

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

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

10000/100/433

LEGAL
AUG. - NOV. 1943

34 pp

3

Leg.
Lab.

The Lab. The position has somewhat altered since Paper no. 5. What we are working on now is App. Co to P.D. no. 8. wherein the Lab. Sub-Commission receives a total of 10 Officers as against 15 in Paper no. 7. I entirely agree with the view put forward in 4A - it is therefore merely a question of not assigning a Counsel to the Lab. Sub-Commission. I am sure he will be a ^{mini} mind. See also para. 6 of P.D. no. 8, which really answers your problem.

15 Oct 43

W. H. H. H. H. H.
Colonel.

2. H. H. H. H. H.
H. H. H. H. H.

15 Oct 43

Pat on A.C. File

HEAD PARTIES
ALLIED MILITARY GOVERNMENT.

AME/AC98/L

4 November, 1943.

Subject:- Cases of Juvenile Offenders.

In order to ensure that no undue delay occurs in the holding of trials in which juveniles under 18 years of age are involved, by reason of the necessity of waiting for information from the Welfare Officer, amendments have been made to the Directive issued by me under the 4034/L reference on 31 August, 1943. The Directive in the amended form is set out below:-

"It has come to the attention of the Chief Legal Officer that arrests have been made of juveniles under of 18 years of age who have violated AMG ordinances, laws or regulations.

1. (a) In these cases it is requested that the following procedure be followed:-

(i) That upon the arrests of minors and, if possible prior to trial, a copy of the charges will be given to the nearest Public Welfare Officer of AMG.

(ii) The Welfare Officer will procure or cause to be procured such information regarding the minor as may bear upon the case and will forward such information before trial, if possible, and in any event before sentence, together with a recommendation for use by the Judge in making his decision.

(iii) Such investigations and reports to the Judge will be made by the Welfare Officer at the earliest possible time in order not to delay the hearing unnecessarily.

(iv) The Welfare Officer will report back to the court on every case brought to his attention, even though no information on the individual in question can be furnished.

(v) Juveniles will be released pending trial on such conditions as may seem appropriate whenever possible. In those cases where detention of the juvenile is necessary, he or she must, if at all possible, be held in a place separate from those housing adult offenders.

(b) If the Court feels that a juvenile over 16 years of age is of maturity, both physically and mentally, this individual could be dealt with as

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- (i) That upon the arrests of minors and, if possible prior to trial, a copy of the charges will be given to the nearest Public Welfare Officer of A.C.
- (ii) The Welfare Officer will procure or cause to be procured such information regarding the minor as may bear upon the case and will forward such information before trial, if possible, and in any event before sentence, together with a recommendation for use by the Judge in making his decision.
- (iii) Such investigations and reports to the Judge will be made by the Welfare Officer at the earliest possible time in order not to delay the hearing unnecessarily.
- (iv) The Welfare Officer will report back to the court on every case brought to his attention, even though no information on the individual in question can be furnished.
- (v) Juveniles will be released pending trial on such conditions as may seem appropriate whenever possible. In those cases where detention of the juvenile is necessary, he or she must, if at all possible, be held in a place separate from those housing adult offenders.
- (b) If the Court feels that a juvenile over 16 years of age is of maturity, both physically and mentally, this individual could be dealt with as an adult offender after taking into consideration his limited experience.
- (c) That Judges of the military courts will base their procedure in hearing the cases of minors under 17 upon the accepted practices of juvenile courts in Britain and the U.S., namely:-
- (1) That first consideration be given to rehabilitation of the child instead of punishment.
- (11) That where parents seem to be responsible persons, the child be given an opportunity for readjustment in his own home under strict supervision of the parents or the police.
- (111) That where it is necessary to place the child in an institution, he be committed for an indefinite period to a school for juveniles, such as Centro Rieducazione Minorenni, until such time as the school decides that he will refrain from further delinquency and is ready for release.
- (iv) That the hearings be held informally in a closed chamber instead of open court.

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- (v) That in cases of commitment, a court record of the case be forwarded to the institution together with any recommendations which may have been made regarding treatment.
2. In the case of minors under 18 tried by the courts of Italy, copies of the records, indicating the dispositions of such cases shall be forwarded promptly to the Public Health Sub-Commission (Public Welfare Section)."

s/ W. C. Chanler

WILLIAM C. CHANLER
Lt. Col. F.A.
Chief Legal Officer.

DISTRIBUTION:

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R.C.A.O. Region II
R.C.A.O. Region III
R.C.A.O. Region IV

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ARMY Liaison
" 8th Army
" 5th Army
" 15th Army Group
MSG A.F.H.Q.
File (4098/L)
Float
Spares

(1)
(6)
(6)
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(12)
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HEADQUARTERS
ALLIED MILITARY GOVERNMENT

AMG/4002/L.

1 November 1943.

ADMINISTRATIVE INSTRUCTION (LEGAL)

1. Summary Courts have jurisdiction to impose a sentence of imprisonment for not more than one year or a fine of not more than 50,000 lire or both such imprisonment and fine. Further, the Court has power to order imprisonment in default of payment of a fine, but in no case can a person convicted by a summary Court be kept in prison in respect of that conviction for more than one year.

2. A sentence of one year's imprisonment and a fine of 20,000 lire means, therefore, that whether the fine is paid or not, the accused must be released at the expiration of one year.

3. Similarly, no person convicted by a Superior Court can be detained in respect to that conviction for more than ten years.

4. Where a fine alone is imposed the Court should specify the period to be served in default of payment such period not being merely assessed on the Italian basis of 50 lire a day, but having regard to the probable capacity of the accused to pay.

5. Where a sentence of imprisonment and fine is imposed, the sentence should be in the following form:

"Two months imprisonment and a fine of 50,000 lire; in default of payment of the fine, accused to serve a further period of three months imprisonment."

6. Please take steps to see that all officers trying cases are instructed accordingly.

WILLIAM C. CHANLER,
Lt. Col., FA,
Chief Legal Officer.

DISTRIBUTION:
HCAO Region I
Agrigento Province

(6)
(3)

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3. Similarly, no person convicted by a Superior Court can be detained in respect to that conviction for more than ten years.

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DISTRIBUTION:

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Palermo	(4)
Ragusa	(3)
Syracuse	(2)
Messina	(3)
Trepani	(3)
MCAG Region II	(25)
" III	(25)
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AMCOT Liaison	(1)
" 8th Army	(6)
" 5th Army	(6)
" 15th Army Group	(6)
MCS AFHQ	(12)
Sub-Commissions	(15)
File	(1)
Float	(1)
Spares	(20)

WILLIAM C. CHANLER,
Lt. Col., FA,
Chief Legal Officer.

SECRET

SUBJECT: A.L.G., 15 Army Reports.

H.Q. A.M.G.
15 Army Group,
C.M.F.

TO: G.C.G. in C., 15 Army Group.

FROM: A.L.G., 15 Army Group.

AMG/6/2414th November, 1943.

Report for period 24th October to 31st October 43.

1. As from 00.01 hrs, 24th October 43, A.M.G. 15 Army Group became responsible for Military Government in Italian territory occupied or to be occupied by the Allied Forces north of the Northern boundaries of the provinces of Salerno, Potenza and Bari. Headquarters, Allied Military Government, at present located at Salerno, are responsible for Military Government in Italy (including Sicily) south of the Northern boundaries of the provinces of Salerno, Potenza and Bari.

2. A.L.G. Headquarters, 15 Army Group, is located approximately one mile South West of Bari on the Taranto road.

3. EIGHTH ARMY AREA.

The forward position in the Eighth Army area has not changed considerably during this period, various small towns have been occupied and light aircraft installed, the more important being VIGGIANICO, MARANO and CASTROPAGNA. The town of SEPINO has also been taken over since, although it is not on the axis of the Eighth Army, it comes into CAMPANIA Province. No detailed reports have yet been received of any of these places.

REPORTS. The town is normal and certain difficulties that arose over the attempt to requisition the Municipal Buildings have been settled. The food situation is not as good as was originally thought and steps are being taken to build up a stockpile from FOGGIA.

NO. 1. (a) The position is unchanged as regards the accommodation for the Central Government. Endeavours were made again to find suitable accommodation in other towns but these have all failed and the central government will have to function from FOGGIA. It is being organised now.

of the provinces of Salerno, Potenza and Bari. Palompo, no responsible for Military Government in Italy (including Sicily) south of the northern boundaries of the provinces of Salerno, Potenza and Bari.

2. 15th Army Group, 15 Army Group, is located approximately 100 miles South West of Bari on the Taranto road.

8. EIGHTH ARMY AREA.

The forward position in the Eighth Army area has not changed considerably during this period, various small towns have been occupied and many officers installed, the more important being VIGILANTE, SAN GIULIO and CASTROPAGNO. The town of SEPINO has also been taken over since, although it is not on the axis of the Eighth Army, it comes into CAMPOTRONE Province. No detailed reports have yet been received of any of these places.

CAMPOTRONE. The town is normal and certain difficulties that arose over the attempt to requisition the Municipal Buildings have been settled. The food situation is not as good as was originally thought and steps are being taken to build up a stockpile from FOGGIA.

FOGGIA. (a) The position is unchanged as regards the accommodation for the Central Government. Endeavours were made again to find suitable accommodation in other towns but these have all failed and the central government will have to function from FOGGIA. It is being organised now.

(b) The food situation is satisfactory.

(c) Water and Electric Light are now both available.

(d) The sanitary conditions are improving and it is anticipated that repairs to the sewers will be completed in about three weeks time.

(e) Fire Services are non-existent. Representations have been made to the Italian Authorities to assist FOGGIA by providing necessary equipment.

The Prefect of FOGGIA wrote to the Military Mission complaining that there was disorder in the province and requesting the Italian Government to establish an Italian Garrison at FOGGIA or BOVINO "to restore order in the province." The establishment of an Italian Garrison would not serve any purpose. The implication that there is disorder in the

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- 2 -

province is not true. There is, admittedly, disorganization caused by the bombed state of FOGGIA and aggravated by the City being practically taken over by the N.A.A.P. A military necessity of this nature is bound to militate against the resumption of normal economic life and administration and no doubt acts distasteful to the Prefect have been perpetrated by the Services. It is understood that permission to establish an Italian Garrison has been refused.

ISLAND OF TREMITI. The food position of the island is satisfactory and the position is safeguarded until the end of December. Water was available to the end of October and further arrangements have been made.

Medical Supplies. 40 tons of medical supplies have been received from NAPLES and will be used for emergency situations in FOGGIA Province, and other provinces as they are captured.

Preliminary reports from the towns forward of VENEZIATURO on the ISERNIA road show that food is scarce. Fuel for the mills is a pressing need, but 13 Corps are giving all possible help in this respect until other arrangements can be made.

Political. There is nothing of interest to report. The area captured so far in CAMPOBASSO seems particularly quiet.

Refugees. Refugees seem to be a pressing problem. Over 1,000 have now been evacuated from the forward areas and temporarily housed in towns in FOGGIA Province. Some 800 of these have already been evacuated back to areas under the control of the Italian Government. A.M.G. Eighth Army are responsible for removing refugees and evacuees from forward military areas and conveying them as far as Eighth Army southern boundary, i.e. BARI, MATERA, POTENZA. There are four categories:-

- (i) Refugees. People who are not residents of the place where picked up, but have originated from other towns.
- (ii) Displaced Civilians. People who are residents of the town where picked up, and whose premises or homes are required for military purposes.
- (iii) Internees. Foreigners who have been interned by the Italians and liberated by the Allies.

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and will be used for emergency situations in FOGGIA Province, and other provinces as they are captured.

Preliminary reports from the towns forward of VINCHIATURO on the ISERNIA road show that food is scarce. Fuel for the mills is a pressing need, but 13 Corps are giving all possible help in this respect until other arrangements can be made.

Political. There is nothing of interest to report. The area captured so far in CALFORASSO seems particularly quiet.

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- (ii) Displaced Civilians. People who are residents of the town where picked up, and whose premises or homes are required for military purposes.
- (iii) Internees. Foreigners who have been interned by the Italians and liberated by the Allies.
- (iv) Civilians who have actually come through the enemy lines, and who will be screened and interrogated by intelligence officers at the first opportunity.

The problem as a whole of Italian civilians to be moved from the forward military areas is the responsibility of the Italian Government and arrangements are now being made through the Allied Military Mission for the Italian Government to take over this work and house refugees and evacuees in the rear areas. Provision is being made to move and accommodate 25,000 men, women and children on a basis of 1/3 each.

Financial. In Eighth Army area the banks are now open and in most cases deposits exceed withdrawals. The banks in TERRACCI had no lire currency, as all cash had been distributed to depositors before the arrival of the Germans, as a safeguard against looting. A transfer of cash was arranged from CALFORASSO and the banks are now functioning. 100 million lire have been sent to CALFORASSO as a reserve. As in Sicily, it has not been found possible to reopen Post Office Savings Accounts.

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The provincial courts of Basilicata have been burnt, the money on hand in each post office is insufficient to allow all the provincial P.O. Savings Offices to pay dividends. The problem will be tackled on the arrival of a permanent financial staff in the province. Caserta, Benevento, and Avellino follow the usual channels of street cleaning, and the creation of central shower-baths and latrines. Funds are being provided by 1950 for the repair of those roads necessary for military operations.

Legal. A full year of the year has, during the period, been made by the Senior Legal Officer. In Basilicata Province, about 30 cases per day have been tried in the Summary Court, but the offences were mostly trivial and taken to trial with the imposition of stiffer sentences. In the Province of CALABROSSO there have been five cases heard by the Summary Court for curfew offences and there are further cases of a somewhat more serious nature pending. In TERAMO there are some cases for only one case. An investigation is being made of the available Italian judicial officials, some of whom have been found unsatisfactory, and a quantity of work was done with a view to expanding the Italian Tribunal and Practitioner Courts at an early date in this area.

4. MILITARY OPERATIONS.

No general report has been received to date from Fifth Army Area.

Military. On the criminal side little news has been received and further requests have been requested. In the city and provinces of Basilicata the banks are reopened on the 30th October without any ill effects on withdrawals. It is too early to assess results, but so far the experience is satisfactory, and it is hoped to open the banks similarly in the other provinces within the next ten days. In view of the extensive destruction and scorched earth policy of the Germans, the discovery that the banks possessed 1,000 Italian lire in currency was unexpected. Post Office Savings Accounts are not open, and the closing of the Post Office in Naples will delay the resumption of Postal facilities. It was found that Lotteries had never been stopped; it was decided to allow them to continue, in view of their important contributions to revenue.

Legal.

(a) Military Courts directly established are continuing to operate with satisfactory results. There has been a re-opening of

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... investigation is ...
... have been ...
... in view of ...
... an early date in this area.

4. POSTAL OFFICE

No further report has been received to date from Fifth Army area.

Summary. On the financial side little news has been received and further reports have been requested. In the city and provinces of ... the ... were reported on the 30th October without any ... It is too early to assess results, but so far the experience is satisfactory, and it is hoped to ... the ... in the other provinces within the next ten days. In view of the systematic destruction and scorched earth policy of the Germans, the discovery that the banks possessed 1,000 million lire in currency was unexpected. Post Office Savings accounts are not open, and the closing of the Post Office in Naples will delay the resumption of Postal facilities. It was found that Letterboxes had never been stopped; it was decided to allow them to continue, in view of their important contributions to revenue.

Details

(a) Military Courts already established are continuing to operate with satisfactory results. There has been a re-opening of further Italian criminal courts in the area and the antecedents and records of the judges of these courts have been investigated.

(b) There has also been a further investigation in regard to civilians held in Italian jails and with regard to those convicted persons in the Italian jails who had been released prior to occupation by the enemy. Instructions have been given that Italian Military Tribunals may be permitted to function in occupied territory under close supervision for the trial of pending post-occupational cases not involving acts favourable to the Allied Forces and for the trial of current cases.

(c) All the proclamations have now been published in the area other than No. 6 dealing with Property Control, No. 7 dealing with the Fascist Party and No. 9 dealing with the Publication of the Gazette. During the period under review the contents of Proclamation No. 6 and 7 were under discussion owing to the changed circumstances of the situation and the time is not yet ripe for the publication of Proclamation No. 9 in the area.

2127/SZ
Copy to:-

2127/SZ (2)
2127/SZ (1)
2127/SZ (1)

Fig. 11.11.11.11
Major General,
Chief Civil Affairs Officer.

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10A

REGION 4

ADMINISTRATIVE INSTRUCTION

LEGAL, No. 1

26 Oct. 1943

"By virtue of the powers conferred under Rule 5 (1) of the Rules of Procedure for Allied Military Courts, the officers named below are hereby authorized, while acting in any part of Region 4, to order that any particular case, or class of case, shall be brought directly before a Superior or General Military Court for trial, subject to any contrary order that may be issued by AMG H.Q. 5th Army or AMG H.Q. 5th Army during such time as the officers named below may be attached to such H.Q."

"Lt. Col	John E. Chapman	(A)
Major	W.G. Elder	(B)
"	G.G.F. Ainslie	(B)
"	Walter D. Stump	(A)
"	G.H. Welsford	(B)
"	M.C. Holt	(A)
"	William H. Levitt	(A)
"	William Waugh	(A)
"	Robert M. Woodward	(A)
Lt. Cdr.	Michael A. Kustmann	(A)
Captain	E.V. Falk	(A)
"	Lockwood Thompson	(A)
"	Edward C. Lukens	(A)
"	Shirley P. Marsh	(A)
"	W.G.R. Oates	(B)
"	T.M.O. de Vio Carey	(B)
Lieut	Roscoe A. Gaziemo	(A)"

H.C. Lina

H.G. WILDER, R.C., Colonel
Chief Legal Officer
Region 4

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 (A) Shirley R. Marsh
 (A) W.G.R. Gentes
 (A) W.M.G. de Vic Carey
 (A) Robert A. Garieno
 (A) Lt. Cmdr.
 (A) Captain
 (A) " "
 (A) " "
 (A) " "
 (A) " "
 (A) Lieut

H.L. Linder

H.C. WILLIAMS, K.S., Colonel
 Chief Legal Officer
 Region 4

5536

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SECRET **EQUALS** BRITISH MOST SECRET

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OUTGOING MESSAGE

P R I O R I T Y

TO FOR ACTION: AOWAR, FOR COMBINED CHIEFS OF STAFF

REF NO: W-3010

FOR INFO : USFOR, FOR BRITISH CHIEFS OF STAFF

REF NO: 116

SIGNED: EISENHOWER, CITE PEMOS

RAF 479

Para 1. French authorities here raise question how to deal with members of Italian Forces in CORSICA accused of violating the laws of war by committing acts of cruelty against French patriots and Allied nationals. They ask whether under armistice terms French authorities are in position to demand handing over of Italian military personnel so accused.

Para 2. In addition to question of handing over to French, there is the basic problem of trial of Axis nationals charged with war offenses. Request directive in light of any general policy which may have been adopted. Suggest this be considered with USTICA case, which was subject of RAF 476.

ORIGINATOR: MIL GOVT SEC

AUTHENTICATION: BRIG GEN J C HOLMES

INFORMATION: SQS

G-2

G-3

LIAISON

MR. MURPHY

MR. MACMILLAN

**

AG RECORDS

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MC OUT 6147

20 Oct 43

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Ref No. W-3010/116

Ja/K

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ROUTINE

**TO FOR ACTION: AGMAR (FOR COMBINED CHIEFS OF STAFF FOR PERSONAL ATTENTION
OF MAJOR GENERAL WALTER B SMITH)
USFOR (FOR BRITISH CHIEFS OF STAFF)**

REF. NO: W2817/9045

SIGNED: BISHFLOWER

CITE: FIDUS

NAF 476

We are prepared to try at once in Allied Military Court
Prison Officials of Internment Camp on Island of ISTICA for killing
civilian internees including JUDO SLAVS by torture and starvation. Assume
there is no objection to this procedure under part 7 of Policy Directive
of June 1st. Please advise promptly as we desire to commence trial before
turning over the territory to ITALIAN Government.

ORIGINATOR: MIL GOV SEC

**AUTHENTICATION: J C HOLMES
BRIG. GEN.**

**INFORMATION: SOS
**
SUMMARY
AG RECORDS**

MC OUT 5401 18 Oct 43 1933A

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21/10/43 2280

SECRET EQUALS BRITISH MOST SECRET

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TO : C.L.O., Regions 4,5,6,8,9. *With*
FROM : Legal Sub-Commission A.C.
SUBJECT : Proclamations
REFERENCE: AC/1190/Log.
DATE : 16 Oct. 1943

Herewith five copies of an index to
proclamations 1-15 (Region 6; three copies only).

[Signature]
S.B. UPDEIN
Colonel
Legal Subcommission A.C.

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7	III	-
1	I	-
2	I	3
9	I	-
2	II	35
1	IV	-
4	III	-
10	II	1(b)
3	III	-
2	IV	2
6	IX	-
2	II	44
11	II	1
2	II	15
2	II	33
8	II	-
7	I	-
11	IV	1
2	II	29
8	I	-
10	I	2
2	II	43
2	II	3553
3	III	-
6	IV	-
2	IV	3
2	I	20
2	I	5
1	I	-
2	VII	1(a)
2	II	31
2	I	19
2	I	17
2	I	17
6	II	-

Damaging proclamations, orders or notices posted under authority of

Detention of suspected persons

Disposition of Fascist Party property

Establishment of

Failure to report receipt of communications concerning Allied Forces

Gazette issued under authority of

Interference with arrest made under authority of Italian courts and schools opened by Judicial officers of

May designate agency to receive property or assets to be blocked or controlled

May permit importation or exportation of coin or currency

May permit importation or exportation of newspapers, books, etc.

Not responsible for property taken into control

Orders, disobedience of

Photographing, development and printing of films and plates may be permitted by

Possession of firearms, etc may be permitted by

Pretending to act under the authority of

Prices may be changed by

Property of Fascist Party delivered to officers of

Publication of newspapers, etc., may be permitted by

Publishing matter hostile, detrimental or disrespectful to

Ration system may be changed by

Transactions in exchange and currency may be permitted by

Travel of civilians may be permitted by

Uttering speeches or words hostile, detrimental or disrespectful to

Wage rates may be changed by

Allied Property

Allied property to be safeguarded

Alteration of passes, permits, etc.

Ammunition, possession of

Announcement of Occupation

Arrest by authorized member of Allied Forces

Assault

Assault with intent to commit rape

Assault with intent to kill

Assault with intent to commit bodily harm

Assistant controller of property, appointment

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Possession of firearms, etc may be permitted by	11	II	1
Pretending to act under the authority of	2	II	15
Prices may be changed by	2	II	33
Property of Fascist Party delivered to officers of	8	II	-
Publication of newspapers, etc., may be permitted by	7	I	-
Publishing matter hostile, detrimental or disrespectful to	11	IV	1
Ration system may be changed by	2	II	29
Transactions in exchange and currency may be permitted by	8	I	-
Travel of civilians may be permitted by	10	I	2
Uttering speeches or words hostile, detrimental or disrespectful to	2	II	43
Wage rates may be changed by	2	II	2553
Allied Property	8	II	-
Allied property to be safeguarded	6	IV	-
Alteration of passes, permits, etc.	6	IV	3
Ammunition, possession of	2	IV	20
Announcement of Occupation	2	I	5
Arrest by authorized member of Allied Forces	1	I	-
Assault	2	VII	1(a)
Assault with intent to commit rape	2	II	31
Assault with intent to kill	2	I	19
Assault with intent to commit bodily harm	2	I	17
Assistant controller of property, appointment	2	I	17
Assisting in commission of offense	6	II	-
Assisting armed forces to escape	2	III	1
Assisting escape of person to be arrested	2	I	9
Assisting prisoner of war to escape	2	II	5
Assisting prisoner of war to escape	2	I	8
Attempt to commit an offense	2	I	8
Attendance at Fascist Party meeting prohibited	2	III	2
Authority empowered to confirm death sentence	7	V	1
	4	VIII	-
B.			
Bearing arms against Allied Forces	2	I	4
Being found in forbidden area	2	I	10
Binoculars to be declared	11	II	2
Blockout laws and regulations enforced	11	VII	I(b)
Blocking of property or assets	10	II	1
Book publishing without permit prohibited	11	IV	34
Bribery of person acting under authority	2	II	-
British Military Authority notes	3	I	1
Bullion importation and exportation prohibited	10	I	-

C.

	Proc.	Art.	Sec.
Cameras to be declared	II	II	2
Carriers pigeons to be declared	II	I	I
<u>Chief Civil Affairs Officer.</u>			
Amend orders and regulations	4	IX	-
Annul or amend laws relating to Fascist organizations.	7	IV	-
Appoint Controller of property	6	II	-
Confer powers on Controller of Property	6	VI	2
Control any organization affiliated with Fascist Party	7	II	-
Direct custody of property essential to needs of Allied Forces	3	VI	I (b)
Direct custody of property of Fascist Party	7	I	-
Direct custody of property necessary to safety of Allied Forces	6	VI	I (a)
Improve conditions for conducting business	10	II	I (a)
Improve conditions for reopening financial institutions	5	I	-
Make regulations for the recovery of fees and expenses by controller of Property	6	VIII	-
Make rules of procedure for Military Courts	4	IV	3
May order disposition of Fascist Party property	7	III	-
May order dissolution of any organization affiliated with the Fascist Party	7	II	-
May permit transfer of land and buildings	5	III	I (a)
May prohibit conduct of any business	10	II	I
May suspend or terminate moratorium	5	II	-
May suspend or terminate restrictions on transfers of lands and buildings	5	III	3
May void and set aside property transactions	5	XI	-
Must review record of trial in certain cases	4	VII	3
<u>Chief Legal Officer.</u>			
Authorize Italian courts to function	11	V	I (b)
Impose conditions on Italians Courts	11	V	I (b)
Petitions for modification of sentence forwarded to	4	VII	I
Recommended review of any record of trial	4	VII	3
Records of trial examined and filed by	4	VII	2
Review circumstances of detention of suspected persons	2	VII	2
Circular publishing without permits prohibited	11	IV	I
Circulating in streets during curfew	2	II	24
Circulating outside house during curfew	2	II	24
Citizens pursue normal vocations	1	VII	-

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Applications

- Make regulations for the recovery of fees and expenses by controller of property
- Make rules of procedure for Military Courts
- May order disposition of Fascist Party property
- May order dissolution of any organization affiliated with the Fascist Party
- May permit transfer of land and buildings
- May prohibit conduct of any business
- May suspend or terminate moratorium
- May suspend or terminate restrictions on transfers of lands and buildings
- May raid and seize and property transactions
- Must review record of trial in certain cases

Make rules of procedure for Military Courts

May order disposition of Fascist Party property

May order dissolution of any organization

Associated with the Foreign Party

Why permit transfer of land and buildings

May prohibit conduct of any business

may suspend or terminate monitoring

May suspend or terminate restrictions on trans-
fers of lands and buildings

May hold and not properly transactions

Must review record of urine in certain cases

Chief Land Officer.

Authorized Reading Courts to function

Imposed conditions on Italian Courts

Partitions for modification of sentence forwarded to

Recommended review of any record of trial

Records of trial examined and filed by

Review circumstances of detection of suspected

NOTES

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Circulating in streets curlew curlew

Circulation outside the house during curfew

Citizens pursue normal vocations

City of Atlanta, Georgia.

These limitations on conduct of business

Order dispersal of any meeting, parade, etc.,

Civil Justice.

Loss of identity card reported to

Order: dispersal of any nesting, parade, etc.,

Permits for meetings and assemblies

Travel permits issued by

Claytonia moratorium

Coin and currency importation and exportation

prohibited.

Collective responsibility of members of commune

Commercial transactions outside occupied

prohibited

Communication concerning Allied Forces

Communication with enemy

Communication with persons in care

territory

NO

Controller of Property.	Proc.	Art.	Sec.
Appointment	6	11	-
Control of enemy state property	6	V	1 (a)
Control of private property	6	VI	1
Delegation of powers to assistant	6	VII	-
Not responsible for property control	6	IX	-
Record and account for enemy state property taken in control	6	V	1
Convicted person may petition C C A O	4	VII	1
Counterfeiting	2	I	22
Court may close place of business	4	V	5
Court may direct manner of payment of fine	4	V	2
Court may declare forfeit to Allied Military Government	4	V	4
Court may order compensation paid to owner	4	V	4
Court may order place of business vacated	4	V	5
Court may order restitution to owner	4	V	4
Court to summons witnesses for defence	4	IV	2 (d)
Courts (Italian) to be closed	1	IV	-
Courts (Italian) authorized to function may meet without permit	11	V	1 (b)
Courts open on order of AMG	1	IV	-
Curfew hours	2	11	24
Curfew violation	2	11	24

D.

Damaging communication facility	2	I	13
Damaging proclamation order or notice	2	11	39
Damaging Public service facility	2	I	15
Damaging public utility facility	2	I	15
Damaging transportation facility	2	I	14
Damaging war material	2	I	12
Death sentence not executed unless confirmed	4	VIII	-
Debts under moratorium	5	II	1
Defendant cannot be held to testify	4	IV	2 (o)
Defendant committed in default of payment of fine	4	V	2
Defendant given copy of charges	4	4	2 (a)
Defendant may consult lawyer before trial	4	IV	2 (d)
Defendant may produce witnesses	4	IV	2 (d)
Defendant may have representation at trial	4	IV	2 (b)
Defendant may request time to prepare defense	4	IV	2 (c)
Defendant may testify in his own behalf	4	IV	2 (c)
Defendant's place of residence may be fixed by Military Court	4	V	3
Defendant's rights before Military Court	4	IV	2
Defenses under International Law	4	IV	2

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	Proc.	Art.	Sec.
Great Britain			
Abrogation of Italian laws affecting property of	6	IV	1
Coins of, declared legal tender	3	I	-
False or fraudulent claim against	2	II	28
Nationals of, protected in property interests	6	IV	1
Publication hostile, detrimental or disrespectful to	2	II	29
Speech or words hostile or disrespectful to	2	II	30
<u>H.</u>			
Harboring a spy	2	I	1
Hostile acts against Allied Forces	2	I	23
Hostile acts prohibited	1	II	-
<u>I.</u>			
Identity cards required	2	III	1
Importation of coins and currency prohibited	10	I	1
Importation of gold and silver bullion prohibited	10	I	1
Importation of securities prohibited	10	I	1
Importation of newspapers, books, etc., without permit	11	IV	2
prohibited	13	I	-
Imprisonment without charge of crime prohibited	13	I	-
Imprisonment without trial prohibited	2	I	21
Inciting to insurrection	2	II	35
Interference with arrest of any person	2	I	13
Interfering with communications	2	I	15
Interfering with public service	2	I	15
Interfering with any public utility	2	I	14
Interfering with transportation	2	II	2
Interest not to scourge during moratorium	5	VII	3
Internment of civilians	2	II	34
Intimidation of persons acting under authority	2	II	42
Issuing false identity card	4	III	4
<u>J.</u>			
Judicial officers, who are	4	II	3
Jurisdiction over offenses	4	II	2
Jurisdiction over persons	4	II	1
Jurisdiction over territory	4	II	1
<u>K.</u>			
Killing any member of Allied Forces	2	I	16
<u>L.</u>			
Laws authorizing fine or imprisonment without trial			

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11	IV	2
13	I	-
13	I	-
2	I	21
2	II	35
2	I	13
2	I	15
2	I	15
2	I	14
5	II	2
2	VII	3
2	II	34
2	II	42

4	III	4
4	II	3
4	II	2
4	II	1

2	I	16
---	---	----

13	II	1
7	IV	-
7	VII	-
7	IV	-
2	I	21
2	I	21
5	III	2
2	II	25
3	I	-
10	I	2
12	I	-
5	I	-
11	III	2

11	IV	1
4	VI	-
4	IV	4
4	VI	-

... , etc., without permit.

Prohibited

Imprisonment without charge of crime prohibited
 Imprisonment without trial prohibited
 Inciting to insurrection
 Interference with arrest of any person
 Interfering with communications
 Interfering with public service
 Interfering with any public utility
 Interfering with transportation
 Interest not to accrue during moratorium
 Internment of civilians
 Intimidation of persons acting under authority
 Issuing false identity card

J.

Judicial officers, who are
 Jurisdiction over offenses
 Jurisdiction over persons
 Jurisdiction over territory

K.

Killing any member of Allied Forces

L.

Laws authorizing fine or imprisonment without trial
 abrogated
 Laws discriminating as to race, color or creed annulled
 Laws prejudicial to United Nations annulled
 Laws relating to Fascist organizations annulled
 Leading assemblies to incite insurrection
 Leading public demonstration to incite insurrection
 Lasso of lands or building without consent are void
 Leaving shore without permit prohibited
 Legal tender declared
 Licensing transactions
 Lira notes (Allied Military) are legal tender
 Loans, business of making
 Lost identity cards, procedure

M.

Magazine publishing without permit prohibited
Military Courts
 Accept security for bail
 Appoint assessors
 Attendance of witnesses ordered

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<u>Military Courts (Cont'd)</u>	<u>Proc.</u>	<u>Art.</u>	<u>Sec.</u>
Business may be closed as punishment	4	V	5
Business place may be ordered vacated	4	V	5
Compensation to owner can be ordered	4	V	4
Contempt of court, power to punish for	4	VI	-
Disposal of exhibits ordered	4	VI	-
Documents produced on order of	4	VI	-
Establishment of	4	I	-
Fines, manner of payment directed	4	V	2
Forfeiture of articles may be ordered	4	V	4
General Military Court, composition of	4	III	1
General Military Court, jurisdiction of	4	III	1
General powers of	4	VI	-
Italian law offences may be tried by	4	II	3(c)
Judicial officers	4	III	2
Jurisdiction over offences	4	II	3
Jurisdiction over persons	4	II	2
Jurisdiction over territory	4	II	1
Records transmitted to Chief Legal Officer	4	VII	2
Restitution of property to owner may be ordered	4	V	4
Summary Military Court, jurisdiction of	4	III	3
Summons witnesses for defence	4	IV	2(d)
Suspension of sentence of imprisonment	4	V	5
Trials to be public	4	IV	1
Military Governor.			
Death sentence not executed unless confirmed by	4	VIII	5525
Delegation of power to confirm death sentence	4	VIII	1,2,3
May appoint members of Military Courts	4	III	-
Power to change or supersede existing law	1	III	-
Power over Italian officials and employees	1	V	-
Powers of Government vested in	1	I	-
Proclamations, orders and regulations issued by	1	VI	-
Proclamations, etc., to be published in the Gazette	9	I	-
Violations of Italian law tried by Military Courts on order of	2	IV	-
Misleading Allied Troops	2	I	7
Modification of restrictions on transfers	5	III	3
Money changing as financial institutions	5	I	-
Moratorium ordered	5	II	1
Mortgaging lands or buildings prohibited	5	III	1
Moving pictures without permit prohibited	11	V	2

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Records transmitted to Chief Legal Officer	4	II	2
Restitution of property to owner may be ordered	4	II	1
Summary Military Court, jurisdiction of	4	VII	2
Summons witnesses for defence	4	V	4
Suspension of sentence of imprisonment	4	III	3
Trials to be public	4	IV	2(d)
Military Governor.	4	V	6
	4	IV	1
Death sentence not executed unless confirmed by	4	VIII	5528
Delegation of power to confirm death sentence	4	VIII	1,2,3
May appoint members of Military Courts	4	III	-
Power to change or supersede existing law	1	III	-
Power over Italian officials and employees	1	V	-
Powers of Government vested in	1	I	-
Proclamations, orders and regulations issued by	1	VI	-
Proclamations, etc., to be published in the Gazette	1	I	-
Violations of Italian law tried by Military Courts on	9	I	-
order of			
Misleading Allied Troops	2	IV	-
Modification of restrictions on transfers	2	I	7
Money changing as financial institutions	5	III	3
Moratorium ordered	5	I	-
Mortgaging lands or buildings prohibited	5	II	1
Moving pictures without permit prohibited	5	III	1
	11	V	2
National anthems of enemy countries prohibited	11	VI	-
Newspaper publishing without permit prohibited	11	IV	1
Oath to Fascist party prohibited			
Obligations for payment of money under moratorium	7	V	6
Obedience to orders required	5	II	1
Officers may be assigned as defense counsel	1	I	-
Officials (Italian) may be removed	4	IV	2(b)
Officials may be required to perform usual duties	1	V	-
Organizations affiliated with Fascist Party may be	1	V	-
dissolved			
Organizing assemblies to incite	7	II	-
Organizing public demonstrations to incite	2	I	21
insurrection	2	I	21

Proc	Art	Sec
11	IV	1
11	V	2
2	11	32
2	11	32
2	1	6
11	IV	1
3	III	1
3	III	1
11	IV	1
2	11	24
3	III	1
10	1	1
2	11	24
11	11	1
2	1	1
11	11	1
2	1	1
11	IV	1
3	III	1
10	1	1
10	1	1
2	1	1
11	1	1
5	11	1
10	III	1
11	IV	1
3	IV	1
10	1	1
10	1	1
5	III	1
5	III	1
5	III	1
5	III	1
5	III	1
2	II	1
11	IV	1
11	IV	1
11	V	1
5	III	1
11	V	1
11	IV	1
11	IV	1
11	V	1
11	1	1
11	IV	1

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Handbill publishing without permit prohibited
 Parades without permits prohibited
 Participation in public demonstrations prohibited
 Participation in unauthorized assemblies prohibited
Permits required for

Assembly, possession of

Assemblies

Books, printing and importation

Books, exportation and importation

Circulars, printing and publishing

Circulations during curfew hours

Coin and currency, exportation and importation

Commerce outside occupied territory

Curfew circulating during

Developing and printing photographic film

Explosives, possession of

Exportations of books, newspapers, etc.

Exportation of coin and currency

Exportation of gold and silver bullion

Exportation of securities

Firearms, possession of

Film, photographic, developing or printing

Gifts of land or building

Gold bullion, exportation and importation

Importation of books, newspapers, etc

" coin and currency

" gold or silver bullion

" securities

Land and buildings, gift of

" " " Lease of

" " " Mortgage

" " " Transfer of

Lease of land or buildings

Leaving shore

Magazines, printing and publication of

" " " exportation and importation

Meetings

Mortgaging land or buildings

Moving picture exhibitions

Newspapers, printing and publishing

Newspapers, exportation and importation

Parades

Printing books, circulars, magazines,

newspapers, pamphlets

Printing books, circulars, magazines,

newspapers, pamphlets

Printing books, circulars, magazines,

newspapers, pamphlets

Category	Count	Code	Notes
Importation of securities	10	I	
Firearms, possession of	10	I	
Film, photographic, developing or printing	2	I	
Gifts of land or building	11	II	
Gold bullion, exportation and importation	5	III	
Importation of books, newspapers, etc	10	I	
" " coin and currency	11	IV	
" " gold or silver bullion	3	IV	
" " securities	10	I	
Land and buildings, Gift of	10	I	
" " " Lease of	5	III	
" " " Mortgage	5	III	
" " " Transfer of	5	III	
Lease of land or buildings	5	III	
Leaving shore	2	II	
Magazines, printing and publication of	11	IV	
" " exportation and importation	11	IV	
Meetings	11	V	
Mortgaging land or buildings	5	III	
Moving picture exhibitions	11	V	
Newspapers, printing and publishing	11	IV	
Newspapers, exportation and importation	11	IV	
Parades	11	V	
Printing books, circulars, magazines, newspapers, pamphlets	11	IV	
Printing photographic film or plates	11	II	
Photographing	11	II	
Publishing books, circulars, magazines, newspapers, pamphlets	11	IV	
Public meetings	11	V	
Securities, exportation and importation	10	I	
Silver bullion, exportation and importation	10	I	
Theatrical performances	11	V	
Transfers of land and buildings	5	III	
Travel	2	II	
Personal rights respected	1	III	
Persons controlling allied property to declare such to the Controller of property	6	IV	2 (a)
Persons controlling allied property to deliver such to the Controller on demand	6	IV	2 (b)
Persons having books, accounts and records relating to allied property to deliver such to Controller of Property on demand	5	IV	2 (c)
Persons in possession of allied property prohibited from actions affecting value or income	6	IV	

Persons to be tried in locality of arrest

Penalties:-

Proclamation

" " " " " " "

For violation of Currency and Exchange
Photographic supplies to be declared
Photographing without permit prohibited
Pillaging
Plundering
Possession of:-

Altered pass, etc.

Ammunition

Carrier pigeons

Counterfeit money

Forged pass, etc

Insignia of Fascist party

Printed or written material:

Fascist Party material

Detrimental to Allied Forces, Allied Military

Government, any United Nation

Disrespect to Allied Forces, Allied Military

Government, any United nation

Hostile to Allied Forces, Allied Military

Government, any nited Nation

In the interest of the enemy

Property of the Allied force

Property of member of Allied Forces

Radio receiving equipment

Radio or other transmitting apparatus

Telegraph lines

Telephone lines

Wireless receiving equipment

Wireless or other transmitting apparatus

Power to amend orders and regulations

" make orders and regulations

" reserved to supersede existing law

" of receiving authority

" of Military Government

Previous convictions to be considered

Prices of foodstuffs to be plainly marked

Prices to remain in force until changed by order

Printing books, newspapers, etc. prohibited

Proc	Art	Sec
6	IV	1
2	I, II	-
5	IV	-
6	X	-
7	VI	-
8	V	-
10	III	-
11	VIII	-
12	III	-
3	IV	2
11	II	1 (2)
11	II	18
2	I	18
2	I	18
2	1	20
2	1	5
11	1	2
2	I	22
2	I	20
7	V	4
7	V	3
2	II	29
2	II	29
2	II	29
2	II	40
2	II	40
11	I	2
2	I	6
11	I	2
11	I	2
11	I	2
2	I	6
4	IX	-
4	IX	-
1	III	-
4	VII	-
1	I	3
4	V	-
8	III	-
8	II	-
11	II	-

	Proc.	Art.	Sec.
Rationing system to remain in force	1	I	-
Receiving property of Allied Forces	2	II	40
Receiving property of member of Allied Forces	2	II	40
Records of cases required to be reviewed	4	VII	3
Records of trial examined by Chief Legal Officer	4	VII	2
Records of trial filed in office of Chief Legal Officer	4	VII	2
Refusal to accept Allied Military Liro at face value prohibited	12	II	-
Regulation of transactions	10	(I)	2
		(II)	1(2)
Religious meetings held without permit	11	V	1(2)
Removal of officials	1	V	1
Removing any proclamation, order or notice	2	II	39
Removing war material	2	I	12
Reports rendered on administration of allied property	6	IV	3
Returns on enemy property required	6	III	-
Rights of defendants before Military Courts	4	IV	2
Rights over enemy state property under International Law	6	V	2
Robbing dead or wounded	2	I	18
S			
Safe deposit facilities, maintaining	5	I	-
Sale of lands and buildings prohibited	5	III	1
Schedule: rates of exchange	2	-	-
Search by authorized member of Allied Forces	2	VII	1(b)
Securities, importation and exportation prohibited	10	I	1
Securities, selling or purchasing	5	I	-
Seizure of property for investigation	2	VII	1(b)
Senior Civil Affairs Officer:			
May order detention of suspected persons	2	VII	2
Sentence of imprisonment may be suspended	4	V	6
Seizures of military court to be public	4	IV	1
Silver bullion, importation and exportation prohibited	10	I	1
Speedy trial of arrested persons	2	VII	1
Spy	2	I	1
Stealing property of Allied Forces	2	(I)	11
		(II)	27
Stealing property of member of Allied Forces	2	(I)	11
		(II)	27
Subscription to Fascist Party funds prohibited	7	V	5
Summary Military Courts	4	III	5
Superior Military Courts	4	VII	2
Suspension of financial institutions	5	I	-
Suspension of moratorium	5	II	1
Suspension of restrictions on transfers or cash			

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S

Safe deposit facilities, maintaining
 Sale of lands and buildings prohibited
 Schedule: Rates of exchange
 Search by authorized member of Allied Forces
 Securities, importation and exportation prohibited
 Securities, selling or purchasing
 Seizure of property for investigation
 Senior Civil Affairs Officer:

May order detention of suspected persons
 Sentence of imprisonment may be suspended
 Sessions of military court to be public
 Silver bullion, importation and exportation prohibited

Spies
 Stealing property of Allied Forces

Stealing property of member of Allied Forces
 Subscription to Fascist Party funds prohibited
 Summary Military Courts
 Superior Military Courts
 Suspension of financial institutions
 Suspension of moratorium
 Suspension of restrictions on transfers of assets
 of lands or buildings

T

Telescopes to be declared
 Telephone and telegraph wires to be declared
 Termination of moratorium
 Termination of restrictions on transfers or
 leases of lands or buildings
 Theatrical performances without permit prohibited
 Transactions in foreign exchange prohibited
 Transfers of lands or buildings without consent
 are void
 Transfers of lands or buildings without permit
 are prohibited
 Travel beyond 10 kilometers from home without
 permit prohibited

United Nations:																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
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Disrespectful to the Allied Forces	II	30
Disrespectful to Allied Military Government	II	30
Disrespectful to any member of Allied Forces	II	30
Disrespectful to any United Nation	II	30
Hostile to the Allied Forces	II	30
Hostile to Allied Military Government	II	30
Hostile to any member of Allied Forces	II	30
Hostile to any United Nation	II	30
Voiding transactions relating to enemy property	XI	23
Violation of Italian law	IV	-
Violation of laws of war	I	23
Wage rates to remain in force	II	-
War Crimes	-	-
Wearing Fascist Party badge prohibited	V	4
Wireless receiving equipment, possession of	II	1
Wireless transmitting apparatus, possession of	I	6

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TO : C.L.O. Regions 5, 8 and 9.

FROM : Legal Sub-Commission A.C.

REFERENCE: AC/1190.

DATE : 15 October 1943.

Herewith extracts from "Kimes" Law List and International
Law List of Italian Lawyers which it is thought may be of
assistance to Regional C.L.O.s.

(Signed)

Colonel,
G.R. UPJOHN.
Legal Sub-Commission AC.

GRU/cer

5521

ITALY

Legal Practitioner termed "Avvocato."

Rome.

Name

Alessandria.....Avv. Pros. Evario Negri, Via Carlo Canigaglia, 4

Bologna.....Avv. Giovanni Bellini, Via d'Azeglio, 31

Briand st.....Avv. Cav. Vincenzo Fiori, Via Regina Margherita, 7

Cagliari
(Sardinia).....Avv. Eraldo Copulo, Largo Carlo Felice, 27
(corresponds in English)

Avv. Alberto Cosco Ortu, Via Roma, 13 (corresponds in English)

Catania.....x Avv. Camy Vincenzo Lo Giudice, 1914,
Advocate to the Court of Appeal of Catania and
of the Supreme Court of Cassation in Rome
(corresponds in Italian, French & English).
Via Stasileoro Stena, 203. Cable address, "Avv
Lo Giudice, Catania." Telp. No. 11-390
Avv. Carmelo Meila, Advocate to the Tribunal and
to the Court of Appeal of Catania (corresponds in Italian,
English & German). Piazza Cavour, 36

Florence pr.....x

Florence.....x Prof. Piero Calamandrei & Dr. Alfred Niccoli,
Advocates & Attorneys, Borgo Albizi
14.) correspond also in English, French & German)
Cable address, "Lex, Florence." Telp. Nos.
21017 & 21404. Also at Milan & Romex Avv. Guido A. Canali (Legal Adviser to
H.E. M. Consulate at Florence (corresponds in
Italian, French & English). 11, Via del GiralduComm. Avv. Piero Roselli, Advocate & Attorney
(corresponds in English, French & German). Via
Del Procuratore, 6x For explanation see Tel. Cons. p. 201
to facilitate business, please state (when corresponding)
"Subscriber to King's Directory"Genova or
Genoax Dr. Ubaldo Basso, Hon. Legal Adviser to
H.E.M. Consular General & to the British Chamber
of Commerce for Italy (corresponds in English
& French). 12-3 Via Assarotti, Tel.

552

residence in Italian, French & English).
Via Stesleoro Stena 205. Cable address: "AVV
Logiudice, Catania." Telp. No. 11-990
Avv. Carmelo Mella, Advocate to the Tribunal and
to the Court of Appeal of Catania (corresponds in Italian,
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Florence 97.....) x

Florence.....)

Prof. Piero Calamandrei & Dr. Alfred Niccoli,
Advocates & Attorneys, Borgo Albini

14.) correspond also in English, French & German)
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21019 & 21404. Also at Milan & Rome

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Comm. Avv. Piero Rosselli, Advocate & Attorney
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Del Proconsolo, 8

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& French), 12-8 Via Assarotti. Tel.
address: "Henrybansa, Genoa." Telp. No. 33-530

Dr. David Neil, Avvocato, Hon. Legal Adviser to
H.B.M. Consul General (corresponds in English
Italian & French), Via G. Mameli, 11

Avv. Enrico L. Pavia, LL.D., Hon. Legal Adviser
to H.B.M. Consul General, Piazza Portofino, 6
(corresponds in Italian, English, French & German).
Civil & Commercial Law.

Lecco.....) Avv. Francesco Fiesconascitti, Via Luigi da'Sizone, 9

Livorno or

Lughorn.....) Avv. Giulio Vincenzini Palazzo S. Sebastiano, Via
S. Francesco

Avv. Tommaso Panzocchia, Via del Tespio, Palazzo
S. Francesco (knows English well)

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Italy - continued

TOWN

Name

Comm. Avv. Giuseppe Lombroso, 10, Piazza
Vittorio Emanuele, General Practice

Avv. Agostino Albano Anselmi, Palazzo
della Galleria

Emilio Teghini, 3, Via degli Asili

Gov. Off. Avv. Augusto Ambrogi (corresponds in
English), 15, Via S. Giustina

Avv. Giuseppe Micheli & Dr. Gianetto Ricci

Avv. Dr. Comm. E. St. John-Murray
Advocate to the Supreme Court of Cassation
(Hon. Legal adviser to H.B.M. Consulate;
corresponds in English, French, German)
Teleph. No. Milan 72-313. London address, 7 & 8,
Great Winchester Street, London, E.C.2

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Prof. Piero Calamandrei & Dr. Alfred
Micali, Advocates & Attorneys, Via Dante
16. (Corresponds also in English, French & German)
Cable address, "Fon 84206, Milan." Telephone No.
Milan 84203. Also at Florence & Rome

Avv. Carlo Miffi, Corso del Vittorino, 1, honorary
Legal adviser to H.B.M. Consulate General

Avv. Vittorio Mainini, Corso Roma, 13 (corresponds in
English, French & Italian) 5519

Avvocato Enrico & Attilio Luzzatto, Via Laura 2

Avv. Dott. Salvatore Ferrazzani, Practising in
all Italian Courts and to the Supreme Court
of Cassation; General Civil and Commercial
Practice; corresponds in English French & Italian)
Avv. Dott. Francesco Ferrazzani, Solicitor).
4, Via Vittorio Colonna (Rione Amedeo). Tel.
address, Ferrazzani, Telephone 1536. Naples

Naples.....x

Milan.....x

Messina.....x

Matera.....x

Lucca.....x

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Corresponds in English, French, German
 Teleph. No. Milan 72-313. London address: 7 & 8,
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 Milan 84207. Also at Florence & Rome

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Avv. Vittorio Balzani, Corso Roma, 13 (corresponds in
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Avvocati Enrico & Attilio Luzzatto, Via Laura 2

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 of Cassation; General Civil and Commercial
 Practices; corresponds in English French & Italian)

Avv. Dott. Francesco Ferrazzani, Solicitor,
 4, Via Vittoria Colonna) Rome Amedeo). Tel.
 address, "Ferrazzani, Telephone 1636, Naples

Avv. Guglielmo Rap. Barrister at Law, Palazzo
 Donn'Anna, Posillipo, (corresponds in English)

Prof. Avv. Bruno For. Corso Umberto I, No. 170
 (corresponds in English)

Palermo (Sicily)

Avv. Comm. Amedeo Alaimo, Via Argiiento, 16
 Legal Advisor to U.S.A. Consulate at Palermo.
 Corresponds in English, French, Spanish & German

Avv. Abramo Antonino 97, Via Vetriera (corresponds in F

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Italy -continued.

Town

Name

Avv. Comm. Giuseppe Papa D'Amico, 30, Via Monte Pellegrino (corresponds in English & French)

Avv. Giulio G. Baccanelli, 4, Piazza F. Buonarroti

Avv. Filiberto Bozza (corresponds in Italian),
20 Via Vitt. Emanuele

Avv. Cav. G. Mazzanzoni 'la Luca Longhi, 64
(corresponds in English & French)

Avv. Antonio Canale, Via XIV Maggio

Avv. Giuseppe Coenza, Corso Garibaldi

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Avv. Cav. Menale de Antonini, LL.D., late
Legal Adviser to H.E. M.'s Consulate General,
Italian Consulate General, U.S. Consulate
General, Swedish-Norwegian Consulate, Russian
Volunteer Fleet, etc., at Genoa (corresponds in
English, Italian, French, German, Spanish &
Russian). Specializes in Maritime, Commercial
& Private International Law, & Dr. Bros de
Antonini, LL.D., Solicitor, 14 Via Rino Oxilia
Rome (36) Tel. address, "Antonini, 14, Oxilia,
Rome." Telephone No. 570-707

Prof. Piero Calamandrei, Dr. Alfr. a Nicoli &
Dr. C. G. Pedraccia, Advocates at the Supreme
Court of Cassation & Attorneys, Via della
Vite 13. Telph No. 61442. Cable address,
"Pedraccia 61,442, Rome." Also at Florence & Milan

Thompson, Quarrelli & Co., Via Ripetta, 22.
Tel. address, "Irelli, Rome." London Office,
9, Clements Lane, Lombard Street, E.C.4

Comm. Avv. St. Joan (G. A.) Serrao, K.B.E.,
Legal Adviser to H.M. Embassy and H.M.
Consulate, Via Regina Elena, 36

Avv. Comm. Gustavo de Luca, Legal Adviser to

5519

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Legal Adviser to H.E. de S. Consulate General.
 Italian Consulate General. U.S. Consulate
 General, Swedish-Norwegian Consulate, Russian
 Volunteer Fleet, etc., at Odessa (corresponds in
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 Russian). Specializes in Maritime, Commercial
 & Private International Law, & Dr. Bros de
 Antolini, LL.D., Solicitor. 14 Via Rino Orsilia
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 Rome," Teleph No. 870-737

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 Dr. C. G. Pedersella, Advocates at the Supreme
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Comm. Adv. Sir Joan (U. A.) Gerra, LL.B.,
 Legal Adviser to H.M. Embassy and H.M.
 Consulate, Via Regina Elena, 30

Adv. Costa Gustavo de Luca, Legal Adviser to
 Royal Household of Italy 40 Via 24 Maggio

Adv. /Cav. Carlo Rimini (corresponds in Italian
 English & French), 1 Via Pompeo Magno

Adv. Giovanni Ameglio Via. Giobert, 4

Adv. Francesco Vittorio Raimondo (corresponds in
 French) Via Giovanni Marzaglia

Adv. Luigi Olivieri, Via Vittorio Emanuele (corres-
 ponds in French), 2, Via Giovanni Marzaglia

Adv. Flaminio Mares Leoni, 17, Via Cavour (corresponds
 in French)

Adv. Cesare Viviani, 3 Via di Citta

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Avv. Antonio Calandra (corresponds in English, French
& German), 11, Via Assarotti.

Avv. Vittorio Gallo (corresponds in English, and French),
3 Via Cincenzo Medici

Trapani.....

Comm. Avv. Enrico G. Vitale, Corso Orbasano, 14.

Avv. Dr. Uff. Francesco Adragna, Corso Vittorio
Emanuele, 102. Preside della Provincia

Trieste.....

Dr. Giulio Sandrini (corresponds in English,
French, German & Spanish), 6, Via Coroneo

Venetia or

Venice.....

Avv. Prof. Comm. Francesco Carnelutti (corresponds
in English, German, French & Spanish), 3002a,
S. Angelo

Avv. Cav. Uff. Alessandro Iress (corresponds in English).
S. Angelo, Calle degli Avvocati 3905
Avv. Cav. Mr. Prof. Gino Bassi (corresponds in English)
Calle Vallarossa, 1322

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THE INTERNATIONAL LAW LIST

I T A L Y

FLORENCE

AVV. ANTONIO SANNINI
General Practice in all Courts.
11, Via dei Giraldi

GENOE

AVV. PROF. CLEMENTE PERSICO
General Practice in all Courts.
Piazza Inque Pampade 14 - 69.

MILAN

AVV. ACHILLE BOSSI
General Practice in all Courts.
Via Bergogna, 3.

NAPLES

AVV. FRANCESCO MONTEFREDINI
General Practice in all Courts.
Via Gulielmo Sanfelice, S.

ROME

AVV. GASTONE DEL FRATE
General Practice in all Courts.
3, Lungotverre Castello

TURIN

AVV. EVASIO CASTELLARI
General Practice in all Courts.
21, Corso Francia

VENICE

AVV. CAV. GINO BASSI
General Practice in all Courts.
Calle Vallaresso, 1322.

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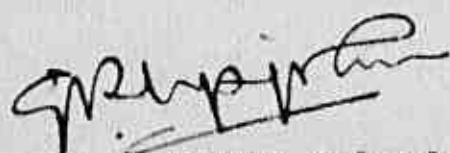
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TO: Joint Assistant Chiefs of Staff.
FROM: Legal Sub-Commission A.C.
SUBJECT: Personnel for Detachment from A.C.
REFERENCE: AC/1367/2
DATE: 9 October 1943.

1. The following officers are recommended for the
a/m detachment in the numbered order of priority.

1.	Col. G. R. Upjohn	(B)
2.	Lt. Col. Wilmer	(A)
3.	Capt. Dawson	(A)
4.	Major Thackrah	(B)

2. This will leave two senior officers Col. Pollock (B)
and Major Pawlin (A) in charge and three other majors and
one Lieut.



G. R. UPJOHN, Colonel.
A/Chief Legal Officer A.C.

GRU/rad

— Copy to AC 1190

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785015

TO: Joint Assistant Chiefs of Staff.

FROM: Legal Sub-Commission, Allied Commission.

SUBJECT: Status of Counsel Assigned to Regional Property Control Divisions.

REFERENCE: AC/1013 (Leg.).

DATE: 8 Oct. 43.

As the result of a meeting held on 4 October 1943, which was attended by the Acting Chiefs of the Legal and Property Divisions, Allied Commission and Regions, it was decided to make the following recommendations to the J.A.C.S.:

1. Counsel assigned to Regional Property Control Divisions shall remain in their present assignment, functionally and administratively as integral members of the Property Control organization and subject to the orders of their respective Chief Regional Property Centrellers.
2. Regional Property Centrellers will be responsible for opinions and advice given by counsel assigned to them respectively.
3. The functions of legal counsel assigned to Regional Property Centrellers as aforesaid will be to give legal opinions and advice in all routine matters (e.g. questions of title, drafting agreements) which arise in the course of Property Control activities and to perform such other duties of a legal or non-legal character as their respective chiefs may direct.
4. Legal Counsel assigned as aforesaid will refer to their Chief Property Centreller the following matters:
 - (a) All questions of legal policy.
 - (b) All legal questions of a difficult or complicated nature concerning which no precedent previously has been established by the Regional Chief Legal Officer or higher authority, particularly those questions affecting substantial groups or classes of similarly categorized property of every kind.

The Regional Chief Property Centreller will refer all such matters, as well as such other legal matters of importance or difficulty to the Regional Chief Legal Officer as the former may deem necessary or advisable.

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2. Regional Property Centrollers will be responsible for opinions and advice given by counsel assigned to them respectively.
3. The functions of legal counsel assigned to Regional Property Centrollers as aforesaid will be to give legal opinions and advice in all routine matters (e.g. questions of title, drafting agreements) which arise in the course of Property Centroller activities and to perform such other duties of a legal or non-legal character as their respective chiefs may direct.
4. Legal Counsel assigned as aforesaid will refer to their Chief Property Centroller the following matters:
 - (a) All questions of legal policy.
 - (b) All legal questions of a difficult or complicated nature concerning which no precedent previously has been established by the Regional Chief Legal Officer or higher authority, particularly those questions affecting substantial groups or classes of similarly categorized property of every kind.The Regional Chief Property Centroller will refer all such matters, as well as such other legal matters of importance or difficulty to the Regional Chief Legal Officer as the former may deem necessary or advisable.

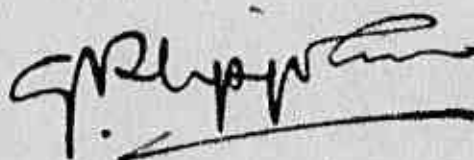
5. The Regional Chief Legal Officer to whom any such matter is referred will render his opinion to the Regional Chief Property Centroller, in writing if requested, or if in the former's opinion any such matter should be referred to the Allied Commission he will so advise the Regional Chief Property Centroller in writing, if requested, with reasons for his recommendation. In the latter instance it will then be the responsibility of the Regional Chief Property Centroller to forward the matter through the appropriate channels to Property Control, Allied Commission and to advise the Regional Chief Legal Officer of the final determination of higher authority in respect thereto. The Regional Chief Legal Officer shall be responsible only for these legal matters arising under Property Control which have been actually so referred to him by the Regional Chief Property Centroller.
6. The foregoing does not preclude the use of legal counsel assigned to Regional Property Centrollers by Regional Chief Civil Affairs Officers for other work during early phases and before Property Control begins to function and requires their services.

785015

TO: Joint Assistant Chiefs of Staff.
FROM: Legal Sub-Commission, A.C.
SUBJECT: Counsel assigned to Labour Sub-Commission.
REFERENCE: AC/1150
DATE: 9 October 1943.

4A

1. One counsel has been assigned on TO/NE Labour Sub-Commission A.C. by Papers 5 and 7 but the Chief of that Sub-Commission (Col. Bain) has represented that he would much prefer to consult the Legal Sub-Commission as and when occasion arises rather than have a counsel on his own staff.
2. This is entirely agreeable to Legal Sub-Commission A.C. provided, of course, that counsel assigned to Labour Sub-Commission is attached for all purposes to Legal Sub-Commission.
may this please be ordered.
3. No one has actually been appointed to fill the vacancy.



G. A. UPJOHN, Colonel.
A/Chief Legal Officer A.C.

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GAU/rad

Copy to: Labour Sub-Commission A.C.

785015

AMCOT/4002/L
AMCOT HQ., SICILY
1 October 1943

SUBJECT: Allied Military Courts - Sentences.

TO : All Senior Civil Affairs Officers
and All Senior Level Officers.

1. On page 10 of minutes of meeting of Senior Civil Affairs Officers ref. AMCOT/263/HQ, the report is contained of directions of Chief Civil Affairs Officer that there was to be no suspension of any sentence pending his decision as to whether or not he would revise it.
2. The above directions have been cancelled by the Chief Civil Affairs Officer and the directive contained in para. 3 of this instruction has been substituted.
3. All Allied Military Courts may impose suspended sentences. As, however, this type of sentence has been much too frequently imposed in the past, Allied Military Courts will suspend a sentence only when it is desirable, having regard to special circumstances of the case, such as the age or other circumstances of the accused, or such as the fact that the accused has acted without any bad intent but has still committed a minor offence.
4. Senior Civil Affairs Officers have no power to review cases, ⁵⁵¹² pending sentences.

5. The Chief Civil Affairs Officer is concerned about the smallness of sentences imposed for grave offences where the accused has been found "guilty". The attention of all officers who sit on Allied Military Courts will be drawn to the fact that sentences must not only be assessed on the circumstances in which the offence was committed, but also on the gravity of the offence, the frequency with which the offence occurs and its effect on Military Security. As an example, illiterate peasants have frequently been committing the grave offence of cutting off pieces of Military telephone wires. This offence has generally been committed openly to obtain binding wire and with little or no knowledge of the possibilities of its results on the Allied forces. Nevertheless, the offence must be punished severely as it is a grave offence, in very prevalent and the whole security of the Army may be jeopardised by it.

2. The above directions have been cancelled by the Chief Civil Affairs Officer and the directive contained in para. 3 of this instruction has been substituted.

3. All Allied Military Courts may impose suspended sentences. However, this type of sentence has been much too frequently imposed in the past, Allied Military Courts will suspend a sentence only when it is desirable, having regard to special circumstances of the case, such as the age or other circumstances of the accused, or such as the fact that the accused has acted without any bad intent but has still committed a minor offence.

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Charles H. Spofford
CHARLES H. SPOFFORD,
Colonel, G. S. C.,
Chief Staff Officer.

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CR/ 560/966

7 Spares

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5.
AMCOT/4034/L
AMCOT HQ SICILY

29 Sep. 43.

2A

SUBJECT: Records in Summary Court Cases.

To : All Legal Officers (through S.C.A.O.)

1. Summary Court Dockets have been distributed to each Provincial Legal Office for use of the Summary Courts in his Province.

2. These dockets have been prepared with a view to lessen the amount of paper work required. Some general directions will systematize and make more uniform the use of these records.

3. It is contemplated that notes will be kept by the Summary Court Judge in all cases. Where there appears to be a possibility of an appeal or a sufficient reason for the submission of the complete record to this headquarters, such record will be prepared on Form 8 and submitted. In all other cases, the notes will be filed and the record of the case will appear on the Summary Court loose leaf pages. If it becomes necessary for any reason, a form #8 can be called for at a later date. Some of the categories of cases where a form #8 report is desired are as follows:

- (a) When a sentence of 90 days imprisonment or more, or a fine of 4000 Lire or more is imposed.
- (b) When the case involves new or complicated questions of law, with 5511 regard to the extent of the penalty imposed.
- (c) Where unusual leniency or severity in the sentence is deemed necessary.
- (d) Where there is an indication that an application for review may be filed.
- (e) Where the Summary Court Judge feels that, for any reason, the full record should be submitted to this headquarters.

4. There is no necessity of preparing a full record in categories of cases where the cases themselves are of minor nature and otherwise do not come within the provisions of paragraph 3, above, such as violations of the curfew law, blackout regulations and similar offences.

5. It is believed that the violations, of the price fixing regulations, food control program, thefts and possession of Allied Military property, interfering with telephone and telegraph lines, including the theft of wire, riots and public disturbances, attacks on Allied soldiers, sabotage or war crimes are sufficiently serious, in general, to warrant a substantial sentence or fine and should therefore have a full record submitted.

When a review is inclosed, printed copies of which

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6. A form of an application for review is inclosed, printed copies of which will be available for distribution within a few days.

7. It is desired, that this form be used in all applications for review, and be submitted to the Senior Legal Officer of each Province for the addition of any fact or comment desired. Such application will be forwarded promptly to this office with all necessary records for an adequate review. This record will be submitted in the English language or a translation attached. However, it is not to be understood, that review will be refused in cases where an individual submits a personal letter in the Italian language, directly to this office.

8. Records of convictions for misdemeanors and crimes, as far as practicable, should be obtained from the Carabinieri or other local sources and submitted with each case where a review is contemplated.

9. A substantial compliance with this directive by all concerned will render more efficient the work of this Legal Division.

By order of Chief Legal Officer:

/s/ W.R. Jordan
W.R. Jordan
Lt. Col., CAC.,
Chief Judicial Officer

566/964

CR/

Copy to File AMST/4026/L.

Subject:-- Corte d' Assise.

To:-- All Senior Legal Officers
(through S.C.A.Os.)

AMCOT/2034/L.

AMCOT H.Q. SICILY.

19 September, 1943

1. S.L.Os. in all provinces should instruct local Italian Judicial Authorities to hold assizes at the earliest convenient date.
2. In towns where assizes sit normally and both Assessors and "Consiglieri" are available, such arrangements as may be necessary should be made forthwith to enable the sessions to take place early in October. (It is understood that both Agrigento and Catania can do so).
3. S.L.Os in Provinces where no "Consigliere" are present owing to the war conditions, should notify this H.Q. forthwith, so that instructions may be given to the President of the Corte d' Appello to send two or more "Consiglieri" on circuit in order that the Corte d' Assise may sit as early as possible in October.
4. As soon as they have consulted with the local officials, S.L.Os. will report on the position to the C.L.O., stating at the same time the approximate dates when such sessions may be held in their respective districts.
5. The number of cases to be tried during the session and a list of prisoners awaiting trial in gaols situated outside the Province should also be furnished.
6. A calendar will then be published in order to regularise the sittings of the "Court of Assise" throughout the island for the coming year.

W.C. CHAMBER, Lt. Col. (A.U.S.)
Chief Legal Officer.

Subject:-- Temporary Amendments to Italian Penal Procedure. AMCOT/4004/L.

AMCOT H.Q. SICILY.

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(11 November 1943)

W.C. CHANLER, Lt. Col. (A.U.S.)
Chief Legal Officer.

Subject:- Temporary Amendments to Italian Penal Procedure. AMGOT/4001/L.

AMGOT H.Q. SICILY.

19 Sept. 1943.

To:- All S.L.Os. through S.C.A.Os.

Further to instructions set out in para. 4 of the Temporary Modifications to Italian Penal Procedure published in "Sicilia Libera" of 6 Sept. 1943, reading as follows:-

"The Court and Prosecution to have the right to grant provisional liberty even in cases set forth in Article 253 of the Code of Penal Procedure, whenever the offence is not serious or the circumstances in which the act has been committed do not justify the continuous detention of the accused".

This provision applied only to offences committed since the occupation. It has now been decided that Procuratore delle Legge may also grant provisional liberty in cases of prisoners sentenced to a term of imprisonment by the Italian Courts before our occupation. In this instance, however, the decision of the Procuratore must be submitted to and approved by the S.C.A.O. of the Province.

W.C. CHANLER, Lt. Col. (A.U.S.)
Chief Legal Officer.

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