

ACC

10000/143/954

10000/143/954

PRISON ADMINISTRATION
JAN. 1944 - DEC. 1945

negotiate.

negotiate. Please see 21^a and 21^e. As you know, a travelling prison directorate of 4 is being formed by the Minister of G. and J. 2 for the mainland, and one each for Sicily and Sardinia. They will work directly under the new Director of Prisons, Dott. Debrise, and keep him advised. The Inspector being considered all have a clear prison experience.

It is thought by this S.P.C. that the setting up of the Directorate renders unnecessary the special appointments of the 3 officials named in 210.

Is there any objection to 21st Please, and
is any further action necessary from your point of view?
It was proposed to inform Reg. Comm.!

of this matter (and this will be done), but the copy
letter from the Ministry to this S/C (22^A)
identical with 21^C — was not received until

30 6/44.

200

Charles Pinckson N.Y.
for Parvly. Lark. Col. Prof.
C. P. S.

PS: Sub. Comm =

This being a matter dealing exclusively with Prison Administration does not directly concern this B.C. However, the steps taken to conform with the Prison administration set up as affecting the appointments in question seems quite proper.

11/11/11

Ref. actually to be
for. no.

1183
It is thought by this S/C. that the setting up of the Directorate renders unnecessary the special appointments of the 3 officials named in 21C.

Is there any objection to 21^o please, and is any further action necessary from your point of view? It was proposed to inform Reg. Comm. 1 of this matter (and this will be done), but the copy letter from the Ministry to this S/C (22^A) identical with 21^o — was not received until

30/6/44.

30/6/44.

4190

W. G. Wilson M.A.
for Paul G. Kirk. O.P.S. J.

P.S. Sub. Comm.

This being a matter dealing exclusively with Prison Administration does not directly concern this S/C. However, the steps taken to conform with the Italian administrative set up as affecting the appointments in question seems quite proper.

3/7/44.

R. Thackwell
for C.S.O.

1186

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

TO	INITIALS	DATE
DIRECTOR	<i>[Signature]</i>	29/11
DEPUTY DIRECTOR	<i>[Signature]</i>	29/12
EXEC. OFFICER		
BOSS		
LIC & REG.		
FINSONS		
ADM. OFFICER		
SECURITY	<i>[Signature]</i>	
CHIEF CLERK		

(Translation M.B.)

SIA

MINISTRY OF GRACE AND JUSTICE
General Direction of prisons
1st Office

14204

R

Rome, 16/12/1945

Nr. 81340/1.16.L

To: ALLIED COMMISSION
Sub Commission of P.S.

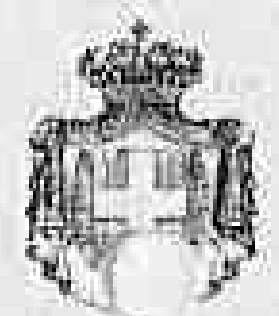
R o m e

SUBJECT: Naples judicial jail.

As per verbal communication, we sent General Inspector
Dr. Armando ROSA to Naples in order to make some investigations
in the local jail.

For the Minister
s/ illegible.

419.



Mod. 1345 M.G.

Roma, 16 dicembre 1945

Ministero
di Grazia e Giustizia

Ala Commissione Alleata
Sottocommissione di P.S.

DIREZIONE GENERALE
PER GLI ISTITUTI DI PREVENZIONE E DI PENA
Ufficio I°

Roma

Rel. N° 81340/1.16-L

Respostato al f. del
Lu. To. N°

OGGETTO: Carceri giudiziarie di Napoli.

Come da comunicazione verbale, si è inviato
in Napoli l'ispettore generale dott. Armando
Rosa per eseguire alcuni accertamenti presso le
carceri giudiziarie di quella città.

pel MINISTRO

Lauro

419-

1189

50¹²

PUBLIC SAFETY AND COMMISSION

4 DEC 1945

NATIONAL COMMISSIONER VARIOUS NATION

NYCO

9023

UNCLASSIFIED

REVEREND YOUR MIGHTY WILL SHANT BE SHANT ONE COVER OF THE
ALL NOVEMBER 22

FROM TO NATIONAL COMMISSIONER VARIOUS NATION INTO NYCO
FROM ALSO GIVE LATER DATE

MINISTRY OF INTERIOR THROUGH ADVISING TO UNDER VARIOUS FIRST
LICENSING DOCTOR IS NOW BE PROVIDED AT REQUEST AT JUDICIAL
THE OF THAT IS ANT ORIENTED PLEASE TO BE PROVIDED
AIR-CASE OF UNDER THE OF GIVE DOCTOR D-2830 AFFAIRS FOR
TRANSPORT ELEMENTARY PS

419

PRIORITY

Robsona Naya

J. J. LORR
CNO USA

(Translation M.C.)

20 Nov. 1945

27 NOV. 1945

MINISTRY OF GRACE AND JUSTICE
Gen. Direction of Prisons

TO ALLIED COMMISSION
SUB COMMISSION OF P.S.
R O M E

Office I^a
80325/I.23 F.

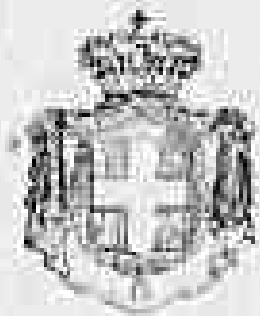
SUBJECT: Officials for Udine judicial prison.

Referring to phonogram of 19 inst. with which request was made for assigning a director to Udine judicial prison, we propose first secretary Dr. Francioni Federico, at present in judicial prison at Bari.

Awaiting your decision, you are begged to inform us if present official, presumed to be Dr. D'URSO, remains at disposal of this Ministry to be appointed elsewhere, also to Northern Italy.

For the Minister
s/VOLPE

419



Mod. 1845 M.5

Roma, 2 novembre 1945

Ministero
di Grazia e GiustiziaDIREZIONE GENERALE
PER GLI ISTITUTI DI PREVENZIONE E DI PENA

UFF. I

Prot. N° 80325/I.23.F

Alla Commissione Alleata
Sottocommissione di P.S.

Roma

Proposto al f. del

Dir. Gen. N°

OGGETTO Dirigente per le carceri giudiziarie di Udine

In relazione al fonogramma del 19 corrente col quale si richiedeva l'assegnazione di un direttore alle carceri giudiziarie di Udine, si propone il primo segretario dott. Francioni Federico, attualmente alle carceri giudiziarie di Bari.

Si rimane in attesa delle decisioni di codesta On. Commissione che è pregata di far conoscere se l'attuale dirigente delle carceri di Udine, che si ritiene debba essere il dott. D'Urso, rimanga a disposizione di questo Ministero per essere utilizzato altrove, anche in residenze del Nord.

pel MINISTRO

4180

1 192

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

TO	INIT	DATE
DIRECTOR		
DEPUTY DIRECTOR	<i>[Signature]</i>	1-11
EXEC. OFFICER	<i>[Signature]</i>	31-10
VICE		
SEC. & REG.		
☒ PRISONS	<i>[Signature]</i>	1-11
ADM. OFFICER		
SECURITY		
CHIEF CLERK		

HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394

14204
R 68A

Office of the Regional Public Safety Officer

22 October 1945

REF PR/PS 41/156

SUBJECT: Military Prisoners in Torino.

TO : HQ A.C. APO 394 (Attn. Director Public Safety Sub/Comm.)

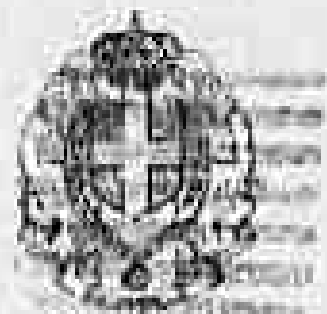
1. Ref attached letter from Ministry to Torino Prison.
2. The attached letter is returned as the question of reception ~~in~~ Italian Military prisons is fixed by directives and does not depend on the Director of Torino or any other prison.
3. Furthermore there is still available to the Tribunale Militare the Military Prison in via ORMEA Torino.

For the Regional Commissioner.

H. Mighall

H. MIGHALL
Major
Regional Public Safety
Officer

4180



Mod. 805 MC

Roma 10-10 1951

Ministero di Grazia e Giustizia

DIREZIONE GENERALE
PER GLI ISTITUTI DI PREVENZIONE E DI PENA

Al Procuratore Generale
del Regno di
TORINO

Ufficio VI
Prot. A. 145056

Risposta al f. N°
del

OGGETTO: detenuti militari.

S'invia copia del foglio n. 3063 P.G. in data 21 settembre c.a. della Procura Generale Militare, con preghiera di voler disporre affinché il carcere giudiziario di Torino, tenendo presenti le particolari difficoltà del momento, accolga un certo numero di detenuti militari imputati di gravi reati.

Si gradiranno comunicazioni in merito.

Per il Ministro

Sanza

4186

BEST COPY POSSIBLE
FILMED AS FOUND
IN COLLECTION

COPIA

Procura Generale Militare del Regno
presso il Tribunale Supremo Militare

ROMA

N.3063-Prot.I.G.

Roma, 21 settembre 1945

Al Ministero di Grazia e Giustizia
Direz.Gen. Istituti di Prev. e di pena

ROMA

OGGETTO: Situazione carceraria di Torino.

Il Procuratore Militare di Torino con il foglio n.23 del 12 settembre 1945 ed il telegramma n.352 del 18 settembre 1945, che si trasmettono in copia, ha informato questa Procura Generale che, per mancanza di un carcere militare e per il rifiuto da parte del carcere civile di ricevere militari, l'autorità di Polizia giudiziaria è costretta a rimettere in libertà tutti i militari arrestati, responsabili di eiserzione e di gravi reati comuni.

Tale situazione, tra l'altro, non consente che venga applicato l'art. 11 del D.L.L. 8-2-1945 n.106, il quale ha resa obbligatoria l'emissione del mandato di cattura per tutti i reati di assenza dal servizio.

Nel segnalare quanto sopra, si prega codesto Ministero di voler disporre perchè il carcere giudiziario di Torino accolga un certo numero di detenuti militari ed almeno quelli imputati di gravi reati.

In merito è stata interessata anche la Commissione Alleata.

Il Procuratore Generale Militare

F/to U. Borsari

Il Procuratore Militare di Torino con il foglio n.23 del 12 settembre 1945 ed il telegramma n.352 del 18 settembre 1945, che si trasmettono in copia, ha informato questa Procura Generale che, per mancanza di un carcere militare e per il rifiuto da parte del carcere civile di ricevere militari, l'autorità di Polizia giudiziaria è costretta a rimettere in libertà tutti i militari arrestati, responsabili di eiserzione e di gravi reati comuni.

Tele situazione, tra l'altro, non consente che venga applicato l'art. 11 del D.L.L. 8-2-945 n.106, il quale ha resa obbligatoria l'emissione del mandato di cattura per tutti i reati di assenza dal servizio.

Nel segnalare quanto sopra, si prega codesto Ministero di voler disporre perchè il carcere giudiziario di Torino accolga un certo numero di detenuti militari ed almeno quelli imputati di gravi reati.

In merito è stata interessata anche la Commissione Alleata.

Il Procuratore Generale Militare

F/to U. Borsari

6380

1198

File *67A*

HEADQUARTERS ALLIED COMMISSION
Public Safety Sub Commission
APO 394

AC/14204/PS

3 Sept. 1945

SUBJECT : Forwarding of Correspondence

TO : Provincial Public Safety Office
Belluno Venezia Region

Request that the attached communication from the Ministry of Grace and Justice be delivered to the Procuratore del Regno of the Udine court of Justice for compliance with the request for information on a prisoner contained therein.

John W. Chapman
JOHN W. CHAPMAN
Colonel, J.A.G.D.
Director

RMT/pl

4180

31 AGO. 1945. (Translation M.C.)

MINISTRY OF GRACE AND JUSTICE

One 25 Aug. 1945

Office VII

N° 05327/25596 Prisons

To ALLIED COMMISSION
SUB-COMMISSION P.S.
R O M E

SUBJECT: CAPPELLO Giovanni of Sante

On the 1st of October 1943 the Belluno Court of Justice sentenced a/m individual, classifying him an habitual transgressor, and gave him two years hard labour.

Since Cappello's term of sentence ended on 16 Aug. 1945 and must now serve the security term, deemed necessary, in this Labour Establishment, we beg you to apply to the Procuratore del Regno of the Udine Court of Justice for what follows, and forward same to your Honourable Office:

- 1) N° 2 models 3I with all directions including the date of the commencement and expiring of measure;
- 2) N° 2 copies of sentence that disposed of security measures.
- 3) N.3 penal certificates.

For the Minister

VOLPE

TO	INIT	DATE
DIRECTOR		
DEPUTY DIRECTOR		
EXEC. OFFICER	<i>N/A</i>	<i>1-9</i>
POLICE		
U.C. & A.C.	<i>pm</i>	<i>1-9</i>
PROSEC.		
SECURITY		
CHIEF CLERK		

418

45A

HEADQUARTERS ALLIED COMMISSION
Public Safety Sub-Commission
APO 394

Tel : 478709

AC/14204/PS

21 April 1945

SUBJECT : Prisoners in Procida penal establishment
TO : Ministry of Grace and Justice

1. In reply to your communication of 16 April 1945 N°133566/13-16 on the question of sending a member of this Commission to Procida to take action on various requests from prisoners under sentence of Allied courts, you are advised that the Director of Procida prison is in a position to bring such problems to the attention of the Commission on the basis of their merits as he knows them.

2. It is pointed out that these prisoners have been sentenced as a result of a trial by competent authority and their custody is in the hands of the administration of Procida prison. Where the Director concerned believes that specific matters should be brought to the attention of this Commission such action is within his jurisdiction.

John W. Chapman, Capt.

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

4180

1 2 0 1

Translation.

MINISTRY OF GRACE & JUSTICE

16 April, 1945. *See 45A*
N. 133566/13-16

Subject : Prisoners sentenced by Allied Courts in the
Procida penal establishment.

To : A.C. Public Safety Sub-Commission - Rome.

In occasion of the visit made to the penal establishment of Procida by a Judge of this Ministry, many prisoners condemned by Allied Courts for espionage or transgressions, who are there confined, have expressed particular requests, the decision of which is within the competence of the Allied Authorities. The above is reported to the effect that, if it is deemed opportune, a representative of the Commission be sent on the spot in order to accept the requests and to take the necessary measures in this regard.

TO	
DIRECTOR	
DEPUTY DIRECTOR	
SECRETARY	
CLERK	
ADJUTANT	
CHIEF	

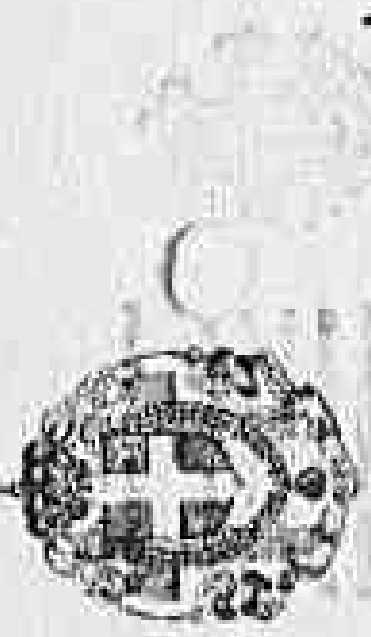
rv *Amstn-4*
20/4

For the Minister
Auriemma

619

Mod. 805 MG

16 Aprile 1957 A



Ministero di Giustizia

DIREZIONE GENERALE
PER GLI ISTITUTI DI PREVENZIONE E DI PENAAlla Commissione Allargata
Sottocommissione della S.B.
M.O.T.A.Ufficio
Int. N.º
103566/13-16

Rappresentante N.º

Ad.

OGGETTO: Conoscenza dello Stato Allargato nella Casa Penale
di Piacenza.

In occasione delle visite compiute da un ufficio addetto a questo Ministero allo stabilimento penale di Piacenza numero 22 condannati della Corte Allargata per spionaggio e oltraggio colli distretti hanno deposto particolari richieste sulle quali la decisione spetta all'autorità Allargata. Si segnala questo sopra perché, ove si ritenga opportuno, si invia sul posto un rappresentante di codesta Commissione per raccogliere le richieste e provvedere eventualmente sulle stesse.

Per IL DIRETTORE

Bianchi

418

12031

2 translations
5/10/45 43A

TRANSLATION. ea.

~~CONFIDENTIAL - URGENT~~

Rome, 23rd March, 1945.

MINISTRY OF GRACE AND JUSTICE.

SECRETARIAT.

No. 83/5.6.

SUBJECT : PIANOSA and PORTOLONGONE.

TO : A.C. P.S. S/O.

Ref. AC/14204/89. dated 14/2/45.

Enclosures: 3.

38A

TO	INIT	DATE
DIRECTOR		
DEPUTY DIRECTOR		
EXEC. OFFICER		
POLICE		
LIC. & REG.		
PRISONS		13/4
ADM. OFFICER		
SECURITY		
CHIEF CLERK		

With reference to the above-quoted letter there is transmitted herewith copy of the report of the enquiry made by Dott. CALDIERA, Judge attached to this Ministry with regard to the events which took place in September-October, 1943, in the penal institutes at Pianosa and Portolongone.

Two extra copies of the report are transmitted with the request that they may be sent to Major Robert Woodward, Head of the Legal Office, AMS, Leghorn and to Major V. Riley, Governor of the Island of Elba.

FOR THE MINISTER

(Signed) AURELIU.

MINISTRY OF GRACE AND JUSTICE.

General Directorate of Prevention of Crime and Punishment Institutions.

To the General Director,
and for information to
A.C. P.S. S/O, Major Harbury.

Enclosures: 3.

ADM. OFFICER			
SECURITY			
CHIEF CLERK			

with reference to the above-quoted letter there is transmitted herewith copy of the report of the enquiry made by Dott. CAMPANELLA, Judge attached to this Ministry, with regard to the events which took place in September - October, 1943, in the penal institutes at Pianosa and Portofino.

Two extra copies of the report are transmitted with the request that they may be sent to Major Robert Woodward, Head of the Legal Office, AMG, Leghorn and to Major V. Riley, Governor of the Island of Elba.

FOR THE MINISTER

(Signed) AUREMMI.

MINISTRY OF GRACE AND JUSTICE.

General Directorate of Prevention of Crime and Punishment Institutions.

To the General Director,
and for information to

A.S. P.S. 6/3, Major Harbury.

The Head of the Legal Office AMG
Via Roma 13, Leghorn. Major Robert Woodward.

The Governor of the Island of Elba,
Major V. Riley.

SUBJECT: Administrative enquiry into the events which occurred in the Penal Establishments at Pianosa and Portofino in September-October, 1943.

On the 29th January of this year the Governor of Elba, Major Ruthven K. Smith, who was leaving for America and passing through Rome asked directly and personally that the Ministry of Grace and Justice should proceed to an enquiry into the facts which took place in the Prison Sanitorium at Pianosa and in the Portoferraio establishment in September - October, 1943.

The Ministry of Grace and Justice held it to be opportune to inform the Allied Commission because the territory in which the enquiry must be carried out was under the control of AMI.

The Allied Commission expressed itself as favourable and consequently the writer of the present report Dott. Ugo CAMMARERA, Judge, Office Director at the General Directorate of Institutions for the prevention and punishment of crime, was appointed, with the assistance of Secretary Cav. Ianniello Giro, to proceed to make the enquiry.

The Governor of Elba, Major Smith, had come to know of the facts, on account of which he asked the intervention of the Ministry of Grace and Justice, on the occasion of the trial which was held before the Allied Court at Portoferraio on the 9th and 10th January, 1945, of Diamanti Giuseppe ex-agricultural technician at the Pianosa penitentiary for political reasons.

Major Smith consigned to the Ministry of Grace and Justice the papers of the case above-mentioned which are attached to the present report.

o o o

Already previously the "Unità", official press organ of the Italian Communist Party, had published an article on the 27th December, 1944, which called the attention of the Italian Authorities to the situation at Pianosa and Portoferraio, signed by Ossigene Guglielmo and Belfi Luigi, and in consequence the Ministry of Grace and Justice had asked the General Procurator of the Kingdom at Pianosa to make investigations in order to ascertain the facts.

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On the 5th March the General Procurator at Florence sent to the Ministry the report made by the Carabinieri Command at Piombino, dated 18th February, 1945, and reported that the Investigating Magistrate of Leghorn had been charged with the formal enquiry in respect of the Director Dott. Mazzeo, with regard to the serious events which had been ascertained by the Carabinieri Force.

Finally, a denunciation of the Director of the Penitentiary at Pisanosa, Dott. Carlo Mazzeo, was presented to the National Liberation Committee at Portoferraio, by

the ex-prisoner Chigi Antonio, always in regard to the same events, which, transmitted to the High Commissioner for the punishment of fascist crimes, was ultimately sent to the executor of the Kingdom at Leghorn.

The foregoing accusations, coming from various sources, have been particularly kept in mind in conducting the enquiry.

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The fall of Fascism (25th July, 1943) had serious disciplinary repercussions in all penal establishments, because, especially those condemned for ordinary crimes thought that the propitious moment had arrived in which to agitate to regain their liberty. The political prisoners, category, however, everywhere remained calmer, inasmuch as they had no doubts about their speedy liberation, which was a necessary consequence of the change of régime.

Also in the Sanitorium Prison at Pianosa and in the penal establishment at Portolongone discipline was relaxed, and while, actually nothing noteworthy has to be deplored at the Pianosa Sanitorium after the 25th July, 1943, an attempt at escape on the part of those condemned to life-sentences at Portolongone, cost a guard agent his life.

When the justice of the 8th September, 1943, followed, the situation in the penal establishments of the Tuscan Islands became really critical. Internal discipline, already shaken by the events of the 25th July, 1943, received another blow from the absence of Directing Superiors, since, on account of the temporary absence of any form of Government, uncertainty and confusion reigned in the central Administrations (Ministries).

EVENTS AT PIANOSA.

Particularly serious was the situation at the Prison Sanitorium at Pianosa, a small island several miles distant from the main-land, which at that time harboured 1100

thought that they would regain their liberty. The desire to agitate to regain their liberty remained calmer. Inasmuch as everyone remained calm, the desire for liberation, which was a necessary consequence of the change of regime.

Also in the Sanatorium Prison at Pianosa and in the penal establishment at Portofino discipline was relaxed, and while not really noting noteworthy to be deplored at the time, the Sanatorium after the 15th July 1943, an attempt at escape on the part of those condemned to life-sentences at Portofino, cost a guard agent his life.

When the Amistice of the 8th September, 1943, followed, the situation in the penal establishments of the Tuscan Islands became really critical. Internal discipline, already shaken by the events of the 25th July, 1943, received another blow from the absence of directing superiors, since on account of the temporary absence of any form of Government, uncertainty and confusion reigned in the central Administrative (Ministries).

EVENTS AT PIANOSA.

Particularly serious was the situation at the Prison Sanatorium at Pianosa, a small island several miles distant from the main-land, which at that time housed 1100 prisoners, divided between four buildings situated at points distant from one another: the sanatorium, the prison and agricultural colonies.

In spite of the military events, which had caused the dissolution of the Army, there had remained on the island of Pianosa 50 armed soldiers under the command of an officer, 30 sailors commanded by an MCO, 3 Carabinieri commanded by a Maresciallo and in the penal establishments there were further on service 170 guard agents under their Commander.

Some prisoners in the Sanatorium had, meantime, asked the Director to place them at liberty to embark for Corsica or the coast of liberated Italy. Naturally this request

was refused; from that moment secret undertakings were started between the ordinary prisoners. With the idea of obtaining freedom, by violence which would even include the suppression of the authorities present on the island, among whom, the Director, the Head Guard and the Maresciallo of the Carabinieri. On the part of the prisoners it was held that there being no Government authority, the Director should have set them all free, and, because the latter held instead that his duty was to cause the law to be respected, this attitude caused all the prisoners to rise against the Director.

On account of the inevitable confidences which, in the restricted circle of a prison, are made to the guards by the prisoners, who in this way gain trust and facilities, the Commander of the Guard Agents, Nodolatti Vittorio, came into possession of some notes which were circulating secretly among the prisoners, containing the scheme and programme of the revolt.

It should have broken out on the 17th September, 1943 in the Sanitorium, during exercise, at a signal given by one of the prisoners, and the immediate objective would have been the overcoming of the Guard Agents and the taking possession of the arms, which were known to be kept in the building adjoining the Sanitorium.

The Director, Dott. Carlo Mazzeo, who was in a poor state of health because he was suffering from a serious form of arterio-sclerosis, had been informed by the Commander of the disciplinary situation, and had already informed the military and police forces on the island of the state of affairs, in order to have their help at the opportune moment.

On the morning of the 17th September the Commander received confirmation that the insurrection was about to explode; he therefore urgently advised the Director who in turn requested the immediate intervention of the public force.

The prisoners in the Sanitorium, who were in the courtyards for exercise, were unexpectedly told to go indoors, and they remained packed in the corridors in front of their cells into which, however, it was impossible to shut them.

Commander of the Guard Agents, 1943
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The prisoners in the Sanatorium, who were in the
 courtyard for exercise, were unexpectedly told to go indoors,
 and they remained packed in the corridors in front of their
 cells into which, however, it was impossible to shut them.

At about 7 o'clock the Director, together with the CC.RR.
 Mercuriello, Petrucci Giovanni, and the agricultural technician
 Damiani, were going towards the Sanatorium building. On the
 way they met two prisoners, one of whom, at the sight of them,
 ran away, because he was afraid of being punished by the
 Director as he was surreptitiously gathering fire-wood; the
 CC.RR. Mercuriello Petrucci Giovanni, thinking instead that
 this was one of the prisoners who had already contrived to
 escape, ran after him, warning him to stop without receiving
 a reply; overtaking him he hit him on the head with the butt
 of the shooting rifle which he had taken from the hands of
 the agricultural technician Damiani, and produced a cut and
 bruise.

After this first incident the aforementioned persons

the Public Force arrived at the Sanatorium at about 7.30, where in the meantime had drawn up, surrounding the building, and they waited about an hour outside because the prisoners in the interior were making a great uproar, which however was limited to vocal expression.

It was then decided that the CC.RR. Maresciallo should alone enter the corridor where the prisoners were, while outside the gates the Commander Hadelutti would call out the names of the most dangerous prisoners and indicate them for consignment to the guard agents, who were also waiting outside the gates and were charged to accompany these prisoners to the isolation cells in the prison building, about one and a half kilometres distant, in a cart.

This operation was carried out with relative facility and while it was taking place several prisoners were found to have on their persons sharp and cutting instruments made with pieces of the frame-work of the camp beds and nails as well as some real knives.

The prisoners called out were about 10.

About 12 o'clock the public force was withdrawn and order returned to the Sanatorium.

The following day, 18th September, 1943, at about 14 hours, a prisoner in the prison building broke the window of his cell with his stool after which the other prisoners started shouting asking to be allowed to go out and exercise which had been cut short the previous day. Also on this occasion the Director asked the intervention of the public force, who surrounded the building and placed machine guns in the principal entrances.

On this occasion the CC.RR. Maresciallo abstained from interference because the guard agents were able, on the prisoners were shut into their cells, to take them from there directly to the isolation cells. Those taken were about 20.

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Although in the agricultural colony - called "Marechese" no disturbance had taken place, nevertheless, as it seemed that some of the prisoners there adhered to the rebellion, ~~the~~ ^{the} 18th September about 10 prisoners from the colony were taken to the cells and the others were concentrated into the prison and sanatorium buildings to be better guarded.

During these operations, which had for aim the prevention of the danger of a general revolt on the island, the accusations have it that during the taking up of the prisoners such heavy beatings were administered as to produce the death of five of them. Torturee Giuseppe, No. 50; Adriani Antonio, No. 38; Maccioni Luigi, No. 6274; La Piccolo Giuseppe, No. 5727; Cerulli Lorenzo, No. 8743.

The length of time which has elapsed since the above events, the death after an aerial bombardment of Dott. Fazzari, the medical officer of the establishment, and of the Commander Madalutti, the transfer to prisons in the north of about 700 prisoners, who at that time were on the Island, the internment in Corsica of 42 Agents who were taken prisoners in a coup de main made on the 19th March, 1944 by French troops, the destruction in bombardments of the deaths register, in which were entered chronologically, deaths and their causes, the correspondence register in which all outward correspondence was noted, the sanitary register, which contained the Doctor's notes, have rendered extremely difficult the investigations into the above-facts.

In order to try and find specific proofs it was necessary to have recourse to witnesses who inevitably reflect the dissensions, the hates and rancours of the unhealthy prison atmosphere and, still worse, of a prison sanatorium where the deceased minds of criminals are not a little influenced by the serious physical wasting of tuberculosis.

The Guard Agents who were interrogated deny that such beatings were given asserting that only some blows and shoves were given to those prisoners who refused promptly to obey orders or who offered resistance.

The Vice-Head Guard, Bandino Giovanni (page 11 of the interrogation), however, has made an important declaration in this respect, affirming that being on guard service at the isolation cells, when the prisoners taken-up arrived, he noted that many of them were wounded and some of them were bleeding. He also said that on the afternoon of the 18th September the Doctor, with the intermediary agent, a certain Di Nicolò Michele -- at present interned in Corsica, medicated the wounded, adding that the next day he was called by the Head-Guard who informed him of the death of several of the wounded prisoners and that the Doctor had already certified the deaths.

Numerous prisoners have also been interrogated but for the most part they rambling and inaccurate stories and affirmed that they themselves had not received any beatings. Only the prisoner Balia Giovanni (page 23 of the interrogation) says in an uncertain and inaccurate manner the Agent Di Nicolò 68

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Numerous prisoners have also been interrogated but for the most part they are telling and inaccurate stories and claimed that they themselves had not received any beatings. Only the prisoner Salia Giovanni (page 23 of the interrogation) accuses in an uncertain and inaccurate manner the Agent Di Nicolò Michele, the Agent Tagliano or, even, the CC.RR. Maresciallo, of having beaten him.

Further the prisoner Lentu Adolfo (page 27 of the interrogation) asserts that he watched from the window of the cell No. 35 of the prison, the beatings given to the prisoner Moratore (one of those who died) as a result of which he fell to the ground, and the prisoner Boldoni Angelo (page 22 of the interrogation) asserts that No. 18, taken from the Sanatorium of the 17th September, who slept next to him, never returned to his place. This number corresponds with Antonio Adriani (one of the deceased).

The Chaplain, Don Giuseppe Benvenuti, says that in September, 1943, after the events above related, on the 11st

or 22nd of that month, he received communication from the Agent Moliterni, at present interned in Corsica, that five prisoners had died, Donatore Giuseppe, Maggioni Luigi, Lo Piccolo Giuseppe, Cerulli Lorenzo, Idrani Antonio, and was asked to enter them in the parish death register, in fact, he was given indication of the cause of their deaths. In fact, he was given clearly to understand that the cause was not natural. This might also be deduced from the fact that the Chaplain was not called, as is usual in the case of prisoners dying from illness, to give them the last comforts of religion and prepare them for burial. On this occasion the Commander Medallutti asked the Chaplain not to mention to anyone the communication which had been made to him.

Unfortunately the Chaplain adhered to this request and only in January of this year at the time of the Deniani trial held before the Allied Court at Portoferraio, did he refer to this serious circumstance.

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At the end of September the Germans, who landed at Portoferraio, Elba, on the 17th of that month, also occupied the Island of Pianosa.

The Director, being preoccupied as to the excessive number of prisoners present on the island, decided to start sending some of them to the Penal Establishment at Portolongone, which offered greater guarantees of security. He therefore effected on the 8th October, 1943, the first transfer of 14 prisoners, who were still in the isolation cells following the events of the 17th and 18th September.

At the time of the transfer the Commander Medallutti pointed out to the Director that some of these prisoners were in need of medications and the Director Dott. Marzeco gave instructions that they should be medicated and transferred just the same (see page 5 bis of the interrogation).

These same prisoners, while they were waiting at Marina di Campo, Elba, to be re-transferred to Pianosa, as a result of the refusal of the Director of Portolongone to receive them, were medicated with alcohol and iodine by Dott. Colombi.

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These same prisoners, while they were waiting at Marina di Campo, Elba, to be re-transferred to Pianosa, as a result of the refusal of the Director of Portoferraio to receive them, were again medicated with alcohol and iodine by Dott. Colombi.

The testimonies of the Vice-Head Bandino, the ~~Chaplain~~ ^{Chaplain} and the guard Villani, that the prisoners were still in need of medications on the 8th October for wounds received more than 20 days before during the events of the 17th September, indicate that serious acts of violence were perpetrated towards the prisoners during those events.

All the data gathered goes to show that such violence existed the resorting to which could only be justified by the necessity to overcome or repress serious and violent acts of disciplinary resistance on the part of the prisoners.

However, in this regard all the facts ascertained lead to the conclusion that the prisoners only made weak attempts

at rebellion and not sufficient to cause serious alarm for the safety of the guards and of the authorities. It may be admitted that had the plans of the prisoners not miscarried there would have been grave risk within the establishment to order and the safety of persons; this argument however is in the realm of hypothesis while the situation must be judged in the light of facts which actually took place. It must also be taken into consideration that the public force was more than sufficient to cope with any situation, and therefore the reason for violence is not clear unless it is held that it was desirable to give an example of rigorous methods in order to induce the prisoners to give up any future idea of insurrection. If then there had been necessity to have recourse to these measures of extreme rigor and the wounds had been inflicted on the prisoners while they struggled with the guards, then there would have been no reason to hide the cause of the wounds and the deaths from anyone, still less from the Chaplain, who being in contact with the life of the establishment would have been the first to find justification.

While, however, was not the case, and the Chaplain himself, with his reprehensible conduct together with that of all the Directors, connived in hiding what happened at Pienosa during those sad days of September, 1943.

Neither is the attitude taken up by the Director, Dott. Carlo Mazzeo, that he was never notified of the wounds or the deaths either by the Sanitorium or by the Guards Commander, now dead, tenable. But even if it were admitted that such important items of information were withheld from the Director, it is inexplicable why the latter when informed at the time of the transfer of the 14 prisoners to Portolongone that many of them were wounded, did not make investigations into the causes of the wounds and their authors, submitting a report on the subject.

There is a last circumstance to bring to light:

In the personal files of the prisoners Formatore Giuseppe Maccioni Luigi and Lo Piccolo Giuseppe, existing at the Archives of the Ministry of Grace and Justice there are respectively three notes dated 19th September, 1943 Nos. _____, _____, _____, the Sanitorium.

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In the personal files of the prisoners Fornatore Giuseppe, Maccioni Luigi and Lo Piccolo Giuseppe, existing at the Archives of the Ministry of Grace and Justice there are respectively three notes dated 19th September, 1943 Nos. 6285 - 6286 and 6289 from the Directorate of the Sanatorium, signed by the Director, Dott. Mazzeo, with which were communicated the deaths of the above-mentioned prisoners in the Sanatorium on the 18th September, from pulmonary tuberculosis. The three prisoners form part of the group of five who are presumed to have died in consequence of beatings.

With regard to the facts exposed above, the Investigating Magistrate of the Leghorn Tribunal is proceeding to a formal enquiry and with Note No. 560 of the 10th March, 1945 has asked the Ministry of Grace and Justice for the papers in the case.

It is held to be opportune that this request should be granted and that, while awaiting for the decision of the judicial authorities, Dott. Carlo Mazzeo should be suspended from his directorship.

EVENTS AT PORTOLONGONE.

After the events at Pianosa of the 17th - 18th and 19th September calm returned to the establishment, but meantime the military situation had changed.

In fact, at the end of September, German troops had taken temporary possession of the Island, dispersed the Italian military guard, subsequently deported, and left only the three Carabinieri with the Maresciallo.

The Director Mazzeo, then thinking to guard against further possible agitations among the prisoners as he could no longer fall back on the assistance of the garrison troops, wished to shift a certain number of prisoners to the Penal Establishment at Portolongone, which, as a building, offered greater guarantee of security.

Therefore, in agreement with the Maresciallo of the Carabinieri, on the 9th October Dott. Mazzeo had the 14 prisoners transferred to Portolongone who were still in the isolation cells and who it would not have been wise to return to the ordinary life of the Sanatorium as they were indicated as the promoters of the attempted insurrection.

As he had not been able to warn the Portolongone Director, Dott. Macarone, he charged the Guard Villani (See page 9 of the interrogation) to accompany the prisoners so that he could explain the situation by word of mouth to Dott. Macarone.

The letter, however, would not permit the prisoners or their escort to ^{set out} ~~leave~~ the Establishment and categorically and rudely refused the request made by Villani on behalf of his Director.

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The letter, however, would not permit the prisoners or their escort to ~~leave~~ ^{be received} in the Establishment and categorically and rudely refused the request made by Villari on behalf of his Director.

Wherefore, he went to the German Command, with whom he was on good terms, as will be shown later, and had an order issued to Villani by a certain Army Major Zoldan who had gone to work for the Germans, that he should take the prisoners back to Pianosa - this after about three hours that the prisoners and their escort had been waiting in the road.

This order was confirmed also by the German Lieut. who commanded the Portolongone garrison and would have been carried out by means of a tow-boat if there had not been a breakdown which prevented its leaving.

Villano therefore accompanied the prisoners to Marina di Campo in a truck, a distance of some kilometres from Portolongone, from which place he thought it would be easier to leave for Pianosa.

On arrival there he telephoned to Director Mazzeo, informing him of the difficulty which had arisen and received instructions to approach Carabinieri Lt. Giusti and ask him to intervene with Director Macarone and to persuade him to accept the prisoners.

But it was all useless (see Giusti's declaration pages 13 forward) as regards Macarone, who would not alter his attitude, stating that he had no ministerial orders to accept the prisoners.

Postal and telegraphic communication between Rome and Elba was already difficult after the 8th September, 1943, and it was entirely interrupted on the 13th October; it should therefore have been easily understood that Ministerial instructions could not arrive with the urgency which the situation required.

Functionaries meantime can assume directive responsibility for the accomplishment of actions which cannot, in the circumstances, be authorised by their superiors.

Therefore the justification given by Dott. Macarone is not sufficient. He should, in any case, and accepted the prisoners and awaited instructions from the Ministry. He could then if necessary have had the prisoners taken back to Pianosa, instead of which the 14 of them remained for 6 days on a heap of straw in the corner of a private warehouse belonging to a certain Tesi in Marina di Campo, that is to say until the 14th October, the day on which the Germans took them at 1500 hours, and, after having forbidden their escort to accompany them, conducted them to the beach at Broccino, where they killed them with machine-gun fire.

Apart therefore from the tragic consequences admittedly not foreseeable by Macarone, the action of this latter is censurable because it is contrary to all prison rules, according to which it is the duty of every

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Apart therefore from the tragic consequences, admittedly not foreseeable by Macarone, the action of this latter is censurable because it is contrary to all prison rules, according to which it is the duty of every prison Director to ensure at every moment the guarding of prisoners. It is obvious from his attitude that Macarone completely disinterested himself in the fate of the prisoners who had been brought to the entrance of his establishment and who he knew well were indisciplined and dangerous. Acting in this way he potentially placed them in a position to escape, especially when it is remembered that the escort was composed of only two Carabinieri and two Guard Agents.

All the above is certainly, apart from every other consideration, a clear indication of ineptitude.

If then it is considered that those 14 prisoners were particularly, Macerone's action appears even more grave, inasmuch as he had no human compassion on people who were ill and if for no other, at least for that reason, had a right to be accepted.

Equally unfounded are the justifications put forward by Macerone based on the disciplinary situation of his establishment: the Germans had occupied the island since 17th September; he had invited them to visit the establishment; he asked that the Italian garrison military garrison might be substituted by German troops for greater guardianship (this action is most reprehensible because the troops he requested were foreigners and Germans!!), his request had been granted and the Germans had threatened the prisoners with the direst consequences if there were any acts of indiscipline.

Therefore it may safely be affirmed as the CC.RR. Giusti (page 33 interrogation) and the Guard Romano (page 3 back interrogation): that the disciplinary situation would well have allowed that 14 more prisoners should be received.

There only remains then to excuse the food shortage: but this is not even worth taking into any consideration: it is enough to reflect that the establishment already contained 700 prisoners who certainly would not have starved because of the arrival of 14 more persons, even though they had a right to special food, on account of illness, extra food it would even have been possible not to give them. Given the exceptional circumstances, until the Ministry had decided whether or not they should be sent back to Pianosa.

It has been further revealed by the enquiry that Dott. Macerone entered into the good graces of the Germans because he too scrupulously carried out the orders of the Kommandantur (See interrogation of Romano page 4, the Chaplain Bartolini page 5, Lt. CC.RR. Giusti page 33 back).

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Dott. Macarone, as soon as Elba was occupied, denounced all the materials existing in the establishment, raw materials and manufactured goods, and he hastened to comply with all the wishes of the German officers and soldiers for whom there were made in the establishment, by the prisoners, boots, high-boots, uniforms, pyjamas, etc. He also gave to the Germans all the furnishings and accessories of the infirmary and surgery which were the best and most modern existing in penal establishments (See interrogation Romano page 4).

The Portoferrajo Magistrate, Dott. Antinori, confirmed that these things should have been consigned to him at the disposal of the Northern seat of the Ministry of Grace and Justice; which however was not done by Macarone who gave them another and worse destination, provoking serious loss to the Administration.

All the facts above exposed concur in condemning the actions of Dott. Macarone, for whom I propose the most serious administrative disciplinary sanctions: his dismissal from the service on account of his manifest unsuitability for the rank he holds.

At the same time I submit the political advisability of submitting him to execution, for having collaborated with and helped the German troops on the island, furnishing to them, not only on request, but spontaneously, goods and manufactures as well as the furnishings of the infirmary and the surgery, which were State property.

Finally I propose that severe disciplinary measures should be taken with regard to Commander Costantini since he, at present in service at the judicial prisons at Locri, who on the occasion of the turning away of the 14 prisoners from the establishment at Portolongone, joined with and encouraged the Director to refuse their reception (see interrogation Domino Page 3).

Then for all purposes and in particular reference to the punishment of war crimes, I give verbatim the phrase pronounced by the German Colonel Von Harring, Governor of Elba, in the presence of the Director Dott. Macarone and the Guard Romero, when he informed them of the shooting of the 14 prisoners: "They were ill, they were rebellious prisoners, neither the Director at Pianosa nor the Director at Portolongone wished to receive them. I therefore thought it best to resolve the situation by giving orders that they should be suppressed." Colonel Von Harring added that he assumed full responsibility for his action and that in any case nobody should be upset about it because in war millions of people died.

CONCLUSIONS:

1) It is certain that in September, 1943 the promoters of the attempted insurrection, taken from their respective cells, to be isolated as punishment, were the recipients of violence;

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CONCLUSIONS:

- 1) It is certain that in September, 1943 the promoters of the attempted insurrection, taken from their respective cells, to be isolated as punishment, were the recipients of violence;
- 2) It has not been clearly ascertained whether this violence was caused by the prisoners themselves by forcing the Agents to use it in legitimate self-defence; 416
- 3) The Director Dott. Carlo Mazzeo, did not ever, either by certificates or reports, indicate the wounds which undoubtedly the prisoners sustained. This omission, taken in conjunction with the results of the inquest, leads it to be believed that it was in the interests of the Director to ignore the happenings of exceptional gravity which took place within the establishment;
- 4) It has not been possible to obtain specific proofs as to the violence suffered by the prisoners inflicted by the guard agents.

PROPOSALS.

1) On the basis of the penal procedure which has been initiated and of the findings of the present enquiry, it is proposed temporarily to suspend from direction the Director Dott. Mazzeo;

2) It is proposed that the Director of the penal establishment at Portofino, Dott. Macarone, should be referred to the High Commission for the punishment of Fascist Crimes, for special judgment, for the reasons revealed in this report, with consequent suspension from service during the period of trial, without prejudice to the faculty of the Administration to take disciplinary measures in regard to Macarone in accordance with the facts ascertained;

3) It is proposed to initiate disciplinary proceedings in regard to the Commander COSMIDI di Cesare, for the reasons already revealed;

4) Further, that copy of the present report and of the interrogations should be sent to the investigating Magistrate of Leghorn, asking that he should communicate to the Ministry the names of the persons condemned, the charges brought home to them, and finally, the judicial measures which, following the communication of the enquiry, are adopted, as far as the secrecy of the Magistrate allows.

Rome, 18th March, 1945.

DOCT. UGO CALABRELLA

Judge attached to the Ministry of Grace and Justice.

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faculty of the investigation to ascertain the facts ascertained; in regard to Maresone in accordance with the facts ascertained;

3) It is proposed to initiate disciplinary proceedings in regard to the non-compliance of Maresone, for the reasons already revealed;

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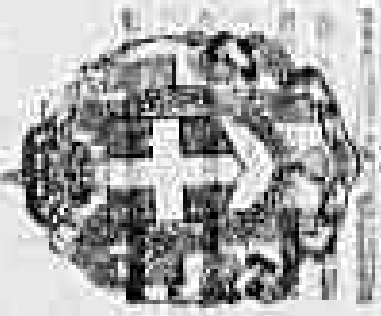
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RISERVATA URGENTE

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Ministero di Giustizia

DIREZIONE GENERALE
PER GLI ISTITUTI DI PREVENZIONE E DI PENAAlle Commissioni Alleate
Sottocommissione per la P.S.
ROMA

Segreteria

Deposito di P.S. AC/14204/P.S.

83/5.5.

del 14/2/1945

OGGETTO : Pianosa e Portoforgone.

ALL. 3

Con riferimento al foglio sopra indicato, si trasmette a codesta Commissione una copia della relazione relativa all'inchiesta eseguita dal Dott. UGO CALDARERA, Giudice adetto a questo Ministero, in merito ai fatti avvenuti nel settembre-ottobre 1943 negli Istituti penali di Pianosa e Portoforgone.

Si trasmettono, inoltre, oltre due copie della relazione stessa, con preghiera di farne recapitare una al Maggiore Robert Woodward, Capo dell'Ufficio Isale presso l'A.M.C. di Livorno, l'altra al Maggiore V. Riley, Governatore dell'Isola d'Elba.

Pel MINISTRO

OGGETTO : Fianco e Portolongone.

421.3

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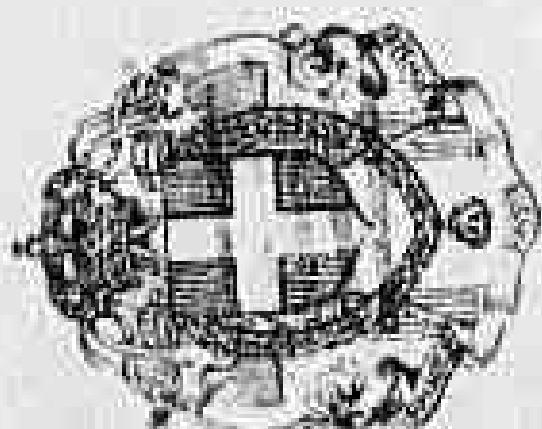
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Ministero di Grazia e Giustizia

DIREZIONE GENERALE PER GLI ISTITUTI DI PREVENZIONE E DI PENA

AL DIRETTORE GENERALE
per gli Istituti di Prevenzione e di Pena

e per conoscenza:

Alla Sottocommissione di P.S.
presso la Commissione Alleata
(Maggiore Hambury)

Al Capo dell'Ufficio Legale presso
la A.M.C. Via Roma 13 LIVORNO
(Maggiore Robert Woodward)

Al Governatore dell'Isola D'Elba
(Maggiore *V. Riley*)

OCCORRENZA: Inchiesta amministrativa sui fatti avvenuti negli stabilimenti penali di Fianosa e Portolongone nel settembre - ottobre 1943.

Il 29 gennaio c/a il Governatore dell'Elba, Maggiore Arthur V. Smith, che lasciava il suo posto per tornare in America, di passaggio a Roma, richiedeva direttamente e personalmente che il Ministero di Grazia e Giustizia procedesse ed inchiesta sui fatti avvenuti nel Sanatorio giudiziario di Fianosa e nello stabilimento di Portolongone nel settembre - ottobre 1943.

Il Ministero di Grazia e Giustizia riteneva opportuno informare della richiesta la Commissione Alleata, poichè i territori in cui doveva svolgersi l'inchiesta erano controllati dal-

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e per conoscenza:

Alla Sottocommissione di I.S.
presso la Commissione Allesta
(Maggiore Hambury)

Al Capo dell'Ufficio Legale presso
la A.M.C. Via Roma 13 LIVORNO
(Maggiore Robert Woodward)

Al Governatore dell'Isola D'Alba
(Maggiore Riley)

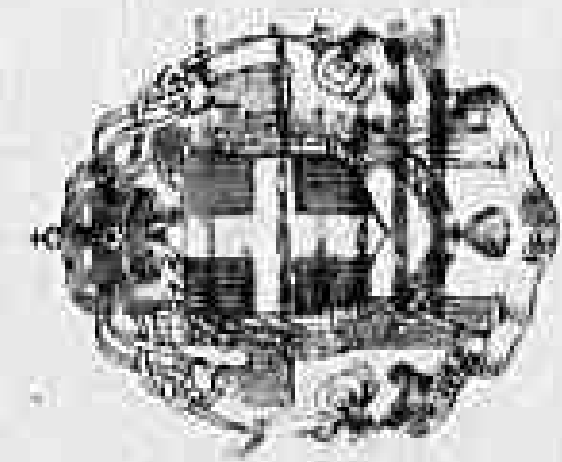
OGGETTO: Inchiesta amministrativa sui fatti avvenuti negli stabilimenti penali di Pianosca e Portolongone nel settembre - ottobre 1943.

Il 29 gennaio c/a il Governatore dell'Ulbe, Maggiore Ruthven K. Smith, che lasciava il suo posto per tornare in America, di passaggio a Roma, richiedeva direttamente e personalmente che il Ministero di Grazia e Giustizia procedesse ad inchiesta sui fatti avvenuti nel Sanatorio Giudiziario di Pianosca e nello stabilimento di Portolongone nel settembre - ottobre 1943.

Il Ministero di Grazia e Giustizia riteneva opportuno informare della richiesta la Commissione Allesta, poichè i territori in cui doveva svolgersi l'inchiesta erano controllati dall'A/M.G.

La Commissione Allesta esprimeva parere favorevole e, di conseguenza, veniva incaricato l'estensore della presente, Giudice Dott. Ugo CADDARELLA, Direttore d'Ufficio presso la Direzione

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Generale per gli Istituti di Prevenzione e di pena, assistito dal segretario Cav. Tanniello Ciro, di procedere all'inchiesta stessa.

Il Governatore dell'Elbe, Maggiore Smith, era venuto a conoscenza dei fatti, per i quali aveva domandato l'intervento del Ministero di Grazia e Giustizia, in occasione del dibattimento che nei giorni 9 e 10 gennaio 1945 si era celebrato in Portoferraio, davanti la Corte Alleata, a carico di Damiani Giuseppe, già tecnico agricolo presso il penitenziario di Pisanosa, per motivi politici.

Il Maggiore Smith consegnava altresì al Ministero di Grazia e Giustizia gli atti del dibattimento sopra cennato, che vengono allegati alla presente relazione.

O O

O

Ciò in precedenza nel giornale "l'Unità", organo ufficiale del partito comunista italiano, del 27 dicembre 1944, era apparso un articolo che richiamava l'attenzione delle autorità italiane sui fatti di Pisanosa e Tortolona, e firma di tali Ossigero Guglielmo e Pelfi Inzigi, ed in conseguenza il Ministero di Grazia e Giustizia aveva richiesto il Procuratore Generale del Regno di Firenze per le opportune indagini, previ accordi con le Autorità Alleate.

Il 5 marzo corrente il Procuratore Generale di Firenze ha

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scezza dei fatti, per i quali aveva conosciuto il Ministero di Grazia e Giustizia, in occasione del dibattimento che si era celebrato in Portofino, nei giorni 9 e 10 gennaio 1945 si era celebrato in Portofino, già tecnici, e in Corte d'Assise, a carico di Demiani Giuseppe, già tecnico, e in Corte d'Assise, a carico di Demiani Giuseppe, già tecnico, per motivi politici, e in Corte d'Assise, a carico di Demiani Giuseppe, già tecnico, per motivi politici.

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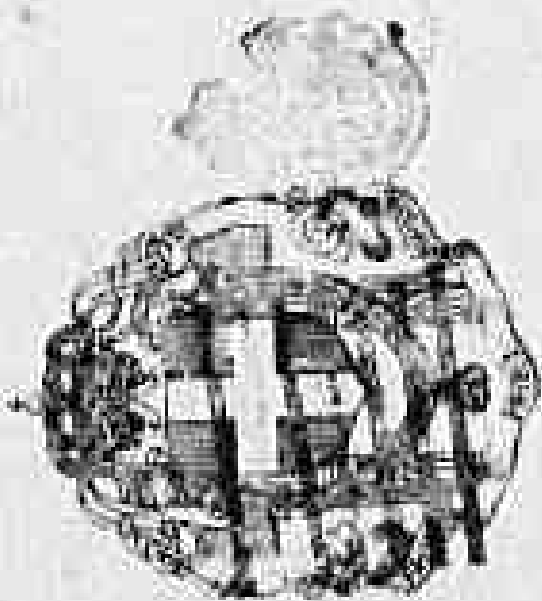
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Il 5 marzo corrente il Procuratore Generale di Firenze ha comunicato al Ministero il rapporto fatto dal Comando dei Carabinieri di Piana in data 12 febbraio 1945, ed ha informato che il Giudice Istruttore di Livorno è stato incaricato della istruzione formale a carico del Direttore Dott. Maggi, in ordi-

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ne ai gravi fatti accertati dell'Arma dei carabinieri.

Al Comitato di Liberazione Nazionale di Portoferraio, infine, fu presentata dell'ex detenuto Chigi Antonio altra denuncia a carico del Direttore del penitenziario di Pianosa Dott. Carlo Mazzeo, sempre in merito agli stessi avvenimenti, che, trasmessa all'Alto Commissario per le sanzioni contro il fascismo, venne a sua volta inviata al Procuratore del Regno di Livorno.

Le predette accuse, provenienti da diverse fonti, sono state particolarmente tenute presenti per condurre l'inchiesta.

La caduta del fascismo (25 luglio 1943) ebbe gravi ripercussioni disciplinari in tutti gli stabilimenti penali, poichè, specie i condannati per reati comuni, crederono fosse giunto il momento proprio per agitarsi e riacquistare la libertà. Le calmarie dei condannati politici, invece, si mantenne ovunque più calma, in quanto non aveva dubbio alcuno sulle prossime liberazioni, conseguenze necessaria dell'avvenuto cambiamento di regime.

Anche nel Senato di Portoferraio di Pianosa e nello stabilimento penale di Portoferraio i vincoli disciplinari si allentarono e mentre, invero, nulla di notevole si dovette lamentare nel Senato di Pianosa dopo il 25 luglio 1943, un tentativo di evasione degli ergastolani di Portoferraio costò la vita ad un agen-

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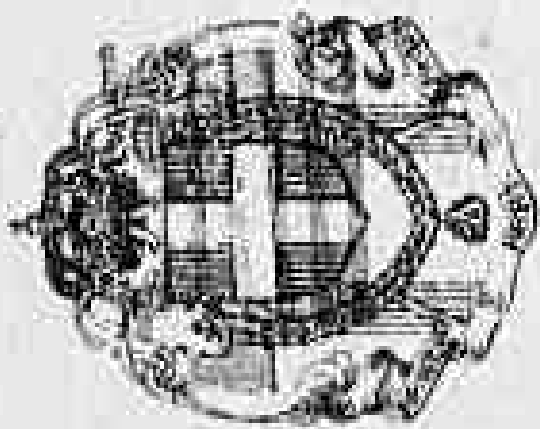
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Soppravvenuto l'armistizio dell'8 settembre 1943, la condizione degli stabilimenti peroli situati nelle Isole dell'Arcipelago toscano divenne veramente critica. La disciplina interna,

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già scosse dagli avvenimenti del 25 luglio 1943, ebbe un altro grave colpo della mancanza di qualsiasi direttiva superiore, poiché, per la temporanea assenza di qualsiasi Governo, regnava incertezza e confusione tra le Amministrazioni centrali (Ministeri).

FATTI DI PIANOSA

Era grave soprattutto la situazione del Sanatorio giudiziario di Pianosa, piccola isola lontana dal continente parecchie miglia, che a quella data ospitava 1400 condannati divisi in quattro edifici siti in punti distinti tra loro: Sanatorio, preventivo, colonie agricole.

Malgrado gli avvenimenti militari, che avevano provocato lo scioglimento dell'Esercito, nell'Isola di Pianosa erano rimasti in armi 50 soldati al comando di un ufficiale, 30 marinai al comando di un sottufficiale, 3 carabinieri al comando di un maresciallo e nello stabilimento penale erano, inoltre, in servizio 170 agenti di custodia dipendenti da un comandante.

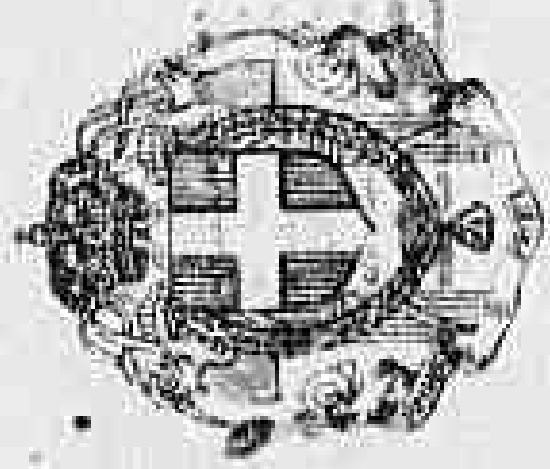
Alcuni detenuti del Sanatorio avevano, intanto, chiesto al Direttore di essere posti in libertà per potere imbarcarsi per raggiungere la Corsica o le coste dell'Italia liberata. Naturalmente tale richiesta era stata respinta; da quel momento si iniziarono segrete intese tra i detenuti comuni, dirette a procurarsi la libertà mediante la violenza che doveva arrivare anche alla soppressione dell'autorità presenti nell'Isola, tra le quali il Direttore, il capouardia, il maresciallo dei carabinieri. Si so-

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quello di fare rispettare la legge, tale atteggiamento aveva sollevato tutti i detenuti contro il Direttore.

Per le inevitabili confidenze, che nell'ambiente ristretto del carcere sono fatte alla custodia da parte di detenuti, che con tale agire si guadagnano fiducia ed agevolazioni, il comandante degli agenti di custodia, Madalutti Vittorio, era venuto in possesso di alcuni biglietti che circolavano clandestinamente tra i detenuti, contenenti il programma e le modalità della rivolta.

Esse sarebbe dovuta scoppiare il 17 settembre 1943 nel Sanatorio, durante il passeggio, al segnale convenuto di uno dei detenuti, ed obiettivo immediato sarebbe stata la sopraffazione degli agenti di custodia e l'impossessamento delle armi, che si avevano custodite nella caserma attigua all'edificio del Sanatorio.

Il Direttore Dott. Carlo Mazzeo, le cui condizioni di salute non erano buone perchè sofferente di grave forma di alterio-scolosi, era stato informato dal Comandante della situazione disciplinare e, già in precedenza, aveva reso edotto di essa le forze militari e di polizia dell'Isola, per averne aiuto al momento opportuno.

Il mattino del 17 settembre il comandante aveva avuto conferma che la sommossa stava per scoppiare; avvertiva quindi di urgenza il Direttore, che, a sua volta, richiedeva l'immediato intervento della forza pubblica.

I detenuti del Sanatorio, che si trovavano nei cortili di passeggio, venivano fatti rientrare improvvisamente e restavano

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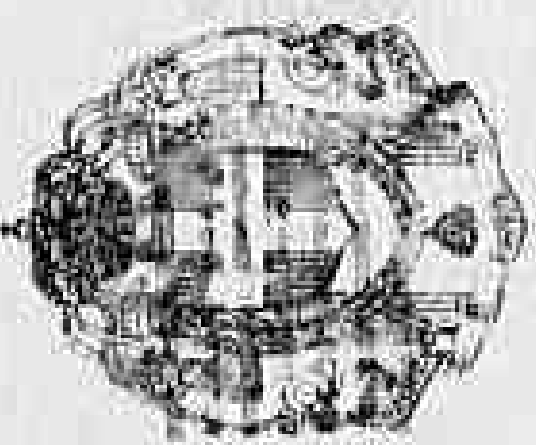
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Verso le ore 7 il Direttore, insieme al maresciallo dei carabinieri Petrucci Giovanni ed al tecnico agricolo Damiani, si

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dirigevano verso l'edificio del Senato. Incontravano per via due detenuti, uno dei quali, alla loro vista, si dava alla fuga, perchè temeva di essere punito dal Direttore, in quanto stava a fare di nascondito delle fascine; il maresciallo dei carabinieri Petracci Giovanni, ritenendo invece che si trattasse di un detenuto che già fosse riuscito ad evadere, lo inseguiva, intimandogli il fermo senza averne risposta; raggiunto, lo colpiva alle teste con la canna del fucile da caccia, che aveva preso momentaneamente al tecnico agricolo Denari, e gli procurava una ferita lacero contusa.

Dopo tale primo episodio, le predette persone giungevano, verso le ore 7,30, al Senato, dove era intento affluite la folla pubblica, circondando l'edificio, ed attendevano circa un'ora all'esterno poichè i detenuti all'interno non cessavano dal tumulto, che peraltro si limitava a delle grida.

Era quindi deciso che il maresciallo dei carabinieri sarebbe entrato solo nei corridoi ove si trovavano i detenuti, mentre, fuori dei cancelli, il comandante Medallutti avrebbe chiamato i nomi dei detenuti più pericolosi e glieli avrebbe anche indicati per prelevarli e consegnarli agli agenti di custodia, che sostavano fuori dai cancelli ed avevano il compito di accompagnare i detenuti nelle celle di isolamento dell'edificio del preventivo, distante circa un chilometro e mezzo, su di un carretto.

Tale operazione si svolse con relativa facilità e, durante la stessa, si rinvennero addosso ad alcuni detenuti delle armi

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Tale operazione si svolse con relativa facilità e, durante la stessa, si rinvennero nascosto ad alcuni detenuti delle armi da punta e taglio, fabbricate con pezzi di branda e chiodi, nonché dei vari e propri coltelli.

I detenuti prelevati furono circa 10.

Verso le ore 12 la folla pubblica veniva allontanata e l'or-

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dine ritornava nel Sanatorio.

Il giorno dopo, 18 settembre 1943, alle ore 14 circa, un detenuto, con uno scatello, rompeva il vetro della finestra della propria cella, nell'edificio del preventorio, a seguito di che anche gli altri detenuti si davano a gridare chiedendo di essere ammessi al passeggio, che era sospeso dal giorno precedente. Anche questa volta il Direttore richiedeva l'intervento delle forze pubbliche che circondava l'edificio, piazzando anche delle mitragliatrici agli ingressi principali.

In tale occasione il mercenario dei carabinieri si asteneva dall'intervenire, poichè gli agenti di custodia, essendo i detenuti rinchiusi nelle rispettive camere, si recavano in esse a prelevarli per condurli alle celle di isolamento. I prelevati furono circa 20.

Per quanto nella direzione agricola detta del "Marchese" non si fosse verificata alcuna sommossa, pur tuttavia, poichè risultava che alcuni dei detenuti in esse ristretti aderivano alla ribellione, il giorno 19 settembre fu anche in essa operato il prelievo di circa 10 detenuti, che furono condotti nelle celle, mentre gli altri furono accentrati negli edifici del preventorio e del Sanatorio, per essere meglio sorvegliati.

Durante lo svolgersi di tali operazioni, che ebbero lo scopo precipuo di prevenire il pericolo di una sommossa generale dell'Isola, secondo le accuse, sarebbero state inferte ai detenuti prelevati forti bestonature che avrebbero prodotto la morte di 5 di essi e precisamente di Tornatore Giuseppe - Matr. 52; Adriani Antonio -

pria cella, nell'edificio del preventivo, a seguito di che anche gli altri detenuti si devono a gridare chiedendo di essere ammessi al passeggio, che era sospeso del giorno precedente. Anche questa volta il Direttore richiedeva l'intervento della forza pubblica che circondava l'edificio, precisando anche delle mitragliatrici agli ingressi principali.

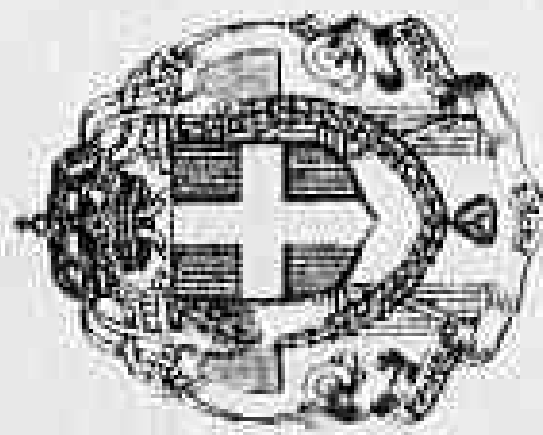
In tale occasione il sergente maggiore dei carabinieri si asteneva dall'intervenire, poiché gli agenti di custodia, secondo i detenuti rinchiuse nella vispothive camerata, si recavano in esse e prelevati per condurli alle celle di isolamento. I prelevati furono circa 20.

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Il lungo tempo trascorso dagli avvenimenti di cui sopra, la

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sorte e seguito di bombardamento aereo del Dett. Pazzari, Sanitario dello stabilimento, e del comandante Nodalutti, il trasferimento e carceri del Nord, di circa 700 detenuti, che in quel periodo erano nell'Isola, l'internamento in Corsica di 42 agenti presidi prigionieri in un colpo di mano fatto il 19 marzo 1944 dalle truppe francesi, la distruzione anche per bombardamento del registro dei decessi, nel quale vengono cronologicamente segnate le morti e le cause relative, del registro protocollo, nel quale viene annotata tutta la corrispondenza in partenza, del registro sanitario, che contiene i referti medici, hanno reso quanto mai difficile le indagini sui fatti sopra accennati.

Al fine di raggiungere le prove specifiche ed è dovuto fare ricorso alle testimonianze, che, inevitabilmente, risentono e riportano tutti i dissidi, gli odi e i rancori dell'ambiente malsano di un carcere e, peggio ancora, di un Senato giudiziario, dove sulle menti terate dei delinquenti influiscono non poco le gravi minaccezioni fisiche della tubercolosi.

I pregiudizi degli agenti di custodia, interrogati, hanno negato che tali bastonature siano state date, affermando invece che era stato dato solo qualche schiaffo e qualche strattone ai detenuti che non volevano ubbidire prontamente agli ordini o che opponevano resistenze.

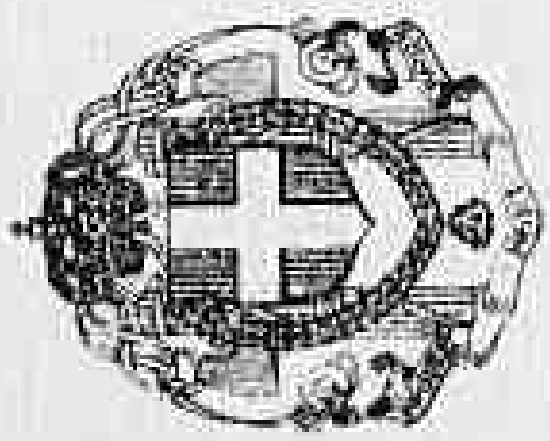
Il sottocapo Bandino Giovanni (pag. 11 interrogatorio), però, ha reso in proposito una importante dichiarazione, affermando che, preposto al servizio di sorveglianza delle celle di isolamento, dove affluivano i detenuti prelevati, aveva notato che molti di

mento e carceri del Nord, di circa 700 detenuti, che in quel periodo erano nell'Isola, l'internamento in Corsica di 42 agenti prigionieri in un colpo di mano fatto il 13 marzo 1944 delle truppe francesi, la distruzione anche per bombardamento del registro dei decessi, nel quale vengono cronologicamente segnate le morti e le cause relative, del registro protocollo, nel quale viene annotata tutta la corrispondenza in pertenze, del registro sanitario, che contiene i referti medici, hanno reso quanto nei difficili le indagini sui fatti sopra accennati.

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Il sottocapo Tandino Giovanni (pag. 11 interrogatorio), però, ha reso in proposito una importante dichiarazione, affermando che, preposto al servizio di sorveglianza delle celle di isolamento, ove affluivano i detenuti prelevati, aveva notato che molti di essi erano feriti e qualcuno aveva sangue per il corpo. Ha inoltre precisato che nel pomeriggio del 18 settembre il Dottore, insieme all'agente addetto all'infermeria (tale Di Nicolò Michele,



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attualmente internato in Corsica), aveva medicato i feriti, affermando che il giorno dopo era stato chiamato dal capoposto, che lo aveva informato della morte di alcuni dei detenuti feriti e che il dottore ne aveva già fatto la constatazione.

Sono stati anche interrogati numerosi detenuti, la maggior parte dei quali ha reso testimonianze imprecise sui fatti ed ha affermato di non avere subito alcuna bastonatura. Solo il detenuto Salis Giovanni (pag. 23 interrogatorio) accusa in maniera incerta ed imprecisa l'agente Di Nicolò o Pagliano od, ancora, il maresciallo dei carabinieri di bastonature dettagli.

Ancora il detenuto Lentz Adolfo (pag. 27 interr.) afferma di avere assistito dalla finestra della camerata N. 35 del preventivo-rio alle bastonate date al detenuto Tornatore (uno dei deceduti) a seguito delle quali questi sarebbe caduto a terra, ed il detenuto Polceni Angelo (pag. 22 interr.) afferma che la Matr. 38, prelevata il 17 settembre dal Sanatorio, che dormiva nel camerone accanto al suo, non ha fatto più ritorno al suo posto. Tale matricola risponderebbe al nominativo di Aderiani Antonio (uno dei deceduti).

Il Cappellano, Don Giuseppe Benemati, ha affermato che nel settembre 1943, dopo i fatti sopra accennati, e precisamente il 21 o 22 di detto mese, gli venivano comunicati dall'agente Moli-attualmente pure internato in Corsica, termini cinque nomi di detenuti deceduti e precisamente quelli di Tornatore Giuseppe, Meggioni Luigi, lo piccolo Giuseppe, Carulli Lorenzo, Aderiani Antonio, invitandolo a trascriverli nel registro

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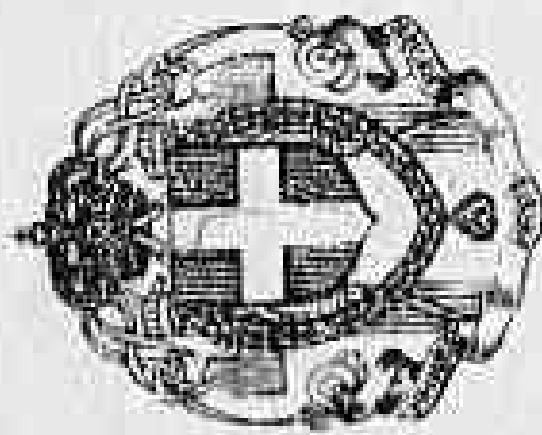
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torna cinque nomi di detenuti deceduti e precisamente quelli di Tornatore Giuseppe, Macchioni Luigi, Lo Piccolo Giuseppe, Cerulli Lorenzo, Adriani Antonio, invitandolo a trascriverli nel registro parrocchiale dei decessi, senza indicare la causa della morte dei predetti, anzi facendogli chiaramente intendere che la causa non era naturale. Il che doveva anche desumersi dal fatto che il Cappellano non era stato preavvertito, come di consueto si faceva

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per i detenuti meridionali a seguito di malattia, al fine di dare loro i conforti della religione e curare le esequie.

In tale occasione il comandante Nadalutti invitava il Cappellano a non fare parola ad alcuno di detta comunicazione.

Purtroppo il Cappellano eseguì quest'ultima raccomandazione soltanto nel gennaio del c.s., in occasione del processo Danieleschi svoltosi avanti la Corte Allesta di Portoferraio, accennò a tale grave circostanza.

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Alle fine del settembre i tedeschi, che il 17 dello stesso mese erano sbarcati a Portoferraio nell'Elba, occupavano anche l'Isola di Pianosa.

Il Direttore, sempre preoccupato del rilevante numero dei detenuti presenti nell'isola, decideva di iniziare uno sgoiamento di essi allo stabilimento penale di Portoferraio, che offriva maggiori garanzie di sicurezza. Effettuava quindi l'8 ottobre 1943 la prima traduzione di 14 detenuti, che trovavansi ancora in celle di isolamento e seguito dei fatti verificatisi il 17 e 18 settembre.

All'atto della traduzione il comandante Nadalutti fece osservare che alcuni dei predetti detenuti erano bisognosi

loro i conforti della religione e curare le esequie.

In tale occasione il comandante Magalutti invitava il Cappellano a non fare parole ad alcuno di detta comunicazione.

Eurologo il Cappellano esagera quest'ultima raccomandazione e soltanto nel gennaio del c.s., in occasione del processo Dania- ni svoltosi avanti la Corte Allesta di Tortoferrato, accennò a tale grave circostanza.

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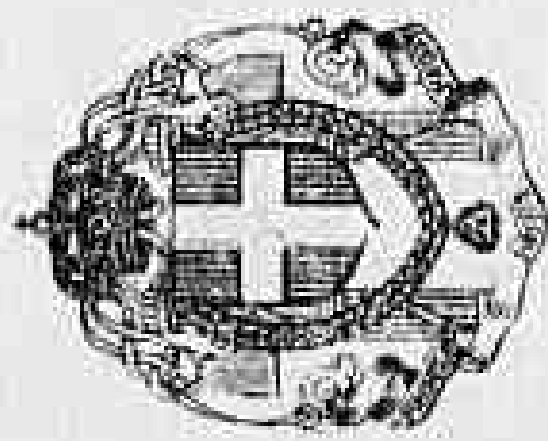
Il Direttore, sempre preoccupato del rilevante numero dei detenuti presenti nell'isola, decideva di iniziare una sfollamen- to di essi allo stabilimento penale di Portolongone, che offriva migliori garanzie di sicurezza. Effettuava quindi l'8 ottobre 243 la prima traduzione di 14 detenuti, che trovavansi ancora in cel- le di isolamento a seguito dei fatti verificatisi il 17 e 18 set- tembre.

All'atto della traduzione il comandante Magalutti fece osser- vare al Direttore che alcuni dei predetti detenuti erano bisogno- si di alcune medicature ed il Direttore Dott. Menico diede dispo- sizione che fossero medicati e posti egualmente in traduzione

(V. pag. 6 bis.intern.)

Agli stessi detenuti, mentre trovavansi a Marina di ~~Porto~~ ^{Porto}...

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nell'Elbe, per essere ritredotti a Pienoss, a seguito del rifiuto del Direttore di Portolongone di riceverli, furono fatte ancora varie medicazioni con alcool e tintura di Jodio del Dott. Colombi.

La deposizione del sottocapo Bandino, quella del Campellano, le testimonianze dell'applicato Villani, attestante la necessità di cure, di cui ancora l'8 ottobre avevano bisogno i detenuti per contusioni ed escoriazioni, e distanze cioè di oltre 20 giorni dai fatti del 17 settembre, indicano che brevi atti di violenza furono usati verso i detenuti durante lo svolgimento degli avvenimenti sopra ricordati.

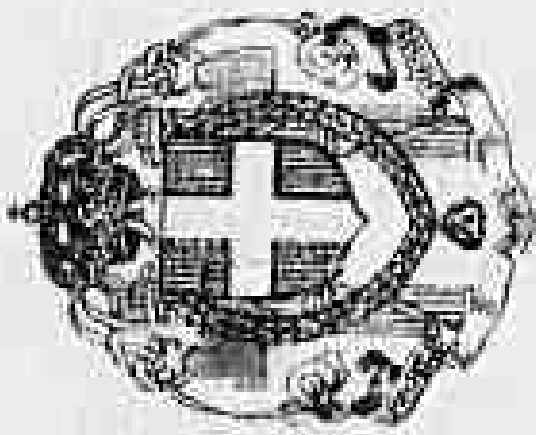
Tutti gli elementi raccolti concordano nell'indicare l'esistenza di tali violenze, che potrebbero essere giustificate solo della necessità di ricorrervi per reprimere o reggere a graviissimi atti di indisciplina dei detenuti.

In proposito, invece, l'esclusione di tutti i testi è portata alla conclusione che i detenuti fecero solo dei deboli tentativi di ribellione ma non tali da potere ingenerare alcun serio timore per l'incolumità delle custodia e delle autorità dirigenti. Si può anche ammettere che, qualora gli accordi prestabiliti tra i detenuti avessero avuto buon esito, nello stabilimento si sarebbero corsi gravissimi rischi per l'ordine e l'incolumità delle persone; ciò però è nel campo delle ipotesi, mentre invece la situazione doveva essere guardata alla luce dei fatti realmente occaduti. Bisogna ancora considerare che la forza pub-

varie medicazioni con alcool e tinture di jodio. La deposizione del sottosegretario Landino, quella del Capellano, la testimonianza dell'applicato Villani, attestante la necessità di cure, di cui ancora l'8 ottobre avevano bisogno i detenuti per contusioni ed escorivazioni, e distanze cioè di oltre 20 giorni dai fatti del 17 settembre, indicano che gravi atti di violenza furono usati verso i detenuti durante lo svolgimento degli avvenimenti sopra ricordati.

Tutti gli elementi raccolti concorrono nell'indicare l'esistenza di tali violenze, che potrebbero essere giustificate solo dalle necessità di ricorrervi per reprimere e reargire a graviissimi atti di indisciplina dei detenuti.

In proposito, invece, l'escusazione di tutti i fatti è portata alla conclusione che i detenuti fecero solo dei deboli tentativi di ribellione se non tali da potere ingenerare alcuni serio timore per l'incolumità della custodia e delle autorità dirigenti. Si può anche ammettere che, qualora gli accordi prestabiliti tra i detenuti avessero avuto buon esito, nello stabilimento si sarebbero corsi gravissimi rischi per l'ordine e l'incolumità delle persone; ciò però è nel campo delle ipotesi, mentre invece la situazione doveva essere guardata alla luce dei fatti realmente occorsi. Bisogna ancora considerare che le forze pubbliche era più che sufficiente per fronteggiare qualsiasi situazione e, quindi, non si spiega la ragione delle violenze stesse se non col ritenere che si sia voluto dare un esempio di metodi rigorosi per fare abbandonare ai detenuti qualsiasi idea futura di sommossa. Se poi vi fosse stata la necessità assoluta di ricorrere



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vere e tali atti di estremo rigore, se le lesioni fossero state prodotte ai detenuti in colluttazioni, allora non vi sarebbe stata alcuna ragione di nascondere le cause dei ferimenti e delle successive morti e chiacchiera e tanto meno al Cappellano, che avendo contatto con la vita dello stabilimento, avrebbe egli per primo trovato la giustificazione ai fatti.

Ciò invece non fu ed il Cappellano stesso, con la sua riprovevole condotta insieme a quella di tutti i dirigenti, convenne nel nascondere quanto era avvenuto in piena in quelle tristi giornate nel settembre 1943.

Non è attendibile, d'altra parte, la tesi sostenuta dal Direttore Dott. Carlo Mazzeo che egli non abbia avuto notizia alcuna di ferimenti o decessi, sia da parte del Sanitario che del Comandante degli agenti di custodia, oggi deceduti. Ma anche ammettendo che tale notizia sia stata nascosta, il Direttore, non si spiega perché quest'ultimo, informato all'atto della traduzione dei 14 detenuti e Portolongone che molti di essi erano feriti, non abbia proceduto ed accertamenti, indagando sulle cause delle lesioni e su gli autori, redigendo un rapporto in proposito.

Un'ultima circostanza è da rilevare:

nei fascicoli personali dei detenuti Tornatore Giuseppe, Maccoloni Indigi e Lo Piccolo Giuseppe, esistenti presso l'Archivio del Ministero di Grazia e Giustizia sono agli atti rispettivamente tre note in date 19 settembre 1943 nn. 8285- 8286 e 8289 della Direzione del Sanatorio e firma del Direttore Dott. Mazzeo, con la quale fu dato

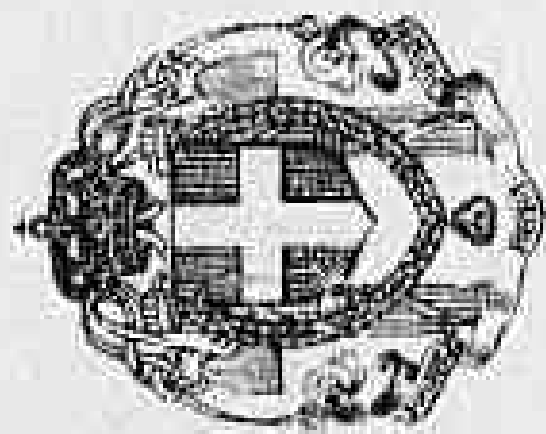
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GD338.

In merito ai sopra esposti fatti, il Giudice Istruttore presso il Tribunale di Livorno proceda ad istruttoria formale e, con nota del 10/3/1945 N. 560, ha richiesto al Ministero di Grazia e Giustizia gli atti della presente relazione.

Si ritiene opportuno che la predetta richiesta sia accolta e che, in attesa delle decisioni dell'Autorità Giudiziaria inquirente, il Dott. Carlo Mazzeo venga sospeso dalle funzioni direttive.

FATTI DI PORTO LONGONE

Dopo gli avvenimenti di Livorno del 17-18 e 19 settembre, nello stabilimento tornò la calma; ma, intanto, la situazione militare era ambigua.

Infatti, alla fine di settembre, le truppe tedesche avevano preso possesso temporaneo dell'Isola, disarmato il presidio militare italiano, successivamente deportato, ed avevano lasciato solo i carabinieri (tre) con il maresciallo.

Il Direttore Mazzeo pensò allora, per premunirsi contro eventuali nuove agitazioni dei detenuti, non potendo fare alcun affidamento sulle truppe del presidio, di sfollarne un certo numero nello stabilimento penale di Portolongone, che, come fabbricato, offriva migliore garanzia di sicurezza.

note del 10/3/1943.

circostanze più attenti della presente relazione.
Si ritiene opportuno che la predetta richiesta sia esposta
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FATTI DI PORTOLONGONE

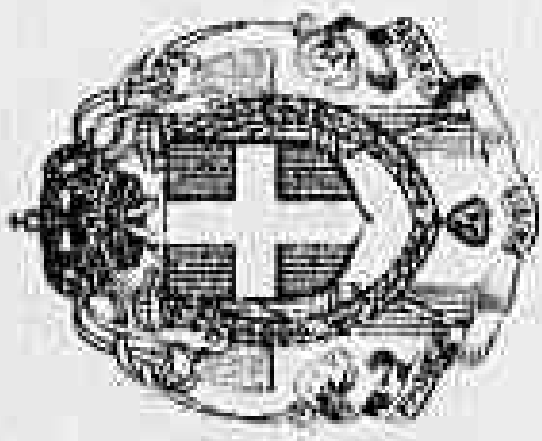
Dopo gli avvenimenti di Pismo del 17-18 e 19 settembre, nello stabilimento tornò la calma; ma, intanto, la situazione militare era cambiata.

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Presi quindi accordi con il maresciallo dei carabinieri, il 3 ottobre il Dott. Marzeco faceva trasferire a Portolongone 14 detenuti, che ancora si trovavano nelle celle di isolamento e che non sarebbe stato prudente rimettere a vite in comune nel Sanatorio giudiziario, essendo indiziati quei promotori della tentata

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comossa.

Poichè non aveva potuto preventire il Direttore di Portolongone, Dott. Macarone, dove incarico di accompagnare i detenuti stessi all'applicato Villani (V. interr. pag. 9), affinché spiegasse e volesse la situazione al Dott. Macarone.

Questi, però, non permisero che i detenuti e la scorta varcassero la soglia dello stabilimento e negò recisamente ed in termini sperbati al Villani quanto questi chiedeva per incarico del suo Direttore.

Quindi si recò al Comando tedesco, con il quale era in ottimi rapporti, per quanto in seguito verrà esposto, e fece dare, dopo circa 3 ore che i detenuti e la scorta attendevano per la strada, l'ordine al Villani, da parte di tale Maggiore dell'Esercito Zolzen, che era passato al servizio dei tedeschi, di riportare i detenuti a Pianosa.

Tale ordine fu confermato anche dal Tenente tedesco che comandava il Presidio di Portolongone e sarebbe stato eseguito a mezzo di un rimorchiatore, se e tale mezzo non fosse sopravvenuto un'avarie che ne impedì la partenza.

Il Villani allora riaccompagnò i detenuti con un camion a Marina di Campo, distante qualche chilometro da Portolongone, della quale località riteneva fosse più facile ripartire per Pianosa.

Ivi giunto, telefonava al Direttore Macarone, informandolo dell'inconveniente sorto, e quest'ultimo lo invitava a recarsi dal Tenente dei Carabinieri Giusti, affinché intervenisse presso il Dott. Macarone al fine di persuaderlo ad accogliere i detenuti.

all'applicato Villani (v. inter. pag. 9), affinché spiegasse e voce la situazione al Dott. Macerone.

Questi, però, non permise che i detenuti e la scorta venissero in scolla dello stabilimento e neppure recisamente ed in termini spartati al Villani quanto questi chiedeva per incarico del suo Direttore.

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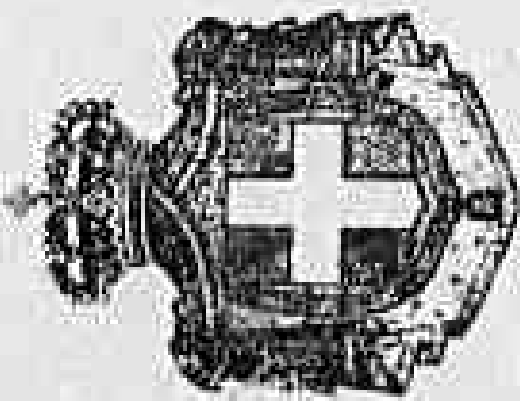
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Ma tutto fu inutile (v. deposizione Giusti pag. 33 e seguenti) nei confronti del Macerone, che all'irrigida nella sua posizione, ^{11/3/43} mancò che mancava l'ordine del Ministero per accettare i detenuti.

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Le comunicazioni postali e telegrafiche tra Roma e L'Elba dopo l'8 settembre 1943 erano già difficili e s'interruppero del tutto il 13 ottobre; doveva quindi essere intuitivo che le disposizioni Ministeriali non potevano giungere con quella tempestività che la situazione richiedeva.

Il Funzionario, intanto riveste un grado direttivo nella gerarchia burocratica in quanto è capace di assumere quelle responsabilità derivanti dal compimento di atti che, in alcune contingenze, non è possibile vengano disposti dai superiori.

Non sembra quindi sufficiente giustificazione quella fornita dal Dott. Macerone. Egli, comunque, doveva ricevere i detenuti ed attendere disposizioni del Ministero, inseguito alle quali avrebbe potuto fare ritrascorrere a Fianosa i 14 detenuti, che invece rimasero per 6 giorni accantonati sulla paglia, ⁱⁿ privato magazzino di tale Tesei in Marina di Campo, cioè fino al 14 ottobre, giorno in cui i tedeschi li prelevano alle ore 16 e, dopo aver proibito alla scorta di accompagnarli, li condussero alla spiaggia di Procchio, dove li uccisero con scariche di mitragliatrice.

A parte, quindi, le tragiche conseguenze, certo non prevedibile del Macerone, l'operato di quest'ultimo è censurabile perchè contrario ad ogni buona norma carceraria, secondo cui è precipuo compito di ogni Direttore di curare che in ogni momento sia assicurata la vigilanza sui condannati. E' ora in dubbio che con il suo comportamento il Macerone si disinteressò completamente della sorte dei condannati, che erano stati tradotti avanti il suo stabilimento e che ben sapeva che erano elementi indisciplinati e pericolosi. Così agendo, egli potenzialmente li mise in condizione di evadere, specie ove si pensi che la scorta

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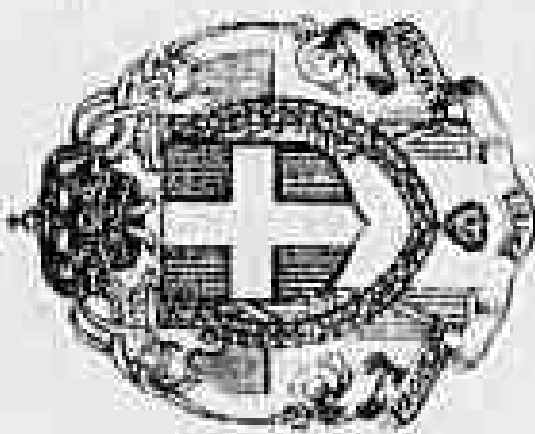
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Tutto quanto sopra è certamente, a parte ogni altra considerazione, un chiaro indice di grave inettitudine.

Se poi si consideri che quei 14 detenuti erano anche dei

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tubercolotici, ancora più grave si appalesa la situazione del Macerone, che non ebbe nessun atto di umana compassione verso della gente ammazzata che, se non altro, per tale vitolo aveva bene diritto ad essere ricercata.

Inefficaci del pari sono le giustificazioni del Macerone che si basano sulla situazione disciplinare dello stabilimento: i tedeschi avevano occupato l'Isola fin dal 17 settembre; egli li aveva invitati a visitare lo stabilimento, aveva chiesto che il Presidio Militare italiano fosse sostituito con truppe tedesche per la migliore vigilanza (anche questo atto riprovevole, perchè quelle truppe erano straniere e tedesche!!), aveva ciò ottenuto ed, anzi, le più gravi minacce erano state profferite dai tedeschi all'indirizzo dei detenuti, qualora essi avessero fatto atti di indisciplina.

Quindi si può con sicurezza affermare, e lo dicono i testi tenente dei carabinieri Giusti (pag. 23 interr.) e applicato Romano (V. interr. pag. 3 retro), che la situazione disciplinare bene consuntiva che solo 14 detenuti in più fossero ricevuti.

Resterebbe allora solo la scarsezza dei viveri, ma non è neppure il caso di prendere in considerazione questa giustificazione, solo che si riflette che nello stabilimento erano già presenti 700 condannati che, certo, non avrebbero subito la fame per il sopravvenire di soli altre 14 persone, sia pure con diritto a vitto speciale, vitto che poteva anche non darsi, date le eccezionali circostanze, fino a che il Ministero non avesse deciso la riduzione o meno a Pienosa di essi.

Si è infine rilevato dall'inchiesta che il Dott. Macerone

si basano sulla situazione disciplinare dello stabilimento: i tedeschi avevano occupato l'Isola fin dal 17 settembre; essi li aveva invitati a visitare lo stabilimento, aveva chiesto che il presidio militare italiano fosse sostituito con truppe tedesche per la migliore vigilanza (anche questo atto disprezzabile, perché quelle truppe erano strenue e tedesche!!), aveva ciò ottenuto ed, anzi, le più gravi minacce erano state proferte dai tedeschi all'indignità dei detenuti, qualora essi avessero fatto atti di indisciplina.

Quindi si può con sicurezza affermare, e lo dicono i testi terente dei carabinieri di qui (pag. 22 interr.) e esplicito Romano (V. interr. pag. 3 retro), che la situazione disciplinare bene consentiva che solo 14 detenuti in più fossero ricevuti.

Resterebbe allora solo la scarsezza dei viveri, ma non è dep- pure il caso di prendere in considerazione questa giustificazio- ne, solo che si riflette che nello stabilimento erano già presen- ti 700 condannati che, certo, non avrebbero subito la fame per il sopravvenire di sole oltre 14 persone, sia pure con diritto a vitto speciale, vitto che poteva anche non darsi, data le eccezio- nali circostanze, fino a che il ministero non avesse deciso la riduzione o meno a piena di essi.

Si è infine rilevato dall'inchiesta che il Dott. Mecarone era entrato nelle buche grazie dei tedeschi perché troppo scrupolo- losamente egli aveva eseguito gli ordini delle Kommandos (V. interr. Romano pag. 4, Cardilano Bartolini pag. 5, Tenente Carabini-

./.



Mod. 1348 MG

Ministero di Grazia e Giustizia

- 17 -

di Giusti pag. 33 retro).

Il Dott. Macerone, ^{un'altra} appena occupata l'Isola, aveva denunciato tutti i materiali esistenti nello stabilimento, in materia prima ed in manufatti, e si era affrettato ad accontentare in tutti i modi gli ufficiali e soldati tedeschi, ai quali venivano consegnati nello stabilimento, con meno d'opere detenute, scorte, stivali, divise, pigiama ecc. Ella infine aveva dato alle truppe tedesche tutto l'arredamento d'infermeria e chirurgia, che era quanto di meglio e di più moderno esistesse negli stabilimenti penali (V. interr. Romano pag. 4).

Il Pretore di Portoferraio, Dott. Antinori, ha confermato che tale attrezzatura doveva essergli consegnata, per disposizione della Sede Nord. del Ministero di Giustizia; il che invece non fu fatto dal Macerone, che diede ad essa la diversa e peggiore destinazione, procurandone la grave perdita per l'Amministrazione.

Tutti i suddetti elementi esposti concorrono nel fare giudicare pessimo l'operato del Direttore Dott. Macerone, per il quale proponiamo la più grave sanzione disciplinare amministrativa: la discesa dal servizio per ineptitudine al grado dello stesso rivestito.

Contemporaneamente sottopongo, in linea politica, l'opportunità che venga sottoposto al giudizio di epurazione, per avere collaborato ed aiutato le truppe tedesche dell'Isola, fornendo alle stesse, oltre il richiesto e spontaneamente, armi e manufatti nonché le attrezzature d'infermeria e chirurgia, recenti parte del patrimonio dello Stato.

tutti i materiali esistenti nello stabilimento, e si era allietato ed accontentare in tutti i modi gli ufficiali e soldati tedeschi, si quelli venivano confinati nello stabilimento, con mano d'opera detenuta, sorveglianza, civile, militare ecc. Egli infine aveva dato alla truppa tedesca tutto l'arredamento d'infanteria e chirurgia, che era quanto di meglio e di più moderno esistesse negli stabilimenti penali (V. interr. Romano pag. 4).

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Tutti i suddetti elementi asportati concorrono nel fare giudicare pessimo l'operato del Direttore Dott. Macarone, per il quale propongo la più grave sanzione disciplinare amministrativa: la dispensa dal servizio per ineptitudine al grado dallo stesso rivestito.

Contemporaneamente sottopongo, in linea politica, l'opportunità che venga sottoposto al giudizio di epurazione, per avere collaborato ed aiutato le truppe tedesche dell'isola, fornendo alle stesse, oltre il richiesto e spontaneamente, merci e munizioni nonché le attrezzature d'infanteria e chirurgia, facenti parte del patrimonio dello Stato.

Propongo infine che gravi provvedimenti disciplinari siano adottati a carico del Comandante Cosentini Giuseppe, attualmente in servizio al carcere giudiziario di Locri, che nell'occasione

./.



Mod. 1348 M. G.

Ministero di Grazia e Giustizia

-18-

della mancata ricezione dei 14 condannati nello stabilimento di Portolongone, si unì ed, anzi, spinse il Direttore a dare il divieto che essi fossero ricevuti (V. inter. pag. 3 applicato Romano).

A tutti gli effetti poi, ed in particolare della punizione dei delitti di guerra, riferisco integralmente la frase pronunciata dal colonnello tedesco Von Haring, governatore dell'Elba; alla presenza del Direttore Dott. Macarone e dell'applicato Romano, quando disse a questi ultimi l'annuncio dell'avvenuta fucilazione dei 14 detenuti: "erano ammalati, erano detenuti ribelli, nessuno dei due Direttori di Pianosa e Portolongone li voleva ricevere, avevo quindi creato di risolvere la situazione dando ordine di sopprimerli". Aggiunse il colonnello Von Haring che si assumeva tutta la responsabilità del suo operato, che, d'altra parte, non doveva impressionare, perché in guerra morivano milioni di persone.

C O N C L U S I O N I :

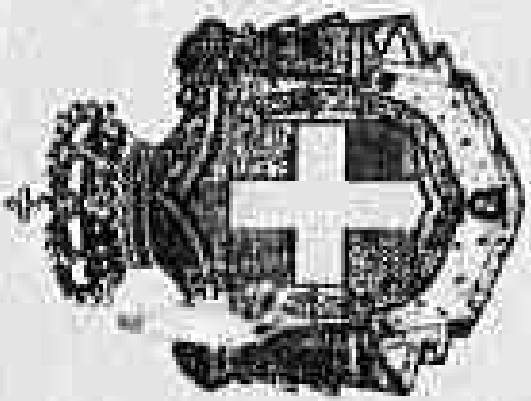
- 1) E' fuori dubbio che nel settembre 1943 i promotori della tentata sommossa, prelevati dalle rispettive carceri, per essere isolati nelle celle di punizione, dovettero essere fatti segno a violenza;
- 2) Non è rimasto accertato se le violenze subite furono provocate dagli stessi detenuti, che costrinsero gli agenti in condizioni di legittima difesa;
- 3) Il Direttore Dott. Carlo Mazzeo, né con certificati né con rapporti ha mai segnalato le lesioni che indubbiamente i detenuti ri-

A tutti gli effetti poi, ed in particolare della punizione dei delitti di guerra, riferisco integralmente la frase pronunciata dal colonnello tedesco Von Haring, governatore dell'Elba; alla presenza del Direttore Dott. Macerone e dell'applicato Romano, quando disse a questi ultimi l'annuncio dell'avvenuta facillazione dei 14 detenuti: "« erano ammalati, erano detenuti ribelli, nessuno dei due Direttori di Pinerose e Portolongone li voleva ricevere, avevo quindi creato di risolvere la situazione dando ordine di sopprimerli ». Aggiunse il colonnello Von Haring che si assumeva tutta la responsabilità del suo operato, che, d'altra parte, non doveva impressionare, perché in guerra morivano milioni di persone.

CONCLUSIONI:

- 1) E' fuori dubbio che nel settembre 1943 i promotori della tentata sommossa, prelevati dalle rispettive carceri, per essere isolati nelle celle di punizione, dovettero essere fatti segno a violenza;
- 2) Non è rimasto accertato se le violenze subite furono provocate dagli stessi detenuti, che costrinsero gli agenti in condizioni di legittima difesa;
- 3) Il Direttore Dott. Carlo Mezzio, né con certificati né con rapporti ha mai segnalato le lesioni che indubbiamente i detenuti riportarono. Tale omissione, messa in correlazione con i risultati dell'inchiesta, induce a ritenere che vi sia potuto essere l'interesse del Direttore ed ignorare gli avvenimenti di eccezionale gravità verificatisi nello stabilimento;
- 4) Non è stato possibile ottenere prove specifiche, in ordine alle violenze subite dai detenuti da parte degli agenti di custodia.

./.



Mod. 1348 M.G.

Ministero di Giustizia

-19-

PROPOSTE:

- 1) In base al procedimento penale iniziato ed agli accertamenti delle presenti inchieste, si propone la temporanea sospensione del Direttore Dott. Maszeo delle funzioni direttive;
- 2) Si propone che il Direttore della casa penale di Portolongone, Dott. Macarone, venga deferito all'alto Commissariato per la punizione dei delitti del fascismo, per il giudizio di epurazione, per i motivi di cui nella relazione, con la conseguente sospensione delle funzioni durante il giudizio stesso, salva la facoltà dell'Amministrazione di procedere a carico del Macarone disciplinatamente in ordine ai fatti accertati;
- 3) Si propone d'iniziare procedimento disciplinare a carico del comandante Cosentini Giuseppe, per i motivi già esposti;
- 4) Che sia inoltre trasmessa al Giudice istruttore di Livorno copia delle presenti relazione e degli interrogatori raccolti, chiedo che comunichi al Ministero il nome delle persone imputate, i fatti addebitati ed, eventualmente, i provvedimenti giudiziari che, a seguito della comunicazione dell'inchiesta, verranno adottati, ove non esiti la segretezza della istruttoria.

Roma, 12, 18 marzo 1945

Dott. UGO CALDERA

4140

Giudice addetto al Ministero di Grazia e Giustizia

[Handwritten signature]

Direttore Dott. Maresco delle funzioni direttive;

2) Si propone che il Direttore della casa penale di Portofonfo, Dott. Macarone, venga deferito all'alto Commissariato per la punizione dei delitti del fascismo, per il giudizio di epurazione, per i motivi di cui nella relazione, con la conseguente sospensione dalle funzioni durante il giudizio stesso, salva la facoltà dell'amministrazione di procedere a carico del Macarone disciplinarmente in ordine ai fatti accertati;

3) Si propone d'iniziare procedimento disciplinare a carico del comandante Cosentini Giuseppe, per i motivi già esposti;

4) Che sia inoltre trasmessa al Giudice istruttore di Livorno copia della presente relazione e degli interrogatori raccolti, chiedo che comunichi al Ministero il nome delle persone imputate, i fatti eddebitati ed, eventualmente, i provvedimenti giudiziari che, a seguito della comunicazione dell'inchiesta, verranno adottati, ove non osti la segretezza della istruttoria.

Roma, li, 18 marzo 1945

Dott. Ugo CALDARERA

41/40

Giudice edetto al Ministero di Grazia e Giustizia



1 2 6 9

Translation M.C.

42A

MINISTRY OF GRACE AND JUSTICE

Subject: Letter. Rome 23-3-45
To.....: Allied Commission Public Safety Subcommissoin. N:84/6-23

With reference to the letter AC/I4204/P.S., dated 20-3-instant, we transmit the attached letter which Cap. R;M.Freeman may show to the directors of the prisons which he wishes to visit.

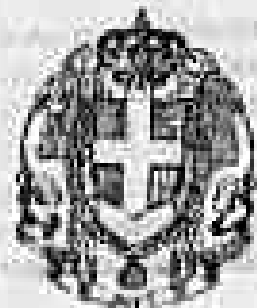
For the Minister
AURIENNA.

Director		
Deputy Director		
Executive		
Finance		
Legal		
Prisons		
Adm. Services		
Security		
Chief Clerk		

MAR 26/3

61.6

1 2 7 0



Roma 23 marzo 1945

Mod. 1345 MG

Ministero di Grazia e Giustizia

la Commissione
Alleata-Sottocommissione
di P.S.

Ufficio Segreteria

Prot. N° 84/6.23

R O M A

Representant of the

Dir. Sec. N°

OGGETTO Credenziali.

In relazione alla nota AC/14204/PS
del 20 marzo c.a., si ha il pregio di tra-
smettere l'unita lettera credenziale che
il Capitano R.M. Freeman potrà esibire ai
Direttori degli stabilimenti penali nei
quali dovrà recarsi.

Pel MINISTRO

Benigno

41A
HEADQUARTERS ALLIED COMMISSION
Public Safety Sub-Commission
APO 394

Tel : 478709

20 March 1945.

AC/14201/PS

SUBJECT : Credential.

TO : The Minister of Grace & Justice.

In order to facilitate the work of Capt. R.M. Freeman, Prison Officer of this Sub-Commission, in his official contacts with civilian prison personnel, it would be appreciated if a suitable credential were prepared by your Ministry, providing an introduction to prison personnel and certifying to the official position of Captain Freeman as a member of this Headquarters.

E.W. Chapman
JOHN W. CHAPMAN
Colonel, J.A.C.D.
Director Public Safety
Sub-Commission.

RWH/G. B.F.
5/4/45

4140

1 2 7 2

40A

14204

TRANSMISSION.

MINISTRY OF GRACE AND JUSTICE.

Rome, 27th Feb. 1945.

No. 110622/25-17.

SUBJECT : Allied Officers' visit to Bari Prisons.

TO : A.G. P.S.S/C. (Major Hanbury).

(Enclosures 2).

TO	For action as the Commission may consider desirable
DIRECTOR	There have been transmitted herewith copy of Note No. 1584 from
ADM. & REG.	the Directorate of the Bari Prisons and copy of its enclosure.
PERSONS	
ADM. OFFICER	
SECURITY	
CHIEF	

FOR THE MINISTER
10/3 (Signature illegible).

DIRECTORATE OF BARI PRISONS

No. 1584 Tit. 3. Fasc. 8.

Bari, 9/2/1945.

SUBJECT : Visit of Allied Officers.

TO : Allied Police Command, G.A. District, Bari.
and for information to
The Procurator General of the Kingdom, Bari,
the Ministry of Grace and Justice, Rome.

I report to the Command that this morning a Major, a Captain and a Lieut. of the British Army entered the establishment and visited the upper floor of the 4th Section, where in cells Nos. 46 and 56, there are held prisoners under Allied Police Agent Guard, not inscribed in the books of the Institute.

I was informed and I went at once and met the above-mentioned officers as they were returning from their visit to the cells.

10/3

CONTRACTS OF BART BRIDGES

Expi. 9/2/1945.

No. 1584 div. 3. Page 8.

CHURCH; Visit of Allied Officers.

TO : Allied Police Command, C.A. District, Bari.
and for information to the Kingdom. Bari.
The Procurator General of the Kingdom. Rome.
The Ministry of Grace and Justice. Rome.

I report to the Command that this morning a Major, 2 Captain and a Lieut. of the British Army entered the establishment and visited the upper floor of the 4th Section, where in cells Nos. 43 and 56, there are held prisoners under allied Police Agent Guard, not inscribed in the books of the Institute.

I was informed and I went at once and met the above-mentioned officers as they were returning from their visit to the cells.

I asked the Major the reason of the visit and whether it had been authorized by the Command and I received the reply, through a prisoner who was acting as interpreter, that they had been visiting their prisoners.

I was asked if I could cede the whole floor and I replied that actually the establishment contained more than double its maximum capacity (1520 condensed into 705 places) further aggravated by the transfer of 162 minors from their section which was insecure to the ground floor of the 1st Section and that in any case such a concession would not be within my competence but in that of the Command and my Directing Ministry. I asked the Mayor to write his impressions in the appropriate register

which I transcribe and attach hereto.

I ask the Command, for the efficient running of the service, to consider whether it would not be advisable to lay down that no one from outside the Institute can have access to it unless they are furnished with a special authorization from the Command to be shown to the writer, whose duty it is normally to accompany at any hour visitors who come on duty or for purposes of study.

I also ask that in the cell where the Commander of the Allied Guard has his office a list should be kept of those on duty in order to avoid that other outsiders in uniform should abusively enter the Institute and that a copy of it should daily be given to the Directorate for the necessary entrance control.

Awaiting instructions:

THE DIRECTOR
(Signed) Avv. Salvatore GOZZO.

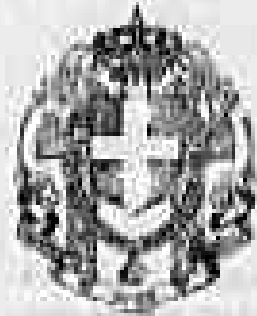
2nd Enclosure.

Visited by Adjutant Green Howard of the 30th Bn.
and found clean and in good order.

(Signed) P. Mills Lt. 310 or 510 Coy.

ea.

4130



Ministero di Grazia e Giustizia

DIREZIONE GENERALE
PER GLI ISTITUTI DI PREVENZIONE E DI PENA

Translate please

Mod. 805 MD.

Recid 27 FEB 1945 1945

Ala Commissione Alleanza - Settecommissione P.S. (Maggiore Hambury)

Ufficio VI
Let. A. 130329/25-47

Registralf. A.
del

OGGETTO: *Visita di Ufficiali Alleati alle carceri giudiziarie di Bari.*

All. 2

Per i provvedimenti che codesta Commissione credesse di adottare in merito, si trasmettono copie della nota N. 1584 della direzione delle carceri giudiziarie di Bari e dell'allegato alla nota stessa.

Per il MINISTRO

Amorini

4134

Copia

Direzione delle carceri e uffici serie di
Parigi

Parigi 5/2/1945

N. 1564 Tit. 3 Res. 8

All. uno

All'On.le Comando della Polizia Armata
DI ZONA C.A.

PARIGI

e per conoscenza:

A S.S. IL PROCURATORE GENERALE DEL REGNO
di
PARIGI

AL MINISTERO DI GRAZIA E GIUSTIZIA
Direz. Gen. istituti di Prev. e di Pena

ROMA

Oggetto: Visite di Ufficiali Alleati.

Segnalo a cotesto Gn/le Comando per dovere d'ufficio, che stanno ne un Maggiore, un Capitano ed un Tenente dell'Esercito Inglese Alleato si sono incontrati nelle stabilimento ed hanno visitato il piano superiore della 4^a Sezione, dove nelle celle n. 48 al 56 sono ristretti dei detenuti, custoditi da agenti delle Polizia Inglese, non iscritti nella matricola dell'Istituto.

Avvertito, sono accorse ed ho incontrato i predetti Ufficiali quando erano già di ritorno.

Chiesto al Sig. Maggiore il perché delle visite e se erano stati autorizzati da cotesto Comando, mi fu risposto, e mezzo d'un detenuto interprete, che erano andati a visitare i loro prigionieri.

Mi fu domandato se potevo cedere l'intera corsia, e risposi che attualmente le stabilimento contiene oltre il doppio della capienza massima (1520 ristretti in 705 posti) aggravata dalle spostamenti di 102 minierari, delle loro sudari iniezioni, al piovono delle 3^a sezione e che comunque la concessione non era di mia competenza ma di coteste Gn/le Comando e del Superiore Miniere prego il Sig. Maggiore di redigere sull'apposito visitatore le impressioni riportate e che trascurare nella copia alligata.

Prego cotesto Comando, di fini dal buon andamento del servizio, di voler esaminare se sia il caso di disporre che nessun estraneo all'istituto vi possa accedere.

OGGETTO: Visita di Ufficiali Alleati.

Segnale e ceteate On/le Comande per dovere d'ufficio, che atene-
re un Maggiore, un Capitano ed un Tenente dell'Esercito Inglese Allean-
te ai sono introdotti nello stabilimento ed hanno visitato il piano
superiore delle 4^e Sezioni, dove nella colla n.48 ai 56 sono ristretti
dei detenuti, custoditi da agenti delle polizia inglese, non iscritti
nella rubriche dell'Istituto.

Avvertita, sono accorse ed ho incontrato i predetti Ufficiali
quando erano già di ritorno.

Chiesto al Sig. Maggiore il perché della visita e se erano stati
autorizzati da ceteate Comande, mi fu risposto, a mezzo d'un detenuto
interprete, che erano andati a visitare i loro prigionieri.

Mi fu domandato se potevo cedere l'intera corsia, e risposi che
attualmente lo stabilimento contiene oltre il doppio della capienza mes-
sima (1520 ristretti in 705 posti) aggravata dello spettacolo di 102
minerali, dalle loro sezioni inalcune, al riparo della 3^a sezione
e che comunque la capienza non era di mia competenza ma di ceteate
On/le Comande e del Superiore Ministero pregai il Sig. Maggiore di re-
digere sull'espresse ragione le impressioni riportate e che trascrive
nella copia allegata.

Prego ceteate Comande, ai fini del buon andamento del servizio, di
veller esaminare se sia il caso di disporre che nessun estraneo all'isti-
tuto vi acceda non munito di speciale autorizzazione di ceteate Comande,
de esibire alle scriventi, che ha l'obbligo regolarmente di accettare
in ogni ora i visitatori che accedono per servizio e a scopo di studio.

Prego altresì che nelle celle dove il comandante delle guardie al-
leate tiene il suo ufficio sia tenuta l'elenco degli addetti al servizio
per evitare che altri estranei entrino in divisa militare possano stu-
tivamente entrare nell'istituto e che copia di esso, aggiornate, sia an-
che comunicata alla Direzione per gli opportuni controlli di pertinenza
Resta in attesa di compiacenti istruzioni.

Il Direttore

P/te (Avv. Salvatore GONZO)

COPIA

Visited 21/c s Adl Green Mournd 30, h
En. and sound clear a/d in good order

F/te P. Mills Lt. 510 Pre Coy

Visitato lo Stabilimento dall'aiutante Maggiore
del 30° Battaglione Green Howard e trovate
tutte pulite ed ordinate.

F/te P. Mills Lt. 310 Pre Coy

per copia conforme all'originale
Pari 10 /2/1945

IL DIRETTORE
F/te Avv. Salvatore GOZZO

HEADQUARTERS ALLIED COMMISSION
Public Safety Sub-Commission
APO 394

Tel : 478709

14 February, 1945.

AC/14204/PS

SUBJECT : Visit of Allied Officer to Ministry of
Grace & Justice.

TO : Regional Commissioner Toscana Region

1. We wish to thank you for your prompt reply to
our letter on the above subject and we will consider the
case closed.

2. As to your suggestions we enclose a copy of the
letter which was sent to the Minister of Grace and Justice
as soon as he informs us of the Committee and when it will
leave we shall inform you and ask that the Prison officer
accompany them to help them over the rough spots.

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

EWH/G.

4134

HEADQUARTERS ALLIED COMMISSION
Public Safety Sub-Commission
APO 394

Tel : 478709

14 February, 1945.

AC/14204/TS

SUBJECT : Pienosa & Portolongone.
TO : Minister of Grace & Justice.

1. Following our verbal conversation in reference to the requests left at your office by Capt. Ruthven K. Smith. I have taken the subject up with the Regional Commissioner of Toscana Region and have received a letter from him in which he makes the following suggestions.
2. That a Committee be appointed by your office and sent to Pienosa and Portolongone to investigate the atrocities as charged. The Regional A.M.G. Prisons officer will accompany the Committee. That the Committee at the same time investigate the clemency request of the prisoners Coccianari Vittorio and Servini Domenico and make their recommendations to your office.
3. The Regional Commissioner expresses his desire to have Dr. Mazzei removed as he has shown a marked disrespect for the Regional Commissioner in having gone to the Island after being told to wait and has made no response to several letters written to him.
4. If you will inform this office as to who the Committee will be and when they will leave, I shall arrange the travel passes for them and the Prison officer to meet them and to work with them in their investigation.

4130
JOHN W. CHAPMAN
Colonel, J.A.G.D.
Director Public Safety
Sub-Commission.

EMH/c.

BEA.
2/28/45
see 43A

HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT

L. Supt. 37A

8 Feb 45.

RVIII/11B/108

SUBJECT : Visit of Allied Officer to Minister of Grace and Justice.
TO : HQ, AC.

1. Reference your AC/14204/PS dated 2 Feb 45.

2. I would like to state that the visit of Capt.R.K.SMITH, accompanied by CG.RR. Lt.ROSATI, to the office of the Minister of Grace and Justice, was done without the authority and knowledge of this Headquarters. Capt.SMITH will be informed as to the correct procedure to be pursued in the handling of prison cases.

3. Regarding your para 5, the title "Governor of the Island" is not correct. Major. REIDLEY is the Civil Affairs Officer.

COL. CH. PM. IV		
COL. YON		
LT. CO.		
MAJ. GEN.		
MAJ. GEN.		
MAJ. GEN.		
MAJ. GEN.		
MAJ. GEN.		
MAJ. GEN.		
MAJ. GEN.		

4. As to the requests made by Capt.SMITH, designated as Major. ~~SMITH~~ SMITH, of the Minister of Grace and Justice and submitted for our action and information, please refer to separate letter RVIII/PS/9.1 this HQ, dated 6 Feb 45, outlining action to be taken.

3712
Robert C. Kirkwood
ROBT.C.KIRKWOOD,
Colonel, FA, US Army,
Regional Commissioner.

HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT

14204 396
8 Feb 45.

RVIII/PS/9.1

SUBJECT : Action on requests left with the Minister of Grace and Justice
by Capt Ruthven K. SMITH.

TO : Director of Public Safety Sub-Commission, HQ, AC.

1. It is suggested that a committee, appointed by the Minister of Grace and Justice, be sent to PIANOSA and PORTOLONGONE to investigate the atrocity charge. This HQ to be notified as to the date the investigation will start. The Committee to report to Maj REILLY, Civil Affairs Officer, Island of ELBA. The Regional Prisons Officer will accompany the Committee, if it is so desired.

2. I am wholly in accord with the request that Dr MAZZEI be removed from the Directorship of the Prison. When the Island was inspected by the Regional Prisons Officer last August, Dr MAZZEI was not there. He was located by the same officer in FLORENCE a month later. He requested that he be permitted to return to PIANOSA but was told to wait. A short time later he departed for the Island without permission of the Regional Public Safety Officer and against the advice of Dr G.B. MAZZARISI, Director of Prisons, City of FLORENCE. Since then he has made no response to several letters written to him.

3. A letter stating that Dr BIONDOLILLO had left the Island and that a replacement was urgently needed, represented the total communication received from Dr MAZZEI. This request was forwarded to Public Safety Sub-Commission for action by the Minister.

4. Dr MACARONI is recognized by this HQ as the Director of the PORTOLONGONE Penitentiary. While under German domination the prison had been evacuated, all prisoners and most of the guards going to the mainland. The only Mandamentali prison on the Island at PORTOFERRAIO was badly damaged and a small section of the Penitentiary was being used for that purpose. This may be the reason it is thought that the Judge of PORTOFERRAIO is the Director of the prison. Dr MACARONI was to submit a plan for the re-establishment of the prison but it never arrived at this HQ. Occupation of the Island by the French has forbidden any further steps until recently.

5. Since this HQ is totally unaware of the circumstances that would warrant clemency for the prisoners COCCANARI VITTORIO and SERVINI DOMENICO it is suggested that the proposed Committee investigate their reasons for such.

6. Maj MacKENZIE, LIVORNO Province Public Safety Officer, and the Regional Prisons Officer will soon make a trip to the Island of ELBA and PIANOSA. The cases of Underguard LOFFEDO GENNERA and Guard Signorino FLACIDO will be examined by them.

6121
ROBT. G. KIRKWOOD,
Colonel, FA, US Army,
Regional Commissioner.

gkmp

TranslationRegent General's draft legislative decree

Modification of the law n. 547 dated 9 May 1932 on the prison reform concerning the addition of representatives of the Ministries of Africa Italiana, Grace & Justice, Public Works and Agriculture and Forests to the interministerial Commission for the work of prisoners:

ARTICLE 1

The article 2 of the law n. 547 dated 9 May is modified as follows:

A Commission is instituted at the Ministry of Justice composed by the General Director of the penal institutions who presides over it, and of ~~an~~ representative of ~~the~~ Ministries of Interior, Africa Italiana, Grace & Justice, War, Navy Air, Public Works, Communications and Agriculture & Forests, and by two representatives of the Ministry of Treasury and ~~by~~ two representatives of the Ministry of Industry, Commerce & Labour.

SCHEMA DI DISEGNO DI DECRETO LEGISLATIVO INCONTROVENEZIALE

Modificazione alla legge 9 maggio 1932 n. 547 sulla riforma penitenziaria concernente l'aggiunta in seno alla Commissione interministeriale per il lavoro dei detenuti, dei rappresentanti dei Ministeri dell'Africa italiana, della Grazia e Giustizia, dei Lavori Pubblici e dell'Agricoltura e Foreste :

A R T I C O L O 1

L'articolo 2 della legge 9 maggio 1932 n. 547 è così modificato: presso il Ministero della Giustizia è istituita una Commissione composta dal Direttore Generale per gli istituti di prevenzione e di pena che la presiede, e di un rappresentante dei Ministeri dell'Interno, dell'Africa Italiana, della Grazia e Giustizia, della Guerra, della Marina, dell'Aeronautica, dei Lavori Pubblici, delle Comunicazioni e dell'Agricoltura e Foreste, nonché di due rappresentanti del Ministero del Tesoro e di due rappresentanti del Ministero dell'Industria, Commercio e Lavoro.

penitenziaria concernente l'aggiunta in seno alla Commissione Ministeriale pel lavoro dei detenuti, dei rappresentanti dei Ministeri dell'Africa italiana, della Grazia e Giustizia, dei Lavori Pubblici e dell'Agricoltura e Foreste :

A R T I C C O L O 1

L'articolo 2 della legge 9 maggio 1932 n. 547 è così modificato:

Presso il Ministero della Giustizia è istituita una Commissione composta dal Direttore Generale per gli istituti di prevenzione e di pena che la presiede, e di un rappresentante dei Ministeri dell'Interno, dell'Africa Italiana, della Grazia e Giustizia, della Guerra, della Marina, dell'Aeronautica, dei Lavori Pubblici, delle Comunicazioni e dell'Agricoltura e Foreste, nonché di due rappresentanti del Ministero del Tesoro e di due rappresentanti del Ministero dell'Industria, Commercio e Lavoro.

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17/10/32
Dott. 912

4120

HEADQUARTERS ALLIED COMMISSION
Public Safety Sub-Commission
APO 394

Tel : 478709

2 February, 1945.

AC/14204/PS.

SUBJECT : Visit of Allied Officer to
Minister of Grace & Justice.

TO : Regional Commissioner - Toscana Region.

1. This office is in receipt of a letter from the Minister of Grace and Justice in which he states that a Major Smith Ruthven of A.M.C. accompanied by a CC.RR. Lt. Rosati visited his office to place before him certain information he had on prisons on the Islands of Pianosa and Portolongone and also left with the Minister a list of eight (8) requests which he considered should be accomplished.
2. The Major as far as can be ascertained did not visit Public Safety Headquarters of A.C. in Rome or did not receive permission from Legal Sub-Commission to make this visit to the Minister of Grace and Justice. This is contrary to orders issued by the Headquarters of A.C. in which it states that contact with the various Ministers of the Italian Government must be made through this Headquarters.
3. As Prisons and their personnel are under a section of Public Safety Sub-Commission we have direct contact with the Minister and in this case we do not know if your Regional Public Safety officer agrees with the recommendation as made by the Major and some of the items in this request have been the subject of correspondence between this office and your Regional Public Safety Prisons Officer.
4. I attach a copy of the request left with the Minister and have issued instructions that he takes no action until I had presented them to you for your action and information.
5. I call your attention to the last sentence in para 2 of the requests and ask if the title Governor of the Island is correct.
6. I assure you of our complete cooperation as far as it is in our power but officers must be made to realize that if they visit the Ministers direct and place requests before them in many cases it is just the opposite to the General Policy that this Headquarters is trying to put in operation.

ENH/G.

B.F. see 39A
Feb. 28-1945

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

1120

Translation.

MINISTRY OF GRACE & JUSTICE

31 Jan 1945

N. 70514/1.10 L

35B
Subject : Penal establishments of Pianosa and Portolongone.
To : A.C. Public Safety Sub-Commission - Rome.
(Major Hanbury)

On the 29 January 1945, Major Smith Ruthven of A.M.G. Toscana Region, accompanied by the CC.P.R. Lt. Rosati, personally made the statement and the investigations contained in the enclosure and regarding the establishments of Pianosa and Portolongone.

Would you please inform this Ministry whether the A.C. has any objections to make against the requested provisions.

412.

For the Minister
Auriemma

rv.

Translation.

MINISTRY OF GRACE & JUSTICE

31 Jan 1945

N. 70514/1.10 L

Subject : Penal establishments of Pianosa and Portolongone.
To : A.C. Public Safety Sub-Commission - Rome.
(Major Hanbury)

On the 29 January 1945, Major Smith Ruthven of A.M.G. Toscana Region, accompanied by the CC.R. Lt. Rosati, personally made the statement and the investigations contained in the enclosure and regarding the establishments of Pianosa and Portolongone.

Would you please inform this Ministry whether the A.C. has any objections to make against the requested provisions.

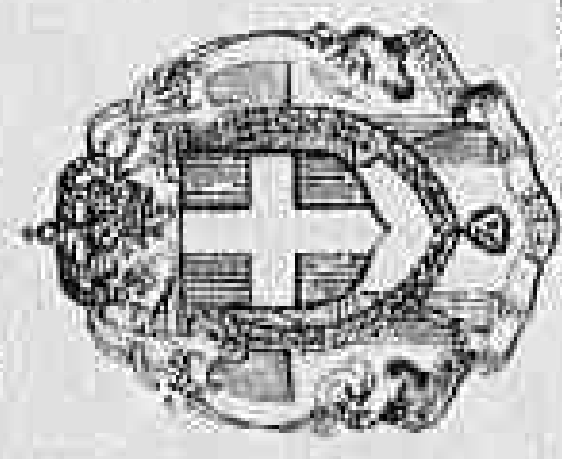
For the Minister
Aurienma

rv.

1120

1 2 8 9

Mod. 1348 M.G.



Ministero di Grazia e Giustizia

DIREZIONE GENERALE GLI ISTITUTI DI PREVENZIONE E DI PENA

no 90544
10.10.45

Roma, li 31.1.1945

ALLA COMMISSIONE ALLIATA
Sottocommissione P.S.
(Magg. Hamburj)

ROMA

OGGETTO: Stabilimenti penali di Pianosa e Portolongone.

Il 29 gennaio c.e. il Maggiore Smith Ruthven dell'A.M. C. per la regione Toscana, accompagnato dal tenente dei CC. RR. Sig. Rosati, personalmente fece l'esposizione e le ricerche di cui nell'allegato e relative agli stabilimenti di Pianosa e Portolongone.

Pregola informare questo Ministero se la A.C. ha da fare obiezioni ai provvedimenti richiesti.

per il MINISTRO
Auriciana 4120

Translation.

MINISTRY OF GRACE & JUSTICE

29 Jan 1945 352

Subject : Establishments of Pianosa and Portolongone -
Requests by A.M.G.

To : Prison General Director

Major Smith Ruthven from A.M.G., accompanied by CC.PR. Lt. Rosati came to this office and made the following statements and requests:

1. In September 1943, the director of the judicial sanatorium of Pianosa, Mazzei, fearing a possible revolt of the prisoners, isolated 19 of those most suspected, transferring them to the punishment section of the prison.

Of these 19, five died following ill-treatment, but on the registers was noted that their death was due to haemoptysis.

For protective measure the other 14 were transferred to the Portolongone prisons; but there, they were shot by German troops, as the director of the prison, dott. Macarone, did not shelter them, advancing shortage of food and available places.

Director Mazzei has received order to furnish a detailed report on the episode of the 19 rebellious prisoners and on the death of the 5, following ill-treatment, and to deliver it by 25 January 1945 to Major Smith, but Mazzei has not complied with the above order.

2. Mr. Lamiani Giuseppe, agricultural assistant at the Pianosa colony, has been brought before the Allied Military Tribunal of Elba for collaboration with the Germans and has been acquitted for insufficiency of proofs, as the most important witnesses, among whom two are dead, were not present at the trial.

3. Dr. Biondolillo left the Pianosa Sanatorium and at present the Sanatorium is without doctor.

4. The agent Signorino Placido who after request of AMG had been ordered by this Ministry to transfer himself from Portoferraio to Pianosa has not reached his new residence.

5. The director Macarone of Portolongone does not hold the directorship of that prison and is still substituted by the Judge of Portoferraio.

6. The prisoner Coccianari Vittorio having a life-sentence for murder, conducted himself very well and offered himself for patriotic and philanthropic purposes, during the state of emergency of the Elba Island. 4124

- 2 -

7. The prisoner Servini Domenico, during the last 17 days of his punishment was detained by the Allied Command in their proper Offices.

8. The under-chiefguard Loffredo Gennaro of the Portolongone prisons distinguished himself for exemplary conduct.

REQUESTS

1. It is necessary immediately to remove dr. Mazzei Carlo, from the directorship of the judicial Sanatorium of Pianosa, replacing him with another director, as his stay is not well-regarded by the prisoners, especially because he is deemed responsible for the death, due to ill-treatment, of the 5 prisoners suspected of revolt and for the transfer of the other 14 prisoners to Portolongone, with their subsequent execution by the Germans.

2. In view of the removal of Mazzei, immediately to send to Elba and Pianosa a Commission of officials of the prison Administration for a detailed investigation on the facts occurred between 1943 and 1944 - the period of emergency - in order to ascertain the eventual responsibilities.

The investigator ought to go first to the Elba Island, in order to contact the lawyer Pazzaglia, Public Prosecutor in the trial against Damiani and with Major Reilly, governor of the Island, successor of Major Smith, who in a near future will return to America.

3. Urgently to provide for the assignment of a doctor to Pianosa.

4. To propose the prisoner Cocconeri Vittorio for a provision of Sovereign Grace.

5. To consider the 17 days passed by the prisoner Servini Domenico at the dependence of the Allied Command, in regard to the period of punishment.

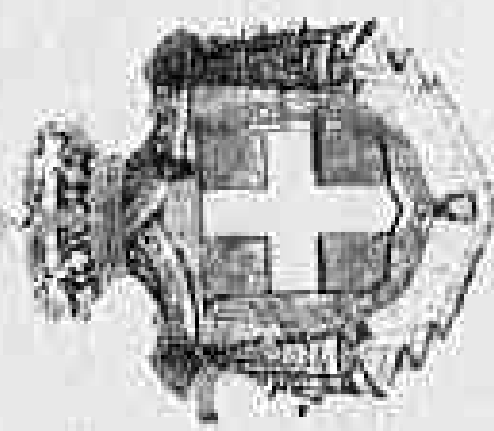
6. To propose the under-chiefguard Loffredo Gennaro for a promotion and to allow a gratuity.

7. It is necessary to clear the position of dr. Macarone, who could re-assume the directorship of the Portolongone prisons.

8. It is necessary to punish the agent Signorino Giacinto, as he did not comply with the order to transfer himself to Pianosa.

N.B. Major Smith left a number of documents in regard to the a/m requests.

4120



Mod. 1348 MG.

Ministero della Giustizia
Direzione Generale Istituti prevenzione e pena

Roma, li 29.1.1945

ALL'ILLUSTRO SIGNOR
DIRETTORE GENERALE
per gli istituti di prevenzione e di pena

O G G E T T O : Stabilimenti di Pianosa e Portolongone - Richiesta da parte dell'A.M.G.

È venuto nell'ufficio il maggiore Smith Ruthven del 1° A.M.G., accompagnato dal tenente dei carabinieri Rosati, e mi ha fatto le seguenti esposizioni e richieste :

1°. Nel settembre 1943 nel sanatorio giudiziario di Pianosa, il direttore Vazzei, avendo sentore di una possibile ribellione dei detenuti, ne fece isolare i 19 detenuti più indiziati, trasferendoli nella sezione di punizione del preventivo.

Di questi diciannove, cinque morirono a seguito di sevizie, ma sui registri si annotò che la morte era susseguita ad emot-tisi.

Gli altri quattordici furono trasferiti per precauzione al reclusorio di Portolongone: ma quivi vennero fucilati dalle truppe tedesche dato che il direttore del reclusorio dott. Macarone non se li volle ricevere, adducendo la mancanza di vitto e di posti disponibili.

Il direttore Vazzei ha ricevuto l'ordine di redigere un dettagliato rapporto sull'episodio dei 19 detenuti ribelli, e di consegnarlo al

O G G T T O : Stabilimenti di Pianosa e Portolongone - Richie-
sta da parte dell'A.M.G.

è venuto nell'ufficio il maggiore Smith Ruthven del -
l'A.M.G. accompagnato dal tenente dei carabinieri Rosati, e
mi ha fatto le seguenti esposizioni e richieste :

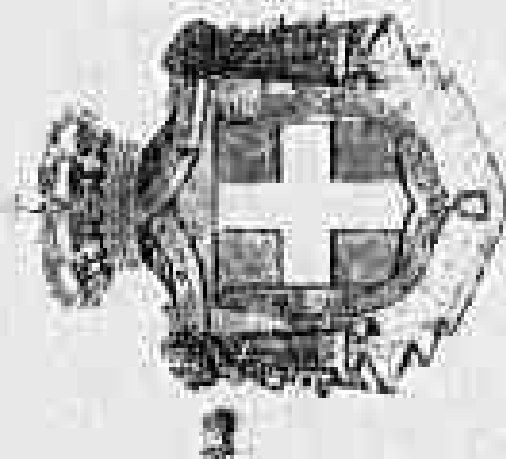
1°. Nel settembre 1943 nel sanatorio giudiziario di Piano-
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lione dei detenuti, ne fece isolare i 19 detenuti più indizia-
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le truppe tedesche dato che il direttore del recl. sorio dott.
Macarone non se li volle ricevere, adducendo la mancanza di
vitto e di posti disponibili.

Il direttore Mazzei ha ricevuto l'ordine di redigere un
dettagliato rapporto sull'episodio dei 19 detenuti ribelli e/
sulla morte dei cinque a seguito delle sevizie e di consegnar-
lo entro il 25 gennaio 1945 al maggiore Smith; ma il Mazzei
non ha ottemperato all'ordine ricevuto.

2°. Il Sig. Damiani Giuseppe, assistente agronomo per la



Mod 1348 MG.

Ministero di Grazia e Giustizia

colonia di Pianosa, è stato giudicato dal tribunale militare alleato dell'Alba per collaborazione coi tedeschi ed è stato assolto per insufficienza di prove, perchè mancavano nel dibattimento i testimoni più importanti tra i quali due che erano morti.

3°. A Pianosa si è allontanato il sanitario dott. Biondello e attualmente il sanatorio è senza medico.

4°. L'agente Signorino Placido qualunque per disposizione ministeriale e su richiesta dell'A. G. doveva trasferirsi da Portoferraio a Pianosa non ha raggiunto la nuova residenza.

5°. Il direttore Accaroni di Portolongone non regge la direzione di quel reclusorio e lo supplisce ancora il pretore di Portoferraio.

6°. Il detenuto Coccianari Vittorio condannato all'ergastolo per omicidio ha serbato ottima condotta e si è prodigato oltre ogni limite a fini patriottici e filantropici, durante lo stato di emergenza dell'isola d'Alba.

7°. Il detenuto Servini Domenico negli ultimi 17 giorni della sua pena fu trattenuto dal comando alleato nei propri uffici.

8°. Il sottocapoguardia Loffredo Gennaro del reclusorio di Portolongone si è distinto per esemplare condotta.

R I C H I E S T E

1°. E' necessario allontanare immediatamente dalla Direzione

assolto per insufficienza di prove, perchè mancavano nel dibattimento i testimoni più importanti tra i quali due che erano morti.

3°. A Pianosa si è allontanato il sanitario dott. Biondelli e attualmente il sanatorio è senza medico.

4°. L'agente Signorino Placido quantunque per disposizione ministeriale e su richiesta dell'A. G. doveva trasferirsi da Portoferraio a Pianosa non ha raggiunto la nuova residenza.

5°. Il direttore Vaccarone di Portolongone non regge la direzione di quel reclusorio e lo supplisce ancora il pretore di Portoferraio.

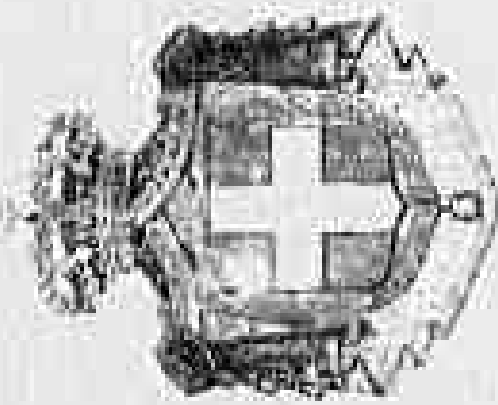
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7°. Il detenuto Servini Domenico negli ultimi 17 giorni della sua pena fu trattenuto dal comando alleato nei propri uffici.

8°. Il sottocapoguardia Ioffedo Gennaro del reclusorio di Portolongone si è distinto per esemplare condotta.

R I C H I E S T E

1°. E' necessario allontanare immediatamente dalla Direzione del Sanatorio giudiziario di Pianosa il dott. Mazzei Carlo, sostituendolo con altro direttore, perchè la sua permanenza non è ben vista dai detenuti, specialmente perchè gli si addebita la morte per sevizie dei cinque detenuti sospetti di ribellione e il trasferimento degli altri 14 a Portolongone, con la conseguente fucillazione a opera dei tedeschi.



Ministero di Grazia e Giustizia

2°. L'invio immediato, dato l'allontanamento del Mazzei, di una commissione di funzionari dell'amministrazione penitenziaria all'Elba e alla Pianosa per una dettagliata inchiesta su tutti i fatti svoltisi tra il 1943 e 1944 - durante il periodo di emergenza per accertare le responsabilità eventuali.

L'inquirente dovrà recarsi prima all'Isola d'Elba per prendere contatto con l'avv. Pazzaglia, P.M. nel processo definito a carico del Dariani, e col maggiore Reilly, governatore dell'isola, e successore del maggiore Smith che ritorna in America in questi giorni.

3°. Provvedere con urgenza alla asse nazione di un sanitario a Pianosa.

4°. Proporre il detenuto Coccenari Vittorio per un provvedimento di grazia sovrana.

5°. Computare al detenuto Servini Domenico i 17 giorni passati alla dipendenza del comando alleato nel periodo della pena.

6°. Proporre il sottocapoguardia Loffredo Gennaro per una promozione e una gratifica.

7°. E' necessario chiarire la posizione del dott. Macaro, ne che potrebbe riprendere la direzione del reclusorio di Portofino.

8°. E' urgente punire l'agente Signorino Placido per non aver ottemperato all'ordine di trasferirsi a Pianosa.

4120

do di emergenza per accertare le responsabilità eventuali.

L'inquirente dovrà recarsi prima all'Isola d'Elba per prendere contatto con l'avv. Razzaglia, P.M. nel processo definito a carico del Damiani, e col maggiore Reilly, governatore dell'isola, e successore del maggiore Smith che ritorna in America in questi giorni.

3°. Provvedere con urgenza alla asse nazione di un sanitaro a Pianosa.

4°. Proporre il detenuto Coccianari Vittorio per un provvedimento di grazia sovrana.

5°. Computare al detenuto Servini Domenico i 17 giorni passati alla dipendenza del comando alleato nel periodo della pena.

6°. Proporre il sottocapoguardia Ioffredo Gennaro per una promozione e una gratifica.

7°. E' necessario chiarire la posizione del dott. Mauro ne che potrebbe riprendere la direzione del reclusorio di Portolongone.

8°. E' urgente punire l'agente Signorino Placido per non aver ottemperato all'ordine di trasferirsi a Pianosa.

4420

N.B. Il Maggiore Smith ha lasciato un fascicolo di documenti relativi alle soprascritte richieste.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Public Safety Sub-Commission
APO 94

36A

Tel : 478709

24 October, 1944.

AGC/14204/PS

SUBJECT : Abolishment of Central Directory
of Prisons Southern Region.

TO : Minister of Grace & Justice.

See 33A

1. The letter which you have proposed to send out giving the terms and explanation of the abolishment of the Central Directory meets with the approval of this Sub-Commission.

2. The date of this change should be November 15-1944 which will give all Directors time to make their reports to your Ministry.


JOHN W. CHAPMAN
Colonel, J.A.C.D.
Director Public Safety Sub-Comm.

4110

AKB/c.

Translation AG.

MINISTRY OF GRACE
& JUSTICE
Prisons Gen. HQ.

14004
23-10-44
Rm 107

33A

Subject : Ceasing of the Campania Central Direction.
Institution of an office - inspectorate in
Naples for the Southern region.

To : Prisons HQ. of the Kingdom

To : Procure Generalé of the Kingdom
and for information

To : A.C.C. Public Safety Sub-Commission - Rome.

From October 4th 1943, by disposition of A.M.G., the Central Direction for Prisons of the Campania region was instituted, with the charge of settling all matters, normally of competence of the General Direction for prisons, of the provinces of Naples, Avellino and Benevento.

Due to the return of the Administration of said provinces (excluding Naples city) to the Italian government and due to agreements made on the 14th October 1944 between this Ministry and A.C.C., P.S. S/C, represented by Major Hanbury, for information to the dependent institutes, the agreements made are communicated and the following dispositions given:

- 1) from *Nov 15-1944*
the activity of the Central Direction of Naples ceases and an inspectorate office, competent for all the Prisons of the Southern region, is instituted in Naples, at the Prison of Poggioreale;
- 2) the directions of the Prisons are invited to transmit a copy of all the provisions adopted by said Central Direction from October 1943, in execution of dispositions issued by A.M.G., still in act and regarding the personnel of the prisons, upkeep and transportation of prisoners, so that they be ratified by the Ministry after their verification in accordance with the dispositions and ruling rules;
- 3) the new inspectorate be still competent in determining the cases already initiated by the ceased Central Direction, a list of which will be sent to this Ministry;
- 4) the Directions of the Southern prisons will return to their normal activity and correspond in all branches of their services with the Ministry or with other competent offices, according to the legislative or regular dispositions;

4110

- 2 -

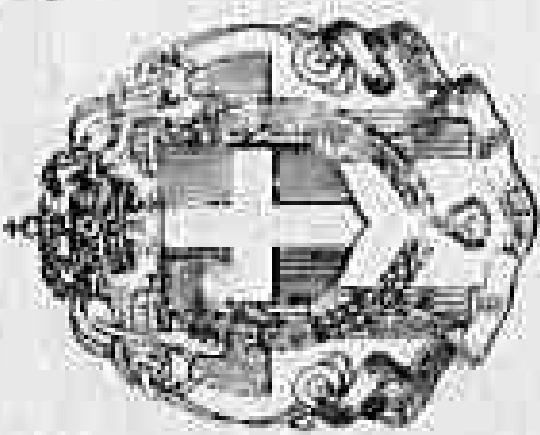
- 5) the Directors of the prisons, in communicating the statistical data re the movement of prisoners, to the Ministry, will be obliged, at the same time, to send to the Inspectorate of Naples, a copy of said data. Besides they could request the intervention of the Inspectorate for all matters re the transportations and maintenance in those cases, in which they should find serious difficulties in the normal course of the services;
- 6) the Directions must transmit to the Inspectorate a copy of the communications addressed to the Ministry, having as subject, matters of a noticeable interest, taken place in each prison;
- 7) the Inspectorate, besides its normal activities, deriving from the Prison regulation and from particular charges, which could be conferred to it by the Ministry, will carry out in particular, the function of liaison between the Ministry and the Offices and the Allied Commands of the Southern region, so that the offices and the Allied Commands may refer their wishes and requests to the Inspector, in order that he, on his side, report to the Ministry;
- 8) the economical and disciplinary management of the Institutions of the city of Naples continues to depend on A.M.G. untill new dispositions are given. Therefore the directors of the Napolitean institutions have to communicate with the Allied Commands through the Inspector. The Director of the Poggioreale prisons, dott. Bonomi, who is entrusted by the Allied Authorities with the economical and financial management of the institutions of Naples city, will take care that a monthly return be transmitted to the Ministry, showing the employment of the sums, which had been put at his disposal by said Authorities;
- 9) as far as the transfers from Naples of prisoners are concerned, dr. Bonomi will previously, if necessary, inform telegraphically the Ministry, which will give the necessary dispositions;
- 10) dott. Bonomi will continue to settle the particular charges entrusted to him by A.M.G. re the release of minor prisoners at the disposal of the Allied judicial Authorities and re the notification for judgments of revision issued by Allied Tribunals for the districts of Naples, Avellino and Benevento;
- 11) the House for re-education of misguided minors "Filangieri" in Naples, will re-take its normal activity, as soon as the female prisoners detained there for contingent reasons, be transferred to the female prisons of Poggioreale;

411

- 3 -

12) the functioning of the Agents school in Portici is suspended and the provisions re the employment of the personnel there stationed, are reserved. As soon as the Naples Inspectorate is informed, that the buildings and barracks, now used by the Allied Command, can be returned to the Italian Administration, it will communicate it to the Ministry, which will take reservations, whether to re-open the School or to destine the premises as a house for re-education.

NAME	DATE
MR. WILSON	24/10
MR. HANBURY	24/10
MR. BALDWIN	
MR. POWELL	



Mod. 1348 MG.

Ministero di Giustizia

DIREZIONE GENERALE PER GLI ISTITUTI DI PREVENZIONE E DI PENA

Ufficio
Prot. n.

Roma,

ALLE DIREZIONI
DEGLI ISTITUTI DI PREVENZIONE E DI
PENA DEL

R E G N O

ALLE PROCURE GENERALI DEL
R E G N O

e per conoscenza
ALLA COMMISSIONE ALLEATA DI CONTROLLO
SOTTOCOMMISSIONE DI P. S.
R O M A

C I R C O L A R E N°.

O G G E T T O : Cessazione della direzione centrale della Campania . Istituzione di un ufficio - ispettorato in Napoli per la zona meridionale - continentale.

Fin dal 4 ottobre 1943, per disposizione dell'A. M. G., venne istituita la Direzione Centrale delle Carceri della Campania col compito di espletare tutti gli atti di normale competenza della Direzione Generale per gli Istituti di prevenzione e di pena

1 303

ALLE DIREZIONI
DEGLI ISTITUTI DI PREVENZIONE E DI
PENA DEL

R E G N O

ALLE PROCURE GENERALI DEL

R E G N O

e per conoscenza
ALLA COMMISSIONE ALLEATA DI CONTROLLO
SOTTOCOMMISSIONE DI P. S.

R O M A

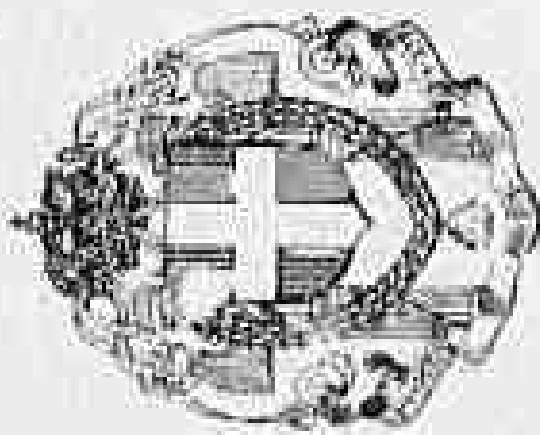
C I R C O L A R E N°.

O G G E T T O : Cessazione della direzione centrale della Campania. Istituzione di un ufficio - ispettorato in Napoli per la zona meridionale - continentale.

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In seguito al ritorno dell'Amministrazione di dette provincie (esclusa la città di Napoli) al Governo Italiano e in seguito

Mod 1348 MG



Ministro di Grazia e Giustizia

ad accordi conclusi il 14 ottobre u.s. tra questo Ministero e la Commissione Alleata di Controllo - Sottocommissione per la P. S. - rappresentata dal Magg. Hambury, per opportuna norma degli Istituti dipendenti interessati si comunica il contenuto dei detti accordi e si danno le seguenti disposizioni :

I) dalla data del

cessa l'attività della Direzione Centrale di Napoli e viene istituito in Napoli, presso il Carcere di Poggioreale, un ufficio di Ispettorato competente per tutti gli Istituti di Prevenzione e di Pena della zona meridionale continentale ;

2) le Direzioni degli Istituti sono invitate a trasmettere copia di tutti i provvedimenti adottati dal 4 ottobre 1943 dalla detta Direzione Centrale in esecuzione di disposizioni emanate dall'A. M. G., tuttora in atto e relativi al personale degli Istituti e al mantenimento e trasporto dei detenuti, perchè siano ratificati dal Ministero dopo la verifica della loro conformità alle disposizioni delle leggi e dei regolamenti vigenti;

3) l'Ispettorato di nuova istituzione sarà competente a definire le pratiche già iniziate dalla cessata Direzione Centrale delle quali trasmetterà un elenco al Ministero;

4) le Direzioni degli stabilimenti meridionali continentali devono riprendere la loro normale attività e corrispondere per tutti i rami di servizio col Ministero o con gli altri uffici competenti secondo le disposizioni legislative o regolamentari vigenti;

5) le Direzioni degli istituti, nel comunicare al Ministero i dati statistici relativi al movimento dei detenuti, dovranno

1 3-0-5

detti accordi e si danno le seguenti disposizioni :

I) dalla data del

cessa l'attività della Direzione Centrale di Napoli e viene istituito in Napoli, presso il Carcere di Poggioreale, un ufficio di Ispettorato competente per tutti gli Istituti di Prevenzione e di Pena della zona meridionale continentale ;

2) le Direzioni degli Istituti sono invitate a trasmettere copia di tutti i provvedimenti adottati dal 4 ottobre 1943 dalla detta Direzione Centrale in esecuzione di disposizioni emanate dall'A. M. G., tuttora in atto e relativi al personale degli Istituti e al mantenimento e trasporto dei detenuti, perchè siano ratificati dal Ministero dopo la verifica della loro conformità alle disposizioni delle leggi e dei regolamenti vigenti;

3) l'Ispettorato di nuova istituzione sarà competente a definire le pratiche già iniziate dalla cessata Direzione Centrale delle quali trasmetterà un elenco al Ministero;

4) le Direzioni degli stabilimenti meridionali continentali devono riprendere la loro normale attività e corrispondere per tutti i rami di servizio col Ministero o con gli altri uffici competenti secondo le disposizioni legislative o regolamentari vigenti;

5) le Direzioni degli istituti, nel comunicare al Ministero i dati statistici relativi al movimento dei detenuti, dovranno contemporaneamente inviare copia dei dati stessi all'Ispettorato di Napoli. Potranno inoltre richiedere l'intervento dell'Ispettorato per tutte le pratiche relative ai trasporti e al mantenimento nei casi in cui dovessero trovare gravi difficoltà per un nor



Mod. 1348 MG

Ministero di Grazia e Giustizia

male svolgimento dei servizi;

6) le Direzioni devono trasmettere all'Ispettorato copia delle comunicazioni dirette al Ministero aventi per oggetto fatti di notevole interesse insorti in ciascuno stabilimento;

7) l'Ispettorato, oltre alle sue normali attività derivanti dal regolamento carcerario e da particolari incarichi che gli potranno essere conferiti dal Ministero, eserciterà in particolare la funzione di collegamento fra il Ministero e gli Uffici e Comandi Alleati della zona meridionale continentale, nel senso che gli Uffici e i Comandi Alleati potranno riferire i loro desideri o le loro richieste all'Ispettore, perchè a sua volta ne riferisca al Ministero;

8) la gestione economica e disciplinare di tutti gli Istituti della città di Napoli continua a dipendere dall'A. M. G. fino a che non saranno date nuove disposizioni. Pertanto i direttori degli Istituti napoletani dovranno comunicare con i Comandi Alleati pel tramite dell'Ispettore.

Il Direttore del carcere di Poggioreale, dott. Bonomi, al quale è affidata dalle Autorità Alleate la gestione economica e finanziaria degli Istituti della città di Napoli, curerà perchè sia mensilmente trasmesso al Ministero un prospetto dal quale risulti l'impiego da lui fatto delle somme poste a sua disposizione dalle Autorità stesse;

9) per quanto attiene ai trasferimenti dei detenuti da Napo

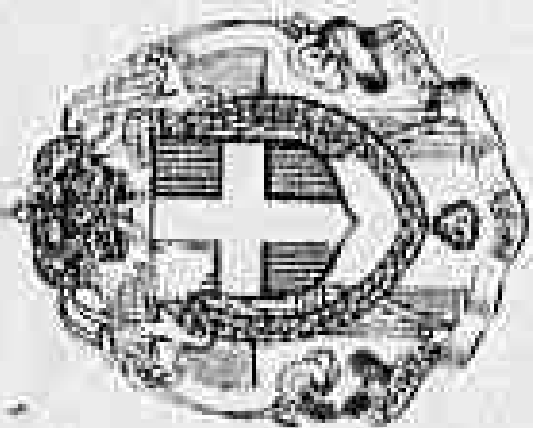
7) l'Ispettorato, oltre alle sue normali attività derivanti dal regolamento carcerario e da particolari incarichi che gli potranno essere conferiti dal Ministero, eserciterà in particolare la funzione di collegamento fra il Ministero e gli Uffici e Comandi Alleati della zona meridionale continentale, nel senso che gli Uffici e i Comandi Alleati potranno riferire i loro desideri o le loro richieste all'Ispettore, perchè a sua volta ne riferisca al Ministero;

8) la gestione economica e disciplinare di tutti gli Istituti della città di Napoli continua a dipendere dall'A. M. G. fino a che non saranno date nuove disposizioni. Pertanto i direttori degli Istituti napoletani dovranno comunicare con i Comandi Alleati pel tramite dell'Ispettore.

Il Direttore del carcere di Poggioreale, dott. Bonomi, al quale è affidata dalle Autorità Alleate la gestione economica e finanziaria degli Istituti della città di Napoli, curerà perchè sia mensilmente trasmesso al Ministero un prospetto dal quale risulti l'impiego da lui fatto delle somme poste a sua disposizione dalle Autorità stesse;

9) per quanto attiene ai trasferimenti dei detenuti da Napoli; il dott. Bonomi ne informerà preventivamente o, ove occorra, telegraficamente il Ministero il quale darà le opportune disposizioni.

10) il dott. Bonomi continuerà ad espletare gli incarichi particolari affidatigli dall'A. M. G. relativi alla scarcerazione dei detenuti minorenni a disposizione delle Autorità giudiziarie Alleate e alla notifica delle sentenze di revisione emesse dal Tri-



Mod 1348 M.G.

Ministero di Grazia e Giustizia

bunali Alleati per le circoscrizioni di Napoli, Avellino e Bene-
vento.

II) la Casa di rieducazione per minorenni travati " Filan-
gieri " di Napoli riprenderà la sua normale attività non appena
le detenute ivi ricoverate per ragioni contingenti potranno esse-
re trasferite tutte nella sezione femminile del carcere di Poggio-
reale;

I2) e' sospeso il funzionamento della scuola Agenti di Porti-
ci e restano riservati i provvedimenti relativi alla utilizzazio-
ne del personale ancora colà comandato. Non appena l'Ispettorato
di Napoli apprenderà che i fabbricati e il casermaggio, ora uti-
lizzati dal Comando Alleato, possono essere restituiti all'Ammi-
nistrazione Italiana ne darà comunicazione al Ministero il quale
si riserva o di riaprire la Scuola o di adibire i locali a Casa
di rieducazione.

Ministry of Grace and Justice

14204
re-7-7-44
32A
Rome 7 Sept 1944 W

131516/22

Statistics relatif to the capacity and to the
number of prisoners present in the Prevention and
Penalty Institutes in the Kingdom

Circular N 2912/1548

So as to reestablish the normal statistique service above
mentioned, we decide as follows, and consider abrogate any
other previous disposition concerning this;

- a) Directions of the judiciary prisons managed by this Ministry should transmit monthly, beginning september 1st, the prescribed form, mod 383, filled up with all the data required concerning the situation of the institute at mid-night of the last day of each month;
- b) Directions of ordinary and special prisons will transmit, instead, mod 91;
- c) The Power of Attorney of the Crown will gather monthly, from their prefectures, as for the past, all data relatif to the district prisons, concerning the situation on the last day of each month, and will gather them in one numerical summary prospect, to be compiled by the Powers of Attorney themselves and to be transmitted to this Ministry within the 5th of every month.

At the same time as the first envoy of the above mentioned statistics, the competent authorities should kindly signal, by separate note, all those changes which war may have caused in the capacity of the establishments, as well as all innovations made following the dispositions of the Allied Comands, and formulate all problems which he considers necessary.

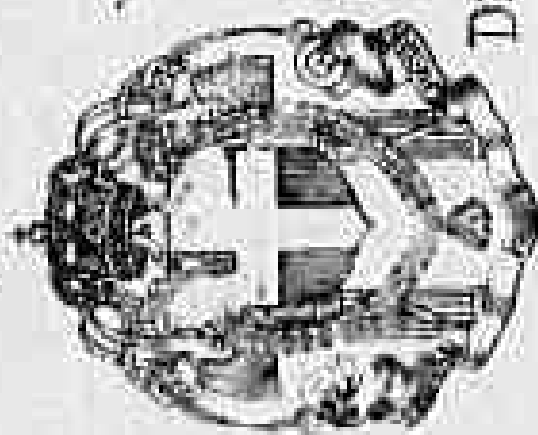
We await a word of assurance.

For the Minister.

Translated 16/9/44
A-C-

6111

Mod 1348 MG.



14215
16/10/43
Ministero di Grazia e Giustizia

Direzione Generale per gli Istituti di Prevenzione e di Pena

Ufficio VI

Prot. n. 131516/22

Roma, 7 settembre 1944

Ai Sigg. Procuratori del

R E C N O

Ai Sigg. Direttori degli Istituti di
prevenzione e di pena del

R E C N O

O G G E T T O : Dati statistici relativi alla capienza ed ai
determinati presenti negli Istituti di prevenzione
e di pena del Regno.

C r c o l a r e n. 2912/1542

Allo scopo di ripristinare il normale servizio statistico di cui in oggetto, si dispone quanto segue, ritenendosi pertanto abrogata ogni altra precedente disposizione in merito :

- a) le direzioni delle carceri giudiziarie dipendenti da questo ministero dovranno trasmettere mensilmente, a partire dal 1° settembre corrente mese, il prescritto mod. 383, riempito in ogni parte dei dati richiesti, relativi alla situazione dell'istituto alla mezzanotte dell'ultimo giorno di ciascun mese;
- b) le direzioni delle case di reclusione ordinarie e speciali trasmetteranno, invece, con le stesse modalità, il mod. 91;
- c) le Procure del Regno, infine, raccoglieranno mensilmente dalle dipendenti Preture, come per il passato, i dati relativi alle carceri mandamentali, riferentisi alla situazione dell'ultimo giorno di ciascun mese, e li riporteranno su di un unico prospetto numerico riassuntivo, da compilarli dalle Procure stesse e da trasmettersi a questo Ministero non oltre il giorno 5 di ciascun mese.

Contemporaneamente al primo invio dei suddetti dati statistici, le Autorità in indirizzo vorranno compiacersi segnalare, con

Al Sigg. Procuratori del

R E C N O

Ai Sigg. Direttori degli Istituti di
prevenzione e di pena del

R E C N O

O C C E T T O : Dati statistici relativi alla capienza ed ai
detenuti presenti negli Istituti di prevenzione
e di pena del Regno.

C r c o l a r e n. 2912/1548

Allo scopo di ripristinare il normale servizio statistico di cui in oggetto, si dispone quanto segue, ritenendosi pertanto abrogata ogni altra precedente disposizione in merito :

- a) le direzioni delle carceri giudiziarie dipendenti da questo ministero dovranno trasmettere mensilmente, a partire dal 1° settembre corrente mese, il prescritto mod. 383, riempito in ogni parte dei dati richiesti, relativi alla situazione dell'istituto alla mezzanotte dell'ultimo giorno di ciascun mese;
- b) le direzioni delle case di reclusione ordinarie e speciali trasmetteranno, invece, con le stesse modalità, il mod. 91;
- c) le procure del Regno, infine, raccoglieranno mensilmente dalle dipendenti Preture, come per il passato, i dati relativi alle carceri mandamentali, riferentisi alla situazione dell'ultimo giorno di ciascun mese, e li riporteranno su di un unico prospetto numerico riassuntivo, da compilarli dalle Procure stesse e da trasmettersi a questo Ministero non oltre il giorno 5 di ciascun mese.

Contemporaneamente al primo invio dei suddetti dati statistici, le Autorità in indirizzo vorranno compiacersi segnalare, con nota separata, tutte quelle modifiche che a seguito degli eventi di guerra abbia subito la capienza degli stabilimenti, nonché le innovazioni agli stessi apportate a seguito di disposizioni dei Comandi Alleati e formulare in merito tutti i quesiti che riterranno strettamente necessari.

Si gradirà un cortese cenno di assicurazione..

pel I M I S T R O

HEADQUARTERS
ARMED CONTROL COMMISSION
Public Safety Sub-Commission
APC 394

Tel : 489081
Ext : 365

9 September 1944.

ACC/14204/PS

SUBJECT : PRISONS.

TO : Regional Public Safety Officer,
Southern Region.

1. Acknowledge receipt of your letter PS/9.1
5 September, 1944.
2. Your letter PS/9.1 - 23 July 1944 was forwarded
to the Minister of Grace and Justice and a reply was received
from him on 9 August, 1944 stating " Nothing prevents Dr.
Bonomi inspect the prisons of Naples Region".
3. From the communication received by the Central
Director the question appears that the difference between
Naples Comune still under A.M.G. and the Campania region
which is Italian Government controlled is not separated
in their minds.
4. I will communicate with the Minister of Grace
and Justice to have a final settlement of this question.

A.E. YOUNG, Col. 1,
Acting Director
Public Safety
Sub-Commission.

EWH/G.

4100

HEADQUARTERS
SOUTHERN REGION, ALLIED CONTROL COMMISSION
APO 394, U.S. ARMY
REGIONAL PUBLIC SAFETY OFFICE

5 September 1944

PS/9.1

SUBJECT: Prisons.

TO : ACC. Public Safety Sub-Commission
(Attention: Major F.J. Wilson).

1. The attached copy of a letter 71810/1-16-B1 dated 26 August 1944 addressed to the Central Director of Prisons, Naples, is forwarded for your information, and with the request that it be perused in conjunction with your letter ACC/14204/PS dated 21st July 1944, addressed to this office on the same subject.

2. May this situation be clarified as quickly as possible, please.

C.T. Francis

C.T. FRANCIS
Lieut. Colonel, G.L.,
Regional Public Safety Officer.

GRD/tp.

4100

COPY

TRANSLATION

30B

Ministry of Grace and Justice

File n. 71810/1.16.B

Rome, 26 August 1944

SUBJECT: Correspondence.

TO : Central Director of Prisons, Naples.

This Ministry is informed that, notwithstanding the handing over of the Campania to the Italian Government, the above mentioned territory is still under the jurisdiction of your Central Direction, as by circular letter of July 22nd.

It would be appreciated if this fact be verified, and if confirmed, please inform us on which base, and by whose disposition this order has been issued.

jms/tp.

for the MINISTER
(Illegible Signature)

Translation RV.

MINISTRY OF GRACE & JUSTICE

n. 71470/125.A.

Subject : Prisons.

To : A.C.C. P.S. Sub/Com. - Rome.

Answer to the letter, dated 31/7/44 n.ACC/14204

Ref. to the letter, dated 31 July 1944, n.ACC/14204/PS, nothing prevents, that dr. Bonomi inspects the prisons of Naples Region and that the A.M.C. officer attached to the prisons continues to watch over the building of Boscotrecase, which shall be adapted as a prison.

for the Minister
Sgd. - - -

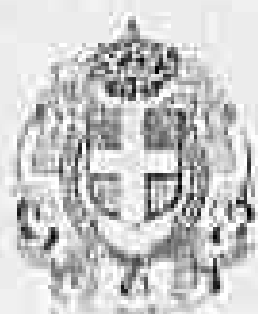
14204

19 August 1944. 29A

see 31A

4404

Mod. 1545 HG.



*Ministero
di Grazia e Giustizia*
UFFICIO I°

Roma, 9 agosto 1944

Al Commissione Alleata
di Controllo-Sotto-
commissione di P.S.

R O M A

Prel. N° 71470/125.A.

Risposta al f. del 31.7.1944
Dir. Per. ACC/14204

OGGETTO Carceri

In risposta alla lettera del 31 luglio
u.s.n. ACC/14204/PS., nulla osta che il dott.
Benomi eserciti ispezioni nelle carceri del-
la zona di Napoli e che l'ufficiale della A.
M.G. addetto alle carceri continui a tenere
la sorveglianza dell'edificio di Boscotrecase
che si sta adattando per scopi carcerari.

Pel MINISTRO

4100

HEADQUARTERS
ALLIED CONTROL COMMISSION
Public Safety Sub-Commission
APO 394

Tel. 489081
Ext. 502

31 July, 1944

ACC/14204/PS

SUBJECT : Prisons.

TO : R.P.S.O. Region 3 (Through R.C.)

1. Reference your PS/9.1 dated 23 July, 1944.

2. The position as to Region 3 prisons has been brought to the notice of the Minister of Grace and Justice.

3. It has been agreed that Dott. Bonomi should retain supervision temporarily.

4. There is no objection to Capt. Daley supervising the building at Boscotrecase.

PAUL G. KIRK,
Colonel, Inf.
Chief, Public Safety
Sub-Commission

PJW/hgd

HEADQUARTERS
ALLIED CONTROL COMMISSION
Public Safety Sub-Commission
APO 394

27A
Sec 29*

Tel. 489081
Ext. 502

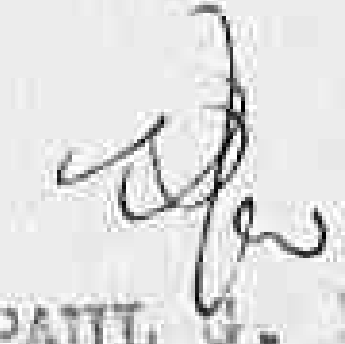
31 July, 1944

ACC/14204/PB

SUBJECT: Prisons.

TO: H.E. Minister of Grace & Justice.

- 25A
1. The attached copy letter has been received from the Public Safety Officer, Naples Region.
 2. It suggests that Dott. Bonomi be allowed to exercise supervision over prisons in the area until final arrangements by you. Further, that pending completion, the AMG Prison officer be allowed to retain supervision of a building at BOSCOMBECASE which is being converted for prison purposes.
 3. These matters were brought to the notice of Dott. Sibilisco on 30th July, 1944 when he indicated that there would be no objection from your point of view.


PAUL G. KIRK,
Colonel, Inf.
Chief, Public Safety
Sub-Commission.

410*

PJW/nga

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

14204 JM/pe QB.
O. Col. Under
P. 26A

Tel.No. 563

REFERENCE : ACC/4015/L.

25 Jul 44

SUBJECT : Judicial and Prison situation, Bari.

TO : ^{Director} ~~Col. Kirk~~, Public Safety Sub-Commission.

1. Attached is the letter which I propose to send to R.C. & M.G. Section if you agree it as a proper record of the agreement reached at our discussion this morning.

2. As regards the PERLA case, I understand that you will consider the desirability of his detention in the light of the further investigation which you have instituted.

Richard H. Wilmer
RICHARD H. WILMER,
Colonel, C.A.C.,
Acting Chief Legal Officer.

*If your office letter please
retain one copy and return others with file.*

4100

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

JM/pa 26B

Tel.No. 563

REFERENCE : ACC/4015/L. 25 Jul 44
SUBJECT : Italian Judicial and Prison situation, Bari.
TO : / R.C. & M.G. Section.

1. Reference letter to you from R.C. Region II :-

2201/74/A of 13/7/44
2201/70/A of 13/7/44
2201/74/A of 14/7/44.

of which copies were sent to this Sub-Commission.

2. You are already aware of the action which I have taken on the legal side. See my ACC/4129/11/L of 16/7/44 enclosing copy letter to RLO Region II. The matter of unserved prison sentences at Bari is also being raised by me with the Ministry of Justice.

3. The general situation at Bari was to-day discussed between ~~Chief~~ *Director,* Public Safety ~~Officer~~ *Sub-Commission,* and myself.

4. We agreed that the matter is one to be dealt with locally by the R.C. There are neither Legal nor Public Safety Officers available from H. . to conduct an enquiry as asked by the R.C.; and even if there were, we would not consider such a course to be either necessary or desirable.

5. If you agree will you please inform R.C. Region II accordingly? May copies of your reply please be sent to Public Safety and Legal Sub-Commissions?

4100

RICHARD H. WILMER,
Colonel C.A.C.,
Acting Chief Legal Officer.

Copy to : Public Safety Sub-Commission.

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U.S. ARMY

14204
25A

23 July 1944

PS/9.1

SUBJECT: Prisons.

TO : HQ. ACC. Public Safety Sub-Commission.
(Attention Major F.J. Wilson).

See 27A

1. With effect from 21st July, 1944, sixty eight prisons situated in former Region 3, territory passed from Allied Military Government jurisdiction to that of the Italian Government.

2. Four prisons, situated in the commune of Naples, now remain under Allied Military Government control: Poggioreale, Filangieri, S. Eframio (Ecys') and S. Eframio Manicomio.

3. As you are aware, all Region 3, prisons were controlled by a Central Director (Dott. Bonomi, Erneste) from Naples. Now, however, Dott. Bonomi retains control over Naples Commune prisons only, he having relinquished his Regional Directorship with effect from the 21st July, 1944.

4. It is not known what arrangement the Ministry of Grace and Justice have made to take over the prisons concerned. Therefore, pending receipt of instructions, Dott. Bonomi has been requested to deal with immediate administrative problems.

5. Your attention is drawn to the complications likely to arise in administering the Mandamentali prisons in the Province of Naples. This type of prison (through the Pretori) dependant on the main Judicial prison of the Province; in this case Poggioreale, which is still under Allied Military Government jurisdiction.

6. It is understood that the Italian Government intend to appoint an Italian Regional Commissioner to function until the Government can effectively communicate with and maintain control of the region. And I assume that he will have a representative of the Ministry of Grace and Justice on his staff to control the prisons. Whether my assumption is correct or not it cannot be too strongly emphasised that it is necessary for a prison official to be on the spot to control the prisons (there are still some 9000 inmates) especially

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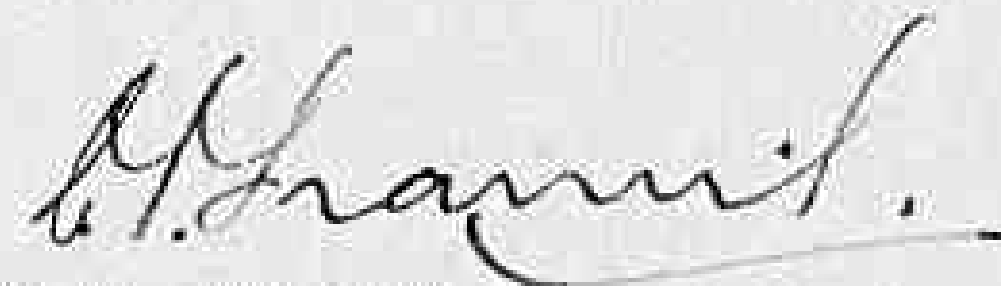
- 2 -

with regards to the Mandamentali prisons in Naples Province, of which there are thirty - All being full and many over crowded, and require constant supervision to maintain an even distribution of inmates and the prevention of serious overcrowding which often occurred in the past.

7. It would be reasonable and convenient if Dott. Bonomi retained supervision over these prisons until the Italian Government can function efficiently, and this I strongly recommend, but that of course is entirely up to the Ministry of Grace and Justice.

8. The prisons in the Sorrento - Torre Annunziata area are, due to the pilfering in the dock areas, constantly over crowded. To relieve this a building at Poscatrecase has been converted into a prison to hold 130 inmates and will be ready for opening on the 1st August, 1944.

9. Although this prison is now in Italian Government territory, it is requested that my Prison Officer be allowed to retain active supervision over this prison until such times as it is functioning properly.



C.T. FRANCIS

Lieut. Colonel, G.L.,
Regional Public Safety Officer.

GKD/jag.

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24th

HEADQUARTERS
ALLIED CONTROL COMMISSION
Public Safety Sub-Commission
APO 394

20th July, 1944

ACC/14204/43

SUBJECT : Prisons. Italian Government Jurisdiction.

TO : H.E. Minister of Grace and Justice.

1. Reference meeting between E.E. CHINELLO, Dott. GIBILISCO and Major F.J. Wilson, Prisons Officer Headquarters ACC at your office on 19th July 1944.

2. Attached is a map showing the area administered by the Italian Government. This includes the areas coming under Italian jurisdiction as from 20th July 1944.

3. All prison matters within Italian Government Territory will be dealt with by your Ministry without reference to this Sub-Commission. We should be pleased nevertheless, to give any information, assistance or advice that you might require.

4. Liberated Italy other than Italian Government Territory is known as Allied Military Government Territory. This area is administered by AMG officers with the assistance of the local Italian Administration. Prison matters in this area will be the responsibility of the AMG officers concerned.

5. If it is desired to transfer prisoners or staff from Italian Government territory to AMG territory, or vice versa such requests should be forwarded to this Sub-Commission.

6. The Prisons section of ACC is interested in the Prison problems of the whole of Italy, and should be advised of any matter causing difficulty in order that such assistance as is possible can be given.

4093

PAUL C. KIRK,
Colonel, Inf.
Chief, Public Safety
Sub-Commission.

FJW/hgd

HEAD HEADQUARTERS
ATLANTIC CONTROL COMMISSION
Public Safety Sub-Commission
APO 394

ACC/14204/PS

4th July, 1944

SUBJECT : Prisons - Regional Directorate.

TO : Regional Commissioner, Region I *21A*

1. Reference your RPS/01.1 dated 26th June, 1944.

2. The Ministry of Grace and Justice are forming a travelling prison directorate of 4 persons. Two will be concerned with the Mainland, and one each with Sicily and Sardinia. This scheme was put forward by Legal and Public Safety Sub-Commission.

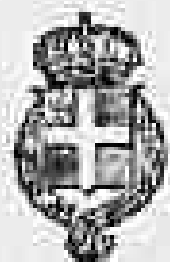
3. In the past, prisons were controlled by a "Director of Penal Establishments", and there was no central directorate responsible solely for prison affairs. Recently, a Dott. Delaize has been appointed Director of Prisons, and he is forming a board of officials with technical knowledge to deal with prison problems. To this end, certain prison directors with practical experience have been transferred to the Ministry of Grace and Justice.

4. The Inspector appointed for Sicily will be closely in touch with Dott. Delaize and keep him constantly advised of prison conditions. He will also be available to your Headquarters staff, and the establishment of a close liaison should do much to improve prison conditions in the Island.

PAUL G. KIRK,
Colonel, Inf.
Chief, Public Safety
Sub-Commission.

4090

C o p i e



Salerno, li 13/6/

1944

MINISTERO DI GRAZIA E GIUSTIZIA A S.3/ Il Procuratore
 DIREZIONE GENERALE PER GLI ISTITUTI Generali presso la Corte di
 DI PREVENZIONE E DI PENA Appello di = PALERMO = CATANZARO =
 NIA = MASSINA =

Ufficio Segreteria

Risposta al foglio del

Prot. N. 46222/PP

Div. Sez. N.

OGGETTO: Direzione regionale e Provinciali della Sicilia

*For translation See 21^a
 (copy letter)*

Poichè si ritiene opportuno che dopo il ritorno dell'Amministrazione delle terre liberate al Governo Italiano l'ordinamento degli Istituti di Prevenzione e di Pena sia quello stabilito dal regolamento approvato con R.D. 18 giugno 1931 n° 787, vengono soppressi con effetto immediato la Direzione regionale, la Direzione regionale alienista, le Direzioni Provinciali delle Carceri, istituite con D.Ufficiale del Capo degli Affari Civili del Governo Militare Alleato in data 10 dicembre 1943, n° 56.=

In conseguenza verranno LL.33. compiacersi disporre:

- 1°) che il dott. Ferdinando Columba, il dott. Vittorio Media, il Cav. Domenico Ferruggia riassumano al più presto rispettivamente le funzioni di direttore delle Carceri Giudiziarie di Palermo, di direttore del Manicomio Giudiziario di Barcellona Pozzo di Gotte, di ragioniere del Carcere Giudiziario di Palermo.=
- 2°) che tanto il dott. Columba quanto il dott. Media ed il Cav. Ferruggia ed i Direttori delle altre Carceri aventi sede nei capoluoghi

./.....

delle Province, nominati Direttori Provinciali con il Decreto già citato del 10 dicembre 1943, n° 56, cessino da ogni funzione, che non sia quella normale, che ad essi è attribuita dal Regolamento approvato con R.D. 18/giugno 1931 succitato e che in conseguenza si astengano dal dare disposizioni agli altri Direttori di Stabilimenti Carcerari.=

- 3°) che tutti i Direttori restituiti così alle normali funzioni, corrispondano direttamente con questo Ministero per tutti gli affari relativi agli Stabilimenti, cui sono preposti.=
- 4°) che il Direttore Regionale, il direttore regionale alianista ed i Direttori provinciali trasmettano sollecitamente a questo Ministero tutti gli atti relativi agli affari pendenti, per i quali, a norma delle disposizioni del Regolamento degli Istituti di Prevenzione e di Pena, la competenza è riservata a quest'Amministrazione Centrale.

Si gradirà una immediata assicurazione per l'adempimento.=

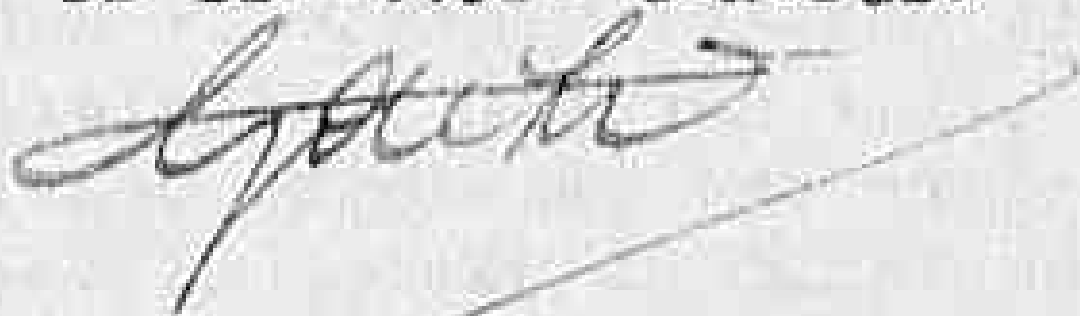
Per Il M i n i s t r o

F/to G. de Luise

P. G.C.

Salerno, li 26/6/944

Il Direttore Generale



P. Safety (Reor)
43341
2/1X
ALLIED CONTROL COMMISSIONSICILY REGION HEADQUARTERS
APO. 394

(PUBLIC SAFETY DIVISION - CIVIL POLICE SECTION)

DATE June 26th, 1944.

FILE NO: RPS/014.1.

SUBJECT: Regional Directorate of Prisons in Sicily.

TO: Allied Control Commission, Headquarters,
Public Safety Sub-Commission.

1. Attached for information is copy of a communication received by Dr. COLUMBA, the Regional Director of Prisons in Sicily, from the Procuratore Generale notifying him that the above Directorate has been suppressed, that all Directors will return to their normal positions and that Prison Directors will keep in direct contact with the Ministry of Grace and Justice on all matters concerning prisons under their supervision.
2. It is not known whether the decision to suppress this Directorate was made after consultation with ACC Headquarters, but it is pointed out that the appointment was made under an Official A.M.G. Order and has proved advantageous. It might be the intention that in future the control of prisons will be more the responsibility of the Legal than the Public Safety Sub-Commission, but if the latter Sub-Commission remains primarily responsible then the difficulties of controlling prisons, particularly in the present important matter of overcrowding, will be much increased by having to deal with individual directors rather than through a central office.

Submitted for information.

For the Regional Commissioner.

Russell A. SNOOK.

409

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Submitted for information.

For the Regional Commissioner.

R. A. SNOOK
Russell A. SNOOK,
Lt. Colonel,
Regional Public Safety Officer.

Enclosures as above.

409

1 3 2 9
PROCURA GENERALE DEL RE PRESSO LA CORTE DI APPELLO
DI PALERMO. 210

The Ministry of Grace and Justice, with letter dated 10th inst. No. 46222, wrote as follows:

"After the return of the administration of the liberated territories to the Italian Government, the arrangements of the Prevention and Punishment Institutes, as well as that established by regulation approved with R.D. 18th June 1931 No. 787, it is retained opportune to suppress immediately the Regional Direction, the Regional Alienist Direction, the Provincial Directions of the Prisons, instituted with Official Decree issued by the Chief of Civil Affairs of the Allied Military Government on the 10th December 1943, No. 56.

In consequence will you kindly instruct:

- (1) That Dr. Ferdinando Columba, Dr. Vittorio Madia, Cav. Domenico Ferruggia, to reassume, as soon as possible, the functioning as Director of the judicial Prisons of Palermo, Director of the judicial insane prisons.
- (2) That Dr. Columba, Dr. Madia and Cav. Ferruggia and all other directors of the prisons located in the chief cities of other provinces of Sicily, nominated Provincial Directors by Decree above-cited dated 10th Dec. 1943 No. 56, cease to be in charge of the office approved with above-mentioned R. D. 18th June 1931 and that, in consequence, to obtain themselves from given instructions to other Directors of the Prisons.
- (3) That all the Directors, after returning to their normal positions, keep in direct contact with this Ministry for all matters concerning the prisons under their supervision.
- (4) That the Regional Director, Regional Alienist Director and the Provincial Directors submit immediately to this Ministry all the files of the pending cases that, in accordance with the regulations of the Prevention and Penal Institutes, the competence is reserved to the Central Administration".

This is communicated to you to see that it is fully and immediately carried out.

Procuratore General F.

1330

REAR HEADQUARTERS
 ALLIED CONTROL COMMISSION
 Legal Subcommittee
 APO 394

ART/ep

14704
20A

ACC/4079/L

June 1944.

SUBJECT : Amnesty in A.M.G. territory.
 TO : H. E. The Minister of Justice and Pardon.

1. A letter has been forwarded to this Sub-Commission purporting to be signed by the Procuratore Generale of the Court of Appeal of Bari, dated 19 April 44 Prot. No. 3842, instructing the Director of the Prison of Lucera to release a certain Barbone Antonio di Michele under the terms of the amnesty decree No. 96 of 5 April 44.

2. Whereas the prisoner named committed his offence, was tried and imprisoned in Foggia Province in AMG territory (Military Zone) and therefore the case is outside the terms of the said decree.

3. Accordingly for this reason it has not been possible to release this prisoner who will be retained in custody under the existing law applicable in such territory.

4. It is not known by what means the letter in question reached the Director of Prisons at Lucera, but there is no trace of its having passed through this Commission (Public Safety Sub-Commission) for transmittal in the usual way.

5. Your Excellency will certainly appreciate that such occurrences are liable to cause unfortunate repercussions in Military areas at a time when the necessity for the closest co-operation is indispensable.

R. H. WILMER,
 COL. CAC.

Deputy Chief Legal Officer.

409

Copies to :
 Public Safety Sub-Commission
 RIO (thru RC) Region 5.

1 3 3 1

5795 660
19204 19A
(ALLIED CONTROL COMMISSION
REGION 2. HEADQUARTERS

Your ref ACC/14204/PS OFFICE OF THE REGIONAL POLICE OFFICER
My ref PS/30
Subject Prisons. 27 May 1944

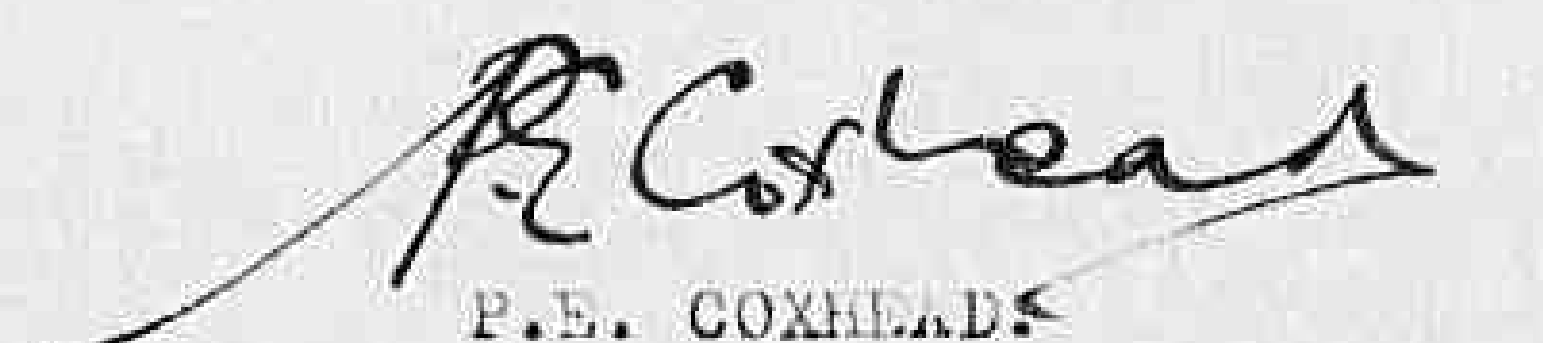
TO : Chief, Public Safety Sub-Commission, ACC;
Near HQ. APO 394.

Reference your ACC/14204/PS. 18A

1. Capt. Alden has been instructed by me to confine himself to advising Italian Official Prison Section, and to report on conditions through this office to Prison Section, P.S. Sub-Commission.

2. Reference your ACC/14204/PS, 25 March 1944, para 5, this was dealt with by the previous Regional Commissioner, Lt. Col. McGaffrey and I append a copy of his indorsements to original papers which apparently have not reached you. (see A/attached). 10R

For the Regional Commissioner. 19B is same as 14R. 19C not previously recd.


P.E. COXHEAD
Captain,
Regional Police Officer.

PEC/ar

4090

PJR

3rd ind.

HQ. AGO, Region II APO 394, 30 Mar 44

TO: Executive Commissioner, K.C. and M.G. Section,
 AGO Headquarters, Naples.
 (Attn. Chief, Public Safety Sub-Commission)

1. The second indorsement explains how Scheda Personale came to be issued to the prison officials in Apulia. Capt. Alden now fully understands that nothing further is to be done in respect to them.

As you are perhaps aware, Capt Alden is a very mild mannered man, punctiliously courteous, but fully competent to upon the efficiency of prison management. He, like all other officers in this region, was informed that after the turnover to the Badoglio Government, they would limit themselves to "advising" Italian officials, but that if necessary, the advice would be made sufficiently emphatic to be effective. Experience has shown that in most cases the "advice" must be very emphatic to obtain any results at all. It should also be remembered that the Apulian provinces had been under the "King's Government" since the Germans were driven out. When they were added to Region II on 11 Feb. the Regional staff had no knowledge of what conditions were in those provinces. Investigation has shown that the standards of government were far below those prevailing in the provinces which had been under AMG control. We have also found that practically nothing had been done to remove Fascist officials. In addition we have found that the Italian officials as a whole are most uncooperative unless we wish to give them something.

Obviously, in view of the instructions from General MacFarlane that AGO was to act in the same manner in those provinces as in those which had been under AMG control, it was appropriated for Capt. Alden to inspect the prisons and to give "advice" to the prison officials where he found that conditions warranted it. From his report of 24 Mar. a copy of which was forwarded to you under my A/PS/73 of 28 Mar. (Subj. Civil Prison at Brindisi), it is evident that the conditions in the Apulian prisons are deplorable, both with respect to overcrowding and sanitation. In my opinion, he would not have done his full duty if he had not made his advice very emphatic. I am not astonished that the Italian Ministry charged with prison administration objects to

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I respectfully submit that until the present overcrowded and unsanitary conditions are greatly improved and the general efficiency of prison administration increased, that there should be a Prisons Officer in Region II, and that he should be authorized to make inspections, give advice directly to the officials in charge, request and obtain what he considers necessary information, and make general recommendations through the Public Safety Sub-Commission. We shall proceed along these lines until we receive contrary instructions from the Public Safety Sub-Commission.

G.H. McCAFFREY.

Lt. Col. Inf.

R.C.

2nd. Ind.

HQ. ACC. Region II, A20 394, 29 Mar 44. Public Safety Office.

TO: Regional Commissioner, Region II HQ. ACC.

1. The attached reports and letters have been examined by the Prison Officer, ACC, Region II, numbered and referred to accordingly in the following remarks.

Page 1. Scheda Personale. This form was left at all prisons other than Apulia before Feb 11th, and as no instructions were received to the contrary, left with the Apulia prisons for completion. It was presumed that instructions would, in due course be received. The other forms, of which the attached is a copy, were delivered on behalf of the Italian Government who are the authors. Also attached are copies of letters sent out by the Prison Officer to all Procuratori and Prison Directors which indicate that as soon as it was known that the Italian Ministry was in being, officials were made aware of it.

2. Paras. 3 and 4 of the basic communication have been noted.

3. Para. 5. Contact with Italian Officials (Procuratori and Directors) have always been conducted on the lines indicated, but before advice can be offered prisons must be inspected and populations known. There is also a duty to the Regional Commissioner and his Legal and Police departments. Visits were never resented by the officials who appeared in the main overwhelmed by the force of circumstances and had made no efforts to counter the appalling conditions of the Apulia prisons. It was left to the ACC Prisons Officer to suggest and take action and I have recorded in my report of 24 Mar. the value I put on Italian cooperation. Any action taken in the Brindisi problems was the result of ACC "interference"; I quote the Deputy Procurator of Brindisi, "We look to the ACC to get us out of our difficulties" - and views had to be very strongly expressed and repeated visits paid, before an interest could be aroused in these officials.

4. Page 2 "Interference" is, I think, bad taste, and inaccurate. As stated above, facts must be known before advice can be offered. It would appear that the Italian Ministry resent the facts being known, and it is a matter of speculation as to whether the Italian Government did know the facts and what steps were taken to deal with the appalling conditions of the Puglia prisons.

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Capt. Alden did not inspect Taranto on either of these occasions. The subject of this paragraph is not

5. Last Para. The actual meaning of this paragraph is quite clear but **if** it is (as understood) a protest against obtaining information and performing what the Prison Officer has always considered to be his duty, then his reply must be that there appears to be no need for a Prison Officer, and that his duties, conscientiously undertaken to improve the very low standard of Italian prisons, might well be transferred to the Italian Ministry of Justice.

6. Page 3 Does not apply to Capt. Alden.
Ministry of Justice.

- 2 -

7. page 4. True in substance, but the Inspecting Officer, Capt. Alden, was accompanied by his Corporal Interpreter and Lt Strand who was not of the party, but only an interested Police Officer.

8. Page 7 Does not refer to Capt. Alden.

9. Page 8 Second para appears to point to some misunderstanding on part of Director.

10. Finally, I would record that the prisons of Southern Italy were in a disgraceful state, that in the main they had not been inspected for years, and the possible existence of the Italian Ministry was only known from the fact that Directors frequently complained that no replies were ever received from that body to their letters.

H.W. ALDEN, Capt.
Supt. Of Prisons
ACC HQ, Reg. II.

DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Public Safety Sub-Commission
APO 394

ACG/142041/PS

May 22, 1944

SUBJECT : Relations between Public Safety
and Italian Government.

TO : Regional Commissioner Reg. II.

Reference letter 17 May 1944 Capt. Alden to Public
Safety Sub-Commission.

1. I cannot understand why Capt. Alden believes that Para
7 of Executive Memorandum 13 is applicable to Reg. II. Quite
clearly this provision refers to ILL territory only which
fact should be apparent by reference to Para 2 Executive Memo-
randum 3.

2. My letter of 25 March 44, Ref. ACG/142041/PS brought earlier
attention to this matter and incidentally no reply has yet been
received from your RSO in regard to para 5.

A. E. YOUNG, Colonel
Deputy Chief, Public
Safety Sub Commission

4086

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION II

REF : / /

141
17A
17 May 1944

SUBJECT: Interrogation of Civil Prisoners.

TO : Chief, Public Safety Sub-Commission, A.C.C.
Rear Headquarters: HQ 394.

The prisoners in the prisons of Apulia have not yet been interrogated as indicated in para 7. page 38 of "Instructions for Guidance of Officers of the Commission" and in view of the letter from Chief, Public Security Rear HQ. ACC/14204/PS of 25 March and confidential letter 125/18/CA of 23rd March from Dy Executive Commissioner, it appears to me that definite instructions should be issued, as to whether these investigations are to be proceeded with or not.

1011
14204
38A

Without definite instructions the Prison Officer may (1) Fail to carry out a duty, or,
(2) Infringe the General Policy.

For the Regional Commissioner.

H.W. Alden

H.W. ALDEN.
Captain,
Prison Section. 4080

1339

16A

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Public Safety Sub-Commission
APO 394

ACC/14204/PS

18 April 1944

SUBJECT: Comments on prison control under ACC

TO : CPS

1. Various problems with regard to the control of prisons under ACC have recently been emphasized by circumstances of recent occurrence. These circumstances have been as follows:

- a. The lack of accurate prison information from Regions;
- b. The resentment of the Italian Ministry at what they regard as undue interference by the prison officer attached to Region II, whose activities, they fear, will result in misunderstanding and lack of discipline on the part of their regional prison authorities.

It is to be noted that both of these circumstances are of natural enough occurrence. In all experience hitherto, where, under AMG a prison officer has been attached to the staff of the regional P.S.O., he has regarded the RPSO as his Superior, and has reported to him. Requests for information from HQ. P.S. have been disregarded or scantily complied with. A notable exception has been the prison officer in Region III, who has worked closely and willingly with HQ. Even under ACC conditions the prison officer has worked under, and regarded the RPSO as the principal authority, with the result that information channelled to the RPSO never reaches HQ. It is also difficult for an officer who has worked under AMG giving orders and actively joining the conduct of prison directors, to adjust himself to ACC conditions and this gives rise to the complaints of interference registered by the Ministry.

2. Two things, however, are obvious:

- a. Under AMG it is necessary to have an officer working under the RPSO in an executive and directive capacity.
- b. Under ACC it is necessary that HQ be supplied with current information of certain kinds, and that the actual conditions in ACC territory be continually checked

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- a. Under AMG it is necessary to have an officer working under the RPSO in an executive and directive capacity.
- b. Under ACC it is necessary that HQ be supplied with current information of certain kinds, and that the actual conditions in ACC territory be continually checked by HQ.

3. At present there is no officer whose duty it is to supply prison information in either Region I or Region VI. Moreover, there are 20 major prisons in Region I, 23 in Region II, and about a dozen (exact information is unavailable) in Region VI

4. In view of the circumstances, it is recommended:

- a. That there be no regional superintendent of prisons attached to any regional HQ in ACC territory.
- b. That there be at least two additional officers attached to PS ACC HQ whose duty it shall be to make visits of inspection and to gather pertinent information throughout ACC territory, including Regions I and VI as well as Region II.

5. This suggestion, if effectuated will relieve both conditions of complaint, because P.S. HQ ACC will have direct sources of information, and the authority of the officers working out of HQ will be more readily understood both by the Ministry and by local prison officials throughout the territory.

Henry Young Jr.
HENRY YOUNG Jr., Capt;
Prison Sub-Division

To Chief: Public Safety Sub Commission

15A
1420
BR.

Ret: reply to Complaints of
Italian Prison Comm.

I find that I did visit
TORONTO PRISON on 3rd & 15th March
As they were short visits I did
not record them and I regret
the error in my reply.

H. W. Allen Capt.
Prison Sec.
Region II.

Toronto

4/4/44

4080

3 APR RECD

GHL/pjh

3rd Ind.

HQ, ACC, Region II, APO 394, 30 Mar 44.

To: Executive Commissioner, R.C. and M.G. Section,
ACC Headquarters, Naples.
(Att. Chief, Public Safety Sub-Commission)

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Obviously, in view of the instructions from General MacFarlane that ACC was to act in the same manner in those provinces as in those which had been under AMG control, it was appropriate for Capt. Alden to inspect the prisons and to give "advice" to the prison officials where he found that conditions warranted it. From his report of 24 Mar, a copy of which was forwarded to you under my A/PS/73 of 28 Mar (Subj. Civil Prison at Brindisi), it is evident that the conditions in the Apulian prisons are deplorable, both with respect to overcrowding and sanitation. In my opinion, he would have not done his full duty if he had not made his advice very emphatic. I am not astonished that the Italian Ministry charged with prison administration objects to having the truth

PS/1/79

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12204

Ref 10A

14-A

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G. H. McCaffrey
G. H. McCaffrey
Lt. Col., Inf.
R.C.

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

Ref /317/14/CA.

4 April 1944

SUBJECT: Civil Prison at Brindisi.

TO : V.P. Admin. Section (for Public Safety Sub-Commission)

1. Enclosed herewith are copies of letter No. A/PS/73 of 28 March received from R.C. of Region II, and also copy of enclosure. *15B*
2. Will you please take appropriate action in this matter. *15D*

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

See File Acc/14-15/PS *WJ*

4080

COPY

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION II

28 Mar 44

Ref/A/PS/78

Subj: Civil Prison at Brindisi.

TO : Executive Commissioner, R.C. and M.G. Section
ACC Headquarters, Naples.

1. Reference your 317/10/CA which was received at this HQ on the evening of 26 Mar.

2. I requested Col. Dale-Glossop to inform you of the deplorable, overcrowded conditions in the Apulian prisons, including Brindisi, when he reached Naples on 27 Mar. I also requested him to ask that further instructions be sent, after he had submitted these facts to you. The Regional Legal Officer is so much concerned about prison conditions from the standpoint of the prosecution of criminals that he has submitted recommendations to the Chief Legal Officer that all prisons should be de-requisitioned at once. On Mar 27 we also received the attached letter from the G.O.C., No. 2 Dist. which indicates his willingness to de-requisition all prisons which can be released.

3. In the light of the actual conditions and the position of the G.O.C., No. 2 District, it is respectfully requested that you inform us of your desires in this matter.

4. In case Col. Dale-Glossop was not able to make contact with you, I am attaching a copy of Captain Alden's report on the prison situation in Apulia.

/s/ G.H. McCaffrey
/t/ G.H. McCaffrey
Lt. Col., Inf.
R.C.

408

COPY

SUBJECT:- Imprisonment of Italian Criminals

HQ No 2 District, CMF
146 A

26 Mar 44

The Regional Commissioner
Allied Control Commission
Region II

Reference your 2201/59/1 of 20 Mar 44.

1. Since the visit of R.L.O. 2 Region enquiries have been made from "Q" at this HQ and the following information obtained. *ISE.*

(a) AFHQ Adv Adm Ech in their 30/7/Q of 28 Jan 44 stressed the difficulties of the Italian Prison Administration in housing convicted offenders owing to the requisitioning of prisons by the Allied Forces and requested all concerned to vacate any then occupied which could be released.

(b) Instructions were sent on 3 Feb 44 to all Areas and Sub Areas to implement the above policy.

(c) A return of all requisitioned prisons has been called for and the information will be available on 28 Mar 44.

2. The number of prisons requisitioned in this district is known to be very small but on receipt of the full facts each case will be reconsidered and we will submit our views to you in due course.

'sgd) Major-General
Comd No 2 District

Copy to:- " (2)

105-

COPY

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION II

Ref/A/PS/63

24 Mar 44

SUBJECT: Prison Situation in Puglia (especially in regard to
BRINDISI, TARANTO, & LECCE)

TO : Regional Police Officer, Region II.

1. The situation is such that in my opinion immediate representation should be made to highest authority for further instructions. Recent visit to these three prisons show that the overcrowding has reached its limits.

2. BRINDISI. The requisitioning of the Prison of Brindisi has created a situation where the slowness of the Italian law and the daily arrests made have crowded the small part of the prison remaining to the Italian Civil authorities (for the purpose of accommodating the prisoners awaiting trial) beyond reason - able calculation.

Population	Men	Women
Capacity	$\frac{127}{80}$	$\frac{25}{20}$

Within a few days it may be impossible to accommodate further numbers. I have given instructions for the immediate removal of the sentenced prisoners to other prisons, but this will not solve the problem for the future. It must be borne in mind that Civil troubles may at any time break out and there would be no accommodation for those arrested.

I ask, in view of the civil outlook for the de-requisitioning of this prison or at least a greater part than is (temporarily) left to the Civil Authorities.

On a previous visit at the time of the Military requisitioning, I called on the Procurator Del Re and presented the situation. It has been represented to me by the Area Commander (71 Sub-Area) that if the Italian Civil Authorities would find and requisition a suitable building the Sub-Area would help to a considerable degree in conditioning it as a prison. I represented this to the Procurator Del Re.

On my calling again on March 20th, I was informed that the Procurator was away so I put my views to the Deputy Procurator, who could offer nothing as a result of my previous suggestions. The view I take of this is that co-operation on the part of Italian authorities is not existent.

When at last I was able to see the Procurator, I commented very strongly on this, but I must record that in my view a suitable building would be difficult to find, that it would take a considerable time to condition, whereas the problem demands immediate solution.

The Judicial Prison at LECCE.

Population	778
Capacity	350

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The Judicial Prison at LECCE.

Population 778
Capacity 350

This overcrowding is due to the large number of Italian Naval and Military prisoners who number 364, and the enforced reception of prisoners from Brindisi. I have approached the Italian Deputy Minister for War, Col. Fiore-Vernazza at Lecce, and the Admiral commanding at Brindisi, concerning the removal of these prisoners, which would relieve the situation very much, but I have little hope of an early settlement. In my opinion the strongest pressure should be invoked from high authority.

TARANTO. Three-quarters of this prison has been requisitioned by the British Military which action has crowded that part remaining in Civil Hands.

Population 199
Capacity 130

BARI. Fearfully overcrowded.
An examination of the figures reveal the extraordinary state of
this prison.

Population	1,434
Capacity	705

Italian Military and	
Naval Prisoner	610
+ Civilian held by	
Italian Military Auth.	<u>147</u>
Total	757
Remaining Civilians	
are untried	<u>677</u>
Total	1,434

It will be seen therefore that no prisoners can be transferred to other
prisons if space were available in them.

Copy to: R.P.S.O.
" " Legal

H.W. ALDEN, Capt.
Prisoner Section
ACC, Region II

COPY

SUBJECT: Requisitioning of Prisons etc.

AEHQ Adv Adm Echelon.
CMF

30/7/9

28 Jan 44.

To:- Fifth Army
Eighth Army
No 2 District
peninsular Base Section

1. The Italian Prison Administration is labouring under a serious handicap due to the requisitioning of prisons, reformatories and penal institutions for Allied military purposes.
2. Damage done to such buildings during the course of operations has rendered the position more acute.
3. A minimum of proper facilities for housing convicted offenders is essential to the Italian authorities if their administration of justice is not to be unduly hampered.
4. You are therefore requested to ensure that buildings of the nature mentioned are not requisitioned without the prior agreement of ACC/AMG, and to vacate any at present occupied, which may be urgently required by the Italian authorities and can be released.

VHJ/AEM

Copy to No 3 District
AMG HQ ACMF
G - 4
'A'

(Sgd) H. H. RITCHIE.
Brig
for Major General
Deputy Chief Administrative Officer.

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

4 APR REC'D

14204
JR.

12A

3 April 1944.

Ref/317/CA

SUBJECT: Communications between A.C.C. personnel and
Italian Officials.

TO : R.C. Region II

- 11B
1. Your letter of 27 February addressed and sent direct to the Italian Minister of Justice has been brought to our attention. The letter was written in the Italian language.
 2. Your attention is invited to the fact, that all communications from A.C.C. Officials should be written in English. In this particular instance, as the matter concerned the Public Safety Sub-Commission, the letter should have gone through that Sub-Commission.
 3. In the future will you please see that all such communications are handled in the proper manner.

EF
NORMAN E. FISKE
Colonel,
Deputy Executive
Commissioner.

Copies to: V.P. Admin. Section for
Public Safety Sub-Commission
Legal Sub-Commission.

4074

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By *BOF* 15704
ER

11A

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

GRU/gmf

ACC#4041/L

30 March 1944.

SUBJECT: Prisons in Region 2.

TO : Executive Commissioner.

11C

11B
1. At our last meeting with the Minister of Justice I was shown a letter in Italian signed by RC Region 2 and addressed to the Minister of Justice direct. I enclose copy of this letter and the reply of the Minister.

2. It appears improper for Region 2 to address the Minister of Justice direct on any matter and all the more so in the present case where broad questions of overall policy are concerned.

It is also contrary to practice for ACC to use Italian in their communications to the Italian Government.

3. As the policy question is one for the Public Safety Subcommittee they will no doubt consider whether any and what further approach to the Italian Government relating to this matter is desirable.

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

Copy to: Public Safety Subcommittee
V.P. Admin. Section.

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110° 0' 0" P

QUARTIER GENERALE
COMMISSIONE ALLIATA DI CONTROLLO
REGIONE 2

27 febbraio 1944

Ref: 1/23/30

Oggetto: Impiego di Carcerati Civili

AL MINISTERO DI GRAZIA E GIUSTIZIA

SUMMARY

Il sottoscritto si interessa del fatto che carcerati civili non sono impiegati in lavori.

Il sistema delle Prigioni americane ed inglesi e' di impiegare i carcerati civili in lavori che non sono concorrenti con industrie private.

E' opinione delle Commissioni Carcerarie americane ed inglesi che tali lavori sono salutarissimi per i carcerati, sia economicamente che fisicamente.

Tra i lavori che possono essere effettuati vi sono: riparazione e fabbricazione di scarpe ed uniformi per impiegati dello stato; fabbricazione di cordoni; lavori di ardenti munizioni. Molte altre forme di lavoro potrebbero essere suggerite.

Lavori di questo genere non possono essere eseguiti al momento, per via della mancanza di materiali, ma noi supponiamo che la Marina e l'Esercito italiani abbiano taluna provvista e che abbiano il desiderio di poter disporre della mano d'opera delle Carceri.

La mancanza di locali adatti, puo' essere ovviata usando i corridoi e gli altri spazi liberi, e, con buon tempo, l'aria aperta.

E' in uso, col sistema italiano, nelle poche prigioni in cui si lavorava, l'uso contrattati con ditte private. Questo sistema potrebbe essere continuato, e potrebbe ornare utile al commercio.

Gradirei il vostro punto di vista in proposito.

G. H. McCaffrey, Lt. Col. In.
Regional Commissioner
Region 2

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Tra i lavori che possono essere effettuati vi sono: riparazione e lubrificazione di scarpe ed uniformi per impiegati dello stato; fabbricazione di cordassi; lavori riguardanti intelligenze. Molte altre forme di lavoro potrebbero essere suggerite.

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In mancanza di locali adatti, può essere ovviata usando i corridoi e gli altri spazi liberi, e, con buon tempo, l'aria aperta.

È in uso, col sistema italiano, nelle vecchie prigioni in cui si lavorava, fare contratti con ditte private. Questo sistema potrebbe essere continuato, e potrebbe tornare utile al commercio.

Gradiremo il vostro punto di vista in proposito.

G.H. Mc Caffrey, Lt. Col. In.
Regional Commissioner
Regione 2

207

Handwritten:
Mc Caffrey
207

Il Ministero ringrazia il Tes. Col. Caffrey per l'interessante contributo che ha dato allo svolgimento della vita dei detenuti nelle carceri italiane e per i suggerimenti offerti tendenti ad intensificare il ritmo del lavoro carcerario, salutare sia moralmente che fisicamente.

Nella legislazione italiana è stato pienamente adottato il principio che il lavoro è il cardine su cui basa l'organizzazione della pena, sia per i benefici subietivi che il condannato ne ritrae, sia per le ripercussioni benefiche che si rivergono sull'ordine e sulla disciplina interna degli stabilimenti carcerari. Pertanto tale materia è stata regolata in tutto la sua ampiezza nel regolamento per gli istituti di correzione di pena, approvato il 18 giugno 1931, con R. D. n. 114 e 115.

La direzione generale degli Istituti di Prevenzione e di Pena, in applicazione dei principi sanciti nel regolamento, ha organizzato il lavoro carcerario secondo i criteri, attribuendo a tutte le case penali lavorazioni appropriate all'attività industriale, di diverse tipi e compatibilmente alle disponibilità ed alle necessità dei locali; e nelle colonie penali il lavoro all'aperto per la coltivazione e lo sviluppo di colture e di piante. Nella prima e nella seconda ora la efficienza dei locali adatti ha impedito lo sviluppo di officine e dove non si è potuto disporre di mano d'opera idonea, per il continuo flusso e riflusso di detenuti soggetti a provvedimenti di carattere giudiziario, ha organizzato un tipo di lavoro che non richiede l'uso di macchine e di mano d'opera specializzata, come quello per la confezione di calze, di scatole, di sacchetti di carta, ecc. - Ma altresì stabilito che nelle industrie carcerarie venissero eseguiti lavori tanto per conto delle Amministrazioni statali, e particolarmente

di quelle carceraria e delle M.A.A., che per conto di privati committenti; ed ha consentito infine ad alcune ditte private di utilizzare la mano d'opera detenuta, al fine di mantenere il maggior numero possibile di condannati al lavoro.

E' opportuno mettere in evidenza che per effetto di tale organizzazione il lavoro carcerario aveva assunto uno sviluppo ed un ritmo tali da assorbire una mano d'opera detenuta raggiunta al 70 % della popolazione richiusa nelle carceri e nelle case penali.

Ma con l'inizio della guerra molte lavorazioni carcerarie hanno risentito sempre più sensibilmente delle difficoltà degli approvvigionamenti delle materie prime da lavorare, ed hanno dovuto a mano a mano limitare la loro attività, che è cessata poi quasi del tutto nel periodo turbolento dello sbarco delle Forze Armate Alleate.

Allo stato il lavoro nelle carceri si svolge a ritmo molto ridotto, perchè è costretto a subire le gravi ripercussioni dello stato di deperimento generale delle materie prime e di quelle accessorie, ed, alcuni stabilimenti penali che per attrezzatura tecnico-industriale e per capacità di maestranze potrebbero ricigliare in pieno la loro attività, hanno dovuto limitare o del tutto fermare ogni manifestazione produttiva. Infatti le caserme nali di Lecco, di Noto, di Vellino e di Verni spiegano tuttora una attività lavorativa che è limitata alle disponibilità delle materie da lavoro, mentre quelle di Augusta e di Procida, benché industrialmente molto bene attrezzate, sono completamente inattive. Sono però in efficienza quasi normale le case di lavoro della Sardegna che continuano a bonificare ed a coltivare i loro terreni agricoli, impiegando largo numero di condannati.

Ma è intendimento di questo Ministero di rimettere in efficienza le industrie negli stabilimenti carcerari, per distogliere dall'ozio i condannati e per produrre quei manufatti che allo stato mancano e di cui si sente un assente bisogno: ma non si riesce a risolvere il grave problema dell'approvvigionamento delle materie prime e di quelle accessorie indispensabili, le quali mancano del tutto sui mercati. Né d'altra parte i Ministeri delle M.A.A. Italiane hanno disponibilità di materie prime da far lavorare poiché anche essi si trovano di fronte alle stesse difficoltà come è provato dal fatto che le commesse di lavoro affidate alle industrie carcerarie, veramente rile-

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tà che le industrie carcerarie, veramente rile-
vanti, sono ora diventate molto esigue e diminuiscono sem-
pre di più. Né infine è a pensare che il problema del la-
voro carcerario possa essere risolto in pieno dalla conces-
sione di mano d'opera detenuta a ditte private.

Questo Ministero infatti non ha mancato finora d'in-
coraggiare la concessione della mano d'opera detenuta a dit-
te od industrie private, ed a tal fine ha formato anche dei
contratti tipo onde rendere più rapido il procedimento di
concessione. (Presso alcuni stabilimenti carcerari della Sar-
degna e della Sicilia già molti detenuti lavorano per conto
di ditte private). Ma poche sono le ditte che richiedono
la mano d'opera di detenuti, sia perchè in Italia la mano

-3-

d'opera in genere è stata ed è sempre abbondante ed a buon mercato, sia che esista fra gli industriali u uno stato di prevenzione per il quale preferiscono non avere rapporti con chi è stato allontanato dalla società per aver commesso dei delitti.

Il Ministero pensa che la lavorazione carceraria, particolarmente quella a carattere industriale, potrebbe ricevere un risolutivo impulso tra concorsi della Commissione Allentea di controllo, sia con l'apporto di provvigione della materia prima da trasformare, basterebbe infatti avere a disposizione una quantità di lana, di filati, di ovolo ecc. - materia che attualmente mancano del tutto sui mercati - per migliorare in pieno i servizi carcerari e per dare possibilità di addebiatati di condanna ad un lavoro mercedante pro- ficio e sicuro. L'incarcerazione carceraria italiana è ora che tutta l'organizzazione carceraria italiana è cel- gli strettamente legata allo stato di depauperamento delle carceri prima ed alla mancanza di carni di merca- vigliamento, ed ogni miglioramento di esse è legato to in rapporto alla possibilità di disporre di tali beni.

IL MINISTRO
(Cosati)

TRANSMISSION

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION 2

27 February 1944.

Ref: A/PS/38

SUBJECT : Employment of Civilian Prisoners.
TO : The ministry of Grace and Justice.

The undersigned is interested in the fact that civilian prisoners are not employed in some kind of work.

The American and English prison system is to employ prisoners in works which don't concern private industry.

English and American Commission opinion is that such work is good for the prisoners both physically and morally.

The works they can do are:

State employee uniform and boot make and repair.

Cord make.

Work concerning munitions, and many other kind of work may be suggested.

Work of this kind cannot be done at the present time owing to the lack of materials, but we suppose that the Italian Army and Navy have some stock which is desired to be disposed of by prison labour.

The lack of fit premises can be obviated by making use of the corridors, and any other available space, and when fine weather, of the open air.

The Italian system was in the use - in those few prisons in which prisoners worked - to make contracts with private firms. This system may be continued, and can be useful for the business.

We should appreciate your opinion on this matter.

G.H.Mc. Caffrey, Lt. Col. Inf.
Regional Commissioner
Region 2.

4078

TRANSLATION

MINISTRY OF GRACE AND JUSTICE
General Directorate For Reformatory Institutes
Office VIII

SALERNO 25/3/44.

SUBJECT : Employ of civilian prisoners.

TO : G.H. Mc CAFFREY, Lt/Col. Inf.
Regional Commissioner, Allied Control Commission

SALERNO

The Ministry thanks Lt/Col McCaffery for the interest he shows for the development of inmates life in the Italian prisons and for the suggestion given us, which would intensify prison work and do to prisoners good morally and physically.

The Italian Legislation has fully recognized that work is the base on which punishment stands, both for the benefit of prisoners, and for the benefit of discipline and order of the Prison interior routine. The whole matter has been regulated in the Reformatory Institutes, regulations approved on the 18th June 1931, by the Art. 114 and following.

The General Directory of Reformatory Institutes, has organized prison work carefully, equipping the prison premises work of an industrial character, of different kind, in accordance with the place available and the penal colony for open air work of agriculture kind. In prisons where machines have not been possible to be fixed, and the labour required for them obtained owing to the always change of inmates, the Ref. Institutes has organized a kind of work which does not require specializes labour, as stocking, box, paper bags make, ect. and the work can be done either for State Administration, particularly the prison and FF.AA. ones, or for privates.

Such organization had 70% of the prisoner population on work.

Since the starting of the war, the prison work has been effected by the difficulty of raw materials supply, it has lessened more and more, and had to stop completely at the whirling time of the landing of the Allied Forces.

The prison work at the present time is much reduced owing to the difficulty of getting raw materials, and some Prisons that are equipped for industrial work and could carry on their activities, have been obliged to lessen or to stop working. In fact, Lecce, Noto, Avellino, and Terni Prisons are on a limited working activity whilst Augusta and Procida Prisons - though well equipped - are inactive. Sardinia work-houses are working almost normally and continuing to cultivate lands occupying a great number of prisoners.

This Ministry intends to put in full efficiency industry of Prison Establishments in order to avoid prisoners to be lazy and to produce manufactured articles that the State needs.

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This Ministry intends to put in full efficiency industry of prison Establishments in order to avoid prisoners to be lazy and to produce manufactured articles that the State needs.

But we are not able to solve the grave problem of supplying raw materials, and necessary accessories which cannot be found on the market. The Italian FF.AA. (Armed Forces) Ministry have no possibilities to get raw materials; they too have to face the same difficulties, as it is proved by the fact that the orders, which for the past time were numerous, are now lessening. At last, the prison work problem can not be fully solved, by the labour dependent from private firms.

This Ministry has encouraged the labour dependent from private firms or

- 2 -

industries, and for this purpose ~~has~~ made standard contracts which quickens the assignment procedure. (In prisons of Sardinia and Sicily many inmates work for the private firms). But few are the firm which require prison labour, firstly because ~~abundant and cheap~~ ~~secondly~~ in Italy labour has allways been abundant and cheap, secondly because firms as a rule, prefer not to deal with those ~~who~~ have been banished from society having committed crime. As all the Italian prison organization is to-day closely connected with the ~~import~~ impoverishment and supply, of raw materials, any ~~where~~ employment is relation with such goods.

THE MINISTER

(CASATI)

4020

HEADQUARTERS
ALLIED CONTROL COMMISSION
Public Safety Sub-Commission

File 10A

ACC/14204/PS

25th, March 1944

SUBJECT: Prison Administration

TO : A.P.S.C. through R.C. Region II

10 B/A

1. Attached are copies of correspondence received from the Italian Government apparently referring to Capt. Alden, Prison Officer, Region II.
2. If these matters are substantiated it would appear that Capt. Alden's duties have been much too executive and suitable to A.P.S.C. rather than ACC. administration.
3. The Schede Personale scheme should clearly not be applied to any Italian Official in ACC. territory since their bona fides are a matter for the Italian Government only.
4. I should be glad if you would make these facts clear to Capt. Alden and to see particularly that the Schede Personale are not pursued.
5. Since your Prison Officer's duties must be advisory and consultative so far as his relations with prison directors are concerned, and since any recommendation which he has to make should be forwarded to these Headquarters for discussion with the Italian Government, I should be glad to receive your views as to whether the retention of a Prison Officer in Region II, is justified.

Rup
PAUL G. KIRK
Colonel, Inf.
Chief, Public Safety
Sub-Commission

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PA 27/3

MINISTER OF PARDON AND JUSTICE

10B

SUBJECT : Interference by an A.M.G. Officer prison Section, of
Territory under the control of Italian Administration.

TO : Allied Control Commission Sub-Commission Public Safety.

The Director of prisons of territory under the Control of Italian Administration refer to an inspection by an AMG Officer and are submitting a report on the said matter.

On the 28th and 29th of February 1944, an officer of the English police visited the Giudiziaria prison at Bari and in addition to disposing of sanitary conditions of the prison, ordered the cleaning of the guard barracks, the cells and infirmary; questioned prisoners concerning their judicial desposition; left printed forms (containing questions on previous political activities) to the Director to be filled in by the Administration personnel and Guards and that said forms were to be completed and forwarded to his Hq, Matera.

On March 5, 1944, 3 English officers from Matera inspected the Penal Home at Turi. After inspecting the sanitary prison conditions, they left printed forms to the director and also request a monthly report be given of all prison activities.

After inspections were made by Allied officers in the Taranto and Lecce Prisons on the 6 and 15 of March, 1944.

While the interests of the officers are duly appreciated, but sometimes they intervene on matters which are exclusively for the Italian Government and for the purpose of avoiding uncertainty among the Directors of the prisons, we are asking your Sub-Commission to take necessary action not only for collaboration but to refrain these officers from initiating action on prison matters which this Ministry reserves for itself to impart to the Allied Commission directly at the opportune moment.

4000

GIUDIZIARIE PRISONS - T A R A N T O - 10 C

March 6, 1944.

On the first of March 1944 Captain Voz Resion and another English Police Officer, ACC, accompanied by an interpreter request permission to inspect the prison on the 3rd of March.

The undersigned agreed to accompany the visitors after conferring with the Procuratore del Re.

The prison was carefull inspected.

The prison was found to be clean, quantity of food good, the placement of prisoners were found to be good even though congested conditions exist.

The writer told them that due to the requisition of 3/4 of the building by the English Command, the administration was done in a hurry and an exact formulation of policy could not be given.

We also told them that necessary work was started and are merely awaiting permission by the proper Authorities; that request for disinfectants and medicines were made but had been refused by the English Command because of the lack of said stock.

After inspections, the English Officers were accompanied to R. Procura of T a r a n t o.

IL REGENTE LA DIREZIONE.
(Il 1. Ragioniere Nicola
Patrone)

1368

RESTRICTED
ALLIED - MILITARY GOVERNMENT
OFFICIAL BUSINESS

FATIMA ADVANCE 5

OUTGOING MESSAGE

Office of origin FATIMA ADVANCE

Date 3 January 1944

Classification RESTRICTED
(Restricted - Confidential - Secret)

Telephone POWELL
Originating POWELL

Precedence ROUTINE
(Deferred - Routine - Priority - Operational Priority - Urgent)

To: FATIMA REAR

WHEN INTERVIEW WITH MINISTER OF JUSTICE COMPLETED PD
PENSEASE PAREN FATIMA ADVANCE PAREN TO FATIMA REAR PD CITE FATIMA
ADVANCE FIVE PD CAPT YOUNG REQUIRED HERE

*2 copies sent
Adm. Half Section*

FRANK J. SLAUGHTER
CAPT AGD
ASST A-G

Distribution

Content and classification
authenticated by

4034

Signal Corps Message Center Number

(Do Not Write in This Space)

RESTRICTED

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TELEGRAM

1982
QB
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RECEIVED AT

PBS SIGNAL MESSAGE CENTER

29 JANUARY 1944

RESTRICTED

ROUTINE

CG PBS (FARGO) FOR GUETERBOCK FOR KIRK

NONE

FARGO
FATIMA REAR FROM DERBY SIGNED MAGFARIANE

281550A

290937A

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NONE



REFERENCE PBS 5588 DATED 18TH JANUARY CITE FARGO 361, FORMER
CABLE DELIVERED MORNING 19TH UPJOHN'S OFFICE RECEIVED BY CAPTAIN
HENRY YOUNG ON 26TH; HE ARRIVED THIS HQ TODAY FROM SANTA MARIA
DEL BAGNO ASKING FOR NEW ORDERS IN SIGHT OF DATE OF RECEIPT OF
CABLE 5588. REQUEST FURTHER INSTRUCTIONS FOR YOUNG. THACKRAY
ARRANGING YOUNG MEET MINISTER OF JUSTICE 31ST JAN.

PBS DISTRIBUTION:

INFO....AND HQ

CG

SECY

ACC DISTRIBUTION:

ACTION....COL SPOFFORD (2)

INFO.....BKC OFFRS

G-1

ADMIN DIR (2)

RESTRICTED

4050

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HEADQUARTERS
1ST MILITARY GOVERNMENT
Public Safety Division
APO 194

File

8A

AMG/14204/TS

5 January 1944

SUBJECT: Administration and Condition of Prisons in
Occupied Territory.

TO : Region I - Sicily

1. It is important that we have a complete and detailed report on the Administration and Condition of Prisons in all of Sicily. It is our desire that this report be signed by Dr. Ferdinando Columbo your Italian Regional Director of Prisons and of course approved by Capt. Brown.

2. This report is needed as soon as possible for our use in Contacts with the Director of Prisons of the Italian Ministry of Justice.

PAUL C. WICK
Colonel, Infantry
Chief, Public Safety
Division

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(EAD, BARBERS)
ALLIED MILITARY GOVERNMENT
Public Safety Division
AUG 1944

7A

AMV/14204/PS

25 January 1944

SUBJECT: Administration and Condition of Prisons in
Occupied Territory.

TO : Legal Sub-Commission

The following is a brief statement on the administration and conditions of Prisons in Regions 1 and 2.

1. The administration set up is as follows:

a. In Region 1, which comprises the whole of Sicily, the Public Safety Division of Regional Headquarters has a Prison Section. The Superintendent of that Section is Capt. H.J. Brown. He maintains an office in the Carceri Giudiziarie in Palermo. To aid in the administration of the Prisons of Region 1 (Sicily) there has also been appointed an Italian Regional Director of Prisons, Dott. Ferdinando Colombo. He also maintains an office in the Ufficio Carceri Giudiziarie, and works closely with Capt. Brown. To further assist in the program Provincial Prison Directors have been appointed and are as follows:

1. Supt. of Prisons: Capt. Brown (Br.)
2. Italian Regional Dir. of Prisons - Dott. Ferdinando Colombo - appointed 10/12/43
3. Provincial Directors:
 - Palermo, Mag. Domenico Farrugia
 - Messina, Dott. Eduardo De Raffaele
 - Catania, Dott. Francesco Antonino
 - Siracusa, Dott. Pietro Votolone
 - Reggio (Modena) Dott. Francesco Casaratta
 - Genoa, Dott. G. Battista Bellomo
 - Verigento, Dott. Aniello Bruno
 - Tripoli, Dott. Pietro Ferrari (acting)
 - Barcelona, Dott. Vittorio Meina
 - (Insane) (Assistant Regional Dir.)

b. In Region 2, Capt. Allen is the Prison Supt. in a position comparable to that of Capt. Brown in Region 1. His office is in Miteria, the seat of Region 2.

c. In Region 3, Lt. G. R. Daley is the Supt. of Prisons.

2. The general condition of the prisons is as follows, based on the latest reports available.

a. In Region 1, some prisons have been closed as unfit for use. The smaller prisons now are allowed to hold prisoners and those awaiting trial for not over 30 days. Where a longer period of detention is necessary prisoners are transferred to a Carcere Giudizionale. Region 1 Headquarters reports that the prison personnel are doing their job efficiently and that there has been a marked improvement since their rates of pay were increased.

b. In Region 2, the Prison Supt. is now making an inspection of prisons and a complete picture of conditions is not now available. Some prisons, particularly small ones have been closed resulting in a reduction of personnel and in making the buildings available for emergency housing of refugees.

c. In Region 3, a complete survey is being made.

d. A complete report on prison condition in Sicily has been requested and should be available in the near future.

PAUL C. YORK
Colonel, Infantry
Chief, Public Safety
Division

6A
HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LEGAL SUB-COMMISSION
A.P.O. 394

Subject: Ministry of Justice

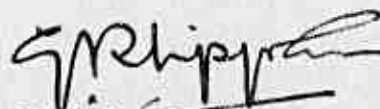
To : Public Safety Sub-Commission

22nd January 1944

Unfortunately your signal FARGO 361 dated 18th January only arrived on the morning of the 19th and there was no time to find a substitute for the meeting with the Minister of Justice.

Having warned the Minister that a representative of your sub-commission would be attending I asked him as a matter of courtesy whether I could transmit to you any message; he replied that he would be very grateful to receive as soon as possible a report on the administration and condition of prisons in occupied territory.

I informed him that I would give you his message for your consideration.


GERALD UPJOHN

Colonel,
Chief Legal Officer.

MF 141204

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HEAD QUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee

ART/gmf

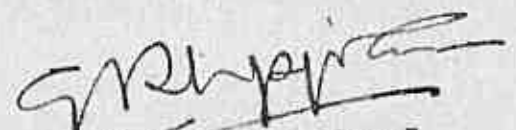
15 January 1944.

In reply
refer to: ACC/1/342/4.

SUBJECT: Prison & Cognate Services.

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

In view of the fact that the administration of prisons is undertaken by Your Excellency's department whereas this Subcommittee is not charged with such matters, these being dealt with by the Public Safety Subcommittee, a representative of the latter has been invited to place himself in touch with Your Excellency. Accordingly at the Conference arranged for Wednesday next, 19 Jan. at Bari, Capt Burke hopes that you will be able to receive him and to have an opportunity of discussing such matters as are necessary to be taken up with your Directorate of Prisons.


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

✓ Copy to: Public Safety Subcommittee.

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CONFIDENTIAL

FARGO 361

FARGO

18 JAN 33

CONFIDENTIAL

10050 CRIPPS

PRIORITY

FATIMA (REAR)

PRISON OFFICER PD IN REPLY YOUR ONE NINE
EIGHT ONE DATED ONE SIX JANUARY PD CAPTAIN BURKE NOT AVAILABLE
OWING TO SUPERIOR ORDERS RECEIVED TODAY PD PENCE PAREN FARGO
PAREN TO FATIMA REAR FOR UPJORN PD CITE FARGO THREE SIX ONE
PD REQUEST CAPT HENRY YOUNG PAREN ABLE ONLY OFFICER KNOWN TO
HAVE PRISON EXPERIENCE AT PRESENT WITH REFUCSEE SUB COMMISSION
YOUR AREA BE MADE AVAILABLE FORTHWITH AND ORDERED TO ATTEND
MEETING AT PALACE OF JUSTICE ONE NINE JAN REPLACEMENT FOR CAPT
HENRY YOUNG TO BE FOUND FROM REGION FIVE PERSONNEL

I.F.MICKEL,
Lt.Col.,AGD,
Adjutant General,

CONFIDENTIAL

See Sublin Safety Sub. for information & action

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
ADMINISTRATIVE DIRECTORATE
APO 512

AMG/001./AD

15 January 1944.

SUBJECT: Prisons.

TO: Public Safety Sub-commission.
Legal Sub-commission.

1. The Vice-President ECONOMIC and ADMIN. SECTION wishes to discuss the a/m matter with the Directors of Public Safety and Legal Sub-commissions or their representatives.

2. The time appointed for the discussion is 10.30 hours, 17 January 1944 in Room 16.

3. Will you please signify to this office that you will be present.


R.R. CRIPPS,
Lt. Colonel,
for the Administrative Director.

Copy to: The Right Hon. The Viscount Stansgate.

BEST COPY POSSIBLE

HEADQUARTERS
ALLIED MILITARY GOVERNMENT

JCE/nd

AMC/14-04/PS

15 January 1944

MEMO: To Admin. Directorate.

1. From the immediate practical standpoint, the views advanced by Col Upjohn have substantial merit. Nevertheless, I am of the opinion, that the sooner an organization is established to correspond to, or to parallel the Italian frame of government, the less likelihood there will be of duplication of effort or working at cross purposes when AG conditions become operative.
2. It is true that Public Safety personnel has been in close touch with prison administration for several months, but this has largely been accomplished through the efforts of the Regional and Provincial GAO's who were assigned the task in addition to their other duties. Insofar as they may remain in the field, there is no reason why they, or GAO's for that matter, cannot carry out instructions issued by the Superintendent of Prisons of AG operating under the general supervision of the Chief, Legal Sub-Commission, who presumably will correspond to the Italian Minister of Justice. It is reasonable to expect that under AG conditions, the number of officers in the field will be reduced, and that those who remain will perform multiple supervisory duties anyway.
3. While there may be a closer relation between prison and police services than between the prison service and law, the fact remains that the Italian national scheme of government provides otherwise administratively. In this connection it may be mentioned that the Administration of Federal Prisons in the United States comes under the general supervision of the Attorney General.
4. I accordingly recommend that the Prison Division of the Public Safety Sub-Commission be transferred to the Legal Sub-Commission, and that Capt John C. Burke and Capt Henry Young Jr. be transferred as Superintendent and Assistant Superintendent of Prisons, respectively, in the Legal Sub-Commission.
5. I concur most heartily in Col. Upjohn's suggestion that an office contact the Italian Director of Prisons as soon as possible and recommend Capt Burke be so dispatched.
6. It is likewise recommended that as soon as facilities permit, arrangements be made for the establishment of direct liaison by other divisions with their corresponding functionaries in the Italian Government.


PAUL G. KIRK
Colonel, Infantry
Chief Public Safety

Copy to: Col Upjohn

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HEADQUARTERS
 MILITARY CONTROL COMMISSION
 Legal Subcommittee

GRU/gaf

2 January 1944

In reply
 refer to: ACC/T/341

SUBJECT: Prisons

TO : Deputy President, A.C.C.

The responsibility for prison administration under the Italian Government is that of the minister of Justice while under A.M. and A.C.C. that responsibility is at present undertaken by the Public Safety Subcommittee.

It would appear logical, therefore, that responsibility for prisons should be transferred from Public Safety to Legal Subcommittee, but against this there are several practical reasons.

(1) The Public Safety personnel have been in touch with the prison administration now for some months and it would be a great mistake not to continue to make use of their expert services; further, it would at this late stage be a mistake to shift the Prison Division of the Public Safety Subcommittee over to the Legal Subcommittee.

(2) In practice the Prison and Police Services are more closely related than Prison and Law and it would be more convenient as a matter of internal administration to maintain the present arrangement in A.C.C.

Accordingly it is strongly recommended that prison administration should remain the responsibility of Public Safety Subcommittee.

On this footing, however, I suggest that Public Safety should be advised to send over an officer to contact the Italian Director of Prisons as soon as possible to make every necessary arrangement before the restoration of territory.

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

Copy to Public Safety Subcommittee.

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