arrested. On the 17th Nov. he was sentenced as above.

Defendant's witnesses Barone Basquile and Donato Luigi of Cerignola witnessed the conversation described in the preceding paragraph between the defendant and the theatre owners.

Defendant describes the theatre owners as being fascist and former fascist functionaries. He also accuses Capt. Elliot of being pro-fascist and of showing preference for fascist associates. He maintains that sentence was imposed in order to save Capt. Elliot's face. Defendant denies having authorized reopening of theatre in violation of Capt. Elliot's order. His anti-fascist past is emphasized and testimony to this effect by heads of anti-fascist movement in Bari is offered. Defendant declares that his willingness to aid the Allied Forces on frequent occasions has been made apparent to Lieutenant Grimes and Stevens of the P.S.S. and that they would testify on his behalf.

Defendant presents a copy of an Order of the Day by the Provincial Committee of Le Grotte of Bari protesting against the sentence and describing the defendant's anti-fascist past.

Defendant's wife requests permission for his return to Cerignola and forwards a medical certificate as to the defendant's ill health and his need for home care.

*forwarded by defendant's wife
forwarded over to Lt. Grimes
except the wife of def's wife
p. 43*

TRANSLATION

Office of the Procurator General of the King Emperor at the Court of Appeal
of Bari.

N. 12149 of prot. Div. I.

Bari, 21 Nov. 1943.

SUBJECT: Premises of the Pretura of Foggia at Ortanova.

TO: The Minister of Justice.

P.M. 151

For your information I am reporting to you that on the 15th day of
October the English Military Police/occupied the premises assigned by the
at Ortanova.

convinced to the Pretura of Foggia which has been moved there temporarily.

When the Pretor reentered the possession of the premises he noted the
following:

"The year of 1943, the 29th day of October at ORTANAVA. We, the Pretor
Cav. Carlo Ancolessi, assisted by the undersigned chancellor, having learned
that a few minutes ago the English troops had left the room serving for a
provisional seat of the Pretura of Foggia, as per our preceding record of
15 Oct. 1943, we entered the said room and have noted: all the furniture
has been moved from its place; the writing desk of the head chancellor has
been searched and its entire contents removed; stationary cupboard has also
been searched and the forms, stationary, envelopes, carbon paper, stamps, etc.
removed. Furniture, all chairs and the armchair of the writing desks and
of the Pretor's cabinet, five chairs, a typewriter, the blotters from the
writing desks, all inkstands, pens, etc. are missing.

The examination of the registers reveals the following to be missing:
the chronologic registry and the small registers of hearings of the civil
judges as well as indexes of nearly all registers."

TO: The Minister of Justice.

P.M. 151

For your information I am reporting to you that on the 15th day of October the English Military Police/occupied the premises assigned by the command to the Pretoria of Hoggia which has been moved there temporarily.

When the Pretor reentered the possession of the premises he noted the following:

"The year of 1943, the 29th day of October at CAPE TOWN. We, the Pretor Cav. Carlo Accolise, assisted by the undersigned chancellor, having learned that a few minutes ago the English troops had left the room serving for a provisional seat of the Pretoria of Hoggia, as per our preceding record of 15 Oct. 1943, we entered the said room and have noted: All the furniture has been moved from its place; the writing desk of the head chancellor has been smashed and its entire contents removed; stationery cupboard has also been smashed and the forms, stationery, envelopes, carbon paper, stamps, etc. removed. Furniture, all chairs and the armchair of the writing desks and of the Pretor's cabinet, five chairs, a typewriter, the blotters from the writing desks, all inkstands, pens, etc. are missing.

The examination of the registers reveals the following to be missing: The chronologic registry and the small registers of hearings of the civil judges as well as indexes of nearly all registers."

The Pretor was directed to send a list of the missing objects to the
AMCOT.

The Procurator General
of the King Emperor (Ludovico Denza).

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2402
Proc. 27 Nov 43
PROCURA GENERALE DEL RE IMPERATORE PRESSO LA CORTE DI APPELLO DI

B A R I

=====

N.12449 di prot.Div.I.

Bari, lì 24 Novembre 1943

OGGETTO-Locali della Pretura di Foggia in Crtenova

*See Colle. to
Lt. Col. Rowe 30 Nov
"x v Army Genl. file"*
AL MINISTERO DI GRAZIA E GIUSTIZIA

P.M.151

Per opportuna notizia comunico a codesto Ministero che il quindici ottobre la Polizia Inglese in Otanova occupò i locali assegnati dal Comune alla Pretura di Foggia colà trasferita temporaneamente.

Rientrato la Pretura nel possesso dei locali il Pretore ha proceduto alle seguenti constatazioni:

" L'anno millenovecentoquarante, il giorno 29 del mese di ottobre in Crtenova. Noi Pretore Cav.Carlo ASCOLISE con l'assistenza del Cancelliere sottoscritto, avendo appreso che i militari inglesi avevano da pochi minuti lasciata la stanza ove ha sede provvisoria la pretura di Foggia, come dal nostro precedente verbale del 15/10/1943, ci siamo recati in detta stanza ed abbiamo constatato: tutti i mobili sono stati rimossi dal loro posto; scassinata la scrivania del Cancelliere dirigente ed esportato tutto quanto essa conteneva; scassinata anche la cartelliera da cui sono stati tolti stampati, copertine, carta, carbone, carta "uso bollo ecc.- Mancano dei mobili, tutte le sedie e poltrone delle scrivanie e del Gabinetto pretorile, cinque sedie, la macchina da scrivere, i sottomani degli scrittori, tutti i calamai, le penne ecc.

Bari, 11 24 Novembre 1943

OGGETTO-Locali della Pretura di Foggia in Ortanova

AL MINISTERO DI GRAZIA E GIUSTIZIA

P.M.151

Per opportuna notizia comunico a codesto Ministero che il quindici ottobre la Polizia Inglese in Ortanova occupò i locali assegnati dal Comune alla Pretura di Foggia colà trasferita temporaneamente.

Rientrato la Pretura nel possesso dei locali il Pretore ha proceduto alle seguenti constatazioni:

" L'anno millenovecentoquarantre, il giorno 29 del mese di ottobre in Ortanova. Noi Pretore Cav.Carlo ASCOLISE con l'assistenza del Cancelliere sottoscritto, avendo appreso che i militari inglesi avevano da pochi minuti lasciata la stanza ove ha sede provvisoria la pretura di Foggia, come dal nostro precedente verbale del 15/10/1943, ci siamo recati in detta stanza ed abbiamo constatato: tutti i mobili sono stati rimossi dal loro posto; scassinata la scrivania del Cancelliere dirigente ed esportato tutto quanto essa conteneva; scassinata anche la cartelliera da cui sono stati tolti stampati, copertine, carta, carbone, carta uso bollo ecc.- Mancano dei mobili, tutte le sedie e poltrone delle scrivanie e del Gabinetto pretorile, cinque sedie, la macchina da scrivere, i sottomani degli scrittoi, tutti i calamai, le penne ecc.

Dall'esame dei registri risultano mancanti: il registro cronologico e i registratori di udienza dei giudici civili, nonché le pandette di quasi tutti i registri.

E' stato invitato il Pretore ad inviare all'A.M.G.O.T. un elenco delle cose asportate. IL PROCURATORE GENERALE DEL RE
IMPERATORE (Ludovico Denza)

May 27 1943

Rec'd 30 Nov 43

27 NOVEMBER, 1943.

SUBJECT: CASE OF RECCIALE ATTILIO
VIA BARAY, 60, BRINDISI.

TO----- SIGNORE RECCIALE ATTILIO
VIA BARAY, 60, BRINDISI.

FROM----- LIAISON OFFICER(BRINDISI)
ALLIED CONTROL COMMISSION.

1. Regarding your recent complaint to this Office, you are advised to take the matter up, through an Italian attorney, with the present Government.

2. It appears that your case is a matter for the PRETOR or the POLIZIA GIUDIZIARIA or the PROCURATORE DEL RE. Your claim would have to be presented to an Italian civil Court in a form prescribed by Italian Law.

John R. Denning
JOHN R. DENNING; 1ST BN, A.C.
LIAISON OFFICER(BRINDISI)
ALLIED CONTROL COMMISSION.

COPY TO-----LEGAL SUB-COMMISSION. ✓
ALLIED CONTROL COMMISSION.

VIA BARAY, 60, BRINDISI.

TO----- SIGNORE FIOCCIALE ATILIO
VIA BARAY, 60, BRINDISI.

FROM----- LIAISON OFFICER(BRINDISI)
ALLIED CONTROL COMMISSION.

1. Regarding your recent complaint to this Office, you are advised to take the matter up, through an Italian attorney, with the present Government.
2. It appears that your case is a matter for the PRESOR or the POLIZIA GIUDIZIARIA or the PROCURATOR DEL RE. Your claim would have to be presented to an Italian civil Court in a form prescribed by Italian law.

John F. Denning
JOHN F. DENNING; 1ST DD, A.C.
LIAISON OFFICER(BRINDISI)
ALLIED CONTROL COMMISSION.

COPY TO-----LEGAL SUB-COMMISSION. ✓
ALLIED CONTROL COMMISSION.

2 11

ALLIED CONTROL COMMISSION
Legal Subcommission

27 November 1943.

TO: Lt. John Denning, Allied Political Liaison Officer of Brindisi.
SUBJECT: Complaint of Rinaldo Attilio.

I am returning herewith the documents presented by the above party. Apart from the fact that the information contained in the complaint gives rise to serious doubts as to the personality of the complainant, it does not appear that the latter sought relief from the Italian authorities after the overthrow of the Fascist Regime. Therefore you might advise the party to take up the matter with the Pretor or the Polizia Giudiziaria or the Procuratore del Re. The claim for damages would have to be presented to an Italian civil court in a form prescribed by Italian law and for that purpose the party would probably have to consult an Italian lawyer.

Hoping that this will be of some help to you.

Any

A. M. Maccherah, Major
Legal Subcommission, AGO.

on/gaf

27 November 1945.

TO: Lt. John Denning, Allied Political Liaison Officer of Brindisi.

SUBJECT: Complaint of Edoardo Attilio.

I am returning herewith the documents presented by the above party.

Apart from the fact that the information contained in the complaint gives rise to serious doubts as to the personality of the complainant, it does not appear that the latter sought relief from the Italian authorities after the overthrow of the Fascist Regime. Therefore you might advise the party to take up the matter with the Pretor or the Polizia Giudiziaria or the Procuratore del Re. The claim for damages would have to be presented to an Italian civil court in a form prescribed by Italian law and for that purpose the party would probably have to consult an Italian lawyer.

Hoping that this will be of some help to you.

Any

A. R. Thacker, Major
Legal Subcommittee, AGC.

ce/ene