

ACC 10000/143/2690

266/01/173

CUSTODY OF POTENTIAL WAR CRIMINALS

AUG. 1946 - JAN. 1947

V.P. C.A.S.

H

Submitted as in minute 2 p.m. for
consideration.6-9-46.

E.J. Dye. Colonel.

5.

V.P. C.A.S.

Attached Draft Letter for consideration

Per.

Approved: *[Signature]*9-9-46.

E.J. Dye. Colonel

V.P. C.A.S.

Letter forwarded for signature please

*[Signature]*12-9-46.To: Public Safety

Letter signed by the V.P. is returned for

signature

*[Signature]*12/9/46

1
A/Director, Public Safety S.C.

Please see 1. If this HQ agrees to the principle request it is suggested that a draft is prepared by us for approval of V.P. CAS for submission to the appropriate department of the Ministry of Justice.

5/9 For information - 209 PW Camp is due to close middle of September.

2.

V.P. CAS

As No.209 P.W. Camp is closing down and no other Allied accommodation is or will be available there appears to be no alternative but to ask the Ministry of Grace and Justice if they will agree in principle to taking over the custody of War Criminals and witnesses pending trial and lodging them in POGGIO REALE Prison, NAPLES.

I understand that Major Ridley of A Branch, GHQ is visiting this HQ this afternoon, 5th September in connection with War Crimes and he will be asked to supply fuller details, e.g;

- (i) Number of War Criminals and witnesses it is anticipated will be arrested and held;
- (ii) Whether treatment in prison should be varied between War Criminals and War Crime witnesses;
- (iii) Length of time it is anticipated these people will be held in Naples

For consideration please.

5 Sep 46.

E.J. BYE
Colonel

-3-

A/Director, Public Safety S.C.

On 5 Sept. I discussed this question with Major Ridley A3 Branch, G.H.Q. and submit the following information -

The estimated maximum will be 100, probably not more than 60

Treatment will not be varied - see below

It is not anticipated that facilities at NAPLES will be

As No. 209 P.W. Camp is closing down and no other Allied accommodation is or will be available there appears to be no alternative but to ask the Ministry of Grace and Justice if they will agree in principle to taking over the custody of War Criminals and witnesses pending trial and lodging them in POGGIO REALE Prison, NAPLES.

I understand that Major Ridley of A Branch, GHQ is visiting this HQ this afternoon, 5th September in connection with War Crimes and he will be asked to supply fuller details, e.g;

- (i) Number of War Criminals and witnesses it is anticipated will be arrested and held;
- (ii) Whether treatment in prison should be varied between War Criminals and War Crime witnesses;
- (iii) Length of time it is anticipated these people will be held in Naples

For consideration please.

5 Sep 46.

-3-

A/Director, Public Safety S.C.

On 5 Sept. I discussed this question with Major Ridley A3 Branch, G.H.Q. and submit the following information -

The estimated maximum will be 100, probably not more than 60

Treatment will not be varied - see below

It is not anticipated that facilities at NAPLES will be required after 30 November, 1946.

The term "war crime witnesses" is a mis-nomer", in actual fact when persons are arrested all are potential War Criminals and it is not possible to decide whether or not they will be charged until after interrogation. If it is then necessary to retain them as witnesses they will either be transferred to No. 3 Transit Camp or permitted to return to their homes if the trial is fixed for a much later date.

6 Sep 46

Wells. Capt.

E. J. BYE
Colonel

Ministero di Grazia e Giustizia

DIREZIONE GENERALE
PER GLI ISTITUTI DI PREVENZIONE E DI PENA

Uff. VI

Prot. N. 188823/9 Compl.

Roma, 16 GEN. 1947

Al Commissione Alleata
Divisione Pubblica Sicurezza
za-Sottodivisione SicurezzaRoma
28-12-46Risposta al f. del N. D/266.
Dir. Sec. N. 01

Oggetto: Custodia di Sospetti Criminali di Guerra.

File

Con riferimento al foglio sopra indicato, si comunica che sono state impartite disposizioni telefoniche al Dott. Bonomi, direttore delle carceri giudiziarie di Napoli, perchè, nei contatti che avrà con un rappresentante dell'Ufficio del Giudice Avvocato Generale di quella città, prenda gli opportuni accordi per la istituzione nelle carceri stesse di una apposita sezione per Criminali di Guerra o sospetti tali.

Pel Ministro



Security Branch
Rec'd. 21/1
Dist. No. 1336
File No. 266.01
Accession

Ref the a/s note -

Dr. BONOMI, the Director of NAPLES
judiciary prison, has been instructed
to contact the Office of the Cheater
Judge Advocate - NAPLES - with a
view of discussing arrangements for
making a section of NAPLES prison
available for the custody of potential
war criminals.

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

REF : SD/266.01

13 January 1947

SUBJECT : Custody of Potential War Criminals

TO : Ministry of Pardon and Justice
(Direzione Generale per gli Istituti di Prevenzione
e di Pena) ROME

1. Reference your Uff. VI, Prot. No. 188529/9 Compl. dated
3 January 1947.

2. It is noted that the enclosure to the above from the Director
of Poggioreale Prison, NAPLES, is dated 18 December 1946 and it is
assumed that an officer from the Judge Advocate General's Office
has now contacted Dr. BONOMI as advised in our letter of even number
dated 28 December 1946.

FOR THE CHIEF COMMISSIONER:


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

AHM/nb

32

1237

Ministero di Grazia e Giustizia

DIREZIONE GENERALE
PER GLI ISTITUTI DI PREVENZIONE E DI PENA

UFF. VI

Prot. N.° 138529/9 Compl.

Roma, 3 GEN. 1947

Alla Commissione Alleat
Sottocommissione per
la P.S.

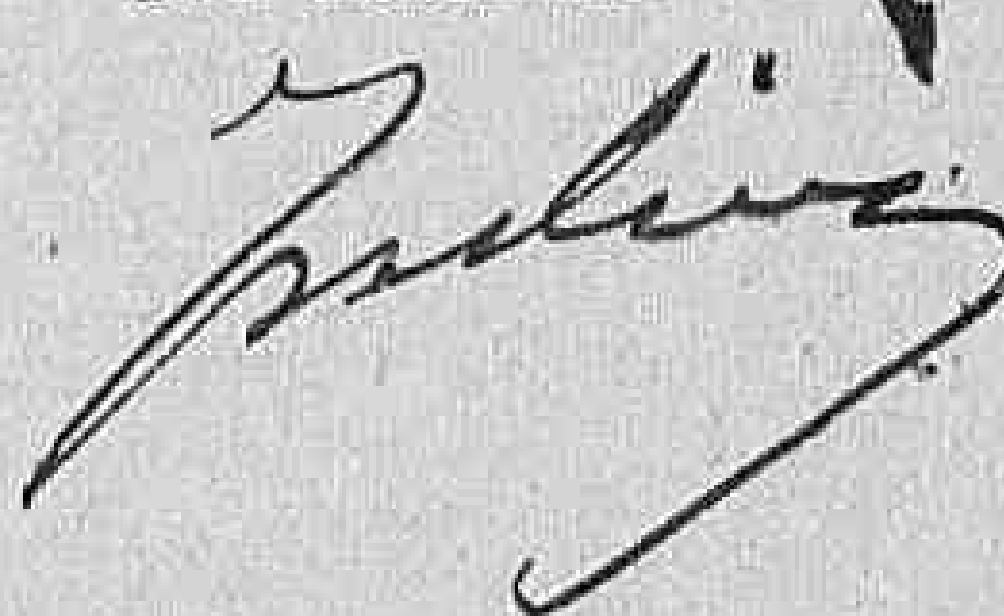
ROMA

Risposta al f. del
Dir. Sez. N.°OGGETTO: Istituzione di una sezione per imputati
di criminali di guerra.-alleg.1

Facendo seguito alla ministeriale n.
187952/9 Compl. del 14 dicembre 1946, si tra-
smette per conoscenza copia della nota n.183
della Direzione delle carceri giudiziarie di
Napoli, in data 13/12/1946.-

Security
Branch
Recd. 10/1
Exped. 12/1
File No. 264.01
Stamp

Pel Ministro



COPIARACCOMANDATA RISERVATA

DIREZIONE CARCEI GIUDIZIARIE POGGIOREALE

N. 183 Ris.

Napoli, 18/12/1946

Ris. a nota del 28/11/46
n. 187707/9 Compl.On/le Ministero di Grazia e Giustizia
Direz. Gen. Istit. di Prev. e di Pena
R O M AOGGETTO : istituzione di una sezione per imputati
di crimini di guerra.-

In esito alla ministeriale suindicata mi pregio
significare che sino ad oggi nessun ufficiale del
Comando Alleato si è recato presso questa Direzione
per prendere accordi circa la istituenda sezione
per imputati di crimini di guerra.-

D'altro canto lo scrivente pur avendo svolto il
suo interessamento non è riuscito a mettersi in
contatto con il Comando Alleato competente poichè
detto Ente non ha sede in Napoli.-

Ad ogni modo la sezione destinata ad accogliere
i suddetti imputati è già pronta per cui resto in
attesa di ulteriori disposizioni.-

Con osservanze.

IL DIRETTORE SUPERIORE
P/to dott. E. Bonomi

Ref our note n. 187952/9 dated 14 Dec. 46.
Herewith attached copy letter n. 183
dated 18 Dec. 46 from the Direction of
Naples prison.

Ref the a/o note -
Until now no Officer of the Allied
Command ~~went~~ came to this Direction
to come to an agreement about
a section for potential war crimi-
nals.

I did my best to contact the
Allied Command concerned, but I
did not succeed in it as the
said Office is not located in Naples.

In any way the section for the²⁹
retention of the potential war crimi-
nals is ready.

Your instructions will be appreciated -

~

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

REF : SD/266.01

28 December 1946

SUBJECT : Custody of Potential War Criminals

TO : Ministry of Pardon and Justice,
(Direzione Generale per gli Istituti di Prevenzione
e di Pena) ROME

1. Reference your Uff. VI Prot. No. 187952/9 Compl dated 14 December 1946.

2. Instructions have been given for a representative of the Judge Advocate General's Office, NAPLES, to contact Dr. BONOMI, Director of Poggioreale Prison, NAPLES, with a view to discussing arrangements for the accommodation of potential war criminals and of war criminals awaiting trial in that prison.

3. Your co-operation in this matter is appreciated.

FOR THE CHIEF COMMISSIONER:


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

28

AHE/nb

4441
Security.
SUBJECT :- Custody of Potential War Criminals

Tel No : PADUA 22263

CUG ONF

16000/32/A3

20 Dec 46

DJAC CUG ONF

Reference the attached copy of HQ Allied Commission Public Safety Division, Security Sub Division letter SD/266.01 dated 4 Dec 46 and further to this HQ letter of even number dated 9 Dec 46.

1. May arrangements please be made for a representative, it is suggested of JAG NAPLES, to contact Dr BONOMI, Director of the POGGIO REALE, NAPLES with a view to arranging for the accommodation of potential war criminals and of war criminals awaiting trial in that prison.
2. It is the intention to make use of the facility offered for the following purposes :-
 - a. Temporary retention of war criminals arrested in Southern and Central ITALY by your investigators or by other agents.
 - b. Detention of Italian war criminals awaiting trial in the NAPLES Area.
3. It is unlikely that it will be necessary to commit to the POGGIO REALE many, if any, of the category of person referred to at para 2 (b) above. It is understood however that you anticipate that a considerable number of arrests will be made in Southern and Central ITALY in the near future.

4. Your representative should therefore make the following arrangements with the Director of the Prison :-

- a. Arrange for the Prison to accept into custody a maximum of 27 20 potential Italian war criminals at any one time.
- b. Arrange for such prisoners to be kept segregated, where required.
- c. Inform the Director of the method of committal to and transfer from the Prison.
- d. Arrange for a room or cell to be set aside for interrogation of war criminals, when required.
- e. In the case of war criminals awaiting trial inform the Director of the pre trial and post trial procedure in war crimes cases, in order that he may be aware of what persons are allowed to visit such prisoners (i.e. the officer to which the accused is attached for the purposes of the trial, the British defending

1. May arrangements please be made for a representative, it is suggested of JAG NAPLES, to contact Dr BONOMI, Director of the POGGIO REALE, NAPLES with a view to arranging for the accommodation of potential war criminals and of war criminals awaiting trial in that prison.

2. It is the intention to make use of the facility offered for the following purposes :-

a. Temporary retention of war criminals arrested in Southern and Central ITALY by your investigators or by other agents.

b. Detention of Italian war criminals awaiting trial in the NAPLES Area.

3. It is unlikely that it will be necessary to commit to the POGGIO REALE many, if any, of the category of person referred to at para 2 (b) above. It is understood however that you anticipate that a considerable number of arrests will be made in Southern and Central ITALY in the near future.

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c. Inform the Director of the method of committal to and transfer from the Prison.

d. Arrange for a room or cell to be set aside for interrogation of war criminals, when required.

e. In the case of war criminals awaiting trial inform the Director of the pre trial and post trial procedure in war crimes cases, in order that he may be aware of what persons are allowed to visit such prisoners (i.e. the officer to which the accused is attached for the purposes of the trial, the British defending officer and the civilian counsel (if any) only when accompanied by the British defending officer or other British officer).

/to page 2.....

27/12
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266.0

5. It is not considered that it will be necessary for him to set aside any permanent accommodation, but he should be prepared to accept the commitment outlined above whenever called upon to do so.
6. Please inform this HQ of the detailed arrangements made by your representative with the Director of the Prison.

/ml

B. H. H. H. H. H.
Colonel,
Colonel 'A'.

Copy to :- HQ Allied Commission
Public Safety Division
Security Sub Division
16000/9/A3
(your letter SD/266.01 dated 4 Dec 46 refers)

ACSEC HQ ALCON

A BRANCH CHQ CMT

19 DECEMBER 1946

266.01.

File

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RESTRICTED

SUBJECT IS CUSTODY OF POTENTIAL WAR CRIMINALS PD
 PARA ONE PD REFERENCE YOUR ONE SIX ZERO ZERO ZERO SLANT THREE TWO SLANT
 ARRL DASH THREE DATED ONE TWO NOVEMBER FOUR SIX PD
 PARA TWO MINISTRY OF JUSTICE REQUESTS OFFICER CONTACT DIRECTOR FOGGIORELLI
 HAYES TO AGREE ARRANGEMENTS PD
 OUR SUGAR DOG SLANT TWO SIX SIX PD ZERO ONE DATED FOUR DECEMBER FOUR SIX
 REFERS PD

24

ROUTINE

SECURITY SUB DIVISION

A.H. ELLIS; Capt.

JOHN R. HAYES
 MAJ AGO
 ADJUTANT

367

1020

*Ministero
di Grazia e Giustizia*
DIREZIONE GENERALE
PER GLI ISTITUTI DI PREVENZIONE E DEDENA

Uff. VI

Prot. N.° 187952/9 Compl.

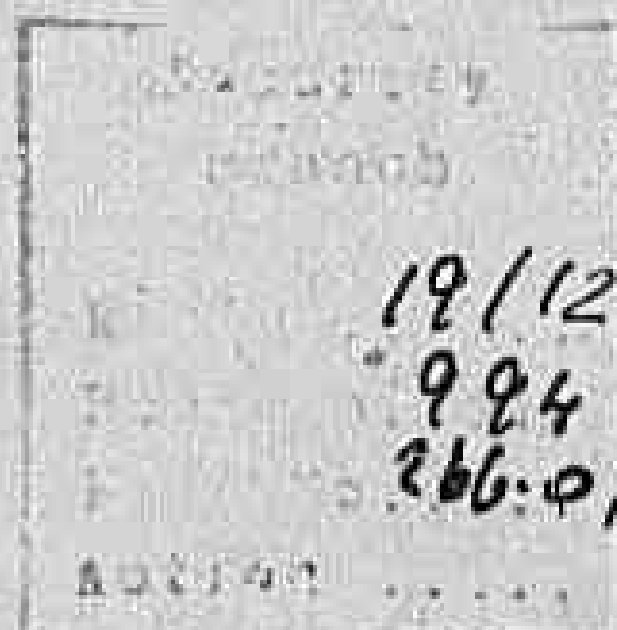
Mod. 1345 F
Roma, 14 DIC. 1948
La Commissione Alleata
Sottocommissione P.S.
R O M A

Proposta al f. del
Dir. Sec. N.°

OGGETTO: detenzione di persone suscettibili di
processo per eventuali delitti di guerra.-

Facendo seguito alla nota n. 187708/9 Comp.
del 30 novembre scorso, si comunica che il Di-
rettore delle carceri giudiziarie di Napoli,
a seguito delle disposizioni impartite da que-
sto Ministero, di cui è cenno nella precitata
nota, ha fatto conoscere che non gli è stato
possibile prendere contatti con alcuna Autori-
tà Alleata, perchè a Napoli non ve ne sono.-

Tanto si comunica a codesta Commissione
per gli opportuni provvedimenti di competenza.



Pel Ministro

23

Subject: - Custody of potential war
Criminals -

Following our note 187708/9 Comp.
dated 30 Nov. 46 -

The Director of Naples prison, in reply
to the dispositions issued by this Ministry
informed us that he has been
unable to contact Allied Authorities,
because in Naples there is no Allied
Authorities -

Your instructions will be appreciated -

SUBJECT:- War Crimes: Custody of Potential War Criminals.

Tele No PADUA 22262

D.J.A.G.,
C.H.A.,
C.H.F.

File

CMQ CMV.

16000/32/A3.

9 Dec 46.

Reference this HQ letter 16000/A3 dated 30 Aug 46 and 16000/32/A3 dated 12 Nov 46.

1. A copy of HQ Allied Commission, Public Safety Division, Security Sub Division letter SD/266.01 dated 3 Dec 46 is forwarded herewith.
2. Use of the facilities offered will be made by this HQ for the holding of war criminals for any future trials to be held in the NAPLES Area. It is also suggested that you may find this facility useful for the temporary retention of war criminals arrested in the South of Italy during the current hunt for war criminals.
3. Any points raised by the Director of Prisons will be transmitted to you in due course, if applicable.

[Signature]
Colonel,
Colonel "A".

Copy to:- HQ Allied Commission,
Public Safety Division,
Security Sub Division (your letter SD/266.01 dated
3 Dec 46 refers).

21

/RMH

12/12
917
266.01

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

REF : SD/266.01

4 December 1946

SUBJECT : Custody of Potential War Criminals

TO : A Branch, GHQ, CMF

1. Reference your 16000/32/A-3 dated 12 November 1946 and this HQ letter of even number dated 3 December 1946.

2. The Ministry of Justice further advises that Dr. BONOMI, Director of POGGIOREALE Prison, NAPLES has been instructed to make a section of the prison available for the custody of potential war criminals as from 1 December 1946.

3. The Ministry request that an officer be detailed to contact Dr. BONOMI at NAPLES with a view to agreeing to the accommodation allotted. May the necessary instructions be given please.

FOR THE CHIEF COMMISSIONER:


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

20

AHE/nb

Ref the a/s note and the information received by your Commission through the Judge Dr. BONELLI.

We inform you that instructions have been given to the Director of Naples prison Dr. BONVOLI, to establish, in agreement with an officer attached to the Allied Command, a section in Poggioreale prison, in which potential war criminals can be held. This section will be available since tomorrow 1 December.

~

Ministero di Grazia e Giustizia

Direzione Generale per gli Istituti di prevenzione e di pena

Uff. 6°.
Prot. 187708/9 Compl.
Risp. al f. del 16.11.1946
N. S.D. 226.OI

Roma, 30.11.1946

ALLA COMMISSIONE ALLEATA
Sottocommissione per la P.S.

R O M A

O C C E T T O : Detenzione di persone suscettibili di processo
per eventuali delitti di guerra.

Con riferimento alla nota sopra indicata e alle comunicazioni già fatte a codesta On. Commissione per mezzo del giudice dott. Bonelli, si fa conoscere che sono state date disposizioni al Direttore delle carceri giudiziarie di Napoli, Dr. Bonomi, per stabilire, di accordo con un ufficiale del Comando Alleato, le modalità necessarie per la istituzione di una sezione nelle carceri di Poggioreale, nella quale potranno essere ristretti i detenuti suscettibili di processo per eventuali crimini di guerra.

In esecuzione delle dette disposizioni, la sezione può funzionare da domani, 1° dicembre.

per M I N I S T R O

2/112

Uff. 6°.
Prot. 187708/9 compl.
Risp. al f. del 16.11.1946
N. S.D. 236.01

Roma, 30.11.1946

ALLA COMMISSIONE ALLIATA
Sottocommissione per la P.S.

R O M A

O G G E T T O : Detenzione di persone suscettibili di processo
per eventuali delitti di guerra.

Con riferimento alla nota sopra indicata e alle comunicazioni già fatte a codesta On. Commissione per mezzo del giudice dott. Bonelli, si fa conoscere che sono state date disposizioni al Di-rettore delle carceri giudiziarie di Napoli, Dr. Bonomi, per stabilire, di accordo con un ufficiale del Comando Alleato, le modalità necessarie per la istituzione di una sezione nelle carceri di Poggioreale, nella quale potranno essere ristretti i detenuti suscettibili di processo per eventuali crimini di guerra.

In esecuzione delle dette disposizioni, la sezione può funzionare da domani, 1° dicembre.

per M I N I S T R O

2/12
266.01

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

REF. : SD/266.01

3 December 1946

SUBJECT : Custody of Potential War Criminals

TO : A BRANCH, GID, CMF.

1. Reference your 16000/32/A3 dated 12 November 1946.
2. The Ministry of Justice has now informed this HQ that they agree to hold potential War Criminals in POGGIOREALE prison NAPLES at Allied disposition.
3. This Division is contacting the Director of Prisons on this matter with a view to clarification of any points he might wish to raise.

FOR THE CHIEF COMMISSIONER

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

AHE/Im.

Ministero di Grazia e Giustizia

Gabinetto del Ministro

Ufficio Collegamento coll'AC.

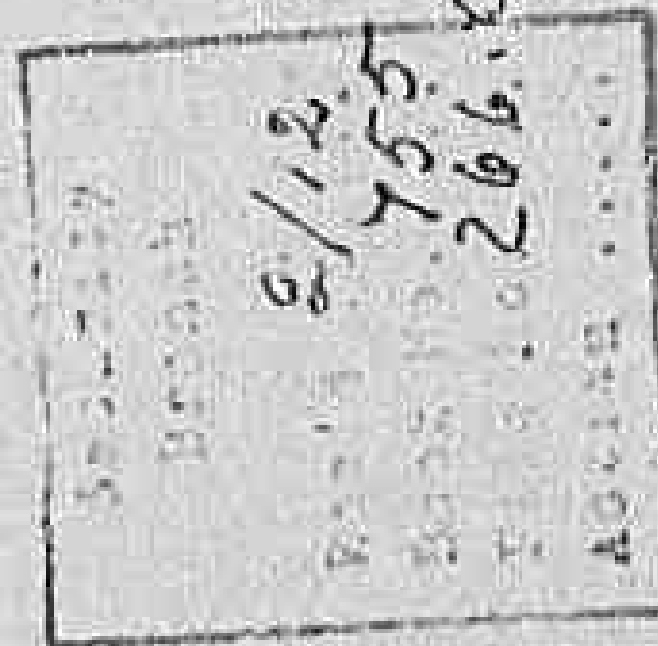
Protocollo N. 46368-1

Roma 28.11.1946 *494*

OGGETTO Custodia di criminali di guerra.

ALLA COMMISSIONE ALLEATA
Divisione di Pubblica Sicurezza
Sottodivisione Sicurezza

ROMA



Con riferimento al foglio SD/266.01 del 16 corrente si comunica che questo Ministero aderisce alla richiesta di ricevere nelle carceri di Poggioreale i criminali di guerra a disposizione degli Alleati di cui alla lettera stessa.

Per effettuare quanto sopra sarà opportuno che un ufficiale Alleato di codesta Divisione prenda contatto con il Direttore del Carcere Dr. Bonomi, il quale è stato già messo al corrente di quanto sopra.

16

L'UFFICIALE DI COLLEGAMENTO
(Dr. Giorgio Bonelli)

Bonomi

Ref. your note SD/266.01 dated 16 Nov. 46 -
This Ministry agrees in holding the criminals of war

Gabinetto del - Ministero
Ufficio Collegamento coll'AC.
Protocollo N. 4614368-1

OGGETTO Custodia di criminali di guerra.

SPEDIZIONE
UFFICIO
6/12
755
266.01
ADDEBITO

ALLA COMMISSIONE ALLEATA
Divisione di Pubblica Sicurezza
Sottodivisione Sicurezza

ROMA

Con riferimento al foglio SD/266.01 del 16 corrente si comunica che questo Ministero aderisce alla richiesta di ricevere nelle carceri di Poggioreale i criminali di guerra a disposizione degli Alleati di cui alla lettera stessa.

Per effettuare quanto sopra sarà opportuno che un ufficiale Alleato di codesta Divisione prenda contatto con il Direttore del Carcere Dr. Bonomi, il quale è stato già messo al corrente di quanto sopra.

L'UFFICIALE DI COLLEGAMENTO
(Dr. Giorgio Bonelli)

*Ref. your note SD/266.01 dated 16 Nov. 46 -
This Ministry agrees in holding the criminals of war in Poggioreale prison at Allied disposition -
It seems advisable that an Allied officer of your Division be in touch with Dr. Bonomi, the Director of the prison, who has already been informed on this matter.*

CONFIDENTIAL

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

URGENT

REF : SD/266.01

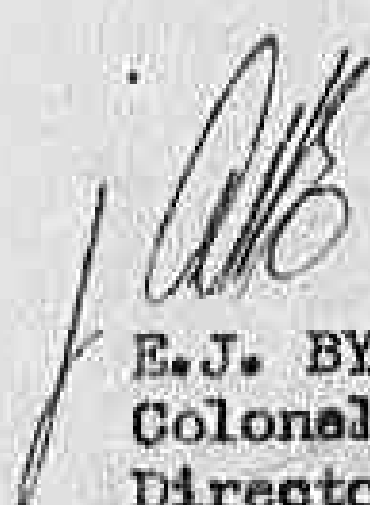
16 November 1946

SUBJECT : Custody of Potential War Criminals

TO : Ministry of Grace and Justice
(Direz. Gen. degli Affari Penali delle Grazie e del
Casellario) ROME

1. Reference your Uff. II A/P 3083.291.34 dated 14 October 1946.
2. Copy of this HQ letter of even reference dated 12 September 1946 is forwarded herewith.
3. The request contained in our above mentioned letter is again submitted for the consideration of your Ministry although it is not now desired to hold such large numbers of Italian potential war criminals in the Poggio Reale Prison NAPLES. Facilities for holding war criminals in a civil prison in ROME would be equally, if not more acceptable.
4. It will be much appreciated if arrangements for the holding of such suspects in the Poggio Reale could be concluded by the end of November.

FOR THE CHIEF COMMISSIONER:


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

15

AHE/nb

CONFIDENTIAL

591

3450

CONFIDENTIALSUBJECT:- War Crimes - Custody of Potential War Criminals.Tel. No: PADUA 22268.

GHQ CME.

16000/32/A3.12 Nov 46.*Security*

HQ Allied Commission,
Public Safety Sub Commission,
Security Division.

Reference your letter SD/266.01 dated 23 Oct 46.

1. The request contained in our letter 16000/A3 dated 30 Aug 46 has not been withdrawn since, although it is not now desired to hold a large number of Italian potential war criminals in the Poggio Reale, NAPLES, an intensive hunt for war criminals is now being staged in the south of ITALY and NAPLES would provide a convenient concentration point for any that might be captured. Facilities for holding war criminals in a civil prison in ROME would be equally, if not more acceptable.
2. The run down of British troops in Southern ITALY will be virtually complete by the end of November; there will however continue to be a commitment for the trial of war criminals in the South since the majority of war crimes concerning Italians were committed there, and since it is not considered practicable to move witnesses from the South of ITALY to the North to testify at the trials.
3. For the two reasons outlined above it would be much appreciated if you would continue to press this matter with the Italian authorities. If at all possible arrangements for the holding of Italian war criminals in the POGGIO REALE should be concluded by the end of November, since by that time no facilities will exist in the South of ITALY for potential war criminals to be held in British custody other than at 32 Military Prison and Detention Barracks, ROME, which is a small establishment designed only to hold a limited number of convicted war criminals.

/TWS.

Copy to: DJAG GHQ.

Security
Branch
15/11
569
266.01
Action

[Signature]
Colonel,
Colonel "A".1/1

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

REF : SD/266.01

23 October 1946

SUBJECT : Custody of Potential War Criminals

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

1. Reference your 16000/A-3 dated 30 August 46.
2. May this HQ please be advised if your GH still require accommodation for potential war criminals in the civil prison of POGGIO REALE, NAPLES.

FOR THE CHIEF COMMISSIONER:


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

ALE/nb

13

TRANSLATION

m/c

Rome, 14 Oct. 1946

MINISTRY OF GRACE AND JUSTICE
Direz. Gen. degli Affari Penali
delle Grazie e del Casellario

UFF. II A/P
3083.291.34

ALLIED COMMISSION
Civil Affair Section

R O M E

SUBJECT: CUSTODY OF POTENTIAL WAR CRIMINALS.

attn. Ufficio Collegamento

S E D E

This Ministry did not receive your letter dated 12 Sept. 46,
concerning subject.
Will you please send copy of the above quoted letter.

12

FOR THE MINISTRY
illegible

0706



Ministero di Grazia e Giustizia
DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE E DEL CASELLARIO

Ufficio II° A/P.
Prot. N° 3083.291.34

Roma, 16 ottobre, 46

1^a COMMISSIONE ALLEATA
Sezione Affari Civili
R O M A

Risposta al f. del 27.9.1946
Dir. Sec. EP N° 266/01

Oggetto Custodia di persone che possono risulta-
re criminali di guerra.-

Stampa
Branch
Rec. 22/10
Bord. 286
File No 266.01
Action

e per conoscenza:
ALL'UFFICIO COLLEGAMENTO
S E D E

Non risultando pervenuta a questo
Ministero la nota 12 settembre 1946 relati-
va all'oggetto suindicato, si prega codesta
Commissione di volerne con sollecitudine tra-
smetterne copia per mettere questo Ufficio in
grado di corrispondere alla richiesta relati-
va.-

d'ordine del MINISTRO



20 OTT. 1946
[Signature]
Security [initials]

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

REF. : 80/266.01 27 September 1946

SUBJECT : Custody of Potential War Criminals.

TO : Ministry of Grace and Justice,
Direzione Generale degli Affari Penali
della Giustizia e del Casellario.

1. Reference this HQ letter dated 12 September 1946.
2. It will be appreciated if a reply on this subject could be expedited.

FOR THE CHIEF COMMISSIONER

Truffa e Helle
M. CAER, Brigadier
V.P. C.A. Section.

HEADQUARTERS ALLIED COMMISSION
A.R.C. 79
CIVIL AFFAIRS SECTION

REF. : SD/266.01 27 September 1946

SUBJECT : Custody of Potential War Criminals.

TO : Ministry of Grace and Justice,
Direzione Generale degli Affari Penali
Delle Grazie e del Casellario.

1. Reference this HQ letter dated 12 September 1946.
2. It will be appreciated if a reply on this subject could be expedited.

FOR THE CHIEF COMMISSIONER

JW Capt
H. GARR, Brigadier
V.P. C.A. Section.

CONFIDENTIAL

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

REF : SD/266.01

12 September 1946

SUBJECT : Custody of Potential War Criminals

TO : Ministry of Grace and Justice,
Direzione Generale degli Affari Penali delle Grazie
e del Casellario.

1. At the present time Potential War Criminals awaiting trial in this Theatre are confined in N. 209, P.W. Camp, Naples. As this Camp is shortly closing down, there is no other suitable Allied accommodation in the vicinity, and as for administrative reasons, it is essential that these persons should be concentrated in the Naples area, it is asked if your Ministry will agree to these war criminals being confined in the Poggio Reale Prison, Naples.

2. It should be mentioned that General Headquarters C.M.F., has in the past been greatly impressed with the handling, by the Italian Authorities, of persons held at Allied disposition in connection with war crimes. In this connection it is noteworthy that not one war criminal has so far escaped while in Italian custody. It is not proposed to ask that any nationality other than Italian be confined in the Poggio Reale Prison.

3. If you agree with the foregoing it will of course be necessary that the following arrangements should be made:-

(a) Arrangements should be arrived at to enable G.H.Q., C.M.F., freely to commit wanted persons to the prison and freely to remove them without prior reference to higher Italian authority through Allied Commission.

(b) The prisoners so held should be available at all times for interrogation by the D.J.A.G., War Crimes staff at G.H.Q.

(c) Arrangements should be made to enable defending officers, accompanied if necessary by civilian defending advocates, to visit war criminals awaiting trial, in order that their defence may be prepared. Similarly access should be allowed, if such is necessary to the G.O. of the unit to which the accused is attached for the purposes of the trial in order that the accused is attached for the purposes of the trial in order that the accused may be formally charged and his wishes as to his defence ascertained.

CONFIDENTIAL

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- (d) G.M.S., G.M.F., would nominate a unit who would be responsible for rendering a weekly return of all persons held in the prison in connection with war crimes. Access to the prison would therefore have to be granted to a representative of this unit.
- (e) Italians wanted in connection with war crimes fall into two classes - War Criminals and War Crimes witnesses. It would be necessary for arrangements to be made to segregate these two classes.
- (f) It is anticipated that the maximum number of persons so confined will not exceed 100. Further that as the position stands at present it is thought that the facilities at the Poggio Reale Prison will not be required after 30th November 1946.
- (g) As regards War Crimes Witnesses required to be detained - these are persons who are potential War Criminals but in respect of whom enquiries are proceeding.

4. As this question is very urgent, it would be appreciated if a reply could be given at the earliest possible moment. Should any points need clarification, arrangements could be made for a member of your Ministry to meet an Officer of this HQ and clear up the matters at issue.

FOR THE CHIEF COMMISSIONER:

M Carr

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

D R A F T

SUBJECT : Custody of Potential War Criminals.

TO : Ministry of Grace and Justice.

1. At the present time potential war criminals awaiting trial in this Theatre are confined in N. 209, P.W. Camp, Naples.

As this Camp is shortly closing down, there is no other suitable Allied accommodation in the vicinity, and as for administrative reasons, it is essential that these persons should be concentrated in the Naples area, it is asked if your Ministry will agree to these war criminals being confined in the Poggio Reale, Prison, Naples.

2. It should be mentioned that General Headquarters C.M.F., has in the past been greatly impressed with the handling, by the Italian Authorities, of persons held at Allied disposition in connection with war crimes. In this connection it is noteworthy that not one war criminal has so far escaped while in Italian custody. It is not proposed to ask that any nationality other than Italian be confined in the Poggio Reale Prison.

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3. If you agree with the foregoing it will of course be necessary that the following arrangements should be made:-

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Camp, Naples.

As this Camp is shortly closing down, there is no other suitable Allied accommodation in the vicinity, and as for administrative reasons, it is essential that these persons should be concentrated in the Naples area, it is asked if your Ministry will agree to these war criminals being confined in the Poggio Reale, Prison, Naples.

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3. If you agree with the foregoing it will of course be necessary that the following arrangements should be made:-

- a. Arrangements should be arrived at to enable G.H.Q., C.M.F. freely to commit wanted persons to the prison and freely to remove them without prior reference to higher Italian authority through Allied Commission.
- b. The prisoners so held should be available at all times for interrogation by the DJAG War Crimes staff at G.H.Q.
- c. Arrangements should be made to enable defending officers, accompanied if necessary by civilian defending advocates, to visit war criminals awaiting trial, in order that their defence may be prepared. Similarly access should be

-2-

allowed, if such is necessary, to the OC the unit to which the accused is attached for the purposes of the trial in order that the accused may be formally charged and his wishes as to his defence ascertained.

- d. G.H.Q., C.M.F. would nominate a unit who would be responsible for rendering a weekly return of all persons held in the prison in connection with war crimes. Access to the prison would therefore have to be granted to a representative of this unit.
- e. Italians wanted in connection with war crimes fall into two classes - War Criminals and War Crimes witnesses. It would be necessary for arrangements to be made to segregate these two classes.
- f. It is anticipated that the maximum number of persons so confined will not exceed 100. Further that as the position stands at present it is thought that the facilities at the Foggia Reale Prison will not be required after 30th November 1946.
- h. As regards War Crimes Witnesses required to be detained:- These are persons who are potential War Criminals but in respect of whom enquiries are proceeding.

4. ⁵As this question is very urgent, it would be appreciated if a reply could be given at the earliest possible moment. Should any points need clarification, arrangements could be made for a member of your Ministry to meet an Officer of this Hq. and clear up the matters at issue.

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FOR THE CHIEF COMMISSIONER

M. CARR, Brigadier
VI. CA. Section.

DRAFT

SUBJECT : Custody of Potential War Criminals.

TO : Ministry of Grace and Justice.

1. At the present time potential war criminals awaiting trial in this Theatre are confined in N. 209, P.W. Camp, Naples.

As this Camp is shortly closing down, there is no other suitable Allied accommodation in the vicinity, and as for administrative reasons, it is essential that these persons should be concentrated in the Naples area. It is asked if your Ministry will agree to these war criminals being confined in the Poggio Reale, Prison, Naples.

2. It should be mentioned that General Headquarters C.M.F., has in the past been greatly impressed with the handling, by the Italian Authorities of prisons held at Allied disposition in connection with war crimes. In this connection it is noteworthy that not one war criminal has so far escaped while in Italian custody. It is not proposed to ask that any nationality other than Italian be confined in the Poggio Reale Prison.

3. If you agree with the foregoing it will of course be necessary that the following arrangements should be made:-

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Prisoners so held should be available at

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- b. The prisoners so held should be available at all times for interrogation by the DJAG War Crimes staff at G.H.Q.
- c. Arrangements should be made to enable defending officers, accompanied if necessary by civilian defending advocates, to visit war criminals awaiting trial, in order that their defence be prepared. Similarly access should be

allowed if such is necessary to the OC the unit to which the accused is attached for the purposes of the trial in order that the accused may be formally charged and his wishes as to his defence ascertained.

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FOR THE CHIEF COMMISSIONER

M. CARR, Brigadier
VP. CA. Section.

CONFIDENTIAL.SUBJECT : Custody of potential War Criminals (Italian).

GHQ CMF.

16000/A.3.

23 AUG 46.

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HQ Allied Commission (3).

1. As you are no doubt aware this HQ is experiencing considerable difficulty in providing secure accommodation for potential war criminals awaiting trial in this theatre. At present the majority of persons held in custody in connection with war crimes are confined in 209 PW Camp. This camp is shortly to be closed and the problem of the disposal of these prisoners has therefore become acute.

2. The proposition is therefore put forward that the Italian authorities should be asked to accept Italians held in custody in connection with war crimes for confinement in the Poggio Reale, Naples. For administrative reasons it is essential that at present these persons should be concentrated in the Naples Area. This HQ has been very favourably impressed in the past with the handling by the Italian authorities of persons held at British disposition in connection with war crimes; in this connection it is noteworthy that not one war criminal has so far escaped while in Italian custody. It is not proposed to request the Italian authorities to accept any nationality other than Italian for custody in the Poggio Reale.

3. Subject to your agreement to this proposition in principle and subject to the agreement of the Italian authorities the following details will have to be agreed upon :-

- (a) Arrangements must be arrived at to enable this HQ freely to commit wanted persons to the prison and freely to remove them without prior reference to higher Italian authority through Allied Commission.
- (b) The prisoners so held must be available at all times for interrogation by the DJAG War Crimes staff at this HQ.
- (c) Arrangements must be made to enable defending officers, accompanied if necessary by civilian defending advocates, to visit war criminals awaiting trial, in order that their defence may be prepared. Similarly access must be allowed to the OC the unit to which the accused is attached for the purposes of the trial in order that the accused may be formally charged and his wishes as to his defence ascertained. War criminals are however normally transferred to the custody of a unit before this stage is reached.
- (d) This HQ would nominate a unit who would be responsible for rendering a weekly return of all persons held in the prison in connection with war crimes. Access to the prison would therefore have to be granted to a representative of this unit.

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4. It would be much appreciated if you would approach the Italian authorities on the lines set out above. It is desired to put this scheme into operation as soon as possible, a point which you will no doubt stress when you are discussing this matter with the Italian authorities.

for. Copy to : HQ No 3 Dist (2). A-2.
C-5. "Q".

3/1/46
Brig
IO Adm.

DJG.

CONFIDENTIAL.SUBJECT : Custody of potential War Criminals (Italian).

GHQ CMF.

16000/L.3.23 Aug 46.HQ Allied Commission (3).

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/br. Copy to : HQ No 3 Dist (2). A-2.
G-5. "Q".

Brig
IC Adm.

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