

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

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DEFASCISM, PROPOSED LEGISLATION, IMPUGNATION
OF SENTENCES ON FASCIST CRIMES (DLL-196)
MAY 1945

TRANSLATION NO. 766

DLL 196 of 3 May 1945

Power of the High Commissioner for sanctions against fascism to contest sentences passed in cases connected with fascist crimes.

ART 1

The sentences of acquittal in pre-trial inquiries and sentences, either of acquittal or of conviction, passed after trial in the proceedings of any of the crimes contemplated by arts 3 and 5 of DLL 159 of 27 July 1944 shall be communicated by the chancellor to the High Commissioner for sanctions against fascism immediately after their being filed in the chancellery.

The High Commissioner may propose impugnation within the period of 30 days from the communication prescribed by the preceding paragraph regardless of the decisions given by the representative of the Public Ministero. He may also propose the impugnation in addition to the impugnation of the Public Ministero.

The provision of this article shall not apply in the proceedings contemplated by DLL 142 of 27 April 1945 concerning the institution of special Courts of Assize for crimes of collaboration with the Germans.

ART 2

In case of acquittal in the pre-trial inquiry for any of the crimes indicated under art 1, the High Commissioner may propose the re-opening of the said inquiry whenever new evidence is found against the acquitted person, in accordance with provisions at present in force.

ART 3

High Commissioner for sanctions against fascism immediately after their being filed in the chancellery.

The High Commissioner may propose impugnation within the period of 30 days from the communication prescribed by the preceding paragraph regardless of the decisions given by the representative of the Pubblica Ministero. He may also propose the impugnation in addition to the impugnation of the Pubblica Ministero.

The provision of this article shall not apply in the proceedings contemplated by DML 142 of 27 April 1945 concerning the institution of special Courts of Assize for crimes of collaboration with the Germans.

ART 2

In case of acquittal in the pre-trial inquiry for any of the crimes indicated under art 1, the High Commissioner may propose the re-opening of the said inquiry whenever new evidence is found against the acquitted person, in accordance with provisions at present in force.

ART 3

The High Commissioner for sanctions against fascism, even through magistrates of his office or through expert attorneys of spotless conduct delegated for the purpose, may commence the pre-trial inquiry for all the crimes contemplated by DML 159 of 27 July 1944 which do not come within the jurisdiction of the High Court of Justice, and may request the issuance of a summons for trial or sentence of acquittal from the proper judicial authority.

The attorney delegated for the inquiry shall be chosen from a special list (Libretto) which will be prepared in each Council of the Bar Association (Consiglio d'ordine) and

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shall be appointed by the Council of the Bar Association (Consiglio dell'ordine).

Each list shall include not more than ten attorneys.

ART 4

The present decree shall become effective on the day following its publication in the Official Gazette of the Kingdom.

We order....

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