

ACC 10000/143/2599

149.01 / FF

FUGARDI FRANCESCO

JUNE - SEPT. 1944

SECRET

HEADQUARTERS
ALLIED CONTROL COMMISSION
SECURITY BRANCH
A.P.O. 394

Ref : SB/449.01/LVG
Subject : Francesco FUGAREI
Convicted Enemy Agent.
To : Regional Public Safety Officer, Southern Region.

28 September, 1944.

1. The above named Italian was sentenced on 15th July, 1944, by an Allied Military General Court to 15 years imprisonment for serving the enemy as a spy.
2. His father - Giovanni FUGAREI - a resident of Molfetta, near Bari, has written to this Headquarters asking what has happened to Francesco FUGAREI.
3. It is requested that steps be taken to inform the convicted man's father at Molfetta of the facts as at paragraph 1.
4. The precise address of the father is not known but he may be traced through Vice Brigadiere Nicola MUSOLINO of CC.RR., Molfetta, who interviewed him some time ago.

JOHN A. MCKAY,
Major,
Security Branch.

SECRET

Security B1
8231

SUBJECT: FUGARDI, Francesco

S E C R E T

HQ ALLIED ARMIES IN ITALY

Tel:- FILPOT ADV 65

1456/67/GSI(b)

6 Sept. 44

Director, Security Branch, HQ ACC.

1. Reference is made to your letter SB/149.01 of 5 September, subject as above.
2. This Hq. has no security objection to the subject's father being notified of the charge and sentence awarded in his case.

V. J. Hill
Major H.C.
Brigadier,
B.G.S.(I).

Security Branch
Rec'd. <i>9/9</i>
Book No. <i>657</i> 1998
File No. <i>149.01</i>
Action

HEADQUARTERS
19 SEP 1944
A. C. C.

LWG/nd

SECRET

HEADQUARTERS
ALLIED CONTROL COMMISSION
SECURITY BRANCH
A.P.O. 394

Ref : SE/149.01

5 September 1944

Subject : Francesco FUGARDI
- Convicted Enemy Agent -

To : Lt. Col. W.D. Gibson,
- G.C.O.I., G.S.I. (b), HQ, A.A.I. -

1. With reference to the above mentioned Italian, who was sentenced to 15 years imprisonment by the Allied Military Court on 13th July, 1944 on a charge of serving the enemy as a spy.

2. A letter has been received from Giovanni FUGARDI of Molfetta, father of the above, stating that he does not understand what has happened to his son, and asking for information. Instructions are sought as to whether FUGARDI's father may now be informed of the charge and sentence.

FOR THE DIRECTOR:



Louis V. GAIE,
Captain,
Security Branch.

18

SECRET

Mo' tette II/7/44

Egregio Colonnello,

Siamo ancora privi di notizie di nostro figlio Francesco Fugardi, che come Voi ricorderete, fu da Noi trattenuto per mancanza di permesso, ed indi processato per il nostro mancato ~~nostro~~ intervento.

Memori della gentilezza con cui fummo accolti da Voi ed ancora della promessa più che premurosa fattaci, Vi chiediamo in nome di una santa ragione di poter, come già ci promettesti, inviarci notizie riguardanti il suddetto mio figlio.

Sono dei genitori che Vi chiedono questa grazia ed è tutto dire !

Fiduciosi nel Vs/ cortese interessamento e sicuri di aver ancora una volta conferma della stima che di Voi ci rimane, Vi ringraziamo anzi tempo sperando Voi vogliate la nostra preghiera di buon grado accettare.

Fugardi Giovanni

Security Branch

AMG REGION FIVE FOR RLO AND RPSO

2552

HQ ACC PUBLIC SAFETY S-C

RESTRICTED

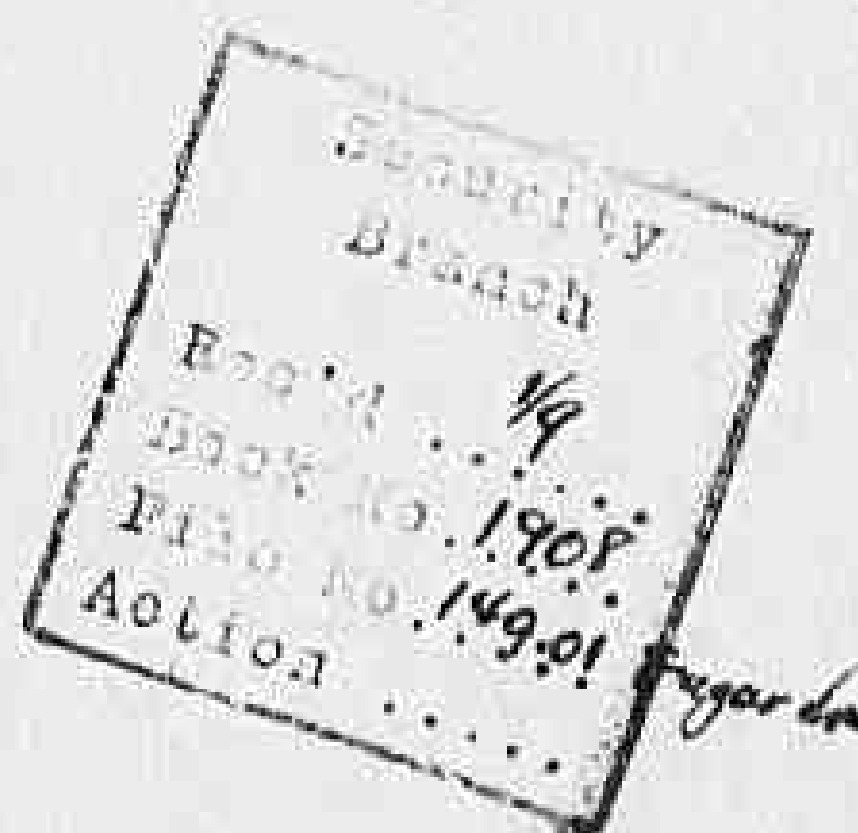
2552

ROUTINE

31/8/44

PUBLIC SAFETY S-C

REFERENCE YOUR SIX ONE ONE OBLIQUE FOUR DATED TWO SEVEN AUGUST
FOUR FOUR REQUESTING ATTENDANCE AT ACQUILA OF FRANCESCO FUGARDI
PD PAREN TO AMG REGION FIVE FOR RLO AND RPSO FROM HQACC PAREN
FUGARDI WILL ARRIVE UNDER ESCORT AT ACQUILA MIDDAY FRIDAY ONE
SEPTEMBER PD PLEASE ARRANGE PRISON ACCOMMODATION



Security Branch

HEADQUARTERS
ALLIED CONTROL COMMISSION
Public Safety Sub-Commission

ASC/14230/PS

12 August 1944

SUBJECT : FUGAREDI Francesco

TO : ~~RSCC, Region V~~

1. Reference your Message No. 611/4 dated 27 Aug 44.
2. FUGAREDI Francesco will leave Regina Coeli, Rome, at 0900 hours Friday 1 Sep 44 and arrive at AQUILA at about midday. He will be accompanied by two Military Police and two GMR.
3. Transport and escort will return to this HQ.
4. If information is passed to this office when the trial of BERRIANDI is completed, arrangements will be made by this Sub-Commission to transfer FUGAREDI to Regina Coeli jail.

Frank D. Van MAT.
PAUL G. KIRK,
Colonel, Infantry,
Director, Public Safety,
Sub-Commission.

15

Copy to: Local Sub-Commission

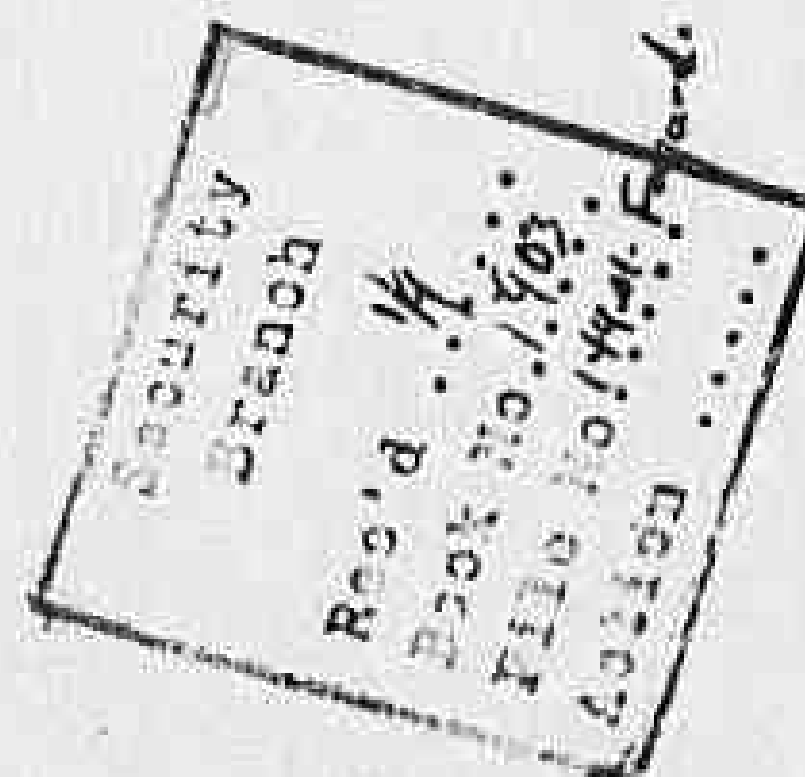
midday. He will be accompanied by two Military Police and two GUR.

3. Transport and escort will return to this HQ.
4. If information is passed to this office when the trial of BRIANDE is completed, arrangements will be made by this Sub-Commission to transfer FUGARDI to Regina Coeli jail.

Paul G. Kirk
PAUL G. KIRK,
Colonel, Infantry,
Director, Public Safety
Sub-Commission.

15

Copy to: Legal Sub-Commission,
~~RC & HS Section~~
Security Branch ✓



SECRET

SECRET

HEADQUARTERS
ALLIED CONTROL COMMISSION
SECURITY BRANCH

16 August, 1944

Ref: SU/311.5/148.01

Subject: Prosecution of Enemy Agent
- FUGARDI Francesco

To: Colonel A.E. Young,
Director - Security Branch, HQ. A.C.C.

1. With reference to my report dated 11th
June, 1944, regarding the above mentioned Italian :-

2. FUGARDI appeared before the Allied
Military General Court, Region B, on 13th July, 1944,
charged with "serving the enemy as a spy" in violation
of Proclamation 2, Article 1, Paragraph 1. He was
also charged with "attempting to communicate with
persons in enemy territory" contrary to Paragraph 2
of the above.

3. The Court was composed of the following
officers - Colonel W.E. DUMMIS (President) -
British; Lieut-Colonel A.R. Troxell and Major L.O.
Dewing, American officers.

4. After hearing the witnesses for the
prosecution, mentioned in my previous report, and
the case for the Defence, the Court returned a
verdict of "Guilty" on each count, sentencing
FUGARDI to 15 years imprisonment on the first count
and to 3 years imprisonment on the second count,
the sentences to run concurrently. The decision of
the Court was confirmed on 25th July, 1944.

Louis V. Gale
Louis V. Gale
Captain

Copy to G.S.I (b) Main H.Q. 8th Army.

14

0 3 5 4

charged with "serving the enemy as a spy, in violation of Proclamation 2, Article 1, Paragraph 1. He was also charged with "attempting to communicate with persons in enemy territory" contrary to Paragraph 2 of the above.

3. The Court was composed of the following officers - Colonel H.E. DENNIS (President) - British; Lieut-Colonel A.R. Trexell and Major L.C. Hewing, American officers.

4. After hearing the witnesses for the Prosecution, mentioned in my previous report, and the case for the Defence, the Court returned a verdict of "Guilty" on each count, sentencing TUGANBY to 15 years imprisonment on the first count and to 3 years imprisonment on the second count, the sentences to run concurrently. The decision of the Court was confirmed on 25th July, 1944.

Louis W. Gale
Louis W. Gale
Captain

14

Copy to G.S.I (b) Main H.Q. 2. 3rd Army.

J. McKay, Major

for Colonel A.E. Young
Director - Security Branch
H.Q. - A.C.C.

SECRET

C O P YSECRET

SUBJECT :- Prosecution of Enemy Agent-
Fugari Francesco

AMG Rear Eighth Army

OA/145

19 Jun 44.

HQ, ALLIED CONTROL COMMISSION
 (attn Security Branch).

Copy to : GSI, MAIN HQ EIGHTH ARMY.
 ADV RPTS SEC, EIGHTH ARMY,
 o/o "A" Branch MAIN HQ, EIGHTH ARMY.

1. On 4 Jun 44, (Ref 5B/311.5/140 E), Security Branch, ACC, forwarded to GSI(b) Main HQ Eighth Army, file for subject.
2. On 6 Jun 44, the same file was forwarded to SLO, AMG, Eighth Army, by GSI, with request that proceedings be instituted on charges of espionage.
3. In conference with Col. Fiske on this date it was determined that due to the swift forward movement of Eighth Army it was impracticable to convene a General Military Court and prosecute this case in Eighth Army area.
4. At the direction of the Deputy Executive Commissioner, RC and MG Section, the file is returned herewith for the institution of proceedings in a static area.

S/ Edwin Mercer
 T/ EDWIN J. MERCER, Lt. Col, Ord,
 Senior Legal Officer,
 for Group Captain,
 Officer Commanding,
 AMG EIGHTH ARMY.

1st Ind

JMK/mpf

Ref : SB/149.01

Hq., ACC., Security Branch, APO 394, 23 June 44.

To : Legal Sub-Commission.

1. Forwarded herewith are papers concerning which we spoke this morning.
2. The warning of witnesses is normally undertaken through lb. H.Q. 13.

For the Director:


 JOHN A. MCKAY,
 Major,
 Security Branch.

HEADQUARTERS
ALLIED CONTROL COMMISSION
SECURITY BRANCH

SECRET

Ref: SB/311.5/140 E

4th June, 1944

Subject: Prosecution of Enemy Agent
- FUGARDI Francesco

To: G.S.I.(b) Main H.Q. 8th Army.

The following is an INDEX to WITNESSES and EVIDENCE to be presented to the Court in the prosecution of FUGARDI :-

1. Berardino DI GIOVANNI, resident of PALOMBARO
2. Carmine CARRERA, Auxiliary Police at PALOMBARO
(Also will produce Ident.Card) - paragraphs 3 - 5.
3. Antonio D'ANGELO, Interpreter at PALOMBARO
4. Captain R.BECKINGHAM, 8th Army R.I.P.
- paragraph 6.
5. Pasquale DI FRANCO
6. Francesco VRAN GIUSEPPE }
7. Alfredo FERRANTE }
8. Major R.BECK, 3rd Battalion, Coldstream Guards, or
Interpreter through whom he interrogated FUGARDI
- paragraph 7.
Auxiliary Police at
MONTALTO.
- paragraphs 8-10.
9. Sergeant L.A.COURTNEY, 278 F.S. SECTION.
(Production to Court of four sheets of paper containing
names and addresses, and messages to persons in enemy
occupied territory).
- paragraph 11.
10. Sergeant A.M.GHERSON, Interpreter to F.S.O. 10 Corps
(Will give evidence in lieu of Captain D.G.DIXIE, FSO -
10 Corps).
- paragraphs 13-16.
(Production to Court of original statement made and
signed by FUGARDI in presence of Sergeant GHERSON).
Captain John Vernon COOPER, No.2 S.C.I. Unit.
- paragraphs 22-31.
11. Nicola MUSOLINO, Vice Brigadiere CC.RR.
(Production to Court of original statements made and
signed in MUSOLINO's presence by the father and mother
of accused, relative to latter's movements and status).
12. Giovanni FUGARDI of MOLFETTA, father of accused.
- paragraphs 32 and 35.

4. Captain R. BECKINGHAM, 8th Army R.I.P.
 - paragraph 7.
5. Pasquale DI FRANCO
6. Francesco VRAN GIUSEPPE }
 - Auxiliary Police at MONTALTO.
7. Alfredo FERRANTE
8. Major R. BECK, 3rd Battalion, Coldstream Guards, or Interpreter through whom he interrogated FUGARDI
 - paragraphs 8-10.
9. Sergeant L.A. COURTNEY, 278 F.S. SECTION.
 - (Production to Court of four sheets of paper containing names and addresses, and messages to persons in enemy occupied territory).
 - paragraph 11.
 - paragraph 12.
10. Sergeant A.M. CHERSON, Interpreter to F.S.O. 10 Corps
 - (Will give evidence in lieu of Captain D.G. DIXIE, FSO - 10 Corps).
 - paragraphs 13-16.
 - (Production to Court of original statement made and signed by FUGARDI in presence of Sergeant CHERSON).
 - Captain John Vernon COOPER, No. 2 S.C.I. Unit.
- 11.
12. Nicola MUSOLINO, Vice Brigadiere CC.RR.
 - (Production to Court of original statements made and signed in MUSOLINO's presence by the father and mother of accused, relative to latter's movements and status).
 - paragraphs 22-31.
13. Giovanni FUGARDI of MOLFETTA, father of accused.
 - paragraphs 32 and 35.
14. Paola FUGARDI nee BARBUSCIA, mother of accused.
 - paragraph 33.
 - paragraph 34.

All original documents mentioned above will be available for production to the Court.

Lucio Fugate

Captain
for Colonel A.E. Young,
Director - Security Br.
H.Q. - A.C.C.

HEADQUARTERS
ALLIED CONTROL COMMISSION
SECURITY BRANCH

SECRET

4 June, 1944

Reference: SB/311.5/140 E

Subject : Prosecution of Enemy Agent :-

FUGARDI Francesco di Giovanni, Italian,
born 27 July, 1903 at Tunis.

To: G.S.I (b) Main H.Q. 8th Army.

1.

With reference to the above-mentioned Italian, now held in custody as a suspected enemy agent, by G.S.I (b) 8th Army, under directions of Lieutenant-Colonel W.D. Gibson, G.S.O.1 - I(b) :-

2.

FUGARDI first came under notice on 10 March, 1944, when he was in company with another Italian - RAPINO Renato - both wearing civilian dress. On that date, at about 7 hours, they called at the house of DI GIOVANNI Bernardino, a resident of PALOMBARO. The latter states that both men were soaked with rain and that they opened the door of his house, asking permission to enter to light cigarettes. This he allowed them to do and afterwards they took off their boots to dry them. He asked them who they were and they replied that they were soldiers who had escaped through the German lines. The younger of the two (RAPINO) said that he had come from FRANCAVILLA, whilst the older one (FUGARDI) said nothing. RAPINO said that they wished to go to VASTO to see his mother, who had gone there from FRANCAVILLA. DI GIOVANNI says that he told them that they could not go through CASOLI because, if they did, it would lead to their arrest by the Police as spies. He then told them to go, instead, to the Police Station at PALOMBARO and showed them the way there. Afterwards, however, they did not follow his advice but made their way along the River AVELLO towards CASOLI. He went after them and caught them up, telling them that there was no need for them to run away. He then took them towards PALOMBARO (his own house is on the outskirts) but when they reached a point just below that town, the two men declined to go on, saying that they were tired. DI GIOVANNI continued to the Police Station where he reported the presence of the two men. He returned to the place where he had left them, accompanied by two Police officers, but on their arrival the men had gone. Later, the same search party found them approximately

0 6 5 9

they called at the house of DI GIOVANNI Bernardino, a resident of PALOMBARO. The latter states that both men were soaked with rain and that they opened the door of his house, asking permission to enter to light cigarettes. This he allowed them to do and afterwards they took off their boots to dry them. He asked them who they were and they replied that they were soldiers who had escaped through the German lines. The younger of the two (RAPINO) said that he had come from FRANCAVILLA, whilst the older one (FUGARDI) said nothing. RAPINO said that they wished to go to VASTO to see his mother, who had gone there from FRANCAVILLA.

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3. Carmine CARRERA, Senior Auxiliary Police Officer at PALOMBARO, states that at 9 hours on 10th March, 1944, DI GIOVANNI (the first witness) reported to him the presence of two strangers in the vicinity of his (Di Giovanni's) house, at the same time saying that he had instructed them to report to Police, and that he had offered to accompany them. CARRERA

immediately went with another auxiliary Police officer and DI GIOVANNI to search for the two men. After about forty minutes search CARRERA caught up with them about 3 kilometres from PALOMBARO, when they were walking along the dry gravel bed of the River AVELLO. (Apparently they were under his observation for some time before he caught up with them, and during that period they had throughout been walking on the dry river bed). He called upon them to halt but they took no notice and he was obliged to fire a pistol shot into the air, and only then did they stop. They were briefly searched on the spot and were then taken back to PALOMBARO where they were interrogated. RAPINO said that he had come by German truck from ROME to FRANCAVILLA A MARE and had gone on foot from there to PENNAPIEDIMONTE, where both men said they had crossed the line. RAPINO, who said that he was a student and had a friend in CASOLI, was in possession of an identity card which showed FRANCAVILLA A MARE as his domicile.

4.

FUGARDI said that he had worked as a mechanic in a German controlled munition factory at TERNI or RIETI (witness cannot remember which) and that he was not satisfied with the work. He said that he had come on foot. This was largely borne out by the condition of his feet which were red and raw, although his boots were not in a bad condition. He produced an identity card which showed that his domicile was at MOLFETTA, and he claimed that he had a house and family near BARI.

5.

The witness says that they were carrying no baggage and that a search revealed nothing of interest; they had very little money in their possession. They said that they had decided against going into PALOMBARO because they feared arrest by Police. CARRERA kept the two men detained until a Captain of a British Paratroop Unit, who had been summoned, arrived to interrogate them, afterwards taking them away.

6.

It is apparent that Captain RAMSEY, the Paratroop Officer mentioned above, then conveyed the two men to CASOLI and passed them to Captain Stevan HAWLEWA, a Polish Paratroop Officer, for disposal as refugees. Owing to present operations neither of these officers is available to give evidence (one is, in fact, no longer in this theatre) but it is quite clear, from evidence shown later in this report, that the two men maintained the same stories as given above and were passed through normal refugee channels. This can be corroborated by Antonio D'ANGELO of PALOMBARO who acted as Captain RAMSEY's interpreter during

an identity card which showed FRANCAVALLA A MARE as his domicile.

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7.

FUGARDI and RAPINO were next passed to the Refugee Interrpation Point where they were questioned by Captain R. BECKINGHAM, who will say that both men maintained that they were genuine escapees from the Germans, in consequence of which they were both sent on to the Refugee Camp at LECCE as genuine refugees properly "vetted" by him and not under further suspicion. Records show that shortly afterwards they were, in fact, released as such.

8.

It was not until 25th April, 1944 that FUGARDI again came under notice. On that date, at about 2030 hours, he was seen in the village of MONTALTO (a small village near FORLI DEL SANNIO and quite close to the front lines then existing) by three auxiliary Italian policemen on patrol. The three policemen - DI FRANCO Pasquale - VRAN GIUSEPPE Francesco and FERRANTE Alfredo, from their intimate knowledge of the inhabitants of the small

village of MONTALTO, realised that he was a stranger. They spoke to him and induced him to go into a house, telling him that it would not be wise to go on at that hour as he would lose his way in the darkness. He was carefully watched by them during the remainder of the night and the following morning they questioned him in an amicable way. In reply, he said that he had come from PESCOLANCIANO, where his parents lived, and that he was on his way to ALFEDENA where he wished, "at whatever cost", to see his wife and son.

He went on to tell them that, with others, he had escaped from SARDINIA (where he had been a soldier) coming in an Italian ship to NAPLES, then going on with others to RARI and MOLFETTA. He also remarked that, after the war, he would be a millionaire. Two of them remained with him whilst DI FRANCO went to RIONERO and informed the nearest British Unit of the man's presence. A small patrol was sent to bring him in. In the meantime he made strenuous efforts, apparently using a certain amount of force, to get away and continue his journey, but the two policemen who were guarding him compelled him to wait in the house. He then declared that even if he served 10 years in prison, he would return to the district to destroy it, especially the family of "the one who had gone to warn the Police". A few minutes before the patrol arrived he once again wanted "at all costs" to leave the place where he was detained, but he was not allowed to do so. On being further questioned, he said that his wife was in AFRICA (contradicting his earlier statement that she was in ALFEDENA). Asked for his documents, he presented only a carte d'identité, which showed that he was born in TUNIS in 1903, and not in 1910 as he had previously stated. It also described him as "single" and not "married" as he had said earlier. He was not in possession of proof of marriage. The three Police witnesses state that the British patrol then arrived and took him away.

The arrest was carried out by Lieutenant A.S. CLOWES, 3rd Battalion, Coldstream Guards, with a small patrol. None of the patrol was able to speak Italian and, owing to operations in progress, it is unlikely that any of them, in any case, will be able to give evidence of the arrest. This case, however, be given by the Italian policemen mentioned above.

After arrest, FUGARDI was taken to Major R. BECK, 3rd Battalion, Coldstream Guards, by whom he was briefly interrogated through an interpreter. He then said that he had crossed

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11.

After arrest, FUGARDI was taken to Major R. BECK, 3rd Battalion, Coldstream Guards, by whom he was briefly interrogated through an interpreter. He then said that he had crossed the lines from German territory, early in March, 1944, between PALOMBARO and CASOLI, had been arrested by a Carabinieri whilst crossing the River SANGRO and had been handed to British soldiers, afterwards being sent back to BARI, where he was released. He said that he then went to MOLFETTA and, being ill, spent 10 days there with his father. Afterwards, he made his way by transport to NOCERA and, after a short stay, made his way entirely on foot to MONTALTO, intending to go to ALFEDENA (in German occupation) where his father had told him he would find his wife and child. It was pointed out to him that his identity card showed him to be single, but he explained this by saying that it was an error on the part of the municipal authorities in MOLFETTA. He was then told that he should not be in a front line area and he replied that he knew it was wrong but that his one interest was in finding his wife and child. It is suggested that Major BECK's interpreter be called as a witness to these facts.

Page 4

12.

FUGARDI was next passed, on 25th April, 1944, to Sergeant L.A. COURTNEY, Forli Detachment, 278 F.S. Section, for interrogation and search. Sergeant COURTNEY states that the search revealed nothing of interest except that four sheets of paper containing messages, names and addresses, mostly in ROME, were found hidden under the lining of his cap, the lining having been loosely re-sewn after insertion of the papers. Under interrogation by Sergeant COURTNEY, FUGARDI said that he had come from BARI and was making his way Northwards to ALFEDENA to find his wife. He said that he did not know whether ALFEDENA was in German hands or was in "No man's land". He was in possession of some bread for which he said he had given his overcoat away. He explained that the addresses in the documents found under the lining of his hat were friends' addresses, and he had hoped that these friends would supply him with food, clothing and shelter. He said that the messages found hidden in his cap were messages from persons in Allied territory to friends on the other side of the lines. Giving his past history, he said that he was born in TUNIS but had lived in BENGHAZI for 30 years, leaving in 1942 for TRIPOI, where he worked on anti-tank defences. When the Allies advanced he was evacuated with other civilians to Italy and lived in TUSCANY. When he was asked how he had learned that his wife ^{and child} was in ALFEDENA, he replied that this was "the last place at which he had heard of them". He was not questioned further on the point by Sergeant COURTNEY, except to test his knowledge of the topography of BENGHAZI and knowledge of Arabic, from the point of view of substantiating his story of having lived there for many years; he appeared to have the requisite knowledge thereof.

13.

He was next interrogated on 28th April, 1944, by Captain D.G. DIXIE, F.S.O. 10 Corps, through Sergeant A.M. Gherson, interpreter. At this interrogation, he was asked to give an account of his history and movements and said that he had been for many years a building contractor in BENGHAZI. When Italy entered the war, he was called up and served in the 3rd Battalion Cacciatori d'Africa, but in 1940 volunteered for the 3rd Black-shirt Motorised Battalion. After about two months service therein, he was transferred in August, 1940, to the Blackshirt Volunteer Battalion, but was discharged on medical grounds in November, 1941.

14.

Further questioned, he said that he returned to Italy on 26th April, 1943 and went to MOLFETTA. On about 10th May, 1943, he went to ROVERETO to claim compensation in respect of

friends on the other side of the lines. Giving his past history, he said that he was born in TUNIS but had lived in BENGHAZI for 30 years, leaving in 1942 for TRIPOLI, where he worked on anti-tank defences. When the Allies advanced he was evacuated with other civilians to Italy and lived in TUSCANY. When he was asked how he had learned that his wife ^{and child} was in ALFEDENA, he replied that this was "the last place at which he had heard of them". He was not questioned further on the point by Sergeant COURTNEY, except to test his knowledge of the topography of BENGHAZI and knowledge of Arabic, from the point of view of substantiating his story of having lived there for many years; he appeared to have the requisite knowledge thereof.

13.

He was next interrogated on 28th April, 1944, by Captain D.G.DIXIE, F.S.O. 10 Corps, through Sergeant A.M.Gherson, interpreter. At this interrogation, he was asked to give an account of his history and movements and said that he had been for many years a building contractor in BENGHAZI. When Italy entered the war, he was called up and served in the 3rd Battalion Cacciatori d'Africa, but in 1940 volunteered for the 3rd Black-shirt Motorised Battalion. After about two months service there-in, he was transferred in August, 1940, to the Blackshirt Volunteer Battalion, but was discharged on medical grounds in November, 1941.

14.

Further questioned, he said that he returned to Italy on 26th April, 1943 and went to MOLFETTA. On about 10th May, 1943 he went to ROME to claim compensation in respect of war damage to his property in BENGHAZI. After about ten days he returned to MOLFETTA, where he remained until 2nd July, 1943, then going to AREZZO (Prov.FIENZE) to claim 400,000 lire due to him as payment for work carried out in TOBRUK and TRIPOLI. He stayed in AREZZO until 14th September, 1943 and then went on to ROME with the intention of going further South. He stayed in ROME, however, until 6th March, 1944 at 7 Via Venti Quattro Maggio (Pensione RAIMONDO). On that date, he said, he was arrested by the Germans and taken to CATIGNANO (Prov.CHIETI) being forced the next morning to work on digging with about 100 other people in a labour camp.

15.

During the night of 10/11 March, 1944, according to the story he told on this occasion, he escaped at about midnight with a friend - RAPINO Renato of FRANCAVILLA A MARE (Province of PESCARA). They by-passed GUARDIAGRELE and PENNAPIEDIMONTE and crossed the River AVELLO and the lines about 5-6 kilometres

Page 5

North of PALOMBARO. They were then directed to CASOLI but were arrested between PALOMBARO and CASOLI by a Carabinieri, who took them back to PALOMBARO where they were interrogated by an English officer. Then they were taken to CASOLI, where a Polish officer interrogated them, afterwards passing them to an American officer who sent them to a Refugee Centre at ARCHI. The next day they were interrogated by another English officer and were then taken to TORINO DI SANGRO and, after a stay of about two days they went on to GUGLIONESE, from whence after a further three days - they were sent with a party of 80 refugees to BARI, where they were set at liberty, the date then being about 16/17 March, 1944. FUGARDI said that he believed RAPINO had joined the Italian Air Force in BARI. As for himself, he said that he went from BARI to NOCERA (Prov. SALERNO) arriving there on 12th April, 1944. He left NOCERA on 15th April, 1944 and went on foot through the route - NOCERA - AVELLINO - BENEVENTO - CAMPOBASSO - S. GIULIANO - CIVITANOVA - PAGLIARONE - MONTALTO.

16.

On 29th April, 1944, Captain D.G. DIXIE, through Sergeant GHERSON, informed FUGARDI that it was known that he was an enemy spy, from information which had reached the Captain through Intelligence sources. FUGARDI made no comment but was then invited to write down a full account of his activities and his connection with the Germans. He then wrote a statement which he signed in the presence of Captain DIXIE and Sergeant GHERSON, who added their signatures as witnesses to the document. The original statement, in Italian, is available for submission to the Court.

17.

FUGARDI, in his written statement, says that he returned to Italy towards the end of April, 1943 and went to AREZZO on 2nd July, 1943 in an abortive attempt to obtain payment from the Italian Government for work which he had performed in TOBRUK and TRIPOLI. On 14th September, 1943, he went to ROME and was paid the sum of 9,000 lire as a refugee's subsidy. During the second half of December, 1943, through a ballerina of the Apollo Theatre in ROME, who lived in the same pension, he met a man named Renato BERTINI (better known as GALLIGNO Pisano) and another named PIRZIO - from CIVITAVECCHIA. They heard of his financial plight and invited him to enter into their service, which they said consisted in searching for large quantities of general provisions, benzine and spare

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18.

On 2nd February, 1944, FUGARDI was taken by PIRZIO to see a certain Captain LANG at the Pensione FLAVIA, ROME. He was told that he had been appointed to other work but the nature of the work was not explained to him. He was assigned to pay of 250 lire per day and was instructed to hold himself at their disposition and to call from time to time at Pensione FLAVIA to receive his eventual orders. During those days he met BERTINI who told him that he (BERTINI) was going on a mission to GAETA and afterwards to PESCARA, but he did not explain the nature of the mission.

Page 6

19.

On 12th February, 1944, FUGARDI went to the Pensione FLAVIA but was informed that Captain LANG had gone to France. He was received by a certain Lieutenant HORNER, who told him to await orders. On 6th March, 1944, he was called on the telephone by Lieutenant HORNER who asked him to call at Penione Flavia during the afternoon. FUGARDI did so, and found HORNER in the company of another officer and a young man from BERGAMO, whose name he doesn't know, but whom he describes as being of medium height and having a paralyzed left arm. He was invited into a motor car and then taken to "Brittoli" (CHIETI Province) without being given time to get any of his clothes. There he found two young men whom he had never seen before. One of them, he says, was Renato RAPINO, mentioned by him in previous statements. He cannot remember the name of the other individual.

20.

A German Lieutenant named BUSONI told him that he would have to go to AGNONE - CAROVILLI - FORLI, going down from PALOMBARO to see what troops there were, presumably he says, to ascertain their numerical strength, identification, armoured cars and their tonnage, and battery positions. Then he was to return through CASTEL DI SANGRO or ALFEDENA. He says that he protested that such work was not in the conditions which had previously been put to him and that he said that if he had known about it in the first instance he would not have entered their service. He was, however, threatened by them with death, or internment in Germany, if he refused. He says that only the great desire which he had to see his family in MOLFETTA, and of whom he had not received news since August of the preceding year, caused him to leave on the mission, promising himself, however, that he would not carry it out. He states that he was very happy when he had crossed the lines at PENNAPIEDIMONTE. Then, he says, he was arrested and after detention in various camps at ARCHI, TORINO DI SANGRO and GUGLIONESE, he was escorted to BARI and there set at liberty.

21.

Continuing his statement, he declares that, on the same day, he left RAPINO, who had to report to the Air Force, being liable to the military call-up. FUGARDI then went to MOLFETTA to see his family but learned that they had left for ALFEDENA at the end of the previous August. He knew that to go to ALFEDENA he would need a special pass and tried to get one, but failing to do so, remained in MOLFETTA, in spite of the fact that when he

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Page 7

On 2nd May, 1944, Captain John Vernon COOPER of No.2 S.C.I. Unit, interrogated FUGARDI, who admitted his possession of the lists of names and addresses in ROME and Northern Italy and the messages from persons at Bari and Trani to friends and relations in Rome and Florence (these are the documents mentioned earlier in this report as having been found in the lining of his cap). In giving his history he said that he was born on 27 July, 1903 in TUNIS, his father being Giovanni FUGARDI and his mother Paola, nee BARBUSCIA. He told Captain Cooper that he was married and had one child, and gave his wife's name as VOLPE Maria and said that his son - Giancarlo - was 15 years of age. He went on to say that his wife's family "came from Alfedena".

He said that his own parents originated from CASTELLAMARE DEL GOLFO, SICILY, and in 1912 the family settled for the second time in BENGHAZI, AFRICA. He remained there until 1941, being employed by various firms in succession, as an accountant. In February, 1941, with the advance of British troops, he moved to TRIPOLI and made a living buying and selling tyres, motor cars and spare parts. Subsequently, in the Summer of 1942, he did constructional work at TRIPOLI and also obtained a contract with the Italian Government for the constructing of anti-tank defences. In January, 1943, he went to TUNIS and lived with relatives there.

On 26th April, 1943, he was evacuated from TUNIS by German aeroplane, with other Italian refugees and landed Castelvetro in Sicily. From there he made his way, via NAPLES to MOLFETTA, where he says he spent some time with his parents, who were then living at Via M. Colonna 40. Early in July, 1943, he went to AREZZO to claim payment for some constructional work which he had carried out in North Africa, but he was not successful, partly because the accountant who dealt with such matters was away at FIUME on other work. A friend of FUGARDI, a man named CUTI helped him out financially and he managed to get to ROME where he received 9,000 lire from the Ministero dell'Africa Italiana, as a refugee from North Africa.

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FUGARDI said that he stayed at the Pensione RAIMONDO, ROME, a normal pension frequented by Germans - military and civil - as well as by Italians. In December, 1943, one of the residents, a ballet dancer at the Apollo

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FUGARDI said that he stayed at the Pensione RAIMONDO, ROME, a normal pension frequented by Germans - military and civil - as well as by Italians. In December, 1943, one of the residents, a ballet dancer at the Apollo Theatre, named SCOLA Giuseppina (stage name "PUCCI") introduced him to Renato BERTINI (better known as GALLIANO) and to a certain PIRZIO (addressed by SCOLA as "PINO"). FUGARDI told them of his precarious financial position and they suggested that he should join their organisation, which was said by them to be engaged in locating hidden gold, food, petrol, motor tyres and spare parts. He was offered no regular salary but was to be paid a bonus on each successful transaction. He was then taken to the Hotel EXCELSIOR, where he was introduced to Major BAUM of the "S.S." Later, said FUGARDI, he learned that Major BAUM's organisation was, in fact, a counter-espionage service. He was not enlightened at the time, however, and was left to hunt for the commodities mentioned.

26.

He had no success at this work and was unable to pay his bill at the Pensione. On 2nd February, 1944, PIRZIO took him to a place called Pensione FLAVIA, where he met a

Captain LANG, who told him that he would now be engaged in other work (nature not specified) and would be paid 250 lire per day. He was told to hold himself at the disposal of the Captain, who paid him 2,500 lire, representing 10 days pay in advance. During those days he came across BERTINI, who told him on one occasion that he (BERTINI) was going to GAETA and on another occasion that he was going to PESCARA on jobs. FUGARDI says that he now believes that BERTINI did not go to either place but crossed the lines on espionage missions.

Continuing his story to Captain Cooper, FUGARDI said that on 12th February, 1944, he called at the Pensione FLAVIA but was there informed that Captain LANG was away in France for three weeks. He was interviewed instead by one - Lieutenant HORNER, who told him to await orders. On 6th March, 1944, Lieutenant HORNER rang him up and made an appointment with him for 3 o'clock in the afternoon. When FUGARDI went to the Pensione FLAVIA at the appointed hour, he found with HORNER a German 2nd Lieutenant and a young Italian from BERGAMO with a paralyzed left arm. On instructions, FUGARDI got into a car with the 2nd Lieutenant and the young Italian and, without being given an opportunity to collect any of his belongings, was driven to BRITTOLI, where they arrived at about 11.30 pm. There he found a young Italian whose name he learned was RAPINO Renato, together with another Italian whose name he does not know. There he also met a Lieutenant BUSONI and a German N.C.O.

According to FUGARDI, he and RAPINO were given orders separately for different missions, by Lieutenant BUSONI, during the night of 8th March, 1944. FUGARDI's orders were to go to AGNONE - CAROVILLI - FORLI areas, via PALOMBARO, and to return in 8-10 days, re-crossing the lines at CASTEL DI SANGRO or ALFEDENA, giving the password "SAVOIA". He was told to report on troops, tanks and gun positions seen in the area through which he had passed. RAPINO, he said, was to go East of the area to which he had been allotted, with similar instructions, but was to report back in 14 days, using the password "MARCONI". FUGARDI said that he was paid 5,680 lire and was promised a bonus on his return.

On the same night, FUGARDI and RAPINO were taken by German transport to GUARDIAGRELE, where they spent the night of the night and all next day. On the night of 9th

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On the same night, FUGARDI and RAPINO were taken by German transport to GUARDIAGRELE, where they spent the rest of the night and all next day. On the night of 9th March, 1944 they were taken on foot by guides to PENNAPIEDI-MONTE, and from there they were taken by a patrol to the River AVELLO. The two then forded the river and made their way towards CASOLI.

30.

Continuing his story to Captain Copper, FUGARDI said that he and RAPINO were apprehended soon afterwards and eventually were sent to a refugee camp at GUGLIONESE, then being sent on a refugee train to BARI, where they were freed. FUGARDI says that he then took a train for MOLFETTA, "where he found his parents but not his wife and family". Then, as he was told that his wife and son had gone to his wife's family at ALFEDENA he tried to get a permit to go there to join them. Finding it impossible to get a permit, he decided to take things into his own hands and made his own way, and when he was arrested had the sole intention of getting to his wife at ALFEDENA. FUGARDI stated that his identity card was authentic and that the entry showing him to be "single" instead of

"married" was a mistake. He stated that the lists of names and addresses found in his possession were given to him by friends in North Africa (These and the messages do, in fact, appear to be harmless). He explained the fact of their being found hidden in the lining of his cap, by saying that they had originally been in the pocket of a coat which he had sold for a loaf of bread, and he afterwards transferred them to the cap lining. (It is noted that the cap lining had been loosely re-sewn after the lists and messages had been inserted).

31.

FUGARDI also told Captain Cooper that RAPINO was passed by the Refugee authorities to the Italian Air Force at BARI, and that RAPINO expected to get a month's leave on joining the Air Force, and to get a permit to go to the VASTO area and make his way North from there. (This statement made by FUGARDI to Captain Cooper, precludes any suggestion he may subsequently make in his defence, that he and RAPINO had agreed together not to complete their missions). FUGARDI gave Captain Cooper no further information bearing on his own case but gave a certain amount of disconnected Intelligence information.

32.

Nicola MUSOLINO, Vice-Brigadiere - CC.RR. MOLIFETTA, has interviewed FUGARDI's parents. On 20th May, 1944, they were asked whether they were prepared to make statements as to the history and movements of their son - Francesco FUGARDI, particularly with regard to any marriage he may have contracted. They were not acquainted with any reason for the request and were merely asked to give a true account of the status of their son. Both made statements which they signed in the presence of Vice-Brigadiere MUSOLINO, who counter-signed the statements.

33.

Giovanni FUGARDI, father of the subject of this report, in a signed statement, says that his son Francesco, after the father's repatriation from BENGHAZI, went to TUNIS, afterwards being called into the army. He came home on leave for a few days in April, 1943 and again in March, 1944 when he stayed 10 days. The father did not know in what manner his son had succeeded in passing through from ROME. His son had never communicated to him that he was affianced or that he ever had any intention of marrying. During his stay, his son was in good health and "was not ill". He knew that his son had served 18 years as an engineer,

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34.

Paola FUGARDI, nee BARBUSCIA, mother of subject, in her signed statement, says that her son, a member of the former Milizia, came to MOLFETTA on 11th March, 1944, saying that he had come from ROME, across the fighting lines. She says that he remained 10 days because he was ill. When he left, he said that he was going to PALERMO to find work near relatives. She has since heard no news of him and does not

Page 10

know whether or not he reached PALERMO. She stated that she did not know whether her son had any children. The last time he came home - 11th March, 1944 - he showed her a photograph of his fiancée, named Maria LETIZIA, who he said came from PERUGIA and resided in ROME with an aunt; he also said that his fiancée would not have a fabulous dowry.

35.

Subsequent enquiries which Vice-Brigadiere MUSOLINO made of FUGARDI's parents, show that Maria VOIPE (referred to by FUGARDI as his wife, when he was questioned by Captain Cooper) is merely a friend of the family. She has one son - Giancarlo, age 15 years - and both are believed by FUGARDI's parents to be at present in BENGHAZI. (It is noted that during his interrogation by the Italian policemen who detained him at MONTALTO, he contradicted himself by saying that his wife was in AFRICA, whereas earlier when speaking to them he had said that she was in ALFEDENA).

36.

In consideration of all the facts as above, it is submitted that there is a clear case of espionage by FUGARDI. He succeeded in crossing our lines "clandestinely" and when subsequently arrested, after having penetrated a short distance, he adopted the "false pretence" of being a genuine refugee from German forced labour.

37.

When he was interrogated shortly after entering Allied territory, he mentioned having a "house and family" near BARI (presumably referring to his mother and father and other members of the FUGARDI family residing at MOLFETTA, near BARI). There is nothing to show that he then made any reference to a "wife and child" between that time and his subsequent release as a genuine refugee at BARI. He produced an identity card issued at MOLFETTA which led to his story of being a refugee on way back to his family, being believed.

38.

At that stage, even bearing in mind Intelligence which had been received, indicating that he was an enemy agent, there might have been a certain amount of doubt as to whether he had, in fact, "the intention" of "obtaining information" and "communicating it to the enemy."

39.

FUGARDI, however, went beyond that stage and revealed his obvious intention of returning into enemy territory. There could have been only one purpose in his mind, and that purpose was to convey to the enemy, military information which he must have obtained during his travels on this side.

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The facts show that he was arrested after having made his way North from MOLFETTA to MONTALTO, which is a considerable distance from the first mentioned place and is also very close to the front line which existed at that time. He had told his parents that he was going to PALERMO, SICILY. When captured, however, he admitted that he intended to cross into German occupied territory, but brought forward the alibi that this was for the sole purpose of visiting his "wife and child" in ALFEDENA. In this connection, he stated that it was his father who told him that they had gone to ALFEDENA. But his father stated that he did not even know that his son ever intended to get married and certainly did not know of the existence of a wife and child. The only conclusion to which one can possibly come, is that the "wife and child" story is a complete "myth". Further, when captured at MONTALTO, he said that he had come from his parents at PESCOLANCIANO. This is known to be a falsehood as they are known to have been living at that time at MOLFETTA. The only inference which can

be drawn is that he told this falsehood in order to prejudice any enquiries which Allied authorities might make about him. At a later stage of the proceedings following his arrest, he gave to Captain Cooper the names of a woman and child as his "wife" and "son". It is now known that this woman was merely a friend of the FUGARDI family, and in any case is firmly believed to be at present in AFRICA.

41.

Later, when it was bluntly pointed out to him that he was known to be an enemy agent, he made the statement that he was threatened by the Germans with "death or internment in Germany" if he refused to cross into Allied territory on the mission. Yet he was prepared, according to his own statement, to go back to the Germans who had threatened to kill him, and make a weak confession of failure to them. He was so eager to cross back into German territory that he even threatened the Italian policemen who were keeping him detained.

42.

Further, under interrogation he also said that he did not know whether ALFEDENA was in German hands or not. Yet that was one of the two places which the Germans had instructed him to return to, to make his report at the completion of the mission. Obviously he was well aware that ALFEDENA was in German hands, or at least he had good reason to believe that it was still in their hands at that time. The evidence for the prosecution leaves no doubt that his one object in attempting to return to German occupied territory was to convey to the Germans information of military value which he had ample opportunity to collect whilst on the Allied side of the line.

43.

It can only be said that FUGARDI is clearly a "spy" as defined in Chapter 2, Article 29 of The Hague Convention. It is suggested that he be charged under Proc-lamation 2, Article 1, paragraph 1 - "serving the enemy as a spy". There is also evidence of an offence of attempting to communicate with persons in territory occupied by the enemy.

44.

An index of the witnesses is attached hereto with a list of original documents available for production in Court. Owing to recent operations it has not been possible to obtain direct written statements from the witnesses but the full evidence which they will be able to give is consolidated in this report, on the basis of their personal reports.

45.

There appears to be no case against Renato

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45.

There appears to be no case against Renato RAPINO, who accompanied FUGARDI across the lines. RAPINO was found serving in the "Arditi" at BARI under circumstances which indicate that he had no intention of completing the mission to which he had been assigned or of returning to German occupied territory. In any case, his mission was apparently quite separate from that of FUGARDI.

Louis V. Gale
Louis V. Gale

Captain.

for Colonel A.E. Young
Director - Security Branch.
H.Q. - A.C.C.

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