

ACC

10000/143/1007

10000/143/1007

DR. PALLINI RUGGERO
JULY-SEPT. 1944

HEADQUARTERS
ALLIED CONTROL COMMISSION
Public Safety Sub-Commission
A O 394

Tel : 478709

17 September, 1944.

ACC/14233/PS

SUBJECT : Dr. Pallino Ruggero.

TO : Regional Public Safety Officer
Region I

1. Acknowledge receipt of your letter PPS/014.1
14 September 1944 re above named.
2. This office does not desire to take any action
unless requested by the Minister of Grace & Justice.

EWB/G.

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

1560

ALLIED CONTROL COMMISSION

SICILY REGION HEADQUARTERS

APO. 394

(PUBLIC SAFETY DIVISION)

FILE NO: RPS/014.1.

DATE September 14, 1944.

SUBJECT: Dr. FALLINI Ruggero.

TO: Director, Public Safety
Division, A.C.C., HQ.

1. Reference attached papers relating to an appeal by above named, Director of Prisons at Termini Imcrese, against disciplinary action taken against him by the Procuratore Generale.

2. Attached is an opinion by the Regional Legal Officer on the matter. Captain BROWN, since transferred to England, is the only officer aware of the precise instructions given at the time, but it is not considered that the appeal calls for interference on the part of ACC at this stage and as it has been forwarded direct to the Ministry of Grace and Justice, I recommended that we should await any request for information from that Ministry.

For the Regional Commissioner.



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

156*

ALLIED CONTROL COMMISSION
SICILY REGION HEADQUARTERS
APC 394

1B

FILE: RLE 013.28/EKM

11 September 1944

SUBJECT: Dr. PALLINI Ruggiero.

TO : Regional Public Safety Officer.

1. I have carefully considered the documents in this matter and am of the following opinion.

a The irregularities charged against the A/M include some which it is highly improbable were ever authorised by the A.M.G. prison section. If this is the case then the action of the Ministry and the Procuratore Generale appears to be quite justified.

b If all the irregularities were being done on the express orders of A.M.G., I am still of the opinion that on the hand-over the A/M should have taken steps to comply with Italian Regulations. While the legality of acts done by A.M.G. is expressly reserved on the hand over and these are to be respected I am of the opinion that this reservation did not operate to keep in force minor orders of a purely administrative and continuing nature as in this case.

c That before any recommendation for review could be made to the Italian Authorities by this division it would be necessary to have more precise information as to the orders given by us to the Prison Director and for reference to be made to Captain Brown if necessary.

d That if the position is as stated in Para 2 hereof, then upon receipt of further information as mentioned in Para 3, this division should obtain the opinion of the G.L.O. before any action is taken as the matter is one of principle which may occur in other similar cases.

By order of Brigadier M. CARR, C.B.E., M.C. : 1560

E.K. Matthews Capt.
E.K. MATTHEWS, Captain,
Regional Legal Officer.

sf

Encl: Documents.

File with case
RYS

On/le Commissione Alleata di Controllo

P A L P R M O

Con due miei precedenti ricorsi in data 13 e 24 maggio u.s. informavo cotesto On/le Comando che si minacciavano dalle Autorità Italiane provvedimenti disciplinari a mio carico per avere applicato, prima della soppressione della Direzione "regionale delle Prigioni della Sicilia" delle norme dettate dal Comando Alleato circa il trattamento dei detenuti.

Cotesta Ecc/ma Commissione assicurò che non avrebbe permesso che si compisse simile ingiustizia che costituiva, del resto anche una offesa al Comando Alleato.

Nonostante l'intervento di cotesta On/le Commissione, il Procuratore Generale presso la Corte di Appello di Palermo, Comm. Cappellani, su rapporto fattogli dal Procuratore del Regno di Termini Imerese, Cav. Oliveri, mi ha inflitto la punizione della censura, come risulta dalla deliberazione che trasmetto in copia.

Sono certo che cotesta On/le Commissione vorrà tutelare il suo prestigio e la sua Autorità facendo annullare dal Ministero di Grazia e Giustizia, al quale ho presentato formale ricorso, un atto di patente ingiustizia e di sopraffazione che troppo ricorda i sistemi fascisti di arbitrio e di prepotenza che si sono cristallizzati nelle coscienze di tanti funzionari.

E' da notare che i due suddetti magistrati furono promossi e destinati ai posti che attualmente occupano per benevolenza del Comando Alleato. Essi, mentre hanno compiuto un atto di indebita ingerenza poichè l'inchiesta avvenne quando non era stata ancora notificata la soppressione della Direzione Regionale e imperavano ancora le disposizioni date dagli Alleati, hanno anche peccato di grave scorrettezza e di ingratitudine verso lo stesso Comando.

Mi permetto chiedere giustizia e riparazione anche perchè la punizione inflittami servirebbe certo di pretesto a negarmi la promozione a Direttore Superiore che io intendo reclamare e che non potei ottenere essendo stato salvato nelle promozioni durante una diecina di anni perchè non avevo voluto iscrivermi al Partito Fascista. Cosa che dovetti poi fare per imprescindibile necessità nel 1941 per ottenere almeno la promozione alla I^a classe.

Con deferenti ossequi e ringraziamenti.
Termini Imerese, li 31 agosto 1944

Dott. Ruggero Pallini - Direttore delle Carceri 150~

Giudiziarie di Termini Imerese

Ruggero Pallini

-----Si allegano copia della deliberazione di punizione del Procuratore Generale e copia del ricorso da me inoltrato al Ministero di Grazia e Giustizia Direzione Generale.

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Dott. Ruggiero Pallini - Direttore delle Carceri 156

Giudiziarie di Termini Imerese

Ruggiero Pallini

Si allegano copia della deliberazione di punizione del Procuratore Generale e copia del ricorso da me inoltrato al Ministero di Grazia e Giustizia Direzione Generale per gli Istituti di Prevenzione e di Pena per impugnare la deliberazione suddetta.

To the ALLIED CONTROL COMMISSION

P A L E R M O

With two preceding notes dated the 13th and 24th of May last, I informed the A.C.C. that disciplinary sanctions were being taken against me, for having put into practice - prior to the suppression of the Regional Direction of Prisons in Sicily - certain instructions and suggestions dictated by the Allied Command concerning the treatment of prisoners.

The A.C.C. offered assurance that it would not tolerate any injustice whatever in the matter, which would furthermore sound offensive to the Allied Command.

Notwithstanding the intervention of the A.C.C., the Procuratore Generale of the Corte d'Appello of Palermo, Mr. Cappellani, following a report furnished by the Procuratore del Regno in Termini Imerese, Mr. Oliveri, has inflicted upon me an official "censura", as appears from the deliberation which I am enclosing in copy.

I am certain that the A.C.C. will safeguard its prestige and authority by intervening with the Ministry of Grace and Justice, to which I have presented a formal protest, asking for the annulment of this act of patent injustice and violence which closely recalls those fascist methods of fierceness and foolish insolence, that seem to have crystallized themselves in the conscience of so many public officials.

It must be noted that the two above mentioned Magistrates were promoted and appointed to the positions which they actually occupy, by the benevolence of the Allied Command. In my opinion, besides performing an action of undue interference, seeing that the enquiry took place at a time when the suppression of the Regional Direction had not yet been notified and the orders given by the Allies were still in full vigor, the aforesaid officials have accomplished an act of serious incorrigence and ingratitude toward the Allied Command itself.

May I be allowed to ask for justice and reparation in consideration also of the fact that the punishment inflicted upon me will certainly serve as a pretext to refuse me my promotion to the rank of Superior Director, which I intend to claim now and which I could not obtain in the past ten years because I had refused to subscribe to the Fascist Party. Subscription which I was obliged

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With deferential regards and thanks

Palermo, August 31st 1944

(signed) Dr. Ruggero Pallini

The "PROCURATORE GENERALE DEL REGNO presso
la CORTE di APPELLO" of PALERMO

HAVING read:

- a) the documents regarding the enquiry undertaken by the Procuratore del Regno in Termini Imerese against the Director of those judiciary prisons - Dr. Pallini Ruggero - concerning the infractions to prison regulations committed in that establishment;
 - b) the note of the Ministry of Grace and Justice dated June 6th 1944 n° 44525 P.P. with which disciplinary procedure was ordered against the aforementioned official, in conformity to art. 103 of the Regulations for Staff Civil Personnel employed in the Penitentiary Institutes, approved by Royal Decree n° 2041 dated July 30th 1940;
 - c) the justifications furnished by Dr. Pallini, following a statement of the offenses resulting from the enquiry.
- Whereas it has been ascertained, even by confirmation from Mr. Pallini, that the condemned prisoners Piazza Michele and Aglieri Salvatore, on April 7th had been sent, by his orders, to the local cemetery to cut spiny shrubs which were to serve as a defense for the vegetable-garden annexed to the prison. The justification adopted that such a faculty had been given to him by the Allied Command, is not satisfactory for the reason that, beginning on February 11th - date in which the territory occupied by the Allies had passed under the jurisdiction of the Italian Government - he should have scrupulously observed the Italian regulations concerning all services in the penal establishments.
- By the publication made in the political newspapers and by the publication made in the Official Gazette and later made known to the public offices, it was notorious that, following the transfer of power to the Italian Government, all instructions issued by the Allies ceased to have effect; Mr. Pallini must blame his own negligence if he continued to consummate acts which constituted infractions to our own regulations and which therefore should never have been desired or permitted by him.

Whereas it has also been ascertained that the prisoners Lupo Mario and Ingrao Nicolo exercised in the prison the sale of bread, fruit, tobacco and matches, practicing high prices. In fact, the prisoner Giambertone Calogero has declared to have bought from Lupo Mario two packets of tobacco and a box of matches for 130 lire; 8 loaves of bread weighing 150 grams

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- Whereas it has also been ascertained that the prisoners Lupo Mario and Ingrao Nicolo exercised in the prison the sale of bread, fruit, tobacco and matches, practicing high prices. In fact, the prisoner Giambertone Calogero has declared to have bought from Lupo Mario two packets of tobacco and a box of matches for 130 lire; 8 loaves of bread weighing 150 grams each and two kilograms of mandarins for 100 lire; and on March 20th, from the prisoner Ingrao Nicolo, for 60 lire, one packet of tobacco and 2 cigars. Such a declaration is strengthened also by a certificate issued by the prison, stating that the above mentioned prisoner, on March 20th, had been allowed the sums of lire 130, 100 and 60;

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Whereas it has also been ascertained that the prisoner Lupo Mario Salvatore, who worked in the tailors' shop, often left the prison, accompanied by a guard, to buy raw materials. No value has the justification furnished by Dr. Pallini to the effect that he was covered by the authority granted him by the Allied Command, with which he could employ prisoners outside the establishment or as he deemed best, and this for the reasons above specified. Considering the above mentioned facts, it results that Mr. Pallini has shown negligence in the execution of his office duties, either by not having exercised the necessary surveillance, especially as chief of a penal establishment; or by having issued orders in contrast with the regulations in vigor, at a time when the instructions emanated by the Allied Government had ~~never~~ already ceased to exist. It is not the case of applying a reduction on wages, contemplated in cases of toleration of irregularities in service, for the reason that Dr. Pallini, more than the will ~~him~~ to tolerate the lamented irregularities, showed a supine negligence in assuring himself whether the instructions adopted were to be considered still in force in the liberated territory after Feb. 11th 1944, and therefore a case of negligence in service is to be considered, for which is sufficient a declaration of blame, that ~~he~~ to say the "censura".

FOR THESE REASONS

Considering article 58 of R.D. Dec. 20th 1923, n° 2960, and article 103 of R.D. July 30th 1940 n° 2041;

Inflicts upon Dr. Pallini Ruggiero - Director of the judicial prison in Termini Imerese - the disciplinary punishment of the "censure", and orders that a copy of this deliberation be communicated to him to the effects recalled in art. 105 of the already cited R.D. July 30th 1940 n° 2401, and that annotation be made on his matriculation papers.

Palermo, July 18th 1944

IL PROCURATORE GENERALE DEL REGNO
(signed) Gappellani

Copy for administrative use
Palermo, July 19th 1944

The Secretary of Section
(signed) N. Aprile

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Palermo, July 10th 1944

IL PROCURATORE GENERALE DEL REGNO
(signed) Cappellani

Copy for administrative use
Palermo, July 19th 1944

The Secretary of Section
(signed) N. Aprile

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