Declassified E.O. 12356 Section 3.3/NND No. 785015

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GOVERNMENT OF ITALY
MAR. – JUNE 1944

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RECEIVED 1350 REAR HQ. A.C.C.

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. SECTION
APO 394

Ref/210/9/GA

22 June 1944.

FILE 23/6/44

SUBJECT: Local Purchases and Contracts.

TO : Distribution below.

1. Cases are still occurring where ACC/AMG are entering into financial transaction on behalf of Italian Ministries, Governmental Institutions or other Italian agencies which could equally well be handled by such Ministries, Institutions or agencies themselves. It must be remembered that it is our policy as far as possible to restore the normal course of trade and to encourage normal trading relations between the Italians themselves. This policy is further dictated by the lack of ACC/AMG personnel to handle and account for such transactions. For this reason it should only be in exceptional circumstances that ACC/AMG themselves make local purchases for resale in Italy or incur expenditure in performing services which could equally well be paid for by the Italian Government or other Italian agency. This does not of course mean that ACC/AMG should not cooperate by making available the necessary supplies etc.

2. The principle is best illustrated by two examples. If large quantities of pamphlets are printed for an Italian Ministry, the printers' invoices being paid by ACC who supply the paper free to the printers, a great deal of unnecessary work is created. In such a case the procedure should be for all invoices to be settled direct by the Italian Ministry or agency and should it be necessary for ACC/AMG to supply any commodity, in this case paper, in order that the contract may be carried out, such commodity should be sold to the Italian Ministry or agency by the Economics and Supply Division of the Region in which the contract is being carried out. Similarly, if salt is sent from a salt mine to an Italian State Monopoly warehouse, ACC should not purchase and resell but the financial transaction should be one between the State Monopoly and the Salt Mine.

6 copies Rec'd
1. adj
1. Education
1. Info
3 Spares

M.S. SMITH
Brigadier
Executive Commissioner

DISTRIBUTION:
"A" - Lead Group 3

MSL/JR

Sem. Lt. Darby - Adjutant
CWO. Chiarca

24 MAR 1944
1. To file

CONFIDENTIAL

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. Section
APO 394

Ref/A25/SP/CA.

23 March 1944.

SUBJECT: Powers and Rights of Allied Forces and Allied Military Government in Unoccupied Italy.

TO : See Distribution Below.

1. HQ. A.A.I. (Admin. Echelon) C.M.F. has issued an Administrative Instruction to all Military formations outlining the situation in general terms and substantially as stated in memoranda from this HQ dated 23 Jan and 31 Jan already in your possession.

2. The following extracts are quoted for your information :

(a) Although there will be officers of the Allied Control Commission in unoccupied ITALY they will be there to advise and control the Italian Government and not as governors. One of the most important functions of the Regional and Provincial Officers of the Commission will be liaison between Allied Military formations in the area and the Italian administrative officials. All but the most routine dealings between the Italian administration and the Allied Military authorities must be conducted through the Commission. When the Italian Government is directly represented on a control board or committee, the Military may, of course, deal directly with that organisation without the intervention of the Commission.

(b) Requisitioning.

The Allied Forces have retained the power and right to requisition private and public property and services in unoccupied ITALY - this right must be exercised sparingly and only for reasons of genuine military necessity. This right will be exercised through the Italian authorities. If, for example, a building is needed by the military it should be requisitioned through the Syndico of the town where the building is situated, with the assistance of the Provincial Officer of the Commission. The usual formalities of requisitioning used in occupied territory should be strictly followed in unoccupied ITALY. The property of dissolved fascist societies must not be seized without giving a receipt and then only if required for reasons of military necessity.

(c) Allied Military Courts.

As the Proclamation of the Military Governor ceases to operate in

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(c) Allied Military Courts.

As the Proclamation of the Military Governor ceases to operate in unoccupied ITALY, all crimes will normally be tried under Italian law and in Italian courts. The Allied Forces, however, have reserved to themselves the right to hold Allied Military Courts in unoccupied ITALY for the trial of civilians who commit acts seriously hostile to the Allied Forces and to punish them in accordance with the Italian Penal Codes.

The reservation of this right is not intended to encourage the trials of civilian offenders by Allied Courts but only to deal with the most serious offences against Allied personnel or property which cannot be properly dealt with by the Italian Courts. If such an offence has been committed the Military Authorities should give a full statement of the facts to the local representative of the Commission with the request that an Allied Military Court be convened to hear the charges. It will be the responsibility of the Commission to frame the charges and constitute the Court.

X 0911. Re-referred by CCC. Dated

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Consequent on reservation of the power to try such offenders there is reserved to the Allied Forces the power to arrest persons who are believed to have committed such offences. High ranking Italian officials and officers of the Italian Armed Forces should, however, only be arrested in collaboration with the appropriate Italian official (e.g. the Prefect or the Commanding Officer of the officer concerned). In all cases of arrest the agreement of the local officer of the Allied Control Commission will be obtained beforehand, except in an emergency, when he should be informed immediately after the arrest.

(d) The right is reserved by the Commander-in-Chief to declare specific areas in unoccupied ITALY to be Military Zones. Should the situation in any area become such as to convince the District Commander that such action is necessary, he should, after consulting the Regional Commissioner, report accordingly to H.Q. ....I. giving full reasons to justify his view. It may happen that the local Italian authorities may ask for the assistance of Allied troops in quelling civil disturbances. If such request is made the local commander will point out that the quelling of civilian riots or disturbances is a matter for the Italian Administration and he will refuse such assistance unless he is of the opinion that it is necessary for the protection of Allied Military interests. Before rendering such assistance the local commander will warn the local official requesting his assistance that the territory in question will be made forthwith an Allied Military Zone. If time permits the local commander will consult the local officer of the Commission before giving assistance.

(e) Prisoners of War and Civilian Internees.

The Allied Forces may continue to hold or require the Italian Government to hold in Custody military or civil prisoners of war in unoccupied ITALY. If the Allied Forces require to arrest any person for security or other reasons such arrest should be carried out in collaboration with Italian officials unless in any particular case it is thought that a request to the Italian police to arrest a suspect would be ineffective. In all cases, except in emergency, the local officer of the Commission must be informed of the intention to make any such arrest, whether by the Allied or Italian authorities. If he is not in agreement the matter will be referred to higher authority. Normally such persons will be detained in 371 P.W. Camp.

(f) Process in Italian Courts.

No member of the Allied Forces may be prosecuted or sued in Italian Courts.

(g) The agreement now reached with the Italian Government makes the rights of the Allied Forces in the Provinces of Apulia identical with their rights in the areas recently [illegible]

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No member of the Allied Forces may be prosecuted or sued in Italian Courts.

(g) The agreement now reached with the Italian Government makes the rights of the Allied Forces in the Provinces of Apulia identical with their rights in the areas recently transferred from Allied Military Government to Italian Government.

3. The instruction emphasises that except where, in emergency, immediate action is required by the Allied Forces for their own protection and security, all action required from the Italian Administration should invariably be taken through the medium of the Regional or Provincial Commissioner.

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It is further notified that where <u>immediate action</u> is taken without previous reference to the Allied Control Commission for emergency reasons, the appropriate officer of the Commission will be informed as soon as possible.

4. It will thus be appreciated that HQ. A.A.I. are seeking to obtain the fullest co-operation between military commanders and the Allied Control Commission. It should be your constant endeavour to reciprocate.

NORMAN E. FISKE
Colonel,
Deputy Executive
Commissioner.

<u>DISTRIBUTION</u>:

All Regional Commissioners.
SCAO's 5th and 8th Armies.
Distribution "C".

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