

ACC

10000/105/712

10000/105/712

LEGAL SUB-COMMSN
FEB. 1944 - JAN. 1945

MINUTE SHEET - I.

①

To Regd.

See 202 v 204 p in function ST. R. C. 199 v.

CAS.

dix Nov. 44.
x 60.

②

CAS.

Conversation Ciphers - 18 letters. 1 hour replies to 5th Regd.

26 Nov. 44

Under 200
D. 100.

HEADQUARTERS ALLIED COMMISSION
CIVIL AFFAIRS SECTIONRef. 17/6/CA ✓

14th January, 1945.

MEMORANDUM

SUBJECT: Umberto Amaro.

TO : Chief Legal Adviser.

1. I understand the above named has been released from prison.
2. Will you please write to Toscana Region and explain the exact reasons for his release, i.e. that in view of his outstanding services to the Allies, the Acting President desired his release as a matter of clemency, and pointing out that in view of the urgency of the matter and of the move of Regional Headquarters communication was made direct to Provincial Headquarters.
3. Will you also please withdraw the case from Regional Headquarters and review it at this Headquarters. You may well think that the other accused should, in the circumstances, be permitted some remission of sentence.

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

7474

(98)

HEADQUARTERS LI LEO COMMISSION
#FO 394
LEGAL SUB-COMMISSION

10/14013/4/L

SUBJECT : Regional Legal Officers' Conference.

TO : See Distribution below.

1. No subject requiring discussion by RLOs Conference has arisen since the last conference in November.

2. The conference fixed for 24 January is therefore postponed.

3. If Regional Legal Officers have any point which they would like to raise at the next conference will they please notify this sub-commission by the 31st January. If sufficient points are proposed, a meeting will be held during February.

W. E. HERRING

W. E. HERRING,
Colonel,
Deputy Chief Legal Advisor.

DISTRIBUTION:

Major G. R. H. John, K.C.	
RC, SHEL Region (for RLO)	
" SOUTHERN "	"
" S. REGIONAL "	"
" L. REGIONAL "	"
" BRUNEL-MICHE "	"
" TOSCANI "	"
" ITALIA "	"
" LIGURIA "	"
" PIEMONTE "	"
" LOMBARDIA "	"
" VENETIA "	"

10 January 1945.

2. The conference fixed for 24 January is therefore postponed.

3. If regional level Officers have any point which they would like to raise at the next conference will they please notify this sub-commission by the 31st January. If sufficient points are proposed, a meeting will be held during February.

W. E. HERBERT

W. E. HERBERT,
Colonel,
Deputy Chief Log 1 Advisor.

DISTRIBUTION:

Brig G. E. M. John, R.C.
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" DALL " "
" LIBORI " "
" FILMONTE " "
" LOR. ADL " "
" VARESI " "

7473

7327

ALLIED [REDACTED] COMMISSION
INTER-OFFICE MEMORANDUM

19/6/44
SUBJECT: *Petition of Raffaele Caspizzone*

FILE No.

TO *Legal* ✓

194

*Attached is a petition sent to the Security Section
relating to the Raffaele Caspizzone at Wiesbaden and requesting
his death on the 7 Jan.*

*Please state if the case should be treated, and whether the
judgment is correct, reported and if so, what the sentence
should be and if not, what the case should be.
Please refer to the document.*

CH
2 JAN. 1945

V.P. Civil Affairs Sec.

CASPIZZONE Raffaele was executed at 0730 hrs 19 Sep 44.

Legal: 5 Jan 45

1. *P. 7/72*
for DCLA

A.SUA MAESTA' RE GIORGIO D'INGHILTERRA

Maestà, a Voi che ormai noi Italiani consideriamo quale nostro Sovrano, per il bene che c'è avete elargito col sacrificio di tanti Vostri sudditi, per ridarci l'anelata libertà, quando la parte guasta di noi aveva attentato follemente a quella Vostra; Alla Vostra Magnanimità mi rivolgo con fervore di fede, affinché un atto ancora della Vostra regale clemenza mi salvi il mio figlio condannato a morte da questa Corte Suprema Alleata.

In data 7 Giugno del C.A. 1944, mio figlio Raffaele Casizzone di Vincenzo, e di Assunta Trocciola, nato a Napoli nell'anno 1925, fu condannato alla pena capitale, perché incolpato dell'uccisione di un Sergente della Vostra gloriosa Aviazione, di nome se non erro, Moris, E poiché le apparenze gli erano contro, i Vostri eccell. mi Giudici, attenendosi alle risultanze, legalmente lo condannarono come avrebbero fatto tutti gli altri Giudici del mondo. Ma poiché egli è innocente, e ad affermarlo darei volentieri la mia vita in pegno e garanzia se lo potessi, e poiché il tempo potrebbe rendere possibile la manifestazione della sua innocenza, perché ciò non avvenga troppo tardi, Vi supplico la grazia di commutarli la pena di morte in quella del carcere a vita.

Maestà, Voi che siete così regalmente magnanimo concedete mi questa grazia, che altrimenti con il figlio mio sarei condannato anche io suo sventurata madre; alla quale è già troppo insopportabile l'onta di essere additata e disprezzata quale madre di un caino, quanto che noi i Vostri connazionali li riteniamo e amiamo quali

guasta di noi aveva attentato follemente a quella Vostra; Alla Vostra Magnanimità mi rivolgo con fervore di fede, affinché un atto ancora della Vostra regale clemenza mi salvi il mio figlio condannato a morte da questa Corte Suprema Alleata.

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Maestà, Voi che siete così regalmente magnanimo concedete mi questa grazia, che altrimenti con il figlio mio sarei condannato anche io suo sventurata madre; alla quale è già troppo insopportabile l'onta di essere additata e disprezzata quale madre ⁷⁴¹ di un caino, in quanto che noi i Vostri connazionali li riteniamo e amiamo quali nostri fratelli. La mia sorte è più tremante di quella della povera madre orbata dell'eroico figlio considerato caduto in guerra, e da

699

da tutti compianta e venerata, ed alla quale la mia commossa simpatia di madre infelice, e per la quale prego la nostra Vergine Maria Madre dei dolori, affinché le seguiti a dare lena e coraggio per campare con pagata rassegnazione la dura e doverosa vita, ed affinché l'infonda nell'animo straziato la certezza che non fu il figliuol mio a strapparle alla vita il perduto figlio .

Nella speranza che Vi benignerete avere pietà di me col congedarmi l'invocata grazia, Vi esprimo la mia commossa e perenne graditudine.

Napoli 4/9/944

Assunta Trocciola

Domiciliato in Napoli Gradini S. Lucia al Monte 15

Assunta Trocciola

PRIVATE SECRETARY'S OFFICE
BUCKINGHAM PALACE

6 NOV 1944

This letter has not been
acknowledged.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

5 JAN 1945

17/6/CA

AC/4002/10/L

4 January 1945. /mt.

5 JAN 1945

SUBJECT : "Consolidated Instructions for Allied Military Courts"
TO : Civil Affairs Sec.

Herewith one copy of amendments to Consolidated Instructions for Allied Military Courts which were forwarded with this Sub-Commission's letter ACC/4002/10/L dated 13 May 44.

I. G. H. Campbell
I. G. H. CAMPBELL, 7469
Lt. Col.,
Chief Judicial Officer,
for Chief Legal Advisor.

6992

D.O.
1/6/AS

Administrative Section
Headquarters,
Allied Control Commission
Cairo

15 Sep 1944

My dear

Thank you for your letter of the 24 July. Unfortunately it was incorrectly addressed and only reached me on the 12 September.

I enclose a list of reliable advocates who you could safely consult. Fees would vary according to the nature of the work from Lire 1000 - 4000.

Presumably you can arrange through our respective finance offices for transfer of the necessary credit.

Yours,

Col E.F.M. Maxwell
Civil Affairs Branch
CHQ
MMP

7468

1302

HEAD QUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

WEB/pa.
14 Sept 44.

ACQ4112/L.

SUBJECT : Italian Advocates.

TO : V.P. Administrative Section.

1. Reference Col. Maxwell's letter of 24 July 44 herewith is a list of advocates recommended. The first 6 are all members of the same firm.

2. Prof. CHIOMENTI informs me that for normal work a minimum fee would be about L 1000 while an average basis would be taken to be L 4000.

3. No doubt Col. Maxwell has considered how he proposes to effect payments for any opinion rendered.

1 incl.

Richard H. Wilmer
b RICHARD H. WILMER,
Colonel, CAC,
Chief Legal Officer.

7470

1. Prof. Filippo VASSALLI, Professor of civil law at the University of Rome;
STUDIO VASSALLI, Lungotevere Vallati, 19, Rome - Telephone: 55521.

The following professors also practice at this firm;

- | | |
|---------------------------|---|
| Prof. Giuseppe FERRI, | Professor of commercial law at the University of Pisa; |
| Prof. Giuliano VASSALLI, | Professor of penal law at the University of Genova; |
| Prof. Pasquale CHIOMENTI, | Professor of comparative law at the University of Genova; |
| Prof. Antonio D'EMILIA, | Professor of oriental mediterranean laws and of mohammedan law at the University of Rome; |
| Prof. Roberto AGO, | Professor of international law at the University of Milan. |

2. Avv. Giovanni Andrea SERRAO, Via Regina Elena, 36, Rome;

Has practiced for many years in the Rome Bar as a civil and commercial lawyer. Has been and still is the legal adviser to the British Embassy in Rome and to the British Legation to the Holy See.

3. Avv. Prof. Corrado BERNARDINI, Via Maria Cristina, 2, Rome - Telephone: 31473;

Specialized in civil and procedural law and in canon law. Is solicitor for the Vatican Administration.

4. Avv. Bruno FORTI, Via Porta Pinciana, 6, Rome;

Specialized in commercial and maritime law. Has practiced mostly in the Trieste Bar. Has been legal adviser to many insurance companies.

No.12152/5/CA.
-----CIVIL AFFAIRS BRANCH
G.H.Q., M.E.F.,

24th July, 1944.

Recd 12 Sep.

My dear Upjohn

Thank you very much for your signal N.R. 3058 sent in reply to my D/O letter dated 26th May, 1944. I very much appreciate the trouble you have taken in this matter. I did not however intend to convey to you in my previous letter that I wanted an Italian advocate or advocates to take up residence in Cyrenaica. What I really require are the names and addresses of a number of Advocates recommended by you who would be willing to give written opinions on points of Italian law whenever called upon by the Legal Adviser Cyrenaica.

If you could supply us with a list of any such Advocates and at the same time indicate the approximate fees which would be involved in giving such opinions I should be very grateful. The points to be dealt with would not I think normally be of a very complicated or extensive nature.

Yours sincerely

E. F. M. Maxwell

To Legal

Colonel G.R. Upjohn,
Chief Legal Officer,
Rear Headquarters,
15th Army Group.

WFS/AA.

This doesn't look
too difficult. Can
you supply the particulars
required please?
7466
G.M. 1

17/6/04

SECRET

CAS

F 68381

14 DEC 1944

C/4093

DEC 14 1142

DEC 14 1510
PRIORITY

AFHQ SIGNED SACRED CITE FHREQ

AICOM FOR LEGAL.

FOR INFORMATION ONLY

LSD 4-PP

14 DEC 1944

JLH

P.R.C.

SECRET.

Para 1. Further to our F 61962, subject confirmation of death sentences.

Para 2. No rpt no cases should be confirmed by Commodore STONE until new delegation of power by Field Marshal ALEXANDER is received.

DISTACTION
INFO

LEGAL SC (2)
CHIEF COMMISSIONER
CoS (2)
C A SEC
FILE

DEC 1944

A. 7465

SECRET

6014

COPY

The "inquisitorial" procedure in Military Government
Courts (Germany)

NOTE

of the views of Brig. M.S. LUSH, M.B.E., D.S.O., M.C.,
Chief of Staff, Allied Commission, Italy.

1. In Italy it has been found that our procedure is speedy and satisfactory. In particular the exclusion of interrogation by the court saves time.
2. No complaints have ever been made by Italians as to our Anglo-Saxon procedure.
3. In four different occupied territories (Madagascar, Ethiopia, Tripolitania and Italy) the native counsel and accused, and the public in general (including the French) have to Brig. Lush's knowledge welcomed the Anglo-Saxon procedure, and have actually expressed their pleasure at its being introduced.
4. No legal adviser in Italy (either British or American) has suggested the introduction of the Continental procedure.
5. Apart from the attitude of the inhabitants, it would be undesirable to introduce a system which is foreign both to the understanding and to the nature of the officers who would have to sit on the courts and administer it.

Conference at War Office,
10 November 1944.

AB.

7464

4821

Register No. C.A. 2/1/235/14.

Minute Sheet No.

C.A. 2 (b).Brigadier M.S. Lush's visit

1. Reference your memo dated 4 Nov 44:-
2. I should welcome an opportunity of discussing with Brig. Lush this question: whether or not the adoption of Anglo-Saxon procedure for Military Courts (as opposed to the Continental "accusatorial" procedure whereby the courts are empowered to interrogate the accused irrespective of whether he has elected to give evidence) has in any way hampered the administration of our Military Government law in Italy.

C.A. 20(a).
ABey 1272, Ext: 312.
8 Nov 44.

Roger Bacon
Colonel,
Legal Advisor.

4821

7463

P.T. OVER

✓
12/6/44
HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

21a

AC/4082/3/L.

ES/ap.

21 November 1944.

SUBJECT : Reemployment of CHIAPPI Umberto,
Pretore of ANAGNI. (Frosinone)

TO : CA Sec.

With reference to this morning's conversation
(Lt. Col. White - Lt. Col. Hannaford) enclosed herewith
is copy of a letter directed to the Minister of Justice on
the above subject.

G. G. Hannaford
G. G. HANNAFORD,
Lt. Colonel,
Officer i/c Italian Branch,
for Chief Legal Advisor.

Incl: copy of letter to Min. of Justice,
dated 21 Nov 44.

7462

4696

HEADQUARTERS ALLIED COMMISSION
APO 94
LEGAL SUB-COMMISSION

216

AC/4082/3/L.

ES/ap.
21 November 1944.

SUBJECT : CHIAPPI Umberto, Pretore of ANAGNI. (Frosinone)
TO : H. E. The Minister of Pardon and Justice.

1. As an exception to the general ruling communicated to Your Excellency in this Sub-Commission's letter No. AC/4039/L. of 14 Nov 1944 on reemployment of officials removed by AMG, authorization is hereby given to reassign the above official to a post in Italian Government Territory outside the Province of Frosinone pending epuration proceeding before the competent Commission.

G. G. HANNAFORD,
Lt. Colonel,
Officer i/o Italian Branch
for Chief Legal Advisor.

Copy to : CA Sec. ✓

7461

4695

CHIAPPI was pretore of ANAGNI for the period 1936-1944. Prior to that he was Pretore in Northern Italy. He, himself is a Roman. Prior to the Armistice his conduct was considered most satisfactory, being a person who did not on any occasion confuse justice with politics nor oppress any person for his political belief. He is renowned for his judicial integrity and his complete indifference to politics. During the Fascist regime he did not participate actively in the party's politics but attended regularly all Fascist functions. There is nothing else that can be said about him during that period.

After the Armistice CHIAPPI not only retired more into the background as far as politics are concerned but showed a marked lassitude in his work. On one occasion, and this has been verified, he opposed the German authorities on a point of law, when the Germans attempted to try a person summarily through CHIAPPI. Though he had the opportunities to entertain and collaborate with the Germans in ANAGNI, he did not do so.

At present he is living in ANAGNI with his family and is not taking part in present politics. He is liked by the people for his impartiality and probity as a man of law.

His only political accomplishment is "Squadrista". Subject has no record with the provincial C. R., office nor in the ANAGNI Tenenza.

7460

(4696)

HEADQUARTERS
AMG FIFTH ARMY
APO 464 U.S. ARMY

20 November 1944.

208/4

SUBJECT: Implementation of Italian Legislation.

TO : H.Q., Allied Commission.

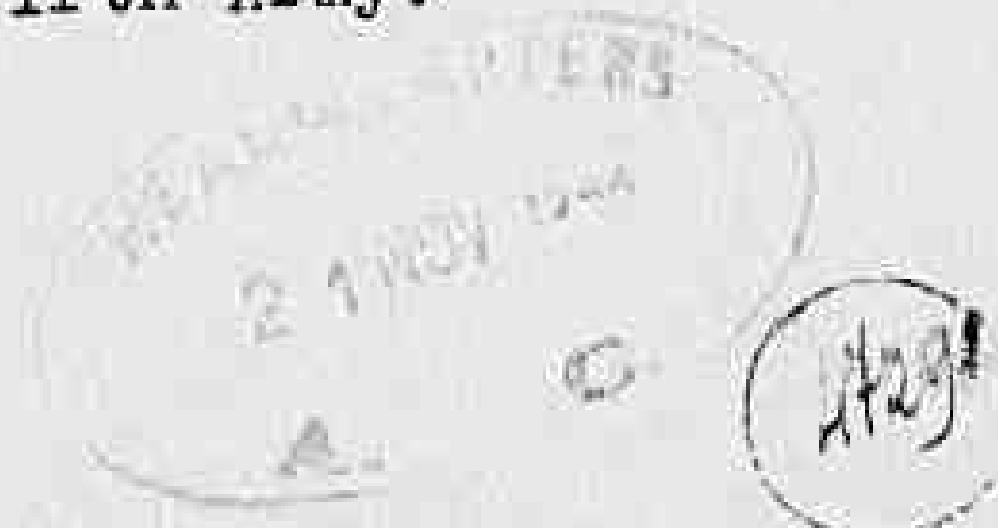
1. Reference conversation between Brigadier Upjohn and Colonel Mayne at Siena on 17th November, instructions (copy enclosed) have today been issued to all Provincial Commissioners within Fifth Army Area authorizing the implementation of the Italian Decrees promulgated in each issue of the Gazzetta Ufficiale subsequent to No. 81 in accordance with the procedure laid down in Legal Sub-Commission Directive dated 25th July 1944 and withdrawing the requirement of specific authority from this Headquarters in each occasion.

2. These instructions have been given on the understanding that all such Decrees will have been carefully studied beforehand by the appropriate Sub-Commissions and that no authority will be given to make such Decrees effective without due consideration of the particular problems affecting the Army Area.

For the Commanding General:

E. B. Mayne
E.B. MAYNE,
Colonel, UDF.,
Chief of Staff,
A.M.G. Fifth Army.

/jm



HEADQUARTERS
AND FIFTH ARMY
APO 464 U.S. ARMY

20B

20 November 1944.

208/4.

SUBJECT: Implementation of Italian Legislation.

TO : Provincial Commissioners Florence, Pisa
Lucca and Pistoia.

1. The authority previously given to implement Italian legislation in the Army Area is hereby extended to cover the delivery to the Prefect of Gazzetta Ufficiale issues Nos. 76 to 81 (inclusive).

2. The copies of these issues now in your possession should be handed over forthwith and the Prefect's receipts forwarded through this Headquarters as previously directed.

3. In respect of future issues of the Gazzetta subsequent to No. 81, no specific authority will be given by this Headquarters and the directions contained in paragraph 5 of letters Ref. 208/4 dated 10th October (Florence and Pisa) and 6th November (Lucca and Pistoia) are hereby cancelled.

4. The Italian government legislation to be promulgated in future issues of the Gazzetta will be automatically implemented (subject to the exclusion of any decrees expressly excepted by order endorsed on the Gazzetta) by the delivery to the Prefect of each issue of the Gazzetta as soon as it is received at Provincial Headquarters and without waiting for further authority from this Headquarters. The full procedure laid down in Legal Sub-Commission Directive AGC/4010/2/L dated 25th July should be carefully followed on each occasion.

7458

5. The Prefect's Receipt for all issues of the Gazzetta subsequent to No. 51 will be forwarded direct to the Legal Sub-Commission and not through this Headquarters as previously directed.

For the Commanding General:

W. B. Wayne

W. B. WAYNE,
Colonel, U.S.A.,
Chief of Staff,
A.M.G. Fifth Army.

Copy to: HQ Allied Commission,
Legal Sub-Commission (attn. Lt Col Thackrah),
R.C., Toscana Region.
S.C.A.O., Florence City.

/ja

- 2 -



7457

7458

14/6/CAHEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTIONFile19a

AC/L010/2/L.

21 Nov 44.

SUBJECT: Implementation of Decrees.

TO: SCAO 5 Army.

With reference to our conversation (Brig. USTON and Col. WAYNE) on the extension of Italian decrees to AMG Territory; I confirm the agreement then arrived at, namely; that once it is decided to implement Italian Government decrees in any province, all decrees (save as excepted by endorsement of this HQ in the Official Gazette) will be automatically implemented as and when you receive copies of the Official Gazette. Your former practice, whereby only decrees up to a certain specified number were implemented will be discontinued.

FOR THE CHIEF COMMISSIONER.


G. F. USTON, Brig.
VP CA Section,
DCO AC.

Copy to: Legal Sub-Commission.

7456

(1412)

Notes for the V P Civil Affairs Section

Implementation of Italian Legislation in Army Areas.

FIFTH ARMY - A system of periodical implementation en bloc has been introduced in the Provinces of Firenze, Pisa, Pistoia and Lucca. In the two former provinces the Raccolta Ufficiale (Blue Book) and the subsequent Gazzetta Ufficiale's up to and including No. 61 have already been implemented. The machinery of distribution and prefectoral receipts to record effective dates adopted is the same as that in A.L.G. territory.

In regard to the Provinces of Lucca and Pistoia authority has now been given by the 5th Army to the P.C.'s to effect implementation of the Raccolta and G.U.'s up and including No. 69.

The Gazettes distributed in Army Territory are obtained from the collections held by the R.L.O.'s and for eventual distribution when such territory intended should pass under Regional Control.

Assuming that the distribution done by 5th Army is really effective and actually reaches the officials and the public, this advance implementation is in line with established policy.

There is really no material difference as far as the work of the Legal Sub-Commission is concerned.

EIGHTH ARMY AREA - Only remaining ^{area} under Army control is part of the Province of Forlì. Here no steps have been taken to carry out any advance implementation for obvious reasons.

The collection of Gazettes for distribution in this Army area and for the entire Region Emilia has been ready for some time in the hands of the Regional Legal Officer.

*Stone signed
for building ground*

*SC
CCAD*

SECRET

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/14/6/04 ✓

AC/4132/1/L.

WEB/ap.

16 November 1944.

17 NOV 1944

SUBJECT : Yugo-Slav Missions.

TO : ~~Political~~ Section.

1. Yugo-Slav nationals, members of K.B.A.Y. and Royal Yugo-Slav missions are causing trouble in AMG territory by wilful disregard of AMG Proclamations and Orders.
2. Complaints to the Mission Authorities do not produce satisfactory results and the AMG officials in the Army and Military Government territories consider that for the preservation of law and order it is essential that offenders be prosecuted in AMG Courts.
3. The Yugo-Slavs allege that they are outside AMG jurisdiction, on the ground that they are members of the Allied Forces, and therefore exempted by AMG Proclamation 1, Article X (1).
4. The problem appears to be partly of policy and partly of legal interpretation.
5. So far as policy is concerned, local considerations appear to indicate that it is essential for AMG Courts to assume jurisdiction: it is not known whether any decision has been given in this matter on broader grounds.
6. From the legal point-of-view there are certain questions to which the answers must be known before a definite opinion can be expressed. These are:-

- a. Are the Yugo-Slav officers and personnel who form part of these Missions military personnel and part of an organized contingent? It is assumed that the answer is Yes.

77454

- b. Is this organized contingent under the command of General Wilson or General Alexander? It is assumed that for local administrative purposes (e.g. the movement of a camp) it is under the command of General Wilson. Otherwise, and so far as General Alexander is concerned entirely, No.
- c. Has any agreement been made between the Governments concerned on the subject of trial of these nationals? It is assumed that the answer is No.
- d. Are the Yugo-Slavs allies? It is understood that they are members of the United Nations, but that there is no treaty of alliance between Yugo-Slavia and either U.S.A. or the U.K. and that there is no other ground upon which they can claim to be allies.

7. The question of the construction to be placed upon the phrase Allied Forces was fully considered in February 1944 (at a time when the Yugo-Slav Missions did not exist or at least were not being seriously considered) and a ruling was given, in which you concurred, that for the purposes of AMG jurisdiction the term "members of the Allied Forces" included "organized contingents of the Armed Forces of the United Nations (such as French, Poles or Yugo-Slavs) who are under the command of the Commander-in Chief Italy".

8. It should be observed that

- a. this definition was purely for the use of officers holding AMG Courts. It has never been made public
- b. this definition has never been discussed with or agreed to by the Yugo-Slavs.

7453

9. It is the opinion of this Sub-Commission that the purpose and scope of the definition, when it was given, was to exclude from AMG jurisdiction troops who formed part of the "order of battle" of the Commander-in-Chief Italy. On the basis of 6 (b) above it is the opinion of this Sub-Commission that, upon the true construction of this definition, the members of the Yugoslav missions are subject to the jurisdiction of the AMG Courts.

10. It should be pointed out that, subject to 6 (c) above, there appears to be nothing in international law generally to preclude an occupying power from trying in its courts the members of an allied army who break the law of the occupying power if that allied army is stationed outside the occupied territory, is not under the operational command of the commander of the troops in occupied territory but is engaged on operations in a different sphere and has no right in the occupied territory.

11. If, therefore, it is considered that by reason of the present Proclamation jurisdiction does not now exist to try these nationals, but that it should be assumed, there is nothing to prevent an amendment to the Proclamation in order to secure jurisdiction.

12. It would be appreciated if you could advise this Sub-Commission as a matter of urgency as to the answers to the questions raised in para 6, and as to your view on the position generally.

13. It is the present intention of this Sub-Commission to authorize the holding of trials in these cases pending a solution of the problem.

W. E. Behrens

W. E. BEHRENS, Colonel,
Deputy Chief Legal Advisor.

Copy to: VP CA Sec. —

7452

4378

AC/14/6/

✓

Col. White
Keep this for reference & let
me have a copy. Ask legal to keep
up to date

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

gms /rlp.
8 November 1944.

AC/4010/2/L.

SUBJECT : Implementation of Italian legislation.

TO : VP, C A Sec.

copy with SHW & VP

10 NOV 1944

1. Herewith information requested.

W. E. Behrens

W. E. BEHRENS,
Colonel,
Deputy Chief Legal Advisor.

Incl: Memo on above subject.

Copy to: AC/4010/4/L.

3915

Acc/n/b ✓

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Free

REF : AC/4030/L
SUBJECT : Petition for pardon BREACHER ALISSA.
TO : Civil Affairs Branch - G HQ MEF.

31 Oct 44

15a

- 1 Receipt of your 12123/69/CA of 25 Oct 44 is acknowledged together with duplicate Release Warrant, Petition and accompanying papers.
- 2 The papers will be submitted to the Ministry of Justice.
FOR THE ACTING CHIEF COMMISSIONER

G.E. URJOH, Brigadier,
VF CA Section,
Dep COS

7451

9516

File

HEADQUARTERS ALLIED COMMISSION
C.M.F.
Civil Affairs Section

Ha

Ref:- *acc/17/6/24*

28 Oct '44.

SUBJECT:- Decree on sequestration.

TO:- G.O.S.

1. I enclose papers dealing with the a/m subject matter. You will observe that I am directed to take the necessary action, but I regret that I am at present not in a position to do so.
2. So far as the decree is concerned it has been agreed, I am informed, between the Chief of Property Control Division and the Finance sub-commission and the Italian Government in accordance with policy approved by the A/CC some time ago.
3. It is a matter of indifference to the Finance sub-commission and to this section as to whether or not France is included in the decree. If France is included her nationals will have the benefit of having their property administered by Italian agencies with Allied supervision. If she is not included the property of her nationals will be administered by Italian agencies without such supervision.
4. The question is one which is entirely political as it depends solely upon the relationship between the Italians and the French, and until the Chief Commissioner has decided what attitude he proposes to adopt from the political point of view I am unable to take any action.
5. The papers are therefore resubmitted with the recommendation that the matter be handled by the Political Section.

G.R.H.
G.R. UPJOHN. Brig.
VP CA Sec.
D.G.O.S.

7450

Out of Legal ✓

SECRET

CO/ST

ACQ/OS5/OF

9 October 1944

5 OCT 1944

Subject: Protection of Czechoslovak Government Property.

To : Political Section.

1. Reference is made to attached communication from G-5, AFHQ.

2. It will be noted the Department of State instructs that in its view the Czechoslovak representative should submit directly to the Swiss Representative in Rome his request for permission to take over the former Czechoslovak legation, now under the protection of the Swiss.

CHARLES CARROLL
Lt. Col., Ord. Dept.
Property Control Division
Finance Sub-Commission

Copies to: Economic Section.
Finance Sub-Commission.
Civil Affairs Section. ✓

NotesOK file in Legal.

RR 7449

040. H

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

22 Sep 44

SUBJECT : Law Revision.

TO : Legal Sub-Commission.

Will you please inform me after consultation with the appropriate Italian Authorities what is the position with regard to the review of the various laws of public security.

Ext. 525
GRU/mt

G.R. UPJOHN, Brig.
V.P. Admin Section

Copy to: Public Safety Sub-Comm.

(1590)

20 Sept 1944

To V.P. Admin Sec.

Enclose a copy of the circular of Minister of Justice
with translation relative to sentences rendered by special
tribunals of Republican Fascist Government. Copies are being
sent to legal offices now.
Although dated 9 Aug 1944. I understand it has just been
cleared & is now being circulated to Italians.

Harold H. Wilmer
Col Sec
CLO

Hla

file

OBB/LEGAL

TRANSLATION

MINISTRY OF PARDON AND JUSTICE

/pa

File No. 75
Circular

Rome, 9 Aug 1944.

TO : Excellencies Procurators General of the Kingdom
and for information
Excellencies First Presidents of Court of Appeal of the Kingdom.

SUBJECT : Invalidity of sentences rendered by judicial bodies reconstituted
or created by the republican pseudo-government.

Pending the contemplated general revision of the existing legislation in order to settle definitely the present conditions resulting therefrom it is however requisite to take forthwith the necessary steps in order to remedy such situations as may have been created through obvious illegality. This action shall apply especially to the legal effect of sentences delivered by judicial bodies illegally constituted during the period which preceded the liberation of the national territory.

Among these bodies is prominent the Tribunale Speciale per la Difesa dello Stato suppressed by RDL No. 668 of 29 July 1943, but re-established by an enactment of 3 Dec 1943 No. 794, which also set up regional divisions of this Tribunale. Furthermore, this government organized also a (central) "Tribunale Speciale Straordinario" and (local) "Tribunali Speciali Straordinari". Therefore, in view of the indisputable illegality of this government, it appears evident that all sentences pronounced by the above referred illegally constituted judicial bodies must be considered void of all judicial effect, and consequently all penal decrees pronounced by the Tribunale Speciale under the provisions of the decree No. 95 of 22 Mar 44, and the sentences delivered on review under the legislative decree of 22 Jan 44, No. 6 fall under the same nullity.

In order to proceed rapidly with the liberation of prisoners illegally detained as a result of the above the Procuratore del Regno of the Tribunale of the place where the sentenced person is incarcerated, shall immediately take the necessary steps to free them, unless such person had been sentenced for an offence falling under the common law of Italy or if detained for some other reasons.

If the Procuratore is of the opinion that evidence exists of an offence he shall initiate the required penal proceedings; he shall also order the sentenced person released if the offence for which the proceeding is initiated does not require an obligatory warrant of arrest or if a warrant of arrest may be issued for such offence at discretion and he does not intend to issue the order for arrest; provided, of course, that the sentenced person is not held for another reason.

In cases where the Procuratore del Regno of the place where the sentenced person is incarcerated is not competent to initiate the penal action, he shall request the competent Procuratore to take the necessary steps according to the above provisions.

If the competent Procuratore del Regno is located in that part of Italy which

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If the competent Procuratore del Regno is located in that part of Italy which is still occupied, the Procuratore del Regno of the place where the sentenced person is incarcerated shall take the necessary steps to effect the liberation or order preventive custody. (NOTE: by "occupied" part of Italy is obviously meant the part occupied by Germans).

Each Procuratore del Regno shall forward a speedy communication to the respective Procuratore Generale del Regno in respect to the steps taken in pursuance to this circular.

THE MINISTER
Tupini

NOTE: In Italian Law mandato di cattura (arrest) may be either compulsory or left at the discretion of the judge, according to the type of offence. (see Art. 253 and 254 of C.P.P.).

7448

MINISTERO DI GRAZIA E GIUSTIZIA

Roma, lì 9 Agosto 1944

Prot. No 75

CIRCOLARE

ALLE LL.EE. I PROCURATORI GENERALI DEL REGNO

e, per conoscenza:

ALLE LL.EE. I PRIMI PRESIDENTI DELLE CORTI DI
APPELLO del

REGNO

OGGETTO : Inefficacia delle sentenze pronunziate dagli organi giurisdizionali ricostituiti o creati dal pseudo governo repubblicano.

In attesa che si proceda ad una revisione generale della legislazione per sistemare in modo definitiva i rapporti sorti in questi ultimi tempi, è necessario non indugiare a provvedere senz'altro in quelle materie, per cui, specialmente a causa di evidente illimità, è più agevole rinuovere situazioni che non devono protrarsi, come per ciò che riguarda gli effetti di decisioni pronunziate da organi illegalmente costituiti durante il periodo anteriore alla liberazione del territorio nazionale.

Tra questi organi è il tribunale speciale per la difesa dello Stato che fu soppresso con il R. decreto legge 29 luglio, n. 668; ma il pseudo governo fascista repubblicano lo ripristinò con provvedimento del 3 dicembre 1943, n. 794, stabilendo altresì sezioni regionali dello stesso tribunale. Inoltre quel governo istituì un tribunale speciale straordinario e dei tribunali speciali straordinari.

Ora, attesa l'assoluta illegittimità del predetto governo, appare senz'altro manifesto che le sentenze emanate dagli accennati organi giurisdizionali da esso illegalmente costituiti si devono considerare prive di qualsiasi effetto giuridico, e così pure i decreti penali emessi dal tribunale speciale a norma del decreto 22 marzo 1944 n. 95, e le sentenze pronunziate a seguito di revisione, di cui al decreto legislativo 22 gennaio 1944, n. 6.

Occorre quindi procedere prontamente alla scarcerazione di coloro che si trovano illegalmente detenuti in virtù degli accennati provvedimenti di condanna. Pertanto il Procuratore del Regno presso il Tribunale del luogo in cui il condannato espia la pena, qualora nel fatto per il quale fu pronunziata la sentenza o il decreto di condanna non ravvisi gli estremi di un reato previsto dalle leggi italiane, deve immediatamente ordinare la liberazione del condannato, se non detenuto per altra causa.

Se invece il Procuratore del Regno ritiene che sussistono gli estremi di un reato, promuove l'azione penale, disponendo perimenti la liberazione del condannato non detenuto per altra causa, se riguardo

repubblicano.

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Se invece il procuratore del Regno ritiene che sussistono gli estremi di un reato, promuove l'azione penale, disponendo parimenti la liberazione del condannato non detenuto per altra causa, se riguardo al reato per cui intende promuovere l'azione penale non sia obbligatorio il mandato di cattura o, se questo è facoltativo, non ritenga di emettere ordine di cattura. Il procuratore del Regno del luogo in cui il condannato espia la pena, qualora non sia competente a promuovere l'azione penale, richiede il procuratore del Regno competente affinché provveda nei sensi innanzi accennati.

Se infine il Procuratore del Regno competente si trova in zona dell'Italia ancora occupata, i provvedimenti circa la liberazione o la custodia preventiva del condannato sono adottati dal procuratore del Regno del luogo in cui il condannato espia la pena.

Ciascun procuratore del Regno dovrà dare sollecita comunicazione al rispettivo procuratore generale del Regno dei provvedimenti adottati, ai sensi della presente circolare.

IL MINISTRO
Tupini

700
040/legal

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

Subject: Sir John Corrao

21st Sept. 44

To: Political Secretary
Copy to Legal Sub Commission.

10a

You may care to inform Sir Noel Charles
that the Legal Subcommission are not intending
to employ the a/s as a wholetime advisor.

CHS/TSE.

G.R. UPDEH. Brigadier
V.P. Administrative Section.

7447

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Admin Sec 4th 3506
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CONFIDENTIAL

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CONFIDENTIAL

IMMEDIATE

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CONFIRM SENTENCE PASSED BARTOLINI SILVIO MAY BE PUT INTO
EXECUTION NOT WITHSTANDING FROM NO 11 AMG APPLICATION FOR REVIEW
OF SENTENCE NOT COMPLETED.

DIST

ACTION - Legal SC (2)
INFO - A/CC
ADMIN SEC ✓
FILE (2)
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CONFIDENTIAL

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HQ ACC

HQ REGION 7 ACC

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AUG 151715B

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FOR LEGAL FROM LEGAL OFFICER.

AVAILABLE TO MOVE 18TH AUGUST.ACC DIST

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ALLIED CONTROL COMMISSION

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La

15 AUG 1944

2 I ROTUNDELLA 71 83 14 IIR

OWNERS OF LANDS LEASED UNFAIRLYLY OBJECT AGAINST APPLICATION AGRICULTURAL
 INDUSTRIAL DESIGN WHICH IS AGAINST LIBERAL PRINCIPLES CONCEDES HALF PRICE
 OF THE LEASABLE GRAIN. REQUEST INTERVENTION OF THE HON. COMMISSION TO REVOKE
 SAID DECREE WHICH INSPIRED BY FASCIST GOVERNOR IS FAVORING USURY ENRICHMENT

CONDUCTORS CAUSING SERIOUSLY DAMAGES TO VITAL INTERESTS OF EMPLOYERS.

BITTONE GIUSEPPE BIANCO ANGELO
 LEONARDO COMPTO, GIUSEPPE BASILE
 FRANCESCO BASILE FRANCESCO BECCHIO ALBERTINI FRANCESCO, PAZZIALE GIUSEPPE,
 DELPO MEDDA, LABATELLA MARIA, VINCENZO AMATI EMILIO COMPTO, COMPTO ANTONIO
 GERARDO RICCIARDULLI, ERACONE, DRAGONETTI ROSINA, TUCCHI GIOVANNI, BORDINELLI,
 GIGLIANO...

ACC. LIST

ACTION: AGRIC SC (2)

INFO: LOCAL

A/CO

RCON SEC

ADM SEC

FILE (2)

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AUGUST 15/1945

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

ACC/4104/4/4.

26 April 1944.

SUBJECT : Draft Decree Establishing Trade Unions and Labor Offices.

The Legal Sub-Commission has considered the Draft Decree attached to letter dated 15 April 1944 (LAB 091.4251) relating to the above matter and has prepared the following memorandum for consideration before the meeting to consider the decree which, it is understood, will be convened by the Chief Commissioner at the beginning of next week.

1. The Draft Decree as it stands at present is neither a short declaration of policy on the one hand, nor a declaration of policy coupled with the machinery for carrying that policy into execution on the other hand, but falls midway between the two. It seems to this Sub-Commission that the decree should either be a short two or three article decree setting out merely the policy and leaving it to a further decree to work the matter out in detail or the whole policy and machinery should be set up in this decree.

2. This Sub-Commission has the following comments in detail:

ARTICLE I

We think that the societies, associations, confederations and federations should be set out in detail especially in view of the vagueness of Article III. Further, although it is a small point, we think that the labor magistracy should be further defined by reference to the statute setting it up.

ARTICLE II

It will be a matter of policy for the Chief Commissioner to decide whether the draft decree should include employers as well as employees in Article II. With regard to the last sentence, if trade unions are to be mentioned they should be defined and set up in the decree.

ARTICLE III

So far as is known the only professional association set up by AMG was the Bar Association which must be expressly excluded from this decree as it is subject matter of another pending decree. If there have been any other professional organisations set up locally by or with the approval of the local AMG Administration, it would seem desirable to investigate the basis and nature of these organisations before giving them juridical recognition.

ARTICLE IV

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ARTICLE IV

This again supports our observations in paragraph I.

ARTICLE V

A purely drafting comment. Instead of "turn over by the AMG" read "formerly occupied by the Allied Forces".

ARTICLE VI

This is a very important and difficult article providing for wage scales, etc. during the interim period and the views of the Italian Government therefore will be extremely important. It is suggested that after the phrase "shall continue to be binding" the words "between employers and employees"

-2-

should be inserted and that the retention of the word "collective" after the words "newly executed" will require much consideration.

ARTICLE VII

The principle of this article is unexceptionable but it is a matter for the Italian Government to work out the mechanism for the preservation and care of the properties and State, pending final disposal. It must be made clear that the Italian State is liable for payment of the discharge indemnity.

No comments.

ARTICLE VIII

ARTICLES IX-XII
INCLUSIVE

The definition of the respective jurisdictions and ambits of regional and provincial labour offices appear to be obscure to the extreme. It would seem that these provisions should be made unmistakably clear to the Italian lay mind since important consequences follow upon a correct determination by the disputants of which of the two labor offices has jurisdiction. Further the "regolamenti" of any particular controversy disputants. It seems that on referred to in Article IX has not yet been prepared and it seems that on any footing these articles are therefore incomplete. It may be that the further definition required can be made by reference to the Code of Civil Procedure or preferably by forming a clearer picture of what is intended to be the respective jurisdictions of regional and provincial labor offices and stating this in clear and unambiguous language in the Draft Decree.

In Article XI some further definition of what is a competent labour office is required, and in the second paragraph of that article surely machinery should be set up providing for the place of delivery of notices.

It also seems that in Article XII the phrase "collective labor disputes" should receive some further definition.

ARTICLE XIII

It should be made clear that the reference to arbitration in individual labor disputes is under Titolo 4, Capo 2, especially Articles 455 - 458 of the Code of Civil Procedure. With regard to collective labor disputes it is by no means clear under Article XIII and Article XI exactly how arbitration is to be carried out as the arbitration provisions in the laws of 1926 have been repealed. This matter requires clarification.

ARTICLES XIV, XV and XVI

The recommendation of the existing corporate inspectorate under a new name appears to raise a question of policy. We are preparing a short statement of its powers.

No comments.

ARTICLES XVIII AND XIX

ARTICLE XX

This supports our original observation of paragraph I.

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ARTICLES XVIII AND XIX

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This supports our original observation of paragraph I.

3 In conclusion, this is a highly contentious and intricate piece of legislation and quite apart from large questions of policy involved, it would be extremely unwise to endeavour to force intricate provisions on the Italian Government unless they agree that its provisions form a workable machinery.

GERALD R. UPJOHN,
Colonel,
Chief Legal Officer.

DRAFT ROYAL DECREE ABOLISHING THE FASCIST SYNDICAL CORPORATIVE SYSTEM, AUTHORIZING THE ESTABLISHMENT OF TRADE UNIONS AND OF LABOR OFFICES, AND GOVERNING LABOR RELATIONS.

Whereas Article 16 of the Law of 19th January, 1939, No. 129; and

Whereas the Royal Decree of 30th October, 1943, No. 2/B; and

Whereas the Law of 3rd April, 1926, No. 563, and regulations issued pursuant thereto; and

Whereas the Royal Decree of 1st July, 1926, No. 1130, and regulations issued pursuant thereto; and

Whereas it is considered necessary owing to the existing state of war;

Having heard the Council of Ministers on the proposal of the "Head of the Government, Prime Minister Secretary of State" and of the Minister for Industry, Commerce and Labor;

We hereby decree as follows:-

ARTICLE I

The Law of 3rd April, 1926, No. 563, and the Royal Decree of 1st July, 1926, No. 1130, dealing with the juridical code governing collective labor relations and all regulations subsequently issued for the execution and enforcement of the aforementioned laws are hereby repealed.

All Syndical Associations of Employers, Workmen, Professional Men and Artists, Syndical Cooperative Societies, as well as the Confederations and Federations resulting from the amalgamation of several Syndical Associations juridically recognized in conformity with the two abovementioned laws are therefore repealed: The special Labor Magistracy is also abolished.

ARTICLE II

Employees, employers and persons who engage in independent trades or professions shall have the right to organize, hold meetings, to select representatives of their choosing for any or all of the purposes set out below, and, in the interest of members or of a whole industry or craft

a) To engage in collective bargaining with respect to all matters pertaining to or connected with employment, including such matters as concern hours, wages, working conditions, grievances;

b) To further mutual social and economic assistance.

The registration and juridical recognition of the Trade Unions and their representative bodies shall be regulated by separate legislation.

ARTICLE III

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b) To further mutual social and economic assistance.

The registration and juridical recognition of the Trade Unions and their representative bodies shall be regulated by separate legislation.

ARTICLE III

Pending publication of special regulations governing the re-institution of the "Ordine e Collegi di liberi professionisti", recognition is hereby given to those organizations that have been established by A.M.G. ordinances. Wherever these have not been instituted, Commissioners shall take over the respective archives of the dissolved Fascist Syndicates of professional men and artists.

ARTICLE IV

Membership in any of the above Associations and the right of exercising a vote shall not be denied to any person because of race, religion, nationality or political affiliation.

ARTICLE V

The obligation to pay syndical contributions (in conformity with Article 5 of the Law of 3rd April, 1926, No. 563, and regulations issued pursuant thereto) is hereby rescinded as from the publication of this Decree, or in territories turned over by the A.M.G. as from the date on which the Allied Military Government abolished Syndical Contributions or Fascist Syndical Organization.

ARTICLE VI

In Collective and Individual Labor Relations, the conditions, regulations, wage scales contained in collective contracts, in economic agreements, in sentences delivered by the Special Labor Magistracy, and in corporative ordinance, in conformity with Article 10 and Article 13 of the Law of 5th February, 1934, No. 163, and of Article 4 and Article 5 of the Royal Decree of 9th August, 1943, No. 721, shall continue to be binding until revised further by Decree, arbitration awards, or newly executed collective agreements and contracts.

ARTICLE VII

The Ministry of Finance shall be responsible, in every Province and through the "Intendenza di Finanza", to provide for the administration and preservation of the estates belonging to the Associations, Federations and Confederations as provided by Article I above, pending further decisions respecting their final allocation. Through a Royal Decree, on the proposal of the Minister for Industry, Commerce and Labor in concert with the Minister of Finance, regulations shall be issued for the definite disposal of the aforementioned estates, provision being made in the case of estates belonging to workers' organizations for their disposal to the advantage of the working classes.

Regarding the payment of "Discharge/Indemnity" (Indennita' di disconza) due to personnel employed by the Syndical Associations, Federations and Confederations mentioned above, this shall be defrayed in conformity with existing regulations for the personnel of each organization, except for such liquidations as are due by other institutions as a result of special insurance contracts.

ARTICLE VIII

The Ministry for Industry, Commerce and Labor, through an appropriate National Office, shall exercise the following functions:

- a) Control and coordination of the services of the registration and placement of labor, of the immigration, migration and emigration of labor;
- b) Mediation, conciliation, and reference to arbitration of labor disputes;
- c) Promotion, development, coordination and control of the services concerned with Social Insurance, Old Age pensions, unemployment and health insurance and related labor services as well as supervise Trade instruction and training of work people;
- d) Compilation and publication of reports and statistics on employment, unemployment, labor disputes, wages and salaries, hours of work, conditions

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Regarding the payment of "Discharge/Indemnity" (*Indennita' di quiescenza*) due to personnel employed by the Syndical Associations, Federations and Confederations mentioned above, this shall be defrayed in conformity with existing regulations for the personnel of each organization, except for such liquidations as are due by other institutions as a result of special insurance contracts.

ARTICLE VIII

The Ministry for Industry, Commerce and Labor, through an appropriate National Office, shall exercise the following functions:

- a) Control and coordination of the services of the registration and placement of labor, of the immigration, migration and emigration of labor;
- b) Mediation, conciliation, and reference to arbitration of labor disputes;
- c) Promotion, development, coordination and control of the services concerned with Social Insurance, Old age pensions, unemployment and health insurance and related labor services as well as supervise Trade instruction and training of work people;
- d) Compilation and publication of reports and statistics on employment, unemployment, labor disputes, wages and salaries, hours of work, conditions of employment and related matters;
- e) Provision for the registration, maintenance and publication of lists of Trade Unions;
- f) Registration and publication of collective contracts;
- g) Discharge of such other functions as may be entrusted to it by decree and legislation.

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ARTICLE IX

In every Region there shall be instituted at the dependence of the Ministry of Industry, Commerce and Labor, a Regional Labor Office which shall exercise, within the limits of the Region, the following functions:

- e) Supervision of the Provincial Labor Offices, with a view to coordinating their activities;
- b) Coordination of placement of labor and provision for the migration of labor from one Province to another;
- c) Publication of Collective Contracts which are only of interest to the Region as required by the Minister of Industry, Commerce and Labor;
- d) Mediation, conciliation and reference to arbitration of Labor Disputes of special importance or as would affect more than one Province;
- e) Promotion and development of Social Insurance, Old Age pensions, unemployment and health insurance and related labor services as well as supervise Trade Instructions and training of work people;
- f) Compilation of information and statistics on labor;
- g) Study and investigation (of Labor matters) and discharge of any other labor duties as may be devolved upon it.

ARTICLE X

In every Province there shall be instituted at the dependence of the Ministry of Industry, Commerce and Labor, a Provincial Labor Office which shall exercise, within the limits of the Province, the following functions:

- a) Provision of registration and placement of labor;
- b) Mediation, Conciliation, and reference to arbitration of labor disputes;
- c) Promotion and development of Social Insurance, and related labor services as well as supervise Trade Instruction and training of work people;
- d) Study and investigation (of labor matters) and discharge of any other labor duties as may be devolved upon it.

ARTICLE XI

Labor Disputes shall be referred to the competent Labor Offices, whose responsibility it shall be to attempt conciliation.

In addition to such other circumstances in which they are prohibited, strikes and lock-outs shall be prohibited in the event of failure to report the labor dispute or when resorted to before twenty-one days from the notification of the dispute.

Provincial Labor Disputes the appropriate provisions of Article IX shall be in force.

- d) Mediation, conciliation and reference to arbitration of labor disputes of special importance or as would affect more than one Province;
- e) Protection and development of Social Insurance, Old Age pensions, unemployment and health insurance and related labor services as well as supervise Trade instructions and training of work people;
- f) Compilation of information and statistics on labor;
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For Individual Labor Disputes the appropriate provisions of Article 9, ~~1930~~ ¹⁹³¹ et sequentia of the Code of Civil Procedure remain in force.

Such cases as are not settled by conciliation on the joint request of the interested parties shall be referred by the Labor Office to an Arbitration Board, which shall be set up for the occasion by the Labor Office, the individual members being selected from the appropriate panels of arbitrators.

The Minister of Industry, Commerce and Labor and the Director of any Regional Labor Office concerned shall be empowered, on the request of one of the interested parties or on his own initiative, to transfer for consideration of his office any case of conciliation or of reference to arbitration in any labor dispute of an office at a lower level.

ARTICLE XIII

Whenever an individual labor dispute has not been submitted for arbitration, interested parties shall be free to refer their controversy to the competent Magistracy, in accordance with existing legislation on the matter.

In collective labor disputes, arbitration through the Labor Offices shall be compulsory in such cases as only involve the interpretation of a collective contract and in such cases and at such times as strikes and lock-out are prohibited by law.

ARTICLE XIII

Arbitration awards in labor matters shall be made in equity, and shall be final.

These awards shall have the binding force of a judicial sentence, and may be issued in executive form, subject to previous registration with the judicial authorities in accordance with existing regulations contained in "Code of Civil Procedure".

Arbitration awards in respect of disputes dealt with by Provincial Labor Offices shall be filed in the High Court of the Provincial Capitol, those dealt with by the Regional Office in the Court of Appeal of the area in which the seat of the Office is located, those in respect of National disputes in the Court of Appeal of the National Capitol.

Arbitration awards shall not be subject to the provisions contained in Article 625 of the Code of Civil Procedure.

The Labor Offices shall forward to the Minister of Industry, Commerce and Labor a copy of the arbitration awards in respect of labor disputes, except for such types of individual labor disputes as the Minister for Industry, Commerce and Labor may direct.

All acts and documents pursuant to arbitration awards in respect of labor questions shall be exempt from Stamp Tax and Registration Tax, except those awards that are liable to a fixed registration fee.

ARTICLE XIV

On the formal request of a Labor Office to attempt conciliation in a labor dispute, whoever refuses or fails to present himself, without showing just cause, shall be liable to fine of not more than Five 10,000.

ARTICLE XV

The regulations governing the suspension and reopening of judicial cases as prescribed by Article 299 and Article 301 of the Code of Civil Procedure shall be applied to such controversies as are still pending before the Courts.

ARTICLE XVI

The Corporative Inspectorate shall be known as the "Inspectorate of Labor" and shall be under the jurisdiction of the Minister of Industry, Commerce and Labor, who shall locally exercise its functions under the direc-

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ARTICLE XVII

All appointments to posts in the aforementioned labor agencies shall be made in accordance with civil service procedure.

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ARTICLE XVIII

The expenditure involved in the running of the National, Regional and Provincial Labor Offices and in defraying the salaries of personnel attached thereto, shall be the responsibility of the State.

The Ministry of Finance is authorized, therefore, to meet this expenditure.

ARTICLE XIX

All legislation contrary to the present law is hereby rescinded. The King's Government shall have the authority to enact, by Royal Decree, the complementary and integrating provisions and regulations for the execution of the present decree, for its coordination to the Civil and Penal Codes, to the Code of Civil Procedure and any other legislation of the State.

ARTICLE XX

The present decree shall enter into force on the date of publication in the Official State Gazette -- Special Series. This decree shall be presented to the Legislative Assembly for conversion into law.

The Head of the Government, Prime Minister Secretary of State, and the Minister for Industry, Commerce and Labor, joint sponsors, are authorized to submit the relevant Draft law.

We order, all concerned, to obey the present decree and to enforce the same as State Legislation.

Given in Salerno

April, 1944

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April, 1944

CONFIDENTIAL

SIS 70-6322

Admin Sec

ALLIED CONTROL COMMISSION
INCOMING MESSAGE

MAR 31 1520

MSG CENTER NO : 39
 CLASSIFICATION : CONFIDENTIAL
 PRECEDENCE : PRIORITY
 FROM : CABLE FROM CARR

DATE/TIME REC'D :
 DATE/TIME SENT : 311236
 REFERENCE NR : WR1745
 CITE : AC268

5a

TO

FATIMA REAR FOR LEGAL SUB COMMISSION

ITALIAN OFFICIAL DE VILIA ATTACHED TO LEGAL SUB COMMISSION ARRIVED
 30 MARCH 44. REQUEST IMMEDIATE CLARIFICATION OF HIS AUTHORITY AND
 DUTIES. BELIEVE HE INTENDS TO DUPLICATE WORK ALREADY DONE BY MAJOR
 PALMIERI AND MAY SERIOUSLY IMPAIR SUCCESS OF PALMIERI'S MISSION.
 TRANSLATION OF MAJOR PALMIERI'S CONFIDENTIAL REPORT IN HIS POSSESSION
 IS CREATING EMBARRASSMENT. AM I TO USE DE VILIA ONLY TO EXTENT I
 CONSIDER HIM USEFUL OR HAS HE AUTHORITY INDEPENDENT OF MY CONTROL.

He is an officer of St. Got sent down to base with Acc.
 He and Palmieri did not get on well together. It is
 not thought that anything of value would be uncovered
 but to smooth things down the St. Got has been
 asked to replace Palmieri's work and not duplicate
 Palmieri's

ACC DISTRIBUTION:

Action - Legal S.C. Rear
 Info - Reg. C.C.
 - C.A.R.
 Admin Sec.
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7435

Legal 040

V.P. Admin Sec.
CONFIDENTIAL

REAR H.Q. CAPTAINS
ALLIED CONTROL COMMISSION
Legal Subcommittee
AFO 304

ACC/4013/4/L.

6 April 1944

NOTES OF MEETING OF LEGAL SUBCOMMISSION & RLCS HELD AT NAPLES
ON 3 APRIL 1944.

PRESENT:

Col. G. R. Upjohn	- CLO	- HQ ACC
Lt. Col. G. S. Wilmer	- DCLO	- HQ CC
Col. F. G. Willmer	- PIO	- Region 4
Lt. Col. E. E. Behrens	- PIO	- Region 5
Lt. Col. John W. Chapman	- PIO	- Region 3
Lt. Col. D. E. S. Cousins	- PIO	- Region 2
Lt. Col. J. V. M. Shields	- SLO	- HQ HQ 5th Army
Maj. R. G. S. Alexander	- PIO	- Region 4
Maj. I. G. H. Campbell	-	- HQ ACC
S/Ldr E. M. Dickie	- SLO	- HQ HQ 5th Army
Maj. M. J. Grossman	- Chief	- HQ ACC
	- Counsel	
Maj. G. G. Harnaford	- Officer	- HQ ACC
	- i/c Ital. Section	
Maj. R. C. Hendrickson	-	- Region 4
Maj. E. J. Mercer	- SLO	- HQ 8th Army
Maj. A. R. Thackrah	- It. Sec.	- HQ ACC
Maj. A. R. Troxell	- DPIO	- Region 5
Capt. P. Backhouse	- DPIO	- Region 2
Capt. E. I. Glenn	- DSIO	- HQ HQ 5th Army (CJS)
Capt. W. G. R. Oates	- DPIO	- Region 4
Capt. T. L. Vecchiolla	- RIO	- Region 1
Capt. J. More	-	- HQ ACC

1. Personnel.

a. CLO informed the meeting of a recent directive reducing HQ staff to 8 and field staff to 40.

After a long discussion it was unanimously agreed that the minimum figure essential for the working of law and justice in the field should be 50. On this basis it was provisionally agreed that the staff should be allocated between regions and armies as follows:

Col. G. R. Upjohn	- CLO	- HQ ACC
Lt. Col. G. G. Wilmer	- DCLO	- HQ CC
Col. W. C. Wallner	- RLO	- Region 4
Lt. Col. E. Behrens	- RLO	- Region 5
Lt. Col. John W. Chapman	- RLO	- Region 3
Lt. Col. D. E. S. Cousins	- RLO	- Region 2
Lt. Col. J. V. K. Shields	- SLO	- HQ HQ 5th Army
Maj. R. G. S. Alexander	- RLO	- Region 4
Maj. I. G. H. Campbell	- SLO	- HQ ACC
S/Ldr H. M. Pickie	- Chief	- HQ HQ 5th Army
Maj. M. J. Crossman	- Counsel	- HQ ACC
	- Officer	
	- i/c Ital. Section	
Maj. G. G. Hannaford	-	- Region 4
	-	- HQ 5th Army
Maj. R. C. Hendrickson	- SLO	- HQ ACC
Maj. E. J. Mercer	- It. Sec.	- Region 5
Maj. A. R. Thackrah	- DLO	- Region 2
Maj. A. R. Troxell	- DLO	- HQ HQ 5th Army (CIS)
Capt. P. Rackhouse	- DSIO	- Region 4
Capt. E. I. Glenn	- DMO	- Region 1
Capt. W. G. R. Oates	- RLO	- HQ ACC
Capt. F. L. Vecchiolla	-	
Capt. J. Kore	-	

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Region 1	- 1
" 2	- 3
" 3	- 16
" 4	- 10
" 5	- 10
" 6	- 1
Armies	- 2
TOTAL	50

CLO would do his best to persuade Executive Commissioner to agree to this figure.

b. Promotions.

CLO stated that in spite of his continual recommendations he had not much progress to report. He wished to remind the Regional Legal

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Officers that recommendations from Regions must go through Regional Commissioners.

c. Interchanges of Personnel.

CIO stated that while there was no objection to Regions arranging temporary attachments of legal personnel from one Region to another direct, the usual channels must be followed, i.e. changes of regional personnel must be notified through the Regions own G-1 channels. He insisted that CIO must also be kept informed of any such changes immediately. (NB Since the meeting, HQ ACC Special Order 59 dated 1 April 44 has been circulated and nothing said by CIO at this meeting could of course affect the statement made in that Order prohibiting "loaning" of officers). Permanent changes of assignment of legal officers from one Region to another must be done only with approval CIO HQ ACC and through the usual G-1 channels.

2. New Proclamations.

CIO explained that in all new areas it had been decided to use new proclamations. These did not involve alterations of principle but merely the regrouping of existing proclamations under main headings such as Military Courts, Finance, Industry and Commerce, etc., and the elimination of administrative directives and the abolition of other proclamations which are of no future usefulness, such as existing proclamations 7, 9, 13, 14, 15. Drafts were passed around for perusal and comment.

The following specific points were discussed:

a. Collective fines.

It was agreed that since power to impose these still existed under International Law, it was unnecessary to insert specific powers in proclamations.

b. Shot-guns for farmers.

Colonel Chapman and other officers cited the difficulty, under present proclamations, of proving publication of notice to surrender. It was suggested that the proclamation should be amended so as to make unnecessary the publishing of notices in order to create an offense; at the same time it was agreed that in fairness to Italians the existing procedure of posting notices should be followed; that proclamations and notices should be deposited at Municipios or Carabinieri offices, and that as regards dates of publication, records should be kept by CIOs.

CIO mentioned proposal of AC Region 3 to amend proclamation to allow farmers in rear areas to hold a shot gun and limited amount of ammunition. It was agreed that this was unnecessary and that CIOs could and had, in Regions 1 & 2, issued licenses to farmers and returned to them their shot guns on application.

c. Wrongful possession of cigarettes, etc.

CIO stated that the Executive Commissioner had decided that the word "wrongful" which had created so much difficulty must remain in the proclamation. The only general test which CIO could suggest was whether the amount of cigarettes involved was large or small.

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3. Allied Military Courts.

CIO wished to stress that sentences were still on the low side and instanced a case of an Italian employee driver of an Allied military truck, convicted for theft from his truck, who was given 3 months only. CIOs and SIOs, imies, must see that more severe sentences were given.

a. Consideration of new book.

CIO explained that it was intended, for the assistance of CIOs and their staff, to issue in English a handbook containing the consolidated rules

of procedure, instructions for Military Courts and an Italian translation of the rules of procedure.

He stated that a recommendation would be made to Executive Commissioner to decentralise reviews to Regions in cases up to 2 years and 50,000 lire, even where there was an appeal, and asked RLOs to give close attention to this work and to review a large proportion of their cases personally as the importance of this work could not be overestimated. He asked RLOs to see that RLOs gained personal contact with CAOs in their provinces as being the best persons to guide and instruct CAOs on Summary Courts within their respective areas.

Major Troxall suggested that verdicts might be set aside on grounds of insufficient sentence. DCLG suggested that this might be agreed in cases where appeals were lodged; CLO was doubtful about this suggestion.

Major Mercer suggested power to increase sentences. Colonel Chapman opposed this and suggested that appeals be limited to applications for clemency or abolished altogether. CLO stated that the new book limited the right of appeal to questions of law or fact or excessive sentence. He did not think that we could at this stage go back on the right to appeal. After a general discussion it was however agreed on Colonel Chapman's proposal:

- (1) that the lodging of appeals should be limited to the accused himself, or to the lawyer who represented him at the trial, and
- (2) that second and third petitions should not be sent forward for review.

b. Forms.

It was agreed that the Court Record forms should be abolished and that instead use should be made of Form 8a or the back of Form 2 or 4. Major Campbell outlined a counterfoil system for use with Form 8 and it was agreed that H.Q. would send out to Regions on 5th April 1944 typewritten copies of the proposed future forms (see forms attached); after these were approved, the Regions would be responsible for printing, and provided they kept to the prescribed forms it would be a matter for RLOs and SLOs to decide which, according to their own preference.

c. Records of cases of prisoners in unoccupied territory.

CLO stated that Italian Government quite properly wanted records of persons serving sentences imposed by us. He was opposed to giving our records to the Government (agreed by all) and had agreed that in all cases which had been tried by Allied tribunals, other than cases where sentences had expired or fines been paid or the original sentence was less than one year, we would furnish to the Italian authorities the following particulars:-

- | | |
|-----|-------------------------------|
| (1) | Name and address of prisoner. |
| (2) | Charge. |
| (3) | Sentence and date. |
| (4) | Name of prison. |

This information was to go to the Ministry of Justice via CLO HQ AGC.

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- (2) Charge.
- (3) Sentence and date.
- (4) Name of prison.

This information was to go to the Ministry of Justice via CLO HQ ACC.

d. Appointment of General and Superior Courts.

CLO stated that General Courts should consist of :-

- (1) A good President.
- (2) A legal officer, and
- (3) A layman, if possible.

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The Legal Officer will automatically preside. Colonel Chapman was asked to send in his list of names as soon as possible. CIO asked for a careful watch to be kept on persons selected to sit on Superior Courts and if any persons appointed to sit as sole members of a Superior Court were found not to be satisfactory he relied on his RLOs and SLOs Army to inform him.

4. Italian Army.

a. Trill of deserters.

CIO announced that the solution provisionally reached was that they were to be pardoned by the King.

b. Release of personnel convicted of mutiny or sabotage against German or Italian property.

Such cases had apparently only arisen in Sardinia and if Major Alexander would furnish CIO with a list of names he would endeavour to arrange for them to be pardoned or amnestied.

5. Italian Prisons.

Col. Consins stressed the grave prison position in Region 2 due to requisitioning and CIO stated that AI had been requested to take these over only where absolutely essential. This had been formally requested by the Chief Commissioner; and it was clear that the matter could not be carried further by the Legal Subco mission.

6. Italian Interpreters, Clerks, etc.

The question of recruitment, rates of pay, etc. was one which concerned primarily Regions 3 and 4; and CIO proposed to discuss with these Regions separately. He stated, however, that the Executive Commissioner had been approached on these matters and that any concessions obtained would be announced to Region 2.

7. Italian Courts-Martial.

It was agreed that the directive circulated in January had never worked and CIO stated that it would now be abandoned.

8. General duties of RLO.

a. Disagreement with Regional Commissioner.

CIO stated that the Executive Commissioner had laid down that in the event that a RC refused to take advice of his RLO, the RLO is to report to CIO.

b. Preparation of Regional Orders.

CIO stated it to be understood that RLOs and SLOs Army in advising their RCs on proposed regional orders should refer to HQ JOC in following cases:

(1) Cases affecting over-all policies, e.g., censorship, defascistization.

(2) Cases which would involve the amendment or construction of provisions by proclamation, e.g., one region had attempted to construct proclamation

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- (1) Cases affecting overall policies, e.g., censorship, defascistization.
- (2) Cases which would involve the amendment or construction of provisions by proclamation, e.g., one region had attempted to construct a proclamation by regional order and another had altered the permit system.
- (3) Cases involving long term policy (i.e., extending beyond occupation); these should be done by Italian decree and not by regional order and should be applied in occupied territory by machinery which Major Tackrah explained to the meeting. CIO also pointed out Italian Government were very helpful in passing decrees at our request and RIOs should not overlook this.

9. Unoccupied Territory and Amistice Terms.

a. A copy of the Amistice Terms and the terms of restoration were circulated to be read only by the RLOs of the regions in unoccupied territory.

b. Revision of sentences.

Colonel Cousins stated that two cases had been sent in from Region 2. CIO stressed that there was no general invitation to reduce sentences on cesser of occupation nor should absurd sentences be given in the expectation of their subsequent reduction.

c. Representation of Allied Forces as Parte Civile.

Major Hannaford explained to the meeting the procedure which it was proposed to follow. As regards cases such as stealing of parcels, the Procureurs generale should be informed that we intended to claim damages.

d. Appointments of Italian Officials.

After inviting the views of RLOs Regions 1 & 2 it was agreed that in unoccupied territory appointments, removals and transfers of personnel will be made by Ministry of Justice in accord with HQ and communicated direct to First Presidents; RLOs or legal liaison officers being informed of the appointment or transfer by HQ.

10. Occupied Territory.

a. Appointment of Italian judicial officials.

CIO stated that justifiable complaints have been received from the Italian Government regarding appointment of Italian personnel to positions of the grade above that to which they were entitled by their term of service. He stated that while it might be necessary to make such appointments in urgent cases, especially in Army areas, it was essential that the appointments should be distinctly made on a temporary basis and then an application made to HQ ACC to supply an official of the correct grade. Major Hannaford explained that the Italian Government had a pool of about 45 officials for this purpose. The procedure would be for an official to be nominated by the Italian Government through HQ ACC and the actual appointment made by the RC or SCLO Army.

b. Pardon and Conditional Liberty.

Major Hannaford read out the document reached us to the above matter with the Italian Government. This would be circulated.

c. Defascistization.

CIO stated that the draft decree which covers this matter appeared to be very workable. The only question was whether the Italians would give it real effect.

d. Answers from Prefects.

proposed to follow. As regards cases such as stealing of parcels, the procuratore generale should be informed that we intended to claim damages.

d. Appointments of Italian Officials.

After inviting the views of FLOs Regions 1 & 2 it was agreed that in unoccupied territory appointments, removals and transfers of personnel will be made by Ministry of Justice in accord with HQ and communicated direct to First Presidents; FLOs or legal liaison officers being informed of the appointment or transfer by HQ.

10. Occupied Territory.

a. Appointment of Italian judicial officials.

CIO stated that justifiable complaints have been received from the Italian Government regarding appointment of Italian personnel to positions of the grade above that to which they were entitled by their term of service. He stated that while it might be necessary to make such appointments in urgent cases, especially in army areas, it was essential that the appointments should be distinctly made on a temporary basis and then an application made to HQ ACC to supply an official of the correct grade. Major Hannaford explained that the Italian Government had a pool of about 45 officials for this purpose. The procedure would be for an official to be nominated by the Italian Government through HQ ACC and the actual appointment made by the IC or SC/O Army.

b. Pardon and Conditional Liberty.

Major Hannaford read out the agreement reached as to the above matter with the Italian Government. This would be circulated.

c. Defascistization.

CIO stated that the draft decree which covered this matter appeared to be very workable. The only question was whether the Italians would give it real effect.

d. Answers from Prefects.

Major Hannaford stated that he would request Ministry of Justice to write again to the Prefects in this connection but that if FLOs could interview the Prefects and urge them to comply with the Minister's request this would greatly help matters. HQ had already written to all FLOs to that effect.

11. Property Control.

Major Hannaford stated that an order standing had been reached with the Ministry of Finance, who would issue the necessary instructions to the Italian authorities concerned, embodying the requirements of the Property Controller. It was hoped that no Royal Decree would be necessary and that the P.C. would step in the shoes of the existing Italian body (ICMI) and take over "automatically all Allied property sequestered by the Italian Government before occupation".

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CIO put to the meeting the view that in advising Property Controllers both in occupied and unoccupied territory our obligation was primarily to look after and preserve Allied property and not to advise individual beneficiaries on their rights. This was agreed as the proper principle by all concerned.

12. A number of points of legal interest submitted by Colonel Shields and other officers were then discussed. In particular considerable discussion ensued on the question of receiving evidence of confessions in IM Courts, especially in spy cases. The proposed directive on this matter (to be incorporated in the IM Courts book) was read to the meeting and ultimately it was agreed that the principles there laid down could not be fettered in any way but that it would be for each Court to decide on its proper application in any given case.

Col. Behrens then asked what steps could be taken to keep women in jail once they had been convicted of illicit prostitution as they could always appeal against their sentence within three days of its pronouncement and were thereupon liberated. Major Mannaford said that this was a question of procedure and he thought it could be satisfactorily amended by the Italian authorities, if Col. Behrens's point was correct, but that he (Major Mannaford) thought that a woman in state of "arresto" could be detained in spite of appeal. Col. Behrens said that the Procuratore del Re in Campobasso had advised him differently and Squadron Leader Dickie agreed.

Major Mannaford said he would look the matter up and communicate with the TIOs on this subject.

13. It was agreed that the next monthly meeting should be held at Colonel Willmer's Office, Banca di Napoli Naples at 0930 hours on 1st May 1944.

G. R. Urjoin

G. R. URJOIN
Colonel
Chief Legal Officer.

Distribution:

Chief Commissioner (1)
V.P. Admin. Sec. (1)
Executive Commissioner (1)
All present (1)
Spares (6)

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Major Hannaford said he would look the matter up and communicate with the RMOs on this subject.

15. It was agreed that the next monthly meeting should be held at Colonel Wallmer's Office, Banca di Napoli, Naples at 0930 hours on 1st May 1944.

G. R. Upjohn

G. R. UPJOHN
Colonel
Chief Legal Officer.

Distribution:

Chief Commissioner (1) —
V.P. Admin. Sec. (1)
Executive Commissioner (1)
All present (1)
Spares (6)

GOVERNO MILITARE LIBERTO

CITIZIONE

4. { Name }
None }
address }
Indirizzo }

Siete con la presente citato e richiesto di presentarvi personalmente davanti al Tribunale Militare alleato Sommario/Superiore a _____ (Indirizzo della Corte)

add' alle ore sotto le seguenti

..... (Date) (Date) (Orario)

..... (Hour)

..... (Address of Court)

addressee:

inccusa:

Detta li:

Accused:

Dettagli:

(Se non tradotto dall'ufficiale, voi dovete farvelo tradurre da un amico o presso qualsiasi Ufficio di Questura).

Ogni accusato di fronte ad un Tribunale Militare Alleato ha diritto:

- (a) Ogni accusato di fronte ad un tribunale deve essere processato, Di avere in anticipo una copia delle accuse sotto le quali egli sarà processato, sempre che egli lo desideri.
- (b) Di consultare un avvocato prima del processo e se le esigenze militari permettono, di avere un avvocato in sua difesa durante il corso del processo stesso.
- (c) Di fare richiesta al Tribunale per ottenere un periodo di tempo sufficiente per preparare la sua difesa, richiesta che il Tribunale può concedere o rigettare a propria discrezione;
- (d) Di farsi accompagnare dinanzi al Tribunale da testimoni a sua difesa, se così desidera, o far richiesta di farlo comparire per ordine del Tribunale;
- (e) Di fornire prove a suo vantaggio durante il processo, ma non potrà essere costretto a fornirle.
- (f) Di farsi tradurre i procedimenti per il suo beneficio quando egli non è capace di comprenderli diversamente.

DEPT. OF DEFENSE

Data:
Firma dell'individuo autorizzato

RAPPORTO DI CITTIZIONE

to riconosco di aver ricevuto la citazione di cui questa e' una copia conforme.

Data:
Firma dell'accusato 74331

addi' alle ore sotto le seguenti
(Address of Court) (Date) (Orario)
(Hour)

accuse:

accusa:

Dettagli:

accusa:

Dettagli:

(Se non tradotto dall'ufficiale, voi dovete farvelo tradurre da un amico o presso qualsiasi Ufficio di Questura).

- Ogni accusato di fronte ad un Tribunale Militare Alleato ha diritto:
- (a) Di avere in anticipo una copia delle accuse sotto le quali egli sara' processato, sempre che egli lo desideri.
 - (b) Di consultare un avvocato prima del processo e se le esigenze militari permettono, di avere un avvocato in sua difesa durante il corso del processo stesso.
 - (c) Di fare richiesta al Tribunale per ottenere un periodo di tempo sufficiente per preparare la sua difesa, richiesta che il Tribunale puo' concedere o rigettare a propria discrezione.
 - (d) Di farsi accompagnare dinanzi al Tribunale da testimoni a sua difesa, se cosi' desidera, o far richiesta di farsi comparire per ordine del Tribunale;
 - (e) Di fornire prove a suo vantaggio durante il processo, ma non potra' essere costretto a fornirle.
 - (f) Di farsi tradurre i procedimenti per il suo beneficio quando egli non e' capace di comprenderli diversamente.

PER ORDINE

Data:

Firma dell'individuo autorizzato

RAPPORTO DI CITAZIONE

Io riconosco di aver ricevuto la citazione di cui questa e' una copia conforme.

Data:

Firma dell'accusato

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PROOF OF SERVICE

I hereby certify that I have this day of 194... at (hours) served the summons of which this is a copy personally/by leaving copy at above address/by mailing it to above address.

Signature of Officer Serving Summons

RECORD OF PROCEEDINGS TO BE ENTERED ON REVERSE OR ON FORM 8

PROCEEDINGS

(Ref No.)

Military Court sitting at _____ on _____ 194

Plea(s) of Accused:

1st Charge: _____
2nd Charge: _____
3rd Charge: _____

Summary of Prosecution Evidence:

Summary of Defence Evidence (including any statement in mitigation):

Verdict:

1st Charge: _____
2nd Charge: _____
3rd Charge: _____

Sentence (separate on each charge):

1st Charge: _____
Imprisonment: _____
term in default of payment _____
lire fine to be paid by _____
2nd Charge: _____
Imprisonment: _____
term in default of payment _____
lire fine to be paid by _____
3rd Charge: _____
Imprisonment: _____
term in default of payment _____
lire fine to be paid by _____

Terms of imprisonment to be consecutive/concurrent/partly concurrent (if so, give details)

Other orders (confiscation, restitution, etc.)

Signature of Presiding Officer

DECISION ON REVIEW

Summary of Prosecution Evidence:

Summary of Defence Evidence (including any statement in mitigation):Verdict:1st Charge:2nd Charge:3rd Charge:Sentence (separate on each charge):1st Charge:Imprisonment:
term in default of paymentlire fine to be paid by2nd Charge:Imprisonment:
term in default of paymentlire fine to be paid by3rd Charge:Imprisonment:
term in default of paymentlire fine to be paid byTerms of imprisonment to be consecutive/concurrent/partly concurrent (if so, give details)Other orders (confiscation, restitution, etc.)Signature of Presiding Officer

DECISION ON REVIEW

Date:194Signature of Reviewing Authority

Place _____ Date _____
Luogo _____ Data _____

(Name of defendant)
(Nome dell'accusato)

(Address)
(Indirizzo)

IS HEREBY CHARGED WITH THE FOLLOWING OFFENSES:
e' accusato delle seguenti offese:

First Charge: _____

Particulars: _____

Second Charge: _____

Particulars: _____

Third Charge: _____

Particulars: _____

TRADUZIONE

Prima Accusa: _____

Dettagli: _____

Seconda Accusa: _____

Dettagli: _____

Terza Accusa: _____

Dettagli: _____

(Se non tradotto dall'ufficiale, debete farvelo tradurre da un amico o presso _____)
Ufficio di Questura.

LE SUDETTE ACCUSE SONO RIFERITE A PROCESSO DAVANTI IL TRIBUNALE MILITARE ALLEATO
SOMMARIO/SUPERIORE A _____ IL _____ GIORNO
(Indirizzo della Corte) ADDI _____ (Data)

DI _____ 194 _____, ALLE ORE _____
(Mese) (Orario)

RECORD OF PROCEEDINGS TO BE ENTERED ON REVERSE OR ON FORM 8

(Ref No.)

PROCEEDINGS

_____ Military Court sitting at _____ on _____ 194_____

Plea(s) of Accused:

- 1st Charge: _____
- 2nd Charge: _____
- 3rd Charge: _____

Summary of Prosecution Evidence:

Summary of Defence Evidence (including any statement in mitigation):

Verdict:

- 1st Charge: _____
- 2nd Charge: _____
- 3rd Charge: _____

Sentence (separate on each charge):

- 1st Charge: _____ Imprisonment: _____ fine to be paid by _____
term in default of payment _____
- 2nd Charge: _____ Imprisonment: _____ fine to be paid by _____
term in default of payment _____
- 3rd Charge: _____ Imprisonment: _____ fine to be paid by _____
term in default of payment _____

Terms of imprisonment to be consecutive/concurrent/partly concurrent (if so, give details)

Other orders (confiscation, restitution, etc.)

Signature of Presiding Officer

Summary of Defence Evidence (including any statement in mitigation):

Verdict:

1st Charge:

2nd Charge:

3rd Charge:

Sentence (separate on each charge):

1st Charge:

Imprisonment:
term in default of payment

lire fine to be paid by

2nd Charge:

Imprisonment:
term in default of payment

lire fine to be paid by

3rd Charge:

Imprisonment:
term in default of payment

lire fine to be paid by

Terms of imprisonment to be consecutive/concurrent/partly concurrent (if so, give details)

Other orders (confiscation, restitution, etc.)

.....
Signature of Presiding Officer

.....
DECISION ON REVIEW

Date: 194..

.....
Signature of Reviewing Authority

EVIDENCE FOR DEFENCE

REMARKS OF COURT

(Comments on evidence, reasons for severity or leniency, etc.)

FINDINGS OF THE COURT

The Accused found guilty/not guilty of the first charge.

" " guilty/not guilty " " second "
" " guilty/not guilty " " third "

SENTENCE OF THE COURT

(If the following space is not sufficient, set out sentences on a separate sheet)

The Court sentences the accused _____ as follows:

Charge: _____ fine: _____ to be paid by _____ term in
default of payment _____
Charge: _____ fine: _____ to be paid by _____ term in
default of payment _____
Charge: _____ fine: _____ to be paid by _____ term in
default of payment _____

Terms of imprisonment to be consecutive/concurrent/partly concurrent (if so, give details)

Other orders _____ station, restitution, etc.)

REMARKS OF COURT

(Comments on evidence, reasons for severity or leniency, etc.)

FINDINGS OF THE COURT

The Accused found guilty/not guilty of the first charge.

" " guilty/not guilty " " second "

" " guilty/not guilty " " third "

SENTENCE OF THE COURT

(If the following space is not sufficient, set out sentences on a separate sheet)

The Court sentences the accused _____ as follows:

Charge: _____ Imprisonment: _____ lire fine: to be paid by _____: term in default of payment _____

Charge: _____ Imprisonment: _____ lire fine: to be paid by _____: term in default of payment _____

Charge: _____ Imprisonment: _____ lire fine: to be paid by _____: term in default of payment _____

Terms of imprisonment to be consecutive/concurrent/partly concurrent (if so, give details)

Other orders ~~7442~~ Station, restitution, etc.)

Signature _____

REVIEW

Date: _____

194

Signature _____

(Ref No.)
FORM 8
(revised)

ALLIED MILITARY GOVERNMENT

PROCEEDINGS OF AN ALLIED MILITARY COURT

held at _____ on the _____ day of _____ 194____
before _____
(Name & rank of Member or
members constituting the Court)

REFERENCE No. _____ a _____ Military Court.

ACCUSED

Name: _____ Address: _____ Age: _____
Name: _____ Address: _____ Age: _____
Name: _____ Address: _____ Age: _____

Name of Interpreter: _____

Prosecutor: _____

Advocate for Accused: _____

CHARGE (S)

Violation of Proclamation No. _____, Article _____, Para. (_____), in that
the accused on the _____ day of _____ 194____ at _____

The Charges were read and explained to the accused.

PLEAS OF THE ACCUSED

The Accused	pleads	to the 1st Charge.
The Accused	pleads	to the 2nd Charge.
The Accused	pleads	to the 3rd Charge.

(If not sufficient space on this form for the notes of evidence, other sheets
should be attached).

EVIDENCE FOR PROSECUTION

(Ref No.)

Accused

Address

Date of trial

Member(s) of Court

Prosecutor

Defence lawyer

Charges and pleas:

Comments (for record purposes only)

Findings and Sentences

1st Charge

2nd Charge

3rd Charge

Fine (if any) to be paid by

Term in default

Sentences of imprisonment to be

Consecutive/concurrent/partly concurrent

Record forwarded

Petition for Review forwarded

ALLIED MILITARY GOVERNMENT

PROCEEDINGS OF AN ALLIED MILITARY COURT

held at on the

before

REFERENCE No. a

ACCUSED

Name: Address:

Name: Address:

Name: Address:

Name of Interpreter:

Prosecutor:

Advocate for Accused:

CHARGE (S)

Violation of Proclamation No. Ar
the accused on the day of 194 a

The Charges were read and explained to

PLEAS OF THE ACCUSED

The Accused pleads

The Accused pleads

The Accused pleads

(If not sufficient space on this form for the
should be attached).

EVIDENCE FOR PROSECUTION

REFERENCE No.

a

ACCUSED

Name: Address:

Name: Address:

Name: Address:

Name of Interpreter:

Prosecutor:

Advocate for Accused:

CHARGE (S)Violation of Proclamation No. _____, Ar
the accused on the _____ day of _____ 194_____ a

The Charges were read and explained to

PLEAS OF THE ACCUSED

The Accused pleads

The Accused pleads

The Accused pleads

(If not sufficient space on this form for the
should be attached).EVIDENCE FOR PROSECUTION

Member(s) of Court

Prosecutor

Defence lawyer

Charges and pleas:

Comments (for record purposes only)

Findings and Sentences

1st Charge

2nd Charge

3rd Charge

Fine (if any) to be paid by

Term in default

Sentences of imprisonment to be
Consecutive/concurrent/partly concurrent

Record forwarded

Petition for Review forwarded

Decision on Review

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

2 April, 1944.

REFERENCE : ACC/4029/L.
SUBJECT : Decree Instituting a Civil High Commissioner for Sicily.
TO : Deputy Executive Commissioner (thru V.P. Admin Section).

1. Receipt of your letter Ref 159/18/CA of 29 March 1944 with enclosed 2 copies of the above decree is acknowledged with thanks.

2. It appears that the decree has not yet been published. Would you please advise this Sub-Commission whether you wish any action to be taken on the subject.

G. G. HANNAFORD.
Major,
Officer i/c Italian Section,
for Chief Legal Officer.

ES/wcw.

7428

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394.

/gmf

La

20 February 1944.

ACC/4083/L

SUBJECT: No. of cases of sentence of 5 years or upwards.

To : V.P. Administrative Section, A.C.C.

The number of cases heard in January 44 in which sentence of
five years imprisonment or more was passed is as follows:

Region I - 45

Region 2 - 5

Region 3 - 2

Region 4 - 1

G. R. Upjohn

G. R. UPJOHN
Colonel
Chief Legal Officer.

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NOTES of a Conference held in the Office of the Regional Legal Officer, Region III, on Friday, 11th February 1944, at 1100 hours.

PRESENT: Lt.Col. CHAPMAN, Regional Legal Officer;
Lt.Col. KERRELL, Regional Director of Economics and Supply;
Lt.Col. FRANCIS, Regional Director of Public Safety;
Lt.Col. DOHERTY, Deputy Regional Director of Public Safety;
and Major HAMLET, Legal Assistant.

1. The Conference was called to discuss the question of the black market in Naples.

2. Col. Chapman opened the Conference by asking whether there had ever been considered issuing in Region III an order, such as had been made in Sicily, requiring all persons to declare what stocks of food etc. they had in hand under penalty of forfeiture. Col. Kerrell said this had been considered but the proposal had not gone through up to the time 15th Army Group was disbanded. He thought the Badoglio Government might have raised objections possibly because they feared that such an order would disclose hidden supplies of food and other supplies which would be requisitioned by the Allied Forces. Col. Doherty was strongly in favour of such an Order. Col. Kerrell said that it worked well in East Africa but the experience there was that to get the best results the Order should be backed by a system of rewards to informers based on the value of the goods recovered. Col. Chapman said that authority had now been given for payment of rewards but Col. Francis thought the present rewards fund, which was only small, would prove quite inadequate for activities against the black market. Further the authority for the use of this fund would have to be extended if it were to be used in black market cases. Col. Chapman referred to the question of staff and that he thought the proposed order would place a heavy burden first on the Economics and Supply Division and then on

2019

