

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

785015

ACC

10000/100/657

6pp.

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

785015

10000/100/657

LEGAL POLICY
JULY, AUG. 1943

6 pp.

TO/NO	DATE	REF	FROM/TO	SUBJECT
1	Aug 4	SC/4	Review of Synoptic Military Courts	
2	July 31	C/148	TO: C. G. Leavitt, Army	
3	Aug 12	—	From: Major Shultz	
4	Aug 13	1/4/L	" SCAO Enna	Legal Policy

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

1665

A. M. G. O. T.
PROVINCE OF ENNA



Your ref. _____

OFFICE OF THE SENIOR CIVIL AFFAIRS OFFICER

my ref. 1/4/L

12/148

Enna, 13 Aug 43.

Subject: Legal Policy.

S.C.A.O.,
AMGOT H.Q.,
15 Army Group,
Palermo.



1. It was the policy in Tripolitania and other African occupied territories for the British Military Courts to try all persons accused of having committed an offence under the Proclamations whether or not such persons could have been tried under the Italian Penal Code also. In particular, cases of theft from the Allied Forces were always tried by the British Military Courts.

2. The number of AMGOT officers is small and is likely in the near future to be still further reduced. In this province at any rate the Italian legal officials are unlikely to inflict inadequate sentences on persons committing ordinary crimes because the Allied Military Forces were the party aggrieved. Finally the sentences imposed by them are unlikely to be upset on the conclusion of the occupation. This the population know and accordingly such sentences will have a greater deterrent effect. Accordingly I have directed that all such alleged offences should be investigated by the Carabinieri and propose, subject to contrary orders from you, to send them for trial by the Italian Courts unless any individual case presents special features making it undesirable to do so.

3. A number of persons are in gaol awaiting trial for "Black Market" and similar offences (offese annonarie); others are serving sentences for such offences. The laws constituting these offences are Fascist laws and I have been asked by the Procuratore del Re of Enna and Nicosia first, whether the Courts should proceed with the trial of such cases and secondly whether the persons condemned for them can be released.

4990

2/.....

785015

A. M. G. O. T.
PROVINCE OF ENNA

HEADQUARTERS
12/HQ
17 AUG 1943
AMGOT

Your ref.

OFFICE OF THE SENIOR CIVIL AFFAIRS OFFICER

my ref. 1/4/L

12/HQ

Enna, 13 Aug 43.

Subject: Legal Policy.

E.C.A.O.,
AMGOT H.Q.,
15 Army Group,
Palermo.

HEADQUARTERS
12/HQ
18 AUG 1943
AMGOT

1. It was the policy in Tripolitania and other African occupied territories for the British Military Courts to try all persons accused of having committed an offence under the proclamations whether or not such persons could have been tried under the Italian Penal Code also. In particular, cases of theft from the Allied Forces were always tried by the British Military Courts.

2. The number of AMGOT officers is small and is likely in the near future to be still further reduced. In this province at any rate the Italian legal officials are unlikely to inflict inadequate sentences on persons committing ordinary crimes because the Allied Military Forces were the party aggrieved. Finally the sentences imposed by them are unlikely to be upset on the conclusion of the occupation. This the population know and accordingly such sentences will have a greater deterrent effect. Accordingly I have directed that all such alleged offences should be investigated by the Carabinieri and propose, subject to contrary orders from you, to send them for trial by the Italian Courts unless any individual case presents special features making it undesirable to do so.

3. A number of persons are in gaol awaiting trial for "Black Market" and similar offences (offese annonarie); others are serving sentences for such offences. The laws constituting these offences are Fascist laws and I have been asked by the Procuratore del Re of Enna and Nicosia first, whether the Courts should proceed with the trial of such cases and secondly whether the persons condemned for them can be released.

4999

2/.....

2 -

4. On first sight such procedure would appear to be justified as within the spirit of Proclamations 1 and 7. However, precipitate action might prejudice the success of our own anti-inflationary legislation. I would much appreciate a directive on this point.

5. Finally as I reported verbally to Major Gorman, a large number of prisoners committed from Palermo and other places are confined in Nicotia. A number are ~~Slaves~~ originally confined in Ustica. It is impossible for me to be sure but I suspect that some of them may be victims of the Fascist attempt to Italianise Fiume. Some action is urgent in their case; either their removal to Palermo, or the despatch to me of all relevant records or, if possible, the appointment of a commission to review the cases of all alleged political prisoners with an Italian assessor to assist and to be responsible for producing records.

ECM.

[Signature]
Lt Col.,
S.C.A.O.

General Registry

3

Please see a copy of
C-148 & the note in a file to
be called "League Policy"

[Signature]

PA
/IC

File
HEADQUARTERS
17/AUG/43
12/HQ
AMGOT

P/A

4489
FILE AS Requested

C O P Y

C/148.

Headquarters

15th Army Group.

31st July, 1943.

C. G. Seventh Army.

1. As Military Governor of the occupied territory in Sicily I direct that the following arrangements affecting the administration of the military government will become effective on 31st July, 1943.

2. Heretofore the AMGOT administration in all territory occupied by your forces has been responsible to me through you. Effective at the date above mentioned the AMGOT administration assigned to the provinces of Trapani, Agrigento and Galtanissetta and that portion of the province of Palermo west of a line Cefalu' - Santa Caterina Villarmosa will become directly responsible to me as Military Governor through my Chief Civil Affairs Officer.

3. AMGOT personnel in the provinces of Palermo and Messina, where operations are still in progress, will continue to be responsible to you. When the tactical situation in these provinces or substantial parts of them permits, it is my intention to put into effect arrangements for such territory similar to those which I have set forth above.

/s/ H. R. ALMOND

General,

COO-adj-C
and

Military Governor of Sicily.

in Sicily I direct that the following arrangements affecting the administration of the military government will become effective on 31st July, 1943.

2. Heretofore the AGOT administration in all territory occupied by your forces has been responsible to me through you. Effective at the date above mentioned the AGOT administration assigned to the provinces of Trapani, Agrigento and Galtanissetta and that portion of the province of Palermo west of a line Cefalu' - Santa Caterina Villarmosa will become directly responsible to me as Military Governor through my Chief Civil Affairs Officer.

3. AGOT personnel in the provinces of Palermo and Messina, where operations are still in progress, will continue to be responsible to you. When the tactical situation in these provinces or substantial parts of them permits, it is my intention to put into effect arrangements for such territory similar to those which I have set forth above.

/s/ H. R. AMBANDER

General,
SIC-14-C
and

Military Governor of Sicily.

(2)

4988

Legal Brief

I, Sir Harold R. L. G. Alexander, G.C.B., G.C.I., D.S.O.,
General, General Officer Commanding the Allied Forces in
Sicily and Military Governor of the Occupied Territory in Sicily
hereby delegate to Francis Baron Kennel of Rodd, Major General,
Chief Civil Affairs Officer, all powers which I possess to con-
stitute Allied Military Courts and to appoint the members there-
of, whether General Military Courts, Superior Military Courts or
Summary Military Courts, and I hereby vest in the said Chief Ci-
vil Affairs Officer all powers which I have under Proclamation
Number 4 heretofore issued to me, in connection therewith. In the
event of the absence or inability to act of the said Chief Civil
Affairs Officer, such powers may be exercised by the Deputy Chief
Civil Affairs Officer or any other officer authorized to act in
the place of the Chief Civil Affairs Officer.

GENERAL
General Officer Commanding the Allied Forces
and Military Governor.

4987

SUBJECT:- Summary Military Courts

HEADQUARTERS
12/HQ
8 AUG 1943

SC/4

Chief Legal Officer,
A.M.G.O.T.

A.M.G.O.T.

1. In the report from this office dated 2 Aug 43, the determination of the C.C.A.O. that the ranking C.A.O. in each locality was constituted a Summary Military Court was briefly mentioned. Since sending that report, the ruling has been supplemented by the C.C.A.O. oral direction to the S.C.A.O. for the Province of Syracuse, that only officers of the rank of Capt. or higher are to be considered C.A.Os. Lieuts. doing civil affairs duties in this Province are to be considered A.C.A.Os and do not therefore, possess the power of Summary Courts.

2. This supplementary ruling may cause some administrative difficulties. At the present moment, there are six civil affairs officers of the rank of Capt. or Maj. Besides the six large towns or cities over which these officers have direct responsibility there are some 17 smaller towns over which they either have personal charge or in which there are assistant C.A.Os. Unless some or all of these A.C.A.Os are given the power of Summary Courts, C.A.Os with greatly limited transport facilities will almost inevitably have more judicial duties than they can expeditiously perform. This situation seems to suggest the desirability of the early adoption of some new or modified policy concerning the appointment of Summary Courts. Possibly the S.C.A.O. might be given the power to name Summary Courts as they may be needed.

Mark De Wolfe Howe

Mark De Wolfe Howe Major.
Legal Officer, A.M.G.O.T.
Province of Syracuse.

4936

SYRACUSE.
4 AUG 43.
JRG.

TO SXX.

LEGAL WCC.

5/8

0 6 7 4