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CHARGE FILES

U.K. vs. ITALIANS

PAG - 3

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CHARGE FILES

U.K. vs. ITALIANS

PAG - 3

106/UK/11/4

Guard at POW camp Tobruk

Submitted Decision of Committee I

31. 5. 44

~~5. 11. 44~~

C F

106/UK/11/4



(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

106/UK/14/4

1 MAY 44

# UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM

CHARGES AGAINST ITALIAN

WAR CRIMINALS

CHARGE No. UK.-I/B.4 \*

Name of accused, his rank and unit, or official position.

(Not to be translated.)

The name and unit of the accused is unknown.  
The accused was one of the guards of the prisoners-of-war camp 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.

References to relevant provisions of national law.

No. xxix or No. 1  
Breach of Article 2 of the Geneva Conventions 1929 relating to the treatment of prisoners-of-war  
Unlawful wounding or murder.

## SHORT STATEMENT OF FACTS.

Private Myles was wounded in the stomach by a bomb thrown by an Italian sentry at night. The sentry threw the bomb without issuing any warning or challenge. The wound was a serious one. It is not known whether Private Myles subsequently died in consequence of the wound.

TRANSMITTED BY.....

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

(2852) W.P.1505/1120 500 144 A.&E.W.Ltd. Cp.685

(26924) W.P.1817/P.1139 5,000 344



PARTICULARS OF ALLEGED CRIME

The only particulars at present available, are those contained in paragraph 2 of a communication from the War Office to the Foreign Office, copy of which is attached, and which is more particularly referred to under the heading "Evidence in support" - Paragraph 2 is as follows :-

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

Same as  
in case  
105/UK/11/3

Myles. 11

COPY  
(K.S. 84/23)

B.M.1918(P.S.S.a.)

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 Inquiry 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/

Copy.

(KW 24/23)

[Cypher]

DEPARTMENTAL NO. 1.

FROM FOREIGN OFFICE TO BERNE.

No. 2624.  
25th September, 1942.

D. 3.45 p.m. 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 30 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.

OTF.



PARTICULARS OF ALLEGED CRIME

The only particulars at present available, are those contained in paragraph 2 of a communication from the War Office to the Foreign Office, copy of which is attached, and which is more particularly referred to under the heading "Evidence in support" - Paragraph 2 is as follows :-

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

PARTICULARS OF EVIDENCE IN SUPPORT

The communication referred to under the heading of "Particulars of the alleged Crime" was 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 24/27). It is the same communication as that relied on for information in the previous case. A copy is attached.

It will be noted that the reference to a possible enquiry is in the form of a request to ascertain whether an enquiry took place. It is likely therefore that we shall not be able to rely on this source of identification.

However, clearly the War Office is satisfied that this outrage occurred and it is reasonable to assume that all necessary evidence will be forthcoming at the appropriate time.

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.)

Presumably the defence in this case will be that the accused thought that Myles was making an attempt to escape. No comment on such a defence can be made until all evidence has become available and has been considered. It need only be pointed out that the War Office must be very certain of its ground before it would assert that there had been no challenge, which is an essential preliminary to action.

As pointed out under the heading "Evidence in Support" the indication of an enquiry possibly having taken place is less strong than in Connelly's case, and if the man did not die most probably the authorities saw no need for an enquiry. If such should prove to be the case identification will be more difficult.



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.)

Presumably the defence in this case will be that the accused thought that Myles was making an attempt to escape. No comment on such a defence can be made until all evidence has become available and has been considered. It need only be pointed out that the War Office must be very certain of its ground before it would assert that there had been no challenge, which is an essential preliminary to action.

As pointed out under the heading "Evidence in Support" the indication of an enquiry possibly having taken place is less strong than in Connelly's case, and if the man did not die most probably the authorities saw no need for an enquiry. If such should prove to be the case identification will be more difficult.

219/UK/IC/16

1. General officer commanding in Greece
2. Convening officer of Military Court
3. President and officers of Court

Submitted Decision of Committee I

23.8.44

All C B

219/UK/IC/16

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

219/UK/15/16

16 AUG 1944

## UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM

CHARGES AGAINST ITALIAN

WAR CRIMINALS

CHARGE No. UK - I/B 16 \*

Name of accused, his rank and unit, or official position.  (Not to be translated.)	Names and Units are unknown and ranks can only be gathered approximately from positions held by the accused severally.  1. General Officer commanding in Greece 2. The Convening Officer of the Military Court which tried Captain Alastair Carpendale McEwan Savage (No. P.63587) 2nd Queens Royal Regt. as under. 3. The President and Officers composing the above Court.
Date and place of commission of alleged crime.	The Trial took place some time between 12th December 1941 and 26th May 1942 probably at Athens.
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 laws and usages of warfare and in particular of Articles 50 and 54 of the Geneva Convention 1929 relating to treatment of prisoners of war and Article 7 of the Geneva Convention 1929 for the amelioration of the wounded and sick in the field. False imprisonment

### SHORT STATEMENT OF FACTS.

Captain Savage was captured in Greece by the German forces and interned at the Kokkima Hospital, Athens. It seems that he subsequently escaped after recovery from a fracture of the right ankle and skull and was recaptured in Athens on 15th September 1941 and interned at the Averoff Prisons. Some time later, probably after the 12th December 1941, he was tried by the Italian Military Tribunal and sentenced to 30 years jail. He was transferred to the Concentration Camp Larissa 26th May 1942

TRANSMITTED BY

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

(2652) W.P.1505.1120 500 1-44 A.&E.W.Ltd. Cp.685  
(26924) W.P.1817/P.1139 5,000 3-44



COPIE

(K.W.42/1)

DT/AU - G.17/GR - IC  
G.85

COMITÉ INTERNATIONAL DE LA CROIX-ROUGE  
AGENCE CENTRALE DES PRISONNIERS DE  
GUERRE.

GENÈVE, le 21 décembre 1942  
Palais du Conseil-Général.

Monsieur,

Veillez trouver ci-joint une note concernant  
la situation de certains ressortissants britanniques  
détenus en Grèce.

Les renseignements contenus dans ce document  
nous ont été communiqués par notre délégué, le Dr Junod,  
qui est rentré récemment de Grèce.

Veillez agréer, Monsieur, l'assurance de notre  
considération la plus distinguée.

Pour le Comité International  
de la Croix Rouge:

(Signé)

Directeur de la Division des  
prisonniers  
Internés et civils.

The Under-Secretary of State  
for Foreign Affairs  
Romney House,  
Marshall Street,

LONDRES SW 1.

CO-IE

DT/AMG  
G.85 - G.17/Or.

COMITÉ INTERNATIONAL DE LA CROIX-ROUGE  
AGENCE CENTRALE DES SOI GNIERS DE GUERRE  
GENÈVE, le 19 décembre 1942.

Palais du Conseil-Général.

PAR AVION

A l'attention du  
Foreign Office

LONDRES

Note concernant la situation des prisonniers  
de guerre britanniques détenus en Grèce.

Les prisonniers détenus en Grèce peuvent se  
diviser en deux catégories :

1) Certains prisonniers blessés capturés sur  
le front de Libye ont été acheminés sur Athènes, soit  
par avions de Croix-Rouge, soit par bateaux-hôpitaux  
allemands. Il s'agit de prisonniers britanniques et  
de quelques Américains, comprenant notamment des avia-  
teurs. Ces prisonniers parviennent en Grèce, soit  
isolément, soit en petits groupes allant jusqu'à dix  
hommes. Dès leur arrivée à Athènes, ces prisonniers  
sont immédiatement logés dans des hôpitaux.

On peut compter que depuis le mois d'avril  
1941, jusqu'à maintenant, environ 1.000 prisonniers  
sont parvenus à Athènes dans ces conditions.

Dans un délai très bref (12 à 24 heures), les délégués  
du Comité international de la Croix-Rouge sont prévenus de  
l'arrivée de ces prisonniers et organisent immédiatement  
une action de secours. Ils leur distribuent des paquets de  
denrées alimentaires provenant de Genève et également des  
secours envoyés par les soins de Lady Knatchbull-Hugessen,  
femme de l'Ambassadeur britannique à Ankara. Ces derniers  
envois ont été très vivement appréciés et consistent en  
vêtements et en vivres provenant du Caire.

En ce qui concerne les quantités exactes de secours  
qui ont pu être distribués par notre délégué aux

prisonniers/

COPY

S A V A G E Alistair Carmichael Mc Ewan

Son of Ronald Savage.

Born 12.11.14 in Calcutta

Captain No P.63567 2nd Queens Royal Regt.

Nok: Mrs R.M.N. Savage, Bluebell Wood, West Drive,  
Wentworth, Surrey.

Was captured in Crète by the German Forces and interned at the Kokkinia Hospital Athens. Fracture right ankle and skull (see RB 16027 communication of the official Bureau Berlin, RBO 13172 and 13746 of June and August 1941 communication of the Greek Red Cross).

Recaptured (had probably escaped) in Athens 15.9.41 and interned at the Averoff Prisons, Italian Section (see RBO 14808 of 12.12.41 communication of the Greek Red Cross) till the day of his trial.

Sentenced to 30 years jail by the Italian Military Tribunal.

Transferred to the Concentration Camp Larissa 26.5.42 (see RBO 8/15/171 of 8.6.42, 8/15/212 of 4.7.42 and 8/15/412 of 30.10.42, communications of the CICR Delegate in Greece). Nineteen letters were sent to him through Geneva between 12.7. and 21.9.42. A certain number of letters from him to his mother also passed through Geneva sometime in September 1942.



COPY

A member of the CICR Delegation in Greece visited the Camp of Larissa on 18.10.48 where he found Captain Savage, who had spent some time in the Hospital of Larissa a short while before. His general condition, which had improved during his stay at the Hospital, had again become worse on his return to camp. It appears that he has completely lost consciousness, and is quite incapable of taking charge of the Prisoner's of War interests and has had to be replaced by another man. Following this report, Dr. Junod, Delegate of the CICR, has taken fresh steps with the Italian Military Authorities in Greece in view of the removal of Captain Savage from the Camp of Larissa. The CICR Delegate in Greece is of the opinion that his continued presence at this camp constitutes a serious menace to his life in view of his extremely weak state of health.

PARTICULARS OF ALLEGED CRIME

There is nothing to add by way of particulars but the following extract from a letter dated 18th December 1942 from the Comité International de la Croix-Rouge for the attention of the Foreign Office in London states the attitude of the Italian Authorities who appear not to have regarded Captain Savage as a prisoner of war.

"(2) Un certain nombre de militaires britanniques appartenant à l'armée ayant opéré en Grèce, n'ont pu quitter le territoire grec et se sont mis en civil. Plusieurs d'entre eux ont été postérieurement arrêtés par les Autorités italiennes et déferés devant des tribunaux militaires italiens sous des inculpations diverses. Ces tribunaux leur ont infligé des peines très variables.

Ces militaires - qui n'ont jamais été appréhendés en Grèce qu'en vêtements civils et dont l'arrestation n'a été signalée que par la Croix-Rouge grecque ou par les délégués du Comité International de la Croix-Rouge - ne sont pas considérés par les Autorités italiennes comme des prisonniers de guerre. Cependant, les délégués du Comité international ont été autorisés à leur distribuer des secours en vivres et en vêtements et, dans de nombreux cas, à les pourvoir d'uniformes britanniques

Le Comité international de la Croix-Rouge a entrepris des démarches auprès des Autorités italiennes, dans le but que les jugements concernant ces militaires lui soient communiqués, Il s'est permis, en outre, d'attirer sur cette situation l'attention des Autorités suisses chargées de la protection des intérêts britanniques en Grèce."

Full copy of this letter, copy of a note regarding the case with various references to communications together, and copy of a summary account of a visit by a Member of the C.I.C.R. Delegation in Greece to the Camp at Larissa on October 18th 1942 is attached.

These papers substantiate the illegal action of the Italian Authorities and the grave state of Captain Savage's health as a result of his detention in the Concentration Camp at Larissa.

PARTICULARS OF EVIDENCE IN SUPPORT

The main facts will be proved by documentary evidence in the form of communications by the International Committee of the Red Cross already referred to, copies of which are attached.

If Captain Savage is still living at the end of hostilities he will no doubt be available as a witness

As there are altogether 22 cases of illegal trial and conviction followed by long terms of imprisonment inflicted by Italian Military Tribunals the evidence in each of which will prove system it is not to be supposed that the Italian Authorities will deny the main facts alleged which constitute the crime

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.)

Crime No. xxix, ill-treatment of wounded and prisoners of war though technically covering the action of the Italian Military Authorities, gives a wholly inadequate impression of the seriousness of the offence. Judged by International Law it constitutes breaches of general principles and specific Articles of the Geneva Convention 1929 relating to treatment of prisoners of war.

Article 50 provides that "Escaped prisoners of war who are re-captured before they have been able to rejoin their own Armed Forces or to leave the territory occupied by the Armed Forces which captured them, shall be liable only to disciplinary punishment" while Article 54 provides that "imprisonment is the most severe disciplinary punishment which may be inflicted on a prisoner of war" and "the duration of any single punishment shall not exceed 30 days".

The disregard of the status of prisoners of war as prisoners of war is wholly indefensible and it is difficult to see what defence the Italian Authorities would put forward in answer to this charge. It may transpire, of course, that this was a standing tribunal under orders from the G.O.C. and that there was in effect no convening officer. However until information is received as to the charges which were preferred and the nature of the tribunal, consideration of this aspect of the case and any possible need to exclude any of the accused or to add any person to the accused must stand over. Provisionally the indications of the accused would appear to be justified.

A criminal element under English law is supplied by the fact that it clearly constitutes false imprisonment.

In addition to breaches of the two Articles of the Geneva Convention 1929 above referred to, the apparent neglect of the health of Captain Savage constitutes a breach of Article 1 of the Geneva Convention for the amelioration of the condition of the wounded and sick in Armies in the field concluded at the same time. Though primarily directed to secure proper treatment for wounded and sick in the field, it could hardly be denied that it covered cases of prisoners of war in camps established by the Captor. There is however, no need to press this point. At the least it aggravates the main charge.



220/UK/11/17

TV

1. General Officer commanding in Greece
2. Convening Officer of Military Court
3. President and officers of Court

Submitted Decision of Committee I

23.8.44

Acc C B

220/UK/11/17

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

220/UK/15/17

46 ALC 1944

## UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B 17 \*

Name of accused, his rank and unit, or official position.

(Not to be translated.)

Names and units are unknown and ranks can only be gathered approximately from positions held by the accused severally.

1. General Officer Commanding in Greece
2. The Convening Officer of the Military Court which tried Sergeant Max Wainbaum, No. 15468, 1039 Port Operating Coy. R.F. (Pal.)
3. The President and Officers composing the above Court.

Date and place of commission of alleged crime.

The Trial took place some time between 13th August 1942 and 3rd October 1942.  
Probably Athens.

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 laws and usages of warfare and in particular of Articles 50 and 54 of the Geneva Convention 1929 relating to treatment of Prisoners of war.  
False imprisonment.

### SHORT STATEMENT OF FACTS.

Max Wainbaum was captured 28.4.41 at Kalamata, Greece, and interned at the Prisoners of War Camp at Corinth. It seems probable that he escaped and was re-captured some fifteen months later, 31.8. 42, in Athens and interned at the Averoff Prisons. Some time between that date and 3.10.42 he was tried by the Italian Military Tribunal and sentenced to 26 years jail. On 3.10.42 he was sent to the Concentration Camp, Larissa.

TRANSMITTED BY.....

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

COPY

WAINBAUM Max (or Moise)

Son of Lew Wainbaum

Born 17.6.1913 Warsaw

Sgt. No. 15468. 1039 Port Operating Coy.R.E.(Pal.)

Nok: Openheim, 31 Scherlin, Tel-Aviv, Palestine.

Was captured 28.4.1941 at Kalanata (Greece) and interned at the Prisoners' Camp Corinth. (see RBO 12729 communication of the CICR Delegate in Greece). Recaptured (had probably escaped) 13.8.42 in Athens. Interned at the Averoff Prisons, Italian Section (see RBO 8/15/332 of 31.8.1942 communication of the Greek Red Cross) till the day of his trial.

Sentenced to 2 years prison by the Italian Military Tribunal.

Transferred 3.10.1942 to the Concentration Camp Larissa (see RBO 8/15/428 communication of the CICR Delegate in Greece).

Two letters addressed to him and sent by Wainbaum Alexander, 48 Schalom Aleichem Street, Tel-Aviv, Palestine, have passed through the British Section of the Central Agency for Prisoners of war in Geneva.

PARTICULARS OF ALLEGED CRIME

There is nothing to be said under this heading either in this case or the next six cases which has not been said in the last case, to which in this and the six following cases it is suggested that reference be made.



PARTICULARS OF EVIDENCE IN SUPPORT

As in the last case the main facts will be proved by documentary evidence in the form of communications by the International Committee of the Red cross already referred to, copies of which are attached.

If Sergeant Wainbaum is still living at the end of hostilities he will no doubt be available as a witness.

The observation made in the last case holds good here also, namely, that as there are ~~altogether~~ 22 cases of illegal trial and conviction followed by long terms of imprisonment inflicted by Italian Military Tribunals, the evidence in each of which will prove system, it is not to be supposed that the Italian Authorities will deny the main facts alleged which constitute the crime

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.)

No useful purpose is served by reproducing in this case the observations under this heading in the last case (UK - I/B 16), which apply also in this case, and in the next six cases (UK - I/B 18 to UK - I/B 23). It is proposed therefore to refer to UK - I/B 16, the case of Captain Savage in this and the six next succeeding cases.

221/UK/10/18

1. General Officer Commanding in Greece
2. Commanding Officer of Military Court
3. President and Officers of Court

Submitted Decision of Committee I

23. 8. 44

All C B

221/UK/25/18

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

221/UK/10/18

16 ALL 1944

## UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM

CHARGES AGAINST ITALIAN

WAR CRIMINALS

CHARGE No. UK - I/B 18 \*

Name of accused, his rank and unit, or official position.  (Not to be translated.)	Names and Units are unknown and ranks can only be gathered approximately from positions held by the accused severally.  1. General Officer Commanding in Greece 2. The Convening Officer of the Military Court which tried L/Cpl. John Sherrat Coleman, No. 405921 C.M. Police as under. 3. The President and Officers composing the above court
Date and place of commission of alleged crime.	The trial took place some time between 11th November 1941 and 17th June 1942, probably at Athens.
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 laws and usages of warfare and in particular of Articles 50 and 54 of the Geneva Convention 1929 relating to treatment of prisoners of war.  False imprisonment.

### SHORT STATEMENT OF FACTS.

John Sherrat Coleman was captured 29. 4. 1941 at Kalamata, Greece, and interned at the Prisoners of War Camp at Corinth. It seems probable that he escaped and was re-captured on 11.11.1941 in Athens and interned at the Averoff Prisons. Some time between that date and 17. 6. 1942, he was tried by what is called the Italian Military Tribunal and sentenced to 26 years jail. On 17. 6. 1942, he was sent to the Concentration Camp, Larissa.

TRANSMITTED BY.....

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

(26352) W.P.1505/1120 500 1-44 A.S.E.W.L.L. Cp.685  
(26924) W.P.1817/11130 5,000 3-44



(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

221/UK/18/18

16 AUG 1944

## UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM

CHARGES AGAINST ITALIAN

WAR CRIMINALS

CHARGE No. UK - I/B 18 \*

Name of accused, his rank and unit, or official position.

(Not to be translated.)

Names and Units are unknown and ranks can only be gathered approximately from positions held by the accused severally.

1. General Officer Commanding in Greece
2. The Convening Officer of the Military Court which tried L/Cpl. John Sherrat Coleman, No. 405921 C.M. Police as under.
3. The President and Officers composing the above Court

Date and place of commission of alleged crime.

The trial took place some time between 11th November 1941 and 17th June 1942, probably at Athens.

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 laws and usages of warfare and in particular of Articles 50 and 54 of the Geneva Convention 1929 relating to treatment of prisoners of war.  
False imprisonment.

### SHORT STATEMENT OF FACTS.

John Sherrat Coleman was captured 29. 4. 1941 at Kalamata, Greece, and interned at the Prisoners of War Camp at Corinth. It seems probable that he escaped and was re-captured on 11.11.1941 in Athens and interned at the Averoff Prisons. Some time between that date and 17. 6. 1942, he was tried by what is called the Italian Military Tribunal and sentenced to 26 years jail. On 17. 6. 1942, he was sent to the Concentration Camp, Larissa.

TRANSMITTED BY

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

(26352) W.P.1505/1120 500 144 A.&E.W.L.L. Cp.685  
(26924) W.P.1817/P.1130 5,000 344 " " "

COPY

C. D. L. S. M. A. N. John Sherrat

Son of John Coleman

Born 3.11.1915 London

L/Cpl. No. 405921 C.M. Police

Nok: Mrs John Coleman, 5 Waen Terrace, Bangor Rd., Conway,  
North Wales.

Was captured 29.4.1941 at Kalamata (Greece) and interned at  
the Prisoners' Camp Corinth (see RBO 12535 communication of  
the C.I.C.R. Delegate in Greece).  
Recaptured (had probably escaped) 11.11.1941 in Athens  
and interned at the Averoff Prisons, Italian Section till  
the day of histrial (see RBO 14808 of 12.12.1941  
communication of the Greek Red Cross).  
Sentenced to 26 years jail by the Italian Military  
Tribunal and transferred 17.6.1942 to the Concentration  
Camp Larissa (RBO 8/15/423 of 30.10.1942 communication of  
the C.I.C.R. Delegate in Greece).

Page 2

PARTICULARS OF ALLEGED CRIME

There is nothing to add by way of particulars but  
see note under this heading in UK - I/B 16.

Page 2

PARTICULARS OF ALLEGED CRIME

There is nothing to add by way of particulars but  
see note under this heading in UK - I/B 16.



Page 2

PARTICULARS OF ALLEGED CRIME

There is nothing to add by way of particulars but  
see note under this heading in UK - I/B 16.

PARTICULARS OF EVIDENCE IN SUPPORT

Copy of communication by the International Committee of the Red Cross is attached.

If Private Coleman is still living at the end of hostilities it is expected that he will be available as a witness.

Also see note to UK - I/B 16

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.)

See UK - I/B 16

222/UK/10/19

1. General Officer commanding in Greece
2. Commanding Officer of Military Court
3. President and Officers of Court

Submitted Decision of Committee I

23. 8. 44

DC C B

222/UK/10/19



(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

222/UK/112/10

16 AUG 1944

## UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM

CHARGES AGAINST ITALIAN

WAR CRIMINALS

CHARGE No. UK - I/B 19 \*

<p>Name of accused, his rank and unit, or official position.</p> <p>(Not to be translated.)</p>	<p>Names and units are unknown and ranks can only be gathered approximately from positions held by the accused severally.</p> <ol style="list-style-type: none"><li>1. General Officer Commanding in Greece</li><li>2. The Convening Officer of the Military Court which tried Signalman Frederick Nutbeam, No. 5497679 3 L of S. Signals, as under.</li><li>3. The President and Officers composing the above Court.</li></ol>
<p>Date and place of commission of alleged crime.</p>	<p>The Trial took place some time between 3rd July 1942 and 30th September 1942, probably at Athens.</p>
<p>Number and description of crime in war crimes list.</p> <p>References to relevant provisions of national law.</p>	<p>No. xxix. Ill-treatment of prisoners of war.</p> <p>Breach of laws and usages of warfare and in particular of articles 50 and 54 of the Geneva Convention 1929 relating to treatment of Prisoners of war.</p> <p>False imprisonment.</p>

### SHORT STATEMENT OF FACTS.

Frederick Nutbeam, Signalman No. 5497679, 3 L of S. Signals was captured 29. 4.41 at Kalamata, Greece, and interned at the Prisoners of war camp, Corinth. He apparently escaped and eluded capture for 15 months, being re-captured on 3.7.42 in Athens-Lamia. He was then interned at the Avaroff Prisons and tried by the Italian Military Tribunal some time between then and 30. 9.42 when he was transferred to the Concentration Camp Larissa. He was sentenced to 13 years jail.

TRANSMITTED BY.....

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

(26252) W.P.1505/1120 500 144 A.& E.W.L.L. Cp.685  
(26924) W.P.1817 P.1139 5,000 344

COPY

NUTBEAM Frederick

Son of Mack (or Mark)

Born 23.2.1917 Southampton (or 23.2.16 at Leamington, Hamp.)

Signelman No. 5497679, 3 L of S Signals

Nok: Miss D. Nutbeam c/o Miss George Dovey, Shorts Farm,  
West Wellow.

Was captured 29.4.1941 at Kalamita (Greece) and interned at the Prisoners' Camp Corinth (see RBO 12607 communication of the CICR Delegate in Greece).

Recaptured (had probably escaped) 3.7.1942 in Athens-Lamia and interned at the Averoff Prisons, Italian Section, till the day of his trial (see RBO 8/15/332 of 31.8.1942 communication of the CICR Delegate in Greece).

Sentenced to 13 years jail by the Italian Military Tribunal and transferred 30.9.42 to the Concentration Camp Larissa (see RBO 8/15/430 of 30.10.42 communication of the CICR Delegate in Greece).

Page 2

PARTICULARS OF ALLEGED CRIME

See UK - I/B 16.

PARTICULARS OF EVIDENCE IN SUPPORT

Copy of communication by the International Committee of the Red Cross is attached.

If Signelman Nutbeam is still living at the end of Hostilities he should be available as a witness.

See also Note to UK - I/B 16



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.)

See UK - I/B 16.

It should be noted in regard to this case, and in regard to the three preceding cases UK - I/B 16 to UK - I/B18, and the four following cases, UK - I/B20 to UK -I/B23, that the Court which functioned in these cases is described as the Italian Military Tribunal. It may have been a standing Court in which case there may have been no convening officer. On the other hand some higher authority outside Greece may be involved. Meanwhile the description of those accused is the only one possible, and will lead to the identification of any other person or persons who should be included in the charge.

223/UK/11/20

1. General Officer commanding in Greece
2. Convening officer of Military Court
3. President and officers of court

Submitted Decision of Committee I

23.8.44

All C 8

223/UK/11/20

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

223/UK/15/20

16 AUG 1944

## UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B 20 \*

Name of accused, his rank and unit, or official position. (Not to be translated.)	Names and units are unknown and ranks can only be gathered approximately from positions held by the accused severally. 1. General Officer Commanding in Greece 2. The Convening Officer of the Military Court which tried Sapper George Inios (or Eliahu) Laniado (or Lianado) No. 23012 Stevedore Coy. R.F. (or 1039 Port Operating Company, R.F. Palestine. 3. The president and officers composing the above Court.
Date and place of commission of alleged crime.	The Trial took place some time between 7th November 1941 and 17th June 1942 probably at Athens.
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 laws and usages of warfare and in particular of Articles 50 and 54 of the Geneva convention 1929 relating to treatment of Prisoners of war. False imprisonment.

### SHORT STATEMENT OF FACTS.

George Inios (or Eliahu) Laniado (or Lianado) was captured 29. 4.41 at Kalamata, Greece, and interned at Prisoners of war Camp, Corinth. Having apparently escaped he was re-captured 7.11. 41 in Athens and tried by the Italian Military Tribunal which sentenced him to 4 years jail. He was transferred 17.6.42 to the Concentration camp, Larissa.

TRANSMITTED BY.....

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

(26352) W.P.1505/1120 500 1/41 A.S.E.W.Lt. Cp.685  
(26924) W.P.1817 P.1139 5,000 3/44

COPY

L I A N I A D O (or L I A N A D O) George Inios (or Elishu)

Son of Petros (or Raphul, or Raphael)

Born 25.2.1917 Bialostok, Poland (or 1920 Alep Syria)

Private (or Sapper) No.23012 Stevedore Coy, Roy. Eng. (or  
1039 Port Operating Coy. R.E. Pol.).

Was captured 29.4.1941 at Kalamata (Greece) and interned at  
the Prisoners' Camp Corinth (see RBO 12718 communication  
of the CICR Delegate in Greece).

Recaptured (had probably escaped) 7.11.1941 in Athens and  
interned at the Averoff Prisons, Italian Section till the  
day of his trial (see RBO 14310 of 12.12.1941, communication  
of the Greek Red Cross).

Sentenced to 4 years jail by the Italian Military Tribunal,  
was transferred 17.6.1942 to the Concentration Camp

Larissa (see RBO 8/15/212 of 4.7.1942 communication of the  
Greek Red Cross and RBO 8/15/424 of 30.10.42 communication  
of the CICR Delegate in Greece).

The CICR Delegate in Greece has sent him food parcels on  
several occasions (see RBO 8/15/424).



Page 2

PARTICULARS OF ALLEGED CRIME

See UK - 1/B 16.

PARTICULARS OF EVIDENCE IN SUPPORT

Copy communication by the International Committee of the Red Cross is attached.

If Sapper Laniado or Lianado is still living at the end of hostilities he will presumably be available as a witness, though it may not be easy to arrange this as his home would appear to be in the Near East. However this will probably not be important and this series of 22 cases will probably be joined for the purpose of charging the accused and possibly higher authority with systematic breach of law, the central facts of which charge cannot be denied.

PARTICULARS OF EVIDENCE IN SUPPORT

Copy communication by the International Committee of the Red Cross is attached.

If Sapper Laniado or Lianado is still living at the end of hostilities he will presumably be available as a witness, though it may not be easy to arrange this as his home would appear to be in the Near East. However this will probably not be important and this series of 22 cases will probably be joined for the purpose of charging the accused and possibly higher authority with systematic breach of law, the central facts of which charge cannot be denied.

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.)

See UK - I/B 16.

It will have been noticed that in **none** of the preceding four cases of this series of cases, UK - I/B 16 to UK - I/B19, nor in this case, and the same is true of subsequent cases, give any indication of the possible line of defence. In only two cases are the charges known on which these prisoners of war were tried.

It would seem probable that those accused will allege espionage activities, or other activities contrary to the laws and usages of warfare, on the part of the prisoners of war concerned. If that had been the case it seems strange that the representative of the Committee of the International Red Cross was not informed of facts which would have supplied ground for arguing justification of the action taken against this group of men.



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.)

See UK - I/B 16.

It will have been noticed that in **none** of the preceding four cases of this series of cases, UK - I/B 16 to UK - I/B19, nor in this case, and the same is true of subsequent cases, give any indication of the possible line of defence. In only two cases are the charges known on which these prisoners of war were tried.

It would seem probable that those accused will allege espionage activities, or other activities contrary to the laws and usages of warfare, on the part of the prisoners of war concerned. If that had been the case it seems strange that the representative of the Committee of the International Red Cross was not informed of facts which would have supplied ground for arguing justification of the action taken against this group of men.

224/UK/1E/21

1. General Officer Commanding in Greece
2. Convening officer of Military Court
3. President and officers of Court

Submitted Decision of Committee I

30. 8. 44

C B.

224/UK/1E/21

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

224/UK/15/21

15 AUG 1942

## UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B 21\*

Name of accused, his rank and unit, or official position.

(Not to be translated.)

Names and Units are unknown and ranks can only be gathered approximately from positions held by the accused severally.

1. General Officer Commanding in Greece
2. The Convening Officer of the Military Court which tried Private Stilianos Carelas (or Kareklas) No. 1004 Pioneer Coy. C.Y. Reg. P/W No. 3615
3. The President and Officers composing the above Court.

Date and place of commission of alleged crime.

The Trial took place some time between 27th June 1942 and 30th September 1942, probably at Athens.

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 laws and usages of warfare and in particular of Articles 30 and 54 of the Geneva Convention 1929 relating to treatment of Prisoners of war.  
False imprisonment.

### SHORT STATEMENT OF FACTS.

Stilianos Carelas (or Kareklas) was captured 29.4.41 at Kalamata, Greece, and having presumably escaped was re-captured 27. 6.42 in Athens. He was tried and sentenced to 6 years jail by the Italian Military Tribunal. He was then transferred 30.9.42 to the Concentration Camp, Larissa

TRANSMITTED BY.....

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

(20822) W.P.1505/1120 500 144 A.S.E.W.L.L. Cp.685  
(20824) W.P.1817/P.1139 5,000 3.44

COPY

G A R E L A S (or KAREKLAS) Stilianos

Born 15.9.1917 Pelendri, Lemesou, Cyprus.

Private 1004 Pioneer Coy C.Y.Reg. POW No. 3615

Nok: Despina S. Carelas.

Was captured 29.4.1941 Kalamata (Greece) and interned at the Prisoners' Camp Corinth (see RBO 12763 communication of the CICR Delegate in Greece).

Was recaptured (had probably escaped) 27.6.1942 in Athens and interned at the Averoff Prisons, Italian Section (see RBO 8/15/332 of 31.8.1942 communication of the Greek Red Cross) till the day of his trial.

Sentenced to 6 years jail by the Italian Military Tribunal, transferred 30.9.1942 to the Concentration Camp Larissa (see RBO 8/15/418 of 30.10.1942 communication of the CICR Delegate in Greece).



Page 2

PARTICULARS OF ALLEGED CRIME

See UK - I/B 13.

PARTICULARS OF EVIDENCE IN SUPPORT

Copy of communication by the International Committee of the Red Cross is attached.

If Private Carelas or Kareklas is still living at the end of Hostilities he may be available as a witness. But see also note to UK - I/B 16 under this heading.

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.)

See under this heading UK - I/B 16, UK - I/B 19 and UK - I/B20

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.)

See under this heading UK - I/B 16, UK - I/B 19 and UK - I/B20



225/UK/114/22

1. General Officer commanding in Greece
2. Convening officer of Military Court
3. President and officers of court

Submitted Decision of Committee I

30.8.44

C B

225/UK/114/22

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

225/UK/1E/22

1 AUG 1944

## UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM

CHARGES AGAINST ITALIAN

WAR CRIMINALS

CHARGE No. UK - I/B 22 \*

Name of accused, his rank and unit, or official position.  (Not to be translated.)	Names and Units are unknown and ranks can only be gathered approximately from positions held by the accused severally. 1. General Officer Commanding in Greece. 2. The Convening Officer of the Military Court which tried Private Isaac Simsola, No. 23096, 1039 Port Operating Company, R.F. (Pal.) 3. The President and Officers composing the above Court.
Date and place of commission of alleged crime.	The Trial took place some time between 12th May 1942 and 17th June 1942 probably at Athens.
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 laws and usages of warfare and in particular of Articles 50 and 54 of the Geneva Convention 1929 relating to treatment of Prisoners of War.  False Imprisonment.

### SHORT STATEMENT OF FACTS.

Isaac Simsola was captured on 29. 4. 41, at Kalamata, Greece and interned in the Prisoners of War Camp, Corinth. Having apparently escaped, he was re-captured 13 months later at Pyraeus and sentenced to 5 years jail by the Italian Military Tribunal. Transferred 17.6.42 to the Concentration Camp, Larissa

TRANSMITTED BY.....

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

(2632) W.P.1505/1120 500 144 A.&E.W.L.H. Cp.685  
(26924) W.P.1817/P.1129 5,000 344

COPY

S. I M S O L A Issac

Son of Israel

Born 1912 Smyrna

Private No. 23096, 1039 Port Operating Coy R.E. (Pal.).

Nok: Israel Simsola, 16 Merkaz Mishari, Tel-Aviv, Palestine.

Was captured 29.4.1941 at Kakamata (Greece) and interned at the Prisoners' Camp Corinth (see RBO 12718 communication of the CICR Delegate in Greece).

Recaptured (had probably escaped) 12.5.1942 Piraeus (see RBI 5268 communication of Rome) and sentenced to 5 years jail by the Italian Military Tribunal. Transferred 17.6.1942 to the Concentration Camp Larissa (see RBO 8/15/413 of 30.10.1942 communication of the CICR Delegate in Greece and RBO 8/15/212 of 4.7.1942 communication of the Greek Red Cross).

The CICR Delegate in Greece has sent him food parcels on several occasions.

Page 2

PARTICULARS OF ALLEGED CRIME

See UK - I/B 16.



PARTICULARS OF EVIDENCE IN SUPPORT

Copy of communication by the International Committee of the Red Cross is attached.

If Private Simsola is still living at the end of hostilities he may be available as a witness. But see note to UK - I/B 20 in this connection.

Also see note to UK - I/B 16 under this heading.

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.)

See under this heading UK - I/B 16, UK - I/B 19 and UK - I/B 20.

226/UK/11/23

226/UK/11/23

1. General Office commanding in Greece
2. Governor of Corfu, Ionian Islands, Rhodes

Submitted Decision of Committee I  
 CB  
 30.8.44

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

226/UK/12/22

1 AUG 1944

## UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B 23 \*

Name of accused, his rank and unit, or official position.

(Not to be translated.)

Names and Units are unknown and ranks can only be gathered approximately from positions held by the accused severally.

1. General Officer Commanding in Greece
2. The Governor of the Carceri Giudiziarie Centrali, Rodi (Rhodes)

Date and place of commission of alleged crime.

The Trial took place some time between 12th December 1941 and 26th May 1942 probably at Athen.

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 laws and usages of warfare and in particular of Articles 50, 54 and 56 of the Geneva Convention 1929 relating to treatment of prisoners of war.

False imprisonment.

### SHORT STATEMENT OF FACTS.

Captain Francis Gilbert Macaskie was wounded and captured in Crete by the German forces and interned at the Kokkinia Hospital, Pyraeus. He apparently escaped and was subsequently re-captured and detained at the Central Judiciary Prisons in Rhodes waiting for trial. No information has been received as to his fate, though it appeared probable from the attached report that he was transferred to Samos though he may still be in Rhodes.

TRANSMITTED BY

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

(26252) W.L.P.1505/1120 500 144 A.S.E.W.L.L. Cp.685  
(26924) W.L.P.1817 P.1139 5,000 344



COPY

A C A S K I E Francis Gilbert

Son of ?

Born 8.3.1912 in England

Captain No. 121772 (number found on letter) Leicestershire  
Regt. M.F.F.  
Nok: Mr. T.S. Macaskie, Priarosa Villa, Horsforth, Leeds,  
England.

Was captured in Crete by the German Forces and interned at the Kokkinia Hospital Piraeus. Gun's shot wound in the right buttock and the right shoulder (see RB 16022 communication of the official Bureau, Berlin, RBO 12172 and RBO 13745 of June and August 1941 communication of the Greek Red Cross). Was later on detained at the Central Judiciary Prisons in Rhodes waiting for trial (he had probably escaped from the kokkinia Hospital and had been recaptured) (see RBO 8/15/253 of 6.5.42, communication of the ICRC Delegate in Greece). The ICRC Delegate in Greece sent him a food parcel to Rhodes. On July 7th the ICRC Delegate in Greece received a card dated May 24th in which Capt. Macaskie states that he is going to be transferred to Samos Island. The Delegate sent him a parcel there, and having received no acknowledgement and no further news, he therefore doesn't know if he was or not transferred to Samos. (See RBO 8/15/436 of 27.10.42 communication of the ICRC Delegate in Greece). May possibly still be in Rhodes. As Capt. Macaskie's address is: Carceri Giudiziarie Centrali, Rodi, it is to be presumed that he is not a free civil.

PARTICULARS OF ALLEGED CRIME

In the letter dated 18th December 1942 from the comite International de la Croix-Rouge for the attention of the Foreign Office in London extract of which is set forth under this heading in UK - I/B 16, it is stated that a number of British Military personnel, who had apparently escaped, after having been made prisoners of war, had been recaptured and had received various punishment. This case is amongst those referred to though there is not information yet available as to any trial or sentence. It does appear, however, that captain Macaskie was imprisoned in a gaol contrary to Article 56 of the Convention, which involves the Governor of the Gaol.

PARTICULARS OF EVIDENCE IN SUPPORT

Copy of communication by the International committee of the Red cross is attached.

If Captain Macaskie is still living at the end of hostilities he will no doubt be available as a witness.

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 presents difficulty in that there is a lack of definite information. But it cannot be doubted that Captain Macaskie has been the victim of illegal treatment. For the time being the General Officer Commanding in Greece and the Governor of the gaol in Rhodes must be looked to at least for explanation.

At first sight it may seem that responsibility may be attachable in some measure to the German Authorities. But since in twenty out of twenty two cases the Italian Military Tribunal held trials, it is not unreasonable to suppose that this prisoner of war was also in Italian control.

It is proposed to file the case though it is clearly incomplete, and must await the end of the war for further information as to Captain Macaskies' fate and those responsible for any illegal actions of which he may have been the victim, as seems to have been the case.

227/UK/10/24

1. General Officer commanding in Greece
2. Convening Officer of Military Court
3. President and Officers of Court

Submitted Decision of Committee I

30.8.44

C O B

227/UK/10/24



(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

227/UK/10/24

1 AUG 1944

## UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM

CHARGES AGAINST

ITALIAN

WAR CRIMINALS

CHARGE No. UK - I/B 24 \*

Name of accused, his rank and unit, or official position.  (Not to be translated.)	Names and units are unknown and ranks can only be gathered approximately from positions held by the accused severally. 1. General Officer Commanding in Greece. 2. The Convening Officer of the Military Court which tried Captain Richard O'Brien MacNabb, captain, General Staff, No. 106080 as under 3. The President and Officers composing the above Court
Date and place of commission of alleged crime.	The Trial took place 'in absentia' some time prior to the 11th May 1942 and sentence of death was passed, which was commuted to 20 years jail some time after that date.
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 laws and usages of warfare and in particular of Articles 50 and 54 of the Geneva Convention 1929 relating to treatment of prisoners of war. False imprisonment.

### SHORT STATEMENT OF FACTS.

Captain MacNabb was captured by the Italian Forces, May 11th 1942 in Athens and interned at the Averoff Prisons. It is to be inferred that at the time of surrender of his unit he escaped capture and remained at large at Athens and was sentenced to death by default by the Italian Military Tribunal. After his arrest his sentence was commuted to 20 years jail.

TRANSMITTED BY.....

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

(20852) W.C.P.1505/1129 500 1/4 A.N.E.W.L.L. Cp.685  
(20924) W.C.P.1817/P.1130 5,000 3/4 .. ..

COPY

M A G N A B B Richard O'Brien

Son of Thomas

Born 22.3.1908, Odessa (Russia)

Captain, General Staff, No. 106080

Mok: (Wife) Barbara Elissbeth Mac Nabb, Lutcaiste Cottage,  
Crantock,

Cornwall, England, (or Kintlaugh, Gudham, Kent).

Was captured by the Italian Forces 11.5.1942 in Athens, then interned at the Averoff Prisons, Italian Section (see RFI 5868 communication of the Official Bureau Rome and RBO 8/15/212 of 18.7.42 communication of the Greek Red Cross).

Had been sentenced to death by default by the Italian Military Tribunal. After his arrest his sentence was commuted into 20 years jail.

He is still interned at the Averoff Prisons, Italian Section (see RBO 8/15/426 of 30.10.42 communication of the CICR Delegate in Greece).

PARTICULARS OF ALLEGED CRIME

There is nothing to add to the particulars contained in the "Short statement of Facts" which have substantiated and established a complete crime. If further particulars are called for of an explanatory nature, reference should be made to Captain Savage's case (UK - I/B 16) which has attached a copy of a communication dated 18th December 1942 from the Comite International de la Croix-Rouge to the Foreign Office, London.

PARTICULARS OF EVIDENCE IN SUPPORT

The main facts will be proved by documentary evidence in the form of communications by the International Committee of the Red Cross already referred to, copies of which are attached

If Captain MacNabb is still living at the end of hostilities he will no doubt be available as a witness

As there are altogether 22 cases of illegal trial and conviction followed by long terms of imprisonment inflicted by Italian Military Tribunals the evidence in each of which will prove system it is not to be supposed that the Italian Authorities will deny the main facts alleged which constitute the crime.



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 case last referred to (UK - I/B 16) that of Captain Savage was the case of a prisoner of war who had escaped and been recaptured. In such circumstances the Italian Authorities were entitled to impose disciplinary punishment of a limited character. Captain Savage's case is one of eight cases, all prisoners of war who had escaped after being captured.

The present case is one of fourteen cases of men who had succeeded in eluding capture and who had remained at large seeking an opportunity to rejoin any uncaptured remnants of the British Forces in the days immediately following or hoping for an opportunity to make good their escape from Greece which was in enemy occupation. This was not only an entirely legitimate action but in fact a duty. It follows therefore, that the Italian Authorities had no right to impose upon Captain MacNabb and the other thirteen prisoners of war whose cases will follow even disciplinary punishment. Nevertheless the Italian Military Tribunal apparently claimed the right to sentence Captain MacNabb to death 'in absentia' and subsequently his sentence was commuted by the Military Tribunal or other Authority to 20 years of jail and he was imprisoned at the Averoff Prisons.

No useful purpose can be served by speculating on the defence which will be put forward by the Italian Authorities. On the facts as they appear at present there would appear to be no defence.

As pointed out under the heading "Particulars of Evidence in Support" it is not probable that the fact of the trial and sentence will be denied. The case therefore, may be said to be complete even though only based on the report of the Comité International de la Croix-Rouge, an officer from which organisation, it is presumed, will be available to prove, if necessary, the truth of the Committee's report.



228/UK/IC/25

Submitted Decision of Committee I

30.8.46

C B

228/UK/IC/25

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

228/UK/IC/25

1 AL

# UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B 25 \*

Name of accused, his rank and unit, or official position.

(Not to be translated.)

Names and Units are unknown and ranks can only be gathered approximately from positions held by the accused severally

1. General Officer Commanding in Greece
2. The Convening Officer of the Military court which tried L/Cpl. Harry Lawrence Leonard, No. 317338, F.S.P., as under.
3. The President and Officers composing the above court.

Date and place of commission of alleged crime.

The trial took place some time after 19th July 1941. Presumably at Athens.

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 laws and usages of warfare and in particular of Articles 50 and 54 of the Geneva Convention 1929 relating to treatment of prisoners of war.

False imprisonment.

## SHORT STATEMENT OF FACTS.

Lce/Cpl. Harry Lawrence Leonard No. 317338 F.S.P., was captured 19.7.1941 in Athens and interned at the Avaroff Prisons. For reasons not known to the Comité International de la Croix-Rouge, he was sentenced by the Italian Military Tribunal to 30 years jail. He was transferred to the Syngros Prisons, Athens, which it is reported still belong to the Greek State by which is presumably meant that they are in Greek administration and that ordinary convicts are confined there.

TRANSMITTED BY.....

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

(26521) W.P.1505/1120 500 1 44 A. & E. W. L. L. Cp. 685  
(26921) W.P.1817/P.1139 5,000 3 44 " " " "

COPY

L E O N A R D Harry Lawrence

Son of George William LEONARD.

Born 25.12.1916 London

L/Cpl. 317338, F.S.F.

Nok: Mrs Leonard, 146 Garton End Road, Peterborough,  
Northants.

Captured 19.7.1941 in Athens and interned at the Averoff Prisons, Italian Section till the day of his trial (see RBO 14808 communication of the Greek Red Cross, 12.12.1941). For reasons not known to the CICR Delegate in Greece, was sentenced by the Italian Military Tribunal to 30 years jail. Transferred to the Syngros Prisons Athens (see RBO 8/15/171 of 8.6.1942 and RBO 8/15/416 of 30.10.1942 communications of the CICR Delegate in Greece). It is to be noted that the Syngros Prisons still belong to the Greek State and that common law convicts are confined therein. The CICR Delegate in Greece has made applications in view of being allowed to take care of that man (despatch of food and other relief).

Page 2

PARTICULARS OF ALLEGED CRIME

See UK - I/B 24.

PARTICULARS OF EVIDENCE IN SUPPORT

Copy of communication from the International Committee of the Red cross is attached.

If Lce.Cpl. Leonard is still living at the end of hostilities he will no doubt be available as a witness.

See also last Note under this heading in UK - I/B 24.



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.)

See UK - I/B 24; also UK - I/B 19 and UK - I/B 20.

229/UK/11/26

2

Submitted Decision of Committee I

30.8.11

C B

229/UK/11/26

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

229/UK/15/26

1 AUG 1944

## UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B26 \*

Name of accused, his rank and unit, or official position.  (Not to be translated.)	Names and Units are unknown and ranks can only be gathered approximately from positions held by the accused severally.  1. General Officer Commanding in Greece. 2. The Convening Officer of the Military Court which tried Gunner Joseph Keenan, No. 786611, R.A. 3. The President and Officers composing the above Court.
Date and place of commission of alleged crime.	The Trial took place sometime between 16th December 1941 and 10th April 1942.  Presumably at Athens.
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 laws and usages of warfare and in particular of Articles 50 and 54 of the Geneva Convention 1929 relating to treatment of prisoners of war.  False imprisonment.

### SHORT STATEMENT OF FACTS.

Gunner Joseph Keenan No. 786611, "A.", was captured in Athens 16.12.41 and interned at the Avaroff prisons. For reasons not known to the Comité International de la Croix-Rouge, delegate in Greece, he was sentenced to 3 years jail by the Italian Military Tribunal. On 10.4.42, he was transferred to the Criminal Prisons, Aegina (near Pyraeus).

TRANSMITTED BY.....

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

(26352) W.P.1505 1120 500 144 A.S.E.W.L.I. Cp.685  
(26924) W.P.1817 P.1139 5,000 344 " " "

COPY

KEENAN Joseph

Son of Owen Keenan

Born 23.3.1911 Staffordshire.

Gunner No. 786611 R.A.

Nok: Mrs Keenan, 13 Park Av., Little Chell, Nr. Tunstall,  
Staffs.

Was captured 16.12.1941 in Athens and interned at the  
Averoff Prisons, Italian Section (see RBO 8/15/6 of  
30.12.1941 communication of the Greek Red Cross).  
For reasons not known to the CICR Delegate in Greece, was  
sentenced to 3 years jail by the Italian Military Tribunal.  
Transferred 10.4.1942 to the Criminal Prisons Aegina  
(near Piraeus), Italian Section (see RBO 1/15/313  
communication of the Greek Red Cross and RBO 8/15/254 of  
15.4.1942 communication of the CICR Delegate in Greece).  
Has been looked after by the CICR Delegate in Greece who  
gave him clothes, underwear and food parcels on several  
occasions.

Page 2

PARTICULARS OF ALLEGED CRIME

See UK - I/B 24.



Page 2

PARTICULARS OF ALLEGED CRIME

See UK - I/B 24.

PARTICULARS OF EVIDENCE IN SUPPORT

Copy of communication by the International Committee of the Red Cross is attached.

If Gunner Keenan is still living at the end of hostilities he will no doubt be available as a witness.

See also last note under ~~the~~ heading in UK - I/B 24.

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.)

See UK - I/B 24; also UK - I/B 19 and UK - I/B 20.

245/UK/11/27

Submitted Decision of Committee I

30. 8. 44

C B

245/UK/11/27

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245/UK/11/27

31 AUG 1942

## UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM

CHARGES AGAINST ITALIAN

WAR CRIMINALS

CHARGE No. UK-I/B27 \*

<p>Name of accused, his rank and unit, or official position. (Not to be translated.)</p>	<p>Names and Units are unknown and ranks can only be gathered approximately from positions held by the accused severally.</p> <ol style="list-style-type: none"><li>1. General Officer Commanding in Greece.</li><li>2. The Convening Officer of the Military Court which tried Private William Ditchburn, No. 32979, 25th Bn. N.Z.E.F.</li><li>3. The President and Officers composing the above Court.</li></ol>
<p>Date and place of commission of alleged crime.</p>	<p>The Trial took place some time between 29th September 1941 and 17th June 1942.</p>
<p>Number and description of crime in war crimes list.  References to relevant provisions of national law.</p>	<p>No. xxix. Ill-treatment of prisoners of war.</p> <p>Breach of laws and usages of warfare and in particular of Articles 50 and 54 of the Geneva Convention 1929 relating to treatment of Prisoners of War.</p> <p>False imprisonment.</p>

### SHORT STATEMENT OF FACTS.

Private William Ditchburn, No. 32979 25th Bn. N.Z.E.F., was captured by the Italian Forces in Athens on the 29th September, 1941 and interned at the Averoff Prisons. He was subsequently put on trial for an offence, the nature of which has not transpired, before the Italian Military Tribunal by which he was sentenced to 16 years jail. On the 17th June 1942 he was transferred to the Concentration Camp, Larissa. Subsequently he was transferred to Italy and when Italy surrendered he was transferred to Germany. Whether he is treated by the Germans as a prisoner of war, or as serving a term of imprisonment, is not known.

TRANSMITTED BY.....

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

(26852) W.P.1505/1120 500 1/44 A.S.E.W.L.L. Cp.685  
(26824) W.P.1817/P.1139 5,000 3/44



COPY

DITCHBURN William

Son of William Ditchburn

Born 2.4.1919 at Durham, England.

Private, No 32979. 25th Btl. NZEF.

Nok: Mrs. Ditchburn, 12 Asquith Terrace, Brooklyn,  
Wellington, NZ.

Was captured by the Italian Forces 29.9.1941 in Athens and interned at the Averoff Prisons, Italian Section (see RFI 5866 communication of the official Bureau Rome and RBO 14809 communication of the Greek Red Cross 12.12.1941) till the day of his trial. Sentenced to 16 years jail by the Italian Military Tribunal.

Transferred 17.6.1942 to the Concentration Camp Larissa (see RBO 8/15/421 of 30.10.1942 communication of the CICR Delegate in Greece). The CICR Delegate in Greece was able to send him food parcels on several occasions (see RBO 8/15/212-213 of 31.7.1942 communication of the CICR Delegate in Greece).

Page 2

PARTICULARS OF ALLEGED CRIME

See UK-1/B24.

PARTICULARS OF EVIDENCE IN SUPPORT

Copy of communication by the International Committee of the Red Cross is attached.

If Private Ditchburn is still living at the end of hostilities he may be available as a witness. But his home is in New Zealand and early repatriation will be called for. An Affidavit will probably have to suffice. However with 20 other cases proving system no question should arise, apart from the fact of the central fact of imprisonment being established.

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.)

See UK-I/B24; also UK-I/B19 and UK-I/B20.

246/OK/11/28

Submitted Decision of Committee I

30.8.44

C B

246/OK/11/28



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Registered Number.

Date of receipt in Secretariat.

246/UK/11/28

21 ALC 1942

## UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK-I/B28 \*

Name of accused, his rank and unit, or official position. <i>(Not to be translated.)</i>	Names and Units are unknown and ranks can only be gathered approximately from positions held by the accused severally. 1. General Officer Commanding in Greece 2. The Convening Officer of the Military Court which tried Private Walter Lake, No. 4125136 1st Bn. Cheshire Regiment. Presumably at Athens. 3. The President and Officers composing the above Court.
Date and place of commission of alleged crime.	The Trial took place some time after the 3rd December 1941 and 26th May 1942.
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 laws and usages of warfare and in particular of Articles 50 & 54 of the Geneva Convention 1929 relating to treatment of Prisoners of war.  False imprisonment.

### SHORT STATEMENT OF FACTS.

Private Walter Lake, No. 4125136, 1st Bn. Cheshire Regiment, was captured by the Italian Forces in Athens on the 3rd December 1941 and interned at the Averoff Prisons. He was subsequently put on trial for an offence, the nature of which has not transpired, before the Italian Military Tribunal, by which he was sentenced to 16 years jail. On the 26th May 1942 he was transferred to the Concentration Camp, Larissa.

TRANSMITTED BY.....

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

(20252) W.P.1305/1129 500 144 A.&E.W.L.I. Cp.685  
(20024) W.P.1817/P.1439 5,000 3-11

COPY

L A K E Walter

Son of Edmund Lake.

Born 20.7.1920 in Cheshire.

Private No. 4125136. 1st Bat. Cheshire Rgt.

Nok: Mrs. E. Lake, 1 Brairwood Av., Macclesfield, Cheshire.

Was captured 3.12.1941 in Athens and interned at the Averoff Prisons, Italian Section till the day of his trial (see RBO 14809 communication of the Greek Red Cross). For reasons not known to the CICR Delegate in Greece, was sentenced to perpetual confinement by the Italian Military Tribunal. Transferred 26.5.1942 to the Concentration Camp Larissa (see RBO 8/15/171 and RBO 8/15/415, communications of the CICR Delegate in Greece). The CICR Delegate in Greece has sent him food parcels on several occasions.

Page 2

PARTICULARS OF ALLEGED CRIME

See UK-I/B24.

PARTICULARS OF EVIDENCE IN SUPPORT

Copy of Communication by the International Committee of the Red Cross is attached.

If Private Lake is still living at the end of hostilities he will no doubt be available as a witness.

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.)

See UK-I/B24; also UK-I/B19 and UK-I/B20.



247/UK/11/29

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30.8.46

C 3

247/UK/11/29

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247/UK/15/20

21 ALL 1948

## UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK-I/B29. \*

Name of accused, his rank and unit, or official position.  (Not to be translated.)	Names and Units are unknown and ranks can only be gathered approximately from positions held by the accused severally.  1. General Officer Commanding in Greece.  2. The Convening Officer of the Military Court which tried Private John Henry Nathan, No. 6140468 East Surrey Regiment.  3. The President and Officers composing the above Court.
Date and place of commission of alleged crime.	The Trial took place some time between the 27th May 1942 and 17th June 1942. Presumably at Athens.
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 laws and usages of warfare and in particular of Articles 50 and 54 of the Geneva Convention 1929 relating to treatment of Prisoners of War.  False imprisonment.

### SHORT STATEMENT OF FACTS.

Private John Henry Nathan, No. 6140468, East Surrey Regiment was captured on the 27th May, 1942 in Athens and after trial by the Italian Military Tribunal on an undisclosed charge he was sentenced to 24 years jail. On the 17th June 1942 he was transferred to the Concentration Camp at Larissa.

TRANSMITTED BY.....

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

(2652) W.P.1505 1129 500 144 A.&E.W.L.L. Cp.685  
(26924) W.P.1817 P.1139 5,000 3-44

COPY

NATHAN John Henry

Son of John Daniel

Born 5.5.1915, Peterborough (England).

Private No. 6140468, East Surrey Regt.

Nok: J.D. Nathan, Boundary Passage, Shoreditch, London.

Was captured by the Italian Forces 27.5.1948 in Athens (see RFI 5868 communication of the Official Bureau Rome). Sentenced to 24 years jail by the Italian Military Tribunal and transferred on the 17.6.48 to the Concentration Camp Larissa (see RBO 8/15/212-213 of 4.7.42, communication of the Greek Red Cross and RBO 8/15/422 of 30.1.42, communication of the CICR Delegate in Greece). The CICR Delegate in Greece has sent him food parcels on several occasions (see RBO 8/15/422).

Page 2

PARTICULARS OF ALLEGED CRIME

See UK-I/B24.

PARTICULARS OF EVIDENCE IN SUPPORT

Copy of communication by the International Committee of the Red Cross is attached.

If Private Nathan is still living at the end of hostilities he will no doubt be available as a witness.



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.)

See UK-I/B24; also UK-I/B19 and UK-I/B20, ante, and UK-I/B35 post.

248/UK/1E/30

Submitted Decision of Committee I

30.8.44

C B

248/UK/1E/30

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21 AUG 1944

248/UK/14/30

## UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK-I/B.30. \*

Name of accused, his rank and unit, or official position.  (Not to be translated.)	Names and Units are unknown and ranks can only be gathered approximately from positions held by the accused severally.  1. General Officer Commanding in Greece.  2. The Convening Officer of the Military Court which tried Private Costas (Vassilier Konstantinos) Sakhallis or Siakallis, as under.  3. The President and Officers composing the above Court.
Date and place of commission of alleged crime.	The Trial took place about February 1942. Presumably at Athens.
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 laws and usages of warfare and in particular of articles 50 and 54 of the Geneva Convention 1929 relating to treatment of Prisoners of War.  False imprisonment.

### SHORT STATEMENT OF FACTS.

Private (or L/Cpl) Costas Sakhallis No. 37, 232nd Coy. R.A.S.C. M E F Y was captured by Italian Forces on the 31st October 1941 in Athens. After trial in or about February, 1942 by the Italian Military Tribunal he was sentenced to death. The charge against him has not been communicated nor is it known whether a Petition for pardon which was submitted to Rome, presumably by the Delegate in Greece of the Comite International de la Croix-Rouge, was successful.

TRANSMITTED BY.....

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

(26352) W.P.1505/1120 500 1/44 A.&E.W.L.L. Cp.685  
(26924) W.P.1817/P.1139 5,000 3/44

COPY

S A K H A L L I S Costas

or SHAKALLIS or SIAKALLIS Costas (Vassiliu Konstantinos)

Son of Nicolas

Born 8.3.1919 Kyrenia. Cyprus.

Private (or L/Cpl) No. 37, 232nd Coy RASC-MRPY

Nok: (mother) Mrs. Michael Helleni Shakallie, Karavas Road,  
Kyrenia. Cyprus.

Was captured by the Italian Forces 31.10.1941 in Athens and interned at the Averoff Prisons, Italian Section (see RBI 5866 communication of the Official Bureau Rome, RBC 14809 of 12.12.1941 communication of the Greek Red Cross and RBC 8/15/211 of 31.7.1942 communication of the CICR Delegate in Greece).

Sentenced to death by the Italian Military Tribunal about February 1942. A petition for pardon has been submitted to Rome (see RBC 8/15/419 of 30.10.1942 communication of the CICR Delegate in Greece).

Page 2

PARTICULARS OF ALLEGED CRIME

See UK-I/B24.



PARTICULARS OF EVIDENCE IN SUPPORT

Copy of communication by the International Committee of the Red Cross is attached.

If Private Sakhallis was not executed and is still living at the end of hostilities he may be available as a witness. But his production may present difficulty as he is a Cypriote and may be repatriated by way of Cairo. However as there are altogether some 20 cases of illegal trial and conviction followed by long terms of imprisonment inflicted by Italian Military Tribunals, the cumulative effect of the evidence in which will prove system while each case will tend to corroborate the others, it is not to be supposed that the Italian Authorities will deny the main facts alleged which constitute the crime.

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.)

See UK-I/B24, also UK-I/B19 and UK-I/B20, ante and UK-I/B35 post.

249/UK/11/31

Submitted Decision of Committee I

30.844

C 8

249/UK/11/31

(For the Use of the Secretariat)

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219/UK/10/31

21 ALC 1944

# UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK-I/B31.\*

<p>Name of accused, his rank and unit, or official position.</p> <p>(Not to be translated.)</p>	<p>Names and Units are unknown and ranks can only be gathered approximately from positions held by the accused severally.</p> <ol style="list-style-type: none"> <li>1. General Officer Commanding in Greece.</li> <li>2. The Convening Officer of the Military Court which tried Private Michel Hadad, No. 12290 AM, P.C.</li> <li>3. The President and Officers composing the above Court.</li> </ol>
<p>Date and place of commission of alleged crime.</p>	<p>The Trial took place some time between the 11th October 1941, and 10th April 1942 as under. Presumably at Athens.</p>
<p>Number and description of crime in war crimes list.</p> <p>References to relevant provisions of national law.</p>	<p>No. xxix. Ill-treatment of prisoners of war.</p> <p>Breach of laws and usages of warfare and in particular of Articles 50 and 54 of the Geneva Convention 1929 relating to treatment of prisoners of war.</p> <p>False imprisonment.</p>

### SHORT STATEMENT OF FACTS.

Private Michel Hadad No. 12290, A.M.P.C. was captured on the 11th October 1941 in Athens. He was sentenced to three years jail by the Italian Military Tribunal and transferred on the 10th April 1942 to the Criminal Prisons, Aegina (near Piraeus).

TRANSMITTED BY.....

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

COPY

H A D A D Michel

Son of Joseph Hadad

Born 30.1.1922 Safed, Palestine.

Private No. 12290 A.M.P.C.

Nok: Mr. Rashid Abdul Hadi Hadid, Neighbourhood Market,  
King Feizal Street, Safed, Palestine.

Was captured 11.10.1941 in Athens and interned at the Averoff Prisons, Italian Section (see RBO 14810 of 12.12.1941 communication of the Greek Red Cross). For reasons not known to the CICR Delegate in Greece, was sentenced to 3 years jail by the Italian Military Tribunal. Transferred 10.4.1942 to the Criminal Prisons Aegina (near Piraeus) Italian Section (see RBO 1/15/313 of 30.4.1942 communication of the Greek Red Cross and RBO 8/15/254 of 15.4.1942 communication of the CICR Delegate in Greece). Has been looked after by the CICR Delegate in Greece who gave him clothes, underwear and food parcels on several occasions.



Page 2

PARTICULARS OF ALLEGED CRIME

See UK-1/B24.

PARTICULARS OF EVIDENCE IN SUPPORT

Copy of communication by the International Committee of the Red Cross is attached.

Although Private Hadad presumably will be still living at the end of hostilities he will not necessarily be available as a witness, since as a Palestinian he may be repatriated to Palestine. But see note UK-I/B30.

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.)

See UK-I/B24; also UK-I/B19 and UK-I/B20, ante,  
and UK-I/B35 post.

250/UK/11/32

Submitted Decision of Committee I

30.9.44

C B

250/UK/11/32

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250/UK/12/32

21 ALL 1944

# UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK-I/B32. \*

<p>Name of accused, his rank and unit, or official position.</p> <p>(Not to be translated.)</p>	<p>Names and Units are unknown and ranks can only be gathered approximately from positions held by the accused severally.</p> <ol style="list-style-type: none"> <li>1. General Officer Commanding in Greece.</li> <li>2. The Convening Officer of the Military Court which tried Private Mehmet Halil Ali Balil No. 2123, A.M.P.C.</li> <li>3. The President and Officers composing the above Court.</li> </ol>
<p>Date and place of commission of alleged crime.</p>	<p>The Trial took place some time between 2nd September 1941 and 26th May 1942. Presumably at Athens.</p>
<p>Number and description of crime in war crimes list.</p> <p>References to relevant provisions of national law.</p>	<p>No. xxix. Ill-treatment of prisoners of war.</p> <p>Breach of laws and usages of warfare and in particular of Articles 50 and 54 of the Geneva Convention 1929 relating to treatment of Prisoners of war.</p> <p>False imprisonment.</p>

## SHORT STATEMENT OF FACTS.

Mehmet Halil Ali Balil Private No. 2123 A.M.P.C. was captured on the 2nd September 1941 in Athens and sentenced to thirty years jail by the Italian Military Tribunal. He was transferred on the 26th May 1942 to the Concentration Camp, Larissa. The nature of the charge is unknown.

This man's name is not quite clear. He is recorded as the son of Halil but which suggests Halil as possibly but not necessarily his surname. On the other hand his next-of-kin is noted as Mrs. Mehmet Balil. If this is his wife it suggests Balil as his surname. His full name is given as above the first two names, Mehmet Halil, being in capitals, the other two names in ordinary script.

TRANSMITTED BY.....

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



COPY

MEHMET HALIL Ali Balil

Son of Halil.

Born 10.4.1906 Galatia, Cyprus.

Private No. 2123, A.M.V.C.

Nok: Mrs Mehmet Balil, Galatia Barisan, Cyprus.

Was captured 2.9.1941 in Athens and interned at the Averoff Prisons, Italian Section (see RBO 14811 of 12.12.1941 communication of the Greek Red Cross)  
Sentenced to 30 years jail by the Italian Military Tribunal.  
Transferred 26.5.1942 to the Concentration Camp Larissa (see RBO 8/15/212 of 4.7.1942 communication of the Greek Red Cross and RBO 8/15/417 of 30.10.1942 communication of the CICR Delegate in Greece).  
The CICR Delegate in Greece has sent him food parcels on several occasions.

Page 2

PARTICULARS OF ALLEGED CRIME

See UK-1/B24.

PARTICULARS OF EVIDENCE IN SUPPORT

Copy of communication by the International Committee of the Red Cross already referred to, is attached.

If Private Balil or Halil is still living at the end of hostilities he may be available as a witness, unless as a Cypriote he is repatriated direct. But see note in connection with this point in UK-I/B30.

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.)

See UK-I/B24; also UK-I/B19 and UK-I/B20, ante, and UK-I/B35 post.

251/UK/116/33

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30.8.44	C B

251/UK/116/33



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21 ALL 1944

251/UK/11/33

## UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK-I/B33. \*

Name of accused, his rank and unit, or official position.

(Not to be translated.)

Names and Units are unknown and ranks can only be gathered approximately from positions held by the accused severally.

1. General Officer Commanding in Greece.
2. The Convening Officer of the Military Court which tried Private Mustapha Bekri, No. 1913 A.M.P.C. as under.
3. The President and Officers composing the above Court.

Date and place of commission of alleged crime.

The Trial took place some time between 3rd September 1941 and 28th May 1942. Presumably at Athens.

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 laws and usages of warfare and in particular of Articles 50 and 54 of the Geneva Convention 1929 relating to treatment of Prisoners of War.

False imprisonment.

### SHORT STATEMENT OF FACTS.

Private Mustapha Bekri, No. 1913 A.M.P.C., was reported missing on the 29th April 1941 and captured in Corinth on the 3rd September 1941. He was sentenced to 30 years jail, for an offence which does not appear, by the Italian Military Tribunal and transferred on the 28th May 1942 to the Concentration Camp, Larissa.

TRANSMITTED BY.....

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

ONLY

B V K R I Mustafa

Son of Ahmed

Born 1908 Lefkosia, Cyprus.

Private No. 1913 A.M.F.C.

Reported missing 29.4.1941 (enquiry from British Red Cross Prisoners of War Bureau Cairo).

Was captured 3.9.1941 Corinth then interned Averoff Prisons Italian Section (see RBO 14811 of 12.12.41 communication of the Greek Red Cross) till the day of his trial.

Sentenced to 30 years jail by the Italian Military Tribunal and transferred 26.5.1942 to the Concentration Camp Larissa (see RBO 8/15/212 of 4.7.1942 communication of the Greek Red Cross and RBO 8/15/423 of 30.10.1942, communication of the CICR Delegate in Greece).

The CICR Delegate in Greece has sent him food parcels on several occasions.

Page 2

PARTICULARS OF ALLEGED CRIME

See UK-I/B24.

PARTICULARS OF EVIDENCE IN SUPPORT

Copy of communication by the International Committee of the Red Cross is attached.

If Private Bekri is still living at the end of hostilities he may be available as a witness, unless as a Cypriote he is repatriated direct. See note in connection with this point UK-1/B30.

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.)

See UK-I/B24; also UK-I/B19 and UK-I/B20, ante,  
and UK-I/B35, post.



252/UK/16/34

Submitted

Decision of Committee E

30.8.44

C B

252/UK/16/34

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

252/UK/11/34

21 AUG 1945

## UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM

CHARGES AGAINST ITALIAN

WAR CRIMINALS

CHARGE No. UK-I/B34. \*

Name of accused, his rank and unit, or official position.  (Not to be translated.)	Names and Units are unknown and ranks can only be gathered approximately from positions held by the accused severally.  1. General Officer Commanding in Greece.  2. The Convening Officer of the Military Court which tried Private Hussein Davoud (or Tavoud) No. 394 A.M.P.C. as under.  3. The President and Officers composing the above Court.
Date and place of commission of alleged crime.	The Trial took place some time after 25th November 1941. Probably at Athens.
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 laws and usages of warfare and in particular of Articles 50 and 54 of the Geneva Convention 1929 relating to treatment of prisoners of war.  False imprisonment.

### SHORT STATEMENT OF FACTS.

Private Hussein Davoud (or Tavoud) (Doungoulli), No. 394 A.M.P.C., was captured on the 25th November 1941 in Athens after trial by the Italian Military Tribunal on an unknown charge. He was sentenced to three or seven years jail and transferred to the Syngros Prison.

TRANSMITTED BY.....

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

(26832) W.P.1505/1120 500 1-14 A.S.E.W.L.L. Cp.685  
(26824) W.P.1817/P.1130 5,000 3-13

COPY

DAVOUD HUSSEIN (or Davoud) (Dounkoulli)

Son of Kara

Born 1919 Aytimou, Cyprus

Private No. 394 A.M.P.C.

Nok: Mrs. Kara Davoud, Aytimou, Cyprus.

Was captured 25.11.1941 in Athens and interned at the Averoff Prisons, Italian Section (see RBO 14810 of the 12.12.1941 communication of the Greek Red Cross) till the day of his trial.

Sentenced to 3 or 7 years - reasons not known to the CICR Delegate in Greece - by the Italian Military Tribunal, transferred to the Syngros Prisons which still belong to the Greek State and where common law convicts are confined. (see RBO 8/15/171 of 15.6.1942 and RBO 8/15/427 of 30.10.1942 communication of the CICR Delegate in Greece).

The CICR Delegate in Greece has made applications in view of being allowed to take care of that man although he is no more a POW, (see RBO 8/15/171).

PARTICULARS OF ALLEGED CRIME

See UK-I/B24.

PARTICULARS OF EVIDENCE IN SUPPORT

Copy of communication by the International Committee of the Red Cross is attached.

Private Davoud is a Cypriote and might not be available to give evidence. In this connection see UK-I/B30.



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.)

See UK-I/B24; also UK-I/B19 and 20, ante, and UK-I/B35, post.

253/UK/14/35

Submitted

Decision of Committee I

30.8.44

C B

253/UK/14/35

(For the Use of the Secretariat)

Registered Number.

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253/UK/14/35

21 APR 1944

## UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK-I/B35. \*

Name of accused, his rank and unit, or official position.  (Not to be translated.)	Names and Units are unknown and ranks can only be gathered approximately from positions held by the accused severally.  1. General Officer Commanding in Greece.  2. The Convening Officer of the Military Court which tried Private Abdul Mati as under.  3. The President and Officers composing the above Court.
Date and place of commission of alleged crime.	The Trial took place some time between the 26th May 1942 and 7th August 1942, probably at Athens.
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 laws and usages of warfare and in particular of Articles 50 and 54 of the Geneva Convention 1929 relating to treatment of prisoners of war.  False imprisonment.

### SHORT STATEMENT OF FACTS.

Private Abdul Mati, whose number and unit has not been communicated, was captured on the 26th May 1942 at Almyros, Greece. It seems that he was in possession of arms and that he was sentenced to ten years jail by the Italian Military Tribunal for having carried arms. He has been interned since the 7th August 1942 at the Concentration Camp, Larissa.

TRANSMITTED BY.....

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

(20832) W.P.1305/1120 500 144 A.W.E.W.L.11 Cp.685  
(20824) W.P.1317/P.1130 5,000 344

COPY

ABDUL MATI

Son of Hamed,

Private,

Christian name perhaps Hamed Muthak Suliman (see RBI 5871)

born in Transjordan in 1913 (or in England see RBI 5871)

According RBI 5871 an Abdul Mati Muthak Suliman was captured on 25.5.42 at Almyros (Greece). Possibly the same man.

Sentenced to 10 years jail by the Italian Military Tribunal for having carried arms. Interned since 7.8.1942 at the Concentration Camp Larissa (see RFO 8/15/414 of 30.10.42 communication of the CICR Delegate in Greece).

Page 2

PARTICULARS OF ALLEGED CRIME

See UK-1/B24.



PARTICULARS OF EVIDENCE IN SUPPORT

Copy of communication by the International Committee of the Red Cross is attached.

Whether this witness will be available is uncertain. In this connection see UK-I/B30.

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.)

Of the cases, in number 22, war crimes charged against Italians apparently in Athens in respect of illegal prison sentences inflicted on British prisoners of war, this and the Case next following are the only cases in which the alleged offence is stated.

This seems to point to the fact that no charge of anything in the nature of a criminal offence exists in the other cases.

As regards carrying arms it may be an offence under Italian Law to carry arms. But it is submitted that it cannot be an offence in the case of a member of an enemy force who was not evacuated with his Unit and is merely performing the duty of evading capture and seeking opportunity to get to his base.

254/UK/IC/36

Submitted

Decision of Committee I

30.8.44

C B

254/UK/IC/36

(For the Use of the Secretariat)

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254/UK/10/36

21 AUG 1944

## UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS  
CHARGE No. UK-I/B36. \*

Name of accused, his rank and unit, or official position.

(Not to be translated.)

Names and Units are unknown and ranks can only be gathered approximately from positions held by the accused severally.

1. General Officer Commanding in Greece.
2. The Convening Officer of the Military Court which tried Hussein Kemal as under.
3. The President and Officers composing the above Court.

Date and place of commission of alleged crime.

The Trial took place some time before 9th September 1942. Presumably at Athens.

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 laws and usages of warfare and in particular of Articles 50 and 54 of the Geneva Convention 1929 relating to treatment of prisoners of war.

False imprisonment.

### SHORT STATEMENT OF FACTS.

Hussein Kemal was sentenced to six years jail by the Italian Military Tribunal for having carried arms. He was interned on the 9th September 1942 at the Concentration Camp, Larissa. Except that he is a Cypriote no details of his status have been communicated. The assumption is made for the time being, and would appear to be justified, that he was a member of the armed forces and therefore a 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.

(26752) W.L.P.1505 1120 500 144 A.&E.W.L.L. Cp.685  
(26924) W.L.P.1817 F.1139 5,000 344

COPI

HASSAN KEMAL

Son of Hassan

Born 1916 Lefcosia, Cyprus

Nok: Lefcosia, Cyprus.

Was sentenced to 6 years jail by the Italian Military Tribunal for having carried arms.  
Interned 9.9.48 at the Concentration Camp Larissa  
(see RBO 8/15/489 of 30.10.1948 communication of the CIOB Delegate in Greece).



Page 2

PARTICULARS OF ALLEGED CRIME

See UK-I/B24.

Page 2

PARTICULARS OF ALLEGED CRIME

See UK-I/B24.

PARTICULARS OF EVIDENCE IN SUPPORT

Copy of communication by the International Committee of the Red Cross is attached.

See UK-I/B35.

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.)

See UK-I/B35.

255/UK/14/37

Submitted

Decision of Committee I

30.8.14

Adjourned B

255/UK/14/37



(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

255/UK/14/37

21 AUG 1944

## UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM

CHARGES AGAINST ITALIAN

WAR CRIMINALS

CHARGE No. UK-I/B37. \*

Name of accused, his rank and unit, or official position.

(Not to be translated.)

Names and Units are unknown and ranks can only be gathered approximately from positions held by the accused severally.

1. General Officer Commanding in Greece.
2. Police Officer in charge of investigation relating to prisoners of war.

Date and place of commission of alleged crime.

Towards the end of 1942.

Place unknown.

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 laws and usages of warfare and in particular of Article 2 of the Geneva Convention 1929 relating to treatment of prisoners of war.

False imprisonment.

### SHORT STATEMENT OF FACTS.

Private Fred Ivan Wollams of the New Zealand Expeditionary Force has been reported as being in Italian hands and the subject of a police enquiry. No information has been communicated in regard to his fate which it is reasonable to suppose involves at the least false imprisonment. It is believed by the National Office of New Zealand that Private Wollams was subsequently transferred to Italy and escaped. Apparently he has since been repatriated.

TRANSMITTED BY

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

COPY

WOLLAMS Fred Ivan

Son of Arthur Wollams

Born 1916 at Won Chenevin N.Z.

Private

Nok: Mr. Wollams, Won Chenevin N.Z.

In Italian hands. A special police enquiry being underway, no location can be indicated for the moment (see RBC 8/15/430 of 6.11.42 communication of the CICR Delegate in Greece).

PARTICULARS OF ALLEGED CRIME

There is nothing to add to the particulars contained in the "Short Statement of Facts" but enquiry is being made in New Zealand for further details.

PARTICULARS OF EVIDENCE IN SUPPORT

The facts to the limited extent at present available are noted in a communication by the International Committee of the Red Cross copy of which is attached.

A statement is expected to be available from Private Wollams who is being communicated with.

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.)

Arguably insufficient information is available to define the offence charged. But the inference seems justifiable that Wollams was the victim of false imprisonment which, it is submitted, ipso facto involves ill-treatment within the meaning of that phrase. If there were not some element of irregularity or criminality presumably the matter would not have been reported by the protecting power.

The case is not complete but completion is sufficient probably to justify inclusion in this group of cases, of which this case is the last.



347/UK/11/47

1. Officer in command of survivors from SS "Oswald"
2. Second in command
3. Personnel

Submitted Decision of Committee I

25. X. 44

Ad C

347/UK/11/47

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

347/UK/1E/47

17 1944

# UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK - I/B.48.\*

<p>Name of accused, his rank and unit, or official position.</p> <p>(Not to be translated.)</p>	<ol style="list-style-type: none"> <li>1. Officer in Command of survivors from S.S. "Oswald" on journey from Venice to Sulmona, Camp No.75, Italy.</li> <li>2. The Second-in-Command.</li> <li>3. Personnel who were actually responsible for the ill-treatment of prisoners of war in question.</li> </ol>
<p>Date and place of commission of alleged crime.</p>	<p>Date: September, 1940.</p> <p>Place: Railway journey from Venice to Camp No.75 at Sulmona, Italy.</p>
<p>Number and description of crime in war crimes list.</p> <p>References to relevant provisions of national law.</p>	<p>No. xxix</p> <p>Breaches of Articles 2 and 9 of the Geneva Convention 1929 relating to the treatment of prisoners of war.</p> <p>Assault.</p>

### SHORT STATEMENT OF FACTS.

On a date in September 1940, (precise day unknown) the survivors of the crew of the S.S. "Oswald" were manacled on the railway journey from Venice to Camp No.75 at Sulmona, Italy covering between 17 and 24 hours.

TRANSMITTED BY.....

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

EXTRACT FROM INTERROGATION BY MIDDLE EAST OF EXCHANGED BRITISH  
NAVAL PRISONERS OF WAR (MARCH 1943).

LESLIE C. ECCLESHALL FX76334.

The entire surviving crew of H.M.S. "OSWALD", were handcuffed during their journey from VENICE to SALMONA (78) about 24 hours. Approximately September 1940. Reason - attempted escape by a small number of the crew.

EXTRACT FROM INTERROGATION BY MIDDLE EAST OF EXCHANGED BRITISH  
NAVAL PRISONERS OF WAR (MARCH 1943).

H.C.WOOLLEY L/Tel.P/SSX28625.

I only knew of the crew of H.M.S. "OSWALD" being handcuffed on arrival in Italy.

EXTRACT FROM INTERROGATION BY MIDDLE EAST OF EXCHANGED BRITISH  
NAVAL PRISONERS OF WAR (MARCH 1943).

GEORGE LANHAM C.P.O. C/J106170.

On numerous occasions men were handcuffed for various offences, but the whole of the OSWALD's ship's company were chained together for the whole of the journey from VENICE to ROME (about 17 hours). This was shortly after Italy came into the war.



PARTICULARS OF ALLEGED CRIME

No detail beyond that contained in the Short Statement of Facts is available. But it may be emphasised that Article 9 of the Geneva Convention 1929, relating to the treatment of prisoners of war, which appears to be applicable, requires that prisoners of war shall not be confined or imprisoned except as a measure indispensable for the safety or health and only so long as circumstances exist which necessitate such a measure. Manacling is a form of restraint on freedom of movement which, it is submitted, must be within the spirit of the prohibition contained in this Article.

PARTICULARS OF EVIDENCE IN SUPPORT

- (i) Eccleshall - He reports incident in question. A written report of his interrogation which is an extract from "Interrogation of Naval Prisoners of War" March 1943 is attached hereto.
- (ii) Woolley - He reports incident in question. A written report of his interrogation which is an extract from "Interrogation of Naval Prisoners of War" March 1943 is attached hereto.
- (iii) Lanhan - He reports incident in question. A written report of his interrogation which is an extract from "Interrogation of Naval Prisoners of War" March 1943 is 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.)

(a) As to degree of responsibility, there can be no doubt that the evidence given by witnesses is accurate that the incident occurred, and the responsibility of those in control of the survivors on this occasion should be clear and direct.

(b) As to probable defence, it may be said that confining the prisoners of war in the manner described might have been necessary having regard to the chance of escape on such a journey. The necessity for this treatment does not appear to be clear because the prisoners of war in question could have been kept under control if the Italian Authorities had provided a sufficient number of escorts. Possibly the manacling was resorted to as a means of cutting down the escort, although in view of the consistent brutality towards British prisoners of war this would seem to be a charitable explanation.

(c) As to whether the case is complete, it remains to find out who the actual accused persons were. It may well be that none of the prisoners of war who were on this journey knew, or, if they knew, could not now remember the names and rank of the persons in command. A more likely source of information may be the camp records at Camp 5, Sulmona which may show that on a certain day in September 1940, a batch of prisoners of war, survivors from the S.S. "Oswald", arrived under the command of certain officers.

964/UK/21/59

1. Commandant
2. Officer in charge of P.O.W. Camp at Cerignola  
(or Cerinola)
3. Doctor
4. Other ranks

Submitted Decision of Committee I

4. 7. 45

Advised B

964/UK/21/59



(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

964/UK/20/59

8 JUN 1945

# UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK-1/B 79. \*

<p>Name of accused, his rank and unit, or official position.</p> <p>(Not to be translated.)</p>	<p>(1) The Commandant in charge of the District ) Names,  (2) The Officer-in-Charge of the Prisoner of ) ranks  War Camp at Cerignola (or Cerinola) ) and  ) units  (3) The Doctor in charge of the said Camp. ) at  ) present  (4) Other ranks in charge of the two victims ) un-  at Cerignola and on the journey to Hospital ) known.</p>
<p>Date and place of commission of alleged crime.</p>	<p>Date at present unknown.  At or near Cerignola</p>
<p>Number and description of crime in war crimes list.</p> <p>References to relevant provisions of national law.</p>	<p>No.xxix - Ill-treatment of Prisoners of War</p> <p>Breaches of Geneva Convention 1929 (Wounded and Sick), Article I; and of Geneva Convention, 1929, (Prisoners of War), Articles 2, 10, 13, 14 and 25.</p> <p>Under English law :-  Manslaughter</p>

## SHORT STATEMENT OF FACTS.

On a date at present unknown, at or near Cerignola, two South African Prisoners of War, namely, Pte. J. Carmichael and Pte. Maxwell (Numbers and units unknown), whilst suffering from malaria, were neglected and, later, subjected to a journey, the conditions of which were such as to prejudice their chances of recovery and in consequence of which they both died.

TRANSMITTED BY

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



SECRET

Subject: Information from ex-P.Ws. in Italy.

To: A.G.5., G.H.Q., M.E.F.

From: CSDIC (British Sect.) G.H.Q. M.E.F. CSDIC/BRIT/4/7.

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Extract from report of :-

SOURCE:- 109292 Gnr. ALLERTON, 2nd S.A.A.  
Captured.

Two South Africans Pte. J. CARMICHAEL and Pte. MAXWELL took ill in the hospital with malaria and both died. They were kept in a barn at CERINOLA, without any medical attention. After a delay of a few days they were moved in a mule cart to hospital. The journey took five hours in the heat of the day. There were two motor cars on the farm but the Italians would not allow them to be used.

Both these men died after admission.

Refn. SLADE, who is still on his way can give a more detailed account of all this.

PARTICULARS OF ALLEGED CRIME

The said Pte. Carmichael and Pte. Maxwell, both prisoners of war, were kept in a barn at Cerignola, whilst sick, without proper medical attention. There was some days' delay in moving them to a hospital (unnamed). They were then moved to Hospital in a mule cart; five hours' journey being undertaken in the heat of the day. There were two motor cars on the farm; but the Italians would not allow them to be used. Both men died after admission to Hospital.

PARTICULARS OF EVIDENCE IN SUPPORT

Extract from Report - Reference GSDIC/Brit/4/7

Extract from a Report made by No. 109292 Gunner Allerton,  
2nd S.A.A.

Copy attached.

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(Continued from Page 4)

is material to enquire (1) as to their general behaviour towards and treatment of the patients whilst they were under their care (2) as to the steps they took, according to the measure of their medical training (if any), to keep Accused No.3 closely informed of the condition of the patients.

Accused Nos.1 and 2 may raise a defence, first of all, that they did not know; secondly, if they did know, that they relied and were entitled to rely on Accused No.3 to deal with medical matters.

It may also be contended that the two motor cars above referred to were not at the disposal of the Accused and that they had no legal means of enforcing their use for the purpose of taking the patients to Hospital; but, in that event, they would also have to show that alternative motor transport could not be obtained from another source.

(c) Completeness of Case. It is necessary to identify the Accused and desirable to identify the Hospital to which the patients were admitted. The Camp records should establish the identity of the Accused and of the Hospital in question. The Hospital records may give details of the patients' medical history prior to admission. Persons who were at the camp or in the Hospital at the material times may be able to supply further information.

Further, it is necessary to follow up source, Gunner Allerton, to see if he can supply additional information; also to trace Slade (number rank and unit at present unknown), stated by Gunner Allerton to be able to give a more detailed account.

Enquiries should also be made of the Hospital Staff as to whether any communications affecting the liability of the Accused were made to any inmate of the Hospital by either of the deceased prior to their death.



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, they constitute Crime No. xxix (Ill-treatment of Prisoners of War). It is submitted that they would also sustain a charge of manslaughter according to English law.

Article 1 of the Geneva Convention, 1929 (Wounded and Sick) provides (inter alia) that the sick shall be treated with humanity and cared for medically without distinction of nationality, by the belligerent in whose power they may be.

Article 2 of the Geneva Convention, 1929 (Prisoners of War) enacts that prisoners of war shall at all times be humanely treated and protected; Article 10 thereof prescribes certain conditions which buildings or huts in which prisoners of war are lodged shall fulfill; Article 13 thereof requires belligerents to take all necessary hygienic measures to ensure the cleanliness and salubrity of camps and to prevent epidemics; Article 14 thereof enacts (inter alia) that each camp shall possess an infirmary, where prisoners of war shall receive attention of any kind of which they may be in need, and, if necessary, for the reservation of isolation establishments for patients suffering from infectious and contagious diseases; Article 15 thereof provides for periodic medical inspections with a view to the detection of infectious and contagious diseases; Article 25 thereof stipulates that, unless the course of military operations demands it, sick prisoners of war shall not be "transferred" if their recovery might be prejudiced by the journey.

The crime alleged may not constitute a breach of the letter of Article 25; but it clearly contravenes its spirit, and the Convention expressly provides that the conditions above referred to "must, in a general way, be interpreted and applied in as broad a spirit as possible" and, again, that "cases not conforming exactly with the examples quoted shall be determined in the spirit of the guiding principles given".

(a) Responsibility - As regards responsibility, that of Accused No.3, would be primary and direct. As regards Accused Nos.1 and 2, they would be prima facie responsible for the policy and methods adopted throughout the camp. As regards Accused No.4, these other ranks are prima facie responsible as they took part in the system employed.

There would not appear to be evidence of malice aforethought and there is, therefore, no prima facie case of murder (Crime No.1 in the War Crimes List). It is submitted, however, that there is prima facie evidence of neglect indicative of a criminal disregard for human life and sufficient, according to English Law, to sustain a charge of manslaughter.

(b) Defences - Accused No.3 may say that he did the best in the circumstances, but the onus is on him to show that he did all that was humanly possible and exercised such professional skill as he was endowed with. Prima facie, the facts are against him.

Accused No.4 may plead that they acted in good faith to the best of their ability and in strict compliance with the orders of Accused No.3. As to whether they acted bona fide, it

(Continued on Page 3)

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

964/UK/20/29

8 JUN 1945

## UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK-I/B 79. \*

Name of accused, his rank and unit, or official position. <i>(Not to be translated.)</i>	(1) The Commandant in charge of the District (2) The Officer-in-Charge of the Prisoner of War Camp at Cerignola (or Cerinola) (3) The Doctor in charge of the said Camp. (4) Other ranks in charge of the two victims at Cerignola and on the journey to Hospital	) Names, ) ranks ) and ) units ) at ) present ) un- ) known.
Date and place of commission of alleged crime.	Date at present unknown. At or near Cerignola	
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 (Wounded and Sick), Article I; and of Geneva Convention, 1929, (Prisoners of War), Articles 2, 10, 13, 14 and 25.  Under English law :- Manslaughter	

### SHORT STATEMENT OF FACTS.

On a date at present unknown, at or near Cerignola, two South African Prisoners of War, namely, Pte. J. Carmichael and Pte. Maxwell (Numbers and units unknown), whilst suffering from malaria, were neglected and, later, subjected to a journey, the conditions of which were such as to prejudice their chances of recovery and in consequence of which they both died.

TRANSMITTED BY.....

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



SECRET

Subject: Information from ex-P.Ws. in Italy.

To: A.G.5., G.H.Q., M.E.F.

From: CSDIC (British Sect.) G.H.Q. M.E.F. CSDIC/BRIT/4/7.

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Extract from report of :-

SOURCE:- 109292 Gnr. ALLERTON, 2nd S.A.A.  
Captured.

Two South Africans Pte. J. CARMICHAEL and Pte. MAXWELL took ill in the hospital with malaria and both died. They were kept in a barn at CERINOLA, without any medical attention. After a delay of a few days they were moved in a mule cart to hospital. The journey took five hours in the heat of the day. There were two motor cars on the farm but the Italians would not allow them to be used.

Both these men died after admission.

Refn. SLADE, who is still on his way can give a more detailed account of all this.

PARTICULARS OF ALLEGED CRIME

The said Pte. Carmichael and Pte. Maxwell, both prisoners of war, were kept in a barn at Cerignola, whilst sick, without proper medical attention. There was some days' delay in moving them to a hospital (unnamed). They were then moved to Hospital in a mule cart; five hours' journey being undertaken in the heat of the day. There were two motor cars on the farm; but the Italians would not allow them to be used. Both men died after admission to Hospital.

PARTICULARS OF EVIDENCE IN SUPPORT

Extract from Report - Reference CSDIC/Brit/4/7

Extract from a Report made by No. 109292 Gunner Allerton,  
2nd S.A.A.

Copy attached.

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(Continued from Page 4)

is material to enquire (1) as to their general behaviour towards and treatment of the patients whilst they were under their care (2) as to the steps they took, according to the measure of their medical training (if any), to keep Accused No.3 closely informed of the condition of the patients.

Accused Nos.1 and 2 may raise a defence, first of all, that they did not know; secondly, if they did know, that they relied and were entitled to rely on Accused No.3 to deal with medical matters.

It may also be contended that the two motor cars above referred to were not at the disposal of the Accused and that they had no legal means of enforcing their use for the purpose of taking the patients to Hospital; but, in that event, they would also have to show that alternative motor transport could not be obtained from another source.

(c) Completeness of Case. It is necessary to identify the Accused and desirable to identify the Hospital to which the patients were admitted. The Camp records should establish the identity of the Accused and of the Hospital in question. The Hospital records may give details of the patients' medical history prior to admission. Persons who were at the camp or in the Hospital at the material times may be able to supply further information.

Further, it is necessary to follow up source, Gunner Allerton, to see if he can supply additional information; also to trace Slade (number rank and unit at present unknown), stated by Gunner Allerton to be able to give a more detailed account.

Enquiries should also be made of the Hospital Staff as to whether any communications affecting the liability of the Accused were made to any inmate of the Hospital by either of the deceased prior to their death.



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, they constitute Crime No. xxix (Ill-treatment of Prisoners of War). It is submitted that they would also sustain a charge of manslaughter according to English law.

Article 1 of the Geneva Convention, 1929 (Wounded and Sick) provides (inter alia) that the sick shall be treated with humanity and cared for medically without distinction of nationality, by the belligerent in whose power they may be.

Article 2 of the Geneva Convention, 1929 (Prisoners of War) enacts that prisoners of war shall at all times be humanely treated and protected; Article 10 thereof prescribes certain conditions which buildings or huts in which prisoners of war are lodged shall fulfill; Article 13 thereof requires belligerents to take all necessary hygienic measures to ensure the cleanliness and salubrity of camps and to prevent epidemics; Article 14 thereof enacts (inter alia) that each camp shall possess an infirmary, where prisoners of war shall receive attention of any kind of which they may be in need, and, if necessary, for the reservation of isolation establishments for patients suffering from infectious and contagious diseases; Article 15 thereof provides for periodic medical inspections with a view to the detection of infectious and contagious diseases; Article 25 thereof stipulates that, unless the course of military operations demands it, sick prisoners of war shall not be "transferred" if their recovery might be prejudiced by the journey.

The crime alleged may not constitute a breach of the letter of Article 25; but it clearly contravenes its spirit, and the Convention expressly provides that the conditions above referred to "must, in a general way, be interpreted and applied in as broad a spirit as possible" and, again, that "cases not conforming exactly with the examples quoted shall be determined in the spirit of the guiding principles given".

(a) Responsibility - As regards responsibility, that of Accused No.3, would be primary and direct. As regards Accused Nos.1 and 2, they would be prima facie responsible for the policy and methods adopted throughout the camp. As regards Accused No.4, these other ranks are prima facie responsible as they took part in the system employed.

There would not appear to be evidence of malice aforethought and there is, therefore, no prima facie case of murder (Crime No.1 in the War Crimes List). It is submitted, however, that there is prima facie evidence of neglect indicative of a criminal disregard for human life and sufficient, according to English Law, to sustain a charge of manslaughter.

(b) Defences - Accused No.3 may say that he did the best in the circumstances, but the onus is on him to show that he did all that was humanly possible and exercised such professional skill as he was endowed with. Prima facie, the facts are against him.

Accused No.4 may plead that they acted in good faith to the best of their ability and in strict compliance with the orders of Accused No.3. As to whether they acted bona fide, it

(Continued on Page 3)

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.)

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Accused No.4 may plead that they acted in good faith to the best of their ability and in strict compliance with the orders of Accused No.3. As to whether they acted bona fide, it

(Continued on Page 3)



1260/UK/24/60

1. Officer in c of train
2. Guard

Submitted Decision of Committee I

15 AUG 1945

Adjutant

W.

1260/UK/24/60

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

1260/UK/2660

7 AUG 1943

# UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CHARGE No. UK-1/B.66 \*

<p>Name of accused, his rank and unit, or official position.</p> <p>(Not to be translated.)</p>	<p>(1) Officer in Charge of train )  (2) Guard who fired the shot )</p> <p>Names, ranks and units at present unknown, but probably Germans.</p>
<p>Date and place of commission of alleged crime.</p>	<p>30th September 1943  At Sulmona Railway Station</p>
<p>Number and description of crime in war crimes list.</p> <p>References to relevant provisions of national law.</p>	<p>No.1 - Murder  No.xxix - Ill-treatment of prisoners of war.</p> <p>Breaches of Articles 2, 46 and 54 of the Geneva Convention (Treatment of Prisoners of War) 1929.</p> <p>Murder, subject to the possibility of reduction to manslaughter.</p>

## SHORT STATEMENT OF FACTS.

Accused No.2 was a guard on a train about to proceed from Sulmona station, presumably for Germany, and on 30th September 1943 killed by shooting Captain Short (number 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.

COPY.

SECRET

Subject: CASUALTIES - ESCAPERS.

Ref: 1515/87

"N" Section  
Adv. H.Q. (West) "A" Force,  
C/o 2 District C.M.F.

To: M.I.9  
War Office,  
London

20 July '44.

1. The following extracts are from an Interrogation Report on a recently arrived American escaper :-

(a) Capt. Jock SHORT.

"After seven days at CHIETI, officer personnel was transported by rail to SULMONA. Party officers were crowded in each cattle car. Captain Jock SHORT, a British Officer, was killed while attempting to escape at SULMONA Station .. "

\*

\*

\*

(Sgd) 7

Major G.S.

OH/RG.

Distribution by M.I.9 (26.7.44)  
M.I.9/CAS/5137

P.W.2.  
Cas (P.W.)

IN THE MATTER OF :-

The murder of Captain Short at the  
Railway Station at Sulmona on or  
about 30th 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. After about a fortnight in North Africa I was flown to Italy and arrived at Camp No. 75 at Bari. I was taken to Camp No. 21 at Chieti arriving there on about 5th August 1942. I remained at this camp until after the armistice in September 1943 when I was sent by the Germans, who had taken over, to Camp No. 78 at Sulmona, arriving there on 23rd September 1943. The Germans used this as a transit camp on the way to Germany.
2. On 30th September 1943 I left Sulmona by train presumably for Germany with other prisoners and was in a closed cattle truck waiting for the train to leave when we heard a shot. I did not myself see anything. Later I was told (although I cannot remember the name of my informant), that a Captain Short had been shot whilst trying to escape. It was not clear whether any warning or challenge was given before the shot, but it was suggested that Short could have been seized by the guards - his companion, a Canadian pilot whose name I do not know, who was attempting to escape with Short was, I was told, in fact seized by the guards without shooting.
3. Together with other prisoners I escaped from the train at Pescara at 3 a.m. on 1st October 1943 and many of us got through to the Allied lines. I myself with four others crossed on 9th June having lived with Italians in the interval.

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 S. GARR.  
A Commissioner for Oaths.



IN THE MATTER OF :-

The murder of Captain Short  
at the Railway Station at  
Sulmona on or about 30th  
September 1943

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A F F I D A V I T

- of -

Lieutenant JOHN CHRISTOPHER TREVOR

---

THE TREASURY SOLICITOR.



IN THE MATTER OF :-

The murder of Captain Short at the  
Railway Station at Sulmona

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. While I was in the Civil Hospital at Sulmona, I  
heard of the death of Captain Short and that he had been shot  
at the Railway Station at Sulmona on 30th September 1943.
3. I also heard that he was buried together with  
Lieutenant H.D. Mordle on 1st October by an American Roman  
Catholic padre who had been at Camp No. 21 at Chieti and that  
the numbers of the graves were 12 and 13 or 13 and 14.

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 murder of Captain Short  
at the Railway Station at  
Sulmona

---

A F F I D A V I T

- of -

Lieutenant R.C.W. HILL, R.A.

---

THE TREASURY SOLICITOR.

PARTICULARS OF ALLEGED CRIME

- (1) On 30th September 1943, Captain Short, with other British Officers, was entrained at Sulmona station, presumably for Germany.
- (2) Captain Short attempted to escape, apparently in company with a Canadian Flying Officer, when he was shot by Accused No.2 and died as a result.
- (3) No eye-witnesses of the occurrence have come forward, but the shot was heard and the number of the grave at Sulmona is known.
- (4) It is not clear if any challenge were given, but it is suggested that the victim could have been captured without shooting and that his companion was so captured.

PARTICULARS OF EVIDENCE IN SUPPORT

1. EXTRACT from Interrogation Report - Reference 1515/67 - dated 20th June 1944.

This merely gives the bare fact of the victim's death.

2. AFFIDAVIT of Lt. John Christopher Trevor R.E. sworn 23rd May 1945.

Lt. Trevor was on the train and heard the shot, but was not an eye witness. He heard that Short's companion had been seized by the guards without shooting and it was suggested that Short could also have been seized.

3. AFFIDAVIT of Lt. Rodney Charles Wheeler Hill R.A. sworn at 23rd April 1945.

Lt. Hill was in the Civil Hospital at Sulmona when he heard that Captain Short had been killed and he also heard that he was buried on 1st October and gives the number of his grave.

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 Short 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 indicates 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 and the enforcement thereof.

It appears that Short and his companion were trying to escape; and, from the suggestion that the companion was re-captured without shooting, it would seem that the guard or guards were close enough to prevent the escape without resorting to the use of firearms; and in any case without the necessity of shooting to kill. Further details of the occurrence are naturally necessary, but there seems a strong prima facie case with a heavy onus on the accused.

DEFENCES. As regards Accused No.2 he will doubtless plead that he was conforming to orders, which however would only make Accused No.1 equally liable. Subject to further evidence, it is not thought that self-defence could be pleaded, nor, it is thought, could it be pleaded that the victim was so near to complete escape that Accused No.2 had to fire. Even if he had, he would not be able to justify shooting to kill.

COMPLETENESS OF CASE. No eye-witness has yet been found. Enquiries are proceeding-particularly as to the finding of any actual eye-witness among British prisoners of war or local inhabitants; and efforts will also be made to trace the accused, and whether in fact they were both members of the German army or whether possibly the guard was an Italian.



1297/UK/24/67

- GONELLA (Name uncertain)

Submitted Decision of Council

22.8.45

H. Jones B

1297/UK/24/67

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

1297/UK/31/67

13

## UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM

CHARGES AGAINST ITALIAN

WAR CRIMINALS

CASE No. UK - I/B.113 \*

Name of accused, his rank and unit, or official position.

(Not to be translated.)

- . Gonella, local Fascist leader at Porto Guarro near Venice.  
(Name uncertain)

Date and place of commission of alleged crime.

January or February 1944  
At Porto Guarro near Venice

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 relative to Prisoners of War, Articles 2, 46 and 54  
Under English law :-  
Murder

### SHORT STATEMENT OF FACTS.

At some date at present not defined, but in January or February 1944, the accused killed by shooting an Indian soldier, name, rank and unit at present unknown, then a British prisoner of war, at Porto Guarro near Venice.

TRANSMITTED BY

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

IN THE MATTER OF :

The murder of an Indian soldier, name unknown,  
at Porto Guarro near Venice in January or  
February, 1944

A F F I D A V I T

I, No. 153900, Lieutenant RICHARD CRAWSHAY PARTRIDGE, The Welch Regiment, of Pencreig, Llanhennock, Caerleon, Monmouthshire, make Oath and say as follows :-

1. I was captured at Benghazi in January 1943 with other British prisoners of war. I was taken to Italy and after being at Italian Camps at Capua, Padula and Bologna I escaped from a German train conveying British prisoners of war to Germany in September 1943, in the neighbourhood of Treviso.
2. I joined the Italian Partisans and saw a considerable amount of fighting before returning to the Allied lines from Yugoslavia in August, 1944.
3. While in North Italy I was told of an incident which occurred at Porto Guarro which is fairly near Venice. My informants were Jean Maria Cedolin, of San Vito, Al Tagliamento (or Taliamento), Provincia di Udine; and a Solicitor named Marin also of San Vito. These were well known to me in the Partisans Army. I lived with Cedolin for sometime, who was very good to British prisoners of war and to my knowledge maintained at least fifteen of them for many weeks entirely out of his own pocket.
4. These two informants told me that in January or February 1944 an Indian soldier, an escaped prisoner of war whose name they did not know but who was reputed to be an Indian Prince, was killed at Porto Guarro. They told me that the Indian was working on Italian farms and went daily from one farm to another for milk. The local Fascist boss, whose name I was informed was Gonella, got to know of this and lay in wait for the Indian. He killed him as he went on his usual route, firing six shots.
5. I was also informed that the whole village, about 4,000 strong, turned out to the funeral. Gonella arrived with a party of fascists, and they took away the coffin, to what destination no one knew, and arrested a number of the villagers.
6. Both my informants are well known in San Vito and should be able to corroborate and the villagers themselves at Porto Guarro would be eye witnesses at least of the funeral.

SWORN by the said Richard Crawshay  
Partridge 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 murder of an Indian  
soldier, name unknown, at  
Porto Guarro near Venice in  
January or February 1942

---

A F F I D A V I T

- of -

Lieut. RICHARD CRAWSHAY PARTRIDGE  
No. 153980, The Welch Regiment

---

THE TREASURY SOLICITOR.



PARTICULARS OF ALLEGED CRIME

1. In January or February 1944 an Indian soldier an escaped prisoner of war, whose name, rank and unit are at present unknown, was working on Italian farms and was ambushed by a local Fascist Leader whose name is given as "Gonella", who fired six shots at him as he passed by and killed him.
2. Later at the funeral, to which the whole village turned out, Gonella and a party of Fascists removed the coffin and arrested a number of villagers.



PARTICULARS OF EVIDENCE IN SUPPORT

1. AFFIDAVIT of Lt. R.C. Partridge, sworn 24th May 1945.

This witness gives the facts as stated in the Particulars of Alleged Crime above as hearsay evidence and gives the names of his informants, Cedolin and Marin.

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 the Indian soldier, 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 the accused is direct. According to the facts given the victim was ambushed. There can be no justification for shooting to kill, as undoubtedly was the case, in view of the number of shots fired. The victim was working on Italian farms and could have been arrested without difficulty.

DEFENCES. In view of the circumstances, i.e. the ambush, it does not appear that any defence to a charge of murder can be raised if the facts are established. An order from a superior to shoot escaped prisoners without warning would merely inculcate the senior officer giving such order.

COMPLETENESS OF CASE. It is submitted that the case is sufficiently complete on the hearsay evidence of Lt. Partridge to show a good prima facie case of murder. Enquiries are on foot to establish the identity of the victim to confirm the name of the Fascist leader Gonella, the accused, to interview the two witnesses given by Partridge and hold an investigation in the village which is said to have turned out in full strength to attend the funeral.

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 the Indian soldier, constitutes War Crime No. i, Murder, or alternatively No. xxix, Ill-treatment of a prisoner of war.

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1492/UK/25/74

1. OROFOLO, Stefano
2. ARMELLINI
3. COLLEONI, Antonio
4. MONTANELLI
5. OLIVIERI, Francesco
6. SOMMAVILLA
7. Guard

Submitted Decision of Committee I

28 SEP 1974

~~6~~ }  
~~5~~ }  
7 }  
C }

Adjourn indefinitely B

1492/UK/25/74



15 OCT 1945

77.

IN THE MATTER OF :

The ill-treatment of British prisoners of war and breaches of the Geneva Convention 1929 at a prisoner of war camp No.41 at Montalbo between August 1941 and March 1943.

A F F I D A V I T

I, No.137751 Captain JOHN JAMES DRIFFILL R.A. now on release leave and residing at No. 9 Cranleigh Road, Feltham, Middlesex, make Oath and say as follows :-

1. I was captured at Halfaya Pass on 27th May 1941 by the Germans and handed over to the Italians. After passing through camps in North Italy I was taken from Tripoli to Naples by sea and was taken at once via Rome and Piacenza to Camp No.41 at Montalbo arriving there on the 8th August 1941.
2. There were more than one Camp Commandants while I was at Montalbo and I can remember distinctly Montanelli and I think an earlier Commandant named Orofolo who, to the best of my recollection, was an elderly man. There was also a Guard Commander who was very unpopular, but I cannot remember his name.
3. The buildings in which we were housed were falling down and in a terrible state of disrepair. They were infested. Engineers were continuously visiting the camp and trying to put it in some order, mending windows and so forth, but it was never in decent repair. I believe that the Italians would have shut the camp if they could have done so, but there were too many prisoners for this to be done. The camp was very overcrowded and there was no proper drainage system. There were proper lavatories provided, but they broke down from lack of water or other causes. The sewage passed into septic tanks underground which overflowed and raised the ground up and then had to be emptied. I think the largest number in the camp was 187 and perhaps 75 could have been accommodated in reasonable comfort. I was one of the first there, there being six British officers, followed 14 days later by six batmen. There were for a short time some 30 Greek Officers but they were moved quite soon.
4. The food supply under the first Commandant was fairly good though there was not a great deal of it. In December 1941 I understand that Mussolini made some cuts in food rations which affected civilians and prisoners and food became very scarce. Red Cross parcels began to arrive about March 1942 and had it not been for these we should have suffered even more than we did from mal-nutrition. We had arrived in reasonably good health.
5. There was very little facility for exercise. We were only allowed out onto two terraces running round approximately half the building.
6. Montanelli was very difficult. He would turn up at odd moments and would order officers who had not saluted him or had no caps on or who were committing, in his view, some such offence, into jail. I knew several prisoners who had several periods in jail for such offences; during such times these prisoners got normal prison food but it had to be carried to them by way of his office where he delayed it so that it was cold and spoilt on arrival. I heard a rumour from some of the Guards that Montanelli, after he left the camp, had been sent to jail himself. The Major who replaced him; whose name I do not remember, established much better relations between the British Officers and the Italians. This Major was still at the camp when I left on 30th March 1943 and to the best of my belief he had been there four or five months, from which it would appear that Montanelli left in October or November 1942.

*was asked  
his*

SWORN at Hounslow in the County of )  
Middlesex this 12th day of )  
September 1945 )

J.J. DRIFFILL. Capt. R.A.

Before me,

W.H. CATLIN.

A Commissioner for Oaths.



IN THE MATTER OF :

THE SHOOTING OF A BRITISH PRISONER OF WAR AT  
CAMP No.41 at MONTALBO ON 27th AUGUST 1941.

A F F I D A V I T

I, No. 137751 Captain JOHN JAMES DRIFFIELD, R.A. now on release leave and residing at No. 9 Cranleigh Road, Feltham, Middlesex, make Oath and say as follows :-

1. I was captured at Halfaya Pass on 27th May 1941 by the Germans and handed over to the Italians. After passing through camps in North Italy I was taken from Tripoli to Naples by sea and was taken at once via Rome and Piacenza to Camp No.41 at Montalbo arriving there on the 8th August 1941.
2. The first arrivals at this camp were six British Officers of whom I was one and 14 days later six batmen arrived. There were for a short time some 30 Greek Officers but they were moved quite soon. One of the batmen was a Private or Driver Kahn, R.A.S.C. I do not know his christian name or number. He came from the camp at Sulmona and was batman to a British Officer named Lt. Robert Parrott R.A. whose home is in Harrow.
3. On the evening of 27th August 1941 we were playing bridge and had just finished our game about 11.25 p.m. and were sitting smoking and talking. Just after 11.30 Lt. Parrott said "Well, Kahn will have gone by now". Parrott knew that Kahn was going to try and escape and wisely had not said anything to anyone about it. Some 20 seconds later we heard a shot and two more at intervals of a few seconds each.
4. We naturally ran round inside the building looking out of the windows to see what had happened. It was pitch dark and trees were blowing in the wind. No doubt Kahn had planned his escape for this night owing to the rough weather.
5. I produce a sketch plan of the camp marked "J.J.D.1", which is not drawn to scale, to show the positions. We looked out of a window on the upper floor, which is marked on the plan, and looking along the line of the building we could see Italian Guards with torches just outside the wire at the place marked "X" on the plan. We could only guess that Kahn had been stopped at that spot and it appeared from the torches that someone had been hit and had not got away.
6. The Greek medical officer whose name I do not remember was sent for and when he returned he told us that a private soldier had been shot and was dead. When he examined the body it was lying near the wire and just outside it, but he could not say whether when shot he was in the wire or on the other side of it.
7. I refer again to the sketch plan showing at "X" the place where the body was found and also to the section at the bottom of the plan. This shows that the terrace extended from the side of the actual building and was in a slight curve from the entrance archway round to the rear of the building. There was no wall or barbed wire to the terrace but there was a drop of some 7 feet and on the edge of this terrace at this point there were some bushes; these were removed after the shooting. I estimate the height of the drop as 7 feet as when I was at the bottom I could not see the surface of the terrace; from this edge of the terrace there was a place in which there was barbed wire. The wire was run in strands in the manner of guy ropes beyond the wire. Beyond the wire again there was a wall rising about 3 feet from the level of the bottom of the wire and this wall dropped 8 feet on the other side into a vineyard. It appears that

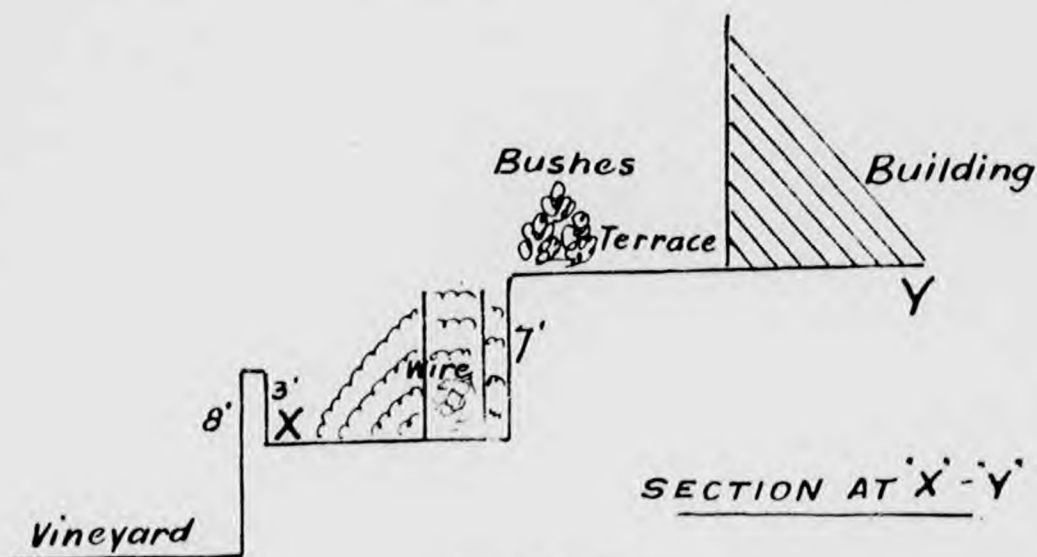
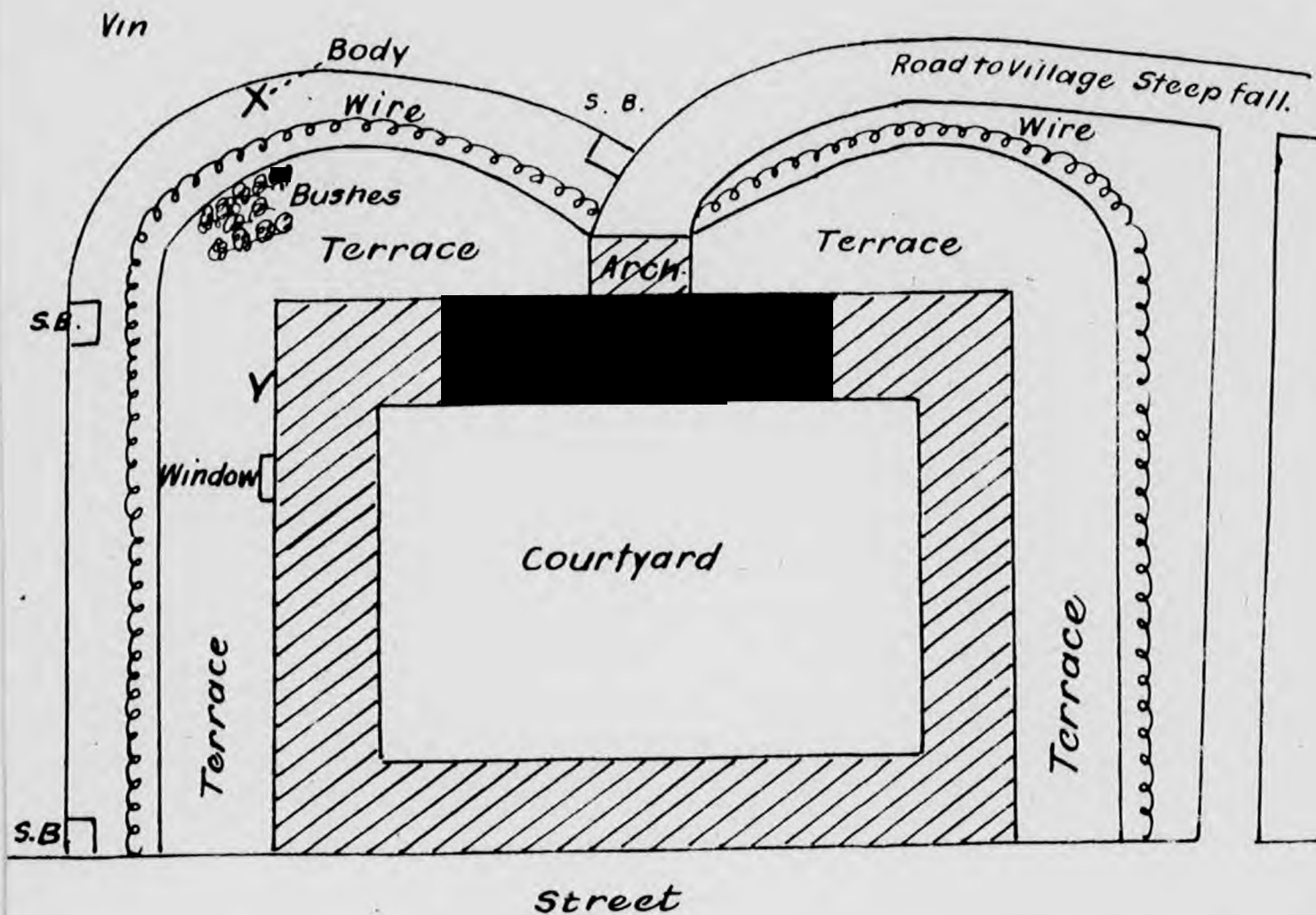
Kahn had intended to jump from the edge of the terrace over the wire vault the 3 foot wall and drop into the vineyard and so escape. He had concealed himself in the bushes during the previous evening. It certainly appeared that it would be possible to make such a jump. After the accident the wire was reconstructed and such an escape would not have been possible.

5. Next morning at 9 a.m. the Commandant asked me and another Captain if we wished to see the body and we were going to ask that all six of us should see it when he extended his request to us all. We went in, two at a time, Captain Fraser and myself going first. We had intended to ask that we should see the body stripped, but when we got there it was already stripped and we only had to remove a sheet. Kahn had been shot twice and we noticed particularly that the holes of the entry of the two bullets were almost touching and they had both gone through the heart. One of the three shots, therefore, must have missed. On the stomach and forearms of the body were a large number of scratches and we examined these carefully in case they should prove to be bayonet wounds. This was not so and we were quite clear that they were deep scratches caused by barbed wire. Whether they were caused by Kahn falling into the wire or if his body had been dragged out of the wire we could not of course tell.
9. Lt. Parrott told us that he knew Kahn was going to jump the wire into the gap between the wire and the three foot wall which was about a five foot space. We felt that Kahn had made the jump, though this can only be a matter of opinion, and we also knew that he had with him a number of tins of food. He had recently come from Sulmona where Red Cross parcels were in issue and had tins with him. We had not at that time had any issue of parcels at Montalbo. It may well have been that he was carrying too much to make the jump and had fallen in the guy wires of the wire fence.
10. At this time roll-call was taken at 8.30 p.m. and at 10 o'clock anyone outside on the terrace was ordered into the buildings. There was, however, no further check and it would have been easy for Kahn to hide in the bushes.
11. We had been told that anyone found outside the building after 10 o'clock would be fired on and we had the definite impression that the guards would fire to kill. At this time the Italians had no flood-lighting round the wire and the sentries had only their rifle and torch. In the view of the British Officers at the camp it would not have been possible for a single sentry to shine his torch on Kahn (remembering that the night was very dark indeed) and fire on him with his rifle so accurately that the two bullet holes almost touched. It seemed clear that one sentry must have shone his torch on Kahn who may or may not have been on the ground or in the wire, while the other sentry shot. If they were close enough to do this were close enough to apprehend Kahn by seizing him or advancing with bayonet without any need to shoot and no need to shoot to kill. Captain Fraser and I both put this to the Commandant saying also that if they had time to shine a torch and then fire accurately they had plenty of time to catch him. It looked to us very much as though he had jumped short and been caught in the wire and was deliberately shot. The Commandant remained very tightlipped and only said that Kahn was trying to escape.
12. It was rumoured in the camp that the Guard who shot, whose name I do not know, got 28 days' leave. We did not see him again. It was the invariable practice at a Prisoners' camp that a guard who had fired and wounded or killed a prisoner was at once transferred to another camp to avoid any possibility of trouble from the Prisoners who would know what he had done.
13. On the sketch plan already referred to there are indicated the three relevant sentry boxes marked "S.B.". I estimate that from the point where the body was found to the sentry box opposite the main entrance archway was about 15 yards and a similar distance to the other sentry box at the side of the terrace. The sentries patrolled from these boxes meeting in the middle, which would be about where Kahn was found. The said plan is not drawn to scale, but merely to indicate the various positions.

SWORN at Hounslow in the county of Middlesex this 12th day of September 1945 } J.J. DRIFFIELD. Capt. R.A.  
Before me, W.H. CATLIN. A Commissioner for Oaths.



"J.J.D.1"



— J.J.D.1 —

This is the sketch plan marked J.J.D.1 referred to in the Affidavit of Captain John James Driffill sworn before me this 12<sup>th</sup> day of September 1945

W. H. Catlin  
A Commissioner for oaths.

Registered Number.

Date of receipt in Secretariat.

1499/UK/30/74

18 SEP 1945

UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS

CASE No. UK - I/B 77 \*

<p>Name of accused, his rank and unit, or official position.  (Not to be translated.)</p>	<p>(1) Tenente Colonello Stefano OROFOLO )  (2) Majore ARMELLINI (20th June 1942) ) Successive  (3) Majore Antonio COLLEONI (Infantry) ) Commandants  (from July 1942) ) at the  (4) Majore MONTANELLI ) Camp  (5) Tenente Francesco OLIVIERI, (Infantry) Adjutant  of the Camp.  (6) Capitano SOMMAVILLA, Unit Guard Commander  (7) Guard who shot an escaping Prisoner of War -  Name rank and unit at present unknown.</p>
<p>Date and place of commission of alleged crime.</p>	<p>Over a period at present undefined - at least from  December 1941 to March 1943.  At Camp P.G.41 at Montalbo.</p>
<p>Number and description of crime in war crimes list.  References to relevant provisions of national law.</p>	<p>No.1 - Murder.  No.xxix - Ill-treatment of prisoners of war.  Breaches of the Geneva Convention 1929 (Prisoners of War) Articles 2, 10, 13, 17, 46, 65, 56 and 61.  Under English Law:-  Murder, subject to possibility of reduction to Manslaughter.</p>

SHORT STATEMENT OF FACTS.

Over a period at present undefined, but at least between December 1941 and March 1943, the Prisoners of War Camp P.G.41 at Montalbo was conducted 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.

## IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions, 1929, at Camp No.41 at Montalbo during the period of 35 days in December 1941 and January 1942.

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. I reached Camp No.41 at Montalbo on about the 15th December 1941 and was there kept in prison for 35 days in Breach of the Geneva Conventions 1929. I was subjected to solitary confinement in a cell with no exercise at all for 14 days and then on strong protest allowed out for one hour a day only. There was no heating in the cell although it was the middle of winter and the walls were running with water. I was provided with only one blanket. No sanitary arrangements except a leaky old tin which had been used for tinned tomatoes. I was only allowed to wear boots for exercise, so when in the cell I was in bare feet and the floor was covered in the leakage from the said tin and the place was never cleaned out at all during the time I was there.

I was given no writing or reading facilities. I protested that it was against the Convention not to provide me with them but my application was refused.

On release from the said prison at Montalbo I was sent back to Camp No.78 at Sulmona where I stayed about a month and was then sent to Camp No.27 near Pisa where I stayed until May 1942. I was then in hospital at Florence and later escaped and got to Switzerland about June 1942.

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.



IN THE MATTER OF :

The ill-treatment of British  
prisoners of war and breaches of  
the Geneva Conventions 1929 at  
Camp No. 41 at Montalbo during the  
period of 35 days in December  
1941 and January 1942

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A F F I D A V I T

- of -

Major A.J. DEANE-DRUMMOND

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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.41 Montalbo, during the period from 8th May 1942 to March 1943

A F F I D A V I T

I, MAJOR FRANCIS SAVILE HOOLE-LOWSLEY-WILLIAMS of 16/5 Lancers, at present at R.A.C. Depot, Catterick, Yorkshire, with permanent address at Chavenage Lodge, Tetbury, Gloucestershire make Oath and say as follows :-

1. With others, I was taken prisoner of war at Machile, North Africa, on 8th April 1941. Stopping overnight at various places en route, we arrived at a transit camp at Sabratha on or about 15th April 1941. I remained at Sabratha for about three weeks and was thence removed to Sulmona in Italy, where I arrived on 8th May 1941. After leaving Sulmona on 8th May 1942, I was transferred to Montalbo and thence (in March 1943) to Fontanellato, where I remained until the collapse of Italy on 8th September 1943.
2. Whilst I was at Montalbo, I was the senior officer in the camp. The buildings comprised an old stone castle which was in an appalling state of disrepair. The water supply ceased in hot weather and the sanitary and washing facilities broke down in consequence.
3. Colonel Montanelli, the camp commandant, left shortly after I arrived, and it was rumoured among the Italian guards that he had been sent to jail.  
  
Whilst I was at this camp the food was above normal prison standards and Red Cross parcels and mail arrived regularly. The general standard of health among the prisoners was good.
4. No acts of violence or ill-treatment occurred to my knowledge while I was at Montalbo but I was informed (I cannot recall by whom) that before my arrival an escaping batman had been shot dead by Italian sentries whilst he was entangled in the wire surrounding the enclosure. His grave is in Montalbo Churchyard.
5. The meagre facilities for exercise, both at Montalbo and Sulmona, were a source of considerable hardship and annoyance to most of us.

SWORN at Darlington in the )  
County of Durham this 15th ) F.S. HOOLE-LOWSLEY-WILLIAMS.  
day of May 1945 )

Before me,  
J.G. MARSHAM.  
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.41, Montalbo, during  
the period from 8th May 1942 to  
March 1943

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A F F I D A V I T

- of -

MAJOR FRANCIS SAVILE HOOLE-LOWSLEY-  
WILLIAMS.

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THE TREASURY SOLICITOR.

PARTICULARS OF ALLEGED CRIME

Between December 1941 and March 1943 and possibly longer, the Prisoner of War Camp P.G.41 at Montalbo was conducted in an improper manner and in particular in that :-

The accommodation provided was inadequate.

The water supply was inadequate with consequent breakdown of sanitary and washing facilities.

Insufficient facilities for exercise were provided and also insufficient facilities for writing or reading.

Detention exceeding 30 days was given and insufficient provision was made for exercise, heating, sanitary arrangements and clothing during confinement.

PARTICULARS OF EVIDENCE IN SUPPORT

1. AFFIDAVIT of Major A.J. Deane-Drummond, sworn 23rd June, 1945.
2. AFFIDAVIT of Major F.S. Hoole-Lowsley-Williams, sworn 15th May 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 shooting incident referred to by Major Hoole-Lowsley-Williams may support a charge of War Crime No.1 - Murder.

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 etc.
- No.13 - requiring facilities for exercise.
- No.17 - requiring the encouragement of intellectual and sporting pursuits.
- No.46 - regulating the conditions of confinement and forbidding cruelty.
- No.54 - regulating the duration of confinement.
- No.56 - regulating the conditions of disciplinary sentences.
- No.61 - providing for proper trial before any sentence.

RESPONSIBILITY: The primary responsibility for the conditions prevailing in the Camp would be that of Accused Nos.1 to 4 successively and No.5. If the act of violence referred to in para.4 of the Affidavit No.2 in Particulars of Evidence can be established, Accused No.6 is guilty of Murder, War Crime No.1. This incident, however, is not established by direct evidence, and should such evidence become available, it may be thought desirable to carry in a separate Charge.

DEFENCES: Accused Nos. 1 to 5 may plead that the conditions at the Camp were due to the lack of material and supplies but it is submitted that they are responsible for the conditions and there should be no excuse for the unhealthy and insanitary conditions of the confinement of Major Deane-Drummond; nor for the length of his confinement exceeding the 30 days provided for by the Convention. Insufficient evidence is so far available to make it possible to forecast defences for the case of shooting.

COMPLETENESS OF CASE: It is submitted there is sufficient evidence to establish a strong case for the Accused Nos. 1 to 5 to answer. Enquiry is being made to establish the case of shooting referred to when, it is suggested, it may be thought desirable to prefer a separate Charge of murder. Examination of the Camp Records and of Accused No.6 may provide evidence for such a charge.

1493/UK/2/75

Submitted Decision of Committee I

25 SEP 1945

1-7 }  
8 } c}

Adjourn indefinitely B

1493/UK/2/75

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

1493/UK/2/75

18 SEP 1945

## UNITED NATIONS WAR CRIMES COMMISSION

UNITED KINGDOM

CHARGES AGAINST

ITALIAN

WAR CRIMINALS

CASE No. UK - I/B 94\*

Name of accused, his rank and unit, or official position. (Not to be translated.)	<ol style="list-style-type: none"><li>1. Colonel Enrico PAPA (Infantry) Camp Commandant.</li><li>2. Lt.Col. Donato CAPOBIANCO (Infantry) Second in Command.</li><li>3. Captain Antonio GIANNEMEA (Infantry) and/or Captain Antonio SOMMAVILLA (Infantry) Adjutants.</li><li>4. Captain Alessandro POLVERINI, Senior Medical Officer</li><li>5. Captain Alfredo SCARANO, Chief Administrative Officer</li><li>6. Captain Nunzio PALTIRINIERI (Infantry) Quartermaster</li><li>7. 2/Lieut.Lixvio TOSONI (Infantry) Paymaster</li><li>8. Guards (names ranks and units unknown) concerned in assaults cited in evidence.</li></ol>
Date and place of commission of alleged crime.	<p>Over a period at present undefined - at least between November 1941 and Autumn 1943.</p> <p>At Camp P.G. 70 at Fermo (also described as Monturano, Macerata and Porto San Giorgio)</p>
Number and description of crime in war crimes list.  References to relevant provisions of national law.	<p>No. xiv - Confiscation of property</p> <p>No. xvii - Imposition of collective penalties</p> <p>No. xxix - Ill-treatment of Prisoners of War</p> <p>Breaches of the Geneva Convention 1929 (Prisoners of War) Articles 2, 10, 11, 12, 13, 14, 15, 23, 37, 46 and 54</p> <p>Under English Law: Manslaughter, Unlawful wounding, assault and Larceny.</p>

### SHORT STATEMENT OF FACTS.

Over a period at present undefined, but at least between November 1942 and the Autumn of 1943 the Camp No. 70 at Fermo (also variously described as Monturano, Macerata and Porto San Giorgio) was conducted 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.



IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions 1929 at Camp No. 70 at Fermo between November 1942 and March 1943

A F F I D A V I T

I, HENRY CHARLES WOOLLEY, Leading Telegraphist, O.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 8, 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, and there I remained until the third week in November 1942. From there I was sent to Camp No.70 at Fermo.
2. I was prisoner of war at Camp No.70 at Fermo from the end of November 1942 to March 1943. The conditions at this camp were very bad. We were housed in a converted factory. There were approximately 600 of us in one room, the size of which I should say was about 90 feet square. We had some two and three tier bunks, and it was in a very verminous condition. No means were provided by the Italians to keep down the vermin, and the skin of many of the prisoners got into a septic condition.

As regards food, the supply was very bad. The daily ration was as follows :-

Half a pint of ersatz coffee at 7.30 a.m.

One pint of thin vegetable skilly, with a little rice, or maraconi, or spaghetti, at 12.0 a.m.

One roll of bread (approximately 150 to 200 grammes) and a piece of cheese weighing approximately 1 oz. 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 ration - a case of slow starvation - but the Red Cross parcels enabled us to survive. Such parcels were not always available; they were regular up to the end of the year 1942 and the beginning of 1943, but after that time we were without them for about seven or eight weeks. There was a great deal of disease in the camp, mainly dysentery, as a result of malnutrition. 38 prisoners of war died of the latter in January 1943. There was a sick bay, but only desperate cases ever had proper treatment. They were sent to a convent nearby. There was great medical neglect which caused many unnecessary deaths.

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 ) H. C. WOOLLEY.  
30th day of July 1945 )  
Before me,  
E. E. B. WAY.  
A Commissioner for Oaths.

THE HONORABLE SOLICITOR.

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Leading Telegraphist H.C. WOOLLEY

- of -

A R R I D A V I L

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The Attainment of British  
Prisoners of War and Orphans of  
the Geneva Conventions 1928 at  
Camp No. 70 at Gernon between  
November 1942 and March 1943

IN THE MATTER OF :



## IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions, 1929, at Camp No.70 at Fermo in the autumn of 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 22nd June, 1942 and landed at Italy in early August of that year. I spent two days at a transit camp at Brindisi, six to eight weeks at Camp No.66 at Capua, five weeks at Camp No.87 at Benevento, six months at Camp No.65 at Gravina and from May, 1943 to the Italian surrender in September 1943 I was at Camp No.53 at Macerata (Sforza Costa).
2. Shortly after the armistice I escaped but was retaken and after interrogation at Ascoli I was taken to Camp No.70 at Fermo which was then run by Italians. I had been in touch with British parachute troops and was under suspicion of working with them. The Camp itself had been emptied when I arrived with other prisoners and there were some 30 of us there. For our rations we had to go to the Colonel Commandant every day and we had rice skilly and bread. We got no cheese or meat or anything else.
3. When we went to the Commandant we noticed that the place was full of Red Cross parcels which had not been issued - mostly cigarettes and personal parcels. Another store was stacked out with Red Cross boots and clothing. The Commandant whose name I do not know but who was a very short stubby man with a short name which I cannot recall was selling the contents of the Red Cross parcels to the Italians.
4. I was at this Camp for some 28 days. There was a very strong guard and twice on trying to escape I was recaptured and brought back. On another occasion, I do not remember the date, I was trying to escape and had got partly out of a window which would have got me clear of the Camp and a guard shot at me without challenge but missed. As I would have been out of the Camp if I had got through the window I do not think this was unreasonable. The guards told us that if any of us escaped they and their families would be sent to Germany and put to forced labour.
5. I finally escaped when Allied planes were strafing the Camp and after attaching myself to parachute troops and working with them I finally got through to the allied lines on 22nd March, 1944.

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,  
 L.C. CROCKFORD  
 A Commissioner for Oaths.

UNITED KINGDOM CHARGES AGAINST ITALIAN WAR CRIMINALS.Camps No.75 Bari and No.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 Tuteurano 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.

(Sgd) A. FRANKS.

15th May 1945.



IN THE MATTER OF :-

The ill-treatment of British prisoners of war and breaches of the Geneva Conventions, 1929, at Camp No.70 at Macerata (Porto San Giorgio) during the period mid-September 1942 to May 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, Sunnyside, 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.70 at Macerata, the conditions were as follows :-

As regards accommodation, we were housed in buildings designed for a factory, but not yet completed. The building itself had no walls inside and about 2,000 men were housed there, on straw only, which was very verminous.

As regards sanitary accommodation; at first we had holes in the ground and no flushing and prisoners of war, each morning, had to clear up the mess. Later during my last two months there were latrines but insufficient for the numbers.

As regards food, we had the following daily ration :-  
1 roll of bread of about 150 grammes, about a pint of thin vegetable skilly and we were supposed to have a little meat twice a week; often no meat was provided and we had a little piece of cheese instead. We got some parcels from the Red Cross but very irregularly. Sometimes we had to wait 4 weeks. Everyone in the Camp was steadily starving and rapidly deteriorating physically. The Italians opened all the tins of the Red Cross supply so as to make us eat all in a day or so of receiving it. They said that they adopted this course so as to prevent any hoarding amongst the prisoners of war which might facilitate their escape.

As regards disease, everyone suffered severely from mal-nutrition and there was a great deal of dysentery, malaria and desert sores. I should say that on an average one man a week died.

As regards medical arrangements, there was one Italian medical officer. He allowed one British medical officer to help - a Major - but I cannot remember his name, nor that of two other South African medical officers who were allowed to assist. I went sick myself once with malaria and I know that our Major was constantly complaining to the Italian Command of the lack of equipment, medicine and supplies for the sick. The Italians would not supply them; our men had to do their best with the Red Cross supplies.

The Commandant of the Camp during the time that I was there was Colonel Papa. I believe he did what he could for the British prisoners of war. He did not appear vindictive, so far as my knowledge goes. I know of no atrocity or ill-treatment in the Camp during the time that I was there.

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 Prisoner of War Camp No .70 at Monturano during the period from about February to September 1943.

A F F I D A V I T.

I, No.64096 DVR. JOHN ELLIOT BOWMAN of No.1 Holding Battalion, 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 December 1942. After about a day and a half at Tarhuna, I was removed to Suani Ben Adem where I remained till New Year's Day 1943. I was then shipped to Palermo via Tripoli and thence to Camp No.66 at Capua (which I reached some seven days after disembarkation) I remained at the latter camp until towards the end of January or the beginning of February 1943 and I was then transferred to Prisoner of War Camp No.70 at Monturano which I left on 10th September 1943, following the capitulation of Italy.
2. I was transferred to Monturano with several other prisoners of war who had attempted an escape from Capua and had been recaptured. On account of our previous attempt to escape, we were locked up at Camp No.70 from 8 p.m. each night to 7 or 8 a.m. the next morning. During the daytime we were placed in the general compound with the other prisoners; but we were subjected to frequent roll-calls throughout the day. This continued for the whole time I was at the Camp.
3. The food rations were much the same as at other Italian Prisoner of War Camps. There were sometimes oranges and onions to be had at the Camp Canteen.
4. I recall a Pte. Morgan of the Worcesters (I believe an Italian by extraction) who used to sell bread to his co-prisoners at exorbitant prices. Morgan had preferential treatment and was allowed many privileges denied to the rest of us. Whilst I and he were in hospital at the same time, he was sustained with an undue share of the Red Cross parcels (whilst others presumably went short).
5. The Sanitation at this Camp was reasonably good, but the water-supply was inadequate.
6. At or about the beginning of 1943, some thirty or forty prisoners of war died in the Camp - I believe from malnutrition and resulting ailments.
7. There was a hospital in the Compound and four medical officers, two Italians and two British. The hospital depended for supplies mainly, if not entirely, on the Red Cross.
8. I was informed (I cannot now recall by whom) that, before I arrived at the Camp, a Prisoner of War (name, number, rank and unit unknown) stepped about a foot over the trip-wire to take his place in a tea queue and was thereupon shot and either killed or wounded. C.S.M. Briggs, R.A. the Compound Leader (No.4 Compound), may know more of this incident.



9. Just before Easter 19 43 I and two other prisoners of war planned an escape from No.4 compound. I did not like the plan of the other two so they followed their's and I mine. Their route of escape led towards the river, opposite the Guard room. While I was pursuing my own plan, I heard three shots fired and I at once returned to my billet. One of the other two told me afterwards the lights had been turned on and his companion had been shot dead whilst he was still some feet short of the wire enclosure. The next morning I found a pool of blood some feet within the enclosure. I cannot recall the name of the man who was shot; but I believe his companion's name was Bowler. He was a Trooper of the Royal Tank Regiment . This man was put in jail in consequence of the attempted escape. The guard who fired the shot was removed to another camp.
10. Perhaps a week or so after this episode, I attempted a second escape. I was retaken and put in jail and I was beaten up by the Guards with their rifle-butts. This beating up took place in the presence and by the direction of a swarthy Tenente who was, I believe, i/c No.2 Compound. I was sentenced to a month in jail and I (officially) received no food for the first seven days. However, friendly Italians outside the jail gave me food during this period. After about 10 days in jail I was released in pursuance of a general amnesty granted in honour of some celebration day.

SWORN by the above JOHN ELLIOT )  
BOWMAN at Leeds in the County of ) G.E. BOWMAN  
York the 23rd day of July 1945 )

Before me  
J.J. JOHNSON  
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.70 at Monturano between April and September 1943

A F F I D A V I T

I, D/J. 110951 Petty Chief 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 spells at Benghazi, Tarrhuna, Capua and Chiavari, I reached Camp No.70 at Monturano on or about 1st April 1943. I remained there till about 7th September 1943, when I escaped.
2. Camp No.70 comprised four compounds. I was placed in Compound No.3 of which R.S.M. Woods, Green Howards, was Compound Leader. There were about 2,000 in each compound.
3. The camp was full of lice and fleas. In my Compound there were only two taps for our use, the water being turned on for 30 minutes to an hour in the afternoon. The waste water flushed the latrines.
4. The food rations were quite inadequate: we had "ersatz" coffee first thing: cheese and a nominal issue of 200 grammes of bread later in the morning (actually, our issue of bread was less than 200 grammes): the days rations concluded with skilly at night. Each day, two sacks of macaroni and about a quart of "ersatz" olive oil were brought into the Compound; and this, with beetroot tops or similar vegetable matter, was designed to feed 2,000 men. We had to rely mainly on Red Cross parcels.
5. Everyone was suffering from malnutrition. There were several deaths due to "natural causes" and at least two suicides while I was at this Camp.
6. Recketeering in food and other such practices were rife. An Egyptian £. or a gold ring would secure a loaf of bread. British C.M.Ps. would patrol the Central Hall in which escapees were locked up at night to prevent escapes for an extra loaf.
7. There were collective stoppages of pay on the slightest pretext. These were levied at the rate of perhaps 10 lire per man; 87 lire was the exaction for e.g. a small hole burnt through a blanket by cigarette ash, and this notwithstanding the fact that the damage had probably been done before the blanket was issued. It was once published in camp notices that the "Sports Fund" totalled 100,000 lire. The majority of Italian sentries in this particular camp were wearing British Army Boots (Red Cross Issue).
8. Re Blankets. This racket first started in Capua. When we arrived at Chiavari a statement followed from Capua charging a big percentage of Prisoners of War an average charge of 87 liras for damaged blankets. R.S.M. Barker and myself saw the Colonel and told him we would report the matter to the Red Cross. Result - most charges withdrawn.

SWORN at 15 Stanley Street  
Blyth in the County of  
Northumberland this 31st  
day of July 1945

L.C. HOOTON.

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.70 at Monturano between June and September  
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, and was shortly after flown via Sicily to Naples, and arrived at Camp No.66 at Capua on 6th December, 1942.
2. Early in June 1943 I was moved from Capua to Camp No.70 at Monturano, a camp some five miles from Porto San Giorgio and some six miles from Fermo. The conditions at this camp were very similar to those at Capua.
3. We were accommodated in a building which I believe was originally a jam factory, which contained four compounds, each having some 2,000 men. We slept in three-tier bunks, which had very little space between the lower ones and the one above, which were very close together. We were very overcrowded.
4. For food we relied mainly on Red Cross parcels. We had one meal per day, consisting of about a pint of macaroni or rice soup, a small loaf of four to five ounces, and about half an ounce of cheese, except one day a week, when there was meat, which went into the soup.
5. No clothing was issued to me during the time I was at this camp, but being summer the weather was normal.
6. As regards sanitation, there were water closets of a sort, which functioned reasonably well.
7. There was no form of heating, and I was told that during the previous winter the prisoners had suffered terribly from the cold.
8. The whole place was full of lice and fleas, and no steps were taken to deal with them.
9. There was a fairly adequate supply of water. There was not so much disease as at Capua, but there were still a number of cases of skin disease and dysentery. The camp hospital was not bad, and we were left pretty much alone.
10. Some four days after the armistice I escaped, and after four and a half months living with various Italian families I got back to the British lines near Termoli.

SWORN at Aldershot in the )  
County of Hants this 31st )  
day of May 1945 )

P.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.70 at Monturano from December 1942 to April 1943.

A F F I D A V I T.

I, 4132526 Lance Corporal WALTER FAULKNER, 4th S. & T. Inf. Battalion, 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 and Camp No.66 (Capua), I was transferred to P.G. Camp No.70, Monturano, arriving there in or about December 1942, and leaving that Camp in or about April, 1943 for P.G. Camp No.62, Bergamo.
2. I have perused the Affidavit sworn by Private Lyndon Harry Hughes, R.A.M.C. on 31st May 1945, and I confirm what he says therein as to the condition at P.G. Camp No.70, with the following comments.
3. As to paragraph 4 of the said Affidavit, we had "coffee" first thing, skilly at 1200 hours and again skilly at 1700 hours. The bread ration was issued at night for the following day: at first, we had 200 grammes of bread, but latterly only about 120/150 grammes.
4. As to paragraphs 5 and 7 thereof, I still had clothing issued to me at Capua; including a great coat, and I did not therefore suffer acutely from the cold while I was at Monturano.
5. As to paragraph 8 thereof, fumigators were used but these proved useless.
6. As to paragraph 9 thereof, one Camp Compound was set aside for malnutrition cases. I heard from the medical orderlies (names unknown) that just before I arrived there were 40 deaths in as many days in Compound No.4: most of those who died had, I believe, been in prisoner of war camps in North Africa; their deaths may, therefore, not have been due to the treatment they received at Monturano.

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.70 at Monturano from April to May 1943

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, Tarhuna, Suani Ben Adem and P.G. Camp No.66 (Capua), I reached P.G. Camp No.70 Monturano on or about 1st April 1943 and left it on 13th May 1943 for P.G. Camp No.62, Bergamo.
2. I have perused the Affidavit sworn by Private Lyndon Harry Hughes, R.A.M.C. on 31st May 1945, and I confirm what he says therein as to conditions at P.G. Camp No.70, with the following comments.
3. As to paragraph 4 of the said Affidavit, we had "coffee" first thing, skilly at 1200 hours and again skilly at 1700 hours. The bread ration was issued at night for the following day: at first we had 200 grammes of bread, but latterly only about 120/150 grammes.
4. As to paragraphs 5 and 7 thereof, I still had clothing issued to me at Capua: including a great coat, and I did not therefore suffer acutely from the cold while I was at Monturano.
5. As to paragraph 8 thereof, fumigators were used but these proved useless.
6. As to paragraph 9 thereof, one Camp Compound was set aside for malnutrition cases.

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 P.G. Camp No.70, Monturano, between January and May, 1943

A F F I D A V I T.

I, 2937731 Private JOHN McVEIGH, Cameron Highlanders, Highland Hotel, Strathpeffer, Ross-shire, with 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 and Camp No.66 (Capua), I reached P.G. Camp No.62 at Monturano in or about January 1943 and left it in or about May 1943 for P.G. Camp No.62 at Bergamo.
2. I have perused the Affidavit of Private Lyndon Harry Hughes, R.A.M.C., sworn on 31st May 1945, and I confirm what he says therein as to conditions at the Monturano Camp, subject to the following comments.
3. As to paragraph 3 of the said Affidavit I think there were some 10,000 men in the whole camp.
4. As to paragraph 5 thereof, I think I arrived in K.D. and was issued with B.D. at Monturano; I got B.D. either there or at Capua.
5. As to paragraph 7 thereof, I confirm that there was no form of heating, but I would not say that we suffered terribly from the cold, though I recall that there were large doors (like those of a garage) and that it was very draughty when they were left open.
6. The Camp Commandant (name Papa, rank unknown) was very fair and did not bother us much. I heard that he was later shot by the Germans; but I cannot recall who my informant was and cannot vouch for the truth of this information.
7. I can recall no acts of violence at the Camp; but one prisoner (name unknown) committed suicide by cutting his throat with a razor-blade; this was rumoured to have been on account of domestic trouble.

SWORN at Dungenall in the County of )  
 Ross and Cromarty this fourth day )  
 of August 1945 )

J. McVEIGH

Before me,  
 THOMAS H.S. BURNS  
 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.70 at Monturano between May and September 1943.

A F F I D A V I T

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, W.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, Derna, Benghazi and finally Camp No.85 (Tuturano), I was transferred to Camp No.70 at Monturano; arriving there in or about May 1943 and escaping therefrom in September 1943.
2. I have perused the Affidavit sworn by Private Lyndon Herry Hughes, R.A.M.C. on 31st May 1945, and I confirm what he says in paragraphs 3 to 9 (inclusive) of that Affidavit, with the following comments.
3. As regards paragraph 9 thereof, I do not agree that the supply of water was fairly adequate; an improved system of water supply was however constructed and in use a week or so before I left.
4. One Compound (I think No.4) was set aside expressly for malnutrition cases. Major Parks, R.A.M.C. was the M.O. at the Camp.
5. Shortly after my arrival, a shooting incident occurred. The Camp was bounded on three sides by a high wall, and on the fourth (the back) side by a trip wire and by a double row of barbed wire fences with a wire entanglement between them. Beyond the outermost barbed wire fence were the sentries' beat and machine gun posts. Beyond the beat was a copse, and, beyond that, the river.
6. One evening, at dusk, I heard several rifle-shots fired. I left my hut to investigate, but was turned back. It was general talk throughout the Camp that three men (whose names rank and units I do not know) had tried to escape on the said fourth side of the Camp. It was averred that the lights had been turned on while the escape was in progress and that one of the said three men had been shot dead whilst he was half-way through the wire entanglement. If this is correct, there could, in my opinion, have been no necessity to shoot to kill, as the casualty's escape could not have been imminent at the time the shot was fired.
7. In about July 1943, I and two others (A/B. Cable, R.N. was one) planned an escape through a sewer leading to the river. We cut through three sets of iron bars in the sewer and these were replaced. We tried again: Cable was on the job in the sewer and the other two of us were lifting the manhole to ventilate the sewer for him. Cable came back quickly and, as he did so, a sentry at the river end of the sewer fired a shot up the pipe. Cable was not hit; but the incident is cited as part of a general system of shooting to kill in circumstances which did not justify recourse to the last means of violence.
8. The Camp Commandant's name was Papa (rank unknown): he was an ardent fascist and anti-British, as were also the guards particularly the carabinieri.

SWORN at 1 Walm Lane Willesden Green)  
in the County of Middlesex this 25th)  
day of July 1945 )

G.H. CROSS

Before me,  
R.H. SPEECHLEY.

A Commissioner for Oaths.



PARTICULARS OF ALLEGED CRIME

During the said period, and perhaps longer, the said Camp was conducted in an improper manner, and in particular in that:

The accommodation provided was inadequate, overcrowded and verminous, resulting in disease, and no proper means of disinfection was provided (Articles 10 and 13).

Inadequate food rations were provided (Article 11)

Insufficient clothing was issued, and there was racketeering in food (Articles 12, 13).

Medical treatment of prisoners was totally inadequate, and many deaths resulted from malnutrition and lack of medical attention (Articles 14, 15).

Red Cross parcels were withheld and the contents appropriated by and sold to Italians (Article 37).

Pay was withheld or stopped without proper cause (Article 23).

Shooting with the intention of killing or wounding was not infrequent (Articles 2, 46, 54).

Inadequate food was provided for prisoners in detention (Article 46).

(Continued from page 4)

regards collective penalties by withholding pay, this part of the charge appears to be unanswerable if the evidence is accepted.

COMPLETENESS OF CASE: Confirmation of the names of the Accused, and in particular the names of Accused No. 8 is desirable. It must also be ascertained if Accused No. 1 is alive, and if he was at any time replaced, when his successor would also be chargeable. Further evidence of the shootings and assaults may lead to separate charges.

Enquiries are accordingly proceeding, but there appears to be sufficient evidence to make a strong prima facie case for all the accused to answer.

PARTICULARS OF EVIDENCE IN SUPPORT

1. AFFIDAVIT of Ldg. Tlgt. H.C. Woolley, sworn 30th July 1945
2. AFFIDAVIT of Dvr. H.J. House, sworn 9th June 1945
3. STATEMENT of Cfsmn. A. Franks dated 15th May 1945
4. AFFIDAVIT of Gnr. G. Boyd, sworn 1st August 1945
5. AFFIDAVIT of Dvr. J.E. Bowman, sworn 23rd July 1945
6. AFFIDAVIT of Petty Chief Officer L.O. Hooton, sworn 31st July 1945.
7. AFFIDAVIT of Pte. L.H. Hughes, sworn 31st May 1945
8. AFFIDAVIT of Opl. W. Faulkner, sworn 10th August 1945.
9. AFFIDAVIT of Gnr. E.A. O'Neill, sworn 21st August 1945
10. AFFIDAVIT of Pte. J. McVeigh, sworn 4th August 1945
11. AFFIDAVIT of W/O G.H. Cross, sworn 25th June 1945. .

Copies of these documents are attached.

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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 Camp No.70 referred to in this charge is variously described by the witnesses as Fermo, Monturano, Macerata and Porto San Giorgio. All these places are believed to be adjacent. The name Fermo has been retained, as it is referred to in Charge UK - I/B 15 (Commission's reference 218/UK/It/15) which was founded on the report of Lt.Col. Condon about an incident at this Camp. This Charge has received the Fiat, and is with the Judge Advocate General for prosecution.

The accused in that case were not known by name, apart from Capt. "Pandoleri" and 2/Lieut. "Latanzia". The first accused in that case would therefore appear to be Col. Papa, Accused No.1 herein. The second accused in that case may be Accused No.6 herein, the nearest name to Pandoleri, and the third accused in that case will be 2/Lieut. Oronzo Lattanzia (Infantry) Commander of Guards.

There is a suggestion that Accused No.1 may be dead - see Affidavit No.10 of McVeigh, para.6. Boyd (Affidavit 4, para.2(7) speaks well of Papa, while Cross (Affidavit 11, para.8) speaks ill of him.

If the facts set out in the Affidavits are established, the War Crimes Nos. xiv (Confiscation - House; para.) xvii (Collective penalties - Hooton, paras.7 & 8) and xxix (Ill-treatment of Prisoners - passim) appear to have been committed. In addition, under English law the following crimes are apparent :-

Manslaughter (by neglect)	- Woolley, para. 2 Boyd, para. 2(5) Bowman, paras 8, 9. Hooton, para.5. Faulkner, para.6.
Unlawful wounding and/or assault	House, para. 4, Bowman, paras. 8, 10, Cross, paras. 5,6,7,
Larceny	House, para. 3

The articles of the Geneva Convention, breaches of which are alleged, are indicated in the Particulars of Alleged Crime.

**RESPONSIBILITY:** The primary responsibility for the conditions of this Camp appears to be that of Accused Nos. 1 to 7, being the Commandant and Senior Officers, and the Officers responsible for the several departments of the Camp. In addition, the Accused listed together at No.8 are responsible for the assaults and shootings directly, while their superior officers are responsible for the general system, under which such assaults and shootings took place. Should more definite evidence of any such incident be obtained, separate charges may be preferred, but at present they have been included with the general Charge against the Camp.

**DEFENCES:** In the facts which support the charge of Manslaughter by neglect, are established, it is submitted there can be no answer. As regards this, and the general charges, all the accused may plead that the neglect was due to shortage of supplies and material, though it would be for them to show they had taken all proper steps to alleviate the conditions. As

(Continued on page 2)

1494/UK/20/76

1. CARATINI, Analele
2. SERAFINO, Guido
3. ARCHER, Umberto
4. DELLE VENERI
5. STROPPOLATINI, Santoro
6. *officiis* etc.

Submitted	Decision of Committee I
26 SEP 1945	Appoina indefinitely <i>B</i>

1494/UK/20/76





## IN THE MATTER OF :

The ill-treatment of British Prisoners of War and breaches of the Geneva Conventions 1929 at Camp No. 87 at Benevento between August and November 1942

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. I was taken by sea to Brindisi in, I think, early August 1942 and after ten days at a transit camp No. 76 at Brindisi, I was taken to Camp No.87 at Benevento, arriving in mid-August 1942.
2. I was in the first contingent of British troops to arrive at this camp. We were told it was a transit camp but I was there until November 1942.
3. Food at this camp was very scarce and poor and if it had not been for the Red Cross parcels we should have been starved. For the first two months we got as a general rule one Red Cross parcel between five at intervals, but for the last two weeks that I was Benevento the parcels were more regular. To the best of my knowledge our rations were less than what the Italians got. We would get a cup of acorn coffee in the morning and apart from this had only one meal a day which, however, we were able to split into two parts. In general we got per day about a pint of skilly with macaroni or rice in it on alternate days, 100 grammes of bread and a small portion of cheese. Once a week in lieu of cheese we had a very small portion of meat. We suffered badly from malnutrition and during my time at Benevento I lost four stone in weight.
4. We were accommodated in a form of tent made of Italian groundsheet joined together. No form of bedstead was provided and we were issued with two small blankets each. The tents would be about three yards long and two and a half yards wide, running up to a ridge in the middle. The tents would have accommodated comfortably four to six men, but actually there were twenty in the tent and we were hopelessly overcrowded. The tents were infested with lice and fleas and no steps were taken for de-lousing. At one stage there was an issue of straw to lie on.
5. We were all in desert kit and no clothing was issued by the Italians before November, even then only the fortunate prisoners got any clothing and what they got was infested with lice. As a result we suffered terribly from the cold.
6. The water supply was satisfactory being turned on all day. There was, however, no water in connection with the sanitation which consisted of trenches eight feet deep, which were dug at the top of the slope on which the tents were pitched. There were not sufficient for the number of men and as a result the trenches overflowed and ran down into the tents. The smell was terrific and large maggots bred in the camp as a result.
7. We had no exercise apart from what we could take in the camp itself, where we were so crowded that very little exercise could in fact be got.



8. The Italian personnel were arrogant when we first got there, but calmed down later and apart from taking no notice of any complaints, did not interfere with us very much.
9. There was an occasion the date of which I do not remember when there was a heavy storm and every tent blew down. We only had our shirts and shorts. Our blankets were soaked with rain and nothing was done for us. There was no form of heating whatever in the tents during my time at Benevento.
10. There was no camp infirmary until just before I left and we could get no medical attention or bandages or any medical supplies. The prisoners suffered from diarrhoea and dysentery, which was disregarded. I never saw an Italian medical officer myself. At one time there was an outbreak of diphtheria, some four cases, and the only effort at quarantine was to move the tent ten yards nearer the latrines where the suspected contacts were placed. Later on swabs were taken and inoculations given.
11. In November 1942 I was sent to Camp No. 66 at Capua for a few days and then went to Camp No. 53, Macerata (Sforza Costa) where I remained until the Italian surrender.

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.

8. The Italian personnel were arrogant when we first got there, but calmed down later and apart from taking no notice of any complaints, did not interfere with us very much.
9. There was an occasion the date of which I do not remember when there was a heavy storm and every tent blew down. We only had our shirts and shorts. Our blankets were soaked with rain and nothing was done for us. There was no form of heating whatever in the tents during my time at Benevento.
10. There was no camp infirmary until just before I left and we could get no medical attention or bandages or any medical supplies. The prisoners suffered from diarrhoea and dysentery, which was disregarded. I never saw an Italian medical officer myself. At one time there was an outbreak of diphtheria, some four cases, and the only effort at quarantine was to move the tent ten yards nearer the latrines where the suspected contacts were placed. Later on swabs were taken and inoculations given.
11. In November 1942 I was sent to Camp No. 66 at Capua for a few days and then went to Camp No. 53, Macerata (Sforza Costa) where I remained until the Italian surrender.

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. 87 Benevento, Italy, during the period from about the 14th August to the 4th November 1942

A F F I D A V I T

I, Staff Sergeant JOHN EDWARD GEORGE PETERS, No. 1871473, 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 Brindisi: thence to Camp No. 87 at Benevento, Italy.
2. I was a prisoner of war at Camp No. 87 at Benevento from about the 14th August 1942 to the 4th November 1942. We were the first batch to arrive at the said Camp. There was no camp in existence before we arrived.

As regards accommodation. We had tents made of buttoned groundsheets, which were quite ineffective in stormy weather and storms were the regular thing every evening. There was great overcrowding. We had to lie shoulder to shoulder and in hot weather it was unbearable. In addition, the tents were extremely verminous.

As regards food. The ration per day was :-

1 small roll of bread of about 250 grammes: about 1 pint of skilly with a little vegetable and a small allowance of Macaroni or rice: a small portion of meat 2 days a week: a small portion of cheese 5 days in the week.

This was just enough to keep a man going on his own fat, if he was fit, but it really amounted to slow starvation, especially if one tried to exercise; but the latter was impossible because if one tried to do so blackouts were the consequence. There were many cases of our men trying to get to the apology for a latrine who fainted through exhaustion.

We got very few Red Cross parcels. The total summary of the situation was slow starvation.

As regards sanitation, there were slit trenches with foot boards: open holes in the ground, 20 yards long: no flushing: they gradually filled up and then another had to be dug. No flyproofing. The trenches were dug with a slight slope so that the contents ran down to the lower end and over.

As regards water, there was a very short supply and only available for short periods per day, with one tap for the cookhouse.



As regards clothing. All were desperately short: many had merely desert kit. Just before I left, however, in early November, there was an issue of some greatcoats, but not sufficient for all, and some by luck of a draw - 200 out of 2000 - got a jacket or trousers.

As a result of the above conditions, diseases were rife in the camp, namely dysentery, acute constipation with bleeding; a lot of jaundice; and desert sores.

As regards medical arrangements. At first I do not think there were any medical arrangements by the Italians beyond a tent: later on our medical officers were allowed to do what they could, but they were terribly short of medical supplies or equipment. I do not think that any medical supplies were provided by the Italian medical officers.

I do not myself know the names of any of the Italian camp staff but I think that the following might be able to give information on this head :-

Sergeant-Major Woollaston, R.E. He was group leader at the said camp and on leaving Benevento went to Camp No.66 at Capua for some 10 days and thence to Camp No.53 at Macerata. His real rank was W/O.1 Clerk of Works C.R.E. Tobruk.

Sergeant Palmer, R.A. whose private address I believe to be at 81 Coomb Road, Brighton, Sussex.

SWORN by the said JOHN EDWARD GEORGE )  
PETERS at Weymouth in the County of ) J.E.G. PETERS.  
Dorset this 15th 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.87 at Benevento from August to November 1942

A F F I D A V I T

I, REGINALD GORDON GUNN, No. 1369586, 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 and was there for some 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) reported sick with dysentery. One was a stretcher case and the other two not quite so bad. The commandant 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.

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. 87 at Benevento  
from August to November 1942

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A F F I D A V I T

- of -

Mech. Staff Sergeant R.G. GUNN

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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.87 at Benevento during the period from August to October or November 1942

A F F I D A V I T

I, No. 821590, B.S.M. STANLEY FRANK FRESTON, H.Q. Movement Control, Tilbury, with a home address at South Street, near Faversham, Kent, make Oath and say as follows:

1. I was captured and taken prisoner of war at Tobruk on 19th June 1942. After about four weeks at Benghazi, which I reached on or about 24th June, I was shipped to Taranto where I arrived during the latter half of July 1942. After about ten days at a transit camp at Brindisi we were marched to Camp No.87 Benevento. In October or November 1942 I was transferred from the latter camp to Camp No.66 at Capua.
2. I have perused the seven sub-paragraphs of paragraph 2 of the Affidavit sworn by Mech. Staff Sergeant Reginald Gordon Gunn, R.F. sworn by him on the 15th June 1945. I confirm what Staff Sergeant Gunn says with reference to Camp No. 87, Benevento, subject to the following observations.
3. As regards sub-paragraph 4 of paragraph 2 of the said affidavit the slit trenches were not among the tents in my compound. They were at one end of the compound. The trenches were neglected and in consequence became very insanitary.
4. As regards sub-paragraph 5 of the said paragraph 2 we were inoculated for diphtheria. The stretcher case to whom I think Staff Sergeant Gunn refers was diagnosed as acute appendicitis. I was informed by the Camp Leader (a R.S.M. Sherwood Foresters, whose name I cannot now recall) that the stretcher case died the day after his removal from the Camp. I believe the Camp Leader's informant was the camp interpreter.
5. As regards sub-paragraph 6 of the said paragraph 2 I consider that we had rather less than 200 grammes of bread each daily. It was more like 150 to 180 grammes. We had ersatz coffee at 0700 hours; the bread (with cheese about three times a week) during the day and skilly at 0700 hours. When available we also had fruit (perhaps a peach and two tomatoes each). There was no canteen. The Red Cross representative called whilst I was at this camp but nothing came of his visit.
6. Red Cross parcels were distributed at the rate of one parcel to ten men. Latterly they were distributed weekly, but to begin with, they were held up as a reprisal for petty thefts alleged to have been committed by prisoners of war. No clothes were received through the Red Cross, but towards November, the Italians provided pullover, rag socks and belts. They also issued boots to the necessitous. Until these distributions of clothing were made most of us had been wearing khaki-drill.
7. Counting parades were frequent and even the sick had to be on parade unless they were positively too ill to move. It was common for men to faint or have "blackouts" on these parades.
8. The washing facilities were provided by troughs with overhead pipes with holes punched in them. There were two troughs, each of which could serve twenty to thirty men at a time. The water was turned on for about an hour in the morning and for about the same time in the afternoon. A mobile shower was provided once whilst I was at this camp.

SWORN at Grays in the County of Essex)  
this 26th day of June 1945 )

Before me,

BERNARD A. CATTON.

A Commissioner for oaths.

S.F. FRESTON.



IN THE MATTER OF :

The ill-treatment of British  
prisoners of war and breaches  
of the Geneva Convention 1929  
at Camp No. 87 at Benevento during  
the period from August to October  
or November 1942

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A F F I D A V I T

- of -

B.S.M. FRESTON, S.F.

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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.87 at Benevento, during the period from about mid-August to end September 1942.

A F F I D A V I T.

I, WILLIAM HUNTER STRACHAN, No.2656814, 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 officer's camp and 11 days in an O.R. Camp and was then sent via Brindisi to Camp No.86 at Capua, Italy. On leaving Camp No.86 at Capua, I was sent to Camp No.87 at Benevento arriving there late in August 1942.
2. I was prisoner of war at Camp No.87 at Benevento from late August to mid-October 1942. I cannot now give the names of any of the Italian Authorities at the Camp during that time.

There were about 1,800 men in the Camp at the said time.

The conditions in the said Camp at the said time were as follows :-

As regards accommodation, we were housed in tents made from groundsheets buttoned together; these were quite useless in bad weather. We were crowded 20 in one tent: at first we had to sleep on the ground; later we were provided with bed boards, but that was all the sleeping accommodation we had and the overcrowding was unbearable.

As regards food, we only had a cut basic ration, i.e. a daily allowance of one small roll of bread; a small ladle of vegetable and macaroni skilly, and twice a week a small piece of cheese or polony sausage. There was supposed to have been pieces of meat in the skilly but it very rarely appeared and we suspected that there was a lot of pilfering by the Italians. There was no Red Cross issue during the period while I was there and therefore the above ration was certain starvation.

As regards clothing, none was issued to my Group during the period while I was there. We were still in our desert kit.

In consequence of the above conditions, diseases were very rife in the Camp: there was a great deal of dysentery; and a very large proportion of the prisoners of war could not stand for any length of time. I myself had blackouts on parade. Everyone was suffering from extreme exhaustion owing to malnutrition on the starvation diet.

As regards medical arrangements, I think there was an Italian medical officer; but I did not see him. Certainly, as regards equipment and supplies, there seemed to be hardly any. The Italian Command seemed to have no consideration at all for the very bad general conditions and neglect of the sick. During the period that I was at the said Camp, Regimental Sergeant Major Armit of the 7th Royal Tank Regiment was Senior British N.C.O. in the Camp and can give full information with regard to the conditions obtaining there.

SWORN at 45 Priestgate Peterborough )  
in the County of Northampton this )  
23rd day of June 1945. before me, )

W.H. STRACHAN, Sgt.

A.H. MELLOWS, 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.87 at Benevento,  
during the period from about  
mid-August to end September,  
1942.

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Copy

A F F I D A V I T

- of -

SGT. W.H. STRACHAN

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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. 87 at Benevento between October and November 1942

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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 22nd June 1942 and arrived in Italy in early August, landing at Brindisi. After two days at Brindisi I was moved to Camp No. 66 at Capua where I remained until early October 1942, when I went to Camp No. 87 at Benevento.
2. Benevento was a transit camp but I remained there for five weeks before going to Camp No. 65 at Gravina.
3. Food at Benevento was very scarce and poor and if it had not been for the Red Cross parcels we should have starved. When I first got to the Camp the Red Cross parcels were irregular but later on were more regular and we got one parcel between five men. To the best of my knowledge our rations were less than what the Italians got. We would get a cup of acorn coffee in the morning and apart from this had only one meal a day which some of us split into two parts. In general we got per day about a pint of skilly with macaroni or rice in it on alternate days, 100 grams of bread and a small portion of cheese. Once a week in lieu of cheese we had a very small portion of meat. We suffered badly from malnutrition and during my five weeks at Benevento lost two stone in weight.
4. We were accommodated in a form of tent made of Italian ground-sheets joined together. No form of bedstead was provided and we were issued with two small Italian blankets each. The tents would be about three yards long and two-and-a-half yards wide running up to a ridge in the middle. The tents would have accommodated four to six men comfortably but actually there were twenty in the tent and we were hopelessly overcrowded. The tents were infested with lice and fleas and no steps were taken for de-lousing.
5. We were all in desert kit and no clothing was issued by the Italians before November. Even then only the more fortunate prisoners got any clothing and what they got was infested with lice. As a result we suffered terribly from the cold.
6. The water supply was satisfactory being turned on all day. There was however no water in connection with the sanitation which consisted of trenches eight feet deep which were dug at the top of the slope on which the tents were pitched. There were not sufficient for the number of men and as a result the trenches overflowed and ran down into the Camp. The smell was terrific and large maggots bred in the Camp as a result.



7. We had no exercise apart from what we could take in the Camp itself where we were so crowded that very little exercise could in fact be got.
8. The Italian personnel were arrogant to begin with but later became more reasonable and did not interfere with us very much. They took little or no notice of any complaints.
9. There was an occasion, I do not remember the date, when there was a heavy storm and every tent in the Camp blew down. We only had our shirts and shorts and the blankets were soaked with rain and nothing was done for us. There was no form of heating whatever in the tents during my time at this Camp.
10. There was no Camp Infirmary until just before I left and we could get no medical attention or bandages or any medical supplies. The prisoners suffered from diarrhoea and dysentery and each was disregarded. At one time there was an outbreak of diphtheria - some four cases - and the only effort at quarantine was to move a tent ten yards nearer the latrines and place the suspected contacts in it. Later on I believe that swabs were taken and inoculations given.
11. In November 1942 I was taken to Camp No. 65 at Gravina.

SWORN by the said HAROLD JAMES  
HOUSE at 15 Fletcher Gate in the  
City of Nottingham this 9th day  
of June 1945

H.J. HOUSE.

Before me,  
A.C. CROCKFORD.  
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.87 at Benevento during the period 11th September 1942 to the 23rd October 1942.
- (b) The Assault upon and ill-treatment of two British prisoners of war (names, ranks and unit at present unknown) at Camp No.87 at Benevento in October 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 Tuteurano near Brindisi where I stayed three days at the end of June 1942.
2. I left Camp No.85 at Tuteurano and reached Camp No.66 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.
3. I was at Camp No.87 at Benevento from the 11th September 1942 until the 23rd October 1942. This was the worst camp I ever was in. I cannot give the names of any of the Italian Officers in command at that time.
4. The conditions in the said Camp were :-

As to accommodation, we were in tents made out of ground sheets - 20 in a tent - the said tents were quite defective in bad weather and were extremely verminous, full of lice and fleas. No attempt of any sort was made by any of the Italian Authorities to clean the tents or keep the vermin down.

As to sanitary conditions, they were merely trenches in the open with some boards at first, but a storm came and blew away the tents and the boards so we were left with none at all and the place was swarming with insects of all kinds. When the trenches over-flowed, as they often did, nothing whatever was done by the Authorities. All we could do was to divert the effluent so that it did not run into the tents but between them.

As to the food ration, it consisted of 200 grammes of bread, one pint of thin macaroni or rice skilly per day, and every now and then a small piece of cheese or a small piece of meat. It was a case of slow starvation even for a fit man.

As regards diseases, there was a lot of dysentery and many men fell sick from diseases, the names of which I do not know.

As regards medical arrangements there was no Italian Medical Officer at all so far as I know, there was no regular inspection, and practically no medical equipment or supplies. There was one British Medical Officer who did what he could but he had no supplies beyond a few bandages and such medical supplies as any man might happen to have. I cannot give the name of our medical officer but the leader of my compound was Regimental Sergeant Major Armit of the Tank Corps. I expect he could give further details.

5. In October 1942 at the said Camp No.87 at Benevento I myself saw two cases of British prisoners of war being chained to the wire around the compound next to ours, in the open, in the sun, with arms raised above their head, for two hours at a time, in nothing but tropical shorts. I cannot now give the names, ranks or units of the prisoners, nor their offences, nor the length of their punishment. I saw each of the victims so chained for two hours on several days. I cannot say who the compound leader was in the victim's compound, but Regimental Sergeant Major Armit (aforesaid) would probably know the names of the victims and all details relating to these incidents.

SWORN at 18 Dartmouth Street in)  
the City of Westminster this )  
12th day of June 1945 )

F. LLOYD.

Before me,

N.R. EGGAR,

A Commissioner for Oaths.

PARTICULARS OF ALLEGED CRIME

During the period from July to November 1942 and possibly longer, the Camp P.G.87 at Benevento (Cardoncelli) was conducted in an improper manner and in particular in that :-

The accommodation provided was inadequate as to buildings and hygiene, water supply and sanitary conveniences. There was also excessive overcrowding. (Articles 2, 10 and 13).

Insufficient rations and clothing were provided. (Articles 11 and 12).

Inadequate provision was made for cases of illness, particularly infectious diseases. (Articles 14 and 15).

No provision was made for intellectual and sporting pursuits. (Article 17).

No pay was issued to Prisoners of War. (Article 24).

Prisoners were punished by chaining. (Articles 2, 46 and 54).

PARTICULARS OF EVIDENCE IN SUPPORT

1. AFFIDAVIT of B.S.M. E.F. John, sworn 6th June 1945.
2. AFFIDAVIT of Staff Sgt. J.E.G. Peters, sworn 15th June 1945.
3. AFFIDAVIT of Staff Sgt. R.G. Gunn, sworn 15th June 1945.
4. AFFIDAVIT of B.S.M. S.F. Preston, sworn 26th June 1945.
5. AFFIDAVIT of Sgt. W.H. Strachan, sworn 23rd June 1945.
6. AFFIDAVIT of Dvr. H.J. House, sworn 9th June 1945.
7. AFFIDAVIT of Gdsman. F. Lloyd, sworn 12th 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.)

This camp is generally referred to as Benevento by the witnesses, but the name Cardoncelli also appears under the same number.

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. In addition the chaining of Prisoners referred to by Guardsman Lloyd (No. 7 in Particulars of Evidence in Support, para. 5) constitutes the crime of assault under English Law.

Articles of the Geneva Convention, breach of which is alleged, are indicated in Particulars of Alleged Crimes.

**RESPONSIBILITY:** The primary responsibility for the conditions which prevailed at the camp would appear to be that of accused Nos. 1, 2 and 3. In addition, accused No. 4 is responsible for the lack of medical facilities and no doubt the hygiene. Accused No. 5 is responsible for the non-payment of Prisoners referred to by Staff Sgt. Gunn (No. 3 in Particulars of Evidence in Support). The accused enumerated as No. 6, are, in addition to their superior officers, responsible for the instance of chaining. Prima facie all the accused have a case to answer.

**DEFENCES:** The accused other than accused No. 1 may plead that they only acted in compliance with the orders given by their superior officer or officers. If this plea is accepted, it is submitted that it would afford no defence to a criminal charge (i.e. under national law or the War Crimes List) though it might be taken into account in mitigation depending on the heinousness of the crime. Accused Nos. 1-5 may in addition plead that the conditions at the camp were due to lack of supplies and money over which they had no control. It will be for them to establish that they made all reasonable efforts to obtain such supplies and money.

**COMPLETENESS OF CASE:** The case is reasonably complete on the evidence provided, except for the instance of chaining given by Lloyd. Further enquiry is proceeding to establish this incident and if possible to get the evidence of R.M.S. Armitt referred to by Lloyd. The identity of the accused No. 6 is also being sought. Confirmation of the statement of Gunn that the camp was closed down owing to its conditions and management is also being sought.

Sufficient evidence appears to be available to establish a strong case for the accused to answer.