UNWCC

CHARGE FILES

UNITED KINGDOM vs. ITALIANS

PAG - 3

UNWCC

CHARGE FILES

UNITED KINGDOM vs. ITALIANS

PAG - 3

REGISTERED NOs.

1 TO 10

REGISTERED NOs.

1 TO 10

97/UK/It/1

1668

1. Officer in ~~command~~ charge of feeding &c.
2. Commandant POW camp, Deana
3. Guards

Submitted Decision of Committee I

10.5.44	All accused C B
5.XII.44	2. A B

97/UK/It/1

(*For the Use of the Secretariat*)

Registered Number.	Date of receipt in Secretariat.
97/UK/I/1	6 MAY 1944

1669

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B1. *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1. Officer in charge about the early part of April 1941 of arrangements for accommodating feeding and clothing prisoners of war as required by the Geneva Convention 1929 relating to the treatment of prisoners of war, in North Africa. 2. Name and unit unknown, but, identifiable as the Commandant of the Prisoners of War Camp at Derna about the early part of April 1941. 3. Guards at the above mentioned camp and at the time specified.
Date and place of commission of alleged crime.	April and May 1941. Derna.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. xxix. Ill-treatment of prisoners of war. Breach of Articles 2, 6, 11, 12 and 13 of the Hague Convention 1929 relating to treatment of prisoners of war. 1927 Under English Law the breach of Article 6 of the Hague Convention involving forcible seizure of personal effects of a prisoner of war amounts to assault and a form of robbery dependent on the actual circumstances.

SHORT STATEMENT OF FACTS.

Prisoners of war were forced to deliver up watches, pens, photographs andletters. When they refused to comply with the demands of their captors they were in many cases kept without water and forced to sell gold watches, fountain pens, cigarette lighters and rings for a glass of water.

The food was wholly inadequate as was theaccommodation which consisted of five large stone stables which had been built during the Italian conquest of Libya in 1911 and 1912 for camels. In the stables were a few iron beds without mattresses but most of the men slept on boards or on the concrete floor. There were no blankets, pillows nor covering of any sort.

The Secretary of State for Foreign Affairs of H.M. Treasury.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Gp.685
(26924) Wt.P.1817/P.1139 5,000 3/44 " "

PARTICULARS OF ALLEGED CRIME

An account of this camp and of the experiences of prisoners of war is contained in the manuscript of a book by Private No. S.X. 5729 E.N. Broomhead, Australian Army Medical Corps, a copy of which forms an exhibit to an Affidavit by him sworn in London 9th September 1943. Extracts from Chapter 5 are attached hereto and supply such particulars as are at present available.

Continued from Page 3.

It is expected that prisoners of war in Derna Camp during this period will be available at the end of the war. It appears that they were transferred to Italy before the return of the Eighth Army eighteen months later.

EXTRACTS FROM CHAPTER 5 OF THE MANUSCRIPT OF THE BOOK BY PRIVATE No. S.X.5729, E. N. BROOMHEAD, AUSTRALIAN ARMY MEDICAL CORPS, FORMING EXHIBIT TO AFFIDAVIT BY HIM SWORN IN LONDON 9TH SEPTEMBER 1943.

(Description of Prisoners-of-War Camp at Derna in Cyrenaica)

CHAPTER 5.

FRONT-LINE PRISON CAMP

There is little to describe about the prison camp at Derna, that is not drab and sordid.

Simply a bare yard, surrounded by bombed buildings and strewn with fragments of broken glass, tiling and charred wood. In the middle of the yard, a few dusty tired-looking palm-trees, and at the further end, five large stone stables that had been built during the Italian conquest of Libya in 1911-12, for the camels. We lived in these stables, for we were only cattle now. In the stables themselves there were a few iron beds without mattresses, but most of us slept on boards or on the concrete floor. There were no blankets, pillows, nor covering of any sort - just concrete or board. Some of the men whom we met that day had been there for a month already, they had been captured in their shorts and sand shoes, apart from that they were naked, and for the month, they had had nothing else - simply the concrete. Fortunately it was summer and the nights were warm enough, except for the two bitter hours before the dawn.

We, who had been captured with all our kit and blankets of our own, shared them out as best we could. We distributed our spare clothing, and settled into a prisoner's life.

The first procedure on arrival at a prison camp is to be searched, in case documents containing information may be found upon you, or even, maybe, arms and instruments for escape. Here at Derna we were taken two by two into a little room and handed over to the Italian Guards. I will say here that we received fair enough treatment, considering that we were prisoners. Most of our men on first being captured and falling into the hands of the Italians (it was the Germans who captured us, never the Italians) were stripped of everything they possessed.

Watches, pens, photos, letters, everything was taken by these plundering little organ-grinders, and ex-vendors of fish and chips. Furthermore, I have known literally hundreds of cases of men who in those dark and hateful days of thirst were forced to sell gold watches, fountain-pens, cigarette-lighters and rings for a glass of water. Very often the Italian would overlook one or another of these articles in the preliminary search and then, bringing water up to the men a day or so later, when they were crazy with heat and thirst, would wave it before them, and laugh at their plight, giving it to those only who had articles of jewellery in exchange. . . .

We were somewhat more fortunate than most, when we arrived at Derna prison Camp; we caught the Italians on a sort of rebound. For weeks they had been plundering the prisoners,

whenever they arrived, claiming it to be a reprisal for the plundering which our men did to theirs; now we found them in a new mood, desperately anxious to return good for evil and to tell us at intervals of every minute or so, that they were Christians while we were barbarians. With every circumstance of publicity, they courteously returned our watches, and our pens, and even our letters after they had read them. . . .

We passed a fortnight in the huge stone stables at the bottom of the courtyard. The first night was one of grimness and apprehension, of discomfort and foul insanitary smells. We were not permitted under any circumstances to leave the "barrack-room", sanitation was simply NIL - a corner by the door - and bedding and lighting were likewise NIL. A man with dysentery groaned in one corner - he was returned to the hospital next day.

The days were unspeakably dreary, and hunger settled upon us like a plague. Each morning at 6, we lined up for a mug of "coffee" - the sad stuff made from ground chicory root and roasted barley or wheat. We had this "coffee" all the time during our prison life, it is a horrible substitute, bitter and thin, with an underlying sickliness, and a general revolting insipidity.

At 11 a.m. we received our day's food - a cup of thin macaroni stew and two small brown buns, and at 6 a.m. next day we filed past for the coffee once again.

Working parties were called for, and we set-to on tasks that seemed exactly suited to our state - shovelling bombed fragments from the yard, carrying fouled and greasy tins from among heaps of ash, swabbing floors. Dust, grease and ash accumulated upon us, washed down in streaks of perspiration by the sun, but water was too scarce to wash, and we carried the hallmarks of Derna for days.

Sanitary arrangements were left to ourselves, a pit in the stony soil, which we dug, was the best that could be done.

Then came the flies, the cruel, persistent Libyan flies that beat ceaselessly around one in black clouds, swarming over face, hands, knees with such persistence that one had almost to pick them off. The men who were captured without shirts were nearly driven mad.

So we dragged out a squalid existence for a fortnight, emerging from the stables only to join the working parties, to draw meals and the meagre water issue, or to take a walk around the compound in the cool of the long twilight. After dark, at 10.30 p.m. we were driven in, the great doors closed, and we laid low for the night. . . .

The Italian at the front line is capable of any act of treachery and cruelty. Why this is so, I find it difficult to understand. Probably it is fear, for there is no tyranny like the tyranny of frightened men. Perhaps the front line troop in North Africa was drawn from the scum of Italy.

However, once away from the immediate front, we found a certain innate kindliness manifesting itself in many little ways. The common soldiers laughed and joked with us, the sergeants in charge of the working parties, seemed more interested in looking at photos of our wives and sweethearts than in driving us to work, the commandants of camps adhered fairly strictly to Geneva requirements.

Gifts of cigarettes were frequent. But food was almost non-existent.

Two buns and a swill of macaroni one day; two buns and a small tin of meat between two the next. How we hoarded that bread! How we grudgingly put it aside after an inadequate meal to save some for the night! How we reproached ourselves when we pulled off odd little fragments during the afternoon, taking care to lick up the very crumbs! And how we talked of food!

EXTRACTS FROM CHAPTER 5 OF THE MANUSCRIPT OF THE BOOK BY PRIVATE NO. S.X.5729, E.N. BROOMHEAD, AUSTRALIAN ARMY MEDICAL CORPS, FORMING EXHIBIT TO AFFIDAVIT BY HIM SWORN IN LONDON 9th SEPTEMBER 1943.

(Description of Prisoners-of-War Camp at Benghazi in Cyrenaica)

At length, early one morning at the end of June, we were summoned to fall into groups in preparation for the trip to Benghazi. This was another transit-camp, and we would probably spend a few weeks there before proceeding to Tripoli. . . . .

"Benghazi will not be very good", the interpreter at Derna had told us.

Actually we found it quite good.

It was a large, clean compound on the outskirts of the town, surrounded by high stone barracks.

There was a large water-tower and a well; plenty of running water and wash-troughs in the centre of the courtyard.

We drew in at sunset, were lined up, counted, and dismissed. There was no search.

Friends hurried forward to greet us from the various sheds; friends whom we had seen in the old hospital days and who had preceded us here. Colonels Beare & Rimington, Warrant-Officer Cotman, hosts of friends from among the ranks. Some of the separations that had been - and were to be again - were for awhile forgotten.

There was a Britisher in charge; Sergeant-Major Jelly, of the 3rd Light Field Ambulance, captured at Michili. He allotted us "rooms" - i.e. floor-space on the concrete of the sheds, and then, with our newly-found friends we settled down.

Benghazi - a hell-camp of privation twelve months later - was a pleasant enough place in our time. There was little work to do - just the necessary duties of keeping the place clean, and by 10 a.m. we were free.

Rations were - for prisoners - quite good. Two loaves at 10, a stew with fresh meat at 12 and rice or macaroni at 6. Lemons were issued once a week, olive-oil three times a fortnight, thirty five cigarettes each Monday. It was at Benghazi that we received our first letter cards to post home - printed blue forms in English and Italian which we were to sign. They said that we were well.

Living conditions were still somewhat primitive - simply concrete floors to sleep on, without covering or mattress. Nevertheless, there was more space and cleanliness, blackets were shared by those who had them and seemed to make some slight provision for all.

PARTICULARS OF EVIDENCE IN SUPPORT

This witness, Private No. S.X. 5729, Edwin Norman Broomhead, Australian Army Medical Corps gives the impression of being very reliable. In civilian life he was a Methodist Minister. On the outbreak of war he wished to offer his services in the Armed Forces of Australia but was advised by the Church Authorities that for the time being he should remain at his post. On the fall of France this view in his opinion lost its validity.

His calling qualified him for a commission as a Chaplain to the Forces. He felt, however, that before making application for such a commission he should have the benefit of service in the ranks. He, therefore, volunteered as a private in the Australian Army Medical Corps.

On or about 28th of December 1940 his unit sailed for Palestine and after a month's final training took its place in the field on or about 7th of March 1941.

Unfortunately this was shortly before the time when Rommell made an attack in strength. In the course of the retirement which took place Private Broomhead's unit found itself in the neighbourhood of Derna where there was a branch from the main road. There they were met by Officers who told them that the main road was mined and directed them to the branch road. These Officers were German Officers in British uniform. The unit shortly found itself in an ambush when it was made prisoner. A copy of an Affidavit by Private Broomhead is attached to the case against Oberst Held UK. - G/B.20 and is in the above sense. Paragraph 11, sub-paragraph (a) of the said Affidavit which relates particularly to this case is as follows :-

"Without prejudice to the broad indictment provided "by the narrative of events during the two years while I " was a prisoner of war which is the exhibit hereto above "referred to (hereinafter called "the narrative") the more "serious war crimes in which I was directly involved were:-

"(a) the action of numerous Italians who were guilty "of almost indescribably despicable action apart from "their inhumanity and disregard in other respects of "the law and customs of warfare such as are recorded "in Chapter V. of the narrative which begins at page 65".

In respect of the manuscript recording his experiences he confirms them in paragraph 9 of the said Affidavit which is as follows :-

"9. The said record is true in every particular so far "as statements of fact are concerned; no statement is "made as of my own knowledge which is based on hearsay; "and the expressions of opinion represent my honest and "unprejudiced estimate of the conditions which prevailed "at the different camps and of the character and actions "of the men to whose charge we were committed."

In addition to the extract already referred to which gives particulars, though only as hearsay, so far as the looting of prisoners of war is concerned, there is attached an extract referring to conditions at Benghazi to which camp he was transferred a fortnight later. This extract is attached in order to show his fairness of mind in describing conditions from which may be inferred his general reliability as a witness.

Continued on page 2.

NOTES ON THE CASE **1676**

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

Although Private Broomhead's account regarding the spoliation of prisoners of war is hearsay, clearly he would not have made such a statement if he had not been satisfied that it was true. It is presumed that such a statement will not be rejected as of no value.

In regard to his allegation of the inadequacy of food and accommodation, Private Broomhead relates his own experiences, describing both food and accommodation in detail.

No further evidence is called for in regard to the latter charges, though further evidence will no doubt be forthcoming in due course together with evidence of the plunder of the prisoners of war in breach of Article 6 of the Geneva Convention 1929, relating to the treatment of prisoners of war.

This latter habit of the Italians was notorious as evidence in other cases hereafter submitted clearly shows.

The primary responsibility for conditions in the camp in the matter of accommodation, food and clothes, and in some degree for sanitation, was the officer whose duty it was to make the necessary arrangements in relation to prisoners of war in terms of the requirements of the Geneva Convention. Private Broomhead's evidence in relation to Benghazi suggests that there should have been no lack of food. The camp had been established for some time when he arrived, yet apparently no attempt had been made to improve conditions either of food, clothing and accommodation.

The Commandant must bear a large measure of responsibility in the matter of sanitation and a less responsibility possibly for the failure to do anything to improve conditions generally. He must also be responsible for not restraining the guards from robbing prisoners of war, if indeed he did not take part himself.

Finally the guards are answerable for their appropriation of the personal effects of prisoners of war, and their ill-treatment of prisoners of war in order to force the surrender of personal effects by prisoners of war who were making a struggle to save them.

104/UK/1t/2

1677

Officer in command, Bomba

Submitted	Decision of Committee I
31. 5. 44	(1) B 1 (2) C (3) C B
5. XII. 44	1. A B

104/UK/1t/2

(*For the Use of the Secretariat*)

1678

Registered Number.	Date of receipt in Secretariat.
104/UK/It/2	18 MAY 1948

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B.2 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	(1) The Officer in command at and in the neighbourhood of Bomba in Libya on June 23rd/24th, 1942. (2) The Italian carabinier at the above place and date who assaulted Private Ketteridge, R.A.M.C. (3) The said carabinier or in the alternative some other member of the guard of prisoners of war who assaulted Captain E.T. Gilbert, R.A.M.C., R.M.O., 1st Battalion The Sherwood Foresters, attached to 2nd Guards Brigade.
Date and place of commission of alleged crime.	23rd/24th June, 1942. Bomba in Libya.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No.xxix. Ill-treatment of prisoners of war. Breach of Articles 2, 10, 11 and 46 of the Geneva Convention, 1929, relative to the treatment of prisoners of war. Breach of Article 5 of the said Convention. Assault

SHORT STATEMENT OF FACTS.

Captain Gilbert having escaped with his section from Tobruk on 20th June 1942, and having been recaptured on 23rd June, 1942, on the beach north of Gambut, was driven to some place in the region of Bomba, where they were all (seven of them) herded into a tiny room for the night, where conditions fell far short of requirements of the above-mentioned Convention.

At this place Ketteridge was assaulted for no apparent reason and when Captain Gilbert tried to interfere he was struck in the back and chest by rifle butt.

On the following day they were all driven to Tmimi by truck, on their way to Derna. Up to the time of arrival in Tmimi Captain

Continued on page 2.

TRANSMITTED BY ..... The Solicitor to the Affairs Department, Treasury.

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(1) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Gp.685
(2) Wt.P.1817/P.1139 5,000 3/44 " "

PARTICULARS OF ALLEGED CRIME **1679**

108109 Captain Edward Theodore Gilbert, R.A.M.C., R.M.O., 1st Battalion The Sherwood Foresters, attached 22nd Guards Brigade, was first captured by the Germans with his Battalion at a point between El Adem and Fort Pilostrino at (approx.) 15 hours on 19th June, 1942, but managed to escape at 16 hours the same day in an ambulance with five of his section plus three wounded. All the other wounded had been evacuated earlier in the day. As he was driving away one of his section, Private Jennings (Regimental No. ending in "00") was shot while in the ambulance by the Germans, who opened fire on this withdrawing Red Cross vehicle. Captain Gilbert sustained a slight graze wound.

At about 1750 hours Captain Gilbert reached the beach hospital at Tobruk, where the casualties, including Private Jennings, were admitted. After capturing Tobruk on 20th June, 1942, the Germans took over the beach hospital. In the meantime Captain Gilbert with the remaining four of his section and two other officers (Captain Petter and Captain Smith, both R.A.M.C.) who had asked to go with him, slipped out of Tobruk. Before doing so Captain Gilbert asked Lieutenant-Colonel Brian Brennan, who was O.C. beach hospital (i.e. 9th Light Field Ambulance) whether he was needed and if not whether he might escape back to our lines. The O.C. wished him luck, and told him to try if he thought he had a chance. At about 14 hours on the 20th June, 1942, Gilbert drove another ambulance in which were his party on to the road and joined the German column moving along the Bardia Road. His ambulance aroused no suspicion in the German convoy. About 12 miles towards Bardia the sight of a check post made him turn off the road down a wadi towards the coast. After destroying the ambulance they walked and hid, eluding capture for three days and nights without provisions of food or water (they dug down in the sand near the beach and drank brackish water). At about 1750 hours on the 23rd June, 1942, they were recaptured by a mixed Italian and German patrol and taken to Bomba.

At Bomba occurred the events described in the short statement of facts on page 1 to which there is at present nothing further to add. They were given neither food nor water and next day, still without food or water, they were driven to Tmimi on the way to Derna.

Continued from page 1.

Gilbert and party had not yet been given any food or water because they were told they had refused to answer the questions put to them by the German intelligence officers at the point of their recapture north of Gambut, who wanted to know (1) why Tobruk had fallen so easily; (2) were there any more of our troops down the wadis.

PARTICULARS OF EVIDENCE IN SUPPORT

1. The following will presumably be available to give evidence :-

108109 Captain Edward Theodore Gilbert, R.A.M.C.
Captain Petter, R.A.M.C.
Captain Smith, R.A.M.C.
Private Ketteridge, R.A.M.C. (presumptive only)
Other members, if necessary, of Captain Gilbert's section.

2. Captain Gilbert's narrative of events in summary form has been reduced to a statement by Allied Interrogating Organisation and included in a special report on conditions in enemy prisoners of war camps. The reference of this report is A.10/11/12 dated 11th January 1943. Captain Gilbert has sworn that the statements made by him are true and that the facts have been faithfully and accurately recorded.

Paragraph 2 of the report is the relative paragraph, of which the first four paragraphs only refer to this matter. They have been reproduced in substance in the 'Short Statement of Facts' on page 1. Full copy of paragraph 2 is attached to UK - I/B.5

NOTES ON THE CASE **1681**

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

There is no doubt of the commision here of war crimes and of the direct responsibility of those who committed them. There can be no defence.

Apart from the fact that other witnesses should be available, it may be said that the case is complete since if Captain Gilbert's narrative of events is studied, his reliability, it is believed, will become self- evident.

The only difficulty is identification, and since there is no indication that there was a prisoners of warcamp at Bomba, identification may be more difficult than in the case of a commandant of a well-established prisoners of war camp. On the other hand it is to be supposed that the party was taken to headquarters.

There may be said therefore to be sufficient prospects of identification to justify submission of the case.

Even if this were not so, the case is worth drawing attention to for the reason that it gives an introductory account to Captain Gilbert's narrative of events, which without being in the least bombastic shows him throughout as a man of courage, determination and resource, qualities which entitle his evidence to be accepted with confidence.

It may be noted as possibly having a bearing in this connection that when the senior medical officer at Benghazi went sick Captain Gilbert by common consent was asked to take charge.

105/UK/16/3

1682

Camp Commandant, Tobruk

Submitted	Decision of Committee I
31. 5. 44	C B
5. XII. 44	A B

105/UK/16/3

(*For the Use of the Secretariat*)

1683

Registered Number.	Date of receipt in Secretariat.
105/UK/It/3	8 MAY 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK.-I/B3. *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	The name and unit of the accused is unknown. He is identifiable as the Camp Commandant at Tobruk on or about 29th June 1942
Date and place of commission of alleged crime.	On or about 29th June 1942. Prisoners-of-war camp at Tobruk.
Number and description of crime in war crimes list.	No. xxix or No. 1. Unlawful wounding or murder of Private D. Connelly.
References to relevant provisions of national law.	Unlawful wounding or murder.

SHORT STATEMENT OF FACTS.

Private Connelly was wandering about at a distance of 20 yards from the wire and was ordered back by the Italian Camp Commandant. He obeyed, moving slowly. The Commandant ordered the sentry to shoot; the sentry refused to do so. The Commandant then took the sentry's rifle and shot Connelly in the back. Connelly is believed to have died subsequently in Hospital.

The Solicitor for the Affairs of H.M. Treasury.

TRANSMITTED BY

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Gp.685
(26924) Wt.P.1817/P.1139 5,000 3/44 " "

PARTICULARS OF ALLEGED CRIME **1684**

No further particulars are at present available. But a Court of Enquiry is understood to have been held at which British prisoners of war are believed to have given evidence. It is expected, therefore, to supplement the "Short Statement of Facts" by further particulars in due course.

Copy.

(KW 24/23)

/Cypher/ DEPARTMENTAL NO. 1.

FROM FOREIGN OFFICE TO BERNE.

No. 2624. D. 3.45 p.m. 25th September,1942.
25th September, 1942.

cccc

According to reliable information two following incidents occurred at Italian controlled camp at Tobruk between 29th June - 6th July 1942.

One. Pte. D. Connelly shot 20 yards inside wire by Camp Commandant with rifle of sentry who had himself refused to shoot. It is believed that prisoner subsequently died and that court of enquiry held and British evidence taken.

Two. Pte. Myles wounded in stomach by bomb thrown in night by sentry without justification or challenge.

Request Swiss Government to ascertain whether enquiries were held and if so with what result and also to demand trial and punishment of both Commandant and sentry.

OTP.

Connelly

DRY
(K.W. 24/23)

B.M.1918(P.W.2.a.) **1686**

Serial No. 759.

From: The War Office (Directorate of Prisoners of War).
To: The Foreign Office (Prisoners of War Department).
Subject: Incidents at Tobruk Prisoners of War Camp, June-July, 1942.

Reliable information has been received of the following incidents that occurred in Tobruk prisoner of war camp between 29th June and 6th July, 1942. This camp was under the control of the Italian authorities, the Commandant and Guards being Italian.

1. Private D. Connelly was shot in the back by the Italian Camp Commandant under the following circumstances, and is believed to have died subsequently in hospital.

Private Connelly was wandering about at a distance of 20 yards from the wire and was ordered back by the Italian Camp Commandant. He obeyed, moving slowly. The Commandant ordered a sentry to shoot; the sentry refused to do so. The Commandant then took the sentry's rifle and shot Connelly in the back. A Court of Enquiry is understood to have been held; and it is believed that British prisoners of war gave evidence.

It is requested that the Protecting Power be asked to obtain a copy of the findings of this court of inquiry, and to demand the trial and punishment of the Commandant.

2. Private Myles was wounded in the stomach by a bomb thrown by an Italian sentry at night while Private Myles was looking for a latrine. The sentry threw the bomb without issuing any warning or challenge.

It/

It is requested that the Protecting Power be asked to ascertain whether an inquiry has been held and to demand the trial and punishment of the sentry.

3. Indian prisoners of war were struck with rifle butts and kicked by Italian guards.

It is requested that the Protecting Power be asked to enter a strong protest.

4. Native South African troops were compelled under threat of death to work at unloading ammunition and stores, contrary to Article 31 of the Convention.

It is requested that the Protecting Power be asked to enter a strong protest.

It is requested that the names of Private Connelly and Private Myles be added to the list of violent deaths and woundings among prisoners of war in Italian hands.

(Signed) E.C. Gepp.

Director of Prisoners of War.

P.W.2.a.

16th September, 1942.

PARTICULARS OF EVIDENCE IN SUPPORT

A communication from the War Office (Directorate of Prisoners-of War) to the Foreign Office (Prisoners-of-War Department) on the subject of incidents at Tobruk Prisoners-of-War Camp June to July 1942 under date 16th September 1942 (ref. KW 24/23), stated that reliable information had been received of incidents occurring in Tobruk Prisoners-of-War Camp between 29th June and 6th July 1942. One of these incidents was the shooting of Private D. Connelly. It is not conceivable that the War Office would address the Foreign Office in these certain terms unless their information was of a character which would prove the commission of the crime.

As already noted, the War Office communication states that "A Court of Enquiry is understood to have been held and it is believed that British prisoners-of-war gave evidence".

The protecting Power was requested by the Foreign Office to verify this and to ascertain the results of the Court of Enquiry.

Trial and punishment of the accused was to be demanded. But no information became available. It is expected that information on this point, which would lead to the identification of the accused should now be forthcoming when it will be filed with the Commission.

It is possible that some of the witnesses may be traced as having been liberated when the Germans were driven out of North Africa, but it is more probable that they have been transferred to Italian prisoners-of- war camps and subsequently from Italy to Germany.

MISSING

REGISTERED NOs.

4

107/UK/16/5

1690

Commandant POW camp at Derna

Submitted Decision of Committee I

31. 5. 44	(1) B1 B
5. XII. 44	1. A. B

107/UK/16/5

(*For the Use of the Secretariat*)

1691

Registered Number.

107/UK/16/5

Date of receipt in Secretariat.

18 MAY 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK.-I/B5. *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	Name, rank and unit of the accused is unknown. Accused was Commandant of the prisoners of war camp at Derna on 24th June 1942 when the events complained of occurred. Guards at above camp.
Date and place of commission of alleged crime.	24th June 1942. Derna.
Number and description of crime in war crimes list.	No.xxix Ill-treatment of prisoners of war. No. xiv Confiscation of property.
References to relevant provisions of national law.	Breach of Articles 2, 6 and 10 of the Geneva Convention 1929 relating to the treatment of prisoners of war. Robbery

SHORT STATEMENT OF FACTS.

On arrival at the prisoners of war camp at Derna Captain E.T. Gilbert, R.A.M.C., and other prisoners of war in the party with him were paraded in a filthy courtyard and all systematically robbed of their personal effects. Watches, cigarette cases, fountain pens, cameras, rings and everything that could be stolen, were grabbed and forcibly taken from the prisoners of war by the guards and others in the presence of the Commandant, and even under his supervision.

On the night 24th/25th June 1942, the majority of the prisoners of war, officers and men, had to sleep on the bare ground in a graveyard. There were no tents, groundsheets or blankets. As it rained during the night they all got drenched.

TRANSMITTED BY The Solicitor for the Affairs of H.M. Treasury.

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Gp.685
(26924) Wt.P.1817/P.1139 5,000 3/44 " "

PARTICULARS OF ALLEGED CRIME **1692**

Such further particulars as are available relate to a case of robbery and assault which is necessarily made the subject of a separate charge.

0103/3908

SECRET

ALLIED INTERROGATING ORGANIZATION AIO/11/12

EXTRACT FROM

SPECIAL REPORT ON CONDITIONS IN ENEMY P.O.W. CAMPS 1693

SOURCE: 108109 Captain Edward Theodore GILBERT, R.A.M.C., R.M.O., 1st Battalion, The Sherwood Foresters, attached 22nd Guards Bde.

He was first captured by the Germans near EL ADEM on the 19 June 42 but escaped to TOBRUK the same day. He got out of Tobruk as the Germans were occupying this town on the 20 June 42, but was recaptured on the 23rd June on the beach north of GAMBUT while escaping East.

x x x x

2. TAKEN TO BOMBA, DERNA, BARCE AND BENGHAZI

On being recaptured they were all immediately put on a truck and driven to somewhere in the region of Bomba where they were all (seven of them) herded into a tiny room for the night (23-24 June 42).

There was absolutely no ventilation in this room which had obviously been used quite recently for all purposes.

It was at this place that KETTERIDGE of Source's section was struck by the butt of a rifle in the back by one of the sentries (an Italian Carabinier) for no apparent reason and when Source tried to interfere he also was beaten, being struck in the back and chest by rifle butt. Source had sustained a fractured rib the day before his capture at El Adem-Palestrino, and this treatment at Bomba, following on the three-days' trudge while endeavouring to escape and badly blistered feet, did not improve matters.

On the 24 June 42 they were all driven to Tmimi by truck where they saw some other p.o.w. Source and party had not yet been given any food or water because, they were told, they had refused to answer the questions put to them by the German Intelligence Officers at point of recapture North of Gambut, who wanted to know (1) Why Tobruk had fallen so easily? (2) Were there any more of our troops down the Wadis?

From Tmimi they were transported that night by truck to Derna where they caught up with the main body of P.O.W. captured at Tobruk. Here Source and the others were paraded in a filthy courtyard while they were all systematically looted under the supervision of the Italian Commandant. Watches, cigarette cases fountain pens, cameras, rings, etc. everything that could be stolen was grabbed and forcibly taken from the P.O.W. by the guards and others openly in the presence of the Italian Commandant. One subaltern in the R.A. smashed his camera rather than surrender it and was promptly set upon and beaten by the Italian guards, his glasses being knocked off in the process. When Source and some others tried to assist him they were driven back at the point of the bayonet.

On the night of the 24-25 June 42, Source with the majority of the P.O.W. officers and men had to sleep on the bare ground in a graveyard. There were no tents, groundsheets or blankets and as it rained during the night they all got drenched. Two men were shot that night by the guards for no reason other than expressing the desire to go to the latrines. The one died soon after while the other was severely wounded in the buttocks. Source took the latter with him when they were transported to BARCE on the 25th June, 42, and sent him to hospital there.

Source and his party were kept at BARCE for three days. On the whole, conditions and treatment here were better than in the previous P.O.W. camps.

AIO/11/4

1694

ALLIED INTERROGATING ORGANISATION

SECRET

EXTRACT FROM

A REPORT ON CONDITIONS IN P.O.W. CAMPS IN ITALY, NORTH AFRICA AND RHODES FROM INTORMATION OBTAINED FROM REPATRIATED BRITISH, IMPERIAL AND ALLIED PERSONNEL (Dated May 16th 1943)

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x x x x

DERNA CAMP

DERNA is generally admitted by all Naval Officers and men to have been the worst P.W. Camp on the North African coast. Officers and men were treated in the most disgraceful manner.

The Commandant appeared to suffer from "reprisal mania" for alleged misdeeds of Australian troops to Italian prisoners; for this reason, everybody in his estimation was a criminal.

Shortly after the TOBRUK capitulation, organisation at DERNA Camp completely broke down: men lay about in the open with no kind of protection. Guards were permitted to poke officers around with the point of the bayonet, and one night three O.R's were shot for no reason at all. In addition, all valuables such as watches, rings, fountain pens, etc., were taken and never returned.

Rations

Each man received 1 tin of bully beef, one biscuit, sometimes a little coffee and occasionally some macaroni. Prisoners were purposely kept short of water.

There were practically no washing facilities, and sanitary arrangements were the worst possible.

PARTICULARS OF EVIDENCE IN SUPPORT **1695**

The War Office despatch dated 22nd December 1942, by command of the Army Council, addressed to the Foreign Office (ref. KW.24/33 and O.013/4626/PW 2a) states that the facts alleged were compiled from the evidence of 25 British prisoners of war recently rescued from an Italian transport vessel who had been detained in the Benghasi and Tripoli area between July and September, 1942.

Amongst these witnesses was Captain F.T. Gilbert, R.A.M.C., whose experiences as a prisoner of war covered the period from 23rd June 1942, when he was captured, to 14th November 1942 when he was picked up at sea after being torpedoed on an Italian ship, S.S. "Scillon", which was transporting prisoners of war from Tripoli to Italy under disgraceful conditions of overcrowding and inhumanity. (see the case of S.S. "Scillon", UK-I/B11.) During the period of somewhat less than 5 months when he was a prisoner of war Captain Gilbert had experience of Bomba (UK-I/B2), Derna, Barce, Benghazi and Tripoli. An extract from the sworn summary of his statement is attached hereto. The passage which refers to this case is marked in red ink.

There is also attached an extract of another report, dated May 16th 1943, by the Allied Interrogating Organisation on conditions of Italian prisoners of war camps. This report records the views of naval officers and men which has already been referred to.

Corroborative evidence of this charge is to be found in the facts constituting the next charge but one, UK.-I/B7

NOTES ON THE CASE **1696**

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

The War Office dispatch referred to under the heading "Evidence in support" is attached to UK.-I/B12, since it summarises conditions in prisoners of war camps in North Africa, and is more conveniently set out at the end of this group of cases. At this stage it is sufficient to mention the view taken by the War Office of conditions, after examining 25 witnesses, and making all allowances for possible Italian difficulties. The matter is covered in paragraph 8 of the despatch :

'8. Although the Italian Government may seek to condone some of these breaches of the Prisoners of War Convention by the plea of the difficulties of supply under conditions of desert warfare or of military exigency, the Council are not aware of any excuse that can be adduced for the deliberate ill-treatment of prisoners of war, including even shooting, for the avoidable neglect of sick prisoners and for the disgraceful conditions under which prisoners were embarked by sea'.

Clearly whatever excuses can be found for failure in material matters involving command of resources which might not be available, which remains to be proved, none can be found for deliberate plunder. For this disgraceful proceeding the Commandant must be brought to book, and guards if identified.

No defence can be made or entertained on such a charge: Nor can it be other than the responsibility of the Commandant in the main, and in less degree the guards, if under orders.

108/UK/1t/6

1697

1. Guard(s) at POW camp Deesa
2. Commandant

Submitted Decision of Committee I

31. 5. 44	C B
5. XII. 44	2 A B

108/UK/1t/6

(*For the Use of the Secretariat*)

1698

Registered Number.	Date of receipt in Secretariat.
108/UK/1646	11 MAY 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B6. *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	Name, rank and unit of the accused is unknown. 1. Accused are identifiable as the guard or guards on duty at the prisoners of war camp at Derna on the night of 24th/25th June 1942 who shot two British prisoners of war, killing one and wounding the other. 2. The Commandant at that time.
Date and place of commission of alleged crime.	The night of 24th/25th June 1942. Derna.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No.1. Murder No.xxix. Ill-treatment of prisoners of war. The offences of the first accused are :- Murder. Wounding. The second accused, the Commandant was guilty of a grave neglect of duty towards men in his power by failure to instruct guards in their duties.

SHORT STATEMENT OF FACTS.

One prisoner of war was shot and killed and another wounded for no reason other than expressing a desire to go to the latrines.

The Solicitor for the Affairs of H.M. Treasury.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Gp.685
(26924) Wt.P.1817/P.1139 5,000 3/44 " "

PARTICULARS OF ALLEGED CRIME

No particulars are available as regards the man who was killed.

The man who was wounded was severely wounded in the buttocks. He was taken by Captain E.T. Gilbert, R.A.M.C. R.M.O., 1st Battalion The Sherwood Foresters, attached 22nd Guards Brigade, to Berce on the 25th June 1942, and was left in Hospital there when Captain Gilbert was sent on to Benghazi.

PARTICULARS OF EVIDENCE IN SUPPORT

The War Office dispatch dated 22nd December 1942 addressed to the Foreign Office (ref. KW 24/33 and 0103/4626/ PW 2a) which it is presumed covers this case in paragraph 3(ii), states that the facts are "compiled from the evidence of 25 British prisoners of war recently rescued from an Italian Transport vessel which had been detained in the Benghazi and Tripoli area between July and September 1942".

Amongst these witnesses was Captain E.T. Gilbert, R.A.M.C., who is referred to under "Particulars of alleged crime" as the medical officer who took the wounded man to Berce.

An extract from the report by the Allied Interrogating Organization, dated 28th January, 1943, sworn by Captain Gilbert, which covers this case is attached to the last preceding case (UK - I/B5). It adds nothing to the facts already noted but the full paragraph puts the crime in its setting of disorder, incompetence, dishonesty, brutality and lack of sense of responsibility towards prisoners of war.

This case, assuming it is the same case, is referred to in the War Office dispatch in the following terms:-

> "One prisoner of war was shot and killed and another was wounded one night for no obvious reason except that the Libyan guard seemed nervous".

According to an extract from M.I.9/BM/893 dated 21st November 1942 Private D.W. Urquhart, No. 2982305, I/A & S.H. Attd. 129 Coy. R.A.S.C., who was captured at Tobruk 20th June 1942 and would seem to have been at Derna at the time

> "The guards were all Libyan Arabs. They were very excitable and fired their rifles without any provocation. When they had to get the prisoners of war out of their tents they fired into the ground outside".

Whether this case is the same as that reported by naval witnesses cannot be determined at the moment. Probably not, since witnesses whose reliability would be first class, would hardly report inaccurately or from hearsay. In that case three men were said to have been shot whereas the other evidence, which includes what in the circumstances must be regarded as the particularly valuable evidence of Captain Gilbert, mentions two.

An extract of the naval evidence referred to is attached to the last preceding case, UK - I/B5, which it covers.

The result of further enquiry is being awaited before formulating an additional charge or determining whether the alleged facts relate to this charge.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

The War Office dispatch referred to under the heading "Particulars of Evidence in support" is attached to UK - 1/B12, since it summarises conditions in prisoners of war camps in North Africa, and is more conveniently set out at the end of this group of cases. At this stage it is sufficient to mention as has been done in the last preceding case (UK - I/B5) the view taken by the War Office of conditions. The matter is covered in paragraph 6 of the dispatch

> "8. Although the Italian Government may seek to condone some of these breaches of the Prisoners of War Convention by the plea of the difficulties of supply under conditions of desert warfare or of military exigency, the Council are not aware of any excuse that can be adduced for the deliberate ill-treatment of prisoners of war, including even shooting, for the avoidable neglect of sick prisoners and for the disgraceful conditions under which prisoners were embarked by sea".

Clearly whatever excuses can be found for failure in material matters involving command of resources which might not be available, none can be found for deliberate shooting, resulting in the death of one man and the wounding of another.

Presumably a story will be concocted of an attempt at escape, but our available witnesses are not of the type to misrepresent the facts.

109/UK/IC/7

1702

1. Commandant Derna
2. Guards

Submitted	Decision of Committee I
31.5.44	C B
5.XII.44	1. A. B

109/UK/IC/7

(*For the Use of the Secretariat*)

Registered Number. 109/UK/IE/7

Date of receipt in Secretariat. 1703

1 MAY 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B7. *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	Names and units of the accused are unknown. The first accused is identifiable as the Commandant at Derna, who was present when prisoners of war were being robbed of their possessions. Those secondly accused were the guards at the said camp who robbed and assaulted a British Officer. The first accus ed was present when this assault took place.
Date and place of commission of alleged crime.	On June 24th, 1942. Derna
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. xxix. Ill-treatment of prisoners of war Breach of Articles 2 and 6 of Hague Convention 1929 relating to treatment of prisoners of war. Assault and robbery.

SHORT STATEMENT OF FACTS.

A British Officer, one of a party of prisoners of war who were being searched and systematically robbed, smashed his camera before his turn. He was immediately attacked in the presence of the Italian Commandant. His spectacles were knocked off and his face slapped by Italian private soldiers.

TRANSMITTED BY

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Gp.685
(26924) Wt.P.1817/P.1139 5,000 3/44 " "

PARTICULARS OF ALLEGED CRIME **1704**

No further detail is at present available.

PARTICULARS OF EVIDENCE IN SUPPORT 1705

The War Office despatch dated 22nd December 1942 addressed to the Foreign Office (Ref. KW 24/33 and O.103/4626/PW 2A) which has already been referred to states that "this incident was witnessed by three British Officers".

These witnesses should be available when required, or satisfactory statements in their unavoidable absence.

Captain E.T. Gilbert, R.A.M.C., whose sworn confirmation of the summary of his statement has been referred to an extract covering this case, with other cases, being attached to UK - I/85, was one of the officers who saw this occur.

NOTES ON THE CASE **1706**

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

This case is clear and provides further evidence of the serious state of affairs at the prisoner of war camp at Derna. Light on the general situation is thrown by a statement by No. 2982305 Private D.W. Urquhart 1/A. and S.H. Att. 129 Coy. R.A.S.C. (Ref. DC (N) 56(1) 99/42), already quoted in connection with the last preceding case. This statement says that "The guards were Libyan arabs. They were very excitable and fired their weapons without any provocation. When they had to get the prisoners of war out of their tents they fired into the ground outside".

This state of affairs must involve the Commandant, apart from the consequence to himself arising from his presence and apparent approval of this outrage.

112/UK/It/8

1707

PALERMO

Submitted	Decision of Committee I
7.6.44	Palermo B' } B others C }
5.XII.44	Palermo A B

112/UK/It/8

(*For the Use of the Secretariat*)

Registered Number.	Date of receipt in Secretariat.
112/UK/It/8	25 MAY 1944

1708

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B8 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1. Captain Palermo. Camp Commandant at Benghazi for a period round about Midsummer of 1942. 2. Officers, non-commissioned officers and men directly concerned in the commission of the crimes alleged.
Date and place of commission of alleged crime.	Between June and September 1942 at Benghazi.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. i. - Murder or manslaughter. No. xxix. - Ill-treatment of prisoners of war. Breaches in particular of Articles 2, 10, 11, 12, 13, 31, 46, 50 and 54 of Geneva Convention 1929 relating to treatment of prisoners of war. Unlawful wounding; assault; neglect of duty towards persons in the power of the accused and therefore helpless.

SHORT STATEMENT OF FACTS.

A great number of serious breaches of International Law constituting offences against municipal law also, were perpetrated by the above during their tenure of office at the above Camp, including beating to compel labour to assist enemy war effort; ~~assault;~~ joining together without food for 24 hours of prisoners of war who had escaped and been recaptured; wounds by rifle fire and bayonet; unjustifiable assaults; insanitary conditions; insufficient food; absence of blankets and bedding; inadequate hospital arrangements and callous treatment of the sick.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Gp.685
(26924) Wt.P.1817/P.1139 5,000 3/44 " "

PARTICULARS OF ALLEGED CRIME **1709**

1. About 11,000 prisoners of war suffering from various stages of acute dysentery were provided with inadequate sanitary arrangements and medical attention. The shallow latrines which the prisoners had to dig soon encroached on the confined tented area. Many deaths undoubtedly resulted from the totally inadequate medical stores and the refusal of the Italian authorities to co-operate with the British Medical officers.

2. Food was insufficient and bedding, blankets and clothing non-existent. Some prisoners were crowded 6 into a single bivouac. There was no accommodation other than sleeping quarters until hospital tents were erected entirely through the initiative of the British medical officers. Most of the prisoners remained three and a half to four months under these conditions and suffered great hardship.

3. Prisoners of war who were captured when attempting to escape were kept chained, wrist to ankle, for at least 24 hours, so that they could not lie down, and were given nothing but water.

4. Cape coloured prisoners of war were wounded by shooting on parade. The Italian authorities themselves admitted the guard in question had lost his head.

5. Coloured prisoners of war were daily kicked, hit on the head with rifles and prodded with bayonets.

6. An Indian prisoner of war was publicly flogged.

Continued from page 3.

Both reports are attached to this case in full, instead of the relative extracts only, firstly with a view to their being available for reference in relation to this case and other cases already referred to and the two cases next following, and secondly in order to give a correct general impression of conditions.

In general corroboration of the allegations in this and other cases arising in respect of prisoners of war camps controlled by Italians in North Africa there is attached copy of report dated 31st May 1943 by Major J.L. Martin, R.A.M.C., on "the condition of P.O.W. sick admitted to Caserta Hospital, Italy, as a result of starvation etc., in North African (Lybian) Camps between September and December, 1942".

A report dated April 1943, of Interrogation by Middle East of exchanged prisoners of war, contains evidence which will be available when Cpl. J.W. Briggs, M.M., of 5th Indian Division, was a prisoner of war in Italy, and released.

An extract of notes by him is attached.

1710

IB5-7.

C.P.I
K.W. 24/33.

0103/4626/P.W.2a.

THE WAR OFFICE,
CURZON STREET HOUSE,
CURZON STREET,
LONDON, W.1.

22nd December,1942.

Sir,

I am commanded by the Army Council to bring to Mr. Secretary Eden's attention the following facts concerning the treatment of British prisoners of war in Italian hands, which have been compiled from the evidence of 25 British prisoners of war recently rescued from an Italian transport vessel, who had been detained in the Benghazi and Tripoli areas between July and September,1942.

2. The prisoners captured in Tobruk area about the last week in July, 1942, were at once relieved of all valuables and small kit. Many prisoners of war received no water or food from 24 - 48 hours after capture.

3. At Derna, in transit from Tobruk to Benghazi, the following incidents occurred:-

(i) A British officer, who, before being looted, smashed his camera, was immediately attacked, in the presence of the Italian Commandant. His spectacles were knocked off and his face slapped by Italian private soldiers. This incident was witnesses by three British officers.

(ii) One prisoner of war was shot and killed and another wounded one night for no obvious reason except that the Libyan guards seemed nervous.

(iii) All kit was searched and every object of value that Italians officers or men coveted was taken.

4. At Benghazi the Commandants, first, Captain Palermo, and, later, Captain Felice Visnara, condoned the ill-treatment of Prisoners of war, especially of coloured troops.

Evidence is available of the following cases:-

(i) After European prisoners of war had refused to undertake work in connection with ammunition and other war-like services, coloured/

The Under Secretary of State for Foreign Affairs.

coloured prisoners of war were compelled by beatings to undertake it. In reply to representations by the senior British officer, the Commandant (Captain Vismara) merely stated that, if they wanted food, they must work. He added that he considered them "irregular troops" and, therefore, unprotected by the terms of the Geneva Convention.

(ii) Prisoners of War who were captured when attempting to escape were kept chained, wrist to ankle, for at least 24 hours, so that they could not lie down, and were given nothing but water.

(iii) Cape coloured prisoners of war were wounded by shooting on parade. The Italian authorities themselves admitted the the guard in question had lost his head.

(iv) Coloured prisoners of war were daily kicked, hit on the head with rifles and prodded with bayonets.

(v) An Indian prisoner of war was publicly flogged.

(vi) About 11,000 prisoners of war suffering from various stages of acute dysentery were provided with inadequate sanitary arrangements and medical attention. The shallow latrines which the prisoners had to dig soon encroached on the confined tented area. Many deaths undoubtedly resulted from the totally inadequate medical stores and the refusal of the Italian authorities to co-operate with the British medical officers.

(vii) Food was insufficient and bedding, blankets and clothing non-existent. Some prisoners were crowded 6 into a single bivouac. There was no accommodation other than sleeping quarters until hospital tents were erected entirely through the initiative of the British medical officers. Most of the prisoners remained three and a half to four months under these conditions and suffered great hardship.

5. The prisoners of war were transferred on or about 16th October,1942, to Tripoli, a three-day journey for which they were crowded into lorries or trailers and were afforded a short halt only every three hours. Many of the prisoners were suffering severely from dysentery and were often forced to use the sides of the crowded vehicles for natural purposes.

6. At Tarunah Camp, Tripoli, up till about 18th October,1942, no blankets or bedding were issued and prisoners had to lie on the bare floor. Many prisoners were discharged from the Military Hospital/

Hospital, Tripoli, before they were cured. A British officer witnessed men leaving hospital who had to be carried or helped on to a truck. Diphtheria cases were sometimes discharged from hospital after only 14 days.

7. On 13th November, 1942, 1,000 prisoners of war were taken for embarkation to Italy. It was only by strong and repeated representations by the British medical officers that the number of prisoners embarked was reduced to 810. The conditions on board the ship were disgraceful. All the prisoners were kept below deck in a space so confined that there was hardly room for all of them to sit down. A considerable number were still suffering from dysentery and only a few at a time were allowed to visit the latrines on deck.

The ship was torpedoed during the voyage and since most of the prisoners were crowded below deck, there were only 25 prisoner survivors.

8. Although the Italian Government may seek to condone some of these breaches of the Prisoners of War Convention by the plea of the difficulties of supply under conditions of desert warfare or of military exigency, the Council are not aware of any excuse that can be adduced for the deliberate ill-treatment of prisoners of war, including even shooting, for the avoidable neglect of sick prisoners and for the disgraceful conditions under which prisoners were embarked by sea.

9. I am, therefore, to request that Mr. Eden may be good enough to communicate the foregoing evidence to the Protecting Power for transmission to the Italian Government, to require from the Italian Government such explanation as may be forthcoming of these grave breaches of the Prisoners of War Convention and to demand assurances that the Italian officers and other ranks responsible have been condignly punished.

In the absence of a satisfactory reply, the Italian Government may be assured that note has been taken, for the purposes of retribution in due course, of the relevant facts and names.

I am etc.,
(Sgd. C. F. Lambert.

ALLIED INTERROGATING ORGANIZATION 0103/3908

SECRET EXTRACT FROM AIO/11/12.

SPECIAL REPORT ON CONDITIONS IN ENEMY P.O.W. CAMPS

1713

SOURCE: 108109 Captain Edward Theodore GILBERT, R.A.M.C., R.M.O., 1st Battalion. The Sherwood Foresters, attached 22nd Guards Bde.

Do not copy

He was first captured by the Germans near EL ADEM on the 19 June 42 but escaped to TOBRUK the same day. He got out of Tobruk as the Germans were occupying this town on the 20 June 42, but was recaptured on the 23 June on the beach North of GAMBUT while escaping East. He was later sent to BENGHAZI where he was allowed to work in the P.O.W. Camp for four months. Later sent to TRIPOLI. He was evacuated from Tripoli per S.S. "SCILLON" with many other P.O.W. on 13 Nov. 42. The next day this ship was torpedoed and sunk by a British submarine which rescued him and a few other survivors and took them to MALTA. Source returned from Malta to ALEXANDRIA on 2 Jan. 43 by the S.S. "MacINDOE", reaching CAIRO on 5 Jan. 43.

Interrogated by A.I.O. at MAADI on 14 Jan. 43 and again on the 26 Jan. 43.

Capt. GILBERT who was allowed by the Italians to run the P.O.W. Camp at Benghazi during the greater part of his captivity, has given the following short account of his personal experiences from the date of his first capture until he reached Malta. A fuller account has been furnished by him to the British Authorities in Malta.

1. ACCOUNT OF CAPTURE, ESCAPE AND RECAPTURE.

Source was first captured by the Germans with his Battalion at a point between EL ADEM and FORT PILOSTRINO at (approx.) 15.00 hrs. on the 19 June 42 while engaging the approaching enemy with small arms fire, but managed to escape at 16.00 hrs. the same day in an ambulance with five of his section plus three wounded. All the other wounded had been evacuated earlier in the day. As he was driving away one of his section, Pte. JENNINGS (Reg. No. ending in "00", was shot while in the ambulance by the Germans who opened fire on this withdrawing Red Cross vehicle. He was admitted that evening to the Beach Hospital at Tobruk. Source sustained a slight graze wound in this break.

At about 17.50 hrs. Source reached the Beach Hospital at Tobruk where the casulaties were admitted.

After capturing Tobruk on the 20 June 42 the Germans took over the Beach Hospital also but in the meantime Source together with the remaining four of his section and two other officers (Capt. PETTER and Capt. SMITH, both R.A.M.C.) who had asked to go with him, slipped out of Tobruk. Before doing so Source asked Lt. Col. BRIAN BRENNAN who was O.C. Beach Hospital (i.e. 9th Light Field Ambulance) whether he was needed and if not whether he might escape back to our lines. The O.C. wished him luck and told him to try if he thought he had a chance. At about 14.00 hrs. on the 20 June 42 Source drove another ambulance, in which were his party, on to the road and joined a German column moving along the BARDIA road. His ambulance aroused no suspicion in the German convoy. About 12 miles towards BARDIA the sight of a check-post made him turn off the road down a wadi towards the coast. Here Source and his party destroyed the ambulance and then hid. A German search party soon found the destroyed ambulance but failed to locate them. At dusk they started off on foot. They walked and hid for the next three nights and days without provisions of food or water. (They dug down in the sand near the beach and drank brackish water). At about 17.50 hrs. on the 23 June 42 they were recaptured by a mixed Italian and German patroland taken back. (On the way they passed Brigadier WILLISON, D.S.O. and Capt. Philip GARDINER, V.C. also Lt. Cmdr. HARRIS of the Navy).

2. TAKEN TO BOMBA, DERNA, BARCE AND BENGHAZI:

On being recaptured they were all immediately put on a truck and driven to somewhere in the region of Bomba where they were all (seven of them) herded into a tiny room for the night (23-24 June 42).

There was absolutely no ventilation in this room which had obviously been used quite recently for all purposes.

It was at this place that KETTERIDGE of Source's section was struck by the butt of a rifle in the back by one of the sentries (an Italian Carabinier) for no apparent reason and when Source tried to interfere he also was beaten, being struck in the back and chest by rifle butt. Source had sustained a fractured rib the day before his capture at El Adem-Palestrino, and this treatment at Bomba, following on the three-days' trudge while endeavouring to escape and badly blistered feet, did not improve matters.

On the 24 June 42 they were all driven to Tmimi by truck where they saw some other

/p.o.w.

p.o.w. Source and party had not yet been given any food or water because, they were told, they had refused to answer the questions put to them by the German Intelligence Officers at point of recapture North of Gambut, who wanted to know (1) Why Tobruk had fallen so easily? (2) Were there any more of our troops down the Wadis?

From Tmimi they were transported that night by truck to Derna where they caught up with the main body of P.O.W. captured at Tobruk. Here Source and the others were paraded in a filthy courtyard while they were all systematically looted under the supervision of the Italian Commandant. Watches, cigarette cases, fountain pens, cameras, rings, etc. everything that could be stolen was grabbed and forcibly taken from the P.O.W. by the guards and others openly and in the presence of the Italian Commandant. One subaltern in the R.A. smashed his camera rather than surrender it and was promptly set upon and beaten by the Italian guards, his glasses being knocked off in the process. When Source and some others tried to assist him they were driven back at the point of the bayonet.

On the night of the 24-25 June 42, Source with the majority of the p.o.w. officers and men, had to sleep on the bare ground in a graveyard. There were no tents, groundsheets or blankets and as it rained during the night they all got drenched. Two men were shot that night by the guards for no reason other than expressing the desire to go to the latrines. The one died soon after while the other was severely wounded in the buttocks. Source took the latter with him when they were transported to BARCE on the 25th June, 42, and sent him to hospital there.

Source and his party were kept at BARCE for three days. On the whole, conditions and treatment here were better than in the previous P.O.W. camps.

3. P.O.W. AT BENGHAZI, M.Os, CHAPLAINS, ETC:-

Source was taken to BENGHAZI by truck about the 29 June 42 together with many other other P.O.W. officers. On arrival there he found there were already about 16,000 P.O.W. in a P.O.W. Camp enclosed by barbed wire, next to the officers' pen. All these men were in a distressing state of hunger, thirst and illness. There was no organisation and no medical attention except an abortive and criminal effort by a few medical Italians who took absolutely no interest in their work.

The P.O.W. Medical Officers in the Camp (who had arrived there with Source) were:-

Major PRYN)	
Capt. PETTER)	
Capt. LEAHNER)	All
Capt. ALLAN)	R.A.M.C.
Capt. FISH)	
Capt. GILBERT)	
Capt. VAN HEERDEN)	
Capt. WRIGHT)	S.A.M.C.

All these M.O.s got permission from the Italians to stay at BENGHAZI and look after the P.O.W. Major PRYN took charge. Unfortunately, however, he fell ill 2-3 days later and had to be taken away from the camp. He was subsequently sent to Italy by Hospital ship. Source was then asked by the other M.Os. to take charge of this P.O.W. Camp which he did.

Two days later a large party of P.O.W., M.Os. passed through BENGHAZI and as the number of P.O.W. in the camp had in the meantime risen to just over 24,000, Source asked for further M.Os, to stay and help. The following further M.Os. volunteered and stayed at BENGHAZI:-

Capt. SOUTHERLAND)	
Capt. TURNER)	R.A.M.C.
Capt. MIRKIN)	
Capt. GOLDIN)	
Capt. LEWIN)	
Capt. HERMER))	S.A.M.C.
Capt. RABKIN)	

Three South African Padres viz. Capt. KNIGHT, Capt. RODGER and Capt. O'DONNELL who volunteered to stay at BENGHAZI, were of great assistance in various ways throughout Source's stay at this P.O.W. Camp.

Capt. JOHNSTON of 4th HUSSARS also remained at BENGHAZI P.O.W. Camp as Sanitary Officer and did valuable work. He escaped 3 weeks later but was recaptured in a poor state after covering considerable distances over a period of 15-20 days. He was then sent to Italy by air within a few days with other officers.

4. CONDITIONS IN BENGHAZI (SIDI HUSSEIN) P.O.W. CAMP:)

(a) Sanitation:-

None except very shallow open trenches for latrines. At no time was latrine paper or substitute supplied. Anyone who has suffered from even the mildest attack of dysentery will understand what this means. Certain septic conditions soon

/arose

arose as a result. Although there was a great amount of waste paper from the packing and coverings of lemons, etc. which Source asked the Italians to allow him to use for this purpose, they refused his request. In the circumstances Source rightly considers their refusal an actof unreasonable and quite unnecessary cruelty. Their object being to try to demoralise our men in every possible way.

There were no practical facilities for washing or disinfestation, which soon resulted in infestation with lice. Fortunately there was no typhus.

(b) Accomodation:

None at first; the p.o.w. had to lie on the bare ground in the open day and night. Later it consisted of bivouac groundsheets, mostly six men per tent. No. blankets and no bedding. The camp was fully exposed to the elements and was at the side of a large supply depot of war material. There was no attempt at floodlighting and no other sign of recognition. On approaching the Italian authorities with a view to an improvement in the conditions, the M.O.s. were told that these were transit conditions. These "transit" conditions, however, lasted for nearly five months.

(c) Food

As per para. 18 (c) of the Report on Capt. [illegible] No. A10/11/12 dated 11 Jan. 43. Nothing hot for 3-4 weeks.

As Source and the other officers were kept near a supply depot at Benghazi, it was possible for them to steal some articles of food to supplement the meagre diet. The need to do so was great. Source together with Capt. JOHNSTON (mentioned in Section 3 hereof) stole some 28 tins of jam, without which it might have been very difficult for the M.O.s. to carry on their arduous work for the first 2-4 weeks. Later Source stole more tins of jam which came in useful for those men attempting an escape.

At no time were our men given any fruit or substitute. After 21 days at Benghazi Source appealed to the Italian authorities to provide equal rations (as for Italian frontline troops) for our prisoners of war but such rations were never provided.

Treatment at the P.O.W. Camp 7 klms. from Tripoli was a little better.

(d) Cigarettes.

None at all for the first 3-4 weeks. Thereafter a number varying from 0-14 per week per man. (No cigarettes at all were provided during the first 10 days at Tripoli Camp)

(e) Shortage of Medicines and drugs:

Source considers that the drugs and other medical supplies provided by the Italians to our M.Os. in the p.o.w. camp and hospital at Benghazi were not sufficient to cope with one twentieth of the sick. It seemed to the M.Os. quite hopeless to carry on with these totally inadequate supplies which they tried to supplement by considerable improvisation.

(f) Bad Medical treatment by the Italians:

There were a certain number of deaths, in the isolation ward of the Italian hospital where diphtherias and other infectious cases were treated, for which the Italians are entirely responsible, on account of their delay in evacuation, failure to realise the significance of the condition of the sick and lack of knowledge of the subject involved, especially diptheria. Source considers that most of the 67 p.o.w. who died could have recovered from their illnesses with adequate medicines, food and care.

It was only after Source approached the Italian Medical Authorities with an appeal that they must realise the seriousness of the physical state of the men, that they provided a hospital for the p.o.w. as described in the Report on Capt. [illegible], mentioned above.

(g) Medical Attention by P.O.W. M.Os.

The care of these 24,000 p.o.w. at Benghazi among whom there was a major outbreak of diphtheria and dysentery was a most severe medical test. All the M.Os. who worked with Source did so without respite and regardless of their undernourishment, and illness. After a time only 4 M.Os. were left at the hospital and 7 at the camp.

For the first 4 weeks the M.Os. were receiving the same rations as the men, although working continuously in the hours of light and often at night. It was not until they began to show signs of collapse that a little extra food was given to the; very little extra indeed.

(h) Treatment of Protected Personnel.

The treatment of the M.Os. was little better than that of all the other p.o.w. the M.Os. were never allowed to go about without a guard. The Chaplains, however, were allowed to move about freely.

(i) Red Cross and Protecting Power.

Throughout Source's stay at Benghazi and Tripoli not one single representative of the International Red Cross or of the Protecting Power visited the p.o.w. camps. The failure of theRed Cross to visit these camps was a great disappointment to all the p.o.w. interned there. No Red Cross parcels were ever received at these p.o.w. camps. Source has asked that this matter be investigated as he considers that such parcels were probably received by the Italian authorities but withheld and appropriated by them.

/while

While at Benghazi Source made a request on several occasions to be interviewed by General Castellani, the Director of the Italian Medical Service. Although Source knew that he was in Benghazi at the time the request was refused.

(j) Reprisals:-

When on one occasion the R.A.F. bombed Benghazi harbour and destroyed two ships, the morning cup of coffee was stopped for a fortnight for all the P.O.W. When it is remembered that the P.O.W. were given nothing until midday every day but a small cup of "Ersatz" coffee at 07.00 hrs. (with nothing to eat) it will be realised how much they missed this little morning cup of stimulant.

5. MERCENARY ITALIANS.

Not only the guards but even the Italian Camp Commandant and Italian Medical Officers indulged in open barter with our men, taking advantage of their craving for cigarettes to strike hard bargains e.g. only 20 cigarettes of inferior quality were given in exchange for a watch worth 10 Pounds Sterling. The Italians bartered openly and brazenly without the least compunction or shame, and with complete disregard for their rank and profession. This practice took place every day and Source had great difficulty in persuading the Italian M.O.s. in the ambulance to stop bartering in order to hurry the urgent cases to hospital.

6. TROUBLE AND OFFENCES IN THE P.O.W. CAMPS AT BENGHAZI:

With a view to keeping order and discipline Source asked for and was granted permission by the Italians to run the internal arrangements of the camp. He instituted his own Police force and a court of trial, since many of the P.O.W. were driven to criminal acts against their comrades by the unbearable shortage of food, lack of cigarettes, etc. etc. e.g. latrine seats were stolen and used as fuel to provide something hot to eat - with a resulting rise in dysentery; food and clothing was stolen to exchange for cigarettes from the guard. It is not surprising that under such conditions instances of violence and degradation took place among the p.o.w. These had to be checked and repressed with a firm hand. The punishment Source imposed was generally to hold back a man's food for a day. By doing this Source was able to accumulate a small supply of bully beef, biscuits, etc. from which he provided escapers with the necessary foodstuffs for their journeys.

7. ENTERTAINMENT FOR THE P.O.W.

The P.O.W. who had all day in which to do nothing started to make little souvenirs, according to their craft, others to draw pictures etc. Source gave this pastime every encouragement in the camp until almost everybody was engaged in one way or another. Exhibitions of Art and Crafts were held in Camp to stimulate their interest.

A concert-party was started and became a great success. The P.O.W. had a guitar, a piano-accordion and a trumpet of their own (not provided by the Italians) and took great interest in the music. Source had great help in this connection from Cpl. Jack Goldwhite, Worcesters, (late Beds & Herts) The music helped considerably to keep up the morale. No recreation or entertainment was provided by the Italians.

8. PROPAGANDA IN INDIAN P.O.W. CAMP AT BENGHAZI:

This Camp, known as Camp B, containing Sikhs, Punjabis, Ghurkas and Mahrattas, was a difficult camp to run. The Axis authorities, taking advantage of the internal trouble, brought two Sikh Agents to carry out pro-Axis propaganda amongst the inmates and to endeavour to obtain volunteers to go over to the Axis.

Source started counter-propaganda talks with some success but he was taken before the Italian Commandant and was told that if he persisted in his "activities" he would be sent away immediately and that the men would be made to suffer. Source believes that it was on account of this and his other Anti-Axis activities that on the 18th October, 1942, he was hurriedly taken away under escort, put on a truck and sent to Tripoli where he was not allowed to carry on any administrative job.

9. COMPULSORY WORK

Some European P.O.W. were taken out at Benghazi on fatigues but on discovering that the work they were put to do was directly concerned with the Axis war efforts most of them refused to work. The few that did not refuse of their own accord were soon made to realise the significance of working for the Axis. As a result of this no whites were taken out again to work.

The Indian and South African coloured p.o.w. were then taken and compelled to work and those who refused were ill-treated. In order, however, to take advantage of circumstances these p.o.w. were instructed by our own trained p.o.w. personnel in certain acts of sabotage with some success. They were instructed how to remove the detonators from shells, fill petrol drums with water and put sand into the petrol tanks of enemy vehicles.

/10.

10. TREATMENT OF FIGHTING FRENCH

Although the food provided for the British and Imperial p.o.w. was very poor and well below the minimum required for human beings, that provided for the Fighting French was infinitely worse. The Fighting French were forced to work, loading and unloading ammunition and all other war materials. When Source remonstrated about this, the Italian Commandant flared up and stated that they were irregular troops and did not come under the laws of international warfare. Source then threatened to report the Commandant but was for .....his office.

11. ESCAPE ORGANIZATION AT BENGHAZI P.O.W. CAMP

NOTE BY A.I.O.

This information is "MOST SECRET" and is being masked from all except the Army Branch immediately concerned.

Unfortunately most of the escapees were recaptured and were very badly treated by the Italians (See Section 17 of Report on Capt. Allan No. A10/11/12 dated 11 Jan. 43). In addition to other forms of maltreatment they were invariably kept chained and without food for longer periods than mentioned by Capt. Allan. Source was obliged to appeal to the Italians in each case for their release.

12. TRANSFER FROM BENGHAZI TO TRIPOLI:

Source and about 500 other p.o.w. were taken from Benghazi on the 18th Oct. 42. in trucks (in which they were dreadfully cramped) their destination being Tripoli.

The first night they stopped at El Agheila.
The second night they stopped at Sirte.
The third night they stopped at Zliten.
They arrived at a P.O.W. Camp 7 klms. from Tripoli on the 21 Oct. 42.
The food for the trip was:- 1 tin of Italian bully and a few biscuits per man per day.
The transit camps were as at Benghazi, but not so cramped.

Travelling conditions, however, were dreadful. The trucks were rarely stopped; as a result the sides and backs of the trucks were soiled by the excreta of our men most of whom were suffering from dysentery and for whom absolutely no consideration was shown.

13. EVACUATION OF P.O.W. FROM TRIPOLI TO ITALY:

At about 15.00 hrs. on the 13 Nov. 42 Source as the only officer, accompanied 1010 of our p.o.w. from the P.O.W. Camp to the Spanish Mole in Tripoli harbour from where they were to be embarked on the s.s. "SCILLON" for Italy. This was a small coal burner of about 1600 tons.

All these men were allotted a hold in dirty condition and large enough to accommodate perhaps 300 men lying down. When the number of p.o.w. put in this hold had already exceeded this figure, Source remonstrated with the Italian Officer Commanding the ship against the inhuman overcrowding but no notice was taken of his protests. Later when this number had been more than doubled Source strongly protested again, pointing out the physical impossibility of packing any more men into this small hold. Much to Source's relief embarkation of p.o.w. stopped when 810 men had been taken on board. (Thanks to Source's repeated protests 200 p.o.w. remained behind at Tripoli thus escaping the tragedy which followed). By this time, however, they were so cramped together that it was quite impossible for them to adopt any position more comfortable than a sitting one on the bottom of the hold. No blankets were provided.

The food issued to the p.o.w. for the three days' voyage to Italy consisted in all of two tins of Italian bully and a few buiscuits per man.

All these 810 p.o.w. were ill, most of them suffering from varying degrees of dysentery. The latrine accommodation was hopelessly inadequate.

After an appeal to and heated discussion with the Italian Officer in charge of the p.o.w. Source was allowed to bring up on deck five men at a time to use the latrines; but since a narrow ladder was the only means of exit and entry, the process was a slow one. Many of the men were so weak from dysentery, etc. and from the dreadful conditions they had endured as p.o.w. that they had great difficulty in climbing the ladder. Many failed to control themselves, with results which were distressing both to the sick man and to his comrades.

The S.S. "Scillon" left Tripoli in the evening of the 13 Nov. 42. No life jackets or substitutes were provided for the p.o.w. although these were issued to the Italians. Nor were any life saving apparatus, such as life boats, rafts, etc. available.

/14.

14. SINKING OF S.S."SCILLON"

At about 20.30 hrs. on 14 Nov. 42 when on its way to Italy the "Scillon" was attacked by a British submarine. By that time Source had obtained permission for some fifteen of the more collapsed p.o.w. patients to remain on deck. He had managed also to conceal some other p.o.w. among the winches to enable them to breathe the fresh air on deck.

The first indication of attack was the firing of a shell which caused some damage to the superstructure of the "Scillon". At that time Source was sorting out some sick coming up the ladder. The p.o.w. showed remarkable stoicism and some shoulted to him "What was that, Sir?". On the spur of the moment all that Source could think of saying was "Be BRITISH and take off your boots". A few moments later another shell struck the ship and Source was called a few yards to see some wounded and dead. Immediately another shell found its mark followed by a short period of silence and then there was a very violent explosion; the ship had been torpedoed.

There was no necessity then for Source or the others to decide what to do. All on deck were flung off the ship into the sea with the shock of the explosion and in the dark the ship seemed simply to disappear at once. There was absolutely no chance of escape for the p.o.w. in the hold, the hatch of which was battened down except for a small opening about one yard square at the head of the ladder - the only way out. Moreover, although Source had appealed on embarkation to the Ship's Captain and Italian Officer in charge of the p.o.w. for life jackets, none had been issued.

A little later, someone (Source thinks it was St/Sgt. RUGASTER, South African Forces) called him by name and the party got together in the water more or less in the same area.

After a period of some 20 minutes (possibly longer) the shape of a submarine loomed up in the dark and when they were eventually picked up they found that it was H.M. Submarine P.212 which had sunk the "Scillon". The total number of British and Imperial troops rescued was 27 (including Source). In addition a total of 36 Italians of the ship's crew were picked up. All were taken to Malta on the submarine arriving there at about 13.00 hrs. on the 15 Nov. 42.

Source feels he cannot speak too highly of the splendid behaviour of all the rescued p.o.w. The few who were injured were readily helped by the others in the sea.

15. TREATMENT OF AXIS P.O.W. IN BRITISH HANDS:

Source, as Officer Commanding Troops on the "CLAN MACINDOE", returned from Malta and reached Alexandria on the 2nd Jan. 43. In addition to a number of the rescued British p.o.w. on board he was in charge also of 54 Italian and German p.o.w. who were being brought to the M.E. He has given the following information regarding the treatment afforded to these Axis p.o.w. on board this ship which contrasts more strikingly with that given by the Italians to our p.o.w.

The Axis p.o.w. were provided with:-

(a) Blankets and Palliasses,
(b) Three ample and wholesome hot meals per day
(c) A certain number of cigarettes
(d) Latrine paper with adequate latrine accommodation
(e) Soap and sanitary washing facilities.

16. ASSISTANCE RECEIVED FROM THE P.O.W:

In addition to the M.Os. Chaplains and other personnel already mentioned for all they have done for the benefit of the p.o.w. Source wishes to mention also the names of some of the O.R.s. for the good work they did and the considerable help they were to him through the difficult times, in particular:-

R.S.M. MORGAN (25th Field Regt. R.A. who was of exceptional help)
C.S.M. McBRIDE (2nd Cameron, for setting an example by escaping)
C.S.M. HOLT - D.C.L.I.
Sgt. PRICE - R.A.M.C 5th Light Field Ambulance
Cpl. Jack GOLDWHITE - (Worcesters) late of Beds & Herts for organizing the musical entertainment.

C.S.M. McBRIDE made a very creditable effort to escape but was recaptured after about 10-12 days.

Lieut. Colin PADDOCK R.T.R. also showed outstanding courage and quickness of thought and action when he escaped into the men's camp in disguise to avoid being evacuated to Italy. He finally escaped and reached Egypt safely.

Source considers that those M.O.s. and the others who elected to stay on at Benghazi for the sake of the p.o.w. as a whole, rather than be evacuated to more comfortable internment conditions in Italy, did excellent work of which they can all be proud, under the most exceptional and trying conditions. They set an example of abnegator to all the p.o.w.

/17.

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17. DESPICABLE ITALIAN OFFICERS:

The names of some of the Italian Officers who, even more than others, were guilty of the abuses mentioned above are as follows:-

1. Captain Felice VISMARA. Camp Commandant at Benghazi. (Late resident of Alexandria, Egypt, where he was a prominent member of the Italian Fascist Club). He was believed to be an Italian Secret Service Agent and speaks English fluently.
2. Captain PALERMO. Camp Commandant at Benghazi before Vismara.
3. Lieut. VENTURELLA (Medical). Showed complete disregard of his professional duties.
4. Lieut. FERULLO. He was insulting and officious. He did everything possible to hinder the correct supply of rations to the P.O.W.
5. Capt. SPAGNIOLI (Medical). Although apparently quite decent, he persisted even more so than the others, in the disgusting practice of bartering with our men.

Source stated that all the above were guilty of bartering and complete lack of interest even in the minimum health and welfare of the P.O.W.

18. REPORT ON CAPT. H.C. ALLAN, M.O.:

Captain GILBERT has read Report No. AIO/11/12 dated 11 Jan. 43, compiled by A.I.O. from information obtained from Capt. H.C. Allan, R.A.M.C. and endorses everything that Capt. Allan has stated regarding the treatment of the p.o.w. at Benghazi and the despicable conditions under which they were compelled to live for nearly five months.

I, the undersigned Edward Theodore GILBERT, British Subject by birth, born in Belfast, in 1911, Captain in the R.A.M.C., hereby declare upon oath on the Holy Bible that all the information contained in the foregoing eight pages, furnished by me to A.I.O., C.S.D.I.C., G.H.Q., M.E.F., from my personal experiences, is absolutely true and that the facts have been faithfully and accurately recorded.

Witness my hand, this 28th day of January, 1943.

(Signed) E.T. GILBERT Capt. R.A.M.C.

Sworn and signed at A.I.O., C.S.D.I.C., MAADI (CAIRO) in the presence of:-

(P.V.W. DONALDSON)
Capt. A.I.O.,

And in the presence of:-

Witnesses:
1. Capt. W.A. TAIT .....
2. Mr. T. KASMATY .....

At A.I.O., C.S.D.I.C., G.H.Q., M.E.F., this 28th day of January, 1943.

??? (H.F.GOLD)
Major A.I.O.,

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1721

SECRET MEMORIAL REPORT ON CONDITIONS IN WHAT R.A.M.C. CAMPS. AIO/11/12.

SOURCE.- 133260 Captain Parish Carmichael ALLAN - R.A.M.C. (R.A.M.C. Base Depot, HELWAN, CAIRO.)

He was taken prisoner by the Germans at TOBRUK on 20 June 42. In due course he was handed over to the Italians the following day by wagon to MERSA BRIGA where he was allowed to attend to British and Imperial P.O.W. He was released when the British Forces reoccupied BENGHAZI on the 20 Nov 42 and returned to CAIRO on the 28 Nov. 42.

Interrogated by A.I.O. at HELWAN on 5 Dec. 42 and 9 Jan. 43.

Capt. ALLAN who was working as one of the Medical officers in the 62nd British General Hospital near TOBRUK, when captured on the 20th June 1942, has given the following account of his personal experiences from that day until released at BENGHAZI on the 20th Nov. 1942, by the advancing Eighth Army.

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1. DESCRIPTION AND LOCATION OF THE 62nd B.G.H.:-

This hospital, which consists of about 18 independent, one-storied stone buildings, with flat concrete roofs, forming a rough rectangle, surrounded by a 5 ft. high stone wall on three sides, with rising rocky ground at the back, is situated on elevated ground, to the North-West of TOBRUK town and at a distance of about 400 yards from the nearest town dwellings. There were no other buildings in the vicinity, nor any camps, lagers, aerodromes, fuel, A/A or A/T gun-emplacements or other fortifications; and no troop concentrations. There were no concealed, underground installations; and no troop concentrations. There were no concealed, underground dumps of war material anywhere near. The nearest military objectives were well over 400 yards away. There was absolutely nothing in the vicinity of this hospital which could be mistaken for a military objective. The surrounding country was bare and open. The attached rough drawing, shown as Appendix "A", gives an idea of the hospital and its position.

These hospital buildings had previously been occupied by an Australian General Hospital. Source believes that they had served also as an Italian Hospital while TOBRUK was in Axis hands. The 62nd B.G.H. has been established here ever since January 1942, while the Australians had their hospital here throughout the whole period of the siege of TOBRUK. As far as Source is aware these hospital buildings had never been used by the British and Imperial troops except as a hospital.

This hospital was clearly marked with big red crosses on the roofs of the wards and on some of the outside walls; also with a huge red cross in the centre of the grounds. This cross was at least 15 yards by 15 yards, its limbs being at least two yards broad. During the week preceding its capture all the red crosses had been repainted to show up more clearly. On the pillars at the entrance to the hospital compound there were fair-sized red crosses painted on the stonework. There were also three red cross flags flying, each at least 5 feet by 3 feet, viz. (a) One flag from one of the entrance pillars, (b) One flag from a 20 ft. flag-pole just within the entrance to the compound, (c) One flag from a 12 ft. pole in front of the Administrative building in the compound.

These flags were clearly visible from all approaches. Source has no doubt whatsoever that the red cross markings were very distinct and could be seen from a great height, also from a considerable distance when approaching from a low level or on the ground.

2. DELIBERATE BOMBING OF A BRITISH HOSPITAL:-

At approximately 0800 hrs on Saturday 20th June 1942, one enemy plane which was believed to be Italian, came over and, from a very low level, dive-bombed the 62nd British General Hospital situated some distance from TOBRUK.

A stick of 2-3 medium sized bombs (about 500 lbs. each) was deliberately aimed at the hospital buildings. One bomb came clean through the concrete roof of No. 8 ward (a rectangular building of about 20 yards by 8 yards) penetrated the concrete floor and then exploded making a crater about 4 ft. deep by about 8 ft. in diameter, completely demolishing the walls and roof, leaving the whole building just a shambles of stone mortar and bricks. Only part of the frontal wall remained standing.

/3.

5. [illegible]:-

[illegible] medical personnel. [illegible] exclusively [illegible] of sick and wounded [illegible] Ward [illegible]. On the morning of the bombing Ward [illegible] contained only [illegible] cases.

One patient in Ward [illegible] had been killed outright. He was blown to [illegible] pieces. Three bodies [illegible] succumbed. Later four more died as injuries sustained. Several others [illegible] received other injuries. The fact that casualties were [illegible] to the evacuation of most of the hospital patients [illegible] the dispersal of the medical staff in the U.S. S. Three soldiers [illegible] had been killed or wounded cases ([illegible] before being [illegible] casualties would have been very numerous. At the time of this bombing [illegible] astounding to see [illegible] casualties in our [illegible] of this hospital.

A second bomb [illegible] the medical quarters, close to Ward No. 9, seriously [illegible] inflicting injuries of varying severity to a number of casualties, [illegible] severe wounds to [illegible] and legs, and, it is feared, succumbed later.

4. BAILING OF HOSPITAL [illegible]:-

At the time of this bombing [illegible] also ruined the hospital building [illegible] without, however, causing any further casualties, as far as [illegible] know. The bullet holes, however, were clearly visible on the walls.

5. PREVIOUS DIVE BOMBING OF HOSPITAL:-

Ward No. 4 of this hospital was [illegible] dive-bombed by Stukas in May 1942 and badly damaged. Several [illegible] at the time, was told by another P.O. that casualties had been sustained [illegible] under treatment and medical personnel in attendance in this Ward at that time also. S was believed that two of these casualties died later.

6. SHELLING OF HOSPITAL:-

At about 1900 hrs. on the evening of June 20th 1942, while it was still quite light, one small-calibre or heavy cannon shell was fired by the enemy at this hospital. It struck the [illegible] just within the surgeon's entrance and exploded on hitting the wall. The orderlies [illegible] were injured. The one had to be operated at once owing to his serious wounds.

7. OCCUPATION OF THE HOSPITAL BY THE GERMANS:-

At 1930 hrs. on 20 June 1942, after the Germans had occupied TOBRUK, two trucks with German infantry, [illegible] 21st June, arrived at this hospital which they proceeded to occupy and take over. They did not actively interfere with the patients and medical personnel who were allowed to continue their work unmolested. The same night this hospital was taken over by a German Commandant. German guards were posted all round the hospital and nobody was allowed to leave.

8. ROUGH TREATMENT OF PATIENTS:-

On the 21 June, 1942, all patients either than lying down cases, were made to march by the Germans ([illegible] considerable inconvenience and suffering to some with leg and other recent injuries) [illegible] P.O.W. camp which existed [illegible] about 2 miles away from the hospital and a similar distance from TOBRUK.

At this P.O.W. camp there were absolutely no facilities during the first few days, for the treatment of these cases. This was ascertained by the South African A.D.M.S. of TOBRUK District Col. DU PLESSIS and by Col. DUNN, R.A.M.C., O.C. of 62 B.G.H. Col. DU PLESSIS visited this P.O.W. Camp on the afternoon of the 21st June and again on the 22nd and following days. They made arrangements for the bad cases to be sent back to the hospital for dressings. It was then as a result of the strong objections and insistence of the British P.O.s, that the Germans consented to provide transport for the more serious cases. All the others had to walk from the P.O.W. camp to the hospital for treatment, and back.

During the first few days the sick and wounded were in the same dreadful plight in this P.O.W. Camp as the remaining British and South African P.O.W. (officers and men) viz. they were given practically no food or water for the first four days.

/They

They had to stay all day and night in the open, without any shelter from the sun and sand. They were given no bedding or blankets and had to huddle together on the sand in the open at night to keep warm. Source personally knows of some patients who received no food or water for four days. Source was told later that only after the first week's internment had the Germans begun to arrange for food and water.

There were about 30,000 British and Imperial P.O.W. in this camp with absolutely no washing or sanitary facilities. Source had occasion to visit this camp on the 23 June 42, with a message from the South African A.D.M.S. to some M.O.s in the camp, and was appalled by the dreadful conditions, especially the total lack of any sanitation. This camp was run by the Germans.

9. P.O.W. CAMP AT TMIMI:-

On the 24 June 42 Source was taken by the Germans by truck from 62 B.G.H., together with the first batch of M.O.s and hospital personnel, to the P.O.W. Camp at TOBRUK but was not kept there. The same evening he, with other M.O.s, hospital staff and some P.O.W., were put into trucks driven by Italian civilians and transported to TMIMI which they reached at 0200 hrs. on the 25 June 42. They were put in a P.O.W. Camp here.

This P.O.W. camp was an open stretch of ground, enclosed with barbed wire, with no huts or tents, completely devoid of any washing and sanitary arrangements. They had to lie down, without blankets or ground sheets, on the ground which, the following morning, they found to be littered with filth and human excreta.

Here again there was a shortage of water and food. The men were obtaining water, for drinking purposes, from a dirty, foul well, as the drinking water provided was quite inadequate. There were about 7,000 - 8,000 P.O.W. in this camp which was run by the Italians.

10. P.O.W. CAMP AT DERNA:-

On the morning of the 25 June 42 Source with about 20 other M.O.s and other officers, were taken by truck to DERNA.

At DERNA all the officers were put into a stone barn while the men were packed in what appeared to be a caravanserai on a lower level, grossly overcrowded.

The conditions in the men's P.O.W. camp here appeared to be so bad that the British and South African M.O.s wished to examine it closer with a view to suggesting improvements. This was refused, however, by the Italian Commandant who brusquely ordered his guards to push the M.O.s back into the stone barn and in so doing this Commandant rough-handled one of the M.O.s, knocking him over with a punch on the back.

The following morning, in order to retaliate for the derision and verbal demonstrations on the part of the British troops, against the unbearable attitude of the Italians, the pompous and boisterous Italian Camp Commandant singled out M.O. Capt. ALLAN, without any justification, hustled him into his office and, notwithstanding the red cross arm-band which Capt. ALLAN was wearing and which he pointed out to the Italian Camp Commandant, the latter proceeded to hit Capt. ALLAN repeatedly about the face with both hands with considerable force, adopting at the same time a threatening attitude with his revolver. After this, Source was kept in solitary confinement for about two hours.

Later, in the absence of this Italian Commandant, Source was able to rejoin the other M.O.s by the time of their departure and left with them by truck from DERNA to BARCE.

At the DERNA P.O.W. camp there were instances of men being shot for making the Victory sign. An Italian officer informed Source that if men were caught making the "V" sign they would be put on half rations, i.e. starved. On another occasion an Italian Senoussi guard fired into a throng of men, without any provocation, severely wounding one in the leg.

At DERNA there was a plentiful supply of water for the P.O.W. The Officers' latrines were foul. Sanitation for the men was practically non-existent.

At DERNA Source got the first ration of food from the Italians. He had lived, the previous three days, on what he had smuggled out of the 62 B.G.H. at TOBRUK in his pockets.

11. P.O.W. CAMP AT BARCE:-

On the 26 June 42, Source with 63 other Officers were piled with their baggage into two medium-sized trucks and taken to BARCE. Here there was a P.O.W. Camp for officers. The Italian Commandant here apologised for the conditions in his camp which,

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however, were infinitely better than the conditions existing in all the previous camps. The P.O.W. officers were housed in barrack rooms and sheds, with sleeping accommodation in double tier beds. Sanitary and washing facilities were satisfactory. The food provided was on the same scale as for the Italian soldiers, viz.

Early morning:- One mug of coffee.

At 11.00 hrs:- The days rations were collected i.e. 1 small tin of Italian bully beef between two officers; 1 small loaf of brown bread per officer; 3/4 billy-can of rice and bean hash (warm). This was all for the 24 hours.

They remained only a few days at BARCE.

12. P.O.W. CAMP at BENGHAZI:-

On Monday 29 June 42, Source was in the first batch of six P.O.s to leave BARCE for BENGHAZI by truck. They hoped that by going further west conditions not would be better for the P.O.W.

On arrival at BENGHAZI the information from British officers already there was that conditions had been and still were dreadful.

The senior P.O. of this group of six, Major M.J.BRYNN, late of the 14th L.F.A. obtained permission from the Italians to inspect the P.O.W. Camp. This was found to contain about 24,000 men, closely packed on an open piece of ground enclosed with barbed wire fences, with only a few hopelessly inadequate open trenches for latrines.

Many men who were acutely ill with dysentery were lying exposed on the open, bare ground, some clad only in shirts and shorts, without protection from the sun and sand or from the cold at night. Another British P.O. who was captured at the beginning of June was already working there and stated that the available Italian medical facilities at this camp were utterly and completely inadequate.

By dint of insistence and persuasion the British P.O.s. prevailed upon the Italian Commandant to allow, in due course, a total of 18 British and South African M.O.s to remain at BENGHAZI, i.e. not to be evacuated to Italy, four of whom would open and operate a hospital with 200 beds in BENGHAZI town, for the treatment of the British and South African sick and wounded, the other 14 to remain at the P.O.W. Camp and attend to the men there. This having been agreed to by the Italians, a number of R.A.M.C. and S.A.M.C. personnel were also kept back, to act as medical orderlies in the hospital and P.O.W. Camp. Three South African Chaplains also volunteered to remain at BENGHAZI and did excellent work throughout their stay there.

These Medical Officers and personnel (some of whom were advanced in years while others were already sick with dysentery and fever) had all volunteered to remain behind at BENGHAZI (rather than be evacuated to more comfortable conditions in Italy) in view of the appalling condition and medical problem of our P.O.W. at BENGHAZI. They all carried out arduous duties here, under the most difficult and trying conditions, for a period of about five months, after which they were also taken away by the Italians to internment in Italy.

13. CONDITIONS IN MEN'S P.O.W. CAMP AT BENGHAZI:-

The conditions in this P.O.W. Camp were at first indescribably bad. The men were very grossly overcrowded, in the open, sleeping right up to and alongside the latrine pits, often with their legs dangling over the open latrine trenches, for sheer lack of space. In due course latrines were constructed by the P.O.W. themselves, under the direction of Captain JOHNSON of the IV HUSSARS who had volunteered to remain behind in order to help in the hygiene and sanitation of the camp. The approximate position of this Camp is shown on Appendix "B".

The men had to lie on the bare ground, in the open, day and night, without groundsheets or blankets. In October 1942 the Italians provided 2,000 blankets for the 12,000 P.O.W. still remaining in the camp at that date.

The standard daily ration per man consisted of a small mug of "coffee", one small tin of Italian bully beef and a small loaf of bread of very bad quality and progressively decreasing in size.

After the first two months some efforts were made by the Italians to provide hot meals but these were very rare. Consequently men began to suffer from starvation and dysentery and exhibit signs of avitaminosis, i.e. beriberi and scurvy. (beriberi heart caused some deaths in hospital). This condition had been foreseen by our P.O.s. who warned the Italians at the beginning of July, 1942, that the P.O.W. could not possibly subsist for any length of time on this starvation diet. Nothing was done by the Italians to remedy this deplorable situation.

For long stretches of time there was a complete absence of drugs and dressings at this camp. The P.O.s. improvised charcoal (by burning bread) for the treatment of dysentery; big bandages on lieu of patients discharged from hospital, were washed and cut up into small sections for re-use as first aid at this camp.

/The

The Italians maintained that the conditions prevailing here were not those of a regular P.O.W. Camp but of a Transit P.O.W. Camp. This was their excuse for the short and bad rations. Some 12,000 P.O.W. remained here "in transit" for nearly five months.

It is deplorable that the Italians persistently refused, throughout the four summer months, effectively to tackle the problem of evacuating the many thousands of P.O.W. at BENGHAZI to properly equipped P.O.W. Camps in either TRIPOLI or Italy, on the plea that they could not arrange for their evacuation. They did evacuate them, however, in November, 1942, at the time of our advance, which proves that they could easily have done so much earlier if they had wanted.

There was a serious outbreak of diphtheria in the camp and the Italians, fearing an epidemic in BENGHAZI, were lavish in their supply of anti-diphtheritic serum. Positive cases were taken into the Italian isolation hospital. The custom was to keep them a fortnight in this isolation hospital where they were kindly treated by the Hospital staff (in the Ospedale Coloniale) but they were then sent back, prematurely, to an isolation pen in the P.O.W. Camp where they were kept under the same conditions as the other P.O.W. The British M.O.s, fearing the onset of post-diphtheritic complications, i.e. myocarditis and post-diphtheritic palsies, requested at least 3-4 weeks' recumbency in bed for these cases, but this request was ignored. Many cases developed palsies and cardiac complications and some died as a result of this maltreatment.

Absolutely no Red Cross parcels were received by the P.O.W. at this camp. The Red Cross cards which the men filled up for posting to their next of kin, were held back by the Italians who used them as a nominal card index for the P.O.W. Camp.

This caused considerable anxiety and depression among the men who were uncertain whether their families had been informed that they were P.O.W. The South African Chaplains made nominal lists of all the P.O.W. and handed these to the Italian Bishop of BENGHAZI for transmission to the Pope and through him over the Vatican radio. Source believes that the names of a great many P.O.W. reached the British authorities in this way.

14. CONDITIONS IN OFFICERS' P.O.W. CAMP AT BENGHAZI:-

The officers were housed in a brick barn-like building close to the P.O.W. Cage. There was accommodation for 200 in closely-packed double-tier beds.

Sanitary and washing facilities were fairly reasonable. Latrines had been constructed. There was plenty of water.

The food consisted of:-

1 small tin of Italian bully beef per man)
2/3 small loaf of bread per man ; per 24 hours.
1 mug of "coffee" in the morning ;

The N.C.O.s. working in the P.O.W. Cage got some extra rations, i.e. rice and fish, and were able to buy some vegetables. The total rations were never sufficient - a semi-starvation diet.

15. CONDITIONS IN BRITISH HOSPITAL AT BENGHAZI:-

The Italian Medical authorities in connection with this hospital were most co-operative, in particular Lt.Col. SCHIRRU who was Hospital Commandant for the first month and was later in complete charge of the Italian medical services in the whole of BENGHAZI area. He was most helpful. This hospital was located in a building at GIULIANA point of BENGHAZI town. At first it had 200 beds, later expanding to 400.

Medical supplies at this hospital consisted of what the Italian Hospital authorities could spare. At times the medical supplies were quite inadequate. This, the Italians said, was due to the British Naval blockade which caused a hand to mouth existence at times even for the Italians at BENGHAZI, as regards food, medical supplies, etc.,

Special rations were obtainable at this hospital for the treatment of dysentery cases but at times the rations were hopelessly inadequate because none were available, not on account of any withholding.

At times there was an acute shortage of drugs and dressings. At all times there was an acute shortage of beds in the hospital, even after the end of September, 1942, when it had been expanded from 200 to 400 beds and although the total number of P.O.W. at BENGHAZI, had in the meantime, been reduced from 24,000 to about 12,000, as a result of shipments to TRIPOLI and some to Italy. At least 60 out of the total of 67 deaths among the P.O.W. were attributable solely to the conditions under which they had been living. The health of all the P.O.W. was impaired by mal-nutrition and exposure. At no time, not even when the hospital was doubled, were the beds sufficient to cope with the influx of sick.

/Half

[illegible]

[illegible] 2,000.

[illegible]

17. CAPTURED [illegible]

[illegible] were recaptured by the Italians, were [illegible] - left [illegible] that they could [illegible] in their flesh on [illegible] skin.

[illegible] captured were similarly chained in [illegible] and even when in hospital. They were obviously forced by the Italians.

18. GENERAL [illegible] CONDITION [illegible]:-

(a) On Capture:-

A party of South Africans who were captured by the Italians were suffering from extreme thirst and hunger. They were forced to barter their watches for small quantities of water. As a result of [illegible] restricting, the party of about 20 men were stripped to the waist [illegible] in the burning sun and with hands clasped under their heads. They were kept like this for 4½ hours, threatened by bayonet if they moved. When [illegible] marched into POWdom. As a result three men fell out on the way.

(b) During Evacuation:-

Evacuation from [illegible] first by trucks and trailers. One of these conditions would be [illegible] war [illegible]. Many of the men were suffering from dysentery and were quite unfit for transport. They had no sanitary facilities at all while [illegible]. The trucks did not even [illegible] by [illegible] to allow men to stretch their limbs. This had to be done [illegible] the truck while in motion.

In the latter months many prisoners were evacuated in Indian Ships. The conditions on board were appalling. The men were treated by [illegible] and had to stand for days in the [illegible] with water and [illegible]. The ration for the trip consisted of 2 hard biscuits and 1 tin of bully - issued for the three by [illegible].

(c) Food:-

The calorific value of the food was quite inadequate. The men who suffered most were the bigger bulky players - springboks and Springs. One such man, an International rugby player, from Vice-Captain of the Springboks in 1934, [illegible] frame, was skin and bones, his muscles had wasted to mere shreds of flesh. In their athletic prime [illegible], last Springbok player and [illegible] weighed so much less that he could scarcely walk.

All men suffered (from the [illegible]) such a loss of vaso-motor tone, that they would [illegible] attacks of syncope on standing upright (fainting attacks). This condition was in the [illegible] "black-out" and had to be ignored as it was [illegible] a common phenomenon.

/(c)

(f) Clothing:-
No clothing was supplied to the men, not even at BENGHAZI P.O.W. Camp, [illegible] period of 4½ months. Some Indian clothes were issued at the CAPUCHIN Hospital, and also those of the deceased were distributed by the [illegible] to patients whose clothes had been destroyed or perished.

(g) Sentence:-
There were no sentences not even at the BENGHAZI P.O.W. Camp. A barter system was carried out with the guard. The Italian Medical Officer, a Capt. MERLGHOIE carried on trade with our prisoners at BENGHAZI, giving cigarettes and food in exchange for watches, fountain pens and any other personal articles of value.

(h) Employment:-
Men were employed on all kinds of work at BENGHAZI but only during the first few weeks. All labour employed later was Indian and South African coloured, i.e. non-European.
The work included the unloading of ammunition and petrol at the docks, as a result of which there were some casualties among the blacks owing to British bombing of BENGHAZI docks.
No protection was being made to do this work with the result that they were punished and put on short rations i.e. starved.
The men were paid about one lira per day for their work.

(i) Discipline:-
On the whole this was not unduly harsh but the cells or detention cells were dreadful and most unhygienic. Men in detention were obliged to urinate and defaecate in a corner of the cell.
The conduct of some of the guards was harsh and unreasonable. P.O.W. were shot at DERNA for making "V" signs. Escaping prisoners were shot on the barbed wire and left hanging there. One man was shot on the roof; he was left for at least six hours before receiving attention. In that time he lost a large quantity of blood and nearly bled to death.

(j) Correspondence:-
P.O.W. were not allowed to send notification of their capture. Even the Red Cross cards were withheld.
As from August '42 P.O.s at the Hospital in BENGHAZI were allowed to write 2 letters weekly. At the end of September, i.e. three months after reaching BENGHAZI Camp, R.A.M.C. orderlies were allowed to send letters weekly. The men in the P.O.W. Cage were allowed to write home only after Sept. 1942. No incoming correspondence was received. Sources learnt that any letters addressed to him by his family were delivered to an address in Italy.
Absolutely no Red Cross parcels were received throughout the 4½ months' internment.

(k) Personal Effects:-
No receipts were given for articles taken from P.O.W. and no articles were returned.
One P.O.W. at DERNA, while in the trend, produced his cigarette case to get a cigarette. The Senussi guard at the camp saw the case but this was refused, whereupon the P.O.W. was bayonetted in the buttock. Another P.O.W. who remonstrated was struck with the butt of the gun. The cigarette case was taken and photographs of the man's family were refused to him when he asked to keep them.
No receipts were given for cash taken from the P.O.W.

(l) Protected Personnel.
Better treatment or privileges were given to such personnel. The R.A.M.C. and S.A.M.C. were employed but better rations; the others who were surplus had no privileges.

(m) Protecting Power and Red Cross.
Throughout Sources whole stay at BENGHAZI not one single representative of the International Red Cross or of the Protecting Power visited the P.O.W. Camp.

10. EVACUATION OF P.O.W. FROM BENGHAZI:-
Just before the Allied advance on BENGHAZI, the Italians began to get into a flap at BENGHAZI and moved large number of the P.O.W. by trucks to TRIPOLI together with the British and South African N.C.O.s. The sort "student" of the British N.C.Os were removed on October 1st to TRIPOLI.

/Those

- 4 -

[illegible] left at BENGHAZI being the only "peaceable members" of the community. It was thought then that the Italians considered it a possibility that some P.O.s would have to be left if the British advance, and for that reason were leaving those they considered "harmless", i.e. who had behaved quietly and might even be turned friendly.

On Thursday 12 Nov. 42 the last batch of about 3,000 P.O.W. were embarked on a train taken to Italy, with the remaining British Surgical staff. On Saturday 14 Nov. 42 the staff and patients of the British Hospital at BENGHAZI, were taken away by hospital ship to Italy. Many of the 200 patients who were in this hospital at the time were so seriously ill that they should not have been moved at all. Many of the other 100 patients who had been prematurely "discharged" and sent back to the P.O.W. Camp two days previously were still invalids; some of them died on reaching the Camp.

20. ITALIAN COLONIAL HOSPITAL AT BENGHAZI:-

Source who was on the staff of the British Hospital at BENGHAZI, fell ill with Diphtheria about 14 Oct. 42 and on the 19 Oct. 42 was taken into the Italian isolation block of the BENGHAZI Colonial Hospital. This hospital was staffed by Italian Sisters of Mercy and Italian female nurses.

When Source recovered he was asked by the Italians to assume medical duties at this hospital, looking after the British cases. He was not allowed to return to the British hospital. By this time the British offensive at EL ALAMEIN had commenced.

At the time of the Italian evacuation Source was ordered to remain at this Italian hospital to protect 12 of the 20 Sisters of Mercy who had elected to remain and look after the patients rather than go back to Italy. He was informed at the same time that the British P.O.s and staff working at the British Hospital were being left behind at their job. These patients were 26 British (13 Europeans, 13 Indians) and about 80 Arab wounded and sick.

21. EVACUATION OF ITALIANS AND GERMANS FROM BENGHAZI:-

The last remnants of the Italian and German troops in BENGHAZI cleared out on the 18 Nov. 42, after demolishing port works, docks, supplies, vehicles, important buildings, etc. etc. The noise of the explosions in the town was unbearable as destruction and demolition proceeded.

The British troops entered the town on Friday 20 Nov. 42, taking over the hospitals with the rest of the town. Source remained there until the 26 Nov. 42 to liaise and hand over his duties to the incoming Army Medical authorities. He left BENGHAZI on 26 Nov. 42 and reached CAIRO on the 28 Nov. 42.

22. MEDICAL INFORMATION ON P.O.W. CAMPS AND HOSPITALS:-

(a) Condition in P.O.W. Camps:-

In addition to the main P.O.W. Camp at BENGHAZI mentioned above there was already in existence another P.O.W. camp holding approximately 5,000 - 10,000 prisoners. This was called COMPIL CAMP and had two British Medical officers in attendance. Food and general treatment there was considered better than in the main P.O.W. Camp which was formed to cope with the great influx of prisoners at the time that TOBRUK fell.

COMPIL Camp was later used for housing New Zealanders, Australians, Commandos, and captured Naval personnel. All other prisoners went into the main P.O.W. Camp.

(b) Medical facilities in the main P.O.W. Camp:-

This camp which at first held about 24,000 men was later divided into four separate pens each holding four to five thousand men.

A brick M.I. Room and drugs were put at the disposal of the British M.O.s. At first there was only the one M.I. Room, and working in shifts the medical officers attended the sick from sun-up to sun-down, a queue of men having to be turned away at night because of the dark. A tent was erected as a sick-bay in which the more serious cases were allowed to lie. The disposal of the cases to hospital was in the hands of an Italian Medical Officer, and was rarely ever satisfactory.

Later an M.I. Room was established for each men with British M.O.s in charge, and a staff of R.A.M.C., S.A.M.C., and New Zealand orderlies. At times, weeks on end, these M.I. Rooms were almost completely devoid of drugs and dressings. Only once was there a plentiful supply - just after the break-through at EL ALAMEIN when it looked as if our forces might get West.

/(c)

(e) Relationship between the Italian and British Officers in the P.O.W. Camp:-

There were never [illegible] but there was continual friction over the conditions in the Men's Camp. The other source of complaint was the food and living conditions of the officers themselves. They [illegible] in their capacity as protected personnel, being paid [illegible] a month, that they should [illegible] rations. Extras over and above the standard 1 tin of bully and [illegible] of bread, were given to them but never sufficient for their needs. They [illegible] from bouts of illness - dysentery, jaundice, fever, and all [illegible]. Two M.O.s had to go over to Italy as hospital ship patients.

One of the British M.O.s who was detected smuggling blankets from the Officers' Pen into the Men's Camp was sent over to Italy for [illegible]. Another officer Capt. [illegible], R.A.M.C. who by common consent became British Camp Commandant did an invaluable amount of work, but proved himself such a thorn in the flesh of the Italians that in October he was amongst [illegible] in the first batch of Camp Staff to be removed, and under the instructions of the Italian Camp Commandant was not to be permitted any Administrative Camp job in [illegible] or Italy. This, Source assumes, was due to the continual fights he had had with the Italians over the dreadful conditions existing in the camp.

(f) Conditions in the British (GIULIANA) Hospital:-

The Medical Staff, consisting of 4 British M.O.s. and later 1 Indian M.O. and about 30 R.A.M.C. Orderlies, were officially under the orders of an Italian Commandant. In October, a dozen more S.A.M.C. Orderlies were added to cope with the expansion; rations, cooking and office work were done by an Italian staff. There was very little interference on the medical side. Occasionally there were demands from the Italian Commandant for the evacuation of patients when the hospital was full and in a static condition. This caused friction, for it necessitated discharging men who were not yet fit.

Accommodation for patients was in 4 stone pavilions, the two larger of which held 21 double-tiered beds, i.e. bed space for 42 patients. The two smaller blocks held rather less. As the hospital expanded, tents with a capacity for 24 patients in double-tier beds were erected, and the wards overcrowded to hold 58 patients. In September the last of the tents was put up, wired with electric light and the hospital buildings cleaned and renovated. The hospital then consisted of the four blocks and seven tents with a bed capacity of 364.

The Medical Officers lived in two rooms in the administrative block. The orderlies were housed in a ground-sheet bivouac erected within the grounds. Armed guards patrolled night and day outside the hospital walls and at night armed Italian orderlies patrolled the grounds.

The supply of drugs and dressings was at times inadequate but one did not feel it was being withheld as at the Camp. The Italian Commandant was at all times co-operative.

The rations were very much better than at the Camp, for in addition to the Italian bully, there was rice or macaroni and green vegetable. The bread too was of a better quality. Milk was supplied to the patients but naturally was hopelessly inadequate in amount. In spite of the shortage of food and drugs one always felt that the Italian Medical authorities attempted to give the British Hospital a square deal. Relations with the Italian Medical authorities were cordial, so much so that Lt.Col. SCHIRRU formerly Commandant of the hospital for its first month, and latterly chief of the whole area, said that on the evacuation of BENGHAZI by the Italians he intended leaving Source and his colleagues at the hospital, "in recognition, not recompense, of their services." This he said to Source personally when he informed him that he was to be left in charge of the Colonial hospital. It was learnt that on Friday 13th November the M.O.s and remaining staff of the GIULIANA Hospital, along with about 200 serious cases were told that they were being left with 4 days rations. Next day 14th Nov. they were rounded up and taken by hospital ship to Italy. This may have been precautionary for the hospital throughout its existence was closely surrounded by large fuel tanks, and in the demolitions which commenced on Nov. 14th these tanks were blown up with some damage to the walls of the hospital. But these patients some of whom were too ill for transport and the staff could have easily been accommodated in the Colonial Hospital which was practically evacuated of all but Arab patients the previous week.

Throughout the five months the more serious and chronic cases were sent by Hospital Ship to Italy. These cases were nominated by the British M.O.s but the decision rested with the Italians. There was never much difficulty in getting these cases across as the Italian M.O.s were always shocked on going round the wards at the weak emaciated condition of the men. The progressive deterioration of the cases can be seen from the fact that in July and August the hospital ship cases were about 20
/per

[illegible] the facts [illegible]
that in all cases [illegible] Furthermore,
persons, the [illegible]
of the information they have furnished, [illegible] authenticity
[illegible] further testimony [illegible] to verify
would not [illegible], cannot be
[illegible] my hand, this 11th day of January, 1943.

1730

([illegible]) Capt. [illegible]

Sworn and signed at A.I.C., C.S.D.I.C., [illegible] in the presence of:

([illegible])
Capt. A.I.C.

And in the presence of:-

(1. Capt. [illegible]
Witnesses (
(2. Mr. T. [illegible]

At A.I.C., C.S.D.I.C., G.H.Q., M.E.F., this 11th day of January, 1943.

([illegible])
Major, A.I.C.

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EXTRACT

SECRET

0103/5023(P.W.2.a.)

INTERROGATION BY MIDDLE EAST OF EXCHANGED BRITISH PRISONERS OF WAR (April, 1943).

SOURCE:- Cpl. J.W. BRIGGS, M.M. of 5th Indian Div. Signals, who is still a P.O.W. in Italy, at P.O.W. Camp No. 70 (P.M.3300) near FERMO.

Immediately before Lt./Col. G.F. CONDON, I.M.S., left the above mentioned P.O.W. Camp early in April '43 to be repatriated from BARI together with other protected personnel, Cpl. BRIGGS handed him a signed and witnessed note, on certain incidents he had personally seen as a P.O.W. in LIBYA and Italy, to bring over to G.H.Q., M.E.F. In spite of being searched three times, Lt./Col. CONDON was able to conceal and bring this note with him. He handed it to A.I.O. on the 24th April 1943 and its contents are as follows:-

(a) BENGHAZI, 9th July 1942:-

At Italian Red Cross lorry, clearly marked with the red cross on top, sides and back, driven by Italians, was being used to transport ammunition.

(b) BENGHAZI, 18th July 1942:-

A British soldier (name unknown) was tied to a fence by the Italians for nine hours, for refusing to assist in unloading warlike stores such as small arms ammunition, spare parts etc.,

(c) BENGHAZI, 2nd Aug. 1942:-

A Red Cross lorry, marked as per (a) above, driven by Germans, was being used to draw supplies from main supply base for combatant troops.

(d) BENGHAZI, Aug. 1942:-

Three P.O.W. escaped one day from the P.O.W. camp. One of them was later recaptured and was beaten across the face with a chain by the Italian guards.

(e) BENGHAZI, 9th Aug. 1942:-

P.O.W. were compelled at the point of the bayonet to unload ammunition and were refused food and water all through the day.

(f) BENGHAZI, 9th Aug. 1942:-

A Sikh in civilian clothes came to the P.O.W. Camp with Germans to propagandize and coax I.O.Rs. into agreeing to assist the Axis Powers. Some 525 I.O.Rs., mostly Sikhs, from a total of over 4,000 P.O.W. volunteered and left the following day.

(g) BENGHAZI, 10th Aug. 1942:-

Some British Prisoners were struck with rifle butts for refusing to unload ammunition.

(h) BENGHAZI, 17th Aug. 1942:-

All rations were stopped for MAURITIUS native P.O.W., for refusing to unload ammunition.

COPY

REPORT ON THE CONDITION OF P.O.W. SICK ADMITTED TO CASERTA HOSPITAL, ITALY AS A RESULT OF STARVATION ETC. IN NORTH AFRICAN (LYBIAN) CAMPS BETWEEN SEPTEMBER AND DECEMBER, 1942

The following is a report on cases admitted to Caserta Hospital which were actually seen by myself and in the case of several, attended to myself.

For some time in the first half of 1942, the Italian press at times brought out a "hymn of hate" about the bad way - "barbarous" was once the expression - in which the Imperial Government were treating captured Italian soldiers. Some complaints appeared to be childish and others fantastic, but one complaint in particular was that the British Government was blamed for either sending Italian P.O.W. too far away e.g. Australia, or else for keeping them too long in Egypt in not proper established camps, and in a climate not suitable to the Italian (forgetting no doubt the little variation in climate and that our hygiene and sanitation in Egypt far excelled that of the Italians even in Italy). Following the "Wavell" Advance, it is well known how quickly and efficiently the British Government evacuated to the Dominions, numbers of Italian P.O.W. far in excess the number of our men which they have captured altogether.

Following the fall of Tobruk, a large number of Imperial Forces fell into Italian hands, perhaps ranging around 30,000. Six months later, the Italian Government was hurriedly evacuating to Italy the last batch of our men in their hands, who were still in camps around Tahruna and Swani-bel-Adem. By the end of September, I heard from an "underground" source in Italy there were 15,000 troops in Benghasi and Tripoli. It was evident in Italy that the Italian Government was not in any hurry to evacuate her captives of various nationalities of our Empire to Italy. I am convinced that this was criminal negligence and a brutal reprisal on the part of the Italian Government in keeping these thousands and thousands of men in N. Africa and the treatment meted out to them. They will find it hard to explain away the large numbers of men who died in Camps 152 and 153, and Benghazi who died as a result of absolute starvation and neglect.

Captured R.A.M.C. Doctors who will be able to give first hand information of the abhorrent, filthy and neglected conditions where thousands upon thousands of men had to exist in N. African Camps, are Major Zeeman R.A.M.C., Captain Montague Smith and Captain Macpherson and the Rev. W. Griffiths R.A.Ch.D. all still in enemy hands, and also Capt. Mustarde R.A.M.C. who was repatriated to M.E. in April, 1943. The latter personnaly reported a number of his complaints to the International Red Cross Rept., in December, 1942, at Caserta Hospital.

Towards the end of August, 1942, cases began to arrive at Caserta from N.A. of men suffering from constant diarrhoea and marked loss of weight, but once in hospital rapidly improved and put on weight. They brought alarming stories of the diets in camps and that cases of Beriberi were in Benghazi camps and "dysentery" was wide spread throughout the Tripoli Camps. By the end of September, the cases were being admitted in larger numbers and becoming worse and worse. The numbers increased rapidly, and by November and December, they were arriving in batches of hundreds. In December a batch of over 200 arrived for admission - a few of these were seen by Dr. de Salis, International Red Cross Rept. I have never seen anything in all my life of such badly starved men, and it is impossible to describe a vivid picture of how those men actually looked. In one case in particular an officer (Capt. Graham Oliver) failed to recognise his own batman whom he had parted from 4 months previously. In November and December, the number of deaths were 60 each month, of which 80 to 90% alone were due to deficiency diseases and dysentery. When I say I saw well over a thousand cases, I feel I am underestimating.

They arrived in various dishabille ranging from only a greatcoat, (no boots or socks etc.), some in shorts and shirts and some fairly well clothed - least 10% unshod. Particularly noticeable was that hardly any had Italian clothing on them. The clothes were filthy dirty and their bodies worse. Several cases I saw in which the seams of the shirts or greatcoats etc. literally shivered with moving lice. Many men told me they had given up worrying about the lice. Lots had begun to give up the last shreds of hope - this later was rapidly regained on getting back to cleanliness, nursing and care.

/A typical

A typical description of the more serious types:- Marked emaciation and marasmus - living skeletons with arms and legs little thicker than thick broom handles. Skin with an icteric tint, dirty, dry and scaly which when rubbed between the fingers felt like tissue paper, and where rubbed a blister would appear. The skin hung loosely in some places but was drawn over the scalp - the foreheads were prominent, eyes sunken and staring, mouth agape, face completely expressionless. Lips dry,cracked and with sores. Tongues vivid red, dry cracked and very painful - gums easily bled. Ribs just covered with skin which sank deeply intercostally. Pot-bellied, some with oedematous swealings or blebs on their abdomens with prominent veins. Claw like hands with trembling fingers. Ankles swollen, oedematous and very painful. Some expressed agony when asked to turn in bed, and I saw men of over 30 years of age weep when asked to turn over for examination.

Mentally, they were very slow in comprehending what was said to them, and after some time would reply in a slow toneless slurring speech. Several men explained to me they had "black-outs" and one in particular had "black-outs" every minute or so lasting from one to three minutes. These consisted in the man just staring at nothing, absolutely immobile. I was fully five minutes getting a few of his particulars that should have taken less than a minute. All were apathetic and listless and when they walked did so with a shuffling gait or dragging their feet. Many had signs of marked peripheral neuritis with dropped feet - many had nephritic manifestations, some pleural effusions, some dimness of vision but nearly everyone had diarrhoea or dysentery. I maintain the greater majority by far was "starvation diarrhoea".

It took some time before the Italian Doctors were convinced or allowed themselves to admit that the cases were those of deficiency diseases, and the diarrhoea not necessarily a dysentery. Earlier on every case was treated by them as dysentery, but R.A.M.C. Doctors won their way and treated the cases for "avitaminosis" which satisfied the Italians.

These pathetic figures arrived in ambulances or buses, a few on stretchers, others limping or helping each other, and the remainder just with the strength to walk. Some sat down where they got off too weak to walk; some said they had lost the power of their legs. One or two died shortly after admission, others lingered on for a few days or weeks and then suddenly snuffed out when a cold spell arrived. Many struggled on and eventually began to put on weight and improved. But some I left behind in Caserta who were over 4 to 6 months in bed. A great majority of these cases will never rid themselves of the affects of the starvation. Once convalescent, usually, they improved rapidly but numerous were the relapses of diarrhoea etc.

The treatment, medicinally and dietetic, was a hopeless farce. Because invariably as diarrhoea was complained of the patient was put on to dysenteric treatment; bismuth and opium, fluids and later rice. When food was allowed in 2 meals a day and consisted of rice, cheese, wholewheat bread, (stale and sometimes uncooked), wine and, very irregularly, little fruit. If the diarrhoea persisted for more than 5 days (following an order I was informed) emetine injections were given daily in 1/3 gr. doses. In some cases no stools were even sent for examination bacteriologically - seldom was the stool examined a fresh one by many hours - usually negative, but some entamoeba were found. One case had over 30 emetine injections prior to admission to the hospital, and his stools had never been examined. Our protests were heated and invariably overridden by the Italian Doctors. No such things given as eggs, butter, milk except very rarely. It was our Red Cross parcels which gave us the tinned or powdered milk, butter or margarine, eggs, custards and jellies, soups, broths, ovaltine and Bengers etc. and vitamins. The amount of fruit supplied was at a minimum, although it was in abundant supplies elsewhere, and supplying of it was very irregular. Officers used to buy extra fruit and send it down to the men. The Italians seldom allowed permission to heat up or cook special dishes for the men. So everything had to be done in secret and thereby saved the lives of many men.

The Italians wanted to blame the poor resistance of the P.O.W. to the Desert but to a great majority of Italian Doctors, the sight of the men was a complete shock. Some even expressed apology to us that they should have been so treated. The excuse regarding the poor resistance the Italians

/backed by

backed by saying their own men never got into this condition, and several informed me that dysentery was almost unknown in the Italian soldiers. There is no doubt that our men did not get the same food as the Italian soldiers, nor what he was entitled to. Several men told me they never saw any fruit or fresh vegetables for over 2 months, but that the Italian soldier was getting lemons daily. More exact data can be had from Capt. Mustarie, Capt. Smith etc. regarding these diets. Another excuse was that there was difficulty in getting supplies over to N. Africa - on the other, the Italian soldier got his food to keep him above starvation. bad

A bitter complaint regarding the medical department was that they could not get any methodical treatment from the Italians. Invariably no treatment was given, and to receive hospital treatment one had to have a high temperature or be almost moribund. In fact several "chronic" cases were removed to hospital who died in a day or so later. Thirdly, there were on innumerable occasions no drugs on hand to treat them. Our Doctors were powerless in camps to do anything.

It is impossible to comprehend why the Italian Government allowed many thousands of our men to get into such a filthy and lousy condition. They arrived in Italy 90% inadequately unclothed; 10% unshod. They came off coal steamers covered black with filth where they had been battened down for 72 hours under the foulest conditions imaginable. Men with diarrhoea (having stools up to 30 times a day) were made to walk off these ships. In several cases, carried off by their own mates who could just manage to get along themselves. Men told me they reported sick, time and time again, their condition to Italian Doctors, but got no treatment. On their voyage across they saw no M.O. at all. Those of course who came on the Hospital Ships received satisfactory treatment.

Can the Italian Medical Dept. explain how men were allowed to go about camps for weeks and weeks with diarrhoea, and receive no treatment? Men vomiting and blood and mucous in their stools given a dose of medicine and told to return next day on ordinary rations and so on until they collapsed from shock. Complaints to me of this nature were so numerous that they became monotonous. Our M.Os. in camps did everything in their power but got nowhere. In Caserta Hospital I only saw the cases who were bad enough to be sent to hospital. Many of these cases were kept for only 2 to 3 days and then transferred on to other hospitals, although the British Doctors tried to prevent several men unfit from travelling. For over two years I came into constant contact with Italian chaotic inefficiency and ignorance, but I cannot reason in any other way but that these conditions and results were those of criminal negligence and brutal reprisals. (In Italy itself, conditions of starvation are happening to Jugo-slavs and Czechs (as seen by our M.Os.) on almost similar lines of N.A. Camps but not to British P.O.W camps).

Stories and complaints reported to me by some of these starvation cases were several, and here are a few which can only be mentioned as "hearsay".

(1) Men, through weakness, having to sleep alongside latrine trenches - sometimes bitterly cold with the minimum of clothing and invariably no blankets.

(2) Sanitation and hygiene of the worse degree imaginable.

(3) Issue to P.O.W. of ½ regulation food ration without fruit, wine and macaroni.

(4) Brutal punishments e.g. sick men with diarrhoea punished for trivial crimes and given 10 days in cells with ½ hour period in the morning for ablutions etc. They were forced to foul the cell floor which brought further punishment on them, so they resorted to using their mess tins and boots. Men put on 10 days bread and water in cells etc. etc.

(5) On man extremely weak fell into the latrine trench at Swani-bel-Adem. He was taken to the camp infirmary, washed and sent back to his tent. Next day he became comatose and died in hospital 24 hours later.

(6) When transported overseas to Italy they were battened down in large batches and several batches not allowed up until completion of journey up to 72 hours after. On one particular ship there were newly constructed tiered decks into which were crowded officers and men on

/the lower

the lower decks. In decks above there were Indians Natives and other ranks. Dysentery and diarrhoea was very common, and then with seasickness the men below got a double share. Latrine accommodation was hopelessly insufficient and these conditions remained for several hours.

The above stories were brought to my notice. I had them written down and several others with names and details and facts, but was unable to bring them from Italy with me. I would like to point out that those who were fortunate enough to receive hospital treatment in Tripoli and came on Hospital Ships had no complaints.

(sgd) J.L. Martin.

Major.
R.A.M.C.

31/5/43.

3 copies to F.O (Mr Allen) ✓

PARTICULARS OF EVIDENCE IN SUPPORT

Despatch dated 22nd December 1942 (K.W.24/33. 0103/4626/ P.W.2.A) addressed by the War Office to the Foreign Office communicated a long list of facts concerning the treatment of British prisoners of war in Italian hands in North Africa. The facts are based on the no doubt carefully collated evidence of 25 British prisoners of war who had been rescued from an Italian Transport Vessel, S.S. "Scillon", the circumstances in relation to which form the subject of a separate charge numbered UK - I/B.11.

The statements of these men have not been taken under oath but in the form which is customary when investigating circumstances of the capture and experiences of prisoners of war on their arrival back in this country. This evidence will be available when required in the form in which it has been preserved. It is hoped, however, that a reasonable number of the witnesses will be available to give evidence in person when required for the purpose of proceedings against the accused.

A copy of this despatch is attached hereto.

One of these witnesses who is of particular value and reliability, has already been the subject of reference in previous cases. He is Captain Edward Theodore Gilbert, R.A.M.C., R.M.O., 1st Battalion, The Sherwood Foresters attached 22nd Guards Brigade. His statement, covering 7 close typed pages, was made the subject of a declaration under oath. The Declaration was dated 28th January 1943 and was sworn and signed at A.I.O., C.S.D.I.C. Maadi (Cairo) in the presence of P.V.W. Donaldson, Captain A.I.O. and in the presence of Captain W.A. Tait and Mr. T. Kasmaty, witnesses. (paragraph 3 onwards)

The same period is covered by a special and no less valuable report on conditions in enemy prisoners of war camps, based on statements by Captain Hamish Carmichael Allan (Army No. 188260) R.A.M.C. under date 11th day of January 1943. This report was verified by Captain Allan on oath under the same conditions and at the same place as the Declaration by Captain Gilbert.

Captain Gilbert, whose Declaration was rather more than two weeks later, had submitted to him a copy of Captain Allan's statement and endorsed everything that Captain Allan stated regarding the treatment of the prisoners of war at Benghazi and the despicable conditions under which they were compelled to live for nearly five months.

Copies of these documents are attached.

It will be noticed that paragraph 2 of Captain Gilbert's Report contains information also in relation to Bomba, Derna and Bardia which has been referred to (UK - I/B2, B5, B6 and B7); paragraph 12, an account of conditions of transport from Benghazi to Tripoli which forms no part of the charge against this accused; and paragraps 13 and 14, particulars of evacuation from Tripoli to Italy and the sinking of S.S. "Scillon" which form the subject of the separate case already referred to, No. UK - I/B 11.

Paragraph 15 contrasts the treatment of Axis prisoners of war in British hands.

Captain Allan's report also covers UK - G/B23. and other matters.

Continued on page 2.

NOTES ON THE CASE 1737

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

1. Despatch from the War Office to the Foreign Office which has been quoted, makes the following comment :-

> "Although the Italian Government may seek to condone some of these breaches of the Prisoners of War Convention by the plea of the difficulties of supply under conditions of desert warfare or of military exigency, the Council are not aware of any excuse that can be adduced for the deliberate ill-treatment of prisoners of war, including even shooting, for the avoidable neglect of sick prisoners and for the disgraceful conditions under which prisoners were embarked by sea".

2. The personal responsibility of those concerned would appear to be clear. The mass of evidence which is likely to be available is sufficiently clearly indicated, it is submitted, to justify the inclusion of the names of the named accused in any list of war criminals formulated by the Commission.

3. It does not appear that any useful purpose will be served at the present time in elaborating further the particulars of the alleged crimes, which are clear in the statements which have been taken by the War Office from the several witnesses. Such statements amounting to proofs of evidence, should be admissible evidence as reports in the course of duty, should the witnesses not be available to give evidence in person.

4. The circumstances of gross negligence of the first accused apparently resulting in avoidable deaths may be found to justify a charge of murder or manslaughter.

113/UK/II/9

1738

VISMARA, Felice

Submitted	Decision of Committee I
7.6.44	1. B1 2 and 3. - C } B
5.XII.44	Vismara A B

113/UK/II/9

(*For the Use of the Secretariat*)

1739

Registered Number.	Date of receipt in Secretariat.
113/UK/IC/9	25 MAY 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B9 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1. Captain Felice Vismara, Camp Commandant at Benghazi in succession to Captain Palermo. 2. The Officers, non-commissioned officers and men directly concerned in the commission of the crimes alleged 3. Officer in charge of transport, and officers, non-commissioned officers and men in charge of trucks, between Banghazi and Tripoli.
Date and place of commission of alleged crime.	From June 1942 or thereafter to October 16,1942 or thereafter Benghazi
Number and description of crime in war crimes list.	xxix. - Ill-treatment of prisoners of war. i. - Murder or manslaughter.
References to relevant provisions of national law.	Breaches of Articles 2,10,11,12, 13, 31,46,50 and 54 of Geneva Convention 1929 relating to treatment of prisoners of war. Unlawful wounding; assault; neglect of duty towards prisoners of war in the power of the accused and therefore helpless persons

SHORT STATEMENT OF FACTS.

A great number of serious breaches of International Law were perpetrated by the above mentioned accused persons during their tenure of office and service at the above Camp, including beating to compel labour to assist enemy war effort; ~~assault;~~ joining together without food for 24 hours of Prisoners of War who had escaped and been recaptured; wounds by rifle fire and bayonet; unjustifiable assaults; insanitary conditions; insufficient food; absence of blankets and bedding; inadequate hospital arrangements and callous treatment of the sick.

Captain Vismara appears to have been a peculiarly callous man. It is said that he was formerly resident at Alexandria where he was a permanent member of the Italian Fascist Club. He was believed to be an Italian Secret Service Agent and speaks English fluently.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Gp.685
(26924) Wt.P.1817/P.1139 5,000 3/44 " "

PARTICULARS OF ALLEGED CRIME

1. About 11,000 prisoners of war suffering from various stages of acute dysentery were provided with inadequate sanitary arrangements and medical attention. The shallow latrines which the prisoners had to dig soon encroached on the confined tented area. Many deaths undoubtedly resulted from the totally inadequate medical stores and the refusal of the Italian authorities to co-operate with the British medical officers.

2. Food was insufficient and bedding, blankets and clothing non-existent. Some prisoners were crowded 6 into a single bivouac. There was no accommodation other than sleeping quarters until hospital tents were erected entirely through the initiative of the British medical officers. Most of the prisoners remained three and a half to four months under these conditions and suffered great hardship.

3. After European prisoners of war had refused to undertake work in connection with ammunition and other war-like services coloured prisoners of war were compelled by beatings to undertake it. In reply to representations by the senior British Officer, the Commandant (Captain Vismara) merely stated that, if they wanted food, they must work. He added that he considered them "irregular troops" and, therefore, unprotected by the terms of the Geneva Convention.

4.Prisoners of war who were captured when attempting to escape were kept chained, wrist to ankle, for at least 24 hours, so that they could not lie down, and were given nothing but water.

5. Cape coloured prisoners of war were wounded by shooting on parade. The Italian authorities themselves admitted the guard in question had lost his head.

6. Coloured prisoners of war were daily kicked, hit on the head with rifles and prodded with bayonets.

7. An Indian prisoner of war was publicly flogged.

8. The prisoners of war were transferred on or about 16th October, 1942, to Tripoli, a three-day journey for which they were crowded into lorries or trailers and were afforded a short halt only every three hours. Many of the prisoners were suffering severely from dysentery and were often forced to use the sides of the crowded vehicles for natural purposes.

ALLIED INTERROGATING ORGANIZATION

EXTRACT FROM

SPECIAL REPORT ON CONDITIONS IN ENEMY P.O.W. CAMPS

SOURCE: 108109 Captain Edward Theodore GILBERT, R.A.M.C., R.M.O. 1st Battalion. The Sherwood Foresters, attached 22nd Guards Bde.

He was first captured by the Germans near EL ADEM on the 19 June 42 but escaped to TOBRUK the same day. He got out of Tobruk as the Germans were occupying this town on the 20 June 42, but was recaptured on the 23 June on the beach North of GAMBUT while escaping East. He was later sent to BENGHAZI where he was allowed to work in the P.O.W. Camp for four months. Later sent to TRIPOLI.

x x x x

12. TRANSFER FROM BENGHAZI TO TRIPOLI

Source and about 500 other p.o.w. were taken from Benghazi on the 18th Oct. 42. in trucks (in which they were dreadfully cramped) their destination being Tripoli.

The first night they stopped at El Agheila.

The second night they stopped at Sirte.

The third night they stopped at Zliten.

They arrived at a P.O.W. Camp 7 klms. from Tripoli on the 21 Oct. 42.

The food for the trip was:- 1 tin of Italian bully and a few biscuits per man per day.

The transit camps were as at Benghazi, but not so cramped.

Travelling conditions, however, were dreadful. The trucks were rarely stopped; as a result the sides and backs of the trucks were soiled by the excreta of our men most of whom were suffering from dysentery and for whom absolutely no consideration was shown.

PARTICULARS OF EVIDENCE IN SUPPORT

A despatch dated 22nd December 1942 (K.W.24/33. 0103/4626/P.W.2. A) addressed by the War Office to the Foreign Office communicated a long list of facts concerning the treatment of British prisoners of war in Italian hands. The facts are based on evidence of 25 British prisoners of war who had been rescued from an Italian Transport vessel, S.S. "Scillon", the circumstances in relation to which form the subject of a separate charge numbered UK - I/B11.

The statements of these men have been taken not under oath but in the form and with the care which is customary when investigating circumstances of the capture and experiences of prisoners of war on their arrival back in this country. This evidence will be available when required in the form in which it has been preserved. It is hoped, however, that most of the witnesses will be available to give evidence in person when required for the purpose of proceedings against the accused.

One of these witnesses is of particular value and reliability. He is Captain Edward Theodore Gilbert, R.A.M.C., R.M.O., 1st Battalion, The Sherwood Foresters attached 22nd Guards Brigade. His statement, covering 7 closed typed pages, was made the subject of a declaration under oath. The Declaration was dated 28th January 1943 and was sworn and signed at A.I.O., C.S.D.I.C. Maadi (Cairo) in the presence of P.V.W. Donaldson, Captain A.I.O. and in the presence of Captain W.A. Tait and Mr. T. Kasmaty, witnesses.

The same period is covered by a special and no less valuable report on conditions in enemy prisoner of war camps by Captain Hamish Carmichael Allan (Army No. 188260) R.A.M.C. under date 11th day of January 1943. This report was verified by Captain Allan on oath under the same conditions and at the same place as the Declaration by Captain Gilbert.

Captain Gilbert, whose Declaration was rather more than two weeks later, had submitted to him a copy of Captain Allan's Statement and endorsed everything that Captain Allan stated regarding the treatment of the Prisoners of war at Benghazi and the despicable conditions under which they were compelled to live for nearly five months.

Copies of these documents are attached to the previous case (UK - I/B8.) If reference is made to them it will be noticed that paragraph 2 of Captain Gilbert's Report contains information also in relation to Bomba, Derna and Bardia, which has been referred to (UK - I/B2, B5, B6 and B7); and that paragraphs 13 and 14 contain particulars of evacuation from Tripoli to Italy and of the sinking of S.S. "Scillon" which forms the subject of the separate case already referred to, No. UK - I/B11.

Paragraph 15 contrasts the treatment of Axis prisoners of war in British hands.

Captain Allan's report also covers UK - G/B23 and other matters.

Both reports are attached to that case (UK - I/B8) in full, instead of the relative extracts only, firstly with a view to their being available for reference in relation to the facts of the several cases covered and secondly in order to give a correct general impression of conditions.

In general corroboration of the allegations in cases arising in respect of prisoners of war camps controlled by Italians in North Africa, there is attached/*copy of report dated 31st May 1943 by Major J.L. Martin, R.A.M.C. , on "the condition of Prisoner of war sick admitted to Caserta Hospital, Italy, as a result of starvation etc. in North African (Libyan) Camps between September and December 1942"

*to UK - I/B8.

NOTES ON THE CASE **1743**

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

1. Despatch from the War Office to the Foreign Office which has been quoted, makes the following comment :-

"Although the Italian Government may seek to condone some of these breaches of the Prisoners of War Convention by the plea of the difficulties of supply under conditions of desert warfare or of military exigency, the Council are not aware of any excuse that can be adduced for the deliberate ill-treatment of prisoners of war, including even shooting, for the avoidable neglect of sick prisoners and for the disgraceful conditions under which prisoners were embarked by sea".

2. The personal responsibility of those concerned would appear to be clear. The mass of evidence which is likely to be available is sufficiently clearly indicated, it is submitted, to justify the inclusion of the name of the first accused in any list of war criminals formulated by the Commission.

3. It does not appear that any useful purpose will be served at the present time in elaborating the particulars of the alleged crimes, which are clear in the statements which have been taken by the War Office from the several witnesses. Their statements amount to proofs of evidence, but should any witness be unable for good cause to give evidence in person, it is submitted that his statement should be admitted as a statement in the course of duty.

4. It should be pointed out however that the first accused is believed to share the responsibility for the disgraceful conditions of the transport between Benghazi and Tripoli.

5. On the other hand, it may be that conditions during the regime of the first accused, will prove less serious than in the regime of his predecessor in the matter of responsibility for deaths. The circumstances will require to be investigated before the charge of murder or manslaughter is withdrawn. In this connection the state of the prisoners and the brutality after arrival in Caserta has a more important bearing in this case probably then as against Captain Palermo the first accused in UK - I/88.

114/UK/It/10

1744

1. PALERMO
2. VISMARA, Felice
3. VENTURELLA
4. FERULLO
5. SPAGNIOLI

Submitted	Decision of Committee I
7.6.44	all B1 B
5.XII.44	All A B

114/UK/It/10

(*For the Use of the Secretariat*)

1745

Registered Number.	Date of receipt in Secretariat.
114/UK/16/10	25 MAY 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B10. *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	(1) Captain Palermo Camp Commandant (2) Captain Felice Vismara, Captain Palermo's successor (3) Lieutenant Venturella, Medical Service (4) Lieutenant Ferullo, Medical Service (5) Captain Spagnioli, Medical Service These five officers were all on service at the prisoner-of-war camp at Benghazi at various times during the summer of 1942
Date and place of commission of alleged crime.	Round about June to October 16, 1942, or later. Benghazi.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. i - Murder or manslaughter. No. xxix Ill-treatment of wounded. Neglect of wounded in breach of Articles 1 and 2 of Geneva Convention, 1929, for the amelioration of the condition of the wounded and sick in armies in the field. Failure to conform to Article 9 of the said Convention in the treatment of personnel. Neglect of duty towards wounded in the control of the accused and therefore helpless persons

SHORT STATEMENT OF FACTS.

At Benghazi at the end of June 1942, there were about 16,000 prisoners of war in a camp enclosed by barbed wire next to the officers' pen. All these men were in a distressing state of hunger, thirst and illness. There was no organisation and no medical attention except an abortive and criminal effort by a few medical Italians who took absolutely no interest in their work.

Two days later the numbers in the camp had risen to 24,000.

The care of these 24,000 prisoners of war at Benghazi, amongst whom there was a major outbreak of diphtheria and dysentery, provided a most severe medical test. There were a certain number of deaths in the isolation ward of the Italian hospital where diphtheria and other infectious cases were treated, for which the Italians were entirely responsible on

(Continued on page 2.)

TRANSMITTED BY The Solicitor for the Affairs of H.M. Treasury.

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Gp.685
(26924) Wt.P.1817/P.1139 5,000 3/44 „ „

PARTICULARS OF ALLEGED CRIME

The charges of neglect of duty under the Convention against these three Italian medical officers cannot be elaborated at the present time. Attached to the case of the charge against Captain Vismara is an extract from Captain Gilbert's report as to conditions in Benghazi which includes an account of the medical conditions. There is also an extract from the report of Captain Hamish Carmichael Allan, from which the necessary particulars in this case can be drawn.

The matters charged occurred during periods when the first two accused persons held the post successively of camp commandant.

(Continued from Page 1)

account of their delay in evacuation and failure to recognise the significance of the condition of the sick. Sixty-seven prisoners of war died. The drugs and other medical supplies provided by the Italians were not sufficient to cope with one-twentieth of the sick.

PARTICULARS OF EVIDENCE IN SUPPORT

The evidence in this case will be similar to that produced in the last two preceding cases. Clearly the charges against Italian officers responsible for conditions in Benghazi will require to be taken together and though the fact that they were under two different commandants and it is not quite clear whether the medical officers were there during the whole period, which necessitate as a matter of form three charges being formulated in separate cases, the facts will be substantially the same, going to prove a state of affairs reflecting inhumane conditions.

Further these conditions may be found to have caused deaths with consequent liability of those accused to meet more serious charges.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

This case is the third of three cases arising from conditions in Benghazi.

In the case of the two Commandants their liability arises out of two sets of facts which vary slightly, as pointed out in the "Notes on the Case" to UK - I/89.

In the cases against them severally the responsibility for deaths is necessarily included. They are also included as accused in this case as it may be more convenient for them to be tried on this charge with the medical officers, the better to enable the Court to apportion the blame.

The medical officers will no doubt defend themselves on the ground that they were not furnished with supplies and that any neglect was more apparent than real. In other words it was the result of circumstances rather than of negligence on their part.

A full hearing of all witnesses and weighing of other evidence with all possibly responsible persons as accused, will alone provide opportunity to determine whether there is blame and where it falls.

English law is clear in this matter.

> "Premeditated neglect or ill-treatment by persons having custody, charge, or control of helpless persons, whether children, imbeciles, or lunatics, or sick or aged, by deliberate omission to supply them with necessary food etc., if attended with fatal results may be murder . . . and if the same result flows from gross neglect in such a case, the offender is guilty of manslaughter"
> (Archbold Criminal Pleading, Evidence and practice p.887)

It may be difficult to prove premeditation in this case but gross neglect would appear likely to be established against the accused.

In this case the helpless persons were sick persons. But it could not be suggested that a gaoler would not be responsible for the death of a prisoner in his charge, in consequence of deliberate or negligent action on the part of the gaoler.

REGISTERED NOs.

11 TO 20

REGISTERED NOs.

11 TO 20

115/UK/Ic/11

1749

1. Commandant POW camp, Trefoli
2. Officer i/c embarkation
3. Officer on SS Scillon i/c POW
4. Commander of SS Scillon

Submitted Decision of Committee I

7.6.44	all B1 B
5.XII.44	1. A 2+3. A Leave 4 } B

115/UK/Ic/11

115/UK/It/11

1750

When preparing List put in column Miscellaneous Notes, in respect of

No.2 Name of officer could be obtained from the Commandant, POW camp Tripoli, or from Captain PARIGI, or from Captain Ugo SIVIERO, Commanding Officer, Naval Forces, Tripoli, or from Lt.-Comm. PIETRO CORRAO, Second-in-command.

No. 3 Same note

(*For the Use of the Secretariat*)

Registered Number.	Date of receipt in Secretariat.
115/UK/IC/11	25 May 1944 **1751**

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B11. *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1. The Commandant of the prisoners of war camp in Tripoli from which 810 prisoners of war were embarked for Italy on or about 13th November 1942. 2. The officer directly concerned with such embarkation. And if surviving: 3. The officer in charge of prisoners of war on the 13th and 14th November 1942 on S.S. "Scillon" 4. The Commander of S.S. "Scillon" on those days. The name of this ship is also stated to be "Scilin" and probably was.
Date and place of commission of alleged crime.	November 14th 1942. The less serious crimes charged against the first two accused were committed in Tripoli. They resulted in deaths of prisoners of war embarked on S.S. "Scillon" The crimes charged against the third and fourth accused were committed on S.S. "Scillon".
Number and description of crime in war crimes list. References to relevant provisions of national law.	No.i Murder No.xxix. Inhumane treatment of prisoners of war. Breach of Articles 2, 7 and 25 of the Geneva Convention 1929 relating to the treatment of prisoners of war. Breach of Articles 1 and 2 of the Geneva Convention 1929 for the amelioration of the condition of wounded and sick. (Continued on page 2)

SHORT STATEMENT OF FACTS.

On November 13th 1942 1,010 prisoners of war were taken from the prisoners of war camp at Tripoli to be embarked for Italy on S.S. "Scillon". The accommodation on the ship was insufficient for more than 300 prisoners of war in normal health. All the prisoners proposed to be embarked were ill, most of them suffering from dysentery. Despite strong and repeated representations 810 were embarked.

The conditions on the ship were very bad. The food issued for the three days' voyage to Italy was inadequate. No blankets were provided. All the prisoners were below deck in a hold in dirty condition, so confined that there was hardly room for them all to sit down. The latrine accommodation was hopelessly

(continued on page 3)

TRANSMITTED BY The Solicitor for the Affairs of H.M. Treasury

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Gp.685
(26924) Wt.P.1817/P.1139 5,000 3/44 " "

PARTICULARS OF ALLEGED CRIME

One of the prisoners of war to be saved was Captain Edward Theodore Gilbert, R.A.M.C., R.M.O., 1st Battalion The Sherwood Foresters, attached 22nd Guards Brigade, who is an important witness in UK - I/B2 and UK - I/B5 to UK - I/B10.

Particulars of the alleged crimes charged against the accused are contained in paragraphs 13 and 14 of the report of the Allied Interrogating Organisation based on the statement of Captain Gilbert. Copies of these two paragraphs are attached and no useful purpose is served in setting them out in summarised form here, especially as the "Short Statement of facts" cannot, with advantage, be reduced.

Continued from page 1.

Reference to relevant provisions of national law.	Murder. Neglect of duty towards prisoners of war in the power of the accused and therefore helpless persons.

ALLIED INTERROGATING ORGANIZATION

EXTRACT FROM

SPECIAL REPORT ON CONDITIONS IN ENEMY P.O.W. CAMPS

SOURCE: 108109 Captain Edward Theodore GILBERT, R.A.M.C., R.M.O., 1st Battalion. The Sherwood Foresters, attached 22nd Guards Bde.

He was first captured by the Germans near EL ADEM on the 19 June 42 but escaped to TOBRUK the same day. He got out of Tobruk as the Germans were occupying this town on the 20 June 42, but was recaptured on the 23 June on the beach North of GAMBUT while escaping East. He was later sent to BENGHAZI where he was allowed to work in the P.O.W. Camp for four months. Later sent to TRIPOLI. He was evacuated from Tripoli per S.S. "SCILLON" with many other P.O.W. on 13 Nov. 42.

x x x

13. EVACUATION OF P.O.W. FROM TRIPOLI TO ITALY

At about 15.00 hrs. on the 13 Nov. 42 Source as the only officer, accompanied 1010 of our p.o.w. from the P.O.W. Camp to the Spanish Mole in Tripoli harbour from where they were to be embarked on the s.s. "SCILLON" for Italy. This was a small coal burner of about 1600 tons.

All these men were allotted a hold in dirty condition and large enough to accommodate perhaps 300 men lying down. When the number of p.o.w. put in this hold had already exceeded this figure, Source remonstrated with the Italian Officer Commanding the ship against the inhuman overcrowding but no notice was taken of his protests. Later when this number had been more than doubled Source strongly protested again, pointing out the physical impossibility of packing any more men into this small hold. Much to Source's relief embarkation of p.o.w. stopped when 810 men had been taken on board. (Thanks to Source's repeated protests 200 p.o.w. remained behind at Tripoli thus escaping the tragedy which followed). By this time, however, they were so cramped together that it was quite impossible for them to adopt any position more comfortable than a sitting one on the bottom of the hold. No blankets were provided.

The food issued to the p.o.w. for the three days' voyage to Italy consisted in all of two tins of Italian bully and a few biscuits per man.

All these 810 p.o.w. were ill, most of them suffering from varying degrees of dysentery. The latrine accommodation was hopelessly inadequate.

After an appeal to and heated discussion with the Italian Officer in charge of the p.o.w. Source was allowed to bring up on deck five men at a time to use the latrines; but since a narrow ladder was the only means of exit and entry, the process was a slow one. Many of the men were so weak from dysentery etc. and from the dreadful conditions they had endured as p.o.w. that they had great difficulty in climbing the ladder. Many failed to control themselves, with results which were distressing both to the sick man and to his comrades.

The S.S. "Scillon" left Tripoli in the evening of the 13 Nov. 42. No life jackets or substitutes were provided for the p.o.w. although these were issued to the Italians. Nor were any life saving apparatus, such as life boats, rafts, etc. available.

14. SINKING OF S.S. "SCILLON"

At about 20.30 hrs. on 14 Nov. 42 when on its way to Italy the "Scillon" was attacked by a British submarine. By that time Source had obtained permission for some fifteen of the more collapsed p.o.w. patients to remain on deck. He had managed also to conceal some other p.o.w. among the winches to enable them to breathe the fresh air on deck.

The first indication of attack was the firing of a shell which caused some damage to the superstructure of the "Scillon". At that time Source was sorting out some sick coming up the ladder. The p.o.w. showed remarkable stoicism and some shouted to him "What was that, Sir?" On the spur of the moment all that Source could think of saying was "Be BRITISH and take off your boots". A few moments later another shell struck the ship and Source was called a few yards to see some wounded and dead. Immediately another shell found its mark followed by a short period of silence and then there was a very violent explosion; the ship had been torpedoed.

There was no necessity then for Source or the others to decide what to do. All on deck were flung off the ship into the sea with the shock of the explosion and in the dark the ship seemed simply to disappear at once. There was absolutely no chance of escape for the p.o.w. in the hold, the hatch of which was battened down except for a small opening about one yard square at the head of the ladder - the only way out. Moreover, although Source had appealed on embarkation to the Ship's Captain and Italian Officer in charge of the p.o.w. for life jackets, none had been issued.

A little later, someone (Source thinks it was St/Sgt. REGESTER, South African Forces) called him by name and the party got together in the water more or less in the same area.

After a period of some 20 minutes (possibly longer) the shape of a submarine loomed up in the dark and when they were eventually picked up they found that it was H.M. Submarine P.212 which had sunk the "Scillon". The total number of British and Imperial troops rescued was 27 (including Source). In addition a total of 36 Italians of the ship's crew were picked up. All were taken to Malta on the submarine arriving there at about 13.00 hrs. on the 15 Nov. 42.

Source feels he cannot speak too highly of the splendid behaviour of all the rescued p.o.w. The few who were injured were readily helped by the others in the sea.

PARTICULARS OF EVIDENCE IN SUPPORT

Captain Gilbert, R.A.M.C., and a sufficient number of the other 26 survivors of the 810 prisoners of war will no doubt be available to give evidence in person.

Presumably Captain Gilbert's sworn confirmation of the correctness of the recording of his statement will be admissible should he not be available in person.

If necessary some confirmatory evidence should be available from those on board the sub-marine and from such returns of prisoners of war, their whereabouts or their fate, if and when the Italians elect to account for them.

Continued from page 1.

inadequate. The general misery was accentuated by the condition of the prisoners.

No life-saving jackets or substitutes were issued to the prisoners of war though issued to the crew of the ship. No life-saving apparatus such as life-boats, rafts etc., were available.

The hatch of the hold was battened down except for a small opening about one yard square from which a narrow ladder led to the hold. Only after a heated discussion with the third accused (the officer in charge of the prisoners of war on the ship)were five men at a time allowed on deck for the purpose of using the latrines.

Many of the prisoners were so weak from dysentery and from the dreadful conditions they had endured as prisoners of war that they had great difficulty in climbing this ladder.

On 14th November 1942 S.S. "Scillon" was torpedoed. There was absolutely no chance for those in the hold under the conditions above described. Of the 810 prisoners of war there were only 27 survivors. Of the crew of the ship who had been served with life-belts there were 36 survivors

NOTES ON THE CASE **1756**

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

The Commandant acted on his own responsibility and is wholly responsible for his actions.

Clearly there can be no defence for him to the charge of inhumanity and other breaches of the Convention.

On the murder charge he will no doubt argue that he is not responsible. He will say that the British submarine attacked without warning and that the responsibility is with the Commander of the submarine.

There seem to be various answers to this contention:

(1) Even if the submarine were at fault there would have been comparatively few casualties if the prisoners had been fit men, if life saving appliances had been provided, if they had not been under hatches without hope of escape, and had the ship not been overcrowded.

(2) Military operations did not demand the transfer of these prisoners of war to Italy. Removal therefore should not have taken place since their recovery might be prejudiced by the journey. In consequence the voyage was improperly undertaken under circumstances of known risk. The consequences from the risk taken lies with the first accused.

(3) The Commander of the submarine cannot be held to be at fault. The Axis Powers had created conditions of warfare at sea that even made it impossible to stand by to render assistance without grave risk. In these circumstances the first accused should have given instructions that the S.S. "Scillon" should avoid the risk of being mistaken for a vessel taking part in the Axis war effort. Had those on board been Italian wounded they would have had the protection of a hospital ship. These wounded prisoners of war should not have had less protection. The implication of Article 7 of the Geneva Convention is that prisoners of war may not be exposed to avoidable risks.

The remaining accused will no doubt plead superior orders. Whether in such a terrible case such a defence, in respect of some aspects of the charges, can be allowed to mitigate the sentence is open to doubt. Certainly it cannot be admitted as a defence.

155/UK/It/12

1757

1. BELLOMO, N., General

2. SOMMAVILLA, Capt.

3. _____ N.C.O.

Submitted Decision of Committee I

12.7.44	1. B1 } B 2. B1 } 3. C }	No. 1 (Bellomo) executed on 11 Sept. 1945 after being sentenced by British tribunal.
5.XI.44	1+2 A B	

155/UK/It/12

Letters should be addressed to—
THE TREASURY SOLICITOR,
and the following reference quoted on the cover and in the letter: WCB/PHBK

Telephone No.: WHITEHALL 1124
EXTENSION: 33
Telegraphic Address: "PROCTOREX, LONDON."
Code used: A.B.C. 6TH EDN., 5 letter.

1758
STOREY'S GATE,
ST. JAMES'S PARK,
LONDON, S.W.1.

25th June 1945.

Sir,

Our Charge: UK - I/B 12
Commission's Ref: 155/UK/It/12.

I enclose copy of an affidavit by Captain R. R. Cooke who was wounded when Captain Playne was killed. He will of course be our principal witness.

2. This case has already been classified and in fact those accused have been subjected to a Court of Inquiry, our copy of which was lent to Committee 1. There are numerous Italian witnesses and it is likely that General Bellomo will be tried in the very near future. Captain Sommavilla had not been apprehended when we last heard from Italy. In view of the foregoing the enclosure is intended merely as an addition to the case on the Commission's file.

PHBK/DEC

I am, Sir,
Your obedient Servant,

P.H.B. Bull

O. i/c War Crimes Branch
Treasury Solicitor's Department.

The Secretary General,
United Nations War Crimes Commission,
Royal Courts of Justice,
Strand, W.C.2.

155/UK/IR/12

[illegible]

[illegible]

[illegible]

1. I, Roy [illegible] Postron [illegible], Captain The Royal [illegible] Regiment of Canada address, Christ's Hospital, Horsham, Sussex, make oath and say as follows :-

1. When serving in North Africa I was captured on the [illegible] November 1941. Having been transported by sea to Taranto three or four days after my capture I was taken to Bari by train arriving there about 20th November 1941 in company with eleven other British officers. I was placed in the prisoner of war camp at Bari in charge of Capitano Sonzeville as the Commandant.

2. At about 1700 hours on the 21st November 1941 in company with Captain George Layne of the Gloucester Hussars I escaped through the wire at the bottom of the compound while the Italian guards were at the top.

3. At about 1830 hours on the same day we were both recaptured within two or three miles of the camp by an Italian lieutenant and his party who had been sent to search for us. No violence was used against us at that time and we were returned to the room in the camp where there were the remaining British officers including a Captain Count John de [illegible] of the Gloucester Hussars.

4. We had not been in this room more than two minutes when Sonzeville arrived in the compound and we were ordered outside. When we came out we came to attention but Sonzeville came over and hit us both quite hard blows in the face with the butt of the automatic pistol he was carrying in his hand. We were then taken towards the punishment cell. When we were outside it our hands were tied behind us with wire and our belongings were taken away. After we had been tied up we were kicked and punched for a few seconds by an Italian N.C.O. who I think was a sergeant-major and may have belonged to the carabinieri. I do not know his name or remember his appearance. After this we were passed into the cell.

5. About an hour later the General in charge of the Bari Command arrived. He was very short in stature and I would recognise him again. We were taken out of the cell to see the General. There were a number of officers and soldiers present. I am not certain of the exact number but I would say that there were six or eight Italian officers from the camp staff and a squad of Italian other ranks. There were no people of British nationality present beside ourselves.

6. We heard the General talking centrally; most of the others present were not talking. He asked us where we got out. I replied by asking for an interpreter to tell us what they were going to do, and I also told him that we had escaped through the wire. The only interpreter in the camp was a French-speaking Italian but no steps were taken to fetch him.

7. The General seemed to be shouting for us to show him the place from which we had escaped. I would not move without the interpreter. The soldiers then set on Captain Layne and myself and drove us with the butts of their rifles into the inner compound from which we had escaped. We moved in two separate groups a few yards apart and I remember that there were four soldiers driving us forward. In view of the situation I moved unwillingly and stopped several times on the way only to be driven forward again. So far as I know everyone else present followed.

8. When we reached the inner compound the General was still mildly excited and

then.....

was waving his automatic pistol in his hand. I saw that some of the soldiers were loading their rifles although I did not hear any order given. I again stood for the interpreter. Then we had reached a point about three-quarters of the way down the slope towards the wire we both stopped and could not move any further, because we could see that the situation was quite obviously threatening. The soldiers who had been driving us forward then fell back about ten yards and started firing without any order. I saw one of the soldiers firing from the hip, and this is the one who I think wounded me in the left leg. I also saw General Bellomo firing with his automatic pistol. He was then standing just to the left of the soldier who was firing from the hip. After being hit I flung myself down on the ground and shammed death. I saw Hayne hit in the arm, stagger from side to side, and after another shot fell.

9. There was no question of our trying to escape again. Our hands were tied behind our backs, and when we were being driven forward before we reached the point at which we stopped we instinctively avoided getting far ahead of the soldiers who were driving us. The most we did after they had withdrawn to fire was to step back a little to try to turn from the firing in the natural defensive movement. It is quite untrue to say that "we lengthened our pace and took to flight". Although at the time of the firing it was dusk there was still good visibility, and it is untrue to say that "the darkness was intense". I am certain that General Bellomo did not shout "Look out ! Prisoners escaping !" in any language; but I remember him shouting "Qui sono morti" or similar words. To the best of my knowledge General Bellomo did not on that occasion address a single word to us in English.

10. After we had fallen both Captain Hayne and I were left lying on the ground and the Italians went away. I imagine that it was about half an hour later that an Italian corporal and two of his fatigue men came to collect the bodies. I said to the corporal "Dottore". He lifted me up on his back and carried me to the doctor. The wire was still round my wrists and he put his head through my arm, carrying me facing upwards on his back. All my weight dragged on my wrists which, with the position in which I was carried, made the pain extreme. I cried out without any effect, and finally fainted altogether. When I came to I was lying on the ground outside the hospital hut. I got up and walked into the doctor's hut and as he untied my wrists Hayne was carried in. It was the Camp Doctor who was in tears. He told me that I must be got out of the camp before Gorrevilla knew that I was there. I asked him how Hayne was and he replied that I was much worse off than Hayne. I did not realise at the time that Hayne was dead as his body was covered up when carried through the room in which I was being attended to. I was afterwards told in the hospital by an Italian medical student that Hayne had been killed.

11. From the doctor's hut I was taken to the main military hospital in Jurd by ambulance, and there I received proper medical attention. For fear of reprisals I did not tell them at the hospital how I had been shot. I remained in hospital for about five months.

12. Judging by the aching in my head and shoulders I have no doubt that there were bruises as a result of the blows from the rifle butts. I was never examined for bruises. I remember asking for a cigarette in the ambulance but this was after my wrists had been untied and my leg dressed in the camp doctor's hut.

13. I have never said to anyone that "I and my friend Hayne had been said to attempt a second escape" or words to that effect. Nor have I said that Hayne advised or forced me to carry out a second escape. We never attempted a second escape.

14. I made a written statement to the [illegible] at Salerno (Lieut-Colonel [illegible]) in about April 1942. After this I was informed by the Italians that the statement was a tissue of lies reflecting dishonour on the Italian army and that as a punishment I must go to Aquila for a month's imprisonment, further that if I made any more statements of that kind there would be serious trouble. I was sent to Aquila. When I got there I wrote a protest to the Commandant. The result of this was that five

month later when I was at Civil Gaol (illegible) the Commandant there told me that the matter must not be raised again.

Signed at 6, Spring Gardens in the County of London this sixth day of June 1945.

(Sgd) Roy R. Cooke (Capt).

Before me,

G. Barratt Major
Legal Staff

A.G.'s Office.

(*For the Use of the Secretariat*)

Registered Number.	Date of receipt in Secretariat.	
155/UK/It/12	10th July 1944	1762

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B 12 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1. General N. Bellomo, G.O.C., Bari Command on November 30th,1941. 2. Captain Sommavilla, Camp Commandant, Torre Tresca Camp, Italy, on Nov. 30th, 1941 3. An Italian N.C.O. whose name is not known.
Date and place of commission of alleged crime.	November 30th, 1941 Torre Tresca, Prisoner of war Camp, Italy.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. 1. Murder No. xxix. Ill-treatment of prisoners of war. The acts complained of constitute infringement of the Laws and usages of war and in particular breach of articles 2,46,50 and 54 of the Geneva Convention 1929 relating to the treatment of prisoners of war Assault, murder and unlawful wounding.

SHORT STATEMENT OF FACTS.

On November 30th, 1941 Captain George Playne of the Gloucestershire Hussars, and Lieut. Roy Restrong Cooke, 2nd Battn. The Queen's Own, Royal West Kent Regiment attempted to escape from Torre Tresca Camp,but were recaptured. On recapture they were returned to the room of other British officers. So far there was no violence. About two minutes later the Camp Commandant (Captain Sommavilla) who is the second accused arrived in the compound he ordered the two officers out of the room, and then assaulted both Officers, striking them in the face with his automatic. Their hands were then tied behind their backs with wire and they were conveyed to a punishment cell. Once tied they were kicked and struck in the face by an Italian N.C.O., who is the third accused. The Commandant was standing by. About one hour later the first

TRANSMITTED BY The Solicitor for the Affairs of H.M. Treasury (Continued on page 3)

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Gp.685
(26924) Wt.P.1817/P.1139 5,000 3/44 " "

PARTICULARS OF ALLEGED CRIME **1763**

The matter was reported by Lieut. Cooke by letter to Lieut. Col. Munro, Senior Officer of British Troops at Sulmona in the following terms:-

"As a prisoner of war, I landed in Italy and was sent to P.O.W. Camp at Bari, arriving there on or about the 28th Nov. 41, with eleven other officers. On the 31st Nov. at about 17.00 hrs. myself and a Captain from the Gloucester Hussars - his name I forget, Christian name "George", about 6 ft. 3 ins. height, dark complexion, dark moustache, hooked broken nose, one of three brothers of similar size - left the camp in an attempt to escape. At about 18.30 hrs. we were recapturedand returned to camp where for a few minutes we were returned to the room of the other British officers. So far no violence had been offered us. The ten British officers were witnesses that we were unharmed in any way. One Officer's name I remember, it being "Count John de Bendern" (late "de Forest") also of the Gloucester Hussars.

After we had been with the other officers for about 2 min. the Commandant of the Camp arrived in the compound and we were ordered outside, The Commandant struck us both in the face with his automatic.

We were conveyed to a punishment cell. Outside the cell, we had our hands tied behind our backs with wire. Once tied we were kicked and struck in the face by an Italian N.C.O. The Commandant was standing by.

We had been in the punishment cell about 1 hr. when the General i/c Bari Command arrived and we were taken out of the cell. The General appeared very excited. There were about 30 Italian soldiers and some officers present. At this time all officers and soldiers (British) in the inner compound were locked in their huts and therefore were not witnesses of what followed - although I would stress that what happened was quite clear to understand by hearing alone. From gestures and what little Italian I know, it appeared that there might be an unfortunate incident. I attempted to ask for the interpreter (who spoke French) that I might learn what punishment was intended. This was not allowed. I was asked by the General which way we had escaped, I told him "through the wire in the inner compound". We were led into the inner compound about 15 yds from the Prisoners hut. All present followed in. The General who was holding his automatic,asked us to show him the.... we escaped. As the soldiers present were loading their rifles, I again asked several times to be allowed to speak to the interpreter to learn what they were about. (The General's French was bad) As I was asking this, we were being pushed and bustled down the garden. To make us move quicker, as we were unwilling, we were hit over the head and shoulders with the butts of rifles. The party then withdrew to some 10 yards and all commenced firing, including the General. We walked down the garden path until we were hit. On being hit in the thigh I lay down and pretended to be dead. My companion did not lie down when first hit (in the arm) but was eventually hit through the head and killed. I wish to state at this point that at no time in this attempt to escape,or during the events of which I have just written did "Capt. George" or myself either use force or any threatening gesture, neither did we attempt to run away from our captors after the recapture. We walked away when they commenced firing as there was nothing else for it.

When they came to examine me, I was ordered to be taken to the camp hospital. I was carried on the back of a soldier, who carried me by putting his head through my arms. This was very painful and I fainted. I had several times asked for my wrists to

(continued on page 3)

I.A.1. **1764**

Camp 78. (Sulmona) Shooting of Captain Playne.Lieutenant Cooke wounded. S.N. 247/0103/3721.

The War Office,
Curzon Street House,
Curzon Street,
London, W.1.

B.M.1214(P.W.2.(a))

21st January,1942.

Dear Sir Harold,

We have received a copy of the following cypher telegram from the Military Attache, Berne:-

"The Swiss Federal Department has forwarded to "the Legation copy of a note from Italian Minister for "Foreign Affairs informing them that on November 30th "1941 Captain George Payne was shot and killed in an "attempt to escape from prisoners of war camp at "Torre Tresca (Bari) and that Lieutenant Roy Restrong "Cook was wounded in the same attempt.

The full note is being sent to Foreign Office by "safe hand".

I assume we shall get a copy of the full note when it arrives, through you. We shall then be able to judge whether we have to ask for further investigation and whether a protest has to be entered.

Yours sincerely,

(Sgd.) R.E.A.Elwes.

Sir H. Satow, K.C.M.G., C.B.E.,
Devonshire House,
Piccadilly, W.1.

Camp 78. (Sulmona) Shooting of Captain Playne, Lieutenant Cooke wounded [redacted].

TRANSLATION

1765

In accordance with the rules of the Geneva Convention of the 29th July, 1929, the Italian Ministry of Foreign Affairs have the honour to bring the following to the knowledge of the Swiss Legation in their capacity of representative of the Power Protecting British interests in Italy:-

At 4.40 p.m. on the 30th November last, during the exercise period, two British officers, Captain George Payne and Lieutenant Roy Restron Cook, prisoners of war interned in the concentration camp at Torre Tresca (Bari), eluded the vigilance of the guard and succeeded in escaping through a small gap in the barbed wire enclosure.

On being traced shortly afterwards they were brought back to the camp.

The said prisoners were being conducted to the vicinity of the gap by which they had succeeded in getting away, in order to reconstruct the procedure adopted for executing the plan of escape. Taking advantage of the darkness which had supervened and of the proximity of the barbed wire, they again attempted to make good their escape.

The escort made use of weapons and wounded Captain Payne in the left ear and in the nape of the neck, and Lieutenant Cook in the left thigh.

In spite of the prompt assistance of the doctor, Captain Payne died soon afterwards.

Lieutenant Cook was taken to the Military Hospital at Bari.

No responsability for what occurred is attributable to the charge of the staff on guard, who acted in accordance with definite orders received.

Rome,
31st December,1941.

I.A.1.

1764

Camp 78. (Sulm[redacted] Captain Playne, Lieutenant Cooke wound[redacted].

The War Office,
Curzon Street House,
Curzon Street,
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Yours sincerely,

(Sgd.) R.B.A.Elwes.

Sir H. Satow, K.C.M.G., C.B.E.,
Devonshire House,
Piccadilly, W.1.

Camp 78. (Sulmona) Shooting of Captain Playne. Lieutenant Cooke wounded. S.N. 247/0103/3721.

TRANSLATION

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At 4.40 p.m. on the 30th November last, during the exercise period, two British officers, Captain George Payne and Lieutenant Roy Nestron Cook, prisoners of war interned in the concentration camp at Torre Tresca (Bari), eluded the vigilance of the guard and succeeded in escaping through a small gap in the barbed wire enclosure.

On being traced shortly afterwards they were brought back to the camp.

The said prisoners were being conducted to the vicinity of the gap by which they had succeeded in getting away, in order to reconstruct the procedure adopted for executing the plan of escape. Taking advantage of the darkness which had supervened and of the proximity of the barbed wire, they again attempted to make good their escape.

The escort made use of weapons and wounded Captain Payne in the left ear and in the nape of the neck, and Lieutenant Cook in the left thigh.

In spite of the prompt assistance of the doctor, Captain Payne died soon afterwards.

Lieutenant Cook was taken to the Military Hospital at Bari.

No responsability for what occurred is attributable to the charge of the staff on guard, who acted in accordance with definite orders received.

Rome,
31st December,1941.

Camp 78 (Sulmona) Shooting of Captain Playne. Lieutenant Cooke wounded. S.N. 247/0103/3721.

225/1875/42.

His Majesty's Legation present their compliments to the Foreign Interests Division of the Federal Political Department and with reference to the Division's note B.24.GBr.(18)3-AR/Ba of the 4th May concerning the death of Captain George Playne at the camp of Torre Tresca (Bari) have the honour to enquire whether any attempt has been made by the Swiss Legation of Rome to check the statement made by Lieutenant Cooke that, after his recapture on the evening of the 31st November, he was returned to a room containing other British officers. Ifthis has not already been done, His Majesty's Legation would be grateful if the Swiss Legation in Rome could be instructed to get in touch with these officers, one of whom is apparently Count John de Bendern of the Gloucester Hussars, with a view to securing corroboration of Lieutenant Cooke's story.

His Majesty's Legation would be grateful to know what other steps have been taken by the Swiss Legation to discover which version of this incident (Lieutenant Cooke's statement and the statement of the Italian Minister of Foreign Affairs conflict directly on almost every point) is true.

BRITISH LEGATION,

BERNE.

7th May,1942.

The Foreign Interests Division
of the Federal Political Department,
Berne.

Camp 78. (Sulmona) Shooting of Captain Playne. Lieutenant Cooke wounded. S.N. 247/0103/3721.

Lt. Col. Munro. C.C. British Troops Sulmona.

Sir,

I have the honour to report the following incident:

As a prisoner of war, I landed in Italy and was sent to P.O.W. Camp at Bari, arriving there on or about the 28th Nov. 41, with eleven other officers. On the 31st Nov. at about 17.00 hrs myself and a Captain from the Gloucester Hussars - his name I forget christian name "George" about 6 ft.3ins. height, dark complexion, dark moustache, hooked broken nose, one of three brothers of similar size - left the camp in an attempt to escape. At about 18.30 hrs we were recaptured and returned to camp where for a few minutes we were returned to the room of the other British officers. So far no violence had been offered us. The ten British Officers were witnesses that we were unharmed in any way. One officer's name I remember, it being "Count John de Bendern" (late "de Forest") also of the Gloucester Hussars.

After we had been with the other officers for about 2 min. the Commandant of the Camp arrived in the compound and we were ordered outside. The Commandant struck us both in the face with his automatic.

We were conveyed to a punishment cell. Outside the cell, we had our hands tied behind our backs with wire. Once tied we were kicked and struck in the face by an Italian N.C.O. The Commandant was standing by.

We had been in the punishment cell about 1 hr. when the General i/c Bari Command arrived and we were taken out of the cell. The General appeared very excited. There were about 30 Italian soldiers and some officers present. At this time all officers and soldiers (British) in the inner compound were locked in their huts and therefore were not witnesses of what followed - altho I would stress that what happened was quite clear to understand by hearing alone. From gestures and what little Italian I know, it appeared that there might be an unfortunate incident. I attempted to ask for the interpreter (who spoke French) that I might

learn/

learn what punishment was intended. This was not allowed. I was asked by the General which way we had escaped, I told him "through the wire in the inner compound". We were led into the inner compound about 15 yds from the Prisoners hut. All present followed in. The General who was holding his automatic, asked us to show him the .... we escaped. As the soldiers present were loading their rifles, I again asked several times to be allowed to speak to the interpreter to learn what they were about. (The General French was bad). As I was asking this, we were being pushed and bustled down the garden. To make us move quicker, as we were unwilling, we were hit over the head and shoulders with the butts of rifles. The party then withdrew to some 10 yards and all commenced firing, including the General. We walked down the garden path until we were hit. On being hit in the thigh I lay down and pretended to be dead. My companion did not lie down when first hit (in the arm) but was eventually hit through the head and killed. I wish to state at this point that at no time in this attempt to escape, or during the events of which I have just written did "Capt. George" or myself either use force or any threatening gesture, neither did we attempt to run away from our captors after the recapture. We walked away when they commenced firing as there was nothing else for it.

When they came to examine me, I was ordered to be taken to the camp hospital. I was carried on the back of a soldier, who carried me by putting his head through my arms. This was very painful and I fainted. I had several times asked for my wrists to be untied, this was refused. On coming round in hospital I asked the doctor, I was duly untied. My wrists were found to be quite deeply cut.

The only British eyewitnesses to these events were "Capt. George" and myself. "Capt. George" is now dead.

I have the honour etc.,

(Signed) Roy. R. Cooke (Lt.)
2nd Btn. Queens Own Royal West Kent Regt.

Camp 78. (Sulmona) Shooting of Captain Playne. Lieutenant Cooke wounded. S.N. 247/0103/3721.

Translation
31/07967/179.

Memorandum

The Italian Ministry of Foreign Affairs have the honour to write in continuation of their note No. V. 31/29126 of December 31, 1941 addressed to the Swiss Legation relating to the attempted escape of two British officers, Captain George Payne and Lieutenant Roy Rostron Cook and the subsequent death of Captain Payne.

The Ministry of Foreign Affairs have the honour in accordance with article 41 of the Geneva Convention, to transmit to the Swiss Legation the enclosed petition by the prisoners of war Lieutenant Cook containing a complaint addressed to the Power protecting British interests.

As regards the assertions advanced in the said complaint, the competent military authorities have carried out a number of objective and strict enquiries the result of which are summarised as follows:-

(1) The prisoner of war Cook asserts that, after the first attempt to escape on November 30 last year, he and his companion in flight were repeatedly hit in the face with a pistol and on the head and shoulders with the butts of rifles.

The above assertion is contradicted:

- by the fact that no signs of blows, excoriations or (?) echimosis (echimosi) were found on the bodies of Lieutenant Cook and Captain Payne at the examination which took place immediately after the incident.

- by the categorical statements of Captain Sommavilla, the camp commandant, and 2nd Lieutenant Stecconi, attached to the camp.

(2) The prisoner of war Cook asserts that both he and the prisoner of war Captain Payne, after the first escape, had their hands tied behind their backs with wire, and that he remained so tied until he was lodged in a wounded condition in the hospital where he was, at his request untied by the medical officer. Moreover he adds: "my wrists were found to be deeply cut"

Instead, to consider apart from the statements made by the officers and soldiers of the camp and confirmed by Divisional General Bellomo, as stated in the report on the enquiry, the medical officer of the camp, who first picked up and carried together with a private - the prisoner of war Cook, and also the medical officer who went to pick him up at the camp in order to transfer him by motor ambulance for the military hospital (Medical second Lieutenant Loizzi) and, finally, the medical officer on duty at the hospital, who assisted at the dressing of the wound unanimously deny that the two prisoners of war had their hands tied and add that at the examination not the least trace of the wrists having been tied was discovered.

In fact 2nd Lieutenant Loizzi stated: "On no part of the body, not excluding the wrists, did Lieutenant Cook bear, other than his wound, even slight excoriations. He added one particular which, by way of detail contributes to establish the falsity of the circumstance asserted by Lieutenant Cook: "when I carried the wounded man to the camp he had his hands and every other part of his body completely free, and even asked me for cigarettes and I offered them to him.

Obviously such an offer would have been inconceivable if the Prisoner of war had had his hands tied.

(3)/

(3) The prisoner of war Cook asserts that when he and the prisoner of war Payne were invited to indicate the place where they had tried a little earlier to escape, they were followed by about 30 Italian soldiers and by some officers and that, at the time, all the prisoners of war were shut in the compound, so that they could not be witness of what ensued.

The following was instead found to be the case:-

- the soldiers present were only three in number: the one who was the sentry at the prison and other two belonging to the guard; there were besides, General Bellomo, the camp commandant and 2nd Lieutenant Stecconi; - all the prisoners of war (11 officers and 71 privates) had been locked up in the huts, not at the time specified by Cook, but previously thereto, namely as soon as the first flight had been discovered, for obvious measures of prudence because all the personnel available were engaged on patrol service looking for the two fugitives, who were captured some hours later.

(4) The prisoner of war Cook asserts that, whilst he and Captain Payne were on the way to the place where they had escaped a little while previously, speaking in French to the interpreter, he asked in vain what was going to happen; that the soldiers loaded their rifles and then, whilst the two prisoners of war continued to show a certain reluctance, the "party" withdrew some metres (ten yards) and "all of them commenced firing, including the general."

(a) These facts are totally devoid of foundation:

- because no interpreter was required, since General Bellomo speaks English sufficiently well to make himself understood and the two subordinate officers present were in a position to understand and to make themselves understood in the French language:

- the soldiers (three and not thirty) had their arms already loaded and therefore had no reason to load them in the presence of the two prisoners of war - the party did not in fact withdraw, but instead the two prisoners of war started to run towards the opening of the barbed wire (which would have permitted them to pass), thereby giving the impression that they wished to try again to escape;

- the party, on the contrary, sought to overtake the fugitives, unsuccessfully summoning them to halt, but not succeeding and fearing that they would be lost to sight in the darkness, were obliged to fire; without the running of the two prisoners of war there would not have been any reason to fire, so that the action of the soldiers of the guard squad was the effect and not the cause of the behaviour of the prisoners of war;

- General Bellomo did not use his pistol, as was clearly shown by the enquiry.

(b) A confirmation of the above findings is finally inferred from the statements of Cook himself, made on his own initiative at the first aid post after he was wounded and during his stay in hospital.

As a matter of fact:
- to the camp medical officer who gave him the first attention, speaking in French he addressed expressions of thanks, adding "that he and his friend Payne had been mad to attempt a second escape."

- to the superior officer, the head of the surgical division of the hospital, who had him under his care, he said that he was forced, rather than advised, by the British Captain, his companion in captivity, who was killed in the attempt to escape, to carry out the act (the second escape";

- finally, he expressed himself in similar terms to the sergeant (medical service) of the above-mentioned surgery division who, knowing the French language, often had occasion to speak with him.

Romo. 11th April,1942.

Camp 78. (Sulmona) Shooting of Captain Playne. Lieutenant Cooke wounded. B.N. 247/0103/3721.

B.24.GBr.(18)3.-Playne.-CN/Rt.

En se référant à l'obligeante note verbale No. 25/275/42 du 7 mai 1942, concernant les circonstances de la mort du Capitaine George Playne, le Département Politique fédéral, Division des Intérêts étrangers, a l'honneur de porter à la connaissance de la Légation de Sa Majesté Britannique les renseignements suivants que vient de lui faire parvenir le Service des Intérêts étrangers de la Légation de Suisse à Rome à ce sujet:

Un représentant de cette Légation s'est rendu dernièrement au camp No.41 où il a pu s'entretenir avec le Comte John de Bendern, Gloucester Hussards.

Ce dernier lui a fait le récit suivant de l'incident au cours duquel le Capitaine Playne trouva la mort:

Le 30 novembre 1941 au soir, le Lieutenant Bendern se tenait avec d'autres officers dans un des baraquements du camp No.75. Le Capitaine Playne et le Lieutenant Cook furent amenés par des gardes dans ce baraquement pour être peu après emmenés à nouveau. Après un court espace de temps, le Lieutenant Bendern entendit crier en Italien et tirer des coups de fusil. Une demi-heure plus tard, un officier italien vint annoncer que le Capitaine Playne et le Lieutenant Cook avaient effectué une deuxième tentative d'évasion; un Général italien entra ensuite qui, s'adressant aux officiers britanniques, leur dit en anglais:" Vous pensez de votre devoir de vous échapper, mais nous pensons qu'échapper signifie la mort."

Trois autres témoins, qui sont actuellement internés au camp No.41, ont en outre fait un exposé écrit de cet incident. Ces rapports parviendront à la Légation de Suisse à Rome par l'entremise du Commandant du camp, et le Département ne manquera pas de les transmettre à la Légation de Sa Majesté aussitôt que ces documents seront entre ses mains.

Berne, le 18 juillet 1942.

PARTICULARS OF EVIDENCE IN SUPPORT

1. If Lieut. Cooke survived and is still alive when prisoners of war are released he will be in a position to give evidence in person. If for any reason he is not available, it is presumed that his report will be admissible as a report in the course of duty. He is the only British witness of the major events, but some part of what occurred ~~must have been~~ was heard by other prisoners of war. On the conclusion of hostilities, therefore, it seems probable that there will be some confirmatory British evidence. One witness will be Count John de Bendon, Gloucestershire Hussars.

2. A British military court of enquiry has been held at Torre Tresca, Italy, to record all relevant evidence concerning the allegation that General Bellomo was responsible for the murder of Captain Playne and the wounding of Lieut. Cooke.

General Bellomo was present at this enquiry. Lieut. T.Magnay, R.A., (Solicitor) was assigned as Defence Counsel.

The following gave evidence :

2nd Lieut. Guiseppe di Oreste Steconni
L/Sergt. Giuseppe Spinelli
Private Giovanni Gigante
Sergt. Giuseppe Lamurno
Private Lorenzo Curci
Captain R.A. Perkins (To prove arrest and statement by accused)
Private Paolo Olivieri
Corporal E.L.T. Sheppard (To prove plan illustrating evidence)

In a statement made voluntarily by General Bellomo on arrest, but without having first been cautioned, he alleged a second attempt by Playne and Cooke to escape in the dark, and said that when it was realised that in a few instants the guards would "have lost sight even of their shadows" the escort fired in the direction of the shadows, while he shouted out "Look out, prisoners escaping" or some such phrase. General Bellomo said he had neither time nor need to use his pistol which was still in the holster.

Against this is the evidence of Lieut. Cooke who says he did fire and of 2nd Lieut. Steconni and Italian Guards who assert that General Bellomo gave the order to fire and that he (General Bellomo) and Capt. Sommavilla fired at the prisoners, causing the death of Capt. Playne and the wounding of Lieut. Cooke. They also stated that General Bellomo arrived at the Camp in a state of great excitement and anger. One witness states that he asked why they had not killed them.

(Continued from Page 2)

be untied, this was refused. On coming round in hospital I asked the doctor, I was duly untied. My wrists were found to be quite deeply cut.

The only British eye witnesses to these events were "Capt. "George" and myself. "Capt. George" is now dead.

(Continued from Page 1)
accused (General Bellomo) arrived. All British prisoners of war were locked in their huts. Playne and Cooke were ordered by the first accused to show the way they had escaped. They were subsequently assaulted and fired on. Captain Playne was killed and Lieut. Cooke was wounded.

NOTES ON THE CASE **1773**

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

There are two points of apparent conflict between the evidence of Lieut. Cooke on the one hand, and Lieut. Steconni and the Guards on the other.

One of these has regard to the minor point of the number of Guards who were on duty. It seems, however, that there were a number of Guards about and presumably it was unknown to Lieut. Cooke that they were not all armed in the sense of having their rifles loaded.

The other point of apparent conflict is whether Lieut. Steconni fired.

A copy of the report of the enquiry held in Italy is in the hands of the National Office.

The first accused who was present throughout the enquiry, as already noted, took exception to the enquiry being held. The Court of Enquiry noted the objection but ruled that it was not a question of making a charge against the accused at this stage. The object was to ascertain the circumstances surrounding the death of Captain Playne and the wounding of Lieut. Cooke.

The record shows that the Defence Officer, who technically perhaps should be described as watching the proceedings on behalf of General Bellomo, exercised the powers of Counsel for the Defence, raising all points that would appear reasonably necessary in General Bellomo's interests.

The Italian evidence against the first two accused is necessarily suspect in view of the interest of the witnesses to misrepresent the facts. But it appears to have been carefully checked and tested, and in view of the fact that we have Lieut. Cooke's evidence, the guilt of the first two accused may be said to be clearly established. The guilt of the third accused is so characteristic that Lieutenant Cooke's evidence will no doubt be considered as sufficient.

It was intended originally to include Lieut. Steconni, and the Guards in the charge. However the only evidence against Lieut. Steconni is that of Lieut. Cooke, who might have been mistaken. Before charging Steconni it may be preferable to wait until Lieut. Cooke can be interviewed.

As regards the guards, two of these admit firing but there is some evidence to support their claim that they deliberately fired over the heads of the prisoners. The third Guard says he did not fire.

Their account, as that of 2nd Lieutenant Steconni, bears the impress of truth as regards the course of events up to the time of the firing, and is supported by the evidence of Lieut. Cooke. Beyond that point the medical witness, who treated Cooke and certified the death of Playne, may be able to give evidence of the nature of the wounds which would support or disprove the story of the Guards as to the non-participation in one case and the innocuous participation in two cases in the firing. It is in their favour that Cooke only had one wound and Playne had two.

As regards Lieut. Steconni's possible guilt, Cooke's evidence, as already pointed out must be awaited. The story of the damaged pistol is weak since no evidence was offered leading to corroboration which should not be difficult if the story is true.

156/UK/It/13

1774

1. SOMMAVILLA, Captain

2. Two guards

Submitted Decision of Committee I

12.7.44	1. B1 B 2. C B
5.XII.44	1. A B

156/UK/It/13

156/UK/It/13

1774

1. SOMMAVILLA, Captain

2. Two guards

Submitted Decision of Committee I

12.7.44	1. B1 B 2. C
5.XII.44	1. A B

156/UK/It/13

Letters should be addressed to—
THE TREASURY SOLICITOR,
and the following reference quoted on the cover and in the letter:
WCB/HCB/~~III~~I(a)
Telephone No: WHITEHALL 1124
EXTENSION: 29
Telegraphic Address: "PROCTOREX, LONDON."
Code used: A.B.C. 6TH EDN., 5 letter

STOREY'S GATE,
ST. JAMES'S PARK,
LONDON, S.W.1.

1775

27th July 1945

Sir,

Commission's Reference 156/UK/It/13
B.N.O. Reference UK-I/B 13
Cobbett and Weeks

This charge was received in the Secretariat on the 10th July 1944. Recently witnesses who have been interviewed on other cases have turned out to have knowledge of the case of Cobbett and Weeks and I have accordingly taken affidavits from Private Griffiths E.A., Major Deane-Drummond A.J. and Sergeant Parker A., and have sent the originals to the Judge Advocate General, who holds the case for the prosecution.

3/ For your records, I enclose copies of the three affidavits in question.

I am, Sir,
Your obedient Servant,

HCBeck

for Officer i/c War Crimes Branch

The Secretary General
War Crimes Commission
Church House
Westminster S.W.1

HCB/GC

IN THE MATTER OF :-

The murder and wounding of British prisoners of war at Camp No.78 at Sulmona on about the 25th or 26th December 1941.

A F F I D A V I T.

I, No. VX.33980 PRIVATE EDMUND ARTHUR GRIFFITHS, 2/24 Battalion, A.I.F., now of 'B' Company, No.1 Transit Camp, Eastbourne, and with a private address at 49 Bealiba Road, Caulfield, Melbourne, Australia, make oath and say as follows:-

1. I was captured at Tobruk on 1st May 1941, after being wounded. I was in hospital at Derna and Benghazi before going by sea on an Italian Red Cross ship but, duly arriving at Naples, I went on to Caserta Hospital on the 28th May and was there until mid-August, when I went to Camp No.78 at Sulmona.

2. On a date which I cannot recall exactly but which I think was the day before or the day after Christmas 1941, some of the prisoners performed a play in the recreation hut of the camp. After the performance, we came out and most of us went back to our huts and went to bed. Some of the prisoners, however, remained out and were throwing snowballs at two of the carabinieri guards who were drunk. I had seen these two guards before and can confirm that they were drunk but I do not know their names. I saw them on my way back from the recreation hut. It was not a common thing for prisoners to throw snowballs at the guards.

3. Two of the performers, named Cobbett and Weeks, were on their way back from the performance. I knew Weeks well. He was the comedian. They went down the back of the hut towards the cookhouse and the two carabinieri followed them and fired at them at close range. I did not see this but I was in the hut nearest to the men when shot and, though we could not go out, I saw Cobbett and Weeks lying in the snow through a crack in the door. The carabinieri fired more shots, apparently at anybody they could see, but not a great many. Then other guards came up and took over and carried Cobbett and Weeks to the infirmary. I heard that Cobbett died but Weeks came out of hospital some time later, somewhat shaken but otherwise all right. He told me of what had happened and the carabinieri had been quite close when they fired. So far as I know, there was no challenge or anything to make Cobbett and Weeks halt or realise that the carabinieri were about to fire.

4. In June 1942 I went to Camp No.102, where I remained until the Armistice in September 1943. I escaped but after about a month was recaptured and taken to Germany.

SWORN at Eastbourne in the County)
of Sussex this 19th day of July)
1945)

E.A. GRIFFITHS

Before me,
C.W. MAYO
A Commissioner for Oaths.

1777

IN THE MATTER OF :-

The murder and wounding of British prisoners of war at Camp No.78 at Sulmona on about the 25th or 26th December 1941

A F F I D A V I T

- of -

PTE. E.A. GRIFFITHS

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The murder and wounding of British prisoners of war at Camp No.78 Sulmona at about the 25th or 26th December, 1941.

A F F I D A V I T.

I, ANTHONY JOHN DEANE-DRUMMOND, 71076, Major, Royal Signals, with a present address of Staff College, Camberley, Surrey and with a permanent address at Little Barrington, Burford, Oxfordshire, make oath and say as follows :-

1. In February 1941 I took part in a parachute raid on South Italy and was taken prisoner of war in the Mountains in that region and was taken to Naples Aerodrome. Later I was taken to Camp No.78 at Sulmona. I stayed some ten months at Camp No.78 at Sulmona but eventually escaped therefrom on the 8th December 1941. I was caught on the Swiss border on the 13th December 1941 and sent to Milan where I was placed in a cell at the Carabinieri Headquarters and subjected to incessant interrogation for some 48 hours. I was then sent to Camp No.41 at Montalbo.

2. After escaping from Camp No.78 at Sulmona on the 8th December 1941 and being recaptured on the 13th December 1941 and spending some 35 days in prison in Camp No.41 at Montalbo I was sent back to Camp No.78 at Sulmona and stayed there about one month from the Middle of January to middle of February 1942. During the latter period I was told by our Second in Command, namely Col. Mitchell, R.E. that at Christmas time 1941 some four or five other ranks came out of a hut in their compound late in the evening after a sing song or other seasonal festivity, when the guards fired on the party indiscriminately and killed one man and wounded others. The said Col. Mitchell also told me that the Italians to screen themselves because they realised the outrage was inexcusable, issued an order after the occurrence and ante-dated it to a date before the occurrence in an attempt to justify the guards action. I cannot give the names, ranks or units of the Officers or men concerned either on the Italian side or of the other ranks who were fired on. I believe the following men might be able to assist with evidence with regard to these incidents, namely: Sgt. Parker, Sgt. Clements (now commissioned as a Lieutenant in the 13th Parachute Battalion in the 6th Airborne Division), C.S.M. Lawley now in the 6th Airborne Division of the 12th Parachute Battalion.

SWORN at Camberley in the County of Surrey this 23rd day of June 1945) A.J. DEANE-DRUMMOND, Major.

Before me,

W. HERRINGTON

A Commissioner for Oaths.

1779

IN THE MATTER OF :

The murder and wounding of British prisoners of war at Camp No. 78 Sulmona at about the 25th or 26th December 1941

A F F I D A V I T

- of -

Major A.J. DEANE-DRUMMOND

THE TREASURY SOLICITOR.

IN THE MATTERS OF :

A. The ill-treatment of British Prisoners of War and Breaches of the Geneva Conventions 1929 at Naples Civil Prison in February 1941.

B. The ill-treatment of British Prisoners of War and breaches of the Geneva Conventions 1929 at Camp No.78 at Sulmona during the period March 1941 to 8th September 1943.

C. The Wounding of and Assault on Sergeant Alfred Parker at Camp No. 78 at Sulmona on 10th December 1942.

D. The Wounding of and Assault on John Fallon at Camp No.78 at Sulmona in December 1942.

E. The Murder of a British Prisoner of War, name, rank and Unit at present unknown, and the wounding of other British Prisoners of War at Camp No.78 at Sulmona on the 26th December 1943.

F. The Murder of Lance Corporal George Dent at a Machine-Gun Post near Cerignola on or about the 21st of September 1943.

A F F I D A V I T

I, ALFRED PARKER, Sergeant, Glider Pilot Regiment, now at "B" Squadron, R.A.F. Station, Earles Colne, Essex and with a permanent address at 50 Oxford Street, Sheffield 6, make Oath and say as follows :-

1. I was one of the Paratroops which landed south of Foggia in February 1941. I was taken to Naples Civil Prison and was kept there about 5 days. The food there was very bad, I only had one meal in 24 hours. I was kept in solitary confinement and the conditions were extremely filthy. The object of this treatment was to endeavour to get me to talk. I cannot now give the names of the Officers in control.

2. I was thence taken to the Naples Military Detention Barracks where I was kept some 10 to 14 days. I was then sent to Camp No. 78 at Sulmona.

3. I was kept prisoner at Camp No.78 at Sulmona from the 1st March 1941 to the 8th September 1943. We were lodged in huts and the overcrowding became so great and they were kept in such an extremely dirty state that they became very verminous. At first there were 42 men in a room, then increased to 63 and later to 84.

As to the food, at first it was just possible to live on the supply but from the period December 1942 to February 1943 it was a case of slow starvation and there were no Red Cross parcels issued to us during that period; I cannot say why but I strongly suspect that it was due to Italian thieving.

As a consequence of the above conditions there was a great amount of disease in the Camp: chiefly Dysentery, Desert Sores, Scabies and skin diseases and almost universal illness through malnutrition.

4. On the 10th December 1942 at the said Camp No.78 at Sulmona I was caught climbing an internal wall. This was against the rules. The Guards came and took me to the Administration Office. An Italian Officer was called (he wore a black leather coat and

was a short stocky man). He was very angry with the Guards for not shooting me on the spot. By his orders I was searched thoroughly and then stripped naked whereon the said Officer and the Guards under his directions beat me up by punching me with their fists for some minutes. I was then allowed to dress and put in the cells until the 26th December 1942.

5. In December 1942 at the said Camp No.78 at Sulmona a British Prisoner of War, an Air Gunner from the Navy called John Fallon was wounded and assaulted.

The said Fallon was brought into the cells while I was in prison there as described in the last preceding paragraph hereof. On a day or two later he was allowed out of the cell in order to wash. He was not quite as quick as the Guard wanted and was still lathering his face when a Guard hit him violently on the chin with a gun butt and beat him up badly. The said Fallon did not retaliate; I saw the incident myself, but the Sergeant of the Guard reported said Fallon as having assaulted the Guard. There was no truth whatever in this allegation; the converse was the fact. The said Fallon told me that he had been sentenced to a long sentence - many years - in fact he served 18 months and was then exchanged and repatriated.

6. On 26th December 1942 just after nightfall I was in my hut at Camp No.78 at Sulmona when I heard several shots fired and the sound of men running away from them. I was told afterwards by many informers that some British Prisoners of War (I cannot say now how many) were walking across the said Camp. The Guards had had some liquor and for a reason unknown to me the Guards fired and kept on firing about some 12 rounds. One British Prisoner of War was killed (I cannot now give his name, rank or unit) and many others were wounded including one Sidney Weeks now I believe a Corporal in the Kings Royal Rifles.

7. I escaped from the said Camp at Sulmona on or about the 8th September 1943. Thereafter I wandered in the neighbouring country in the company of Lance Corporal George Dent. After travelling in company with him for some days we were joined by two Italians who had I believe in all probability been members of the Italian Armed Forces. All of our party were dressed in civilian clothes and had discarded our identity discs.

On the 23rd of October 1943 we had reached a place some 5 miles South of Cerignola. At about 5 o'clock in the evening our party was captured by a Patrol of four men sent out from a German Machine-Gun Post. At about the same time another Patrol rounded up eight more Italians also in civilian clothes. Both parties were brought to the Machine-Gun Post. We were all taken to a neighbouring farmhouse and interrogated by a German Officer who appeared to be a Lieutenant. I cannot give the name of his Unit beyond the fact that most of them had the Parratroopist badge. I can, however, say this, that the said Guard did not live in any village as their Gun Post was in the open about 5 miles due South of Cerignola and there was no village there but the said Guard were using the house on an estate in that district as their headquarters. He asked his questions in Italian. The British members of the party kept silent because they did not wish to disclose their nationality: The Italians said that they were trying to reach their families who were in South Italy. The German Guards under the control of the said Officer then searched the Italians and took away all their property and marched them into another room. About 10 minutes later the door opened and two men were called out of the room. The said Lance Corporal Dent went out with one Italian. As soon as they had left the room those of us who were still in the said room heard four shots. The German Guards

then came back and asked for two more men. I went out with one of the Italian prisoners. I immediately disclosed my identity saying that I was a British Prisoner of War. The German Guard then told me to stand aside and then immediately shot the Italian who had accompanied me. The said Guard then dragged out the remaining prisoners two by two and shot each man in turn. I saw the body of the said Lance Corporal Dent lying with the other prisoners who had been shot. The said Dent was then already dead.

I was then taken back to Cerignola, was kept with the German Troops for some days, and was then sent back to the rear of the German Lines. After a further twelve days I escaped again and later reached the British Lines.

SWORN at Blabe Hill Farm)
Earls Colne this 7th day) A. PARKER.
of March 1945)

Before me,
T.J.F. FOLEY,
Major.
A Commissioner for Oaths.

IN THE MATTERS OF :

A. The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Naples Civil Prison in February 1941.

B. The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.78 at Sulmona during the period March 1941 to 8th September 1943.

C. The wounding of and assault on Sergeant Alfred Parker at Camp No.78 at Sulmona on 10th December 1942.

D. The wounding of and assault on John Fallon at Camp No.78 at Sulmona in December 1942.

E. The Murder of a British prisoner of war, name, rank and Unit at present unknown, and the wounding of other British Prisoners of War at Camp No.78 at Sulmona on the 26th December 1943.

F. The murder of Lance Corporal George Dent at a Machine-Gun Post near Cerignola on or about the 21st of September 1943

A F F I D A V I T

- of -

Sergeant ALFRED PARKER

THE TREASURY SOLICITOR.

(*For the Use of the Secretariat*)

1784

Registered Number. 156/UK/It/13

Date of receipt in Secretariat. 10th July 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B 13 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1. Captain Sommavilla, Commandant, Camp 78, Sulmona Italy in December 1941 2. Two guards on dutyin the said Camp on 26th December 1941
Date and place of commission of alleged crime.	December 26th 1941 Sulmona, Italy, Camp 78.
Number and description of crime in war crimes list. References to relevant provisions of national law.	xxvii. Use of explosive or expanding bullets or other inhuman appliances i. Murder xxix. Ill-treatment of prisoners of war. Breach of Hague Convention 1899 prohibiting the use of expanding bullets. Breach of Article of Laws and Usages of War and particularly Article 2 of the Geneva Convention 1929 relating to the treatment of prisoners of war. (Continued on page 2)

SHORT STATEMENT OF FACTS.

On the evening of 26th December 1941 there was a camp concert duly authorised. It was customary for the concert party to be allowed to go to the cook-house for a drink after the performance. Rifleman Cobbett and L/Cpl. Weeks, two members of the concert party were proceeding to the Cook-house after the performance when two guards, said to have been drunk, shouted something in Italian which was not understood. Both men stood still. One of the guards fired. The other had a misfire. Cobbett fell to the ground. Weeks hearing the guards trying to reload, fell down pretending to be hit. One of the guards walked to Weeks, lifted his rifle and struck him with the butt end. Several men tried to leave their huts and assist the two men but they were fired on and had to return. After about twenty minutes, Cobbett and weeks were removed. Cobbett was killed.

TRANSMITTED BY The Solicitor for the Affairs of H.M. Treasury.

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.& E.W.L.Ltd. No.685
(26924) Wt.P.1817/P.1139 5,000 3/44 " "

PARTICULARS OF ALLEGED CRIME

The concert referred to in the Short Statement of Facts as having taken place on the evening of 26th December 1941 was only given after the Regulations had been complied with, i.e. that the Camp Commandant should be informed beforehand. This was done so that the two guards who patrolled inside the compound could be notified. Prior to the concert the two guards were seen to be lying in the snow and appeared to be drunk. A prisoner of war, Sapper Wallis, tried to assist them, but they threatened to shoot him. Immediately after the concert the men returned to their huts. It was the custom for members of the concert party to be allowed to go to the cook-house for a hot drink.

Rifleman Cobbett and L/Cpl. Weeks, both of whom were in the concert party, left their hut and walked to the cook-house. Just before they got to the cook-house the two guards who were standing between the huts, shouted something. According to Corporal Weeks' statement, after the guard had shouted, both men stood still. One of the guards aimed his rifle at Cobbett and fired. Cobbett fell to the ground and lay still. He had been hit in the face and neck. The other guard's rifle misfired. L/Cpl. Weeks, hearing the guards trying to reload, fell down pretending to be hit. After several attempts to reload which both guards were unable to do, one of them walked up to Weeks, lifted his rifle and struck him with the butt end.

Immediately after the incident, several men tried to leave their hut and assist the two men, but they were fired on and had to return. After about fifteen minutes Corporal Polley, R.C. of S., who spoke Italian, managed to leave his hut and attract the attention of other guards. After about twenty minutes Cobbett and Weeks were removed.

(Continued from page 1)

Neglect of duty towards helpless persons, murder and unlawful wounding.

The Affidavit does no more than conform to the attached which will be the exhibit. The draft has been approved by Mr Fordham and will be completed in the course of the next few days and copy sent to you.

8/7/44

OHB/K

1787

A.M.

THE DEFENCE ACTS, 1842 TO 1935.

THE ORDNANCE BOARD TRANSFER ACT, 1855.

THE AIR FORCE (CONSTITUTION) ACT, 1917.

THE AIR FORCE (APPLICATION OF ENACTMENTS) (No. 1) ORDER, 1918.

THE ACQUISITION OF LAND (ASSESSMENT OF COMPENSATION) ACT, 1919.

THE AIR NAVIGATION ACT, 1936.

THE MILITARY TRAINING ACT, 1939.

COPY

1788

25, Charminster Ave.,
South Yardley,
Birmingham, 25.

4th Sept: 42.

Sir,

With reference to your letter dated 10th Aug. Please accept my apologies for not writing before. I hope the information which I enclose, will be of value to you. As you suggest, I did give a statement whilst I was in Cairo.

The following statement, is to the best of my knowledge, true.

STATEMENT

On the evening of the 26th of December, 1941, I, No.7883417, Sgt. J.F.M. Fordham, was a P.O.W. at Sulmona Camp, Italy. There was a concert, given by P.O.W.'s. The regulations had been complied with, i.e. that the Camp Commandant should be informed beforehand. This was done, so that the two guards, who patroled inside the compound, could be notified. The first incident, occured about 8.45 p.m. When Spr. Wallis saw the two guards lying in the snow they were obviously drunk. He tried to assist them, but they threatened to shoot him. Immediately after the concert had finished, the men returned to their huts. The concert party were allowed to go to the cook-house for a hot drink.

Rifleman Cobbett and L/C. Weeks, both of whom were in the concert-party, left their hut and walked to the cook-house (see Plan). Just before they got to the cook-house, the two guards who were standing between the huts, shouted something. (The following is a statement, made by L/C. Weeks whilst in the infirmary, this statement was smuggled out, and read by myself). "After the guard had shouted something, we both stood still. One of the guards, aimed his rifle at Cobbett and fired. Cobbett fell to the ground, and lay still, he had been hit in the face and neck.

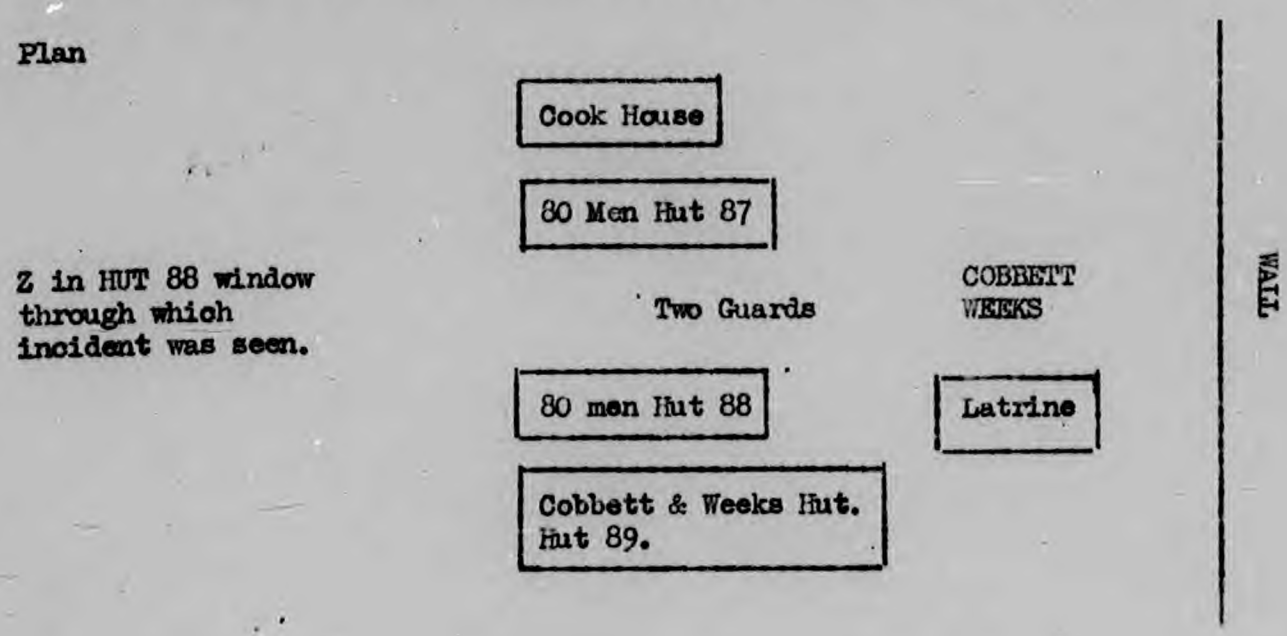
I (L/C. Weeks) hearing the guard trying to reload, fell down, pretending to be hit. The other guard tried to fire his rifle at me, but had a misfire. After several attempts to reload, which both guards were unable to do, one of them walked up to me, lifted his rifle and struck me with the butt-end." This ends L/C. Weeks statement.

The whole of this incident was seen by several persons through the window of a hut. The night was very clear, with snow and a full moon. These men have all made statements, taken down by R.Q.M.S. Potter, R.C. of S. N.C.O. i/c No.4 Compound, and secretly given to Lieut. Col. Munro, Australian Forces, and then Senior British Officer, Sulmona.

Immediately after the incident, several men tried to leave their hut, and assist the two men. But they were fired on, and had to return. After about 15 minutes Cpl. Polley, R.C. of S. who can speak Italian, managed to leave his hut, and attract the attention of some more guards. After about 20 min. Cobbett and Weeks were removed.

The Italians made a search of the area concerned, possibly to find the missing ammunition. Next morning, two rounds were picked up, I examined both these rounds, they were Dum-dum, the bullet being spilt three ways, with a flat head.

Plan



I trust, Sir, that if any more information is required you will let me know.

With reference to other witnesses repatriated with me. Cpl. McCoy, Royal Corps of Signals was in Hut 88, and I believe he could give you a statement.

Yours sincerely,

(Signed) J. FORDHAM.

Major Little,
The War Office,
Curzon Street House,
Curzon Street,
London, W.1.

PARTICULARS OF EVIDENCE IN SUPPORT

1. Attached is an Affidavit with exhibit by J.F.M. Fordham formerly No. 7883417, Sergeant, 5th Battalion Royal Tank Regiment, who was a prisoner of war at Sulmona Camp at the time of this occurrence. The Affidavit gives a very clear account of what occurred, to which, though largely hearsay, a very definite value, must be assigned.

In due course there will be available the evidence of the following :-

L/Cpl. Weeks
Sapper Wallis
R.Q.M.S. Potter, R.C. of S.
Cpl. Polley, R.C. of S.

2. According to Fordham's Statement, a number of other men were witnesses of thisincident through the window of a hut. The night was very clear with snow and a full moon. These men all made statements which were taken down by R.Q.M.S. Potter and secretly given to Lieut. Col. Munro, Australian Forces and then Senior British Officer, Sulmona

NOTES ON THE CASE **1791**

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

This appears to be a clear case

In view of the fact that Fordham can prove the existence of expansive bullets in possession of the guards, the case would appear to be complete against Sommavilla. If the defence is made that this was a breach of Convention, in effect an infraction merely of a treaty and not a criminal offence and that this point is not covered by British legislation or the inherent jurisdiction to punish offences against the laws and customs of warfare, a criminal element can be supplied by the fact that by putting prisoners of war who were in his charge at the mercy of guards armed with dum-dum bullets he was responsible for the consequences of their use. Clearly also there was neglect of duty in failing to maintain proper discipline.

As regards identification of the guards, it is to be supposed that some enquiry was made and that the names of the Guards are likely to be forthcoming, either as a result of that enquiry or from information derived from Capt. Sommavilla, who will have no reason for refusing to divulge the names of these men.

157/UK/It/14

1792

1. CALCATERRA, Col.

2. MORTICELLI, Captain

3. RONCO, Tenente

4. Carabineer

Submitted, Decision of Committee I

19.7.44	1,2+3 - B } B 4 - C }
5.XII.44	1,2,3 A ~~B~~

157/UK/It/14

Letters should be addressed to—
THE TREASURY SOLICITOR,
and the following reference quoted on the cover and in the letter:
W.C.B./HCB/III(a)
Telephone No.: WHITEHALL 1124
EXTENSION: 29
Telegraphic Address:
"PROCTOREX, LONDON."
Code used: A.B.C., 6TH EDN., 5 letter.

1793

STOREY'S GATE,
ST. JAMES'S PARK,
LONDON, S.W.1.

31st July 1945.

Sir,

Commission's reference 157/UK/It.14
B.N.O. No. UK - I/B.14
Udine Gruppignano - General

The above mentioned Charge was received at the Secretariat on the 10th July 1944. Up to that time there had been no eye witness available to give an Affidavit.

Since that date, I have been able to see certain Australian soldiers on their way through this country from German camps to Australia. I have, therefore, taken Affidavits from three of these soldiers and have sent the original Affidavits to Judge Advocate General's Department where the Charge is at present for prosecution. I am also sending a copy to War Office A.G.3(VW) who are prosecuting enquiries in Italy.

For your records I enclose copies of these Affidavits.

The three witnesses are W/O.2 E.N.Triffett, L/Cpl. W.Bickerstaff and Driver J.J.Lackey. The latter two in addition to an Affidavit on general lines speak to a specific incident when Bickerstaff was wounded and it was thought well to make separate Affidavits lest at some later time it was felt

. . . . .

desirable to prefer a separate Charge or possibly a second prosecution if the Guard in question is identified.

HCB/PHB

I am, Sir,
Your obedient Servant,

H C Bell

for Officer i/c War Crimes Branch.

The Secretary,
General War Crimes Commission,
Church House,
Westminster S.W.1.

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No. 57 at Udine/ Gruppignano between October 1941 and April 1943

AFFIDAVIT

I, No. QX 5753 W/O II, EDGAR NATHANIEL TRIFFETT now at "C" Company, A.I.F. Transit Camp, Eastbourne, Sussex, with a private address at Julia Creek, Box 8, via Townsville, North Queensland, Australia, make Oath and say as follows :-

1. I was captured between El Gazala and Tobruk on 7th April 1941. After escaping I was re-captured on the 9th April 1941. After passing through a number of transit camps in North Africa viz: Derna, Benghazi, Tripoli and Caserta Hospital I was taken from Africa to Italy at the end of May or beginning of June, 1941, landing at Naples. After some days at a transit camp at Capua consisting of tents, and 10 days at Sulmona, I was moved to a camp at Prato Ararco in the Brenner Pass where I remained until about October 25th 1941. Thence I was moved to Camp No.57 at Udine/ Gruppignano arriving about the 26th October, 1941.

2. All the time I was at Camp No. 57 the Commandant was a Colonel Calcaterra, who was a Colonel of Carabinieri. He was very brutal and reasonable particularly in the awarding of punishment for what were only very minor offences. All the Carabinieri were hostile and anti-British, except for the Officer, a Colonel, who was second in Command, but whose name I do not remember, who was very fair and decent to the prisoners.

3. The accommodation at the Camp was not bad, nor was the sanitation as this was constructed by prisoners, who built a hut for the purpose with a cement slope which was flushed by sluicing from the wash place. There was no lack of water at this Camp.

4. The food was terrible there not being nearly sufficient to keep a man even in ordinary health. In the early morning we got a cup of acorn coffee, at 11 a.m. about half a pint of macaroni skilly and at 4 p.m. about the same amount. We had in addition 200 grammes of bread a day which was later reduced to 150 grammes. We did have each week, usually issued on a Thursday, about 1½" x 1¼" of cheese. The most macaroni that anyone ever had in their skilly was 13 small pieces. Occasionally we were given a half a cup of raw boiled rice and perhaps half a dozen times during my time at this Camp I got a piece of fruit, generally a small apple. The Italian civilians had far better rations than the Prisoners of War.

Red Cross parcels, apart from one period of 9 weeks, were fairly regular. We were usually given one each day between eleven men. In the earlier days we would get a parcel each at intervals but for security reasons the Italians made a new arrangement and issued the one parcel between a number of men. Everything was opened, even the tins and I understood that this was to avoid possibility of anyone saving up unopened tins for the purpose of providing supplies for escaping.

5. As a result of the great shortage of food (if it had not been for the Red Cross parcels we should have starved) we all suffered terribly from malnutrition. Men suffered from "black-outs" and often could not even get up. Dysentery was common and stomach trouble. There were a great number of deaths of which I lost count

A great friend of mine, Ted Nuby, whose number I do not remember but who I think was from Western Australia, died of malnutrition. In addition I believe that two men died at the Working Camp at Prato as a result of tins of food in the Red Cross parcels having been opened by the Italians before issue.

6. The Camp Infirmary was run by the prisoners and was quite good. I was in there once for treatment of my wound.

7. I acted as Camp boot maker. On one occasion I had a pair of Red Cross boots on which I was going to put an extra sole to make them last longer and one of the Carabinieri whose name I do not know, tried to commandeer the boots. He tried to bayonet me but I knocked him down with the last. For this I was in the Camp goal for a month. No charge was made and I had no trial - so far as I am aware there never were any trials - but the punishment was issued by Calcaterra. During my imprisonment I was chained for five hours a day, 2½ hours in the morning and 2½ hours in the afternoon, being chained against the wall as if crucified and with heavy leg irons. The only food I was allowed was half a cup of soup and 150 grammes of bread a day. I was stripped and had only a board to sleep on. I came out of the gaol weighing barely 9 stone, having weighed 12 st. 7 lbs. when I went in.

8. Another prisoner named Simons, No. VX 1982, was put in the next cell to me during my imprisonment. He had been put there for moving on parade. Later Simons was shot, though I was not present at the time and I was informed, though I do not remember the name of my informant, that he was shot by the same Carabinieri whom I had knocked down when he tried to commandeer the boots. From the general talk in the Camp I understood Simons was shot while being held by two other prisoners of war of whom one was named Lackey.

9. On another occasion I was in gaol for 14 days because I was in possession of too much Italian money. As Camp boot maker I was able to go out of the Camp from time to time to get tools and material and I used to organise escapes and got tools for that purpose. I used to bribe the soldiers at the gate with Red Cross cigarettes not to search me, but the authorities got suspicious and I was given 14 days in gaol.

10. We were treated fairly by Italian soldiers but not by Carabinieri. There was quite a lot of promiscuous shooting. For no apparent reason on Christmas Eve 1942, they opened fire and shot one prisoner through the throat and another through the back of the neck. I do not remember the names, the men were merely standing outside their huts.

11. On another occasion the authorities proposed to cut the hair off a number of prisoners and a Warrant Officer named Cottman objected because of the exposure to the cold which would have resulted. Cottman was handcuffed and chained to a chair in the presence of Calcaterra his hair was reaped off with clippers and they stood over him with bayonets. This was in winter when it was very cold. As a result of this incident 60 men were put in a small hut for three months in the depth of winter and were chained to one another, and at night they were handcuffed.

12. In about June 1942, I heard, though I do not remember from whom, that driver Albert Bullivant, whose number I think began VX was shot in Udine Hospital. I never heard why he was shot and though it was said that he committed suicide it later leaked out that the Italians shot him. I believe he had a touch of the sun.

13. The Italians did try to heat the Camp. There was one stove in each room, the rooms held about 18 men each. We had two blankets each, though one was withdrawn in the summer. Coal was very difficult to get and we suffered terribly from the cold. We most of us had only our desert kit which was later supplemented by Red Cross clothing. Occasionally the men would get some ragged clothing from the Italians, they took away from the Red Cross parcels any civilian clothing. The facilities for exercise in view of the number of men at the Camp, as many as 6,000 men at one time, were not bad.

14. I left Camp No. 57 in March or early April 1943, when I went to Camp No. 106 in the Po Valley. I escaped from here on the 4th July, 1943 and joined the Italian patisans getting back to England via Paris on the 21st November, 1944.

SWORN at Eastbourne in the)
County of Sussex this 16th) E.N. TRIFFETT.
day of July 1945)

Before me,
W.G. JENKINS.
A Commissioner for Oaths.

1798

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.57 at Udine/Gruppignano between October 1941 and April 1943

A F F I D A V I T

- of -

W/O. II. E.N. TRIFFETT

THE TREASURY SOLICITOR.

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions, 1929 at Camp No.57 at Udine/Gruppignano between October 1941 and April 1943

A F F I D A V I T

I, No. QX.5864 Lance Corporal WILLIAM BICKERSTAFF, A.I.F., now on a course at Bradford Technical College, Bradford, Yorkshire and with a private address at 6 Blenheim Road, Lindfield, Sydney, Australia, make Oath and say as follows :-

1. I was captured near Derna on the 7th April 1941. After about three weeks in North Africa I was taken with other prisoners by ship to Italy arriving at Naples on the 2nd May 1941. After about a week at a prisoners of war camp at Capua and six weeks at Sulmona, I was at a camp at Prato Asarco, Bolzano, from about 18th July to 26th October 1941. I was then moved with other prisoners to Camp No.57 at Udine/Gruppignano, arriving there on 27th October 1941.

2. We heard at our previous camp that Camp No.57 was a police camp and the Italian authorities appeared to do everything they could to make life hard for us. The Commandant, Colonello Calcaterra, was very harsh and unreasonable, particularly in the punishments he awarded for very minor offences. It was not uncommon for a man to be in jail for having his coat collar turned up when the Commandant came round or for moving on parade There was a Lieutenant whose name I do not know but whom we called "Bronco" who was particularly malicious in putting men in jail for such matters. The Carabinieri, of which Calcaterra was a Colonel, were extremely hostile to us, except for the second in command, whose name I cannot recollect.

3. I have no particular complaint about the accommodation at the camp, nor the sanitation after a proper hut had been constructed by the prisoners themselves. There was no lack of water at this camp.

4. The food ration was meagre. If it had not been for the Red Cross parcels which, apart from one period, came in fairly regularly, we should have starved. As it was there was a great deal of malnutrition and the prisoners suffered from dysentery and stomach trouble. I remember the death of one man whose name so far as I can remember was Nuby who died from malnutrition and I heard that Captain Levins made a complaint to the authorities about this death and that there was considerable trouble about it. For our food ration we had the usual cup of coffee in the early morning, about half a pint of skilly at 11 a.m. and another half pint at 4 p.m. with 200 grammes of bread a day, which was later reduced to 150 grammes. We also had once a week a small piece of cheese which had to last us the whole week. The skilly was made of macaroni or rice, but very little macaroni or rice could be found in it.

5. I remember being told by W.O.2. E.N. Triffett of his having been in jail for an incident when he knocked down a Carabinieri who had tried to commandeer some boots on which he had been working as bootmaker. He told me he had been chained while in prison.

6. I remember an occasion when a prisoner named Adams was shot, but I do not know the circumstances, except that it was in the very early morning and I saw his body that morning on the wire. I heard in the camp, though I do not remember the name of my informant, that he had been shot at close range and there was some question whether he was disturbed in his mind. It seemed unlikely that he was trying to escape in full possession of his faculties as the place was quite near to where one of the guards was stationed.

7. The Italians took from the Red Cross parcels any civilian clothing, only issuing us with army clothing. I believe that the civilian clothing was held in store outside the camp. I do not think that the Italians actually stole it.

8. I remember a prisoner named Simons being put in jail for having moved on parade. Later Simons was shot, but I was not present at the time and only heard that he had been shot by Carabinieri on the cricket ground while being held by two other prisoners.

9. I was still at Camp No. 57 at the armistice in September 1943 when the Germans took over and I was taken to Germany.

SWORN at Bradford in the County of York this 11th day of July 1945) W. BICKERSTAFF L/Cpl.

Before me,
HENRY H. DUNCAN.
A Commissioner for Oaths.

1801

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.57 at Udine/Gruppignano between October 1941 and April 1943

A F F I D A V I T

- of -

L/Cpl. WILLIAM BICKERSTAFF

THE TREASURY SOLICITOR.

New or 14.

1802

IN THE MATTER OF :

The Wounding of Lance Corporal William Bickerstaff at Camp No.57 at Udine/Gruppignano on 30th October 1941

A F F I D A V I T

I, No. QX 5864 Lance-Corporal William Bickerstaff, A.I.F., now on a course at Bradford Technical College, Bradford, Yorkshire, and with private address at 6 Blenheim Road, Lindfield, Sydney, Australia, make Oath and say as follows :-

1. I was captured near Derna on the 7th April 1941. After about three weeks in North Africa, I was taken with other prisoners by ship to Italy, arriving at Naples about the 2nd May 1941. After about a week at a prisoners of war camp at Capua and six weeks at Sulmona, I was at a camp at Prato Asarco, Bolzano, from about 18th July to 26th October 1941. I was then moved with other prisoners to Camp No.57 at Udine/Gruppignano, arriving there on the 27th October 1941.

2. There were, I think, 435 Australian prisoners of war moved to this camp and we were met by at least 400 Italian guards. They were clearly very frightened of us. We were all put in one compound, which was surrounded by a wire fence, which had a trip wire about 4 yards inside it. Round the wire fence were sentry boxes every 10 or 12 yards, which were manned by Italian soldiers. Later on the number of these sentry boxes was very much reduced.

3. No rules or regulations were issued at Camp No. 57 up to the time of the incident when I was shot. For instance, there were no rules made known to us as to any limits within which we must walk, the time for going to bed or for lights to be turned out. At our previous camp the time for lights out had been 9.30 p.m.

4. It was very cold when we arrived at this camp, there being snow on the surrounding mountains. We had not yet been issued with any Red Cross clothing and only had very poor Italian stuff which had no warmth in it. On the 30th October 1941 at about 8.15 p.m. I had just finished playing a game of bridge. In company with Corporal F.A. McDermott, A.A.S.C., I decided to go for a short walk to get warmed up. At this time the lights in all the huts were still on.

   We started to walk up and down parallel to the trip wire where the wire fence ran in front of the camp commandant's general offices. These offices were on the opposite side of the wire. We walked up and down a distance of about 80 yards five or six times, talking together, and without any idea of concealment. Suddenly there was a loud, staccato yell, which made us both stop and look in one direction. Practically simultaneously, I saw a blue light and something hit me. This turned out to be a bullet which had gone through the bridge of my nose.

5. Covered with blood, I ran to the nearest hut, where an Australian medical sergeant whose name I do not remember attended to me as well as he could. Some little time afterwards the camp commandant, Colonello Calceterra, and some of his underlings came along. They took me to the camp infirmary, where I spent the night, and the next day I was taken to the military hospital at

Udine. I was blinded for four days and they took an X-Ray and then operated on my nose. I was given no anaesthetic apart from something which froze the blood but did not prevent the pain. They took out of my nose four small chips of bullets which the Italians called "scheggi". As a result of this, I and the other prisoners generally claimed that it had been a dum-dum bullet, but the Italians refused to admit this.

6. The Italians suggested that I was trying to escape. I was not in fact trying to escape and there were many reasons against any such attempt. We had only been in the camp three days and there had not been time to organise any escape had I wanted to do so. I had no money or food to escape with and what clothes I had were entirely unsuitable for escaping in a mountainous district when snow had already fallen. Further, when shot, I was immediately opposite the commandant's offices and well within the barbed wire round the compound. Nevertheless, at a meeting of sergants some time later, Calcaterra cited my case as the first case of attempted escape.

7. I was in hospital four weeks and on coming out I was given no kind of punishment such as might have been expected for an attempted escape. While in hospital I picked up a good deal of Italian, as I was alone there and no one spoke English. On my hospital paper it said that I had been trying to escape, but later on this was altered to read that I was walking too near the perimeter. As previously stated, no rules or regulations had been issued as to any limitation on our walking within the compound.

8. I do not know the name of the soldier who shot me, but we heard, although I do not remember the source of the information, that he had been given 50 lire and 10 days leave in Sicily, from where he came.

SWORN at Bradford in the)
County of York this 16th)
day of July 1945)

W. BICKERSTAFF L/Cpl.

Before me,
HENRY H. DUNCAN.
A Commissioner for Oaths.

IN THE MATTER OF :

The Wounding of Lance Corporal William Bickerstaff at Camp No.57 at Udine/Gruppignano on 30th October 1941

A F F I D A V I T

- of -

L/Cpl. WILLIAM BICKERSTAFF

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The ill-treatment of British Prisoners of War and Breaches of the Geneva Conventions 1929 at Camp No.57 at Udine/Gruippignano between October 1941 and April 1943.

A F F I D A V I T

I, No. NX.8519 Driver JOHN JAMES LACKEY, A.A.S.C. of "A" Company, A.I.F. Transit Camp, Eastbourne, and with a private address at 55 Townsend Street, Bankstown, Sydney, Australia, make oath and say as follows :-

1. I was captured at or near Derna on 7th April 1941. After about five weeks in North Africa, I was taken with other prisoners by ship to Italy, arriving at Naples. I went thence to a prisoners of war camp at Capua, arriving on 18th May 1941, and after some time there went to Sulmona and thence to a camp at Prato Asarco, Bolzano, until 26th October 1941. Thence I went with other prisoners to Camp No.57 at Udine/Gruppignano, arriving on the 27th October 1941.

2. The Italian Commandant at this Camp was Colonello Calcaterra, a Colonel of Carabinieri. He was very brutal and unreasonable and hostile to us and particularly in giving punishments for offences which were very small or not offences at all. It was not uncommon for a man who moved on parade to be put in jail, or for having his coat collar turned up. The Carabinieri as a whole were hostile, except for the Colonel, second in command, whose name I do not remember. There was an Italian Lieutenant, whom we knew as "Bronco" who was extremely malicious. I do not know his name.

3. The accommodation was not bad and the sanitation was good after a hut for the purpose had been constructed by the prisoners. This had a cement slope which was flushed by sluicing from the wash place. There was no lack of water at this camp.

4. We were kept very short of food, not having enough to keep us healthy and we had to rely on the Red Cross parcels. Our rations consisted of a cup or ersatz coffee and about a pint of skilly made of macaroni or rice given out in two portions at 11 a.m and 4 p.m. We had, to begin with, 200 grammes of bread a day, later reduced to 150 grammes and once a week a small piece of cheese.

5. Owing to the shortage of food the prisoners suffered from mal-nutrition and frequently could not get up and suffered from black-outs. There was a lot of dysentery and stomach complaints and many of the prisoners died.

6. On one occasion a prisoner named Gunner Armitage of an Anti-Aircraft Regiment, who came from Victoria, was absent from a morning parade. When he was missing from roll call, the Italians went to look for him and found him asleep, as nobody had called him. He was taken out and chained to a post for two hours. I do not remember the date, but it was early in 1942 and a very cold morning. He had no overcoat, nor were we allowed to take him one. I waited until the guards had gone and took him a cup of tea. This was not by any means an uncommon type of occurrence, but I do not remember the names of other men who were similarly chained.

7. I remember W.O.2 E.N. Triffett being put in prison where he was chained. I also remember another prisoner named Simons who was shot, but I do not remember the date. I did not see the occurrence, but I understand that two other prisoners were holding him and were ordered by the guard to move aside and the guard then shot Simons in cold blood. I do not know the name of the guard who fired the shot, but he was a Carabiniere I do not remember the name of my informant, but it was general talk in the camp.

8. We heard at our previous camp that No.57 was a Police Camp under the administration of the Carabinieri and it certainly appeared to be planned to make life as hard for us as possible. I do not know if this was the responsibility of the Commandant Calcaterra or some higher authority.

9. I remember an occasion when a Warrant Officer named Cottman was insulted and assaulted. The Italians proposed to cut the hair of a number of men and Cottman objected because of the exposure to the coldwhich would have resulted. Cottman was handcuffed and chained to a chair in the presence of Calcaterra and his head was practically shaved by a barber, after he had been accused of having dirty hair. Cottman was a man of education and particularly careful of his appearance and he was very grossly insulted. I was present and saw this incident.

10. I remember the occasion about Christmas 1942 when the Italians opened fire for no particular reason and one person was shot through the throat and another through the back of the neck. I do not remember their names, but the sudden opening fire was not by any means unusual. The men were doing nothing, merely standing outside their huts.

11. I knew Driver Albert Bullivant quite well and he was said to have died in Udine Hospital. I believe that he was disturbed in his mind and it was said that he had committed suicide, though later rumours said that he had been shot by the Italians, but of this I know of no proof.

12. I also remember a prisoner of the name of Nuby dying of mal-nutrition and I believe that Captain Levins had a considerable row with the authorities over this death.

13. There was some attempt at heating the camp, but coal was very difficult to get and we suffered in the winter very much from the cold. Most of us had only our desert kit, until later it was supplemented by Red Cross clothing. The Italians removed from the Red Cross parcels any civilian clothing, but this I do not think was stolen, being held in store outside the camp as we were only entitled to army clothing.

14. I was moved from this camp to a working camp No.106 at Vercelli on 25th April 1943. I escaped from this camp at the armistice in September 1943, but after being at liberty some nine weeks, I was recaptured and taken to Germany.

SWORN at Eastbourne in the County of Sussex this 20th day of July 1945) J. LACKEY

Before me,

W.G. PERKINS,

A Commissioner for Oaths.

IN THE MATTER OF :-

The ill-treatment of British Prisoners of War and Breaches of the Geneva Conventions 1929 at Camp No. 57 at Udine/ Gruippignano between October 1941 and April 1943.

A F F I D A V I T

- of -

DRIVER J.J. LACEY

---

14 or New.

IN THE MATTER OF :- **1808**

The wounding of Lance Corporal William Bickerstaff at Camp No.57 at Udine/Gruppignano on 30th October 1941.

A F F I D A V I T

I, No. NX 8519 Driver JOHN JAMES LACKEY, A.A.S.C., of 'A' Company, A.I.F. Transit Camp, Eastbourne, and with a private address at 55 Townsend Street, Bankstown, Sydney, Australia, make oath and say as follows :-

1. I was captured at or near Derna on 7th April 1941. After about five weeks in North Africa, I was taken with other prisoners by ship to Italy, arriving at Naples. I went thence to a prisoners of war camp at Capua, arriving on 18th May 1941, and after some time there went to Sulmona and thence to a camp at Prato Asarco, Bolzano, until 26th October 1941. Thence I went with other prisoners to Camp No.57 at Udine/Gruppignano, arriving on the 27th October 1941.

2. There were some 435 Australian prisoners arrived at Camp No. 57 at this time and we were met by at least 400 Italian guards. The Italians seemed to be very much afraid of us. We were all put in one compound surrounded by a barbed-wire fence with a trip wire about 4 yards inside it. Around the fence were sentry boxes manned by Italian soldiers every 10 or 12 yards, though at a later date the number of these sentry boxes was considerably reduced.

3. For some time no rules or regulations for the conduct of prisoners were issued. There were, for instance, no rules about the limits within which we could walk in the compound or when we had to go to bed or the time of lights out. At our previous camp, lights out had been at 9.30.

4. It was very cold for the time of year when we arrived, there being snow on the surrounding mountains. We had only very poor Italian clothing which gave little or no protection against the cold. We had not yet received any Red Cross clothing.

5. On the 30th October in the evening, some time about 8.15 p.m, I remember Lance Corporal William Bickerstaff, who was in my hut, going out of the hut with Corporal McDermott for a walk to get warm. They went out and a little time afterwards I heard a shot. I went to the hut to which Bickerstaff had gone and I saw him with his face covered with blood, having been shot through the bridge of the nose. He was taken away to hospital. Later on he told me that four pieces of bullet had been taken from his nose and we claimed that the bullet must have been a dum-dum. The Italians would not admit this.

6. The camp commandant, Colonello Calcaterra, later cited this incident as the first case of attempted escape, but I am quite certain that neither Bickerstaff nor McDermott had any intention of escaping, particularly as we had not been in the camp long enough for anyone to plan an escape. No one was sufficiently well clothed to escape into the mountains, nor had anyone money or food for the purpose. Moreover, the place where Bickerstaff was when shot was right opposite the commandant's offices.

7. I do not know the name of the soldier who shot Bickerstaff but we heard, though I cannot remember from what source, that he had been given 50 lire and 10 days leave in Sicily, whence he came.

SWORN at Eastbourne in the County)
of Sussex this 20th day of July) J. LACKEY
1945. Before me,)
W.G. PERKINS,
A Commissioner for Oaths.

IN THE MATTER OF :-

The Wounding of Lance-Corporal William Bickerstaff at Camp No. 137 at Udine/Gruppignano on 30th October 1941.

A F F I D A V I T

- of -

No. EX 8619 DRIVER JOHN JAMES LACKIE

THE TREASURY SOLICITOR.

(*For the Use of the Secretariat*)

1810

Registered Number.	Date of receipt in Secretariat.
157/UK/IC/14	10th July 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B 14 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1. Col. Calcaterra, Commandant of Camp No. 57, Gruppignamo, Italy. 2. Captain Morticelli, an officer on the camp staff. 3. Tenente Ronco, also an officer on the camp staff. 4. Carabineri who shot Private Arthur Wright.
Date and place of commission of alleged crime.	December 1941 and thereafter Camp No. 57, Gruppignamo, Italy.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. xxix. Ill-treatment of prisoners of war No. 1. Murder. Breach of Articles 2,50 and 54 of Geneva Convention 1929 relating to the treatment of prisoners of war. Assault, murder and neglect of duty towards prisoners of war in the control of the accused and therefore helpless persons.

SHORT STATEMENT OF FACTS.

At this camp men were put in irons for protesting against what in the circumstances was an unreasonable order and were subjected to 90 days imprisonment. Similar treatment, with fifteen days imprisonment, was meted out to one man in every five on parade for an alleged insult to the Commandant. There was in fact no insult but merely a misunderstanding by the Commandant, to the explanation of which the Commandant refused to listen.

Recaptured prisoners were brutally treated.

Prisoners were handcuffed to posts out in the snow as punishment for smiling on parade or being improperly dressed.

There was shooting at prisoners and in at least one case a prisoner was murdered.

TRANSMITTED BY The Solicitor to the Treasury

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Gp.685
(26924) Wt.P.1817/P.1139 5,000 3/44 " " "

PARTICULARS OF ALLEGED CRIME **1811**

Particulars are provided by:

(a) A statement by N.X. 889 Corporal C.F. Day, of A.A.S.C., 18th Brigade which was sent by the Government of the Commonwealth of Australia to the Foreign Office, through the medium of the High Commissioner for Australia and the War Office, together with copy of covering letter from the War Office requesting action through the protecting Power is attached; and

(b) Four Affidavits, including an affidavit by the above-named Corporal Day, which were subsequently sent to the War Office for purposes of prosecution.

Copies of these affidavits are attached. They give a considerable amount of detail in support of the charges. For convenience they are briefly analysed as follows :-

1. On 6th November 1941, the order was given that the hair of about 500 prisoners of war who had recently arrived from the hot climate of North Africa should be closely clipped. Conditions in the camp were winter conditions of Italy. The men objected that they were not acclimatised. Those who objected were handcuffed, tied together in pairs and imprisoned for ninety days in conditions of great barbarity. The camp leader, C.S.M. Cotman, who had made a protest was forcibly clipped before the whole parade while the Commandant who is the first accused, and his officers looked on and laughed derisively.

2. When the camp leader was led away the men shouted 'Good luck to you Cotty'. The Commandant thereupon said he had been called the Italian word for a dog and would hear no explanation. He ordered that every fifth man be handcuffed (30 in all) and sent to the cells where they were detained for fifteen days.

3. On one occasion, just after the 5 p.m. parade a Cypriot was handcuffed with his arms round a post for round about five hours. Men were handcuffed to posts out in the snow as punishment for "smiling on parade" or "being improperly dressed".

4. It is said that there were many bad cases of shooting and that Pte. Arthur Wright died of wounds.

5. Nineteen prisoners of war escaped and were recaptured. They were marched to the Gaol in irons and although the weather was cold they were stripped and hand-cuffed to a peg in the wall head-high, assaulted, and given no food for two days.

COPY.

Secret.

129. Australian General Hospital
N.T.

17th October, 1943.

STATEMENT BY SX.9123 MAJOR R.T.BINNS.

I arrived at Camp No. 57 Gruppignano on Dec 1st 1941, and was posted there as Medical Officer, and I remained at this camp until April 6th 1943. On arrival I found that the camp leader S/Maj. Arthur Cotman (A.I.F.) and about 20 men, mostly Australians, were in the camp prison, which at this time was a closely guarded hut surrounded by barbed-wire with a very small space between the wire and the hut. The S/Maj. and men remained in this prison for three months and were then removed to another camp.

I was informed by men in this camp that the S/Maj. and men had protested to having their hair clipped short during the cold winter weather. At this time the daily temperature was well below zero and snow lay on the ground.

I visited the prison and S/Maj. Cotman informed me that he had been threatened with a court martial on the charge of mutiny, and that he was endeavouring to get a solicitor to take up his case.

The prison was inadequately lighted and the men were compelled to keep the shutters of the windows closed during day and night.

The court martial charge was not proceeded with and he was transferred to another camp. S/Maj. returned again to the camp in March 1943 where he was immediately victimised by the Commandant again and threatened with prison.

Whilst I was at this camp Col. Calcaterra's methods of maintaining discipline were unjust to the P.W. and often cruel.
A large strong prison was built in the camp with small barred wndows and cells. Men were thrown into this prison for the most trivial reasons, and always without opportunity of defending themselves on any charge. Often men would be sent in without knowing why.

The periods of imprisonment were very often the maximum 30 days for very minor offences. A book of charges was kept with the alleged offence and the punishment, which I inspected, and I discovered that entries were made in the book many days after the men had been sent to prison. Daily a carabiniere or an Italian soldier would patrol the inside of the camp and pick out men indiscriminately, and send them into the prison without any obvious or adequate reason.

These men were not paraded before an Officer and were not given any opportunity to say anything in their defence.
Usually during the first days of imprisonment they were handcuffed, and were on reduced rations. Men were sometimes sent into prison who were not in a fit physical condition, but the British Medical Officers were not permitted to visit them whilst in the prison, or to give any medical attention to those in the prison.

One Australian who had a wound in the upper part of his arm was handcuffed and made to sleep in the cells without a palliase. An objection on medical grounds was made to Col. Calcaterra by me in writing and verbally, and he informed me that it was not my business to interfere in such matters.

Secret.

1813

129 Australian General Hospital
N.T.

17th October, 43.

STATEMENT BY SX9123 MAJOR R.T. BINNS (Contd)

Lt. R.B. Jones an Australian officer captured in Yugoslavia was brought to the camp and put into the prison in solitary confinement in a cell. He was kept in this condition for over a month in spite of protests in writing and verbally to the Commandant by me. I was informed that he was not an Australian officer and that I would be imprisoned if I did not mind my own business. During 1942 men formed an orchestra, bought instruments, obtained some from the Red Cross and some from their homes. As a reprisal for escapes the Commandant confiscated the instruments and forbad concerts, or meetings of any kind other than official church parades. Also the recreation huts were transformed into sleeping quarters. This confiscation of instruments was a great hardship to the men. They were returned 2 or 3 months later.

When I entered Col. Calcaterra's office I was struck by an inscription in large letters over the door - "Gli inglesi sono maledetti ma piu maledetti sono gli italiani che li trattano bene" - the English are cursed but more cursed are those Italians that treat them well. (An extract from one of Mussolini's speeches) The Commandant's treatment of P.O.W. was evidently guided by these sentiments.

During the first nine months I was confined to the officers' compound and not permitted to visit the men's compounds. Each morning I was escorted by an Italian officer and guards to the infirmary to conduct the sick parade, and after the parade escorted back to the officers' compound. My protests against this treatment were without avail until September 1942 when permission was granted to medical officers to visit the rest of the camp freely.

(Sgd) RAYMOND T. BINNS. Major

Subscribed and sworn before me at Darwin this 18th day of October 1943

Signed by A Justice of the Peace in and for the Northern Territory of Australia.

SX.1036 S/Sgt. Raymond Lindsay JONES of 2/8 Fd. ambulance being duly sworn states :

I have recently been repatriated to Australia from Italy, where I was a Prisoner of War at Camp 57 Gruppignano. The Camp Commdt was Col Calcaterra at this Prisoner of War Camp. The Camp was divided into four compounds approx. 1000 men to each compound In all there were 4300 prisoners in the Camp. I was in No 2 Compound.

I was a witness to the following incident which occurred in No. 1. Compound. The men there were ordered to have their hair cut or removed but on account of the extreme cold weather prevailing at that time the men resented having this done. Col Calcaterra thereupon ordered the arrest of Sgt. Maj. Cotman who was the camp leader of that compound. Sgt. Maj. Cotman was handcuffed and his hair was clipped as close as a clipper could take it off. Other men were then handcuffed and similarly treated. Eventually the whole compound had their hair removed in this way.

In our compound we had about 20 Indian Sikhs who were also prisoners. These men would rather die than have their hair removed, their long hair and beards being sacred to them. In order to prevent the definite trouble that would follow if the Sikhs' hair was touched, we requested that if the Sikhs were left alone, the Italians could cut our hair which they did.

There were two parades called each day and every man had to go on parade, regardless of sickness or any reasons whatsoever, unless he had a doctor's permit. During the winter months when the temperature fell as low as 15 degrees below zero at times, this meant haveing our only pair of boots wet and continually frozen feet. If it rained as it did often do, it meant wet clothing. We had no change of clothing.

On one occasion in the winter months I remember that a man in our Compound - a Cyprian - was handcuffed with his arms around a post for four hours out in the snow - that would be just after the 5 p.m. parade. At 8 p.m. food was taken to him and being in a desperate condition he kicked it out of his friend's hands. This was noticed by the Italians and they ordered him to be left there for another two hours, and this was carried out.

(Sgd.) R.J.JONES S/Sgt.

TAKEN BEFORE ME AT KESWICK THIS 22nd day of Sept. 43.

Sgd..... Maj.
CLO. S A L of C Area.

Copy.

STATUTORY DECLARATION.

1815

I NX8889, Cpl. Claude Frederick DAY of A.A.S.C., 18 Brigade, do solemnly and sincerely declare :-

Previous to being a prisoner of war, I have never been crimed. During the course of my detention in Italy I received disciplinary punishment on three occasions. The circumstances were as follows :-

6th November, 1941.

Col. Calcaterra ordered that about 500 P.W., mostly Australians, on the No. 1 Compound in Camp No. 57, should have their hair clipped short, presumably for reasons of hygiene. As, however, we had been transferred from North Africa and were not yet acclimatised to Italian winter conditions, we made representations against our hair being clipped short. These protests were dismissed, and Col. Calcaterra insisted that his order be carried out.

At that time the Camp Leader, Sgt. Maj. Cotman, PX. (Australian P.W.), was absent from the Camp collecting Red Cross parcels at the railroad, and accordingly we were unable to protest throughhim.

When each man, on being ordered to submit to this hair clipping, refused to permit it to be done, he was handcuffed and moved out of the ranks to a squad. When about 22 men had been so handcuffed, S/Maj. Cotman arrived and he upheld our protests. He was thereupon handcuffed and forced to sit on a stool where his hair was clipped off in front of the entire party. Col. Calcaterra and his officers watched this procedure laughing.

S/Maj. Cotman was then taken to a hut which temporarily served the purpose of a cell. While he was being taken away under guard, some of the men, including myself, called out "Good luck to you Cotty." Col. Calcaterra claimed that we had called out "Cane" meaning dog, in Italian , and rushed back, ordering out a guard, and demanding, through an interpreter, the name of the P.W. who had called him a dog. One of our men stepped out of the ranks and endeavoured to explain what had been said. Col. Calcaterra refused to accept this explanation and ordered that every fifth man (30 in all) be handcuffed and marched to the cells. This handcuffing was done in pairs after we have been taken to the improvised cells, I was handcuffed to Cpl. Mackintosh (x.).

A rope was then passed between the handcuffs, and the entire 52 men (22 who had resisted hair-clipping, and 30 who had been arrested for having allegedly called Col . Calcaterra a dog) were roped together and required to stand from 12 noon until 9 p.m. We were then taken off the line, but had to sleep alongside one another, handcuffed in pairs. At about 9 a.m. the following morning, the handcuffs were temporarily removed, but for the following 9 days we were handcuffed in pairs for 3 hours each morning and 3 hours each afternoon. For the next 5 days we remained in cells without handcuffs and were accorded ordinary cell treatment. S/Maj. Cotman during this period was in solitary confinement. During these 15 days we were not allowed any exercise outside of the cell.

(Sgd.) C. Day
J. Clegg

On the fifteenth day, the 30 men (see above) were released on account, it was stated, of that being the Queen's Birthday. I noted that on the 22nd November in the following year there were no celebrations, nor could I ascertain that the 22nd November was really the Queen's Birthday. It is believed that we were released following the inspection of a visiting General who realised that we had not been treated correctly.

The 22 men who had been arrested for refusing to submit to hair clipping remained in the cells for a period of more than 90 days, but for some portion (perhaps the greater portion) of that time they were allowed walks outside the cell.

8th November, 1942.

I was hanging out my washing on a line outside the hut while a search was being made, for which I received 8 days confinement in cells. The conditions of our confinement were severe in that the cell wasextremely overcrowded.

I do not know what regulation, if any, I had offended.

13th February, 1943.

I have been repatriated on account of eye trouble, and during my detention it was necessary and customary for me to wash my eyes frequently.

On this day I was absent from the hut for the purpose of attending to the washing of my eye, and was sentenced to 8 days confinement in cells.

I do not know what regulation, if any, I had broken.

The officials in this camp had a habit of punishing us for all manner of trivial or imaginary faults; the aforementioned 2 experiences are fair examples.

So far as I am aware, no other members of the party of 29 persons included in this shipment received any disciplinary punishment during the course of their detention.

The officer responsible for my being crimed on 8th Nov 42 and 13 Feb 43 was Lieut. Ronco.

And I make this solemn declaration by virtue of the Statutory Declarations Act 1911 conscientiously believing the statements contained therein to be true in every particular.

Sgd. C. DAY.

Declared at Victoria Barracks, Sydney, on the twenty third day of September, 1943.

Before me,

Sgd. J. CLAGG. J.P.

Copy.

SX.7565 Pte. Brian CARTER of 2/8 Fd Ambulance DO SOLEMNLY AND SINCERELY DECLARE :

I have recently been repatriated to Australia from Italy where I was a prisoner of war at Camp 57 Gruppignano. The Camp Commandant was Colonel Calcaterra at this Prisoner of War Camp. In the first week of November 1941 Col. Calcaterra ordered our hair to be cut on our arrival. This order applied to about 700 prisoners of war - all Australians except for a few Hindus, probably about 20. The order was made to us on Parade through the Compound Officer. He said "The hair of everybody here must be completely clipped off to the scalp" or words to that effect. This was an unreasonable request because the winter had started and was already bitterly cold. I was in No. 2 Compound. No.1 Compound had to give their reply first. The Sergeant Major - W.O. Cottman - was absent at the time and his assistant spoke on behalf of the men saying - in effect - "As a formal protest against this treatment we refuse to have our hair cut in the manner named". This reply was taken out of the compound to the Camp Commandant who, with a bodyguard of about 20 Carabinieri some of whom carried Breda guns, faced our parade and repeated his order thus "I order you once again to have your hair cut close to the scalp." Once again a reply was given as a formal protest against this treatment. I am not sure but I think the reply was given by a Warrant Officer who was 2 I/C of the compound. He said "We refuse in view of the nature of the weather". At this juncture Sgt.Major Cottman returned. This Warrant Officer spoke Italian fairly fluently and when he, as senior British Officer present was ordered to give the instruction he tried to reasons with the Camp Commandant. Col. Calcaterra refused to allow him to continue with his request, and the guards under his instructions handcuffed the Sgt. Major and ordered the Italian Barber to cut his hair, before all prisoners of war present. This was done. The utmost indignity was imposed during this procedure. The Colonel and his Officers laughed loudly as the Sgt. Major's hair was roughly removed in such a way that it was obvious that some pain was being caused. I witnessed all this procedure in company with the rest of my compound from the barbed wire fence which divided No. 1 from No. 2 Compound. Sgt. Major Cottman was dragged off to gaol. Some of the prisoners standing by called out to him as he was being removed "Good Luck". This was misunderstood by Col. Calcaterra and he demanded the name of the prisoner who had called out. His remarks were translated by those who understood Italian. One prisoner of war from No. 1 Squad advanced towards him and said "If you please, sir, you are quite mistaken. We merely called out "Good luck' to our comrade." of words to that effect. Col. Calcaterra refused to listen by his remarks it was understood by all that he misunderstood the remark made for "Cane, cane" which means "Dog". Refusing to discuss the matter he ordered that every fifth man should be placed in irons. This was done by the Carabinieri and the handcuffed men were then roped together and marched off to gaol. About 30 men were treated in this manner. In addition to these 30 men about 60 in another squad were also imprisonned. Each man was asked, through the interpreter, "Do you agree to have your hair cut short". As a matter of principle every one refused was dragged to the front of the parade where his hair was cut and he himself was dragged to the gaol.

(Sgd.) BRIAN CARTER.

These prisoners afterwards informed us that they were made to stand from 12 hours until 21 hours. They told us that they were then handcuffed for the night and they told me that they had to sleep and even go to the lavatory so handcuffed. Every one had the same story. After 15 days the men were released.

On another occasion I saw a P.O.W. placed in irons and fastened to a post in the middle of the compound until late at night, and this during the coldest part of the winter weather. Our compound Sgt. Major - Sgt. Major Alan BREGROFT, W.O.II, protested to our Compound Officer. He told me that he had said "Do you consider this a fair treatment to give to Prisoners of War who are helpless and in your power ?" or words to that effect. He also said that the officer replied "According to the Convention you are to receive the same treatment as our own soldiers and handcuffing is a regular thing in the Italian Army for some offences."

Camp 57 is a Carabinieri Camp which was used for disciplinary measures before the war. The Supreme Command of the camp - Col., Lt-Col., Major, and Carabinieri are regular Carabinieri Policemen. Compound Captains and Ordinary Guards are from the Army. There is a sharp division between Army and Carabinieri sympathies. It seemed to be part of the official practice to play one off against the other. Every encouragement was given to the Carabinieri by the Commandant. We were told by an interpreter, whose sympathies were with the Army, that bullying propensities were always encouraged by the command. One morning much feeling was caused amongst us when we heard that Private Arthur Wright, a New Zealand Private, was dying as a result of bullet wounds. My friend, who had helped him prepare his plans to escape was an eye witness and said to me "The Carabinieri deliberately stood over Arthur and shot him whilst he was lying on the ground". My friend's name was James Dejoux. We were told by the Interpreter, and I know it to be true that the Carabinieri had received 500 lira, and a month's holiday for doing this. This acted as a great incentive for other guards who tried to earn a similar reward and bullets passed very freely across the compound. Several very bad cases of shooting were witnessed - some by me - and were allowed to pass until the Red Cross Policeman intervened on our behalf. At a later date 19 men escaped in parties of two or three. These were eventually caught and I saw every one march through the camp in irons on his way to gaol. Once again the weather was cold but when they were released they told me that they had been stripped, & handcuffed to a peg in the wall head high, For two days I was told, they had nothing to eat but a Carabinieri passed before their window and remained in their view whilst he ate a loaf of bread. After they were pegged to the wall, and while their feet were bare, two carabinieri were encouraged by Captain Morticelli to illtreat them. They told me he said "You know, what to do, Carabinieri. I will leave them to you." With that he marched away and the two Carabinieri bashed the prisoners about the face and ground their heels into their bare feet. 30 days later, when released, I saw some of them still limping very badly and still bearing scars about the face.

Sgd. Bryan Carter.

SX7566 Pte. Bryan Carter (Cont.)

1819

Some idea of Col. Colcaterra's character may be gained by the fact that over his office door was inscribed in large letters which I saw, the following phrase, which was translated to me by Maj. Binns and which means "The English are accursed, but more accursed are the Italians who treat them well."

AND I MAKE THIS SOLEMN DECLARATION by virtue of the STATUTORY DECLARATIONS ACT 1911 CONSCIENTIOUSLY BELIEVING the same to be true and correct in every particular.

DECLARED this 27th day)
of September, 1943)

Before me :

Sgd. BRYAN CARTER

Sgd. VX134892 Major Frederick Derham Green
CLO, 3 Aust D. of C Area.

COPY

MOST SECRET.

M.I.9(b)/50/28/12.

P.W.2.a.

1820

The enclosed, received from G.H.Q., M.E. dated 26 May 1943 is copy of questionnaire and answers and copy of interrogation of P/W recently repatriated from P/W Camps in Italy, as stated.

M.I.9(b)
28 June 1943.

(Sgd) ??
Captain, G.S.

QUESTIONNAIRE "E" (Extracts)

4. Do you know of anybody being handcuffed ? For what reasons, period of time, dated and place and any other details.
(This is a most important question)

ANSWERS TO QUESTIONNAIRE "E" (Extracts)

4. Yes. Many of the prisoners at UDINE (No.57) are handcuffed and it is a regular institution there. Reasons at times were very obscure, quite often, probably a hangover after a night in the Officers Mess. At one time over 100 men were in irons in one hut over the 'hair cutting episode'. I understand this is not general over Italy and that we have Colonel CALCATERA to blame.

INTERROGATION OF REPATRIATED P/W.

L/Cpl. WILLIAMS, R.G. 6th N.Z. Fd. AMB.

a. Alleged (presumably by Italians) to be the best camp in Italy. Slightest infringement of regulations punished by 30 days imprisonment of which 10 days in irons. Men were frequently handcuffed to poles for a whole day at a time.

b. Further mention of abortive escape at empt in October 42 (see earlier reports)

c. Guard consisted of CARABINIERI and ALPINI, the latter being mostly category men and very slovenly. Parcles however were rigorously searched, tins being punctured and examined. Books and shoes were frequently cut up.

d. There is an aerodrome in the direction of the coast, approximately 5 miles from the camp. Mostly fighter planes. Source surmises training.

Sgt. DAY, K.H. 2/8th Fd. Amb. A.I.F.

a. GRUPPIGNANO 57. Source states that conditions are extremely bad in this Camp and describes Col. CALCATERE (O. i/c Camp) as extremely brutal. In Jan 42 P.W. were handcuffed to posts out in the snow as punishment for "smiling on parade" or "being improperly dressed".

Pte. SANDERSON, R.E. 2/24 Bn. A.I.F.

GRUPPIGNANO CAMP:- O.C. Camp Col. CALCATERE, (a brutal and unpleasant man)
Guards friendly.
Carabinieri hostile.

Sgt. LUCAS, H.W. 5 N.Z. Fd. Amb.

Camp 57. Source gives the name of Tenente RONCO as being particularly brutal.

Extract/

Extract from report from repatriated P/W received from South African Air Force H.Q.

Among the prisoners of war recently repatriated was:-

103192 Lieut. K.K. MITCHELL.

In July, while still at the Derna hospital, Australian soldiers had showed me cuts and bruises which Hun guards had inflicted on them as a result of sabotage, of petrol and beding the bomb vanes when they were to load bombs on the aerodromes.

Distribution by P.W.2.a.:- Foreign Office (R.Allen Esq.) ✓
High Commissioners:-
Australia
New Zealand.

PARTICULARS OF EVIDENCE IN SUPPORT

1. As already noted, copies of four sworn statements which have been drawn upon for the particulars of the alleged crimes are attached. These have been made by:

S.X. 9123 Major R.T. Binns (R.A.A.M.C.)
S.X. 1136 Sergeant R.L. Jones (R.A.A.M.C.)
N.X. Corporal Claud Fred. Day (A.A.S.C.)
S.X. Pte. Brian Carter.

2. Copy of extracts from Questionnaire 'E' by G.H.Q., M.E., dated 26th May 1943 (M.I.9 (b)/50/28/12) supply items of information. The first item is supplied by Corporal C.F.Day whose affidavit is on record.

Other items are supplied by :

L/Cpl. Williams, R.G., 6th N.Z. Fd. Amb.
Sgt. Day, K.H. 2/8th Fd. Amb. A.I.F.
Pte. Sanderson, R.E., 2/24 Bn. A.I.F.
Sgt. Lucas, H.W., 5 N.Z. Fd. Amb.

Sergeant Day's statement is the basis of the second part of paragraph 3 of the particulars.

Sergeant Lucas' statement is the justification for the inclusion of Tenente Rocco amongst the accused. This statement may be considered a somewhat slender foundation for a charge but there are other indications of the general brutality of the staff, which would include him, and further evidence is expected to be available.

3. Copies of attached official correspondence indicates the serious view taken of these matters by the War Office and the Australian authorities.

4. All available evidence so far is of Australians or men of the New Zealand forces. It may be necessary to go to trial on affidavit evidence only, though it is hoped that there will be prisoners of war released at the end of hostilities or who will escape or be released sooner who will be able to testify also to these events.

NOTES ON THE CASE **1823**

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

According to a Statement by Major Binns in his affidavit, there was an inscription in large letters over the door of Colonel Calcaterra's office, which was as follows :-

'Gli inglesi sono maledetti ma piu maledetti sono gli italiani che li trattano bene'

Major Binns translates this as - 'The English are cursed but more cursed are the Italians who treat them well.'

Major Binns says this is an extract from one of Mussolini's speeches. There is nothing to show whether this was adopted by the first accused for his guidance and that of his staff or whether it was common to all Italians camps. The suggestion is that it was Colonel Calcaterra's choice of a maxim by which to rule his actions.

This case is complete in essentials against the first accused even though no further information becomes available, but it seems to call for further investigation as regards the other three accused. As there is every expectation of further information becoming available and no reason to doubt reports received it is considered advisable to include them. The charges can be dropped against them if there should be insufficient evidence.

It seems doubtful whether any Imperial troops were in this camp. So far as is knownthere were Australian, New Zealand and Indian troops. Technically, therefore, this may not be a United Kingdom case. However in view of the communication from the Australian Government to the Foreign Office it seems clear that the United Kingdom National Office will be in order in putting the case forward at the present time. If desirable it can be transferred hereafter. There will be agreement that it is important that the case should be recorded.

218/UK/IC/15

1824

1. Camp Commandant, believed to be PAPA, Enrico, Colonel
2. PANDOLERI, Capt.
3. LATANZIA, 2nd Lieut.
4. 6-8 Guards

Submitted Decision of Committee I

23. 8. 44	1-3. B1 } B 4. C }
5. XII. 44	1, 2 + 3 A 8

218/UK/IC/15

(*For the Use of the Secretariat*)

1825

Registered Number.	Date of receipt in Secretariat.
218/UK/It/15	16 AUG 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B 15 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1. Camp Commandant (name and rank unknown) of Camp No. 70 P.M. 3300 at Fermo Ancona, Italy, on 30/31st December 1942 and 1st January 1943, believed to be Colonel Enrico Papa. 2. Captain Pandoleri (spelling uncertain) subordinate officer at said camp on said dates 3. 2nd Lieutenant Latanzia subordinate officer at said camp on said dates 4. 6-8 Guards (names and rank unknown)on duty 30th December 1942 at said Camp, and present in guard room when second accused and third accused interviewed Lieut. Col. Condon, I.M.S.
Date and place of commission of alleged crime.	(a) The dates as regards the charges against the first accused are the 30th and 31st December 1942 and 1st January 1943. (b) The date as regards the second, third and fourth accused is the 30th December 1942 (c) Fermo Ancona Italy.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. xxix. Ill-treatment of prisoners of war by all accused. Breach of Articles 2 and 9 of the Geneva Convention 1929 relating to the treatment of prisoners of war by all accused. Breach of Articles 42 and 61 of the said Convention by first accused (Continued on page 3.)

SHORT STATEMENT OF FACTS.

On the night of the 30th December 1942 at about 22.30 hours, unwarrantable seizing and manacling of Lt. Col. G.F. Condon, I.M.S. by 6-8 guards at Camp 70 P.M. 330, Fermo Ancona, Italy.

When taken to the guard room Lt. Col. Condon was violently assaulted by second, third and fourth accused

The first accused became aware of Lt. Col. Condon's condition early on the morning of 31st December 1942, avoided an interview that day and sentenced Lt. Col. Condon to 17 days arrest without a hearing. Details appear in a written statement by Lt. Col. Condon copy of which is attached hereto.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Cp.685
(26924) Wt.P.1817/P.1139 5,000 3/44 " "

PARTICULARS OF ALLEGED CRIME

1826

(A.) First Accused - the Camp Commandant at the said Camp.

(1) No. xxix War Crimes List, viz. Ill-treatment of prisoners.

The Commandant, knowing the condition of, and assaults upon, Lt. Col. Condon avoided any interview and sentenced him to 17 days arrest without any hearing.

(2) Article 2 of the Geneva Convention 1929 requires humane treatment and protection of prisoners of war.

Article 9 of Geneva Convention requires that a prisoner of war shall not "be confined or imprisoned except as a measure indispensable for safety or health and only so long as circumstances exist which necessitate such a measure".

Article 42 of the said Geneva Convention 1929 gives a prisoner the right to bring to notice of those in control the conditions of captivity to which he is subjected.

Article 61 of the said Geneva Convention requires that at a judicial proceeding concerning the conduct of a prisoner, the latter shall have an opportunity to be present or defend himself.

(2) Under English Law. False Imprisonment.

(B.) Second Accused - Captain Pandoleri.

(1) No. xxix War Crimes List, namely ill-treatment of prisoners.

Keeping Lt. Col. Condon in a manacled condition, without due cause and violently assaulting him in that condition and encouraging others to do the same.

(2) Breach of Articles 2 and 9 of the Geneva Convention 1929 requiring humane treatment and protection of prisoners, and no confinement unless circumstances justify the same.

(3) Offences in English law

(a) Wounding with intent to do grievous bodily harm.
(b) Unlawful wounding.
(c) Assault.

(C.) Third accused - 2nd Lieutenant Latanzia.

(1) No. xxix War Crimes List; ill-treatment of prisoners.

Similar case as against second accused viz. - unwarrantable manacling and assault.

(2) Breach of Articles 2 and 9 of the Geneva Convention 1929 relating to treatment of prisoners of war.

Similar case as against second accused .

(2) Offences in English law

(a) Wounding with intent to do grievous bodily harm
(b) Unlawful wounding
(c) Assault.

(D.) Fourth Accused - 6-8 guards on duty on the night of 30th/31st December 1942 at Camp No. 70 P.M. 3300 at Fermo Ancona, Italy.

(1) No. xxix War Crimes List, namely ill-treatment of prisoners.

(Continued on page 3)

SECRET

0103/5023(P.W.2.a.)

Doc I a 4

INTERROGATION BY MIDDLE EAST OF EXCHANGED BRITISH PRISONERS OF WAR (April, 1943.)

1827

REPORT BY LT.COL. G.F. GORDON, I.M.S. on an incident which took place in Camp 70 P.N. 3300 FERMO ASCOLA, ITALY.

On the night of 30 Dec 42 I left at about 22.30 hours, the office of No.1 Compound where I had been talking with R.S.M. LLOYD, RASC and other warrant officer prisoners of war. It was later than I usually stayed but I decided to take my usual walk before retiring to my quarters. The area in which I walked lay between the office and the gate of No.1 Compound. The Italian sentry on the gate had never previously challenged me and I saw no reason why he should do so this night. However as I drew near the white line (forbidden to cross area) the sentry who was outside the wire shouted "HALT!". I immediately halted. He then called to the Carabinieri who patrolled the inside of the Camp at night. As they came rushing up the sentry spoke to them and they held my arms while one produced a chain and lock with which he tightly bound my wrists in front and fastened them with the lock. Knowing their "trigger itch" I had offered no resistance.

I was then taken through the wire to the guardroom where I was detained for about 10 minutes. I was then transferred to another room where there stood two Italian Officers, a Captain and a 2/Lieut. apparently awaiting me. As I was escorted into this room the Captain rushed at me and hit me violently in the face with his closed fist. It was quite unexpected and I received the full force of his blow on my left eye. This was the signal for a combined attack by the two officers and the six or eight men of the escort. I was kicked on the legs and pummelled, at least one man using the butt of his rifle.

After about 10 minutes they stopped and the Captain left. I asked the 2/Lieut. who spoke English brokenly what was the meaning of this uncalled for assault but he only told me to 'shut up' ('Stop' being his actual words) and gave me a couple of violent kicks on the shins. I demanded to see the Camp Commandant but each time I asked for him I was again kicked. He was wearing heavy boots and my shins were bleeding. I lost my temper during this time and called him an Italian bastard, this being the only provocation I offered at any time.

One of the Italian Medical Officers whom I knew fairly well happened to look in about 01,00 hours and he went and returned with the Camp Commandant.

There was no interpreter available so I gave the Commandant to understand that I would like to see him next day. The chains were then removed from my wrists and I walked out with the Commandant and the M.O. who escorted me through the wire.

I applied for an interview with the Commandant next day but was told that it being a feast day he was away.

On New Year's day I received a letter signed by the Commandant awarding me "seven days close and ten days open arrest for incorrect conduct."

I should like to point out that I was not asked to be present at the trial nor do I yet know what evidence was put forward against me to warrant this award.

The name of the Officer who started the assault is Capt. PAIDOLERI (I am not certain of the spelling) and the name of the other officer is 2/Lieut. LATANZIA. The former is well known in No.2 Compound for his anti-British feelings and for his unnecessarily harsh treatment of the prisoners in that compound.

The Camp Commandant while being sympathetic does little to ease the lot of the prisoners but I am of the opinion that had he known the true facts of this assault on me, he might have taken a different line.

I carried a black eye for about two weeks and I still have the scars of the kicks on the shins I received during the assault.

This is, as far as I know, the only case of a brutal and unprovoked attack on any prisoner in this camp.

26 APRIL 43.

(sgd) G.F. GORDON.
Lieut. Col. I.M.S.

Distribution by P.W.2(a):- F.O. (Mr. Allen)

PARTICULARS OF EVIDENCE IN SUPPORT

1828

(1) Lt. Col. Condon.

He, if available, should be able to support the whole story set out in his short statement of facts (see his"Report" Interrogation by Middle East of Exchange British Prisoners of war, April 1943, 0103/5023: P.W.2A).

(2) The Italian medical officer known to Lt. Col. Condon and possibly well disposed towards him might be available as a witness. His name is not given. Enquiries will be made from Lt. Col. Condon. Said medical officer was called into the guard room on December 31st at about 1 a.m. He could presumably give evidence as to the following:

(a) Lt. Col. Condon's condition.

(b) His assailants'condition:- namely, /on Lt. Col. Condon's evidence,/ untouched.

(c) It would be obvious to him that Lt. Col. Condon's wrists were locked and he was to that extent defenceless.

(d) Presumably he heard Lt. Col. Condon's request for an interview with the Commandant next day.

(e) He could, no doubt, identify the first, second, third and possibly some of the fourth accused.

(3) Lt. Col. Condon's fellow officers or men in his compound might be useful witnesses, for they must have seen him and noticed his condition as to his injuries on the 31st December 1942 and/or on 1st January 1943 prior to his being taken to "close arrest"

(Continued from page 1)

The acts alleged (a) against the second, third and fourth accused amount in English law to wounding with intent to do grievous bodily harm, or unlawful wounding, or assault; and (b) against first accused false imprisonment.

(Continued from page 2)

Taking part in chaining and locking Lt. Col. Condon's wrists at the time and place and under the circumstances when such a proceeding was unprovoked, unnecessary and improper.

Later, joined in assaulting Lt. Col. Condon.

(2) Breach of Articles 2 and 9 of the Geneva Convention 1929 relating to treatment of prisoners of war.

Similar case as against second and third accused.

NOTES ON THE CASE **1829**

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

A. Degree of responsibility.

B. Probable defence

C. As to whether the case is complete.

(1) As to the first accused, the Camp Commandant

From information received Colonel Enrico Papa was Commandant of Camp No. 70 in Military district No. 3300. But the place is given as Ronturano and not Fermo Ancona as appears from Lt. Col. Condon's report. However his name is not given but his identity should be ascertainable readily because he was the Commandant at the Camp where Lt. Col. Condon was interned on the material dates, 30th. December 1942 to 1st January 1943, at Camp No. 70 P.M. 3300 presumably at Fermo Ancona, Italy, as Lt. Col. Condon could hardly have been mistaken.

(a) Charge under No. xxix War Crimes List.

The facts are set out under "Particulars of Alleged crimes" hereinbefore set out - A (1). Whether or no these facts constitute "ill-treatment" under this article, there can be no question, it is submitted, as to the Camp Commandant's responsbility. He was in charge of the camp and the treatment meted out to prisoners was his immediate responsibility. The treatment of Lt. Col. Condon was brought to his notice and his reaction to it was callous to a degree; so far from doing his best to remedy gross ill-treatment, he took no steps to see that Lt.Col. Condon got any attention;on the contrary, he granted no interview, condemned him to severe imprisonment without a hearing.

As to what the accused's defence may be, it is conceivable that the following argument may be raised.

That the facts do not constitute "ill-treatment" by the Camp Commandant within the meaning of No. xxix: that "ill-treatment" connotes some physical injury.

It should be submitted that this is too narrow a view

(b) Charges under Article 2 of the Geneva Convention 1929 in respect of treatment of prisoners of war.

This article imposes "humane treatment" and "protection". So far from the Camp Commandant's conduct being humane, he condemned Lt. Col. Condon to close arrest without a hearing after having himself seen that Lt. Col. Condon was severely injured on the night of the 30/31st December 1942, when Lt. Col.Condon was manacled and his assailants were untouched.

The Camp Commandant should be directly responsible and, apart from a denial of the facts as set out by Lt. Col. Condon, there would not appear to be a defence.

(c) Charge under Article 9 of the Geneva Convention 1929 in respect of treatment of prisoners of war.

This article forbids "confinement....except as a measure

(Continued on page 4A)

indispensable for safety or health and only so long as circumstances exist which necessitate such a measure.

There can be no question as to the Camp Commandant's direct responsibility: he signed the order himself.

As to possible defences, the following might conceivably be raised :-

(i) that "close and open arrest" do not come within the term "confinement": but there can be little chance of such a defence succeeding.

(ii) that confinement is justifiable under the article if it is "a measure indispensable for safety etc." as quoted above. Evidence might be given that Lt. Col. Condon's conduct both prior to his first arrest by the guards and throughout the incident until released in the early morning of the 31st December 1942 was so violent and threatening as to render the punishment given necessary and justifiable.

If Lt. Col. Condon's statement requires corroboration on this point, the evidence of the unnamed Italian Medical Officer should be useful. As has been pointed out, there may be a difficulty in tracing him, and he may be hostile: but if Lieut. Col. Condon's version is true, the said Medical Officer should have seen him in a condition and under circumstances which would support Lt. Col. Condon's case - his obvious injuries: his defenceless condition so far as hands were concerned: the uninjured condition of 2nd Lt. Latanzia and some guards (Capt. Pandoleri had by this time left the guard room)

Subject to the addition of this evidence, this case should be complete.

(d) Charge under Articles 41 and 62 of the Geneva Convention

Under Sec. 41 the prisoner may be entitled to bring to the notice of the enemy his conditions of captivity.

Under Sec. 62 the prisoner has a right to be heard by himself or his representative.

The responsibility is direct. He saw Lt. Col. Condon's condition: and knew of the application to see him the following day.

On Lt. Col. Condon's facts, if accepted and uncontradicted the case should be clear.

The said Italian Medical Officer (if available and a favourable witness) and Lt. Col. Condon's fellow officers might assist.

(2) As to the second accused: - Captain Pandoleri

(a) Degree of responsibility.

The crimes charged against this Officer are:-

(i) Under No. xxix of the war Crimes List.

(ii) Breach of Articles 2 and 9 of the Geneva Convention 1929.

(iii) Offences in English Law; wounding or assault as set out above.

His responsibility in each case is direct: he took a part himself in the attacks which formed the basis of all the above charges and set an example which he permitted his subordinates to follow.

(b) As to a probable defence.

On the facts set out by Lt. Col. Condon, there does not appear to be a defence short of a denial of such facts or an allegation that Lt. Col. Condon was of a violent and threatening nature: that the manacling had been necessary; that his conduct was still so dangerous that he and 2nd Lt. Latanzia and some guards had to attack him as a means of over-powering him.

(c) As to whether the case is complete.

This case may resolve itself into a case of oath against oath - or rather oath of Lt. Col. Condon against the oaths of Capt. Pandoleri and 2nd Lt. Latanzia and perhaps some guards. It will therefore be of value if any evidence corroborating Lt. Col. Condon can be procured, such as :-

(i) that of the said Italian Medical Officer, if available.

(ii) any of Lt. Col. Condon's fellow officers or men who saw his injuries during the days following the attack.

(3) As to the third accused:- 2nd Lt. Latanzia.

(a) Resposibility.

This Officer should be directly responsible for the part he took personally in the attack on Lt. Col. Condon. As to any responsibility on his part for permitting or inciting the guards to take part, this does not appear to be so clear because Capt. Pandoleri, his superior Officer, was present: and it might be the responsibility for the guards' participation rested on Capt. Pandoleri alone. In any case, 2nd Lt. Latanzia took no steps to stop the combined attack. These comments apply only to the period prior to Capt. Pandoleri's departure. After that time this officer was in command and should be directly responsible for what took place thereafter.

(b) As to the probable defences.

This Officer, as in Capt. Pandoleri's case, may, deny Lt. Col. Condon's story as a whole and say that all that was done was for a good and sufficient reason as being a reasonable thing to do, having regard to Lt. Col. Condon's conduct and bearing. Secondly, he may plead that he acted under the order of Capt. Pandoleri his superior officer.

(c) As to whether the case is complete.

Again, it will be valuable if Lt. Col. Condon's evidence can be corroborated by the said Italian Medical Officer and/or any of Lt. Col. Condon's fellow officers or men who could speak as to his condition on December 31st or the following days of his treatment generally.

(4) As to the fourth accused:- Six or eight Guards.

(a) As to degree of responsibility.

There are obvious difficulties under this head. The rank of these guards in unknown and cannot be ascertained until they are identified: this may be a difficult matter now. If identified,

the next point to decide is who was responsible for giving the order to manacle Lt. Col. Condon and put him under arrest when, according to Lt. Col. Condon's version he was merely crossing the compound to go to his night quarters as usual. The sentry called to the guards - had he the authority to order what was done to Lt. Col. Condon. Who was the senior in rank among the guards who answered the sentry's call? The sentry is unidentified and is uncharged hereunder. If the senior guard could be identified, he might be made responsible for the manacling and confining of Lt. Col. Condon, but it would appear difficult to bring this part of the case home against the remainder of the guards who would be acting under orders.

The next point is the question of responsibility after Lt. Col. Condon had been conducted into the court room, and they become subject to the orders of Capt. Pandoleri as senior officer (so long as he remained in the room) and afterwards under those of 2nd Lt. Latanzia.

Although the guards were acting under the orders of those officers or followed their example, it is submitted that they should (if identified) be found guilty of the charges brought against them hereunder because orders or no orders, example or no example, they had no justification for attacking a manacled man in a body in the way they did.

(b) As to probable defences.

These are indicated in the last preceding paragraph hereof.

It may be that the guards will escape conviction as regards the incidents prior to the attack in which they joined with Capt. Pandoleri and 2nd Lt. Latanzia if it be proved that they, being summoned by the Sentry, and possibly being under his orders, they took what were reasonable precautions in manacling Lt. Col. Condon and taking him to the court room. But the attack in the court room should be distinguishable - the circumstances did not justify the nature of the attack.

(c) As to whether the case is complete.

The following facts must be ascertained.

(i) Identity and rank of the sentry and nature of his authority. Viz a viz, the guards who answered his call.

(ii) Identity in rank of the guardsmen.

(iii) The nature of the offence it is alleged that Lt.Col. Condon committed. Did he walk in or attempt to walk in the prescribed area? Did he break any rule of the camp? Attempt to cross wire ?

(iv) Did the camp keep any records such aswould show the identity of a sentry or guardsman on the particular night or week? It is possible that cross examination of the Camp Commandant or Captain Pandoleri or 2nd Lt. Latanzia might throw some light on these questions, but a more likely source of information might possibly be that of the said Italian Medical Officer, if available and willing.

As regards these cases as a whole, they should be proceeded upon, as soon as may be, against such accused as can be identified and secured. Lt. Col. Condon's evidence establishes a strong prima facie case.

MISSING

REGISTERED NOs.

16 TO 20

REGISTERED NOs.

21 TO 30

REGISTERED NOs.

21

TO

30

MISSING

REGISTERED NOs.

21 TO 30

REGISTERED NOs.

31 TO 40

REGISTERED NOs.

31 TO 40

MISSING

REGISTERED NOs.

31 TO 37

269/UK/It/38

1833

1. D'AMBROSIO, Col. G.

2. BERTONI, Col.

3. Sentry

Submitted	Decision of Committee I
6.9.44	1. B1 2. C 3. B1 } B
5.XII.44	1. A ~~2. A~~ } B

269/UK/It/38

IN THE MATTER OF :-
The shooting of a British Prisoner of War at Caserta Hospital in or about September, 1942.

AFFIDAVIT.

I, OLIVER IVE, M.R.C.S., L.R.C.P., of 9a Church Row, Hampstead, London, N.W.3. make oath and say as follows:-

1. In 1941 I was a Captain in the Royal Army Medical Corps, and on 8th April 1941 I was captured by German troops at Mechili in North Africa. I was handed over to the Italians, and after passing through various camps and transit camps in North Africa, I was brought by sea to Naples, arriving on 15th May 1941. After six months at an Officers Camp at Rezzanello, I was transferred to Caserta Hospital, arriving in November 1941, and there I worked as Medical Officer.

2. Some time early in September 1942, the actual date of which I do not remember, there occurred the shooting of an Indian prisoner of war. I do not remember his name.

3. The Indian came in one evening with a convoy of prisoners, and was put in a ward of which Major Richmond, R.A.M.C. was the British Medical Officer. I afterwards saw his case paper, and remember that it was marked "In stato confusione", showing that his mind was confused. He also suffered from dysentry.

4. The following morning I was going my rounds, under an Italian Medical Officer, a Tenente Ravieli. At about ten a.m. I heard a shot, which seemed to come from the ward parallel to mine, in which was the main door leading to the main staircase. The Tenente rushed shouting into this ward, and I followed, getting there in about 30 seconds from the shot. I found the Indian being carried in from the corridor outside the door, I think by Italians. The Italian sentry, who was posted at the door, was there, looking very scared, and being shouted at by Tenente Ravieli. The Nun in charge of the Ward was in tears, and everyone was thoroughly upset.

5. I did not examine the body of the Indian closely. There was no doubt that he was dead. I went off and reported the matter to Col. Sinclair, our Senior Medical Officer, and brought him and Col. Brennan back with me.

no action
bif

6. I heard from the prisoners who had seen what had happened that the Indian had wandered down the ward, coming from Major Richmond's ward, and had wandered through the main door. He may have been looking for a lavatory. The Sentry at the door had spoken to him, but he had taken no notice, and had put his foot over the first stair of the main staircase, just outside the Sister's room, then the Sentry shot him. Death must have been practically instantaneous, as he was dead when I saw him less than a minute later. The Sentry was an Italian Private soldier. Owing to the big intake of prisoners, there were not enough Carabinieri, who usually did guard duty, to go round, and privates of the Italian Army had had to be put on board. The Sentry, whose name I do not remember, was removed and we never saw him again.

7. A P/W. Board of Inquiry was held, on the orders of Col. Sinclair, of which I was a member. I do not remember the name of any eye-witness - it was not my ward so I did not know the men in it individually. The report was intended to be forwarded to the Protecting Power, and Col. Bertoni, who had been second in Command to Col. Ambrosio, but who I think was at this time in charge of the Hospital, informed us that it had been forwarded. A month or two later a representative of the Protecting Power visited the Hospital, and told us that the report had never reached Switzerland, and that he had had great difficulty in getting permission to visit Caserta at all.

SWORN by the said Oliver Ive at Market Hall)
Buildings Redhill in the County of Surrey) OLIVER IVE.
this 10th day of October 1945.)
Before me, W.HOOPER, A Commissioner for Oaths.

IN THE MATTER OF :

1835

The Shooting of a British prisoner of war at Caserta Hospital in or about September 1942

AFFIDAVIT

I, LESLIE FRANK RICHMOND, M.D., B.S. of "The Cedars" Kenton Road, Gosforth, Newcastle-upon-Tyne, make Oath and say as follows :-

1. In 1942 I was a Major in the Royal Army Medical Corps and was attached to the 72nd Field Regiment, R.A. 150th Brigade, 50th Division. I was captured, with a number of other officers and men, by the Germans at Gazala lines on 1st June 1942. I worked as a Medical Officer behind the German lines for two days and was then handed over to the Italians. I was taken to Tripoli, spending a few days or a night at various Camps, or stopping places. I was taken by sea to Italy, and sent to Caserta Hospital, which I believe had been the Italian main Base Hospital during the Abyssinian war.

2. I arrived at Caserta about 5th July 1942, officially as a patient, as I had been ill at Tripoli, but within two or three days I was acting as a Medical Officer as there was so much to be done. I remained until in January 1943 I went with Lt. Col. Brennan to open a new post at Nocera Inferiore, some 9 miles from Pompeii. Thence I was repatriated via Lisbon, arriving in England on April 23rd 1943. Lt. Col. Brennan and Major J.L. Martin accompanied me.

3. On a date which I cannot give definitely, but which I think was early in September, 1942, a convoy of Prisoners came in, I believe from North Africa. Amongst them was an Indian soldier whose name I do not know who arrived about 6 p.m. He was put in the Ward of which I was Medical Officer, under the Italian Medical Authorities and I examined him. He was suffering from dysentery or acute diarrhoea, and his mind was confused. I ordered treatment for him.

4. Next morning I went into the Ward on my round about 9.30 or 9.45 a.m. I asked the British Orderly how this man was and was told that the patient had had a good night and seemed better. I then continued my round with the Italian Medical Officer.

5. About ten o'clock I heard a shot. I was told, I cannot remember by whom, that the Indian had been shot by the sentry on duty at or outside the door of the main ward. My ward was one of two parallel wards, with archways between and another ward stretched from these wards similar to the foot of the letter L. At the far end of this ward there was a door leading to the main stairway at which the sentry was stationed. The wards were on the third storey of the building.

6. By the time I arrived from my ward the body of the Indian had been brought in and laid on a bed. The sentry, whose name I never heard, had been removed before I got there and another sentry posted. Lt. Col. Sinclair and I saw the body, but made no detailed post mortem examination. The wound was in the

chest, and we both thought it had penetrated the heart. I do not know if the bullet had entered in the front or back of the body. The Indian had no slippers on, and only the usual form of shirt or nightshirt issued to patients.

7. I was told that the Indian had wandered down the two wards of which mine was one, and then along the main ward and out of the door - probably in search of a latrine, as he was suffering from dysentery or acute diarrhoea. As I have stated his mind was confused when I had examined him the night before. To pass the door he must have passed the sentry, who could, if he wanted to, have prevented him leaving the ward without any recourse to force. I do not know if any challenge was given, and it is possible that the Indian, in his confused state, would not have understood any such challenge.

8. The shooting must have been witnessed by many of the men in the main ward. I do not remember any of their names, as it was not my ward. Captain Oliver Ive, R.A.M.C. was in that ward and I believe knows more about the incident.

9. The Italian doctor with whom I was at the time was very upset. He came from Sicily, and I found him helpful, subject to the shortage of medical supplies and equipment. I do not remember the name of the Commandant of the Hospital, but I do remember he was not a doctor.

10. As regards general conditions at Caserta, on the whole these were not bad. The medical staff were quite pleasant, though I formed the opinion that their standard in medicine was not very high. The building was an old one, and infested with fleas and bugs. There was always a shortage of dressings drugs and equipment. My chief complaint was that the patients were not allowed out of the wards at all, so that they never got any fresh air. Even the officers were only allowed to pass to the mens wards under guard. The hospital held Italian patients as well as prisoners of war.

SWORN by the said Leslie Frank Richmond at the City and County of Newcastle upon Tyne this 27th day of September 1945) L. F. RICHMOND.

Before me,
JNO. RICHMOND.
A Commissioner for Oaths.

Column Miscellaneous Notes **1837**

269/UK/It/38

No.3 Name of sentry could be obtained from Col. d'AMBROSIO

(*For the Use of the Secretariat*)

1838

Registered Number.	Date of receipt in Secretariat.
269/UK/IE/38	30 AUG 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B 38 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	(a) Col. G.D'Ambrosio: Senior Medical Officer at Caserta Hospital, Italy. (b) Col. Bertoni: 2nd Senior Officer at Caserta Hospital, Italy. (c) Sentry on duty at 11 a.m. September, 1942 in the main ward, third floor, of Caserta Hospital, Italy (at present this sentry is unidentified)
Date and place of commission of alleged crime.	September, 1942. Caserta Hospital, Italy.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. xxix War Crimes List. Geneva Convention 1929, with regard to treatment of prisoners, Section 2.

SHORT STATEMENT OF FACTS.

At Caserta Hospital, Italy, on a night in september, 1942, an Indian O.R. (name and rank at present unknown) was admitted to the Hospital and diagnosed as suffering from "Stato Confusionale" - deranged mind - and was placed in company with many other patients in the main ward, third floor, of the said Hospital. There was an Italian sentry on duty in that ward. This sentry had been warned by some of those patients that the said Indian O.R. was suffering from a deranged mind. On the morning following his admittance the said Indian O.R. when leaving the ward to go to a latrine was shot in the back at 5 yards range by said sentry. It is doubtful whether sentry gave any prior challenge. In any case shooting was unprovoked and unjustified.

TRANSMITTED BY The Solicitor for the Affairs

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Gp.685
(26924) Wt.P.1817/P.1130 5,000 3/44 " "

PARTICULARS OF ALLEGED CRIME **1839**

(1) As regards the said sentry

(A) Under War Crimes List xxix, ill-treatment of prisoners.

(B) Under Geneva Convention 1929, para. 2, which requires that prisoners should be humanely treated and protected.

(C) Under English Law (1) Murder, or (2) Manslaughter.

(2) Col. G. D'Ambrosio, Senior Medical Officer in control at Caserta Hospital.

(A) Under War Crimes List No. xxix, ill-treatment of prisoners.

(B) Under Geneva Convention 1929, Section 2.

(3) Col. Bertoni, 2nd in command at the said Hospital.

(A) Under War Crimes List No. xxix

(B) Geneva Convention 1939, Section 2.

(Continued from page 4)

respect of the said shooting, but it is submitted that both should be responsible for the conditions and orders which made such a crime possible.

(b) As to probable defences. It can probably be said that they were not responsible for this crime as precautions had been taken in order to maintain discipline in the said Hospital, but only such as were necessary and reasonable if the sentry exceeded his orders to show the lack of discretion, they should not be made responsible, and it might well be pointed out that the sentry was put under arrest, as apparently he was, because of his exceeding his orders.

(c) As to whether this case is complete: enquiry must be made from the witnesses suggested under the last preceding paragraph but it may be that the rules of evidence obtaining at the hearing may make the written statements of Lt. Col.Sinclair and Major Martin admissible, in which case there is a strong prima facie case to answer.

1840

UK - I/B 38

TO BE ATTACHED TO :-

1 A 7

EXTRACT from Written statement by Lt.Colonel M.R.Sinclair, I.M.S. (aided by G.S.I.(b) questionnaire).

SHOOTING OF PRISONERS.

Shortly after my arrival at Caserta Hospital, an I.O.R. was shot dead by a sentry at 5 yards range in a crowded third storey main ward of the hospital. It took place at about 11 a.m. and was witnessed by most of the patients in the ward. The Indian patient had been admitted to hospital the previous night diagnosed "in stato confusione". The next morning while wandering through the ward in search of a latrine he was challenged and shot dead by a sentry stationed inside the ward. I ordered a Court of Enquiry under Col.Brenton, R.A.M.C. and it appears that the sentry shot the patient despite the warning given to the sentry by other British patients that this particular man was "out of his senses". I had appealed to the Italian authorities on several occasions to remove armed sentries from INSIDE the wards, but my requests were refused. Following the shooting I sent a telegram to the Protective Power and was later informed by a visiting General that my telegram would eventually reach Geneva. I was informed that the sentry had been put under arrest. My telegram, I learnt later, never reached Geneva and the Protective Power informed me in Oct.- Nov.42 that it was with the greatest of difficulty that he could visit Caserta.

UK - I/B38

TO BE ATTACHED TO :-

~~1.A.7.~~

EXTRACT from NOTES ON CONDITIONS AT CASERTA HOSPITAL FROM NOV. 1941 till March 1943 by MAJOR J.L.MARTIN, R.A.S.C. dated 11th Sept.1943.

UNJUSTIFIED AND UNPROVOKED SHOOTING OF AN INDIAN PATIENT:

In Sept.1942, an Indian O.R. (name I have forgotten but can possibly be checked up after the war) was admitted to an upstairs ward of main block with the diagnosis "stato confusionale". He was dressed in shorts and shirt only and was ambling aimlessly, in search apparently for the latrine. He passed through the outer door leading to the main stairway and Sisters kitchen at which was stationed an armed Italian guard, who watched the Indian pass him, without in any way challenging nor trying to impede the Indian progress. When the Indian had passed to the top step the guard raised the rifle and shot the patient dead, in the back.

Lt.Col.Sinclair, I.M.S. ordered a P/W Board of Inquiry consisting of Lt.Col. Brennan, Major J.L. Martin and Capt.O.Ive, R.A.M.C. who were of the opinion that the shooting was "unprovoked and unjustified".

1842

TO BE ATTENDED TO :- Uk - I / B38.

~~I.A.7.~~

INTERROGATION BY MIDDLE EAST OF EXCHANGED BRITISH NAVAL PRISONERS OF WAR (March, 1943).

Interrogation of Lieutenant Commander FERRABY - R.N.

CAMPS IN ITALY.

I shared a room at VIANO (No.29 Camp) with Colonel M.R. SINCLAIR, I.M.S. who had seen a patient at CASERTA HOSPITAL shot by a sentry.

PARTICULARS OF EVIDENCE IN SUPPORT **1843**

The evidence at present existing with regard to the above charges consists of :-

(a) A written statement by Lt. Col. Sinclair, Chief Medical Officer among the prisoners and patients of the said Hospital. He reports the said shooting incident, but this would appear to be hearsay. He does not state that he witnessed it himself, but see Interrogation of Lt. Cdr. Ferraby R.N. (Middle East March 1943) 0103/5023/P.W.2.a/ who says he shared a room with Sinclair and that he told him that "he had seen a patient at Caserta Hospital shot by a sentry". (? may have been a different case). [Apart from this said shooting incident charges will be formulated against Col. D'Ambrosio and Col. Bertoni with regard to the treatment of the patients in this Hospital generally, based upon Lt. Col. Sinclair's report and other evidence which is available]

(b) Written statement by Major J.L. Martin, No. 53481, R.A.M.C. This officer is reported to be now repatriated. Again, this written statement appears to be hearsay.

(c) In addition to the said written reports evidence could no doubt be given by the members of the Court of Enquiry appointed by Lt. Col. Sinclair to investigate the incident, namely, Col. Brennan and Captain Ive, both of the R.A.M.C. These two officers sat on the Enquiry in addition to the said Major Martin. If they did not witness the said shooting themselves they could presumably give information as to what witnesses were called before the said Board who were witnesses of that incident. A large number of patients must have witnessed the incident because the ward was crowded and it was 11 o'clock in the morning. Such evidence will be secured,if possible.

(d) In any case the Italian Authorities must know all the facts. An incident of such a nature would be exceptional and Hospital records should have particulars.

Extracts from statements above referred to are attached.

NOTES ON THE CASE **1844**

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

1. As to the sentry

(a) Responsibility. So far as the actual shooting is concerned his responsibility is direct. On the face of it it would appear to be a deliberate, unprovoked and unnecessary act. He had been warned as to the state of mind of the prisoner. The prisoner was not doing anything unusual or dangerous. It is a question whether he challeneg him at all. In any case he did not attempt to impede him, he did not raise his rifle until the prisoner had passed him, and then shot him in the back at 5 yards range.

(b) Possible defence. It will no doubt be said that he was acting under strict orders. Possibly it might be said that he was ordered to shoot at sight anyone going beyond a certain line. Such a defence would raise the question of liability where a subordinate acts under the order of a superior. Such a defence should not succeed under the circumstances detailed above. With regard to the charge under English Law, Murder, it is submitted that the circumstances show clear intent to kill. A shot in the back at 5 yards could hardly result in anything else. If there should be any doubt as to his intent there should be no difficulty in proving manslaughter.

(c) As to whether the case is complete, it is of course essential to ascertain the name, rank and unit of the said sentry. Many patients must have seen him, the facts must have been elicited at the Board of Enquiry, but whether at this date he could betraced remains to be seen. Enquiry will be made from Lt. Col. Sinclair, Major Martin and other members of the Board of Enquiry, and any other medical officer or patient who was in that ward during September, 1942.

An important point to prove will be the fact that the sentry had been warned as to the mental condition of the Indian O.R. The above officers and men will be asked as to this.

There is a doubt as to whether or not the sentry challenged. Lt. Col. Sinclair says that he was. Major Martin says that he was not. It is believed that neither were actual witnesses and were merely reporting hearsay. This point must be cleared up from eye witnesses.

Enquiry will be made as to whether there is any written report or any notes taken by the Board of Enquiry instituted by Lt. Col. Sinclair.

Enquiry will be made from each of the members of the said Board of Enquiry as to what witnesses were called and as to whether they can recollect what the evidence was if there is no written record thereof.

Enquiry will also be made to discover whether any of the patients in the ward are available who can speak as to the actual shooting.

2. As to the Medical Officers in Control at Caserta Camp.

(a) Responsibility. There is no evidence as to the direct responsibility of either Col. D'Ambrosio or Col. Bertoni in

(Continued on page 2)

270/UK/It/39

1845

1. NICOLETTI, Colonel

2. Subordinate officer at Capua Camp

3. Sentry or Sentries

New charge: -

Submitted Decision of Committee I

6. 9. 44	1. B1 2. C 3. C B
5. XII. 44	1. A B
31 MAR 1946	Nicoletti withdrawn 1+2 of new charge on A B

CARDS CHECKED

270/UK/It/39

(*For the Use of the Secretariat*)

Registered Number.	Date of receipt in Secretariat.
270/UK/I/39	30/8/44 **1846**

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CASE No. UK - I/B 39 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	(1) Salvatore Paracuollo, Vice-Brigadiere of the Carabinieri (not in custody) (2) Giuseppe Basile, Civilian (in custody at 209 P.W. Camp, C.M.F.)
Date and place of commission of alleged crime.	April 1942 Volturare near Bracigliano, Province of Salerno Italy
Number and description of crime in war crimes list. References to relevant provisions of national law.	No.1. Murder No.xxix. Ill-treatment of British Prisoners of War. Breaches of Articles 2, 46 & 54 of the Geneva Conventions 1929 with regard to treatment of prisoners of war. Under English law. (1) Murder (2) Wounding with intent to do grievous bodily harm.

SHORT STATEMENT OF FACTS.

In April, 1942, murder by shooting of 3723 Corporal Robert Alfred Smith 4th Reserve M.T. Company 2nd New Zealand Expeditionary Force; and wounding of 22593 Private Verdun Owen Wilkins 2nd New Zealand Expeditionary Force at or near Volturare, near Bracigliano in the Province of Salerno, Italy.

TRANSMITTED BY TREASURY SOLICITOR.

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E.W.Ltd. Gp.685

PARTICULARS OF ALLEGED CRIME **1847**

In April 1942, three soldiers (probably escaped prisoners of war from Camp No. 66 at Capua, Italy) two of whom, certainly, and the third probably, being of the New Zealand Expeditionary Force were at large near Bracigliano, Province of Salerno Italy.

One Salvatore Paracuollo, Vice Brigadiere of Carabinieri at Bracigliano, being aware that the said New Zealanders were in the neighbourhood, armed several of the local Italian civilians and ordered them to search for them, and if found to kill them. Among the civilians so instructed was one Giuseppe Basile of Bracigliano. The said armed civilians came upon the said threww New Zealanders (who were in khaki uniform and without firearms) near the village of Volturare near Bracigliano and called on them to stop; which they did, offering no resistance, and holding up their hands by way of surrender. Notwithstanding this, the said Basile fired one, or it may be two, shots from his gun (probably a shot gun) at a distance of 15 to 20 meters. One of the said New Zealanders, namely 3723 Corporal Robert Alfred Smith 4th Reserve M.T. Company, 2nd New Zealand Expeditionary Force, was hit in the head, and a second, namely 22593 Private Verdun Owen Wilkins, 2nd New Zealand Expeditionary Force was wounded in the forehead, arm and hand. The incident was reported to the said Salvatore Paracuollo at the Carabinieri Station at Bracigliano, who ordered the said Smith to be brought to that Station; but on arrival there, he was dead. About a month later, the said Paracuollo paid the said Basile 60 lire for his assistance in the matter.

The Breaches of the Geneva Convention 1929 with regard to treatment of prisoners of war consisted of :-

Article 2 requires that prisoners of war should be humanely treated and protected.

Article 46 forbids all forms of corporal punishment and cruelty.

Article 54 restricts disciplinary punishment to imprisonment with a maximum limit of 30 days.

209 POW Camp
C.M.F.

17 December 1945.

Statement of:-

BASILE Giuseppe son of Antonio,
Via San Francesco, Bracigliano,
Prov. Salerno.

I have been cautioned that I am not obliged to say anything but that anything that I do say will be taken down in writing and may be used in evidence.

His mark X

I am not sure when it was but it was some time before I entered the Italian Army, I remember a day when some peasants who live in the hills near Bracigliano saw some British soldiers take their water bottle to the well to get some water. The water bottle fell into the well.

Instructions were given to me and to certain other civilians living in the area to arm themselves with weapons. The Carabinieri gave the instructions and issued some rifles - they told me to get a hunting gun. I do not know the names of the Carabinieri who gave the instructions, they came from the Carabinieri Station at Bracigliano. The instructions that we were given were to search for these British soldiers and if we found them to kill them. I remember that these instructions were given to me and to the other civilians who were armed by the Brigadiere of Carabinieri. I did not know whether they were escaped PW's or parachutists. I set off with a man called Michele, I do not remember his other name. About three hours later I saw the three men walking along behind a wall. I first saw them at a distance of about 20-30 metres. We gradually approached them and when we were about 15-20 metres from them we shouted to them, "stop, stop, halt there," but they went on walking away from us. When we drew nearer to them the three British turned round. One of them put his hand towards his chest and when I saw this movement I fired a shot towards them without taking aim - I was frightened and I fired in their direction. One of the English fell to the ground, the other two English went up to him. When they first turned round one of them raised his hands above his head - he was wounded in the hands by the shot. I did not approach the British. A few moments after I fired the shot the Carabinieri and the other civilians came up. First aid was given to the man who was shot and to the one who was wounded. Later I went with the whole party to the Carabinieri Station of Bracigliano, where the one who was shot died. When I saw the English they were dressed in British uniform as I now know it. I thought that they were parachutists. That same day I was at the Carabinieri Station when the Brigadiere made a list of the names of those who took part in the incident. First was the name of the Brigadiere and then that of the Guards of the woods, then my name. I saw the Brigadiere take two knives from the other two British while they were at the Station. The Brigadiere took one and the Guard of the woods another. I am not certain whether this happened at the place of the incident or at the Carabinieri Station.

His mark x.

The above statement has been read over to me in Italian because I am illiterate. It is correct and true and made voluntarily and I have had the opportunity of making corrections.

His mark X

Statement taken by N.E. Middleton Capt. DAPM, SIB, DJAG's Office, GHQ, CMF,

Through medium of Margherita Foligno, Official Interpreter DJAG's Office, GHQ, CMF,

on 17 December 1945.

I certify that I have read the above statement to Basile Giuseppe in Italian.

Margherita Foligno.

11 CORSO VITTORIO EMANUELE
BRACIGLIANO

16th NOVEMBER 1945.

STATEMENT OF :-

SANTANIELLO GIUSEPPE — MALE
VIA SALITA CONVENTO, — 39 YRS
BRACIGLIANO, — OF AGE.
PROVINCE OF SALERNO.

Who Saith,

I am a married man with five children, and my occupation is wood cutting.

I am a native of BRACIGLIANO and have lived here all my life.

One day, in the middle of April 1942, I cannot record the date, the time was about 1400 hrs, whilst I was returning to my home, from the wood, I was approached by the commander of the station, of the Carabinieri of BRACIGLIANO, VICE BRIGADIERE PARACUOLLO SALVATORE.

He ordered me to assist him in the search for three foreign soldiers. He said that if I did not assist him he would arrest me. He then handed me a loaded military rifle.

We then walked a short way when we were met by the brothers :-

CARDAROPOLI SAVINO and
CARDAROPOLI CARMINE.

He then ordered the three of us to carry on with the search, in the locality of ARIELLO, and himself departed.

After about fifteen minutes we met three other men, who were also searching for these soldiers. They were :-

BASILE GIUSEPPE di ANTONIO, and
GRIMALDI MICHELE

both armed with shotguns, and also CAPACCIO LUIGI, a FOREST GUARD, who was armed with a pistol.

After all six of us had been walking together for about twenty minutes we saw three foreign soldiers, dressed in khaki uniform, and with haversacks upon their backs, walking along the road in front of us, at a distance of about a hundred metres.

I saw the soldiers turn to look at us several times.

When we arrived in the locality of VOLTURARE the distance between us had been decreased to about fifteen metres.

We shouted at them to stop. They stopped and turned towards us, raising their hands, and offering no resistance.

At that moment, BASILE GIUSEPPE, who was at my right side, and about one metre in the rear, fired two shots from his shotgun, and one of the soldiers fell wounded to the ground. A second soldier, who was also wounded approached us, his arms still raised. The third soldier was bending over the wounded man on the ground, assisting him.

We then walked towards the soldier lying on the ground. I saw that he had a large wound in his forehead and his face was covered with blood. He appeared to me to be dying. I saw also that the other wounded man had injuries in the forehead and arm.

Then the FOREST GUARD, CAPACCIO LUIGI, searched all three of the soldiers. He told us that they had no arms in their possession.

I then left for the Carabinieri Station at BRACIGLIANO to report the incident.

On my return with the Carabinieri Corporal, PAPPALARDO, I saw the VICE BRIGADIER, PARACUOLLO, there.

He gave orders for the badly wounded soldier to be carried to BRACIGLIANO Carabinieri Station.

Upon our arrival there the soldier was dead. The time was then about 1700 hrs and I left for my home.

About a month later I was invited to the Carabinieri Station, BRACIGLIANO. The VICE BRIGADIER PARACUOLLO paid me sixty lire for my assistance in the capture of the three soldiers.

I have had the above statment read over to me. It is true and correct. I am unable to read or write, but herewith append my mark.

His
SANTANIELLO + GIUSEPPE
mark

I certify that the above statement was taken by me, through the medium of SGT. SALZMANN, Official interpreter, on 16th NOVEMBER 1945, at BRACIGLIANO.

(Sgd) W.E. Himpfen.

955185 SGT. HIMPFEN W.E.
78 SECTION, S.I.B. C.M.P.

I certify that the above translation from Italian is correct and true to the best of my ability.

(Sgd) M. SALZMANN Sgt. R.E.
INTERPRETER.

(1) Copy translated statement of Santaniello, Giuseppe (male) of Via Salita Conuento, Bracigliano, in the province of Salerno dated 16th November, 1945.

(2) Copy translated statement of Basile, Giuseppe, of Via San Francesco, Bracigliano, in the province of Salerno dated the 17th December, 1945.

(3) Copy Affidavit by 4122314 R.S.M. Charles Henry Burgess attached South Staffs, Ashridge Park Camp, Berkhampstead, Herts.

(4) Extract from "Notes on Conditions at Caserta Hospital from November 1942 until March 1943" by Major J.L. Martin (No. 53481) R.A.M.C. dated 11th September 1943.

NOTES ON THE CASE **1852**

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

(a) As regards responsibility:

(1) the responsibility of accused No.1 Salvatore Paracuollo is indirect as it does not appear that he was present when the said Basile (accused No.2) fired the shot or shots which resulted in the murder and wounding. But his responsibility for being the initiator of the two said crimes, and a person primarily responsible is clear; for the evidence goes to show that he, as the head, apparently, of the local Carabinieri, ordered a group of Italian civilians to search for the three New Zealanders who were known to be in the district, armed them for the purpose of their search and ordered them to kill the said New Zealanders if they caught them. As a result of his orders, accused No. 2 fired one, or may be two, shots resulting in the death of one soldier, and the severe wounding of the other.

(2) the responsibility of Basile for the actual shooting resulting in the death and wounding seems clear upon his own admission corroborated as it is by the statement of Santaniello.

(b) As regards probable defences:

(1) Accused No.1 Paracuollo may perhaps raise the defence that he, as the local Vice-Brigadiere of the Carabinieri, was under the control and orders of a superior officer in command of the district, whose orders were to round up escaping prisoners of war, and shoot them on the spot without trial; and he may raise the point that if in fact he had not carried out such superior orders, his own life may have been forfeited.

(2) As regards accused No.2, Basile, no doubt he would raise the defence that he acted under the orders of and compulsion of accused No.1, Paracuollo, and carried out the orders in fear of punishment and, possibly, his own death if he failed to do so.

(c) As to whether the case appears to be reasonably complete:

(1) It is understood that accused No.1 Paracuollo is not yet in custody. Enquiries will no doubt be made to endeavour to trace him.

(2) It may be possible to get further corroboration, if that be considered necessary, from one or more of the Italian civilians who took part with the said Basile in the rounding up of the two victims in this case. They all came from the same neighbourhood and should be easily traceable, and it would seem that their evidence would be particularly valuable to corroborate the orders of accused No.1, and the fact that he armed his body of local civilians for the purpose of rounding up and killing the victims in this case.

This case was originally drawn charging the Commandant at Camp No.66at Capua, his subordinate officer and a sentry or sentries on guard at that Camp at about the date of these crimes under the belief existing at the time when the case was drawn that these crimes were committed by a sentry or sentries at the said Camp who fired at two New Zealand soldiers who had surrendered at or near the Camp, killing one and wounding another.

It now appears from the two translated statements now attached to the case by Salvatore and Basile that the facts were as set out in their statements and it therefore has become necessary completely to recast this case.

IN THE MATTER OF :-

The murder of Corporal Smith (New Zealand Expeditionary Force) and the wounding of a New Zealander near Camp No.66 at Capua in or about April, 1942.

A F F I D A V I T.

I, No.4122314, CHARLES HENRY BURGESS, Regimental Sergeant Major, Cheshire Regiment, attached 11 South Staffs Ashridge Park Camp, Berkhampstead, Herts. and with a permanent address at 5, Park Road, Thurnscoe, near Rotherham, Yorkshire, make oath and say as follows :-

1. I was taken prisoner of war on the 29th January 1942 at Ghemmines near Benghazi, North Africa: then went to Tarhuna where I stayed about one month: then from Tripoli to Naples: then to Camp No.66 at Capua where I stayed from the 28th February 1942 until the 14th August 1943: then to Camp No.53 at Macerata where I stayed from the 14th August 1943 to the 15th September 1943: I then escaped to the Mountains, was retaken prisoner on the 14th October 1943 and taken to Camp at Aquila. Later I left Aquila by train for Camp VII.A at Moosburg arriving there on the 11th November 1943. I was released on the 29th April 1945.

2. During the period that I was at the said Camp No.66 at Capua, namely from the 28th February 1942 to the 14th August 1943, I was sent to Caserta Hospital which is near Capua for about 10 days during April 1942, as I was suffering from pneumonia. When I got back to Camp No.66 at Capua in or about the end of April 1942, I was told of the shooting of two New Zealanders. I cannot now say who told me but it was general camp talk. I was told that the two men escaped from the camp and had been rounded up by a gang of Fascists. When the two men realised that escape was impossible and further resistance useless they put their hands up and surrendered, nevertheless the Fascists fired on them and killed one and wounded the other. The man who was killed was Corporal Smith. I spoke to the survivor who confirmed the facts above stated. I cannot now remember his name.

SWORN at Berkhamsted in the County of Hertford this 7th day of August 1945.) R.H. BURGESS, R.S.M.

Before me,
EDGAR W. HUNT
A Commissioner for Oaths.

no action

(*For the Use of the Secretariat*)

1854

Registered Number. 270/UK/It/39

Date of receipt in Secretariat. 30 AUG 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B 39 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	(a) Colonel Nicoletti, Commandant of Capua Camp, Italy, No. 66 (b) Subordinate officer at Capua Camp between March and end of May 1942 in immediate charge and control of sentries. (c) Sentry or sentries at same time and place; name rank and unit at present unknown.
Date and place of commission of alleged crime.	Between end of March and end of May 1942, Capua Camp, Italy.
Number and description of crime in war crimes list.	No. xxix.
References to relevant provisions of national law.	Geneva Convention 1929 No. 2. Murder or alternatively manslaughter Wounding with intent to do grievous bodily harm.

SHORT STATEMENT OF FACTS.

Two New Zealand soldiers, after escaping from Capua Camp, Italy, were found by a sentry or sentries in or near the said Camp, and when standing with hands raised awaiting recapture, were shot at, one being killed, and the other severely wounded in the head and hands.

The Solicitor for the Affairs of H.M. Treasury.

TRANSMITTED BY

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Gp.685
(26924) Wt.P.1817/P.1139 5,000 3/44 " "

PARTICULARS OF ALLEGED CRIME **1855**

(a) No. xxix War Crimes List - Illtreatment of Prisoners. All the above accused are liable hereunder.

(b) Geneva Convention 1929 No. 2, which requires that prisoners should be humanely treated and protected. All the above accused are liable hereunder

(c) Under English law, murder, or alternatively manslaughter, and Wounding with intent to do grievous bodily harm. The sentry or sentries who fired the shot, and any other person in control of the sentries at the time are liable hereunder.

1856

UK - I/B39

TO BE ATTACHED TO :-

~~I.A.G.~~

EXTRACT from NOTES ON CONDITIONS AT CASERTA HOSPITAL FROM NOV. 1941 TILL MARCH 1943 by MAJOR J.I.MARTIN, R.A.S.C. dated 11 SEP.1943.

UNNECESSARY SHOOTING OF ESCAPED P.W.

2. A.N.Z. soldier was shot dead after escaping from Capua Camp and standing with his hands raised awaiting recapture. His pal who was standing alongside with his hands raised received minor wounds in the head and hands. Unfortunately I have forgotten their names and exact date but it happened between end of March and end of May, 1942.

PARTICULARS OF EVIDENCE IN SUPPORT

A written report has been made by Major J.L. Martin (53481) R.A.M.C. who was repatriated from Caserta Hospital, Italy, an extract from which is attached. Major Martin was not present at the shooting but presumably attended to the New Zealand soldier in question who was shot at but only wounded.

Lieut. Col. Sinclair who was also at Caserta Hospital at the time can probably corroborate the story which the said New Zealand soldier gave to Major Martin. It will be important to find the name and whereabouts of the New Zealand soldier who was wounded and may or may not have recovered and be available. Further enquiries will be made from Lieut. Col. Sinclair and Major Martin. Other officers or patients at the said Caserta Hospital at the time may be able to corroborate.

With the name of the Commandant available there should be no difficulty in getting information as to who were the subordinate officers or N.C.O.s. who may be made responsible for giving orders to sentries to shoot prisoners of war who have attempted to escape and are surrendering. Nor should there be any difficulty in ascertaining who the sentry or sentries were who fired the actual shot. Any necessary information as to the personnel at Capua Camp should be available in the records of the Camp, particularly as this was an incident of an exceptional character resulting in the death of one man and the injury of another which necessitated his removal to the hospital at Caserta.

NOTES ON THE CASE **1858**

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

The sentry or sentries who fired the shot would no doubt raise the defence that they were acting under the orders of a superior, but this should not avail them in this case because the surrendering prisoners were both standing with their hands up and not attempting to offer any resistance. The shot was quite unnecessary. So far as the superior officer is concerned, the responsibility should be clear as regards ordering or permitting such a state of affairs to exist in the Camp resulting in the shooting in question.

This case cannot be said to be complete at present, as the New Zealand soldier who was wounded in the first instance and may or may not have recovered is not at present available to give first hand evidence; The evidence of Major Martin and possibly of Colonel Sinclair and other officers or men at Caserta Hospital, if and when obtained, would only be hearsay evidence. However, if, by the rules of evidence which are to prevail at the hearing, a written statement by Major Martin of an occurrence related to him can be produced in the case, and is to be accepted as evidence, then the facts as related by Major Martin raise a prima facie case against all the accused. Probably all the information required in this case could be obtained from the Italian Authorities and their records of Capua Camp at the time in question.

271/UK/1t/40

1859

1. NICOLETTI, Colonel

2. Adjutant and/or Officer i/c Guard

3. Guard(s)

Submitted	Decision of Committee I
6. 9. 44	1. B1 2. C B 3. C
5. XII. 44	1. A B

271/UK/1t/40

IN THE MATTER OF:-

The murder of Lt. Reeves and Captain Spragg-Mitchell at Camp No.66 at Capua in September 1942.

A F F I D A V I T.

I, No. 4122314, CHARLES HENRY BURGESS, Regimental Sergeant Major, Cheshire Regiment, attached 11 South Staffs, Ashridge Park Camp, Berkhampstead Herts: and with a permanent address at 5 Park Road, Thurnscoe near Rotherham, Yorkshire, make oath and say as follows :-

1. I was taken prisoner of war on the 29th February 1942 at Ghemmines near Benghazi, North Africa: then went to Tarhuna where I stayed about one month: then from Tripoli to Naples: then to Camp No.66 at Capua where I stayed from the 28th February 1942 until the 14th August 1942: then to Camp No.53 at Macerata where I stayed from the 14th August 1942 to the 15th September 1943: I then escaped to the Mountains, was retaken prisoner on the 14th October 1943 and taken to camp at Aquila. Later I left Aquila by train for Camp VII.A at Moosburg arriving there on the 11th November 1943. I was released on the 29th April 1945.

2. I remember the case of the shooting of Lieut. Reeves and Captain Spragg-Mitchell during the period when I was at the said Camp No.66 at Capua, namely in September 1942. I did not witness the shooting myself. On the morning after the accident I was allowed into the compound where the mortuary was - I was Camp Leader at the time - and there was the body of Captain Spragg-Mitchell whom I knew. Corporal Mair, R.A.M.C. I do not know his initials, he was a Scotsman, and was the Medical Orderly, took me to the body which was lying under a sheet. He told me that there were 17 bullet wounds in the said body, several in the head. I myself saw the wounds in the head. He told me that Lieut. Reeves had been taken to the hospital with many wounds in the lower part of the body and groin.

SWORN at Berkhamsted in the County)
of Hertford this 7th day of August) R.H. BURGESS, R.S.M.
1945)

Before me,
EDGAR W. HUNT
A Commissioner for Oaths.

IN THE MATTER OF :-

The murder of Lieutenant Reeves, R.T.R., and Captain Spragg-Mitchell at Camp No.66 at Capua in August 1942

A F F I D A V I T

I, JOHN WILLIAM BURMAN, No. P/166167 Royal Tank Regiment with a present address at 161 R.E.C.C.E. Bn. The Green Howards, Crash Camp, Morpeth, Northumberland and with a permanent address at 13 Ash Street Southport Lancs. make oath and say as follows:-

1. I was taken prisoner of war at Gazala on the 5th day of June 1942. I was taken to a camp at Derna where I stayed overnight. Then to Benghazi where I stayed until June 18th 1942: then to Camp No.66 at Capua where I stayed until November 30th 1942, then to P.G.17 Rezzanello where I stayed until March 31st 1943: then to CP.G.49 Fontanellato where I stayed until September 8th 1943, when I escaped and wandered in Italy and eventually reached Switzerland April 28th 1944.

2. During the period that I was at Camp No.66 at Capua - from the 19th of June 1942 to the 30th November 1942, I was taken to Caserta Hospital, near to Capua, on August 17th 1942, suffering from jaundice. I knew of the attempt to escape from the said Camp at Capua planned by Lieut. Reeves I had intended to go with him and had made the necessary arrangements, but I fell ill and I heard that he made the attempt on the night of the 18th to 19th August 1942 with Captain Spragg-Mitchell and Captain Gordon Clover.

When I was lying in the said Hospital at Caserta on the morning of August 19th 1942, the said Lieut. Reeves was brought into the Hospital, and on seeing me said "They've shot Mitchell". Before I had a chance to speak to him further at that time he was taken into the operating theatre. When I next saw him late in the day he was surrounded by Italian Officers who were trying to question him. I noticed that he would not answer them.

When he was alone I had a conversation with him, and although he was in a very weak state he told me coherently what had happened on the night of the 18th/19th August previously. He said that he had succeeded in getting over the wire surrounding the said Camp at Capua, and was in a field beyond the said wire when he was hit. He told me that he lay on the ground to give up: the Italian Guard approached him and fired a burst into him, afterwards kicking him in the chest.

The said Lieut. Reeves passed a restless night and died the following day without speaking to me again.

Reeves said as far as I remember, that Mitchell was behind him when they were running and that he heard Mitchell drop. Before being able to do anything he was hit himself and dropped to surrender.

SWORN at Morpeth in the County of)
Northumberland this 14th day of)
August 1945

JOHN W. BURMAN
Lieut. R.T.R.

Before me,
JAMES GILBOY,
A Commissioner for Oaths.

Lieut.REEVES.

2 March 1945.

Statement of Captain R.G.Clover, R.A. 91879.

1862

I knew Lieut.Reeves, R.T.R. well having been at the same P.O.W. transit camp No.66 at Capua from June 42 until his death in Sept.42.

About midnight one day in September 42 Lieut.Reeves and Capt.Mitchell, R.A. made their escape from the wire-enclosed compound in which we were imprisoned but were immediately detected. I saw them actually leave the compound and run and I saw several sentries fire on them at short range and miss. The last I saw of them they were running hard, about 50 yards away, towards the wire fence which surrounded the whole camp.

In the next ten minutes a great many single shots were fired. No automatic weapons were fired. Some ten minutes or more later both officers were carried to the camp infirmary. Capt.Mitchell was dead. Capt.G.B.Drayson (the Senior British Officer of the camp, now in U.K.) saw Capt.Mitchell's body and told me he had half a dozen bullet holes in the chest and a head wound.

Lieut.Reeves was taken to Caserta hospital the same night and died a few days later. He was operated on by Lt.Col.Sinclair R.A.M.C., Indian Army and, before he died, was seen by 2/Lt.John Burman, R.T.R., to whom he told the story of what had happened the night he tried to escape and who, a week or two later when he returned to Capua, told it to me and to numerous others. Lieut.Reeves said that he was shot in the leg and brought down and that then, while he lay helpless on the ground, a number of Italian soldiers hurried up and, at point-blank range, shot at him repeatedly, wounding him in various parts of the body. He had about 20 or 25 bullet holes in his body when taken to hospital.

We formed the view in the camp, from the speed with which the Italians reacted to the escape, that they knew an escape was planned but did not know by whom or for which day, that they had a standing patrol just outside the camp, waiting for any attempt at escape and that it was the members of this patrol who killed Capt.Mitchell and Lieut.Reeves.

Other former captives in Camp 66 on the night in question whom I now believe to be in U.K. are: Capt.T.Ockleston, R.A.; Capt.Buchanan, R.A.; Lieut.A.Hammond, R.A.; Capt.E.Cutler, R.A.; Capt.J.Gatford, R.E. (then acting camp adjutant to Capt.G.B.Drayson); Lieut.G.Mathieson, R.A.; Lieut.

R.E.Mann, R.A.; Lieut.Crofton, R.A.; Capt.G.Potts, R.A.

(Sgd) R.G.CLOVER.

Capt.

IN THE MATTER OF :

The murder of Lieutenant Reeves, R.A.C. and Captain Spragg-Mitchell at Camp No.66 at Capua in September 1942

A F F I D A V I T

I, GEORGE BURNABY DRAYSON, Captain R.A., No.50201, now at 123 O.C.T.U., R.A. Catterick, Yorkshire and with a permanent address at 30 Cornwall Road, Harrogate, Yorkshire, make Oath and say as follows:

1. On the 6th June 1942 I was taken prisoner of war at Bir Harmet, North Africa, by the Afrika Korps. I escaped shortly afterwards but was recaptured on the 13th June 1942 and flown to Italy arriving at Camp No.66 at Capua on the 19th June 1942.

I was at Camp No.66 at Capua from the 19th June 1942 until the end of November 1942 and for the period from the 10th July onwards I was Senior British Officer at the said Camp.

2. On a date early in September 1942 there occurred at the said Camp the shooting of Lieutenant Reeves R.A.C. and Captain Spragg-Mitchell R.A. I was Senior British Officer in the Camp at the time.

I knew both the said officers well.

On the date in question, which I cannot now give with greater particularity, soon after midnight, I and others in the hut where we were sleeping in the Officers Compound of the said Camp were awakened by several shots which continued for some time, which led me to think that if anyone were attempting to escape they were being pursued across country and being fired at on the way. The shooting was of the automatic type. It sounded as though, either from a revolver or a rifle, a series of shots were being fired at an object

Lieutenant Reeves and Captain Spragg-Mitchell lived in a different hut to mine. I have made a rough sketch plan of the relevant portions of the said Camp: a copy of said sketch plan is exhibited hereto and marked "G.B.D.1".

On hearing the said shots I and others in my hut got up and looked through the windows thereof in a southerly or south-westerly direction. I saw Camp Guards running up the main road from the Guard Room to which I thought must be some escapees on or near the wire opposite the point of the red arrow on the said plan. The firing continued. Then after a short interval of time I saw two bodies being carried on a ladder along the Camp road towards the M.I. room marked on said plan.

3. The next thing that occurred was a roll-call of all officers in the dining room marked "A" on the plan exhibited hereto. It was then found that Lieutenant Reeves and Captain Spragg-Mitchell were missing. I then went to the M.I. Room and there saw the body of Captain Spragg-Mitchell. I recognised him but he was already dead. He had a considerable number of shot wounds in the centre of his chest. The Italian Medical Officer then present pointed them out to me as the cause of his death. His face was badly bruised - such bruising as could not have been caused, in my opinion, by mere falling. I feel sure that he had been hit by a gun butt or some other heavy weapon or possibly kicked.

4. Next I went to Lieutenant Reeves. He was still alive leaning on his elbow sideways on an operating table. His face and arms and upper part of his body were unharmed and he was conscious. He had a towel round his middle and lower parts of his body. He was lying in that attitude, I have no doubt, to relieve pressure on the lower part of his body which had been hit. He recognised me and said "Hullo Captain Drayson". I saw that an Orderly had given him a cup of tea and I asked the Italian Medical Officer as to the nature of his wounds. He had been hit badly across the thighs and buttocks and the said Medical Officer said he was cleaning the wounds. I went back to the said dining room marked "A" on the plan exhibited hereto where the Italian Commandant spoke to the assembled Officers to the effect that it was a very regrettable episode, and we all stood in silence for a few moments.

5. The next day I instructed Captain H.J.H. Gatford R.A., to hold an Inquiry. This he did at once. I was present during part of it. Captain Gatford heard evidence from all who had any information on the incident and took it down in writing. I do not know if he has preserved his notes. I did not see them when completed. I heard some of the witnesses giving evidence, but I cannot now remember which, but within a short time of the incident, in one way or another, I heard from all the officers who so far as I know had knowledge of the incident what they had to say and the best informed of such Officers were :-

1. Captain Gordon Clover, R.A.
2. Captain Tony Stevens, Royal Tank Regiment.
3. Captain Tom Craig, Royal Tank Regiment.
4. Lieutenant J. Millington-Buck, Green Howards, 50th Northumbrian Division.

6. The said Captain Clover told me that on the night in question he was with the said Lieutenant Reeves and the said Captain Spragg-Mitchell in the hut marked "B" on the plan exhibited hereto. They were watching from the door or windows of that hut the sentry in the Box marked "X" to see if he fell asleep. The said Captain Stevens and Captain Craig and Lieutenant Buck all knew of the intended attempt to escape which had been planned by the said Lieutenant Reeves, Captain Spragg-Mitchell and the said Captain Gordon Glover and they were assisting as look-outs from one or more of the other huts but I cannot say which Officer was watching from which hut.

The said Captain Clover continued that when those in the hut marked "B" on the said plan thought that the said sentry had fallen asleep Lieutenant Reeves and Captain Spragg-Mitchell slipped out of hut "B", followed by the said Captain Clover, and slipped through the gate to the compound opposite the Sentry at "X" (the said gate not being fastened), and turning right ran down in the direction marked by the red arrow. Captain Clover who was just behind the other two saw that the sentry at "X" was alive to the situation and he ran back to hut "B". When Lieutenant Reeves and Captain Spragg-Mitchell had got a short distance - some 10 to 15 yards only along the said red arrow, the sentry at "X" fired with his rifle. Whether or not he hit either escepee the said Captain Clover could not say because his view was thereafter obstructed by hut "A"; but whether hit or not one or both of the said Officers must have gone on for the next thing that happened was that shots were fired by the sentry in the Box marked "Y".

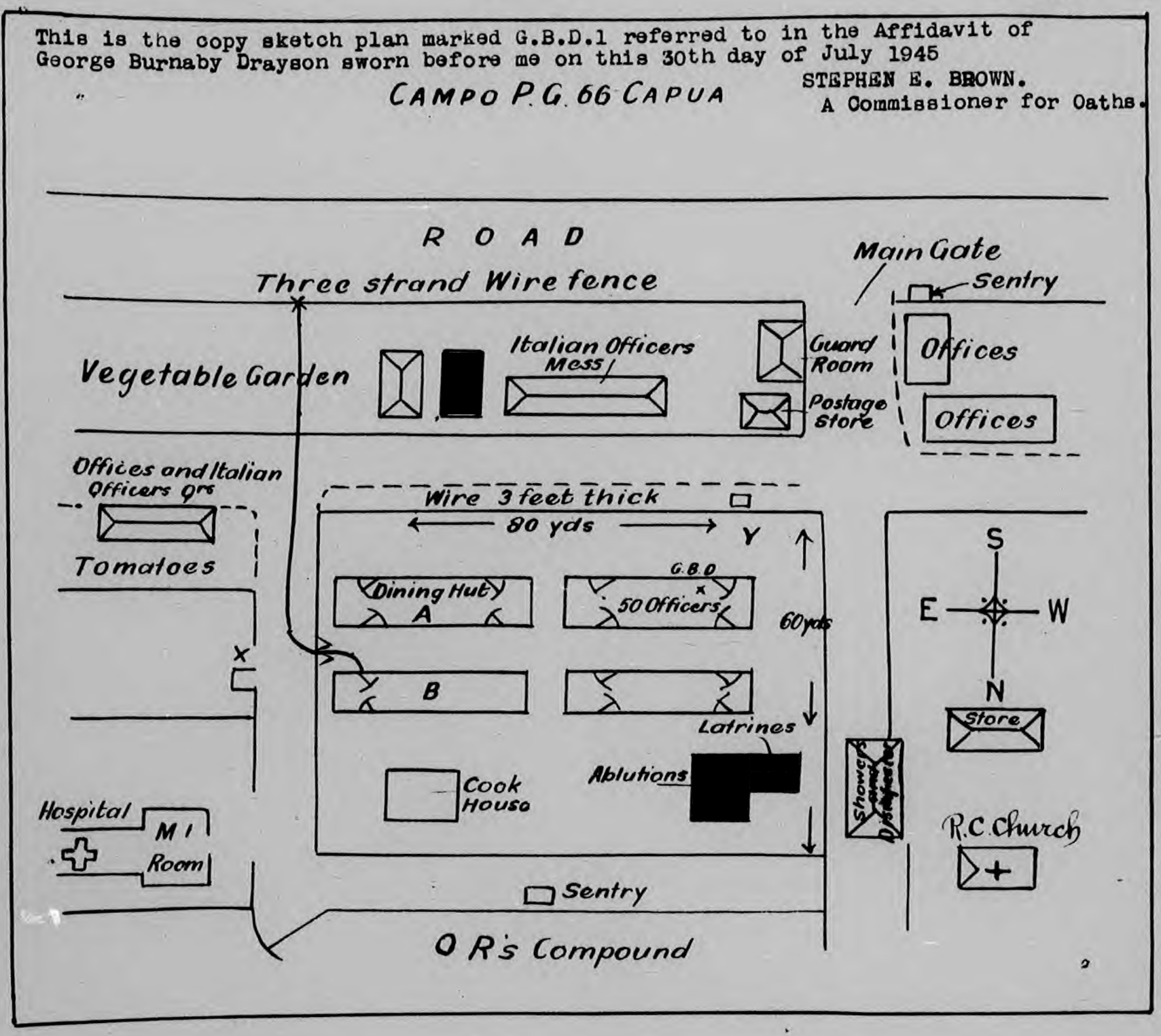
Again whether either escapee was hit the said Captain Clover could not say but in any case the escapees apparently reached the wire in front of them at the side of the main road opposite the point of the red arrow.

"G.B.D.1"

This is the copy sketch plan marked G.B.D.1 referred to in the Affidavit of George Burnaby Drayson sworn before me on this 30th day of July 1945

STEPHEN E. BROWN.
A Commissioner for Oaths.

CAMPO P.G. 66 CAPUA



By this time the Guard had turned out from the Guard Room and had run up to the place where the escapees were. It was at this point of time that I myself (as previously described herein) and many others in the Camp including the four Officers above referred to heard firing from automatics but whether from rifles or revolvers I cannot myself say.

7. Thereafter what happened to the said Lieutenant Reeves and Captain Spragg-Mitchell must, so far as I know, depend on the evidence of the said Lieutenant Reeves for no one else among the prisoners of war so far as I know actually saw the escapees where they were brought down. The next thing that was seen either by myself or by any of the Officers to whom I spoke regarding the incident after the firing ceased was a ladder or ladders carried by the Guard bearing bodies.

8. The day after the said attempted escape I described my visit to the M.I. room and the nature and extent of the wounds of the said Lieutenant Reeves and Captain Spragg Mitchell, so far as I knew them, to Captain S.P. Dutt, I.M.S. (the only British Medical Officer in the Camp at the time) and on the latter's suggestion I spoke to the Italian Commandant (whose name I cannot now remember) and asked him if the said Captain Dutt could see the body of Captain Spragg-Mitchell for the purpose of ascertaining the cause of his death in case an enquiry were held on that matter. The said Commandant refused this request without explanation or excuse: and later the same day I repeated the said request to an Italian General (I do not know his name) who came to the said Camp to investigate the affair. He also refused.

9. Two days later the said Captain Craig and I attended an Inquest on Captain Spragg-Mitchell held by a civilian Coroner in the compound at the Camp at Capua. We gave evidence as to identity. I do not know what other evidence was given as it was in the Italian language.

10. A few weeks later Lieutenant John Burman, Royal Tank Regiment (now at R.A.C. Depot, Catterick, Yorks) returned to said Camp at Capua from Caserta Hospital where he had been an inmate and he told me that he and the said Lieutenant Reeves had conversed together while the latter lay in the said Hospital after the said incident prior to his death. The said Lieutenant Burman told me that Lieutenant Reeves had told him that he Reeves, had been shot more than once while on the ground unable to move through previous wounding.

Apparently the Italian Command were unhappy about the said incident and feared that blame might be cast upon them: they held a further Inquiry some days after the said Inquest and at this Inquiry I and Captain Craig and Captain Stevens gave evidence but I do not know if anything came of it. We stated at the said Inquiry that we thought that unnecessary and brutal measures had been taken by the Guard. The Interpreter at the said Inquiry was a Lieutenant Count Gazzi(?). I believe that his sister was married to a British Naval Officer. The Corporal Interpreter was one Majone(?). Before the war he was an attendant on a wagon-lit. Either of these Interpreters if traced might be able to give evidence as to what was said by other witnesses at the said Inquiry. The Chief Italian Medical Officer at the said Camp at the time of this incident was, I believe, Captain Camillo.

SWORN at Skipton in the)
County of York this 30th) H. BURNABY DRAYSON.
day of July 1945)

Before me,
STEPHEN E. BROWN.
A Commissioner for Oaths.

IN THE MATTER OF :

1868

The murder of a British prisoner of war and the murder or wounding of another in September 1942 at Camp No. 66 at Capua.

I, No.1893388 Driver HAROLD JAMES HOUSE, R.E. of 121 Oakfield Road, Stapleford, Nottinghamshire, make Oath and say as follows:-

1. I was captured at Tobruk on the 22nd June 1942 and was taken to Italy arriving at Brindisi in August 1942. After two days at Brinidisi I was taken to Camp No. 66 at Capua where I remained until the end of September or beginning of October, when I went to Camp No. 87 at Benevento.

2. At some time during the month of September 1942, I cannot give the date more closely, I was asleep in my tent in the Camp at Capua with my companions when we were woken up by a fusillade of shots. The bullets came through the tent but, as we were all lying down, nobody was hurt. Had anyone been standing up they would almost certainly have been hit by the bullets. We rushed out of the tent but were sent back again by the guards.

3. We understood at that time that two British officers had tried to escape, and later on this was confirmed by a British prisoner of war who was batman to the officers. I cannot remember his name. We were informed that the two officers had got outside the wire and to do this they had had to dodge unseen for some 600 yards. Outside the wire guards were patrolling and they saw the officers and opened fire. It was not clear whether there was any challenge, but it was stated that the officers were shot down in cold blood without warning. It had been quite clear that they could not get away past the guards who had closed in and fired at the officers from outside the camp towards the camp itself. This accounted for the bullets passing through my tent. I also heard that after the officers had been hit they were shot again as they lay on the ground and one at least if not both were killed, the former having 14 bullets in him. I was also informed that the second officer died the following day, but I cannot say this for certain.

SWORN at 14 Fletcher Gate in the City of Nottingham this 9th day of June 1945 — W.J. HOUSE.

Before me,
L.C. CROCKFORD.
A Commissioner for Oaths.

1869

IN THE MATTER OF :

The murder of a British Prisoner of War and the murder or wounding of another in September 1942 at Camp No. 66 at Capua

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A F F I D A V I T

- of -

Driver H.J. HOUSE

THE TREASURY SOLICITOR.

(*For the Use of the Secretariat*)

1870

Registered Number. 271/UK/IC/40

Date of receipt in Secretariat. 30 AUG 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B40 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1. Colonel Nicolletti Camp Commandant at Camp No. 66, Capua, Italy. 2. Adjutant, and/or Officer in Charge of Guard. 3. Guard or guards (at present unidentified) at said Camp in September 1942.
Date and place of commission of alleged crime.	September 1942 Camp No. 66 at Capua, Italy.
Number and description of crime in war crimes list.	No. xxix
References to relevant provisions of national law.	Geneva Convention 1929 No. 2 Murder or Manslaughter.

SHORT STATEMENT OF FACTS.

On a date not yet fixed in September 1942, two R.A.M.C. Officers, prisoners of war at Camp No. 66 at Capua, Italy, attempted to escape. They were fired at by a guard. It is not yet ascertained whether the guard consisted of one or more sentries. Both officers were hit, one, whose name has not yet been ascertained, is believed to have been killed outright: the other, Lt. Reeves, was wounded, fell and to use his own expression 'surrendered'. The guard continued to fire at him while he was on the ground at least twice. Very severely wounded, he was taken to Caserta Hospital where he was attended to by Lt. Col. Sinclair and Major Martin, ".A.M.C. He died later. The said medical officers testify that he was shot by buckshot. 28 wounds at least, and on such portions of the body as would indicate that he must have been fired at at least three times. Before

(Continued on page 2)

TRANSMITTED BY The Solicitor for the Affairs

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Gp.685
(26924) Wt.P.1817/P.1139 5,000 3/44 " "

PARTICULARS OF ALLEGED CRIME

1871

(1) Committed by the Camp Commandant and superior officers:-

(a) Breach of No. xxix War Crimes List - illtreatment of prisoners

(b) Geneva Convention 1929 No. 2.

(2) As against the guard or guards:-

(a) and (b) above, and in addition :-

Murder or Manslaughter under English law.

(Continued from Page 1)

he died, one of the officers, Lieut. Reeves, made a statement to Lt. Col. Sinclair to the effect that the first shot brought him down, he surrendered, and the guard fired two more shots at close range.

1872

TO BE ATTACHED TO :- UK - I/B40

~~I.A.9.~~

EXTRACT from Written Statement by Lt.Colonel M.R.Sinclair, I.M.S. (aided by G.S.I.(b) questionnaire).

ATROCITIES.

Two officers were shot when attempting to escape from camp N.6 Capua. One was shot dead, and the other, Captain Reeves, was admitted to Caserta hospital in a very serious and shocked condition. After the shooting the British medical officers were not allowed to see or treat the wounded despite their urgent requests to do so. Reeves was brought to hospital and his clothing had been removed. He stated that the first volley brought him down and he surrendered to the guard. But the guard simply fired two more shots into him at close range. The same apparently happened to the other officer. Reeves died in hospital and I can certify to the fact that from a review of his wounds they could not have been inflicted with less than three volleys. All wounds were caused by buckshot but I could not form any opinion of range as he had been stripped of all clothing.

Uk - I/B40

TO BE ATTACHED TO :-

~~1.A.9~~

EXTRACT FROM NOTES ON CONDITIONS AT CASERTA HOSPITAL FROM NOV. 1941 TILL MARCH 1943 by MAJOR J.L.MARTIN, R.A.S.C. DATED 11 SEP.1943.

UNNECESSARY SHOOTING OF ESCAPED P.W.

1. 2nd Lt.Reeves, R.A.M.C. was shot whilst trying to escape from Camp 66 (Capua) in Sept.1943(?), and was admitted to Caserta Hospital where his wounds proved fatal. On careful examination by Lt.Col.Sinclair and myself, 28 fair sized penetration wounds of grapeshot(?) were counted (excluding several small ones) on the front aspect of both thighs, chest and abdomen; left side of trunk and on the back and posterior aspect of thighs. He was obviously shot more than once as he rolled on the ground. We were in doubt as to whether or not there were signs of boot marks on the left side of the abdomen.

PARTICULARS OF EVIDENCE IN SUPPORT

Both Lt. Col. Sinclair and Major J.L. Martin, British Medical Officers at Caserta Hospital who had Lt. Reeves under their care when he was at the said Hospital after being shot, have made written statements as to the condition in which he was. Lt. Col. Sinclair reports a statement made to him by Lt. Reeves. This would be only hearsay but the rules obtaining at the hearing may permit it to be used as evidence. At present there is no witness of the actual shooting but enquiries will be made to ascertain whether any such evidence is forthcoming from any other prisoner of war at Capua Camp /especially amongst the R.A.M.C. Officers/ to ascertain whether there was any actual witness of the shooting. Further the Camp records will be called for, which should show clearly who the Camp Commandant was at the time, the other superior officers there, and the Officer in Charge of the Guard. It may also disclose the names and identity of the guard in question and as to whether it consisted of one or more sentries. There can be no doubt that the shooting took place; and the written statements of Lt. Col. Sinclair and Major Martin clearly establish that, at least two further shots were fired, when quite unprovoked, and under circumstances of the utmost brutality after Lt. Reeves had been grounded and surrendered. Lt. Col. Sinclair, who himself examined Reeves, says that there were twenty eight wounds bygrape-shot (excluding smaller ones) in the front on both thighs, chest and abdomen and the left side of the trunk and on the bottom and posterior thighs. These wounds could not have been accounted for by one shot. Lt. Col. Sinclair says that there must have been at least two more. The two said Medical Officers were not agreed as to whether there were boot marks on the abdomen.

The statements of these officers were embodied in reports covering many matters. Extracts germane to this case are attached.

NOTES ON THE CASE

1875

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

(a) As regards the Camp Commandant and the superior Officers, they should be made responsible for either ordering or permitting the guard to act as he or they did in this case. They may well raise the defence that the sentry exceeded his orders. The burden of showing that is upon them. A strong prima facie case is raised. The case against them seems to be reasonably complete. The camp records should show who the responsible officers were: and Lt.Col. Sinclair and/or Major Martin will be called: it may be their written statements will be made admissible under the rules of evidence in force at the hearing.

(b) As regard the guard or guards, if these individuals can be identified there should be a clear case of brutal treatment of prisoners and murder or manslaughter. Enquiry will be made to ascertain if any onlookers can be produced. But the most likely source of information will be the Camp Records which must be called for.

REGISTERED NOs.

41 TO 50

REGISTERED NOs.

41 TO 50

272/UK/II/4

1876

SANTARO, Colonel PASQUALE

GORI, Colonel

Submitted Decision of Committee I

6.9.44	1. C } B 2. C }
29.8.45	both - A. B

CARDS CHECKED

272/UK/II/41

(*For the Use of the Secretariat*)

1877

Registered Number.	Date of receipt in Secretariat.
272/UK/IC/41	3 0 ALC 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B 41 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1. Colonel Pasquale Santaro Commandant at Camp No. 35, Padulla, Italy 2. Colonel Gori, occupying a position of immediate authority in relation to prisoners of war at said Camp at the material date
Date and place of commission of alleged crime.	At present unascertained Camp No. 35, Padulla, Italy
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. xxix Articles 2,9,46 and 56 of Geneva Convention 1929 relating to treatment of prisoners of war Neglect of duty towards defenceless persons

SHORT STATEMENT OF FACTS.

On a date at present unascertained an attempt to escape from Camp No. 35 at Padulla, Italy, was made by 2nd Lieut. George Miller, Flight Lieut. Ian Campbell, R.A.F., Lieutenant Binns, Commando Officer and P/O Johnson.

They were all recaptured, confined, their clothes taken. Lieutenant M.V.H. Caplat, R.N.V.R. took other clothes to them but apparently was not allowed to give them. The said prisoners were ill-treated in a variety of ways. While in prison, the term is not mentioned but it was at least one month, they were allowed no cigarettes or books, one hour exercise only, the windows of the prison were bricked up, they were "knocked about a bit" and were marched naked to the hole in the wall through which they had tried to escape.

TRANSMITTED BY The Solicitor for the Affairs of the Treasury

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Gp.685
(26924) Wt.P.1817/P.1139 5,000 3/44 " "

PARTICULARS OF ALLEGED CRIME **1878**

(a) War Crimes List
No. xxix - 111 Treatment of prisoners

(b) Geneva Convention 1929 relating to the treatment of prisoners of war, section 2 requiring humane treatment and protection, and section 9 that no confinement or imprisonment except as a measure indispensable for safety or health.

(c) Under English Law - Assault
Forced to march naked in the open.

UK - I/B40

TO BE ATTACHED TO :-

I.A.11.

EXTRACT from Interrogation of Lieutenant M.V.H.CAPLAT, R.N.V.R. and Comm.Eng.R.W.B.BLATCHFORD, R.N.

No.35 Camp, PADULLA.

C.C., Colonel GORI of Leghorn Carabinieri; wears a wig; no eyebrows or eyelashes; 4 people who escaped had all their clothes removed; CAPLAT on hearing this collected some more and took them to the cell; ¾ of the Italians were there and the escapees had been knocked about a bit; CAPLAT had the clothes knocked out of his hand and was screeched at till he went away; from notes passed out they were taken in a state of nudity to the hole in the wall they had tried to get through. When C. and B. left PADULLA they were still in Prison, being treated like murderers, no cigarettes, no books, 1 hour's exercise; windows were bricked up; they had then been there 1 month.

Names were: George MILLER (Daily Express man) 2nd Lieutenant Rifle Brig. Ian CAMPBELL, Flt/Lt., R.A.F.; Lieutenant BINNS a commando and P.O. JOHNSON.

1880

OK - I/B40

TO BE ATTACHED TO :-

~~1.A.11.~~

D.C.(N)113/40/43.

EXTRACT from Statement by Flight-Lieutenant BRAND, R.A.F., repatriated from Italy, to R.A.F. Section C.S.D.I.C., A.F.H.G., 3rd May, 1943.

"On May 10th they were all sent to ..... Camp No.35 ..... The Officer Commanding, Colonel GORI, was very severe, and although there was no ill-treatment of prisoners of war as a whole, those who escaped and were recaptured were badly treated by him. He is said to have struck them, put them in a cell after having taken their clothes away and to have had them brought in naked to him for questioning. ,..... Bari is reputed to be worst camp of all ..... the Commanding Officer (name unknown) is said to be a real swine".

PARTICULARS OF EVIDENCE IN SUPPORT

At present there is no evidence from the four men named who were subjected to this ill-treatment. Endeavours will be made to get evidence from them. The evidence at present available comes from an interrogation by the Middle East of exchanged British naval Prisoners of War (March 1943) 0103/5023 (P.W.2.G.) interrogation of Lieut. M.V.H. Caplat R.N.V.R. and Engineer Commander R.W.B. Blatchford R.N. Both these officers speak of the conditions existing at this camp and the treatment meted out to the four men in question from personal knowledge. Endeavour will be made to get their personal testimony but failing that, it may be that under the rules of evidence obtaining at the hearing, their written statements may be admissible. The dates of the escape and recapture and the subsequent incidents are not at present available but there should be no difficulty about ascertaining the date when the records of the Camp in question are called for; as they will be. Such records also should show beyond any doubt as to who was the Commandant and Adjutant or second in command at the said Camp at the material time. Copies of the notes of interrogation of above two officers are attached.

There is, however, a statement by Lieutenant Brand, R.A.F., repatriated from Italy, R.A.F. Section C.S.D.I.C.A.F. H.Q. 3rd May 1943 No. D.C. (N) 113/38/43. This officer says that 'they' were all sent to Camp No. 35, the Officer commanding being Colonel Gori who was very severe and that although there was no ill-treatment of prisoners of war as a whole those who escaped and were recaptured were badly treated by him. He is said to have struck them, put them in a cell after they had had their clothes taken away and had them brought in naked for questioning. This officer's evidence is hearsay but is certainly corroborative of what took place. Copy of Lieutenant Brand's statement is attached.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

The Commandant and second in command should be directly responsible for the way in which the Camp was conducted and the treatment meted out to the four prisoners in question. The said prisoners were kept in prison for over one month - they had been in prison one month when Caplat and Blatchford left. They were subjected to a gross indignity as hereinbefore described. The Commandant and second in command must have, or should have, known what was going on. When one comes to consider what possible defence could be raised it may conceivably be said that the superior officers did not know what actually happened in this matter. In any case there is a strong prima facie case to answer; the burden should be upon the accused to relieve themselves from responsibility.

As to whether this case is complete, there are at present the written statements of Caplat and Blatchford. Their personal testimony will be obtained if possible, also that of the four said prisoners and also the records of the said Camp but there is at present a prima facie case; and it should be proceeded with.

319/UK/It/42

1883

1. ARMELLINI, Major
2. OROFALO, Colonel
3. SOMERVILLA, Captain
4. LATANZIA
5. CROFOLLO of Taranto
6. 2 sentries

X

Submitted Decision of Committee I

27. 9. 44	Adjourned B
5. XII. 44	1-5 A B 6 in C

319/UK/It/42

3724

3.21UK

JL/BK

1884

17th April, 1946.

Colonel R.C. Halse, O.B.E.,
Office of Judge Advocate General,
6, Spring Gardens,
Cockspur Street,
S.W.1.

Dear Colonel Halse,

I have been examining some of the old U.K. cases with regard to which Mr. Kent submitted additional Affidavits without requesting any further action.

I find that, in view of the particulars contained in those Affidavits, additional charges could be brought against persons not yet charged in those cases.

This applies to the following cases and persons:-

<u>Case No. 43/UK/G/12:</u> Affidavit of John McDaid; Charges against POSNANSKI.

<u>Case No. 319/UK/It/42:</u> Affidavit of W.P. Bulmer; charges against BASCIONI and ROSCIOLI.

<u>Case No. 343/UK/It/43:</u> Two Affidavits of W.H. Strachan and one of L.C. Hooton; charges against several persons mentioned therein.

It appears also that the first accused in the case No.343 could eventually be re-classified from 'C' to 'A' or 'B', in view of additional Affidavits submitted.

The above is being brought to attention in case your National Office would see fit to take appropriate action.

Yours sincerely,

J. Litawski (Dr.)
Legal Officer.

IN THE MATTERS OF :

(A) ASSAULT ON MAJOR REEVES at Camp No.75 at Bari in or about January 1942.
(B) THE ILL-TREATMENT of British Prisoners of War and breaches of the Geneva Conventions 1929 at Camp No. 75 at Bari during the period December 1941 to March 1942.

(C) ASSAULT ON A BRITISH Prisoner of War by Tenente Benicasa during the period March 1942 and August 1943 at Camp No.35 at Padula.
(D) MURDER BY GINO BASCIONI and GIOVANNI ROMANELLI and others of L/CPL WARNER and PRIVATE WALKER in the District of Ascoli in the Spring of 1944.

I, WILLIAM PETER BULMER, Captain, R.A. at present stationed at 123 O.C.T.U., Catterick Camp, with permanent home address, 14A Park Drive, Heaton, Bradford, MAKE OATH and say as follows :-

1. I became a Prisoner of War at Gazala, Libya, December 15th 1941. I was captured by the Germans and removed to a P/W Transit Camp at Benghazi. I remained there one night and with other officers was removed by submarine to Taranto. I was taken to P/W Transit Camp at Bari where I remained until the end of March.

2. During the period December 1941 to March 1942 at Bari the camp conditions were very bad indeed both for officers and men. The Commandant during that time was Captain Somavilla who was violently anti-British and very cruel in every way.

There was great over-crowding: the officers had two huts for about 160 officers: the men were herded like cattle.

As to food, it was very bad, and very inadequate. Two meals a day: 150 to 200 grammes of bread: a pint of thin macaroni soup: half an ounce of fish occasionally: occasionally a little fruit. It was semi-starvation, and cases of malnutrition and consequent diseases rapidly appeared. Red Cross parcels occasionally relieved the situation, but the issue was constantly held up and there was wholesale pilfering. Captain Somavilla himself controlled the Red Cross issue. Frequent applications were made to him to allow a representative of the Red Cross or the protecting power to see the Camp, but he refused.

As to medical arrangements, they were utterly inadequate. The Italian officers supplied neither proper inspection or medical equipment or supplies.

As to sanitation, this was very primitive, and our men were locked in from dusk until dawn and not allowed out on any pretext. Diseases in consequence became rife. There were many cases of dysentery and desert sores, and advanced malnutrition.

The Italian medical authorities took no steps to alleviate the conditions and shewed no sympathy. It was only when a case was desperate that it was taken to the neighbouring hospital.

3. In or about January 1942 I recollect the case of the assault on Major Reeves. Just after dusk he left one hut to go into the other - a matter of some 30 yards - a course which

it was necessary for him and which he was entitled to take. I believe one of the sentries shouted "halt", and I believe Major Reeves complied. I heard a shot, but was not able to look out. The following morning I heard that Major Reeves had been shot in the shoulder by a bullet. Protests were made by our Senior British Officer to Captain Somavilla but he refused to discuss the incident.

4. In March 1942 I left Bari and went to Camp. No.35 at Padula and remained there until August 6th 1943. During that time one of the Italian Officers, Tenente Benicasa, struck one of the British Officers in the face while in the dormitories one evening. I am unable at the moment to give the name, rank, or unit of the said British officer.

5. On August 6th 1943 I left Padula and was sent to Camp. No. 19 at Bologna where I stayed until a date just after the armistice in September 1943. On my escape I went in company with Captain Maides, Royal Tank Regiment, and Lieutenant Wagner, Welch Regiment, and others, and we journeyed through the districts of San Marino, Fabriano and Fermo, until I joined the Allied Forces towards the end of May 1944. During that time in the district of Ascoli I remember the murder of L/Cpl. Warner and Pte. Walker. I knew them both, and at the time they were lodging not far from me with a farmer. Warner and Walker, and two or three others, were on the day in question lying up in the crops near a river. I was some 300 to 400 yards away in the company of the said Captain Maides, Sgt. Gunn, R.E., and two other men called Evans and Southall. I heard several shots, and was told afterwards that Warner and Walker had been killed. I went the next day with the said Southall to see the farmer with whom the two victims were lodging. He confirmed that they had been so shot and I was told that the shooting had been done by Gino Bascioni and others acting under the orders of Roscioli, the head of a local Fascist militia.

SWORN by the said William Peter Bulmer at Richmond in the County of York on the 25th day of May 1945) WILLIAM PETER BULMER. Capt.R.A.

Before me,
R. BORROWS.
A Commissioner for Oaths.

IN THE MATTERS OF :

(A) Assault on Major Reeves at Camp No.75 at Bari in or about January 1942.

(B) The Ill-treatment of British Prisoners of War and breaches of the Geneva Conventions 1929 at Camp No.75 at Bari during the period December 1941 to March 1942.

(C) Assault on a British Prisoner of War by Tenente Benicasa during the period March 1942 and August 1943 at Camp No.35 at Padula.

(D) Murder by Gino Bascioni and Giovanni Romanelli and others of L/Cpl. Warner and Private Walker in the District of Ascoli in the Spring of 1944.

A F F I D A V I T

- of -

CAPTAIN WILLIAM PETER BULMER

THE TREASURY SOLICITOR.

IN THE MATTER of The Ill-treatment of prisoners of war and breaches of the Geneva Convention 1929 at Camp No.75 at Bari during the period 6th July to 8th August 1942

AFFIDAVIT

I, No.97659, MAJOR ADRIAN REDMAN COLLINGWOOD, Officer Commanding "B" Company 164 O.C.T.U. Barmouth, Wales, with permanent address at 258 Cottingham Road, Hull, make Oath and say as follows :-

1. I was captured and taken prisoner of war near Fouka by the 21st Panzer Division on the 29th June 1942. I was evacuated to Benghazi via Tobruk and Barce, whence I was flown to Camp No.75, Bari, where I arrived on or about the 6th July 1942. I remained at Bari till 8th August 1942 when I was transferred to Camp No.21 Chieti whence I escaped some days after the collapse of Italy (I think on the 22nd September 1943). I rejoined British forces at Casoli on 17th February 1944.

2. Whilst at Bari I was accommodated in a wire enclosed compound which included six to eight bungalows. My bungalow had seven bays giving on to a central corridor. The bay I was in was some 57 feet long and 14 feet wide, and accommodated about 48 prisoners of war. We slept on two-tier double bunks which were so close to each other that there was only just room to pass between them (except for the "corridor" which traversed the central corridor at right angles and divided the beds on each side of the bays). The bedding consisted of straw palliasses, and no blankets were issued although I, in fact, had one which had been given to me when I was captured.

3. Apart from walking round the compound, there were no facilities for exercise, nor were there any facilities for intellectual or sporting pursuits beyond what we were able to contrive ourselves.

4. Our daily ration was 200 grammes of bread, a small quantity of rice or macaroni (usually served in soup), a small portion of cheese and ersatz coffee. We also got a minute ration of meat twice a week (each portion being perhaps 3" x 2" x 1/8"). Towards the latter part of the time I was at Bari we got a small portion of fruit daily (perhaps a peach or a few almonds). At the canteen we could buy approximately 50 Italian cigarettes a week and a limited number of dubious cakes.

5. Malnutrition was rife. Most of us were too lethargic to move from our bunks and it was by no means unusual for officers to faint during the daily counting parades. There were some cases of dysentery and a large number of cases of desert sores.

6. One bungalow was set aside for the treatment appeared to have some medical supplies, though they of course sometimes ran out of them. I can recall no cases of fatal sickness having occurred whilst I was at Bari.

7. Sanitary arrangements were reasonably good according to Italian standards, and the facilities for washing were adequate.

8. Whilst I was at Bari, I had a share in three Red Cross parcels: an eighth of the first, a quarter of the second, and (I think) half the third.

9. I received no mail whilst I was at Bari, and letters I wrote to my wife and mother failed to reach them. So far as I know the only communication that reached the outside world so far as I am concerned was a communication through the Vatican that I had been taken prisoner of war.

SWORN at Barmouth in the)
County of Merioneth this)
27th day of June 1945)

A.R. COLLINGWOOD.

Before me,
T.R. JONES.
A Commissioner for Oaths.

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No. 75 at Bari during the period about 21st June to 4th August 1942

A F F I D A V I T

I, CHARLES NAPIER CROSS, Captain Instructor, The Worcestershire Regiment, at present serving in the 8th Bn. Worc. Regt. at Crickhowall, South Wales with permanent address Spring Grove, Penarth, South Wales, make Oath and say as follows :-

1. I was taken prisoner at Knightsbridge, Libya, on 14th June 1942. I was taken to Camps at Derna, Barci and Benghazi in North Africa and thence reached Camp No. 75 at Bari on 21st June 1942.

2. I stayed at Bari about seven weeks from 21st June to about 4th Augist 1942. There was great overcrowding: for some weeks 240 prisoners were kept wired in a very small enclosure.

The food was just sufficient for a healthy man if it reached him in spite of pilfering by Cypriot orderlies: but almost all the officers and men were then in a very low state of nutrition owing to previous lack of food and there was a considerable amount of illness and skin trouble in consequence and no adequate medical arrangements to cope with the situation. There was one small hospital tent and the Italian commandant left the care of the sick almost entirely to two British doctors, Doctor Murray and Doctor Sanderson, to do what they could with practically no medical equipment or supplies. We were constantly kept out in the sun for hours waiting for the roll call despite the fact that everyone was very weak if not seriously ill.

SWORN at Abergavenny in)
the County of Monmouth) CHARLES N. CROSS.
this 18th day of July 1945)

Before me,

- Bishop

A Commissioner for Oaths.

1890

IN THE MATTER OF:

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.75 at Bari during the period about 21st June to 4th August 1942

A F F I D A V I T

- of -

Captain Instructor C.N. CROSS

THE TREASURY SOLICITOR.

1891

IN THE MATTER OF THE ILL-TREATMENT OF PRISONERS OF WAR AND BREACHES OF THE GENEVA CONVENTIONS 1929 AT CAMP No.75 at BARI IN OR ABOUT AUGUST, 1942

AFFIDAVIT

I, No.153891, CAPTAIN FRANK JAMES FISH, R.A.M.C. of Camp Reception Station, 22 North Park Road, Bradford, Yorkshire, with a private address at 338 Larkshall Road, South Chingford, London, E.4. make Oath and say as follows :-

1. I was captured at Tobruk on 20th June 1942 and after being Medical Officer at Benghazi Prisoners of War Camp for about a month I arrived in Italy by plane about 4th August, 1942.

2. After a night in a broken down barracks at Lecci I went to Camp No.75 at Bari. I was not Medical Officer there as there were plenty of British Medical Officers available. I remained there about three weeks.

3. For rations we received, so far as I knew, the full scale of civilian rations then in force in Italy. Red Cross parcels arrived regularly about every ten days though I was told by prisoners at the Camp, whose names I do not remember, that these were sometimes stopped as punishment for various offences.

4. On one occasion, the date of which I cannot give, when some prisoners had escaped, the whole Camp was paraded in the sun all day till about 4 p.m. with nothing to eat having had only an early cup of ersatz coffee.

5. At another date which I do not remember there was one of the periodical searches of prisoners and I had a fair amount of kit stolen including my watch, two blankets and various personal articles such as my needle and cotton. The practice was for a prisoner to be searched by three men, Carabinieri and soldiers, at once, and one could not keep an eye on all of them at the same time.

6. We were somewhat overcrowded in the barrack room, sleeping on two tier beds very close together. As it was summer, however, we could have all the windows open and it was not unduly uncomfortable.

7. I did not myself have any experience of the Italian Medical Officer but other prisoners whose names I do not recall, informed me that he was very unpleasant.

8. About the end of August or beginning of September I was moved from Bari to Camp No.78 at Sulmona.

SWORN by the said Captain Frank James Fish at Bradford in the County of York this 30 th day of May 1945)

F.J. FISH..
Capt. R.A.M.C.

Before me,
J. HEDLEY SUTCLIFFE.
A Commissioner for Oaths.

IN THE MATTER of THE ILL-TREATMENT OF PRISONERS OF WAR AND BREACHES OF THE GENEVA CONVENTIONS 1929 AT CAMP No. 75 at BARI IN OR ABOUT AUGUST, 1942

A F F I D A V I T

- of -

CAPTAIN FRANK JAMES FISH, No.153891, R.A.M.C.

THE TREASURY SOLICITOR

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS.

CAMPS NO. 75 Bari and Nos. 70 Fermo.

No.4982180 Craftsman ARTHUR FRANKS, R.E.M.E. T. List with home address 55 Cross Street Newark upon Trent, states :-

1. In June 1942 I was serving with 7th Battalion, The Royal Tank Regiment, and was captured at Tobruk by the Germans. After being in prisoner of war camps at Derna, Benghazi and Tripoli I was transported to Italy and sent to prisoner of war camp No. 75, Bari.

2. I arrived at Bari P.W. Camp on 3rd December 1942 and was at this camp for six weeks. This camp was an Officers' Transit Camp and living conditions and rations were fairly good in comparison with my previous experiences.

3. I then was transferred to a P.W. Camp No. 85 Tuturano at Brindisi. I was at this camp approximately two months and here again living conditions and rations were fairly good.

4. At neither of these camps did I see or hear of any cases of ill-treatment of prisoners of war.

5. I was transferred to P.W. Camp No. 70 Fermo at the beginning of March 1943. At this camp there were four different compounds and I was in No. 1 Compound. We were accommodated in a new factory building, which had never had machinery in it, on triple tier bunks. The rooms were over-crowded there being approximately two feet in between each triple tier bed. The rooms were infested with lice. The rations consisted of two hot meals a day and a small loaf of bread. Hot coffee was issued in the morning at 0700 hours. Red Cross food parcels were issued regularly each week whilst I was there.

A. FRANKS.

15th May 1945.

1894

IN THE MATTER OF THE ILL-TREATMENT OF BRITISH PRISONERS OF WAR AND BREACHES OF THE GENEVA CONVENTIONS 1929 at Camp No. 75 at BARI from the 14th to 27th July 1942.

A F F I D A V I T.

I, JACK HENRY FRENCH, Gunner, 138 Battery, 117 Field Regiment, R.A. now at the said Battery at Cromer, Norfolk, and with a permanent address at 7 Bourne Terrace, Wherstead, Ipswich, Suffolk, make oath and say as follows :-

1. On the 21st June, 1942 I was taken prisoner of war at Tobruk, Libya, and from thence was sent to Benghazi and then shipped to Italy to Camp No. 75 at Bari, arriving there about the 14th July 1942.

2. I was at Camp No. 75 at Bari from the 14th to the 27th July, 1942. There was nothing here which could properly be called a camp at all. We were herded together in a dry canal bed, without hut or tent. It rained heavily at times and there was no protection of any sort.

There was no sanitation at all.

As regards food, the arrangements were very bad and the allowance quite inadequate to maintain health, and sometimes there was notenough to go round.

SWORN at Cromer in the County)
of Norfolk this 11th day of)
May 1945.)

J.H. FRENCH.

Before me,
George F. Emmett,
A Commissioner for Oaths.

STATEMENT of 58209 LIEUT. COLONEL E.H. GIBBON, D.S.O. of 49, Roehampton Lane, S.W.18 (permanent address), at present stationed at 43rd Bn. RTR. C/o G.P.O. Brandon, Suffolk.

I was taken prisoner at Duda N. Africa on 1st December 1941 and after then was taken to the P/W transit camp, Bari (Camp No.75) where I remained until about 30th March 1942.

On 24th December 1941 General Bellomo visited the camp and displayed considerable annoyance at the fact that the prisoners did not stand to attention when he came in sight. While I was standing at ease near a cookhouse some distance away from him and smiling at his agitated gesticulations and speech he shouted at me in English "You laugh, you die!" I next saw the sentry who was alongside of him bring his rifle down from his shoulder and draw back the bolt. I then realised I was in danger and moved behind the nearest olive tree and stood to attention. I was told later by officers (including Major Reeves and Major Peter Lewis, both of the Buffs) who were standing near the general and the sentry, that after lifting his rifle to his shoulder and aiming in my direction the sentry had squeezed the trigger to no effect, and that he had then examined the rifle, found it was unloaded and on going into his ammunition pouch discovered that it only contained cigarettes.

I remember hearing of the incident at this camp in January 1942 in which Major MacDowall, the New Zealand Padre, was involved. He gave me an account of what had happened shortly afterwards. At the time he and I were accommodated in the same hut but occupied different rooms.

We had been warned by the camp authorities that at night time we were not to go round the back of the huts when visiting the latrines but to pass along the front of them. Major MacDowall told me that on the evening of the incident he absent-mindedly started to go along the back way to the latrines when he was challenged by a sentry, that he immediately turned round and commenced walking back to his hut and that as he was doing this the sentry fired at him and missed him. I also heard from him that the bullet passed through the wall of our hut and through a book which a lieutenant-colonel of the R.A.M.C. from New Zealand, whose name I cannot remember, was reading at the time, and that Lieut. Colonel Fraser, R.A., also from New Zealand, was in the room. I later saw the bullet marks in the hut. Major MacDowall told me that shortly after he was visited by Captain Sommavilla who after questioning him struck him.

I also remember hearing of the circumstances in which Captain Plame met his death and Lieutenant Cooke was wounded. I met Lieutenant Cooke in Camp 5 after it had happened and he gave me an account of what happened which was the same as that set out in the extracts from his letter to Lieutenant-Colonel Munro, Senior Officer of British Troops at Sulmona which I have read.

Major Peter Lewis of the Buffs told me of the circumstances in which Major Noel Reeves was wounded at the Camp some time in January 1942. Owing to the overcrowded state of the Camp permission was given to use a hut, which up to then had been used solely as a store, for sleeping accommodation. To get to this hut from that which Major Reeves and Major Peter Lewis had used up to then it was necessary to pass the latrines. Major Peter Lewis told me that on the night on which Major Reeves was wounded he and Major Reeves were walking from the hut they had been using to the hut on the other side of the latrines and that a sentry challenged them after they had passed the latrines and that Major Reeves had then taken a few paces in the direction

of the sentry and the latter fired at him wounding him in the shoulder. I understood that after a complaint had been made General Bellomo inquired into the matter and stated that he was satisfied that Majors Reeves and Peter Lewis were attempting to escape at the time. I am quite satisfied myself that the shooting occurred because of the failure of the camp authorities to inform the sentry that this particular hut was being used by prisoners, and that the sentry on seeing these two prisoners pass the latrines thought they were attempting to escape. A few days afterwards when going to the same hut I narrowly escaped being fired at myself by a sentry who apparently was also ignorant that this hut was now being used by prisoners.

Captain "Boggy" Howson of the Central Indian Horse who was also a prisoner at the camp while I was there told me that Captain Sommavilla had struck him on one occasion when he was in the confinement cell.

I confirm that the conditions with regard to food and accommodation were very bad in this camp and that Captain Sommavilla was particularly cruel in his treatment of the prisoners and incited the guards to behave likewise.

(Signed) E.H. GIBBON, Lt. Col. No.58209.

1897

STATEMENT

- of -

COLONEL GIBBON

THE TREASURY SOLICITOR

IN THE MATTER of THE ILL-TREATMENT OF BRITISH PRISONERS OF WAR AND BREACHES OF THE GENEVA CONVENTIONS 1929 at Camp No. 75 at Bari between November 1942 and January 1943.

1898

AFFIDAVIT.

I, No. 148305 Captain ALBERT ARTHUR JONES, R.A. of 123 Officer Cadet Training Regiment, Catterick Camp, Yorkshire, with a private address at The Boundary, Cople, Bedfordshire, make oath and say as follows

1. I was captured at Alamein on the 28th October 1942 by German troops who took away some of my personal belongings.

2. I was handed over to the Italian forces and was flown to Italy on or about November 3rd, arriving at Lecce.

3. I was taken to Camp No. 75 at Bari, which was then a transit camp. The senior British officer was Captain Micklethwaite R.N. D.S.O. to whom I was Camp Adjutant and I left Bari late in January 1943.

4. The camp was almost empty when I arrived, but later a number of South African prisoners were brought from North Africa. After their arrival the camp was extremely overcrowded. As regards the officers, we were accommodated in huts and when the camp was full, tents were erected under the trees to take the extra prisoners. These were very wet and leaked and were only provided with straw to lie on. The huts were bug-ridden and full of lice. The Italians' attempts at de-lousing were quite ineffective.

5. The South African prisoners, when they arrived, were in very poor shape indeed. I have never seen men look so ill. They were suffering from dysentery and desert sores and were grossly underfed. The clothing position was appalling for them as they had only their desert kit and it was mid-winter. As soon as any South Africans became seriously ill they were sent away to other camps. Captain Micklethwaite put forward many complaints, but nothing was done.

6. In this camp officers and other ranks were mixed and there were not separate compounds.

7. There were no Red Cross Parcels for about two months, that is until about Christmas 1942.

8. Before the Red Cross parcels began to arrive, we suffered considerably from lack of food. As far as I am aware we had the scale of Italian rations, which were very poor and there was no distinction between the rations of officers and other ranks.

9. As regards sanitation, this was fair, there being water carriage to some extent, but sufficient provision was not made for the numbers in the camp and as a result it was very overcrowded

10. We all suffered from malnutrition and became progressively weaker.

11. I do not remember the name of the Commandant, who was a tall man, but he was not hostile and the interpreter, whose name also I do not know, tried to do what he could for us and was friendly. Our main complaint was that the camp authorities would not let us bury our dead and we were only allowed to accompany a body as far as the camp gates.

12. Late in January 1943 I was moved to Camp 17 at Rezzanello.

SWORN at Richmond in the)
County of York this 7th)
day of June 1945.)

A.A. JONES,

Before me,
R. Borrows,
A Commissioner for Oaths.

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No. 75 at Bari in July 1942

A F F I D A V I T

I, WILFRID PRICE, Barrister-at-Law, now acting as Temporary Assistant to His Majesty's Procurator-General and Treasury Solicitor, Storey's Gate, Westminster, and with a permanent address of 5, Paper Buildings, Temple, London, E.C.4. make Oath and say as follows :-

1. Since the summer of 1944 up to the date hereof, I have been engaged, inter alia, in the preparation of evidence on Italian war crimes, and in the course thereof, on or about the 23rd February 1945, I interviewed No. 180176 Lieutenant Eric Alfred Lawton, Worcestershire Regiment, then at 23rd Infantry Holding Battalion, Ross-on-Wye, Herefordshire, and with a permanent address at 39, Bernard Road, Edgbaston, Birmingham 17, and made notes of his evidence regarding the charges herein. The said notes were read over to him and he agreed that he would swear to an Affidavit embodying the same.

2. I drew up an Affidavit embodying the evidence of the said officer from the said notes and a copy of such affidavit is exhibited hereto and marked "W.P.1" . I sent the said affidavit by letterdated the 16th March 1945 to the said officer for swearing: it was, however, returned by his Commanding Officer who informed the Treasury Solicitor by letter dated the 24th May 1945 that the said Officer had been killed in action on the 6th April 1945. A copy of the latter letter is exhibited hereto and marked "W.P.2".

SWORN at 1 Mitre Court Buildings,)
Temple in the City of London)
the 29th day of June 1945)

WILFRID PRICE.

Before me,
HERBERT W. KNOCKER.
A Commissioner for Oaths.

1900

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No. 75 at Bari in July 1942

A F F I D A V I T

- of -

WILFRID PRICE

THE TREASURY SOLICITOR

IN THE MATTERS OF :-

A. The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No. 75 at Bari in July 1942.

B. The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No. 21 at Chieti during the period August 1942 to May 1943.

C. The murder of Pilot Officer Outerbridge at a railway station near Rimini on May 1st 1943

AFFIDAVIT

I, ERIC ALFRED LAWTON, No. 180176, Lieutenant Worcestershire Regiment, now at 23rd Infantry Holding Battalion, Ross-on-Wye, Herefordshire, and with a permanent address at 39, Bernard Road, Edgbaston, Birmingham 17, make Oath and say as follows :-

1. On the 21st June 1942 I was taken prisoner at Tobruk, and from there was taken to a camp at Baci, thence to Lecci, both in North Africa, and was then shipped to Italy and taken to Camp No. 75 at Bari. I was there for about three weeks in July 1942. During the time when I was in this camp the following incident occurred.

It was roll-call. I was about fifty yards from the incident in question. The Italian guards, some twenty of them, marched through the parade. One of our prisoners of war tripped one of the guards. It may have been intentional. The guard slashed round with his rifle and hit another man (not the one who did the tripping), and several others were hit in a similar way.

I was sent on to Camp No. 21 at Chieti in August 1942.

2. I was at Camp No. 21 at Chieti from August 1942 to the 10th May 1943.

The conditions in this camp during that period were very bad. There was great overcrowding. The sanitation was bad. There was very little water.

As to food. - This was in very short supply; only the Red Cross parcels saved us from slow starvation.

No clothing was provided: we were left to go through the winter with only our desert kit, which consisted of a shirt and shorts.

The Italian Officer, who really acted like a Commandant, was a Captain Interpreter called Croce. He was a violent Fascist, very anti-British, and would do nothing to relieve our privations. He would not even hand on requests or complaints to his superiors.

3. On May 1st 1943 I was sent from the said camp at Chieti to a Camp, No. 49, at Fontanellato (Parma) by train. The distance was some 200 miles. The train stopped at a small station near Rimini I think the name of the station was Castell-something. There is a castle on a hill nearby. I was travelling in the same compartment as Pilot Officer Outerbridge, when he expressed his intention of jumping the train. He first attempted to jump out whilst the train was stationary in a small station, but the other officers in the compartment - five in all - pulled him back as he had his feet on the table by the window, and he would certainly have been shot before he got away from the train. Immediately after this the guard by the window left his seat and stood in the corridor, whilst another guard took his place. This first guard, Papantonio Guiseppe, born at Foggio in 1910, father Raffaele Papantonio, had realised that Outerbridge intended to escape, and fearing that he might be assaulted, changed places, and told no one what had occurred.

I speak fluent Italian, and learned all this later on when the Senior Italian Officer questioned Papantonio and severely reprimanded him for not reporting the first incident, and thus preventing bloodshed. After this we all thought that Outerbridge would wait until nightfall, but just as the train was pulling out of a small station near Rimini Outerbridge leapt on the table, after a slight scuffle pushed the guard by the window aside, jumped out of the train, and ran down the platform. The train, which was hardly moving, stopped almost immediately. Papantonio made no attempt to stop Outerbridge from jumping from the window, but ran down the corridor and jumped out. Whether he fired the shot that brought Outerbridge down I am unable to say, but Outerbridge fell at a distance of 40 yards from the train, and being unable to rise put his hands up. I then saw Papantonio deliberately fire four or five shots at Outerbridge as he lay on the platform. Outerbridge was carried on to the train where he died five minutes later. His body was taken off the train at Rimini, where we were told he was to be buried.

I remained at the said camp at Fontanellato until the Armistice, 8th September 1943, when I escaped, and on the 25th October 1943 I got across the lines and joined the Fifth Army.

SWORN at)
.)
in the of)
this day of 1945)

Before me,

A Commissioner for Oaths.

1903

IN THE MATTERS OF :-

A. The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.75 at Bari in July 1942.

B. The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.21 at Chieti during the period August 1942 to May 1943.

C. The murder of Pilot Officer Outerbridge at a railway station near Rimini on May 1st 1943

A F F I D A V I T

- of -

Lieutenant E.A. LAWTON

THE TREASURY SOLICITOR.

"A."

This is the copy letter marked "A.T.2." referred to in the Affidavit of Gilbert Price sworn before me this 29th day of June 1945.

(Sgd.) HERBERT A. ANCOCKER.
Commissioner for Oaths.

1904

12th Bn. The Devonshire Regiment,
Bulford Barracks,
Salisbury,
Wilts.

24th May, 1945.

Dear Sir,

Italian War Crimes

Reference your letter of the 16 March, 1945, addressed to Lieut. E.A.LAWTON of the Worcestershire Regt., enclosing an Affidavit on the above subject to be signed by him. I regret having to inform that this officer was killed in action on 6th April, 1945.

I am returning the unsigned documents to you herewith.

Yours faithfully,

(?)

Major.

The Treasury Solicitor,
Storey's Gate,
St. James's Park,
London, S.W.1.

IN THE MATTER OF : **1905**

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.66 at Bari during the period 21st December 1941 to the 26th March 1942.

A F F I D A V I T

I, PETER JARRETT LEWIS, No.53687, Major, The Buffs, attached 2nd Surreys, with a present address of Charlton Park, Bishopsbourne, Kent, and with a permanent address of C/o Mrs. Allen, Herries, Orastock, Woking, Surrey, make Oath and say as follows :-

1. I was taken prisoner of war on the 15th December 1941 at Gazala, North Africa. From there I was sent to Derna, where I stayed one night; then to Benghazi where I stayed one night; then to Camp No.66 at Bari in Italy where I stayed from 21st December 1941 to the 26th March 1942: then to Camp No.35 at Padula where I stayed from the 26th March 1942 to the 4th or 5th May 1942: then to Camp No.29 at Piacenza where I stayed from the 4th or 5th May 1942 to the 8th September 1943 - the armistice: then wandered for some seven weeks in Italy and eventually on the 30th October 1943 reached Switzerland. I was repatriated on the 2nd November 1944.

2. During the time that I was at the said Camp No.66 at Bari, namely from the 21st December 1941 to the 26th March 1942, the conditions were as follows :-

As regards food, we were supposed to receive the basic ration which consisted daily of one small loaf of bread, about a pint of think vegetable skilly, with a little macaroni or rice in it, and occasionally a small piece of meat or cheese, but I do not believe that we even got that. We all thought that there was stealing by the Italians. There was a very untrustworthy Italian cook in charge of the cookhouse and on many occasions they rushed off with some of our ration before it was all doled out from the dish or pot, and it was not fully distributed.

As regards clothing. There was no issue at all of anything for some two months after my arrival at the said camp. We got no shirts or towel or soap for some two months.

There was considerable looting at the said camp by the Italian personnel. A tunnel was discovered under the Subalterns' hut. I cannot remember the exact date. The next morning the Subalterns were sent out for a walk and the other officers were kept out of the said Subalterns' hut. While away the Italians systematically went through the Subalterns' kit and took various articles such as brushes, razors and razor-blades, garments, toilet cases, and some Red Cross issue which had just been received. I know this from my personal investigation, and I saw the list of the missing things made out, and I also saw Italian officers eating Red Cross chocolate and smoking Red Cross cigarettes.

On the afternoon of the same day a similar thing happened when a tunnel was found under the floor boards of the Senior Officers' hut. Protests were made and a list of missing articles was handed in to the Commandant, Captain Sommabilla, but so far as I know nothing whatever was done about it.

SWORN by the said PETER JARRETT LEWIS at 68 Castle Street, Canterbury in the County of Kent this 5th day of September 1945)

P.J. LEWIS. Major.

Before me,

A.K. MOWLL.

A Commissioner for Oaths.

IN THE MATTER OF :-

The ill-treatment of British Prisoners of War and breaches of the Geneva Conventions, 1929, at Camp No.75 at Bari during the period about 28th January 1942 to about 2nd March 1942.

A F F I D A V I T.

I, WILLIAM BRIAN de LAVAL LUSK, Captain, New Zealand Medical Corps at present at Reception Depot, New Zealand Expeditionary Force, United Kingdom care of New Zealand Army Post Office Margate Kent, and with a permanent address of 76, St. Andrews Road, Auckland, New Zealand, S.E.3. make oath and say as follows :-

1. I was taken prisoner of war on the 28th November 1941 at Sidi Resegh and was from there taken to Benghazi where I stayed five days; thence to Brindisi where I was in hospital for a time, and thence to Bari, Italy, where I arrived about 28th January 1942.

2. I was prisoner of war at Camp No.75 at Bari from about 28th January 1942 to about 2nd March, 1942. The conditions in the said camp during that period were as follows :-

   It was an Officers' transit camp and very overcrowded. It was verminous, but not to a great extent. The food supply was very poor - about 1,200 calories per day: consisting of one roll of 150 grammes and about two pints of thin cabbage stew per day with occasional cheese fruit and fish. This diet was lacking in proteins and in fats, and there was in consequence a steady decline in the general health with the development of a state of malnutrition.

3. Shortly after my arrival at the said camp I heard of an incident which occurred prior to my arrival, namely the shooting in the shoulder of Major Reeves. I know a man who actually saw the incident, namely, Captain G.C.T. Burns, 5th Field Ambulance, New Zealand Medical Corps now at Halifax House, Strand, London, Acting Deputy Assistant Director of Medical Services.

SWORN at 12 King Edward Street in)
the City of Oxford this 3rd day of) W.B. de L. LUSK
August 1945)

Before me,
W. HOWES LINNELL
A Commissioner for Oaths.

IN THE MATTERS OF :- **1907**

(a) The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.75 at Bari from about 13th December 1941 to 25th March 1942.

(b) The wounding of Major Reeves at Camp No. 75 at Bari in January 1942.

(c) The wounding of and assault on Major McDowall at Camp No. 75 at Bari in January 1942.

A F F I D A V I T

I, JOHN HAROLD MAIDES No.130764 Captain, The Royal Tank Regiment, at present at Royal Naval Air School c/o 70 C.B.A.L. Section, Henstridge, Somerset, and with a permanent address at 4, Northampton Road, Croydon, Surrey, make Oath and say as follows :-

1. I was taken prisoner at Sidi Azizes, Libya, on November 27th 1941. I was taken to Bardia, thence to Benghazi, and on 13th December 1941 reached Camp No.75 at Bari, Italy.

2. I was at Camp No. 75 at Bari from December 13th 1941 to about 25th March 1942. The Camp Commandant during that time was Captain Sommavilla, a very bad and cruel man and violently anti-British.

The accommodation was very overcrowded: there were two huts for about 160 officers. The conditions for the other ranks were appalling: the men were herded like cattle.

As to food, the officers received 150 grammes of bread and a pint of thin macaroni skilly per day. Sometimes half an ounce of bony fish. Occasionally an orange or glass of wine. I was informed by our medical officers that the ration amounted to about half the calories required for normal subsistence.

Red Cross parcels were only issued on rare occasions. The said Captain Sommavilla himself controlled the issue and constantly held it up. There was wholesale pilfering from the same. Frequent applications were made to him to allow an inspection of the said Camp by either the Red Cross authorities or the Protecting Power but he always refused.

In consequence of the bad conditions dysentery, skin diseases and malnutrition were very prevalent.

The medical arrangements were utterly inadequate. The Italian medical officers made no attempt to deal with the situation: there was no proper hospital tent, equipment or supplies. After six weeks they allowed our medical officers to start a medical parade but even then the head Italian medical officer showed no sympathy and our medical officers were left to do what they could with the medical supplies they themselves had when captured. Only desperate cases were allowed to go to the local hospital.

3. I remember the case of the wounding at Camp No.75 at Bari in January 1942 of Major Reeves. (I believe his unit was 1st Buffs.) I lived in one hut and he in the other in the same compound. On the occasion in question he had been playing cards in our hut and just after dusk returned with another major to his own hut: a matter of some 30 yards, and by a route which he was entitled to use. I heard a sentry shout "Halt". The Major walking with Major Reeves told me afterwards that they halted. I heard a shot but could not see what happened. The general talk the next day was that Major Reeves had been shot in the shoulder by a bullet. He was taken to the local hospital. Protests were made to the said Captain Sommavilla by our senior British officers but he gave no satisfaction and refused to discuss the matter, and I believe no enquiry was held or any reprimand given.

This was not an isolated case of shooting. The sentries did so on the slightest or even no pretexts at all: frequently firing through the huts presumably to intimidate.

4. I remember also the case of the wounding and assault on Major McDowall at the said Camp No. 75 at Bari in or about January 1942. I lived in the hut next door to that in which Major McDowall lived. About 9.30 p.m. on the night in question Major McDowall (who had dysentery) ran out to a latrine round the back of his hut. He was acting against orders in going that way. A sentry fired without challenging but missed Major McDowall. The guard turned out and the said Captain Sommavilla came on the scene in a furious rage and finding Major McDowall back in his hut then hit Major McDowall on the head with his revolver. The guard hauled Major McDowall off to Sommavilla's office.

5. After leaving Bari I went to camps at Padula and Bologna whence I escaped at the Armistice on or about 12th September 1943.

SWORN by the said JOHN HAROLD MAIDES)
at Greenhill Sherborne in the)
County of Dorset this 21st day of) J. MAIDES.
June 1945) Capt.

Before me,
T.S. BARTLETT.
A Commissioner for Oaths.

1909

IN THE MATTERS OF :-

(a) The ill-treatment of British prisoners of war and breaches of the Geneva Conventions, 1929 at Camp No. 75 at Bari from about 13th December 1941 to 25th March 1942

(b) The wounding of Major Reeves at Camp No. 75 at Bari in January 1942.

(c) The wounding of and assault on Major McDowall at Camp No. 75 at Bari in January 1942

A F F I D A V I T

- of -

Captain J.H. MAIDES

THE TREASURY SOLICITOR.

IN THE MATTERS OF : **1910**

(a) The ill-treatment of British prisoners of war and breaches of the Geneva Convention 1929 at Camp No.75 at Bari in 1942;

(b) The ill-treatment of British prisoners of war and breaches of the Geneva Convention 1929 at Camp No.21 at Chieti during the period July 1942 to September 1943

British National Office Charge: UK - I/B 42
UK - I/B A/12.

AFFIDAVIT

I, Lieutenant WILLIAM MAGSON (74402) of 6 T.B.R.E., Preston, with permanent home address at 3 Medhurst Road, Benton, Northumberland, make Oath and say as follows :-

1. On June 30th 1942 I was captured between Mersa Matruh and Fuka whilst serving with 233 Field Company, 50 Division. The first night I was taken to Mersa Matruh P.O.W. Cage which was run by Germans. There was sufficient room in the compound but no water. The next day we were taken to Tobruk aerodrome where we stayed another day. Whilst here we were handed over to the Italians and guarded by Italian native troops.

2. The next day we moved to Derna and stayed one more night and then moved to Barce. I stayed at this P.O.W. Cage for three weeks. The accommodation at the camp was sufficient but it was infested with lice, water supply was short, the rations were inadequate and the latrines merely consisted of holes in the ground. They were infested by flies.

3. From Barce I was taken to Benghazi aerodrome and flown to Italy landing at Lecce I stayed the night here and the following day I was sent to Bari by train.

4. I was at Bari P.O.W. Camp from June 1942 to approximately 20 July 1942. The accommodation at this Camp was hopelessely overcrowded and the rations were very poor. It was at this Camp that we began to feel the pinch. During the three weeks I was there we had three issues of Red Cross parcels each time to be divided amongst ten of us. The medical services were very bad due to our medical officers having no supplies. There were numerous cases of desert sores and dysentery. During my stay at this Camp I did not see or hear of any cases of ill-treatment of Ps.O.W. in so far as officers were concerned and I know of no cases in respect of O.R's because we were in a separate compound. The only Italian officer at the Camp I came in contact with was an Alpine Major who appeared to try deliberately to make the lives of prisoners unhappy. As an example he would purposely keep those on parade standing much longer than was necessary.

5. On leaving Bari I was sent to Chieti wherel stayed until 23rd September 1943. One Italian officer who stands out in my mind at this Camp is an officer who was Adjutant and Interpreter named Crose. This officer appeared to be the power behind the Commandant Colonelo Massey. Crose was particularly nasty to Ps.O.W. He would order parades five or six times a day for no

reason at all and conduct extensive searches leaving the rooms in complete disorder and in many case cutting open mattresses, haversacks and other private possessions. On his instructions all tins sent in Red Cross parcels were opened before issue. He was a keen Fascist and violently anti-British. At this camp also there was hopeless overcrowding and at one time there were 1,200 officers in a square of 300 metres. The water supply was inadequate and was less than three pints per day for all purposes. Until Red Cross clothing arrived in January 1943 no clothing was issued to us and during the winter we were clad in khaki drill. The rations were inadequate and had it not been for Red Cross parcels we should have starved. One day we were locked up in the bungalows all day and were not given any food at all because they alleged someone had stolen a hammer.

6. This camp was taken over by the Germans in September 1943 and I was then moved to Sulmona by lorry. I stayed at Sulmona about a week and was then entrained for Germany. I escaped from the train and ultimately joined the Allied Forces in June 1944 north of Sora.

SWORN at 6 Spring Gardens, in the)
City of Westminster this 11th day) W. MAGSON. Lieut. R.E.
of May 1945)

Before me,
F.J. JONES.
Major Legal Staff
Military Department, Judge Advocate
General's Office, London.

IN THE MATTER OF :-

The murder of a British prisoner of war, name rank and unit at present unknown, at Camp No.75 at Bari on a date prior to the 5th August 1942

A F F I D A V I T

I, THOMAS JOSEPH O'BRIEN, Lieutenant, R.E. No. P/168958, now at C.R.E. Flagstaff Road, Colchester, Essex and with a permanent address at Kincora House, Galley Wood, near Chelmsford, Essex, make Oath and say as follows :-

1. On 29th June 1942 I was taken prisoner south of Daba, North Africa, and taken to Camps at Mersa Matruh, Tobruk, Derna and Benghazi and thence flown to Italy, reaching Bari about 10th July 1942.

2. I was at Camp No. 75 at Bari for about a month from 10th July until about the 5th August 1942. This Camp was extremely crowded. As regards food, the ration during this period was so low that any exercise or work was impossible; only with the help of the Red Cross parcels could we maintain comparative health.

3. During the period 10th July to 5th August 1942 (I cannot give the date more precisely) there occurred a case of the murder of a British other rank prisoner of war. I did not witness the incident myself but I heard (I cannot now give the name, rank or unit of my informant) that the said other rank went to a urinal during the hours of darkness. I am not sure whether the sentry challenged or not, but I was told that he fired and shot him dead. I cannot now give the name, rank or unit of the said victim.

SWORN at Colchester in the County of Essex this 26th day of April 1945) T.J. O'BRIEN. Capt. R.E.

Before me,
J.N.A. MORTON.
A Commissioner for Oaths.

IN THE MATTER OF :

The ill-treatment of Prisoners of War and breaches of the Geneva Convention 1929 at Camp No. 75, Bari, during the period from June to August 1942.

1914

AFFIDAVIT

I, No.67130, Major ROLLO EDWARD CRUWYS PRICE, South Wales Borderers, attached 161 Inf. R.M.C. O.C.T.U., of Mons Barracks, Aldershot, with permanent address C/o Messrs. Glynn Mills & Co. (Holts Branch), 50 Charing Cross, London, make Oath and say as follows:

1. I was taken prisoner of war by the German 90th Light Division on 18th June 1942 between Tobruk and Gambut Aerodrome. I was evacuated to Benghazi via El Adem and Derna, and was thence flown to Lecce where I remained overnight. The next day I was entrained for Camp No.75, Bari, where I arrived on 24th or 25th June, 1942.

2. Whilst at Bari I was accompanied in a wire enclosed compound which included six to eight bungalows. My bungalow had six or seven bays giving on to a central corridor. The bay I was in was some 57 feet long and 14 feet wide, and accommodated about 48 prisoners of war. We slept on two-tier double bunks which were so close to each other than there was only just room to pass between them, except for the "gangway" dividing the beds which backed out each side of the bays. The bedding consisted of straw palliasses, and blankets were not in general issue although some of us had been lucky enough to procure them. The bay I was in was free from vermin but there were pests of flies.

3. Apart from walking round the compound, there were no facilities for exercise; nor were there any facilities for intellectual or sporting pursuits beyond what we were able to supply ourselves.

4. Our daily ration was 200 grammes of bread, a small quantity of rice or macaroni (usually served in soup), a small portion of cheese, and ersatz coffee. We also had tomatoes almost every day and a minute ration of meat twice a week (perhaps a portion 3" x 2" x 1/8") Towards the latter part of the time I was at Bari, we got a certain amount of fruit or nuts daily: perhaps a peach or a few almonds. At the canteen we could buy approximately 50 Italian cigarettes a week and a limited number of dubious cakes.

5. Malnutrition was rife. Most of us were too lethargic to move from our bunks and it was by no means unusual for officers to faint during the daily counting parades. There were some cases of dysentery and a large number of cases of desert sores. Cases of sickness were reported to the South African Medical Officers, Major Eagle, and Captain Alexander. I cannot speak further as to medical facilities as I never used them myself.

6. Sanitary arrangements were reasonably good according to Italian standards and the facilities for washing were adequate. Food utensils were washed in a trough in the compound and the food refuse beside the trough was never moved and in consequence attracted the flies referred to in paragraph 2 hereof.

7. For the first three weeks or so I was at Bari we received no Red Cross parcels. There were three subsequent issues while I was at this camp, and I received approximately a quarter of one of the first of these issues: a third of one of the second, and a quarter of one of the third.

8. I received no mail till late in September 1942, after which mail arrived fairly regularly. I believe only a small part of my outgoing correspondence reached its destination.

9. On or about 3rd August 1942, I was transferred to Camp No.21, Chieti, where I arrived the following day.

SWORN at Aldershot in the County of)
Hants this 28th day of September 1945) R.E.C. PRICE.

Before me,

C.P. WHITEHEAD,

A Commissioner for Oaths.

4

IN THE MATTER OF :- **1915**

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.75 at Bari during the period 3 weeks from the 8th August to the 31st August 1942.

A F F I D A V I T.

I, JOHN WHEELDON REDGATE No. 136640, Major, R.A.M.C., present address Military Hospital, Shaftesbury, Dorsetshire and with a permanent address C/o H.A. Chapman Esq. 45, Newlands Avenue, Radlett, Hertfordshire, make oath and say as follows:-

1. On the 20th June 1942, I was taken prisoner of war at Tobruk. Thereafter I stayed at Tobruk for some 6 weeks and 2 days: then sent to Derna where I stayed one night: then to Benghazi where I stayed some 4 days: was then flown to Camp No.75 at Bari where I stayed three weeks: then to Bergamo Military Hospital for prisoners of war near Camp No.62 at Bergamo where I stayed from August 31st 1942, to May 9th 1943: then to Altamura Hospital where I stayed from May 9th to August 10th, 1943: then to the Hospital at Treviglio where I stayed from August 10th to about the 1st November 1943 when I was taken by the Germans to Germany.

2. During the time that I was at the said Camp No.75 at Bari, namely 3 weeks from about August 8th to the 31st 1942, the conditions were as follows :-

As regards the officers :-

We were housed in buildings with two-tier wooden bunks.

As regards the sanitary arrangements, there was a great lack of water in the isolation pen, where I spent 14 days of the 21 I was there. There were some taps, but they only ran during a very small portion of the day. There was some flushing done of the lavatories with a hose.

The water supply in the main part of the officers camp was adequate.

As regards food, the daily ration was one roll of bread of 150 to 200 grammes with a pint to a pint and a half of a thin vegetable skilly with a very little rice in it and twice during the time that I was at the said Camp there was an issue of some very bitter wine. As regards meat, we had two issues while I was there which was very bad and dirty. My portion was so filthy that I could not eat it. Fruit was sometimes procurable, if we paid for it. This was a starvation diet with a gross lack of calories; consequently the resistance of everybody was lowered and diseases were prevalent.

As regards clothing, none was issued while I was there. It is true that none was needed at the time that I was there, because it was August, but it would not have been forthcoming in my opinion if we had needed it. I say this because during all my experience in Italian Camps I have never known any issue of clothing by the Italians. Our prisoners of war had to rely entirely on Red Cross supplies so far as my experience goes.

As regards diseases, they were chiefly dysentery and desert sores picked up partly from North African Camps, but chiefly from the flies in Bari which were worse even than in Africa.

As regards medical arrangements, I never went sick myself and I was not in charge medically, but from my own personal observation and from what I was told by our prisoners of war who had personal experience, I say that as to the medical arrangements, they were practically non-existent. There was a small medical inspection room but no equipment or supplies - the Italians could not really undertake any medical treatment in the proper sense of the term. I do not think there was an Italian medical officer there at all - but as to this I am not sure - the medical arrangements, such as they were, were handed over, so far as I know, to Captain Alexander, South African Medical Corps. He was taken to Germany and has presumably been released.

As regards the treatment of the other ranks, I was never in their Camp. I could see part of it and we heard from people who had been across. We had batmen from the other ranks. The information I obtained was as follows :-

As regards accommodation, they were in small tents made from Italian groundsheets buttoned together. These were quite useless in bad weather.

As regards sanitary arrangements, I am unable to say what they were.

As regards food, they were treated presumably the same as we were, but I cannot say for certain.

As regards clothing, I believe they were treated in the same way as we were.

As regards diseases, the information I got was that the condition was the same as in the officer's quarters.

As regards medical attention, I believe that any of the other ranks who went sick came into the little medical inspection room before referred to and Captain Alexander had to do what he could for them with such Red Cross supplies as he was able to obtain.

SWORN at 23 Bell Street, Shaftesbury)
in the County of Dorset the Eighth)
day of August 1945)

J.W. REDGATE

Before me,
EDWARD N.G. ARKELL
A Commissioner for Oaths.

IN THE MATTER of THE ILL-TREATMENT OF BRITISH PRISONERS OF WAR AND BREACHES OF THE GENEVA CONVENTIONS 1929 at Camp No. 75 at BARI during the period June to August 1942.

A F F I D A V I T.

I, No. 151377 Captain HUGH HALDANE THOMSON, of 53rd Air Landing Light Regiment, R.A. with private address at 24 Somer's Road, Reigate, make oath and say as follows :-

1. My Unit is at present in Germany and I am at my home, having been shot down and wounded, and am attending the Horton Emergency Hospital, Epsom, as an out-patient.

2. I was captured at Sidi Rezegh on the 15th June 1942 and was flown to Italy about the 26th June 1942, arriving at Lecci. From there I was taken to Camp No. 75 at Bari, where I remained until the beginning of August.

3. At this Camp the conditions were very bad. We were very overcrowded and uncomfortable. The food was inadequate. We got in the morning a cup of ersatz coffee; for midday meal, which was any time from 1 to 3 p.m. we each had 150 grammes of bread, half a mess tin of soup and about an ounce of cheese, and occasionally some fruit; sometimes twice a week we had meat instead of cheese, and if so the meat was put in soup; for evening meal, any time being 6 and 9 p.m. we had another half mess tin of soup. I lost two stone in weight during the first fortnight. We had no Red Cross parcels for the first month I was there. They did not arrive at the Camp.

4. As regards clothing, none was issued at Bari.

5. The sanitation was good by Italian standards. About twice a week the drains would be blocked, but there was running water and it worked pretty well.

6. The Italians were pretty reasonable except for an Interpreter Sergeant, whose name I do not know, who was very hostile.

7. Owing to the lack of food we spent most of our time lying on our beds and we were unable to do anything else. Many of us suffered from "black-outs" due to our weakness.

8. Between 25th July and 4th August something like 1,000 officers left the Camp and these formed a new Camp at Chieti. I arrived there on 4th or 5th August 1942.

SWORN by the said Captain Hugh)
Haldane Thomson at 21 Old Queen)
Street in the City of Westmin-)
ster this 18th day of May 1945)

HUGH THOMSON,
Capt. R.A.

Before me,
Herbert Davies,
A Commissioner for Oaths.

IN THE MATTER OF THE ILL-TREATMENT OF BRITISH PRISONERS OF WAR AND BREACHES OF THE GENEVA CONVENTIONS 1929 in CAMP NO. 75 at BARI during the period July and August 1942.

A F F I D A V I T

I, No. 140978, Lieutenant JOHN CHRISTOPHER TREVOR, Royal Engineers, D.C.R.E. Colchester Out-station at Hitherstocks, North Road, Clacton, Essex, with private address at 340 Acklam Road South, Middlesbrough, Yorkshire make oath and say as follows :-

1. I was captured at Tobruk on 20th June 1942 and after about a fortnight in North Africa I was flown to Italy arriving at Lecce and was taken to Camp No. 75 at Bari where I remained until transferred to Camp No. 21 at Chieti about 5th August 1942.

2. I have seen the Affidavit of Captain Hugh Haldane Thomson sworn the 18th May 1945 and I confirm what he says about conditions at Bari. I arrived about a fortnight after Captain Thomson, but left at the same time.

SWORN at Clacton-on-Sea in)
the County of Essex this)
23rd day of May 1945)

J.C. TREVOR,
Lt. R.E.

Before me,
Ralph S. Carr,
A Commissioner for Oaths.

IN THE MATTER OF : **1919**

(a) The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.75 at Bari in September 1942.

(b) The assault upon an unnamed British Prisoner of war at Camp No.75 at Bari in September 1942

A F F I D A V I T

I, HENRY CHARLES WOOLLEY, Leading Telegraphist, C.L.H. Mobile Unit No.1, now at Room 4 XD.S.D.10, Archway Block North, Admiralty, Whitehall, and with a permanent address at 6 Island View Terrace, Stamshaw, Portsmouth, Hants, make Oath and say as follows :-

1. I was taken prisoner at Tobruk off H.M.S. "Sikh" on the 14th September 1942, and was thence taken to camps at Tobruk and Derna in Libya and finally shipped to Italy, reaching Camp No.75 at Bari on the 28th or 29th September 1942. I remained there until the third week in November 1942.

The accommodation at this Camp was very bad. We were lodged in tents on the side of a hill, which in wet weather was running with water. Nothing was done until an envoy of the Pope came, and on his representations we were moved.

As regards food, the quality and quantity was very poor. The daily ration was half a pint of ersatz coffee at 7.30 a.m. one pint thin vegetable skilly with a little rice, or macaroni, or spaghetti, at 12.0 a.m. one roll of bread (approximately 150 to 200 grammes) and a piece of cheese weighing approximately 1oz. at 5.0 p.m. The cheese was sometimes exchanged for a piece of meat in the skilly. It was impossible to live on this diet, and it was a case of slow starvation. The Red Cross parcels were very irregular. Prisoners of war were in a very weak state when we were transferred to Camp No.70 at Fermo.

There was a lot of disease in the camp at this time, mainly dysentery. The doctor came only twice a week, when a tent was put up. The Italian medical orderly had to do what he could while the said medical officer was away.

2. During the time that I was at the said Camp at Bari a prisoner of war whose name, rank and unit I cannot now give, beyond the fact that I believe he was in the Green Howards, was one of a working party. The Italian officer in charge, thinking that the said prisoner was not working hard enough, struck him in the face with a whip. I cannot at present give the name, rank or unit of the said Italian Officer.

On the 14th March 1943 I was one of the first of the British prisoners of war to be repatriated.

SWORN at Portsmouth in the County of Hants this 30th day of July 1945) H.C. WOOLLEY.

Before me,
E.E.B. WAY.
A Commissioner for Oaths.

1920

IN THE MATTER OF :

(a) The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.75 at Bari in September 1942.

(b) The assault upon an unnamed British prisoner of war at Camp No.75 at Bari in September 1942

A F F I D A V I T

- of -

Leading Telegraphist H.C. WOOLLEY

THE TREASURY SOLICITOR.

Column Miscellaneous Notes

319/UK/It/42 **1921**

No.3 May be the same as Captain SCHIAVILLA

(*For the Use of the Secretariat*)

Registered Number. 319/UK/It/42

Date of receipt in Secretariat. 1922 — 18 SEP 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B 42 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1. Major Armellini, sometime Commandant 2. Colonel Crofolo, sometime Commandant 3. Captain Somervilla, sometime Commandant 4. Tenento-Colonello Latanzia of Padua Commandant of officers camp at Bari 5. Colonello Crofollo of Tarento Commandant 6. Two unidentified sentries
Date and place of commission of alleged crime.	An indefinite period: probably the whole time that Camp No. 75 at Bari was in use as a transition camp Place: Camp No. 75 at Bari, Italy.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. xxix Geneva Convention 1929, Articles 2,10,11,13 and 46 Reference to relevant provisions of National Law under English Law: (a) Murder (b) Manslaughter (c) Wounding with intent to do grievous bodily harm or(d) Unlawful wounding or(e) Assault

SHORT STATEMENT OF FACTS.

Over a very considerable period, the limits of which are indefinite at the moment, Camp No.75 at Bari, Italy, was conducted with methods of great hardship and cruelty. It became notorious as the worst of the Prisoner of War Camps in Italy. Many incidents of ill-treatment of and cruelty towards Prisoners of War can be proved, which point to either deliberate cruelty on the part of those in command of the Camp or gross dereliction of duty and failure to deal with the notorious conditions. (Probably the worst incident was the shooting of Lt.Cook & a Capt.Playne who was killed. This forms the subject of a separate charge UK - I/B 12

The accommodation was inadequate, there was great overcrowding, the hygienic conditions were deplorable, the whole Camp was infested with lice and other vermin, and no attempt was made to destroy them; the food ration was very inadequate; the Red Cross parcel situation was bad; clothing supplies were inadequate.

TRANSMITTED BY The Solicitor for the Affairs of the Treasury.

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Cp.685
(26924) Wt.P.1817/P.1139 5,000 3/44 " "

PARTICULARS OF ALLEGED CRIME

1923

(A) War Crimes List

Breach of Article xxix, with regard to Treatment of prisoners.

(B) Geneva Convention, 1929

Breach of Articles :-

(2) Requiring humane treatment and protection: and forbidding reprisal.

(9) Forbidding confinement or imprisonment except under special circumstances and within special limits

(10) Requiring hygienic and salubrious conditions in buildings

(11) Requiring adequate food and water

(12) Requiring adequate clothing and canteens

(13) Requiring hygienic, clean and salubrious conditions in camps

(46) In the case of disciplinary punishment forbidding corporal punishment and confinement without daylight and all forms of cruelty.

(61) Requiring trial and opportunity to defend

(C) Under English Law:

(1) Murder - or

(2) Manslaughter
(3) Wounding with intent to do grievous bodily harm, or
(4) Unlawful wounding or
(5) Assault

(See the Evidence of Lieutenants Newton, Chesney and Baker attached hereto)

To be attached to I.A.13.

EXTRACT FROM INTERROGATION BY MIDDLE EAST
OF EXCHANGED BRITISH NAVAL PRISONERS OF WAR
(March 1943)

No. 0103/5023/P.W.2(a)

Interrogation of Lieutenant P.C. SHARP
(R.N.V.R.)

No. 75 Camp - BARI

Tenente-Colonello LATANZIA of PADUA was in charge of the officers' camp at BARI. He was incompetent, obstructionist, and a sadist. The Commandant of the whole camp, Colonello CROFOLLO of TARANTO is a weak charactered man, and is influenced by LATANZIA.

To be attached to I.A. 13.

1925

EXTRACT FROM INTERROGATION BY MIDDLE EAST
OF EXCHANGED BRITISH NAVAL PRISONERS OF WAR
(March, 1943)

No. 0103/5023/P.W.2(a)

Interrogation of Lieutenant M.V.H. CAPLAT,
R.N.V.R. and Comm. Eng. R.W.B. BLATCHFORD,
R.N.V.R.

No. 75 Camp - BARI

Treatment VERY BAD. C.C. called SOMMERVELLA (?), then a Captain in the Army, now a Maggiore; collar patches green; face like a bloated frog; large mouth; spindly legs; very tall; stooped; clean-shaven; dard; 2 wound stripes for Spain and Albania. He was C.O. for a while and was then relieved by an Alpini Major who wasn't too bad but was frightened of SOMMERVELLA.

To be attached to I.A. 13.

EXTRACT FROM INTERROGATION BY MIDDLE EAST OF
EXCHANGED BRITISH NAVAL PRISONERS OF WAR (March, 1943)

No. 0103/5023/P.W.2(a)

Interrogation of Lieutenant R.J. CHESNEY, (R.N.V.R.)

Stayed at BARI (75 Camp) for 6/7 weeks to beginning of August. At beginning of August CHESNEY got out for about 6 hours and was picked up by Carabinieri on railway line; sent back by lorry with SPINOZA (local interpreter) who handcuffed him and searched him thoroughly; all his gear was removed and he was again handcuffed extremely tightly by winding dog-chain round his wrists, putting on lock and twisting until it was more than skin-tight; this was about 4 a.m. he was left until 10.00 a.m. when C.C. arrived; he ordered the handcuffs to be removed - this was a somewhat difficult process as his wrists and hands had swollen up owing to the tightness of the dog-chain. He was sentenced to 10 days close-arrest and 17 days open-arrest. During the afternoon another officer was bunged into the cell for laughing at the guard during roll-call; later on 3 others were put in so that there were 5 men in a cell with 4 stretcher beds, and about 12' square. After 5 days close-arrest they were sent to SULMONA (78 Camp) where there were some South Africans whose attitude was that the war was over for them, were quite content and had not the slightest intention of escaping. Apart from the Cook incident there were two others; one of them was when one officer got up about 21.00 hours, was halted by a sentry, with his hands up he asked for the "latrine" was shot through the stomach and died almost at once. Another was when a Major was talking to some friends and a nervous sentry shot him through the shoulder.

To be attached to T.A.13.

EXTRACT FROM INTERROGATION BY MIDDLE EAST
OF EXCHANGED BRITISH NAVAL PRISONERS OF WAR
(March, 1943)

No. 0103/5023/P.W.2(a)

Interrogation of Lieut. P. Baker, R.N.V.R.

No. 75 Camp - BARI

Last day before they went the troops were taken to a lower compound to make room for June captives; iron beds put in and the wooden ones piled up outside; an old emaciated Cypriot was told to carry them; as they would have been far for him he objected; the Sergeant-Major whipped out his bayonet and set about him giving him about 20 blows on the head; all the officers in sight pulled their guns on him and the Italian M.O. who came in that moment said "shoot him". He was put in jail without any trial for about 20 days. Two Australians had also been beaten up the same afternoon on their backs with sticks by the same Sergeant-Major. Officers protested violently but the only answer they got from SOMMAVEIA was "It is a hot day and it makes them hasty-tempered".

To be attached to I.A. 13.

Extract from Interrogation of Captain Hector TREMEWAN,
N.Z.M.C. No. 7018, N.Z.E.F. Base,
Middle East Forces, dated 16th May, 1943

No. D.C.(N) 113/40/43.

Captain SOMERVILLA ex Camp 75. This man's treatment of prisoners of war was very bad.

To be attached to I.A. 13.

EXTRACT FROM INTERROGATION BY MIDDLE EAST
OF EXCHANGED BRITISH NAVAL PRISONERS OF WAR
(March, 1943)

No. 0103/5023/P.W.2(a)

Interrogation of Lieutenant Commander FERRABY - R.N.

CAMPS IN ITALY

I practically witnessed an Other Rank being shot at BARI (75 Camp), for I heard the first few moments and saw the remainder. This was in July, 1942.

To be attached to I.A. 13.

EXTRACT FROM "A REPORT ON CONDITIONS IN P.O.W. CAMPS IN ITALY, NORTH AFRICA AND RHODES FROM INFORMATION OBTAINED FROM REPATRIATED BRITISH, IMPERIAL AND ALLIED PERSONNEL"

No. 0103/5023/P.W.2(a)

BARI - CAMP NO.75

Accommodation at this camp was in stone bungalows about 170 ft. long and 40 ft. wide, each held nearly 450 men. This camp was regarded by the Italians as a transit camp, which was their excuse for the overcrowding and other faults, but some P.O.W. had been there for seven months. The whole camp was infested with lice and other vermin, and no attempt was made to destroy them.

The rations per man per day were as follows:-

200	grammes	of	bread
66	"	"	rice or macaroni
20	"	"	sugar
20	"	"	cheese

In addition, there was a weekly ration of 120 grammes of meat, and "coffee" made from chestnuts was provided each morning. This had a little sugar in it.

Officers had to pay three lire a day for this food; they also paid 10 lire a day extra to buy fruit and vegetables to supplement their rations.

At this camp the Red Cross parcel situation was very bad. For three months no parcels were received at all. All new arrivals from AFRICA were kept under guard in the open in the bed of a dry canal outside the camp. These men were receiving Red Cross parcels instead of rations, which was the reason why there were no parcels for those in the camp.

Up to November 1942, Captain DI COGNA, ex-barrister of BARI, was made C.C. and he did all he could to improve conditions for P.O.W. He improved the food situation and arranged for issue of clothing. This officer was responsible for O.Rs.

Tenente-Colonello LATANZIA of PADUA was in charge of the officers section. He was incompetent, an obstructionist and a sadist. The Commandant of the whole camp was Colonello CROFOLLO of TARANTO, a weak man under the influence of LATANZIA.

About 3,000 Indian P.O.W. were brought into this camp in batches. They were put on short rations and attempts were made to starve them into joining the "FREE INDIA" movement, etc., but these attempts seemed to meet with little success.

At the beginning of August, Lieut. CHESNEY escaped from the camp and was away for about 6 hours. He was picked up by the Carabinieri and sent back to the camp by lorry guarded by the interpreter, SPINOZA, who handcuffed him by winding a dog chain around his wrists which was twisted tight by means of the padlock securing it. This was at 04.00 hrs. At 10.00 hrs. when the C.C. arrived, the removal of this chain was a difficult process owing to the wrists having swollen considerably. CHESNEY was sentenced to 10 days close arrest and 17 days open arrest. During the afternoon, another officer was put into the same cell for laughing during roll call, and later on 3 more put in the cell, so that there were 5 of them in a cell 12 ft square containing four beds.

On another occasion, an officer left a hut at 21.00 hrs., he emerged with his hands up, when halted by a sentry he asked for the "latrine", he was shot through the stomach and died almost immediately. A Major was shot by a nervous sentry when talking to some friends.

PARTICULARS OF EVIDENCE IN SUPPORT

The evidence consists of written reports of the interrogation of certain officers and certain reports of general Camp conditions in Italy among which camps the said Camp at Bari is included. Such reports are unsigned, consist in the main of summaries of the long reports of the officers above referred to. The evidence of the officers is contained in :-

(a) Report of Interrogation of Lt. P.G. Sharp (R.N.V.R.) contained in "Interrogation by Middle East of Exchange British Naval Prisoners of War (March 1943) No.0103/5023 (P.W.2A)". Copy of the said report is attached hereto.

(b) Report of Interrogation of Lt. N.V.H. Caplat (R.N.V.R.) and Commander Engineer R.W.B. Blatchford (R.N.) contained in "Interrogation by Middle East of Exchange British Naval Prisoners of War (March 1943) No. 0103/5023 (P.W.2A). Copies of the said reports are attached hereto.

(c) Report of Interrogation of Lt. R.J. Chesney (R.N.V.R.) contained in "Interrogation by Middle East of Exchange British Naval Prisoners of War (March 1943) No. 0103/5023 (P.W.2A). Copy of the said report is attached hereto.

(d) Report of Interrogation of Lt. P. Baker (R.N.V.R.) contained in "Interrogation by Middle East of Exchange British Naval Prisoners of War (March 1943) No.0103/5023 (P.W.2A)". Copy of the said Report is attached hereto.

(e) Report of Interrogation of Cap. Hector Tremewan N.Z.M.C. No. 7018, N.Z.E.F. Base Middle East Forces dated 16th May 1943, Report No. DC (N) 113/40/43. Copy of this report is attached hereto.

(f) Report of Interrogation of Lt. Commdr. Ferraby (R.N.) contained in "Interrogation by Middle East of Exchange British Naval Prisoners of War (March 1943) No. 0103/5023 (P.W.2A)". Copy of the said report is attached hereto.

Report on Bari Camp contained in report on "Conditions in Prisoner of War Camps in Italy" from information obtained from repatriated British, Imperial and Allied Personnel under Allied Interrogating Organisation, No. A10/11/4, and Nod. 0103/5023 (P.W.2A)

NOTES ON THE CASE **1932**

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

As to the degree of responsibility there can be little doubt that the five officers charged must have known of the deplorable conditions and the state of affairs existing. There can be little doubt of their direct responsibility. The conditions of this camp were so notorious that, if possible, the second in command and other superior officers should be brought to trial in addition to the officers already accused. In addition to the evidence already obtained there should be little difficulty getting other evidence because a very large number of officers and men must have gone through this transition camp over a long period. The defence of the accused is anticipated to be that the camp was only a transition camp and that large numbers of prisoners were drafted through there ultimately for other destinations and that it could not be expected under these circumstances that the conditions would be as good as those obtaining in the ordinary camps. It is true that Bari was used in the main as a transition camp, but there were many cases where officers and men were detained there for quite a long period. The defence, therefore, that it was merely a transition camp is not a good one and in any case whether a camp be for transition purposes or otherwise, it is no excuse for the camp being conducted in a deplorable way as was the camp at Bari.

As to whether the case is complete, the evidence at present obtained should raise a strong prima facie case. As to whether the officers who have made statements will be available as witnesses is not at present known, but if not it is presumed that the Rules of evidence obtaining at the hearing will permit the reports of their interrogation to be used as evidence. The general reports on the conditions of camps in Italy, in which the report of Bari is included, is not strictly speaking evidence at all, but is a summary by some unspecified person of the interrogations which had taken place and investigations which had been made. As has been stated above, there can be little difficulty in getting other evidence in regard to the state of affairs at Bari.

343/UK/IC/43

1933

1. CASTELLI-TADDEI, Dino
2. Adjutant or 2nd in command
3. Personnel
4. actual perpetrators

1. BOZZI
to 5.

Submitted Decision of Committee I

25. X. 44	all C
30 MAY 1946	Letter of 29 April :- 1-5: A Dino Castelli : reclassified from C to A
19 JUL 1946	Addendum I 1 on A 2 already listed: difference in spelling to be shown in next list.

CARDS CHECKED

CARDS CHECKED

LIST 42

343/UK/IC/43

(*For the Use of the Secretariat*)

1934

Registered Number.	Date of receipt in Secretariat.
343/UK/Ir/43	1 0 JUL 1946

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CASE No. I/B 43 * ADDENDUM.

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1. Guido OTTRIA)) Members of Carabiniere. 2. Ernesto RAIEZZALO) [illegible] as [illegible] already listed
Date and place of commission of alleged crime.	Between February 1942 and September 1943. Camp P.G. 52, Chiavari, Italy.
Number and description of crime in war crimes list. References to relevant provisions of national law. Breaches of international law.	(xxix). Ill-treatment of prisoners of war. Assault. Breaches of the laws and usages of war, in particular Article 2 of the Geneva Convention 1929, "relative to the treatment of prisoners of war".

SHORT STATEMENT OF FACTS.

The accused were members of the Carabiniere and were concerned together in various incidents where they beat up prisoners who were under their charge, in particular during May 1943, No. 2656614 Sergeant William Hunter STRACHAN, Coldstream Guards, was brought back to the camp after an unsuccessful escape attempt. The accused severely beat him up in a cell on more than one occasion.

TRANSMITTED BY Office of J.A.G. (Mil. Dept.).

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E. W.Ltd. Gp.685
(30449) Wt.P.1183/17 5,000 10/45 "

PARTICULARS OF ALLEGED CRIME **1935**

As contained in the affidavits of Sergeant J.H. Strachan.

MD/JAG/FS/42/2(2F)
KJSR/GH.

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No. 52 at Chiavari during May 1943.

A F F I D A V I T

I, WILLIAM HUNTER STRACHAN, No. 2656614, Sergeant, Coldstream Guards, with a present address of Milton Hall, Peterborough, and a permanent address of 129, Waterville Road, North Shields, Northumberland, make oath and say as follows :-

1. On the 21st June 1942 I was taken prisoner at Tobruk, Libya, and was from there sent to Benghazi, where I stayed 4 days in an Officers camp and 11 days in an O.R. Camp, and was then sent via Brindisi to Camp No. 66 at Capua, Italy. On leaving Camp No. 66 at Capua, I was sent to Camp No. 87 at Benevento arriving there late in August 1942. From there I was sent to Camp No. 52 at Chiavari.

2. I was prisoner of war at Camp No. 52 Chiavari from the middle of October 1942 until 9th September 1943. The Commandant in the said Camp during that period was one Colonel Taddeo Castelli, his adjutant was Lt. Savateri, and one of the senior officers was Captain Bozzo, a very ardent Fascist.

3. On May 3rd 1943, I escaped from the said Camp at Chiavari alone during the day at about 8.30 a.m. I got away and travelled as far as Alessandria, but was there caught by the secret police who took me to Turin. I was interrogated and sent back to Chiavari and was taken before the Commandant, the said Colonel Castelli, who threatened to shoot me if I did not tell him who had assisted me in my escape. I did not give anyone away. The said Colonel then handed me over to the carabinieri who imprisoned me in their jail outside the Camp. There I was stripped naked and handcuffed. Then the carabinieri commenced to beat me up with fists, boots and rifle butts. As I lost consciousness the last thing I remember was lying on the floor with someone kicking me in the ribs. When I came to, I was dressed and handcuffed and all buttons had been removed from my clothing. Next day I received bread and water and in the afternoon another session of the third degree until I again lost consciousness. After that I was in such a state that I am hazy about the events of the following days but later on I worked it out that this treatment lasted for six days during which I received only bread and water. On the seventh day I received a dixie of stew in the evening and was given my blankets. My applications to see the Medical Officer or the Camp Leader were refused and it was not until the sixteenth day that the Camp Commandant visited me. When I complained of unfair treatment, he offered me my release if I would give my parole. This I refused and asked for my sentence and I was informed that I would have to complete 30 days. From that time I received Red Cross Parcel Food, books and exercise each day. Those responsible for the said treatment were as follows:-

Colonel Castelli,
Captain Bozzo
Lt. Savateri

/.....

Brigadiere (equivalent to British Warrant Officer) Giulio. This was his Christian name. I do not know his surname.

The Carabinieri who took part in the said treatment were

Ramasar (an ordinary policeman)
Mangini (an ordinary policeman)
Di Martini (an ordinary policeman) (I know this man is since dead).

On leaving the said Camp No. 52 at Chiavari on the 8th September 1943, I wandered for some 14 months in Italy before joining the Allied lines on about the 23rd November 1944. During this period Colonel Castelli, his son, and Lt. Savateri joined the Fascist Republican Army on the staff of Camp. 52 which was used for the Internment of Political Prisoners. These three were extremely active in the attempts to apprehend British escaped Prisoners of War. I have in my possession a Fascist newspaper called "The Republican Flame" dated 15th October 1944 which carries a reproduction of a photograph of myself taken by the camp authorities on the occasion of my first escape, and details of myself which could only have been provided by Colonel Castelli.

SWORN at 45 Priestgate, Peterborough)
in the County of Northampton) (SIGNED) W.H. STRACHAN, Sgt.
this 22nd day of June 1945.)

Before me.

(SIGNED) A.H. MELLONS.
A Commissioner for Oaths.

MD/JAG/FS/42/2(2F)
KJSR/WHD.

IN THE MATTER OF THE ILL-TREATMENT OF BRITISH PRISONERS OF WAR AND BREACHES OF THE GENEVA CONVENTION 1929 AT CAMP No. P.G.52 CHIAVARI FROM OCTOBER 1942 TO SEPTEMBER 1943.

BRITISH NATIONAL OFFICE CHARGE No. U.K. - I/B.43.

UNITED NATIONS WAR CRIMES COMMISSION REFERENCE:

A F F I D A V I T

I, 2656614 SERJEANT WILLIAM HUNTER STRACHAN stationed at the Military Establishment Milton Hall Peterborough in the County of Northampton with permanent home address at 129 Waterville Road North Shields in the County of Northumberland, make oath and say :-

1. On 21st June 1942 whilst serving with 3rd Battalion, Coldstream Guards I was taken prisoner at Tobruk. I was taken to the transit camp at Benghazi and after eleven days in this camp I was transferred to Italy by ship. After being in P.W. Camps at Capua and Benevento I arrived about the middle of October 1942 at P.W. Camp No. 52 Chiavari.

2. On May 3rd 1943 whilst still at Chiavari I made an escape by bluffing my way out of the camp dressed in civilian clothes and at the same time a large fatigue party was bringing into the camp Red Cross parcels. About 1100 hours the next day I was recaptured by members of the plain clothes police on the Rome - Turin express at Alessandria. I was handed over to the Fascist headquarters in Turin and was from there escorted back to Chiavari by carabinieri. I arrived back at the camp just before midday on the 5th May 1943.

3. I was interrogated by Col. Castelli Taddeo who was the Camp Commandant and after questioning was handed over to the Carabinieri. The colonel told me I had committed a crime and said I must be punished. He did not give me a trial or award me any particular punishment. I was then taken to the carabinieri jail on the outskirts of the camp by a Brigadier whose christian name was Guildo and Carabinieri Ramasan, Di Martini, Mangini and another whose name I do not know. On arrival inside the jail I was put into a cell and stripped completely naked by all the Italians I have named. I resisted forcibly and there was a general scuffle during which I was kicked many times. When they had stripped me they handcuffed me and the Brigadier hit me across the jaw with his fist and asked if I could speak either German or Italian. I said I could not speak either. He then decided to speak what little English he knew and asked me who had assisted me to escape. I said that I had had no assistance and thereupon he stood away and the guards began to beat me with rifle butts and fists. I fell down under the weight of the blows many times but was lifted up by them each time and beaten again. The four guards I have mentioned were concerned in this. I remember my brain becoming hazy and the last thing I remember is one of the guards kicking me in the side as I lay on the ground and I lost consciousness. When I regained consciousness it was dark. My clothing was on me and I was handcuffed. The buttons had been cut off my clothing.

4. The next day I was given bread and water at about 1100 hours. In the afternoon the same party came to my cell including the Brigadier. He asked me the same questions as to who helped me to escape and I gave him the same answer "No one". I was again stripped and beaten by the guards in similar manner to the day before. I again lost consciousness.

5. This treatment went on for six days although I cannot remember it all clearly as I was unconscious most of the time. I suppose I must have been brought bread and water each day but cannot remember the events of those six days very clearly.

/6. ....

6. On the severth day I was left alone and given the normal issue of prisoner of war food. I requested an interview with the Camp Leader and Medical Officer but this was refused probably because I was so badly bruised. On the 16th day in this cell Colonel Castelli Taddeo visited me accompanied by his son a student and Captain Galleoni the interpreter. Captain Borro a Fascist Captain of the Camp Staff responsible for the carabinieri was also present. I was asked by the colonel if I would promise not to escape and I refused pointing out that it was my duty to do so. He said if I would not cause any trouble he would let me go back to the camp, and be left alone. I asked how long I was to be kept in the cell and he replied at least 30 days. There is no doubt in my mind that he knew of the ill-treatment I had received at the hands of carabinieri for the reasons appearing in para. 11 of this my affidavit. Until the 30th day I was kept in solitary confinement in this cell but after the interview on the 16th day I was allowed books and Red Cross parcels. On the 31st day after being confined in the cell I was allowed to return to the prisoner of war compound. I reported the circumstances of my ill-treatment to Captain Burns, N.Z.M.C.

7. After my return to the compound I was ordered to report to the guard-room four times per day at certain times from then on permanently. One day I was ten minutes late in reporting at noon. I was immediately placed in arrest and put into the same cell. At 2130 hours in the evening Ramasan and Mangini came in with a hose-pipe. I was made to strip and was then given a bath. Ramasan said that was the treatment the British gave to Italian prisoners. I was then handcuffed and given my khaki shorts and left for the night. There were no drains in the cell and no bed. I had therefore to spend the night sitting on the window ledge because of the water on the floor of the cell. After three days I was released again.

8. On the Armistice being signed in September 1943 Colonel Taddeo informed the camp leader R.S.M. Shimmins that he would protect the prisoners of war from the Germans providing the Camp Leader ordered everyone not to try and escape under the threat of Court-Martial in England. The Camp Leader accepted this and gave the order. Italian camp sentries were doubled and the Camp Leader detailed two South African Police patrols inside the wire. The next morning the Germans arrived and took over the camp without any resistance from Colonel Taddeo or his guards. The carabinieri prevented a number of prisoners escaping before the Germans actually took up their position.

9. The same day I escaped into the hills by getting through the wire.

10. Colonel Taddeo and his son accepted office when the Republican Fascists were reformed. Political prisoners were confined there. I know this because I was operating in the area with the Mattee Brigade composed of partisans. In May 1944 this Brigade relieved all these prisoners and Colonel Taddeo took refuge in the hills to avoid court-martial by the Fascists.

11. On a day in June I met Colonel Taddeo and his son in the hills near San Columbano and I drew my revolver intending to shoot him on the spot. I was prevented by my friends who were with me. I accused him of being responsible for my ill-treatment in the camp. He admitted he knew of it but said that even though he was commandant he could not dictate the policy of the carabinieri. He was ina very nervous condition and broke down and wept. We left him to his fate.

12. I joined the Allied forces on November 23rd 1944.

SWORN by the above-named WILLIAM HUNTER STRACHAN at 6 Spring Gardens in the City of Westminster this 8th day of June 1945.

(Signed) W.H. STRACHAN, Sgt.

Before me,
E. T. Randle,
Major Legal Staff,
J.A.G's Office.

QUESTURA BUILDINGS.

Statement of:-

LOFRANO Aldo, Accountant Clerk, aged 39 years,
son of GIUSEPPE (deceased),
residing at Piazza MONTELLO No. 14/18.I.
G E N O A .

Who states:-

On the 2nd January, 1942, I was enlisted into the Italian Army and about May, 1942, I was sent to the Concentration Camp, P.G. 52 with the rank of Sergeant, to do duty there as a Camp Interpreter. I can speak English, and also write the language fairly well.

I was transferred from this Camp in January, 1943, and during the period I was at this Camp my Commanding Officer was Colonel CASTELLI TADDEI Dino.

Because of my duties I spoke to many Allied Prisoners of War, but I cannot remember the names of everybody. I remember a certain Sergeant Major BATES who was a South African. This man was in charge of the Prisoner of War kitchen.

One day, I cannot remember the date, a Prisoner of War was missing from the Camp Roll Call; a search was made for him and he was found hiding in the canteen near the kitchen, of which, BATES was in charge.

Carabinieri who were on duty at the Camp at this time were Brigadiere OTTRIA, Carabinieri RAMEZZANO, MANGINI, BERTOLOTTO and BRIGNARDELLO.

OTTRIA and RAMEZZANO interrogated BATES in my presence because they thought that BATES was responsible for the prisoner, who tried to escape, hiding himself in the Canteen. It was my opinion at that time that BATES was not responsible, but the two Carabinieri never would take any notice of my opinion and ordered me to act as interpreter only. To try to get BATES to speak more than it was obvious he knew, RAMEZZANO struck BATES several times in the body and face with his hand, and I saw blood come from BATES' mouth because of these blows. I also saw RAMEZZANO kick BATES in the legs.

I do not know what happened to the prisoner who hid himself in the canteen but he was punished by the Camp Commandant, and BATES was relieved of his duties in the kitchen.

OTTRIA and RAMEZZANO were both very vicious men and I have heard that many times they ill-treated Prisoners of War by striking them in some way, but I cannot remember all the details.

There are no other outstanding incidents regarding ill-treatment of Prisoners of War that I can remember.

Regarding punishments imposed on Prisoners of War for contravention of the Camp rules and regulations, the Commandant, Colonel CASTELLI TADDEI, imposed the punishments which were carried out by the Camp Carabinieri. To my knowledge there were never any Military Tribunals held at the Camp for Prisoners.

/ Regarding ....

Regarding the Carabinieri MANCINI and BRIGNARDELLO, MANCINI was quite a good man and I know nothing to his detriment. I do not know BRIGNARDELLO very well.

This statement has been read over to me. It is true and correct.

Signed:- LOFRANO Aldo.

Statement taken by the undersigned Sergeant FERRY W. of 60 Section, Special Investigation Branch, C.M. Police, at GENOA on the 17th May 1946.

Signed:- Wm. FERRY, A/S 41, Sergeant.

1942

QUESTURA BUILDINGS.

Statement of:-

MAGGIO Giuseppe, B.Sc. Assistant Supervisor,
35 years, son of CARLO (deceased),
residing at Via Franchini No, 12.
NERVI - GENOA.

Who states:-

I was enlisted into the Italian Army in January, 1941. In December, 1941, I was sent to the Concentration Camp, P.G. 52, for duty as a Private Interpreter; later I was promoted to Corporal. I remained at the Camp as an Official Interpreter until the 15th June, 1943.

When I first arrived at the Concentration Camp the Commandant was a certain Colonel CELLI Oreste. This man later left the Camp and he was replaced by Colonel CASTELLI TADDEI Dino, about May, 1942.

Soon after my arrival at the Camp, I remember that some Prisoners of War were chained to an electric light pole. I cannot remember whom these prisoners were or how many were chained, or for what period of time. However, I do know that their sentence was reduced, and I think it was through the intervention of a certain Lieutenant TARASCA, who now resides in BARI, where he works for a firm by name of LA ROCCA. I do not know why these prisoners were punished.

I remember another incident which happened which was that a Prisoner of War wrote a letter to England, and in the letter he wrote that MUSSOLINI was a fool, and that the sentries were asking for food. I cannot remember all the details in this case, neither can I remember the Prisoner's name. However, I know that because of this the prisoner was kept in a cell for a long time. I know that he did not have a trial because there was never a trial held in the Camp in the form of a Military Tribunal. My own personal reasoning suggests to me that the reason why this man was kept in Prison a long time, is that the Camp Authorities were waiting for this man to be called up to a Military Tribunal which sat elsewhere, such as GENOA or LA SPEZIA.

I remember on another occasion, but I cannot remember the date, that another prisoner of war by name of Sergeant CRAWLEY, an Australian, was interrogated by Brigadiere OTTRIA, of the Camp Carabinieri, because CRAWLEY was found in possession of two bottles of Cognac. I was the interpreter at this interrogation. OTTRIA questioned CRAWLEY at great length and CRAWLEY's explanation was that he found the two bottles under a hut in the Camp. OTTRIA did not believe this and he tried to force CRAWLEY to talk, by striking him several times in the face with his fists. Carabiniere RAMEZZANO was also present during this interrogation, but I cannot say for sure if he also struck CRAWLEY. After this interrogation CRAWLEY was taken to a cell.

The next morning I was sent for by OTTRIA to assist him to carry out a further interrogation of CRAWLEY. I did not want to go as I did not wish to witness such brutal treatment as I had seen OTTRIA inflict on CRAWLEY the previous evening. Because of this I asked the Camp Adjutant to excuse me going on this interrogation, but the reply I received was to the effect that an order was an order.

I went to OTTRIA and he carried out a further interrogation on CRAWLEY but this time he treated him in a proper manner. However

/ I saw ....

I saw bruises on CRAWLEY's face which suggested to me that he may have received further harsh treatment after I had left him the previous evening.

I do not know of anything else of this incident, but later I saw CRAWLEY in the Camp and he told me that a certain Sergeant Major Interpreter, by name of ROVEDA, interpreted a further interrogation on him, carried out by OTTRIA. It may be that ROVEDA acted as interpreter for OTTRIA on other occasions.

Another Prisoner of War whom I knew fairly well, was a Sergeant STRACHEN. This man escaped from the Camp but I cannot remember the date. He was arrested on a train and brought back to the Camp. He was then interrogated by Adjutant ZAVATERI, and I acted as the interpreter. STRACHEN was asked how he had escaped, how he had lived, and how he was recaptured. This interrogation was carried out in a proper manner. I do not know whether Colonel CASTELLI TADDEI interviewed this man or not, but I think that TADDEI was rather upset because I should imagine that the escape of STRACHEN may have meant trouble for him.

If the Colonel sentenced STRACHEN to a punishment, it should have appeared in the daily orders.

This statement has been read over to me. It is true and correct.

Signed:- Giuseppe MAGGIO.

Statement taken by the undersigned Sergeant PERRY W. of 60 Section, Special Investigation Branch, C.M. Police, at GENOA on the 21st May 1946.

Signed:- Wm. PERRY, A/S 11, Sergeant.

1944

ALBERTO MONTEROSA.

Statement of:-

BRIGNARDELLO Loro Carlo, Driver, aged 15 years.
son of GIACOMO (deceased),
residing at Piazza MARINI No. 5/6,
LAVAGNA - GENOA.

Who states:-

I was enlisted into the Carabinieri on the 23rd December, 1940, and on the 29th April, 1942, I was transferred to the Concentration Camp, P.G. 52, as a Camp Carabiniere. My superior was a Brigadiere by name of OTTRIA, and other Carabinieri at the Camp were, RAMEZZANO, CARIA Pasquale who now lives at BARGAGLI-GENOA, MARTINI, BERTOLOTTO and MANCINI Angelo who now lives at GENOA. The Commandant was a certain Colonel CASTELLI TADDEI Dino. I remained at the Camp until the 8th September, 1943. I received my orders from Brigadiere OTTRIA who first received them from the Camp Commandant. My duties were for eight hours each day.

RAMEZZANO was the senior Carabiniere and when OTTRIA was not in the Camp, he was in charge of the Carabinieri. All prisoners who were brought to the Carabinieri Cell were interrogated by OTTRIA and RAMEZZANO only, and nobody was allowed in the office during these interrogations. I have no knowledge of any interrogations taking place in the Cell. I was only on duty as a guard of the Cell once in every ten days.

I do not know of any incidents of ill-treatment of Prisoners of War, except on one occasion when I was passing OTTRIA's Office, I saw through the window OTTRIA and RAMEZZANO striking a Prisoner of War. I do not know why they were doing this or who the Prisoner was, and I cannot remember the date.

On another occasion I remember that a prisoner escaped (STRACHEN) and was later recaptured on a train. I remember that Colonel TADDEI said that all Carabinieri and Camp guards would be punished for allowing him to escape, but I do not think anybody was punished. I do not know what happened to the Prisoner when he was brought to the Camp, because at that time I was on leave for two days. When I returned to the Camp I saw this Prisoner on several occasions when he was taken by a guard for exercise, but everything appeared to me to be quite normal.

This statement has been read over to me. It is true and correct.

Signed:- BRIGNARDELLO Loro Carlo.

Statement taken in Italian, read over and signature witnessed by the undersigned Official Interpreter Charles HOLLOWAY, in the presence of the undersigned Sergeant FERRY W. of 60 Section, Special Investigation Branch, C.M. Police at CHIAVARI on the 27th May 1946.

Signed:- C.T. HOLLOWAY, Interpreter.
Signed:- Wm. FERRY, A/3 41, Sergeant.

I certify that the above statement is a true translation of the original to the best of my knowledge and ability.

Signed:- C.T. HOLLOWAY, Interpreter.

QUESTURA BUILDINGS.

Statement of:-

OTTRIA Guido, Clerk, aged 45 years,
son of DOMENICO,
residing at Via MORFINO No. 342,
RUTA CAMOGLI - G E N O A.

Who states:-

I have been cautioned that I am not obliged to say anything unless I wish to do so, but anything I do say will be taken down in writing and may be given in evidence.

Signed:- OTTRIA Guido.

On the 21st May, 1941, I was enlisted into the Carabinieri, and about February, 1942, I was transferred to P.G. 52 Concentration Camp, with the rank of Brigadiere in charge of the Carabinieri there.

The Commandant of this Camp at that time was a certain Colonel CASTELLI TADDEI Dino, and Carabinieri under my Command were, RAMEZZANO Ernesto, MANGINI Angelo, BRIGNARDELLO Carlo, and BERTOLOTTO who was known by prisoners as "PINTO PETE". This man was shot by the Black Brigade just before the liberation.

One day, I cannot remember the date, some prisoners of war were discovered digging a tunnel in their hut to escape. I saw RAMEZZANO strike several of these prisoners in the face with his hands.

RAMEZZANO was a very nervous individual as a result of air-raids, and after the Armistice I know he was sent to a Mental Hospital suffering from nervous disorder.

To-day the 15th May 1946, I have been shown by Sergeant FERRY of the British Military Police, a copy of the Italian newspaper "Republican Flame", dated the 15th October 1944. The third photograph from the top of column two, on the front page of this newspaper, is a photograph of an English Prisoner of War (STRACHAN) who escaped from the Camp, but I cannot remember the date that he escaped. However I recognise him from this photograph, as I saw him on several occasions.

Soon after the prisoner escaped, he was recaptured on a train proceeding to TURIN. He was brought back to the Camp, and on arrival he was interrogated by Colonel CASTELLI TADDEI. I was not present during this interrogation, but after it was over I was sent for to escort the prisoner to a cell, and the instructions I received from the Colonel was that the prisoner was to be treated as a special prisoner, and that he was to be put in Solitary Confinement on bread and water for thirty days, and for seven days he was to be handcuffed and all his clothes taken from him with the exception of his underpants and vest, and he was not to be given any blankets for this period.

I caused these instructions to be obeyed because the Colonel was in the habit of visiting the Cell to see if his instructions were obeyed.

When I had conveyed the prisoner to his cell, accompanied with other Carabinieri of whom RAMEZZANO was one,

/.....

1946

I cannot remember the names of the other Carabinieri, the prisoner called me a "FUCKING BASTARD", and because of this I lost my temper and struck him several times with my hands. RAMEZZANO and two other Carabinieri also struck him with their hands.

I do not know the present whereabouts of MANCINI but he used to reside at TORIGLIA, GENOA.

Signed:- OTTRIA Guido.

This statement has been read over to me. It is true and correct

Signed:- OTTRIA Guido.

Statement taken in Italian, read over and signature witnessed by the undersigned official Interpreter Charles HOLLOWAY, in the presence of the undersigned Sergeant FERRY W. of 60 Section. Special Investigation Branch, C.M. Police, at GENOA, on the 16th May 1946.

Signed:- C.T. HOLLOWAY, Interpreter
Signed:- Wm. FERRY, A/S 41, Sergeant

I certify that the above statement is a true translation of the original to the best of my knowledge and ability.

Signed:- C.T. HOLLOWAY, Interpreter

PARTICULARS OF EVIDENCE IN SUPPORT

1948

(1) Two affidavits by Sergeant W.H. Strachan.

(2) Statement by Giuseppe MAGGIO, official interpreter at Camp P.G. 52.

(3) Statement by Aldo LOFRANO, camp interpreter at Camp P.G. 52.

(4) Statement by Loro Carlo BRIGHARDELLO, member of Camp P.G. 52 Carabiniere.

(5) Statement by Guido OTTRIA, one of the accused.

(6) Statement by Ernesto RAMEZZANO, one of the accused.

NOTES ON THE CASE **1949**

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence; (*c*) whether the case appears to be reasonably complete.)

Telegrams: "JUDVOCATE, LONDON."
Telephone: WHITEHALL 7936 (two lines)

Any further communication on the subject of this letter should be addressed to:—
THE JUDGE ADVOCATE GENERAL
SPRING GARDENS,
COCKSPUR STREET,
LONDON S.W.1,
and the following number quoted:—

SPRING GARDENS,
COCKSPUR STREET,
LONDON, S.W.1.

1950

29 April 1946

RECEIVED
- 1 MAY 1946
Ansd.....

MD/JAG/BNO/Gen/1
CONFIDENTIAL

Secretary General,
United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square,
S.W.1.

War Crimes - 343/UK/IT/43

1. With reference to Doctor Litawski's letter of 17 April 1946, may the following five Italians be added to the defendants list in the above-mentioned case. They are all referred to in the affidavits of W.H.STRACHAN:-

(i) Capitano BOZZI.
(ii) Tenente ZAVATARI, Filippo.
(iii) Carabiniere RAMEZANI.
(iv) Carabiniere di MARTINI.
(v) Carabiniere MANZINI.

2. With regard to case No.43/UK/G/12 and 319/UK/IT/42, these are, at present, under consideration.

Colonel,
for Military Deputy,
J.A.G.

/JBA

3724

1951

3.21UK

JL/BK

17th April, 1946.

Colonel R.C. Halse, O.B.E.,
Office of Judge Advocate General,
6, Sterling Gardens,
Cockburn Street,
S.W.1.

Dear Colonel Halse,

I have been examining some of the old U.K. cases with regard to which Mr. Kent submitted additional Affidavits without requesting any further action.

I find that, in view of the particulars contained in those Affidavits, additional charges could be brought against persons not yet charged in those cases.

This applies to the following cases and persons:-

<u>Case No. 43/UK/G/42:</u> Affidavit of John McDaid; Charges against PASZARSKI.

<u>Case No. 319/UK/It/42:</u> Affidavit of W.P. Bulmer; charges against BASCIONI and BUSCIOLI.

<u>Case No. 343/UK/It/43:</u> Two Affidavits of W.H. Strachan and one of L.C. Hooton; charges against several persons mentioned therein.

It appears also that the first accused in the case No.343 could eventually be re-classified from 'C' to 'A' or 'B', in view of additional Affidavits submitted.

The above is being brought to attention in case your National Office would see fit to take appropriate action.

Yours sincerely,

J. Litawski (Dr.)
Legal Officer.

IN THE MATTER OF :-

The Ill-treatment of British prisoners of war and breaches of the Geneva Convention 1929 at Camp No. 52 Chiavari

1952

A F F I D A V I T

I, 6847052 Serjeant REGINALD ARTHUR ALLAN, The King's Royal Rifle Corps with permanent home address at 19 Myrtle Gardens, Hanwell in the County of London make Oath and say as follows :-

1. In the summer of 1941 when serving with The King's Royal Rifle Corps I was taken prisoner at Benghazi and was eventually transport to Italy to Camp No. 52 Chiavari.

2. In or about June 1942 I assisted a Lance-serjeant Greenshields of the R.H.A. and a South African nicknamed "Tut" to escape by erecting dummies in their beds. The escape was not successful because they were discovered in the food magazine and were brought back into the hut. I was interrogated by the Italian authorities as to why I had assisted these prisoners. I told them that it was my duty as a British prisoner of war to help any other prisoners of war to escape. In the room there was an officer of the Carabineiri and three guards and also a corporal whom we knew as "Pinto Pete". On giving the reply above I was struck in the face by Pinto Pete and whilst I was lying on the ground was kicked numerous times by him. I was awarded fifteen days hard punishment and ten days light punishment for my part in the escape.

3. I have read the affidavit of Glyn Ernest Sells and I verily believe that the incident referred to in paragraph 4(a) thereof is the incident described in paragraph 2 hereof. At the time I was a corporal and not a lance-corporal as deposed by him.

4. Pinto Pete was about five feet eleven inches, sturdily built with greying hair. He would be about 38 years of age.

SWORN by the above named Reginald Arthur Allan at 6 Spring Gardens in the County of London this 28th day of May 1945) R.A. ALLEN.

Before me,
H.S. RUSSELL.
Capt.
Legal Staff
J.A.G's Office,
London.

1953

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Convention 1929 at Camp No. 52 Chiavari

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A F F I D A V I T

- of -

Sergeant REGINALD ARTHUR ALLAN

THE TREASURY SOLICITOR.

IN THE MATTER OF :

1954

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.52 at Chiavari from December 1941 until the end of May 1942

AFFIDAVIT

I, ALAN DENIS JOHN BAGNALL, No. E.X.2031, Marine, at present at Royal Marines, c/o G.P.O. Box 8, Southend-on-Sea, Essex, and with a permanent address at Pingle Dell, Pingle Lane, Hammerwich, near Lichfield, Staffordshire, make Oath and say as follows :-

1. At the beginning of June 1941, I escaped from Crete, landed from a row boat on the North African coast near Gambut and on the 4th June 1941 was taken prisoner near Gambut. I was kept prisoner of war for 5 days at Fort Acroma: for 2 months at Derna: for about 14 days at Benghazi: and for about 14 days at Tarhuna and was then sent to Camp No.66 at Capua, Italy, where I stayed until about the first week in December and was then sent to Camp No.52 at Chiavari.

2. I was prisoner of war at Camp No.52 at Chiavari from December 1941 until the end of May 1942. The conditions in the said Camp at that time were :

As regards accommodation, the Camp was not yet completed. Only five huts had by that time been constructed and in wet weather the water came through the roofs in many places. I was one of about 500 of the first intake into the Camp and the numbers increased until there were about 2,500 there when I left. We were very overcrowded and there was no recreational space. The sanitary conditions at this Camp when completed were passable.

As regards food, the ration was cut shortly after my arrival and in January 1942, we were reduced to 200 grammes of bread per day, about 66 grammes of rice or macaroni in skilly and a very small allowance of cheese or meat twice a week with occasionally vegetables. This was a slow starvation diet. We were without Red Cross supplies throughout most of the winter, and through the inadequate food ration, men resorted to boiling grass and eating it and also soft centres of cabbage stalks, and a cat was eaten to relieve the pangs of hunger a little.

As to clothing, this and the blankets issued were entirely inadequate for the bitter winter we experienced in 1941/2 and no form of heating was provided in the huts.

The Indian troops suffered most severely with the cold and hunger and insufficient clothing.

As a result there were many cases of disease, chiefly dysentery and desert sores.

As regards medical arrangements, they appeared to me to be very primitive but our R.A.M.C., N.C.O's and Private assisted in every way they could.

SWORN at Lichfield in the County of Stafford this 23rd day of August 1945 } ALAN DENIS JOHN BAGNALL.

Before me,

E.W. HADEN.

A Commissioner for Oaths.

IN THE MATTER OF : **1955**

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions, 1929 at Camp No.52 at Chiavari during the period December 1941 to May 1942

I, Leading Stoker WALTER HENRY JOHN BINDON, No.C/KX 97290 Royal Navy, at present in Royal Naval Auxiliary Hospital, Barrow Gurney, Bristol, and with a permanent address at No.8 Laburnam Grove, Canvey Island, Essex, make Oath and say as follows :-

1. In July 1941 I was one of the crew of H.M. Submarine Cachalot. The submarine was rammed by an Italian destroyer in the Gulf of Sirte on the 29th or 30th July 1941 and, with all but one of the crew, I was picked up by the destroyer, which was the Bene Apapa, and taken to Benghazi. We were treated very well on the destroyer.

2. We spent 2-3 weeks at Benghazi, about the same time at Tarhuna, and then, with one day at Tripoli, we were taken by sea to Taranto; from there we went to a transit camp at Capua, which was later a permanent prisoner of war camp, No.66. We arrived there about September 4th, 1941, and I was there until about December 4th, 1941, when I went to Chiavari.

3. The crew of the Cachalot were with me at this camp and other prisoners from H.M.S. Hereward.

4. We lived in huts, which leaked continuously in wet weather, and the weather was very bad while I was there. There was no heating and we could not dry anything. We suffered intensely from the wet and cold.

5. The food was very poor, being one meal a day; this consisted of vegetable skilly or, once a week, a stew with meat (or bones) or cheese in lieu of meat. We had at first 500 grammes of bread but this was reduced to 200 grammes.

6. As regards medical attention, I was told of a man who had died for lack of attention due to the lack of food, but do not remember who told me. I was never an in-patient myself but I did have to wait a fortnight to get a tooth taken out which had an abscess.

7. We had very little clothing and suffered from exposure. Later, Red Cross parcels of clothing and boots came through, but the Italians would not let us have any unless we handed in another pair of boots or similar clothing. There were prisoners at Chiavari who never had any boots at all. The guards themselves were in a terrible state for clothing and particularly for boots.

8. The water supply was fairly good but was switched off at awkward hours and at first was entirely in the open. This camp was unfinished when we got there and we had to help to complete the buildings. The sanitation was not at all bad.

9. The guards and carabinieri were anti-British. It was a practice of the carabinieri for any offence being committed to take some prisoners from the hut they suspected and beat them until the culprit gave himself up. I have not actually seen this happen and do not remember any names or dates but I have seen men who have been beaten and I have seen weals and bruises on their backs and faces.

10. The carabinieri at this camp were particularly brutal and knocked the prisoners about. I remember seeing Stoker Petty Officer Jack Faulkes or Foulkes, one of the crew of Cachalot and then a Leading Stoker taken away to a detention cell and brought back some two or three weeks later after he had been beaten up for making tea in his hut against orders. The first Commandant we had at this camp, whose name I do not remember, was very anti-British and did nothing to help us, but later another Commandant, whose name I do not know, replaced him and was quite good.

11. While at Chiavari, I remember a rating called Downey, an A.B. or Stoker from H.M.S. Hereward, being in the detention tent. I heard from a friend of his, a Leading Stoker from Hereward whose name I do not remember, that this detention had started at Capua because he had written rudely about Mussolini. He was in the detention tent for a long time.

12. At some date early in my stay at Chiavari, but which I do not remember exactly, William Hooper of N.A.A.F.I., Gunner King and I had gone back to our huts (Hooper and I were in the same hut) for roll call about 8 p.m. When we got in, the officer of the day was there and the roll call had taken place. There was no bugle in the camp and we were merely expected to be in our huts at the time of roll call, which, I think, was about 8 p.m. The following morning, Hooper, King and myself were taken out by carabinieri and each chained to an electric light pole in the open. Our wrists were chained behind our backs very tightly with a chain like a dog chain, which was then carried round the post. There had been no trial or enquiry and we were not told till afterwards that the supposed offence was being late for roll call.

I do not remember exactly howlong we were chained but I think it was two full days. I believe that the sentence was three days. About the time of the evening meal we were allowed back into our huts to eat and sleep and were chained the next morning. The weather was terrible, raining all the time and very cold. It had previously been snowing My own boots had just worn out and the ground was nothing but wet mud.

I think it was during the second day, but it may have been during the third, that the Commandant of the camp stopped this punishment and let us go back to our huts. He appeared to have authority over the carabinieri.

Gunner King later died in another camp, but this was not connected with the incident I have described.

13. In May 1942 I was moved to Camp No.65 at Gravina, where I was until I was exchanged.

SWORN at Baldwin Street in the City and County of Bristol the 23rd day of April 1945) W.H. BINDON.

Before me,
R.W. WANSBROUGH.
A Commissioner for Oaths.

IN THE MATTER OF : **1957**

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No. 52 at Chiavari from about December 1941 to May 1942

A F F I D A V I T

I, ERNEST MERTON BOWERS, No. P/JX148665 Able Seaman, and a survivor from H.M.S. "Hereward" in May 1941, at present at Senior Inspectors De Gaussing (S.I.D.G.), H.M.S. "Eaglet" Liverpool, and with permanent address 9, Cavendish Road, Charlton, Manchester, Lancs., make Oath and say as follows :-

1. On 29th May 1941 I was captured when H.M.S. "Hereward" went down, was taken to Rhode Island and, being injured and a casualty, was kept in hospital there for about three weeks and received reasonable treatment.

2. On or about the 24th June 1941, I was landed at Bari, Italy, and was sent to Camp No. 66 at Capua. Both my ear-drums had been affected by blast and I was sent to Caserta Hospital and was there for about four months until the end of October 1941 when I was sent back again to Camp No. 66 at Capua and kept there for about three weeks.

3. From about the beginning of December 1941 until May 1942, I was at Camp No. 52 at Chiavari. The general conditions in the said Camp during this period were :

As for accommodation, we were housed in huts which were not water-tight. There was a constant trickle of water through many of the roofs in bad weather.

As to food, the ration was :

One roll and a vegetable skilly once in 24 hours and once a week a stew with meat. The treatment of prisoners of war by those in command and the guards was very brutal. The methods of the guards were that if any offence had been committed they would take one or more prisoners of war from the hut which was under suspicion and beat them until the culprit gave himself up. The beating was usually done with a belt, while another guard stood by with a rifle to use in case of retaliation. I was not so beaten myself, nor was I an actual witness of such beating, but I was told of such occurrences by men who had been so treated, but I cannot now give their names, ranks or units, nor can I identify their assailants.

In particular I remember the case of Jack Faulkes, Stoker Petty Officer, now on the submarine "Universal", Blyth, Northumberland. I shared a hut with him at the said Camp. One day (I cannot give the precise date) he made a fire in the hut. This was against the rules. It was discovered and the guards came and took him away and the said Faulkes told me afterwards that they beat him severely and gave him ten days solitary confinement.

I also remember the case at the said Camp of the ill-treatment of Stoker Bindon and William Hooper, though I cannot give the exact date. These two men on one occasion in

December 1941 were late for roll call. The next day they were both handcuffed to an electric pole in the open in bad weather. This was during the daytime. As to whether they were kept there at night, I cannot say, but I saw them so handcuffed at intervals during at least three days.

On May 25th to May 27th, 1942, about ninety men, mostly Royal Navy were marched from Camp No. 52 Chiavari to the station, a distance of eight kilometers. We embarked on the train and thence to a Camp at Gravina near Bari.

Our ration for this period was two small rolls (roughly 10 ounces of bread).

SWORN at Liverpool in the)
County of Lancaster this)
6th day of July 1945)

E.M. BOWERS.

Before me,

WILLIAM L. BATESON.

A Commissioner for Oaths.

1959

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.52 at Chiavari, from about December 1941 to March 1943

A F F I D A V I T

- of -

ERNEST MERTON BOWERS

THE TREASURY SOLICITOR.

1960

IN THE MATTER OF THE ILL-TREATMENT OF BRITISH PRISONERS OF WAR AND BREACHES OF THE GENEVA CONVENTION 1929 AT CAMP P.G.52 CHIAVARI IN 1942 and 1943

British National Office No: UK G/B 43

United Nations War Crimes Commission Ref:

A F F I D A V I T

I, P.Jx 257886 Able Seaman JOHN WAINWR CAMPBELL of the Royal Navy stationed at Stanno with permanent home address at 122 Howards Grove, Shirley, Southampton in the county of Hampshire, make oath and say as follows:-

1 On the 19th August 1941 I was captured and taken prisoner by the Italians near Tobruk after having been forced to put ashore in an L.C.M. I was taken to prisoner of war camps at DERNA and BENGHAZI and was then transported from TRIPOLI by sea to TARANTO. The sea voyage was made on the Italian ship "Neptunia". On arrival in Italy I was sent to prisoner of war camp No.66 CAPUA where I was stationed for three months.

2 On the 4th December 1941 I was transferred to prisoner of war camp P.G.52 CHIAVARI. On my arrival the camp was in process of being built and was not then properly organised. The issue of red cross parcels was irregular and no warm clothing was issued until February 1942. I was taken prisoner in tropical kit and had to spend a cold December and January without warm clothing.

3 The staff at this camp consisted partly of Italian military guards and also Italian carabinieri. Whilst the majority of the Italian military sentries were fair in their treatment of prisoners of war the carabinieri were brutal. During the time I was at this camp there were numerous incidents of the carabinieri inflicting punishments not authorised by the Geneva Convention but I was not a witness to this ill-treatment except as appears in paragraph 4 .

4 In February or March 1942 I remember seeing Leading Stoker BINDON chained to a telegraph pole in the camp. He was tied to this pole for four or five hours because he had been late on roll call.

5 I also remember in late 1942 a prisoner of war being shot, whose name and nationality I do not know. This prisoner of war was picking up pieces of wood between the inner and outer wires of the camp. I was standing 20 to 30 yards away from this prisoner of war. Suddenly without challenge a sentry fired at this prisoner of war who immediately fell to the ground. The sentry was about 20 yards away on the opposite side of the prisoner to myself. Although this prisoner fell to the ground the sentry fired two more shots at him. This prisoner of war was taken to hospital by the hospital staff and I was told that he had a bullet wound in the head and another in the leg. I do not know whether this prisoner subsequently died but he was severely injured.

6 The sentry who shot this prisoner was about 5' in height, thick set, dark and greasy appearance, between 26 to 30 years of age.

Sworn by the above-named JOHN WAINWR CAMPBELL at 6, Spring Gardens in the City of Westminster this eighth day of August 1945.

(Signed) J.W.CAMPBELL

BEFORE ME [illegible] Commander, Royal Navy
Military Department
Office of the Judge Advocate General

IN THE MATTERS OF : **1961**

(a) The ill-treatment of British prisoners of war and breaches of the Geneva Conventions, 1929, at Camp No.52 at Chiavari during the period December 1941 to March 1943.

(b) The wounding of a New Zealand prisoner of war (name, rank and unit at present unknown) at Camp No.52 at Chiavari in January or February 1942.

(c) The ill-treatment of and breaches of the Geneva Conventions 1929 with regard to, and assault upon, a South African Sergeant (name at present unknown) in the Autumn of 1942 at Camp No.52 at Chiavari.

(d) The ill-treatment of and breaches of the Geneva Conventon, 1929, with regard to, and assaults upon, three prisoners of war (names, ranks and units at present unknown) in the Autumn of 1942 at Camp No.52 at Chiavari.

A F F I D A V I T

I, ALFRED EDWARD DEADMAN, Petty Officer, PJX.129097, at present at H.M.S. "Cavalier" c/o G.P.O., London, and with a permanent address at 14, Lonsdale Avenue, Cosham, Portsmouth, Hants, make oath and say as follows :-

1. I was a Leading Seaman on board H.M.S. "Hereward" when she was sunk off the Island of Crete on the 29th May 1941. I was taken prisoner, and was taken to the Island of Rhodes.

I was at Rhodes for three weeks from the end of May 1941, until about the 21st June 1941. I left Rhodes about the 21st June 1941, was taken to Camp No.66 at Capua in Italy, where I stayed five weeks, was then taken to a camp at Bolzano, near the Brenner Pass, for the next four months then returned to the said Camp No.66 at Capua for about four weeks, and then, about the end of November 1941 was sent to Camp No.52 at Chiavari, where I stayed for about fifteen months, until, in March 1943, I was repatriated

2. The camp at Chiavari had not yet been completed when I arrived. We had to assist in building wooden huts. Many men had only summer kit, and no winter clothes were issued, so that there were cases of illness through exposure.

It took three months to complete the camp. During the said three months after my arrival the conditions as regards accommodation and sanitary arrangements were very bad: there were not sufficient huts to accommodate all the prisoners, and the sanitary arrangements consisted merely of a trench, with no proper flushing. Atthe end of the three months, when the camp was completed, we were moved into new quarters, and the new Commandant was a man who did what he could to see that conditions were reasonable. From that time on, so far as the general conditions in the camp are concerned, I do not think there was any cause for complaint, except in the second winter, when the flimsy roofing of the huts leaked. The Commandant, however, got them repaired as soon as he could.

3. About January or February 1942, at the said camp at Chiavari, I heard from several New Zealand prisoners of war (I cannot now remember their names, ranks or units), who

occupied the same hut as the victim in this incident that one day (I cannot specify it more particularly), in order to get firewood to make tea, a New Zealand prisoner of war jumped out of the back window of his hut on to prohibited ground. The sentry nearby challenged and the said New Zealander put his hands up; however, the sentry fired; missed; the New Zealander stood still and kept his hands up, but the sentry fired again and hit him in the left shoulder. He was taken to hospital, and I heard no more of him. I do not know if he recovered.

4. About Autumn of 1942, I saw a South African sergeant who was in charge of the cookhouse at the said camp at Chiavari (I cannot give his name, but he was known as "Spider") being frog-marched, i.e. with his hands fastened behind him and his back being kicked, from his hut by carabinieri to a building outside the camp. I worked in the said cookhouse myself, and knew the said "Spider" well.

Two men (I think they were privates and South Africans but I cannot identify them with any greater particularity) were found shut in the magazine hut quite close to the said cookhouse waiting for an opportunity to escape. The Italians in command apparently though that the said "Spider" had assisted or connived at these two men getting away from the camp by escaping from the said magazine hut. They held him responsible for the occurrence, and marched him off in consequence, as described.

On his return in about ten days' time, I heard him describe his treatment. He said that the Italian guards on the occasion in question put him into cells, kept him on bread and water, in solitary confinement, and applied third degree treatment by baring his feet and pressing brooms on to them and hitting him about the head with their fists, to try to get him to confess complicity in the suggested plot by the men who had got into the said magazine hut, or to tell of the methods employed.

5. Shortly after the incident referred to in the last paragraph hereof, namely, about a month later, in the Autumn of 1942, at the said camp at Chiavari, I heard from three men, two of whom worked with me in the said cookhouse and the other in the said camp, that they had got some drink and were caught drinking it outside their huts, whereupon the Italian guards took them and frog-marched them off to the cells, where they were kept thirty days on bread and water, and were from time to time ill-treated and assaulted, e.g. their knees pressed into the groin and such like assaults.

The two men who worked in the said cookhouse were Corporal Phillips and Private McDowall, both of the Rhodesian Artillery. I cannot give the name, rank or unit of the other man comprising the said three referred to, nor of their assailants, except that one of the latter was called "Little Willie" and the other "Yank". They were both carabinieri.

The name of the Camp Commandant during this period was Colonel Sostello-Taddei.

SWORN at South Shields in the)
County of Durham this 29th)
day of August 1945)

ALFRED EDWARD DEADMAN.

Before me,
W.M. PATTERSON.
A Commissioner for Oaths.

IN THE MATTER OF ILL-TREATMENT OF
BRITISH PRISONERS OF WAR AT PRISONER OF
WAR CAMP P.G.52, CHIAVARI, ITALY IN 1942
CONTRARY TO THE GENEVA CONVENTION 1929.

British National Office Charge No: UK 1/B 43

United Nations War Crimes Commission
reference :

A F F I D A V I T

I, DKX 108447 Stoker JAMES DOWNEY of the Royal Navy with permanent home address at OLD HEAD, KINSALE, in the County of CORK, EIRE, make oath and say as follows :-

1. On 29th day of May 1941 whilst serving on H.M.S."HEREWARD" I was taken prisoner at CRETE by the Italians. After being a prisoner of war on RHODES ISLAND for three weeks I was taken to Prisoner of War Camp P.G.66, CAPUA. After 18 days at this camp I was moved to P.G. , BOLZANO and remained here two months. In December 1941 I was sent to P.G. 52, CHIAVARI.

2. On the 14th February, 1942 I was called into the Commandant's office where there was a representative of the Italian Government. I was accused by this representative of insulting MUSSOLINI and the Italian people. He was in possession of a letter card I had written three months previously to my sister in England. In this letter card I made reference to Italian sentries begging for food and I said "Mussolini was a fool for coming into the war and he probably realises it by now".

The Man of Confidence, Sub-Conductor BARKER, Royal Army Ordnance Corps, Indian Army, was also in the Commandant's office and he corroborated my statement that Italian sentries had been begging for food.

The Repre entative asked me for an explanation of my remarks about Mussolini and I replied that I was not sorry about it and that Mussolini was good himself at using similar language. He then pointed out that I was a prisoner of war whereas Mussolini was not. All the conversation was put down in writing and I signed it. With this the interview ended.

3. I was thereupon placed in solitary confinement and remained so confined for one hundred days. I was never given a trial or informed of my sentence. During my solitary confinement my Red Cross parcels were stopped. Otherwise I had normal food and exercise.

4. During the time I was confined I made numerous complaints that the Geneva Convention was not being complied with without result.

5. I do not know the name of the Italian Camp Commandant or the representative of the Italian Government.

/Para.6 -

6. There was one Carabinieri guard at this camp who was particularly brutal to prisoners of war whose name I do not know but who was about five feet eight inches in height, of stout build with rugged complexion, fair hair. He was about 35 years of age and wore two stripes. He spoke broken English with an American accent.

7. I remember Mr. HOOPER, Stoker BIRDON and two other prisoners being chained to an electric light pole as punishment. I did not actually see this.

SWORN by the said JAMES DOWNEY)
at 5 Spring Gardens in the City)
of WESTMINSTER this twenty-fourth)
day of July 1945,)

JAMES DOWNEY.

BEFORE ME

RATHCREEDAN, Captain,
Legal Staff.

Military Department,
Office of the Judge Advocate General,
LONDON, S.W.1.

1965

IN THE MATTER OF :

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929, at Camp No.52 at Chiavari from December, 1941, to April, 1943

A F F I D A V I T

I, D/L 13757 Leading Steward JASPER DONALD GODBEER, 52 Mess, Crew, H.M.S. "Forth", C/o G.P.O. London, with a home address at 12 South Road, Wyke Regis, Weymouth, Dorset, make oath and say as follows :-

1. I was captured in the Gulf of Sirte on 30th June 1941 (sic) After spells at Benghazi and Tarhuna I was shipped via Tripoli to Taranto on board the "Neptunia". On arrival, I was sent to a Transit Camp at Capua (then un-numbered, but since, I believe Numbered 66). I left the latter camp on or about 1st December 1941 for P.G. Camp No.52 at Chiavari (from which I was repatriated early in April, 1943).

2. I have perused the Affidavit sworn by Chief Petty Officer George Lanham on 16th June 1945. I corroborate what he says as to the general condition at Camp No.52, with the following comments.

3. As regards paragraph 2, sub-paragraph 5, of the said Affidavit, I agree that there was, at first, great neglect of the sick; but, latterly, with the arrival of two New Zealand M.Os. and the opening of a sick bay, things improved. The medical staff were mainly dependent on the Red Cross for their supplies, as the Italians supplied little or nothing in the way of medical supplies or equipment.

4. Food rations were grossly inadequate after "Black Friday" (the day on which rations were halved at the Camp, as well, I believe, as at the other P.G. Camps throughout Italy): after this cut in rations we had only one meal a day. The Camp Commandant (an Italian officer, with a limp, whose name I cannot now recall) was well disposed towards prisoners of war, for example, he expressed his displeasure in no uncertain way if he found the canteen under-stocked.

5. I do not know anything of the incident referred to in paragraph 4, sub-paragraph (b) of the said Affidavit. As regards sub-paragraph (a), I recall a fat private of the carabiniere (whom we knew as "Pinto Pete") who used to make a practice of kicking recaptured escapees and those who brewed tea in their tents. As regards sub-paragraph (c), I heard shots fired and saw the wounded prisoner being carried to the sick bay; but I did not actually witness the shooting.

SWORN at Weymouth in the)
County of Dorset this 11th) J.D. GODBEER.
day of August 1945)

Before me,
WILLIAM D. FURNISS.
A Commissioner for Oaths.

IN THE MATTER OF : **1966**

The ill-treatment of Prisoners of War and breaches of the Geneva Conventions, 1929, at Camp No.52 Chiavari, Genoa from about mid-December 1941 to March 1942

A F F I D A V I T

I, No. 2937953 Private THOMAS HENDERSON, Pioneer Corps, attached No.10 A.F.V. Depot, R.A.O.C., Georgetown, Renfrewshire, with a home address at No.11 Sweethill Terrace, Carnbroe, Coatbridge, Lanarkshire, make Oath and say as follows :-

1. I was captured and taken prisoner of war at "Hellfire Pass" on 15th June 1941. After spending some time at Croma and Benghazi, I was taken to Tarhuna, which I reached about the beginning of August 1941. I remained there about six weeks and was then sent to Taranto by hospital ship via Tripoli. On arrival, I was sent to Camp No.66 at Capua, from which, after about three months, I was transferred to Camp No.52, Chiavari, Genoa, where I remained another three months. I was then transferred to Camp No.65, Gravina

2. At Camp No.52, about 5000 prisoners of war were accommodated in huts, about 50 to a hut. We slept on two-tier beds and were each provided with a mattress and two blankets.

3. Red Cross parcels arrived fairly regularly at weekly intervals and each parcel was shared between 7 men.

4. At this camp the carabinieri made a practice of searching for and confiscating the personal effects of prisoners of war Suits of pyjamas and Red Cross supplies were particularly the subjects of their depredations.

5. About a month aftermy arrival at this Camp, I was walking round the compound when I heard a shot fired. I went to investigate and I saw a prisoner of war being carried away by one of the guards. The prisoner of war was a New Zealander private soldier (name and unit unknown) and it was made out that he had been trying to escape. Other New Zealanders who were with him when he was shot and whose names and units I do not know said that he had been collecting fuel to make tea, that he was nowhere near the trip wire, that on being called on he put up his hands and that he was thereupon shot.

SWORN by the said Thomas Henderson)
at Paisley in the County of Renfrew) THOMAS HENDERSON
this fourteenth day of June 1945)

Before me,
THOMAS HUNTER.
Notary Public.

IN THE MATTER OF THE ILL-TREATMENT OF BRITISH PRISONERS OF WAR AND BREACHES OF THE GENEVA CONVENTION 1929 AT CAMP P.G.52 CHIAVARI FROM OCTOBER 1942 to SEPTEMBER 1943.

1967

British National Office Charge No: U.K. I/B 43

United Nations War Crimes Commission Reference:

A F F I D A V I T

I, WILLIAM JOHN HOOPER, of 142 Saint Richard's Road, Great Mongeham, near Deal, Kent, MAKE OATH AND SAY AS FOLLOWS:

1 In 1941 I was serving in H.M.S. Hereward as a NAAFI canteen assistant. The ship was sunk and I was in the water for about six and a half hours until picked up by an Italian M.T.B. With other members of the crew I was taken to RHODES as a prisoner of war and later to CAPUA and CHIAVARI camps.

2 In December 1941 when I was at CHIAVARI I was quartered with other sailors in a hut. Stoker Bindon and I were asked to go and play Ludo with some Army prisoners of war. We did not hear the bugle for the 8 p.m. roll-call and were still with the soldiers when some Italian guards came to the hut and found us there. The camp interpreter was fetched. I do not remember his name but was told that he had spent some time at Oxford University before the war. He told us to go back to our own hut and that we were to report to the carabinieri the next day. He took our names and bed numbers.

3 Stoker Bindon and I reported to the carabinieri hut about 2.30 p.m. on the following day. We were taken to two telegraph poles outside the camp and made to put our arms behind us round the poles. Our wrists were then chained together on the far side of the pole. No violence was used against us but we were left there for two to three hours.

4 On the next day at the same time the punishment was repeated. I understood that it was to have lasted for three days but the interpreter told us that it had been cancelled.

5 We were never given any form of trial or asked to state our defence. On the first day the weather was bad and we were exposed to heavy rain. Stoker Bindon had a bad pair of shoes on and his feet were soaked. The clothes of both of us were also soaked and we were standing in the mud. The position was uncomfortable and when the chains were removed from our wrists there were marks on the skin which remained for some hours after our release.

6 There were three carabinieri concerned but I never knew their names. One was a corporal and the others were privates. The corporal was about thirty-five years of age, well built, about five feet five inches tall with fresh complexion and brownish hair. I should say that the second man was just under six feet tall. He spoke English with an American accent. His build was hefty and his hair was turning grey. The third man was very dark with a black moustache. He was a shade bow-legged and was short - about five feet in height. He was also a middle-aged man.

7 I also remember in the same camp an incident with a Marine Mills. The carabinieri came to search our hut and Marine Mills who was outside was caught getting back into the hut through the window. He was doing this to hide a home-made knife which he used to cut up bread etc. The carabinieri took him away to a punishment cell and left him there without any food or bed for over twenty-four hours. I tried to take him a meal made from a Red Cross parcel but I was not allowed to give it to him. The weather was cold and there was no heating in the cell. When he came out he was in an exhausted condition and shivering from the cold. He was never given any form of trial. The two members of the carabinieri described above (other than the corporal) were also concerned with this incident. Marine Mills came back to the United Kingdom at the same time as I did.

SWORN by the above-named WILLIAM JOHN HOOPER)
at 6 Spring Gardens in the City of Westminster) (Sgd) W.J. HOOPER
this third day of July 1945)

BEFORE ME (Sgd) RATHCREEDAN Captain
Legal Staff

Military Department,
Office of the Judge Advocate General.
London

IN THE MATTER OF : **1968**

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929, at Camp No.52 at Chiavari during the period from December 1941 to about February 1942

A F F I D A V I T

I, D/J.110951, Chief Petty Officer LEONARD CHARLES HOOTON of H.M.S. "Elfin", Blyth, Northumberland, with a home address at 38 Richland Road, Liverpool 13, make oath and say as follows:

1. I was captured in the Gulf of Sirte on 31st July 1941. After a spell at Benghazi and Tarhuna, I was shipped to Taranto where I arrived on 4th September 1941 or thereabouts. I was taken to a prisoner of war camp at Capua, which I left for Camp No.52, Chiavari, on or about 4th December 1941. I was transferred from the latter camp to Camp No.59 at Servigliano in or about February 1942.

2. I have perused the Affidavit sworn by Chief Petty Officer George Lanham on the 16th June 1945 and I confirm what he says in para.2 sub-para.2 to sub-para.5 and in para.4 sub-paras.(a) and (d) of his said Affidavit. A Staff Sergeant Mitchell was in charge of the Sick Bay and the neglect of the sick was largely due to his dereliction of duty.

3. The harsh and brutal treatment of prisoners of war began shortly before I and R.S.M. Barker left the Camp and it was, I believe, in consequence of the protests we made against such treatment that we were sent away

4. About two days before I was transferred to Servigliano, a Staff Sergeant who was a saddler in the R.A. (who was in charge of one of the huts) came to report the following incident to me and R.S.M. Barker.

5. The door of the hut had been arranged to close automatically by means of a brick and pulley. For a check parade, the occupants had been ordered to the hut. The last prisoner of war (whose name I do not know but who accompanied Staff Sergeant Saddler to make the report) let the door go and a carabiniere (name unknown) considered that he had been insulted because the door shut in his face.

6. The carabiniere had entered the hut in considerable rage, with his revolver drawn, and had selected a prisoner of war (name unknown) more or less at random. Two carabinieri had taken that man away to their own quarters (beneath which were cells) situated on the outskirts of the Camp.

7. When we had heard the explanation of the man who accompanied the Staff Sergeant referred to in paragraph 4, R.S.M. Barker and R.S.M. Shimmin (a Chief Clerk) and myself went down to the Camp entrance and saw the officer of the day, the Duke of Catania, also an Italian Lieutenant Allesandra Teresca of Bari (The Yank) Camp Interpreter.

8. We accompanied this officer to the Carabinieri Headquarters and found in the cells the man who had been arrested. The latter informed us that the carabiniere who had considered

himself insulted had beaten him on the back with the leather thong of his revolver. He had weals on his back which bore out his story.

9. We asked the Officer of the day to take cognizance of the facts, but he declined to do so. We then made a formal written protest to Geneva (copies to the Camp Commandant, the British Red Cross and the Swiss Red Cross). Nothing came of our protest, and the next day, I, C.S.M. Mantle (who had escaped and been retaken about a fortnight before) and Cpl. Vilisied (of Middlesex Yeomanry, the Interpreter) were transferred to Servigliano. The latter camp was alleged to be a punishment camp and we were sent there labelled "pericoloso" (which meant that we were not to be entrusted with any position of responsibility). I believe, R.S.M. Barker went to Gravina, a week later, similarly labelled.

10. Sergeant Weaver, R.A.F. was also beaten up whilst on this camp by the same Carabiniere. We were refused permission to go and see him and I left just after he was sentenced to thirty days solitary. R.S.M. Barker received fifteen days solitary as a punishment for not reporting the Sergeant as being absent.

11. Owing to our complaints re bad food, accommodation, lack of clothing etc. an Italian General came up to the Camp from Rome but I do not know the results of his visit because I went to Servigliano just after his arrival.

SWORN at 15 Stanley Street)
Blyth in the County of)
Northumberland this 31st day) L.C. HOOTON.
of July 1945)

Before me,
J.L. YARWOOD.
A Commissioner for Oaths.

IN THE MATTER OF : **1970**

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.52 at Chiavari during the period November 1941 to March 1943

A F F I D A V I T

I, GEORGE LANHAM, Chief Petty Officer, C/J.106170 at present at H.M.S. "Royal Katherine" and with a permanent address at 111, Forton Road, Gosport, Hants, make Oath and say as folows :-

1. I was Chief Petty Officer on the submarine H.M.S. "Cachalot" when she was captured off Benghazi, Libya, on 30th July 1941. I was taken in succession to Benghazi and Tahuna, Tripoli, and eventually to Camp No.66 at Capua, Italy, arriving there about mid-September 1941, and I stayed there until the last week in November 1941 when I was sent on to Camp No. 52 at Chiavari.

2. I was kept prisoner of war at Camp No.52 at Chiavari from about the end of November 1941 until March 1943 when I was repatriated.

The conditions in this Camp during this period were very bad indeed.

The accommodation was huts which were not rain-proof.

The food supply consisted of one roll and a vegetable skilly once in every 24 hours and once a week a stew with meat.

There was great neglect of the sick. There was no proper medical inspection, or accommodation for the sick or medical supplies.

3. I knew Stoker P/O. G.E. Sells P.K.X.87055 well: he was a shipmate of mine on the H.M.S. "Cachalot"; he arrived at the said Camp at Chiavari during December 1941. He was then very ill indeed and complained of great pain in the rectum but the Italian medical officers neglected him and it was not until his friends got him into the Camp Infirmary, that an inspection was made and he was operated upon. He lay in the Infirmary very ill for several months and he told me his pain and suffering were intense and largely due to neglect before and after the operation.

I cannot now give the names, ranks, or Units of any of the Italian medical officers.

4. As to the treatment of prisoners of war by those in command at the said Camp at Chiavari it was very harsh and brutal.

(a) If there was an attempted escape, several prisoners would be taken from the hut in which those who had so attempted were lodged, and they would be put through third degree treatment; the Italian officers handing them over to the guards with orders to beat them to make them talk. Jaws and ear-drums were sometimes broken on such occasions. I cannot now give dates or names of victims, nor of the officers

giving such orders or the guards so employed.

(b) I remember the case of Lance-corporal Allen being beaten by guards for refusing to tell how a South African prisoner of war had escaped. I cannot give the date of the said incident nor can I give particulars as to his assailants. I did not witness the incident myself, but it was common talk in the Camp while I was there.

(c) in the autumn of 1942, a New Zealander, a newcomer, whose name, rank and Unit I cannot now remember reached through the trip wires to get a piece of firewood. A sentry fired without warning and wounded the said prisoner and then fired twice more. The said prisoner was very severely injured and took two months to recover. I did not witness the said incident and I cannot now remember who my informants were but the incident was common talk in the Camp at the time.

(d) I remember also the case of Downey; an Irishman, an able-seaman, or stoker, a survivor from the destroyer H.M.S. "Hereward". I was told by several fellow prisoners of war, their names, ranks and Units I cannot now remember, that the said Downey wrote a letter home containing words of ridicule with regard to Mussolini. I heard that he was kept in prison for about 100 days without trial.

SWORN at Sengwarden in the)
Country of Germany this)
16th day of June 1945)

GEORGE LANHAM.

Before me,
B.F. JOHNSON.
Commander Royal Navy.
A Commissioner for Oaths.

1972

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.52 at Chiavari during the period November 1941 to March 1943

A F F I D A V I T

- of -

C.P.O. GEORGE LANHAM

THE TREASURY SOLICITOR.

IN THE MATTER OF :- **1973**

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929, at Camp No.52 at Chiavari from December 1941 to May 1942.

A F F I D A V I T.

I, 7913891, Lance-Corporal ARNOLD ADOLPH LAZARUS, 'C' Squadron 1 S. & T. Regiment, R.A.C., Tilgate, near Crawley, Sussex with a home address at 30 Redbourne Avenue, Finchley, N.3., make oath and say as follows :-

1. I was captured at Fort Capuzzo on 15th June 1941. After spells at Gazala, Benghazi and Tarhuna, I was shipped via Tripoli to Taranto and was thence taken to a P.G. Camp at Capua (from which, on 4th December 1941, I was transferred to a P.G. Camp, later Nod. 52 at Chiavari). I left the latter Camp on 25th May 1942 for Camp No.65 at Gravina.

2. I have perused the Affidavit of Chief Petty Officer George Lanham, sworn on 16th June 1945, and I confirm what he says as to conditions at the said Camp at Chiavari, with the following comments.

3. As to paragraph 2, sub-paragraph 4, of the said Affidavit, the food position became particularly bad after a date in March 1942 ("Black Friday") when rations were reduced to a third of the former issue. One man died (I believe of malnutrition): this was Lance-Corporal Butcher, Royal Corps of Signals, who, to the best of my recollection, had been attached to G.H.Q., 2nd Armoured Brigade.

4. As to sub-paragraph 5 of the said paragraph 2, I agree that medical attention was poor: but there was limited accommodation in the Camp Infirmary, and the sick who could not be accommodated there were sent to hospital.

5. I cannot confirm paragraph 3 and Paragraph 4 sub-paragraphs (a) and (b) of the said affidavit. I think these must relate to a period after my leaving the Camp.

6. As to paragraph 4, sub-paragraph (c) of the said Affidavit, I recall the case of a New Zealander being shot: I did not witness the incident, but I heard of it from the Camp Leader, Sub-Conductor Barker, R.I.A.O.C. The following is the gist of what he told me: the hut in which the New Zealander was house was contiguous to the wire enclosure; beyond that enclosure and parallel to it was another enclosure the two enclosures being some five yards apart. The New Zealander jumped from the window of his hut into the space between the enclosures, possibly to pick up wood. The Guard shouted; the New Zealander put his hands up and was thereupon shot and slightly wounded. He was removed to hospital and the guard who fired the shot was, I believe, court-martialled.

7. As to paragraph 4, sub-paragraph (d), of the said Affidavit, Downey was kept in a detention tent for about 5 months of the time I was at Chiavari. I also understood that this was a punishment for having written a letter from containing words of ridicule regarding Mussolini.

8. We had very little clothing and suffered from exposure. Later, Red Cross parcels of boots and clothing came through;

but the Italians would not let us have any unless we handed in another pair of boots or similar clothing. There were prisoners at Chiavari who never had any boots. The guards themselves were in a terrible state for clothing and particularly for boots.

9. For a short time, the Italians took all coffee from our Red Cross parcels: this was by way of reprisal, because Italian prisoners of war were said to be getting no coffee.

10. There were two prisoners of war who had each had a leg amputated; one of them was Sergeant Pat Arnold of the D.L.I's; these two men were sent to the Camp from Caserta Hospital and had to live under much the same conditions as the rest of us until they were repatriated.

11. There was a change in Camp Commandants in or about February or March 1942: the successor in that office was a man with a limp who had a good reputation among the prisoners of war. I was chairman of the entertainment committee and he gave us a lot of help. He also saw to it that the canteen was kept well-stocked with fruit, candy-bars cigarettes etc.

SWORN at Richmond in the County of York this 23rd day of August 1945.) A.A. LAZARUS

Before me,

F.C. HODGSON

A Commissioner for Oaths.

IN THE MATTER OF :- **1975**

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.52 at Chiavari, Italy, during the period about 28th August 1942 to about 14th August 1943

A F F I D A V I T.

I, WILLIAM BRIAN de LAVAL LUSK, Captain, New Zealand Medical Corps at present at Reception Depot, New Zealand Expeditionary Force, United Kingdom care of New Zealand Army Post Office, Margate, Kent, and with a permanent address of 76, St. Andrews Road, Auckland, New Zealand, S.E.3. make oath and say as follows :-

1. I was taken prisoner of war on the 28th November 1941 at Sidi Resegh and was from there taken to Benghazi where I stayed five days: thence to Brindisi where I was in hospital for a time and thence to Bari, Italy, where I arrived about 28th January 1942. I remained at Bari until about 2nd March 1942: from there went to Camp No.38 Poppi where I stayed from about 2nd March 1942 to about 28th August 1942: and from there was sent to Camp 52 at Chiavari.

2. I was prisoner of war at Camp 52 at Chiavari from about 28th August, 1942 to about 14th August 1943. The conditions in the said Camp during that period were as follows :-

There were some 3,000 other ranks in the camp and I was there as Medical Officer. The camp was very overcrowded; the men were housed in huts which were in a very poor leaky condition; the camp was very badly pathed and in the winter most of it became a bog. As regards food, the daily ration was some 200 grammes of bread with a vegetable skilly once a day; plus the allotment of cheese and jam; the men could on occasions buy fruit and chocolate if they had the means to do so. Without Red Cross Parcels the other ranks only had some 1,200 to 1,500 calories a day, which meant slow starvation. The fact that Red Cross parcels of food and clothing were issued, alone accounts for the fact that the majority of British prisoners of war got through the ordeal alive. There was a certain amount of disease in the camp and there were two Italian Medical Officers. The medical supervision equipment and supplies provided by the Italians would have been quite insufficient to cope with the situation. With the Red Cross supplies we were just able to get through, but we never had sufficient quinine or quinine substitute and the Italians did not supply the deficiency.

3. During my stay at the said camp I got to know Regimental Sergeant Major Bates, a South African. He told me that prior to my arrival he had been caught trying to escape and had been badly beaten by the carabiniere.

SWORN at 12 King Edward Street in the City of Oxford this 3rd day of August 1945) W.B. de L. LUSK

Before me,
W. HOWES LINNELL
A Commissioner for Oaths.

IN THE MATTER OF :-

The ill-treatment of British Prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.52 at Chiavari during the period between December 1941 and October 1942

A F F I D A V I T

I, GLYN ERNEST SELLS, Stoker Petty Officer, PKX 87055, at present at No.6 Mess, H.M.S. "Dolphin", Gosport, Hants, and with a permanent address "Glyncris", Village Road, Alverstoke, Gosport, make Oath and say as follows :-

1. I was a stoker on board the submarine H.M.S. "Cachalot" when she was captured off Benghazi, Libya, on 30th July 1941. I was taken prisoner to Benghazi. From there I went to Tahuna, Tripoli, and thence was shipped to Italy, arriving at Camp No.66 at Capua about 18th September 1941.

2. I was kept at the said Camp at Capua from about the 18th September to the 5th October 1941: was then sent to Caserta Hospital nearby for about two months returning to Capua in December 1941 where I stayed a further week. I was then sent on to Camp No.52 at Chiavari.

3. I reached Camp No. 52 at Chiavari just before Christmas 1941 and stayed there until March 1943 when I was repatriated.

I lay for about a fortnight in this camp in such pain from the rectum that I could not walk or sit down and no Italian medical officer would visit me. Eventually my mates got me into the Camp infirmary where the medical officer made an inspection and found that I had double fistula in an advanced state. They operated on me but without any anaesthetic; the agony was indescribable. I was laid up helpless in the infirmary for eight months: was carried once a day to the doctor but had no proper nursing or attention. The food was the same as in the camp referred to later herein.

After three months I was sent from the infirmary back to the said Camp but I could not walk; the stitches pulled, and the wound had not healed. I could get no treatment from the medical officer. A friend of mine put me in the quartermaster's store and nursed me back. I was laid up ten months altogether.

As to the general conditions at the said Camp :

We were housed in huts which were not watertight: there was a constant trickle of water through the roof in bad weather.

The food was very inadequate; one roll and a vegetable skilly once in 24 hours and once a week a stew with meat. One of our medical officers, a New Zealander, Captain Lusk, told me of many cases of neglect and ill-treatment by the Italian medical officers which resulted in deaths which should never have occurred.

The treatment of the prisoners of war by those in command and the guards was brutal in the extreme. There were constant cases of wounding and assaulting by the guards on the slightest pretext and often for no apparent reason.

I can vouch for the following specific instances :-

(a) Lance Corporal Allen was beaten by the guards for refusing to tell how a South African prisoner of war had escaped.

(b) During the summer of 1942 there was a plan by some of the prisoners of war to escape by means of a tunnel. The plan was disclosed to the authorities by a traitor and the guards found the tunnel and three prisoners in it. They were badly beaten and wounded by the guards with gun butts. Seven other prisoners of war surrendered to save further brutality and they were treated by the guards in the same way.

(c) In the autumn of 1942 a New Zealander, a newcomer (whose name, rank and unit I cannot now remember) reached through the trip wires to get a piece of firewood. A sentry fired, without warning, and wounded the said prisoner and then fired twice more. The said prisoner was very severely injured and took two months to recover.

(d) I remember also the case of Downey, an Irishman, an Able Seaman or Stoker, a survivor from a destroyer H.M.S. "Hereward" who wrote in a letter some words of ridicule regarding Mussolini. He was kept in prison for 100 days without trial.

SWORN at Portsmouth in the County of Hants this 31st day of May 1945 — G.E. SELLS.

Before me,
GUY M. BOULTON
A Commissioner for Oaths.

1978

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.52 at Chiavari during the period between December 1941 and October 1942.

A F F I D A V I T

- of -

GLYN ERNEST SELLS, Stoker Petty Officer.

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

1979

The ill-treatment of British prisoners of war and breaches of the Geneva Convention 1929 at Camp No. P.G.52 Chiavari from October 1942 to September 1943

A F F I D A V I T

I, 2656614 Sergeant WILLIAM HUNTER STRACHAN stationed at the Military Establishment Milton Hall Peterborough in the County of Northampton with permanent home address at 129 Waterville Road North Shields in the County of Northumberland, make Oath and say :

1. On 21st June 1942 whilst serving with 3rd Battalion, Coldstream Guards I was taken prisoner at Tobruk. I was taken to the transit camp at Benghazi and after eleven days in this camp I was transferred to Italy by ship. After being in P.W. Camps at Capua and Benevento I arrived about the middle of October 1942 at P.W. Camp No.52 Chiavari

2. On May 3rd 1943 whilst still at Chiavari I made an escape by bluffing my way out of the camp dressed in civilian clothes and at the same time a large fatigue party was bringing into the camp Red Cross parcels. About 1100 hours the next day I was recaptured by members of the plain clothes police on the Rome - Turin express at Alesandria. I was handed over to the Fascist headquarters in Turin and was from there escorted back to Chiavari by carabinieri. I arrived back at the camp just before midday on the 5th May 1943.

3. I was interrogated by Col. Castelli Taddeo who was the Camp Commandant and after questioning was handed over to the Carabinieri. The colonel told me I had committed a crime and said I must be punished. He did not give me a trial or award me any particular punishment. I was then taken to the carabinieri jail on the outskirts of the camp by a Brigadier whose christian name was Guildo and Carabinieri Ramesan, Di Martini, Mangini and another whose name I do not know. On arrival inside the jail I was put into a cell and stripped completely naked by all the Italians I have named. I resisted forcibly and there was a general scuffle during which I was kicked many times. When they had stripped me they handcuffed me and the Brigadier hit me across the jaw with his fist and asked if I could speak either German or Italian. I said I could not speak either. He then decided to speak what little English he knew and asked me who had assisted me to escape. I said that I had had no assistance and thereupon he stood away and the guards began to beat me with rifle butts and fists. I fell down under the weight of the blows many times but was lifted up by them each time and beaten again. The four guards I have mentioned were concerned in this. I remember my brain becoming hazy and the last thing I remember is one of the guards kicking me in the side as I lay on the ground and I lost consciousness. When I regained consciousness it was dark. My clothing was on me and I was handcuffed. The buttons had been cut off my clothing.

4. The next day I was given bread and water at about 1100 hours. In the afternoon the same party came to my cell including the Brigadier. He asked me the same questions as to who helped me to escape and I gave him the same answer "No one". I was again stripped and beaten by the guards in similar manner to the day before. I again lost consciousness.

5. This treatment went on for six days although I cannot remember it all clearly as I was unconscious most of the time.

I suppose I must have been brought bread and water each day but I cannot remember the events of those six days very clearly.

6. On the seventh day I was left alone and given the normal issue of prisoner of war food. I requested an interview with the Camp Leader and Medical Officer but this was refused probably because I was so badly bruised. On the 16th day in this cell Colonel Castolli Taddeo visited me accompanied by his son a student and Captain Galleeni the interpreter. Captain Roaso a Fascist Captain of the Camp Staff responsible for the carabinieri was also present. I was asked by the colonel if I would promise not to escape and I refused pointing out that it was my duty to do so. He said if I would not cause any trouble he would let me go back to the camp and be left alone. I asked how long I was to be kept in the cell and he replied at least 30 days. There is no doubt in my mind that he knew of the illtreatment I had received at the hands of the carabinieri for the reasons appearing in para.11 of this my affidavit. Until the 30th day I was kept in solitary confinement in this cell but after the interview on the 16th day I was allowed books and Red Cross parcels. On the 31st day after being confined in the cell I was allowed to return to the prisoner of war compound. I reported the circumstances of my ill-treatment to Captain Burns, R.A.M.C.

7. After my return to the compound I was ordered to report to the guard room four times per day at certain times from then on permanently. One day I was ten minutes late in reporting at noon. I was immediately placed in arrest and put into the same cell. At 2130 hours in the evening Ramesan and Mangini came in with a hose-pipe. I was made to strip and was then given a bath. Ramesan said that was the treatment the British gave to Italian prisoners. I was then handcuffed and given my khaki shorts and left for the night. There were no drains to the cell and no bed. I had therefore to spend the night sitting on a window ledge because of the water on the floor of the cell. After three days I was released again.

8. On the armistice being signed in September 1943 Colonel Taddeo informed the Camp Leader R.S.M. Shimmins that he would protect the prisoners of war from the Germans providing the camp leader ordered everyone not to try and escape under threat of Court Martial in England. The Camp Leader accepted this and gave the order. Italian camp sentries were doubled and the Camp Leader detailed two South African Police patrols inside the wire. The next morning the Germans arrived and took over the camp without any resistance from Colonel Taddeo or his guards. The carabinieri prevented a number of prisoners escaping before the Germans actually took up their position.

9. The same day I escaped into the hills by getting through the wire.

10. Colonel Taddeo and his son accepted office when the Republican Fascists were reformed. Political prisoners were confined there. I know this because I was operating in the area with the Matteo Brigade composedof partisans. In May 1944 this Brigade was relieved all these prisoners and Colonel Taddeo took refuge in the hills to avoid court martial by the Fascists.

11. On a day in June I met Colonel Taddeo and his son in the hills near San Columbaco and I drew my revolver intending to shoot him on the spot. I was prevented by my friends who were with me. I accused him of being responsible for my ill-treatment out in the camp He admitted he knew of it but said that even though he was Commandant he could not dictate the policy of the carabinieri. He was in a very nervous condition and broke down and wept. We left him to his fate.

12. I joined the Allied forces on November 23rd 1944.

SWORN by the above named WILLIAM HUNTER STRACHAN at 6 Spring Gardens in the City of Westminster this 8th day of June 1945, Before me

W.H. STRACHAN. Sgt.

E.J. Rendle. Major Legal Staff
J.A.G's Office.

IN THE MATTER OF :-

1981

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.52 at Chiavari during May 1943.

A F F I D A V I T.

I, WILLIAM HUNTER STRACHAN, No.2656614, Sergeant Coldstream Guards, with a present address of Milton Hall, Peterborough, and a permanent address of 129, Waterville Road, North Shields, Northumberland, make oath and say as follows :-

1. On the 21st June 1942 I was taken prisoner at Tobruk, Libya, and was from there sent to Benghazi, where I stayed 4 days in an Officers camp and 11 days in an O.R. Camp, and was then sent via Brindisi to Camp No.66 at Capua, Italy. On leaving Camp No.66 at Capua, I was sent to Camp No. 87 at Benevento arriving there late in August 1942. From there I was sent to Camp No.52 at Chiavari.

2. I was prisoner of war at Camp No.52 Chiavari from the middle of October 1942 until 9th September 1943. The Commandant in the said Camp during that period was one Colonel Taddeo Castelli, his adjutant was Lt. Savateri, and one of the senior officers was Captain Bozzo, a very ardent Fascist.

3. On May 3rd 1943, I escaped from the said Camp at Chiavari alone during the day at about 8.30 a.m. I got away and travelled as far as Alessandria, but was there caught by the secret police who took me to Turin. I was interrogated and sent back to Chiavari and was taken before the Commandant, the said Colonel Castelli, who threatened to shoot me if I did not tell him who had assisted me in my escape. I did not give anyone away. The said Colonel then handed me over to the carabinieri who imprisoned me in their jail outside the Camp. There I was stripped naked and handcuffed. Then the carabinieri commenced to beat me up with fists, boots and rifle butts. As I lost consciousness the last thing I remember was lying on the floor with someone kicking me in the ribs. When I came to, I was dressed and handcuffed and all buttons had been removed from my clothing. Next day I received bread and water and in the afternoon another session of the third degree until I again lost consciousness. After that I was in such a state that I am hazy about the events of the following days but later on I worked it out that this treatment lasted for six days during which I received only bread and water. On the seventh day I received a dixie of stew in the evening and was given my blankets. My applications to see the Medical Officer or the Camp Leader were refused and it was not until the sixteenth day that the Camp Commandant visited me. When I complained of unfair treatment, he offered me my release if I would give my parole. This I refused and asked for my sentence and I was informed that I would have to complete 30 days. From that time I received Red Cross Parcel Food, books and exercise each day. Those responsible for the said treatment were as follows :-

Colonel Castelli
Captain Bozzo
Lt. Savateri

Brigadiere (equivalent to British Warrant Officer)
Giuldo.
This was his Christian name. I do not know his surname.

The Carabinieri who took part in the said treatment were

Ramasan (an ordinary policeman)
Mangini (an ordinary policeman)
Di Martini (an ordinary policeman) (I know this man is since dead).

On leaving the said Camp No.52 at Chiavari on the 8th September 1943, I wandered for some 14 months in Italy before joining the Allied lines on about the 23rd November 1944. During this period Colonel Castelli, his son, and Lt. Savateri joined the Fascist Republican Army on the staff of Camp.52 which was used for the internment of Political Prisoners. These three were extremely active in the attempts to apprehend British escaped Prisoners of War I have in my possession a Fascist newspaper called "The Republican Flame" dated 15th October 1944 which carries a reproduction of a photograph of myself taken by the camp authorities on the occasion of my first escape, and details of myself which could only have been provided by Colonel Castelli.

SWORN at 45 Priestgate)
Peterborough in the County of) W.H. STRACHAN Sgt.
Northampton this 22nd day of)
June 1945)

Before me,

A.H. MELLOWS

A Commissioner for Oaths.

1983

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.52 at Chiavari during May 1943.

Copy

A F F I D A V I T

- of -

SGT. W.H. STRACHAN

THE TREASURY SOLICITOR.

(*For the Use of the Secretariat*)

1984

Registered Number.	Date of receipt in Secretariat.
343/UK/It/43	17 OCT 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B43. *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1. Col. Dino-Castelli Taddei, Commandant of Camp 52 Chiavari, Italy, Rutty. 2. Adjutant or second in command. 3. Personnel in command when illtreatment occurred. 4. Actual perpetrators of the cruelty or illtreatment.
Date and place of commission of alleged crime.	Charges cover a period from December 1941 to October 1942 but in all probability some of the charges were earlier and later than the above mentioned dates. Place: Camp No.52. Chiavari, Italy.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. xxix. Breach of Geneva Convention 1929, Sections 2, 9, 10, 11, 13, 46, 54, 56 and 61. Under English law (1) Wounding with intent to do grievous bodily harm, (2) Unlawful wounding, (3) Assault.

SHORT STATEMENT OF FACTS.

Charges in this case are general and particular.

General charges consist of inhumane treatment; confinement or imprisonment; lodgment in buildings or huts which did not conform to the Convention; insufficient food; insufficient hygienic measures.

In particular there are cases of illtreatment of named individuals

The general charges cover a long period which at the moment is indefinite but in all probability continue from the start of the Camp, whenever that was, up to at least the end of 1942.

The cases of individual illtreatment range from December 1941 to October 1942.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Gp.685
(26924) Wt.P.1817/P.1139 5,000 3/44 " "

PARTICULARS OF ALLEGED CRIME **1985**

(a) Under War Crimes List Section XXIX as to illtreatment of prisoners-of-war.

(b) Breaches of Geneva Convention 1929.

Section 2. which requires that prisoners of war should be humanely treated and protected and that measures of reprisals against them are forbidden.

Section 9 under which prisoners of war shall not be confined or imprisoned except as a measure indispensable for safety or health; and then only so long as circumstances exist which necessitate such a measure.

Section 10 which requires the provision of buildings or huts which will afford all possible safeguards as regards hygiene and salubrity.

Section 11 which requires an adequate food ration.

Section 13 which requires all necessary hygienic measures and cleanliness.

Section 46 which requires that in the case of disciplinary punishment corporal punishment, confinement in premises not lighted by daylight, and, in general, all forms of cruelty are forbidden.

Section 54 under which it is provided that imprisonment is the most severe disciplinary punishment which may be inflicted on a prisoner of war; and then the maximum is 30 days.

Section 56 which requires that establishments in which disciplinary sentences are undergone shall be maintained in a good state of hygiene and cleanliness and that the prisoners shall have exercise and shall be allowed outdoors for at least two hours each day.

Section 61 which provides that no prisoner of war shall be sentenced without being given an opportunity of defending himself.

(c) Under English law

(1) Wounding with intent to do grievious bodily harm, or

(2) Unlawful wounding, or

(3) Assault.

(Continued from Page 3)

No date - Sells, Stoker.

See "Interrogation by Middle East of Exchanged British Naval Prisoners of war (March 1943) No. 0103/5023 (PW2A)"
(Corroborates the general charges of illtreatment and reprisals.
(Copy Interrogation attached hereto)

In addition to the above witnesses, whose reports on the interrogation are attached, there is a general summary of the state of affairs in this Camp contained in the report unsigned but headed "Conditions in P.O.W. Camps in Italy", being a Report on Conditions in P.O.W.Camps in Italy, North Africa and Rhodes from information

EXTRACT FROM INTERROGATION IN MIDDLE EAST OF EXCHANGED BRITISH NAVAL PRISONERS OF WAR (MARCH 1943).

E. Morgan. C/JX 155615.

Yes. For using obscene language and refusing to obey an order from an English N.C.O. Camp 98 (CHIAVARI).

The beginning of January 1942. He refused to allow the R.S.M. of the camp to try him, he wished to be tried by the Italians. The compound was cleared the Italians Per Act was read out and he was sentenced to court martial. He was taken away under Carabinieri escort heavily manacled to a cell outside the camp after a week he came back to the camp and was under open arrest. About 12 months afterwards he was court martialled and pardoned, during which time he received no pay from the Italians.

EXTRACT FROM INTERROGATION BY MIDDLE EAST OF EXCHANGED BRITISH NAVAL PRISONERS OF WAR (MARCH 1943).

H.M. INDOM Stoker. C/KX 7200.

I was handcuffed with two other men, and chained to a post in very inclement weather, (hard frost, cold wind and one day, hard rain), for three days, being released for the daily meal only. This was at Camp 58, in the second week of December, 1941, the reason given being that I was not at the correct place for being checked and counted at the correct time. There were no clocks or bugles in the camp at this time. I protested, but nothing came of this. Before I left Italy, I saw my papers, and this was not entered in on my punishment sheet.

EXTRACTS FROM INTERROGATION BY MIDDLE EAST OF EXCHANGED BRITISH NAVAL PRISONERS OF WAR (MARCH 1943).

ALLAN BAGNALL, Marine.

During February, 1942, while I was at P.G. 52, CHIAVARI, Stoker W.BINDON, H.M.S. "CHACHALOT" and N.A.A.F.I. HOOPER, H.M.S."HEREWARD" were chained to the electric wire poles outside the barbed wire for a period of approximately 24 hours; reason - for being late for a check parade. All the above mentioned ratings are now ex - P.O.W's.

EXTRACT FROM INTERROGATION BY MIDDLE EAST OF EXCHANGED BRITISH NAVAL PRISONERS OF WAR (MARCH 1943).

JOHN CAMPBELL, Able Seaman, P/J38950.

I do not personally know of anyone being handcuffed but I know of one man being tied to a telegraph pole for two hours at CHIAVARI for being late for check parade. This happened during month of October, 1942.

EXTRACT FROM INTERROGATION BY MIDDLE EAST OF EXCHANGED BRITISH NAVAL PRISONERS OF WAR (MARCH 1943).

W.L.HODGE, Able Seaman D/JX144765, H.M.S. "EXMOUTH".

Many at CHIAVARI for lighting fires in bungalows, pinching wood during period of imprisonment at CHIAVARI.

0103/5023 (P.W.2(a))

EXTRACT FROM INTERROGATION BY MIDDLE EAST OF EXCHANGED BRITISH NAVAL PRISONERS OF WAR (MARCH 1943).

INTERROGATION of ALFRED C. DEADMAN.

Camp No.52, CHIAVARI.

DISCIPLINE. Punishment was of a nature, that did not give a man a chance to defend himself he was "whipped" away by the Carabinieri and subjected to ill-treatment to make him talk, and maybe to admit a crime which probably he hadn't committed; a type of "Third degree" included a straight fist to the jaw or knee in testacles, or some such similar punishment a man was never charged in the same sense as we know it. The Italian idea of justice was horribly distorted.

0103/5023 (P...2(a))

EXTRACT from INTERROGATION BY MIDDLE EAST OF EXCHANGED BRITISH NAVAL PRISONERS OF WAR (March, 1943).

INTERROGATION of G. .SELLS, Stoker.

CAMP No.52, CHIAVARI.

The Camp Commander S/SSm SHIMMONS complained in my hearing that men were being thrashed, booted and injured in the Carabinieri clink, but nothing happened to make it cease.

AIC/11/4.

EXTRACT from A REPORT ON CONDITIONS IN P.O.W. CAMPS IN ITALY, NORTH AFRICA AND RHODES FROM INFORMATION OBTAINED FROM REPATRIATED BRITISH, IMPERIAL AND ALLIED PERSONNEL.

CHIAVARI - CAMP No.52:-

Accommodation was in stone buildings which were not properly roofed for four months. Lighting was good, but there was no heating.

Sanitary and ablution arrangements were not good. The latrines were always getting blocked up, mainly because they could only be flushed when the water was on, which was only for three hours each day. It was only very rarely that hot baths were available, and then there was not enough hot water for everyone to bath.

The P.O.W's get about half the ration that the guards get, but Red Cross parcels arrive regularly and are distributed daily, one between seven men; also the Camp Canteen stocks fruit and vegetables as well as toilet articles and writing materials.

The C.C. is very good and does his best to comply with the requests and suggestions of the camp leaders. The internal administration is entirely in the hands of the prisoners. The camp leader is S/SM J.SHIMMINS, R.A.S.C., who runs the camp as a British Army Camp.

There are a number of educational courses in progress in the camp, these range from elementary arithmetic to philosophy and metallurgy. Entertainment is provided by the Dramatic Society, the Concert Party and three bands.

The Camp Canteen is run by the Italians but the profits from the canteen go to the camp Fund which in March 1943 was 33,000 lire. Monthly expenditure from this fund was about 4,000 lire.

Clothing in the camp is very satisfactory, everyone has B.D. and there is a reserve in hand for new arrivals. Boots are a serious difficulty, in March 1943 800 pairs were in need

of repair and 800 new pairs were urgently required. The Italians have not supplied materials for repairs since January 1943. Materials are received through the Red Cross, but considerably more are needed.

Outdoor games are hampered by lack of space, but weekly sports are held in the Summer. Owing to lack of space large supplies of sports gear are not needed, but such things as music parts for small bands and books are always welcomed.

PARTICULARS OF EVIDENCE IN SUPPORT

1995

(a) Under War Crimes List No. XXIX

December 1941. Bindon, Stoker, C/KX 97290

See "Interrogation by Middle East of Exchanged British Naval Prisoners of war (March 1943)" page 2.

Handcuffed; chained to a post in bad winter weather for three days; being released for the daily meal only.

(Copy Interrogation attached hereto).

January 1942. Morgan, C/JX 155615.

See "Interrogation by Middle East of Exchanged British Naval prisoners of war (March 1943"), page 3.

Heavily manacled to a cell outside the Camp for, apparently, one week; and thereafter kept under open arrest for an indefinite period.

(Copy Interrogation attached hereto).

February 1942. Bagnall, Marine.

See "Interrogation by Middle East of Exchanged British Naval Prisoners of war (March 1943)".

Witnessed Bindon and Hooper being chained to electric wire poles outside the barbed wire for a period of approximately 24 hours. (It will be observed that this witness puts this incident as occurring in February 1942, whereas Bindon, one of the sufferers, puts it in December 1941).

(Copy Interrogation attached hereto).

October 1942. Campbell, Able Seaman, P/J. 98950

See "Interrogation by Middle East of Exchanged British Naval Prisoners of war (March 1943)".

Saw a man tied to a telegraph pole.

No date - Hodge, Able Seaman, D/JX 144765

See "Interrogation by Middle East of Exchanged British Naval prisoners of war (March 1943)".

Is indefinite but apparently witnessed many cases of reprisals.

(Copy Interrogation attached hereto).

No date - Deadman (no rank or number given).

See "Interrogation by Middle East of Exchanged British Naval prisoners of war (March 1943) No. 0103/5023 (PW2A)".

Makes general charges as regards illtreatment and reprisals.

(Copy Interrogation attached hereto).

(Continued on page 2)

NOTES ON THE CASE **1996**

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

(A) As regards the degree of responsibility of the accused.

The first accused, Col. Castelli-Taddei, is believed to have been Camp Commandant during the material time. It is not known at the moment who his Adjutant or Second in Command was. Their responsibility for the proper conduct of the Camp is direct and there can be little doubt that the conditions in the Gamp (detailed hereinbefore under Particulars of alleged Crime) and the treatment meted out to the prisoners of war were in gross breach of the War Crimes XXIX and the various appropriate Sections of the Geneva Convention.

At present there are no particulars as to who the Officers or men were who were concerned with the cases of wounding, assault and cruelty, but endeavours will be made to supplement the evidence already available by making enquiries of the personnel involved and the witnesses who have already made reports and any other who may be available and also the Camp records which may now be available.

(B) Probable defences.

So far as the High Command is concerned, there would appear to be no defence as to the general conditions in the Camp. They must have been continuous and obvious. So far as the acts of cruelty and wounding are concerned, the High Command may plead ignorance and breach of duty on the part of the personnel actually committing the crimes, but it is submitted that the High Command must be responsible for the acts of their inferiors, who in all probability would not have acted as they did unless they knew that their actions were ordered or condoned.

(C) As to whether the case is reasonably complete.

It is difficult to say at the moment whether the case is complete because it is not known what rules of evidence will obtain before the Tribunal before whom the case is tried. If verbal evidence is insisted on, it may be that it will not be possible to trace or obtain the evidence of all the witnesses before referred to, but if written Statements and reports by responsible Authorities are admitted as evidence, and moreover if the General Report (unsigned and apparently a summary of interrogations of repatriated personnel) is admitted as evidence, then a strong prima facie case is raised against such Officer or Officers as can be shown to be responsible for the state of affairs both as regards the General living conditions in the Camp and with regard to the treatment meted out to prisoners of war therein.

(continued from page 2)

obtained from repatriated British, Imperial and Allied personnel" No. A10/11/4. A copy of the report on this camp is attached hereto.

344/UK/It/44

1997

1. CIONE, Vincenzo
2. COPPOLA
3. Second-in-command
4. Camp personnel

Submitted Decision of Committee I

25.x.44	All C B
29.8.45	1-3: A. CARDS CHECKED 4. C. B for incl 15

344/UK/It/44

1998

IN THE MATTER OF:

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929, at Camp No.65 at Gravina during the period about May 26th 1942 to March 1943.

AFFIDAVIT

I, ALAN DENIS JOHN BAGNALL, No.E.X.2031, Marine, at present at Royal Marines, c/o G.P.O., Box8, Southend-on-Sea, Essex and with a permanent address at Pingle Dell, Pingle Lane, Hammerwich, near Lichfield, Staffordshire, make Oath and say as follows:

1. At the beginning of June 1941 I escaped from Crete, landed in a row boat on the North African Coast near Gambut, and on the 4th June 1941 was taken prisoner near Gambut. I was kept prisoner of war five days at Fort Acroma; for two months at Derna: for about fourteen days at Benghazi: and then for about fourteen days at Tarhuna; and was then sent to Camp No.66 at Capua, Italy, remaining there until about the first week of December 1941, and was thence sent to Camp No.52 at Chiavari, where I remained until the end of May 1942. From there I was sent to Camp No.65 at Gravina.

2. I was prisoner of war at Camp No.65 at Gravina from about May 26th 1942 to March 1943. The conditions in the said Camp during that period were as follows :-

The Camp was being built, and not yet completed.

As regards accommodation, it was in stone buildings, but there were no recreational facilities. The only room we had to walk around in was the narrow space between the huts and buildings.

As regards food, the ration per day was one small roll, about a pint of thin vegetable skilly with a little rice or macaroni, occasionally a small piece of cheese or piece of meat. This ration amounted to slow starvation, and the issue of Red Cross parcels was irregular and often tampered with. The Red Cross parcels were opened, labels torn off all tins, and tins opened, making it necessary for the food to be eaten on the same day as they on which the parcel was issued.

As regards water supply, it was on for only a short time each day, and it was impossible for all prisoners to wash during the time it was on. From about October 1942 no facilities were provided for prisoners to have a shower or bath.

In consequence of the above conditions, many diseases were prevalent in the said camps, chiefly dysentery, desert sores and all stages of malnutrition, and there were many deaths in consequence.

As regards medical arrangements, the Italian personnal gave no attention. There were no medical officers, and no equipment. Our own medical officers did what they could with our Red Cross supplies.

As regards clothing, it was quite inadequate in winter. I had the same as in the summer.

The general attitude of the Italians in this Camp seemed to be one of undermining the morale and minds of the prisoners by inflicting boredom, and refusal to provide facilities of any kind for recreation, such as space for exercise. There were many threats of reprisals on all prisoners for alleged wrongful actions against Italian prisoners held by the British, and some of these were put into effect, e.g. the taking of signet and other valuable rings, any gold, jewels or watches, from our prisoners of war in February 1943.

I have sworn affidavits with regard to the conditions in Camps No. 66 at Capua and No.52 at Chiavari: I crave leave to refer to the same and I say that the conditions at the said Camp No.65 at Gravina were very much worse than those, bad as they were, which prevailed at the said camps at Capua and Chiavari.

SWORN at Lichfield in the)
County of Stafford this)
23rd day of August 1945)

ALAN DENIS JOHN BAGNALL

Before me,
E.W. HADEN,
A Commissioner for Oaths.

1999

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions, 1929, at Camp No.65 at Gravina during the period May 1942 to March 1943.

I, LEADING STOKER WALTER HENRY JOHN BINDON, No. C/KX.97290, Royal Navy, at present in Royal Naval Auxiliary Hospital, Barrow Gurney, Bristol, and with a permanent address at No.8 Laburnam Grove, Canvey Island, Essex, make oath and say as follows :-

1. In July 1941 I was one of the crew of H.M. Submarine "Cachalot". The submarine was rammed by an Italian destroyer in the Gulf of Sirte on the 29th or 30th July 1941 and, with all but one of the crew, I was picked up by the destroyer, which was the "Bene Apapa", and taken to Benghazi. We were treated very well on the destroyer.

2. We spent 2 - 3 weeks at Benghazi, about the same time at Tarhuna and then, with one day at Tripoli, we were taken by sea to Taranto; from there we went to a transit camp at Capua, which was later a permanent prisoner of war camp, No.66. We arrived there about September 4th, 1941, and I was there until about December 4th, 1941, when I went to Chiavari. I was moved from Chiavari to Camp No.65 at Gravina about May 1942.

3. At this camp we were very overcrowded. We were accommodated in buildings of soft stone, with a central corridor and bays on each side. There were far too many prisoners in each bay. There was very inadequate lighting, which was a great hardship to us.

4. The water was turned on very seldom except when we were asleep, which can only have been done on purpose for inconvenience. At first we had a kind of hot shower bath but this soon dropped off and I had no hot baths or hot water to ash myself or my clothes after that.

The place was riddled with lice, as were all Italian Camps.

5. The medical attention was very poor owing to the lack of supplies. We had a R.A.M.C. doctor whose name I do not remember but who did what he could.

6. We could not get any boots. I had none after I had worn out the ones I got at Benghazi, which happened when I was at Capua. The guards themselves were little better as regards boots. After I had been at Gravina for three months without boots I got a pair of Red Cross Boots.

7. The Commandant at this camp was not too bad. He used to let us go out of camp on organized walks or marches.

8. We were a very long time without Red Cross parcels; as much as three months; but later on they came through fairly regularly.

9. At this camp we were on the reduced food rationing (which came into force while I was at Chiavari), only having one meal per day, consisting of skilly with occasional odd bones or a very few lentils. We had 200 grammes of bread and 66 grammes of rice or macaroni per day. We were always hungry.

10. At one time our own sergeant majors wanted us to work to put up barbed wire but we refused. The camp authorities had not ordered us to work until this suggestion. There was outside work for contractors which prisoners could undertake and for which they were paid and there was also farming, which I did. The farmers were not inclined to pay us, complaining that so much damage was done.

11. The Italians at the camp were very anti-British, particularly the carabinieri, who were very brutal. So far as I could see, they preferred the South Africans and they disliked the British most and the Australians next to them.

12. I got very bad with my nerves at this camp, my health being undermined by the conditions and the shortage of food. I was exchanged with others for Italian sailors as "fit personnel" and I left Gravina in, I think, March 1943, spending a short time at the repatriation camp, No.75, at Bari, and went from there to Turkey for the exchange. I reached England on June 22nd, 1943.

SWORN at Baldwin Street in the)
City and County of Bristol this) W.H. BINDON
23rd day of April 1945)

Before me,

R.W. WANSBROUGH

A Commissioner for Oaths.

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.65 at Gravina during the period January to July 1943

A F F I D A V I T

I, No.7522464 Corporal RONALD COLENSO, R.A.M.C. attached C.R.S. Llandudno, with a permanent address at "Braeside", Boundary Lane Heswall Cheshire make Oath and say as follows :-

1. I was captured and taken prisoner of war at the General Hospital, Tobruk on 20th June 1942. I was removed by ambulance to the prisoners' cage at Tobruk the following day; thence on or about 29th June 1942 to Bomba, where I remained three or four days; thence to Derna where I remained some 8 days and thence to Benghazi where I remained till 12th November 1942. I was then transported by ship to Taranto, where I arrived on 23rd November 1942. On my arrival there, I was removed to Guisti Hospital, Taranto, from which (late in December 1942) I was transferred to Altamura Hospital where I remained about 4 days. I was thence sent to Camp No.65, Gravina, where I remained until my transfer to Camp No.53 near Sforza Costa, on or about 18th July 1943.

2. Camp No.65, Gravina, was divided into 4 compounds. Each compound contained perhaps 6 or 7 bungalows, each of which bungalows accommodated about 350 prisoners of war. The general lay-out of my bungalow was a central corridor with bays on each side. Each bay (i.e. the whole width of the bungalow, including the corridor) was about 60 feet long and about 15 - 18 feet wide. The corridor was perhaps 5 feet wide. When I arrived, there were about 52 men in my bay. There were approximately 12 2-tier double beds in the bay (3 in each quarter) with a central gangway dividing the beds in one quarter from those in the opposite one. There was room to walk between each bed. In some of the other bays, there were no beds: the men slept on the floor and were considerably overcrowded. We had straw palliasses and were issued with 3 small blankets each.

3. We were lice-infested; and although the Italian Authorities sometimes took delousing measures, these were inadequate. We got intermittent supplies of anti-lice powder through the Red Cross, but it was not very effective.

4. The bungalows in my compound were served by a central building comprising latrines, urinals and washing troughs. These arrangements were grossly inadequate owing largely to the fact that the water supply was meagre and intermittent.

5. The lighting in the bungalows was very poor and a source of considerable hardship.

6. Our daily ration of food consisted of 200 grammes per man of bread of indifferent quality. For breakfast, we had ersatz coffee and bread with (for five days a week) a small portion of cheese. For our midday "meal", we usually had bread again, with (perhaps) a pint of poor quality skilly in the evening. We could get figs and occasionally, nuts through the canteen and we also

had an issue of about 35 Italian cigarettes a week. It was no uncommon sight to see prisoners of war going over the refuse in search of food.

7. After thefirst month or two I was at Gravina, I received a Red Cross parcel more or less once a week.

8. Supplies of clothing were meagre and irregular; but conditions seemed to improve slightly towards the summer (perhaps because we did not feel the need of clothing to the same extent). Without Red Cross supplies, the clothing situation was pretty hopeless. No socks were issued by the Italians and boots were scarce. Many of us went barefoot and it was not uncommon for one prisoner of war to have to borrow another's boots to go to the wash_house. The compound became a sea of mud in wet weather.

9. We were generally emaciated and reduced in health by the meagre diet, but most of us could get about. I was concerned with the treatment of skin diseases at Gravina. Scabies was rife, and although the Italian Authorities issued sulphur ointment for this ailment, it was none too effective. There was also impetigo and other skin affections. These, in my opinion, were primarily due to the lack of proper washing facilities.

10. We were doctored by our own medical officers who were subject to the direction of an Italian Medical Officer. There were facilities for going sick, but hospital accommodation was very limited and there were few medical supplies beyond what the Red Cross sent.

11. I believe some prisoners of war were employed from time to time in building factories and constructing run-ways for aerodromes but I cannot speak of this as of my own knowledge and I cannot recall the source of my information or the names of any prisoner who may have been detailed for this work.

12. In the course of my duties, I used to have to take food to the Isolation Hospital and prison cells which were outside the compound. I was sometimes kept an hour at the gate of the compound with the food whilst waiting for an Italian guard to accompany me. In consequence the food was often quite cold before it reached the consumers. Prisoners of war were sometimes confined in cells without beds or water (beyond what I was able to procure for them) They were not allowed to leave their cells and crude sanitary arrangements were improvised in the cell itself. Men were whisked off to prison even for trivial offences, and sometimes, apparently, for no offence at all.

13. There were no facilities for exercise organised at Gravina whilst I was there, beyond three route marches. I went on the first route march, but as it was led by the guards at a snail's pace, I did not go again, as I found it very fatiguing.

SWORN by the above named RONALD)
COLENSO at Conway in the County) RONALD COLENSO
of Carnarvon the 28th day of May)
1945

Before me,
R. GLYNNE JONES.
A Commissioner for Oaths.

2003

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.65 at Gravina during the period January to July 1943

A F F I D A V I T

- of -

Corporal R. COLENSO

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No. 65 at Gravina during the period from about early May 1943

A F F I D A V I T

I, DAVID JOHN CORCORAN, Private No. 3970626 of the Welch Regiment attached to the 1st South Wales Borderers now at Attached "D" Company 1st South Wales Borderers C/o G.P.O. Maidstone, Kent, and with a permanent address at 5 Williams Street Twymrodyn, Merthyr Tydfil, South Wales, make Oath and say as follows :-

1. I was taken prisoner of war at Benghazi, North Africa on the 29th January 1942 and was from there transferred to Camps at Elaghila, where I stayed one week and to Tarhuna where I stayed three weeks and eventually was sent to Camp No. 66 at Capua, staying there from about 4th March 1942 to about the end of June 1942; whence I was transferred to Camp No.65 at Gravina.

2. I was prisoner of war at Camp No.65 at Gravina from about early June 1942 to early May 1943.

I do not know the names of any of the Italian Officers in command of the said Camp during that period.

The conditions at the said Camp during the said period were as follows :-

As regards accommodation, we were housed in stone bungalows which were in an absolutely filthy condition, full of lice and all forms of vermin. Men were left todo the best they could in the circumstances. The authorities did nothing except that a fumigator came once during the whole of the period during which I was there. His single visit did no good at all.

As regards water, there was a shocking shortage of supply, it was only allowed on through pipes for a few minutes three times a day. It was only possible to get a wash once in three days.

As regards sanitary conditions, the sole provision were holes in concrete. We had to take it in turns to get what little water we could to wash the accumulation away, but it was impossible, and the result was indescribable. The Italian Authorities took no notice at all.

As regards food, it was a case of certain starvation. We had a small roll of about 200 grammes of bread per day and a small piece of cheese or meat per day, but this was not regular, and about a pint of thin vegetable skilly with some rice or macaroni in it. The only thing that saved us was the Red Cross parcels.

As a result of the above conditions many diseases were prevalent in the said camp during the said period :-

There was a bad epidemic of diphtheria; dysentery and malaria were rife; and there were many cases of jaundice and skin diseases.

As regards medical arrangements, the Italian Medical Officers did practically nothing at all. Our own British Medical Officers did what they could but they were without proper equipment or supplies.

I had malaria myself; I lay for one month in a tent full of vermin and our Medical Officers had to do their best without proper medical supplies; the Italians provided nothing and were utterly callous. They provided only one dentist for the camp who took teeth out without anaesthetics.

Many prisoners of war died from the various diseases above named, mainly through inattention and callous disregard; a great number of deaths occurred through diphtheria.

As regards clothing; there was no issue whatsoever by the Italians. In winter men had to go about in a blanket and many had no boots and so could not go out. The Italians stole boots if they got an opportunity.

3. The treatment of British Prisoners of War by the Italian personnel in charge of the said Camp during the said period was very harsh indeed even for the most trivial offences, e.g. In the winter when it was very cold and no heating was supplied, our men would take wooden posts round the camp to try to make a fire. If caught as a punishment they were made to stand for two to three hours in the open in any weather, the men often fained as a consequence.

SWORN by the said DAVID JOHN CORCORAN at Maidstone in the County of Kent this 25th day of June 1945)

JACK CORCORAN
DAVID JOHN CORCORAN.

Before me,
W.H. WHITEHEAD.
A Commissioner for Oaths.

2006

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.65 at Gravina during the period from about early June 1942 to early May 1943

A F F I D A V I T

- of -

Pte. D.J. CORCORAN

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The ill-treatment of British Prisoners of War and breaches of the Geneva Conventions 1929 at Camp No.65 at Gravina during the period June 1942 to July 1943

A F F I D A V I T

I, ARTHUR WALTER EVANS Number 1074916, a Second Lieutenant in the Pioneer Corps stationed at Lancaster and with permanent address at 8 Montcalm Close, Hayes, Kent, make oath and say as follows :-

1. In January 1942 I was taken prisoner at Barci, Libya, and was taken to a Prisoner of War camp at Benghazi; was kept there five days and then transferred to Tarhuna, approximately sixty miles from Tripoli, where I stayed about fourteen days. Thence I was shipped to Camp No. 66 at Capua, Italy, arriving there about the end of February 1942, and stayed there for about three months until the end of May 1942, thence I was sent to Camp No. 65 at Gravina.

2. I was Prisoner of War at Camp No. 65 at Gravina from June 1942 until about July 1943.

The accommodation at the said Camp during that period was very bad: there was terrible overcrowding and the housing was filthy, crawling with bugs and lice. The sanitary arrangements were utterly inadequate, and water was scarce. Dysentery and Desert Sores were rife and there was no attempt by the Italian Authorities to cope with the conditions. There was only one Italian Medical Officer, and equipment and supplies were practically absent. In the first month during which I was there fourteen men died from malnutrition and lack of medical attention.

SWORN at Lancaster in the)
County of Lancaster the) A.W. EVANS. 2/Lieut. 346629
14th day of June 1945) Pioneer Corps.

Before me,
R.T. SANDERSON.
A Commissioner for Oaths.

2008

IN THE MATTER OF :-

The ill-treatment of British Prisoners of War and breaches of the Geneva Conventions 1929 at Camp No.65 at Gravina during the period June 1942 to July 1943

A F F I D A V I T

- of -

2nd Lieut. ARTHUR WALTER EVANS

THE TREASURY SOLICITOR.

IN THE MATTER OF :

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929, at Camp No.65 at Gravina during the period from about July 1942 to about May 1943

A F F I D A V I T

I, No. 157727 Driver JOHN REID GILMOUR of 909 Company R.A.S.C. Aldberg, Suffulk, with a permanent address at 28 McDowal Street, Johnstone, Renfrewshire, Scotland, make Oath and say as follows :-

1. I was captured at Tobruk on 20th June 1942. I was taken via Tmimi and Derna to Benghazi where I was shipped to Brindisi After about 10 days at a Camp near Brindisi (the name of which I cannot now recall), I was transferred to Camp No.65, Gravina. I arrived at the latter camp in or about July 1942 and left it for Camp No.53, Sforza Costa (Macerata) about 10 months later.

2. Camp No.65, Gravina, contained five compounds: I was placed in Compound No.3. This compound contained about six soft-stone bungalows, each bungalow having seven bays and about 48 prisoners to a bay. We slept in two-tier beds and each prisoner had a straw palliasse and two blankets. The Camp was infested with vermin. Latterly, two bays were set aside for recreational purposes. There was room to walk in the compound and to play hand-ball between the bungalows.

3. Sanitary arrangements consisted of holes in the ground on a concrete base and these were flushed once or twice a day by hose. The washing arrangements consisted of pipes with holes punched in them, serving troughs beneath. There were about 8 such pipes in the compound and 8 or 9 men could wash at a time at each trough. Water was turned on at irregular intervals throughout the day, and frequently at night when no one could get there. We could occasionally get hot showers when the water was on.

4. The food rations were very meagre. We had the usual "ersatz" coffee first thing; after roll-call, each man had 200 grammes of bread (or rather less) and a minute portion of cheese; at about midday, we had watery rice or macaroni skilly. That concluded the meals for the day. It was no unusual thing to see men going over the food refuse in search of something to eat.

5. Red Cross parcels arrived at irregular intervals. I recall that we went once as long as 3 months without them. One parcel was shared between several (perhaps seven) men.

6. Desert sores and yellow jaundice were common ailments. The medical supplies in the Compound Hospital were very inadequate and there was a notable shortage of bandages. The Compound Hospital was under Captain Murray R.A.M.C., and a Private C. Coyd R.A.M.C. worked there. No doubt they would be able to speak in more detail as to medical conditions. One man whose bed was next to mine (a Trooper of 4 Bn. R.T.R. whose name I cannot now recall) contracted pneumonia and was

removed to the Compound Hospital. The Italian M.O., in spite of Captain Murray's remonstrances and the patient's critical condition, decided to move the man to a hospital outside the camp. He was accordingly removed by horse and cart and died soon after admission. There were several deaths during the winter months, and these, in my opinion, were largely due to malnutrition and consequent diseases. It was quite usual for men to have "black-outs" during the counting-parades.

7. We arrived at the camp in K.D. and the clothing issued by the Italians, even when supplemented by Red Cross issues, was wholly inadequate. Many prisoners were without boots during the winter.

8. There was no heating and the bungalows were inadequately lighted. We paid about 2 lire each to secure improved lighting.

9. I have perused the Affidavit sworn by Private Thomas Henderson on the 14th June 1945 and I confirm what he says in paragraphs 5 and 6 thereof.

10. Except as otherwise herein stated, I can recall no acts of violence committed against prisoners of war whilst I was at the Camp.

SWORN at 7 Market Place, Wells)
in the County of Somerset)
this 19th day of July 1945)

J. GILMOUR.

Before me,
C. WHATLEY.
A Commissioner for Oaths.

2011

IN THE MATTER OF :-

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929, at Camp No. 65 at Gravina during the period from about July 1942 to about May 1943

A F F I D A V I T

- of -

DRIVER J.R. GILMOUR, R.A.S.C.

THE TREASURY SOLICITOR

IN THE MATTER OF :

The ill-treatment of prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.65 Gravina during the period from about March 1942 to about March 1943

AFFIDAVIT

I, No.2937953 Private THOMAS HENDERSON, Pioneer Corps, attached No.10 A.F.V.Depot R.A.O.C., Georgetown, Renfrewshire, with a home address at No.11 Sweethill Terrace, Carnbroe, Coatbridge, Lanarkshire, make Oath and say as follows :-

1. I was captured and taken prisoner of war at "Hellfire Pass" on 15th June, 1941. After spending some time at Croma and Benghazi, I was taken to Tarhuna, which I reached about the beginning of August 1941. I remained there about six weeks and was then sent to Taranto by hospital ship via Tripoli. On arrival, I was transferred to Camp No.52, Genoa, where I remained another three months. I was then transferred to Camp No.65, Gravina, where I remained about a year. I was then sent to Camp No.145, Aquila.

2. At Camp No.65 the water supply was very poor, as the water was turned on for only about half an hour a day.

3. At 0900 hours each of us received a small loaf and cheese and at 1200 hours the usual skilly. After this we received no further food during the rest of the day. Red Cross parcels were received weekly and each parcel was shared between 7 men. The contents of these parcels were rationed out each day.

4. While I was at this Camp, quite a number of prisoners of war died in the compound. Dysentery was rife and we were all living more or less on the verge of starvation. It was not uncommon to see prisoners of war eating cabbage stalks which they had found on the rubbish dumps.

5. After the roll-call, the guards used to admit us to our billets one by one and search for and confiscate our personal effects (viz money, rings, watches, etc.) No receipts were given for these effects and they were not restored to us.

6. When we had it, we used to make tea in the compound, and the guards at this camp made a practice of kicking our tea over and stamping the fire out.

SWORN by the said Thomas Henderson)
at Paisley in the County of Renfrew)
this 14th day of June 1945)

HENDERSON T.
THOMAS HENDERSON.

Before me,
THOMAS HUNTER.
Notary Public.

2013

IN THE MATTER OF :

The ill-treatment of prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.65 Gravina during the period from about March 1942 to about March 1943

A F F I D A V I T

- of -

Private T. HENDERSON

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.65 at Gravina during the period March 1942 until March 1943.

A F F I D A V I T.

I, THOMAS ERNEST HEROD, released from the Army on the 15th November 1944 and now engaged at the Post Office, but at one time No.193526, Private, 309 General Transport Company, R.A.S.C. and with a permanent address at 16 Bassett Road, W.10 make oath and say as follows :-

1. I was taken prisoner at Gazala, North Africa on the 15th December 1941 and was thence taken to Benghazi where I stayed two days; to Crete where I stayed some 2 to 3 weeks; and then to Greece where I stayed about a month. I was then sent to Bari, Italy where I arrived at about March, 28th, 1942 and stayed one day and was then sent on to Camp No.85 at Tuturano where I stayed some 3 to 4 weeks. After staying some 3 to 4 weeks at Camp No.85 at Tuturano I was sent to Camp No.65 at Gravina.

2. I was prisoner of war at Camp No.65 at Gravina from March, 1942 to March, 1943. During the above period a great complaint which I have to make with regard to this camp is as to the overcrowding. There was sufficient accommodation at the outside for some 6,000 men but I was told by Sergeant Leggatt, R.A.M.C. (British Red Cross representative) that there were some 9000 prisoners of war in the said camp at that time.

SWORN by the said THOMAS ERNEST HEROD at 185 Ladbroke Grove in the County of London W.10 this 15th day of June 1945.) T.E. HEROD

Before me,

CHAS. E. ROBERTS

A Commissioner for Oaths.

2015

IN THE MATTER OF :-

The ill-treatment of British Prisoners of War and breaches of the Geneva Conventions 1929 at Camp No.65 at Gravina during the period March 1942 until March, 1943.

A F F I D A V I T

- of -

THOMAS ERNEST HEROD.

THE TREASURY SOLICITOR.

IN THE MATTER of :-

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929, at P.G. Camp No.65 Gravina between May 1942 and June 1943.

A F F I D A V I T.

I, 7913891, Lance-Corporal ARNOLD ADOLPH LAZARUS, "C" Squadron, 1 S. & T. Regiment, R.A.C. Tilgate, near Crawley, Sussex, with a home address at 30 Redbourne Avenue, Finchley, N.3. make oath and say as follows :-

1. I was captured at Fort Capuzzo on 15th June 1941. After spells at Gazala, Benghazi and Tarhuna, I was shipped to Taranto from Tripoli. I arrived at a P.G. Camp at Capua on 4th September 1941 and I left there for a P.G. Camp at Chiavari on 4th December 1941. I remained at Chiavari till my transfer to P.G. Camp No.65, Gravina, on 25th May 1942. Except for a break of a fortnight (when I was at a working camp), I remained at Camp No.65 till the first week in June 1943, when I was transferred to P.G. Camp No.53, Macerata (Sforza Costa).

2. I have perused the Affidavit sworn by Leading Stoker Walter Henry John Bindon on 23rd April 1945. I corroborate what he says as to the conditions at P.G. Camp No.65, with the following comments.

3. As to paragraph 3 thereof, I do not consider that we were unduly overcrowded.

4. As to paragraph 4 thereof, I was for some time responsible for turning on the water: it was turned on for about an hour in the morning and about an hour in the evening and for most of the night.

5. As to paragraph 6 thereof, I agree that boots were very hard to come by. The Italian clothing issue was practically nil and Red Cross clothing was unfairly distributed by our own people. The Italians were known to have held large reserves of clothing and this was demanded and released shortly before I left the camp. There was a great deal of "racketeering" between our own people and the Italians.

6. As to paragraph 10 thereof, I know nothing of our own Sergeant Majors wanting us to put up barbed wire.

7. As to paragraph 11 thereof, I would not say that the Italians were conspicuously anti-British or brutal. I knew Bindon and I can confirm that his nerves were in a bad state while he was at Gravina.

8. There was no heating and the bungalows were inadequately lighted. We had to pay about 2 lire each to secure better lighting.

9. Early in 1943, on an "order from Rome" some hundreds of rings of prisoners of war were confiscated by way of reprisal (for what I do not know). After remonstrances, married men's wedding rings were excepted from the confiscation. Receipts were given but I do not think the rings were restored to their owners.

10. There was a special and unusual type of malaria which recurred at this Camp from time to time.

11. No Union Jacks were available for funerals; though I believe, these were supplied by the Red Cross.

12. Shortly after I left this Camp, I believe it was completely evacuated. Prisoners of war had subscribed for musical instruments, but they were not allowed to take them from the Camp. Rather than leave them, they smashed them up.

13. I later heard that the Camp Commandant had been arrested for allowing or participating in racketeering at this Camp: this came to light when prisoners of war arrived at another camp with a lot of Italian property in their possession.

SWORN at Richmond in the County)
of York this 23rd day of August) A.A. LAZARUS
1945.)

Before me,

F.C. HODGSON

A Commissioner for Oaths.

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.65 at Gravina during the period October 1942 to June 1943.

A F F I D A V I T.

I, FREDERICK LLOYD, Guardsman No.2657566 of the Coldstream Guards 3rd Battalion at present at Wellington Barracks, Westminster Garrison, S.W.1., and with a permanent address at 1, Brick Kiln Cottages, Adeney, near Wellington, Salop, make oath and say as follows :-

1. I was taken prisoner of war at Tobruk in June 1942. I was then taken to a camp at Derna in North Africa where I stayed 12 hours; then to Camp at Tinimi where I stayed 12 hours and thence to Benghazi where I stayed ten days. From there I was sent to Camp No.85 at Tuturano near Brindisi where I stayed three days at the end of June 1942.

2. I left Camp No.85 at Tuturano and reached Camp No.65 at Capua during the first week in July 1942 and stayed at the later camp until about 11th September 1942. On the latter date I was sent to Camp No.87 at Benevento. On leaving Camp No.87 at Benevento on the 23rd October 1942 I was sent to Camp No.65 at Gravina.

3. I was at Camp No.65 at Gravina from 23rd October 1942 until June 1943. The conditions in the said camp during that period were as follows :-

As regards accommodation, we were provided with bungalows which consisted of seven compartments with forty-eight men in each. They were over-crowded, with double tier bunks, which were swarming inside and out with lice and fleas. Nothing whatever was done by the Italian Authorities to remedy these conditions, and none of our requests for fumigation were complied with.

As regards sanitary conditions, they were passable. There was a hole in the floor which was flushed with the water which we washed with.

As regards food it consisted merely of 200 grammes of bread per day with about a pint per day of thin macaroni or rice skilly, and every few days a piece of cheese or a small piece of meat. This ration was merely sufficient to result in slow starvation, even for a fit man.

As regards clothing, as winter came on there was an issue of Yugo-Slav and Greek clothing.

As regards diseases there were many cases of spinal meningitis. In the winter the dysentery died down to some extent.

As regards medical arrangements, the Italian Authorities seemed to have made no provision so far as I know. We only

had one medical inspection the whole time that I was at this camp. I do not know of any Italian Medical officers in the camp during this period. We had one British Medical Officer for each compound - the Italian Authorities did not seem to have any medical equipment or supplies.

4. Our compound leader was Regimental Sergeant Major Russow of the South African Forces. I cannot give more particulars of his unit. He would give full details about our compound. I do not know the name, rank or unit of any of the leaders in other compounds in this camp during this time, but I feel sure that Guardsman C. Walker No. 2657128 of the 3rd Coldstream Guards would know the name of his compound leader. The said Guardsman Walker is now in Wellington Barracks.

I knew also Private Fuller of the Green Howards who was transferred from an East Yorkshire Regiment. I do not know where he is now. He kept a sort of diary and should be of assistance with regard to details in this camp.

SWORN at 18 Dartmouth Street)
in the City of Westminster this) F. LLOYD
12th day of June 1945)

Before me,

N.R. EGGAR

A Commissioner for Oaths.

2020

IN THE MATTER OF :-

The ill-treatment of British Prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.65 at Gravina during the period October 1942 to June 1943.

Copy

A F F I D A V I T

- of -

No.2657566 GUARDSMAN FREDERICK LLOYD.

THE TREASURY SOLICITOR.

2021

IN THE MATTER OF :

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929, at Camp No.65 at Gravina during the period from about 7th October 1942 to 10th July 1943

A F F I D A V I T

I, No.914573 Lance-Bombadier ALBERT O'MALLEY of 195 Field Regiment R.A., Rhos-on-Sea, Colwyn Bay, with a home address at 25 Partington Avenue, Bootle, Liverpool, make Oath and say as follows:

1. I was captured and taken prisoner of war at Tobruk on 21st June 1942. I was taken from Tobruk to Benghazi, where I remained till about the 3rd July 1942. I was then shipped to Brindisi in Italy where I arrived on the 7th July 1942. From Brindisi I was sent to Camp No.85 at Tuturano where I arrived on the date of my disembarkation; leaving that camp for Camp No.66 at Capua on the 10th idem. I was transferred from Camp No.66 at Capua to Camp No.65 at Gravina on about 7th October 1942, where I remained until 10th July 1943.

2. When I arrived at Camp No.65 there were five compounds in use and a further compound was in construction. I was placed in compound No.5. The compound contained stone huts which were more or less weatherproof, but which were unheated in winter. The compound became very muddy in wet weather.

3. Each compound contained about six huts and each hut was divided into about seven bays. Each bay contained about 49 men. The bays were divided from one another by a central corridor and each bay was subdivided by a gangway with beds on each side. The beds were not unduly overcrowded. They were two-tier beds and mattresses and blankets were supplied. There was sufficient room in the compound for a netball pitch. Washing facilities were inadequate and water was turned on daily for about three hours only.

4. Each of us received daily about 200 grammes of bread and we had one meal only a day, which was either at mid-day or at 1600 hours. Those who received their meal at 1600 hr. made do with the contents of their Red Cross parcels during the earlier part of the day. Each man had a Red Cross parcel once a week.

5. I recall that five men died just before Christmas 1942, but I do not know what the cause of their death was.

6. The Italian authorities supplied us with clothes on our arrival at this camp; afterwards we had to rely solely on Red Cross supplies, which were issued only to the necessitous.

7. After having escaped twice, a Private in the Cameron Highlanders (name unknown) tried to escape a third time and was retaken just outside the Compound. His colleague (who had pliers in his hand when he was recaptured) was Lance-Corporal Donelly of the Cameron Highlanders. The Private was taken back into the compound and I saw him beaten with a rifle-butt by the Corporal in charge of the Carabinieri (name unknown). The same N.C.O. held this post during the whole time I was at this camp and he was a man about 6ft.2ins. in height and about 34 to 35 years of age. The Private was struck across the back three or four times, was knocked down and kicked in the face and I believe his jaw was broken. I saw him carried away by two Italian soldiers and I believe he was taken to the detention room outside the compound. I did not see him again. I believe this incident was also witnessed by Gunner Hefferson of 68th Medium Regiment R.A.

8. Except as otherwise herein stated, I did not witness any acts of violence of note committed against prisoners of war while I was at this camp.

SWORN by the said Albert O'Malley
Colwyn Bay in the County of Denbigh
this 9th day of June 1945 } ALBERT O'MALLEY.

Before me, E.Ll.AMPHLETT. A Commissioner for Oaths

IN THE MATTER OF :

The ill-treatment of prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.68 at Gravina during the period from about 7th October 1942 to 10th July 1943

A F F I D A V I T

- of -

L/Bdr. A. O'MALLEY

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No. 65 at Gravina during the period from about July 1942 to May 1943

AFFIDAVIT

I, WILLIAM JOSEPH SOUTHALL, No. 5249720, Corporal, with a present address of "B" Company, No. 2 A.A.C., I.T.C., Shorncliffe, Folkestone, Kent, and with a permanent address at 31 Millfields Road, Ettinghall, Wolverhampton, Staffordshire, make Oath and say as follows :-

1. In June 1942, I was taken prisoner at Tobruk and stayed there in the open for three days: I was then sent to Derna where I was kept for six days: and thence transferred to Benghazi where I stayed about 14 days: whence I was transferred to Brindisi Transit Camp where I stayed some three or four days. At about the end of July 1942, I was sent to Camp No.65 at Gravina, Italy.

2. I was prisoner of war at Camp No. 65 at Gravina, Italy, from about July 1942 to May 1943.

This Camp was terribly overcrowded and the housing was very dirty and terribly infested with vermin. Food too was very short and the men were so starving and the lice and insects so bad, that some of them bartered the clothing which had been sent to them in Red Cross parcels from home for food because it was no good keeping clothes, as they became infested by insects at once.

The sanitary arrangements were very bad indeed, and there was great scarcity of water.

As a result of the above, dysentery and desert sores and other diseases, in addition to general malnutrition, were very common and the Italian Command did not attempt to improve matters. No Red Cross parcels at all were circulated to us for the first few months of the year 1943.

SWORN at Ross-on-Wye in the county of Hereford the 10th day of July 1945) WILLIAM JOSEPH SOUTHALL

Before me,
J. ALLAN WILLIAMS.
A Commissioner for Oaths.

2024

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.65 at Gravina during the period from about July 1942 to May 1943

A F F I D A V I T

- of -

WILLIAM JOSEPH SOUTHALL

THE TREASURY SOLICITOR.

(*For the Use of the Secretariat*)

2025

Registered Number.	Date of receipt in Secretariat.
344/UK/It/44	17 OCT 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B44 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1. Colonel Vincenzo Cione, Camp Commandant up to 5th March 1943 at Camp No.65, Gravina, Italy. 2. Colonel Coppola, Camp Commandant from 5th March 1943 at above camp. 3. Second-in-Command at above Camp. 4. Camp personnel concerned in cases of ill-treatment and cruelty.
Date and place of commission of alleged crime.	Exact dates unknown, but the ill-treatment covered apparently a long period. Place: Camp No.65 at Gravina, Italy.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. xxix. Breach of Article 1 of Geneva Convention 1929, treatment of wounded. Breaches of Geneva Convention 1929, Articles 2,10, 11, 12, 13, 31, 46 and 54, relating to treatment of prisoners of war. Under English law, wounding with intent to do grievous bodily harm, or Unlawful wounding, or Assault.

SHORT STATEMENT OF FACTS.

Over a long period, at present unascertained, this camp was conducted in a improper manner. The huts provided were inadequate with regard to heating, drainage, sanitary arrangements, hygiene and cleanliness. The food, clothing and medical attention were also inadequate. At the end of March 1943 a prisoner of war was unjustifiably attacked by a sentry, who bayonetted him in the stomach and his condition was critical. It is not known at the moment whether this prisoner of war survived or not. There were also cases where attempts were made to force prisoners of war to engage in work which they were not bound to do under the Geneva Convention. It is not known at the moment whether in any cases they succeeded in their attempts to force any prisoner so to work.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Gp.685
(26924) Wt.P.1817/P.1139 5,000 3/44 " "

PARTICULARS OF ALLEGATIONS

2026

These are set out in some detail in attached papers, which are more particularly referred to under "Particulars of Evidence in Support". They prove breaches of Article 1 of Convention governing the treatment of wounded, and following Articles relating to treatment of prisoners of war:

Article 2, which requires that prisoners of war should be humanely treated and protected and forbids measures of reprisal against them.

Article 10, which requires that prisoners of war should be lodged in buildings or huts which afford all possible safeguards as regards hygiene and salubrity.

Article 11, which requires an adequate food ration.

Article 12, which requires adequate clothing.

Article 13, which requires that all necessary hygienic measures shall be taken and facilities provided for cleanliness

Article 31, which forbids prisoners of war being required to do work in direct connection with operations of war.

Article 46, which requires that where disciplinary punishment is given, treatment shall not be less favourable than that prescribed as regards the same punishment for similar ranks in the armed forces of the detaining power, and that corporal punishment and in general all forms of cruelty are forbidden

Article 54, which provides that in the case of disciplinary punishment the most that can be imposed is imprisonment and that for a maximum of 30 days.

AIC/11/4.

EXTRACT FROM A REPORT ON CONDITIONS IN P.O.W. CAMPS IN ITALY, NORTH AFRICA AND RHODES FROM INFORMATION OBTAINED FROM REPATRIATED BRITISH, IMPERIAL AND ALLIED PERSONNEL.

GRAVINA CAMP No.65 :-

Accommodation at this camp was in stone huts which, although they were weatherproof, were very damp. Lighting was provided but there was no heating. The camp was up to knee depth in mud in wet weather owing to complete lack of drainage.

Sanitary hygiene and ablution arrangements are inadequate. Water is on for about an hour each day, water for drinking etc. has to be stored in bottles and buckets. Water was once off for 10 days as a result of a broken pipe. About 30 men were able to bath each day (there were 2,000 men in the camp). During the summer of 1941, a large number of men went down with fever caused by the presence of a swamp only 300 yards from the camp.

The food provided is inadequate and is only half that of the guards.

	British P.W.	Guards.
Bread per day	200 grammes	500 grammes
Macaroni or rice per day	66 "	120 "
Cheese (5 days)	150 "	270 "

Tomato puree, olive oil and meat (2 days) were half of the guards' ration. Vegetables were usually dandelion leaves, cabbage (usually gone to seed) and onions.

N.B. - Bread was issued in loaves supposed to be 200 grammes each, but rarely were they full weight.

After a first issue of clothing it was very hard to obtain more. In this camp about 400 men were without boots and 200 had boots which were literally falling to pieces. There are still a number whose clothes are in rags and the camp tailor is unable to do any repairs owing to shortage of materials. Each P.O.W. has a straw mattress, two sheets and two thin blankets.

Sick parades are held daily but medical stores such as anti-septics, bandages, lint and drugs are in very short supply.

Teeth have to be drawn without drugs and the Italian M.O. who does this usually breaks the tooth in the process. There is a sick bay in the camp and the orderlies there are British protected personnel.

Facilities for playing basket ball on the parade ground were made by the Italians, parties also were taken out for walks. The only work available was camp fatigues, digging drains, cleaning the camp and road making. This was organised by the camp leaders. Those working received an extra loaf and an extra ration of rice or macaroni.

Discipline was strict and punishments severe. Prisoners, when charged, were unable to say anything in their own defence. The guards were not harsh, but the Carabinieri were unreasonable and brutal.

There was only one cell at this camp; it was 20 ft. by 30 ft. and any number up to 30 would be "inside" at once; they were allowed to take an overcoat and 2 blankets to sleep on.

A few days after being captured, prisoners were able to send a card to their next of kin. Thereafter, they could send a letter and a card every week. The supplies of Red Cross parcels were irregular, but when available they were distributed one between 7 men each day.

The representative of the Protecting Power visited the camp twice in 14 months. The camp leaders were able to make complaints to him, but no action was taken as a result of these complaints.

CSDIC/BRIT/4/7.

SOURCE:- 185614 Pte. RIDDELL, E.P. - S.A.P.C. att. 2 R.B.
Captured on 23rd Nov. 1941 at SIDI REZEGH.

Source states that at Camp 65, GRAVINA at the end of March 1943, he was standing next to a U.D.F. prisoner one Sunday morning at check parade. A British prisoner spoke to the Italian sentry (name unknown - short, thick set, squint eyes and sulky looking). This sentry then took his rifle with bayonet and lunged out with it, the rusty bayonet penetrating the stonach about 4" of the U.D.F. prisoner. Latter was an innocent bystander and gave no provocation. He went to hospital and when last heard of was in a critical condition. Incident took place outside Bungalow No.1 Sectore B. Major DOWNING (S.A.M.C. of Port ELIZABETH), knows all about this incident.

EXTRACT FROM INTERROGATION BY MIDDLE EAST OF EXCHANGED BRITISH PRISONERS OF WAR (APRIL 1943).

SOURCE:- Major HUTTER - S.A.A.C. D.A.D.S.S. 2nd Division.

P.G. 65 - GRAVINA O.R's Camp.

There was no employment outside the camp. The Italians had asked for volunteers for farm work. Those who went were taken to FOGGIA aerodrome where they were expected to load bombs into planes and carry petrol for refuelling planes, they refused to do this and were threatened with a tommy-gun but they stood their ground and were sent back to the camp.

0103/5023 (P.W.2(a)).

EXTRACT FROM INTERROGATION BY MIDDLE EAST OF EXCHANGED BRITISH NAVAL PRISONERS OF WAR (March 1943).

INTERROGATION OF ABLE SEAMAN N.M.SOWERS.

Employment.

A party left GRAVINA. As they were leaving they were told that they were going to work at a factory in Turin, building motor bodies, and anyone refusing to work would be punished.

PARTICULARS OF EVIDENCE IN SUPPORT

(a) As regards the lack of accommodation, hygiene, food and clothing, the evidence is contained in "General Report on Camps" A.10/11/4 page 4 (copy of extract from said Report attached hereto).

(b) As regards cruelty, Private E.R. Riddell No.185614, S.A.S.C. att. 2 R.B. He reports the sentry bayonetting a man standing by him while on parade. He also reports that Major Downing (S.A.M.C. of Fort Elizabeth) knows about this incident. His evidence is contained in "Interrogation of Ex_Prisoners of War in Italy" CSDIC/BRIT/4/7 (copy of Private Riddell's Interrogation attached hereto).

(c) As regards the forcing or attempted forcing of prisoners of war to do prohibited work,

Major Hunter, S.A.M.C., D.A.D.M.S., 2nd Division, reports an attempt to force prisoners of war to load bombs into planes and carry petrol for refuelling planes. His evidence is contained in "Interrogation by Middle East of Exchanged British Prisoners of War" (April 1943) 0103/5023 (P.W.2A). (Copy extract of Major Hunter's interrogation attached hereto).

E.M. Bowers, Able Seaman, reports that a party leaving Gravina were told that they were going to work at a factory in Turin building motor bodies and that anyone refusing so to work would be punished. His evidence is contained in "Interrogation by Middle East of Exchanged British Naval Prisoners of War" (March 1943) 0103/5023 P.S.2A. (Copy of Bowers' interrogation is attached hereto).

NOTES ON THE CASE **2033**

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

(a) As to the degree of responsibility of the accused, the responsibility of the superior officers must be direct as regards the state of the camp, the insufficient housing accommodation and food and clothing. These apparently existed over a long period and those in command cannot well escape responsibility for it. They should also be directly responsible for the case of cruelty. It is to be assumed that the rank and file, when committing acts of cruelty, were either acting under orders of their superiors or knew that such acts were condoned by them. As regards the cases where attempts at least were made to make the prisoners do work which was prohibited, here again a prima facie case for responsibility is raised against the superior officers accused.

(b) As regards probable defences, it is to be expected that the superior officers may attempt to escape liability by suggesting that any inadequate conditions or improper actions occurred without their knowledge, but this should not be successful. As regards the rank and file involved in the matters, they no doubt would rely upon alleged orders from their superiors, but this again in cases of cruelty should not relieve them from responsibility.

(c) As to whether the case is reasonably complete, it remains to discover who the second-in-command in the camp was and, if possible, to identify the personnel concerned in the cases of cruelty and attempts to make the prisoners do prohibited work. Major Hunter is referred to as having knowledge of the camp and every endeavour will be made to see whether he can add to the information already obtained. Major Downing will also be sought for, as he is referred to as having knowledge of the state of affairs in the camp. The camp records should also be available. It is not known at present to what extent written statements will be admissible in evidence, nor is it known to what extent the "General Report on Camps" will be admissible, but the position may at present be summarized by saying that there would appear to be a good prima facie case against those responsible for running the camp in question.

345/UK/It/45

2034

1. CIONE Vincenzo
2. Second. in. command
3. ROOCKE, Lieut.
4. other personnel

Submitted	Decision of Committee I.
25.x.44	All C.
29.8.45	1-3. A. 4. C. B

CARDS ~~CHECKED~~

345/UK/It/45

(*For the Use of the Secretariat*)

2035

Registered Number.	Date of receipt in Secretariat.
345/UK/It/45	17 OCT 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B45. *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1.Colonel Vincenso Cione, Camp Commandant at Camp.63, Aversa, Italy. 2. Second in Command. 3. Lieutenant Roocke (spelling uncertain) 4. Other personnel in command at different times at the said Camp, particularly as regards the medical arrangements.
Date and place of commission of alleged crime.	Date: Uncertain: a considerable period up to March 1943 Place: Camp No.63 at Aversa, Italy.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No.xxix. Ill-treatment of wounded and prisoners of war. Breach of Article 1 of Geneva Convention 1929 for the amelioration of the wounded and sick, and Articles 2, 31 and 34 of the Geneva Convention 1929 relating to the treatment of prisoners of war.

SHORT STATEMENT OF FACTS.

For a considerable period, the precise date of which is uncertain at present but probably continuing from the start of the Camp up to March 1943, the Camp was very badly managed particularly with regard to medical matters and an especial aversion appears to have been shown to Indian troops. The R.A.M.C. officers attached to the said troops apparently did all they could to get the treatment improved but without success. There were also cases where the Indian prisoners were put on to work prohibited under the Geneva Convention and did not receive their appropriate pay.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Gp.685
(26924) Wt.P.1817/P.1139 5,000 3/44 " "

PARTICULARS OF ALLEGED CRIME 2036

The particulars so far, as at present known, are contained in a report by Captain Qureshi, I.M.S., copy of which is attached.

These show grave breaches of Article 1 of the Geneva Convention of 1929 for the amelioration of the conditions of the wounded and sick in Armies in the Field, which calls for treatment with humanity and medical care.

The report has a special section covering breaches of the following articles of the Geneva Convention 1929 relating to the treatment of prisoners of war.

Section 2, which requires that prisoners of war shall at all times be humanely treated and protected, and that measures of reprisal against them are forbidden.

Article 31 which forbids that prisoners of war shall be put to work which has direct connection with the operations of war.

Article 34 which requires that prisoners of war shall receive pay for work other than that connected with the administration, internal arrangement and maintenance of the Camp.

0103/5023 (P.a.2.a).

EXTRACT FROM INTERROGATION BY MIDDLE EAST OF EXCHANGED BRITISH PRISONERS OF WAR (APRIL 1943).

SOURCE:- M.Z.22963 Capt. Sultan Mohd, QURESHI, I.M.S.

AVERSA CAMP No.P.G.63 for I.O.R's.

Furthermore, some of the Italian camp authorities were particularly despicable and deemed it expedient to obstruct Source's medical work in several ways. Outstandingly obnoxious in this respect was the Italian Camp Medical Officer 2/Lieut. ROOCKE (?) who, with others, did everything possible to prevent any direct contact between Source and the I.O.R's. Source, an Indian Medical Officer, was required to communicate with the Indian Other Ranks, in ENGLISH, through an Italian Interpreter, in the presence of the said Italian M.O. (to whom the interpreter had to translate everything) instead of using the language of the I.O.R's.

The Italian Medical Officer's attitude towards serious cases was criminal. In the absence of a dispensary or isolation ward in this camp where even the most elementary facilities were lacking, it was imperative that serious cases be taken at once to an Italian hospital for the sake of the patients (whose body resistance in any case was very low after the prolonged semi-starvation) and to prevent the spreading of the disease. All such serious cases were reported by Source at once to the Italian MO., with a request for their transfer to a Hospital. These requests, however, were almost invariably ignored until the following evening, and sometimes much later, by which time the patient's condition had worsened, irremediably in some cases. Source cites the case of No.9234 HARI PARSHAD THAPA who was suffering from pneumonia and whose removal from the P.O.W. camp to a hospital was unduly delayed. He was finally admitted to hospital on the 13 Feb. 43 and although he died on the 28 Feb. 43 his death was not notified to Source until the 23 March 43. Source was not allowed to visit the hospital where I.O.R's from this camp were being treated; the Italian M.O. evidently feared

an investigation which might reveal his culpability and purposely delayed notifying Source of this death.

On the 8 Feb. 43 Source applied again in writing to the Italian Camp Commandant for the improvements enumerated above (i) to (vii) but again without result. To justify his attitude the Italian M.O. stated that his instructions from higher authority were to admit to hospital as few P.O.W. cases as possible, on account of their shortage of medicines, etc., and the requirements of their numerous cases. Source considers, however, that it was more a case of callous indifference and criminal negligence on the part of the Italian M.O. concerned.

EMPLOYMENT OF P.O.W.

Since the beginning of March 1943, as many as 320 I.O.R's out of the total of 400 in this camp was taken daily by the Italians to a point near NAPLES, where some were made to work on the removal of debris resulting from Allied bombing raids, whilst others had to carry out earthworks. As compensation for their work they were given little more of the usual daily food and they were told they would be given some pay (a few lirettes a day). Up to the 7 April 43, when Source left this camp, no pay had been given to them nor had they been notified of any credit they could use at the canteen. The hours of work were usually quite long.

No protests were made by the hale prisoners. Indeed Source encouraged them to work (without making great efforts) so long as the work was not directly connected with Italy's war effort, because of the extra food they would receive, the assurances of some pay which would enable them to buy some fruits, etc., and to give them some exercise which they were in great need after a long period of stagnation in the P.O.W. Camp.

SOURCES:- 176726 S/Sgt. W.J.WOOD - S.A.M.C.
12247 Sgt. J.BENER ?- "
4612 Sgt. A.A.BROWNE ?- "
Sgt. G.H.HOGG ?- "
Cpl. T.W.MANDER ?- "

...

Treatment by German escorts very good, Senoussi (Italian) guards excitable and domineering; prisoners shot at DERNA by these irrational and hysterical guards.

PARTICULARS OF EVIDENCE IN SUPPORT

(a) A written report of interrogation of an officer of the rank of Captain in the I.M.S. It is assumed that his name is Sultan Mohd Qureshi, but owing to the presence of a coma between Mohd and Qureshi some doubt arises. However Qureshi is a known Indian family name and it is provisionally assumed to be the name of this witness. He mentions the following individuals as being able to support his evidence :-

Sergeant Wood R.A.M.C.
" Bener R.A.M.C. (Spelling uncertain)
" Brawne R.A.M.C.(Spelling uncertain)
" Hogg R.A.M.C.
Corporal Marder R.A.M.C.(Spelling Uncertain)

His report is an extract from Interrogation of prisoners of war No. 0103/5023 (P.W.2A). A copy of said report is attached hereto.

NOTES ON THE CASE **2041**

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

(a) As to the responsibility of the accused, Captain Qureshi's evidence (supported as presumably will be the case) by the corroborators whom he mentions) should be sufficient to raise a strong case against those responsible for the running of this Camp and in particular with regard to the medical conditions and in further particular with regard to Indian troops.

(b) As regards probable defence, it is difficult to see what defence can be raised if the evidence of Captain Qureshi is correct.

(c) As to whether the case is reasonably complete, there is sufficient evidence contained in Captain Qureshi's interrogation of at least, a prima facie case against the accused. It is uncertain at the moment as to whether or not it will be necessary to call Captain Qureshi in person. It may be that the rules of evidence obtaining at the trial may permit of reliance being placed upon the report of his interrogation. Endeavours will be made to produce or interrogate the individuals named by Captain Qureshi as being able to corroborate his statements. Also, to produce any other officers or men who can support the story particularly the members of the Indian medical service. Further the camp records will be called for.

2042

1. Commandant at Camp No. 85 at Tuturano, Italy
2. Second-in-command or Adjutant
3. Officers i/c POW
4. Personnel of camp

Submitted	Decision of Committee I
25. x. 44	All C. B
29.8.45	1-3. A. 4. C. B

CARDS CHECKED

IN THE MATTER OF :-

The ill-treatment of Prisoners of War and breaches of The Geneva Conventions, 1929, at Camp No.85 at Tuturano from December 1942 to May 1943.

AFFIDAVIT

I, No.1197071 Warrant Officer GEORGE HENRY CROSS, R.A.F., at present on repatriation leave awaiting posting, with a home address at 84 Chapter Road, Willesden, London, N.W.2. make oath and say as follows :-

1. I was captured at El Alamein on 18th October 1942. After spells at Mersa Matruh, Tobruk and Derna, I was taken to Benghazi and thence shipped to Tripoli, where I arrived on 14th November 1942. I was taken to Camp No.85, Tuturano; arriving there early in December 1942 and leaving that Camp for Camp No.70, Monturano, in May 1943.

2. I have perused the Affidavit sworn by Lance Corporal Charles Herbert Harris, M.M., on 30th April 1945 and I confirm what he deposes as to the employment of prisoners of war on the construction of an aerodrome. The aerodrome was situated near Brindisi and it was later used by the R.A.F. I cannot now recall its name, but I believe it was "San" something.

3. English prisoners of war were not normally employed in work on this aerodrome; but, on one occasion, to make up a detail, I remember a number of us being driven by the Carabinieri at the point of the bayonet on to the lorry taking men to the aerodrome.

4. I have also perused the Affidavit sworn by ex-Private Thomas Ernest Herod on the 15th June 1945. I confirm what he says in paragraph 2 thereof subject to the following comments :-

(a) As regards accommodation. We were housed in wooden huts and straw and ground sheets were provided.

(b) As regards sanitary arrangements. Confirmed

(c) As regards food. We had skilly twice a day while I was at the camp. The first issue of Red Cross parcels made after my arrival took place after I had been at the Camp for about 14 days; the next issue took place about 10 days later; thereafter parcels were issued weekly; the rate of issue throughout was one parcel per man.

(d) As regards clothing. We were fitted out with Polish and Czech clothing.

(e) As regards health. I know of two cases of meningitis; but there was no general outbreak of meningitis in my time.

(f) As regards medical arrangements. There was a Sick Bay with accommodation for 26 or 28 men. This was staffed by a South African, Lance Corporal Jacobs, who was under the direction of an Italian M.O. (who was stationed outside the Camp, and only visited the Sick Bay from time to time). The Sick Bay depended almost exclusively on Red Cross Medical supplies: there were no anaesthetics nor sheets and there was an acute shortage of bandages. When the Italian Red Cross visited the Camp, we complained of deficiencies in medical supplies. The Camp Authorities expressed themselves as satisfied with the medical arrangements: this would be in or about February 1943.

(g) There was no Padre in the Camp.

5. I know nothing of the incident referred to in paragraph 3 of ex-Private Herod's said Affidavit.

SWORN at 1 Walm Lane Willesden Green)
in the County of Middlesex this 25th) G.H. CROSS
day of July 1945. Before me,)
R.H. SPEECHLEY
A Commissioner for Oaths.

IN THE MATTER OF :-

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929, at Camp No. 85 at Tuturano from December 1942 to May 1943

A F F I D A V I T

- of -

W/O. G. H. CROSS, R.A.F.

THE TREASURY SOLICITOR.

2045

IN THE MATTER OF :-

The breach of Article 31 of the Geneva Convention 1929 (relating to the permitted employment of prisoners of war) at Camp No.85 at Tuturano on dates unknown but prior to March 1943, by the employment of prisoners of war on the construction of an aerodrome.

I, T/6200899 Lance Corporal CHARLES HERBERT HARRIS, M.M., now of 604 Company R.A.S.C. (C.M.T.) of Armagh House, Coatsworth Road, Gateshead, Durham, with a permanent address at 23, Northfield Road, Orrell, Bootle, Liverpool 20, make oath and say as follows :-

1. On or about the 20th June, 1942, whilst serving with 90th Sub-Area Infantry H.Q., I was captured and taken prisoner of war at El-Fuka, Egypt.

2. With other prisoners, I was taken to the Italian H.Q. at El-Fuka, thence, the following day, to Tobruk; thence, on or about the 25th June, 1942 to Derna, and thence, the following day, to Benghazi. Just after Christmas, 1942 (i.e. about 26th December) we were transferred from Benghazi to a transit camp in Tripoli where we remained four or five days. We were then shipped to Sicily; conveyed to the Italian mainland and sent by train to Brindisi, where we arrived early in the New Year of 1943. From Brindisi we were marched approximately 10 miles to Prisoner of War Camp No.85, Tuturano; from which, on the invasion of Sicily, we were transferred to Prisoner of War Camp (No.70?) Monturano. I escaped from the Monturano Camp in September, 1943; rejoining British Forces on or about the 6th December 1943 at a village which I think is called "Cassali".

3. The whole of the time I was at Tuturano, parties of prisoners of war (entirely, or for the most part, South Africans) were daily detailed to take part in the construction of runways in an aerodrome near the camp. The prisoners so detailed were conveyed to the site by German transport, and, though I cannot now recall its name, I believe it was an aerodrome under German command. Certain South Africans from my compound (whose names, rank and units are unknown to me) were detailed for this work. I am unable to supply any information tending to establish the identity of the officer or N.C.O. in charge of prisoners of war employed in constructing the said run-ways.

SWORN by the said Charles Herbert Harris at Gateshead in the County of Durham this 30th day of April 1945) L/Cpl. HARRIS, C.H.

Before me,
L. MULCAHY
A Commissioner for Oaths.

IN THE MATTER OF :- **2046**

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions, 1929, at Camp No.85 at Tuturano during the period of some four weeks from the end of March, 1942.

A F F I D A V I T.

I, THOMAS ERNEST HEROD, released from the Army on the 15th November, 1944 and now engaged at the Post Office, but at one time No.193526, Private 309 General Transport Company, R.A.S.C. and with a permanent address at 16 Bassett Road, W.10. make oath and say as follows :-

1. I was taken prisoner at Gazala, North Africa on the 15th December, 1941 and was thence taken to Benghazi where I stayed two days; to Crete where I stayed some 2 to 3 weeks; and then to Greece where I stayed about a month. I was then sent to Bari Italy where I arrived at about March, 28th 1942 and stayed one day and was then sent on to Camp No.85 at Tuturano where I stayed some 3 to 4 weeks.

2. The conditions at the said Camp No.85 at Tuturano during the period named was as follows :-

As regards accommodation. We were housed in tents for two days and then in wooden huts but there was no bedding provided; only straw.

As regards sanitary arrangements, the accommodation was very inadequate: we had to queue up and that was an impossible situation as a large percentage of prisoners had dysentery.

As regards food. The daily ration was: a small roll, about 5 grammes of choose, a pint of vegetable skilly with macaroni or rice, a small piece of meat once a week. This diet was certain starvation and we only had one Red Cross parcel during the period that I was there.

As regards clothing. None was issued while I was in the said Camp.

In consequence of the above conditions there was a lot of disease, chiefly dysentery, desert sores, scabies, malnutrition was almost universal throughout the Camp and there was a serious outbreak of meningitis.

As regards medical arrangements there was a sick bay; but no regular medical inspection until the meningitis appeared when an Italian Medical Officer came round and ordered us into tents which were Italian ground sheets buttoned together and quite ineffective in bad weather. I went sick myself several times for dysentery. There was only one Italian Medical Officer although there were about 800 prisoners of war in the Camp at that time. There were no medical supplies so far as I could see or hear of beyond aspirin tablets; and some kind of antiseptic wash for the skin diseases, and for the meningitis threat we were given white tablets which the English Medical Orderlies said they thought were M. & B.

3. During the time that I was at the said Camp there was an incident when four men (I cannot now give their names, ranks or units) who escaped and two were recaptured just outside the Camp. I myself saw these two men chained outside the huts all night to a tree. Next morning the rest of the Camp were ordered to parade. We refused until the two men were released. The Commandant then called in some naval units with tommy guns and we had to give way. After mid-day the two men were unchained and put in a small hut for solitary confinement. I cannot give the names of any of the Italian Authorities at the time except that one of the Commanding Officers was an Italian Lieutenant Bappy, and he spoke English well and acted as Camp Interpreter. I feel sure that Company Sergeant Major Chivers (or Shivers) of the First Battalion Buffs could give information with regard to incidents and treatment in this Camp and probably as to the Italian personnel. He was our Camp Leader and I think was taken as prisoner of war to Germany.

SWORN by the said THOMAS ERNEST)
HEROD at 185 Ladbroke Grove in)
the County of London this 15th) T.E. HEROD
day of June 1945)

Before me,

CHAS. E. ROBERTS

A Commissioner for Oaths.

2048

IN THE MATTER OF :-

The ill-treatment of British Prisoners of War and breaches of the Geneva Conventions 1929 at Camp No.85 at Tuturano during the period of some four weeks from the end of March 1942.

Copy

A F F I D A V I T

- of -

THOMAS ERNEST HEROD.

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The ill-treatment of British Prisoners of war and breaches of Geneva Conventions 1929 at Camp No.85 at Tuturano near Brindisi in June 1942.

A F F I D A V I T.

I, FREDERICK LLOYD, Guardsman No.2657566 of the Coldstream Guards 3rd Battalion at present at Wellington Barracks, Westminster Garrison, S.W.1., and with a permanent address at 1, Brick Kiln Cottages, Adeney, near Wellington, Salop, make oath and say as follows :-

1. I was taken prisoner of war at Tobruk in June 1942. I was then taken to a camp at Derna in North Africa where I stayed 12 hours; then to camp at Tinimi where I stayed 12 hours and thence to Benghazi where I stayed ten days. From there I was sent to Camp No.85 at Tuturano near Brindisi where I stayed three days at the end of June 1942.

2. The conditions at the said camp at Tutorano were very bad. We had to sleep in the open on the first two nights and then some of us had accommodation for one night in a hut. There were about 3,000 men altogether at the said camp - those that had a hut allotted to them were very overcrowded; some 100 or so in a hut.

As to sanitary conditions in the said camp, there were very few small latrines; otherwise there were open slit trenches which were swarming with flies and mosquitoes.

The food ration consisted of 200 grammes of bread, one pint of thin macaroni or rice skilly and once in the three days that I was there I had a small piece of cheese. This ration would just keep a fit man alive for a time living on his fat. But it meant gradual starvation, and the diseases consequent thereon which would be bound to develop in time.

SWORN at 18 Dartmouth Street in)
the City of Westminster this 12th) F. LLOYD.
day of June 1945)

Before me,

N.R. EGGAR

A Commissioner for Oaths.

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of Geneva Conventions 1929 at Camp No.85 at Tuturano near Brindisi in June 1942.

Copy.

A F F I D A V I T

- of -

No. 2657566 GUARDSMAN FREDERICK LLOYD.

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The ill-treatment of Prisoners of War and Breaches of the Geneva Conventions, 1929 at Camp No.85 at Tuturano during the period from 7th to 10th July, 1942.

A F F I D A V I T.

I, No. 914573 Lance-Bombardier ALBERT O'MALLEY of 195 Field Regiment R.A., Rhos-on-Sea, Colwyn Bay, with a home address at 25 Partington Avenue, Bootle, Liverpool, make oath and say as follows :-

1. I was captured and taken prisoner of war at Tobruk on 21st June 1942. I was taken from Tobruk to Benghazi, where I remained till about the 3rd July 1942. I was then shipped to Brindisi in Italy where I arrived on the 7th July 1942. From Brindisi, I was sent to Camp No.85 at Tuturano where I arrived on the date of my disembarkation; leaving that camp for Camp No.66 at Capua on the 10th idem.

2. At Tuturano there was one large compound which contained several thousand prisoners of war, most of whom were accommodated in tents, but a few in huts. There were 10 or 12 huts in the compound, each housing about 100 men. I was in one of the huts. We slept on two-tier beds which were not unduly crowded together; but we were issued with no bedding and we had only our great coats.

3. Sanitary arrangements consisted of slit trenches and there were no washing facilities at all. We had to queue for drinking water.

4. We had ersatz coffee for "breakfast" and about 200 grammes of bread each day. At mid-day some of us had skilly and those who could not be served at mid-day had their skilly at 16.30 hours. We received Red Cross parcels fairly regularly and each parcel was shared among 10 men.

5. Dysentery was rife and our own medical officers could do very little with the medical supplies and equipment at their disposal.

6. Whilst I was at this camp a sergeant and two other ranks were chained by their wrists overhead to the wire enclosure. This occurred about two hours a day for four or five days. They were accused of stealing, but I do not know with what justification.

7. Except as otherwise herein stated, I know of no acts of violence of note committed against prisoners of war while I was at this camp.

SWORN by the said ALBERT O'MALLEY)
at Colwyn Bay in the County of)
Denbigh this 9th day of July 1945)

ALBERT O'MALLEY

Before me,
E.L. AMPHLETT
A Commissioner for Oaths.

IN THE MATTER OF :-

The ill-treatment of Prisoners of War and Breaches of the Geneva Conventions, 1929, at Camp No.85 at Tuturano in August 1942.

A F F I D A V I T.

I, Number 4446408 R.Q.M.S. JAMES PERCIVAL, Durham Light Infantry, at No.2 N.Z.E.F. Reception Group, Folkestone, Kent with a private address at 184, Port Road, Bermondsey, London S.E.1. make Oath and say as follows :-

1. I was captured near Fuka on the 29th June 1942 by German Troops and handed over to the Italians at Tobruk. On the 2nd August or thereabouts I left Italy by sea and arrived at Brindisi on the 3rd August. I then went to Transit Camp No.85 at Tuturano where I remained for a few days.

2. The conditions in this Camp were terrible. We were accommodated in canvas tents and the Italians took away our English blankets and gave us instead Italian ones which were alive with lice. The tents were made of Italian ground-sheets and were terribly overcrowded. There were some huts in the Camp but these were full of prisoners who had arrived earlier.

3. We were very short of food but we got one Red Cross parcel between ten which prevented us starving.

4. Sanitation consisted only of slit trenches very near the tents and were not enough for the number of men.

5. The place was full of lice and fleas and any attempts the Italians made to deal with this had no effect. No clothing was issued at the Camp and we only had our desert kit. The men suffered terribly from underfeeding and dysentery and the only treatment to be got was a handful of Epsom salts.

6. I was removed from this Camp to Camp No.82 at Laterina about August 6th.

SWORN at Folkestone in the)
County of Kent this 18th day of)
June 1945)

J. PERCIVAL R.Q.M.S.

Before me,
G.A. MACKENZIE
A Commissioner for Oaths.

IN THE MATTER OF :

The ill-treatment of British Prisoners of War and breaches of the Geneva Conventions 1929 at Camp No.85 at Taturano Italy during the period from about 30th November 1942 to about the 28th May 1943

A F F I D A V I T

I, STANLEY EDWARD WURR, No. 7877183, Sergeant in the 4th Royal Tank Regiment, with a present address at 1 C.R.U. Hatfield, Herts, and with a permanent address at 256a Kilburn High Road, N.W.6 make Oath and say as follows :-

1. I was taken prisoner of war on the 21st June 1942 at Tobruk, North Africa. From there I was sent to Derna where I stayed some nine to ten days: then to Benghazi, where I stayed until the 11th November 1942: then to a camp - I do not know its name - which was some seven or eight kilos south of Tripoli (not Suane Ben Adem) where I stayed until the 24th November 1942: then to Camp No.85 at Tuturano, Italy, where I stayed from about the 30th November 1942 to about the 28th May 1943: then to Camp No.70 at Monturano where I stayed from about the 29th May 1943 to about the 24th September 1943. I was then rounded up by the Germans and sent to Stalag IV B at Jacobstal in Germany.

2. During the period that I was at Camp No. 85 at Tuturano, namely, from the 30th November 1942 to the 28th May 1943, the conditions were as follows :-

As regards accommodation. We were kept in tents until March 1943. These consisted of Italian groundsheets buttoned together, and, although we had two layers of them with a little space in between, they did not succeed in keeping the weather out and it was extremely cold during the winter for there was no heating of any sort. Fires in or near the tents were forbidden. We had some brushwood on the ground to sleep on. The whole place got very wet. All the prisoners of war in the Camp were very reduced through starvation diet which we had had at Benghazi. I was often half conscious through cold and malnutrition. It was not until March 1943 that I myself could walk about owing to exhaustion and cold. In March 1943 we were put into huts but these were very full of vermin of all kind, lice, fleas and rats.

As regards food, in February 1943 we started to get Red Cross parcels. We had had none before. They were fairly regular after March 1943. We started to pick up then - otherwise the ration we received at Tuturano after the lack of food at Benghazi would have meant starvation. At Tuturano we were given less than the basic ration. We only had per day, one small roll of bread, about a pint of thin vegetable skilly with a little macaroni or rice and once a week we were supposed to have a small piece of meat but did not get it often. The meat ration failed sometimes. On the day we were due for meat ration, we received no vegetable issue, or rice. We had a small piece of cheese weekly.

As regards clothing, I did not get any issue of clothing at all, nor did any of the other prisoners so far as I know.

I only had my desert kit and a blanket. In February 1943 an issue of clothing was made.

As a result of the above conditions there was a good deal of disease in the camp, chiefly dysentery and desert sores, but there were also cases of jaundice and pneumonia.

As regards medical conditions, there was a medical inspection room and a small hospital. Two Italian officers used to visit the camp and there were two South African orderlies. They had a small supply of medical equipment and medicines.

The real trouble for the prisoners of war was the lack of vitimins: no natural resistance in consequence of the starvation diet.

3. As regards the Italian personnel in control of the camp, I cannot give the name of the Commandant, but the 2nd in Command was, I believe, a Captain Angelo.

SWORN by the said STANLEY EDWARD)
WURR at 2/3 The Sanctuary in the)
City of Westminster this 21st)
day of August 1945)

S. E. WARR.

Before me,
CHARLES T. HOLLAND.
A Commissioner for Oaths.

(*For the Use of the Secretariat*)

2055

Registered Number.	Date of receipt in Secretariat.
346/UK/it/46	17 OCT 1944

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B46 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1. Commandant at Camp No.85 at Tuturano, Italy, prior to March 1943. 2. Second-in-Command or Adjutant. 3. Officer in charge of prisoners of war employed in building aerodrome. 4. Personnel at said Camp involved in charges of ill-treatment.
Date and place of commission of alleged crime.	Date uncertain, but prior to March 1943. Place: Camp No.85 at Tuturano, Italy.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. xxix Breaches of Articles 2, 9 and 31 of the Geneva Convention 1929 relating to the treatment of prisoners of war. Under English Law: 1. Unlawful wounding 2. Assault.

SHORT STATEMENT OF FACTS.

The charges here are that on some date or dates at present unknown, but prior to March 1943, prisoners of war were ill-treated by being hit and knocked about and being tied to a pole, and further some of the prisoners of war were put upon work connected with the building of aerodromes.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Gp.685
(26924) Wt.P.1817/P.1139 5,000 3/44 " "

These are indicated under the heading of Particulars of Evidence in support.

Breaches of Geneva Convention 1929 relating to prisoners of war were of :-

Article 2, which requires that prisoners of war shall at all times be humanely treated and protected, particularly against acts of violence, and that measures of reprisal against them are forbidden.

Article 9, which requires that prisoners of war shall not be confined or imprisoned except as a measure indispensable for safety or health, and only so long as circumstances exist which necessitate such a measure.

Article 31, which requires that work done by prisoners of war shall have no direct connection with the operations of the war.

0103/5023 (P.W.2(a)).

EXTRACT FROM INTERROGATION BY MIDDLE EAST OF EXCHANGED BRITISH NAVAL PRISONERS OF WAR (MARCH 1943).

INTERROGATION of CLR. SGT. A.RENDELL, R.M.

CAMP No.51.

Camp improvements, clerks duties and gardening and store parties were the main types of work engaged on. I had no evidence of our troops being used for war work in 51 Camp but on transfer to 85 Camp at TUTURANO (8 miles South of BRINDISI) the Camp Leader 39803 W.O.11. F.W. HAMILTON a South African reported to me that South Africans were being employed in that area for the purpose of building Aerodromes.

CSDIC/BRIT/4/7.

SOURCE:- 62221 Pte. PETER GEORGE CHILD - 1 S.A.Irish
Captured at SIDI REZEGH on 23rd Nov. 1941.

Source states that one day in Camp 85 two South African prisoners by the names of Sgt.LEE, ex FF.B. attacked 1 S.A. and a Jewish lad who went under the nickname of "NAPPY", were struck in the face, knocked about and kicked by an Italian Lieutenant. They were then tied to a pole with their hands behind their backs for approximately three hours and missed the one decent meal of the day. The Italian Officer was the Camp Interpreter.

The next time this officer was seen was on 25th Sept.1943 at TARANTO where he was a Liaison Officer attached to S.A.A. Signals.

Source made a statement in this connection to an Imperial "I" Officer at TARANTO.

EXTRACT FROM INTERROGATION BY MIDDLE EAST OF EXCHANGED BRITISH NAVAL PRISONERS OF WAR (MARCH 1943).

ALBERT GEORGE SCHOFIELD, Stoker D/KX191543.

Also in Italy a man was tied to a tree for what reason I don't know. He was tied for about 4 hours. This happened at a camp 10 miles North of BRINDISI. I believe the name of it is TUTTARANNO.

PARTICULARS OF EVIDENCE IN SUPPORT

This consists of written reports based on the interrogation of exchanged prisoners of war.

(1) Colour Sergeant A. Rendell, R.N. "Extract from Interrogation by Middle East of exchanged British Naval prisoners of war (March 1943)" No. 0103/5023 (P.W.2.A). He speaks as to prisoners of war being employed on building aerodromes. (Copy interrogation attached hereto).

(2) Private P.G. Child, No. 62221. 1 S.A. Irish. "Extract of Interrogation" C.S.D.I.C./Brit/4/7. He speaks as to incidents of ill-treatment. (Copy interrogation attached hereto).

(3) A.G. Schofield, Stoker, D/KX. 191543. "Copy Interrogation by Middle East of exchanged British Naval Prisoners of Wae (March 1943)" No. 0103/5023 (P.W.2.A). He reports an instance of cruelty to a British prisoner of war. (Copy interrogation attached hereto.)

NOTES ON THE CASE

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

It remains to ascertain the names of the accused in this case. There should be little difficulty in ascertaining who the superior officers in charge were. The Camp records will be called for, from which certainly the names of the superior officers should be readily ascertainable, and it may be that some of the incidents referred to are also noted. Some enquiry might be made of Lieutenant Colonel Abbanesi who became commandant of this camp on March 8th 1943, the matters complained of having been during the regime of his predecessor. So far as the responsibility of those in control is concerned, the evidence at present obtained foes to shew that cases of cruelty were going on and prisoners were being employed on work which is prohibited by the Geneva Convention. These incidents could not well have existed without being observed by those in control of the Camp. In the case of employment on work forbidden by the Convention this must have been a matter of the orders of the Commandant, or with his knowledge. In any event a prima facie case is raised against him.

Every endeavour will, of course, be made to obtain the attendance of the said witnesses, but it may well be that the rules of evidence prevailing at the trial may permit written extracts of interrogations. As to what defences might be raised; it is difficult to imagine what could be said by way of a defence by the superior officers in charge of the Camp once the incidents are proved.

MISSING

REGISTERED NOs.

47

615/UK/I:48

2062

1. Chief of Fascists, Ascoli Province
2. Do. , District where Nos. 3 + 4 operated.
3. BASCIONI, Gino
4. ROMANELLI, Giovanni

Submitted	Decision of Committee I
21. 3. 45	1 + 2 C, 3 + 4 A } B. CARDS CHECKED For Sommaruga see also 155 and 319

615/UK/I:48

IN THE MATTERS OF :

(A) ASSAULT ON MAJOR REEVES at Camp No.75 at Bari in or about January 1942.
(B) THE ILL-TREATMENT of British Prisoners of War and breaches of the Geneva Conventions 1929 at Camp No. 75 at Bari during the period December 1941 to March 1942.

(C) ASSAULT ON A BRITISH Prisoner of War by Tenente Benicasa during the period March 1942 and August 1943 at Camp No.35 at Padula.
(D) MURDER BY GINO BASCIONI and GIOVANNI ROMANELLI and others of L/CPL WARNER and PRIVATE WALKER in the District of Ascoli in the Spring of 1944.

I, WILLIAM PETER BULMER, Captain, R.A. at present stationed at 123 O.C.T.U., Catterick Camp, with permanent home address, 14A Park Drive, Heaton, Bradford, MAKE OATH and say as follows :-

1. I became a Prisoner of War at Gazala, Libya, December 15th 1941. I was captured by the Germans and removed to a P/W Transit Camp at Benghazi. I remained there one night and with other officers was removed by submarine to Taranto. I was taken to P/W Transit Camp at Bari where I remained until the end of March.

2. During the period December 1941 to March 1942 at Bari the camp conditions were very bad indeed both for officers and men. The Commandant during that time was Captain Somavilla who was violently anti-British and very cruel in every way.

There was great over-crowding: the officers had two huts for about 160 officers: the men were herded like cattle.

As to food, it was very bad, and very inadequate. Two meals a day: 150 to 200 grammes of bread: a pint of thin macaroni soup: half an ounce of fish occasionally: occasionally a little fruit. It was semi-starvation, and cases of malnutrition and consequent diseases rapidly appeared. Red Cross parcels occasionally relieved the situation, but the issue was constantly held up and there was wholesale pilfering. Captain Somavilla himself controlled the Red Cross issue. Frequent applications were made to him to allow a representative of the Red Cross or the protecting power to see the Camp, but he refused.

no action
Inf.

As to medical arrangements, they were utterly inadequate. The Italian officers supplied neither proper inspection or medical equipment or supplies.

As to sanitation, this was very primitive, and our men were locked in from dusk until dawn and not allowed out on any pretext. Diseases in consequence became rife. There were many cases of dysentery and desert sores, and advanced malnutrition.

The Italian medical authorities took no steps to alleviate the conditions and shewed no sympathy. It was only when a case was desperate that it was taken to the neighbouring hospital.

3. In or about January 1942 I recollect the case of the assault on Major Reeves. Just after dusk he left one hut to go into the other - a matter of some 30 yards - a course which

it was necessary for him and which he was entitled to take. I believe one of the sentries shouted "halt", and I believe Major Reeves complied. I heard a shot, but was not able to look out. The following morning I heard that Major Reeves had been shot in the shoulder by a bullet. Protests were made by our Senior British Officer to Captain Somavilla but he refused to discuss the incident.

4. In March 1942 I left Bari and went to Camp. No.35 at Padula and remained there until August 6th 1943. During that time one of the Italian Officers, Tenente Benicasa, struck one of the British Officers in the face while in the dormitories one evening. I am unable at the moment to give the name, rank, or unit of the said British officer.

5. On August 6th 1943 I left Padula and was sent to Camp. No. 19 at Bologna where I stayed until a date just after the armistice in September 1943. On my escape I went in company with Captain Maides, Royal Tank Regiment, and Lieutenant Wagner, Welch Regiment, and others, and we journeyed through the districts of San Marino, Fabriano and Fermo, until I joined the Allied Forces towards the end of May 1944. During that time in the district of Ascoli I remember the murder of L/Cpl. Warner and Pte. Walker. I knew them both, and at the time they were lodging not far from me with a farmer. Warner and Walker, and two or three others, were on the day in question lying up in the crops near a river. I was some 300 to 400 yards away in the company of the said Captain Maides, Sgt. Gunn, R.E., and two other men called Evans and Southall. I heard several shots, and was told afterwards that Warner and Walker had been killed. I went the next day with the said Southall to see the farmer with whom the two victims were lodging. He confirmed that they had been so shot and I was told that the shooting had been done by Gino Bascioni and others acting under the orders of Roscioli, the head of a local Fascist militia.

for U.K. charge 616 witness

SWORN by the said William Peter Bulmer at Richmond in the County of York on the 25th day of May 1945) WILLIAM PETER BULMER. Capt.R.A.

Before me,
R. BORROWS.
A Commissioner for Oaths.

IN THE MATTERS OF :

(A) Assault on Major Reeves at Camp No.75 at Bari in or about January 1942.

(B) The Ill-treatment of British Prisoners of War and breaches of the Geneva Conventions 1929 at Camp No.75 at Bari during the period December 1941 to March 1942.

(C) Assault on a British Prisoner of War by Tenente Benicasa during the period March 1942 and August 1943 at Camp No.35 at Padula.

(D) Murder by Gino Bascioni and Giovanni Romanelli and others of L/Cpl. Warner and Private Walker in the District of Ascoli in the Spring of 1944.

A F F I D A V I T

- of -

CAPTAIN WILLIAM PETER BULMER

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The murder of Lance Corporal Reginald Warner and Private James Walker at or near Fermo, Italy in the Spring of 1944.

AFFIDAVIT

I, ARTHUR WALTER EVANS a Second Lieutenant in the Pioneer Corps. stationed at Lancaster and with permanent address at 8, Montcalm Close, Hayes, Kent, make oath and say as follows :-

1. In January 1942 I was taken prisoner at Barci, Libya, and was taken to a Prisoner of War Camp at Benghazi; was kept there five days and then transferred to Tarhuna, approximately sixty miles from Tripoli, where I stayed about fourteen days. Thence I was shipped to Camp No.66 at Capua, Italy, arriving there about the end of February 1942, and stayed there for about three months until the end of May 1942, thence I was sent to Camp No.65 at Gravina. I was kept at Gravina until about July 1943 whence I was sent to Camp No.53 at Macerata. I was Prisoner of War at Camp No.53 at Macerata from July until the Armistice in September 1943.

2. At about the Armistice in September 1943 I left Camp No.53 at Macerata in the company of Lance Corporal G.H.A. Tyler and we, joined at times by others, wandered for some eight months in the district of Ascoli, mainly in the Grottazzolina area. During that period - I cannot now fix the exact date but I think it was in the Spring of 1944 - there occurred in that district the murder of Lance Corporal Reginald Warner and Private James Walker. I was in the company of Lance Corporal Tyler at the time and a short distance from the spot where the murder took place. I heard the shots, and although I did not see the bodies of the said two men it was common talk in the district afterwards that two Prisoners of War had been killed by the said shooting, namely the two men above named.

SWORN at Lancaster in the County)
of Lancaster the 14th day of)
June 1945)

A.W. EVANS
2/Lieut. 346629,
Pioneer Corps.

Before me,

R.T. SANDERSON,

A Commissioner for Oaths.

IN THE MATTER OF :-

The murder of Lance Corporal Reginald Warner and Private James Walker at or near Fermo, Italy, in the Spring of 1944.

Copy

A F F I D A V I T

- of -

2/Lieut. A.W. EVANS

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The murder of Lance-Corporal Warner and Private Walker at or near Fermo, Italy, in the Spring of 1944

A F F I D A V I T

I, REGINALD GORDON GUNN, No. 1869586, Mech. Staff Sergeant, R.E. at present at No. 1 Bomb Disposal Company, R.E., Walton Street Barracks, Hull, Yorkshire; and with a permanent address at 86 Buckland Avenue, Dover Kent, make Oath and say as follows :-

1. In June 1942, I was taken prisoner at Tobruk, North Africa. I was taken then to Camps at Derna and Benghazi.

2. In August 1942, I arrived at Camp No. 87 at Benevento, Italy, where I stayed some three months and from there was sent to Camp No. 53 at Macerata where I stayed until about the 15th September 1943 - the time of the armistice.

3. On or about the 15th September 1943, I escaped from Camp No.53 at Macerata and from then until the 24th May 1944 (when I rejoined the Allied Forces) I wandered, with other prisoners of war, mainly in the Ascoli district.

During that period near Fermo, I got to know Lance-Corporal Reginald Warner, 1/6 Queen's Royal Regiment, and Private James Walker, Second Camerons. They were living near me and used to hide, with others, near a river. On the day in question, which I cannot fix precisely, I heard shots in their direction. I was told later the same day by a local Italian labourer (whose name I cannot give) that the two said men had been killed and that the assailants were a Fascist called Gino Basconi and others. The said Basconi was one of a gang of Fascists, the leader of which was one Roscioli who operated in the district. The two said victims were buried in Fermo Cemetery, Graves Numbers 40 to 41 or 41 to 42.

SWORN at the City and County of Kingston upon Hull the 15th day of June 1945) REGINALD G. GUNN.

Before me,
THOS. O. JACKSON.
A Commissioner for Oaths.

IN THE MATTER OF :-

The murder of Lance-Corporal Warner and Private Walker at or near Fermo, Italy, in Spring of 1944

A F F I D A V I T

- of -

REGINALD GORDON GUNN

THE TREASURY SOLICITOR.

IN THE MATTER OF :

The murder of Lance-Corporal Warner and Private Walker at or near Fermo, Italy in the Spring of 1944

A F F I D A V I T

I, GLENTON HERBERT ARTHUR TYLER, Army No.3971127, Lance Corporal, at present at "C" Company, 21st Infantry Training Camp, Dering Lines, Brecon, South Wales, and with a permanent address at 43 Fisher House, Barnsbury Road, Islington, London, N. make Oath and say as follows :-

1. I was taken prisoner on the 30th January 1942 at Barce, near Benghazi, Libya; I was then taken to Benghazi; then to Tarhuna in Tripoli; then to Naples and eventually arrived at Camp No.66 at Capua where I stayed from February 1942 until June 1942: thence I was sent to Camp No.65 at Gravina where I stayed from June 1942 to about June 1943: then went to Camp No.53 at Macerata where I stayed from about June 1943 until the Armistice on the 8th September 1943.

2. At the time of the Armistice in September 1943 I escaped from the said Camp No.53 at Macerata and went off with others, wandering mainly in the Ascoli district. I was in the company of Staff Sergeant Reginald Gordon Gunn, R.E. No. 1869586 and Arthur Walter Evans, now a Cadet, both of whom have made Affidavits with regard to the incidents (inter alia) which occurred during the period, September 1943 until about May 1944, when I rejoined the Allied Forces.

I have perused the Affidavit of the said Staff Sergeant Gunn sworn and dated the 15th day of June 1945 with regard to :-

"The murder of Lance Corporal Warner and Private Walker at or near Fermo, Italy, in the Spring of 1944".

I confirm all the facts deposed to by the said Staff Sergeant Gunn in the said Affidavit as regards the murder of the said Lance Corporal Warner and the said Private Walker. I was not an eye witness, but was told the same facts by relatives of the Italians with whom I was staying. I believe the scene of the incident was Belmonte.

SWORN at 2/3 The Sanctuary in the City of Westminster this 3rd day of September 1945) GLENTON H.A. TYLER.

Before me,
CHARLES T. HOLLAND.
A Commissioner for Oaths.

(*For the Use of the Secretariat*)

Registered Number. 015/IK/15/48

Date of receipt in Secretariat. 12 MAR 1945

2071

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B 49 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1. Chief of Fascists in the Province of Ascoli 2. Chief of Fascists in the District where accused Nos. 3 and 4 operated. 3. Gino Bascioni, prominent Fascist of Belmonte, Province of Ascoli. 4. Giovanni Romanelli, Marqs. of Grottazzolina
Date and place of commission of alleged crime.	Date unknown At or near Fermo
Number and description of crime in war crimes list. References to relevant provisions of national law.	No.xxix Breach of Geneva Convention 1929 [Sick and wounded] Article 1. Breach of Geneva Convention 1929 [Prisoners of War] Article 2. Under English Law :- (1) Murder (2) Manslaughter (3) Wounding with intent to do grievous bodily harm.

SHORT STATEMENT OF FACTS.

On a date at present unknown in the Province of Ascoli in the area near Fermo murder by the third accused, assisted to an extent unknown by 4th accused of L/Cpl. Reginald Warner 1/6 Queens Royal Regiment and Pte. James Walker 2nd Battalion, Camerons.

Third accused killed Warner outright, how it is not stated, but probably by shooting. At the same time, he shot Walker in the stomach; no medical treatment was given but he was sent a five hour journey in a bullock cart to Fermo Hospital. He died two days later. The Medical Officer said that if attention had been given at the time his life would have been saved. Third accused is said to have been assisted in both crimes by fourth accused. First and second accused are, prima facie, responsible for attacks by their followers on prisoners of war.

The Solicitor for the Affairs of H.M. Treasury

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Gp.685
(26924) Wt.P.1817/P.1139 5,000 3/44 " "

PARTICULARS OF ALLEGED CRIME

(a) Under War Crimes List Section xxix as to ill-treatment of prisoners of war.

(b) Breach of Geneva Convention 1929 with regard to the amelioration of the wounded and sick

(c) Breach of Second Geneva Convention 1929

Section 2 which requires that prisoners of war should be humanely treated and protected and that measures of reprisal against them are forbidden.

(d) Under English Law

(1) Murder

(2) Manslaughter

(3) Wounding with intent to do grievous bodily harm.

M.1.9/SKP/830. SECRET.

P.W.

CSDIC/SKP/830/B.

The following is an extract from above report by 1869586 mech. S/Sgt. GUNN, R.G. R.E. 81 C.R.E. (Works):

"Marqs. Settimio ROSCIOLI of Monterinaldo, Prov. Ascoli, has shot 2 P/W. L/Cpl. Frank COOPER, R.A.S.C. and his brother. Both are buried in MONTAPPONE.

ROSCIOLI is believed to have killed another - identity unknown. He also captured 4 P/W, and beat LUCIANI GUERINO owner of the house where they were taken. In MONTE S. MARTINO he beat up a doctor who had helped P/W.

GINO BASCIONI of BELMONTE, Prov. ASCOLI, killed L/Cpl. Reginald WARNER, 1/6 Queens Royal Regt. and Pte. James WALKER, 2 Bn. Camerons. The last was gravely wounded in the stomach by a Tommy-gun burst. He was given no medical treatment, and tr ansported by bullock cart to FERMO hospital. The journey took 5 hrs. The doctor who attended him said that if he had medical attention within a short time, he would have lived. 2 P/W captured with him gave blood transfusions. He died within 2 days.

BASCIONI was assisted by GIOVANNI ROMANELLI, Marqs. of GROTTAZZOLINA.

Capt. Francesco CATINI, of GROTTAZZOLINA, an ex-Podesta has complete information regarding the deaths of British P/W killed by Fascists in this area".

(Sgd) A.C. ALLAN, S/O
for Lieut. Colonel, W.R.N.S.
G.S.

M.1.9.
Ext. 1295/7. 18th June 1944.

IN THE MATTERS of

(A) THE ILL-TREATMENT of BRITISH PRISONERS OF WAR and BREACHES OF THE GENEVA CONVENTION 1929 at CAMP No.87 at BENEVENTO from August to November 1942.

(B) THE ILL-TREATMENT of BRITISH PRISONERS OF WAR and BREACHES of THE GENEVA CONVENTION 1929 at CAMP No.53 at MACERTA during the period from December 1942 to September 1943.

(C) THE MURDER of TROOPER AARON at CAMP No.53 at MACERATA in June or July 1943.

(D) THE MURDER of SGT. FORD and WOUNDING of ANOTHER BRITISH PRISONER OF WAR at or near MOGLIANO in October or December 1943.

(E) THE MURDER of L/CPL. WARNER and PTE. WALKER at or near FERMO, ITALY in the spring of 1944.

(F) THE MURDERS of L/CPL. FRANK COOPER and FOUR OTHERS in the ASCOLI DISTRICT in or about April 1944.

AFFIDAVIT.

I, REGINALD GORDON GUNN, Mech. Staff Sergeant, R.E. at present at No.1 Bomb Disposal Company R.E. Tyne "H" Camp, Westerhope, Newcastle-on-Tyne, Northumberland: with permanent address at 86 Buckland Avenue, Dover, Kent, make oath and say as follows :-

1. In June 1942, I was taken prisoner at Tobruk, N. Africa. I was taken thence to camps at Derna and Benghazi.

2. In August 1942 I arrived at Camp No.87, at Benevento, via Brindisi and was there three months. This was the worst camp that I ever was in. It was closed down in or about November 1942 owing to its appalling conditions and management.

As a result of objection by the Protecting Power a Court Martial or Enquiry was held and I believe that, in consequence, some action was taken against the officer responsible.

The camp was in a field with tents made out of ground sheets buttoned together. These frequently blew down and rain always came through. There were some 2,000 men in each compound causing great overcrowding.

As regards sanitary conditions, they consisted of a few slit trenches among the tents.

There were no medical arrangements at all at first. Later one medical inspection room was opened but there was no accommodation or equipment to deal with bad cases. The camp was infested with vermin; dysentery and desert sores were rife; and diphtheria broke out. There was an instance where three men (their names, ranks and units I cannot now give) who were desperately ill from dysentery. One was a stretcher case and the others could barely walk. The Italian Officer in charge (his name, rank and unit I cannot give) made the said two men carry the stretcher case to the station about half a mile away.

As to food, it was a slow starvation diet and resulted in a large number of cases of malnutrition. The daily ration was

200 grammes of bread, about 2 inches square of cheese and 1 pint of skilly with macaroni.

No pay was issued to prisoners while I was there.

3. About mid-November 1942 I arrived via Capua at Camp No.53 at Macerata (Sforza-Costa) near Ancona, Ascoli, and stayed until 15th September 1943. I, eventually, became a Section Leader in charge of part of this Camp.

The accommodation was a large stone building with a concrete floor and we had no beds.

No clothing was issued during the winter, although we only had desert kit. We had two blankets at night. In consequence there were many cases of pneumonia.

The medical arrangements were quite inadequate; no medicine or equipment.

The washing facilities consisted of one pipe with a hole drilled.

4. About March/April 1943 at the said Camp No.53 at Macerata there was a case of a man [his name rank and unit I cannot give] who, while awaiting roll call, stepped over the trip wire to urinate. This was against orders, and it may be that the sentry thought the prisoner was attempting to escape; but he fired with a bullet and killed the said prisoner instantly.

5. On 15th September 1943 I escaped from Camp No.53 at Macerata, and from then until 24th May 1944 (when I rejoined the Allied Forces) I wandered, with other prisoners of war, mainly in the Ascoli district.

During that period I heard of the case of the killing of Sergeant Ford and the wounding of another prisoner of war by two Italian youths at or near Mogliano.

6. Between September 1943 and May 1944, while in the neighbourhood of Grottazzolina, I got to know Roscioli, the leader of the local Fascist militia. I can confirm that he and his gang murdered L/Cpl. Frank Cooper, his brother, Philip Holmes and Frank Morgan - one of the victims was known as "Richard". I believe this to be the same as the said Frank Cooper who was, by his own design, known locally as "Ricardo Franco" and he posed as Tenente parachutist.

7. During the said period and in the Ascoli district, near Fermo I got to know L/Cpl. Reginald Warner 1/6 Queen's Royal Regiment and Pte. James Walker, 2nd Camerons. They were living near me and used to hide, with others, near a river. On the day in question I heard shots in that direction. I was told later the same day by a local labourer that the two said men had been killed and that the assailants were Gino Basconi and others. The said Basconi was one of the said Roscioli's chief gangsters. The two said victims were buried in Fermo cemetery, graves numbers 40/1 or 41/2.

SWORN at)
.)
in the of)
the day of 1945)

Before me,

A Commissioner for Oaths.

2076

RE ITALIAN WAR CRIMES

A F F I D A V I T

- of -

REGINALD GORDON GUNN

THE TREASURY SOLICITOR.

IN THE MATTERS OF :

(A) ASSAULT ON MAJOR REEVES at Camp No. 75 at Bari in or about January 1942.
(B) THE ILL-TREATMENT of British Prisoners of War and breaches of the Geneva Conventions 1929 at Camp No. 75 at Bari during the period December 1941 to March 1942.

(C) ASSAULT ON A BRITISH Prisoner of War by Tenente Benicasa during the period March 1942 and August 1943 at Camp No.35 at Padula.
(D) MURDER BY GINO BASCIONI and GIOVANNI ROMANELLI and others of L/CPL WARNER and PRIVATE WALKER in the District of Ascoli in the Spring of 1944.

I, WILLIAM PETER BULMER, Captain, R.A., at present stationed at 123 O.C.T.U., Catterick Camp, with permanent home address, 14A Park Drive, Heaton, Bradford, MAKE OATH AND SAY as follows :-

1. I became a Prisoner of War at Gazala, Libya, December 15th 1941. I was captured by the Germans and removed to a P/W Transit Camp at Benghazi. I remained there one night and with other officers was removed by submarine to Taranto. I was taken to P/W Transit Camp at Bari where I remained until the end of March.

2. During the period December 1941 to March 1942 at Bari the camp conditions were very bad indeed both for officers and men. The Commandant during that time was Captain Somavilla who was violently anti-British and very cruel in every way.

There was great over-crowding: the officers had two huts for about 160 officers: the men were herded like cattle.

As to food, it was very bad, and very inadequate. Two meals a day: 150 to 200 grammes of bread: a pint of thin macaroni soup: half an ounce of fish occasionally: occasionally a little fruit. It was semi-starvation, and cases of malnutrition and consequent diseases rapidly appeared. Red Cross parcels occasionally relieved the situation, but the issue was constantly held up and there was wholesale pilfering. Captain Somavilla himself controlled the Red Cross issue.

Frequent applications were made to him to allow a representative of the Red Cross or the protecting power to see the Camp, but he refused.

As to medical arrangements, they were utterly inadequate. The Italian officers supplied neither proper inspection or medical equipment or supplies.

As to sanitation, this was very primitive, and our men were locked in from dusk until dawn and not allowed out on any pretext. Diseases in consequence became rife. There were many cases of dysentery and desert sores, and advanced malnutrition.

The Italian medical authorities took no steps to alleviate the conditions and shewed no sympathy. It was only when a case was desperate that it was taken to the neighbouring hospital.

3. In or about January 1942 I recollect the case of the assault on Major Reeves. Just after dusk he left one hut to go into the other - a matter of some 30 yards - a course which it was necessary for him and which he was entitled to take. I believe one of the sentries shouted "halt", and I believe Major Reeves complied. I heard a shot, but was not able to look out. The following morning I heard that Major Reeves had been shot in the shoulder by a bullet. Protests were made by our Senior British Officer to Captain Somavilla but he refused to discuss the incident.

4. In March 1942 I left Bari and went to Camp No. 35 at Padula and remained there until August 6th 1943. During that time one of the Italian officers, Tenente Benicasa, struck one of the British officers in the face while in the dormitories one evening. I am unable at the moment to give the name, rank, or unit of the said British officer.

5. On August 6th 1943 I left Padula and was sent to Camp No. 19 at Bologna where I stayed until a date just after the armistice in September 1943. On my escape I went in company with Captain

Maides, Royal Tank Regiment, and Lieutenant Wagner, Welch Regiment, and others, and we journeyed through the districts of San Marino, Fabriano, and Fermo, until I joined the Allied Forces towards the end of May 1944. During that time in the district of Ascoli I remember the murder of L/Cpl. Warner and Pte. Walker. I knew them both, and at the time they were lodging not far from me with a farmer. Warner and Walker, and two or three others, were on the day in question lying up in the crops near a river. I was some 300 to 400 yards away in the company of the said Captain Maides, Sgt. Gunn, R.E., and two other men called Evans and Southall. I heard several shots, and was told afterwards that Warner and Walker had been killed. I went the next day with the said Southall to see the farmer with whom the two victims were lodging. He confirmed that they had been so shot and I was told that the shooting had been done by Gino Bascioni and others acting under the orders of Roscioli, the head of a local Fascist militia.

SWORN by the said)
at)
on the day of)
1945)

PARTICULARS OF EVIDENCE IN SUPPORT

(1) Extract from the Report by No. 1869586 Mech. S/Sgt. Gunn, R.G. R.E. 81 C.R.E. (Works) See CSDIC/SKP/830/B. (copy attached hereto)

N.B. This source cites Captain Francesco Catini of Grottazzolina as being a friendly informant with regard to "deaths of Ps/W killed by Fascists in this area".

616/UK/IE/49

2082

1. Chief of Fascists, Ascoli Province
2. Do. Rosciolì's district
3. ROSCIOLI, Settimio
4. Fascists assisting No. 3.

Submitted Decision of Committee I.

21. 3. 45	1, 2 & 4 C, 3 A } B

CROSS-CHECKED

616/UK/IE/49

IN THE MATTER OF: **2083**

The murder of Lance-Corporal FRANK COOPER, R.A.S.C. near Mount Giorgio, Italy in November 1943

British National Office Charge: UK - I/B.50

A F F I D A V I T

I, 4982180 Craftsman ARTHUR FRANKS, R.E.M.E. T List with home address 55 Cross Street, Newark upon Trent, make Oath and say as follows :-

1. In June 1942 I was serving with 7 Battalion, The Royal Tank Regiment, and was captured at Tobruk by the Germans. After being taken to prisoner of war camps at Derna, Benghazi, Tripoli, and Bari I arrived at No. 70 Prisoner of War Camp, Fermo, in March 1943.

2. When the armistice was signed in September 1943 a broadcast was made at this camp by the Senior British Officer that no one was to leave the camp and that if anyone did so they would be classed as deserters. The Guards Brigade took over guard duties from the Italians but the Italians stayed on at the camp.

3. I escaped on about 11th November 1943 and eventually joined the Allied forces in May 1944. After my escape with others I took refuge in the hills. After four days I met a Lance-Corporal Frank Cooper of R.A.S.C. We lived together for about fourteen days when Cooper broke his leg jumping from a window in a village near Mount Giorgio, during an earth tremor.

4. The Fascist Carabinieri came into the area and we had to leave Cooper behind. I subsequently heard that he was shot up by a Fascist named Richoli. This Italian was the commander of the Fascists in Ascoli - Piceno area. He is buried in the cemetery at Mount Giorgio. I do not remember any further details nor do I remember who gave me this information.

SWORN at 6 Spring Gardens in the)
City of Westminster this 15th day) A. FRANKS.
of May 1945)

Before me,
E.T. RENDLE.
Major Legal Staff,
Military Department,
Judge Advocate General's Office,
London.

was affirmed

IN THE MATTER OF :

The murder of Lance Corporal
FRANK COOPER, R.A.S.C. near
Mount Giorgio, Italy in
November 1943

A F F I D A V I T

- of -

Craftsman ARTHUR FRANKS

THE TREASURY SOLICITOR.

50

2085

IN THE MATTER OF :-

The murders of Lance-Corporal Frank Cooper and four others in the Ascoli district in or about April 1944

AFFIDAVIT

I, REGINALD GORDON GUNN, No. 1869586, Mech.Staff Sergeant, R.E. at present at No. 1 Bomb Disposal Company, R.E., Walton Street Barracks, Hull, Yorkshire, and with a permanent address at 86 Buckland Avenue, Dover, Kent, make Oath and say as follows :-

1. In June 1942, I was taken prisoner at Tobruk, North Africa. I was taken then to Camps at Derna and Benghazi.

2. In August 1942, I arrived at Camp No. 87 at Benevento, Italy, where I stayed some three months: from there, I went to Camp No. 53 at Macerata (Sforza Costa) near Ancona, Ascoli, where I stayed until the 15th September 1943. On escaping from the said Camp, I wandered with other prisoners of war mainly in the Ascoli district until I joined the Allied Forces on the 24th May 1944.

3. During the period of my said wandering in the Ascoli district on a date between September 1943 and May 1944 while in the neighbourhood of Grottazzolina, I got to know Roscioli, the leader of the local Fascist Militia. I can confirm that he and his gang murdered Lance-Corporal Frank Cooper, his brother Philip Holmes and Frank Morgan. One of his victims was known as "Richard". I believe the said Richard to have been the same man as the said Frank Cooper who was his own design known locally as "Ricardo Franco" and he posed as Tenente Parachutist.

SWORN at the City and County of Kingston upon Hull the 15th day of June 1945) REGINALD G. GUNN.

Before me,

THOS. C. JACKSON.

A Commissioner for Oaths.

IN THE MATTER OF :-

The murders of Lance-Corporal Frank Cooper and four others in the Ascoli district in or about April 1944

A F F I D A V I T

- of -

REGINALD GORDON GUNN

THE TREASURY SOLICITOR.

IN THE MATTER OF :

The murders of Lance Corporal Frank Cooper and four others in the Ascoli district in or about April 1944.

AFFIDAVIT

I, GLENTON HERBERT ARTHUR TYLER, Army No. 3971127, Lance Corporal, at present at "C" Company, 21st Infantry Training Camp, Dering Lines, Brecon, South Wales, and with a permanent address at 43 Fisher House, Barnsbury Road, Islington London, N. make Oath and say as follows :-

1. I was taken prisoner on the 30th January 1942 at Barce, near Benghazi, Libya; I was then taken to Benghazi: then to Tarhuna in Tripoli: then to Naples and eventually arrived at Camp No.66 at Capua where I stayed from February 1942 until June 1942; thence I was sent to Camp No.65 at Gravina where I stayed from June 1942 to about June 1943; then went to Camp No. 53 at Macerata where I stayed from about June 1943 until the Armistice on the 8th September 1943.

2. At the time of the Armistice at or about the 8th September 1943, I escaped from the said Camp No.53 at Macerata and went off with others, wandering mainly in the Ascoli district. I was in the Company of Staff Sergeant Reginald Gordon Gunn, R.E., No.1869586 and Arthur Walter Evans, now a Cadet, both of whom have made affidavits with regard to incidents (inter alia) which occurred during the period September 1943 until about May 1944 when I rejoined the Allied Forces.

I have perused the Affidavit of the said Staff Sergeant Gunn sworn and dated the 15th day of June 1945 with regard to :-

"the murders of Lance Corporal Frank Cooper and four others in the Ascoli district in or about April 1944"

I heard the shots, but was not an eyewitness of the incident. Later Staff Sergeant Gunn told me the facts as set out in his Affidavit.

SWORN at 2/3 The Sanctuary in)
the City of Westminster this)
3rd day of September 1945)

GLENTON H.A. TYLER

Before me,
CHARLES T. HOLLAND.
A Commissioner for Oaths.

(*For the Use of the Secretariat*)

2088

Registered Number.	Date of receipt in Secretariat.
616/UK/15/44	12 MAR 1945

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B 50 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1. Chief of Fascists in the Ascoli Province 2. Chief of Fascists in Roscioli's district 3. Settimio Roscioli (spelling uncertain) described as Captain and Maras. Local Fascist Leader. 4. Fascists assisting accused No.3 in these crimes.
Date and place of commission of alleged crime.	About April 1944; but the crimes may cover a considerable period up to the capture by the Allies of Ascoli Province. All the crimes were committed in the province of Ascoli Area:- Monte Alpro. S. Vittoria Penna S. Giovianna: Grottazzolina; Montattone (? Montappone); Monterinaldo; Monte S. Marino
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. xxix Breach of Geneva Convention [sick and wounded] Article 1 Breach of Second Geneva Convention 1929 [Prisoners of War] Articles 2, 46, 50 and 54. Under English law (1) Murder (2) Manslaughter (3) Wounding with intent to do grievous bodily harm (4) Unlawful wounding (5) Assault

SHORT STATEMENT OF FACTS.

Roscioli (spelling uncertain) was a prominent and violent Fascist. He was apparently the leader of a gang operating in Ascoli Province. The charges in this case consist of five of murder and two of wounding and illtreatment, but it is strongly suspected that this man was directly or indirectly guilty of many other crimes. The murders, wounding, and illtreatment, occurred on dates unknown at present (probably in or about the Spring of 1944) in the Province of Ascoli and probably in the District of Montattone (? Montappone), Grottazzolina and Monterinaldo. There are included herein five cases of murder :-

(A) 1. L/Cpl. Frank Cooper, R.A.S.C.
2. Brother of said L/Cpl. Frank Cooper
3. Phillip Holmes
4. Frank Morgan
5. A Prisoner of war known to source as "Richard".

TRANSMITTED BY (Continued on Page 2).

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Gp.685
(26924) Wt.P.1817/P.1139 5,000 3/44

PARTICULARS OF ALLEGED CRIME

(A) Five cases of murder

1. of Frank Cooper by shooting
2. of brother of said Frank Cooper by shooting
3. of Holmes by shooting
4. of Morgan by shooting
5. of Prisoner of war known as "Richard" - method of murder unknown at present.

(B) Wounding and illtreatment

1. of Guerino by beating
2. Doctor at Monte S. Martino by beating

The charges are :-

(a) under War Crimes List No. xxix as to illtreatment of prisoners of war

(b) Breach of Geneva Convention 1929 Article 1 with regard to the amelioration of wounded and sick

(c) Breach of Second Geneva Convention 1929 Article 2, which requires that prisoners of war should be humanely treated and protected and that measures of reprisal against them are forbidden

Section 46 which requires that in the case of disciplinary punishment all forms of cruelty are forbidden.

Section 50 which requires that recaptured prisoners of war shall be liable only to disciplinary punishment

Section 54 which requires that imprisonment not exceeding 30 days is the most severe disciplinary punishment which may be inflicted on a prisoner of war

(d) Under English law

1. Murder
2. Manslaughter
3. Wounding with intent to do grievous bodily harm
4. Unlawful wounding
5. Assault.

(Continued from Page 1)

(B) Two cases of wounding and illtreatment

1. Luciani Guerino (? address) who harboured four prisoners of war

2. The doctor at Monte S. Martino who assisted Prisoners of war.

M.I.9/CS/7/929

P.W.2.
Cas.P/W. separate memos.

CSDIC/AFHQ/SKP/111

The following is an extract from above report by

Pte. COOMBS ALLEN A.
20701884 C. Coy. 133rd Inf. 34th Div.

Sgt. WEBB, MILE F.
2070190 C. Coy. 133rd Inf. 34th Div.

There was one man, the Fascist Capt. RASCHOLI (?) of ASCOLI Prov living near Mt. ALPRO or S. VITTORIA. He caused a great deal of trouble for the escapees and either shot or was instrumental in the shooting of several Ps/W. At first he was partial to the escapees when the Allies were advancing, but when he took in a Polish escapee and after keeping him 1-1/2 months got in an argument with the escapee and shot him.

An English escapee, Frank COOPER got this man once and threatened to kill him, but the Capt. and his wife pleaded for the Capt's life so COOPER turned him loose after he promised not to bother escapees again. This happened during Apr. 44. Immediately after the Capt. got some Fascists and they caught COOPER in a draw and killed him. This man is to be watched out for when the area comes under Allied jurisdiction because he will no doubt be outwardly very friendly to the Allied cause as long as we are in the more favourable position".

(Sgd) A.C. ALLAN.
Lieut.colonel G.S.

M.I.9.
Ext. 1295/7
5 July 1944.

M.I.9/SKP/828-9 SECRET

P.W.2.

OSDIC/SKP/828-9/B.

The following extract is from above report by

3971127 Pte. TYLER G.H.A. 1 Bn. Welch Regt.
1074916 Gnr. EVANS, A.W. 65 A/Tk. Regt. R.A.

"ROSCIOLI and two men in German uniform were the Fascists working in the area (GROTTAZZOLINA ?). It was through these three that the HQ had to be moved. ROSCIOLI is an ardent Fascist, and is the man who shot Frank COOPER at MONTATTONE".

(Sgd) A.C. ALLAN, 3/O.
W.R.N.S.
for Lieut. Colonel, G.C.

M.I.9.
Ext. 1295/7
18 June 1944.

SECRET

M.I.9/SKP/830

P.W.2.

CEDIC/SKP/830/B

The following is an extract from above report by

1869586 Mech. S/Sjt. GUNN, R.G., R.E. 81 C.R.E. (Works):

"Maras. Settimio ROSCIOLI of MONTERINALDO, Prov. ASCOLI, has shot 2 P/W. L/Cpl. Frank COOPER, R.A.S.C. and his brother. Both are buried in MONTATTONE.

ROSCIOLI is believed to have killed another - identity unknown. He also captured 4 P/W. and beat LUCIANI GUERINO, owner of the house where they were taken. In MONTE S.MARTINO he beat up a doctor who had helped P/W.

GINO BASCIONI, of BELMONTE, Prov. ASCOLI, killed L/Cpl. Reginald WARNER, 1/6 Queens Royal Regt. and Pte. James WALKER, 2 Bn. Camerons. The last was gravely wounded in the stomach by a Tommy-gun burst. He was given no medical treatment and transported by bullock cart to FERMO hospital. The journey took 5-hrs. The doctor who attended him said that if he had medical attention within a short time, he would have lived. 2 P/W. captured with him gave blood transfusions. He died within 2 days.

BASCIONI was assisted by GIOVANNI ROMANELLI, Maras., of GROTTAZZOLINA.

Capt. Francesco CATINI, of GROTTAZZOLINA, an ex-Podesta, has complete information regarding the deaths of British P/W. killed by Fascists in this area".

(Sgd) A.C. ALLAN, 3/O
W.R.N.S.
for Lieut. Colonel,G.S.

M.I.9
Ext. 1295/7
18 June 1944

M.I.9/CS/7/887. SECRET

P.W.2.

Report No. CSDIC/AFHQ/SKP/114

The following is an extract from above report by:

Name: REEVES Connie R.
Rank: T/5
ASN: 20436204
Unit: 105 AA A. C. Btry. (Separate Bn.)
Age: 27
Captured: 22 Feb. 43, at KASSERINE PASS.

"At PENNA S. GIOVIANNA was a Fascist, ROSCHALLI by name, who showed absolutely no sympathy towards escapees. Two Englishmen who were shot by him are PHILLIP HOLMES and FRANK MORGAN. According to witnesses who related the story, HOLMES and MORGAN were accosted on the street by ROSCHALLI and another Fascist, both of whom fired at close range, hitting HOLMES in the forehead killing him instantly, and hitting MORGAN in the chest. MORGAN lived only a few minutes and his death was hastened by some blows with rifle-butt on the back of his head. Their shoes were taken from their feet, and they lay in the street for 24 hours before the bodies were removed by civilians who buried them later in the graveyard there. REEVES and Pte E. MARDARELLO were present at their burial".

A.C. ALLAN.
for Lieut. Colonel G.S.

M.I.9.
Ext. 1295/7.
29 Jun 1944.

M.I.9/S/P.G/MICS/INT/556. TOP SECRET

Cas.P/W } Separate Memos.
P.W.2 }

M.I.9/S/P.G/MICS/INT/556.

The following is an extract from the above report by :-

5249720 Sgt. SOUTHALL, W.J., 1 Btn. Worcestershire Regt. 5th Indian Division Eighth Army.

"RUSSHOLI, an Italian Fascist, killed one British ex P/W at MONTETTONE, in the Province of ASCOLI PICENO. Source knew the P/W. only by the name of RICHARD. The P/W. was buried by the Italians at MONTTETONE". (Relative date Nov. 43 - Apr.44)

M.I.9.
Ext. 1295/7
July 1944.

Copies to:- R. ALLEN.

IN THE MATTERS of

(A) THE ILL-TREATMENT of BRITISH PRISONERS OF WAR and BREACHES of THE GENEVA CONVENTION 1929 at CAMP No.87 at BENEVENTO from August to November 1942.

(B) THE ILL-TREATMENT of BRITISH PRISONERS OF WAR and BREACHES of THE GENEVA CONVENTION 1929 at CAMP No.53 at MACERTA during the period from December 1942 to September 1943.

(C) THE MURDER of TROOPER AARON at CAMP No.53 at MACERATA in June or July 1943.

(D) THE MURDER of SGT. FORD and WOUNDING of ANOTHER BRITISH PRISONER OF WAR at or near MOGLIANO in October or December 1943.

(E) THE MURDER of L/CPL. WARNER and PTE. WALKER at or near FERMO, ITALY in the spring of 1944.

(F) THE MURDERS of L/CPL. FRANK COOPER and FOUR OTHERS in the ASCOLI DISTRICT in or about April 1944.

AFFIDAVIT.

I, REGINALD GORDON GUNN, Mech. Staff Sergeant, R.E. at present at No.1 Bomb Disposal Company R.E. Tyne "H" Camp, Westerhope, Newcastle-on-Tyne, Northumberland: with permanent address at 86 Buckland Avenue, Dover, Kent, make oath and say as follows :-

1. In June 1942, I was taken prisoner at Tobruk, N. Africa. I was taken thence to camps at Derna and Benghazi.

2. In August 1942 I arrived at Camp No.87, at Benevento, via Brindisi and was there three months. This was the worst camp that I ever was in. It was closed down in or about November 1942 owing to its appalling conditions and management.

As a result of objection by the Protecting Power a Court Martial or Enquiry was held and I believe that, in consequence, some action was taken against the officer responsible.

The camp was in a field with tents made out of ground sheets buttoned together. These frequently blew down and rain always came through. There were some 2,000 men in each compound causing great overcrowding.

As regards sanitary conditions, they consisted of a few slit trenches among the tents.

There were no medical arrangements at all at first. Later one medical inspection room was opened but there was no accommodation or equipment to deal with bad cases. The camp was infested with vermin; dysentery and desert sores were rife; and diphtheria broke out. There was an instance where three men (their names, ranks and units I cannot now give) who were desperately ill from dysentery. One was a stretcher case and the others could barely walk. The Italian Officer in charge (his name, rank and unit I cannot give) made the said two men carry the stretcher case to the station about half a mile away.

As to food, it was a slow starvation diet and resulted in a large number of cases of malnutrition. The daily ration was

200 grammes of bread, about 2 inches square of cheese and 1 pint of skilly with macaroni.

No pay was issued to prisoners while I was there.

3. About mid-November 1942 I arrived via Capua at Camp No.53 at Macerta (Forza-Costa) near Ancona, Ascoli, and stayed until 15th September 1943. I, eventually, became a Section Leader in charge of part of this Camp.

The accommodation was a large stone building with a concrete floor and we had no beds.

No clothing was issued during the winter, although we only had desert kit. We had two blankets at night. In consequence there were many cases of pneumonia.

The medical arrangements were quite inadequate; no medicine or equipment.

The washing facilities consisted of one pipe with a hole drilled.

4. About March/April 1943 at the said Camp No.53 at Macerata there was a case of a man [his name rank and unit I cannot give] who, while awaiting roll call, stepped over the trip wire to urinate. This was against orders, and it may be that the sentry thought the prisoner was attempting to escape; but he fired with a bullet and killed the said prisoner instantly.

5. On 15th September 1943 I escaped from Camp No.53 at Macerata, and from then until 24th May 1944 (when I rejoined the Allied Forces) I wandered, with other prisoners of war, mainly in the Ascoli district.

During that period I heard of the case of the killing of Sergeant Ford and the wounding of another prisoner of war by two Italian youths at or near Mogliano.

6. Between September 1943 and May 1944, while in the neighbourhood of Grottazzolina, I got to know Roscioli, the leader of the local Fascist militia. I can confirm that he and his gang murdered L/Cpl. Frank Cooper, his brother, Philip Holmes and Frank Morgan - one of the victims was known as "Richard". I believe this to be the same as the said Frank Cooper who was, by his own design, known locally as "Ricardo Franco" and he posed as Tenente parachutist.

7. During the said period and in the Ascoli district, near Fermo I got to know L/Cpl. Reginald Warner 1/6 Queen's Royal Regiment and Pte. James Walker, 2nd Camerons. They were living near me and used to hide, with others, near a river. On the day in question I heard shots in that direction. I was told later the same day by a local labourer that the two said men had been killed and that the assailants were Gino Basconi and others. The said Basconi was one of the said Roscioli's chief gangsters. The two said victims were buried in Fermo cemetery, graves numbers 40/1 or 41/2.

SWORN at)
.)
in the of)
the day of 1945)

Before me,

A Commissioner for Oaths.

2097

re ITALIAN WAR CRIMES

A F F I D A V I T

- of -

REGINALD GORDON GUNN

THE TREASURY SOLICITOR.

PARTICULARS OF EVIDENCE IN SUPPORT

2098

1. As regards murder of

(a) L/Cpl. Frank Cooper, R.A.S.C.

Reports of:

(1) Pte. A.A. Coombs No.20701884 C Company 133rd Infantry 34th Division.

(2) Sgt. Mile F. Webb No. 2070190 C. Company 133rd Infantry 34th Division

For these reports see CSDIC/AFHQ/SKP/111 (copy herewith)

Reports of:

(1) Pte. G.H.A. Tyler No. 3971127 1st Battalion Welch Regiment

(2) Gar. ALW. Evans No. 1074916 65/A/TK Regiment R.A.

See CSDIC/SKP/828 and 9/B (copy herewith)

Extract of Report by:
Mech. S/Sgt. R.G. Gunn No.1869586 R.E.81 C.R.E. (Works)
See CSDIC/SKP/830B (copy herewith)

(b) Brother of said L/Cpl. Frank Cooper.
See Report of Mech. S/Sgt. R.G. Gunn above mentioned.

(c) Phillip Holmes.
Extract from Report by Connie R. Reeves Rank T/S:
ASM - 20436204: Unit 105 A.A. A.C. Battery (Separate B.N.)
See CSDIC/AFHQ/SKP/114 (copy herewith).

It may be that Pte. E. Mardarello mentioned in Reeves' Report may be able to give further evidence.

(d) Frank Morgan.
See Report of C.R. Reeves referred to in the last mentioned paragraph.

(e) Prisoner of war known as "Richard".
See extract from Report of Sgt. W.J. Southall No. 5249720 1st Battalion Worcestershire Regiment 5th Indian Division 8th Army.
See M.T.9/SPG/Misc/INT/556.

2. As regards wounding and illtreatment.
See copy extract from Report by Mech. S/Sgt. R.G. Gunn No.1869586 R.E. 81 C.R.E. (Works)
See CSDIC/SKP/830 B (copy herewith).

3. General
As regards the activities in general of Roscioli and his gang;
See the above mentioned Report by S/Sgt. Gunn (who cites Captain Catini): Reports by Pte. Coombs, Sgt. Webb, C.R.Reeves, Pte. Tyler, Gnr. Evans all mentioned above.

NOTES ON THE CASE **2099**

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

(A) As regards responsibility. This very serious case or rather series of cases should be readily brought home against Roscioli; there are several witnesses, and probably others could be got for he acted as the leader of a gang over a considerable period and he seems to have been notorious in the district. It is a question of tracing him, if he is still alive. As to the accused Nos.1 and 2, there should be little difficulty in fixing dates approximately then finding the heads of the Fascists in the district. It may be that Roscioli himself functioned as accused No.2, namely, the Chief of his immediate district. As to the accused No.4, Roscioli is described as a leader in the Reports which suggests that he had followers; these, when identified, should be responsible either as actual participants in the crime if the facts amount to that or as accessories before or after.

(B) As to defences. With regard to the accused Nos.1 and 2, the defence may be raised that Roscioli and his gang exceeded instructions. As regards accused No.3, it is not easy to imagine what defence there can be if the facts are accurate, except that it may be in certain cases he acted in self-defence. As regards accused No.4, a defence might be raised that they were under the control of Roscioli and acted as they did in fear of reprisals against themselves.

But, there seems little doubt that there should be a good deal of local information with regard to this Fascist gang which should be conclusive as to their methods and as to the individuals composing the party.

(C) As regards the question whether the case is complete, it may be said that this is a strong case, at least on paper. The written Reports which have been put in may be sufficient (this depends on the rules of evidence prevailing at the enquiry). If not, it is to be hoped that some, at least, of the sources may be available to give more evidence. There seems little doubt that local evidence should be strong. Certainly Captain Catini should be followed up and enquiries made in the district and in the Province of Ascoli, particularly all the villages and towns above stated in the paragraph under the heading "Date and Place of crime etc."

The said Report by Sergeant Gunn has been amplified. His evidence is embodied in an Affidavit attached hereto.

617/UK/It/50

2100

FRANCESCO, Turco.

Submitted	Decision of Committee I
21.3.45	A [illegible]

617/UK/It/50

IN THE MATTER OF :

THE MURDER OF PRIVATE LAMBROS CHRISTOFI at CAMP No. 62 at BERGAMO IN OR ABOUT JULY 1943.

A F F I D A V I T

I, JAMES MURRAY No. 833696, Sergeant at present stationed at 176 Field Regiment, R.H.Q. Gosforth, Newcastle, with permanent home address, 122 Princes Avenue, Watford, Herts. make Oath and say as follows :-

1. I became a prisoner of war at Knightsbridge, North Africa, in June 1942, was sent to Derna, thence to Sirte, thence to Suane Ben Adem and later was shipped to Italy and arrived at Camp No. 66 at Capua Italy in November 1942, when I was sent to Camp No. 54 at Fara Sabina and later to Camp No. 62 at Bergamo, Italy.

2. I was prisoner of war at Camp No. 62 at Bergamo from January 1943 until the 9th September 1943. Colonel Turko Francesco was the Commandant there during that period.

3. In or about July 1943 at the said Camp No. 62 at Bergamo I remember hearing of the case of the murder by Colonel Turko Francesco of Private Lambros Christofi. I did not witness the shooting myself. The said Private Lambros Christofi was a member of a working party who refused to do the work which they were ordered to perform, it being war work contrary to the Geneva Conventions. I do not remember the names of any of the said working party other than the Cypriot Camp Leader who was Sergeant Jacovides of the Cypriot Regiment. I was told after the incident by the said Sergeant Jacovides, and by many other survivors of the working party, (whose names and ranks I cannot now give), that the said Colonel Turko Francesco ordered Private Lambros Christofi to do the said prohibited work, and on his refusal to do so, shot him, and killed him on the spot. The said Sergeant Jacovides told me that he saw the dead body of the said Private Lambros Christofi.

SWORN by the said James Murray at Gosforth in the County of Northumberland on the 6th day of June 1945) JAMES MURRAY

Before me,
H. Soden Bird
A Commissioner for Oaths.

IN THE MATTER OF THE MURDER OF
PRIVATE LAMBROS CHRISTOFI AT
CAMP No.62 at BERGAMO IN OR
ABOUT JULY 1943

A F F I D A V I T

- of -

SERGEANT JAMES MURRAY

THE TREASURY SOLICITOR.

(*For the Use of the Secretariat*)

2103

Registered Number.	Date of receipt in Secretariat.
617/UK/17/50	12 MAR 1945

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B 55 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	Colonel Turco Francesco, Commandant of Camp 62 at Bergamo
Date and place of commission of alleged crime.	July 16th 1942 or 1943. At Camp No.62 at Bergamo
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. xxix. Ill-treatment of wounded and prisoners of war. Breach of Geneva Convention 1929 /Wounded and Sick/ Article 1. For the amelioration of the wounded and sick. /Continued on page 2/.

SHORT STATEMENT OF FACTS.

The victim, Pte. Lambros Christofi, was one of the prisoners of war Camp 62 at Bergamo on July 16th 1943, and at that time the accused was Commandant of the said Camp. Contrary to the Geneva Convention 1929 /Prisoners of War/ Article 31 he ordered the said Lambros Christofi, together with other prisoners of war, to do war work on Orio Airfield, near Bergamo. Pte.Lambros Christofi refused and the accused shot him on the spot. This Commandant had an evil reputation. The inefficient organisation and administration of the Camp at Bergamo, of which he was Commandant, are the subject of a separate case, UK - I/B 56.

The Solicitor for the Affairs of H.M. Treasury.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Gp.685
(26924) Wt.P.1817/P.1139 5,000 3/44 " "

PARTICULARS OF ALLEGED CRIME

By ordering the victim in this case to do war work on the Orio Airfield, the accused, committed War Crime xxix and a breach of Article 31 of the Geneva Convention 1929 /Prisoners of War/.

By shooting the said victim on refusal by him so to work, the accused committed War Crime xxix and a breach of Articles 2, 46 and 54 of the Geneva Convention 1929 /Prisoners of war/ and as death resulted, committed, according to English Law, murder or at any rate manslaughter.

/Continued from Page 1/

Breach of Geneva /Prisoners of war/

Article 2 which requires that prisoners of war shall be humanely treated and protected and measure of reprisal against them are forbidden.

Article 31 which prohibits prisoners of war being forced to do work having direct connection with war operations.

Article 46 which limits the disciplinary punishment to be meted out to Prisoners of war and forbids, in general, all forms of cruelty.

Article 54 which lays down that imprisonment is the most severe disciplinary punishment which may be inflicted on a prisoner of war.

References to relevant provisions of National Law.

Under English Law.

(1) Murder
(2) Manslaughter

TOP SECRET

Subject: Treatment of Ps/W.

H.Q. P/W Sub Commission
C.M.F.

607/A.

29 Apr. 44

H.Q., A.A.I.

Copy to: S.I.M.E., G.H.Q., M.E.F.
H.Q., C.S.D.D.I.C., C.M.F.,
S.I.L.O., No.2 District, C.M.F.

Attached copy of a letter No. A1/389 dated 24 Apr. 44, from the Greek representative P/W Sub Commission, is forwarded for your information and such action as you may consider necessary.

(Sgd) ? Major,
for General,
A/Director
P.W. Sub Commission.

Copy to P.W.2.
F.O.
M.I.L.
I.S.9.

No.A2/389

P.W. Sub Commission,
Greek Representative,
C.M.F.

24th April, 1944

H.Q.
P.W. Sub Commission

I beg to inform you that yesterday the Italian Lt. GIUSEPPE KOZZOLINO appeared before the Greek Representation and was questioned as to what he knows in regard to the Greek prisoners of war.

The Greek representation thanks you for your immediate action.

During the interrogation, Lt. Kozzolino informed us that the Italian Colonel, Francesco Turco, Commander of the No.62 Camp, killed with his own hands and from a distance of two metres a Greek from Cyprus, serving in the British Army, and as P.O.W. stationed at the above mentioned camp.

The above mentioned soldier refused to obey an order issued by Colonel Turco, according to which the prisoners were to be used to work for military purposes, in spite of an article of the International Agreement, which states that P.OW. are not to be forced to be used in military labour for the enemy.

The British Sergeant, in charge of the above camp protested to the International Red Cross.

The same Italian Colonel killed in Grumello an Italian citizen, cheering for liberty after the Italian Armistice.

Colonel Turco's present residence is: 62, Vittorio Emmanuelle in Bergamo.

As Lt. Kozzolino informed us, in Camp No.95 in Italy, the Greek prisoners of war were not receiving their payments.

In the same Camp, due to the lessening of the daily food quantity, the prisoners went on a hunger strike.

(Sgd) Lieut. ?
for
Lt. Comdr. J. Mellissinos, R.H.N.
Greek Representative,
P.W. Sub Commission.

Copy.

Greek Information Service.

Copy for: P.W.S.
F.O.
M.I.L.
I.S.9.

TOP SECRET

REPORT NO. I.58

SOURCE: C1/1844 Sgt. George KOUNNAS
1001 Coy. Pioneer Corps, Cyprus Regt.

Captured: 5 Jan.42 Kamalata
Escaped: 10 Sep.43 P.G.62 GRUMILLINA BERGAMO

On the 2 May 41 the O.C. of Source's Coy. Major WINTER, called a parade and told the men to make for the hills as they could all speak Greek and probably evade capture.

* * *

The P.Ws. were then taken by train to P.G.62 BERGAMO which was called "The Tower of Silence" by the P.Ws. interned there. Greek and Serbian P.Ws. in this camp were kept separate from the British. There were 350 British P.Ws. in the camp living under most unhygienic conditions. The compounds when it rained became quagmires and the huts in which P.Ws. lived, being built below the level of the ground, were very cold and extremely damp. Most of the P.Ws. incidentally, were without shoes, these having been taken away to discourage escape attempts. When Red Cross parcels were distributed to the P.Ws. all the tines were opened and the cakes of soap were cut into small pieces as a precaution against escape equipment being hidden inside.

The Camp Commandant, Col. Turco, whose son is a P.W. in England, was an extremely cruel man and even the guards of the camp hated him. He was an ardent Fascist and since the fall of the Fascist Regime in Italy nothing has been seen or heard of him by Source.

On the 16 Jul 43. Col. Turco detailed 50 P.W. carpenters for a special job. Source suspected that carpentry was not the job to be done, so he decided to join the party. They were taken by lorries to an aerodrome where they were ordered to start work. The P.Ws. refused and asked for an interview with Col. Turco to make a complaint.

Col. Turco arrived after a short time and ordered the P.Ws. to start work. The P.Ws. again refused when this happened he ordered Source to line them up, took a rifle from an Italian soldier and approached the first P.W. in the line. He ordered him, in Italian, to start work, but before the Cypriot soldier could refuse the Colonel fired and killed him. The victim's name was CY/2134 Lambros CHRISTOFI. The remainder of the P.WS. made as if to attack Col. Turco, but before they could do anything they were stopped by the German and Italian guards who said they would fire if the P.Ws. made another movement.

* * *

IN THE MATTERS OF:

(A) ILL-TREATMENT of BRITISH PRISONERS OF WAR AND BREACHES OF THE GENEVA CONVENTIONS 1929 at Camp No.54 at FARA in or about January 1943.

(B) ILL-TREATMENT of BRITISH PRISONERS OF WAR AND BREACHES OF THE GENEVA CONVENTIONS 1929 at Camp No.62 at BERGAMO during the period January to September 1943.

(C) MURDER OF PRIVATE LAMBROS CHRISTOFI at Camp No.62 at BERGAMO in or about July 1943.

(D) WOUNDING of PRIVATE DUNCAN SMITH, R.A.M.C. at Camp No. 62 at BERGAMO in or about July 1943.

I, JAMES MURRAY, Sergeant, at present stationed at 176 Field Regiment, R.H.Q. Gosforth, Newcastle, with permanent home address, 122 Princes Avenue, Watford, Herts. make oath and say as follows :-

1. I became a prisoner of war at Knightsbridge, North Africa, in June 1942, was sent to Derna, thence to Sirte, thence to Suane Sen Aden, and later was shipped to Italy and arrived at Camp No.66 at Capua in November 1942.

2. I was at Camp No.66 at Capua for about fourteen days in November 1942. It was impossible to live on the food provided while I was there It was a case of slow starvation. The intermittent Red Cross supplies to some extent alleviated the situation. There was much malnutrition and disease and the medical equipment and supplies were inadequate to deal with the situation.

3. I arrived at Camp No.54 at Fara Sabina at about the New Year 1942/4 and stayed there some three or four weeks. The camp conditions here were very bad. The accommodation was tents which leaked badly. As regards food, it was impossible to live on the supply which was a small portion of bread and about a pint of rice skilly per day.

4. In January 1943 I was removed to Camp No.62 at Bergamo and remained there until the 9th September 1943. Colonel Turko Francesco was the Commandant there during that period. He behaved with great brutality. When I arrived I was jailed in an underground cell and kept there without any sanitation and on starvation diet for 37 days for refusing to assist in the construction of war machinery at Milan, at a factory owned by Falke Lombardo, marine engineers, engaged in the manufacture of war machinery.

5. While at Camp No.62 in or about July 1943, I remember the case of the murder by Colonel Turko Francesco of Private Lambros Christofi. He was a member of a working party who refused to do the work which they were ordered to perform, it being war work contrary to the Geneva Convention. I did not see the actual shooting, but was told by many of the survivors of the working party that on the refusal by Lambros Christofi to do the said work, Colonel Turko Francesco shot him on the spot.

6. I remember the case of assault upon Private Duncan Smith, R.A.M.C. by the said Colonel Turko Francesco in about July 1943. I witnessed this case myself for I was one of a company, including the said Private Duncan Smith, who were called out at 3.0 a.m for check roll-call. We were bare-footed and had no trousers. The said Private Duncan Smith was a little slow in arrival, and the said Colonel Turko Francesco took a rifle from a carabiniere nearby and hit Smith on the back of the head, sending him down a flight of stairs.

SWORN by the said)
.)
)
at)
on the day of)
1945.)
)

PARTICULARS OF EVIDENCE IN SUPPORT

(1) Letter from P.W. Sub Commission, Greek representative C.M.F.2. H.Q., P.W. Sub Commission dated 24th April 1944, No. A.2/389

Report I.58 dated 26th February 1944.

(2) Source - Sergt. George Kounnas, C.Y/1244, 1001st Coy. Pioneer Corps, Cyprus Regiment.

(Copies attached hereto)

NOTES ON THE CASE **2111**

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

A) As regards responsibility; this, on the facts, should be direct.

B) As regards possible defences, there do not appear to be any. It cannot reasonably be said that there is any justification for a captor to order Prisoners of War to do prohibited war work and on refusal so to work, the captor is entitled to shoot the prisoner.

C) As regards whether the case is complete, there is already a strong prima facie case. This can be strengthened probably by following up the British Sergeant in charge of the Camp in question who is referred to in the letter of the 24th April 1944 /see the evidence herein/ and who is said to have protested to the International Red Cross. This Sergeant in charge of the Camp should know all about the incident in question. The records of the Camp should have a report of the incident, and the name of the Sergeant and probably also the names of other prisoners of war in the Camp who might then be followed up. Both Lieut. Kozzolino and Sergeant Kaunnas might be able to give fuller information on application.

An interview with Sergeant James Murray has since been obtained and a draft affidavit to be sworn by him is appended.

REGISTERED NOs.

51 TO 60

REGISTERED NOs.

51 TO 60

618/UK/IV/51

2112

1. FRANCESCO, Turco
2. Adjutant or second-in-command
3. Medical Officer

Submitted Decision of Committee I

21.3.45	1. A 2. 3 5 } B CARD CHECKED

618/UK/IV/51

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929, at Camp No.62 at Bergamo during the period May to the end of July 1943.

A F F I D A V I T.

I, GEORGE BOYD, No.906449, Gunner with a present address at 141 Field Regiment, R.A. Tunbridge Wells, Kent, and with a permanent address at 4, Prospect Terrace, Sunniside, Newcastle-on-Tyne, Northumberland, make oath and say as follows :-

1. I was taken prisoner on the 21st June 1942 at Tobruk; was from there sent to Benghazi where I stayed some 5 weeks; then to Camp No.75 at Bari where I stayed about 6 weeks; then to Camp No.70 at Macerata (Porto San Giorgio) where I stayed from the middle of September 1942 to May 1943; then to Camp No.62 at Bergamo where I stayed some 8 to 9 weeks from May 1943 to the end of July 1943; then to Camp 129 at Tradate where I stayed from the end of July 1943 until the Armistice on the 8th September 1943. I escaped about the 10th September 1943, and, after wandering in Northern Italy for some time, got across the border into Switzerland.

2. During the period that I was at the said Camp No.62 at Bergamo, namely, some 8 to 9 weeks, from May to the end of July 1943, the conditions were as follows :-

This Camp was in general the worst Camp I ever was in.

As regards accommodation, the prisoners of war were housed in buildings which were very overcrowded and very verminous and the Italians did nothing to keep the vermin down.

As regards sanitary arrangements, we had one small lavatory and 1 latrine for 2,500 men. It was a kind of big sink with two places where you had to squat down. There was no flushing: it simply filled up: then the sanitary orderlies had to clear it out. The stench and filthiness of it is beyond description.

As regards food, we had a daily ration of one roll of bread of about 150 grammes and about a pint of thin vegetable skilly and occasionally a small piece of meat or cheese. This diet meant steady starvation.

As regards diseases, everyone suffered from starvation, lack of resistance and there were many diseases consequent thereon, chiefly dysentery, desert sores and malaria.

As regards medical attention, there was an inspection tent, but only two Italian medical officers. I did not go sick myself in this Camp, but so far as I could see or hear, the Italians had very little in the way of equipment or medicines.

SWORN at Tunbridge Wells in the County)
of Kent this 1st day of August 1945) GEORGE BOYD

Before me,
CECIL VINALL,
A Commissioner for Oaths.

IN THE MATTER OF :-

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929, at Camp No.62 Bergamo during the period from March to September 1943.

A F F I D A V I T.

I, No. 5722197 Company Sergeant Major WILLIAM COLES, Queen's Royal Regiment attached 98 Reception Camp, Pennwood, Penn Street, Amersham, Bucks, with a permanent address at No.2 Miller's Close, Dorchester, Dorset make oath and say as follows:-

1. I was captured and taken prisoner of war at El Alamein on 25th October 1942. I was taken to hospital at El Adem and was thence transferred two days later to Tobruk. After a day and night at Tobruk, I was taken by hospital ship to Naples where I arrived on the 6th November 1942. On my arrival, I was taken by ambulance to Caserta Hospital, whence I was transferred on 1st January 1943 to Camp No.54, due east of Rome Fara Sabina. I remained at the latter Camp the best part of a month and was then transferred to a working camp at Falck's Factory (Sesto San Giovanni?) which was attached to and some 20-25 kilometers distant from Camp No.62, Bergamo. I was at this working camp from 1st February 1943 to 18th or 19th March 1943 when I was removed to a prison cell outside Camp No.62, Bergamo, where I remained forty days. On my release from the prison cell, I was placed in Camp No.62, and I stayed there until the Camp broke up (on or about the 12th September 1943) following the invasion of Italy.

2. During the latter part of the time I was at the working camp at Sesto San Giovanni, I was Camp Leader and three of the Section Leaders were Sergeant Mellon (Scots Guards) Sergeant Murray (R.A.) and Corporal Hill (R.T.R.)

3. Following a strike I instigated for better conditions at this Camp, I and the three Sergeants above named were removed from the camp to a prison cell outside Camp No.62, Bergamo. We were incarcerated in this cell for forty days without trial before we were released to the Camp itself. The immediate occasion of our release was the commemoration of a Holy Day.

4. The cell was about 15 feet x 10 feet. It was partially underground and was ventilated by a small grille and a small barred window. The cell had a concrete floor and there were nine two-tier beds in the centre of the floor, leaving about 2 feet clearance round the walls. There was a palliasse and one blanket per man. The inmates of the cells were of a variety of nationalities, including coloured men. We were let out, under guard, for five minutes each morning to wash; but not at any other time or for any other purpose. The cell was grossly neglected by the guards and in consequence became highly insanitary. Sgt. Mellon, who was suffering from dysentery, was struck over the face with a rifle-butt by one of the guards when he asked to be allowed to leave the cell for a short time. On our release, we were all extremely weak.

5. The Camp itself was a disused cotton factory which housed about 2,000 men. We slept in three-tier beds which were

ranged in rows too close together for one to pass between them. The rows were separated by gangways approximately two to three feet in width.

6. There was a fairly large recreation ground and a large hall adjoining the bath-room in which we could play cards.

7. The sanitary and washing arrangements were inadequate, having regard to the population of the camp.

8. The food was much the same as at other Italian prisoner of war camps, but each man received a Red Cross parcel once a week, and, thanks to these, general health was reasonably good. We received the contents of the parcels without containers viz. the liquid contents in out billy-cans and the dry contents in paper. The soap was also cut into small pieces and new boots were mutilated (in search, presumably, for any means of escape which they might conceal).

9. Apart from the shooting of a Cypriot (whose name I do not know) and of which I learnt only by general hearsay, I cannot recall any acts of violence of note having been committed against prisoners of war while I was at Bergamo.

SWORN by the above named WILLIAM)
COLES at Weymouth in the County)
of Dorset this seventh day of)
June 1945)

W. COLES

Before me,
W.T. WILKINSON
A Commissioner for Oaths.

2116

IN THE MATTER OF :-

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929 at P.G. Camp No.62 Bergamo, during April and May 1943.

A F F I D A V I T.

I, 4132526 Lance-Corporal WALTER FAULKNER, 4th S. & T. Inf. Bn. Hodgemoor Wood, near Amersham, Bucks. with a home address at 1 Delamere Road, Great Moor, Stockport, Cheshire make oath and say as follows :-

1. I was captured near Eladba on 30th June 1942. After spells at Tobruk, Derna, Benghazi, Tarhuna Fort Elagela, Suani Ben Adem, P.G. Camp No.66 (Capua) and P.G. Camp No.70 (Monturano) I reached P.G. Camp No.62 at Bergamo in or about April 1943, and I remained there till my transfer, on or about 30th May 1943, to a Working Camp at Tradate.

2. I have perused the Affidavit sworn by Gunner Edward Andrew O'Neill on 3rd August 1945 and I confirm what he says therein as to the conditions at P.G. Camp No.62, without further comment.

SWORN at Beaconsfield in the County of Buckingham this 10th day of August 1945) W. FAULKNER

Before me,
J. BAILEY GIBSON
A Commissioner for Oaths.

IN THE MATTER OF :-

The ill-treatment of Prisoners of War and breaches of the Geneva Conventions, 1929, at P.G. Camp No.62, Bergamo, in or about May, 1943.

A F F I D A V I T.

I, 2937731 Private JOHN McVEIGH, Cameron Highlanders, Highland Hotel, Strathpeffer, Ross-shire, with a home address at 36 Pleasance, Edinburgh, make oath and say as follows:-

1. I was captured at Tobruk on 23rd June 1942. After spells at Derna, Benghazi, Tarhuna, Suane Ben Adem, P.G. Camp No.66 (Capua) and P.G. Camp No.70 (Monturano), I arrived at P.G. Camp No.62 at Bergamo in or about May 1943. I was thence transferred to a Working Camp at Tradate after about a month: the latter was attached to Camp No.62. I escaped from the said Working Camp on or about 11th September 1943.

2. I have perused the Affidavit sworn by C.S.M. William Coles, Queens Royal Regiment, on the 7th June 1945. I confirm what C.S.M. Coles says as to the general conditions of the Bergamo Camp in paragraphs 5 to 9 (inclusive) of his said Affidavit, subject to the following comments.

3. When we arrived, French prisoners of war occupied the first floor and we the ground floor. Clothing was freely issued to the French, who had Syrian parcels besides. They used to throw away the meat-roll they received in their Red Cross parcels. I consider there was unfair discrimination by the Camp Authorities between us and the French and that this was done with a view to fomenting differences between us.

4. The Camp Commandant frequently used to kick and generally ill-treat prisoners of war.

SWORN at Dingwall in the County)
of Ross & Cromarty this fourth)
day of August 1945)

J. McVEIGH

Before me,
THOMAS S.H. BURNS
A Commissioner for Oaths.

IN THE MATTER OF :- **2118**

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929, at Camp No.62, Bergamo, during the period from 18th/19th March to 12th December, 1943.

A F F I D A V I T.

I, No.2696719 Lance-Sergeant KENNETH JOHN MELLON of Training Battalion Scots Guards, Pirbright Camp, Near Brookwood, Surrey, with a permanent address at 30 Thirlmere Street, Wallasey, Cheshire, make oath and say as follows :-

1. I was captured and taken prisoner of war on 13th June 1942 at Rigel Ridge in the vicinity of Knightsbridge. Stopping for a short while at places en route I was taken to Suani Ben Adem, south of Tripoli, which I reached at the beginning of July 1942. After about 3½ months there, I was removed to Tripoli Hospital, whence, after about a fortnight, I was taken by hospital ship to Naples and thence to Caserta Hospital. I remained at the latter hospital until the 1st January 1943 when I was transferred to Camp No.54, Fara Sabina, from which, after about a month, I was transferred to a working camp at Sesto San Giovanni. I remained there about five weeks when I was taken to Bergamo.

2. During the latter part of the time I was at the working camp at Sesto San Giovanni, Company Sergeant Major Coles was Camp Leader and three of the Section Leaders were Sergeant Murray (R.A.) Corporal Hill (R.T.R.) and myself.

3. Following a strike for better conditions at Sesto San Giovanni, instigated by the Camp Leader, he and we three Section Leaders were removed from the Camp to a prison cell outside Camp No.62 Bergamo. We were incarcerated in this cell for forty days without trial before we were released to the Camp itself. The immediate occasion of our release was the commemoration of a Holy Day.

4. The cell was about 15 feet x 10 feet. It was partially underground and was ventilated by a small grille and a small barred window. The cell had a concrete floor and there were nine two-tier beds in the centre of the floor, leaving about 2 feet clearance round the walls. There was a palliasse and one blanket per man. The inmates of the cell (some fourteen at a time) were of a variety of nationalities, including coloured men. We were allowed out under guard for five minutes each morning to wash, but not at any other time or for any other purpose. The cell was grossly neglected by the guards and in consequence became highly insanitary. While I was in the cell, I was suffering from dysentery and, on my requesting one of the guards to allow me to leave the cell for a short time, he attempted to strike me over the face with his rifle-butt. The guard in question was one of the Carabinieri and was a man with grey hair and a sallow complexion some 5 ft. 10 ins. tall and about fifty years of age. He was very thin and had a miserable appearance. The interpreter, Sgt. Frattini would know of this incident and could probably name the guard. On our release, we were all extremely weak.

5. The Camp itself was a disused cotton factory which housed

about 2,000 men. We slept in three-tier beds which were ranged in rows together with the space for one to pass between them. The rows were separated by gangways approximately 2 to 3 feet in width.

6. There was a fairly large recreation ground and a large hall adjoining the bath-room in which we could play cards.

7. The sanitary and washing arrangements were inadequate, having regard to the population of the Camp.

8. The food was much the same as at other Italian prisoner of war Camps, but each man received a Red Cross parcel once a week, and, thanks to these, general health was reasonably good. We received the contents of the parcels without containers viz. the liquid contents in our billycans and the dry contents in paper. The soap was also cut into small pieces. Our boots were taken away from us about two months before we left this Camp and we were issued, instead, with wooden soles having cloth uppers. No boots supplied by the Red Cross were in issue.

9. The Carabinieri guards were generally cruel and inclined to use their rifle-butts. There was also a white-haired captain who made a practice of kicking prisoners of war. This Captain was Second in Command before he was replaced by a Major some six weeks before the Camp broke up. I do not know his name.

10. Apart from the shooting of a Cypriot (whose name I do not know and the shooting of whom I know of only by hearsay) no acts of violence against prisoners of war occurred, so far as I can now recall, while I was at this Camp.

11. I left Camp No.62 when it broke up (on or about the 12th September 1943) following the invasion of Italy.

SWORN by the above named KENNETH)
JOHN MELLON at 5 High Street)
Woking in the County of Surrey)
this Twenty ninth day of May 1945) K.J. MELLON

Before me,
W. LLOYD DAVIES
A Commissioner for Oaths.

IN THE MATTER OF :

THE WOUNDING OF PRIVATE DUNCAN SMITH, R.A.M.C.
at CAMP No. 62 at BERGAMO IN OR ABOUT JULY 1943

A F F I D A V I T

I, JAMES MURRAY No. 833696, Sergeant, at present stationed at 176 Field Regiment, R.H.Q. Gosforth, Newcastle with permanent home address, 122 Princes Avenue, Watford, Herts, make Oath and say as follows :-

1. I became a prisoner of war at Knightsbridge, North Africa, in June 1942, and was sent to Derna, thence to Sirte, then to Suane Ben Adem and later was shipped to Italy and arrived at Camp No. 66 at Capua Italy in November 1942, when I was sent to Camp No. 54 at Fara Sabina and eventually arrived at Camp No. 62 at Bergamo, Italy.

2. I was prisonerof war at Camp No. 62 at Bergamo from January 1943 to the 9th September 1943.

3. In or about July 1943 there was at the said Camp No.62 at Bergamo a case of assault upon Private Duncan Smith R.A.M.C. by Colonel Turko Francesco who was Commandant of the said Camp at the time.

I witnessed this case myself for I was one of a Company, including the said Private Duncan Smith, who were called out at 3 a.m. for check roll call. In fact every man in the Camp was turned out for that purpose, and all were barefooted and had no trousers. The said Private Duncan Smith was a little slow in arrival, and the said Turko Francesco took a rifle from one of the carabinieri nearby, and hit the said Smith on the back sending him down a flight of stairs. I can give the names of three men, whom I recollect were present on that occasion, and could no doubt confirm this incident, namely :-

1. Private Pearson, Worcester Regiment
2. Company Sergeant Major W. Coles, Queens Regiment.
3. Private Dunn, Cameronian Regiment.

SWORN by the said JAMES MURRAY)
at Gosforth in the county of)
Northumberland on the 8th day)
of June 1945)

JAMES MURRAY.

Before me,
H. Soden Bird,
A Commissioner for Oaths.

IN THE MATTER OF THE WOUNDING
OF PRIVATE DUNCAN SMITH R.A.M.C.
at Camp No.62 at BERGAMO in
or about July 1943

A F F I D A V I T

- of -

SERGEANT JAMES MURRAY

THE TREASURY SOLICITOR.

IN THE MATTER OF :- 2122

The ill-treatment of Prisoners of War and breaches of the Geneva Conventions, 1929, at P.G. Camp No.62 Bergamo during May, 1943.

A F F I D A V I T.

I, 1102261 Gunner EDWARD ANDREW O'NEILL, 490 Mixed H.Anti-Aircraft Battery R.A. Green Street Green near Dartford, Kent, with a home address at 26 Oakes Road Cheriton Folkestone, Kent make oath and say as follows :-

1. I was captured at Fouka on 29th June 1942. After spells at Tobruk, Benghazi, Tarhuna, Suani Ben Adem, Camp No.66 (Capua) and Camp No.70 (Monturano), I reached P.G. Camp No.62 Bergamo on 13th May 1943 and left it for a Working Camp at Tradate on 30th May 1943.

2. On arrival at Camp No.62, we were accommodated in a disused factory. We were crowded out and the beds were so crawling with bugs that one could not sleep on them - One slept either on the floor or alternatively on the stairs outside, which were very cold and draughty: I chose the latter alternative.

3. After five days we were transferred to the main camp. There we were housed in the basement of a brick building, the windows of the basement being level with the ground outside the building. The basement had a stone floor, was very cold and was infested with bugs and lice. We slept in two-tier bunks. The ground floor of the said building was already occupied, when we arrived, by French prisoners of war, white and coloured.

4. The compound was too small for us to take any exercise.

5. Food rations were much the same as at other Italian prisoner of war camps. The Camp Commandant frequently arranged roll-calls at meal-times.

6. Red Cross parcels arrived fairly regularly; but the contents were emptied into whatever receptacle we could produce and were grossly mixed (e.g. meat with jam). The reason for withholding containers was I believe to ensure that food stores should not be hoarded to facilitate escapes. Our trousers and boots were also collected at night to prevent escapes.

7. Washing accommodation was very fair. Sanitary arrangements consisted of the usual holes in the ground: there were about eight to serve some 3000 men: these were cleansed weekly by a civilian.

8. The general standard of health at the Camp was, I think, good; there were adequate facilities outside the camp for the treatment of the sick.

9. The Camp Commandant (Colonel Turco) and his officers used to ill-treat prisoners of war for little or no provocation (e.g. failing to salute or to stand at attention when spoken to); but the N.C.Os. and guards did not trouble us unduly.

SWORN at Dartford in the County of Kent this 3rd day of August 1945. Before me,

EDWARD ANDREW O'NEILL

CHARLES B. SEARLE
A Commissioner for Oaths.

IN THE MATTER OF :- **2123**

Breaches of Articles 2,10,12 and 13 of the Geneva Convention 1929 (Prisoners of War) at Camp No.62 Bergamo during the period from 3rd April 1943 to 10th September 1943.

A F F I D A V I T.

I, No. 5252417 Lance-Corporal GEORGE EDWARD PEARSON of The Worcestershire Regiment attached to 11 Battalion, South Staffordshire Regiment of Ashridge Park Camp, Berkhamsted, Hertfordshire with permanent address at 55 Cressett Lane, Brockmoor, Brierley Hill, Staffordshire make oath and say as follows :-

1. I was captured and taken prisoner of war at Tobruk on the 21st June 1942. I was moved thence to Benghazi on the 26th June 1942 where I remained for three weeks to a month. I was then shipped to Brindisi and entrained for Camp No.75 Bari which I reached during the latter half of July 1942. A fortnight or so later I was transferred to Camp No.54 Fara where I remained until 2nd February 1943. On the day following, I was transferred to a working camp at Sesto San Giovanni where I remained until the 2nd April 1943. The latter camp is associated with Camp No.62 Bergamo.

2. On the 2nd April 1943 I escaped from the Camp at Sesto San Giovanni with a South African Private Mayer by name. I do not know Mayer's unit but he later reached Switzerland and until October 1944 was employed in the export and import section of the British Legation.

3. We were recaptured at Como (some 150 miles away) on 3rd April 1943 and were taken back to Sesto San Giovanni and confronted with the cut wire; dog-chains were put round our wrists and we were sent to Camp No.62 Bergamo where we remained until the Camp broke up on 10th September 1943 in consequence on the invasion of Italy. I reached Switzerland in March 1944 and was thence repatriated on 24th October, 1944.

4. On arriving at Bergamo I was placed in solitary confinement for the first two days in a cell which was outside the precincts of the prisoner of war camp and intended for Italian deliquents. There were no proper sanitary arrangements. My boots, braces and belt were removed to prevent further escape and by order of Colonel Turco I was deprived of all food because I had refused to tell him how I had escaped and got to Como.

5. During these two days Colonel Turco authorised officers of the guard to put further questions to me respecting my escape and I ultimately agreed to give Colonel Turco the date and time when I got away if he would (a) put me and Mayer in the same cell, (b) cease to question us, (c) give us food. Turco agreed and Mayer was put in my cell. We were not however given any food and (apart from periodic visits by the Orderly Officer) were not visited again for a further two days.

6. We were then brought before Turco who, by interpreter, questioned us again. I reminded him of the agreement I had made with him and he denied all knowledge of it. I said that in any event I would not give him any further information and we were thereupon returned to our cell. At the next mealtime we got our meal.

7. Turco sent for us next morning, complimented us on being good soldiers and said that whereas he could give us thirty days imprisonment he proposed to give us only ten days and twenty nights (sic); the ten days to run from 3rd April, 1943.

8. On the sixth day after our recapture a Greek prisoner of war (whom I knew only as Giodana and who had been recaptured whilst escaping) was placed in our cell. This man was subjected to the starvation technique to make him talk and after 2½ days he told the Italians what they wanted to know. Giodana left the cell at the same time as Mayer and I and was sent to the Greek prisoner of war quarters.

9. Ten days after our recapture Mayer and I were transferred from our "outside cell" to a cell within the precincts of the prisoner of war camp. There we joined four other British prisoners of war, namely C.S.M. Coles (Queen's Regiment), Sgt. Mellon (Scots Guards) Sgt. Murray (R.A.) and Corporal Hill (Royal Tank Corps or Regiment). Of these four men C.S.M. Coles had been Camp Leader and the other three section leaders at Sesto San Giovanni. I understood that the occasion of their imprisonment was a strike by prisoners of war at Sesto San Giovanni which took place on account of the non-distribution of Red Cross parcels. The Camp and Section Leaders had been removed to Bergamo from Sesto San Giovanni by order of Colonel Turco. I understand that no formal charge was preferred against these four men who, down to the date of their release, had served 35 days' detention.

10. Our fare during our detention was a daily ration each of 200 grammes bread and 66 grammes of rice or macaroni. No proper sanitary arrangements were provided but we were allowed to walk in the Infirmary Grounds for about an hour in the morning and an hour in the afternoon when we were permitted to wash.

11. We were released from our cell to the general compound on 24th April 1943. I believe this was in pursuance of an amnesty granted by Mussolini to prisoners (presumably of certain limited categories) as an Eastertide gesture.

12. The general prison quarters at Bergamo comprised two floors of a disused factory. The lower of the two was partly underground and in consequence only the upper half of its windows gave light. We were very overcrowded and slept in three-tier bunks which were touching one another or very nearly so. On my arrival there were about 500 prisoners of war of some 42 different nationalities.

SWORN at 21 Old Queen Street in)
the City of Westminster this 15th) G.E. PEARSON
day of May 1945)

Before me,
HERBERT DAVIES
A Commissioner for Oaths.

IN THE MATTER OF :-

The ill-treatment of British Prisoners of War and breaches of the Geneva Conventions 1929 at The Military Hospital at Bergamo, during the period August 31st 1942 to May 9th 1943.

A F F I D A V I T.

I, JOHN WHEELDON REDGATE, No. 136640, Major, R.A.M.C., present address Military Hospital, Shaftesbury, Dorsetshire, and with a permanent address C/o H.A. Chapman Esq., 45, Newlands Avenue, Radlett, Hertfordshire, make oath and say as follows :-

1. On the 20th June 1942, I was taken prisoner of war at Tobruk. Thereafter I stayed at Tobruk for some 6 weeks and 2 days: then sent to Derna where I stayed one night: then to Benghazi where I stayed some 4 days: was then flown to Camp No.75 at Bari where I stayed three weeks: then to Bergamo Military Hospital for prisoners of war near Camp No.62 at Bergamo where I stayed from August 31st 1942, to May 9th 1943: then to Altamura Hospital where I stayed from May 9th to August 10th 1943: then to the Hospital at Treviglio where I stayed from August 10th to about the 1st November 1943 when I was taken by the Germans to Germany.

2. During the period that I was at the said Military Hospital at Bergamo, namely, from August 31st 1942, to May 9th 1943, the conditions were as follows :-

This Military Hospital was not at Camp No.62 at Bergamo. This hospital had, pre-war been an almshouse, but since the outbreak of war had been used by the Italians as a Military Hospital for themselves and later turned into a Prisoner of War Hospital. When I got there, there were already there one Padre and four or five medical officers, British and South African, our addition brought the numbers up to 10 medical officers. We were just a small party of medical officers and later we had orderlies. My general report is that this Hospital was poor according to our standards, overcrowded and poor sanitary arrangements, but the food supplied was quite good; very poor supplies of medical equipment and drugs. My chief criticism is that the medical supplies from the Italians would have been quite inadequate had it not been for the Red Cross.

3. Although the conditions at the said Hospital were poor during the time that I was there, I was told by the under-mentioned officers that the conditions there had been much worse before I arrived and in addition they had been very understaffed. I can give the names of two medical officers who were there before I arrived and who have given me this information.

Major William Rotherham Hunter, R.A.M.C.
Major Keith Arthur Moore, R.A.M.C.

SWORN at 23 Bell Street Shaftesbury)
in the County of Dorset the eighth)
day of August 1945)

J.W. REDGATE

Before me,
EDWARD N.G. ARKELL
A Commissioner for Oaths.

(*For the Use of the Secretariat*)

2126

Registered Number.	Date of receipt in Secretariat.
618/UK/IC/51	1 MAR 1945

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B 56 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1. Colonel Turco Francesco, Camp Commandant 2. Adjutant or second in command at said Camp 3. Medical Officer in charge at said camp.
Date and place of commission of alleged crime.	From 1942 onwards. At Camp No. P.G.62 at Bergamo
Number and description of crime in war crimes list. References to relevant provisions of national law.	No.xxix. Ill-treatment of wounded and prisoners of war. Breach of Geneva Convention 1929 [Wounded and Sick] Article 1 for the amelioration of the wounded and sick. Breach of Geneva Convention 1929 [Prisoners of War] Article 2 which provides that prisoners of war should be humanely treated and protected and measures of reprisal against them are forbidden. [Continued on page 2]

SHORT STATEMENT OF FACTS.

From 1942 onwards at Camp No. B.G.62 at Bergamo there were very unhygienic conditions; inadequate and damp housing; insufficient clothing and pilfering of Red Cross parcels. Col. Turco (accused No.1) is described as an ardent Fascist and extremely cruel to prisoners of war.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Gp.685
(26924) Wt.P.1817/P.1139 5,000 3/44 " "

PARTICULARS OF ALLEGED CRIME 2127

The Statement of Sergt. Kaunnas (attached hereto) if true, establishes :-

A. Unhygienic conditions
B. Inadequate and damp housing
C. Insufficient clothing
D. Pilfering of Red Cross parcels

By ordering or permitting either of the above, all three accused will be guilty of war crime xxix and of committing a breach of the Geneva Convention 1929 [Wounded and Sick] Article 1.

By ordering or permitting "A" above, all three accused committed breaches of Articles 2, 10 and 13 of the Geneva Convention 1929 (Prisoners of war)

By ordering or permitting "B" above, all three accused committed a breach of Article 10 of the Geneva Convention 1929 [Prisoners of War].

By ordering or permitting "C" above, all three accused committed a breach of Article 12 of the Geneva Convention 1929 [Prisoners of War].

By ordering or permitting "D" above, all three accused committed a breach of Article 2 of the Geneva Convention 1929 [Prisoners of War] and under English law were guilty of larceny.

[Continued from Page 1]

Article 10 which requires that prisoners of war should be lodged in places affording all possible safeguards as regards hygiene and salubrity.

Article 12 which provides that prisoners of war should have adequate clothing.

Article 13 which requires that those in charge of camps should take all necessary hygienic measures.

References to relevant provisions of National Law.

Under English Law :-

1. Larceny

Subject: Treatment of Ps/W. TOP SECRET

H.Q., P/W. Sub Commission
C.M.P.

607/A.

20th April, 1944

H.W., A.A.I.

Copy to: S.I.M.E., G.H.Q., M.E.F.
H.W., C.S.D.I.C., C.M.F.
S.I.L.O., No.2 District, C.M.F.

Attached copy of a letter No. A1/389 dated 24th Apr.44 from the Greek representative P/W Sub Commission, is forwarded for your information and such action as you may consider necessary.

(Sgd) ? Major
for Colonel A/Director,
P.W. Sub Commission

Copy to: P.W.2.
F.O.
M.I.L.
O.S.9.

No. A2/389

P.W. Sub Commission,
Greek Representative,
C.M.F.

24th April, 1944

H.Q.
P.W. Sub Commission.

I beg to inform you that yesterday the Italian Lt. GIUSEPPE KOZZOLINO appeared before the Greek Representation and was questioned as to what he knows in regard to the Greek prisoners of war.

The Greek Representation thanks you for your immediate action.

During the interrogation, Lt. KOZZOLINO informed us that the Italian Colonel FRANCESCO TURCO, Commander of the No.62 Camp, killed with his own hands and from a distance of two metres a Greek from Cyprus, serving in the British Army, and as P.O.W. stationed at the above mentioned camp.

The above mentioned soldier refused to obey an order issued by Colonel Turco, according to which the prisoners were to be used to work for military purposes, in spite of an article of the International Agreement, which states that P.O.W. are not to be forced to be used in military labour for the enemy.

The British Sergeant, in charge of the above camp, protested to the International Red Cross.

The same Italian Colonel killed in Grumello an Italian citizen, cheering for liberty after the Italian Armistice.

Colonel Turco's present residence is: 62, Vittorio Emmanuelle in Bergamo.

As Lt. KOZZOLINO informed us, in Camp No.95 in Italy, the Greek prisoners of war were not receiving their payments.

In the same Camp, due to the lessening of the daily food quantity, the prisoners went on a hunger strike.

(Sgd) Lieut ?
for
Lieut. Commdr. J MELLISSINOS, R.H.N
Greek Representative,
F.W. Sub Commission

Copy.

Greek Information Service

Copy for P.W.2.
F.O.
M.I.L.
I.S.9.

TOP SECRET

2130

REPORT NO.I.58 26th Feb. 1944

SOURCE: CY/1244 SGT. GEORGE KOUNNAS
1001 Coy. Pioneer Corps, Cyprus Regt.

Captured: 5 Jan.42 KALAMATA
Escaped: 10 Sep.43 P.G.62 GRUMILLINA BERGAMO

On the 2 May 1941 the O.C. of Source's Coy. Major WINTER called a parade and told the men to make for the hills as they could all speak Greek and probably evade capture.

Source went into ALEXANDRAKION hospital, KALAMATA, where he remained for 4 days. On the fourth day the O.C. Hospital told him to find some civilian clothes and go away as the Germans were to requisition the hospital the following day.

Source found an old woman living opposite the hospital who exchanged his battle dress for an old jacket and a pair of trousers. When he left the hospital he met a Greek soldier who took him home for the night: then the following day directed him to the moastery of AGHIOS CONSTANTINOS and ELLENI where he stayed for 2 months, after which he lived with various people in Kalamata as shown in Appendix "A".

On the 5th Jan. '42 he was betrayed by a pro-Italian Greek from Patras, this man invited him to dinner at a restaurant after arranging for the Carabinieri to come and arrest Source. He was taken to Kalamata prison where he was held for 2 days then transferred to Tripoli where he was held in the Garrison Prison for a further 45 days. At the end of this period he complained to the Garrison M.O. that the living conditions in the prison were appalling. The doctor agreed and the following day Source with other P.Ws. was sent to P.W. Camp at Zylocastro. They were subsequently taken to the Garrison Prison at Patras and from there shipped to Bari arriving on the 31st Mar. 42.

Almost immediately after his arrival at Bari Source was sent to P.W. Transit Camp No.75. He was later taken to Camp 65 Gravina which he described as the "Hell of the living". In this Camp many P.Ws. died from starvation and had it not been for the Red Cross parcels many more would also have died. He stayed in Gravina from 25 Apl.42 until 20 Apr.43. During this period Source was in charge of the 450 Cypriot P.Ws. in the camp. Sgt.Andreas Yiacovidis was in charge of the Red Cross parcels.

In April 43 Source was transferred with the other P.Ws. to the P.W. Camp at Foggia where they were put into a small camp just outside the aerodrome. They were ordered to work on this aerodrome with 280 South Africans who were already there when Source arrived. Source after conferring with Sgt. Andreas Constandinou decided that the Cypriots should not work and they argued with the Italian Officer who insisted that the P.Ws. should start work immediately.

When a German supervisor arrived with a doctor the P.Ws. stated that they were physically unfit for any work and demanded that the doctor examine them. He did so, then told the German supervisor that they were not fit to work, the supervisor immediately issued an order that all the P.Ws. including the South Africans were to leave the aerodrome at once and return to their camps. At the same time he ordered the Italian officer in charge of the work parties on the aerodrome to bring in 1,000 civilian workers in their place.

The P.Ws. were then taken by train to P.G.62 Bergamo which was called "The Tower of Silence" by the P.Ws.interned there. Greek and Serbian P.Ws. in this camp were kept separate from the

British. There were 350 British P.Ws. in the camp living under most unhygienic conditions. The compounds when it rained became quagmires and the huts in which P.Ws. lived being built below the level of the ground, were very cold and extremely damp. Most of the P.Ws. incidentally, were without shoes, these having been taken away to discourage escape attempts. When Red Cross parcels were distributed to the P.Ws. all the tins were opened and the cakes of soap were cut into small pieces as a precaution against escape equipment being hidden inside.

The Camp commandant, Col. Turco, whose son is a P.W. in England was an extremely cruel man and even the guards of the camp hated him. He was an ardent Fascist and since the fall of the Fascist Regime in Italy nothing has been seen or heard of him by Source.

On the 16th July 43, Col. Turco detailed 50 P.W. carpenters for a special job. Source suspected that carpentry was not the job to be done, so he decided to join the party. They were taken by lorries to an aerodrome where they were ordered to start work. The P.Ws. refused and asked for an interview with Col. Turco to make a complaint.

Col. Turco arrived after a short time and ordered the P.Ws. to start work. The P.Ws. again refused, when this happened he ordered Source to line them up, took a rifle from an Italian soldier and approached the first P.W. in the line. He ordered him, in Italian, to start work, but before the Cypriot soldier could refuse the Colonel fired and killed him. The victim's name was CY/2134 Lambros Christofi. The remainder of the P.Ws. made as if to attack Col. Turco, but before they could do anything they were stopped by the German and Italian guards who said they would fire if the P.Ws. made another movement.

On the 8th Sept. 43 when the Armistice was signed, Capt. Vernadi approached the P.Ws. and told them that they were to be friends from now on. The P.Ws. were given back their shoes and personal belongings and on the 10th September 43 most of them left the camp and changed into civilian clothes provided by the local inhabitants.

Source made his way to Milan where he boarded a train for Bologna, and on to Ancona from where he walked to Cupra Marittima. Here he contacted a British Agent and on the 30th Dec. 43 Source with a party of ex P.Ws. and the British Agent went to a point on the coast about 8 miles from SAN BENEDETTO where they were to meet a boat. Unfortunately, the party was betrayed by a local Fascist and had to disperse to avoid the Germans.

On the 4 Jan. 44 they returned to the rendezvous, but this time found that the sails of the boat they were to use had been left in a house that had been requisitioned by the Germans, so that it was impossible to get them.

On the 8 Jan.44 when everything had been arranged in advance they sailed with 8 Italians and arrived near Termoli on the 9th Jan.44. In Termoli they contacted Allied troops and Source was sent to Bari, then Taranto and eventually sailed for Egypt arriving in Alexandria on the 6th February 44.

GPL/DAP

Distribution:	Main H.Q. "A" Force	3.	Copy to:	P.W.2.
	A.G.5	1.		F.O.
	File	3		M.I.L.
				I.S.9.

IN THE MATTERS OF:

(A) ILL-TREATMENT of BRITISH PRISONERS OF WAR AND BREACHES OF THE GENEVA CONVENTIONS 1929 at Camp No.54 at FARA in or about January 1945.

(B) ILL-TREATMENT of BRITISH PRISONERS OF WAR AND BREACHES OF THE GENEVA CONVENTIONS 1929 at Camp No.62 at BERGAMO during the period January to September 1943.

(C) MURDER OF PRIVATE LAMBROS CHRISTOFI at Camp No.62 at BERGAMO in or about July 1943.

(D) WOUNDING OF PRIVATE DUNCAN SMITH, R.A.M.C., at Camp No.62 at BERGAMO in or about July 1943.

I, JAMES MURRAY, Sergeant, at present stationed at 176 Field Regiment, R.H.Q. Gosforth, Newcastle, with permanent home address, 122 Princes Avenue, Watford, Herts. Make oath and say as follows:-

1. I became a Prisoner of war at Knightsbridge, North Africa, in June 1942, was sent to Derna, thence to Sirte, thence to Suane Ben Aden, and later was shipped to Italy and arrived at Camp No.66 at Capua in November 1942.

2. I was at Camp No.66 at Capua for about fourteen days in November 1942. It was impossible to live on the food provided while I was there. It was a case of slow starvation. The intermittent Red Cross supplies to some extent alleviated the situation. There was much malnutrition and disease and the medical equipment and supplies were inadequate to deal with the situation.

3. I arrived at Camp No.54 at Fara Sabina at about the New Year 1942/3 and stayed there some three or four weeks. The camp conditions here were very bad. The accommodation was tents which leaked badly. As regards food, it was impossible to live on the supply which was a small portion of bread and about a pint of rice skilly per day.

4. In January 1943 I was removed to Camp No.62 at Bergamo and remained there until the 9th September 1943. Colonel Turko Francesco was the Commandant there during that period. He behaved with great brutality. When I arrived I was jailed in an underground cell and kept there without any sanitation and on starvation diet for 37 days for refusing to assist in the construction of war machinery at Milan, at a factory owned by Falke Lombardo, marine engineers engaged in the manufacture of war machinery.

5. While at Camp No.62 in or about July 1943 I remember the case of the murder by Colonel Turko Francesco of Private Lambros Christofi. He was a member of a working party who refused to do the work which they were ordered to perform, it being war work contrary to the Geneva Convention. I did not see the actual shooting, but was told by many of the survivors of the working party that on the refusal by Lambros Christofi to do the said work, Colonel Turko Francesco shot him on the spot.

6. I remember the case of assault upon Private Duncan Smith, R.A.M.C. by the said Colonel Turko Francesco in about July 1943.

I witnessed this case myself for I was one of a Company, including the said Private Duncan Smith, who were called out at 3.0 a.m. for check roll-call. We were bare footed and had no trousers. The said Private Duncan Smith was a little slow in arrival, and the said Colonel Turko Francesco took a rifle from a carabiniere nearby and hit Smith on the back of the head, sending him down a flight of stairs.

SWORN by the said)
)
at)
on the day of)
1945)

PARTICULARS OF EVIDENCE IN SUPPORT

Letter from P.W. Sub Commission Greek Representative C.M.F., 2 H.Q., P.W. Sub Commission dated 24th April 1944 reporting the interrogation of Lieut. Kozzolino

(Copy attached hereto)

Report from Sergt. George Kounnas CY/1244 1001st Company Pioneer Corps, Cyprus Regiment.

(Copy attached hereto)

NOTES ON THE CASE

2135

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

A. As regards responsibility:

As to the lack of hygiene, bad buildings, dampness, lack of clothing; all this went on apparently over a period and should have been obvious to all the accused. At any rate, there is a strong prima facie case with a burden on each of the accused to show that personally he was not responsible.

As to the pilfering from Red Cross parcels, this would appear to require more specific proof.

B. As regards defences: all three accused may deny the facts and challenge any deficiencies or any stealing. Secondly, if any of the facts are established, it may be said that some or all of them did not know.

C. As to whether the case is complete, there is a good prima facie case here as it stands, except that as stated the question of pilfering of Red Cross parcels requires more specific proof. Enquiries should be made from the many other prisoners of war in the Camp during the period to discover whether they can give any more detailed evidence with regard to this charge of stealing. The Camp records should disclose the names or identity numbers of many other prisoners of war in the Camp over the period in question.

A draft proposed Affidavit by Sergeant Murray is attached.

711/UK/IT/52

2136

1. MESSINA,
2. SABATINI, Giaccomo
3. ALLEVI, Vittorio
4. GERMI,
5. Mother Supérior of hospital,
6. Sister in charge of O.R.s Ward.

Submitted Decision of Committee T.

11.4.45	~~1 of 3/5~~ Adjourned RB	1.2.3 A 4. W 5-6 adjourned RB CARDS CHECKED

711/UK/IT/52

IN THE MATTER OF :-

The ill-treatment of British Prisoners of War and breaches of The Geneva Conventions 1929 at Treviglio Hospital during the period from 10th August until about 3rd November 1943.

A F F I D A V I T.

I, JOHN WHEELDON REDGATE, No. 136640, Major, R.A.M.C. present address Military Hospital, Shaftesbury, Dorsetshire, and with a permanent address C/o H.A. Chapman Esq. 45, Newlands Avenue, Radlett, Hertfordshire, make oath and say as follows:-

1. On the 20th June 1942 I was taken prisoner of war at Tobruk. Thereafter I stayed at Tobruk for some six weeks and two days; then sent to Derna where I stayed one night: then to Benghazi where I stayed some four days: was then flown to Camp No.75 at Bari where I stayed three weeks: then to Bergamo Military Hospital for prisoners of war near Camp No. 62 at Bergamo where I stayed from August 31st 1942, to May 9th 1943: then to Altamura Hospital where I stayed from May 9th to August 10th 1943: then to the Hospital at Treviglio where I stayed from August 10th to about the 1st November 1943 when I was taken by the Germans to Germany.

2. During the period that I was at the said Hospital at Trevihlio, namely from about 10th August to about 1st November 1943 conditions were as hereinafter set out.

I have seen the report of Lt. Col. J.N. Saegert R.E. made to the Directorate of Prisoners of War dated the 10th June 1944 and addressed from the Military Hospital Liverpool Road, Chester. It is headed "Report on conditions at Ospedale Militaire Treviglio selected by the Italian Prisoners of War Authority for use as a T.B. Hospital for P.G. about the month of February 1942". In the second paragraph of the first page of the said report the said Lt. Col. Saegert refers to a letter which he states was written by me to the Protecting Powers. I wrote the said letter but did not keep a copy and I have not at the time of swearing this Affidavit seen either the original or copies of my said letter. I adhere to what I stated in the said letter. I do not know if Lt. Col. Saegert is still alive. He had tuberculosis and was at one time seriously ill. I have read through the said report by the said Lt. Col. Saegert with great care. I was sent to the said Hospital at Treviglio by mistake. I had had no practical experience of tuberculosis for a long time. I was an anesthetist. I put in a request for removal to the Italian Authorities but nothing came of it. I can, however, give an accurate description of what went on at the said hospital and I say that the said report by the said Lt. Col. Saegert is absolutely accurate in all detail, subject to the following reservations :-

1. I know nothing of General Messina.

2. Dampness on the walls of the said hospital was very bad in Lt. Col. Saegert own room. His descriptionthereof is accurate but it is fair to say that I do not remember such damp conditions in the other rooms.

Further I can give the names of two other officers who were patients at the said hospital at Treviglio :-

(1) Captain Hobbs R.A. his home was in the Croydon area. In peace time he was employed by one of the big Gas Companies in London, I think the one at Wandsworth.

(2) Flying Officer Head R.I.C. He was brought down in a torpedo bomber in the Mediterranean.

SWORN at 23 Bell Street Shaftesbury)
in the County of Dorset the eighth) J.W. REDGATE
day of August 1945)

Before me,
EDWARD N.G. ARKELL
A Commissioner for Oaths.

(*For the Use of the Secretariat*)

2139

Registered Number.	Date of receipt in Secretariat.
711/UK/IC/52	2

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B 53 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1. General de Brigade Messina. 2. Tenento Colonello (Medico) Giaccomo Sabatini - Director of the Hospital. 3. Teneto (Medico) Vittorio Allevi, Anitante Majjiori, or Staff Officer of the hospital. 4. Sotto Tenento (Bersaglieri) Germi (a N.C.O.) 5. Mother Superior of the Sisters of the Religious Order to which the hospital belonged. 6. Sister in charge of O.R.s Ward.
Date and place of commission of alleged crime.	During 1942 and 1943. Military Hospital for Tuberculosis at Treviglio.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No.xxix Breach of Geneva Convention No.1 1929 Article 1, Geneva Convention No.2 1929 Articles 2,10,11,12,13. Under English law - larceny.

SHORT STATEMENT OF FACTS.

During the years 1942 and 1943 prisoners of war were ill-treated at and there was mis-management of the Military Hospital for Tuberculosis at Treviglio.

The charges against the military and medical authorities are :-

Neglect of patients;
Insufficient and dangerous accommodation;
Ill-treatment of patients;
Lack of organisation, administration and medical treatment;
Stealing of food and clothing from patients.

The charge against the Mother Superior and Sisters is that of depriving patients of food and clothing.

TRANSMITTED BY The Belgian [illegible]

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26252) W.t.P.1505/1120 500 1/44 A.& E.W.Ltd. Cp.685
(26924) W.t.P.1817/P.1139 5,000 3/44 " "

PARTICULARS OF ALLEGED CRIME

(a) War Crimes List No. xxix.

(b) Breach of Geneva Convention 1929 [sick and wounded].

Article 1 which provides for the amelioration of the wounded and sick.

(c) Breach of Geneva Convention 1929 [Prisoners of War]

Article 2 which provides that Prisoners of War should be humanely treated and protected and that measures of reprisal against them are forbidden;

Article 10 which provides that Prisoners of War shall be lodged in buildings or huts which provide all possible safeguards as regards hygiene and salubrity;

Article 11 which provides that Prisoners of War shall have adequate food rations and water;

Article 12 which provides that Prisoners of War shall have proper clothing;

Article 13 which requires that all necessary hygienic measures shall be taken

(d) Under English law - Larceny.

Military Hospital,
Liverpool Road,
Chester.

10.6.44

Directorate of P.W.

I forward herewith a short report on the Military Hospital at Treviglio, which was selected by the Italian P.W. authority for use as a T.B. Hospital for P.W. together with copies of correspondance I had there as S.B.O. in an attempt to get some amelioration. Also the names and particulars of incorrect conduct on the part of various Italian Officers who I consider largely responsible for the very heavy death rate amongst patients at this Hospital and against whom I hope some punitive action may be taken when the Allies occupy N.Italy. I may say that the attitude of all these Italian officers as of every other one I have ever heard of, was one of the greatest pusillanimity on the occasion of the occupation of N.Italy by the Germans after the Armistice.

In spite of the orders of their King and of the Government they, as loyal officers, were bound to support, these gentlemen did absolutely nothing except chatter with fright when their country was taken over by a negligible number of German troops.

The only resistance offered, and that of the very slightest, was by a few troops acting without orders, and, in a very few cases, by some private citizens acting without the support of the Army at all, in places such as Piachenza.

(Sgd) J.M. SAEGERT,
Lt. Col., R.E.

12.6.44.

REPORT ON CONDITIONS AT OSPEDALE MILITAIRE, TREVIGLIO, SELECTED BY ITALIAN P.W. AUTHORITY FOR USE AS A T.B. HOSPITAL FOR P.G. ABOUT THE MONTH OF FEB.1942.

During the time I was there, i.e. from 24.6.43 until 7.9.43 and again from 5.10.43 - 31.10.43, the average number of T.B. patients was about 100-110. This number, I was told, had been fairly constant since June 1942. The majority of the patients were Jugo Slavs without about 12 Greeks, 9 Russians and a varying number of patients from the various countries of the Empire. The first British patients arrived in May 1943 and at the time of our removal en masse to Germany on 31.10.43, the British patients numbered 49, including Nursing Orderlies (8) and Doctors (1).

For a general description of the Hospital, I refer you to the letter of Maj. J.W. Redgate to the P.P. (10 in attached correspondence). The only serious omission by Major Redgate in his letter is that, when it rained, the building was of such indifferent construction (no damp proof courses in walls etc.) that liquid water formed on the inside of the walls creeping up in some cases to a height of 7' or 8' and this water remained for several days, until the sun came again to dry the building out. The effect, on walls of concrete or stone, was the same as being in a very wet underground dungeon. Over 100 deaths had occurred up to the time of our departure, since the month of May 1942. No cures had taken place up to the time of our departure, though some Jugo Slav officers had been sent back to their P.G. Camp on becoming negative.

There was no T.B. specialist until August 1943 and none of the ordinary Italian doctors appears to know anything about the disease. All these doctors were, outwardly, keen Fascists (until July 25th) with local practices which naturally absorbed most of their time so that they could generally only spare ½ hour or so for their P.G. patients.

Naturally, they were highly delighted at obtaining this employment on being "called up" and were very opposed (see Maj. Redgate's letter) at the thought that they might be out from their easy sinecures if British Doctors - of whom there were still an immense surplus available in ordinary camps - were brought in to look after their own sick. The behaviour of the ordinary guards and Italian orderlies was peculiarly defiant and disgraceful, owing to the mixed severity and weakness with which they were treated by their officers - particularly of the Aintante Majjiore (L Allevi) and the Director (T Colonello Sabatini) Discipline, even as understood in the Iti Army, was non-existent.

For this state of affairs I consider the following officers chiefly to blame, and I hope some effort will be made to bring these gentlemen to book on our occupation of N. Italy.

1. General de Brigade MESSINA. A thorough-going Fascist commander of the military sub area and a bad man. Disappeared soon after Mussolini's fall. The official story was that he had been sent to fight in Sicily - the unofficial one that, seeing the signs of the times, he got into mufti and gave himself indefinite leave. This officer was a very typical Fascist - a bully and a braggart. Nothing pleased him more than to know that somebody was afraid of him, and, as our Director Ten.Col.(M) Sabatini, was quite terrified of him, he naturally inspected the Hospital comparatively frequently. He bitterly opposed any suggestions for the improvement of the patients lot, but was full of restrictive devices to worry us, and make our lot even more irksome than it was. Suggestions about closing the shutters to prevent passage of air during the heat of a N. Italy summer, erecting extra barbed wire in windows looking out on to the exercise yard, and posting extra sentries in the middle of wards to keep patients awake at night he could always be relied on to produce on each of his visits. His office started by sending verbal refusals to all my written requests for improvements. These were communicated to me by the Director, in an obviously terrified condition.

When I refused to accept a verbal negative, and demanded the answers in writing, there was a great scene, and much shouting.

However, my requests were at last forwarded to superior authority and, subsequently, most of them were granted. (See attached correspondence ref Interpreter (sent in Aug.) British Doctor and Orderlies etc.).

His attitude throughout was "You miserable dogs of prisoners, I'll make you sit up". Not good for T.B. patients.

2. Tenente Colonello (Medico) SABATINI, Giaccomo. Director of the Hospital. A thoroughly weak and incompetent man, who had been a Fascist from very early days - to which fact he owed his position. He was terrified of losing this, and, as his medical record was pretty bad, even for an Italian doctor, he felt he had to try to keep everyone on his side by giving way to their opinions, irrespective of any question of right or wrong. His

opinions were, invariably, those of the person to whom he had last been talking. Being such a weak character, he had, naturally, considerable relief in bullying the prisoners under his charge. He was quite taken aback when British prisoners, who were only sent to the Hospital in May 1943, refused to be bullied in the same way as the Jugo Slavs, Russians and Greeks, and some most ludicrous scenes of frustrated temper followed my arrival in June. Although by himself this officer would probably have been a fairly kindly, though incompetent, director, yet he cannot get away from the accusation that it was his weakness, incompetence and timidity which was chiefly responsible for the very bad state of organisation administration and medical treatment in the hospital. As a result of these faults there was a most unnecessarily high death roll in this Hospital.

3. Tenente (Medico) ALLEVI, Vittorio. This man was the Anitante Majjiore or Staff Officer of the Hospital and was, undoubtedly, the real evil genius of the place. He is a local doctor and an intriguer to an unimaginable extent. He kept a finger in every pie and was completely unmoral in his every outlook. He connived at the stealing of articles of food and clothing from the P.W. store which was in his charge and himself shared in the proceeds of such robberies. He bitterly opposed every effort or suggestion for the amelioration of the lot of the patients, unless such suggestion came from himself. When such suggestion did, very rarely, come from himself, he attempted to make as much out of it as possible - as showing himself a very good fellow and devoted to our welfare.

The only such suggestion of his that ever bore fruit was detaining a hospital wardrobe from the Civil Hospital, to which our Military Hospital was joined, for officers to put their clothes in!

He opposed in every way the forwarding of letters to the Protecting Power, Red Cross or to his own superiors. Whenever the director was persuaded to grant any suggestion for ameliorating conditions, this officer would, sooner or later, talk him over and persuade him to reverse his decision - generally on the ground that it was bad for discipline. There is ample proof available amongst the Jugo Slav prisoners present while I was at the Hospital, of his dishonesty over the question of the contents of prisoners private parcels. In this matter he appeared to be in league with the senior Jugo Slav Officer, one Captain Brankovie, who was also a very bad officer in every way, and concerning whose conduct I had been requested by the other Jugo Slav Officers to forward a report to the Jugo Slav Government when I was repatriated.

4. Sotto Tenente (Bersaglieri) GERMI. This officer is really on rather a different plane from the three previously submitted. A strong Fascist, he was really only of N.C.O. rank, and behaved accordingly. He was in control of the guards and of security and police measures. Although often unnecessarily offensive to officers, and quite unable to control his guards, he was, for an Italian, reasonably honest, and was often quite pleasant when taking officers out for walks, shopping etc. The only reason I have included him in this list is that, after the signing of the Armistice, and the occupation of the town by the Germans (total force 1 Offr., 9 O.Rs., for a town of 25,000 with an Inf. Bn. in garrison!) he continued to serve on under them as gaoler and security officer, helping the Wehrmacht.

5. Finally, and with regret, I must report that the conduct of the Sisters of the religious order, to whom the whole hospital,

Military and Civil alike, belonged, was by no means above reproach. The food for both lots of patients was cooked under the direction of these women, and was served up to both hospitals under their control. As those of us who had been patients in Italian Hospitals under the control of the Church - i.e. the Morighi Hospital at Piachenza - well knew, T.B. patients on the Italian Army scale, which were supposed to get, and for which we paid extra in Hospital stoppages, got a surprisingly generous food scale. At Treviglio, as we often saw when going into the civil part of the Hospital for X-ray examination at a time when meals were being served there, the civilian patients had surprisingly good and dainty food - far above the scale one could expact in a country at war. We T.B. patients on the other hand, got nothing but left-over scraps, made up into the inevitable stew. The Sisters also did not hesitate to issue the kit of patients who had died - particularly the boots, to any Italian orderlies who wanted it. The sister in charge of the O.Rs. ward - an immensely stout and strong peasant woman with a marked moustache, was the leader in all this, and did not hesitate to state she thought of any Italian before any of her patients.

(Sgd) J.M. SAEGERT
Lt. Col., R.E.

PARTICULARS OF EVIDENCE IN SUPPORT

Report of Lieutenant Colonel J.M. Saegert, R.E. dated 12th June 1944 sent from the Military Hospital, Liverpool Road, Chester (copy attached hereto).

Major J.W. Redgate's letter to the P.P., copies of which are said to have been enclosed with the said report of Lieutenant Colonel Saegert. (Copy of this letter is not attached hereto as it is not yet to hand).

NOTES ON THE CASE **2146**

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

(A) With regard to responsibility, Major Saegert's report raises a strong prima facie responsibility against all the accused.

(B) As possible defences -

(i) The accused may of course challenge the facts.

(ii) If the facts are proved, the superiors may blame their inferiors on the ground that they were in closer touch with the actual conditions and the inferiors may say that they should be exonerated because their superiors gave orders that the conditions were to prevail, or in any case countenanced them.

(C) As to whether the case is complete, although Colonel Saegert's report presents a very serious picture it is general in its terms. Major Redgate's letter has not up to the present reached the writer hereof. It may contain details. Colonel Saegert will be asked for details; also Major Redgate; and in particular to give the names of any officers or men in charge at the hospital at Treviglio, or admitted as patients, who could be more specific in their charges.

The hospital records will identify all the accused. Dr. Allevi - described as the evil genius of the place - should be easily traceable for he is said to be the local Doctor.

Although further evidence is, as stated, desirable, there is already a good prima facie case.

MISSING

REGISTERED NOs.

53 TO 54

MISSING

REGISTERED NOs.

53 TO 54

788/UK/11/54

2147

1. CALCATERRA, Vittorio
2. Adjutant or 2nd in Command - possibly GUALTIERI,
3. Officer in charge of guards
4. Sentry

Submitted Decision of Committee I

2. 5. 45	1 & 2 ACQUITTED 3 & 4 C

788/UK/11/54

IN THE MATTER OF :-

The murder of K.W.S. ADAMS 29557 of the New Zealand Force at Camp P.G. 57 at Udine-Gruppignano on 8th July, 1943.

A F F I D A V I T.

I, ROBERT GEORGE McDOWALL, 26343, Major, New Zealand Expeditionary Force, a clergyman of the Presbyterian Church, with a present address of Freyburg Wing, Folkestone, Kent, and with a permanent address of 134, Remuera Road, Auckland, New Zealand, make oath and say as follows :-

1. On the 28th November 1941, I was taken prisoner at Sidi Rezegh. From there I was taken to Benghazi where I stayed one week; then to Camp No.66 at Bari in Italy where I stayed some three and a half months; then to Camp No.35 at Padula where I stayed some four to five weeks: then to a Camp at Veano where I stayed from the 5th May 1942 to the 13th November 1942: then to Camp No.57 at Udine-Gruppignano, where I stayed from the 13th November 1942 until the Armistice of the 8th September, 1943. At the time of the Armistice I was taken prisoner by the Germans and was taken to a Camp at Spittal.

2. During the time that I was at the said Camp at Udine-Gruppignano I remember the case of the shooting on 8th July, 1943, of K.W.S. Adams of the New Zealand Force. I knew Adams quite well; he was abnormally morbid, and oppressed by captivity. I and others kept an eye on him but his mind did not appear to be disturbed enough to warrant his being kept under guard. I cannot say if the doctors had seen him.

The accident occurred at about 5.30 in the morning. I did not see the accident. I did not hear the shots as Adams's quarters were some quarter of a mile from me. Prisoners of war came to me in my hut to rouse the doctor who was sleeping near me, and they wakened me and I went with the Doctor. The said Adams was dead when I got there. He had been shot in three places, one in each side and one in the head entering through the cheek. I was told by men who were quartered in Adams's hut (I cannot now remember their names, ranks or units) that they knew that Adams had gone out on the morning in question (they thought to the lavatory): that there were two shots: and they looked out through the window and saw that apparently neither of the said two shots had taken effect because Adams was climbing the wire. They said that they thought the two shots had been warning shots. They told me that they then saw Adams hit, the sentry firing at him from close quarters to kill.

SWORN at Folkestone in the County of Kent this 23rd day of July 1945) R.G. McDOWALL

Before me,

ARTHUR ATKINSON

A Commissioner for Oaths.

no article

IN THE MATTER OF :

The murder of R.W.S. Adams 29557
of the New Zealand Force at
Camp P.G.57 at Udine-
Gruppignano on 8th July 1945

A F F I D A V I T

- of -

Major R.G. McDOWALL

THE TREASURY SOLICITOR.

(*For the Use of the Secretariat*)

2150

Registered Number.	Date of receipt in Secretariat.
788/UK/K/54	26 APR 1945

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B 63 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	(1) Colonel CALCATERRA, Vittorio, (Carabinieri), Camp Commandant (2) Adjutant or Second in Command at Camp - possibly Captain GUALTIERI, Enrico, (Infantry), Adjutant (3) Officer in charge of Guards } Names, ranks and units (4) Sentry who fired shot } at present unknown.
Date and place of commission of alleged crime.	July 8th, 1943. Camp P.G.57 at Udine/Gruppignano
Number and description of crime in war crimes list. References to relevant provisions of national law.	No.i. - Murder No.xxix - Ill-treatment of prisoners of war. Breaches of Articles 2, 46 and 54 of the Geneva Convention, 1929 relative to the treatment of prisoners of war. Under English Law:- (1) Murder, subject to possibility of reduction to (2) Manslaughter.

SHORT STATEMENT OF FACTS.

Accused No.4 was a sentry on duty at Camp P.G.57 at Udine/Gruppignano, a Prisoners of War Camp in Italy, and on July 8th, 1943, killed by shooting K.W.S. Adams, No. 29,557 New Zealand Forces (rank and unit at present unknown), then a British Prisoner of War.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Gp.685
(26924) Wt.P.1817/P.1139 5,000 3/44 " "

PARTICULARS OF ALLEGED CRIME

At 5.30 a.m. on July 8th, 1943, at Camp P.G.57, Udine/ Gruppignano, Kenneth William Stewart ADAMS, No.29,557, New Zealand Forces, was seen trying repeatedly to climb over the wire enclosure, at the very point where the Accused No.4 was stationed.

Accused No.4 warned Adams more than once, but Adams continued his attempts.

Accused No.4 then discharged his gun, fatally wounding Adams, who was hit in the throat and arms. He died immediately.

Adams was dressed only in pyjamas and shoes.

(Continued from Page 4)

Completeness of Case. There is a strong prima facie case. Strengthened by the attitude of the Italian Foreign Office. But further enquiry is desirable, particularly as to the mental state of the victim. His fellow prisoners, if traced, may speak as to this, as may the Camp Records. There may have been an official enquiry into the incident. Camp Leaders who reported to the Protecting Power may yet be traced (Major Macdowall is unfortunately dead). Any actual eyewitness among the prisoners may establish the proximity of the sentry to the victim.

Enquiry is being made on these points, to confirm the identity of Accused No.2, and to establish the identity of Accused Nos. 3 and 4. But the Camp is still in German hands, and apart from repatriated, escaped or transferred prisoners little information is likely to be obtained until that area is liberated.

A1

Copy. (K.W. 16/29)

Camp No. 57 GRUPPIGNANO

Report by Protecting Power on visit August 24th 1943.

Camp Commander Colonel Calceterra, Camp Leaders
W.O. Beecroft
I. Sector Sgt. Major Wilson
II. " " " Smith

Section 19 Complaints (Extract)

Major MacDowell to whom we spoke without the presence of witnesses, submitted some facts which Sergeant Beecroft had also reported:

(1) Shooting of K. ADAMS, 29557

At 5.30 a.m. on July 8, 1943, Adams tried to climb repeatedly over the wire enclosure at the very place where the sentry stands. When, after being warned by the sentry, Adams again tried to climb over the fence, the sentry discharged his gun and fatally wounded Adams in the head and the left and right arm. McDowell believes that Adams attempted to escape in a fit of mental disorder as he wore only a pyjama and shoes.

(2) Shooting of Corp. E. SIMONS, VX 1982

Charge UK.I/B. 64.

The two inmates of the camp, Pte. J. KNIGHT, VX 33899, and Corp. K. McINNES, TX 643, were also heard on this case. They made the following statement:

Corp. E. SIMONS, VX 1982, was watching a game of cricket and holding a bottle in his hand when he called a carbineer from the other side of the field. When the carbineer approached him, he took the bottle, threw it away and ordered Simons into arrest. The latter jumped up from the ground but the two above mentioned witnesses took hold of him. At this moment the carbineer shot at Simons who died after twenty minutes.

A2

(K.W. 24/18).

Translation.

No. 30/18964/577.

MEMORANDUM

The Italian Ministry of Foreign Affairs have the honour to inform the Swiss Legation that the New Zealand prisoners of war Adams Kenneth William Stewart, son of Alexander and Matilda (nee Hance) Stewart, registered No. 29,557, born on March 31, 1912, at Morrinsville, bachelor, painter, resident at Box 1, Walton, Waikato, New Zealand, of Camp No. 57, was killed by a sentry on July 8 last during an attempt at escape.

It appears that the sentry fired after having established that the prisoner, in spite of the warnings given to him, failed to desist from his attempt to escape.

No responsibility can be attributed to the aforementioned sentry, who acted in obedience to orders received.

Rome,

August 27, 1943.

A3

Copy.

(K.W. 24/18)

B. 52 Gbr. (18) 23/36 STEWART. RO/cw.

Le Departement Politique fédéral, Division des Intérêts étrangers, a l'honneur de faire tenir sous ce pli à la legation de Sa Majeste Britannique copie d'une note verbale No. 30/18964/57 établie le 27 août 1943 par le Ministère italien des Affaires étrangères, concernant la mort violente du prisonnier de guerre néo-zélan dais ADAMS Kenneth William Stewart surcenue au cours d'une tentative d'evasion.

Le Légation de Suisse à Rome en transmettant ce document précise que d'apres les renseignements qu'a pu obtenir tres récomment un de ses représentants du Chapelain Mac Dowell interné au camp No.57, le prisonnier de guerre Adams Stewart, le 8 juillet 1943 a 5.30 h.du matin, chercha à franchir les fils de fer barbelés quibordant le campet fut sommé par la sentinelle de reculer. Malgré cette sommation le prisonnier continua dans sa tentative d'évasions et fut atteint par un coup de feu qui le blesses a la gorge et aux deux bras; il mourut immédiatement. Lors de cet incident, le prisonnier de guerre Adams Stewart etait vetu d'un pyjama seulementet le Major Mac Dowell suppose que cet interne a agi dans un moment de desiquilibre mental.

Berne, le 8 Septembre 1943

Annexe: 1 note verbale.

A4 B

2155

Copy

(K.W. 24/18)

No. 7216

XXI/437/43

His Majesty's Minister at Berne presents his compliments to His Majesty's Principal Secretary of State for Foreign Affairs and has the honour to transmit to him the under-mentioned documents.

British Legation,
Berne.

10th September, 1943.

Reference to previous correspondence:

Berne telegram 4297 of 10.9.43.

Description of Enclosure

Name and Date	Subject
From: F.P.D. Date: 8th September, 1943.	British Interests: Violent death of prisoner of war K.W.S. Adams, while attempting to escape from Camp 57 in Italy.

PARTICULARS OF EVIDENCE IN SUPPORT

1. REPORT - Reference K.W. 16/29, Camp No.57 Gruppignano

Report by the Protecting Power on visit to the Camp on August 24th, 1943, when Major Macdowall (since then the victim in Charge UK - I/B 60) reported the facts set out in the Particulars of Alleged Crime. He was supported by Sergeant Beecroft, a Camp Leader (Number and unit at present unknown). MacDowall supposed that Adams attempted to escape in a fit of mental disorder, in view of his clothing and the place of the attempt.

2. MEMORANDUM - (Translation) - Reference K.W. 24/18, No.30/ 18964/577.

Memorandum of Italian Ministry of Foreign Affairs on incident. This states that Accused No.4 fired after establishing that Adams, in spite of the warning given to him, failed to desist from his attempts to escape; and that no responsibility can be attributed to Accused No.4, who acted in obedience to orders received.

3. MEMORANDUM - Reference K.W. 24/18. B. 52 Gbr. (18) 23/36 STEWART, RC/cw.

Memorandum from the Protecting Power, who had taken up the incident as a result of No.1 above. This repeats the facts stated in No.1.

4. MEMORANDUM - Reference K.W. 24/18 No. 7216. XXI/437/43.

Memorandum from His Majesty's Minister at Berne, transmitting copies of the above three documents to His Majesty's Secretary of State for Foreign Affairs.

Copies of these four documents attached.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

If the facts alleged are established, the shooting of Adams constitutes War Crime No.(i), Murder, or alternatively No.(xxix), Ill-treatment of a Prisoner of War.

Article 2 of the Geneva Convention, 1929, enacts that prisoners of war should be humanely treated and protected, and that measures of reprisal against them are forbidden. Article 46 prohibits (inter alia) all forms of cruelty whatsoever. Article 54 enacts that imprisonment is the most severe punishment which may be inflicted on a prisoner of war.

Responsibility. As regards responsibility, that of Accused No.4 would be direct, and as regards Accused Nos. 1, 2 and 3, they would be prima facie responsible for the conduct of the Camp, and the rules prevailing there, and the enforcement thereof. Compare also Charge UK - I/B 14, General Charge against this Camp. Commission's reference: 157/UK/It/14.

It appears from the Memorandum from the Italian Ministry of Foreign Affairs that the rule in the Camp was that a sentry was to shoot (and presumably to kill) if a prisoner of war attempted to escape, or at least after he had been challenged and had not desisted. This cannot be justified, as no more force than is reasonably necessary to prevent escape is permissible. Adams was still within the wire of the Camp, and it was quite unnecessary to fire at all. Accused No.4 could have advanced upon him with his bayonet, summoned assistance, or, if persuaded that Adams was getting clear, fired low to bring him down.

The Germans have accepted the principle - see German Memorandum R.20,646 dated August 24th, 1942 referred to in Charge UK - G/B 1: Commission's Reference, 32/UK/G/1. The Memorandum says "the firing of a shot represents the last means of violence, which may not be used until there is actually no longer any other way out". The implication recognises the distinction in English Law between Justifiable Homicide and Murder, or Manslaughter, should circumstances justify a finding of the lesser charge.

Defences. As regards probable defences, the facts will not be in dispute, so it appears, to the extent that at the time stated repeated attempts were made to climb the wire; a challenge or challenges were made by the sentry; ignored by the victim; and the latter was then shot by the sentry at what must have been very short range: in view of the nature of the wounds.

The obvious defence of Accused No.4 is that he acted in strict obedience to the orders of his superiors (see Memorandum from Italian Foreign Office). Nevertheless, there is no excuse for shooting to kill at such short range - he could have prevented escape by shooting low, if shooting was necessary at all. Moreover, discretion is necessary - the victim's actions, methods and clothing should have suggested mental disorder to a man of normal intelligence, e.g. proximity to sentry's station.

Accused Nos.1, 2 and 3 are all likely to claim that the action of Accused No.4 was justifiable under the circumstances, and that he had direct orders so to act on such circumstances arising. This will raise a clear issue whether or not the sentry in so acting was only doing what was justifiable.

(Continued on Page 2).

789/UK/IC/55

2158

1. CALCATERRA Vittorio, Colonel
2. Adjutant or 2nd in Command at Camp,
3. Officer in charge of Guard. possibly GUALTIERI
4. Guard (Carabinieri)

Submitted Decision of Committee I

2.5.45	1 + 2 A CARDS CHECKED
	3+4 C B
8 1 OCT 19[illegible]	Marianello A CARDS CHECKED

789/UK/IC/55

Our Ref. UK - I/B 64.
U.N.W.C.C. Ref. 789/UK/It/55.

ADDENDUM

IN THE MATTER OF :-

The murder of Corporal Edward Simons at Camp P.G.57 at Udine/Gouppignano on 20th May 1943.

FURTHER PARTICULARS OF EVIDENCE IN SUPPORT

5. Affidavit of Major R.G. McDowall, sworn 23rd July 1945.

FURTHER NOTE ON CASE

The Affidavit of Major McDowall identifies the Accused No.4 as - MARIANELLO.

It is submitted that the classification of the Accused No.4 be varied to "A".

IN THE MATTER OF :-

The murder of Corporal Edward Simons WX.1982 Australian Unit at present unknown, by a Carabinieri at Camp P.G.57 at Udine-Gruppignano on 20th May, 1943.

A F F I D A V I T

I, ROBERT GEORGE McDOWALL, 26343, Major, New Zealand Expeditionary Force, a clergyman of the Presbyterian Church, with a present address of Freyburg Wing, Folkestone, Kent, and with a permanent address of 134 Remuera Road, Auckland, New Zealand, make oath and say as follows :-

1. On the 28th November 1941 I was taken prisoner at Sidi Rezegh. From there I was taken to Benghazi where I stayed one week: then to Camp No.66 at Bari in Italy where I stayed some three and a half months: then to Camp No.35 at Padula where I stayed some four to five weeks: then to a Camp at Veano where I stayed from the 5th May 1942 to the 13th November 1942: then to Camp No.57 at Udine-Gruppignano where I stayed from the 13th November 1942 until the Armistice of the 8th September 1943. At the time of the Armistice I was taken prisoner by the Germans and was taken to a Camp at Spittal.

2. During my stay at the said Camp at Udine-Gruppignano I remember the case of the murder of Corporal Edward Simons by shooting by a carabinieri at the said Camp on the 20th May 1943. I did not see the said shooting but I saw the said Simons directly after he had been hit. He had been hit near the heart by an explosive bullet and he was dying rapidly. Captain Levings of the Australian Medical Corps attended him. I heard what happened from many of the men who were present at the time, and all their stories tallied. A cricket match was in progress at which at least 200 prisoners of war were looking on. A Carabinieri named Marianello walked through the centre of the cricket pitch - a needless and offensive thing to do; it held up the game. The said Simons, who was one of the spectators, had had a birthday party and had had sufficient beer to make him somewhat talkative and silly. He had a bottle in his hand. He shouted to Marianello "Get off the pitch you bastard". The said Marianello came straight back, seized the said bottle of beer, threw it on the ground, and told Simons to come with him to gaol. Simons in a half drunken way said "You are not going to get me". Two of his friends took him by one arm each and told the sentry that they would bring him to gaol. One of the said friends, so I was told, was Sgt. Noble, who was an Australian. I believe his initials were "M.A.". The said Marianello made no reply but lifted his rifle and shot Simons dead. All my informants were quite clear that the said Simons did not use any more aggressive language than what has already been stated, nor did he adopt any aggressive attitude. They insisted that his friends were taking him off knowing that he was half drunk.

SWORN at Folkestone in the County of Kent this 23rd day of July 1945.) R.G. McDOWALL

Before me,
ARTHUR ATKINSON
A Commissioner for Oaths.

IN THE MATTER OF :

The murder of Corporal Edward Simons WX 1982 Australian Unit at present unknown, by a Carabinieri at Camp P.G.75 at Udine/Gruppignano on 20th May 1943

A F F I D A V I T

- of -

Major R.G. McDOWALL

THE TREASURY SOLICITOR.

(*For the Use of the Secretariat*)

2162

Registered Number.	Date of receipt in Secretariat.
789/UK/3c/55	26 APR 1945

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B 34 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	(1) Colonel CALCATERRA, Vittorio (Carabinieri) Camp Commandant (2) Adjutant of Second in Command at Camp (possibly Captain GUALTIERI, Enrico, (Infantry) Adjutant). (3) Officer in charge of Guard (4) Guard (Carabinieri) who fired shot } Names, ranks and units at present unknown
Date and place of commission of alleged crime.	May 20th, 1943. Camp P.G.57 at Udine Gruppignano
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. i - Murder No.xxix - Ill-treatment of prisoners of war Breaches of Articles 2, 46 and 54 of the Geneva Convention 1929 Under English Law:- (1) Murder, subject to possibility of reduction to (2) Manslaughter.

SHORT STATEMENT OF FACTS.

Accused No.4 was a guard on duty at Camp P.G.57 at Udine/Gruppignano, a Prisoners of War Camp in Italy, and on May 20th 1943, killed by shooting Cpl. Edward SIMONS, No. WX.1982 Australian Forces, (Unit at present unknown), then a British prisoner of war.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26852) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Cp.685
(26924) Wt.P.1817/P.1139 5,000 3/44 ,, ,,

PARTICULARS OF ALLEGED CRIME **2163**

1. In the afternoon or evening of May 20th 1943, at Camp P.G.57, Udine/Gruppignano, Corporal Edward Simons, No.WX.1982 Australian Forces (unit at present unknown) was in company with other prisoners watching a game of cricket. He had a bottle in his hand.

2. According to his companions, he called Accused No.4 from the other side of the field; Accused No.4 approached Simons, took the bottle and threw it away, and ordered Simons into arrest. Simons jumped up from the ground, but two companions, Knight and McInnes, took hold of him. At that moment Accused No.4 shot Simons, who died after 20 minutes.

3. According to the Italian Foreign Office, Simons hurled the bottle at Accused No.4, who had reproved him for irregular conduct. The bottle missed, and Simons then threw himself on Accused No.4, who fired a rifle shot and killed him.

(Continued from Page 4)

Enquiry is being made, to confirm the identity of Accused No.2, to establish the identity of Accused Nos. 3 and 4, and to trace any prisoners who saw the incident. But the Camp is still in German hands, and apart from repatriated, escaped or transferred prisoners, little information is likely to be obtained until that area is liberated.

A1

Copy. (K.W. 16/29)

Camp No. 57 GRUPPIGNANO

Report by Protecting Power on visit August 24th 1943.

Camp Commander Colonel Calceterra, Camp Leaders
W.O. Beecroft
I. Sector Sgt. Major Wilson
II. " " " Smith

Section 10 Complaints (Extract)

Major MacDowell to whom we spoke without the presence of witnesses, submitted some facts which Sergeant Beecroft had also reported:

(1) Shooting of K. ADAMS, 29557

At 5.30 a.m. on July 8, 1943, Adams tried to climb repeatedly over the wire enclosure at the very place where the sentry stands. When, after being warned by the sentry, Adams again tried to climb over the fence, the sentry discharged his gun and fatally wounded Adams in the head and the left and right arm. McDowell believes that Adams attempted to escape in a fit of mental disorder as he wore only a pyjama and shoes.

(2) Shooting of Corp. E. DIMONS, VX 1982

Charge UK.I/B. 63.

The two inmates of the camp, Pte. J. KNIGHT, VX 33899, and Corp. K. McINNES, TX 643, were also heard on this case. They made the following statement:

Corp. E. SIMONS, VX 1982, was watching a game of cricket and holding a bottle in his hand when he called a carbineer from the other side of the field. When the carbineer approached him, he took the bottle, threw it away and ordered Simons into arrest. The latter jumped up from the ground but the two above mentioned witnesses took hold of him. At this moment the carbineer shot at Simons who died after twenty minutes.

B2

Translation.

No. 30/14047/394.

MEMORANDUM

The Italian Ministry of Foreign Affairs have the honour to inform the Swiss Legation, for favour of communication to the British Government, that on the evening of 20th May last the Australian prisoner of war Corporal Edward Simons, son of Fred Simons and Elenor Mudswood, registration No.WX 1982 born on 1st May, 1902, at Melbourne, and interned in Camp No. 57, hurled a bottle at a carabineer who had reproved him for irregular conduct.

As the bottle did not hit its mark, the prisoner of war E. Simons threw himself at the Carabineer and attempted to disarm him. The latter then fired a rifle shot and killed Simons. Further particulars will be communicated as soon as possible.

Rome.
22nd July, 1943.

COPIE

(K.W. 24/18)

B. 24. Aus. (18)3-Simons-RC/Os.

Le Département Politique fédéral, Division des Intérêts étrangers, a l'honneur de faire tenir sous ce pli à la Legation de Sa Majeste Britannique copie de la note verbale No. 30/14047/394 etablie le 22 juin 1943 par le Ministere italien des Affaires étrangères.

Ainsi que le Légation de Sa Majesté pourra le constater, ce document donne des précisions sur les circonstances entourant la mort du prisonnier de guerre Edward Simons.

Berne, le 2 juillet 1943.

Annexe: copies de note verbale (2)

A la Légation de Sa Majesté Britannique

Berne.

B4.

2167

(K.W. 24/18)

No. 5108

XXI/276/43.

His Majesty's Minister at Berne presents his compliments to His Majesty's Principal Secretary of State for Foreign Affairs and has the honour to transmit to him the undermentioned documents.

British Legation

Berne 3rd July, 1943

Reference to previous correspondence:

Berne telegram 3214 of 3.7.43

Description of Enclosure

Name and Date	Subject
From: F.P.D. Date: 2nd July, 1943	British Interests: Circumstances of death of Corporal Edward Simons at Camp No.56, ITALY

PARTICULARS OF EVIDENCE IN SUPPORT

1. REPORT - Reference K.W. 16/29. Camp No. 57 Gruppignano

Report of Protecting Power on visit to Camp on August 24th 1943, when Major MacDowall (since the victim in Charge UK - I/B 60) reported the facts stated in paragraphs 1 and 2 of the Particulars of Alleged Crime above, and was supported by Sergeant Beecroft, a Camp Leader (Number and unit at present unknown). These were supported by two prisoners, Private J. Knight, VX 33899, and Cpl. K. McInnes, TX.643 (Units at present unknown).

2. MEMORANDUM - Reference 30/14047/394.

Memorandum (Translation) of Italian Ministry of Foreign Affairs reporting the facts set out in paragraph 3 of the Particulars of Alleged Crime above, and that further particulars would be communicated as soon as possible. No such particulars have been received.

3. MEMORANDUM - Reference K.W. 24/18 - B.24.Aus.(18 3 - Simons - RC/Os.

Memorandum from the Protecting Power, who had taken up the incident as a result of No.1 above, and enclosing No.2 above.

4. MEMORANDUM - Reference K.W. 24/18 - No. 5108 - XXI/276/43.

Memorandum from His Majesty's Minister at Berne to His Majesty's Secretary of State for Foreign Affairs enclosing copies of above documents.

Copies of these documents attached.

NOTES ON THE CASE

2169

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

If the facts alleged are established, the shooting of Simons constitutes War Crime No.i, Murder, or alternatively No. xxix, Ill-treatment of a prisoner of war.

Article 2 of the Geneva Convention, 1929, enacts that prisoners of war should be humanely treated and protected, and that measures of reprisal against them are forbidden. Article 46 prohibits (inter alia) all forms of cruelty whatsoever. Article 54 enacts that imprisonment is the most severe punishment which may be inflicted on a prisoner of war.

Responsibility. The responsibility of Accused No.4 would be direct, and Accused Nos. 1, 2 and 3 would be prima facie responsible for the conduct of the Camp, the rules prevailing there and the enforcement thereof.

It appears from the Memorandum of the Italian Foreign Office that the rule in the Camp was for a guard to shoot (and presumably to kill) on the threat of violence. This cannot be justified as no more force than is reasonably necessary should be used, and, even on the facts alleged by the Italian Foreign Office, Accused No.4 could have fired to bring Simons down and not to kill. On the facts alleged by Simon's companions there is less justification still as they were holding him.

For German view which supports the foregoing submission, see UK - G/B 1, Commission's Reference 32/UK/G/1, quoted in the last case (UK - I/B 63), under heading "Notes on the Case, Responsibility, third (un-numbered) paragraph.

Defences. Accused No.4 will doubtless plead self-defence, and that he suffered provocation. Simons does appear to have been unruly, and may have been drunk.

Accused Nos.1, 2 and 3 will doubtless plead that if the action of Accused No.4 was justifiable, no blame can be placed on them; and if it was unjustifiable, it was in excess of his orders, and they were not responsible. But the facts of Charge UK - I/B 63 (Adams) may lend weight to the belief that shooting to kill was a rule of the Camp. But discretion should even so be exercised, and an attack by an unarmed man would not justify killing.

Completeness of Case. There is a strong prima facie case on the documents set out in the Particulars of Evidence, and the fact of the shooting is admitted. But there is a definite conflict of evidence as to the circumstances, and the order of the events, and further evidence is required to rebut the probable plea of self-defence. It will be important to find out the exact facts and their order, and whether Accused No.4 was so put in bodily fear as to be justified in shooting.

The two fellow prisoners, if they can be traced, and any other eye-witnesses may be able to speak on these points. MacDowall is unfortunately dead. There may have been an official enquiry, and the camp records may throw further light.

(Continued on Page 2).

961/UK/JE/56

2170

1. SOMMAVILLA
2. Adjutant or Second in Command
3. Officer i/c of guard
4. Guard or sentry

Submitted Decision of Committee I

4.7.45	1+2 A
	3+4 C B
31 OCT	Addendum 1-4 A

961/UK/JE/56

Our Reference:- UK - I/E 59.
U.N.W.C.C. Ref: 961/UK/It/56.

ADDENDUM

IN THE MATTER OF :-

The murder of Sapper GROGAN at Camp No.75 at Bari on the 16th July 1942.

ADDITIONAL PARTICULARS OF EVIDENCE IN SUPPORT.

6. Affidavit of Cpl. E.H. Cuthbertson, sworn 1st August 1945.

7. Report (Translation) Ref. 3766, dated 16th July 1942

Copies of these documents are attached.

ADDITIONAL NOTES ON THE CASE.

The Affidavit of Cpl. Cuthbertson confirms that Grogan was ill, and that he had no footwear or kit with him when shot.

The report of the Italian Camp Commandant OROFALO (elsewhere also referred to as OROFOLO) shows clearly:

(1) There was an Order by the previous Commandant, ARMELLINI, which anticipates the use of firearms by sentries on occasions other than attempted escapes.

(2) The victim ran towards the centre of the Camp - it was, at the time of the shot, impossible to maintain that Grogan was attempting escape, and that there was no means other than shooting to bring him down.

(3) The sentry is now identified as Filippo CASULLO, and had orders to fire which are backed by SOMMAVILLA, his Officer.

(4) The statements of BUCK and GRANT confirm the victim's illness.

It is submitted that the List of Accused in this Charge should be amended to read :-

1. Lt. Col. OROFALO or OROFOLO, Camp Commandant.

2. Major ARMELLINI, Camp Commandant prior to Accused No.1.

3. Captain SOMMAVILLA, Officer of the Guard.

4. Private Filippo CASULLO, Guard who fired the shot.

It will also be noted that the incident occurred on the night of 15th/16th July 1942.

Armellini is included as the author of the harsh order permitting shooting.

It is submitted all the Accused might be classified "A".

IN THE MATTER OF :

The murder of Sapper Grogan at Camp No. 75 at Bari on the 17th July 1942

A F F I D A V I T

I, EDWARD HAROLD CUTHBERTSON, (Official Number 2060122), Corporal, No. 7 Training Battalion, R.E. now at "D" Company, No. 7 Training Battalion, R.E., Kitchener Barracks, Chatham, Kent, and with a permanent address at Coppins Cottage, Heath Road, Bradfield, nr. Manningtree, Essex, make Oath and say as follows :-

1. On the 22nd June 1942 I was taken prisoner of war at Tobruk, Libya. From there I was sent to Camps at Derna and Benghazi in North Africa, and then was shipped to Italy to Camp No.75 at Bari where I stayed for about 10 days: and then was sent on to Camp No. 54 at Fara in Sabina where I stayed from about the end of July 1942 until the 11th September 1943.

2. I remember well the case of the murder of Sapper Grogan on the 17th July 1942. The said Grogan was an intimate friend of mine; we had travelled all the way together since being taken prisoners; he slept next to me in our tent. On that night all our tent went next door to a sing-song, but the said Grogan said he was ill and would stay in his bed. When we got back about 10 p.m. he was not there. The rest of us laid down and went to sleep. I heard some commotion in the night but took no notice. In the morning we awoke and found that the said Grogan was still absent but his boots and socks and other kit were still there so he must have gone out in his desert gear (which was all we had) and nothing on his feet. He probably went out for some fresh air. There was a rule against going out of tents after lights out except down one path to the latrines. The said Grogan was not found (I believe) on that path. I heard this from men in their tents just by where the said Grogan was shot who ran out of their tents to see what had happened when they heard the shot fired. They told me they heard the challenge by the sentry and where the said Grogan was found.

SWORN at Rochester in the County of Kent the 1st day of August 1945) E.H. CUTHBERTSON.

Before me,

NOEL BOUCHER.
A Commissioner for Oaths.

TRANSLATION APPENDIX "A"

From: HQ 75 Disinfestation and Rft Camp REF: 3766
To: BARI Military Area HQ. Date: 16/7/42 (XX)

SUBJECT: DEATH OF POW. PTE. GROGAN PATRICK

Pte CASULLO Filipo di Giuseppe, class 1909, was, from 2300 hours to 0100 hours today, carrying out guard duties on a stack of 60 qtls of hay which had been drawn for the bedding of 1994 POWs who had just arrived at the camp, with instructions to prevent POWs approaching the stack in order to take some of it away to implement that already issued for bedding, and to prevent any likelihood of fire which said POWs might cause.

A few minutes before 0100 hours today, the sentry heard sounds in the immediate vicinity of the stack and saw a human shadow projecting beyond the shadow of the stack.

On being challenged, "Who goes there", the POW, whose figure was now clearly visible in view of the proximity of one of the Camp lights, instead of halting, ran away with the intention of hiding himself among the tents of the encampment.

The sentry, seeing that his cry of "Halt" was in vain, fired a shot from his rifle which struck the said prisoner in the cardiac refion causing practically instantaneous death.

The presence of the prisoner in the place in which the incident occurred, was unjustified, as he was about 200 metres away from his tent, in contravention of orders which forbid POWs to circulate in the Camp at night. Nor is it admissible that the POW may have been going to look for latrines or water, since these are situated in the area of the tent which the POW occupied, while no such conveniences, or any others, are installed in the area in which the incident occurred.

It is difficult to guess at the prisoner's intentions; it is certain that his bearing and presence at that time and at that place gave rise to grave suspicion on the part of the sentry.

The guard commander and Orderly Serjeant proceeded to the spot immediately and promptly notified the Picquet Officer and the Camp Medical Officer; the latter verified that the prisoner was dead and arranged for the transport of the corpse to the nearest Guard Room.

Another examination to verify the death of the prisoner was made by an English Medical Officer, Major LL Alexander.

In view of the above I consider that no blame can be attached to the sentry who scrupulously carried out his duty, since his instructions were to allow nobody to approach the straw and in the case of a refusal to comply with his command of "Halt", to resort to the use of his arms against anybody attempting to get away.

We enclose the report of the Guard Unit Commander, the statements of the sentry and of two companions in the tent of the deceased who were unable to supply any relevant information to the incident.

(Sgd) OROFALO, Lt. Col.
Camp Commandant.

TRANSLATION APPENDIX"B".

Date: 16/7/42 (XX)

TO: HQ. 75 POW CAMP

Subject: DEATH OF POW. GROGAN, PATRICK.

At about 0100 hours on 16th July, Pte CASULLO Filippo, whilst on guard duty on a straw dump at the entrance of the POW tent area saw a figure emerge from behind the straw stack and proceed towards him.

Instead of stopping upon the commands "Who goes there" and "Halt" the prisoner ran away towards the centre of the tent area.

The sentry, seeing that his challenge of "Halt" was in vain, fired a shot from his rifle, hitting the POW, who took a few steps and fell towards the entrance of an empty tent.

The Picquet Officer, the Orderly Serjeant, the Post Commander, and the Camp Medical Officers, proceeded to the spot and verified the immediate death of the POW.

The English Catholic Chaplain, G.W. FORSTER, and the English Medical Officer, Major L.L. ALEXANDER also made an examination.

The sentry obeyed his orders; the presence of the POW at that time was unjustified in that he was away from the area of his platoon's tents, and it cannot be supposed that he was looking for a latrine since one is situated in front of his tent, no latrines are situated in the place at which he was wounded.

(Sgd) SOMMAVILLA, Capt.

C. DANIN, Cpl.

TRANSLATION APPENDIX "C"

STATEMENT.

I, the undermentioned, state: at about 0100 hours on the 16th July I was on sentry duty on some straw at the entrance to the POW tent area when I saw a POW emerge from behind the straw stack.

I promptly gave the challenge "Who goes there" and "Halt", but instead of stopping he started running towards the tents.

I fired a shot from my rifle which hit him and after four or five steps he fell to the ground.

C. DANIN, Cpl. (Sgd) CASULLO FILIPPO, Pte.

APPENDIX "D".

Name: SAPPER GROGAN, J.D. 1877087.

STATEMENT BY LANCE CORPORAL BUCK, S.G. 1892679.

I am the man who slept next to Sapper GROGAN, JD.1877087. On Wednesday the 15 July I noticed Sapper GROGAN was unwell and he complained of headache and periods of vomitting. He was unable to eat his evening meal, and also that he was in bed before dark, approximately at 2000 hours.

During the night I awoke to go to the latrine and noticed Sapper GROGAN was missing from his bed. On returning after 5 minutes I noticed that he had not returned, when I awoke next morning Sapper GROGAN was still away. On the parade for coffee issue we were asked by the DCN 3 group if we knew Sapper GROGAN. I said "Yes" and was told to pack his kit. I collected the following: 1 blanket, 1 towel, 1 pair boots, 1 water bottle and 1 mess tin. This was taken to the Italian officer making the inquiry. It was then handed to the guard at the gate.

(Sgd) S.G. BINL, L/Cpl. RE. 1892678

APPENDIX "E".

STATEMENT by SCIT. GRANT 2070901.

I am the NCO i/c of the tent in which SPR GROGAN 1877087 was billetted.

During the course of the day - Wednesday 15th July.

I noticed Spr. GROGAN was sick, and he expressed the wish to me that he would report sick the following morning.

When I returned to the tent at dusk I noticed SPR GROGAN was asleep in his bed. During the night I awoke and heard a considerable amount of shooting in the camp area. I distinctly heard the following shouts, "Let's hane tivo (?) men here at once and hurry up for christ's sake". After this shooting there was silence.

In the morning on the coffee issue I heard the SPR.GROGAN had been shot during the night.

cgl. (Sgd) R.A. GRANT

TRANSLATION APPENDIX "F".

HQ, 75 Dist. and Rft Camp.

STANDING ORDERS

RESTRICTED AREA.

A strand of barbed wire is suspended about a metre and a half from the perimeter wire, on the inside of the camp. This marks the restricted area and prisoners must not approach the perimeter wire beyond this point.

The prisoners must not leave the billeting area for any reason during the night.

Windows may be left open if the lights inside the huts are turned out.

If the lights are on inside the huts windows and doors must be kept closed and blackout curtains on the windows must be closed.

These orders must be strictly complied with by the prisoners in order that regrettable incidents may be avoided by not compelling the sentries to resort to the use of arms.

The senior prisoner of each hut will explain these orders to the others and see that they are observed.

He will be held responsible for any infringements.

20 June 1942 (XX)

(Sgd) ARMELLINI, Major
Camp Commandant.

O. DANIN Cpl.

(*For the Use of the Secretariat*)

2177

Registered Number.	Date of receipt in Secretariat.
961/UK/15/56	30 JUN 1945

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK-I/B 59 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	(1) Captain Sommavilla, Camp Commandant (2) Adjutant or second in Command at Camp (3) Officer in charge of the guard on the night of 16th/17th July 1942 (4) The guard or sentry who fired the shot) Names, ranks, and units at present unknown.
Date and place of commission of alleged crime.	About 17th July 1942 at Camp P.G.75, Bari.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No.i - Murder No.xxix - Ill-treatment of Prisoners of War. Breaches of Articles 2, 46 and 54 of the Geneva Convention 1929 relative to the treatment of Prisoners of War. Under English law :- (1) Murder; subject to possibility of reduction to (2) Manslaughter.

SHORT STATEMENT OF FACTS.

Accused No.4 was a guard or sentry on duty at Camp P.G.75 at Bari, a Prisoner of War Camp in Italy, and on or about the night of 16th/17th July 1942 killed by shooting No.1877087 Sapper Patrick Grogan, 296 A Field Coy. R.E., then a British prisoner of war.

TRANSMITTED BY

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Gp.685
(26924) Wt.P.1817/P.1139 5,000 3/44 " "

PARTICULARS OF ALLEGED CRIME

At about 1 o'clock in the morning Sapper Grogan, who had but recently arrived at the Camp, and who is believed to have been suffering from dysentery, left his tent to go to the latrines. Being unfamiliar with the lay-out of the camp, he apparently lost his way and was wandering near the perimeter of the camp when he was shot, at or near the gate of the camp, by Accused No.4. He was shot through the heart and died almost instantly. It is not yet ascertained whether Accused No.4 challenged Grogan before the shot was fired; but there is a suggestion that a challenge was given in Italian and that Grogan, not understanding Italian, turned back to return to his tent when he was shot in the back.

Enc. 13 to 0103/4360 P.W.2.

K.W.24/18 from F.O. 14 Dec. 42
Copy Note from Berne dated 16th Oct.42
Despatch No. 4832

TRANSLATION

No. 31/2448/488

MEMORANDUM

The Italian Ministry of Foreign Affairs have the honour to communicate the following to the Swiss Legation :-

"On the night of July 16, last, towards one o'clock, in Camp No.75, the prisoner of war Patrick GROGAN, number 1877087 born in Yorkshire on October 12, 1917, was mortally wounded in the cardiac region by a shot from a rifle fired by a sentry. His death took place almost at once.

From enquiries undertaken it has transpired:

(a) that the presence of the prisoner of war in question in the place where the incident occurred and at that hour, could only have been with criminal intent, in view of the presence of a large quantity of straw and considering that the same prisoner of war, on being summoned to stop, took to precipitous flight.

(b) that the prisoner of war had contravened the regulations in force, of which he was perfectly aware, regarding circulation in the camp at night

(c) that no blame can be attached to the sentry, who acted in obedience to a definite order".

It is requested that the above may kindly be brought to the knowledge of the British Government.

Rome
October 3, 1942.

To the Swiss Legation,
Rome.

CSDIC/SKP/736
No.13 to 0103/4360 (P.W.2)

SECRET.

P.W.2.

Ref. CSDIC/SKP/736.

The following is an extract from the above report by 2060122 Spr. CUTHBERTSON, Edward Harold, 296 Army Field Coy., R.E. att. 150 Army Corps.

"CASES OF SHOOTING of P/W.

Spr. GROGAN 296 A Fd. Coy. R.E. was shot and killed by an Italian sentry in P.G.75, BARI about 17 July 42. Source did not witness the incident, but heard that Grogan, who was very ill, took a walk at night, was challenged at the gate by the sentry, and that, not understanding Italian, he turned back to return to his tent, when he was shot in the back".

* * *

(Signed) A.C. ALLAN 3/O W.R.N.S.
for Lieut. Colonel, G.S.

M.I.9.
Ext. 1295/7

5 June 1944.

Copy on Enc. 78 to 0103/4360.

IN THE MATTER OF:

The shooting of a British Prisoner of War by an Italian sentry at Camp No.75 (Bari) in July 1942 in breach of the Geneva Convention, 1929

British National Office Charge UK-I/B. 59

A F F I D A V I T

I, RODNEY CHARLES WHEELER HILL 108891 Lieutenant, Royal Artillery Composite Survey Battery, School of Artillery, Larkhill Salisbury with home address at 298 Coulsdon Road, Old Coulsdon Surrey, make Oath and say as follows :-

1. On 21 June 1942 when serving with the 4th Survey Regiment Royal Artillery, I was captured at Tobruk and reached Italy by air on I believe 1 July 1942.

2. I arrived at P.G. 75 at Bari on 2 July 1942 and was there until about 3 August 1942.

3. While at Bari I remember that the Senior British Officer, Lieut. Colonel de Burgh, announced to the whole of the officers' camp that he had seen the Italian Commandant about the shooting of a British other rank. The Commandant had expressed his regret at the incident. This was some time in July, possibly about the second week.

4. A captain in the Royal Army Service Corps, Captain MacConnell Wood, from Newcastle, and who afterwards became the Welfare Officer at Chieti at the camp hospital, attended the funeral of the other rank. I believe that it was he who told me the story which I afterwards confirmed with the batman of our room.

5. The story was that the other rank had arrived with other prisoners of war on the previous night and had been placed in tents in the orchard. During the night that man had got up to go to the latrines, but being new to the place had lost his way in the dark. He must have found himself on the perimeter. The Italian sentry then shot him. It is doubtful whether he was challenged, but if he was he must have been shot almost immediately after challenge.

6. It is said that the doctor in the next hut to mine, I believe a S.A., rushed out but when he reached the other rank he was already dead.

7. The funeral of the other rank took place at Bari and his grave should be traceable. About twelve Royal Army Service Corps other ranks also attended the funeral.

SWORN at 6 Spring Gardens)
in the City of Westminster) R. HILL.
this 11th day of April 1945) Lt. R.A.

Before me,

Major, Legal Staff,
Military Department,
Judge Advocate General's Office, London.

IN THE MATTER OF:

The shooting of a British Prisoner of War by an Italian sentry at Camp No.75 (Bari) in July 1942 in breach of the Geneva Convention, 1929

A F F I D A V I T

- of -

Lieutenant R.C.W. HILL

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

THE SHOOTING OF A BRITISH PRISONER OF WAR
BY AN ITALIAN SENTRY AT CAMP No. 75 AT BARI
IN JULY 1942

A F F I D A V I T

I, No. 151377 Captain HUGH HALDANE THOMSON, of 53rd Air Landing Light Regiment R.A., with private address at 24 Somers Road, Reigate, make Oath and say as follows :-

1. My unit is at present in Germany and I am at my home, having been shot down and wounded, and am attending the Horton Emergency Hospital, Epsom, as an out-patient.

2. I was captured at Sidi Rezegh on the 15th June 1942 and was flown to Italy about the 26th June 1942, arriving at Lecci. From there I was taken to Camp No. 75 at Bari.

I remember the occasion of the shooting of Sapper Grogan but I did not myself hear the shot.

2. I have seen the Affidavit of Lieutenant Rodney Charles Wheeler Hill sworn on the 11th April 1945 and to the best of my belief this sets out correctly what I heard about the incident. I have also discussed the matter with Lieutenant John Christopher Trevor, R.E., who has told me that he attended the departure of the hearse and that Grogan was a member of his own Company.

SWORN at 21 Old Queen Street)
in the City of Westminster)
this 18th day of May 1945)

HUGH H. THOMSON.

Before me,
Herbert Davies,
A Commissioner for Oaths.

IN THE MATTER OF :

The shooting of a British Prisoner of War by an Italian Sentry at Camp No. 75 at Bari in July 1942

A F F I D A V I T

- of -

Captain HUGH HALDANE THOMSON

THE TREASURY SOLICITOR.

IN THE MATTER OF:

The shooting of a British Prisoner of War by an Italian sentry at Camp No.75 at Bari in July 1942

2185

A F F I D A V I T

I, No. 140978 Lieutenant JOHN CHRISTOPHER TREVOR, R.E., D.C.R.E. Colchester Outstation at Hitherstocks North Road, Clacton, Essex, and with a private address at 340 Acklam Road South, Middlesbrough, Yorkshire, make Oath and say as follows:

1. I was captured at Tobruk on 20th June 1942 by the Germans, who handed me over to the Italians. They apologised for doing this and advised me to hide any valuables I might have. I was taken to a prisoner of war cage at Derna for a night and then to Barce, where I was for about a fortnight. I have no complaints about this camp and the Commandant, whose name I do not know, was very friendly.

2. I went from Benghazi to Italy by air, landing at Lecci, and from there I went to Camp No. 75 at Bari.

3. At some date which I do not recollect, a sapper of my unit, then 296 Army Field Company R.E. was shot. The sapper's name was Grogan and he came from Hull. He was a regular soldier. At the time of the occurrence he was suffering from dysentery.

4. I heard the shot but, as far as I know, nobody saw the shooting. Several of the men rushed out of their bungalows and one officer, who was in the nearest bungalow, went to the door. His name was Lieutenant Harold Percy Somme Harling of 106 Army Troops Company, R.E., who later got through to the allied lines. This I know, as I saw his name in the book at Naples transit camp which contained the names of British prisoners of war who had come through the lines.

5. I have read the affidavit of Lieutenant Rodney Charles Wheeler Hill, R.A., and, from the general talk in the camp, I confirm the incident as he describes it, except that the unit who attended the funeral was from Grogan's and my Company, that is, R.E. and not R.A.S.C. I attended the funeral myself, or, rather, the departure of the hearse from the camp, as one of Grogan's officers.

SWORN at Clacton on Sea,)
in the County of Essex) J.C. TREVOR. D.C.R.E.
this 23rd day of May 1945)

Before me,
RALPH CARR,
A Commissioner for Oaths.

2186

IN THE MATTER OF :

The shooting of a British Prisoner of war by an Italian Sentry at Camp No. 75 at Bari in July 1942.

A F F I D A V I T

- of -

Lieutenant J.C. TREVOR, R.E.

THE TREASURY SOLICITOR.

PARTICULARS OF EVIDENCE IN SUPPORT

(1) Memorandum - Reference No.31/2448/488 - Enclosure to 0103/4360 P.W.2.

A memorandum (translation) sent by the Italian Ministry of Foreign Affairs through the Swiss Legation, Rome, on 30th October 1942.

(2) EXTRACT FROM REPORT - Reference CSDIC/SKP/736, No.13 to 0103/4360 (P.W.2)

Extract from a report by 2060122 Sapper Edward Harold Cuthbertson, 296 Army Field Coy. R.E., attached 150 Army Corps dated 5th June 1944 - /This report sets out facts regarding the incident which Cuthbertson, who was not an eye-witness, heard in the Camp./

(3) AFFIDAVIT of Lieutenant Rodney Charles Wheeler Hill, R.A., sworn on the 11th April 1945.

This gives a similar story, and refers to an interview between the Senior British Officer and the Italian Commandant.

(4) AFFIDAVIT of Captain Hugh Haldane Thomson, R.A. sworn 18th May 1945.

This witness merely confirms Hill's description of the incident.

(5) AFFIDAVIT of Lieutenant John Christopher Trevor, R.E. sworn on 23rd May 1945.

This also confirms Hill's description of the incident

Copies of these documents are attached.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

If the facts alleged are established the shooting of Grogan constitutes war crime No.i (murder) or, alternatively, crime No.xxix (ill-treatment of a prisoner of war).

Article 2 of the Geneva Convention 1929 enacts that prisoners of war should be humanely treated and protected and measures of reprisal against them are forbidden.

Article 46 prohibits (inter alia) all forms of cruelty whatsoever.

Article 54 enacts that imprisonment is the most severe punishment which may be inflicted on a prisoner of war.

Responsibility.

As regards responsibility, that of accused No.4 would be direct. Accused Nos. 1, 2 and 3 would be prima facie responsible for the conduct of the camp, the rules prevailing there and the enforcement of them. Compare also Charge UK - I/B 42 - general charge against the camp: (Commission's ref. 319/UK/It/42).

None of the witnesses named in the "Particulars of evidence in support" was an eye-witness of the shooting, though several of them heard a shot fired. In view of the time when the incident occurred it is possible that no one was present beyond the assailant and the victim.

The Germans have recognised the principle that no more force than is necessary should be used. /See German memorandum R.20646 dated 24th August 1942 referred to in Charge UK - G/B 1 - Commission's reference 32/UK/G/1./ This memorandum says that "The firing of a shot represents the last means of violence which may not be used until there is actually no longer any other way out". The implication recognises the distinction in English law between justifiable homicide and murder or manslaughter, should circumstances justify a finding of the lesser charge.

It is submitted that a heavy burden of proof is on Accused No.4 that the circumstances were such as to justify his using "the last means of violence".

If it is established that Accused No.4 was standing at or near the gate when the shot was fired and that the shot first passed through Grogan's back, it is clear (a) that Grogan cannot have been approaching the gate or Accused No.4 when the shot was fired, and (b) that Grogan cannot then have been running towards the perimeter and so have given Accused No.4 any reasonable grounds for considering that it was necessary to shoot him in order to prevent his escape. Even if Accused No.4 could offer any justification for firing a shot at all, it would still be incumbent upon him to explain why he shot to kill and not merely to arrest. If a faulty aim is alleged, it is material to ascertain how close Grogan was to Accused No.4 when the latter fired the shot.

As regards Accused Nos.1, 2 and 3, it is important to observe that the memorandum from the Italian Ministry of Foreign Affairs hereinbefore referred to alleges that "no blame can be attached to the sentry who acted in obedience to a definite order". If the

definite order came (as it may well have done) from Accused No.3, then his responsibility is co-extensive with that of Accused No.4. Then again, if Accused No.3 gave such an order, presumably it was under the order or with the approval of Accused Nos. 1 and 2.

Defences.

As regards probable defences, it is unlikely (on the facts as at present known) that Accused No.4 could successfully plead either that he acted in self-defence or that Grogan had shewn that he meditated an immediate escape from the camp, and that to shoot him was the only means of preventing such escape.

Accused No.4 will no doubt state that he called upon Grogan to halt before the shot was fired and that Grogan failed to comply with his order. Even if this statement is accepted, it is submitted that the giving of an order to halt could not justify Accused No.4 in shooting to kill, or, indeed, in shooting at all, unless it appeared that to shoot was the only means of preventing Grogan's escape from the Camp. The obvious defence of Accused No.4, as foreshadowed in paragraph 3(c) of the memo from the Italian Ministry for Foreign Affairs, is that he acted in strict obedience to the orders of his superiors, but it is submitted that this plea, if accepted, could not absolve Accused No.4 from criminal liability but would have the effect merely of making his superiors equally liable.

Completeness of case.

Further evidence is clearly most desirable as there is a prospect in this case of a strong conflict of evidence on the facts. Witnesses may be found from among the men in Grogan's tent on the night of the incident who can say that he was very ill and went out for that reason and that only, that he had no intention to escape, and that he had made no preparations for doing so. If further evidence could also be obtained as to the state of Grogan's attire at the time he was shot, this might also indicate the improbability of any intention to escape. Endeavours are also being made to obtain the evidence of Lt. Col. de Burgh who can speak as to his interview with the Italian Commandant.

It is important to establish the exact positions of Accused No.4 and Grogan when the shot was fired, the direction in which Grogan ran, and whether that direction led to any likely means of escape from the camp. Probably Accused No.4 is the only person who can supply this information.

Further, any evidence to counter the suggestion in the memorandum from the Italian Ministry of Foreign Affairs with regard to the existence of a large quantity of straw, or the precipitous flight of Grogan, would obviously be useful; though once it is shewn that Grogan's flight was within the camp and away from its perimeter, the fact that he took to flight would appear to be not very material. Enquiries will be prosecuted in Italy on these points.

It seems very improbable that a would-be escaper should choose to break out at an exit guarded by a sentry.

The camp records can no doubt identify Accused Nos. 2, 3 and 4: and, as to Accused No.1, he is notorious.

There is a strong prima facie case here of murder, with a heavy onus on all the Accused of exonerating themselves.

962/UK/96/57

2190

1. Commandant
2. Adjutant or Second in command
3. Officer i/c of guard or sentry
4. Guard or sentry

Submitted Decision of Committee I

4.7.45	1 + 2 A 3 + 4 C } B. CARDS CHECKED	
8 NOV 1945	Cebotti - Belizzi A	B
	CARDS CHECKED	

962/UK/96/57

2 9 OCT 1945

2191

Our ref: UK - I/B 62
U.N.W.C.C. Ref: 962/UK/It/57

A D D E N D U M

IN THE MATTER OF :-

The murder of Private LAW at Camp
P.G.106 at Vercelli on 15th June 1943

ADDITIONAL PARTICULARS OF EVIDENCE IN SUPPORT

3. AFFIDAVIT of Pte. D. Sedgwick, sworn 20th July 1945 (already submitted to Commission).

4. MINUTE from War Office A.G.3 dated 5th October 1945, copy attached.

ADDITIONAL NOTES ON THE CASE.

The copy Affidavit of pte. Sedgwick was forwarded to the Commission shortly after the submission of the Charge herein.

Enquiry in Italy has provided the information set out in the minute from War Office (A.G.3) and this provides the names of the Accused, 1, 3 and 4.

It is submitted that the list of Accused be amended to include the names of these three Accused and that Accused No. 4 be classified "A" and, if the Commission thinks fit, Accused No. 3 also, depending on the view taken of the responsibility of the Officer in Charge of the Guard.

2 9 OCT 1945

2192

THE WAR OFFICE

B.M.439/1 A.G.3 v/w

20 Eaton Square,
London, S.W.1.

5th October, 1945.

Subject: Shooting of Pte. LAW.

To: The Treasury solicitor,
Storey's Gate,
Dean's Yard,
Westminster, S.W.1.

Reference case U.K.1/B.262 - Shooting of Pte. LAW, J.E. - 2/27 Bn.AIF.

The following has been received from A.F.H.Q. and is passed to you for information.

From information received from the Italian War Ministry, the description of Pte. LAW is as follows :

Pte. John Ernest LAW, No. NX 16597
Born in ENGLAND - 13th June, 1918.
AUSTRALIAN Nationality: Domicile 43
GLEBE STREET, GLEBE SYDNEY,
Captured TOBRUK on 14th April, 1941.

The above named was shot on 15th June, 1943, at about 2300 hours by a sentry in camp 106/111. It appears that LAW was climbing a wall inside the camp at the time, but there is no indication that the shooting was necessary in order to prevent escape from the camp.

The persons included in the charge can be identified as follows

(1) Commandant at Camp - Major ROSSI Silvio
(2) Adjutant or 2nd in Command - Not known.
(3) Officer in charge of the Detachment - 2nd Lt. CHELOTTI, Carlo
(4) The Sentry who fired the shot - Pte. PELIZZARI Giovanni.

It is hoped to trace the above and others known to have been members of the camp staff at the time and a report will be forwarded as soon as investigations are completed.

Detailed statements from Ptes. LOCKIE and VARDY would be of assistance, particularly concerning the set out of the camp and the position of the wall over which LAW was climbing, in relation to the outside perimeter.

There is no trace of a Court of Inquiry being held at the time by the Italian Authorities, but from a report made by the Camp Commandant it seems that LAW died almost immediately after he was shot. There is, therefore, little possibility that he was able to give any information before he died.

Capt.
D.A.A.G.

Letters should be addressed to—
THE TREASURY SOLICITOR,
and the following reference quoted on the cover and in the letter:
WCB/HCB/III(a)
Telephone No: WHITEHALL 1124
EXTENSION: 29
Telegraphic Address: "PROCTOREX, LONDON."
Code used: A.B.C. 6TH EDN., 5 letter

STOREY'S GATE,
ST. JAMES'S PARK,
LONDON, S.W.1.

2193

27th July 1945

Sir,

Commission's Reference 962/UK/It/57
B.N.O. No. UK-I/B 62
Private Law

The above mentioned charge was received at the Secretariat on the 4th July 1945. Up to that time there had been no eye witness available to give an affidavit.

Since that date, an Australian witness was able to give me the name of Private Sedgwick, whom I was fortunate to be able to interview before his return to Australia. I have therefore taken an affidavit and have sent a copy to the War Office, A.G.3(V.W.), who are prosecuting enquiries in Italy.

For your records, I enclose a copy of this affidavit.

I am, Sir,
Your obedient Servant,
H.C.Beck
for Officer i/c War Crimes Branch

The Secretary General
War Crimes Commission
Church House
Westminster S.W.1

HCB/GC

IN THE MATTER OF:

The murder of Private John E. Law, 2nd/17th Infantry Battalion, Australian Forces, at Camp No.106 at Verchelli on 15th July 1943

A F F I D A V I T

I, DUDLEY SEDGWICK, No.V.X.43003, Private, 2nd/23rd Infantry Battalion, with a present address of "A" Company, 1st Australian Imperial Forces, Transit Camp, Eastbourne, Sussex, and with permanent address c/o Mr.George Wythe, Broadwater Post Office, Port Fairy, Victoria, Australia, make Oath and say as follows:-

1. I was taken prisoner of war on the 7th/8th May, 1941, at Tobruk, North Africa. From there I was taken to Derna where I stayed about two months: then to Benghazi where I stayed a few days: then to a camp at Tarhuna where I stayed about three weeks: then to Camp No.66, Capua, Italy, where I stayed about three months: then to Camp No.57 at Udine/Gruppignano where I stayed from about 29th October, 1942 to 25th April 1943: then to Camp No.106 at Verchili where I stayed from about 25th April 1943, to the 8th September 1943: after the Armistice I was taken to Germany.

2. During the time that I was at the said Camp at Verchili, namely on the 15th July 1943, I witnessed the murder of Private Law. The said Camp at Verchili, which was in the Plains of Lombardy, was a working camp, and I was one of those who shared a hut with the said Private Law. I knew the said Private Law well. He came from Australia like myself. His full name, rank and unit, as I knew it was John E. Law, Private,
2/17th Infantry Battalion,
Australian Imperial Forces.

On the 15th July 1943, at about 11.30 p.m. the said Law and I were in the hut where we slept. Private Law had made arrangements with one of the Italian guards that the latter would procure for him some bread. This trafficking in food was not permitted, but it was often done. While we were in the said hut the said guard called to Private Law from outside to tell him that he was there with the bread. I cannot now remember the name of the said guard, but I will endeavour to get information which may enable enquiries to be made so as to identify him. In answer to the call from the said Italian guard Private Law went from the sleeping apartment downstairs, and at the entrance below immediately in front of him there was a 14 ft. wall. I followed the said Private Law to the top of the stairs, but did not go down below, but from where I was at the top of the stairs I could see all that happened as described later The said Private Law climbed up the 14 ft. wall and when he got to the top put his head over. Immediately he did so the said guard fired point blank at him and killed him from about 10 ft. away. I saw the whole thing. It was a brutal decoy. The said sentry, so I was told, though I cannot now say by whom, had recently been caught and punished by the Italian Command for sleeping on duty, and there is no doubt that he, the said sentry, arranged this decoy and shot Law in cold blood to get some commendation and possibly reinstatement from the Italian Authorities. The Italians allowed Law's body to lie where he was shot for the next 36 hours. I do not know of anyone else who actually saw the occurrence.

SWORN at 30 Old Queen Street in)
the City of Westminster this 20th)
day of July 1945)

D. SEDGWICK.

Before me,
C. Leigh Pemberton
A Commissioner for Oaths.

IN THE MATTER OF :

The murder of Private John E. Law
2nd/17th Infantry Battalion,
Australian Forces, at Camp No.106
at Verchelli on 15th July 1943

A F F I D A V I T

- of -

Pte. DUDLEY SEDGWICK

THE TREASURY SOLICITOR.

IN THE MATTER OF:

The murder of Private John E. Law, 2nd/17th Infantry Battalion, Australian Forces, at Camp No.106 at Verchelli on 15th July 1943

AFFIDAVIT

I, DUDLEY SEDGWICK, No.V.X.43003, Private, 2nd/23rd Infantry Battalion, with a present address of "A" Company, 1st Australian Imperial Forces, Transit Camp, Eastbourne, Sussex, and with permanent address c/o Mr.George Wythe, Broadwater Post Office, Port Fairy, Victoria, Australia, make Oath and say as follows:-

1. I was taken prisoner of war on the 7th/8th May, 1941, at Tobruk, North Africa. From there I was taken to Derna where I stayed about two months: then to Benghazi where I stayed a few days: then to a camp at Tarhuna where I stayed about three weeks: then to Camp No.66, Capua, Italy, where I stayed about three months: then to Camp No.57 at Udine/Gruppignano where I stayed from about 29th October, 1942 to 25th April 1943: then to Camp No.106 at Verchili where I stayed from about 25th April 1943, to the 8th September 1943: after the Armistice I was taken to Germany.

2. During the time that I was at the said Camp at Verchili, namely on the 15th July 1943, I witnessed the murder of Private Law. The said Camp at Verchili, which was in the Plains of Lombardy, was a working camp, and I was one of those who shared a hut with the said Private Law. I knew the said Private Law well. He came from Australia like myself. His full name, rank and unit, as I knew it was John E. Law, Private,
2/17th Infantry Battalion,
Australian Imperial Forces.

On the 15th July 1943, at about 11.30 p.m. the said Law and I were in the hut where we slept. Private Law had made arrangements with one of the Italian guards that the latter would procure for him some bread. This trafficking in food was not permitted, but it was often done. While we were in the said hut the said guard called to Private Law from outside to tell him that he was there with the bread. I cannot now remember the name of the said guard, but I will endeavour to get information which may enable enquiries to be made so as to identify him. In answer to the call from the said Italian guard Private Law went from the sleeping apartment downstairs, and at the entrance below immediately in front of him there was a 14 ft. wall. I followed the said Private Law to the top of the stairs, but did not go down below, but from where I was at the top of the stairs I could see all that happened as described later The said Private Law climbed up the 14 ft. wall and when he got to the top put his head over. Immediately he did so the said guard fired point blank at him and killed him from about 10 ft. away. I saw the whole thing. It was a brutal decoy. The said sentry, so I was told, though I cannot now say by whom, had recently been caught and punished by the Italian Command for sleeping on duty, and there is no doubt that he, the said sentry, arranged this decoy and shot Law in cold blood to get some commendation and possibly reinstatement from the Italian Authorities. The Italians allowed Law's body to lie where he was shot for the next 36 hours. I do not know of anyone else who actually saw the occurrence.

SWORN at 30 Old Queen Street in)
the City of Westminster this 20th)
day of July 1945)

D. SEDGWICK.

Before me,
Cleigh Pemberton
A Commissioner for Oaths.

IN THE MATTER OF :

The murder of Private John E. Law
2nd/17th Infantry Battalion,
Australian Forces, at Camp No.106
at Verchelli on 15th July 1943

A F F I D A V I T

- of -

Pte. DUDLEY SEDGWICK

THE TREASURY SOLICITOR.

(*For the Use of the Secretariat*)

2198

Registered Number.	Date of receipt in Secretariat.
962/UK/26/57	8 JUN 1945

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK-I/B 62. *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	(1) Commandant at Camp - Rossi Silvio (See addendum) (2) Adjutant or second in command at Camp (3) Officer in charge of the guard or sentry (4) The guard or sentry who fired shot	Name, ranks and units at present unknown.
Date and place of commission of alleged crime.	June or July 1943 Camp P.G.106 at Vercelli (West of Milan)	
Number and description of crime in war crimes list. References to relevant provisions of national law.	No.i - Murder No.xxix - Ill-treatment of prisoners of war Breaches of Articles 2,46 and 54 of Geneva Conventions, 1929, relative to the treatment of Prisoners of War. Under English law :- (1) Murder; subject to possibility of reduction to (2) Manslaughter.	

SHORT STATEMENT OF FACTS.

In June or July 1943 (exact date at present unknown) at Camp P.G.106 at Vercelli, Accused No.4 killed by shooting Private J.E. Law, 2/17 Bn. A.I.F. (Number at present unknown), then a British prisoner of war.

TRANSMITTED BY

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Gp.685
(26924) Wt.P.1817/P.1139 5,000 3/44 " "

PARTICULARS OF ALLEGED CRIME

At some time in June or July 1943, at Camp P.G.106 at Vercelli, west of Milan, Private Law was climbing over the farm wall when he was shot and killed by Accused No.4 at a range of two yards. The time of day or night is not known.

Copy.

SECRET

M.I.9/CSDIC/SKP/738, 739.

P.W.2.

Ref: CSDIC/SKP/738, 739.

The following is an extract from the above reports by

QX 6577 Pte. LOCKIE, Herbert Alexander 2/15 Bn. A.I.F.,
8 Aust. Div.

WX.5229 Pte. VARDY, Frederick Alfred, 2/28 Bn. A.I.F.,
9 Aust. Div.

* * * *

"In Jun or Jul 43. at a working camp of P.G. 106, Pte. J.E. LAW 2/17 Bn. A.I.F. was shot from 2-yards range and killed while climbing over the farm wall".

(Sgd) A.C. ALLAN,
S/O. W.R.N.S.
for Lt. Col. G.S.

M.I.9.
Ext. 1295/7
5 Jun.1944

Copies to: R. Allen (Foreign Office).

PARTICULARS OF EVIDENCE IN SUPPORT 2201

Extract from reports - Reference CSDIC/SKP/738,739 dated 5th June, 1944.

Extract from reports made by :-

(1) Pte. Herbert Alexander Lockie QX 6577, 2/15 Bn. A.I.F., 9 Australian Division.

(2) Pte. Frederick Alfred Vardey WX 5229, 2/28 Bn. A.I.F., 9 Australian Division.

Copy attached.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

If the facts alleged are established, the shooting of Pte. Law constitutes war crime No.i (Murder) or alternatively No.xxix (Ill-treatment of a prisoner of war), unless Accused No.4 can shew sufficient cause to justify his shooting to kill.

Article 2 of the Geneva Convention 1929 enacts that prisoners of war should be humanely treated and protected and measures of reprisal against them are forbidden, Article 46 thereof prohibits (inter alia) all forms of cruelty whatsoever. Article 54 thereof enacts that imprisonment is the most severe punishment which may be inflicted on a prisoner of war.

Responsibility:- As regards responsibility, that of Accused No.4 would be direct. As regards Accused Nos. 1, 2 and 3 they would be prima facie responsible for the conduct of the camp, the rules prevailing there and the enforcement of them.

It is difficult to envisage circumstances which would justify Accused No.4 in shooting to kill,(or indeed, in shooting at all) at such close range. A heavy onus is on Accused No.4 to shew that a recourse to the "last means of violence" was justifiable.

Defences:- On the present meagre information, it is impossible to anticipate what defences might be raised. The facts as alleged, however, seem to rule out a plea of self-defence.

One of the most likely defences of Accused No.4 is that he acted in strict obedience to the orders of his superiors; but it is submitted that this plea, even if proved, could not absolve Accused No.4 from criminal liability, but would have the effect merely of making his superiors equally liable.

Completeness of Case :- The evidence is clearly far from complete; but it is submitted that there is a prima facie case for all the Accused to answer.

Inquiries will be made to ascertain whether there is any information as to this incident in the camp records; to identify the Accused; to try and obtain production of any Court of Inquiry or other proceedings arising from the incident; to discover whether Pte. Law was taken to hospital, and, if so, whether any staff or co-patients can be traced who have details of the incident communicated by Law prior to his death.

Endeavours must also be made to get into touch with Pte. Lockie and Pte. Vardey who are Australians and ascertain whether they can supply more detailed evidence of the occurrence and the names of any other witnesses to whom application for statements could be made.

963/UK/21/58

2203

1. District Leader of Fascists
2. VERDECCHIA, Olindo

Submitted Decision of Committee I

4.7.45	1. S 2. A Fecaccia W B

CARDS CHECKED

963/UK/21/58

(*For the Use of the Secretariat*)

2204

Registered Number. 963/UK/R/58

Date of receipt in Secretariat. 8 JUN 1945

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK-I/B 88. *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	(1) ~~District~~ Leader of Fascists (name at present unknown), in district of Fermo (2) Olindo Verdecchia, a Fascist of the Fermo district.
Date and place of commission of alleged crime.	May 3rd, 1944. At or near Fermo, between Ancona and Pescara.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No.i - Murder No.xxix. Ill-treatment of Prisoners of War Breaches of Articles 2, 46 and 54 of Geneva Convention 1929, relative to the treatment of prisoners of war. Under English law:- (1) Murder; subject to possibility of reduction to (2) Manslaughter.

SHORT STATEMENT OF FACTS.

On 3rd May, 1944, in the Fermo district, Accused No.2 killed by shooting Jim Walther, No. 3652330 (rank and unit at present unknown) a British prisoner of war who had escaped.

TRANSMITTED BY

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Gp.685
(26924) Wt.P.1817/P.1139 5,000 3/44 " "

PARTICULARS OF ALLEGED CRIME

The shooting took place on 3rd May 1944 at or near Fermo (on the Adriatic Coast, between Ancona and Pescara) where the said Walther and another British prisoner of war, Leach Nathan (since deceased), as escaped prisoners of war, had been fed and hidden by peasants of the district for a considerable time. Walther died in the Fermo Hospital on the 6th May, 1944, as a result of the wound he received.

B.M. 3044 Enc. to 0103/4360 (P.W.2)

28 May, 1944.

The following has been received from a source recently returned from the other side of the line :-

Two British Soldiers:

JIM WALTHER - No. 3652330 born 7.5.16

LEACH NATHAN (Father: Thomas, Mother: Flachar Mary. No.2331696 - Born Penzith 1918)

These two men were escaped prisoners of war who were fed and hidden by peasants of the Fermo (Adriatic coast between ANCONA and PESCARA) region for a long time.

The first (WALTHER) died at 6.5.44 in FERMO Hospital as a result of wound in the abdomen 3.5.44. The man who shot him was the Fascist Olindo Verdecchia of Fermo.

The second (NATHAN) was killed by the Fascist Republican Guard on 14.5.44 in the Petritelli area.

The above information was given source by a reliable patriot, Captain Fecaccia.

The sisters of Fermo hospital put a tin box containing the identity of each man in each coffin so as to facilitate later on any researches made.

PARTICULARS OF EVIDENCE IN SUPPORT

REPORT - Reference B.M. 3044. Enc. to 0103/4360 (P.W.2) dated 28th May, 1944.

This is a report "from a source recently returned from the other side of the line", who was given the information by a reliable patriot, Captain Fecaccia.

NOTES ON THE CASE **2208**

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

If the facts alleged are established, the shooting of Walther may well constitute War Crime No.i - Murder; or alternatively No.xxix - Ill-treatment of a prisoner of war, unless Accused No.2 can shew sufficient cause to justify his shooting to kill.

Article 2 of the Geneva Convention 1929 enacts that prisoners of war should be humanely treated, and protected, and measures of reprisal against them are forbidden; Article 46 thereof prohibits (inter alia) all forms of cruelty whatsoever; Article 54 thereof enacts that imprisonment is the most severe punishment which may be inflicted on a prisoner of war.

Responsibility:- As regards responsibility, in the case of Accused No.2 this would appear to be direct. On further elucidation of the facts, it will be interesting to see whether Accused No.2 had any assistants in the shooting, and if so who they were, and whether he received any direct order to shoot. As regards Accused No.1 he would be prima facie responsible for the order under which Accused No.2 acted, or if there was no order, for the acts of his subordinate.

There appears to be a strong prima facie case of murder against the accused, with a heavy onus to shew justifiable excuse.

Defences:- Until more facts are known, it is difficult to anticipate possible defences. Self defence may be set up by Accused No.2, if he alleges that the victim was armed, or attacked him; or he may claim that he acted in pursuance of orders, which would make Accused No.1 equally responsible. He may also claim that the victim could not be stopped by any means short of shooting, though that would not justify shooting to kill.

Completeness of Case:- The facts now known are meagre. Further enquiry will be made as to where the incident in fact took place, and fuller details of the circumstances; an obvious source would be Captain Fecaccia, named in the report given in "Particulars of Evidence in Support" above. No doubt he could tell of many pro-allied local inhabitants, who must either have actually seen the incident, or heard of it and be able to give names of eye-witnesses. The victim had been hiding for a long time, and the inhabitants of the area would know him by sight.

Further, the Sisters at Fermo Hospital may be able to give information, and the Medical Officers or Doctors in attendance, together with any patients at the Hospital may know the circumstances. If the victim was conscious during the three days that elapsed before his death, he may have made some communication which may be remembered.

Enquiry will also be made to identify Accused No.1.

MISSING

REGISTERED NOs.

59 TO 60

REGISTERED NOs.

61 TO 70

REGISTERED NOs.

61 TO 70

1261/UK/PL/61

2209

1. Officer in command of sentries or guards.
2. PAPANTONIO. Guiseppe

Submitted Decision of Committee I

15 AUG 1945 | 1. S } 2 A } W.

CARDS CHECKED

1261/UK/PL/61

(*For the Use of the Secretariat*)

2210

Registered Number. 1261/UK/2261

Date of receipt in Secretariat. 4 AUG 1945

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B 72 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	(1) Officer in Command of sentries or guards in charge of Prisoners of War in train travelling from Chieti to Fontanellato - name rank and unit at present unknown. (2) Guiseppe Papantonio, guard on the said train
Date and place of commission of alleged crime.	1st May, 1943. At a small railway station, name unknown, near Rimini.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No.i. Murder No.xxix. Ill treatment of prisoners of war. Murder.

SHORT STATEMENT OF FACTS.

Accused No.2 was a guard on a train conveying British prisoners of war from Chieti to Fontanellato on 1st May, 1943 and on that date killed by shooting Pilot Officer Outerbridge, R.A.F., then a British prisoner of war.

TRANSMITTED BY

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Gp.685
(26924) Wt.P.1817/P.1139 5,000 3/44 " "

PARTICULARS OF ALLEGED CRIME

1. On 1st May, 1943 Pilot Officer Outerbridge was being conveyed with other British prisoners of war from Camp P.G.21 at Chieti to Camp P.G.49 at Fontanellato.

2. P/O. Outerbridge escaped from the train at a small station, name unknown, before the train reached Rimini. He was unable to escape direct from the station and while running along the wire was shot by a guard whose name is not known but who may have been accused No.2. P/O.Outerbridge fell, and surrendered by raising his hands, whereupon the accused No.2 fired four or five shots into him as he lay on the platform. P/O Outerbridge was carried on to the train where he died shortly afterwards.

1261/UK/Pt/61

IN THE MATTER of :-

The murder of Pilot Officer Outerbridge at a railway station near Rimini on 1st May, 1943.

A F F I D A V I T.

I, No.121720 Lieutenant CHARLES PAULETT CHAMBERLIN, R.A. now at R.A. Depot, Woolwich and with a private address at Higher Kempstone, Clitheroe, Lancs, make oath and say as follows :-

1. I was captured near El Adem on June 6th 1942 after passing through Tmini, Derna and Barce. I was flown from Benghazi to Lecci in Italy arriving about 16th June, 1942. After about 6 weeks at a transit Camp at Bari I was at Camp No.21 at Chieti from early August, 1942 to 1st May, 1943.

2. On 1st May, 1943, a number of officers were moved from Chieti to Camp No.49 at Fontanellato. In the carriage in which I travelled were a number of officers of whom I remember Lieutenant Lawton, Lieutenant Thomson (now I believe Captain Thomson), Lieutenant Pitchford and Pilot Officer or Flying Officer Outerbridge, who had been I think with the R.A.F. in Malta.

3. Outerbridge told us that he proposed to escape whenever the opportunity offered itself. We tried to dissuade him from making his attempt in the day time and as he appeared to become quieter I thought he was going to leave his attempt until it was dark.

4. I remember his going out into the corridor but I do not remember him making any attempt or say that he had done so or nearly done so.

5. At first there was no guard in our carriage but Outerbridge asked to have the window open and the guard in the corridor would not permit it. A little later the Italian guard officer came along and permitted the window to be opened but posted a guard in the corner seat between Outerbridge and the window. I did not know the guard's name though later I understood that it was Papantonio.

6. After a time this guard left the compartment and another guard took his place. There was a little table to the compartment underneath the window and the guard had his legs under this table. About 3 o'clock in the afternoon I had been dozing and the train, which had stopped, started up and the jolt waked me. I saw Outerbridge's feet disappearing through the window. The guard, whose legs had been under the small table, which no doubt prevented him stopping Outerbridge, got to his feet and fired a shot out of the window. I was unable to see Outerbridge as he had run towards the back of the train and my seat was facing the engine. It was at a station that was wired and Outerbridge had not been able to pass the wire and he had therefore run back along the platform. When the guard fired, one of the officers, I think Pitchford, knocked up the rifle so that the shot went into the air and the guard was unable to fire another shot

as we prevented him operating the bolt of the rifle. I saw Papantanio run down the corridor when the train stopped very quickly. I heard more shots, some five or six.

7. The guard who had been in the corridor, ~~and~~ Papantanio was interrogated in our carriage by an Italian officer. I did not understand sufficient Italian to follow this but Lawton, who spoke Italian, told us of the interrogation from which it appeared that Papantanio had suspected or guessed that Outerbridge proposed to escape and had changed places with another guard in order to avoid any personal trouble. He was reprimanded for not reporting his suspicion and so probably preventing the attempt.

8. I also heard that Outerbridge had been carried on to the train and had died shortly afterwards, with five or six bullets in him. We heard that Outerbridge had been brought down by the first shot and that he had been fired at several times when lying on the ground. I do not know whether it was Papantanio who fired the shot which brought him down. It appeared clear however that it was Papantanio who had fired the subsequent shots which were quite unnecessary as Outerbridge could not move.

9. We all gave signed statements when we reached Fontanellato and the senior British Officer De Burgh would know where these went.

SWORN at Clitheroe)
in the County of Lancaster)
this 1st day of August)
1945)

C.P. Chamberlin
Lt R.A.

Before me,

Hy. Wells.

A Commissioner for Oaths.

2214

IN THE MATTER OF :

The murder of Pilot Officer Outerbridge at a railway station near Rimini on 1st May 1943

A F F I D A V I T

- of -

Lieutenant C.P. CHAMBERLAIN, R.A.

THE TREASURY SOLICITOR.

COPY. Enclo to 0103/4360 25.11.43

REPORT ON THE DEATH OF PILOT OFFICER OUTERBRIDGE.

On May 1st 1943 a party of about 30 officers were transferred from P.G.21 Chieti, to P.G.49 Parma. I was travelling in the same compartment as Pilot Officer Outerbridge when he expressed his intention of jumping the train. He first attempted to jump out whilst the train was stationary in a small station, but the other officers in the compartment - 5 in all, pulled him back as he had his feet on the table by the window, as he would certainly have been shot before he got away from the train. Immediately after this the guard by the window left his seat and stood in the corridor, whilst another guard took his place. This first guard, Papantonio Guiseppe, born at Foggio in 1910, father Raffaele Papantonio, had realised that Outerbridge intended to escape, and fearing that he might be assaulted, changed places, and told no one what had occurred.

I speak fluent Italian, and learned all this later on when the Senior Italian Officer questioned Papantonio and severely reprimanded him for not reporting the first incident, and thus preventing bloodshed. After this we all thought that Outerbridge would wait until nightfall, but just as the train was pulling out of a small station near Rimini Outerbridge leapt on the table, after a slight scuffle pushed the guard by the window aside, jumped out of the train, and ran down the platform. The train, which was hardly moving, stopped almost immediately. Papantonio made no attempt to stop Outerbridge from jumping from the window, but ran down the corridor and jumped out. Whether he fired the shot that brought Outerbridge down I am unable to say, but Outerbridge fell at a distance of 40 yards from the train, and being unable to rise put his hands up. Papantonio then deliberately fired four or five shots at Outerbridge as he lay on the platform. Outerbridge was carried on to the train where he died 5 minutes later. His body was taken off the train at Rimini, where we were told he was to be buried.

At P.G.49 a Court of Enquiry was held in which I was called as a witness but the name of Papantonio was not taken down as it might have prejudiced the forwarding of the document.

Lieut. O. Pritchford, Royal Northumberland Fusiliers, attached to Reconnaissance Battalion, 2nd Motor Brigade, Middle East, now a prisoner at Camp 5 Gavi, seized the muzzle of the rifle of our guard when he attempted to fire, and I seized the butt.

Lieut. Pritchford saw more than I did as he was leaning out of the window, and could give more detailed information as to who fired the first shot.

(Sgd) ERIC ALFRED LAWTON, Lt.
1st Bn. Worcestershire Reg.
Personal No. 180176

Distribution:- R.Allen (F.O.)3 copies
By Pvx 2A Air Ministry.

IN THE MATTER OF :-

The murder of Pilot Officer Outerbridge at a railway station near Rimini on May 1st 1943.

A F F I D A V I T

I, WILFRID PRICE, Barrister-at-Law, now acting as Temporary Assistant to His Majesty's Procurator-General and Treasury Solicitor, Storey's Gate, Westminster, and with a permanent address of 5, Paper Buildings, Temple, London, E.C.4. make Oath and say as follows :-

1. Since the summer of 1944 up to the date hereof, I have been engaged, inter alia, in the preparation of evidence on Italian war crimes, and in the course thereof, on or about the 23rd February 1945, I interviewed No. 180176 Lieutenant Eric Alfred Lawton, Worcestershire Regiment, then at 23rd Infantry Holding Battalion, Ross-on-Wye, Herefordshire, and with a permanent address at 39, Bernard Road, Edgbaston, Birmingham 17, and made notes of his evidence regarding the charges herein. The said notes were read over to him and he agreed that he would swear to an Affidavit embodying the same.

2. I drew up an Affidavit embodying the evidence of the said officer from the said notes and a copy of such affidavit is exhibited hereto and marked "W.P.1" . I sent the said affidavit by letterdated the 16th March 1945 to the said officer for swearing: it was, however, returned by his Commanding Officer who informed the Treasury Solicitor by letter dated the 24th May 1945 that the said Officer had been killed in action on the 6th April 1945. A copy of the latter letter is exhibited hereto and marked "W.P.2".

SWORN at 1 Mitre Court Buildings,)
Temple in the City of London)
the 29th day of June 1945)

WILFRID PRICE.

Before me,
HERBERT W. KNOCKER.
A Commissioner for Oaths.

IN THE MATTER OF :

The murder of Pilot Officer Outerbridge at a railway station near Rimini on May 1st 1943

A F F I D A V I T

- of -

WILFRID PRICE

THE TREASURY SOLICITOR.

IN THE MATTERS OF :-

A. The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No. 75 at Bari in July 1942.

B. The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No. 21 at Chieti during the period August 1942 to May 1943.

C. The murder of Pilot Officer Outerbridge at a railway station near Rimini on May 1st 1943

A F F I D A V I T

I, ERIC ALFRED LAWTON, No. 180176, Lieutenant Worcestershire Regiment, now at 23rd Infantry Holding Battalion, Ross-on-Wye, Herefordshire, and with a permanent address at 39, Bernard Road, Edgbaston, Birmingham 17, make Oath and say as follows :-

1. On the 21st June 1942 I was taken prisoner at Tobruk, and from there was taken to a camp at Baci, thence to Lecci, both in North Africa, and was then shipped to Italy and taken to Camp No. 75 at Bari. I was there for about three weeks in July 1942. During the time when I was in this camp the following incident occurred.

It was roll-call. I was about fifty yards from the incident in question. The Italian guards, some twenty of them, marched through the parade. One of our prisoners of war tripped one of the guards. It may have been intentional. The guard slashed round with his rifle and hit another man (not the one who did the tripping), and several others were hit in a similar way.

I was sent on to Camp No. 21 at Chieti in August 1942.

2. I was at Camp No. 21 at Chieti from August 1942 to the 10th May 1943.

The conditions in this camp during that period were very bad. There was great overcrowding. The sanitation was bad. There was very little water.

As to food. - This was in very short supply; only the Red Cross parcels saved us from slow starvation.

No clothing was provided: we were left to go through the winter with only our desert kit, which consisted of a shirt and shorts.

The Italian Officer, who really acted like a Commandant, was a Captain Interpreter called Croce. He was a violent Fascist, very anti-British, and would do nothing to relieve our privations. He would not even hand on requests or complaints to his superiors.

"A.P.1."

This is the copy affidavit marked "A.P.1." referred to in the affidavit of Alfrid Price sworn before me this 29th day of June 1945.

(Sgd.) Herbert J. Knocker.
Commissioner for Oaths.

3. On May 1st 1943 I was sent from the said camp at Chieti to a Camp, No. 49, at Fontanellato (Parma) by train. The distance was some 200 miles. The train stopped at a small station near Rimini I think the name of the station was Castell-something. There is a castle on a hill nearby. I was travelling in the same compartment as Pilot Officer Outerbridge, when he expressed his intention of jumping the train. He first attempted to jump out whilst the train was stationary in a small station, but the other officers in the compartment - five in all - pulled him back as he had his feet on the table by the window, and he would certainly have been shot before he got away from the train. Immediately after this the guard by the window left his seat and stood in the corridor, whilst another guard took his place. This first guard, Papantonio Guiseppe, born at Foggio in 1910, father Raffaele Papantonio, had realised that Outerbridge intended to escape, and fearing that he might be assaulted, changed places, and told no one what had occurred.

I speak fluent Italian, and learned all this later on when the Senior Italian Officer questioned Papantonio and severely reprimanded him for not reporting the first incident, and thus preventing bloodshed. After this we all thought that Outerbridge would wait until nightfall, but just as the train was pulling out of a small station near Rimini Outerbridge leapt on the table, after a slight scuffle pushed the guard by the window aside, jumped out of the train, and ran down the platform. The train, which was hardly moving, stopped almost immediately. Papantonio made no attempt to stop Outerbridge from jumping from the window, but ran down the corridor and jumped out. Whether he fired the shot that brought Outerbridge down I am unable to say, but Outerbridge fell at a distance of 40 yards from the train, and being unable to rise put his hands up. I then saw Papantonio deliberately fire four or five shots at Outerbridge as he lay on the platform. Outerbridge was carried on to the train where he died five minutes later. His body was taken off the train at Rimini, where we were told he was to be buried.

I remained at the said camp at Fontanellato until the Armistice, 8th September 1943, when I escaped, and on the 25th October 1943 I got across the lines and joined the Fifth Army.

SWORN at)
.)
in the of)
this day of 1945)

Before me,

A Commissioner for Oaths.

IN THE MATTERS OF :-

A. The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.75 at Bari in July 1942.

B. The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.21 at Chieti during the period August 1942 to May 1943.

C. The murder of Pilot Officer Outerbridge at a railway station near Rimini on May 1st 1943

A F F I D A V I T

- of -

Lieutenant E.A. LAWTON

THE TREASURY SOLICITOR.

"[illegible]"

This is the copy letter marked "[illegible]" referred to in the Affidavit of Wilfrid Price sworn before me this 29th day of June 1945.

(Sgd.) [illegible] [illegible]
Commissioner for Oaths.

2221

12th Bn. The Devonshire Regiment,
Bulford Barracks,
Salisbury,
Wilts.

24th May, 1945.

Dear Sir,

Italian War Crimes

Reference your letter of the 16 March, 1945, addressed to Lieut. E.A.LAWTON of the Worcestershire Regt., enclosing an Affidavit on the above subject to be signed by him. I regret having to inform that this officer was killed in action on 6th April, 1945.

I am returning the unsigned documents to you herewith.

Yours faithfully,

(?)

Major.

The Treasury Solicitor,
Storey's Gate,
St. James's Park,
London, S.W.1.

IN THE MATTER of THE MURDER OF PILOT OFFICER OUTERBRIDGE AT A RAILWAY STATION NEAR RIMINI ON 1ST MAY 1943.

AFFIDAVIT.

I, No. 151377, CAPTAIN HUGH HALDANE THOMSON of 53rd Air Landing Light Regiment, R.A., with private address at 24, Somers Road, Reigate, Surrey, make oath and say as follows :-

1. My, Unit is at present in Germany and I am at home, having been shot down and wounded, and am attending the Horton Emergency Hospital, Epsom, as an out-patient.

2. I was captured at Sidi Rezegh on the 15th June 1942 and was flown to Italy about the 26th June 1942. After being at Camp No.75 at Bari I was at Camp No.21 at Chieti until I was moved to Camp No.49 at Fontanellato on the 1st of May 1943.

3. In the train I was in a carriage with other Officers of whom I remember Flying Officer Outerbridge, who I believe came from the West Indies and was a Torpedo Bomber from Malta; Lieutenant Lawton and Lieutenant Pitchford; there was also an Italian guard sitting next the window, which was of the compartment type. There was a corridor on the other side of the carriage.

4. Some of us were proposing to try to escape from the train, and meant to do so during the night if opportunity offered. During the day Outerbridge went out of the compartment into the corridor, and on his return I noticed he looked very white. I asked him what was the matter, and he said that he had nearly taken a jump from the corridor window but that the guards had spotted him and he had decided not to try.

5. The train stopped at a small country station before reaching Rimini, and had just begun to draw out when Outerbridge leapt on the small table by the window, pushed aside the guard, and jumped out, landing on the platform. There was a wire fence opposite which he could not get over, and he ran along the wire towards the back of the train.

6. The guard in the carriage, whose name I do not know, put his rifle out of the window and fired a shot. This in my view was quite reasonable as Outerbridge was escaping and the train was moving. To the best of my recollection Pitchford and Lawton knocked up the muzzle of his rifle so that the shot went in the air and I pressed his right elbow against his body so that he could not operate the bolt. He only fired the one shot.

7. The train stopped almost immediately. I heard several shots, but by then could not see Outerbridge.

8. One of the Italian guards (not the one in the carriage at the time) was interrogated in our carriage by an Italian Officer. Lieutenant Lawton understood Italian and informed us later that the guard whose name was Papantonio, had realised Outerbridge was going to try to escape, and had

changed places, fearing that he might be assaulted. He had been in our carriage earlier. Papantonio told no one. On Outerbridge escaping Papantonio had got off the train. It was not clear whether he fired the shot which brought Outerbridge down, but after Outerbridge had fallen, shot in the leg, and had put his hands up in surrender, Papantonio had fired four or five shots into him as he lay on the platform. (Lawton had seen this out of the window). Outerbridge had been carried on to the train where he died shortly after. Papantonio was reprimanded for not reporting his suspicions and so preventing bloodshed.

9. I further heard that Outerbridge's body had been taken off the train at Rimini, where it was to be buried. I do not know the name of the station where the shooting took place.

SWORN by the above named Hugh Haldane Thomson at Reigate in the County of Surrey this 25th day of May 1945)

HUGH H. THOMSON
Capt. R.A.

Before me,
THORELL HEWITT
A Commissioner for Oaths.

IN THE MATTER OF THE MURDER OF PILOT OFFICER OUTERBRIDGE AT A RAILWAY STATION NEAR RIMINI ON 1st MAY 1943

Copy

A F F I D A V I T

- of -

CAPTAIN HUGH H. THOMSON, R.A.

THE TREASURY SOLICITOR.

IN THE MATTER of :-

The murder of Pilot Officer Outerbridge at a railway station near Rimini on 1st May, 1943.

AFFIDAVIT.

I, No.121720 Lieutenant CHARLES PAULETT CHAMBERLIN, R.A. now at R.A. Depot, Woolwich and with a private address at Higher Kempstone, Clitheroe, Lancs, make oath and say as follows :-

1. I was captured near El Adem on June 6th 1942 after passing through Tmini, Derna and Barce. I was flown from Benghazi to Lecci in Italy arriving about 16th June, 1942. After about 6 weeks at a transit Camp at Bari I was at Camp No.21 at Chieti from early August, 1942 to 1st May, 1943.

2. On 1st May, 1943, a number of officers were moved from Chieti to Camp No.49 at Fontanellato. In the carriage in which I travelled were a number of officers of whom I remember Lieutenant Lawton, Lieutenant Thomson (now I believe Captain Thomson), Lieutenant Pitchford and Pilot Officer or Flying Officer Outerbridge, who had been I think with the R.A.F. in Malta.

3. Outerbridge told us that he proposed to escape whenever the opportunity offered itself. We tried to dissuade him from making his attempt in the day time and as he appeared to become quieter I thought he was going to leave his attempt until it was dark.

4. I remember his going out into the corridor but I do not remember him making any attempt or say that he had done so or nearly done so.

5. At first there was no guard in our carriage but Outerbridge asked to have the window open and the guard in the corridor would not permit it. A little later the Italian guard officer came along and permitted the window to be opened but posted a guard in the corner seat between Outerbridge and the window. I did not know the guard's name though later I understood that it was Papantanio.

6. After a time this guard left the compartment and another guard took his place. There was a little table to the compartment underneath the window and the guard had his legs under this table. About 3 o'clock in the afternoon I had been dozing and the train, which had stopped, started up and the jolt waked me. I saw Outerbridge's feet disappearing through the window. The guard, whose legs had been under the small table, which no doubt prevented him stopping Outerbridge, got to his feet and fired a shot out of the window. I was unable to see Outerbridge as he had run towards the back of the train and my seat was facing the engine. It was at a station that was wired and Outerbridge had not been able to pass the wire and he had therefore run back along the platform. When the guard fired, one of the officers, I think Pitchford, knocked up the rifle so that the shot went into the air and the guard was unable to fire another shot

as we prevented him operating the bolt of the rifle. I saw Papantanio run down the corridor when the train stopped very quickly. I heard more shots, some five or six.

7. The guard who had been in the corridor, and Papantanio was interrogated in our carriage by an Italian officer. I did not understand sufficient Italian to follow this but Lawton, who spoke Italian, told us of the interrogation from which it appeared that Papantanio had suspected or guessed that Outerbridge proposed to escape and had changed places with another guard in order to avoid any personal trouble. He was reprimanded for not reporting his suspicion and so probably preventing the attempt.

8. I also heard that Outerbridge had been carried on to the train and had died shortly afterwards, with five or six bullets in him. We heard that Outerbridge had been brought down by the first shot and that he had been fired at several times when lying on the ground. I do not know whether it was Papantanio who fired the shot which brought him down. It appeared clear however that it was Papantanio who had fired the subsequent shots which were quite unnecessary as Outerbridge could not move.

9. We all gave signed statements when we reached Fontanellato and the senior British Officer De Burgh would know where these went.

SWORN at)
.)
in the of)
this day of)
1945)

Before me,

A Commissioner for Oaths.

IN THE MATTER OF :

The murder of Pilot Officer Outerbridge at a railway station near Rimini on 1st May 1945

A F F I D A V I T

- of -

Lieutenant C.P. CHAMBERLAIN, R.A.

THE TREASURY SOLICITOR.

PARTICULARS OF EVIDENCE IN SUPPORT

1. REPORT - Reference Enclo. to 1013/4360 - 25.11.43

Report on the death of P/O Outerbridge by Lt. E.A. Lawton

2. AFFIDAVIT of Wilfred Price (British National Office) sworn 29th June 1945.

Mr. Price interviewed Lt. Lawton and prepared the Affidavit at No.3. Before this could be sworn Lt. Lawton was killed in action.

3. AFFIDAVIT prepared for swearing by Lt. E.A. Lawton (exhibited to No.2). This gives (para.7) the history of the occurrence. Lt. Lawton was an eye witness of the final killing of Outerbridge by accused.

4. AFFIDAVIT of Captain H.H. Thomson, R.A., sworn 25th May, 1945.

Capt. Thomson was in the same carriage as Outerbridge and Lawton and confirms Lawton's evidence. He, himself, could not see Outerbridge when shot, presumably as he was on the wrong side of the carriage. He was told by Lawton of the facts as Lawton heard from on the Italian Interrogation of Accused No.2.

5. AFFIDAVIT of Lt. C.P. Chamberlin, R.A.

This is in process of being sworn, and is expected to be available shortly.

It confirms the previous affidavits.

Copies of these documents attached.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (*b*) the probable defence; (*c*) whether the case appears to be reasonably complete.)

If the facts alleged are established, the shooting of Outerbridge by accused No.2 constitutes War Crime No.1, Murder, or alternatively No.xxix, Ill-treatment of a prisoner of war.

Article 2 of the Geneva Convention, 1929, enacts that prisoners of war should be humanely treated and protected, and that measures of reprisal against them are forbidden. Article 46 prohibits (inter alia) all forms of cruelty whatsoever. Article 54 enacts that imprisonment is the most severe punishment which may be inflicted on a prisoner of war.

RESPONSIBILITY.

The responsibility of Accused No.2 would be direct, and Accused No.1 would be prima facie responsible for the conduct of the guards on the train, the rules prevailing during the journey and the enforcement thereof.

It appears from the evidence that Outerbridge had in fact escaped from the train while it was moving. The fact that he was shot and wounded, by a guard is not thought to be a war crime. The guard was entitled to stop him and did so without killing him.

Accused No.2, whether or not he fired the shot which wounded Outerbridge, was then see to fire several shots into him and he died shortly afterwards. This cannot be justified as Outerbridge had been prevented from escaping, had surrendered, and there was no need at all to fire further. It appears that Accused No.2 had suspected an attempted escape and was reprimanded for not reporting this position and so preventing any blood shed at all.

DEFENCES.

It does not seem possible, if the evidence is accepted that accused No.2 could plead self-defence or provocation. Accused No.1 will doubtless plead that Accused No.2 acted outside the scope of his authority as it could hardly be possible that the guards had orders to shoot to kill when a prisoner of war was already unable to move.

COMPLETENESS OF CASE.

The case seems reasonably complete. The evidence of Lawton although he is now unfortunately dead is confirmed in several particulars by Thomson and by Chamberlin.

Enquiries are proceeding particularly as to the official enquiry spoken of in Lawton's first report - 1 in Particulars of Evidence and in Chamberlin's affidavit No.5 in Particulars of Evidence. Efforts will also be made to trace the Officer in command of the train. It has not proved possible to identify Lt. Pitchford (or Pritchford) as yet, nor has Col de Burgh been available, though it is not thought he could add very much to the evidence already to hand.

1262/UK/21/62

2230

1. TURCO. Francesco, and 2-5.

Submitted Decision of Committee I

15 AUG 1945 | 1-5 A C | W. | CARDS CHECKED

1262/UK/21/62

(*For the Use of the Secretariat*)

2231

Registered Number.	Date of receipt in Secretariat.
1262/UK/21/62	4 AUG 194[illegible]

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM — CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B 114 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	(1) Colonello Francesco TURCO, Commandant of Camp No.62, Bergamo, to which the Working Camp was attached. (2) Adjutant or Second in Command at Camp No.62 Bergamo) Name, Rank and Unit at present unknown. (3) Tenente Luigo PACIFICO, Commandant of Working Camp at Falcke's Factory, Sesto San Giovanni. (4) Adjutant or Second in Command at the said Working Camp (5) Officer and other ranks in charge of prisoners of war working at the Factory) Names, ranks and units at present unknown.
Date and place of commission of alleged crime.	Over a period at present undefined - at least during February and March 1943. At the Working Camp at Falcke's Factory, Sesto San Giovanni (attached to Camp No.62 at Bergamo)
Number and description of crime in war crimes list. References to relevant provisions of national law.	No.xxix - Ill-treatment of prisoners of war. Breaches of the Geneva Convention, 1929 (Prisoners of War), Articles 2, 10, 13, 17, 29, 31, 40, 46, 54, 56 and 61. Under English Law:- Assault.

SHORT STATEMENT OF FACTS.

Over a period at present undefined, but at least during February and March, 1943, the Working Camp at Falcke's Factory, Sesto San Giovanni, was conducted in a manner contrary to the provisions of the Geneva Convention, 1929, relative to prisoners of war.

The Solicitor for the Affairs of the Treasury.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Gp.685
(26924) Wt.P.1817/P.1130 5,000 3/44 " "

PARTICULARS OF ALLEGED CRIME

During the period February and March 1943 and possibly longer, the Working Camp at Falcke's Factory, Sesto San Giovanni, which was attached to Camp No.62 at Bergamo, was conducted in an improper manner, and in particular in that :-

The accommodation provided was inadequate as to sanitary and washing facilities. There was excessive overcrowding and facilities for exercise and recreation were also inadequate.

Red Cross parcels were withheld from distribution for some time after arrival, and on distribution liquid and perishable foodstuffs were issued without the containers in which they had arrived.

Obstacles were put in the way of the prisoners communicating with the Protecting Power.

The food rations were insufficient, and diminished progressively.

Prisoners were engaged on work prohibited or suspected of being prohibited, and on refusal so to engage were imprisoned without trial in unhygienic conditions and denied exercise. They were also chained.

IN THE MATTER OF:

The breach of Article 31 of the Geneva Convention 1929 (forbidding the employment of prisoners of war in work having a direct connection with the operations of the war) at a working camp at Sesto San Giovanni near Bergamo during February, 1943

AFFIDAVIT

I, No.5252417 Lance Corporal GEORGE EDWARD PEARSON of The Worcestershire Regiment attached to 11 Battalion, South Staffordshire Regiment of Ashridge Park Camp, Berkhamsted, Hertfordshire with permanent address at 55 Cressett Lane, Brockmoor, Brierley Hill Staffordshire make Oath and say as follows :

1. I was captured and taken prisoner of war at Tobruk on the 21st June 1942. I was moved thence to Benghazi on the 26th June 1942 where I remained for three weeks to a month. I was then shipped to Brindisi and entrained for Camp No.75 at Bari which I reached during the latter half of July 1942. A fortnight or so later I was transferred to Camp No.54 Fara where I remained until 2nd February 1943. On the day following, I was transferred to a working camp at Sesto San Giovanni where I remained until the 2nd April 1943. The latter camp is associated with Camp No.62 Bergamo.

2. On the 2nd April 1943 I escaped from Sesto San Giovanni but was recaptured at Como the following day and returned to that Camp. On my return there I was transferred to Camp No.62 Bergamo where I remained until the Camp broke up on 10th September 1943 in consequence of the invasion of Italy. I reached Switzerland in March 1944 and was thence repatriated on 24th October, 1943.

3. The working camp at Sesto San Giovanni was billeted on a large factory which was owned, I believe, by A.F.L. Falck.

4. The general living conditions were very fair. Our billets were equipped with running water and water closets and the food (which was supplied through the factory canteen) was adequate.

5. Within about a week of my arrival there were approximately 250 prisoners of war (British and South Africans) in my billet.

6. It was customary for prisoners of war to be detailed to work in the factory. I recall that on one occasion about 17 prisoners refused to work in the factory as detailed as they suspected that the work on which they were engaged had a direct connection with the operations of the war. These men were put in chains (i.e. "dog-chains" were fastened to their wrists) and they were put in the Italian guard-room during meal-times (viz: at 12.30 and 6 p.m. for two hours at a stretch). After such periods of detention they got their meals (that is half the double working ration).

7. After a week the last of these 17 objectors resumed work in the factory. The objectors included Corporal Hill (Royal Tank Corps or Regiment) L/Cpl. Wilkinson R.A. and Private Muirhart(?) of Queens Own Cameron Highlanders whose home address was, I think in Glasgow. These three persons ultimately reached Switzerland and are presumably now repatriated.

8. Whilst I was at Sesto San Giovanni there was general dissatisfaction among the prisoners on account of their being unable to get into touch with the Red Cross Authorities.

9. Except as otherwise herein stated I know of no information of ill-treatment of prisoners of war at Sesto San Giovanni.

SWORN at 21 Old Queen Street)
in the City of Westminster) G.E. PEARSON.
this 15th day of May 1945)

Before me,

HERBERT DAVIES.

A Commissioner for Oaths.

2234

IN THE MATTER OF :

The breach of Article 31 of the Geneva Convention 1929 (forbidding the employment of prisoners of war in work having a direct connection with the operations of the war) at a working camp at Sesto San Giovanni near Bergamo during February 1943

A F F I D A V I T

- of -

5252417 Lance/Corporal GEORGE EDWARD PEARSON

THE TREASURY SOLICITOR.

IN THE MATTER OF :

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929, at a working camp at Falck's Factory, Sesto San Giovanni (attached to Camp No.62, Bergamo) during February and March 1943

AFFIDAVIT

I, No. 2696719 Lance-Sergeant KENNETH JOHN MELLON of Training Battalion Scots Guards, Pirbright Camp, near Brookwood, Surrey, with a permanent address at 30 Thirlmere Street, Wallasey, Cheshire, make Oath and say as follows :-

1. I was captured and taken prisoner of war on 13th June 1942 at Rigel Ridge, in the vicinity of Knightsbridge. Stopping for a short while at places en route, I was taken to Suani Ben Adam, south of Tripoli, which I reached at the beginning of July 1942. After about 3½ months there, I was removed to Tripoli Hospital, whence, after about a fortnight, I was taken by hospital ship to Naples and thence to Caserta Hospital. I remained at the latter hospital until the 1st January 1943, when I was transferred to Camp No. 54, Fara Sabina, from which, after about a month, I was transferred to a working camp at Sesto San Giovanni. I remained there about five weeks, when I was taken to Camp No. 62, Bergamo. The commandant of the working camp was a Tenente Luigo Pacifico.

2. A converted warehouse in the factory precincts accommodated the prisoners of war (some 500 men) who were at the working camp. This warehouse comprised a main room perhaps 20 yards x 30 yards and an adjoining room some 10 yards x 15 yards. There was an "exercise" yard in front of this building. This yard was some 30 feet (sic) x 10 feet.

3. We slept in treble-tier beds which were lashed together in pairs to prevent their rocking. There was no space to pass between one pair of beds and the next, and the only means of access to the beds was from the front. The beds were ranged in rows (back-to-back, except round the walls) and the gangways bordering the fronts of the beds were about 2 feet wide.

4. The sanitary and washing arrangements for the whole camp consisted of three water closets, six wash-basins with running water and, latterly, one tap and a concrete trough in the yard.

5. We were placed on double (working) rations and we accordingly at first received 400 grammes of bread and 24 grammes of cheese each a day and a better type of skilly than that generally provided. We also had the usual ersatz coffee. These rations progressively dwindled while I was at the Camp.

6. About two weeks or so after I arrived at this Camp, 15 prisoners of war were detailed for work in the Factory which they refused to do when they found it was connected with Italian machinery and, apparently, with the Italian war effort. Included among these men were Corporal Hill (R.T.R.) Corporal Chapman (R.T.R.) Lance-Corporal Nesworthy (R.T.R.) and Gunner Clarke (R.A.).

7. On their refusal, the fifteen men were removed to a room which was half underground, had shortly before been used for stabling mules and had not since been cleansed. They had their wrists chained for an hour the first day and the period of their chaining was increased by one hour each succeeding day. They were also placed on single rations and were deprived of all exercise. After about eight days, these men returnedto manual labour, but other prisoners of war were in and out of this room for the rest of the time I was at the camp. Latterly, a prison of the air-raid shelter type was built in the yard.

8. When I first arrived at this Camp, the Camp Leader was Company Sergeant Major Pauley (D.C.L.I.). He protested through the Protecting Power by letter against the work on which the prisoners of war were engaged. No reply was received, and when an officer (whose name I believe was Terripier) visited us from the Protecting Power while we were at Camp No. 62, Bergamo, he informed us that he had not been allowed to visit the working camp at Sesto San Giovanni.

9. For at least the first 4½ weeks I was at this Camp, no Red Cross parcels were issued. At the end of this period all senior ranks (including C.S.M. Pauley) were transferred to another Camp with the exception of C.S.M. Coles, three British sergeants (including myself) and three South African Sergeants. C.S.M. Coles then became Camp Leader and we six Sergeants became Section Leaders. C.S.M. Coles organised a strike as a result of the continuance of which he and we Section Leaders were arrested and removed to prison in a cell outside Camp No. 62, Bergamo. Our arrest took place on the 18th or 19th March 1943.

The grievances on account of which we struck were :-

(a) the absence of Red Cross parcels.

(b) dwindling rations

(c) the entire lack of recreational facilities.

(d) the fact that the work for which some of the prisoners of war were employed (i.e. loading trucks with coal, iron, ship's components etc.) was too heavy, having regard to the food ration issued.

(e) a general suspicion that the work on which some of us were engaged fell outside that on which prisoners of war could be lawfully employed.

SWORN by the above named KENNETH JOHN MELLON at 5 High Street, Woking in County of Surrey this 29th day of May 1945) K.J. MELLON

Before me,
W. BRYN DAVIES.
A Commissioner for Oaths.

IN THE MATTER OF :

The ill-treatment of Prisoners of war and breaches of the Geneva Conventions, 1929, at a working camp at Falck's Factory, Sesto San Giovanni (attached to Camp No.62, Bergamo,) during February and March 1943

A F F I D A V I T

- of -

L/Sgt. K.J. MELLONS (Scots Guards)

THE TREASURY SOLICITOR.

IN THE MATTER OF :
The ill-treatment of Prisoners of war and breaches of the Geneva Conventions 1929, at a working camp at Falke's Factory, Sesto San Giovanni (attached to Camp No.62, Bergamo) during February and March 1943

A F F I D A V I T

I, No.5722197 Company Sergeant Major WILLIAM COLES, Queen's Royal Regiment attached 98 Reception Camp, Pennwood, Penn Street, Amersham, Bucks, with a permanent address at No.? Miller's Close, Dorchester, Dorset make Oath and say as follows :-

1. I was captured and taken prisoner of war at El Alamein on 25th October 1942. I was taken to hospital at El Adem, and was thence transferred two days later to Tobruk. After a day and night at Tobruk, I was taken by hospital ship to Naples where I arrived on the 6th November 1942. On my arrival, I was taken by ambulance to Caserta Hospital, whence I was transferred on 1st January 1943 to Camp No.54, due east of Rome Fara Sabina. I remained at the latter camp the best part of a month and was then transferred to a working camp at Falck's Factory (Sesto San Giovanni?) which was attached to and some 20-25 kilometers distant from Camp No.62, Bergamo. The Commandant of the working camp was Tenente Luigo Pacifico.

2. A converted warehouse in the factory precincts accommodation the prisoners of war (some 500 men) who were at the working camp. This warehouse comprised a main room perhaps 20 yards x 30 yards and an adjoining room some 10 yards x 15 yards. There was an "exercise" yard in front of this building. This yard was some 60 feet in length and 10 feet in width.

3. We slept in treble-tier beds which were lashed together in pairs to prevent their rocking. There was no space to pass between one pair of beds and the next, and the only means of access to the beds was from the front. The beds were ranged in rows (back-to-back, except round the walls) and the gangways bordering the fronts of the beds were about 2 feet wide.

4. The sanitary and washing arrangements for the whole camp consisted of three water- closets, six wash-basins with running water and, latterly, one tap and a concrete trough in the yard.

5. We were placed on double (working) rations and we accordingly at first received 400 grammes of bread and 24 grammes of cheese each a day and a better type of skilly than that generally provided. We also had the usual ersatz coffee. These rations progressively dwindled while I was at the camp.

6. At the beginning of my second week at this camp, 15 prisoners of war were detailed for work in the Factory which they refused to do when they found it was connected with machinery and, apparently with the Italian war effort. Included among these men were Corporal Hill (R.T.R.) and Corporal Chapman (R.T.R.) On their refusal, the fifteen men were removed to a room which was half underground, had shortly before been used for stabling mules and had not since been cleansed. They had their wrists chained for an hour the first day and the period of their chaining was increased by one hour each succeeding day. They were also placed on single rations and were deprived of all exercise. After about eight days, these men returned to manual labour; but other prisoners of war were in and out of this room for the rest of the time I was at the camp. Latterly, a prison of the air-raid shelter type was built in the yard.

7. For at least the first four and a half weeks I was at the Camp, no Red Cross parcels were issued. At the end of this period, all senior ranks were transferred to another Camp, except myself, three British sergeants and three South African sergeants. I then became Camp Leader and the six sergeants became Section Leaders. The reason for the removal of the other senior ranks was their failure to quell the growing disaffection among the prisoners of war caused by :-

(a) the absence of Red Cross parcels
(b) dwindling rations
(c) the entire lack of recreational facilities
(d) the fact that the work on which some of them were employed (i.e. loading trucks with coal, iron, ships' components etc.) was too heavy, having regard to the food rations issued.
(e) their suspicion that the work assigned to them fell outside that on which prisoners of war could be lawfully employed.

8. About a week after I had taken over the camp leadership, Red Cross parcels were made available for distribution. Their contents (viz: jam, condensed milk etc.) were removed from their containers and issued to us in paper by the Italian guards. A further issue of Red Cross parcels became due a week or fortnight after I became Camp Leader. The parcels were already in the Camp, but the Commandant (Tenente Pacifico) would not let me distribute them. When the parcels were about ten days overdue for distribution the Commandant released them on the terms that we returned all containers the following day. We were therefore again left with perishable foodstuffs which we had to keep in paper as best we could. When the next issue of Red Cross parcels became due, the Commandant refused to issue them and put me off with frivolous excuses. When these parcels had been withheld some days, I toured the Factory and found men engaged on what I considered to be war work. I accordingly spoke to the men and told them that in all the circumstances I considered we should be justified in striking. It was therefore left that none of us should go to work the following day. Tenente Pacifico came round on the morrow to see why we were not at work and I informed him of our decision and that we would resume work when our grievances were attended to. Pacifico telephoned Colonel Turco, (the Commandant of No. 62 Camp, Bergamo) who came down and ordered me to get the men back to work. Work was not resumed and the following day Turco's Second in Command (a Major whose name I do not know) visited the Camp and detailed me to order the men back to work while he and the interpreter were present I merely repeated the instructions I had been given and they were not complied with. The Second in Command continued to give me ultimatums at short periods until finally on the 18th or 19th March 1943, I gave the men definite orders not to go to work. I was therefore arrested by the Carabinieri who took me to Pacifico's office with the six Section Leaders. We were placed under guard and our wrists were chained. After about 45 minutes, Pacifico arrived and took the three South African sergeants outside. We did not see them again and within a short space I heard the prisoners of war marching out to work.

9. After further interrogation by Pacifico, I and the three British Sergeants were taken by car to a cell outside Camp No.62, Bergamo.

SWORN by the above named William Coles at Weymouth in the County of Dorset this 7th day of June 1945 } W. COLES.

Before me,

W.T. WILKINSON.

A Commissioner for Oaths.

IN THE MATTER OF :

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929, at a working Camp at Falke's Factory, Sesto San Giovanni (attached to Camp No.62, Bergamo) during February and March 1943

A F F I D A V I T

- of -

C.S.M. W. COLES (Queens Royal Regiment)

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

THE ILL-TREATMENT OF BRITISH PRISONERS OF WAR and BREACHES OF THE GENEVA CONVENTIONS 1929 at CAMP No. 62 at BERGAMO DURING THE PERIOD JANUARY TO SEPTEMBER, 1943

A F F I D A V I T

I, JAMES MURRAY No. 833698, Sergeant, at present stationed at 176 Field Regiment R.H.Q. Gosforth, Newcastle with permanent home address 122, Princes Avenue, Watford, Herts, make Oath and say as follows :-

1. I became a prisoner of war at Knightsbridge, North Africa, in June 1942, was sent to Derna, thence to Sirte, thence to Suane Ben Adem and later was shipped to Italy and arrived at Camp No. 66 at Capua Italy in November 1942, and from there I was sent to Camp No. 54 at Fara Sabina at about the New Year 1942/3 and stayedthere some three or four weeks.

2. Towards the end of January 1943 (I cannot fix the exact date) I was sent from the said Camp at Fara Sabina to Milan. I was sent there because the Italian Command at the said Camp knew that I was an engineer by profession. In Milan I was taken to the works of Falke Lombardo, Marine Engineers, (either Italian or German owned) and ordered to work on machine laying. I refused on the grounds that it was the type of work which, under the Geneva Conventions 1929, prisoners of war should not be forced to do. I was then sent from Milan to Camp No. 62 at Bergamo.

3. I was prisoner of war at Camp No. 62 at Bergamo from the end of January 1943 until the 9th September 1943. Colonel Turko Francesco was the Commandant there during that period. He behaved with great brutality. He had been informed that I had refused to work at Milan as aforesaid. In consequence on arrival I was jailed in an underground cell and kept there, without any sanitation and on starvation diet, for 37 days as a punishment for such refusal.

4. There was another prisoner of war, Company Sergeant Major W. Coles of the Queens Regiment jailed with me in the same cell. He was kept there 37 days and he told me that he was so jailed for refusing to work in a war factory.

SWORN by the said JAMES MURRAY)
at Gosforth in the County of)
Northumberland the 6th day of)
June 1945)

JAMES MURRAY

Before me,
H. Soden Bird,
A Commissioner for Oaths.

2242

IN THE MATTER OF ILL-TREATMENT of BRITISH PRISONERSOF WAR and BREACHES OF THE GENEVA CONVENTIONS 1929 at Camp No. 62 at BERGAMO during the period January to September 1943

A F F I D A V I T

- of -

SERGEANT JAMES MURRAY

THE TREASURY SOLICITOR.

PARTICULARS OF EVIDENCE IN SUPPORT

1. AFFIDAVIT of Lance Corporal G.E. Pearson, sworn 15th May 1945.

2. AFFIDAVIT of Lance Sergeant K.J. Mellon, sworn 29th May 1945.

3. AFFIDAVIT of C.S.M. W.Coles, sworn 7th June 1945.

4. AFFIDAVIT of Sergeant J. Murray, sworn 6th June 1945.

Copies of these documents are attached.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

If the facts set out in the Affidavits are established they constitute Crime No.xxix in the War Crimes List - Ill-treatment of prisoners of war.

The Articles of the Geneva Convention referred to provide as follows:-

No. 2. Requiring humane treatment and protection and forbidding reprisals.

No.10. Making provision for accommodation, dormitories etc.

No.13. Requiring facilities for exercise

No.17. Requiring the encouragement of intellectual and sporting pursuits

No.29. Forbidding the employment of prisoners on work for which they are physically unfitted.

No.31. Forbidding any work directly connected with operations of war.

No.40. Regulating the examination of postal parcels and the preservation of any foodstuffs therein.

No.46. Prohibiting corporal punishment and regulating the conditions of confinement, and forbidding cruelty.

No.54. Providing that imprisonment is the most severe form of punishment which may be inflicted, and regulating its duration.

No.56. Regulating the conditions of disciplinary sentences.

No.61. Providing for proper trial before any sentence.

RESPONSIBILITY: The primary responsibility for the conditions which prevailed throughout the Working Camp would appear to be that of the accused Nos.3 and 4; but the Working Camp was attached to Camp No.62 at Bergamo, and there is evidence to show that accused No.3 referred to Accused No.1 for instructions, and that the Working Camp was visited by both accused No.1 and accused No.2 in an official and advisory capacity. Accused No.5 are answerable only for their participation in the system of employing prisoners of war contrary to the provisions of Article 31 of the Convention. Prima facie all the accused have a case to answer.

DEFENCES: Accused Nos.3, 4 and 5 (and possibly accused No.2) may plead that they acted in strict compliance with orders given to them by the superiors. If this plea is accepted it is submitted that it would afford no defence to a criminal charge (i.e. under the national law or the War Crimes List), though it might be taken into account in mitigation.

Accused Nos.1 and 2 may plead that they did not know of the conditions which prevailed at Sesto San Giovanni, but as they in fact visited that Camp, and it was under their control, they should have been aware of the conditions, and must prima facie be held liable for the policy and methods employed there.

COMPLETENESS OF CASE: There is some difference in the evidence given by Pearson and that given by Coles and Mellon, and further witnesses are being sought. Further evidence as to the nature of the work claimed to be prohibited is also being sought, though the description given by Coles in para.7 of his Affidavit might be held to indicate the movement of warlike stores. The identity of the accused whose names are not yet known is being sought.

Accused No.1 is already notorious - compare charges UK - I/B 62 and 63 - Commissions references: 617/UK/It/50 and 617/UK/It/51.

Sufficient evidence appears to be available to establish a strong case for the accused to answer.

1263/UK/21-/63

2245

1. Infantry Captain
2. SCIOCA

Submitted Decision of Committee I

15 AUG 1945 Both A W.

CARDS CHECKED

1263/UK/21-/63

(*For the Use of the Secretariat*)

2246

Registered Number.	Date of receipt in Secretariat.
1263/UK/2c/63	7 AUG 1945

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B 121*

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	(1) An infantry Captain (whose name is as yet unknown who escorted Captain E.H.B.Imbert-Terry and Captain J. Verney from the prisoner of war camp at Alghero, Sardinia to the Naval Barracks at La Maddalena and had charge of them there in August 1943. La Maddalena is a small place on a small island of the same name a few miles north of Sardinia. This accused is known to have been a schoolmaster there in peace time. (2) SCIOCA, Lieutenant. Unit unknown, but believed to belong to a corps which escorted and guarded prisoners of war. He was at the Naval Barracks, La Maddalena, in August 1943.
Date and place of commission of alleged crime.	August 1943. La Maddalena on the island of the same name which is a few miles north of Sardinia.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No.xxix. Ill-treatment of prisoners of war. Breach of the laws and usages of war and in particular of Article 2 of the Geneva Convention, 1929, relative to the treatment of prisoners of war.

SHORT STATEMENT OF FACTS.

Two British Officer prisoners of war escaped from the Naval Barracks at La Maddalena. They were recaptured and taken back to the barracks where they were beaten up by carabinieri and guards in circumstances which show that this was done with the knowledge of both accused and on the orders of one or other of them.

TRANSMITTED BY.....

*Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(26352) Wt.P.1505/1120 500 1/44 A.& E.W.Ltd. Cp.685
(26924) Wt.P.1817/P.1139 5,000 3/44 " "

PARTICULARS OF ALLEGED CRIME

A month after their capture in Sardinia Captain Verney and Captain Imbert-Terry were taken to the Naval Barracks at La Maddalena under the escort of an Italian Captain whose name is not yet known. There they found about thirty other rank prisoners from their own unit in the charge of the accused, Lieutenant Scioca

Captain Verney and Captain Imbert-Terry escaped but were recaptured and brought back to the barracks where they were met by a crowd of Italian sailors, civilians and carabinieri together with the Italian captain and Lieutenant Scioca, both of whom were excited and angry. They were taken to a large room followed by the crowd. After the Italian captain had ordered everyone else out of the room except two carabinieri and two Italian soldiers he and Lieutenant Scioca left the room. The four guards then proceeded to beat up Captain Verney and Captain Imbert-Terry kicking them and using their rifle butts. They were refused permission to go outside to a latrine although Captain Imbert-Terry was suffering from dysentery. They received no food or water for fourteen hours. Lieutenant Scioca came in to gloat over them the morning after they had been beaten up. They were despatched by destroyer to Italy later that day.

IN THE MATTER OF :-

The beating up of Major J. Verney, R.A.C. and Captain Imbert-Terry, Coldstream Guards, at La Maddelena, Sardinia.

British National Office Charge No.
United Nations War Crimes Commission Reference:

A F F I D A V I T

I, P/132220 Captain EDWARD HENRY BOUHIER IMBERT-TERRY, Coldstream Guards with permanent home address at Strete Ralegh, Exeter, Devon, make oath and say as follows :-

1. While serving with S.B.S. 1st S.A.S. I was taken prisoner in Sardinia approximately 16th July 1943. I remained in Sardinia a month and about 16th August 1943 I and five other officers among whom was Major J. Verney, R.A.C. were removed from a temporary camp at Alghero, Sardinia, to an Island known as La Maddelena. We were in the charge of an Italian captain and a party of two carabinieri and other soldiers who escorted us and we were taken to naval barracks at La Maddelena.

2. La Maddelena is a small island two or three miles wide situated immediately north of Sardinia and in sight of Sardinia.

3. On our arrival at the naval barracks at La Maddelena we found some thirty other rank prisoners from our unit who were in the charge of an Italian Lieutenant named Scioca.

4. Three or four days later Major Verney and myself escaped but were captured and brought back to the barracks after two or three hours. We were taken into the barracks. There wewere met by the aforesaid Italian captain and Lieutenant Scioca. The latter spat deliberately in our faces. The Captain and Scioca were furiously excited and very angry. We were taken into a large room accompanied by the carabinieri soldiers and several members of the general public. After some delay the captain ordered everyone outside except the carabinieri and the two soldiers. He and Scioca then left.

5. The two carabinieri and the two soldiers put down two mattresses and ordered us to lie on them. Two kept us covered with their rifles and the other two began kicking and hitting us and beating us with rifles. They continued to do this for about a quarter of an hour. When we asked to go to the latrine this provoked another onslaught. They told us we would be shot in the morning. At the time I was suffering from dysentry and Major Verney had a weak bladder. One of the carabineri kicked Major Verney in his private parts. I was able to ward off most of the blows of the rifles without suffering more than bruises on my arms. Major Verney was also able to ward off most of the blows from the rifles but he was repeatedly kicked about the legs and body. We were then left in the room for about twelve hours.

6. The next morning Lieutenant Scioca came and saw us. We were in a distressed condition. Lieutenant Scioca was obviously gloating at us and smiling at our condition. We asked him if we could go outside to the latrine. Although he was clearly amused at our plight he did not reply and left us. We received no food or water for fourteen hours from the time that we were beaten up. About 1600 hours the same day we were

taken before two naval captains and two hours later we were taken on a destroyer to Italy. We understood that a carabineri captain had arrived to take over from the former captain in charge who had been relieved of his duties as escort to prisoners.

7. Lieutenant Scioca was, I understood, always engaged upon escorting prisoners of war and I believe he belonged to a Corps whose duties involved the escorting and care of prisoners. He was not a carabineri officer. He was about 5 ft. 8 ins tall, thin, rat faced, dark, with sunken eyes, slight in build and his age would be about 30. From his pleased demeanour when he visited us after our beating up I was quite convinced that he knew all about it.

8. The captain who brought us from Alghero was aged about 45, about 5 ft. 6 ins. tall, rather wizzened appearance. I understand that in peace time this captain was a local schoolmaster in the island of La Maddelena. I think he was an infantry officer and not carabineri.

9. Before we were beaten up by the carabineri from the demeanour of the Captain and Lieutenant Scioca and from the way in which they spoke to the carabineri and ordered the public to leave the room I was convinced that both these Italian officers knew that the carabineri were going to give us a beating, if in fact they had not themselves ordered this to take place. I could identify both the said captain and Lieutenant Scioca if I were to see them again. Lieutenant Scioca was on the destroyer which took usto Italy.

SWORN by the said Edward Henry Bouhier)
Imbert-Terry at 6 Spring Gardens in the) E.H.B. IMBERT-TERRY
City of Westminster this 21st day of)
June 1945)

Before me,

G.
Major
Legal Staff.

Military Department, Office of
the Judge Advocate General.

STATEMENT by 69501 Major J. VERNEY R.A.C.

About 16 Aug 1943, I, and 5 other officers of the Special Boat Sqn, who had been taken PW in SARDINIA, were moved from a temporary camp at ALGHERO to the Naval Barracks at LA MADDALENA, prior to being taken across by boat to ITALY. We were escorted by an Italian Captain, a small wizened man who was in peacetime a schoolmaster at LA MADDALENA, and 4 Carabinieiri, also Sardinians.

In the Naval Barracks at LA MADDALENA we found our other ranks, about 30, who were being escorted by a young Lieut. SCIOCA (pronounced "shocker") and some carabinieri. SCIOCA, I believe, was an officer in the Carabinieri and came from the mainland.

On the ngith of the 18/19 Aug (the date may be a day or two out either way) Capt. E. IMBERT-TERRY, Coldstream Guards, and I escaped. We were recaptured later that night putting out to sea in a boat and brought back to the Barracks.

We were met in the barracks by a waiting crowd of sailors, civilians and Carabinieri, among them our escorting Captain and Lieut. SCIOCA. The latter spat deliberately in our faces.

The Captain and SCIOCA were furiously excited. Muttering something about "You'll soon take that grin off" they left us to the Carabinieri. The general public was ordered outside. The Carabinieri made us lie on the floor and then covering us with pistols and rifles, began kicking and hitting us about - only for a quarter of an hour or so, though it seemed longer. They told us we would be shot in the morning. When we asked to be allowed to go to the latrine, it provoked another onslaught. IMBERT-TERRY had dysentry and I a weak bladder. Much to the satisfaction of the Carabinieri we lay on the floor for the next 12 hours in a most unpleasant mess. Lieut. SCIOCA came to gloat at us in the morning. We asked him if we could go outside. He jeered and left us.

We were eventually released from this ordeal by some Naval Intelligence officers, come to interrogate us on our escape and who were deeply shocked at our treatment.

Later that day we were taken to ITALY by destroyer. Our Captain, as a result of the disgrace incurred by our escape, was replaced by a different officer and we left him in MADDALENA.

I am sure he is a bad schoolmaster, who in the interest of Anglo-Italian relations in the coming generation, should be removed.

(Sgd) J. Verney, Major.

PARTICULARS OF EVIDENCE IN SUPPORT

Contained in the affidavit of Captain E.H.B. Imbert-Terry and the signed statement of Major J. Verney.

NOTES ON THE CASE 2252

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (*b*) the probable defence; (*c*) whether the case appears to be reasonably complete.)

Although neither of the Italian officers was present at the beating up of these two prisoners, it seems clear from the evidence that this was done with their knowledge and approval. It may be that Lieutenant Scioca will claim that the Captain was his superior officer and is alone responsible. In view of Lieutenant Scioca's conduct throughout and his demeanour afterwards it is submitted that he cannot escape responsibility.

Though few details of the Italian captain are available it may well be possible to trace him since he was a schoolmaster in La Maddalena in peace time. La Maddalena is quite a small place and enquiry will be made accordingly.

There are no other witnesses.

1294/UK/XI/64

2253

1. BONITO-OLIVA. Achille
2. FERRARI. Giovanni
3. Officers & other ranks

Submitted Decision of Committee I

22.8.45	1-2 A 3 C B	CARDS CHECKED
9 JAN 1946	Nicoletti : A. de Cicco : A. Bonito-Oliva : removed. B	CARDS CHECKED

1294/UK/XI/64

2254 9 DEC 1945

MD/JAG/FS/42/55 (2B)

British National Office No: UK - 1/B 40A

United Nations War Crimes Commission Reference:

1294/UK/IT/64

ADDENDUM

IN THE MATTER OF:-

Ill-treatment of, and unlawful wounding of, and assault upon British Prisoners of War at the time of a mass escape through a sewer pipe from Camp No. 66 at Capua Italy on the 27th January 1943

An amendment of the list of accused is necessary consequent upon a report from the Judge Advocate General (see his letter of the 4th December 1945 to the Treasury Solicitor herein, a copy of which is attached hereto).

FURTHER NOTE ON THE CASE

The list of accused herein should be amended to read as follows:-

1. Col. NICOLETTI, Guglielmo: Commandant of the said camp at the date in question.
2. Captain FERRARI, Giovanni (Infantry) - or other The Adjutant or second in command of the said camp at the date in question.
3. Officers and other ranks concerned in the assaults and ill-treatment at the said camp at the date in question including:-

   Fante DE CICCO Michele, one of the guards on duty at the time of the attempted escape in question.

COPY

2255

THE JUDGE ADVOCATE GENERAL,
Spring Gardens,
Cockspur Street,
London, S.W. 1.
4 December 1945.

MD/JAG/FS/42/55(2B)
CONFIDENTIAL

The Treasury Solicitor,
Storey's Gate,
St. James's Park,
London, S.W. 1.

ITALIAN WAR CRIMES.
UK/IB 40A - Mass escape through sewer pipe from Camp 66 CAPUA on 27 January 1943

1. I have received a communication from DJAG, GHQ, CMF, who states that the Italian dossier on the above incident is now in his possession.

2. This dossier discloses the name of the Commandant as Colonel NICOLETTI Guglielmo and of the guard who gave the alarm by "firing a shot into the air" as Fante DE CICCO Michele. Both these Italians have been circulated as wanted persons.

3. No doubt you will take the necessary steps to amend the charge in the names of the accused.

(Sgd)

Colonel,
for Military Deputy,
J.A.G.

CB/SWD

(*For the Use of the Secretariat*)

2256

Registered Number.	Date of receipt in Secretariat.
1294/UK/21/64	13 AUG 1945

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CASE No. UK - I/B 40A.

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	(1) Colonello Achille BONITO-OLIVA (Infantry) Commandant of Camp. (2) Capitano Giovanni FERRARI (Infantry) Adjutant or second in command of camp. (3) Officers and other ranks concerned in the assaults. (Names ranks and Units at present unknown)
Date and place of commission of alleged crime.	27th January 1943 At and near camp No.66 at Capua.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. xxix - Ill-treatment of Prisoners of War Breaches of Articles 2, 46 and 54 of the Geneva Convention 1929 relating to the treatment of Prisoners of War. Under English Law :- Unlawful wounding and assault.

SHORT STATEMENT OF FACTS.

On 27th January 1943 at and near Camp P.G. 66 at Capua a number of British Prisoners of War, recaptured on an attempted escape, were mal-treated and wounded by Italian guards whose names, ranks and units are at present unknown.

The Solicitor for the Affairs of H.M. Treasury.

TRANSMITTED BY

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E.W.Ltd. Gp.685

PARTICULARS OF ALLEGED CRIME

On 27th January 1943 a number of British Prisoners of War at Camp P.G.66 at Capua planned to escape by crawling down a sewer which ran from inside the camp in the direction of Capua. A number got clear, but the alarm was given while many prisoners were in the sewer and on their surrender they were violently assaulted, at least two were bayonetted and one was shot through the ankles. They were threatened with shooting and imprisoned.

IN THE MATTER OF :
The ill-treatment of Prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.66 at Capua on the occasion of an attempted escape in February 1943

AFFIDAVIT

I, No.7348754 Private LYNDON HARRY HUGHES, R.A.M.C., now at No.1 Depot, Boyce Barracks, Aldershot, Hants and with a private address at 10 Bloomfield Terrace, Swansea, South Wales, make Oath and say as follows :-

1. I was captured at Depienne, near Tunis, on 3rd December 1942, and was shortly after flown via Sicily to Naples, and arrived at Camp No.66 at Capua on 6th December 1942.

2. About February 1943 some 20 or 30 prisoners of war, of whom I was one, planned to attempt an escape from the camp. There was a pipe about 4 feet in diameter extending for about half a mile from inside the camp to Capua. This pipe was not inuse, and it may have been intended for a sewer. There were manholes at intervals, one of which was in No.2 Compound in the camp, and others outside the camp could be seen at intervals of about 200 yards.

3. The men attempting to escape were led by two sergants, one of whom was Sergeant Crozier of the Second Paratroop Battalion, to which I had been attached. Other names I remember were Sergeant Heslop and my own particular friend, Private Dennis White, of Second Paratroop Battalion.

4. The original plan was to form up alongside the hut after dark, and the two sergeants were going to go along the pipe and escape at the far end. We would follow at two-minute intervals.

5. Word must have got round in the camp of the attempt, and a large number joined in and got into the pipe before the original party, but after the two sergeants. The pipe got choked with men, and though the two sergeants did escape at the far end some of the men came up through the earlier manholes, and in particular one only 15 yards from one of the guards.

The guards, discovering what was happening, went to either end of the pipe, and the ones at the Capua end started firing along the pipe. I do not know if any challenge was given. The guards at the manhole in No.2 Compound waited for the men to come out there. No doubt they also guarded the other manholes, but this I cannot tell for certain. It was naturally pitch dark in the tunnel, and not easy to find the manholes.

5. I had got into the pipe and gone about 15 yards when the firing started. I and all the men round about got back quickly, and I myself got out of the pipe at the place I had entered in before any of the guards had arrived at the camp end of the pipe. Many of us therefore, got back to our huts. When the guards did arrive at the camp end of the pipe I believe there were about 15 men still in the pipe.

6. I did not see any of the wounded men, but the news of what had happened spread rapidly about the camp, and from this I heard, though I cannot remember the name of anyone who told me, that several men were wounded by the firing in the pipe, and others were wounded with bayonets and rifle butts on coming out into the compound. These were bayonetted in the buttocks and hit on the head with the rifle butts. All of them were put in detention cells.

7. Whilst I was in Caserta Hospital I was told that some of the wounded from this incident were in the hospital, but they were in a different wing from the one I was in.

8. The two sergeants who led got out into the village, but were captured some six hours later. They were put in a detention cell, and I understood from Sergeant Crozier, whom I met later at Camp No. 70 at Monturano, that he been in the cell for about 30 days.

SWORN at Aldershot in the County of)
Hants this 31st day of May 1945) L.H. HUGHES.
Before me, J.T.COGGINS. A Commissioner for Oaths.

IN THE MATTER OF :-

The ill-treatment of Prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.66 at Capua on the occasion of an attempted escape in February 1943

A F F I D A V I T

- of -

LYNDON HARRY HUGHES

THE TREASURY SOLICITOR.

IN THE MATTERS OF :-

(a) The wounding of Private Perkins at Camp No. 66 at Capua on or about the 25th January 1943

(b) The wounding of Sergeant Hunt at Camp No.66 at Capua on or about the 25th January 1943

(c) The assault on and ill-treatment of and breaches of the Geneva Conventions 1929 with regard to Sergeant Cotton, Sergeant Heslop, Private Conduit, Private Crozier, Sergeant Burling, Sergeant Hunt and Corporal Firman, all of the 2nd Paratroop Battalion, 1st Brigade, at Camp No.66 at Capua on or about the 25th January 1943

A F F I D A V I T

I, WILLIAM SUNLEY, Sergeant No.2929641 at present at 11th Infantry Holding Battalion Cameron Company Strathpeffer Hotel, Strathpeffer, Ross-shire N.B. and with a permanent address at 33 Ringham Road, Ipswich Suffolk, make Oath and say as follows:-

1. On the 29th November 1942 I was taken prisoner in the Tunis area, North Africa, and after an interval of some hours was flown to Naples and thence sent on to Camp No.66 at Capua.

2. I was at the said Camp at Capua from the 1st or 2nd December 1942 until the end of March 1943.

On or about the 25th January 1943 - I am not sure of the exact date - at about 7 p.m. I heard from Sergeant Cotton, 2nd Paratroop Battalion, 1st Brigade, a fellow Prisoner of War in the said camp (I do not know where he is now) that he and six other Prisoners of War were going to attempt to escape that night. The six others were :-

Sergeant Heslop	(same Unit)
Private Conduit	do.
Private Crozier	do.
Sergeant Burling	do.
Sergeant Hunt	do.
Corporal Firman	do.

The idea which Sergeant Cotton conveyed to me was an escape through a disused sewer one end of which started in the compound with an iron grating over it. This was near a sentry but by dint of distracting his attention by bartering and the like over a period men had chipped away the concrete into which the grating fitted, so that the said grating could be lifted easily and quickly. He asked me to join the party. I agreed. The news soon spread and the majority of the 600 Prisoners of War in the said camp at that time prepared to join also.

About 10 p.m. I saw the first party go down the said sewer, namely Sergeant Cotton and the six men referred to above. They got clear. No system had been arranged as to the order in which the rest were to go and there was considerable confusion and great scrambling as to who went first, creating a good deal of noise. About 32 in all including the said seven either got clear or into the said sewer. I did not myself get into the manhole. I watched from the side of my hut which was nearby. It was not against orders to be out of huts at this time of night: lights were still on: but it was surprising that sentry patrolling some 30 yards away did not see what was happening because all the men who were prepared to go down the said manhole carried haversacks and Red Cross parcels.

Eventually, however, after 32 Prisoners of War had gone down the manhole the sentry must have seen what was happening and he started to shout and he also fired. He hit no-one so far as I know. I went back into my hut. There I heard continued firing from more than one direction.

3. The next thing I knew was that a roll-call was held of the whole camp and it appeared that 32prisoners of war were missing. I heard this from our Regimental Sergeant Major (I cannot now remember his name) who passed the word round.

After an interval we were ordered back to our huts.

Next morning it was general talk in the camp (I cannot now give the name, rank, or units of my informants) that the Italian Guard, when they reached the said manhole on the summons by the sentry got down into the manhole and fired along it indiscriminately. A South Africa Interpreter (I cannot now give his name or unit) was said to have pledged his word to the Italian Officer in charge of the Guard that if he would order his men to stop firing he (the said Interpreter) would get the remainder of the prisoners of war in the sewer to go back. On this the order to cease fire was given and the men who could came out of the sewer and were taken to the guard room, one man, Private Perkins (2nd paratroops, 1st Brigade) was said to have been wounded by a bullet fired along the sewer and one man (I cannot give his name, rank, or unit) was said to have been bayonetted by one of the guard.

I believe some 15 or 16 prisoners of war got clear through the said sewer. The remainder of the 32 who got clear or into the said sewer (except the wounded) were ordered to the guard room and kept there.

Later I heard that the 15 or 16 who got clear were all recaptured during the next few days and they were brought back to the guard room.

Sergeant Heslop (aforesaid) who was recaptured told me later that when they were all in the guard room the Italian in command took their boots away to prevent escape and beat them up badly with gun butts. Heslop himself to my own knowledge had a bad jaw for some time afterwards as a consequence and I believe all those placed in the guard room were kept on bread and water in the guard room or cells for 28 days and during that time the issue of Red Cross parcels to them was held up.

4. On leaving the said camp at Capua at the end of March 1943 I was sent to a camp at Sevigliano. I got away from there at the time of the Armistice in September 1943 and after wandering in the Ascoli district for a time I got across the lines on or about the 21st January 1944.

SWORN by the said WILLIAM SUNLEY)
at Dingwall in the County of Ross &) WILLIAM SUNLEY. Sgt.
Cromarty this fifteenth day of June)
1945)

Before me,
R.T.D. DILSON ANDERSON,
Notary Public.

IN THE MATTERS OF :-

(a) The wounding of Private Perkins at Camp No.66 at Capua on or about the 25th January 1943
(b) The wounding of Sergeant Hunt at Camp No.66 at Capua on or about the 25th January 1943
(c) The assault on and ill-treatment of and breaches of the Geneva Conventions 1929 with regard to Sergeant Cotton, Sergeant Heslop, Private Conduit, Private Crozier, Sergeant Burling, Sergeant Hunt and Corporal Firman, all of the 2nd Paratroop Battalion, 1st Brigade, at Camp No.66 at Capua on or about the 25th January 1943

A F F I D A V I T

- of -

Sergeant W. SUNLEY

THE TREASURY SOLICITOR.

IN THE MATTER OF :

The ill-treatment of Prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.66 at Capua on the occasion of an attempted escape in January or February 1943

A F F I D A V I T

I, No. 4862102 Private JOHN CONDUIT, 2nd Battalion Parachute Regiment, of 25 Birchfields Avenue Anson Estate, Manchester 13, make oath and say as follows :-

1. I was captured near Tunis on 2nd December 1942 and was taken by air via Sicily to Naples and went to Camp No.66 at Capua arriving on 5th December 1942.

2. On the night of 27th January 1943, which was a Monday, there was a considerable attempt at escape from Capua. About 12 of us planned the escape, which was to creep down a pipe some 4 feet in diameter, which ran from the inside of the Camp to Capua. This pipe had manholes at intervals and in No.2 compound there was a manhole or sump which connected with the pipe.

3. Sergeant Cotton and Private Decore helped to get the bars off the manhole in No. 2 compound and Corporal Pragnall finished this work off on the Sunday night and the manhole was then guarded by us to try and keep the Italians from finding out that it was open. Lance Corporal Dalton on the Monday night went first into the sump, but was not able to get round the bend into the main pipe and Lance Sergeant Burling then managed it and reported that it could be done.

4. The first party to enter the pipe were Private Crozier, Corporal Pragnall, myself and Private Butler. The second party was Lance Sergeant Burling, Lance Corporal Dalton, Private Laidlaw and Private Turner (R.A.M.C.). The third party was Sergeants Heslop and Cotton and the fourth Private Decore, Kerr and Patrick, the latter, I think, being Commandos. All these got out at the far end of the pipe and were at liberty for some days. After recapture, we were put in jail but were let out when there was a general release of prisoners on the birth of a child to the daughter of the King of Italy.

5. The fifth party to enter the pipe were Scholes, Williams and Eastham, and the sixth Sergeant Graham, Sergeant Hunt and Sergeant Adams.

6. When I got back to the camp after recapture some four or five days later, I heard that while a number of men were in the pipe the alarm had been given and the men came up through the manholes. When they came up they were driven to the guard room and violently struck with rifle butts and two of them bayonetted. Another man was shot through the ankles and they had been threatened with shooting the next morning.

7. I escaped at the time of the Italian armistice, but was recaptured and taken to Germany being in Stalag IVB.

SWORN at Manchester in the county of Lancaster this 16th day of July 1945) J. CONDUIT

Before me,
WILLIAM A. HOGG.
A Commissioner for Oaths.

IN THE MATTER OF :

The ill-treatment of Prisoners of War and breaches of the Geneva Conventions 1929 at Camp No.66 at Capua on the occasion of an attempted escape in January or February 1943

A F F I D A V I T

- of -

Pte. JOHN CONDUIT

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The ill-treatment of Prisoners of War and breaches of the Geneva Conventions 1929 at Camp No.66 at Capua on the occasion of an attempted escape in January or February 1943

A F F I D A V I T

I, No.6291878 Lance Sergeant VICTOR BURLING, 2nd Battalion, Parachute Regiment of 30 de Montfort Street, Leicester, make Oath and say as follows :-

1. I was captured at Depienne near Tunis on the 4th or 5th December 1942. Shortly afterwards with other prisoners I was flown via Sicily to Naples and went from there to Camp No.66 at Capua, arriving on the 7th or 8th December.

2. On a date at the end of January or beginning of February 1943 attempt to escape was made by a number of prisoners in this camp. I was one of the originators of this plan, together with Lance Corporal Dalton, who started on the escape with me. There was a pipe or sewer some four feet in diameter which ran from inside the camp towards Capua, a distance of half a mile or so. There were manholes at intervals in this pipe and there was a manhole or sump in No.2 compound in the camp which connected through a small opening with the main pipe.

3. Sergeant Cotton of the 2nd Battalion Parachute Regiment and two others worked on the grating over the manhole at night, risking discovery and probable shooting. The night after the grating had been removed, Lance Corporal Dalton went into the sump and shortly afterwards came back and said that we should not be able to get round the bend from the sump into the main pipe. I then went into the sump myself and struck matches and was able to negotiate the bend and came back and reported that it could be done.

4. The first party of four then went in, these being to the best of my recollections, Private Conduit, Sergeant Cotton, Corporal Pragnall and I think Private Crozier. These were mostly 2nd Parachute Battalion or Commandos. It was arranged that when they got out at the far end of the pipe they were to strike a match and we would see from the camp that they were out and the next party would then go down. We waited a long time without seeing any match and then the next party went down, consisting of myself, Lance Corporal Dalton, Private Laidlaw and Private Turner (R.A.M.C.). We got right down the pipe and out at the far end and were at liberty about five days before recapture. The first party of four had also got out and I think the third party, whose names are not known to me got out too.

5. After recapture and being taken back to the camp, I heard from other prisoners, but I do not remember exactly from whom, that the Italians had discovered the escape and had fired up the pipe and Italian Officers had emptied their revolvers. Owing to the pipe being new, the bullets had lodged in the sides of the pipe, but if the pipe had been old the bullets would probably have ricocheted and caused more damage.

I also heard that as prisoners had come out at the camp end of the pipe after the discovery, they had been badly knocked down and some had been bayonetted, one whilst on the ground. Those so taken had been put in the detention cell for 30 days on bread and water and there were about 16 so imprisoned. They did not serve the full sentence as there was a general reprieve on account of the birth of a child to the daughter of the King of Italy. I was also told that just after capture, they had been threatened that they would be shot and were told to write their last letters.

6. In March 1943 I was moved to Camp No.70 at Monturano where I remained until the Italian armistice when the camp was taken over by the Germans about 20th September 1943. I was being taken to Germany but escaped from the train just outside Bologna about the 24th September, but was unable to get through the lines and was picked up by fascists and turned over to the Germans. I was taken by them to Germany.

SWORN at Leicester in the)
County of Leicester this)
16th day of July 1945)

V. BURLING.

Before me,

A.G. SMITH.
A Commissioner for Oaths.

IN THE MATTER OF :

The ill-treatment of Prisoners of War and breaches of the Geneva Conventions 1929 at Camp No. 16 at Capua on the occasion of an attempted escape in January or February 1943

A F F I D A V I T

- of -

L/Sgt. V. BURLING

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The ill-treatment of prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.66 at Capua on the occasion of an attempted escape in January or February 1943

A F F I D A V I T.

I, No. 1789043 Private LOUIS DECORE, 2nd Battalion Parachute Regiment, of 268 Conisborough Crescent, Catford, London, S.E.6. make oath and say as follows :-

1. I was captured near Tunis on about the 2nd December 1942 and after being flown to Naples via Sicily I arrived at Camp No.66 at Capua about the 5th December 1942.

2. At this camp there was an attempted escape which took place on the 27th January 1943, a Monday night. I was one of the originators of the plan, which was to escape down a pipe or sewer about four feet in diameter which ran from inside the camp about half a mile to Capua. With Sergeant Cotton I got the main bars off a manhole or sewer in No.2 compound which connected with the main pipe, on a Sunday night. Corporal Pragnall, whose number I think began 4342... finished it and it was guarded to keep the knowledge of our attempt from the Italians.

3. Lance Corporal Dalton on the night of the 27th went into the sump but was unable to get round the bend into the main pipe but Lance Sergeant Burling went in and reported that it could be done. Several parties then entered the pipe at intervals and I was in the fourth party with Kerr and Patrick. Patrick was a Commando and Kerr a parachutist and we and the first three parties escaped from the far end of the pipe.

4. When I got back to the camp after recapture some four or five days later, I heard that while a number of men were in the pipe the alarm had been given and the men came up through the manholes, when they were driven to the guard room and violently struck with rifle butts and two of them bayonetted. Another man was shot through the ankles and they had been threatened with shooting the next morning.

5. I escaped at the time of the Italian Armistice, but was recaptured and taken to Germany, being in Stalag IVB.

SWORN at 164 Rushey Green Catford)
in the County of London this 18th) L. DUORE
day of July 1945)

Before me,

WILLIAM STOFFEL

A Commissioner for Oaths.

IN THE MATTER OF :

The ill-treatment of prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.68 at Capua on the occasion of an attempted escape in January or February 1943

A F F I D A V I T

- of -

Private L. DECORE

THE TREASURY SOLICITOR.

IN THE MATTER OF:

The ill-treatment of prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.66 at Capua on the occasion of an attempted escape in January or February 1943

A F F I D A V I T

I, No.2878403 Sergeant WILLIAM GRAHAM, 56th Reconnaisance Regiment, of 70 Seymour Place, London W.1. make Oath and say as follows :-

1. I was captured near Tunis on the 30th November 1942 and with other prisoners of war was flown via Sicily to Naples and went from there to a prisoner of war camp, No.66 at Capua, arriving about the 5th December 1942.

2. On the 27th January 1943, a Monday night, there was an attempt by a number of prisoners to escape. A plan had been made to crawl down a pipe some 4 feet in diameter which ran from inside the camp for some ½ mile towards Capua. This had manholes at intervals and there was a manhole or sump in No.2 compound in the camp connected to the pipe.

3. The men who organised the attempt had managed to remove the grid or bars from the manhole in No.2 compound and on the Monday might we started to go down in small parties. I was in the sixth party in company with Sergeant Hunt and Sergeant Adams.

4. The first four parties, thirteen men in all, succeeded in getting out at the far end of the pipe but were recaptured after a few days. While I was still in the pipe, I heard someone talking, which may perhaps have given the show away, and shortly afterwards I heard shots, which were fired by the Italians down each of the manholes on the pipe, these manholes being about 25 yards apart. I heard a member of the party in front of mine, whose name I believed to be Corporal or Lance-Sergeant Eastham, shouting out that he had been shot. He was in fact shot through both ankles. He was a member of the 2nd Parachute Battalion.

5. I waited until the firing ceased and then, with the other men, jumped up through the nearest manhole. I found it surrounded by Italian guards and later I was told that they thoughtit was a parachute landing and only later found that it was an attempt at escape. They had their bayonets pointed at us and drove us to the guard room, hitting us with their rifles and using their bayonets. I was hit myself with the stock of a rifle. Sergeant Hunt was bayonetted and had to go into hospital. When we were in the guard room, the Italian guards came in and hit us about the body with their rifles. We had none of us made any attempt to escape after the firing started. I saw Eastham and he was shot through both ankles. Some of us had carried the wounded from the manholes to the guard room.

6. We were interrogated but there was no form of trial. An Italian captain and lieutenant told us we would be shot in the morning and invited us to write our last letters. One of these officers was the compound commander of No.2 compound but I do not know his name; he was a tubby man with a moustache.

7. I believe that Eastham was still in hospital at the time of the Italian armistice and that Sergeant Thomas Williams of the 2nd Parachite Battalion would know about him. We were all put in jail for 30 days but on the occasion of the birth of a child to the daughter of the King of Italy we were released.

SWORN at 116 Seymour Place in the County of London this 19th day of July 1945) WM. GRAHAM. Sgt.

Before me,
Saml. Coleman.
A Commissioner for Oaths.

IN THE MATTER OF :

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929 at Camp No.66 at Capua on the occasion of an attempted escape in January or February 1943

A F F I D A V I T

- of -

Sergeant WILLIAM GRAHAM

THE TREASURY SOLICITOR.

IN THE MATTER OF :

The ill-treatment of Prisoners of War and breaches of the Geneva Conventions 1929 at Camp No.66 at Capua on the occasion of an attempted escape in January or February 1943

A F F I D A V I T

I, No.5989164 Sergeant VICTOR HUNT, 2nd Battalion Parachute Regiment of Bridge Inn, Stapleton, Darlington, Co. Durham, make Oath and say as follows :-

1. I was captured near Nepienne (near Tunis) on 4th December 1942 and was taken by air via Sicily to Naples, arriving on 7th December 1942. From there I went to Camp No.66 at Capua and remained there, apart from some time in hospital, owing to my wound, until 15th May 1943.

2. On the 27th January 1943, there was a considerable attempt at escape from this camp. I was not one of the originators of the plan, which was to escape down a pipe or sewer which was about 4 feet in diameter and extended from within the Camp to Capua, about half a mile away. There were manholes at intervals and there was a manhole or sump in No.2 Compound which connected with the main pipe.

3. The escape started from my hut and after about ten men had crawled into the pipe three of us, myself, Sergeant Adams (2nd Parachute Battalion) and another, got into the main pipe and crawled along. After crawling perhaps a quarter of a mile, which had taken us an hour or more, we found other men in the pipe who were waiting. We heard the camp alarm sound and the Italians running about overhead. They evidently guarded the manholes which were at intervals along the pipe. Then water came down the pipe, though not enough to fill it, only at the bottom. The Italians then started firing down the manholes, one of my party of three being shot through the ankle. As the escape was discovered, we came up through the nearest manhole and found about 20 guards surrounding it with their rifles pointed at us. There was an Italian Officer there whose name I do not know, who was very excited.

4. They drove us, about half a dozen of us, to the guard room with their rifles, striking us with the butts. I was struck on the face and on the body. One Italian broke the stock of his rifle by hitting a prisoner. I saw the broken rifle myself. They also used their bayonets and I was jabbed just at the base of and beside the spine. I was paralysed for some days and was taken to the military hospital at Caserta where I remained for a month. None of us was resisting arrest in any way as it was clearly impossible to effect an escape when we were discovered. I do not think any prisoners were killed, but they were considerably knocked about and two of us were bayonetted. I was not put in detention after coming back from hospital.

5. On 15th May 1943 I was moved to Camp No.70 at Monturano and was there until the Germans took over about the 26th September 1943 when I was taken with other prisoners to Germany.

SWORN at Darlington in the)
County of Durham this 16th)
day of July 1945)

VICTOR HUNT.

Before me,
H.G. MARSHAM.
A Commissioner for Oaths.

2273

IN THE MATTER OF :

The ill-treatment of Prisoners of War and breaches of the Geneva Conventions 1929 at Camp No.66 at Capua on the occasion of an attempted escape in January or February 1943

A F F I D A V I T

- of -

Sgt. VICTOR HUNT

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The assault on and ill-treatment of several prisoners of war at Camp No.66 at Capua and breaches of the Geneva Conventions, 1929, on or about the 25th January 1943.

A F F I D A V I T.

I, No. 64096 Driver JOHN ELLIOT BOWMAN of No.1 Holding Bn. R.A.S.C. Buckingham Road, Leeds, with a permanent address at Supreme Villa, Mansfield Road, Skegby, Notts. make oath and say as follows :-

1. I have perused the Affidavit of Sergeant William Sunley, sworn on the 15th June 1945. The Regimental Sergeant Major referred to in paragraph 3 of the said Affidavit was R.S.M. Burgess.

2. I was one of the prisoners of war who went down the disused sewer. I got clear of the sewer before the firing started, but I heard shots fired. I was re-taken the morning following my escape (at about 0800 hours) at Capua Railway Station with another escaped prisoner of war who was with me. We were recaptured by the Carabinieri who marked us back to the Camp guard-room. Our boots were then taken off and the Sergeant i/c the Carabinieri (whose name I do not know) stamped on our bare feet with his boots and struck us in the face with his recolver-butt. The guards, meanwhile, were prodding us with their rifles to make us keep our hands up.

3. After about half-an-hour of this treetment, we were taken to a cell and placed with the other re-taken prisoners of war who showed evidence of having received similar or worse treatment. One (I believe Sergeant Hunt) had been bayonetted in the buttocks and removed to hospital before our arrival at the cell.

4. Altogether, there were about ten of us in the cell. The sentries took pity on us after our beating up and they gave us some of their own food. We stayed in the cell for four days during which we were allowed to go to the latrines under escort. We were issued with a Red Cross blanket each and we slept on a raised wooden platform in the cell.

5. After the four days all retaken prisoners of war were transferred to Camp No.70 at Monturano.

SWORN at Leeds in the County of)
York this 23rd day of July 1945) J.E. BOWMAN

Before me,

J.J. ROBINSON

A Commissioner for Oaths.

2275

IN THE MATTER OF :

The assault on and ill-treatment of several prisonersof war at Camp No.66 at Capua and breaches of the Geneva Conventions 1929 on or about the 25th January 1943

A F F I D A V I T

- of -

Dvr. J.E. BOWMAN, R.A.S.C.

THE TREASURY SOLICITOR.

13 FEB 1946

MD/JAG/PS/42/27(3A)

2279

British National Office No: UK-I/B 86

United Nations War Crimes Commission
Reference: 1295/UK/IT/65

A D D E N D U M

IN THE MATTER OF -

Ill-treatment of British Prisoners of War
and manslaughter

ADDITIONAL PARTICULARS OF EVIDENCE IN SUPPORT -

Copy letter from the Judge Advocate General to the Treasury Solicitor dated 13th December 1945.

Copy letter from Treasury Solicitor to the Judge Advocate General dated the 31st December, 1945.

Further note on the case

The attached correspondence shows that a mistake was made in including Capitane Trippi as accused No. 1. The list of accused should be amended to read :-

(1) Colonello S. Cilotti Commandant at Camp PG No. 53 at Macerata prior to March, 1943.

(2) Colonello Capurso who succeeded Cilotti as Commandant at the said Camp at a date variously given as March, April or May, 1943.

(3) Adjutant or second in command of the said Camp (name, rank and Unit at present unknown).

(4) Medical officers at the Camp and in particular :-

(a) Capitane del Atti)
) Units at present unknown.
(b) Tenente Mari)

Copy/

Spring Gardens,
Cockspur Street,
London, S.W.1.

13th December 1945.

(for the attention of Mr.P.H.B.Kent)

MD/JAG/FS/42/27(3A)
CONFIDENTIAL.

The Treasury Solicitor,
Storey's Gate,
St.James's Park,
London, S.W.1.

British National Office Charge
No. UK -I/B86.

1. This case which was forwarded under your minute WCB/PHBK dated 9th October 1945 relates to PG 53 Macerata, and contains a general charge against successive commandants of the camp and other Italian officers. The accused named in the case include:-

"(a) Capitano TRIPPI, commandant of the camp.

(b) Colonnello S. CILOTTI, who succeeded TRIPPI as commandant."

2. I have recently received War Office File No. 0103/4661 (PW 2) relating to this camp from which it appears that a Captain Leonardo TRIPPI, an attache at the Swiss Legation, was one of the representatives of the Protecting Power who visited this camp and reported on it in December 1942 and January 1943 during the tenure of office as commandant of Colonnello Salvatore Cilotti.

3. The 21 Affidavits which accompanied the case do not contain any mention of the Capitano Trippi named in the

case as the predecessor of Cilotti. It is of course possible that there were two persons named Trippi, one the commandant and the other the representative of the Protecting Power, but it appears probable that a mistake has been made and that the representative of the Protecting Power has been registered as a war criminal. May I be informed whether you agree that this conclusion is correct or whether you have any evidence against Capitano Trippi which is not included in the affidavits.

(Sgd) ?
Brigadier,
Military Deputy,
J.A.G.

Copy/

The Judge Advocate General
Spring Gardens
Cockspur Street S.W.1.

(for the Attention of Brigadier Shapcott)

British National Office Charge No. UK-I/B86.

Your letter (MD/JAG/FS/42/27(3a)) of the 13th instant relative to the inclusion (apparently wrongfully) of Capitano Trippi as Accused No. 1 in this case.

A search and enquiry has been made, and there is no doubt that the said Captain should not have been so included. The mistake arose through an error in a list of camp commandants supplied to this office in the early days of war crime investigation.

(Sgd) Wilfred Price.

for the Treasury Solicitor
31st December 1945.

(*For the Use of the Secretariat*)

Registered Number.	Date of receipt in Secretariat.
1295/UK/21/65	13 AUG 1945 2283

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST **ITALIAN** WAR CRIMINALS

CASE No. **UK - I/B 86** *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	To be taken off list (1) Capitane TRIPPI, Commandant of the Camp (2) Colonello S. CILOTTI, who succeeded Trippi as Commandant (3) Colonello CAPURSO who succeeded Cilotti as Commandant at a date variously given as March, April or May 1943. (4) Adjutant or second in command of the Camp (Name rank and unit at present unknown) (5) Medical Officers at the camp ~~and their particulars~~: (a) Capitano del Atti } units at present (b) Tenente Mari } unknown
Date and place of commission of alleged crime.	During the period August 1942 and September 1943 At Camp P.G.53 at Macerata (Sforza Costa)
Number and description of crime in war crimes list. References to relevant provisions of national law.	No.xxix - Ill-treatment of Prisoners of war. Breaches of Articles 2, 10, 11, 12, 13, 14, 46, 56 of the Geneva Convention 1929, relating to the treatment of Prisoners of War Under English law :- Manslaughter.

SHORT STATEMENT OF FACTS.

During the period from August 1942 to September 1943 Camp P.G.57 at Macerata (Sforza Costa) was conducted in a manner contrary to the provisions of the Geneva Convention 1929 relative to the treatment of Prisoners of War.

The Solicitor for the Affairs of H.M. Treasury

TRANSMITTED BY

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E.W.Ltd. Gp.685

PARTICULARS OF ALLEGED CRIME **2284**

During the period between August 1942 and September 1943 the Prisoners of War Camp P.G.57 at Macerata (Sforza Costa) was conducted in an improper manner and in particular that -

(a) The accommodation provided was inadequate and for part of the time not weatherproof. It was also verminous. (Convention, Art.10).

(b) The food rations were insufficient. (Art.11). Insufficient clothing was issued (Art.12) And deaths due to malnutrition and exposure were frequent.

(c) The sanitation was inadequate and unhygienic (Art.13).

(d) The supplies of dressings and medical necessities were inadequate and in particular there was an extreme shortage of anaesthetics. The attention provided by the Italian Medical Officer was inadequate (Art.14).

(e) Personal belongings and jewellery were stolen from the Prisoners (Art.6).

(f) Red Cross parcels were not issued in the early stages.

(g) Excessive charges were made for minor damage.

(h) The tent provided for detention was inadequate and hygienic conditions were not provided (Art.56)

IN THE MATTER OF :- **2285**

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No. 53 at Macerata (Sforza Costa) between August 1942 and June 1943

AFFIDAVIT

I, No. 1426927 CRAFTSMAN JAMES COOPER TIBBETT, R.E.M.E., stationed at 10th A.A. Workshop Company, Sprotborough Road, Anchor Farm Camp, Doncaster, with a private address at 4 Largo Place, Leith, Edinburgh 6, make Oath and say as follows :-

1. I was captured at Knightsbridge, North Africa, on the 23rd June 1942 by German forces and, with other prisoners, was handed over to the Italians. After passing through Tobruk, Derna and Benghazi, I came by sea to Naples, and, after two days, was moved to Camp No. 60 at Lucca. I arrived there about 2nd July 1942 and remained until mid-August 1942, when I was taken to Camp No. 53 at Macerata (Sforza Costa). We were thefirst lot into this camp, which consisted of a converted mill or factory. Many of the doors and windows were missing and the windows were not put in until the Spring of 1943.

2. The place was overrun with lice and fleas and the attempts of the Italians to carry out de-lousing were quite ineffective The position got rather better in the Summer of 1943.

3. I remember the second Italian commandant of the camp, whose name, I believe, was Capuzzini, and who was a good officer, being strict but not unjust. He replaced another commandant whose name I do not remember about April or May 1943, who was not nearly so good a commandant.

4. The Italian medical officers were not very competent. There was a great deal of disease and illness in the camp and there were 24 deaths in the first 28 days I was there. The most common illnesses were diphtheria, pneumonia and dysentery, which were largely due to the starvation of the men. On one occasion, the date of which I do not remember, a prisoner needed to have an operation and wanted a British medical officer to do it. This was not allowed by the Italian medical officers and the man was taken to hospital and I was informed that he died. I do not know his name. Other British prisoners of war came to the camp at various dates and their physical condition was progressively worse as time went on.

5. The Red Cross parcels only came in about once a month up to Christmas 1942, when the supply was much more regular.

6. The food consisted of the usual skilly with macaroni or rice in it and once or twice a week there was supposed to be meat in it. We also had ersatz coffee in the early morning and bread, of which I do not remember the exact amount.

7. The supply of clothing was very bad until the Red Cross clothing parcels came. The Italians issued a certain amount but not nearly sufficient.

8. Any small damage or mark on the blankets was charged by the authorities at an extremely high rate and the fine was deducted from the wages of the man who had the article at the time, even though it may have been in that condition when he received it.

9. I was next to the tent which was used for detention. This was very unsatisfactory and prisoners in the detention tent were not allowed out even to urinate. At first there were not even palliasses and prisoners had to sleep on the ground.

10. As regards sanitation, this was unsatisfactory, as the flushing system only worked once a day and not always even that. We were told that this was because the water tower was not working. I was a member of the sanitation squad, which had to deal with the lavatories when they were blocked up, as frequently happened. The Italian medical officer raised the question of our rations and the commandant Capuzzini got the squad an increase in rations.

11. The sleeping accommodation was very overcrowded, being three-tier beds which were very close together and had very little room in between them.

12. There was as a rule no water turned on during the day but it might be turned on at night, so that one had to sit up to get any chance of washing.
On arrival at the camp we were de-loused, which did not appear to make any difference, all our clothing being taken for the purpose, and we were turned naked into the open field until our clothes dried.

13. On an occasion the date of which I do not remember, there was a raid on the camp by carabinieri, and, under pretence of a search, they ordered us all out for a roll-call and took away any of the prisoners' gold rings and watches and other personal articles. I did not lose anything because mine had been taken at Benghazi.

14. I remember an occasion, though not the date, when a man who was not known to me was wounded when shot by a sentry near the camp cookhouse. I heard the shot, which was during the night. I do not know the name of my informant but, from general camp talk, it appeared that he was thought to be stealing wood from a stack behind the water tower. The guards hadorders to shoot anyone taking wood from this stack or from anywhere else.

15. I do not know anything personally about the shooting of Trooper Aaron, though I heard the general talk in the camp about this incident.

16. In June 1943 I went to Working Camp 148/4, which was at a village which I think was called Zevo, some 16 kilometers from Verona. This was attached to Camp No. 19 at Bologna. On the 9th September 1943 the Italians took us out of the Camp to the south of the river, and, after waiting some time for officers from Bologna, we went off in small parties. I got through the Allied lines on the 22nd September, having travelled mostly by train.

SWORN at Doncaster in the)
County of York this 13th)
day of June, 1945)

J.C. TIBBETT.

Before me,
F.H. CAPES.
A Commissioner for Oaths.

2287

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No. 53 at Macerata (Sforza Costa) between August 1942 and June 1943

A F F I D A V I T

- of -

No. 1426927
CRAFTSMAN JAMES COOPER TIBBETT

THE TREASURY SOLICITOR.

my breast. The Italian medical officer, whose name I do not know, spoke to the British medical officer, who I think was a Captain Graham, a Canadian volunteer in the British R.A.M.C. I was then given four injections in the buttock. These turned septic and I had to have an operation. Owing to the absence of dressings, I had to lie on my bed in a mass of puss for two to three days at a time. It was February or March 1943 before any medical supplies arrived and I then got a course of M. & B.

7. The Italian medical officers were unfriendly and unhelpful. The death roll was very high but I cannot now give any names. The infirmary was filthy. The food was much the same as outside but there was a fair diet for cases of pneumonia, septic wounds and nephritis, which were the most common diseases.

One day while I was in the infirmary, the Italian carabinieri raided the camp for gold rings, watches and so on - as they used to do periodically. Word got round and I saved my ring by putting it in my mouth. My watch had gone at Timimi in North Africa. Some of the men who had not heard or seen this happen before lost their watches or rings but I cannot give any names.

8. A friend of mine, George Smith, of the same unit R.H.A., died on malnutrition in about March 1943. He had once weighed 16 stone and only weighed 6 stone when he died. He was taken in March 1943 to the hospital at Macerata, where he died, and he is buried in Macerata.

9. I was then sent to a hospital near Fermo, which was well run by Sisters of Mercy, and got clear of the boils. I then returned to Camp 53 and got a bit stronger every day until the capitulation in September 1943.

10. After wandering about for six months, I was captured by Fascists and turned over to the Germans, who eventually took me to Stalag IVB, where I was ill until repatriated, arriving in England on 6th February 1945.

SWORN at 14, Fletcher Gate in the City of Nottingham this 28th day of May 1945.) C. SMITH

Before me,

C. CROCKFORD

A Commissioner for Oaths.

IN THE MATTER OF THE ILL-TREATMENT AND NEGLECT OF BRITISH PRISONERS OF WAR AND BREACHES OF THE GENEVA CONVENTIONS 1929 AT CAMP No.53 AT MACERATA OR SFORZA COSTA FROM OCTOBER 1942 to SEPTEMBER 1943.

Copy

A F F I D A V I T

- of -

STAFF-SERGEANT-FITTER CORNELIUS SMITH.

THE TREASURY SOLICITOR.

IN THE MATTER OF THE ILL-TREATMENT OF BRITISH PRISONERS OF WAR AND BREACHES OF THE GENEVA CONVENTION 1929 AT CAMP No.53 AT SFORZA COSTA ALSO KNOWN AS MACERATA DURING THE PERIOD OCTOBER 1942 to SEPTEMBER 1943.

AFFIDAVIT

I, EDWARD SENIOR, No. 4123942 Royal Army Ordnance Corps, formerly 2nd Battalion Cheshire Regiment, now at 14 A.F.V. Depot, Rainford, near St. Helens, Lancashire, and with a permanent address at 48 Gaerwen Street, Kensington, Liverpool, 7. make oath and say as follows :-

1. I was taken prisoner on 31st May 1942 at Knightsbridge. After passing through transit stations in North Africa I was brought to Naples early in August 1942. After spending about three months at Camp No.66 Capua, I was transferred to Camp 53 Sforza Costa, also known as Macerata, where I was until September 1943, when I escaped.

2. Apart from lack of water for washing, conditions were not too bad. It was a new camp just opened when I got there. The food improved a little as time went on. We had the same bread ration as before and rather more macaroni. There was, however, still insufficient food and we had not enough clothes and suffered from exposure in the winter, having only our desert kit. We had no food parcels for quite a while, but later on they came in fairly regularly. Cigarettes and clothing were pilfered from our personal parcels from next of kin.

3. On one occasion, I do not remember the date, I was working on a fatigue levelling a road. An Italian guard told me to get a move on and just then I spat some dust out of my mouth. I did not spit at him, but away from him on the ground. He picked up a stick and hit me on the back. I threw down my shovel and he then fetched an Italian Officer who took my name and number. I was put in the detention tent for about 8 days. This was often very overcrowded.

4. There were a number of deaths at this camp in the winter of 1942/3 from exposure, lack of food and lack of medical attention. Sometimes men died on the recreation field and there were one or more funerals every day, at least 30. My own friend Sergeant Ashworth died of pneumonia, as did several others. Later on bad cases went to the civilian hospital at Macerata. I was there once and was well treated.

5. The Camp Authorities were very harsh about stoppages of pay for damage. The least mark on a blanket meant a stoppage and one prisoner who had a small ink stain on his blanket was stopped 5,000 lire, which meant that he got no pay for months.

6. There were some Fascists among the Italians, who were very anti-British. Two in particular were spies and came spying round our quarters continually.

7. With other prisoners I escaped from Camp 53 about 9th September 1943. We got food from Italian peasants, selling our personal belongings to pay and also working on the farms. I got through the lines to the British forces in January 1944 in the neighbourhood of Castel di Sangro.

SWORN at 14 Castle Street, Liverpool)
this 16th day of April 1945) EDWARD SENIOR

Before me,
W.H. PEMBERTON
Commissioner for Oaths.

2292

IN THE MATTER OF THE ILL-TREATMENT OF BRITISH PRISONERS OF WAR AND BREACHES OF THE GENEVA CONVENTION 1929 AT CAMP No.53 AT SFORZA COSTA ALSO KNOWN AS MACERATA DURING THE PERIOD OCTOBER 1942 to SEPTEMBER 1943

Copy

A F F I D A V I T

- of -

PRIVATE EDWARD SENIOR

THE TREASURY SOLICITOR.

IN THE MATTER OF THE ILL-TREATMENT OF BRITISH PRISONERS OF WAR AND BREACHES OF THE GENEVA CONVENTIONS 1929 AT CAMP No.53 AT MACERATA DURING THE PERIOD OCTOBER 1942 TO SEPTEMBER 1943.

Copy

A F F I D A V I T

- of -

Fusilier FRANK WYNNE.

THE TREASURY SOLICITOR.

IN THE MATTER OF THE ILL-TREATMENT OF BRITISH PRISONERS OF WAR AND BREACHES OF THE GENEVA CONVENTIONS 1929 AT CAMP No.53 AT MACERATA (SFORZA COSTA) BETWEEN NOVEMBER 1942 and SEPTEMBER 1943.

AFFIDAVIT

I, No.153891, CAPTAIN FRANK JAMES FISH, R.A.M.C. of Camp Reception Station, 22 North Park Road, Bradford, Yorkshire, with a private address at 338 Larkshall Road, South Chingford, London, E.4. make Oath and say as follows :-

1. I was taken prisoner at Tobruk on 20th June 1942 and after being Medical Officer at Benghazi Camp for about a month I reached Italy about 4th August 1942 by aeroplane.

2. After about three weeks at Camp No.75 at Bari I was moved to Camp No.78 at Sulmona arriving about the end of August or beginning of September, 1942.

3. I found this Camp to be quite well run. It was treated at that time as a transit camp. I was not officially a Medical Officer at this Camp but did a certain amount in our own compounds. I obtained the pay of a Medical Officer (1700 lire a month) but I did not get all the privileges I should have had as a Medical Officer.

4. There appeared to be a great number of Red Cross parcels in stock so we did not have to bother very much about the rations provided by the Italians. The Red Cross food and Italian rations were put together and we fed fairly well.

5. About the beginning of November, 1942 I was moved to Camp No.53 at Macerata (Sforza Costa) and was a Medical Officer there. Other Medical Officers were Captain Allan Frederick Graham (I am not sure of the second Christian name) R.C.A.M.C. serving with the British Army, Captain Allen, R.A.M.C., who I think lives at Morecambe, Captain Hutchinson, R.A.M.C., whom I believe was repatriated in 1943, Captain Frewen, R.A.M.C., and Captain McLeod, R.A.M.C. These last four were with me all the time I was at this camp.

6. We arrived just after the first contingent of British prisoners of War, this being a new camp. It consisted of a converted cotton mill and still required a good deal of completing, for instance many of the doors were missing. I believe windows were missing too but cannot be certain.

7. For the first fortnight the Medical Officers were overwhelmed with work owing to the amount of disease among the prisoners. I can confirm that the de-lousing as carried out by the Italians was quite incompetent. All it appeared to do was to accelerate the process by hatching out the nits. We all had lice, both Officers and men, all through the winter, but things became rather better in the summer. There were also bugs in the middle of 1943, in my view these were not due to the conditions in the Camp but were brought in by men who came from another Camp at Tuturana.

8. The first Italian Commandant whilst I was there was not particularly helpful nor very pleasant. He was replaced about April or May, 1943, by another Commandant whose name, I think, was Capuzzini. He was the only Italian Officer I have met who behaved like an Officer. He was strict but perfectly fair and just and insisted on the place being run as a Unit. He made improvements in the Camp and checked his Officers if they did not do exactly as he wanted.

9. By the Spring of 1943 the Camp shower baths were working fairly well. The Officers water supply was better than that of the men and we were able to get a wash down every day. The only Officers in the Camp were the Medical Officers and the Padres, their names, so far as I remember being Simmons, a Baptist padre, later Rigby, a South African Church of England padre, and in the Spring of 1943 Forster, a Roman Catholic padre.

10. The men's food consisted of the usual minestra or skilly with a few bits of macaroni and rice with supposedly twice a week, meat in it.

11. The first Italian Medical Officers whose names I do not know, were unhelpful but not particularly hostile. After two or three months, that is to say about January or February, 1943, the Medical Officer was Capitano del Atti, who was not unfriendly or unhelpful but whom we found pretty useless. This did not matter much as Lt. Mari, the junior Medical Officer was extremely helpful so far as he could be under the circumstances.

12. When we arrived the Camp hospital or infirmary was not good. There was no extra food for the sick and sheets were changed only very irregularly. There were none of the ordinary sick room or hospital appliances and men suffering from pneumonia had to be helped down a cold corridor to the latrines, and supported there as these were of the Italian pattern with no seats. There was a great lack of all the things which are usual in a hospital but this was improved when Captain Frewen took over the administration of the Camp hospital.

13. There were never enough dressings or material for dressings supplied by the Italians so we could only dress the more severe cases; as it was we collected the prisoners' field bandages and washed them to use again. We were very badly off for drugs and never had enough Sulphapyridine. As regards surgical instruments, we got a certain amount, one or two scalpels and a pair of dressing forceps. We did not really require a great deal for the work we were doing as serious cases were supposed to be sent out to a local hospital. We avoided doing this in many cases as it appeared to be quite usual for the Italians to operate without anaesthetics. One prisoner, whose name I do not remember, informed me that he had had a finger taken off and no anaesthetics had been used. Another man whose name I do not remember, had a rib dissection (empyema) without anaesthetics, but as I have stated, this appears to be not uncommon in Italy. In the Camp hospital we were provided with ethyl chloride, which is a local anaesthetic and of little or no use for anything more than the surface of the skin, being what is commonly known as a freezing or local anaesthetic. We

improvised with tin cans and were able to turn this into a general anaesthetic, but this was not popular with the Italians. We did this because many conditions need proper treatment under general anaesthetic, for instance a septic finger which is operated on with only local anaesthetic may later have to come off or may be left permanently stiff.

14. The British Medical Officers ran the whole of the Camp hospital, of course under Italian supervision, but with British prisoners for orderlies, but the Italian supervision mainly consisted of telling us that we could not have any more dressings.

15. While I was there, particularly in the winter of 1942, there was a great deal of pneumonia, almost amounting to an epidemic, and a large number of deaths. Over the Christmas period of 1942 there were at least ten deaths and there were two soon after I got there. The funerals were frequent - almost daily. Pneumonia is definitely aggravated by exercise and change of temperature, which made the provision of appliances to avoid the necessity of patients having to go to the latrines of the utmost importance.

16. The main diseases were malnutrition, nephritis and diarrhoea. The British Prisoners arrived in various stages of malnutrition. The first lot were not too bad but as other batches came in their condition was progressively worse. Some of the last lot we had from Tripoli, which was some time after the battle of Alamein, died shortly after reaching the Camp and the physical condition of this lot was terrible.

17. Some considerable time after I got to this Camp Red Cross invalid parcels came through and made conditions much easier. Apparently as it was a new Camp the Red Cross authorities did not know of us which was why there was a considerable delay. The Italians informed us that they had done all that was necessary to notify the Red Cross.

18. The clothing situation for the prisoners was very bad until the Red Cross clothing parcels came. The Italians did issue a certain amount of Italian uniform but the condition of their own soldiers was just as bad.

19. The Italians were very severe on charging or fining for breakages and damage. There appeared to be no system of writing off any articles destroyed or damagedand any item, however small, had to be charged to somebody; even small holes or stains (particularly on sheets because they had no soap for washing) were charged against the man in possession of the article at the time though it may have been in that condition when he received it. Later we learned to examine any article issued and refuse them if marked or stained.

20. As regards the Italian personnel of the Camp, the Officer partly in charge of No. 1 Compound was very helpful wherever possible. His name was Albersetti, but we called him "Busty". Lt. Natale of, I think, the Alpini, was also helpful. The Italian guards, at any rate the private soldiers, were usually quite friendly. I spoke Italian well and was often called in to argue with one of the guards, especially if there was not an Italian Officer about. One of the Lieutenants, whose name I do not know but who I think belonged to the Savoy Grenadiers, was

troublesome and hostile. He kicked my batman L/Bdr. Davidson, Field Regiment, R.A. I do not remember the date.

21. The guard room used for detention of prisoners was very unsatisfactory, it consisted of an Italian canvas tent. Quite often a prisoner in detention was not allowed out to urinate and at first there was not even palliasses and prisoners had to sleep on the ground.

22. As regards sanitation, the lavatories were often blocked up. One set was found to be blocked with stones after we had been in camp a week, these never having been removed by the builders. The men's living conditions were bad in winter owing to the overcrowding, the heat of the human bodies packed in three tier beds with very little space between them made the place very unwholesome.

23. At a date which I do not remember but which I think was at the beginning of 1943, I was told of a case where a British Prisoner was shot in the leg. I do not remember who informed me and I do not know the circumstances, but I understood that he was in No. 3 compound, behind the cookhouse, where he ought not to have been. This, however, is only hearsay.

SWORN by the said Captain Frank James Fish at Bradford in the County of York this 30th day of May 1945) F.J. FISH. Capt. R.A.M.C.

Before me,
J. HEDLEY SUTCLIFFE.
A Commissioner for Oaths.

IN THE MATTER OF :

The ill-treatment of British Prisoners of War and breaches of the Geneva Conventions 1929 at Camp No. 53 at Macerata (Sforza Costa) between November 1942 and September 1943

A F F I D A V I T

I, No. 815870 B.S.M. EDWIN FRANCIS JOHN, R.A., of 27 Wembley Hill Road, Wembley, Middlesex, make Oath and say as follows :-

1. I was captured at Mersa Matruh on June 28th or 29th 1942 and arrived in Italy in early August, landing at Brindisi. After a short time in a transit camp there, I was at Camp No. 87 at Benevento from mid-August to November 1942 and after a few days at Camp No. 66 at Capua I arrived at Camp No. 53 Macerata (Sforza Costa) in November 1942. I was one of the early contingents of British prisoners to arrive at this camp, which consisted of a converted cotton mill which required a good deal of completing. Many of the doors were missing, these being big double doors, and a number of windows were also missing and were not put in until the spring of 1943. As a result the men suffered considerably from the cold.

2. I remember Captain F.J. Fish, R.A.M.C. arriving at the camp and that he acted as a medical officer. The contingent from Benevento were in a very bad state of malnutrition and disease. The place was overridden with lice and the Italian methods of de-lousing were quite inefficient and merely appeared to accelerate the process. There were also bugs in the summer of 1943.

3. The first Italian Commandant while I was at this camp was not particularly helpful, but he was replaced in April or May 1943 by another who was a good officer, being strict but perfectly fair and just.

4. The water supply for washing in No. 1 Compound was bad because there were only two small wash houses for 2,500 men. In the spring of 1943 there were s howers provided which worked fairly well.

5. For food we had the usual skilly with a small amount of macaroni or rice in it and occasionally a minute bit of meat.

6. There was a lot of pneumonia in the camp and a number of men died. Funerals were frequent round about Christmas 1942, almost daily. The main diseases apart from pneumonia were malnutrition and diarrhoea or dysentery.

7. The clothing position was very bad before Red Cross clothing parcels arrived. A certain amount of Italian uniform was issued by the Italians but the condition of their own soldiers was just as bad.

8. The Italians were very severe on charging us a fine for breakages or damage; particularly as regards sheets and blankets, any small stain or hole being charged against the man who had it, although it may have been in that condition when he received it.

As a result we learnt to examine any article issued and refuse it if it had any mark or stain. For a short time we had sheets but these were withdrawn and we were told this was because Italian prisoners of war in American camps had not got sheets.

9. The sanitation was unsatisfactory, because the drain under the latrines did not work. I myself had to detail prisoners four or five times a day to use long poles to clear the latrines.

10. Some time in the spring of 1943 there was a raid made by Carabinieri and they removed a number of prisoners' personal belongings, like watches and rings. I hid and kept my ring. The pretext, we were informed, was that the British had robbed Italian prisoners in Abyssinia.

11. I remember an occasion, though not the date, when a prisoner whose name I think was Brown was shot. I did not see the incident, but from the talk in the camp it appeared that he was behind the cookhouse, which meant that he was next to the outer wall of the camp and it may have been that he was trying to escape. It would not have been unreasonable for a sentry to take this view from the position in which Brown was. I believe he returned to the camp later from the infirmary. I do not know if any challenge was given before the shot.

12. I was at Camp No. 53 when Trooper Aaron was shot, but I was not an eye witness and only heard the general camp talk about the incident.

13. After the Italian surrender the Italian guards left and Captain Frewen, after there had been some escapes, called the Warrant Officers together and asked us to keep the men in order and together. As the Germans arrived a few of us left the camp on the other side. I was re-captured with two sergeants, got away again in a few hours and crossed into the American lines a week later. The two sergeants did not escape the second time. One of them was Sergeant F. Palmer R.A. (Field), who I know was in a German prisoner of war camp and the other was Sergeant (Eddie) Davies, who I think was in the Recce Corps but I did not hear what happened to him.

SWORN at Wembley in the County of Middlesex this 6th day of June, 1945 — E. F. JOHN

Before me,
J.A. NICHOLLS.
A Commissioner for Oaths.

IN THE MATTER OF :

The ill-treatment of British Prisoners of War and breaches of the Geneva Conventions 1929 at Camp No. 53 at Macerata (Sforza Costa) between November 1942 and September 1943

A F F I D A V I T

- of -

B.S.M. E.F. JOHN

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.53 at Macerata during the period 14th November 1942 to about 15th September 1943

A F F I D A V I T

I, STAFF SERGEANT JOHN EDWARD GEORGE PETERS, No.1871478, No.7 Bomb Disposal Company, R.E. with the present address of Belfield House, Belfield Park, Weymouth, and with a permanent address at Hill View, Andover Road, Ludgershall, Wiltshire, make Oath and say as follows :-

1. On the 29th/30th June 1942 I was taken prisoner of war at about 60 miles from Mersa Matruh, North Africa. I was taken to a Camp at Tobruk, where I stayed for a week to ten days: thence to Derna, where I stayed 2 - 3 days: thence to Benghazi, where I stayed nearly a month. On about the 8th August 1942 I was shipped from Taranto to Brindizi: thence to Camp No.87 at Benevento, Italy. I was at Camp No.87 from about the 14th August 1942 to the 4th November 1942 and then from there was transferred to Camp No.66 at Capua, where I stayed some ten days. I was then sent to Camp No.53 at Macerata.

2. I was a prisoner of war at Camp No.53 at Macerata from about the 14th November 1942 until my absence about a week after the armistice on or about the 15th September 1943. I do not know the names of the Italians in control at this camp during this period, either medical or otherwise, but I think that Sergeant-Major Woollaston, R.E., might be able to give this information. He was with me at the camps at Benevento, Capua and Macerata, and his real rank was W/O.1 Clerk of Works, C.R.E. Tobruk.

3. The conditions at the said Camp during the said period were :-

As regards accommodation. We were housed in a converted sugar beet factory with three-tier beds. There was terrible overcrowding. The atmosphere was very unhealthy and cold and very damp, through water and mud which oozed through the door. There must have been some 600 men in the building and no winter clothing was provided so far as any newcomers were concerned.

As regards food. The daily ration was :-

One small roll of bread, about 250 grammes: about a pint of skilly with a little vegetable and a small allowance of macaroni or rice: a small portion of meat on two days a week and a small portion of cheese on the remaining days of the week.

This meant certain starvation, which was only averted by Red Cross parcels, but they were uncertain and intermittent.

As regards sanitation. There were concrete holes in outhouses but no flushing or attention of any sort from Italians. No flyproofing.

In consequence of the above conditions, there was a lot of disease in the Camp. Men were just fading away, especially when the Red Cross parcels failed in the depth of winter. Our medical officers said that the problem was very acute because there was a bad attack of meningitis, for which ventilation was most essential, but the alternative was pneumonia because everyone was so reduced through lack of nutrition.

As regards Medical arrangements. There was a small infirmary but at first the Italians had no supplies or equipment there. I know this because there were mates of mine who had diseases, e.g. desert sores, and who should have gone to hospital, but it was no good going to the infirmary because they could not get treated there. They were using cellophane off the cigarette packages as bandages. Later Red Cross medical supplies helped the situation.

4. Shortly after the armistice, which was on the 8th September 1943, I escaped from the said camp with Staff Sergeant Gunn, Sergeant Burrows, 7th R.T.R., and Corporal Lazarus, No.129855 and Driver Unger, R.A.S.C. and wandered in the neighbourhood until the 24th May 1944, when I joined the Allies.

SWORN by the said John Edward)
George Peters ar Weymouth in)
the County of Dorset this 15th) J.E.G. PETERS.
day of June 1945)

Before me,
W.T. WILKINSON.
A Commissioner for Oaths.

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.53 at Macerata during the period 14th November 1942 to about 15th September 1943

A F F I D A V I T

- of -

S/SGT. J.E.G. PETERS

THE TREASURY SOLICITOR.

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.53 at Macerata during the period 13th November 1942 to September 1943

A F F I D A V I T

I, ALBERT ERNEST TAMPLIN, No.1035729 Private, V.R.D., 9th Chilwell Group, White City Stadium, W.12. and with a permanent address at 79 Leahurst Road, Lewisham, S.E.13 make Oath and say as follows :

1. On June 21st 1942 I was taken prisoner of war at or near Tobruk North Africa. I was from there taken to Timimi where I stayed one night: then to Derna where I stayed four days: then to Benghazi where I stayed about five weeks: and from thence was shipped to Naples where I arrived on 6th August 1942. From there I was sent to Camp No.60 at Lucca, where I stayed until 13th November 1942, when I was sent to Camp No.53 at Macerata.

2. I was prisoner of war at Camp No.53 at Macerata from about 13th November 1942 to the 15th September 1943. The conditions at the said Camp during that period were as follows :-

As regards accommodation, we were housed in an unused factory shed of cement construction throughout: no timber, and there was no heating whatsoever: no provision for heating had been made in its construction. The overcrowding was extreme. There were about 2500 to a compound in a space where 1000 would have been reasonable. The bunks were packed so close together that the men could hardly pass between them. The buildings were swarming with vermin, and the Italians made no attempt to clean the place.

As regards food, the daily ration was a small loaf of bread: about two pints of thin vegetable skilly with a little macaroni or rice: occasionally a small piece of cheese or meat. The only variation was during January 1943 when potatoes were added to the skilly. General malnutrition was the consequence: the Red Cross parcels just kept us going, when they were available but they were irregular and often delayed. In December 1942 our senior medical officer at the Camp, Captain Frewen, R.A.M.C., dictated a cablegram for despatch to Red Cross, Geneva, as follows" "Please expedite parcels, men dying from pneumonia super added to malnutrition". I am able to quote these words because it was exhibited on a board and the starvation and disease in the camp was so extreme that we prisoners used to read it over and over daily, because the feeling that it might be answered gave us hope and sense of relief. I do not know if the Italian Command allowed the said cablegram to be despatched.

As regards clothing, the only issue made by the Italians themselves was pieces of stiff linen roughly 12" square, in lieu of socks. All other clothing was sent through the Red Cross but there was by no means enough to go round. If one man got socks, he got no vest or shirt and vice versa.

There was a lot of disease in the Camp, chiefly malaria, pneumonia and later meningitis. The meningitis created a great scare and the authorities insisted on the windows in the shed being kept open to endeavour to keep down infection; this meant that the prisoners near the open windows got chills and pneumonia.

As regards medical arrangements, there was a hospital room, but it was very dirty. The patients had sheets, but they were not clean: a new case went into dirty sheets of the previous man.

There was a terrible lack of water in the Camp. One could not wash. There were three taps which trickled only for 2500 men.

SWORN at 77 High Street, Lewisham in the County of London this 16th day of July 1945) A.E. TAMPLIN

Before me, Stafford W Mays

A Commissioner for Oaths.

2307

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No. 53 at Macerata during the period 13th November 1942 to September 1943

A F F I D A V I T

- of -

Pte. A.E. TAMPLIN

THE TREASURY SOLICITOR.

9. The Red Cross parcels did not arrive very well until about Christmas 1942. I obtained from the Italians a pair of breeches and a coat.

10. Any damage to articles issued by the Italians was charged against a man's pay. In particular any small stain on a sheet or blanket was charged for at an enormous rate, even though the article may have been received in that condition by the prisoner, the fine was still charged against him on its discovery. As a result of this the prisoners would refuse any article if it had any mark or stain.

11. The sanitation was unsatisfactory, the drain under the latrines not working and having to be cleared with poles.

12. In April 1943 a number of prisoners lost their personal belongings or jewellery during a raid by the Carabinieri. I did not lose my ring as I got wind of the raid and kept my ring in my mouth.

13. I never went into the camp infirmary as a patient though I did go for treatment for a septic thumb. There were no medical supplies with which to attend to this and there was no anaesthetic. I eventually drew it out myself with soap and sugar. There was no fuel for heating in the infirmary during the early part of my time at this camp. Some of the prisoners were moved to the civilian hospital and a friend of mine whose name I do not remember went there with pneumonia and recovered.

14. In April 1943 I went to a working camp No. 102 attached to Aquila from which I escaped after the armistice and got back through the British lines on 20th October 1943.

SWORN at Dorchester in the County of Dorset this 13th day of June 1945) L/Cpl. SPANSWICK, D.B.

Before me,

R.E. ANDREWS.

A Commissioner for Oaths.

2310

IN THE MATTER OF :-

The ill-treatment of British Prisoners of War and breaches of the Geneva Conventions 1929 at Camp No.53 at Macerata (Sforza Costa) between November 1942 and April 1943

A F F I D A V I T

- of -

L/Cpl. D.B. SPANSWICK

THE TREASURY SOLICITOR.

IN THE MATTER OF :

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929, at P.G. Camp No.53 Macerata (Sforza Costa) between November 1942 and May 1943

A F F I D A V I T

I, No.6213100 Private HENRY WILLIAM OVIATT, Pioneer Corps, (formerly Gunner, R.A.) of 21 Prisoner of War Camp, Comrie Perthshire, with a home address at 7 Rivet Street, Old Kent Road, London, S.E.1. make oath and say as follows :-

1. I was captured near Knightsbridge on 6th July 1942. I was taken via Mersa Matruh, Tobruk and Derna to Benghazi where I remained for about a month. I was then shipped via Benghazi to Naples. I reached P.G. Camp No.60, Lucca, on or about 5th August 1942 and I was thence transferred to P.G. Camp No.53, Macerata, on or about 14th November 1942. I left it for Working Camp No.112/1 at Turin on or about 12th May 1943.

2. I have perused the Affidavit sworn by L/Corporal Daniel Bertie Spanswick, R.A.C. on 13th June 1945. I corroborate what he says as to the general conditions of the Camp at Macerata, subject to the following comments.

3. As to paragraph 3 of the said Affidavit, I understood that the Camp was a converted sugar-refinery. Some of the missing windows were replaced by Red Cross tea-chests.

4. As to paragraph 6 thereof, the water supply and sanitary arrangements in my Compound were reasonably good.

5. As to paragraph 9 thereof, the clothing given to the Camp Leader for distribution was wholly inadequate. We used to draw for clothing.

6. As to paragraph 12 thereof, I cannot speak as to the particular incident, but, on leaving the Camp, I had my watch, a pen, and needles taken from me. I only saved my lighter after I had remonstrated with the Camp Commandant.

7. I cannot confirm paragraphs 13 or 14 of the said Affidavit What meagre medical supplies there were, were provided by the Red Cross. As these were wholly inadequate, there was little point in going sick. I lost a friend who, I think, died of pneumonia and malnutrition: he was Sergeant Larkinson (then of 76 Anti Tank Regiment, R.A.).

8. We slept in three-tier beds, and were overcrowded and lice-ridden. Each man had one cotton blanket.

9. During winter months, fatigue parties were employed in picking up stones in the river-bed to make a road in the Camp.

SWORN at Comrie)
in the County of Perth) H W Oviatt
this 4th day of August 1945)
Before me
Alex Thomson. J.P.
A Commissioner for Oaths.

2312

IN THE MATTER OF :

The ill-treatment of Prisoners of War and breaches of the Geneva Conventions, 1929, at Camp No.53 Sforza Costa (Macerata) during the period 22nd November 1942 to 9th June 1943

A F F I D A V I T

I, No.913775, Lance-Corporal ROY ALLENBY BARTELL of London District Provost Company (C.M.P.) Chelsea Barracks, London, S.W.1. with a home address at 8 Lambton Terrace, Primrose, Jarrow-on-Tyne County Durham, make Oath and say as follows :-

1. I was captured at Tobruk on 15th June 1942. I was taken (via Derna) to Tarhuna where I arrived between 21st and 25th June. I remained there about three weeks and was then transferred to Suani Ben Adem. I left the latter camp early in October 1942, and I was shipped (via Tripoli) to Naples. I arrived at Naples on the 20th October 1942 and I was sent to Camp No.66 at Capua the same day. On the 22nd November 1942, I was transferred to Camp No.53, Sforza Costa (Macerata) where I remained until my transfer on 9th June 1943 to the working camp No.148/V at Mazzageta (some 15 kms. from Verona).

2. Camp No.53, Sforza Costa, contained three compounds. I was placed in No.2 compound which contained five sectors lettered A to E. Sectors A B and C comprised one large bungalow and sectors D and E, another bungalow. I was placed in bungalow E (17th Platoon)

3. E Bungalow contained one large room which sometimes housed as many as 500 prisoners of war. It was then very over-crowded. We slept on three-tier beds with a palliasse, a bolster and two blankets each. The bedding was incredibly verminous.

4. The sanitary arrangements consisted of holes in the ground which were water-flushed. The water was turned on in the morning and evening. The washing facilities were very fair.

5. We had the usual ersatz coffee for breakfast and at 1100 to 1200 hours we had either Red Cross tea or, again Italian coffee. We had a daily ration of rather less than 200 grammes of bread each, cheese five days a week and meat the other two days. At 1630 hours we had either macaroni or rice and vegetables with our meat ration (if in issue that day).

6. We received Red Cross parcels regularly until Christmas 1942. They then ceased until Mid-March 1943 after which they arrived at regular weekly intervals and were distributed at the rate of one parcel per man. Mail arrived fairly regularly whilst I was at this camp.

7. During the winter months, long checking-parades, sometimes three or four hours in duration, were held outside in all weathers. It was not unusual for prisoners of war to faint on these parades. Matters improved with the appointment of a new commandant who used to have prisoners of war counted indoors in wet weather.

8. Apart from the shooting of Trooper Aaron, I can recall no specific acts of violence of note committed against prisoners of war whilst I was at this camp.

SWORN by the said ROY ALLENBY BARTELL)
at 2/3 The Sanctuary in the City of)
Westminster this 18th day of June 1945)

ROY ALLENBY BARTELL

Before me,
CHARLES T. HOLLAND.
A Commissioner for Oaths.

2313

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.53 Sforza Costa (Macerata) during the period 22nd November 1942 to 9th June 1943

A F F I D A V I T

- of -

L/Cpl. R.A. BARTELL, C.M.P.

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The ill-treatment of British Prisoners of War and breaches of the Geneva Conventions 1929 at Camp No. 53 at Macerata (Sforza Costa) during the period December 1942 to September 1943

A F F I D A V I T

I, No. 7520231 Private HUBERT WILLIAM PRICE, Army Catering Corps, now at 17 Battalion R.A.O.C. Thoresby Park Camp, near Ollerton, Nottinghamshire, and with a permanent address at 40 Tomkinson Drive, Kidderminster, Worcestershire, make Oath and say as follows :-

1. I was taken prisoner at Tobruk on 21st June 1942. I was thence taken to Tmimi and later to Benghazi and from there was shipped to Italy and owing to a ruptured cartilage in the knee was sent to Caserta hospital and on recovery left there in November 1942 being sent on to Camp No.66 at Capua.

2. I was at Camp No.66 at Capua for about four weeks, during November 1942 when I was sent to Camp No.53 at Macerata (Sforza Costa) where I was from December 1942 until September 1943.

3. Food rations at this camp were very poor and inadequate and as a consequence there were many cases of malnutrition.

No Red Cross parcels were issued for the first few months when I was there.

The buildings in which we were housed were extremely dirty and very verminous.

SWORN at Mansfield in the County of Nottingham this first day of June 1945)
Before me,
JAMES N. VALLANCE.
A Commissioner for Oaths.

H.W. PRICE.
Pte. 7520231.

2315

IN THE MATTER of THE ILL-TREATMENT OF BRITISH PRISONERS OF WAR AND BREACHES OF THE GENEVA CONVENTIONS 1929 at CAMP No. 53 at MACERATA (Sforza Costa) DURING THE PERIOD DECEMBER 1942 to SEPTEMBER 1943

A F F I D A V I T

- of -

PTE. H.W. PRICE

THE TREASURY SOLICITOR

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.53 at Macerata during the period from December 1942 to September, 1943.

A F F I D A V I T

I, REGINALD GORDON GUNN, No.1869586, Mech. Staff Sergeant R.E. at present at No.1 Bomb Disposal Company, R.E., Walton Street Barracks, Hull, Yorkshire; and with a permanent address at 86, Buckland Avenue Dover, Kent, make oath and say as follows :-

1. In June 1942, I was taken prisoner at Tobruk, North Africa. I was taken then to Camps at Derna and Benghazi.

2. In August 1942, I arrived at Camp No.87 at Benevento where I stayed some three months and was from there sent to Camp No.53 at Macerata (Sforza-Costa) near Ancona, Ascoli, Italy, where I stayed until about the 15th September 1943. I eventually became a Section Leader in charge of part of this Camp. The accommodation at the said Camp during the said period was a large stone building with a concrete floor. From November 1942 until January 1943 we had no beds in my settore. Numbers 1 and 2 settores did have beds. These were wooden beds in three tiers. They were not durable and were soon infested with bugs and lice. These same type beds were provided for us in January to February 1943. We arrived at the Camp in November 1942 and until we got the beds, we slept on the concrete floor with two blankets. Very little clothing was issued to anybody. Some men were lucky enough to get Italian kit, but most of us were waiting until March 1943. We were then provided with some Italian and some Red Cross kit. Next of kin parcels also began to arrive in April.

The medical arrangements were quite inadequate; no medicine or equipment.

The washing facilities consisted of one pipe with a hole drilled.

SWORN at the City and County of Kingston upon Hull the 15th day of June 1945) REGINALD G. GUNN

Before me,

THOS. C. JACKSON

A Commissioner for Oaths.

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.53 at Macerata during the period from December 1942 to September 1943

Copy

A F F I D A V I T

- of -

REGINALD GORDON GUNN

THE TREASURY SOLICITOR.

IN THE MATTERS OF :-

(A) The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.53 at Macerata during the period December 1942 to September 1943.

(B) The murder of Trooper Aaron at Camp No.53 at Macerata on a date in June or July 1943.

A F F I D A V I T

I, DAVID GEORGE HAMILTON No.4121846 Signalman, Royal Corps of Signals, now at 35 Tank Brigade, G.P.O. Newmarket and with permanent address at 2, Bangor Street, Nottingham, make oath and say as follows:-

1. On 8th June 1942 I was taken prisoner of war at Knightsbridge Libya. From there I was taken to prison camps at Derna, Benghazi Libya, and thence to Suane Ben Adem in Tripoli and from there was shipped to Italy, reaching Camp No.66 at Capua in November 1942.

2. I was at Camp No.66 at Capua for about four weeks in or about November 1942. When I arrived at this camp a new camp had been prepared, in which I was placed, and during the time that I was there the conditions were tolerable. There had been an old camp nearby which I was told had been an awful place.

3. I was at Camp No.53 at Macerata from December 1942 to 11th September 1943 - three days after the armistice. I cannot give the names of any Italians in command at this camp during that period.

The conditions in this camp were very bad.

As to accommodation there was one building divided into three compounds by wire. Part of this building was unfinished on my arrival and we had to finish it and during that period there was no proper shelter and in consequence many cases of exposure. There were many cases of pneumonia - I had it myself. The building in question was extremely dirty and verminous.

The food ration was very poor and inadequate and in consequence many cases of malnutrition and there were no Red Cross parcels issued during the first few months.

4. In June or July 1943, on a date which I cannot now give more precisely, there occurred a case of the shooting of Trooper Aaron at Camp No.53 at Macerata. I knew him well; he was the language instructor. There was a roll call and a delay; then I heard a shot. I did not witness the incident myself; but I was told by many prisoners of war afterwards, who were in a position to see what happened, that the said Aaron went up to, but not over, the trip wire to urinate which was against orders, whereupon a sentry, without any challenge, fired, using a bullet which killed him instantly.

SWORN at 14 Fletcher Gate)
in the City of Nottingham) D.G. HAMILTON Sgmn.
this 4th day of April 1948)

Before me,
A.G. CROCKFORD,
A Commissioner for Oaths.

IN THE MATTERS OF :-

(a) The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.53 at Macerata during the period December 1942 to September 1943

(b) The murder of Trooper Aaron at Camp No.53 at Macerata on a date in June or July 1943

A F F I D A V I T

- of -

Signalman D.G. HAMILTON, R. Sigs.

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The ill-treatment of Prisoners of War and breaches of the Geneva Conventions, 1929, at Camp No.53, Sforza Costa (Macerata) during the period from February to September 1943

A F F I D A V I T

I, No. 4275708 Corporal SAMUEL OLIVER, Royal Northumberland Fusiliers, D. Company, No.1 Army Selection Training Unit, Beckett Park, Leeds 6, with a permanent address at 2 Dene Terrace, Winlaton, Blaydon-on-Tyne, County Durham, make Oath and say as follows :-

1. I was captured in the region of Knightsbridge in Libya on the 6th June 1942. After about seven days at a military hospital at Derna, I was taken (via Derna) by hospital ship to Naples, where I arrived on or about the 20th June, 1942. On arrival, I was sent to Caserta Hospital from which, after about ten days, I was transferred to Piacenza Hospital. I left the latter hospital on or about the 30th November 1942, when I was sent to Camp No.73, Carpi (near Modena). I think I left Camp No.73 late in February 1943, when I was transferred to Camp No.53, Sforza Costa (Macerata). I escaped from the latter camp on or about the 15th September 1943.

2. I have perused the Affidavit sworn by Lance-Corporal R.A. Bartell on the 18th day of June 1945. I agree with all he says, subject to the following comments.

3. I cannot speak as to the arrival of Red Cross parcels before February 1943; but I confirm that they did not arrive prior to mid-March 1943 and that thereafter they arrived at regular weekly intervals and were distributed at the rate of one parcel per man. I also cannot speak as to the long checking-parades held in all weathers out of doors: I was at this Camp under the regime of the later Camp Commandant who used to have us counted indoors in bad weather.

SWORN by the said SAMUEL OLIVER)
at 34 Albion Street Leeds in)
the County of York this 9th day)
of July 1945)

S. OLIVER. Cpl.
No.4275708

Before me,
J.T. ROBINSON.
A Commissioner for Oaths.

2321

IN THE MATTER OF :

The ill-treatment of prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.53 Sforza Cesarea (Macerata) during the period from February to September 1943

A F F I D A V I T

- of -

Cpl. S. OLIVER
Royal Northumberland Fusiliers

THE TREASURY SOLICITOR.

IN THE MATTER OF :

The ill-treatment of British Prisoners of War and breaches of the Geneva Conventions, 1929 at Camp No. 53 at Macerata (Sforza Costa) between May and September 1943

A F F I D A V I T

I, No. 1893388, Driver HAROLD JAMES HOUSE of 121 Oakfield Road, Stapleford, Nottinghamshire, make Oath and say as follows:

1. I was captured at Tobruk on the 22nd June, 1942 and arrived in Italy in early August 1942. After two days at a transit camp at Brindisi I went to Camp No.66 at Capua, from thence to Camp No.87 at Benevento. In November 1942 I was moved to Camp No.65 at Gravina where I remained until May, 1943 when I was moved to Camp No.53 at Macerata (Sforza Costa).

2. The prisoners of war at this camp were in a very bad state of malnutrition and disease. The place was overridden with lice and the Italian methods of de-lousing were quite inefficient and merely appeared to accelerate the process. There were also bugs in the summer of 1943

3. The camp consisted of a converted cotton mill and many of the doors and windows were missing. Later the windows were put in. I was told that in the winter the men had suffered considerably from the cold as a result.

4. The water supply for washing was bad because there were only two small wash houses for 2,500 men. Showers were provided later which worked fairly well.

5. For food we had the usual skilly with a small amount of macaroni or rice in it and occasionally a minute piece of meat.

6. The main diseases at this camp were pneumonia, malnutrition, diarrhoea and dysentery.

7. The clothing position was very bad apart from the Red Cross parcels. A certain amount of Italian uniform was issued by the Italians but the condition of their own soldiers was just as bad.

8. The Italians were very severe on charging fines for breakages or damage, particularly as regards sheets and blankets. Any small stain or hole was charged against the man who had the article although it may have been in that condition when he received it. As a result we learnt to examine any article issued and refused it if it had any mark or stain.

9. The sanitation was unsatisfactory because the drains under the latrines did not work and had to be cleared several times a day with long poles.

10. Shortly after the Italian surrender I escaped from the camp. I was recaptured by fascists and handed over and was taken to Ascoli for interrogation. I had been in touch with British parachute troops but had been unable to get away before recapture. I was then taken to Camp No.70 at Fermo which was run by carabinieri.

SWORN by the said HAROLD JAMES HOUSE)
at 14, Fletcher Gate in the City of) H.J. HOUSE.
Nottingham this 9th day of June 1945)
Before me,
A.C.CROCKFORD.
A Commissioner for Oaths.

2323

IN THE MATTER OF :

The ill-treatment of British Prisoners of War and breaches of the Geneva Conventions, 1929, at Camp No.53 at Macerata (Sforsa Costa) between May and September 1943

A F F I D A V I T

- of -

Driver HAROLD JAMES HOUSE

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.53 at Macerata during the period from May to September 1943

AFFIDAVIT

I, WILLIAM JOSEPH SOUTHALL, No. 5249720, Corporal, with a present address of "B" Company, No. 2 A.A.C., I.T.C., Shorncliffe, Folkestone, Kent, and with a permanent address at 31 Millfields Road, Ettinghall, Wolverhampton, Staffordshire, make Oath and say as follows :-

1. In June 1942, I was taken prisoner at Tobruk and stayed there in the open for three days: I was then sent to Derna where I was kept for six days; and thence transferred to Benghazi where I stayed about 14 days: whence I was transferred to Brindisi Transit Camp where I stayed some three to four days. At about the end of July 1942, I was sent to Camp No. 65 at Gravina, Italy.

2. I left the said Camp No. 65 at Gravina in May 1943 and was from there sent to Camp No. 53 at Macerata where I remained until the armistice in September 1943. The conditions at the said Camp No. 53 at Macerata during this period were :-

The buildings in which the prisoners of war were housed were extremely dirty and infested with vermin and very overcrowded: as a result, most of the prisoners of war slept out in a football field under bivouacs in preference.

The food ration was very poor and consequently there were many cases of malnutrition and disease.

SWORN at Ross-on-Wye in the County of Hereford the 10th day of July 1945) WILLIAM JOSEPH SOUTHALL

Before me,
J. ALLAN WILLIAMS.
A Commissioner for Oaths.

2325

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.53 at Macerata during the period from May to September 1943

A F F I D A V I T

- of -

WILLIAM JOSEPH SOUTHALL

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The ill-treatment of British Prisoners of War and breaches of the Geneva Conventions, 1929, at Camp No.53, Macerata (near Sforza Costa) during the period July to September, 1943

AFFIDAVIT

I, No. 7522464 Corporal RONALD COLENSO, R.A.M.C. att. C.R.S. Llandudno, with a permanent address at "Braeside" Boundary Lane Heswall, Cheshire, make Oath and say as follows :-

1. I was captured and taken prisoner of war at the General Hospital, Tobruk, on 20th June 1942. I was removed by ambulance to the Prisoners' cage at Tobruk the following day; thence on or about 29th June 1942 to Bomba where I remained three or four days; thence to Derna where I remained some eight days and thence to Benghazi where I remained till 12th November 1942. I was then transported by ship to Taranto, where I arrived on 23rd November 1942. On my arrival there, I was removed to Juisti Hospital, Taranto, from which (late in December 1942) I was transferred to Altamura Hospital where I remained about four days. I was thence sent to Camp No.65 Gravina, where I remained until my transfer to Camp No.53 Macerata (near Sforza Costa) on or about 18th July 1943. I escaped from the latter Camp on 15th September 1943; rejoining British Forces south of the Sangro River on 12th November 1943.

2. At Camp No.53, we were accommodated in factory buildings. I was in the main building which held some 1300 Prisoners of War. I estimated, at the time, that these men were accommodated on a floor-space of about 1500 square yards. We slept in three-tier beds (one man per tier).

3. The sanitary and washing arrangements compared favourably with the general standards obtaining in Italian Prisoner of War Camps.

4. Our daily ration of food consisted of 200 grams per man of bread of indifferent quality. For breakfast, we had ersatz coffee and bread with (for five days a week) a small portion of cheese. For our midday "meal", we usually had bread again, with (perhaps) a pint of poor-quality skilly in the evening, and twice a week fragments of meat.

5. To begin with, Red Cross parcels arrived fairly regularly; but latterly the supplies dwindled owing, no doubt, to the dislocation of Italian Transport and other services in consequence of Allied Military activities. Mail was up to the average.

6. The general standard of health at Camp No.53, was I think fairly good, compared with other camps.

7. I can recall no specific acts of violence committed against prisoners of war while I was at the Camp, but the guards (especially the carabinieri) were cruel and prone to use their rifle-butts with little or no provocation.

SWORN by the above named)
RONALD COLENSO at Conway)
in the County of Caernarvon)
the Second day of June 1945)

RONALD COLENSO.

Before me,
R. GLYNNE JONES.
A Commissioner for Oaths.

2327

IN THE MATTER OF :-

The ill-treatment of British Prisoners of War and breaches of the Geneva Conventions, 1929, at Camp No. 53, Macerata (near Sforza Costa) during the period July to September, 1943

A F F I D A V I T

- of -

Corporal RONALD COLENSO, R.A.M.C.

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The ill-treatment of British Prisoners of War and breaches of the Geneva Conventions 1929 at Macerata during the period July 1943 to September 1943.

A F F I D A V I T

I, ARTHUR WALTER EVANS, Second Lieutenant in the Pioneer Corps stationed at Lancaster and with permanent address at 8, Montcalm Close, Hayes, Kent make oath and say as follows :-

1. In January 1942 I was taken prisoner at Barci, Libya and was taken to a Prisoner of War Camp at Benghazi; was kept there five days and then transferred to Tarhuna, approximately sixty miles from Tripoli, where I stayed about fourteen days. Thence I was shipped to Camp No.68 at Capua, Italy, arriving there about the end of February 1942, and stayed there for about three months until the end of May 1942, thence I was sent to Camp No.65 at Gravina. I was kept at Gravina until about July 1943 whence I was sent to Camp No.53 at Macerata.

2. I was prisoner of war at Camp No.53 at Macerata from July until the Armistice in September 1943.

During that period the housing accommodation at this Camp was very bad. We were put in a sugar beet factory with three tier beds all infested with vermin and no attempt was made by the Authorities to improve the conditions.

All Red Cross parcels were opened and all food tins were punctured.

SWORN at Lancaster in the County of Lancaster the 14th day of June 1945)

(Sgd) A.W. EVANS,
2/Lieut. 346629
Pioneer Corps

Before me,

R.T. SANDERSON

A Commissioner for Oaths.

2329

IN THE MATTER OF :-

The ill-treatment of British Prisoners of War and Breaches of the Geneva Conventions 1929 at Macerata during the period July 1943 to September 1943

Copy

A F F I D A V I T

- of -

2nd Lieut. A.W. EVANS

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.54at Macerata during the period August and September, 1943.

A F F I D A V I T

I, THOMAS ERNEST HEROD, released from the Army on the 15th November, 1944 and now engaged at the Post Office, but at one time No.193526, Private 309 General Transport Company, R.A.S.C., and with a permanent address at 16 Bassett Road, W.10 make oath and say as follows :-

1. I was taken prisoner at Gazala North Africa on the 15th December 1941 and was thence taken to Benghazi where I stayed two days: to Crete where I stayed some 2 to 3 weeks; and then to Greece where I stayed about a month. I was then sent to Bari, Italy where I arrived at about March 28th 1942 and stayed one day and was then sent on to Camp No.85 at Tuturano where I stayed some 3 to 4 weeks. After staying some 3 to 4 weeks at Camp No.85 at Tuturano I was sent to Camp No.65 at Gravina. I was at Camp No.65 at Gravina for about a year from March, 1942 to March 1943. I was then sent to a Working Camp at Foggia near Carignola. I was at the said Working Camp at Foggia, near Cerignola from March to August 1943 and was from there sent to Camp No.53 at Macerata.

2. I was a prisoner of war at Camp No.53 at Macerato during August and September 1943. The conditions at the said Camp during that period were as follows :-

There were some 8000 prisoners of war in the said Camp with accommodation fit for some 5000. I was in a tent in a field. The crowding in the said tent was extreme and the place was very verminous and no attempt was made by the Authorities to clean the tents or to eradicate the vermin.

As regards food, it was a cut starvation ration but the Red Cross parcels just saved us. There was a lot of disease in the Camp, chiefly malaria and there was universal severe malnutrition.

As regards medical arrangements, the Italian Authorities took no trouble themselves and left it to the British medical officers and orderlies to do the best they could with the Red Cross supplies.

SWORN by the said THOMAS ERNEST HEROD at 185 Ladbroke Grove in the County of London this 15th day of June 1945) T.E. HEROD

Before me,

CHAS. E. ROBERTS

A Commissioner for Oaths.

2331

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.54 at Macerata during the period August and September 1943.

Copy

A F F I D A V I T

- of -

THOMAS ERNEST HEROD.

THE TREASURY SOLICITOR

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions, 1929 at Camp No.53 at Macerata during August/September 1943

A F F I D A V I T

I, ARCHIBALD MACKECHNIE BAIRD, No.7361731 Lance-Corporal 13th Company, R.A.M.C., The Castle, Edinburgh, make Oath and say as follows :-

1. On the 26th May 1942 I was taken prisoner of war at Knightsbridge near Tobruk, North Africa, and from there was sent to various North African camps, reaching Italy during November 1942. I was at Camp No.85 at Brindisi for some six months, leaving there in May 1943, and was from there sent to Camp No.75 at Bari, where I stayed for a few days; I was then in Altamura Hospital for some four weeks, then back again at Camp No.75 at Bari for a few days, and from there was sent to a working Camp at Cerignola, where I stayed some six weeks during June/July 1943. From Cerignola I was sent to Camp No.53 at Macerata.

2. I was prisoner of war at Camp No.53 at Macerata for some three weeks during August/September 1943. I cannot give the names, ranks or units of any of the Italian personnel in charge at the said Camp during the said period. The conditions at the said camp at the time were as follows :-

It was a very large Camp, with several thousand prisoners of war, when I got there, there was no housing for me; such housing as there was was all full. I and others with me had to sleep in tents - no beds or straw - just think blankets on the ground.

As regards food - the daily ration was a small roll of bread and about a pint of vegetable skilly with macaroni or rice. This was a starvation diet, and only the Red Cross parcels, which were intermittent and which we only got occasionally, saved us from starvation.

SWORN by the said ARCHIBALD)
MACKECHNIE BAIRD at Rutherglen)
in the County of Lanark this) A.M. BAIRD.
19th day of July 1945)

Before me,
ALEX MACALLAN.
A Commissioner for Oaths.

2333

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions, 1929, at Camp No.53 at Macerata during August/September 1943

A F F I D A V I T

- of -

L/Cpl. A.M. BAIRD

THE TREASURY SOLICITOR.

PARTICULARS OF EVIDENCE IN SUPPORT

1. AFFIDAVIT of Craftsman J.O. Tibbett sworn 13th June 1945
2. AFFIDAVIT of Staff Sgt. Fitter C. Smith sworn 28th May 1945.
3. AFFIDAVIT of Pte. E. Senior sworn 16th April 1945.
4. AFFIDAVIT of Fus. F. Wynne sworn 4th May 1945.
5. AFFIDAVIT of Captain F.J. Fish sworn 30th May 1945.
6. AFFIDAVIT of B.S.M. E.F. John sworn 6th June 1945
7. AFFIDAVIT of Staff Sgt. J.E.G. Peters sworn 15th June 1945.
8. AFFIDAVIT of Pte. A.E. Tamplin sworn 16th July 1945.
9. AFFIDAVIT of L/Cpl. D.B. Spanswick sworn 13th June 1945.
10. AFFIDAVIT of Pte. H.W. Oviatt sworn 4th August 1945
11. AFFIDAVIT of L/Cpl. R.A. Bartell sworn 18th June 1945.
12. AFFIDAVIT of Pte. H.W. Price sworn 1st June 1945.
13. AFFIDAVIT of Staff Sgt. R.G. Gunn sworn 15th June 1945.
14. AFFIDAVIT of Sgmn. D.C. Hamilton sworn 4th April 1945
15. AFFIDAVIT of Cpl. S. Oliver sworn 9th July 1945
16. AFFIDAVIT of Dvr. H.J. Howe, sworn 9th June 1945.
17. AFFIDAVIT of Cpl. W.J. Southall sworn 10th July 1945.
18. AFFIDAVIT of Cpl. R. Colenso sworn 2nd June 1945.
19. AFFIDAVIT of 2nd Lt. A.W. Evans sworn 14th June 1945
20. AFFIDAVIT of Pte. T.E. Herod sworn 15th June 1945
21. AFFIDAVIT of L/Cpl. A.M. Baird sworn 19th July 1945.

Copies of these documents are attached.

NOTES ON THE CASE **2335**

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

If the facts set out in the Affidavits are established they show an appalling state of affairs at this Camp, constituting crime No.xxix in the War Crimes List, Ill-treatment of Prisoners of War. The cumulative effect of the bad conditions, shortage of clothing, and inadequate medical attention and supplies led to many deaths, which it is submitted would, in English law, sustain a charge of Manslaughter by neglect.

The Articles of the Geneva Convention not specifically referred to in the Particulars of Alleged Crimes, breaches of which are alleged, provide as follows:

No.2 - requiring humane treatment and protection and forbidding reprisals.

No.46- prohibiting (inter alia) all forms of cruelty.

Reference is made in some of the Affidavits to the shooting of Trooper Aaron. This is the subject of another charge - UK - I/B.87, Commission Reference /UK/It/ and separate affidavits have been taken for that Charge where the witness can give useful evidence.

There is also reference to the shooting of prisoner (? Brown) at or near the Cookhouse. Little evidence can be found on this, and in the opinion of at least one witness, B.S.M. John (No.6 in Particulars of Evidence, para. 11), the guard may well have thought he was escaping. A separate Charge may lie on further evidence becoming available.

RESPONSIBILITY: The primary responsibility for the very poor conditions which prevail in this camp appears to be that of the accused Nos. 1,2 and 3 the successive Commandants, and Accused No.4 the second in command. While the witnesses speak quite well of Accused No.3 (see Affidavit of Captain Fish No.5 in Particulars of Evidence above) the fact remains that conditions were very poor indeed. Captain Fish has given a great deal of information and in particular with regard to the shortage of medical supplies and the almost entire absence of anaesthetics. The medical officers, though again they were not hostile, must be taken as partly responsible for the inadequacy of this side of the camp.

DEFENCES: It is probable that the general defence of all the accused will be that they could not improve the conditions of the camp for lack of material and supplies. Prima facie a case, however, appears to be made out against them and it would be for them to disprove the apparent neglect by showing what efforts they made to obtain better conditions, medical material and supplies. As a result of the general neglect many men died from the effects of malnutrition and it is submitted that the neglect which caused this amounts to manslaughter.

COMPLETENESS OF CASE: The case against the accused is reasonably complete as regards evidence. Identification of the accused is necessary and enquiries are proceeding to this end.

1296/UK/21/66

2336

1. CILOTTI, S.
2. Adjutant or Second in Command at Camp
3. Officer i/c of guard
4. Guard

Addendum: 1 & 2.
Names of original charge to be deleted.

Submitted	Decision of Committee I	
22.8.45	1-3 A 4 C B	CARDS CHECKED
APR 1946	1,2 : A (Addendum) Names of original charge to be deleted. B	CARDS CHECKED Sept 39

1296/UK/21/66

MD/JAG/FS/42/10(3A)

16 MAR 1946

British National Office No: UK - I/B 87

2337

United Nations War Crimes Commission Reference:

1296/UK/It/66.

ADDENDUM

IN THE MATTER OF -

The murder by shooting of Trooper Aaron, Queen's Bays. Prisoner of War at Camp No. P.G. 53 at Macerata, (Sforzacosta) on or about the 4th February, 1943.

ADDITIONAL PARTICULARS OF EVIDENCE IN SUPPORT -

Letter dated the 22nd January 1946 from the Judge Advocate General to the Treasury Solicitor enclosing a final advice minute sent on the 22nd January 1946 by the Judge Advocate General to the Supreme Allied Commander, Central Mediterranean Forces.

FURTHER NOTE ON THE CASE -

In the light of the above further information, the following amendments in the original Case are necessary:-

(a) The names of the original accused should be deleted, and the following substituted, namely :-

(i) Colonnello Massimiliano CAPURSO, an officer of the Italian Army. in custody

(ii) Clemente FANTACCI, an Italian national, formerly a member of the Italian Army in charge of Unit, pursuant to Regulation 4 of the Regulations for the trial of War Criminals. do.

(b) It should be noted that further evidence will be called to support the case against the accused (as amended), namely:-

(i) Private C. W. LANGTON.

(ii) Margherita FOLIGNO, who acted as interpreter for Captain N.E. MIDDLETON of the Special Investigation Branch, when he took a statement from Colonnello Massimiliano CAPURSO.

Agenda file

28th January, 1946.

COPY.

2338

Spring Gardens,
Cockspur Street,
London, S.W. 1.

22nd January 1946.

MD/JAG/FS/42/10 (3A)
CONFIDENTIAL

The Treasury Solicitor,
Storey's Gate,
St.James's Park,
LONDON, S.W.1.

WAR CRIMES

Shooting of Trooper AARON

British National Office Charge Number UK.I/B87.

Information has now been received that at the time of the shooting of Trooper AARON the Commandant of P.G.53 at SFORZACOSTA was Colonnello Massimiliano CAPURSO and not Colonnello S.CILOTTI. CAPURSO is now in custody and I have advised that he be brought to trial jointly with the Italian Guard Clemente FANTACCI who fired the shot. A copy of my final advice minute addressed Supreme Allied Commander, Central Mediterranean Forces is forwarded herewith. May the name Colonnello CAPURSO please be substituted for that of CILOTTI in the records of the United Nations War Crimes Commission.

(SGD) ?
Colonel.
for Brigadier,
Military Deputy,
J.A.G.

MD/JAG/FS/42/10(3A)
CONFIDENTIAL.

22nd January 1946.

UNITED NATIONS CHARGES AGAINST ITALIAN WAR CRIMINALS

British National Office Charge Number UK - I/B 87

Killing of Trooper AARON

Accused: Colonnello Massimiliano CAPURSO and Clemente FANTACCI.

---

1. With reference to the final advice minute numbered as above and dated 13 December 1945 in the case against Clemente FANTACCI, information has now been received through the Deputy Judge Advocate General at your Headquarters that Colonnello Massimiliano CAPURSO, who was Commandant of P.G.53 at Sforzacosta at the time when Trooper AARON was shot, is now in custody and that he has made a statement.

2. In view of this the Judge Advocate General of the Forces has instructed me to convey the following further advice to you regarding this case.

3. In my opinion the evidence justifies Colonnello Massimiliano CAPURSO and Clemente FANTACCI being tried jointly by military court under the Royal Warrant upon the following charge, in place of the charge set out in paragraph 3 of my above mentioned minute:-

COMMITTING A WAR CRIME

in that they

at Sforzacosta, Italy, on or about 24 February 1943 in the violation of the laws and usages of war were concerned in the killing of Trooper AARON, a British prisoner of war.

4. In consequence the following additions and amendments to the advice given in my above mentioned minute become necessary

5. Reference paragraph 4. In the heading of the charge sheet the accused should be described as "Colonnello Massimiliano CAPURSO, an officer of the Italian Army and Clemente FANTACCI, an Italian national, formerly a member of the Italian Army, in the charge of ..... (unit) pursuant to Regulation 4 of the Regulations for the Trial of War Criminals".

6. Reference paragraph 5 (a): The following witnesses should also be called to give evidence in person at the trial:-

(i) Private C.W. Langton, who should give evidence in accordance with his affidavit.

(ii) Margherita Foligno, who acted as interpreter for Captain N.E. Middleton of the Special Investigation Branch when he took the statement from Colonnello Massimiliano CAPURSO, should tell the Court what she said, in Italian, to this accused on the instructions of Captain Middleton including the words of caution and what the accused answered. She should explain to the court how the statement was taken and should produce and identify the original of it which this accused signed in her presence.

7. The matters mentioned above do not affect the advice contained in paragraphs 6, 7, 8, 9 and 10 of my above mentioned minute.

8. The following documents are forwarded herewith :-

(a) Original and ten copies of the affidavit of Private C.W. Langton.

(b) Ten copies of the statement of Colonnello Massimiliano CAPURSO.

(c) Five further copies of each of the affidavits of Trooper T. Spikings, Sergeant A. Devenport, L/Cpl. D.B.Spanswick and Captain F.J. Fish R.A.M.C.

(Sgd) H. SHAPCOTT

Brigadier,
Military Deputy
Judge Advocate General of the Forces.

Copies to: DJAG, CMF. (2)
The Treasury Solicitor
A.G.3.(V.W.) - To arrange for the attendance at the trial of Private C.W. Langton at a date and place to be fixed by the Supreme Allied Commander, Central Mediterranean Forces. Colonnello CAPURSO and the witness Margherita Foligno, mentioned in paragraph 5(a) above are in Italy.

(*For the Use of the Secretariat*)

Registered Number. 1296/UK/21/66

Date of receipt in Secretariat. 2341 13 AUG 1945

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDON CHARGES AGAINST ITALIAN WAR CRIMINALS

CASE No. UK - I/B 87 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	(1) Colonel S. CILOTTI, Commandant of the Camp (2) Adjutant or Second in Command at the Camp (3) Officer in charge of guard. (4) Guard who fired the shot } Names, ranks and units at present unknown
Date and place of commission of alleged crime.	28th February 1943 At Camp P.G.53 at Macerata (Sforza Costa)
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. 1 - Murder No. xxix - Ill-treatment of Prisoners of War Breaches of Articles 2, 46 and 54 of Geneva Convention 1929 relating to the treatment of Prisoners of War Under English Law:- 1. Murder, subject to possibility of reduction to 2. Manslaughter.

SHORT STATEMENT OF FACTS.

Accused No. 4 was a guard on duty at Camp P.G.53 at Macerata (Sforza Costa) a Prisoner of War Camp in Italy and on the 28th February 1943 killed by shooting Trooper Aaron, Queen's Bays, then a British Prisoner of War.

TRANSMITTED BY

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E.W.Ltd. Gp.685

COPY.

Subject: War Crimes - Alleged murder of Tpr. AARONS
Queens Bays - British PW.

ALLIED FORCE HEADQUARTERS

CR/15051/G-1(B).

21st October 1944.

The Under Secretary of State,
The War Office,
London, S.W.1.

1. Examination of reports and interrogation of British PsW who have come through the line reveals that there may be prima facie a case of murder of the above-named man.

2. The incident took place at Camp P.G.53 on 28th February, 1943: this Camp is sometimes referred to in reports as SFORZA COSTA and sometimes as MACERATA. The village of SFORZA COSTA is five kilometres from the town of MACERATA and this appears to be the cause of the confusion; P.G.53 was actually situated at SFORZA COSTA.

3. The details so far as they can be ascertained from interrogation reports are that Tpr. AARONS placed one foot over a trip wire which was inside the Camp boundary fence, immediately he did this he was shot by a sentry from a range of fifty yards; the sentry had a clear view of what was happening and it was broad daylight at the time, Tpr. AARONS was not attempting to escape, and since he spoke Italian fluently he would have understood the sentry had any warning been given. He was dead by thetime a Medical Officer (Capt. F.J. FISH, R.A M.C.) reached him.

The name of the sentry was demanded from the Commandant of the Camp but he refused to give it. The incident was reported to the Swiss Authorities.

4. The officers and other ranks, who, from their statements appear to have some knowledge of this matter are as follows :-

153891 Capt. F.J. FISH, R.A.M.C.
815870 W.O.II JOHN, E.F. - R.A. (Field)
4272978 Sjt. AITCHISON, J. - R.N.F.
4266854 Gnr. ARMSTRONG, C. - R.A. (Field)
T/114594 Dvr. DENAHY, A.S. - R.A.S.C.
1703257 Gnr. GLANCY, C. - R.A. (L.A.A.)
2035729 Gnr. TAMPLIN, A.E. - R.A. (H.A.A.)

5. This H.Q. is pursuing enquiries as to the name of the sentry, at present without success, and it is suggested that since all the above named personnel have been repatriated they may be asked if they can supply any further information or particulars which would assist in identifying him.

6. You may think it worth while to pass this preliminary report through the British National Office to the War Crimes Commission should the statements which you may obtain from the above named personnel warrant it.

(Sgd).....
Brig.
for General
Supreme Allied Commander
Mediterranean Theatre.

JAML.

IN THE MATTER OF :

The murder of Trooper Aaron at Camp No. 53 at Macerata (Sforza Costa) in February or March 1943

A F F I D A V I T

I, No. 1054676, Sergeant ARTHUR DEVONPORT, R.A. at 35th Signal Training Regiment, Sunnyvale Camp, Rhyl, Denbighshire, with a private address at 52, David Street, East Kirkby, Nottinghamshire, make Oath and say as follows :-

1. I was captured at Gazala on 31st May 1942 and after passing through various Camps in North Africa I was brought by sea to Italy arriving at the end of June or beginning of July, 1942.

2. After a week at Transit Camp No.66 at Capua I went to Camp No.73 at Carpi and in February 1943 was moved to Camp No.53 at Macerata (Sforza Costa).

3. At a date in February or early March 1943 I remember the occasion of the shooting of Trooper Aaron. On the particular day the bungalows were being disinfested and we were on the football field all day. At some time between 5 and 6 p.m., I was still on the field with a number of other men. At one end of the field there was a tall wire fence with a trip wire about a foot high inside it and outside the fence an open space before the main wall of the Camp on which there were two sentries. Another sentry was posted at the right hand end of the wire fence at this end of the field and it was this sentry who shot Aaron.

4. I was walking fairly close to the trip wire along the end of the field with my back to the sentry at the corner. I saw a tin inside the trip wire and stepped over the trip wire and picked up the tin. I then stepped back over the trip wire and went on. I then passed Trooper Aaron who was standing up to but not over the trip wire about half way along its length. In my view he did not cross the trip wire.

   I walked on and when about ten yards beyond Aaron I heard a shot, but there was no challenge preceding it. I swung round, and saw Aaron fall inward over the trip wire, the greater part of his body being over it. He was dead.

5. Captain Fish the British Medical Officer was sent for and he arrived and also the Italian Commandant of the Camp who raved at the sentry and had him taken off his post. Captain Fish ordered every one away, no one being allowed to move the body. There was I should say 25 to 30 yards between Aaron's body and the sentry.

6. It was forbidden to cross the trip wire but this was never enforced. It was a frequent thing for prisoners who were kept on the field for long periods of time to go up to or across the trip wire to urinate.

SWORN at Rhyl in the County)
of Flint this second day of)
July 1945)

A. DEVONPORT.

Before me,

RUSSELL LL.M. LLOYD.

A Commissioner for Oaths.

IN THE MATTER OF :

The murder of Trooper Aaron at Camp No.53 at Macerata (Sforza Costa) in February or March 1943

A F F I D A V I T

- of -

No. 1054676 Sergeant ARTHUR DEVONPORT

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The murder of Trooper Aaron at Camp No.53 at Sforza Costa or Macerata at some time in the Spring of 1943

A F F I D A V I T

I, No.7882639 Lance Corporal DANIEL BERTIE SPANSWICK, 52nd Training Regiment R.A.C. at Bovington Camp, Dorset and with a private address at 36 Graig Park Road, Malpas, Newport, Monmouthshire, make Oath and say as follows :-

1. I was captured south of Tobruk on 27th May 1942 by German troops. After being at camps in North Africa, I came by sea to Naples, arriving in August 1942 and after about three months at Camp No.66 at Capua I arrived at Camp No.53 at Macerata (Sforza Costa) in November 1942.

2. On a date which I cannot give more definitely, but in the Spring of 1943, I remember the occasion on which Trooper Aaron was shot. The accident occurred in daylight in the evening and it was a day when the bungalows in my compound were being fumigated. We were therefore all sent onto the field with our equipment and remained there all day.

3. During the day prisoners, including myself, had from time to time stepped up to or over the trip wire in order to urinate. This was not allowed, but as we had to remain on the field it could hardly be avoided. In any case the rule was not by any means enforced. Some ten minutes before the occurrence I had myself stepped up to, but not over the trip wire for this purpose.

4. I did not see Aaron, who was well-known in the camp as he acted as an interpreter, step up to or over the trip wire, but I heard a shot which must have been some time between five and six in the evening, when I was 10 or 15 yards from him. I turned to see him fall onto the main wire fence, which was a little distance within the trip wire. Beyond this wire fence there was a space where rubble was tipped and wood was stacked and then there was the main wall of the camp some 8 or 10 feet high which had two sentries at the top, one at each end.

5. There was another sentry posted at the corner of the wire at the right hand end, nearly opposite the main gate through the wall and it was this sentry who had fired.

6. Aaron's body lay rather nearer to the sentry than half way along the wire fence which I judged by the position of the football goal posts on the field. The actual distance between Aaron and the sentry would, in my opinion, be about 25 yards.

7. I am quite sure there was no challenge from the sentry because I should have heard it. I do not know whether Aaron was intending to urinate, but it is quite feasible that he may have been trying to get some bark off the fence posts as fuel for brewing tea. He was at all times in full view of the two sentries on the wall.

8. Aaron was lifted off the wire and was clearly dead. From the position in which he fell I am sure he was standing when shot. The medical officer, Captain Fish, was sent for immediately. The other prisoners showed hostility to the sentry who turned all colours and looked guilty and frightened. He was a member of the Italian army and not a Carabiniere. He was relieved shortly afterwards and we did not see him again. Next day or a day or so afterwards a Red Cross representative came to the camp, but I do not know what was the result of his visit.

SWORN at Dorchester in the)
County of Dorset this 13th)
day of June 1945)

L/Cpl. SPANSWICK, D.B.

Before me,
R.E. ANDREWS.
A Commissioner for Oaths.

IN THE MATTER OF :-

The murder of Trooper Aaron at Camp No. 53 at Sforza Costa or Macerata at some time in the Spring of 1943

A F F I D A V I T

- of -

L/Cpl. D.B. SPANSWICK

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The murder of Trooper Aaron at Camp No. 53 at Sforza Costa or Macerata, at date unknown.

A F F I D A V I T

I, EDWARD SENIOR, No. 4123942, Royal Army Ordnance Corps, formerly 2nd Battalion Cheshire Regiment, now at 14 A.F.V. Depot, Rainford, near St. Helens, Lancashire, and with a permanent address at 48 Caerwen Street, Kensington, Liverpool 7, make Oath and say as follows :-

1. I was taken prisoner on 31st May 1942 at Knightsbridge After passing through transit stations in North Africa I was brought to Naples early in August 1942. After spending about three months at Camp No. 66 Capua, I was transferred to Camp 53 Sforza Costa, also known as Macerata, where I was until September 1943, when I escaped.

2. At a date which I do not remember, a prisoner, Trooper Aaron, whose other name and unit I do not know was shot. I was afterwards told that he crossed the safety wire to urinate while in the recreation field. An Italian guard, whose name I do not know, who was about 30 yards away, raised his rifle and shot him, without giving any warning or challenge.

3. I was about 50 yards away and on hearing a shot I ran up to see what happened. Some of the others went for the British Medical Officer and I helped to put Aaron, who was then dead, on the stretcher. He was taken to the mortuary. I did not see where the bullet had hit him.

4. Italian Officers came up and the guard's rifle was taken from him and he was marched off.

5. I think one of Aaron's personal friends was named Hooper. I did not actually see the shot.

6. There were no urinals in the field that we were all in together. Sometimes when prisoners in this field got near the wire a guard would fire his rifle in the air.

SWORN at 14 Castle Street Liverpool this 16th day of April 1945 } EDWARD SENIOR.

Before me,
W.H. PEMBERTON.
A Commissioner for Oaths.

IN THE MATTER OF :-

THE MURDER OF TROOPER AARON at CAMP No. 53 at Sforza Costa or Macerata, at date unknown

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Copy

A F F I D A V I T

- of -

PRIVATE EDWARD SENIOR

THE TREASURY SOLICITOR

IN THE MATTER OF:

THE MURDER OF TROOPER AARON AT CAMP No.53 AT SFORZA COSTA OR MACERATA AT OR ABOUT 28th FEBRUARY 1943

A F F I D A V I T

I, No. 153891 Captain FRANK JAMES FISH, R.A.M.C., stationed at C.R.S., 22 North Park Road, Bradford, Yorkshire, with private address at 338 Larkshall Road, South Chingford, London, E.4. make Oath and say as follows :-

1. I was captured at Tobruk on the 20th June 1942, and after serving as Medical Officer at Benghazi Camp for a time I arrived in Italy about 4th August 1942 by aeroplane.

2. After three weeks at Camp No.75 at Bari I was at Camp No.78 at Sulmona until moved to Camp No.53 at Sforza Costa (Macerata) where I arrived about the beginning of November 1942.

3. I knew Trooper Aaron well as he and I were for some time engaged in publishing an "illegal" newspaper which was circulated in the Camp. Aaron spoke Italian fairly well and acted as a kind of unofficial interpreter. He was for a short time interpreter in the Infirmary.

4. On February 28th 1943 I was looking for Aaron between 5 and 6 p.m. as I wanted to see him about this newspaper. At some time between 5.30 and 6 p.m. I was in the Camp Hospital and someone, I cannot remember who it was, came in to say that a man had been shot on the Camp field. I went out with two stretcher bearers and found Aaron's body lying across the trip wire mostly between the trip wire and the wire fence proper. I was naturally considerably shaken by finding him dead, as it turned out, as I knew him well and was in fact expecting to see him as soon as I could find him.

5. As regards the circumstances of the shooting, I was not an eye witness and I was only able to gather the details from the general talk of the men who had been on the field. I cannot remember the names of any of my informants.

6. At this particular place there is an 8 or 10 ft. wall, of which I do not remember the length. At the left hand end of the wall there was a sentry box on the top and nearly at the right hand end there was a gate, and a sentry box between this gate and the right hand end. There was a space of waste ground between the wall and the wire fence, on which rubbish was sometimes tipped, and although I cannot remember the exact width there was certainly room for a horse and cart. Inside the wire fence again there was what is known as the trip wire, a single strand about a foot from the ground. About opposite the gate but on the inside of the main wire fence there was another sentry who would have a view along the space between the wire fence and the wall, and see partially through the wire fence anyone who approached it. Aaron's body, to the best of my recollection was about half way along the wire fence.

7. It appeared that Aaron had stepped across the trip wire. From my knowledge of him I very much doubt if he had done this for the purpose of urinating, as appeared to be one suggestion. I am quite sure he would have gone to the latrine. At the actual time

of the occurrence there was a number of men on the field as the bungalow in which they were quartered was being disinfested with cyanide.

8. While it was forbidden to cross the trip wire, this rule was not strictly enforced. I have myself seen as many as a hundred men sitting on the ground between the trip wire and the wire fence in the day time, and naturally there was more grass in this space than in the main part of the field.

9. My own view is that Aaron was probably trying to get some bark off one of the posts of the main wire fence in order to get fuel to brew some tea. This is to some extent confirmed by the Italian having said, or so I was informed, that Aaron was pulling at the fence. In that case he would probably be stooping to get at the post and the sentry on the ground level opposite the gate would not have a very clear view of him as he would be looking diagonally through the line of the wire fence.

10. I do not know whether any challenge or warning was given, but Aaron spoke and understood Italian and might have been expected to desist from whatever he was doing if challenged.

11. The two sentries on the wall itself would have a perfectly clear view of Aaron and what he was doing and they did not fire. He was shot by the sentry on the ground at the right hand end of the wire fence.

12. I examined the body and saw that the bullet had traversed the right upper arm and passed through the chest, the entry wound being on the right side and the exit wound on the left slightly lower down. The main vessel had been pierced, and in my view Aaron was killed instantly. As I do not know Aaron's position at the time he was shot it is not possible to be certain of how he was standing, i.e. whether he was upright or stooping. The position of the exit wound does not give any indication as the bullet passed through the ribs, and in such cases is usually deflected from the straight course.

13. I discussed the matter with several Italian Officers whose names I do not remember. The Officer in charge of No.1 Compound in particular was very upset as he was a friend of Aaron, and he said he thought that the shooting was quite unnecessary. The sentry in question, whose name I do not know, was sent away, and I believe that the other guards had not a very high opinion of him. The incident occurred shortly after a propaganda press campaign complaining of the leniency shown to British prisoners.

SWORN by the said Captain Frank James Fish at Bradford in the County of York this 30th day of May 1945)

F. J. FISH.
Capt. R.A.M.C.

Before me,
J.HEDLEY SUTCLIFFE.
A Commissioner for Oaths.

~~2355~~
2354

IN THE MATTER of the MURDER
BY SHOOTING of TROOPER AARON
in February or March 1943,
at CAMP No. 53 at MACERATA
or SFORZA COSTA

Copy

A F F I D A V I T

- of -

STAFF-SERGEANT-FITTER CORNELIUS
SMITH

THE TREASURY SOLICITOR

incident the Authorities restored the trip-wire right round the field, perhaps in an effort to improve their position in the event of an official enquiry into the circumstances attending the shooting.

5. I did not see the body of the prisoner of war who I believe was hit by the shot I heard fired: but I have no doubt that - as general rumour averred - Trooper Aaron of No. 1 Sector was the victim and that he was shot dead. Assuming that the cluster of prisoners of war marked the victim's position at the time he was shot, it is in my opinion clear that an escape, if meditated, could not have been effective (or reasonably considered likely to be) in view of the obstacles which were interposed between the victim and liberty.

SWORN by the said ROY ALLENBY)
BARTELL at 2/3 The Sanctuary)
in the City of Westminster this) ROY ALLENBY BARTELL.
18th day of June 1945)

Before me,
CHARLES T. HOLLAND.
A Commissioner for Oaths.

IN THE MATTER OF :-

The murder of Trooper Aaron at Camp No. 53 at Sforza Costa (Macerata) on a date in 1943

A F F I D A V I T

- of -

L/Cpl. R.A. BARTELL, C.M.P.

THE TREASURY SOLICITOR.

IN THE MATTER OF :

The murder of Trooper Aaron at Camp No.53 at Macerata (Sforza Costa) at a date during 1943

A F F I D A V I T

I, No. 7520231 Private HUBERT WILLIAM PRICE, Army Catering Corps, now at 17 Battalion R.A.O.C. Thoresby Park Camp, near Ollerton, Nottinghamshire, and with a permanent address at 40 Tomkinson Drive, Kidderminster, Worcestershire, make Oath and say as follows :-

1. I was taken prisoner at Tobruk on 21st June 1942. I was thence taken to Tmimi and later to Benghazi and from there was shipped to Italy and owing to a ruptured cartilage in the knee was sent to Caserta hospital and on recovery left there in November 1942 being sent on to Camp No.66 at Capua.

2. I was at Camp No.66 at Capua for about four weeks, during November 1942, when I was sent to Camp No. 53 at Macerata (Sforza Costa) where I was from December 1942 until September 1943.

3. At a date during 1943 which I cannot now fix more precisely, the prisoners of war at Camp No. 53 were paraded for roll-call. I was among them and while waiting I heard a shot and was told afterwards by many men who were nearer than I to the place of the murder, but whose names I do not remember, that Trooper Aaron had gone to the trip wire to urinate - against orders - and that the sentry fired a bullet without warning and killed him.

SWORN at Mansfield in the County of Nottingham this first day of June 1945
Before me,
JAMES N. VALLANCE.
A Commissioner for Oaths.

H.W. PRICE.
Pte 7520231.

IN THE MATTER OF THE MURDER OF TROOPER AARON AT CAMP No.53 AT MACERATA IN 1943.

AFFIDAVIT

I, FRANK WYNNE, Fusilier, No. 4127140, now at 21st Holding Battalion, Royal Welch Fusiliers, Newtown, Montgomeryshire, and with a permanent address at 117, Upper Canning Street, Liverpool 8, make oath and say as follows:-

1. I was taken prisoner of war at or near Gazala, North Africa, on the 1st June 1942, and was taken through various transit camps in North Africa. I spent fourteen days at a prisoner of war camp at Tarhuna in June 1942, and from there was sent to a prisoner of war camp at Suane Ben Aden, North Africa, where I spent about a month during July 1942. I was prisoner of war at Camp No.66 at Capua from the 1st August 1942 until October 1942, and was thence sent on to Camp No.53 at Macerata. I was prisoner of war at Camp No.53 at Macerata from October 1942 until September 1943, the time of the armistice.

2. On a date in the year 1943 (which I cannot name more precisely) while I was at Camp No.53 at Macerata, the whole camp had to go for roll-call into a field close by our compound. This was a common practice, and often such parades took several hours because of miscounting. The field was bordered by trip wire, and outside, high wire. There were no sanitary arrangements in this field, and if during a delay men wanted to urinate they went up to, but not over, the trip wire for that purpose. There was nothing else to do, and it was often done, and no objection made by the Italian Command.

3. On the day in question, my compound had been counted in a roll-call, and had returned to our compound. I did not hear a shot, but shortly after I was told (I cannot say by whom), but it was common talk, that Trooper Aaron, a very well-known and liked man in the camp, an interpreter, had gone to urinate while waiting for his roll-call on the said field, and he had been shot without warning and killed outright. I saw a man in plain clothes come to the camp the next day, or the day after, and he went to the place where Aaron fell, accompanied by some of the Italian Officers in control of the camp. I was told he was a Red Cross representative, and after that the sentry was no longer posted at the box from which the sentry killed Aaron.

4. When I left Macerata at the Armistice I wandered South for about four months until I reached the Allied line on 20th January 1944. I heard that Germans and Fascists shot escaped Prisoners of War, but did not hear of any actual instance.

SWORN by the said Frank Wynne at Newtown in the County of Montgomery this 4th day of May 1945.) FRANK WYNNE.

J.T.

A Commissioner for Oaths.

PARTICULARS OF EVIDENCE IN SUPPORT

1. REPORT - reference CR/15051/G-I(B).

   Report from Allied Forces Headquarters, Mediterranean Theatre, to the War Office.

2. AFFIDAVIT of Sergeant A. Devonport sworn 2nd July 1945.

3. AFFIDAVIT of L/Cpl. D.B. Spanswick sworn 13th June 1945.

4. AFFIDAVIT of Pte. E. Senior sworn 16th April 1945.

5. AFFIDAVIT of Captain F.J. Fish sworn 30th May 1945.

6. AFFIDAVIT of Staff Sergeant Fitter C. Smith sworn 28th May 1945.

7. AFFIDAVIT of R.F. Harding sworn 7th July 1945.

8. AFFIDAVIT of L/Cpl. R.A. Bartell sworn 18th June 1945.

9. AFFIDAVIT of Pte. H.W. Price sworn 1st June 1945.

10. AFFIDAVIT of Fus. F. Wynne sworn 4th May 1945.

Copies of these documents are attached.

(*For the Use of the Secretariat*)

Registered Number. 1298/UK/2t/68

2367

Date of receipt in Secretariat. 13 AUG 1948

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CASE No. UK - I/B.122 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	(1) Tenente Colonello Giulo OLDANI, Camp Commandant (2) Capitano Umberto CALANCHI, Adjutant to Camp Commandant (3) Corporal Alfio MANNINO, Camp Interpreter (4) Soldiers and Guards at the Camp who were concerned in the assaults and ill-treatment — Names, ranks and Units at present unknown.
Date and place of commission of alleged crime.	December 1942 and January 1943 At Camp P.G.98 at San Giuseppe, Sicily.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. xxix - Ill-treatment of Prisoners of War Breaches of Articles 2, 10, 46, 54, 56 and 61 of Geneva Convention 1929 relative to the treatment of Prisoners of War. Under English Law : Assault.

SHORT STATEMENT OF FACTS.

During the period December 1942 and January 1943 Camp No. P.G.98 at San Giuseppe, Sicily, was conducted in a manner contrary to the provisions of the Geneva Convention 1929 relative to Prisoners of War.

The Solicitor for the Affairs of H.M. Treasury.

TRANSMITTED BY

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E.W.Ltd. Gp.685

an hour and a half. The tying us up was supervised by the Italian officer. Whilst I was tied up the Colonel Commandant of the camp came along with an interpreter. I told him I wanted a fair trial and thereupon he hit me across the face with his hand. An hour after this we were released by the Italian sentries and taken into a small cell attached to the guardroom. Three Italian sentries came in and the Italian interpreter came in and informed us that what they were going to do was what they did to their own soldiers. Thereupon the three Italian guards began beating us with their fists and a stick with about four pieces of leather attached to it. Since I still had handcuffs on I fought back with my feet and the Italians left the cell. Five hours later the handcuffs were taken off and I was released from the cell.

7. The Colonel Commandant at this camp was about 5'7" in height, between 45 and 55 years of age, very fat and of dark greasy appearance.

The Italian officer concerned was the equivalent of Lieutenant, very young, I should think about 19 years of age. He was approximately 5'7" in height, of medium build. He was of fresh complexion with dark brown hair.

I should recognise those two officers again if I saw them and also the Italian interpreter.

The interpreter's first name was ALFRED. He was about 5'9" in height, of very dark appearance with a black moustache. He was about 30 years of age. His rank was corporal and he was a very smart soldier.

SWORN at 6 Spring Gardens)
in the City of Westminster) (Signed) W. PHILLIPS Sgt.
this 6th day of June 1945)

Before me

(Signed) E.J.HENDLE

Major Legal Staff

Military Department,
Office of the Judge Advocate General.

3rd Witness.

No.33594 Major George Hedley Watson E. Yorks Regt. duly sworn states:

On 18 December 1943 I was with a party of six on a lorry at a place near Bettola. The lorry was stopped by a party of Fascist militia. They covered us with firearms and three climbed in over the tailboard of the truck. I saw one of them strike Major C. Huddlestone in the face. All possessions were taken from us and placed in the truck which then drove us to Garibaldi barracks Pi acenza. Zanoni was in charge of this party. I had not seen him before but he had been frequently described to me by local inhabitants who also gave me his address which is Rustigasso Morfasso Piacenza. We were taken to a room and searched again. All the articles that had been taken from us were on the table in this room and Zanoni was still in charge. We were put in a cell and the next morning taken to the German H.Q. As we left I asked for the return of the articles taken but without success. The articles taken from me were :-

a Parker Fountain Pen
Ronson petrol lighter combined Eversharp pencil
Silver cigarette case monogrammed "G"
Silver cigarette lighter
Pocket wallet containing:

(Lire 500
(5 One pound English notes
(Pay Book No.115 ex C.C.29
(Receipts for sequestrated items in C.C.29
(Personal papers.

I have protested to all the German authorities at the prison camps but so far as I know they never have been successful in obtaining the return of these articles.

(Signed) G.H. WATSON, Major.

6th Witness

No. 30540 Major Robert Nelson Lyons, R.A. duly sworn states:

On 18 December 1943 I was with Majors Watson, Brewer, Huddlestone and Hepple in the lorry near Bettola. The lorry was stopped by a party of Fascist militia who covered us with firearms. Three of them climbed into the truck. I saw one of them strike Major Huddlestone a severe blow in the face and another hit Major Hepple over the head. We were then searched and our possessions taken from us and placed in the truck which then drove us to Garibaldi barracks. Zanoni was in charge of the party. We were taken to a room and searched again. All the articles that had been taken from us except my watch were on the table in this room and Zanoni was still in charge. The articles taken from me were:

Wrist-watch
Pay book from C.C.29
200-300 lire.

I asked for the return of these articles the following morning without success. I repeated this request at the German H.Q. at Placenza and at subsequent prison camps, but so far as I know they never have been successful in obtaining the return of these articles.

(Signed) R.N. LYONS
Major, R.A.

(*For the Use of the Secretariat*)

2388

Registered Number. 1488/UK/2/70

Date of receipt in Secretariat. 18 SEP 1945

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CASE No. UK - I/B 60*

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	(1) Captain Sommavilla, Camp Commandant. (2) Adjutant or 2nd in Command at said Camp (3) Officer in Charge of Sentries on duty in question. (4) Sentry who shot Major McDowall) Names ranks and units at present unknown
Date and place of commission of alleged crime.	End of January or early in February 1942 At Camp P.G. 75 at Bari
Number and description of crime in war crimes list. References to relevant provisions of national law.	No.xxix - Ill-treatment of prisoners of war Breaches of Geneva Convention 1929, Article 2, 46, 54. Under English law: (1) Attempted murder (2) Assault.

SHORT STATEMENT OF FACTS.

At about 9.30 in the evening of a day at the end of January or beginning of February 1942, Major McDowall left a room in one hut in Camp P.G.75 at Bari, and went to the latrine, but on the prohibited side of the building. This way had recently been put out of bounds and Major McDowall had forgotten this. When near the latrine a sentry challenged at very close quarters. Major McDowall answered the challenge and obeyed the sentry by walking back the way he had come so as to take the proper road instead. While walking away from the sentry, the sentry fired twice at him with bullets but missed on both occasions. Later in the evening, Captain Sommavilla, the Italian Officer in Charge of the said Camp at the time, came with other officers and other ranks and took the said Major McDowall off to jail. On the way there the said Captain Sommavilla twice hit Major McDowall in the face with his fist.

TRANSMITTED BY [illegible]

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E.W.Ltd. Gp.685

IN THE MATTER OF :

The attempted murder of Major R.G. McDowall (N.Z.E.F.) by a sentry and later an assault upon him by Captain Somavilla at Camp P.G.75 at Bari at the end of January or beginning of February 1942

A F F I D A V I T

- of -

Major R.G. McDOWALL

THE TREASURY SOLICITOR.

IN THE MATTERS OF :-

(a) The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.75 at Bari from about 13th December 1941 to 25th March 1942.

(b) The wounding of Major Reeves at Camp No. 75 at Bari in January 1942.

(c) The wounding of and assault on Major McDowall at Camp No. 75 at Bari in January 1942.

A F F I D A V I T

I, JOHN HAROLD MAIDES No.130764 Captain, The Royal Tank Regiment, at present at Royal Naval Air School c/o 70 C.B.A.L. Section, Henstridge, Somerset, and with a permanent address at 4, Northampton Road, Croydon, Surrey, make Oath and say as follows :-

1. I was taken prisoner at Sidi Azizes, Libya, on November 27th 1941. I was taken to Bardia, thence to Benghazi, and on 13th December 1941 reached Camp No.75 at Bari, Italy.

2. I was at Camp No. 75 at Bari from December 13th 1941 to about 25th March 1942. The Camp Commandant during that time was Captain Sommavilla, a very bad and cruel man and violently anti-British.

The accommodation was very overcrowded: there were two huts for about 160 officers. The conditions for the other ranks were appalling: the men were herded like cattle.

As to food, the officers received 150 grammes of bread and a pint of thin macaroni skilly per day. Sometimes half an ounce of bony fish. Occasionally an orange or glass of wine. I was informed by our medical officers that the ration amounted to about half the calories required for normal subsistence.

Red Cross parcels were only issued on rare occasions. The said Captain Sommavilla himself controlled the issue and constantly held it up. There was wholesale pilfering from the same. Frequent applications were made to him to allow an inspection of the said Camp by either the Red Cross authorities or the Protecting Power but he always refused.

In consequence of the bad conditions dysentery, skin diseases and malnutrition were very prevalent.

The medical arrangements were utterly inadequate. The Italian medical officers made no attempt to deal with the situation: there was no proper hospital tent, equipment or supplies. After six weeks they allowed our medical officers to start a medical parade but even then the head Italian medical officer showed no sympathy and our medical officers were left to do what they could with the medical supplies they themselves had when captured. Only desperate cases were allowed to go to the local hospital.

3. I remember the case of the wounding at Camp No.75 at Bari in January 1942 of Major Reeves. (I believe his unit was 1st Buffs.) I lived in one hut and he in the other in the same compound. On the occasion in question he had been playing cards in our hut and just after dusk returned with another major to his own hut: a matter of some 30 yards, and by a route which he was entitled to use. I heard a sentry shout "Halt". The Major walking with Major Reeves told me afterwards that they halted. I heard a shot but could not see what happened. The general talk the next day was that Major Reeves had been shot in the shoulder by a bullet. He was taken to the local hospital. Protests were made to the said Captain Sommavilla by our senior British officers but he gave no satisfaction and refused to discuss the matter, and I believe no enquiry was held or any reprimand given.

This was not an isolated case of shooting. The sentries did so on the slightest or even no pretexts at all: frequently firing through the huts presumably to intimidate.

4. I remember also the case of the wounding and assault on Major McDowall at the said Camp No. 75 at Bari in or about January 1942. I lived in the hut next door to that in which Major McDowall lived. About 9.30 p.m. on the night in question Major McDowall (who had dysentery) ran out to a latrine round the back of his hut. He was acting against orders in going that way. A sentry fired without challenging but missed Major McDowall. The guard turned out and the said Captain Sommavilla came on the scene in a furious rage and finding Major McDowall back in his hut then hit Major McDowall on the head with his revolver. The guard hauled Major McDowall off to Sommavilla's office.

5. After leaving Bari I went to camps at Padula and Bologna whence I escaped at the Armistice on or about 12th September 1943.

SWORN by the said JOHN HAROLD MAIDES)
at Greenhill Sherborne in the)
County of Dorset this 21st day of) J. MAIDES.
June 1945) Capt.

Before me,
T.S. BARTLETT.
A Commissioner for Oaths.

STATEMENT of 58209 LIEUT. COLONEL E.H. GIBBON, D.S.O. of 49, Roehampton Lane, S.W.18 (permanent address), at present stationed at 43rd Bn. RTR. C/o G.P.O. Brandon, Suffolk.

I was taken prisoner at Duda N. Africa on 1st December 1941 and after then was taken to the P/W transit camp, Bari (Camp No.75) where I remained until about 30th March 1942.

On 24th December 1941 General Bellomo visited the camp and displayed considerable annoyance at the fact that the prisoners did not stand to attention when he came in sight. While I was standing at ease near a cookhouse some distance away from him and smiling at his agitated gesticulations and speech he shouted at me in English "You laugh, you die!" I next saw the sentry who was alongside of him bring his rifle down from his shoulder and draw back the bolt. I then realised I was in danger and moved behind the nearest olive tree and stood to attention. I was told later by officers (including Major Reeves and Major Peter Lewis, both of the Buffs) who were standing near the general and the sentry, that after lifting his rifle to his shoulder and aiming in my direction the sentry had squeezed the trigger to no effect, and that he had then examined the rifle, found it was unloaded and on going into his ammunition pouch discovered that it only contained cigarettes.

I remember hearing of the incident at this camp in January 1942 in which Major MacDowall, the New Zealand Padre, was involved. He gave me an account of what had happened shortly afterwards. At the time he and I were accommodated in the same hut but occupied different rooms.

We had been warned by the camp authorities that at night time we were not to go round the back of the huts when visiting the latrines but to pass along the front of them. Major MacDowall told me that on the evening of the incident he absent-mindedly started to go along the back way to the latrines when he was challenged by a sentry, that he immediately turned round and commenced walking back to his hut and that as he was doing this the sentry fired at him and missed him. I also heard from him that the bullet passed through the wall of our hut and through a book which a lieutenant-colonel of the R.A.M.C. from New Zealand, whose name I cannot remember, was reading at the time, and that Lieut. Colonel Fraser, R.A., also from New Zealand, was in the room. I later saw the bullet marks in the hut. Major MacDowall told me that shortly after he was visited by Captain Sommavilla who after questioning him struck him.

I also remember hearing of the circumstances in which Captain Plame met his death and Lieutenant Cooke was wounded. I met Lieutenant Cooke in Camp 5 after it had happened and he gave me an account of what happened which was the same as that set out in the extracts from his letter to Lieutenant-Colonel Munro, Senior Officer of British Troops at Sulmona which I have read.

Major Peter Lewis of the Buffs told me of the circumstances in which Major Noel Reeves was wounded at the Camp some time in January 1942. Owing to the overcrowded state of the Camp permission was given to use a hut, which up to then had been used solely as a store, for sleeping accommodation. To get to this hut from that which Major Reeves and Major Peter Lewis had used up to then it was necessary to pass the latrines. Major Peter Lewis told me that on the night on which Major Reeves was wounded he and Major Reeves were walking from the hut they had been using to the hut on the other side of the latrines and that a sentry challenged them after they had passed the latrines and that Major Reeves had then taken a few paces in the direction

of the sentry and the latter fired at him wounding him in the shoulder. I understood that after a complaint had been made General Bellomo inquired into the matter and stated that he was satisfied that Majors Reeves and Peter Lewis were attempting to escape at the time. I am quite satisfied myself that the shooting occurred because of the failure of the camp authorities to inform the sentry that this particular hut was being used by prisoners, and that the sentry on seeing these two prisoners pass the latrines thought they were attempting to escape. A few days afterwards when going to the same hut I narrowly escaped being fired at myself by a sentry who apparently was also ignorant that this hut was now being used by prisoners.

Captain "Boggy" Howson of the Central Indian Horse who was also a prisoner at the camp while I was there told me that Captain Sommavilla had struck him on one occasion when he was in the confinement cell.

I confirm that the conditions with regard to food and accommodation were very bad in this camp and that Captain Sommavilla was particularly cruel in his treatment of the prisoners and incited the guards to behave likewise.

(Signed) E.H. GIBBON, Lt. Col. No.58209.

PARTICULARS OF EVIDENCE IN SUPPORT

1. REPORT - dated 13th June 1944. Reference CSDIC/SKP/804. Extract from Report of Captain William Peter Bulmer, No.92310, 31st Field Regiment, R.A.

2. REPORT - dated 8th June 1944. Reference CSDIC/SKP/785. Extract from Report of Captain (temporary) John Harold Maides, No.130764, 2nd R.T.R. attached 110 T.R. Squadron R.A.F. 13th Corps.

3. AFFIDAVIT of Major R.G. McDowall (N.Z.E.F.) dated 23rd July 1945.

4. AFFIDAVIT of Captain J.H.A. Maides, dated 21st June 1945 (para. 4)

5. SIGNED STATEMENT of No.58209 Lt.Col. E.H. Gibbon, D.S.O. (para. 4).

NOTES ON THE CASE

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

1. As regards responsibility.
Charge of attempted murder.
Responsibility of accused No.4. would be direct, subject to the defence mentioned later of orders of superior officers.

As regards Nos. 1, 2 and 3, their responsibility would be indirect, but they would be prima facie responsible for the conduct of the Camp and the actions of sentries serving in it.

As regards the alleged assault
Accused No. 1 would be solely and directly responsible.

2. As regards possible defences :-
(i) As regards the charge of attempted murder, accused No.4 may rely on :-

(a) the orders of a superior.

(b) the fact that Major McDowall was walking along a forbidden way, but it is to beobserved that Major McDowall in his affidavit says that he turned round and walked back thereby obeying the sentry.

(c) The sentry may possibly raise the defence that he thought that Major McDowall was trying to escape. It must be obvious that such a defence would be untenable if the facts as set out by Major McDowall are to be in any way relied upon.

Accused Nos. 1, 2 and 3, might rely upon the defences set out in sub-headings (b) and (c) immediately above. (1) They may suggest that the sentry acted reasonably, or (2) they may throw over the sentry and say that he acted against orders.

3. As to whether this case is complete.
(i) This case would appear to be reasonably complete so far as evidence is concerned. We have the affidavit of Major McDowall himself, corroborated by the statement of Lt.Col. Gibbon and the affidavit of Captain Maides.
As to the movements of Major McDowall, he alone was present and therefore other witnesses of the actual incident would not be forthcoming.

(ii) But this case is incomplete in the following respects:

(a) As to tracking Captain Sommavilla (if he be still alive).
(b) identifying the rest of the accused and tracing them.

REGISTERED NOs.

71

TO

80

REGISTERED NOs.

71 TO 80

1787/UK/26/71

2399

1. GATTI
2. Members of Italian Carabinieri

Date Submitted	Decision of Committee I		
18 NOV 1965	1. A 2. C	B	

(80756) P808/11 5600 8/65 M&CLtd 51/1

1787/UK/26/71

2400

17 APR 1946

MD/JAG/PS/1.2/38 (JB)
CONFIDENTIAL

15 March 1946

Commander-in-Chief,
Central Mediterranean Forces.

United Nations Charges against War Criminals.
United Nations War Crimes Commission Reference 1787/UK/It/71
Charge No. UK - I/B.150

Accused: Francesco GATTI

1. I am directed by the Judge Advocate General of the Forces to forward this case which has been registered with the United Nations War Crimes Commission as a war crime.

2. The Judge Advocate General has instructed me to convey the following advice to you regarding the case.

3. In my opinion the evidence justifies the trial by Military Court under the Royal Warrant of the above named accused on the following charge:-

COMMITTING A WAR CRIME

in that he

on dates between April 1943 and August 1943 in violation of the laws and usages of war was concerned in the ill-treatment of Lieutenant Stephen Piper, R.N.V.R. and other prisoners of war at Padula, Italy, and on a journey by train from Padula to Bologna, Italy.

4. The accused is understood now to be in custody in Italy.

5. The accused should be attached to a unit and the commanding officer should sign the charge sheet as such in accordance with the provisions of paragraph 4 of the Regulations for the Trial of War Criminals as set out in Army Order 81 of 1945. In the heading of the charge sheet the accused should be described as "Francesco GATTI of the Italian Army in the charge of ..... (unit)..... pursuant to Regulation 4 of the Regulations for the Trial of War Criminals".

6. With regard to the evidence:

(a) The following witnesses should be called in person at the trial to give evidence in accordance with their previous statements.

(i) Lieutenant Stephen PIPER, R.N.V.R.

(ii) Lieutenant Anthony Neville PARSONS, R.N.R.

no action

If the attendance of either of these two witnesses at the trial cannot be arranged his statement should be handed to the court in accordance with the provisions of Regulation 8(1)(a).

(b) The statement of the following witness should be handed to the court in accordance with the provisions of Regulation 8(1)(a):

Lieutenant Edward LEESE (171988), Welch Regiment.

(c) With regard to the statement dated 26 February 1946 made by the accused the interpreter who acted as such for the officer who took this statement should be called as a witness to produce and identify the statement, and to give

/evidence ...

evidence of the circumstances in which it was made and obtained.

(d) The officer who took the statement of the accused as aforesaid should be available at the trial to give evidence, if necessary, of the circumstances in which such statement was made and obtained.

7. The Judge Advocate General further directs me to say that he does not consider that the case is one in which he should depute a Judge Advocate nor does he consider that a Judge Advocate is necessary. In these circumstances you may well consider that this is a case where it is necessary that one of the members of the court should have legal qualifications in accordance with Rule of Procedure 93(B). If you agree you will doubtless make application to the Deputy Judge Advocate General at your headquarters for the appointment of such an officer.

8. In my opinion this is a case in which the prosecution should be conducted by an officer with legal qualifications. Application should be made to the Deputy Judge Advocate General at your headquarters for the appointment of such an officer.

9. You will doubtless arrange for the accused to have the services of a British officer at his trial. I think the accused should be supplied with a copy of the statements referred to in paragraph 6 above; at the same time he should be offered the services of an interpreter if he so desires.

10. One copy of the charge sheet and of the statements referred to in paragraph 6 hereof will be required for the use of the prosecuting officer and one copy for the Legal Member in addition to the originals which should be in the hands of the president.

11. An impartial person competent to act as interpreter in Italian should be available at the trial.

12. I enclose herewith originals and nine copies of the statements mentioned in paragraph 6, sub-paragraphs (a) and (b) hereof. I also enclose nine copies of the statement made by the accused, the original of which I understand to be in the possession of the Deputy Judge Advocate General at your headquarters.

Sgd. H. SHAPCOTT

Brigadier,
Military Deputy,
J.A.G.

Copies to:

Treasury Solicitor (3)
A.G.3. (WW)
D.J.A.G., C.M.F. (2)

(*For the Use of the Secretariat*)

Registered Number.	Date of receipt in Secretariat.
1787/UK/3t/71	5 NOV 1945 2402

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CASE No. UK-~~G/1~~ 1/8 130. *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1. GATTI Capitano. Adjutant and Security Officer PADULA Prisoner of War Camp, ITALY. 2. Unknown members of the Italian Carabinieri.
Date and place of commission of alleged crime.	July and August 1943. PADULA, Italy and in transit between PADULA and BOLOGNA, ITALY.
Number and description of crime in war crimes list.	No. xxix - Ill-treatment of Prisoners of War.
References to relevant provisions of national law.	Breach of the Laws and Usages of war. Assault.

SHORT STATEMENT OF FACTS.

The first accused, adjutant and security Officer at PADULA Prisoner of War Camp, Italy between April and August 1943, consistently illtreated prisoners at PADULA. In July 1943 he struck and assaulted a Lieut. STEVENS for no apparent reason. The camp was partially evacuated in August 1943. Some prisoners hid themselves but were re-captured. These were assaulted and struck by Capt. GATTI.

As a result of the said partial evacuation, prisoners were transported by train between 12th and 16th August 1943 from PADULA to BOLOGNA. On the journey a Lieutenant STEPHEN PIPER R.N.V.R. attempted to escape. He was re-taken, kicked, struck and assaulted by the second accused, who brought him before the first accused. Captain GATTI sat on Lieut. PIPER'S chest and beat him into unconsciousness. The first accused manacled Lieut. PIPER'S wrists with a thin chain and lock (which were not taken off for 12 hours) so tightly as to cause Lieut. PIPER severe pain.

TRANSMITTED BY The Solicitor for the Admiralty

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E.W.Ltd. Gp.685

PARTICULARS OF ALLEGED CRIME

At PADULA, in July 1943, the first accused was making a night round of the camp. He entered a barrack room where Lieut. STEVENS and a number of other prisoners, including Lieut. STEPHEN PIPER and Lieut. A.N. PARSONS were sleeping. For no apparent reason the first accused pulled the blanket away from STEVENS and then struck him.

In August 1943 the camp at PADULA was partially evacuated, a number of prisoners hid themselves away. Those who were re-taken were struck and assaulted by the first accused.

While prisoners were being transported by train from PADULA to BOLOGNA 12-16 August 1943, Lieut. STEPHEN PIPER R.N.V.R. decided to try and escape. Accordingly at a point some distance South of Rome, he jumped from the train when this was moving slowly. He was observed, and indiscriminate shooting broke out. PIPER hid in a bush, but when he saw that his discovery was inevitable, he surrendered. He was set upon, kicked, and struck by the second accused and marched to the rear of the train. There, the first accused, who was in charge of the train, screaming with rage, had Lieut. PIPER laid in the permanent way, and with an Italian guard sitting on Lieut. PIPER'S feet, Capt. GATTI sat on Lieut. PIPER'S chest and beat him into unconsciousness. The first accused caused Lieut. PIPER to be manacled with a thin chain and lock for a period of twelve hours from which Lieut. PIPER suffered severely.

MD/JAG/PS/42/38(3)

IN THE MATTER OF THE ILL-TREATMENT OF LIEUTENANT S.B. PIPER, R.N.V.R., BETWEEN PADULA AND BOLOGNA, ITALY, ON 14th AUGUST 1943.

British National Office Charge No:

United Nations War Crimes Commission ref:

A F F I D A V I T

I, EDWARD LEESE (171988), Lieutenant in the Welch Regiment, at present on the strength of 21 Holding Battalion The Welch Regiment (Detachment), Highfield Camp, Church Stretton, Shropshire, make oath and say as follows:-

1 I have served with the Canadian and the British Army for about nineteen years and have not a permanent home address in this country but correspondence would always be forwarded to me if addressed to the Midland Bank Limited, Church Stretton, Shropshire.

2 I was taken prisoner in February 1942 at BARCE in North Africa when serving with the 1st Battalion The Welch Regiment, 4th Indian Division. I was passed through various prisoner of war cages and camps in North Africa to Italy and during my captivity I was a prisoner in several prisoner of war camps in Italy and Germany.

3 In August 1943 I was a member of a party of prisoners of war which was being transferred from camp 35, PADULA, Calabria Province, South Italy, to camp 19 in BOLOGNA. The officer in charge of the train was an Italian Capitano Gatti.

4 On 13th August 1943 at a point approaching ROME a Lieutenant S.B. Piper, Royal Naval Volunteer Reserve, a prisoner on the train, made an attempt to escape while the train was passing through a tunnel. The train was stopped just outside the tunnel as Piper's attempt had been observed by an Italian guard. A tremendous commotion ensued. I was two or three carriages away from the carriage from which Piper had escaped. The Italians were shouting and shooting indiscriminately. I gathered that Piper was captured after about fifteen minutes. I heard Captain Gatti, whose voice was distinctive, shouting and screaming with rage. I gathered that Lieutenant Piper was brought back to the train which then began to move away. A few minutes later I heard that on his recapture, Captain Gatti and the guards had brutally assaulted Lieutenant Piper. Several times in the course of the day I saw Captain Gatti rushing about the corridors of the train, having quite lost control of himself. He issued an order that all prisoners must have their footwear removed and handed over to the guards.

5 We arrived at BOLOGNA several days later and after I had been there about a week I saw Lieutenant Piper. He recounted to me what had taken place when he had tried to escape from the train. He said that he had tried to escape while the train was moving at some thirty miles an hour through the tunnel. He was bruised by his fall and had been unable to make good his escape.

6 He was taken after some fifteen minutes by the Carabinieri. He was then taken before Captain Gatti. Lieutenant Piper told me that Captain Gatti and the guards had beaten him up severely.

7 Captain Gatti belonged to the Italian army, not the Carabinieri. I first saw him at PADULA early in July 1943 where he was adjutant and later security officer. He had a very bad reputation at PADULA where I frequently saw him rushing about, extremely excited and exhibiting lack of self control. Gatti handed over the party of prisoners of war at BOLOGNA and then proceeded to BERGOMA where there was a prisoner of war camp which I believe he took over. He was aged between forty-five and fifty, five feet six inches in height, with black, close-cropped hair and brown eyes. He had a squarish, rugged and lined face with very swarthy skin, and he was clean-shaven. His neck was somewhat drawn in and he had hunched shoulders and long arms. He generally adopted a stooped,

/crouched

crouched attitude. He was thickset in build, had a lot of hair on his arms, and his whole appearance was simian. He had an extremely harsh and penetrating voice which was most noticeable. He frequently gave vent to exhibitions of rage and temper in front of his guards. He told me that he had fourteen children.

8 Captain G.P. Hutchinson, of the New Zealand Forces, an LL.D. and a barrister, has knowledge of the incidents I have described and of a number of other matters.

9 I was transferred from BOLOGNA in September 1943 and was taken to Germany, and ultimately to Oflag XII B. This Oflag was evacuated in April 1945 and I was eventually liberated by the Americans.

SWORN by the above-named Edward Lease)
at 6, Spring Gardens, in the City of)
Westminster, this 31st day of ~~[illegible]~~ August)
~~[illegible]~~ 1945)

(Signed) E. LEESE, Lieut.
1st Battalion, The
Welsh Regiment.

Before me

(Signed) J. [illegible]-WARREN, Captain Legal Staff,
Military Department,
Judge Advocate General's Office,
London.

5. I have read the particulars and description of Captain Gatti contained in paragraph 7 of the affidavit dated 31 August 1945 of Lieutenant Edward Leese of the Welch Regiment and I agree that these particulars and description are accurate except that I think that Gatti was a little shorter than 5'6". His most remarkable feature was an extremely loud and penetrating voice. I last saw him in Bologna early in September 1943.

SWORN by the said Lieutenant ANTHONY NEVILLE PARSONS at 6 Spring Gardens in the City of Westminster this 18th day of September 1945.) (sgd) A.N. Parsons.

Before me,

(sgd) Rathcreedan.

Captain Legal Staff
Military Department, Judge
Advocate General's Office, London.

IN THE MATTER OF :

The ill-treatment and neglect of British Prisoners of War and breaches of the Geneva Conventions 1929 in June July and August 1942 in North Africa generally at Trig Tuhuna in particular and the assault of a British prisoner of war at Trig Tuhuna in July 1942.

A F F I D A V I T

I, No. 540939 Staff Sergeant Fitter CORNELIUS SMITH, 107 R.H.A. attached to the Garrison, Royal Artillery, Corporation Oaks, Nottingham, and now residing at 68 Rossington Road, Nottingham, make Oath and say as follows :-

1. I was captured at Gazala in North Africa on 8th June 1942 by German troops. After three days the Germans handed us over to the Italians, apologising for having to do so but explaining that, being Italian territory, they had to do this. They took none of our personal belongings. We had no water for three days but the Germans had none either.

2. We were handed over to the Italians, who had a supply of water ready. They would not, however, hand any out until the prisoners offered their personal belongings, watches, rings etc. in exchange.

3. We were moved to Tripoli, travelling daily some 200 miles by lorry and camping nightly in barbed-wire enclosures, except for ten days spent at Tarhuna. We arrived at the permanent camp at Trig Tuhuna outside Tripoli. During our journey we were very overcrowded in the lorries and the nightly camps were just bare ground surrounded by wire. We got one small tin of bully beef between two and one small loaf each per day.

4. At Trig Tuhuna we were in a compound about 30 yards square and were terribly overcrowded, as there were about 850 of us. We had small Italian tents to sleep in in this compound and had to keep in these during darkness, as the guards used to fire over the tents, though I cannot say how low.

5. There were millions of flies, lice and fleas. The only sanitation was slit trenches in the compound which our men dug. There was a lot of dysentery among the prisoners. I never saw an Italian doctor there, but if a man reported sick I believe he got a dysentery tablet. The stench in the compound was terrible.

We were issued after a time with one blanket each, but not at first and we had only our desert clothing.

6. For food, we each got a small loaf and a half a day, and skilly, which was little but water, twice a day. Twice a week there was a small square of cold meat and on the other days a small piece of cheese.

7. The Italian guards were unfriendly and in particular a sergeant major whose name we understood to be Lipsi (I am not sure of the spelling) whom we used to call Mr. Lipsi. He spoke fluent English, having lived in England.

Our camp sergeant-major , the senior British N.C.O., Regimental-Sergeant-Major Priest, Royal Artillery, did nothing to help us, but he was well in with the Italians and often drank with them.

8. Sometime about the middle of July 1942, when we were waiting for our evening skilly (the temperature being 138 in the shade), Lipsi noticed a young prisoner, whose name I do not know but who was, I think, from the 50th Northumbrian Division. This boy had whittled a small "V" out of wood and was wearing it on his cap. This "V" was the badge of the Fighting 5th. Lipsi shouted "I've found him! I've found him Sergeant-Major!" and followed this with coarse expressions about Churchill; and, with a heavy knobby stick, he struck the boy on the back of the neck so that the stick broke. The boy went down. He was stripped naked and thrown into the cells of the fort. The rest of us had then to wait for our skilly until Lipsi had lectured us at length.

The camp Commandant, whose name I do not know, lived at Tripoli and usually spent the day there, coming to the camp at night. On this day he got back about 10 p.m. He ordered the boy to be given a meal and had him sent back to the compound. I do not know if Lipsi was punished at all but his behaviour did not improve.

9. On another occasion - I do not remember the date - I was going up the slight sandy incline on which the camp stood for roll call. Being weak, I was not going very fast. The guards, whose names I do not know, shouted at me to hurry and, as I did not go fast enough for their liking, they threw stones at me.

10. On 1st August 1942 we left Tripoli for Italy and arrived at Naples on the 4th August.

11. I do not know the name of the boat on which we sailed but she was a Scotch-built ship, built for Italy, and the name was painted out. We were packed so tight in the hold that we could not all lie down at once. We were 3 or 4 days on the journey and were not allowed out of the hold at all. The dysentery among the prisoners was so bad that there was a continual line for the form of latrine they had made at the side of the hold, which was quite inadequate.

We got food once a day, one and a half biscuits and half a tin of bully beef each.

It was terribly hot in the hold and the conditions, with the heat, the crowding and the smell, were frightful.

SWORN at 14 Fletcher Gate,)
in the City of Nottingham) C. SMITH.
this 28th day of May 1945)

Before me,
L.C. CROCKFORD.
A Commissioner for Oaths.

PARTICULARS OF EVIDENCE IN SUPPORT

1. Affidavit of Private R. CUNNINGHAM who speaks to all the facts summarised above.

2. Affidavit of St/Sgt./Fitter C. SMITH who speaks to the assault on the unnamed prisoner (para.7)

Copies of these documents are attached.

NOTES ON THE CASE **2419**

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

So far as concerns the ill-treatment of Private CUNNINGHAM, Serjeant Major LEACCIE may claim that he was acting on the orders of the Commandant. Since such an order is clearly illegal it is submitted that such a defence cannot succeed.

So far as concerns the assault on the unnamed prisoner, Serjeant Major LEACCIE is clearly responsible for a brutal assault.

It may be noted that SMITH gives the name of the Serjeant Major as "LIPSI". Enquiry is proceeding for his identification.

2047/UK/JE/73

2420

Date Submitted	Decision of Committee I		
9 JAN 1945	All A.		CARDS CATCRED

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2047/UK/JE/73

(*For the Use of the Secretariat*)

Registered Number. 2047/UK/24/73

Date of receipt in Secretariat. 2421 — 19 DEC 1945

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM — CHARGES AGAINST ITALIAN WAR CRIMINALS

CASE No. UK-I/B 132. *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1. Romano MARTELLO - Member of Italian Fascist Black Brigade. 2. Rino FAGGIANI " " " 3. Luigi BELLINI " " "
Date and place of commission of alleged crime.	6th January 1945. Near Caselle Pressana, Province of Verona, Italy.
Number and description of crime in war crimes list.	No. 1 - Murder.
References to relevant provisions of national law.	Breach of the Laws and Usages of War. Murder.

SHORT STATEMENT OF FACTS.

No. 6846387 Rifleman CHAPMAN C. 1st Battalion, K.R.R.C. was a prisoner of war at BONAVIGO in Italy. There he made the acquaintance of a middle aged woman of strong pro-allied sympathies named Maria ROSSINI. After the Armistice with Italy in September 1943 he made his way to Maria ROSSINI'S house where he was cared for and he then took a leading and vigorous part in Partisan activities against the Germans.

On 6th January 1945 he was murdered by the accused.

TRANSMITTED BY

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E.W.Ltd. Gp.685

PARTICULARS OF ALLEGED CRIME

On 6th January 1945 CHAPMAN was intercepted by the three accused on the highway near Caselle Pressana. All four were riding bicycles. CHAPMAN was ordered to halt and raise his hands which he did. The accused then surrounded CHAPMAN. MARTELLO stood in front of him, FAGGIANO on CHAPMAN'S right and BELLINI on CHAPMAN'S left. FAGGIANO fired the first shot which penetrated CHAPMAN's right breast or right side of his head. MARTELLO fired the second shot which entered CHAPMAN'S stomach. The third shot was fired by MARTELLO into CHAPMAN'S left temple as he lay on the ground. BELLINI was present at least for the first two shots covering CHAPMAN with his rifle.

No.6 Via Chioggano,
Cologna Veneta,
Verona.

29 Aug 45.

STATEMENT OF:-

ZORZI Angela,
No.6 Via Chioggano,
Cologna Veneta,
Verona.

Female.
Aged 24 years.

Who saith,

I am a Medical Student and have studied at the University of PADOVA for the past six years. I was living at my present address during 1944 and remember very well a certain Peter CHAPMAN, an escaped British Prisoner of War, who was living in this locality.

The photograph marked "C" which was handed to you by my father in my presence, is that of Peter CHAPMAN.

I knew him very well because he took an active part in the partisan band organised by my father and he often visited our house. The last time I saw him alive was either the 2nd or 3rd January 45, and at that time he was dressed in a civilian suit, grey overcoat and brown hat. He had dark hair and a ginger coloured beard.

About 0700 hours on the 8th January, a Capt. GRADINIGO and other members of the local Black Brigade came to our house and took me back to their Headquarters. I was kept there until 0900 hours when I was taken to the cemetery at CASSELLE PRESANO in a truck. I had previously heard that Peter CHAPMAN had been killed and from the conversation I heard in the vehicle, I understood that it was him they were speaking about.

At the cemetery I was shown a dead body dressed in civilian clothes which I immediately identified as that of Peter CHAPMAN. He was dressed as I had last seen him and still had the ginger beard.

I did not carry out a proper examination of the body but I did see that there was a bullet wound in the head. The bullet had entered at the left temple and come out at the right temple, causing a large jagged wound. The left jaw bone appeared to be broken and both arms were outstretched. I did not see any other wounds.

Capt. GRADENIGO questioned me about the identity of this man, but I denied that I knew he was English, although I admitted I had previously treated him when he was sick. I told the Captain that as he (CHAPMAN) spoke the local dialect, I thought he was an Italian.

I was then brought back to the Black Brigade Headquarters, and after having made a written statement was allowed to return home.

In June 45, I was present at the CASSELLE PRESANO Cemetery when the body was exhumed by a British Officer named WHITFIELD and I recognised the body of Peter CHAPMAN. He was dressed in the same clothes as when I last saw him before burial.

I have no hesitation in stating that the person killed by members of the Black Brigade on the 6 January 45 and subsequently buried at CASSELLE PRESANO was the Englishman Peter CHAPMAN.

I have read over the above statement. It is true and correct. I herewith append my signature.

(Sgd) ANGELA ZORZI.

/ Statement

Statement written down in Italian and signature witnessed by Bdr. GIULIANI, C.A., Interpreter, in the presence of CSM Edmondson and Sgt Walker, all of 78 Section, SIB, at COLOGNE on the 29th August 1945.

I certify that the above translation from Italian is true and correct and to the best of my ability.

(Sgd) C.A. GIULIANI, Bdr.

No. 81 Via 5 Case,
Bonavigo,
Province of Verona.

29 Aug 45.

STATEMENT OF:-

ROSSINI Maria,
No. 81 Via 5 Case,
Bonavigo,
Province of Verona.

Who saith,

I am a single woman and have lived at my present address for the past twenty-three years.

On the 9 September 43, after the Armistice in Italy, a number of escapted Allied Prisoners of War came to live in this locality. At first, we took them food and civilian clothes out into the fields, and one of them whom I knew by the name of Peter CHAPMAN came to live at my home. I had some photographs taken of CHAPMAN, for his identity card, and the one you have to-day shown me marked 'C' is of the same series. I remember them very well. We also had out photographs taken together.

The first period he spent most of his time indoors as he was sick. On the 6 November 43, I, along with my brother and CHAPMAN were arrested by the Black Brigade and taken to LEGNAGO. I was released after three days, but my brother was detained for four and a half months.

On the 13 November 43, CHAPMAN returned to my home saying he had escaped from the train as he was being taken to GERMANY.

From that time until August 44, he stayed at my home and used to go about as a civilian. About this time things began to get a bit dangerous and he went away with the partisans, but returned frequently with other partisans on patrol. He was very often armed and I have seen him distributing cash amongst the others.

Sometime in October 44, a man named SARTORI, of another partisan group came to me and asked me to tell CHAPMAN not to go out with partisan patrols, as they had received orders from some British Officer in VERONA to kill him if he continued. I told CHAPMAN of this, but he only laughed and carried on as usual.

The last time I saw CHAPMAN alive was on the evening of the 5 January 45, and he was dressed in a brown suit, grey overcoat, grey hat and heavy boots. He had not shaved for about a month and had a ginger coloured beard. He was also in possession of a sports bicycle when I last saw him.

On the 7 January 45, five members of the Black Brigade came to our house and asked if I was the fiancee of the Englishman. I replied that I knew an Englishman but was not engaged. They informed me that CHAPMAN had been killed and I was arrested and taken to COLOGNA VENETA. Later that day I was taken to the cemetery at CASELLE PRESSANA, where I saw the corpse of CHAPMAN, whom I recognised by his clothing.

I was then detained in prison until released by the Allied troops

I cannot give any details of the murder of CHAPMAN.

I have read over the above statement. It is true and correct. I herewith append my signature.

(Sgd) ROSSINI Maria.

/Statement

Statement written down in Italian and signature witnessed by Bdr. GIULIANI, C.A., Interpreter, in the presence of CSM Edmondson and Sjt Walker, all of 78 Section, SIB, at BONAVIGO on the 29th August 1945.

I certify that the above translation from Italian is true and correct and to the best of my ability.

(Sgd) C.A. GIULIANI, Bdr.

Miega.

30 Aug 45.

STATEMENT OF:-

CRESTON Antonio,
No.80 Via Braggio,
Caselle,
Province of Verona.

Male.
Aged 16 years.

Who saith,

I am an Agricultural Mechanic and have resided at the above address all my life.

About 11.30 a.m. on the 6 Jan 45, I was walking along the road from the direction of MIEGA towards the cross-roads at CASELLE. When I was about 150 metres from the CASELLE cross-roads, I saw a cyclist, whom I later learned was known as Peter, about 100 metres away coming towards me on a bicycle. He was followed by three members of the Black Brigade who were about 50 metres behind him, also riding bicycles. As they drew nearer, I heard one of the Black Brigade shout:- "Halt". Peter did not stop, so one of them fired a shot into the air. Peter then stopped, placed his feet on the ground and raised his hands above his head, and was standing astride the bicycle with his back towards the members of the Black Brigade. When they reached Peter, one stood in front of, and facing him, the other two stood one on each side, also facing him. They all had their rifles pointing at Peter and the one on his right fired a shot which hit him in the head, near the right ear. This man's rifle was only about 30 centimetres away when he fired. Peter never made any attempt to strike them or resist in any way. He (Peter) fell to the ground and each of the other two fired a shot at him whilst he was lying there. I was about ten metres away from the group whilst this shooting was taking place. Immediately after the fourth shot I ran into the house of FIORAVANTE Collato nearby. I had just reached this house when I fainted and I do not remember anything more. I did not see Peter again. I recognise the photograph marked "C" and shown to me, as that of Peter. I do not remember how he was dressed at the time he was shot.

I have had the above statement read over to me. It is true and correct. I herewith append my signature.

(Sgd) CRESTON Antonio.

Statement written down in Italian and signature witnessed by Bdr. GIULIANI, Interpreter, in the presence of Sgt Walker and CSM Edmondson, all of 78 Section, SIB, at MIEGA on the 30th August 1945.

I certify that the above translation from Italian is true and correct and to the best of my ability.

(Sgd) C.A. GIULIANI, Bdr.

Sabbion di Cologna,
Veneta.

30 Aug 45.

STATEMENT OF:-

FACCHIN Tiberio, Male.
Caselle Pressana No. 13, Aged 36 years.
Province of Verona.

Who saith,

I am a farmer and have resided at the above address for the past six years.

About 1100 hours on the 6 January 45, I was having some food at the above address when I heard a rifle shot come from the direction of the MIEGA-CASELLE road. I ran to the door and saw a man dressed in civilian clothes lying in the road and three men wearing the uniform of the Black Brigade standing over him with their rifles pointing in his direction. As I was standing at the door I heard two more shots fired by the members of the Black Brigade, but I could not say which of them fired or where the bullets hit the man on the ground. Prior to the last two shots being fired, I just had time to see that the man on the ground was moving slightly. About twenty minutes later a German military car came along the road and stopped at the scene of the shooting. Two men who looked like German officers got out and talked with the members of the Black Brigade for a few minutes and then drove on. No other shots in addition to the three I have already mentioned, were fired.

I estimate the distance between the door where I had been standing and the scene of the shooting as about 100 metres and I had a clear view.

I do not know anything more regarding the incident or the body, but I learned later that the man who had been shot was English.

I have had the above statement read over to me. It is true and correct. I herewith append my mark.

(Sgd) X Mark of FACCHIN TIBERIO.

Statement written down in Italian, read over and mark witnessed by Bdr. GIULIANI, C.A., Interpreter, in the presence of Sjt Walker and CSM Edmondson, all of 78 Section, SIB, at SABBION on the 30 Aug 45.

I certify that the above translation from Italian is true and correct and to the best of my ability.

(Sgd) C.A. GIULIANI, Bdr.

Cologna Veneta.

30 Aug 45.

STATEMENT OF:-

ROSSIGNOLI Ettore, Male.
No. 13 Caselle Pressana, Aged 41 years.
Province of Verona.

Who saith,

I am a farmer and have resided at the above address for the past six years.

About 1100 hours on the 6 January, 45, I was standing at the front door of my home when I saw a single bicycle being ridden by a man, from MIEGA in the direction of CASELLE. At the same time I saw three men riding bicycles from the opposite direction. They would be about 100 metres apart when I first saw them. When they were about two metres apart the single rider stopped and stood astride his bicycle. The other three men dismounted from their machines, two of them pointed their rifles at the man astride the bicycle, who raised his hands above his head. I did not hear any orders being shouted. The third man began to search him whilst the other two kept him covered with their rifles. The two men with the rifles were standing in front and slightly to the right of the man who was being searched. I heard a rifle shot and the man astride the bicycle fell to the ground. Prior to this shot being fired I did not see any blow struck, or any attempt at resistance by the man astride the bicycle. I was afraid and ran into the house and immediately afterwards heard two more shots. About twenty minutes later I heard the sound of a motor car and saw through the window that it was being driven from the direction of CASELLE towards MIEGA. I do not know whether it stopped or not, or anything more about it. I could not see the scene of the shooting from this window. The scene of the shooting would be about 100 metres from the doorway in which I was standing when I saw it. There was no obstacle of any kind to interrupt my view.

The man who was shot was wearing a greycoloured overcoat and hat at the time. I cannot describe him or his clothing any further.

I did not see anything more of the occurrence or the body removed, but I learned about two weeks later that the man who had been shot was English.

I have had the above statement read over to me. It is true and correct. I herewith append my signature.

(Sgd) ROSSIGNOLI Ettore.

Statement written down in Italian, read over and signature witnessed by Bdr. GIULIANI, C.A., Interpreter, in the presence of Sgt Walker and CSM Edmondson, all of 78 Section, SIB, at COLOGNA VENETA on the 30th August 1945.

I certify that the above translation from Italian is true and correct and to the best of my ability.

(Sgd) C.A. GIULIANI, Bdr.

209 [illegible] OF WAR CAMP.
G.M.J.

STATEMENT OF:- [illegible] Luigi, son of Adano, born 22 Sept. 1926, residing at Via Marco Minghetti No.7, CORGO [illegible], VENETO, Province di VENEZIA.

2430

I have been cautioned that I am not obliged to say anything unless I wish to do so, but whatever I do say will be taken down in writing and may be given in evidence.

Sgd. [illegible] Luigi.

I joined the Black Brigade at CORGO, VENETO, I think it was in November 1944. I did duty in the kitchen and was often acting as sentry. I was given an Italian musket, model 38. I did many duties with MARTELLO and PAGGIANI who were friends of mine.

I remember in January 1945, about 6th or 7th, I was in the orderly room with MARTELLO and PAGGIANI and some other soldiers. I knew that a Partisan named MARINI, who lived at [illegible], was with the Commandant, Lieut. [illegible] Gaspare, in his office. The Commandant came out of his office, and told us to arm ourselves and get bicycles. I took my musket and a bicycle, and about six or seven of us with MARINI, the Commandant, MARTELLO and PAGGIANI went towards the village of SABBION. The Commandant said we were looking for an Englishman, who was tall, had a fair beard and was riding a blue bicycle. At SABBION the COMMANDANT told MARTELLO and PAGGIANI to go along the road leading to CASEIE. I waited with the Commandant. After a quarter of an hour he told me to find MARTELLO and PAGGIANI, and that if they had not found the Englishman they were to come back. Whilst at SABBION the Commandant told us that MARINI had told him about the Englishman. I went on my bicycle towards CASEIE. I saw on the road MARTELLO and PAGGIANI, they were standing by Englishman who was holding his bicycle. They were pointing their muskets at him. I saw the Englishman raise his hands above his head, his bicycle was resting against him. I went up and pointed my musket at the Englishman. MARTELLO was standing in front of the Englishman, PAGGIANI on his left, and I was on his right. I was about 10 or 15 metres away. I saw MARTELLO searching the Englishman. As he was searching him, the Englishman struck MARTELLO with his right fist, and put his left hand in his left coat pocket. At that time PAGGIANI fired his musket, the Englishman fell to the ground, he was wounded in the body. Whilst on the ground he took a pistol out of his left coat pocket. MARTELLO then shot the Englishman, I think he shot him in the head. The Englishman was then unconscious. MARTELLO told me to fetch the Commandant. I went to SABBION where I saw MARINI and two members of the Black Brigade. They told me that the Commandant had gone back to the Caserme. I went there with them, and told the Commandant what had happened. He said he would go there in a motor car. I was very wet as it was raining all the time and I went home. I went back to the Caserme two or three hours later, where I saw MARTELLO. He said that the Englishman was dead. He also said that the Englishman had two pistols. I do not know what happened to the Englishman's body. I heard nothing more about this.

(Sgd) [illegible] Luigi

This statement has been read over to me. I have had the opportunity to make any alterations or additions where necessary. It is true and correct.

(Sgd) [illegible] Luigi

Statement taken down, read over and signature witnessed by No.13000058 Sgt. STAFFORD T.D.L., official interpreter [illegible], S.I.B., in the presence of Captain [illegible], 60 Section, S.I.B. at 209 P.W. Camp on 24.9.45.

I certify that the above is a true translation to the best of my knowledge and ability of a statement made in Italian by [illegible] Luigi.

(Sgd.) Thomas STAFFORD.

209 PRISONER OF WAR CAMP C.M.F.

STATEMENT OF MARTELLO Rosano, Son of HUGO (Born 1929) residing at COLOGNA VENETA, No.2 VIA ROCCA - VECCHIA.

Who states:-

I have been cautioned that I am not obliged to say anything unless I wish to do so, but whatever I say will be taken down in writing and may be given in evidence.

(Sgd.) R. MARTELLO.

I am a member of the 22nd Black Brigade VERONA, which I joined about the end of November 1944, as a volunteer. My duties were those of guarding the barracks and arresting civilians, I was at the barracks at COLOGNA VENETA where a detachment of the Black Brigade were stationed. I slept at home each evening except when on guard duties. When information came through from the main Headquarters of the Black Brigade at VERONA we arrested civilians on their authority, and always handed them over to the Company Headquarters at S. BONIFACIO, sixteen kilometres from COLOGNA.

On my very first day of being initiated into the Black Brigade I was issued with a new Italian rifle, 6.5, 38 model. BELLINI is a colleague of mine as he was always my neighbour and lived at VILLA MARCO, MINGHETTI about two hundred yards from our own house, but I cannot recollect the number. BELLINI also joined the Black Brigade about the 20th of December 1944 and we frequently did duty together and I remember on the first day of January 1945 FAGIANO also joined the Brigade.

I remember round about the 5th or 6th January, 1945, paraded at the COLOGNA VENETA about 9 a.m. for duty and I remember it was raining very hard, I met BELLINI and FAGIANO there and we were standing in the hall just inside the large doors of the barracks when a Partisan named MARIN was brought in. Apparently he was to be interviewed by the Company Commander of the detachment ARDITO GASPARE. He was taken into his office and came out about fifteen minutes later accompanied by the Commanding Officer, who appeared to be very excited. He shouted "I want five of you immediately with bicycles". Two of us had bicycles and we managed to borrow two more.

We then left the building, that is to say FAGIANO, BELLINI, another member of the organisation, the Commanding officer ARDITO and the partisan, we were all riding bicycles. We took the road to SABBION a village not far away and during the journey we learnt from the conversation between the C.O. and the Partisan that we were going to intercept another partisan, an Englishman who had with him a bicycle. He had a ginger beard and was wearing a cap.

We then arrived in the square of SABBION and the C.O. informed us three, FAGIANO, BELLINI and myself to continue along the road and wait for the English Partisan who was due to appear and we had orders to arrest him.

The C.O. remained in the square with the other partisan and the 4th member of the Brigade and we went on. We then stopped at the next crossroads and waited. A few minutes later we observed a cyclist approaching us coming along from the direction of the square. As he drove near we recognised him from the description we had been given.

We/...

We allowed him to pass and turn at the crossroads and we then advanced behind him. We told him to halt and raise his hands. We spoke in Italian. He paused, turned around and stopped and then put up his hands, but still remaining astride the bicycle.

I was then in a position directly in front of him. FAGIANO was on my left and BELLINI on my right. I went over to the Englishman and began to search him. At that time he was covered with a rifle held by FAGIANO. I unbuttoned his jacket and saw that he had a revolver in a holster. I reached for it, for we had been previously warned that he was armed and very dangerous.

However he guessed my intentions and struck at me with his left fist to the right side of my head, at the same time snatching for his revolver. Simultaneously I heard a report from the rifle of FAGIANO and I saw that the prisoner had been shot in the right breast. Nevertheless he was still full of fight and took his revolver from out of its holder and pointed it at my stomach.

I had my rifle slung over my shoulder at the time and without taking it off I fired at him wounding him in the middle of the stomach. This was too much for him and he collapsed falling to the ground. I then took the revolver from his hand.

This was the first time that we had done this and were at a loss what to do next. However BELLINI said he would go back and ask the Company Officer what they should do next. We thought this the best thing to do so off we went.

During his absence, a motor car came along the road and stopped about 100 yards away. Two Germans alighted and came over to us. I think they were German Officers for they had silver coloured insignas on their epaulettes. One of them speaking in Italian asked what had happened and we told them.

They viewed the prisoner and saw that he was still alive and moving about. The German Officer at that time, saw the Englishman's revolver which I still had clasped in my hand. He took it from me, inspected it and then said "Shoot the prisoner in the head". I was afraid to do this and hesitated, whereupon he repeated the order, this time showing by means of actions that I was to shoot the prisoner in the head although I had understood him fully the first time.

However he was insistent so I stooped down, put the muzzle of the revolver against the left side of his temple (the prisoner's) and pulled the trigger. The bullet came out at the right side of the base of the skull behind the head.

The Germans then searched the body and I assistedthe search by lifting the arms etc. whilst they searched the pockets. They recovered a dagger, a wallet containing five thousand lire, partisan leaflets and letters in Italian. FAGIANO was then ordered to go and fetch a blanket to cover the body, which he obtained from a house nearby. He returned and covered up the body.

The Germans then left, leaving the property, taken from the body, with me. We waited a while for BELLINI who did not return, however shortly afterwards in response no doube to BELLINI's appeal, a horse drawn cart came on the scene accompanied by five members of the Black Brigade, who again searched the body and recovered a further revolver, a fountain pen, wristlet watch, two rings and some German stamps.

The/...

The body was then taken to the Cemetery of CASELLE, and the whole of the property was handed over to Company Commander of the Headquarters, at S. BONIFACIO, UBERTI UBERTO.

I returned to the Barracks at 1.30 p.m. and continued my duty. I was finally arrested on the 28th April 1945 at my home by the Partisans and then handed over to an American Officer who took me to the Prison at VERONA two days later.

(Sgd.) R. MARTELLO.

This statement has been read over to me. It is true and correct.

(Sgd.) R. MARTELLO.

Statement taken and read over in Italian by Official Interpreter 2nd Lieutenant MELODIA Antonio 209 P.O.W. Camp intthe prescence of Captain E. LISTER, 60 Section, SIB on the 4th June 1945.

I certify that the above statement is a true translation of the original to the best of my knowledge and ability.

209 PRISONER OF WAR CAMP,
C. .F.

STATEMENT OF:- FAGGIANI RINO, SON OF EMILIO (Born 1926) residing COLOGNA VENETA VIA SULE, PROVINCE OF VERONA.

Who states:-

I have been cautioned that I am not obliged to say anything unless I wish to do so, but whatever I say will be taken down in writing and may be given in evidence.

(Sgd.) R. FAGGIANI.

I am a member of the Black Brigade of COLOGNA VENETA having joined it on 1st or 2nd January, 1945. I too was issued with an Italian Rifle.

The statement made by Martello Romano has been read over to me by the official interpreter MELODIA Antonio, and I have nothing more to add. It is true and correct and I corroborate it in every detail.

It is perfectly true that I shot the English partisan first. We had been informed by the Company Commander that he was armed and very dangerous and when I saw that he was pulling out his revolver I thought it necessary to shoot wounding him in the breast.

I was at present when Martello fired a further two shots at the prisoner, and he fired the second one because the German Officer told him to.

This is the first time that I have ever shot anyone. As you can see I had been in the Black Brigade only three of four days when this happened.

(Sgd.) R. FAGGIANI

This statement has been read over to me. It is true and correct.

(Sgd.) R. FAGGIANI

Statement taken and read over in Italian by Official Interpreter 2nd Lieutenant MELODIA Antonio, 209 P.O.W. Camp in the presence of Captain E. LISTER, 60 Section, SIB on the 4th June 1945.

I certify that the above statement is a true translation of the original to the best of my knowledge and ability.

(Sgd.) A. MELODIA.

2435

COPY

ENGLISH COMMAND POST
Italy.

To:-

G.O.C. Forces in Italy.

Dear Sir,

Please treat the holders of this letter with the utmost respect. (Family consisting of:- Signorina Geovanna Zorzi, Mother and Father). This family has done valuable work in feeding and finding places of security for British Prisoners of War, at liberty in Italy.

I am,
Your obedient Servant,

Rfn. PETER CHAPMAN
6846387
Late of: 1st Batt. King's
Royal Rifle Corps.

Date: 13.12.1943.

P.T.O./...

2437

MAYFAIR 9400 Ext.

The Military Deputy,
Judge Advocate-General of the Forces,
6, Spring Gardens,
Cockspur Street,
LONDON, S.W.1.

I, Andrew Scott Weston, as head of the Casualties (Prisoner of War) Branch of the War Office have in my records the fact that Number 6846387 Rifleman Peter Chapman, 1st Battalion, The King's Royal Rifle Corps was a prisoner of war in Italian hands and that he was transferred from Prisoner of War Camp Number 53 to Prisoner of War Camp Number 148 on 19th June, 1943. The Main Camp of Prisoner of War Camp 148 was based on Verona.

(Signed) A.S. WESTON.

The War Office,
Casualties (P.W.)
26th October, 1945.

PARTICULARS OF EVIDENCE IN SUPPORT

2438

1. Statements of Angela ZORZI and Maria ROSSINI who speak to CHAPMAN'S identity and participation in Partisan activities.

2. Statements of Antonio CRESTON, Tiberio FACCHIN and Ellore ROSSIGNOLI who were all eye witnesses of the murder.

3. Statements made by the three accused under caution in which they admit the killing.

Copies of these documents are attached. Originals with C. in C. C.M.F.

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

The accused may plead self defence and it is suggested that MARTELLO fired the final shot in obedience to the order of a German Officer who arrived on the scene. The statements of the eye-witnesses rebut each of these defences.

MISSING

REGISTERED

NOs.

74 — 76

MISSING

REGISTERED

NOs.

74-76

1565/UK/DE/77

2440

DOTA, Pasquale

and 8 others

Date Submitted	Decision of Committee I		
3 OCT 1945	1-3 A 4-8 Adjourned 9 C CARDS ATTACHED	B	

1565/UK/DE/77

(*For the Use of the Secretariat*)

Registered Number. L565/UK/2/77

Date of receipt in Secretariat. 2 SEP 1945

2441

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CASE No. UK-I/B 91 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1. Captain Pasquale DOTA) 2. Colonel - NICOLETTI) Successive Commandants 3. Colonel Achille BONITA-OLIVA (Infantry)) at the Camp. 4. Captain Giovanni FERRARI (Infantry)) Adjutants at 5. Count - GETTZI) the Camp. 6. Captain Luigi SAGGESE, Chief Administration Officer. 7. Captain - CAMILLO) Medical Officers 8. Lieutenant Giuseppe VINCOGUERRA) at the Camp 9. Guards concerned in assaults on Prisoners. Names, ranks and units at present unknown.
Date and place of commission of alleged crime.	During a period at present undefined, but at least from April 1941 to June 1943. At Camp P.G.66 at Capua.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No.xxix - Ill-treatment of Prisoners of War. Breaches of the Geneva Convention 1929 (Prisoners of war) Articles 2,10,11,12,13,14,15,36,46,54 and 56). Under English Law :- Assault.

SHORT STATEMENT OF FACTS.

During a period at present undefined but at least from April 1941 to June 1943 the Camp P.G.66 at Capua was conducted in a manner contrary to the provisions of the Geneva Convention 1929 relative to Prisoners of War.

The Solicitor for the Affairs of H.M. Treasury.

TRANSMITTED BY

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E.W.Ltd. Gp.685

PARTICULARS OF ALLEGED CRIME

During the said period the said camp was conducted in an improper manner and in particular in that:

1. Inadequate accommodation was provided as regards housing, heating, hygiene and sanitation. Food rations were inadequate and a proper water supply was not provided. There was overcrowding, and the camp was verminous. Medical attention and supplies and medical equipment drigs etc. were totally inadequate and much illness was caused by the conditions of the camp and by neglect. (Articles 2, 10, 11, 12, 13, 14 and 15.)

2. Conditions of disciplinary imprisonment were contrary to Article 56, and excessive imprisonment was inflicted. (Article 54).

3. Constant assaults on the Prisoners took place, particularly by the Carabinieri. (Articles 2, 46 and 54). Chaining was also practised.

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.66 at Capua during the period 10 days following the 20th April, 1941.

AFFIDAVIT

I, ARTHUR AMOS, No. 4683682, Sub-conductor, Royal Army Ordnance Corps, 161 Reconnaissance Regiment No.3 Crash Camp Hertford Bridge, Morpeth, Northumberland and with a permanent address at No.1 Station Hill, Didcot.

1. I was taken prisoner of war at Mechili, North Africa on the 8th April 1941: from there I was taken to Sabratha where I stayed 10 days: then to Camp No.66 at Capua where I stayed for 10 days from about the 20th April, 1941 onwards then to Camp 78 at Sulmona where I stayed from the 15th May 1941 to the 8th September 1943 - the Armistice - when I escaped to the mountains but was later re-captured by the Germans and taken to Germany.

2. During the time that I was a prisoner of war at Camp No.66 at Capua, namely for about 10 days following the 20th April, 1941 the conditions were as follows:- We were the first prisoners of war in the said camp and the place was then in no sense fit for a camp at all. It was just a field and there were two stone buildings which were used as cook-houses and built latrines and ablution sheds. Prisoners of war had to sleep in small tents made by buttoning Italian ground sheets together, twenty in a small tent. This provided no protection against bad weather and it rained constantly. The place became an absolute quagmire. The situation had been chosen with complete disregard to conditions. The camp was at the foot of mountains and after rain under ground streams undermined in the places the ground on which we were camped and caused great fissures suddenly to develop - one was at least 16 feet deep.

SWORN at Reading in the County of Berks this 18th day of August 1945) ARTHUR AMOS.

Before me,

WILLIAM C. WEST.
A Commissioner for Oaths.

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions, 1929, at Camp No.66 at Capua during the periods: five weeks from the end of June to about the end of July 1941, and four weeks during November-December 1941.

A F F I D A V I T

I, ALFRED EDWARD DEADMAN, Petty Officer, PJX.129097, at present at H.M.S. "Cavalier", C/o G.P.O. London, and with a permanent address at 14 Lonsdale Avenue, Cosham, Portsmouth, Hants, make Oath and say as follows :-

1. I was a Leading Seaman on board H.M.S. "Hereward", when she was sunk off the Island of Crete on the 29th May 1941. I was taken prisoner, and was taken to the Island of Rhodes.

I was at Rhodes for three weeks from the end of May, 1941, until about the 21st June 1941. From Rhodes I went via Bari to Camp No.66 at Capua, Italy.

2. I was at the said camp at Capua for five weeks, from about the end of June to the end of July, 1941, and again for four weeks during November-December 1941. I spent four months at a camp at Bolzano, at the southern end of the Brenner Pass, from July until November, 1941.

The conditions at the said camp at Capua during the periods when I was there were as follows :-

As regards accommodation, we were provided with tents, which were old and defective in bad weather, and they often blew down. They were in a verminous condition from lice.

As regards sanitary conditions, holes in the ground were provided to a kind of open concrete cesspool, meant to run into the River Volturno, but in fact there was no flushing.

As regards disease, a lot of the troops already there had dysentery. The men in my party did not develop it during the short periods when I was there.

As regards medical attention, there was no Italian medical officer. All we had was a British sergeant who did what he could with such medical supplies as our men had. No medical equipment or supplies were made by the Italians.

While I was at the said Camp during November-December 1941, the winter weather accentuated the bad conditions there. The tents were quite inadequate in wet weather.

I do not know the names, ranks or units of any of the Italian command during the periods when I was in the said Camp.

SWORN at South Shields in the County of Durham this 29th day of August 1945) ALFRED EDWARD DEADMAN.

Before me,
W.M. PATTERSON.
A Commissioner for Oaths.

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No. 66 at Capua at about November 1941.

AFFIDAVIT

I, ERNEST MERTON BOWERS, No. P/JX 148665 Able Seaman, and a survivor from H.M.S. "Hereward" in May 1941, at present at Senior Inspectors De Gaussing (S.I.D.G.), H.M.S. "Eaglet", Liverpool, and with permanent address 9 Cavendish Road, Chorlton, Manchester, Lancs., make Oath and say as follows :-

1. On 29th May 1941 I was captured when H.M.S. "Hereward" went down, was taken to Rhode Island and, being injured and a casualty, was kept in hospital there for about three weeks and received reasonable treatment.

2. On or about the 24th June 1941, I was landed at Bari, Italy, and was then sent on to Camp No. 66 at Capua. Thence I was sent to Caserta Hospital nearby and was there for about four months until the end of October 1941 when I was sent to Camp No. 66 at Capua and kept there for about three weeks.

The conditions at this Camp during the period in question were as follows :-

The accommodation was very bad indeed; the only cover we had was tents, most of which were so worn and torn that they afforded no protection in bad weather. In wet weather there were inches of mud and no proper beds.

The water supply was very short.

The medical arrangements were quite inadequate. The Italian medical authorities made no proper inspections and it appeared that they had little or no medical equipment or supplies. No clothing was issued although the weather was becoming very cold.

SWORN at Liverpool in the County of Lancaster this 3rd day of May 1945) E.M. BOWERS.

Before me,
WILLIAM L. BATESON.
A Commissioner for Oaths.

2446

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.66 at Capua at about November 1941

A F F I D A V I T

- of -

Able Seaman ERNEST MERTON BOWERS.

THE TREASURY SOLICITOR.

IN THE MATTER OF :

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929 at Camp No.66 Capua from the latter part of September to the Middle of December 1941

A F F I D A V I T

I, No. 2937953 Private THOMAS HENDERSON, Pioneer Corps, attached No.10 A.F.V. Depot, R.A.O.C., Georgetown, Renfrewshire with a home address at No.11 Sweethill Terrace Carnbroe, Coatbridge, Lanarkshire, make Oath and say as follows :-

1. I was captured and taken prisoner of war at "Hellfire Pass" on 15th June 1941. After spending some time at Croma and Benghazi, I was taken to Tarhuna, which I reached about the beginning of August 1941. I remained there about six weeks and was then sent to Taranto by hospital ship via Tripoli. On arrival, I was sent to Camp No.66 at Capua, from which, after about three months, I was transferred to Camp No.52 Genoa.

2. The other ranks' compound at Capua contained about 3000 prisoners of war, who were accommodated intents consisting of Italian groundsheets sewn together. There were 10 men to a tent and single-tier-beds were in issue. Each man was supplied with a straw mattress and three blankets. Our living quarters were verminous and we were plagued with flies and mosquitoes. No effective counter measures were taken by the Italian authorities.

3. Most of us were dressed in khaki drill and few, if any, had greatcoats. Some clothing was issued by the Italian authorities but none was received through the Red Cross.

4. The sanitary arrangements consisted of holes in the ground, which were not water-flushed, and the washing arrangements were provided by a pipe with holes punched in it which was sufficient for about 25 men to wash at a time. The water was turned on for about half an hour in the morning and for about the same time at night. To begin with we had showers every other day and latterly once a week.

5. The food was much the same as at other Italian prisoner of war camps. The day we arrived we received a Red Cross parcel each and thereafter a parcel a week to be divided between 7 men.

6. Malaria, dysentery and skin diseases were rife and the Italian medical authorities gave us two tablets of uniform content, whatever our ailment. Serious cases of illness were sent to Caserta Hospital.

7. I can recall no specific acts of violence of note committed against prisoners of war whilst I was at Camp No.66.

SWORN by the said THOMAS HENDERSON)
at Paisley in the County of Renfrew) THOMAS HENDERSON
this Fourteenth day of June 1945)

Before me,
THOMAS HUNTER
Notary Public.

IN THE MATTER OF :-

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929, at Camp No.66 Capua from the latter part of September to the middle of December 1941

A F F I D A V I T

- of -

Pte. T. HENDERSON.

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.66 at Capua during the period between the 18th September and 5th October 1941 and during a further week in December 1941.

A F F I D A V I T

I, GLYN ERNEST SELLS, Stoker Petty Officer, PKX 87055, at present at No.6 Mess, H.M.S. "Dolphin", Gosport, Hants, with a permanent address "Glyncris", Village Road, Alverstoke, Gosport, make Oath and say as follows :-

1. I was a stoker on board the submarine H.M.S. "Cachalot" when she was captured off Benghazi, Libya, on 30th July 1941. I was taken prisoner to Benghazi. From there I went to Tahuna, Tripoli, and thence was shipped to Italy, arriving at Camp No.66 at Capua about 18th September, 1941.

2. I was kept at the said Camp at Capua from about 18th September to 5th October 1941; then sent to Caserta Hospital nearby for about two months, returning to Capua in December 1941 and stayed a further week there.

The accommodation at this Camp was very bad. We were treated more like animals than human beings. We were under tents, most of which were ripped and afforded no protection in bad weather. There were inches of mud and no proper beds. Hardly any water supply.

There was no proper medical attention. I was very ill on arrival. I had bad sores and great pain in the rectum. The medical officers did not examine me. I was given some ointment which had no effect. For a fortnight one of our medical officers made strong and persistent representations to the Italian commandant and I was sent to Caserta hospital.

3. I reached Caserta Hospital on the 5th October 1941 and was kept there two months. My treatment there is the subject of a separate affidavit. I left the said Hospital in December 1941, went back to Camp No.66 at Capua for one week and then was sent on to Camp No.52 at Chiavari.

SWORN at Portsmouth in the County of Hants this 31st day of May 1945) G.E. SELLS.

Before me,
GUY P. BOULTON.
A Commissioner for Oaths.

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.66 at Capua during the period between the 18th September and 5th October 1941 and during a further week in December 1941

A F F I D A V I T

- of -

GLYN ERNEST SELLS, Stoker Petty Officer.

THE TREASURY SOLICITOR.

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.66 at Capua during the period from the 18th September to the end of November 1941

A F F I D A V I T

I, GEORGE LANHAM, Chief Petty Officer, C/J.106170 at present at H.M.S. "Royal Katherine", and with a permanent address at 111 Forton Road, Gosport, Hants, make Oath and say as follows :-

1. I was Chief Petty Officer on the submarine H.M.S. "Cachalot" when she was captured off Benghazi, Libya, on 30th July 1941. I was taken in succession to Benghazi and Tahuna, Tripoli, and eventually to Camp No.66 at Capua, Italy, arriving there about mid-September 1941.

2. I was kept at Camp No.66 at Capua from about mid-September 1941 until the last week of November 1941. The conditions at this Camp during that period were very bad indeed.

The accommodation was tents, most of which were so torn that they did not keep rain out; they were practically worn out; their size was about 18 feet by about 12 feet and 18 prisoners were crowded into each. There were inches of mud in these tents and no proper beds.

As to clothing, none was issued and it became so cold that we had to fall in with a blanket round us.

The water supply was very deficient; there was no soap for the first two months during which I was there; I only had three baths during my stay of about 2½ months.

The medical arrangements were terribly neglected. There was one small room to which one could report sick; but no proper inspection or equipment or supplies. At a low estimate 25% of the prisoners had dysentery and desert sores. The sole treatment for the former was water in which rice had been boiled: for the latter, nothing.

I knew Stoker P/O.G.E. Sells, P.K.X.87055 well: he was a shipmate of mine on H.M.S. "Cachalot". He came to the said Camp at Capua at the same time as I did and he was very ill from then on until he went to Caserta Hospital early in October 1941. He had very bad sores and complained of extreme pain in the rectum but he received no proper attention or treatment and his case became so bad that, after repeated pressure from our medical officers, he was sent at last to Caserta Hospital.

About the end of November 1941, I was sent on to Camp No.52 at Chiavari where I remained until March 1943 when I was repatriated.

SWORN at Sengwarden in the Country of Germany this 18th day of June 1945) GEORGE LANHAM

Before me,
B.F. JOHNSON.
Commander Royal Navy,
A Commissioner for Oaths.

2452

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.66 at Capua during the period from the 18th September to the end of November 1941

A F F I D A V I T

- of -

C.P.O. GEORGE LANHAM

THE TREASURY SOLICITOR.

IN THE MATTER OF:
The ill-treatment of British prisoners of war and breaches of the Geneva Convention 1929 at Camp No.66 at Capua during the period about the 8th September 1941 until the first week of December 1941.

AFFIDAVIT

I, ALAN DENIS JOHN BAGNALL, No. E.X.2031, Marine, at present at Royal Marines c/o G.P.O. Box 8, Southend-on-Sea, Essex, and with a permanent address at Pingle Dell, Pingle Lane, Hammerwich, near Lichfield, Staffordshire, make Oath and say as follows :-

1. At the beginning of June 1941, I escaped from Crete, landed from a row boat on the North African coast near Gambut and on the 4th June was taken prisoner near Gambut. I was kept prisoner of war for 5 days at Fort Acroma: for 2 months at Derna: for about 14 days at Benghazi: and for about 14 days at Tarhuna and was then sent to Camp No.66 at Capua, Italy.

2. I was at Camp No.66 at Capua from about the 8th September 1941 until about the first week of December 1941. During the said period at the said Camp, the conditions were as follows :-

As to accommodation, we were provided with tents made of groundsheets buttoned together. They were very old and defective and useless in bad weather and in addition were verminous.

As regards sanitary arrangements, they were merely holes in the ground with a concrete edging and no flushing.

As to food, the ration at this time was 400 grammes of bread and about a pint of macaroni or rice skilly per day: a small ration of cheese twice a week and a small ration of meat about every other day and occasionally some fruit. This ration, however, deteriorated very rapidly. By the end of November, we did not get the ration which was prescribed.

There was much disease in the Camp: dysentery was extremely rife.

As regards medical arrangements, I believe our sick were sent to a hut just outside the Camp but I cannot say what attention the Italian medical officers gave them. There were no British medical officers at the time so far as I know.

There were no roads or pathway laid throughout the camp, and in wet weather we were ankle deep in mud.

3. At the end of September or early October 1941, two men attempted to escape from the said Camp, viz:

Mumford, a telegraphist from the Submarine "Cachalot"
He was repatriated at the same time as myself
Harold, A., I believe a stoker from the "Cachalot". He was repatriated at the same time as myself and the said Mumford.

These two men made their attempt at night; I did not see it myself.

Next day I heard, I cannot say from whom, but it was general Camp talk, that the said two men had attempted an escape. By that time Mumford was already back in the Camp and a roll call was held. The Italian authorities did not discover that the said Harold was still away because we "covered him", i.e. a man answered twice. The said Harold was recaptured some 4 or 5 days' later. I heard that both were put under arrest in a small hut. Later on, after I had reached Camp No.52, Chiavari, I saw and spoke to both the said Mumford and the said Harold. They told me that they had been confined together in a hut: they did not say for how long: the conditions in the hut were that there was no sanitation, they had to lie on straw, and under terrible verminous conditions.

SWORN at Lichfield in the)
County of Stafford this)
23rd day of August 1945)
Before me,
E.W. HADEN.
A Commissioner for Oaths.

ALAN DENIS JOHN BAGNALL.

IN THE MATTER OF :-

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929, at a P.G. Camp at Capua (later Numbered 66) from September to December 1941.

I, No. 7913891 Lance-Corporal ARNOLD ADOLPH LAZARUS, "C" Squadron, 1 S. & T. Regiment R.A.C. Tilgate, near Crawley, Sussex, with a home address at 30 Redbourne Avenue, Finchley, N.3. make oath and say as follows :-

1. I was captured at Fort Capuzzo (South of "Hell Fire" Pass) on 15th June 1941. I reached Italy by the Tripoli-Taranto route on 3rd September 1941 and the P.G. Camp at Capua the following day. With a break of about a fortnight at Caserta Hospital, I remained there till 4th December 1941 when I was transferred to a P.G. Camp (later Numbered 52) at Chiavari.

2. The camp at Capua was very overcrowded: we slept in tents (which were something between bell-tents and small marquees), 18 to 20 men to a tent. Most of us had bed-boards to sleep on and some had palliasses. The Camp was infested with lice and fleas.

3. The sanitary arrangements were holes in the ground and the shortage of water was acute. Once it was turned off for the best part of a week, during which time small quantities of water for drinking purposes only could be obtained at the cookhouse.

4. Once, Red Cross parcels were withheld as a collective punishment, but after the Camp Leader (sub-conductor Van Winsum R.A.O.C.) had seen the Camp Commandant, the officer who ordered this punishment was I believe, reprimanded and sent away from the Camp.

5. For some time we had no soap issue. After a General had visited the Camp and heard our complaints, a Court of Inquiry was held. I believe this established that an Italian Quarter-master had been racketeering in our soap. At any rate, it was found that the soap had arrived at the Camp for distribution. Thereafter, we had our soap ration.

6. The food rations were adequate: in fact, prisoners of war working in the cookhouse used, sometimes, to bury surplus food rather than account for it and have the rations reduced. We had Red Cross parcels, usually, at the rate of one per man per week.

7. Dysentery, yellow jaundice and desert sores were common complaints at this camp while I was there.

SWORN at Richmond in the County)
of York this 23rd day of August)
1945)

A.A. LAZARUS

Before me,
F.C. HODGSON
A Commissioner for Oaths.

IN THE MATTER OF :

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929, at a prisoners of war camp (Afterwards No.66) at Capua during the period from September to December 1941.

AFFIDAVIT

I, D/J.110951 Chief Petty Officer LEONARD CHARLES HOOTON of H.M.S. ELFIN, Blyth, Northumberland, with a home address at 38 Richland Road, Liverpool 13, make Oath and say as follows :-

1. I was captured in the Gulf of Sirte on 31st July 1941. On the 4th September I left Tarhuna on board the "Oceania" for Taranto. On arrival, I was taken to a Prisoners of War Camp (then un-numbered, but later, I believe, numbered 66) at Capua where I remained till I was transferred to Camp No.52, Chiavari, at which I arrived on the 4th December, 1941.

2. The worst feature of the Camp at Capua was, to my mind, the lack of proper washing facilities. There were troughs, but no adequate water supply and no soap. The sanitary arrangements also suffered by reason of the inadequate water supply.

3. We slept, twenty to a tent, in tents which kept coming down and letting the rain in. Each man was supposed to sleep on wooden slats; but there was not enough room for 20 bed-boards in one tent and some had to sleep on the ground.

4. I and R.S.M. Barker (Indian Army) were joint compound leaders and we complained to the Camp Commandant of the poor water supply. A General visited the Camp and when he inquired as to the reason for the shortage of water he was told that the supply system from the Town had broken down. However the position improved after his visit and one could have baths in the Camp from about a week before I left.

5. Desert sores were a common ailment at this Camp.

SWORN at 15 Harley Street Blyth)
in the County of Northumerland) L.C. HOOTON.
this 31st day of July 1945)

Before me,
J.L. YARWOOD,
A Commissioner for Oaths.

IN THE MATTER OF:

The ill-treatment of British Prisoners of War and breaches of the Geneva Conventions, 1929, at Camp No. 66 at Capua during the period September to December 1941.

I, Leading Stoker WALTER HENRY JOHN BINDON, No. C/KX 97290 Royal Navy, at present in Royal Naval Auxiliary Hospital, Barrow Gurney, Bristol, and with a permanent address at No. 8 Laburnam Grove, Canvey Island, Essex, make Oath and say as follows :-

1. In July 1941 I was one of the crew of H.M. Submarine Cachalot. The submarine was rammed by an Italian destroyer in the Gulf of Sirte on the 29th or 30th July 1941 and, with all but one of the crew, I was picked up by the destroyer, which was the Bene Apapa, and taken to Benghazi. We were treated very well on the destroyer.

2. We spent 2 - 3 weeks at Benghazi, about the same time at Tarhuna, and then, with one day at Tripoli, we were taken by sea to Taranto; from there we went to a transit camp at Capua, which was later a permanent prisoner of war camp, No. 66. We arrived there about September 4th 1941 and I was there until about December 4th 1941, when I went to Chiavari.

3. The conditions were pretty poor. We were in tents which seemed to be made of groundsheets or similar material. When we were picked up we were mostly naked and at Benghazi we had been given ersatz jerseys, long underpants which we had cut down and boots some of which were pretty old. This is what we had when we got to Capua and there we were issued each with a shirt. Just before we left we got a jacket and trousers and puttees.

4. As a result, we suffered badly from the cold and there was no heating of any kind in the tents, the palliasses were full of lice and were, I think, made of barley straw. We had not enough blankets to keep warm - I think only two - and no pillows.

5. For food we had two meals a day, each consisting of a bowl of skilly, and we had 550 grammes (later 500) of bread per day, and 150 grammes (later 120) rice or macaroni. Occasionally we got potatoes.

6. I got about three Red Cross parcels when I was at Capua. I did not lose anything from the parcels and at all the camps I was at any cases of theft from Red Cross parcels were severely punished by the Italian camp authorities.

7. The sanitation at Capua was by no means bad, consisting of holes in the concrete with a fast river or tributary flowing underneath.

8. The prisoners suffered a lot from desert sores and dysentery and I suffered from both. The Italian medical officer was quite kindly but had not sufficient medical supplies or apparatus.

9. The Italian guards were of a very low type and extremely anti-British. They were very rough. I remember one case when an English sergeant who was taking his time in getting back to his tent when there was an air raid was struck by an Italian soldier with his rifle. I saw this incident but I do not know the Sergeant's name or unit. The sergeant seized the guard's rifle, knocked the guard down and threw him over the wire.

The sergeant was put in the detention cell by the carabinieri but in a few days he left for Caserta Hospital with appendicitis.

10. The carabinieri were the scum of the earth. They were very rough and brutal, knocking the prisoners about, and they were decidedly anti-British. They seemed to have jurisdiction over the Italian Army.

11. I was told by a Leading Stoker from H.M.S. Hereward, whose name I do not remember, that another rating from Hereward named Downey, an A.B. or Stoker, was put in the detention tent at Capua for writing rudely about Mussolini. Later, when I was at Chiavari, Downey was there still in detention and spent a long time so detained.

12. In general, we were treated as criminal prisoners rather than war prisoners.

13. The Commandant of the camp was quite good. He used to let us out of camp on organised walks.

14. The crew of the Cachalot, apart from the officers, who left us on arrival in Italy, were together at Capua and at the next camp, Chiavari. I remember Bagnall, who was my own friend and was exchanged with me, Stoker Sells, now in H.M.S. Dolphin, Leading Steward Jasper Godbeer, now, I think, in H.M.S. Forth, Chief Petty Officer George Lanham, Chief Stoker Sandacock, Coxswain Hooton and Leading Stoker Faulkes or Foulkes. Hooton, I believe, escaped from Italy. There were also other ratings whose names, I believe, were A.B. Campbell, captured from a landing craft at Tobruk, A.B. Hodge, I think from the destroyer Hereward, William Hooper N.A.A.F.I. from Hereward, Gunner King, Royal Artillery, A.B. Chadwick who was left in Libya from the submarine Tuna, but whom I later met at Camp 75 and Slattery, from the submarine Tuna, both were previously on Cachalot. Our Commanding Officer on the Cachalot was Lieutenant Newton, who I believe to be in the Far East, and our First Lieutenant Dixon or Dickson, who I believe to be on H.M.S. Amphion. The crew of the submarine Tempest were not with us until we reached Gravina.

SWORN at Baldwin Street)
in the City and County of) W.H. BINDON.
Bristol this 23rd day of)
April 1945)

Before me,
R.W. WANSBROUGH
A Commissioner for Oaths.

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.66 at Capua during the period from about the 28th February 1942 to the 14th August 1943.

A F F I D A V I T.

I, No. 4122314, CHARLES HENRY BURGESS, Regimental Sergeant Major, Cheshire Regiment, attached 11 South Staffs Ashridge Park Camp, Berkhampstead Herts; and with a permanent address at 5 Park Road, Thurnscoe near Rotherham, Yorkshire, make oath and say as follows :-

1. I was taken prisoner of war on the 29th January 1942 at Ghemmines near Benghazi, North Africa: then went to Tarhuna where I stayed about one month: then from Tripoli to Naples: then to Camp No.66 at Capua where I stayed from the 28th February 1942 until the 14th August 1942: then to Camp No.53 at Macerata where I stayed from the 14th August 1942 to the 15th September 1943: I then escaped to the Mountains was retaken prisoner on the 14th October 1943 and taken to camp at Aquila. Later I left Aquila by train for Camp VII.A at Moosburg arriving there on the 11th November 1943. I was released on the 29th April 1945.

2. During the period that I was at the said camp No.66 at Capua, namely from the 28th February 1942 to the 14th August 1943 the conditions were as follows :-

When we arrived we were housed in small tents made from Italian ground sheets buttoned together. They were quite useless in bad weather. In a storm they went absolutely flat. In April 1942 we were moved from such tents to a hut compound. This was better. In June 1942 we began to get prisoners sent through from the captures at Tobruk and we had to open three new compounds. These were only provided with similar tents. During that summer all the huts became frightfully verminous and the Italians did little to attempt to clean them.

As regards sanitation, we had holes on the top of a concrete tank which was supposed to be flushed but quite insufficiently, due to lack of water.

As regards food, in March 1942 they were reduced to the basic ration, namely, per day one small roll of about 200 grammes, about a pint of thin vegetable skilly with a little rice or macaroni and occasionally a small piece of meat or cheese. This ration was steady starvation, and resulted in universal malnutrition, and consequent diseases, mostly dysentery and desert sores.

From February to April 1942 we had no Red Cross parcels. There were as many as 400 men going for glucose injections on the ground of malnutrition. In May 1942 I became a Camp Leader. We had Red Cross parcels since April 1942 (with a gap in September to October 1942 when I could only issue a portion from some I had saved up) but such parcels as we got saved the situation. It would have been starvation otherwise.

As regards clothing, the Italians issued some clothes during the winter but not enough. If I put in an indent for 1,000 I would only get 300; and no excuse or explanation was given. We got Red Cross parcels which saved us. If it had not been for these parcels, a great number of the prisoners of war would have had to go insufficiently clad during the winter, and would no doubt have suffered serious consequences through exposure.

As regards diseases, the camp was very overcrowded: we had some 10,500 at one time in a camp capable normally of holding some 5,000 to 6,000, and there was a considerable amount of malnutrition, dysentery desert sores, and malaria. Many of these cases had already developed in the camps in North Africa from which the prisoners had been drafted. Undoubtedly the worst were from Suani Ben Adem.

SWORN at Berkhamsted in the County of Hertford this 7th day of August 1945.) R.H. BURGESS, R.S.M.

Before me, EDGAR W. HUNT,
A Commissioner for Oaths.

IN THE MATTER OF :-

The ill-treatment of British Prisoners of War and breaches of the Geneva Conventions 1929 at Camp No.66 at Capua during the period from about the end of February to about the end of May 1942.

A F F I D A V I T.

I, ARTHUR WALTER EVANS Number 1074916, a Second Lieutenant in the Pioneer Corps stationed at Lancaster and with permanent address at 8, Montcalm Close, Hayes, Kent, make oath and say as follows :-

1. In January 1942 I was taken prisoner at Barci, Libya, and was taken to a Prisoner of War Camp at Benghazi; was kept there five days and then transferred to Tarhuna, approximately sixty miles from Tripoli, where I stayed about fourteen days. Thence I was shipped to Camp No.66 at Capua, Italy, arriving there about the end of February 1942.

2. I was at Camp No.66 at Capua about three months from the end of February to the end of May 1942. During that period the Prisoners of War were kept in tents, most of which leaked, and for a month out of the said period there were foul weather conditions.

As to food, the ration was cut to 200 grammes of bread per day with about a pint of macaroni skilly. Gradually the Prisoners of War suffered from malnutrition.

As to medical arrangements, there was one medical inspection a month with hardly any medical equipment or supplies, and only very serious stretcher cases were allowed to go to the Hospital at Caserta.

There were many cases of Prisoners of War both black and white who were punished for offences by being chained to wire outside in all weathers. I cannot now give the names, ranks or units of Prisoners of War or of the Italian personnel who were responsible.

SWORN at Lancaster in the County)
of Lancaster the 14th day of)
June 1945)

A.W. EVANS
2/Lieut 346629
Pioneer Corps.

Before me,

R.T. SANDERSON,

A Commissioner for Oaths.

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and Breaches of the Geneva Conventions 1929 at Camp No.66 at Capua during the period from about the end of February to about the end of May 1942.

Copy

A F F I D A V I T

- of -

2/Lieut. A.W. EVANS

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.66 at Capua during the period about 4th March 1942 until about the end of June 1942

A F F I D A V I T

I, DAVID JOHN CORCORAN, Private No. 3970626 of the Welch Regiment attached to the First South Wales Borderers now at Attached "D" Company, 1st South Wales Borderers C/o G.P.O. Maidstone, Kent, and with a permanent address at 5 Williams Street Twymrodyn, Merthyr Tydfil, South Wales, make Oath and say as follows :-

1. I was taken prisoner of war at Benghazi, North Africa on the 29th January 1942, and was from there transferred to Camps at Elaghila, where I stayed one week and to Tarhuna where I stayed three weeks and eventually was sent to Camp No.66 at Capua.

2. I was prisoner of war at Camp No.66 at Capua from about the 4th March 1942 until about the end of June 1942.

I cannot give the names of any Italian Officers in command of the said Camp during that period.

The conditions of the said Camp during the said period were as follows :-

A few days after my arrival, namely on or about the 10th March 1942, rations were cut to half and then became :-

200/250 grammes of bread per day;
40 grammes of cheese per day on 5 days of the week, and a very small portion of meat on the other two days in the week.
3 spoonsfuls of rice or macaroni in a vegetable skilly per day;
Coffee once a day.
No Red Cross parcels were issued.

The above diet was slow starvation. Many men collapsed from exhaustion. Dysentery and malaria were rife and the medical arrangements were utterly inadequate. There was no medical inspection. Men lay ill in their huts from malaria or dysentery or other diseases, and no-one with medical training was there to look after them. I had to attend to a friend of mine who had malaria. There was a medical tent some 200/300 yards outside the Camp and a small infirmary in the Camp, but there were only two medical Orderlies; there were about 1200 to 1500 men in the Camp. I was never in the so-called infirmary myself, but I was told by men who had been there (I cannot now give their names; ranks or units) that there were little or no medical supplies or equipment there. Desperate cases only were sent to Gazerta Hospital.

Lance Corporal Truesdale of the 1st Battalion Welch Regiment acted as a Medical Orderly and a Lay Camp Padre during the said period; he would be fully familiar with the conditions in the Camp as regards food, diseases and the lack of medical attention.

SWORN at Maidstone in the County of Kent this 25th day of June 1945)

JACK CORCORAN
DAVID JOHN CORCORAN.

Before me,
W.H. WHITEHEAD.
A Commissioner for Oaths.

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.66 at Capua during the period about 4th March 1942 until about the end of June 1942

A F F I D A V I T

- of -

Pte. D.J. CORCORAN

THE TREASURY SOLICITOR.

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.66 at Capua between June and November 1942

A F F I D A V I T

I, No. 37385 Captain CHARLES THOMAS OCKLESTON, R.A. of 123 O.C.T.U. Bourlon Lines, Catterick Camp, Yorkshire, with a private address at New House, Saighton, near Chester, make Oath and say as follows :-

1. I was captured near Knightsbridge on 6th June 1942. After passing through certain camps in North Africa, I was taken to Italy by air, arriving at Lecci on or about 20th June 1942.

2. I arrived at Camp No. 66 on or about the 23rd June 1942. For about six weeks at this camp I was Senior British Officer, leaving at the end of November 1942, and as such I was concerned with the various batches of prisoners who arrived at the camp. Those coming from North Africa were in a terrible condition, particularly towards the end of my time at Capua. I was on several occasions taken by British Medical Officers to inspect the camp hospital and was shocked by the emaciated condition and disease of the prisoners. Matters were not improved by the Italian Medical Officer trying to interfere with the issue of Invalid Parcels by our Medical Officers. As these parcels were addressed to the Senior Medical Officer we maintained that the Italians had no control over their use. The Italian Medical Officer also had the last word in the men to be admitted to hospital. We felt that many would have had a better chance of survival if they had been admitted before they were too ill to make recovery unlikely. Captain Webster, R.A.M.C., and Lieutenant Colonel Sinclair, R.A.M.C. were both medical officers at this camp.

3. The strain put on the camp organisation by the huge numbers of prisoners coming in and the terrible state of their health when coming direct from North Africa made conditions extremely difficult, but on the whole, allowing for the general shortage of accommodation and supplies, they did what they could. The Italian Commandant, whose name I do not remember, was not unduly hostile, but the Adjutant, Count Gettzi, was more hostile.

SWORN at Richmond in the county of York this 25th day of June 1945) C.T. OCKLESTON.

Before me,
R. BORROWS.
A Commissioner for Oaths.

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.66 at Capua between June and November 1942

A F F I D A V I T

- of -

Capt. C.T. OCKLESTON

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The ill-treatment of prisoners of war and breaches of the Geneva Conventions 1929, at Camp No. 66 at Capua during the period from 19th June to 29th or 30th November 1942

AFFIDAVIT

I, No. 198407 Captain JOHN LINDSAY ALEXANDER of L.A.W., A.T. and D.C., Sudbourne Hall, Orford, Near Woodbridge, Suffolk with a permanent address C/o E.D. Alexander Esq., 103 Alleyn Park, London, S.E.21. make Oath and say as follows :-

1. I was captured and taken prisoner of war at Bir Tamar on 6th June 1942. With others, I was removed to Benghazi (via Tmimi, Derna and Barce) and was thence flown to Lecce. On the day following our arrival at Lecce (I think the date was 19th June, 1942) we were taken by train to Camp No.66 at Capua.

2. I was placed in the Officers' Compound at Camp No.66. This compound was perhaps 75 yards long and 40 yards wide. It contained four huts, each some 60 feet long and 20 feet wide. Three of the huts comprised sleeping-quarters and the fourth was a mess-room. The remaining buildings in the compound were the cook-house and the wash-house. From perhaps the middle of August to the end of September, 1942 there was also a marquee in the compound. This was somewhat larger than any one of the huts and held about 50 Viceroy-commissioned Indian Officers.

3. Each of the sleeping-huts housed about 48 to 60 prisoners of war. The beds were not unduly dense. They were single-tier beds of two types: one type (and that most generally in issue) consisted of three wooden planks between two iron trestles; the other type was a folding bed consisting of canvas slung between iron poles. Mattresses, sheets and blankets were supplied.

4. The huts were by no means weather-proof; and, as the locality is subject to violent storms, this was a source of considerable discomfort.

5. I believe that this locality is now scheduled as a malarial area. We were certainly pestered with mosquitoes while we were there; but I cannot recall that anyone contracted malaria, though, so far as I know, the Italian Authorities took no anti-malarial measures. Our sleeping-quarters were infested with bugs.

6. The food was much the same as at most Italian prisoner of war camps. We got, I think, 200 grammes of bread each a day, ersatz coffee (for "breakfast"), soup and occasionally, meat. On Sundays, we had macaroni treated with tomato sauce and grated cheese: I found this by no means unpalatable.

7. Red Cross parcels were distributed weekly. Sometimes we had a parcel each and at other times two parcels would perhaps be shared between 5 men.

8. The wash-house contained about 12 wash-bowls and six water-flushed latrines (one or two of which were reserved for the use of the Indians whilst they were at the Camp). There were also

showers outside the compound. The water supply was irregular and was sometimes cut off for as long as 36 hours at a stretch.

9. The general health in my compound was on the whole fairly good, though jaundice and other digestive ailments were not uncommon. There was an M.I. room in the general camp outside the compound. This was staffed by our own medical officers who were under the direction of an Italian M.O.

10. There was very little space in the compound for exercise, but we were occasionally taken out for a walk. I cannot say how often this happened; but, looking back, it seems to me to have been a very rare occurrence. We had a small library: the books (which were of a poor type) were roughly enough to give reading-matter to about one-third of us. We spent most of our time sitting about and playing bridge.

11. Most of us were dressed in khaki drill. Clothing from Red Cross supplies were distributed only to the necessitous. The Italians themselves issued no clothing: though, latterly, we were given an opportunity to buy clothes from Italian military tailors at prohibitive prices.

12. Our compound bordered a road which served the main camp for other ranks. We sometimes saw them march past and the condition of some of them defies all description; they were pitiably emaciated, lousy, patched, barefoot, unwashed and unshaved: some were altered almost beyond recognition and looked more like wild beats than men; others were wheeled because they could not walk. It may be that the men I saw were new arrivals and that their condition accordingly reflected ill-treatment elsewhere. We were not allowed to visit the other compounds and I cannot, therefore, speak as to general conditions outside my own compound; but I am under the impression that other ranks at Capua fared much worse than we.

13. Apart from the shooting of Captain Mitchell (R.A.) and Lieutenant Reeves (R.T.R.) whilst trying to escape on the night of the 18th or 19th August 1942 (of which shooting I learnt only by hearsay although I heard shots fired), I know of no acts of violence of note, committed against prisoners of war at Camp No.66 whilst I was there. I believe the sentries were issued with dum-dum and explosive bullets as well as with buckshot, but I cannot speak as to this as of my own knowledge.

14. I was transferred from this Camp to Camp No.17 at Rizzanello on 29th or 30th November 1942.

SWORN by the said Captain John)
Lindsay Alexander at Ipswich)
in the County of Suffolk this)
9th day of June 1945)

J.L. ALEXANDER.

Before me,
F.A.W. COBBOLD.
A Commissioner for Oaths.

IN THE MATTER OF :-

The ill-treatment of prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.66 at Capua during the period from 19th or 20th June 1942 to 30th November 1942

A F F I D A V I T

I, No.88762, Captain THOMAS PREACHER, Adjutant, Garrison H.Q., Catterick, Yorks, with a home address at "Springbank" Alverstone Avenue, Low Fell, County Durham, make Oath and say as follows :-

1. I was captured and taken prisoner of war on 9th April 1942 near Mechili, whence I was removed to Derna, where I was handed over to the Italians. From Derna, I went via Benghazi and Sirte to Miserata where I remained about a week. I was then taken to Tarhuna (where I remained nearly seven weeks) and, after one night at Trig Tarhuna, I was taken to Tripoli Docks, whence on June 12th 1942, I was shipped to Naples, arriving there on or about 19th June 1942. On arrival, I was sent to Camp No.66 at Capua.

2. I have perused the Affidavit sworn by Captain John Lindsay Alexander on ninth day of June 1945 and I agree with all he says, subject to the following comments.

3. With regard to paragraph 2 of the said Affidavit, each sleeping hut contained a separate compartment which had presumably been intended originally for the use of the Senior N.C.O. when the huts were barracks. So far as hut No.3 was concerned the compartment was converted into a canteen and was therefore not available for sleeping accommodation. The canteen was run by the Italians and was closed on Sundays and Feast Days.

4. With regard to paragraph 6 of the said Affidavit, we had only ersatz coffee for breakfast (0800 to 0830 hours). Our daily bread ration was 120 (not 200) grammes each. We received this at midday, with perhaps a little macaroni and pumpkin soup (very watery). We had much the same fare in the evening, except bread. We also had a little fruit, and, on Sundays, the fare which Captain Alexander described. This was called "pasta asciutta". We had to pay 13 lire a day for messing dues.

5. With regard to paragraph 8 of the said affidavit, the wash-house contained six wash-basins only, and two troughs. I agree that there were showers outside the compound: but we could use them only while they were not in use by other ranks, and, in any event, not more than once a week. The water supply was often cut off for 24 hours at a stretch and once for as long as 72 hours. The shortage of water resulted in the latrines (there were only five of them; three of them being assigned to the Indians) remaining unflushed for far too long and the stench was appalling. The unsanitary conditions bred flies which plagued us in the daytime, whilst bugs and fleas plagued us at night. As the hut in which I was quartered was the one nearest the wash house and latrines (i.e. within a few feet) we probably suffered more discomfort on their account than did the occupants of the other huts.

6. With regard to paragraph 9 of the said affidavit, the M.I. room was run for the first few weeks by Italian doctors.

7. With regard to paragraph 10 of the said Affidavit, the walks did not begin until September, 1942. I went on the walks whenever they were arranged, but I cannot recall having gone on more than four occasions. There were only about 40 books in the library.

8. I corroborate all that Captain Alexander says in paragraph 12 of his Affidavit with reference to the other ranks who marched past our compound; but they were cases newly evacuated from North Africa, and their condition was no doubt attributable to the treatment they had received there and in transit to Capua.

9. I was transferred to Camp No. 17 Rezzanello on or about 30th November 1942.

SWORN by the said Captain Thomas)
Preacher at Richmond in the)
County of York this 21st day of)
June 1945)

T. PREACHER.
Capt.

Before me,
R. BORROWS.
A Commissioner for Oaths.

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.66 at Capua during the period June to November 1942

A F F I D A V I T

I, GEORGE BURNABY DRAYSON, Captain R.A., No.50201, now at 123 O.C.T.U., R.A. Catterick, Yorkshire and with a permanent address at 30 Cornwall Road, Harrogate, Yorkshire, make Oath and say as follows :-

1. On the 6th June 1942 I was taken prisoner of war at Bir Harmet, North Africa by the Afrika Korps. I escaped shortly afterwards but was recaptured on the 13th June 1942 and flown to Italy arriving at Camp No.66 at Capua on the 19th June 1942.

2. I was at Camp No.66 at Capua from the 19th June 1942 until the end of November 1942 and for the period from the 10th July onwards I was senior British Officer at the said Camp.

The conditions in the said Camp during that period were as follows :-

(A) Officers had huts separate from the other ranks but at a distance only some five yards away. The accommodation for Officers was reasonable; but not so for the other ranks. They were accommodated some under huts but the majority under canvas. The Officers were allowed to walk past the other rank compounds whilst taking exercise in Camp and therefore could see the conditions. My knowledge of the conditions in the other ranks' compound is derived from what I saw myself and from information from our Batmen who came from the other ranks' quarters and told us of the conditions there. The Officers in the said Camp had some 25 Batmen to 150 Officers. I cannot now give the names, ranks or units of any of the said Batmen.

As regards the huts occupied by the other ranks at the said Camp: they slept in tier bunks and were very overcrowded: in hot weather it was unbearable: and their quarters were very verminous.

As regards those who had tents, few if any had floor boards. Requests to the Italian Command for straw were unsatisfied. The said tents were very old and defective and most ineffective in bad weather.

(B) As regards sanitation our Batmen said that they only had open trenches and no fly proofing. I myself made complaints to the Italian Commandant asking that Captain H.J.H. Gatford No. 95073, 21 Field Troop R.E., and other Engineers should be permitted to go into the other ranks' quarters under escort so that they could instruct the other ranks to make proper latrines out of Red Cross packing cases. This request was refused.

(C) As a consequence of the above conditions the following diseases broke out :-

1. A severe outbreak of diptheria from which deaths occurred daily.

2. Dysentery (some of which had started while the victims were prisoners of war in North Africa).

3. Desert sores.

4. Malaria.

The whole place was infested with mosquitoes which gave a bite which immediately became septic.

(D) As regards medical arrangements: I was told by Regimental Sergeant Major Burgess that he came to the said Camp about February 1942 and was made a Camp Leader and owing to his energies improvements in the medical arrangements and generally had been obtained but that prior to his arrival conditions had been very bad indeed.

During the period when I was at the said Camp there was in use at the said Camp a permanent single storey brick Infirmary with some 30 beds and two permanent Italian Medical Officers and a Sick Parade each day. Very bad cases were sent to Caserta Hospital and British Medical Officers were allowed to assist, amongst them Colonel Sinclair R.A.M.C. and Captain S.P. Dutt I.M.S.

Although attention had been paid by the Italian Authorities to medical conditions by June/July 1942, they still would not let us deal with the appalling sanitary conditions which were an undoubted cause of the diseases which were rife.

(E) As regards food: that supplied by the Italian Authorities to the other ranks was slow starvation but during the period when I was in the said Camp Red Cross parcels were arriving in sufficient quantity to permit of regular circulation and so the other ranks were able to subsist.

(F) As to clothing: by this time clothing was issued by the Italian Authorities in Red Cross parcels and in the shape of captured uniforms from Greeks and Yugoslavs.

The above information is a correct description of the state of affairs in the Camp during the period when I was there but, as aforesaid, I understood from the said R.S.M. Burgess that prior to February 1942 conditions were infinitely worse.

SWORN at Skipton in the County of York this 30th day of July 1945)

G. BURNABY GRAYSON

Before me,
STEPHEN E. BROWN.
A Commissioner for Oaths.

IN THE MATTER OF:

2471

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions, 1929, at Camp No.66 at Capua, between August and November 1942

AFFIDAVIT

I, No.7882639 Lance Corporal DANIEL BERTIE SPANSWICK 52nd Training Regiment R.A.C. at Bovington Camp, Dorset and with a private address at 36 Graig Park Road, Malpas, Newport, Monmouthshire, make Oath and say as follows :-

1. I was captured south of Tobruk on the 27th May 1942 by Germans. After being at camps at Tarhuna, Suane ben Adem and another camp about 17 kilos from Tripoli, I was marched with other prisoners to Tripoli Docks and put on board ship to Italy.

2. The said ship sailed on some date in August 1942, which I cannot give more definitely. It was an old cargo ship and the prisoners were kept below the hatches, only being allowed out a few at a time to use the latrines. This was inadequate and as there was a great deal of dysentery, the conditions in the hold, which was terribly overcrowded, were frightful. We had only non-workers' rations.

3. We reached Naples after four or five days' sailing and then went to Camp No.66 at Capua, arriving towards the end of August 1942.

4. The food was very poor. We had the usual skilly or soup with macaroni and rice in it, 100 grammes of bread and twice a week a small amount of meat in the soup. We had no cheese on meat days.

5. No clothing was issued at this camp, except that about a week before I left in November 1942 I got a pair of boots. I had had no boots for some time. All I had to wear was my shorts and a cardigan of mine. When I got the boots, I cut off the sleeves of my cardigan to make socks. My desert boots had long since disintegrated. Towards November we suffered terribly from the cold. Just before I left, some Red Cross clothing arrived, consisting of overcoats and battle-dress, but I did not get any.

6. We were accommodated in tents and huts. The tents were made of groundsheets and leaked terribly. When it rained we were pretty well washed out of the tents and had to sit up all night, covering up our possessions as well as possible. We were not unduly overcrowded, having about a dozen in the tent. The Italians were, at that time, building another compound. We had two blankets each and these and the clothing were infested with lice and fleas. There was no de-lousing at Capua. There were also bugs. There was no heating at all and with the shortage of clothing the cold was very severe.

7. The sanitation, apart from being of the continental or Italian type, was no bad, as there was water underneath coming from the wash places. I only had two baths while at this camp. The water for washing came in a long pipe with small holes out of which the water sprayed. There were far too many men for the amount of water provided

8. With the shortage of food, there was a lot of disease and particularly dysentery and skin diseases.

9. The Italian guards were anti-British, but did not treat us particularly badly.

10. I remember hearing shots at night on a date which I am not able to give and from talk in the camp, I heard that an officer or officers had been shot while escaping, but I was not a witness and do not know anything more about the incident.

11. In November 1942 I was moved to Camp No.53 at Macerata (Sforza Costa).

SWORN at Dorchester in the county of)
Dorset this 13th day of June 1945) L/Cpl. SPANSWICK. D.B.

Before me, R.E. Andrews
A Commissioner for Oaths.

2472

IN THE MATTER OF :

The ill-treatment of British prisoners of wat and breaches of the Geneva Conventions 1929 at Camp No.66 at Capua, between August and November 1942

A F F I D A V I T

- of -

L/Cpl. D.B. SPANSWICK

THE TREASURY SOLICITOR.

IN THE MATTER OF :

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929, at Camp No.66 at Capua during the period from June to September, 1942.

A F F I D A V I T

I, No.3285826, Private JAMES LANAGAN, Green Howards, Richmond, Yorks, on indefinite leave pending discharge, with a permanent address at 3 John Street, Miles Platting, Yorks, make Oath and say as follows :-

1. I was captured at Gazala, North Africa, on the 1st June 1942 and (after some eight days at Suani Ben Adem), I was transported to Brindisi via Tripoli. I arrived at Brindisi on or about 18th June 1942. On arrival, I was sent to Camp No.66 at Capua. I left the latter camp on 27th September 1942 for Camp No. 54, Fara Sabina.

2. I have perused the Affidavit sworn by Lance Corporal Spanswick on 13th June 1945. I confirm all he says regarding Camp.No. 66 in paragraphs 4 and 6 to 10 (inclusive) of his said Affidavit, subject to the following comments.

3. I was in khaki drill on my arrival at Capua and I was issued with no clothing whilst I remained at this Camp.

4. As regards paragraph 7 of the said affidavit, my recollection is that one could have as many cold baths as one liked at this Camp. I can also recall having had two hot showers during the period I was there. Judged by parallel standards, the sanitary arrangements at this Camp were very good.

SWORN by the said JAMES LANAGAN)
at Manchester in the County of)
Lancashire this 13th day of)
June 1945)

Before me,
E.J. HOWARTH J.L.
City of Manchester.
A Commissioner for Oath .

IN THE MATTER OF :

The ill-treatment of prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.66 at Capua during the period from June to September 1942

A F F I D A V I T

- of -

Pte. JAMES LANAGAN

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.66 at Capua, Italy, during the period 6 weeks from the 8th or 9th July 1942.

A F F I D A V I T.

I, WILLIAM HUNTER STRACHAN, No.2656614, Sergeant, Coldstream Guards, with a present address of Milton House, Peterborough and a permanent address of 129, Waterville Road, North Shields, Northumberland, make oath and say as follows:-

1. On the 21st June 1942, I was taken prisoner at Tobruk, Libya and was from there sent to Benghazi, where I stayed 4 days in an Officers Camp and 11 days in an O.R. Camp and was then sent via Brindisi to Camp No.66 at Capua, Italy.

2. I was prisoner of war for 6 weeks at Camp No.66 at Capua from about the 8th or 9th July 1942 until about the 20th August 1942. I do not now remember the names of any of the Italian officers in command of that Camp during that time. The conditions at the said Camp were then as follows :-

As regards accommodation, we were housed in huts which were very verminous and no attempt was made by the Italian authorities to cleanse them while I was there.

As regards food, the basic ration had been cut too.

Per day - 1 small roll of bread, a small ladle of vegetable and macaroni skilly; one small piece of cheese or polony sausage twice a week. This was a starvation diet, but Red Cross parcels just saved us.

As regards clothing, there was no issue of any clothing during the period while I was at the said Camp. We only had our desert kit.

In consequence of the above conditions, there was a lot of disease in the Camp; a good deal of dysentery and almost universal deterioration and malnutrition and many had desert sores contracted in some cases in the desert, but from which it was impossible to recover on the starvation ration.

As regards medical arrangements, there were over two thousand other ranks and about 200 officers in the said Camp at this time. There was only one Italian medical officer and two or three orderlies. There was no medical inspection or parade during my time.

3. On leaving the said Camp No.66 at Capua, I went to a Camp at Benevento where I stayed some 6 weeks and from there I was sent to Camp No.52 at Chiavari where I stayed until the Armistice in September 1943. On removing from there I wandered in Italy for some 15 months before I eventually joined the Allies on 23rd November 1944.

SWORN at 45 Priestgate Peterborough)
in the County of Northampton this)
22nd day of June 1945)

W.H. STRACHAN, Sgt.

Before me,
A.H. MELLOWS
A Commissioner for Oaths.

2476

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions, 1929, at Camp No.66 at Capua, Italy, during the period 6 weeks from the 8th or 9th July 1942.

Copy

A F F I D A V I T

- of -

SGT. W.H. STRACHAN

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at the Prisoner of War Camp No.66 at Capua during the period July to September inclusive in 1942.

A F F I D A V I T.

I, ROBERT NIGEL CLEAVE KNIGHT-BRUCE No.198592, Lieutenant Royal Gloucestershire Hussars, at present at Crowborough, Sussex and with a permanent address at The Sanctuary, Crediton, Devon make oath and say as follows :-

1. I was taken prisoner of war near Gazala, North Africa in June 1942 and was thence taken to the prisoner of war camp at Derna, North Africa, where I stayed two days. I was thence sent to Barce where I stayed 14 days, thence to Benghazi where I stayed three days and was then flown to Camp 66 at Capua, Italy, reaching there in July, 1942.

2. I was at Camp No.66 at Capua from a date which I cannot give more precisely in July to the end of September 1942.

The conditions in the said Camp during that period were as follows :-

The compounds for the officers and other ranks were only about five yards apart.

As regards the Officers, the compound contained four huts and very little room round them; no place was provided for exercise and we were not allowed out for walks. In the same pound there were about eighty Indian Viceroy Command Officers in one tent.

The sanitary arrangements were very inadequate; eight washbasins and four lavatories for about 200 officers.

As to the food ration, this was passable.

As to clothing, nothing was provided by the Italians; Red Cross parcels helped; but several Officers were walking about without shoes.

As to diseases, there were many cases of dysentry and a lot of jaundice.

As to medical arrangements, by this date an Inspection Hut had been provided and there was a small hospital, say thirty beds.

3. So far as the other ranks at this said camp at the said time were concerned, my information is from personal observation from only some five yards away and from the many batmen coming to us officers from the other rank compound. The serious complaint was the diseases which were rife - diphtheria, a bad outbreak; dysentery; desert sores and jaundice. One cause, probably the main one, was the lack of sanitation, the other ranks only had slit trenches and no fly-proofing, consequently the whole camp was infected.

SWORN by the said Robert Nigel Cleave Knight-Bruce at Tunbridge Wells in the County of Kent on)
Before me,
W. TRISTAN TEMPLER
A Commissioner for Oaths.

R.N.C. KNIGHT-BRUCE,
Lt.

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions, 1929 at the Prisoner of War Camp No.66 at Capua during the period July to September inclusive in 1942.

Copy

A F F I D A V I T

- of -

LIEUT. R.N.C. KNIGHT-BRUCE.

THE TREASURY SOLICITOR.

IN THE MATTERS OF :-

(a) Ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.66 at Capua during the period July to about the 11th September 1942 inclusive

(b) The murder of Lieut. Reeves and Captain Spragg-Mitchell at Camp No.66 at Capua in September 1942

A F F I D A V I T.

I, FREDERICK LLOYD, Guardsman No.2657566 of the Coldstream Guards 3rd Battalion at present at Wellington Barracks, Westminster Garrison, S.W.1. and with a permanent address at 1, Brick Kiln Cottages, Adeney, near Wellington, Salop, make oath and say as follows :-

1. I was taken prisoner of war at Tobruk in June 1942. I was then taken to a camp at Derna in North Africa where I stayed 12 hours; then to camp at Tinimi where I stayed 12 hours and thence to Benghazi where I stayed ten days. From there I was sent to Camp No.85 at Tuturano near Brindisi where I stayed three days at the end of June 1942.

2. I left Camp No.85 at Tuturano and reached Camp No.66 at Capua during the first week in July 1942 and stayed at the latter camp until about 11th September 1942.

The conditions of the said camp at Capua were as follows:-

As to accommodation, we only had ground-sheets fastened together for tents. They were very old, and if it rained quite inadequate, one might as well have stood in the open. This applies to my compound only of about 2,000 men. In a neighbouring compound some had huts.

As regards sanitary conditions, they consisted merely of holes in the ground with concrete foundations, the contents used to gradually drain away somewhere, but all were open to flies and mosquitoes and all kinds of insects.

Various diseases resulted from the above conditions, in particular there was a bad outbreak of diphtheria and dysentery was rife.

As for medical arrangements, there was installed by this date a small infirmary where serious cases could be attended to, and very desperate cases were sent to Cazerta Hospital.

3. In September 1942 - I cannot say the exact date - I heard, but cannot now say from whom, it being common talk in the camp, of a case of two British officers attempting to escape and being shot by the wire enclosing the camp and that both eventually died. I do not know the names, ranks or units of the said British officers; I did not see the incident. It was not in my compound, but I heard the firing the night before the day on which I was told about the incident. This firing was intermittent lasting over several minutes altogether.

SWORN at 18 Dartmouth Street)
in the City of Westminster this) F. LLOYD
12th day of June 1945)
Before me,
N.R. EGGAR
A Commissioner for Oaths.

IN THE MATTERS OF :-

(a) Ill-treatment of British Prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.66 at Capua during the period July to about the 11th September 1942 inclusive

(b) The murder of Lieut. Reeves and Captain Spragg-Mitchell at Camp No.66 at Capua in September 1942

Copy

A F F I D A V I T

- of -

No.2657566 GUARDSMAN FREDERICK LLOYD.

THE TREASURY SOLICITOR.

IN THE MATTER OF :

THE ILL-TREATMENT OF PRISONERS OF WAR AND BREACHES OF THE GENEVA CONVENTIONS, 1929, AT CAMP No. 66 AT CAPUA DURING THE PERIOD FROM 11th JULY 1942 TO ABOUT 7th OCTOBER 1942

A F F I D A V I T

I, No. 914573 Lance-Bombadier ALBERT O'MALLEY of 195 Field Regiment, R.A., Rhos-on-Sea, Colwyn Bay, with a home address at 25 Partington Avenue, Bootle, Liverpool, make Oath and say as follows :-

1. I was captured and taken prisoner of war at Tobruk on 21st June 1942. I was taken from Tobruk to Benghazi, where I remained till about the 3rd July 1942. I was then shipped to Brindisi in Italy where I arrived on the 7th July 1942. From Brindisi I was sent to Camp No. 85 at Tuturano where I arrived on the date of my disembarkation, leaving that camp for Camp No.66 at Capua on the 10th idem.

2. At Capua there were two compounds for other ranks and a third compound was opened in or about August 1942 as an isolation compound for cases of diphtheria.

3. I wasplaced in No. 2 compound which was about 200 yards in length and about 30 yards in width and contained about 500 men. The occupants of this compound were housed in tents which were improvised from Italian ground sheets fastened together. Each tent accommodated about 18 men.

4. The sanitary arrangements consisted of holes in the ground which were inadequate in number having regard to the population of the compound. The washing facilities comprised about 10 hand-basins. These basins were served by a pipe with holes punched in it. The water was turned on both for the latrines and the wash-basins for about one and a half hours in the morning and for the same period in the afternoon. We were all infested with vermin and although decontaminating measures were taken by the Italian authorities these were not particularly effective.

5. For breakfast (at 0730 hours) we received the usual ersatz coffee and at 0900 hours we had rather less than 200 grammes of bread each and a little cheese. At 1230 hours we received a poor type of vegetable skilly and a rather better type at 1600 hours. Red Cross parcels arrived more or less once a week and each parcel was shared between two men. I can recall one occasion on which we went for two weeks and a second occasion on which we went for five weeks without parcels. We received no mail. Before we had our mid-day meal there were usually checking parades which varied in duration from half an hour to an hour and a half. It was common for prisoners of war to faint during this parade and I believe that this was due to malnutrition. It was no unusual thing to see prisoners of war going over the refuse in search of food.

6. We received no visits from the Protecting Power while I was at this camp. The Camp Leader often complained to the Commandant about the lack of water and the inadequate supply of food, but nothing was done.

7. Dysentery was rife in this camp and serious cases were sent to Hospital (which was within the Camp but outside my compound.

8. An epidemic of diphtheria started about the end of July 1942 and suspects and those who contracted it were placedin the isolation compound. Many were still in the isolation compound when I left the camp. We were inoculated for diphtheria and I know of no cases which proved fatal.

9. I was transferred from Camp No. 66 Capua to Camp No.65 Gravina on about 7th October 1942.

SWORN by the said Albert O'Mally)
at Colwyn Bay in the County of)
Denbigh this 9th day of June 1945) ALBERT O'MALLEY.

Before me,
AMPHLETT.
A Commissioner for Oaths.

IN THE MATTER OF THE ILL-TREATMENT OF PRISONERS OF WAR AND BREACHES OF THE GENEVA CONVENTIONS 1929 AT CAMP No.66 AT CAPUA FROM AUGUST TO OCTOBER 1942.

AFFIDAVIT.

I, No. 540939 Staff-Sergeant-Fitter CORNELIUS SMITH, 107 R.H.A., attached to the Garrison, Royal Artillery, Corporation Oaks, Nottingham, and now residing at 68 Rossington Road, Nottingham, make oath and say as follows :-

1. I was captured at Gazala in North Africa on the 6th June 1942 and was taken to a camp near Tripoli, leaving for Italy on 1st August and arriving at Naples in the evening of 4th August 1942.

2. At Naples we were de-loused, given a packet of biscuits and a tin of bully beef each and put on the train for Capua Camp No.66.

3. At Capua conditions were an improvement on what we had known in North Africa. The food was about the same but it seemed more filling. The Italians paid us 1 lire a day, which they mostly recovered by selling us rotten apples. We got one Red Cross parcel between five men twice a week. Before we left, they issued us with some clothing of a mixed kind - Greek jackets, Italian pantaloons, white or green shirts and rag socks. Boots were also issued but I did not get a pair.

4. We were in the old camp at Capua before the building of the new one and lived under canvas. Owing to the position of this camp, we were twice flooded out, having over a foot of water in the tents in which we had to stay.

5. The Italians in charge were very unfriendly and were rough and brutal to the prisoners. The Italian officer who was second in command, however, whose name I do not know, was quite decent to us. He once gave me two packets of cigarettes when I had got my men out to roll-call promptly and smartly.

I was in charge of a group of 90 men. I remember being asked by four of the sergeants, who names I do not recall to forward a complaint of the Italians in the cookhouse eating our rations. I put this forward to the camp leader, Sergeant-Major Hallsworth, who, I think, was of the Green Howards, but he could not get anything done.

6. The food was inadequate and, with many others, I suffered from malnutrition. In October 1942 I saw the English medical officer, who told me I was ill and to report two days later. On that day, however, we were moved to Camp No.53 at Macerata and I did not see him again.

SWORN at 14, Fletcher Gate in the City of Nottingham this 28th day of May 1945) C. SMITH

Before me,
C. CROCKFORD
A Commissioner for Oaths.

IN THE MATTER OF THE ILL-TREATMENT OF PRISONERS OF WAR AND BREACHES OF THE GENEVA CONVENTIONS 1929 AT CAMP No.66 AT CAPUA from AUGUST TO OCTOBER 1942.

Copy

A F F I D A V I T

- of -

Staff-Sergeant-Fitter CORNELIUS SMITH

THE TREASURY SOLICITOR.

IN THE MATTER OF :

The ill-treatment of British Prisoners of War and breaches of the Geneva Conventions 1929 at Camp No.66 at Capua between August and October 1942

2485

A F F I D A V I T

I, No. 1893388 Driver HAROLD JAMES HOUSE, R.E. of 121 Oakfield Road, Stapleford, Nottinghamshire, make Oath and say as follows:

1. I was captured at Tobruk on the 22nd June 1942 and was taken to Italy, arriving at Brindisi in August 1942. After two days at Brindisi I was taken to Camp No.66 at Capua where I remained until the end of September or beginning of October, when I went to Camp No.87 at Benevento.

2. The conditions in Camp No.66 were bad. The prisoners were terribly overcrowded and were accommodated in so-called tents made of Italian ground-sheets which leaked in wet weather. We were issued each with one massive blanket which I think came through the British Red Cross.

3. On my arrival at the camp all my English money was taken from me on the official search. I was given a receipt for it, but never saw it again.

4. For food we had the usual skilly, 100 grammes only of bread, a small piece of cheese (or once a week a small piece of meat) and perhaps once a week a piece of fruit. We suffered badly from malnutrition and I lost weight.

5. The water supply was very poor, being turned on only for short times and at particularly awkward times, e.g. in the middle of the night. It was not uncommon to have to stay up at night in order to get a wash. The sanitation was of continental or Italian type and flushed with the water that had been used for washing.

6. The Italian personnel were not unduly hostile, apart from one officer whose name I do not know, but who had a carbuncle on the back of his neck, who was rough and kicked the prisoners. I was myself kicked by him on one occasion.

7. No clothing was issued at this camp and we had only our desert kit. We got Red Cross parcels as a rule three times a week, one parcel to five men.

8. On one occasion, I do not remember the date, a number of us were inoculated in the buttock with what appeared to be an agricultural pump of a type that would be used to inject large animals. We were all completely knocked out for ten days, but were made to attend roll-call where men frequently fainted. I was so weak and in such pain that at one time I was not able to stand and could only crawl if I had to go to the latrines. We were injected with some brown fluid but we never discovered what it was or what the inoculation was for. Some three weeks later, swabs were taken for diphtheria. There were a number of suspected cases which were isolated. The Italian medical officers took no notice whatever of cases of dysentery.

SWORN at 14 Fletcher Gate in the City of Nottingham this 9th day June 1945) H.J. HOUSE.

Before me,

A Commissioner for Oaths.

IN THE MATTER OF:

The ill-treatment of British Prisoners of War and breaches of the Geneva Conventions 1929 at Camp No. 66 at Capua between August and October 1942

A F F I D A V I T

- of -

Driver H.J. HOUSE

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The ill-treatment of British Prisoners of War and breaches of the Geneva Convention 1929 at Camp No. 66 at Capua during the period August 1942 to September 1943

A F F I D A V I T

I, EDWARD SENIOR, No. 4123942 Royal Army Ordnance Corps, formerly 2nd Battalion Cheshire Regiment, now at 14 A.F.V. Depot, Rainford, near St. Helens, Lancashire, and with a permanent address at 48 Gaerwen Street, Kensington, Liverpool 7, make Oath and say as follows :-

1. I was taken prisoner on 31st May 1942 at Knightsbridge. After passing through transit stations in North Africa I was brought to Naples early in August 1942. From Naples we were sent on the day of arrival to Camp No.66 at Capua, arriving, I think, about the 5th or 6th August 1942.

2. At Capua the conditions were a bit better than in North Africa. We were still very overcrowded. Sanitary conditions were bad to begin with, but improved later. We had two meals of a sort a day, having meat once a week, bread, I think 250 grammes for the main meal, and skilly which was little but water for the second meal.

3. The Italians gave some of us long underpants at this camp, but otherwise we only had our desert kit.

4. There was a great deal of dysentery and skin diseases from the conditions under which we had to live. I was at Capua for about three months.

SWORN at 14 Castle Street, Liverpool this 16th day of April 1945 } EDWARD SENIOR.

Before me,
W.H. PEMBERTON.
A Commissioner for Oaths.

2488

IN THE MATTER OF :

The ill-treatment of British Prisoners of War and breaches of the Geneva Convention 1929 at Camp No. 66 at Capua during the period August 1942 to September 1943

A F F I D A V I T

- of -

Private EDWARD SENIOR

THE TREASURY SOLICITOR.

IN THE MATTER OF :

The ill-health of Prisoners of War and breaches of the Geneva Conventions, 1929, at Camp No. 66 at Capua for the period from 20th October 1942 to 22nd November 1942

AFFIDAVIT

I, No. 913775 Lance-Corporal ROY ALLENBY BARTELL of London District Provost Company (C.M.P.) Chelsea Barracks, London, S.W.1. with a home address at 8 Lambton Terrace, Primrose, Jarrow-on-Tyne, County Durham, make Oath and say as follows:-

1. I was captured at Tobruk on 15th June 1942. I was taken (via Derna) to Tarhuna where I arrived between 21st and 25th June. I remained there about three weeks and I was then transferred to Suani Ben Adem. I left the latter camp early in October 1942, and I was shipped (via Tripoli) to Naples. I arrived at Naples on the 20th October 1942 and was sent to Camp No.66 at Capua the same day. On 22nd November 1942, I was transferred to Camp No.53, Macerata.

2. There were either two or three compounds at Capua. The compound I was in contained about 20 huts, none of which housed more (but each of which perhaps housed less) than 100 men. In my hut there were only about 85 men. In the compound adjoining mine, prisoners of war slept in tents.

3. The Huts in my compound were approximately 75 ft. by 15ft. We slept in two-tier-beds and were each issued with either one very large blanket or two smaller blankets. Lice were not very prevalent in my time and one could get deloused if one so wished. There was no heating supplied whilst I was at this camp.

4. I, and others, arrived at the camp in a K.D. shirt and shorts. About two days after arrival, clothing was issued by the Italians. Those in need of them got boots. I received a pair of pantaloons, a pair of cotton underpants, an Italian jacket, an Italian forage cap, a pair of rag socks and putties. I (as, I believe, did others) also received a great-coat of sorts. No Red Cross clothing was issued to my knowledge whilst I was at this camp.

5. The food supplied by the Italians at Camp No.66 was very poor. If it had not been for the Red Cross parcels (which we received at the rate of one per man per week) we should have starved. We got a cup of ersatz coffee (made, I think, of acorns,) in the early morning, and, apart from that, only one meal consisting of a pint of macaroni or soup, a four- or five-ounce loaf and about half an ounce of cheese. Once a week there was meat in place of the cheese, but this was put in the soup.

6. The water supply in my compound consisted of eight taps, the water being turned on twice a day for about an hour. One always had to queue to wash by the taps but one had quite frequent opportunities of a hot shower and disinfestation. The sanitary arrangements in my compound consisted of holes in a concrete floor which were flushed out each morning.

7. There was a great deal of skin disease in the camp, and also dysentery, particularly among men who had come from Benghazi: but the dysentery cases were moved out to hospital fairly soon. The camp hospital was run by a British staff and medical officer with an Italian officer in charge, and my impression is that this hospital was frequently short of medical supplies.

8. The Italian personnel of the camp were not unfriendly. They appeared to be rather elderly men or unfit, and mostly left us alone. There were carabinieri on the main gate, but apart from occasional rounds of inspection we did not see much of them.

9. The only exercise we got was in the camp itself. We were not allowed out for marches.

10. There were two roll-calls a day and these did not usually last for more than 10 minutes at the outside.

11. Taking the camp as a whole, I do not consider that it was too bad, compared with others. This was, I think, largely thanks to the influence and activities of our camp leader, R.S.M. Burgess.

12. I did not witness any acts of violence of note, committed against prisoners of war, at this Camp.

SWORN by the said ROY ALLENBY)
BARTELL at 2/3 The Sanctuary)
in the City of Westminster this) ROY ALLENBY BARTELL.
18th day of June 1945)

Before me,
CHARLES T. HOLLAND.
A Commissioner for Oaths.

IN THE MATTER OF :-

The ill-treatment of British Prisoners of war and breaches of the Geneva Conventions, 1929, at Camp No.66 at Capua during the period of September 1941 to March 1943.

A F F I D A V I T.

I, WILLIAM SUNLEY, Sergeant No. 2928641 at present at 11th Infantry Holding Battalion Cameron Company Strathpeffer Hotel, Strathpeffer, Ross-shire N.B. and with a permanent address at 33 Ringham Road Ipswich, Suffolk, make oath and say as follows :-

1. On the 29th November 1942 I was taken prisoner in the Tunis Area, North Africa, and after an interval of some gours was flown to Naples and thence sent on to Camp No.66 at Capua

2. I was at Camp No.66 at Capua from the 1st or 2nd December 1942 until the end of March 1943. The conditions there were as follows. During the first three weeks the other ranks were housed in tents made of rough ground-sheets buckled together, some of which were so old that they could not keep the weather out: they were terribly overcrowded, 20 in each tent: they were all very filthy and verminous.

As to sanitation, there was none in the proper sense of the term, merely holes in the ground.

As to food, we had 250 grammes of bread per day: a quarter of a pint of coffee each morning: a pint of very thin soup with a little vegetable - it was not even what is usually understood by skilly - one ladle of macaroni in the evening with, usually but not always, a very small piece of meat. A fit man could just exist on it, but many of the prisoners of war were very reduced in health when they arriced from North African camps and for them the food ration at the said camp at Capua resulted in cases of mal-nutrition.

Consequently there were many cases of disease - chiefly dysentery and desert sores.

As to medical arrangements, they were quite inadequate to the conditions. I did not experience this myself, but I was told by many others who had to go sick (I remember particularly Sergeant McClellan, 2nd Paratroop Battalion, 1st Brigade, now, I believe, at Depot School Airborne Forces, Chesterfield Derby) but nothing was done in all cases of dysentery or desert sores beyond allowing them to go into a small infirmary at the camp where the food ration was slightly better, but they had to leave before they recovered to make room for more urgent cases and their report was that there seemed to be little or no real medical equipment or supplies.

As to clothing, during the winter months many of the prisoners of war were very illclad: only a pair of desert shorts and a singlet and boots utterly worn out. The Italians supplied them with nothing. If it had not been for Red Cross

parcels many would have suffered severely from exposure. All the above applies to the first three weeks during my stay at the said camp at Capua.

3. At the end of my first three weeks at the said camp I was moved to a different cantonment at the same camp some 300 to 400 yards away from where I was first placed. Here the conditions were somewhat better. Huts were provided; the sanitary arrangements, however, were no better and the food ration was the same and there was no improvement in the medical arrangements or clothing supply.

SWORN by the said WILLIAM SUNLEY)
at Dingwall in the County of Ross) WILLIAM SUNLEY Sgt.
& Cromarty this Fifteenth day of)
June 1945)

Before me,

R.T.D. DILSON ANDERSON,
Notary Public.

IN THE MATTER OF :-

The ill-treatment of British Prisoners of War and breaches of the Geneva Conventions 1929 at Camp No.66 at Capua in November 1942

AFFIDAVIT

I, No. 7520231 Private HUBERT WILLIAM PRICE, Army Catering Corps, now at 17 Battalion R.A.O.C. Thoresby Park Camp, near Ollerton, Nottinghamshire, and with a permanent address at 40 Tomkinson Drive, Kidderminster, Worcestershire, make Oath and say as follows :-

1. I was taken prisoner at Tobruk on 21st June 1942. I was thence taken to Tmimi and later to Benghazi and from there was shipped to Italy and owing to a ruptured cartilage in the knee was sent to Caserta hospital and on recovery left there in November 1942 being sent on to Camp No.66 at Capua.

2. I was at Camp No.66 at Capua for about 4 weeks during November 1942.

The accommodation at this camp was very bad: there was great overcrowding - about 50 men to one hut and extremely verminous.

The sanitary conditions consisted merely of slit trenches.

As to food - this was very poor and inadequate, with many cases of malnutrition as a result. In consequence many diseases were rife, such as dysentery, desert sores and skin diseases.

The medical equipment was quite inadequate. The Italian Command supplied nothing - our medical officers had to do what they could with Red Cross parcels.

3. On leaving Camp No.66 at Capua, I was sent to Camp No.53 at Macerata (Sforza Costa) where I stayed from December 1942 to September 1943.

SWORN at Mansfield in the)
County of Nottingham this)
first day of June 1945)

H.W. PRICE
Pte. 7520231

Before me,
JAMES A. VALLANCE.
A Commissioner for Oaths.

IN THE MATTER of THE ILL-TREATMENT
OF BRITISH PRISONERS OF WAR
AND BREACHES OF THE GENEVA
CONVENTIONS 1929, at CAMP No.66
at CAPUA IN NOVEMBER 1942

A F F I D A V I T

- of -

PTE. H.W. PRICE

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The ill-treatment of prisoners of war and breaches of the Geneva Conventions 1929 at Camp No. 66 at Capua between December 1942 and June 1943

A F F I D A V I T

I, No. 7348754 Private LYNDON HARRY HUGHES, R.A.M.C. now at No. 1 Depot, Boyce Barracks, Aldershot, Hants, and with a private address at 10 Bloomfield Terrace, Swansea, South Wales, make Oath and say as follows :-

1. I was captured at Depienne, near Tunis, on 3rd December 1942 by German troops. I was then attached to the Second Paratroop Battalion.

2. After 36 hours in a barn, I was flown to Sicily, arriving at Syracuse on the evening of 4th September, and we were put into billets at Syracuse for the night. On the 5th December, we were flown to Naples, and were lodged in a shed in the aerodrome for twelve hours.

3. At this point the Italians took over control of the prisoners. While the Germans were still in control, the Italians began to remove wrist watches, etc. from prisoners. The Germans made them give them back. When, however, the Italians did take over, they forthwith removed all watches and articles of any value at all.

4. We were taken by lorry to Camp No. 66 at Capua, where we arrived on the 6th December 1942.

5. The food supplied by the Italians at Camp No. 66 was very poor. If it had not been for the Red Cross parcels which we received at the rate of one between two men per week practically all the time, we should have starved. We got a cup of ersatz coffee, made, I think, of acorns, in the early morning, and apart from that only one meal, consisting of about a pint of macaroni or rice soup, a four or five-ounce loaf and about half an ounce of cheese. Once a week there was meat in place of the cheese, but this was put in the soup.

6. No clothing of any kind was issued to me at this camp. I only had the battledress in which I had been captured. Later there was some Red Cross clothing available.

7. As regards accommodation, we were in huts approximately 75 feet by 15 feet, 120 per hut, and slept in two-tier bunks. We were very overcrowded. We were supplied with two blankets each, but one of these was removed in the summer. The huts were wooden ones, and were infested with lice and fleas, the Italians making no efforts at all to disinfest the huts or the men. There was no heating, and in the winter the men suffered a good deal from cold, especially those captured in the desert, who had only their desert kit.

8. For sanitation there were only open trenches, and the smell, particularly in summer was frightful. The trenches overflowed from time to time. The only cleaning was done by prisoners of war, and the contents of the trenches were moved to a big pit and treated with lime. There was no water for sanitation.

9. The water supply in the camp consisted of eight taps, the water being on twice a day for about an hour. The number for these taps was about five to six thousand men, and many gave up any attempt to wash.

10. There was a great deal of skin disease in the camp, and also dysentery, particularly among men who had come from Benghazi, but the dysentery cases were moved out to Caserta Hospital fairly soon. The camp hospital was run by British staff and medical officer, with an Italian officer in charge, and I was told (I do not know the name of my informant) that they were always short of medical supplies.

11. The Italian personnel of the camp were anti-British, but were not unduly rough. They appeared to be rather elderly men or unfit, and mostly left us alone. There were carabinieri on the main gate, but apart from occasional rounds of inspection we did not see much of them.

12. The only exercise we got was in the camp itself. We were not allowed out for marches.

13. Some time in February 1943 I was taken to Caserta Hospital, suffering from scabies, where I was for five weeks. I had had no treatment in the camp, nor did I get any treatment when I came back, though I was not cured, but the condition finally cleared up under my own treatment.

14. At the beginning of June 1943 I was moved to Camp No.70 at Monturano.

SWORN at Aldershot in the County of Hants this 31st day of May 1945) L.H. HUGHES.

Before me,
J.T. COGGINS.
A Commissioner for Oaths.

PARTICULARS OF EVIDENCE IN SUPPORT

1. AFFIDAVIT of Sub.Cdr. A. Amos sworn 18th August 1945.
2. AFFIDAVIT of P/O A.E. Deadman sworn 29th August 1945.
3. AFFIDAVIT of A.B. E.M. Bowers sworn 3rd May 1945.
4. AFFIDAVIT of Pte. T. Henderson sworn 14th June 1945.
5. AFFIDAVIT of Stkr. P.O. G.E. Sells sworn 31st May 1945.
6. AFFIDAVIT of C.P.O. G.Lanham sworn 16th June 1945.
7. AFFIDAVIT of Marine A.D.J. Bagnall sworn 23rd August 1945.
8. AFFIDAVIT of L/Cpl. A.A. Lazarus sworn 23rd August 1945.
9. AFFIDAVIT of C.P.O. L.C.Hooton sworn 31st July 1945.
10. AFFIDAVIT of Ldg. Stkr. W.H.J. Bindon sworn 23rd April 1945.
11. AFFIDAVIT of R.S.M. C.H.Burgess sworn 7th August 1945.
12. AFFIDAVIT of 2/Lt. A.W. Evans sworn 14th June 1945.
13. AFFIDAVIT of Pte. D.J. Corcoran sworn 25th June 1945.
14. AFFIDAVIT of Capt. C.C. Ockleston sworn 25th June 1945.
15. AFFIDAVIT of Capt. J.L. Alexander sworn 9th June 1945.
16. AFFIDAVIT of Capt. T.Preacher sworn 21st June 1945.
17. AFFIDAVIT of Captain G.B. Drayson sworn 30th July 1945.
18. AFFIDAVIT of L/Cpl. D.B. Spanswick sworn 13th June 1945.
19. AFFIDAVIT of Pte. J. Lanagan sworn 13th June 1945.
20. AFFIDAVIT of Sgt. W.H. Strachan sworn 22nd June 1945.
21. AFFIDAVIT of Lt. R.N.C. Knight-Bruce sworn 14th June 1945.
22. AFFIDAVIT of Gdsmn. F.Lloyd sworn 12th June 1945.
23. AFFIDAVIT of L/Bdr. A.O'Malley sworn 9th June 1945.
24. AFFIDAVIT of Stf.Sgt.Ftr. C.Smith, sworn 28th May 1945.
25. AFFIDAVIT of Pte. H.J.House, sworn 9th June 1945.
26. AFFIDAVIT of Pte. E.Senior sworn 16th April 1945.
27. AFFIDAVIT of L/Cpl. R.A. Bartell sworn 18th June 1945.
28. AFFIDAVIT of Sgt. W.Sunley sworn 15th June 1945.
29. AFFIDAVIT of Pte. H.W. Price sworn 1st June 1945.
30. AFFIDAVIT of Pte. L.H. Hughes sworn 31st May 1945.

NOTES ON THE CASE **2498**

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

If the evidence contained in the Affidavits is established it is clear that War Crime No.xxix - Ill-treatment of Prisoners of War, has been committed. There is a considerable amount of evidence showing that little or no attempt can have been made to carry out the provisions of the Geneva Convention. The Articles of the Geneva Convention of which breaches are alleged are indicated in the Particulars of Alleged Crime. In addition assaults and physical ill-treatment are alleged.

RESPONSIBILITY. The main responsibility must lie with Accused Nos.1, 2 and 3, successive Commandants, and Accused Nos. 4 and 5, the Adjutants. The Medical Officers, Accused Nos. 7 and 8, are mainly responsible for the lack of medical attention and supplies and Accused No.6 is partly responsible for the shortage of food and the poor accommodation. The medical officers are further responsible for the inadequate sanitation. The Accused No.9 are primarily responsible for the assaults and their superior officers are indirectly responsible therefor.

DEFENCES. As regards the general charges, all the accused may plead that they were limited by the shortage of supplies and equipment from other branches of the Italian army. It would be for them and particularly for Accused Nos. 1 to 6 to establish that they had made every endeavour to improve the flow of supplies and that they had personally taken steps to alleviate the bad conditions of the camp. It would be for the medical officers accused Nos. 7 and 8 to answer the charges on the medical side and as regards sanitation and they would have to show that they had taken all proper steps both to increase the supply of equipment and to make the best possible use of what there was. As regards the assaults the soldiers concerned may plead the orders of their superior officers which would merely bring in those officers as indirectly responsible. The officers might plead that the guards exceeded their duty but would remain responsible for the general behaviour of the soldiers.

COMPLETENESS OF CASE. It remains to identify the accused and confirm their names and enquiry to this end is proceeding. In the meantime there appears to be a strong prima facie case for all the accused to answer.

1566/UK/JC/78

2499

1. BARELA (or BARCIA), Mario
2. MASSI, Giuseppe
3. Unknown 2nd i/c Camp
4. GROCE, Mario
5. Senior M.O.
6. Guard

Date Submitted	Decision of Committee I		
3 OCT 1945	1 + 2 A 3-5 Adjourn 6 C CARDS CHECKED	B	

[89756] P893/11 5000 8/45 M&C Ltd. 51/1

1566/UK/JC/78

(*For the Use of the Secretariat*)

Registered Number.	Date of receipt in Secretariat.	
1566/UK/9/78	2 SEP 1948	2500

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CASE No. UK-I/B 96 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1. Lt. Colonel Mario BARELA or BARCIA, Commandant at the Camp. 2. Colonel Giuseppe MASSI, Commandant at the Camp. 3. Second in Command at the Camp. Name, rank and unit at present unknown. 4. Captain Mario GROCE, Adjutant-Interpreter at the Camp. 5. Senior Medical Officer at the Camp) Names, ranks and 6. Guard who assaulted Capt. Finch) units at present unknown.
Date and place of commission of alleged crime.	Over a prolonged and undefined period, but at least from July 1942 to September 1943, at Camp P.G.21 at Chieti.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No.xxix - Ill-treatment of prisoners of war. Breaches of the Geneva Convention, 1929 (Prisoners of War) Articles 2, 10,11,12,13,14,15,36,46 and 54. Under English Law:- (a) Wounding with intent to do grievous bodily harm or (b) Unlawful wounding, or (c) Assault.

SHORT STATEMENT OF FACTS.

Over a long period, at present undefined, but at least from July 1942 to September 1943, the said camp was conducted in an improper manner, and contrary to the provisions of the Geneva Convention, 1929, relative to Prisoners of War; and in August or September 1943 a British Officer, Captain Finch, was assaulted and wounded by an Italian Guard, at present unidentified.

TRANSMITTED BY .....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E.W.Ltd. Gp.685

PARTICULARS OF ALLEGED CRIME

During the said period the said Camp was conducted in an improper manner, and in particular in that :-

1. The accommodation provided was inadequate as to heating, sanitation, hygiene and cleanliness. There was gross over-crowding. Food, clothing water and medical supplies were inadequate, and canteen prices excessive. (Articles 2,10,11,12,13,14 and 15).

2. Telegrams for the Red Cross, entrusted to Accused No.4, for despatch, did not leave the Camp (Article 36).

3. Accused No.4 used to order excessive parades without reason, and conducted extensive searches amongst the personal effects of prisoners, leaving such effects in utter disorder.

4. Collective penalty of confinement to bungalows without food was exacted (Articles 46 and 54).

5. In about August or September 1943, during a roll call which Accused No.1 is believed to have attended, an Italian guard (at present unidentified) struck a British prisoner (Captain Finch) over the head with a rifle butt and wounded him. This assault is believed to have been committed when Captain Finch stepped forward to intervene between an Italian guard and another prisoner (Articles 2 and 46).

IN THE MATTER OF:

The ill-treatment of British prisoners of war and breaches of the Geneva Convention at Camp No.21 at Chieti during the year from about 4th August 1942 to about 4th August 1943

AFFIDAVIT

I, CHARLES NAPIER CROSS, Captain Instructor, The Worcestershire Regiment, at present serving in the 8th Bn. Worc. Regt. Crickhowall, South Wales, with permanent address at Spring Grove, Penarth, South Wales, make Oath and say as follows :-

1. I was taken prisoner at Knightsbridge, Libya, on 14th June 1942. I was taken to camps at Derna, Barce, and Benghazi in North Africa and thence reached Camp No.75 at Bari on 21st June 1942. I was kept as prisoner of war at Camp No.75 at Bari for about seven weeks until about the 4th August 1942 and was from there sent on to Camp No.21 at Chieti.

2. I was prisoner of war at camp No.21 at Chieti from about 4th August 1942 until about 4th August 1943.

The management and conditions there were shocking.

The accommodation was very bad: terribly overcrowded. In the bungalow in which I was living the sanitary conditions were utterly inadequate; the latrines of a sort had no flushing and the stench was appalling. We had to take it in turns to live in the room which was nearest to it.

Water was extremely short.

Food was very scarce. The Officers' ration of bread was 150 grammes per day, i.e. one roll, (the other ranks had 200 grammes because they worked), two small pieces of cheese and one piece of meat per week and one ladle of skilly twice a day. Red Cross parcels were issued occasionally: I am sure there was a lot of pilfering.

As to clothing it was a case of inhuman neglect. All the time I was there even through the depth of winter when the cold was severe, I was left with my desert coat only, one shirt, one pair of shorts, and I was bare-footed because my desert boots were worn out There was no heating in the camp. We had two blankets at night and had to go about with one wrapped about one and the other round one's shoulders during the day. A colonel was among those of my regiment who went bare-footed.

In consequence, illnesses of all kinds were rife: dysentery, jaundice, sores and skin troubles, and all the consequences of malnutrition and exposure.

The medical arrangements were one small hospital run by one Italian medical officer assisted by Allied medical officers but the accommodation, condition, equipment and supplies were utterly inadequate.

As to the personnel responsible I cannot at present give the name of the Commandant; but the adjutant was one Croce. The said Croce and all those in control were very anti-British and did absolutely nothing to alleviate the suffering. Croce went further and did all he could to increase it by such restrictions as holding back the mail.

3. On or about the 4th August 1943 I was removed to camp No.19 at Bologna where I stayed some six weeks until the Armistice in September 1943.

SWORN at Abergavenny in the)
County of Monmouth this 18th)
day of July 1945)

CHARLES N. CROSS

Before me, Bishop

A Commissioner for Oaths.

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.21 at Chieti during the year from about 4th August 1942 to about 4th August 1943

A F F I D A V I T

- of -

Captain Instructor C.N. CROSS

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.21 at Chieti during the period 5th August 1942 to 24th September 1943

A F F I D A V I T

I, THOMAS JOSEPH O'BRIEN, Lieutenant R.E. No. P/168958 now at C.R.E. Flagstaff Road, Colchester, Essex, and with a permanent address at Kincora House, Galley Wood, near Chelmsford, Essex, make Oath and say as follows :-

1. On 29th June 1942 I was taken prisoner south of Daba, North Africa, and taken to Camps at Mersa Matruh, Tobruk, Derna and Benghazi and thence flown to Italy, reaching Bari about 10th July 1942, and leaving there about 5th August 1942 when I was sent to Camp No. 21 at Chieti.

2. I was prisoner of war at Camp No.21 at Chieti from the 5th August 1942 to the 24th September 1943. There were three Commandants of this Camp during that period, so far as I am aware. I cannot remember the names of the first two Commandants, but the name of the third was Colonel Massi.

The conditions at this Camp during the said period were very bad indeed.

It was terribly overcrowded. The water supply was bad: and during the winter from October 1942 onwards the issue of Red Cross parcels was irregular: many were left without clothing except the rags which they had on, which were merely remnants of desert kit, consisting of a shirt and shorts. No winter clothing was issued until the 24th January 1943. Meanwhile the resulting diseases were very numerous, and there was a great deal of jaundice and illnesses resulting from chills and exposure.

So far as medical arrangements were concerned, the Italian Command was entirely non co-operative. Our own medical officers had to do the best they could. There was a definite Fascist attitude amongst all the Italian Command. A very bad influence was a Captain Croce who was interpreter. He was a violent Fascist and did his best to add to our discomfort.

SWORN at Colchester in the County of Essex this 26th day of June 1945) T.J. O'BRIEN. Capt. R.E.

Before me,
J.N.A. MORTON.
A Commissioner for Oaths.

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.21 at Chieti during the period 5th August 1942 to 24th September 1943

A F F I D A V I T

- of -

Lieut. T.J. O'BRIEN

THE TREASURY SOLICITOR.

IN THE MATTERS OF :

(a) The ill-treatment of British prisoners of war and breaches of the Geneva Convention 1929 at Camp No.75 at Bari in 1942;

(b) The ill-treatment of British prisoners of war and breaches of the Geneva Convention 1929 at Camp No.21 at Chieti during the period July 1942 to September 1943

British National Office Charge: UK - I/B 42
UK - I/B A/12.

A F F I D A V I T

I, Lieutenant WILLIAM MAGSON (74402) of 6 T.B.R.E., Preston, with permanent home address at 3 Medhurst Road, Benton, Northumberland, make Oath and say as follows :-

1. On June 30th 1942 I was captured between Mersa Matruh and Fuka whilst serving with 233 Field Company, 50 Division. The first night I was taken to Mersa Matruh P.O.W. Cage which was run by Germans. There was sufficient room in the compound but no water. The next day we were taken to Tobruk aerodrome where we stayed another day. Whilst here we were handed over to the Italians and guarded by Italian native troops.

2. The next day we moved to Derna and stayed one more night and then moved to Barce. I stayed at this P.O.W. Cage for three weeks. The accommodation at the camp was sufficient but it was infested with lice, water supply was short, the rations were inadequate and the latrines merely consisted of holes in the ground. They were infested by flies.

3. From Barce I was taken to Benghazi aerodrome and flown to Italy landing at Lecce I stayed the night here and the following day I was sent to Bari by train.

4. I was at Bari P.O.W. Camp from June 1942 to approximately 20 July 1942. The accommodation at this Camp was hopelessely overcrowded and the rations were very poor. It was at this Camp that we began to feel the pinch. During the three weeks I was there we had three issues of Red Cross parcels each time to be divided amongst ten of us. The medical services were very bad due to our medical officers having no supplies. There were numerous cases of desert sores and dysentery. During my stay at this Camp I did not see or hear of any cases of ill-treatment of Ps.O.W. in so far as officers were concerned and I know of no cases in respect of O.R's because we were in a separate compound. The only Italian officer at the Camp I came in contact with was an Alpine Major who appeared to try deliberately to make the lives of prisoners unhappy. As an example he would purposely keep those on parade standing much longer than was necessary.

5. On leaving Bari I was sent to Chieti wherel stayed until 23rd September 1943. One Italian officer who stands out in my mind at this Camp is an officer who was Adjutant and Interpreter named Crose. This officer appeared to be the power behind the Commandant Colonelo Massey. Crose was particularly nasty to Ps.O.W. He would order parades five or six times a day for no

reason at all and conduct extensive searches leaving the rooms in complete disorder and in many case cutting open mattresses, haversacks and other private possessions. On his instructions all tins sent in Red Cross parcels were opened before issue. He was a keen Fascist and violently anti-British. At this camp also there was hopeless overcrowding and at one time there were 1,200 officers in a square of 300 metres. The water supply was inadequate and was less than three pints per day for all purposes. Until Red Cross clothing arrived in January 1943 no clothing was issued to us and during the winter we were clad in khaki drill. The rations were inadequate and had it not been for Red Cross parcels we should have starved. One day we were locked up in the bungalows all day and were not given any food at all because they alleged someone had stolen a hammer.

6. This camp was taken over by the Germans in September 1943 and I was then moved to Sulmona by lorry. I stayed at Sulmona about a week and was then entrained for Germany. I escaped from the train and ultimately joined the Allied Forces in June 1944 north of Sora.

SWORN at 6 Spring Gardens, in the)
City of Westminster this 11th day) W. MAGSON. Lieut. R.E.
of May 1945)

Before me,
F.J. JONES.
Major Legal Staff
Military Department, Judge Advocate
General's Office, London.

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.21 at Chieti during the period August 1942 to May 1943

A F F I D A V I T

I, WILFRID PRICE, Barrister-at-Law, now acting as Temporary Assistant to His Majesty's Procurator-General and Treasury Solicitor, Storey's Gate, Westminster, and with a permanent address of 5, Paper Buildings, Temple, London, E.C.4. make Oath and say as follows :-

1. Since the summer of 1944 up to the date hereof, I have been engaged, inter alia, in the preparation of evidence on Italian war crimes, and in the course thereof, on or about the 23rd February 1945, I interviewed No. 180176 Lieutenant Eric Alfred Lawton, Worcestershire Regiment, then at 23rd Infantry Holding Battalion, Ross-on-Wye, Herefordshire, and with a permanent address at 39, Bernard Road, Edgbaston, Birmingham 17, and made notes of his evidence regarding the charges herein. The said notes were read over to him and he agreed that he would swear to an Affidavit embodying the same.

2. I drew up an Affidavit embodying the evidence of the said officer from the said notes and a copy of such affidavit is exhibited hereto and marked "W.P.1" . I sent the said affidavit by letterdated the 16th March 1945 to the said officer for swearing: it was, however, returned by his Commanding Officer who informed the Treasury Solicitor by letter dated the 24th May 1945 that the said Officer had been killed in action on the 6th April 1945. A copy of the latter letter is exhibited hereto and marked "W.P.2".

SWORN at 1 Mitre Court Buildings,)
Temple in the City of London)
the 29th day of June 1945)

WILFRID PRICE.

Before me,
HERBERT W. KNOCKER.
A Commissioner for Oaths.

2509

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.21 at Chieti during the period August 1942 to May 1943

A F F I D A V I T

- of -

WILFRID PRICE

THE TREASURY SOLICITOR.

IN THE MATTERS OF :-

A. The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No. 75 at Bari in July 1942.

B. The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No. 21 at Chieti during the period August 1942 to May 1943.

C. The murder of Pilot Officer Outerbridge at a railway station near Rimini on May 1st 1943

A F F I D A V I T

I, ERIC ALFRED LAWTON, No. 180176, Lieutenant Worcestershire Regiment, now at 23rd Infantry Holding Battalion, Ross-on-Wye, Herefordshire, and with a permanent address at 39, Bernard Road, Edgbaston, Birmingham 17, make Oath and say as follows :-

1. On the 21st June 1942 I was taken prisoner at Tobruk, and from there was taken to a camp at Baci, thence to Lecci, both in North Africa, and was then shipped to Italy and taken to Camp No. 75 at Bari. I was there for about three weeks in July 1942. During the time when I was in this camp the following incident occurred.

It was roll-call. I was about fifty yards from the incident in question. The Italian guards, some twenty of them, marched through the parade. One of our prisoners of war tripped one of the guards. It may have been intentional. The guard slashed round with his rifle and hit another man (not the one who did the tripping), and several others were hit in a similar way.

I was sent on to Camp No. 21 at Chieti in August 1942.

2. I was at Camp No. 21 at Chieti from August 1942 to the 10th May 1943.

The conditions in this camp during that period were very bad. There was great overcrowding. The sanitation was bad. There was very little water.

As to food. - This was in very short supply; only the Red Cross parcels saved us from slow starvation.

No clothing was provided: we were left to go through the winter with only our desert kit, which consisted of a shirt and shorts.

The Italian Officer, who really acted like a Commandant, was a Captain Interpreter called Croce. He was a violent Fascist, very anti-British, and would do nothing to relieve our privations. He would not even hand on requests or complaints to his superiors.

"W.P.I."

This is the copy Affidavit marked "W.P.I." referred to in the Affidavit of Alfrid Price sworn before me this 29th day of June 1945.

(Sgd.) Herbert R. Knocker.
Commissioner for Oaths.

3. On May 1st 1943 I was sent from the said camp at Chieti to a Camp, No. 49, at Fontanellato (Parma) by train. The distance was some 200 miles. The train stopped at a small station near Rimini I think the name of the station was Castell-something. There is a castle on a hill nearby. I was travelling in the same compartment as Pilot Officer Outerbridge, when he expressed his intention of jumping the train. He first attempted to jump out whilst the train was stationary in a small station, but the other officers in the compartment - five in all - pulled him back as he had his feet on the table by the window, and he would certainly have been shot before he got away from the train. Immediately after this the guard by the window left his seat and stood in the corridor, whilst another guard took his place. This first guard, Papantonio Guiseppe, born at Foggio in 1910, father Raffaele Papantonio, had realised that Outerbridge intended to escape, and fearing that he might be assaulted, changed places, and told no one what had occurred.

I speak fluent Italian, and learned all this later on when the Senior Italian Officer questioned Papantonio and severely reprimanded him for not reporting the first incident, and thus preventing bloodshed. After this we all thought that Outerbridge would wait until nightfall, but just as the train was pulling out of a small station near Rimini Outerbridge leapt on the table, after a slight scuffle pushed the guard by the window aside, jumped out of the train, and ran down the platform. The train, which was hardly moving, stopped almost immediately. Papantonio made no attempt to stop Outerbridge from jumping from the window, but ran down the corridor and jumped out. Whether he fired the shot that brought Outerbridge down I am unable to say, but Outerbridge fell at a distance of 40 yards from the train, and being unable to rise put his hands up. I then saw Papantonio deliberately fire four or five shots at Outerbridge as he lay on the platform. Outerbridge was carried on to the train where he died five minutes later. His body was taken off the train at Rimini, where we were told he was to be buried.

I remained at the said camp at Fontanellato until the Armistice, 8th September 1943, when I escaped, and on the 25th October 1943 I got across the lines and joined the Fifth Army.

SWORN at)
.)
in the of)
this day of 1945)

Before me,

A Commissioner for Oaths.

IN THE MATTERS OF :-

A. The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.75 at Bari in July 1942.

B. The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.21 at Chieti during the period August 1942 to May 1943.

C. The murder of Pilot Officer Outerbridge at a railway station near Rimini on May 1st 1943

A F F I D A V I T

- of -

Lieutenant E.A. LAWTON

THE TREASURY SOLICITOR.

"A.P.1."

This is the copy letter marked "A.P.1." referred to in the Affidavit of Wilfrid Price sworn before me this 28th day of June 1945.

(Sgd.) [illegible] A Commissioner for Oaths.

2513

12th Bn. The Devonshire Regiment,
Bulford Barracks,
Salisbury,
Wilts.

24th May, 1945.

Dear Sir,

Italian War Crimes

Reference your letter of the 16 March, 1945, addressed to Lieut. E.A.LAWTON of the Worcestershire Regt., enclosing an Affidavit on the above subject to be signed by him. I regret having to inform that this officer was killed in action on 6th April, 1945.

I am returning the unsigned documents to you herewith.

Yours faithfully,

(?)

Major.

The Treasury Solicitor,
Storey's Gate,
St. James's Park,
London, S.W.1.

IN THE MATTER OF :

The unlawful wounding of Captain Finch (12th or 13th Frontier Regiment or Rifles, Indian Army) towards the end of August or the beginning of September 1943 at Camp No. 21 at Chieti.

A F F I D A V I T

I, No. 67130, Captain ROLLO EDWARD CRUWYS PRICE, South Wales Borderers, attached 161 Inf. R.M.C. O.C.T.U., of Mons Barracks, Aldershot, with permanent address, C/o Messrs. Glyn Mills & Co. (Holts Branch) 50 Charing Cross, London, make Oath and say as follows :-

1. I was taken prisoner of war by the German 90th Light Division on 18th June 1942 between Tobruk and Gambut Aerodrome. I was evacuated to Benghazi via El Adem and Derna, and was thence flown to Lecce where I remained overnight. The next day I was entrained for Camp No. 75, Bari, where I arrived on 24th or 25th June 1942. On or about the 3rd August 1942 I was transferred to Camp No. 21, Chieti, arriving there the following day.

2. Towards the end of August or the beginning of September 1943, I was on an extra roll-call parade at this camp. The Camp Commandant was a plump, short unpleasant man, whose name I do not know. I believe he was on parade at the time of the incident next referred to.

3. Some distance from me I saw a rifle butt lifted by an Italian guard. A prisoner of war, who was on the parade, was struck on the head. The other guards closed in, prepared for action. The injured prisoner of war was carried off the parade and when he passed me I saw that it was Captain Finch of the 12th (or 13th) Frontier Regiment (or Rifles), Indian Army. Finch was bleeding badly from the back of the head. I know nothing first hand of the circumstances which gave rise to this incident, but it was generally rumoured that Finch had stepped forward to intervene between a guard and another prisoner of war.

4. Apart from this incident I know of no specific acts of violence worthy of mention which occurred at Chieti while I was there, but the guards were generally truculent and "butt conscious".

5. On or about 22nd September 1943, I was transferred to Camp No. 78, Sulmona.

SWORN at Aldershot in the County of Hants this 28th day of September 1945) R.E.C. PRICE.

Before me,
C.P. WHITEHEAD.
A Commissioner for Oaths.

IN THE MATTER OF :-

The ill-treatment of British Prisoners of War and breaches of the Geneva Convention, 1929 at Camp No.21 at Chieti during the period August 1942 to September 1943.

A F F I D A V I T.

I, RODNEY CHARLES WHEELER HILL, No. 108891, Lieutenant Royal Artillery, now at Composite Survey Battery, School of Artillery, Larkhill, Salisbury, Wiltshire, and with a permanent address at 298 Coulsdon Road, Old Coulsdon, Surrey, make oath and say as follows :-

1. I was taken prisoner at Tobruk on 21st June 1942. On 1st July 1942 I was flown across to Italy and was at Camp No.75 at Bari until about 3rd August 1942. I was then at Camp No.21 at Chieti from about 4th August 1942 to about 24th September 1943. Thence I went to Camp No.78 at Sulmona for two days and was then for about three weeks at the Italian Civil Hospital in Sulmona, whence I escaped on 9th October 1943, eventually crossing the lines on the 15th January 1944.

2. The conditions in Camp No.21 at Chieti were, during the time I was there, very bad indeed.

3. The camp was considerably over-crowded. All the accommodation was in use and there were no rooms for study or recreation. The rooms were themselves over-crowded. This complaint, together with many other complaints, were reported on the visit of the Protecting Power in about April 1943.

4. A report, which was drawn by an officer who had legal experience, was read out by the senior British Officer, Colonel Gray, to the representatives of the protecting power at a camp parade, at which the interpreter, Croce, was present. I believe that Colonel Gray's unit was the Gurkhas or possibly Sikhs, Indian Army. I believe this report was forwarded to England and that questions about it were asked in Parliament.

5. The sanitation at the camp was disgraceful. The water supply was inadequate and the latrines were not flushed the whole time I was there. The smell was appalling.

6. In the bungalow in which I was in the summer of 1943 we had water for about half an hour only morning and evening for washing. The next bungalow was sometimes without water altogether and had to share ours. This would mean about 400 officers at that particular time. I believe conditions on the other side of the camp (three bungalows) was similar, one bungalow being frequently without water.

7. Food, especially during the winter of 1942/3 was extremely scarce. During the winter for breakfast we got a cup of ersatz coffee, for lunch we had a bowl of thin watery vegetable soup with a handful of rice or macaroni thrown in, an ounce of cheese or meat (5 days cheese, 2 days meat), 150 grammes of bread (a roll about the size of a man's fist to begin with, but decreasing in size), for supper we got a bowl of the same thin soup. When the Red Cross parcels arrived we got food in them, which saved us from starvation. I do not think there was any pilfering from food parcels.

8. As regards Red Cross parcels, I should say that during the year I was there I averaged one parcel per fortnight. In the early part, that is the first four months, there were considerable gaps, but at that time we were able to get a good deal of fruit.

9. The prices in the Camp Canteen were exorbitant. A deck chair cost about 200 lire, equivalent to nearly £3 (the rate of exchange was 72 lire to the pound for us). One cardboard suitcase cost about 220 lire - £3. A hand towel not much bigger than a handkerchief cost about 60 lire. Generally the prices were very high indeed.

10. No provision was made by the Italian Authorities for clothing and there was very little in the Canteen. Before the Red Cross clothing arrived in January 1943, the Prisoners had only their desert kit, usually shirt, shorts, socks and boots, the boots being often considerably worn. I was fortunate to have my greatcoat and two pairs of boots, but many of the Prisoners had only a blanket for cold weather and their boots were falling to pieces, or else they went barefoot or bought wooden sandals.

11. There was no heating in the camp before March 1943, then one small stove was provided to heat a room which held 180 officers and the officers had to try and find practically all their own fuel. We were provided with only two small blankets.

12. As a result of the neglect there were many cases of disease - gastric trouble, jaundice, sores, impetigo and other skin troubles. The medical arrangements were so bad that eventually we were reduced to relying entirely on the Red Cross medical supplies. The camp had little, if any, medical equipment or stores. There was an Italian Medical Officer who, so far as I am aware, did the best he could in the circumstances.

13. There were three Commandants while I was at the Camp, but I do not recollect their names. The first was definitely anti British. The camp was mainly run by Captain Interpreter Croce, who was a Fascist and very anti British. He would do nothing for us or attend to any complaints and he would not pass on requests or complaints.

SWORN at Salisbury in the County)
of Wilts this 23rd day of April)
1945)

R.C.W. HILL,
Lt. R.A.

Before me,
A.E. STROUD
A Commissioner for Oaths.

IN THE MATTER OF :-

The ill-treatment of British Prisoners of War and breaches of the Geneva Convention 1929 at Camp No.21 at Chieti during the period August 1942 to September 1943

Copy

A F F I D A V I T

- of -

LIEUTENANT R.C.W. HILL, R.A.

THE TREASURY SOLICITOR.

IN THE MATTER OF :

2518

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions, 1929, at Camp No.21 at Chieti during the period from September 1942 to September 1943.

A F F I D A V I T

I, Captain ROY REENE WIGGINS, Somersetshire Light Infantry attached 123 O.C.T.U. R.A. Catterick Camp, Yorks, with a home address at 7 Longcroft Avenue, Banstead, Surrey, make Oath and say as follows :-

1. I was captured west of Fouka on 29th June, 1942. After about a week in Hospital for wounded prisoners of war at Mersa Matruh, I was removed to Tobruk and thence to Derna Field Hospital where I also remained for about a week. I was then taken by Hospital ship to Naples and thence, on arrival, to Caserta Hospital. After about a week there, I was transferred to Morigi Hospital Piacenza. I left the latter Hospital I think towards the end of August 1942 and I was then sent to Camp No.21 at Chieti. I remained at the latter Camp until I escaped from it on or about 23rd September, 1943.

2. I have perused the Affidavit sworn by Lieutenant Rodney Charles Wheeler Hill, R.A. on the 23rd April 1945 and I confirm what he says about Camp No.21 Chieti with the following comments.

3. With regard to paragraph 4 of Lieutenant Hill's Affidavit, I confirm that Colonel Gray's Unit was the Gurkhas (I believe 6th Gurkhas, 10 Indian Division).

4. As regards paragraph 6 of the said Affidavit, I think we had water for about an hour in the morning and for about the same time in the evening for washing. The water was drawn from wells and there was a well between the parallel sides of each U-shaped block. Some huts were without a supply of water as their wells had run dry. There were no baths provided. One could either bath in a trough or pour a bucket of water over one. I had a hot shower twice whilst I was at this Camp.

5. As regards paragraph 9 of the said Affidavit, a tooth brush bought at the Camp canteen cost about 35 lire, i.e. about 10/- in English currency.

6. As regards paragraph 10 of the said Affidavit, until early in January 1943 I possessed only one shirt (K.D.), one paid of shorts (K.D.) and a pair of boots. Thereafter greatcoats, battledress etc. could be bought on the scale in issue to other ranks.

7. As regards paragraph 12 of the said Affidavit, teeth were extracted without anaesthetic by an Italian Doctor. A British dentist, Captain Goodall, replaced him in about April 1943 and Captain Goodall was able to get together a certain amount of dentistry equipment.

8. As regards paragraph 13 of the said Affidavit, we used to address telegrams from time to time to the Red Cross Authorities at Geneva requesting Red Cross parcels etc. These telegrams were entrusted to Captain Interpreter Croce for despatch. A Red Cross representative later visited the Camp and on our enquiring as to the telegrams we had sent we were told that none had been received. Our S.B.O. took the matter up with the Camp Commandant and demanded an explanation. It was found on investigation that the telegrams had not been sent out but had been filed in Croce's office.

SWORN by the said ROY REENE WIGGINS)
at)
in the of)
this day of 1945)
Before me,

A Commissioner for Oaths

IN THE MATTER OF :-

The ill-treatment of British Prisoners of war and breaches of the Geneva Conventions, 1929 at Camp No.21 at Chieti between August 1942 and September, 1943.

A F F I D A V I T

I, No. 86959, Lieutenant MICHAEL HOWSON MURRAY, Essex Regiment, attached to 1/5th Leicestershire Regiment 148 Pre O.C.T.U. Training Establishment, Wrotham, Seven Oaks, Kent and with a permanent address at Leavenhall, Leavenheath, Colchester Essex make oath and say as follows :-

1. I was captured at El Alamein on 1st July 1942 and was flown to Italy about a week later arriving at Lecce. After one night I was taken to Camp No.75 at Bari and after about a fortnight there I went to Camp No.21 at Chieti, arriving at the beginning of August, 1942.

2. I have read the Affidavit of Lt. Rodney Charles Wheeler Hill sworn on the 23rd April, 1945 and I confirm what he says with the following comments.

3. The worst point about the Camp at Chieti was the lack of water. The sanitation as planned was perfectly good had there been any water laid on. As it was not we had to draw water from wells in the Camp to make the latrines at all possible. Some of the bungalows had wells and no water was laid on to these, it all had to be drawn up from the well.

4. As regards paragraph 7 of Lt. Hill's Affidavit, I agree that if it had not been for the Red Cross parcels we should have starved. The position was much worse in the winter owing to the lack of heating referred to in paragraph 11 of Lt. Hill's affidavit.

5. As regards paragraph 10 of Lt. Hill's affidavit, I confirm the lack of clothing and for myself I had only desert kit consisting of shorts, shirt, socks and boots (the latter very much worn) and a pullover. As a result I wore my blanket most of the winter. Occasionally the Italians would issue a great coat for which the prisoners would draw. In March 1943 I was lucky enough to win one of these draws and obtained an Italian overcoat. I understand that the winter was not so severe as some Italian winters at Chieti and we did not have snow and not much frost. Had the winter been severe conditions would have been impossible.

6. There were showers in the Camp but as far as I can remember they were only in use twice. I had one shower only. Apart from this there was one tap in the wash room above a tiled floor and two feet from the floor to serve 150.

7. I remember in July or August 1943 a prisoner was hit with a rifle but I do not know him and did not find out what the circumstances were.

8. On 23rd or 24th September 1943 I was taken with other prisoners by the Germans to Sulmona where I remained at the Camp there, No.78, until 30th September when I and other prisoners were to entrain for the north. I escaped and I believe other prisoners tried to escape. I heard a shot after I had got away but do not know the circumstances.

SWORN by the said MICHAEL HOWSON)
MURRAY at Sevenoaks in the County) M.H. MURRAY, Lt.
of Kent this 9th day of June 1945)

Before me,
E.H.C. PLATT,
A Commissioner for Oaths.

IN THE MATTER OF :-

The ill-treatment of British Prisoners of war and breaches of the Geneva Conventions, 1929 at Camp No.21 at Chieti between August 1942 and September 1943

Copy

A F F I D A V I T

- of -

Lieutenant MICHAEL HOWSON MURRAY.

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929, at Camp No.21 at Chieti during the period August 1942 to May 1943.

A F F I D A V I T.

I, No.151377, Captain HUGH HALDANE THOMSON of 53rd Air Landing Light Regiment, R.A. with private address at 24 Somers Road, Reigate, Surrey, make oath and say as follows :-

1. My Unit is at present in Germany and I am at home, having been shot down and wounded, and am attenting the Horton Emergency Hospital, Epsom, as an out-patient.

2. I was captured at Sidi Rezegh on the 15th June 1942, and was flown to Italy about the 26th June 1942, arriving at Lecce.

3. I was taken to Camp No.75 at Bari from where I was later transferred to Camp No.21 at Chieti, where I arrived on the 5th August 1942.

4. I remember Lieutenant Rodney Charles Wheeler Hill, Royal Artillery, who was in my room at this camp. I have seen his Affidavit sworn on the 23rd April 1945 and confirm what he says about the camp at Chieti, with the following comments.

5. With regard to paragraph 4 of Lieutenant Hill's Affidavit, I confirm the occurrence and to the best of my knowledge Colonel Gray's Unit was the 3rd or 4th Gurkhas. The report referred to was drawn up by an officer who is also a Barrister-at-law, whose name I believe is G.W.F. de Winton, Middlesex Yeomanry.

6. As regards paragraph 5 of the said Affidavit, I confirm that the sanitation was very bad. We had on occasion to push poles down to free the latrines.

7. As regards paragraph 6 of the said Affidavit, I confirm this. Showers were installed in the summer of 1943.

8. As regards paragraph 7 of the said Affidavit, I confirm Lieutenant Hill's evidence, and particularly that the rolls or loaves of bread were light weight. We were very hungry indeed up to about February 1943.

9. As regards paragraph 9 of the said Affidavit I confirm that the prices in the camp canteen were high but this was not unnatural. I found that one of the worst things from the point of view of the prisoners' money was the Italians' method of charging for any damage or loss. The slightest damage was exorbitantly charged against the prisoner who happened to have the particular article in his possession at the time. A small hole in a sheet would be charged 120 lire, or nearly £2. This was deducted from the prisoner's pay. After a time we examined any sheets, etcetera on issue and refused them if they were not perfect.

10. As regards paragraph 10 of the said Affidavit, I confirm that no attempt was made at this camp to provide clothes - certainly until January 1943 when Red Cross clothing began to arrive. There was an occasional issue of the Italian type of rag socks.

11. As regards paragraph 11 of the said Affidavit, two stoves per bungalow were provided - one in the open part of the bungalow, which contained 180 men, and one in the other room, which contained 20 men. There were no stoves provided during the winter at all, and in any case no fuel was ever provided so that they were not of much use. I agree we had only two small blankets each.

12. I confirm paragraph 12 of the said Affidavit, and would add that the medical officer did two remarkable operations - both straightening of a squint - one for a Rifle Brigade Officer and one for an "other rank", whose names I do not know.

13. As regards paragraph 13 of the said Affidavit, I found the first Commandant was merely silly. I do not remember the names of the Commandants, except the last one, Colonello Massi, who was a Fascist or pro-Fascist. I confirm that the Captain, or Captain-Interpreter, Croce was very difficult and hostile, but it is quite impossible to give any specific instances as he was too clever to let anything be known.

14. I left Chieti about 1st May 1943 for Camp No.49 at Fontenallato. This was the best camp I was in, and the * Commandant, Tenete Colonello Vincenodomini was the only real officer and gentleman I met in the Italian Army. The Captain-Interpreter whose name was Camino, and who had an English wife, also did excellent service to the prisoners. At the armistice he and a Sergeant-Interpreter organised billets, clothing, and everything for us. The Commandant handed over to Lieutenant Colonel de Burgh, the senior British Officer, and all officers and men marched out of the camp two hours before the Germans arrived. We split up into parties and I went down to the Allied Lines and got through on 20th November 1943.

* The Commandant was arrested by the Germans on or about 8th September 1943 for allowing us to escape.

SWORN at 21 Old Queen Street in the)
City of Westminster this 18th day)
of May 1945)

HUGH H. THOMSON,
Capt. R.A.

Before me,

HERBERT DAVIES
A Commissioner for Oaths.

IN THE MATTER OF :-

The ill-treatment of prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.21 at Chieti during the period August 1942 to May 1943.

Copy

A F F I D A V I T

- of -

CAPTAIN HUGH HALDANE THOMSON

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The ill-treatment of prisoners of war and breaches of the Geneva Conventions of 1929 at Camp No.21 at Chieti during the period August 1942 to September 1943.

A F F I D A V I T.

I, No. 140978, Lieutenant JOHN CHRISTOPHER TREVOR, Royal Engineers, D.C.R.E. Colchester Out-station at Hitherstocks, North Road, Clacton, Essex with private address at 340, Acklam Road South, Middlesbrough, Yorkshire, make oath and say as follows :-

1. I was captured at Tobruk on 20th June 1942 and after about a fortnight in North Africa I was flown to Italy and arrived at Camp No.75 at Bari. I was later transferred to Camp No.21 at Chiete where I arrived about 5th August 1942.

2. I remember Lieutenant Rodney Charles Wheeler Hill, Royal Artillery, and also Captain Hugh Haldane Thomson, who were in the next bungalow to me. I have read the Affidavit of Lieutenant Hill sworn on the 23rd April 1945 and I also read the Affidavit of Captain Thomson sworn on the 18th May 1945 and confirm his agreement with Lieutenant Hill's Affidavit and his comments thereon.

3. As regards washing facilities I confirm that the officers in my bungalow had to use the washing arrangements either in Captain Thomson's bungalow or the one on the other side of us, although the latter was worse than Thomson's being higher up the slope. As a result conditions for washing were very over-crowded.

4. I remained at Chiete after Captain Thomson left and was there until after the armistice when I was transferred by the Germans who had taken over to Camp No.78 at Sulmona arriving there on 23rd September.

SWORN at Clacton-on-Sea in the County of Essex this 23rd day of May 1945.) J.C. TREVOR, D.C.R.E.

Before me,

RALPH CARR
A Commissioner for Oaths.

IN THE MATTER OF:-

The illtreatment of prisoners of war and breaches of the Geneva conventions of 1929 at Camp No.21 at Chieti during the period August 1942 to September 1943

Copy

A F F I D A V I T

- of -

LIEUTENANT JOHN CHRISTOPHER TREVOR

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The Ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No. 21 at Chiete, Italy, during the period End July to End December 1942

A F F I D A V I T

I, GERALD WALTER FREDERICK DE WINTON, No. 91217, Major, Royal Signals, with a present address at A.F.V." School, Bovington Camp, Wareham, and with a permanent address at Glasbury, Hereford, make Oath and say as follows :-

1. On the 12th July 1942, I was taken prisoner near Bukbuk, North Africa, and was from there taken to Tobruk where I stayed one week: then to Barce where I stayed four days: Derna for one night: Lecci for one night! Bari for 10 days: and was from there sent to Camp No.21, at Chieti about the end of July 1942.

2. I was prisoner of war at Camp No.21, Chieti, from the end of July to the end of December 1942.

The conditions at the said Camp during the said period were very bad in the following respects :-

As regards food, the daily allowance was one small roll of bread, a ladle of vegetable skilly with rice or macaroni and sometimes a plate of rice. There was a small weekly issue of cheese and occasionally a very small issue of bad quality meat. This was barely enough to live on even for a fit man; and then only in the case of a man who can go on eating rice or macaroni. If a man was unable to do so - and many in the Camp could not - severe under nutrition was inevitable. There was no regular issue of Red Cross parcels until about November 1942 and they just saved the situation for many of the prisoners.

There was no different diet for the sick.

As regards clothing, none was issued during the time that I was there: I was in my desert kit, drill shorts, shirt, pullover (no tunic or coat) all largely worn out, and got no fresh issue. There was an issue of blankets and many of us had to wear blankets by day. My boots were worn out as a result of walking from Tobruk to Bukbuk and I could not get them repaired until April 1943. Until then (apart from when moving from camp to camp) I went barefoot.

In consequence of the above conditions there was considerable disease in the camp, mainly dysentery and desert sores and almost universal malnutrition.

As regards medical arrangements, there was only one Italian Medical Officer. There was one hut for serious cases, but practically no equipment or supplies.

3. On leaving Camp No.21 at Chieti at the end of the year 1942, I went to the Camp at Poppi until about the 1st May 1943 and from there was sent to Camp No.49 at Fontenellatto where I stayed until the 8th September 1943 - the armistice. I then proceeded to make what progress I could in the open towards the Allied lines and I eventually joined them on the 9th November 1943.

SWORN by the above named Gerald Walter Frederick de Winton at Wareham in the County of Dorset the 15th day of June 1945 Before me,

G.W. de WINTON

ROBERT C. HOWIE.
A Commissioner for Oaths.

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.21 at Chieti, Italy, during the period end July to end December 1942

A F F I D A V I T

- of -

Major G.W.F. DE WINTON

THE TREASURY SOLICITOR.

IN THE MATTER OF :- 2528

The ill-treatment of Prisoners of War and breaches of the Geneva Convention 1929 at Camp No. 21 at Chieti during the period from 8th August 1942 to 22nd September 1943

AFFIDAVIT

I, No. 97659, Major ADRIAN REDMAN COLLINGWOOD, Officer Commanding B. Company, 164 O.C.T.U., Barmouth, Wales, with permanent address at 258 Cottingham Road, Hull, make Oath and say as follows :-

1. I was captured and taken Prisoner of War near Fouka by the 21st Panzer Division on the 29th June 1942. I was evacuated to Benghazi via Tobruk and Barce whence I was flown to Camp No.75, Bari, where I arrived on or about the 6th July 1942. I remained at Bari till 8th August 1942 when I was transferred to Camp No.21, Chieti, whence I escaped some days after the collapse of Italy (I think on the 22nd September 1943). I rejoined British forces at Casoli on 17th February 1944.

2. General living conditions at Camp No. 21 Chieti were better than those which obtained at Camp No. 75 Bari.

3. At Chieti, I and seven other Captains were accommodated in a room which was about 22 feet in length and about 14 feet in width. We slept in two-tier bunks and were each issued with a straw palliasse, a bolster and two blankets. Later we were given sheets.

4. The daily ration of food consisted of 150 grammes of bread, soup (rice or macaroni content) and ersatz coffee. We got a minute ration of meat twice a week (perhaps a portion 3" x 2" x 1/8"), and a plentiful supply of fruit of various kinds. There was also a limited supply of food (sweetmeats etc.) and other necessaries to be had through the canteen at high prices. We had to pay messing dues which, so far as I can now recall, amounted to about 13 lire a day.

5. On the whole, Red Cross parcels arrived pretty regularly. Mail was not so good: I think I received only about a quarter of the letters posted to me. The letters I wrote reached their destinations fairly well. From January 1943 onwards supplies of cigarettes sent from home seemed to arrive fairly regularly until the heavy bombing of Italy cripped transport.

6. Sanitary and washing arrangements were poor owing to the meagre and intermittent water supply.

7. The general health at Chieti seemed to be very fair, but there was an epidemic of jaundice which lasted for about a month, and athletes foot was a more or less common complaint. Taking into account the Red Cross parcels, the food was reasonably good (judged of by parallel standards); and, so far as I know, the diet at Chieti occasioned no serious cases of malnutrition. In consequence we had far more energy than at Bari, and this is exampled by the entertainment and other facilities we got afoot, viz: a library, theatre organised sport etc.

8. We were doctored at Chieti by Italian Medical Officers who did their best for us with the somewhat meagre facilities at their disposal.

9. The clothing position was extremely bad. Up to January 1943 we received no supplies of boots or clothing. There was no heating during the winter and I and a fair proportion of the other Ps/W. were walking about in bare feet. Our clothing was worn to shreds and this for the most part consisted only of khaki drill. Few, if any, had greatcoats, and we used to drape ourselves in blankets to try and keep warm.

10. There were two Commandants at Chieti while I was there. The first (name unknown) was a plump, unpleasant little man, bumptious and obstructive. He often used to get us up for roll-calls in the middle of the night, but later he discontinued this practice.

11. Captain Groce was Interpreter-Adjutant the whole time I was at Chieti. He was anti-British and an ardent Fascist, and he certainly never went out of his way to try and improve our lot. It was generally rumoured that he had withheld eggs and milk from sick Ps/W who had been recommended that diet by the Senior Italian doctor (a Major who was always very good to British patients). For some time mail was withheld (but subsequently released) and it was rumoured that the hold-up had occurred in Captain Groce's office.

12. So far as I can recall no acts of violence worthy of mention occurred at Chieti whilst I was there.

SWORN at Barmouth in the)
County of Merioneth this) A.R. COLLINGWOOD.
27th day of June 1945) Major.

Before me,
T. R. Jones.
A Commissioner for Oaths.

IN THE MATTER OF :

The ill-treatment of Prisoners of War and breaches of the Geneva Convention 1929 at Camp No.21, Chieti, during the period from 8th August 1943 to 22nd September 1943

A F F I D A V I T

- of -

MAJOR A.H. COLLINGWOOD

THE TREASURY SOLICITOR.

PARTICULARS OF EVIDENCE IN SUPPORT

1. AFFIDAVIT of Captain Instructor C.N. CROSS, sworn 18th June 1945.
2. AFFIDAVIT of Lt. R.J. O'Brien, sworn 28th June, 1945.
3. AFFIDAVIT of Lt. W. Magson, sworn 11th May 1945 (paras. 5 & 6).
4. AFFIDAVIT of W. Price sworn 29th June 1945, with draft Affidavit of Lt. E.A. Lawton as exhibit (para.2)
5. AFFIDAVIT of Captain R.E.C. Price, sworn
6. AFFIDAVIT of Lt. R.C.W. Hill, sworn 23rd April 1945.
7. AFFIDAVIT of Capt. R.R. Wiggins, sworn
8. AFFIDAVIT of Lt. M.H. Murray, sworn 9th June 1945.
9. AFFIDAVIT of Capt. H.H. Thomson, sworn 18th May 1945.
10. AFFIDAVIT of Lt. J.C. Trevor, sworn 23rd May 1945.
11. AFFIDAVIT of Major G.W.F. de Winton, sworn 15th June 1945.
12. AFFIDAVIT of Major A.R. Collingwood, sworn 27th June 1945.

The affidavits of Captain Price and Captain Wiggins are in process of being sworn.

Copies of these documents are attached.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

If the evidence set forth in the Affidavits is established, it appears that War Crime No. xxix - Ill-treatment of Prisoners of War - has been committed. The Articles of the Geneva Convention, Breach of which is alleged, are indicated in the Particulars of alleged crime. There appears to be a strong prima facie case for all the accused to answer.

RESPONSIBILITY. The responsibility of Accused Nos.1, 2 and 3 is direct, and as regards the medical side, No.5. They either knew or should have known of the conditions in the Camp, and must be held responsible for the policy and method adopted throughout the camp. It seems clear that Accused No.4 exercised considerable influence in the Camp, and he may be primarily responsible for much of the discomfort of the prisoners. He impressed himself very unfavourably on the witnesses, and it appears that his attitude was actuated by malice. If the assailant of Captain Finch can be identified, a separate charge may lie against him.

DEFENCES. Such of the accused as were subordinates will no doubt plead that they acted in compliance with the orders given by their superiors, but they have a prima facie case to answer inasmuch as they took part in the general system. It is submitted that a plea of compliance with orders, even if accepted, would not absolve them from criminal liability, but would merely have the effect of making their superiors at least equally liable. The Senior Officers may plead that their subordinates acted in excess of orders, but this would hardly apply to a general system of harsh and malicious treatment.

COMPLETENESS OF CASE: It remains to confirm the identity of the named accused, and identify those unnamed. If confirmation of the assault on Captain Finch is obtained, this may lead to the founding of a separate charge against his assailant.

Enquiry is proceeding for such identification and confirmation.

1567/UK/SC/79

2533

1. ROLANDO (or ORLANDO), Luigi
2. Unknown Adjutant or 2nd i/c
3. Officer in charge of Administration
4. Senior M.D.
5. GRECO

Date Submitted	Decision of Committee I		
8 OCT 1945	1. A 2. u Adjutant 5 5	15	

[illegible] CHECKED

[89756] P898/11 5000 8/45 M&C Ltd 51/1

1567/UK/SC/79

IN THE MATTER OF :

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929, at a prisoners of war camp at Tarhuna, North Africa, in or about June 1942

A F F I D A V I T

I, LESLIE FRANK RICHMOND, M.D., B.S., of "The Cedars", Kenton Road, Gosforth, Newcastle-upon-Tyne, make Oath and say as follows :-

1. In 1942 I was a Major in the Royal Army Medical Corps and was attached to the 72nd Field Regiment, R.A., 150th Brigade, 50th Division. I was captured, with a number of other officers and men by the Germans at Cazala lines on 1st June 1942. After working as a Medical Officer for two days behind the German lines, I was handed over to the Italians, and moved by stages to Tripoli.

2. Among my companions were Captain Caraher and Captain Watson both R.A.M.C. I spent 3 or 4 days at a Casualty Clearing Station at the Gulf of Bomba, three or four days at Derna, a week at Barce, where I was Senior Medical Officer, and thence via El Agheila, Sirte, and Misurata to Tarhuna, where I was for a week or ten days before going into Hospital at Tripoli as a patient.

3. The camp at Tarhuna consisted of a permanent building. I am not sure whether the name was Tarhuna or Trig Tarhuna, but this can be checked by the fact that the Italian Commandant's name was Rolando. On the evening of my arrival I went into the men's compound and held a sick parade. This consisted of about 200 men who were sick or slightly wounded. I gave treatment for about two hours. The Italian Medical Officer, whose name I do not know, told me I could return in the morning to attend to the sick prisoners.

4. The next morning Captain Caraher and I tried to go to the man's compound when the Italian sentry stopped us. Through an interpreter we asked to see Rolando, the Commandant, and he refused to let us enter the compound to treat our sick men. None of the prisoners therefore got any treatment from the British Medical Officers while I was there except for the first night. I contacted some gastric trouble with a lot of vomiting and was eventually sent to Tripoli Hospital and thence to Caserta Hospital in Italy, where I arrived about the 5th July 1942.

5. At the camp at Tarhuna were Captain Caraher and Captain Watson, and an English Padre named Griffiths. Our main complaint at this camp was that we were not allowed to visit and treat the sick and wounded British Prisoners of war.

SWORN by the said LESLIE FRANK RICHMOND at the City and County of Newcastle upon Tyne this 27th day of September 1945) L.F. RICHMOND.

Before me,
JNO. RICHMOND.
A Commissioner for Oaths.

(*For the Use of the Secretariat*)

Registered Number.	Date of receipt in Secretariat.
1567/UK/I/79	22 SEP 1945

2535

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CASE No. UK-I/B 111. *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1. Captain Luigi (or Allegro) ROLANDO (or ORLANDO), Camp Commandant 2. Adjutant or Second in Command 3. Officer in charge of Administration 4. Senior Medical Officer Names, ranks and units at present unknown. 5. - GRECO, an Italian-American Interpreter — Rank and unit at present unknown
Date and place of commission of alleged crime.	Over a period at present undefined - at least from July 1941 to December 1942, at Prisoners of War Camp No. P.G.151 at Tarhuna, North Africa.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No.xxix - Ill-treatment of Prisoners of War. Breaches of the Geneva Convention 1929 (Prisoners of War) Articles 2,6,10,11,12,13,14,15, 46 and 54. Under English Law:- Assault.

SHORT STATEMENT OF FACTS.

Over a period at present undefined (but at least from July 1941 to December 1942) the Camp P.G. 151 at Tarhuna was carried on in a manner contrary to the provisions of the Geneva Convention, 1929, relative to Prisoners of War.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E.W.Ltd. Gp.685

PARTICULARS OF ALLEGED CRIME

During the said period the said Camp was carried on in an improper manner, and in particular in that :-

1. Inadequate accommodation was provided (Article 10).

2. Inadequate food rations were supplied (Article 11).

3. Proper hygienic measures were not taken, nor were proper conveniences supplied (Article 13).

4. Sufficient clothing and footwear were not provided (Article 12).

5. Prisoners personal effects and articles in personal use were removed (Article 6).

6. Proper medical facilities, infirmary etc., were not provided (Articles 14 and 15).

7. Cruel punishments and collective penalties for individual acts were imposed (Articles 2 and 46).

8. Punishments more severe than imprisonment were imposed (Articles 2 and 54).

IN THE MATTER OF :

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929, at Tarhuna during the period from August to the middle of September 1941.

A F F I D A V I T

I, No. 2937953 Private THOMAS HENDERSON, Pioneer Corps, attached No.10 A.F.V. Depot, R.A.O.C., Georgetown, Renfrewshire, with a home address at No.11 Sweethill Terrace, Carnbrow, Coatbridge, Lanarkshire, make Oath and say as follows :-

1. I was captured and taken prisoner of war at "Hellfire Pass" on 15th June 1941. After spending some time at Croma and Benghazi, I was taken to Tarhuna, which I reached about the beginning of August 1941. I remained there about six weeks and was then sent to Taranto by Hospital ship via Tripoli.

2. There were about 2000 prisoners of war at the Tarhuna Camp which comprised two compounds, one for officers and the other for other ranks. The other ranks compound was perhaps 100 yards square and contained two large brick buildings, which were very overcrowded. No beds were issued and we slept on straw matting on the tiled floors. We were each issued with two blankets.

3. The sanitary arrangements consisted of holes in the ground at the top end of the compound and there was no water supply for the latrines. Water was brought in by truck and this was available for only half an hour a day. There were no wash basins.

4. We had ersatz coffee at 0700 hours and either one or two small rolls of bread each at 0900 hours. We had macaroni skilly at 1230 hours, cheese 5 days a week and meat on the other two days. At 1700 hours were again had skilly but rather more than at midday. It was no unusual thing to see prisoners of war going over the refuse in search of food. We received no Red Cross parcels and no mail whilst I was at this Camp.

5. Dysentery was rife and there were some cases of malaria, although the Italian authorities administered anti-malarial inoculations. Skin diseases (i.e. desert sores etc.) were also prevalent. It was not unusual for prisoners of war to faint on counting parades, presumably on account of malnutrition.

6. The camp commandant took exception if we tried to provide any entertainment for ourselves. I recall that on one occasion we and the officers were having a sing-song and the Commandant came down with two or three guards, broke up the party and threatened to shoot us.

7. Once while I was at the showers I left my clothes on the wash handbasin. An Italian guard rushed at me with a piece of barbed wire and said something to me in Italian. I did not know what he was saying and I held him off by the lapels of his jacket. He wanted my name and I gave him a false name. I was later arrested in the dinner queue and taken before the commandant. There was an interpreter present and I found that I was accused - falsely - of washing my feet in the

handbasin. The commandant gave me ten days in the cells on bread and water, and I was placed in solitary confinement. The cell had a tiled floor and there was no bed beyond a mat and two blankets. I was not allowed out of the cell at all and I contracted dysentery while in the cell. It was customary for prison to be awarded for the most trivial offences and sometimes, to all appearances, for no offence at all.

8. If anyone left his sleeping quarters at night, the sentries used to discharge their rifles but I think this was done merely to scare and annoy us and no one to my knowledge was hit.

SWORN by the said Thomas Henderson)
at Paisley in the county of Renfrew) THOMAS HENDERSON.
this fourteenth day of June 1945)

Before me,
THOMAS HUNTER.
Notary Public.

IN THE MATTER OF :-

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929, at a prisoners of War Camp at Tarhuna in or about July, 1941.

A F F I D A V I T.

I, D/L. 13757 Leading Steward JASPER DONALD GODBEER, 52 Mess, Spare Crew, H.M.S. "Forth" C/o G.P.O. London, with a home address at 12 South Road Wyke Regis Weymouth, Dorset, make oath and say as follows :-

1. I was captured in the Gulf of Sirte on 30th June 1941 (sic) I was taken thence, the same day, to Benghazi, where I remained a fortnight. I was then transported by lorry to a prisoners of war camp at Tarhuna, which I reached about 4 days after leaving Benghazi. I remained at Tarhuna for two or three weeks after which I was taken to Tripoli and shipped to Taranto on board the "Neptunia" (sic.)

2. I have perused the affidavit sworn by Private Thomas Henderson on the 14th June 1945 and I confirm what he says as to conditions of Tarhuna with the following comments.

3. As regards paragraph 2 thereof, my impression is that there were not more than about 1000 prisoners of war at the Tarhuna Camp while I was there.

4. As regards paragraph 4 thereof, I recall that we had an issue of bread in the forenoon, but I do not remember having had cheese.

5. As regards paragraph 5 thereof, I confirm that prisoners of war sometimes fainted on the counting parades, but I would not attribute that to malnutrition. I think it was due to the intensity of the sun. I had no anti-malarial inoculation.

6. I know nothing of the incident to which Private Henderson refers in paragraph 7 of his affidavit.

7. As regards paragraph 8 thereof, the latrines were situated inside the buildings: there was therefore no need for anyone to wander at large outside the buildings at night.

8. As regards water: there was a tap and trough for washing, and the water was turned on morning and evening. We were warned not to drink this water because of the risk of dysentery. Drinking water was brought into the camp by lorry at about 1700 hours daily. We always had to queue for it.

9. I have also perused the affidavit sworn by Chief Petty Officer Leonard Charles Hooten and I confirm what he says in paragraphs 5 and 9 thereof.

10. I witnessed no acts of violence against prisoners of war while I was at this Camp.

SWORN at Weymouth in the County)
of Dorset this 11th day of August) J.D. GODBEER
1945)

Before me,
WILLIAM D. FURNESS,
A Commissioner for Oaths.

IN THE MATTER OF :

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929, at a prisoner of war Camp at Tarhuna during August and September 1943.

AFFIDAVIT

I, D/J.110951 Chief Petty Officer LEONARD CHARLES HOOTON of H.M.S. "Elfin", Blyth, Northumberland, with a home address at 38 Richland Road, Liverpool, 13, make Oath and say as follows:

1. I was captured in the Gulf of Sirte on 31st July 1941. After three weeks or so at Benghazi, I was taken to a prisoner of war Camp at Tarhuna. During the latter part of August 1941, I left Tarhuna and sailed on board the ship "Oceania" for Taranto.

2. I have perused the Affidavit sworn by Private Thomas Henderson on the 14th June 1945 and I confirm what he says with the following comments.

3. As regards paragraph 2 of the said Affidavit, my recollection is that there were five or six buildings housing prisoners of war in the other ranks' compound.

4. As regards paragraph 3 thereof, the water-cart arrived at about 1700 hours each evening. A portable shower was erected about two days previous to our being sent into Tripoli for passage to Italy and dismantled after all prisoners of war had bathed.

5. As regards paragraph 5 thereof, I think anti-malarial inoculation can have been administered only to a few: I was not inoculated. There were cases of prisoners of war fainting on counting parades, but I do not think this was on account of malnutrition. C.S.M. Mantle R.A.S.C. was permitted to make purchases outside the compound for prisoners of war. He purchased, for example, cigarettes, potatoes, salame (a kind of spiced German sausage), tomato puree and tinned tunny-fish. The meat included in our rations was often green and most of us usually threw it away. Only a small percentage of prisoners of war had money.

6. As regards paragraph 6 thereof, there were no officers in my compound. My experience was that no objection was raised to sing-songs.

7. I know nothing of the incident referred to in paragraph 7 of the said Affidavit.

8. As regards paragraph 8 thereof, I confirm that there was a measureof irresponsible firing; but, to the best of my knowledge no one was hit and, in any event, it was not necessary to leave the camp buildings if one wished to go to the latrine.

9. The Camp Commandant used to try and impress us by unnecessary delays of one sort and another. For example, we had a roll-call at 1700 hours and one collected food when one's name had been called. After the usual delays, we probably received our food after it had been standing for 1½ to 2 hours and in consequence it was quite cold and "spoilt" (so far as this was possible).

SWORN at 15 Stanley Street Blyth)
in the County of Northumberland) L.C. HOOTON.
this 31st day of July 1945)
Before me,
J.L. YARWOOD.
A Commissioner for Oaths.

IN THE MATTER OF :- 2541

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929, at a prisoners of war Camp at Tarhuna in or about August 1941.

A F F I D A V I T.

I, No. 7913891 Lance-Corporal ARNOLD ADOLPH LAZARUS of "C" Squadron No.1 S. & T. Regiment, R.A.C., Tilgate, Crawley, Sussex, with a home address at 30 Redbourne Avenue, Finchley, N.3. make oath and say as follows :-

1. I was captured at Fort Capuzzo (south of "Hell-Fire" Pass) on 15th June 1941. After a week at an Italian Field Hospital near Gazala, I was sent via Derna to Benghazi Camp, from which, after about five weeks, I was transferred to a Prisoner of War Camp at Tarhuna. After four or five weeks at the latter Camp I was shipped, via Tripoli, to Taranto on board the Beptunia.

2. I have perused the Affidavit sworn by Private Thomas Henderson on the 14th June 1945, and I confirm what he says as regards general conditions at the Tarhuna Camp, with the following comments.

3. As regards paragraph 2 of the said Affidavit my impression is that there were not more than about 1,000 prisoners of war at the camp while I was there. I think the other ranks compound was about 120 yards by 30 or 40 yards in extent and that it contained five or six buildings, one of which was used as an infirmary. I agree that there was considerable overcrowding.

4. As regards paragraph 5 thereof, I agree that it was not unusual for prisoners of war to faint on counting parades, but I attribute this, not to malnutrition, but to change of diet and the long periods we were kept standing in the sun: the parades were held at dinner and tea-time often lasting for 1½ hours (sometimes for as long as 3 hours).

5. I remember the incident referred to in paragraph 6 of Private Henderson's Affidavit: the Commandant took exception to our singing "Land of Hope and Glory" in place of the National Anthem (the singing of which was forbidden).

6. I cannot confirm paragraph 8 thereof. In view of the fact that there were latrines in the buildings, it would not be necessary for anyone to leave the buildings at night.

7. The latrines in the buildings were not water-flushed, but were limed or disinfected by working parties in the mornings. There was acute shortage of water for all purposes: water, both for drinking and washing, was brought in by water-cart daily. We had to queue for it and collect it in water-bottles, mugs etc.

8. The whole place was infested with lice and fleas and desert sores were a common complaint.

9. Bread was also in very short supply. The Italians did what they could to remedy the position by putting prisoners of war in the cells on half their bread ration for little or no provocation.

SWORN at Richmond in the County)
of York this 23rd day of August) A.A. LAZARUS
1945)

Before me,
F.C. HODGSON
A Commissioner for Oaths.

IN THE MATTER OF :

The ill-treatment of British Prisoners of war and breaches of the Geneva Conventions 1929 at Camp at Tarhuna, North Africa during about fourteen days in August or September, 1941.

A F F I D A V I T

I, ALAN DENNIS JOHN BAGNALL, No. EX 2031, Marine at present at Royal Marines, c/o G.P.O. Box 8, Southend-on-Sea, Essex, and with a permanent address at Pingle Dell, Pingle Lane, Hammerwich, near Lichfield, Staffordshire, make Oath and say as follows :-

1. At the beginning of June 1941 I escaped from Crete, landed from a row boat on the North African coast from Gambut, and on the 4th June 1941 was taken prisoner near Gambut. I was kept prisoner of war for 5 days at Fort Acroma, North Africa: then I was taken to Derna where I stayed for about two months; then to Benghazi and eventually reached Tarhuna, North Africa during about August or September 1941, and I stayed there for about 14 days.

The conditions during the time that I was at the said Camp at Tarhuna were almost indescribable. The Camp was part of the Italian Barracks, and the whole place was extremely verminous. We had to sleep on the tiled floor with one blanket only.

As regards sanitary arrangements, there were two deep troughs out in the open and water was turned on for a brief period early mornings and sometimes late afternoons. The supply was always insufficient for every man to have a wash, and drinking purposes. Some days a water lorry would come, and a certain percentage of prisoners after a hectic struggle would obtain some water for drinking. Once during my stay at Tarhuna we got a shower from a portable shower.

Diseases were very prevalent in the Camp, chiefly dysentery and desert sores. These were always caused through lack of the means of keeping oneself clean and from medical inattention.

As regards food, in the early morning we had a small cup of ersatz coffee; about 11 a.m. all the prisoners had to assemble in a small wired-off space to wait. They were kept crowded together, many hatless in the hot sun, every day often for an hour or an hour and a half waiting for the Commandant to arrive to witness the serving of the food and sometimes to count the prisoners. The food at noon consisted of very watery boiled macaroni, sometimes with minute pieces of vegetable in it. Late afternoon we were given a small piece of meat and the water in which it had been boiled and two small loaves.

I do not know the names of any of the Italian Officers or N.C.O.s at this Camp. The Commandant was very harsh, and confined prisoners of war in a room marked "Prison for the Prisoners", for the most trivial offences, and often for several days at a time.

SWORN at Lichfield in the)
County of Stafford this) ALAN DENIS JOHN BAGNALL
23rd day of August 1945)
Before me,
E.W. HADEN.
A Commissioner for Oaths.

IN THE MATTER OF :-

The ill-treatment of British Prisoners of War and breaches of the Geneva Conventions 1929 at Prisoners of War Camp at Tarhuna in January and February 1942

A F F I D A V I T

I, No. 153980 Lieutenant RICHARD CRAWSHAY PARTRIDGE, The Welch Regiment, now residing at Pencraig, Llanhennock, Caerlon, Monmouthshire, make Oath and say as follows :-

1. I was captured at Benghazi in January 1942. I was at Benghazi for about a week, where the officers and men were together, and where we were given our own rations which had been captured at the same time. The officers and men were then separated and we went to a camp at Tarhuna for two weeks.

2. The sanitation, or lack of sanitation, in this camp was terrible. There was no sanitation before we went there and pits had to be dug. It was almost impossible to go near the latrines owing to the smell.

3. We were very overcrowded, there being 152 officers in four small rooms. I had no bed and like many others had to sleep on the stone floor with only one blanket.

4. We each had two small loaves per day and a sort of watery soup or skilly and a cup of ersatz coffee in the morning. We could buy certain things like dates.

5. The Italian officers and guards were not particularly hostile and our conditions were not too bad as we were not actually ill-treated, although many things were irritating. The Commandant, however, whose name I do not know, was very offensive and hostile and wholly unco-operative. On one occasion, the actual date of which I do not remember, a Captain Olden, 1st Battalion Royal Sussex Regiment, was getting off a truck and the Commandant shouted at him. He did not do anything in response to the shouting and the Commandant pulled and knocked him about and had him put in detention for a week

6. About the end of February, 1942, we were taken to Italy by ship. There were three ships in convoy and I was in the third. The two leading ships were sunk by allied submarines and I was told, although I cannot give the name of my informant, that from one, which was sunk off Pantellaria, only a few survived.

7. The prisoners on my ship were battened down in the hold and not allowed out at all until after the other two ships were sunk. We were very overcrowded in the hold, the 200 or so officers being separated from the men. There was a lot of dysentery and diarrhoea.

8. We called at Palermo and were eventually landed at Naples having spent five days on the voyage. For the whole five days we were each provided with only two tins of Italian tinned meat and six "dog biscuits", that is biscuits of a fair size.

SWORN at Newport in the)
County of Monmouth this)
24th day of May 1945)

R.C. PARTRIDGE.

Before me,
ALBERT E. MARTIN.
A Commissioner for Oaths.

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Prisoners of War Camp at Tarhuna in January and February 1942

A F F I D A V I T

- of -

Lieutenant R.C. PARTRIDGE

THE TREASURY SOLICITOR.

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at the Camp at Tarhuna, North Africa during the period three to four weeks about February 1942

A F F I D A V I T

I, No. 4122314, CHARLES HENRY BURGESS, Regimental Sergeant Major, Cheshire Regiment, attached 11 South Staffs Ashridge Park Camp, Berkhampstead, Herts: and with a permanent address at 5, Park Road, Thurnscoe, near Rotherham, Yorkshire, make Oath and say as follows :-

1. I was taken prisoner of war on the 29th January 1942 at Ghimmes near Benghazi, North Africa: then went to Tarhuna where I stayed about one month: then from Tripoli to Naples: then to Camp No.66 at Capua where I stayed from the 28th February 1942 until the 14th August 1942: then to Camp No.53 at Macerata where I stayed from the 14th August 1942 to the 15th September 1943: I then escaped to the Mountains, was retaken prisoner on the 14th October 1943 and taken to camp at Aquila. Later I left Aquila by train for Camp VII A at Moosburg arriving there on the 11th November 1943. I was released on the 29th April 1945.

2. During the period that I was at the said camp at Tarhuna, North Africa, namely from some three to four weeks in February 1942 conditions were as follows :-

General conditions in this camp were extremely bad. We had to sleep on a stone floor and were only given two small blankets.

The sanitary arrangements were absolutely filthy. There was a large hole which had no flushing and simply got choked. Our men tried to get it clear but it was impossible.

As regards food, while I was there, it was passable, but I believe that it was cut to a very low starvation ration after I left. I was told so later by many men who came from the said camp but I cannot now give their names, ranks or units.

As regards clothing, there was no issue while I was there.

As regards disease, there was a lot of dysentery and desert sores and the only medical arrangements to deal with this situation was that there was one Medical Officer to deal with some 2,400 men in the said camp at that time. Medical supplies, equipment and medicines were extremely short; there was one small reception room and sick bay, but small attention could be given to the sick and only absolutely desperate cases were sent to the Tripoli Hospital some 8 to 10 miles away.

SWORN at Berkhamsted in the)
County of Hertford this 7th) C.H. BURGESS. R.S.M.
day of August 1945)
Before me,
EDGAR W. HUNT.
A Commissioner for Oaths.

IN THE MATTER OF:

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions, 1929 at the camp at Tarhuna, North Africa, during the period March to June 11, 1942

A F F I D A V I T

I, Captain RONALD EDWIN MANN, No.160661, A.E.C., with the present address of Army School of Education, Wakefield, Yorkshire, and with a permanent address at Laidleys Walk, Fleetwood, Lancashire, make Oath and say as follows :-

1. In March 1942 I was taken prisoner of war at Mechili, Libya, and was from there taken to a camp at Tarhuna, where I stayed from the end of March until June 11th 1942. The conditions at the said camp were:

As regards accommodation. We were housed in a school building, the officers having beds, but the other ranks having to sleep on the stone floor with a blanket.

As regards food. The ration when we first went to the said Camp was as follows:

About 300 grammes of bread per day: at 11 o'clock a portion of macaroni skilly and, at 6 o'clock, soup made by boiling a small portion of meat: in addition, the officers could, at very extortionate prices, buy from natives onions and dates and other articles.

During the latter portion of the time I stayed at the said camp, the numbers of prisoners of war increased very largely, but the ration did not increase proportionately and was very much reduced, but I cannot give the exact amounts. The main deficiency in the diet was the complete absence of fresh vegetables.

As regards the sanitary arrangements. They were open squat latrines and, in consequence thereof and malnutrition from food shortage, there were many cases of disease, mainly dysentery. I had dysentery myself.

As regards medical arrangements. There was a medical department in a wing of the said school with a few beds in it but there was very little in the way of medical equipment and supplies: e.g. I was given two injections for dysentery but only at the instigation of our own medical officer. The attention from the Italian personnel was extremely casual. I was in hospital a week without my temperature being taken.

With me in hospital during the same time there was another rank (a man whose name I cannot remember but who was in the Welch Regiment) who was given an injection which became infected and he was ill therefrom for some months.

The Italian personnel did not allow the British medical officer to take any active part in attending the sick. I cannot remember the names of any of the Italian personnel during this time, either medical or otherwise.

2. From Tarhuna, I was sent to the following camps :

No.66 at Capua
" 17 at Rezzanella
" 49 at Fontenallata

all in Italy and at the time of the Armistice I was in Hospital at Piacarza and was taken over by the Germans. I escaped from the Germans on the 4th October 1943 and wandered in Italy until I crossed the German and Allied Lines near the Sangro and joined allied forced in March 1944.

SWORN at Wakefield in the County of York this 20th day of June 1945) R.E. MANN. Capt.A.E.C.

Before me,

A Commissioner for Oaths.

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions, 1929 at the camp at Tarhuna, North Africa during the period March to June 11th, 1942

A F F I D A V I T

- of -

Capt. RONALD E. MANN

THE TREASURY SOLICITOR.

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions, 1929 at the camp at Tarhuna, North Africa during the period March to June 11th, 1942

A F F I D A V I T

- of -

Capt. RONALD E. MANN

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The ill-treatment of prisoners of war and breaches of the Geneva Conventions 1929 at a prisoner of war Camp at Tarhuna from about 25th April to about 11th June 1942

A F F I D A V I T

I, No. 88762 Captain THOMAS PREACHER, Garrison Adjutant Catterick Garrison H.Q., Yorks with a home address at "Springbank", Alverstone Avenue, Low Fell, County Durham, make Oath and say as follows :-

1. I was captured and taken prisoner of war on 9th April 1942 near Mechili. I was taken to Derna (where I was handed over to the Italians), thence to Benghazi: thence to Sirte; thence to Miserata and thence to Tarhuna where I arrived on or about the 25th April 1942. I remained there till about the 11th June 1942 when (after a night at Trig Tarhuna) I was taken to Tripoli Docks and thence shipped to Naples.

2. On arriving at Tarhuna my documentation was taken and I was issued with the usual blue card to send to my people. My wife received this in September 1942. My watch and other personal effects were taken from me, but I was given a receipt for them and these effects were later returned to me.

3. I was placed in the prisoners of war compound. I later became S.B.O. and as such had contacts with the Commandant (name unknown) who raved like a maniac at the slightest provocation.

4. Other ranks were housed in two large rooms which latterly accommodated about 125 men. They were overcrowded and had no beds. They slept on rush mats on the tiled floors, and each had two blankets. The officers were provided with double-tier beds. There were eleven officers, included among whom were the following :

   Captain G.B. Potts (R.H.A.)
   Lieutenant T. Burch (South African Forces)
   Lieutenant C.J. Woods (D.L.I.)
   Lieutenant D.C. Fry (South African Air Force)
   Captain R. Booth, M.C. (Green Howards)
   Lieutenant Emile de Groot (60th K.R.R.S.)
   Lieutenant K.H. Crofton (R.A.)
   Pilot Officer Gee (R.A.F.)

5. We each had about a quarter of a pint of ersatz coffee for "breakfast" (about 0800 hours) and nothing more till about 1100 to 1130 hours. We then had a small portion of macaroni and rice (about an inch in the bottom of a billy-can and the rest fluid). We also had about 400 grammes of bread each a day. At 1730 to 1830 hours we had a minute portion of meat (about the size of a match box) and the fluid in which it had been cooked. Officers, but not other ranks, could buy onions, eggs etc. in the village through the interpreter at exorbitant prices.

6. The latrines consisted of holes in the ground and the

water supply was irregular. We had showers twice while we were there and we were periodically deloused. Dysentery was rife. We were locked in our rooms at night and if anyone had occasion to leave the room for a short while he had to hammer the door to try and induce a tardy guard to let him out.

7. A Private of the 1st Welsh Regiment, name unknown, was inoculated for dysentery (I think in Feb. 1942) and was placed in hospital in the compound. He was inoculated in the thigh and the wound ulcerated. After seeing him I requested the Commandant through the interpreter to have him removed to a hospital where he could receive the attention he obviously needed. The matter was referred to the Italian doctor in the compound hospital (name unknown) who, considering himself professionally affronted, screamed and raved at my request. The man was not moved and he was still in the compound hospital when we left. I do not known whether he survived.

SWORN by the said Thomas Preacher)
at Richmond in the County of York) T. PREACHER.
this 21st day of June 1945) Capt.

Before me,
R. BORROWS.
A Commissioner for Oaths.

IN THE MATTER OF :

2550

The ill-treatment of Prisoners of War and breaches of the Geneva Conventions, 1929, at a prisoners of war camp at Tarhuna, North Africa in or about June, 1942.

A F F I D A V I T

I, No. 159540, Captain E.M. CARAHER, R.A.M.C. at present at 24 A.S.D., R.A.O.C., Worksop in the County of Nottingham, with a private address at Dawnay Hill, Warsop, Nottinghamshire, make Oath and say as follows :-

1. I was captured at Gett-ul-Ualab on the 1st June, 1942 by German troops and was handed over to the Italians at Derna about 9th June 1942.

2. At Derna there was no sanitation, no food at all for 24 hours and only a little after that. I saw no Italian Medical Officer but there was an orderly. I can remember a number of incidents such as Italian soldiers prodding British Officers with bayonets, but I cannot remember the names of any of the persons concerned.

3. After three days I was moved to Tarhuna by lorry. These were Italian 3-tonners containing 50 men each. Many of the men were suffering from dysentery. At the three transit camps at which we stopped there were no latrines. During the journey I complained to the Italian Lieutenant in charge of the convoy, whose name I do not know, that I had dysentery and was unfit to travel. He insisted that I should travel, so I asked if he would stop the convoy from time to time to give the men a chance to get out for latrine purposes as the lorries were becoming filthy, this he refused to do.

4. All the transit camps were in an appalling condition and covered with the filth left by previous occupants. The only Italian with whom we had contact was a sergeant whose name I do not know. No medical treatment of any kind was given though there were many sufferers from dysentery.

5. I arrived at Tarhuna about the 13th June 1942. With me were Major Richmond and Captain Watson both of the R.A.M.C. We were allowed to enter the men's camp to interview the Italian Medical Officer (a Captain whose name I do not know) as we wanted permission to give medical treatment to the prisoners in the camp. This permission was refused and I formed the opinion that the Medical Officer was offensive, ignorant, incompetent and brutal. He refused the permission we asked for on the ground that he was in charge of the camp and did not want us there. He said, however, we could stand and watch him if we liked. Major Richmond criticised his treatment of one or two cases which he was treating at the time but I cannot myself remember anything of this case. The Italian Medical Officer immediately adopted the most unreasonable attitude to us and ordered us out of the men's camp threatening that if we were not back in the officer's camp in five minutes he would close down the sick bay for a prolonged period and no medical treatment would be allowed. While I was in the men's camp I had numerous complaints from the men regarding their medical treatment.

6. After about a week at Tarhuna I was moved to another camp at Suani Ben Adem.

SWORN at Mansfield in the County of)
Nottingham this 7th day of September) E.N. CARAHER.
1945 Before me)
R.P. MARCHANT.
A Commissioner for Oaths.

IN THE MATTER OF :- 2551

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions, 1929 at a Camp at Tarhuna, North Africa, during the period about 7th to 15th July, 1942.

A F F I D A V I T.

I, ARCHIBALD MACKECHNIE BAIRD, No. 7361731, Lance Corporal 13th Company, R.A.M.C. The Castle, Edinburgh and with a permanent address at 53 Milrig Road, Rutherglen, N.B. make oath and say as follows :-

1. On the 26th May 1942, I was taken prisoner of war at Knightsbridge, near Tobruk, North Africa and from there was sent to various camps in North Africa among them one at Tarhuna where I stayed from about the 7th to the 15th June, 1942. The conditions at the said camp were as follows :-

As regards accommodation, I was housed with several thousand others in large buildings which had stone floors on which we had to sleep with two blankets each but no form of mattress or straw of any kind.

As regards sanitary arrangements, they were absolutely filthy. Holes in a stone floor were the only accommodation. Theysoon became choked up and there was no flushing so the place became one mass of filth.

As regards food, the daily ration consisted of about 200 grammes of bread and a print of rice skilly, sometimes this was just plain rice and water with no attempt at flavouring of any kind. This was a starvation diet and illness and disease were prevalent as a result, the chief amongst them being dysentery and desert sores.

As regards medical arrangements and facilities, these were quite inadequate; there was one Italian Medical Officer in charge who showed little or no interest in the patients. There was little or no medical equipment and the hospital was very badly organised. At this time there were several British Medical Officers in the Camp, separated from the other prisoners, and the Italians refused numerous requests from both the men and the Medical Officers themselves that the latter should be allowed to look after their own sick.

As regards clothing, there was no issue of any description although the majority of the prisoners possessed only the clothes they had on, namely a shirt and a pair of shorts.

2. On leaving the said camp at Tarhuna I was sent to a camp at Suani Ben Adem, Tripoli, and from there ultimately reached Italy during November 1942 where I was kept a prisoner of war at Camp No.85 at Brindisi, and then at Camp No.75 at Bari, then in Outer Mura Hospital for some four weeks, then back to Camp No.75 at Bari and from there sent to a Working Camp at Cherignola. From Cherignola I was sent to Camp No.53 at Macerata, whence I escaped at the Armistice on the 8th September 1943; from then to June 1944 I was wandering in Italy until on that date I joined the Allies.

SWORN at Rutherglen in the County of Lanark the 9th day of August 1945) A.M. BAIRD

Before me,
ALEX. MACALLAN
A Commissioner for Oaths.

IN THE MATTER OF :-

The ill-treatment of British Prisoners of War and breaches of the Geneva Conventions 1929 at a prisoner of war camp at Tarhuna, North Africa, during a period of fourteen days in June, 1942.

A F F I D A V I T

I, FRANK WYNNE, Fusilier, No. 4127140, now at 21st Holding Battalion, Royal Welch Fusiliers, Newtown, Montgomeryshire, and with a permanent address at 117, Upper Canning Street, Liverpool 8, make Oath and say as follows:-

1. I was taken prisoner of war at or near Gazala, North Africa, on the 1st June 1942, and was taken through various transit camps in North Africa and eventually spent fourteen days at a prisoner of war camp at Tarhuna in June, 1942. The conditions in the said camp at that time were as follows:-

The prisoners of war were housed in a large stone building where they had to sleep on the floor without bedding.

The sanitation was merely slit trenches.

As regards food we were given two rolls and a ladle of macaroni skilly per day, and once a week a piece of meat. This was quite insufficient to support life, and meant gradual starvation.

SWORN at Newtown in the County of Montgomery this 4th day of May 1945) FRANK WYNNE.

Before me,
J.G. GITTINS.
A Commissioner for Oaths.

2553

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at a Prisoner of War Camp at Tarhuna, North Africa during a period fourteen days in June 1942

A F F I D A V I T

- of -

Fusilier FRANK WYNNE

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929, at a prisoner of war Camp at Tarhuna during June and July, 1942

A F F I D A V I T

I, No. 913775 Lance-Corporal ROY ALLENBY BARTELL of London District Provost Company (C.M.P.), Chelsea Barracks, London, S.W.1. with a home address at 8 Lambton Terrace, Primrose, Jarrow-on-Tyne, County Durham, make Oath and say as follows -

1. I was captured at Tobruk on 15th June 1942. I went (via Derna) to Tarhuna, arriving there between 21st/25th June. After about three weeks, I was transferred from Tarhuna to a camp at Suani Ben Adem.

2. The Camp at Tarhuna comprised six compounds. The compound (which, so far as I know, was similar to the others) contained one main stone bungalow, surrounded by an enclosure which gave a clearance to the bungalow on each side of not more than 10 feet. The sanitation in my compound consisted of slit trenches and when necessary these were filled in and further trenches were dug nearer the bungalow.

3. The bungalow contained only one large room with a tiled floor. The few who had them slept on rush mats and each man had either his own blanket or was without one. Shortly before I left this camp, a blanket was issued to each man without one but no bolsters or mattresses were supplied. We were very overcrowded and lice and other vermin were prevalent. No delousing measures were taken by the Italian Authorities. Beyond walking round the yard, there were no facilities for exercise.

4. The water was supplied by waggon and placed in the compound in petrol drums which were open at the top. We drew water in our steel helmets.

5. We were each given about ¼ pint of ersatz coffee at 0700 to 0800 hours. At about noon we received boiled rice and one or two small rolls of bread each. At 1700 to 1800 hours, we received a small piece of meat (about the size of a matchbox) with a fluid in which it had been cooked. About once a week we received cheese instead of meat. We received no Red Cross parcels or mail whilst I was at this Camp but we had one issue of about thirty Italian cigarettes each. The general health at this Camp was fairly good but "black-outs" were not uncommon.

6. So far as I can recall no acts of violence of note were committed against prisoners of war whilst I was at Tarhuna.

SWORN by the said ROY ALLENBY BARTELL at 2/3 The Sanctuary in the City of Westminster this 18th day of June 1945)

ROY ALLENBY BARTELL.

Before me,
CHARLES T. HOLLAND.
A Commissioner for Oaths.

2555

IN THE MATTER OF :-

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929, at a prisoner of war camp at Tarhuna during June and July 1942

A F F I D A V I T

- of -

L/Cpl. R.A. BARTELL, C.M.P.

THE TREASURY SOLICITOR.

STATEMENT of No. 3908846, Sgt. B.M. EDWARDS, South Wales Borderers, No. 21 I.T.C., Brecon.

I was captured on 18 June 1942 and taken to Camp 151 at Truhuna in North Africa. The Camp was run by Italians and there was a Fascist Colonel in charge. I do not know his name. I was there for six months. The medical treatment was very bad. About five or six men were dying each week from dysentery or starvation. Our M.O. was a Scotsman. There was an issue of pills and the M.O. got the Commandant to agree to an issue of dry rice to the men with dysentery. This was the only treatment which was given. We were accommodated in stone buildings - 250 to a building. We slept on the stone floor with one blanket per man. It got very cold. The men were so crowded when sleeping that they slept in four rows with the feet of one row between the heads of the next and bodies touching. When we were issued with clothing we were issued with Italian uniforms and for two months several men had no boots or socks. With regard to the food - the rations were short and the Italians took the best of what there was. The Italian guards seemed to get twice as much food as we did. The daily diet was a pint of coffee without sugar or milk at 0730 hrs. 250 grs. issue of bread at 1030 hrs., at 1200 hrs a bowl of soup with rice in it, and a similar issue at 1730 hrs. No vegetables were issued. We got an issue of meat or cheese twice a week. I know the Italians got two loaves a day and macaroni and spaghetti which we never got. When complaints were made through the Camp Leader to the Commandant he stopped everyone's rations the next day. This happened about five times to my recollection and on those days we had no food at all, as of course there were no Red Cross parcels. The water supply was poor - one tank having to supply 1800 men. With regard to the cigarette issue we got an issue once or twice a month if lucky, and then it was 20 Italian cigarettes. If a man had long hair the commandant would stop him ten cigarettes. There was not means of getting a hair cut. For any slight misdeed such as not standing up when the Commandant came round, and some men were too weak to do so, the Commandant stopped the issue of cigarettes for the whole Compound for one week.

There were latrines which would accommodate four people at once but throughout the whole time that I was there these were out of order and were wired up and could not be used. We had to dig slit trenches round the Camp and use them for latrines. At this time there were about 75% of the Camp down with dysentery. The place was infested with flies and there was a foul smell. Men were detailed to cover in the trenches and dig new ones each day, but were generally too weak to do so. There was an issue of lime. There were no screens and the Camp was just off the main road into Tripoli.

On about 27 December 1942 we were taken across to Italy in an Italian steamer. 750 P.Ws were accommodated in each hold, and were not allowed out for anything. They had to eat in the hold and use it as a latrine, and sleep there. I remember one Gunner in the R.A., I do not know his name, who died of dysentery on this voyage. His body was taken up on deck, placed on top of the hold and covered with tarpaulin. He was left there for two days. When the Italian sailors hosed down the decks they hosed his body also. I saw this myself on one occasion when I was standing at the top of the stairs to draw rations for my group. I shouted to the Italian sentry about it but nothing was done. I do not know the name of the ship

nor of any of the Italians on it. We sailed from Tripoli to Naples.

In Italy I went first of all to Camp 73, which was alright for an Italian P.W. Camp. In March I was moved to Camp 53 and remained there until escaping on 15 September 1943. This was on the east coast of Italy, but I am not sure of the name of the place. I think it was Fort Augusto, or some such name. It was run by the Italians. I do not know the names of any of the Italian Staff. B.S.M. White, R.A., was Camp Leader. When I got there I was told by Sgt. Smith, S.W.B, who is now at an Infantry O.C.T.U. in Aldershot, that two or three weeks beforehand a P.W. had been urinating near the wire and had been shot through the head by an Italian sentry without any warning. When I went to this Camp I had a Red Cross parcel and a tin of Nestle's Milk. When my kit was being searched by the Mareshal of the Carabinieri the tin was knocked over and as I tried to catch it he struck me over the head with a small stick. The accommodation at this Camp was bad.

At the Camp in North Africa, on the voyage across to Italy, and at Camp 53 I was accompanied by Sgt. Allan Bassett, S.W.B., also of 'Z' Coy., No.21 I.T.C. Brecon. Sgt. Bassett could speak Italian fluently and after his escape he joined the Patriots and became the leader of a band which I later joined. He got to know the names of many Fascists, whose names he handed over to AMGOT and I think he might know the names of some of the Italian personnel of the Camp.

B.M. EDWARDS. Sgt.

Taken at Brecon)
26 April 1945)

P.P. BAGLEY BROWN.

IN THE MATTER OF : 2558

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929, at a prisoners of war Camp at Tarhuna in or about October 1942

A F F I D A V I T

I, No.2937731 Private JOHN McVEIGH, Cameron Highlanders, Highlands Hotel, Strathpeffer, Ross-shire, with a home address at 36 Peasance, Edinbugrh, make Oath and say as follows :-

1. I was captured at Tobruk on 23rd June 1942 and was thence taken to Derna, Benghazi and Tarhuna. I was at the Camp at Tarhuna from about October 1942 for approximately a month, after which I was transferred to Suane Ben Adem.

2. The compound I was in at Tarhuna contained a stone building (in which our sleeping quarters were), a cookhouse and (separately housed) latrines. We were overcrowded and slept on stone floors with a blanket each. Lice were everywhere and no effective steps were taken against them.

3. The latrines consisted of the usual holes in the ground. They were not flushed, and the stench and flies were intolerable. We had to queue to use the latrines and many prisoners were suffering from dysentery.

4. The washing arrangements consisted of a pipe with holes in it over a trough. We had to queue to wash; I recall an acute shortage of soap but not of water.

5. As regards food, we had "coffee" first thing: 100/150 grammes of bread at 1100 hrs. soup (i.e. cabbage water without meat) at 1300 hrs; in the evening, we had rice or macaroni with a little meat added. Prisoners often went over the refuse in search of something to eat. There were no Red Cross parcels. Once, as a punishment, we had no rations issued for a day.

6. As regards medical supplies, there was an acute shortage of bandages. The clothing position was very bad, too: no clothing was issued, and many were without shirts or boots.

7. The Camp Commandant awarded cells for trifling offences, e.g. five days for failing to salute. There seems to have been lack of system as regards punishments: if one was given 5 days, one might serve two if one was lucky or twenty if one was unlucky. If anyone sang, he was told to be quiet. Italian personnel were anti-British; particularly an Interpreter called Greco, and Italian American, who was very hostile and prejudiced.

SWORN at Dungerall in the)
County of Ross and Cromarty)
this 4th day of August 1945)

J. McVEIGH.

Before me,
THOMAS H.S. BURNS.
A Commissioner for Oaths.

(NOTARY SEAL)

IN THE MATTER OF :

2559

The ill-treatment of British Prisoners of War and breaches of the Geneva Conventions 1929 at Tarhuna in October and November 1942

A F F I D A V I T

I, No. 5251607 Lance Corporal DOUGLAS STUART GOODCHILD M.M. 1st Worcestershire Regiment, 23rd Infantry Holding Battalion, Drill Hall Camp, Ross-on-Wye, Herefordshire, and with a private address C/o 7 Preston Road, Winson Green, Birmingham 18, make Oath and say as follows :-

1. I was captured at Tobruk on 21st July 1942 by German troops. They handed us over to the Italians apologising for having to do so and warning us to keep an eye on our personal belongings, watches, rings etc.

2. After a week at Derna, three weeks at Barce and three months at Benghazi, I arrived at Tarhuna in October 1942. At this camp the prisoners of war were housed in a large stone building where we had to sleep on the floor. I was supplied with two blankets. Water was laid on to the camp but was almost always turned off and there was, therefore, no washing and the place was infested with lice. It was cold weather and the prisoners had only their desert kit and even less, as men would destroy their shirts owing to the lice. The Italians did issue to some of the men who had no shirt a sort of coat and also issued a certain amount of rags and boots.

3. We were very overcrowded in this camp. For food we had the usual skilly and two rolls and once a week a piece of meat. This was quite insufficient and we suffered terribly from malnutrition, dysentery and beri-beri.

4. The sanitation was all right while I was at this camp.

5. On arrival we were searched and our personal belongings and money taken from us. We were given a receipt, but never saw them again.

6. There was a medical camp or infirmary at the side of the main camp.

7. The Italian Commandant, whose name I do not know, was very severe particularly in punishments. Men were always being put in detention for very minor happenings or for nothing at all. Sometimes the whole camp was penalised. For instance, on one occasion the sticks holding the wire outside the windows fell out and apparently under the impression that an escape was intended, the Commandant stopped the issue of ersatz coffee in the morning for a week in the whole camp.

8. After about a month at Tarhuna I went to a camp at Suane ben Adem, where I arrived in early November 1942.

SWORN at Woking in the County of Surrey this 15th day of June 1945) D.S. GOODCHILD.

Before me,
W. LLOYD DAVIES.
A Commissioner for Oaths.

2560

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions, 1929 at Tarhuna in October and November 1942

A F F I D A V I T

- of -

L/Cpl. D.S. GOODCHILD

THE TREASURY SOLICITOR.

IN THE MATTER OF :

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929, at a prisoner of war camp at Tarhuna in or about November, 1942.

A F F I D A V I T

I, 1102261 Gunner EDWARD ANDREW O'NEILL of 490 Mixed Anti-Tank Bty. R.A. Green Street Green near Dartford Kent with a home address at 26 Oakes Road, Cheriton, Folkestone, Kent make Oath and say as follows :-

1. I was captured at Fouka on 29th June 1942. After spells at Tobruk and Benghazi, I arrived at the Prisoner of War Camp at Tarhuna in or about November 1942. I left the latter Camp for Suani Ben Adem some three weeks later.

2. I have perused the Affidavit sworn by Lance/Corporal Douglas Stuart Goodchild, M.M., on 15th June 1945 and I confirm what he says as to the conditions at Tarhuna Camp.

3. On the route to Tarhuna from, I think, Homes or Sarte, the following incident occurred. A private soldier, whose name, I cannot now recall, was not sufficiently quick in getting on to a lorry. The Italian Officer i/c the lorry convoy (a Lieutenant by rank) punched the private in the back. The latter turned, as if to return the blow. The guards came forward to intervene and the private had to report to the Camp Commandant on arriving at Tarhuna. The Camp Commandant ordered him to be taken to the guard-room. I saw the prisoner again four or five days before we left Tarhuna: he told me he had been put on bread and water three days out of every four and that he had been beaten: he had marks on his body which bore this out and he was suffering badly from malnutrition on his release.

SWORN at Dartford in the County of Kent this 21st day of August 1945) EDWARD ANDREW O'NEILL.

Before me,
CHARLES B. SEARLE.
A Commissioner for Oaths.

IN THE MATTER OF :

The ill-treatment of Prisoners of war and breaches of the Geneva Conventions, 1929, at a prisoner of war camp at Tarhuna in or about October or November 1942.

A F F I D A V I T

I, 4132526 Lance Corporal WALTER FAULKNER, 4 S & T. Inf.Bn., Hedgemoor Wood near Amersham, Bucks, with a home address at 1 Delamere Road, Great Moor, Stockport, Cheshire, make Oath and say as follows :-

1. I was captured near Eladba on 30th June 1942. After spells at Tobruk, Derna and Benghazi, I reached the prisoner of war Camp at Tarhuna in or about October or November 1942. About 3 weeks or a month later, I was transferred to Fort Elagela and thence to Suane Ben Adem.

2. I have perused the Affidavit sworn by L/Cpl. Douglas Stuart Goodchild, M.M., on the 15th June 1945 and I confirm what he says as to the conditions at the Tarhuna Camp, with the following comment.

3. The Camp Commandant withheld cigarettes from prisoners of war whose hair was not cropped short, and one experienced some difficulty in getting one's hair cut.

SWORN at 19 London End Beaconsfield)
in the County of Buckingham this)
28th day of July 1945)

W. FAULKNER.

Before me,
J. BAILEY GIBSON.
A Commissioner for Oaths.

PARTICULARS OF EVIDENCE IN SUPPORT 2563

1. AFFIDAVIT of Pte. T. Henderson, sworn 14th June 1945.
2. AFFIDAVIT of Ldg. Stwd. J.D. Godbeer, sworn 11th August 1945
3. AFFIDAVIT of C.P.O. L.C. Hooton, sworn 31st July 1945.
4. AFFIDAVIT of L/Cpl. A.A. Lazarus, sworn 23rd August 1945.
5. AFFIDAVIT of Eng. A.J.D. Bagnall, sworn 23rd August 1945.
6. AFFIDAVIT of Lt. R.C. Partridge, sworn 24th May 1945.
7. AFFIDAVIT of R.S.M. C.H. Burgess, sworn 7th August 1945.
8. AFFIDAVIT of Capt. R.E. Eaon, sworn 26th June 1945.
9. AFFIDAVIT of Capt. T. Preschar, sworn 31st June 1945.
10. AFFIDAVIT of Capt. H.H. Carsher, sworn 7th September 1945.
11. AFFIDAVIT of L/Cpl. A.F. Baird, sworn 9th August 1945.
12. AFFIDAVIT of Sgt. F. Wynne, sworn 4th May 1945.
13. AFFIDAVIT of L/Cpl. R.A. Bartell, sworn 18th June 1945.
14. STATEMENT of Sgt. E.E. Edwards, signed 26th April 1945
15. AFFIDAVIT of Pte. J. McVeigh, sworn 4th August 1945.
16. AFFIDAVIT of L/Cpl. D.S. Goodchild, sworn 15th June 1945.
17. AFFIDAVIT of Gnr. E.A. O'Neill, sworn 31st July 1945.
18. AFFIDAVIT of L/Cpl. V. Faulkner, sworn 28th July 1945.

Copies of these documents are attached.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

If the facts set out in the Affidavits are established they constitute War Crime No.xxix - Ill-treatment of Prisoners of War. The Articles of the Geneva Convention, Breaches of which are alleged, are indicated in the Particulars of Alleged Crimes.

RESPONSIBILITY: The primary responsibility for the conditions prevailing in the Camp must lie on the Accused, and particularly Accused Nos.1 to 4. The evidence quite clearly shows that they can have made little or no attempt to carry out the provisions of the Geneva Convention.

DEFENCES: Accused may plead that they only had the use of supplies and equipment provided by other branches of the Italian Army. It would be for them to show that in such case they took all possible steps to alleviate the condition of the prisoners, and obtain better supplies. Such a defence would not excuse the lack of medical attention nor the attitude of the Medical Officer, the harshness of the Commandant, nor the promiscuous firing of rifles.

COMPLETENESS OF CASE: It remains to identify the Accused not yet named, and confirm the names of Accused Nos.1 and 5. Enquiry is proceeding for such identification and confirmation. There appears to be a strong prima facie case for all the accused to answer.

1568/UK/JD/80

2565

1. MONTEMURRO
2. Adjutant or 2nd i/c
3. RAFFEHHI, Giuseppe
4. Unknown Officer i/c Guards
5. Unknown Guards
6. Unknown officers and men

Date Submitted	Decision of Committee I		
8 OCT 1945	1. A 2+3 Adj 4-6 C CWDDS CHECKED	D	

(89756) P898/11 5000 8/45 M&C Ltd. 51/1

1568/UK/JD/80

1568/UK/JF/80

2565

1. MONTEMURRO
2. Adjutant or 2nd i/c
3. RAFFEHHI, Giuseppe
4. Unknown Officer i/c Guards
5. Unknown Guards
6. Unknown officers and men

Date Submitted	Decision of Committee I		
8 OCT 1945	1. A 2+3 Adj 4-6 C CASES CHECKED	B	

(89756) P893/11 5000 8/45 M&C Ltd. 51/1

1568/UK/JF/80

(*For the Use of the Secretariat*)

Registered Number.	Date of receipt in Secretariat.
1568/UK/H/80	2 SEP 1945

2566

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM — CHARGES AGAINST ITALIAN WAR CRIMINALS

CASE No. UK-I/B 112 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1. Captain - MONTEMURRO, Camp Commandant 2. Adjutant or Second in Command 3. - Giuseppe RAFFELLI, Medical Officer 4. Officer in charge of Guards 5. Guards who fired shots 6. Officers and men responsible for ill-treatment of prisoners) Names, ranks and units at present unknown
Date and place of commission of alleged crime.	Over a period at present undefined - at least from May 1942 to 1st January 1943 - at the Prisoners of War Camp at Suane Ben Adem, North Africa.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No.i - Murder No.xxix - Ill-treatment of prisoners of war Breaches of the Geneva Convention, 1929 (Prisoners of War), Articles 2,10,11,12,13,14,15,17, 46 & 54. Under English Law: (1) Murder (2) Manslaughter (3) Unlawful wounding or assault.

SHORT STATEMENT OF FACTS.

Over a period at present undefined (but at least from May 1942 to 1st January 1943) the Prisoners of War Camp at Suane Ben Adem, North Africa, was carried on in a manner contrary to the provisions of the Geneva Convention 1929 relative to Prisoners of War.

The Solicitor for the Affairs of H.M. Treasury.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E.W.Ltd. Gp.685

PARTICULARS OF ALLEGED CRIME

During the said period the said Camp was conducted in an improper manner, and in particular in that :-

1) Accommodation was inadequate (Articles 2 and 10).

2. Accommodation did not provide all possible safeguards as regards hygiene and cleanliness, was not free from damp, was inadequately heated and no proper conveniences were provided (Articles 10 and 13).

3) Food rations were inadequate and the water supply both for drinking and washing was inadequate (Article 13).

4) Insufficient clothing was provided (Article 12).

5) No proper facilities for physical exercise were provided (Article 13).

6) Medical attention and supplies were inadequate, and no proper infirmary was provided (Articles 14 and 15)

7) Intellectual and sporting pursuits were not encouraged (Article 17).

8) Prisoners were insulted, assaulted, and in some cases were shot on attempting escape (Articles 2, 46 and 54).

IN THE MATTER OF :- 2568

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions, 1929, at a Camp at Suani Ben Adem, North African, during the month of July, 1942.

A F F I D A V I T

I, ARCHIBALD MACKECHNIE BAIRD, No. 7361731, Lance Corporal 13th Company, R.A.M.C., The Castle, Edinburgh and with a permanent address at 53 Milrig Road, Rutherglen, N.B. make oath and say as follows :-

1. On the 26th May, 1942, I was taken prisoner of war at Knightsbridge, near Tobruk, North Africa and from there was sent to various North African Camps including that at Suani Ben Adem where I stayed from about 21st June to 21st November 1942. The conditions at the said Camp were as follows :-

As regards accommodation, this camp consisted of a wired off area with several trees amongst which were rows of tents. These were our sleeping quarters. There was no covering on the ground, we slept on the bare sand. The camp was a mass of fleas and lice. The only attempt made by the Italians to improve the situation was the use of a primitive disinfector which was quite ineffective as a destructor, it merely succeeded in hatching the eggs.

As regards food, the daily ration was about 200 grammes of bread and a thin vegetable skilly with rice in it; sometimes it was mere rice and water. This was a starvation diet and malnutrition, lack of vitamins and dysentery were rampant.

As regards medical conditions, the position was that there was a medical inspection room which was in charge of an Italian Medical Officer with a British Medical Officer under him whose name was Capt. Caraher, whose home address I believe to be Dawni Hill, Warsop, Nottinghamshire. He would be able to give you a detailed account of the medical and general conditions in the said camp.

2. After leaving the said camps in North Africa I ultimately reached Italy during November, 1942, where I was kept a prisoner of war at Camp No.85 at Brindisi, and then at Camp No.75 at Bari, then in Outer Mura Hospital for some four weeks, then back to Camp No.75 at Bari and from there sent to a Working Camp at Cherignola. From Cherignola I was sent to Camp No.53 at Macerata, whence I escaped at the Armistice on the 8th September 1943; from then to June, 1944 I was wandering in Italy until on that date I joined the Allies.

SWORN at Rutherglen in the County of Lanark the 9th day of August 1945) A.M. BAIRD

Before me,
ALEX. MACALLAN
A Commissioner for Oaths.

IN THE MATTER OF :

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929, at a prisoners of war camp at Suani Ben Adem from June to August, 1942.

A F F I D A V I T

I, No.159540, Captain E.M. CARAHER, R.A.M.C. at present at 24 A.S.D., R.A.O.C. Worksop in the County of Nottingham, with a private address at Dawnay Hill, Warsop, Nottinghamshire, make Oath and say as follows :-

1. I was captured at Gott-el-Ualab on the 1st June 1942, by German troops and was handed over to the Italians at Derna about 9th June 1942. After a week at Tarhuna I was moved to the Camp at Suano Ben Adem, arriving there about the 20th June 1942.

3. The conditions in this camp were very bad particularly on the medical side. No attempt was made to control dysentery and diphtheria, which were rife, as well as beri-beri. Only moribund cases were admitted to Tripoli hospital owing to the lack of accommodation. The medical equipment was sufficient to deal with a camp of 50 men and in July 1942, there were 4,500 in the camp. Prior to the camp being opened an Italian soldier and three arabs were removed to Tripoli hospital with typhus fever from this site. This I was told by the Italian Medical Officer named Guiseppi Raffelli. The only precaution that I heard of was that the Medical Staff were inoculated with typhus vaccine.

4. The rations were inadequate. I estimated that the daily ration contained about 1,200 calories. I was refused permission to have a weighing machine in the cookhouse to check the rations.

5. The name of the Camp Commandant was Captain Montemurro. I spoke to him daily and several times complained to him of the conditions at the camp, both as to the lack of food and medical attention to which I have referred. I also complained of the beatings which took place in the punishment pen. Prisoners in this punishment pen were beaten and kicked regularly once a week. This was done by two Fascist sergeant majors, generally on a Friday night. I do not think I ever knew the names of the two fascists but I think I might be able to recognise them. Captain Montemurro refused to believe that this occurred. One night, the date of which I do not remember, I made Captain Montemurro come and witness the beating. He saw a British soldier being beaten. He called out and the beating stopped. He called the two fascists out and conversed with them for some ten minutes after which he told me the beatings were justified because the men in the pen had been ordered to drop the side flaps of their tent and had refused to do so. There were, in fact, no side flaps. The tent being only 20 yards from Montemurro this was pointed out to him, he shrugged his shoulders and went away. I cannot say for certain whether there were any more beatings after this, nor can I recollect the name of any British soldier who was beaten. It was only when I made Montemurro witness them that he believed that such beatings took place.

6. On a date which I cannot recollect a Company Sergeant Major of the Northumberland Fusiliers (I believe his name was Foster) was shot while attempting to escape. I do not know any of the details of the attempt. His body was left for several hours beside the wire for everyone to see.

7. The water supply was extremely poor and was frequently turned off by way of collective punishment.

8. I left Suano-Ben-Adem about 25th August 1942.

SWORN at Mansfield in the county of)
Nottingham this 7th day of September) E.N. CARAHER.
1945

Before me,
R.P. MARCHANT.

A Commissioner for Oaths.

IN THE MATTER OF

2570

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929, at a prisoner of war camp at Suani Ben Adem during June 1942

A F F I D A V I T

I, No. 4395826, Private JAMES LANAGAN, Green Howards, Richmond, Yorks, on indefinite leave pending discharge, with a permanent address at 3, John Street, Miles Platting, Yorks, make Oath and say as follows :-

1. I was captured at Gazala, North Africa, on 1st June 1942 and I was thence taken to Suani Ben Adem from which, after about eight days, I was transported to Brindisi, via Tripoli.

2. The prisoner of war compound at Suani Ben Adem was some 200 yards square and it contained several large huts and a cookhouse. The huts were more or less uniform in pattern and the one in which I was placed contained one large room with a stone floor. We slept on rush mats and I was issued with two blankets on arrival. We were pretty overcrowded and lice and bugs were prevalent.

3. The washing arrangements were provided by two taps, serving a trough beneath at which not more than six men could wash at a time. These arrangements were wholly inadequate as there were about 1,000 prisoners of war in the compound.

4. The sanitary arrangements were provided by slit trenches which were sited on ground sloping away from the huts. These were not attended to or replaced by other trenches when necessary and in consequence became highly insanitary.

5. At 0730 hours we had the usual ersatz coffee and at 10.30 hours each man received 200 grammes of bread and a small portion of cheese. This completed our day's rations and we received no Red Cross parcels.

6. Dysentery was rife throughout the camp, but most of the prisoners of war had probably contracted the complaint before their arrival. There was an Italian Medical Officer, but as he had far more to do than he could possibly cope with, there seemed little point in seeking medical attention. I recall that one man had two bullets in his arm whilst I was at this camp and that they had not been extracted when I left.

7. I can recall no specific case of violence of note committed against prisoners of war whilst I was at Suani Ben Adem.

SWORN by the said JAMES LANAGAN)
at Manchester in the county of)
Lancashire this 13th day of)
June 1945)

Before me,
E.J. HOWARTH, J.P.
City of Manchester.
A Commissioner for Oaths.

IN THE MATTER OF :

The ill-treatment of prisoners of war and breaches of the Geneva Conventions 1929, at a prisoner of war camp at Suani Ben Adem during June 1942

A F F I D A V I T

- of -

Pte. JAMES LANAGAN

THE TREASURY SOLICITOR.

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at a Prisoner of War Camp at Suane Ben Aden, North Africa during about a month in or about July 1942

A F F I D A V I T

I, FRANK WYNNE, Fusilier, No. 4127140, now at 21st Holding Battalion, Royal Welch Fusiliers, Newtown, Montgomeryshire, and with a permanent address at 117, Upper CanningStreet, Liverpool 8, make Oath and say as follows :-

1. I was taken prisoner of war at or near Gazala, North Africa, on the 1st June 1942, and was taken through various transit camps in North Africa. I eventually spent fourteen days at a prisoner of war camp at Tarhuna in June 1942, and from there was sent to a prisoner of war camp at Suane Ben Aden, North Africa, where I spent about a month during July 1942.

2. The conditions at the said camp at this time were :-

As regards accommodation, we had tents on sand. They were extremely verminous and full of lice.

As regards sanitation, it was merely slit trenches, and in consequence there was a great deal of disease, mainly dysentery.

As regards medical arrangements, there was a First Aid tent, but no hospital.

As regards food, we only had one loaf and a piece of cheese and a pint of skilly per day, with a cup of coffee in the morning. This was a case of slow starvation.

3. During the said period in July 1942 at the said camp, one night (I cannot give the exact date) there was an attempted escape and the death of a prisoner of war by shooting. I did not witness the incident myself. I heard a shot or shots during the night, and the next day I heard (I cannot give the names, ranks or units of any of my informants, but it was common talk in the camp at the time) that a party of four or five prisoners of war had attempted to escape during the night; that all had got through the wire except Sergeant-Major Scott (I cannot give his unit): that he was shot while getting through the wire. I and others went to the spot and saw a body of a man then lying outside the wire covered with a blanket. I was told, I cannot say by whom, that it was that of Sergeant-Major Scott. It was left there until midday, and was then taken away in an ambulance. I did not hear what happened to the other men who escaped on that night.

SWORN at Newtown in the County of Montgomery this 4th day of May 1945)

FRANK WYNNE.

Before me,
J.T. GITTINS.
A Commissioner for Oaths.

2573

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at a prisoner of war Camp at Suene Ben Aden, North Africa, during about a month in or about July 1942

A F F I D A V I T

- of -

Fusilier, FRANK WYNNE

THE TREASURY SOLICITOR.

IN THE MATTER OF :

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929, at a prisoner of war camp at Suane ben Adem between July and October 1942

AFFIDAVIT

I, No.913775 Lance-Corporal ROY ALLENBY BARTELL of London District Provost Company (C.M.P.) Chelsea Barracks, London, S.W.1. with a home address at 8 Lambton Terrace, Primrose, Jarrow-on-Tyne, County Durham, make Oath and say as follows :-

1. I was captured at Tobruk on 15th June 1942. I went (via Derna) to Tarhuna where I arrived between 21st and 25th June. I remained there about three weeks and was then transferred to Suani Ben Adem. I left the latter camp early in October 1942 and I was shipped via Tripoli to Naples.

2. On arriving at Suani Ben Adem I was put in a large compound containing perhaps 4000 - 5000 men. We were accommodated in large tents, consisting of Italian groundsheets fastened together, and each tent contained 30 to 40 men. The compound was sited on loose sand which was infested with fleas, lice and other vermin. The sanitary arrangements consisted of slit trenches. Unless prisoners of war were fortunate enough to have their British groundsheets they slept on the sand. Those who were without them were issued with two Italian blankets each.

3. The washing arrangements were provided by six or seven taps at one end of the compound and by about the same number at the other. The water was turned on for two hours during the morning and for about the same time at night and we used to have to form queues for water.

4. We received the usual ersatz coffee in the morning and at 1030 hours each man received about 200 grammes of bread. At 1230 hours we had rice or macaroni, with perhaps, a few beans: and at 1700 to 1800 hours we perhaps had meat and the water in which it was boiled. The rations were slightly more than at Tarhuna.

5. The compound was large enough for us to take exercise; but the softness of the sand made this practically impossible. No facilities for exercise were arranged. We received no Red Cross parcels or mail.

6. There was an M.I. room in the general camp which was staffed by an Italian M.O., two British M.Os. and R.A.M.C. personnel. Desert sores and dysentery were rife and there was always a large queue on the sick parades each morning. Only the most serious cases of illness were taken from the compound and sent to hospital.

7. One night, perhaps between 2300 and 0300 hours, I heard three shots fired; but I thought little of it. The next morning, I saw the body of C.S.M. Foster (Northumberland Fusiliers). It was then lying within the wire enclosure and was covered with a groundsheet. It was generally rumoured that C.S.M. Foster had been shot whilst trying to crawl through the wire. The point where I found the body was within about six yards of a sentry-post.

8. Except as otherwise herein stated, I can recall no acts of violence of note, committed against prisoners of war whilst I was at this Camp.

SWORN by the said ROY ALLENBY BARTELL)
at 2/3 The Sanctuary in the City of) ROY ALLENBY BARTELL.
Westminster this 18th day of June 1945)

Before me,
CHARLES T. HOLLAND.
A Commissioner for Oaths.

2575

IN THE MATTER OF :-

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929, at a prisoner of war camp at Suani Ben Adem between July and October 1942

A F F I D A V I T

- of -

L/Cpl. ROY ALLENBY BARTELL

THE TREASURY SOLICITOR.

IN THE MATTER OF :

The ill-treatment of prisoners of war and breaches of the Geneva Convention, 1929, at a prisoner of war camp at Suani Ben Adem during the period from September 1942 to New Years Day, 1943

A F F I D A V I T

I, 64096 Driver JOHN ELLIOT BOWMAN of No. 1 Holding Bn. R.A.S.C., Buckingham Road, Leeds, with a permanent address at Supreme Villa, Mansfield Road, Skegby, Notts. make Oath and say as follows :-

1. I was captured at Cussabat, near Tripoli, on 19th or 20th September 1942. I was taken thence to Tarhuna, from which, after about a day and a half, I was transferred to the Prisoner of War Camp at Suani Ben Adem. I remained at the latter Camp till New Year's Day, 1943, when I was shipped, via Tripoli, to Palermo.

2. The Camp at Suani Ben Adem was sited on loose sand (which was very verminous), and we lived and slept in the open under the trees. Each man was issued with one small blanket and, as it rained a good deal while I was at this Camp and we were clad only in Khaki drill, we suffered acute discomfort. Dysentery and desert sores were rife and no one had sufficient energy for exercise, even if there had been the necessary facilities.

3. We had "ersatz" coffee, first thing, and a meagre bread-ration at about 0900 hours. A ladle-full of watery skilly at midday concluded our rations for the day. There were no Red Cross parcels.

4. Sanitation consisted of slit trenches. We were necessarily within about 30 yards of them and the stench was indescribable.

5. There was one tap in the compound at which we had to queue for drinking water. One was lucky if the water was not turned off before one reached the tap. It was sometimes possible to get drinking water at the cookhouse when the staff were amenable.

6. We had a South African Medical Officer; but as he had no staff and the Italians gave him little or no medical supplies, there was not much he could do for us.

7. I can recall no specific acts of violence committed against prisoners of war while I was at this Camp.

SWORN at Leeds in the County of York this 23rd day of July 1945) J.E. BOWMAN.

Before me,
J.J. ROBINSON.
A Commissioner for Oaths.

IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Suane ben Adem in November 1942

AFFIDAVIT

I, No. 5251607 Lance Corporal DOUGLAS STUART GOODCHILD M.M. 1st Worcestershire Regiment, 23rd Infantry Holding Battalion, Drill Hall Camp, Ross-on-Wye, Herefordshire, and with a private address C/o 7 Preston Road, Winson Green, Birmingham 15, make Oath and say as follows :-

1. I was captured at Tobruk on 21st June 1942 by German troops. They handed us over to the Italians apologising for having to do so and warning us to keep an eye on our personal belongings, watches, rings etc.

2. After a week at Derna, three weeks at Barce and three months at Benghazi, I arrived at Tarhuna in October 1942. After about a month at Tarhuna I went to Suane ben Adem, arriving early in November 1942.

3. We were accommodated in tents on the sand. The sand was full of fleas and the whole place was infested with lice. We were very overcrowded.

4. For food we each received per day a loaf of I think 200 grammes which was often mouldy, or half a loaf and a biscuit which was full of weevils. We also had skilly, and a cup of coffee, or rather ersatz coffee, in the morning. As a result we were slowly starved and suffered badly from malnutrition and other diseases. The British medical officer, whose name I do not remember, could do little for us, as he had no medical supplies.

5. The sanitation consisted merely of slit trenches and as there was a lot of dysentery, the conditions were very bad. There was no water for sanitation and as regards washing, while water was laid on, it was mostly cut off. I never had a bath at this camp.

6. The camp was always dark, as it was situated under palm trees. When it rained, which was frequently, the water would drip off the trees onto the camp for two days after the rain stopped. The weather was cold and we suffered continuously from exposure, as we had only our desert kit. No clothing was issued by the Italians.

7. On one occasion, the date of which I do not remember, I said I wanted a tooth extracting, which was not the case, and was taken to Tripoli where a sound tooth was extracted without an anaesthetic. I did, however, while I was in the hospital, get some bread and cigarettes.

8. In this camp the prisoners were treated like beasts rather than human beings. We were put in the camp and left almost entirely alone except at feeding time. The Italians ignored us except when they had to come in for this purpose, when they

would abuse us and spit on us. The camp was well fortified and guarded and we were too weak to makeany attempt at escape.

9. On another occasion, the date of which I do not remember, it was found there was a man missing from roll-call. The Italians made a great to do and after search was made, he was found in his bed dead. The Commandant was not help to us. He would promise improvements when we complained, but never carried out any promises. I do not remember his name.

10. We got progressively weaker and more ill at this camp and as our troops approached Tripoli and we wanted to try and escape and rejoin them we had not the energy to do so. We used to have black-outs and fainting fits if we tried any exertion at all.

11. Towards the end of November we were marked down to the docks at Tripoli, being kicked and shouted at on the way. We went to Italy by sea, arriving at Naples on the 30th November 1942.

SWORN at Woking in the County)
of Surrey this 15th day of) D.S. GOODCHILD.
June 1945)

Before me,
W. LLOYD DAVIES.
A Commissioner for Oaths.

IN THE MATTER OF : 2579

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929 at a prisoners of war Camp at Suane Ben Adem in or about November and December, 1942

AFFIDAVIT

I, 2937731 Private JOHN McVEIGH, Cameron Highlanders, Highland Hotel, Strathpeffer, Ross-shire, with a home address at 36 Pleasance, Edinburgh, make Oath and say as follows :-

1. I was captured at Tobruk on 23rd June 1942. After spells at Derna, Benghazi and Tarhuna, I reached the Prisoner of War Camp at Suane Ben Adem in or about November 1942. I remained there till I was shipped to Taranto via Tripoli on 1st January 1943.

2. I have perused the Affidavit sworn by Driver John Elliot Bowman R.A.S.C. on 23rd July 1945 and I confirm what he says therein as to the Camp at Suane Ben Adem, with the following comments.

3. As to paragraph 3 of the said Affidavit, we got rice or macaroni at night, to the best of my recollection.

4. As to paragraph 6 thereof the British M.O. was a Major (whose name I do not now recall). There were no anaesthetics.

5. Italian personnel were not unfriendly: they sometimes gave us cigarettes.

SWORN at Dingwall)
in the County of Ross & Cromarty)
this fourth day of August)
1945)

J McVeigh

Before me,

Thomas N Burns

A Commissioner for Oaths.

IN THE MATTER OF :

The ill-treatment of Prisoners of War and breaches of the Geneva Conventions, 1929, at a prisoner of war Camp at Suani Ben Adem for about 9 days in November/December, 1942.

A F F I D A V I T

I, 4132526 Lance Corporal WALTER FAULKNER, 4 S. & T. Inf. Bn., Hodgemoor Wood near Amersham Bucks, with a home address at 1 Delamere Road, Great Moor, Stockport, Cheshire, make Oath and say as follows :-

1. I was captured near Eladba on 30th June 1942. After spells at Tobruk, Derna, Benghazi, Tarhuna and Fort Elagela, I was transferred to a prisoner of war Camp at Suani Ben Adem. I remained at the latter camp for about 9 days and on 5th December 1942 I was shipped via Tripoli to Naples and thence taken to Camp No.66 at Capua.

2. I have perused the Affidavit sworn by Driver John Elliot Bowman, R.A.S.C., on 23rd July 1945 and I confirm what he says therein as to conditions at the Camp at Suani Ben Adem, with the following comments.

3. As to paragraph 2 of the said Affidavit, I confirm that most of us slept in the open as there were enough tents only for a minority. We could not sleep at night because of the fleas.

4. As to paragraph 3 thereof, my recollection is that we could get about a pint of skilly or macaroni at night; but as we had to collect fuel to cook it, it was not ready till 9 or 10 p.m. and we then had to queue for it.

5. As to paragraph 5 thereof, the tap was served by water which was pumped electrically from a well. If the electric plant went wrong, we had to fix it as the Italians seemed unable to put it right. I never got drinking water at the cook-house.

6. As to paragraph 6 thereof the medical ward was sited close to the latrines.

SWORN at Beaconsfield in)
the County of Buckingham)
this 10th day of August)
1945)

W. FAULKNER

Before me,
J. BAILEY GIBSON.
A Commissioner for Oaths.

IN THE MATTER OF :

The ill-treatment of Prisoners of War and breaches of the Geneva Conventions, 1929, at a prisoner of war camp at Suani Ben Adem, during December, 1942.

A F F I D A V I T

I, 1102261 Gunner EDWARD ANDREW O'NEILL, 490 Mixed Anti-Tank Battery R.A. Green Street Green, near Dartford, Kent with a home address at 26 Oakes Road, Cheriton, Folkestone, Kent, make Oath and say as follows :-

1. I was captured at Fouka on 29th June 1942. After spells at Tobruk, Benghazi and Tarhuna, I arrived at the Camp at Suani Ben Adem in or about December 1942 and left it on 1st January 1943. On leaving this Camp, I was shipped via Tripoli to Tarante and I was thence taken to Camp No.66 at Capua.

2. I have perused the Affidavits respectively sworn by Driver John Elliot Bowman, R.A.S.C. on 23rd July 1945 and by Lance-Corporal Walter Faulkner on 10th August 1945 and I confirm what Driver Bowman says as to the Camp at Suani Ben Adem, with and subject to the comments Lance-Corporal Faulkner makes in his said Affidavit.

3. As to paragraph 4 of Lance-Corporal Faulkner's Affidavit, there were two successive Camp Commandants while I was at this Camp: the first was indifferent whether we had fuel or not, the second organised parties to collect fuel.

SWORN at Dartford in the)
County of Kent this 21st)
day of August 1945)

EDWARD ANDREW O'NEILL.

Before me,
CHARLES B. SEARLE.
A Commissioner for Oaths.

IN THE MATTER OF :-

The ill-treatment of British Prisoners of War and breaches of the Geneva Conventions, 1929, at Camp Suani Ben Adem, North Africa during the period prior to 14th August 1943.

A F F I D A V I T

I, No. 4122314, CHARLES HENRY BURGESS, Regimental Sergeant Major, Cheshire Regiment attached 11 South Staffs. Ashridge Park, Camp, Berkhampstead, Herts. and with a permanent address at 5 Park Road, Thurnscoe, near Rotherham, Yorkshire, make oath and say as follows :-

1. I was taken prisoner of war on the 29th January 1942, at Ghemmines near Benghazi, North Africa: then went to Tarhuna where I stayed about one month: then from Tripoli to Naples: then to Camp No.66 at Capua where I stayed from the 28th February 1942 until the 14th August 1943: then to Camp No.53 at Macerata where I stayed from the 14th August 1943 to the 15th September 1943: I then escaped to the Mountains, was retaken prisoner on the 14th October 1943, and taken to camp at Aquila. Later I left Aquila by train for Camp VII.A at Moosburg arriving there on the 11th November 1943. I was released on the 29th April 1945.

2. During the period that I was at the said Camp No.66 at Capua, namely from the 28th February 1942 to the 14th August 1943 two drafts of approximately 2,000 men each came straight on from Suani Ben Adem in North Africa to the said Camp No.66 at Capua. The dates of each of the two said drafts arrival were approximately 1942 and December 1942. The said drafts were in such a deplorable state of starvation, disease and neglect that when they arrived at Capua Station at 5 p.m. one evening, the Italian Authorities would not bring them into Camp at Capua but kept them at the station until mid-night so that no-one could see their deplorable condition. They were all in an advanced state of starvation and were almost all suffering from dysentery and desert sores. Many were desperately ill, some of the men had no clothes of any sort or description except a small blanket as a loin cloth and no boots or shoes at all. It was a case of the most ghastly and criminal neglect. The most desperate cases were sent on at once to Caserta hospital and I heard (I cannot now give the name, rank or unit of my informants) that there were more than 100 deaths at Caserta hospital from one of the saiddrafts.

The Protecting Power inspected, and saw one of these drafts and, I presume, reported on their condition. They sent for the local General, whose name I cannot now give, and insisted that clothing should be provided, and this was done within a few hours

I can give the name of one of the men who suffered from being in one of these drafts, namely :

Private C. Bradbury, Cheshire Regiment

he became a prisoner of war in Germany and has since been repatriated.

SWORN at Berkhamsted in the County of Hertford this 7th day of August 1945) R.H. BURGESS, R.S.M.

Before me,
EDGAR W. HUNT
A Commissioner for Oaths.

PARTICULARS OF EVIDENCE IN SUPPORT

1. AFFIDAVIT of L/Cpl. A.E. BAIRD, sworn 9th August 1945.
2. AFFIDAVIT of Capt. E.M. CARAHER, sworn 7th September 1945.
3. AFFIDAVIT of Pte. J. LANAGAN, sworn 13th June 1945.
4. AFFIDAVIT of Fslr. F. WINNE, sworn 4th May 1945.
5. AFFIDAVIT of L/Cpl. R.A. BARTELL, sworn 18th June 1945.
6. AFFIDAVIT of Dvr. J.E. BOWMAN, sworn 23rd July 1945.
7. AFFIDAVIT of L/Cpl. D.S. GOODCHILD, sworn 15th June 1945.
8. AFFIDAVIT of Pte. J. McVEIGH, sworn 4th August 1945.
9. AFFIDAVIT of L/Cpl. W. FAULKNER, sworn 10th August 1945.
10. AFFIDAVIT of Gnr. L.A. O'Neill, sworn 21st August 1945.
11. AFFIDAVIT of R.S.M. C.H. BURGESS, sworn 7th August 1945.

Copies of these documents are attached.

NOTES ON THE CASE **2584**

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

If the facts set out in the Affidavits are established, they constitute War Crime No. xxix - Ill-treatment of Prisoners of War. The Articles of the Geneva Convention, breaches of which are alleged, are indicated in the Particulars of Alleged Crime. The case of death referred to by L/Cpl. Goodchild (No.7 in Particulars of Evidence in Support, para.9) would amount to Manslaughter by Neglect. The shooting referred to by Fslr. F. Wynne (No.4 in Particulars of Evidence in Support, para.3) and that referred to by L/Cpl. R.A. Bartell (No.5 in Particulars of Evidence in Support, para.7) may amount to War Crime No.i - Murder, subject to the possibility of reduction to manslaughter.

RESPONSIBILITY: The primary responsibility for the conditions prevailing at the Camp lies on Accused No.1, with his Senior Officers, and, as to medical and hygienic conditions, particularly on Accused No.3. Little or no attempt seems to have been made to implement the requirements of the Geneva Convention. As regards the cases of shooting (if these are not the same incident, with a discrepancy in the name of the deceased) the primary responsibility is on Accused No.5, and secondarily on their Officer, Accused No.4, and the Accused Nos.1 and 2, as responsible for the general system under which guards fired to kill.

DEFENCES: Accused may plead, in reply to the general charge, that they only had the use of supplies and equipment with which they were provided. But they would have to show that they made all possible endeavours to alleviate the shortage of supplies, and the conditions under which the prisoners had to live. Such shortage, also, would not excuse the lack of hygienic attention, and the insults and ugly trea ment of prisoners. As regards the shooting, the guard or guards concerned may plead the orders of their superiors, but it is submitted this would be no defence to a criminal charge of murder or manslaughter. Their superior officers might plead that the guards acted in excess of orders, but they would still be responsible for the conduct of the men under their charge.

COMPLETENESS OF CASE. It remains to confirm the name of Accused No.1 and identify the other accused, and enquiries are on foot to this end. Enq iry is also being made into the death by neglect and the shooting or shootings, which, if further evidence is forthcoming, may support separate charges. For the present they are included in the general charge.

U.K. V/S ITALIANS BOX # 116

MISSING

REGISTERED NOs.

16 TO 20

U.K. v/s ITALIANS BOX # 116

MISSING

REGISTERED NOs.

21 TO 30

U.K. v/s ITALIANS BOX # 116

MISSING

REGISTERED NOs.

31 TO 37

U.K. v/s ITALIANS Box # 116

MISSING

REGISTERED NOs.

47

U.K. v/s ITALIANS BOX # 116

MISSING

REGISTERED NOs.

59 TO 60

MISSING

REGISTERED NOs.

53 TO 54

MISSING

REGISTERED

NOs.

74 — 76

MISSING

REGISTERED NOs.

74 — 76

REGISTERED NOs.

81 TO 90

REGISTERED NOs.

81 TO 90

1569/UK/OT/81

2585

1. CITERNI, Teodorico
2. PEDINI, Pio
3. PERODI, Gino
3a. GIANNERINI, Velio
4. FERRARI, Attilio
4a GIUFFRIDA, Giuseppe
4b. CRISTINI, Giuseppe
5. UGOLINI,
6. Unknown guards

Date Submitted	Decision of Committee I		
3 OCT 1945	1. A 2-5 Adjourned 6 C	R	
	CARDS CHECKED		

1569/UK/OT/81

(*For the Use of the Secretariat*)

Registered Number.	Date of receipt in Secretariat.
1569/UK/SC/81	SEP 1945

2586

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM — CHARGES AGAINST ITALIAN WAR CRIMINALS

CASE No.UK - 1/B 129 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	(1) COLONEL TEODORICO CITERNI (Carabinieri) Commandant of the Camp and his successors (2) LT. COLONEL PIO PEDINI (Admin.) Chief Administration Officer. (3) CAPTAIN GINO PERODI and CAPTAIN VELIO GIANNERINI (Infantry) Adjutants. (4) CAPTAIN ATTILIO FERRARI, CAPTAIN GIUSEPPE GIUFFRIDA and LIEUTENANT GIUSEPPE CRISTINI (Medical) Medical Officers (5) CAPTAIN UGOLINI (Infantry) Quartermaster (6) Guards (Names, ranks and units unknown) concerned in shooting and assaults cited in evidence.
Date and place of commission of alleged crime.	Over a period at present undefined - at least between August 1942 and September 1943. At Camp P.G.82 at Laterina.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No.xxix - Ill-treatment of Prisoners of War. Breaches of the Geneva Convention 1929 (Prisoners of War) Articles 2,10,11,12,13,14,15,46 and 54. Under English Law: Unlawful wounding and/or assault.

SHORT STATEMENT OF FACTS.

Over a period at present undefined but at least between August 1942 and September 1943 the Camp No.82 at Laterina was conducted in a manner contrary to the provisions of the Geneva Convention 1929 relating to prisoners of war.

TRANSMITTED BY .....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E.W.Ltd. Gp.685

PARTICULARS OF ALLEGED CRIME

During the said period the said camp was conducted in an improper manner, and in particular in that

The accommodation provided was inadequate, overcrowded and verminous; the water supply was inadequate; no proper sanitation was provided (Articles 2, 10 and 13).

Inadequate food rations were provided (Article 11).

Insufficient clothing was issued and there was an inadequate canteen (Article 12).

Medical treatment was inadequate and there was severe shortage of medical supplies. There was insufficient medical accommodation for inspection (Articles 14 and 15).

Prisoners were assaulted and chained. Collective punishments and detention of an unreasonable length were given (Articles 2, 46 and 54).

IN THE MATTER OF :

The ill-treatment of prisoners of war and breaches of the Geneva Conventions, 1929, at Camp No. 82, Laterina, during the period from the beginning of August 1942 to about May 1943

A F F I D A V I T

I, No. 4459146, Private ADAM WHITTLE WRIGHT R.A.O.C., 9th D.L.I., 60, Ordnance Sub-Depot (F.T.M.) Springfield House, Berry Hill, Taplow, Bucks with a permanent address at 18, "The Gables" Washington, County Durham, make oath and say as follows :-

1. I was captured at Mersa Matruh on 29th June 1942. After about four weeks at Benghazi, I was shipped to Brindisi (where I arrived late in July or at the beginning of August 1942). On arrival, I was sent to Camp No.82, Laterina, from which, after about nine months, I was transferred to a working camp at Pistoia. I escaped from the latter Camp on the capitulation of Italy.

2. The Camp at Laterina comprised one large compound. There were in the compound several bungalows (I should say about 14), a large marquee for entertainment purposes and one large cook-house.

3. The washing arrangements were provided by taps and receptacles at one end of the compound, and cold showers could be had in the compound when the water was turned on. Hot showers were available once a week. The sanitary arrangements consisted of pits, and new ones were dug and the old ones filled in when necessary. The water was turned on for about an hour in the morning and for about the same period during the evening.

4. When I arrived at the Camp, bungalows were in course of erection; those who could not be housed in the bungalows then standing slept in tents. Later everyone was accommodated in bungalows.

5. The bungalows were not unduly overcrowded and we slept in three-tier beds. Each man was provided with two blankets and a mattress. Lice and other vermin were prevalent and such counter-measures as the Italian Authorities took were not particularly effective.

6. We had the usual ersatz coffee first thing in the morning: and at 10.00 hours we received about half a pint of rice or macaroni skilly each. We also received about 250 grammes of bread at 12.00 hours and at 18.00 hours we again had skilly. Occasionally fruit was issued at the same time as the bread. There was a canteen at this camp but it had very little for sale. Each of us was issued with about 30 Italian cigarettes a week.

7. For the first three weeks I was at this camp no Red Cross parcels were distributed; but, thereafter, we each received a parcel a week fairly regularly. Latterly, mail was quite good.

8. One bungalow in the compound was set aside as a hospital and serious cases of sickness were sent to a hospital in the neighbouring town. The compound hospital was staffed by a British Medical Officer (a South African) and R.A.M.C. orderlies. Extra food rations were supplied for the sick. I was never an inmate of the compound hospital and I cannot therefore speak as to theconditions there. Malaria , desert sores and yellow jaundice were rife, and during the counting parades (which took place each morning) it was usual for one or two prisoners of war to have to fall out.

9. The inmates of a different bungalow each day were taken for walks and we had a camp concert perhaps once a month. There was no library.

10. On my arrival at this camp I had no clothing beyond K.D. shorts and a shirt and I had to make do with these right through the winter. Towards the end of January, the Red Cross issued trousers and other items of clothing and Red Cross parcels arrived. We used to wrap ourselves in blankets on the check parades and many prisoners of war were without boots.

11. During one of the walks I saw a prisoner of war (name unknown) break away to escape. He was retaken almost at once and the Italian Officer in charge kicked him and he was marched back to camp and taken to the detention room where he was handcuffed. The next day he was sent to another Camp. I recall that on another occasion a prisoner of war escaped and, on his recapture he was chained to his bed. I do not recall his name or unit.

12. Except as otherwise herein stated I can recall no acts of violence committed against prisoners of war whilst I was at this Camp.

SWORN by the said Adam Whittle Wright at Slough in the County of Bucks this 25th day of June 1945) Pte. A.W. WRIGHT.

Before me,
H.L.C. BARRETT.
A Commissioner for Oaths.

IN THE MATTER OF : 2590

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No. 82 at Laterina between August 1942 and April 1943

A F F I D A V I T

I, No. 219837 L/Cpl. WILLIAM MARK STEVENS, R.E.M.E. stationed at 12 Sub Workshops, Great Cambridge Road, Enfield, Middlesex and with a private address at 49 Russell Road, Palmers Green N.13 make Oath and say as follows :-

1. I was captured at Tobruk on 21st June 1942 by German Forces and with other prisoners was handed over to the Italians. After passing through Derna and Benghazi, I was taken by sea to Italy arriving at Taranto at the end of July or beginning of August 1942.

2. After a week in hospital at Brindisi I was marched with other sick prisoners some thirty miles on an empty stomach and entrained in closed cattle trucks at a small goods yard. The journey to Laterina took about two days and we changed once or twice. For the journey we had the usual Italian bully and biscuits, having each one tin of bully for the two days.

3. We arrived at Laterine station some time in August 1942, I cannot remember the exact date. We stayed the night on a patch of grass just outside the station with no accommodation whatever. At night it poured with rain and we were all soaked through. Many of the prisoners had only their desert kit, but I fortunately had my greatcoat. The next morning we were marched five miles or so to Camp No. 82 at Laterina.

4. On arrival this camp was a barbed wire enclosure and nothing else. We were issued with Italian groundsheets with which we made tents. There were about three men to the width of a groundsheet, which meant that in each tent there were about 18 men, whereas not more than 10 or 12 could have been comfortably accommodated. The whole place was over-run with lice and fleas and we could not get rid of these as there was no hot water.

5. In January 1943 huts were built by volunteer prisoner labour. I did not volunteer as I knew nothing about building. These huts were made of a single brick wall and cement floor. I was put into one of the huts. We were provided with palliasses, and wooden bedsteads and as there was only a little straw in the palliasses the sleeping conditions were very hard. The straw was never completely changed but occasionally we were given a little new straw to put in. As a result there was no chance at all of getting rid of the lice.

6. There were two water pipes running over the wooden troughs with taps for the whole camp. There were about 2,000men in camp and the supply was quite inadequate. In order to wash we devised a form of spray from the taps. There were no hot showers provided before I left this camp.

7. There were lavatories built at the back of the huts butno drain or water supply to them, so that they were never in use. For sanitation trenches were made which came within four or five yards of the nearest tent and the smell was terrific. When

nearly full these would be filled in and new ones dug.

8. There was a great deal of disease at Laterina, colds, malaria and dysentery. There were three British medical officers at the camp and also Italian medical officers who were extremely helpful so far as they could be with the shortage of medical supplies.

9. It was two months or so before Red Cross parcels came in and then I got about one a fortnight and in the Spring of 1943, one a week. If it had not been for these parcels we should have starved.

In the morning we had a cup of acorn coffee and at 9.30 a.m. a small ladle of skilly, apparently made of turnip tops with rice or macaroni in it. At mid-day we had 200 grammes of bread and 20 grammes of cheese and at 5 p.m. a further ladle of skilly, making a total amount per day of about a pint. Once or twice a week we would have a minute piece of meat in place of the cheese.

10. We were very badly in need of clothing and boots. Very little was issued by the Italians, but I did get a shirt and breeches from them. I got no boots and suffered from frost-bitten feet and there were many very bad cases of this. This was due to being kept one or two hours standing at early roll-calls while the Italians endeavoured to count the prisoners.

11. The Commandant of the camp, whose name I do not know, was very harsh, particularly in his punishments of small breaches of discipline. The hut commanders were frequently put in detention for such small breaches committed by men in their huts. I remember an occasion, though I do not know the date, when a prisoner was chained to a tree, which was the punishment for recaptured prisoners who had escaped. Another prisoner who went to feed him was also chained. On another occasion I remember that a naval prisoners, whose name is not known to me, was chained.

12. In March or April 1943 I volunteered to go to a working camp at Pistoia which was attached to Camp No. 82. We were told that if no-one volunteered a number would be drafted there compulsorily.

SWORN at 21 Old Queen Street)
in the City of Westminster) W. STEVENS.
this 15th day of June 1945)

Before me,
HERBERT DAVIS.
A Commissioner for Oaths.

IN THE MATTER OF : 2592

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.82 at Laterina between August 1942 and September 1943

AFFIDAVIT

I, No.4446408 R.Q.M.S. JAMES PERCIVAL, Durham Light Infantry, at No. 2 N.Z.E.F. Reception Group, Folkestone, Kent and with a private address at No.184 Fort Road, Bermondsey, London, S.E.1. make oath and say as follows :-

1. I was captured near Fuka in North Africa on 29th June, 1942 by German troops. With other prisoners I was handed over to the Italians at Tobruk. I was taken by sea from Benghazi to Italy, arriving at Brindisi on 3rd August 1942. After a few days at a transit camp, No.85 at Tuturana, I arrived at Camp No.82 at Laterina about 6th August 1942.

2. From the time of my arrival until January 1943 we were accommodated in tents made of Italian grounds sheets. These were not waterproof and leaked terribly in wet weather. On two occasions at least we were flooded out during heavy rain. Each tent contained 18 men and we were very overcrowded as the tents would have held perhaps 12 comfortably. The place was infested with lice and later with fleas when other prisoners came in from other camps. At this time I was a Group Commander.

   In January, 1943 we moved into huts which we had helped to build, being made of stone with cement floors. For bedding we had palliasses with a small amount of straw in them and occasionally we were given a little more to put in. The straw was never removed for burning and new straw provided. Owing to the small amount of straw we found conditions very uncomfortable on the cement floors. When we moved into huts I was commander of my hut.

3. As regards water, there was seldom, if any, any water available for washing clothes. For personal washing we made a form of spray from the taps with which we had to make do until April or May 1943 before there were any hot showers. There were two pipes with taps over wooden troughs for the whole camp, which averaged 2,000 men, and this was quite inadequate.

4. As regards sanitation, there were proper lavatories built at the back of the huts, but these were never in use as there were no drains or water. We had, therefore, to use trenches which came within four or five yards of the nearest tent and the smell was terrific. We would fill in these trenches when nearly full and dig new ones.

5. The men suffered terribly from underfeeding and as a result they had dysentery, colds and malaria. We had one inoculation whilst I was at this camp, but we were not told what it was for I remember three British Medical Officers, Major White and Captain Barker of the R.A.M.C. who both I think were later taken to Germany and a Major Huish (spelling uncertain) a South African.

   The Italian Medical Officers were good and I remember a Captain Christi who was a local Doctor who did all he could for us subject to the chronic shortage of medical supplies. He tried continually to get more but was unsuccessfull. I myself was in the Camp Hospital for 33 days with swollen feet and he helped me a lot.

6. As regards food, we would have starved without the Red Cross parcels. These came in fairly well after the first few weeks, apart from a period of 14 days about Christmas 1942 when there was none.

We each got a cup of acorn coffee in the morning, at 9.30 a.m. a small ladle of skilly with rice or macaroni in it, apparently made of turnip tops, 200 grams of bread and 20 grams of cheese at midday and a further ladle of skilly at 5 p.m. The total amount of skilly per day was about a pint. We had meat twice or once a week in place of the cheese but only a very small piece. Occasionally we would have a piece of fruit.

7. Very little clothing was issued by the Italians and the men remained in their summer clothing, that is their desert kit, through the winter, and suffered severely from the cold. I had a shirt and Italian breeches and my own Army overcoat.

8. The Italians did not worry us unduly except for the Commandant who was severe on petty things. He used to punish prisoners, particularly Warrant Officers, by detention in the detention tent which was very small. He held the hut Commanders responsible for small matters of discipline and if a prisoner did not salute him his hut Commander would get five days detention. If a prisoner escaped his hut Commander would get ten days detention.

Prisoners who escaped and were recaptured were chained. This I saw myself. A man who was unknown to me was chained to a tree and another prisoner who went to feed him was also chained. Fusilier Newton (Royal Northumberland Fusiliers), who made two attempts to escape, one showed me his legs all chafed with the marks of chains. I took him to the Medical Officer.

The name of the Commandant of the camp was I think Colonello M. Citerine.

9. Towards the end of August 1943 prisoners were being sent up from the south of Italy and the camp became far too full. In particular more tents were put up right against the latrine trenches.

10. On the 8th September 1943 we got news of the armistice and were told to take it easy. We were notified to remain until Allied representatives came. A number of men from the French Foreign Legion in another compound escaped and were fired on and this I saw and saw the legionaries running up the hillside. On Sunday the Italians ran away and our British Medical Officers said we could please ourselves and I remained in the camp while others left. On the Monday the Germans arrived and said they did not want to bother us or be bothered by us getting out of the camp. At 4 p.m. however they came down in two sections and took over. They started to move No. 2 compound on the Thursday and No. 1 on the Friday, presumably for Germany. When we got to the station I went under the train with two others and escaped. I spent seven and a half months before getting through the Allied lines on 16th April. Camp leaders whose names I remember at Camp No.82 were R.S.M. Samuels, East Yorkshires, and a South African R.S.M. Cockruft who may be at Brighton.

SWORN by JAMES PERCIVAL at)
Folkestone in the County of)
Kent this 18th day of June)
1945)

J. PERCIVAL. R.Q.M.S.

Before me,
G.A. MACKENZIE.
A Commissioner for Oaths.

IN THE MATTER OF :

The ill-treatment of British Prisoners of war and breaches of the Geneva Conventions 1929 at Camp No.82 Laterina during the period August 1942 to September 1943

A F F I D A V I T

I, JOHN CRAWFORD JARVIE No. 153762, Gunner, 1st Heavy Tractor Battery, R.A. at Tring, Herts and with permanent address at 22 Drodges Close, Tanyard Lane, Bramley, Guildford, Surrey, make Oath and say as follows :-

1. On the 21st June 1942 I was taken prisoner of war at Tobruk, North Africa. From there I was taken to Timimi where I stayed two days: then to Derna where I stayed five days: from there to Benghazi where I stayed some three to four weeks: from there I was shipped to Brindisi and later sent to Camp No.82 at Laterina.

2. I was prisoner of war at Camp No.82 at Laterina from August 1942 to September 1943. I escaped from the latter Camp at the armistice and wandered for some five months in Italy and eventually joined the Allies.

The conditions in the said Camp at Laterina during the period that I was there were as follows :-

As regards accommodation, for the first three months we were housed in tents made from Italian ground sheets buttoned together which were utterly inadequate in bad weather. Later we were put into huts which had just been built. Here we were terribly over-crowded in three tiered bunks, 27 men in a compartment some 24 feet long.

As regards sanitary conditions, there were open ditches with wooden bars across, no flushing: when a ditch filled up it was covered with earth and another dug.

As regards food the daily ration was a small roll of bread: about a pint of vegetable skilly with a little macaroni or rice: a small piece of cheese on five days of the week and a small piece of meat on the remaining two days. This ration was slow starvation and the Red Cross parcels just saved us.

As regards clothing, none whatever was issued by the Italians, the Red Cross parcels just enabled us to exist.

As regards diseases, those chiefly prevalent were dysentery and malaria.

As regards medical arrangements, there was a hut, but no medical parade or inspection. There was one Italian Medical Officer.

I cannot now give the name of any of the Italian personnel.

SWORN at Tring in the County)
of Hertford this 2nd day of)
July 1945)

Gnr. J.C. JARVIE.

Before me,
WILFRID S. KNIGHT.
A Commissioner for Oaths.

PARTICULARS OF EVIDENCE IN SUPPORT

1. AFFIDAVIT of Private A.V. Wright sworn 25th June, 1945.
2. AFFIDAVIT of Lance Corporal W.M. Stevens sworn 15th June 1945.
3. AFFIDAVIT of R.Q.M.S. J. Percival sworn 18th June 1945.
4. AFFIDAVIT of Gunner J.C. Jarvie sworn 2nd July 1945.

Copies of these documents are attached.

NOTES ON THE CASE **259**

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

If the facts set out in the Affidavits are established it appears that War Crime No.xxix (Ill-treatment of Prisoners of War) has been committed.

The Articles of the Geneva Convention, breaches of which are alleged, are referred to in the Particulars of Alleged Crime.

Responsibility. The primary responsibility for the conditions of this camp appears to be that of accused numbers 1 to 5, being the Commandant and Senior Officers and the Officers responsible for the several Departments of the Camps. In addition the accused listed together at No.6 are responsible for the assaults while their superior officers are responsible for the general system under which such assaults took place.

Defences. As regards the general charges, all the accused may plead that the conditions at the camp were due to shortage of supplies and material hough it would be for them to show that they had taken all proper steps to eleviate the conditions and obtain supplies. As regards the assaults, the persons committing them may plead the orders of their superiors which would merely bring in those superiors as responsible. The latter may plead that the guards had acted in excess of orders.

Completeness of Case. Confirmation of the names of the accused and in particular of accused No.6 is desirable. Further evidence of the assaults may be two separate charges.

Enquiries are accordingly in hand but there appears to be sufficient evidence to make a strong prima facie case for all the accused to answer.

(*For the Use of the Secretariat*)

Registered Number.	Date of receipt in Secretariat.
2048/UK/II/82	19 DEC 1945 2599

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CASE No. UK-I/B 133 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	Colonello FERRANTI Commandant of PG 73 CARPI June to September 1943.
Date and place of commission of alleged crime.	Mid-June to Mid-August 1943 PG 73 CARPI
Number and description of crime in war crimes list.	No. xvii. (Imposition of collective penalties).
References to relevant provisions of national law.	Breach of the laws and usages of war. Geneva Convention relative to the treatment of prisoners of war, Article 46 prohibiting collective penalties for individual acts.

SHORT STATEMENT OF FACTS.

After 350 W/Os and N.C.Os. had been transferred by train from PG 65 to PG 73 their cigarettes, Red Cross parcels and letters were stopped for about 2 months as a punishment for the alleged misbehaviour of some of them during the railway journey.

TRANSMITTED BY.....

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E.W.Ltd. Gp.685

PARTICULARS OF ALLEGED CRIME

In June 1943 about 350 W/Os and N.C.Os. were transferred from PG.65 at GRAVINA to PG 73 at CARPI. They travelled in cattle trucks. Before the party left an issue of Red Cross parcels was made to them. At this time the Italian civil population appeared to be very short of food, and some of the prisoners did all that they could to make sure that the Italians saw that they were provided with Red Cross parcels. They ate their food while the train was in a station and opened the doors of the trucks so that the Italian civilians might have a good view. When they threw the food tins away they took care to leave a little food in them. This was done as the witness Corporal McLAUGHLIN says, "Partly by way of 'playing-up' the Italians and partly as propaganda". There was no mutinous behaviour on the journey but one warrant officer escaped.

2. On their arrival at PG 73 when a roll-call was taken the Italians found that one prisoner had escaped. About a week later a parade of all the camp was held and the Commandant read out through an interpreter what purported to be an order issued by the Fascist Grand Council. It stated that as a punishment for the misbehaviour of the W/Os. and N.C.Os. during the railway journey none of the 350 would receive cigarettes, Red Cross parcels or letters until further notice; further punishments were pending.

3. Issues of cigarettes, Red Cross parcels and letters to the 350 prisoners were stopped for about 2 months. During the latter part of August and the first week in September when the Fascist regime was cracking up, a few issues were made and letters were handed out. On the night of the 8th/9th September 1943, the camp was taken over by the Germans.

Cpl. E. A. McLaughlin, 3567621,
L.I.A.F. Holding Centre,
C/o 65 Transit Camp,
Folkestone.

Subject:- War Crimes. Oct. 21.

2601

Sir,

Reference your letter MO/JAG/PS/42/22(3A) dated 15 inst.

I regret delay in answering above letter but I did not receive it until I returned from a 48 hr. pass.

(a) It was only a few of the 350 N.C.O.s and W.O.s who really "played up" the Italians on the journey from PG 65 to PG 73.

(b) The stoppage of cigarettes, letters and Red Cross parcels, only concerned the 350 N.C.O.s and W.O.s and not the whole of PG 73.

(c) I could supply you with names of some of the P.O.W.s at this Camp. But as I don't know their private address, and couldn't swear to their units, I'm afraid this would not be helpful.

I am Sir,

Your obedient servant,

(Signed) E. A. McLaughlin, Cpl.

MD/JAG/WC/42/22(3A)

IN THE MATTER OF GERMAN WAR CRIMES
AND IN THE MATTER OF THE ILLTREATMENT
OF PRISONERS OF WAR AT CAMP P.G.73
CAMPI

British National Office Charge No :

United Nations War Crimes Commission reference No:

A F F I D A V I T

FCW/ I, 3967621 Corporal EDWARD ARMRYN McLATCHLIE ~~a corporal~~ in the Welch Regiment, at present on the strength of 65 Transit Camp, Folkestone, with permanent home address at 14, Lonpobty, Bangor, Caernarvon, make oath and say as follows :-

1. I was taken prisoner of war near BENGHAZI on the 29th January 1942, when serving with the 1st Battalion, the Welch Regiment. I was sent to TARUNA transit camp where I remained for about two months, from there I went to P.G. 66 at CAMPLA and then to P.G.65 at GRAVINA near BARI. I left P.G.65 in about June 1943 bound for P.G.73 at CAMPI.

2. We made the journey in cattle trucks, about 35/40 N.C.O's and W.O's travelling in a truck. About 350 N.C.O's and W.O's were transferred to P.G. 73 at this time.

3. Before we left we were issued with Red Cross parcels and we rather went out of our way to let the Italian population see that as British prisoners of war we were provided with food. The civilian population appeared to be short of food at this time so when we could we had our meal while the train was in a station; we used to open the doors and spread our food out on the floor of the truck. We often left a bit of food in the bottom of a tin, threw it out so that the civilians could pick it up and judge of the contents of the tin. We did this partly by way of "playing up" the Italians and partly as propaganda, but there was no mutinous behaviour on the train. During the journey, however, one warrant officer did escape.

4. When we arrived at P.G.73 at CAMPI a roll call was taken and the Italians found out that one of us had escaped. After seven days after we arrived at the camp the camp commandant ordered a parade of all the members of the camp and read out an order through an interpreter. He said that the order was issued by the Fascist Grand Council and that as a punishment for our misbehaviour on the train our mail, red cross parcels and cigarettes would be stopped until further notice, and he said that further punishments for this offence were pending.

5. The Commandant was Tenente COLONNELLO FERRAVI. I only saw him on this one occasion but I had frequently seen orders signed by him. I cannot describe him because I was some distance off and there were four or five Italian officers present on the occasion when the order was read out. I have been told that the Commandant was a very ardent Fascist and a big land owner in the region of Bologna.
After the order was read out we received no letters, cigarettes or Red Cross parcels for rather more than one month, and the senior British rank asked for a protest to be sent to the Protecting Power.

6. From the latter part of August until about the 8th September we did receive one or two issues of parcels and cigarettes, and the letters which had been held up were handed out to us.

/7. .....

7. On the night of 8/9 September 1943 the camp was surrounded by the Germans who took charge of us. Later I was sent to Stalag VII.A, XI.A, and 357.

S W O R N by the said EDWARD ANERIN McLAUGHLIN at 6 Spring Gardens in the City of Westminster this NINTH day of OCTOBER 1945)

(Sgd) E. A. McLAUGHLIN.

BEFORE ME

(Sgd) P. C. FLETCHER

Captain,
Legal Staff,

Military Department,
Office of the Judge Advocate General,
LONDON.S.W.1.

ABSTRACT OF EVIDENCE

1. Statement of Amalia DALLA-RIVA.

This witness states that on 1 Sep 43 her son Giobatta found an escaped British prisoner hiding in some bushes, that she gave him refuge and shelter and that he remained with her until 12 Nov 43. The witness states that the British prisoner gave her an envelope on which his name, C. LYON-WILLIAMS, and his address were inscribed. The witness states that in early Nov 43 the prisoner was observed by some Italians and that on 12 Nov 43 some Italian Fascists entered her house, searched it, removed some articles including an old wireless set, and took Lt. LYON-WILLIAMS and her son Giobatta into custody. She further states that the wireless set was old and disused and had been found by her son Giobatta.

2. Statement of Don Michele GARONZI.

This witness states that on 12 Nov 43 he went to a quarry in GREZZANA, where he found the bodies of two men. He observed that both men had been shot and one stabbed. He describes two cardboard placards on the bodies, one showing "An English prisoner escaped from a concentration camp, found with a receiving and transmitting set" and the other "Born in Italy, not Italian - traitor to the country". He states that the following day the bodies were conveyed to the cemetery at GREZZANA and interred.

3. Statement of Ciro SPANO.

This witness states that at the beginning of Nov 43 he took a party of Italians to the house at CHIEVO, that he there found an Englishman, an escaped prisoner, and a number of articles including a radio set. He states that the prisoner and a youth, DALLA-RIVA, were taken into custody, removed to VERONA and brought before the Mayor, Pietro COSMIN. He states that he was subsequently told that COSMIN had ordered the execution of the Englishman and the Italian youth.

4. Statement of Bruno MARCHIORI.

This witness states that about the middle of Nov 43 he heard of the shooting

/of a ..

of a British officer and an Italian boy, and that three Fascists, PICCOLI, GOTTARDI and MARTINELLI, boasted to him of the shooting and approached him with an enquiry about how to obtain a reward. He states that he was told by GOTTARDI that the latter had placed the placards on the bodies of the victims. He affirms that the two victims had no trial and that they had been condemned without trial by the Mayor, COSMIN. He further states that the wireless set found in the house in which the British officer sheltered was useless.

5. Statement of Emmanuele ARENA.

This witness states that on 12 Nov 43 he went to a quarry near GREZZANA and there saw the bodies of two dead men. He observed the placards which had been left on those bodies. The men had been shot to death and the Englishman had been stabbed. This witness was present at the cemetery when both bodies were buried by Don Michele CARONZI a day or two later. He affirms that to the best of his knowledge the two victims had received no trial.

6. Statement of Dr. Ugo FRACCAROLI.

This witness states that at the material time he was called upon to examine two dead bodies lying in a quarry near GREZZANA. He there found two dead bodies and states that the cause of death was bullet wounds in the back of the head. One of the bodies had a serious stab wound in the chest. He observed a placard on each body.

7. Statement of Don Annibale CORDIOLI.

In his statement this witness speaks to his discovery of the bodies of two men in a quarry near GREZZANA on 12 Nov 45. He observed that they bore bullet wounds and carried placards. From description of the clothing worn by these two men he identifies them as Giobatta DALLA-RIVA and an Englishman who was being given shelter.

8. Statement of Ernesto GOTTARDI, the second accused.

This accused has made a statement to the effect that in Nov 43 he was a member of an escort which took a British prisoner alleged to be a spy and an Italian youth to a cave near GREZZANA, where the prisoners were shot. This accused

/admits ..

admits to firing one shot, which he says he aimed into the air, and states that he had been posted to guard the motor-cars during the execution.

9. Statement of Virgilio FAINI, the fourth accused.

This accused states that in Nov 43 he was ordered to accompany a car containing Italians and two people in custody to GREZZANA. He states he realised something serious was afoot but not that the prisoners would be shot. He states he was not present at the shooting, being left to guard the motor-cars. He implicates GOTTARDI in the shooting and states that he subsequently learnt that the Prefect COSMIN had ordered the execution without trial.

10. Statement of Romolo ROSSI, the fifth accused.

This accused states that he was one of a party which took two prisoners to a place near GREZZANA and that on the way there he learnt that the two prisoners were to be shot and that, when the cars stopped, he kept observation on the road. He heard shots fired, but he did not see the shooting nor the bodies afterwards.

PARTICULARS OF EVIDENCE IN SUPPORT

Contained in the statements of :-

(1) Amalia DALLA-RIVA
(2) Don Michele GARONZI
(3) Ciro SPANO
(4) Bruno MARCHIORI
(5) Emmanuele ARENA
(6) Dr. Ugo FRACCAROLI
(7) Don Annibale CORDIOLI
(8) The second accused, Ernesto GOTTARDI
(9) The fourth accused, Virgilio FAINI
(10) The fifth accused, Romolo ROSSI

Particulars of the evidence comprised in the above statements are contained in the Abstract of Evidence herewith. Each of the eight accused is named in one or more of the above statements as being involved in the crime.

(*For the Use of the Secretariat*)

Registered Number. 2615

Date of receipt in Secretariat. 17 JAN 1946

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CASE No. UK-I/B 135 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	Guiseppe COCCO Sentry at PG.66, CAPUA. Witnesses: 2. Serjeant Nicola FERRUCCI 3. Lieutenant Guiseppe VINCIGUERRA.
Date and place of commission of alleged crime.	19th April 1943. PG.66, CAPUA, Italy.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. i. - Murder - of Private J. SMITH, 2nd Parachute Battalion - Army Air Corps. Laws and Usages of War. Murder.

SHORT STATEMENT OF FACTS.

In violation of the Laws and Usages of War, on 19th April 1943 the accused, upon discovering Private J. SMITH who was an escapee in the vicinity of PG.66, CAPUA, shot and killed him when he had surrendered and was holding up his hands.

TRANSMITTED BY TREASURY SOLICITOR.

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E. W.Ltd. Gp.685
(30449) Wt.P.1183/17 5,000 10/45

PARTICULARS OF EVIDENCE IN SUPPORT

(1) Affidavit of 2587945 Signalman A.S. WALKER, R.Sigs. dated 22nd November 1945.

(2) Affidavit of 2884171 Private W. WOOD, AAC. dated

(3) Extract from a letter reference JAG/B/390/163 dated 14th Sept. 1945, from the Deputy Judge Advocate General, Allied Force Headquarters, to the Judge Advocate General, London, giving details of the contents of a file of the Italian War Ministry relating to the killing of 2879732 Private J. SMITH, Parachute Regiment.

N.B. Providing they can be traced the following Italians will also be witnesses :-

Serjeant Nicola FERRUCCI
Lieutenant Guiseppe VINCIGUERRA.

(*For the Use of the Secretariat*)

2625

Registered Number. 2221/UK/2c/85

Date of receipt in Secretariat. 23 JAN 1946

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CASE No. UK-I/B 137 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1. Natale DURELLO 2. ~~Pria~~ Agostene DALLA-PRIA 3. Luigi COLO
Date and place of commission of alleged crime.	On or about 5th November 1944. CAMPO LONGO, PADUA, Italy.
Number and description of crime in war crimes list.	No. 1. - Murder.
References to relevant provisions of national law.	Breach of the Laws and Usages of war. Murder.

SHORT STATEMENT OF FACTS.

In early November 1944, two Allied prisoners of war then at large in Italy were apprehended and shot by a party of Italian Fascists at CAMPO LONGO, PADUA.

The Solicitor for the Affairs of Hm. Treasury.

TRANSMITTED BY TREASURY SOLICITOR.

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E.W.Ltd. Gp.685

PARTICULARS OF ALLEGED CRIME 2626

Two Allied Prisoners of War namely No. 104121 Private Jack le ROUX of the South African Forces and Private Eric GOODWYN of The Essex Regiment, were living in farms and cottages in the PADUA area, having escaped from a Prisoner of War Camp as a result of the desertion of the Italian guards after the armistice were on or about 5th November 1944, apprehended by a party of armed Italian Fascists who shortly after their apprehension shot both men dead.

British National Office Charge No: UK-1/B 137

United Nations War Crimes Commission Reference:

TRANSLATION OF AFFIDAVIT MADE BY NO.104696 GNR. VISAGIE, G.C.

No.104696 Gnr. GERHARDUS CORNELIUS VISAGIE states under Oath:-

1. I am at present living at 973 Laingsnek Street, Volksrust, and am at the moment waiting for my discharge from the U.D.F.

2. At the fall of Tobruk during June 1942 I was with others who were taken Ps. O.W. by the Germans. At that time I was in the 3rd Field Regt. We were then sent from time to time to different camps in Italy. During Jan.43, 120 of us were sent from Camp 82 (Arezzo) to Camp 120 (Saonara). Here we had to work for a man by the name of Sgarravati in a tree plantation.

3. On 8 Sep.43 The Germans began to arrest the Italians with the result that the guards of our camp fled and thus left us in the position to flee from the camp. The majority of us then took refuge with Italians who were well disposed towards us. I took refuge with an Italian family by the name of M.X.Sanavia who lived at Via Posso, Campo Longo.

4. A certain S.A.soldier, No. 104121 Jack le Roux and two English soldiers, the name of one of whom was Goodwyn and the other whose name I did not know, found refuge about ½ mile from where I was living, with an old Italian widow.

5. Le Roux and I were together practically every second day. Before le Roux went to live with the old widow he first lived with a certain Boran, who lived at Corte. Whilst he was living there he built up a transmission set with which he later contacted the Allied Forces. I and le Roux then worked together with about 60 partisans. The leader of these 60 partisans was Foran.

6. As a result of the contact made with the Allied Forces, le Roux afterwards managed that the Allied Forces' Aircraft dropped money, clothes and ammunition out of the air on Corte. Later le Roux discovered that the partisans who worked with him used the money for their own purposes and also that they sold the clothes and ammunition for their own benefit. Le Roux objected to this with the result that there was friction between le Roux and the partisans. He then heard that they wished to kill him with the result that he fled from Corte to Campo Longo where he found refuge with the old widow. Le Roux told me later that Foran had told the Fascists of his activities.

7. Later an Italian by the name of Franciscan told le Roux that the Fascists will shoot him if they can get hold of him.

8. On the 5 Nov. I had at appointment with le Roux to meet him on a certain street corner at 6p.m. About 6p.m. I was on my way to the appointed place. I had just left the house when I heard a volley of rifle shots and shortly after that an Italian girl who is not known to me, came to me and told me that the Fascists had shot two of my friends and that I must escape. I then immediately fled into the veld.

9. The following day, about 12 midday, I went to look at the place where my friends had been shot. When I arrived there I found le Roux and Goodwyn dead on the same spot where they had been shot the previous day. They were lying on their backs in the street, completely uncovered. At that time it had been raining for some days and they were lying in the mud. Le Roux had a shot through his chest and Goodwyn had been shot through the left eye which had passed through his right eye. Whilst I was looking at the corpses some of the Italians who were living in the immediate vicinity arrived there. I asked them why the bodies had not been removed and they informed me that the Fascists had given instructions that they must remain where they were.

5. I would describe the leader of the Fascist party as follows:

Height, 5ft 7ins; weight, about 10 stone 6 pounds, sallow complexion, hair black and thick. He had a fairly new scar down the centre of his forehead and he was dressed in Fascist uniform. I do not know his name or any further particulars about him.

6. The town of PADUA DI SACCO is between Padua and Venice.

S W O R N by the said RICHARD BACKHOUSE at 6, Spring Gardens in the City of Westminster this fourth day of October 1945 } (Sgd) R. BACKHOUSE

BEFORE ME

(Sgd) G. BARRATT
Major,
Legal Staff.

Military Department,
Office of the Judge Advocate General,
LONDON S.W.1.

NOTES ON THE CASE **2633**

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

(a) All accused are believed now to be in custody in PIOVE, Italy. Confirmation of this fact is awaited.

(b) This would appear to be a clear case of murder and the evidence of the two witnesses mentioned above is considered ample to obtain a conviction.

2222/UK/36/86

2634

1. GHORKI a GORHKI
2. Cardamen

Date Submitted	Decision of Committee I		
30 JAN 1946	1 - A 2 - C	3	CARTE VITICKED

(89756) P892/11 5000 8/45 M&C Ltd 51/1

2222/UK/36/86

2222/UK/26/86

2634

1. GHORKI a GORHKI
2. Сочинения

Date Submitted	Decision of Committee I		
30 JAN 1946	1 - A 2 - C	3	CARD PICKED

(89756) P893/11 5000 8/45 M&C Ltd 51/1

2222/UK/26/86

(*For the Use of the Secretariat*)

2635

Registered Number. 2222/UK/2c/86

Date of receipt in Secretariat. 23 JAN 1946

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CASE No. UK-I/B 138 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	(1) GHORKI or GORHKI Colonel of the Carabinieri; Commandant of Camp P.G.35, PADULA, Italy. (2) Unknown Italian Carabinieri.
Date and place of commission of alleged crime.	August 1943. Camp P.G.35, PADULA, Italy.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. xxix. - Ill-treatment of Prisoners of war. Breach of the Laws and Usages of War. Breach of Articles 2, 46 and 50 of the Geneva Convention 1929 relating to the treatment of prisoners of war. Assault occasioning actual bodily harm.

SHORT STATEMENT OF FACTS.

In August 1943 Prisoner of War Camp P.G.35, located at PADULA, Italy was evacuated. Some of the prisoners concealed themselves in order to delay the evacuation in view of the Allies' landing in SICILY. Captain M.G.A. WRIGHT, Royal Marines, and Lieutenant H.A. POTTS, Royal Army Service Corps, who had hidden themselves, were discovered. Both these officers were interrogated by the first accused and both were beaten up by Carabinieri, the second accused in the presence and on the orders of the first accused. The first accused also personally struck Lieutenant POTTS.

TRANSMITTED BY TREASURY SOLICITOR.

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E.W.Ltd. Gp.685

PARTICULARS OF ALLEGED CRIME

In August 1943 the Prisoners of War Camp P.G.35 located at PADULA Monastery, Italy, was evacuated. The Camp Commandant was the first accused. A number of prisoners felt that the evacuation might be delayed if they were to hide in the recesses of the monastery. A number, which included Captain M.G.A. WRIGHT, Royal Marines and Lieutenant H.A. POTTS, Royal Army Service Corps, accordingly hid themselves. However, some of the prisoners, including the said two officers, were discovered. Lieutenant POTTS was marched to a cell and on the way there he was struck a heavy blow in the face by the first accused. Later, both Captain WRIGHT and Lieutenant POTTS were taken separately before the first accused and interrogated. As they refused to answer questions the first accused ordered the Carabinieri to beat them up; both officers received a severe beating.

MD/JAG/WS/42/41(3B).

IN THE MATTER OF THE ALLEGED ILL-TREATMENT OF CAPTAIN MICHAEL GEOFFREY ARTON WRIGHT, ROYAL MARINES, WHILE A PRISONER OF WAR AT PADULA, ITALY, ON OR ABOUT THE 4 AUGUST, 1943.

British National Office Charge No:

United National War Crimes Commissions Reference:

A F F I D A V I T.

I, CAPTAIN MICHAEL GEOFFREY ARTON WRIGHT, Royal Marines, with permanent home address at 1A Cavendish Road, Southsea, Hampshire hereby make oath and say as follows :-

1. I was captured at Tobruk on 13 September 1942. In August of 1943 I was in Camp No. P.G. 35 at Padula Monastery, Italy. The camp was in area P.M. 5400. The Camp Commandant for this camp was a colonel in the Carabinieri. I cannot remember his name. He was aged about 55 to 60, medium height, stout build, high blood pressure face, an obese and 'bon viveur' type. He was completely bald and wore a wig of a dark brown hair of a curly type. I would certainly be able to recognise him again, even from a photograph.

2. In August of 1943 after the Allies had landed in Sicily the Italians expressed their intention of moving this camp north to Bologna. Padula is situated at about the instep of Italy. To delay this move and with the hope of having the camp overrun by the Allies, about 27 of us hid ourselves in odd corners of the monastery. This caused a delay of at least 14 days to the intended move. I was one of a group of three officers hiding. This group comprised Lieutenant Potts, R.A.S.C., and Lieutenant John Burnford, Royal Marines. There were two Lieutenants John Burnford, each in the Royal Marines, at this camp. This particular John Burnford later escaped from Italy. My group was the first to be discovered. This was at about 0030 hours on either the third or fourth August of 1943. The three of us were placed in a cell together. At about 0300 hours Potts was taken out. About ten minutes later I was also taken out and marched to the Commandant's office. I had to wait outside. While waiting I was beaten with rifle butts in the stomach and in the small of the back by the escort who were very excited. I cannot remember any of the escort. The blows I received caused bruising and soreness which lasted some days.

3. I was then marched in front of the Commandant who was with two other Italian camp officers. The Commandant started to interrogate me. He began by saying that the first officer he had interrogated had foolishly refused to answer questions and he was being disposed of. At this time the Commandant was waving a pistol at me. The officer referred to by the Commandant was Lieutenant Potts. The Commandant then asked me the whereabouts of the other officers who were hiding. I said "I don't know". He then said "Did you intend to escape". I said "Yes". He said "How?" I said "Through the main gates". He became more angry and demanded to be told the whereabouts of the other officers. I said "I don't Know". The Commandant then nodded to the escort which was behind me. I immediately received a blow from what I took to be a fist on the right side of the jaw. This knocked me across the room for a distance of about eight feet, the wall stopping me. I was then brought back to my previous position and the Commandant said to me "Are you prepared to tell me now the whereabouts of the other officers?", or words to that effect. I said "No" and I was marched out and back to the cell.

4. Later, Potts returned to the cell and I learned that he was in an adjoining room when I was being interrogated and he heard the whole of the interrogation.

/5. .....

5. For the first twenty four hours in which we were in the cell - which was about 15 feet by 9 feet - we had no food, were refused water and had no blankets, bedding or furniture. The cell had a stone floor, stone walls and two small windows. Within the first twelve hours about eleven of us were pushed into this cell. After the first day we received food, blankets and bedding but this was due to the efforts of our own people in the camp. Altogether we were kept in this cell for ten days.

6. A written report was given by each of my party to the senior British Officer in the camp, Brigadier Mountain, C.B. who confirmed the names and details of all the Italian Personnel concerned. This report was sent to England.

7. When being marched to the cell and before we were interrogated in the Commandant's office, the Commandant met us in the passage outside the cell. He looked very angry, was half dressed and said "Are you British Officers?" We all said "Yes". Lieutenant Potts, who is about five feet six inches and of small build also said "Yes". The Commandant immediately, with an open hand, but with a good swing, struck Lieutenant Potts across the side of his face. Potts reeled but was not knocked over.

SWORN by the above named MICHAEL GEOFFREY ARTON WRIGHT near Salisbury on the 2nd day of November 1945.) (Signed) M.G.A. Wright.

Before me

(Signed) H.W.G. Westlake.
Major,
Military Department,
Judge Advocate General's Office.

MS/JAG/PS/42/41(3B)
[illegible]

IN THE MATTER OF THE ILL-TREATMENT OF
CAPTAIN M.G.A. WRIGHT, ROYAL MARINES,
AND
LIEUTENANT H.A. POTTS, ROYAL ARMY SERVICE CORPS
AT PADULA, ITALY ABOUT 4 AUGUST 1943.

A F F I D A V I T

I, HENRY ARTHUR POTTS, formerly Lieutenant in the Royal Army Service Corps, now on leave pending discharge, with permanent home address at 40, HUNTINGDON ROAD, CAMBRIDGE in the County of CAMBRIDGE, MAKE OATH and say as follows :-

1. I was captured in NORTH AFRICA in April 1941. I was taken to Camp No.P.G.35 at PADULA Monastery, Italy in April 1942 and remained there until August 1943. During the greater part of this period the Camp Commandant was an Italian Colonel in the Carabinieri by the name of GHORKI (or GONHKI). He was aged between fifty and sixty; height about five feet six inches; weight ten to eleven stone; florid complexion; rather thin faced; stocky in build; very excitable in temperament. He was reputed to wear a dark brown wig. I last saw him at PADULA in August 1943 when the Camp was evacuated.

2. Just before the evacuation in August 1943 of the camp, as we had learned of the Allies' landing in SICILY, a number of prisoners hid themselves in the Monastery. I, Captain WRIGHT and one or two others were discovered. I was being escorted by some Italian Carabinieri to the gaol when we were met by the Commandant, Colonel GHORKI. He struck me a very heavy blow across the face. I was then taken into the gaol and subsequently brought before the Commandant; there I was interrogated through an interpreter by the Commandant with respect to the whereabouts of the other prisoners who had hidden. Behind him were a number of Carabinieri. In the course of the interrogation these Carabinieri, on the orders of Colonel GHORKI, repeatedly struck me with rifle butts. I was severely beaten up. I was then put into an adjoining room. I then heard somebody else brought into the Commandant's office; I looked through the keyhole and saw it was Captain WRIGHT. He was interrogated and beaten up as I had been. I cannot name or describe any Italians who were involved except Colonel GHORKI.

SWORN by the aforesaid HENRY ARTHUR POTTS)
at 6 Spring Gardens in the City of)
WESTMINSTER this ELEVENTH day of)
DECEMBER, 1945.) (SIGNED) H.A. POTTS.

BEFORE ME,

(SIGNED) A.A.P. HAFF,
Captain Legal Staff

Military Department,
Office of The Judge Advocate General,
LONDON, S.W.1.

PARTICULARS OF EVIDENCE IN SUPPORT

Contained in the Affidavits of :-

(1) Captain M.G.A. WRIGHT, Royal Marines. This officer describes the plan whereby the prisoners decided to conceal themselves prior to the evacuation of the camp, that some were discovered and that he and Lieutenant POTTS were interrogated by the 1st accused who, when no answers were forthcoming to his questions, ordered the second accused to administer a beating. Captain WRIGHT then states that he and other prisoners were kept 24 hours in a cell without food or water, bedding or blankets and, for a further 9 days, they were retained in this cell and were then given some food and bedding.

(2) Lieutenant H.A. POTTS, Royal Army Service Corps, who confirms entirely the evidence of Captain WRIGHT and speaks to the beating he received at the hands of the second accused. He further states that he was struck a heavy blow by the first accused.

NOTES ON THE CASE **2641**

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

The evidence clearly discloses that the first accused ordered that Captain WRIGHT and Lieutenant POTTS should be beaten up by the second accused because they would not give satisfactory replies to questions dealing with the prisoners in the camp concealing themselves. There can be no justification for this brutal assault. The offences were committed on the accused's own initiative and there appears to be no defence thereto.

VIA REGINA MARGHERITA 75.

Statement of:-

PETRELLI Guglielmina,
aged 21 years
daughter of Manfredo
residing at VIA REGINA MARGHERITA 75,
MOGLIANO.

Who states:-

On the 10th December 1945, at about 11 am., I was cycling southwards on the MOGLIANO-MACERATA road when I was informed by a woman named MANDI that two Fascists had arrested three British ex-prisoners of war on the roadway further along towards MOGLIANO. I hurried along and just around a bend, known as the 'VOLTATA DI CRISCI' I saw two Fascists one of whom I knew as FOGLIA Mario and the other I have since come to know as LUCHETTI Nilo. They were standing near the middle of the road pointing revolvers at the three prisoners who stood on the east side of the roadway with their hands raised above their heads.

I cycled slowly towards them and as I was doing so, LUCHETTI put his finger across his lips in a gesture for me to be silent and told me to go away. Just as I was passing them, one of the prisoners ran across the road so that I was between him and the Fascists. LUCHETTI fired a shot at this prisoner which struck me just above the left buttock and passed out through the left of my abdomen. I fell from my bicycle to the roadway and the prisoner ran away in the direction of MOGLIANO. One of the other prisoners taking advantage of the confusion, also ran away in the direction of MOGLIANO. LUCHETTI fired another shot at the prisoners and at the same time told FOGLIA to follow them, saying "Shoot Mario, Shoot Mario". FOGLIA had come to my assistance and I tried to hold him to prevent him from going away but I was unable to do so. FOGLIA ran along the roadway firing at the prisoners and as they jumped from the roadway into the fields he fired more shots at them.

I was lying on the opposite side of the road almost facing LUCHETTI and the third prisoner who remained with his hands above his head. He made signs to LUCHETTI that he did not intend to escape and moved so that he could look over at me. LUCHETTI said, "Don't move by God' and immediately fired three shots and the prisoner fell to the ground. LUCHETTI then walked four or five yards along the road and met FOGLIA who was returning from chasing the prisoners who had succeeded in escaping.

I again called to FOGLIA for assistance and as he was helping me to rise from the ground LUCHETTI called to him from the other side of the road and told him to leave me alone. LUCHETTI said that he thought the prisoner was dead and kicked him but the prisoner cried out. I then began to push my bicycle in the direction of MOGLIANO and LUCHETTI called out to me not to say anything in the village about the shooting. As I was walking away I saw LUCHETTI and FOGLIA searching the clothing of the wounded prisoner.

I went to the house of LUCHETTI Pietro, who is no relation of LUCHETTI Nilo, the Fascist, and telephoned to MOGLIANO to inform my mother of what had happened. I was put to bed in this house and shortly afterwards, LUCHETTI Nilo, FOGLIA Mario, a sergeant of the Carabinieri, and a Carbiniere entered the house. LUCHETTI Nilo apologised to me for injuring me and I asked him why he had shot the prisoner. He said that it was his orders to do so, but did not say who had given him those orders.

/Continue ...

Doctor LOCARELLI Anacino came to the house to examine me and I told him to attend to the wounded prisoner. I was taken to MACERATA hospital where I was examined and later that evening I returned home. I had not seen any of the prisoners before, but after the shooting some of the women of the family of a farmer named FIGRETTI came to me and asked me to say nothing to the Fascists who were searching for the houses in which the prisoners had been staying. This was because the Fascists intended to shoot the heads of the families that had harboured the prisoners. It was with the FIGRETTI family that the prisoner who was shot had been living.

I have since learned that one of the prisoners had been living at the house of a farmer named VIROLOCHIO Davide and the other at a farm owned by FIGRETTI of MONTALTO. After the shooting, one of the prisoners who had also been wounded, lived with a farmer whose nickname is 'STORNELLO', and the other continued to live with the farmer of FIGRETTI. The two prisoners who escaped were known as 'Tonnaco' and 'Guglielmo'.

I did not see LUCHETTI again but about four or five days after the shooting TOGNIA visited me but I did not wish to speak to him. He apologised for my being wounded and I asked him if the revolver he was wearing was the same as he had fired at the prisoners. He replied that it was not; but had it been, he would not have missed the prisoners who had escaped.

This statement has been read over to me. It is true and correct.

Signed:- PETRELLI Guy

Statement taken in Italian, read over and signature witnessed by Official Interpreter PANICCIA Claudio, in the presence of Sergeant MORRELL, of 60 Section, Special Investigation Branch, C.M. Police, at MONTALTO, on the 22nd May, 1945.

I certify that the above statement is a true translation of the original to the best of my knowledge and ability.

Signed:- PANICCIA Claudio.

I certify that I have examined the original statement and that the above is a true translation.

Signed:- Celestino MORETTI.

(*For the Use of the Secretariat*)

Registered Number. 2452/UK/21/88

2652

Date of receipt in Secretariat. 13 FEB 1946

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CASE No. UK-I/B 140 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1. TORREGROSSA, Pasquale. Lieutenant Colonel, Fascist Militia. 2. VANNOZZI, Arturo. Landowner. In custody at "R" Internee Camp at TERNI. 3. MASSI, Guglielmo. Clerk. In custody at CARCERI GIUDIZIARIE, ASCOLI PICENO. 4. POLONI, Fausto. Shoemaker. In custody at "R" Internee Camp at TERNI.
Date and place of commission of alleged crime.	February 1944, ASCOLI PICENO, Italy.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. 1. - Murder of Battery Serjeant Major W.R.A. TINDLE, Royal Artillery. Murder. Murder.

SHORT STATEMENT OF FACTS.

The first accused, as commander of the 110 Legion of the National Republican Guard and as Officer in charge Militia Headquarters, ASCOLI PICENO, Italy, gave orders to his subordinates, the second, thirdand fourth accused, to shoot and kill 802071 Battery Serjeant Major W.R.A. TINDLE, Royal Artillery, an escaped and recaptured British prisoner of war.

TRANSMITTED BY TREASURY SOLICITOR.

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E. W.Ltd. Gp.685
(30449) Wt.P.1183/17 5,000 10/45

VIA MARCO SGARIGLIA 25,

Extracts from statement of:

GIALDINI Biagio, general labourer,
aged 42 years, son of Giovanni,
residing at VIA MARCO SGARIGLIA 25,
ASCOLI PICENO

Who states:

While I was on duty at the door of the office of Lieutenant-Colonel TORREGROSSA, at the Militia Headquarters ASCOLI PICENO, the door of Colonel Torregrossa's office was opened and a man dressed in civilian clothes was being led out by Arturo VANNOZZI. Vannozzi had a revolver in his hand and the prisoner was walking in front of him. They were walking along a corridor towards a landing. I heard three shots. A few seconds later I crossed the corridor to see what had happened. I could see the prisoner lying on the landing and I could hear him groaning. Near him were Arturo Vanozzi, Fausto Poloni and Guglielmo Massi. About ten minutes later I heard two more shots and I saw the same people standing round the prisoner. Later a coffin was brought and the body was taken away. I helped to wash the blood off the floor.

(Signed - Biagio GIALDINI.)

CARCERE GIUDIZIARIO,
ASCOLI PICENO.

Statement of:-

MASSI Guglielmo, Chief Clerk, aged 37 years,
son of ENRICO, residing at Via GALEAZZO
MALATESTA, No. 14, ASCOLI PICENO.

Who states:-

I have been cautioned that I am not obliged to say anything unless I wish to do so, but whatever I say will be taken down in writing and may be given in evidence.

Signed:- MASSI Guglielmo.

On the 1st December 1943, I joined the Militia in ASCOLI PICENO, and served as a Corporal at the Militia Headquarters which was then in Via UMBERTO, 65, ASCOLI PICENO.

I think it would be during the month of April 1944, I am not sure of the date, I was in the office at the far end of the corridor, which was next to the office of Major FURI, and was usually used by the porters, when I saw a man walk out of the office of Lt. Colonel TORNEROSSA into the corridor. This man was very tall, and broadly built, he would be about 30 years of age and was wearing a khaki blouse and civilian trousers. Following this man closely behind, and holding a revolver in his right hand, was Maresciallo VANNOZZI Arturo. At the time I thought that the man must be an escaped prisoner of war who had been captured. I watched the two men walk down the corridor, and when they had reached the landing at the entrance end of the corridor, I saw Maresciallo VANNOZZI Arturo, with his revolver levelled at the prisoner's back fire four or five shots at the prisoner. The shots appeared to hit the prisoner in his back, and he fell to the floor. I walked down the corridor towards the landing and as other people had come from their offices to see what had happened, it was difficult to see, but I could see the prisoner, who was lying on his back. I was unable to see any wounds, but there was a large amount of blood by the prisoner's body. At this time Lt. Colonel TORNEROSSA, and Maresciallo VANNOZZI began to order everyone away. Lt. Colonel TORNEROSSA ordered me to bring something with which to cover the body of the prisoner. I went to the room from where I had previously witnessed the shooting, and returned with a blanket. As I was covering the prisoner I could see that he was still alive, he moved a little. I went to the office of Lt. Colonel TORNEROSSA and informed him that the prisoner was still alive. Lt. Colonel TORNEROSSA said to me, "What are you waiting for? Go and finish him". I returned to the prisoner, and after some hesitation I drew my revolver and fired one shot in the left temple of the prisoner's head. I then covered the body and returned to the room at the opposite end of the corridor from where I witnessed the incident, and continued with my duties.

About two hours later a coffin was brought and the body was placed in the coffin and taken to the cemetery. On the 15th June 1944, which was about the time of the liberation of this part of the country, the Militia Headquarters moved from ASCOLI PICENO to ERESOLA, in Northern Italy. I also went there and continued to serve as a Maresciallo until the end of the war in Italy, which would be about the 25th April 1945, when I returned to my home in ASCOLI PICENO, and about 15 days later I was arrested by the Questura.

Signed:- MASSI Guglielmo.

(2)

STATEMENT OF: MASSI, Guglielmo (Continued).

This statement has been read over to me. It is true and correct.

(Signed) MASSI Guglielmo.

Statement taken in Italian, read over and signature witnessed by Official Interpreter PANICCIA, Claudio, in the presence of Sgt. ANNETTS, of (G) Section, Special Investigation Branch, C.M. Police, at ASCOLI PICENO on the 4th October, 1945.

I certify that the above statement is a true translation of the original, to the best of my ability and knowledge.

PANICCIA, Claudio. Interpreter.

PARTICULARS OF EVIDENCE IN SUPPORT

(1) Extracts from statement sworn by Biagio GIALDINI, containing circumstantial evidence that the second accused fired the first shot.

(2) Extracts from statement sworn by Gaetano CELANI, to the effect that the fourth accused fired at and hit the victim.

(3) Statement sworn by third accused to the effect that he fired at the body which was lying on the ground, on orders received from the first accused, and that the second accused fired the first shot.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence; (*c*) whether the case appears to be reasonably complete.)

This case is complete and from available evidence it appears that the defence of the second and fourth accused will be an alibi. A further defence which is likely to be put forward by the second, third and fourth accused is that they acted on superior orders from the first accused. This defence is not tenable as such orders would obviously be illegal and as such need not be obeyed.

The second, third and fourth accused are in custody and a search for the first accused is in progress. The trial of the second, third and fourth accused will not be delayed on that account.

2453/UK/3t/89

2660

RE

Date Submitted	Decision of Committee I		
21 FEB 1946	A	B	CARTE CHECKED

189756] P808/11 5000 8/45 M&C Ltd 51/1

2453/UK/3t/89

(*For the Use of the Secretariat*)

2661

Registered Number.

2453/UK/2t/89

Date of receipt in Secretariat.

13 FEB 1946

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CASE No. UK-I/B 141 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1. RE, Guiseppe Sentry at Camp P.G. 70 FERMO, Italy in January 1943.
Date and place of commission of alleged crime.	4th January 1943, FERMO, Italy.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. xxix. - Ill-treatment of Prisoners of War. Breach of the laws and usages of war and in particular Article 2 of the Geneva Convention 1929 relating to the treatment of Prisoners of War. Assault Wounding with intent, contrary to Section 18 of the Offences against the Person Act 1861.

SHORT STATEMENT OF FACTS.

In January 1943 at Camp 70, FERMO, Italy a British prisoner of war Trooper J. JONES was shot and wounded by the accused while crossing the camp inside the wire.

TRANSMITTED BY TREASURY SOLICITOR.

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252'4 5,000 5/45 A.& E. W.Ltd. Gp.685
(30449) Wt.P.1183/17 5,000 10/45

PARTICULARS OF ALLEGED CRIME

2662

On 4th January 1943 Trooper J. JONES a British prisoner of war at Camp 70 FERMO Italy was going to the cookhouse to get some water. When he was about 10 yards from the cookhouse the accused who was in a sentry box about 10 yards away shot and wounded him in the shoulder. Trooper JONES was about 2 feet inside the trip wire at the time. As a result of this wounding Trooper JONES was in hospital for about 6 months.

MD/JAG/WB/42/30(20)

IN THE MATTER OF THE WOUNDING OF TROOPER JONES AT
CAMPO PG.70. MONTERANO, ITALY,
CONTRARY TO THE GENEVA CONVENTION 1929.

British National Office Charge No:-

United Nations War Crimes Commission Reference :-

AFFIDAVIT.

I, Trooper JOHN JONES make oath and say as follows:-

1. My number is 7908519 and I am a Trooper in The Royal Tank Regiment and at present stationed at No. 12 Civil Re-settlement Unit, Clatterbridge, near Bebington, Wirral, Cheshire.

2. I was captured on 4 August 1942 near El Alamein and was in several prisoner of war camps in Africa and Italy before I was sent to Campo PG.70, Monterano, Italy in October or November 1942.

3. On 4 January 1943 at about 1900 hours I was going to get water from the cookhouse with which to brew cocoa. I was about 10 yards from the Cookhouse, about 2 feet from the trip wire surrounding the camp and just opposite the Canteen, having left a sentry box about another 10 yards behind me on my left, when I felt a pain in my left shoulder as if a red hot poker had been pushed through it. I said something like they have hit me. I started to take off my jacket, which was an Italian one, and which now had a large hole in the front of it, and one of the other prisoners (I think it was a C.S.M., or B.S.M.,) then helped me to get it off and assisted me to the Camp Infirmary.

4. When I started to get my coat off I looked round and saw the sentry opposite the box about 10 yards away bring his rifle down from his shoulder. The sentry box was on a raised platform and the sentry was standing on this platform.

5. When I took my coat off I felt blood oozing out of my shoulder and saw that my shirt was red with it. When I got to the Infirmary my wound was dressed by a British R.A.M.C. Orderly under the instructions of an R.A.M.C. Officer. This Officer told me that a bullet had passed through my shoulder from the back to the front. Two Italian Officers, one of whom was a Medical Officer were also present while my wound was being dressed. Then I was taken to Fermo civilian hospital in a lorry.

6. I was detained in the civilian hospital for about a month and from there taken by train to a Military hospital at Teramo where I was kept till about the end of May. I was then taken back to Camp but after I had been back there for only three days my wound started "weeping" and I had to have further medical attention from the Camp Infirmary for about another month. I was later transferred to Germany and had to be graded as only fit for light work as a result of the wound.

7. While I was in hospital at Fermo I wrote out and signed a statement about the shooting at the request of an N.C.O. who had come from the camp. After I got back to the camp from Teramo I wrote out and signed another statement in the presence of B.S.M. Atkinson (I think of the R.A.,) and R.Q.M.S. or S.Q.M.S. Webb. They told me on this occasion that a Court of Inquiry had been held and they wanted to see if my second statement was the same as my first. B.S.M. Atkinson was Camp Leader at this time and I gathered from the fact that he told me to keep the matter quiet that he was referring to a Court of Inquiry held by the British Camp Authorities.

/8

8. I was also told after my return from hospital by one of the C.S.M's. in the Camp that the sentry who had shot me had been saved from the Camp as a result of an Italian Court of Inquiry.

9. I do not know the name of the sentry who shot me nor can I describe him in any way.

10. The Camp Commandant at Campo PG.70 while I was there was Colonel Papa who I would describe as follows:-

> Age about 50, height about 5 feet 4 inches, brown eyes, stourish build, clean shaven and dark complexion. He sometimes wore spectacles and I believe he owned the Valley in which the camp was situated.

11. The foregoing facts are to my own knowledge true except where the contrary appears and in such case the facts are true to the best of my information and belief and my means of knowledge is recorded in this my Affidavit.

SWORN at Chester in the County of Chester)
this tenth day of October 1945.) Signed J. JONES

Before me,

(Signed) C.G.MASON.

Captain, Legal Staff,
Military Department,
Judge Advocate General's Office.

(*For the Use of the Secretariat*)

Registered Number. 2454/UK/21/90

2668

Date of receipt in Secretariat. 13 FEB 1948

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CASE No. UK-I/B 144. *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	BERTI, Guiseppi. Lieutenant in a unit of the Italian Republican Army stationed at ROCCA SAN STEFANO, Province of ROME, Italy, in May 1944.
Date and place of commission of alleged crime.	14th May 1944. ROCCA SAN STEFANO, Province of Rome, Italy.
Number and description of crime in war crimes list.	No. i. - Murder.
References to relevant provisions of national law.	Breach of the Laws and Usages of War and in particular Article 50 of the Geneva Convention 1929 relating to Prisoners of War. Murder.

SHORT STATEMENT OF FACTS.

On 14th May 1944 at ROCCA SANSTEFANO, Italy, a South African escaped prisoner of war, No. 143218, Lance-bombardier J.L. PARKINSON was discovered in hiding and shot.

TRANSMITTED BY TREASURY SOLICITOR.

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E. W.Ltd. Gp.685
(30449) Wt.P.1163/17 5,000 10/45

PARTICULARS OF ALLEGED CRIME

On 14th May 1944 Lance-bombardier J.L. PARKINSON, an escaped South African prisoner of war, was in hiding in a cave near ROCCA SAN STEFANO, in the Province of Rome, Italy. The accused, in command of a patrol of about 30 Italian Republican Soldiers, went to the cave and, placing his men at the mouth thereof, said "Who is in the cave"? A soldier replied that someone was in the cave whereupon the officer pointed his pistol towards the cave and said "Hands up". A moment later he said "Capture the prisoner dead or alive". There were shots and Lance-bombardier PARKINSON received one in his body. A few hours later he died.

Sheet No. 2.

The Lieutenant then came to me and said, "You said to me that there was no prisoners here, we have captured one, and we know that in this neighbourhood there are others. Because you have lied to me you will pay for it with your life. Now go to your home and fetch a blanket for the wounded prisoner". This Officer then ordered the two soldiers, who were with me to accompany me to my home. I went to my home, and about ten Minutes later, I returned with the blanket to the Lieutenant, who was standing with his men around the wounded man, who was lying on the ground. I looked at this man and recognised him as being ALESSIO, the SOUTH AFRICAN escaped prisoner of War whom I had first met at my home in the winter months of 1943-1944. He appeared to be unconscious. Some of the soldiers lifted ALESSIO onto the blanket. He was then carried to my home and placed on my bed.

On the way to my home I heard ALESSIO say in the Italian language "acqua, acqua - Sono finito, io muoio". (Water, water, I am finished, I die) and the Lieutenant ordered some water to be given to him.

About twenty minutes after ALESSIO had been put on my bed, one of the soldiers told me that he was dead. I was then taken to the village of BELLEGRA where I was detained for six days in the Carabinieri Station.

I did not know the name of the Italian Lieutenant concerned, but have since learned that his name is BERTI, and if I were to see this man again I would recognise him.

To-day the 25th September 1945, Sergeant FERRY, of 60 Section, Special Investigation Branch, Corps of Military Police, has shown me a photograph of a group of Italian soldiers. The soldier on the left hand side of the group who is holding his hand to his mouth and smoking a cigarette, I recognise as being the Lieutenant responsible for the shooting of the SOUTH AFRICAN soldier. In my presence Sergeant FERRY has marked this photograph on the back with the letter 'B'. I am unable to give a detailed description of this man.

This statement has been read over to me. It is true and correct.

Signed :- FELICIANGELI Stefano.

Statement taken in Italian, read over, and his signature witnessed by Official Interpretere CASTELLANI Marcello in the presence of Sergeant FERRY and Corporal AITKEN, both of 60 Section, Special Investigation Branch, C.M. Police at ROCCA S. STEFANO on the 25th September 1945.

I certify that the above statement is a true translation of the original to the best of my knowledge and ability.

Signed :- CASTELLANI Marcello.
Interpreter.

Via ROSA No. 48.
ROCCA S. STEFANO.

STATEMENT OF :- MARTA Lorenzo, Cemetery Custodian,
aged 58 years,
Son of BENEDETTO
Residing at Via ROSA No. 48.
ROCCA S. STEFANO.

Who states :-

One day in March or April 1944, I was standing in the village square of ROCCA S. STEFANO, where I saw a number of Italian soldiers, and an Italian Republican Army Lieutenant, who was walking across the square. After the Lieutenant had passed I heard the soldiers comment that his name was BERTI.

About 1600 hrs on the 14th May, 1944, I received instructions from an Italian soldier to go to the village Cemetery.

On my arrival at the cemetery, I saw four Italian soldiers, they were standing around a body that was lying on the ground. These soldiers, I do not know their names, told me to put the body into the Church. This I did.

The body was of a man, whom I had not seen before, it was covered with a blanket, and the only parts I could see were the face and the boots. The boots were brown, and similar to boots I have since seen worn by American Soldiers.

Before I was allowed to leave the Church to go to my home, I was instructed by a Corporal to return to the Church the next morning.

It was common knowledge in the village of ROCCA S. STEFANO that an Allied escaped Prisoner of War had been shot that same day by Italian soldiers, and as I had not been told of the identity of the body which I had placed in the Church, I assumed it was that of the shot escaped Prisoner of War.

About 9.0 a.m. the next morning, the 15th May, 1944, I received instructions from an Italian Corporal, to dig a grave in the Cemetery, which I did, and when the grave was finished, the body I had seen the previous evening was brought from the Church to the grave, and at the same time Lieutenant BERTI arrived at the Cemetery with a party of Italian soldiers.

The body was then buried with Military Honours.

Continued.

Sheet No. 2.

About October 1944 an Allied Medical Officer arrived at the Cemetery, and caused the body to be unearthed. The officer examined the body in my presence, after which I covered the body with earth.

In August, 1945, an Allied Sergeant with three men arrived at this village and in my presence exhumed the body. The Sergeant told me the body was being taken to CASSINO.

This statement has been read over to me. It is true and correct.

Signed :- MARTA Lorenzo.

Statement taken in Italian, read over and his signature witnessed by Official Interpreter CASTELLANI Marcello in the presence of Sergeant FERRY and Corporal AITKEN, both of 60 Section, Special Investigation Branch, C.M. Police at ROCCA S. STEFANO on the 18th September, 1945.

I certify that the above statement is a true translation of the original to the best of my knowledge and ability.

Signed :- CASTELLANI Marcello.
Interpreter.

I certify that I have examined the original statement and that the above is a true translation.

Signed :- ESPOSITO Tina.
Interpreter.

T/E

Sheet No. 2.

both of 60 Section,/

Special Investigation Branch, C.M. Police at ROCCA S. STEFANO on the 18th September 1945.

I certify that theabove statement is a true translation of the original to the best of my knowledge and ability.

Signed :- CASTELLANI Marcello.
Interpreter.

I Certify that I have examined the original statement and that the above is a true translation.

Signed :- ESPOSITO Tina.
Interpreter.

T/E

COPY TRANSLATION

No 11 Via Borongerie
ROME

STATEMENT OF :- GUALTIERI Luigina
11A Via Borongerie Int 16
ROME

WHO STATES :-

The photograph on which Lieut BERTI is to be seen was given to me by Dr Giovanni di GESU, who had previously taken it from the house of Mme SANTINA, supposed fiancee of the above-mentioned Lieut BERTI.

The Dr DI GESU brought the photograph to the house of Dr CAPASSO Giuseppe, who had been living in my house at ROCCA S STEFANO. As a matter of fact he knew that the above-mentioned Dr CAPASSO was taking a great interest in the investigations about Lieut BERTI, supposedly responsible for the death of the killed South African Serjeant.

Seeing that Dr CAPASSO known personally Lieut BERTI, it is obvious that Dr CAPASSO took the photograph in order to hand it over to the FSS of SORIACO. (S/Lt MOORE who, however, had given back the photograph saying that it was not sufficiently clear).

Lieut BERTI is in the middle of the group formed by three Lieuts.

The family name of Lieut BERTI's fiancee is PRIVITELLO (SANTINA PRIVITELLO).

I have read over the above statement. It is correct and true.

(Signed) GUALTIERI LUIGINA

Statement taken down, read over, and signature witnessed by STEVEN EVRO, Official SIB Interpreter, in the presence of S/Lt MERRISON, 76 Section SIB, CM Police, on the 5th December 1944.

The above is a true translation from the original to the best of my ability.

(Signed) C BARBELLI(?)
Official SIB Interpreter.

PARTICULARS OF EVIDENCE IN SUPPORT

Particulars of evidence are contained in statements of the following witnesses :-

(i) MISERIA, Margherita
(ii) FELICIANGELI, Stefano
(iii) CIANCARELLA, Giovanni,
(iv) MARTA, Lorenzo
(v) SUNGI, Armando
(vi) GUALTIERI, Luigina.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence; (*c*) whether the case appears to be reasonably complete.)

This appears to be a clear case of murder, with sufficient evidence to obtain a conviction. The only defence which might be raised is that Lance-bombardier PARKINSON fired on the accused and his men first but there is no evidence to show that this was so. The authorities are trying to trace and apprehend the accused who will then be interrogated.

REGISTERED NOs.

91 TO 100

REGISTERED NOs.

91 TO 100

2455/UK/31-141

2683

COLOMBO

Date Submitted	Decision of Committee I		
21 FEB 1946	A	B	[illegible]

(89756) P293/11 5000 8/45 M&C Ltd 51/1

2455/UK/31-141

(*For the Use of the Secretariat*)

2684

Registered Number.

2455/UK/21-91

Date of receipt in Secretariat.

13 FEB 1946

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CASE No. UK-I/B 145. *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	Tenente COLOMBO
Date and place of commission of alleged crime.	GARDONE V.T. BRESCIA August 1943.
Number and description of crime in war crimes list.	No. xxix. - Ill-treatment of Prisoners of war.
References to relevant provisions of national law.	Article 2 of the Geneva Convention 1929 Assault.

SHORT STATEMENT OF FACTS.

Private J. O'ROURKE, a prisoner of war, was sitting with his friends in the Working Camp. The Camp Commandant, the accused person, who was inebriated, ordered him into the guard room because he was making fun of the Italian people. There the accused hit him in the face and chest and ordered him to be chained to a post. The Commandant fired his pistol close to him. He was left chained to the post for 4 hours.

TRANSMITTED BY TREASURY SOLICITOR.

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E. W.Ltd. Gp.685
(30449) Wt.P.1183/17 5,000 10/45

PARTICULARS OF ALLEGED CRIME

See "Short Statement of Facts."

MD/JAG/ES/42/79(B)

IN THE MATTER OF THE ILLTREATMENT OF BRITISH PRISONERS OF WAR AT WORKING CAMP GARDONE, V.T. BRESCIA, ATTACHED TO 64 CAMP BERGAMO, ITALY CONTRARY TO THE GENEVA CONVENTION 1929.

British National Office Charge No.

United Nations War Crimes Commission Reference :

AFFIDAVIT

I Private James O'Rourke make oath and say as follows :-

1 My number is 2934750 and I am a Private in the Queen's Own Cameron Highlanders at present stationed at the office of the R.T.O. Stirling, with permanent home address 127 Sandhurst Street, Liverpool 17.

2 I was captured at TOBRUK in June 1942.

3 In August 1943 I was a prisoner of war detained in Working Camp Gardone V.T. Brescia.

4 One evening in August I was sitting in the Camp talking to some other prisoners one of whom was Gunnr Hepter, whose home address is Alder-Hey, Liverpool and works for the British Automatic Telephone Company, Liverpool. Other Soldiers present were Private T. Crawford of 2nd Battalion, Queen's Own Cameron Highlanders and Craftsman J. Sutherland of 26 Command Workshops Stirling.

5 Whilst we were talking I saw the Camp Commandant, Tenente Colombo approaching and he appeared to me to be very drunk. He ordered me to go into the Guard Room and said I was making fun of the Italian people. There were some Italian Guards in the Guard Room and whilst they were there he hit me on the face and chest several times with his fist . He then ordered an Italian Corporal to chain me to a post in the centre of the compound and then lined up a group of Italian soldiers with rifles behind me. The Commandant then drew his pistol and threatened to shoot me. He stood behind me and fired a shot close to my head. I was left chained for about four hours and then released to the compound.

6. The Commandant, Tenente Colombo came from 64 Camp, Bergamo, near MILAN and was about five feet nine inches in height, slim, medium build, aged about thirty-six years and a married man. The last occasion I saw him was a fortnight before I escaped, the week after the Salerno landing in September 1943. I have not heard anything about him since.

7 The conditions in the camp were reasonably good and apart from the illtreatment by the Commandant there were no other incidents of illtreatment by Guards in the Camp. We were employed building a canal for water power for Beretti Armaments Manufacturers of Gardone V.T. Brescia. I believe that Giuseppe Beretti had Tenente Colombo removed from the Camp because of the complaints brought against him.

SWORN by the said Private James O'Rourke
at Headquarters, Scottish Command, Edinburgh,
this Third day of January 1946. (Signed) J. O'ROURKE Pte.

Before me (Signed)R. Rimmer
Captain Legal Staff
An Officer of the Staff of the Judge Advocate General of the Forces.

PARTICULARS OF EVIDENCE IN SUPPORT

Affidavit of James O'ROURKE covers all the points referred to above.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence; (*c*) whether the case appears to be reasonably complete.)

There would appear to be no defence to this charge and if the witness O'ROURKE is believed a conviction should be obtained.

2456/UK/34/92
See 2456/UK/G/451

2689

Italians:
4. FRANZINI
to 9.

Date Submitted	Decision of Committee I		
21 FEB 1946	4-9 : Italians. 4-8 : A 9 : S (For 1-3 see 2456/UK/G/451)		CARDS CHECKED 39

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2456/UK/34/92
See 2456/UK/G/451

(*For the Use of the Secretariat*)

2690

Registered Number.
2456/UK/G/451
2456/UK/9K/92

Date of receipt in Secretariat.
13 FEB 1946

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CASE No. UK-I/B 142. *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	Major Karl Ludwig BOESCHE (or BOLSCHE) - O.C.III Bn. 12 Polizei Regiment. Hauptmann Ernst SIEMON - Liaison Officer III Bn. 12 Polizei Regiment. Unteroffizier BOSE - III Bn. 12 Polizei Regiment 4. Captain FRANZINI - 40 Bn. Italian Republican Guard 5. Lieutenant FRANCSCHINI - " 6. Mareschiello GUILLETTI - " 7. Mareschiello B. FRANCONI - " 8. Giovanni COBELLI - " 9. Doctor CARETTO - Medical Officer, Italian Republican Guard.
Date and place of commission of alleged crime.	6th November 1943 SAN MICHELE.
Number and description of crime in war crimes list. References to relevant provisions of national law.	No. i. - Murder. Breach of the Laws and Usages of Warfare. Murder.

SHORT STATEMENT OF FACTS.

In the neighbourhood of VERONA there were a number of escaped prisoners of war. No. 40 Battalion Italian Republican Guard were ordered to apprehend them. An unknown British Officer and an unknown Indian were apprehended and taken to the barracks at SAN MICHELE which were shared by 12 Polizei Regiment and 40 Battalion Italian Republican Guard. There they were shot by orders of the first and second accused almost as soon as they were taken into the barracks. The third accused administered the coup de grace to one of the victims and the Italian accused were all present at either one or both of the executions.

TRANSMITTED BY TREASURY SOLICITOR.

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E. W.Ltd. Gp.685
(30449) Wt.P.1183/17 5,000 10/45 "

PARTICULARS OF ALLEGED CRIME

See Short Statement of Facts.

PARTICULARS OF EVIDENCE IN SUPPORT

For evidence in Support see UK-G/B 451.

NOTES ON THE CASE **2693**

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence; (*c*) whether the case appears to be reasonably complete.)

With the exception of the first two accused it is probable that the others will claim that they were acting under superior orders. These accused must have known that the victims were only in the barracks for a very short time and that therefore they could not have been sentenced to death by any court.

2542/UK/II/93

2694

DI MARCO

Date Submitted	Decision of Committee I		
7 MAR 1946	A	B	CARDS CHECKED

189756] P893/11 5000 8/45 M&C Ltd 51/1

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(*For the Use of the Secretariat*)

Registered Number. 2542/UK/3K/93

Date of receipt in Secretariat. 25 FEB 1946 2695

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CASE No. UK-I/B 146. *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	Carabinieri DI MARCO Paolo of the Territorial Legion of the Royal Carabinieri of ANCONA Station of COMUNANZA.
Date and place of commission of alleged crime.	25th December 1943 COMUNANZA, ASCOLI PICENA, Italy. Map Ref. Italy 36 12 81.
Number and description of crime in war crimes list.	No. i - Murder.
References to relevant provisions of national law.	Breach of the Laws and Usages of War. Murder.

SHORT STATEMENT OF FACTS.

On 25th December 1943, No. 2909503 Private D.J. DAVIES, an escaped British prisoner of war was arrested by Italian Carabinieri in a wine shop at COMUNANZA, Italy. On the way to the Carabinieri Barracks, Carabinieri Paolo DI MARCO, who was in charge of the prisoner, murdered him by shooting.

TRANSMITTED BY TREASURY SOLICITOR.

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E.W.Ltd. Gp.685

PARTICULARS OF ALLEGED CRIME

2696

On 25th December 1943, Private D.J. DAVIES, known as "Ginger" who was an escaped ex-prisoner of war, became involved in a disturbance in a wine shop at COMUNANZA, Italy, in company with other escaped British prisoners of war. Members of the Italian Carabinieri entered the wine shop and Private DAVIES was among those arrested. Carabinieri PAOLO DI MARCO and Private DAVIES left the wine shop and were walking towards the local Carabinieri barracks, together with Alfonso CHIARAMARINI, who was in attendance at the request of the Maresciallo of Carabinieri, when CHIARAMARINI heard a shot and saw DI MARCO standing over DAVIES with a revolver in his right hand. Later DI MARCO admitted to the Maresciallo that he had shot Private DAVIES, who he alleged, had attempted to assault him.

PIAZZA SANTA CATERINA 11.-
COMUNANZA.

Additional statement of :-

CHIARAMARINI Alfonso, guardia ascola,
aged 43 years,
son of Giovanni,
residing at VIA LAMERTINO 6,
AMANDOLA.

Who states:-

Having visited the scene of the shooting of "Ginger", I wish to amend my former statement.

Whilst accompanying DI MARCO and Ginger from the cantina to the Carabinieri barracks, at a point about 10 metres from the west end of the bridge, I left them because "Ginger" was quiet and there did not appear to be any reason for me to go any further with them.

I went back in the direction of the cantina and as I got to the west end of the bridge I heard a shot fired from behind me. I turned around and saw DI MARCO standing about 3 or 4 metres from where I had left him. He was shining his torch upon "Ginger" who was lying face upwards on the ground about 10 metres to the right of where I had left them.

Between the time I left DI MARCO and Ginger and the firing of the shot, the only sound I heard was that of their footsteps and they appeared to be walking. Had there been any quarrel or disturbance I am sure I should have heard it.

This statement has been read over to me. It is true and correct.

Signed:- CHIARAMARINI Alfonso.

Statement taken in Italian, read over and signature witnessed by Official Interpreter PANICCIA Claudio, in the presence of Serjeants MOTTRAM and ANDERTON, both of 60 section, Special Investigation Branch, C.M.Police, at COMUNANZA on the 24th April 1945.

I certify that the above statement is a true translation of the original to the best of my knowledge and ability.

Signed:- PANICCIA Claudio.

I certify that I have examined the original statement and that the above is a true translation.

Signed:- Celestina MORETTI.

L.P./.

VIA LABERINTO

Statement of :-

CHIARAMARINI Alfonso, Guardia Caccia,
Aged 43 years,
son of Giovanni,
residing at VIA LABERINTO 6,
A M A N D O L A.

who states:-

About 8 p.m. on the 25th December 1943, I was in the house of my mother in law at COMUNAZZA when I heard the noise of some one quarrelling in the street. I went outside and saw Maresciallo TONIATTI Guiseppe standing at the door of the cantina of CESMANI Elisabetta. He was pointing his revolver at some men who were arguing inside the cantina. I went to the door of the cantina and saw five ex-prisoners of war arguing with the padrona and some other civilians. Immediately after I entered the cantina, a carabiniere named DI MARCO followed me inside.

The disturbance was quelled and DI MARCO left the cantina with one of the prisoners whom I knew as 'Ginger' and I accompanied them at the request of the Maresciallo. We walked towards the Carabinieri billets, I on the left, DI MARCO in the centre and Ginger on the right. About 40 or 50 metres after crossing the bridge over the river ASO, near to the Carabinieri barracks, I left DI MARCO and Ginger and began walking back towards the cantina. Nothing had been said after leaving the cantina. I had only gone about five yards when I heard a shot fired from the direction of DI MARCO. I went back and saw Ginger lying on the ground face upwards. DI MARCO was standing over him and had a lamp in his left hand and a pistol in his right hand. I asked DI MARCO why he had shot Ginger but he only replied that he was going to inform the Maresciallo. Between the time I left DI MARCO and the shot being fired, I did not hear any speech or sound from either DI MARCO or Ginger.

DI MARCO then went back in the direction of the cantina and returned shortly afterwards with the Maresciallo who sent for a doctor and ordered the body to be taken into the COMUNE. I assisted in carrying the body into the COMUNE and was present when Doctor GRILLA made his examination and I saw a bullet protruding from the left breast of the body. I do not know why DI MARCO shot Ginger.

This statement has been read over to me. It is true and correct.

Signed:- CHIARAMARINI Alfonso.

Statement taken in Italian, read over and signature witnessed by Official Interpreter PANICCIA Claudio, in the presence of Sergeants MOTTRAM and ANDERTON, both of 60 Section, Special Investigation Branch, C.M. Police at AMANDOLA, on the 12th April 1945.

I certify that the above statement is a true translation of the original to the best of my knowledge and ability.

Signed:- PANICCIA Claudio.

I certify that I have examined the original statement and that the above is a true translation.

Signed:- Calestina MORETTI.

L.P./.

IN THE MATTER OF :

The murder of Private "Ginger" DAVIES, WELSH REGIMENT, at a place at present unspecified on the Adriatic Coast of Italy by Members of the Local Carabinieri, on a date between September 1943 and June 1944.

AFFIDAVIT

I, THOMAS WILLIAM MORRIS, No. 396'06[illegible], Private, First Welsh Regiment, 61st Division, now at 21st Welsh Holding Battalion, Newtown, Montgomeryshire, and with a permanent address at 123 Benjamin Road, Wrexham, North Wales, make Oath and say as follows :-

1. On the 28th January 1942 I was taken prisoner of war at Benghazi, North Africa; from there I was taken to a Camp at Tarhuna, North Africa, where I stayed for about three weeks; from there I was sent to Camp No.66 at Capua, Italy, where I stayed for some one to two months; From there I was taken to Camp No.65 at Gravina, Italy, where I stayed some 15 or 16 months; from there I was taken to Camp No.145 at Campo Tosta where I stayed for about two months.

After the armistice, on or about 12th September, 1943, I wandered in Italy until I ultimately got through to the Allied lines in July 1944.

2. During my wanderings in Italy after leaving Camp No. 145 at Campo Tosta at the time of the said armistice in September 1943 and I heard of the case of the murder of Private "Ginger" Davies. I did not witness the incident myself. I knew the said "Ginger" Davies but did not meet him after leaving the said Camp at Campo Tosta. A man I knew called Private M.Howells of the South Wales Borderers, and now a member of the Sniper Demonstration Section stationed with me at the 61st Division, Battle School, at Hurstmonceux, Sussex, told me the following facts with regard to the murder of the said "Ginger" Davies. He told me that the said Davies, on a date which I cannot now specify, was in a village near Miserata, andthat he the said Davies had heard that the Fascist carabinieri of the district were in the said village. He thereupon went to warn two friends of his whom he knew were in a wineshop having a drink in the said village. The carabinieri came on them; they ran for it; and Davies was shot in the back and killed. I cannot say whether the said Davies was in uniform, or in civilian clothing or armed, at the time of the incident in question.

SWORN at Newtown in the)
County of Montgomery this)
29th day of October 1945.)

T.W. MORRIS.

Before me,
RICHARD E. GEORGE.
A Commissioner for Oaths.

Carabinieri Barracks.
GROTTAMMARE.

Statement of :-

TONIATTI Giuseppe, Maresciallo of Carabinieri,
aged 42 years,
son of Giuseppe,
residing at CARABINIERI BARRACKS,
G R O T T A M M A R E .

Who states :-

Prior to coming to GROTTAMMARE, I was in charge of the Carabinieri Station at COMUNANZA.

On the 25 December 1943, at about 7 pm., I heard sounds of quarrelling in the square of COMUNANZA and heard a woman shout "Oh my God they are killing my husband". I went to find out the trouble and in the cantina of GERMANI Elisabetta I found six or seven British ex-prisoners of war quarrelling with the son of the padrona of the cantina. They were all drunk and one of them was using a kitchen shovel to assault the padrona's family.

I attempted to quieten them and they struck me several blows, but with the assistance of some civilians I finally succeeded in pacifying them. I sent to the Carabinieri barracks for assistance and a Carabiniere named DI MARCO came into the cantina. I decided to treat the prisoners as ordinary civilians, and ordered DI MARCO to take the prisoners to the Carabinieri Barracks. DI MARCO took the prisoners away one at a time, and each time he was accompanied by a civilian.

I accompanied DI MARCO to the Carabinieri barracks with the last prisoner and one the way there I was informed by a civilian that one of the prisoners had fallen down and was lying in the roadway. Thinking that this was due to the prisoner being drunk, I told the civilian to render what assistance he could and I carried on to the barracks. There was still considerable confusion as a result of the quarrel and I went back to the cantina to restore order.

On my return to the barracks, DI MARCO informed me that he had shot one of the prisoners. I asked him why he had done so, and DI MARCO said that while he was escorting one of the prisoners to the barracks, the prisoner had assaulted him and that he, DI MARCO, had fired a shot in order to frighten the prisoner, but had shot the prisoner by mistake.

I went to PIAZZA 4 NOVEMBRE where I saw a prisoner whom I later knew to be named DAVIES and often called "Ginger". He was lying face upwards on the ground and there were many people around him. I sent for a doctor and ordered that DAVIES be taken into the COMUNE. Doctor GRELLA came to the COMUNE and I was present when he examined DAVIES and pronounced him dead.

I reported the matter to the PROCURA DEL REGNO at ASCOLI, and after a post mortem examination by Dr. GRELLA and on examination by the PROCURATORE DEL RE and another doctor whose name I do not know, I gave directions for the burial of DAVIES in the cemetery of COMUNANZA. This was done on, I believe, the 28th December 1943.

/I questioned ...

I questioned DI MARCO regarding the shooting but he maintained that DAVIES had assaulted him. Under these circumstances it was permissable, in Italian law, for DI MARCO to use his revolver not necessarily to kill or wound, but to frighten the prisoner into submission. I made enquiries to verify DI MARCO's statement and questioned CHIARAMARINI Alfonso, who had accompanied DI MARCO and DAVIES from the cantina. CHIARAMARINI stated that he had seen DI MARCO and DAVIES quarrelling but had not interfered because he did not want to favour one or the other.

I made a report on the matter, copies of which I sent to the COMMAND of the TENENZA CARABINIERI, ASCOLI PICENO, and the PROCURA DEL REGNO, ASCOLI PICENO.

On the day following the shooting of DAVIES, DI MARCO went to ASCOLI, and as is customary under these circumstances he was transferred to another town. I do not know where DI MARCO is now.

When I arrested the prisoners, it was my intention to allow them to escape during the night, but owing to the shooting of Ginger I was obliged to keep them in custody and they were later taken to ASCOLI.

This statement has been read over to me. It is true and correct.

Signed:- TONIATTI Giuseppe.

Statement taken in Italian, read over and signature witnessed by Official Interpreter PANICCIA Claudio, in the presence of Sergeants MOTTRAM and ANDERSON, both of 60 Section, Special Investigation Branch, C.M. Police at GROTTAMMARE on 30th April 1945.

I certify that the above statement is a true translation of the original to the best of my knowledge and ability.

Signed:- PANICCIA Claudio.

I certify that I have examined the original statement and that the above is a true translation.

Signed:- Celestina MORETTI.

L.P./.

PARTICULARS OF EVIDENCE IN SUPPORT

(i) Two statements by Alfonso CHIARAMARINI who was present when the incident occurred.

(ii) Affidavit of No. 3967063 Private Thomas William MORRIS, Welch Regiment, deposing to the conversation he had with Private M. HOWELLS, South Wales Borderers.

(iii) Statement of Guiseppe TONIATTI, Maresciallo of Carabinieri, who deposes to a statement by DI MARCO that he shot Private DAVIES while escorting him to the police barracks, following an attempted assault by DAVIES.

NOTES ON THE CASE

2703

(Under this heading should be included the view taken as to (*a*) the degree responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence; (*c*) whether the case appears to be reasonably complete.)

The accused may plead that Private DAVIES was shot while trying to escape, but it is submitted that the accused was not justified in using a fire-arm for this purpose. This is particularly so in this case, as another person was also near at hand, who was acting as an additional escort upon the request of the Maresciallo of Carabinieri.

2743/UK/31/94

2704

I. SORRETTI

1 2.

Date Submitted	Decision of Committee		
4 APR 1946	BOK A	B	CAPTS CHECKED

189756 P893/11 5000 8/45 M&C Ltd 51/1

2743/UK/31/94

(*For the Use of the Secretariat*)

2705

Registered Number.	Date of receipt in Secretariat.
2743/UK/94/94	28 MAR 1946

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CASE No. UK-I/B 147. *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1.Corrado SORCETTI. Waiter. 2.Guiseppe CORNACCHIA. Paratrooper.
Date and place of commission of alleged crime.	2nd May 1944 at CORICONI in the MANADOLA Commune Italy.
Number and description of crime in war crimes list.	No. i. - Murder.
References to relevant provisions of national law.	Laws and Usages of War. Murder.

SHORT STATEMENT OF FACTS.

In violation of the Laws and Usages of War the accused on or about 2nd May 1944 at CORICONI, Manadola Italy were concerned in the killing of an unknown British soldier.

TRANSMITTED BY TREASURY SOLICITOR.

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E.W.Ltd. Gp.685

PARTICULARS OF ALLEGED CRIME

2706

The accused SORCETTI was well-known in the early part of 1944 as a German collaborator in the neighbourhood of MANADOLA. He was constantly seen in the company of the accused CORNACCHIA, a Republican Fascist Paratrooper.

At about 1400 hours on 2nd May, 1944 a labourer working on a railway by the TENNA Bridge saw an English prisoner of war pass. A few minutes later SORCETTI and the Italian paratrooper who was in uniform came by and hurried on in the direction taken by the English prisoner. Within a few minutes two shots were heard and the labourer went to the scene of the shooting and there saw the English prisoner lying on the ground wounded in the head. SORCETTI and the paratrooper were standing a short distance away. The paratrooper said he had shot the Englishman because he had kicked him. SORCETTI said that they had fired at him because he had tried to resist capture. In the meantime other local people, attracted by the sound of the shooting, had come on the scene. The paratrooper, CORNACCHIA, went away to fetch the Germans who arrived in a lorry some time later. The wounded man was questioned by a German officer, after which, CORNACCHIA fired another two shots at him. 10 minutes later, since he was still not dead, CORNACCHIA fired a third shot at him and he died almost at once. The body was then taken away in a farm cart and buried on the right bank of the River TENNA after SORCETTI had removed and taken possession of the shoes worn by the dead man. A few days later the body was removed and re-interred in the cemetery at AMANDOLA.

I, the under-signed, LIPI Ruggiero, son of Filippo, born at [illegible] on the 4/2/1900, now residing at [illegible], near [illegible], Parma, state the following at the request of [illegible] Raffaelle (Carabiniere Station Commander) in the presence of Senior Maresciallo DE ANGELIS Costantino :-

On the 2nd May 1945, about 1400 hours, a few hours after the killing of the said prisoner, while I was busy planting maize near my home, I saw SORGETTI Corrado approaching from the scene of the crime. At his appearance, my dog tried to attack him; at this SORGETTI put his hand in his trousers pocket to take his pistol, but did not pull it out, as I called off the dog. The SORGETTI said in a menacing tone "Right now we have killed an English Prisoner of War : Four Germans that counthing to eat". Knowing SORGETTI well, I asked "Why did you kill him?". He replied that they had killed him because he had rebelled against his (SORGETTI's) companion, and that he himself had fired two shots because the prisoner had almost overpowered his companion. I noticed that SORGETTI had a paratrooper's badge on his chest.

Adhering to the request made to me in a menacing tone, I gave him a loaf of bread and about one kilo of pork sausage. The SORGETTI left quickly towards the spot where the corpse had been buried.

Read over, confirmed and under-signed

(Signed) LIPI Ruggiero
DE ANGELIS Constantino (cf)

I, the under-signed, POICI Agostino, son of Antonio, Carabiniere on duty with the AMANDOLA Station, questioned regarding the killing of the English prisoner, reply as follows :-

During the first ten days of the month of April, 1944 having abandoned my service in order not to collaborate with the Germans and Republican Fascists, I was living at my house near Villa CORICONE in the Commune of AMANDOLA together with my family. While I was working in the fields with my brothers I heard a woman shout "They have killed him, they have killed him !" At these words, MERCURIO Valentino, a neighbour, son of Natale, age about 47 years, went to the place, and on his return he said almost immediately "Those two!" He was referring to a certain SORCETTI and a Neapolitan paratrooper, known in our District as German spies, and they had wounded an English prisoner in the head. It being absolutely vital to keep myself concealed owing to the position that I was in, I took no interest in the matter as also did my brothers. Later I noticed that while one of the spies went to AMANDOLA to inform the German HQ the other remained on the spot to guard the wounded man. A little later, two German lorries arrived, and stopped at the scene of the happening, and after about ten minutes, two or three pistol shots were heard. Then I saw with my own eyes the body of the prisoner being transported on a farm-cart to the right bank of the river TENNA, where they dug a grave and buried the body. After four or five days had passed, the body was exhumed by the local authority, taken to the AMANDOLA cemetery by my brother Giuseppe, SANTIONI Santo, the farmer VALENTINO, and the cemetery keeper.

After this event, I never saw the above mentioned perpetrators in the District.

I have nothing further to state.

(Signed) POICI Agostino (Carabiniere)
DE ANGELIS Costantino (Maresciallo)
GRANDAZZO Raffaello (Maresciallo 2 C/c)

We, the under-signed SANTILONI Santo, son of Giovanni, born at MONTEPORTINO the 18/11/1899 and residing at AMANDOLA: and VALENTINI Giulio, son of Francesco born at AMANDOLA, farmers, state the following at the request of the AMANDOLA Carabinieri Station Commander :-

About 1400 hours on the 2nd May 1944, while working on the land planting maize, we heard the sound of two pistol shots. Attracted by the explosions, we went towards the place where the shots had been fired. As soon as we approached the spot, we saw an individual lying on the ground. He was an English prisoner, and close by him was standing SORCETTI Corrado, and an Italian paratrooper. On asking if he was dead, SORCETTI replied that he was only wounded. On that occasion we saw that the paratrooper, who we did not know at all, but was said to be a Neapolitan, was armed with a pistol which he wore on his belt, while SORCETTI was wearing short trousers and a sweater. He was completely unarmed.

While we were at the scene, we saw the paratrooper leaving as he was going to notify that German HQ, and SORCETTI remained on the spot.

When the German soldiers arrived after a couple of hours a German officer questioned the wounded man taking down some notes, after which the paratrooper, exchanged some words with with the officer, took his revolver and fired another two shots at the prisoner. After about ten minutes, seeing that he was not yet dead, he fired another shot at the back of his neck. After this the Germans gave orders for him to be buried on the spot, but as the burial would be too near the farmhouse, the paratrooper said "Now I'll pick out a spot", and thus he was transported to the right bank of the river, where he was buried.

About ten days later, on the orders of the local authorities, he was exhumed, and taken to the AMANDOLA cemetery.

We have no further information to give.

Read over, confirmed and under-signed.

(Signed) SANTILONI Santo
VALENTINI Giulio
GRANDAZZO Raffaele (Maresciallo)

I, the under-signed SCRIBONI Edoardo, son of VARDINI Santa born at MONTEGIORGIO the 11/2/1915, residing at S MARIA hamlet near AMANDOLA, occupation labourer at the MFAA APPENNINI (railways) state the following at the request of the MANDOLA Carabinieri Station Commander :-

About 1400 hours on the 2nd May 1944 while I was at work on the above-mentioned railway close by the TENNA Bridge of AMANDOLA, I saw an English prisoner passing a short distance from me. I did not know his name. A few minutes later an Italian paratrooper in uniform, and a certain SORCETTI Corrado came along. The latter who was born at and lives at AMANDOLA, hurried in the direction the English prisoner was going. After a few minutes I heard two revolver shots. As SORCETTI and the paratrooper were in the pay of the Fascists and the Germans, I thought right away that these had shot at the prisoner. In order to find out what had happened, I took a flask to pretend that I was going to get some water, and I went in the direction from where I had heard the shooting. Arriving at the spot, I saw the English prisoner lying on the ground bleeding and wounded in the head, while SORCETTI and the paratrooper were a short distance from the wounded man. On seeing me, the paratrooper said that he had fired at him because on reaching him, the Englishman had kicked him. Seeing what had happened, I suggested to him that a doctor should be called as it was inhuman to let him die, at the same time offering him my bicycle to hurry into town to call a doctor. The paratrooper replied that it was not necessary, as he would be going on foot. I saw the latter start making his way towards the town, while SORCETTI remained to guard the wounded man. On that occasion SORCETTI also told me that they had fired at the prisoner, as he had opposed them with blows and kicks. After this I returned to my place of work. Just an hour later, I saw two German vehicles arrive. One was a lorry, and the other was a passenger vehicle containing several German soldiers. After a few minutes, I heard the sound of another two revolver shots. After the Germans had left, SORCETTI and the paratrooper remained on the spot, and I heard another two shots being fired. This was done as the prisoner was not yet dead, in order to finish him off. Then I got to know that the prisoner was transported to the TENNA river by SORCETTI and the paratrooper where he was buried. After a few days he was dug up and taken to the AMANDOLA cemetery, on the orders of the local authorities.

I cannot be sure whether apart from the paratrooper, SORCETTI also fired at the prisoner.

I have nothing further to state.

Read over, confirmed and under-signed.

(Signed) SCRIBONI Edoardo
GRANDAZZO Raffaele (Maresciallo i/c)

On the 17th August 1944, in the Station office at 1800 hours :-

SORGETTI Corrado, son of Filippo, born at AMANDOLA 23/8/1927, waiter, residing at 37 VIA GALISTI GIACOMI, was interrogated about the killing of an English Prisoner of War, which took place at the beginning of May this year at AMANDOLA.

The following is his statement which was made in the presence of GRANDAZZO Raffaele, the Maresciallo Commanding the above station, and PACIOTTI Francesco, and POLCI Primo, both of this station.

On the 2nd May 1944, while passing the AMANDOLA Square, I met the paratrooper CORNACCHIA Giuseppe (a native of AVELLINO Prov), who, owing to the fact that, I had known him for some time previous, asked me where I was going. I told him that I had to go into the country to return an umbrella to VALENTINI Pietro a farmer. He then said that he wanted to come along with me. I tried to discourage him by telling him that as he was armed with a sub-machine gun, this would frighten the farmers and it would be best not to come. So he went to the Hotel where he was staying, left his weapon there and accompanied me, saying that he too had to take a parcel to a friend of his who was staying at the Villa BASSO of AMANDOLA.

Along the road we met an unknown person who was sitting down near VALENTINI Pietro's house in Contrada CORIECHI. This was the house that I had to call at to give back the umbrella that was lent to me some days previous. The unknown person got up, and we greeted him thinking that he was a local farmer but he replied with a foreign accent (English). CORNACCHIA, seeing that he was dealing with an English Prisoner of War, asked him how he got to be there and he replied stating that he had escaped from the Prisoner of War Camp at SFORZACOSTA (MACERATA). After exchanging a few words, CORNACCHIA told him that he would have to go with him to the German HQ. I tried to tell CORNACCHIA to let him go free as he was not doing any harm, but CORNACCHIA told me that this was his affair, and that if I wanted to go I was free to do so.

I did not adhere to this invitation, because I wanted to persuade him to let the matter drop. CORNACCHIA seeing that the Englishman did not want to follow him, first searched a basket which the Englishman was carrying and then started searching his person. While he was doing this, the Englishman punched him in the face, causing him to fall to the ground. A struggle followed between the two of them and in order not to get mixed up in the matter I did not interfere in favour of either of them, even though CORNACCHIA called for my help to overpower the Englishman. I observed that as soon as CORNACCHIA had freed himself from his opponent he fired his pistol at the Englishman wounding him in the head. At this moment I pointed out that he had done wrong to kill the Prisoner of War, and people would also blame me for the crime, and would make me suffer, especially as the farmers liked the English very much. These words must certainly have been heard by the people who had arrived following the shot and the shouting.

/After this ...

After this CORNACCHIA returned to the town to report the matter to the German HQ and I remained on the spot to assist the wounded man and to stay in the company of the people present. CORNACCHIA returned sometime later with the Germans, and their officer had the wounded man raised up and questioned him. After a short interrogation the said officer called CORNACCHIA to him and said "Would you like to finish him off?" CORNACCHIA replied in the affirmative. A few minutes later the German soldiers ordered the civilians away from the place and while they were doing this I heard two pistol shots and I saw CORNACCHIA, who had fired the shots at the Englishman, with the weapon still in his hand. I as well as the other civilians tried to approach the spot to see whether the Englishman was dead or not, and in doing so was called in by the German soldiers to help carry the body to the river, where it was buried. However, I did not want to do this, and it was suggested taking the body down on a farm cart. As soon as the body arrived at the river bank, possibly because at the time I did not know what I was doing, I helped to dig the grave for burying it.

It is true that before the body was buried I took off the shoes the dead man was wearing, but I did this so as to give them to the farmer SANTILONI Sante, who had asked me for them a little while previous. CORNACCHIA objected and he took possession of them, putting them in his pouch, and I do not know what he did with them.

I add: I have never been a member of the Republican Fascist Party nor have I sympathised with it, in fact I was with the Patriots in the MONTE MONACO area for about six months. This can be testified by Signore TAMIGINO Alfredo Captain of the Patriots residing at AMANDOLA, as well as the patriot ITO Luciano from FERMO, who is staying here for duty and many others of their Group. I also affirm that my brother CARLO was a Republican Paratrooper, with whom I was never in agreement.

I wish to point out that I know nothing further about CORNACCHIA Giuseppe except that he can be traced at BRACCIANO (ROME) where he has his fiancee, who is a tailoress and lame (through being wounded in one leg). I believe that he would be married to her by now as he spoke to me about it when he was in AMANDOLA.

I am unable to give any further information.

At this point I would like to add that when I told CORNACCHIA that I would not help him, while he was struggling with the Englishman, a schoolmistress who teaches in the CACCIANEBBIA District of AMANDOLA was passing by. That is all I know of her.

Read over, confirmed and under-signed

(Signed) CORRADO SORCETTI

I, the under-signed VALENTINI Pietro, son of MODESTA Lorenzo, deceased at S VITTORIA DI MONTENO 12/9/1880, and residing at Contrada CORIGONI near AMANDOLA, state the following at the request of the AMANDOLA Carabinieri Station Commander :-

About 1400 hours on a day which I do not remember, but believe to be in the beginning of May 1944, while I was ill in bed with a temperature, I heard the sound of two revolver shots a short distance away. Frightened by the shooting I got out of bed and left the house to find out what had happened. In these circumstances, I saw SORGETTI not well known by me, and a paratrooper coming towards my house. As soon as they both reached me, the paratrooper asked me if I knew the person they had fired at a little while previously. I replied that I had never seen him. Meanwhile I noticed that the paratrooper was armed with a revolver, which he wore on his belt, and SORGETTI appeared to be unarmed.

Almost immediately many persons were making for the scene of the event and I went with them, where I saw an individual who they said was an English prisoner. He was stretched out on the ground and covered with blood and wounded in the head from the shot that had been fired at him. Then I returned home and went to bed.

SORGETTI and the paratrooper did not tell me that they had fired at the anti prisoner because he opposed them with blows and kicks, neither when they approached me nor since.

I have no more information to give.

Read over, confirmed and under-signed.

(Signed) VALENTINI Pietro
GRANOZZO Raffaele (Maresciallo)

PARTICULARS OF EVIDENCE IN SUPPORT

(i) The statement of Ruggeiro LUPI who states that after the shooting SORCETTI admitted that he had fired 2 shots at the English prisoner of war.

(ii) The statement of Agostino POLCI who saw the body being removed on a farm cart and buried in a grave on the bank of the River TENNA.

(iii) Santiloni and Giulio VALENTINI who saw both accused pursuing the English prisoner, heard shots and later saw the prisoner lying wounded on the ground. They also saw the paratrooper fire further shots after the German officer had been to interrogate the Englishman.

(iv) The statement of Eduardo SCRIBONI who came upon the scene immediately after the first shots had been fired and who was present while the German officer conductedhis interrogation. He also heard but did not see the subsequent shots.

(v) The statement of Pietro VALENTINI. He saw the wounded man on the ground and was asked by the paratrooper if he knew the Englishman.

(vi) The statement of Greci GIACOMO di ENRICO, the undertaker who removed the body from the river bank and buried it in the AMANDOLA cemetery.

(vii) The statement of the accused SORCETTI made to the Maresciallo of AMANDOLA.

NOTES ON THE CASE **2716**

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence; (*c*) whether the case appears to be reasonably complete.)

It has not been possible to identify the victim in this case. All the Italian witnesses refer to him as "the English prisoner" and there is ample evidence upon which thecourt can exercise jurisdiction.

The defence of SORCETTI will no doubt be that he had no part in the crime. This contention is contradicted by the evidence of Ruggeiro LUPI who states that SORCETTI admitted to him that he had fired two shots.

There can be no possible defence based upon the prisoner's resistance in this case. He had been lying wounded on the ground for more than an hour when the shots that killed him were fired.

2960/UK/IT/45

2717

BALDUCCI

Date Submitted	Decision of Committee I		
2 MAY 1946	A	B	[illegible]

2960/UK/IT/45

(89756) P893/11 5000 8/45 M&C Ltd 51/1

(*For the Use of the Secretariat*)

2718

Registered Number.

2968/UK/91/95

Date of receipt in Secretariat.

17 APR 1946

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CASE No. UK - I/B 148 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	BALDUCCI, Lieutenant in Fascist Militia at CUPRAMONTANA, ANCONA, Italy in May, 1944.
Date and place of commission of alleged crime.	(i) 20 May, 1944 CUPRAMONTANA, ANCONA, Italy (ii) Sometime in May, 1944 FRONTALI, ANCONA
Number and description of crime in war crimes list.	No. I Murder
References to relevant provisions of national law.	Murder
Breaches of International Law	Breaches of the Laws and Usages of War - in particular Article 2 of Geneva Convention, 1929, relating to prisoners of war

SHORT STATEMENT OF FACTS.

(i) On 20 May, 1944 at CUPRAMONTANA, two unknown escaped British prisoners of war were shot by Lt. BALDUCCI.

(ii) Sometime in May, 1944 ten unknown escaped British prisoners of war were murdered on the instructions of Lt. BALDUCCI.

TRANSMITTED BY Office of J.A.G. (Mil. Dept)

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E. W.Ltd. Gp.685
(30449) Wt.P.1183/17 5,000 10/45 "

PARTICULARS OF ALLEGED CRIME

(i) Lt. BALDUCCI encountered two escaped British prisoners of war on 20 May 1944 at CUPRAMONTANA, in the Province of ANCONA, Italy, and because they were escaped prisoners he shot them out of hand, throwing their bodies in a ditch.

(ii) Sometime in May, 1944, ten unknown escaped British prisoners of war were captured and lined up on a bridge and then stabbed to death by Fascist soldiers on the orders of Lt. BALDUCCI

MD/JAG/FS/42/34
HNM/GCJ

IN THE MATTER OF ITALIAN WAR CRIMES AND IN THE MATTER OF THE SHOOTING OF TWO BRITISH PRISONERS OF WAR AT ANCONA ON 20 MAY 1944

British National Office Charge Number :-

United Nations War Crimes Commission Reference :-

AFFIDAVIT

I, 843717 Officer Cadet Douglas Cunningham Davidson RAC O.C.T.U. Bovington with permanent home address at Hillside House, Hamgreen, Pill, near Bristol, make oath and say as follows :-

1. I was an escaped prisoner of war working in Italy with the Italian partisans in 1944.

2. Over a period of about 4 months February to May 1944 Lt. BALDUCCI who lived and worked at CUPRAMONTANA was primarily engaged in the round up of escaped British prisoners of war who were at that time very numerous in the area. I received information from my partisan group that on or about 20 May 1944, Lt. BALDUCCI with six men were proceeding towards ANCONA and on the road met two British prisoners of war whose names I do not know and on learning that they were British prisoners of war shot them out of hand throwing their bodies into a ditch along the road-side; refusing burial for 12 days. I went down to the ditch to see their bodies and saw that they had been tommy-gunned and had each received about 15 rounds into their bodies. One Italian came to me and reported that he had been severely beaten up by Lt. BALDUCCI because he had attempted to cover the bodies in the ditch. After sometime together with a party of men I removed and buried these bodies; they were subsequently re-interred in a Christian cemetery.

3. It was widely known that this officer had perpetrated many acts against British prisoners of war and Yugoslav refugees.

4. Further information about Lt. BALDUCCI, who I believe was taken prisoner by the partisans and handed over to the Allies, could be obtained from ILIO JACOBIS of VIA FANTA 7, ANCONA and also Mrs. Lydia Stocks of 88, Blairdadie Road, Glasgow, who was a nurse in my group.

5. Lt. BALDUCCI is almost an exact double of Mussolini and has the same bombastic attitude.

SWORN by the above named Douglas Cunningham Davidson, at 6 Spring Gardens, in the city of Westminster, this twenieth day of December 1945. } (Sgd) D.C. Davidson.

Before me

(Sgd) Rathoreedan,
Captain Legal Staff,
Mil. Dept. Office of the Judge Advocate General.

MD/JAG/PS/42/64.(1P)

HNM/GK.

IN THE MATTER OF ITALIAN WAR CRIMES AND
IN THE MATTER OF THE SHOOTING OF BRITISH
PRISONERS OF WAR AT ANCONA IN MAY 1944.

British National Office Charge No.

United Nations War Crimes Commission Ref:

A F F I D A V I T

I, Lydia STOCKS of 88 Blairdardie Road, Knightswood, Glasgow, SCOTLAND, make oath and say as follows :-

1. I am a Russian born woman and am married to an Englishman. Before the war I was living in Italy and when Italy came into the war I was interned in a concentration camp. In February 1944 I escaped from the enemy and joined up with the partisans in the hills.

2. Some time in May 1944 there were about ten escaped British Prisoners of War with our partisan group. These men were caught by the FASCISTS, who were making a round up of partisans and they were lined up on a bridge at FRONTALI on the orders of a Lt. BALDUCCI, and there they were killed. The method of killing was for a FASCIST soldier to stab a person on the left, to death and then the man standing next to the person killed would have to throw the body over the bridge. This man was then killed himself and the man on his right had to throw his body over the bridge. The Italians themselves threw the body of the last man to be killed over the bridge. I cannot say for certain whether Lt. BALDUCCI was actually on the scene of the crime at the time when it was committed, but I am certain that they were soldiers under his command. The next morning after the FASCISTS had left, the partisans removed the bodies to FRONTALI Church where they were laid out in two rows of five. I went down to the church and I saw the bodies which had been very badly cut about and were in a most pitiful condition. Their stomachs had been cut open, their private parts had been cut off and their faces had been so cut to ribbons that I couldn't recognise which was which; their fingers had been cut when they had obviously tried to grab hold of the weapon with which they were stabbed to death. I am quite certain that the bodies I saw were those of the ten escaped Prisoners of War who had been with our partisan group, because although their faces were unrecognisable there were many other details such as clothing which made it quite clear to me who they were. The bodies were put in coffins and then buried.

3. I am unable to describe Lt. BALDUCCI, but I do know that he had a wife and child who lived in CUPRAMONTANA. When I left this area in 1945 she was still there, but Lt. BALDUCCI, I believe, was not found.

SWORN by the said Lydia STOCKS at 6 Spring Gardens in the City of Westminster on the eigth day of February 1946.

(SIGNED) LYDIA STOCKS.

BEFORE ME,

(SIGNED) F. HONIG.
Captain Legal Staff,
Military Department,
Judge Advocate General's Office.

PARTICULARS OF EVIDENCE IN SUPPORT

Particulars of evidence are contained in statements of the following witnesses:-

(i) Officer Cadet DAVIDSON, Douglas Cunningham

(ii) STOCKS, Lydia

NOTES ON THE CASE 2723

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

This appears to be a clear case of murder and investigations in the locality of the crime are in progress with a view to obtaining further evidence in support. The accused has been listed as wanted.

(*For the Use of the Secretariat*)

Registered Number. 2969/UK/91/96

Date of receipt in Secretariat. 2725

17 APR 1946

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CASE No. UK - I/B 149 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	FERIZIANE Prefect of MACERATA in the Province of ANCONA Italy, in February 1944
Date and place of commission of alleged crime.	February, 1944 MACERATA in the Province of ANCONA, Italy
Number and description of crime in war crimes list.	No. I Murder
References to relevant provisions of national law.	Murder
Breaches of International Law	Breaches of the Laws and Usages of War, and in particular Article 2 of the Geneva Convention 1929, relating to PsOW

SHORT STATEMENT OF FACTS.

Two British parachutists in uniform wereshot on the orders of FERIZIANE in February 1944.

TRANSMITTED BY Office of J.A.G. (Mil. Dept)

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E. W.Ltd. Gp.685
(30449) Wt.P.1183/17 5,000 10/45 "

MD/JAG/PS/42/65
RNM/DCJ

IN THE MATTER OF ITALIAN WAR CRIMES AND IN THE MATTER OF THE SHOOTING OF A BRITISH OF WAR AT MACERATA ABOUT THE BEGINNING OF FEBRUARY 1944.

British National Office Charge Number :-

United Nations War Crimes Commission Reference :-

A F F I D A V I T

I, 843717 Officer Cadet Douglas Cunningham Davidson RAC O.C.T.U. Bovington with permanent home address at Hillside House, Hangreen, Pill, near Bristol, make oath and say as follows :-

1. I was an escaped prisoner of war working in Italy with the Italian partisans in 1944.

2. About the beginning of February 1944 two British parachutists, one a second Lt. and one a serjeant-major whose names I do not know but who had spent a winter with my partisan group decided to leave me and attempt to reach Allied lines. I was told by a member of my partisan group named MARIO who after the liberation of that area became Prefect of SAN SAVEIRANO that these two men were captured the same day by Fascists and taken to MACERATA, Province of ANCONA, and there imprisoned. It was common knowledge that they were given a mock trial on the orders of the Prefect of MACERATA named FERIZIANE (I am not quite sure whether this name is spelt correctly); they were sentenced to be shot, not with standing that they were in complete British uniform and wearing badges of rank and also holding British papers of identification. I did not see this death sentence being carried out but I did see their graves in the cemetery in MACERATA.

3. I was told by the local population that two other British prisoners of war were shot at about the same time also on the orders of FERIZIANE and I also saw their graves in the cemetery in MACERATA.

4. FERIZIANE issued and signed a Manifesto posted in MACERATA on 20 or 21 May 1944 which stated that "All foreigners in Italy occupied by the Germans would present themselves on the 25 May 1944 to MACERATA or other Fascist Headquarters. All nationalities except British would be freely pardoned. British escapees would be punished under Fascist Law". The Fascist Law was that all British prisoners of war were considered as Partisans; partisans were shot without trial.

5. FERIZIANE was a thinly built man about 5'10" in height; about 45 years old; domineering, arrogant and a typical Italian; He was clean shaven.

SWORN by the above named Douglas Cunningham Davidson, at 6 Spring Gardens, in the city of Westminster, this twentieth day of December 1945. } (Sgd) D.C. Davidson.

Before me

(Sgd) Rathoreodan,
Captain Legal Staff,
Mil. Dept. Office of the Judge Advocate General.

NOTES ON THE CASE 2729

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence; (*c*) whether the case appears to be reasonably complete.)

This appears to be a clear case of murder, and investigations on the scene of the crime are in progress with a view to obtaining further evidence in support. The accused has been listed as wanted.

(*For the Use of the Secretariat*)

Registered Number. 2970/UK/9t/97

2731

Date of receipt in Secretariat. 17 APR 1945

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CASE No. UK - I/B 150 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	CARLUCCI Captain in the Fascist Militia stationed at CERRETTO D'ESI in the Province of ANCONA, Italy, in February, 1944
Date and place of commission of alleged crime.	20 February 1944 MONTE SAN VICINO near CERRETTO D'ESI in the Province of ANCONA, Italy.
Number and description of crime in war crimes list.	No. I Murder
References to relevant provisions of national law.	Murder
Breaches of International Law	Breaches of the Laws and Usages of War, and in particular Article 2 of the Geneva Convention, 1929, relating to Prisoners of War

SHORT STATEMENT OF FACTS.

An unknown member of an R.A.F. crew who had descended by parachute, was shot on the 20th February, 1944, on the orders of Captain CARLUCCI.

TRANSMITTED BY Office of J.A.G. (Mil. Dept.)

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E. W.Ltd. Gp.685
(30449) Wt.P.1183/17 5,000 10/45 " "

2732

PARTICULARS OF ALLEGED CRIME

On the 20th February 1944, a British bomber crashed near CERRETTO D'ESI and one of the crew who had baled out was captured near MONTE SAN VICINO by Captain CARIUCCI and ten Fascist soldiers, and although he was in uniform with badges of rank, he was shot on the orders of the said Captain CARIUCCI.

2971/UK/II/48

2736

FINAGUERRA

Date Submitted	Decision of Committee I		
2 MAY 1946	A	B	CARDS CHECKED

(89756) 1803/11 5000 8/45 M&C Ltd 51/1

2971/UK/II/48

PARTICULARS OF ALLEGED CRIME

On the 24th March 1944, Lieutenant FINAGUERRA, in charge of Fascist troops and working with German S.S. troops, entered the village of BRACCANO and shot the village Priest, Don POCOGNOLO, and two natives from SOMALILAND. On the same day during a round-up of Partisans in his area, he, and troops under his command, shot on sight approximately thirty young Italians and two British escaped Prisoners of War.

2742

2972/Y/ Dr and German ~~Listed~~ Filed under German

PARTICULARS OF ALLEGED CRIME 2745

No. 66689 Pte. Thomas H. GAY, 24 N.Z. Bn. N.Z.E.F., was a prisoner of war who escaped at the time of the Italian Armistice from Millecampo Fogolana detachment of prisoner of war camp PG 120. On his escape he remained in the area and was fed by local inhabitants.

On 20 February 1945, about 0930 hours, acting apparently on information received, eight members of the Black Brigade of Codevigo, including the first named accused who was their leader, and his son aged 13 years the second named accused, surrounded Pte. GAY's hiding place - a boat house. On being discovered Pte. GAY who was unarmed raised his hands above his head in token of surrender, but the second named accused shot GAY with a machine-gun instantly killing him. The body was left where it lay and the eight men immediately left the scene.

PIOVE DI SACCO.

20 Mar 46.

STATEMENT OF:- DAL FRA Pompilio, Male,
PIOVE DI SACCO, Aged 35 years
Province of PADUA. Professor.

Who saith,

From 28 Oct 44 until 3 Jan 45 I sheltered three escaped New Zealand PW in my house. One of these men was named Thomas GAY.

About Christmas time 1944 I took a photograph of these three men. This photograph is now marked Exhibit 'A' and Thomas GAY is the central figure shown.

I have read over the above statement. It is correct and true. I herewith append my signature.

(Signed) Pompilio DAL FRA.

I certify that the above statement was taken by me through the medium of VALVASSORI Mario, Official Interpreter, on 20 Mar 46, at PIOVE DI SACCO.

(Signed) 7357132 Cpl. E.B. JONES
78 Section SIB CMP.

I certify that the above translation from Italian is correct and true to the best of my ability.

(Signed) Mario VALVASSORI.
Official Interpreter.

GIL

CONCHE **2747**

9 Mar 46.

STATEMENT OF:- PINCATO Antonio, Male
9 Cal Chiotadella, Age 31 years.
CONCHIA COLLVIGO, Farmer
PADUA.

Who saith,

I recognise the centre person on the photograph marked Exhibit 'A' as Thomas GAY. He was, prior to 8 Sep 43, a PW at a nearby camp. He escaped at the time of the armistice but continued to live around the district. He was helped by me and others for food and shelter.

During Feb 45, he had been living in my house, but four or five days before he was killed he became afraid of the continuous searches for PW and sought refuge in a small boat which was in a boathouse near POGOLANA. Prior to his leaving my house his clothing was washed and I know that he was not in possession of any firearms.

On the evening of 20 Feb 45, I saw THOMAS and gave him some food.

About 1030 hrs next day, on hearing that a man had been shot in a boat at POGOLANA, I immediately thought of THOMAS and went to the spot. There was no one present, and in the boat I saw the body of Thomas GAY. He had been shot through the head. I then came away.

I can tell you no more.

I have read over the above statement. It is correct and true. I herewith append my signature.

(Signed) PINCATO Antonio.

I certify that the above statement was taken by me, through the medium of August COLONNA, Official Interpreter, on 9 Mar 46, at CONCHE.

(Signed) 14648557 Sgt C.MEPHAM.
78 Section SIB CMP.

I certify that the above translation from Italian is true and correct to the best of my ability.

(Signed) August COLONNA.
Interpreter.

FOGOLANA.

20th Mar. 46.

STATEMENT OF:- NALIN Giovanni, Male.
Fogolana, Age 27 years
Codevigo, Farm Labourer
PADUA.

Who saith,

About 0900 hrs on a day in Feb 45 I was working near the Bridge at FOGOLANA. I was accompanied by ZENNARO Giuseppe.

I saw arrive a group of CODEVIGO Black Brigade. Four came on bicycles and four in a small motor car. Of the men in the vehicle, one was GHELLERO Giovanni and another his son RENATO.

The group held a conversation on the bridge, then spread out leaving GHELLERO Giovanni, whom I forgot to mention was their ~~Commander~~, standing on the same spot. They surrounded a small boathouse, in which, was a small motor boat.

I saw one of the men go to the boathouse, then fire a shot into the air. Other members of the Black Brigade closed in and I saw GHELLERO Renato fire a shot into the boathouse from his automatic rifle.

I did not know at the time what he fired at, but later saw that he had shot a man who had been hiding. The dead man I now know was a British PW.

I saw GHELLERO Giovanni and his son RENATO drive off afterwards in the motor vehicle.

I have had the above statement read over to me. It is correct and true. I herewith append my signature.

(Signed) NALIN Giovanni.

I certify that the above statement was taken by me through the medium of VALVASSORI Mario, Official Interpreter, on 20 Mar 46, at FOGOLANA.

(Signed) 14648557 Sgt G. MEPHAM.
78 Section SIB CMP.

I certify that the above translation from Italian is correct and true to the best of my ability.

(Signed) Mario VALVASSORI.
Official Interpreter.

FOGOLANA.

20 Mar 46.

STATEMENT OF:- ZENARO Giuseppe,
Fogolana,
Codevigo
PADUA.

Male,
Aged 35 years,
Farm Labourer.

Who saith,

On a day in Feb 45, the date I do not remember, about 0900 hrs, I was working near the bridge of FOGOLANA.

I saw arrive at the bridge, four members of the Black Brigade of CODEVIGO. They came on bicycles. Not long after there arrived in a small motor vehicle in which was the Commander named GHELLERO Giovanni, his son RENATO and two other Black Brigade members.

The eight men held a short conversation on the bridge and I then saw GHELLERO Giovanni order the men to positions which surrounded a small boathouse about thirty yards from the bridge.

In the boathouse was a small motor boat which had on it a wooden cover.

I saw one of the Black Brigade climb aboard the boat, lift the cover and immediately fire a shot into the air from his pistol. I then saw BROCCADELLO and GHELLERO Renato approach the boathouse and as GHELLERO Renato saw the man who had been discovered and who had raised his hands above his head, he dropped to his knees, placed an automatic rifle to his shoulder and fired. The man, whom I now know was a British PW, dropped into the boat.

During the time that all this took place GHELLERO Giovanni remained on the bridge and after the shot had been fired went immediately to the motor vehicle. He did not go to view the body of the dead man but drove away with his son and the other two who had arrived with him. The other four members left on their bicycles.

I later saw the body of the dead man and saw that he had been shot through the head. He was wearing civilian clothes.

I have had the above statement read over to me. It is correct and true. I herewith append my signature.

(Signed) ZENARO Giuseppe.

I certify that the above statement was taken by me through the medium of VALVASSORI Mario, Official Interpreter, on 20 Mar 46, at FOGOLANA.

(Signed) 14648557 Sgt G. DEPLIN,
78 Section SIB CMP.

I certify that the above translation from Italian is correct and true to the best of my ability.

(Signed) Mario VALVASSORI,
Official Interpreter.

GML

2751

CODEVIGO.

15 Mar 46.

STATEMENT OF:- SPINELLO Pietro,
Via Garubbio,
CODEVIGO.

Male,
Age 46 yrs,
Street Cleaner.

Who saith,

For the past twenty six years I have been employed by the Commune of CODEVIGO. On a day in Feb 45, a member of the Black Brigade of CODEVIGO, named MINI Primo (now deceased), called at my house and instructed me to convey the body of a man from where it was lying inside a small boat near FOGOLNA (CONCHI) Bridge, to CODEVIGO Cemetery.

At approximately 1400 hrs the same day, accompanied by BARZON Michele of CORTA, CODEVIGO, and SARTI Beno of CODEVIGO, who was driving a small horse-drawn cart, I arrived at the spot in FOGOLNA, previously described to me by MINI. I went to a small boat in a boat-house, and there saw the dead body of a man, fully dressed, lying face uppermost in the boat. I have been shown photographs marked Exhibits 'C', 'D' and 'E' and recognise the body shown in the photographs as that of the man whom I saw in the boat and now know to be Thomas GAY.

I placed the body on the cart and took it to CODEVIGO Cemetery, where I placed the body in the Mortuary.

About 1500 hrs the following day, I accompanied the Vice Pretore, Dr MUDRICH, and a photographer, all of PIOVE DI SACCO, to CODEVIGO Cemetery. The doctor examined the body and the photographer took photographs. The Vice Pretore then ordered me to bury the body in that cemetery.

I obtained a coffin from the carpenters shop in CODEVIGO and placed the body therein. About 1700 hrs, a priest, whom I do not know, arrived and conducted a short burial service. Assisted by BARZON Michele I interred the body in CODEVIGO Cemetery about 1800 hrs the same day.

I have read over the above statement. It is correct and true. I herewith append my signature.

(Signed) SPINELLO Pietro.

I certify that the above statement was taken by me, through the medium of VALVASSORI Mario, Official Interpreter, on 15 Mar 46, at CODEVIGO.

(Signed) 7357132 Cpl E.B.JONES.
78 Section SIB CMP.

I certify that the above translation from Italian is true and correct to the best of my ability.

(Signed) Mario VALVASSORI.
Interpreter.

PIOVE DI SACCO
13 Mar 46.

STATEMENT OF:- PANCRAZIO Masiero,
6 Via 24 Maggio,
PIOVE DI SACCO,
PADUA.

Male,
Age 37 yrs,
Photographer.

Who saith,

On the 21 Feb 45, about 1500 hrs, I received instructions from the Vice Pretore of PIOVE DI SACCO, Giuseppe GASPARINI, to go to the Mortuary at CODEVIGO Cemetery and photograph the body of a man. This man I now know was named Thomas GAY, an escaped PW.

I went to the Cemetery and arrived about 1600 hrs, being then alone, and whilst preparing my equipment I saw the approach of a body of the Black Brigade of CODEVIGO. As I was afraid of them I left the Cemetery and went to a nearby house, returning only after the departure of the Black Brigade. I saw on my return, that the clothing of the dead man had been searched and such articles as toothpaste, toothbrush, comb, tobacco pouch etc were lying on the slab. These things were not present when I had first arrived.

About 1630 hrs the Vice Pretore and Dr ANDRICH arrived. The doctor made an examination of the body and I took the photographs which are shown and marked Exhibits 'C', 'D' and 'E'. The negatives are marked Exhibit 'F'.

On the same day that I took the photographs, it was voiced around the district that GHELLERO Renato, the son of GHELLERO Giovanni, the Commander of CODEVIGO Black Brigade, was the one who had shot the PW. I describe GHELLERO Renato thus: Age about 14 yrs, height about 5', build medium, hair dark, dress black shirt, grey-green uniform. Was of a violent and wicked character.

I forgot to mention that at the time I took the above mentioned photograph I was employed by Luigi BATTISTI, a photographer of PIOVE DI SACCO.

I have read over the above statement. It is correct and true. I herewith append my signature.

(Signed) Masiero PANCRAZIO.

I certify that the above statement was taken by me, through the medium of August COLONNA, Official Interpreter, on 13 March 46, at PIOVE DI SACCO.

(Signed) 14648557 Sgt. G. MEPHAM.
78 Section SIB CMP.

I certify that the above translation from Italian is true and correct to the best of my ability.

(Signed) August COLONNA.
Interpreter.

PIOVE DI SACCO.

14 Mar 46.

STATEMENT OF:- Dr Cav ANDRICH Pietro,
PIOVE DI SACCO,
PADUA.

Male,
Age 68 yrs,
Surgeon.

Who saith,

In my capacity as Commune Doctor I went, on the 21 Feb 45, about 1700 hrs, in company with Avv GASPARINI the Vice Pretore, to the Mortuary of CODEVIGO Cemetery.

There I examined the body of a man whom I now know to be a PW named Thomas GAY. I found that he was dressed in a pair of woollen overalls as worn by a mechanic, and underneath a brown coat and trousers. He wore a pullover and shirt. All the clothing was of civilian type, but the boots were of the type worn by military. The body was very clean.

I found the cause of death to be a bullet wound which started from a point 11 cm above the centre of the right ear, the exit wound being 8 cm above the centre of the left ear. The bullet, which I judge was of a type fired from a 'Mitria', had gone through the brain and death had been instantaneous. I estimate that the bullet had been fired from a distance of about 30 yards.

The body was examined by me about 30 hours after death.

The report that I made at the time, is contained in the file of the Commune, and which is marked Exhibit 'B'.

As the shooting of the man was caused by the Black Brigade, I would say that that was the reason that a more strict enquiry was not held as to the PW's death.

I later heard through the talk of the town that the person who shot the PW was GHELLERO Renato, though I cannot verify what I have stated.

I have read over the above statement. It is correct and true. I herewith append my signature.

(SGD) ANDRICH Pietro.

I CERTIFY that the above statement was taken by me, through the medium of August COLONNO, Official Interpreter, on 14 Mar 46, at PIOVE DI SACCO.

(SGD) 14648557 Sgt. G. MEPHAM,
78 Section SIB CMP.

I CERTIFY that the above translation from Italian is true and correct to the best of my ability.

(SGD) August COLONNA.
Interpreter.

CONCHE DI CODEVIGO.

7 Mar 46

STATEMENT OF:- FERRO Cristiano,
16 Via Groppone,
CONCHE DI CODEVIGO,
PADUA.

Male,
Age 51 yrs,
Farmer

Who saith,

I first met Thomas GAY on the 8 Sep 43. He was an escaped PW from the PW Camp of PCGOLM. and on his coming to this district I provided him with food and shelter.

In Feb 45, the Black Brigade started searching the district for escaped PW, and for safety Thomas GAY left my house and took refuge in a small boat which was hidden in the reeds on the river bank.

I last saw him alive about 2300 hrs on the night of 20 Feb 45 when I took food to him. He was then in the best of health and in good spirits.

To my knowledge he was shot at about 0930 hrs the next morning. I did not see him dead. I was told that the person responsible for the killing was one PATRIANO Renato, aged about 15 yrs, and whose father GIOVANNI was Captain Commander of the Black Brigade of CODEVICO.

The photograph marked Exhibit 'A' which I have been shown, shows Thomas GAY in the centre.

I have had the above statement read over to me. It is correct and true. I herewith append my signature.

(Signed) FERRO Cristiano.

I certify that the above statement was taken by me, through the medium of August COLONNA, Official Interpreter, on 7 Mar 46, at CONCHE DI CODEVICO.

(Signed) 14648557 Sgt G.MEPHAM
78 Section SIB CMP.

I certify that the above translation from Italian is true and correct to the best of my ability.

(Signed) August COLONNA.
Interpreter.

PIOVE DI SACCO.

13 Mar 46.

STATEMENT OF:- GASPARINI Giuseppe, 9 Via Davila, PIOVE DI SACCO. — Male, Age 50 yrs, Lawyer.

Who states,

On the 21 Feb 45 owing, as on many occasions, to the Pretore's absence, I was acting as Vice Pretore of PIOVE DI SACCO.

As requested by the Procurator of State of the Tribunal of PADOVA, I went to the Cemetery of CODEVICO where, according to the Mayor, the body of an unknown person had been taken.

Everything I have done is described in the verbal process of the identification of the body, which was made out and is to be found in the file bearing the number 138/45 and which was given back the same day to the Procurator of State of the Tribunal of PADOVA.

The process bears the number 938 of the register of the Procura of State of PADOVA.

I subsequently submitted the photographs which I had made by the photographer BATTISTI Luigi from PIOVE DI SACCO, and I personally gave instructions for them to be taken in profile from both sides and facing. The medical expert, who in my presence carried out the operations, was Dr. ANDRICH Pietro fu Antonio, residing at present in PIOVE DI SACCO.

I know that the above mentioned file has been marked by the English authorities Exhibit 'B'.

(Signed) G. GASPARINI.
V. Pretore di PIOVE.

Signature witnessed by:

(Signed) 14648557 Sgt G. MEPHAM.
78 Section SIB CMP.

I certify that the above translation from Italian is correct and true to the best of my ability.

(Signed) Mario VALVASSORI.
Interpreter.

PADUA.

20 Mar 46.

STATEMENT OF:- BROCCADELLO FINESSO Marcellina, 59 Via SAVONAROLA, PADUA.

Female, Age 32 yrs, Housekeeper.

Who saith,

My husband EDOARDO was Vice Commander of the Black Brigade of CODEVIGO and which was, I believe, attached to the GNR of PIOVE DI SACCO. He was shot and killed by Partisans at the time that CODEVIGO was occupied by them.

One day in Feb 45, the date of which I do not remember, my husband, accompanied by GHELLERO Giovanni, who was his Commander, and his son Renato, went on patrol in the area of POGOLANA, CONCH. I later heard that a man was killed and now know that he was an escaped British PW.

My husband never told me what actually took place on that day, but on a day prior to his arrest by the Partisans, he told me that he had not been responsible for the killing of the PW.

I heard through the talk of the village that GHELLERO Renato had shot the PW without orders and after the PW had raised his hands in token of surrender. It was also said that because of what GHELLERO Renato had done, his father had threatened to shoot him.

I can tell no more.

I have read over the above statement. It is correct and true. I herewith append my signature.

(Signed) FINESSO Marcellina.

I certify that the above statement was taken by me, through the medium of VALVASSORI Mario, Official Interpreter, on 20 Mar 46, at PADUA.

(Signed) 14648557 Sgt G. MEPHAM.
78 Section SIB CMF.

I certify that the above translation from Italian is correct and true to the best of my ability.

(Signed) Mario VALVASSORI.
Interpreter.

CODEVIGO.

19 Mar 46.

STATEMENT OF:- BROCCADELLO Marcella,
Via Roma,
CODEVIGO,
Province of PADUA.

Female.
Aged 31 years,
Maid.

Who saith,

My brother was the Vice Commander of the Black Brigade of CODEVIGO.

His name was EDOARDO but they usually called him FIORE.

When I heard about the shooting of a man in FOGOLANA by the Black Brigade, my brother did not tell me at that time who was responsible for the shooting.

The day before he was arrested by Partisans he told me this story.

He was present at FOGOLANA and also present was GHELLERO Renato, son of the Commander of the Black Brigade of CODEVIGO.

When the squad of Black Brigade approached the boat, without receiving any orders from his father, GHELLERO Renato fired at the prisoner of war as soon as he saw him. He did not receive any orders from me or from his father.

He told me that afterwards the father of GHELLERO Renato, was so annoyed that he threatened to kill his son with a pistol.

He did not tell me any more.

The above statement has been read over to me. It is correct and true. I herewith append my signature.

(Signed) BROCCADELLA Marcella.

I certify that the above statement was taken by me through the medium of VALVASSORI Mario, Official Interpreter, on 19 Mar 46, at CODEVIGO.

(Signed) 14648557 Sgt G. MEPHAM.
78 Section SIB CMP.

I certify that the above translation from Italian is correct and true to the best of my ability.

(Signed) Mario VALVASSORI.
Official Interpreter.

G&L

PADUA

11 Mar 46.

STATEMENT OF:- GHELLERO Giovanni,
Civil Prison,
Piazza Castello,
PADUA.

Male,
Aged 48 years
Farmer.

Who saith,

I have been cautioned that I am not obliged to say anything unless I wish to do so and that anything I do say will be written down and may be given in evidence.

(Signed) GHELLERO Giovanni.

On 20 Feb 45 I was Commander of the Squad of Black Brigade of CODEVIGO. On that morning I had to go to CONCHE to collect, by order of the Chief of the Province, grain and foodstuffs. With me went my son RENATO and two other members of CODEVIGO Black Brigade. We went in a small motor lorry driven by my son. There went also to CONCHE, the Vice Commander BROMDELLO Fiore and five or six other members of my squad. They went on bicycles. On arrival at a spot called BOSCHETTONA, because of bad road, the vehicle could go no further and I left it in the charge of my son and the other two and walked the rest of my journey. I searched the house of BOSCHETTONA, which stood about a mile from where my vehicle had stopped, and then made by way back. On the return journey I met Vice Commander BROCADELLO and a squad member named MANFRI. This is the story they told me: On their arrival at the river near FOGOLANA, they saw in a boathouse nearby a man they did not know. They went towards him for the purpose of making him prove his identity and when near saw the man raise a pistol as if to fire at them, whereupon one of the Black Brigade group fired his machine gun at him and killed him. The dead man was dressed in civilian clothes and apparently it was not known that the man who had been killed was British and an escaped PW. I only discovered that the dead man was British when I was placed in prison. The group had searched the body but had not found any identification. They had taken from the body an Italian Military greatcoat and a 'Beretta' 9 calibre pistol. I did not go to the scene of the killing and made a verbal report of the incident to the Black Brigade Commander of PIOVE DI SACCO, who was my superior, I reported the man's death to a clerk in the Municipal building but there were no questions asked me and I was told that it would be reported to the Secretary and the Podesta. I was never asked for a further report. I wish to state that neither myself nor my son RENATO was present at the time of the shooting of the PW. I always did my duty as a Fascist but on no occasion did I cause any harm to be done to PW. I left CODEVIGO on the 25 or 26 Apl 45 and came to PADUA, where I was captured in Jul 45. My son went away at the same time as I and I have not heard of his whereabouts since that date. I wish to state that in my capacity as Commander of CODEVIGO detachment of Black Brigade I assisted many persons to escape deportation to Germany and in the same way helped Partisans to escape capture by German troops.

(Signed) GHELLERO Giovanni.

I have read over the above statement and have been given the opportunity to make any alteration or addition where necessary. It is true and is made voluntarily.

(Signed) GHELLERO Giovanni.

/I certify

I certify that the above statement was taken by me through the medium of COLONNA August, Official Interpreter, on 11 Mar 46 at PADUA.

(Signed) 14648557 Sgt G. MEPHLM.
78 Section SIB CMP.

I certify that the above translation from Italian is true and correct to the best of my ability.

(Signed) August COLONNA.
Official Interpreter.

PARTICULARS OF EVIDENCE IN SUPPORT

Affidavits have been recorded from the following:-

(a) 1. Fabian Silvio;
2. Zennaro Guiseppe: and
3. Nalin Giovanni.

all of whom were spectators who witnessed the killing.

(b) 4. DAL PRA Pompilio, who had given shelter to Pte. GAY and two other N.Z. escapees and who produces a photograph which he took of Pte. GAY.

5. Fincato Antonio, who had given shelter to Pte GAY immediately prior to 20 February 1945 and who saw GAY's dead body in the boathouse about 1030 hours on the day of GAY's death. This witness identifies the fourth witness's photograph.

6. Spinello Pietro, who removed the body and had it buried. This witness identifies photographs taken of the body whilst it lay in the mortuary prior to burial.

7. Pancrazio Masero who took and produces photographs of the body in the mortuary.

8. Dr. Cav Andrich Pietro who examined the body in the mortuary and describes the nature of the wound and cause of death: and

9. Gaspani Guiseppe, the vice Pretore of Piove Di Sacco who made a record of the identification of the body.

NOTES ON THE CASE **2761**

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence; (*c*) whether the case appears to be reasonably complete.)

(a) The primary responsibility rests on the son the second named accused for which there appears to be no defence. It is clear that the first named accused bears a prima facie responsibility since he was the leader of the armed party and directed the operation to surround the boathouse.

(b) The first named accused has made a statement under caution denying that either he or his son were present during the incident, and he lays the blame on another member of the party of eight who was subsequently shot by Italian partisans - as also were the remainder of the party of eight.

(c) The case appears to be reasonably complete.

REGISTERED NOs.

101 TO 110

REGISTERED NOs.

101 TO 110

(*For the Use of the Secretariat*)

2763

Registered Number. 3160/UK/31/101

Date of receipt in Secretariat. 20 MAY 1946

UNITED NATIONS WAR CRIMES COMMISSION

UNITED STATES CHARGES AGAINST ITALIAN WAR CRIMINALS

CASE No. UK - I/B 153. *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	(1) ROCIOLI (Settimio), Fascist Lieutenant. ITALY. ~~(in custody)~~ (2) ITALIAN Lieutenant. Commandant at CORTINAMARA. (3) Unidentified Persons of Fascist Bn "X" MAS TORINO.
Date and place of commission of alleged crime.	On or about 2nd May 1944. at CORTINAMARA.
Number and description of crime in war crimes list.	(i) Murder.
References to relevant provisions of national law.	Murder.
Breeches of international law.	Breeches of the Laws and Usages of war and in particular Article 2 of the Geneva Convention 1929 "Relative to the treatment of prisoners of war"

SHORT STATEMENT OF FACTS.

On or about the 2nd May 1944 the first accused was alleged to have assisted in the killing by shooting of No. 2936296 Private Charles GORDON, Cameron Highlanders, and T/ 3052152 Driver James DIDCOCK, R.A.S.C. and four other unidentified Prisoners of War, (believed to be two British and two American). The shooting was carried out by a firing squad of the Fascist "X" Battalion and the coup-de-grace administered by ROCIOLI. The second accused signed a notice which was published in CORTINAMARA immediately after the shooting, in which it was stated that these Prisoners of War had been shot for banditry and terrorisation.

TRANSMITTED BY Office of J.A.G. (Milan.)

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E. W.Ltd. Gp.685
(30449) Wt.P.1183/17 5,000 10/45 "

time afterwards ROSCIOLI was again in MONTELPARO and I was standing near to him by the canteen, when I heard him boasting that he had shot the two prisoners he had previously arrested near to SANTA VITTORIA, near to the cemetery in COMUNANZA.

I was later told that ROSCIOLI was involved in the shooting of four escaped prisoners of war at the DRAGONE bridge, near MONTEDINOVE.

This statement has been read over to me. It is true and correct.

Signed :- FERRETTI Gino.

Statement taken in Italian, read over and signature witnessed by Official Interpreter, PANICCIA Claudio, in the presence of Sergeant ANDERTON, of 60 Section, Special Investigation Branch, C.M. Police, at MONTELPARO, on 24th October, 1945.

I certify that the above statement is a true translation of the original to the best of my knowledge and ability.

Signed :- PANICCIA Claudio.

S.T./.

PARTICULARS OF EVIDENCE IN SUPPORT

2770

1. An affidavit by Private John BENNETT, R.A.C.O. giving particulars of the arrest of GORDON and BIDOOCK, and on ROCIOLI's alleged participation in the shooting, and of the notice signed by ARAO.

2. An affidavit by Private Thomas STRATT, East Surrey Regiment, who heard the shooting from a hiding place near the cemetery, and who also gives details of the notice referred to above.

3. A statement by Gino FERRETTI an ITALIAN Farmer of MONTE PARO, who saw two British and one American P.O.W. captured by ROCIOLI at MONTE PARO on the 24th April 1944. FERRETTI later heard ROCIOLI boasting that he had shot two of these prisoners of war near COMUNANZA cemetery.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence; (*c*) whether the case appears to be reasonably complete.)

There is no direct evidence implicating ROCIOLI in this shooting, and although the witness FERRETTI overheard ROCIOLI boasting that he had shot two P.O.W's these two may or may not be in fact any of the six prisoners (of which four were unidentified) mentioned in ARAU's notice, and who were shot on or about the 2nd May. FERRETTI saw three prisoners captured on the 26th April, but it is not known on what day (or on what date ROCIOLI recurred). He heard ROCIOLI boasting about the shooting. There is therefore sufficient evidence to say that ROCIOLI was implicated in a killing. Within a few days all the dead were exhumed at COMMANDA, for which there was no justification.

ACCUSED.

First accused, direct, but eye-witness evidence desirable with regard to the second accused. The mere signing of a notice saying that prisoners of war had been shot for banditry is not sufficient to incriminate him. However as he was Commandant of the German Garrison at COMMANDA it is possible that he gave the orders for the killing. He should be apprehended and interrogated, as he will probably have evidence to say how much ROCIOLI was involved in the matter.

DEFENCE.

It would be possible for the first accused to plead that he had orders to execute the prisoners and that as far as he knew that they had been guilty of banditry and terrorisation. In view, however, of ROCIOLI's dealings with escaped prisoners of war generally, this defence should not be difficult to upset. If it is proved that the second accused ordered the shooting of the P.O.W. without trial, or that, having heard about the shooting after it had been carried out, and having regard to his official position, di nothing to punish the perpetrator, it is difficult to see what defence he could raise, other than possibly "The orders of a superior officer."

COMMENTS.

This case is at present very unsatisfactory, a witness of the shooting is almost essential, or at least a witness that can corroborate FERRETTI's statement. In view of the fact that the execution was public knowledge throughout COMMANDA very soon after its occurrence, it is probable that there was some eye-witness of the actual execution and who may still be resident in COMMANDA. Efforts will be made to apprehend and question ARAU. The Head of the Security Police should be asked if he can produce the notice with ARAU's name on it, and, which was handed to them in ASCIOLI by Private BENNETT in July 1944.

3202/UK/9L/102

2772

1. ZUCCARI

to 4.

Date Submitted	Decision of Committee I		
20 JUN 1946	1, 3 : A 2 : S 4 : W	B	CARTE CHECKED 1/39

(89756) P893/11 5000 8/45 M&C Ltd. 51/1

3202/UK/9L/102

Via Pio Franzani, 2.
VARALLO.

21 Dec 1945.

STATEMENT OF:- CORTE Battista, Male,
Via Pio Franzani, 2. Aged 39 yrs.
VARALLO, Fishmonger.
PROVINCE OF VERCELLI.

Who saith,

I am an inhabitant of VARALLO and have lived in this town all my life.

At VARALLO, on the 9 April 1944, about 1600 hrs. whilst in the Cafe Milanese, Piazza Bocioloni, VARALLO, I was taken into custody by two members of the Guardia Nazionale Republicane, and escorted to the Scuola Comunale. Piazza G. Ferrare. There I was charged with being a Partisan and with aiding the Partisans.

About 1800 hrs. I was interrogated and was then placed in a room in which there were other prisoners.

A fellow prisoner pointed out to me two men, handcuffed together, as being two Englishmen, and a third man also handcuffed as being an Australian. I later came to know these men as FRANK MILLER, JACK McCRACKEN and WILLIAM BROWN.

I have this day been shown by Sgt. HIMPFEN W.E., S.I.B. photograph exhibits marked "A", "B" and "C".
"A" I recognise as FRANK MILLER.
"B" I recognise as JACK McCRACKEN.
"C" I recognise as WILLIAM BROWN. They were the three Allied soldiers who were imprisoned with me in the schoolroom.

At 0200 hrs. on the 15 April 1944 we were taken individually into an adjoining room and there our sentences were read out to us by a man in civilian dress, whose name I was told later was Captain VENTORINI of the Legione Tagliamento. This was the man I had previously been interrogated by. A total of twenty-six prisoners, including myself, and the three Allied soldiers, were sentenced to death.

My description of Captain VENTORINI is as follows:-

Age	About 37 or 38 yrs.
Height	" 5 ft. 6 ins.
Build	Robust.
Face	Round, with red complexion.
Hair	Dark brown in colour, greying at the temples, and brushed straight back.
Eyebrows	Thin.
Eyes	Light Brown.
Nose	Regular.
Mouth	Small and tight lipped.
Teeth	Sound.
Moustache	Light Brown and clipped.
Beard	Small and closely clipped.

Wears pince'nez and has 1st. or 2nd. finger missing off right hand.
Wore light brown civilian suit.

At 0600 hrs. the same day, Holy Communion was administered to all of us by CAPPELLANO ANTONIO INTRECCIALAGLI, of the Legione Tagliamento.

He said, that our deaths had been ordered by Colonel ZUCCARI, Commandante Legione Tagliamento.

/He

He said, that our deaths had been ordered by Colonel ZUCCARI, Commandante Legione Tagliamento, and went on to say, that, if we cared to write to our respective homes, we could do so, and he would forward the letters on. I then sat down to write, at a table with about fourteen others, amongst which were the three Allied soldiers. On completion, all letters were collected by CAPPELLANO ANTONIO INTRECCIALAGLI.

I have this day been shown by Sgt. HIMPFEN W.E., S.I.B. a photograph marked Exhibit "D". (INTRECCIALAGLI), which I identify as the CAPPELLANO, who administered the Holy Sacrement.

About 0900 hrs. Colonel ZUCCARI sent for me, and informed me that as I was the father of six children, he had decided to set me free, on condition, that my sixteen year old son, FRANCO CORTE be held as hostage. He told me that if in future, I, associated with, or assisted the Partisans, my son would be shot. I was then set free.

I did not see any more of the people I had been imprisoned with, but I afterwards heard, that they had been shot outside of the local cemetery, VARALLO, about midday 15 April 1944.

I have had the above statement read over to me. It is true and correct. I herewith append my signature.

(Signed) CORTE Battista.

I certify, that the above statement was taken by me, through the medium of DI MAGGIO Alfredo, Official Interpreter, in the presence of Sgt. ASBURY N. on 21 Dec 1945.

(Signed) 955185 Sgt. HIMPFEN W.E.
78 Section, S.I.B., C.M.P.

I certify, that the above statement from Italian, is correct and true, to the best of my ability.

(Signed) DI MAGGIO Alfredo,
Interpreter.

Commune of Varallo,
VARALLO.

21 Dec: 46.

STATEMENT OF:- NASCIMBENE Giovanni, Male,
Oratorio, Aged 27 yrs.
VARALLO, Priest.
PROVINCE OF VERCELLI.

Who saith,

I have been a priest for three years during which time, I have served in VARALLO.

On the 9 April: 44, I was in the Via Don Giuseppe Maio, VARALLO, where I saw, a number of Italian civilians being marched towards the Scuola Comunale, which I knew was used by the Fascist, Guardia Nazionale Republicane, as a prison.

Among the prisoners, I saw an Australian soldier whom I had previously given food. I did not know him by name.

At 0900 hrs. on the 15 April 44, a rumour was circulating to the effect that a number of men, who were then being held prisoner in the school, were going to be shot sometime that day.

About 1130 hrs. on the same day, I was outside the Scuola Comunale when I saw nine men in civilian dress, with their hands bound behind their backs, escorted from the Scuola, by about fifty Fascist soldiers of the 63 Bataglione "M". Among these prisoners was the Australian soldier.

I followed this party of men to the local cemetery of VARALLO, and there, the nine men in civilian dress were lined up facing a wall outside the cemetery. Behind the men was a firing squad consisting of eighteen men, under the command of a Sergeant, whom I cannot describe.

An Officer then arrived on the scene, and told the prisoners that if they would join the Guardia Nazionale Republicane, they would not be shot. Not one man responded, and this Officer whom I cannot describe, then gave orders to the Sergeant in charge of the firing squad, to carry on with the executions.

The Sergeant then gave the order to fire.

Each man was shot in the back, in the region of the heart. All dropped to the ground, and the Officer who had given the prisoners the choice of joining the Guardia Nazionale Republicane, or dying, went to each in turn, and shot him through the head with his revolver. The bodies were then interned in VARALLO Cemetery.

I have this day, been shown by Sgt. HIMPFEN, S.I.B., photograph exhibits marked "A", "B", and "C" respectively. ("A" MILLER, "B" McCRACKEN, "C" BROWN). I recognise these as being three of the men, shot in my presence at 1200 hrs. on 15 April: 44, outside the Cemetery, VARALLO. "B" I recognise as being the Australian soldier to whom I once gave food.

I have had the above statement read over to me. It is true and correct. I herewith append my signature.

(Signed) NASCIMBENE Giovanni.

I certify that the above statement was taken by me, through the medium of DI MAGGIO ALFREDO, Official Interpreter, in the presence of SGT. ASBURY N. on the 21 Dec: 45 at VARALLO.

(Signed) 955183 Sgt. HIMPFEN W.E.
78 Section, S.I.B., C.M.P.

FOBELLO,
PROVINCE OF VERCELLI.

8 Jan: 46.

STATEMENT OF:- DELZANNO Defendente,
Bar Savoia,
FOBELLO,
PROVINCE OF VERCELLI.

Male,
Aged 58 yrs.
Cafe Proprietor.

Who saith,

I am a Cafe Proprietor and have lived in FOBELLO during the past twelve years.

In March 1944, two escaped British P.O.W's., dressed in civilian clothes came to FOBELLO, and remained in the surrounding hills for about three weeks.

I speak a little English and I made the aquaintance of the two Britishers, as a result of them occasionally visiting my Cafe. I believe the christian names of the two men were FRANK and WILLIAM respectively. I did not see them in FOBELLO after the third week of March 1944.

At the beginning of April 1944, a Company of the 63 Bataglione, Legione Tagliamento, under the commend of a Captain FABRI, came to FOBELLO, and billeted themselves in the Albergo Posta. Captain FABRI occasionally visited my Cafe and in this way I came to know his name. Beyond saying that he was a tall man, I am unable to describe Captain FABRI, but I think that I should be able to recognise him again.

About 0800 hrs. on the 7 April 1844, a Sergeant and two private soldiers, all of the Company stationed in FOBELLO, came into my Cafe and the Sergeant informed me that Captain FABRI wished to see me at once at the Albergo Posta. I accompanied the three men to the Albergo, and there I was placed in a room, in which there was already five local male civilians.

About 1000 hrs. the same morning, Captain FABRI entered the room with a man in civilian dress who I had previously seen in FOBELLO, and had been told that he was a deserter from the German Army, and had been associating with Partisans in this area. FABRI, then in turn pointed to everyone in the room and in Italian, asked the German which of us he knew to be Partisans. In rather good Italian the German informed the Captain that three of us were Partisans, two Communists, and myself he only knew as a Cafe Proprietor. FABRI then informed us that we were about to be taken to the Bataglione Headquarters, VARALLO, eighteen kilometres distant.

About 1030 hrs. we left FOBELLO by motor lorry and proceeded towards VARALLO. When about four kilometres from VARALLO, the vehicle was stopped by an Italian Officer who I knew to be Colonel ZUCCARI, Officer Commanding 63 Bataglione, Legione Tagliamento. Colonel ZUCCARI conversed with Captain FABRI, after which he turned to us and told us that we would be taken care of.

On arrival at Bataglione H.Q. which was at the Scoula Comunale, Piazza G. Ferrare, our names were taken by an Officer and then we were transferred to a room in the basement the door of which was kept secured. There I saw about thirty other male civilians and amongst them were the two escaped P.O.W., who I had met the previous month in FOBELLO. They were handcuffed together. I went over to them and they told me that they had been informed that they were going to be transferred to a P.O.W. camp. They pointed to a young fellow in civilian dress who was also handcuffed, and told me that he was an Australian soldier. I did not speak to the Australian.

/Two

Pte James Campbell McCracken 15.4.1944.

My Dear Pop,

Just a line to tell you that I will not see you again as I am going to be shot by the fascist in Varallo this morning. Would you let Mrs Beggs know what has happened to me please, also I left my alloppo with Phyllis at Ballarat so you can do what you like with it now. I hope you are all well just at present so give my love to all the Beggs also Gwen and my girl friend Phyllis and hoping she will be happy without me being there with her. I am with two English boys and they are going with me. I hope you got that letter that I wrote to you a fair while ago. How is Melbourne I suppose it is just as bad as ever.

Lots of love to all from your loving Brother

Mick Goodbye

x x x x x x x
x x x x x x x x

Mr. John McCracken,
85 Curzon St.,
North Melbourne,
Victoria,
Australia.

Just a few words to tell you that your brother was shot because he was caught and arrested in civilian clothes; I assure you that he received the comfort of our religion and died in peace.

the Reverend Father

(Signed) Antonio Intreccialagli.

IL CAPPELLANO

(Ten. Intreccialagli Antonio)

PARTICULARS OF ALLEGED CRIME

The party to which the accused belonged, on the date stated, surrounded the farmhouse in which the victims were hiding as aforesaid, and after surrounding the said farmhouse took up positions at a distance of about twenty yards from the house. Then the second, third and fourth accused went into the farmhouse in search of the escaped prisoners. As they emerged from the house, the first accused fired a burst from his machine-gun which immediately caused the victims to fall to the ground. Thereupon the second, third, fourth and fifth accused fired a burst from their machine-guns which caused the deaths of the victims who were already prostrate.

QUESTURA,
CARRARA.

17 May 46.

STATEMENT OF:- TORNABUONI Bruno, (Father - Domenico, Mother - Ricciardi Filomena), Via Romagnano No 1, MASSA.

Male, Aged 32 years, Caretaker.

Who saith,

I joined the 85th Legion BLACKSHIRTS, which later became the 115 Bn MONTEBELLO (GNR), on 30 Sep 43 and remained there untilthe liberation. I belonged to the 2nd Coy commanded by Capt TORRI Renato. The Bn Commander was Major MANFREDI Alessandro.

The Bn moved to BIELLA in Feb 44 and my Coy went to ANDORNO MICCA.

At about 0400 hrs on 24 Apr 44 Sgt Major RICCI Settimo woke me up and told me that I had to go out on a patrol. At 0430 hrs about 20 of us left the barracks at ANDORNO MICCA.

There were present:-

2nd Lieut ORLANDO.
Sgt Major RICCI Settimo
Sgt QUATTRINI Arturo.
Cap Major MUSETTI Pietro (Nicknamed 'TUBO').
Corporal MUSETTI LUIGI,

and a civilian spy guiding the party. I cannot remember any more names.

At 0545 hrs we arrived in sight of a farmhouse. MUSETTI Luigi was in charge of a machine gun for which I was carrying the ammunition. We took up a position 20 yards from the farmhouse on the right flank. From this position we could clearly cover the door of the house. We were instructed to prevent anyone escaping from it.

RICCI, QUATTRINI, and MUSETTI Pietro went inside the farmhouse. I understood that they were looking for escaped Allied PW. They were inside for about five minutes.

I then saw three prisoners come out of the farm house and arrange themselves against the wall on the left side of the door.

MUSETTI Luigi, as soon as he saw the prisoners shouted out "ALT" (halt) and rising to his feet with his machine gun he fired a burst at the prisoners of 3 or 4 shots. The prisoners fell into crouching positions against the wall.

RICCI, QUATTRINI and MUSETTI Pietro came out of the door and looked at the prisoners. I turned my head away as I did not want to watch. I then heard several more shots and I believe that RICCI, QUATTRINI, and MUSETTI Pietro, who were the only people present there as fas as I could see, fired on the prisoners, killing them.

With my own eyes I saw MUSETTI Luigi fire on the prisoners with a machine gun. I am quite certain that RICCI, QUATTRINI and MUSETTI Pietro also fired but I did not actually see them with my own eyes. I did not see them reloading their weapons.

ORLANDO came down from his position and rebuked RICCI, QUATTRINI and MUSETTI Pietro for the firing.

/RICCI, QUATTRINI and MUSETTI Pietro entered.....

RICCI, QUATTRINI and MUSETTI Pietro entered another part of the farmhouse and brought out 3 or 4 more prisoners.

None of these prisoners were wounded. None of our party were wounded. To the best of my knowledge none of the prisoners carried any arms.

I have this day been shown two photographs marked Exhibits 'F' and 'H'. From the features and clothing shown thereon I identify these photographs as being photographs of the following:-

Exhibit 'F' - The man marked No 2 as MUSETTI Luigi, the man that I saw fire with a machine gun against the prisoners on the morning of 24 Apr 44 at the farmhouse above ANDERNO MICCA.
The man marked with a X on his left leg is TORRI Renato.

Exhibit 'H' - 2/Lt ORLANDO.

The living prisoners were escorted to the barracks at ADORNO MICCA and I believe that they were later sent to the Bn HQ at BIELLA.

I can add no further information to the above.

I have read over the above statement. It is true and correct. I herewith append my signature.

(Signed) TOMMASUONI Bruno.

I certify that the above statement was taken by me through the medium of COLLEONI Leone, Official Interpreter, on 1 May 46, at CARRARA, Province of CARRARA.

(Signed) E.F.L. ROMDEL.
7667835 Sgt ROMDEL E.F.L.
78 Section SIB CMP.

I certify that the above translation from Italian is correct and true to the best of my ability.

(Signed) Leone COLLEONI.
Official Interpreter.

GML

Questura,
CARRARA.

26 Apr 46.

STATEMENT OF:- FIGAIA Leonardo,
(Father Attilio),
(Mother NICOLI Emma),
No 28 Via Alberico Cibo,
Bedizzano,
CARRARA,
Province of MASSA.

Male,
Aged 41 years,
Marble Miner.

Who saith,

I joined the Fascist Party in 1925.

On 30 Oct 43 I joined the 85th Blackshirt Bn here in CARRARA. I was posted to the 2nd Coy.

The Bn moved to NOVARA in Dec 43, and changed its name to the MONTEBELLO Bn GNR No 115. The Bn Commander was Major MANFREDI, my Coy Commander was Lt TORRI Renato. He later became a Capt.

The Bn moved to BIELLA in Jan 44, my Coy went to ANDORNO MICCA.

On the evening of 23 Apr 44 at about 1700 hrs about twenty of my Coy, including myself, were instructed to be ready at 0300 hrs on 24 Apr 44 to go out on an expedition in the surrounding hills to round up escaped Allied PW. This instruction was given by Lt TORRI.

We set out at the scheduled time. At about 0500 hrs on 24 Apr 44 we arrived some 400 yards from a farmhouse. I was left with three others at this spot to act as guards. I do not know the names of these three men.

The rest of the party including 2/Lt ORLANDO, Sgt Maj RICCI Settimo, (CARRARA), Sgt QUATTRINI Arturo, (CARRARA), Cap Maj MUSETTI Pietro, (CARRARA), Sold MUSETTI Luigi, (CARRARA), Sold ATTUONI Luigi (Gius) di Luigi, (CARRARA), Sold GIANNARELLI Rinaldo, (CARRARA), Cap Maj STORTI Alessandro, (CARRARA), Cap Maj STORTI Alessandro, (VICENSA), Sold ROCCHETTI Nello, (BIELLA, and 1 civilian spy, whose name I do not know, went up to the farmhouse.

About half an hour after they left us I heard the sound of small arms fire. It only lasted about one minute and then everything went silent again. A further half hour elapsed and the party returned bringing four prisoners, one of whom was white and three dark skinned.

2/Lt ORLANDO gave us the order to accompany the party back to camp.

When the party returned I saw that MUSETTI Pietro had a slight cut on his face. I did not see any arms which had ever been in the possession of the prisoners. I did not see any wounds on the prisoners.

We all returned to the barracks at ANDORNO MICCA. The prisoners were taken into the garden and fed. I believe that later that day they were sent by lorry to the Bn HQ at BIELLA.

While on the journey back to the barracks, and later in talking, I heard that the following men had fired on three other escaped PW who had attempted to evade recapture, killing all three of them:-

/Sgt Major RICCI.....

Sgt Major RICCI Settimo.
Sgt QUATTRINI Arturo.
Cap Maj MUSETTI Pietro.
Sold MUSETTI Luigi.
Sold ROCCHETTI Nello.

I heard these men admit to shooting, also that 2/Lt ORLANDO had stopped all shooting almost as soon as it commenced. From what I was told I do not believe that 2/Lt ORLANDO gave any orders to fire but that these men acted on their own initiative.

I did not see the bodies of the men who had been killed, at any time.

On this expedition Sgt QUATTRINI was dressed in civilian clothing.

I never heard that the men in the farmhouse had used any kind of firearms against the members of my Coy. None of our party were wounded.

I describe 2/Lt ORLANDO as follows:- 32 years, 5' 5", normal build, olive skinned, black grey wavy hair, black eyes, clean shaven, regular features. Went a lot with women.

I describe RICCI Settimo as follows:- 49 years, 5'5", thin clear skinned, greying hair, dark eyes, clean shaven, regular features. Paralysed right hand from wound in last war.

I describe Sgt QUATTRINI as follows:- 45 years, 5' 5", strongly built, dark complexion, black smooth hair, black eyes, clean shaven, large nose.

I describe Cap Maj MUSETTI Pietro as follows:- 30 years, 5' 7", well built, dark complexion, dark smooth hair, black eyes, clean shaven, regular features. Nicknamed "TURO".

I describe Sold MUSETTI Luigi as follows:- 30 years, 5' 9", very thin, pale face, black smooth hair, brown eyes, clean shaven, aquiline nose and rather long.

I describe ATTUCNI Luigi as follows:- 42 years, 5' 5", robust build, dark skinned, smooth black hair, dark eyes.

I describe GIANNARELLI as follows:- 35 years, 5' 10½", thin, clear skin, light coloured hair receding at the temples, grey eyes, clean shaven, small face, normal features.

I describe Cap Maj STORTI Alessandro (of CARRARA) as follows:- 35 years, 5' 9", normal build, slightly dark skinned, slightly waved black hair, black eyes, clean shaven. A small scar on right cheek. Big nose.

I describe Cap Maj STORTI Alessandro (of VICENZA) as follows:- 23 years, 5' 8", normal build, darkish complexion, slightly waved black hair, brown eyes, clean shaven, regular features. Good looking.

I describe Sold ROCCHETTI Nello as follows:- 19 years, 5' 4", normal build, tanned complexion, smooth black hair, brown eyes, clean shaven. Regular features.

I have this day been shown photographs marked respectively Exhibit 'D', Exhibit 'F' and Exhibit 'H'. From the features and clothing shown thereon I identify these photographs as being photographs of:-

Exhibit 'D' - Lt TORRI Renato.
Exhibit 'F' - 1. 2/Lt GATTIDL
2. Sold MUSETTI Luigi

/.....

3. Soldi GIANNARELLI Rinaldo.
4. Bn Medical Officer.
The man marked with a cross on his left leg as
Lt TORRI Renato.

Exhibit 'H' - 2/Lt ORLANDO.

I do not know what happened to any of the afore-mentioned after the liberation as I left the MONTEBELLO Bn in Jun 44. I do not know where any of them are.

I can add no further information to the above.

I have read over the above statement. It is true and correct. I herewith append my signature.

(Signed) FIGAIA Leonardo.

I certify that the above statement was taken by me through the medium of COLLEONI Leone, Official Interpreter, at CARRARA, Province of MASSA, on 26 Apr 46.

(Signed) E.F.L. RONDEL.
7667835 Sgt RONDEL E.F.L.
78 Section SIB CMP.

I certify that the above translation from Italian is correct and true to the best of my ability.

(Signed) Leone COLLEONI.
Official Interpreter.

FURTHER STATEMENT:-

I now remember that on the road back to the barracks at ANDORNO MICCA after the shooting had taken place I heard MUSETTI Pietro give the following version of the shooting:

QUATTRINI, RICCI with MUSETTI Pietro went into the farmhouse and found the three prisoners. One pushed MUSETTI Pietro in the chest and attempted to escape whereupon he fired.

I heard MUSETTI Pietro distinctly ask the two Sgt - QUATTRINI and RICCI if they had seen him get pushed in the chest as that was why he had fired.

MUSETTI Luigi said that he was outside but I distinctly heard him say that he had also fired. I know that he was armed with a sub machine gun.

I am quite certain that I heard QUATTRINI and RICCI say that they had fired.

ROCCHETTI Nello said, "Anche io ho sparato, anche io ho sparato". (I have also shot, I have also shot). He was armed with a rifle.

(Signed) FIGAIA Leonardo.

I certify that the above statement was taken by me through the medium of COLLEONI Leone, Official Interpreter, on 16 May 46, at CARRARA, Province of CARRARA.

(Signed) E.F.L. RONDEL.
7667835 Sgt RONDEL E.F.L.
78 Section SIB CMP.

/I certify.....

I certify that the above translation from Italian is correct and true to the best of my ability.

(Signed) Leone COLLEONI.
Official Interpreter.

GML

PARTICULARS OF EVIDENCE IN SUPPORT

Statements sworn by

(i) TORNABUONI, Bruno, and
(ii) FIGAIA, Leonardo.

The latter affidavit is of particular importance in relation to the fifth accused, in view of the fact that it alleges that the fifth accused admitted to having taken part in the killing of the victims.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

It may be assumed that the accused will plead self-defence, but there is ample evidence that the victims were un-armed and that the search party was so numerous that the use of fire-arms could in no way be justified.

3870/UK/24/105

2797

CAROZZI, Enrico.
and 6 4

Date Submitted	Decision of Committee I		~~CARDS~~ CHECKED
29 AUG 1946	1-4 : A		LIST 43

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3870/UK/24/105.

UDINE.

7 May 46.

STATEMENT OF:- SENECA Giuseppe,
Via Giovanni D'Udine 25,
UDINE.

Male,
Aged 56 years,
Retired.

Who saith,

From Oct 42 to Sep 43 I was second in command of PW Camp 57 which was situated at GRUPPIGNANO, Provine of UDINE.

There were 20/25 officers on the staff of PW Camp 57 but I can only remember the following:-

(1) Col CALCATERRA.(deceased), Commandant.
(2) Maj PAGOTTO. Officer commanding No 2 sector.
(3) Capt GUALTIERI. Adjutant.
(4) Capt CAROZZI. Interpreter.
(5) Capt ZANETTI.
(6) Capt VASCONI. Administration Officer.
(7) Capt GHIARDOSI.
(8) Lieut COLNAGHI. Quartermaster.
(9) " MUSSI.
(10) " MASELLA.
(11) 2/Lt GIORGI.

The camp comprised of some 4,500 Allied PW and by virtue of the ever increasing numbers being transferred to the camp it was divided into two parts i.e. No 1 Sector and No 2 Sector.

In addition to being second in command of the camp I was also officer commanding No 1 Sector.

There were about 600 Italian soldiers, and some 30 Carabinieri at the Camp, and they performed guard and patrol duties.

Col CALCATERRA was a very uncouth and severe natured man and for the most trivial offences committed by the PW harsh treatment was meted out.

On three occasions whilst CALCATERRA was absent I assumed command of the camp, for periods amounting to one week in Oct 42, one week in Dec 42, and one week in Apr 43. I had no hesitation on these instances to release PW who had been imprisoned for trivial offences.

Sometime about Dec 42 - Jan 43 a PW who was collecting firewood in the camp area, was fired upon by a sentry for some reason unknown to me. I heard the shot, and upon investigation I found the PW was receiving medical treatment for a chest wound in the camp infirmary. He was afterwards conveyed to a Hospital in UDINE, where he finally recovered.

Several months later I remember seeing the body of a PW lying alongside a coffin in a room behind the infirmary. I learned that this PW had been drunk, and was ordered by a Carabinieri to return to his barrack room. The PW refused to obey the order and he was shot on the spot by the Carabinieri.

I do not know the names of either PW or the sentries that shot them.

Red Cross parcels/.....

Red Cross parcels arrived in bulk at the camp at very frequent intervals. Capt CAROZZI was the Officer solely in charge of the collecting of the parcels from CIVIDALE rly station, and the subsequent distribution of them. As far as I know every prisoner received one parcel per week, except on one occasion during May 43 when one parcel was allotted between two men, due to the fact that few parcels arrived at this period.

CAROZZI had one parcel store situated inside the camp, whilst another store was immediately situated outside the perimeter of the camp.

On few occasions I noticed that the store inside the camp contained an estimated number of 5,000/6,000 Red Cross parcels. On another occasion during 1943 I saw about 400/500 pairs of shoes in one of the stores. I understood at the time that these shoes had arrived from the families of the PW. It is my firm opinion that the shoes were not distributed to the prisoners, although I am unaware of their subsequent disposal.

From Mar 43 onwards a fortnightly search was conducted throughout the entire camp, under the direction of CALCATERRA, involving the confiscation of cigarettes, tobacco, tea, coffee and soap. These commodities were ultimately sold in both the Italian officers and mens canteens at prices fixed by Capt CAROZZI. The proceeds were not utilised for the prisoners welfare.

On returning from UDINE on a day in Apr 43, I learned that four tins of "Capstan" tobacco had been reserved for me. Capt CAROZZI informed me that this was my ration out of a recent confiscation of prisoners commodities. I bought these four tins of tobacco, but sold them next day to Capt GUALTIERI, being as he was very keen to buy them.

I remember on another occasion whilst in the Camp Office seeing about 60 tablets of soap stacked on a table. This soap was the result of a recent search of PW quarters. I saw Capt GUALTIERI approach the table and take away 2 or 3 tablets of soap. I do not know whether he paid for it.

Sometime in May 43 I met General ZANNINI, Army Commander of UDINE. During the course of our conversation I informed him of the searches and the confiscation of Red Cross commodities issued to PW and their subsequent sale at the Canteens. General ZANNINI absolutely disapproved of this irregular procedure and said he would look into the matter.

Some days later I was called by CALCATERRA into his office. Evidently he had received some correspondence from ZANNINI regarding my recent conversation with him. CALCATERRA informed me not to divulge information about the camp to anybody, and that in future I will attend to my own business.

The last time I saw the parcel store open was on 20 Aug 43 when it contained approximately 2,000 parcels whilst the store outside the camp contained only shoes.

On 7 Sep 43 I left PW Camp 57 and was admitted to MISERIDIA Hospital, UDINE.

On 12 Sep 43 I returned to PW Camp 57 to collect my kit, and found a Coy of German SS troops making final arrangements for the transfer of the prisoners to Germany.

I asked CALCATERRA/.....

-3-

I asked CAPPELLINI for my release documents, but he told me he would send them to my home address. The documents not arriving on 28 Sep 45 I returned to Fin 1 CLAGENZA had established his HQ in CIVITALE. He was present with SCALTRITTI, CURCIO, TAMONI, GERMACHI. Before obtaining my documents that same day I had a meal at the Officers Mess Piazza Ellatoni, CIVITALE.

I have had the above statement read over to me. It is true and correct. I herewith append my signature.

(Signed) Giuseppe SARNA.

I certify that the above statement was taken by me through the medium of DOTTO Florio, Official Interpreter, on 7 May 46, at UDINE.

(Signed) H.A.J. PANNELL.
1434306 Cpl. PANNELL H.A.J.
78 Section SIB CMP.

I certify that the above translation from Italian is correct and true to the best of my ability.

(Signed) DOTTO Florio.
Official Interpreter.

(3).

COLMORDO DI MONTALBANO.

23 Nov 45.

STATEMENT OF :- Christie MAVROMEI, Malo,
COLMORDO DI MONTALBANO, Aged 64 years,
Province of UDINE. Doctor.

Who saith,

About 13 Oct 42 I was appointed Medical Superintendent of CAMPO CONCENTRAMENTO NO.57 at GRUPPIGNANO, Province of UDINE.

The reason for this appointment was because of my ability to speak English and Russian, and I remained at this post till 15 Jan 43.

The camp itself comprised of numerous wooden barracks, and the number of prisoners varied considerably. On the average it contained 5,500 Colonial troops and about 500 Indians. There were also 20 White Russian and Yugoslav officers. This number subsequently increased so that it was about 5,600 at the date of the Armistice.

The Camp Commander at this time was Colonel of Carabinieri, Vittorio Emanuele CALCATERRA, who had been there since early 1942. Amongst the other Italian officers, the following two were in close friendship and the very willing helpers of Colonel CALCATERRA:

(1) Capt CAPPOZZI Ernesto (Interpreter).

(2) Lieut COLMAGHI Ettore (Camp Quartermaster).

All the three above mentioned officers were ardent Fascists, and Lt COLMAGHI belonged to the "SQUADRISTA" (Terror Squad) of early fascism. All three remained in charge until the camp was dissolved.

Among the prisoners were two Medical Officers, Major BINNS of Burnside, ADELAIDE, Australia, and Captain LEAVINGS also an Australian. It was my job to superintend the work of these two officers.

Obstacles were put daily in my way towards an efficient service. I was informed not to send any patients to hospital, only in very vital and urgent cases. I was also continuously urged by CALCATERRA to deal harshly with the prisoners and not to listen or to heed any suggestions or complaints from the two Australian Officers. My own proposals to avoid overcrowding were constantly put aside by Col CALCATERRA.

In Dec 42 a batch of 300 New Zealand prisoners arrived at the camp. They were in a complete state of emaciation and some of them were just living skeletons. I repeatedly asked in writing and by word of mouth that Red Cross parcels containing special vitamins be distributed to these men. My request was flatly refused by CALCATERRA, and at this time I know that there were at least 3,000 of these parcels stored in the camp, and supplies arrived regularly. For two weeks no parcels were distributed, and after that only partially.

The result was that several of these New Zealanders fell sick and one died of bronchitis which developed acutely and which in ordinary conditions could have been cured.

On strict instructions/.....

On strict instructions from Col CALCATERRA, the utmost severity, verging sometimes on inhumanity, was used against the prisoners. Maximum sentences were imposed for trivial offences. Marsh discipline measures were adopted, for instance, the closing of all places of social activity for long periods. Some soldiers who refused to have their hair cut were strapped to chairs and forcibly shaven. This was reported to me by Major RINGS who added that the Australian prisoners had reported this and other acts of inhumanity, and that public opinion ran very high there against Col CALCATERRA. Exaggerated and harsh measures of vigilence were enforced and several prisoners were victims.

One evening in Dec 42 about 1900 hrs, a New Zealand prisoner who was gathering wood near the central stores of the camp for the purpose of kindling a fire, was surprised by one of the carabinieri. The carabiniere, who had heard some noise, fired a shot at the soldier as he made off. The bullet penetrated the breast of the prisoner.

The wounded soldier, in a state of collapse, was rushed by me after summary treatment to the UDINE hospital, where he miraculously recovered, but his lung will be permanently weakened.

The carabiniere in question was highly praised by Col CALCATERRA and rewarded with a period of leave.

It was reported to me that other soldiers were at different periods wounded whilst attempting or supposingly attempting to cross the barbed wire boundary. Others were shot for merely approaching them. The carabinieri or soldiers who did such shooting were invariably praised and rewarded by Col CALCATERRA.

In Feb 43, when 17 prisoners escaped through a tunnel dug under the camp and were recaptured, all suffered severe penalties, and some were put in irons.

Abuse and threats were constantly being used by Col CALCATERRA, Capt CARROZZI and Lieut COLNAGHI against the prisoners. I heard from time to time such expressions as "These mercenaries should be shot" and "I want no part of these savages who tried to conquer Italy" and "At the first interference of Yugoslav bands I will machine gun all the prisoners, no one will escape death. These men are no soldiers, but savages and bandits."

It was common knowledge that Lieut COLNAGHI, in his capacity of Camp Quartermaster, made daily illicit profits on the food bought in UDINE for the prisoners' kitchen. COLNAGHI was commonly referred to by all the camp staff as "The Gangster".

As reported to me, on 8 Sep 43 when news of the Armistice reached the camp, the NZ officers together with their men put themselves at the disposition of the Colonel, in order to fight the Germans. Col CALCATERRA told them to keep quiet.

On 9 Sep 43 they again urged Col CALCATERRA to let them free to join Yugoslav partisans who were at that time only 15 kilometres distant. Col CALCATERRA informed them that he was awaiting instructions from UDINE.

On 10 Sep 43/.....

On 10 Sep 43 a telegram arrived stating that CALCATERRA use his own discretion. The Colonel ordered all prisoners to get ready to be set free. When all was ready, CALCATERRA suddenly changed his decision and ordered them back to the barracks, saying he would not let them free.

On 11 or 12 Sep 43 a German Company arrived at the camp and asked for the delivery of the prisoners, and Col CALCATERRA handed them over. The prisoners were then marched away by the Germans, who left four guards at the camp.

It was then that Col CALCATERRA willingly seconded by CARROZZI and COLNAGHI, commenced wholesale looting of the prisoners stores. They were aided in this by the carabinieri. Thousands of Red Cross parcels, equipment, blankets, medical supplies etc were taken. They also looted the safety box containing foreign money and valuables belonging to the prisoners.

I describe Col CALCATERRA as being about 68 yrs of age, 5' in height, clean shaven, completely bald, round face, round shoulders, grey eyes, pale complexion, stout build. He has a daughter living at CASTAGNOLE D'ASTI, Province of TURIN.

Capt CARROZZI I believe to be now residing at MILAN. I would describe him as being about 35-40 yrs of age, 5'8" - 5'9" in height, slim build, dark eyes, and clean shaven.

I have been shown a set of photographs numbered 1 to 11. Without hesitation I recognise the photograph of the man marked number 8, as being that of Lieut COLNAGHI. I do not know his present whereabouts but he may still be in UDINE.

I speak English and have had the above statement read over to me, It is true and correct. I herewith append my signature.

(Signed) Christian MAURONER.

I certify that the above statement was taken by me on 23 Nov 45, at COLLOREDO DI MONTALBANO.

(Signed) R. NUNN
2734763 Sgt NUNN R.
78 Section SIB CMP.

UDINE

8 May 46.

STATEMENT OF:- BRESSANELLO Ugo,
Via Villa Gloria,
UDINE.

Male,
Aged 41 years,
Post Office Inspector

Who saith,

I have been employed as Post Office Inspector at the Central Post Office UDINE, for the past 7 years.

Prior to the Italian Armistice in Sep 43, Red Cross parcels and supplies arrived at UDINE Rly Station at regular intervals, destined for Allied PW at Camp 57, GRUPPIGNANO.

Invariably the consignment of parcels were signed for upon receipt by an Italian officer from the camp named Enrico CAROZZI. This signature I have ascertained from the Post Office Records as being correct.

Between Jul 43 and Sep 43, 3,113 parcels arrived at the Rly Station, UDINE, for the prisoners at Camp 57. These parcels were stored at the Rly Post Office and subsequently collected by Capt CAROZZI.

On 20 Sep 43, a letter was received by the Director of the Post Office from Col CALCATERRA, Garrison Command, CIVIDALE. CALCETERRA had been advised that a consignment of parcels had arrived at UDINE and he suggested in his letter that he would send an officer to the Post Office to collect them. Attached to the letter was an authority granting Capt Luigi ZANETTI permission to collect the parcels. This authority was written and signed by Enrico QUALTIERI for Col CALCATERRA.

On 2 Oct 43, 3,254 parcels were taken from the Rly Post Office against the signature of an Italian Lieut. This Signature in the Parcels Receipts Register appears consistent with that of Lieut COLNAGHI.

I produce the letter and attached authority received from Col CALCATERRA on 20 Sep 43, relative to collection of the parcels at the Rly Station Post Office, UDINE. This letter and authority is marked in my presence as being Exhibit 'H' and 'I' respectively.

I produce also the Parcels Receipt Register showing the names of the prisoners to whom the respective parcels were destined to, also bearing the signature of Lt COLNAGHI, the officer who received 3,254 parcels on 2 Oct 43 at the Rly Post Office, UDINE.

This register is marked in my presence as being Exhibit 'J'.

I have had the above statement read over to me. It is true and correct. I herewith append my signature.

(Signed) Ugo BRESSANELLO.

I certify that the above statement was taken by me through the medium of LOTTO Floris, Official Interpreter, on 8 May 46, at UDINE.

(Signed) R.L POINTER.
14250777 Sgt POINTER R.L.
78 Section SIB CMP.

I certify that/ ...

I certify that the above translation from Indian is true and correct to the best of my ability.

(Signed) [illegible]
Official Interpreter.

209 P.O.W. Camp,
24th April 1946

IN THE MATTER OF:-

CAROZZI Maurice, Captain.
son of CHARLES CAROZZI (Deceased),
No. 47 Via Torino,
MILAN.

who states:-

I have been cautioned that I am not obliged to say anything unless I wish to do so, but that anything I do say will be taken down in writing and may be given in evidence.

CAROZZI Maurice.

I am 48 years of age and I am a Merchant in MILAN dealing in Dental and Medical supplies. About the middle of September 1941 I was a Lieutenant in the Italian Army and sent to the POW Camp No. 57 at PORPIGNANO, in the Province of UDINE. I was promoted to the rank of Capt. about May 1943. On my arrival at the POW Camp 57 there were about 400 or 500 Jugoslavian PsOW. There were no Dominion PsOW. at that time at the camp. I held the appointment as Interpreter because I had knowledge of French, German and English, apart from speaking my native Italian language.

After I had been at the Camp a short while 400 or 500 Dominion PsOW arrived at the Camp from the POW Camp at PRATO-IMSARCO (BOLZANO). After this, PsOW continued to arrive until about 5,000 or 6,000 were accomodated there. The Camp Commandant was Col. CALCATERRA Vittorio Emanuele during the whole time that I was at the Camp. That is to say until the disbandment of the Camp. Officers that I am able to remember are the following: Lt. Col. SENECA Guiseppe who was 2nd in Command, he was in the Carabinieri. The Medical Officer was a Major BERNARDI who arrived at the Camp in 1942 and stayed there for about one year. Captain GUALTIERI was the Adjutant at the Camp, he arrived a few weeks after myself and he was at the Camp until the disbandment. Captain GERARDOSI Antonio was in charge of the Stores which issued blankets and general stores of the Camp. Lt. LOSCHI was in charge of these stores when I arrived at the Camp and he stayed at the Camp in this capacity for about one year when he left this store and was employed elsewhere in the Camp. It was then that Capt. GERARDOSI took over these duties. I am able to remember well Capt. VASCONI who was at the Camp during the whole of my period of service there. Capt. VASCONI was the Administration Officer. I do remember Lt. ZANETTI but I am unable to remember the particular employment he had. A Lt. MASELLA was there for only a few months in 1943. Lt. KRAIZAR was in charge of the Fire Brigade about the beginning of 1942 until the disbandment of the Camp. A Lt. BARISONZI was at the Camp for a very short period in 1943 in the capacity of Paymaster. A Lt. COLNAGHI was in charge of the buying of all food-stuffs for both the Italian personnel and the PsOW. He was at the Camp during the whole time that I was there. Lt. MUSSI was an Officer of the Guard Company from 1941 and he went away on sickness in 1942 and returned to the Camp in 1943 as Assistant to the Adjutant. Lt. COTTA was the Catholic Chaplain and he arrived shortly after the arrival of the first prisoners of war from BOLZANO and he remained at the Camp until its disbandment. Lt. VERDE was a Dental Officer and he arrived at the Camp in 1943 and remained for only a few months. Lt. ACCARDO PALUMBO was the Medical Officer to the Italian Troops. I believe Lt. IL GRANDE was a Compound Officer arriving in 1943 for only a few months at the Camp.

Continued.....2.

I was in charge of the Interpreters Staff at the Camp and we were accomodated in a separate office. I was the only English Interpreter at the Camp in October 1941. However when the PsOW arrived from MATO-LASARCO (BOLZANO) at about the end of October 1941 three Interpreters arrived with them. They were 1) Sgt. TOLLINI, 2) Sgt. MANGNA, 3) Sgt. CONCHA. Sgt. MANGNA was later promoted to the rank of Staff Sgt. Those three Serjeants were employed in my Office as part of my Staff until either May, June or July 1943. Also employed in my office was L/Sgt. CASSUCELLI who was employed at the Camp from about the end of 1941 until the disbandment of the Camp. There was also Pte. GERMANIS who acted as an Interpreter for the Serbs, and two other Corporals the name of one I think was ANNOVI. In March or April 1943 another Officer a Capt. MANNUCCI arrived at the Camp as an Interpreter but he only remained at the Camp for a few months and left owing to ill-health. He was followed by another Captain whose name I am unable to remember who remained with me at the Camp for about two months, leaving two or three months prior to the disbandment of the Camp. Whilst I was at the Camp I was allowed to live with my family at a house at Via DUCA ABRUZZI No. 12, in CIVIDALE which is about three kilometres from the Camp. I usually arrived at the Camp at about 0800 hours and left in the evening at about 1900 hrs or 2000 hrs. My entire duties consisted of service in connection with the Interpreters staff and I was in no way concerned with the discipline of the Camp itself.

The Camp was about 2/3 of a mile on each side and was practically square. Additional huts were built from time to time until 5,000 to 6,000 PsOW were accomodated there. In 1941 the Infirmary consisted of two large wooden huts. One hut being divided into two parts. One part for use as an operating theatre and the second part contained about eight beds. The other hut, close by, was used for patients suffering with infectious ailments. The beds in the Infirmary were provided with special blankets and white bed sheets. About 1942 the Infirmary was enlarged and the two huts were connected by means of a covered passageway. At the top end of the large huts were wash bowls and latrines and when the extension of the Infirmary took place more sanitary accomodation was made available. Also added to the Infirmary at this time was a Dental Surgery and this Dental Surgery was completed about the Spring of 1943. In 1942 a stone building was added to the Infirmary, this was used for a kitchen. As far as I am able to remember there would be 6 Compounds. One occupied by only Officers and the other five by Other Ranks. My duty at the Camp did not include the supervision of any of these compounds. I omitted to mention that in addition to Lt. VERDE, who was the Dental Officer, there were two other Officers who were qualified as Dentists. These two Officers were Major BERNARDI and Lt. ACCARDO PALUMBO, who I have previously made mention of.

I can recall in all 4 cases of shooting at the Camp whilst I was there. The only one which I was present at immediately after the shooting was in the case of a P.O.W. called BICKERSTAFF. It would be about 1900 hrs or 2000 hrs in the wintertime of 1941. I was dining at the time in the Officers mess when a soldier arrived and informed Col. CALCATERRA that a P.O.W. had been shot. I accompanied Col. CALCATERRA and the Medical Officer of the day (I forget who this would be) to the Infirmary where I saw the POW BICKERSTAFF. He was bleeding from the side of the nose. BICKERSTAFF was given Medical treatment and was sent to the Hospital at UDINE in order to have his nose operated on. In November 1941 I remember an incident at the Camp concerning the cutting of the hair of the PsOW. I arrived on the scene in company with Col. CALCATERRA. The

3)

Cpl. [illegible]

[illegible] given by Col. CALCATERRA was that the PsOW should have their hair cut short [illegible] on the front. This was naturally [illegible] to an order [illegible] to the Italian Army, also for health [illegible]. About 20 refused to have their hair cut. A Sgt. COTTRUN, a Camp Leader [illegible] to refuse. Col. CALCATERRA had him separated by the Guardhouse. COTTRUN was handcuffed and he was told to sit in a chair in the Compound Square. A Camp barber was called to the Compound and he was ordered by Col. CALCATERRA to cut COTTRUNS hair short with a hair cut machine. The same procedure was adopted with the other PsOW who had refused to have their hair cut. All these PsOW were handcuffed and placed in the Detention Compound. They were handcuffed for a short period each day whilst they were detained. I do not think they would be handcuffed all the time. Col. CALCATERRA sent records regarding these men accusing them of having taken part in a mutiny at the Camp. These records were sent to the Military Tribunal THERE. But the Tribunal did not accept this allegation and when a reply was forthcoming from the Tribunal, many days later these men were released and were sent to an other Camp. Col. CALCATERRA was very strict with both the Italian soldiers and the PsOW, in fact more so I think with the Italian soldiers. The discipline at the Camp as enforced by Col. CALCATERRA was very rigid.

Apart from my duties as Interpreter at the Camp I was responsible for the issue of Red Cross parcels, also the censoring of private parcels which arrived at the Camp for the PsOW. I was assisted in this work by Camp Leader BEECROFT A. There were usually two other Prisoners of war helping in this store. The storehouse for the Red Cross Parcels and private Parcels was a large stone building situated near to the entrance of the Camp. There was in this building a small room partitioned off where the Camp Leader BEECROFT slept. There were two book-keepers employed in this store. They were PsOW. I do not remember their names. One however was called 'JOHN'. The procedure adopted was as follows. When a load of Red Cross or Private Parcels arrived at the railway station at GIVIDALE, I, as the Officer in charge, went to the railway station accompanied by the Camp Leader BEECROFT and a squad of PsOW sufficient for the unloading of the parcels. On arrival at the railway station my first duty was to examine the railway wagons and to satisfy myself that the seals were intact. This I always did in company with the Camp Leader. Sometimes there were small parcels and at times they were large cases. I remember distinctly the British Red Cross parcels were small as they were for one PsOW. The American Red Cross parcels were usually for 16 PsOW and were issued from Canada. We also received large cases of milk foods. Clothing and Medical Supplies were also received at the Camp through the Red Cross. The Medical Supplies were placed immediately at the disposition of Dominion Medical Officer Major BINNS. All Red Cross supplies received at the Camp were recorded in a book kept for this purpose. This book was written by the Sgt. Interpreter who happened to be on duty on the day of the arrival of the goods. To prevent any extraction of pages from this book each page was numbered and on the first page of the book was an endorsement written by Col. CALCATERRA to the fact that there were a specified number of pages in the book. Each page was divided into four columns, which allowed the date to be written in the first column, in the second was written where the parcels had been received from and also to whom issued, in the third column the signature of either myself or other Officer who had received the parcels at the Camp together with the signature of BEECROFT

Continued.....4.

Sometimes BEECROFT was relieved from his duty in which case Sgt. Major TOLLE would be present at the store to take his place. I now recall the name of the POW who I referred to as 'JOHN'. His name was John BOOT or BOOTH. With regard to the procedure adopted for Private Parcels this was a little different. On the arrival of the private parcels at the railway station at CIVIDALE or in UDINE I went to the railway station in company with Camp Leader BEECROFT, and again the sufficient number of PsOW to carry out the unloading of the parcels. Generally speaking I found at the Post Office complete records regarding the parcels. These records contained the particulars of where the parcel was from and to whom it was to be delivered to. This list I checked in conjunction with the number of parcels and if any parcels were damaged or opened a note was made to this effect in the presence of the Camp Leader. The parcels were then loaded and brought to the Camp where they were stored in the hut of which I have already explained was set aside for the personal parcels. The private parcels were recorded in a book kept at the store. This record was kept by POW JOHN BOOTH (or BOOT). This record book was similar to that which we kept with regard to the Red Cross parcels. When the POW received the parcel he was required to sign for it. If any parcels were received at the Camp for a POW who was not at Camp 57, the particulars of the parcel and to whom it was for was forwarded to the Red Cross authorities and later information would be received from the Red Cross instructing that the parcel be then forwarded to some other PsOW Camp where the POW was detained. I omitted to mention that when Red Cross parcels were to be received at either CIVIDALE or UDINE railway station, a few days previously a notification would be received at the Camp from the Red Cross authorities as to the quantity of parcels that had been dispatched for the Camp. If the seals were broken on the railway wagon or the number of parcels which arrived at the railway station did not correspond with the number which had beenatated would arrive for use at the Camp, a note in triplicate would be sent to various places. I know that one would be sent to the Red Cross and an other went to the Military Authorities at UDINE. This record would be signed by the Italin Officer present at railway station , which would be myself or an Officer deputizing for me, the Camp Leader, and this would also bear the endorsement of Col. CALCATERRA.

On about the 9th or 10th Of September 1943 I went to my home in CIVIDALE. The day after I went to the Military Hospital at UDINE for the purpose of being examined by the Military Doctor there as I did not feel well in myself and I thought I was suffering from Pleurite. I had been previously examined by the Medical Officer at the Camp (Lt. PALUMBO) and he had advised me to visit the Hospital at UDINE. I was not detained and returned to my home at CIVIDALE, and went to the Camp where I found the PsOW already paraded for despatch to Germany. The Camp at this time was in the charge of a German Commandant. He was a Capt. of the 'SS'. Col. CALCATERRA was present at the Camp at that time. Col. CALCATERRA informed me that I could collect my kit from the Camp and return to my home at CIVIDALE. Which I did. This would be about the 13th Sept. 1943. I remained several daysafter days at CIVIDALE, having released myself from the Italian Army and went to SCIOLZE near to TURIN accompanied by my wife and two children. I lived in SCIOLZE at the home of Signor GARONETTI until the 25th April 1945, and at the armistice with Germany I then took my family

Continued.....5.

to TURIN, living at Via Marconi No. 22, the house of my mother. About November 1945 I moved with my family to MILAN where I have always had my business, and where I was at the time of my arrest. I do know that Red Cross parcels arrived at the railway station at UDINE and CIVIDALE after the 13th September 1943. I had at that time finished duty at the Camp and therefore I had nothing whatever to do with these parcels. I have not at any time illegally disposed of any Red Cross parcels or their contents and any allegation that I did so is absolutely false. Any parcels received at my address at CIVIDALE, SCIOLZE, and TURIN, or despatched therefrom, have been entirely in connection with my Dental business. I have in fact received 13 large cases or Dental equipment of various kinds from FRANCOFORTE/M and BERLIN at my various addresses at MILAN and CIVIDALE where I carried on my business after March 1943. I used to attend to my private business during the evenings after my duty at the Camp was finished. I therefore despatched a large number of parcels to several addresses in Italy. These were sent to Dental Depots. A complete record of these sendings can be found in my offices at TURIN and MILAN. All these parcels contained only Dental articles which came from the German firms. The name of the firm is EMDA of FRANCOFORTE/M. the name of an other firm called PHARMADENTAL also from FRANCOFORTE/M. Another firm was MAMOR LABORATORIUM of BERLIN WANSEE. At my offices at TURIN and MILAN can be found the records of these receipts.

Sgd:- CAROZZI Enrico

I have read over the above statement, It is true and correct and I have had the opportunity of making any alterations.

Sgd:- Enrico CAROZZI.

Statement taken down by: Eric JONES, Sgt. 60 Section,

Special Investigation Branch C.M. Police. CMF.

209 P.O.W. CAMP.
C.M.F.
27 May 1946.

FURTHER STATEMENT OF :-

CAROZZI Enrico, Captain,
son of Charles George (deceased),
No. 47 Via TORINO,
MILAN.

I have been cautioned that I am not obliged to say anything unless I wish to do so but what ever I do say will be taken down in writing and may be given in evidence.

(Sgd) E. CAROZZI.

Further to my statement made by me on 4 April 1946, I can state as follows:-

During the time that I was stationed at PG 57 I remember that searches of P'sO.W. kit took place on a few occasions. I cannot remember exactly how may times this took place. I never took part in this searches which were usually carried out by the officer in charge of the particular compound and the Compound Interpreter. As a result of these searches certain commodities of Red Cross parcels were confiscated from the P's.O.W. The object of these searches I believe was to prevent P's.O.W. accumulating supplies which might assist in an escape attempt. I do not know who gave the order for these searches to take place but were passed on by the Camp Commandant. The usual supplies which were taken included soap, cigarettes, tea and sometimes coffee. These supplies varied in amount on different occasions. After a search the supplies were brought into my office with a list, and handed over by the officer who had carried out the search. After this I would show the list to the Camp Commandant Col. CALCATERRA and then the articles would be sold to various officers who wished to buy them. Naturally some officers did not buy any of the articles and on other occasions all officers would buy a small share. On some occasions I would buy some of the articles myself. The monies I collected from the sale of these articles was always handed by me to Captain VASCONI, the Admin. Officer. I was told that this money was used for the betterment of the food for the P's.O.W. I do not know if this was correct, as after handing over the money I had no further interest in the affair.

I know that similar searches took place with the Italian soldiers, who received Red Cross articles in exchange for bread etc from the P's.O.W. It is possible that when these supplies were later sold that the monies obtained were used for the betterment of the Italian soldiers's food.

(Sgd) E. CAROZZI.

I have read over the above statement which is correct and true and made voluntarily. I can speak the English language.

(Sgd) E. CAROZZI.

Statement taken down by N.E. MIDDLETON, Captain, D.A.P.M. (SIB)

D.J.A.G's Office, GHQ, CMF.

QUESTURA, MILAN.

25 Apr 46.

STATEMENT OF:- VASCONI Fedele,
Viale Romagna 58,
MILAN.

Male,
Aged 52 years,
Clerk.

Who saith,

I have been cautioned that I am not obliged to say anything unless I wish to do so and that anything I do say will be written down and may be given in evidence.

(Signed) Fedele VASCONI.

One day about the end of Sep 43, Lt COLNAGHI called me into his bedroom at Piazza Ristori 3, CIVIDALE, Province of UDINE. This address was utilised as an Officers' Mess for the Officers of the PW Camp 57 and others who came from the Garrison Command, Casa del Fascio, CIVIDALE. In Lt COLNAGHI'S bedroom I saw four groups of parcels, each group composed of five or six parcels. Lt COLNAGHI gave me five or six parcels each containing about 200 English 'NAVY CUT' cigarettes. I took the cigarettes to PREMARIACCO where I was in residence with my family. I knew that these cigarettes were intended for the prisoners of Camp 57 and I would not have taken them but for the fact that Lt COLNAGHI told me the cigarettes had been taken from a number of parcels, previously taken away by the Germans. I believe the remaining groups of parcels were for Col CALCATERRA, Capt CAROZZI, Capt QUALTIERI and for Lt COLNAGHI.

(Signed) Fedele VASCONI.

I have read over the above statement and have had the opportunity of making any alteration or additions where necessary. It is true and is made voluntarily.

(Signed) Fedele VASCONI.

I certify that the above statement was taken by me through the medium of Dotto FLORIS, Official Interpreter, on 25 Apr 46, at MILAN.

(Signed) R.L. POINTER.
14250777 Sjt POINTER R.L.
78 Section SIB CMP.

I certify that the above translation from Italian is true and correct to the best of my ability.

(Signed) Dotto FLORIS.
Official Interpreter.

GML

MILAN.

11 May 46

STATEMENT OF:- QUALTIERI Enrico,
Corso Buenos Aires 66,
MILAN.

Male,
Aged 52 years,
Cashier.

Who saith,

In May 41 Prisoner of War Camp 57 was established at GRUPPIGNANO, Province of UDINE.

The same month I was sent to this Camp where I was later promoted Adjutant. I remained in this capacity until the Camp was handed over to the Germans shortly after the Italian Armistice in Sep 43, when the prisoners were subsequently transferred to Germany.

The entire staff of the Camp was Italian personnel comprising of some 600 soldiers, 30 Carabinieri, and 25/30 officers. The soldiers carried out guards and sentries duties whilst the Carabinieri patrolled the interior and the perimeter of the Camp by night and day maintaining strict disciplinary measures.

Due to the ever increasing number of prisoners arriving, the Camp was divided into four sectors with an officer commanding each sector.

Col CALCATERRA of the CCRR was the Camp Commandant, his subordinates ranging in the following sequences.

(1) Lt Col SENACO - Vice Commandant and Officer Commanding one sector.
(2) Major PAGOTTO - Officer commanding one sector.
(3) Capt VASCONI - Administration officer.
(4) Capt ZANETTI - Commanded one sector for short period, after which assisting in Camp Quarter Masters duties.
(5) Capt CAROZZI - Interpreter. In complete charge and supervision of Red Cross supplies at the CAMP.
(6) Lieut COLNAGHI- Camp' Quarter Master.
(7) Lieut LOSCHI - In command of a further sector of the Camp.

Red Cross supplies arrived at the Camp at comparatively regular intervals and although I was Adjutant of the Camp I never received any correspondence or invoices respecting the nature of Red Cross commodities that arrived there.

Capt CAROZZI was in complete charge of all Red Cross supplies and it was his responsibility for the collection and subsequent distribution of the parcels to the prisoners.

Sometime during late 1942 or early 1943, fortnightly searches were conducted throughout the entire Camp, under instructions issued by CALCATERRA, and cigarettes, tobacco and soap were confiscated if the prisoners were found to be in possession of more ofthese commodities than than the distribution of parcels warranted. The cigarettes, tobacco and soap were then handed over to me or left at Capt CAROZZI'S office where it was later sold among the Italian Officers at very reasonable prices.

The proceeds from the sale of the cigarettes, tobacco and soap were collected by Capt VASCONI, Administation Officer, who utilised this money for the specific purpose of supplementing the food rationing of the Italian soldiers and not for the welfare of the prisoners, the source from where the money came.

On three occasions only I bought these commodities, handing the money to VASCONI.

VASCONI was also/.....

VASCONI was also the Officer in charge of the prisoners personal property and their valuables. A strong box was kept in his office but I do not know if it contained any of the valuables belonging to the prisoners. Some valuables, however, were kept at the Bank of Italy, UDINE. I remember on instance a number of months after the Camp had been disbanded and the prisoners transferred to Germany, that CALCATERRA in a letter to me mentioned Lt COLNAGHI had previously asked him, (CALCATERRA), for the key to the safe at the Bank where the valuables were held. CALCATERRA'S reply to COLNAGHI was that he had lost the key.

I do not know what eventually became of the valuables that were kept at the Bank. I left that area in Oct 43 and I am fully convinced that the valuables were held at the Bank at that time.

Several shooting incidents resulting in the deaths of two or three prisoners occurred whilst I was at the Camp. I did not witness any of these incidents but I remember having read reports written by CALCATERRA of the circumstances surrounding the deaths of prisoners whilst attempting to escape. The sentries responsible, the names of whom I cannot recall, received sums of 500 to 1,000 lire from CALCATERRA in addition to periods of leave. I cannot remember any dates of the shooting incidents and can add no further relevant information on the subject.

On 12 Sep 43 German troops came to GRUPPIGNANO and arranged for the immediate transfer of the prisoners to Germany. The same day all Italian Military personnel left the Camp fearing that they also would be sent to Germany. I went into residence at a nearby village remaining there until 14 Sep 43, when I returned to my home at MILAN.

On 20 Sep 43, I returned to CIVIDALE, a small town adjacent to the PW Camp for the specific purpose of receiving my release documents from Col CALCATERRA. On my arrival I found that CALCATERRA was in command of the Italian Carrington Command situated in a building named CASA DEL FASCIO, CIVIDALE.

Upon CALCATERRA'S request I remained at CIVIDALE and there prepared documentations for officers' and men's releases at the Command.

An Officers mess was established at Piazza Ristori 3, CIVIDALE, and I saw there about ten officers who had previously been on the staff at PW Camp 57. Lt COLNAGHI the former Quarter Master of the Camp was in complete charge of the mess. There was also Capt CAROZZI, Capt VASCONI, Capt ZANETTI and a medical officer named PALUMBO. I cannot remember the names of the other officers present at that time CIVIDALE.

One day about the end of Sep 43, COLNAGHI returned from UDINE with a vehicle laden with Red Cross supplies. These supplies were later stored in a room at the officers mess.

The following day I had an occasion to visit COLNAGHI in his bedroom at the mess and there I saw about 60 or 70 small parcels stacked at one side of his room. No conversation was held regarding the parcels but I recall having noticed 'CIGARETTES' written on some of the labels of the parcels.

I have never received any parcels from COLNAGHI or anyone else at any time

About the beginning of Oct 43, COLNAGHI came to me at Casa Del Fascio informing me that he had brought a load of parcels from the mess. I accepted the parcels in accordance with instructions received from CALCATERRA the previous evening that a room was to be prepared and I was to attend to the storage of the parcels there. I counted the parcels during the process of storage and although I cannot accurately remember the number of parcels brought from the mess. I know that they exceeded 2,000 in all.

The parcels varied slightly in size and I believe a number of them contained tobacco and cigarettes.

The room at the Command was then locked and I retained the key.

I am not aware/ .....

I am not aware for what purpose the parcels were brought to CASA DEL FASCIO. The Mayor of CIVIDALE asked at that time if the parcels could be distributed among the civilian population but this was flatly refused by CALCATERRA.

The same day as the parcels were transferred from the Officers mess to CASA DEL FASCIO, a German Lieut came to me and after stating that he was aware of the parcels at the Italian Command, informed me they would be later handed over to the German authorities with a view of having them forwarded to the prisoners who had previously been at Camp 57, but who were at that time in Germany.

I do not know the name of the German Lieut or the Regt he belonged to. I describe him to the best of my ability as being about 25 years of age, height 5' 8/9", robust build, clean shaven, thin face. Wearing grey green uniform.

Following the arrival of this officer, another German Lieut came to the mess and after holding conversation with CALCATERRA, I was ordered to give the key of the room containing the parcels to this German officer. I describe this officer as being about 40/45 years of age, height 5' 8/9", fresh complexion, clean shaven, fat round face, light brown hair going bald. I am unable to give any further further description of the two German Lieutenants.

The day following the arrival of the two German officers, all personnel at the Garrison Command were in possession of their release documents and preparing to leave for their homes.

I left CIVIDALE for UDINE where I remained for a month prior to my return to MILAN. I cannot remember this address in UDINE where I remained for a month prior ti my return to MILAN.

I have been shown an Italian Military grey side cap bearing an officers badge of rank. Inside of the leather band the initials 'Z.L.' are printed. The only officer at PW Camp 57 with corresponding initials was ZANETTI Luigi. This cap is marked Exhibit 'G'.

I have had the above statement read over to me. It is true and correct. I herewith append my signature.

(Signed) Enrico QUALTIERI.

I certify that the above statement was taken by me through the medium of Dotto FLORIS, Official interpreter, on 11 May 46, at MILAN.

(Signed) R.L.POINTER.
14250777 Sgt R.L.POINTER.
78 Section SIB CMP.

I certify that the above translation from Italian is correct and true to the best of my ability.

(Signed) Dotto FLORIS.
Official Interpreter.

PARTICULARS OF EVIDENCE IN SUPPORT

Sworn statements by (i) Giuseppe SENECA
(ii) Dr. Christian MAURONER
(iii) Hugo BRESSANELLO
(iv) Enrico CAROZZI 1st Accused.
(v) Fedele VASCONI 3rd Accused.
(vi) Enrico QUALTIERI 4th Accused.

Although a large number of other affidavits are available it is thought that the above would be sufficient to secure conviction.

NOTES ON THE CASE 2819

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or à legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

No possible defence can be envisaged.

CRISTIANINI, Nello.

Date Submitted	Decision of Committee I		
29 AUG 1946	1-3: A	N.Z.	CARDS CHECKED LIST 43

(89756) P893/11 5000 8/45 M&C Ltd 51/1

(*For the Use of the Secretariat*)

2821

Registered Number.	Date of receipt in Secretariat.
3871/UK/JC/106	6 AUG 1946

UNITED NATIONS WAR CRIMES COMMISSION

[illegible] CHARGES AGAINST [illegible] WAR CRIMINALS

CASE No. [illegible] *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1) [illegible], [illegible], 2) [illegible], Black Brigade, [illegible]. } In custody. 3) [illegible], Black Brigade, [illegible].
Date and place of commission of alleged crime.	On or about the [illegible] August 194[illegible], at or near [illegible], in the province of [illegible], Italy.
Number and description of crime in war crimes list. References to relevant provisions of national law. Breaches of International Law.	No. XXIX. Ill-treatment of prisoner of war. No. XIV. Confiscation of property of a deceased Prisoner of War. Arming with intent etc., section 16 Offences against the Person Act 1861. Confiscation. Confiscation.

SHORT STATEMENT OF FACTS.

The accused whilst members of the Black Brigade [illegible], on or about the date stated, were concerned in the ill-treatment of an unknown Allied Prisoner of War believed to be a member of the Royal Australian Air Force.

TRANSMITTED BY Office of the [illegible] (Ill. Dept)

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E. W.Ltd. Gp.685
(30449) Wt.P 1183/17 5,000 10/45

3871/UK/96/106

2820

CRISTIANINI, Nello.

Date Submitted	Decision of Committee I		CARDS CHECKED
29 AUG 1946	1-3-A	N.L.	LIST 43

[89756] P893/11 5000 8/45 M&C Ltd 51/1

3871/UK/96/106

(*For the Use of the Secretariat*)

2821

Registered Number.

3871/UK/Gt/106

Date of receipt in Secretariat.

16 AUG 1946

UNITED NATIONS WAR CRIMES COMMISSION

[illegible] CHARGES AGAINST [illegible] WAR CRIMINALS

CASE No. [illegible] *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1) [illegible] 2) [illegible], Black Brigade, [illegible]) Interpreter. 3) [illegible], Black Brigade, [illegible] Interpreter.
Date and place of commission of alleged crime.	On or about the [illegible] 1944, and on near [illegible] Italy, in the Province of [illegible], Italy.
Number and description of crime in war crimes list. References to relevant provisions of national law. Breaches of International Law.	No. XXIX. Ill-treatment of prisoner of war. No. XIV. Confiscation of property of a deceased prisoner of war. Dealing with intent etc., section 11 Offences against the Person Act 1861. Confiscation. Confiscation.

SHORT STATEMENT OF FACTS.

The accused while members of the Black Brigade [illegible], on or about the date stated, were concerned in the ill-treatment of an unknown Allied Prisoner of war believed to be a member of the Royal Australian Air Force.

TRANSMITTED BY Office of the [illegible] (Mil. Dept)

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E. W.Ltd. Gp.685
(30449) Wt.P 1183/17 5,000 10/45

2822

PARTICULARS OF ALLEGED CRIME

On the night of the 2nd August 1944 an Allied aircraft was shot down near [illegible]. One of the crew was thrown clear when the aircraft crashed and was very seriously injured. The three accused struck the airman several times as he lay on the ground and finally the accused CHOFFALLI drew his revolver and fired at the airman's chest. The airman, believed to be of the Royal Australian Air Force, died shortly afterwards. When he was dead the accused INKRIN took the airman's watch from his body, then CHOFFALLI took his jacket, ring, and a pocket book containing money and made off with them.

COPY

ROYAL AIR FORCE POLICE

SPECIAL INVESTIGATION BRANCH

VOLUNTARY STATEMENT TO R.A.F. POLICE.

I, the undersigned CECCHETIN Adelino, of Angelo and the late Marangon Teresa, born at PETTORAZZA (Rovigo) on the 17/9/19[illegible], living at Frassinelle Polesine, state as follows:-

On the 2nd August 1944, I was living with my brother, the priest of the Church of Frassinelle. Late in the evening, between 23.00 hours and midnight, I heard anti-aircraft fire, and, looking up, saw a British twin-engined aircraft was caught in the searchlights, and, immediately, after, was hit by a shell and burst into flames. It began to lose height, falling on a country house some 500 metres from where I was, setting fire to the house. I immediately went there because I was a partisan and my Officer had given orders that we were to immediately visit the scene of any crashed Allied aircraft to assist the crew to escape. When I arrived at the farm-house, approximately 20 minutes from my house, I saw an airman lying on the ground, and nearby was his partly opened parachute. The airman was calling out in Italian, asking for water and saying, "Mamma". At this moment, five members of the Black Brigade arrived and gathered round the airman. Among these I recognised PERIN Italo, CRISTIANINI Nello and COSCI Mario Achos. PERIN wanted to give some water to the injured man but his friends forbade him. CRISTIANINI began to kick the back of the airman's head and hit him with his gun. They then searched him and removed his documents and money. Whilst this was going on, a German Track Officer, (Officer responsible for requisitioning horses and oxen), stationed at Frassinelle, arrived and, while some distance away, saw them illtreating the Airman. He fired his gun into the air to attract their attention and called out to them to desist. He then took the parachute and placed it under the airman's head and gave orders that he should not be disturbed until he returned with assistance. He then asked for the airman's documents which were handed to him, but not the money. He then left, promising to return in half an hour. As soon as he left, Cristianini and his companions again commenced to strike the airman and finally I saw Cristianini draw his revolver (he was the only one so armed) and fire at the airman's chest. After about a quarter of an hour, the German Officer returned with a second Officer. He asked the Black Brigade if they had found any other documents, but they replied in the negative. He then asked if they had given the Pilot any water (the pilot was still alive). The two Officers then went to the burning house in order to see if the other airmen had been saved and to get their documents. Naturally, these had been burned. After a minute or so, the officers returned to the wounded airman but he was now dead so they left. As soon as they had left, PERIN took the airman's watch and CRISTIANINI took the jacket, ring and the pocket-book containing the money, which he shared with PERIN. COSCI took the parachute to his home. I then left the scene and saw the airman's body in SMORGON's wine-yard. Later, on the 3rd August 1944, the airman was brought to the Cemetery, placed in a coffin and put in the Cemetery Mortuary by the Black Brigade. When they left, I saw COSCI coming out of the Cemetery with the airman's shoes in his hand and hand them over to another, PISANO, his colleague. The airman was buried the next day, 4th August, with the remains of the other airmen.

The above statement is the truth and, having read it over, I sign my name

(Sgd) Cecchetin Adelino

Frassinelle
28/3/2/

COPY

ROYAL AIR FORCE POLICE

SPECIAL INVESTIGATION BRANCH

VOLUNTARY STATEMENT TO R.A.F. POLICE

I, the undersigned, DAVI Erminio of Domenico and of Giansera Gesualda, born at Frattamaggiore, on 9/4/1914, living at Frassinelle in the locality of Motta, Via Roma, said :-

On the night of the 2nd August 1944, I was sleeping in the hayloft in the courtyard of my house, for I was a partisan and the Black Brigade were after us. Soon after 23.00 hours, I was awakened by a plane crashing into the roof of my house. This aircraft was a British twin engined bomber and it immediately went up in flames. My wife and family and my brother's family were in the house. I immediately ran to the house and succeeded in rescuing my wife, my brother, my mother and father. Some of my friends saved my little daughter but unfortunately it was impossible to save my second brother, his wife or three children, or my little son, all of whom died in the fire. As my wife was burned, I immediately took her away for treatment. When I first came down from the hayloft, I saw on the ground a parachute and an airman who was crying out in pain, but I left him to go to the assistance of my wife. The next day, my neighbours told me that the burnt remains of three airmen had been removed from the plane. I do not know what happened to the airman that I saw on the ground, except that he died and was buried in the local cemetery a day later when the remains of the other three airmen were also buried.

Being unable to read the above has been read over to me and it is true.

Motta.
28/8/45.

Witnessed : Sgd. Davi Erminio.
Sgt. Greggio Ugo, Brig. di Questura.

The above statement was taken down by me and read over to the witness in the presence of F/Sgt. Harding J., R.A.F. Police.

I have correctly translated it to the best of my ability and knowledge of the English language.

Sgt. Joseph Vuoso, Official Interpretor,
R.A.F. Police, Naples.

COPY

ROYAL AIR FORCE POLICE

SPECIAL INVESTIGATION BRANCH

VOLUNTARY STATEMENT TO R.A.F. POLICE

I, the undersigned SMORGON Giuseppe of Luigi and of Motenaro Maria, born at CRESPINO (ROVIGO) on the 19/3/1905, living at FRASSINELLE (Motta), state as follows :-

I live in a house about 150 metres from my friend DAVI Erminio. On the night of the 2nd August 1944, after about 23.00 hours, I was awakened by a loud explosion. I went out and saw that DAVI Erminio's house was burning. Immediately, I went to the place and when I got there found that the cause of the fire was an English two-engined aircraft which had fallen on the house. At about 13 or 14 metres away from the house I saw an unopened parachute and its side was lying an airman who was calling out in Italian, "Dear Mother, Water". Before I could give him any assistance, about five members of the Black Brigade arrived among which I recognised PERIN and COSCI who started to shake him to make him talk. At that moment, a German Officer, I believe he was Captain, who came from Frassinelle, asked the members of the Black Brigade for the airman's documents. These were handed to him and from them I understood the airman was an Australian. At this point I left to give assistance to the others under the ruins. After about an hour and a half, I returned home where I found outside my door, the airman. We brought him some water but he was already dead. The Black Brigade then searched him and took away all his possessions. The airman was left outside my house all night and the following morning I assisted in recovering the three remaining bodies from the aircraft. Later that day, the body of the first airman was taken to the village and was buried a day later.

The above statement is the truth and having read it over, I sign my name.

Motta
28/3/45. Witnessed :- Sgd. Smorgon Giuseppe.
Sgd. Greggio Ugo Brig. di Questura.

The above statement was taken down by me in the presence of F/Sgt. Harding J., R.A.F. Police, and is translated to the best of my ability and knowledge of the English language.

(Sgd) Joseph Vuoso, Official Interpreter.
R.A.F. Police.

COPY

ROYAL AIR FORCE POLICE

SPECIAL INVESTIGATION BRANCH

VOLUNTARY STATEMENT TO R.A.F. POLICE

I, the undersigned, CECCHETIN Emilio of Angelo and the late Marangoni Teresaborn at Beveone di S. Marino di Venezzo on the 24/7/911, living at FRASSINELLE (Rovigo), state as follows:-

On the night of the 2nd August 1944, I was called to give religious assistance to an English airman who was dying. When I arrived at the scene I was informed that the pilot was still alive, but almost in the same breath was told to go and assist other persons as the airman was dead. A German Officer wanted the airman to be buried in SMORGON's garden, but owing to my assistance I was able to have him taken to the local Cemetery. A coffin was ordered and on the 4th August, in my presence and with my help, he was placed in the coffin and was buried the same day. Whilst we were placing him in the coffin, I examined him superficially. I saw that he had his legs broken and appeared to have fractured his forearm. I did not notice any spots of blood on his neck or face. I noticed that around his neck he had an Identity disc on which I saw R.A.A.F. and a number which I do not remember. While we were burying the body there was a German Warrant Officer present, whose name I do not remember, who took the disc and refused to give it back to me. We buried this airman in the same grave as we buried the remains of the other three airmen. The coffin at the bottom contains the complete body of the one Airman and the one on top contains the remains of the other three. At about the end of June the coffin was unburied by Italian soldiers and an Officer who it was said, was a Scotsman. The coffin was not opened because of the intense smell. The Officer left, saying he would return at some other time.

The above statement is the truth and having read it over I sign it:-

Badia
23/8/1945

Sgd. Emilio Cecchetin

Witnessed:- Sgd: Greggio Ugo, Brig. di Questura

The above statement was taken down by me in the presence of F/Sgt Harding J. R.A.F. Police, and is correctly translated by me to the best of ability and knowledge of the English Language.

PARTICULARS OF EVIDENCE IN SUPPORT

2827

Statements by :-

(i) CEROLETTI Adelino.
(ii) DAVI Erminio.
(iii) GORZON Guiseppe.
(iv) CEROLETTI Emilio.

NOTES ON THE CASE

2828

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence; (*c*) whether the case appears to be reasonably complete.)

This case would appear to stand or fall on the evidence of CECCHETTI Adelino, who, in his statement gives a full account of the ill-treatment and shooting of the alleged airman. The witness DAVI Erminio, merely states that the airman was shaken by the accused FORTI and CECCI with the object of making him talk. DAVI also states that the accused searched the body of the airman after he was dead and took away all his possessions. It is now considered that there is sufficient evidence to support a charge of killing against the accused CRISTIANINI. With regard to the probable defence the accused will probably rely on a flat denial and will attempt to shake uncorroborated portions of the testimony of the witness CECCHETTI Adelino, particularly with regard to the alleged shooting by CRISTIANINI.

As the witness CECCHETTI Adelino gives a very clear account and is obviously a most reliable witness it is considered that the case appears to be reasonably complete despite the lack of corroboration.

3968/UK/2t/107

2829

ESPINOSA
and 2.

Date Submitted	Decision of Committee I		
5 SEP 1946	1, 2: A	B	CARDS CHECKED LIST 43.

(89756) P893/11 5000 8/45 M&C Ltd 51/1

3968/UK/2t/107

(*For the Use of the Secretariat*)

2830

Registered Number. 3968/UK/It/107

Date of receipt in Secretariat. 30 AUG 1948

UNITED NATIONS WAR CRIMES COMMISSION

United Kingdom CHARGES AGAINST Italian WAR CRIMINALS

CASE No. UK - I/B 159 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1) ESPINOSA, Tenente. An Interpretor at Prisoner of War Camp P.G.75, Bari, Italy in 1943. 2) LATTANZIO, Lieutenant-colonel. 2nd i/c at the above camp
Date and place of commission of alleged crime.	22 January 1943 at Prisoner of War Camp P.G.75, Bari, Italy.
Number and description of crime in war crimes list.	No. XXIX. Ill-treatment of prisoner of war.
References to relevant provisions of national law. Breaches of International Law.	Assault and wounding contrary to Section 2[illegible] of the Offences against the Person Act. Breach of the laws and usages of War and in particular Article 2 of the Geneva Convention 1929 relating to the ill-treatment of prisoners of war.

SHORT STATEMENT OF FACTS.

Captain George Montagu NIXON-ECKERSALL, Royal Marines, was caught by a Carabinieri patrol getting through the wire of an inner fence at P.G.75, Bari preparatory to an escape attempt. NIXON-ECKERSALL was interrogated by the accused ESPINOSA in a cell. LATTANZIO was also present. On the instructions of the accused NIXON-ECKERSALL was assaulted in order that he would give the names of other prisoners who were concerned in the abortive escape attempt.

TRANSMITTED BY Office of the J.A.G. (Mil. Dept.)

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E. W.Ltd. Gp.685
(30449) Wt.P 1183/17 5,000 10/45

2831

PARTICULARS OF ALLEGED CRIME

On the night 21/22 January 1943 Captain NIXON-ECKERSALL in company with some others attempted to escape from P.G.75, Bari. While the rest of the party were waiting in hiding Captain NIXON-ECKERSALL went forward with a Sergeant to cut the wire which formed the inner fence of the camp perimeter. NIXON-ECKERSALL was caught by a patrol of Carabinieri. After being interrogated and searched at the Italian camp office he was taken to and locked in a cell which was dirty and verminous. At about 0200 hours, 22 January 1943 ~~two~~ three guards entered the cell followed by LATTANZIO and the interpreter ESPINOSA. ESPINOSA told NIXON-ECKERSALL that he had to give him the names of the others concerned in the escape attempt. NIXON-ECKERSALL refused to give this information. An hour later ESPINOSA and LATTANZIO re-entered the cell with about six other Italians. NIXON-ECKERSALL still refused to give the information ESPINOSA required and he was thereupon beaten about the chest with rifle-butts until unconscious.

15/JAG/PS/42/49
FOF/181

IN THE MATTER OF THE ILL-TREATMENT AND ASSAULT OF CAPTAIN NIXON-EDGERSALL AT P.G.75 BARI IN JANUARY 1943.

British National Office Charge No:

United Nations War Crimes Commission reference:

A F F I D A V I T

I, GEORGE MONTAGU NIXON-EDGERSALL, Captain, 11th Battalion, Royal Marines, 1st R.M. Group, MNBDO, with permanent home address at 78 West Hill, St. Leonards, Sussex, MAKE OATH AND SAY AS FOLLOWS:

1 I was captured on 14 September 1942 during the sea borne raid on Tobruk. I reached Camp P.G.75, Bari on 19 September 1942 and I was there until 22 January 1943 when I was moved to a camp near Piacenza.

2 Camp P.G.75 was commanded by a Colonello Orofello (I am not certain of the spelling). The second in command was a Maggiore whose name I do not know and the interpreter was Tenente Spinoza. The second in command was primarily responsible for the officers at Camp P.G.75. The S.B.O. when I arrived was Lieut-Colonel De Burgh RA and later Captain Micklethwaite R.N. was joint S.B.O. with him. The latter took over completely when Lieut-Colonel De Burgh became ill and left the camp about Christmas 1942.

3 On the night 21/22 January 1943, in the company of Lieut. Commander N. Scott-Elliot, R.N., Lieut Lascares, Intelligence Corps., Lieut Toucasse also of the Intelligence Corps and Serjeant Glenderhaze of the Pretorian Police, U.D.F., an attempt was made to escape. While the rest of the party were waiting in a ditch I went forward with the Serjeant to cut the wire. I had cut through the inner fence when I was caught by a patrol of carabinieri who informed me that they had been warned that an attempt was to be made. We were taken to the Italian office and interrogated and searched. Glenderhaze had been separated from me and I did not see him again. After two hours I was locked in a cell which was very dirty and verminous. At about 0200 hours two carabinieri guards came in followed by the second in command and the interpreter Tenente Spinoza. Spinoza said I had to give the names of the others in the attempt. On my refusing to do so he said I would be made to do so. I was then left alone. An hour later, approximately, Spinoza, the second in command, the two carabinieri guards and four other soldiers returned. I was held backwards over a table and Spinoza said that I had better give the information he asked for. I refused. He then said that the guards had been told not to hit me in the face as it would show. On my again refusing I was beaten about the chest with rifle butts by a guard from each side. I came to to find myself alone. Next morning about 0530 hours I joined a party leaving the camp for No.17 at Piacenza. I managed to get a message to S.B.O. Captain Micklethwaite, R.N. Two days after

arrival at Piacenza I collapsed and was in bed for three weeks under Captain Henry Gibson, R.A.M.C., a Canadian officer.

4 From Piacenza I went to Camp 50 at Padula and then to Bologna where I was at the time of the armistice with Italy. The Germans took over the camp and we were moved by rail, the destination being Germany. I escaped from the train but was recaptured and moved to Germany. I was repatriated to England on 14 May 1945. On finishing my repatriation leave I was ordered to report to Haslar Naval Hospital where I have been ever since receiving treatment as a result of the beating up at Bari.

5. The second in command was a Maggiore in, I think, an infantry regiment and a regular soldier. He was about 50 years old; fat 5ins to 5ft 4ins tall; extremely corpulent, weighing about 15 stone; a very red face; grey hair; eyes of very light blue; his teeth were very dirty; prominent jutting out chin; legs exceptionally short. He was nick named 'Hippo' and his name may have been Latenzia. He was married and living in Bari. He had a lot of medal ribbons. He was not a blackshirt but a very unpleasant individual.

6 Tenente Spinoza was a blackshirt. He was a fanatic and a member of the Fascist Militia and Intelligence. He was aged about 25; about 5ft 8ins high; very thin; fair hair; brown eyes; sallow complexion and long fingers. His face was sunken and pinched looking. He wore glasses and had angular features. He was a student in peace time.

7 . Colonello Orofello was, I believe, in a carabinieri regiment. He was aged about 50; about 5ft 10ins in height; well built; weight about 12 stone; hair was grey and white; eyes brown. He was a fine looking man and very dignified. He wept easily.

8 The above were at Bari before I arrived and I cannot say how long they were there after I left. I am unable to describe any of the guards or soldiers who took part in the beating up and I could not recognise them again as the light was very bad in the cell.

SWORN by the said Captain)
GEORGE MONTAGU NIXON-ECKERSALL)
at 6 Spring Gardens in the)
City of Westminster this 13th)
day of November 1945) (sgd) GEORGE M. NIXON-ECKERSALL.

Before me

(sgd) J. LEICESTER WARREN.

Captain Legal Staff,
Military Department, Judge
Advocate General's Office, London.

PARTICULARS OF EVIDENCE IN SUPPORT 2834

Affidavit of Captain George Montagu NIXON-ECKERSALL, Royal Marines, who was the victim in this case.

NOTES ON THE CASE 2835

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence; (*c*) whether the case appears to be reasonably complete.)

There appears to be no justification for the assault and as both the accused were present at the time the incident occurred and were the only two Italian officers in the cell the beating up must have been ordered by them in order to obtain certain information. The accused are in custody in Italy but have only been interrogated generally and not on this particular incident. Arrangements are being made for a further interrogation. Captain NIXON-ECKERSALL has been able to identify photographs of both the accused as being likenesses of the two officers present at his beating up and under whose orders the members of the Carabinieri (who have not been identified) acted.

4010/UK/2*/108

2836

MANCA, Francesco

Date Submitted	Decision of Committee I		
26 SEP 194	Hon A	B	CARDS CHECKED LIST 44

(89756) P893/11 5000 8/45 M&C Ltd 51/1

4010/UK/2*/108

(*For the Use of the Secretariat*)

Registered Number. 4010/UK/It/108

2837

Date of receipt in Secretariat. 16 SEP 1946

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CASE No. UK-I/B.160 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	MANCA, Francesco (IN CUSTODY) Italian Soldier
Date and place of commission of alleged crime.	BACU ABIS P.W. Camp, SARDINIA
Number and description of crime in war crimes list.	No. 1. MURDER
References to relevant provisions of national law.	MURDER

SHORT STATEMENT OF FACTS.

The accused was a guard at BACU ABIS Prisoner of War Camp. In April 1943 there was an air raid at night and all the Prisoners of War in accordance with orders kept inside their huts with the doors shut so as to show no light. The accused seeing light showing from one door fired a shot at it. The shot passed through the door and killed Private H.F.C. HATLEY, U.D.F., who was lying on his bunk.

TRANSMITTED BY J.A.G. (Mil. Dept.)

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& B. W.Ltd. Gp.685
(30449) Wt.P.1183/17 5,000 10/45

PARTICULARS OF ALLEGED CRIME

2838

See short statement of facts.

No. 18650 Gert Jacobus Coetzee states:-

On the night of the 14th April, 1943, I was detailed by S/M Engelbrecht to keep a lookout for lights burning in our camp at Sardinia.

At about 9.15 p.m. I heard a rifle shot and as I turned the corner of the Bungalow I observed an Italian Guard opening the breech of his rifle. I then heard a sound from the hut into which this Italian had fired and went to investigate. On entering the hut I observed Private Reynolds and another Sergeant (name unknown) removing the body of a person from the top bed in the hut. I recognised this person as Private Hatley. He was mortally wounded and died shortly afterwards. I assisted to remove Private Hatley to the sick bay, where he was examined by an Italian Doctor. Hatley died at about 10.55 p.m. same day.

The Italian guard continued his duty and an Italian officer, known to us as "Piet-Fatique" took over investigation. The next morning this Italian guard was placed under arrest and remained under arrest until our departure from this camp.

I do not know the name of this Guard but his description is as follows:-

Height about 5' 9". Complexion, very dark. Teeth, Two front upper teeth missing. Clean shaven. Dark hair not too wavy. Dark eyes. Medium forehead. Straight nose. Slender built.

I am positive that I will be able to identify this man.

S/M Engelbrecht now at Voortrekkerhoogte and of the S.A. Permnt. Force will be able to supply the names of the officers in charge of the Italians and probably the name of this guard as well.

The Red Cross also came into camp and investigated the shooting. It may have been the Italian or Swiss Red Cross.

None of our men, as far as I know, was called to give any account of the shooting.

Later, during the enquiry, Private Hank Lawrence ? and a person named "Ginger" were arrested as the two responsible for Hatley's death, it being alleged that they had opened and peeped through the door.

Private Reynolds ought to be able to supply the names of the two soldiers mentioned above.

As far as I can recollect these two men were not punished.

When we left Sardinia this Italian sentry remained behind and I have not seen him since.

SGD. G.J. Coetsee 18650(F) Const.

The camp staff at the time consisted of

S/M Engelbrecht	(S.A.P.Force)
Corpl. Knoph	(Attorney)
Bomb. Louw	(Nicknamed Hekkie)

SGD. G.J.Coetsee 18650 (F) Const.

The deponent has acknowledged that he knows and understands the contents of this affidavit which was sworn before me.

Sgd. R.d.W.van Hoarden.
Justice of the Peace for Johannesburg.

Jeppe.
21.1.46.

ex No 9777 Sig REEVES Stephen, duly sworn states :-

I am ex No 9777 Sig Reeves, S, discharged from the U D F on 31 Sep 45, presently residing at No 12 Wyndham Street Port Elizabeth and employed by the G P O Uitenhage.

During my term of service with the U D F I was att 2 T S and was taken prisoner of war at Tobruk on 21.6.42. One p o w camp in which I was held was Camp 110 Sardinia. q During our stay in this camp there were frequent air raids, during which we were not required to extinguish the lights. Shortly after sunset on 14 Apr 43 there was an air raid over a nearby town. The door of the bungalow that we occupied in the p o w camp was just off latch. A chink of light was showing through this, and Pte Rogers of the 2 T S who I believe is presently living in Johannesburg, was peering through the chink of the door at the ack ack fire. The Italian sentry outside the bungalow was standing approx 18' from the door and must have seen Rogers' shadow. Without any warning, he fired. The beds in the bungalow were three tiers, and the second bed on the top bunk from the door. I was occupying the bunk immediately below Hatley. The bullet passed above the head of Rogers at the door, and above my body, and entered the boards of Hatley's bed above me, entering his back at an angle and coming out of his chest before it was spent. Immediately the shot was fired the lights were switched off, and then it was discovered that Hatley was wounded and the lights were switched on again. Disregarding the sentry, we fetched the stretcher and the Italian doctor and conveyed Hatley to the M I. room about 50 yards away. By this time the raid was over and we returned to bed, leaving Hatley in the M I Room.

In the early hours of the following morning I was awakened by Lawrence who was accompanied by an Italian sentry, and was told that I was wanted by the Camp Commandant. They had already taken a statement from Lawrence and Rogers and then they proceeded to question me, but I refused to divulge any opinion or information, because I had no idea that Hatley was dead. I learnt later that Hatley had died about an hour after he was wounded. Later I was again interrogated by the Italians, and on this occasion I gave them the same information with regard to the door being slightly off latch as I am giving now. The Italians were at this time trying to force Rogers, Lawrence and myself to state that the door was wide open and the light showing through, but none of us would be forced into admitting that the door was open because this was not the truth. An Italian general who was apparently in charge of the area attempted to force Lawrence to write a letter to Hatley's parents stating that he, Lawrence, was to blame for having left the door wide open. This Lawrence refused to do, and we were later informed by the Camp Commandant that the sentry responsible for firing the shot had been imprisoned for ten years. I do not know whether this is true or not.

(Signed) REEVES

Deponent acknowledges that he knows and understands the contents of this affidavit. sworn to before me at PORT ELIZABETH this tenth day of JANUARY 1945.

(Signed) ????
ex officio Commissionér
of Oaths for the Union
of South Africa

????
Witness

AFFIDAVIT

CECIL CLAUDE LAWRENCE

STATES :

I am an ex P.O.W. I was discharged on 8.8.45. My Reg. No. was 27445. I reside at 46 Hume Rd, Malvern East, Johannesburg.

I was at Camp 110 SARONNIA in January 1943. I was employed in a working party at the village of BACUARIS. The working party was employed on the coal Mines. I was in charge of the Party. While at this camp I knew Pte. HATLEY he was a member of 2 T.S. We were quartered in Barracks about 78 of us. On the night of 14.4.43 at about 10.0 p.m. and during an air Raid Alarm the lights in the Barracks were on and also in other parts of the camp and in the Italian Cantonments. We heard the sirens giving warning of an Air Raid, but the lights in the camp or the Barracks were not put out. I know of no instructions about putting the lights out during an Air Raid Alarm. There were previous Air Raid Alarms when the lights were not put out. The P.O.W. claimed that the lights around the camp gave them protection. We had been at the camp about 2 to 3 months and during that time had several Air Raids when the lights of the camp or Barracks were not put out. The heat of the bungalows was so terrific that we kept the windows open for fresh air. The doors were closed. There was no provision for a black out, with the result that the light used to shine out into the Courtyard. During an Air Raid the Guards were on duty outside the camp, but they used to send into the camp two Carabinieri for the purpose of stopping P.O.W. from walking around outside the Barracks. About 10.0 p.m. on 14.4.43 there were about 78 P.O.W in the Bungalow. Some were sleeping, others were talking. Pte ROGERS was standing on the inside of the door the door was closed, but it was warped from about the keyhole to the top and left a space of about 1½" through which the light could shine. The windows were not closed. I heard no warning from the Guards to put the light out. I am quite definite on this point. The first time we knew a member of the Carabinieri was in the vicinity of the Bungalow was when we heard a shot fired. At the time the shot was fired, I was sitting on the bed of Private LOUIS KOTZEN of 2 T.S. and who lives at 11, KLAP STREET, MOUNTAIN VIEW, JOHANNESBURG. His bed was about 8 to 10 feet from the door. KOTZEN was present the whole time, and also the following S.A. P.O.W.

(1) Sig. STEPHEN REEVES, Attch 2 T.S. and who lives at 11, PORTS VIEW, BALFOUR Street, PORT ELIZABETH.

(2) Cpl. DUDLEY FORSYTH, Attch 2 T.S. 4, NORTHWOOD RD, PORT ELIZABETH.

(3) Sgt. H.W. HOLDSWORTH, 2 T.S. No. 3, GLADE RD, PARK HILL GARDENS, GERMISTON.

(4) Pte. HARRY LEVITT, 2 T.S. FAIR HAVEN HOTEL, JOHANNESBURG.

(5) Pte. D.P. HUDSTON, 2 T.S. WINDSOR HOTEL, 110 PRITCHARD ST., JOHANNESBURG, P.O. Box 7458, JOHANNESBURG.

/2.....

All these men will be able to testify to the shooting. I do not know the name of the Guard who shot HATLEY. I did make enquiries from the Italians but did not get his name. The only information they gave me was that he was in gaol. Corpl. GERT COETZEE of the Police Batallion was a member of the Camp Military Police. He was on duty at the time of the shooting. He actually caught the CARABINEIRA who shot HATLEY. Just as the shot was fired Corpl. COETZEE caught the Guard, he held him until the camp authorities came down to investigate and handed him over. The next morning Cpl. COETZEE pointed out to me the man who did the shooting he was in the gaol at the time.

At the time of the shooting S/M ENGELBRECHT of the S.A.A. was Camp Leader.

HATLEY was in bed at the time he was shot. He was in the third top bunk from the door. I do not know whether he was asleep or awake. The bullet came through the panel of the door in an upward direction. HATLEY'S bed was about 10' 0" from the floor. After the bullet passed through the door, it penetrated the bed boards of HATLEY'S bed, about 1½ inches thick, entering HATLEY'S back and came out through his chest, and then went through the tiled roof. In my opinion the Guard who fired the shot must have known that he would hit somebody by the direction in which he fired the bullet. Cpl. COETZEE marked the spot on the ground from where the guard fired, it was about 15 to 20 feet from the door. A plan was made of the scene of the shooting. This plan was in possession of the Camp Leader S/M ENGELBRECHT. Statements were also made by several P.O.W. at the time. I am positive that no warning was given before the shot was fired.

(Sgd.) C.C. LAWRENCE.

The Deponent has acknowledged the he knows and understands the contents of this affidavit which was sworn to before me at Johannesburg this 28th day of December 1945.

(Sgd.) C.C. Jones, Captain.
Active Citizen Force.
Ex-officio Commissioner of Oaths for the Union.

STATEMENT

FREDERICK ALFRED ROGERS

States:

I am an ex P.O.W. and ex Private No. 30935 2nd Transvaal Scottish.

I arrived at camp 110 SARDINIA on the 23rd January 1943. We were 700 South African P.O.W. in this camp.

While in this camp I knew Pte. HATLEY. We occupied adjoining cubicles. During April an Air Raid was in progress. At this particular time I was in the bungalow occupied by Pte. HATLEY. Now we were verbally instructed by the Italians through our Group leaders that in the event of Air Raids all doors and shutters to the windows should be kept closed, but the lights could be kept on. It was between 9 and 10 p.m., I was sitting on the floor of the bungalow during the Air Raid, I was listening to remarks passed by Sgt. LAWRENCE on the progress of the raid.

Sgt. LAWRENCE was standing at the door looking through an opening in the door. Although the door was closed it was warped to such an extent that a person could peep through and catch glimpses of what was happening. Sgt. LAWRENCE had moved away from the door, and a few seconds later a shot was fired through the closed door as I was passing the door, that shot must have missed me by inches. I naturally had a fright and ducked in a doubled up position. I remembered a Pte. HEED of the Signallers called out ROGERS are you hit, someone switched the lights off when the shot was fired, and almost immediately someone else shouted switch on the lights there is somebody hit. When the lights were switched on I saw a crowd gathering around somebody. I could not get near enough to see who was hit, but heard that Pte. Hatley had been shot. A few minutes later an Italian officer entered the Bungalow and on seeing what had happened to Pte. Hatley immediately ordered Hatley to be taken to hospital.

Pte. Hatley was unconcious when he was taken away and I was told never recovered consciousness, but died shortly afterwards.

After this I went to bed and about 11 p.m. we were all pulled out of bed and questioned by the Camp Commandant. We were not given time to think but just questioned where were you when the sentry gave the order to put the lights out. I said that I never heard the sentry give any order that the lights must be put out.

I may state that it was customary to keep the lights burning during Air Raids.

(Sgd) F.A. Rogers.

Statement taken by me this 10th day of January 1946 at Cornelia.

(Sgd) C. v.d. Linde, Lt.

AFFIDAVIT.

HAROLD PERCIVAL LEVITT

States:

I am an ex P.O.W. My Reg. No 30904. I am at present on the strength of Dispersal Depot at Hector Norris Park, Johannesburg awaiting discharge. My home address is Fairhaven Hotel Charlton Terrace, Doornfontein, Johannesburg.

I was at Camp 110 SARDINIA during April 1943. I was employed at the Coal Mine with a working party. While at this Camp I knew Pte. H.F.C. HATLEY, he was in the same Regiment as myself, 2 T.S. We were quartered in barracks there, approximately 100 P.O.W. sleeping in three tier bunks. Pte HATLEY slept in one of the top bunks opposite the top of the door of the barracks. About the middle of April 1943 there was an Air Raid about 9.0 p.m. We heard the sirens go, and closed the shutters of the windows, and also the door. The lights were left burning. In previous raids the lights were always left burning. I did not hear any warning to put the lights out.

During an air Raid, the Italian Carbarineri came inside the fence to stop anybody from walking about. At the time of the Air Raid I was in bed. I occupied a bunk near HATLEY. Pte Hatley was also in bed at the time of the Air Raid. In previous Air Raids we were not warned to put out the lights, but instructed to close the shutters and the lights were kept on. This happened on several occasions. On the night Hatley was shot the first thing I knew about it was that I got a shower of splinters in my face from the wooden boards of HATLEY's bunk. I got up and then heard somebody in the bungalow shout "Turn the lights out". This was after the shooting took place. I am quite certain that no warning was given to put the lights out prior to the shooting. I do not know who shouted "put the lights out", but it was one of our own P.O.W. I am certain of this. There was no Italian Guard in the Barrack Room at this time. The lights went out for about a minute, someone near the switch turned them out. I do not know who turned them out. I went back to bed, I then heard somebody shout that somebody had been shot. The lights were turned on again. A P.O.W. by the name of WILLIE HOWELL 2 T.S. next to HATLEY shouted that HATLEY had been shot. I heard HATLEY groaning. The S/M of the camp, S/M ENGELBRECHT rushed into the barracks followed by an Italian officer, whose name I cannot remember. A Medical orderly came with them. They took Hatley out of his bunk and took him to the camp Medical Room. About midnight we were informed by one of our own P.O.W. whose name I cannot remember that Hatley was dead.

The next morning I saw where a bullet had been fired through the door. The bullet also hit the woodwork of Hatley's bunk from which the splinters fell on me. The bullet then hit the roof. The shot was fired from outside the door by one of the Italian Guards. I am quite certain that no warning was given before the shot was fired.

After the firing S/M ENGELBRECHT told us that the guard responsible had been put under close arrest and would be tried.

/2 .....

I was not requested to make any statement at the time of the shooting.

After the shooting our own Military Police carried out an investigation. They examined the door and bunk to ascertain the position from where the bullet was fired.

I know the guard who fired the shot was arrested and placed in the guard room.

(Sgd.) H.P.Levitt.

The deponent has acknowledged that he knows and understands the contents of this affidavit which was sworn to before me at Johannesburg this 3rd day of January 1946.

(Sgd.) C.C. Jones, Captain.
Active Citizen Force.
Ex-officio Commissioner of Oaths for the Union.

AFFIDAVIT

LOUIS KOTZEN

States :

I am an ex P.O.W. My Reg. No. was 32366. I reside at 11 Sandbury Court, Bree Street, Johannesburg. During April 1943 I was at Camp 110 SARDINIA, I was employed with a working party on a Coal Mine. I was quartered in barracks with approximately 100 other P.O.W. About the middle of April 1943 there was an Air Raid about 10. p.m. The lights in the barracks and the Red, White and Blue lights of the camp were on at the time. In all previous Air Raids the lights have never been put out. On the night in question no warning was given to put the lights out. During an Air Raid it was the custom of the Carabineiri to come inside the camp for the purpose of keeping P.O.W. in the Barracks. The Italians guards were not allowed in the camp without a Carabineiri escort. An Italian Sentry came into the camp on this particular night without an escort. I did not see him, but he was seen by Corpl COETZEE of the M.P. of the camp, who was a member of the Police Brigade and comes from Cape Town. I understand Corpl COETZEE also saw the Italian Guard fire the shot. He was on duty at the time. On the night of the shooting I was in my bed, in the fourth bunk from the door. Sgt. LAWRENCE came to my bed to light a cigarette and just as he lit the cigarette a shot was fired. Prior to the shot being fired, no warning whatsoever was given to put the lights out. I am quite positive on this point. After the shot was fired the guard came up towards the door and shouted "Put the lights out" I did not actually see the Guard come towards the door, but I heard the shout from him. I understand Corpl Coetzee was about ten yards away at the time.

After the Guard shouted "Put ou the lights" the lights were put out, but this took place after the shooting. Shortly after the lights were switched off somebody shouted that someone had been shot. I got out of bed and found that Pte. HATLEY had been shot. The bullet passed through the door, then the bunk and through Hatley and lodged in the ceiling. I helped to carry Pte Hatley to the hospital in the camp. He died about midnight or later.

Shortly after the shooting took place the Italian Commandant and Medical officer and the Italian interpreter came and looked at the barracks. I was one of the P.O.W. called into an office close by to make a statement through the Italian Interpreter, but I am unable to say whether he gave a correct version of what I said. He had only a slight knowledge of English. The statement was retained by the Italian authorities. Several other P.O.W. also made statements.

(Sgd.) L. Kotzen.

The deponent has acknowledged that he knows and understands the contents of this affidavit which was sworn to before me at Johannesburg this 3rd Day of January 1946.

(Sgd.) C.C. Jones, Captain.
Active Citizen Force.
Ex officio Commissioner of Oath for the Union.

AFFIDAVIT

GILBERT LOUW.

States:

I am an ex P.O.W. A L/Cpl. No. 32477 on strength at H.M.P. pending Demob.

I reside at the PROTO Bakery 45 Third Ave. Alberton. I was a P.O.W in camp No.110 SARDINIA, Italy. I cannot remember the dates but it was between January and July 1943

One evening at about 8.30 p.m. the Sirens went for an Air Raid all the lights were put out we heard the raid going on but it was some distance away from us. I was in my bungalow lying down, when I heard a rifle shot outside, I did not take much notice, as I thought that It was just an Italian getting panicky. I heard men from the next bungalow to mine shouting. We looked through the window and saw that somebody were being carried out Shortly afterwards I heard that it was one of our P.O.W. named HATLEY. who had been shot by an Italian sentry, named BRUNO.

The sentry claimed that orders were given that all doors and windows must be kept closed during an Air Raid, and that someone had opened the door, and that he fired to scare the P.O.W. who opened the door. This appears to be untrue, as I personally inspected the hole through the door and the angle the bullet went through the door. It was definitely closed, the bullet passed through the door in an upward course and hit Pte. Hatley in the chest who was sleeping in the top bunk. Pte. Hatley was buried in a civilian cemetery at BACUBIS Italy.

Nothing was done to the sentry who fired the shot. The Italians claiming that he was in the right.

(Sgd.) G. Louw.

The deponent has acknowledged that he knows and understands the contents of this affidavit which was sworn to before me at Alberton this 25th day of January 1946.

(Sgd.) C. v.d. Linde, Lieut.
Active Citizen Force.
Ex-officio Commissioner of Oaths for the Union.

AFFIDAVIT.

DONALD PATERSON HUDGSTON.

States:

I am an ex P.O.W. My Reg. No was 27598. I reside at the Windsor Hotel, 110 Pritchard Street, Johannesburg.

During April 1943 I was at Camp No. 110 SARDINIA. I was employed with a working party at the Brick and Tile Works. I lived in barracks with about 100 other P.O.W. of the party. While in this camp I knew Pte. HATLEY of 2 T.S. H.Q. company. We were both in the same Regiment.

During the middle of April 1943 at about 10.0 p.m. there was an Air Raid. About 7.0 p.m. the same evening we had been issued with Red Cross Parcels and at the time of the Air Raid we were enjoying the contents of the parcels in the Barracks.

At the time of the Raid, no order was given by the Italian authorities to put the lights out, but our Group Commander Sgt. C.C. LAWRENCE of 2 T.S. told, us to close the shutters of the windows and doors, which we done. On previous Air Raids, the lights have not been turned off, only the shutters and doors have been closed. During March and April, we had quite a few Air Raids.

Shortly after the raid commenced, I was in bed. The lights were on. I was in a bunk next to Pte. H.P. LEVITT, nearest to the door, and at the time of the shot splinters fell on my face. Shortly after the lights were put out. I heard no warning to put the lights out. Somebody shouted "Somebody is shot" and the lights were then put on again. It was then discovered that Pte. HATLEY had been shot in bed, the bullet entering his back and came out at his chest and lodged in the ceiling. The bullet passed through the woodwork at the top of my bunk and then through the bottom of Hatley's bunk. Pte. Hatley was taken out of his bunk on his mattress. He was taken to the Camp Hospital.

The bullet was fired through the door of the room. It went through the upper part of the door.

Prior to the firing of the shot, I heard no warning to put the lights out.

The camp Commandant sent for me about half an hour after the shooting and I was asked through the Interpreter whyIhad the door open. I then replied that it was impossible for the door to have been open, as the bullet passed through it. I pointed out to the Commandant that the fact of the bullet passing through the door proved that it was not open.

(Sgd.) D.P. Hudgston.

The deponent has acknowledged that he knows and understands the contents of this affidavit, which was sworn to before me at Johannesburg this 3rd Day of January 1946.

(Sgd.) C.C. Jones, Captain.
Active Citizen Force.
Ex-officio Commissioner of Oaths for the Union.

A F F I D A V I T.

Ex No. 9753 L/Cpl FORSYTH, Dudley Hamilton, duly sworn, states :-

I am ex No. 9753 L/Cpl Forsyth, Dudley Hamilton, presently residing at No. 4 Northwood Road, Port Elizabeth, and employed by Messrs Hubert Davies, Port Elizabeth.

During my term of service In the U D F I was in the 6th Bde Sig. Coy, and was taken p.o.w. on 21 June 42 at Tobruk. After being detained in various camps I was sent to Camp 110 Sardinia. This was before I was sent to Camp 4a Leipzig.

During my stay in this camp (Sardinia) we had many air raids, and during these raids we were not required to put out the lights in the bungalows. We were, however, required to stay in the bungalows, and the Italians used to send two members of the Carabineri to keep guard. At about 10.00 hrs on 14 April 43 and air raid was taking place. In my bungalow there were about 78 p.o.w. On previous air raids we had not been required to put out the lights, and on this occasion we did not put them out either.

Without any warning a shot was fired from the outside the door into the bungalow. This shot passed through the bed boards of the bed occupied by No. 221474 Pte Hatley H.F.C. entering his back and coming out of his chest. Hatley died about an hour later as a result of this wound.

I do not know who fired the shot but I understood that the responsible person had been arrested by the Italians themselves.

I am positive that no warning was given before the shot was fired because I was sitting near the door and would have heard the voice outside.

(Sgd) D. H. FORSYTH.

Deponent acknowledges that he knows and understands the contents of this affidavit, sworn to before me at PORT ELIZABETH this eighth day of January 1945.

(Sgd) J. A. PEACOCK Capt.

ex officio Commissioner of Oaths for the Union of South Africa.

(Sgd) ?
Sgt
Witness.

COPY

To Officer Commanding, R.A.F. Station, Elmas.

Upon request from the Carabinieri of this town I went on the eight of July to R.A.F. Headquarters in Elmas, where I have been asked to give information regarding the death of a South African named Hatley.
Although I was on camp at the time of the accident I did not witness the shooting. On the 14th of April 1943, I was Medical Officer with rank of Captain, in P.O.W. Camp 110, Compound 7, situated at Cortoghiana Veccia. This compound was totally composed of South Africans.
The camp consisted of three huts placed round a barbed wire fence, in such a way that in the center there was a big space in which the prisoners were free. Outside the barbed wire sentries kept watch on the camp, disposed at regular intervals.
Of these three huts two were at complete disposal of the prisoners and the third one was occupied by the Italian Commander.
In one of these huts I had a well-organised Sick Quarters, reserved for prisoners.
On the 14th of April, 1943(?), at approx. 20.00 hours, an alert was sounded; as usual all the Italian soldiers and prisoners were ordered to go at once in their quarters and close all the doors. During the hours of darkness there was a severe order to keep all doors closed in order to keep any lights out.
For the surveyance of the camp only the sentries armed of machine guns had to hold on their duty places, outside the camp, to see that no evasion was carried out in such times. Two more soldiers, armed with rifles had to remain in the camp and see that all prisoners were in their quarters and no lights visible.
That evening, during the alert, a shot was heard and after a short while I was called urgently because a prisoner had been wounded. I got him transported immediately to the Sick Quarters, and constated that he was dying, being that a bullet had gone, in a diagonal and upwards course, through his liver and left lung, making its exit by the armpit. I cannot remember exactly the place of exit of the bullet.
After the death we got the body in a casket and buried him next day with military honours and a platoon of prisoners as escort, in the cimetry of Gonnese. As far as I know the body is still there.
I heard say that the circumstances of the shooting were the following:-
During the alert, whereas all the other doors were closed, a door was kept ajar by a prisoner who stood on the threshold. For that reason one of the sentries named Hanno Francesco(?) invited him to go inside and shut the door. After three warnings seeing that his order was not obeyed, the sentry pointed his rifle in that direction. Following that move, the prisoner tried to close the door and ran in. The shot had been fired, and the bullet, after going through the door obliquely from right to left, struck Pte. Hatley who was sleeping on the left hand side of the door. I could not say whether the prisoner who stood on the door was trying to escape or not.
The sentry was immediately placed in close arrest, and an inquest was held both by Military and Civilian Authorities (Judge sent from Cagliari's Tribunal) and I believe the inquest resulted to be in favour of the sentry, justifying his behaviour.
I would like to point out that the names and dates above mentioned were given to me by R.A.F. Headquarters, being that I did not remember it.
To help you in your investigation I forward to you the names of the officers than on camp.
1o. Colonel De Felice Pierino, actually Municipal Secretary at Solarussa.
2o. Captain Dell'Antonio, employed with A.G.I.P. in Venice.
3o. Lt. Baraglia (Sicilian).
4o. Lt. Solaro, teacher in Cagliari district.
5o. Lt. Caria, student in Cagliari.

Iglesias, 11.7.46.

In truth I sign: Doctor
Fortelezmi Aldo.

209 POW CAMP

STATEMENT of:- MANCA Francesco, peasant, 33 years,
son of Francesco (deceased)
residing at Via Garibaldi 28, CAPOTERRA

Who states:-

I have been cautioned that I am not obliged to say anything unless I wish to do so but whatever I do say will be taken down in writing and may be given in evidence.

Sgd: MANCA Francesco.

About the 10th April 1944 at about 22,30 hours I was on duty as a Camp sentry at BACU ABIS, SARDINIA, when an air raid alarm signal was clearly sounded.

It was part of my duties as a sentry to ensure that during an air-raid an efficient blackout was maintained, and I proceeded at this time to carry out this duty. As I passed around the Camp I noticed the door of one of the huts in the compound to be wide open, and two or three prisoners standing at the door watching the gun fire bursts, this was in direct contrast to Camp orders as it allowed a beam of electric light to escape, giving away the position of the Camp.

I immediately ordered the P.O.W.s standing at the open doorway to close the door, and my instructions were instantly obeyed. I walked away and on my return I noticed that the same door was again open, and the light still showing. I again ordered that it be closed and the order was complied with for a second time. I then walked away and, after walking about 50 metres, turned and saw that the door had been opened again. At this time there was much firing taking place and, being very much confused with the noise and thinking that perhaps the prisoners were signalling, I pointed my rifle in a direction above the hut and fired one shot, and the light was immediately switched off. A few minutes later the door of this hut again opened and one of the prisoners came out demanding a medical orderly and saying that a P.O.W. in the hut had been wounded. I had not fired this shot with the intention of wounding anybody but merely to compell them to obey my order. I continued with my duties, and after about 40 minutes I saw an Italian doctor named FORTELEONE arrive and he was taken immediately to the wounded prisoner. About an hour later I was questioned by this doctor and informed by him that the P.O.W. had died through loss of blood. The following day I attended the funeral of the dead P.O.W. at GONNESA, where he was buried with full military honours.

A few days later I was informed by the Camp Commandant, Colonel DE FELICE, that I would have to attend a Court of Enquiry on the incident. This Court of Enquiry did not actually take place but an inspection of the scene of the incident was carried out by a Legal Officer, together with the Camp Commandant, several Officers and the doctor, and it was found that the bullet I had fired had entered the door at about two metres from the ground and had passed right through and entered a bed on which the prisoner had been lying, wounding him in the back.

After about 15 days I was transferred to another P.O.W. Camp at S. MICHELE where I remained for about 6 months and heard nothing further of the incident until approached by the Allied Authorities.

Statement taken in Italian, read over and signature witnessed by the undersigned official Interpreter PAPA Federico, in the presence of the undersigned Sgt. J. DIGBY, of 60 Section, Special Investigation Branch C.M. Police, at AFRAGOLA, on 15 August 1946.

Sgd:- Federico Papa Interpreter.

Sgd:- J.R. Digby Sergeant.

I certify that the above statement is a true translation of the original to the best of my knowledge and ability.

..... Interpreter.

PARTICULARS OF EVIDENCE IN SUPPORT

(a) Statements of South African witnesses COETZEE, REEVES, LAWRENCE, ROGERS, LEVITT, KOTZEN, HUDSTON, FORSYTH and LOUW nearly all of whom can say that no warning of a light showing was given by the accused before he fired, and that the door was shut.

(b) Statement of an Italian Doctor, FORTELEONE, who treated HATLEY before he died of his wound.

(c) Statement by the accused in which he admits firing the shot which killed HATLEY but states that the door was open and that he only fired after his thrice repeated order to close the door had been disobeyed.

NOTES ON THE CASE

2854

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

The evidence is overwhelming to the effect that the door of the hut was not open and that the accused gave no warning before he fired. Even if the door had been open the accused would not have been justified in taking the action he did, without giving a proper warning.

DE VITO, Giovanni

Date Submitted	Decision of Committee I		
26 SEP 1946	1 A	B	CARDS · CHECKED LIST 44

(89756) P892/11 5000 8/45 M&C Ltd 51/1

DE VITO, Giovanni

Date Submitted	Decision of Committee I		
26 SEP 1946	1 A	B	CARDS · CHECKED LIST 44

(*For the Use of the Secretariat*)

2856

Registered Number.	Date of receipt in Secretariat.
4011/UK/2C/109	16 SEP 1946

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CASE No. UK-I/B 161 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	DE VITO, Giovanni, Italian Army. Guard at prisoner of war working kommando near BRINDISI Aerodrome, Italy. In custody at 209 P.W. Camp.
Date and place of commission of alleged crime.	August 1943 at or near BRINDISI.
Number and description of crime in war crimes list.	(i) MURDER
References to relevant provisions of national law. BREACHES OF INTERNATIONAL LAW	~~Infringement of relevant article of Geneva Convention, 1929.~~ Murder. INFRINGEMENT OF RELEVANT ARTICLE OF GENEVA CONVENTION

SHORT STATEMENT OF FACTS.

The accused, a soldier in the Italian Army, who acted as guard to South African native prisoners of war on the date stated, shot N7146 Private George PHINE, a prisoner of war, such shot resulting in the prisoner's death after a short interval.

TRANSMITTED BY Office of J.A.G. (Mil. Dept.)

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E. W.Ltd. Gp.685
(30449) Wt.P 1183/17 5,000 10/45

PARTICULARS OF ALLEGED CRIME 2857

The victim, Private George PHINE, was a member of a working party of prisoners of war and on the date stated he had absented himself a certain distance from his fellow prisoners. The accused, after finding him in a vineyard, ordered him to rejoin the working party which the victim refused to do. An argument ensued in the course of which the accused fired the fatal shot at Private PHINE.

On this the 8th May, 1946, Ex-N.M.C. detail No. N.17138 Nathaniel Loshapi, duly sworn states:

I was a P.O.W. under the Italians in Camp P.G.85 at Tuturano. On the 9th August, 1943, I was a member of a working party, comprising of members of the N.M.C., at Brindisi Air Field. I was acquainted with No. N.7146 George Ponny, who was a member of the same working party. At 11 a.m. we were given a rest. We all sat down under some trees except the deceased, George Ponny, who went and sat down under a fig tree about 100 yards from where we were. Two members of the Italian Police (Carabinieri) were guarding us. One of these went over to the deceased and instructed him to join the rest of the party. The deceased refused and the Carabinieri then left him. After about ten minutes the same Carabinieri approached the deceased again and motioned to him with his arm to join us. The deceased got up and waved with his arm and from his action we gathered he wanted the Carabinieri to go away. The Carabinieri then unslung his rifle and shot the deceased through his shoulder. I am not certain which one. The Carabinieri re-slung his rifle and walked away. Three others, whose names I cannot remember, and myself carried the deceased to the German Infirmary. I was subsequently told that deceased had been removed in an ambulance to a German Hospital and died on the way.

I am not acquainted with the name of the Carabinieri who shot the deceased nor the name of the other guard. The former was tall, light-complexioned and thick set. I am unable to give any further details.

I consider the action as completely unjustified and spiteful

NATHANIEL LOSHAPI

SWORN STATEMENT.

No. N.22559 S/Sgt Dick Kunene a soldier of the Union Defence Forces at present stationed at the Native Military Corps, Dispersal Depot, Modderbee, Transvaal duly sworn states:-

On the 21st June, 1942, I was taken Prisoner of War at Tobruk by the Axis Forces, and was transported to P.O.W. Camp 85 at Tuterano, Italy, with approximately 600 Native Military Corps personnel. From Tuterano I was moved to P.O.W. Camp 85/16 at Brindisi.
At Brindisi I was appointed Camp Leader and amongst my duties I had to see that a working party of 500 had to report at the Main Gate at 0500 hours daily.

On 9 August, 1943, the working party reported as usual, with Cpl Josiah Nkose in charge. When the working party arrived back in camp at 1700 hours Cpl Josiah Nkose informed me that No. N. 7146 Pte George Phiri had been shot by an Italian Guard. Josiah Nkose informed me that George Phiri had left the working party and entered an "Out of Bounds" Area. Josiah Nkose also entered the "Out Bounds" Area with an Italian Guard as he had been informed that George Phiri had been shot. Josiah found George Phiri unconscious, and an Ambulance was procured and George Phiri was removed to a Military Hospital in Brindisi.

Josiah Nkose informed me that George Phiri had not been shot by a Guard escorting the working party but by some other Italians dressed in black Uniforms. These black uniformed Italians were guarding the "Out of Bounds" Area.

I then proceeded to the Camp Commandant, an Italian named Captain Petros Bianco, and was informed by him that George Phiri had died. Captain Petros Bianco also informed me that George Phiri had been shot by Italian Guards of the "Out of Bounds" Area which he, George Phiri, had entered after leaving the working party without permission.

I then requested permission to see the body and to attend the burial, this request was refused by Captain Petros Bianco. I then reported this matter to the main Camp Leader, Sgt Major Hamilton of the South African Artillery.

I cannot supply any names or descriptions of the Italian Guards of the working party as I did not come into actual contact with guards themselves.

WITNESS ???????
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???????
.....

??????????
.....

The deponent acknowledges that he knows and understands the contents of the aforegoing affidavit.

Sworn to before me this ..... day of April, 1946 at the N.M.C. Dispersal Depot, Modderbee.

? ? ? ? ? ?
Major,
Ex-Officio Commissioner of Oaths
for the Union of South Africa.

STATEMENT OF :-

CAVALLO Giovanni, born in 1880, peasant, residing in Via Umberto Maddalena N.7, BRINDISI.

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who states :-

Having been duly warned of my responsibility as a witness I make this statement voluntarily and do understand that it can be used as evidence if so desired.

Sgd:- CAVALLO Giovanni + (My mark)

I was working in a vineyard behind the Brindisi aerodrome in August 1943 when I witnessed the following incident.

One afternoon about 4 o'clock I saw a negro P.W. walking near to a vineyard where I was working. He was about 30 meters away from me.

Shortly afterwards I heard some voices and looked round to see a member of the Carabinieri telling the P.W. that he was not to walk in this place and that he must also leave at once. There was with the Carabinieri one other man quite what he was I do not remember. There was some argument as to which direction the P.W. wanted to go, the Carabiniere insisting that he went in one direction, the P.W. wanting to go in the other. This led to a slight argument, and the next thing I saw was that the Carabiniere was striking the P.W. with his hands.

I resumed working and almost immediately I heard a shot and looked round to see the Carabiniere about 20 meters away with his rifle in his hands but not not aimed at anything.

I noticed that the P.W. was moaning and laying on the ground, he was bleeding and it was then that I knew the Carabiniere had shot the prisoner.

The Carabiniere went away in the direction of the Camp and I went and looked at the man who had been shot. He was not dead but was moaning and bleeding, from the blood it appeared that he was shot in the region of the upper arm. I did not touch the body.

Shortly afterwards an ambulance arrived and took the negro P.W. away. I am unable to describe the Carabiniere except that he was short and had a round full face, as for the other man with the Carabiniere I cannot describe him.

Sgd:- Cavallo Giovanni + (my mark)

Statement taken down by me this 28th day of May 1946 at BRINDISI through the medium of PASIMENI Alberto qualified English-Italian Interpreter.

Sgd:- W.G. AYLEN

Capt. R.A.
War Crimes Investigation Branch
D.J.A.G. Office Naples, C.M.F.

/I PASIMENI .....

I PASIMENI Alberto certify that this is a true statement in Italian as given to me by the above named.

Sgd:- PASIMENI Alberto.
Interpreter.

I certify that I have translated the above statement to the best of my knowledge and ability.

Sgd:- PASIMENI Alberto.
Interpreter.

209 Prisoner of War Camp,

AFRAGOLA.

2nd April, 1946.

STATEMENT OF: DE VITO. Giovanni, aged 23 years, Farmer, living at Via Martono 83, CAPRARICA DI LECCE, Prov. LECCE.

Who states:

I have been cautioned that I am not obliged to say anything unless I wish to do so, but whatever I say will be taken down in writing and may be given in evidence.

(Signed) DE VITO. GIOVANNI.

In August 1943 I was attached to the 640 Mobilised Section of the Carabinieri, and stationed at the Brindisi Airport.

One day in this same month I was on duty in company with an airman, patrolling the airfiled when I saw a shadow in a vineyard. I approached the vineyard and saw a negro Prisoner of War sitting under a tree eating. I went up to the negro and, in Italian, asked him what he was doing there. He did not answer me. Then, making gestures with my hand and pointing to the other Prisoners of War who were on the airport about 600 metres away I tried to make him understand that he was to rejoin them. The Prisoner remained sitting and said to me in Italian, "If you don't let me go away. Tomorrow you will be my prisoner and I will hit you with many punches". I moved my rifle from my right shoulder on to my left in order to have my right hand free. Then the Prisoner got up on to his feet and seized my left hand; the rifle slipped from my shoulder down along my arm and the negro seized the sling, and then the barrel - whilst I endeavoured to take the butt. He evidently wanted to disarm me.

I must add that when the negro first took hold of my left hand he struck me on the face two or three times with his fist.

I endeavoured to regain possession of my rifle and the negro tried to prevent me from doing so by pulling the rifle by the barrel. During this struggle my right hand fingers accidentally went on the trigger, and, as I took a step back in order to free myself, a shot was discharged from the rifle. The Prisoner fell to the ground. I told the airman, who during this whole time had been watching without intervening, to remain on the spot with the Prisoner whilst I went to report the incident to my Warrant Officer.

(Signed) DE VITO. GIOVANNI.

This statement has been read over to me, it is true and correct.

(Signed) DE VITO. GIOVANNI.

Statement taken by :-

H. DOWNING. Sergeant, 60 Sec. S.I.B., C.M.P.

through the medium of :-

PASIMENI. Alberto, Official Interpreter.

PARTICULARS OF EVIDENCE IN SUPPORT

Statements of :-

(i) Nathaniel LASHOPI

(ii) S/Sjt. Dick KUNENE

(iii) Giovanni CAVILLO

(iv) DE VITO, Giovanni (The Accused)

NOTES ON THE CASE **2864**

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence; (*c*) whether the case appears to be reasonably complete.)

The evidence in this case is somewhat conflicting and in view of certain allegations that the victim not only threatened but in fact physically attacked the accused it may be anticipated that the accused will plead self-defence. The decision as to whether the accused did in fact act in justified self-defence appears to be the main issue in this case.

4270/UK/81/110

2865

NICITA, Nunzio

Date Submitted	Decision of Committee I		
21 NOV 1946	A	B	CARDS CHECKED LIST 60

(89756) P893/11 5000 8/45 M&C Ltd 51/1

4270/UK/81/110

(*For the Use of the Secretariat*)

2866

Registered Number.

4270/UK/21/110

Date of receipt in Secretariat.

12 NOV 1946

UNITED NATIONS WAR CRIMES COMMISSION

United Kingdom CHARGES AGAINST Italian WAR CRIMINALS

CASE No. [illegible] *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	Colonel Renato Vicchi (in custody)
Date and place of commission of alleged crime.	May 1943 at P.G.I. Camp 107 [illegible], Italy
Number and description of crime in war crimes list.	No. XXII. Ill-treatment
References to relevant provisions of national law.	Assault
Breaches of International law	Article 2 of the Geneva Convention 1929

SHORT STATEMENT OF FACTS.

The accused, who was the Commandant of P.G.I. Camp 107, had four South African prisoners of war who had escaped and been recaptured handcuffed on their return to the camp. While they were still handcuffed he slapped them in the face. He also struck one of them several blows in the face with his pistol. Thereafter he confined the four of them on a diet of bread and water for thirty days.

TRANSMITTED BY Office of the [illegible]

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E. W.Ltd. Gp.685
(30449) Wt.P 11s3/17 5,000 10/45 " "

PARTICULARS OF ALLEGED CRIME

See Short Statement of Facts.

AFFIDAVIT

PETER ASHLEY BLYTH SWORN STATES :

I am an ex P.O.W. I served in the S.A.A.F. as a Sergeant, No. 102443. My present address is c/o United Tobacco Coy, Kloof Street, CAPE TOWN. I was in various P.O.W. Camps in AFRICA, ITALY and GERMANY. Whilst at P.O.W. Camp P.G. 107 TORVISCOSA, (I did not know this Camp as PARPETTO) I escaped on the 15th May 1943. I was accompanied by Sergeant JOHN LAMB, S.A.A. (present address unknown) Corporal GELDENHUYS (I think he was in the S.A. Irish) (present address unknown) and Pte BRESLER (deceased). We were assisted to get away by Privates WRIGHT and McDONALD. We were recaptured on the evening of the 21st May 1943 and we arrived back at the camp on the evening of the 22nd May 1943. We were taken to the office of Colonel in charge of the Camp. He was well known to me as COLONEL NICITA as I used to accompany him on his visiting rounds in the Camp. When we arrived at the office he came outside and said words to the effect - "You thought you could escape", then he ordered chains to be brought and he assisted to put the chains on to us. Whilst busy he smacked us all in the face with his open hand. We were then marched into his office where he tried to extract the names of our helpers. We refused to give them. LAMB, GELDENHUYS and BRESLER were then taken out of the office and I was further questioned by the Colonel, but I refused to give the names. He then pulled out his automatic pistol, took off the safety catch, pushed me into a corner of the room and said he was going to shoot me if I did not tell him the names of our helpers. I still refused. He then put the safety catch on again,,and struck me several blows in the face with the pistol, insisting to get the names of the men who helped us. My lips were cut and two of my back teeth had chips broken off. My face was badly bruised. The four of us were sentenced to one months imprisonment without any blankets being supplied. Whilst Colonel NICITA was knocking me about with the pistol, he ordered the men who usually remove the refuse from the Camp to be fetched to his office, intimating that he was going to hold them responsible for assisting us to escape as he had discovered that we were hidden in refuse boxes and wheeled out of the Camp. Before we escaped it was agreed between us, WRIGHT and McDONALD that should we be recaptured rather than let any innocent P.O.W. suffer through our escape, we could devulge their names, and as the men who were called for were in the Hygiene Section and had nothing to do with our escape I thought it better to give him the names of WRIGHT and McDONALD which I did.
Description of Colonel NICITA :

Colonel of the Carabinieri.
Home in Sicily.
Married. Age about 45 years, Height 5' 5" - 6'
Stocky Built. Hair - dark, slightly grey. Eyes -.

(Signed) P.A. Blyth.

The deponent acknowledges that he knows and understands the contents of this affidavit. Sworn to before me at The Castle, CAPE TOWN on this 6th day of MAY 1946.

(Signed) G. Zietsman (?).
MAJOR.
ex officio Commissioner of Oaths,
for the Union of South Africa.

WITNESS :

(Signed) ????????????????

AFFIDAVIT

JOHN PETER LAMB

Sworn States :

I am an ex P.O.W. I am a Sgt. in T.S.C. attached to the third Field Regt. My Regt. No. is 31060.

I reside at No. 23 Tenth Avenue Northwood, Benoni.

I was a P.O.W. in camp 107 TORVISCOSO near TRIESTE Italy. Sgt. BLYTH P. of the S.A.A.F. and myself decided to escape. We could not find a satisfactory means of escaping and eventually joined forces with a BRESLER, S/Cpl. GELDENHUIS both of the S.A. Irish. BRESLER suggested the idea of being pushed out in the dirt boxes, but we wanted somebody to co operate with us and decided on Pte. A. WALLS, M, WRIGHT and Mc DONALD. The first two mentioned were both in the S.A. Irish, and Mc DONALD T.S. These three men agreed to help us and the plan worked out very satisfactory. We were pushed out in a box filled up with dirt on wheel barrows and we were dumped in a refuse pit outside the camp. This happened at about 5 p.m. on a sunday afternoon. We laid in this refuse pit until about 10 p.m. We then started off in a Northerly direction. We were at large for six days when we were recaptured near the border of JUGOSLAVIA. We were taken in an army truck to GORIZA where we were handed over to the Italian CARABINIERE, they locked us up in the local gaol, and in the afternoon we were brought before an Italian MAJOR SAVOIA. He questioned us and wanted to know how we managed to get through the defence lines. We pointed out to him on the map the place we crossed the river near GORIZA. He did not believe that we could get through there as there were too many patrols, (of course this was not the correct information).

All this time we lived on condensed milk and chocolate.

We asked him for food but he refused to give us any. We were locked up again and at about 5 p.m. we were put aboard an army truck under armed escort and taken back to camp 107.

The camp commandant, Colonel NICITA was there to meet us. We were handed over to him. He had us handcuffed and when we were handcuffed he came up to us and slapped each of us in the face with his flat hand. He took us into his office with the interpreter (Named TURCO) and he wanted to know how we escaped. We told him that we had cut a hole in the fence and went out. He would not believe this, so he got hold of PETER BLYTH in his office threatened him with his revolver and also struck him with the revolver on the side of his head. BLYTH then told him how we got out and also gave him the names of who took us out. We were kept handcuffed and locked up in gaol. The following day WRIGHT and Mc DONALD was arrested and locked up with us. We were kept in gaol for thirty days on bread and water, but Pte. WALLS when bringing our food always brought something extra until the orderly officer caught him with the result that he got locked up with us. When we got out of gaol the four of us were transferred to camp 57 UIDINE, where we remained until the capitulation of Italy.

Colonel NICITA (SICILIAN)

Age about 65, Height about 5'6", build fat and flabby, Complexion fair, Hair very grey almost white, eyes blue, always smoked a cigar, and out and out Fascist.

To give anybody some idea of what sort of man he was. He use to come to camp at 2 in the morning drunk order the guards to fire bursts of machine gun fire across the camp and at times during the night he use to come into out huts and rave and shout in Italian. Nobody knew what he wanted or what he wanted us to do and if any one was awake he would strike him with whatever he could lay his hands on, nobody else assaulted us, but the colonel.

(Sgd.) J.P. Lamb.

The deponent has acknowledged that he knows and understands the contents of this affidavit which was sworn to before me at Benoni this sixteenth day of May 1946.

(Sgd.) C. v.d. Linde, Lieut.
Active citizen force.
Ex-officio Commissioner of Oaths for the Union.

AFFIDAVIT

DIRK CORNELIUS GELDENHUYS

Sworn States :

I am an ex P.O.W. I was discharged during September 1945. My Regt. No. was 88522.

I reside at the Staff Mess Randfontein Estates.

I was a P.O.W. in camp 107 PORPETTO Italy, from about Sept. 43 until June 45. Four of us P.O.W. escaped during May 45. (1) Sgt. BLYTH (2) Sgt. LAMB (3) Pte. BRESLER and myself.

We were wheeled out in dirt boxes on wheel barrows by Pte. WALLS, Pte. WRIGHT and Pte. Mc DONALD, at about 5 p.m. and dumped in a refuse pit outside the camp where we remained in hiding until dark. We headed for JUGOSLAVIA. We were at large for six days when we were recaptured close to the border of Jugoslavia by GERSECHERIA Troops. They took us to, and locked us in gaol at GORIZIA. We were kept here one day when we were transported back to camp 107 PORPETTO.

The Camp Commandant Colonel MICITA was there to receive us. He had us handcuffed by the caribinieie and he then ordered them to flog us but they refused to do this. He became very excited, came up to us and slapped us in our faces with the back of his hand, and then ordered the caribinieri to take us into his office. He lined us up against the wall and demanded us to tell him how we escaped and who helped us. We did not want to disclose how and by the help of who we escaped. He drew his revolver cocked it and struck Sgt. BLYTH against his head with his revolver. He had us thoroughly searched, I cannot remember whether Sgt. BLYTH after he was struck told the Colonel who had helped us to escape. What I do remember is that the interpreter TURCO told us that they knew how we got out and who assisted us, we were put back into the lockup, and the next morning WRIGHT and Mc DONALD was brought and locked up with us, and the six of us were kept in gaol for 30 days on bread and water. Pte. Walls who always brought our food managed to bring us a little extra until he was caught smuggling this extra food into us, and he was also locked up with us. After we were released out of gaol the four of us who escaped were sent to Camp 57 UDINE.

The description of Colonel MICITA :
Age, about 65,
Height about 5'6"
Build Stoutish,
Fair complexion very Grey and always smoked a cigar.

(Sgd.) D. Geldenhuys.

The Deponent has acknowledged that he knows and understands the contents of this affidavit which was sworn to before me at Randfontein this 27th day of May 1946.

(Shd.) C. v.d. Linde, Lieut.
Active Citizen Force.
ex-officio Commissioner of Oaths for the Union.

AFFIDAVIT

JOSEPH ROY MC DONALD

Sworn States :

I am an ex P.O.W. I was discharged on the 12.2.46. My Regt. No. was 34456.
I reside at No. 30 ROSSETTA Street, Regents Park, Johannesburg.
I was a P.O.W. in camp No. 107 TORVISCOSO Italy, from August 1942 until the capitulation of Italy on the 8th September 1943.

While in this camp seven of us P.O.W. planned to escape. We were three in our party (1) Pte. M. WRIGHT, (2) Pte. A. WALLS, (3) and myself. The other section being Sgts. BLYTH and LAMB Cpl. Goldenhuis and Pte. J. BRESLAU. We could not all go out in one party so we decided to spin a coin to see which of us should go. My side lost the toss. It was agreed previously that the losers would assist the winners. The only manner of escape was through the dirt carts, so myself and Pte. WRIGHT wheeled the four mentioned out in the dirt boxes two at a time. We managed the escape undetected we dumped them in a refuse pit outside the camp. The four escapees were at large for six days. One night at about 11 p.m. I was pulled out of bed by two Italian carabiniere who escorted me to the camp Commandant Colonel NICITA a (SICILIAN) for interrogation, on my entering his office I saw the four prisoners lined up against the wall their hands were chained behind their backs, and at the same time as I entered his office he, the colonel NICITA pointed his revolver which he had in his hand at me. He was very excited and shouted to me asking me whether I knew the four prisoners, and whether I helped them to escape. He kept me covered with his revolver. It told him that I knew the four prisoners and that I helped them to escape. He wanted to know how, I helped them, I refused to tell him. He got up walked round his table to where I was standing waved his revolver in my face and said Italy and Germany will win the war with this, meaning the revolver.

WRIGHT who was also hauled out was then marched into the office by the carabiniere on his entering I was pushed by the colonel beside the four prisoners. The Colonel then started on Wright asked him the same questions. Wright refused to talk, upsetting the colonel to such an extent that he raved and danced around, swearing and cursing all the time, saying that once MUSOLINI gets him airforce going there will be no more England because Italy and Germany will win the war.

The six of us were then taken out and looked up in gaol.

I asked Sgt. BLYTH what the blood on his face were, LAMB answered by saying that the Colonel had struck BLYTH on the side of his face with his revolver. After we had been in gaol for 10 days the four prisoners (escapees) were taken out of gaol. Wright and myself remained in gaol. I heard that the four prisoners were taken to camp No. 57. Wright and myself were kept in gaol for three months on bread and water with no blankets. The two of us were taken out of prison daily by guards to the refuse pit and asked did you do it this way when they dump the refuse but we never told them how we had assisted the four men to escape. Colonel NICITA (SICILIAN) Age. over 60, Height about 5'5" or 6", Complexion fair, hair Grey almost white, eyes blue, Build fat and flabby, always smokes cigars.

(Sgd.) J.R. Mc Donald.

The Deponent has acknowledged that he knows and understands the contents of this affidavit which was sworn to before me at Germiston this 13th day of June 1946.

(Sgd.) C. v.d. Linde, Lieut.
Active Citizen Force.
Ex-officio Commissioner of Oaths for the Union.

AFFIDAVIT

MORRICE WRIGHT

Sworn States :

I am an ex P.O.W. I was discharged during August 1945.. My Regt. No. was 88599.

I reside at No. 14 Second Street, Married Quarters Venterspost.

I was a P.O.W. in camp No. 107 PORRETTO, Italy during 1942. While in this camp two South African P.O.W. Sgt's (1) J. LAMB, (2) PETER BLYTHE, approached me and asked me whether I would assist them to escape. I agreed to help them, so we arranged our plans for the escape.

The final plan that we arrived at was that myself and a Pte. Mc Donald of the S.A. Irish would push Sgt's LAMB and BLYTHE out of camp through the main gate on wheel barrows with a big box and cover them up with vegetables. This plan was actually carried out. We wheeled them out as stated above. We dumped them in a refuse hole, and came back for the other two. (1) Cpl. GELDENHUIS D. (2) Pte. BRESLER J. We managed to get them out the same way as the first two. Mc Donald and myself returned back to camp.

Approximately seven days after their escape they were recaptured brought back to the camp and locked in gaol. About a quarter of an hour after they were locked up the Italian interpreter came straight to my hut and pulled me out and also locked me up with the four escapees. They looked haggard and battered about.

Cpl. Geldenhuis had a red lump on the side of his face. They all told me that the Italian colonel name MUTTA had struck Cpl. GELDENHUIS in the face with his pistol.' The other three also had a beating up.

I was arrested through no fault of the four escapees. There must have been some informer who got to hear about the matter, who informed the Italians. The Colonel taxed me of having aided the four prisoners to escape but I denied this. We were kept in gaol for thirty days on just bread and water.

After our release out of gaol BLYTHE, LAMB, GELDENHUIS, and BRESLER were sent to, I believe, some punishment camp, but I do not know where this camp was. I remained in the same camp from where I also managed to escape.

I did not witness the assaults or the four prisoners.

(Sgd.) M. Wright.

The Deponent has acknowledged that he knows and understands the contents of this affidavit which was sworn to before me at Venterspost this 16th day of May 1946.

(Sgd.) C. v.d. Linde, Lieut.
Active Citizen Force.
Ex-officio Commissioner of Oaths for the Union.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

There would appear to be no valid defence.

REGISTERED NOs.

111 TO 120

4627/UK/It/111

2875

VIT(T)OZZI, Vittorio
and 2

Date Submitted	Decision of Committee I		
6 FEB 1947	1 : A 2 : W	B	GRADE CHECKED LIST 53

(89756) P802/11 5000 8/45 M&C Ltd. 51/1

4627/UK/It/111

(*For the Use of the Secretariat*)

2876

Registered Number.

4627/UK/24/111

Date of receipt in Secretariat.

[redacted] - 3 FEB 1947

UNITED NATIONS WAR CRIMES COMMISSION

United Kingdom CHARGES AGAINST Italian WAR CRIMINALS

CASE No. UK-I/B 163 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	1. VITTOZZI Vittorio, Lieutenant Italian Army. (in custody). 2. DEBILIO, Brigadiere Italian Army. (in custody).
Date and place of commission of alleged crime.	2 January 1943, GHIOZA, Greece.
Number and description of crime in war crimes list. References to relevant provisions of national law.	(i) Murder. Murder.

SHORT STATEMENT OF FACTS.

Sapper [illegible].H. TOBIN, New Zealand Army, was involved in the retreat of the British forces from Greece and during the retreat was given refuge by Greek civilians. Whilst in hiding he wore civilian clothes. In January 1943 the accused DEBILIO discovered Tobin in a hut together with another New Zealand soldier also in civilian clothes, named WEBSTER. DEBILIO took Tobin and Webster before his superior officer, the accused VITTOZZI. An interrogation then took place with the help of an interpreter and then because Tobin was in civilian clothes and carrying a revolver, VITTOZZI took him into the open and shot him in the back of the head, killing him instantly. No trial of any kind took place. DEBILIO was almost certainly present when Tobin was shot but has not yet been interrogated. If DEBILIO is found to have assisted at the execution, he will be joined as an accused with VITTOZZI.

TRANSMITTED BY Office of the J.A.G. (Mil. Dept.)

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252 4 5,000 5/45 A.& E. W.Ltd. GP.685
(30449) Wt.P.1183 17 5,000 10/45 " "

PARTICULARS OF ALLEGED CRIME

2877.

See short statement of facts.

[illegible] near G[illegible],
Province of Corinth,
[illegible].

STATEMENT OF:

[illegible]OPOULOS. Petros, age [illegible], a [illegible],
residing at G[illegible].

Who states:

I have a good knowledge of the English [illegible], having resided in Canada for 28 years.

From 1936, until July, 1943, I was Mayor of the small town of G[illegible]. During the occupation of Greece by the Italians, raids were frequently made on small villages by the occupation troops in search of Sheep, Lambs or Goats.

It was in January of 1943, that such a raid was made by a party of Italian troops on G[illegible]. This party was composed of a Brigadier of Carabinieri, two Carabinieri, two Greek/Italians in Italian Army uniform, and one civilian interpreter named [illegible]S of PATRAS. As Mayor, I was called by the Brigadier in charge of the party to accompany them in their search for goats and Sheep. The date was about the 20th January, and the time just about 3 o'clock in the afternoon when, on approaching a shed owned by TSIMITZIS Evangelos, I heard the Interpreter [illegible] shout to me in Greek that there were two men inside the shed. The Brigadier entered the shed followed by the Carabinieri, and I was called in after them. On entering I saw a man who I later knew as a British soldier, and by the name of "SPYROS", standing with his hands above his head in token of surrender, but holding a pistol in his right hand, the barrel of which was pointing at the roof of the shed. I saw [illegible] in the shed a second man who I later knew as a British soldier named "[illegible]".

The British soldier was dis-armed, and both of them were taken Prisoner by the Carabinieri and marched over to my house in G[illegible]. The Italians and the British all had a meal [illegible], when about 10 o'clock in the evening the Brigadier went into my office, and in my presence he made a telephone call to [illegible].

About 1½ to 2 hours later, an Italian Officer and about 14 men arrived at my house. I was present when the Officer started questioning the two British soldiers. He spoke in Italian and the Interpreter [illegible], who then asked them the questions in Greek.

Half an hour later a Greek civilian named TSIMITZIS Evangelos arrived and told the Italian Officer that it was he who had hidden the two Britishers. He was immediately handcuffed and questioned. He was later brought into a room in my house in which were present; the Italian Officer, about eight soldiers, the two British Prisoners, [illegible]S the Interpreter, my nieces [illegible]OPOULOU Constantina and [illegible]OPOULOU Pareskevi, and myself. TSIMITZIS was further questioned by the Officer, then a re-interrogation of the two British Prisoners began. This lasted about half an hour. At the end of this period the Italian soldiers took the Prisoners out of my house and the Italian Officer told me he wanted to sleep. I offered to show him to a bedroom but he refused, saying he wanted to sleep near the fire in the living room. I left him in the living room and went to the front door of my house. From here I saw six Italian soldiers take the two British soldiers and TSIMITZIS Evangelos to a nearby house. The Italians left one of the Britishers and TSIMITZIS in this house under guard, then they took the other Britisher away in the direction of the perimeter of the village. A few minutes later I heard a single burst of automatic fire.

/Five

Five minutes afterwards the Interpreter MIKAS came to me and said, "Hurry up, take three other fellows and a priest and go down the road to bury a dog which was barking at us and which we killed". I got the priest SALISTIS Constantinus, and three other men, PAPOPOULOS Giorges, BOTSARIS Giorges, and BARBOPOULOS Nicholaos, and we went down the hill to the outside of the village where I saw a group of six Carabinieri standing over the body of a man which was laid on the grass. I recognised the body as that of the British Prisoner "SPYROS". The Interpreter MIKAS was also there and I recognised the Brigadier in charge as the one who was with me in the afternoon. He had in his hands an automatic rifle. I recognised also the two Carabinieri of the afternoon, one of these also had an automatic rifle. The other four, who were also Carabinieri, I did not recognise. With the exception of the Brigadier and the one Carabinier the men appeared to be unarmed, although they may have had pistols. The Brigadier spoke to me through the Interpreter and said, "Take it and bury it and say nothing". The Italians then left.

I examined the body and saw there were several bullet holes in the chest, all within a small area over the heart. The clothing here was burned too. I turned it over and saw there was a large exit hole of the bullets on the right side of the back.

We carried the body on some boards to the cemetery of GHIOZA, where we buried it the same night. A cross was later erected on the grave which bore the name "SPYROS - ENGLISHMAN".

I would recognise the Brigadier again, he was about 45 years old, about 5ft 6ins, very dark complexion, broad build, black hair.

The day after the shooting all the Italians left GHIOZA taking with them TSIMITZIS and the British Prisoner, GORDON WEBSTER.

This statement has been read over to me, I have fully understood the meaning of it, and it is true and correct.

(Signed) PETROS BARBOPOULOS.

I wish to state in my own language that I have fully understood the foregoing statement.

(Signed) PETROS BARBOPOULOS.

STATEMENT taken in English, read over and signature witnessed by Sergeant H. Downing, 95 Section, S.I.B., C.M.F., at a point near GHIOZA on the 27th September, 1946.

(Signed) H. Downing,
Sergeant.

I certify that the paragraph at "A" is translated from the Greek on the original document to the best of my knowledge and ability.

(Signed) [illegible]
TSAMBOS I. N. [illegible] Interpreter.

Village of [illegible] or [illegible]
Province of [illegible]
[illegible]

Additional statement of :

BARBAPETROS Petros, of [illegible],
age 69 yrs. Farmer, residing at [illegible] (LATI)

Who states :

I wish to add the following in addition of what I've stated to Sjt. DOWDING on the 27th of Sep. 44.

I was present throughout the interrogation of the two Br. soldiers, arrested by the Italians, called [illegible] and SPYRO. The interrogation was held in Greek. The Italian Officer was interrogating them through ANDREA his Interpreter. I did not hear SPYRO answering any questions. WEBSTER could speak a little Greek and was answering for both - him and his mate.

A sporting gun and a revolver were found in TSIMPZIS' hut. During their arrest which I witnessed, SPYRO had the revolver in his hand, but had lifted both hands up.

At the interrogation the Italian Officer showed only the sporting gun to the Britishers and WEBSTER admitted that it was his own. The revolver was not shown at the interrogation, which lasted about an hour, during which SPYRO remained silent.

When the interrogation ended, the Italian Officer waved to the Italian Brigadiere who was standing in front of the door; the latter took the two Britishers and EVANGELOS [illegible] to a nearby house, 50 metres away from my house.

TSERETZIS EVANGELOS was present during the last half hour of the Interrogation.

After the execution and burial of SPYRO, as I have stated in my previous statement, I returned to my house and found that the Italian Officer had left.

At noon the next day I saw the Italian Officer leaving towards LAVKA with his men.

I describe GORDON WEBSTER as follows : Approx 6 ft. tall, heavy build, with round face and dark brown hair.

I describe SPYRO as follows : A little shorter than WEBSTER, of medium build with wavy blonde hair.

I describe the Italian Officer as follows, a little shorter than WEBSTER, of heavy build, dark complexion, with dark drown hair. I'll recognize him if I see him again.

To-day I am shown a photo Exhibit "C" in which I recognize SPYRO as the man on the right, and TSERESIS DIMITRIOS as the man on the left.

When I asked ANDREA where he came from, he said he was an Italian, born and raised in PATRAS and had joined the Italian occupation Forces as Interpreter. He was dressed in uniform. The same as the rest of the Carabinieri. I did not observe any rank on either of his sleeves.

I describe him as follows: Approx. 5 ft. [illegible] in. in height, of medium build, fair complexion, with long face and blonde hair.

/The

The above statement has been read out to me and is true and correct.

Village GHIOZ.. on ..IT

18 Oct. 1946.

(S.d) P. ..LOPOULOS.

Statement taken down in Greek, read over and signature witnessed by the undersigned Official Army Interpreter T/SY SGT. SJT. STILLINOU, R...S.C., in the presence of the undersigned Capt. ..T. BEZZIN.. of D.J...G. C.M.F. at L.VK.., Greece.

(S.d) ..T. STILLINOU, SJT.
Interpreter

(S.d) ..T. BEZZIN..
Captain.

I certify that this is a true translation of the original Greek, done to the best of my knowledge and ability.

(S.d) E. STYLLINOU, SJT.
Interpreter.

2882

Village of ASSO,
Province of CORINTH
GREECE.

STATEMENT OF

LIMBEROPOULOS GEORGE of Antonios,
age 46 years, Merchant, resident of MOSSIA.

Who states :

I was born in MOSSIA (Province of CORINTH), where I lived till Oct. 1945.

In May 1941 I was approached by Doctor PAPACONSTANTINOU EUSTATHIOS, a resident of the village KASTANIA and a good friend of mine, who introduced me to two civilians who later told me they were British soldiers. Their names were LEN TOBIN from NEW ZEALAND and GORDON WEBSTER an ENGLISHMAN. TOBIN was a private and WEBSTER a Sergeant. They told me they belonged to a Mechanised Unit which fought in CORINTH at the retreat of the British Troops from GREECE in April 1941. WEBSTER and TOBIN were dressed in Army slacks and shirts and civilian jackets. They were not armed.

Dr. PAPACONSTANTINOU E. asked me to help and hide them from the Italian occupation forces. This I accepted voluntarily. I took them and introduced them to my family. They could not speak Greek. I taught them a little so that they could move around freely and make their stay in the village more comfortable. Afterwards I introduced them to some of mine and Dr. PAPACONSTANTINOU's trusted friends, among whom there were DIMITRIUS TSIMITZIS and his brother EVANGELOS, residents of GHIOZA. During their stay in my house, TOBIN and WEBSTER gave me some photographs which DIMITRIUS TSIMITZIS had taken with his camera with view of procuring them with Greek Identity Cards. We wanted to supply them with Greek Identity Cards so that they could depart to ATHENS and thence try to escape to the Middle East. This plan was not carried out because we did not manage to find the necessary Identity Cards.

During the period WEBSTER and TOBIN were living with me, the Italians used to send small detachment in the area, including our village, to seek and requisition food and animals from the villagers. Therefore I had to be very careful for the safety of my British friends, and I advised them not to move around much. I gave a small automatic (type Browning) to TOBIN and WEBSTER acquired a pistol from one of his Greek friends. I also advised them to use Greek names. Thus, I called WEBSTER with the Greek name of COSTAS SIATOS, and TOBIN with the name SPYROS DIMITRIOU. Two villagers knew them with their Greek names.

After 18 months of continuous stay in my house, WEBSTER and TOBIN who by now became good friends with the brothers TSIMITZIS, started using EVANGELOS TSIMITZIS's hut in order that they would not be discovered by the Italian Carbinieri who started visiting our village more frequently asking food and animals. During this period food was provided to the Britishers by Dr.PAPACONSTANTINOU E.TSIMITZIS Evangelos and me, but I held myself responsible for their upkeep.

On the 8th January 1943, WEBSTER and TOBIN were using TSIMITZIS Evangelos' hut near GHIOZA. They visited my house at MOSSIA on my son's birthday on the 17th January 1943, and left the next day. I observed that night that they were not carrying arms. The reason being, that my friend informed them that if they were arrested by the Italians and found armed, they would be in great danger.

/In

In the afternoon of the 19th January, 1943, Evangelos TSI ITZIS came to my house and informed me that WEBSTER and TOBIN were found sleeping in his hut by a party of CARABINIERI who was searching for animals in the vicinity of the village of GHIOZA. He also said that the Italians having knocked at the door and having had no reply, were ready to depart when, a Greek Gendarmie (he was accompanying the Carabinieri from LAVA) happened to look in the window of the hut and saw two men, dressed in civilian dress, sleeping. He called the Carabinieri back, who returned and apprehended the two men and took them along with them.

The next morning I heard from a passer-by that one of my British friends was shot dead by the Italians. Later in the afternoon a friend of mine from GHIOZA rang me up and informed me that the Italian detachment was moving towards the village of LAVA. I sent my daughter to the village of GHIOZA and when she returned she told me she saw the Italians going towards LAVA escorting only one of the Britishers namely WEBSTER. Then I understood that the the Italians had shot, was TOBIN. At dark I went to the cemetery where I observed a fresh pile of earth which I took as TOBIN's grave.

As the Italians started suspecting me of my family for having helped the two Britishers, I had to be careful in my movements. In fact I was arrested eight days later by the Carabinieri as suspect for hiding and upkeeping the two British soldiers. I was interrogated by the Tenente VITOCL Vittotio of the Carabinieri (I learnt his name later from my friends, when I fled to the mountains). As I knew that the Carabinieri were suspecting me and had no definite proof of the truth, I denied the charge and next day I was set free with my family. Lieut. VITOCL interrogated me personally in the Greek language.

In April 1943, I fled to the hills. There I met TSELITZIS Dimitrius who explained to me how TOBIN was executed by the Italians. He said that TOBIN was shot at the back of the head by the Carabinieri under Lieutenant VITOCL's orders.

During the period of their stay, WEBSTER and TOBIN gave me their photographs. One of WEBSTER's photos I handed in to Captain BAZIN of the D.J.A.G., C.M.F. I have sent TOBIN's photo to his family in NEW ZEALAND.

I describe WEBSTER as follows: About 1.80 metres tall, of heavy build, with dark brown hair and blue eyes.

I describe TOBIN as follows: about 1.75 metres tall, of medium build, with blond hair and blue eyes.

Today I am shown three photographs marked Exhibit "A", "B", and "C". In Exhibit "A" I recognise the man as Sgt. WEBSTER. In Exhibits "B" and "C" I recognise the man on the right as that of TOBIN who was killed by the Italians and, the other on the left on both photos as that of TSELITZIS Dimitrius.

I describe Lieutenant VITOCL of the Carabinieri as follows: About 1.78metres tall, of medium build, dark wavy hair, dark brown eyes, and about 35 years of age.

The above statement was read over to me and it is true and correct.

Village of ASSOS
Dated the 16th October, 1946.

(Signed) G. LIBEROPOULOS

/Statement

Statement taken down in Greek, read over and signature witnessed by the undersigned Official Army Interpreter T/CY 5084 Serjeant M. STYLIANOU, M...S.C. in the presence of the undersigned Captain ...T. BEZZIN... of the D.J...C., ...F. at ...SOS, Greece.

(Signed) M. Stylianou, Sjt.
Sgt/Interpreter.

(Signed) ...T. Bezzina.
Captain.

I certify that this is a true translation of the original Greek document done to the best of my knowledge and ability.

(Signed) M. Stylianou, Sjt.
Sgt/Interpreter.

...S..I.,
Prov. of Corinth.

STATEMENT OF:

P.P.CONSTANTINOU. Eustathios, aged [illegible],
Doctor, residing at K.ST...

Who states:

At the end of May, 1941, I was living in the village of K.ST..I., where I have resided all my life, when I was approached by my nephew, P.P.CONSTANTINOU Constantinius from A.ND..., and asked if I would hide two British soldiers who were trying to avoid the occupying Italian troops. I agreed, and the two Britishers stayed in my house for about ten days. After this period I became afraid as the Italian soldiers used to pass my house almost every day, so I asked the two men to come with me to a village near here called ..OSHI., where I introduced them to a friend of mine, LIBEROPOULOS Giorgos. He agreed to hide them in the woods outside his village and from then onwards I used to give what food and clothing I could spare to ..OSHI..

The two Britishers stayed at ..OSHI.. until about March of 1942, when I took them to GHIOZA where they lived in a hut near the village. I also used to visit them here quite frequently.

In November or December of 1942, I saw one of these British soldiers again being marched through ...ST..NI.. by an escort of about 15 Italian Carabinieri. I was told later that a patrol of Carabinieri from XILOKASTRON had found the two Britishers, and that one of them had been taken Prisoner and the other executed at GHIOZ..

I am unable to remember now the names of either of the British soldiers. One was tall, about 6 feet, well built, brown hair, red complexion. Said his home was in London, England. The other came from New Zealand, was about 5 feet 9 inches, thin build, brown hair.

This statement has been read over to me, it is true and correct.

(Signed) E. P.CONSTANTINOU.

Statement taken down in Greek, read over and signature witnessed by the undersigned Official Interpreter TSALIOS Panagiotis, in the presence of Sergeant H. Downing of 95 Section, S.I.S., C.M.F., C.M.F., at K.ST..I., Greece, on the 26th September, 1946.

(Signed) Tsalios,
Interpreter.

(Signed) H. Downing,
Sergeant.

I certify that this is a true translation of the original Greek document to the best of my knowledge and ability.

(Signed) Tsalios,
Interpreter.

KASTANIA
Province of Corinth
GREECE.

ADDITIONAL STATEMENT OF:

PAPACONSTANTINOU Efsthathios, aged 80 years,
doctor, residing at KASTANIA.

Who states :

At the end of May 1941, I was residing in the village of KASTANIA, where I lived all my life, when my nephew, Doctor PAPACONSTANTINOU Constantin, from the village of KANDELHA, sent me two Britishers who were coming from TRIPOLIS, with a view to hide them from the Italians. In fact I hid them in my house for ten days. As the Britishers arrived in my house at daylight they were seen by all the villagers; as the Italians started visiting our village on trucks I was afraid they were discovered and thought it would be better for me to hide them in the FENOU district.

I went to the village MOSSIA of FENOU and met Mr. LIMBEROPOULOS and asked him to help me out. He accepted and immediately afterwards we met NANAPOULOS Sotiris, SERDARIS Joannis and KARAMBELAS Panayiotis who all accepted to cooperate by hiding the Britishers. The latter remained in MOSSIA for about a year during which period I visited them and helped them with food and other necessities. I also add that my son did send me from Athens clothing and shoes which I gave to the two Britishers, who used to visit my house very often at dark.

In the spring of 1942 the Italians were visiting the village of MOSSIA more frequently. I then decided, for their safety to transfer them to the village of CHIOZA (MATI) where I introduced them to Mr. TSIMITZIS Evangelos, a shepherd and goatherd who had a hut in the hills in the outskirts of the village. There the two Britishers stayed till January 1943, when they were arrested by the Italians.

I am convinced that their arrest was made by chance and, whatever is said about their denouncement is incorrect. The Italians were searching the area to find and requisition goats and sheep and then they then found out the Britishers in the hut. They arrested them and took them to the village of CHIOZA where they killed one and moved the other to the village of LAVKA the next day.

I went to LAVKA to try and talk to the British prisoner whom I saw there and recognised as the one we called with the name KOSTAS. He was escorted by the Italians and I was unable to talk to him.

Today I am shown a photograph marked Exhibit "A" whom I recognise the man who was arrested by the Italians and taken to the village of LAVKA and whom I have known for two years as KOSTAS; he is one of the two Britishers I mentioned above. I describe KOSTAS as follows: about 1.75 metres tall, dark hair, heavy built, reddish face. During his stay in my house, he told me he came from LONDON.

I describe the other Britisher, whom we called SPYROS and whom I learnt afterwards to be the one the Italians had killed at CHIOZA: he was a little shorter than KOSTAS, fair complexion, of medium built and blond hair. He told me he came from New Zealand.

The above statement has been read over to me and it is true and correct.

KASTANIA, dated today the 17th October 1946

(Signed) E. PAPACONSTANTINOU

/Statement

Statement taken down in Greek, read over and signature witnessed by the undersigned Official Army Interpreter T/CY 5084 Sergeant E. STYLIANOU, R.A.S.C. in the presence of the undersigned Captain A.T. BEZZINA of the D.J.A.G., C.M.F. at KASTANIA, GREECE.

(Signed) E. Stylianou
Sgt. Interpreter

(Signed) A.T. Bezzina
Captain

I certify that this is a true translation of the original Greek document done to the best of my knowledge and ability.

(Signed) E. Stylianou
Sgt. Interpreter.

A mountain path near CHIOZA,
Prov. of Corinth.
GREECE.

STATEMENT OF:

TSIMITZIS Evangelos, son of Sotirius,
aged 46 years, farmer, residing at
CHIOZA (MATI)

who states:

In May, 1941, I met two British soldiers near CHIOZA, who told me that they were trying to hide from the occupying Italian troops. I offered to let them use a hut which I own in the woods outside CHIOZA, and said I would take them some food.

Until January of 1943, these two British soldiers remained in the region of CHIOZA. They spent part of their time staying in my hut, and the remainder moving about in the mountains nearby endeavouring to evade the Italian troops who sometimes raided the valley to steal sheep.

During the period of their stay near my home I became well acquainted with these two Britishers. I knew them as "ROSTAS" and "SPYROS", which are the Greek names they used. They gave me several photographs and their names and home addresses which I wrote down on a piece of paper. This paper I have today handed to Sergeant Downing of the Special Investigation Branch, as well as three photographs of the soldier who I knew as "SPYROS", but whose real name in English was TOBIN.

In January of 1943, these two men were again living in my hut near CHIOZA. On about the 18th of this month, I remember I was minding some sheep on the far side of the valley, and did not return to the hut until about 5 o'clock in the evening. On my arrival there I saw that the two British soldiers had left, and I was told by a neighbour, GORITSAS Leonides, that they had been taken away as prisoners by Italian soldiers. I also learned that my father, my wife, and my sister-in-law had been arrested by these same Italian troops, and were to be held as hostages to be released upon my surrendering myself to the Italians at CHIOZA.

At about 10 o'clock that evening I went to the Mayor's house at CHIOZA where the Italians were staying, and told them I was responsible for hiding the British soldiers. I was taken into a room, and in the presence of two Italian soldiers, I was slapped and beaten with a pistol by an Italian lieutenant. A short time later I was taken into another room and there, in the presence of the two captured British soldiers, 5 or 6 Italian soldiers, a Greek interpreter named ANDREAS from PATRAS, as well as the Mayor of CHIOZA, who was at that time BARB ROULOS Petros, and his nieces, BABDOPOULOU Constantina and BARDOROULOU Pareshovi, I was interrogated by the same Italian lieutenant who had beaten me. My interrogation lasted about half an hour, and at the end of this period the girl BARBOPOULOU Pareshevi, left the room. The lieutenant then started interrogating the two British prisoners. This was done in Greek, sometimes by the lieutenant directly asking questions, and the remainder through the Interpreter ANDREAS. I understood all that was said in Greek, and during the course of the interrogation of TOBIN, I heard him admit being the owner of a pistol and thirty rounds, a shot-gun, and some English books, all of which had been found in my hut by the Italians.

At this moment the Italian lieutenant gave an order to the guards and two or three of them took TOBIN from the room. I did not see him again after this. I was then taken, together with the second British soldier, whom I knew as "ROSTAS", to a house nearby where we were given a meal. Later we were kept for the night under the guard of some of the Italian troops in another house in CHIOZA.

/The

The following day we were both taken to LAVKA where I stayed one day. I was released the day after my arrival at LAVKA, and I returned alone to CHIOZA, where I found my father, wife and sister-in-law again at liberty.

I do not know the names of any of the Italians who came to CHIOZA when the two British soldiers were arrested. They were about 20 strong, under the command of the lieutenant. I would describe this lieutenant as being about 32-35 years of age, 6 feet, well built, dark brown hair, clean shaven, dark complexion. He wore a uniform of dark grey with two gold stripes, the upper one incorporating a small circle, on the lower part of each sleeve. I did not see the cap of the lieutenant but I did see some of the caps of the soldiers, and I remember the badge as being a bomb, circular in shape, with several flames leaving the fuse at the top. These flames appeared to be blown to one side, but I do not remember which.

This statement has been read over to me, it is true and correct.

(signed) E. TSINITZIS

Statement taken in Greek, read over and signature witnessed by the undersigned Official Interpreter TSAKALOS Panayiotis, in the presence of the undersigned Sergeant. H. Downing, of 95 Section, Special Investigation Branch, C.M. Police, C.M.F., near CHIOZA (MATI), on the 27th September 1946.

(signed) P Takalos
Interpreter

H Downing
Sergeant

I certify that the above statement is translated from the original Greek document to the best of my knowledge and ability.

(signed) P. Takalos
Interpreter.

Village [illegible],
Province of [illegible].

Statement of :

ATHANASSOULIS George, of [illegible],
Farmer, resident of Village [illegible].

I was born at [illegible], and resided there [illegible] birth.

At the end of January 1943, a Detachment of Italian Carabinieris arrived at LAVKA; it was commanded by a Lieutenant and a Maresiallo. I came to know one of the men of this Detachment; his name was KARDASI Pasquale, a resident of the outskirts of [illegible], and an artist by profession.

One afternoon at about 1700 hrs, the Det of Carabinieri with the Lieutenant and the Maresiallo, moved to GHIOZA, a nearby village, for the purpose of arresting two British Prisoners. Along with them went ANDREA, their Italian Interpreter. Before they leave, I've heard the Italian Lieutenant saying in broken Greek language: "to-night I shall drink blood".

The next day they returned at LAVKA and when I met my Italian friend KARDASI Pasquale, he told me that they had arrested the previous day at GHIOZA two British P.W's and had brought the one of them at LAVKA. The other British P.W. was killed under the following circumstances: The Lieutenant and the Maresiallo walked away towards the cemetary of GHIOZA having the British Prisoner between them (in their centre). When they reached outside the cemetary, the Lieut. and the Maresiall stooped down to tie their boot laces; according to their pre-arranged plan, immediately got up with his pistol in hand and shot the British Prisoner at the back of the head. The killed British Prisoner was known in our village with the name SPYRO.

Along with the other British Prisoner, the Italians brought at LAVKA a Greek named TSEMETZIS Evangelos, whom they had also arrested at GHIOZA. Later I heard that TSEMETZIS Evangelos returned to his village (GHIOZA).

(sgd) George Nic. ATHANASSOULIS.

Statement taken down in Greek, read over and signature witnessed by the undersigned Official Army Interpreter T/Cl 5004 Sjt. STYLIANOU, R.A.S.C., in the presence of the undersigned Capt. A.T. [illegible] of D.J.I.S. G.H.Q. at LAVKA, Greece, on the 9 October 1946.

(sgd) E. Stylianou, Sjt.
Interpreter.

(sgd) A.T. Bezzina,
Captain.

I certify that this is a true translation of the original Greek, done to the best of my knowledge and ability.

(sgd) E.Stylianou, Sjt.
Interpreter.

2891

L.VK.,
Province of Corinth,
GREECE.

ST.TEMENT OF:

MILLIOS. Demetrius, aged 50 years,
Grocer, residing at L.VK., Corinth

Who states:-

For the past thirty-six years I have been a grocer and have resided over my shop in L.VK..

During the occupation of Greece by the Italians, several groups of Italian soldiers used to make organised raids on farming villages to steal sheep, Lambs and Goats etc. I remember in January of 1943 a party of such soldiers came to L.VKA. They numbered about forty and were commanded by a Tenente VITOCE. I believe they were Carabinieri.

Tenente VITOCE, during his stay in L.VKA, lived in my house. I remember one night whilst he was here I answered the telephone and the call was from the Italian Brigadier at GHIOZA. He asked for Tenente VITOCHE. I called the Tenente and he spoke with the Brigadier for some minutes. I could not understand the conversation but it seemed to me that VITOCE became very excited. When he finished speaking he told me that two British soldiers had been taken prisoner by his detachment at GHIOZA. He called for some mules, and with some of the other Italian soldiers he left L.VKA almost immediately, going in the direction of GHIOZA.

Tenente VITOCE returned to L.VKA the following day with his troops, who had with them a Prisoner who I heard speaking in the English tongue. I only saw one Prisoner.

All the Italian left L.VKA two days later taking with them the Prisoner.

I learned nothing of VITOCE except that he had a practise as a Lawyer in Italy. I would describe him as: age 35 years, about 6 feet in height, well built, Dark brown straight hair, slightly dark complexion, clean shaven, large brown eyes. He wore grey uniform with two straight gold bars, the top one had a circle, on his sleeve.

This statement has been read over to me, it is true and correct.

(Signed) MILLIOS. DEMETRIUS

Statement taken down in Greek, read over and signature witnessed by the undersigned Official Interpreter TSAKALOS Panayiotis in the presence of the undersigned Sergeant H. DOWNING, of 95 Section, Special Investigation Branch, C.M.P., C.M.F., at LAVKA, Greece, on the 27th September, 1946.

(Signed) TSAKALOS
Interpreter.

(Signed) DOWNING,
Sergeant

I certify that this is a true translation of the original Greek, done to the best of my knowledge and ability.

(Signed) TSAKALOS
Interpreter.

ATHENS: 19th October, 1946.

STATEMENT of : HORAS IOANIS, Lawyer.
residing at :
PESMATZOGLOU 5d, ATHENS.

Who states:

I HORAS IOANIS, was called by the British Military Police to give evidence regarding the death of a New Zealander and the capture of another, in the Province of Corinth - Kati by the Italian Forces of Occupation in February, 1943, (if I remember well).

I can testify the following:

To prevent starvation I had moved with my family to the village LAVKA waiting for my country's freedom. Together with us were two New Zealand soldiers who remainded behind after the evacuation of Greece. They were looked after by different people of the province and kept concealed from the centres where the Italians were stationed. Actually they were under the protection of the family called TSIMPTAIS from the village of KATI. One of the brothers of the family serving with the Greek Country Police helped a lot, with others, for the one New Zealander to be saved.

About the end of January or beginning of February, 1943, Italian troops and Carabinieri camped at LAVKA for a few days.

One day a few Italian and Greek Country Policemen having with them two or three Greek civilians as guides, went to the village KATI with the excuse of buying sheep; the real reason though unknown; but it seemed they were collecting information about the two concealed New Zealanders.

I believe that, because I was asked occasionally by an Italian Serjeant Major called DIBILIO, who was occupying a room in my father's house. He was trying, with investigating questions, to gain information about concealed British soldiers. It is understood that they already had some indefinate information.

In the evening of the same day I was informed by telephone that they had arrested two British soldiers. At once the officer-in- charge of the detachment and DIBILIO (who was from "ITA of SICILY", as he told me) and a few soldiers left for KATI and they returned with one New Zealand soldier.

When at night I was alone with DIBILIO I was informed by him that they had killed one of the New Zealanders because he was carrying a revolver. When I remarked to him that this action was against the International Rules of Prisoners of War he replied "We killed a dog". His answer surprised me and made me angry. To my question, why did they not try him by Court Martial, his reply was "The law is here" (tapping his revolver with the palm of his hand).

As I was informed later the victim gave no resistence. They were arrested in a hut owing to insufficient measures of safety being taken. I don't think any of the Greek were responsible for their arrest.

I hold responsible the Italian Captain who was a lawyer in civil life, as I was told by DIBILIO.

/ 1so

Also responsible is the cruel DESILIO.

The testifying witness.

Sgnd. HORAS IOANIS.

Statement taken down in Greek, read over and signature witnessed by the undersigned Official Army Interpreter T/SY 5084 Sjt. STYLIANOU, R.A.S.C, in the presence of the undersigned Captain, A. T. BEZZINA of D.L.C CMF at ATHENS, Greece.

Sgnd. STYLIANOU, Sjt.

Interpreter.

Sgnd. A. T. BEZZINA
Captain.

I certify that this is a true translation of the original Greek, sone to the best of my knowledge and ability.

Sgnd. STYLIANOU, Sjt.
Translator.

Judicial Prison PADOVA

Subject:- Statement.

I, the undersigned, VITOZZI Vittorio, di Salvatore born in Falconara Marittima (Ancona) on May 20, 1916 residing in Florence No 66 Via Scipione Ammirato, Employee; ex Officer of the Carabinieri; make the following Statement:-

In the winter of 1942-43 I was appointed Officer Commanding of a small Carabinieri Unit, the duty was that of rounding up, in the area of LAFCA, soldiers of the enemy Army who had been signalled as being around those mountains. When I arrived at the signalled area, I was told, by some of my men whom I had sent on patrol in order to gather informations, that in the area of LAFCA they had captured, precisely in a town called CHIOZA, two soldiers of the English Army. I immediately went to the spot and personally proceeded to the identification of the two prisoners who resulted to be two New Zealand soldiers who stated to be private soldiers and not officers.

These two soldiers were wearing civilian clothes and were in possession of a pistol in a very good condition and of 25 live rounds.

When I asked them "Whose pistol is this?" One of the two replied "It is mine". Following this reply and pursuant received dispositions as regarding my duty, to my great repugnance I proceeded to the execution of the New Zealand soldier who had stated to be the possessor of the pistol and ammunition.

I wish to point out that at that time I was in possession of a written Order relating to the execution, on the spot, of all the soldiers of the enemy Army found in possession of arms and wearing civilian clothes.

I wish to add that the above mentioned Order surely was not issued by my Company H.Q. which did nothing else but sending it to me; I can remember that this Order was issued by an Italian Army H.Q. far higher superior, may be, by the VIII Army Corps having jurisdiction in that area; and if I am not mistaken at that time i/c of the VIII Army Corps having jurisdiction in that area; and if I am not mistaken at that time i/c of the VIII Army Corps there was General RAFUNDI.

I feel the duty of adding that after the execution of the soldier, I immediately ordered the men, who had carried out the execution, to stand to attention in sign of respect towards the fallen soldier. At the same time I informed the local authority in order to have the body of the soldier decently buried.

I here append my signature

(Signed) VITOZZI Vittorio

NOTES ON THE CASE

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence; (*c*) whether the case appears to be reasonably complete.)

With regard to the accused VITTOZZI the evidence is complete and there can be no defence. With regard to the accused DEMILIO, if as a result of his interrogation it is proved that he was present and assisted at the execution, he must be held liable in the same degree as VITTOZZI, as an accessory to the crime.

D'ALESSIO, Francesco

A

Date Submitted	Decision of Committee I		
12 FEB 1947	A	B	CARDS CHECKED LIST 53

(*For the Use of the Secretariat*)

2898

Registered Number.	Date of receipt in Secretariat.
4631/UK/It/112	6 FEB 1947

UNITED NATIONS WAR CRIMES COMMISSION

BRITISH CHARGES AGAINST ITALIAN WAR CRIMINALS

CASE No. UK-I/3 164 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	Tenente Francesco D'ALESSIO (In custody) An officer of the Italian Army on the staff of LARISSA Concentration Camp.
Date and place of commission of alleged crime.	October 1942 to August 1943 LARISSA Concentration Camp, GREECE.
Number and description of crime in war crimes list.	(xxix) Ill-treatment of Prisoners of War.
References to relevant provisions of national law.	Offences Against the Person Act 1861, Sections 18, 20 and 47.

SHORT STATEMENT OF FACTS.

Prisoners detained in the LARISSA Concentration Camp (including some British Subjects) were consistently ill-treated. The accused forced sick prisoners to parade for roll calls when unfit to do so and on many occasions he struck prisoners who refused. On account of the escape of one prisoner in October 1942 about 150 prisoners were forced to run the gauntlet between two lines of guards who slashed at them as they ran. 7 prisoners died as a result of this ill-treatment. The accused was in charge and present throughout this incident.

TRANSMITTED BY Office of the J.A.G. (Mil. Dept.)

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252 4 5,000 5/45 A.& E. W.Ltd. GP.685
(30449) Wt.P 1183 17 5,000 10/45 " "

PARTICULARS OF ALLEGED CRIME

2899

The LARISSA Concentration Camp was a concentration camp for political convicts. Several escaped British Prisoners of War who had been rearrested were denied the status of Prisoners of War, tried before the Italian Military Tribunal for Greece on charges of espionage and the like, convicted and sentenced to long terms of imprisonment and sent to LARISSA Concentration Camp.

The accused was an officer on the staff of the camp between October 1942 and August 1943 and was in charge of roll call parades. He forced sick prisoners to take part in these parades when unfit to do so and on many occasions he beat those who refused with his fists. They were then left outside in all weathers with their hands tied. Signalman NUTBEAM, a British prisoner, was forced by the accused to work while he still had an open operation wound.

In October 1942 a prisoner escaped and could not be traced. About 150 prisoners were subjected to collective punishment. About 130 of them (mainly Greeks, Palestinians and Cypriots) were forced to run the gauntlet between two lines of Italian guards who slashed at them with equipment belts and rubber truncheons as they ran past. When they reached the end of the line they were clubbed with rifle butts. 7 died as a result of this ill-treatment. The remaining 20 prisoners, including 5 British soldiers, received less severe treatment, namely about six lashes with a whip made of stout cable. The accused was in charge and present throughout this incident.

IN THE MATTER OF THE FLOGGING AND ILL-TREATMENT
OF CAPTAIN A.C.H. SAVAGE AND OTHERS IN LARISSA
CONCENTRATION CAMP, GREECE

British National Office Charge No:-

United Nations War Crimes Commission reference:-

A F F I D A V I T

I, ALASTAIR CAMPENDAM McEWEN SAVAGE (63537), Captain in the Queen's Royal Regiment, with permanent home address at Bluebell Wood, West Drive, Wentworth, Surrey, make oath and say as follows :-

1 In the summer of 1941 I was serving with A Battalion, Layforce, which was a commando. On 1st June 1941 on the general capitulation in CRETE I was taken prisoner together with about two hundred and fifty others from my unit, including Lieutenant K. Maxwell. When I was being taken for interrogation the truck in which I was travelling was involved in an accident, as a result of which I got a fractured ankle. Shortly afterwards I was taken by aeroplane to GREECE and admitted to a military hospital for prisoners of war at KOTZIA, ATHENS. I remained there for about six weeks, during which time I received pay for which I signed receipts on a German form. I also signed the hospital register. Shortly afterwards I escaped together with Lieutenant Maxwell and I was at large in ATHENS until the middle of September. During the time I was in ATHENS I was trying to arrange for my escape out of the country. I made contact with various Greek patriots and was clothed and fed by them. I wore civilian clothes during this time.

2 On 15th September 1941 I was arrested by the Italians and taken to the AVEROF prison in ATHENS where I remained until after my trial in May 1942. I have spoken of my experiences in this prison in another affidavit. While I was in prison I was denied the status of a prisoner of war and was eventually brought to trial in May 1942 on a charge of military and political espionage and a charge of attempting to organise a revolution in the PELOPONNESE. The trial took place before a military tribunal which sat to try civilians. I was convicted on the first charge and sentenced to thirty years imprisonment but I was acquitted on the second charge.

3 Shortly after my trial I was sent to LARISSA Concentration camp. This was a concentration camp for political convicts and was on a bleak site near the aerodrome. It consisted of one compound surrounded by wire fences. The huts in which the prisoners were housed were originally part of an air force barracks. When I first went to the concentration camp there were about a thousand prisoners there and they were all free to use the compound.

4 Among the prisoners who arrived at about the same time as myself were Private W. Lake, The Cheshire Regiment, Private W. Ditchburn, of the Second New Zealand Expeditionary Force and Lance-corporal J.S. Coleman, of the Corps of Military Police, all of whom I had known in AVEROF prison. To begin with conditions in the camp were good and a marked improvement on conditions in AVEROF prison. The food was a living ration and the camp was not unduly congested. In addition we had the advantage of being able to keep clean and be in the open air. Later on conditions deteriorated very considerably. There was insufficient washing, cooking and lavatory accommodation and the sleeping quarters became crowded and the prisoners had to live like pigs.

5 The guards at the camp were Italian soldiers. There were no Carabinieri there. The company which found the guards was changed from time to time while I was in the camp. I think there were only three changes, but there may have been more. Some or all of the camp officers were also changed at the same time. The Italian camp staff of officers generally consisted of a commandant of the rank of captain and four lieutenants.

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6 Adjoining the compound but separate from it there was a small compound with, I think, one hut in it which was used as a transit camp for prisoners of war. In early July 1942 a stranger came into my room and introduced himself as Private Winter, of the New Zealand Expeditionary Force, and said that he came over from the prisoner of war cage to see me. We discussed the possibility of escape and after that he made a number of visits to our compound and we made a plan to escape during an afternoon when the weather was hot. I had left a blanket on the inside trip wire and we managed to crawl under this and thread our way slowly through the first entanglement. The sentries were having an afternoon siesta and did not see us, but unfortunately when we had reached the path between the two wire fences there was a loud clap of thunder which aroused the sentries. We lay still for a few minutes and then started to crawl across the path. While we were doing this we were seen by a sentry who challenged us. He immediately stood up. He asked us what we were doing and I replied that we were escaping. He then told us to go back through the wire and we started to do so. I got through but before Private Winter had reached the compound the sentry had pointed his rifle above our heads and fired. I do not think he was trying to hit us. As a result of this alarm the guards came out and the Italian serjeant-major and several soldiers came across and took us in charge. They were in a very excited state and struck us with their fists on the head and face.

7 We were then taken to the commandant's office and searched and cross-examined. The thing which puzzled the Italians most was how Private Winter had managed to plan an escape with me as he was a prisoner of war housed in the transit camp and I was in the concentration camp. I told them that he had made ten visits to me and he said that the number was fourteen. After our interrogation we were taken outside and tied to telegraph poles with our hands above our heads and facing towards the pole. The serjeant-major paraded the guard and then started to flog Private Winter on his bare back with a long, wire-lined rubber truncheon. After he had received twenty blows he appeared to faint against the pole and his body sagged. The Italians then propped him up and gave him twenty more lashes, leaving him unconscious. They then came across and pulled my shirt over my head. An Italian corporal named Rossi was given the job of flogging me. After I had received the first twenty lashes I felt numb and did not feel the pain so badly. Part way through my flogging the serjeant-major took the truncheon from the corporal and completed the job himself. I received forty lashes and was then left in the sun, still tied to the telegraph pole. The rubber truncheon with which we were flogged was made of rubber cable more than half an inch thick and through the middle of which strands of wire went. Many of the guards carried these instruments. The flogging that I received was a severe one and my back gave me considerable pain for several weeks.

8 Some time later we were untied and taken to separate cells. Here the corporal brought me an enormous meal and said to me that he was very sorry that he had had to beat me. He also got our wounds dressed. I learned from this corporal and other guards that this sort of beating is a legal punishment in Italian detention camps and I bore the corporal no ill-feeling because I realised that he was acting under the orders of the commandant.

9 Our attempt to escape took place about 15th July 1942. Shortly afterwards there was a change of commandant. The officer who had been commandant up to this time was a captain, about five feet ten inches in height, of rather stock, plump build and ordinary appearance. He was clean-shaven and aged about forty-years. I was told by guards in the camp that he was a banker in civil life and that he had been president of the TURIN branch of the BANCA DI ROMA. Towards the end of July he was succeeded by another captain who was about five feet ten inches in height, of thin build, fair, and with blue eyes. He was about forty-five years old. He remained commandant until the latter part of October.

10 After our attempt to escape I was kept in solitary confinement in a cell which was situated next to a lavatory and separated from it by a board partition. The cell was about ten feet by eight feet and furnished with a

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wooden bed. Its only window was boarded up except for a gap of six inches at the top. This and the gap underneath the door was the only ventilation. Flies, bed bugs and, later, mosquitos abounded. Outside the door were two large cemented slabs covering a cesspool. At frequent intervals these slabs were removed in order to clean out the cesspool. The stench in my room was indescribable. The whole day long, except in the early morning, the sun beat down mercilessly on my cell and the interior was like an oven. I was not allowed out of the cell except to wash and to go to the lavatory and I had no books or writing materials. This treatment lasted for about a month until I was visited by the Italian colonel on the general staff who was inspecting the camp. He ordered that I should have one hour's exercise daily and books and papers, also a servant to clean out my cell. These orders were carried out and from that time conditions much improved. Towards the end of August I went down with malaria and had fever on and off for a week or two. During the time that I had been in solitary confinement my nerves had gradually been getting on edge and finally towards the end of August or the beginning of September I cracked up quite suddenly and had a complete nervous breakdown. I had appalling dreams and nightmares that the camp was full of plain-clothes detectives and hidden microphones, that my friends had been arrested by the Gestapo, that the camp doctor had injected me with a drug in order to get information from me and I had incriminated my friends, and so on. One morning soon after this started, when the guard came to my cell he must have noticed that I looked mad. He leapt back and slammed the door and later the Italian orderly officer came to see me. I rushed out with the intention of getting hold of his pistol. My fellow-prisoners Coleman and Ditchburn then grabbed hold of me from behind and took me back into my cell. From that time on for several weeks one or other of them was always with me and generally both were there at night. Towards the end of September they succeeded in getting me taken to the camp hospital and after an examination by the Italian doctor I was sent to a hospital in LARISSA. I stayed there for some weeks. When I returned to the concentration camp at the end of October I was very much better though I think I was still somewhat eccentric in my behaviour. When I came back there was a new commandant at the camp and I was told by other prisoners that he had come to the camp only a few weeks earlier. He was a young captain; short and dark and slim but I have never discovered his name.

41 Shortly after my return a Cretan prisoner who was known to be in a starving condition managed to escape from the camp. The commandant had the whole camp paraded and an order was given out by the interpreter that unless information was given as to how the Cretan had escaped and how and where he had gone reprisals would be taken. No information was forthcoming and about four o'clock that afternoon a parade of the whole of the camp was ordered. The men in charge of each company was ordered to pick out twenty of the worst men in his company for punishment. The company to which I was attached, although I did not live in the same hut as they did, consisted of better class Greeks, lawyers, policemen and so on, and also Private Ditchburn, Lance-corporal Coleman and Private Nathan. The man in charge of our company refused to detail anyone for punishment but asked for volunteers. All the English and Cypriot soldiers volunteered but the Italian sergeant-major ordered us to return to the ranks. The remainder of the volunteers received about six lashes with the rubber truncheon on their backs but the men detailed for punishment through their companies received a much severer treatment. They were made to run the gauntlet between two ranks of Italian soldiers who beat them with belts and rubber truncheons as they ran past. When they reached the end of the line they were clubbed with rifle butts. About one hundred and fifty prisoners were punished in this way and as a result several of them died during the next few days.

42 It was common talk in the camp that the second commandant whom I have mentioned, who came soon after my escape, stole Red Cross parcels. At this time we were receiving Red Cross parcels in the camp though I think they may have been sent for the use of the prisoners in the transit camp and we were allowed to share in them. I had been present on several occasions when these Red Cross parcels were obtained and distributed and I have seen the camp

/ interpreter

interpreter who was named Kostas Kalchidos say to the commandant "this is a good thing" or some such words and the chocolate item was then taken out of the Red Cross parcel and put in a separate one. At this time some supplies of sugar were also received from the Red Cross and I asked the commandant that this should be distributed to the prisoners. He replied that it would be issued when the parcels had been consumed but this sugar never was issued.

13 In November 1942 I was taken back to the AVERIF prison and after a few weeks there and a short spell in the KALATHEA prison in ATHENS I was taken to BARI penitentiary and thence to SULMONA penitentiary. When ITALY capitulated in September 1943 I was liberated from SULMONA penitentiary by British officers from the nearby prisoner camp. After being at large for two months I was captured by the Germans and passed through various prisoner of war camps in Germany. While I was a prisoner of war in Germany I wrote an account of my experiences in GREECE and ITALY and this is in my possession now.

SWORN by the above-named at 6, Spring Gardens, in the City of Westminster, this thirteenth day of July, 1945 before me

(A.C.M. SAVAGE)

(J. LEICESTER-WARREN) ~~Major~~ Captain
Legal Staff,
Military Department,
Judge Advocate General's Office, London.

IN THE MATTER OF THE FLOGGING AND ILL-TREATMENT OF CAPTAIN A.C.M. SAVAGE AND OTHERS IN LARISSA CONCENTRATION CAMP GREECE

British National Office Charge No:

United Nations War Crimes Commission Ref:

A F F I D A V I T

I, JOHN GERALD COLLIER No.405921 a Lance-corporal in the Corps of Military Police with permanent home address at 97 Wrottesley Road, Harlesden, London, N.W.10, make oath and say as follows:-

1. I was taken prisoner on 29th April 1941 at KALAMATA in the south of Greece when serving with the First Cavalry Division Provost Company. I was sent to CORINTH Prisoner of War Camp and then to a Prisoner of War Camp in SALONIKA. After that I escaped from a train near the Yugoslav border while we were being sent to GERMANY. I made contact with Greek patriots and after a few weeks which I spent recuperating I made my way towards ATHENS. I arrived in ATHENS about the end of August 1941 having taken about a month to get there and went to the house of some Greek people whose address I had been given. I stayed there and at other addresses in ATHENS until 11th November 1941 when I was betrayed by a Greek merchant and arrested by the Italians. During the time I was at large in ATHENS I was wearing civilian clothes and made contact with many Greek patriots and some British escaped prisoners of war.

2. After my arrest I was taken to AVEROF prison in ATHENS and was kept in custody there until July 1942. I have spoken about my experiences in this prison in another affidavit. On 1st June 1942 I was tried before a special military tribunal which sat to try civilians. The charges against me were political and military espionage and being in possession of a firearm. The Italians refused to allow me the status of prisoner of war although they had found my A.B.64 on me when I was arrested. I was convicted by the court and sentenced to twenty-six years imprisonment.

3. In July 1942 I was sent to LARISSA concentration camp which was a concentration camp for political convicts. The only British prisoners I met there were Captain A.C.M. SAVAGE of the Commandos, Private William DITCHBURN of New Zealand Expeditionary Force, Private J.H. NATHAN of the East Surrey Regiment and Private Walter LAKE of the Cheshire Regiment, all of whom were denied the status of prisoners of war by the Italians. The other prisoners were principally Greeks and Cretans.

4. The guards in charge of the camp were provided by a company of Italian soldiers who did duty for a time and then were relieved. There were no carabinieri at this concentration camp. There were over a thousand prisoners in the camp which consisted of one compound. The prisoners were housed in different buildings. I shared a room with about fifty prisoners, including Privates DITCHBURN, NATHAN and LAKE.

5. Soon after I arrived at LARISSA concentration camp Captain SAVAGE planned to make a daylight escape from the camp with a Private WINTER, of the New Zealand Expeditionary Force. Private WINTER was a prisoner of war who was then in a compound adjoining the main compound which was used as a sort of transit camp for prisoners of war on their way to Italy. Private WINTER had succeeded in making his way through the wire into our compound and making his plans with Captain SAVAGE whom he visited several times.

6. Captain SAVAGE told me of his intention and I watched him and Private WINTER make their attempt to escape. It was in the heat of the day when the camp guards were not on the alert. They succeeded in getting under

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the first wire fence which was of the usable apron type, and onto a pathway which ran between the first and second fences. One of the guards then caught sight of them and ordered them to go back the same way they had come. They started back but when they had nearly reached the compound he opened fire over their heads and a general alarm was given. The guards who were on duty inside the camp came up and took charge of Captain SAVAGE and Private WINTER. There was considerable excitement among the guards and they were punching and kicking Captain SAVAGE and Private WINTER as they took them across the compound towards the main gate of the camp. We were all made to go back inside our rooms so that I lost sight of Captain SAVAGE and Private WINTER for about a quarter of an hour. When we were allowed to come out of our rooms again I saw that Captain SAVAGE had been tied up to a tree with his hands behind his back. Private WINTER had been similarly tied to a telegraph post in the compound and they were left there for something over an hour.

7. An Italian serjeant (or serjeant-major - I cannot be sure of his rank) who was on the camp staff then came out and was soon joined by an Italian corporal. I do not know the names of either of these soldiers and I do not think I should recognise them again. They went up to Private WINTER and untied him from the telegraph post. They then removed his shirt and tied him facing the telegraph post with his hands above his head. One of them - I cannot be sure which - then started to flog Private WINTER with a whip made of a single strand of rubber cable about half an inch thick, through the centre of which a metal wire ran. These implements were very often used in the camp by the guards and the staff who worked inside the camp always carried them. Private WINTER was flogged on the back and received about 30 lashes. He then appeared to faint and he slipped down onto the ground. The Italian N.C.O. gave him about ten more lashes as he lay on the ground. He was then left there, apparently unconscious.

8. The two Italian N.C.Os. then went across to Captain SAVAGE, pulled his shirt over his head and having tied him to the tree with his hands above his head, one of them proceeded to flog him in the same way. Captain SAVAGE received about 40 lashes and during the course of the flogging the serjeant took the whip away from the corporal and proceeded to lash into Captain SAVAGE more severely than the corporal had done. This flogging took place in the presence of all the prisoners and after it had finished Captain SAVAGE and Private WINTER were left tied up exposed to the full sun until the evening when they were removed and taken to separate rooms.

9. Up to this time I had not seen anyone flogged in this way in the camp though the guards frequently lashed out with their whips at us prisoners if we were slow in moving or obeying a command or if we got in their way. I do not know who the commandant was at this time and I do not think that I ever saw him.

10. General conditions in the camp were very bad, dysentry, malaria and all sorts of skin diseases being prevalent. Sanitation was very primitive; many of the prisoners were in a weak state and it was not an uncommon sight to see a dead body lying in the compound for a day or two until it was removed and taken away for burial.

11. After their flogging Captain SAVAGE and Private WINTER were each kept in solitary confinement in their rooms. We used to go and talk to them and pass things through the window aperture of their rooms when we could. The room in which Captain SAVAGE was confined was about 10 feet by 8 feet and had a small window aperture which was boarded up except for a small opening at the top. Except for a small gap at the bottom of the door this was the only ventilation the room had. It was equipped with a bed and blankets. Immediately outside the door there was a cesspool which was covered by some large concrete slabs which were frequently removed when the cesspool was cleaned out. On the other side of the wooden partition which formed one of the walls of the room there was a lavatory which was used by prisoners. This was always filthy and often

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overflowing with the result that the smell in Captain SAVAGE's room was very bad. It was extremely hot and airless and the place was infested with bugs and mosquitoes. He said that he was only allowed out of his room to work and to go to the lavatory.

12. After Captain SAVAGE had been confined for about ten days we began to notice a change in his speech and very soon after that it was clear that he was suffering from a bad nervous or mental breakdown. He became violent and tried to throw himself at the Italian guards in order to get himself shot and on one occasion tried to force a needle through his eye into his brain. Just before this and with some difficulty Private DITCHBURN and I had succeeded in getting permission from the guards for us to stay in Captain SAVAGE's room in order to prevent him doing himself an injury. For at least a fortnight both of us spent the night with him in his room and during the day we took turns, one of us always being there. We made various complaints and at last succeeded in getting him into the camp hospital where he was examined by the Italian doctor who sent him to a military hospital outside the camp where he stayed for some time and then returned to the concentration camp.

13. On the day that Captain SAVAGE left the camp hospital I received a flogging in the following circumstances:

A consignment of food from the Greek Red Cross had been received and the Italians intended to make small issues of it over a period. The Greek prisoners objected to this because they knew from experience that when this was done a lot of it was stolen. An argument arose and the Greeks openly said that the food would be stolen unless it was issued immediately. The Italians said that reprisals would be taken on account of this and had a muster of the prisoners. The Italian lieutenant who was on the camp staff went round the parade and selected prisoners arbitrarily to be punished. About thirty prisoners so selected were flogged by the guards. As these prisoners were being picked out from the parade I happened to be returning from the camp hospital where I had been seeing off Captain SAVAGE. The officer picked on me and told me to join those who had been selected for punishment. I received about half a dozen lashes with one of the rubber cable whips on my bare back. The result of this flogging was to raise wide and painful weals sometimes as much as an inch wide. At this time we were in possession of a certain amount of Red Cross medical supplies such as vaseline, Dettol and other antiseptics which we could use on prisoners who had received beatings. I did not know why I received this beating and it was only afterwards that I heard from other prisoners why the Italians had done it.

14. After Captain SAVAGE's breakdown had started, but before it reached its worst, he had a temporary improvement. Just about this time an old and feeble Greek prisoner who did not care whether he lived or died succeeded in escaping from the camp. When this was discovered the Italians could not believe that this prisoner had succeeded in escaping and they suspected that he had been murdered. Accordingly they made a very extensive and thorough search of the whole of the camp, including the cesspools and wells and even dug up part of the camp. The last man to be seen with the escaper was terribly knocked about by the Italians in an attempt to extract information from him. He denied any knowledge of the escape and when the Italians found nothing a parade of all the camp was ordered, and an announcement was made through the interpeter that if no information was forthcoming by four o'clock that day reprisals would be taken. At about a quarter to four the prisoners started putting on their thickest clothes, although it was midsummer, as a protection against the beating which was to come. At four o'clock nobody had volunteered any information about the escape and accordingly all the prisoners were lined up outside their huts. Machine guns were trained on the camp from different points and soldiers were stationed up and down the camp. The hut commanders were ordered to pick out twenty men from each hut to undergo punishment. My hut contained about fifty prisoners who were principally Greek doctors, lawyers, police and similar people of good standing. Privates DITCHBURN, [illegible] and NATHAN were also in this hut. The hut leader was a Greek policeman and he said he would not pick out people for punishment

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but that he would be the first to volunteer and he asked for other volunteers. Privates LAKE, DITCHBURN, [illegible] and I volunteered and also Captain SAVAGE who had been brought round from his cell and lined up with the occupants of our hut. The hut leader and the Italian guards would not allow Captain SAVAGE to undergo punishment on account of his condition. Twenty of the volunteers from my hut including privates NATHAN, LAKE, DITCHBURN and myself were flogged but we were allowed to keep our clothes on except overcoats and jackets. We each received about three or four lashes with the cable whip.

15. The hut leaders from the other huts picked out their prisoners for punishment and when they were ready the guards of the camp formed two ranks facing inwards. Each of them was armed with a whip, belt, stick, rifle or other weapon and the prisoners, who had been stripped to the waist, were made to run the gauntlet between the two ranks of soldiers. As they passed, the Italians struck them with their weapons and generally when they reached the other end they were knocked out with a butt stroke on the head from a rifle, but one or two were forced to go and run the gauntlet a second time. This took place in full view of all the other prisoners in the camp. The beating which the volunteers from our hut got was light compared with the treatment which the other received. It took place after the men detailed from one hut had run the gauntlet and before the remainder were forced to do likewise. Many of the prisoners who were punished in this way were in a weak condition and several of them died during the succeeding days. About 200 prisoners in all were punished on this occasion and the Italian guards numbered about 50.

16. Some time after this, while the weather was still hot and the bugs and insects in the camp were very bad Privates NATHAN and DITCHBURN and I started sleeping in the passage of our hut. This was reported to the Italians by a Greek informer and after we had done it once or twice the camp interpreter named COSTA KULUFAKOS, who was a Greek prisoner serving a 30 year sentence and who acted as an interpreter and was friendly disposed to the prisoners, brought a message that Privates NATHAN, DITCHBURN and I were to go over to the office building outside the compound. The Italian guard took us over. As we went into the building we noticed a lot of Italian soldiers standing about with their shirt sleeves rolled up. DITCHBURN was taken into a room and three soldiers followed him and the Italian lieutenant I have already referred to. After about a quarter of an hour he came out in a dazed condition and later he told me he had been beaten up by the three soldiers in the presence of the officer. Private NATHAN then went into the room and three fresh soldiers folowed him. He also was beaten up in the same manner. I was the last to go in and three fresh soldiers also followed me. The Italian lieutenant stood inside the doorway of the room with a watch in his hand. The three soldiers then proceeded to strike me about the head with their fists. By the time I went into the room I guessed what was going to happen to me and I therefore got in a corner and succeeded in protecting myself to a certain extent as all the three soldiers crowded in at the same time and got in each other's way. I was beaten up in this way for about ten minutes and received a severe knocking about. When I came out I was in a somewhat dazed condition but I did ask the Italian lieutenant through KULUFAKOS who remained outside the room why we had received this treatment. He answered through the interpreter that a Greek had informed him that the three of us were sleeping in the passage in order to observe what time the guards were changed so that we could make an escape. It is true that our motive for sleeping in the passage was to observe the guards in addition to escaping the insects.

17. I remained in LARISSA concentration camp until November 1942. During the time I was there there was, I think, one change of commandant. The company which found the guards was also changed once. The occasion when the prisoners were made to run the gauntlet occurred before the change of commandant but I do not know who either of these commandants were and I could identify them. The Italian lieutenant to whom I have referred was an army officer, about 5 feet 5 inches in height and of a medium build.

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He had dark, wavy hair and a fresh complexion and a thick, dark moustache. He spoke no English. I could identify him again. Apart from the camp commandant and this officer, who I think was there during most of my stay, there was only one other officer whom I saw. He was, I think, a captain, but I only saw him very rarely and I could not identify him.

18. In November 1942 I was taken from LARISSA concentration camp to the AVEROF Prison in ATHENS, where I was kept for a short time. Conditions were very much improved since my earlier visit to this prison. In December 1942 I was sent to BARI Penitentiary and later to SULMONA Penitentiary. In both these prisons I was treated fairly but severely as a condemned convict. When Italy capitulated in September 1943 we were liberated by two British officers from the SULMONA Prisoner of War Camp but after a few days of liberty we were re-captured by the Germans when they over-ran the camp. I was eventually sent to Stalag 344 at LAMSDORF in Germany. Before the Russians overran this camp we were moved out of it and I eventually made my way through Czechoslovakia and succeeded in reaching an American unit.

19. After I had left Italy I wrote out a detailed account of my experiences. I wrote this on a memorandum pad and it is now in my possession.

SWORN by the above-named JOHN SIBERARD COLEMAN at 6 Spring Gardens in the City of Westminster this twenty eighth day of June 1945.

(Sgd) J.S. COLEMAN

Before me R.G. De L. WORRELL
Captain Legal Staff.

Office of the Judge Advocate General.

IN THE MATTER OF THE PLACING AND ENLISTMENT OF
CAPTAIN [illegible] S.NAGE AND OTHERS IN LARISSA
CONCENTRATION CAMP, GREECE

British Naval and Military Claims No.

United Nations War Crimes Commission No.

AFFIDAVIT

I, WILLIAM DRUMMOND No. 32979 Private in the 25th Battalion 2nd New Zealand Expeditionary Force at present stated at Margate but with permanent home address at 12, Aquith Terrace, Brooklyn, Wellington, New Zealand, make oath and say as follows:

1. In April 1941 I was serving with the 25th Battalion 2nd New Zealand Expeditionary Force in Greece. During the retreat I became separated from my Unit and was at large in Greece for about five months, the last two months of which I spent in ATHENS. During this time I wore civilian clothes and made contact with various Greek patriots but I only met one British prisoner of war, namely Private J. WRIGHT of my own Battalion. In September 1941 I was arrested by the Italians and taken to the AVEROF prison in ATHENS. I have spoken of my experiences there in another Affidavit. In May 1942 I was tried on a charge of espionage and sentenced to sixteen years imprisonment. About a month later I was taken to LARISSA concentration camp which was a concentration camp for political convicts.

2. Lance-Corporal J.S. COLLIN and Private J.H. NATHAN were taken from the AVEROF prison to LARISSA at the same time as myself and when I got there I found that Captain A.C.H. SAVAGE and Private W. LAKE were already in the concentration camp.

3. The concentration camp consisted of a large compound containing separate buildings in which the prisoners were housed. When I went there there would be about a thousand prisoners in the camp but this was greatly increased two or three months later and the camp became very crowded. When I went to the camp I was housed in a hut with about one-hundred other prisoners.

4. Adjoining the compound there was a small separate compound which was used as a sort of transit camp for prisoners of war. One of these prisoners a Private Peter WINTER of the New Zealand Expeditionary Force managed to make his way from the transit camp compound into the big compound. He came on several occasions and several of us planned to make an escape. Some weeks after I arrived at the camp Captain SAVAGE and Private WINTER together made the first attempt to escape during the heat of the day when we thought the guards would not be on the alert. I saw them get under the first wire fence but when they were in the lane between the inner and outer fences the guard saw them and opened fire above their heads. A general alarm was given and the guards on duty in the camp came out and took Captain SAVAGE and Private WINTER back across the compound. There was considerable excitement among the guards and they kicked and struck Captain SAVAGE and Private WINTER as they took them back. I think that one of the camp officers a Lieutenant was present.

5. Captain SAVAGE and Private WINTER were first taken into the camp office and when they were brought out they were tied to telegraph poles and their clothes were pulled up over their heads and each of them were flogged with a strand of rubber cable about half-an-inch thick through the middle

f/...

of which there was an [illegible] each received between thirty and forty lashes on [illegible] administered to them by the Italian NCO's. I [illegible] of the Italian [illegible] officers was present at the flogging [illegible] the cells usually carried their cable whips [illegible] the lash at prisoners with them but up to this time I had not seen a prisoner flogged. The effect of a flogging of this sort is to raise a wide and painful welt and very often to cut the skin. During the flogging of Private [illegible] appeared to faint but the Italian NCO's continued to flog him while he lay on the ground. After the flogging Captain SAVAGE and Private [illegible] were left tied up to the posts for about an hour and a half in the full sun and then they were taken away.

6. After the flogging Captain SAVAGE and Private [illegible] were kept in solitary confinement in their rooms but we sometimes managed to talk to them through the small aperture left at the top of the windows to their rooms. After several weeks of solitary confinement we began to notice a change in Captain SAVAGE's speech and soon after this he had a severe nervous or mental breakdown. After some time Lance-corporal COLLIN and I succeeded in getting permission from the guards to stay with him in his room and for some weeks both of us were there every night and one of us took turns during the day never leaving Captain SAVAGE by himself. At times he became violent and tried to throw himself at the Italian guards with the object of getting himself shot. On one occasion he found a needle stuck into the wall and he tried to force this into his eye but we succeeded in taking it from him. His room was about ten feet by eight feet. It had one small window which was boarded up except for a small aperture at the top. The only other ventilation to the room was a grill at the bottom of the door. Outside the door there was a cesspool which was covered in with some large concrete slabs but these were removed practically every day for an hour or two while the contents of the cesspool were pumped out. Next to the room and separated from it by a wooden partition there was a lavatory which was used by prisoners. This was very often overflowing and usually in a foul condition and as a result the stench in Captain SAVAGE's room was very overpowering. The weather was still very hot and the room was infested with mosquitoes and bugs. Captain SAVAGE was taken out of his room for about five minutes every day to wash and was allowed out for the purpose of going to the lavatory if there was a guard available. Except for this he was kept in his room. On many occasions we asked that Captain SAVAGE should be taken to the camp hospital and eventually permission was given. Lance-corporal COLLIN and I took him over to the camp hospital where he was examined by the Italian doctor and after that he was sent to a military hospital in LARISSA. He remained there for some weeks and then was brought back to the concentration camp.

7. While I was in LARISSA concentration camp there was I think only one change of Commandant which took place a considerable time after the flogging of Captain SAVAGE and Private [illegible]. The first Commandant was a captain about five feet eight inches in height and of broad stocky build. He was about thirty five to forty years old, clean shaven with fair hair which was beginning to go thin on top. He always wore army uniform. I do not know his name but I was told by various prisoners that he was the president of a bank in ATHENS. There were also four Italian lieutenants on the camp staff and I think that they were changed once during the time I was there.

8. I remember on occasion when a consignment of Greek Red Cross food was received and there was an argument between the Greek prisoners and the Italians as to whether it should be issued in one lot or kept by the Italians and issued in daily lots. The Greeks said that if it were not issued immediately the Italians would steal it and shortly after one of the Italian lieutenants came out and said that reprisals would be taken on account of this. He ordered a parade and selected prisoners arbitrarily for punishment. In all I think more than one hundred prisoners were chosen including Lance-corporal COLLIN. I was not selected for punishment. The prisoners who were selected received about five lashes each on their bare backs with the cable whip.

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9. In the autumn of 1942 I think it would be about September an old Greek prisoner succeeded in escaping from the camp. The Italians were very much surprised that this man had been able to escape because he was old and in poor condition. They therefore suspected that he had been murdered and made an extensive search of the camp. They interrogated the last man with whom the Greek prisoner had been seen and tried to get information out of him. During this interrogation he was badly beaten up but he said he knew nothing about it. When the Italians could find out nothing a general parade of the camp was ordered and an announcement was made through the interpreter that if no information about the escaper was made by four o'clock in the afternoon reprisals would be taken. Nobody gave any information and the hut commanders were ordered to detail so many men from each hut for punishment. The prisoners detailed in this way from one hut were then forced to run the gauntlet between the lines of guards each of whom was armed with an equipment belt stick, whip or with his rifle. As the prisoner ran between the lines of guards they slashed at him and when he reached the outer end he was knocked out with a butt stroke on the head.

10. The leader of our hut refused to detail prisoners for punishment but called for volunteers. Plenty of prisoners from our hut volunteered including Private LEE, Private NATHAN, Corporal Coleman and myself. Because we had volunteered we got off lighter than the prisoners who were detailed. Each of us received about three or four lashes with the cable whip but we were allowed to keep our clothes on except for our jackets.

11. After this prisoners detailed from the other huts were forced to run the gauntlet in the way that I have described. In all about two hundred and fifty prisoners were treated in this way and about forty to fifty Italian guards took part. The Commandant and all the Italian camp officers were present. As a result of this ill-treatment about seven or eight prisoners died during the next few days. The Commandant at this time was an army officer of the rank of captain about thirty-five to forty years old about five feet nine inches in height with a typically Italian olive complexion and thick dark crisp hair. He was clean shaven. I do not know his name.

12. At some time during the Autumn while the weather was still hot Private NATHAN, Lance-corporal COLEMAN and I started sleeping in the passage of our hut. We did this partly in order to escape the insects which were very troublesome at this time and partly to enable us to watch the sentries as we were planning to make an escape when opportunity presented itself. After about a week the interpreter came and told us that we had to go and report to the camp office. We went over to the gate of the compound and were met there by the Italian lieutenant who was second in command at the camp. He took us with a guard to an office outside the compound and when we came into the passage we saw there a gang of Italian soldiers waiting with their shirt sleeves rolled up. Private NATHAN was then taken into a room which was in fact the lavatory. After a few minutes he was brought out and it was clear by his appearance that he had received a beating up. Later on he told me that he had been knocked about in the room by the Italians in the presence of the second in command. I was then taken into the lavatory the second in command was there and I think about six Italian soldiers. They proceeded to knock me around striking me chiefly on the head with their fists and kicking me. This lasted for several minutes and when I came out I felt quite dazed. Lance-corporal COLEMAN was then taken into the lavatory and received similar treatment.

13. The Italian lieutenant who was second in command at this time was an army officer who was about five feet [illegible] inches in height and of a wiry build. I think he was dark with a small moustache and I should think about 30 years old. I never discovered his name, but I could identify him again.

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14. In November 1942 I was taken back to AVEROF prison in ATHENS and after about five weeks there I was removed to BARI Penitentiary. Later I was taken to SULMONA Penitentiary. I was liberated from there by two British officers from the nearby prisoner of war camp when Italy capitulated in September 1943. However, after a few days we were taken prisoner by the Germans and passed to various prisoner of war camps in Germany. I was finally turned loose from a working party attached to Stalag 398 when the American forces began to get near and I reached an American unit.

SWORN by the above-named MICHAEL DITCHBURN at 6 Spring Gardens in the City of Westminster this fourth day of July 1945.

(Sgd) W. Ditchburn.

Before me (Sgd) R.G. de L. MONTEIL

Captain Legal Staff.

Office of the Judge Advocate General.

MD/JAG/PS/35/3(3A)

IN THE MATTER OF ILLTREATMENT OF SAPPER LAWIADO.I.G. IN THE LARISSA CAMP.

BRITISH NATIONAL OFFICE CHARGE NO:

UNITED NATIONS WAR CRIMES COMMISSION REFERENCE:

A F F I D A V I T.

I, No. 23012 L/Cpl. ELIYAHOU LAWIADO of the PALESTINE TRAINING DEPOT, TRAINING WING, RAMOUT, PALESTINE, whose permanent home address is DJEMILIE, ALEPPO, SYRIA, make oath and say as follows:-

1. At the end of April 1941 I was serving with 1039 Stevedore Coy, (PALESTINE) Royal Engineers in GREECE. At this time my company was at KALAMATA awaiting evacuation. On the 29th April I, along with other members of my company, was captured by the GERMANS. After my capture I made three escapes and was recaptured on each occasion. The details of my escapes have been given in another affidavit. Eventually I was taken to AVEROF Prison in ATHENS where I was kept from November 1941 until June 1942. I was tried by Military Court in ATHENS on or about the 1 June 1942 and sentenced to four years imprisonment. I have spoken about my trial and treatment at AVEROF Prison in the other affidavit above referred to.

2. Towards the end of June or in early July I was sent to LARISSA Concentration Camp. This camp contained civilian political prisoners some of whom had been interned in this camp before the outbreak of war as well as certain Army personnel who had been captured wearing civilian clothing and like myself sentenced to imprisonment as civilians. Among those persons were CAPT. SAVAGE, Pte. WALTER LAKE, Pte. DITCHBURN, a NEW ZEALANDER, Pte. NATHAN, and L/Cpl. COLEMAN, a CMP who had been tried by the same court as myself. All of us were denied the status of prisoners of war. There were also other PALESTINIAN soldiers, men of my company, who were also accorded similar treatment. Among these were Sgt. WEINBOAM, and Spr SIMSOLO. Two CYPRIOT soldiers, Pte. KOSTAS KARACLAS of the Pioneer Corps and Pte. JEMAL HUSSEIN of the RASC., were also in this camp.

3. The guards were ITALIAN infantry. There were no carabinieri among them. The conditions in this camp were reasonably good when I first arrived there. There were about four or five hundred prisoners and these did not cause undue congestion. The rations were more adequate than at AVEROF and there was more space for exercise than at AVEROF. Later on this state of affairs ceased and the rations were cut by nearly three quarters. Living conditions became very bad and there were lice and bed bugs everywhere. Lavatory conditions were inadequate and the sleeping quarters became more crowded. After I arrived many more prisoners came to the camp so that the numbers increased and there was no corresponding increase in space or facilities.

4. The prison authorities made no attempt to care for us and the only clothing we received was through the Red Cross whose representative, whose name I think was Mr. GRAIMINGER, gave us food and clothing whenever he could arrange it.

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5. I was detained in this camp from July 1942 until September 1943. During this period I can remember three of the Commandants. The first of these was Commandant either at the time when I arrived or he came very shortly after I did. This man was a Captain or Lieutenant. He was an Italian, between 30 and 35 years of age, always very smartly dressed in uniform. I cannot say what his unit was but the uniform as far as I can remember consisted of brown top boots, grey breeches with a broad stripe running down them at the sides. I cannot remember the colour of the stripe. He usually wore a shirt of the same colour as the breeches, with a belt similar to a Sam Browne belt. It was of brown leather. He always wore a pistol. He also wore a side cap with his rank badges on the side thereof. He was of above medium height, with broad shoulders. He had dark hair but was of a fair complexion. I could recognise this man again if I saw him. He was Commandant for some months but I do not remember the exact period. Whilst this man was Commandant the guards were allowed to beat the prisoners and although many complaints were made to him he took no notice of them as far as I know. I cannot recall any specific cases in which he witnessed any such ill treatment of prisoners.

6. The next Commandant that I can remember was Capt. MONDILIANO. I do not remember if he succeeded the Commandant I first mentioned and I am not sure of the period when he was Commandant. MONDILIANO was an ITALIAN aged about 40 years. He was of medium build, in height about 5 feet 10 inches, with brown hair which was greying slightly and a thin face. He always wore uniform and often rode on horseback around the camp. He was usually accompanied on horseback by another man whom I assumed was a groom. MONDILIANO usually rode a light brown coloured horse but I do not remember the colour of the other horse. This man was mainly concerned, as far as I know, with the theft of Red Cross parcels. Whilst he was Commandant items included in these parcels, of which we had lists, were continually missing. When the Red Cross representatives visited us and we complained the complaint was reported to MONDILIANO, who was usually present, through an interpreter, and on one occasion on the day after such a visit by the Red Cross, Ptes. NATHAN, LANE AND DITCHBURN who had been among those who complained were taken to his office and I saw them come out afterwards and they appeared to have been beaten up. They told me afterwards that they had been beaten by the guards in MONDILIANO's presence and the reason given them was that they had been sleeping in the corridor of their sleeping quarters in order to spy on the guards, so that they could plan an escape.

7. The method of distribution of the Red Cross parcels at this time was that they were kept in a room near MONDILIANO's office, and when they were to be distributed the prisoners lined up outside the room in which was MONDILIANO and KOSTA KOLLIPAROS, an interpreter and other ITALIAN guards. When we went in to receive the parcels MONDILIANO superintended the distribution and I have myself seen him on several occasions order certain items to be removed from parcels and put into a separate box. We never saw these again. It was common knowledge that the contents of the Red Cross parcels were used in the Officers Mess. On another occasion when MONDILIANO went to ITALY on leave he took with him a case of chocolate, part of the Red Cross supplies.

This interpreter, KOSTA KOLLIPAROS, to whom I have referred above, was a GREEK prisoner who we serving a long term of imprisonment. He had sheltered Pte. LANE, I think, and had been given away to the ITALIANS by LAWRENCE LEONARD another BRITISH prisoner of war who had collaborated with the ITALIANS at AVEROF. LEONARD was not imprisoned at LARISSA. He was removed from AVEROF before I was and I never saw him after that.

/KOLLIPAROS ...

KOLOMAKOS was friendly towards us prisoners.

8. The third Commandant was, I understand, in civilian life a merchant. I was told this by one of the interpreters, an ITALIAN. I cannot remember the name of this interpreter but I believe that he came from the UGOEMANESE. He was about 5 feet 6 inches tall, was of a dark complexion, dark hair and thick set. He spoke GREEK and ITALIAN fluently. The Commandant was between 45 and 50 years old. He was rather plump and stocky with thinning and greying hair. I could recognise him if I saw him again. He was commandant at the time when I was removed from LARISSA to KALAMBAKA in September 1943. He had then been Commandant for two or three months. He treated the prisoners well and unlike the other Commandants he used to send us to the hospital whenever necessary. In addition he listened to complaints even against the ITALIAN guards and the informers who were put with the prisoners by the Carabinieri. Red Cross parcels were more fairly distributed under this Commandant's administration. On one occasion he even sent messages to the Red Cross asking for additional comforts for us. Conditions generally improved.

9. In addition to these Commandants with whom I did not come into frequent contact there were certain officers who were mainly concerned with discipline and administration within the prison cages and with whom I often came into contact. I remember particularly one of these Lieut. DELESIEU or some similar name. His civilian occupation was a lawyer. He was an ITALIAN. This officer was not at LARISSA when I arrived there, but came there in or about October 1942. He remained there until about August of 1943. I could recognise this officer again if I saw him. He was about 35 years old and approximately 6 feet tall, with broad shoulders. He had light coloured eyes, brown hair, a sharp nose. He always wore uniform and was always armed with a pistol. He was in charge of the parades in the mornings and evenings when the roll was called. I was in charge of the barrack hut in which I lived and it was a rule that all prisoners were to parade outside the hut for the roll calls. At that time many of the prisoners were suffering from malaria and were in a weak and ill condition. In spite of their condition DELESIEU insisted on these persons being outside the hut for roll call and I have on many occasions seen him beat men with his fists when they have refused. Usually after this he would order the guards to tie the hands of these men behind their backs and leave them outside for hours no matter the weather. He also forbade the prisoners to leave the huts after roll call in the evening so that whereas before this we were permitted to go out of the hut to the latrines at night this was stopped. DELESIEU had a half barrel placed inside the hut into which we were forced to attend to the needs of nature. In my hut at the time there were about 140 men and the sanitation was very bad.

10. Shortly after DELESIEU came to the camp I received a beating with others, under the following circumstances. There was an old CRETAN prisoner in the camp who had been there before I arrived at LARISSA. This man planned an escape with another GREEK and actually succeeded in getting away from the camp through the barbed wire. His companion did not accompany him. The escape was discovered the same night and immediately all the prisoners were ordered outside. The guards refused to believe that the CRETAN was not still inside the camp and commenced beating everyone. They used truncheons made of wire rods covered with rubber which they always carried. DELESIEU himself was present. Next day we were not allowed out of the huts until evening when we were called for roll call. DELESIEU ordered the men in charge of each hut to detail 20 or 30 men from the hut to fall out of the ranks. He did this with each hut separately while the men from the other huts watched. My hut was the first. I was one of the number from my hut. At that time I had no idea why we were required. When my squad had fallen out DELESIEU ordered us to take off our coats so that we were naked from the waist up. We were then made to run between two lines of soldiers who beat us with rifle butts and with their truncheons.

/This ...

This was kept up for about five or ten minutes and then we were ordered back to the huts. All of us suffered badly from this beating and one man broke his arm. DRESSING was not the only officer present at this but he was in charge of the guards. I know that Capt. SAVAGE volunteered with the men from his hut but that he was not allowed to take part. Men died frequently at LARISSA and I cannot remember whether there were many deaths as a result of this ill treatment.

11. Soon after I arrived at LARISSA Capt. SAVAGE and another soldier whose name I do not know attempted to escape. I did not see the attempt myself but I saw Capt. SAVAGE when he was brought back into the camp. I watched through the window of my hut and I saw the guards take him to a tree where his hands were tied above his head and he was tied to the tree. His clothing was pulled down and his back was bared. The guards then beat him with the rubber truncheons to which I have referred above. I could not see what was done to the other soldier but I heard he was similarly beaten. Capt. SAVAGE was very severely beaten and was then placed in solitary confinement. After some time of this imprisonment Capt. SAVAGE had a nervous breakdown and it was then arranged that LAKE, DITCHBURN, NATHAN COLEMAN and myself and some other prisoners would take turns staying with him and watching him so that we could prevent him from harming himself. Eventually he was taken to hospital where he partially recovered. He returned to LARISSA near the end of 1942 and shortly after this he was moved from LARISSA and I believe that he went to ITALY.

12. I left LARISSA in or about September 1943 and was sent to KALATHEA. A few days after reaching KALATHEA the ITALIANS capitulated and the GERMANS took over the camp. Later I was sent to GERMANY to STALAG 7A and then to STALAG 4B from which latter camp I was liberated in April 1945. Whilst I was in GERMANY I was treated as a Prisoner of War.

SWORN by the above-named
No. 23012 L/Cpl. ELIYAHOU LANIADO
at HARAFAND, PALESTINE,
this 23rd day of NOVEMBER 1945.

(Sgd) L/Cpl. LANIADO.
23012.

Before me

(Sgd) H. St. C. WHITEHORNE,

Capt.
Legal Staff,
Office of the Judge Advocate General.

IN THE MATTER OF THE ILL TREATMENT OF SIGNALMAN
F.J. NUTBEAM AND OTHERS AT LARISSA CONCENTRATION
CAMP, GREECE

British National Office No:

United Nations War Crimes Commission Ref:

AFFIDAVIT

I, FREDERICK JOHN NUTBEAM, number 5497679 a Signalman in 47 Div. Signals stationed at North Walsham, Norfolk with permanent home address at Shorts Farm, West Wellow, Romsey, Hampshire. MAKE OATH AND SAY AS FOLLOWS:-

1 I was taken prisoner on the 29 April 1941 at Kalamata in Greece when serving with 5 Air Fwn. Sigs, 3 L of C, which was formerly known as 5 Construction Coy, 3 L of C. After spending some time in various transit camps in Greece I escaped in July 1941 and was at large until 6 July 1942 when I was arrested by Italian carabinieri in plain clothes near Lamia. While I was at large I wore plain clothes and I was in possession of a rifle which I had hidden just before my arrest, but I had to show the carabinieri where it was in order to save the life of a Greek patriot who they threatened to shoot unless I showed them where I had hidden my rifle. After that I was taken to the Carabinieri Headquarters at Lamia and Volos. I have spoken of my experiences there in another affidavit. About the middle of August I was taken to the Averof Prison in Athens to await my trial which took place on the 30 September 1942. I was charged before a military court on a charge of being in possession of firearms and sentenced to 13½ years imprisonment. I was denied the status of a prisoner of war although I repeatedly protested that I was an escaped British prisoner of war.

2 At the beginning of October 1942 I was taken to Larissa Concentration Camp to serve my sentence. The concentration camp was for political convicts. I met several British Service personnel there who had been convicted on charges of espoinage and similar charges. These included L/Cpl Coleman, Pte. Ditchburn, Pte. Lake and Pte. Nathan. Captain A.C.M. Savage was not at the concentration camp when I arrived but he returned there from hospital early in October.

3 The officer staff of the camp consisted of the Commandant, an officer who was in charge of the interior of the camp and generally two or three Lieutenants or 2/Lieutenants and a medical officer. I remained in the Camp until August 1943 and during the time that I was there the officer in charge of the interior of the camp was 2/Lieutenant Delusel. I cannot be sure how the name was spelt. He belonged to 313 Infantry Regiment. He was about 30 years old, nearly 6' in height, of thin build with a very big prominent nose and sunken eyes. He had fair hair and a dark skin and was clean shaven. He spoke no English. He always attended the roll-calls of the prisoners which were held every morning and evening in the prison yard. The other officers changed several times while I was at Larissa Concentration Camp.

4 Towards the end of October 1942 an old Cretian prisoner who was in poor physical condition succeeded in escaping from the camp. When his absence was discovered on the morning roll-call the Italians could not believe that a prisoner had escaped as they had many guards posted round the camp. They checked through the prisoners three times and when they could not find the Cretian they set us on in working parties searching the cess-pool, wells, and digging up parts of the camp as they suspected that he had been murdered and his body concealed. Nothing was discovered and later on that morning another parade was called. 2/Lieutenant Delusel was in charge of this parade and he announced through an interpreter who translated into Greek that if the body of the Cretian was not found by 5 o'clock that evening, 20 prisoners from each

/hut .....

hut would be punished. The huts contained about 100 prisoners each on the average. Nothing was discovered and about 5 o'clock that evening another parade was called. The leader of our hut who was a Greek policeman volunteered for punishment and asked for another 19 volunteers. The prisoners in our hut consisted of Greek lawyers and doctors and people of good standing and also L/Cpl Coleman, Pte. Ditchburn, Pte. Lake, Pte. Nathan and myself and Captain Savage who had returned to the camp from hospital. Captain Savage was accommodated in a small hut but was attached to our hut for the purpose of roll-calls. All the British prisoners volunteered for punishment but we would not allow Captain Savage to take part as he had only recently returned from hospital. 20 volunteers from our hut received 5 lashes each on the back with a whip made of quad cable which is a rubber coated cable about ½ inch thick with four wires down the middle. These whips were a common weapon in the camp and many of the guards carried them.

5 20 prisoners were picked out by the Italians from each of the other huts and forced to run between two lines of Italian guards each of whom was armed with a cable whip or leather equipment belt. As the prisoners ran between the two lines of guards the guards on one side slashed them on the backs and the guards on the other side slashed at them across the chest or face. When they reached the other end of the line they were knocked out with a butt stroke from a rifle unless they managed to dodge it. 2/Lieut. Delusel was present during the whole time and I saw him draw his revolver and fire a shot in front of a Palestinian called Simon Petros, who had been through the lines, in order to make him run the gauntlet a second time. About 18 Italian guards were taking part at the beginning and I think that more joined in later on. 9 huts of prisoners were punished in this way. The number of prisoners certainly exceeded 150. Two of the prisoners were killed and I saw their bodies carried away and put into a room at the back of the M.I. room which was used as a mortuary. Five of the other prisoners died as a result of this ill-treatment during the next few days.

6 In May 1943 I was taken into hospital in Larissa and operated on for appendicitis. I returned to the concentration camp in June although I still had an open operation wound and I was forced to do the ordinary work with the other prisoners such as digging trenches and clearing the ground for an aerodrome. I got a chit from the Italian medical officer stating that I was not fit to work and although I showed this to 2/Lieut. Delusel he insisted on my continuing with the working party.

7 From October 1942 to June 1943 the Commandant was a Captain who I saw on several occasions riding round the camp on a horse. He had dark hair but I cannot describe him exactly. I could recognise him again.

8 The next Commandant was a Lieutenant who was about 25 to 30 years old. He was about 5'6" in height and of medium build. He was good-looking and had dark wavy hair. He was clean shaven. He was Commandant for about 6 weeks. The next Commandant was a Captain who looked about 50. He was short, rather fat and had a full, fattish face and a fairly dark complexion. I was told by fellow prisoners that he had been Commandant of Larissa Concentration Camp before the Commandant who was in charge when I arrived.

9 From October 1942 until the early summer of 1943 a Corporal Rossi and Corporal Orsini were also members of the camp staff. Corporal Rossi was promoted from Private soon after I went there. They both belonged to 313 Infantry Regiment. Corporal Rossi was about 5'8" in height and rather stout with a full face and dark hair. He grew a moustache while I was a prisoner. He was about 24 years old. Corporal Orsini was about 5'10" in height, thin, and had a thin face with sharp features and a prominent nose. He had dark hair, was clean shaven and was about 27 years old. The only time I saw Corporal Rossi ill-treat a prisoner was on occasion when he flogged a Greek called Laki. In common with other prisoners Laki had been forbidden to speak to a woman prisoner to whom in fact he was engaged to be married.

/The.....

The women and children were accommodated in a separate compound which was separated from our compound by a barb-wire fence. On the day when Corporal Rossi and Corporal Orsini were leaving the camp on transfer to Volas, Laki saw them going and took the opportunity to go and speak to the woman. Corporal Rossi however caught sight of him and got out of the truck in which he was about to leave the camp, went back and thrashed Laki severely with a cable whip.

10 Corporal Orsini always carried a cable whip with him in camp and was prepared to strike prisoners with it on the slightest pretext. He often beat a Greek who suffered badly from scabies and who we knew under the name of "Bolas". He did this without any reason and just in order to make him cry out. I have seen him also give "Bolas" a cigarette, make him stand to attention with the cigarette and then strike it out of his mouth with a whip. If the prisoner moved at all Corporal Orsini would thrash him with his whip.

11 From the end of 1942 until I left the camp I was in charge of the distribution of Red Cross supplies to British personnel. I do not eat chocolate myself and sometimes gave my chocolate to the children who were accomodated in the womens' compound but who came into our compound. Several times I was caught doing this by Corporal Orsini and on each occasion he handcuffed me to an electric-light post and left me there on some occasions for as long as 48 hours.

12 In August 1943 I was taken to Hiadara Camp near Athens and was there at the time of the general capitulation of Italy. After that we were handed over to the Germans and after being passed to various camps and hospitals I succeeded in escaping on 11 November 1943. I reported to the British Military Mission near Athens later that month and was later repatriated to Cairo.

SWORN by the above-named FREDERICK JOHN NUTBEAM)
at 6 Spring Gardens in the City of Westminster) F.J. NUTBEAM
this 1st day of August 1945)

BEFORE ME
(J. LEICESTER-WARREN)

Captain Legal Staff

Military Department,
Office of the Judge Advocate General.

PARTICULARS OF EVIDENCE IN SUPPORT

2920

Affidavits of the following :-

(1) Captain A.C.M. SAVAGE, Queen's.

(2) Lance-corporal J.S. COLEMAN, C.M.P.

(3) Private W. DITCHBURN, 2 N.Z.E.F.

(4) Lance-corporal E. LANIADO, Palestine Royal Engineers.

(5) Signalman F.J. NUTBEAM, Royal Corps of Signals.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence; (*c*) whether the case appears to be reasonably complete.)

This case is complete.

2922

CERVI, Pasquale

Date Submitted	Decision of Committee I		
20 MAR 1947	A	B	CARDS CHECKED LIST 55

(*For the Use of the Secretariat*)

2923

Registered Number. 4784/UK/2C/113

Date of receipt in Secretariat. 11 MAR 1947

UNITED NATIONS WAR CRIMES COMMISSION

United Kingdom CHARGES AGAINST Italian WAR CRIMINALS

CASE No. UK - I/B 165 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	CERVI Pasquale. (In custody) Carabinieri Guard.
Date and place of commission of alleged crime.	Camp P.G. 91, AVEZZANO, Italy. 28th July, 1942.
Number and description of crime in war crimes list.	(xxix) Ill-treatment of prisoners of war.
References to relevant provisions of national law.	Wounding with intent. Offences against the Person Act, 1861.
Breaches of international law.	Breaches of Geneva Convention, 1929.

SHORT STATEMENT OF FACTS.

The accused shot MOHAMED AMIN, a British prisoner of war, and wounded him in the mouth and neck.

TRANSMITTED BY Transmitted by: Office of the JAG(Mil Dept)

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(29655) Wt.P.252/4 5,000 5/45 A.& E. W.Ltd. GP.685
(30449) Wt.P.1183/17 5,000 10/45 " "

PARTICULARS OF ALLEGED CRIME

The victim was brewing some tea near the barbed wire fence which separated the Indian section of the camp from the Cypriot prisoners of war. Other Indian prisoners of war were standing near this wire throwing or exchanging cigarettes and food with the occupants of the adjoining compound. The accused and another Italian sentry came up and ordered the prisoners of war back into their barracks. MOHAMED AMIN asked to be allowed to finish making the tea but the accused kicked the tea over and dragged MOHAMED AMIN away. In the course of dragging MOHAMED AMIN away the accused fired at him with his pistol, wounding him seriously.

STATEMENT.

No. 5189 DFR SHER MOHD of "A" Sqdn, C.I.H., states :-

In July 1942, I was a POW, confined at Camp P.G. 91 ITALY, On 28 JULY 1942 at 1330 hours, No. 5870 SWR MOHD AMIN was brewing tea with some other POW's, at the place allocated for such purposes. I was also present there at that time. On that day two new ITALIAN sentried were mounted for guard duties. They entered in the camp and saw us cooking tea. They came at the spot and asked SWR MOHD AMIN "Why are you cooking the tea?" SWR MOHD AMIN answered that this place is allocated for POWs for cooking purposes by the Camp Comd.

They (sentries) kicked off the tea and dragged SWR MOHD AMIN to the Quarter Gd. SWR MOHD AMIN made a request to the sentries to see the Ind Camp Comd but they took no care and one of them shot SWR MOHD AMIN through the mouth with a revolver. He fell down on the ground and the Italian sentries warned all POW's that no body will go near him otherwise he will also be shot.

CQM HAV Maj. AHMAD ALI of 4/16 Punjab Regt and Swr Mohd Sher of The Central India Horse were also present there.

The case was brought to the notice of a representative of RED CROSS Society but I do not know the result.

SWR MOHD AMIN was sent to a civilian hospital in Italy and after a few days I left for Germany with other POWs.

I SOLEMNLY AND SINCERELY declare that all the information given by me in this statement is true to the best of my knowledge and belief.

SIGNATURE 5189 Dfr. Sher Mohammed.

Statement made and signed in my presence.

(Sgd) ? ? ? ? ? ?
Major,
OC "A" Sqdn C.I.H.

COPY

A F F I D A V I T.

I, MOHAMED AMIN No. 5870 a L/Afr. at present serving with 21 C.I.H. India Command DO SOLEMNLY AND SINCERELY DECLARE as follows:-

In July 1942, I was an P.O.W. confined at Campo P.G. 91 ITALY. On the 28th of July 1942 I was brewing tea at the place allocated for such purposes. This was near the barbed wire which separated our compound from one where non-Indian P.O.W's. were kept. A Sikh P.O.W. whose name I do not know, was exchanging a tin of Red Cross Milk for Cigarettes with an Egyptian P.O.W. across this wire. Two carabinieris, whose names I do not know came up and confiscated the milk and cigarettes, ordered a number of P.O.W's nearby to disperse.

I was told to move as well, but as the tea I was brewing required only a couple of minutes to boil, I asked them to wait a few minutes. They kicked the tea over, took a hold of my arms and started dragging me. I demamded to see my camp leader when one of the carabinieries, I do not know his name, pulled a revolver out and shot me through the mouth.

Hav. Major AHMED ALI 41 Punjabi and SAMAR SHERMOHMED 21 C.I.H. were present when the above incident occurred.

I was later charged with a breach of discipline as a result of this incident. I was tried in ROME, found guilty and sentenced to 3 years imprisonment, but the sentence was remitted. I had a civilian lawyer acting for me at the trial but had no opportunity to talk to him before the trial. The trial was conducted in Italian and all the proceedings were not interpreted for my benefit.

I SOLEMNLY AND SINCERELY DECLARE that all the information given by me in this statement is ture to the best of my knowledge and belief and I make this declaration pursuant to the Statutory Declarations Act 1835.

Dated this 26th day of February 1946.

(Sgd) M. AMIN.

DECLARED AT)
this 26th day of February)
1946 (pursuant to the)
Statutory Declarations)
Act, 1835.)
)
Before me,)

(Sgd) ???? Major, DAAG.
Deolali Sub Area.

An Officer of Field Rank

No.IEC/13120 LIEUT AHMED ALI having been duly affirmed states: -

In july 1942 I was a prisoner of war at Campo P.G. No. 91 along with many others including Swr. MOHD AMIN of Central India Horse. On or about 28.7.42 an incident occurred which resulted in the shooting of Sowar MOHD AMIN into his mouth by a Carabiniere - of the Camp. At that time the whole Camp was divided into two main appartments in one of which we were imprisoned and in the other the Cypriates prisoners of war who were brought there the previous night. On the morning of the incident some of our men were cooking Indian Red Cross food parcels at the small fire places provided for the same. That was done every morning. The cooking place was quite close to the wires which separated us from Cypriates.

FACTS

On the morning of 28th July 1942 I was sitting in my barrack talking to some other prisoners. Suddenly someone shouted my name outside. I came out rushingly and saw Sawar MOHD AMIN being dragged by two Italian soldiers at a distance of ten yards one was a Carabiniere and the other was a sentry. The Carabiniere took out his pistol at once and fired into Sowar MOHD AMIN's mouth. On this the whole Camp inmates came out. But we were advised by W/O SAVANT of IACC who was senior in the Camp to go back to our barracks. Sowar MOHD AMIN was left lying on the ground. The Carabinieri reloaded his pistol and kept standing at aiming position at Sowar MOHD AMIN. He ordered the other sentry who was armed with a rifle to report the matter to the Camp Commandant. During this pause I was told by some of the prisoners who were cooking things and also by those who were watching the new comers (Cypriates) that some of the Cypriates from the opposite Camp seeing them cooking things demanded for some eatables and cigarettes. Some of our men gave them some eatables and cigarettes. The Carabiniere objected to this. He kicked and handled some of them very roughly. Seeing this Sowar MOHD AMIN who was standing near by told the Carabiniere not to ill-treate the men like that but report about them to Camp Senior who would deal with them (Sowar MOHD AMIN knew a bit of Italian and used to be the interpreter sometimes). The Carabiniere and another sentry with a rifle caught hold of MOHD AMIN and threatened to take him to the Italian Quarter Guard. AMIN requested that he may be taken to the Camp leader first (who was W/O SAVANT) according to the usual procedure. Then a Scuffle ensued and both the Italians tried to pull and drag Sowar MOHD AMIN along to the Quarter Guard. Just then he shouted that he may be at least taken before BQMD AHMED ALI as his barrack was nearer than W/O SAVANT's barrack. On which they did not here him and then he shouted you.

Then an Italian Officer, an interpreter and some other Guardsmen came to the scene of incident. They talked a little to W/O SAVANT and removed MOHD AMIN to the Hospital. When they went away I heard from other prisoners that the Carabiniere himself demanded cigarettes from them. He had collected some cigarettes too. Sowar MOHD AMIN dissuaded prisoners from giving cigarettes to the Carabiniere. This was another source of annoyance for the Carabiniere towards AMIN.

After this the Senior N.C.Os of the Camp gathered up and decided to lay the following conditions:

(a) They would refuse taking Italian rations.
(b) The Carabiniere should be severely dealt with.
(c) Not to eat anything till the Red Cross representative arrived.

The whole day no one ate anything and in night the Camp Commandant sent for me. He threatened to keep me in the Quarter Guard as long as the Muslims would not eat anything. He also approached the other NCOs and told them that the (b) & (c) conditions would be complied with at once. On that they agreed to break hartal. We detailed a Sowar to go to AMIN in the Hospital dayly with an Italian Sentry. On 3.8.42 we were all removed to a German Stalag IV B MEUHLBURG and AMIN was left there.

Pandu
15-9/46

Sd/ AHMED ALI, Lt.
No. IEC-13120

Certified that this statement was given by NO. IEC/13120 Lieut. AHMED ALI in my presence after having been duly affirmed.

Pandu
15-9/46

Sd/ M.A. SHAH, Major,
Comdt, Transit Camp, Pandu

(Phone Pandu 115)

NO.A/27,
Transit Camp, Pandu
P.O. Pandu (ASSAM), 15-9/46

Regimental Centre,
The Jat Regiment,
BAREILLY

Subject: - WAR CRIMES

Forwarded in quintriplicate with ref. to your NO.0245/27 dated 14 Aug 46.

Syed
15-9/46

Sd/ M.A. SHAH, Major
Comdt, Transit Camp, Pandu

(Phone Pandu 115)

CONCENTRATION CAMP P.G. 91
H.Q. OFFICE

Ref: 4167 P.M. 3300 29 July 1942

TO H.Q. ROYAL ARMY

POW OFFICE pP.M. (9)

SUBJECT: Wounding of Indian PW MOHD AMIN No. 5870

With reference to my 4155 dated 28 July 1942, the Indian PW's interned in this Camp started a hunger strike this morning as sign of protest.

The chief trouble makers have been found to be the Mahommedans who are of the same religion as the injured man.

I immediately took special measures concerning the guarding of the Camp and I ordered that the co-operative canteen for the Indians only be closed and I have stopped until further orders the distribution of food parcels.

As a result of these strict measures and my further intervention with the N.C.O's and the Camp Leader the question has been resolved and at this moment (19,30 hours) the Camp has returned to normal.

I will collect information concerning the author of the the sedition so that he may if necessary be denounced to the Military Tribunal.

MINISTRY OF WAR - CABINET -, Command IXth ARMY CORPS have been informed.

LIET. COL. COMMANDANT
(TIRONE PIETRO)

H.Q. IXth ARMY CORPS

OFFICE - POW SECTION

REF: 012/2263 P.M. 67 3 Aug 1942

SUBJECT WOUNDING OF INDIAN PW MOHD AMIN.

TO: H.Q. ROYAL ARMY - POW OFFICE P.M. 9

On 28 July last the above-mentioned PW, of Camp 91, was surprised by the Carabiniere CERVI Pasquale, while he was throwing cigarettes and other things to the nearby camp of the Mussulmans; he was invited by the above-mentioned Carabiniere to follow him to the Duty Officer, not only did he not obey, but he teased him catching hold of him by the arm and attempting to push him.

In the meanwhile Private GILIBERTI Michele intervened to help the Carabiniere, who, had in the meanwhile been surrounded by other indians with threatening attitude and seeing that GILIBERTI was also in danger, fearing to be overcome, he drew his regulation pistol from its holster and fired a shot at PW MOHD AMIN injuring him in the lower lip with exit of the bullet at the nape of the neck. The other Indians went away immediately and calm was restored.

Afterwards all the Indians interned in Camp 91 started a hunger strike.

The sedition was stopped by the energetic action taken by the Camp Commandant and everything returned to normal.

The wounded man was taken to the Civil Hospital and he is not in danger of losing his life.

As the Carabiniere acted promptly and behaved with energy I have given him a money prize of 150 Lire

THE GENERAL T/COMMANDER

(ENRICO ADAMI ROSSI)

COPY

TO THE MILITARY TRIBUNAL OF WAR ROME

SUBJECT: Denunciation of the PW MOHD AMIN No. 5870 as being guilty of the crime mentioned in articles 199 and 200 Chapter V Section I of the Military Penal Code of War.

I the undersigned TIRONE Pietro, Lieutenant Colonel of Infantry in S.P.E., Commandant of Concentration Camp P.G. 91 under the authority given by H.Q. Militaru Area Pescara, letter 3/11434/P.G. dated 11 August 1942/XX and the order contained in paragraph III of the Military Penal Code of War, make the following denunciation:-

"On 28 July 1942 at 1500 hours, the Carabiniere CERVI Pasquale, who, is a member of the Group of Carabinieri attached to the Camp P.G. 91, was on duty inside the Camp near the Zafferini Barracks, with strict orders to prevent any contact between the Indian PW's and the Mussulmans, who were in another Camp close by, separated from the above-mentioned barracks by a wire stockade, when he saw an Indian PW, a certain MOHD AMIN No. 5870, throwing cigarettes and other things to the Mussulmans, despite the strict orders to the contrary which were known to all the Indian PW's.

After having reproved him, he intimated to him with gestures to follow him as he wished to take him to the Duty Officer of the Camp.

The PW not only refused, but started teasing him and inviting him to go inside the Zafferini Barracks where the Indian PW's are accomodated.

The Carabiniere then took him by the arm endeavouring to take him towards the Guardroom but the PW reacted and took hold of the Carabiniere and tried to drag him towards the above-mentioned Barracks. In this way arose a struggle during which the left hand of the Carabiniere was scratched.

Private GILIBERTI Michele-who was on duty with the Carabiniere and who was standing a few paces away saw that from words they had passed to actions, so, he promptly went up to them to give CERVI a hand thus enabling him to free himself from the hold of the PW who continued the struggle with GILIBERTI.

CERVI was convinced that given the strength of the PW in question, he could beat GILIBERTI, worried by the hostile attitude of the Indians who had approached in considerable numbers and fearing that he might be overcome and disarmed, drew his pistol from its holster and having stepped back a few paces fired a shot wounding the PW who fell to the ground.

The Indians, on the order of CERVI, went away and only a few of them approached the wounded man and carried him to the Camp Infirmery. He was examined by the M.O. and was found to be suffering from a wound caused by a fire-arm with entrance hole in the lower lip and exit in the nape of the neck.

As the wounded man was suffering from hemorrhage and that he was unable to speak or swallow he was urgently taken to the Civil Hospital of Avezzano, although he was not in immediate danger of losing his life.

It has only been possible to interrogate him to-day owing to the difficulty of speaking.

I judge that the Carabiniere acted promptly in self-defence, while I am of the opinion that with regard to PW MOHD AMIN articles 199 and 200 Chapt V Sec I of the Penal Military Code of War are applicable.

/ Attached are:.....

Attached are:

1) The interrogation of Carabiniere CERVI Pasquale;
2) The interrogation of Private GILIBERTI Michele;
3) The Medical Report of the Director of Sanitary Services with regard to the injuries suffered by Carabiniere CERVI;
4) The Medical Report of the Director of Sanitary Services with regard to the wounding of the PW MOHD AMIN;
5) The interrogation in English and translation into Italian by Cap. Magg. Mario DEHO' of the Indian PW's: Private AJITSING, Private GIAN SING, Private SHER MOHAMMED, Private AMRIK SING, Camp Leader, (Warrant Officer N.R. SAMANT);
6) The interrogation in English and translation of PW MOHD AMIN

Made signed and closed on the date on which I sign

CONCENTRATION CAMP P.G. No. 91 - P.M. 3300. 18 August 42/XX

LIEUT. COL. COMMANDANT
(Tirone Pietro)

MILITARY TRIBUNAL OF WAR
ROME

Roma, 9 May 43

TO H.Q. ROYAL ARMY
P.M. (9)

Ref: 617

SUBJECT: Penal procedure against the British PW, Private MOHD Amin son of Schore, No. 5870 - Concentration Camp P.G. 91.

and, for information

To H.Q. XVIIth ARMY CORPS
Personnel Discipline Office.

P.M. 17

In accordance with article 2 of circular No. 47450 dated 23 Novembre 1941 of this H.Q., you are informed that the trial against the British PW, Private MOHD Amin son of Schore, No. 5870, Concentration Camp P.G. 91, P.M. 3300, charged with disobedience and violence against Italian soldier (article 199 and 200 of the Military Penal Code of War) will take place on 26 June next at Rome, at the Military Tribunal of War, Piazza Cairoli 117.

The above communication is made for the purpose of the regulations of the Geneva Convention dated 27 July 1929, which came into force in Italy by Royal Decree on 23 October 1930, No. 1615.

THE BRIGADE GENERAL PRESIDENT
- Alfredo Arnera -

Ref/ 51/120979/3 F.M. 9, 20 Aug 1943

TO THE MINISTRY OF WAR CABINET ROME
(Ref 3/96792 dated 14-5-last)

SUBJECT: Penal procedure against the Indian PW MOHAMED Amin.

The Military Tribunal of War of Rome at the sitting on 26 June last, found the above mentioned accused guilty and sentenced him to 3 years military detention the XXXXXXXXXXXXX and granted a pardon.

The copy of the findings will be forwarded as soon as they are recived by this H.Q. so that article 65 of the Geneva Convention may be complied with.

FOR THE COLONEL I/C OFFICE

Lt-Col G.F. SIMEONI

Statement by CERVI Pasquale.

I have been warned that I am not obliged to make a statement and that if I do, such statement may be used in evidence.

(Sgd) CERVI Pasquale.

My name is CERVI Pasquale. In July 1942 I was serving as carabiniere at 91 P.O.W. Camp at AVEZZANO. One day I was detailed by the W.O. IC of the carabinieri for sentry duty in the Indian compound North of the ZAFFERINI Barracks with the specific order to prevent contact between the P's.O.W. in that compound and those of neighbouring compound occupied by Arab P's.O.W. The two compounds were separated by the usual barbed wire. A group of perhaps three or four men were preparing tea in the open. Some others were standing nearby; one of those was throwing tins and packets of cigarettes into the Arab compound. Seeing this, I warned the P's.O.W. to stop and took a few steps towards them whereupon they withdrew into the nearby barracks. A few minutes later two came out to repeat the exchange of goods. I again ordered them to desist and they withdrew once more. After a short while the same men came out again and threw some articles which fell halfway between the barbed wire. Seeing this I approached them and they withdrew into the barracks. I followed them with the intention of taken them to the Guard Commanding Officer; at the same time another prisoner came out of his barracks and asked me what I wanted, expecting by gesture his intention of hindering my purpose. I, making a gesture with my hands, said: "You come officer". I repeated this order twice, as the other did not move, I got angry. He, seeing me get angry, gave me a push which knocked me over. Another soldier on duty with me, GILIBERTO Michele, seeing me on the ground, came to my aid. He had hardly arrived when he received from the same prisoner two kicks which nearly threw him on the ground. At this moment I got up and seeing many other prisoners, perhaps about fifty, running towards us, and afraid of being overpowered, I fired at random a pistol shot which hit the aforesaid prisoner in the mouth. Thereupon some of his companions hastened to fetch their compound leader who came and reinforced order, dispersing the crowd. Some prisoners remained on the spot to give aid to the wounded man.

I declare that I have made this statement voluntarily, that I have had the opportunity of reading it and making corrections to it, that it has been read to me aloud and that I understand it's meaning.

(Sgd) CERVI Pasquale.

(Sgd) D'AMILO Angelo 2/Lieut.)
)Witnesses.
(Sgd) R. GOLODETZ, Capt., R. Sigs.)

AFRAGOLA,
17 May 1946.

PARTICULARS OF EVIDENCE IN SUPPORT

1. Contained in the statements of the following witnesses :-

(i) SHER MOHD (ii) MOHAMED AMIN (iii) Lt. AHMED ALI

2. Translations of extracts from the Italian dossier setting out the Italian version of the incident are also enclosed.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence; (*c*) whether the case appears to be reasonably complete.)

The accused appears to have made use of his fire-arm against an unarmed prisoner of war in wholly unjustifiable circumstances.

The accused will probably plead that the shot was fired in self defence, but it is submitted that the use of fire-arms was entirely unnecessary to effect the arrest of MOHAMED AMIN.

6720/UK/Jt/114

2938

FORTI, Constantino
CONSTANTIENO, Jorge

Date Submitted	Decision of Committee I		
30 OCT 1947	A		CARDS CHECKED LIST 65

[91874] P318/58 1000 5/47 M&C Ltd. 51/1

6720/UK/Jt/114

(*For the Use of the Secretariat*)

2939

Registered Number. 6720/UK/2t/114

Date of receipt in Secretariat. 23 OCT 1947

UNITED NATIONS WAR CRIMES COMMISSION

United Kingdom CHARGES AGAINST Italian WAR CRIMINALS

CASE No. UK - I/B 166 *

Name of accused, his rank and unit, or official position. (*Not to be translated.*)	FORTI, Costantino ~~CONSTANTINO Forte~~ (In custody)
Date and place of commission of alleged crime.	26 December 1943 FARNO, Italy
Number and description of crime in war crimes list.	(by analogy) (i) Attempted murder
References to relevant provisions of national law.	Attempted murder
Breaches of International law	Relevant provisions of the ~~Hague~~ GENEVA Convention relating to the treatment of prisoners of war.

SHORT STATEMENT OF FACTS.

On 26 December 1943 two British prisoners of war in Italy, who had escaped, were recaptured by the accused who was an Italian Fascist. Both the recaptured prisoners of war were handcuffed and marched towards Farno by the accused and another Italian Fascist. One of the prisoners named REDMAN managed to free his hands from the handcuffs and he and the other prisoner, Sergeant PARTRIDGE, then attempted to make a break. REDMAN got away and hid on the side of a hill from whence he witnessed the recapture of Sergeant PARTRIDGE. The accused removed the handcuffs from PARTRIDGE and ordered him to continue marching. He then, from a distance of a few yards behind Sergeant PARTRIDGE, shot him in the head. PARTRIDGE was left for dead by the side of the road but his injuries were not fatal and he is now to give evidence against the accused.

TRANSMITTED BY Office of the J.A.G. (Mil. Dept.)

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.

(6485) Wt.P.2128/27 5m. 2/46. C. & Co. 745(8)

IN THE MATTER OF ITALIAN WAR CRIMES AND IN THE MATTER OF THE ILLEGAL TREATMENT OF PRISONERS OF WAR AT VALEKIA, ITALY, ON THE 26TH DECEMBER, 1943.

I, Leonard Ernest Partridge, with permanent home address at No. 6 Latchmere Forest Grove, Cowplain make oath and say as follows :-

I am 27 years of age, and Ex Sergeant No. 6913831, of the 2nd Battalion, Rifle Brigade. I enlisted on the 16th April, 1937, and joined the 1st Battalion, Rifle Brigade.

In December, 1938, I was drafted to the 2nd Battalion, Rifle Brigade, in India and remained there for about 5 months. My Battalion remained abroad and shortly before hostilities commenced we moved to Palestine, and later to Egypt.

I left my Regiment about March, 1940, to take up a post as Instructor at the Middle East Weapon Training School in Palestine.

I rejoined my Battalion about September, 1941, in the Western Desert.

In my first action in November, 1941, at Sidi-Reizeig, North Africa, I was taken Prisoner of War by the Germans. I was taken to a Camp just out of Tripoli. From there I was taken to a Camp at Capua, Italy, on the 25th December, 1941, and remained there for one month. I was then sent to a permanent Prisoner of War Camp, No. 66. at Servegliano, and remained there until the capitulation of Italy in 1943, when I escaped into the mountains.

I remained free until the 26th December, 1943, during which time I had met a soldier who I believe was a Paratrooper Redman of the 1st Battalion Parachute Regiment, and another Prisoner of War (name unknown).

On the 26th December, 1943, the three of us were captured at Valekia by two Italian Fascist Guards.

We had been staying in the village for several weeks as we could not get forward owing to hostile troops and people.

About midday on that date the three of us went into a wine shop to get a drink, and while we were drinking the two Guards came in.

They came straight to us and ordered us to surrender, and as we did not hurry one fired a shot in the air as a warning.

We were searched, but they found nothing, and we were then told to march.

The Guards did not speak English, but we understood them by their gestures.

We had only gone a short distance when I made a break, as I was the leading file. One of the guards gave chase and fired four shots which passed close to me but missed. I was running uphill through the village, and being exhausted I tried to hide behind a house, but was seen by the Guard. I was lying on the ground, and he came to me and ordered me to get up. As I was getting up he hit me across the shoulders with the butt of his rifle.

He ordered me to raise my hands and then marched me back to where the others were waiting. I was then searched and handcuffed with my hands in front of me.

We then proceeded to march.

Coming to the next village about three quarters of a mile distant we met a small party of Yugo Slavs who were also taken prisoner.

/After marching .....

After marching another mile or so the Paratrooper and I made another bid to escape by tackling the rear guard.

Redman and I had previously planned to tackle the rear Guard, seize his rifle and escape.

Redman tackled the guard and brought him to the ground when I went to his assistance. I could not do much as I was handcuffed, and finding it impossible to do much, I held the Guard down whilst the Paratrooper escaped.

The other Guard fired several shots, but Redman escaped.

In the meantime the Guard and I had got to our feet, and I was ordered to put my hands up.

At this stage one of the Yugo Slavs attempted to pick up an article off the ground (I believe an overcoat), and one of the Guards then shot him in the leg. He fell but was ordered to walk by the Guard.
We were then ordered to march forward with our hands in the air.
I had only taken one or two steps when I was shot through the head from the rear, the bullet entering my head just below the left ear.

I collapsed, and when I recovered I found the handcuffs had been taken off my wrists and I had been left on my own.

Half dazed I made my way back from where I had come, and met an Italian girl with whose assistance I got to the village where I again collapsed.

The next I remember was hearing someone talking English.

I was placed on a stretcher and carried up the mountain to a road. I was examined by an Italian Doctor, given an injection, and later found myself in the Italian Military Hospital at Ascoli, where I remained for six weeks. During this time an operation was performed removing the eye and pieces of bullet shrapnel. This operation was performed by an Italian Doctor.

I was then handed over to the Germans and sent to Germany, and in September, 1945, repatriated to England.

The injuries sustained by me caused by being shot by the Guard, was the loss of my left eye, and I am still attending Park Prewett, Basingstoke, for treatment.

I was dressed in English battledress the whole time.

I do not know the names of the two Guards.

The one I tackled was about 35 years, 5 feet 4 inches, slim build, and dark. He was dressed as a Corporal in Fascist uniform.

I think I could recognise him again.

I hardly noticed the other Guard.

As far as I can recollect, the two Guards came from the village in the Valley Casteliano.

I am complaining about the Guards attempting to murder me.

Signed. L.E. [illegible]GE

Taken and sworn before me at Cowplain Police Station on the 9th day of July, 1946.

Signed. H. MERRIOTT

Justice of the Peace for the County of Southampton.

I, Henry REDMAN

of 92, Putney High Street, S.W.15,

in the County of London,

make oath and say as follows:-

(1) In January 1940, I volunteered for the Army and joined the Duke of Cornwall's Light Infantry and in June 1940, I volunteered and joined the 1st Parachute Battalion - my number was 5443909.

(2) After a period of training in Great Britain I was a member of the invasion forces in North Africa which I entered in October 1942.

(3) I served in North Africa until about May 1943, when I was taken prisoner by the Germans at Tunis.

(4) I was then sent to Italy and was placed in an Italian Prisoner of War Camp known as P.G.66, which was near Naples. I remained there until about July 1943, and was then transferred to another Italian Camp known as P.G.53, which was near Macerta, a port on the Adriatic Sea. I remained at this Camp for about one month and then was under orders for transfer to a Camp in Germany.

(5) Before I was transferred, however, I escaped and made my way towards the British lines which at that time were in the South of Italy.

(6) About six days after my escape I met a party of British soldiers who had escaped from another Camp.

(7) The party included a Sergeant Leonard Partridge, of a Rifle Regiment.

(8) Sergeant Partridge and I decided to keep together and made our way south until we got to Gran Sasso where we found the German line was stabilised and that we could not get any further. We then had to retrace our steps towards the north and until Easter 1944, were able to live in the countryside and with the help of Italian villagers were able to avoid recapture.

(9) At this time - Easter 1944 - Sergeant Partridge and I were in a village named Vellichia near Aquasanta, in the province of Ascoli Picena. We were at an inn when two armed Fascist in uniform entered and captured us.

(10) I subsequently found out the names of these two men and where they lived and gave these particulars to the Intelligence Officer during my interrogation at Naples after my return to the British lines in or about July 1944, by which time I had escaped again. I believe they lived in Piana Annisiata near Torino. I could identify them if the opportunity arose.

(11) On our capture by the two Fascists, Sergeant Partridge ran out of the inn but was caught after running a short distance and was taken back to the inn. We were then handcuffed by chains which were fastended with a padlock by the two Fascists.

(12) Sergeant Partridge and I were then escorted by the two Fascists along by a river towards Piana Annistista, about 6 or 7 miles from the scene of our capture. On the way the two Fascists captured three more men who I found were one British soldier whose name I never knew and two Yugo-Slavs who, I think, were also soldiers.

(13) The five of us were then marched in single file with one of the Fascists at each end. After a time I managed to free my chains and told

/Sergeant .....

Sergeant Partridge in English what I had done. We then decided to try and escape. As I was not fettered I at acked the Fascist at the rear of the file and Sergeant Partridge joined in the scuffle. The other Fascist on seeing what was happening commenced to fire at us with his rifle so Sergeant Partridge ran down the side of the path which was on a mountain side and I ran back along the path and hid in some bushes to regain my breath and to wait to try and rejoin Sergeant Partridge. He, however, fell and the two Fascists caught him and took him back to the other three prisoners on the path. They then unfastened his hands and made him march in front of them for a few yards and one of the Fascists then shot Sergeant Partridge through the back of his head from about four or five yards range.

(14) As there were other parties of Fascists searching the countryside for prisoners, I realised it was hopeless for me to do anything except try and get away. This I did by swimming a river and making my way back to a village where I was known and reached there by nightfall.

(15) I heard about two days later from villagers that a British soldier had been found wounded in the head on the mountain path. I heard the soldier had asked for me and that he was Sergeant Partridge. From further enquiries I learned he had been taken to a hospital in Ascoli by the Italian Police who looked after him very well.

(16) I understand Sergeant Partridge is still alive and is now in a hospital in this country.

SWORN AT New Scotland Yard)
in the County of London) (Signed) Henry Redman
this 11th day of July 1946)

Before me

(Signed) Eric Dodds.

A Commissioner for Oaths.

Statement of:-

LATTANZI Nazzareno, shepherd, 16 years,
son of VINCENZO,
residing at COLLE, VALLE CASTELLANA,
Province of TERAMO.

Who states:-

About 17.00 hours one day, I cannot remember what month or year I was looking after some lambs on the side of a mountain about 400 yards from a mountain track from VALLE CASTELLANA to PARNO when I heard a cry in Italian of, "Help. VINCENZO."

I saw ALOISI Vincenzo dressed in the uniform of an Italian fascist marching along the mountain track from PARNO towards VALLE CASTELLANA. He was leading a group of five or six men. I saw ALOISI Vincenzo, stop, raise, aim and fire his rifle past his group at something behind them but at what I do not know because I could not see because of some trees.

I saw a man running back along the mountain track towards PARNO.

I next saw ALOISI Vincenzo leading a group of five or six men, and following them was a man dressed in Italian fascist uniform whom I knew as FORTI Constantino. He was pointing his rifle at the back of the last man in the group. I saw FORTI Constantino stop walking, raise his rifle to his shoulder, point it at the group of men which was marching forward and when they were a few yards in front I heard the sound of a rifle being fired. I saw smoke come from the rifle FORTI fired at the time was aiming and I saw the last man in the group fall to the ground and lay still. No one else stopped marching.

I saw FORTI Constantino walk up to and without stopping , past the body of the fallen man which was lying on the mountain track.

The party marched out of my sight and I went home.

I cannot describe anyone in the party and I do not know if any were handcuffed. I do not know what injuries were caused to the man who fell to the ground when he was shot by FORTI Constantino.

This statement has been read over to me. It is true and correct.

Signed:- LATTANZI Nazzareno.

Statement taken down in Italian, read over and signature witnessed by the undersigned Official Interpreter LUCCIARINI Leopoldo, in the presence of the undersigned Sergeant THOMPSON of 60 Section, Special Investigation Branch, C.MPolice, at COLLE, VALLE CASTELLANA, Province of TERAMO on the 3rd August 1946.

Signed:- LUCCIARINI Leopoldo, Interpreter
Signed:- W. THOMPSON, 1S/40, Sergeant.

I certify that the above statement is a true translation to the best of my knowledge and ability.

Signed - LUCCIARINI Leopoldo, Interpreter.

Statement of:-

TASCA Luigi, farmer, 43 years,
son of SALVATORE (deceased),
residing at No. 37, FARNO,
Province of ASCOLI PICENO

Who states:-

About 15.30 hours one day near to Christmas 1943 I was standing near to a window in my house, when about 50 yards away and walking along a mountain track from VALLECCHIA towards PIANO ANNUNZIATA, I saw a man whom I know as VINCENZO. He was dressed in Italian fascist uniform and he was carrying a rifle and he was leading six or seven prisoners of war and behind but close to these prisoners of war I saw a man whom I have been told by other villagers was named CONSTANTINO. He was also dressed in the uniform of an Italian fascist and his rifle was pointed at and close to the backs of two prisoners of war whom I saw were individually handcuffed. One of the handcuffed prisoners of war I knew as RICCARDO and the other I saw later the same evening lying on a bed of straw and suffering from what appeared to me to be a gunshot wound from below his ear to near his eye. I cannot remember his name nor can I remember on which side of his head he was wounded.

I do not know the other names of either VINCENZO or CONSTANTINO. Both lived in PIANO ANNUNZIATA.

I saw CONSTANTINO a matter of a few minutes and then he was 50 yards away. I cannot describe him, nor could I recognise him if I saw him again.

I have been told VINCENZO is now dead. He was 27 years, 5 feet 7 inches, robust build, dark hair, eyes and complexion unshaven, regular nose and ears.

I have not seen either VINCENZO or CONSTANTINO since December 1943.

This statement has been read over to me. It is true and correct.

Signed:- TASCA Luigi.

Statement taken down in Italian, read over and signature witnessed by the undersigned Official Interpreter LUCCIARINI Leopoldo, in the presence of the undersigned Sergeant THOMPSON, of 60 Section, Special Investigation Branch, C.M.Police, at FARNO, Province of ASCOLI PICENO, on the 5th August 1946.

Signed:- LUCCIARINI Leopoldo,
Interpreter.
Signed:- W.THOMPSON, A/S 40, Sergeant

I certify that the above statement is a true translation of the original to the best of my knowledge and ability.

Signed:-LUCCIARINI Leopoldo, Interpreter.

PARTICULARS OF EVIDENCE IN SUPPORT

Statements of the following witnesses:

(i) Sergeant Leonard Ernest PARTRIDGE

(ii) Henry REDMAN

(iii) LATTANZI Nazzarene

(iv) TASCA Luigi

NOTES ON THE CASE 2948

(Under this heading should be included the view taken as to (*a*) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision ; (*b*) the probable defence ; (*c*) whether the case appears to be reasonably complete.)

This appears to be a clear case of attempted murder and should the accused attempt to plead that PARTRIDGE was in the act of escaping when he was shot it is considered that his plea is bound to fail. All the witnesses can say that PARTRIDGE was making no attempt to escape and the fact that the accused removed the handcuffs immediately PARTRIDGE was recaptured is extremely significant.