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AC, SECURITY, MILITARY ZONES  
NOV, DEC. 1944

ALLIED COMMISSION  
CIVIL AFFAIRS SECTION

SECRET

Ref. A/35.2/CA

2nd December, 1944.

SUBJECT: Intervention by the Allied Commission  
at the request of the Italian Government.

TO: Chief of Staff.

1. Reference your 2606/CSS dated 23rd November, 1944. I think a restatement should be made of the principles and problems involved in the declaration of military zones.

This paper is only concerned with the question of a declaration of a military zone where it has become necessary or desirable by reason of some civil disorder involving the rendering of military aid, and not with the declaration of a military zone for purely operational reasons.

2. Where a civil disorder has led the local authorities to ask for Allied military assistance to quell the disorder three distinct problems have to be faced:

- (a) It is for the local Allied Military Commander to decide whether to call out the military forces in aid of the civil power.
- (b) It is then a matter for SACRED, or the persons duly authorised by him to decide whether to constitute a military zone.
- (c) It is then a matter for decision as to what form of military control should be instituted in the military zone.

As to para 2(a), the problem is a difficult one and I do not believe it is possible to formulate with great precision the principles on which the local Military Commander should be guided in giving assistance. Each set of circumstances must be judged as it arises and the decision must be at the discretion of the Military Commander. It has been laid down by APM in a recent directive dated 24th September, 1944 (see 2606/CSS folio 23 para 2(b)) that assistance should only be given if the local Commander is of the opinion that it is necessary for the protection of Allied military interests, but I doubt whether this is a comprehensive guide as a few examples will show.

For instance, if there is a riot, even a serious one, in Ostia there would be no real threat to our military interests, but it might be desirable (assuming Allied forces in sufficient numbers to be available in Ostia) to render assistance in aid of the civil power to prevent widespread loss of life and breakdown of the local civilian administration, or a possible spread of the trouble. Contrasted with this a very minor riot in the port of Bari would render it necessary for the local Commander to render assistance in order to secure an uninterrupted flow of military supplies to armies in the north.

I think it is easy to over-estimate the importance of disorder in Rome which is of little significance in the purely military sense. In Rome, it appears that the governing factor must be the desirability of leaving the

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1. Reference your 2606/COS dated 28th November, 1944. I think a restatement should be made of the principles and problems involved in the declaration of military zones.

This paper is only concerned with the question of a declaration of a military zone where it has become necessary or desirable by reason of some civil disorder involving the rendering of military aid, and not with the declaration of a military zone for purely operational reasons.

2. Where a civil disorder has led the local authorities to ask for Allied military assistance to quell the disorder three distinct problems have to be faced:

- (a) It is for the local Allied Military Commander to decide whether to call out the military forces in aid of the civil power.
- (b) It is then a matter for SALMED, or the persons duly authorised by him to decide whether to constitute a military zone.
- (c) It is then a matter for decision as to what form of military control should be instituted in the military zone.

3. As to para 2(a), the problem is a difficult one and I do not believe it is possible to formulate with great precision the principles on which the local Military Commander should be guided in giving assistance. Each set of circumstances must be judged as it arises and the decision must be at the discretion of the Military Commander. It has been laid down by ARHQ in a recent directive dated 24th September, 1944 (see 2606/COS folio 23 para 2(b)) that assistance should only be given if the local Commander is of the opinion that it is necessary for the protection of Allied military interests, but I doubt whether this is a comprehensive guide as a few examples will show.

For instance, if there is a riot, even a serious one, in Catanzaro there would be no real threat to our military interests, but it might be desirable (assuming Allied forces in sufficient numbers to be available in Catanzaro) to render assistance in aid of the civil power to prevent widespread loss of life and breakdown of the local civilian administration, or a possible spread of the trouble. Confronted with this a very minor riot in the port of Bari would render it necessary for the local Commander to render assistance in order to secure an uninterrupted flow of military supplies to armies in the north.

I think it is easy to over-estimate the importance of disorder in Rome which is of little significance in the purely military sense. In Rome, it appears that the governing factor must be the desirability of leaving the Italian Government to deal with its own problems to the maximum possible extent, but it may be necessary to render military assistance to avert serious loss of civilian life or destruction on a widespread scale. For instance if a large Communist meeting on the Palatine Hill leads to such grave disturbances as to give rise to a serious probability that there will be grave loss of civilian life and destruction of property, immediate interference by the military might be essential

even though there was no real apprehension as to the safety of the Allied troops. On the other hand a riot of a few hundred prisoners in the Regina Coeli Prison constitutes no threat to military security (now that security internment have been removed) and probably we should not interfere with such a riot until the Italian Government have shown themselves so incapable of dealing with it as to lead to disorders in other parts of the city.

To sum up, it merits consideration as to whether the local Military Commander ought to accede to a request to lend military assistance if in the circumstances of any particular case:

- (a) Allied military interests will be directly affected, or
  - (b) where it is necessary to prevent widespread loss of civilian life and damage to property with the possibility of a serious breakdown of civilian administration in any area.
4. (a) As to para 2 (b) above, SACRAM has under various agreements with the Italian Government ample power to declare military zones whenever he deems it desirable to do so, and down to the present the attitude has always been taken that the rendering of military assistance in aid of the civil power will always be followed by the declaration of a military zone (see 2606/008 folio 2 para 7, folio 18 para 7, folio 23 para 2(b)), but I think that this proposition requires reconsideration.

There is no legal or other principle which requires the giving of military assistance to be followed by the declaration of a military zone and though it may be a useful threat to hang over the head of the Government that the one will follow the other, it may not always be desirable to do so. For instance if troops are called out to quell a riot in Catanzaro, where I am assuming we have no military interest, there may well be no need as a matter of military necessity to establish a military zone.

Even where we have a direct military interest as in the port of Bari, there may be no need as a matter of military necessity to declare a military zone unless it is believed that a withdrawal of military aid will give rise to an immediate recurrence of the trouble or unless it is necessary for the reorganisation of the area in the interests of our military installations.

To sum up, from a purely military angle it does not appear to be possible to lay down any principles upon which the declaration of a military zone should follow the giving of military aid, and each case as it arises must be judged on its own merits by those responsible.

(b) The above sub-paragraph does not take into consideration the political standpoint, but has dealt with the problem solely as a matter of military necessity.

As I have pointed out above we have always threatened that if of military aid would be followed by the declaration of a military zone. But if purely military considerations do not demand such a declaration there seems no compelling reason why political considerations should do so. It is our policy to support the Italian Government and the declaration of a military zone in Rome might have very serious repercussions on that Government. On the other hand the declaration of a military zone in Catanzaro if not necessary for military reasons would not, I suspect, affect the prestige of the Government in any way, and there would seem to be no good reason for declaring such a zone.

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There is no legal or other principle which requires the giving of military assistance to be followed by the declaration of a military zone and though it may be a useful threat to hang over the head of the Government that the one will follow the other, it may not always be desirable to do so. For instance if troops are called out to quell a riot in Catanzaro, where I am assuming we have no military interest, there may well be no need as a matter of military necessity to establish a military zone.

Even where we have a direct military interest as in the port of Bari, there may be no need as a matter of military necessity to declare a military zone unless it is believed that a withdrawal of military aid will give rise to an immediate recurrence of the trouble or unless it is necessary for the reorganisation of the area in the interests of our military installations.

To sum up, from a purely military angle it does not appear to be possible to lay down any principles upon which the declaration of a military zone should follow the giving of military aid, and each case as it arises must be judged on its own merits by those responsible.

- (b) The above sub-paragraph does not take into consideration the political standpoint, but has dealt with the problem solely as a matter of military necessity.

As I have pointed out above we have always threatened that the giving of military aid would be followed by the declaration of a military zone, but if purely military considerations do not demand such a declaration there seems no compelling reason why political considerations should do so. It is our policy to support the Italian Government and the declaration of a military zone in zones might have very serious repercussions on that Government. On the other hand the declaration of a military zone in Catanzaro if not necessary for military reasons would not, I suspect, affect the prestige of the Government in any way, and there would seem to be no good reason for declaring such a zone.

To sum up, it seems to me that the question as to whether or not the giving of military assistance should be followed by the declaration of a military zone can only be decided on the merits of each particular case.

- 5. As to para 2 (c) above, if it is decided to declare any area to be a military zone then the Allied authorities can impose any form of military control from the assumption of mere police duties up to complete A.M.C. It is my view that where a military zone is created A.M.C. should temporarily be

fully imposed and it can be partially relaxed as may seem desirable after quite a short period, even as short as 24 hours. The Legal Sub-Commission has prepared a draft form of Proclamation which seems to me to be appropriate to meet any likely circumstance, and a copy is attached.

With regard to the area to be declared such a zone, I have carefully considered your suggestion that a particular building such as the Regina Coeli Prison should be declared a military zone. The suggestion is, if I may respectfully say so, ingenious, but I doubt if it is sound. If trouble occurs in one building only it would seem more appropriate to give military assistance and then to withdraw without declaring a military zone rather than take over a particular building. If the Government are incapable of running one establishment they must be so weak that it would appear desirable to take over a much larger area of their administration. Furthermore, there would be a real danger that the Government would fail in the first place to take adequate steps to deal with the problem if they realised that we were willing to take over small trouble spots and relieve them of their responsibilities in respect thereof, and it must be borne in mind that the taking over of a prison, even in Rome, would not, I think, embarrass the prestige of the Government unduly.

To sum up, I think that for administrative reasons it would be unwise to take over anything less than an administrative sub-division of the country, e.g. a province or, as in Naples, a comune. Col. Chapman informs me from practical experience that he thinks we should soon get into difficulties if we adopt anything less than an administrative sub-division of the country.

6. In my opinion the whole problem requires review and I trust that this paper - which has the concurrence of the Directors of the Legal and Public Safety Sub-Commissions - may point out in greater detail than has hitherto been done the problems and difficulties that arise. My own view is that it is impossible to lay down beforehand any clear cut principles, except in the rather general way which I have done above. Each case as it arises must be judged in the light of all the circumstances, i.e. military interests, the locality, strength and character of the disorder, and finally the position, attitude and actions of the Government in the matter.

G. L. THORNTON, Brig.,  
V. C. Section.  
DOCS.

Encl. Draft Proclamation.

Copy to: Political Section.  
Legal Sub-Commission.  
Public Safety Sub-Commission.

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PROCLAMATION

Whereas it is necessary to establish and maintain law and order in the area of

Now, therefore, I HAROLD R. L. G. ALTON, G.C.E., C.I., D.S., M.C., Field Marshal, hereby proclaim as follows:-

ART. 1

The said area is hereby established as a Military Zone and is hereinafter called "The Military Zone".

ART. 2

All powers of Government and jurisdiction and final administrative responsibility in the Military Zone are vested in me as Supreme Allied Commander Mediterranean Theatre of Operations and Governor of the Military Zone, and shall be exercised under the direction of such Deputy Governor as I may appoint.

ART. 3

All state, provincial or other public officials or employees shall continue in their present duties as officials or employees under the order of the Deputy Governor unless dismissed by him.

ART. 4

Any person who:

- 1) Violates or has violated any provision of Italian law.
- 2) Violates any rule order or regulation governing the administration of the Military Zone or any inhabitants thereof.
- 3) Disobeys any order given under the authority of the Allied Forces or the Deputy Governor.
- 4) Takes part in any demonstration or assembly not authorized by the Deputy Governor.
- 5) Does any act to the prejudice of good order of the Military Zone.

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Now, therefore, I HAROLD H. L. S. ALKINER, G. C. E., D. C. I. S. O., M. C., Field Marshal, hereby proclaim as follows:-

ART. 1

The said area is hereby established as a Military Zone and is hereinafter called "The Military Zone".

ART. 2

All powers of Government and jurisdiction and final administrative responsibility in the Military Zone are vested in me as Supreme Allied Commander Mediterranean Theatre of Operations and Governor of the Military Zone, and shall be exercised under the direction of such Deputy Governor as I may appoint.

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- 2) Violates any rule order or regulation governing the administration of the Military Zone or any inhabitants thereof.
- 3) Disobeys any order given under the authority of the Allied Forces or the Deputy Governor.
- 4) Takes part in any demonstration or assembly not authorized by the Deputy Governor.
- 5) Does any act to the prejudice of good order of the Military Zone.
- 6) Does any act to the prejudice of the safety or security of the Allied Forces or any member thereof.
- 7) Conspires or attempts to commit, or assists or procures the commission of any act hereby constituted an offence.

Shall be guilty of an offence and shall upon conviction by a Military Court be liable to punishment by death or by imprisonment or fine

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or both as the Court may determine and in respect of any offence under sub para 1 above the punishment which may be imposed shall not be limited to such punishment as may be prescribed for such offence by Italian law.

ART. 5.

Military Courts, which shall be General Superior or Summary Military Courts, are hereby established and shall have such jurisdiction as shall be conferred upon them respectively.

ART. 6

- a) Any person convicted by a Military Court may within 14 days of conviction present to the office of the Deputy Governor a Petition for Review of conviction or sentence.
- b) No sentence of death shall be executed unless or until confirmed in writing by me or by an officer expressly authorised in that behalf by me in writing.

ART. 7

This Proclamation shall come into effect throughout the Military Zone upon its first publication therein.

DATED:

HAROLD R. L. S. ALEXANDER  
Field Marshal  
SUPREMACY ALLIED COMMANDER MEDITERRANEAN THEATRE  
OF OPERATIONS

3228

HEADQUARTERS ALLIED COMMISSION  
APO 394  
CIVIL AFFAIRS SECTION

Ref. 4/35:2/ea 1st December, 1944.

SUBJECT: Intervention by the Allied Commission at the request of the Italian Government.

TO : Chief of Staff.

1. Reference your 2606/COS dated 28th November, 1944, I think a restatement of the principles and problems involved in declaring military zones should be made.

This paper is only concerned with the question of <sup>a</sup> declaration of military zones where it has become necessary or desirable by reason of some civil disorder involving the rendering of military aid, and not with the declaration of military zones for purely operational reasons.

2. Where a civil disorder has led the local authorities to ask for Allied military assistance to quell the disorder <sup>distinct</sup> three problems <sup>at least</sup> arise:

- (a) It is for the local Allied Military Commander to decide whether to call out the military forces in aid of the civil power.
- (b) It is then a matter for SACMED, or the persons duly authorised by him to decide whether to constitute a military zone.
- (c) It is then a matter for decision as to what form of military control should be instituted in the military zone.

3. As to (a), the problem is a difficult one and I do not believe it is possible to formulate with <sup>great</sup> precision the principles on which the local Military Commander <sup>should</sup> be guided in giving assistance. For each set of circumstances must be judged as <sup>it</sup> they arise <sup>and the giving of assistance must be at the discretion</sup> of the Military Commander.

TO : Chief of Staff.

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(a) It is for the local Allied Military Commander to decide whether to call out the military forces in aid of the civil power.

(b) It is then a matter for SACRED, or the persons duly authorised by him to decide whether to constitute a military zone.

(c) It is then a matter for decision as to what form of military control should be instituted in the military zone.

3. As to (a), the problem is a difficult one and I do not believe it is possible to formulate with precision the principles on which the local Military Commander <sup>should</sup> be guided in giving assistance for each set of circumstances must be judged as they arise <sup>and</sup> the giving of assistance must be a matter for the decision of the Military Commander.

It has been laid down by AFHQ in a recent directive dated 24th September (see 2606/COS folio 23 para 2 (b)) that assistance should only be given if the local Commander is of opinion that it is necessary for the protection of Allied military interests, but I doubt whether this is a comprehensive guide as a few examples will show.

For instance if there is a riot, even a serious one, in Catanzaro there

would be no real threat to our military operations in the north, but it might be desirable (assuming Allied forces in sufficient numbers to be available in Catanzaro) to render assistance in aid of the civil power to prevent widespread loss of life and breakdown of the local civilian administration. <sup>over a possible spread of the trouble.</sup> Contrast with this <sup>very</sup> of Bari might render it necessary for the local Commander to render assistance in order to secure an uninterrupted flow of military supplies to armies in the north.

I think it is undesirable to over estimate the importance of disorder in Rome which is of little significance in the purely military sense. In Rome it appears that the governing factor must be the desirability of leaving the Italian Government to deal with its own problems to the maximum possible extent, but it may be necessary to render military assistance to avert serious loss of civilian life or destruction on a widespread scale.

For instance if a large Communist meeting on the Palatine Hill leads to such grave disturbances as to give rise to a serious apprehension that the safety of the Allied troops in the vicinity may be in danger and that there will be <sup>near</sup> serious loss of civilian life and destruction of property immediate interference by the military might be essential. On the other hand a riot of a few hundred prisoners in the Regina Coeli Prison constitutes no threat to military security (now that security internees have been removed) and probably we should not interfere with such a riot until the Italian Government have shown themselves so incapable of dealing with it as to lead to disorders in other parts of the city.

<sup>Back</sup> ~~A conclusion it seems impossible to lay down principles in any greater detail than I have done above.~~

4. (a) As to para 2(b) above, SACED has under various agreements with the Italian Government ample power to declare military zones whenever he

Even though there was no real apprehension as to the safety of the Allied troops

loss of life and breakdown of the local civilian administration. <sup>over a possible spread of the trouble.</sup> On the other hand a comparatively minor riot in the port of Bari might render it necessary for the local Commander to render assistance in order to secure an uninterrupted flow of military supplies to armies in the north.

I think it is <sup>easy</sup> ~~undecidable~~ to over estimate the importance of disorder in Rome which is of little significance in the purely military sense. In Rome it appears that the governing factor must be the desirability of leaving the Italian Government to deal with its own problems to the maximum possible extent, but it may be necessary to render military assistance to avert serious loss of civilian life or destruction on a widespread scale.

For instance if a large Communist meeting on the Palatine Hill leads to such grave disturbances as to give rise to a serious apprehension that the safety of the Allied troops in the vicinity may be in danger and that there will be <sup>serious</sup> ~~serious~~ loss of civilian life and destruction of property immediate interference by the military might be essential. On the other hand a riot of a few hundred prisoners in the Regina Coeli Prison constitutes no threat to military security (now that security internees have been removed) and probably we should not interfere with such a riot until the Italian Government have shown themselves so incapable of dealing with it as to lead to disorders in other parts of the city.

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4. (a) As to para 2(b) above, SACRED has under various agreements with the Italian Government ample power to declare military zones whenever he deems it desirable to do so, and down to the present the attitude has always been taken that the rendering of military assistance in aid of the civil power will always be followed by the declaration of a military zone (see 2606/COS folio 2 para 7, folio 18 para 7, folio 23 para 2(b)), but I think that this proposition requires reconsideration.

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There is no legal or other principle which requires the giving of military assistance to be followed by the declaration of a military zone and though it may be a useful threat to hang over the head of the Government that the one will follow the other, it may not always be desirable to do so.

For instance if troops are called out to quell a riot in Catanzaro, where I am assuming we have no military interest, there may well be no need as a matter of military necessity to establish a military zone.

Even where we have a direct military interest as in the port of Bari, there may be no need as a matter of military necessity to declare a military zone unless it is believed that a withdrawal of military aid will give rise to an immediate recurrence of the trouble or unless it is necessary for the reorganisation of the area in the interests of our military installations. To sum up, from a purely military angle it does not appear to be possible to lay down any principles upon which the declaration of a military zone should follow the giving of military aid, and each case as it arises must be judged on its own merits by those responsible.

(6) <sup>Sub</sup> The above paragraph does not take into consideration the political standpoint, but has dealt with the problem solely as a matter of military necessity.

As I have pointed out above we have always threatened that the giving of military aid would be followed by the declaration of a military zone, but if purely military considerations do not demand such a declaration there seems no compelling reason why political considerations should do so.

It is our policy to support the Italian Government and the declaration of a military zone in Rome might have very serious repercussions on that Government. On the other hand the declaration of a military zone in Catanzaro if not necessary for military reasons would not, I suspect, affect the prestige of the Government in any way, and there would seem to

one will follow the other, it may not always be desirable to do so.

For instance if troops are called out to quell a riot in Catanzaro, where I am assuming we have no military interest, there may well be no need as a matter of military necessity to establish a military zone.

Even where we have a direct military interest as in the port of Bari, there may be no need as a matter of military necessity to declare a military zone unless it is believed that a withdrawal of military aid will give rise to an immediate recurrence of the trouble or unless it is necessary for the reorganisation of the area in the interests of our military installations. To sum up, from a purely military angle it does not appear to be possible to lay down any principles upon which the declaration of a military zone should follow the giving of military aid, and each case as it arises must be judged on its own merits by those responsible.

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As I have pointed out above we have always threatened that the giving of military aid would be followed by the declaration of a military zone, but if purely military considerations do not demand such a declaration there seems no compelling reason why political considerations should do so. 3220  
It is our policy to support the Italian Government and the declaration of a military zone in Rome might have very serious repercussions on that Government. On the other hand the declaration of a military zone in Catanzaro if not necessary for military reasons would not, I suspect, affect the prestige of the Government in any way, and there would seem to be no good reason for declaring such a zone.

To sum up, it seems to me that the question as to whether or not the giving of military assistance should be followed by the declaration of a military zone can only be decided on the merits of each particular case.

5. As to para 2(c) above, if it is decided to declare any area to

be a military zone then the Allied authorities can impose any form of military control from the assumption of mere police duties up to complete A.M.G.. It is my view that where a military zone is created A.M.G. should temporarily be fully imposed and it can be partially relaxed as may seem desirable after quite a short period, even as short as 24 hours. The Legal Sub-Commission has prepared a draft form of Proclamation which seems to me to be appropriate to meet any likely circumstance, and a copy is attached.

With regard to the area to be declared such a zone, I have carefully considered your suggestion that a particular building such as the Regina Coeli Prison should be declared <sup>military</sup> a zone. The suggestion is, if I may <sup>fully</sup> respectfully say so, ingenious, but I doubt if it is sound. If trouble occurs in one building only it would seem more appropriate to give military assistance and then to withdraw without declaring a military zone rather than take over a particular building. If the Government are incapable of running one establishment they must be so weak that it would appear <sup>desirable</sup> necessary to take over a much larger <sup>area</sup> ~~share~~ of their administration. Furthermore, <sup>there would be a real danger that</sup> the Government would fail in the first place to take adequate steps to deal with the problem if they realised that we were willing to take over such small trouble spots and relieve them of their responsibilities in respect thereof. <sup>if it must be done in mind that</sup> (The taking over of a prison, would not, I think, embarrass the prestige of the Government unduly. <sup>as in Rome</sup>)

To sum up I think that for administrative reasons it would be unwise to take over anything less than a <sup>administrative</sup> political sub-division of the country, e.g. a province <sup>provinces</sup> or, as in Naples, a commune. Col. Chapman informs me from political <sup>experience</sup> that he thinks we should soon get into administrative difficulties if we adopt anything less than a <sup>administrative</sup> political sub-division of the country.

6. In my opinion the whole problem requires review and I trust

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To sum up I think that for administrative reasons it would be unwise to take over anything less than a political sub-division of the country, e.g. a province or, as in Naples, a commune. Col. Chapman informs me from <sup>political</sup> <sup>experience</sup> that he thinks we should soon get into administrative difficulties if we adopt anything less than a political sub-division of the country.

6. In my opinion the whole problem requires review and I trust that this paper - which has the concurrence of the Directors of the Legal and Public Safety Sub-Commissions - may point out in greater detail than has hitherto been done the problems and difficulties that arise. My own

view is that it is impossible to lay down beforehand any clear cut principles. Each case as it arises must be judged in the light of all <sup>strength</sup> the circumstances, i.e. military interests, the locality and the importance

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Declassified E.O. 12356 Section 3.3/NND No. 785016

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*character* *specifically* *and active*  
of the disorder, the position and attitude of the Government in the  
matter.

G. R. UPJOHN, Brig.  
VP CA Section.  
DOCS.

*Copies to Political Section  
Legal Subsection  
Public Safety Subsection*

Encl. Draft Proclamation.

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*Report should go to the  
L. C. G. C. L.*

DEPART

HEADQUARTERS ALLIED COMMISSION  
LTC 394  
CIVIL AFFAIRS SECTION

Ref.

30th November, 1944.

SUBJECT: Intervention by the Allied Commission at the  
request of the Italian Government.

TO : Chief of Staff.

1. Reference your 2606/COS, dated 24th November, 1944, I think it is desirable before attempting to answer the questions propounded by you to state the principles which, as I see it, should govern our attitude in this matter.

2. Where territory has once been restored to the jurisdiction of the Italian Government its return to a Military Government is justified only on one of two grounds: (a) where a zone is required by the Military for some operational purpose, or (b) where the civil administration has broken down to such an extent as to cause a serious threat to military operations.

3. As to (a), it is unnecessary to deal with this further. If the military authorities should desire to utilise the port of Bari, for instance, for a new operation it might be desirable to create a military zone as in the case with the port of Naples, but no such military necessity is, so far as I know, likely to arise.

4. As to (b), the problem is a difficult one. It seems to me impossible to formulate with any greater precision than I have done above the principles upon which we should be guided, for each set of circumstances must be judged as they arise.

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just*

Declassified E.O. 12356 Section 3.3/NND No. 785016

SUBJECT: Intervention by the Allied Commission at the request of the Italian Government.

TO : Chief of Staff.

1. Reference your 2606/COS, dated 24th November, 1944. I think it is desirable before attempting to answer the questions propounded by you to state the principles which, as I see it, should govern our attitude in this matter.
2. Where territory has once been restored to the jurisdiction of the Italian Government its return to a Military Government is justified only on one of two grounds: (a) where a zone is required by the Military for some operational purpose, or (b) where the civil administration has broken down to such an extent as to cause a serious threat to military operations.
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It seems to me extremely undesirable to over estimate the importance of disturbances in Rome which is, as I understand it, of little significance in the

purely military sense, i.e. it is not on any vital lines of communication. In Rome it seems to me that the governing factors must be the desirability of leaving the Italian Government to deal with its own problems to the maximum possible extent, coupled with interference by Allied troops only if a serious breakdown of civilian administration is threatened.

For instance if a large Communist meeting on the Palatine Hill leads to such grave disturbances as to give rise to a serious apprehension that the safety of Allied troops in the vicinity may be in danger, and that the civil administration of Rome may break down, immediate interference by the military would be essential. On the other hand a riot by a few hundred prisoners in the Regina Coeli Prison cannot be said to constitute, in my view, any such threat, and now that all Allied security prisoners have been removed from the jail we have no direct military interest therein. It is my opinion that we should not now interfere with a riot in the Regina Coeli Prison until the Italian Government have shown themselves so incapable of dealing with it as to lead to disorders in other parts of the city, though I appreciate that the military authorities will consider this a dangerous policy but, I believe, the right one.

5. If it becomes necessary to declare any area a military zone then the Allied authorities can impose any form of military control from the assumption of mere police duties up to complete A.M.G. It is my view that where a military zone is created A.M.G. should temporarily be fully imposed and <sup>partially</sup> be relaxed as may seem desirable after quite a short period, even as short as 24 hours. The Legal Sub-Commission have prepared a draft form of proclamation (see accompanying file No. AC/4049/1/1) which seems to me to be appropriate to meet any likely circumstance, the area being altered as may be necessary.

Returning again to the particular case of the Regina Coeli Prison, your

suggestion that the prison area be declared a military zone is, if I may

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Returning again to the particular case of the Regina Coeli Prison, your suggestion that the prison area be declared a military zone is, if I may respectfully say so, ingenious but I doubt if it is sound. If we adopt the policy of putting specific buildings under military control we at once point out to the Italian Government that we are going to undertake their responsibilities in respect of small riots as they will think for the purpose of saving their faces, and in my view if A.M.G. is to be imposed in any place it should

- 3 -

be imposed over a substantial area though it is impossible to define in general what such area should be

6. Specifically to answer your questions:

(a) In my opinion the request should only be granted if the local Military Commander is satisfied that the conditions set out in para 1 (b) exist; and

(b) In my opinion a full A.M.G. should be imposed with a proclamation on the lines of that already prepared by the Legal Sub-Commission.

7. The Directors of the Legal and Public Safety Sub-Commissions concur in this letter.

G. R. UYOUN, Brig.  
VT CA Section.  
DOOS.

13220

PROCLAMATION

Whereas it is necessary to establish and maintain law and order in the area of

Now, therefore, I HAROLD R. L. G. ALEXANDER, G.C.B., G.S.I., D.S.O., K.C., Field Marshal, hereby proclaim as follows:-

ART. 1

The said area is hereby established as a Military Zone and is hereinafter called "The Military Zone".

ART. 2

All powers of Government and Jurisdiction and final administrative responsibility in the Military Zone are vested in me as Supreme Allied Commander Mediterranean Theatre of Operations and Governor of the Military Zone, and shall be exercised under the direction of such Deputy Governor as I may appoint.

ART. 3

All state, provincial or other public officials or employees shall continue in their present duties as officials or employees under the orders of the Deputy Governor unless dismissed by him.

ART. 4

Any person who:

- 1) Violates or has violated any provision of Italian Law.
- 2) Violates any rule order or regulation governing the administration of the Military Zone or any inhabitants thereof.
- 3) Disobeys any order given under the authority of the Allied Forces or the Deputy Governor.
- 4) Takes part in any demonstration or assembly not authorised by the Deputy Governor.

5) Does any act to the prejudice of good order of the

3219

Now, therefore, I HAROLD R.L.G. ALEXANDER, G.C.B., C.S.I., D.S.O.,  
M.C., Field Marshal, hereby proclaim as follows:-

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by the Deputy Governor.
- 5) Does any act to the prejudice of good order of the  
Military Zone.
- 6) Does any act to the prejudice of the safety or security  
of the Allied Forces or any member thereof.
- 7) Conspires or attempts to commit, or assists or procures  
the commission of any act hereby constituted an offence.

Shall be guilty of an offence and shall upon conviction by a Military Court

be liable to punishment by death or by imprisonment or fine or both as the Court may determine and in respect of any offence under sub para 1 above the punishment which may be imposed shall not be limited to such punishment as may be prescribed for such offence by Italian law.

ART. 5

Military Courts, which shall be General Superior or Summary Military Courts, are hereby established and shall have such jurisdiction as shall be conferred upon them respectively.

ART. 6

- a) Any person convicted by a Military Court may within 24 days of conviction present to the office of the Deputy Governor a Petition for Review of conviction or sentence.
- b) No sentence of death shall be executed unless or until confirmed in writing by me or by an officer expressly authorised in that behalf by me in writing.

ART. 7

This Proclamation shall come into effect throughout the Military Zone upon its first publication therein.

DATED:

3210

HAROLD R.I.G. ALEXANDER  
Field Marshal  
SUPREME ALLIED COMMANDER MEDITERRANEAN THEATRE  
OF OPERATIONS

0355

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS ALLIED COMMISSION  
APO 394  
CIVIL AFFAIRS SECTION

Ref. 4/35.<sup>2</sup>W/CA

30th November, 1944.

SUBJECT: Intervention by the Allied Commission  
at the request of the Italian Government.

TO : Legal Sub-Commission. ✓  
Public Safety Sub-Commission.

*rough* 1. Herewith copy letter from the COS, Ref. 2606/COS dated 28th  
November, and draft proposed reply for your comments.

I would like to discuss the matter with the Directors of Legal  
and Public Safety Sub-Commissions at 18.00 hours this evening.

*G. R. Upjohn*  
G.R. UPJOHN, Brig.  
VP CA Section.  
DCOS.

Encls.

321.

5172

DRAFT

HEADQUARTERS ALLIED COMMISSION  
APO 394  
CIVIL AFFAIRS SECTION

Ref.

30th November, 1944.

SUBJECT: Intervention by the Allied Commission at the request of the Italian Government.

TO : Chief of Staff.

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For instance if there is a riot, even a serious one, in Catanzaro there would be no real threat to our military operations in the north and it would be unnecessary and indeed undesirable to create a military zone. On the other hand a

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(a) In my opinion the request should only be granted if the local Military Commander is satisfied that the conditions set out in para 1 (b) exist; and

(b) In my opinion a full A.M.G. should be imposed with a proclamation on the lines of that already prepared by the Legal Sub-Commission.

7. The Directors of the Legal and Public Safety Sub-Commissions concur in this letter.

G. R. UPJOEN, Brig.  
VP CA Section.  
DCOS.

3214

- 0361
- Declassified E.O. 12356 Section 3.3/NND No. 785016
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G.R. UPJOHN, Brig.  
VP CA Section.  
DCOS.

3214

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PROCLAMATION

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ART. 1

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ART. 3

All state, provincial or other public officials or employees shall continue in their present duties as officials or employees under the order of the Deputy Governor unless dismissed by him.

ART. 4

Any person who:

- 1) Violates or has violated any provision of Italian law.
- 2) Violates any rule order or regulation governing the administration of the Military Zone or any inmates thereof.
- 3) Disobeys any order given under the authority of the Allied Forces or the Deputy Governor.
- 4) Takes part in any demonstration or assembly not authorised by the Deputy Governor.
- 5) Does any act to the prejudice of good order of the Military Zone.

3213

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Declassified E.O. 12356 Section 3.3/NND No. 785016

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Military Zone.
- 6) Does any act to the prejudice of the safety or security  
of the Allied Forces or any member thereof.
- 7) Conspires or attempts to commit, or assists or procures  
the commission of any act hereby constituted an offence.

Shall be guilty of an offence and shall upon conviction by a  
Military Court be liable to punishment by death or by imprisonment or fine

3213

or both as the Court may determine and in respect of any offence under sub para 1 above the punishment which may be imposed shall not be limited to such punishment as may be prescribed for such offence by Italian law.

ART. 5.

Military Courts, which shall be General Superior or Summary Military Courts, are hereby established and shall have such jurisdiction as shall be conferred upon them respectively.

ART. 6

- a) Any person convicted by a Military Court may within 14 days of conviction present to the office of the Deputy Governor a Petition for Review of conviction or sentence.
- b) No sentence of death shall be executed unless or until confirmed in writing by me or by an officer expressly authorised in that behalf by me in writing.

ART. 7

This Proclamation shall come into effect throughout the Military Zone upon its first publication therein.

HAROLD R. L. G. ALEXANDER  
Field Marshal  
SUPREME ALLIED COMMANDER MEDITERRANEAN THEATRE'S  
OF OPERATIONS

DATED:

3214

HEADQUARTERS ALLIED COMMISSION  
APO 394  
Office of the Chief of Staff  
\*\* \*\*\*\*\*

29 NOV 1944

Ref: 2606/COS.

28 Nov 1944.

SUBJECT: Intervention by the Allied Commission at the request  
of the Italian Government.

TO : DCOS, Est Sec  
DCOS, CA Sec  
DCOS, Econ Sec  
VP, Pol Sec

I refer to para 6 of the minutes of the Chief of Staff's Meeting  
of 24 November. The points which were discussed at that meeting, and on  
which I should like your views in writing, are as follows:-

- (a) If a proper request from the Italian Government for the  
intervention of the Allied Commission is received, should  
we accede to this request?
- (b) If it were agreed to accede to the request, what measures  
should be adopted?

WJL/JG.

*N. S. L.*  
Brigadier,  
Chief of Staff.

32  
5084

COPY

HEADQUARTERS ALLIED COMMISSION  
APO 394  
Office of the Chief of Staff

Ref. 2606/COS

28th November, 1944.

SUBJECT: Intervention by the Allied Commission at the  
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TO : DCOS, Est. Sec.  
DCOS, CA Sec.  
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- (b) If it were agreed to accede to the request, what measures should be adopted?

(Sgd.) M.S. Lush  
Brigadier,  
Chief of Staff.

32.0

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