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EPURATION FILE (1944 - 45)
(CIVIL AFFAIRS)
SEPT. 1944 - JULY 1945

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DLL.No. 452 of 31 July 1945

Liquidation of fascist property formerly carried out by the High Commissioner for sanctions against fascism now transferred to the Ministry of Finance.

ART 1

The liquidation of fascist property entrusted by Part 4 of DLL 159 of 27 Jul 1945 to the High Commissioner for sanctions against fascism shall be carried out by the Ministry of Finance.

The relative service, instituted in the High Commission for sanctions against fascism, is hereby dissolved.

ART 2

The present decree shall come into effect on the day following its publication in the Gazzetta Ufficiale of the Kingdom.

We order, etc.

ALLIED MILITARY GOVERNMENT
OF OCCUPIED TERRITORY

GENERAL ORDER NO. 46

EPURATION IN PRIVATE INDUSTRY

WHEREAS it is necessary that persons in private industry who through fascist activities or for fascist motives or for the purpose of collaboration with the Fascist Republican Government or the German invaders have abused their position in such industry, shall be removed from their employment in such industry.

AND WHEREAS it is necessary that such removals be carried out in accordance with the principles of justice and good order

NOW, THEREFORE, I, ELLERY WHEELER STONE, Rear Admiral, United States Naval Reserve, Chief Civil Affairs Officer, for and on behalf of the Supreme Allied Commander and Military Governor, hereby order as follows:

ARTICLE I

This Order shall apply to any company or firm within territory subject to the Allied Military Government in which the same is posted and shall come into force on the date of such posting therein. Such company or firm is hereinafter called the said firm.

ARTICLE II

No worker or employee who now is or may hereafter be employed by the said firm may be dismissed or suspended from his employment with the said firm in consequence of any alleged act, neglect or omission which was earlier in date than the effective date of this Order unless the order for such dismissal or suspension is made in writing and is signed by the manager or receiver of the said firm.

Any person other than such manager or receiver or his duly authorized agent who gives to any worker or employee an order purporting to dismiss or suspend him from employment or who otherwise prevents or endeavours to prevent him from continuing in that employment shall be guilty of an offence.

ARTICLE III

When it is necessary that a worker or employee who now is or may hereafter be employed by the said firm should be dismissed or suspended from his said employment on account of any act, neglect or omission which was

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[illegible], Commander, I, HENRY WHELAN STOKES, Rear Admiral, United States Naval Reserve, Chief Civil Affairs Officer, for and on behalf of the Supreme Allied Commander and Military Governor, hereby order as follows:

ARTICLE I

This Order shall apply to any company or firm within territory subject to the Allied Military Government in which the same is posted and shall come into force on the date of such posting therein. Such company or firm is hereinafter called the said firm.

ARTICLE II

No worker or employee who now is or may hereafter be employed by the said firm may be dismissed or suspended from his employment with the said firm in consequence of any alleged act, neglect or omission which was earlier in date than the effective date of this Order unless the order for such dismissal or suspension is made in writing and is signed by the manager or receiver of the said firm.

Any person other than such manager or receiver or his duly authorized agent who gives to any worker or employee an order purporting to dismiss or suspend him from employment or who otherwise prevents or endeavours to prevent him from continuing in that employment shall be guilty of an offence.

ARTICLE III

When it is necessary that a worker or employee who now is or may hereafter be employed by the said firm should be dismissed or suspended from his said employment on account of any act, neglect or omission which was occasioned by fascist motives or resulted from fascist activities or collaboration with the Fascist Republican Government or the German invaders, the procedure set out in this Order shall be followed and the order of dismissal or suspension of the said worker or employee shall be made by the manager or receiver of the said firm in accordance with this procedure and not otherwise.

ARTICLE IV

All complaints of the character set forth in Article III against workers and employees of the said firm shall be investigated and determined by an Epuration Commission which shall consist of a President and two members who shall all be appointed, subject to the approval of the Allied Military Government, by the Provincial Commission established in accordance with General Order No. 35 of the Allied Military Government.

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In appointing the said two members the Provincial Commission shall select one member to represent the workers and employees of the said firm and the other to represent the association of employers of the industry concerned, or in the absence of such association to represent the manager/receiver of the said firm.

In making the appointments aforesaid the Provincial Commission shall have regard to the reasonable wishes of the employees and workers and to the association of employers or the manager/receiver of the said firm as the case may be.

Nothing in this Order shall prevent the Epuration Commission when so appointed from being constituted by the Provincial Commission as the Epuration Commission of other firms and companies to which this Order applies in addition to the said firm.

No person, body of persons or commission other than the manager/receiver of the said firm or his duly authorized agent and the said Epuration Commission appointed as aforesaid shall exercise any power purporting to affect the employment of any worker or employee of the said firm.

ARTICLE V

The office of the Epuration Commission shall for the purposes of the said firm be at the office of the said firm.

ARTICLE VI

Any complaint of the nature hereinbefore mentioned against any worker or employee of the said firm shall be made in writing and signed and addressed to the Epuration Commission at the said office and shall state in detail the act, neglect or omission of which complaint is made.

ARTICLE VII

Within two days after receipt of a complaint the Epuration Commission shall inform the person accused either orally or in writing of the fact that such complaint is made and of the substance thereof and shall notify that person that unless he is willing for an order of dismissal or suspension to be made against him he must attend before the said Commission to answer the said complaint.

ARTICLE VIII

If the person accused is not willing for such an order to be made against him the Epuration Commission shall proceed within five days to

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No person, body of persons or commission other than the manager/receiver of the said firm or his duly authorized agent and the said Epuration Commission appointed as aforesaid shall exercise any power purporting to affect the employment of any worker or employee of the said firm.

ARTICLE V

The office of the Epuration Commission shall for the purposes of the said firm be at the office of the said firm.

ARTICLE VI

Any complaint of the nature hereinbefore mentioned against any worker or employee of the said firm shall be made in writing and signed and addressed to the Epuration Commission at the said office and shall state in detail the act, neglect or omission of which complaint is made.

ARTICLE VII

Within two days after receipt of a complaint the Epuration Commission shall inform the person accused either orally or in writing of the fact that such complaint is made and of the substance thereof and shall notify that person that unless he is willing for an order of dismissal or suspension to be made against him he must attend before the said Commission to answer the said complaint.

ARTICLE VIII

If the person accused is not willing for such an order to be made against him the Epuration Commission shall proceed within five days to investigate and hear the said complaint. At such hearing the Commission shall hear such relevant evidence as the complainant and the person accused may wish to give or call before it.

The Epuration Commission shall not proceed against any worker or employee who has not received notice of the complaint against him in accordance with Article VII hereof or who has not been given proper and adequate opportunity to appear before the Epuration Commission for the hearing.

ARTICLE IX

At such hearing the Epuration Commission shall consider only whether the person accused has been guilty of the act, neglect or omission specified

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in the said complaint and if so whether such guilt has been occasioned by fascist motives or has been a result of fascist activities or of collaboration with the Fascist Republican Government or the German invaders. For this purpose the Epuration Commission shall apply by analogy the principles established in Part II of DLL 159 of 27 July 1944. The Epuration Commission shall then decide (if necessary by a majority vote) and shall report in writing to the manager/receiver of the said firm and to the complainant and to the person accused :

a) Whether the complaint is found to be proved; and if so

b) Whether the Epuration Commission decides that the person accused be dismissed from his said employment or be suspended therefrom for a period to be specified by the Epuration Commission and not to exceed one year from the date of the hearing.

ARTICLE X

Upon receipt of the said report the manager/receiver of the said firm shall make in writing and serve upon the person accused an order in accordance with the said report.

An order of suspension shall have effect to suspend the worker or employee from his employment with the said firm for the period specified without any salary or allowances.

An order of dismissal shall have effect to dismiss the worker or employee from his employment with the said firm without any salary or allowances save that he shall be entitled to receive the indemnity or licenziamento up to the amount of any contributions previously made by him.

ARTICLE XI

Any worker or employee who since the liberation from the Germans of the town in which the said firm is situate and before the date of this Order has been dismissed from employment with the said firm on any of the grounds mentioned in this Order and who claims to be entitled to reinstatement may apply to the Epuration Commission for such reinstatement. The Epuration Commission shall thereupon give public notice of such application and unless within three days after such notice the Epuration Commission receives a complaint as laid down in Article VI hereof the Epuration Commission shall recommend and the manager/receiver of the said firm shall order such reinstatement.

If any such complaint is received the same shall be investigated as hereinbefore mentioned.

ARTICLE XII

[illegible] provisions of Arts VI, VII, and XI

[illegible] report the manager/receiver of the said firm shall make in writing and serve upon the person accused an order in accordance with the said report.

An order of suspension shall have effect to suspend the worker or employee from his employment with the said firm for the period specified without any salary or allowances.

An order of dismissal shall have effect to dismiss the worker or employee from his employment with the said firm without any salary or allowances save that he shall be entitled to receive the indemnity if liquidated up to the amount of any contributions previously made by him.

ARTICLE XI

Any worker or employee who since the liberation from the Germans of the town in which the said firm is situate and before the date of this Order has been dismissed from employment with the said firm on any of the grounds mentioned in this Order and who claims to be entitled to reinstatement may apply to the Epuration Commission for such reinstatement. The Epuration Commission shall thereupon give public notice of such application and unless within three days after such notice the Epuration Commission receives a complaint as laid down in Article VI hereof the Epuration Commission shall recommend and the manager/receiver of the said firm shall order such reinstatement.

If any such complaint is received the same shall be investigated as hereinbefore mentioned.

ARTICLE XII

It is further provided that for the purpose of Arts VI, VII, and XI hereof in all cases where the guilt (within the meaning of this Order) of any worker or employee is notorious to the Epuration Commission and will authenticated, it shall not be necessary for any formal complaint to be made and the Epuration Commission shall itself take cognizance of the facts, provided always that the Epuration Commission shall inform the person accused of such facts and afford him the opportunity of making his defence thereto in all respects in accordance with the provisions of this Order.

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ARTICLE XIII

It shall be open to the person accused to file an appeal against a decision of the Expurgation Commission under Arts. IX, XI or XII hereof. Such appeal shall be made to an Appeal Group to consist of a President and two members not to be appointed by the Provincial Commission mentioned in Article IV hereof, subject to the approval of the Allied Military Government. The appeal shall be made within 14 days after the decision complained of, shall be in writing and shall specify the grounds upon which it is based. The Appeal Group shall forthwith consider such appeal and shall notify the decision thereon to the person accused, the complainant, the Expurgation Commission, and the receiver/manager of the said firm. For the purposes of the said appeal the Appeal Group is not required to hear evidence but may hear such evidence as it considers necessary.

ARTICLE XIV

This Order shall come into effect in any province or part thereof on the date of its first posting therein.

FOR THE SUPREME ALLIED COMMANDER AND MILITARY GOVERNOR:

/sgd/ HILLERY WHEELER STONE,
Rear Admiral,
United States Naval Reserve,
Chief Civil Affairs Officer.

2 June 1945

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TRANSLATION NO. 727

DLL 149 OF 26 APRIL 1945

APPLICATION OF SANCTIONS AGAINST POLITICAL DANGEROUS FASCISTS

ART 1

Whoever, for fascist reasons or by availing himself of the political situation created by fascism, has committed acts of particular gravity which, although not constituting offences, are contrary to rules of rectitude or political probity, shall be subject to the suspension of the active and passive suffrage rights for a period not exceeding ten years, or to the temporary exclusion from public offices, or else to the loss of the political rights for a period not exceeding ten years.

In any case the persons who have held the executive positions in the fascist party indicated in pursuance of art 2 of DL NO. 2 of 4 Jan 1945, shall incur the suspension of the suffrage right.

ART 2

The sanctions contemplated in the preceding article shall be applied by Provincial Commissions presided by a magistrate and composed of two other members chosen by the First President of the Court of Appeal from the lay judges referred to in art 4 of DLL 159 of 27 July 1944.

The Commission for the province within which the accused persons against whom proceedings are initiated has residence or abode shall have the jurisdiction to take such measures. If the accused person has his residence or abode outside the Kingdom or if both are unknown, the measures shall be taken by the Commission for the province in which he last resided or had his abode or for the place in which he was known to reside or to have his abode.

The provisions of the third and fourth paragraphs of art 13 of DLL 198 of 13 Sept 1944 shall be observed in the proceeding before the Commission.

Appeal may be lodged against the decisions of the Provincial Commission within five days from notification with a Central Commission, presided by a magistrate of grade not lower than the fourth and composed of four members, to be appointed under art 3 of the DLL No. 2 of 4 Jan 1945.

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the proceeding.

[illegible] to the suspension of the active and passive suffrage rights for a period not exceeding ten years, or to the temporary exclusion from public offices, or else to the loss of the political rights for a period not exceeding ten years.

In any case the persons who have held the executive positions in the fascist party indicated in pursuance of art 2 of DL NO. 2 of 4 Jan 1945, shall incur the suspension of the suffrage right.

ART 2

The sanctions contemplated in the preceding article shall be applied by Provincial Commissions presided by a magistrate and composed of two other members chosen by the First President of the Court of Appeal from the lay judges referred to in art 4 of DLL 159 of 27 July 1944.

The Commission for the province within which the accused persons against whom proceedings are initiated has residence or abode shall have the jurisdiction to take such measures. If the accused person has his residence or abode outside the Kingdom or if both are unknown, the measures shall be taken by the Commission for the province in which he last resided or had his abode or for the place in which he was known to reside or to have his abode.

The provisions of the third and fourth paragraphs of art 13 of DLL 198 of 13 Sept 1944 shall be observed in the proceeding before the Commission.

Appeal may be lodged against the decisions of the Provincial Commission within five days from notification with a Central Commission, presided by a magistrate of grade not lower than the fourth and composed of four members, to be appointed under art 3 of the DLL No. 2 of 4 Jan 1945.

The appeal shall not be effective in suspending the proceeding.

The decisions of the Central Commission shall be final.

ART 3

Those persons who during the past political period have conducted themselves in accordance wi the bad custom and practice of fascism or who continue said conduct in such way as to prove in either case dangerous to the exercise of democratic liberty, may be placed, for a period of not less than one year and not greater than 5 years, in farm colony, in a forced labor colony, in police "confino" contemplated by art 180 of the T.U. of Public Safety laws, approved by RD No. 773 of 18 July 1931 or in internment camps.

Similar measures may be taken against those who commit acts intended to favor the return, under any form or denomination, of the dissolved fascist party or commit publicly by any written or spoken demonstration the persons, institutes or ideologies representing fascism, even though the acts may not constitute an offence.

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All the sanctions contemplated in the preceding paragraphs shall be ordered and their duration decided by the Commissions referred to in art 166 of the above-mentioned T.U. of P.S. laws amended by art 2 of DRL NO. 419 of 10 Dec 1944. The Commissions shall observe the provisions of arts 167, 168 and 169 of the same T.U., amended by arts 3 and 4 of DRL 419 of 10 Dec 1944.

Appeal may be lodged against the order of the Provincial Commissions within the time limits and in the manner prescribed by art 184 of the T.U. of P.S. laws, amended by art 2 of DRL 419 of 10 Dec 1944.

ART 4

The persons upon whom the sanctions referred to in the preceding article have been inflicted shall have their active and passive suffrage rights suspended, and no special order shall be required.

ART 5

The Provincial Commissions contemplated by arts 2 and 3 shall act on their own initiative or upon denunciation submitted to them by the High Commissioner for sanctions against fascism, his delegates or by the public safety offices, or upon reports from the Committees of National Liberation.

Only the above-mentioned Provincial Commissions, the High Commissioner for sanctions against fascism, the procurators of the Kingdom and the "Questori" may order the immediate arrest of persons upon whom it has been proposed to apply the sanctions prescribed by art 3.

Notice of the arrest must be given within three days to the competent Provincial Commission which must pass a sentence within the following twenty days.

ART 6

The measure contemplated by art 1 and 3 and of the present decree may be applied not later than one year from the effective date of the decree.

ART 7

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The persons upon whom the sanctions referred to in the preceding article have been inflicted, shall have their active and passive suffrage rights suspended, and no special order shall be required.

ART 5

The Provincial Commissions contemplated by arts 2 and 3 shall act on their own initiative or upon denunciation submitted to them by the High Commissioner for sanctions against fascism, his delegates or by the public safety offices, or upon reports from the Committees of National Liberation.

Only the above-mentioned Provincial Commissions, the High Commissioner for sanction against fascism, the prosecutors of the Kingdom and the "Questori" may order the immediate arrest of persons upon whom it has been proposed to apply the sanctions prescribed by art 3.

Notice of the arrest must be given within three days to the Competent Provincial Commission which must pass a sentence within the following twenty days.

ART 6

The measure contemplated by art 1 and 3 and of the present decree may be applied not later than one year from the effective date of the decree.

ART 7

Directions for the organization of the internment camp referred to in art 3 shall be given by decree of the Minister of the Interior in conjunction with the Minister for the Treasury.

The Minister for the Treasury shall be authorized to issue decrees for the changes in the State budget required to maintain the internment camps.

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ART 8

All provisions which are contrary or incompatible with those of the present decree are hereby annulled.

ART 9

The present decree comes into force on the day following its publication in the Official Gazette of the Kingdom.

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T R A N S L A T I O N

DL 176 of 22 Apr 46

Amending DL 159, 257 & 285 of 1944

and DL 41 of 1945

The Italian version of this decree is the only authoritative text. This version is not a literal translation; its object is to inform officers conveniently of the provisions contained in the Decree.

Officers are referred to the Italian text for all points of detail or matters of procedure or dispute.

Presidents of Commissions	Art	1
Sub-Commissions	"	2
Appeals	"	3-5
Rehirement	"	6-8
Time limits	"	9-11

PRESIDENTS OF COMMISSIONS

1 Instead of magistrates as directed by Art 18 of DL 159 of 27 Jul 44 the following may preside over Epuration Commissions of First Instance:-

a) Professors (di ruolo) of law of a University or of an institution of higher learning of the Kingdom;

b) Lawyers whose names appear in the special register created by art 33 of RDL 1578 of 27 Nov 1933, embodied into law No 36 of 22 Jan 1934;

c) Retired administrative officials of State Departments, who, upon the cessation of their service, were of not less than fifth grade.

SUB-COMMISSIONS

2 A sub-commission under art 16 of DLL 285 of 23 Oct 1944 may be formed, whenever the circumstances mentioned in the said Article exist. Such a sub-commission may also be formed for any body within sub-paras 2 & 3 of Art 11 of DLL 159 of 27 July 1944.

APPEALS

3 The time limits for an appeal to the central Epuration Commission, under arts. 20 and 23 of DLL 159 of 27 July 1944, is extended to 6 days for the person concerned and to 30 days for the High Commissioner for sanctions against Fascism.

But this provision shall not apply to time limits which expired before this decree came into force.

4 An appeal whether of the person concerned or of the High Commissioner for [illegible] Epuration Commission of first

Enrolment " 6-8
Time limits " 9-11

RELATING TO CO COMMISSIONS

1 Instead of registrations as directed by Art 16 of DLL 159 of 27 Jul 44 the following are placed over Separation Commissions of first instance:-

a) Professors (di ruolo) of law of a University or of an institution of higher teaching of the Kingdom;
b) Lawyers whose names appear in the special register created by art 59 of RDL 1778 of 27 Nov 1931, embodied into law No 36 of 22 Jan 1934;
c) Civil administrative officials of State Departments, who, upon the cessation of their service, were of not less than fifth grade.

SUB-COMMISSIONS

2 A sub-commission under art 16 of DLL 285 of 23 Oct 1944 may be formed, whenever the circumstances mentioned in the said Article exist. Such a sub-commission may also be formed for any body within sub-paras 2 & 3 of Art 11 of DLL 159 of 27 July 1944.

LIMITS

3 The time limits for an appeal to the central Separation Commission, under Arts. 23 and 25 of DLL 159 of 27 July 1944, is extended to 6 days for the person concerned and to 30 days for the High Commissioner for sanctions against fascism.

But this provision shall not apply to time limits which expired before this decree came into force.

4 An appeal whether of the person concerned or of the High Commissioner for sanctions against fascism, against the decision of an Separation Commission of first instance, shall be filed at the secretariat of the central Commission.

Notice of the said appeal shall be served by the Secretariat

a) where the appeal has been filed by the person concerned on the High Commissioner and
b) where the appeal has been filed by the High Commissioner on the person concerned.

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The Secretariat of the central Commission shall, upon receipt of an appeal, forthwith require the appropriate commission of first instance to transmit to the Secretariat the papers relating to the proceedings against which the appeal is said.

5 Notice of the decision of the central Commission shall be served by the Secretariat

a) on the High Commissioner for sanctions against fascism;
b) on the person concerned and
c) on the Department employing him.

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RETIREMENT

6 When epuration proceedings are contemplated an employee may nevertheless be placed in retirement either in the ordinary course or upon application if conditions contained in present legislation are fulfilled.

The Department concerned must give immediate notice to the High Commission for sanctions against fascism of any such action taken.

The latter may within thirty days of receipt of the said notice ask the appropriate Commission to initiate proceedings to decide whether any pension shall be forfeited. In the absence of any such request or if the High Commissioner expressly refuses to make such a request no proceedings shall be brought.

7 Discharged military personnel and civilian employees placed in retirement under art 2 of DLL 257 of 11 Oct 1944 or art 6 of this decree shall not, under any circumstances, be employed or re-employed in any State Department, in any public body or any body controlled or subsidised in any way by the State.

8 Military personnel who cease to be on permanent active service in consequence of the application of art 2 of DLL 257 of 11 Oct 1944, shall be placed in one of the categories of discharge under the appropriate regulation as to their status, and shall have the right to the same remuneration as those of equal rank, retired on account of age, to the same category of discharge.

TIME LIMITS

9 As regards the personnel retired under art 2 of DLL No 257 of 11 Oct 1944, who on the day on which this decree came into force were in territory not yet restored to Italian Administration, the time limits contained in para 1 of art 4 of the said decree are extended to 6 months after the restoration of the said territory to Italian Administration.

10 As regards persons employed in the Ministry of posts and telecommunications itself, the time limits for the initiation of epuration proceedings contained in the first paragraph of art 25 of DLL 159 of 27 July 1944 as extended by art 1 of DLL No 56 of 12 March 1945, are hereby extended to 15 May 1945. This provision shall be effective as from 16 April 1945.

As regards the civil personnel employed in any other Ministry the date of expiry of the time limit contained in para 1 of art 1 of DLL No 56 of 12 March 1945 and, except for military personnel attached to a Ministry, as to the time limit contained in para 3 of the same article, shall remain unaltered.

As regards all other persons the time limit for initiating epuration proceedings is extended to August 15 1945.

The time limits referred to in the first paragraph of art 2 of DLL No 44 of 25 Feb 1945 for the completion of the proceedings before the Commissions of first instance shall be extended by 30 days.

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

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[illegible] shall be placed in the [illegible] the categories of discharge under the appropriate regulation as to their status, and shall have the right to the same remuneration as those of equal rank, retired on account of age, to the same category of discharge.

TIME LIMITS

9 As regards the personnel retired under art 2 of DLL No 237 of 11 Oct 1944, who on the day on which this decree came into force were in territory not yet restored to Italian Administration, the time limits contained in para 1 of art 4 of the said decree are extended to 6 months after the restoration of the said territory to Italian Administration.

10 As regards persons employed in the Ministry of posts and telecommunications (itself, the time limits for the initiation of epuration proceedings contained in the first paragraph of art 25 of DLL 159 of 27 July 1944 as extended by art 1 of DLL No 56 of 12 March 1945, are hereby extended to 15 May 1945. This provision shall be effective as from 16 April 1945.

As regards the civil personnel employed in any other Ministry the date of expiry of the time limit contained in para 1 of art 1 of DLL No 56 of 12 March 1945 and, except for military personnel attached to a Ministry, as to the time limit contained in para 3 of the same article, shall remain unaltered.

As regards all other persons the time limit for initiating epuration proceedings is extended to August 15 1945.

The time limits referred to in the first paragraph of art 2 of DLL No 44 of 25 Feb 1945 for the completion of the proceedings before the Commissions of first instance shall be extended by 30 days.

11 The present Decree shall come into force on the day of its publication in the Official Gazette of the Kingdom (12 May 1945).

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THE

INQUIRY

AS TO

SANCTIONS AGAINST FASCISM

Part I - Crimes

Part II - Purging

Part III - Enrichment

Part IV - Fascist Funds

Part V - The High Commissioner

Part VI - Miscellaneous

Part I - Crimes

Part II - Purging

Part III - Enrichment

Part IV - Pacoirt Funds

Part V - The High Commissioner

Part VI - Miscellaneous

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Part I

[illegible] of Crime

1 All penal provisions issued to enforce institutions and political organizations created by Franco are hereby repealed.

Decisions already pronounced by virtue of such provisions are hereby annulled.

2 Members of the Government and high ranking members of Franco's military and authorities given under the constitution, of violating the liberty of the people, of creating the Franco regime, of conspiring and [illegible] formation of the Spanish Legion, of [illegible] shall be punished by penal servitude for life and, in cases where the prosecutor's charge is proven, by death.

They shall be tried by a High Court of Justice composed of a President and eight members, chosen by the Council of Legislation, from among high ranking judicial officials retired, now or in retirement and from among other persons of unquestionable probity.

3 Those who organized Fascist groups, certain acts of violence and pillage and those who promoted and directed the revolt of 18 October 1934 shall be punished according to Art 120 of the Penal Code 1870.

Those who promoted and directed the Coup d'Etat of 5 January 1935 and those who have since contributed by a lawful action to subvert the Fascist regime in power shall be punished in accordance with Art 110 of the aforesaid code.

Whosoever has committed any other crime for Fascist reasons or taken advantage of the political situation created by Franco shall be punished according to the law obtaining at the time of the crime.

4 These crimes described in the preceding articles shall be tried by the Court of Justice, by the Tribunals and by the Prosecutors according to their respective jurisdiction.

The Court of Justice shall be composed of two judicial officials as described in the laws on the constitution of the Courts of Justice, and of five lay judges chosen by lot from special lists of citizens of unblemished moral and political behaviour.

5 Whosoever whether a member of the Armed Forces or not, after 5 September 1945 has committed a crime against the State and the Military Defence of the State, by any kind whatsoever of active collaboration, help or assistance given to the German invader shall be punished according to the provisions of the Military Penal Code of War.

Members of the Armed Forces shall be tried by Military Courts, civilians by Ordinary Courts.

6 Any limitation of time with regard to the offences or the punishment thereof shall not apply to any person guilty of the crimes described in this decree, who because of the existence of the dictatorship has not been punished.

For the same reason repentance and pardons granted after 18 October 1934 [illegible] shall be invalid and already

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[illegible] according to Art 120 of the Penal Code 1889.

Those who promoted and directed the Coup d'etat of 3 January 1945 and those who have since contributed by a lawful action to [illegible] the fascist regime by force shall be punished in accordance with Art 118 of the aforementioned code.

[illegible] committed by other order for fascist reasons or taken advantage of the political situation created by fascism shall be punished according to [illegible] laid down at the time of the crime.

2 These crimes described in the preceding article shall be tried by the Court of Assize, by the tribunals and by the Prefects according to their respective jurisdiction.

The Court of Assize shall be composed of one judicial or military as described in the law as to the constitution of the Courts of Assize, and of five lay judges chosen by lot from special lists of citizens of unblemished moral and political behaviour.

3 Whoever whether a member of the armed forces or not, after 8 September 1943 has committed a crime against Italy and the military forces of the State, by any kind whatsoever of active collaboration, aid or assistance given to the German invader shall be punished according to the provisions of the military penal code of war.

[illegible] shall be tried by military courts, civilians by ordinary courts.

4 The limitation of time with regard to the offences the punishment thereof shall not apply to any person guilty of, the crime described in 2 in Section, who because of the existence of the fascist regime has not been punished.

5 For the same reason amnesties and pardons granted after 25 October 1922 in respect of any crime described in this decree shall be invalid, any already granted shall be revoked.

The High Commissioner may proceed for revocation of any royal pardon already granted.

When a decision revoking any such order has been influenced by any moral co-operation resulting from fascism, such decision may be declared to be legally non-existent.

Declarations in this respect shall be made by a Section of the Supreme Court of Cassation appointed by the Minister of Justice.

The provisions of this decree shall not apply in regard to any order punishable by imprisonment for three years or less.

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7 The punishment prescribed for any crime described in this part may be reduced by up to one quarter and imprisonment for not less than five years may be substituted for a sentence of death or of imprisonment for life.

If the accused had before the outbreak of this war either retired from political life or had been openly opposed to fascism;

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[illegible] provided in the preceding paragraph.

[illegible] imprisonment for 30 years shall be substituted for penal servitude for life and other penalties shall be reduced by one third.

The guilty party shall be deprived and redeemed if he diminished himself or avoided acts of valour in the struggle against the Germans.

Any person who for racial reasons or, by reason of membership of the political minority, created by Vichy, has suffered some less punishment than which while not being dishonour in the opinion the law the nevertheless contrary to the rules of moral and political integrity shall be subjected by temporary disqualification from holding any public office or to loss of political rights for a period of not over than ten years.

Whenever such a person is deemed to be a danger to society he may be sent to a penitentiary colony or a labour institution for a period of not less than one or more than ten years.

The provisions contained in this Article shall be administered by a Provisional Commission presided over by a judicial magistrate and composed of two other members chosen by lot from among the lay judges described in Art 4.

As regards members of the legislative assemblies or other institutions who by their votes or actions contributed to the maintenance of the Vichy regime and made war possible, they shall be dismissed from their office on decision of the High Court described in Art 3, without prejudice to any of the other provisions set out in this Decree in so far as they may be applicable.

9 Without prejudice to any legal action, the property of any citizen who has betrayed his country placing himself voluntarily and actively at the service of the Germans shall be forfeited to the State.

In penal proceedings such forfeitures shall be pronounced by a judicial authority competent to pronounce sentence of condemnation. In other cases authorised by Ordre du Jour Chaulainer, by the Tribunals territorially competent.

10 In regard to expenditure not specifically provided for by this part the rules of the Code of Penal Procedure shall therefore whatever may be applicable.

PART II ORGANIZATION OF THE ADMINISTRATION

11 ~~Officials and employees~~ of the following bodies shall be subject to sanction proceedings:-

(1) civil and military State Administrations, even if autonomous;
(2) local authorities and other public bodies and institutions;
(3) mixed companies operating under public authorities or bodies and private companies allowed by the State to controlling public utility undertakings or companies having contracts with interests.

12 The following shall be considered from service:

Art 4.

As regards members of the legislative committee or other institutions who by their votes or actions contributed to the maintenance of the Fascist regime and who, for possible, they shall be dismissed from their offices on review and ~~and~~ for possible, they shall be dismissed from their offices on decision of the High Court described in Art 2, without prejudice to any of the other provisions set out in this Decree in so far as they may be applicable.

9 Without prejudice to any legal action, the property of any citizen who has betrayed his country during himself voluntarily and actively at the service of the German invaders shall be forfeited to the State.

In legal proceedings such forfeitures shall be pronounced by a judicial authority competent to pronounce sentence of confiscation. In other cases referred to therein the Allied Commissioner, or the Tribunals territorially competent.

10 In regard to any matter not specifically provided for by this part the rules of the Code of Penal Procedure shall obtain whenever are applicable.

PART II PURGING OF THE ADMINISTRATION

11 ~~Officials and employees~~ of the following bodies shall be subject to expulsion proceedings:-

(1) civil and military State Administrations, even if autonomous;
(2) local authorities and other public bodies and institutions;
(3) special concerns operating under public authorities or bodies and private concerns recognized by the State as controlling public utility undertakings or concerns having certain vital interests.

12 The following shall be dismissed from service:

(1) any person, particularly if when holding high office, who has by partaking actively in the political life of Fascism or by showing himself a consistent apologist of Fascism, shown that he is unworthy of serving the State;

(2) any person who has obtained an appointment or promotion through ~~party~~ favouritism of the party or of Fascist officials of high rank.

13 Any employee who has been guilty of Fascist acts incompatible or corrupt practices such as have been introduced by Fascism into public administration, shall be likewise dismissed.

Whenever evidence of an offence is found during an expulsion proceeding, such evidence shall be reported to the competent authority.

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16 Any person who has held the position of "Sonderbeauftragter" or "Sonderbevollmächtigter" or "Gauleiter", "Kreis- or Ortsgruppenleiter" or who has been an active member of the Fascist Party or has been guilty of Fascist partisanship or disorder or conduct shall be dismissed from his office or employment, but is not to suffer any other or further severe punishment.

17 Any person who has received an appointment or any preferment in any [illegible] promotion because of his Fascist position may in lieu of dismissal be reduced in rank or be returned to his former position.

18 Any person who has after 8 September 43 distinguished himself in the struggle against the Germans may be exempted from dismissal or other disciplinary measures.

19 Any employee who, after 8 September 43, went to North Italy with or for the purpose of allegiance to or who in any way collaborated with the (Republican) Fascist Government shall be dismissed.

Punishment of lesser degree may be awarded to such as show that he or his relatives were exposed to serious threats or danger.

Any person who by his acts has effectively aided the patriots or has [illegible] the work of the Germans or of the (Republican) Fascist Government which they were apparently serving, may be exempt from punishment.

In every case an account shall be made of the allowances that were due [illegible] of judgment and of any advance payment which may possibly have been received. Any special allowance or sum granted or paid [illegible] to the North will be disallowed.

20 The Commission of first instance to hear equitation proceedings will be a Coordination to be established in every Ministry or autonomous authority or body. With personnel of different classes or threes as employed in a Ministry more than one Coordination may be established in that Ministry.

Sub Coordinations will be appointed by the competent Minister and will be composed of a judicial or administrative magistrate either serving or retired, who will preside over them, and of the Chief of Personnel or of an official of the Ministry also, and of a third member nominated by the High Commissioner or the Commission of Final Appeal.

A Coordination to be appointed by the Prefect composed of a judicial official, either serving or retired, an official of the Prefecture, and a member to be nominated by the High Commissioner, will be instituted for Communes, provinces, public welfare institutions and under the control of [illegible] authorities.

Subject to the provisions set out in the preceding paragraph the substitute members may be appointed and the Coordination may be divided into sub-Coordinations.

19 Not less than ten days shall be allowed to an employee whose dismissal is proposed to prepare his defence.

The Coordination, or any member delegated by them, shall have the power to examine witnesses, to require the production of claims and documents from

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[illegible] has effectively aided the enemy or has [illegible] the work of the Germans or of the (Republican) Spanish Government [illegible] were unjustly serving, may be summarily [illegible].

In every case in which it shall be found that the allowances that were [illegible] under the Filipino terms of employment and of any annual payment which [illegible] receives, any special allowance or any rental or [illegible] any treasure to the North will be disallowed.

19 The initiation of formal instances to hear equitable proceedings will be [illegible] Coordination to be established in every Ministry or extraordinary authority [illegible]. When removal of different classes of Filipinos in and out in a Ministry and then [illegible] may be established in that Ministry.

Such Coordinations will be appointed by the competent Minister and will be composed of a judicial or administrative magistrate either serving or retired, who will preside over them, and of the Chief of Personnel or of an official of the Administration, and of a third member nominated by the High Coordinator for Sanctions against Spain.

A Coordination to be appointed by the Minister composed of a judicial official, either serving or retired, an official of the Secretaria, and a member to be nominated by the High Coordinator, will be instituted for Corporations, Provinces, Public Offices Institutions and under the control of the Local Administration.

According to the provisions set out in the preceding paragraphs substitute members may be appointed and the Coordination may be divided into sub-Coordinations.

20 Not less than ten days shall be allowed to an employee whose dismissal is proposed to prepare his defence.

The Coordination, or any member delegated by them, shall have the power to admit witnesses, to require the production of facts and documents from judicial or administrative authorities and may personally hear the interested party if he applies for such a hearing.

21 The finding of the Coordination in the first instance shall be communicated to the High Coordinator and to the party concerned. The interested party [illegible] within three days, and the High Coordinator within twenty days [illegible] 2466 [illegible] appointed by the President of the Council of Ministers [illegible] composed of a President, two officials of the Central Administration, [illegible] or administrative magistrates serving or retired and [illegible] nominated by the High Coordinator for Sanctions against Spain.

In the same manner substitute members may be appointed and the Coordination may be divided into sub-Coordinations.

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21 Dismissal from office, in accordance with the finding of the Commissions, shall be carried out by the authority which normally has such power.

The same authority shall put into effect the punishments hereby authorised in accordance with the finding of the Commissions.

22 Any employee dismissed from office shall be entitled to such pension privileges as may be due to him according to the provisions then in force.

In more serious cases forfeiture of pension privileges may be ordered.

Any employee the subject of operation proceedings may be suspended from office. In such case he shall receive, for his support, his salary without any other further allowance. Suspension from office shall be ordered by the competent Minister, or in cases under para 3 of Art 18 by the Prefect.

23 Commissions responsible for inspecting the registers shall be set up in each professional association or other body responsible for keeping registers of professional men, artists and skilled workers shall apply the principles set out in the preceding articles.

Each Commission shall be appointed by the competent Minister or by any authority delegated by him, and shall be composed of a President, a member nominated by the body keeping the register in question and of a member nominated by the High Commissioner for Sanctions against Fascism.

An appeal against a finding of a Commission may be lodged within the time set out by Art 20, to a Central Commission which shall be established, for each professional association or body, by the competent Minister and composed of a President, of the Judicial or Administration Judges, serving or retired, of four members nominated by the professional associations and of two other members nominated by the High Commissioner for Sanctions against Fascism.

In less serious cases a temporary suspension from the exercise of a profession, art or trade may be ordered in lieu of being struck off the register.

24 An appeal you dismissed from office may appeal to the State Council only on grounds of incompetence (i.e., of the Commission or officer concerned).

25 The proceedings set forth in this part shall be initiated within 6 months of this decree becoming effective.

Any proceeding before the Commission of First Instance shall be ended within three months after its initiation.

For the territory not yet liberated and for that part which has been liberated but not yet restored to the administration of the Italian Government, the time limit indicated in the first paragraph is extended to six months after the restoration of such territories to the Italian Administration.

23 Candidates responsible for inscribing the registers shall be set up in each professional association or other body responsible for keeping registers of professional men, artists and writers which shall apply the principles set out in the preceding articles.

Such Commissions shall be established by the competent Minister or by any authority delegated by him, and shall be composed of a president, a member nominated by the body keeping the register in question and of a member nominated by the Minister responsible for matters relating to Fascism.

An appeal against a finding of a Commission may be lodged within the time set out by Art 20, to a Central Commission which shall be established, for each professional association or body, by the competent Minister and composed of a President, of two judicial or administrative judges, serving or retired, of four members nominated by the professional association and of two other members nominated by the High Commissioner for Sanctions against Fascism.

In both certain cases a temporary exclusion from the exercise of a profession, art or trade may be ordered in lieu of being struck off the register.

24 An employee dismissed from office may appeal to the State Council only on grounds of incompetence (i.e. of the Commission or officer concerned).

25 The proceedings set forth in this part shall be initiated within 6 months of this decree becoming effective.

Any proceeding before the Commission of First Instance shall be ended within three months after the initiation.

For the territory not yet liberated and for that part which has been liberated but not yet restored to the administration of the Italian Government, the time limit indicated in the first paragraph is extended to six months after the restoration of such territories to the Italian administration.

PART III Disposal of Profits derived from the Regime.

26 Profit derived from participation in or adherence to the Fascist regime shall be forfeited to the State regardless whether or not a penal proceeding is instituted for acts constituting an offence.

An increase of property obtained after the 28 October by persons holding public offices or in any way engaged in political activity as a fascist shall be presumed to constitute a profit derived from the regime unless the party concerned shall show that such increase was derived from a legitimate source and this shall be the case even if the property acquired has ceased to belong to the same person.

Such presumption shall likewise apply to increases in property of the descendants, descendants and spouse of any person, who even if not a member of the Fascist party, maintained relationship as associate or client with the persons indicated in the first paragraph.

In revealing increases in property consideration shall be given to property in any way acquired or held through intermediaries.

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27 Specific property constituting profit derived from the regime and owned by the debtor (Note: Without any implication the terms use the word "debtor" to denote the person who has acquired profit from the regime) may be forfeited to the State.

28 The entire property of the debtor is liable for the satisfaction of the assessed debt to the State as profit derived from the regime.

In cases contemplated by the 3rd para of Art 26 persons not set in first paragraph of the same Article shall be liable jointly with their spouse, associates or affiliate.

29 If the property of the debtor is not sufficient to pay the amount owed to the State the following dealings with property (by the debtor) shall be considered void:

(1) transfers made by the debtor without valuable consideration during the five years prior to 25 July 43;

(2) any disposition made after such date.

As far as the State is concerned property acquired within the five year period prior to 25 July 43 by the spouse of the debtor shall for the purpose of satisfying the State's claim for profit derived from the regime be considered as belonging to the debtor.

30 The investigation and assessing of the amount of the profit derived from the regime shall be within the jurisdiction of a Special Section of the Provincial Commission for Taxation, comprised of the President of the Tribunal or a Judge delegated by him and of four Commissioners appointed by the Minister of Finance on the nomination of the Prefect from citizens of proven probity and competence.

The Special Section shall initiate the investigation on information by the High Commissioner or by a Finance or taxation officer or on one signed by a private citizen.

The said Section shall also adjudicate complaints of the debtor or the Finance Office against the proposed assessment of the profit derived from the regime.

The hearing shall be open to the public and both the Avvocatura dello Stato and the person the subject of the investigation may adduce evidence in rebuttal; the latter may choose to be represented by a procuratore legale or by an avvocato.

The decision shall be communicated to the debtor, to the Finance office concerned and to the High Commissioner.

31 The Special Section of the Provincial Commission shall have all the powers of investigation, entry, search, control and inquiry, conferred upon the agents for import taxation and upon the administrative commissions for investigation of extraordinary war profits.

The privilege to abstain from testimony in cases set out in Art 352 of the CPP shall not apply.

Any person summoned as witness or expert who does not faithfully carry out his duties or gives false evidence shall be punished in accordance with

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[illegible] prior to 25 July 43 by the spouse of the debtor shall for the purpose of satisfying the State's claim for profit derived from the regime be considered as belonging to the debtor.

30 The investigation and assessing of the amount of the profit derived from the regime shall be within the jurisdiction of a Special Section of the Provincial Coordination for Peacetime, composed of the President of the Tribunal or a Judge designated by him and of four Coordinators appointed by the Minister of Finance on the nomination of the Prefect from citizens of proven probity and competence.

The Special Section shall initiate the investigation on information by the High Commissioner or by a Finance or Taxation officer or on the signal by a private citizen.

The said Section shall also adjudicate complaints of the debtor or of the Finance office against the proposed assessment of the profit derived from the regime.

The Section shall be open to the public and both the Accountant of the State and the person the subject of the investigation may adduce evidence in rebuttal; the latter may choose to be represented by a procuratore legale or by an avvocato.

The Decision shall be communicated to the debtor, to the Finance office concerned and to the High Commissioner.

31 The Special Section of the Provincial Coordination shall have all the powers of investigation, entry, search, control and inquiry, conferred upon the Courts for direct taxation and upon the administrative commissions for investigation of extraordinary war profits.

The privilege to abstain from testimony in court set out in Art 352 of the CPP shall not apply.

Any person summoned as witness or expert who does not faithfully carry out his duties or gives false evidence shall be punished in accordance with Articles 366, 372 and 373 of the CP.

Any person who fails to comply with other requests of the Section shall be punished by imprisonment up to six months or by fine from 500 to 5,000 lire.

Administrative or other bodies having knowledge of cases in which profit has been derived from the regime, shall immediately report the case to the High Commissioner. Any person responsible for making any such report who fails to do so shall be punished in accordance with the preceding paragraph.

Personnel of the judicial police or of other administrative or technical bodies of the Administration may be assigned to the Special Section for the execution of its duties.

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32 The debtor and the Avvocatura dello Stato may within thirty days lodge an appeal against the decisions of the Special Section of the provincial Coordination. The High Commissioner may also appeal within 60 days.

The appeal shall be adjudicated by a special section of the Central Coordination, composed of a President, a judicial official holding a grade not lower than that of first president of Court of Appeal, and of four members; all to be appointed by the Council of Ministers.

The provisions of the last two paragraphs of Art 30 and of Art 31 shall apply to the proceedings before the Special Section of the Central Coordination.

33 The decisions of the Special Section of the Central Coordination may be appealed before the Plenary Section of the Consiglio Solely on the ground of absolute lack of jurisdiction. An appeal must be lodged by the debtor or by the Avvocatura dello Stato within 45 days; the High Commissioner may appeal within 6 months.

34 The High Commissioner may, even after the lapse of the above period but not after the lapse of two years, move that the decision, although final be annulled on the ground that facts of considerable importance have been discovered always provided that the outcome set out in the decision discloses that such facts were not in evidence in the previous proceedings.

Such amendment of the decision is in any case within the jurisdiction of the Special Section of the Central Coordination.

35 Upon begins the Special Section of Provincial Coordination are constituted, the President of the Tribunal may, upon request of the High Commissioner or of the Finance Administration, order by decree a protective attachment of chattels or realties belonging to persons set out in Art 26 although they may be held by third parties.

Such power may be exercised by the Presidents of the Coordination by virtue of their office.

Provisions of paragraphs 7 and 8 of Art 19 of the Consolidated text of laws on the extraordinary tax on excess war profits, approved by RD 3 June 43, No 598, shall apply.

36 A decree of the High Commissioner shall be published in the Gazzetta Ufficiale of the Kingdom, listing persons who are considered profiteers of the regime; any person who has held property belonging to such person or who may be deemed to hold in any way whatever, shall be required to declare the same following the form and within the time limits established in the said decree; who so shall not return the property or fulfill his obligations to his creditors. Any such blocking shall become void if an attachment is not entered within 60 days after the lapse of the time limit for the above said declaration.

Any person who may fail to comply with the duties set forth in this Article shall be punished in accordance with Art 31 para 4; he shall also be liable

The Provincial Commissioner may, even after the lapse of the above period but not after the lapse of two years, order that the decision, although final be reopened on the ground that facts of considerable importance have been discovered always provided that the reasons set out in the decision disclose that such facts were not in evidence in the previous proceeding.

Such reopening of the decision is in any case within the jurisdiction of the Special Section of the Central Commission.

35 Even before the Special Sections of Provincial Commissions are constituted, the President of the Tribunal may, upon request of the High Commissioner or of the Finance Commissioner, order by decree a preventive attachment of chattels or realties belonging to persons set out in Art 26 although they may be held by third parties.

Such power may be exercised by the Presidents of the Commissions by virtue of their office.

Provisions of para 7 and 8 of Art 19 of the Consolidated text of Laws on the extraordinary tax on excess war profits, approved by RD 5 June 43, No 598, shall apply.

36 A decree of the High Commissioner shall be published in the Gazette Oficial of the Kingdom, listing persons who are considered profiteers of the regime; any person who may hold property belonging to such persons or who may be indicated to lie in any way fictitious, shall be required to declare the same (all sums) the form and within the time limits established in the said decree; who if shall not return the property or fulfill the obligations to his creditors. Any such blocking shall become void if an attachment is not issued within thirty days after the lapse of the time limit for the above said declaration.

Any person who may fail to comply with the duties set forth in this Article shall be punished in accordance with Art 31 para 4; he shall also be liable for any consequential loss suffered by the State.

Any person who, for the purpose of withholding from the State, property belonging to a person considered to have made a profit derived from the regime, acquires, receives or conceals such property knowing their acquisition, receipt or concealment, shall be punished by imprisonment not exceeding 10 years and by a fine up to 100,000 lire.

and the regions of the last named commission. 37 The proposed assessment of the Provincial Commission if unopposed by the debtor; the decision of such Commission, even pending appeal to the Distrito Direccion shall constitute good authority for execution even for entry in the real estate and mortgage registry.

The collection of the amounts owed to the State as profits derived from the regime may be effected in accordance with the procedure and preference established for the collection of the extraordinary tax on excess war profits. The entire debt may be entered on a special roll and may be collected in a single instalment.

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PART IV — Confiscation of Fascist Property.

38 The property of the Italian Fascist national party and of organizations suppressed by DDL 2 August 43, No 704, shall devolve upon the State.

Such property shall be used for the public service or the public benefit, this shall be effected on the proposal of the High Commissioner by decree of the President of the Council, in agreement with the Competent Ministers. If necessary such property may be transferred to another public body or organization pursuing welfare, sport or the like.

39 The Finance administration of the State shall provide for the collection of assets of the Fascist national party and the suppressed organizations.

PART V — The High Commissioner.

40 To supervise the carrying out of this decree the office of High Commissioner for Sanctions against Fascism is created.

The High Commissioner shall be nominated by the Council of Ministers and appointed (i.e. by the President) and shall for the duration of his term of office rank as a judicial officer of the first grade.

He shall be assisted by Assistant High Commissioners for each of the branches of his jurisdiction.

In the event of the High Commissioner being unable to sign each of the Assistant High Commissioners may do for as his own branch is concerned act in his name.

The Assistant High Commissioners shall be appointed by the President of the Council of Ministers on the nomination of the High Commissioner and shall rank as judicial officials of the third grade.

Not more than two Commissioners may be nominated for any one branch of the High Commission. They shall be appointed in the manner described in the preceding paragraph.

Sufficient judicial and other officials shall on request be assigned to the office of the High Commissioner and a nucleus of judicial police shall be placed at his disposal composed of personnel of the carabinieri of the public security or of the finance guards. Economic not members of the administration may be employed in the secretarial offices.

The High Commissioner and his subordinate officers may call on the judicial police who will carry out their orders.

41 The High Commissioner shall direct and supervise the work of all organizations by which Sanctions against Fascism are carried out.

The High Commissioner shall be empowered on his own initiative or on the demand of any public authority or on an information signed by a private individual to commence proceedings in respect of any crime described in Art 2 and to carry out investigation as may be necessary and to remand the accused to the High Court in which he or his delegate act as "Ministero publico".

In cases of exceptional gravity the High Commissioner may exercise the normal powers in that respect and refer to the High Court any person than those referred to in Art 2 and for any crime whether or not such is sentenced in Art 2.

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O R I G I N A L

(6) Make provision for the custody and proper use of property previously belonging to the Fascist Party or to Fascist organizations.

(7) Exercise any other functions contained in this decree or in any other decree or regulation.

Part VI — Transitory and Final Provisions.

42 For the application of this decree all prerogatives including those set out in Arts 56, 57 and 67 of the Constitution are hereby abrogated.

43 Any public officials or any person employed in the public service responsible according to the provisions of this law for punishing Fascist crimes, for support to administrations, for embezzling any profit derived from the regime and for sequestering Fascist property, who commit any offence not set in any punishable by virtue of Arts 314, 316, 317, 318, 319, 320, 323, 324, 326 and 328 of the Penal Code shall be punished in accordance with the provisions of these articles but increased by from one third to one half.

44 Proceedings already initiated for the punishment of Fascist crimes for Fascism and for the forfeiture of profit derived from the regime shall be carried through in accordance with the provisions of this decree, without prejudice to any action already taken incompatible with these rules.

Decisions already given shall be reviewed if they are in conflict with the provisions of this decree.

45 Executive decrees will be issued to provide when necessary for the execution of the rules established by the preceding Arts.

The Minister of the Treasury is hereby authorized to make/this and decrees the necessary variations in the State budget necessitated by the foregoing provisions, in the manner established by this decree.

46 Royal Decree-Law 2 August 43 No 720, of 22 October 43 No 2178, of 26 May 44 No 134, are hereby abrogated.

The provisions contained in Royal Decree-Law 12 April 44 No 101, in so far as they relate to the contents of this decree are also abrogated.

47 This decree will come into force etc. etc.

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I. PRELIMINARY

Text on Courts of Assize

The Italian version of this decree is the only authoritative text. The English text is not a literal translation; its object is to inform officers concerned of the provisions contained in the decree. Note in brackets is not contained in the original text.

Officers are referred to the Italian text for all points of detail or matters of procedure in dispute.

Jurisdiction	Arts 1-3, 4, 10
Constitution of court and its officers	4-11
Procedure	12-15
Appeals	16-17
Pardon	18
Commencement	19

JURISDICTION AND CONSTITUTION

1 General Courts of Assize are hereby constituted for that part of Italy now in enemy occupation and for such other areas as may be specified by decree of the Lieutenant of the Realm on the proposal of the President of the Council of Ministers.

Such Special Courts of Assize shall have jurisdiction to try any person who, after 8 September 1943 has committed an offence under Art 5 of Dec 159 of 27 Jul 1944 against the loyalty to and the defence of the State by informing, corresponding or collaborating with the German Leaders or by in any way helping or assisting them.

Any person who after the creation of the so-called Italian Social Republic was held one of following posts or exercised any of the following functions shall be deemed without further proof to have collaborated with the German invaders and to have given them help and assistance:-

1) Minister or Under Secretary of State in the so-called government of the Italian Social Republic or a national executive office in the republican fascist party;
2) President or member of the special tribunal for the defence of the State or of any special tribunal set up by the said government or public prosecutor before any such tribunal;
3) Head of a province, Federal Secretary or Commissioner or any like office;
4) Editor of any published newspaper;
5) Squad, partisan or any black shirt unit exercising the function of a militia or military nature.

Any person who, in one of the said posts or in the exercise of any of the said functions has assumed greater responsibilities and, any person who has held any post mentioned in 1 and 2 of the preceding para shall be punishable under Art 1 and 4 of the CPR, in any other case under Art 58.

Where any act is an offence under any other law, the penalty prescribed by the CPR shall remain applicable.

Special Courts of Assise are hereby constituted for that part of Italy now in enemy occupation and for such other areas as may be specified by decree of the Lieutenant of the Realm on the proposal of the President of the Council of Ministers.

Such Special Courts of Assise shall have jurisdiction to try any person who, after 8 September 1943 has committed an offence under Art 5 of DLL 159 of 27 Jul 1944 against the loyalty to and the defence of the State by informing, corresponding or collaborating with the German invaders or by in any way helping or assisting them.

Any person who after the creation of the so-called Italian Social Republic held any of the following posts or exercised any of the following functions shall be deemed without further proof to have collaborated with the German invaders and to have given them aid and assistance:-

1) Minister or Under Secretary of State in the so-called government of the Italian Social Republic or a national executive office in the republican fascist party;
2) President or member of the special tribunal for the defence of the State or of any special tribunal set up by the said government; or public prosecutor before any such tribunal;
3) Head of a province, Federal Secretary or Commissioner or any like office;
4) Editor of any political newspaper;
5) Leader, officer in any black shirt unit exercising any function of a militia-military nature.

Any person who, by reason of the said posts or in the exercise of any of the said functions has exercised other responsibilities and, any person who has held any of the functions in 1 and 2 of the preceding para shall be punishable under Artcl 5 of the CPMG, in any other case under Art 58.

Where any act is an offence under any other law, the penalty prescribed by the CPMG shall remain applicable.

2 The Special Courts of Assise shall have jurisdiction to try an offence under Art 5 of DLL 159 of 27 Jul 44 committed by any person accused of any crime described in the preceding article.

3 A Special Court of Assise shall be established in the capital town of each Province.

Sections of the said Court which may sit elsewhere than in the capital town may be set up by decree by the Vice President of the Court of Appeal.

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CONTINUATION OF POWERS AND THE OFFICERS

4 In territory still in enemy occupation the time limits contained in arts 5, 6 and 10 shall commence on the day on which this decree becomes operative in such territory as laid down by Art 19.

When any Special Court of Assise is set up under the powers contained in the first para of Art 1 in any area specified by decree of the President of the Council of Ministers, the time limits laid down in Art 5, 6 and 10 shall run from

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the publication of the said decree in the Gazette Officielle. In territory not yet restored to civilian administration such time limits shall commence on the day the above-mentioned decree becomes operative by order of the Allied Military Government.

5 Within 7 days (from the date of liberation of any province) the CNL in such provincial capital shall, conjointly if necessary with the CNL of other important centres of the province, make a list of not less than 100 citizens of full age and of accepted moral and political probity and submit the same to the President of the Tribunal of the said capital.

Within the 7 days next following, the President of the Tribunal shall, after having satisfied himself of the moral probity and irreproachable political antecedents of the said persons, select from the said list 50 persons as lay assessors.

When the population of any province exceed one million the list referred to in para 1 hereof shall consist of not less than 150 names and the number of lay assessors to be selected therefrom shall be 75.

6 A Special Court of Justice shall consist of a president and 4 lay assessors.

The President shall be appointed by the First President of the Court of Appeal and shall be selected by him from magistrates of grade not lower than Councillor of the Court of Appeal. The appointment shall be made within 10 days. The lay assessors shall be drawn from the list mentioned in the preceding article.

A Deputy President may be appointed by a similar procedure.

7 A Section of the Special Court of Justice constituted in accordance with Art 3 shall be composed as set out in Art 6.

8 Whenever any provincial capital in which the competent Court of Appeal has its seat has not been liberated, the First President of the nearest Court of Appeal shall be competent to and shall exercise the power to appoint the President.

9 The consolidated text of the legislative provisions dealing with the Organisation of the Courts of Justice shall so far as the same is applicable, be observed and followed. The oath shall be taken in accordance with Art 2 of DGL 290 of 5 October 1944.

10 Within 10 days (from the liberation of any Province) the Procurator General of the Court of Appeal for that Province shall by order set up for each Special Court of Justice a Public Prosecutor's office. The number and grade of the judicial officers appointed to such office shall be stated in the order establishing the office.

The office shall consist of magistrates, together with such experienced and able lawyers of spotless moral conduct and irreproachable political antecedents, as may be selected to act therein from lists prepared by the National Liberation Committee.

Whenever any provincial capital in which the competent Court of Appeal has its seat has not been liberated, the functions described in the above paragraphs shall be exercised by the Procurator General of the nearest Court of Appeal.

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[illegible] President and 4 lay assessors.

The President shall be appointed by the First President of the Court of Appeal and shall be selected by him from magistrates of grade not lower than Councillor of the Court of Appeal. The appointment shall be made within 10 days. The lay assessors shall be drawn from the list mentioned in the preceding article.

A Deputy President may be appointed by a similar procedure.

7 A Section of the Special Court of Assize constituted in accordance with Art 3 shall be composed as set out in Art 6.

8 Whenever any provincial capital in which the competent Court of Appeal has its seat has not been liberated, the First President of the nearest Court of Appeal shall be competent to and shall exercise the power to appoint the President.

9 The consolidated text of the legislative provisions dealing with the organization of the Courts of Assize shall so far as the same is applicable, be observed and followed. The oath shall be taken in accordance with Art 2 of DLL 290 of 3 October 1944.

10 Within 10 days (from the liberation of any province) the Procurator General of the Court of Appeal for that Province shall by order set up for each Special Court of Assize a Public Prosecutor's office. The number and grade of the judicial officers appointed to such office shall be stated in the order establishing the office.

The office shall consist of magistrates, together with such experienced and able lawyers of spotless moral conduct and irreproachable political antecedents, as may be selected to act therein from lists prepared by the National Liberation Committee.

Whenever any provincial capital in which the competent Court of Appeal has its seat has not been liberated, the functions described in the above paragraphs shall be exercised by the Procurator General of the nearest Court of Appeal.

11 No parent or relative of the third or nearer degree (of any accused person) shall sit as a lay assessor on any Special Court of Assize nor act as public prosecutor in any trial before such Court.

EXCLUSION OF JURISDICTION

12 Claims for civil damages shall not be entertained by an Special Court of Assize.

PROCEDURE

13 The time limits established by the Code of Penal Procedure for the pre-trial investigation and for hearing are reduced to one half.

14 Any crime within the jurisdiction of a Special Court of Assize shall be investigated by summary procedure in the offices of the Public Prosecutor referred to in Art 10.

Whenever he is of opinion that there is a prima facie case against the accused the public prosecutor may, provided that the conditions set out in the

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second part of Art. [illegible] of the Code of Penal Procedure are observed, under that the trial shall proceed by "giudizio direttissimo".

15 Sentences of the Special Courts of Justice shall be filed within five days of their pronouncement.

APPEALS

16 Appeal on Cassation against the decisions of any Special Court of Justice shall be lodged in such cases and within such time limits as are to be laid down by the Code of Penal Procedure with regard to the decisions of a Court of Justice.

Any such appeal shall be heard by a special section of the Court of Cassation constituted by Decree of the Minister of Justice. Such section of the Court of Cassation shall consist of five members and may sit elsewhere than at the ordinary seat of the Court of Cassation.

If the Court of Cassation shall quash any decision and order a new trial it shall name the Special Court of Justice to which the case shall be referred.

17 The grounds for an appeal in Cassation shall be lodged within 3 days after the filing of the sentence; no appeal submitted after that date shall be entertained.

The time limits for lodging any appeal by the Public Prosecutor is reduced to five days.

The decision on any appeal against sentence of death shall be announced by the Court of Cassation within ten days from the day on which it receives the relative papers. Such papers shall be transmitted without delay and in any event not later than the day before that on which the grounds for appeal must be submitted.

GENERAL

18. The jurisdiction of Special Courts of Justice and of the Special Section of the Court of Cassation shall cease six months after the day on which this decree comes into force and offences set out in this decree shall thereafter be dealt with according to the previously existent rules as to jurisdiction.

COMMENCEMENT

19 This decree shall come into force on the day following its publication in the Official Gazette of the Kingdom; (except that) in territories not liberated or if liberated not restored to the Italian Administration it shall become operative on such dates as may be ordered by the Allied Military Government.

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[illegible] shall be [illegible].

The time limits for lodging any appeal by the Public Prosecutor is reduced to five days.

The decision on any appeal against sentence of death shall be announced by the Court of Cassation within ten days from the day on which it receives the relative papers. Such papers shall be transmitted without delay and in any event not later than the day before that on which the grounds for appeal must be submitted.

[illegible]

18 The jurisdiction of Special Courts of Assize and of the Special Section of the Court of Cassation shall cease six months after the day on which this decree comes into force and offences set out in this decree shall thereafter be dealt with according to the previously existent rules as to jurisdiction.

COMMENCEMENT

19 This decree shall come into force on the day following its publication in the Official Gazette of the Kingdom; (except that) in territories not liberated or if liberated not restored to the Italian Administration it shall become operative on such day as may be ordered by the Allied Military Government.

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DL 44 of 23 Feb 45

DL 56 of 12 Mar 45

RULES OF PROCEDURE

ADDITIONAL AND AMENDING

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.

Officers are referred to the Italian texts for all points of detail or matters of procedure or dispute.

	DL 44	DL 56
Pay of Suspensions	Art 1	2
Time limits	" 2-7	1
Appeals	" 8	
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Pensions	" 10-11	

DL 44

PAY OF SUSPENDED

1 Employees suspended from office in accordance with the last para 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 authorised as well as the temporary increase granted by DL 18/B of 1945 - as increased by DL 328 of 1944.

TIME LIMITS

2 Examination 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 examination proceeding against prisoners or internees, including those interned or imprisoned in Italy and against persons such as missing 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 Department employing them; or, if they are employed outside the national territory, from the day on which they resume duty in such territory.

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Appeals " 8
Future Liberation " 9
Pensions " 10-11

DL 44

PAY OF SUSPENDED

1 Employees suspended from office in accordance with the last para 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 authorised as well as the temporary increase granted by DL 18/B of 1945 - as increased by DL 328 of 1944.

TIME LIMITS

2 Epuration 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 epuration proceeding against prisoners or internees, including those interned or imprisoned in Italy and against persons known as slacking 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 department 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 epuration proceedings against civilian employees in military service shall be three months from the date of their discharge or being granted indefinite leave.

Epuration 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 para, of Art 25 of DL 159 of 1944, the epuration proceeding 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 DL 277 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 established by Art 20 of DL 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 appeals shall be dealt with by the Central Commission with absolute priority".

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7 The time limit 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 Epuration Commission to the authority which was responsible for nominating the particular Commission concerned.

APPEALS

8 Whenever notice of any decision of a Commission of 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 9 of DL 285 of 1944 file his appeal to the Central Commission at the Prefecture or at the office of the Sindaco of the Province or Commune in which the said notice was served on him or at the local CCNN station.

Any appeal so filed shall be forwarded immediately to the Secretariat of the Commission of first instance for transmission to the Central Commission.

OTHER LITIGATION

9 The following paragraph shall be added to Art 26 of DL 285 of 1944.

"If the discovery of any such evidence results from the restoration of normal communications with any colony or foreign, it may be ordered, in the manner directed by the preceding paragraph, that the period within which the person concerned may be referred to epuration shall commence from the day of the cessation of the state of war".

PENSIONS

10 In the event of any retirement under Art 2 of DL 257 of 1944 being ordered while epuration proceedings are in progress, the High Commissioner for Sanctions against Fascism may within thirty days from receiving notice of any such order, request the appropriate Commission of first instance or the Central Commission to continue the proceedings to decide whether the right to pension 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 economic benefits granted to irremovable 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 Magistrates 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)

DL 56

TIME LIMITS

1 The time limit for the initiation of epuration proceedings under para 1 of

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9 The following paragraph shall be added to Art 26 of DL 385 of 1944.

"If the discovery of any such evidence results from the restoration of normal communications with any colony or dominion, it may be ordered, in the manner directed by the preceding paragraph, that the period within which the person concerned may be referred to separation shall commence from the day of the cessation of the state of war".

PENSIONS

10 In the event of any retirement under Art 2 of DL 257 of 1944 being ordered while separation proceedings are in progress, the High Commissioner for Sanctions against Fascism may within thirty days from receiving notice of any such order, request the appropriate Commission of first instance or the Central Commission to continue the proceedings to decide whether the right to pension 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 economic benefits granted to irremovable 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 Magistrates 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)

DL 56

TIME LIMITS

1 The time limits for the initiation of separation proceedings under para 1 of Art 25 of DL 159 of 1944 as extended by Art 6 of DL 2 of 1945 are further extended by
(i) 30 days for civilian employees of any Ministry;
(ii) 60 days for civilian employees of any central Department of State other than a Ministry;
(iii) 60 days for members of the armed forces employed in any central Department of State.

PAY

2 Notwithstanding Art 362 of RD 827 of 23 May 1924, provincial officers of the Treasury, while waiting for the proper evidence 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 DL 159 of 1944.

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

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DIL 4 of 23 FEB 45
DIL 56 of 12 MAR 45

RULES OF DOCTRINE
ADDITIONAL AID AVENUES

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

RULES OF PROCEDURE

ADDITIONAL AGENDIA

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Nr. 2

[illegible]

Decree-Legislative Decrees Nos DLL 159, 257 & 285

The Italian version of this Decree is the only authoritative text. The version herein is not a literal translation; its object is to inform officers concerned of the provisions contained in the Decree.

Officers are referred to the Italian text for all points of detail or details of procedure involved.

Amendments to DL 159	Arts 1- & 14'
Amendments to DL 257	" 6-11
Amendments to DL 285	" 12-13
Commencement	" 15

AMENDMENTS TO DL 159

1 Art 40 of DLL 159 of 27 July 1944 shall be replaced by the following:-

"To provide for the operation of this decree, a High Commission for sanctions against Fascism is hereby created.

The High Commissioner shall be appointed by resolution of the Council of Ministers; while so employed/he shall rank as a judicial magistrate of the first grade.

He shall be assisted by an Assistant Commissioner and by a Deputy Assistant Commissioner in each of the main branches of his jurisdiction.

Should the post of the High Commissioner shall be vacant or he shall be absent or unable to carry out his duties the said functions shall be discharged by a Board consisting of the two Assistant High Commissioners under the presidency of the President of the Council of Ministers.

The Assistant High Commissioner and the Deputy Assistant High Commissioner shall be appointed by the President of the Council of Ministers; while so employed they shall rank respectively in the distribution of the third and fourth grades.

Sufficient magistrates and officials on probation by rank shall be assigned to the office of the High Commissioner and judicial police, including Carabinieri, Public Security, Officers and Finance Guards shall be placed at his disposal. The Secretariat shall be under the control of a Secretary General and persons not belonging to the Civil Service may be employed therein.

The High Commissioner and his subordinate officers may call upon the judicial police for assistance and the latter will carry out their orders".

2 The first part of Art [illegible] of DLL 159 of 27 July 1944 shall be replaced by the following:-

"Any person who for fascist reasons or, by taking advantage of the political situation created by fascism has committed acts of particular gravity which, while not constituting offences, are contrary to the rules of social decorum or of political probity, shall be subject to the loss of suffrage rights, active or passive, for a period not exceeding 10 years, or temporarily disqualification from holding public office or to loss of political rights for a period of not more than 10 years.

Any person who has held a leading position in the fascist party shall be [illegible] leading positions to which this shall [illegible]"

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[illegible] is hereby created.

The High Commissioner shall be appointed by resolution of the Council of Ministers; while so employed he will rank as a judicial magistrate of the first grade.

He shall be assisted by an Assistant Commissioner and by a Deputy Assistant Commissioner on work of the form prescribed in this Ordinance.

Whenever the office of the High Commissioner shall be vacant or he shall be absent or unable to carry out his duties the said functions shall be exercised by the Assistant Commissioner or the Deputy Assistant High Commissioner under the presidency of the President of the Council of Ministers.

The Assistant High Commissioner and the Deputy Assistant High Commissioner shall be appointed by the President of the Council of Ministers; while so employed they shall rank respectively as magistrates of the third and fourth grades.

Sufficient magistrates and officials as may be by rank shall be assigned to the office of the High Commissioner and judicial police, including Carabinieri, Public Security Officers and Finance Guards shall be placed at his disposal. The Secretariat shall be under the control of a Secretary General and persons not belonging to the Civil Service may be employed therein.

The High Commissioner and his subordinate officers may call upon the judicial police for assistance and the latter will carry out their orders".

2 The first para [illegible] of Decree No 27 Jul 44 shall be replaced by the following:-

"Any person who for fascist reasons or, by taking advantage of the political situation created by Fascism has committed acts of particular gravity which, while not constituting offences, are contrary to the rules of moral rectitude or of political probity, shall be subject to the loss of suffrage rights, active or passive, for a period not exceeding 10 years, or temporarily disqualification from holding public office or to loss of political rights for a period of not more than 10 years.

Any person who has held a leading position in the fascist party shall be subject to loss of suffrage rights. The leading positions to which this shall apply will be notified by decree of the President of the Council of Ministers".

3 Magistrates directed to preside over the Provincial Commissions referred to in Art 6 of Dec 159 of 27 July 1944 shall be appointed by the President of the Council of Ministers after consultation with the Minister of Justice and the High Commissioner for Sanctions against Fascism.

4 The final sub paragraph shall be added to Art 14 of Dec 159 of 27 Jul 44 245

"In case of extenuating circumstances may also be awarded to fascist applicants under Art 12 (1) when the offence has not been sufficiently serious to render the guilty person unworthy of serving the State".

5 The Central Commission referred to in Art 20 of Dec 159 of 27 Jul 44 shall consist of four divisions, each of which shall consist of a Divisional President, two retired or serving judicial or administrative magistrates, two officials of the Central Administration and two members selected by the High Commissioner for Sanctions against Fascism.

The President of the Central Commission shall provide for the allocation of work among the various divisions and may preside over the meetings of any of them.

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[illegible] 1947, according to the last part of the said Decree.

Any such request ought to be made within 6 days from the commencement of the decree of a tenement.

The [illegible] of an [illegible] which is two-storied [illegible] 2 of the Act of 1[illegible] do not be not 9 of the present decree until [illegible] to refund [illegible] advances in accordance with the re-negotiated terms of 1947.

11 Where [illegible] the [illegible] in any [illegible] decree has refer to Act 257 [illegible] [illegible] for the commencing of the [illegible] under the 2nd part of art 1 of the [illegible] 1[illegible], shall run from the date the decree [illegible] into force.

Amendment to Act 257

12 Art 1[illegible] of Act 257 of 1[illegible] is amended to read as follows:-

"In every proceeding [illegible] contract, [illegible] with these [illegible] if the [illegible] for a [illegible] [illegible], shall be [illegible] for preparing for trial the [illegible] against such [illegible] which are to be returned to a Conciliation Commission".

13 The following para. shall be added to the end of para. 1 of art 20 of Act 257 of 1947 thus:-

"Whenever any agency charged with [illegible] and other conditions that is [illegible] [illegible] to justify [illegible] proceedings against any person in the register it shall immediately [illegible] to the Agent to Conciliation which shall, before [illegible] any proceeding, notify the High Commissioner thereof. The High Commissioner may, [illegible] [illegible], initiate, [illegible] proceedings himself".

14 The [illegible] of the Sheikh [illegible] the Agent in a dispute in a direct instance [illegible] the Conciliation Commission [illegible], in accordance with art 20 of Act 257 of 21 July 1947, shall be [illegible] by all the papers and documents [illegible] which the [illegible] [illegible].

Commencement

15 This present decree shall come into effective on the day of its publication in the official Gazette of the [illegible].

The provisions of art 7 shall be [illegible] from 20 December 1947.

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[illegible] 45

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[illegible]

MF 70/5.900 1 Nov 44

[illegible]

Decree

for providing for

The Purge Procedure of Italian Officials.

The Italian version of this decree is the only authoritative text. The version below is not a literal translation; its object is to inform officers confidentially of the provisions contained in the decree.

Officers are referred to the Italian text for all points of doubt or difficulty in procedure of purges. The brackets indicate additions to the original text made to clarify the meaning.

The time limit (for the commencement of epuration proceedings) against civil or military employees of the first four grades or equivalent officials of corresponding rank in the employ of the State railways shall in lieu of that contained in Art 25 of DL 159/44 be 30 days from the coming into force of this decree.

The Commission (of first instance) to which an epuration proceeding concerning any such person (has been referred) shall communicate its decision to the High Commissioner and to the "defendant" within 30 days from the day on which the case was referred to it. An appeal under art 20 of DL 159/44 from any such decision shall be lodged by the High Commissioner within 10 days and by the defendant within 3 days of the communication (to them respectively) of such decision. The Central Commission shall give priority of hearing to appeals concerning such persons.

The President of the Council of Ministers (PCM) may on the application of the President of the Epuration Commission on being satisfied that the conceptual complexity of the investigation (of any particular case) so requires extend the time limit (for hearing) contained in the last preceding paragraph as may be requisite up to (a maximum of) a further X days.

Within 60 days from the coming into force of this decree the PCM having heard the appropriate Minister or on the request of the person concerned any place and civil or military State employee of the first four grades or an official of corresponding rank in the employ of the State railways in retirement. Such power shall be exercisable even if the official [illegible] "irreparable" class or after Epuration

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[illegible] Commander in Chief.

[illegible] are referred to the Italian text for all points of detail as matters of procedure or dispute. The brackets indicate additions to the original text made to clarify the reading.

[illegible] (for the commencement of separation proceedings) against state military employees of the first four grades or holders of rights of corresponding rank in the employ of the state military shall be filed within 30 days from the coming into force of this decree.

The Tribunals (of first instance) to which an separation proceeding concerning any such person (has been referred) shall communicate the decision to the Chief Commissioner and to the "defendant" within 30 days from the day on which the case has been referred to it. An appeal under Art 20 of Law 159/44 from any such decision shall be lodged by the Chief Commissioner within 10 days and by the defendant within 3 days of the communication to them respectively of such decision. The Central Commission shall give priority of hearing to appeals concerning the [illegible].

The President of the Council of Ministers (PCM) may on the application of the President of the Separation Commission on being satisfied that the overall complexity of the investigation (or any particular case) has rendered [illegible] the time limit (for hearing) contained in the last preceding paragraph be may be extended up to (a maximum of) a further X days.

Within 60 days from the coming into force of this decree the PCM having heard the appropriate minister or on the request of the person concerned may place on civil or military state employee of the first four grades or in receipt of corresponding rank in the employ of the state military in retirement. Such power shall be exercisable even if the official belongs to an "irremovable" class or after Separation proceedings have been commenced.

The military personnel to whom this article applies shall be given the pension provided for by the law in force.

All persons retired under the last preceding article shall, if they are [illegible], be entitled to add a period of ten years and other personnel an [illegible] fifty years to their service to count for pension.

Provided nevertheless that the service to count for pension hereunder shall not exceed forty nor be less than twenty years.

For the purposes of this article, the following personnel shall be considered to be "irremovable" members of the [illegible] of the Council of State; of the Court of Accounts and professors of Universities. Where the first paragraph of this article is not applicable the provisions of Law 497/48 shall apply.

The competent tribunals for [illegible] (PCM) shall be notified of every order for retirement [illegible] under Art 2 and shall be in of opinion

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that (a case in point and that) para 2 of Art 22 of DLL 159/44 may apply be any refer the case to the (appropriate) Epuration Commission for decision as to whether or not the "defendants" pension shall be forfeited. An Epuration commission may, as an alternative, (in its powers under Art 22) order forfeiture of any increase to which the "defendant" would otherwise be entitled under Art 3 hereof.

An order as to loss of pension or of any increase shall take effect on the first day of the month following the decision of the Central Commission (in the case of an appeal) or (where there is no appeal) the first of the month following the day on which the decision of the Commission of first instance becomes unappealable.

The hearing (of any case referred hereunder) shall be (conducted) in accordance with the provisions contained in DLL 159/44 and Art 1 hereof.

5 As regards State employees residing in any territory which, on the date on which this decree comes into force, has not been restored to Italian Administration, the time limits contained in para 1 of Art 1 and in Art 2 shall run from the date on which DLL 159/44 and this decree become effective in such territory.

When, following the liberation of any territory not now liberated, any imperial evidence is discovered against any State employee which could not (previously) have come to the knowledge of the Epuration Commission, the SCM may, provided that the time limits contained in para 1 of this Art are not exceeded, by a decree order, that Art 1 of this decree shall apply to such case even though the time limits prescribed (in that Art) have expired.

In similar circumstances the SCM may within the time limits of the para 1 of this Art submit for decision cases to which Art 4 hereof applies.

When employees reside outside the National Territory the time limits referred to in para 1 hereof shall run from the cessation of hostilities.

Where there is obvious evidence that employees, within the provisions of paras 1 and 4 of this Art are actively collaborating or have collaborated with the so-called republican fascist government, proceedings for epuration or for forfeiture of pension under Art 4 may be commenced before the time limits of this Article commence to run, and without allowing the time for the preparation of the defence which is allowed by para 1 of Art 19 of DLL 159/44.

6 Appeals through neither administrative nor judicial channels shall be allowed against decisions under Art 2 hereof or an award of forfeiture of pension under Art 4 hereof except on grounds of incompetence of the (hearing) commission.

7 Until the epuration of the Public Administration has been completed, the SCM shall be notified of all proposals as to promotions and appointments [illegible] to officers of corres-

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Italian Administration, the time limits contained in para 1 of Art 1 and in Art 2 shall run from the date on which DLL 159/44 and this decree become effective in such territory.

Then, following the liberation of any territory not now liberated, any important evidence is discovered against any State employee which could not (previously) have come to the knowledge of the Epuration Commission, the HCM may, provided that the time limits contained in para 1 of this Art are not exceeded, by decree order that Art 1 of this decree shall apply to such case even though the time limits prescribed (in that Art) have expired.

In similar circumstances the HCD may within the time limits of the para 1 of this Art submit for revision cases to which Art 4 hereof applies.

When employees residing outside the National Territory the time limits referred to in para 1 hereof shall run from the cessation of hostilities.

Where there is obvious evidence that employees, within the provisions of paras 1 and 4 of this Art are actively collaborating or have collaborated with the so-called republican Fascist government, proceedings for epuration or for forfeiture of pension under Art 4 may be commenced before the time limits of this Article commence to run, and without allowing the time for the preparation of the informe which is allowed by para 1 of Art 19 of DLL 159/44.

6 Appeals through neither administrative nor judicial channels shall be allowed against decisions under Art 2 hereof or an award of forfeiture of pension under Art 4 hereof except on grounds of incompetence of the (hearing) commission.

7 Until the epuration of the Public Administration has been completed, the HCD shall be notified of all proposals as to promotions and appointments to the first four grades of State employees or to offices of corresponding rank in the State Railway Service.

The HCD may, within ten days of receiving such notification state his reasons for opposing the aforesaid promotion or appointment. Then any Minister does not propose to accept the view of the HCD, the matter shall be referred to the Council of Ministers for decision.

Except where para 6 of Art 5 applies personnel appointed in accordance with the provisions of this article shall not be subject to further epuration.

8 This decree shall come into force on the 1 Nov 44.

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

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

ILL 205 of 23 Oct 44

ILL 205 PROCEDURE

for operation proceedings under Part II of ILL 159

The Italian version of this decree is the only authoritative text. The version below is not a literal translation but is just to inform officers concerned of the provisions contained in the decree.

Officers are referred to the Italian text in all points of detail or matters of procedure or dispute. The brackets indicate additions to the original text made to clarify the meaning.

Preparation for trial and trial	Arts.1- 1,21,23
Appeals and Execution of sentence	" 9-12,22,29
Provisional Proceedings	" 13-17
Professional Arts and Trades	" 18-20
Miscellaneous	" 25-30

INITIATION AND PREPARATION OF PROCEEDINGS

1 Except as provided in Art 2 hereof proceedings for operation under Pt II of ILL 159 shall be initiated by the High Commissioner for Defaspian (HC).

2 The bodies referred to in Art 11 of ILL 159 shall send to the HC a list of their employees within the provisions of Arts 12 and 17 of that decree and such evidence as is in their possession concerning employees to whom the provisions of Arts 12 and 13 of the said decree are considered to apply.

When, however, any such body is of opinion that it has sufficient evidence to justify operation proceedings against an employee, it may file a charge with the appropriate hearing Commission which, before entering the case, shall send to the HC a list of the names of the persons accused.

The HC may, if he so desires, reserve to himself the initiation of any such proceeding.

The HC shall commence operation proceedings before the (appropriate) Commission of first instance against those who, on the evidence received by him from bodies or Commissions or obtained in answer to enquiries of his own office, he is of opinion should be dismissed or receive some other punishment authorized by Part II of the said decree.

RECOVERY

Preparation for trial and trial	Articles [illegible]
Witness and Examination of witnesses	" 9-12, 2 [illegible]
Professional Misconduct	" 13-17
Professional Arts and Crafts	" 18-21
Miscellaneous	" 22-30

INITIATION AND PREPARATION OF PROCEEDINGS

1 Except as provided in Art 2 hereof proceedings for a creation under art II of ILL 15? shall be initiated by the Area Commissioner for Information (AC).

2 The Zonal referred to in Art 11 of ILL 15? shall send to the AC a list of their contacts within the provisions of Arts 16 and 17 of that decree and shall give advice as to in their possession concerning employees to whom the provisions of Arts 12 and 13 of the said decree are considered to apply.

When, however, any such body is of opinion that it has sufficient evidence to justify liquidation proceedings against an employee, it may file a charge with the appropriate hearing Commission, which, before entering the case, shall send to the AC a list of the names of the Areas concerned.

The AC may, if he so desire, reserve to himself the initiation of any such proceeding.

The AC shall commence liquidation proceedings before the (appropriate) Commission of first instance against those who, on the evidence received by him from Zonal or Commissions or obtained in answer to enquiries of his own office, he is of opinion should be cleared or receive some other punishment authorised by part II of the said decree.

DISCOVERY

3 Every body shall supply to the AC all information and documents he may demand.

Where political or military secrets are involved, prior authorization shall be obtained from the President of the Council of Ministers. (?) 2449 care may be taken to be observed during the examination and transmission of such documents.

DEFENCE

4 The Commission of first instance, on receiving with the relative documents a request for the commencement of proceedings, shall advise the person concerned of the charges against him and invite him to submit his defence within a certain time limit which in any case shall not be less than one days.

During such period the person concerned shall have the right to consult relevant records in the Secretariat of the Commission.

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5 The defence shall be filed with the Secretariat of the Commission.

An employee living in a commune other than that in which the Commission is located may file his defence through the head of the office in which he works.

The head of the office will without delay forward the same to the Secretariat of the Commission.

FILING AND SERVICE

6 The Commission of first instance having made such further enquiries under Art 19 of ILL 159 as it may deem necessary in view of the evidence before it and the defence of the person concerned and shall pronounce its finding supported by short reasons for the same.

7 In cases under Art 14 of ILL 159, where there is no evidence of fraudulent partisan ship or improper conduct the Purgation Commission may instead of dismissal, award such lesser punishment as is allowed by the said article.

8 No penalty shall be imposed when a title mentioned in Art 14 of ILL 159 has been awarded as a mere honour and the person concerned did not participate in the events for which the title was first awarded.

Similarly those who became officers in the WTSN as a result of a collective draft into the Militia of units which existed in other Government services shall not be penalised unless the person concerned made a specific request for such transfer.

Nevertheless dismissal or any other penalty authorised by Art 14 of the above-mentioned decree may be ordered in the cases of those have exploited such titles or their position in the militia in order to obtain for themselves any particular advantage which, generally speaking, other persons similarly situated could not obtain.

APPEALS

9 Any appeal by the person concerned or by the PG against a decision of the Commission of first instance shall be filed at the Secretariat of the said Commission and shall be forwarded by the latter, together with the relevant records, to the Central Commission.

An employee living in a commune other than the one in which the Commission of first instance is located may present his appeal to the head of his office who shall without delay forward the same to the Secretariat of the (appropriate) Commission of first instance for further action as above.

EXECUTION OF SENTENCE

10 The finding of an Purgation Commission shall be communicated, by the [illegible] which

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[illegible]

8 No penalty shall be imposed when a title mentioned in Art 14 of DLL 159 has been awarded as a mere honour and the person concerned did not participate in the events for which the title was first awarded.

Similarly those who become officers in the WSN as a result of a collective draft into the Militia of units which existed in other Government services shall not be penalised unless the person concerned made a specific request for such transfer.

Nevertheless dismissal or any other penalty authorised by Art 14 of the above-mentioned decree may be ordered in the cases of those who exploited such titles or their position in the militia in order to obtain for themselves any particular advantage which, generally speaking, other persons similarly situated could not obtain.

APPEALS

9 Any appeal by the person concerned or by the HC against a decision of the Commission of first instance shall be filed at the Secretariat of the said Commission and shall be forwarded by the latter, together with the relevant records, to the Central Commission.

An employee living in a commune other than the one in which the Commission of first instance is located may present his appeal to the head of his office who shall without delay forward the same to the Secretariat of the (appropriate) Commission of first instance for further action as above.

EXECUTION OF SENTENCE

10 The finding of an Apparition Commission shall be communicated, by the appropriate Secretariat, to the body employing the person concerned which shall issue such order as may be necessary to carry out the finding.

SUSPENSION BEFORE OR DURING PROCEEDINGS

11 Whenever the HC is of opinion that an employee against whom apparition proceeding has been commenced should be suspended, he shall make to the appropriate Minister or Prefect a recommendation to that effect supported by his reasons. The latter shall then take action in accordance with Art 22 of DLL 159.

Any Minister or Prefect who does not desire to accept the HC's recommendation shall at once notify the latter and refer the matter to the President of the Council of Ministers (PCM) for decision.

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Should the circumstances, which caused any suspension to be ordered, cease to exist the order of suspension may, with the approval of the HC at any time and even during actual epuration proceedings, be revoked by the authority which made it. If the HC should withhold his consent, the said authority may submit the matter to the PCI for decision.

PROCEDURE ON APPEAL.

12 The Central Epuration Commission shall have the same powers as were given to a Commission of first instance by Art 19 of ILL 159.

New evidence may be presented to the Central Commission either by the person concerned or by the HC.

The Central Commission even if there is no request by the HC, may award a severer penality than that given by the Commission of first instance.

EPURATION OF PROVINCIAL NON STATAL BODIES.

13 Private public utility undertakings having their offices and operating in one province only will be epurated by a Commission established under Art 18, para 3 of ILL 159.

The Prefect shall issue such orders as may be necessary to carry out the findings in respect of such personnel.

14 In the case of any special concerns operating under a public authority or other public body an official of the undertaking concerned or of the controlling administrator or other public authority or body may be appointed as second member of the epuration commission.

Except as provided in the preceding para where a single commission deals with more than one undertaking, the competent authority may select the second member from the staff of any of the undertakings concerned.

The provisions set out in the first para of this Article shall apply also to undertakings which are of general importance to the Bodies controlling them.

PROVINCIAL COMMISSIONS.

15 In derogation from the provision contained in Art 18, para 3 of ILL 159, the Epuration Commissions for Bodies referred to in that para or in Art 13 hereof shall be appointed by the PCI, after consultation with the competent Minister (ie with the HC) the provisions of the preceding Article as to the composition of Commissions referred to therein shall apply to those Commissions. The President of the Commission shall in every case be a judicial or administrative magistrate, active or retired.

Such a Commission may be given jurisdiction over more than one province.

The Commission for the Communes of Rome and for undertakings operating [illegible] the Interior, the second

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

13 Private public utility undertakings having their offices and operating in one province only will be epurated by a Commission established under Art 16, para 3 of DLL 159.

The Prefect shall issue such orders as may be necessary to carry out the findings in respect of such personnel.

14 In the case of any special concerns operating under a public authority or other public body an official of the undertaking concerned or of the managing administrator or other public authority or body may be appointed as second member of the epuration commission.

Except as provided in the preceding para where a single commission deals with more than one undertaking, the competent authority may select the second member from the staff of any of the undertakings concerned.

The provisions set out in the first para of this article shall apply also to undertakings which are of general importance to the bodies controlling them.

PROVINCIAL COMMISSIONS.

15 In derogation from the provision contained in Art 16, para 3 of DLL 159, the Epuration Commissions for Bodies referred to in that para or in Art 13 hereof shall be appointed by the PCM, after consultation with the competent Minister and with the HC, the provisions of the preceding article as to the composition of Commissions referred to therein shall apply to those Commissions. The President of the Commission shall in every case be a judicial or administrative magistrate, active or retired.

Such a Commission may be given jurisdiction over more than one province.

The Commission for the Commune of Rome and for undertakings operating under it shall be appointed by the Minister for the Interior; the second member shall be selected from among the staff of the Commune or the Ministry.

The Commissions for the epuration of private public utility undertakings and of concerns of national importance shall be appointed by the competent authority, as laid down in DLL 159, and also by the PCM.

16 Sub-Commissions with jurisdiction over one or more provinces may be appointed in the manner set out in Art 16, para 1, to deal with Government departments which have a large staff in scattered offices. 4448

A Commission may establish its seat in any provincial town.

17 In every province the Prefect and the representative of the HC shall jointly be responsible for preparing the cases against employees to be brought before an epuration Commission

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REVISION OF PROFESSIONS ETC. (TRIBUNALS)

16 Central Commissions established by Art 23, para 3 of ELL 159, shall be composed of a President, two judicial or administrative magistrates (active or retired), four members selected from persons practising a profession, art or trade by the appropriate Minister, after the consultation with the authority, if any in Rome responsible for keeping the register (of that profession etc) and of two other members designated by the HC.

In appointing any such Commission the appropriate Minister or a body authorised by him, need not appoint persons to represent an authority responsible for keeping a register if in fact such authority does not exist.

17 The Commission responsible for reviewing the entries on any register referred to in Art 23 of ELL 159 shall apply Arts 12 (1), 13 and 14 of the said decree (to persons on such registers).

The name of any person whose behaviour has compromised the decorum and dignity of his profession or who has in any way shown himself unworthy to practice his profession, art or trade, shall be struck off the register.

In other cases a temporary suspension from practice of the profession, art or trade may be ordered in lieu of removal from the register.

Persons whose names are included on any (professional etc) register shall be entitled to the benefit of the provisions of Art 16 of the said decree. Where the practice of a profession is permitted under the special Government authorisation or licence the removal of any name from a register shall be deemed to revoke such government authorisation or licence.

REVISION OF PROFESSIONS (PROCEEDINGS).

20 A Commission responsible for reviewing any register shall have the powers of an Expiration Commission under Art 17 of ELL 159.

Proceedings before any such Commissions shall be commenced by a request of the HC. The bodies charged with keeping the registers shall send to the HC the documents in their possession and any denunciations received by them.

In any case of particular gravity a Commission may, during the proceedings for review suspend the person concerned from his profession, art or trade until the proceeding is concluded.

21 Appeals against the decisions of a Commission for the revision of any register shall be filed in the Secretariat of such Commission and shall be sent by that Commission to the Central Commission together with (all relevant) documents.

REVISION OF PROFESSIONS (GENERAL).

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

the dignity of his profession or who has in any way shown himself unworthy to practice his profession, art or trade, shall be struck off the register.

In other cases a temporary suspension from practice of the profession, art or trade may be ordered in lieu of removal from the register.

Persons whose names are included on any (professional etc) register shall be entitled to the benefit of the provisions of Art 16 of the said decree. Where the practice of a profession is permitted under any special Government authorisation or license the removal of any name from a register shall be deemed to revoke such government authorisation or license.

REVISION OF PROFESSIONS (PROCEEDINGS).

20 A Commission responsible for reviewing any register shall have the powers of an Injunction Commission under Art 19 of DLL 159.

Proceedings before any such Commissions shall be commenced by a request of the HC. The bodies charged with keeping the registers shall send to the HC the documents in their possession and any denunciations received by them.

In any case of particular gravity a Commission may, during the proceedings for review suspend the person concerned from his profession, art or trade until the proceeding is concluded.

21 Appeals against the decisions of a Commission for the revision of any register shall be filed in the Secretariat of such Commission and shall be sent by that Commission to the Central Commission together with (all relevant) documents.

REVISION OF PROFESSIONS (APPEAL).

22 When the time limit for any appeal has expired without an appeal having been filed the finding of any Commission responsible for reviewing any register (or where there has been an appeal) the finding of the Central Commission shall be communicated by the Secretariat to the Body responsible for keeping such register who will put the said finding into effect.

REVISION OF PROFESSIONS (ADMINISTRATIVE)

23 The last part of Art 13 of DLL 159 shall apply to a Commission responsible for reviewing any register.

Where one body is responsible for keeping more than one professional register, the appropriate Minister may, if the large number of entries makes it desirable, form separate Commissions for reviewing the entries in the several registers.

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24 Where two or more registers are kept in neighbouring offices and the small number of entries in each register makes it desirable, the appropriate Minister may order that the review of such registers under Art 23 of ELL 159 be undertaken by one Commission.

COMMENCEMENT OF PROCEEDINGS.

25 A proceeding for epuration shall for the purpose of the time limits contained in Art 25 of ELL 159 be deemed to be commenced on the date on which, the charges against a person are communicated to him.

Provided that where an employee has been examined before such communication the proceedings shall be deemed to have commenced either on the day on which he is suspended or where this was prior to the day on which this Decree came into force, the proceedings shall, irrespective of the date on which the charges were communicated, be deemed to have commenced on the (23) day.

FUTURE LIBERATION OF TERRITORY (EVIDENCE).

26 When, after the liberation of territories not yet liberated, important evidence, which could not previously have been discovered, is discovered against any person, who may be liable to epuration proceedings, the PCM may by decree order that the time limit, contained in Art 25, para 1 of ELL 159, shall in the case of such persons commence from the date mentioned in the para 3 of that article.

RECENT RETIREMENTS.

27 In more serious cases such as those to which para 2 of Art 22 of ELL 159 refer, any persons who are been retired after 25 July 43 may be subjected to epuration proceedings, to determine whether or not any pension right shall be forfeited. Any such proceeding shall be carried out in the manner and within the time limits (which otherwise apply).

REVIEW FOR ERROR.

28 The review of any criterion under Art 44, para 2 of ELL 159, shall be originated by an application of the person concerned. Such application shall be lodged with the Secretariat of the competent Epuration Commission or with the body to which the employee belonged, within 90 days from the date this decree comes into force.

Any such review shall be carried on in accordance with the rules contained in ELL 159.

APPLICATION AFTER FINDING.

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[illegible] of [illegible] (EVIDENCE).

26 When, after the liberation of territories not yet liberated, important evidence, which could not previously have been discovered, is discovered against any person, or may be likely to sportion proceedings, the FCM may by express order that the time limit, contained in Art 25, para 1 of ILL 156, shall in the case of such persons be extended from the date mentioned in the para 1 of that article.

REMAND PETITIONERS.

27 In more serious cases such as those to which para 2 of Art 22 of ILL 157 refer, any person who has been retired after 29 July 43 may be subjected to sportion proceedings to determine whether or not any pension right shall be forfeited. Any such proceeding shall be carried out in the manner and within the time limits (when otherwise apply).

REVIEW AND REVIEW.

28 The review of any decision under Art 26, para 2 of ILL 157, shall be originated by an application of the person concerned. Such application shall be lodged with the Secretariat of the competent Sportion Commission or with the Army to which the employee belonged, within 90 days from the date this decree comes into force.

Any such review shall be carried on in accordance with the rules contained in ILL 157.

RESTITUTION AFTER FINDING.

29 Any ([illegible]) employee whose dismissal from office is ordered by a Commission of first instance, shall immediately be suspended under the first part of Art 22 of ILL 157 (in awaiting the decision becoming final).

COMMENCEMENT

30 This decree shall come into force on the day of its publication in the Gazette (7 Nov 44).

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SCALE OF ISSUE - Sub Unions (2)
Regions (3)
Provinces (2)
SCLOs (3)

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INL 285 of 23 OCT 46

RULES OF PROCEDURE

for

EPURATION

under

Part II of INL 159

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The receiver shall not, except with the consent of the Minister or unless he is satisfied as to the necessity therefor, do any act which may prejudice the rights of any person.

All members of the staff of the receiver are subject to the Official Secrets Act, 1911, and to the provisions of Part II of the Act of 1939, the Canadian Wheat Board Act, shall be treated by analogy.

The Receiver shall take possession of the records of the business and an inventory thereof shall be made in the presence of the owner of the business or of his representative.

If the owner of the business or his representative shall not attend for such purpose, the inventory shall be made by a notary in the presence of two witnesses.

Should the owner and the creditors not agree as to the property constituting the business, the matter shall be referred to the Commissioner of Bankruptcy, who shall decide the matter in dispute; but, such decision shall, if the Minister so shall decide, be subject to the same right of appeal to the Exchequer Court, as subject to the decision of that court.

Before giving any such decision the Commissioner shall obtain the opinion of a Commission of the Presidency of the Council of Ministers composed of the Chancellors of State, of whom one, who shall preside, shall be a Chancellor of not less than 5th grade and of two members, who shall be appointed respectively by the Minister of Public Works, and by the Minister of Industry, Commerce and Labour.

APPOINTMENT AND POWERS OF CONTROLLERS

6 Where it is considered desirable to control the resumption of the activities of a business in which a notice has been served under Art. 3 hereof and in lieu of a receiver under para (a) of Art 4 a Controller (instead of a Receiver) may be appointed to such case he shall be appointed in like manner to (a receiver under) Art 5.

A Controller shall be entitled to exercise the usual powers of management, to inspect the books, records and correspondence, and to undertake any investigation in any kind.

The Controller shall be subject to the supervision of the Receiver appointed in the decree appointing him.

The said decree shall be published in the Official Gazette, and a copy thereof shall be deposited in the Chancery of the Tribunal in whose area the head office of the business is located.

The final paragraph of Art 4 shall apply to the duration of the controller's duties.

APPLICATION TO OTHER RECEIVERS

7 The provisions as to the powers of a Receiver and of the supervision which are contained in this section shall apply to a Receiver appointed under this decree, even if the business concerned by his is not one to which Art 4 would apply.

The President of the Council of Ministers shall by decree appoint the Minister under whose supervision, in accordance with the preceding articles, the Receiver shall be placed.

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[illegible] powers and to the drafting of thereafter [illegible] to appoint [illegible] shall apply.

11 Companies or credit institutions or of institutions subject to control under [illegible] of 1945 or amendments thereof who have been appointed under [illegible] of 1944 shall be subject to the provisions herein contained as to management by a Receiver.

The provisions of Arts 8 and 9 hereof shall also apply to the businesses and institutes mentioned in the first paragraph hereof.

12 In the cases referred to in Arts 10 and 11, Controllers with the powers and functions conferred by Art 8 may be appointed (instead of Receivers).

The appointment of such Controllers shall be made by the Minister empowered to appoint a Receiver.

DISTRIBUTION

13 This Decree shall come into force on the day of its publication in the Official Gazette (10 Jan 45).

All [illegible] are hereby released to support the peace and to see that is [illegible] Dutch law.

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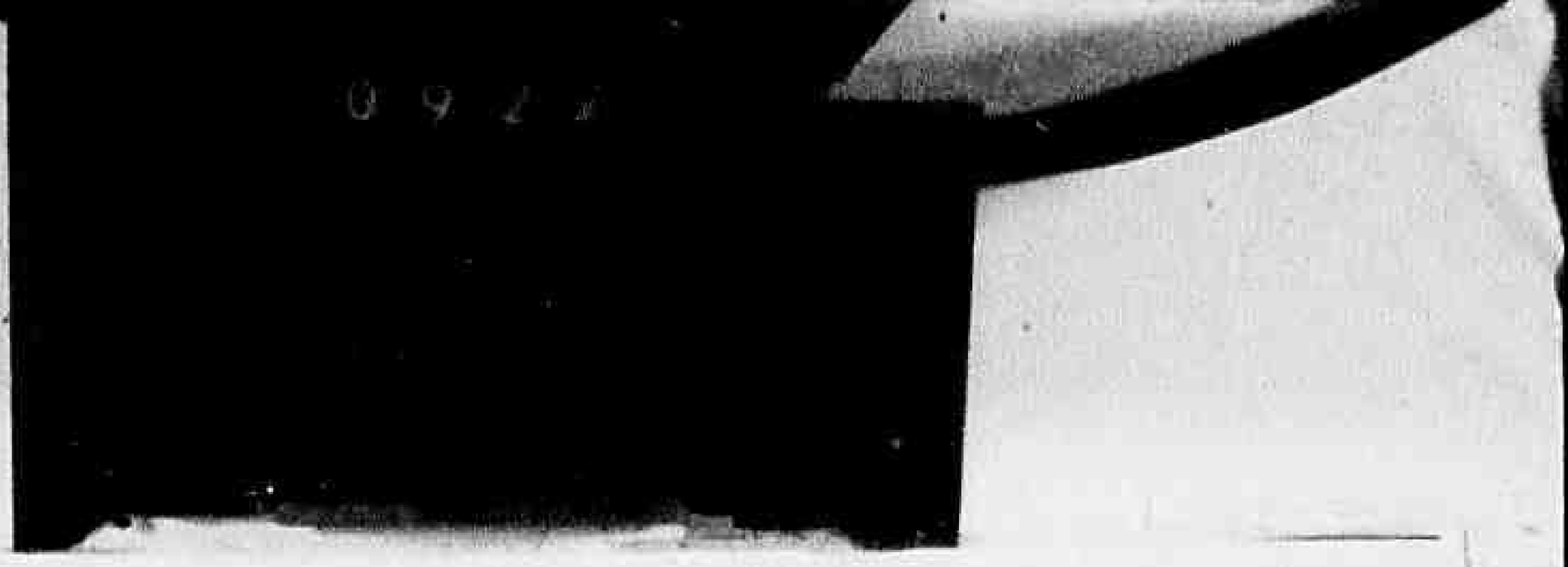

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TRANSLATION NO. 604

DLL NO 238 OF 3 OCTOBER 1944

Organization of the High Commission for sanctions against fascism

(Published in the Official Gazette No 67 of 12 October 1944)

Art 1

The High Commissioner for sanctions against fascism shall be assisted by four assistant high commissioners to deal respectively with the punishment of crimes, epuration of the Administration, forfeiture of profits derived from the regime, liquidation of fascist property.

Art 2

The commissioners appointed in accordance with art 10 para 6 of the DLL No 159 of 27 July 1944, the number of whom shall not exceed 8, may be assigned by decree of the High Commissioner to collaborate permanently with the assistant high commissioners in matters of their respective jurisdiction, or they may be authorized by the H C to perform special temporary duties.

The commissioners assigned to collaborate permanently with the assistant high commissioners shall receive the salary and the other emoluments established by present regulations for State employees holding the fourth career grade.

The other commissioners however shall receive only the entire special assignment indemnity due to the State employees holding the same grade and for the entire duration of the assignment.

Art 3

The High Commissioner shall order by decree the magistrates and the officials referred to in art 10 para 7 of the afore-mentioned DL. to be attached to the various positions in his office.

[illegible] of public safety and

The High Commissioner for sanctions against fascism shall be assisted by four assistant high commissioners to deal respectively with the punishment of crimes, epuration of the Administration, forfeiture of profits derived from the regime, liquidation of fascist property.

Art 2

The commissioners appointed in accordance with art 40 para 6 of the RDL No 159 of 27 July 1944, the number of whom shall not exceed 8, may be assigned by decree of the High Commissioner to collaborate permanently with the assistant high commissioners in matters of their respective jurisdiction, or they may be authorized by the H C to perform special temporary duties.

The commissioners assigned to collaborate permanently with the assistant high commissioners shall receive the salary and the other emoluments established by present regulations for State employees holding the fourth career grade.

The other commissioners however shall receive only the entire special assignment indemnity due to the State employees holding the same grade and for the entire duration of the assignment.

Art 3

The High Commissioner shall order by decree the magistrates and the officials referred to in art 40 para 7 of the afore-mentioned DL, to be attached to the various positions in his office.

He shall likewise attach the personnel of the carabinieri, of public safety and of the guard of finance to the nucleus of the judicial police under his control.

Art 4 2442

The personnel referred to in art 3 whose original office is situated outside of Rome shall be entitled, for the duration of their assignment in the High Commission, to the entire special assignment indemnity established for the respective career grades by present regulations.

Art 5

The number of those not belonging to the Administration and who have been called to work in the offices of the Secretariat in accordance with Art 46 para 7 of RDL 159 of 27 July 44, must not exceed 40.

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For purposes of remunerations only they shall be considered as equal to the employees included between the 10th and the 5th grade of the State classification.

The High Commissioner shall determine in his decree of employment the grade for each of those called to render service.

The afore-mentioned personnel shall be entitled to a remuneration equal to the initial salary of the corresponding grade and when given a special assignment, to an indemnity equal to that of the corresponding grade.

The assignment may be revoked at any time following the judgment of the High Commissioner, and the repeal shall exclude the right to any indemnity.

Art 6

The High Commissioner shall have the power to employ temporary personnel, the number of whom must not exceed 120, to meet the requirements of the offices under him, in accordance with RDL 100 of 1 Feb 1957.

Art 7

The Ministry of Treasury shall be authorized to make by decrees the changes in the State budget, required by the operation of the High Commissioner.

The relative funds shall be appropriated in the budget estimate of the Ministry of the Treasury, under the sub-heading of the Presidency of the Council.

Art 8

The funds referred to in the preceding article shall be administered, in pursuance of present regulations on the general State accountancy, by the High Commissioner who shall, for such purposes, exercise all the powers belonging to the Ministers.

Art 9

The present decree shall come into operation on the date of its publication in the "Gazzetta Ufficiale del Regno" - special series - and shall have effect as from 1st August 1946.

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Art 6

The High Commissioner shall have the power to employ temporary personnel, the number of whom must not exceed 120, to meet the requirements of the offices under him, in accordance with RDL 100 of 5 Feb 1937.

Art 7

The Ministry of Treasury shall be authorized to make by decrees the changes in the State budget, required by the operation of the High Commissioner.

The relative funds shall be appropriated in the budget estimate of the Ministry of the Treasury, under the sub-heading of the Presidency of the Council.

Art 8

The funds referred to in the preceding article shall be administered, in pursuance of present regulations on the general State accountancy, by the High Commissioner who shall, for such purposes, exercise all the powers belonging to the Ministers.

Art 9

The present decree shall come into operation on the date of its publication in the "Gazzetta Ufficiale del Re no" - special series - and shall have effect as from 1st August 1944.

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TRANSLATORS POOL
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LIEUTENANT GENERAL'S DECREE OF 13TH SEPTEMBER 1944, No. 198.

Rules concerning the organisation and operation of the High Court of Justice formed under art 2 of DLL 159 of 27 July 1944, and other provisions as to procedure.

ARTICLE 1.

The annulment of sentences set out in art. 1 of the legislative decree No. 159 of 27 July 1944, shall be declared in an order issued in Chambers upon the application of the person condemned or of the "pubblico ministero", by the Judge who has pronounced the sentence. If the sentence has been pronounced by the special Tribunal for the defence of the State, the annulment shall be declared by the section of the Supreme Court of Cassation set out in art. 6 of the above-mentioned legislative decree.

The decision on the application for annulment cannot be opposed by any appeal.

ARTICLE 2.

Auxiliary members of the High Court of Justice established by art. 2 of the legislative decree No 159 of 27 July 1944, may be appointed in a number required to keep the High Court functioning regularly, but in no case exceeding nine.

Auxiliary members shall be called up by the president to sit in the college in case of absence or impediment of regular members.

In case of absence or impediment of the President, the highest ranking Magistrate member or the senior magistrate member, in case of equality of grade, shall temporarily act as President.

In case a trial is likely to last for a considerable length of time, the President shall have the power to order the attendance of an additional member. The additional member shall attend the trial and substitute those members of the college who are in any way impeded or absent from trial. Such substitution shall not be admitted after the hearing is closed.

Whenever the exigencies of the circumstances demand it, the President of the Council of Ministers may by a decree divide the High Court of Justice into two sections. By the same decree there shall be assigned to each of the two sections nine members chosen from among the regular and auxiliary judges. When the High Court is divided in two sections, four additional auxiliary members may be appointed in excess to the number provided for in first para of this article. The President of the High Court shall preside over the first section; the highest ranking magistrate member of the senior magistrate member in case of equality of grades, shall preside over the second section.

The President of the High Court may replace absent or impeded members of one section by members of the other section.

the above-mentioned legislative decree.

The decision on the application for annulment cannot be opposed by any appeal.

ARTICLE 2.

Auxiliary members of the High Court of Justice established by art. 2 of the legislative decree No 159 of 27 July 1944, may be appointed in a number required to keep the High Court functioning regularly, but in no case exceeding nine.

Auxiliary members shall be called up by the president to sit in the college in case of absence or impediment of regular members.

In case of absence or impediment of the President, the highest ranking Magistrate member or the senior magistrate member, in case of equality of grade, shall temporarily act as President.

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The President of the High Court may replace absent or impeded members of one section by members of the other section.

ARTICLE 3.

In cases within the jurisdiction of the High Court of Justice, the High Commissioner shall proceed with a summary pretrial investigation in accordance with the provisions set out in part 3, book 2 of the Code of penal procedure.

The time limit for appearance before the High Court of Justice shall not be less than 8 days saving the provisions of art. 183 of the Code of Penal Procedure.

ARTICLE 4.

If in the opinion of the High Commissioner the proceeding should not be carried on because the report or denunciation appears to be obviously without foundation, he shall order the discontinuance of the proceeding.

If during the summary pretrial investigation it is the High Commissioner's opinion that the proceeding should be discontinued also against one of the

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defendants only, he shall transmit the record to the High Court of Justice with relative request. If the Court grants the request they shall render the sentence of discontinuance in chambers. In case of denial of the request the Court shall return the records to the High Commissioner who shall request that a summons be issued.

ARTICLE 5.

The High Court may give in the finding a juridical definition of the facts different from that described in the summons, may inflict the corresponding penalties, even though heavier, and apply security measures also if the crime is within the jurisdiction of another ordinary or special Court.

ARTICLE 6.

In the proceedings within the jurisdiction of the High Court which are also connected with proceedings within the jurisdiction of other special or ordinary Courts, the High Court shall have jurisdiction over all such proceedings.

The High Court however, for reasons of opportunity, may order, by a decision not subject to any appeal, that the proceedings be held separately.

ARTICLE 7.

If from the hearing it appears that the facts, even though not constituting a crime, come within the provisions of art. 8 of legislative decree 27 July 1944, No 159, the High Court of Justice and the other special and ordinary Courts may apply the sanctions set out in the said art. 8, saving always the jurisdiction of the High Court, over the persons indicated in the last para of the above article.

An appeal dealing also with the merit of the case, may be lodged with the Court of Cassation against the imposition of such sanctions, provided they have not been inflicted by the High Court or by the Court of Assises. The appeal shall be decided by a section of the Supreme Court of Cassation contemplated in art. 6 of the said legislative decree.

ARTICLE 8.

The demand made by the High Commissioner to the High Court for dismissal from office of the members of legislative assemblies, bodies, or Institutions, who, by their vows or actions contributed to the maintainment of the fascist regime and to the outbreak of the war, must be notified, through the Chancery of the High Court, to the concerned persons who shall be invited to submit their defense within a fixed term of not less than 15 days.

The concerned persons may examine the acts in the Chancery within such term.

The High Court, before taking a decision, may proceed to all necessary investigations and hear the concerned party, even when the latter did not make such request.

The dismissal from office is decided by Order in Chambers.

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ARTICLE 7.

If from the hearing it appears that the facts, even though not constituting a crime, come within the provisions of art. 8 of legislative decree 27 July 1944, No 159, the High Court of Justice and the other special and ordinary Courts may apply the sanctions set out in the said art. 8, saving always the jurisdiction of the High Court, over the persons indicated in the last para of the above article.

An appeal dealing also with the merit of the case, may be lodged with the Court of Cassation against the imposition of such sanctions, provided they have not been inflicted by the High Court or by the Court of Assises. The appeal shall be decided by a section of the Supreme Court of Cassation contemplated in art. 6 of the said legislative decree.

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The concerned persons may examine the acts in the Chancery within such term.

The High Court, before taking a decision, may proceed to all necessary investigations and hear the concerned party, even when the latter did not make such request.

The dismissal from office is decided by Order in Chambers.

ARTICLE 9.

Against sentences or decisions of the High Court no appeal may be lodged.

ARTICLE 10. 2438

Officials of the Judicial Chancery shall carry on the duties of the Chancery of the High Court of Justice; they shall be attached to the High Court of Justice by an order of the Minister of Pardon and Justice, in number required by the needs.

ARTICLE 11.

Repeal of the granting of amnisty and pardon (indulto) contemplated in art. 6 legislative decree 27 July 1944, No. 159, is declared on order issued in chambers by the Judge who took such decision. No appeal may be lodged against such order.

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ARTICLE 12.

Presiding Magistrates of the Provincial Commissions established by art. 8 legislative decree 27 July 1944, No. 159, are appointed by the Minister of Pardon and Justice.

The drawing among the lay Judges for the selection of the 2 members of the above Commissions, is made by the President according to the rules of the Court of Assises, whenever applicable; the President shall be assisted by the secretary who writes the report.

Officials of the Judicial Chancery shall carry on the duties of the Secretariat of the Commissions; they are attached to the Commissions by the first President of the Court of Appeal residing in the chief city of the Province in which the Commission has its seat, or by the President of the local Tribunal, when there is no Court of Appeal in such city.

ARTICLE 13.

The Provincial Commissions, established by article 8 legislative decree 27 July 1944, No. 159, shall take their decisions within their Jurisdiction upon request of the Procuratori del Regno or of the High Commissioner.

The Jurisdiction to take decisions shall be with the Commission of the province in which the fact under consideration took place.

Before taking the measures foreseen in the above para, the Commission must hear the interested party or send a summons to appear.

The interested party may call a lawyer for his defense,

Appeals to the Court of Cassation, dealing also with the merit of the case, are admitted against the findings of the Commission.

The decision on appeal is taken in Chambers by the section of the Supreme Court of Cassation, contemplated in art. 6 of above legislative decree.

ARTICLE 14.

When no penal action is taken, the jurisdiction to order confiscation contemplated in art. 9 legislative decree 27 July 1944, No. 159, shall lay with the penal Tribunal of the place where the property undergoing confiscation or the greatest part of it, is situated.

The Tribunals takes such action after having summoned the interested party, who may choose a lawyer for his defense.

The confiscation is ordered by the Tribunals in an order issued in Chambers. Against such confiscation appeal is admitted, also for reasons dealing with the merit of the case. Decision on such appeal is taken by the Supreme Court of Cassation contemplated in art. 6 legislative decree above.

ARTICLE 15.

The High Commissioner for the carrying out of duties entrusted to him by legislative decree 27 July 1944, No. 159, may request all necessary information and documents also from the banking Institutions or Bodies; the present provisions regarding the communication of particulars and news concerning such Institutions

The Provincial Commissions, established by article 8 legislative decree 27 July 1944, No. 159, shall take their decisions within their Jurisdiction upon request of the Procuratori del Regno or of the High Commissioner.

The jurisdiction to take decisions shall be with the Commission of the province in which the fact under consideration took place.

Before taking the measures foreseen in the above para, the Commission must hear the interested party or send a summons to appear.

The interested party may call a lawyer for his defense,

Appeals to the Court of Cassation, dealing also with the merit of the case, are admitted against the findings of the Commission.

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The Tribunale takes such action after having summoned the interested party, who may choose a lawyer for his defense.

The confiscation is ordered by the Tribunale in an order issued in Chambers. Against such confiscation appeal is admitted, also for reasons dealing with the merit of the case. Decision on such appeal is taken by the Supreme Court of Cassation contemplated in art. 6 legislative decree above.

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The High Commissioner for the carrying out of duties entrusted to him by legislative decree 27 July 1944, No. 159, may request all necessary information and documents also from the banking Institutions or Bodies; the present provisions regarding the communication of particulars and news concerning such Institutions and bodies, shall not interfere with his power of inquiry.

We order etc.

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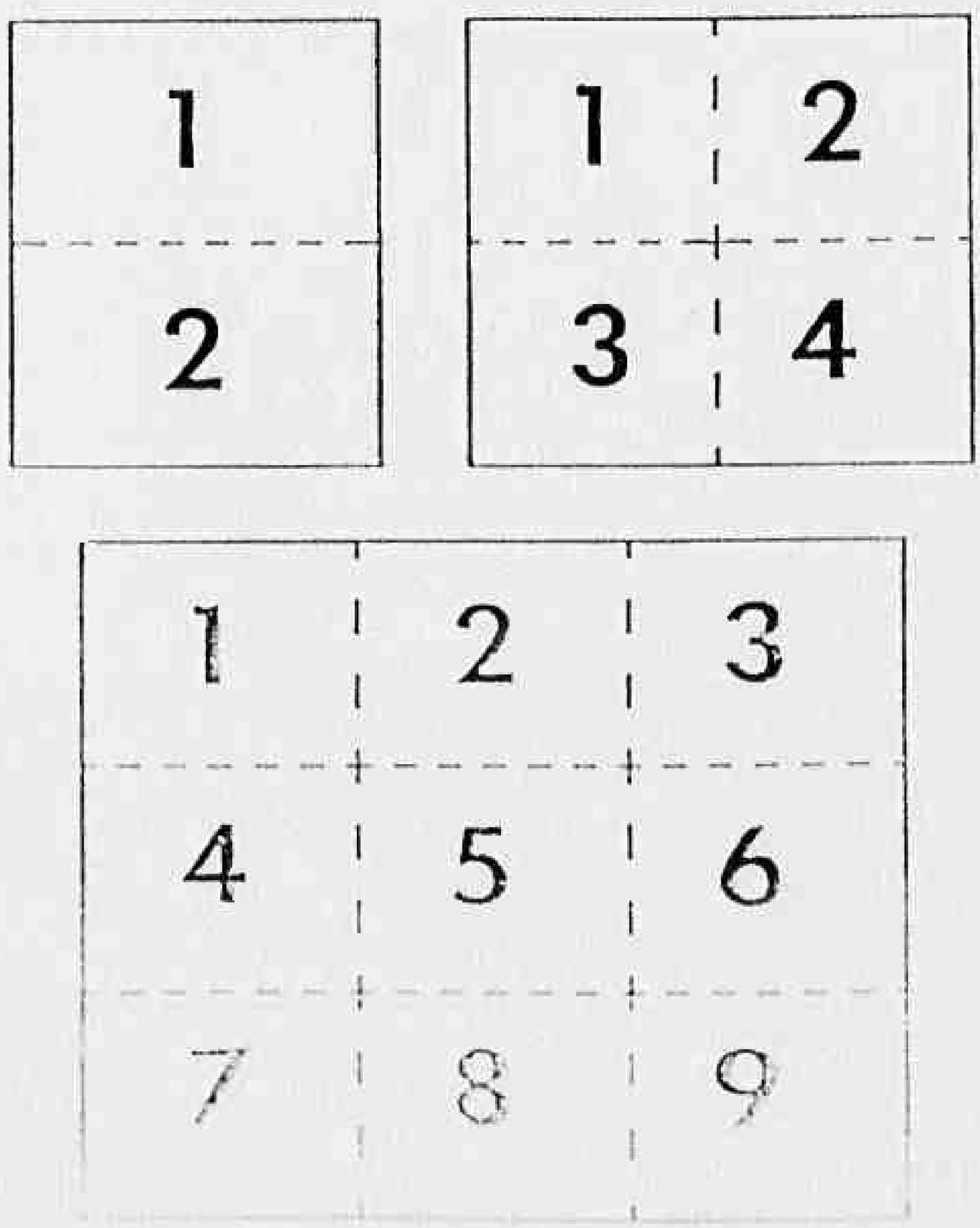
MAPS AND CHARTS TOO LARGE TO FILM
ON ONE EXPOSURE ARE FILMED CLOCKWISE
BEGINNING IN THE UPPER LEFT CORNER,
LEFT TO RIGHT, AND TOP TO BOTTOM.

SEE DIAGRAMS BELOW.



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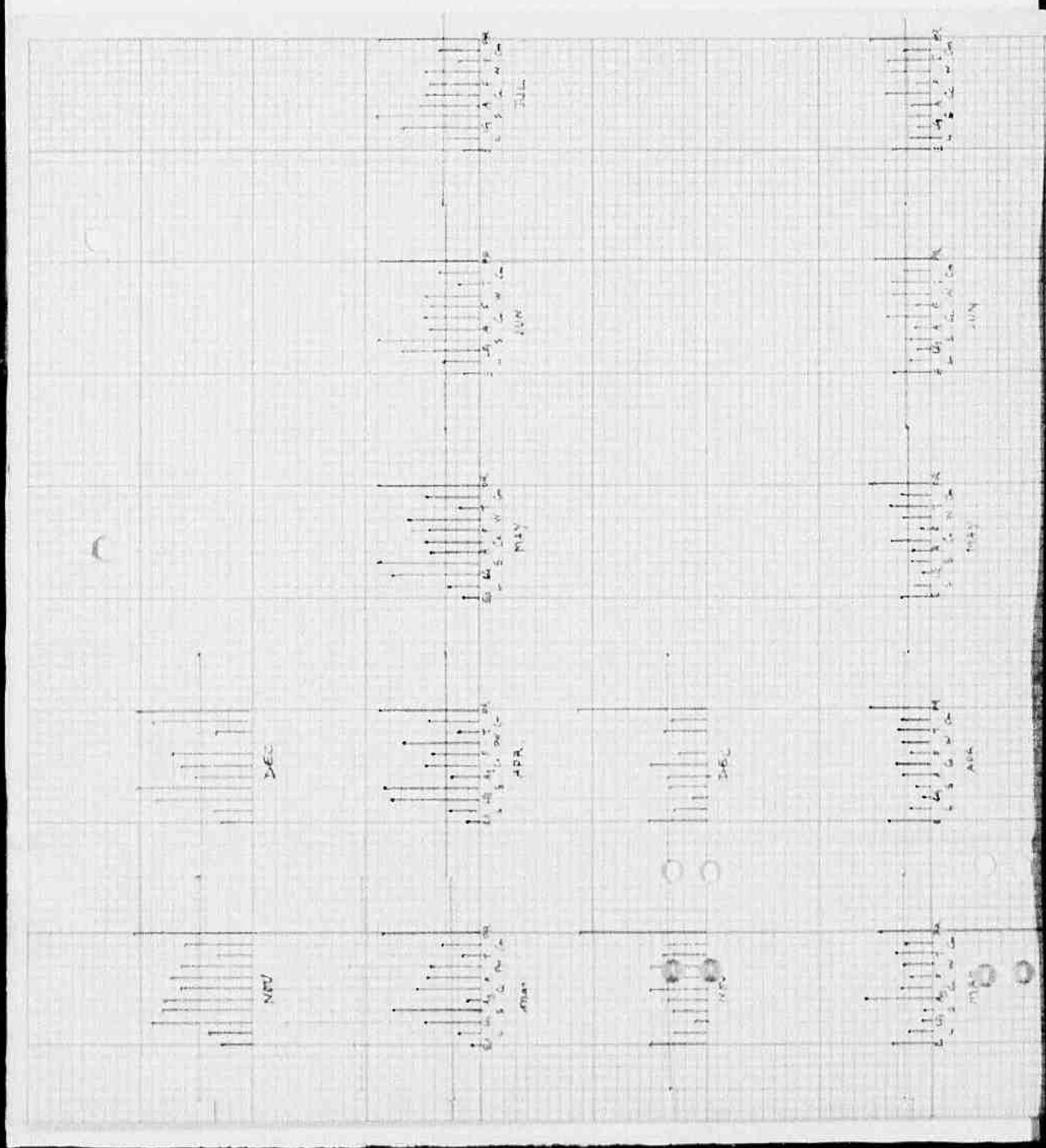

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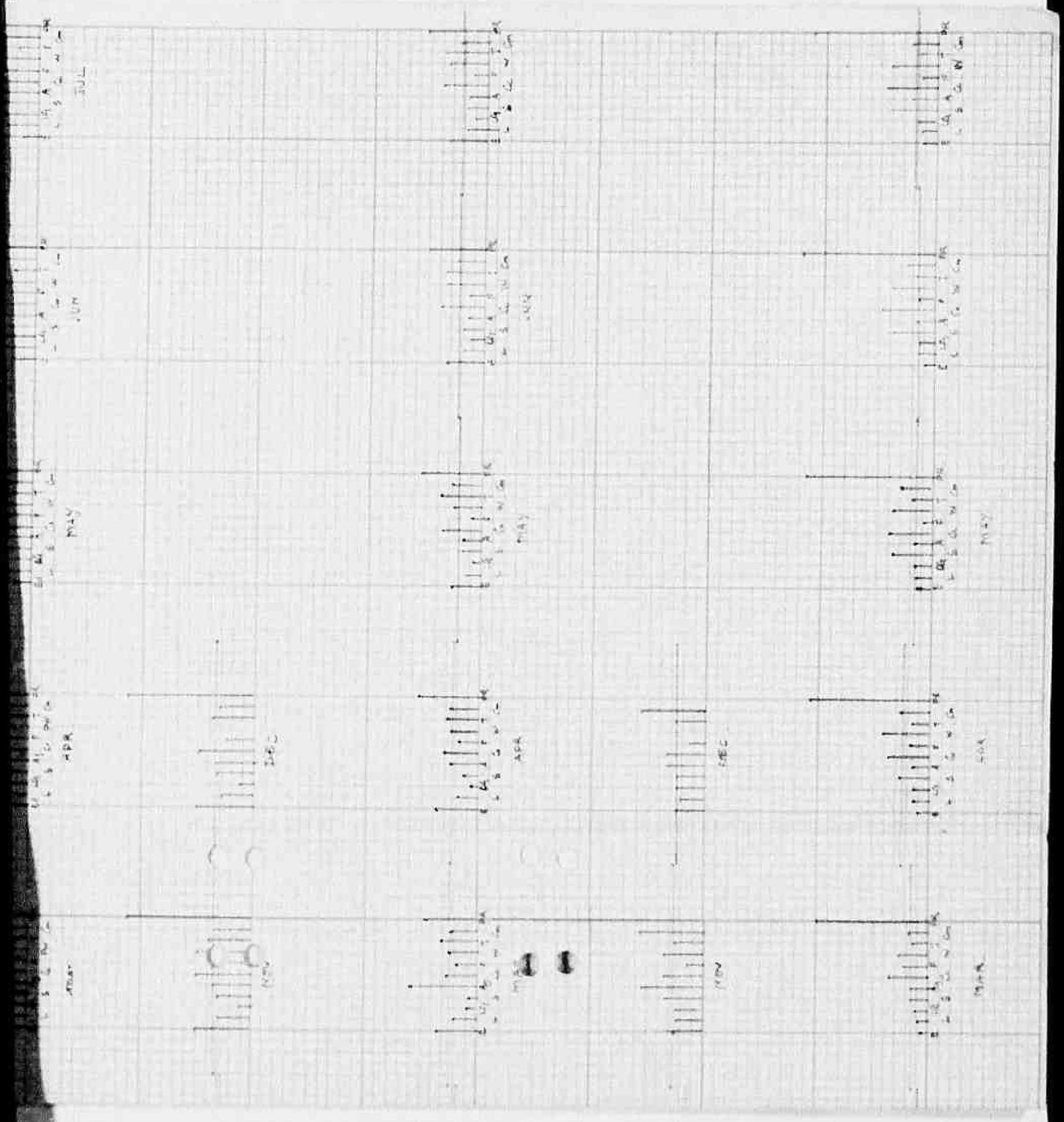
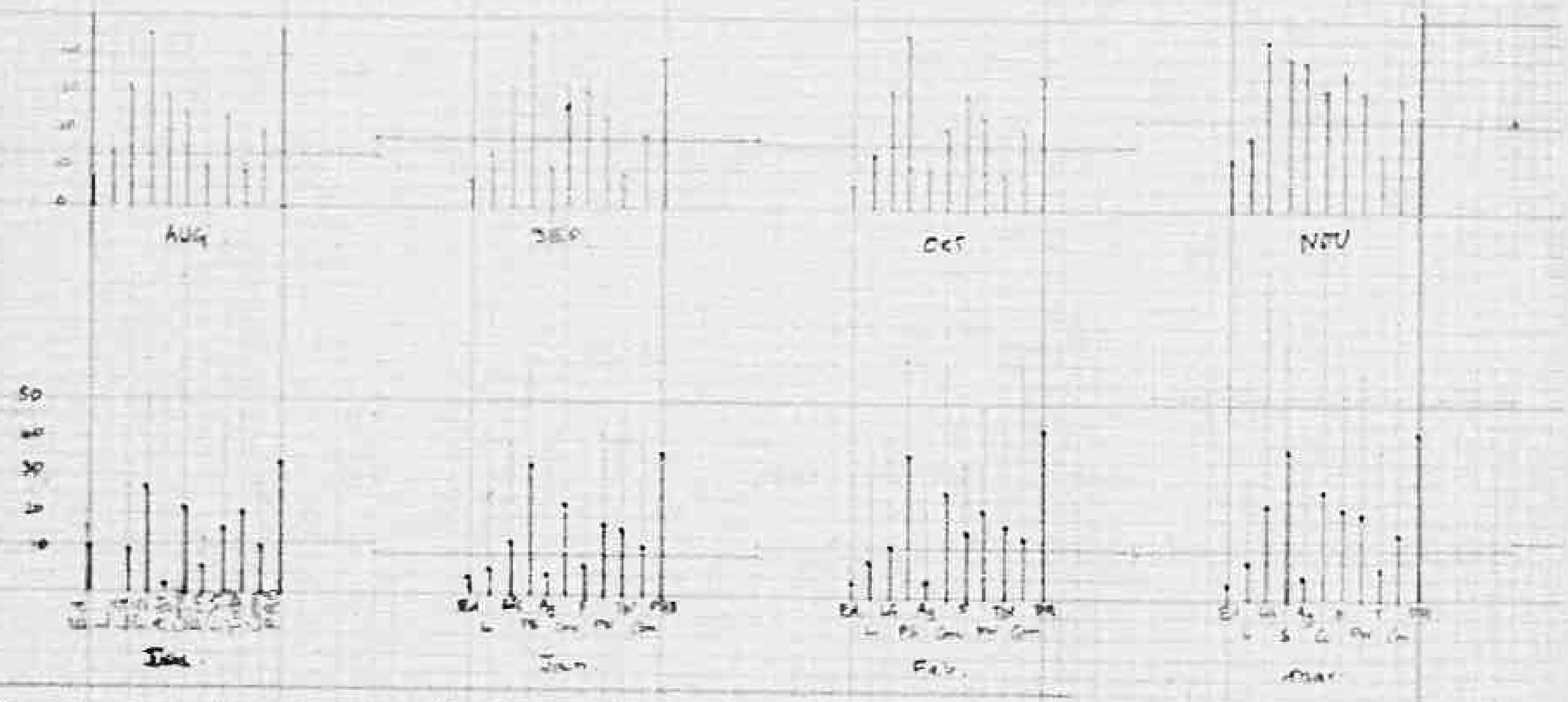
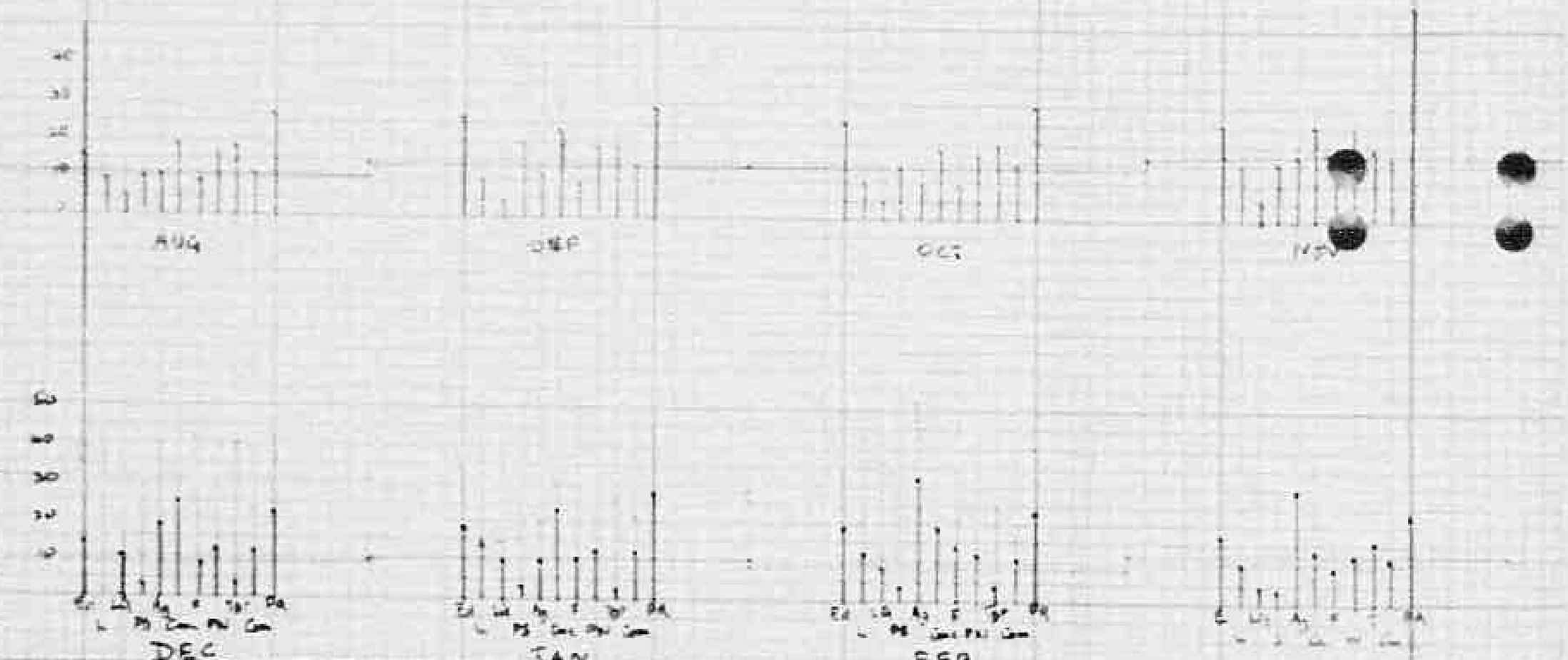


G. R.

Percentage of Staff Required to Sep[illegible] from Commission



Percentage of persons referred who are dismissed



Percentage of total staff dismissed

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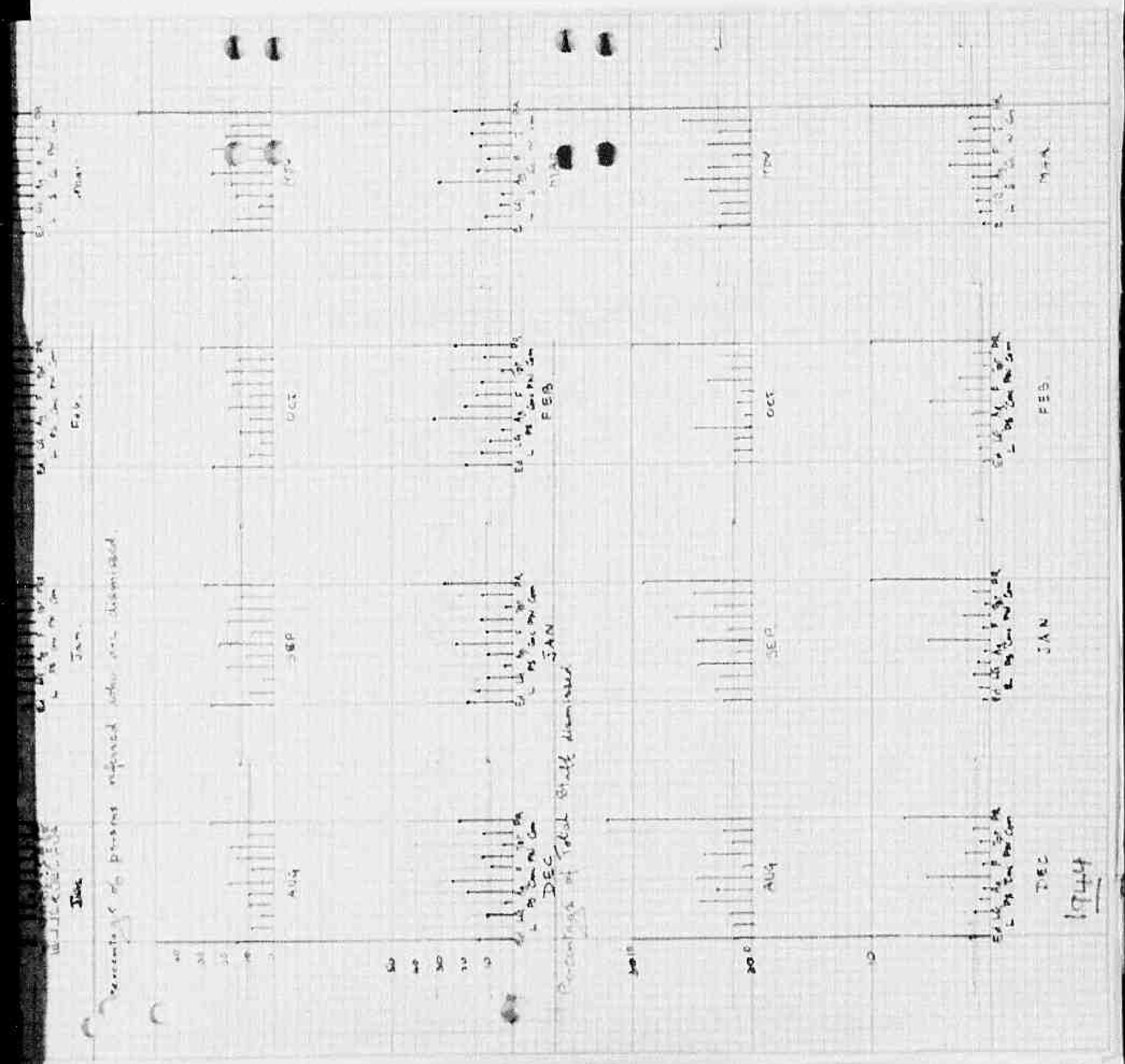

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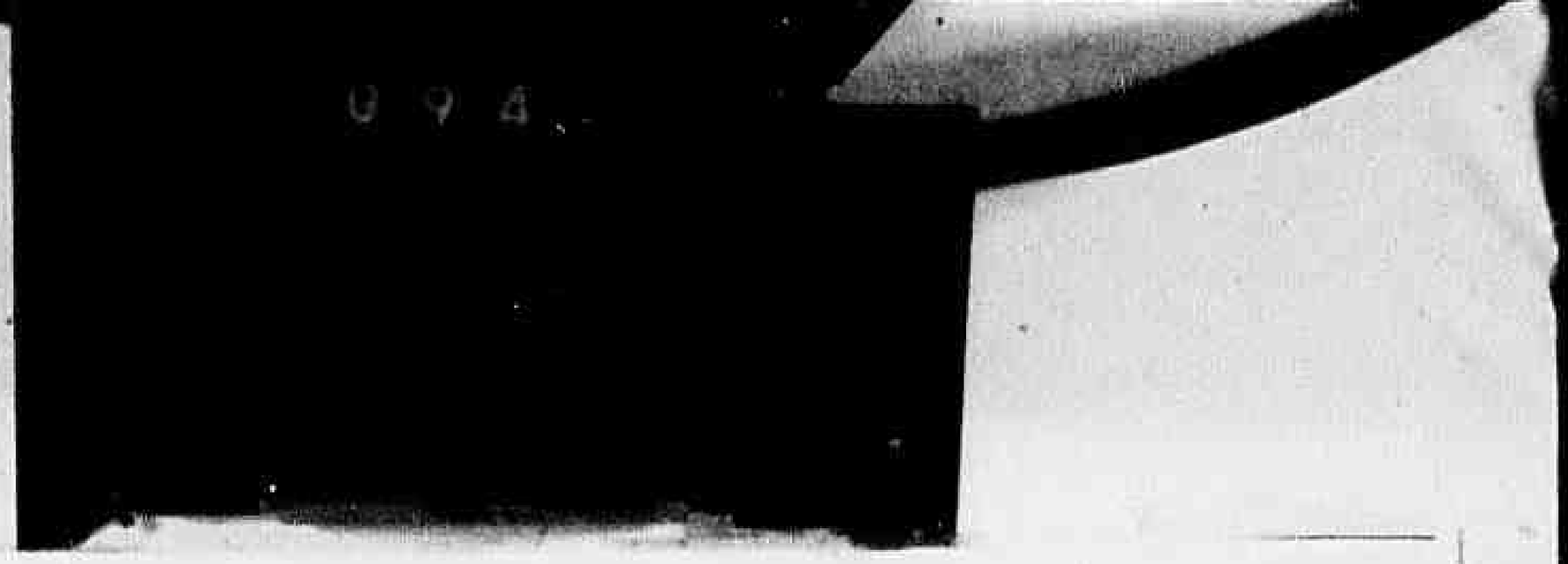

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Case # Brand

Completed By Indexed

Reviewed By Initial

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G. R.

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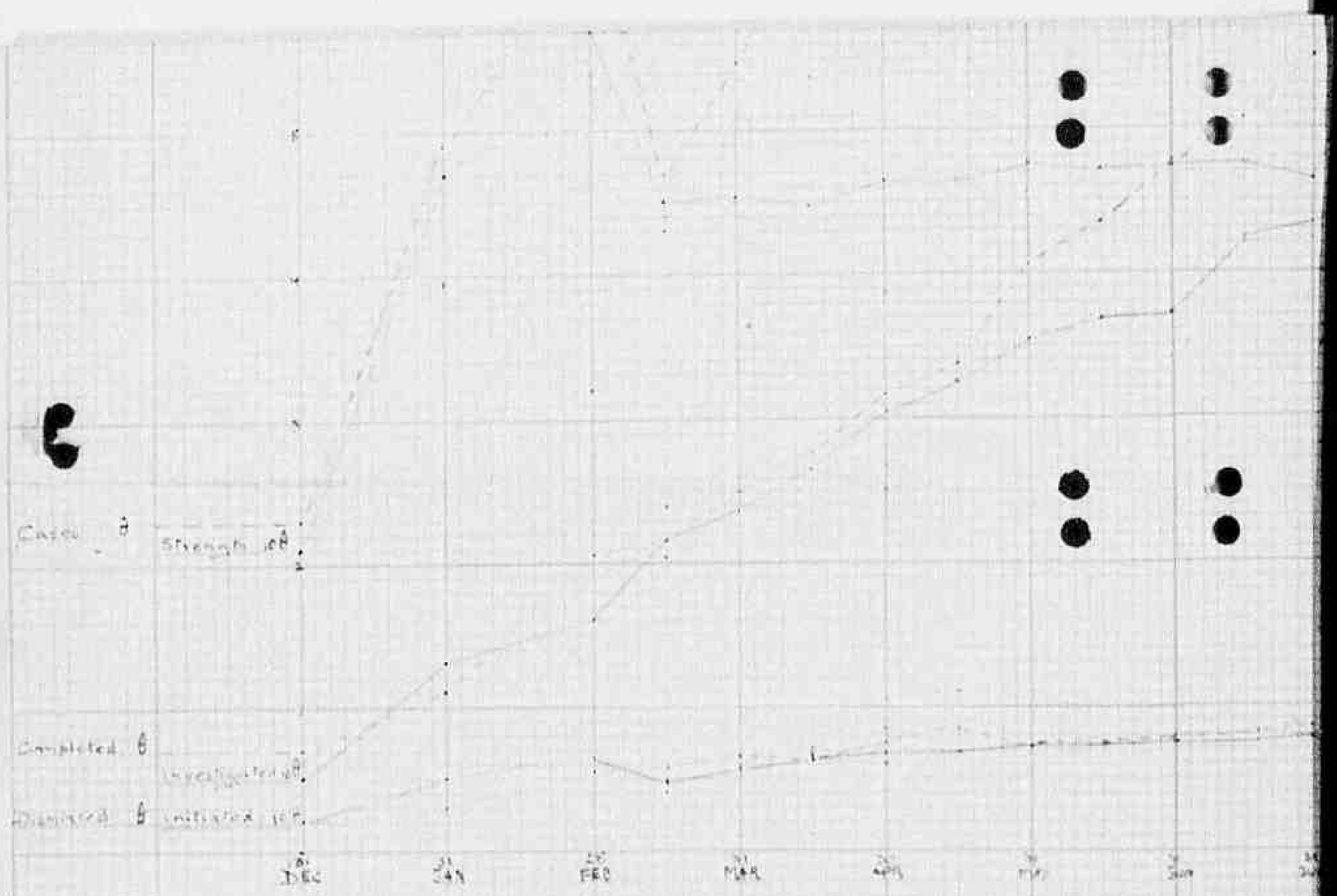

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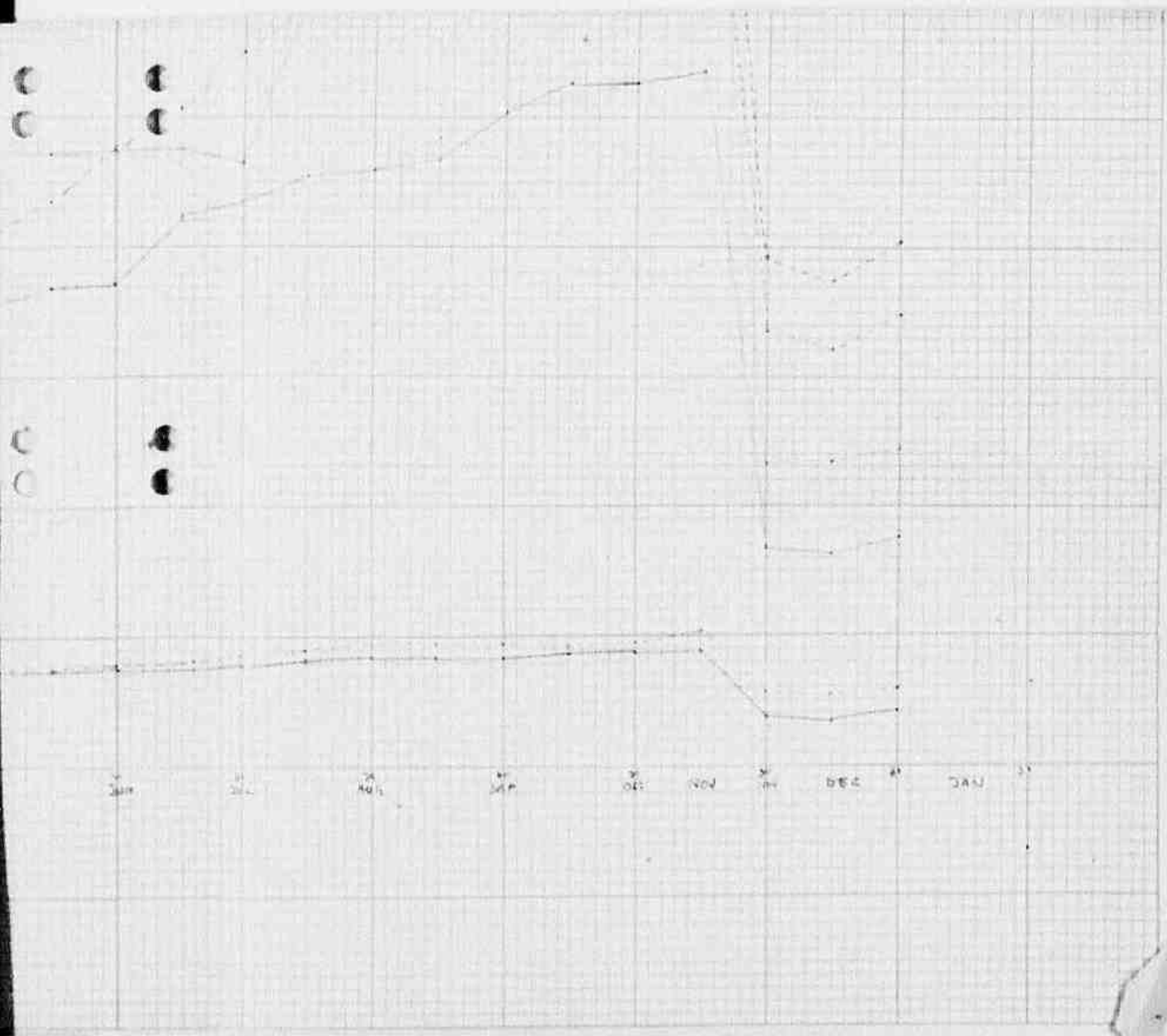

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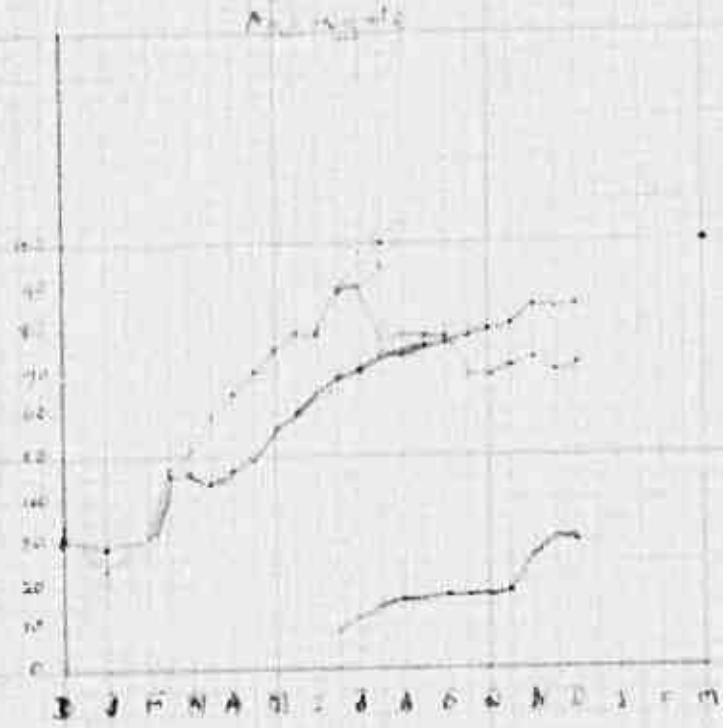
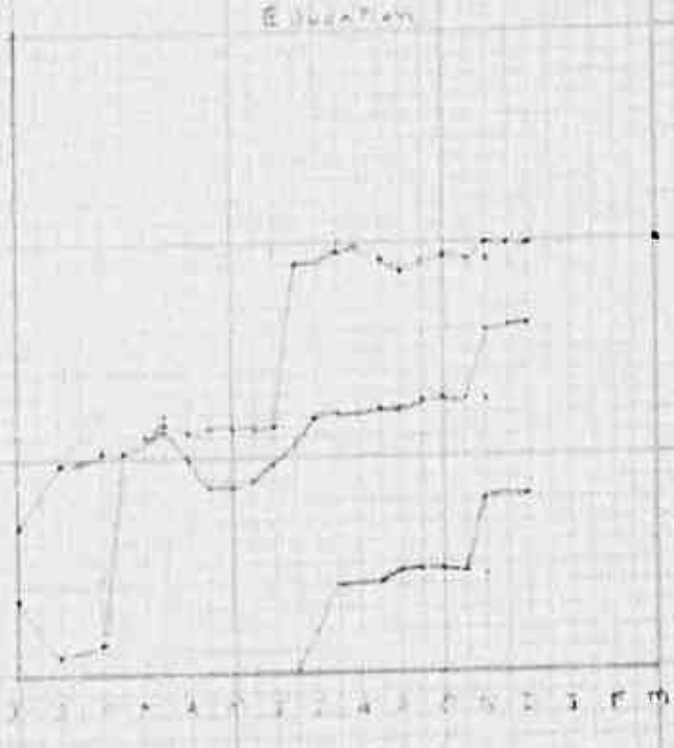
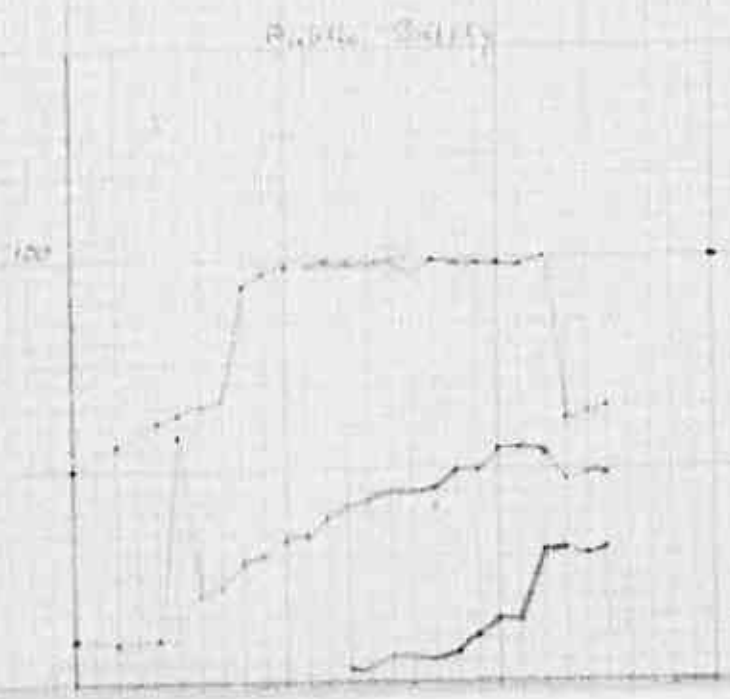
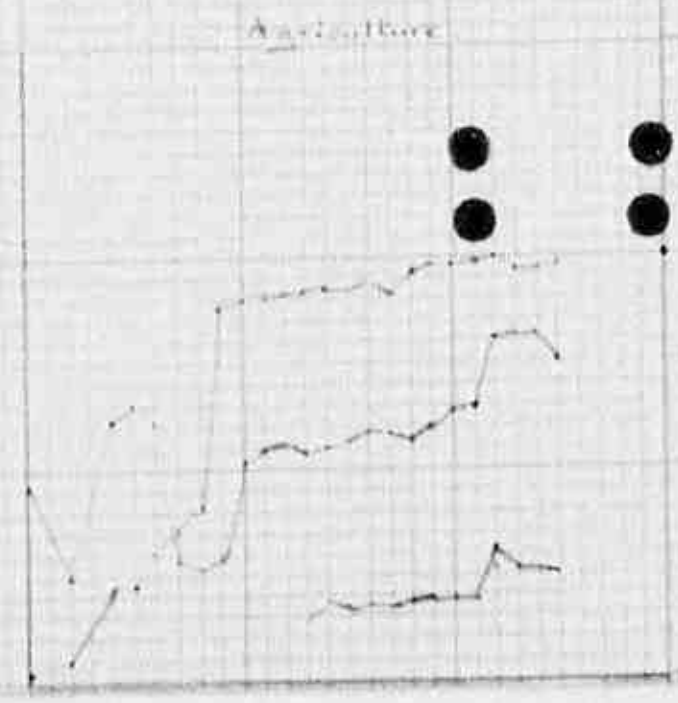
G. R.

Percentage of [illegible] sentenced
Percentage of cases [illegible]
Percentage of appeals [illegible]









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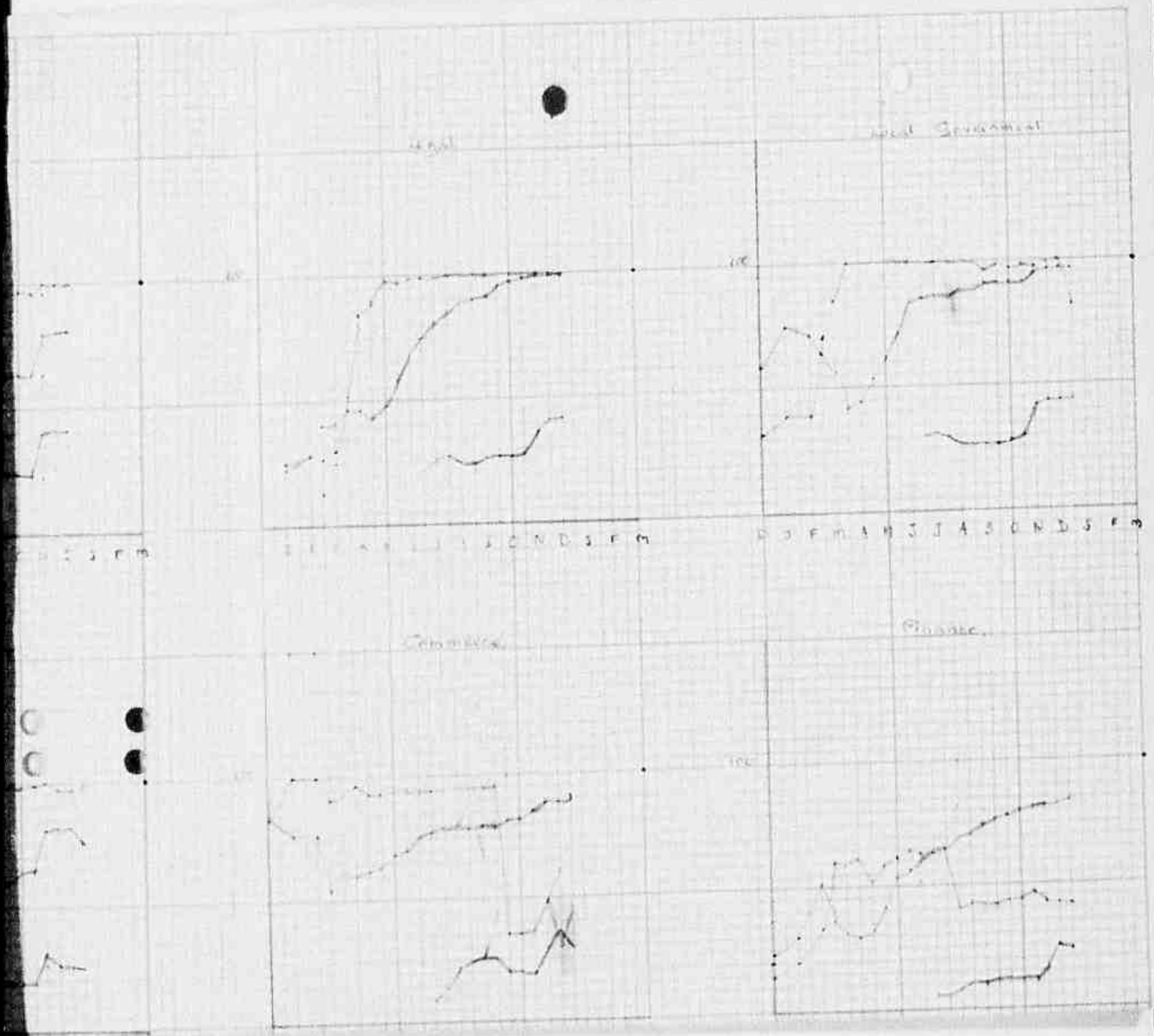

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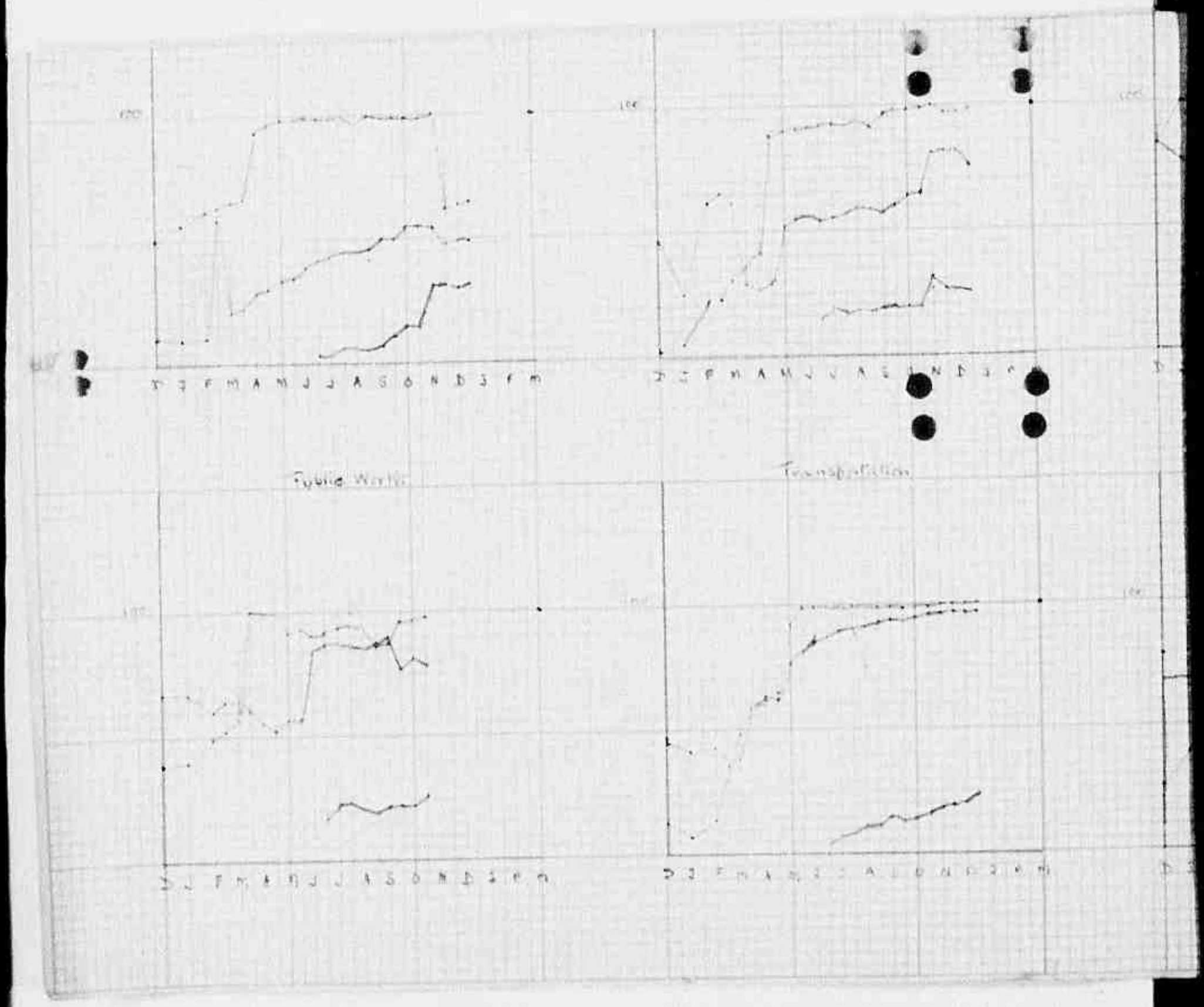

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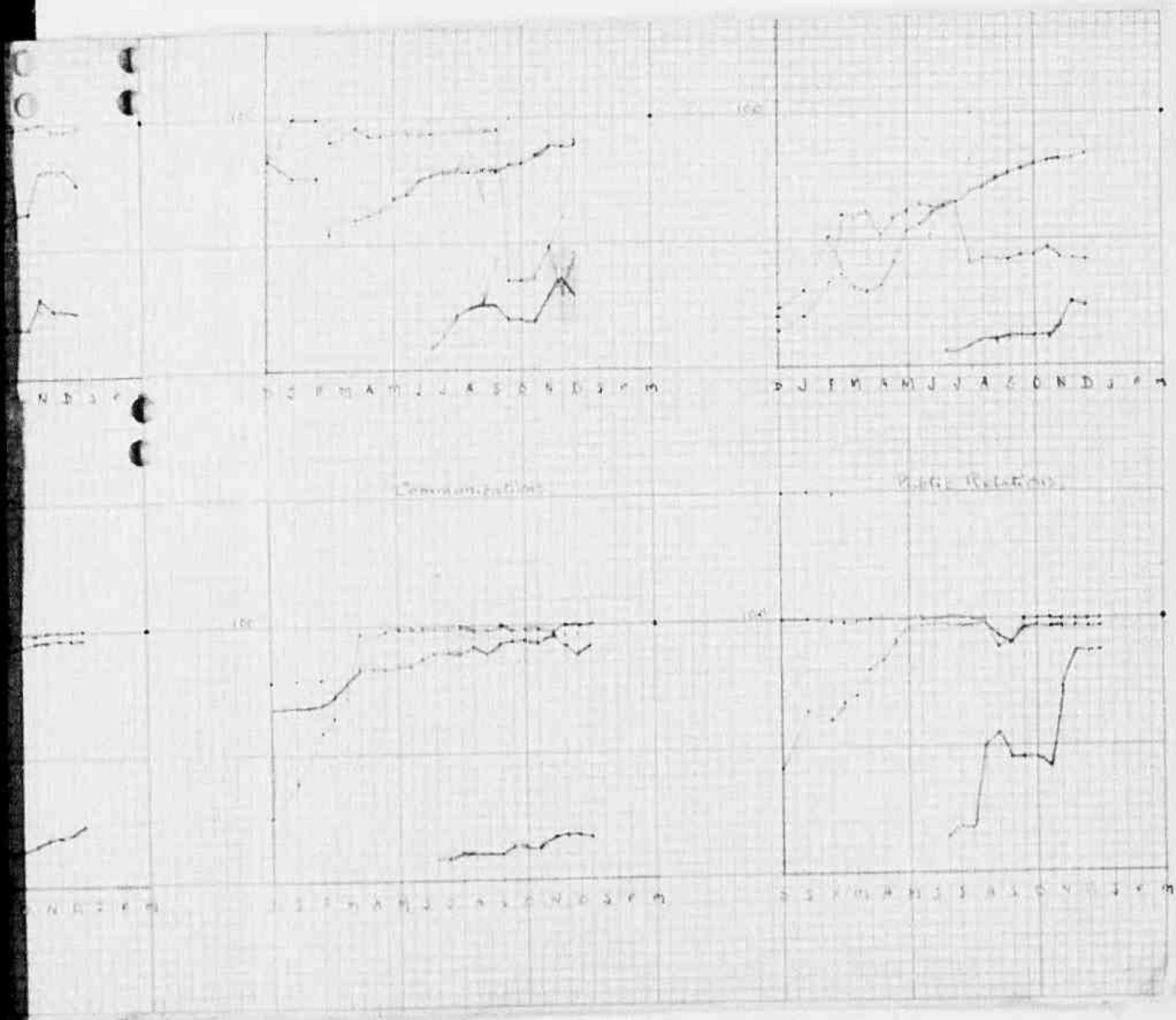

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