

ACC 10000/143/2620

149.01 /GA

VIVIANI ENNIO

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SECRET
HEADQUARTERS
ALLIED CONTROL COMMISSION
SECURITY BRANCH

SECRET

16 August, 1944

Ref: SB/311.5/143.01

Subject: Prosecution of Enemy Agent
--BARTOLINI Silvio, alias ZILLIANI Mario

To: Colonel A.E. Young,
Director - Security Branch, H.Q. - A.C.O.

1. With reference to my report dated 15th June 1944, regarding the above named Italian :-
2. BARTOLINI appeared before the Allied Military General Court, Milan 5, on 15th July, 1944, charged with "serving the enemy as a spy", in violation of Proclamation 2, Article 1, Paragraph 1.
3. The Court was composed of Colonel W.E. Behrens (President) - British, Lieutenant-Colonel A.H. Troxell and Major L.C. 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" and sentenced the prisoner to death. The sentence was confirmed on 6 August, 1944, by Brigadier Lush, under delegation of power granted by General Sir Harold Alexander, dated 12th June, 1944.

Louis V. Dale
Louis V. Dale
Captain

Copy to C.S.I (b) Milan H.Q. 8th Army

J. McKay, Major
for Colonel A.E. Young -
Director - Security

(President) - British, Lieutenant-Colonel A.R. Troxell and Major L.C. 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" and sentenced the prisoner to death. The sentence was confirmed on 6 August, 1944, by Brigadier Lush, under delegation of power granted by General Sir Harold Alexander, dated 12th June, 1944.

Louis V. Gale
Louis V. Gale
Captain

Copy to G.S.I (1) Main H.Q. 5th Army

J. McKay, Major
for Colonel A.E. Young -
Director - Security

SECRET

SUBJECT: - Prosecution of Enemy Agent
- BARTOLINI Silvio

SECRET 54795

Sec. Div.
AMG Rear Eighth Army

OA/145

25 Jun 44.

SECURITY BRANCH,
HQ, ALLIED CONTROL COMMISSION.

1. Index and report returned for further disposition
under circumstances as outlined in our Ref OA/145 of 19 Jun 44.

Edwin J. Mercer

EDWIN J. MERCER, Lt. Col.,
Ord.,
Senior Legal Officer,
for Group Captain,
Officer Commanding,
AMG EIGHTH ARMY.

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SECRET

HEADQUARTERS
ALLIED CONTROL COMMISSION
SECURITY BRANCH

Ref: SB/311.5/140 E

16th June, 1944

Subject: Prosecution of Enemy Agent
-BARTOLINI Silvio, alias ZILLIANI Mario
To: G.S.I (b) - Main H.Q. - 8th Army.

The following is an Index to WITNESSES and
EVIDENCE for production to Court in the above mentioned
case:-

1. AUCIELLO Egidio, auxiliary policeman at PESCOLANCIANO.
(Production of identity card and leave pass) 4
Paras. 2 - 4
2. PATETE Gino, auxiliary policeman at PESCOLANCIANO
Paras. 3 - 4
3. Sergeant E.N. MOORE, 278 F.S. Section.
Paras. 5 - 8
(Further identification of documents mentioned at 1. above
Also production of red identity card in name BORRINI).
4. Sergeant A.M. GHERSON, 278 F.S. Section.
Paras. 9 - 13
(Further identification of the three aforementioned
documents).
5. Captain D.G. DIXIE, O.C. 278 F.S. Section.
Paras. 14 - 17.
6. Captain J. FAIRWEATHER, No. 3 S.C.I. Unit.
Paras. 18 - 31.

Louis V. Gale
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for Colonel A.E. YOUNG
Director - Security Branch
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Louis V. Gale
Louis V. Gale
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for Colonel A.E. YOUNG
Director - Security Branch
H.Q. - A.C.C.

14

1

HEADQUARTERS
ALLIED CONTROL COMMISSION
SECURITY BRANCH

SECRET

Ref: SE/311.5/140 E

16 June, 1944

Subject: Prosecution of Enemy Agent
- BARTOLINI Silvio, alias ZILIANI Mario.
Italian, born 29 January, 1920 at PIACENZA.
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 GSI (b) - 8th Army :-

2. On 12th May, 1944, at about 2200 hours, an Italian auxiliary policeman - AUCIELLO Egidio - went to a hotel in PESCOLANCIANO, owned by a man named, PATEPE Giovanni, who had reported to him that a stranger had taken lodging there. AUCIELLO took the stranger into custody and conveyed him to the P.S. Section, Detachment Headquarters in the town. He searched the man, who was wearing civilian clothing, and found in his possession an identity card in the name "ZILIANI Mario, di Giovanni e di PUBE Antonietta", showing the date of birth as 29th January, 1915 and the place of birth as AVEZZANO. The witness also states that a military leave pass (Italian) was also found in the man's possession, made out in another name.

3. AUCIELLO questioned the stranger and the latter said that he had come from SALERNO and was on his way to his home at AVEZZANO (then in German occupation). He also admitted that he had no permission from A.M.G.O.F. to make such a journey. Accordingly, AUCIELLO kept him detained under guard throughout the night, and at about 0200 hours on 13th May, the prisoner endeavoured to force open an inner door of the building in which he was detained and, meeting with no success, then tried to force another door which would have given him direct exit from the building, but again he was unsuccessful.

4. Later during the morning of 13th May, AUCIELLO and the guard - PATEPE Gino - took the prisoner to the CAROVILLI Detachment Office of 278 P.S. Section, where he was interrogated by Sergeant L.M. MOORE, afterwards being taken by the same escort to the ISERNIA Detachment Office

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4. Later during the morning of 13th May, AUCIELLO and the guard - PATETE Gino - took the prisoner to the CAROVILLI Detachment Office of 278 P.S. Section, where he was interrogated by Sergeant E.N. MOORE, afterwards being taken by the same escort to the ISERNIA Detachment Office of 278 P.S. Section, where he was further questioned **13** Sergeant A.M. GHERSON.

5. Sergeant E.F. MOORE says that, on 13th May, 1944, he searched and questioned the suspect, who was in possession of identity card No. 9,592,741, issued on 20 August, 1942 at AVEZZANO, in the name ZILLIANI Mario. The suspect said that, at the date of issue, he was in AVEZZANO on leave from the Italian Army. The identity card was not signed, and he said that he had forgotten to do so; he was unable to explain why the photograph affixed thereto bore no official stamp. Also found in the suspect's possession was a red identity card and a leave pass both made out to "Sergente BERRINI Giacomo", the pass including authorization for payment of 250 lire.

6. The suspect, under further interrogation by Sergeant MOORE, stated that at the time of the Armistice he was serving in the 15th Italian Infantry Regiment at

Page 2.

SALERNO, and then, wearing civilian clothes, went to BENEVENTO, where he worked for a merchant named BENVENUTO Fiore, until March, 1944.

7.

He then heard that his regiment was being re-formed and went back to SALERNO for a stay of a few days. Whilst there, he found, in a café, an identity card bearing the rank and name "Sergente BORRINI Giacomo". Afterwards he had a leave pass made out, including the authorisation for payment of 250 lire, and himself filled in details in the guise of "Sergente BORRINI". Then he returned to BENEVENTO and stayed for about a month with the BENVENUTO family. On 10th May, 1944, he left them and made his way Northwards to CAPPOBASSO, subsequently staying at GUARDIA REGIA, a village near BOIANO, where he slept in a field, afterwards going on to PESCOLANGIANO, where he was arrested.

8.

The suspect maintained throughout his interrogation by Sergeant MOORE that his correct name was ZILLANI. He declared that, although he had remained in BENEVENTO for periods totalling seven months, he decided to go back to his home at AVEZZANO, because he had heard that a big attack was due to take place, and at the time of his arrest his only object was to get back to his home there.

9.

When later questioned by Sergeant A.M. GHERSON, 278 F.S. Section, at ISERNIA, on the same date, the suspect gave what he purported to be his history and background. He said that from 1935-1936 he served as a Corporal in 29th Italian Artillery Regiment - MODENA Division - in Italy. He again served in that Unit during 1940 and 1941 as a "Caporale Maggiore" then being transferred to 229 Group - Coastal Defence, in SARDINIA. In 1942 he was transferred, with the same rank, as a machine gunner in 15th Infantry Regiment - MARCHE Division.

10.

He went on to say that at the time of the Armistice, he was in SALERNO and then escaped into the neighbouring hills, where he remained for two or three days. On about 13th September, 1943, he made his way on foot to BENEVENTO, arriving there on about 15-16 September, 1943, which place was at that time in German occupation. The suspect said that he knew this at the time, but he added that there was much confusion in those days, and even the Germans were not sure of the location of their front line.

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11.

Continuing, he said that he stayed in BENEVENTO from about 15th September, 1943 to about 9th March, 1944, working on a farm owned by a certain BENVENUTO Fiore, and living with this man and his family. On the last mentioned date (approximately) he returned to SALERNO to ascertain what were the prevailing conditions in the Italian Army, with the idea of rejoining his unit. There he succeeded in finding only two of his friends - MANCINI Guido and CAMPOMINOSI Carlo. He disliked the atmosphere at the RICCO Barracks, saw that enthusiasm was lacking and decided not to re-enlist; his two friends did, however, re-enlist.

12.

On about 15th March, 1944, at the ZITTESA Restaurant in SALERNO, he met an Italian soldier who said that he was a clerk at Italian Headquarters, and who agreed to procure for him a fake "Foglio di Licenza" (Leave Pass) so that he could travel unhindered to CAMPOBASSO; the suspect stated that the red identity card found in his possession,

Page 3

bearing the name "Sergente BORRINI Giacomo" was found by him in a café at SALERNO, one or two days before he obtained the Leave Pass. The suspect insisted to his interrogator that the Italian soldier who gave him the Leave Pass was not aware of the existence of the red identity card, and merely stamped a blank form with his Unit's rubber stamp, leaving it entirely to himself to fill in all other particulars. Sergeant GHERSON remarked to the suspect that it was rather a coincidence that both the identity card and the leave pass bore the stamp of the 15th Infantry Regiment. The suspect replied that it seemed to him the obvious thing to do, having found the identity card of a Sergeant of that Unit, to get in touch with somebody who could provide him with a leave pass stamped by the same Unit.

13.

He then continued his story and said that he returned to BENEVENTO, via AVELLINO, in mid-March, 1944, and spent about twenty days at the home of BENVENUTO Fiore. At the end of that period he had made up his mind to go on and get as near to AVEZZANO as possible, keeping within liberated territory. He was, however, for the time being dissuaded from his purpose by friends of his host (whose names he could not remember) and stayed on with BENVENUTO until 10th May, 1944, when he made his decision to go on, thereafter making his way Northwards to CAMPOBASSO, keeping to country roads and avoiding main roads in order to prevent his being checked by military personnel. He said that it was his intention to wait for the Allied occupation of AVEZZANO and then follow the troops into the town.

14.

Captain D.G. DIXIE, O.C. 278 P.S. Section states that the suspect was subsequently convicted on 14th May, 1944 by an Allied Military Court sitting at ISERNIA, for contravention of Movement Regulations and was sentenced to two months imprisonment.

15.

On 17th May, 1944, however, Captain DIXIE was present when a British counter-espionage agent, identified the prisoner as Lieutenant BERTOLINI, a parachutist and member of a German Espionage Centre, ^{an organization} known under the names "Kommando Fritz" and "SCHISTLER", which the agent had succeeded in penetrating. Thus confronted, the prisoner admitted that these facts were true and that his real name was Silvio BERTOLINI.

16.

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16.

I am instructed that, even if the British agent concerned were available, it would be most inadvisable from the security viewpoint, for the agent to give evidence in Court - even "in camera" - owing to the danger of prejudicing subsequent missions on which he may be sent. Captain DIXIE can however give sworn evidence as to the bona fides of the agent and the facts of identification, and in any case, the accused had ample opportunity of cross-examining the agent at the time. Moreover, the accused has admitted that these facts are true, and the evidence is merely required to show the Court the manner in which the admission was obtained - i.e. without duress or promise of favour, but by a fair presentation of the facts to him.

17.

Captain DIXIE will also be able to give sworn evidence that the name "Lieutenant BERTOLINI" had been circulated over two months prior to the arrest, as being that of a German agent known to be operating in Allied territory. This information had not only been given by the

Page 4

18. aforementioned British agent, but had also been supplied by other agents of the German "Kommando Fritz" - "Schistler" organisation, who had been captured.

19. FAIRWEATHER BARTOLINI was next interrogated by Captain J. of No. 3 S.C.I. Unit who asked him to give a true history of his past history, background and activities. He agreed to do so, and said that prior to the war he was a student at the University of BOLOGNA. In January, 1940 he commenced an Officers' Training Course and was commissioned in 29th Artillery Regiment in August, 1940, being sent with his Regiment to ALBANIA in November, 1940. In January, 1941 he was wounded and returned to Italy for a period of convalescence. In December, 1941 he was sent to SARDINIA with 229 Artillery Group and in December, 1942 went on a parachutist course at TAKQUINIA, following which, in January, 1943 he was posted to a Parachutist Artillery Group at VITERBO where he remained until the Armistice in September, 1943, when the Unit was disbanded. He then started to make his way home to FIACENZA but was arrested by the Germans at FLORENCE Railway Station and was sent to the nearby concentration camp at RUEZZANO. In October, 1943 he volunteered for a Parachutist Unit which was being re-formed, and for this purpose was sent to FURBARA.

20. In November, 1943 a German officer visited the Parachutist Camp at FURBARA and asked for volunteers to engage in espionage on behalf of the Germans. BARTOLINI and another 2nd. Lieutenant (whose name he does not know) agreed to undertake this work; they were then taken away by German car to the "DIENSTELLE SCHISTLER" at OVINDOLI.

21. At OVINDOLI, he said, he was given no training an was sent on his first mission into Allied territory within four days of his arrival. Altogether, he said, he had accomplished three missions, the one upon which he was arrested being his fourth mission.

22. On the first mission, the date of which he could not remember, he was paid only 500 lire for a mission of five days duration, when he visited CASTELFORTE - SAN CASTESE - ROCCAMONFINA - POZZILLI. On this occasion, he said, he went under his true name, was not supplied with any documents, and was required to report on movements of Allied troops, which he did.

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23. He was sent on the second mission, two days after his return. On this occasion he went to PAGLIETTA and COPELLA with special instructions to look for a sign of two "W's on a black background. The duration of this mission was two days.

24. On about 16th December, 1943, he was sent on his third mission, from which he returned on 24th December, 1943. On this mission he was paid 1,000 lire, visited ROCCA D'EVANDRO and returned across the River GARIGLIANO.

After the third mission, BARTOLINI said, he was given leave and returned to his home. On coming back to OVINDOLI from his leave at the end of January, 1944 he did nothing other than to act as an escort for prisoners-of-war. During that period, "SCHISTLER" the German officer in command of the Espionage Centre, was finding difficulty in recruiting agents, as it had become known that many had already been captured by the Allies and that two of them had been shot. He therefore asked BARTOLINI for help in finding suitable

youths but, according to BARTOLINI, he did not do so.

25.

At the beginning of February, 1944, the Dienstelle SCHISTLER moved to SAN SEBASTIANO, says BARTOLINI, and changed its name to "KOMMANDO FRITZ", in his opinion because of SCHISTLER's lack of success when operating from OVINDOLI.

26.

Continuing his story, at No.3 S.C.I. Unit, BARTOLINI said that towards the end of February, 1944 SCHISTLER told him that he was to be sent on a more important mission involving his being dropped by parachute near BARI and subsequent visits to BARI, BRINDISI, TARANTO and NAPLES, for which he was to be paid 25,000 lire.

27.

On 29th February, 1944 he was given a false identity card in the name Mario ELLIANI, on which his age was increased to place him outside the age of those required to do military service on the Allied side of the line. He was given the password "BORIS" and was taken by SCHISTLER in a car to a point at an A.A. post between FOLIGNO and ASSISI, where he was to await a plane. SCHISTLER left him there, stating that he was going on leave to Vienna.

28.

BARTOLINI remained in the A.A. Camp until 17th April, 1944, when he was taken to an aerodrome by two officers of the German Air Force where they boarded an aircraft (name unknown to him) and he landed near BARI by parachute at 0300 hours on 18th April, 1944. He at once discarded his parachute equipment, Italian uniform, helmet, kneepads and a belt containing eight hand grenades. Then he made his way to BARI where he spent three days.

29.

On about 21st April, 1944 he went by train to BRINDISI and remained there until 25th April, then going on to TARANTO, where he stayed until 8th May, as he had difficulty in getting to NAPLES. However, after that date he managed to get to NAPLES, but he said that by that time he had decided not to return to the "Kommando FRITZ" as he was very impressed by the Allied preparations and realised that the Germans were almost finished.

30.

He said that his instructions for this mission were to observe and report troop movements, locations and divisional signs. He was not told to observe shipping in any of the ports.

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31.

He gave no further information supplementary to the above, relative to his case, but gave a certain amount of vague general information concerning the German officers connected with the Espionage Centre. He refused, however, to give any particulars whatsoever concerning other agents of the enemy with whom he had made contact.

32.

In consideration of all the facts in this case it is submitted that there is clear evidence that the accused arrived "clandestinely" from enemy territory, being in fact dropped by parachute in Allied territory, with instructions to collect and report information of a military character to the enemy. It is shown that he then changed into civilian clothes and, according to his own admission followed the exact itinerary given to him by his German employers, during which he must have had ample opportunity of collecting the type of military information which he himself specified as being required, when questioned by No. 3 S.C.I. Unit.

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33. Further, during the course of his activities in Allied territory, there is evidence to show that he used at least two false names and represented himself to be a Sergeant of the 15th Italian Infantry on leave. This, in addition to "clandestine" arrival in Allied territory, is also sufficient to constitute "false pretence" under the Hague Convention, in relation to espionage.

34. In the early stages, immediately after his arrest, he stated that he was on his way "home" to AVEZZANO and later admitted that he knew that it was in German hands, but changed his story somewhat, by saying that his intention was not to enter AVEZZANO directly, but to follow Allied troops into the town. That story was subsequently shown to be a "myth" as he admitted, after his true identity had been established by a British agent, that his home was at FIACENZA, which is a considerable distance from AVEZZANO, the latter town being well off the route to FIACENZA.

35. Since his obvious idea in telling this story was intended to establish that his intentions were innocent, and as it has been shown that the story is false, one can only come to the conclusion that there was no innocent motive - if there were he could have revealed it and would have had no necessity to lie. There seems to be no grounds to dispute the fact that he was sent on a mission by the Germans to obtain military information - he, himself, does not dispute that - and as his intention to return to them with the said information, now seems equally clear, it is submitted that, with the further evidence to indicate "mens rea" - namely his attempt to escape from custody, shortly after he was arrested - he is clearly a "spy" as defined in Chapter 2, Article 29 of The Hague Convention. A charge under Proclamation 2, Article 1, Paragraph 1 - "serving the enemy as a spy" is suggested.

Louis V. Gale
Louis V. Gale

Captain

for Colonel A. E. Young

Director - Security Br.

H.Q. - A.C.C.

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SECRET

HEADQUARTERS
ALLIED CONTROL COMMISSION
SECURITY BRANCH

Ref: SB/311.5/140 E

16th June, 1944

Subject: Prosecution of Enemy Agent
-BARTOLINI Silvio, alias ZILIANI Mario
To: G.S.I (b) - Main H.Q. - 8th Army.

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Italian, born 29 January, 1920 at PIACENZA.
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 GSI (b) - 8th Army :-

2. On 12th May, 1944, at about 2200 hours, an Italian auxiliary policeman - AUCIELLO Egidio - went to a hotel in PESCOLANCIANO, owned by a man named, PATETE Giovanni, who had reported to him that a stranger had taken lodging there. AUCIELLO took the stranger into custody and conveyed him to the F.S. Section, Headquarters in the town. He searched the man, who was wearing civilian clothing, and found in his possession an identity card in the name "ZILIANI Mario, di Giovanni e di PUBE Antonietta", showing the date of birth as 29th January, 1915 and the place of birth as AVEZZANO. The witness also states that a military leave pass (Italian) was also found in the man's possession, made out in another name.

3. AUCIELLO questioned the stranger and the latter said that he had come from SALERNO and was on his way to his home at AVEZZANO (then in German occupation). He also admitted that he had no permission from A.N.G.O.F. to make such a journey. Accordingly, AUCIELLO kept him detained under guard throughout the night, and at about 0200 hours on 13th May, the prisoner endeavoured to force open an inner door of the building in which he was detained and, meeting with no success, then tried to force another door which would have given him direct exit from the building, but again he was unsuccessful.

4. Later during the morning of 13th May, AUCIELLO and the guard - PATETE Gino - took the prisoner to the CAROVILLI Detachment Office of 278 F.S. Section, where he was interrogated by Sergeant E.N. MOORE, afterwards being taken by the same escort to the ISERNIA Detachment Office of 278 F.S. Section, where he was further questioned by

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5. Sergeant E.N. MOORE says that, on 13th May, 1944, he searched and questioned the suspect, who was in possession of identity card No. 9,592,741, issued on 20 August, 1942 at AVEZZANO, in the name ZILLIANI Mario. The suspect said that, at the date of issue, he was in AVEZZANO on leave from the Italian Army. The identity card was not signed, and he said that he had forgotten to do so; he was unable to explain why the photograph affixed thereto bore no official stamp. Also found in the suspect's possession was a red identity card and a leave pass both made out to "Sergente BORRINI Giacomo", the pass including authorization for payment of 250 lire.

6. The suspect, under further interrogation by Sergeant MOORE, stated that at the time of the Armistice he was serving in the 15th Italian Infantry Regiment at

Page 2.

SALERNO, and then, wearing civilian clothes, went to BENEVENTO, where he worked for a merchant named BENVENUTO Fiore, until March, 1944.

7.

He then heard that his regiment was being re-formed and went back to SALERNO for a stay of a few days. Whilst there, he found, in a café, an identity card bearing the rank and name "Sergente BERRINI Giacomo". Afterwards he had a leave pass made out, including the authorisation for payment of 250 lire, and himself filled in details in the guise of "Sergente BERRINI". Then he returned to BENEVENTO and stayed for about a month with the BENVENUTO family. On 10th May, 1944, he left them and made his way northwards to CAMPOBASSO, subsequently staying at GUARDIA REGIA, a village near BOLANO, where he slept in a field, afterwards going on to PESCOLANCIANO, where he was arrested.

8.

The suspect maintained throughout his interrogation by Sergeant MOORE that his correct name was ZILLANI. He declared that, although he had remained in BENEVENTO for periods totalling seven months, he decided to go back to his home at AVEZZANO, because he had heard that a big attack was due to take place, and at the time of his arrest his only object was to get back to his home there.

9.

When later questioned by Sergeant A.M.GHERSON, 278 F.S. Section, at ISERNIA, on the same date, the suspect gave what he purported to be his history and background. He said that from 1935-1936 he served as a Corporal in 29th Italian Artillery Regiment - MODENA Division - in Italy. He again served in that Unit during 1940 and 1941 as a "Caporale Maggiore" then being transferred to 229 Group - Coastal Defence, in SARDINIA. In 1942 he was transferred, with the same rank, as a machine gunner in 15th Infantry Regiment - MARCHE Division.

10.

He went on to say that at the time of the Armistice, he was in SALERNO and then escaped into the neighbouring hills, where he remained for two or three days. On about 13th September, 1943, he made his way on foot to BENEVENTO, arriving there on about 15-16 September, 1943, which place was at that time in German occupation. The suspect said that he knew this at the time, but he added that there was much confusion in those days, and even the Germans were not sure of the location of their front line.

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Continuing, he said that he stayed in BENEVENTO

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11.

Continuing, he said that he stayed in BENEVENTO from about 15th September, 1943 to about 9th March, 1944, working on a farm owned by a certain BENVENUTO Fiore, and living with this man and his family. On the last mentioned date (approximately) he returned to SALERNO to ascertain what were the prevailing conditions in the Italian Army, with the idea of re-joining his unit. There he succeeded in finding only two of his friends - MANCINI Guido and CAMPOINOSI Carlo. He disliked the atmosphere at the RICCO Barracks, saw that enthusiasm was lacking and decided not to re-enlist; his two friends did, however, re-enlist.

12.

On about 15th March, 1944, at the ZITTESA Restaurant in SALERNO, he met an Italian soldier who said that he was a clerk at Italian Headquarters, and who agreed to procure for him a fake "Foglio di Licenza" (Leave Pass) so that he could travel unhindered to CAMPOBASSO; the suspect stated that the red identity card found in his possession,

Page 3

bearing the name "Sergente BORRINI Giacomo" was found by him in a café at SALERNO, one or two days before he obtained the Leave Pass. The suspect insisted to his interrogator that the Italian soldier who gave him the Leave Pass was not aware of the existence of the red identity card, and merely stamped a blank form with his Unit's rubber stamp, leaving it entirely to himself to fill in all other particulars. Sergeant GHERSON remarked to the suspect that it was rather a coincidence that both the identity card and the leave pass bore the stamp of the 15th Infantry Regiment. The suspect replied that it seemed to him the obvious thing to do, having found the identity card of a Sergeant of that Unit, to get in touch with somebody who could provide him with a leave pass stamped by the same Unit.

13.

He then continued his story and said that he returned to BENEVENTO, via AVELLINO, in mid-March, 1944, and spent about twenty days at the home of BENVENUTO Fiore. At the end of that period he had made up his mind to go on and get as near to AVEZZANO as possible, keeping within liberated territory. He was, however, for the time being dissuaded from his purpose by friends of his host (whose names he could not remember) and stayed on with BENVENUTO until 10th May, 1944, when he made his decision to go on, thereafter making his way Northwards to CAMPOBASSO, keeping to country roads and avoiding main roads in order to prevent his being checked by military personnel. He said that it was his intention to wait for the Allied occupation of AVEZZANO and then follow the troops into the town.

14.

Captain D.G.DIXIE, O.C. 278 F.S. Section states that the suspect was subsequently convicted on 14th May, 1944 by an Allied Military Court sitting at ISERNIA, for contravention of Movement Regulations and was sentenced to two months imprisonment.

15.

On 17th May, 1944, however, Captain DIXIE was present when a British counter-espionage agent, identified the prisoner as Lieutenant BERTOLINI, a parachutist and member of a German Espionage Centre, known under the names "Kommando Fritz" and "SCHISTLER", which the agent had succeeded in penetrating. Thus confronted, the prisoner admitted that these facts were true and that his real name was Silvio BERTOLINI.

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16. I am instructed that, even if the British agent concerned were available, it would be most inadvisable from the security viewpoint, for the agent to give evidence in Court - even "in camera" - owing to the danger of prejudicing subsequent missions on which he may be sent. Captain DIXIE can however give sworn evidence as to the bona fides of the agent and the facts of identification, and in any case, the accused had ample opportunity of cross-examining the agent at the time. Moreover, the accused has admitted that these facts are true, and the evidence is merely required to show the Court the manner in which the admission was obtained - i.e. without duress or promise of favour, but by a fair presentation of the facts to him.

17. Captain DIXIE will also be able to give sworn evidence that the name "Lieutenant BERTOLINI" had been circulated over two months prior to the arrest, as being that of a German agent known to be operating in Allied territory. This information had not only been given by the

Page 4

16. aforementioned British agent, but had also been supplied by other agents of the German "Kommando Fritz" - "Schistler" organization, who had been captured.

FAIRWEATHER BARTOLINI was next interrogated by Captain J. OF No. 3 S.C.I. Unit who asked him to give a true history of his past history, background and activities. He agreed to do so. and said that prior to the war he was a student at the University of BOLOGNA. In January, 1940 he commenced an Officers' Training Course and was commissioned in 29th Artillery Regiment in August, 1940, being sent with his Regiment to ALBANIA in November, 1940. In January, 1941 he was wounded and returned to Italy for a period of convalescence. In December, 1941 he was sent to SARDINIA with 229 Artillery Group and in December, 1942 went on a parachutist course at MARQUINIA, following which, in January, 1943 he was posted to a Parachutist Artillery Group at VITERBO where he remained until the Armistice in September, 1943, when the Unit was disbanded. He then started to make his way home to PLACENZA but was arrested by the Germans at FLORENCE Railway Station and was sent to the nearby concentration camp at RUEZZANO. In October, 1943 he volunteered for a Parachutist Unit which was being re-formed, and for this purpose was sent to FURBARA.

19. In November, 1943 a German officer visited the Parachutist Camp at FURBARA and asked for volunteers to engage in espionage on behalf of the Germans. BARTOLINI and another 2nd. Lieutenant (whose name he does not know) agreed to undertake this work; they were then taken away by German car to the "DIENSTELLE SCHISTLER" at OVINDOLI.

20. At OVINDOLI, he said, he was given no training and was sent on his first mission into Allied territory within four days of his arrival. Altogether, he said, he had accomplished three missions, the one upon which he was arrested being his fourth mission.

21. On the first mission, the date of which he could not remember, he was paid only 500 lire for a mission of five days duration, when he visited CASTELFORTE - SAN CASTESE - ROCCAMONFINA - POZZILLI. On this occasion, he said, he went under his true name, was not supplied with any documents, and was required to report on movements of Allied troops, which he did.

22.

He was sent on the second mission.

3

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22.

He was sent on the second mission, two days after his return. On this occasion he went to PAGLIETTA and COPELLA with special instructions to look for a sign of two "T's" on a black background. The duration of this mission was two days.

23.

On about 16th December, 1943, he was sent on his third mission, from which he returned on 24th December, 1943. On this mission he was paid 1,000 lire, visited ROCCA D'EVANDRO and returned across the River GARIGLIANO.

24.

After the third mission, BARTOLINI said, he was given leave and returned to his home. On coming back to OVINDOLI from his leave at the end of January, 1944 he did nothing other than to act as an escort for prisoners-of-war. During that period, "SCHISTLER" the German officer in command of the Espionage Centre, was finding difficulty in recruiting agents, as it had become known that many had already been captured by the Allies and that two of them had been shot. He therefore asked BARTOLINI for help in finding suitable

Page 5

youths but, according to BARTOLINI, he did not do so.

At the beginning of February, 1944, the Dienstelle SCHISTLER moved to SAN SEBASTIANO, says BARTOLINI, and changed its name to "KOMMANDO FRITZ", in his opinion because of SCHISTLER's lack of success when operating from OVINDOLI.

Continuing his story, at No. 3 S.C.I. Unit, BARTOLINI said that towards the end of February, 1944

SCHISTLER told him that he was to be sent on a more important mission involving his being dropped by parachute near BARI and subsequent visits to BARI, BRINDISI, TARANTO and NAPLES, for which he was to be paid 25,000 lire.

On 29th February, 1944 he was given a false identity card in the name Mario ZILLANI, on which his age was increased to place him outside the age of those required to do military service on the Allied side of the line. He was given the password "EBRIS" and was taken by SCHISTLER in a car to a point at an A.A. post between FOLIGNO and ASSISI, where he was to await a plane. SCHISTLER left him there, stating that he was going on leave to Vienna.

BARTOLINI remained in the A.A. Camp until 17th April, 1944, when he was taken to an aerodrome by two officers of the German Air Force where they boarded an aircraft (make unknown to him) and he landed near BARI by parachute at 0300 hours on 18th April, 1944. He at once discarded his parachute equipment, Italian uniform, helmet, kneecaps and a belt containing eight hand grenades. Then he made his way to BARI where he spent three days.

On about 21st April, 1944 he went by train to BRINDISI and remained there until 25th April, then going on to TARANTO, where he stayed until 8th May, as he had difficulty in getting to NAPLES. However, after that date he managed to get to NAPLES, but he said that by that time he had decided not to return to the "Kommando FRITZ" as he was very impressed by the Allied preparations and realised that the Germans were almost finished.

He said that his instructions for this mission were to observe and report troop movements, locations and divisional signs. He was not told to observe shipping in any of the ports.

He gave no further information supplementary

28.

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31.

He gave no further information supplementary to the above, relative to his case, but gave a certain amount of vague general information concerning the German officers connected with the Espionage Centre. He refused, however, to give any particulars whatsoever concerning other agents of the enemy with whom he had made contact.

32.

In consideration of all the facts in this case it is submitted that there is clear evidence that the accused arrived "clandestinely" from enemy territory, being in fact dropped by parachute in Allied territory, with instructions to collect and report information of a military character to the enemy. It is shown that he then changed into civilian clothes and, according to his own admission followed the exact itinerary given to him by his German employers, during which he must have had ample opportunity of collecting the type of military information which he himself specified as being required, when questioned by No. 3 S.C.I. Unit.

Further, during the course of his activities in Allied territory, there is evidence to show that he used at least two false names and represented himself to be a Sergeant of the 15th Italian Infantry on leave. This, in addition to "clandestine" arrival in Allied territory, is also sufficient to constitute "false pretence" under the Hague Convention, in relation to espionage.

In the early stages, immediately after his arrest, he stated that he was on his way "home" to AVEZZANO and later admitted that he knew that it was in German hands, but changed his story somewhat, by saying that his intention was not to enter AVEZZANO directly, but to follow Allied troops into the town. That story was subsequently shown to be a "myth" as he admitted, after his true identity had been established by a British agent, that his home was at PIACENZA, which is a considerable distance from AVEZZANO, the latter town being well off the route to PIACENZA.

Since his obvious idea in telling this story was intended to establish that his intentions were innocent, and as it has been shown that the story is false, one can only come to the conclusion that there was no innocent motive - if there were he could have revealed it and would have had no necessity to lie. There seems to be no grounds to dispute the fact that he was sent on a mission by the Germans to obtain military information - he, himself, does not dispute that - and as his intention to return to them with the said information, now seems equally clear, it is submitted that, with the further evidence to indicate "mens rea" - namely his attempt to escape from custody; shortly after he was arrested - he is clearly a "spy" as defined in Chapter 2, Article 20 of The Hague Convention. A charge under Proclamation 2, Article 1, Paragraph 1 - "serving the enemy as a spy" is suggested.

Louis V. Gale

Louis V. Gale
 Captain
 for Colonel A.E. Young
 Director - Security Br.
 H.Q. - A.C.C.

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