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THE FASCIST POLITICAL PRISONERS¹

NATHANIEL CANTOR*

I. LAW OF PUBLIC SECURITY

Internment for certain types of offense had existed in Italy before the Fascist government. Vagrants who would not work, white slave traffickers and habitual drunkards who repeatedly committed their offense and who had been placed under surveillance without result could be ordered by the regular courts to take up residence in special localities. They were subjected to enforced residence (*domicillo coatto*) under the jurisdiction of the police. Between 1915 and 1921 the internments varied annually between 136 and 562.²

In November, 1926, the government declared all opposition parties illegal. Under the Act for the Enforcement of Public Security (*Legge di pubblica sicurezza*, November 6, 1926) a new class of offenders could be interned, *viz.*, "all those who have committed, or manifested the deliberate intention of committing, acts subversive of the social, economic or national order, or capable of diminishing the security of the State or opposing or hindering the action of the State authorities in a way capable of prejudicing national interests according to the internal or international situation of the moment."

The maximum period of internment is five years.

In every city the police compile a list of all the opponents of the regime recording their suspected or actual misdeeds. This list is submitted to the commission of each province.³ It has often

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¹The material for this article is taken from both Fascist and anti-Fascist sources.

The present Italian government supports many progressive ideas both in the substantive criminal law as well as in the treatment and after-care of the ordinary prisoners. Despite my regard for the progressive efforts being made in these directions an impartial survey of the *independent* descriptions of the Special Tribunal and the treatment of the political prisoners leads me to believe that the facts presented are essentially accurate.

² *Annuario Statistico Italiano 1914-1921*, p. 194; *idem*; 1922-1925, p. 132.

³ Sentences to deportation are ordered not by the Special Tribunal discussed below but by an administrative commission of five made up of a member representing the Fascist party, a member of the judiciary (a public prosecutor) and three police representatives. (One should not confuse the men who are interned on an island or in secluded villages under sentence pronounced by the administrative commission with those who have been sentenced to *prison* by the Special Tribunal.)

happened that the accused is condemned without ever having been interrogated and first learns of the charge after having arrived at the place of internment.

In 1929 a man was interned on the island of Lipari who had been denounced as a communist by his business competitor although he had never interested himself in politics.

A poor farmer entirely ignorant of Communism was denounced as a communist by the police official of his village who was in love with his wife. The farmer was sent to Lipari.

Twenty citizens of Monterotondo (near Rome) were deported to Lipari for having attended the funeral of a workman, a well-known socialist. Among this group were two women, relatives of the deceased.⁴

Dr. Rosselli, the author of a book on *Mazzini and Bakunin*, was arrested and without any hearing was interned in Ustica (summer of 1927) at the moment when the Society for the History of the Risorgimento awarded him a prize for his book.

It is notorious that political opponents are interned even if acquitted after a trial. Thus, in September, 1927, after having been acquitted by the Court of Savona of having assisted the flight from Italy of Signor Filippo Turati, the Reform socialist leader, Ettore Albini, Francesco Spirito, Emilio Amelio and Giacomo Ocha were immediately transferred from prison, the first three to the island of Lipari and the fourth to the island of Ustica.

Dr. Carlo Rosselli and Professor Ferruccio Parri *after* having served their sentences of ten months imprisonment for assisting the flight of Signor Turati were, instead of being released, interned in Lipari.⁵

Those condemned to internment travel handcuffed. The *wagoni cellulari* attached to the slow third class trains travel only by day. In the evening they stop at a town where there is a prison. From the train the prisoners, linked together, are transferred to the local jail or else pass the night in the "cell-carriages," chained and without food. "When we came out of the cell, after twelve to eighteen hours of enforced immobility, without food, without fresh air, and almost in total darkness, our hands swollen because of the tightness of the handcuffs we could scarcely recognize one another."⁶

⁴ Lussu "Outwitting the Fascists," *Atlantic Monthly*, July, 1930.

⁵ "While I was on the island of Lipari," writes Carlo Rosselli, "the arrivals of men 'acquitted' by the Special Tribunal were continual. They were sent to the island straight from prison." *London Times*, December 16, 1932.

⁶ *Manchester Guardian*, September 4, 1929.

The ill treatment and abuse received by the interned during their transportation from jail to one of the political prisoners' islands has been also independently described.

". . . I shall never forget the night of December 18, 1926. In the corridors of the gaol we were awakened at 2 a. m. by a great rattling of chains. We were ordered out of our cells and driven downstairs. Our particular "chain" was to consist of about sixty deportees.

"All of us were destined for Lampedusa, a tiny island off the southwest of Sicily, near Cape Bon in North Africa. We were sent off in groups. Fifty carabinieri took charge of us. Each of us was handcuffed by both wrists with heavy iron manacles. . . .

"At the railway station we were made to wait some three hours. Not even the railway men on duty were allowed to approach us. At last we were packed into one of the slowest and most antiquated trains in Italy, those which, by some irony, are called 'accelerated.' Several of the carriages were 'cellular.' Most of us travelled to Naples in tight cells made for one person. In them, without air or light, one is obliged to sit handcuffed till the end of the journey, unable either to move, drink or eat. In winter one freezes; in summer one suffocates. It took us twelve hours to reach Naples where other lorries carted us to the fifth prison of the 'Carmine'. . . .

"That night we were put aboard the steamer for Palermo, dumped into the hold, still handcuffed, weary and worn out. The sea was rough. Outside the port a gale was blowing. We spent a night of hell. It was impossible to rest, impossible to stretch our limbs. Waves broke through the portholes. One of them, I remember, swept my little bag yards away. Sitting in the hold before me was the old Mayor of Molinella, a town that was formerly a citadel of Italian liberty, Dr. Giuseppe Massarenti. But the handcuffs gripped as they held us young fellows. He could only look at us silently, wide-eyed with fever.

"Next morning, about 8, we landed at Palermo. We were packed like cattle into horse vans and carted to the Ucciardone Prison, the worst in Italy. We had hardly reached it when we were again subjected to minute and odious formalities. It was not as though we had just been arrested. We had passed from prison to prison and had been visited and searched again and again. What could we have hidden? Yet the fact is that, in mid-winter, in an open courtyard, we were all stripped to our skins so that the warders could examine our clothes minutely, ripping open the linings, cutting off metallic buttons and examining every inch of every garment. Everything was taken away, even the shoe laces. . . .

"Then we were shoved into various cells. With four other friends I was put into a cell large enough to hold twenty inmates. . . . We five were given two mats between us and one horrible coverlet to put over us as we lay on the mats side by side."

⁷ "Hell in Italy. The Plight of Political Prisoners," Francesco Nitti *Review of Reviews* (London), September 14, 1929, p. 178. (Signor Nitti is a nephew of the former Italian Prime Minister.) The experiences of Signor Nitti on the island of

At first the deportees were sent to the islands of Lipari, Ustica, Favignana, Lampedusa, and Pantelleria, all in the vicinity of Sicily. The islands near Naples, Ponza and Ventoteni were also utilized. During June, 1933, about 320 prisoners and 600 guards were in Ponza. The boundaries of the island of Ponza within which the interned must live, are about one-half square mile. Within these limits the men as well as their families are confined.

In a speech on December 18, 1930, Mussolini declared that eight lire a day were indispensable to a laborer but during the same month the allowance of the *confinati*, many of whom are accustomed to a higher standard of living was reduced from ten to five lire a day. With these five lire (at normal exchange approximately twenty-five cents) the men have to maintain themselves. Another lire is allowed for the wife and half a lire for each child. Naturally very few of the men care to bring their families to the islands.⁸

The married men live in wretched "cottages" and the single men in barracks. All interned must report to their dwellings or dormitories at sunset. No public place of any kind may be visited.

All mail is rigidly censored. "Dangerous books" (including the works of Tolstoi, Voltaire, and Anatole France) are prohibited.

Occasional manual work is the only kind presented to the political prisoners. Most of them cannot find any, let alone suitable, employment, especially within the area restricted to the deportees. (The difficulties in finding shelter or employment after release is a story by itself.)

Apart from the degrading physical environment the inmates, who, on the whole, constitute a spiritually and intellectually superior class, suffer terribly under the brutal arrogance of the administration. They are often forced to associate with the common criminals.

All prisoners must report three times a day to the militia. Three months imprisonment is the penalty for being one minute late. A clock on one of the buildings in Ponza served as a guide for those inmates not possessing a watch. Signor Salvadori relates

Lipari are recounted in his book *Escape*, Putnam, 1930. Also see the account of torture in the islands of deportation by Professor Rosselli published in the *Manchester Guardian*, December 4, 1929. The situation on the island of Favignani is described by one of the deportees in *La Stampa Libera*, (New York) February 5, 1933; *idem*, March 5, 1933 for comments on the island of Lipari.

⁸ No gifts of money or food are officially allowed. On November 25, 1931, a group of well known Englishmen, including Graham Wallas and G. Lowes Dickinson wrote a letter to the *Manchester Guardian* pleading for the Italian government to allow parcels of food, clothing, and medicine to be sent to the political islands, particularly for women and children.

how the militia maliciously tampered with this clock setting it back.

Signor Nitti describes his experiences on the island of Lampedusa. At the time there were about six hundred inhabitants and about four hundred convicts. The administration was in charge of Lt. Veronica. A group of political prisoners were singing old Roman love songs. Veronica surrounded by his armed guards, approached one of the singers, Pietro Rossi of Rome and charging him with singing "revolutionary songs" ordered him instead to shout "Long live the king." Rossi remained silent. Veronica pressed the point of his dagger against Rossi's chest. As Rossi maintained his silence the dagger was pushed deeper and deeper until Rossi, soaked in blood, fainted. Another Fascist guard was then ordered to jump upon him. The scene was so horrible that even a guard protested and was forthwith rebuked by Veronica. The inmates, held in bay by the armed militia, trembled with impotent rage.

The French newspapers got hold of the story. Mussolini was obliged to "order an inquiry." Soon after Veronica was transferred and the political deportees at Lampedusa sent in separate groups to the islands of Pantelleria, Ustica, Lipari, and Ponza.⁹

II. THE ACT FOR THE DEFENSE OF THE STATE

A law of November 25, 1926, called an "Act for the Defense of the State" reinstated the death penalty and imposed heavier sentences on political offenders and created for its administration the "Special Tribunal for the Defense of the State."¹⁰ It was expressly stated that such legislation was provisional for the ensuing five years, that it was to be discarded as soon as the "revolutionary" period had passed. But in 1931 the existence of the Special Tribunal was prolonged for five more years and the penalties enacted

⁹ A partial list of the political internees made up of members of the Reformists, Republicans, Socialists, Popular, Communist, and Anarchist parties as well as the unaffiliated group, is published on pages 14-19 of *Les deportes Mussolini*, Edite par la Comite d'initiative du Congres International Antifasciste, 12 rue Grange-Batteliere, Paris. On pages 11-13 the reader will also find a copy of the rules regulating the life of the interned on the island of Lipari.

¹⁰ The composition and procedure of the Special Tribunal is governed by the following legislation: The Law of November 25, 1926; The Royal Decree of December 12, 1926; The Royal Decree of March 1, 1928; The Royal Decree of September 27, 1928; The Army Penal Code. The Provisions, i.e., the rules of procedure of the Army Penal Code, direct the proceedings of the Special Tribunal. The Special Court has been established despite the fact that Article 7 of the Italian Constitution declares, "No exceptional tribunals or committees to administer justice may be set up."

by the Act of November 25, 1926, were embodied in the New Penal Code which took effect on July 31, 1931.

This extraordinary or emergency legislation was passed after an attack had been made on Mussolini's life. Along with the suppression of all opposition parties the freedom of the press was formally abolished by an Act of December, 1925.

We list some of the crimes coming under the jurisdiction of the Special Tribunal. It is punishable by from 5 to 15 years of imprisonment to "carry on in *foreign* countries any activity whatsoever capable of prejudicing national interests." The new penal code of 1931 increased the penalty from 15 to 24 years. Carrying on propaganda concerning the doctrines or program of any opposition party is illegal. Where the older Italian penal code (the Zanardelli Code) provided a maximum of 15 years imprisonment, the present law established a death sentence for all acts which *tend* to incite the citizens of the country to armed insurrection against the power of the State. Other crimes are also so vaguely defined that the most innocuous activity, even academic discussion may be, and has been, construed as seditious in character. There are 15 crimes which carry the death penalty.

The Special Tribunal is presided over by a president appointed by Mussolini from among the generals of the army, navy, air force or Fascist Militia. No legal degree is prerequisite for the appointment. Thus, the first president, General Sanna of the regular army, had no legal training whatsoever.¹¹

The president is assisted by five other judges holding the rank of colonel in the Fascist Militia. Court "reporters" also assist the Tribunal but have no vote. The judges of instruction whose function is to determine whether the defendant is to be indicted are also nominated by Mussolini and their nomination may always be revoked. The possession of a law degree is not required.

The judges comprising the Special Tribunal must also be members of the Fascist Party. They must all take an oath when becoming members of the Fascist Party swearing "to obey the orders of the *duce* without discussing them and to serve the cause of the Fascist revolution with all my power and if necessary with my

¹¹ The fact of legal training in itself is, of course, no guarantee of the dispensation of Justice. Thus, for example, Signor Cristini, the successor of Sanna and a general in the Militia, who held a law degree, declared *before* the termination of a trial held October, 1929 (in an interview to the *Giornale d'Italia of Rome*) "The guilt of the accused is as clear as day." At the close of the trial one of the accused was condemned to death and the other four defendants to 30 years in prison.

blood." The personnel of the courts, in brief, is selected on the basis of political loyalty.

The judge of instruction is not required to inform the defendant of the evidence being gathered against him during the investigation. At the close of the preliminary inquiry the accused may select defense counsel. The time of trial may be announced to the accused and his counsel as late as twenty-four hours before the proceedings and it lies within the discretion of the President of the Tribunal to reduce even that period.¹² As a rule the defense has only eight days to examine the indictment and to prepare for the defense.

The disadvantage under which a defendant may be placed is illustrated by the case of Signor Zamboni (September, 1928) who was in detention for two years during which time the judge of instruction was preparing the large "dossier" (indictment). The defense counsel complained because of the lack of time to study the records in the case.¹³

Another well-known example is that of a Swiss citizen Hofmeier who was arrested on November 18, 1927, and detained for sixteen months. On February 28, 1929, he was notified that his trial was fixed for March 4. He was condemned by the Special Tribunal for fifteen years. He had had no possibility for a fair defense, not having been able to learn of the evidence against him.¹⁴

Again it should be mentioned that the Tribunal may proceed through direct citation without the regular indictment even in charges carrying the death penalty!¹⁵

During the preliminary investigation the President may forbid the inspection of documents or confiscated objects knowledge of which "might be detrimental to the public interest." (This privilege has often been invoked.)

III. THE PROCEEDING¹⁶

One must also bear in mind that very few lawyers wish to undertake the defense of an accused before the Special Tribunal since this casts suspicion upon their own loyalty to the Fascist government. It has often happened that the press has bitterly attacked the defense counsel, questioning their loyalty to the government.

¹² Articles 435-439 and 555 of the *Army Penal Code*.

¹³ *Corriere della Sera*, September 8, 1928.

¹⁴ *Libera Stampa*, Lugano, Switzerland, June 6, 1931.

¹⁵ Decree of November 25, 1926, Article 9.

¹⁶ Upon the request of the prosecutor the president may order the trial to be held in secret (*camera*). (*Army Penal Code*, Article 444).

The President of the Tribunal, at the request of the public prosecutor may exclude civil counsel when deemed necessary in the interests of the public. In such case counsel is selected from among officers in the active service in the Army, Navy or Militia.¹⁷

The danger of such practice is obvious. The appointed defense counsel, who are also loyal Fascists, are receiving the confidences of the accused. As loyal Fascists such information should be turned over to the OVRA (*Organizzazione Vigilanza Reati Anti-Fascisti*), the secret police organization. Such attitude is patently in direct conflict with the duties of an attorney toward his client. The counsel for the defense may easily develop into a system of espionage.

In light of the foregoing situation the following case which would startle our sense of justice occasions little surprise. In September, 1930, the Tribunal appointed counsel for a group of Slavs charged with having thrown a bomb at the premises of a Fascist journal in Trieste. The defense counsel nominated by the President declared that his clients found themselves "in a terrible situation" and "that a death sentence would be the proper thing" (*che una condonna a morte era opportuna*).¹⁸ The defense attorney had the audacity to demand 30,000 lire from the father of his client for his efforts.¹⁹

Theoretically the trial is public. A fascist deputy, Signor Gray, affirmed amid general applause of the Chamber on April 25, 1931, that "the publicity of the Special Tribunal is extensive." ("*La pubblicita del Tribunale Speciale e larghissima.*") The actual practice throws grave doubt upon this declaration. To start with, as has been stated above, the President may order the trial to be held behind closed doors.²⁰ The newspaper representatives may be prohibited from publishing any information whatsoever concerning a trial. Or again, all reporters are excluded from the trial and a reporter from the government news agency (*Stefani*) prepares the account which is sent to the newspaper offices in Italy.

The "public" and members of the Fascist Party and attorneys who are admitted may be limited to those who hold special cards signed by the President of the Tribunal. In brief, the general pub-

¹⁷ *Royal Decree*, December 12, 1926, Articles 1 and 7.

¹⁸ *Corriere della Sera*, September 6, 1930.

¹⁹ *Petit Parisien*, September 12, 1930.

²⁰ On June 15, 1928, Signor Carlini and Signor Barozzi were secretly sentenced to 30 and 17 years imprisonment respectively. In July, 1930, Attorney Vratovec of Trieste and five others were similarly sentenced to from three to ten years.

lic and reporters generally may be excluded at any time in the discretion of the President.²¹

The falsification of the facts on the part of the press is notorious. For example on April 12 and 15, 1928, the Tribunal condemned fourteen defendants to from three to six years imprisonment for "having distributed communistic literature." Not one of the defendants was ever a communist—all were republicans. Such practice is intended to support the current belief that the only alternative to Fascism is Communism.

Generally the State's witnesses consist of members of the police force or militia. The sources of their information need not be revealed nor examined.²² The burden of the proof, lies with the defendant.

Generally every civilized country provides for *ex post facto* laws. No one, *e. g.*, may be tried for an act committed before such act has been declared criminal. The following case among others illustrates the violation of this cardinal principle of Western European justice. (Only the most essential facts are here presented.)

On August 28, 1926, two communists were arrested for transporting certain literature which consisted of "copy" for party papers, inquiries concerning party members, instructions as to ways and means of helping prisoners' families and of obtaining legal aid for others on trial.

The Communist Party was declared illegal *November 6, 1926*, and membership in such party was made punishable by the law of *November 25, 1926*, several months after the defendants were arrested. Thus, the act committed before *November 25, 1926*, became punishable as a crime only on *November 25, 1926*. Yet this was one of the counts upon which the defendants were convicted.

No appeal can be taken from the sentence of the Tribunal. Only "revision" is allowed, that is, when *new* evidence is discovered the case may be reviewed. Furthermore, the right to "revision" is discretionary with the Prime Minister (Mussolini) who must ask for the opinion of the Tribunal who pronounced the original sentence.

IV. THE POLITICAL PRISONERS

The majority of penologists agree that political prisoners should receive differentiated treatment.²³ Most of the European criminal

²¹ See *Manchester Guardian*, July 22, 1928.

²² See the Belgian Catholic paper, *La Libre Belgique*, February 17, 1931.

²³ Garofalo, it will be recalled, divides all crime into two classes, natural and political crimes. Only the former, according to Garofalo, constitute "real" crimes.

codes and penal laws provide for such special treatment of the political prisoners. The Fascist regime is an exception. As will be shown, the lot of the political prisoner is much more severe than that of the ordinary criminal. Indeed, during detention, evidence is not wanting that while awaiting trial, the notorious "third degree" methods are applied at the police stations. Thus a political prisoner, who with thirty others was arrested for reprinting the writings of the leaders of the Italian *Risorgimento*, describes some of the practices inflicted in Genoa, Milan, Bologna, Ravenna and Rome. The author mentions names and places.²⁴ The evidence gains in probity since other prisoners independently report similar practices.²⁵ Cudgelling is a common form of pre-trial and imprisonment treatment. This form of beating is known as "St. Anthony."

In Milan, according to the report, a scorpion is placed on the navel of the prisoner over which a glass is placed. The animal wishing to escape burrows in the flesh. In Ravenna the inmate is suspended above a plate of hot iron and lowered until his feet touch it. A modification of this is to force the feet in a pan filled with boiling water. In Bologna a rope is tightened around the inmates neck until he is nearly choked. Other forms of torture consist in tying the prisoner to a chair and repeatedly striking him over his heart with a rubber covered hammer. In Rome the soles of the feet are repeatedly struck with steel strips. The body is seared with an alcohol flame, the nails of the hand may be torn out or the testicles pressed.

Whoever commits an offense punishable under the "defense of the State law" may be sentenced to death or to "*reclusione*." The punishment of reclusion always implies solitary confinement (*segregazione cellulare*) for a period never less than six months or more than three years. For the rest of the term the offender is kept in solitary confinement during the night and in enforced silence during the day. They are all but deprived of books and exercise. Until June, 1932, permission to receive books from the outside was prohibited in order to prevent news arriving to prisoners from relatives or friends through means of the books. Instead, certain of the political prisoners could obtain two books every week from

²⁴ "What Tourists do not see in Italy," Salvadori, Max, unpublished manuscript.

²⁵ Cf., e.g., "The Case of Vinciguerra and Rendi," in *Italy Today*, May, 1931, and "Political Prisoners and Police Surveillance" *idem*, July, 1929. The information presented in the latter pamphlet was drawn from both Fascist and anti-Fascist papers. See also an interview given by the Belgian, Professor Leo Moulin, who was convicted by the Special Tribunal, to *La Liberta*, the Italian newspaper published in Paris, June 23, 1932.

the prison library by payment of a small fee. In November, 1932, even this privilege was abolished and one book per week was allowed.

The political, along with all other prisoners of the Italian prisons, are served only one meal a day. But the common criminals may supplement their meal by buying articles of food with money earned through prison work. The political prisoners may not work and if they have no money they have no food other than the bowl of soup and the 600 grams of bread per day. On Sunday a small piece of meat (50-100 grams) is served.²⁶

From February 1, 1927, to May 28, 1931, the Special Tribunal sentenced seven prisoners to death, one to penal servitude for life and 1,412 to 7,582 years of imprisonment. From June, 1931, to June, 1932, it sentenced two persons to death and 490 to 2,575 years of imprisonment.

After the notorious trials of June, 1932, Mussolini suspended the Special Tribunal. Instead those suspected of being unsympathetic or hostile to the regime were condemned to deportation under the law of Public Security, the latter proceedings were more secretive and did not necessarily require hearings of the facts or provide for a defense.

In the spring of 1933 the Special Tribunal again started to function. Evidently opposition to the present government remains aggressive.²⁷

²⁶ During a visit to the Regina Coeli Prison in June, 1933, I received the same information from the prison officials.

²⁷ For a clear and carefully documented account of the background of the treatment of Italian political prisoners the reader is strongly urged to read *The Fascist Dictatorship in Italy*, by G. Salvemini, Holt & Co., 1927. The Fascist interpretation is presented by Signor Luigi Villari, *The Awakening of Italy*.

The interested reader may survey for himself some of the cases disposed of by the Special Tribunal as reported by the anti-Fascist as well as Fascist papers by reading the pamphlet numbers of *Italy To-day*, edited by Mrs. V. M. Crawford and published by Hendersons, 66 Charing Cross Road, London. The following numbers are suggested: "Prisoners of Fascism," June, 1931; "The Latest Plot," January, 1931; and "The Special Tribunal for the Defence of the State," July-August, 1931. The latter pamphlet lists the disposition of the cases, names of the defendants, the charge, and sentences passed by the Special Tribunal from February 1, 1927 to May 29, 1931.

A brief and general picture of the Special Tribunal administration and the treatment of political prisoners and deportees is drawn under the title of "Galera e confino Memorie di Rino Bianchi," *Appendice della Liberta*, March-April, 1933. All of these newspapers are anti-Fascist.