

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

10000/105/854

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

785016

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DEFASCISM, PROPOSED LEGISLATION, AMENDMENT IV
TO DLL-159 (DLL-44 & DLL-56)
MAR., APR. 1945

2 March 1945.

TO : Lieut/Col. S. H. White,
Civil Affairs Section.

FROM : Finance Sub-Commission,

In view of (a) previous battles vainly fought and, (b) the new deal for Italy, no (repentable) comments.

Ad. Grasses bunch

Brigadier,
Joint Director,
FRANCE SUB COMMISSION.

[illegible]

18 MAR 1945

A section:

1. Translation as presented is considered suitable.
2. I distrust it as regards also the "clauses de styles" in question was not invented, it is thought that this course being of a procedural character

4754

MINUTES

0574

CA Section.

1. Translation as presented is considered suitable.

2. Although it is repetitive that the "clause de style" in question was not inserted, it is thought that this device being of a presentational character dependent upon the proposed instrument, its application will naturally follow that of the 159 and connecting devices. It is agreed, therefore, that the provision is not violative and that it may be implemented in the normal way.

O. R. Shackeroff

21 APR 1945

CAS The view expressed by my Proc is endorsed.
 523 can have no effect either directly or by reference
 until implemented by AMG. G. S. Hammond

19 MAR 1945

1. The CA is a ~~translation~~ translation of the text of the
 159 and 160. The purpose of the translation is to
 and suitable. The translation of the text of the
 The above entry is for your information.
 The 159 and 160 are ~~presented~~ presented in the same form. The
 was ~~presented~~ presented in the same form. The
 159 and 160 are ~~presented~~ presented in the same form. The
 was ~~presented~~ presented in the same form. The
 159 and 160 are ~~presented~~ presented in the same form. The
 was ~~presented~~ presented in the same form. The

VP.

The following is a summary of the decision with a summary of the law in a Department.

Art. 1

1.

provisional suspension of certain administrative & judicial in addition to their basic pay
2.

setting up time limits for the operation proceedings of persons suspended prior to the decree - civil servants four months - others five.
3.

expiration of prisoners or interveners deferred to three months cessation of hostilities or resumption of service.
4.

employees who are called up - operation deferred to 3 months after discharge or demobilization.
5.

decisions must be filed within the time limits laid down in Decree
6.

decisions affecting first four quarters to be filed within time limits provided in Dec. 1897. Time for lodging appeals waived. appeals affecting first four quarters to a second priority
7.

time limit for conclusion of appeals cases may be extended by 30 days
8.

Provisional appeals may be filed at the prefecture, with the Director or at C. R. R. stations.
9.

Expiration of terms in Italian military service suspension limit shall commence to run from the cessation of hostilities
10.

In the event of person being absent, after proceedings have been commenced in HC may require the proceedings to be continued to determine the position
11.

Prescript of inamovability to be recorded to registration of Military Court and members of the National Research Council
12.

Point of Commencement.

21 FEB 1945

75

Handwritten signature

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

TRANSLATION NO. 701

HIGH COMMISSIONER FOR SANCTIONS AGAINST FASCISM

ROME, 16 April 1945

Ref. 407

Dear Colonel.

I have examined the question you pointed out in letter No. DV/5.15/GA of 7 inst., regarding allowances which, in accordance with art 1 of D.L. No. 44 of 23 February 1945, are due to employees suspended from office subsequent to separation.

You fear that, when the said decree comes into force in the Northern provinces without the extension of D.L. NO. 328 of 18 November 1944, the suspended employees might receive higher allowances than those paid to the rest of the employees.

I do not see that such a situation could arise since the rule contained in art 1 of Decree 44 is a reference rule and as such, can have no juridical effect if the basic decree 328 to which the rule refers is not in force.

Should you have any doubts however, I think that all misunderstanding could be avoided if the A.M.G. were to issue a special measure annulling the effect of art 1 of decree 44 in the provinces in which it is not wished to apply the increases set out under decree 328.

Cordial regards.

TO: COLONEL S.H. WHITE
ALLIED COMMISSION
ROME

5574

104
30/5/45 ✓
Alla Commissione
per la revisione della Costituzione
IL SEGRETARIO GENERALE

Roma, 16 aprile 1945

1841

Caro Colonnello,

Ho preso in esame quanto Ella mi ha fatto
presente con la lettera 13/5.15/32 del 7 corr.,
in merito al trattamento economico che, ai sen-
zi dell'art. 1 del D.L. 23 febbraio 1945,
n. 44, spetta agli impiegati sospesi dall'affi-
cio per motivi di epurazione.

Ella si preoccupa che, qualora nelle pro-
vince del Nord venga esteso il citato decreto
e non anche il D.L. 19 novembre 1944, n. 328,
gli impiegati sospesi potrebbero venire a gode-
re di un trattamento economico superiore a quel-
lo spettante al resto degli impiegati.

A se non pare che possa verificarsi una sif-
fatta situazione poiché la norma contenuta nello
art. 1 del decreto 44 è norma di rinvio e, come
tale, non può avere nessun effetto giuridico se
la legge fondamentale, e cioè il decreto n. 328,
cui la norma fa riferimento, non è in vigore.

Se però Ella avesse dei dubbi, penso che
si potrebbe evitare che sorgano degli equivoci

Al Sig. S.M. TRIZZI
Commissione Allata

= R O X I =

5571

1083

Declassified E.O. 12356 Section 3.3/NND No. 785016From: LT Col S.H. WHITE
CA Section HQ/ACHEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTIONIE/5.15/CA

7 April 45

Dear Sig. BORRI,

Attention is called to a difficulty which will arise in North Italy in consequence of the wording of Art 1 of DL 44 of 1945. This article specifically grants the increase of pay authorized by DL 328 to persons suspended under DL 159. It is understood however that at the request of the Italian Government DL 328 is not to be extended to and will not apply in N. Italy. The position therefore arises that in N. Italy a suspended official will be entitled to an increase of pay which he would not receive if he were not suspended.

It would appear desirable that this Article should be amended.

Yours truly,

Sig. G. Battista BORRI
Alto Commissariato per le Sanzioni
contro il Fascismo
Palazzo del Viminale
F O E A

Copy to: Legal and Finance S/Cs

5570

104
78/545 ✓
Allo Comandante
per la sicurezza contro il comunismo
il Segretario Generale

Roma, 16 aprile 1945

18 AF

Caro Colonnello,

ho preso in esame quanto Ella mi ha fatto presente con la lettera 22/2.15/24 del 7 corr., in merito al trattamento economico che, ai sensi dell'art. 1 del D.L. 23 febbraio 1945, n. 44, spetta agli impiegati sospesi dall'ufficio per motivi di epurazione.

Ella si preoccupa che, qualora nelle provincie del Nord venga esteso il citato decreto e non anche il D.L. 13 novembre 1944, n. 328, gli impiegati sospesi potrebbero venire a godere di un trattamento economico superiore a quello spettante al resto degli impiegati.

A me non pare che possa verificarsi una siffatta situazione poiché la norma contenuta nell'art. 1 del decreto 44 è norma di rinvio e, come tale, non può avere nessun effetto giuridico se la legge fondamentale, e cioè il decreto n. 328, cui la norma fa riferimento, non è in vigore.

Se però Ella avesse dei dubbi, penso che si potrebbe evitare che sorgano degli equivoci

Al Col. S.M. WHITE
Commissione Allente

= R 5571 =

5571

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

in proposito con un provvedimento che l'A.M.G.
potrebbe emanare per quei territori cui non si
riteneva di estendere gli ammassi previsti dal
decreto n. 350, diretto ad escludere l'applica-
zione dell'articolo 1 del decreto n. 44.
Cardinali saluti

[Handwritten signature]

Declassified E.O. 12356 Section 3.3/NND No. 785016To: LT Col S.H. WHITE
CA Section HQ/ACHEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION12/5.15/CA

7 April 45

Dear Sig. BOERI.

Attention is called to a difficulty which will arise in North Italy in consequence of the wording of Art 1 of IL 44 of 1945. This article specifically grants the increase of pay authorized by IL 328 to persons suspended under IL 159. It is understood however that at the request of the Italian Government IL 328 is not to be extended to and will not apply in N. Italy. The position therefore arises that in N. Italy a suspended official will be entitled to an increase of pay which he would not receive if he were not suspended.

It would appear desirable that this Article should be amended.

Yours truly,

Sig. G. Battista BOERI
Aito Commissariato per le Sanzioni
contro il Fascismo
Palazzo del Viminale
R. D. M. A.

Copy to : Legal and Finance S/Cs

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

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

DE/5.15/CA ✓

6 Apr 45

SUBJECT : Defacement.

TO : RC Venezia Region.

1. Herewith 10 copies of DE/5.15/CA of 22 March 45 as requested in your RM11/02..17 dated 30 March.

2. As regards Venezia Giulia, no separate arrangements have been made since no instructions have been issued to the effect that Venezia Giulia should be treated as a separate province. Distribution should therefore be made by HQ Venezia Region.

BY COMMAND OF THE CHIEF COMMISSIONER :

G. R. UPTON, Brig.,
VP CA Section.

Enc. 10 copies of DE/5.15/CA of 22 Mar 45.

5569

MAIN HEADQUARTERS
VENEZIA REGION
Allied Military Government
APO 394

6 APR 1945

- 6 APR 1945

TO : HQ Allied Commission (Civil Affairs Section)

30 Mar. 45

SUBJECT: Defascism

FILE No: BXII/024.17

1. We have today received 24 copies of your SP/5.15/CA of 22 Mar. 45, with the distribution shown as:

All Regional HQs (4)
All Provincial Commissioners (2)

2. May we please be informed as to whether or not separate arrangements have been made in respect of Venezia Giulia, as the above 24 copies are only sufficient for our ten provinces, excluding Venezia Giulia.

3. If separate arrangements have not been made, may we please receive 10 further copies as follows:

Venezia Giulia Sub-Region HQ	2 copies
Trieste Province	2 "
Gorizia "	2 "
Piuma "	2 "
Pola "	2 "
Total	10 copies

4. May we also please be informed as to the procedure to be followed in similar cases to the above, viz., will Venezia Giulia normally be distributed through this HQ or, be separately distributed.

Copies to:

R.L.O. (for info.)
File BXII/461

Acting Regional Commissioner

HEADQUARTERS

5 APR 1945

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

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

9a

12/5.15/45

30 Mar 45

SUBJECT: Defection

1. 32nd 8 Army (your 1/320 of 29 Mar refers)
32nd 8 Army

Enclosed please find copy of 12/5.15/45 of 22 March referred to
in this sections letter of even reference dated 24 March.

BY ORDER OF THE CHIEF COMMISSIONER:

W. J. 8 Army Orig.
FI 2 Section

5567

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

29 MAR 1945
INCOMING MESS. GE
 HEADQUARTERS ALLIED COMMISSION

DP/5.15
 Originator's Reference: E/128
 Date/Time of Origin: MAR 29/0900A

Message Group No. D/8336
 Date/Time Recd: MAR 28/1230
 Precedence: ROUTINE

FROM: AMC REAR 8TH ARMY
 TO: HQ ALCON

RESTRICTED.

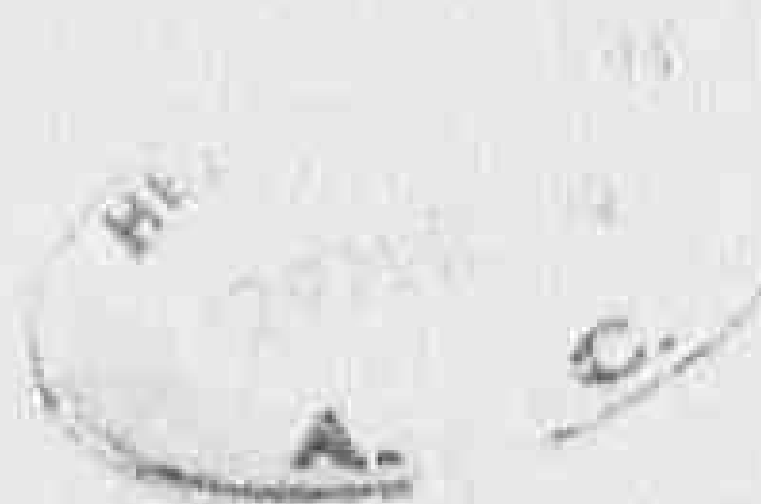
Ref your DP/5.15/CA dated 24 March 45.

Please forward copy of DP/5.15/CA dated 22 March 45.

ACTION

DIST

ACTION - CA SEC
 INFO - A/PRESIDENT
 CHIEF COMMISSIONER
 FILE 2
 FLGAT



5566

RESTRICTED

3210

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

HEADQUARTERS ARMY COMMISSION
APO 396
CIVIL AFFAIRS SECTION

REF: DE/5.15/CI.

24 Mar 45.

SUBJECT: Defendants.

TO: H. Co. All Regions.
SCADs 5 and 8 Armies.

Reference our DE/5.15/CI dated 27 Mar 45.

You will note that Article 1 of D. 1. 45 increases the amount allowed to be paid to suspended persons and Article 2 of D. 15 effects the procedure of Provincial Pay Offices.

For the Chief Commissioner:

5565

Monte
J. E. WRIGHT, Brig.
VP CA Section.

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

HEARST ARTISTS ALLIANCE COMMISSION
APO 390
CIVIL AFFAIRS SECTION

Ref: DF/5.15/CA.

24 Mar 45.

SUBJECT: Defascism.

TO: See Distribution.

Reference our DF/5.15/CA dated 27 Mar 45.

You will note the various extensions of time limits, particularly that contained in Art. 1 of B L 56 which extends the time limit of persons operatable centrally by at least 30 days and in certain cases to 60.

For the Chief Commissioner,

[Signature]
C. H. WRIGHT, Pres.
VP CA Section.

DISTRIBUTION:

VP CA Section
Educ S/C
Local Govt S/C
Legal S/C
Pub Safety
File S/C

Exec Sec
Genl S/C
Comm Sec S/C
Finance S/C
Pub Works S/C
Transport S/C

Pol Sec
Air S/C
Army S/C
Naval S/C
Comm S/C
R R

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HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

22 Mar 45

Ref : DE/5.5/CA
SUBJECT : Defection.
TO : See Distribution

Enclosed are translations of DL's 14 and 56, amending
DL's 159, 257 and 265 of 1944, for your information.

[Signature]
A.S. WIGGINS Brig
VP CA Section.

DISTRIBUTION:

VP CA Sec
Edu S/C (2)
Local Govt S/C (2)
Legal S/C (2)
Pub Saf S/C (2)
File CAS

Each Sec (2)
Agri S/C (2)
Commerce S/C (2)
Finance S/C (2)
Pub Works S/C (2)
Transport S/C (2)

Pol Sec (2)
Air S/C (2)
Army S/C (2)
Naval S/C (2)
Comms S/C (2)
HRB

All Regional Headquarters (4)
All Provincial Commissioners (2)

DL 44 of 23 Feb 45

DL 44 of 12 Mar 45

RULES OF SUSPENSION

ARTICLE 44 AND ANNEX

The Italian versions of these decrees are the only authoritative texts. These versions are not a literal translation; their object is to inform officers conveniently of the provisions contained in the Decrees.

Certificates are referred to the Italian texts for all points of detail or content of procedure or details.

DL 44 DL 56

Day of Suspension
Time limits
Appeals
Return liberation
Punishment

Art 1 2-7
" 2 1
" 3 8
" 4 9
" 5 10-11

ARTICLE 44

1 Employees suspended from office in accordance with the last part of Art 22 of DL 159 of 1944, shall in addition to their salary be paid the family or high cost of living allowance at present authorized as well as the temporary increase granted by DL 15/3 of 1943 - as increased by DL 326 of 1944.

TIME LIMITS

2 Suspension proceedings before a Commission of first instance against any employee suspended from office before this decree came into force shall if the employee belongs to a central State Department be completed within four months and in all other cases within five months from the date on which the proceedings commenced as laid down by Art 25 of DL 285 of 1944.

But this provision shall not affect the time limits relating to officials of the first four grades which shall remain unchanged.

3 The time limit for the commencement of the operation proceeding against prisoners or internees, including those interned or imprisoned in Italy and against persons who are absenting and against persons resident outside the national territory, shall be three months commencing from the date of the cessation of hostilities or if such be earlier, from the day on which they resume service with the Government employing them; or, if they are employed outside the national territory, from the day on which they resume duty in such territory.

785016

ARTICLE 22

1. Employees suspended from office in accordance with the last part of Art 22 of M. 157 of 1944 shall be paid their salary to their family or high cost of living allowance at present authorized in full at the temporary increase granted by M. 157 of 1944 - as increased by M. 158 of 1944.

TIME LIMITS

2. Suspension proceedings before a Commission of first instance against any employee suspended from office before this decree were into force shall if the employee belongs to a central State Department be completed within four months and in all other cases within five months from the date on which the proceedings commenced as laid down by Art 25 of M. 157 of 1944.

But this provision shall not affect the time limits relating to officials or the first four grades which shall remain unchanged.

3. The time limit for the commencement of the suspension proceedings against prisoners or internees, including those interned or imprisoned in Italy and against persons living as aliens and against persons resident outside the national territory, shall be three months commencing from the date of the cessation of hostilities or of such date as may be ascertained, from the day on which they resume service with the Government employing them; or, if they are employed outside the national territory, from the day on which they resume duty in such territory.

4. The time limit for the commencement of suspension proceedings against civilian employees in military service shall be three months from the date of their discharge or being granted indefinite leave.

Suspension proceedings in progress against any person called or recalled to arms shall be suspended until such person is discharged or given indefinite leave.

5. For the purposes of the second part, of Art 25 of M. 157 of 1944, the suspension proceedings before any Commission of first instance shall be deemed to terminate when the decision is filed in the Secretariat of the said Commission.

6. The second paragraph of Art 1 of M. 257 of 1944 is amended to read as follows: "In cases such as are referred to in the preceding paragraph, Commissions shall file their decisions in the Secretariat of their Commission within thirty days from the day on which the person was referred to trial; the period for lodging an appeal to the central Commission set blished by Art 26 of M. 159 of 1944 shall for the High Commissioner be ten and for the person concerned three days from the communication to them respectively of the said decision. The said appeal shall be dealt with by the Central Commission with absolute priority."

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7 The time within which proceedings of first instance must be completed may, when the exceptional complexity of any case requires it, be extended by a maximum of thirty days.

The extension shall be granted on the request of the President of the Operation Commission to the authority which was responsible for nominating the particular Commission concerned.

ARTICLE 8

Whenever notice of any decision of a Commission or first instance is served outside the Province in which such Commission sits, the person concerned may in addition to the method of filing prescribed by Art 3 of DL 255 of 1944 file his appeal to the Central Commission at the Prefecture or at the office of the Sindaco of the Province or Comune in which the said notice was served on him or at the local JUS station.

An appeal so filed shall be forwarded immediately to the Secretariat of the Commission of First Instance for transmission to the Central Commission.

ARTICLE 9

The following paragraph shall be added to Art 24 of DL 255 of 1944:
"If the discovery of any such error results from the restoration of normal communications with any colony or mission, it may be referred, in the manner directed by the preceding paragraph, to the period within which the person concerned may be referred to operation shall extend from the day of the resumption of the state of war."

ARTICLE 10

In the event a. any statement under Art 2 of DL 257 of 1944 being ordered while operations provided for in progress, the High Commissioner for Operations against such a statement within thirty days from receiving notice of any such order, request for appropriate declaration of first instance. The Central Commission to continue the proceedings to decide whether the right to punish or to any increase of pension granted by Art 3 of the said Decree shall be forfeited.

In the absence of any such request (within the said time limit) or on an express refusal by the High Commissioner to make any such request the said proceeding shall cease and be of no effect.

11 The benefits provided to irreducible personnel by Art 3 of DL 257 of 1944 and Art 9 of DL 2 of 1945 shall as from the dates of their respective retirements be extended to regular beneficiaries of Military Courts and to Councillors of the National Research Council retired under DL 257 of 1944.

The time limit contained in the second paragraph of the aforesaid Art 9 shall commence from the day on which this decree comes into force.

12 The present Decree shall come into force the day after its publication in the Official Gazette of the Kingdom (9 Mar 1945)

9 The following paragraph shall be added to Art 26 of M. 257 of 1944.
"If the discovery of any such evidence results from the reservation of normal communications with any colony or territory, it may be ordered, in the manner directed by the preceding paragraph, that the period within which the person concerned may be referred to court shall extend from the day of the resumption of the state of war."

PENDING

10 In the event of any amendment under Art 2 of M. 257 of 1944, being ordered while a similar procedure is in progress, the High Commissioner for Functions against Abuse may within twelve days from receiving notice of any such order, request the appropriate Minister of State to suspend the said amendment or to continue the procedure further the right to suspend or to any increase of extension granted by Art 3 of the said law shall be forfeited.
In the absence of any such request (within the said limit) or on an express refusal by the High Commissioner to make any such request the said proceeding shall cease and be of no effect.

11 The commensurate benefits granted to irreparable personnel by Art 3 of M. 257 of 1944 and Art 9 of M. 2 of 1945 shall as from the dates of their respective retirements be extended to regular maintenance of Military Courts and to Counsellors of the National Research Council retired under M. 257 of 1944.
The time limit contained in the second paragraph of the aforesaid Art 9 shall commence from the day on which this decree comes into force.

12 The present decree shall come into force the day after its publication in the Official Gazette of the Kingdom (9 May 1945)

M. 56

THE LIMIT

- 1 The time limit for the initiation of operation proceedings under para. 1 of Art 25 of M. 159 of 1944 as extended by Art 6 of M. 2 of 1945 are further extended by:
 - (1) 30 days for civilian employees of any Ministry;
 - (11) 60 days for civilian employees of any central Department of State other than a Ministry;
 - (111) 60 days for members of the armed forces employed in any central Department or State.

RAY

2 Notwithstanding Art 362 of M. 827 of 20 May 1944, principal officers of the Treasury, while waiting for the proper order to be made in the account books, may as a matter of course order the payment of any remuneration owing to employees suspended under the last paragraph of Art 22 of M. 159 of 1944.

3 The present decree shall become effective on the day of its publication in the Official Gazette of the Kingdom (16 May 1945).

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

785016

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

DECLASSIFIED 03 FEB 42

DECLASSIFIED 12 MAR 42

INDEX OF DOCUMENTS

ADDITIONAL AND AMENDING

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

785016

RULES OF PROCEDURE

ADDITIONAL AND AMENDING

22 MAR 45

CL 500

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

HEADQUARTERS ALLIED COMMISSION
AIO 3/4
CIVIL AFFAIRS SECTION

2A

187.13/CA

5 Mar 45

Your Excellency,

This Commission has considered the draft decree to amend DL 159, DL 217 and 285 and for various other purposes and has no comments to make thereon.

It has been suggested to the Italian Government (reference AO/1010/2/L dated Mar) that the final Article should read:-

"In territory subject to the administration of the Italian Government this Decree shall come into effect on the day following its publication in the Gazzetta Ufficiale; in territory not yet subject to the administration of the Italian Government, the decree shall come into effect on the date of the restoration of such territory to Italian administration or on the date when it is put into effect by order of the Allied Military Government whichever is the earlier".

perhaps you will arrange for this.

This Commission feels grave doubt as to whether it will be possible to complete all the preliminary investigations within the time limits contained in the relevant Decrees and wishes to draw your attention to this matter and to ask that careful consideration should be given to the desirability of including in this Decree further provision for extension of the present time limits.

Believe me, Your Excellency,
Yours truly,

C.R. UNGER Brig,
VP CA Section

His Excellency Ruggiero GRINDO
Alto Commissariato per le Sanzioni
contro il Fascismo,
Palazzo del Viminale
R O R E

5560

Trans. 353

DRAFT OF BILL CONTAINING CHANGES AND ADDITIONS TO THE LEGISLATIVE PROVISIONS FOR THE EPURATION OF THE ADMINISTRATION.

The High Commission for Sanctions against Fascism has recognized the urgent necessity ^{for} to ~~increase~~ the compensations of the employees who have been suspended from office following epuration proceedings and who are paid the salary for self-support without any other allowance, in accordance with Art 22, last paragraph of RIL No 159 of 27 July 44.

In view of the hard economic conditions in which these persons find themselves as a result of the ever increasing cost of living, which does not permit them to meet the most indispensable needs, it has seemed necessary to revise the mentioned provisions.

This need is rendered more urgent by the fact that the status of suspension from office may prolong itself for many months also as a result of the extension of some time limits ^{by} ~~established by~~ previous measures and with the one which has now been submitted for the approval of the Council of Ministers.

It has been agreed with the High Commission that the most logical and equitable solution is to grant the suspended employee the family allowance, plus the temporary increase contemplated by RIL No 148/3 of 6 Dec 43. These are indeed two elements which can be considered as being integral components of the salary. Consequently, by granting them we alleviate the hardship of the suspended employees without changing their nature as a self-support allowance to which the mentioned decree has restricted the economic compensation of suspended employees. From this compensation are excluded the indemnity for living under

0 4 1 0

permit them to meet the most indispensable needs, it has seemed necessary to revise the mentioned provisions.

This need is rendered more urgent by the fact that the status of suspension from office may prolong itself for many months also as a result of the extension of some time limits put ^{established by} ~~introduced with~~ previous measures and with the one which has now been submitted for the approval of the Council of Ministers.

It has been agreed with the High Commission that the most logical and equitable solution is to grant the suspended employee the family allowance, plus the temporary increase contemplated by HIL No 18/3 of 6 Dec 43. These are indeed two elements which can be considered as being integral components of the salary. Consequently, by granting them we alleviate the hardship of the suspended employees without changing their nature as a self-support allowance to which the mentioned decree has restricted the economic compensation of suspended employees. From this compensation are excluded the indemnity for living under very precarious conditions as well as the other indemnities and remunerations which are based more directly on the actual rendering of service.

The other provisions of the draft provides for the extension as already said, of the period for the execution of the proceeding of first instance and for the solution of some problems which arise from the application of the legislation in question. The provision of Art 11 extends the salary granted to ordinary and administrative magistrates, to military registrars who have been retired

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- 2 -

on the basis of DLL 257 of 11 October 44 and to other irremovable officials and to State attorneys, since the same reasons exist for them.

The draft is extremely urgent, because some time limits which it extends expire on 24 Feb 45.

Art 1

Employees suspended from office in accordance with the last para of Art 22 of DLL 159 of 27 July 1944, are entitled to the salary plus the family allowance or the high cost of living indemnity contemplated by provisions at present in force, as well as the temporary increase granted by RD Law No. 18/B of 6 Dec 43, and revised by DLL 328 of 16 Nov 44.

Art 2

As regards those employees who have been suspended from office prior to the date on which the present decree becomes effective, the expiration proceeding before the Commission of first instance must be completed within four months if the employees belong to the central State administration, and within five months for all other cases.

The period shall begin as from the date on which the proceeding commences according to art 25 of DLL 285 of 25 Oct 44.

The periods established by the legislative provisions issued previously for State employees belonging to the first four grades shall remain the same.

of the high cost of living indemnity contemplated by provisions at present in force, as well as the temporary increase granted by RD Law No. 10/B of 6-Dec 43, and refiled by DLI 328 of 16-Nov 44.

Art 2

As regards those employees who have been suspended from office prior to the date on which the present decree becomes effective, the epuration proceeding before the Commission of first instance must be completed within four months if the employees belong to the central State administration, and within five months for all other cases.

The period shall begin as from the date on which the proceeding commences according to art. 25 of DLI 285 of 23-Oct 44.

The periods established by the legislative provisions issued previously for State employees belonging to the first four grades shall remain the same.

Art 3

As regards prisoners or internees, even if they are not on foreign soil, or are missing, or at any rate are outside the national territory, the time limit for the commencement of the epuration proceeding is of three months from the date of the cessation of hostilities or from the day on which, prior to such date, they resume service with the Administration employing them, or if they are employees rendering service outside the

national territory, from the day on which they are called to ^{return duty} ~~render service~~ in said territory.

Art. 4

As regards civilian employees who are in military service, the period for the commencement of the expatriation proceedings ^{is three months} of three months, beginning from the day on which they are discharged or given indefinite leave.

The expatriation proceedings shall be suspended ^{if the person concerned is} if the person concerned is called or recalled to arms while it is pending, until ^{such period} the time the employee committed to trial is discharged or given indefinite leave.

Art. 5

In pursuance of the time limits established in Art 25, second para. of ^{the 1948} ~~Art 25~~ of 27-Jul-44, the expatriation proceeding before the Commissions of first instance shall be ^{terminated} ~~terminated~~ by filing the decisions ^{with} ~~with~~ the Secretariats of the said Commissions.

Art. 6

The second paragraph of Art 1 of ¹⁹⁴⁸ ~~Art 1~~ of 11-Oct-44 shall be amended as follows:

"In the cases contemplated by the preceding paragraph, the Commissions must file in the Secretariat of the Commissions ^{judging} their decisions within thirty days from the day the person is referred to trial; the period for ~~for~~ appeal to the central Commission referred in Art 20 of ¹⁹⁴⁸ ~~Art 20~~ of 27-Jul-44, shall be ^{in 15} ~~two~~ days for the High Commissioner and three days for the person concerned, ^{beginning} ~~beginning~~ from the respective communications. The said appeals must be dealt with by the Central Commission with absolute priority."

Art. 5

In pursuance of the time limits established in Art. 23, second para. of A. 100, ILL 159 of 27 Jul 44, the expiration proceeding before the Commissions of first instance shall be terminated by filing the decisions ^{by the} ~~with~~ the Secretariat of the said Commissions.

Art. 6

The second paragraph of Art 1 of ILL 257 of 12 Oct 44 shall be amended as follows:

"In the cases contemplated by the preceding paragraph, the Commissions shall ^{be required to} must file in the Secretariat of the Commissions ^{lodging an} their decisions within thirty days from the day the person is referred to trial; the period for ~~for~~ ^{appeals} to the central Commission referred in Art. 20 of ILL 159 of 27 Jul 44, shall be ten days for the High Commissioner and three days for the person concerned, ^{beginning} ~~beginning~~ from the ^{beginning of the} ~~respective~~ communications. The said appeals must be dealt with by the Central Commission with absolute priority:

Art. 7

The time limits for the termination of the proceedings of ~~the~~ first instance ^{may be extended up to a maximum of thirty days when the exceptional complexity of the investigations requires it.} 555

The extension shall be ^{granted on the} ~~upon~~ request of the President of the Expiration Commission, by ^{the} ~~the~~ authority that has provided for the nomination of the said Commission.

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Art. 8

Whenever the notice of the decisions of the Commission of first instance is served outside the Province in which such Commission has its seat, the appeal to the Central Commission may be lodged by the person concerned to the Prefecture of the Province or to the Sindaco of the Commune where said notice was served or to the local CC RR station, as well as in the manner contemplated by Art 9 of DL 285 of 29 Oct 44.

The appeal must be transmitted immediately to the Secretariat of the Commission of first instance to be forwarded to the Central Commission.

Art. 9

The following paragraph shall be added to Art 26 of DL 285 of 29 Oct 44: "whenever the above-mentioned date arises from the resumption of the normal communications with the colonies and the dominions, it may be ordered that, in the manner contemplated by the preceding paragraph, the period for referring the person to epuration begin as from the day of the cessation of the state of war."

Art. 10

Whenever the retirement contemplated by Art 2 of DL 257 of 11 Oct 44 is ordered while the epuration proceedings are pending, the High Commissioner for Sanctions against Fascism, within thirty days from the notice of the relative measure, may request to the competent Commission of first instance or to Central Commission that the proceedings be continued, ~~the purpose of~~ the loss of the right to pension or the increases granted by Art 3 of the said decree, shall be forfeited.

This shall become void in the absence of the said request or when the High Commissioner expressly refuses to carry out the proceeding.

Art. 11

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The following paragraph shall be added to Art 26 of ILL 285 of 23 Oct 44
"Whenever the above-mentioned date arises from the resumption of the normal communications with the colonies and the dominions, it may be ordered that, in the manner contemplated by the preceding paragraph, the period for referring the person to epuration begins as from the day of the cessation of the state of war."

Art. 10

Whenever the retirement contemplated by Art 2 of ILL 257 of 11 Oct 44 is ordered while the epuration proceeding is pending, the High Commissioner for Senctions against Fascism, within thirty days from the notice of the relative measure, may request to the competent Commission of first instance or to Central Commission that the proceeding be continued, ~~the loss of the~~ ^{in order to decide} right to pension or the increases granted by Art 3 of the said decree, ~~which is fixed~~ ^{which shall be determined by the High Commissioner}

This shall become void in the absence of the said request or when the High Commissioner expressly refuses to carry out the proceeding.

Art. 11

The economic benefits granted to the irremovable personnel by Art 3 of ILL 257 of 11 Oct 44, and by Art 9 of ILL 2 of 4 Jan 45, shall be given also to regular Magistrates in the Military Courts and to the Councillors of the National Research Council who have retired on the basis of the mentioned ILL 257 of 11 Oct 44. They shall be effective ~~as from the retirement date~~ ^{as from the date of the present decree}

The time limit contemplated by the second paragraph of the afore mentioned Art 9 shall begin as from the date the present decree comes into force.

Art. 12

The present decree shall come into force the day after its publication in the Official Gazette of the Kingdom.

We order.....

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Tutto il decreto legislativo fuotognaziale contenente modifiche ed
... tutte alle disposizioni le isl-tive per l'operazione del "demi-
strazione.

L'atto è necessario per le sanzioni contro il fisco - ha rivelato la urgente necessità di migliorare il trattamento degli impiegati sospesi dall'ufficio in dipendenza del giudizio di operazione, ai quali, a norma dell'art. 22, ultimo comma, del decreto legislativo l'eventuale lo 77 luglio 1944, n. 159, è corrisposto, a titolo alimentare, lo stipendio, esclusa ogni altra indennità.

In considerazione della situazione economica pressochè instabile in cui costoro vengono a trovarsi di fronte all'accresciuto e crescente costo della vita, che non consente ormai ai predetti impiegati di ricorrere alle più indispensabili esigenze, è sembrato necessario rivedere la disposizione citata.

Tale necessità si accentua per il fatto che la esultazione di sospensione dall'ufficio può protrarsi per molti mesi anche in dipendenza della proroga di alcuni termini attuata coi precedenti provvedimenti e con quello ora sottoposto all'approvazione del Consiglio dei Ministri.

D'intesa con l'Alto Commissariato, la soluzione più logica ed economica sarebbe quella di concedere a' li impiegati sospesi sia il trattamento di famiglia, sia la integrazione temporanea prevista dal R.D.L. 6 dicembre 1943, n. 1678. Per tassi, infatti, di due elementi nel trattamento economico, che possono considerarsi strettamente integrativi dello stipendio. Di conseguenza, la concessione di essi, mentre può allieviare il disagio degli impiegati sospesi, non altera il carattere alimentare

L'Alto Commissariato per la sanzione contro il lavoro forzato ha deciso di sospendere il trattamento degli impiegati sospesi per la urgente necessità di migliorare il trattamento degli impiegati sospesi. L'ufficio in dipendenza del giudizio di amministrazione, ai quali, per l'articolo 22, ultimo comma, del decreto legislativo del 20 settembre 1944, n. 159, è corrisposto, a titolo alimentare, lo stipendio, esclusi ogni altra indennità.

In considerazione della situazione economica pressoché insostenibile in cui costoro versano, trovarsi di fronte all'accresciuto e crescente costo della vita, che non consente loro di predetta indennità di sovvenire alle più indispensabili esigenze, è sembrato necessario rivedere la disposizione citata.

Tale necessità si accentua per il fatto che la condizione di sospensione dall'ufficio può protrarsi per molti mesi anche in dipendenza del la proroga di alcuni termini attuata con provvedimento del 10 ottobre 1944, con quello ora sottoposto all'approvazione del Tribunale di Milano.

Confrontata con l'Alto Commissariato, la soluzione più logica ed equa è sembrata quella di concedere a tali impiegati sospesi, sia il trattamento di famiglia, sia la integrazione temporanea prevista dal R.D.I. 6 dicembre 1943, n. 18/8. Infatti, di due elementi del trattamento economico, che possono considerarsi strettamente interattivi dello stipendio. Di conseguenza, la concessione di essi, mentre può allieviare il disagio degli impiegati sospesi, non altera il carattere alimentare che la citata norma ha impresso al trattamento economico dei loro familiari. Da questo punto di vista, invece, esclusa la indennità di dispendio, che pure tutte le altre indennità e compensi che più direttamente presuppongono la effettiva prestazione del servizio.

Le altre disposizioni della legge, provvedono a prorogare, come di seguito, il termine per l'adempimento del servizio di 10 gradi e 355555, e, per alcune questioni, sotto all'applicazione della legislazione in

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materia. In particolare la disposizione dell'art. 11 estende ai militari, con esenti a riposo in base al D.L.I. 11 ottobre 1941, n. 237, il trattamento concesso ai magistrati ordinari ed amministrativi, agli altri funzionari inamovibili ed agli avvocati dello Stato, sussistendo per essi le medesime ragioni.

Lo schema ha carattere di estrema urgenza, in quanto alcuni termini, che esso prevede a prorogare, scadono il 24 febbraio c.a.

sussistendo per essi le medesime ragioni.

Lo schema ha carattere di estrema urgenza, in quanto alcuni termini, che esso prevede e prorogare, scadono il 24 febbraio c.a..

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No. 785016

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UMBERTO DI SAVOIA
Principe di Piemonte
Luogotenente Generale del Regno

In virtù dell'autorità a noi delegata;

Visto il decreto legislativo luogotenenziale 27 luglio 1944, n. 159;

Visto il decreto legislativo luogotenenziale 17 ottobre 1944, n. 257;

Visto il decreto legislativo luogotenenziale 23 ottobre 1944, n. 285;

Visto il decreto legislativo luogotenenziale 4 gennaio 1945, n. 2;

Visto il decreto-legge luogotenenziale 25 giugno 1944, n. 151;

Vista la deliberazione del Consiglio dei Ministri;

Sulla proposta del Presidente del Consiglio dei Ministri, Primo Ministro Segretario di Stato, di concerto con tutti i Ministri;

ABBIAMO SANCIONATO E PROVVEDUTO QUANTO SEGUE:

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Legislative Luogotenenziale 23 ottobre 1941, n. 285;

Visto il decreto legislativo luogotenenziale 4 gennaio 1945, n. 2;

Visto il decreto-legge luogotenenziale 25 giugno 1941, n. 151;

Vista la deliberazione del Consiglio dei Ministri;

Sulla proposta del Presidente del Consiglio dei Ministri, Primo Ministro Segretario di Stato, di concerto con tutti i Ministri;

ABBIAMO SARELLONATO E PREDUGLIAMO GIUSTO SEGNIS:

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Art. 1

Agli impiegati sospesi dall'ufficio, ai sensi dell'ultimo comma dell'art. 22 del decreto legislativo luogotenenziale 27 luglio 1941, n. 159, compenso, oltre lo stipendio, il trattamento di famiglia e ai carichi prelevati dalle disposizioni di legge, nonché la integrazione temporanea concessa con il R. decreto-legge 6 dicembre 1943, n. 18/B, ed aumentata dal decreto legislativo luogotenenziale 18 novembre 1944, n. 328.

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...competito, oltre lo stipendio, il trattamento di famiglia
o di carovita previsto dalle disposizioni vigenti, nonché la in-
tegrazione temporanea concessa con il R. decreto-legge 6 dicembre
1943, n. 15/8, ed autorizzata dal decreto legislativo Luogotenenziale
18 novembre 1944, n. 328.

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Art. 2

Per gli impiegati esposti dall'ufficio anteriormente all'entrata in vigore del presente decreto, il procedimento di epurazione innanzi alla Commissione di primo grado deve essere ultimato entro quattro mesi, se si tratta di dipendenti delle Amministrazioni centrali dello Stato, e di cinque mesi negli altri casi.

Il termine decorre dalla data dell'inizio del procedimento, ai sensi dell'art. 25 del decreto legislativo luogotenenziale 23 ottobre 1944, n. 285.

Restano fermi i termini stabiliti dalle disposizioni legislative anteriormente emanate per i dipendenti dello Stato appartenenti ai primi quattro gradi.

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grado deve essere ultimato entro quattro mesi, se si tratta di dipendenti delle amministrazioni centrali dello Stato, e di cinque mesi negli altri casi.

Il termine decorre dalla data dell'inizio del procedimento, al sensi dell'art. 25 del decreto legislativo luogotenenziale 23 ottobre 1944, n. 285.

Restano fermi i termini stabiliti dalle disposizioni legislative anteriormente emanate per i dipendenti dello Stato appartenenti ai primi quattro gradi.

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Art. 3

Nel confronto di coloro che sono prigionieri o internati, anche se non si trovino in territorio estero, ovvero risultino dispersi o sono comunque fuori del territorio nazionale, il termine per l'inizio del procedimento di epurazione è di tre mesi a decorrere dalla data della cessazione dello stato di guerra o del giorno in cui, anteriormente a tale data, essi riprendano servizio presso l'Amministrazione da cui dipendono o, se si tratta di personale che presta servizio fuori del territorio nazionale, dal giorno in cui esso sia destinato a prestare servizio nel detto territorio.

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zione, dal giorno in cui esso sia destinato a prestare servizio nel det-
to territorio.

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Art. 4

Nei confronti degli impiegati civili che si trovino in servizio militare, il termine per l'inizio del procedimento di epurazione è di tre mesi a decorrere dal giorno in cui essi siano collocati in congedo o inviati in licenza illimitata.

Quando la chiamata o il richiamo alle armi avveniva in pendenza del giudizio di epurazione, questo è sospeso, nello stato in cui si trova, fino a quando l'impiegato deferito non sia collocato in congedo od inviato in licenza illimitata.

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Viato in licenza illimitata.--

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Art. 3

Agli effetti del termine stabilito nel secondo comma dell'art. 25 del decreto legislativo Luogotenenziale 27 luglio 1944, n. 159, l'ultimazione del procedimento di apurazione davanti alle Commissioni di primo grado avviene con il deposito delle conclusioni nelle Segreterie delle Commissioni stesse .

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alle Commissioni di primo grado avviene con il deposito delle
conclusioni nelle Segreterie delle Commissioni stesse .

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Art. 6

Il secondo comma dell'art. 1 del decreto legislativo Luogotenenziale 11 ottobre 1944, n. 257, è modificato come segue:

"Nei casi previsti dal comma precedente, le Commissioni devono depositare nelle segreterie delle Commissioni le loro conclusioni entro trenta giorni dall'emanazione del decreto; il termine per i ricorsi alla Commissione centrale, di cui all'art. 20 del decreto legislativo Luogotenenziale 27 luglio 1944, n. 159, è di dieci giorni per l'Alto Commissario e di tre per l'interessato, decorrenti dalle rispettive comunicazioni. Detti ricorsi devono essere trattati dalla Commissione centrale con assoluta precedenza".

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depositare nella segreteria delle Commissioni le loro conclusioni e tre trenta giorni dall'approvato deferimento; il termine per i ricorsi alla Commissione centrale, al cui art. 20 del decreto legislativo Luogotenenziale 27 luglio 1941, n. 159, è di dieci giorni per l'Alto Commissario e di tre per l'interessato, decorrenti dalle rispettive comunicazioni. Detti ricorsi devono essere trattati dalla Commissione centrale con assoluta precedenza".

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Art. 7

Quando un'eccezionale complessità degli accertamenti lo esiga, i termini per la ultimazione del giudizio di primo grado possono essere prorogati fino ad un massimo di trenta giorni.

La proroga è disposta, su richiesta motivata dal Presidente della Commissione di epurazione, dall'autorità che ha provveduto alla nomina della Commissione stessa.

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la Commissione di epurazione, dall'autorità che ha provveduto alla
nomina della Commissione stessa...

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Art. 8

Quando le conclusioni della Commissione di primo grado siano notificate fuori della provincia, in cui essa ha sede, il ricorso dell'interessato alla Commissione centrale, oltreche nei modi previsti dall'art. 9 del decreto legislativo luogotenenziale 23 ottobre 1944, n. 285,

può essere presentato alla Prefettura della provincia od al sindaco del Comune, ove detta notifica ha avuto luogo od alla locale stazione dell'Arma dei carabinieri.

Il ricorso deve essere immediatamente trasmesso alla segreteria della Commissione di primo grado, per il successivo inoltrare alla Commissione centrale.

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non essere presentato alla Prefettura della provincia od al sindaco del Comune ove detta notifica ha avuto luogo od alla locale stazione dell'Arma dei carabinieri.

Il ricorso deve essere immediatamente trasmesso alla segreteria della Commissione di primo grado, per il successivo inoltrare alla Commissione centrale.

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Art. 9

All'art. 26 del decreto legislativo Luogotenenziale 23 ottobre 1944, n. 285, è aggiunto il seguente comma:

"Qualora gli elementi suddetti emergano in conseguenza della ripresa di normali comunicazioni con la colonia e con i possedimenti, può essere, disposto, nei modi previsti dal precedente comma, che il termine per il deferimento al giudizio di epurazione decorra dal giorno della cessazione dello stato di guerra".-

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può essere, disposto, nei modi previsti dal precedente comma, che
il termine per il deferimento al giudizio di epurazione decorra dal
giorno della cessazione dello Stato di guerra".--

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Art. 10

Qualora il collocamento a riposo previsto dall'art. 2 del decreto legislativo Luogotenenziale 11 ottobre 1944, n. 257, sia disposto in pendenza del giudizio di epurazione, l'Alto Commissario per le sanzioni contro il fascismo, nel termine di trenta giorni dalla comunicazione del relativo provvedimento, può cedere alla competente commissione al primo grado o a quella centrale la prosecuzione del giudizio, agli effetti della perdita del diritto a pensione o delle maggiorazioni concesse dall'art. 3 dello stesso decreto.

In mancanza di detta rinuncia o quando l'Alto Commissario rinunci espressamente al giudizio, questo si estingue.

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zioni contro il fascismo, nel termine di trenta giorni dalla comunicazione del relativo provvedimento, può cadere alla competenza commissionale di primo grado od a quella centrale la prosecuzione del giudizio, agli effetti della perdita del diritto a pensione o delle maggiorazioni concesse dall'art. 3 dello stesso decreto.

In mancanza di detta richiesta o quando l'Alto Commissario rinuncia espressamente al giudizio, questo si estingue.

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art. 11

I benefici economici previsti per il personale inamovibile dall'art. 3 del decreto legislativo Luogotenenziale 11 ottobre 1944, n. 257, e dall'art. 9 del decreto legislativo Luogotenenziale 4 gennaio 1945, n. 2, si applicano anche in favore dei magistrati del ruolo della giustizia militare e dei consiglieri del Consiglio nazionale della Piacenza, collocati a riposo in base al citato decreto legislativo Luogotenenziale 11 ottobre 1944, n. 257. Essi concorrono dalla data del collocamento a riposo.

Il termine previsto dal secondo comma del precitato art. 9 decorre dalla data di entrata in vigore del presente decreto.

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elativo Luogotenenziale 4 gennaio 1945, n. 2, si applicano anche in favore dei magistrati del ruolo della giustizia militare e dei consiglieri del Consiglio Nazionale delle ricerche collocati a riposo in base al citato decreto legislativo Luogotenenziale 11 ottobre 1944, n. 257. Essi decorrono dalla data del collocamento a riposo.

Il termine previsto dal secondo comma del precitato art. 9 decorre dalla data di entrata in vigore del presente decreto.

Sura

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Art. 12

Il presente decreto entra in vigore il giorno successivo
a quello della sua pubblicazione nella Gazzetta Ufficiale
del Regno.

Ordiniamo, a chiunque spetti, di osservare il presente de-
creto e di farlo osservare come legge dello Stato.

Dato a

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Ordiniamo, a chiunque spetti, di osservare il presente de-
creto e di farlo osservare come legge dello Stato.

Dato a

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