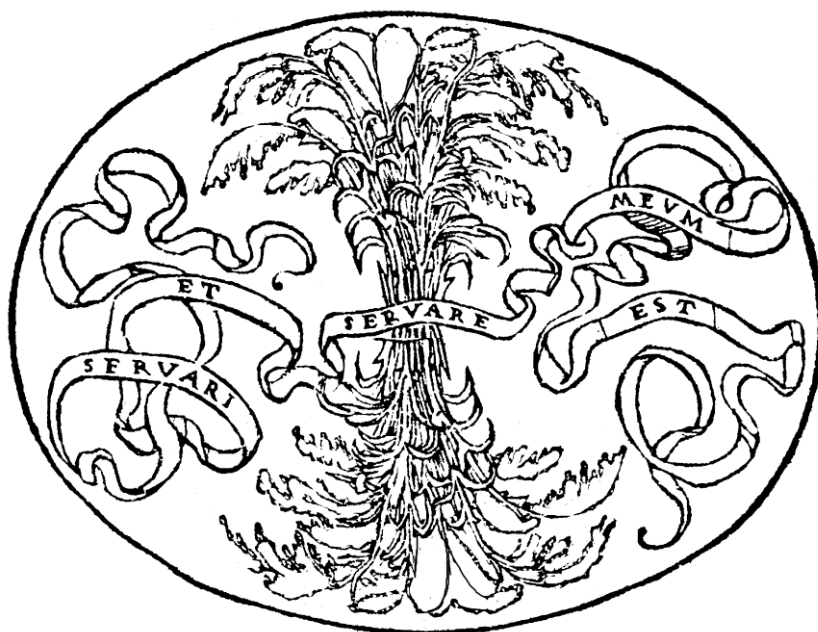


STUDI
DI
MEMOFONTE

Rivista on-line semestrale

Numero 22/2019



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ISSN 2038-0488

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POSTWAR TRIALS IN TRIESTE: COLLABORATION AND CRIMES AGAINST JEWISH PROPERTY DURING THE GERMAN OCCUPATION

This paper attempts to analyze a particular aspect of transitional justice in Trieste between 1945 and 1947. The focus is on the local Special Court of Assize (*Corte d'Assise Straordinaria*, CAS) which was responsible for prosecuting crimes of collaboration committed during the Nazi occupation¹. This work is part of a research conducted in collaboration with the Istituto regionale per la storia della Resistenza e dell'età contemporanea nel Friuli Venezia Giulia, and it aims to study the specific activities of this court and the actors involved in postwar trials². The research adopted a strictly historiographical point of view and focused on the actors involved in the spoliation process, with a specific interest in Italians who collaborated with Nazis. This perspective has been adopted in order to analyse a further source for studying the problem of the plunder of Jewish goods.

A substantial part of the trials held by the CAS of Trieste concern crimes against the Jews. The trials dealing with accusations, deprivation of property or deportations against Jews amount to 42 and include about 50 defendants (out of 261 judgments and 352 defendants)³.

The CAS of Trieste is the only court in North East Italy where this issue gets so much attention, confirming the particular situation of the city, where there was one of the most important Italian Jewish Communities⁴. The CAS trials are an important source in order to reveal new information about the Jews' spoliation⁵. Compared to the existing historiography, that has studied the role of German institutions and the ordinances asked for the requisition of the Jews, the CAS helps to underline the contribution by the Italian collaborationists during the spoliations⁶, dismantling the common myths of Italians being 'Jew saviors'⁷. It is maybe important to remember that in April 2001, the final report of the Italian Parliamentary Committee on Jewish goods, lead by Tina Anselmi, produced a complete list of archival sources regarding the issue of spoliation. However, the report did not include the documents of the CAS.

The Jewish community in Trieste was pretty big, rich and had a consistent expansion in the early years of the 19th century. Many Jews belonged to elite classes and among them there were the executives of the most important economic activities concerning the region and the city, especially in the commercial and insurance fields. When, in 1938, racial laws were announced, the Jewish community had approximately 6,000 people in the city⁸. The racial legislation and the ordinances that followed caused a progressive pauperization of the Jewish community.

¹ Specials Courts were created by the Italian government at the end of the war with the aim of judging crimes committed by fascists accused of collaborating with the Nazis during the occupation. These Courts ended their activity in 1947. WOLLER 1997; CANOSA 1999; PORTINARO 2011; ROVATTI 2009; ROVATTI 2015.

² For an overview on the results of the current research see: BATTAGLIA 1955; *IL DIFFICILE CAMMINO DELLA RESISTENZA* 2016; BOLZON-VERARDO 2017. See also THOMAS 2015.

³ Archivio di Stato di Trieste (ASTs), CAS, vol. 38, sentenze della Camera di consiglio 1945-1947. VERARDO 2016, p. 284.

⁴ See «Venetica», n. 1, 1998; BORGHI 1999; NACCARATO 1997; *FASCISTI E COLLABORAZIONISTI NEL POLESINE* 1991; ZANGRADO 1988; GARDUMI 2010; MARTIN 2000; VERARDO 2017.

⁵ The analysis of local contexts makes it possible to bring out new information on the spoliation of Jews, highlighting the collaboration of a large part of society in Jewish persecution. PAVAN 2015; PAVAN 2017, p. 124.

⁶ STEFANORI 2017; LEVIS SULLAM 2015a; ACCIAI 2015; OSTI GUERRAZZI 2005.

⁷ FOCARDI 2013, pp. 113-120; NATTERMANN 2010; SCHWARZ 2004.

⁸ BON 2000, pp. 67-78.

During the war, antisemitism also increased⁹. Especially because of the fascist squads, there were mistreatments and accidents (such as the devastation of the synagogue on the 18th of July 1942, and shop robberies in May 1943)¹⁰. The situation got worse after the 8th of September 1943 and the establishment of the Operational Zone of the Adriatic Littoral (*Operazionişzone Adriatisches Küstenland*, OZAK)¹¹. The antisemitic politics became the ‘final solution’, thanks also to the help of collaborationists.

To remark the importance of the territorial politics we should remember the creation of an extermination camp, the only one in Italy, into Risiera di San Sabba. It is estimated that 4-5,000 people died, mostly political opponents, and Italian, Slovenian, and Croatian partisans. The Jewish victims were less than one hundred because for them it was just a transit camp for the following extermination camps¹².

In Trieste, the Nazis organized spoliations and raids using the *Sicherheitspolizei und Sicherheitsdienst* (SIPO/SD) of the *Einsatzkommando Reinhardt*¹³. With the order of the Supreme Commissioner on the 14th of October 1943, relating to ‘Jewish heritage’, all the properties and bank accounts of the Jews were put under seizure¹⁴. Up until the 24th of February 1945, about 70 transports leaving for Auschwitz and Dachau departed from Trieste and the number of deported Jews was approximately 700. By the end of the war there were 4-5,000 Jews in the city.

Returning to the CAS case specifically, most of the indictments concerning crimes committed against Jews refer to property. In fact, the properties of Jews who had been deported or who had left the city after the Nazi occupation fed a black market involving a large part of Triestine society.

In particular, a large number of women managed the requisition and the sale of fine furniture, antiques and precious objects. So, the presence of so many Jewish properties in Trieste identifies a specific category of collaboration with the Nazis, characterized by a gender perspective.

The case-study of Cecilia Villeni is a useful example to analyze this topic.

*Villeni Trial*¹⁵

Cecilia Villeni was born in Trieste on the 16th of March 1905. She lived in Trieste and she was employed in healthcare, a kind of nurse. She had no criminal record. According to Villeni herself, during the war she did not have an occupation, and badly needing a job, she got hired by the OZAK Supreme Commissioner in the Finance Department. She worked there from December 1943 to June 1944.

After the war she got denounced by many people; a report also came from the Jewish community of the city, which had an important role in the postwar period in finding and quantifying the goods taken away to the Jews because of the racial policies¹⁶. Villeni was accused of having taken properties and various objects belonging to Jews and sold them.

⁹ BON 1989, p. 98; *RAPPORTO GENERALE DELLA COMMISSIONE [ANSELMINI]* 2001, p. 203; SARFATTI 2013. For a comparison with similar experiences see PAVAN 2015, pp. 303-333. See also VIVANTE 1984; REDIVO 2011, pp. 91-100.

¹⁰ MIGLIORINO 1992; FOGAR 1999; BON 2001; PAVAN 2004; LEVIS SULLAM 2015a, p. 82; STAUDENMAIER 2017.

¹¹ WALZL 1991; WEDEKIND 2003.

¹² MATTA 2013.

¹³ BON 2000, pp. 283-323; DI GIUSTO–CHIUSI 2017.

¹⁴ BRASCA 2017.

¹⁵ ASTs, CAS, b. 16, fasc. 78/46, Letter by Cecilia Villeni to the Police Commissioner of Trieste, 3 October 1945.

¹⁶ The Jewish Community reports of more than 130 complaints about apartments plundered until the end of 1943 for an estimate damage of 168 Million Lire.

According to the accusations, she was an interpreter at the German headquarters and took advantage of this role to exchange clothes (probably stolen) for food.

For these reasons she was arrested on the 25th September 1945 and taken to prison in via Nizza in Trieste.

According to the denunciations, Cecilia Villeni was brought to the court because of two accusations. The first was for collaborationism: she was accused of acting as an interpreter for the OZAK Supreme Commissioner and as a secretary responsible for checking the inventories of firms and houses taken from the Jews. The first denunciation implied also her being accused for «promoting the enemy's political plans in the occupied territory»¹⁷. The second accusation was for theft: she was accused of having stolen objects that had been taken out, during an inventory, from the house of the Doctor Paolo Bellandi, to make a profit from them.

According to evidence produced during the investigation, the accused was hired in the Finance Department of the OZAK with the task of verifying draft inventories made by the SS in Jewish houses and in places of business (shops, firms, professional studios). She took part in a team of 5-6 women who completed the inventories after the SS seizures. The furniture and the goods were brought to a warehouse of the Free Port of Trieste, where they were either sorted out by the Germans to the commandos for their needs, or sold in auctions to the best bidder. The earnings were deposited in a special bank account called *Judenvermögen* (Jewish heritage) at the Banca Commerciale Italiana.

Even though the amount seems underestimated, in February 1945 the Germans quantified the total amount of the account in this bank to 23 Million lire.

In February 1944, Villeni took part in the inventory checking of the goods found in the Bellandi apartment. Bellandi was a Jewish doctor who had escaped abroad and whose apartment had been occupied by Carlo Cosimi, who was an officer of the Ministry of Popular Culture. During the control the accused showed herself to be 'zealous'; as such she was repeatedly described in the trial and this was considered an aggravating circumstance and evidence of criminal collaboration. The discrimen is obviously subtle: for example, when in one case she was accused of having stolen silverware during an inventory check, she defended herself by affirming that these goods had never been inventoried. Indeed, many people accused Villeni of stealing goods, to have come into possession of them and to have been the mediator for selling them at dramatically inflated prices. Judging by documents of the Office for the Jewish Affairs of the Allied Military Government (AMG), it appears that Villeni also took part, in February 1944, in the sale of porcelain that belonged to Clara Maria Oblath-Luzzati. The case is interesting because it allows us to confirm that within OZAK the spoliation process was really long and took place both according the 'legal' rules and in 'illegal' forms through the actions of collaborators and mediators (mostly Italians), who attempted to get rich through the spoliations.

Both during the investigations and in the court dispute Villeni denied the accusations. She said she hadn't dealt with goods belonging to Jews, claiming to have purchased them according to the rules, even though it was forbidden for OZAK insiders to purchase goods belonging to Jews. In her property many goods of value had been found – as the long inventory of her apartment in Trieste demonstrated. This contrasted with the statements given by the accused regarding her condition of destitution.

The accused often defended herself using racist expressions. She said she had been slandered and vilified for professional reasons by those that she called «groups of Jews». She declared to have been denounced for the sake of revenge, and that «the first who believe in the slanderous rumours circulating about her were Jews who, hateful towards the 'Nazi

¹⁷ Proclama n. 5, *Istituzione di Corte Straordinaria d'Assise*, in «Gazzetta del Governo Militare Alleato», 1, 1945.

reforms', didn't go into much detail and blindly struck against the first person they came across»¹⁸. In her statements there often are references to racial issues and to anti-slavish feelings: these dynamics were used as a defensive strategy to reduce the amount of responsibility or to get extenuating circumstances.

Regarding the theft imputation, the Court set the accused free because of lack of evidence, but she was found guilty for the accusation of collaborationism. The Court stated that Villeni offered herself as volunteer to the execution of her tasks. The justification of becoming involved out of financial needs was disproved because of her good economic condition, and because during the occupation she enriched herself. She even managed to buy a small house and a small farm in Istria, where many valuable objects were found after the war, many among them belonging to Jewish families. The accused had showed care and precision in carrying out her work and for this reason the Court declared that she had supported Nazi «political aims of persecution and systematic spoliation» against the Jews.

Cecilia Villeni was convicted with attenuations to 4 years, 5 months and 10 days in jail. The Court also seized the properties of the indicted, in order to identify the looted objects and to return them to the rightful owners through legal procedures. Unfortunately, many of these goods had been purchased after being removed from Jewish houses.

The judiciary story does not end here: the defendant appealed to Cassation Court (Corte di Cassazione). According to her legal team, the accused had taken part only in administrative duties and not in the processes of robberies and persecutions themselves. The instance was accepted: on the 9th of October 1946, the Court canceled the verdict without postponement because her activities were no longer considered to be a crime¹⁹.

In this case, but in general also, the judges of the CAS in Trieste show a peculiar thoughtfulness regarding the looting of Jewish property, and this can be clearly seen in the way in which they wrote their decisions²⁰. This special attention is due to the fact that the Court worked under a strict control by the Anglo-Americans, who were interested in implementing a reparation policy²¹.

Final considerations

What kind of conclusions can be drawn from this trial regarding the transfer of cultural objects in the Alpe Adria territory? First of all, the trial shows the complex bureaucracy that concerned Jewish property. Villeni, together with a group of women hired to write inventories, was just a cog in a broad procedural machine. In the first place the confiscated assets were roughly inventoried by the SS, who passed their drafted lists to the Finance Office. At this point detailed inventories were drawn up with the aim of establish the destination of the assets. Priority was given to the needs of the head offices and to Nazi officials and co-workers. Whenever there was a surplus, the confiscated goods were put on sale. According to Elvio Fusch, an employee in the Finance Office of the OZAK and a witness in Villeni's trial, the victims of war damages were favoured as purchasers.

The enhancement of confiscated Jewish assets aimed at improving the work environment of the occupation forces. But the goal was also to promote a local welfare system

¹⁸ ASTs, CAS, b. 16, fasc. 78/46, Letter by Cecilia Villeni to Police Commissioner of Trieste, 3 October 1945.

¹⁹ ASTs, CAS, b. 16, fasc. 78/46, Letter by Cecilia Villeni to Police Commissioner of Trieste, 3 October 1945. See also FRANZINELLI 2006. The judgement was issued by the Court of Appeal of Trieste, which at that time acted as Cassation Court.

²⁰ PEZZINO 2012; ZAMPI 2015; D'ARONCO-VERARDO 2017.

²¹ See: FOCARDI 2005, pp. 62-65; MELIS 2003; MENICONI 2013, pp. 247-256; GRILLI 2017, pp. 221-228.

that would offer both occupying forces and population economic support and profits²². Luxury goods, such as canvases, carpets, silverware, valuable furniture, pianos, and books were auctioned. These could be purchased by private buyers as well as by institutions²³.

The complexity of the inventorying process and of the confiscation procedure had the purpose of keeping the distribution of Jewish assets under control and of avoiding the flourishing of the black market. The placing of precious items on the market, caused by confiscations, gave birth to an illicit trade often managed by Italian collaborators, most of them hired by the Nazis. The Villeni story is a case in point: she got hired to work on inventories and she got rich acting as mediator in sales of valuable goods.

The drawing up of inventories represent one of the most important elements which emerge from the documentation related to the trials for collaborationism of the CAS. Indeed, they allow to retrace the vicissitudes of the assets in the Northern Adriatic context, to identify them, to determine their value and to detect their final destination.

The drawing up of inventories can be considered as an act of double collaborationism: not only inventories are a tool which contributes the enrichment of crime's perpetrators. But it is also a kind of crime which is charged with strong racial meanings, being against the Jews in particular. It is absolutely evident that the seizure of Jewish assets moves parallel to the arrests of many Jews that were still in the city. The inventory is the specific evidence of the consummation of a crime against the Jews. These two aspects make the drawing up of inventories an act of political collaboration.

At the same time the bureaucratisation of the Nazi system allowed the legitimate owners to recover, as far as possible, their goods in the postwar period. Within the AMG, the Jewish Office was established with the task to recover Jewish assets and to repay the victims. The office could examine the files of the Nazi administration, thus identifying looted assets and some names of the legitimate owners. The Nazi documentation provided materials to enact claims.

Despite the Nazi attempt to create standard operating procedures that would forbid smuggling, confiscations encouraged the activities of opportunists and other ambiguous figures who got rich through the Jewish tragedy. Taking advantage of their role, these wielded tiny forms of power that could not but end into moral degradation. Many employees and other profiteers played an ambiguous, non transparent role. At the same time a clash was taking place between the German occupation authorities and the institutions of the Italian Social Republic (*Repubblica sociale italiana*, RSI). Although deprived of jurisdiction on the OZAK, the RSI attempted to implement the Italian legislation and Mussolini's bans. These latter, no less harsh than the German ones, attempted to prevent the dispersion of the assets confiscated by Nazis. It should not be forgotten that in Trieste the confiscations also concerned valuable art objects, such as the 14 paintings of the lawyer Gino Pincherle (among them a painting attributed to Titian), those of the Pollitzer family and the canvases, porcelain, and carpets belonging to Mario Morpurgo de Nilma.

Cecilia Villeni is a representative of criminal and ambiguous behaviour within a wider system and her story is a significant case among many which occurred in Trieste: it contributes to reconsider the social and cultural environment of a city damaged by the war, where often issues of personal reward had dramatic consequences on the lives of individuals²⁴.

²² GROSS–GRUDZIANKA GROSS 2016, p. 15.

²³ BASEVI 2001.

²⁴ APIH 1999, pp. 39-48; LEVIS SULLAM 2015b, p. 261.

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ABSTRACT

This paper analyses the post-war trials in Trieste (1945-1947) for prosecuting crimes of collaboration committed during the Nazi occupation, with special attention to the role played by the Italian collaborators. The case-study of Cecilia Villeni allows to illustrate the activities of those involved in the spoliation process of Jewish property.

Questo contributo analizza i processi celebrati tra il 1945 e il 1947 a Trieste per perseguire i crimini di collaborazionismo commessi durante l'occupazione nazista; con specifico interesse al contributo recato dagli italiani, un caso di studio riferito alla vicenda processuale di Cecilia Villeni mette in evidenza i diversi attori coinvolti nel processo di spoliazione degli ebrei.