

ACC 10000/143/2681

266/01/91

WAR CRIMES

Apr. 1946 - Jan. 1947

21

Security Sub. Division

for BB file has been withdrawn. The article signed by BB is returned for dispatch. Copy

MR 4/11
16
11

Dis. Public Safety

Please see 26A. Letter to Dr. Penas is submitted for BB's signature if approved.

18/11
Divisional Mr. Col. Byt. Norton me
Allis Capt. 2/12

23

Ex. Comm.

Please see 32A. This is a reply to our signal (29A) dated 7 December. No reply has yet been received to 31A. Your instructions are awaited before taking any further action.

12/12

Allis Capt. 2/12

24

P.S. Division,

We should obtain full details of the evidence expected. I.E. the questionnaire referred to in 31A — as quickly as possible from the Kahan authorities. We should at this stage convey 32A to Kahan.

Ex. Comm.

23

Please see 32A. This is a reply to our signal (29A) dated 7 December. No reply has yet been received to 31A. Your instructions are awaited before taking any further action.

12/12

24

P.S. Division,

We should obtain full details of the evidence expected - I.E. the questionnaire referred to in 31A - as quickly as possible from the Hawaiian authorities.

We should not at this stage convey 32A to the Hawaiian Govt. as it cuts across the latest proposal at 31A.

When we get a reply to 31A we shall be in a position to act on instructions received from G.H.P.

12/12

K. Col. Humphreys is asking Ministry for questionnaire (16000s 12/12)

101

Director, Pub. Inf. -16-
 Please see 24A, and suggestion except at
 25A, if approved, for B.G. signature. *W.H. Inf.*

12/11

17.

Ex Comm.
 Draft at 25A for communication *see.*

14.11.46.

E. J. Dyre Col.

11/11/46

18.

P.S. Dir.

Same as amended. Please submit
drafts in double-spacing.

L. G. Wood. Smith.

15/11

18

Ex Comm.
 Attached letter for signature *see.*

15/11.

100

E. J. Dyre Col.

11/11/46

20

Chief Commissioner

Attached ~~94~~ submitted for your signature.
~~information~~

16/x1

McCartney
E.C.

15

Chief Commissioner.

Approved
Attached is submitted for your signature
in connection

= A =

19/x/46

M. C. Bryader
Ex. Comm.

V.P. CAS (Thru' AFD Pub. Supp.) 11

Please see 19A. The appointment of the two officials in NAPLES by Italian government is referred to in 17A.

The suggested appointment of Capt. VITALE was referred to the Ministry of Justice on 30 Aug - see 16A. No reply has been received.

AFHQ now requests that VITALE's appointment be confirmed - see 19A in view of pending move of DIAG to Padova.

Draft letter submitted for signature of approved.

A. Keller Capt.

To: EX. Commissioner

12

Attached letter with enclosures to AFHQ and
copy with enclosures to G.H.Q. C.H.F. for
signature, please

Tr. Weller
Capt.

10 Oct 46
Ex. 358

13

Letter signed & despatched to AFHQ, copy to

C.H.F.

D. Det. 46

R. H. H. H.
Capt.

Draft letter submitted for signature of approved
A. K. Ellis Capt. A

To: Ex. Comm. 12

Attached letter with enclosures to AFHQ and
copy with enclosures to G.H.Q. C.H.F. for
signature, please

Truf. Mulla
Capt
C.H.F.

10 Oct. 46
Ex. 358

13

Letters signed & despatched to AFHQ, copy to
C.H.F.

D. Oct. 46
P. H. H. H. H. H.
C.H.F.

14

To: Ex. Comm.

Ref. plus 21 Nov 46 and 22 Nov.
Letter at plus 23 Nov for signature
by the C.C. H. H. H.

Truf. Mulla
Capt
K.L. 1810.

98

18 Oct. 46

Copy with enclosure to G.H.Q. ...

To: Ex. Comm Ref J-21A (Lanlation at 21B)

kept at J-21A for 12 approval
of the C.C., please

Ext 35F
17/10

Prof. M. L. ...
C.H.

3/ Director, Pub. Safety

Please see Ga. Draft letter is submitted for onward transmission to V.P. C.A. Section for signature if approved.

26 July 46.

I

V.P. C.A.S.

Forwarded as in 6 sec.

27. 7. 46.

E. J. Rye. lot.

S.

P.S. S/C.

Letter Signed. As the contains a key decision etc. Please circulate to ~~the~~ Polado (A) w/B to see

30

M. Am. Byader
V. C. S.

29/7/46

9

Polad. A-13.

See per 93, 102.

27.7.46.

E. J. Dyke. lat.

S.

R.S. Sk.

Letter signed. As the contents a
key decision etc. please circulate
to ~~the~~ Polads (A) & B to see

McLan Byader
K. & C. O. J.

29/7/46

9

Polad. A & B.

see sec 99, 100.

30/7/46.
Ex 686.

E. J. Dyke. lat.

See. Built - 10 96
Polad B.

see journal Polad A 1/8

1/8 } thank you

Minute No. 2

To: Executive Commissioner, ✓

Polad A.

Polad B.

To see Folios 1A, 2A and 3A.

The applications (together with all supporting documents) made by the Italian Ministry of Foreign Affairs for the trial of these German nationals, were forwarded to AFHQ and have been retained by that Headquarters.

The names of all German nationals involved are given in the letter at 1A.

23rd May, 1946

McLar Biv.
M. CARR, Brigadier.
VP. CA. Section.

ADK
24/5

MR 24/6
MC
28/10/46
3.

P. S. S/c. File returned. Please see folio 3A.
29 May 46.
seen AME
28/10/46
3.

4.
Polad A/ no comment JAG
Polad B/ 28/10/46

When transmittal 4A to AFHQ do

23rd May, 1946

M. Carr, Brigadier.
VP. CA. Section.

21/5/46
24/5

21/5/46
25/5/46 3.

P.S.S/c. file returned. Please see folio 3a.
29 May 46...
seen [initials]

4.
P. 10/10/46 no comment [initials]
P. 10/10/46

When transmitting 4A to AFHQ. do
you consider there is any comment we
should make please?

21/6/46 95
5.
M. Carr Brigadier
V. R.C. A. Sec

P.D. O/C. (S.D.)
File returned. Please see Min. 4 and folio 5a.

28 June.
[initials] CA. Section 28/6

V. R. C.A.S.

The attached letter to Ministry of Foreign Affairs is submitted for signature, if approved, please.

23/5.

W. B. L. L. L.
Security Div.

0126

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

785016

0127

Declassified E.O. 12356 Section 3.3/NND No. 78 5016

SECRET

SECRET

WAR CRIME

101

.217

WAR CRIME

101

10000 / 143 / 2681
~~2681~~

IN FOLD
 CONTAINS PAPERS
 FROM APR 46
 TO JAN 47
 CATALOGUE.

SECRET

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: AG3/01761

Date/Time of Origin: JAN NPT

Message Centre No: 14/9507

Date Time Rec'd: JAN 30 1530

Precedence: IMPORTANT

FROM: ~~ACSEC HQ ALCOM~~ GHQ C/F

TO: ACSEC HQ ALCOM, INFO: 86 AREA

CONFIDENTIAL

CONFIDENTIAL:

Your cable 6153 dated 25 January and our cable AG3/01403 dated 23 refers. LIDONNICI an Italian national believed to reside in Rome. PTFMO may be corrupt for christian name. Suggest you contact Questura. As general sacy Committee for families of persons murdered in Ardeatine caves Lidonnici should be well known and not difficult to trace.

2. Have witnesses enumerated this HQ cable AG3/01152 dated 20 been traced and warned yet.

AC DISP

ACTION - SECURITY

INFO → CHIEF COMMISSIONER
EX COMR

FILE

SKELETON

30/1
1468
266-01-91

ACTION

93

CONFIDENTIAL

CONFIDENTIAL

HEADQUARTERS ALLIED COMMISSION
A.P.O. 794
PUBLIC SAFETY DIVISION
SECURITY SUB DIVISION

31 January 1947

REF. : SD/266.01-91

SUBJECT : Trial of Field Marshal KE SERLING

TO : Ministry of Interior,
General Direction of Public Safety.

1. Reference this Commission's letter of even number dated 21 January 1947.

2. The trial of the above named will commence at VENICE on 10 February 1947.

3. The defence has notified General Headquarters, Central Mediterranean Forces that they require Guglielmo ELASI also known as "MEMO", who gave evidence in the Banda KOCH trial at MIJAN in June 1946 to appear as a witness.

4. It is requested that every effort be made to trace ELASI and arrange for him to be despatched to 347 Transit Camp, WESTRE not later than 7 February 1947.

5. May this HQ be advised please immediately ELA I has been traced and dispatched.

1. Si fa riferimento alla lettera della Commissione pari numero in data 21 Gennaio 1947.

2. Il processo del nominato in oggetto avra' inizio a Venezia il 10 febbraio 1947.

3. La difesa ha informato il Quartier Generale, CEF, che Guglielmo ELASI, conosciuto col nome di "MEMO", il quale fece testimonianza nel processo della Banda KOCH, che ebbe luogo a Milano nel Giugno 1946, e' richiesto come testimone nel suddatto processo.

4. Si richiede che sia fatto tutto il possibile per rintracciare ELASI al 347 Transit Camp, WESTRE non piu' tardi del 7

January 1947.

2. The trial of the above named will commence at VENICE on 10 February 1947.

3. The defence has notified General Headquarters, Central Mediterranean Forces that they require Guglielmo BLASI also known as "MEMO", who gave evidence in the Banda ROCH trial at MILAN in June 1946 to appear as a witness.

4. It is requested that every effort be made to trace BLASI and arrange for him to be despatched to 317 Transit Camp, MESTRE not later than 7 February 1947.

5. May this HQ be advised please immediately BLASI has been traced and dispatched.

1. Si fa riferimento alla lettera della Commissione pari numero in data 21 Gennaio 1947.

2. Il processo del nominato in oggetto avra' inizio a Venezia il 10 Febbraio 1947.

3. La difesa ha informato il Quartier Generale, CMF, che Guglielmo BLASI, conosciuto col nome di "MEMO", il quale fece testimonianza nel processo della Banda ROCH, che ebbe luogo a Milano nel Giugno 1946, e' richiesto come testimone nel suddetto processo.

4. Si richiede che sia fatto tutto il possibile per rintracciare BLASI e per inviarlo al 317 Transit Camp, MESTRE non piu' tardi del 7 Febbraio 1947.

5. Si prega codeste Ministero di informare questo Quartier Generale non appena BLASI sara' rintracciato.

FOR THE CHIEF COMMISSIONER

E. J. BYE,
Colonel,
Director,
Public Safety Division.

CONFIDENTIAL

117H

CONFIDENTIAL

HEADQUARTERS ALLIED COMMISSION
A.P.O. 794
PUBLIC SAFETY DIVISION
SECURITY SUB DIVISION

URGENT

REF : SD/266.01-91

31 January 1947

SUBJECT : War Crimes - Trial of Field Marshal KESSELRING

TO : Ministry of Pardon and Justice, ROME

1. The trial of the above named commences on 10 February 1947 at Venice.

2. General Headquarters Central Mediterranean Forces have instructed this Commission to request your Ministry to arrange for the production of the official documents of the Corte d'Assise di Milano relating to the Banda KOCH trial. It is requested that these be forwarded by the fastest means possible to Commandant, 218 (SEP) Sub Area, RICCIONE.

3. It is requested that this matter be given IMMEDIATE attention and this HQ be advised of action taken.

REF : SD/266.01-91

31 Gennaio 1947

OGGETTO : Crimini di Guerra - Processo del Maresciallo KESSELRING

AL : Ministeri di Grazia e Giustizia, ROMA

1. Il processo del nominato in oggetto avra' inizio a Venezia il 10 Feb. 47.

2. Il Quartier Generale C.M.F. ha incaricato questa Commissione di richiedere al vostro Ministero di produrre i documenti ufficiali della Corte di Assise di Milano riguardanti il processo della Banda KOCH. Si richiede che tali documenti siano spediti il piu' presto possibile al Comandant, 218(SEP) Sub Area, RICCIONE.

3. Si richiede che sia dato immediato esito alle richieste su accennate e questo Quartier Generale informato in proposito.

FOR THE CHIEF COMMISSIONER:

91

EJB
E.J. BYE,
Colonel,
Director,
Public Safety Division.

AHE/nb

CONFIDENTIAL

1413

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: AG3/01821

Message Centre No: H/9514

Date/Time of Origin: JAN.

Date Time Rec'd: JAN. 310900

FROM: GHQ CMF

Precedence: ~~ROUTINE~~ IMMEDIATE

TO : ACSEC HQ ALCOM INFO: 218 (SEP) SUB AREA + 86 AREA = 317 TRANSIT CAMP.

CONFIDENTIAL

*Confidential.**War crimes Kesserling trial 10 Feb. Kesserling defence request following.**1. Production of official documents of the "Corte D'assise di Milano" of the trial of Banda Koch. These should be forwarded to 218 (SEP) Sub Area by fastest means.**2. To appear as defence witness at ~~rtm~~ trial. BLASI GUGLIELMO called Memmo who was examined in the trial at Milan June 46. Request you trace and despatch to 317 transit Camp Mestre by 7 Feb 47 notifying 86 Area repeated 317 Transit Camp and this HQ Etc.**3. Your SD/266 01-139 dated 15 Jan refers.*

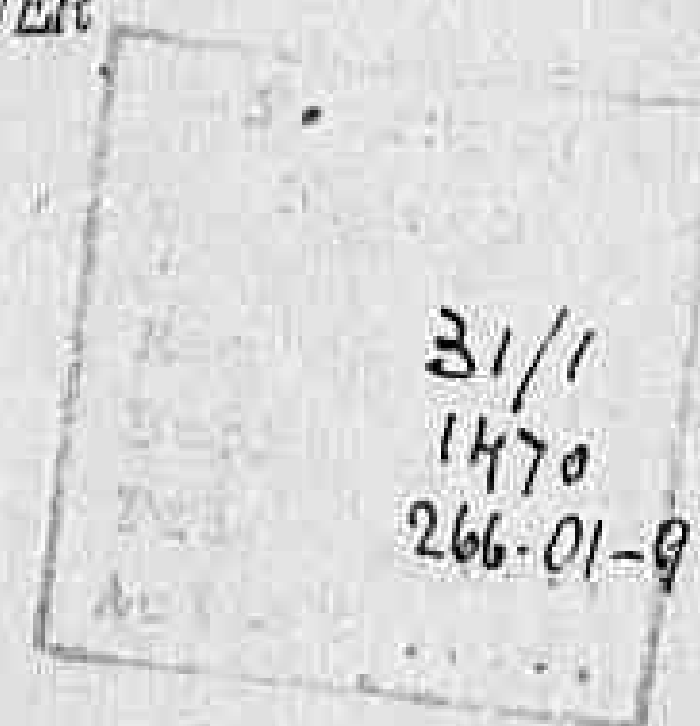
AC DIST

89

ACTION SECURITY
 INFO CHIEF COMMISSIONER
 EX COMM
 FILE
 SKELETON

ACTION

CONFIDENTIAL





file

Memo. P.
(Servizio anagrafico)

QUESTURA DI ROMA

N. 050833 *DE* 4. Categ. U.P.

Add. 30 Gennaio 1947

Risposta a nota N. _____

OGGETTO: Crimini di guerra-Processo del
Generale Kesslerling.

del _____ 1947

URGENTISSIMA

Al HEADQUARTERS ALLIED COMMISSION

A.P.O. 794
PUBLIC SAFETY DIVISION
SECURITY SUB DIVISION

ROMA

Con riferimento alla nota n.REF : S D/266.OI.9I del 27/I/47, comunicato che Stefano Lidonnioi Segretario Generale dell'Associazione Nazionale tra le famiglie dei Martiri trucidati dai nazifascisti, ha preso visione della nota qui trasmessa, ed attende ulteriori comunicazioni in merito alla sua partenza per Venezia.

IL QUESTORE
(Saverio Pòlito)

88

31/1
1475
266.OI.9I

30 JANUARY 1947

ACSED HQ ALGOM

HQ 86 AREA

GHO ONE

CONFIDENTIAL

6196

SUBJECT IS KRESENZLING TRIAL PD

PARA ONE PD REFERENCE CABLE APRIL GEORGE THREE SLANT ZERO ONE FOUR
ZERO THREE PDPARA TWO PD STEFANO LISCHNIGI SECRETARY OF NATIONAL ASSOCIATION
FOR FAMILIES OF MARTYRS KILLED BY NAZI FASCISTS TRACED AND WARNED
AWAIT FURTHER INSTRUCTIONS PROCEED VEHICLE PD

PARA THREE PD REQUEST DATE AND LOCATION WHERE TO BE SENT PD

86

PRIORITY

SECURITY SUB DIVISION

A.H.ELLIS, MAJOR

JOHN R. HAYES
MAJOR AGD
ADJUTANT

167

1412

HEADQUARTERS ALLIED COMMISSION
A.P.O. 794
PUBLIC SAFETY DIVISION
SECURITY SUB DIVISION

REF. : SD/266.01-91

28 January 1947

SUBJECT : War-Crimes Trial of General KESSERLING

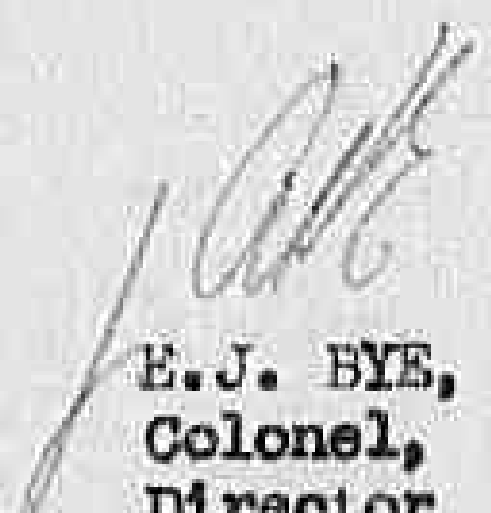
TO : Il Procuratore Generale Militare,
Ministry of War, ROME

1. Reference your N.47 dated 25 January 1947.

2. It is noted that Col.D'AGATA has been nominated to act as an official observer at the trial of the above named and will be accompanied by Sottotenente BORCOMANERO.

3. The trial will commence on 10 February 1947 at the Assize Court, VENICE.

FOR THE CHIEF COMMISSIONER


E.J. BYE,
Colonel,
Director
Public Safety Division.

HE/lm.

ACCEC HQ ALCOM

30 JANUARY 1947

GHC CMP

HQ 86 AREA CMP

6195

UNCLASSIFIED

SUBJECT IS KESSERLING TRIAL PD

PARA ONE BY REFERENCE OUR CABLE SIX ZERO SEVEN FIVE AND SIX ONE SEVEN SIX PD

PARA TWO PD FOR TENENTE BORGOMANERO SUBSTITUTE CAPITANO ALESSANDRO FIORETTI PD

PARA THREE PD CAPITANO FIORETTI WILL ARRANGE ACCOMMODATION IN ITALIAN MILITARY QUARTERS PD

PARA FOUR PD REQUEST PERMITS FOR COLONELLO DAGATA AND CAPITANO FIORETTI TO ENTER TRIAL BE AVAILABLE FOR COLLECTION AT RIGHT SIX AREA PD

84

PRIORITY
SECURITY SUB DIVISIONJOHN R. HAYES
MAJOR AGD
ADJUTANT

367

A.H. ELLIS, MAJOR

0 1 3 8

PROCURA GENERALE MILITARE

PRESSO IL

TRIBUNALE SUPREMO MILITARE

N. 55 Prot. Roma, li 30 gennaio 1947

Risposta al foglio del _____ N. _____ Allegati N. _____

STAMPERIA REALE DI ROMA

Oggetto: Procedimento a carico del feldmaresciallo KESSERLING.

AL QUARTIER GENERALE COMMISSIONE ALLEATA
A.P.O. 794 - Sezione Affari Civili ROMA
e per conoscenza:

AL MINISTERO DEGLI AFFARI ESTERI
D.G.A.P. - Ufficio VIII° ROMA

AL MINISTERO DELLA GUERRA
Gabinetto ROMA

A seguito ed a parziale modifica del foglio n. 47 del 25 corrente si comunica che in sostituzione del sottotenente Dorgemanero Guido, che dovrà essere collocato in congedo, è stato designato quale interprete, per il processo a carico del feldmaresciallo Kessering, il capitano FIORETTI Alessandro.-

IL PROCURATORE GENERALE MILITARE
(U. Borsari)

M. Dony 83

Oggetto: Procedimento a carico del feldmaresciallo KESSERLING.

AL QUARTIER GENERALE COMMISSIONE ALLEATA

A.P.O. 794 - Sezione Affari Civili

e per conoscenza:

ROMA

AL MINISTERO DEGLI AFFARI ESTERI

D.G.A.P. - Ufficio VIII°

ROMA

AL MINISTERO DELLA GUERRA

Gabinetto

ROMA

A seguito ed a parziale modifica del foglio n. 47 del 25 corrente si comunica che in sostituzione del sottotenente Borgomanero Guido, che dovrà essere collocato in congedo, è stato designato quale interprete, per il processo a carico del feldmaresciallo Kesserling, il capitano FIORETTI Alessandro.

IL PROCURATORE GENERALE MILITARE
(U. Borsari)

M. D'Amico

83

Security	30/1
Branch	1462
File	24.01.91
Adm.	

FILE

ACSED HQ ALCON

28 JANUARY 1947

HQ 86 AREA

GEO. CAMP

6476

CONFIDENTIAL

SUBJECT IS TRIAL OF KREMLING PDPARA ONE PD REFERENCE CAMEL -BEL. GEORGE THREE SLANT ZERO ONE FIVE TWO
NINE PD

PARA TWO PD ACKNOWLEDGMENT REQUIRED FOR TWENTY BOROCHAGERO ONLY PD

82

PRIORITY

SECURITY SUB DIVISION

JOHN R. H. YES
Major AGD
Adjutant

347

A.H. ELLIS Major

1437

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: AG3/01529

Message Centre No: H/9391

Date/Time of Origin: JAN 25 1140A

Date Time Rec'd: JAN 27 1000

Precedence: IMPORTANT

FROM: CHQ CMF

TO: ACSEC HQ ALCOM AFHQ

CONFIDENTIAL

CONFIDENTIAL:

Trial of Kesserling commences 10 February 47 at Assise Court Venice,
Request you cable 86 Area repeated this HQ if accomodation required for
Italian observers or if travelling daily from Padua. Your cable 6075 of 17 January
refers.

AC DIST

ACTION - SECURITY

INFO - CHIEF COMMISSIONER

EX COMM

FILE

SKELETON

ACTION

CONFIDENTIAL

81

HEADQUARTERS ALLIED COMMISSION
A.P.O. 794
PUBLIC SAFETY DIVISION
SECURITY SUB DIVISION

REF : SD/266.01-91

27 January 1947

SUBJECT : War Crimes - Trial of General KESSELRING

TO : The Questore of ROME

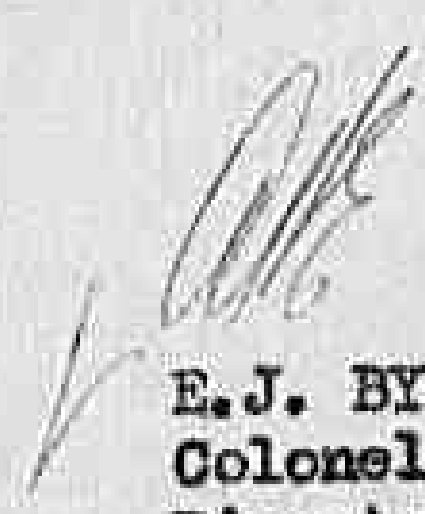
1. The trial of the above named is scheduled to take place before a British Military War Crimes Court at VENICE on 10 February 47.

2. Stefano LIDONNICI, General Secretary of the Associazione Nazionale tra le Famiglie dei Martiri Trucidati dai Nazi Fascisti, with offices at Via Montecatini 11, ROME and residing at Via Napoleone III N. 10, ROME is required to attend the trial in person to give evidence.

3. It is requested that Mr. LIDONNICI be traced and warned to hold himself in readiness to proceed to VENICE.

4. May this HQ be informed immediately please when action as requested above has been taken. On receipt of this information you will be notified of exact date and location of the trial.

FOR THE CHIEF COMMISSIONER:


E.J. BYE,
Colonel,
Director,
Public Safety Division.

AHE/nb

80

HEADQUARTERS ALLIED COMMISSION
A.P.O. 794
PUBLIC SAFETY DIVISION
SECURITY SUB DIVISION

RRF : SD/266.01-91

27 Gennaio 1947

OGGETTO : Crimini di Guerra - Processo del Generale KESSELRING

AL : Questore di Roma

1. Il processo del nominato il oggetto avra' luogo di fronte ad una Corte Militare Inglese per i Crimini di Guerra, in Venezia il 10 Febbraio 1947.
2. Stefano LIDONNICI, Segretario Generale dell'Associazione Nazionale tra le Famiglie dei Martiri trucidati dai Nazi Fascisti con ufficio in Via Montecatini 11 Roma e residente in Via Napoleone III N. 10 Roma e' richiesto come testimone nel suddetto processo.
3. Si richiede che il Sig. LIDONNICI sia rintracciato ed avvertito di tenersi pronto per procedere a VENEZIA.
4. Si prega di informare questo Quartier Generale non appena le nostre richieste saranno soddisfatte. Al ricevere di tali informazioni si saranno comunicate la data e la localita' per il processo.

FOR THE CHIEF COMMISSIONER:


E.J. BYE,
Colonel,
Director,
Public Safety Division.

79

AHE/nb

Security
Att: Majal Ellis

For appropriate
disposition.

Jrv
28/1/42

PROCURA GENERALE MILITARE

PRESSO IL

TRIBUNALE SUPREMO MILITARE

N. 48 Prot. Roma, li 25 gennaio 1947
 Risposta al foglio del N. Allegati N.

STAMPERIA REALE DI ROMA

Oggetto: Procedimento a carico del feldmaresciallo KESSEPLING. -

AL QUARTIER GENERALE COMMISSIONE ALLEATA

A.P.O. 794 - Sezione Affari Civili -

R O M A

e per conoscenza:

AL MINISTERO DEGLI AFFARI ESTERI

D.G.A.P. - Ufficio VIII° -

R O M A

AL MINISTERO DELLA GUERRA

Gabinetto -

R O M A

Facendo seguito al foglio n.21 del 15 gennaio corrente, questa Procura Generale Militare segnala il colonnello della G.M. D'ACATA dottor Salvatore, giudice relatore presso il Tribunale Militare Territoriale di Udine con sede in Padova, quale ufficiale osservatore, in rappresentanza del Governo Italiano, al processo Kesserling, che avrà inizio presso la Corte Alleata il 10 febbraio a Venezia, ed il sottotenente BORGOMANERO Guido, in qualità d'interprete.

Qualora nulla osti da parte di codesta Commissione alla nomina dei due predetti ufficiali, si prega far pervenire tempestivamente ⁷⁸ a questo Generale Ufficio i documenti necessari per l'accesso nell'aula di udienza e valevoli per tutta la durata del processo. -

AL QUARTIER GENERALE COMMISSIONE ALLEATA

A.P.O. 794 - Sezione Affari Civili -

ROMA

e per conoscenza:

AL MINISTERO DEGLI AFFARI ESTERI

D.G.A.P. - Ufficio VIII° -

ROMA

AL MINISTERO DELLA GUERRA

Cabinetto -

ROMA

Indicare sempre nella risposta la data e i numeri della presente.

Facendo seguito al foglio n.21 del 15 gennaio corrente, questa Procura Generale Militare segnala il colonnello della G.M. D'AGATA dottor Salvatore, giudice relatore presso il Tribunale Militare Territoriale di Udine con sede in Padova, quale ufficiale osservatore, in rappresentanza del Governo Italiano, al processo Kesslerling, che avrà inizio presso la Corte Alleata il 10 febbraio a Venezia, ed il sottotenente BORCOMANERO Guido, in qualità d'interprete.

Qualora nulla osti da parte di codesta Commissione alla nomina dei due predetti ufficiali, si prega far pervenire tempestivamente a questo Generale Ufficio i documenti necessari per l'accesso nell'aula di udienza e valevoli per tutta la durata del processo. -

IL PROCURATORE GENERALE MILITARE
(U.Borsari)

m. Borsari



ASSOCIAZIONE NAZIONALE
TRA LE FAMIGLIE DEI MARTIRI
TRUCIDATI DAI NAZI-FASCISTI
SEDE CENTRALE: ROMA VIA MONTECATINI, 11
(già Campidoglio Portico del Vignola) - Telef. 081.114

LIDONNICI
Stefano

Roma 25

Signor Lidonnici Stefano, Segretario Generale
Associazione Nazionale tra le famiglie
trucidate dai nazi-fascisti.

Sede dell'ufficio: V. Montecatini 11
abitazione: V. Napoleone III n. 10
Roma

Office
Via Montecatini 11
ROME.



Via NAPOLEONE III
no 10, ROME.

77

ACSEC HQ ALCOM

25 JANUARY 1947

GHQ CPT

Full

6153

CONFIDENTIAL

SUBJECT IS KESSELMING TRIAL PD

PARA ONE PD REFERENCE ABEL GEORGE THREE SLANT ZERO ONE FOUR ZERO THREE FI

PARA TWO PD REQUEST NAME PTERMO LIDONKICI BE CONFIRMED SOONEST PD

76

IMPORTANT

SECURITY SUB DIVISION

JOE R. HAYES

Major AGD

ADJUTANT

A.B. ELLIS? Maj.

367

1407

INCOMING MESSAGE *Security*
HEADQUARTERS ALLIED COMMISSION

Originator's Reference: AG3/01403

Message Centre No: H/9337

Date/Time of Origin: JAN

Date Time Rec'd: JAN 24 1600

FROM: GHQ CMF

Precedence: IMPORTANT

TO : ACSEC HQ ALCOM ,INFO: 86 AREA

CONFIDENTIAL:

~~CONFIDENTIAL~~

Subject Kesserling trial 10 February Venice. Undermentioned Italian required as witness to attend trial in person. Request you trace and warn and cable HQ 86 Area who will notify date and location where to be sent. ^{PTE FMO} Pte FMO Lidonnici General Secretary of Committee for families of persons murdered in Ardeatine Caves.

For 86 Area. Please take all action in above and Acsec HQ Alcom cable 6111 dated 22 January 47.

CONFIDENTIAL

AC DIST

ACTION - SECURITY

INFO - CHIEF COMMISSIONER

EX COMM

FILE

SKELETON

ACTION

24/1

1401

260.0(-9)

74

HEADQUARTERS ALLIED COMMISSION
A.P.O. 794
PUBLIC SAFETY DIVISION
SECURITY SUB DIVISION

URGENT

REF : SD/266.01-91

21 January 1947

SUBJECT : Trial of Field Marshal KESSELRING

TO : Ministry of Interior,
General Direction of Public Safety.

1. It is intended to bring the above named for trial before a British Military Court on war crime charges at VENICE on or about 10 February 1947.

2. This Commission has been requested to solicit your co-operation in tracing the below named witnesses and to warn them to hold themselves in readiness to proceed to VENICE on a date to be notified later.

- a) PIOLA Mario, Via della Valle 6, BORGOTICINO (Prov. of NOVARA)
- b) CANZIO Stefano, Via Fiamma 27, MILAN
- c) PARINI Piero, Clinica S. Giuseppe, Via S. Vittore 12, MILAN
- d) COSTA Vincenzo, Carceri San Vittore, MILAN.

3. It will be appreciated if this HQ can be informed as soon as possible if all or any have been traced and that they will be available to proceed to VENICE about 10 February 1947.

FOR THE CHIEF COMMISSIONER:


E.J. BYE,
Colonel,
Director,
Public Safety Division. 73

AHE/nb

266-01-9

ADAMS HQ JCM

21 JANUARY 1947

GMC GMP

86 AREA

6111

CONFIDENTIAL

SUBJECT IS KIDNAPPING TRIAL PD

PARA ONE PD YOUR AREA GEORGE TERRY ELIOT ZERO ONE ONE FIVE TWO ACKNOWLEDGED PD

PARA TWO PD REQUESTS INITIATED TRACE WITNESSES NAMED PD

PARA TWO PD REQUEST INSTRUCTIONS FOR ISSUE OF RAIL VOUCHERS ACCOMMODATION VOUCHER

72

ROUTINE

SECURITY AND DIVISION

JOHN R. H. YESS
Major CD
ADJUTANT

367

A.H. BULL, Major

1349

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: AG3/01152Message Centre No: H/9244Date/Time of Origin: JAN. NFIDate Time Rec'd: JAN. 211200FROM: BHQ CMFPrecedence: ROUTINETO: ACSEC HQ ALCOM INFO: 86 AREA

CONFIDENTIAL

CONFIDENTIAL.

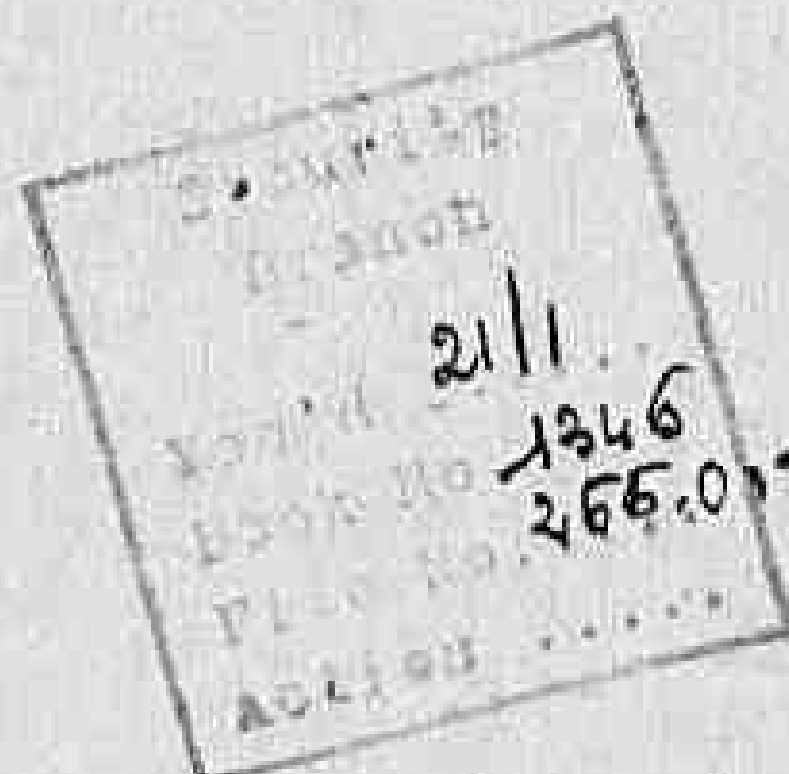
Subject is ~~trial~~ Kesserling trial tentative date 10 Feb at Venice. Undermentioned italians required as witnesses to attend trial in person. Request you trace and warn and arrange to despatch to scene of trial at date to be notified later.

- A. PIOLA MARIO Via della Valle 6 Borgoticino Prov of Novara
- B. CANZIO STEFANO Via Flamma 27 Milan
- C. PARINI PIERO Clinica S Giuseppe Via S Vittore 12 Milan
- D. COSTA VINCENZO Carceri San Vittore Milan
- E. Acknowledge.

AC DIST

ACTION	SECURITY
INFO	CHIEF COMMISSIONER
	EX COMM
	FILE
	SKELETON

71



CONFIDENTIAL

266.01-91

ACSEC HQ ALCOM

17 JANUARY 1947

AFHQ CITE NAJAG

ONE CTF

6275

SECRET

SUBJECT IS TRIAL OF GENERAL KESSERLING PD

PARA ONE PD REFERENCE YOUR FOR ARAT SEVEN FOUR TWO EIGHT SEVEN DATED
FOURTEEN JANUARY FOUR SEVEN PDPARA TWO PD ITALIAN AUTHORITIES NOMINATE COLONEL SALVATORE D APOSTOLINI
AGATA OF GIUSTIZIA MILITARE ATTACHED VICINITY TRIBUNAL OF PADOVA PD
ACCOMPANIED BY TWO DASH LIEUTENANT GUIDO BORGOMANERO ALMO OF PADOVA
AS INTERPRETER PDPARA THREE PD REQUEST THIS BOX QUERE AS INFORMED OF DATE AND LOCATION
OF TRIAL PD

IMPORTANT

SECURITY SUB DIVISION

JOHN R. TAYES
Major 70

ADJUTANT

367

A.H. BULLIS, CAPT.

1319

File

Capt. A. H. Ellis
Security Sub-Division

Trial of General Kesselring.

I telephoned ^{on Wednesday} to the Procuratore Generale Militare regarding
the nomination of an Italian Officer as Observer at the Trial.

The P.G.M. telephoned this morning that the Observer
will be Col. Salvatore D'AGATA

of the Giustizia Militare, at present attached to the
Tribunale Militare, Padova.

The Officer Interpreter who will accompany Col. D'Agata
is S. Tenente Dott. BORGOMANERO Guido,
Antieri compliments, presso il Tribunale, Padova:
at present serving at the Tribunale Supremo in Rome
under the Procura Generale Militare.

69)

Magnarelli Thomas

17 Jan^y '47

F. S. 1/153

Translation

PROCURA GENERALE MILITARE
to the
COMMISSION MILITARE ITALIANA

Mile

No. 21.

Rome, 15 Jan 47.

SUBJECT: Trial of Field Marshal Kesselring.

TO : HQ Allied Commission - Civil Affairs Section.

We should be grateful if you could inform us of the date of the commencement and if possible of the approximate length of the trial of the Field Marshal in question and the locality in which it will take place.

We require this information as this Procura Generale Militare, acting as they did in the trial of Generals Von Mackensen and Maeltzer, will have to forward immediately to your Commission and the Ministries (to whom a copy of the present is sent for information) the names of an officer-observer for military justice who will represent the Italian Government at the trial, and an officer interpreter for whom our previous authorisation is necessary in order to furnish the two officers with the necessary documents for entering the court.

IL PROCURATORE GENERALE MILITARE

(Sgd)

(U. Borzani-

Copy to: Ministry of Foreign Affairs
Ministry of War

1. 17/1
2. 12 94
3. 26 881-91
4. 10/1

1007 91 52
JAN 16 1947
PROCURA GENERALE MILITARE

PRESSO IL
TRIBUNALE SUPREMO MILITARE

N. 21 Prot.

Roma, li 15 gennaio 1947

Risposta al foglio del _____

N. _____ Allegati N. _____

STAMPERIA REALE DI ROMA

Oggetto: Procedimento a carico del feldmaresciallo KESSELRING.-

— AL QUARTIER GENERALE COMMISSIONE ALLEATA
A P O 794 - Sezione Affari Civili -
e per conoscenza:

R O M A

AL MINISTERO DEGLI AFFARI ESTERI
D.G.A.P. - Ufficio VIII°

R O M A

AL MINISTERO DELLA GUERRA
Gabinetto -

R O M A

Si prega codesta Commissione di voler far conoscere la data d'indizio e, possibilmente, la durata approssimativa del dibattimento a carico del feldmaresciallo in oggetto, nonché la località in cui verranno tenute le udienze.

Tanto si richiede, dovendo questa Procura Generale Militare, come ha già fatto per il processo dei generali von Mackensen - Maelster, segnalare tempestivamente a codesta Commissione e ai Ministri, sui la presente è diretta per conoscenza, il nominativo di un ufficiale osservatore della giustizia militare, che interverrà al processo in rappresentanza del Governo Italiano, e quello di un ufficiale interprete, per il preventivo benestare e per far muovere i due ufficiali dei documenti necessari per l'accesso nell'aula di udienza.-

Indicare sempre nella risposta la data e i numeri della presente.

AL QUARTIER GENERALE COMMISSIONE ALLEATA
A P O 794 - Sezione Affari Civili -

R O M A

e per conoscenza:

AL MINISTERO DEGLI AFFARI ESTERI
D.G.A.P. - Ufficio VIII°

R O M A

AL MINISTERO DELLA GUERRA
Gabinetto -

R O M A

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Tanto si richiede, dovendo questa Procura Generale Militare, come ha già fatto per il processo dei generali von Mackensen - Maeltzer, segnalare tempestivamente a codesta Commissione e ai Ministeri, cui la presente è diretta per conoscenza, il nominativo di un ufficiale osservatore della giustizia militare, che interverrà al processo in rappresentanza del Governo Italiano, e quello di un ufficiale interprete, per il preventivo benessere e per far munire i due ufficiali dei documenti necessari per l'accesso nell'aula di udienza.-

IL PROCURATORE GENERALE MILITARE
(U. Borsari)

Mr. Borsari

Car. V.

Indicare sempre nella risposta la data e i numeri della presente.

FX 74287
JAN. 141047

H/9118
JAN. 141630
IMPORTANT.

AFHQ SIGNED COMGENMED CITE NAJAG
ACTION: HQ ALLIED COMMISSION ROME.
INFO: GHQ CMF.

SECRET

SECRET.

BRITISH AUTHORITIES WILL TRY GERMAN GENERAL KESSELRING.
CHARGED WITH ORGANIZING ATROCITIES AGAINST ITALIAN NATIONALS. TRIAL
WILL TAKE PLACE IN OR NEAR VENICE ON OR ABOUT 10 FEBRUARY 1947.

REQUEST THE ITALIAN AUTHORITIES BE INVITED TO NOMINATE AN
ITALIAN OFFICER TO ATTEND TRIAL AS OBSERVER.

REQUEST JUDGE ADVOCATE BE INFORMED OF NAME AND PARTICULARS OF
THE SELECTED OFFICER AT THE EARLIEST PRACTICABLE DATE.

17/1
1293
766.01-91

SECRET.

SECRET

AC. DIST
ACT: LEGAL — 66
INFO: C. COMN.
EX. COMN.
P. SAFETY.
FILE.
SKELETON.

AG3/00653
DEC NPT

H/8468
121130
IMMEDIATE

GHQ C.M.F.

ACTION ACSEC HQ ALCOM

SECRET

SECRET.

~~TRIAL~~ OF BARDI AND POLLASTRINI. YOUR 5746 OF 7 DECEMBER.
THIS HQ RELUCTANT ACCEDE TO REQUEST OF MINISTER OF JUSTICE IN VIEW
POSSIBILITY OF PUBLIC DISORDER. CAN ONLY BE CONSIDERED IF
A. FULL DETAILS OF EVIDENCE EXPECTED TO BE PRODUCED BY MACKENSEN
MAELTZER AND KAPPLER ARE FURNISHED BY MINISTRY OF JUSTICE TO THIS HQ
B. ITALIAN GOVERNMENT WILL GUARANTEE SAFE CUSTODY OF THESE MEN
DURING PERIOD IN WHICH THEY ARE TO BE IN ITALIAN HANDS.

20/12
1022
266.01-91

AC DIST
ACTION SECURITY 2.
INFO C. COMN.
EX. COMN.
FILE
SKELETON

SECRET

65

DEC 12 1946

10 am 8th BARDI

QUESTURA OF ROME

CABINET

Rome, 29 October, 1946

No. 027450-Gab. A.4.B

SUBJECT: Trial of POLLASTRINI, BARDI and others

Addressed to various Police authorities in Rome.

On 31 October 1946, at the Palazzo della Sapienza, the trial of POLLASTRINI and BARDI and others will take place, they formed the famous gang of Palazzo Braschi.

It is thought that a great number of persons will attend the trial owing to the importance of the crimes committed by the gang in Rome during the Nazi-Fascist occupation.

The charges pending against these criminals are very well known; it is therefore anticipated that the recall of the crimes may cause indignation and lead to a protest amongst the population; the recent propaganda must also be considered.

Police will pay particular attention to prevent any incidents during the trial.

It is necessary to assure that due regard is given to the dignity of the Court and Justice.

MEASURES TO BE TAKEN

✓ If necessary the Palazzo della Sapienza will be closed.

✓ Accurate and meticulous information on the antecedents of all persons living in the vicinity will be ascertained.

JX Inspection will be made of the building from the cellar to the roof to see that no body traps have been set.

X Supervision of lawyers, press reporters, public etc. as they enter Palazzo della Sapienza.

✓ Prevent and disperse any crowds forming in the vicinity.

Public will be permitted to enter the Court until the part allotted is full. 64

It is necessary to guarantee the safety of the Magistrates and the prisoners.

*Permits for entry to
Court of Rome*

✓ Attention will be paid to all suspicious persons especially those connected with the late regime.

✓ Prevention and suppression of any riot which might prevent the trial or therefore with public safety.

Only the main entrance of Palazzo della Sapienza in Corso Rinascimento will be open, all other doors will be kept closed and guarded.

The employees of the State Archives, which is located in the same building will be permitted to enter by the door at 33, Via Teatro Valle. They have a permit which will be shown when entering and leaving the premises.

The iron gate leading to the courtyard of the Palace will be kept closed and guarded.

✓ The street in front of the main entrance will be kept clear.

✓ Arrangements have been made with the Ecclesiastic Authorities to guard the Church of S. Ivo which is in the courtyard of the Palace.

✗ The Public will remain in that apart of the Court allotted to them.

✗ Members of the public attending the trial will be in possession of a permit issued by my Chief of Cabinet. About 300 permits will be issued.

✓ Member of the Court, the Public Prosecutor, lawyers and witnesses will show their personal identity cards at the main entrance.

✓ Inside and outside the Palace police will be on duty, as from 0700 hours on 31 October 1946.

<u>FIRST ZONE</u>	The interior of the Palace of Sapienza together with the entrances.
<u>OFFICER i/c</u>	Commissario Capo Dr. PENNETTA.
<u>OFFICERS</u>	Dr. FONTANA, Dr. JADEVAIA and other Public Safety officers from S. Eustachio.
<u>PERSONNEL</u>	50 Carabinieri, 30 Public Safety agents in uniform 20 Public Safety agents in civilian clothes 1 armoured car with crew.
<u>MEETING PLACE</u>	In the courtyard of the Palace of Sapienza

Dr. PENNETTA will control the persons entering with permits. He will be responsible for maintaining order inside the Court and act on instructions given by the President of the Court.

Special attention will be paid to the place reserved for the prisoners, especially during the time when the Court is adjourned.

He will maintain contact with the police on duty outside the Palace to prevent unauthorised persons entering the building.

SECOND ZONE

The entrance to the Palace of Sapienza and in collaboration with the officer in charge of the First Zone.
Corso Rinascimento, Via del Teatro Valle, Piazza S. Eustacchio.
Via dei Staderari, Via dei Sediari and vicinity.

OFFICER IN CHARGE Commissario Capo Dr. CALTAGIRONE.

OFFICERS

Commissario Capo Dr. VENTURA Pietro, Commissario Dr. MARONE,
Vice Commissario Dr. ESPOSITO.

PERSONNEL

100 Carabinieri under the command of an officer.
100 P.S. Agents under the command of two officers.
30 mounted Carabinieri.
30 P.S. Agents attached to 4 Reparto Celere with four jeeps
and one jeep fitted with radio.
4 P.S. Agents on motor cycles.

MEETING PLACE

Corso Rinascimento, corner of Via dei Sediari.

Dr. CALTAGIRONE, if necessary, will close the streets in order to isolate PALAZZO della SAPIENZA permitting only those connected with the Court to pass.

He will watch the entry of people into the Court building and will detail agents to guard the outside of the Court. He will be kept informed of the movements of any suspected persons.

He will be responsible for maintaining public order and if necessary will apply to the Chief of Cabinet for reinforcements.

On 30 October at 1600 hours ten P.S. Agents in civilian clothes will report to the police office at S. Eustacchio to provide observation duty.

The Command of the "Tribunale" Company will be responsible for escorting the prisoners to and from the prison.

One motor cyclist and two jeeps, each containing six agents with machine gun, attached to the 4 Reparto Celere will supervise the transportation of the prisoners.

The P.S. offices of S. Eustacchio, Ponte and Trastevere will arrange police supervision of the route take by the car containing the prisoners. The car will enter the Palace through the door situated in Via Teatro Valle.

The 3 Reparto Celere will stand-by for any emergency.

The Political Office will detail agents to be on duty during the days of trial.

The Vice Questore, Comm. RIPANDELLI will supervise all police services.

I am to be informed of any emergency.

The Questore
S/ Saverio POLITO

QUESTURA OF ROME

CABINET

Rome, 29 October, 1946

No. 027450-Gab. A.4.B

SUBJECT: Trial of POLLASTRINI, BARDI and others

Addressed to various Police authorities in Rome.

On 31 October 1946, at the Palazzo della Sapienza, the trial of POLLASTRINI and BARDI and others will take place, they formed the famous gang of Palazzo Braschi.

It is thought that a great number of persons will attend the trial owing to the importance of the crimes committed by the gang in Rome during the Nazi-Fascist occupation.

The charges pending against these criminals are very well known; it is therefore anticipated that the recall of the crimes may cause indignation and lead to a protest amongst the population; the recent propaganda must also be considered.

Police will pay particular attention to prevent any incidents during the trial.

It is necessary to assure that due regard is given to the dignity of the Court and Justice.

MEASURES TO BE TAKEN

If necessary the Palazzo della Sapienza will be closed.

Accurate and meticulous information on the antecedents of all persons living in the vicinity will be ascertained.

Inspection will be made of the building from the cellar to roof to see that no body traps have been set. 61

Supervision of lawyers, press reporters, public etc. as they enter Palazzo della Sapienza.

Prevent and disperse any crowds forming in the vicinity.

Public will be permitted to enter the Court until the part allotted is full.

It is necessary to guarantee the safety of the Magistrates and the prisoners.

Attention will be paid to all suspicious persons especially to those connected with the late regime.

Prevention and suppression of any riot which might prevent the trial or therefore with public safety.

Only the main entrance of Palazzo della Sapienza in Corso Rinascimento will be open, all other doors will be kept closed and guarded.

The employees of the State Archives, which is located in the same building will be permitted to enter by the door at 33, Via Teatro Valle. They have a permit which will be shown when entering and leaving the premises.

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The Public will remain in that apart of the Court allotted to them.

Members of the public attending the trial will be in possession of a permit issued by my Chief of Cabinet. About 300 permits will be issued.

Members of the Court, the Public Prosecutor, lawyers and witnesses will show their personal identity cards at the main entrance.

Inside and outside the Palace police will be on duty, as from 0700 hours on 31 October 1946.

FIRST ZONE

The interior of the Palace of Sapienza together with the entrances.

OFFICER i/c

Commissario Capo Dr. FRINETTA.

OFFICERS

Dr. FONTANA, Dr. JADEVAIA and other Public Safety officers from S. Eustachio.

PERSONNEL

50 Carabinieri, 30 Public Safety agents in uniform 20 Public Safety agents in civilian clothes 1 armoured car with driver.

MEETING PLACE

In the courtyard of the Palace of Sapienza

Dr. FRINETTA will control the persons entering with permits. He will be responsible for maintaining order inside the Court and act on instructions given by the President of the Court.

Special attention will be paid to the place reserved for the prisoners, especially during the time when the Court is adjourned.

He will maintain contact with the police on duty outside the Palace to prevent unauthorized persons entering the building.

SECOND ZONE

The entrance to the Palace of Sapienza and in collaboration with the officer in charge of the First Zone.
Corso Rinascimento, Via del Teatro Valle, Piazza S. Eustacchio.
Via dei Staderari, Via dei Sediari and vicinity.

OFFICER IN CHARGE Commissario Capo Dr. GAITAGIRONE.

OFFICERS

Commissario Capo Dr. VENTURA Pietro, Commissario Dr. MARONE,
Vice Commissario Dr. BILVITO.

PERSONNEL

100 Carabinieri under the command of an officer.
100 P.S. Agents under the command of two officers.
30 mounted Carabinieri.
30 P.S. Agents attached to 4 Reparto Celere with four jeeps and one jeep fitted with radio.
4 P.S. Agents on motor cycles.

MEETING PLACE

Corso Rinascimento, corner of Via dei Sediari.

Dr. GAITAGIRONE, if necessary, will close the streets in order to isolate PALAZZO DELLA SAPIENZA permitting only those connected with the Court to pass.

He will watch the entry of people into the Court building and will detail agents to guard the outside of the Court. He will be kept informed of the movements of any suspected persons.

He will be responsible for maintaining public order and if necessary will apply to the Chief of Cabinet for reinforcements.

On 30 October at 1600 hours ten P.S. Agents in civilian clothes will report to the police office at S. Eustacchio to provide observation duty.

The Command of the "Tribunale" Company will be responsible for escorting the prisoners to and from the prison.

One motor cyclist and two jeeps, each containing six agents with machine gun, attached to the 4 Reparto Celere will supervise the transportation of the prisoners.

The P.S. offices of S. Eustacchio, Ponte and Trastevere will arrange police supervision of the route taken by the car containing the prisoners. The car will enter the Palace through the door situated in Via Teatro Valle. 59

The 3 Reparto Celere will stand-by for any emergency.

The Political Office will detail agents to be on duty during the days of trial.

The Vice Questore, Comm. RIPANDELLI will supervise all police services.

I am to be informed of any emergency.

The Questore
S/ Laverio POLITO

QUESTURA OF ROME

CABINET

Rome, 29 October, 1946

No. 027450-Gab. A.4.B

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Addressed to various Police authorities in Rome.

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It is thought that a great number of persons will attend the trial owing to the importance of the crimes committed by the gang in Rome during the Nazi-Fascist occupation.

The charges pending against these criminals are very well known; it is therefore anticipated that the recall of the crimes may cause indignation and lead to a protest amongst the population; the recent propaganda must also be considered.

Police will pay particular attention to prevent any incidents during the trial.

It is necessary to assure that due regard is given to the dignity of the Court and Justice.

MEASURES TO BE TAKEN

If necessary the Palazzo della Sapienza will be closed.

Accurate and meticulous information on the antecedents of all persons living in the vicinity will be ascertained.

Inspection will be made of the building from the cellar to the roof to see that no body traps have been set. 58

Supervision of lawyers, press reporters, public etc. as they enter Palazzo della Sapienza.

Prevent and disperse any crowds forming in the vicinity.

Public will be permitted to enter the Court until the part allotted is full.

It is necessary to guarantee the safety of the Magistrates and the prisoners.

Attention will be paid to all suspicious persons especially those connected with the late regime.

Prevention and suppression of any riot which might prevent the trial or therefore with public safety.

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Inside and outside the Palace police will be on duty, as from 0700 hours on 31 October 1946.

PART ZONE

The interior of the Palace of Sapienza together with the entrances.

OFFICER i/c

Comandario Capo Dr. PERIETTA.

OFFICERS

Dr. FONTANA, Dr. JADEVIA and other Public Safety officers from S. Eustacchio.

PERSONNEL

50 Carabinieri, 30 Public Safety agents in uniform 20 Public Safety agents in civilian clothes 1 armoured car with crew.

MEETING PLACE

In the courtyard of the Palace of Sapienza

Dr. PERIETTA will control the persons entering with permits. He will be responsible for maintaining order inside the Court and act on instructions given by the President of the Court.

Special attention will be paid to the place reserved for the prisoners, especially during the time when the Court is adjourned.

He will maintain contact with the police on duty outside the Palace to prevent unauthorized persons entering the building.

SECOND ZONE

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Via dei Staderari, Via dei Sediari and vicinity.

OFFICER IN CHARGE Commissario Capo Dr. GALTAGIRONE.

OFFICERS

Commissario Capo Dr. VENTURA Pietro, Commissario Dr. M. RONE,
Vice Commissario Dr. R. POITO.

PERSONNEL

100 Carabinieri under the command of an officer.
100 P.S. Agents under the command of two officers.
30 mounted Carabinieri.
30 P.S. Agents attached to 4 Reparto Celere with four jeeps
and one jeep fitted with radio.
4 P.S. Agents on motor cycles.

MEETING PLACE

Corso Rinascimento, corner of Via dei Sediari.

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He will be responsible for maintaining public order and if necessary will apply to the Chief of Cabinet for reinforcements.

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The P.S. offices of S. Eustacchio, Ponte and Trastevere will arrange ⁵⁶ police supervision of the route taken by the car containing the prisoners. The car will enter the Palace through the door situated in Via Teatro Valle.

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The Vice Questore, Comm. RISPANDELLI will supervise all police services.

I am to be informed of any emergency.

The Questore
S/ Saverio POLITO

Translation

Questura di Roma

GABINETTO

ROMEO n. 00/5005
Roma, 11 25 Ottobre 1945
N. 027450-Gab. A.4.B.

Caro *Ministro* *Interio* *Gen.* *ella* *P.S.* *Disposizioni di ser-*
vizio.

- Uffici P.S. e Comanda Arma Capitale
- Divisioni-- Uffici-Squadre Questura
- Comando 3° e 4° Rep. Celere
- Comando Divisione Guardia P.S. " Lazio-Abruzzo"
- Comando Carri
- Vice Questori

- e p.c. Ministero dell'Interio. Direz. Gen. della P.S.
- Capo Gabinetto Ministero dell'Interio
- Capo della Polizia
- Prefetto
- Procuratore Gen. presso Corte Appello
- Ufficio Spec. P.S. presso gli Uffici del Capo Provvisorio dello Stato
- Ufficio Spec. P.S. presso Presidenza Consiglio
- Ispettorato Generale P.S. Palazzo Virinale
- Sindaco di Roma
- Gabinetto
- Sindaco di Roma-- Direzione Polizia Municipale

Il giorno 31 ottobre p.v. nell'Aula del Palazzo della Sapienza avrà inizio il dibattimento del processo a carico di Dardi-Molla-strini ed altri imputati, componenti la così detta banda di Palazzo Braschi.

Data la vasta risonanza nel pubblico che avrà il processo a causa dei gravi delitti perpetrati dalla banda stessa nella Capitale nel periodo dell'oppressione nazifascista, è prevedibile un eccezionale concorso di cittadini alle udienze della Corte.

Il processo si svolge in un clima arroventato dalla passione politica, in cui rivivono le deplorevoli, per quanto balorde di questi ticini, hanno provocato la legittima indignazione e il disgusto del popolo italiano.

Uffici P.S. e Comanda Arma Capitale
Divisioni- Uffici-Squadre Questura
Comando 3° e 4° Rep. Celere
Comando Divisione Guardia P.S. " La
Comando Carriisti
Vice Questori

e p.c., Ministero dell'Interno. Direz. Gen. della P.S.
Capo Cabiretto Ministero dell'Interno
Capo della Polizia
Prefetti
Procuratore Gen. presso Corte Appello
Ufficio Spec. P.J. presso all. Uffici del Capo Provvisorio
dello Stato
Ufficio Spec. I.S. presso Presidenza Consiglio
Ispettorato Generale P.S. Palazzo Virinale
Sindaco di Roma - Gabinetto
Sindaco di Roma - Direzione Polizia Municipale

Il giorno 31 ottobre p.v. nell'Aula del Palazzo della Sapienza avrà inizio il dibattimento del processo a carico di Bardi- Lolla- strini ed altri imputati, componenti la così detta banda di Palazzo Bracchi.

BRACCHI.
Data la vasta risonanza nel pubblico che avrà il processo a causa dei gravi delitti perpetrati dalla banda stessa nella Capitale nel periodo dell'oppressione nazi-fascista, è prevedibile un eccezionale concorso di cittadini alle udienze della Corte.

Il processo si svolge in un clima arroventato dalla passione politica, in cui riviscenta dell'orecchiabilità, per quanto bulorde di questi giorni, hanno provocato la legittima indignazione e il disgusto del popolo italiano.

Il popolo italiano.

Si nota la gravità dei delitti attribuita agli imputati, quindi è prevedibile che la rievocazione processuale degli episodi di mag-
giore rilievo possa provocare moti di indignazione e di protesta in

- 2 -

in conseguenza anche della più recente esplorata propaganda.

Gli organi di polizia, le forze impegnate specialmente per la tutela dell'ordine durante il processo, devono mantenersi vigilantissime, stroncare sul nascere, limitare o contenere nelle proporzioni minime ogni incidente, che dovesse determinarsi, e che potrebbe servire da esca o di protesta per un più vasto movimento di reazione. -- Eliminare elementi facinorosi e malintenzionati, per i quali ogni occasione per provocare torti, è buona.

Assicurare la serenità e la maestà della Giustizia.

La posizione topografica ed ambientale del Palazzo della Sapienza richiede che i servizi debbano corrispondere ai seguenti criteri:

- a) immediato isolamento dell'edificio, in caso di evenienze con corridoi semplici o colteplici di Forze di Polizia attraverso le vie di accesso, secondo le necessità, e sbarramenti sussidiari, da tenersi a qualunque costo, all'ingresso principale alle due rampe di scale, che portano al loggiato del primo piano dove si svolge il processo;
- b) accurato e meticoloso aggiornamento anagrafico degli edifici circostanti con pianificazione degli stessi agli ingressi e lungi le scale nei giorni di udienza;
- c) garanzia, mediante quotidiane ispezioni e verifiche di tutto lo stabile del sottosuolo alle sovrastrutture e alle terrazze, che non siano state predisposte insidie. -- Il Dirigente il Comm. to di S.ustachio, d'intesa con la speciale Squadra di questo Ufficio provvederà alle quotidiane ispezioni di tutto lo stabile disponendo i relativi funzionari;
- d) disciplina dell'afflusso del pubblico, degli avvocati, dei giornalisti e di quanti che per ragioni professionali abbiano necessità di accedere a Palazzo della Sapienza;
- e) preventivo scioglimento di eventuali assembramenti di pubblico che dovessero formarsi nelle vie e nelle piazze adiacenti a Palazzo della Sapienza;
- f) limitazione dell'ingresso del pubblico nell'Aula della Corte fino a capienza e ad assicurarne la disciplina e garantire la tutela sia della Corte che del Collegio di difesa come dei testimoni e dei detenuti, dei quali dovrà essere assicurata altresì la custodia;
- g) vigilanza di tutte le persone sospette ed in particolare dei re-

54

in conseguenza, anche della più recente esplorata propaganda. Gli organi di polizia, le forze impegnate specialmente per la tutela dell'ordine durante il processo, devono mantenersi vigilantissime, stropicciare sul nascente, limitare o contenere nelle proporzioni minime ogni incidente, che dovesse determinarsi, e che potrebbe servire da esca o di protesta per un più vasto movimento di reazione. Elininare elementi facinorosi e malintenzionati, per i quali ogni occasione per provocare torbidi, è buona.

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- a) immediato isolamento dell'edificio, in caso di evenienze con corroni semplici o molteplici di Forze di Polizia attraverso le vie di accesso, secondo le necessità, e sbarramenti sussidiari, da tenersi a qualunque costo, all'ingresso principale alle due rampe di scale, che portano al loggiato del primo piano dove si svolge il processo;
- b) accurato e meticoloso aggiornamento anagrafico degli edifici circostanti con piantonamento degli stessi agli ingressi e lungo le scale nei giorni di udienza;
- c) garanzia, mediante quotidiane ispezioni e verifiche di tutto lo stabile dal sottosuolo alle sovrastrutture e alle terrazze, che non siano state predisposte insidie. -- Il Dirigente il Com. to di S. Eustachio, d'intesa con la speciale Squadra di questo Ufficio provvederà alle quotidiane ispezioni di tutto lo stabile disponendo i relativi piantonamenti;
- d) disciplina dell'afflusso del pubblico, degli avvocati, dei giornalisti e di quanti che per ragioni professionali abbiano necessità di accedere a Palazzo della Sapienza;
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- f) limitazione dell'ingresso del pubblico nell'Aula della Corte fino a capienza e ad assicurarne la disciplina e garantire la tutela sia della Corte che del Collegio di difesa come dei testimoni e dei detenuti, dei quali dovrà essere assicurata altresì la custodia;
- g) vigilanza di tutte le persone sospette ed in particolare dei reati del passato regime per sorvegliare le mosse, conoscerne i propositi criminali e sfidare l'attualità;
- h). prevenzione ed eventuale repressione tempestiva con la massima energia di qualsiasi manifestazione e atto che possa essere suscettibile di arretrare nell'attuale difficile situazione, turbative all'ordine pubblico.

Queste persone, già elencate e identificate dal Commissariato di P.S. di S. Matteo, in occasione di altri processi e unite di testate, rilasciate a cura di questo Ufficio sono controllate all'ingresso ed all'uscita.

Le per loro suddette succederanno agli Uffici e alle abitazioni della sede di servizio, che si sono nell'atrio, lungo la quale saranno predigrosi opportuni piantamenti, -

Per quanto la Chiesa di S.Ivo, che è situata nello sfondo del cortile interno del Palazzo della Scienza sia normalmente chiusa nei giorni feriali, il Direttore l'Ufficio di F.S.di S.B. staschiò, preannunciando tuttavia gli opportuni e sagaci accordi con le autorità ecclesiastiche per farsi da eliminare ogni inconveniente e disporrà gli opportuni servizi di piantonamento al basso e nell'alto del luogo sottoposto a tali ingressi subordinari della Chiesa.

Il Parlamento che, grazie a questi interventi, avrà opportunità di servizi di pianificazione di tutti della tutela dei locali riservati a G. E. il Presidente della Corte dei Conti, alla presidenza delle deliberazioni della Corte, presso la presidenza dell'Ufficio dell'Archivio di Stato e

gressi ausiliari uno che resterà chiuso e vigilato dall'interno e dall'esterno in Piazza S. Dastachio e l'altro in Via del Teatro Valle 33 dal quale avranno accesso gli impiegati dell'Archivio di Stato, che in sede nel Palazzo ed i componenti delle poche famiglie che vi abitano.

Queste persone, già elencate e identificate dal Commissario di P.S. di S. Dastachio in occasione di altri processi e munite di serie rilasciate a cura di questo Ufficio saranno controllate all'ingresso all'abitacolo.

Il cancello di ferro che dà accesso al cortile interno dell'abitacolo sarà tenuto chiuso e presidiato da Forze di Polizia allo scopo di impedire infiltrazioni ed irruzioni.

Le persone suddette accederanno agli Uffici e alle abitazioni dalla condotta di servizio, che si apre nell'atrio, lungo la quale saranno predisposti opportuni piantonamenti.

Questa, pertanto, un unico ingresso per tutte le persone interessate al processo e per il pubblico, quello di Corso Rinascimento, il cui piano stradale ante tanto deve essere tenuto costantemente sgombro da curiosi mentre le persone ammesse al processo dovranno essere rapidamente avviate ai posti loro assegnati, per la rampata di scala di sinistra rispetto a chi entra nello stabile.

Per quanto la Chiesa di S. Ivo, che è situata nello sfondo del cortile interno, del Palazzo delle Sapienze già normalmente chiusa nei giorni festivi, il Direttore l'Ufficio di P.S. di S. Dastachio, prenderà tutte le opportune e dovute disposizioni per le autorità ecclesiastiche interessate ad eliminare ogni inconveniente e disporrà gli opportuni servizi di piantonamento al basso e nell'alto del Sacro edificio e agli ingressi ausiliari della Chiesa.

Per il buon ordine dell'udienza è necessario che il locale 53 corrispondente alle ante giudiziarie sia tenuto costantemente sgombro dal pubblico, che deve normalmente permanere al posto ed essere assegnato nelle sale di udienza.

Il Dirigente dei servizi interni dovrà opportuni servizi di piantonamento ai fini della tutela ed locali riservati a S.E. il Presidente della Corte di Cassazione alla presidenza delle deliberazioni della Corte nonché agli ingressi dell'Ufficio dell'Archivio di Stato e della biblioteca. Analoga attenzione sarà portata nel Dirigente i servizi interni e del Comando della Arma interesso sui locali destinati al pubblico e agli impiegati, a garanzia dell'incolumità dei stessi.

Le perquisizioni dovranno essere addestrate al processo saranno
mentite di tipo... di invito... è di eccezionale...
dal mio capo... Gennaro.

Tutto conto della capacità dell'aula in numero dei permessi si
addestra nel processo e questo numero sarà tenuto presente dal
Dirigente... interviene e dal... preposto al controllo
dell'ingresso allo scopo di impedire tempestivamente ogni esecuzi-
vo affollamento dell'Aula.

I membri della Corte, il personale addetto, il Pubblico Ministero,
gli avvocati e i testimoni saranno riconosciuti, nelle forme riguar-
danti solite, mediante l'esibizione delle cedole di citazione e
eventuali altri documenti personali.

I servizi saranno forniti in due sale interna e l'altra
esterna e i servizi e le forze di Polizia dovranno trovarsi
a posto per le ore 7 precise del 31 corrente.

PARTE SECONDA

comprende l'istituto del palazzo della Sapienza con i
relati di ingressi.

DIRIGENTI

Comandante Capo Dr. P. L. I N L T F A;

PROSECUTORI

Dr. PONTANA... Dr. FANTANA oltre quelli dell'ufficio

di P. S. S. Eschbacher;

ESCLUSIVI

n. 30 Carabinieri p. 20 Agenti di P. S. Indivisa;

ESCLUSIVI

n. 20 Agenti P. S. con bracciale, n. 1 autoblinda con
relativa scorta.

ESCLUSIVI

Nel cortile del Palazzo della Sapienza...

Il Dottor... provvederà al... percorso controllo dei
clienti d'ingresso e di quanti sono... a partecipare al
processo. - Avvoca... in più stratta vigilanza dello stabile e se
assisterà l'ordine all'intersezione... in... la disci-
pline nell'aula delle udienze secondo le disposizioni impartite
dal Presidente della Corte.

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Effettua vigilanza effettua allo speciale servizio riservato
agli avvocati... le eventuali sospensioni del
processo.

Si... in diretto contatto con i servizi esterni per la
prevenzione degli accessi e per evitare in ogni assoluta inviolabilità
e dedizione tutti i mezzi e per quanto possa riguardare l'assistenza
del pubblico.

aggraverà sui trascorsi e questo "nuovo staff" tenuto presente dal
Direttore e dalla "interna" e alla "funzionaria" preposta al controllo
dell'ingresso allo scopo di impedire tempestivamente ogni eccessi-
vo affollamento dell'Aula.

I Membri della Corte, il personale addetto, il Pubblico Ministero,
gli Avvocati e i testimoni saranno ammessi, nelle forme riguar-
dando solite, mediante l'esibizione delle cedole di citazione ed
eventuali idonee identificazioni personali.

I servizi saranno forniti in due sale una interna e l'altra
esterna ed i funzionari e le Forze di Polizia dovranno trovarsi
a posto per le ore 7 precise del 31 corrente:

PRIMA ZONA

compilando l'elenco del collaudo della Barriera con i
relati di ingresso.

DIREZIONE: Commissario Capo Dr. P. L. I N D E T T A;

FUNZIONARI: Dr. JONINA - Dr. JANDIA oltre quelli dell'Ufficio
di P. S. Espressivo;

P. S. P. S. A: n. 3 C. Carabinieri n. 3 B. Agenti di P. S. Invalisa;

n. 2 C. Agenti di P. S. a Portogese, n. 1 autoblinda con
velocità curva.

LOCALE DI CONVENIENZA: Nel cortile del Palazzo della Sapienza...

Il Dottor Serrini provvederà al più vicino controllo dei
passeggeri d'ingresso e al controllo delle uscite a partecipare al
processo. - Altrimenti la più stretta vigilanza dello stesso e ne
assisterà l'ordine all'interno durante in vertice, loro la disci-
plina nell'area delle udienze secondo le disposizioni impartite
dal Presidente della Corte.

52

Efficienza vigilanza effettuerà alla presidenza recinta riservato
agli imputati e testimoni durante le eventuali sospensioni del
processo.

Si raccomanda di diretto contatto con i servizi esterni per la
previdenza degli eccessi e per evitare in modo assoluto invasioni
e disordini infelicitazioni e per questo senza ritardare l'attenzione
del pubblico.

SECONDA ZONA: Comandante M. Serrini al Palazzo della Sapienza in
concorso con il Dirigente della prima zona.

111.

Corso Rinnascimento - 5 -
Stadler - Via del Sottano di adiacenza

DIRIGENTE: Comandante Capo Dr. Calabrese,

FUNZIONARI: Commissario Dr. Ventura Diatro - Commissario Dr. Parone -
Vice Commissario Dr. Esposito;

P O R T O: n. 100 carabinieri a piedi in servizio di ufficiale n. 100
agenti al comando di due ufficiali, n. 30 carabinieri a
cavallo, n. 30 agenti V.P.S. del 4° Reg. Calore montati
su 4 camionette ed un servizio con radio, n. 4 agenti moto-
ciclisti.

LOCALE: DE CONCERNIMENTO: Corso Rinnascimento angolo via del
Sottano.

Il Dr. Calabrese, se necessario, provvederà con appositi sbarramenti ad isolare il luogo della Sapienza e le strade adiacenti.

Attorno tale area sarà lasciata un'area appositi viali per il passaggio delle persone libere e del tutto della Sapienza.

Tutti preparati in modo che disassolano l'affluire del pubblico nelle Aule Giuridiche e di essere posti alla vigilanza perlustrative lungo tutto il perimetro esterno dello stabile e nelle vie adiacenti al Corso Rinnascimento per essere immediatamente informati di ogni movimento di persone e di qualunque scoperta.

Adottare inoltre tutte quelle altre misure necessarie per il rigoroso mantenimento dell'ordine pubblico ed in caso di bisogno idiosincrasie a questo riguardo l'incarico viene dato ai superiori forze.

Per le ore 15 del giorno 30 corrente a cura del comando divisione saranno inviati al Comando di P.S. A. l'incarico a disposizione del Dirigente l'Ufficio stesso n. 10 agenti di P.S. in borghese con quali provvedere ai provvedimenti fino a scadenza del presente comando e tutti al fine.

Il Comando della Divisione Carabinieri del Carabinieri disporrà al trasporto del materiale che per il servizio di ora opportuna con altri poco numerosi e tutti in un unico momento e da due sezioni, cioè con sei agenti e tutti i mezzi di tutto fornito dal 1° Reg. Cuirassieri.

Autore di questo documento è stato l'incarico di 30 ore.

Il 10.10.1944 n.100 carabinieri a piedi al posto di ufficiale n.100
 agenti al comando due ufficiali, n.30 carabinieri a
 cavallo, n.30 agenti G.P.S. del 1° Reg. Colono montati
 su 4 camionette ed un camion con radio, n.4 agenti moto-
 ciclisti.

IOCA LUN 11.10.1944, Corso Rinascente angolo via dei
 S. Agostini, 8.

Il Dr. Galleggi, su permesso, si troverà con appositi stam-
 menti ed isolare al 10.10.1944, nella Sapienza, e le strade adiacenti.
 Attraverso tale strada si lascierà entrare appositi veicoli per
 il passaggio delle persone isolate e delle Sapienza.
 Sarà preso in considerazione che disciplinano l'affluenza del pubblico
 nelle Aule Sapienza e adoperarsi per la vigilanza per la
 tive lungo tutto il perimetro esterno della scuola e nelle vie di
 accesso al Corso Rinascente per essere in ogni caso, informato
 di ogni movimento di persone sospette.

Adottare inoltre tutte quelle altre misure necessarie per il rivo-
 per mantenimento dell'ordine pubblico e in caso di bisogno richie-
 dere a questo Comando l'invio degli uomini e dei mezzi.

Per la ore 10.34, giorno 30 corrente a cura del comando divisione
 saranno inviati al Comando di P.S. S. Benedetto e disporranno del
 Dirigente l'Ufficio stesso n.10 agenti di P.S. in borghese cc51
 quali provvederà a mantenere il tiro a tondo e ad impedire l'ac-
 cedere i tami di strada.

Il Comando della Compagnia carabinieri del Comando di P.S. S. Benedetto
 trasporta del materiale e per il servizio in una opportuna con e si-
 cce per la parte della Sapienza e da due pezzi, via.
 sono con sei uomini armati di mitra forniti dal 1° Reg. Colono.

All'epoca il Comandante di tutto il posto e il Comando la Compagnia
 carabinieri prenderà in loro diretta dipendenza sul servizio da ef-
 fettuare.

Gli Uffici di P.S. S. Benedetto, Roma e Montevetro di Roma
 no lungo il tracciato del servizio per essere dal tutto collaudare.

Il cellulare entrerà nel Palazzo della Difesa ed uscirà dal portone carrabile su via del Teatro Valle. Ho proposto al Direttore l'Ufficio di P.S. S. Questa mia proposta, accordi con il sovrainvestigatore, gli archivi di Stato per l'apertura e chiusura del portone e d'intesa con i dirigenti le come concepire ai servizi. Il 3° Rep. Celere con tutte le forze disponibili si terrà pronto in caserma per poter intervenire alla prima richiesta telefonica da parte di questo gabinetto.

L'Ufficio Politico concepisce e organizza le attività di servizio nei vari settori di competenza.

La Direzione della Polizia Municipale di Genova è competente in tutta la zona interessata.

Il Vice Questore Comm. Di Pandolfi sottolineando al servizio, come d'ordine, l'azione del dipartimento le zone interne ed esterne, integrandola ove necessaria ed aggiungendo al suo incarico tutte le altre misure imposte dalle contingenze del momento per conseguire il regolare svolgimento del processo.

Di ogni emergenza giudica essere insufficientemente informato. -

50

THE UNIVERSITY OF CHICAGO

—Suntorio Polihoro—

(Vol. 2, Sec. 4)

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: AG3/00807
 Date/Time of Origin: DEC. 11.11

Message Centre No: 178501
 Date Time Rec'd: DEC. 140900
 Precedence: IMMEDIATE

FROM: GHQ CMT
 TO : ACSEC.HQ ALCON -INFO-AFHQ FOR G-5 SECTION -HQ RAAC (BE) -
 32 MIL PRIS AND DETN BKS (WAR CRIMINALS WING) ROME -

SECRET

SECRET

Reference your 5773 of ~~24~~ 12 Dec.

Authority is given for Kappler, Mackensen, and Maeltzer to be interrogated at 32 Mil Pris and Detn Bks Rome by Allied Legal Officer of your Commission on question submitted by Ministry of Justice. Detailed arrangements to be made with HQ RAAC. Interrogation must be completed by December 10.

A.C. DISTRIBUTION

ACTION -SECURITY (2)&LEGAL (2)

INFO -C.COMMISSIONER **48**

EX.COMMISSIONER

FILE

SKELETON

ACTION

14/12 11.40hrs Loc Comm informed who instructed me to
 contact Col Mammajord
 1145 Saw Lt. Col Mammajord - this is responsibility
 of Legal Div to arrange with Ministry of
 Justice. Lt. Col Mammajord seeing Brig. Gen.
 DEC 14 1948

SECRETAG 3/00807
DEC.NFTH/8501
DEC.140900
IMMEDIATE

CHQ CMT
 ACSEC.HQ ALCON -INFO-AFHQ FOR G-5 SECTION -HQ RAAC (EE) -
 32 MIL PRIS AND DETN BKS (WAR CRIMINALS WING) ROME -

SECRET

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Authority is given for Kappler, Mackensen, and Maeltzer to
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 Legal Officer of your Commission on question submitted by
 Ministry of Justice. Detailed arrangements to be made with
 HQ RAAC. Interrogation must be completed by December 18.

A.C. DISTRIBUTION

ACTION -SECURITY (2)LEGAL (2)

INFO -C.COMMISSIONER

EX.COMMISSIONER

FILE

SKELETON

SECRET

47

DEC 1 1948

266.31-91

ACSEC HQ ALGOM

11 DECEMBER

A BRANCH GND CWP

G-5 APHQ

5773

SECRET

SUBJECT IS WAR CRIMINALS

PARA ONE PD REFERENCE OUR SIGNAL FIVE SEVEN FOUR SIX DATED SEVEN
DECEMBER FOUR SIX PD

PARA TWO PD MINISTRY OF JUSTICE STATES PROSECUTOR GENERAL IS OF
OPINION THAT QUESTIONNAIRE BE SUBMITTED FOR QUESTIONING OF MACKENSEN CMA
MARTLER AND KAPPLER RE TRIAL OF BARDI AND POLLASTRINI PD

PARA THREE PD MINISTRY SUGGEST INTERROGATION BE CARRIED OUT BY ALLIED
LEGAL OFFICER PD

PARA FOUR PD IF YOU CONCUR MINISTRY WILL SUBMIT QUESTIONS PD

PARA FIVE PD REQUEST INSTRUCTIONS SOONEST DUE TO ITALIAN PRESS
AGITATION ON POSSIBLE ALLIED OBJECTION TO EVIDENCE OF THESE TWO
OFFICERS BEING MADE AVAILABLE PD

IMMEDIATE

EXECUTIVE COMMISSIONER

JOHN R HAYES
MAJOR AGD
ADJUTANT

517

M. CARR, BRIGADIER
EXEC COMM

45

905

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: AG3/00653
 Date/Time of Origin: DEC NPT

Message Centre No: H/8468

Date Time Rec'd: 121130

Precedence: IMMEDIATE

FROM: GHQ C.M.F.
 TO : ACTION ACSEC HQ ALCOM

~~SECRET~~

SECRET.

~~Trial~~ OF BARDI AND POLLASTRINI. YOUR 5746 OF 7 DECEMBER.

THIS HQ RELUCTANT ACCEDE TO REQUEST OF MINISTER OF JUSTICE IN VIEW
 POSSIBILITY OF PUBLIC DISORDER. CAN ONLY BE CONSIDERED IF

- A. FULL DETAILS OF EVIDENCE EXPECTED TO BE PRODUCED BY MACKENSEN
 MAELTZER AND KAPPLER ARE FURNISHED BY MINISTRY OF JUSTICE TO THIS HQ
- B. ITALIAN GOVERNMENT WILL GUARANTEE SAFE CUSTODY OF THESE MEN
 DURING PERIOD IN WHICH THEY ARE TO BE IN ITALIAN HANDS.

ACTION

AC DIST

ACTION SECURITY 2.

INFO C. COMN.

EX. COMN.

FILE

SKELETON

~~SECRET~~

DEC 12 1946

31A

HQ ALCON CITE AGED

112XB DECEMBER 1946.

GEO CAMP FOR A BRANCH

AVENUE FOR THE SECTION

5773

SECRET

SECRET PD

SUBJECT IS WAR CRIMINALS PD

PARA ONE PD REFERENCE OUR SIGNAL. HAVE SEVEN FOUR SIX DATED SEVEN DECEMBER FOUR SIX PD

PARA TWO PD MINISTRY OF JUSTICE STATES PROSECUTORS GENERALS IS OF OPINION THAT IN LINE OF ATTENDANCE AS WITNESSES QUESTIONING CAN BE SUBMITTED FOR CONTINUING OF NACHSBERG AND MARLTON AND MATTER TO TRIAL OF BARBI AND POLASTREMI PD

PARA THREE PD MINISTRY SUGGEST INVESTIGATION BE CARRIED OUT BY ALLIED LEGAL OFFICERS PD

PARA FOUR PD IF YOU CONCUR PROSECUTE WILL SUBMIT QUESTIONS PD

PARA FIVE PD REQUEST INVESTIGATIONS SOONEST GOING TO ITALIAN PRESS AGITATION ON POSSIBLE ALLIED OBJECTION TO EVIDENCE OF THESE OFFICERS BEING MADE AVAILABLE

44

IMMEDIATE

Office of Executive Commissioner.

JOHN A. HARRIS,
Major, A.D.
Adjutant.

Brigadier.

Mr. Borrell called up again
in re trial of Pollastini et al.

He said that the Procuratore ³⁰⁰
Generale was of opinion that
the best thing to do was to
submit a list of all the questions
to be asked to Maltzer and
Mackeum and that ~~it be~~
the questioning be ^{therefore}
made by an Allied ^{legal} Officer.
If Allies concur, Ministry will
sent in list of questions to
be asked.

He also said that in view of the
fact that the Italian press is making
a fuss about objections being raised
by the ~~the~~ Allies it would be advisable
to take prompt action on the matter.

P. up 43

785016

766.01-91

ACCORDING TO THE

7 December 1946

A. HANCOCK CTO CASH

File

29

5746

GOSWAMI ET AL.

SUBJECT IS WAR CRIMINALS EN

FOR OUR ED MINISTRY OF JUSTICE THROUGH GENERAL MANAGER AND THE SECRETARY AND CLERK.

REPORTER MADE AVAILABLE TO GIVE EV EVIDENCE IN TRIAL OF BAKER AND POLASTRINI DRUGSMEN

ROOSEVELT UNIVERSITY WHEELING, W. VA.

DATA TWO TO REQUEST INFORMATION THIS NOW QUOTE SCIENT NO

2008年12月

ARMED AND DANGEROUS

JOHN R. HAYES
MAJOR AND
ADJUTANT

517

A. H. SUTHER, Capt.

42

0 1 8 7

Procura Generale presso la Corte d'Appello

di Roma

28A

Prot. N24016 Div. Gab. Sez.

Allegati N. I Risposta al f. N.

del

Oggetto: Comparizione dei

testimoni MAELTZER, MACKENSON

e KAPPLER nel processo contro

BARDI e POLLASTRINI

e p.c. Alla PRESIDENZA
e all'Uff. Del Pomo ASSISE I^a

R O M A

Perchè codesto Ministero si compiacca di provvedere secondo la sua particolare competenza e le norme in vigore, si rimette l'annessa richiesta attinente al processo d'Assise incorso avanti la Corte locale in oggetto indicato e le persone detenute a disposizione degli organi giudiziari Alleati, pure in oggetto menzionate, che dovrebbero essere interpellati, pure in oggetto menzionate, nel processo medesimo nell'udienza del 10 corrente mese.

Roma, 15 Dicembre 1946

Al MINISTERO di GRAZIA

e GIUSTIZIA= Ufficio di

Collegamento con la COMMISS-

SIONE ALLEATA

IL PROCURATORE GENERALE DELLA REPUBBLICA

(G. Rubbiani)

Per i n. 1

DECRETO DI CITAZIONE

a testimoni, periti, interpreti, CONSULENTI tecnici

(Art. 21 n. 1 R. D. 28 maggio 1931, n. 603)

Noi 1) Presidente della 15 Sezione della Corte d'Appello
ordinaria di Roma

Manifiamo e ordiniamo ai nostri Ufficiali Giudiziari e ad ogni altro Ufficiale che potrà essere richiesto, di citare ed assegnare l'individuo qui appresso indicato a comparire personalmente all'udienza di questa 2) Corte d'Appello

nel giorno 10 dicembre 1946 alle ore 9.30 antimeridiane, con la continuazione, dovendo essere intes nella causa a carico di Barbi - Pellandini ed altri imputati: il colpevole originario, imputato, fatto
il fatto

con avvertimento che non comparendo, si adotteranno le misure stabilite dall'articolo 144 del Codice di procedura penale e 366 del Codice Penale.

« Art. 144 C. P. P. — Se il testimone, il perito, l'interprete o il custode di cose sottoposte a sequestro, regolarmente citato o chiamato, omette senza un legittimo impedimento di comparire nel luogo, giorno ed ora stabiliti, il Giudice o il Pubblico Ministero può ordinarne l'accompagnamento per mezzo della Forza Pubblica, e può altresì condannarlo con ordinanza al pagamento di una somma da lire cento a duecento a favore della cassa delle amende e alle spese alle quali la mancata comparizione ha dato causa.
« Art. 366 Codice Penale. — Chiunque, nominato dall'Autorità Giudiziaria perito, interprete, ovvero custode di cose sottoposte a sequestro dal Giudice Penale, ottiene con mezzi fraudolenti l'esenzione dall'obbligo di comparire o di prestare il suo ufficio è punito con la reclusione fino a sei mesi o con la multa di lire trecento a cinquemila.

« Le stesse pene si applicano a chi, chiamato dinanzi all'Autorità Giudiziaria per adempiere ad alcuna delle predette funzioni, rifiuta di dare le proprie generalità ovvero di prestare il giuramento richiesto, ovvero di assumere o di adempiere le funzioni medesime.

« Le disposizioni precedenti si applicano alla persona chiamata a deporre come testimone dinanzi all'Autorità Giudiziaria e ad ogni altra persona chiamata ad esercitare una funzione giudiziaria.

« Se il colpevole è un perito o un interprete, la condanna importa l'interdizione della professione o dall' 10

Da citarsi ad istanza del 3) P. U.

1° Maellyer - generale tedesco - Tedesco

2° MacKenzie - " " "

0 1 8 9

Mandiamo e ordiniamo ai nostri Ufficiali Giudiziari e ad ogni altro Ufficiale che potrà essere richiesto, di citare ed assegnare l'individuo qui appresso indicat a comparire personalmente all'udienza di questa (2) Corte d'Assise

nel giorno 10 dicembre 1946 alle ore 9.30 antimeridiane, con la continuazione, dovendo essere intes nella causa a carico di Baroli - Polverini - e adri - in giudizio. Si volent orazione civile e penale, e in fatto.

Esatto -

con avvertimento che non compiendo, si adotteranno le misure stabilite dall'articolo 144 del Codice di procedura penale e 366 del Codice Penale.

« Art. 144 C. P. P. — Se il testimone, il perito, l'interprete o il custode di cose sottoposte a sequestro, regolarmente citato o chiamato, omette senza un legittimo impedimento di comparire nel luogo, giorno ed ora stabiliti, « il Giudice o il Pubblico Ministero può ordinarne l'accompagnamento per mezzo della Forza Pubblica, e può altresì « condannarlo con ordinanza al pagamento di una somma da lire cento a duemila a favore della cassa delle am- « mende e alle spese alle quali la mancata comparizione ha dato causa.

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« Le disposizioni precedenti si applicano alla persona chiamata a deporre come testimone dinanzi all'Auto- « rità Giudiziaria e ad ogni altra persona chiamata ad esercitare una funzione giudiziaria.

« Se il colpevole è un perito o un interprete, la condanna importa l'interdizione della professione o dall'Auto- « rità.

Da citarsi ad istanza del (3) P. U.

1° Claesdger - generale tedesco - Teodoro

2° Claesdger - " " "

3° Kappeler - colonnello tedesco " "

Roma 3/12/46

Il Presidente

(1) Pretore Tribunale — Presidente di Corte d'Appello o d'Assise — Pubblico Ministero.

(2) Pretura — Tribunale — Corte d'Appello o d'Assise.

(3) Pubblico Ministero — Parti private.

Stamperia Reale di Roma (578-bis)

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: AG300895

Message Centre No: H/7934

Date/Time of Origin: NPT

SECRET

Date Time Rec'd: NOV 16 1545

Precedence: IMMEDIATE

FROM: GHQ CMF

TO : ACTION - RAAC (BE) - INFO - AFHQ HQ ALCOM

SECRET

ARDEATINE CASE.

1. TEXT OF AFHQ CABLE F93175 OF 12. QUOTE FOREIGN OFFICE HAS INFORMED BRIT POLAD THAT WAR OFFICE AND JAG AGREE ITALIAN REPRESENTATIVE SHALL SIT ON BENCH AS OBSERVER BUT WITHOUT POWER TO VOTE OR SPEAK AND ASK FOR ARRANGEMENTS TO BE MADE ACCORDINGLY. UNQUOTE.
2. REQUEST YOU MAKE PROVISION FOR COL DEL PRATO ITALIAN OFFICIAL OBSERVER AND COL JAMES NOTESTEIN US ARMY OFFICIAL TO SIT ON BENCH UNDER CONDITIONS AS IN ONE. MR STIRLING JUDGE ADVOCATE WILL ADVISE ON DETAILS OF PROCEDURE.
3. ALCOM LETTER SD/166.01-13 DATED 5 NOV AND AFHQ G5 CABLE C66391 OF 8 NOV REFER.

18/11
605
266-01-139

INFO - ACTION

A C DIST

INFO ACT: C COMM

INFO: EX COMM

FILE

SKELETON

SECURITY (2)

38

SECRET

NOV 16 1946

25A

REF : 01/266.01-91/AC

14 November 1946

My dear Doctor Prunas,

I refer to my letter of even number dated 21 October 1946 regarding the subject of allowing Italian Magistrates to sit on the tribunal for the trial of German Officers in connection with the Ardentine Cavea case.

I have now been instructed by Allied Forces Headquarters to inform you that the trial in question is being held under the terms of the British Regulations for the trial of War Criminals and nothing therein empowers the Commander in Chief, Central Mediterranean Forces to appoint an Italian Magistrate as a member of a British Military Court. It is therefore regretted that it is not possible to comply with your proposal.

Arrangements have been made for a representative of the Italian Government, in the person of Colonel DEL PRATO, Legal Department of the Ministry of War, to attend the trial as an observer.

Yours very truly,

Ts/ Ellery W. Stone

ELLERY W. STONE,
Rear Admiral, USNR.
Chief Commissioner.

Doctor Renato Prunas,
Ministry of Foreign Affairs,
Italian Government,
ROME

37

602

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 936.30

8 November 1946

SUBJECT: War Crimes Trials.

TO : Chief Commissioner,
Allied Commission,
APO 794.

1. In reply to your letter SB/266.01-91 of 10 October and enclosures from the Ministry of Foreign Affairs.

2. You should inform the Ministry of Foreign Affairs that the trial in question is being held under the terms of the British Regulations for the trial of War Criminals and that nothing therein empowers the Commander in Chief, G-5 to appoint an Italian as member of a British Military Court. It is therefore regretted that the Italian Minister for Foreign Affairs' proposal cannot be complied with.

3. Arrangements have already been made for a representative of the Italian Government to attend the trial as an observer.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

de Lasso Col

for A. L. HAMBLIN
Colonel, G.S.C.
Assistant Chief of Staff, G-5

Copy to:
GHQ G-5

3-3-46
12/11
527
266.01-91
ACTION

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

24/B

G-5: 936.30

November 1946

SUBJECT: War Crimes Trials.

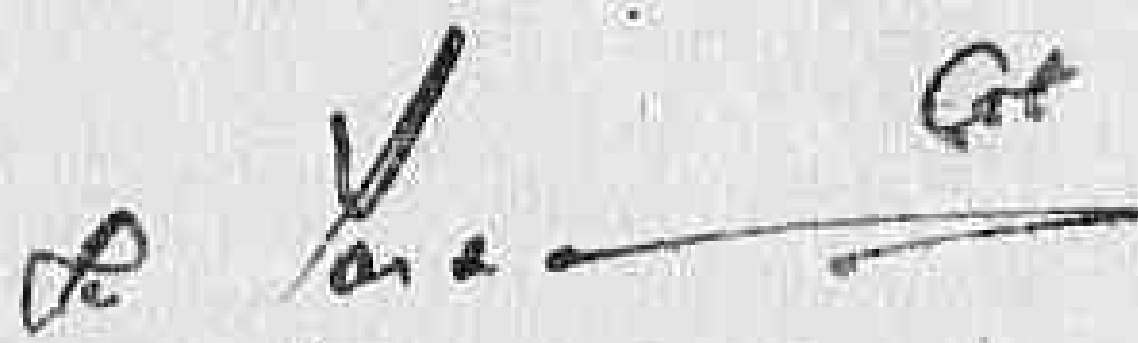
TO : Chief Commissioner,
Allied Commission,
APO 794.

1. In reply to your letter SD/266.01-91 of 10 October and enclosures from the Ministry of Foreign Affairs.

2. You should inform the Ministry of Foreign Affairs that the trial in question is being held under the terms of the British Regulations for the trial of War Criminals and that nothing therein empowers the Commander in Chief, CMF to appoint an Italian as member of a British Military Court. It is therefore regretted that the Italian Minister for Foreign Affairs' proposal cannot be complied with.

3. Arrangements have already been made for a representative of the Italian Government to attend the trial as an observer.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:



A. L. HAMBLIN
Colonel, G.S.C.
Assistant Chief of Staff, G-5

Copy to:
GHQ CMF

23A.

Ref: 30/266.01-1/462/ October 1946

My dear Doctor FRANKS,

I acknowledge with thanks receipt of your letter no. 59440/77 dated 4 October 1946 on the subject of allowing Italian Magistrates to sit on the tribunal arranged for the trial of German Officers in connection with the Ardeantine Cave case.

This letter has been referred to the Allied Force Headquarters and I shall be pleased to inform you in due course of the decision made regarding this matter.

Yours truly,

/s/ Henry W. Stone.
HENRY W. STONE
Major General, USA
Chief Commissioner

Doctor Renato FRANKS,
Ministry of Foreign Affairs,
Italian Government,
ROME.

Ministero degli Affari Esteri

33140

214

Roma, 11 4 OTT. 1948

Caro Ammiraglio,

nella riunione che ebbe luogo il 25 corrente presso l'M.M.I.A. e nella quale venne trattata la questione dei processi ai nazisti che hanno commesso in Italia crimini contro la popolazione civile, i rappresentanti Alleati hanno comunicato che alla fine di ottobre o ai primi di novembre sarà iniziato il processo per gli eccidi delle Fosse Ardeatine.

Gli stessi rappresentanti hanno fatto presente che l'eventuale partecipazione di magistrati italiani al Tribunale che dovrà giudicare i principali criminali tedeschi in detto processo è questione che esula dalla loro competenza e che dovrebbe essere esaminata in sede più appropriata. Per questa ragione, su istruzioni del Presidente del Consiglio, mi rivolgo a Lei con la preghiera di volersi cortesemente interessare affinché, data la natura del tutto particolare del delitto di cui trattasi e l'impressione da esso suscitato nella popolazione italiana e specialmente romana, la Magistratura italiana sia ammessa a partecipare al collegio giudicante.

Ammiraglio Ellery D. STONE
Executive Commissioner
Allied Commission

- R O M A -

Molt. cordiale

C.A.S. Leck. Ackn.

TRANSLATION

MINISTRY OF FOREIGN AFFAIRS

33140/77

Rome, 4 October 1946.

Dear Admiral,

In the meeting which took place the 25th instant at M.M.I.A. in order to consider the question of trials against the Nazis who have committed crimes against the civilian population in Italy, the Allied representatives announced that the trial for the mass execution at the Ardeatine Caves would open at the end of October or the beginning of November.

The same representatives have pointed out that the eventual participation of Italian magistrates in the Tribunal who will have to judge the principal German criminals in said trial is a matter not pertaining to their competence and should be examined in more appropriate quarters. For this reason, following the instructions of the President of the Council, I address myself to you begging you kindly to take the necessary steps so that - in consideration of the quite particular nature of the crime in question and of the impression it made on the Italian, and especially Roman, population - the Italian Magistrates be admitted to participate in the judging college.

Very cordially yours

/s/ R. Prunas

See



Admiral Ellery W. Stone
Chief Commissioner
Allied Commission
ROME.

31

Copy for Chief Commissioner.

OCT 11 1946

HEADQUARTERS ALLIED COMMISSION
APO 794
Office of Executive Commissioner

Ref : SD/266.OI-9I

10 Oct 1946

SUBJECT : War Crimes Trials

TO : ALLIED FORCE HEADQUARTERS,
Attention: G-5 Section

-B-

1. A copy of letter N°33140/77 dated 4 October 1946 from the Ministry of Foreign Affairs is forwarded for such action as you may deem necessary.

2. A policy letter on this subject N°16202/3/A dated 17 May 1946 (copy enclosed for reference) was received by this Commission from GHQ, CMF.

3. There is also enclosed copy of a memorandum on the same subject by the Ministry of Foreign Affairs dated 13 June 1946. This memorandum was forwarded to GHQ (DAG) CMF under this Commission's letter SD/266.OI-9I of 27 June 1946. No comments on the Memorandum have been received from GHQ, CMF.

4. Can this Commission please be advised as to the reply that should be made to the enclosed letter dated 4 October 1946 from the Ministry of Foreign Affairs.

[A]

FOR THE CHIEF COMMISSIONER :

(Sgd) M. Carr, Brigadier

M. CARR,
Brigadier, 30
Executive Commissioner.

Copy to : GHQ, CMF (with encls).

251

HEADQUARTERS ALLIED COMMISSION
A.P.O. 794
CIVIL AFFAIRS SECTION

20 A

29 September 1946

REF : ED/266.01-91

SUBJECT : War Crimes Trials

TO : Ministry of Grace and Justice

1. Reference your 9991/5/1 RIS. dated 2 September 1946.

2. As you are aware from this Headquarters letter of even reference dated 30 August 1946, Captain VITALE of the Naples Carabinieri is already working in conjunction with the British Deputy Judge Advocate General and has been doing so for a number of weeks.

3. During this time he has become thoroughly conversant with the office system and known to the officers of the DJAG Branch. Moreover, DJAG cannot undertake to deal with the two Ministries, the Ministry of War and the Ministry of Grace and Justice. He requires a single Italian Liaison Officer (and interpreter) to be permanently attached to him until the work is complete.

4. In view of the move of British General Headquarters to PADUA there appears little point in Dr. NICANDRO and Cancelliere MONACO displacing Capt. VITALE for the very short time that DJAG will remain in NAPLES.

5. Considering all the factors involved and especially as Captain VITALE is by now acquainted with the work I am requested to ask your Ministry to agree to his appointment as PERMANENT Liaison Officer to DJAG and to permit him to move to PADUA in that capacity.

6. In view of the short time available before the move it is requested that this matter be treated as MOST URGENT.

29

FOR THE CHIEF COMMISSIONER,

M. Can Bignard
M. CANE, Brigadier,
V.P. C.A. Section.

1032

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

24 September 1946.

26/9
2550
266.01-91

QA

G-5: 936.40

SUBJECT: War Crimes Trials - Italian
Liaison Officer for DJAG.TO : Chief Commissioner,
Allied Commission,
APO 794.

Reference your SD/266.01-91 dated 10 Sept. 1946 enclosing a copy of letter from Ministry of Grace and Justice reference 9991/5/1 Ris dated 2 September 1946.

1. As you are aware from this Headquarters letter of even reference 28 August 1946, Captain VITALE of the Naples Carabinieri is already working in conjunction with the British Deputy Judge Advocate General and has been doing so for a number of weeks.
2. During this time he has become thoroughly acquainted with the various problems involved, conversant with the office system and known to the various officers of the DJAG Branch. Moreover, DJAG cannot undertake to deal with the two ministers, the Ministry of War and the Ministry of Grace and Justice. He requires a single Italian Liaison Officer (and interpreter) to be permanently attached to him till the work is complete.
3. It is appreciated that for reasons best known to themselves the Italian Government probably prefer DR. NICANDRO and Cancelliere PORACO who are apparently resident in NAPLES.
4. In view of the move of British General Headquarters to PADUA there appears to be little point in these two persons displacing VITALE for the short time that DJAG will remain in NAPLES.
5. You are requested to represent strongly to the Ministry of Grace and Justice that in view of all the factors involved and especially as ~~WMA~~ Captain VITALE is by now acquainted with the work that he be appointed PERMANENT Liaison Officer to DJAG and be permitted to move with him to PADUA.
6. In view of the short time available before the move you are requested to treat this matter as URGENT.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

28

W. H. Morgan
Colonel, G.S.C.
Assistant Chief of Staff, G-5.

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 936.40

24 September 1946.

SUBJECT: War Crimes Trials - Italian
Liaison Officer for DJAG.

TO : Chief Commissioner,
Allied Commission,
APO 794.

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1. As you are aware from this Headquarters letter of even reference 28 August 1946, Captain VITALE of the Naples Carabinieri is already working in conjunction with the British Deputy Judge Advocate General and has been doing so for a number of weeks.
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6. In view of the short time available before the move you are requested to treat this matter as URGENT.

27

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

Hamblen
A.L. HAMBLER
Colonel, G.S.C.
Assistant Chief of Staff, G-5.

HEADQUARTERS ARMED COMMISSION
A.D.C. 734
PUBLIC SAFETY SUB COMMISSION
SECURITY DIVISION

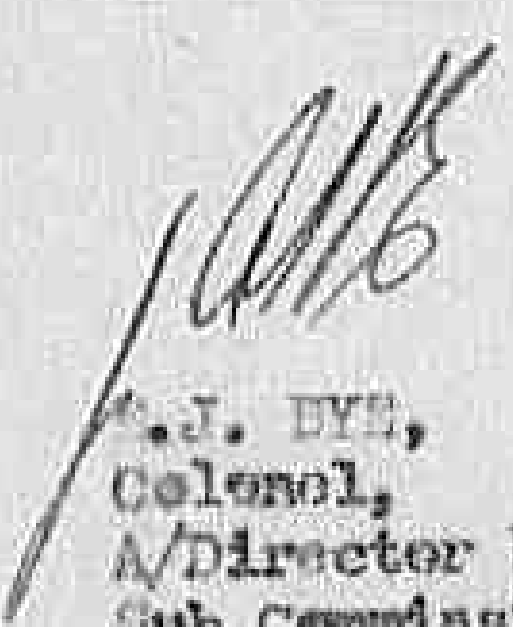
REF : SD/266.01-21

10 September 1946

SUBJECT : War Crimes Trials

TO : G-5 AMHQ

1. Reference your G-5 : 956.42 dated 20 July and 28 August 1946.
2. Attached is a translated copy of a letter received from the Minister of Justice.
3. The contents of your letter dated 28 August 1946 were communicated to the Ministry of Grace and Justice on 30 August 1946.


A.J. BYRNE,
Colonel,
A/Director Public Safety,
Sub Commission.

AHL/nb

Mod. 462 MGG.

Roma, 2 settembre 1946 A

*Parte Legitt
L. 11/12*

MINISTRO DI GRAZIA E GIUSTIZIA

9991/5/1 Ris.

ALLA COMMISSIONE ALLEATA
Sezione Affari CiviliR O M A

OGGETTO: Processi per delitti di guerra.

A seguito di quanto comunicato con foglio n. 9884/5-1-Ris. del 3 u.s. pari oggetto e sciogliendo la riserva in esso contenuta, si comunica che questo Ministero ha invitato il sostituto della Procura Generale di Napoli Dott. Siravo Nicandro, perchè ritenuto particolarmente idoneo, ad esplicitare le funzioni di raccogliere il materiale d'accusa presso la Procura Militare Alleata di Napoli, relativo ai delitti di guerra.

Il Dott. Siravo, che ha accettato l'incarico, sarà affiancato dal cancelliere Monaco Umberto, applicato al Tribunale dei Minorenni di Napoli, che lo coadiuverà quale segretario ed interprete.

Si fa presente inoltre l'opportunità che codesta Commissione chieda al Ministero della Guerra un funzionario della Giustizia militare, con analoghe funzioni, in quanto, come è noto, mentre sono di competenza dell'autorità giudiziaria ordinaria i reati di collaborazionismo commessi da fascisti, i delitti di guerra commessi dai tedeschi in danno di italiani sono riservati alla cognizione dei Tribunali militari secondo quanto previsto dall'art. 13 del Codice penale militare di guerra.

MINISTRO DI GRAZIA E GIUSTIZIA

9991/5/1 Ris.

ALLA COMMISSIONE ALLEATA
Sezione Affari CiviliR O M A

OGGETTO: Processi per delitti di guerra.

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IL MINISTRO



-5-SECRET

LORD KEEPER OF THE SEALS
MINISTRY OF GRACE AND JUSTICE

2 September 1946.

9991/5/1 Ris.

TO THE ALLIED COMMISSION
CIVIL AFFAIRS SECTION.

R O M E

SUBJECT : War Crimes Trials

128
With reference to our letter 9884/5/1 RIS dated 3 August on the above subject, we inform you that this Ministry has appointed the Deputy Procura Generale of Naples, Dr. Siravo Nicandro, to collect the evidence of War Crimes from the Military Procura Generale of NAPLES. Dr. Siravo, has accepted the appointment and will be assisted by the Cancelliere Umberto MCHACO who is attached to the Young Persons Tribunal in Naples as secretary and interpreter.

We advise you that it is necessary for your Commission to request the Ministry of War to appoint an officer from the Military Legal Office to act in a similar way because whilst Crimes of collaboration committed by Fascists are dealt with by the ordinary judicial authorities, those War Crimes committed by Germans against Italians are dealt with by Military Tribunals according to Article 13 of the Military Penal Code of War.

The Minister

S/Illegible

HEADQUARTERS ALLIED COMMISSION
A.P.O. 794
PUBLIC SAFETY SUB COMMISSION
SECURITY DIVISION

REF : ID/266.01-91

30 August 1946

SUBJECT : War Crimes Trials

TO : Ministry of Grace and Justice

1. Reference our letter of even number dated 29 July 1946 and your 9864/5-1 RI dated 3 August 1946.

2. At the moment Captain VITALE of the MILITARY Carabinieri is working in conjunction with the Deputy Judge Advocate General but the attachment appears to be of a semi-official nature.

3. I am instructed to refer your Ministry to your letter quoted above and to ask if you will kindly regularise the position of Captain VITALE.

Alb
R.J. BYR,
Colonel,
A/Director Public Safety,
Sub Commission.

AHS/nb

23

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

Security

1010

154

G-5: 936.40

28 August 1946

SUBJECT: War Crimes Trials

TO : Chief Commissioner
Allied Commission
APO 794

Reference your SD/266.01-91 dated 14 August 1946.

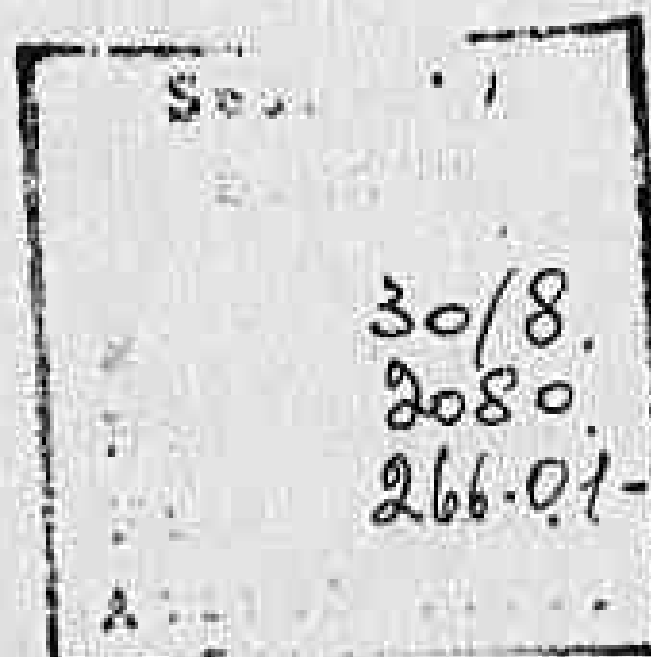
1. At the moment Captain VITALE of the Naples Carabinieri is working in conjunction with the office of the Deputy Judge Advocate General, but the attachment appears to be of a demi-official nature.

2. Will you please refer the Italian Ministry of Grace and Justice to their letter 9884/5-1 RIS dated 3 August 46 (copy encl with your above quote letter) and ask them to regularise the position of Captain VITALE.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

DK *Majr*

PN A. L. HAMBIEN
Colonel, G.S.C.
Assistant Chief of Staff, G-5.



ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 936.40

28 August 1946

SUBJECT: War Crimes Trials

TO : Chief Commissioner
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APO 794

Reference your SD/266.01-91 dated 14 August 1946.

1. At the moment Captain VITALE of the Naples Carabinieri is working in conjunction with the office of the Deputy Judge Advocate General, but the attachment appears to be of a demi-official nature.

2. Will you please refer the Italian Ministry of Grace and Justice to their letter 9884/5-1 RIS dated 3 August 46 (copy encl with your above quote letter) and ask them to regularise the position of Captain VITALE.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

Shen Maj N
A. L. HAMBIEN
Colonel, G.S.C.
Assistant Chief of Staff, G-5.

Recd 247 *Public Safety*

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

9561
143

G-5: 936.40

20 July 1946.

SUBJECT: War Crimes Trials.

TO : Chief Commissioner,
Allied Commission,
(Attn: Public Safety S/O),
APO 794.

APB - GPO
PL - GPO

1. With reference the attached to G-5 letter 936.40 of 19 July and the suggested attachment of a responsible CCRR Officer to the office of JAG Naples.

2. JAG would welcome the attachment of an officer who has had long experience of Allied office work. Your Liaison Office at Naples is shortly closing, will you please say whether Major ZANCCHINO, the CCRR Officer attached to it, is considered suitable for the proposed appointment and can be made available.

3. If so, and if the Italian Government desire to pursue these cases and the proposed appointment of Major ZANCCHINO is acceptable to them, may the necessary steps be taken to procure his attachment.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

A.L. Hamblen
A.L. HAMBLIN
Colonel, G.S.C.
Assistant Chief of Staff, G-5

*File with letter
to Ministry of Interior*
Att

20
23/7
1438
266-21-91

HEADQUARTERS ALLIED COMMISSION
A.P.O. 794
PUBLIC SAFETY SUB COMMISSION
SECURITY DIVISION

138

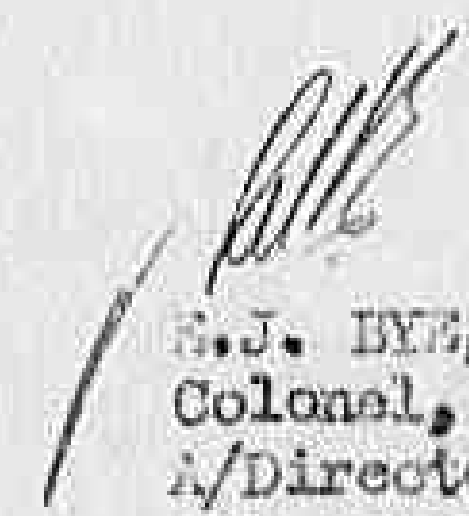
REF : SD/266.01-91

14 August 1946

SUBJECT : War Crimes Trials

TO : G-5, AFHQ

1. Reference your G-5: 936.40 dated 20 July 1946.
2. Translated copy of a letter received from the Ministry of Grace and Justice is forwarded herewith for information.
3. The Ministry have been requested to expedite a reply regarding the appointment of a police officer for attachment to office of JAG, NAPLES.


S.J. DYER,
Colonel,
A/Director Public Safety,
Sub Commission.

AHE/nb

(Translation M.B.)

THE MINISTRY OF GRACE AND JUSTICE

Rome, 3/8/46

Nr. 9884/5-I RIS

To: ALLIED COMMISSION
Civil Affairs Section

R O M E

SUBJECT: Trials in connection with war crimes

Reference is made to note SD/266.01-91 dated 29/7/46.

Our Ministry fully assents to your proposal of taking notice of evidence material by the Allied Military General Procura at NAPLES, concerning the war crimes committed by the Fascist or Germans in damage of the Italian Partisans and civil population.

Of course we agree, considering what suggested in para. 4 of the a/m letter, that when the trial concerns a German War Criminal the Italian Government engages itself not to carry out any capital sentence against, nor the release of the same without the previous authorization by the Allied Head Quarters.

On the contrary, a such authorization will not be requested when the trial concerns an Italian war criminal.

Accordingly, while thanking you for your appreciated invitation of sending an official to the Allied General Procura at NAPLES with the task in question, we reserve to communicate at the earliest the name of the Official whom we shall appoint to it.

THE MINISTER
S/ GULLO

(Translation F.B.)

Levit

THE MINISTER OF GRACE AND JUSTICE

Rome, 3/8/46

128

Nr. 9884/5-1 RIS.

To : ALLIED COMMISSION
Civil Affairs Section

R O M E

SUBJECT : Trials in connection with war crimes.

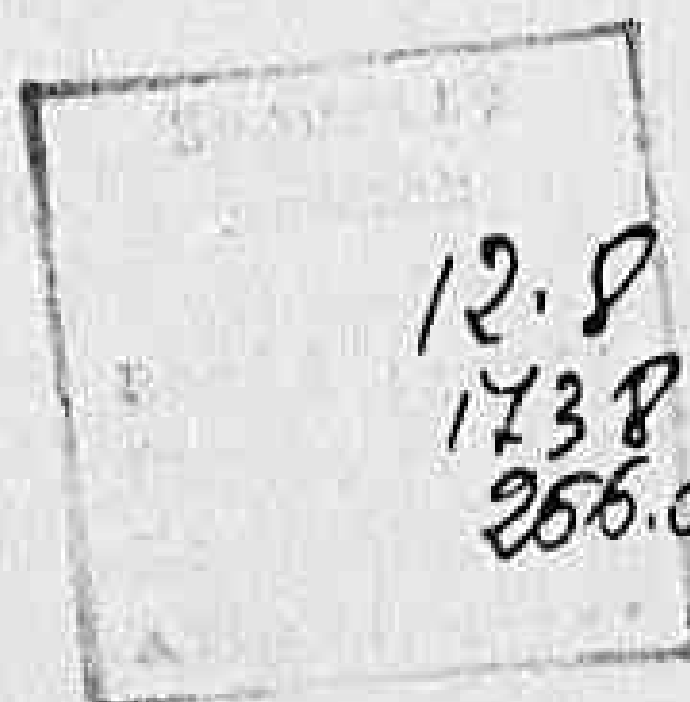
Reference is made to note 80/266.01.91 dated 29/7/46.

Our Ministry fully assents to your proposal of taking notice of evidence material by the Allied Military General Procure at Naples, concerning the war crimes committed by the fascists or Germans in damage of the Italian partisans and civil population.

Of course we agree, considering what suggested in para. 4 of the a/r letter, that when the trial concerns a German war criminal, the Italian Government engages itself not to carry out any capital sentence against, nor the release of the same without the previous authorization by the Allied Head Quarters.

On the contrary, a such authorization will not be requested when the trial concerns an Italian war criminal.

Accordingly, while thanking you for your appreciated invitation of sending an Official to the Allied General Procure at Naples with the task in question, we reserve to communicate at the earliest the name of the Official whom we shall appoint to it.



THE MINISTER

sgu/ GULIO

266.01-91

Receiv. 8/8

Receiv. by trans. 10/8

Transl. 10/8

17

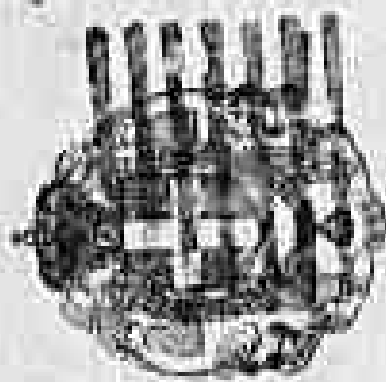
Mod. 461 NIGG

3. 8. 1940

19 A

Roma,

- 8 AGO 1940



Il Guardasigilli

MINISTRO DI GRAZIA E GIUSTIZIA

9884/5-11/101

ALLA COMMISSIONE ALLEATA
Sezione Affari Civili

R o m a

OGGETTO: Processi per delitti di guerra.

Con riferimento alla lettera SD/266.01.91 del 29.7.40 questo Ministero aderisce pienamente alla proposta di prendere cognizione del materiale d'accusa presso la Procura Generale Militare alleata di Napoli, relativo ai delitti di guerra commessi dai rascisti o dai tedeschi in danno dei partigiani italiani e della popolazione civile.

Naturalmente resta inteso, in base a quanto accennato nel paragrafo 4 della lettera anzidetta, che, dovendosi procedere contro un criminale di guerra tedesco, il governo italiano si impegna a non eseguire contro di lui la condanna capitale come pure a porlo in libertà senza la preventiva autorizzazione scritta del Quartier Generale Alleato.

Invece tale autorizzazione non sarà richiesta qualora si trattasse di criminali di guerra italiani.

Pertanto, mentre si ringrazia per l'invito, che si ritiene molto opportuno, di inviare un funzionario presso la Procura Alleata di Napoli con il compito accennato, si ¹⁶riserva di comunicare quanto prima il nominativo del funzionario anzidetto.

L L M I N I S T R O

ALLA COMMISSIONE ALLEATA
sezione Affari CiviliR o m a

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IL MINISTRO

78 5016

HEADQUARTERS ALLIED COMMISSION
A.P.O. 794
PUBLIC SAFETY SUB COMMISSION
SECURITY DIVISION

11A

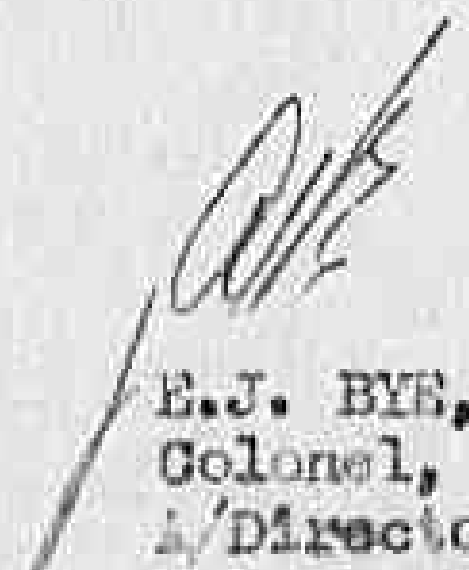
REF : SD/266.01-91

9 August 1946

SUBJECT : War Crimes Trials

TO : Ministry of Grace and Justice

1. Reference our letter of even number dated 29 July 1946.
2. I am instructed to enquire whether your Ministry are yet in a position to give a reply to paragraphs 2 and 3 of the above letter please.


E.J. BYE,
Colonel,
A/Director Public Safety,
Sub Commission.

AHE/nb

14

1702

HEADQUARTERS ALLIED COMMISSION
A.P.O. 794
CIVIL AFFAIRS SECTION

REF : SD/266.01-31

29 July 1946

SUBJECT : War Crimes Trials

TO : Ministry of Grace and Justice

1. A large number of cases have been investigated by the British War Crimes Organization where atrocities are alleged to have been committed by Germans or Fascist Italians against partisans and Italian civilians during the period September 43 to May 1945. Many of these cases have now been completed and the remainder are nearing completion.

2. It is not the policy of the British Military authorities to try as war criminals the perpetrators of these atrocities, unless the victims are Allied nationals. It is considered however, that your Ministry might wish to bring these persons to trial and G.H.Q., C.M.F., is now prepared to hand them over to the Italian civilian authorities, should you so desire, together with the relevant evidence.

3. This Headquarters has been instructed to inform your Ministry of this policy and suggest that, if you wish to take over the trial of these persons, it would be best for you to attach a responsible police officer to the Office of the Judge Advocate General in Naples. This Officer can then study the dossiers of evidence in each case, decide which persons are required to be handed over and arrange the details of their transfer. He should be English speaking if possible or, if not, should be accompanied by an efficient interpreter. The name of this Officer (and interpreter if any) should be notified to this Headquarters so that the attachment may be arranged.

4. Any Germans handed over to your Ministry will be handed over only on the clear understanding that they will not be executed or released from custody without written authority from G.H.Q., C.M.F. and will be returned to the custody of the British Military authorities immediately on request by that G.H.Q., should they be required.

13

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3. This Headquarters has been instructed to inform your Ministry of this policy and suggest that, if you wish to take over the trial of these persons, it would be best for you to attach a responsible police officer to the Office of the Judge Advocate General in NAPLES. This Officer can then study the dossiers of evidence in each case, decide which persons are required to be handed over and arrange the details of their transfer. He should be English speaking if possible or, if not, should be accompanied by an efficient interpreter. The name of this Officer (and interpreter if any) should be notified to this Headquarters so that the attachment may be arranged.

4. Any Germans handed over to your Ministry will be handed over only on the clear understanding that they will not be executed or released from custody without written authority from G.H.Q., C.M.F. and will be returned to the custody of the British Military authorities immediately on request by that G.H.Q., should they be required.

5. The policy for handing over war criminals for trial before Italian Courts was communicated to the Ministry of Foreign Affairs in our letter of even number dated 23 May 46 in reply to their Val/Sal of April, 1946.

6. It will be appreciated if you will forward your reply to this Headquarters in due course.

FOR THE CHIEF COMMISSIONER:

M. Carr

M. CARR,
Brigadier,
Vice President,
Civil Affairs Section.

Copy to: AFHQ, G-5, your G-5: 936.40
dated 20 July 1945 refers.

ALLIED FORCE HEADQUARTERS
C-5 Section
AFC 512

9a

20 July 1946.

G-5: 936.40

SUBJECT: War Crimes Trials.

TO : Chief Commissioner,
Allied Commission,
AFC 794.

1. A large number of cases have been investigated by the British War Crimes Organization where atrocities are alleged to have been committed by Germans or Fascist Italians against partisans and Italian civilians during the period Sep 43 - May 45. Many of these cases have now been completed and the remainder are nearing completion.

2. It is not the policy of the British Military authorities to try as war criminals the perpetrators of these atrocities, unless the victims were Allied nationals. It is considered however, that the Italian Government might wish to bring these persons to trial and GHQ CMF is now prepared to hand them over to the Italian civilian authorities, should they so desire, together with the relevant dossiers of evidence. In this connection please see GHQ letter, No 16202/A.5 dated 17 May. — 3A

3. It is requested that you should inform the Ministry of Grace and Justice of this policy and suggest that, if they wish to take over the trial of these persons, it would be best for them to attach a responsible police officer to the Office of the Judge Advocate General in NAPLES. This officer can then study the dossiers of evidence in each case, decide which persons are required to be handed over and arrange the details of their transfer. He should be English speaking if possible or, if not, should be accompanied by an efficient interpreter. The name of this officer (and interpreter if any) should be notified to this HQ so that the attachment may be arranged.

4. Any Germans handed over to the Italian authorities will be handed over only on the clear understanding that they will not be executed or release from custody without written authority from GHQ CMF, and will be returned to the custody of the British Military authorities immediately on request from this HQ should they be required.

5. It will be appreciated if you will forward the reply of the Italian Government in due course.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

A. L. Hamblen *Col*

/s/

A.L. HAMBLIN
Colonel, G.S.C.
Assistant Chief of Staff, G-5.

HEADQUARTERS ALLIED COMMISSION
A.P.O. 394
PUBLIC SAFETY SUB COMMISSION
SECURITY DIVISION

8A

REF : SD/266.01-91

25 July 1946

SUBJECT : War Crimes - DOLIMAN, KAPLER, MAELER and KESSELRING

TO : Ministry of Grace and Justice
(Att'n. of Dr. G. BONELLI)

1. Reference your UC/4449-1 dated 14 July 1946 and enclosures.
2. The case concerning the above named has been the subject of correspondence between this HQ and the Ministry of Foreign Affairs and it is suggested that you contact that Ministry who are in a position to advise you on the status of subjects.
3. Your enclosures are returned herewith.


E.J. BYE,
Colonel,
A/Director Public Safety,
Sub Commission.

AHE/nb

Mod. 2



Ministero di Grazia e Giustizia

7A

Gabinetto del Capo del Ministero

Roma, 14. 7. 1946

Protocollo N. 26 (6369-1)

OGGETTO Richiesta di criminali di guerra - Dollmann, Kappler, Maelzer e Kesselring.-

ALLA COMMISSIONE ALLEATA
Sottocommissione di P. S.
ROMA

L'Associazione nazionale tra le famiglie dei Martiri trucidati dai nazi-fascisti, si è rivolta a questo Ministero con l'istanza che si allega facente presente l'opportunità che i criminali di guerra in oggetto siano consegnati alle autorità italiane.

Quanto sopra si trasmette a codesta Commissione per competenza con preghiera di dare eventuali notizie a questo ufficio.

L'UFFICIALE DI COLLEGAMENTO
(Dr. G. Bonelli)

Bonelli

Giulio Andreotti, 14. 7. 1946

19

Protocollo N. 26 (43692)

OGGETTO Richiesta di criminali di guerra - Dollmann, Kappler, Maelzer e Kesselring.-

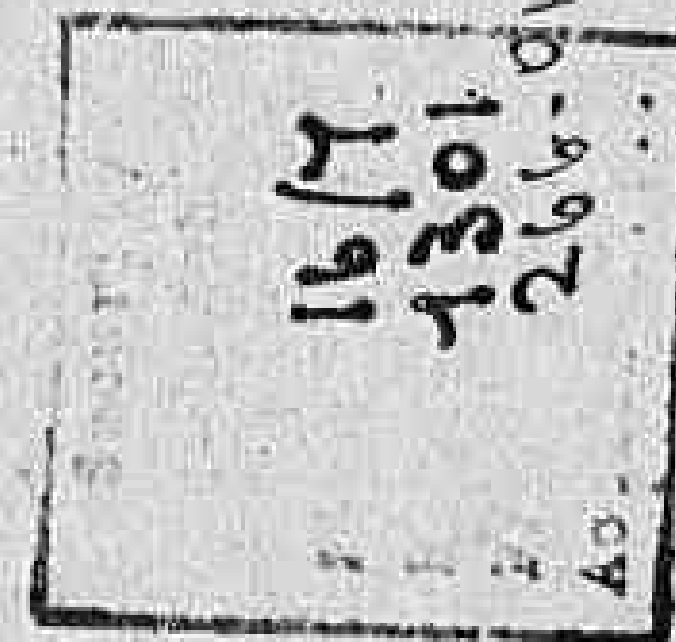
ALLA COMMISSIONE ALLEATA
Sottocommissione di P. S.
R O M A

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Quanto sopra si trasmette a codesta Commissione per competenza con preghiera di dare eventuali notizie a questo ufficio.

L'UFFICIALE DI COLLEGAMENTO
(Dr. G. Bonelli)

Bonelli



A 8786

SECRET*Security*

6A

SUBJECT :- WAR CRIMES.SECRETCHQ CMF.16202/A-3.26 June 46.To :- HEADQUARTERS,
ALLIED COMMISSION.
-----Reference your SD/266.01-91 of 26 April 46 and our
16202/A-3 of 17 May 46.It is regretted that the Germans named in your letter para
2 cannot be traced as ever having been in Allied Custody.*Rel. General*Brigadier.
DAG.

/hs

SECRET

*Note: As we have already
told the H. Govt. that no
more can be found of the
German officers listed as
used to simply killing them
that there is no account of them
being in Allied custody.*

J.P. 29/6.

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 28 1946	
FBI - NEW YORK	

28/6
96/1
266-01-91*please*

8

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref. SD/266.01-91.

27 June 1946

SUBJECT : War Crimes.

TO : G.H.Q. (D.A.G.)
C.M.F.

The attached copy Memorandum Val/Sa dated 23th June 1946 received from the Ministry of Foreign Affairs is forwarded to you. The communication referred to in the opening paragraph of the enclosed memorandum was the reply of May 23rd sent to the Italian Government which conveyed them the substance of your 16202/A-3 of 17 May 46. A copy of this HQ. letter SD/266.01-91 of 23 May is enclosed.

FOR THE CHIEF COMMISSIONER

MC
M. CARR, Brig.
VP CA Section.

7

589

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref. SD/266.01-91.

27 June 1946

SUBJECT : War Crimes.

TO : G.H.Q. (D.A.G.)
C.M.F.

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FOR THE CHIEF COMMISSIONER

M. CARR, Brig.
VP CA Section.

Ministero degli Affari Esteri

Val/Sa

No Italian Copy received 11/29/1946

MEMORANDUM FOR THE ALLIED COMMISSION

JUN 15 1946

15 GIU. 1946

Subject: War crimes.

3A

1. The Ministry for Foreign Affairs have taken duly note of the communication concerning the handing over to the Italian Authorities responsibility for the trial of enemy nationals accused of atrocities or war crimes committed against Italians, with the exception of:

- (a) Persons who are not required for trial by any Allied Nation;
- (b) German senior officers, who were responsible for the organization and planning of the reprisal campaign against the Italian civil population, to be tried before a British Military Court.

2. As regards the persons referred under paragraph (a), the Ministry for Foreign Affairs are of the opinion that the fact that the offenders be required for trial by another Nation for atrocities or war crimes committed elsewhere, should not preclude the possibility that they could be brought for trial in Italy for crimes committed here. In such a case it should be admitted that the foregoing officers, as soon as trial in another nation is concluded, be put at the Italian Authorities' disposal, for trial to be conducted in Italy for war crimes whose judgment is the competence of the Italian jurisdiction, following in this respect principles which have generally been adopted, in similar cases, in treaties of extradition and assistance in penal matters. For cases of persons who are accused of war crimes committed in different countries, a possibility to bring them for trial before mixed Courts, could also be considered.

File 1/10/1946

CA See

6/2423/954

bst

4K

3A
Subject: War crimes.

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3. As regards the exception concerning German senior officers, referred under paragraph (b), the Ministry for Foreign Affairs are pointing out that such an exception is not foreseen.

EC. DIST - 15. JUNE.

ACTION - CA.S. (~~SECRET~~)-(2)

INFO - C. COM.

Ex. Com.

p. 120-2148



by the Moscow Declaration of November 1st, 1943, on war atrocities.

According to the above Declaration, the Italian Government have drawn up a list of German officers accused of atrocities and war crimes perpetrated in Italy.

The motives which could justify the aforesaid exception are not visualized.

Should the German senior officers not be brought for trial before the Italian Courts, the persons more directly responsible of atrocities and war crimes committed in Italy would escape these courts' jurisdiction. They, as per Moscow Declaration, should be tried in this Country by Italian Courts according to the Italian law.

The Ministry for Foreign Affairs, though being of the opinion that no motives are existing for excepting from the principles solemnly set forth in the Moscow Declaration regarding Germany in the respect of German senior officers, beg to add that a derogation could be admitted only in case that the creation of an Italo-British Mixed Court for the trial of said officers could be envisaged. **A**

Rome, June 13th, 1946

SECRET

HEADQUARTERS ALLIED COMMISSION

A.P.O. 394

CIVIL AFFAIRS SECTION

3A

REF : SD/266.01-91

23 May 1946

SUBJECT : War Crimes

TO : Ministry of Foreign Affairs

1. Reference your recent applications for the handing over of certain German Military for trial.

2. The policy at present is to hand over to the Italian Authorities responsibility for the trial of enemy nationals accused of atrocities or War Crimes committed against Italians, provided such persons are not required for trial by any Allied Nation.

3. (a) The one exception is the case against German senior officers who were responsible for the organization and planning of the reprisal campaign against the Italian civil population. This case will be tried before a British Military Court, it has reached an advanced stage of preparation and it is hoped that the German Generals concerned will be brought for trial shortly.

(b) Field Marshal KESSELRING is included among the accused, in view of the fact that the Ardeatine Caves atrocities form a large part of the evidence Col. KAPPLER and Lt. Col. DOLLMAN, if not charged themselves will be required as witnesses.

4. Regarding the application in respect to General MULLER, this cannot be complied with as he was recently transferred to GERMANY custody for trial on War Crimes charges.

5. (a) No trace has yet been found of the German officers listed as responsible for the War Crimes on the Island of GEFALINIA. The documents containing particulars of the charges and the evidence in support are being translated when completed consideration will be given to your request. It is suspected that some of the names may be wrongly spelt, in which case they are useless for tracing purposes. I wish to point out that accuracy in this respect is absolutely vital.

4/10/46
6/10/46

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2. The policy at present is to hand over to the Italian Authorities responsibility for the trial of enemy nationals accused of atrocities or War Crimes committed against Italians, provided such persons are not required for trial by any Allied Nation.

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4. Regarding the application in respect to General MULLER, this cannot be complied with as he was recently transferred to GRAZ custody for trial on War Crimes charges.

5. (a) No trace has yet been found of the German Officers listed as responsible for the War Crimes on the Island of CEFALONIA. The documents containing particulars of the charges and the evidence in support are being translated, when completed consideration will be given to your request. It is suspected that some of the names may be wrongly spelt, in which case they are useless for tracing purposes. I wish to point out that accuracy in this respect is absolutely vital.

(b) If your application is approved all possible assistance, within its powers, will be afforded by the Allied Military Authorities but it must be appreciated that owing to extensive War Crimes investigations at HQ the initiative in this case must be taken by the Italian Authorities.

FOR THE CHIEF COMMISSIONER:

M. C. Carr

M. CARR,
Brigadier,
Vice President,
Civil Affairs Section.

SECRET

Subject:- WAR CRIMES.

SECRET.

CHQ CMF.

16202/A-3.

17 May 46.

HQ Allied Commission.

Reference your letter SD/266.01-91 dated 26 Apr 46.

The requests submitted by the Italian Ministry of Foreign Affairs have been noted. It is thought that the following points may assist you in framing a reply.

1. (a) The policy as it stands at present is to hand over to the Italian authorities responsibility for the trial of enemy nationals accused of atrocities or war crimes committed against Italians, provided that such persons are not required for trial by any Allied Nation.
 (b) The one exception is the case against German senior officers who were responsible for the organization and planning of the reprisal campaign against the Italian civil population.
 (c) This case which will be tried by a British Military Court has reached an advanced stage of preparation and it is hoped that the German Generals concerned will be brought to trial before the end of the summer.
 (d) Field Marshal KESSELRING is included among the accused in this case. In view of the fact that the Ardestine Caves atrocities form a large part of the evidence, Col KAPPLER and Lt Col DOLLMANN, if not charged themselves, will undoubtedly be required as witnesses.
 (e) No forecast can of course, be made of the position after the trial, but in view of the Italian request, you may wish to inform them of the present position.
2. The Italian application in respect of General MULLER cannot be complied with as MULLER was recently transferred to Greek custody for trial on War Crimes charges.
3. (a) No trace has been found as yet at CHQ of the German officers listed as responsible for War Crimes on the Island of Cefalonia in 1944. The documents containing particulars of the charges and evidence in support are being translated here. When this is completed, consideration will be given to the Italian request. In the meantime, it is strongly suspected that some of the names may be wrongly spelt, in which case they are useless for tracing purposes. May it please be pointed out to the Italian authorities that accuracy in this respect is absolutely vital.

1. (a) The policy as it stands at present is to hand over to the Italian authorities responsibility for the trial of enemy nationals accused of atrocities or war crimes committed against Italians, provided that such persons are not required for trial by any Allied Nation.
 (b) The one exception is the case against German senior officers who were responsible for the organization and planning of the reprisal campaign against the Italian civil population.
 (c) This case which will be tried by a British Military Court has reached an advanced stage of preparation and it is hoped that the German Generals concerned will be brought to trial before the end of the summer.
 (d) Field Marshal KESSELRING is included among the accused in this case. In view of the fact that the Ardeatine Caves atrocities form a large part of the evidence, Col KAPPLER and Lt Col DOLLMANN, if not charged themselves, will undoubtedly be required as witnesses.
 (e) No forecast can of course, be made of the position after the trial, but in view of the Italian request, you may wish to inform them of the present position.
2. The Italian application in respect of General MULLER cannot be complied with as MULLER was recently transferred to Greek custody for trial on War Crimes charges.
3. (a) No trace has been found as yet at GHQ of the German officers listed as responsible for War Crimes on the Island of Cefalonia in 1944. The documents containing particulars of the charges and evidence in support are being translated here. When this is completed, consideration will be given to the Italian request. In the meantime, it is strongly suspected that some of the names may be wrongly spelt, in which case they are useless for tracing purposes. May it please be pointed out to the Italian authorities that accuracy in this respect is absolutely vital.
 (b) Please inform the Italian authorities that if their claim is approved all possible assistance within its powers will be afforded by this HQ. It must however be understood, that owing to extensive war crimes investigation commitments at GHQ the initiative in this matter must be taken by the Italians.

mem.

Copy to - File 16200/A-3.

J. Nether
 Brigadier,
 DAG.

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266.01-91

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HEADQUARTERS ALLIED COMMISSION
A.P.O. 394
PUBLIC SAFETY SUB COMMISSION
SECURITY DIVISION

REF : SD/266.01-91

26 April 1946

SUBJECT : Alleged War Crimes

TO : D.A.G., C.I.O., C.M.F.

1. Translated copies of applications made by the Italian Ministry of Foreign Affairs for the arrest and transfer of certain German nationals for trial on alleged War Crimes are forwarded herewith for information and decision.

2. The first application concerns the activities of the below named who are alleged to have committed murder and acts of violence against prisoners of war on the Isle of CEFALONIA between 22 and 25 November 1943.

- (1) Lt. Col. BARGE - Commander of 999th Wehrmacht Fortress Infantry 60.
- (2) Major HIRCHFELD - Commander, 1st German Alpine Division Corp.
- (3) Major NENNITZEL -
- (4) Capt. von STORPHASIUS -
- (5) Lt. RADENAKER -
- (6) S. Lt. ISIPOLD -

3. The second application refers to the three below named German officers in connection with the mass executions at the "FOSSE ARDEATINE", Rome on 23/24 March 1944.

- (1) Field Marshal Albert KESSELRING
- (2) Col. Herbert KAPPLER - Commander of S.D. in Rome
- (3) Lt. Col. DOLLMANN - Adjutant to KAPPLER.

4. The third application refers to alleged murder and acts of violence against prisoners of war on the Isle of LERO on 16 Nov. 1943 carried out at the instigation of the following:

- (1) General MULLER - Commander of the Germans Forces on LERO

5. May this Headquarters be advised of the nature of the reply which

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should be sent to the Italian Government as these applications appear to create a precedent by the fact that the Italian Government are requesting that German subjects be handed over for trial by the Italian Courts as War Criminals.

EJB
E.J. BYE,
Colonel,
Director Public Safety,
Sub Commission.

AHE/nb

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