

042

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

785016

ACC

10000/143/822

SHOOT
AGEN
ITAL
(MAR.

10000/143/822

SHOOTING OF BRITISH SEAMAN, BEBBINGTON, BY P.S.
AGENT, FLORIDIA, & ARREST OF ALLIED PERSONNEL BY
ITALIAN POLICE
(MAR. 1944); OCT. 1944 - OCT. 1945

Ac/14132/P.S.

Shooting of British Seaman Bebbington
by P.S. Agent Florida.

& Arrest of alleged assassin by
H. L. L. Rhee

Min I. C. Sec. 25/1/44.

PS. JAN. 1944

Co-sec. Dec. 1944.

Public Safety 2/12/44.

Min 2. C. Sec. 5/1/45.

Public Safety 5 GEN 1944

CH 52/44

by P.S. Agent Florida.
of alleged informant by
Phe

Min I. CAs. 25/1/44

PS. 26 NOV 1944
~~20/1/44~~ Dec. 11/44.

Public Safety 27/2/44.

Pub Safety: 5 JAN 1944
CH 20/1/44

Min 3- CAs. 24/1
PS 24 JAN 1945

Min 4 CAs 7/2/45
PS 17 FEB 1945

ca 14/2/45
PS 14/2/45

PS 20/2/45

Min 8 CAs 27 Feb 45
PS 27/2/45

PS 5 April 45.

Min 9 CAs 5 June 45

as before

10000 / 43 / 822

CATALOGUE

OCT.	44
OCT.	45

1046

Min. 8:

CA

Please see 10A for your information.
Also 9A: The MTCUSA circular 16 Jan 45 has not been received.
26/2/45.

Chapman
Tel - D.P.S.

(16)

9

D.A.S.

16A for signature please in reply to 15A.

Chapman
D.P.S.

5/2/45
2410 335.

VP Signature please (16)

To Legal S/C - Folios 17A, B, C forwarded as directed 17A P 1.
31-8-45
For John W Chapman Colonel MGC

P.S.

Reference folio 18A, which will
explain action taken in re. Floradine Gurney.

Legal S/C
23 Oct 45.

Noted 25-10-45
Colonel W. J. Gurney
Chief of Staff

P.S.

Reference folio 18 A, which will
again action taken in re Florida Governor.

Loyal S/c
23 out 45.

W. M. W. W.
Colonel - w.f.
Chief Loyal advisor.
5230

25/11/44
Room E.1.5K/Hoor
Ext. 365.

for Col. Director P.S. S/c.

CA Sec.

use of 'allied' for
military' will include navy and air force.
Handwritten note: *Handwritten note: for D.P.S.*

5/11/45
Room 365

PS.

~~This is a memorandum~~ 3

CA Sec. 5th for signatures please.

Handwritten note: *Handwritten note: for D.P.S.-C.*

24/1/45
Ext. 365

CAS
7/2/45

Handwritten note: *Handwritten note: 5A - File mounted back to CAS according to instructions.*

CA Sec.

Handwritten note: *Handwritten note: 5/11/45 Room 365 - Public Safety S/c*

24/1/45
EX. 368

CAS
7/2/45

4
Re-transmit to SA - File mounted back to
CAS according to instructions.

5/5/45 Sam 9/4/45
Public Safety S/C

PA Sec.

Please see 7A.

5/5/45
13/45.

Handwritten: *Handwritten Wilson 5/5/45*

P.O. Sub Com.
Notes.

14 Feb.

Please bring forward when letter comes from AFR.

B/14-40-CAS 20/2/45 if letter has not been received before.

7.

PS. Also see PA

Handwritten: *Handwritten 5/5/45*

CH Sec.

20 FEB. 1945

14 FEB. 1945

18A

HEADQUARTERS ALLIED COMMISSION

REV 391

LEGAL SUB-COMMISSION

AG/4083/

J/rm.
22 October 1945.

SUBJECT : FLORIDA Giuseppe di Giovanni.

TO : The Minister of Pardon and Justice.

1. The above was tried and convicted by an Allied Military Court at Naples of 13 Nov. 44. He was sentenced to serve 2 years imprisonment.

2. On reconsideration the balance of the prison term is suspended conditioned on the accused good behavior during continuance of Allied Military Government.

3. It is regretted that this Sub-Commission is unable to furnish the name of the prison in which the accused is confined; however, it is suggested that since the Ministry of the Interior and the Questura of Naples have made various enquiries about this case, it is possible that that Florida's place of confinement can be obtained via their offices.

JW
J. A. W. Barr,
Colonel,
Chief Legal Advisor.

Copy to : Public Safety S/C.

2. For LORR P.D. Giuseppe
R. Questura
Napoli

5230

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
APO 394
PUBLIC SAFETY DIVISION

31 AGO. 1945

PS 8.9

Date 28 Aug. 45

SUBJECT:

P.S. Guard FLORIDIA Giuseppe di Giovanni-
Sentenced by the Allied Superior Court.

TO

HQ Allied Commission,
(Attn: Public Safety Sub-Commission).

1. Attention is invited to the attached letters of the Questore of Naples and the Ministry of the Interior, concerning subject, which are forwarded for transmittal to Legal Sub-Commission where full particulars and previous appeal are on record.

2. May this office please be advised if there is any possibility of granting the request in Paragraph 3 of the Questore's letter.

For the Commissioner:

FPL/jag.

TO	DATE	INITIALS
DIRECTOR		
DEPUTY DIRECTOR		
EXEC. OFFICER		
POLICE		
EC. 3		
EC. 4		
ADJ. GEN.		
SECURITY		
CHIEF CLERK		

F.P. Luckman
F.P. LUCKMAN
Major, A.C.,
S.C.A.P.O.

5230

TRANSLATION

R. QUESTURA di NAPOLI

File N. 7290.C.I.A.6

Naples, 27/8/1945

SUBJECT: P.S. Guard FLORIDIA Giuseppe di Giovanni -
Sentenced by the Allied Superior Court.

TO : Major F.P. LUCKMAN
S.C.A.P.O. Naples Commune.

As you already know, the P.S. Guard FLORIDIA Giuseppe, before in service with this Questura, on the 16 November 1944 was sentenced by the Allied Superior Court to two years imprisonment for excess of legitimate defence.

If this measure, in any way, cannot be modified, FLORIDIA, according to the P.S. Agent Corps Regulations, should be "expelled" from the Corps.

Considering this, I beg you to intervene with Colonel PENNYCUICK in order to obtain that the Agent be pardoned and released from the remaining part of his sentence.

Also the Ministry of the Interior, with letter of which we enclose copy, has pointed out the same necessity, because the confirmation of his sentence would seriously damage FLORIDIA's career as he would be deprived of his post.

Thanking you, I await the decisions that will be taken.

IL QUESTORE
(M. Broccoli)

5234

MCI.

RSCIA QUESTURA DI NAPOLI

N° 7290.C.I.A.6

Napoli, li 27/8/1945

OGGETTO: Guardia di P.S. FLORIDIA Giuseppe di Giovanni - Con-
dannato dalla Corte Superiore Alleata.=

ALL: UNO

MAJOR P.P. LUCKMAN
PUBLIC SAFETY OFFICER
NAPLES COMUNE - PALAZZO PROVINCIA

N A P O L I

A. M. G.
NAPLES COMUNE
PUBLIC SAFETY DIVISION
Date 28/8/45 File 8.9

-----0000-----

Come Le è noto, la Guardia di P.S. FLORIDIA Giuseppe, già in servizio presso questa Questura, il 16 Novembre 1944 venne condannato dalla Corte Superiore Alleata ad anni 2 di carcere perchè ritenuto responsabile di eccesso colposo in istato di legittima difesa.=

Qualora tale provvedimento non potesse, in qualunque modo, essere modificato, il FLORIDIA, a norma del vigente Regolamento per il Corpo Agenti di P.S., dovrebbe anche essere "espulso" dal Corpo.=

In considerazione di ciò, mi permetto rivolgere viva preghiera alla S.V. Ill.ma perchè si interessi presso il Colonnello Pennyquick alle scope da ottenere che l'Agente venga graziato o comunque gli sia condannata l'espiazione della restante pena.=

Anche il Ministero dell'Interno, con lettera che alla

PUBLIC SAFETY DIVISION

Date 8/8/45 File 8.9

-----0000-----

1054

785016

Come Le è noto, la Guardia di P.S. FLORIDIA Giuseppe, già in servizio presso questa Questura, il 16 Novembre 1944 venne condannato dalla Corte Superiore Alleata ad anni 2 di carcere perchè ritenuto responsabile di eccesso colposo in istato di legittima difesa.=

Qualora tale provvedimento non potesse, in qualunque modo, essere modificato, il FLORIDIA, a norma del vigente Regolamento per il Corpo Agenti di P.S., dovrebbe anche essere "espulso" dal Corpo.=

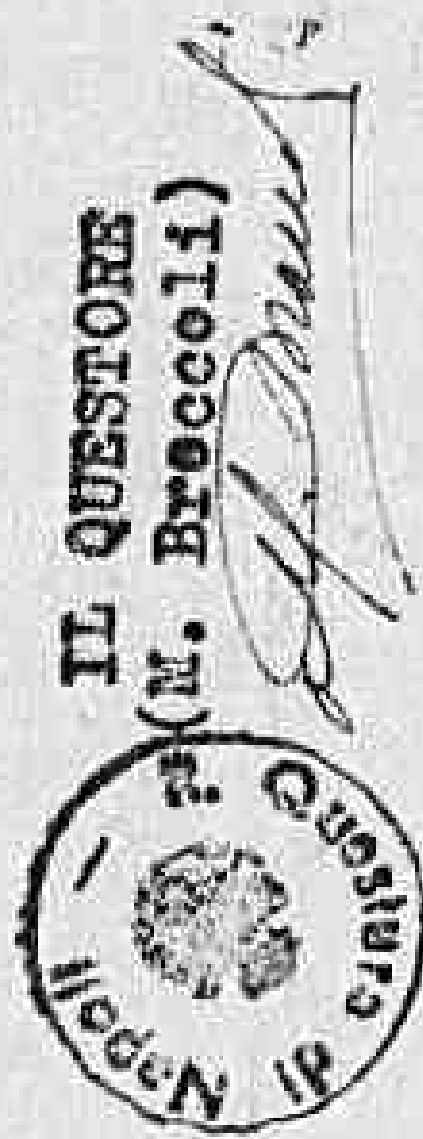
In considerazione di ciò, mi permetto rivolgere viva preghiera alla S.V. Ill.ma perchè si interessi presso il Comandante Penniquick allo scopo di ottenere che l'Agente venga graziato o comunque gli sia condonata l'espiazione della restante pena.=

Anche il Ministero dell'Interno, con lettere che egli ha in copia, ha rappresentato tale necessità poichè l'eventuale conferma definitiva del provvedimento avrebbe, oltre la condanna, conseguenze altremodo dannose per la vita del FLORIDIA, che si vedrebbe anche privato del posto.=

===//===

A. M. G.
MASTERS, G. G. V. 1111
PUBLIC SAFETY DIVISION
Date 8/8/45 File 8.9

Ringrazio e resto in attesa di conoscere le decisioni
che in preposate verranno adottate.=



TRANSLATIONCOPY.

MINISTERO DELL' INTERNO
Direzione Generale
della Pubblica Sicurezza
Ispettorato Corpo Guardie di P.S.

File N. 800/21993

Answer to letter N.72900.I.A.6.45

Rome 26 July 1945

SUBJECT: P.S. Guard FLORIDIA Giuseppe di Giovanni -
Discipline.

The P.S. Agent in subject, sentenced by the Allied Summary Court of your city to two years imprisonment for excess of legitimate defence, should be expelled from the P.S. Corps according to art. 268 of the Regulations, as the sentences given out by said Court are equalled to those given out by the ordinary or military Italian Judiciary Authority.

But for the special circumstances of the episode which determined the sentence, this case merits particular consideration, we beg your Office to intervene with the Allied Summary Court, so that they may benevolently examine the appeal for pardon written by FLORIDIA, bearing in mind that if it is refused the agent will be expelled from the Corps.

We would like some information concerning the matter.

For the MINISTER
Illegible signature

P.C.C.
L'UFFICIALE ADDETTO

5282

C O P I A

MINISTERO DELL'INTERNO
Direzione Generale
della Pubblica Sicurezza
Ispettorato Corpo Guardie di P.S.

GES.

Roma, li 26 luglio 1945

Alla R. Prefettura di

Prot. N°800/21993

N A P O L I

Risposta al foglio del 29/6/945
N°7290.C.I.A.6.45

OCCETTO: Guardia di P.S. FLORIDIA Giuseppe di Giovanni - Discipline.

L'Agente in oggetto, condannato dalla corte Sommaria Alleata di codesta città ad anni due di carcere per eccesso colposo in legittima difesa, dovrebbe essere espulso dal Corpo ai sensi dell'articolo 268 del Regolamento in quanto la sentenza emessa dalla predetta Corte s'intende equiparata, e tutti gli effetti, a quelle emesse dall'Autorità Giudiziaria ordinaria o militare italiana.

Poichè, per le particolari circostanze nelle quali si verificò l'evento che ha determinato la predetta sanzione penale, il caso del Floridia merita particolare considerazione, si prega codesto Ufficio svolgere tutto il possibile interessamento presso la Corte Sommaria Alleata, affinchè voglia esaminare benevolmente l'istanza di grazia presentata dal dipendente, facendo particolarmente presente che, ove detta istanza venisse rigettata, il Floridia dovrebbe essere espulso dal Corpo.

Si gradiranno notizie al riguardo.

PEL MINISTRO
F.to Ill./e

C. C.

1058

Giudizieria ordinaria o militare italiana.

Poichè, per le particolari circostanze nelle quali si verificò l'evento che ha determinato la predetta sanzione penale, il caso del Floridia merita particolare considerazione, si prega codesto Ufficio svolgere tutto il possibile interessamento presso la Corte Sommaria Allesta, affinchè voglia esaminare benevolmente l'istanza di grazia prodotta dal dipendente, facendo particolarmente presente che, ove detta istanza venisse rigettata, il Floridia dovrebbe essere espulso dal Corpo.

Si gradirebbero notizie al riguardo.

PEL MINISTRO
P.to Ill./le



5231

HEADQUARTERS ALLIED COMMISSION
Civil Affairs Section
APO 394

Tel : 489081 - 365

June, 1945.

AG/14132/PS

SUBJECT : Arrest of Allied Personnel by Italian Police.

TO : AMHQ G-1 (Br)

1. Reference your G-1(Br)/4368/A-3 dated 28 May 45.
2. Our letter AG/14132/PS dated 25 February 45 to the Director of Public Security, Ministry of Interior stated :

"In order to set at rest any doubts which may exist, it is confirmed that Italian civil police and civil law enforcement agencies are authorized to arrest members of the Allied forces found committing crime. The persons so arrested will be delivered promptly to the appropriate military authorities with the information leading to their arrest"

3. Drunkenness is not a crime under the Italian Penal Code, and the instruction given under Par 2 above does not confer any power of arrest for drunkenness or kindred offences.

4. It is pointed out that the power to arrest is only given where the offender is "found committing" and then only in cases of crime, and that the offender must be handed over forthwith to the appropriate Allied authority.

5. MCOUSA Circular No.9 dated 16 January 45, Sec II 7.e(5) states :

"Civil police and civil law enforcement agencies are authorized to arrest members of the United States Army Forces for such offenses that would warrant their arrest were they civilians. The persons so arrested will be delivered promptly to the appropriate military authority, with information of the circumstances causing the arrest. Proper respect toward the civil police in the exercise of their duties will be observed by military personnel at all times."

- 2 -

6. This Circular confers on Italian Police the power to arrest United States Army forces for any offense against Italian law. This power is much wider than the instruction contained in our letter of 25 February 45 to the Director of Public Security, and it is interesting to note that if made known to the Italian Police, it would include power of arrest for drunkenness. 10A

7. The Italian Director of Public Security has been spoken to on this subject and it has been confirmed that Italian Police will not arrest for drunkenness or any offences other than crime. Accordingly it is not proposed to take any further action in this matter.

For the Chief Commissioner :



G.M. UPJOHN, Brig.
VF CA Sec.

FJW/G.

5220

SUBJECT : Arrest of British Personnel
By Italian Police.

1521
CONFIDENTIAL

P. Safety 15A

ALLIED FORCE HEADQUARTERS

G-1(Br)/4368/A-3

28 May 45

HQ Allied Commission

10A pe

1. The attention of this HQ has been drawn to your letter AG/14132/PS dated 25 Feb 45 to AG Director of Public Security, Ministry of Interior.

2. The terms of your letter, so far as British personnel are concerned, go considerably beyond the ruling given in this HQ letter CR/4368/G-1(Br) dated 19 Feb 45, in that they informed the Italian authorities that they have power to arrest British troops found committing any form of crime.

3. Will you please say what action, if any, you propose taking in this matter?

15-899A

EP/jam1.



[Signature]
Major General,
DAC., G-1(Br).

Copy to : HQ No. 3 District - reference your 176A dated 24 May 45, together with copy of this HQ letter CR/4368/G-1(Br) dated 19 Feb 45 mentioned above.

5220

CCF

15B

SUBJECT : Arrest of British Personnel by
Italian Police.

ALLIED FORCE HEADQUARTERS

CR/4368/G-1(BF)

19 Feb 45

HQ Allied Commission

Reference your letter AC/DAL32/PS and conversation (Brigadier
UPJOHN - Lt-Col PASSINGHAM).

1. This matter has been discussed at length with G-1(MTOUSA) and with HM(Br), and G-1(MTOUSA) have issued instructions as requested by you in MTOUSA Circular No. 9 dated 16 Jan 45 Section II para 7 a (5).
2. HM(Br) has referred to the feeling which might be aroused amongst British Officers and ORs if the wide powers of arrest requested were granted to Italian police, and has also pointed out that serious incidents would be likely to follow upon any attempt to arrest ORs on charges of drunkenness or creating a disturbance. The danger that other British ORs who were present might come to the rescue of one of their comrades who was taken into custody by Italian police is evident.
3. On the other hand it is, and always has been, recognised that Italian police should have the power to effect an arrest of any British soldier or officer who they may discover in the act of committing any crime of violence or theft, house or shop breaking, or whilst actually engaged in black market activities.
4. The necessity for arrest in these circumstances is so well appreciated by all ranks that it is not considered necessary to issue any formal GRC or other order calling attention to it. It is understood that you agree that this is unnecessary and that you will take such action as you desire to confirm the position to the Italian Police authorities, stressing that any person arrested must be handed over forthwith to British custody.

TO	INITIALS	DATE
DIRECTOR	JM	30/3/45
DEPUTY DIRECTOR		
EXEC. OFFICER		
POLICE	JM	30/3/45
LIC. & REG.		
PRISON		
ADM. OFFICER		
SECURITY		
CHIEF CLERK		

(Sgd.) R. F. WARE. Brigadier

For Major General,
DAG., G-1(Br).

5226

ALLIED COMMISSION
PUBLIC SAFETY LIAISON OFFICE
R.A.A.C. QUESTURA BLDG. VIAS. VITALE

PSL 117

14A

In action
File

To : Director Public Safety Sub-Commission.
Allied Commission H.Q.
From : Lt. Col. R.T. Millhouse, Liaison Officer.
Subject : Firearms.

14132

Rome 24th April 1945

At 21.45 hrs. on 29th March 1945 a British Corporal was shot and deadly wounded by a Carabinieri after a squabble at Via Marras 13 in Rome.

Although in the C.C.R.T. report, a translation of which is herewith attached, the circumstance is not mentioned, the squabble as I understand arose in a Bar, where both men were drinking.

This leads me to believe, that the Carabinieri was not at the time on official duty and still he was carrying a gun while strict orders forbid all members of Allied Forces to carry firearms when off duty.

I wonder, therefore, if it would not be useful to ensure, through proper channels, that orders be issued also by Italian Authorities to effect that no members of their Military and Police Forces be allowed to carry firearms when off duty.

R.T. Millhouse
R.T. Millhouse Lt. Col 5220
A.C. Public Safety H.Q.

TRANSLATION

FROM : Regione Territoriale CC.RR. Roma, Comp. Est. 26.
Date : 30/3/45

Distribution omitted

On 29 inst. at 21.45 hrs. at Via Della Marenella 70, the CC.RR. TAGLIAZUCCHI Giuseppe of the Compagnia Comanda sezione Lazio, while passing there was assaulted by the English Corporal HUBERTS Bill who, being drunk, and armed with pistol, tried to robbe him of his wallet.

CC.RR. tried in all possible way to persuade the soldier but was wounded at his left arm by pistol shot. CC.RR. fired at his turn with his pistol, deadlly wounding the British soldier at his heart. The corpse was taken to hospital by the Allied Red Cross. The CC.RR. was taken to S. Giovanni Hospital, he will recover in 15 days. He was after kept in custody by the Allied Police of Via della Pilotta.

Il Capitano Comandante
Giuseppe Picardi

The CC.PP. was taken to S. Giovanni Hospital, he will
recover in 15 days. He was after kept in custody by
the Allied Police of Via della Pilotta.

Il Capitano Comandante
Giuseppe Pierani

5223

translation M.C.

Ministry of Interior

To: A.C. PS. Subc.

Rome 14-3-45
N/ 1034422

For information we transmit the letter n: 10/34422/13000.18;
dated 8-3-45, in regard to " Arrest of Allies personnel by the Italian
Police" which has been sent to the following Prefecture:
Ancona, Arezzo, Ascoli Piceno, Firenze, Grosseto, Livorno, Macerata,
Perugia, Pisa, Siena, Terni.

For the Minister

Rosati.

5224

Mod.840

*Ministero dell'Interno*DIREZIONE GENERALE DELLA PUBBLICA SICUREZZA
Divisione Polizia-Sezione I^

n.IO.34422

Roma, lì 14 marzo 1944 -

ALL'ON. COMMISSIONE ALLEATA -
Sottocommissione per la P.S.
R O M A

Copia della circolare n.IO.34422/I3000.I8,
in data 8 marzo 1945, avente per oggetto: "Ar-
resto di personale alleato da parte della Po-
lizia italiana", estesa alle Prefetture di:
Ancona, Arezzo, Ascoli Piceno, Firenze, Grosseto,
Livorno, Macerata, Perugia, Pisa, Siena, Terni.

P e r c o n o s c e n z a

PEL MINISTRO

5220

translation H.C.

13B

MINISTRY OF INTERIOR
 ++++++

Subject: Arrest of allies employees by the Italian Police.
 To.....: The Prefects of liberated Italy
 Questore of Rome
 CC.RR. General Command.
 GS.F. Hq.
 and for information:
 Sicily Chief Commissioner Palermo
 Sardegna Chief Commissioner Cagliari.

Rome 8-3-45
 M: 10.34422
 13000.1

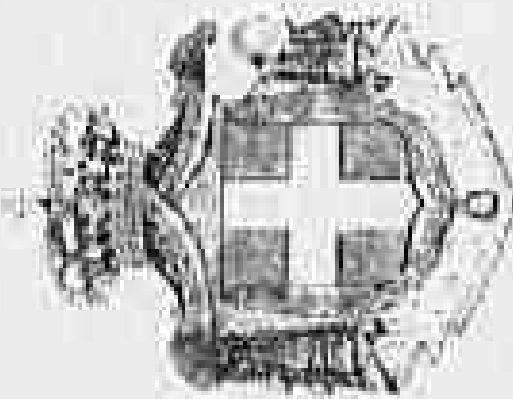
For information it is reported the letter AC. 14132/P/S. dated 25 February of the Allied Commission Public Safety Subcommission:
 "In order definitely to clear any existing doubt whatsoever it is confirmed that the Italian Civil Police (agents CC.RR. and GS.F.) is authorized to arrest the personnel of the Allied Forces, who are discovered in flagrant transgression.

The arrested persons, will be immediately handed over to the competent Military authorities with the reports giving the reasons of the arrest.

For the Minister
 Rosati.

TO	INIT	DATE
DIRECTOR	17/3	17/3
DEPT. OF DEFENSE	18/3	18/3
EXCH. OFFICE		
HOME	18/3	18/3
INC. & REG.		
PERSONS		
ARMED FORCES		
SECURITY		
CIVIL CLERK		

5224



Ministero dell'Interno

Mod. 624

DIREZIONE GENERALE DELLA PUBBLICA SICUREZZA
Divisione Polizia - Sezione 1^a

Prot. n° 13.34429
13006.18

8 Marzo 1945

OCCORRENZA: Arresto di personale alleato da parte della Polizia italiana -

ALDE LL. EE. I PREFETTI DELL'ITALIA LIBERATA
AL SIGNORE QUERRE DI ROMA
AL COLONNATO GENERALE DEI CC. EE. ROMA
AL COLONNATO GENERALE DELLA R. G. DI FINANZA ROMA
e, per conoscenza:
A S. E. L'ALTO COMISSARIO PER LA SICILIA PALERMO
A S. E. L'ALTO COMISSARIO PER LA SARDEGNA CAGLIARI

Per notizia, si comunica che il Comando della Commissione Alleata - Sottocommissione per la P. S. - con lettera A. C. 14132/P. S., in data 25 febbraio decorso ha reso noto quanto appresso:

"Allo scopo di onlarire definitivamente qualsiasi dubbio esistente si conferma che la Polizia Civile (Agenti, CC. RR. e GG. PP.) Italiana, è autorizzata ad arrestare personale delle Forze Alleate trovate in flagranza di reati.

Le persone arrestate verranno consegnate prontamente alle Autorità militari competenti, con le informazioni atte ad indicare i motivi dell'arresto."

PEL MINISTRO

529

AL COMANDO GENERALE DEI CC.RR.
AL COMANDO GENERALE DELLA R.G. DI FINANZA ROMA
e, per conoscenza:

A S.S. L'ALTO COMISSARIO PER LA SICILIA PALERMO
A S.S. L'ALTO COMISSARIO PER LA SARDEGNA CAGLIARI

Per notizia, si comunica che il Comando della Commissione Alleata - Sottocommissione per la P.S. - con lettera A.C. 14132/P.S., in data 25 febbraio decorso ha reso noto quanto appresso:

"Allo scopo di chiarire definitivamente qualsiasi dubbio esistente si conferma che la Polizia Civile (Agenti, CC.RR. e GG.PP.) Italiana, è autorizzata ad arrestare personale delle Forze Alleate trovate in flagranza di reati.

Le persone arrestate verranno consegnate prontamente alle Autorità militari competenti, con le informazioni atte ad indicare i motivi dell'arresto."

PEL MINISTRO

[Handwritten signature]

522-

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

T. Safety

1487

*100 4/3
62 5/3*

12

G-5: 013.3

1 March 1945
(Date)

SUBJ: Transmittal of Document (a).

TO : Headquarters, Allied Commission, APO 394. (for Pub. Safety Sub-Com)

1. Forwarded herewith 1 copy of MTOUSA Circular No. 9 dtd 16 Jan 45.

(Your AC/14132/PS of 27 Feb 45 refers)

2. Please acknowledge receipt of the form below, detach and return immediately to G-5 Section, Allied Force Headquarters, APO 512.

HEADQUARTERS

2 MAR 1945

T.

C.

L. Anderson
CH. L. E. SPORRUM
Brigadier General, G. S. C. 580
Assistant Chief of Staff, G-5

RESTRICTED

HEADQUARTERS
MEDITERRANEAN THEATER OF OPERATIONS
UNITED STATES ARMY
APO 912



CIRCULAR)
NUMBER 9)

16 January 1945

OFFENSES, CONFINEMENT AND COURTS-MARTIAL

- Absence Without Leave and Desertion I
- Confinement, Processing, Disposition and Restoration to Duty II
- Courts-Martial III

Circular Number 36; Circular Number 66; Section I, Circular Number 107; Section II, Circular Number 114; Section III, Circular Number 120 and Section II, Circular Number 125, all this headquarters, 1944, are rescinded and the following substituted therefor:

I -- ABSENCE WITHOUT LEAVE AND DESERTION

1. General - The provisions of AR 615-300, 25 March 1944, and AR 605-300, 14 September 1944, are applicable in this theater except as herein modified.

a. Responsibility of Commanders - The prevention of absence without leave is one of the attributes of a successful commander and non-prevention is a reflection on leadership. Commanders with any considerable number of personnel in confinement for AWOL or desertion must be regarded as being deficient in those qualities of leadership expected of a commanding officer. Inspector General reports will include analysis of confinements and causes therefor.

b. Status of Absentees and Deserters - An individual will not be dropped from the rolls of his organization as a deserter except upon conviction of desertion by a court-martial. An individual will be dropped from the rolls of his organization as an absentee:

- (1) After absence of one (1) month.
- (2) Upon inactivation of his unit.

c. An individual AWOL will not be transferred, except upon inactivation of his unit.

d. A general prisoner restored to duty will not be assigned to his former division or corresponding Air Corps unit. A garrison prisoner, when eligible for release to duty, will be returned or reassigned to his former unit, or to the same type unit if his unit has been inactivated or departed from this theater.

2. Absence without Leave - Procedure

a. Responsibility of Unit Commanders for Reporting Absence Without Leave of Individuals

R E S T R I C T E D

Mq HTOUSA Circular #9 (cont'd)

- (1) The commander of any installation at which an individual is physically present, regardless of status thereof (assigned, attached, or attached-unassigned), and who subsequently goes AWOL from that installation, is responsible for rendering reports required by paragraph 2b of this circular. In addition, copies of these reports will be furnished to his parent or former assigned unit.
- (2) The commander of a unit to which an individual is shipped under orders (transfer to new unit; return to unit from hospital, replacement depot or stockade; or other transfer involving movement of individual) will report to the shipping unit, after reasonable travel time, the individual's failure to join. If the fact of AWOL while enroute to join is determined, the unit to which shipped will promptly prepare reports required by paragraph 2b, this circular.
- (3) Failure to comply promptly with the above responsibilities causes additional administration in determining the individual's status, and in preparing court-martial charges.

b. Immediately upon the establishment of an absence the individual's commanding officer will:

- (1) Make appropriate entry on Morning Report and prepare and certify an Extract copy of Morning Report (WD AGO Form No. 44).
- (2) Prepare and dispatch one (1) copy each of WD AGO Form No. 45 (Descriptive List of Absentees Wanted by the United States Army) to the following:
 - (a) Provost Marshal General, HTOUSA, APC 512.
 - (b) Provost Marshal of the major command to which the unit is assigned.
 - (c) Provost Marshal of the base section in which the reporting unit is located.
 - (d) and, in the case of officers only, also to the Adjutant General, Washington 25, D.C., and this headquarters
- (3) Conduct a thorough investigation concerning probable cause or motive for absence. Evidence as to intent not to return, to avoid hazardous duty or shirk important service, the names, addresses and testimony of witnesses and any other pertinent information available will be recorded in the investigation and filed with the records of the absentee for future use.

3. Records

a. The records listed below will be forwarded to this headquarters in the following cases:

RESTRICTED

HQ LITOUCA Circular #9 (cont'd)

- (1) Upon the lapse of sixty (60) days after an individual is dropped from the organization rolls as an absentee, or ninety (90) days after initial date of absence, (see paragraph 1b (1)).
- (2) Immediately prior to the departure of an individual's unit from this theater.
- (3) Upon inactivation of a unit if ninety (90) days absence has elapsed.

b. The records listed below will be forwarded to the individual's new unit upon inactivation of his old unit if less than ninety (90) days absence has elapsed:

ENLISTED MEN

Service record - indorsed to The Adjutant General, Washington, 25, D.C.
 Individual Clothing Record, showing clothing for which the absentee is still responsible.
 Qualification Card (WD AGO Form No. 20).
 Certified Extract copy of Morning Report (WD AGO Form No. 44) showing change of status to AWOL.
 Soldier's Deposit Book (WD Form 33).
 Evidence bearing on the case (see paragraph 2b (3)).
 List of agencies notified of the absence on WD AGO Form No. 45 (see paragraph 2b (2)).
 Copies of each request for discontinuance of allotments and any acknowledgements thereof which have been received (see paragraph 4).
 Statement of Charges.

OFFICERS

WD AGO Form No. 66-1, 66-2 or 66-3 (Officers' and Warrant Officers' Qualification Cards).
 Certified Extract copy of Morning Report (WD AGO Form No. 44) showing change of status to AWOL.
 Evidence bearing on the case (see paragraph 2b (3)).
 List of agencies notified of the absence on WD AGO Form No. 45 (see paragraph 2b (2)).
 Copies of each request for discontinuance of allotments and any acknowledgements thereof which have been received. (see paragraph 4).
 Copy of notice to disbursing officer (see paragraph 5a, (1), AR 605-300, 14 September 1944).
 Copy of inventory of personal property (see paragraphs 3 and 20, AR 605-300 and paragraph 5, this circular).

4. Discontinuance of Allotments and Family Allowances (Class "F" Deduction)- At the expiration of 15 days absence, request for discontinuance of allotments will be made in accordance with paragraph 22a (7) and 24b, AR 35-5520, 30 September 1944, with the exception of Family Allowances for enlisted men. Request for discontinuance of Family Allowances will be made at the expiration of ninety (90) days absence and prior to submission of service records and allied papers to this headquarters. (see paragraph 15b, AR 35-5540, 5 January 1944).

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Hq HTOUSA Circular #9 (cont'd)

5. Effects - Public property will revert to the unit supply section and the individual will be duly credited. Personal effects will be listed and forwarded to the base section quartermaster serving the area in which the unit is located, where they will be retained for one (1) year in the case of enlisted men and for six (6) months in the case of officers, unless return to military control is effected within that period. In the event of return to military control within the specified time, the effects will be dispatched to the absentee. If not, the base section quartermaster will dispose of the effects as prescribed in AR 615-300 or 605-300, whichever is applicable.

6. Return to Military Control

a. The commander of any organization to which an absentee is returned to military control will immediately inform the provost marshal of the base section within which such organization is located, who will assume custody of the absentee.

b. The base section provost marshal receiving the absentee will:

(1) Immediately prepare a report containing the following information, furnishing copies to the Adjutant General, this headquarters, and, if known, to the absentee's unit and major command to which the absentee's unit is assigned, and to the quartermaster and provost marshal of the base section in which the absentee's unit is located:

- (a) Name, rank, ASN, and organization of the absentee.
- (b) Unit to which absentee returned to military control, and place, date and time of return.
- (c) Disposition being made of absentee.

(2) Immediately transfer the absentee to the custody of the provost marshal of the base section within which absentee's unit is located provided such unit has not departed this theater. The provost marshal concerned will be responsible that the absentee is returned to his organization for trial or other disposition. If absentee's unit has departed from this theater, is unknown, or has been inactivated, the absentee will be retained pending disposition instructions from this headquarters.

c. Reports - When an absentee has been returned to his organization, his commanding officer will immediately prepare WD AGO Form 46 (Report of Return of Absentee from the United States Army) and furnish copies to all agencies who were notified of his absence (see paragraph 2b (2)).

d. Trial - Absentee should normally be tried for AWOL rather than for desertion as the limitations on punishment for AWOL have been removed by Executive Order.

II - CONFINEMENT, PROCESSING, DISPOSITION AND RESTORATION TO DUTY

7. a. General

- 4 -

RESTRICTED

RESTRICTED

Eq AFMUSA Circular #9 (cont'd)

- (1) Confinement, except as a matter of temporary restraint, should not be resorted to for offenses other than those of a highly serious nature, until all other methods of making a disciplined soldier have failed. A confined soldier is as much an "ineffective" soldier as one wounded in action. Soldiers will be instructed that conduct leading to confinement results in immobilizing a soldier as well as those guarding and administering him, thereby directly contributing to the enemy cause.
- (2) Soldiers in confinement for even brief periods are necessarily removed from training with their units. Commanders exercising courts-martial jurisdiction are, therefore, directed to make full use of suspension of the confinement provisions of sentences.
- (3) Where a person subject to military law is charged with a capital offense and has not been brought to trial at the time his unit departs from this theater, the individual will be:
 - (a) Taken with his unit if material witnesses essential to proof of charges accompany unit.
 - (b) Turned over to the custody of the provost marshal of the base section concerned if material witnesses essential to proof of charges do not accompany unit and will be available at the time of trial. Charges and the names and expected testimony of all witnesses will be furnished to such provost marshal at the time the prisoner is delivered. Provost marshals receiving prisoners pursuant to this paragraph will immediately report each case to this headquarters.
- (4) In designating a disciplinary barracks in the United States as the place for confining general prisoners, the commander exercising general courts-martial jurisdiction within this theater will designate the "Eastern Branch, United States Disciplinary Barracks, Greenhaven, New York."
- (5) Civil police and civil law enforcement agencies are authorized to arrest members of the United States Army Forces for such offenses that would warrant their arrest were they civilians. The persons so arrested will be delivered promptly to the appropriate military authority, with information of the circumstances causing the arrest. Proper respect toward the civil police in the exercise of their duties will be observed by military personnel at all times.

B. Stockades for Garrison Prisoners

- (1) Base section, air force and army commanders will establish stockades as required within their areas of control for the confinement of garrison prisoners.

R E S T R I C T E D

Hq MTOUSA Circular #9 (cont'd)

- (2) In addition, base section commanders will accept for confinement as garrison prisoners, American personnel of:
 - (a) Headquarters Command, Allied Force.
 - (b) Replacement Command, MTOUSA, and units thereof.
 - (c) Military Railway Service, Italy, and units thereof.
 - (d) 15th Army Group.
- (3) Above units are responsible for transporting their garrison prisoners to and from base section stockades.

3. MTOUSA Disciplinary Training Center for General Prisoners

a. The MTOUSA Disciplinary Training Center is under the operational control of this headquarters. It will be designated as the place of confinement for general prisoners whose dishonorable discharge is:

- (1) Suspended by the reviewing or confirming authority.
- (2) Not suspended and the Eastern Branch, United States Disciplinary Barracks, Greenhaven, New York, or a Federal penal institution has been designated as the place of confinement. In these cases, the general court-martial order will also state that: "The accused will be confined in MTOUSA Disciplinary Training Center pending further orders."

b. Commanders exercising general courts-martial jurisdiction will deliver all such general prisoners to this Center. If this action is impracticable due to military requirements, the prisoners may be delivered to the nearest base section stockade for transshipment to MTOUSA Disciplinary Training Center.

c. Purpose of and Regulations Governing MTOUSA Disciplinary Training Center.

- (1) Objective - The purpose of the Disciplinary Training Center is the disciplining and training of the individual prisoner undergoing sentence of confinement, to the end that each prisoner be restored to duty among his comrades as a self-respecting, well-disciplined, better-trained soldier, useful to the military service.
- (2) Administration
 - (a) The administration of the Disciplinary Training Center shall be conducted in accordance with AR's 600-395 and 600-375 (so far as applicable), War Department policies, and the policies and directives from this headquarters.

R E S T R I C T E D

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Hq MTOUSA Circular #9 (cont'd)

- (b) In applying the provisions of AR's 600-375 and 600-395, the Commandant is the Commanding Officer of the 6677th Disciplinary Training Company. Full responsibility for the security, management and rehabilitation of all prisoners is vested in the Commandant, who may supplement the regulations as he may deem appropriate provided such supplementary instructions are formulated in accordance with these regulations and with well established principles of security, discipline, sanitation, efficiency and humanity.

(3) Procedure for Admittance

- (a) The records of the prisoner will be indorsed to Commanding Officer, 6677th Disciplinary Training Company, and will accompany the prisoner who will be transferred thereto in an "attached unassigned" status, quoting the general court-martial orders as authority. Proper morning report entry will be made in accordance with AR 345-400. The Commanding Officer, Peninsular Base Section, will be notified of the time the prisoner will be sent to the MTOUSA Disciplinary Training Center.
- (b) Records of the prisoner will be forwarded as shown in paragraph 15c, AR 600-375, except that ten (10) copies of the general court-martial order and the ID Form 78 (Syphilis Register), when applicable, will be included.

(4) Classification

- (a) Prisoners will be classified at time of commitment as follows and will be kept separated:
1. General - Class B - general prisoners convicted of murder, manslaughter, arson, robbery, rape, sodomy, mayhem, and larceny of property of more than \$50.00 in value, or of any of the offenses denounced in Articles of War 75-82 inclusive.
 2. General - Class A - all other general prisoners.

(5) Disciplinary Training Companies

- (a) Upon commitment, a prisoner will be assigned by name to a disciplinary training company, based on his classification, for discipline and training.
- (b) Disciplinary training companies will be trained, armed and equipped as Infantry. The course of instruction will include, insofar as equipment and facilities permit, the subjects covered in MTP for Infantry (basic). 3216

RESTRICTED

HQ MTOUSA Circular #9 (cont'd)

- (c) A minimum of thirty (30) hours per week will be devoted to training and instructions.
- (d) Prisoners will wear the service uniform while undergoing instruction and training.
- (6) Employment - Prisoners at the MTOUSA Disciplinary Training Center will ordinarily be assigned work necessary for the maintenance, operation, cleanliness and improvement of the Training Center only. They may be assigned other tasks provided there is no infringement on the number of training hours prescribed. Exceptions to this policy will be made only on the approval of the commander charged with the operations of the Disciplinary Training Center.

9. Release from Confinement - No prisoner will be released from confinement until his sentence has expired or he is ordered restored to duty by proper authority.

10. Restoration to Duty

a. The primary purpose of confinement in MTOUSA Disciplinary Training Center under an unexecuted sentence to dishonorable discharge is to enable the soldier to be rehabilitated and returned to an honorable active duty status. This course is necessary to conserve and employ available manpower to the fullest extent. The length of confinement of a soldier necessary to reach that point of rehabilitation warranting release will be determined by the Commanding Officer, Peninsular Base Section. When he acts to release a soldier, the basis upon which he acts is one of discretion no matter for what period of time the soldier is sentenced to confinement. He will give very careful consideration to each case before returning the individual to a duty status. In no case will the Commanding Officer, Peninsular Base Section, permit a soldier to remain in confinement for a period in excess of six (6) months without considering him for return to a duty status.

b. The restoration is accomplished by suspending the execution of the unexecuted portion of the sentence and assigning the soldier to a Replacement Depot, preferably for further assignment to the same type of unit to which the individual was formerly assigned.

c. The sentence so suspended would normally remain suspended during the whole of the soldier's service. However, company and similar unit commanders will, at the expiration of six (6) months from date of restoration to duty, recommend to the officer exercising general courts-martial jurisdiction over his unit, that the suspended sentence be remitted, provided the soldier has demonstrated his fitness for complete restoration. As a reward for bravery or exceptional service, a unit commander may at any time after a general prisoner has been restored to duty under a suspended sentence, recommend that the sentence be remitted without regard to the six (6) months period.

11. Disposition of Officers under Approved Sentence of Dismissal

- a. When an officer exercising general courts-martial jurisdiction has

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Hq MTOUSA Circular #9 (cont'd)

approved a sentence of dismissal and confinement in an officer's case and has transmitted the record of trial under AW 48 for action by the confirming authority, he will reassign the officer immediately to the nearest base section stockade at which place he will be reassigned and forwarded to MTOUSA Disciplinary Training Center. Where the approved sentence is one of dismissal only, and the convening authority has transmitted the record of trial under AW 48 for action by the confirming authority, the commanding officer concerned will transfer the officer immediately to the 7th Replacement Depot. In either case, both this headquarters and the commanding officer of the installation to which the officer is transferred will be advised of the transfer and the reason therefor.

b. Upon arrival of an officer sentenced to dismissal and confinement at MTOUSA Disciplinary Training Center, the Commandant thereof will immediately notify the commander of the base section in which the MTOUSA Disciplinary Training Center is located. Upon arrival of an officer sentenced to dismissal only at the 7th Replacement Depot, the commanding officer thereof will immediately notify the Commanding General, Replacement Command.

c. Upon receipt of notification from the MTOUSA Disciplinary Training Center or 7th Replacement Depot, described in "b" above, the base section commander or Commanding General, Replacement Command, as the case may be, will immediately notify the Theater Judge Advocate, Headquarters MTOUSA, APO 512, by cable direct, that the officer referred to in "a" above is at the installation concerned.

III- COURTS-MARTIAL

12. Instructions

a. General

- (1) A Manual for Courts-Martial, 1928, as amended, should be readily available for reference at all headquarters down to and including those of companies and detachments. (If not so available, requests therefor will be submitted to the nearest base section).
- (2) The Manual for Courts-Martial, 1928, and these instructions should be consulted in the processing of court-martial charges. Appropriate forms contained in the appendices of the manual will be followed.

b. Articles of War 104 - Not all offenses for which court-martial may be had should be so punished. The disciplinary powers vested in commanding officers by AW 104 should be exercised fully for the punishment of minor offenses (see Chapter XXIV, MCM, 1928). These powers can well be used to maintain discipline and reduce the number of court-martial trials. Unit commanders should see that the authorized maximum punishments are not exceeded. When it is necessary to punish an offender in excess of the punishment authorized by AW 104, courts-martial must be utilized.

c. Preparation of Charge Sheets

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Hq HQUUSA Circular #9 (cont'd)

- (1) After the word "Pay", page 1 of the charge sheet, the total of the accused's base pay plus pay for length of service plus pay for duty outside the continental limits of the United States (page 96, MCM, 1928; Circular 140, WD 1942) will be shown.
- (2) In the space following the word "Age", page 1 of the charge sheet, the age of the accused at the date of the commission of the alleged offense will be entered.
- (3) Above the words "Allotments to dependents", page 1 of the charge sheet, the words "Class F deductions" will be inserted, by "None", "\$22", "\$27", or whatever amount of Class f deductions the accused actually has under the Servicemen's Dependents Allowance Act of 1942 (Circular Number 310, War Department, 1943). The amount of Class E allotments, if any, will be shown after "Allotments to dependents".
- (4) Under "Data as to service", prior service will show the inclusive dates of enlistments, organizations from which discharged, manner of discharge (i.e., convenience of the government, purchase, etc.,) and the total prior service completed by years, months, and days, as shown by the accused's service record. In addition thereto, the place and date of current enlistment will be shown.
- (5) The charge sheet should never show the record of previous convictions. It should only state that "A certificate as to previous convictions is attached".
- (6) If the accused is not under any restraint, this fact should be affirmatively shown.
- (7) Specifications will show the place, name of the town or camp, and country (Algeria, French Morocco, Sicily, Italy, etc) where the offense took place, and the original and all copies of the Charge Sheet and allied papers will be marked
CONFIDENTIAL.

d. Class F deductions under the Servicemen's Dependents Allowance Act (see paragraph 12c (3) above) are to be deducted from "Pay" (see paragraph 12c (1) above) in computing an enlisted man's pay for the purpose of determining the maximum forfeitures that may be imposed by a court-martial (see paragraph 38, AR 35-5540).

e. Capital Offenses - Officers having authority to appoint special courts-martial do not have authority to refer charges that include a capital offense to a special court-martial for trial without the specific authority in each case of the officer exercising general courts-martial jurisdiction over their commands (AM 12, 13; paragraph 14, page 10, MCM, 1928). At the present time, the offenses denunciated by the following Articles of War are capital offenses: 58, 59, 64, 66, 67, 75, 76, 77, 78, 81, 82, 86, 92 (paragraph 14, page 10, MCM, 1928; Bulletin 6, WD, 1942). Charges including violation of any

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Hq MTOUSA Circular #9 (cont'd)

of these Articles of War should be transmitted to the officer exercising general courts-martial jurisdiction over the command, with appropriate recommendation and the required papers (see paragraph 34 and 35a, MCM, 1928), for his action.

f. Summary courts-martial records will be disposed of according to the following regulations:

"* * * * * When trial is had by summary court-martial the original charge sheet will be completed as the record of trial. After recording his action on the sentence, the reviewing authority will deliver the original charge sheet and two copies thereof to the organization commander who will cause the essential data to be entered on the service record and, in due course, on the payrolls. After the prescribed notation as to entry on the service record has been made on the record of trial, the organization commander will immediately forward one copy thereof, completed and certified as a true copy of the original, to The Adjutant General. The remaining copy will be sent to the officer exercising immediate general court-martial jurisdiction over the command (which appointed the court). In cases of acquittal or disapproval of conviction the same procedure will be followed, except that no entries will be made of the trial on the service record." (Paragraph 21b, AR 345-125, as changed).

Units not assigned or attached for administration to a command in this theater exercising immediate general court-martial jurisdiction, will forward the copy of the record of trial, required by the above paragraph to be sent to the officer exercising immediate general court-martial jurisdiction, to this headquarters.

g. Special Court-Martial Records and Orders

- (1) Only the original of a special court-martial record is required (the accused is not entitled to a copy) and when it has been acted upon by the reviewing authority it should be disposed of as provided for in paragraph 37c, MCM, 1928. Units not assigned or attached for administration to a command in this theater exercising general court-martial jurisdiction will forward to this headquarters such records as are required by this paragraph to be sent to the officer exercising immediate general court-martial jurisdiction.
- (2) There is no prescribed distribution for special court-martial orders other than that one copy will accompany the record (paragraph 37c, MCM, 1928), and three (3) copies for each accused will be sent to The Adjutant General, Washington 25, D.C., (paragraph 17, AR 310-50, as changed). Further distribution is desirable in most circumstances to insure that the sentence will be properly executed. In this connection, attention is invited to the required distribution for General Court-Martial Orders (paragraph 3d, AR 310-50, as changed) which should be used as a guide in determining what distribution of special court-martial orders is advisable. The copies

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Hq MTOUSA Circular #9 (cont'd)

of the special court-martial orders which accompany the record of trial and those sent to The Adjutant General should be unexpurgated copies, i.e., complete as to specifications and place of trial.

B. General Courts-Martial Records and Orders

- (1) All records of trial by general courts-martial after being acted upon by the convening authority will be sent direct to Branch Office of the Judge Advocate General, MTOUSA, APO 512, except when such records of trial contain an approved sentence respecting a general officer or dismissal of an officer or death sentence. The records of trial pertaining to cases coming within the above exception will after approval by the convening authority, be sent to the Commanding General, MTOUSA, APO 512, and not to the Branch Office of The Judge Advocate General.
- (2) For distribution of general court-martial orders see paragraph 3d, AR 310-50, as changed. In addition, two (2) copies of each order will be forwarded to this headquarters by the issuing unit.

13. Delays in Completing Trials by Courts-Martial - The greatest disciplinary effect is obtained by the prompt imposition of punishment, whether by a commanding officer under AR 154 or by virtue of a court-martial sentence. Delay in imposing punishment not only reduces its salutary effect, but also, in case the offender is in confinement, unnecessarily continues him as a non-effective soldier. Commanding officers will make periodic checks of men in confinement to determine whether the completion of trials has been delayed, and if so, they will initiate prompt corrective action.

By command of Lieutenant General McNARNEY:

GEORGE D. PENCE,
Brigadier General, GSC,
Chief of Staff.

OFFICIAL:

W.C.H. McNarney
Colonel, AGD,
Acting Adjutant General.

DISTRIBUTION:

"Z"

HEADQUARTERS ALLIED COMMISSION
Public Safety Sub-Commission
APO 394

Tel : 489081-686

27 February 1945

AC/14132/PS

SUBJECT : Arrest of American Personnel
by Italian Police.

TO : AFHQ, G-5.

Reference your G-5: C14.13-1, 9 February,
1945.

1. Will you please send us a copy of MTOUSA
Circular H-9, dated 16 January 1945.

JOHN W. CHAPMAN
Colonel, J.A.G.D.
Director Public Safety
Sub-Commission.

JWC/wg.

5210

10A

HEADQUARTERS ALLIED COMMISSION
Public Safety Sub-Commission
APR 394

See 13A

Tel : 189581 - 365

25 February, 1945.

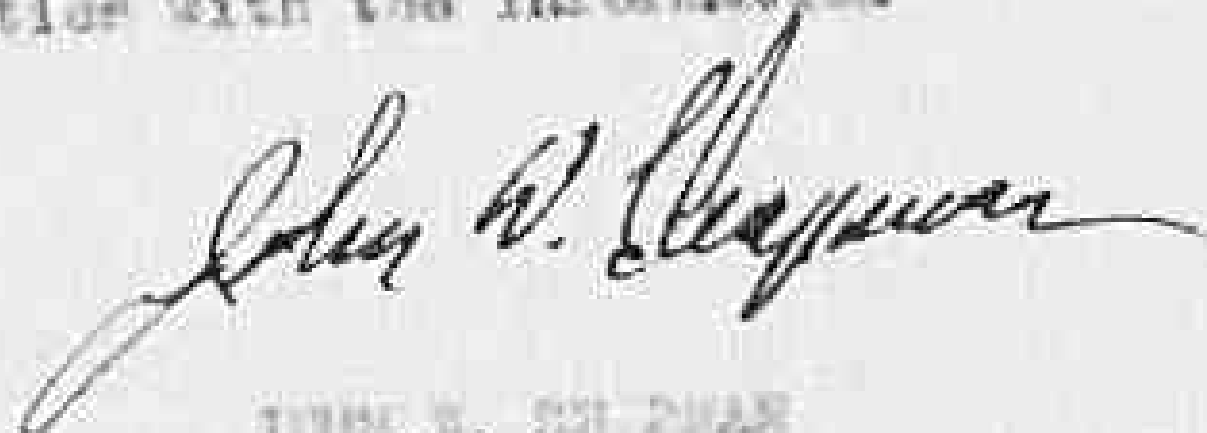
AD/11032/18

SUBJECT : Arrest of Allied Personnel by
Italian Police.

TO : R.S. Director of Public Security
Ministry of Interior.

In order to set at rest any doubts which may exist,
it is confirmed that Italian civil police and civil law enforce-
ment agencies are authorized to arrest members of the Allied
Forces found committing crime.

The persons so arrested will be delivered promptly
to the appropriate military authorities with the information
leading to their arrest.



JOHN W. CHAPMAN
Colonel, J.A.G.C.
Director Public Safety
Sub-Commission.

Copies to Commanding General G.C. 11.
Commanding General G.C. 11.
All R.S. 11.

APR/11.

5812

P. Safety

CONFIDENTIAL

SUBJECT :- Arrest of British personnel by
Italian Police.

ALLIED FORCE HEADQUARTERS.

CR/4568/G1(B).

19 Feb 45.

HQ Allied Commission.

Reference your letter AC/14132/PS and conversation (Brigadier
UPJOHN - Lt-Col. PASSINGHAM).

1. This matter has been discussed at length with G-1(MTOUSA) and
with PM(Br), and G-1(MTOUSA) have issued instructions as requested by
you in MTOUSA Circular No. 9 dated 16 Jan 45 Section II para 7 a (5).

2. PM(Br) has referred to the feeling which might be aroused
amongst British Officers and ORs if the wide powers of arrest requested
were granted to Italian police, and has also pointed out that serious
incidents would be likely to follow upon any attempt to arrest ORs on
charges of drunkenness or creating a disturbance. The danger that
other British ORs who were present might come to the rescue of one of
their comrades who was taken into custody by Italian police is evident.

3. On the other hand it is, and always has been, recognised that
Italian police should have the power to effect an arrest of any British
soldier or officer who they may discover in the act of committing any
crime of violence or theft, house or shop breaking, or whilst actually
engaged in black market activities.

4. The necessity for arrest in these circumstances is so well
appreciated by all ranks that it is not considered necessary to issue
any formal GRO or other order calling attention to it. It is understood
that you agree that this is unnecessary and that you will take such action
as you desire to confirm the position to the Italian Police authorities,
stressing that any person arrested must be handed over forthwith to
British custody.

TO	DATE
COL. CHAPMAN	16/2/45
COL. YOUNG	16/2/45
LT. COL. WILKIN	16/2/45
MAJ. LUCKIN	16/2/45
MAJ. WILSON	16/2/45
MAJ. HENBURY	16/2/45
MAJ. BALLOUGH	16/2/45
CAPT. POWELL	16/2/45
CHIEF CLERK	16/2/45

CONFIDENTIAL

Major General.
D.A.G. G.1(B)

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

GA

AC/14132/PS

20 Feb 45

SUBJECT : Arrest of Allied personnel by Italian Police.

TO : AFHQ G-5

It is hoped that the letter referred to in para 4 of your
S.S. 014.13-1 of 9 Feb may be received at an early date.

FOR THE CHIEF COMMISSIONER :

G.R. UPTON Brig.
VP 1A Section

~~AFHQ~~ R

AM/18

5210

ALLIED FORCE HEADQUARTERS

G-5 Section

APO 512

HYA/iask

G-5: OL4.13-1

9 February 1945.

SUBJECT: Arrest of Allied personnel by Italian Police.

TO : Headquarters, Allied Commission, A.P.O. 394

Reference your AC/14132/PS dated 7 Feb. '45.

1. There has been some discussion on this matter as the British and Americans held divergent views.

2. MTUSA circular no. 9 (para. 7 (a) (5)) dated 16 Jan. authorises Italian civil police to arrest members of the U.S. Forces for such offences that would warrant their arrest were they civilians.

3. The British point of view was discussed by Brig. UPJOHN and Lt. Col. PASSINGHAM on 27 Jan. when the latter agreed to send Brig. Upjohn a letter on the subject but stated that it was not intended to publish a general order.

4. This letter has been agreed by interested sections at this H.Q. and should reach you within the next few days.

For Asst. Chief of Staff, G-5:

TO	DATE
COL. UPJOHN	13/2
COL. PASSINGHAM	
LT. COL. W. B. A.	
MAJ. WILSON	
MAJ. HENNESSEY	
MAJ. BALDWIN	
CAPT. POWELL	
MAJ. K.	

H. Y. ANDERSON,
Major, R.A.

11 FEB 1945

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

AC/14132/PS

7 Feb 45

SUBJECT : Arrest of Allied Personnel by Italian Police.

TO : AMHQ G-5

Can you please state when a reply to AC/14132/PS of 30 Nov
may be expected please. Our letters of 4 and 24 Jan also refer.

FOR THE CHIEF COMMISSIONER

G.R. UFFONI Brig
VP CA Section
DOCS AG

ATV/or

5201

1090

HEADQUARTERS ALLIED COMMISSION
Civil Affairs section
A/C 394

Tel : 489081 Ext 365

24 January, 1945

AC/14132/PS

SUBJECT : Arrest of Allied Personnel by Italian Police
TO : AFHL, G-5

1. Reference our letter of even number dated 30th November, 1944, and 4th January, 1945.
2. By this Headquarters be informed how this matter now stands please.

For the Chief Commissioner :

G. R. UFFORD, Brig.
VP CA SEC
DCOS AC.

*P.F. - 4 February - if no reply minutes this file back
to CAS - Instructions received by HQ 1/6/51 des 24/1/45
Sgt Podda*

5200

HEADQUARTERS ALLIED COMMISSION
Civil Affairs Section
APO 394

Tel : 489061 - 365

4 January, 1944.

AC/14132/PS

SUBJECT : Arrest of Allied Personnel by Italian Police.

TO : AFHQ G-5.

1. Reference our letter of even number dated 30 November 1944.
2. It is asked that the word "allied" be substituted for the word "Military" in Para 4 of letter quoted.
3. Can it be stated if the NATOUSA Order quoted has been circulated ?

For the Chief Commissioner :

[Signature]
C.R. UPJOHN, Brig.
VP CA Sec.
DCOS, AC.

HEADQUARTERS ALLIED COMMISSION
Civil Affairs Section
APO 394

AC/14152/PS

30 Nov 1944

SUBJECT : Arrest of Allied Personnel by Italian Police.

TO : A.F.H.Q., G-5.

1. The recent case of Giuseppe FLORIDIA, an Italian policeman, tried before a General Military Court in Naples for killing an English Sailor, has raised the question of the power of the Italian Police to arrest members of the Allied Forces. After hearing the evidence of the Regional Public Safety Officer the court accepted without question the right of the Italian police to arrest Allied Military personnel and hand them into Military Police custody.

2. NATOUSA Circular No. 36 dated 17 March, 1944. (Item 11 para 4) which presumably applies in Italy, gives the following directions:

Arrest by Civil Police.

'Civil Police and Civil law enforcement agencies are authorized to arrest members of the Allied Forces for such offences that would warrant their arrest were they civilians.

The persons so arrested will be delivered promptly to the appropriate military authorities, British or American, with information causing the arrest.

Proper respect towards the Civil police in the exercise of their duties will be observed by military personnel at all times'.

3. From a Public Safety point of view it is considered most desirable not only that this power of arrest should be maintained but also that its existence should be widely known by members of the Allied Forces.

4. It is therefore requested that the NATOUSA Order quoted in paragraph 2 above be circulated to all military units in Italy.

For the Chief Commissioner:

[Signature] 520
C.R. UFFORD Brig.
V. CA Sec.
DCOS, AC.

AFW/jwf

C O N F I D E N T I A L
HEADQUARTERS
SOUTHERN REGION, ALLIED ~~COMMISSION~~ COMMISSION
PUBLIC SAFETY DIVISION

2A

Ref: PS/ 15.1

Date 22 November 1944

SUBJECT: Shooting of British Naval Seaman by Italian Civil Police Officer in Naples City.

TO : Headquarters, Allied Commission
(Attention of the Director, Public Safety Sub-Commission).

1. Further reference to the attached correspondence which relates to an investigation into the death of George BEEBINGTON, Able Seaman, Royal Navy, at the hands of Giuseppe FLORIDIA, Agent of Public Security, R. Questura, Naples, at Via Roma, Naples, on 1st October 1944.

2. On 13th November 1944 at a General Military Court at the Tribunale, Naples, FLORIDIA was arraigned before the President, Lieut. Col. L.F. DAWSON, Regional Legal Officer; Lieut. Commander R. WARDROP, R.N.P., and Captain A. E. GOLD, S.R., U.S. Army, on a charge of killing BEEBINGTON contrary to Article 1, Section 16 of Proclamation 2.

3. The prosecution was conducted by Lieutenant C. BANNO, Legal Officer this Region, whilst the accused, who entered a plea of 'not guilty' to the charge, was represented by Avv. G. PORZIO. Owing to the complexity of the case and the important matters at issue, the Court permitted Captain A. ROGERS, U.S. Army, to assist Avv. PORZIO in the defence of FLORIDIA.

4. During the proceedings which, incidentally, lasted three days, I was called to give evidence as to the powers etc of the Italian Civil Police. The evidence so given was based on the attached letter dated 30th October 1944 from the Director, Public Safety Sub-Commission, and this was accepted without question by the prosecution, defence and the Court in general.

20 5. After the evidence for the prosecution and the defence had been given and after both Counsel had addressed the Court, FLORIDIA was found 'guilty' and sentenced to 2 years imprisonment. 5206

- 2 -

6. Since the conclusion of the Trial observation has been kept on the activities of the Italian Civil Police in this area, but no incident has occurred to date to suggest that they or the local Press resent the action taken by the Allied in this case or that they disagree with the verdict of the General Military Court. Nevertheless, our watch will be maintained in this connection.

For the Regional Commissioner;

$$GR/tp.$$

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5204

COPY

JUDGEMENT

in the case of

FICRIDIA GIUSEPPE

GENERAL MILITARY COURT

NAPLES

16 November 1944

EXTRACT FROM THE RECORD

(Trial Continued)

Nov. 16, 1944, 9:30 A.M.

The Court pronounces the following judgement:

BY THE PRESIDENT

The accused is charged with contravening Article 1, Section 16, of Proclamation 2, in that on October 1, 1944, in the Commune of Naples, he killed Able Seaman Bebbington, a member of the Allied Forces.

There is no dispute that the accused did in fact shoot and kill Bebbington on that date, but in spite of the categorical wording of the Proclamation, we are satisfied that the ordinary legal defences open to an accused person charged with homicide, are equally applicable to the accused in this case.

Briefly, we find the facts to be as follows:

We are satisfied that the deceased at all the times material to this occurrence, was in an intoxicated condition, and we are satisfied that in that condition, he was in a state of exuberant belligerence. It was his birthday and he had been celebrating to some extent, at least sufficient to make him intoxicated.

In this condition of exuberant belligerence, we find as a fact

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Briefly, we find the facts to be as follows:

We are satisfied that the deceased at all the times material to this occurrence, was in an intoxicated condition, and we are satisfied that in that condition, he was in a state of exuberant belligerence. It was his birthday and he had been celebrating to some extent, at least sufficient to make him intoxicated.

In this condition of exuberant belligerence, we find as a fact that he assaulted four persons and possibly five. In the choice of his victims he exhibited a certain catholicity.

He attacked a French soldier, then a brace of civilians, and finally a traffic Policeman.

We cannot find any reliable evidence that any of these persons had offered any provocation.

We find as a fact that at all times the deceased was unarmed and in his attacks was merely using his fists.

Coming to the actual occurrence, we think that the witness, Martin, followed the deceased in some part of his peregrinations, and that as a matter of fact, Martin was very closed to the deceased when he was shot.

We think also that the soldier, Mc Mahon, was also in the immediate vicinity of the deceased when he was shot.

With regard to Martin, we believe that he also was under the

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influence of liquor but not to the same extent as the deceased or the witness, Beattie, who appears to have passed from the actual scene at a fairly early stage in the operations.

We find as a fact that the deceased first struck the Policeman on traffic duty; whether once or twice is not material at this stage, but as a result of the blow or blows, the Policeman was bleeding from the mouth.

We come now to the intervention of the accused in the occurrence.

Looking at the evidence as a whole, we are not prepared to say at what precise stage in the development of the situation, he drew his pistol. On this point there is a conflict of evidence.

Certain, however, it is that the accused did draw his pistol, in a condition in which it was ready to use, at some stage after leaving the place where he had been standing, and fired it into the stomach of the deceased.

It may be that the accused intervened in this disturbance either because he saw his comrade being struck or because he had noticed a crowd of some sort gathering around the place where his comrade was obviously in some kind of difficulty.

It may be that he intervened not for any reason connected with his comrade, but in order to investigate, as we are satisfied it was his duty to do, because some crowd had gathered in that particular area.

It may be that he went there for both reasons.

We are prepared to give the accused the benefit of the doubt, and find that the accused intervened both because he had seen his comrade struck at least once, and because a certain crowd was gathering.

We find that when the deceased approached the accused, deceased was not altogether alone. We are satisfied that there were close to the deceased at that time, at any rate the witness, Martin, and the witness, Mc Mahon. We reject the high coloured account given by the witness Bozza about the accused being surrounded by a crowd of 50, 60 or 100 Allied personnel.

We likewise reject the accused's story that two or more crept behind him so as to take him in his rear.

We accept it as a fact that when the deceased was at a distance of from 4 to 8 feet from the accused, the deceased advanced towards the accused in a manner which could not have conveyed to the mind of the accused anything other than that it was a menacing action, and we are satisfied that at this stage of the proceedings, the accused had drawn his pistol and had presented it at the level of his own waist, at and towards a very vital part of the deceased's body.

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We accept it as a fact that when the deceased was at a distance of from 4 to 8 feet from the accused, the deceased advanced towards the accused in a manner which could not have conveyed to the mind of the accused anything other than that it was a menacing action, and we are satisfied that at this stage of the proceedings, the accused had drawn his pistol and had presented it at the level of his own waist, at and towards a very vital part of the deceased's body.

We accept it that accused fell back several paces; how many does not appear to matter. All the witnesses agree that he did step back.

We reject accused's story that the deceased at any time actually laid hands on the accused. There is not a single witness, apart from the accused, who supports him in his statement of the throttling, not even Signor Savarese, he of the many conflicting statements, and we therefore reject the story of the accused on this point.

We have it in evidence that subsequently to the shooting of the deceased, accused had been subjected to a certain manhandling, and it is to our mind possible and even probable, that the bruises testified to by the Doctor, found on the throat, were occasioned in this manner.

We come now to an examination of the legal implications of what accused admittedly did, against the background of the facts as we have found them.

First of all, let us say here, we have taken into account the facts deposed to by Major Richardson. We accept it that Italian Civil Police are armed with pistols which they are entitled to have on and off duty.

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We accept it that no other weapon has been given them; and we accept it that by decision of higher authority, the Italian Civil Police are required to interfere with and, if necessary, to arrest, any personnel of the Allied Forces, who may be acting in a manner which is in contravention of the rights of the civil population or which might cause a breach of the peace.

We accept it that in the performance of their duties, the Italian Civil Police are governed by Italian Law; that it is from that Law that their powers and immunities are to be derived.

It has not been the business of this Court to know whether the Military Services have been informed of this decision, or whether instructions have been given to all Military Police Agencies to assist the Italian Civil Police when trying to deal with members of the Allied Forces. We mention it only in passing. It is not our business to inquire. We only know that it is the duty of Italian Police to hand over to the Armed Services any member of the Allied Forces whom they arrest at the earliest possible moment.

We have examined the provisions of the Italian Law which have been placed before us and we find no essential differences between the Italian Law regarding the principles and rules of self defence and our own British and American Law.

All these bodies of law show the gravest concern for the sanctity of human life and very jealousy guard the right of the ordinary citizen to his security and immunity against the excessive use of force by those in authority over them.

We are not prepared to concur in the contention of the Chief Counsel for the Defence in his summation, having regard to these carefully provided rights, that the proportionateness between the violence to be apprehended and the force required to repel it, should be taken "with a grain of salt".

We are accordingly of the opinion that, although the accused has himself disclaimed it, namely that he fired in self defence or for the purpose of restoring law and order, he was faced with a situation of some difficulty in a place where it was his duty to be.

We feel that, notwithstanding anything the accused has said, which might have narrowed the inquiry to the mere line of defence he took, we should investigate and pronounce our judgement upon the situation as a whole.

We are satisfied that when the accused found the deceased advancing upon him, he was frightened, but that his fright was not if the same kind or degree as that which marked the behaviour of his two colleagues.

We agree that he was under a duty, as far as possible, to stand

to his security and immunity guard the right of the ordinary citizen in authority over them.

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We feel that, notwithstanding anything the accused has said, which might have narrowed the inquiry to the mere line of defence he took, we should investigate and pronounce our judgement upon the situation as a whole.

We are satisfied that when the accused found the deceased advancing upon him, he was frightened, but that his fright was not if the same kind or degree as that which marked the behaviour of his two colleagues.

We agree that he was under a duty, as far as possible, to stand his ground and we do not suggest that he should have taken to his heels, as did his two companions.

But we are of the opinion that the accused, in firing his ^{pistol} at point blank range or practically so, into a vital organ of the aggressor's body, exceeded that degree of authority and force which was necessary under the circumstances.

We appreciate that a man confronted with an emergency cannot be expected to exercise too nice discrimination in the choice of weapons to repel an attack. But we cannot agree that the accused in this case was justified in firing a shot almost at point blank range into such part of the deceased's body as could not reasonably have had any other effect than to cause death, or at least the most grievous bodily injury.

What should the accused have done in these circumstances? In discussing that question, we must be understood to be confining our remarks strictly to the facts and circumstances of the particular case.

We believe that at the most the accused would have been entitled to wound his aggressor in a non-vital spot in such a way as to have been effective enough to stop the progress of the aggression against him.

We are further of the opinion that in a country where language difficulties obtrude themselves, so that troops against whom the Police may have to act cannot understand the language of the Police, nor the Police that of the troops, a warning unmistakable, should be given, in the form of a shot in the air which, other things being equal, should precede the actual shooting of a human being.

We repeat this as a general principle but say that in this particular case, the most that the accused should have done was to shoot into a non-vital spot.

Since we find, examining the case and defence in all its aspects, that the accused employed excessive force against the deceased, the Court unanimously finds the accused GUILTY of the charge.

Before we proceed to sentence, we will hear counsel in mitigation.

AVV. PORZIO.

The Court has just found that the accused was justified in using force but that the force used was excessive under the circumstances.

Under Italian Law (Penal Code, Sec. 589), this is substantially a finding of Homicide Colposo. The maximum sentence for this offence is 5 years and the minimum is 6 months. We ask for the minimum sentence and for suspension of the sentence, because, according to the Court's judgement, simply erred in evaluating the circumstances. He has been a good Agent, has served 4 or 5 years, and has received 3 certificates of commendation.

BY THE PROSECUTOR.

We have received no information against the good character of the accused.

BY THE PRESIDENT

The Court will retire to deliberate regarding the sentence.

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using force but that the force used was excessive under the circumstances.

Under Italian Law (Penal Code, Sec.589), this is substantially a finding of Homicide Colposo. The maximum sentence for this offence is 5 years and the minimum is 6 months. We ask for the minimum sentence and for suspension of the sentence, because, according to the Court's judgement, simply erred in evaluating the circumstances. He has been a good Agent, has served 4 or 5 years, and has received 3 certificates of commendation.

BY THE PROSECUTOR.

We have received no information against the good character of the accused.

BY THE PRESIDENT

The Court will retire to deliberate regarding the sentence.

The Court retires and thereafter returns. The President pronounces the following sentence:

THE UNANIMOUS SENTENCE OF THE COURT IS THAT THE ACCUSED BE 51
IMPRISONED FOR TWO(2) YEARS.

GENERAL MILITARY COURT
L.F. DAWSON - President
Lt.Colonel.
R.WARDROP
Lieut. Commander R.N.A.
A.E. GOLD, Capt.S.E.
Members.

HEADQUARTERS
ALLIED COMMISSION
Public Safety Sub-Commission.
APO 394.



2c

10th October, 1944.

SUBJECT : Shooting of a British Naval Seaman by Italian Civil Policemen in Naples City.

TO : Regional Public Safety Officer, Southern Region.

1. With regard to the forthcoming trial of Giuseppe Floridia before an A.S.G. Court on a charge of killing a member of the Allied Forces, the following information is sent for your guidance : -

Italian police are legally allowed to carry firearms both on and off duty and are entitled to use them in the execution of their duty.

In the case of Floridia it will be for the Court to determine on the facts given in evidence whether or not the Italian policeman Floridia was justified in taking the action he did in this instance.

From the public safety point of view an Italian policeman is entitled to protect Italian civilians against attacks by Allied troops, and in preventing a breach of the peace.

In these cases an Italian policeman is justified in restraining Allied soldiers or sailors and also in detaining them until a military escort can take them into custody.

An Italian policeman is justified in using the minimum amount of force required for this purpose.

It is suggested that in circumstances such as present the killing of an Allied sailor, who should be a matter of fact for the Court to decide.

2. While no written instructions have been given to the Italian police on these points the position is well understood by this Headquarters and by the Italian Ministry of the Interior and the Police Authorities.

John W. Chapman

JOHN W. CHAPMAN,
Colonel, F.A.G.D.,
Director, Public Safety
Sub-Commission.

RE FLORIDIA GIUSEPPEANTICIPATED QUESTIONS AT COURT

1. Powers; possession and use of firearms.
2. Powers of Italian Civil Police vis-a-vis Allied Armed Forces.
2. Have their powers been explained to them by AMG/AC or any other Allied Command, if so, in writing or by any other means.

(By hand per Capt Noble).

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HEADQUARTERS
SOUTHERN REGION, ALLIED CONTROL COMMISSION
PUBLIC SAFETY DIVISION

Ref: PS/

15.1

Date 25 October 1944

SUBJECT:

Shooting of British Naval Seaman by Italian Civil Police
Officer in Naples City.

TO :

The Regional Legal Officer, H.Q. Southern Region, APC.
(through the Regional Commissioner).

1. The attached correspondence from the Officer Commanding, 61 Section, S.I.B., C.M.P., C.M.P., comprises the complete case papers of an investigation undertaken by W. Willcock, S.O. 11., of that authority into the circumstances surrounding the death of a British Naval Seaman at the hands of an Italian Civil Police Officer at Via Roma, Naples, on 1st October 1944. The S.I.B. have conducted the enquiry for and on behalf of the British Naval authorities and they are now asking the advice of this H.Q. as to what action, if any, should be taken in the matter.

2. By examination of these documents it will be appreciated this case is an extremely 'delicate' one - its importance cannot be over-exaggerated; the British Naval and Military authorities also the Italian Police Services are watching the future progress of the case very carefully, in fact, I would say anxiously. The matter, it is submitted, does not end in merely judging the degree of criminal responsibility, if any, for the death of this British sailor; it goes much further, our entire future policy governing our relations with and support of the Italian Civil Police Services in the execution of their duties, also the prestige and protection of Allied personnel in this co-belligerent State, is at stake - the British authorities and the Italian Police are looking to us for the answer.

3. Before touching upon the facts of the case it should be mentioned that immediately after the incident and for a few days following, the atmosphere was very tense in Naples but due to the energetic and combined efforts of the Allied Naval and Military Police, the

behalf of the British Naval authorities and they should be taken in the advice of this H.Q. as to what action, if any, should be taken in the matter.

2. By examination of these documents it will be appreciated this case is an extremely 'delicate' one - its importance cannot be over-exaggerated; the British Naval and Military authorities also the Italian Police Services are watching the future progress of the case very carefully. In fact, I would say anxiously. The matter, it is submitted, does not end in merely judging the degree of criminal responsibility, if any, for the death of this British sailor; it goes much further, our entire future policy governing our relations with and support of the Italian Civil Police Services in the execution of their duties, also the prestige and protection of Allied personnel in this co-belligerent State, is at stake - the British authorities and the Italian Police are looking to us for the answer.

3. Before touching upon the facts of the case it should be mentioned that immediately after the incident and for a few days following, the atmosphere was very tense in Naples but due to the energetic and combined efforts of the Allied Naval and Military Police, the restraint displayed by the Italian Police and the tactful handling of the enquiry by S.I.S. no untoward incident of note occurred to aggravate the situation - now, the situation is more or less normal and it appears that both 'sides' have 'resigned' themselves to accepting our decision.

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4. The report of the S.I.R. investigating officer is so clear, concise and unbiased that lengthy reiteration or comment seems unnecessary; however, brief reference must be made to the actual incident.

5. It appears that at about 4 pm. on 1st October 1944, after about two hours celebration during which drink was consumed, the deceased, Able Seaman Bebbington, Royal Navy, found himself in a half-intoxicated condition standing with three companions. L/S McGregor, A.B. Martin and Stoker Penttill, near the Royal Palace and opposite the traffic island at Via Roma, Naples.

6. Bebbington wanted to enter an 'out of bounds' area and his colleagues endeavoured to dissuade him from this: It would seem that by this time he had become obstreperous as he refused the advice and half staggered across to the island where, without any provocation, he violently assaulted an Italian civilian by striking him on the jaw and just afterwards assaulted a second civilian - incidentally, both these civilians were strangers to their assailant.

7. This sailor was obviously 'out for trouble' and the first civilian assaulted - the second had fled - apparently anticipating a further attack moved towards the only source of protection visible, viz., P.S. Agent Musso, Traffic Section. L. Questura, Naples, who was on traffic control duty in uniform near the scene.

8. This movement was seen by deceased who at once approached the Agent and struck him on the face with such violence that he is alleged to have fallen to the ground. This unprovoked attack was witnessed by another P.S. Agent named Floridia who was on duty in uniform nearby and he hurried to the assistance of his colleague - Musso in the meantime got to his feet and ran away.

9. The attention of the sailor was, in consequence, drawn to the intervention of Agent Floridia and witnesses say that he approached this Agent in a menacing attitude. Floridia had drawn his service pistol and when he and the sailor were a distance of about four feet apart, he fired directly at the sailor mortally wounding him in the stomach - Bebbington died in hospital as a direct result of this bullet wound 13/4 hours later.

10. Immediately following the shooting, Floridia fled and a chase, such as one reads in a novel, ensued and eventually he reached the shelter necessary to detail the incidents during

colleagues endeavored to dissuade him from this. It would seem that by this time he had become obstreperous as he refused the advice and half staggered across to the island where, without any provocation, he violently assaulted an Italian civilian by striking him on the jaw and just afterwards assaulted a second civilian - incidentally, both these civilians were strangers to their assailant.

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8. This movement was seen by deceased who at once approached the Agent and struck him on the face with such violence that he is alleged to have fallen to the ground. This unprovoked attack was witnessed by another P.S. Agent named Floridia who was on duty in uniform nearby and he hurried to the assistance of his colleague - Musso in the meantime got to his feet and ran away.

9. The attention of the sailor was, in consequence, drawn to the intervention of Agent Floridia and witnesses say that he approached this Agent in a menacing attitude. Floridia had drawn his service pistol and when he and the sailor were a distance of about four feet apart, he fired directly at the sailor mortally wounding him in the stomach - Bebbington died in hospital as a direct result of this bullet wound 1.3/4 hours later.

10. Immediately following the shooting, Floridia fled and a chase, such as one reads in a novel, ensued and eventually he reached the shelter of his own headquarters. It is unnecessary to detail the incidents during the chase as they have no bearing on the incident into which we are

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enquiring - it may be said however that the Agent's escape is suggestive of his knowledge that what he had done was beyond the bounds of reasonable action, but on the other hand it must be taken into account that a hostile crowd of Allied military and naval personnel also civilians had gathered by this time and he can plead that fearing personal injury he deemed it prudent to make good his escape. Probably it was a good thing he did flee as otherwise he might now be faced with a case of riot, many deaths and injuries and the further indiscriminate use of firearms.

11. Later the same day Floridia made a written statement to his Commanding Officer in the presence of a member of the American Military Police and he alleges that an actual physical assault by deceased and asserts that the fatal shot was fired accidentally. It will be seen that witnesses disprove these 'excuses' entirely and I am at a loss to offer a suggestion as to why the 'suspect' made such allegations - taking into account the general mentality and excitable nature of ^{the} Italian race, it may indicate that he had 'lost' his head at the time of the incident and had not recovered completely when making statement, on the other hand, it may be considered an indication that he appreciated he had exceeded his duty and was looking around for a 'reasonable explanation'.

12. Subsequently, Floridia was brought to this H.Q. in the company of one of his own officers and the S.I.B. investigating officer. In view of the complex nature of this case and to be fair to all concerned, I gave instructions for this Agent to be suspended from duty and placed under technical arrest pending the completion of the case.

13. In the attached report, S.I.B. do not mention the possibility of charges of murder or manslaughter, but they suggest a charge against Floridia of 'killing a member of the Allied Forces' contrary to Article 1, Section 16 of Proclamation No. 2.

14. In submitting the following, I wish to make it clear that under no circumstances must it be thought I am condoning the actions or conduct of this Italian Police Officer - I consider from British Police standards his conduct in drawing and firing the pistol, then prevaricating when making a statement of the incident to his superior officer is absolutely inexcusable; but is this so when judged from Italian Police standards. In the first place, we have not come to teach them our methods of defence and attack but are here to defascistise them, rebuild their morale and return them to the confidence of the Italian people in order

had not recovered completely when making statement. It may be considered an indication that he appreciated he had exceeded his duty and was looking around for a 'reasonable explanation'.

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they are trained in the carrying and use of firearms as we British Police are in the carrying and use of the truncheon which can always be used to good effect without causing fatal injury.

15. It is submitted there is no charge of murder to answer, there is the lack of the essential element 'malice aforethought'. It may be thought, however, that a technical murder has been committed, viz, that the case falls within the category of 'killing another whilst committing a felonious act'. The question arises, did the production and firing of this weapon amount to a felonious act? - it is submitted it did not.

16. As regards manslaughter; the only category under this heading into which this case could be argued is 'the unlawful killing of another under circumstances not amounting to felony'. It is very doubtful if a charge under this heading would meet with any success from the prosecution's point of view - this Italian Police Officer, if ably defended, would plead that he was acting in the execution of his duty and that his act was not unlawful.

17. Then we come to the possible charge under the AMG Proclamation. This is a cast-iron section and merely says 'kills any member of the Allied Forces'. Florida can be charged under this section, but what will be his defence. He will prove himself an officer of an accredited Italian Police authority, armed, on duty and enforcing Italian State and Allied Military laws with the knowledge and consent of and under the supervision of AMG. Then he will endeavour to prove that as a police officer on duty he fired in self-defence when anticipating a serious assault - personally, from the British Police point of view, I do not consider the incident warranted the production and use of a firearm, but it would appear a matter for a competent Court to decide the degree of 'seriousness' of the anticipated assault.

18. In view of all the circumstances and particularly in order that the Agent of P.S. may be 'cleared' or otherwise from responsibility you may consider this is a case where he should take his trial before an AMG Superior Court upon the charge under the Proclamation which seems the most applicable.

19. Forwarded for your information, consideration and decision.

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19. Forwarded for your information, consideration and decision.

Richardson
G. RICHARDSON

Major,
Regional Public
Safety Officer.

CR/tp.

5194

Reference No.
SIS 61/444/979.

1 Section, S.I.B.,
C.M. Police, C.M. Force.

Subject :- Persons in custody - Shooting of a British Sailor.

FLORIDIA, Giuseppe,
Public Safety Agent,
R. Questura, Naples.

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 Statements of Italian Civilians PASTORE, Aldo, and PISCITELLI, Vincenzo.
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Cases investigated by :-

W. WILLCOCK, V.O. 11,
 61 Section, S.I.B.,
 C.M. Police.

2193

CONFIDENTIAL.

Ref. No. SIS. 61/A/44/972.

61 Section, S.I.D.,
C.I.S. Police, G.M.R.

Your ref.....

17 October, 44.

SUBJECT -

Persons in custody - Shooting of a British Sailor.

FLORIDIA, Giuseppe,
Public Safety Agent,
Road Traffic Section,
R. Questura, Naples.

D.A.P.M.,
61 Section, S.I.D.,

READ AND SUBMITTED.

Sir,

61 Section with 44

At 16.50 hours, Sunday, 1 October, 44, a verbal message was received from R.S.M. Caird, 510 Provost Company, C.M. Police, that at about 16.00 hours, 1 October, 44, a British Sailor had been shot by an Italian Policeman in Via Roma, Naples, and the assistance of this Section was requested.

DISTRIBUTION.

REPORT AND STATEMENTS.

AFM., 56 Area.
D.P.M., 3 District.
D.P.M., SID., AMIQ.
N.P.M.
R.P.S.O., SR. JCC.

On receipt of this information enquiries were commenced immediately and as a result the above named now stands in close arrest pending the result of this investigation.

The facts leading up to the arrest (and evidence obtained since) are as follows:-

At 14.00 hours, Sunday, 1 October, 44, No. C/JX. 140794. Stoker Beattie, J., and No. P/JX. 396877 A.L. Debbington, both of the Landing Craft Barracks, Royal Navy, left the barracks to spend the afternoon on Naples, celebrating Debbington's birthday. They went to the 'Fleet Club' where they both consumed a quantity of beer and they remained there until about 15.30 hours. By this time it would appear that they were under the influence of drink, although Beattie states that they only consumed two bottles of beer each. Whilst in the 'Fleet Club' arrangements were made between them to go to the Royal Palace MAFI, situated in Piazza Trieste a Trento, Naples.

STATEMENTS.

As they were about to leave the 'Fleet Club' Bebbington met some Naval Ratings whom he knew and he stopped to talk to them, consequently Beattie left the Club and made his own way to the MAFI. He remained in the MAFI, for a short time and on coming out saw Debbington standing on the corner of the

message was received from Royal Naval Barracks, Gibraltar, 1 October, 1944, that at about 16.00 hours, 1 October, 1944, a British Sailor, P.A.L.M., C1 Section, SIB, had been shot by an Italian Policeman in Via Roma, Naples, and the assistance of this Section was requested.

DISTRIBUTION.

REPORT AND STATEMENTS.

ADM., 56 Area.
D.P.M., 3 District.
D.P.M., SIB., ADMO.
N.P.M.
R.P.S.O., SIB. ACC.

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STATEMENTS.

As they were about to leave the 'Fleet Club' Bebbington met some Naval Ratings whom he knew and he stopped to talk to them, consequently Beattie left the Club and made his own way to the MAFI. He remained in the MAFI, for a short time and on coming out saw Bebbington standing on the corner of the Royal Palace, opposite the traffic island. Beattie went and joined Bebbington, and after a short conversation Bebbington suggested visiting the 'Toledo' area, which is the 'Out of Bounds' area, situated off Via Roma. At this moment they were joined by L/S. McGregor and A.B. Martin, both of the Landing Craft Barracks, Royal Navy, and they all stood talking for a short time. The time then would be about 16.00 hours.

Beattie tried to persuade Bebbington not to go to the 'Toledo' area but Bebbington insisted and commenced to go across the road, in a sort of half walk and half stagger, closely followed by Beattie, leaving McGregor and Martin on the corner. When Bebbington got on the traffic island he struck a civilian, DOZZA, Guido, of 49, Via Nicola Garilli, Palermo, Sicily, on the jaw causing his spectacles to fall to the ground. At this time DOZZA was accompanied by his friend PASA, Salvatore, of 52, Via Dante, Palermo, Sicily. On being struck DOZZA went towards a Public Safety Agent, MUSSO, Giuseppe, Road Traffic Section, R. Questura, Naples, who was on traffic duty, near the traffic island, for protection.

Continued sheet 2.

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SHEET 2.

In the meantime, however, Bebbington struck the Civilian PASTA, Salvatore, in the back and this Civilian fled. On seeing Bozza going towards the Public Safety Agent Musso, Bebbington went up to this Agent and struck him on the jaw knocking him to the ground. Immediately this incident happened a large crowd assembled and they were inclined to be hostile. At the junction of Via Roma and Piazza Trieste a Trento there was another Public Safety Agent, on traffic duty Florida, Giuseppe, and he, on seeing his colleague being assaulted immediately went to his assistance. In the meantime Agent Musso got to his feet and ran away.

As Florida, Giuseppe, approached Bebbington he drew his Beretta pistol. Bebbington on seeing the Public Safety Agent draw his pistol went towards him with his arms raised in a threatening manner as if he intended to disarm the Public Safety Agent, but when Bebbington was a short distance from him the Public Safety Agent fired his pistol and Bebbington fell to the ground. Florida then ran away. During all these incidents Stokor Beattie was close behind Bebbington, but as far as can be ascertained played no part.

When Martin saw Bebbington assault Public Safety Agent Musso, he immediately ran over to the traffic island to see what was happening and was in fact by the side of Bebbington when he was shot. After Bebbington fell to the ground Martin attempted to pick him up but found that he had been shot in the stomach. He, therefore, stopped a WD. vehicle, which was passing at the time, and Bebbington was conveyed to the 65th. (Br) General Hospital; he was admitted at 15.15 hours and died at 17.45 hours, the same day.

After the P.S. Agent Florida had fired the shot he got into a private motor car, which was passing at the time. Martin on seeing this ran to the car; made the P.S. Agent get out and ordered him to accompany him to the Questura. Florida, still holding the pistol in his hand, accompanied Martin along Via S. Carlo, followed by a large crowd of soldiers, sailors and civilians, until they arrived at the entrance to Galleria Umberto 1, which is directly opposite the San. Carlo Theatre. On arrival at the entrance to Galleria Umberto 1 Martin spoke to P.S. Agent Florida, in Italian, and asked him to give him the pistol, but the P.S. agent refused, whereupon Martin, with the intention of disarming him kicked him twice in the groin. The P.S. agent then adopted a crouching position; swung round and pointed the pistol at Martin in a threatening manner.

At this moment another Public Safety Agent named [unclear] and Martin seized hold of him and

stomach. He, therefore, stopped and passed at the time, and Bobington was conveyed to the 65th. (Br) General Hospital; he was admitted at 13.15 hours and died at 17.45 hours, the same day.

After the P.S. Agent Floridia had fired the shot he got into a private motor car, which was passing at the time. Martin on seeing this ran to the car; made the P.S. Agent get out and ordered him to accompany him to the Questura. Floridia, still holding the pistol in his hand, accompanied Martin along via S. Carlo, followed by a large crowd of soldiers, sailors and civilians, until they arrived at the entrance to Galleria Umberto 1, which is directly opposite to San. Carlo Theatre. On arrival at the entrance to Galleria Umberto 1 Martin spoke to P.S. Agent Floridia, in Italian, and asked him to give him the pistol, but the P.S. Agent refused, whereupon Martin, with the intention of disarming him kicked him twice in the groin. The P.S. Agent then adopted a crouching position; swung round and pointed the pistol at Martin in a threatening manner.

At this moment another Public Safety Agent named Paco, came on the scene and Martin seized hold of him and pulled him in between Floridia and himself in order to protect himself. P.S. Agent Floridia then ran into the arcade followed by Martin and the crowd. In the meantime Stoker Benttice, who since the incident had been mingling with the crowd, had obtained from an Italian military vehicle, an Italian Carbine, which he handed to Martin. Martin fired the bayonet of this Carbine and followed Floridia into the Galleria Umberto 1. Whilst in the Galleria Umberto 1 Floridia fired a shot in the air in order to intimidate the crowd who by this time were very hostile and were throwing anything they could lay their hands on at him. Floridia seemed to steady the crowd and Floridia made good his escape through the Galleria Umberto 1 into S. Brigida, hotly pursued by Martin and the crowd.

In S. Brigida Martin fired a shot in the air to clear the crowd and he followed Floridia into Via G. Verdi, mounted a TD. 3 ton lorry and fired two shots from the lorry in the direction of the fleeing P.S. Agent, but the Agent did not stop and continued into Via Quantai Nuovi, making for the Questura.

Continued Sheet 2.

SHEET 3.

When FLORIDIA was near to the Questura Building it was thought that the Agent had run into a block of flats in Via Fiorentini, at the rear of the Questura Building, consequently Martin with the crowd following entered the building. By this time the American Military Police had arrived on the scene; Martin handed over the Carbine to them and they took charge of the situation.

The American Police then made a systematic search of this block of flats but failed to find any trace of the Agent FLORIDIA. During this search they tried to enter the flat of an Italian Civilian named INGEGNO, but they were prevented from doing so by INGEGNO placing a bar behind the door and placing his body behind the door also. One of the American Police, however, fired a shot through the door wounding INGEGNO through the buttock. He was attended to by the American Police who later took him to hospital. As there were only American Police involved in this incident they took charge of the investigation and are in possession of the full facts.

In the meantime, however, it was ascertained that P.S. Agent FLORIDIA had arrived at the 'Melicrinis' Barracks, Vareso, Naples, where he is billeted and had reported to Captain Dr. MARANGIO, Esio, who ordered him to remain in barracks. Eventually the Special Investigation Section of the American Military Police were informed and Corporal Weiss immediately visited the barracks and a statement was obtained from FLORIDIA by his Commanding Officer Major LUZIO, Concese. FLORIDIA then handed to Cpl. Weiss his Beretta pistol and at the same time he told Cpl. Weiss that it was the pistol with which he had shot the British Sailor. Cpl. Weiss unloaded the pistol and found that it contained 6 rounds in the magazine. Major Musio then, at the request of Cpl. Weiss, ordered FLORIDIA to report to the Special Investigation Section of the American Police at 14.00 hours, Monday, 2 October 44.

At 18.15 hours, Sunday, 1 October, 44, a Post Mortem was held on the body of A.B. Bebbington and death was diagnosed as having been caused by gunshot wound (pistol) in the abdomen. Lieut. Colonel Ashcroft A/Officer i/c. Surgical Division performed the Post Mortem and he recovered from the body a pistol bullet but, unfortunately, this has been mislaid at the 65th. (Br) Gen. Hospital and consequently cannot be produced.

At 14.00 hours, Monday, 2 October, 44, in company with Sgt. Ordway of this Section, I visited the H.Q. of the American Special Investigation Section, Questura Building, Naples, and there saw the Public Safety Agent FLORIDIA. I conducted him to Major Luckman, Public Safety Officer for Naples City, acquainted him of the facts of the case, but he referred me to Major Richardson, Public Safety

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the Public Safety Agent Florida, I conducted him to Major Luckman,
Public Safety Officer for Naples City, acquainted him of the facts
of the case, but he referred me to Major Richardson, Public Safety
Officer at the H.Q. Southern Region I/O, and he ordered that
FLORIDA be kept in arrest pending the result of this investigation.
FLORIDA was then handed over to Lieutenant Roniglione of the
R. Questura, Naples, to be kept in custody.

The Beretta pistol No. 991179 from which the shot was fired
and the Italian Carbine, used by A.B. Martin are now deposited at
this office, for production, if necessary.

Extensive enquiries have been made in this case and numerous
statements have been taken by this Section and the R. Questura: from
these it will be seen that all the Allied Military personnel who
witnessed the occurrence definitely state that although Bobbington,
after assaulting the civilian Berra and P.S. Agent Musco, went
towards P.S. Agent Florida in a threatening manner he did not
assault or seize hold of him in any way and there was in fact a
short distance between them when the shot was fired. This is
entirely contrary to the statement of Florida who alleges that
Bobbington seized him by the throat and his pistol was fired
accidentally.

Continued sheet 4.

SHEET 4.

Furthermore, the evidence of Bozza, the Italian Civilian, corroborates that of the Allied Military personnel and his statement was taken by an Italian Public Safety Official.

All the statements taken by the R. Questura from actual eye witnesses of the occurrence, with the exception of that of BOZZA, have been checked and in each case a fresh statement obtained due to the fact that on being interrogated again they all either state that they did not see Bebbington assault Florida or that he definitely did not assault Florida.

P.S. Agents Pace and Abbato were not interviewed owing to the fact that they were not at the scene when Bebbington met his death.

In view of the above circumstances it would appear that a charge, under the Allied Military Government's Proclamation No.2, Article 1, Section 16, of killing a member of the Allied Forces could be preferred against P.S. Agent Florida.

P.S. Agent ABBATE alleges that he was assaulted by members of the Allied Forces whilst he was on duty near the Piazza Municipio and whilst the crowd were chasing P.S. Agent Florida. During the course of this enquiry I have been unable to ascertain how he met with his injuries, but they were, in all probability, caused by Allied Military personnel in the crowd who were in a revengeful mood after what had taken place just previously.

Major Richardson, Regional Public Safety Officer, H.Q., Southern Region, Allied Control Commission, has been contacted and he stated that when the investigation was completed he would consult the Legal Division of A.C.C. for advice regarding this matter and if FLORIDA is brought to trial, he will in all probability, be tried by the Allied Control Commission General Court.

All statements and documents relative to this case are attached hereto.

In the Field.

Whitlock

W. WHITLOCK, W.O. 11,
61 Section, S.I.E.,
C.M. Police, C.M. Force.

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the Allied Control Commission General Court.

All statements and documents relative to this case are
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In the Field.

Whitlock

W. WHITLOCK, W.O. 11,
61 Section, S.I.B.,
C.M. Police, C.M. Force.

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N.P.M'S. Office, Naples.
5 th. October 1944.

Statement of :-

No. C/JX. 140794 Stokes BRATTIN, J.,
Landing Craft Barracks.

At 14.00 hours, on Sunday, 1st. October, 44, I left Landing Craft Barracks in company with A.B. Bebbington. We had a lift in a lorry to the 'Fleet Club' and had a couple of drinks. We then decided to go to the Royal Palace, NAFL. Bebbington stopped behind to talk to some other Ratings and I walked out thinking that Bebbington would soon be following. I walked up to the Royal Palace NAFL. on my own and had a stroll round the NAFL., and then came out. I came out and turned left and there saw Bebbington standing on a corner talking to some other Ratings. The time then would be about 15.50 hours, and I had then been out of Bebbington's company for about a quarter of an hour. I went up to Bebbington and spoke to him and asked him how he was getting on. Bebbington told me that he was OK, and he suggested that we should go to the 'Toledo' area but I persuaded him not to go there. We then crossed the road and Bebbington struck a civilian on the traffic island. I apologised to this civilian and whilst doing so a crowd gathered. Bebbington left me and when I turned round I saw Bebbington going towards an Italian Policeman, who was stood in the Via Roma, in between the opposite footpath and the traffic round about. This Policeman had a pistol in his hand and was holding it in front of him in the direction of Bebbington. I went over and would be about 15 feet behind Bebbington, and as he approached the Civil Policeman he started waving his arms in the attitude of a boxer. When Bebbington was about four feet from the Policeman, it appeared that the Italian Policeman said something to Bebbington and stepped backwards. Bebbington kept on going and the Italian Policeman fired a shot directly at Bebbington and Bebbington fell to the ground. As he fell I was by his side and I turned him on his back to see where he had been shot. By this time A.B. Martin had arrived on the scene and seeing that Bebbington was badly injured, he, Martin, stopped a D. vehicle and I assisted him to put Bebbington on to it. I went up to a stationary vehicle, nearby, and noticed that there were two Italian soldiers sitting in the driver's cab. I also noticed an Italian rifle, which I took possession of and started to run after A.B. Martin, who was by this time chasing the Italian Policeman, near the 'Galleria'. Being that I could not operate the rifle, Martin took it from me. By this time there was a large crowd of people chasing the PL Policeman. An American M.F. came up to me and asked me to accompany him to the Questura, which I did. I have read over the above statement; it is correct and true.

(Signed) J. Beattie.

Statement taken and signature witnessed by Sgt. Wilcock,
in the presence of CSM. Wilcock, both of 64 Section, Special Investigation
Branch, Corps of Military Police.

was holding it in front of him in the direction of Bebbington, and as he approached over and would be about 15 feet behind Bebbington, and as he approached the Civil Policeman he started waving his arms in the attitude of a boxer. When Bebbington was about four feet from the Policeman, it appeared that the Italian Policeman said something to Bebbington and stepped backwards. Bebbington kept on going and the Italian Policeman fired a shot directly at Bebbington and Bebbington fell to the ground. As he fell I was by his side and I turned him on his back to see where he had been shot. By this time A.D. Martin had arrived on the scene and seeing that Bebbington was badly injured, he, Martin, stopped a WD. vehicle and I assisted him to put Bebbington on to it. I went up to a stationary vehicle, nearby, and noticed that there were two Italian soldiers sitting in the driver's cab. I also noticed an Italian rifle, which I took possession of and started to run after A.D. Martin, who was by this time chasing the Italian Policeman, near the 'Galleria'. Being that I could not operate the rifle, Martin took it from me. By this time there was a large crowd of people chasing the FI Policeman. An American M.P. came up to me and asked me to accompany him to the Questura, which I did. I have read over the above statement; it is correct and true.

(Signed) J. Beattie.

Statement taken and signature witnessed by Sgt. C. W. Wilcock, both of 61 Section, Special Investigation Branch, Corps of Military Police.

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7 Br. 1 I. A.D. 4 October, 1944

Statement of :-

No. 1519032 Pte. McMahon, D.,
10 Company, Manchester Regiment,
Attached 7 Br. No. 1 I. A.D.

At 10.00 hours, on Sunday, 1st October, 1944, I left my Unit, on day pass, to go into Naples. I arrived in Naples about 13.15 hours and made my way to the Royal Palace Hotel. I stayed in the hotel until 15.30 hours, and then came out and stood near the Grand Park in Piazza Plebiscite, opposite the Royal Palace. As the traffic was so catch was not due until 17.00 hours I stood opposite the entrance to the Palace, watching passing traffic. I saw on the opposite side of the road, and in front of the Royal Palace, a British Sailor, who appeared to be slightly under the influence of drink. He was walking towards the hotel. When nearing the French Sentry at the front of the Palace, he attempted to strike him with his fist but the French Sentry caught the Sailor a glancing blow with the butt end of his rifle. They then went into a crouch and another British Sailor who was following close behind separated them. I then went over to the scene and the French Sentry straightened his clothing and both Sailors departed towards the entrance to the hotel. I followed at a distance of about ten yards until we got to the corner of the Royal Palace, near the hotel entrance. The two Sailors remained on the corner for a few moments, when suddenly the Sailor who had attempted to strike the French Sentry went across the road, in a sort of half walk half stagger, and when he was at the traffic light he attempted to strike a civilian who was walking in the opposite direction. He then continued on and made for the Italian traffic Policeman who was directing the traffic in between the traffic island and Via Roma, closely followed by the other British Sailor. The first British Sailor then struck at the Italian Policeman and knocked his hat off which rolled about four or five yards away. The Policeman also staggered back. The Policeman then picked up his hat and then made a kick at the British Sailor. At the same time another Italian Policeman came from the footpath in Via Roma to the assistance of the traffic Policeman. As the second Policeman left the footpath he drew his pistol, holding it in front of him. Then as was about four feet from the British Sailor he fired his pistol and the Sailor fell to the ground. When the Sailor saw the Italian Policeman with his pistol drawn he made towards the Policeman as if to run his intention to disarm him. I immediately rushed over to the Sailor along with some more Sailors and I could see that the Sailor had been shot in the stomach. I then helped to stop a PM. vehicle and assisted to put the injured Sailor out. I also went with the PM. to the General Hospital, where the Sailor was detained. After the Italian Policeman had fired the shot he ran away. I have read over the above statement; it is correct and true.

(Signed) D. McMahon.

attempted to strike a civilian who was walking in the opposite direction. He then continued on and made for the Italian traffic Policeman who was directing the traffic in between the traffic island and Via Roma, closely followed by the other British Sailor. The first British Sailor then struck at the Italian Policeman and knocked his hat off which fell about four or five yards away. The Policeman also staggered back. The Policeman then picked up his hat and then made a kick at the British Sailor. At the same time another Italian Policeman came from the footpath in Via Roma to the assistance of the traffic Policeman. As the second Policeman left the footpath he drew his pistol, holding it in front of him. Then he was about four feet from the British Sailor he fired his pistol and the Sailor fell to the ground. When the Sailor saw the Italian Policeman with his pistol drawn he made towards the Policeman as if it was his intention to disarm him. I immediately rushed over to the Sailor along with some more Sailors and I could see that the Sailor had been shot in the stomach. I then helped to stop a PJ. vehicle and assisted to put the injured Sailor out. I also went with the PJ. to the 65 General Hospital, where the Sailor was detained. After the Italian Policeman had fired the shot he ran away. I have read over the above statement; it is correct and true.

(Signed) D. McManis.

Statement taken and signature witnessed by SSG, Andrew Wilcock, both of 61 Section, Special Investigation Branch, Corps of Military Police.

5187

1st. October, 1944.

BOZZA, Guido, Born 1901,
49, Via Nicola Garzilli,
Palermo, (Sicily).

Statement of :-

This afternoon, at about 16.00 hours, I was walking on the San Ferdinando Square, with my friend PASTA, Salvatore, of 52, Via Dante, Palermo, Sicily, when I was approached by a British Sailor. Thinking he was going to ask for some information I stopped but the sailor suddenly hit my face with his fist. After a moment of uncertainty and seeing that the sailor was preparing for another go I tried to walk off and to make him understand that as I wore glasses he could injure me severely. The sailor then chased my friend who had walked away and hit him in the back and my friend ran away. At about 20 metres distance there was a Metropolitan Policeman on duty, and as I approached him with a view to get some sort of protection. But then without any reason at all the sailor dashed at the Policeman and hit him, cowardly in the jaw with his fist with such violence as to send him rolling on the pavement. I bare three or four steps further there was another Metropolitan Policeman standing and the Englishman went for him too, but he was compelled to stop as the second Policeman, in face of the odds against him drew his pistol. A crowd of British and American soldiers backed the sailor goading him forward against the Metropolitan Policeman, who, hoping to find a favourable intervention, from somewhere, continued walking backwards as far as possible, but in view of the insistence of the other, who was on the point of rushing at him, he fired point blank at the sailor who collapsed immediately. He was lifted by his companions; put on a small truck and carried away. At this point a hell broke out as the ever increasing multitude of soldiers tried to lynch the Policeman. This latter, still holding his pistol in his hand, and having at his side his companion, who had rolled on the pavement before, with great cool headedness reached an automobile, which I think belonged to the British Consulate, and shot to the driver to rush away, but some Americans jumped on the sideboard of the car and forced the Policeman down. This latter without losing his cold blood crossed over and stood with his back to the wall, holding the aggravated crowd of soldiers at bay with his pistol. He waited there for his companion and then walked backwards with great precaution towards the Questura. Before the two Metropolitan's could reach the arcade the Americans' got hold of the disarmed Policeman, but I do not know what happened to him further because I was anxious to

his fist with such violence as to send him three or four steps further there was another Metropolitan Policeman standing and the Englishman went for him too, but he was compelled to stop as the second Policeman, in face of the adds against him drew his pistol. A crowd of British and American soldiers backed the sailor goading him forward against the Metropolitan Policeman, who, hoping to find a favourable intervention, from somewhere, continued walking backwards as far as possible, but in view of the insistence of the other, who was on the point of rushing at him, he fired point blank at the sailor who collapsed immediately. He was lifted by his companions; put on a small truck and carried away. At this point a hell broke out as the ever increasing multitude of soldiers tried to lynch the Policeman. This latter, still holding his pistol in his hand, and having at his side his companion, who had rolled on the pavement before, with great coolness reached an automobile, which I think belonged to the British Consulate, and shot to the driver to rush away, but some Americans jumped on the sideboard of the car and forced the Policeman down. This latter without losing his cold blood crossed over and stood with his back to the wall, holding the aggravated crowd of soldiers at bay with his pistol. He waited there for his companion and then walked backwards with great precaution towards the Questura. Before the two Metropolitan Policemen could reach the arcade the Americans got hold of the disarmed Policeman, but I do not know what happened to him further because I was anxious to be helpful by a truthful narration of the facts with regard to the Policeman who shot the sailor. In the arcade the soldiers used whatever they could lay their hands on as stones, bottles, snatched from the tables of the Bars, chairs, tables, hurling them at the Metropolitan, who in order to frighten them fired another shot in the air. At this moment I saw an American soldier rush at the Policeman with a rifle and bayonet. I do not know how the incident ended. I have read over the above statement and confirm same by signature hereunder.

(Signed) Guido, BOZZA,
fu Francesco.

Courtesy signed RUGALIA, Paolo,
Maresciallo of P.S.

5182
I hereby certify that the above is a true translation of
the original statement to the best of my knowledge and ability.

A. EPREM Interpreter,
61 Section, S.I.B.,
C.M. Police.

Statement of :-

12th. October, 1944.

MUSSO, Giuseppe, Born 1913,
3rd. Company, Naples Centre.

On Sunday, 1st. October, 1944, I was on road traffic duty at Piazza Trieste a Trento, outside the San Bernardino Church, from 13.00 to 19.00 hours. At a few minutes past 16.00, whilst I was standing towards Via Roma, to check the motor vehicles coming down from the streets, I was suddenly assaulted by three Allied Military persons. I received a blow on my left jaw so violent that I collapsed without being able to understand what was happening to me. I got to my feet, but received another push that sent me again to the ground. I was standing from the mouth. My colleague, RUPREDA, who was on traffic duty at the beginning of Via Roma, on seeing the scene came to see what was happening. The soldiers then left me dizzy lying on the ground and went towards my colleague. This latter drew his pistol and shouted repeatedly (Stop stop) but the soldiers did not take any notice and advancing towards him assaulted him. After a few seconds I heard a shot, I do not know who fired because I was dizzy in the head and could not see well. I did not see anything else as I went and reported to my office at Naples Central, and from there I was taken to Loreto Hospital, where I was dressed. I have read over my above statement; it is correct and true.

(Signed) MUSSO, Giuseppe,
Policeman.

12th. October, 1944.

MARACCHI, Vincenzo, Born 1885,
12, Calate S. Mattia, Naples.

Statement of :-

I am a bootblack at the corner of Via Carlo de Cesare (Carminello) in Via Roma. On Sunday October 1st. I was at work at my corner at about 16.00 hours, when I heard the noise of a scuffle. I turned round and saw a group of British sailors and soldiers surrounding a Policeman on traffic duty, they assaulted and struck him and pushed his cap off which went rolling on the pavement. Then I saw a sailor who jumped forward against the Guard, who kept retreating, and he put his hand round his neck. At this moment there was much confusion about the sailors, soldiers and civilians and a few more P.S. Guards were thronging so that I could not see well what was happening, when I suddenly heard a pistol shot; the crowd cleared for a moment on hearing the shot and I could thus see a British sailor lying on the ground at about 3 metres distance from

who fired because I was dizzy in the head and did not see anything else as I went and reported to my office at Naples Central, and even there I was taken to Loreto Hospital, where I was dressed. I have read over my above statement; it is correct and true.

(Signed) MUSCO, Giuseppe,
Police.

12th. October, 1944.

Statement of :-

MATACCHIA, Vincenzo, Born 1883,
12, Calata S. Mattia, Naples.

I was a Bootblack at the corner of Via Carlo de Cesare (Camminello) in Via Roma. On Sunday October 1st, I was at work at my corner at about 16.00 hours, when I heard the noise of a scuffle. I turned round and saw a group of British sailors and soldiers surrounding a Policeman on traffic duty, they assaulted and struck him and knocked his cap off which went rolling on the pavement. Then I saw a sailor who jumped forward against the Guard, who kept retreating, and he put his hand round his neck. At this moment there was much confusion about our sailors, soldiers and civilians and a few more P.S. Guards were thronging so that I could not see well what was happening, when I suddenly heard a pistol shot; the crowd cleared for a moment on hearing the shot and I could thus see a British sailor lying on the ground at about 3 metres distance from the Guard, who was holding his pistol in his hand. I have previously made a statement at the Central Questura, but as I cannot read and my statement was not read over to me I did not know what was contained therein. Now that I have had the statement read over to me it is untrue. The above statement has been read over to me, I have perfectly understood its meaning; it is true and correct.

(Signed) MATACCHIA, Vincenzo,

Statements taken and signature witnessed by A. Felli, Principal Interpreter, in the presence of CSI. Wilcock, and Sgt. Ordway, 64 Section, S.I.B., C.M. Police.

I hereby certify that the above is a true translation to the best of my knowledge and ability.

A. Felli, Interpreter,
64 Section, S.I.B., C.M. P.

9
N.P.M.'s. Office, Naples.
5th. October, 1944.

Statement of :-

No.C/JX. 354191 A.B. MARTIN, P.,
Landing Craft Barracks.

At 13.15 hours, on Sunday, 1st. October, 44, I left the LOB., in company with L/S. Mc.Gregor. We made our way to the 'Pilot Club' and walked up to the NAFLI. Seeing that we were too early for drinks we decided to go somewhere else. As we came out of the NAFLI, I saw A.Ds' Bebbington and Beattie standing outside, so we stood talking to them. Whilst I was stood near the NAFLI, I saw Bebbington go across the road followed closely by Beattie. When they reached the traffic island I saw Bebbington strike two civilians. He then went over to an Italian Policeman who was on traffic duty, in between the traffic island and the footpath in Via Roma, and strike him, knocking his hat off, I immediately ran over but by the time I got there I saw another Italian Policeman in the roadway with his pistol drawn and Bebbington was making for him as if to disarm him. As Bebbington got within about four feet of the Policeman, the Policeman fired a shot at Bebbington and he fell to the ground. When Bebbington was shot I was right by his side and he did not strike or molest the second Policeman in any way at all. I immediately attempted to pick Bebbington up, but found that he was badly wounded and I stopped a WD. FU. vehicle and asked the driver to convey Bebbington to Hospital. As soon as the FU. had gone I looked round for the Italian Policeman and I saw him just in the act of getting into a private car that was facing the sea front. I rushed over and got in the car, which was by this time moving off. I ordered the driver to stop, which he did, and I told the Policeman to accompany me to the Questura. The Policeman and myself got out of the car and I noticed that he still had his pistol in his hand and was pointing it at me. We started to walk in the direction of the S. Carlo Theatre. By this time a large crowd had assembled and were following and some of the crowd were shouting, telling the Policeman to put his pistol away. The Policeman did not take any notice and had his pistol pointing towards the crowd. Eventually we arrived at some steps that lead to the 'Galleria Umberto I'. There I spoke to the Policeman in Italian and told him to put his pistol away or give it me, but he refused. I, therefore, kicked out at him and caught him in the groin. The Policeman turned round in a crouching position and pointed the pistol at me. At this moment another Italian Policeman arrived and I grabbed hold of him and placed him in between the Policeman with the pistol and myself, and I stepped back. The one with the pistol still came forward in a menacing attitude. The one that had done the shooting then turned round and ran through the 'Galleria Umberto I'. A.B. Beattie then came up to me with an Italian carbine and I took it from him. Just at this moment two more shots rang out so I ran into the Arcade with the rifle at the alert and gave chase. I ran through the Arcade and came out into the street again. I then fired one shot into the air to clear the large crowd. I then jumped onto a 5 ton lorry and fired two shots in the direction of the fleeing Policeman. I jumped off the lorry, turned right and ran down a side street, in between the Questura

and asked the driver to convey Babbington to Hospital. As soon as the P.O. had gone I looked round for the Italian Policemen and I saw him just in the act of getting into a private car that was facing the sea front. I rushed over and got in the car, which was by this time moving off. I ordered the driver to stop, which he did, and I told the Policeman to accompany me to the Questura. The Policeman and myself got out of the car and I noticed that he still had his pistol in his hand and was pointing it at me. We started to walk in the direction of the S. Carlo Theatre. By this time a large crowd had assembled and were following and some of the crowd were shouting, telling the Policeman to put his pistol away. The Policeman did not take any notice and had his pistol pointing towards the crowd. Eventually we arrived at some steps that lead to the 'Galleria Umberto I'. There I spoke to the Policeman in Italian and told him to put his pistol away or give it me, but he refused. I, therefore, kicked out at him and caught him in the groin. The Policeman turned round in a crouching position and pointed the pistol at me. At this moment another Italian Policeman arrived and I grabbed hold of him and placed him in between the Policeman with the pistol and myself, and I stepped back. The one with the pistol still came forward in a menacing attitude. The one that had done the shooting then turned round and ran through the 'Galleria Umberto I'. A.B. Beattie then came up to me with an Italian carbine and I took it from him. Just at this moment two more shots rang out so I ran into the Arcade with the rifle at the alert and gave chase. I ran through the Arcade and came out into the street again. I then fired one shot into the air to clear the large crowd. I then jumped onto a 3 ton lorry and fired two shots in the direction of the fleeing Policeman. I jumped off the lorry, turned right and ran down a side street, in between the Questura and the American Red Cross. I then saw the Policeman enter a block of flats and I entered as well. Just as I was about to climb the stairs, the Italian Policeman turned round and fired at me. I turned back and came out of the building and by this time the American MGB, had arrived and I informed them what had occurred and handed them the rifle.

I have read over the above statement; it is correct and true.

(Signed) F. Martin.

Statement taken down in writing by Sgt. Ordway, and 193

signature witnessed by Cpl. Wilcock, both of 61 Section, Special

Investigation Branch, Corps of Military Police.

N.P.M.'s Office, Naples.
3 Oct. 44.

Statement of :-

No. F/JX. 14785 L/S. Lic. Gregor, C.,
Landing Craft Barracks.

On Sunday, 1st. October, 44, I left the Landing Craft Barracks about 15.00 hours, accompanied by A.B. Martin, and we went to the 'Fleet Club' in Naples. We remained in the 'Fleet Club' for a couple of hours, and during this time we both consumed a couple of bottles of Canadian beer. Whilst we were there I saw A.B. Debbington and chipped him about it being his birthday. Martin and I then left the 'Fleet Club' about 15.30 hours and made our way towards the Royal Palace MAFI. We went in the MAFI., had a look round and came out. As we came out I saw A.B. Debbington and Beattie stood on the corner. Both Martin and I spoke to them for a few seconds and then we all decided to part company. Debbington and Beattie left us and went towards the traffic island at the bottom of Via Reale. Martin and I remained talking on the corner of the MAFI, when I saw a crowd near the traffic island. Martin left me and ran across the road and I followed at a walking pace, and when I got to the traffic island I saw A.B. Debbington in the roadway in between the traffic island and Via Reale. Debbington was waving his arms in the air and was making his way towards an Italian Policeman. The Policeman had a revolver in his hand and was pointing it at Debbington. As Debbington made towards the Policeman, the Policeman stepped back, when suddenly the Policeman fired a shot and Debbington fell to the ground. I did not see Debbington strike or molest the Policeman in any way. After he had fired the shot he ran away and jumped on a passing motor car. Martin got in the car and made the Policeman get out of the car and they walked down the street together towards the S. Carlo Theatre followed by a large crowd. During this time the Policeman was holding the pistol in his hand. When they got to the steps that lead to the 'Galleria Umberto', Martin, in an attempt to disarm the Policeman, kicked the Policeman in the groin. The Policeman swung round and pointed the pistol at Martin. By this time another Italian Policeman arrived on the scene and Martin grabbed him and called him in between the Policeman with the pistol and himself. The Policeman with the revolver then turned and ran followed by the crowd. I mingled with the crowd when suddenly a couple of rifle shots rang out and they seemed to be fired in the direction of where the Policeman had run. Eventually, with the crowd, I arrived at the Quersura after which I returned to Landing Craft Barracks.

I have read over the above statement; it is correct and true.

(Signed) C. L. Gregor.

Statement taken and signature witnessed by Sgt. Ordway, in the presence of CSM. Wilcock, both of 61 Section, Special Investigation Section, Corps of Military Police.

got out of the car and they walked down the street together towards the S. Carlo Theatre followed by a large crowd. During this time the Policeman was holding the pistol in his hand. When they got to the steps that lead to the Galleria Umberto I, Martin, in an attempt to disarm the Policeman, picked the Policeman in the groin. The Policeman swung round and pointed the pistol at Martin. By this time another Italian Policeman arrived on the scene and Martin grabbed him and called him in between the Policeman with the pistol and himself. The Policeman with the revolver then turned and ran followed by the crowd. I mingled with the crowd when suddenly a couple of rifle shots rang out and they seemed to be fired in the direction of where the Policeman had run. Eventually, with the crowd, I arrived at the Quacquare after which I returned to Landing Craft Barracks.

I have read over the above statement; it is correct and true.

(Signed) C. L. C. Gregor.

Statement taken and signature witnessed by Sgt. Ordway, in the presence of Cpl. Willcock, both of 64 Section, Special Investigation Branch, Corps of Military Police.

211

Savane Lamine

at 1600 hrs Sat
21.10.44 he was approached
by 6 men of S. Germain
- and P.S. 8th and a
P.S. Agent in plain clothes
No 6296, and asked him
to make another statement
and told he that he
must say that the
British sailor got hold
of the Palmgren who fired
the shot, by the throat
and that he must
support the Italians
and not the British.
He refused - they took
away his weapons &
told him if he tried
to re-obtain possession
of it they would fire
him.

5170

1137

SAVARESE Carroll

Afternoon U. hrs. 21. 10. 14
Pinto, Thaxil.

— Name: FERDINANDO S.
J. B. Aquino. 6296

21. 10. 14
L. C. in
P. in 1. 21

11th. October, 1944.

Statement of :-

SAVARESE, Carmine, 38 years,
20, Piazza Carlo 11.
Naples.

On Sunday, 1st. October, 44, at about 16.30 hours. I was outside the Church of Piazza Trieste a Trento, when I saw two Allied soldiers, in dark uniforms wearing white caps, on the traffic island in the centre of the Square. One of these Sailors was walking towards his mate all the time. This first sailor went to a gentleman standing on the island and boxed him, and the gentleman went away. The same Sailor then went to a Policeman, on traffic duty, and punched him as well. The Guard fell on the ground bleeding from his mouth, and his cap went rolling on the pavement. Then he got up again and ran away towards Via Roma. The same sailor then went to the other traffic Policeman, in uniform, and I saw the movement the Sailor made to jump at the throat of the Policeman and box him too, but owing to the great disorder I did not see whether or not, he seized him really by the throat or hit him. I only saw the movement he made. I saw that the Guard had drawn his pistol, but by then the crowd had grown enormously and the Policeman was surrounded by Allied soldiers and I could not see what happened, exactly, afterwards. I heard the civilian crowd shout to the Policeman 'Fire Fire'. At this moment I heard a shot, but owing to the confusion I could not see anything else but the Sailor stretched on the ground and the two Guards, one unnamed and the other with his pistol drawn, who were retreating, in front of the multitude of Allied soldiers; the one with the pistol keeping the soldiers at bay. They thus retreated towards the San Carlo, followed by the crowd and I lost them from sight. I have previously made a statement to the Questura where, erroneously I said that I had seen the Sailor seize the Policeman by the throat and strangle and box his face. But this is not correct as I only wished to imply that I had seen the sailor's gesture to punch upon the body of the Policeman and hit him, but I cannot say I saw the Policeman actually being seized by the throat by the Sailor now that the sailor's fist landed on the Policeman's face. I am making this statement spontaneously and by my own free-will. I have read over the above statement; it is correct and true.

(Signed) SAVARESE, Carmine.

1 1 3 9

Policeman was surprised. I heard the civilian crowd happened, exactly, afterwards. At this moment - heard a shot, but owing the Policeman 'Fire Fire'. I could not see anything else but the Sailor stretched to the confusion I could not see anything else but the other with his on the ground and the two Guards, one unnamed and the other with his pistol drawn, who were retreating, in front of the multitude of Allied soldiers; the one with the pistol keeping the soldiers at bay. They thus retreated towards the San Carlo, followed by the crowd and I lost them from sight. I have previously made a statement to the Questionnaire where, erroneously I said that I had seen the Sailor seize the Policeman by the throat and strangle and box his face. But this is not correct as I only wished to imply that I had seen the sailor's gesture as pouncing upon the body of the Policeman and hit him, but I cannot say I saw the Policeman actually being seized by the throat by the Sailor nor that the sailor's fist landed on the Policeman's face. I am making this statement spontaneously and by my own free will. I have read over the above statement; it is correct and true.

(Signed) SAVARESE, Commune-

Statement taken down in Italian and signature witnessed
by A. EPFELI, Official Interpreter, in the presence of C.S.M. W. Wilcock,
and Sgt. H. Ordway, all of 61 Section, S.I.B., C.M. Police.

I hereby certify that the above is a true translation to
the best of my knowledge and ability.

A. EPFELI, Interpreter,
61 Section, S.I.B.,
C.M. Police.

5172

12

11th. October, 1944.

Statement of :-

SAVARESE, Luigi, 40 years,
11, Via Veterinaria, Naples.

On Sunday, 1st. October, 1944, at about 16.30 hours, I was outside the Church on Piazza Trieste a Trento, with my brother, a strolling photographer. On looking towards the traffic island, in the centre of the square I saw two Allied sailors, in dark uniforms and white caps, one walking ahead and the other behind him. The first sailor went to a gentle man standing there and boxed him, and the gentleman went away to avoid further blows. Then the same sailor, still followed by his mate went to a uniformed Guard, who was on traffic duty on the square, and hit him in the face with his fist; the Guard went to the ground and his cap rolled away on the pavement. But then the Guard got up and bleeding from his mouth and nose went towards Via Roma to another uniformed Guard, also on traffic duty. By this time quite a crowd of Allied soldiers had gathered round the opponents, whilst a crowd of civilians was watching from a distance. The first sailor, still followed by the other went to the second Guard too, and made a movement as if to jump on the Guard and hit him with his fist, but owing to the uproar the crowd and the distance, I am not able to say that I actually saw the Guard being seized by his throat by the sailor nor receive the sailor's blows. Meanwhile I saw this second Guard had drawn his pistol to intimidate the soldiers, but the sailor continued to advance. In the midst of this flurry I suddenly heard a shot, I do not know who fired nor did I see anything else at that moment because of the general rush and panic. I then saw the two Policemen again; one of them pointing his pistol at the Allied soldiers to keep them off and both of them walking backwards heading for S. Carlo. At this point I left the scene and know nothing else. I have previously given to the S. Ferdinando P.S. Section a statement in which it is said, erroneously, that I have seen the sailor squeeze the Policeman's throat and hit the Policemen with his fist. This is untrue as I cannot say in conscience that I actually saw this. I only saw a general struggle and pushing about in the crowd. I also repeatedly noticed the sailor's movement to throw himself at the Policemen, but owing to the confusion and the crowd that had assembled I could not see anything else. I have read over the above statement; it is correct and true.

(Signed) SAVARESE, Luigi.

Statement taken down in Italian and signature witnessed by

Guard had drawn his pistol to intimidate the soldiers, but the sailor continued to advance. In the midst of this flurry I suddenly heard a shot. I do not know who fired nor did I see anything else at that moment because of the general rush and panic. I then saw the two Policemen again; one of them pointing his pistol at the Allied soldiers to keep them off and both of them walking backwards heading for S. Carlo. At this point I left the scene and know nothing else. I have previously given to the S. Ferdinando P.S. Section a statement in which it is said, erroneously, that I have seen the sailor squeeze the Policemen's throat and hit the Policeman with his fist. This is untrue as I cannot say in conscience that I actually saw this. I only saw a general struggle and pushing about in the crowd. I also repeatedly noticed the sailor's movement to throw himself at the Policeman, but owing to the confusion and the crowd that had assembled I could not see anything else. I have read over the above statement; it is correct and true.

(Signed) SAVARONE, Luigi.

Statement taken down in Italian and signature witnessed by
A. ERMI, Official Interpreter, in the presence of CSM. W. Willcock, and
Sgt. H. Ordway, all of 61 Section, S.I.B., C.M.F., on the 11th. October,
1944.

I hereby certify the above to be a true translation to the
best of my knowledge and ability.



A. ERMI, Interpreter,
61 Section, S.I.B.,
C.M. Police.

5174

13.

10th: October, 1944.

Statement of :-

PISCITELLI, Vincenzo, born 1910,
17, Via Emanuele Gianturco,
SODCAVO, (Province of Naples).

On Sunday, 1st. October, 1944, I was at the corner of Via Nardones, Via Roma, Naples, with my stall of pocket lamps. At about 16.00 hours, I noticed a group of 6 to 7 British soldiers and sailors, one in uniform, who was on point duty at Piazza Trieste a Trento,; he slapped his face and knocked him down. A hubbub followed and a crowd gathered on the spot. At this moment from the vicinity of the Church another uniformed P.S. Guard came running to the scene and the same sailor reached out for him too with his clenched fist, but I did not see if he actually hit him. The other Policeman who had been knocked down got to his feet and ran away. The second Policeman then drew his pistol, and on seeing this the sailor again stretched out his arm to hit him with his clenched fist, but again I did not see his fist actually hit the Policeman. At this juncture seeing a confusion and the multitude of soldiers surrounding the Policeman, as well as the pistol in this latter's hand, I was afraid and stooped to pick up my stall and was running away when suddenly I heard a pistol shot. I now find that the statement I gave at the Questura is untrue, inasmuch as I never said that all the sailors assaulted and struck the second Policeman nor did I state having seen the sailor's fist (one sailor only) actually hit the second Policeman's face. I saw the sailor thrust his arm out to hit the Policeman, but owing to the distance I could not see whether he actually hit him. I am making this statement quite voluntarily as this is the bald truth. The above statement has been read over to me; I have perfectly understood its meaning and confirm that same is true and correct.

X Cross mark of PISCITELLI, Vincenzo,
Illiterate.

Statement taken down in Italian and cross mark of PISCITELLI, Vincenzo, illiterate, witnessed by A. EPREM, Official Interpreter, in the presence of CSM, W. Willcock, and Sgt. H. Ordway, all of 61 Section, S.I.B., C.M.P., on 10th, October, 1944, at 12.00 hours.

1 1 4 3

as well as the pistol in this latter's hand, I heard a pistol shot. I pick up my stall and was running away when suddenly I heard a pistol shot. I now find that the statement I gave at the Questura is untrue, inasmuch as I never said that all the sailors assaulted and struck the second Policeman nor did I state having seen the sailor's fist (one sailor only) actually hit the second Policeman's face. I saw the sailor thrust his arm out to hit the Policeman, but owing to the distance I could not see whether he actually hit him. I am making this statement quite voluntarily as this is the bald truth. The above statement has been read over to me; I have perfectly understood its meaning and confirm that same is true and correct.

X Cross mark of PISCITELLI, Vincenzo,
Illiterate.

Statement taken down in Italian and cross mark of PISCITELLI, Vincenzo, illiterate, witnessed by A. EPREM, Official Interpreter, in the presence of CSI, W. Willcock, and Sgt. H. Ordway, all of 61 Section, S.I.B., C.M.P., on 10th, October, 1944, at 12.00 hours.

I certify that the above is a true translation to the best of my knowledge and ability.

REP. C.M.
A. EPREM, Interpreter,
61 Section, S.I.B.,
C.M. Police.

5173

10th. October, 1944.

Statement of :-

PASTORE, Aldo, 17 years,
95, Via Nardones, Naples.

On Sunday, 1st. October, 1944, at about 16.00 hours, I was at the corner of Via Nardones, where I work as a bootblack, - when I saw 6 or 7 British soldiers and sailors. One of these sailors was intoxicated and kept ahead of the others all the time. They all crossed the Piazza Trieste a Trento from Van Bolà Feste's Bar right across to the lemonade seller's adjoining the Church. There was a bald headed gentleman standing there, and the above mentioned sailor gave him a sock in the face, and the gentleman went away. The sailor then went over to a uniformed Guard standing close by the lamp post there and hit him in the face with his fist, upon which the Guard reeled and fell, but then got up again; he had blood on his face round his mouth, and went to his mate, another Guard, on traffic duty in S. Ferdinando Square. The British soldiers, still headed by the sailor followed him and the other Guard on seeing them come, ran away. Quite a large crowd formed and a great confusion ensued. As I had no shoes I kept back from the crowd lest someone should tread on my bare feet, so that I could not see what happened further. It was not until a wave movement of the multitude pushed me forward again that I could see a Guard - I do not know if it was the one who had collapsed before, or the other who was directing the traffic - surrounded by British and American soldiers. I saw the Guard had his pistol in his hand and was about 1 metre distance from the sailor. I did not see the sailor jump at the Policeman nor take this latter by the throat. At the above said distance of about 1 metre the Policeman shot at the sailor, who fell with his face to the ground and the Guard ran away. I could see nothing else so I returned to my work.

I have given before a statement to the Maresciallo of the Questura, Section of S. Ferdinando, saying I had seen the sailor jump at the throat of the Policeman who fired the shot, in order to strangle him, but this statement is untrue because I did not witness such circumstance. I have read over my above statement; it is correct and true.

(Signed) PASTORE, Aldo.

then come, ran away. Quite a large crowd ensued. As I had no shoes I kept back from the crowd lest someone should tread on my bare feet, so that I could not see what happened further. It was not until a wave movement of the multitude pushed me forward again that I could see a Guard - I do not know if it was the one who had collapsed before, or the other who was directing the traffic - surrounded by British and American soldiers. I saw the Guard had his pistol in his hand and was about 1 metre distance from the sailor. I did not see the sailor jump at the Policeman nor take this latter by the throat. At the above said distance of about 1 metre the Policeman shot at the sailor, who fell with his face to the ground and the Guard ran away. I could see nothing else so I returned to my work.

I have given before a statement to the Maresciallo of the Questura, Section of S. Ferdinando, saying I had seen the sailor jump at the throat of the Policeman who fired the shot, in order to strangle him, but this statement is untrue because I did not witness such circumstance. I have read over my above statement; it is correct and true.

(Signed) PASTORE, Aldo.

Statement taken down in Italian and signature witnessed by A. EBERM, Official Interpreter, in the presence of CSI. W. Willcock, and Sgt. H. Ordway, all of 61 Section, S.I.B., C.M.P., on October 10th, at 15.30 hrs.

I hereby certify the above to be a true translation to the best of my knowledge and ability.

[Signature]

A. EBERM, Interpreter
61 Section, S.I.B.,
C.M. Police.

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S.S. Denebola, U.S. Navy.
5 October 44.

Statement of :-

6432363 Seaman First Class
J.E. CONSENT,
S.S. Denebola, U.S. Navy.

About 16.00 hours, Sunday, 1st. October, 44, I was walking in the street just off Via Roma, Naples, opposite the C. Carlo Theatre, when I saw a British Sailor walk up to two civilians who were walking near the traffic island and strike both of them. The eye glasses of the second civilian fell to the ground. The British Sailor then walked over to the Italian Traffic Policeman who was controlling traffic at the entrance to Via Roma. The Sailor then struck at the Policeman and knocked his hat off and the Policeman fell to the ground. The Policeman got to his feet and commenced to run away. Just at that moment another Italian Policeman came on the scene and the British Sailor walked towards the Policeman as if he was going to strike him. The Policeman then drew his pistol; took a few paces backwards and the Sailor followed him and when they were about four feet apart, the Policeman fired his pistol at the Sailor and the Sailor fell to the ground. The Policeman then ran to a private car and jumped in it. I then saw a Sailor jump in the car and make the Policeman get out of the car. The next thing I saw was the Policeman walking with another Policeman towards the arcade and kicked at him. The Policeman then pointed the pistol at the crowd that were following. I then got out of the way. I have read over the above statement; it is correct and true.

(Signed) J.E. CONSENT.

Signed and sworn to in my presence.

(Signed) R.E. TELLER.
Lieut. Commander U.S.N.R.

Statement taken and signature witnessed by CSM. Willcock, in the presence of Sgt. Ordway, both of 64 Section, Special Investigation Branch, Corps of Military Police.

1147

when they were about four feet apart, the policeman fired his pistol at the Sailor and the Sailor fell to the ground. The policeman then ran to a private car and jumped in it. I then saw a Sailor jump in the car and make the policeman get out of the car. The next thing I saw was the policeman walking with another policeman towards the arcade. Another British Sailor then went up to the policeman with the pistol, and kicked at him. The policeman then pointed the pistol at the crowd that were following. I then got out of the way. I have read over the above statement; it is correct and true.

(Signed) J.E. CORBETT.

Signed and sworn to in my presence.

(Signed) R.S. PRATER.
Lieut. Commander U.S.N.R.

Statement taken and signature witnessed by Cpl. Willcock,
in the presence of Sgt. Ordway, both of 61 Section, Special Investigation
Branch, Corps of Military Police.

5171

U.S.S. Denebola, 5 Oct. 44.

Statement of :-

No. 9068377 Seaman 1st. Class
BROWN, J.T., Att. U.S.S. Denebola,

On Sunday, 1st. October, 44, I was walking in the street, just off Via Roma, opposite the S. Carlo Theatre. I saw a British Sailor walk up to two Civilians who were walking near the traffic island and strike both of them. I noticed the eye glasses of one of the Civilians fall to the ground. The British Sailor then walked over to the Italian traffic policeman, who was controlling the traffic at the entrance of the Via Roma. The Sailor then struck out at the Policeman and knocked his hat off and the Policeman also fell to the ground. The Policeman got to his feet and started to run up the Via Roma. Then another Italian Policeman appeared on the scene and the British Sailor walked towards him. I did not see the Sailor strike this second Policeman. I then saw this Policeman draw his pistol and take a few paces backwards, and the British Sailor still went forwards towards the Policeman. When the Sailor and the Policeman were about four feet apart, the Policeman fired a shot direct at the Sailor and the Sailor fell to the ground. The Policeman then ran to a private car and jumped out. I saw somebody else jump on the car and make the Policeman get out again. I then saw the Policeman walking with another Policeman towards the Arcade. Another British Sailor went up to the Policeman and kicked out at him. The Policeman who had done the shooting then drew his pistol again and appeared to point it at the large crowd that were following. I then ran out of the way.

(Signed) John Brown.

I have read over the above statement; it is correct and true.

Signed and sworn to in my presence.

(Signed) R.B. Trainer,
Lt. Comdr. U.S. N.R.

Statement taken and signatures witnessed by Sgt. Ordway,
in the presence of CSM. Willcock, both of 61 Section, Special Investigation Branch, Corps of Military Police.

I then ran out of the way.

(Signed) John Brown.

I have read over the above statement; it is correct and

true.

Signed and sworn to in my presence.

(Signed) R.B. Trainer,
Lt. Cmdr. U.S. N.R.

Statement taken and signatures witnessed by Sgt. Ordway,
in the presence of CSM. Willock, both of 64 Section, Special Investigation
Branch, Corps of Military Police.

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N.P.M.S. Office, Naples,
5th. October 44

Statement of :-

ROY M. DAVIS,
Army Transport Corps,
Army Tug L.T. 224, A.P.O. 780.

About 16.00 hours, Sunday, 1st. October, 44, I went out on the balcony of the United States Merchant Seaman's Club, which overlooks the traffic island at the bottom of Via Roma, near the Royal Palace, when I saw a British sailor go up to an Italian Policeman who was in the roadway between the traffic island and Via Roma. The Sailor appeared to say something to the Policeman and then the Sailor put up his fists and at this moment the Italian Policeman drew his pistol; backed away from the Sailor and fired a shot. The Sailor then fell to the ground. When the shot was fired the distance between them would be about 8 feet at the most. I did not see the Sailor strike the Policeman or provoke him in any way. After the Policeman had fired the shot, he got into a passing motor car but a British Sailor dragged him out and walked towards the S. Carlo Theatre, followed by the crowd. When they got opposite the S. Carlo Theatre, I lost sight of them in the crowd.

I have read over the above statement; it is correct and true.

(Signed) Roy M. Davis.

I hereby certify that this statement was subscribed to and sworn before me on the 5th. day of October, 1944.

(Signed) RAR. Tonks, Captain, M.C.

United Seaman's Hostel, Naples.
6 October, 1944.

Statement of :-

C.336126 J/Engr. HOLMES, J.,
United Merchant Seamen's Hostel,
Naples.

About 16.00 hours, Sunday, 1st. October, 1944, I was walking along Via Chiaia, Naples, opposite the S. Carlo Theatre, towards the traffic island at the bottom of Via Roma when I saw, in between the traffic island and the footpath in Via Roma, an Italian Policeman with his pistol drawn. There was a British Sailor standing about 8 feet away from the Policeman. Suddenly a shot was fired and the British Sailor crumpled and fell to the ground. The Policeman then turned and ran down Via Roma with a crowd following. When this incident took place I would be no more than fifty feet from

I hereby certify that this statement was subscribed to and sworn before me on the 5th. day of October, 1944.

(Signed) RAR. Tonks, Captain, RM.9

United Seaman's Hostel, Naples.
6 October, 1944.

Statement of :-

C.336126 J/Engr. HOLMES, J.,
United Merchant Seamen's Hostel,
Naples.

About 16.00 hours, Sunday, 1st. October, 1944, I was walking along Via Chiaia, Naples, opposite the S. Carlo Theatre, towards the traffic island at the bottom of Via Roma when I saw, in between the traffic island and the footpath in Via Roma, an Italian Policeman with his pistol drawn. There was a British Sailor standing about 8 feet away from the Policeman. Suddenly a shot was fired and the British Sailor crumbled and fell to the ground. The Policeman then turned and ran down Via Roma with a crowd following. When this incident took place I would be no more than fifty feet from the actual spot. I did not see any incidents that led up to the shooting. When the crowd went along Via Roma, I followed until we got near to the American Red Cross when I lost sight of the Policeman.

I have read over the above statement; it is correct and true. *Signature*

(Signed) James A. Holmes.

Statements taken and signatures witnessed by CSM. Wilcock, in the presence of Sgt. Ordway, both of 61 Section, Special Investigation Branch, C.M. Police.

S.I.S. Office, Naples,
13th. October, 1944.

Statement of :-

No. 32827414 Cpl. WEISS, RC.,
58th. M.P. Company,
Special Investigation Section,
American Army.

At about 16.00 hours, Sunday, 1st. October, 1944, I was called to a disturbance in the vicinity of the Quattro Miliaia between Allied Troops and a Public Safety Agent. As a result of my enquiries I had occasion to visit the Public Safety Agent's Barracks, and I there interviewed FLORIDI, Giuseppe, a Public Safety Agent, who had been involved in the disturbance, which resulted in the death of a British Sailor, and he handed me a Beretta pistol No. 951179, and he told me that it was the pistol that he had fired at the Sailor. I unloaded the pistol and found that there were six rounds of ammunition still in the magazine. On the 8th. October, 1944, I handed this pistol and ammunition over to Sgt. Ordway, 61 Special Investigation Section, (British). I have read over the above statement; it is correct and true.

(Signed) Cpl. Robert C. Weiss,
58th. M.P. Coy., S.I.S.

Statement taken and signature witnessed by Sgt. Ordway,
in the presence of Cpl. Willcock, both of 61 Section, S.I.S.,
G.M. Police.

On the 8th. October, 1944, I handed this pistol and ammunition over to Sgt. Ordway, 61 Special Investigation Section, (British), I have read over the above statement; it is correct and true.

(Signed) Cpl. Robert C. Weiss,
58th, M.P. Coy., S.I.B.

Statement taken and signature witnessed by Sgt. Ordway,
in the presence of Cpl. Willcock, both of 61 Section, S.I.B.,
C.M. Police.

5168

19.

Statement of :-

61 Section, S.I.B.
C.M. Police, 17 October, 44.No. 7691841 Sgt. H. ORDWAY,
61 Section, S.I.B.,
C.M. Police.

On Sunday, 8th. October, 1944, as a result of information received, I visited the H.Q. of the American Special Investigation Section, Questura Building, Naples, and Cpl. WEISS, of that Unit, handed to me a Beretta pistol No. 991179, calibre 9 mm. and six rounds of 9 mm. ammunition (produced) which he stated he had received from Public Safety Agent FLORIDA, on Sunday, 1 October, 1944.

H. ORDWAY, Sgt.,
61 Section, S.I.B.,
C.M. Police.

5167

POST MORTEM REPORT ON PUX/326877 A.B. GEO. DEBBINGTON, ROYAL NAVY.

Admitted 65 th. British General Hospital - 16.15 hours 1st. October, 44.

Died 65th, British General Hospital - 17.45 hours 1st. October, 44.

Diagnosis :- G.S.W. (pistol) abdomen, T. & T. stomach.
T. & T. Abdomen. Aorta lumbar spine.

18.15 hours external - Body of well built young man. Nutrition good. Tattoo right lower forearm. Wound of entry 5 to 6 cms. to left and 2 cms. above Umbilicus, typical entry wound of bullet; no blackening or burning of skin. No exit wound. No other marks of violence. Belly a little distended.

Internal: - Abdomen: - Bullet has passed through stomach 6 cms from pylorus entering greater curve and emerging from posterior wall 3 cms. away; then through mesentery of first coil of jejunum towards root; then through aorta immediately above bifurcation. Entry wound in aorta is about 2 cms. diameter (in adventitia), exit wound much larger, 1.5 to 2 cms. diameter. Then through disc between L.4 and 5 cutting groove in lower surface of L.4 inclining to right of midline and passing back just to right of spinal canal to lodge beneath the skin of the back. Whole of retroperitoneal tissue was infiltrated with masses of blood from diaphragm down to pelvis and from ascending to descending colon laterally. Maximum thickness haematoma about 6 cms; quantity of blood effused was several pints. Other abdominal organs normal, including suprarenals. Bladder empty. Stomach contained several ounces of well digested food, none had leaked out. Thorax - heart - normal; chambers empty, left ventricle contracted; no epi endocardial haemorrhages. Lungs - normal apart from fair amount of froth in large and small air passages especially lower lobes; some froth in trachea.

(Signed) P.B. SHOROFF, Lt. Colonel.
i/c. Surgical Division.

fair amount of froth in large and small
lobes; some froth in trachea.

(Signed) D.B. ASHCROFT., Lt. Colonel.
i/Officer i/c. Surgical Division.

5100

UNITED HOSPITALS OF NAPLES.Loreto Hospital, - First Aid Post.

REPORT. On the 1st. September, 1944, at 17.30 hours, I have dressed in this Hospital the injuries of MUSSO, Giuseppe, of the late Ellersdore, aged 31, single, P.S. Guard, born at Palazzolo Agredi (Syracuse) Billeted at 'Melicrinis' Barracks:

Bruise of the superior left jaw and abrasion on the instermit side of the left cheek. May recover within the 10th. day if no complications arise. Incident happened at Piazza a Trieste a Trento.

(Signed) Pasquale DORSO,
Duty Surgeon,
Loreto Hospital.

ITALIAN RED CROSS FIRST AID POST, VOMERO.No. 509 Robert.

FLORIDIA, Giuseppe, son of Giovanni, 24 years old, P.S. Guard, living at 17, Via Conte d'Accerra, 'Melicrinis' Barracks, Billeted in a P.S. Commissary's office, Vomero Section, on the 1st. September, at 11.40 hours, showing the following injuries received on the 1st. September, at 16.50 hours.

Heavy bruise in the right groin, bruise on the throat, bruise on the spinal region. Assaulted by British Soldier at Piazza Trieste a Trento. The injuries may recover beyond the 10th. day within the 20th. day if no complications arise.

(Signed) Dr. Angelino,
Medical Duty Officer.

TRINITY HOSPITAL, PELLEGRINI.No. 5186.

The undermentioned person has appeared here today with his injuries have been dressed by the Doctor: ALIATE, Francesco, son of Giacomo, born at Torregrotta, (Messina) P.S. Guard, Injuries:

Broken left ribs and numerous bruises over his body. May recover beyond the 10th. and within the 40th. if no complications arise. Incident happened at Piazza Municipio.

at 16,30 hours. Heavy bruise in the spine region. Assaulted by British sailor at Pieve
brise on the spinal region. Assaulted by British sailor at Pieve
Oriente a Trento. The injuries may recover beyond the 10th. and within
the 20th. day if no complications arise.

(Signed) Dr. Angelis,
Medical Duty Officer.

TRINITY HOSPITAL, FALLENBERG.

No. 5186.

The undermentioned person has appeared here today and
his injuries have been dressed by the Doctor: ALBERT, Francesco, son
of Giacomo, born at Torregrotta, (Messina) P.S. Guard. Injuries:
Broken left ribs and numerous bruises over his body.
may recover beyond the 10th. and within the 40th. if no complications
arise.

Incident happened at Pieve Municipio.

(Signed) CARDONE,
Duty Surgeon.

5.10.44.
The Secretary of the Administration,
(Signed) ANSELONE.

5160

27

1st. October, 1944.

Statement of :-

MORIDIA, Giuseppe,
Road Traffic Section.

At about 16.10 today, I was on traffic duty at Piazza Trieste a Trento, at the bottom of Via Roma. Suddenly I noticed that my companion, the Guard of P.S., MUSSO, Giuseppe, who also was on duty and in uniform like me and stood at a short distance, was being assaulted by British sailors and soldiers. I saw MUSSO collapse as a consequence of the blows he had received, then he got up immediately, but was again boxed and again fell on the ground and the Allied soldiers fell on him. Seeing this I went to the spot to rescue my colleague. Suddenly one of the British soldiers (a sailor dressed in white) made an onslaught at me rolling his sleeves with the obvious purpose of striking me. At this point I drew my pistol to intimidate him and shouted out; fell back several steps and by gestures I tried to make him understand to go away. But all to no avail because the sailor pounced upon me; seized me by the throat and I thought I was suffocating. During this happening, a shot went off accidentally from the revolver I was holding and in the same time I saw the sailor collapse. It was not my intention to make use of my pistol for the purpose of firing; I only intended to use it as a means of intimidation. All the Allied troops who were present, on seeing their companion fall, rushed against me. I then tried to cover myself by jumping on a civilian automobile, passing by, but it was of no avail because I was compelled, by the soldiers to get off. Still abused by the soldiers, I headed towards the arcade from the side of Via San Carlo. Meanwhile another P.S. Guard, PACE, Vito, arrived and tried to help me to get away, but an Allied soldier gave me two heavy kicks in the groin. Whilst Pace was holding the soldier back I managed to enter the arcade, but as I became a target for broken pieces of bottles and found myself in a 'back to the wall' position, I fired another pistol shot (the second one) in the air, and heard the crash of glass. This had the effect of stopping the pursuit for a moment and gave me a possibility of making my way to the Questura Building through Piazza Municipio and Via Guantai, in order to take shelter and report the matter to the Allied Command and to my Superiors. But when I got near the 'Mutilati' building I heard various shots and bullets whistled past me so that I had to duck down. In my fright I took the first bent street to evade my pursuers. Thus I swung into Via A. Diaz, dashed through S. Anna dei Lombardi and crossing Piazza Spirito

...ing, I only intended to see the Allied troops who were present, on seeing their companion fall, rushed against me. I then tried to cover myself by jumping on a civilian automobile, passing by, but it was of no avail because I was compelled, by the soldiers to get off. Still eluded by the soldiers, I headed towards the arcade from the side of Via San Carlo. Meanwhile another P.S. Guard, PACE, Vito, arrived and tried to help me to get away, but an Allied soldier gave me two heavy kicks in the groin. Whilst Pace was holding the soldier back I managed to enter the arcade, but as I became a target for broken pieces of bottles and found myself in a 'back to the wall' position, I fired another pistol shot (the second one) in the air, and heard the crash of glass. This had the effect of stopping the pursuit for a moment and gave me a possibility of making my way to the Questura Building through Piazza Municipio and Via Guantai, in order to take shelter and report the matter to the Allied Command and to my Superiors. But when I got near the 'Mutilati' building I heard various shots and bullets whistled past me so that I had to duck down. In my fright I took the first best street to evade my pursuers. Thus I swung into Via A. Diaz, dashed through S. Anna dei Lombardi and crossing Piazza Spirito Santo reached the Montessanto Funicular, repairing to the 'Melorinis' Barracks, where I am billeted. There I reported to Captain Dr. EMIO, Marangio, who ordered me to hold myself at his disposal and inform the Questura. I have nothing else to say. I have read over the above statement and confirm same by my signature as hereunder.

5164

(Signed) FLORIDIA, Giuseppe.
P.S. Guard.

Countersigned Dr. Lorenzo Tordiglione, Lieut.
Dr. EMIO, Marangio, Captain.

MAJOR Gomésio, Major.

Witness Corporal Robert G. Weis, 55th. M.P. Company, S.I.S.

I hereby certify that the above is a true translation to the best of my knowledge and ability.

A. EREMI, Interpreter,
64 Section, S.I.S.,
C.M. Police.

28

2nd, October, 44.

Statement of :-

VIGLIOTTI, VITTORIO,
Public Safety Guard,
Commissariato S. Ferdinando.

Last night at about 15.15 hours, whilst crossing San Ferdinando Square, coming from S. Lucia, where I had been for enquiry on behalf of our office, when I was suddenly approached by an Allied Sailor, without reason hit me heavily on the left cheek, following up with further blows to various parts of my head. I tried to evade further blows which the Sailor was preparing to give me, and I ran away from him for about ten steps. When I turned round to see if I was still chased by the aggressor, and saw that the same had assaulted another civilian, hitting him with his fists. I also noticed that this civilian after having been violently hit, was going towards a P.S. Guard on traffic duty, at the beginning of Via Roma, perhaps asking for protection. I do not know anything else because I went immediately away, and reached my office of S. Ferdinando after having a long turn through Via Chiaia, Via S. Anna dei Paladini e Vico S. S. Magliore e Via Rana to Vico Rotto San Carlo and henceforth into the Arcade. I did this to avoid some unpleasant clash. I have read over the above statement and confirm it with my signature as hereunder.

(Signed) VIGLIOTTI, Vittorio,

Countersigned by Vice Commissario Giuseppe Letteri.

The Guard VIGLIOTTI, Vittorio, has been further asked at 15.10 hours whether at the moment of being assaulted by the Allied soldier he was in uniform or in civilian clothes, to which VIGLIOTTI replied 'I was in plain clothes and wore an arm band on my arm with the words 'Civil Police'.

Countersigned :- Giuseppe Letteri.

I hereby certify that the above is a true translation to the best of my knowledge and ability.

J. P. M. M., Interpreter,
61 Section, S.I.D.

hereunder.

(Signed) VIGLIOTTI, Vittorio,
Countersigned by Vice Commissario Giuseppe Letteri.

The Guard VIGLIOTTI, Vittorio, has been further asked at 15.10 hours whether at the moment of being assaulted by the Allied soldier he was in uniform or in civilian clothes, to which VIGLIOTTI replied 'I was in plain clothes and wore an arm band on my right the words 'Civil Police'.

(Signed) VIGLIOTTI, Vittorio,

Countersigned :- Giuseppe Letteri.

I hereby certify that the above is a true translation to the best of my knowledge and ability.

John P. Green
J. P. Green, Interpreter,
64 Section, S.I.D.,
C.M. Police.

5160

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2nd. October, 1944.

Statements of :-

SAVARESE, Luigi, Born 1904,
SAVARESE, Carmine, 36 years,
41, Via Veterinaria, Naples.

Yesterday at about 16.30 we were standing outside the Church of Pisan. Trieste e Trento, when we saw two Allied Sailors wearing dark coloured uniforms and white caps, standing on the circular traffic island in the centre of Pisan e Trento. They left a group of other Sailors and went, one walking ahead and the other following him to a distinguished gentleman, standing on the same traffic island. The first Sailor suddenly hit the gentleman repeatedly with his fist, upon which this latter ran away and was lost in the crowd on the opposite sidewalk. Then we saw the two Sailors, the one who had hit the gentleman walking ahead of the other, go to a Policeman in uniform, on - traffic duty outside the Bar Principe, at the beginning of Via Roma. The first Sailor suddenly struck the Policeman's face with his fist so violently that this latter collapsed backwards on the ground. Then the same Sailor went to another Policeman in uniform, also on point duty closely hit him in the same way, without any reason, whatsoever, with a tremendous punch on the face and seized him by the throat as if he wanted to strangle him. The Policeman who had been hit stated to some of the Sailors tried to disentangle himself but we could not see what happened exactly as the confusion that ensued, and the crowd of soldiers and civilians who had gathered round prevented us from seeing the fighters. Almost at the same moment we heard a shot which the latter shouted that ensued we could see the Sailor lying wounded on the ground and the Policeman with his pistol in his hand and together with the other Policeman, the latter unarmed, both keeping at bay the multitude of Allied soldiers who wanted to lynch them and looking towards the Avenue find the side of the Tourist Office, Chieri-Sommariva. There we lost them from sight as the crowd did not follow the crowd. We have read over the above statement and confirm same by our signatures.

(Signed) SAVARESE, Luigi.
(Signed) SAVARESE, Carmine.

Counter-signed by Dr. Carlo Treviati.

Gen. of P.S.

Copy counters to the original.

???? signature illegible.

Gen. of P.S.

I hereby certify that the above statement is a true reproduction of the original statement to the best of my knowledge and ability.

[Signature]

moment we heard a shot and in the halcyon shelter that ensued we could see the sailor lying wounded on the ground and the Policeman with his pistol in his hand and together with the other Policemen, the latter unarmed, both keeping at bay the multitude of Allied soldiers who wanted to lynch them and backing towards the roads from the side of the Tourist Office, Chiovi-Sommariva. There we lost them from sight as we did not follow the crowd. We have read over the above statement and confirm same by our signatures.

(Signed) SAVARRE, Luigi.
(Signed) SAVARRE, Camillo.

Commanded by Dr. Guido Trevisani,

Com. of P.S.

Copy conforms to the original.

????? signature illegible.

Com. of P.S.

I hereby certify that the above statement is a true translation of the original statement to the best of my knowledge and ability.

[Signature]

Interpreter,

61 Section, S.I.B.,

C.M. Police.

516

2nd. October, 1944.

Statement of :-

PASTORE, Aldo, 17 years,
95, Via Nardones, Naples.

Yesterday, between 15.30 and 16.00 hours, I was in Piazza Trieste a Trento, when I noticed a group of 6 or 7 British soldiers who were walking from Via Chiaia into Via Roma and molesting the passers by. One of them, a Sailor, seemed to be under the influence of drink. This group of soldiers when reaching Via Nardones crossed over into the direction of the Church on the square of Trieste a Trento, where the British soldier, without apparent reason boxed the ears of a bald gentleman standing there. Then these soldiers surrounded an official of P.S., in uniform, who was standing at a few yards distance. The same Sailor seized the Policeman by the throat and with his other hand landed a punch on the Policeman's face injuring him. The Policeman who had collapsed got up and joined another Policeman standing at the corner of Via Roma. But this latter ran away leaving his companion bleeding from the face, quite alone. A party of British soldiers rushed again at the Policeman and surrounded him and this latter seeing the odds were against him drew his pistol with the obvious intention of frightening his aggressors. A British Sailor then dashed at the Policeman and seizing him by the throat preparing to hit him again with his fist. The Policeman then shook himself off from the Englishman's hold. At this moment I heard a shot and saw the British Sailor collapse whilst the Policeman made a bolt for it. I know nothing else. I have read over the above statement and confirm it by my signature hereunder.

(Signed) PASTORE, Aldo.

(Signed) SILVIO, Sangiorgio,
V/Comm. of P.S.

Copyright Dr. Vincenzo Trace.

2nd. October, 1944.

Statement of :-

PICITELLI, Vincenzo, Born 1910,
17, Via Emanuele Giannurco, Naples.

At about 16.00 hours, I was in Via Nardones, corner of Via Roma with my small stand of flashlights and batteries on sale, and witnessed an incident between two P.S. Officials and numerous British soldiers and Sailors. In fact I saw one of the two Policemen being assaulted by one of the above said Sailors who slapped his face and the other Policeman ran to his rescue. But this latter was obliged to draw his pistol, which he who got at him. He, therefore, was surrounded to score them, nothing daunted pointed to his assailants to score them, but these latter, whilst trying continued boxing his ears. I also saw that the Policeman still pointed at the aggressors with one hand, holding his pistol still pointed at the aggressors was backing and held the Sailors at bay. These latter had well nigh surrounded him so that I could hardly get a glimpse of the

Statement of :-

PISCITELLI, Vincenzo, Born 1910,
17, Via Emanuele Gianturco, Naples.

At about 16.00 hours, I was in Via Nardones, corner of Via Rome with my small stand of flashlights and batteries on sale, and witnessed an incident between two P.S. Officials and numerous British soldiers and Sailors. In fact I saw one of the two Policemen being assaulted by one of the above said Sailors who slapped his face and the other Policeman ran to his rescue. But this latter was assaulted too and hit by the Sailors who got at him. He, therefore, was obliged to draw his pistol, which he pointed to his assailants to scare them, but these latter, nothing daunted continued boxing his ears. I also saw that the Policeman whilst trying to cover himself with one hand, holding his pistol still pointed at the aggressors was backing and held the Sailors at bay. These latter had well nigh surrounded him so that I could hardly get a glimpse of the Policeman. At this point I deemed advisable to leave the place and whilst I stopped to collect my belongings I heard a shot but could not see the Policeman in the act of firing as I said he was hidden from my sight by the group of Sailors surrounding him. On hearing the shot I ran away. The above statement has been read over to the witness and signed by the undersigned, the witness being illiterate.

Countersigned by Santonicola, Giuseppe,
Maresciallo of P.S.

Copyright by Dr. Vincenzo Tracco.
Comm. of P.S.

X Cross sign of Piscitelli, Vincenzo.

I hereby certify that the above statements are true translations to the best of my knowledge and ability.

A. EPRAH, Interpreter,
61 Section, S.I.A., C.M. Police.

31

Statements of :-

2nd. October, 1944.

MARTINELLI, Giovanni, Born 1909,
134, Via San Maria e Cubito,
Mariglietta, Naples.

STURPO, Giuseppe, Born 1895,
88, Pallonnetta S. Lucia,
Naples.

Yesterday at about 16.00 hours, whilst we were on duty as Barrmen at Smith's Bar in the Arcade Umberto 1, we saw a Metropolitan Policeman, in uniform, and chin strap, holding a pistol in his hand and backing into the Gallery, in front of a multitude of Allied soldiers, following him at a few yards distance. They were about two hundred and their number was rapidly increasing. The Policeman was intimidating to the soldiers to keep off. But a few moments later the Policeman seeing himself confronted with overwhelming odds fired a shot in the air; continued to back and went out of the Arcade from the side of S. Brigida. During this incident we noticed an Allied soldier carrying a rifle with bayonet fixed. We know nothing else. We have read over the above statement and confirm same with our signatures.

{ Signed } Martinelli, Giovanni.
{ Signed } Sturpo, Giuseppe.

Countersigned Milano, Raffaele.
Brig. of P.S.
Copyright by Dr. Vincenzo Truce.
Comm. of P.S.

Statement of :-

2nd. October, 1944.

VELLETHI, Giuseppe, Born 1902,
31, S. Caterina e Siena, Naples.

Yesterday, at about 16.00 hours, I was at my Post Polishing Stand No. 12. I noticed two P.S. Officials, in uniform. One of them was holding a pistol in his hand, rapidly walking back-wards and holding it by a crowd of about 600 Allied soldiers. He backed up to the exit through Via San. Brigida. During this incident I heard a shot being fired. I know nothing else. I have read over the above statement and confirm it by my signature as hereunder.

(Signed) Marinelli, Giovanni.
(Signed) Stumpo, Giuseppe.

Countersigned Milano, Raffaele.
Brig. of P.S.
Copyright by Dr. Vincenzo Trace.
Comm. of P.S.

Statement of :- 2nd. October, 1944.

VELLETRI, Giuseppe, Born 1902,
31, S. Caterina & Siena, Naples.

Yesterday, at about 16.00 hours, I was at my Doot
Polishing Stand No. 12. I noticed two P.S. Officials, in uniform.
One of them was holding a pistol in his hand, rapidly walking
backwards and holding at bay a crowd of about 600 Allied soldiers.
He backed up to the exit through Via San. Brigida. During this
incident I heard a shot being fired. I know nothing else. I have
read over the above statement and confirm it by my signature as
hereunder.

(Signed) VELLETRI, Giuseppe.

Countersigned Milano, Raffaele,
Brig of P.S.

Copyright by Dr. Vincenzo Trace.
Comm. of P.S.

5166

I hereby certify that the above are true translations of
the original statements to the best of my knowledge and ability,

A. EPHEM, Interpreter,
61 Section, S.I.B.,
C.M. Police.

Statement of :-

2nd. October, 1944.

FAMIGLIETTA, Aristide, Born 1902,
17, Via 82 (Cancellone di Ferro), Naples.

I am a Berman in the Bar Umberto, in Galleria Umberto 1, and yesterday at about 16.40 hours, I was on duty in the above Bar when I saw coming into the Galleria through the Augiporto of Vico Rotto S. Carlo, an Italian Metropolitan Policeman, in uniform with a pistol in his hand, backing into the Galleria, and holding at bay a large multitude of Allied soldiers, in a threatening attitude. At this sight many other soldiers who were sitting outside the Bar, in the Arcade joined the pursuers and I saw numerous tables and chairs being hurled at the Policeman, I also saw an Allied soldier advancing towards the Policeman with a rifle and bayonet. At this juncture the Policeman seeing himself in bad waters fired a shot in the air. The crowd of soldiers stopped for a while but then resumed the pursuit whilst the Policeman ran towards S. Brigida and I did not see him any more. An American Lieutenant sitting outside my Bar tried to stop the Allied soldiers by throwing a table in their way and ordering them to stop, by gestures and shouts, but it was all to no purpose as the pursuers about 600 strong continued to give chase. I have read over the above statement and confirm same by my signature.

(Signed) FAMIGLIETTA, Aristide.

Countersigned by Dr. Guido Trevisani,
Comm. of P.S.

Copyright by Dr. Vincenzo Trace.

Statement of :-

2nd. October, 1944.

MATTEOLI, Vincenzo, Born 1883,
12, Calata S. Mattia, Naples.

Yesterday afternoon, shortly after 16.00 hours, whilst I was polishing shoes, my attention was attracted by the noise of a disturbance, at Piazza S. Ferdinando. I interrupted my work, turned towards the square and saw a crowd of British Sailors and soldiers

Countersigned by Dr. Guido Trevisani,
Comm. of P.S.

Copyright by Dr. Vincenzo Trece.

2nd. October, 1944.

Statement of :

MATICENI, Vincenzo, Born 1893,
12, Calata S. Mattia, Naples.

Yesterday afternoon, shortly after 16.00 hours, whilst I was polishing shoes, my attention was attracted by the noise of a disturbance, at Piazza S. Ferdinando. I interrupted my work, turned towards the square and saw a crowd of British Sailors and soldiers rushing threateningly at a Guard of the P.S., in uniform, who being alone tried to cover himself by backing, but the British Sailors reached him and one of them boxed his face repeatedly and knocked his cap off. The Guard continued backing and put his pistol out pointing it to his assailants, to keep them off. But the soldiers again rushed at him and managed to hit him again with their fists and one of the Sailors threw himself at the Policeman and seized him by the throat. At this moment I heard a pistol shot and at the same time I saw the Guard struggle himself free and back a few steps whilst the others were preparing to rush at him again. The Sailor collapsed whilst his companions continued assaulting the Policeman and created such a hurly burly that I could not make out what was happening, also because I was panic stricken and hurried for cover.

(Signed) MATICENI, Vincenzo.

(Signed) Santonicola, Giuseppe,
Maresciallo of P.S.

Copyright by Dr. Vincenzo Trece,
Comm. of P.S.

I hereby certify that the above statements are true
translation of the original statement to the best of my ability.

A. EPKHA, ~~Interpreter~~ Interpreter,
61 Section, S.I.B., C.M.P.

TRANSLATION.

R. QUINTELLI DI NAPOLI.

File n. 10462.

Naples, 1 October, 1944.

SUBJECT: - INCIDENT BETWEEN P.S. AGENTS AND ALLIED TROOPS.

TO :- Regional Public Safety Officer, Southern Region.

Today, at about 16.00 hours, the Italian civilian DOZZA, Guido, fu Francesco, resident in Palermo, Via M. Gerzilli, 49, on his way to Rome, via Naples, to-morrow, where he will stay at the Hotel Mizza, Via D'Argenio, 16, was talking to a friend, on the roundabout, in Piazza San Ferdinando. The friend's name is PASTA, Salvatore, resident in Palermo, Via Dante, 52.

At the same moment, a group of British Sailors came on the roundabout, and suddenly one of them, detached himself from his comrades, and without motive, struck DOZZA a hard blow on the face. As the Sailor was about to repeat his action, the civilian fled, followed by his friend, who, in the meantime was hit on the back. The two civilians asked help from P.S. Agent MUSCO, Giuseppe, from the 'Reparto Viabilità' on pedestrian traffic duty at the corner of Via Roma, and Via Trieste a Trento. The Sailor followed them, and before the Agent knew what was happening he received a violent blow on the face throwing him to the ground. On attempting to rise Agent MUSCO, was again violently hit; in the meantime another Agent of P.S. FLORIDI, Giuseppe, also on duty, hurried to the spot, to ascertain what was happening but the same Sailor attacked him with brutality, notwithstanding that FLORIDI waved to him to go away and pointed his ordnance pistol at him. The Sailor jumped at his throat, and during the fight FLORIDI's pistol went off hitting the Sailor who was immediately taken away on a truck by his companions. At this point many Allied soldiers wanted to lynch FLORIDI, who in the meantime was joined by Agent PACE, Vito, who was passing at that moment.

A crowd of Italians, who had gathered, urged the two Agents to go away and in fact overwhelmed by Allied soldiers and Sailors they retreated as far as the 'Galleria' together with an Allied soldier with whom they intended to go to Allied Police HQ. On arriving at the 'Galleria' the Allied soldier suddenly struck FLORIDI with two kicks in the groin and at the same time both MUSCO and FLORIDI were belted with bottles and chairs by other members of the Allied Forces, who were hitting at them in that locality; it was so that FLORIDI fired another shot in the air and so was able to make way for himself and Agent PACE. While Agent PACE managed to get away Agent FLORIDI was pursued up Via Corde, Piazza Municipio and Via Guantai, where, level with the 'Mutilati' building he was met with many shots, fired by his pursuers. He managed, however, to escape and reach the 'Molierinis' barracks in Viale Michel Angelo. Nearly at the same time in Piazza Municipio other groups of Allied soldiers ran into Agent ALBERTI, Francesco, in uniform, on traffic

received a violent blow on the face throwing him to the ground. attempting to rise Agent MUSCO, was again violently hit; in the meantime another Agent of E.S. FLORIDA, Giuseppe, also on duty, hurried to the spot, to ascertain what was happening but the same sailor attacked him with brutality, notwithstanding that FLORIDA warned to him to go away and pointed his ordinance pistol at him. The sailor jumped at his throat, and during the fight FLORIDA's pistol went off hitting the sailor who was immediately taken away on a truck by his companions. At this point many Allied soldiers wanted to lynch FLORIDA, who in the meantime was joined by Agent PACE, Vito, who was passing at that moment.

A crowd of Italians, who had gathered, urged the two Agents to go away and in fact overwhelmed by Allied soldiers and Sailors they retreated as far as the 'Galleria' together with an Allied soldier with whom they intended to go to Allied Police HQ. On arriving at the 'Galleria' the Allied soldier suddenly struck FLORIDA with two kicks in the groin and at the same time both MUSCO and FLORIDA were pelted with bottles and chairs by other members of the Allied Forces, who were shouting at ears in that locality; it was so that FLORIDA fired another shot in the air and so was able to make way for himself and Agent PACE, while Agent PACE managed to get away Agent FLORIDA was pursued up Via Cordero, Piazza Municipale and Via Cuental, where, level with the 'Antilati' building he was met with many shots, fired by his pursuers. He managed, however, to escape and reach the 'Meliorinis' Barracks in Viale Michel Angelo. Shortly at the same time in Piazza Municipio other groups of Allied soldiers ran into Agent ABATE, Francesco, in uniform, on traffic duty in that locality and attacked him violently, in such a way that the unfortunate man was only just saved in time, by Allied P.S. who fortunately intervened.

Agent ABATE after having been questioned by the Allied Military Police was taken to the Pellegrini Hospital where he was found to have a fractured rib and many bruises all over his body, healable within forty days. Also Agent MUSCO, mentioned above, was compelled to go to the Hospital of Loreto, where he was attended for a wound on his left upper jaw, and for excoriation of the internal part of his left cheek, healable within ten days. This unfortunate incident has been looked into by the Special Investigation Service of the Allied Military Police who have questioned the three Agents and other witnesses.

On informing you of this episode I wish to express my utmost regret but I also wish to emphasize that the Allied Government should urgently order the appropriate measures of vigilance to be taken by dependent Police organs, in order to avoid the repetition of such a serious incident. This is in the interest of Allied soldiers, and also for the lives of P.S. Agents, not to mention that of the civilian population. In fact, I have just been informed that a citizen was wounded by error by a shot that was meant for FLORIDA, during the

Continued overleaf.

No. 10462.
Attachments: 20.

QUESTURA OF NAPLES.

9th. October, 1944.

To

To the Provost Marshal, P.B.S., Naples.
" " R.P.S.O., Naples.
" " P.S.O., Naples Area.
" " Prefect of Naples.
" " Ministry of the Interior, Rome.

Following up my report of the 1st. with regard to the deplorable incident between the Italian P.S. Official, FLORIDIA, Giuseppe and Allied soldiers, I enclose herewith the statements of the following witnesses who have spontaneously offered to relate the circumstances of the case to which they were eye witnesses :-

- | | |
|---------------------------|--------------------------|
| 1. SAVARESE, Luigi. | 2. SAVARESE, Cammine. |
| 3. FAMIGLIETTA, Aristide. | 4. ITSCITELLI, Vincenzo. |
| 5. MATACENA, Vincenzo. | 6. PASTORE, Aldo. |
| 7. MARTINELLI, Giovanni. | 8. VELLETRI, Giuseppe. |
| 9. BOZZA, Guido. | |

It appears that from the above witnesses statements that the behaviour of the Police Official, FLORIDIA, was correct inasmuch as according to the medical reports he had been seized by his throat, by the British Sailor who unfortunately died later on and whilst he was struggling to avoid suffocation a shot went off quite casually. FLORIDIA'S attitude after the incident shows that this Official had had no intention of using his weapon against any person but had drawn his pistol with the hope of scaring away the aggressors and thus avoid being subject to violence and divert from himself the serious danger which threatened him. It appears in fact, that on his way from Piazza Trieste Trento to Via S. Brigida, through the Arcade Umberto 1, FLORIDIA being chased by a threatening multitude of Allied soldiers who threw every kind of hard bodies at him, seeing that he was going to succumb, fired a shot, not at the crowd but in the air, thus breaking a glass on the cupola of the Arcade. He again made no use of his weapon when in the vicinity of the Questura Building although he was repeatedly shot at by his pursuers, but was not hit by more wonder. Enclosed you will find the medical reports relating to the injuries caused to P.S. Officials FLORIDIA, Abate, Francesco, and Muzzo, Giuseppe, as well as photostatic documentation in this respect. In addition I attach a further Doctor's report with regard to P.S. Official VIGLIOTTI, Vittorio, who as it appears from the attached statement was injured by the same British Sailor who gave rise to the later incident with FLORIDIA, and his companions.

(Signed) The Questore,
(M. Broccoli).

TRANSLATION.

R. QUESTUA DI NAPOLI.

File n. 10462.

Naples, 1 October, 1944.

SUBJECT:- INCIDENT BETWEEN P.S. AGENTS AND ALLIED TROOPS.

TO :- Regional Public Safety Officer, Southern Region.

Today, at about 16.00 hours, the Italian civilian DOZZA, Guido, fu Francesco, resident in Palermo, Via R. Gerzilli, 49, on his way to Rome, via Naples, to-morrow, where he will stay at the Hotel Mizza, Via D'Argenio, 16, was talking to a friend, on the roundabout, in Piazza San Ferdinando. The friend's name is PASLA, Salvatore, resident in Palermo, Via Dante, 52.

At the same moment, a group of British Sailors came on the roundabout, and suddenly one of them, detached himself from his comrades, and without motive, struck DOZZA a hard blow on the face. As the Sailor was about to repeat his action, the civilian fled, followed by his friend, who, in the meantime was hit on the back. The two civilians asked help from P.S. Agent MUSSO, Giuseppe, from the 'Municipio Viabibile' on pedestrian traffic duty at the corner of Via Roma, and Via Trieste a Trento. The Sailor followed them, and before the Agent knew what was happening he received a violent blow on the face throwing him to the ground. On attempting to rise Agent MUSSO, was again violently hit; in the meantime another Agent of P.S. FLORIDI, Giuseppe, also on duty, hurried to the spot, to ascertain what was happening but the same Sailor attacked him with brutality, notwithstanding that FLORIDI waved to him to go away and pointed his ordinance pistol at him. The Sailor jumped at his throat, and during the fight FLORIDI's pistol went off hitting the Sailor who was immediately taken away on a truck by his companions. At this point many Allied soldiers wanted to lynch FLORIDI, who in the meantime was joined by Agent PACE, Vito, who was passing at that moment.

A crowd of Italians, who had gathered, urged the two Agents to go away and in fact overwhelmed by Allied soldiers and Sailors they retreated as far as the 'Galleria' together with an Allied soldier with whom they intended to go to Allied Police HQ. On arriving at the 'Galleria' the Allied soldier suddenly struck FLORIDI with two kicks in the groin and at the same time both MUSSO and FLORIDI were pelted with bottles and chairs by other members of the Allied Forces, who were sitting at Bars in that locality; it was so that FLORIDI fired another shot in the air and so was able to make way for himself and Agent PACE. While Agent PACE managed to get away Agent FLORIDI was pursued up Via Cerdio, Piazza Municipio and Via Garibaldi, where, level with the 'Mantelati' building he was met with many shots, fired by his pursuers. He managed, however, to escape and reach the 'Municipal' Barracks in Viale Michel Angelo. Nearly at the same time in Piazza Municipio other groups of Allied soldiers ran into Agent ABRATE, Francesco, in uniform, on traffic

spot, to ascertain what was happening but was unable to do so. He saw a man to go away and with brutality, notwithstanding that MORIELLI waved to him to go away and pointed his ordinance pistol at him. The sailor jumped at his throat, and during the fight MORIELLI's pistol went off hitting the sailor who was immediately taken away on a truck by his companions. At this point many Allied soldiers wanted to lynch MORIELLI, who in the meantime was joined by Agent PACE, Vito, who was passing at that moment. A crowd of Italians, who had gathered, urged the two agents to go away and in fact overwhelmed by Allied soldiers and sailors they retreated as far as the 'Galleria' together with an Allied soldier with whom they intended to go to Allied Forces, who were in the grain and at the same time both MUSSO and MORIELLI were belted with bottles and chairs by other members of the Allied Forces, who were shooting at bars in that locality; it was so that MORIELLI fired another shot in the air and so was able to make way for himself and Agent PACE, while Agent PACE managed to get away Agent MORIELLI was pursued up Via Cordero, Piazza Municipio and Via Guastal, where, level with the 'Mutilati' building he was met with many shots, fired by his pursuers. He managed, however, to escape and reach the Policierinis' Barracks in Viale Michel Angelo. Nearly at the same time in Piazza Municipio other groups of Allied soldiers ran into Agent ABRAHAM, Francesco, in uniform, on traffic duty in that locality and attacked him violently, in such a way that the unfortunate man was only just saved in time, by Allied forces, who fortunately intervened.

Agent ABRAHAM after having been questioned by the Allied Military Police was taken to the Pellegrini Hospital where he was found to have a fractured rib and many bruises all over his body, headable within forty days. Also Agent MUSSO, mentioned above, was compelled to go to the Hospital of Loreto, where he was attended for a wound on his left upper jaw, and for excoriation of the internal part of the cheek, headable within ten days. This unfortunate incident has been looked into by the Special Investigation Service of the Allied Military Police who have questioned the three Agents and other witnesses.

On informing you of this episode I wish to express my utmost regret but I also wish to emphasize that the Allied Government should urgently order the appropriate measures of vigilance to be taken by dependent Police organs, in order to avoid the repetition of such a serious incident. This is in the interest of Allied soldiers, and also for the lives of P.S. Agents, not to mention that a citizen was wounded by error by a shot that was meant for MORIELLI, during the

Continued overleaf.

Sheet 2.

during the /

Infringed pursuit of the a/m. I wish to have it noted, apart from my responsibility of mine, that many of the officers, for uniform, are seriously shaken by the continued repetition of similar accidents and inasmuch as the agents are in danger of their lives and safety, while accomplishing their duty.

On account of this, they do not hide the suggestion they make of discharging their duty in civilian clothes and consequently, also those who regulate the traffic, duty which has lately been entrusted to the Questura by the Allied Government.

In the meantime, I suggest, but especially in the afternoon, when it is easier to find intoxicated sailors and soldiers it would be opportune that traffic be regulated, as before, by members of the A.P. Meanwhile I am sure that such measures will be taken to re-establish confidence and serenity among members of the Questura's agents, without whom it is impossible to obtain the heavy day's work demanded by this institution.

I am awaiting your kind and speedy reply.

Yours/trp.

IL PIASTONE,
(M. Broccoli).

QUESTURA OF NAPLES.

No. 10462.
Attachments: 20.

To

9th. October, 1944.

To the Provost Marshal, P.B.S., Naples.
 " " R.P.S.O., Naples.
 " " P.S.O., Naples Area.
 " " Prefect of Naples.
 " " Ministry of the Interior, Rome.

Following up my report of the 1st. with regard to the deplorable incident between the Italian P.S. Official, FLORIDIA, Giuseppe and Allied soldiers, I enclose herewith the statements of the following witnesses who have spontaneously offered to relate the circumstances of the case to which they were eye witnesses :-

1. SAVARESE, Luigi.
3. FUMICLIETTA, Aristide.
2. MATACENA, Vincenzo.
7. MARTINELLI, Giovanni.
9. BOZZA, Guido.

2. SAVARESE, Cammine.
4. PISCITELLI, Vincenzo.
6. PASTORE, Aldo.
8. VIELLETRI, Giuseppe.

It appears that from the above witnesses statements that the behaviour of the Police Official, FLORIDIA, was correct inasmuch as according to the medical reports he had been seized by his throat, by the British Sailor who unfortunately died later on and whilst he was struggling to avoid suffocation a shot went off quite casually. FLORIDIA'S attitude after the incident shows that this Official had had no intention of using his weapon against any person but had drawn his pistol with the hope of scaring away the aggressors and thus avoid being subject to violence and divert from himself the serious danger which threatened him. It appears in fact, that on his way from Piazza a Trieste Trento to Via S. Brigida, through the Arcade Umberto 1, FLORIDIA being chased by a threatening multitude of Allied soldiers who threw every kind of hard bodies at him, seeing that he was going to succumb, fired a shot, not at the crowd but in the air, thus breaking a glass on the cupola of the Arcade. He again made no use of his weapon when in the vicinity of the Questura Building although he was repeatedly shot at by his pursuers, but was not hit by mere wonder. Enclosed you will find the medical reports relating to the injuries caused to P.S. Officials FLORIDIA, Abate, Francesco, and Muzzo, Giuseppe, as well as photostatic documentation in this respect. In addition I attach a further Doctor's report with regard to P.S. Official VIGLIOTTI, Vittorio, who as it appears from the attached statement was injured by the same British Sailor who gave rise to the later incident with FLORIDIA, and his companions.

It appears that from the above witnesses statements that the behaviour of the Police Official, FLORIDIA, was correct inasmuch as according to the medical reports he had been seized by his throat, by the British Sailor who unfortunately died later on and whilst he was struggling to avoid suffocation a shot went off quite casually. FLORIDIA'S attitude after the incident shows that this Official had had no intention of using his weapon against any person but had drawn his pistol with the hope of scaring away the aggressors and thus avoid being subject to violence and divert from himself the serious danger which threatened him. It appears in fact, that on his way from Piazza a Trieste Trento to Via S. Brigida, through the Arcade Umberto 1, FLORIDIA being chased by a threatening multitude of Allied soldiers who throw every kind of hard bodies at him, seeing that he was going to succumb, fired a shot, not at the crowd but in the air, thus breaking a glass on the cupola of the Arcade. He again made no use of his weapon when in the vicinity of the Questura Building although he was repeatedly shot at by his pursuers, but was not hit by mere wonder. Enclosed you will find the medical reports relating to the injuries caused to P.S. Officials FLORIDIA, Abate, Francesco, and Muzzo, Giuseppe, as well as photostatic documentation in this respect. In addition I attach a further Doctor's report with regard to P.S. Official VIGLIOTTI, Vittorio, who as it appears from the attached statement was injured by the same British Sailor who gave rise to the later incident with FLORIDIA, and his companions.

(Signed) The Questore,
(M. Broccoli).

I hereby certify that the above is a true translation of the original document to the best of my knowledge and ability.

A. EFREM, Interpreter,
61 Section, S.I.B.,
C.M. Police.

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TRANSLATION

R. QUESTURA di NAPOLI

File n. 10462 - Div.Gab.

Naples, 1 October 1944

SUBJECT: Incident between P.S. Agents and Allied Troops.

TO : Regional Public Safety Officer, Southern Region.

Today at about 1600 hours, the Italian civilian BOZZA Guido fu Francesco, resident in Palermo, Via N. Garzilli 49, on his way to Rome, via Naples to morrow, where he will stay at the Hotel Nizza, Via D'Argenio 16, was talking to a friend, on the round about, in Piazza San Ferdinando. The friend's name is PASTA Salvatore resident in Palermo, Via Dante 52.

At the same moment, a group of British sailors came on the round about, and suddenly one of them, detached himself from his companions, and without motive, struck BOZZA a hard blow on the face. As the sailor was about to repeat his action, the civilian fled, followed by his friend, who in the meantime was hit on the back. The two civilians asked help from P.S. Agent MUSSO Giuseppe from the "Reparto Viabilità" on pedestrian traffic duty at the corner of Via Roma, and Via Trieste a Trento. The sailor followed them, and before the Agent knew what was happening, he received a violent blow in the face, throwing him to the ground. On attempting to rise, Agent MUSSO, was again violently hit. In the meantime another Agent of P.S. FLORIDIA Giuseppe also on duty, hurried to the spot, to ascertain what was happening, but the same sailor attacked him with brutality, notwithstanding that FLORIDIA waved to him to go away and pointed his ordinance pistol at him. The sailor jumped at his throat, and during the fight FLORIDIA's pistol went off, hitting the sailor who was immediately taken away, on a truck, by his companions. At this point, many Allied soldiers wanted to lynch FLORIDIA, who in the meantime was joined by Agent PACE Vito, who was passing at that moment.

A crowd of Italians who had gathered, urged the two Agents to go away, and in fact overwhelmed by Allied soldiers and sailors they retreated as far as the Galleria, together with an Allied soldier with whom they intended to go to Allied Police HQ. On arriving at the Galleria, the Allied soldier suddenly struck FLORIDIA, with two kick in the groin, and at the same time both MUSSO and FLORIDIA were pelted with bottles and chairs by other members of the Allied Forces, who were sitting at bars in that locality: it was so that FLORIDIA fired another shot in the air, and so was able to make way for himself and Agent PACE.

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While Agent PACE managed to get away, Agent FLORIDIA was pursued up Via Verdi, Piazza Municipio and Via Guantai, where, level with the "Mutilati" building, he was met with many shots, fired by his pursuers. He managed, however, to escape and reach the "Melegrinis" barracks in Viale Michelangelo.

Nearly at the same time in Piazza Municipio other groups of Allied soldiers run into Agent ABATE Francesco in uniform, on traffic duty in that locality, and attacked him violently, in such a way that the unfortunate man, was only just saved in time, by Allied M.P.'s who fortunately intervened.

Agent ABATE after having been questioned by the Allied Military Police, was taken to the Pellegrini hospital, where he was found to have a fractured rib, and many bruises all over his body, healable within 40 days.

Also Agent MUSSO, mentioned above; was compelled to go to the Hospital of Loreto, where he was attended to for a wound on his left upper jaw, and for excoriation of the internal part of his left cheek, healable within 10 days.

This unfortunate incident has been looked into by the Special Investigation Service of the Allied Military Police, who have questioned the three a/m. Agents and other witnesses.

On informing you of this episode I wish to express my utmost regret, but I also wish to emphasize that the Allied Government should urgently order the opportune measures of vigilance to be taken, by dependant Police Organs, in order to avoid the repetition of such a serious incident. This in the interest of Allied soldiers, and also for the lives of P.S. Agents, not to mention that of the civilian population. In fact, I have been just informed that a citizen was wounded, by error by a shot that was meant for FLORIDIA, during the infuriated pursuit of the a/m.

I wish to have in mind, apart from any responsibility of mine, that many of the Agents in uniform, are seriously shaken by the continual repetition of similar aggressions, inasmuch as the Agents are in danger of their lives and safety, while accomplishing their duty. On account of this, they do not hide the suggestion they make of discharging their duty in civilian clothes, and consequently also those who regulate the traffic, duty which has lately been intrusted to the Questura by the Allied Government.

In the meantime, I suggest, that especially in the afternoon hours, when it is easier to find intoxicated sailors and soldiers it would be opportune that traffic be regulated, as before, by members of the M.P. Meanwhile I am sure that such measures will be taken, to re-establish confidence and serenity among members of the Questura

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Agents, without whom it is impossible to obtain the heavy days work assigned by this institution.

I am awaiting your kind and speedy reply.

jms/tp.

IL QUESTORE
(M. Proccoli)

1403/3

1A

To: Director of Public Safety

2C

Reference 12a of the report of the Southern Region Conference on 3 Nov 44.

A copy of the letter referred to is attached.

This letter was ^{not} a general directive on the powers of Italian Police for circulation to Police and Military. It was written in answer to a request from the Regional Public Safety Officer as to the views of Public Safety Sub Commission if those specific points should be raised at the trial of an Italian policeman charged with killing a British sailor who assaulted him.

In my opinion it will be difficult, if not impossible, to define the powers of the Italian Police vis-à-vis Allied troops to the mutual satisfaction of Military Commanders, the Allied Commission and the Italian authorities. It, therefore, seems preferable not to press for a ruling from Sr. HQ. but to allow each case to be settled by the Courts.

W. L. Cox
W. L. Cox

14 Nov 1944

read and approved
[Signature]

TO	INITIALS	DATE
COL. CHAPMAN		
COL. YOUNG		
LT. COL. WILSON		
LT. J. KITCHEN		
LT. J. WILSON		14/11/44
LT. J. H. NISBET		
LT. J.		
LT. J. HALLANCE		5/11/44
LT. P. POWELL		

97A

HEADQUARTERS
ALLIED COMMISSION
Public Safety Sub-Commission.
APC 394.

30th October, 1944.

SUBJECT : Shooting of a British Naval Seaman by Italian Civil Policemen in Naples City.

TO : Regional Public Safety Officer, Southern Region.

1. With regard to the forthcoming trial of Giuseppe FLORIDIA before an A.M.G. Court on a charge of killing a member of the Allied Forces, the following information is sent for your guidance ; -

Italian police are legally allowed to carry firearms both on and off duty and are entitled to use them in the execution of their duty.

In the case of Floridia it will be for the Court to determine on the facts given in evidence whether or not the Italian policeman Floridia was justified in taking the action he did in this instance.

From the Public Safety point of view an Italian policeman is justified in protecting Italian civilians against assault by Allied troops, and in preventing a breach of the peace.

To these ends an Italian policeman is justified in restraining an Allied soldier or sailor and also in detaining him until a military escort can take him into custody.

An Italian policeman is justified in using the minimum amount of force required for this purpose.

It is doubtful if any circumstances could warrant the killing of an English sailor, but that would be a matter of fact for the Court to decide.

2. While no written instructions have been given to the Italian police on these points the position is well understood by this Headquarters and by the Italian Ministry of the Interior and the Police Authorities.

JOHN W. CHAPMAN,
Colonel, J.A.G.D.,
Director, Public Safety
Sub-Commission.

AFW/ea.

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