

# **THE TRIAL AND CONVICTION OF U.S. SPIES IN PEKING**

**The Texts of the Indictment and Verdict**

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THE TRIAL AND CONVICTION  
OF U.S. SPIES IN PEKING

The Texts of the Testimony and Verdict

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# INDICTMENT

## IN THE CASE OF ENDANGERING THE PEOPLE'S REPUBLIC OF CHINA AND CONSPIRACY TO ARMED ASSAULT BY SPECIAL SERVICE AGENTS AND SPIES OF THE UNITED STATES OF AMERICA

*From the Municipal People's Procurator's Office, Peking*

*To the Military Court of the Peking Military Control  
Committee of the People's Liberation Army of China.*

The Public Security Bureau of the Municipal People's Government of Peking, on learning in September 1950 of activities concerning a serious conspiracy to armed assault by Antonio Riva and Riuichi Yamaguchi who acted as special service agents and spies of the United States Government, arrested Antonio Riva and Riuichi Yamaguchi on the 26th of September of the same year and discovered considerable evidence of crimes, including arms and ammunition and intelligence reports. All relevant facts concerning the case were investigated, including those concerning accomplices and criminal evidence, and were pieced together by May 1951. The accused and all criminal evidence were transferred to this office by the Public Security Bureau on August 2, 1951. Investigation by this office has proved with conclusive evidence that the seven accused, namely: Antonio Riva, Riuichi Yamaguchi, Tarciscio Martina, Henri Vetch, Quirino Victor Lucy Gerli, Walter Genthner and Ma Hsin-ching, committed respectively the serious crimes of conspiracy to armed assault, concealing arms and ammunition, and spying out secrets of the Chinese State, under the direction of the Office of Strategic Services of the United States, the headquarters of the American occupation forces in Tokyo and the Office of the Military Attache of the former American Embassy in Peking, to the detriment of the People's Republic of China. I, the Procurator General, hereby submit the records of the investigation in this criminal case.

### I ACCUSE:

#### **Antonio Riva (Tony),**

Italian, 55 years of age, residing at No. 17B Kanyu Hutung in Peking, agent in Peking of the James Walter and Sons Company in Tientsin, graduate of the Royal Aeronautical Academy, Caserta, Italy, born in China in 1896, returned to Italy in 1906, and came to China again in 1919, special service agent and spy of the Italian Fascist Party, Chiang Kai-shek gang, Japanese-invading army in China and the United States Government; of conspiring with another American secret service agent and spy, the Japanese Riuichi Yamaguchi, for armed assault to discharge a gun at the rostrum of Tien An Men during the Chinese National Day Ceremony on October 1, 1950, in an attempt on the lives of the Chairman and other leaders of the Central People's Government of the People's Republic of China; arrested at his place of residence on September 26, 1950;

#### **Riuichi Yamaguchi,**

(English name, Frank; French name, Francois Antoine; Chinese name, Liu I)

Japanese, 47 years of age, residing at No. 16 Kanyu Hutung, Peking, editor of the Chinese index of the French Book Store in Peking, graduate of the Department of History of the Imperial University in Kyoto, Japan, came to China in 1933, special service agent and spy of Japan and the United States, in 1950 drew up the map for the firing at Tien An Men under the direction of the headquarters of the American occupation forces in Tokyo, scheming to

discharge a gun at the rostrum of Tien An Men during the Chinese National Day Ceremony on October 1, 1950; arrested at his place of residence on September 26, 1950;

#### **Tarciscio Martina,**

Italian, 64 years of age, residing at No. 6A Nai Tse Fu, Peking, graduate of the Vatican Monastery, Rome, came to China in January 1926 as Bishop of the Catholic Hsien County parish; in 1947 "Delegate in Peking" of Archbishop Antonius Riberi, the "Inter Nuncio (Envoy of the Pope)" of the "Vatican's Diplomatic Mission in China," intelligence agent of the Japanese invading army in China, the Chiang Kai-shek gang and the United States Government, co-operated with the Kuomintang army in organising armed plain clothes corps for undermining the liberated areas, concealed ammunition for Antonio Riva and others who acted as special service agents and spies in Peking of the United States Government, collected intelligence data; arrested at his place of residence on May 12, 1951;

#### **Henri Vetch,**

French, 52 years of age, residing at No. 55 Chuan Pan Hutung, Peking, graduate of the Academy of Artillery, Fontainebleau, France, came to China in 1920, manager of the French Book Store in Peking since 1941, carried on espionage activities and concealed Riuichi Yamaguchi who acted as special service agent and spy of the United States Government and plotted armed assault; arrested at his place of residence on March 11, 1951;

### **Quirino Victor Lucy Gerli,**

Italian, 56 years of age, residing at No. 15 Kuan Tou Fu Fang, Nan Chih Tse, Peking; manager of Italiasia Company, joined the Italian Fascist Party in 1929, acted as espionage agent of the United States Government; arrested at his place of residence on September 26, 1950;

### **Walter Genthner,**

German, 39 years of age, residing at No. 17C Kanyu Hutung, Peking, came to China in 1938 as agent in Peking of the Robert Bosch Company, intelligence agent since 1949 of Antonio Riva who acted as espionage agent of the United States Government, arrested at his place of residence on September 26, 1950;

### **Ma Hsin-ching,**

Chinese, 31 years of age, residing at No. 9 Pu Tu Sze Tung Hsiang, Nan Chih Tse, Peking, spied out and conveyed Chinese military and political information and supplied this to the spies of the United States, arrested at Quirino Victor Lucy Gerli's residence at No. 15 Kuan Tou Fu Fang, Nan Chih Tse, on September 26, 1950;

### **BECAUSE**

the above-mentioned accused, before and after the liberation of Peking, under the direction of the espionage organisations of the United States—the Office of Strategic Services, the headquarters of the American occupation forces in Tokyo, Japan, Colonel David Dean Barrett, Military Attache of the former American Embassy in Peking—continuously committed conspiracy, sabotage and espionage activities against the Chinese people in the Anti-Japanese War, the Liberation War, the liberated areas and the People's Republic of China. After the liberation of Peking, the accused Antonio Riva and Riuichi Yamaguchi and others, under the direction of the above-mentioned espionage organisations of the United States and their agents, not only continued their underground subversive activities in Peking by spying out military, political and economic secrets of the Chinese State, but also plotted armed assault and concealed arms and ammunition. The accused Antonio Riva and Riuichi Yamaguchi plotted an attempt on the lives of the Chairman and other leaders of the Central People's Government by scheming to discharge a gun at the rostrum of Tien An Men on the occasion of the Chinese National Day Ceremony on October 1, 1950.

The main facts of the crimes of the accused are listed below:

The accused **Antonio Riva** is an Italian fascist. He organised the Peking Branch of the Fascist Party in 1926 and was himself head of this Branch. In 1923, Antonio Riva started the Asiatic Import and Export Company in Tientsin and sold aircraft and artillery pieces to the Northern Warlords Tsao Kun and Chi Hsieh-yuan for civil war which resulted in the slaughter of the Chinese people. In 1934 Antonio Riva became chief secretary of the "Italian Air Mission to China" sent by the Italian Fascist Chief Mussolini to help Chiang Kai-shek to build airfields in Nanchang and Loyang, to set up an aeronautical academy for training air force personnel

and to buy a large number of aeroplanes from Italy for attacking the revolutionary bases of the Chinese people.

In 1937, when the Japanese invaders occupied North China, Antonio Riva in collusion with Tomaakari Hidaka, high ranking special service agent in the "Press Section of the Japanese Army Headquarters in North China," carried out special service and espionage activities in various places of North China and collected intelligence reports for the Japanese invaders.

Shortly after the Japanese surrender in 1945, Antonio Riva and David Dean Barrett established espionage relations. Antonio Riva has admitted:

"My reports to Col. Barrett, both verbal and in writing, comprising about 400 items of military, political and economic interest (with special stress on the activities of the USSR and its personnel in China), may be divided roughly into two parts.

"1) Before the liberation: about one-third of the total dealing especially with the events of the civil war and the activities of the Soviet personnel in China;

"2) After the liberation of Peking: dealing chiefly with the political and economic development of the people's government."

*(Statement of Antonio Riva written on June 2, 1951.)*

In March 1948, Antonio Riva, under the direction of the espionage organisation of the United States Government, hired Riuichi Yamaguchi, Japanese special service agent, as his intelligence agent, and directed the American espionage agents Tomaakari Hidaka, Tarciscio Martina, Henri Vetch, Quirino Victor Lucy Gerli, Walter Genthner and Ma Hsin-ching in collecting military, political and economic information on the Chinese liberated areas. From March 1948 till the liberation of Peking, Antonio Riva handed to David Dean Barrett 115 intelligence reports which he had collected. In a letter to Antonio Riva, dated November 29, 1949, David D. Barrett praised the results of the former's espionage activities, saying: ". . . The stuff is most valuable and I am so glad to have it . . ."

After the liberation of Peking, Antonio Riva carried on espionage activities under the cover of being the Peking agent of the James Walter and Sons Company of Tientsin, and directed Riuichi Yamaguchi and others to collect the personal histories, characteristics, addresses, telephone numbers and automobile numbers of leaders of the Central People's Government, delegates of the Chinese People's Political Consultative Conference and responsible members of the Chinese Communist Party, the democratic parties and groups and the people's organisations, and arranging these in a card index system in preparation for espionage activities and sabotage. Antonio Riva also directed Riuichi Yamaguchi to collect military, political and economic information. From the time of Peking's liberation till his arrest, Antonio Riva, together with Riuichi Yamaguchi, collected 485 intelligence reports and conveyed these to D.D. Barrett and other espionage organisations of the United States Government.

Before the liberation of Peking, Antonio Riva concealed a trench mortar, pistols, handgrenades and ammunition in his own residence and that of Martina,

in preparation for armed assault after liberation. In 1950, Antonio Riva conspired with Riuichi Yamaguchi in an attempt to kill Chairman Mao Tse-tung and other leaders of the Central People's Government on the occasion of the Chinese National Day Ceremony on October 1, 1950, by discharging a gun at the rostrum of Tien An Men. Antonio Riva has admitted his guilt regarding this criminal conspiracy.

*Question:* What weapons and ammunition do you have?

*Answer:* I have one Stokes mortar, six or eight handgrenades, one pistol. I have also mortar shells and several hundred rounds of ammunition.

*Question:* Have you registered these weapons and ammunition since liberation?

*Answer:* I have not reported to nor registered with the Public Security Bureau since liberation.

*Question:* Where did you hide these weapons?

*Answer:* In my residence at No. 17B Kanyu Hutung, I hid one pistol, and one mortar which I took to pieces. In Martina's home at No. 6A Nai Tse Fu, there were mortar shells, handgrenades and ammunition.

*Question:* For what purpose?

*Answer:* I planned to use them when the opportunity offered or lend them to others.

*Question:* What opportunity did you envisage?

*Answer:* In my talks with Riuichi Yamaguchi, I said that we might have a try at Tien An Men.

*Question:* How did this come up?

*Answer:* It came up in 1950, I forget the exact date, we were talking things over in my house and I said, "Tien An Men offers a real opportunity during the big meeting held by the Chinese Government." Yamaguchi said, "It is taking a risk." But I said, "We can take the risk. Without taking risks we would never make any gains." I did not think it so terrible. I now confess my complete guilt of this act. Please forgive me.

*(Record of deposition of Antonio Riva  
on July 27, 1951.)*

The conspiracy to armed assault by Antonio Riva and others was uncovered by the Public Security Bureau of the Peking Municipal People's Government before it was put into effect. Antonio Riva and the others were arrested on September 26, 1950. In the residence of Antonio Riva was discovered a trench mortar (60 mm.), a pistol, 235 rounds of pistol and rifle ammunition, intended for use in armed assault; identification cards for special service issued to Antonio Riva by the Japanese invaders and the Chiang Kai-shek gang; copies of intelligence reports to David Dean Barrett from Antonio Riva; and letters and telegrams between Antonio Riva, David Dean Barrett and Riuichi Yamaguchi, totalling 528 items.

The accused **Riuichi Yamaguchi** came to China in 1938 during the Japanese invasion, and was then deputy chief and later chief of the Peking Office of the North China Shipping Board. He collected military information concerning the anti-Japanese guerilla detachments of the Chinese people in the coastal areas of North China, and supplied this to the Japanese Ministry of the Navy.

In January 1946, Riuichi Yamaguchi joined the Office of Strategic Services in Peking as an American intelligence agent of the United States Government and in March of the same year joined an international espionage organisation of the Kuomintang with the permission of the O.S.S. Through various connections Riuichi Yamaguchi collected information on the Communist Party of China and the liberated areas and supplied this to the O.S.S.

Beginning from March 1948, espionage relations were established between Riuichi Yamaguchi and Antonio Riva who acted as spy of the United States Government. Apart from supplying intelligence reports to the O.S.S., similar reports were supplied to Antonio Riva. The intelligence reports were chiefly military, political and economic information about the liberated areas.

In November 1948, on the eve of Peking's liberation, the American government's espionage organisation ordered Riuichi Yamaguchi to go under cover and to carry on his espionage activities and paid him a sum for intelligence work. Riuichi Yamaguchi carried on collecting intelligence data under the cover of being "editor of the Chinese index" of the French Book Store which was run by Henri Vetch.

In the Autumn of 1949, espionage relations were established, through Antonio Riva, between Riuichi Yamaguchi and David Dean Barrett, Military Attache of the former American Embassy in Peking. Riuichi Yamaguchi sent regular espionage reports to David Dean Barrett which reached as many as 50 in a month. Riuichi Yamaguchi has admitted that David Dean Barrett attached great importance to his espionage activities, and that his monthly pay was raised to 150 American dollars.

Correspondence discovered at the residence of Riuichi Yamaguchi proves that as early as January 1950, he had intended to fire at Tien An Men on the occasion of the National Day Ceremony of the People's Republic of China on October 1 of the same year. The plan for this conspiracy was reported to the headquarters of the American occupation forces in Tokyo in January 1950. Between May and July of the same year, Riuichi Yamaguchi personally surveyed the geographical situation around the Tien An Men Square, drew up a map of Tien An Men marked for shooting at the rostrum there, together with details about the Tien An Men Square, to the effect that leaders of the Central People's Government all arrive at Tien An Men on all important festival days to review the ranks of the people. This map with its markings was sent to the headquarters of the American occupation forces in Tokyo on September 16, 1950. Another letter predicting the possibilities of carrying through this conspiracy to fire at Tien An Men and noting the measures they had in mind to be taken afterwards was written to the headquarters of the American occupation forces on September 26, 1950. Riuichi Yamaguchi has admitted to this criminal scheme to bombard Tien An Men:

"I know that all important persons in the government go to Tien An Men when there are meetings. I thought there must be a meeting there on October 1, China's National Day. So I drew up the map of Tien An Men for the SCAP in Tokyo, to show

them the position of Mao Tse-tung on the Tien An Men."

*(Record of deposition of Riuichi Yamaguchi on July 27, 1951.)*

He has also stated in his deposition:

"I hate the Communist Party of the Soviet Union and similarly I am also hostile to the Chinese Communist Party. I knew Antonio Riva had a trench mortar and I thought out this shooting venture."

The Public Security Bureau of the Peking Municipal People's Government learned of this criminal plot of Riuichi Yamaguchi and Antonio Riva in advance and arrested them, both at the same time on September 26, 1950, and discovered, at the residence of Riuichi Yamaguchi, 12 documents including credentials of the puppet North China Commission of Political Affairs, 48 copies of espionage reports, 210 cards indexing the leaders of the Central People's Government and delegates to the Chinese People's Political Consultative Conference, 1,093 items of intelligence data, espionage agent certificates, and correspondence between Riuichi Yamaguchi and Antonio Riva concerning espionage activities and a copy of the map for the bombarding of Tien An Men drawn up by Riuichi Yamaguchi.

The accused **Tarciscio Martina** is an imperialist agent using the cloak of the Catholic religion, who has been carrying out continuous espionage activities damaging the Anti-Japanese War and the Liberation War of the Chinese people. During the Japanese imperialist invasion of China, Tarciscio Martina helped the puppets in Hsien County in organising the puppet "Committee for the Maintenance of Order" and supplied the Japanese invaders with military information concerning the Eighth Route Army which was spied out by Catholic priests and he also gave hospitality to the Japanese invaders in his Catholic church.

After the Japanese surrender, Tarciscio Martina in collusion with Chiu Hsing-hsiang, then divisional commander of the Kuomintang army in Hsien County, organised an armed plain clothes corps. Martina has admitted:

"On the 15th or 16th of April, 1947, divisional commander Chiu asked for my help in organising a plain clothes corps. I gave my promise and I was invited to dinner by him two days later. Also invited were the magistrate and other officials, two regimental commanders, the secretary of the political department, the chief of the plain clothes corps and the head of the police bureau. We discussed the organisation of the plain clothes corps and I was asked to look for personnel inside and outside the city. About two days later I told this to Father Marco Blasutig in my room. I told him: 'We can help them to look for those who oppose the Eighth Route Army outside the city, whether Catholic or non-Catholic.' The registration office was in the Catholic church. Twenty days later, Father Blasutig reported to me that there were already over 20 men. Father Blasutig also reported to me that plain clothes men in the disguise of Eighth Route Army-men, had kidnapped several cadres of the Eighth Route Army in a little village about five or six li east of Hsien County. Father Blasutig was the man responsible for liaison between the county govern-

ment and the plain clothes corps. The plain clothes corps made daily military intelligence reports to the political department about the situation of the Eighth Route Army."

*(Record of deposition of Tarciscio Martina on May 19, 1951.)*

In June 1947, on the eve of the liberation of Hsien County, the Kuomintang divisional commander Chiu Hsing-hsiang sent military trucks and armed troops to escort Tarciscio Martina in his flight to Peking. In November of the same year, relations between Tarciscio Martina and Colonel Barrett, Military Attache of the former American Embassy in Peking, were established through Antonio Riva, the American government's special service and intelligence agent. Since then Tarciscio Martina has been an American intelligence agent under the direction of Antonio Riva.

Several years before World War II, Tarciscio Martina became acquainted with the Fascist Antonio Riva. Beginning in 1947, Tarciscio Martina joined the subversive activities of Antonio Riva first by concealing arms and ammunition for Antonio Riva to be used in armed assault, and second by supplying Antonio Riva constantly with military, political and economic espionage reports concerning the liberated areas. Tarciscio Martina has admitted that as regards oral reports alone, "before March 1948, reports were made two to three times each month and later once each month." *(Record of deposition on May 19, 1951.)* As for written reports to Antonio Riva, the latter admitted in his deposition on the same day that there were reports on "economic conditions in the district of Changhsintien and surrounding areas," "additional information regarding the project for a water-power electric plant on the Chuma Ho" and others totalling more than 40 items, and that he had conveyed these reports to Colonel Barrett.

After June 1947, Tarciscio Martina was "Delegate in Peking" of Archbishop Riberi, the "Inter Nuncio (Envoy of the Pope)" of the "Vatican's Diplomatic Mission in China." His main task was to collect intelligence data for Riberi. Tarciscio Martina has admitted:

"In June 1947, I reported to Archbishop Riberi at Nai Tse Fu concerning where in Hsien and Laishui Counties the Eighth Route Army was stationed."

Later, over a dozen written espionage reports including some concerning "the Szepingkai campaign" and "Fushun, Chahar, Hsuanhua, Kiamuszu" were supplied to Antonius Riberi.

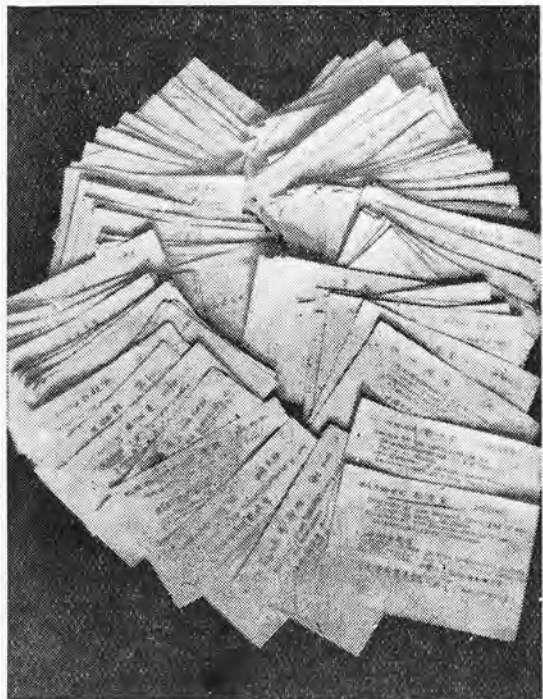
Tarciscio Martina was arrested on May 12, 1951, at his residence at No. 6A Nai Tse Fu by the Public Security Bureau of the Peking Municipal People's Government after the American government's espionage agent Antonio Riva gave evidence as to Tarciscio Martina's criminal activities. The Public Security Bureau also discovered at his residence trench mortar shells, 259 bullets for rifles and pistols, eight handgrenades, 273 shell detonators and tails and other parts of munitions, and six copies of important intelligence reports including a report on the Szepingkai campaign of the Chinese People's



**The seven criminals charged and found guilty in Peking of serving as secret agents and spies for the United States Government**

## THE U.S. SPIES and THE EVIDENCE

Some copies of the intelligence reports sent by Antonio Riva to Col. David Dean Barrett, Military Attache of the former American Embassy in Peking and key man in the spy ring



File cards compiled by Riuichi Yamaguchi, recording the names, brief histories, addresses, telephone numbers, car plates of Chinese government leaders, including Chairman Mao, Vice-Chairmen Chu Teh, Liu Shao-chi, Soong Ching Ling (Mme. Sun Yat-sen), Li Chi-shen, Chang Lan and many others

The facsimile shows a typed letter with a signature that reads "Dave". Below the signature, there is a handwritten note: "Please give Catherine the enclosed check".

**A facsimile of a letter from David Dean Barrett to Antonio Riva, thanking him for his reports**

Peking,  
29 November 1949.

Dear Tony:

Please you and Yamaguchi come to my place on Hsi Piao Pei Hutung on Friday 2 December at 12:45 for luncheon. Mr. Clubb has accepted an invite to be there.

Ask Yamaguchi please to excuse me if I save time and trouble by not sending him a separate invite.

I am nervous about your sending classified material to me by chit. Do you think this is O.K.? One letter taken from your boy might make a world of trouble for us both.

The stuff is most valuable and I am so glad to have it.

Sincerely,

DAVE.

Please give Catherine the enclosed check.

## DOCUMENTS IN THE CASE

The handwritten note reads: "Tony! Please be sure these are burned when you are through. I would not want anyone outside your family to know you have them, and especially your servants. I will send you the import regulations right away. Sincerely, Dave."

**A note from David Dean Barrett to Antonio Riva, urging him to burn incriminating documents**

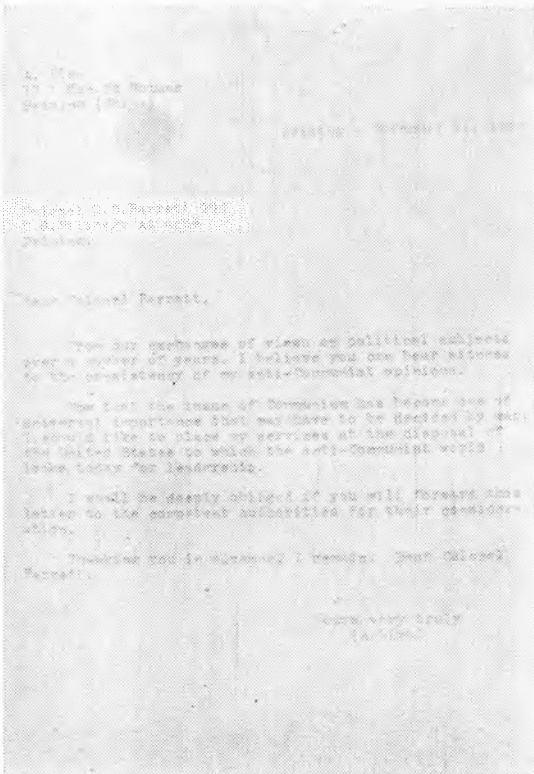
Tony! Please be sure these are burned when you are through. I would not want anyone outside your family to know you have them, and especially your servants.

Will send you the import regulations right away.

Sincerely,

DAVE.





A. Riva  
17B Kan Yu Hutung  
Peiping (China)

Peiping—November 11, 1948

Colonel D. D. Barrett GSC  
U.S. Military Attaché  
Peiping

Dear Colonel Barrett,

From our exchanges of views on political subjects over a number of years, I believe you can bear witness to the consistency of my anti-Communist opinions.

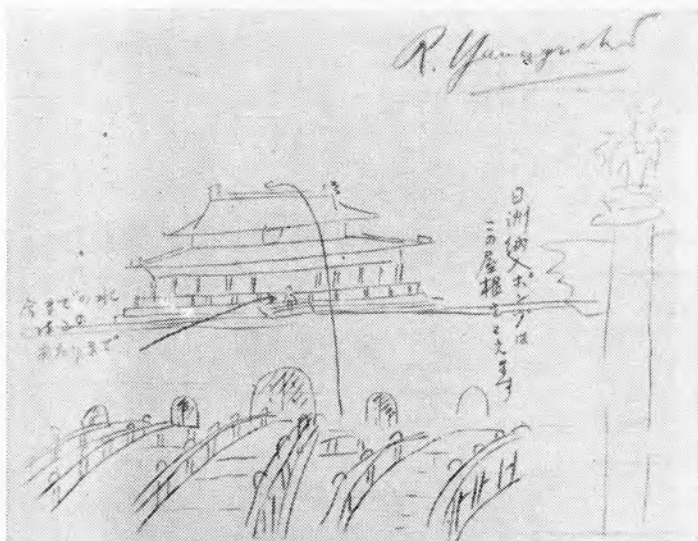
Now that the issue of Communism has become one of universal importance that may have to be decided by war, I should like to place my services at the disposal of the United States to which the anti-Communist world looks today for leadership.

I shall be deeply obliged if you will forward this letter to the competent authorities for their consideration.

Thanking you in advance; I remain, Dear Colonel Barrett,

Yours very truly  
(A. RIVA)

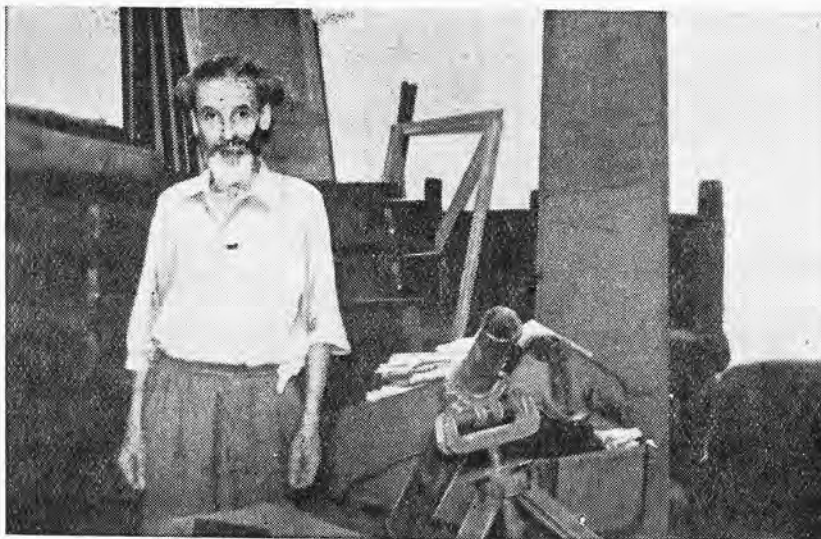
**Antonio Riva's letter to David Dean Barrett, offering to work regularly for the U.S. espionage service**



**A photograph of a rough sketch of the Tien An Men drawn by Riuichi Yamaguchi to explain the plan for the assassination of Chinese government leaders**

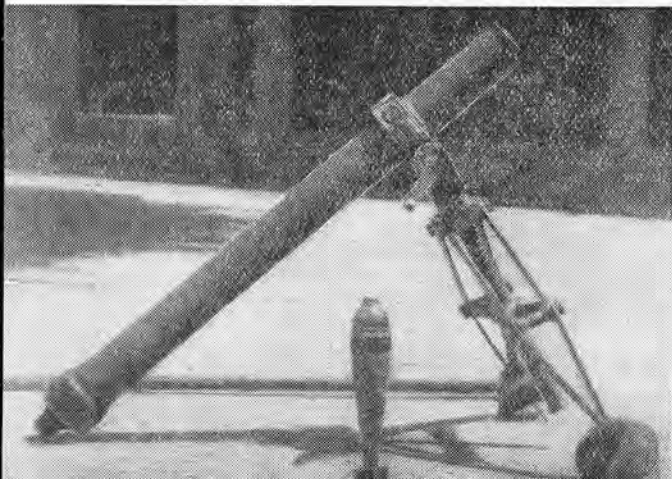


Arms and ammunition as well as copies of intelligence reports were found at the residence of Tarciscio Martina (standing right) by public security officers

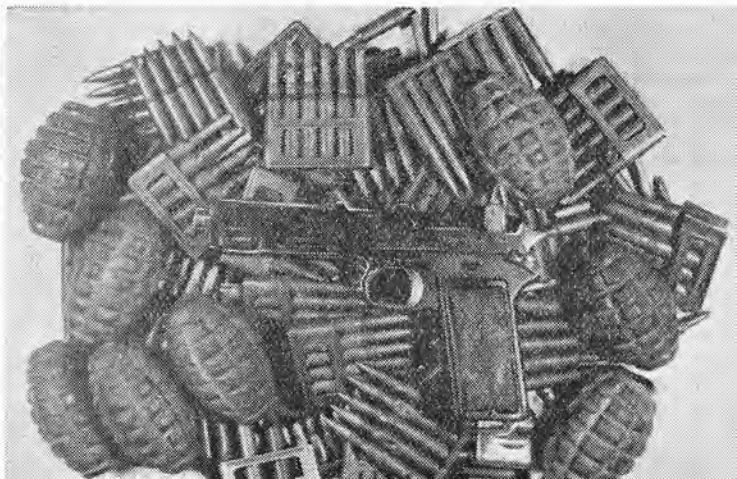


Antonio Riva stands in his residence beside the Stokes trench mortar with which he conspired to make an attempt on the lives of Chinese government leaders

The Stokes mortar and a shell owned by Antonio Riva



A pistol, bullets and grenades concealed by Antonio Riva



Liberation Army collected for Antonio Riva and Antonius Riberi.

The accused **Henri Vetch** was an officer of the French artillery during World War I. In 1939 he went to Langson, Viet-Nam, as an artillery officer of the French colonial army. He returned to Peking in 1941 as manager of the French Book Store, succeeding his father. In 1943 Henri Vetch became an associate of Riuichi Yamaguchi, special service agent of the Japanese, and he gave Riuichi Yamaguchi cover as "editor of the Chinese index" of the French Book Store. Henri Vetch has admitted:

"I knew Riuichi Yamaguchi was a spy and collected information for the Kuomintang. I knew he worked in a Kuomintang special service organisation. At the time around liberation I arranged the renting of a house for him near the residence of Antonio Riva. I introduced Yamaguchi to Antonio Riva. Yamaguchi taught me Japanese beginning from 1946 and since 1948 he was editor of the Chinese index in my book store. He told me that he was working in a Kuomintang special service organisation after we became acquainted with each other. I know he is a spy and I know the purpose of his coming to my book store was to collect information."

*(Record of deposition of Henri Vetch on August 1, 1951.)*

A statement by Riuichi Yamaguchi during the investigation on September 29, 1950, declared that when Riuichi Yamaguchi was collecting intelligence data for a Kuomintang special service organisation of the Military Statistics Bureau, Henri Vetch supplied him with information.

Espionage relations also exist between Henri Vetch and Antonio Riva, the American government's spy, and between Henri Vetch and D. D. Barrett, Colonel, Military Attache of the former American Embassy in Peking. Antonio Riva has admitted: "Since the liberation, he (H. Vetch) has many times supplied me with political, economic and cultural data."

After David Dean Barrett left China in April 1950, Henri Vetch continued to collect intelligence data covering many fields in China and sent these to Hongkong for David Dean Barrett. In a letter dated August 9, 1950, David Dean Barrett told Henri Vetch that he hoped the French Book Store would carry on in spite of all difficulties as a cover and a centre for their activities.

The accused **Quirino Victor Lucy Gerli** came to China in 1921, and since 1943 carried on espionage for the Japanese invading forces. After the Japanese surrender, Gerli established espionage relations with D.D. Barrett, Colonel, Military Attache of the former American Embassy in Peking. After the liberation of Peking, when D.D. Barrett and others left Peking, Gerli conveyed to D.D. Barrett in the form of correspondence information on China's political, economic and diplomatic situation which he collected in Peking.

The accused **Walter Genthner** was a German Nazi. He became acquainted with the American government spy Antonio Riva in 1940. In 1945 when

American troops were in Peking, Genthner worked as an espionage agent of the American forces. In April 1949, he was a technician in the former American Consulate in Peking, and collected intelligence data for the American government's spy Antonio Riva. In June 1950, Walter Genthner twice went to the railway workshop in Changhsintien and the State Farm in Tunghsien County and spied out secret information and reported this to Antonio Riva and D.D. Barrett, Colonel, Military Attache of the former American Embassy in Peking.

The accused **Ma Hsin-ching** colluded with the American government's spy Quirino Victor Lucy Gerli in supplying the latter with military, political, economic and diplomatic information for transfer to the American government's espionage organisation.

The above-stated facts fully prove that the American Office of Strategic Services, the headquarters of the American occupation forces in Tokyo and the Office of the Military Attache of the former American Embassy in Peking are organisers and directors of all the criminal activities in this case, and that American imperialism is the enemy of the Chinese people and their democratic cause. They, after the victory of the Chinese people's revolution, "will still carry on sabotage and disturbance in all forms, they will attempt to regain their rule in China every day and every minute." All accused in this case are special service agents and spies under the direct command of the American government. Under the direction of the above-mentioned American government espionage organisations, the accused Antonio Riva, Riuichi Yamaguchi, Tarciscio Martina, Henri Vetch, Quirino Victor Lucy Gerli, Walter Genthner, and Ma Hsin-ching are respectively guilty of conspiring to armed assault, concealing arms and ammunition, plotting an attempt on the life of the leader of the People's Republic of China, spying out military and political secrets of the Chinese people. The accused have all confessed respectively to the above-mentioned criminal activities which were already disclosed by the investigation, as the intensive investigation brought forth a mass of conclusive evidence. This kind of conspiracy to armed assault and this espionage are clear violations of the Law of the People's Republic of China on the Punishment for Counter-Revolution.

It is on these grounds that I, the Procurator General, bring the charges against Antonio Riva, Riuichi Yamaguchi, Tarciscio Martina, Henri Vetch, Quirino Victor Lucy Gerli, Walter Genthner and Ma Hsin-ching and ask that they be tried by the Military Court in accordance with the law.

LO JUI-CHING,

*Procurator General of the Municipal  
People's Procurator's Office, Peking*

Peking, August 9, 1951.

#### **List of Criminal Evidence**

1. A copy of the map for the firing at Tien An Men drawn up by Riuichi Yamaguchi.
2. A 60 mm. trench mortar.
3. One pistol (No. 600901), 494 rounds of shells and ammunition, eight handgrenades; 273 trench

- mortar shell detonators, tails and other parts of munitions.
4. Two bottles of poison.
  5. 1,642 copies of espionage reports and intelligence data.
  6. 38 letters concerning espionage activities and instructions between David Dean Barrett and the accused.
  7. A plan for helping the Kuomintang in building up an air force in North China made by Antonio Riva for the then Vice-Admiral Badger of the American Pacific Fleet in 1948.
  8. A plan for aiding the Kuomintang government made in 1948 by Antonio Riva for the late Senator Vandenberg, the then Chairman of the Committee on Foreign Relations of the American Senate.
  9. 210 cards indexing posts and titles, addresses, telephone numbers and automobile numbers of the leaders of the Central People's Government, democratic parties and groups and non-party democrats.
  10. Three "correspondent" credentials issued by the Japanese secret service organisation to Antonio Riva for special service.
  11. Credentials to Riuichi Yamaguchi from the international espionage organisation of the Second Department of the Kuomintang Defence Ministry.
  12. Credentials issued to Riuichi Yamaguchi in 1942 by the puppet North China Commission for Political Affairs.

## VERDICT

### OF THE MILITARY COURT OF THE PEKING MILITARY CONTROL COMMITTEE OF THE PEOPLE'S LIBERATION ARMY OF CHINA

MT No. 1146

*Public Prosecutor :*

**LO JUI-CHING**, *Procurator General of the Municipal People's Procurator's Office, Peking.*

*Accused in Custody :*

**ANTONIO RIVA** (Tony), 55, Italian, of No. 17B Kanyu Hutung, Peking.

**RIUICHI YAMAGUCHI** (English name, Frank; French name, Francois Antoine; Chinese name, Liu D), 47, Japanese, of No. 16 Kanyu Hutung, Peking.

**TARCISCIO MARTINA**, 64, Italian, of No. 6A Nai Tse Fu, Peking.

**HENRI VETCH**, 52, French, of No. 55 Chuan Pan Hutung, Peking.

**QUIRINO VICTOR LUCY GERLI**, 56, Italian, of No. 15 Kuan Tou Fu Fang, Nan Chih Tse, Peking.

**WALTER GENTHNER**, 39, German, of No. 17C Kanyu Hutung, Peking.

**MA HSIN-CHING**, 31, native of Peking, of No. 9 Pu Tu Sze Tung Hsiang, Nan Chih Tse, Peking.

The Military Court, after trial, pronounces sentence as follows, on the above-mentioned accused in the case in which they acted as special service agents and spies of the United States Government, conspired to armed assault and endangered the People's Republic of China; and in which the charges against them were brought by Lo Jui-ching, Procurator General of the Peking Municipal People's Procurator's Office in his indictment "No. 23 Inv. I."

The accused **Antonio Riva** and **Riuichi Yamaguchi**, who collected intelligence data on China for the

United States Government, conspired to armed assault, and plotted an attempt on the life of the head of the Chinese State and other leaders of the Central People's Government, are both sentenced to death.

The accused **Tarciscio Martina**, who organised armed detachments for special service for the Kuomintang gang, carried out sabotage in the liberated areas, collected intelligence data on China for the United States Government and concealed ammunition for Antonio Riva, who acted as the special service

agent and spy of the United States Government, is sentenced to life imprisonment.

The accused **Henri Vetch**, who collected intelligence data on China for the United States Government and concealed Riuichi Yamaguchi, who acted as the special service agent and spy of the United States Government, is sentenced to ten years imprisonment.

The accused **Quirino Victor Lucy Gerli**, who collected intelligence data on China for the United States Government, is sentenced to six years imprisonment.

The accused **Walter Genthner**, who spied out intelligence data on China for the United States Government, is sentenced to five years imprisonment.

The accused **Ma Hsin-ching**, who collected and conveyed intelligence data and concealed property for Quirino Victor Lucy Gerli, who acted as spy of the United States Government, is sentenced to nine years imprisonment and deprived of political rights for 15 years.

## FACTS AND REASONS

### I

The accused **Antonio Riva** continuously carried out activities to the detriment of the Chinese people from the time he came to China in 1919. Between 1923 and 1924, he set up the Asiatic Import and Export Company and on many occasions sold munitions to the Northern Warlords Tsao Kun and Chi Hsieh-yuan to enable them to wage the civil war that slaughtered the Chinese people. In 1926 he organised and headed the Peking branch of the Fascist Party. In 1934 he became chief secretary of the "Italian Air Mission to China" which was sent by the then Italian fascist government. He helped the Chiang Kai-shek gang to buy a large number of aeroplanes, build airfields in Nanchang and Loyang and train an air force which resulted in the slaughter of the Chinese people. After the July 7 Incident, he entered into association with Tomaakari Hidaka, high ranking special service agent in the "Press Section of the Japanese Army Headquarters in North China," collected intelligence data in various districts of North China and supplied these to the Japanese invading army for the purpose of attack on the anti-Japanese bases in North China.

In March 1948, the accused accepted the espionage task assigned him by David Dean Barrett, Colonel, Military Attache of the former American Embassy in Peking, hired the Japanese special service agent Riuichi Yamaguchi as an intelligence agent and directed Tarciscio Martina, Henri Vetch, Quirino Victor Lucy Gerli, Walter Genthner and Ma Hsin-ching who were serving as spies of the United States Government, to collect military, political and economic intelligence data on the Chinese liberated areas and then conveyed these to D.D. Barrett.

After the liberation of Peking, the accused carried on his espionage activities under the direction of D. D. Barrett and under cover of being the Peking agent of the James Walter and Sons Company in Tientsin. He also directed Riuichi Yamaguchi to spy out the personal histories, addresses, telephone numbers and automobile numbers of the

leaders of the Central People's Government, the delegates of the Chinese People's Consultative Conference and responsible members of the Chinese Communist Party, the democratic parties and groups and people's organisations and started a card index, waiting for the opportunity to carry out sabotage. He also directed Riuichi Yamaguchi to collect political, military and economic intelligence data on the Central People's Government and transferred these to D. D. Barrett and other American espionage agencies.

The accused conspired in 1950 with Riuichi Yamaguchi in an attempt on the life of the head of the Chinese State and other leaders of the Central People's Government by aiming to fire at the rostrum of Tien An Men with a trench mortar, pistols, hand-grenades and ammunition prepared in advance, on the occasion of the first anniversary of the founding of the People's Republic of China. This scheme for armed assault was unearthed by the Public Security Bureau of the Peking Municipal People's Government before it was put into effect and the following items were discovered at his residence: a 60 mm. trench mortar, a pistol, 235 rounds of rifle and pistol ammunition, a letter of invitation from the Kuomintang Air Raid Precautions Administration in Nanchang, two identification certificates issued by the "Press Section of the Japanese Army Headquarters in North China," copies of intelligence reports from Antonio Riva to D. D. Barrett and items of correspondence between Antonio Riva, D. D. Barrett and Riuichi Yamaguchi concerning espionage activities, totalling 525 articles.

The accused Antonio Riva has himself admitted the above-mentioned criminal facts and there are the arms and ammunition for committing the crimes and the depositions of Riuichi Yamaguchi as evidence. He is sentenced to death in accordance with the provisions in Article 2, Section 1 of Article 6, Sections 1 and 4 of Article 7 and Article 20 of the Law of the People's Republic of China on the Punishment for Counter-Revolution.

### II

The accused **Riuichi Yamaguchi** came to Tsingtao, China, in 1938 and was section chief of the Japanese puppet North China Shipping Association and the Japanese puppet North China Shipping Board. He came to Peking in 1944 as "Department Head of the Peking Office of the North China Shipping Board" and collected intelligence data on shipping along the North China coast and on the activities of the anti-Japanese guerilla detachments of the Chinese people and supplied these to the Japanese Ministry of the Navy.

In January 1946, the accused joined the American Office of Strategic Services in Peking as a spy of the American government, and in March the same year joined the international espionage organisation of the Kuomintang and collected intelligence data on the Chinese Communist Party and the liberated areas and supplied these to the American Office of Strategic Services. After the accused established espionage relations with Antonio Riva in March 1948, apart from continuously supplying the American espionage organisations with intelligence reports, he also supplied Antonio Riva with

similar reports, these reports being chiefly on the military, political and economic conditions of the Chinese liberated areas.

In November 1948, the American espionage organisation ordered the accused to go underground after the liberation of Peking and to carry on espionage activities and supplied him with funds for the purpose. The accused then found his way into the French Book Store run by Henri Vetch in Tai Chi Chang, Tung Chiao Min Hsiang, and collected intelligence data along with Henri Vetch under cover of being "editor of the Chinese index."

After the liberation of Peking, the accused continued to collect intelligence data for Antonio Riva. In the Autumn of 1949, espionage relations were established directly between the accused and D.D. Barrett, Colonel, Military Attache of the American Embassy in Peking. According to the depositions of the accused, D.D. Barrett attached great importance to his intelligence reports and therefore in the latter part of December of the same year, D.D. Barrett reported his personal history and activities to the headquarters of the American occupation forces in Tokyo and raised his monthly pay to one hundred and fifty American dollars. Thenceforth, the activities of the accused became even more intense and he used all his efforts to collect strategical intelligence data on Northeast and North China and reported these to the headquarters of the American occupation forces in Tokyo.

In 1950 the accused began to plot together with Antonio Riva in preparation for armed assault, in an attempt to discharge a gun at Tien An Men and reported the intentions for armed assault to the headquarters of the American occupation forces in Tokyo. Between May and July of the same year, the accused secretly surveyed the geographical situation of Tien An Men, drew up a map for the shooting, showing parabolical lines with arrows pointing to the Chairman's position on the rostrum of Tien An Men, and sent this map together with explanations to the headquarters of the American occupation forces in Tokyo on September 16. The accused also secretly conferred with Antonio Riva on the carrying out of this plot in time. This plot came to the knowledge of the Public Security Bureau of the Peking Municipal People's Government before it could be put into operation and the following items were found hidden at his residence: a copy of the map for firing at Tien An Men, 12 documents including credentials issued to him by the puppet North China Commission for Political Affairs, 48 copies of intelligence reports, 210 cards indexing the personal histories of leaders of the Central People's Government and delegates of the Chinese People's Political Consultative Conference, and 1,093 items of intelligence data, certificates for spies, and correspondence with Antonio Riva concerning espionage activities.

The accused Riuchi Yamaguchi has admitted the above-mentioned criminal facts and there are a copy of the map for shooting at Tien An Men and the depositions of Antonio Riva as evidence. He is sentenced to death in accordance with the provisions of Article 2, Section 1 of Article 6, Sections 1 and 4

of Article 7 and Article 20 of the Law of the People's Republic of China on the Punishment for Counter-Revolution.

### III

The accused **Tarciscio Martina**, who was sent to China in 1925 by the Vatican in Rome as Bishop of the Catholic Ihsien County parish, was "Delegate in Peking" of Antonius Riberi, the "Inter Nuncio" of the "Vatican's Diplomatic Mission in China," and he carried out espionage activities all through these years under cover of religion.

As early as the period of the Japanese invasion of China, the accused collected military intelligence data on the Chinese anti-Japanese forces in the Ihsien County area, Hopei Province, and supplied these to the Japanese invading army, and sent to the Japanese army a map with red pencil markings on the movements of the Eighth Route Army. In 1939 the accused helped the puppets in Ihsien County to organise the "Committee for the Maintenance of Order," assisting the Japanese invaders to enslave the Chinese people. Between 1940 and 1941, the accused on many occasions gave hospitality to the Japanese army in his Catholic church which became a centre for the Japanese army in attacking the Chinese anti-Japanese forces.

In April 1947 when Chiu Hsing-hsiang's division of the Kuomintang army was stationed in Ihsien County, the accused helped him to organise special service armed detachments, the "Plain Clothes Corps." The accused ordered an Italian Catholic priest Marco Blasutig to recruit bandits in Liang-kechuang area near Ihsien County as members of the "Plain Clothes Corps" and these spied out the military conditions of the liberated areas around Ihsien County. In May 1947, the "Plain Clothes Corps" kidnapped five Eighth Route Army cadres in a place about five or six li northeast of Ihsien County and handed them over to the Kuomintang army, and their whereabouts is still unknown. The accused often sent out priests in the name of propagating religion to collect military information on the liberated areas.

In June 1947, on the eve of the liberation of Ihsien County, the accused was escorted by Kuomintang troops to Peking and became the former "Delegate in Peking" of Archbishop Antonius Riberi, the "Inter Nuncio" of the "Vatican's Diplomatic Mission in China." In November the same year, after he made the acquaintance, through Antonio Riva's introduction, of D.D. Barrett, Colonel, Military Attache of the former American Embassy in Peking, he became an intelligence agent of the United States Government under the direction of Antonio Riva, and also concealed ammunition for Antonio Riva and copies of intelligence reports.

After Peking's liberation, the accused spied out such military, political and economic intelligence data concerning the Chinese State as reports on "economic conditions in the district of Changhsintien and surrounding areas," "additional information regarding the project for a water-power electric plant on the Chuma Ho," and conveyed these reports through Antonio Riva to D.D. Barrett.

In addition, he also supplied Antonius Riberi with written espionage reports including those on "the Szepingkai campaign," and conditions in Fushun, Chahar, Hsuanhua, and Kiamuszu. The espionage activities of the accused were brought to light after investigation by the Public Security Bureau of the Peking Municipal People's Government and were confirmed by Antonio Riva. The Public Security Bureau discovered at his residence six copies of intelligence reports, trench mortar shells, 259 rounds of rifle and pistol ammunition, eight handgrenades, 273 shell detonators and tails and other parts of ammunition, which he kept for Antonio Riva for armed assault.

The accused Tarciscio Martina has admitted the above-mentioned criminal facts and there are the arms and ammunition seized at his residence and copies of espionage reports as evidence. He is sentenced to life imprisonment in accordance with the provisions of Article 2, Sections 1 and 3 of Article 6, Sections 1 and 4 of Article 7 and Article 20 of the Law of the People's Republic of China on the Punishment for Counter-Revolution.

#### IV

The accused **Henri Vetch** came to China in 1920 and in 1941 took over the French Book Store in Peking from his father. After the liberation of Peking, the accused under cover of his business collected economic and cultural intelligence data on China and supplied these to Antonio Riva. Beginning from 1948, he concealed Riuichi Yamaguchi who acted as special service agent of the United States Government and supplied him with intelligence data. After D.D. Barrett, Colonel, Military Attache of the former American Embassy in Peking, left Peking in April 1950, the accused continued to collect intelligence data and sent these to the American Consulate in Hongkong for D.D. Barrett.

The accused Henri Vetch has admitted the above-mentioned criminal facts and there are copies of intelligence reports and the depositions of Riuichi Yamaguchi as evidence. He is sentenced to ten years imprisonment in accordance with the provisions of Article 2, Section I of Article 6, Section I of Article 7, Article 13 and Article 20 of the Law of the People's Republic of China on the Punishment for Counter-Revolution.

#### V

The accused **Quirino Victor Lucy Gerli** came to Peking in 1921, was first assistant of Tientsin Customs in 1930 and commissioner of Chingwangtao Customs

in 1938, and he carried out intelligence work for the Japanese military police beginning from 1943.

From the time when the accused established relations with the American espionage organisation in 1945, he collected political, economic and military intelligence data on China under cover of his business and teaching work, and supplied these to D.D. Barrett, Colonel, Military Attache of the former American Embassy in Peking.

The accused Quirino Victor Lucy Gerli has admitted the above-mentioned criminal facts and there are his own written depositions as evidence. He is sentenced to six years imprisonment in accordance with the provisions of Article 2, Section I of Article 6, Sections I and 4 of Article 7, and Article 20 of the Law of the People's Republic of China on the Punishment for Counter-Revolution.

#### VI

The accused **Walter Genthner** came to Peking in 1938 as agent in Peking of the Robert Bosch Company of Germany. In June 1950 the accused went to the railway workshop in Changhsintien and the State Farm in Tunghsien County and other places, ostensibly on business, and collected intelligence data for Antonio Riva who acted as spy of the United States Government.

The accused Walter Genthner has admitted the above-mentioned criminal facts. He is sentenced to five years imprisonment in accordance with the provisions of Article 2, Section I of Article 6, and Article 20 of the Law of the People's Republic of China on the Punishment for Counter-Revolution.

#### VII

The accused **Ma Hsin-ching** twice worked as an interpreter for the American Army, between 1946 and 1947. In March 1949, the accused collected and conveyed intelligence data for Quirino Victor Lucy Gerli who acted as spy of the United States Government and concealed for the latter three automobiles and real estate consisting of a building of 16 rooms.

The accused Ma Hsin-ching has admitted the above-mentioned criminal facts. He is sentenced to nine years imprisonment and deprived of political rights for 15 years in accordance with the provisions of Article 2, Section I of Article 6, the first part of Article 17 and Article 20 of the Law of the People's Republic of China on the Punishment for Counter-Revolution.

WANG FEI-JAN

*President of the Military Court*

Peking, August 17, 1951.

