

BR. 74.

Trial against

Romano Martello

Rino Faggioli,

&

Luigi Bellini.

MILITARY COURTS FOR THE TRIAL OF WAR CRIMINALS

D.J.A.G's Case No. 19/823.....

Name of Accused (including Rank, if any)	Arm or Former Arm of the Service	Age	Date and Place of Trial
Romano MARTELLLO Rino FAGGIANI Luigi BELLINI	Italian Fascist Black Brigade.		11th & 12th February 1946 : BOLOGNA.
			Convened by
			Commander No.2. District C.M.F

CHARGES

Charge COMMITTING A WAR CRIME in that they near CASSELE PRESSANA, ITALY, on 6 January 1945 in violation of the laws and usages of war were concerned in the killing of 6846387 Rifleman P. CHAPMAN, The King's Royal Rifle Corps.

President and Members of the Court (except Legal Member)	Judge Advocate /Legal Member
Lt-col M.B. JENKINS Major D. MIDDLETON-WALKER RA.,	1/4 KOYLI 53 LAA REGT RA
	Major T.W. JENNINGS. RASC Barrister-at-Law JAG Staff Pool.

Pleaded	Finding
<u>All Accused</u> N.G.	All accused - Guilty.

Sentence and Minute of Confirmation

All Accused
10 year's imprisonment. Confirmed by Commander, No.2. District, C.M.F. 11th March 1946.

When and where Promulgated :—
14 March 1946.

Date of Receipt	To whom sent	Date sent	Purport

RG/IR/28/SB.

E-4(BL)

74

MND

General Report of the Proceedings of a Military Court. 16171/19/A-3
Held at BOLOGNA on 11-12 Feb 46 for the trial of:-

Romano MARTELLLO

Rino FAGGIANI.

Luigi BELLINI

Charged with COMMITTING A WAR CRIME
in that they
near CASSELLE PRESSANA, ITALY, on 6 Jan 45, in violation
of the laws and usages of war were concerned on the killing
of 6846387 Rfn P. CHAPMAN, K.R.R.C.

Plea : All Accused; Not Guilty.

PROSECUTION. The Prosecutor made an opening address, setting out
briefly the facts of the case. From Sep 43 to Jan 45
CHAPMAN, an escaped P.W. lived in the province of VERONA,
wearing civilian clothes and participating actively in the
partisan movement. For some time he lived at the house of
Maria ROSSINI, and was well known to Angelo ZORZI, both
witnesses for the prosecution.

On 6 Jan 45 the three accused, youths and members of
the 22nd Black Brigade at VERONA, were ordered by the
Commandant of this Brigade to go out in search of an English
escaped PW. Near the crossroads at CASSELLE the accused
encountered CHAPMAN who was riding a bicycle. They called
on him to stop, and possibly fired a shot into the air;
CHAPMAN stopped and standing astride his bicycle raised his
hands in surrender. The three accused approached CHAPMAN,
one standing in front of him and one at each side; CHAPMAN
made no movement to resist but nevertheless one of the accused,
all of whom had rifles, fired a shot into CHAPMAN's head at
a range of thirty centimetres; the victim fell to the ground
whereupon the other two accused fired a shot into his body.

1st WITNESS :- Angelo ZORZI

Witness, a medical student, knew CHAPMAN; her father was
head of the C.N.L. in the village and in Dec 44 CHAPMAN
became a group leader. He dressed in civilian clothes, wore
a beard and moustache, and went about under an Italian
pseudonym. Witness last saw CHAPMAN alive on 4 Jan 46.
On 8 Jan 46 she saw the body of CHAPMAN in the mortuary
at CASSELLE PRESSANA there was an entrance wound on the left
side of the forehead and an exit wound on the right side,
the wound having been caused by a heavy calibre bullet
fired at a very close range. The arms were outstretched in
rigor mortis and it was the opinion of the witness that
CHAPMAN had fallen to the ground in that way.
In cross examination witness said CHAPMAN spoke excellent
Italian.

2nd WITNESS :- Maria ROSSINI

Witness was CHAPMAN's fiancée, she last saw CHAPMAN alive on
the evening of 5 Jan 46; he was not armed.
In cross examination witness stated that CHAPMAN never came
armed to her house, nor were arms kept there for him.

3rd WITNESS :- Antonio CRESTON.

Witness corroborated the facts of the case as set out in the
Prosecutors opening address. He related seeing MARTELLLO
2/..fire a shot

fire a shot into the left side of CHAPMAN's head at about a yard range; CHAPMAN had his hands up and had made no attempt to resist or escape. The other two accused then each fired a shot into his body as it lay on the ground.

In cross examination witness stated he was two or three yards away when the incident took place;

Other witnesses corroborated the facts as set out by the Prosecutor.

The statements of MARTELLLO, FAGGIANI and BELLINI were produced to the Court. MARTELLLO claimed that after CHAPMAN had been stopped he (MARTELLLO) searched him and saw a revolver in a holster; CHAPMAN struck at him and reached for his revolver, whereupon FAGGIANI fired. CHAPMAN continued to fight whereupon MARTELLLO fired, hitting him in the stomach. Subsequently a German car arrived and MARTELLLO was ordered by a German officer to shoot the wounded man, which he did, shooting him with a revolver in the left forehead. FAGGIANI agreed that he had fired the first shot and corroborated the remainder of MARTELLLO's statement. BELLINI related seeing MARTELLLO search CHAPMAN and how he struck out at MARTELLLO and went for his gun. FAGGIANI fired and the Englishman fell to the ground; while on the ground he pulled a pistol from his pocket whereupon MARTELLLO shot him. BELLINI was then sent to fetch the Commandant.

The Defence.

1st WITNESS :- MARTELLLO

Witness stated that their orders were to capture an English partisan who was armed and dangerous. He corroborated his previous statement except that he stated that he took his rifle from his shoulder to shoot CHAPMAN, after he had been shot by FAGGIANI and was reaching again for his gun. (In his statement MARTELLLO had claimed that he had not unslung his rifle)

2nd WITNESS :- FAGGIANI

In cross examination witness agreed that he had fired the first shot.

3rd WITNESS :- BELLINI

In cross examination witness stated that he did not see CHAPMAN put his hand in his pocket before he was shot (In his statement handed to the Court BELLINI claimed that CHAPMAN struck at MARTELLLO and put his left hand in his left coat pocket.)

The Prosecutor addressed the Court, submitting that great reliance should be placed on the testimony of Antonio CRESTON, and pointing out the circumstances of the shooting.

The Defending Officer and the Defending Advocate addressed the Court, submitting that the accused had been consistent in cross examination and that the prosecution witnesses were inconsistent and unreliable. The accused used only what force they considered necessary and were acting on what they thought to be a legal order. CHAPMAN was a dangerous man and the shooting arose only out of his own resistance. BELLINI was not present when MARTELLLO shot CHAPMAN on the orders of the German Officer.

The Court found all accused guilty.

Witnesses ... as to the good character of the accused were called, all stressing the extreme youth of the accused, their bad environment and the good pay offered in the Black Brigade.

3/... The Court

fire a shot into the left side of CHAPMAN's head at about a yard range; CHAPMAN had his hands up and had made no attempt to resist or escape. The other two accused then each fired a shot into his body as it lay on the ground.

In cross examination witness stated he was two or three yards away when the incident took place;

Other witnesses corroborated the facts as set out by the Prosecutor.

The statements of MARTELLLO, FAGGIANI and BELLINI were produced to the Court. MARTELLLO claimed that after CHAPMAN had been stopped he (MARTELLLO) searched him and saw a revolver in a holster; CHAPMAN struck at him and reached for his revolver, whereupon FAGGIANI fired. CHAPMAN continued to fight whereupon MARTELLLO fired, hitting him in the stomach. Subsequently a German car arrived and MARTELLLO was ordered by a German officer to shoot the wounded man, which he did, shooting him with a revolver in the left forehead. FAGGIANI agreed that he had fired the first shot and corroborated the remainder of MARTELLLO's statement. BELLINI related seeing MARTELLLO search CHAPMAN and how he struck out at MARTELLLO and went for his gun., FAGGIANI fired and the Englishman fell to the ground; while on the ground he pulled a pistol from his pocket whereupon MARTELLLO shot him. BELLINI was then sent to fetch the Commandant.

The Defence.

1st WITNESS :- MARTELLLO

Witness stated that their orders were to capture an English partisan who was armed and dangerous. He corroborated his previous statement except that he stated that he took his rifle from his shoulder to shoot CHAPMAN, after he had been shot by FAGGIANI and was reaching again for his gun. (In his statement MARTELLLO had claimed that he had not unslung his rifle)

2nd WITNESS :- FAGGIANI

In cross examination witness agreed that he had fired the first shot.

3rd WITNESS :- BELLINI

In cross examination witness stated that he did not see CHAPMAN put his hand in his pocket before he was shot (In his statement handed to the Court BELLINI claimed that CHAPMAN struck at MARTELLLO and put his left hand in his left coat pocket.)

The Prosecutor addressed the Court, submitting that great reliance should be placed on the testimony of Antonio CRESTON, and pointing out the circumstances of the shooting.

The Defending Officer and the Defending Advocate addressed the Court, submitting that the accused had been consistent in cross examination and that the prosecution witnesses were inconsistent and unreliable. The accused used only what force they considered necessary and were acting on what they thought to be a legal order. CHAPMAN was a dangerous man and the shooting arose only out of his own resistance. BELLINI was not present when MARTELLLO shot CHAPMAN on the orders of the German Officer.

The Court found all accused guilty.

Witnesses ... as to the good character of the accused were called, all stressing the extreme youth of the accused, their bad environment and the good pay offered in the Black Brigade.

The Court sentenced each accused to 10 years imprisonment.

The accused gave notice of their intention to petition against the sentence of the Court.

The finding and sentence of the Court were confirmed by Major General C.A. HEYDMAN G.O.C. No 2 District on 11 March 46.

/hs.