CHAPTER 2
THE BRITISH WAR CRIMES TRIALS OF
SUSPECTED ITALIAN WAR CRIMINALS,
1945–1947

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A. INTRODUCTION

Between July 1945 and May 1947, there were 40 British trials conducted in Italy of Italians suspected of war crimes committed in the Second World War. After noting that only the scantest of references are made to these proceedings, with some legal scholars even discounting their existence, I began research, under the direction of Dr. R. John Pritchard, which discovered that the records contain valuable lessons for those involved in international tribunals of the present day.1 Sadly, however, we also found that these documents were written on high-acidic paper which is crumbling, with poor-quality ink (and sometimes even pencil!); in the absence of remedial preservation, they will soon be forever lost to history. What follows is an analysis of the proceedings and the issues surrounding them, in hopes that this documentation will preserve the wisdom of the British efforts to seek justice for victims of war crimes following the Second World War.

Of the 40 British trials of suspected Italian war criminals documented, the records of eight trials involving 12 defendants have been lost. Reconstruction of data from various sources leads to the conclusion that there were 81 Italian defen-

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1 The results of our collaboration will appear in due course in a new collection to be published as THE ALLIED WAR CRIMES TRIALS OF ITALIAN SUSPECTED WAR CRIMINALS, JULY 1945–DECEMBER 1949: A FORGOTTEN LEGACY WITH VITAL LESSONS FOR THE PRESENT DAY (Jane L. Garwood-Cutler & R. John Pritchard) (forthcoming) incorporating the complete available trial records of all Allied post-war trials of Italian war crimes suspects and collected commentaries, in 1–3: THE COMPLETE RECORDS OF BRITISH MILITARY TRIALS OF ITALIAN SUSPECTED WAR CRIMINALS, 1945–1947; 4: THE COMPLETE RECORDS OF UNITED STATES MILITARY TRIALS OF ITALIAN SUSPECTED WAR CRIMINALS, 1945–1949; European National Trials of Italian Suspected War Criminals, 1945–1949 (volumes on French, Albanian, Bulgarian, Greek, Yugoslav, Polish and Soviet trials will be dependent upon the extent and availability of the trial records preserved in national archives); A COMPREHENSIVE INTRODUCTION & GUIDE TO THE ALLIED PROCEEDINGS AGAINST ITALIAN SUSPECTED WAR CRIMINALS, 1945–1949 (a concluding volume).
dants in all of the cases and 29 (36 percent) were found not guilty. Of the 52 found guilty, 51 saw their convictions confirmed upon review. Eight of these were condemned to death; two were duly executed, but the sentences of four were commuted to life imprisonment. The other two condemned saw their sentences commuted to seven and 15 years’ imprisonment, respectively.

The trials were conducted in nine Italian locations, with British (or, rarely, Commonwealth) members of the court and prosecutors, and defense attorneys who were for the most part Italian civilian lawyers; occasionally, however, defendants were represented only by British military personnel, which included barristers, solicitors, and sometimes an officer “not legally qualified.” Translators and interpreters were provided in all cases, a substantial number of whom were Italian civilians.

The accused were arraigned immediately before the start of the trial. The average length of trial was two and half days, with the shortest one day and the longest about 12 days. The latter was especially complex, since it involved 11 defendants, nine Italians, and two Germans. That case, however, involved only one victim.

The trials began with the highest ranking of the accused in custody: General Nicola Bellomo. Bellomo ironically was a non-Fascist, but he had been accused of killing a British prisoner of war and wounding his companion, both of whom had been recaptured after escaping from the prisoner of war camp within Bellomo’s command. From the evidence it was quite clear that Bellomo had been enraged when he demanded that the prisoners show him their point of escape in a remote stretch of fencing. What is not clear is whether Bellomo truly believed the two were attempting another escape when they were shot or whether, according to the prosecution argument, he shot them in cold blood as punishment for their earlier attempt. Bellomo was found guilty of the war crime in July 1945 and was executed by firing squad in September 1945.

There was then a gap of several months before the next prosecutions were held. In the three months between February and April 1946, ten trials were conducted at seven locations in Italy; the rest of 1946 saw 16 trials conducted in six locations. Only 13 trials took place in 1947. The causes of action were limited to offenses against British or Commonwealth prisoners of war, and the number of cases involving each issue is as follows:

- Unlawful killing—26
- Unlawful attempted killing—2
- Unlawful wounding—3
- Unlawful ill-treatment—21

Some cases involved more than one issue.