

The burned alive children of Sant'Anna, the Nazi Officer and the Hamburg judges³

Letter to Lutz von Selle, Chief Public Prosecutor of Hamburg

A little more than one month ago it has appeared in the newspapers the news that the SS lieutenant (*Untersturmführer*) Gerhard Sommer, sentenced to life by the Italian Military Tribunal of La Spezia, together with 9 comrades, will not be extradited to Italy. Sommer was sentenced for the massacre of Sant'Anna di Stazzema, in which more than 500 people were killed, to a large extent women and children. The decision not to extradite Sommer resulted from a resolution of the Chief Public Prosecutor (*Generalstaatsanwalt*) of Hamburg, who has trusted the conclusions of a local medical committee, according to which Sommer would not be in the conditions to face the German trial, necessary to validate the extradition procedure.

This new marks a sad day for the justice and for history, because in this way vanishes the last hope that at least one of the criminals responsible for that horrible massacre could serve the sentence, at least symbolically. The massacre of Sant'Anna di Stazzema, as we know, was one of the most heinous actions carried out by the Nazi-fascist armies in Western Europe. Undoubtedly the decision of the Hamburg Public Prosecutor marks a continuity, still alive in a large part of the German society, between the slaughterers of the last world war, and some politician, magistrates and representatives of public institutions.

We hope that the Hamburg judges have pondered with great attention the conclusion of the psychiatrist who has evaluated Sommer's psychological conditions, and we hope also that they have chosen with great attention the doctors charged to examine him, and, moreover, that they have selected persons of indubitable independence (possibly including among them also non German people, to be sure that their necessary impartiality would not be overshadowed by the national sense of belonging). We also hope that the doctors and judges of Hamburg have not acted following a mislead sense of Christian mercy, with the idea of letting die in peace a more than 90-years old person.

We hope so because, according to the statements made on 14th June 2004 by Adolf Beckert, one of the German militaries involved in the massacre of 12th August 1944, Sommer was likely the highest grade officer (and by consequence the main responsible) of the mass killing perpetrated on ten church square of the small village of the Versilia mountains; and namely the military who gave the "free fire" order against the about 150 persons rounded up and brought to the square (to give an idea, we recall that among them there were, among others, the wife and the 8 children of the Italian Navy officer Antonio Tucci: the youngest was just three-months old).

In the largely reticent narrative made by Beckert in La Spezia about the events that immediately preceded the killing, he spoke of talks between the German commander and the parish priest, Don Innocenzo Lazzeri. The commander pretended the names of the local partisans, and the priest insisted that there

were no partisans among the persons assembled on the square. Eventually the commander set an ultimatum, and after the allowed minutes, the slaughter began. In the words of Beckert this seems to occur in a quasi-natural way with «the person dying silently, with no cry whatsoever».

The real events occurred in an undoubtedly different way, particularly if we have to trust some documents of the epoch, and namely the memorial of Nino Mazzolino, a non commissioned officer of the Italian Navy, written in December 1944. Mazzolino, who was a Sardinian based in La Spezia, had moved initially to Forte dei Marmi and eventually had looked for a safe refuge in the mountains of Sant'Anna di Stazzema, together with his wife, his newborn girl and a nephew. According to Mazzolino, Don Lazzeri, after desperately trying to avoid the massacre, obtained from the Germans the engagement that the at least the children life would be spared. What happened was totally different. The Germans first killed women and old persons and, afterward, set fire to their bodies. Eventually – as Mazzolino writes - «when the flames were high, those evil persons took the children (to be saved according the engagement established with that martyr [*i.e.* Don Lazzeri]), and cast them alive in the fire».

This atrocious detail of the children burned alive, has a confirmation – even though a partial one - in a text written a short time after the massacre by a semiliterate peasant, Anna Donatini, who lost two daughters in the killing of August 12th. According to Anna «a German narrated that one of his comrades aimed with his gun to a small baby; and, afterwards, for three times they tried to cast to the fire a 10-year old child, and, because the child did not stay there, he was obliged to kill him» [*un tedesco raccontò che co' un bambino piccolo un suo compagno fece versaglio e poi raccontò che un bambino di 10 anni lo tirarono nel fuoco per 3 volte e in fine [visto che] non ci stava lo dovette ammazzare*].

We hope sincerely that what Nino Mazzolino and Anna Donatini have written does not correspond to the truth. We hope so not only because we have difficulty even in figuring such an extreme cruelty as that of burning alive children, and such a heinous ignominy of somebody who act so after promising to spare those same children. We hope so not only because we wish that Sant'Anna children did not suffer such atrocious pains. We hope so mainly because we wish that the Hamburg judges would not bear forever in their conscience the juridical and moral responsibility of letting go the responsible of that act, by making it impossible that a late justice could reach him. That barbaric act goes beyond the beheadings carried out at our times by the fanatics of the Islamic State. We are convinced that for these last actions undoubtedly the Hamburg judges, together with their children and families, feel a sincere horror.

The slowness with which the public Prosecutor of Stuttgart has examined in past years the position of those sentenced in

³ This is the text of the letter sent to Lutz von Selle, Chief Prosecutor of the City of Hamburg, on 23rd June 2015, about one month after knowing that the Hamburg Court had refused the request of extradition of Gerhard Sommer addressed by the Military Tribunal of La Spezia (Italy). Sommer had been sentenced to life in Italy for his involvement in the massacre of Sant'Anna di Stazzema. The reasons given by the Hamburg Court for this decision is that Sommer would not be in the conditions to defend himself in a trial, for health reasons, and notably for a "senile dementia" certified by a committee of local doctors.

the process of La Spezia, eventually concluding that they should not be condemned, and the current decision of the Prosecutor of Hamburg, establish an ideal - if not legal and historical - continuity between the Nazi regime and the current institutions of German justice.

In a highly reserved document sent to the high Nazi commands on 16th December 1942 (document number NOKW-068), whose English translation is now at the National Archives of London (Kew Gardens: TNA, WO 235/592 Exhibit 350) in the context of the combat against partisans («the bands») «in the East and as well as in the Balkans, the Fuhrer established the following: «no German who is active in the combat against the bands may be called to account for his attitude in the fight against the bands and their camp-followers, neither by disciplinary actions or by court-martial». In the same document he

specified that «the troops are therefore entitled and obliged to use every means without restrictions, even against women and children, if it is only successful».

It would be perhaps not too far from the truth one who would say that the public Prosecutor of Hamburg, as a large part of the judiciary of Germany which has examined in the years the proceedings against Nazi war criminals, still continue to comply with orders given over 70 years ago by a German Commander whose name was Adolf Hitler.

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Pisa, 23rd June 2015