

Declassified E.O. 12356 Section 3.3/NND No. 785017

ACC

10000/109/576
(VOL. I)

Declassified E.O. 12356 Section 3.3/NND No. 785017

0/109/576
I)

MONTHLY REPORT, LEGAL
JULY 1943 - AUG. 1944

HEADQUARTERS

ALLIED CONTROL COMMISSION

LEGAL SUB-COMMISSION

APR 394

A 60/4043/L.

10 September 1944. /rlp.

SUBJECT : Legal Sub-Commission, Monthly Report for August 1944. 15 SEP Recd

TO : Acting Chief Commissioner, ACC.

1. The work of this sub-commission during the month of August 1944 in addition to advisory and legislative work has been principally as follows:

OFFICE OF CHIEF LEGAL OFFICER:

2. A meeting of all RLOs on 1 August at which various questions were discussed; preparation of documents and conferences with representatives of Italian Government with respect to restoration of territory to the Italian administrative area of 15 August 1944; considering various proposed amendments to the decree of sanctions against fascism; proposed related legislation and numerous conferences with regard thereto; review of records of various cases involving espionage and other cases including those in which death sentences were given and making recommendations to Acting Chief Commissioner; conferences with ACC officers, Allied Military authorities and Italian Military authorities in Bari regarding unsatisfactory and uncooperative attitude taken by Italian Military Tribunal in connection with trial of cases involving Allied interests; appearance before man-power board to represent officer and enlisted personnel situation in Legal Sub-Commission Headquarters.

3. Continuing with repeated efforts to obtain additional legal officers for northern regions with mediocre success to such extent that at the present time it would be impossible to deal adequately with legal matters in northern regions if the regular form of ACC is to be followed; consideration of Property Control situation and preparation of memorandum and conferences with regard thereto; considering matter of jurisdictional friction between French and Italians in Corsica with regard to trial of Italian military personnel; examination of proposed decree for the restoration of property and other rights taken away under fascism on racial and political grounds; conferences with committee sponsoring decree and preparation of certain letters for Acting Chief Commissioner in this regard; visit to Headquarters, Region V for conferences with RLO of region; weekly conferences with Ministry of Justice.

OFFICE OF CHIEF COUNSEL:

4. Conferences with and advice to various sub-commissions; preparation of opinions for sections and sub-commissions; study of decrees of interest to

cers, Allied Military authorities and Italian Military authorities in Bari regarding unsatisfactory and uncooperative attitude taken by Italian Military Tribunal in connection with trial of cases involving Allied interests; appearance before man-power board to represent officer and enlisted personnel situation in Legal Sub-Commission Headquarters.

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OFFICE OF CHIEF COUNSEL:

4. Conferenced with and advice to various sub-commissions; preparation of opinions for sections and sub-commissions; study of decrees of interest to Labor and Agriculture Sub-Commissions and Economic Section and conferences with Agriculture and Labor Sub-Commission and Economic Section with respect thereto; work on preparation of new preamble to Proclamation No. 1, Revised; proof-reading of English and Italian version of all General Orders submitted by RCMF Section numerous conferences with Property Control Sub-Commission in re its future program and current problems; conferences with Public Health Sub-Commission in re interpretation of Proclamation No. 4 Revised; consideration of subject of War Criminals; examination of proposed decree to eliminate racial and political discrimination as to property, etc.; many conferences with Finance Sub-Commission and complete redrafting of proclamations Nos. 2 Revised and 4 Revised and General Order No. 2 Revised; preparation of several revisions of General Order No. 24 Revised; numerous conferences with Economic and preparation of revision to General Order No. 26 Revised and preparation of new General Order No. 32 (Agricultural Rents).

ITALIAN BRANCH:

5. Besides many legal matters which were the object of discussions with the Minister of Justice and are enumerated hereafter, the activities of the Italian Branch included also the supervision of "separation" of the magistracy under the provisions of RDL 159 of 27 July 1944.

6. As stated in the July report, there is no evidence that the fascist conception of justice affected to any great extent the judgments of the great

majority of senior judges, and as a matter of fact there were more cases of resistance to fascist pressure than of decisions influenced by political intervention. This was not so true of the Public Prosecutor's Departments.

7. However, it was a known fact that a number of high judicial officials by opportunism or conviction had thought fit to indulge in active fascist propaganda. On the other hand a minority of younger elements did join the ranks not only of the fascist party, which in any case they had to do, but of the various categories of pseudo-military formations, such as the militia, squads, etc. Therefore, the role of the Ministerial "reputation commission" appeared to be completely cut and it was expected that their investigations would be concluded in a very short time. On the contrary, until the end of the month very little progress was made and the great majority of officials whose names had been forwarded to the Minister for decision as to suspension, were those of many unfortunate junior officials, holders of some fascist distinction showing up in their record.

8. The few higher officials who also appeared on the lists had previously resigned or had already been dismissed under the provisions of earlier decrees or orders.

9. These facts can be explained by the general feeling that the Deputy High Commissioner intends to use the "reputation" legislation as a political purge and not as a social one, hence strong resistance from the Ministers belonging to other parties; the "esprit de corps" existing between members of the Commissions and officials of the Courts; and also the impression that the allied authorities who are pressing for results are much more interested in quantity and percentage than in quality and importance. The fact remains that so far the names of fascist propagandists well known to the public have not appeared in any list. It is hoped that the new directives recently issued will help in solving, at least partially, some of the difficulties above stated, but it must be again pointed out that drastic cuts in the ranks of the magistracy cannot be justified by the general attitude of the bench during the fascist regime, that such grand scale "reputation" would only add to the disorganization of the administration of justice, that judges and magistrates, under present conditions are almost irreplaceable as existing salaries will deter any suitable candidates from entering the judicial career and finally that it is the responsibility of the Government to prevent as much as possible, not only the present but even the future breakdown of law and order in Italy.

10. Legal matters discussed with the Minister of Justice during the month of August included the following:

a. The method of appointing judicial officials in Military Government Territory with view of decentralizing the administration of personnel matters and leaving it in the hands of Regional and Provincial Legal Officers and local Italian authorities who would contact the Ministry whenever it is necessary under Italian law.

b. Financial status and payment of salaries to officials removed by the republican fascist government.

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a. The method of appointing judicial officials in Military Government Territory with view of decentralizing the administration of personnel matters and leaving it in the hands of Regional and Provincial Legal Officers and local Italian law.

b. Financial status and payment of salaries to officials removed by the republican fascist Government.

c. The compilation of lists of judicial officials held as prisoners of war in North Africa with view of obtaining their repatriation in order to partially alleviate the lack of judicial personnel.

d. Draft Decree abolishing the death sentence in Italian law except in respect to cases tried under military codes and the law on sanctions against fascism as proposed by the Minister.

e. Problem of improvement of drafting technique of the Italian legislation by concentrating the drafting in the Ministry of Justice.

f. Problems of judicial personnel in general.

g. The necessity of radical improvement in the operation of the Courts of Bari; consequent changes of personnel.

h. Recruitment of office personnel for the Courts at Sardinia by an emergency procedure.

i. Extension of the application of the Amnesty Decree to common offences committed during the allied occupation in provinces since restored to the Italian Government; advisability of a new general amnesty.

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j. Enactment of appropriate legislation to deal with the question of Jewish, partisan and other antifascist property.

k. Continuation of the Court of Appeal Session in Lucera (Foggia) after the restoration of the Province of Foggia to the Italian Government.

l. Draft Decree on certain emergency amendments to the Code of Penal Procedure.

m. Draft Decree on reorganization of professional organizations of lawyers and notaries.

n. Reform of Codes.

o. Limitation of vacation period in Italian Courts.

p. Draft Decree increasing penalties for unlawful sale of liquor (requested by the Army).

q. Procurement of motor vehicles for various provincial judicial officials.

r. Establishment of a pool of judicial officials for assignments in Northern Italy.

s. Personnel changes in the various departments of the Ministry and in the Courts of Rome.

t. Policy for issuing travel permits for judicial officials, policy for allotting gasoline to cars used by the Ministry for official purposes.

u. Possibility to set up a class for officials of the Ministry.

v. Necessity to increase salaries of judicial officials in view of the increased cost of living.

w. Reopening of the Military Tribunal at Rome.

x. Reestablishment of the Court at Orvieto (Terra Province) abolished by the fascist government.

y. Investigations of certain disturbances in Calabria and of the conduct of the local procuratore del Regno.

z. Suggested modification of Art. 166 of the Public Safety Law concerning administrative measures in cases of political character.

g. Personnel changes in the various departments of the Ministry and in the Courts of Rome.

t. Policy for issuing travel permits for judicial officials, policy for allotting gasoline to cars used by the Ministry for official purposes.

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z. Suggested modification of Art. 166 of the Public Safety Law concerning administrative measures in cases of political character. 2939

aa. New proposals to amend the decree setting out the penalties for failure to deliver certain commodities to People's Granaries.

bb. Functioning of certain Courts of Assizes.

cc. Interference by Allied authorities with arrests effected by Italian police of Italian civilians employees of Allied authorities.

dd. Method of removal of judicial personnel in Military Government Territory for political reasons.

ee. Local difficulties arising in Sicily out of the excessive number of violations of the People's Granaries law.

ff. Establishment of an Advisory Board of the Procuratore Generale at Sardinia to investigate cases of persons held in prison and awaiting trial.

11. The activities of the Italian Branch also included;

a. Various conferences with the representatives of the Ministry of Justice and the Ecclesiastical authorities in respect to the draft of the decree on marriage of members of Allied Forces in Italy; final draft was submitted to HQ for approval.

b. Discussions with the representative of the Presidency of the Council of Ministers and study of draft decrees authorizing the Government to appoint Commissioners extraordinary to business enterprises of certain type.

c. Conferences with representatives of the Jewish Community Committee of Rome and of the Intergovernmental Refugee Committee concerning the draft law undertaking to repeal the racial legislation and to provide machinery for restoration of Jewish property to legal owners; study of the draft and translation.

d. Preparations for distribution of the reprints of the Brindisi-Salerno legislation and subsequent issues of Gazzetta Ufficiale in newly activated regions.

e. Translation of numerous draft laws by ministerial circulars from Italian into English and translation of several General Orders of the Allied Military Government from English into Italian and proof-reading.

f. Study of the death penalty in Italian law.

g. Numerous interviews with Italian judicial officials for whom transportation had to be obtained to proceed to recently liberated provinces.

OFFICE OF CHIEF JUDICIAL OFFICER:

12. The table below sets out the more serious cases received for review during the month of August:

ESPIONAGE CASES REVIEWED DURING THE MONTH OF AUGUST

(a) Death sentences confirmed.....	3
(b) Death sentences commuted.....	0
(c) Prison sentences affirmed.....	2
(d) Defendants found not guilty.....	0
(e) Cases awaiting review but whose appeal period has not expired.....	5

SABOTAGE CASES REVIEWED DURING AUGUST

(a) Cases awaiting review but whose appeal period has not expired.....	4
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DEATH SENTENCES IN CASES OTHER THAN ESPIONAGE OR SABOTAGE

(a) Death sentences confirmed.....	3
(b) Death sentences commuted.....	1

13. The following items of interest have been reported from the various regions:

- (a) Death sentences confirmed.....3
- (b) Death sentences commuted.....0
- (c) Prison sentences affirmed.....2
- (d) Defendants found not guilty.....0
- (e) Cases awaiting review but whose appeal period has not expired.....5

SABOTAGE CASES REVIEWED DURING AUGUST

- (a) Cases awaiting review but whose appeal period has not expired.....4

DEATH SENTENCES IN CASES OTHER THAN ESPIONAGE OR SABOTAGE

- (a) Death sentences confirmed.....3
- (b) Death sentences commuted.....1

13. The following items of interest have been reported from the various regions:

Region II - On August 18th an MG Court condemned G. UDIO MARTIERE to 28 years imprisonment for the murder of an Allied soldier; and on 10th August it sentenced DE BIR DE MICHELE to 20 years for theft and sabotage. Advantage was taken of those two cases to spread deterrent propaganda through the press. The Allied Military Police have expressed their full appreciation of the work of MG Legal Office in this region.

Region III - Figures have been prepared of the work of MG Courts in the provinces of Naples and Avellino during the month of August and are reproduced below:

PROVINCE OF	SUMMARY COURT		SUPERIOR COURT		GENERAL COURT		TOTAL
	MG	G	MG	G	MG	G	
Naples	9	1135	-	45	2	7	1198
Avellino	3	15	-	7	-	3	25
TOTALS	12	1150	-	52	2	7	1223

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Region V - No General or Superior Courts held in the region. The total of Summary cases dealt with amount to 568.

The RLO reports that with the arrival of troops in the region, prostitution offences are on the increase.

Region VIII - The Regional Commissioner has been authorized to review cases not being cases reserved for review by the Chief Commissioner, and has delegated this power to the RLO.

No General Courts were held in this region during August. Two Superior Court cases and 453 Summary cases were disposed of. The most common offences were infringements of curfew or travelling regulations (355).

Richard H. Wilmer

RICHARD H. WILMER,

Colonel, CAC.

Chief Legal Officer.

Declassified E.O. 12356 Section 3.3/NND No. 785017

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HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4043/L.

6 August 1944.
/rlp.
Recd

SUBJECT : Legal Sub-Commission, Monthly Report for July, 1944.
TO : Acting Chief Commissioner, ACC.

1. The work of this sub-commission during the month of July 1944 in addition to advisory and legislative work has been principally as follows:

OFFICE OF CHIEF LEGAL OFFICER:

2. Preparation of Documents A, B, C and D for restoration of territory to the jurisdiction of the Italian Government arranged for 20 July, including numerous conferences with Professor Forte, spokesman for the Italian Government, and so forth. conferences with the Ministry of Justice at Salerno and Rome. arranging with RO & MG Section for printing and distribution of Documents B and C; conferences with Under Secretary of Interior on alleged error of translation which proved to be groundless; numerous conferences in connection with the decrees proposed by Italian Government later known as sanctions against fascism; arranging for removal of Legal Sub-Commission from Salerno to Rome; conferences with Petroleum Section in regard to appointment of a Commissario for IGIP and examination of Italian Law in this regard. considering and conferring re numerous Regional and Administrative Orders of Rome Region and discussing with higher authority those clearly illegal. conferences with RO, Rome Region concerning certain of them; review of Allied Military Court cases. examination of records in spy cases; detailed consideration of personnel situation. preparation of letter to higher authority warning them of dearth of legal personnel to man regions north of Regions V and VIII. conferences with RLOs of Regions IV, VIII and ROME on various problems; consideration of Public Safety Sub-Commission situation obtaining at Bari because of uncooperative spirit of Italian military and civil courts there. preparing agenda of the details in connection with RLOs conference scheduled for 1st August. preparation of various directives issued to RLOs including directive to legal officers on restoration of territory to Italian Government. preparation of first draft of Documents A, B and C for restoration of additional territory to Italian Government as of 15 August; conferences with Acting Head of Administrative Section.

OFFICE OF CHIEF COUNSEL:

arranging with RO & MG Section for printing and distribution of Documents B and C; conferences with Under Secretary of Interior on alleged error of translation which proved to be groundless; numerous conferences in connection with the decrees proposed by Italian Government later known as sanctions against fascism; arranging for removal of legal Sub-Commission from Salerno to Rome; conferences with Petroleum Section in regard to appointment of a Commissario for AGIP and examination of Italian law in this regard; considering and conferring re numerous regional and Administrative Orders of Rome Region and discussing with higher authority various clearly illegal conferences with RO, Rome Region concerning certain of them; review of Allied Military Court cases; examination of records in spy cases; detailed consideration of personnel situation; preparation of letter to higher authority warning them of dearth of legal personnel to man regions north of Regions V and VIII; conferences with PIOs of Regions IV, VIII and ROME on various problems; consideration of Public Safety Sub-Commission situation obtaining at Bari because of uncooperative spirit of Italian military and civil courts there; preparing agenda of the details in connection with PIOs conference scheduled for 1st August; preparation of various directives issued to PIOs including directive to legal officers on restoration of territory to Italian Government; preparation of first draft of Documents A, B and C for restoration of additional territory to Italian Government as of 15 August; conferences with Acting Head of Administrative Section.

OFFICE OF CHIEF COUNSEL

3. Conferences with and advice to various sub-commissions: preparation opinions for Sections and sub-commissions; study of agricultural decrees and conferences with Agriculture Sub-Commission and Economic Section with respect thereto; preparation of General Order No. 31 extending Agricultural Decrees to Military Government Territory; making arrangements for posting General Order No. 16 (Jewish rights) conference Public Safety Sub-Commission, and preparation of General Order No. 24 (revised), Movement of Civilians; conferences with Agriculture, Industry and Commerce and Food Sub-Commissions and preparation of final draft of General Order No. 29 (Declaration of Essential Supplies); conferences Food Sub-Commission and preparation General Order No. 30 (Price of Bread and Pasta); conferences with Finance Sub-Commission with respect to proposed amendments to Proclamations Nos. 2 and 4 and General Order No. 2; Preliminary study of subject War Claims.

ITALIAN BRANCH:

4. During the period from the commencement of the month to the 9th, date on which the Legal Sub-Commission was transferred to Rome, there were three conferences with the Minister of Justice. There was little concrete work performed and no legislative provisions of importance were promulgated owing to the dislocation of the Ministry's services in view of the imminent move to Rome.
5. The field covered included exchanges of views on the steps to be taken regarding the elimination of Fascist-Republican legislation and the reorganization of the administration of justice in the capital, including the work of opening up of the Court of Cassation already initiated in Salerno. In conjunction with the Officer i/c Italian Branch of this sub-commission already established at the Ministry of Justice in Rome since the date of the city's liberation on 14th June, a scheme was evolved for the removal of fascist judicial officials and for the transfer of others to appropriate offices.
6. The necessity for taking immediate and adequate measures for the final dissolution of all remaining fascist organizations and for the issuance of an overall decree to bring about the punishment of all fascist delinquents and the purging of all branches of public life was urged upon the Minister, who gave an assurance that the publication of the necessary legislation would be hastened. The draft of a decree providing for the annulment of the sentences pronounced by special fascist tribunals was approved. Arrangements were discussed for the return of refugees. Judicial personnel to their seats in the southern provinces of Italy and for the filling of vacant posts by those unable to regain their residences or former place of work.
7. While the usual routine legislative and personnel work was carried on at Adv Hq in Rome, the main activities of the legal representative were of a rather different nature. By keeping the Ministry of Justice open, it had been possible during the month of June to get acquainted with all the heads of services of the Ministry, the High Judicial officials still in function, those who had been dismissed by the Republican Fascist Government, and the new ones appointed by E. E., Umberto Tupini. Much information was gathered on personnel and fascist legislative activities during the period extending from 8 September 1943 to 4 June 1944. As far as personnel was concerned it appeared clearly that most of the high officials had paid considerable lip service to the regime of Mussolini, but that many of them had preserved considerable independence in the exercise of their functions. It was difficult to find one who had not at some time or other made a speech or written an article to the glory of the Duce, but the course of justice had only on few occasions been influenced by political pressure.
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southern provinces of Italy and for the filling of vacant posts by those unable to regain their residences or former place of work.

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8. This was not so true of the "Pubblica Ministero" (Prosecuting Branch of the Magistracy) where direct action was often exercised by the Ministry of Justice upon its unfortunate officials and many a time criminal charges against fascists or their influential friends were nipped in the bud during the pre-trial investigation period and the offenders never brought to trial. The now Minister was aware of this situation, but it was difficult to satisfy both justice and public opinion by dismissing without giving them a chance to defend themselves, the officials holding high positions in the hierarchy of the Magistracy. As the draft decree of purgation of fascists from the administration was a long time under discussion before being finally passed in its present form on 24th July the Minister with the agreement of this sub-commission took the necessary steps to transfer these high officials to posts of less responsibility, replacing them by others whose political past and professional ability justified their selection. In the meantime, the de-fascistization commission of the Ministry

was set up in order that it could start its activities early in August.

9. During that month, ten thousand copies of a book containing all the legislation promulgated in Brindisi and Salerno by the Badoglio Governments, was printed in Rome for publication in all ACC & MG territories, with the exception of a few decrees such as amnesty which were not considered politically or administratively desirable in Military Government regions. This was a great effort on the part of the Italian printing establishment considering the lack of paper, power and experienced personnel.

10. Other matters of interest dealt with by the Italian Branch during July include:

a. A decree setting out the penalties for failure to deliver wheat and barley to "People's Granaries"; a decree on encouragement of threshing by machine and a decree subjecting certain agricultural commodities to control; these important decrees were extended to Military Government Territory by insertion of Executive Commissioner's endorsement in the Official Gazette and embodied in General Orders to be posted in Army controlled areas.

b. A new decree overhauling the penalties for violations of rationing regulations. Decrees effecting emergency amendments of criminal procedures tending to speed up and simplify the penal proceedings and relieve the prisons without impairing vigorous prosecution of offenses against Allied interests.

c. Decree increasing penalties for unlicensed sale of liquor, etc. (requested by the Army). Repatriation of judicial officials interned as POWs in North Africa to meet the acute shortage of judicial personnel.

d. Circulars to be issued by the Ministry to Italian judicial authorities in respect to application of the amnesty decrees and of the new decrees on penalties for failure to deliver commodities to "People's Granaries" and in respect to conditional suspension of sentences in cases involving Allied interests.

e. Improvement of financial status of judicial officials with special regard to allowance coming to officials dismissed by the fascist Republican Government for failure to take new oath of allegiance. Legislation to be published upon restoration of further portion of Italian territory to Italian administration. New method of effecting movements of judicial personnel in Military Government Territory suggested either by local level officers or by Italian authorities.

f. New method to improve the general standard of draft legislation submitted to individual sub-commissions by Italian Ministries.

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f. New method to improve the general standard of draft legislation submitted to individual sub-commissions by Italian Ministries.

g. Numerous personnel problems arising in newly occupied territories.

h. Draft decree on reorganization of legal professional organizations.

i. Reform of Italian Codes.

j. Extension to newly liberated provinces of the method for implementation of decrees appearing in the Official Gazette on Military Government Territory.

OFFICE OF CHIEF JUDICIAL OFFICER

10. Work was again hampered by lack of personnel, in this branch there being the Chief Judicial Officer and nobody else.

11. The chief point of general interest was the case brought against BENITO VECCHI Rosario. This came before an Allied General Military Court, of which the Chief Judicial Officer was a member. This was the first General Court in Rome (except for one espionage case held in Genoa). It attracted very great attention in Rome and all the newspapers. The accused was a medical student in his early twenties. He had been a "patriot" working on the clandestine front during the period of German control; in the early afternoon of 5th June (the day the Allies entered Rome) the accused shot and killed a Guardia di Finanza. It was directed that the case be brought in an Allied Military Court. The defense was "self-defense." The Court ruled against this contention and found the accused guilty under Italian Penal Code, Article 55. The Court imposed the sentence of 18 months imprisonment; the Court determined that there were certain mitigating circumstances. The case has not yet been reviewed.

12. A visit of inspection of the Allied Military Courts in Naples was carried out by the Chief Judicial Officer. The situation was found to be satisfactory. The only courts now sitting are:

- a. General Courts as required. Two cases were then pending.
- b. Two Superior Courts.
- c. One arraignment and Summary Court.
- d. One "port court" dealing exclusively with petty offences within the port area.

There were no arrears.

13. The following items of interest have been reported from the various regions:

REGION III - Figures have been prepared to show the total number of cases disposed of in this region between 22 December 1943 (when the region became independent of 5th Army) until 19 July 1944. These figures are so impressive and show so well the weight of work being disposed of by Allied Military Courts that they are set out below:

Type of Court	Guilty	Not Guilty	Total
General Courts	10	-	10

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Type of Court	Guilty	Not Guilty	Total
General Courts	10	-	10
Superior Courts	251	41	292
Summary Courts	<u>23741</u>	<u>1918</u>	<u>23,659</u>
Total	24,002	1,959	25,961

ROME REGION (now called REGION IV). This region with a very limited staff is accomplishing well a difficult task. There are no arrears of cases. From impressions gained by the Legal Sub-Commission (and making all due allowance and discount for flattery) it is thought that Allied Military Courts have made a decidedly good impression in Rome.

REGION IV (now merged with ROME REGION, being the merged regions called REGION IV). Crime has been light, and no particular point arises.

14. Five cases of espionage were reviewed during the month. In one case a sentence of death was commuted to imprisonment for 20 years. In the other, four cases, convictions and sentences (two sentences of 15 years and one of imprisonment for life) were affirmed. Review has also been made of the proceedings against MONTAUTO - who was tried by a General Military Court at CATANIA, Sicily, for the killing by stabbing of a British soldier in ALGERIA. The accused was found guilty and sentenced to death. The trial, of course, was under Italian law. At the time of writing this report, the papers are before the appropriate authority for consideration whether or not to confirm the death sentence. There is some doubt, whether this is a proper case in which to enforce a death penalty on account of the circumstances of the case and the pending abolition under the Italian Law of the death penalty. The case is still sub judice. Routine reviewing has also continued: no matter of general interest arises thereon.

REGION V. During the month, 3 cases of espionage were tried. All three accused were convicted. The sentences of the court were each, life imprisonment and 15 years imprisonment. Efforts are being made to transfer more and more work to the Italian Courts and so to reduce the load on AMG officers.

From the other regions and from the Armies there is nothing worthy of inclusion in this report. The conclusion may be drawn that, in spite of lack of personnel, Allied Military Courts are functioning satisfactorily.

15. The following miscellaneous points are, perhaps, worthy of record:

a. As forecast last month, a considerable number of cases have been met in which "Patriots" are charged with possession of arms. Of course, there is now a tendency for everybody to claim to be a "Patriot". No difficulties have arisen so far; it seems that officers sitting on courts have dealt with the situation with tact.

b. The General Staff (N(b)) All Hq are anxious for more death sentences in cases where persons are convicted of espionage. The Legal Sub-Commission is of the opinion (a) that normally the death penalty should follow conviction, (b) that there may well be circumstances to justify the court in imposing a sentence of imprisonment, and (c) whether or not such circumstances exist is a matter for the court and to put any pressure on legal officers in this respect would be improper.

c. Apart from espionage cases, the most serious cases which came before Allied Military Courts are homicide cases, in which Allied soldiers have been shot. Generally, it has been found that the root cause of these cases usually lies in the misconduct and lack of discipline of Allied troops.

Richard H. Wilmer

RICHARD H. WILMER,
Colonel, CAC.

15. The following miscellaneous points are, perhaps, worthy of record:

a. As forecast last month, a considerable number of cases have been met in which "Patriots" are charged with possession of arms. Of course, there is now a tendency for everybody to claim to be a "Patriot". No difficulties have arisen so far; it seems that officers sitting on courts have dealt with the situation with tact.

b. The General Staff (N(b)) ASI HQ are anxious for more death sentences in cases where persons are convicted of espionage. The Legal Sub-Commission is of the opinion (a) that normally the death penalty should follow conviction, (b) that there may well be circumstances to justify the court in imposing a sentence of imprisonment, and (c) whether or not such circumstances exist is a matter for the court and to put any pressure on legal officers in this respect would be improper.

c. Apart from espionage cases, the most serious cases which come before Allied Military Courts are homicide cases, in which Allied soldiers have been shot. Generally, it has been found that the root cause of these cases usually lies in the misconduct and lack of discipline of Allied troops.

Richard H. Wilmer

RICHARD H. WILMER,
Colonel, GAC,
Acting Chief Legal Officer.

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

ACC/4043/L

10 June 1944

SUBJECT: Legal Subcommittee, Monthly Report for May 1944.

TO : Chief Commissioner, A.C.C.

1. The work of this Subcommittee during the month of May 1944 has been primarily aimed; *in addition to advisory and legislative work*

(a) at enabling the legal officers in the field to undertake their duties at the newly conquered areas with efficiency and despatch; and

(b) at relieving the legal officers in rear areas of as much work as possible, so as to free them for more important duties. With this object, close cooperation has been established with the new Minister of Justice, who was pressed to secure that the Italian Courts in Italian Government Territory are brought up to date with their own work and to arrange that they take over, to an increasing extent, cases which have hitherto come before A.M. courts.

GENERAL:

2. The four consolidated proclamations, prepared in April to replace the previous 15 proclamations, were circulated to the armies before the recent advance and will henceforward constitute the basis of Allied Military Government in newly conquered areas. A great simplification has thereby been achieved.

3. The work of consolidating the General Orders so as to conform to the new proclamations has been put in hand; and General Orders Nos. 1 and 2 consolidating all previous General Orders with respect to Finance have been completed. A number of new General Orders have been discussed and agreed with Sub-Commissions.

4. Much time has been spent in considering the question of ~~the proposed~~ ~~General Order regarding~~ Defascistization particularly in Military Government Territory.

5. In response to a request from R.C. Region IV, a thorough investigation has been made into the powers of requisition.

ITALIAN BRANCH

6. As mentioned above, satisfactory cooperation was achieved with the new Minister of Justice.

Among the more important matters discussed with him or his representatives have been the following :-

- a. Temporary simplifying amendments to the Code of Penal Procedure.
 - b. Dissolution of fascist organizations.
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- c. Penalties for "amassing" offences.
- d. Opening of the Court of Cassation at Salerno.
- e. Pool of judicial officials for service at Rome.
- f. Allocation of cases concerning offences against Allied interests between Italian Civil and Military Courts.
- g. Furnishing of general statements as to sentences imposed by Allied Courts Martial against Italians.
- h. The question of applying the Italian Amnesty decree in AMG territories as regards preoccupation offences.

In particular much discussion has taken place regarding the decrees for defascistization and epuration, which have since been officially approved. The epuration decree has been published.

7. A number of draft decrees were submitted by other Sub-Commissions for perusal. Amongst these were : decree for collecting wheat and barley; decrees amending the law dissolving fascist militia; registration of aliens; proposed decree on labor matters; decree on rationing of electric power, etc..

8. This month has witnessed a special effort to bring back the Italian Legal System in rear areas to full efficiency. Visits were paid by the Chief Legal Officer to Regions 2 and 7 and by the Deputy Chief Legal Officer to Region 5, and difficulties of accommodation and personnel were investigated with Italian judicial officials on the spot. In Sardinia a further improvement has been effected in the prison and court situation. The general position is now considered reasonably satisfactory, except at Bari, where a special investigation has been undertaken.

9. A large number of appointments and re-allocations of Italian judicial personnel has been agreed with the Minister; and arrangements are under discussion for providing additional judges from among the POWs interned in North Africa.

10. Arrangements have been made to improve the working of the Italian Military Courts, and a legal officer has been designated to deal exclusively with this problem.

11. Discussions have continued as regards handing over of work to Italian Courts in A.M.G. Territory. The arrangements so far made extend to certain offences such as curfew violations, speeding offences and prostitution. A comparative study of AMG proclamation provisions and analogous Italian penal laws has been completed and transfers of other types of cases are contemplated in the near future.

ALLIED MILITARY COURTS.

12. Opinions have been reviewed which show that the new "Consolidated Instructions for Allied Military Courts" have met a real need.

13. Many cases have been submitted with a view to the appointment of an Allied Military Court for the trial of persons in Italian Government Territory for offences against Allied personnel or property. In view of the policy laid down by the Chief Commissioner one of such cases was authorized in Region I

- 3 -

(murder of British seaman) and two in Region II (Allied mail theft and espionage and fascist conspiracy).

14. In Military Government Territory Allied Military Courts continue to function satisfactorily, though efforts are still being made by this Sub-Commission to ensure a greater uniformity of sentences.

It has been proposed that
15. Region III's Regional Order No. 18 (dealing with Prostitution) has been revoked for the purpose of having Italian courts deal with ^{all} these cases under Italian law.

16. In espionage cases seven death sentences were confirmed and one conviction, with death sentence, was quashed.

17. The new system of reviewing cases has been working satisfactorily. A large number of cases still come to this HQ for review owing to the number of Superior Military Courts sitting in Naples. Efforts are being made to raise the standard of court records and notes which at present in many cases leave much to be desired.

Richard H. Collier
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fr
G. R. UPJOHN,
Colonel,
Chief Legal Officer.

NEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APC 394

ACC/4043/1

10 May 1944

SUBJECT: Legal Subcommittee - Monthly Report for April 1944.

TO : Chief Commissioner, ACC.

GENERAL

The work of the Chief Legal Officer and Staff during the month of April included, in addition to general matters of a legal nature, the following:-

1. After long consultation with subcommissions concerned the work of consolidating the 15 old proclamations into four (with new Italian translations of each) was completed. Necessary revisions and the elimination of purely administrative matters were at the same time accomplished.
2. Advice to and conferences with various subcommissions and sections and drafting of pertinent documents with respect to the following subjects were included in the month's work: Restriction on movement of civilians, photography control, establishment of provincial welfare system, use of military vehicles by Italian Government and other non-military agencies, registration of aliens, threatened utility strike, General Orders 8, 17 & 20, arrest of civilians by Allied personnel in restored areas, rent increases in occupied territory.
3. Special mention should be made of work with Allied Publications Board and Labor and Agriculture Subcommittee in connection with proposed basic Italian legislation.

ITALIAN BRANCH

4. Owing to the changes supervening in the Italian Government contacts between this Branch and the officials of the Ministry were much reduced, only 2 official conferences being held, one with the retiring Minister on 13 April and the other with the new Chief of Cabinet on 25 April.

Among the most important matters discussed were the following: Marriage of members of the Allied Forces on Italian territory; Defascistization and Purgation of the Italian Civil Service and employees of semi-official bodies; Jurisdiction of AM Courts in unoccupied

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Among the most important matters discussed were the following: Marriage of members of the Allied Forces on Italian territory; Defascistization and Purgation of the Italian Civil Service and employees of semi-official bodies; Jurisdiction of AM Courts in unoccupied territory and offences against Allied interests with particular reference to the disposition of stolen and damaged property and of rights of Allied third parties.

5. Subcommittees submitted a number of draft decrees for perusal, advice and comment, especially labour and agricultural measures. A considerable number of conferences took place with the representatives of the Subcommittees concerned.
6. In regard to the Administration of Justice in Sardinia, considerable movements of personnel were, at the request of this Subcommittee, very promptly dealt with by the Ministry. Over 44 judicial officials were appointed to fill vacancies or to strengthen existing benches and public prosecutor's offices. Italian personnel was duly allocated to various regions and army areas requesting additional appointments.
7. Progress was made in organizing the taking over by Italian Courts of cases of offences committed under the terms of the proclamations at present handled solely by AM Courts.
8. The mechanism for the implementation of Italian Decrees in AM territory has been in operation since the beginning of the month.

ALLIED MILITARY COURTS.

9. Work was completed in preparing and sending to press a loose-leaf handbook called "Consolidated Instructions for Allied Military Courts", containing, in addition to the Instructions, revised specimen Legal Forms and revised Rules of Procedure together with Italian translation of the latter. This translation is for limited distribution amongst Italian authorities and Avvocati appearing in Allied Military Courts.

10. The figures for April in respect of Espionage cases are as follows:

- (a) 7 death sentences were confirmed.
- (b) 7 death sentences were commuted to terms of imprisonment.
- (c) 6 cases were submitted for confirmation.
- (d) 2 sentences each of 20 years imprisonment were affirmed on review.
- (e) 2 accused were acquitted.

11. A change in the system of reviewing cases was introduced. Previously, the policy was to do most of the reviewing at this HQ. Now Regions have greatly increased powers of review; but certain classes of cases are reserved for review at this HQ, notably cases in which the sentence exceeds either imprisonment for 2 years or a fine of more than 50,000 lire.

12. Allied Military Courts continue to function satisfactorily. The city of Naples is, of course, the most difficult area, but the Courts there are, on the whole, working well. Arrears are being overcome and there was a drop in the number of cases compared with the previous month.

13. Permission has now been given by the British Military Authorities for Town Majors to sit periodically as Summary Court Judges in Naples. The Regional Legal Officer has given them instruction in their duties.

14. Proceedings were commenced during April against a Director and two Managers of the Manifatture Cotoniere Meridionali on charges relating to black market offences. The trial attracted much attention and publicity as the three accused were formerly influential Fascists. For completeness it should be added (though the trial lasted into May) that all three accused were convicted and each sentenced to 5 years imprisonment.

15. The first trial by an Allied Military Court in Unoccupied Territory took place during the month in SALERNO. The two accused were charged in respect of a series of thefts from a British Army Post Office. They were both convicted and sentenced to 10 years imprisonment.

C. D. H. Martin

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G. R. Upjohn

G. R. UPJOHN
Colonel
Chief Legal Officer.

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REAR HEADQUARTERS
ARMED CONTROL COMMISSION
LEGAL SUB-COMMISSION
A.P.O. 394

ACC/4043/L

10th April 1944

SUBJECT: Legal Sub-Commission - Monthly Report for March 1944

TO : Chief Commissioner, ACC.

1. Promotions The failure of long expected promotions to come through is undoubtedly having a bad effect on personnel.

GENERAL

The work of the Chief Legal Officer and his staff during the month of March included, in addition to general matters of a legal nature the following :-

2. The Chief Legal Officer visited Region 5 and 8th Army area between 8th and 13th March on an inspection trip.
He also, with the D.C.L.O. inspected A.M.C. Courts in Naples on several occasions.

Major Palmieri was attached to Region VI (Sardinia) to assist in reconstructing the Courts.

3. Advantage was taken of the presence of Mr. R. Malins and Mr. Dean of British P.O. in Naples to convene a meeting of interested parties to consider the best method of handling seamen from British merchant ships who commit offences on shore and a procedure was worked out.

4. Discussions also took place as to dealing with prostitutes and a careful examination of the existing law was made.

5. Advice has been given on many proposed regional orders.

6. Frequent consultations with S. Lombardi on the preparation of a new decree providing for the punishment of fascists.

7. Advised over the threatened rise in wages in Sicily.

8. Conferred with the Italian Government over the question of the threatened prosecution of a member of the "Sicilia Indipendente" under Article 271 of the Penal Code. The accused was acquitted.

9. Frequent consultations with Italian Government over Amnesty Decree.

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4. Discussions also took place as to dealing with prostitutes and a careful examination of the existing law was made.
5. Advice has been given on many proposed regional orders.
6. Frequent consultations with S. Landoni on the preparation of a new decree providing for the punishment of fascists.
7. Advised over the threatened rise in wages in Sicily.
8. Conferred with the Italian Government over the question of the threatened prosecution of a member of the "Sicilia Indipendente" under Article 271 of the Penal Code. The accused man was amnestied.
9. Frequent consultations with Italian Government over Amnesty Decree.
10. One feature is the exceptional number of my cases which have been tried. The Court has been in practically constant session at Caserta. 15 were sentenced to death during the month of March, of which we have had reprieve.
11. Strenuous steps were taken in conjunction with Army Sub-Commission to speed up the hearing of cases in Apulia both through mediation of Civil and Military Courts. The Minister of Justice and General Commander of Italian JAC Dept issued instructions as to the handling of these cases and the position is improving, but shortage of prison accommodations due in part to requisitioning and in part to the large number of Italian military personnel housed there, is acute.
12. Consideration and working out plans for prompt trial of Army theft and prostitution cases in Italian courts.
13. Working on administrative instructions in Allied Military Courts, Rules of Procedure and revision and consolidation of Proclamations.

pp 3 loose copies

62/ Considering ques. arising with respect to use of requisition of Vatican property of various classifications, prisoners of war, Italian deserters, Red Cross parcel thefts and spy trials.

15. Preparing and working on various plans for dealing with United Nations and French property in unoccupied Italy in order to give Director of Property Control the necessary control for the preservation thereof.
16. Consultations with Political Section in various matters.
17. Numerous conferences in Salerno, Naples, Caserta with legal officers Regional and Army area.
18. Tour of inspection in Sicily by DIO, including conference with ACC legal officers, First Presidents of the Court of Appeal, Procuratori Generali, and High Commissioner on various problems and liaison matters at Catania, Messina and Palermo. Conferences with Minister of Justice.
19. Review of proceedings of Court of Inquiry in re death of soldier and preparation of report to Internal Transportation Subcommittee.
20. Conferences and correspondence in re matter of personal liability of Property Controller. Examination of draft of proposed Italian decree with respect to Property Control in occupied territory.
21. Preparation of General Order 23, removing restriction on land transactions.
22. Proof-reading of Proclamation 15 and General Order No. 6.
23. Conferences with Public Safety. Redraft of General Order No. 20 (Motor Vehicle circulation).
24. Correspondence with District I re "Sicilia Indipendente" and preparation of opinion. Investigation of case of Professor di Nastaie.
25. Examination of Administrative Instruction No. 18 (Region III) (Prostitution) and preparation of opinion.
26. Preparation of opinion in re Memorandum 11 (Paper property).

ITALIAN SECTION.

27. During the month of March the activities of the Italian Section were generally on the increase. Over and above the daily work of advising other subcommittees and discussing the desirability and the form of a number of decrees to be enacted by the Italian Government, a considerable amount of translating had to be undertaken as it was considered that the translation of legal documents in Italian should be the responsibility of Legal Subcommittee.

21. Preparation of General Order 23, removing restriction on land transactions.
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23. Conferences with Public Safety. Draft of General Order No. 20 (Motor vehicle circulation).
24. Correspondence with District I re "Sicilia Indipendente" and preparation of opinion. Investigation of case of Professor di Nobile.
25. Examination of Administrative Instruction No. 18 (Region III) (Prostitution) and preparation of opinion.
26. Preparation of opinion in re Memorandum 11 (Papal property).

ITALIAN SECTION.

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Many items dealt with by this Section in connection with other sections of the Legal Subcommittee are dealt with in detail in the general report.

Some of the numerous questions discussed are set out hereunder, and satisfactory solutions have been found to the various problems arising from the promulgation of legislation and the appointment of judicial personnel, etc. Weekly meetings with S.F. Casati have been continued and constant liaison was maintained with responsible Italian officials. During this month Major E.L. Palmeri was busily engaged in helping in the reorganization of Civil Courts, ²³ ~~Palmeri~~ ^{Palmeri}.

28. A machinery has been devised to speed up the trials in Italian Courts, both civil and military, of Italians who committed offences against Allied interest.

29. Many conferences with the Minister of Justice, of Finance, and the Director of Property Control Subcommittee were devoted to the legal status of the Controller of Allied Property in the restored territory.

30. The policy of appointments of judicial officials in both occupied and

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unoccupied territory was discussed extensively. It was agreed that the Minister will consult the Legal Sub-Commission before he proceeds to appoint or dismiss any judicial official of certain higher categories. On the other hand, whenever possible, the Legal Sub-Commission will recommend for appointment by Regional Commissioners in occupied territory the officials designated by the Minister of Justice.

31. First and second draft of the Decree for "National Purgation" have been translated, studied, discussed and recommendations made.

32. The question of extending the jurisdiction of the newly established temporary Court of Appeal Section to civil matters has been considered.

33. It was agreed that the Italian Decree referring to Allied Military Courts having jurisdiction to try all offences against Allied interests committed by Italians in territory under Italian administration, shall be amended so as to permit the Italian Courts to try such cases saving the right of the Allied authorities to withdraw any such case from Italian jurisdiction.

34. Establishment of a temporary Section of the Supreme Court of Cassation at Salerno was approved by the Sub-Commission.

35. Problems arising out of the constitution of the Court of Appeal Section at Reggio Calabria were considered.

36. The draft Decree granting amnesty to certain groups of convicts has been carefully studied with the view of preventing any interference with execution of sentences rendered during the Allied occupation.

37. In cooperation with the Interior, Public Safety and Public Health Sub-Commissions the method of prevention of spreading of venereal diseases among Allied troops in Italy was discussed and studied. The Minister of Justice was requested to instruct the competent Italian officials along the lines agreed upon by the sub-commissions concerned and several drafts of instructions submitted by the Minister were translated and studied.

38. A plan was designed to ease up the difficulties arising in the overcrowded penal establishments in Sardinia. Labor battalions of prisoners will be formed which will work for the Allied authorities.

39. On the initiative of Region 5 the question of extension of hotel leases was taken up with the Minister and it was agreed that due to the importance of the matter a Decree will be drafted which will be made valid in both occupied and unoccupied territory.

40. Many details concerning judicial personnel of Italian courts in occupied territory were settled and all necessary arrangements made for normal functioning of Courts of Assizes and Towns Courts.

35. Problems arising out of the presence of prisoners at Reggio Calabria were considered.

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38. A plan was designed to ease up the difficulties arising in the overcrowded penal establishments in Sardinia. Labor battalions of prisoners will be formed which will work for the Allied authorities.

39. On the initiative of Region 3 the question of extension of hotel leases was taken up with the Minister and it was agreed that due to the importance of the matter a decree will be drafted which will be made valid in both occupied and unoccupied territory.

40. Many details concerning judicial personnel of Italian courts in occupied territory were settled and all necessary arrangements made for normal functioning of Courts of Assizes at Lamezia, Catanzaro, Crotone, etc.

41. In cooperation with the Minister a draft decree has been prepared facilitating marriages of Allied personnel in Italy.

42. In a meeting attended by the First President of Court of Appeal at Naples, Procurators of the same court, Chief Legal Officer, 3rd Region, officers of the Italian Section Legal Sub-Commission and representatives of the Ministry of Justice the situation of the Courts at Naples was examined in regard to personnel and office space and a procedure devised for a gradual transfer of cases from Allied Military Courts to Italian Courts coupled with gradual evacuation of premises occupied by Allied Courts.

43. The coordination of the reorganization of legal professions and examination of procuratori legali in occupied and unoccupied territory was under consideration.

44. A more effective machinery for inducing the farmers to deliver their grain in pursuance to regulation has been designed in cooperation with the Minister.

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45. Upon request of the Ministry arrangements were made to communicate to competent Italian officials certain more serious penalties inflicted by Allied Military Courts upon Italian citizens for entry in the register of criminal records of the individual convicts.

46. Provisions were made for a more effective suppression of illegal wage increases.

47. The jurisdiction for granting of conditional liberty and pardon was worked out in details in regard of sentences rendered by Italian Courts.

48. A number of meetings were held to discuss the case of Prof. Di Natale, a well-known Sicilian Separatist who posted a notice in Syracuse, Sicily, insulting Marshal Badoglio. Both the Marshal and the Minister of Justice took a very broad view of the matter which was finally settled by the timely granting of general amnesty, thanks to the understanding of S.M. Canali.

Reports for Regions and Armies are attached hereto as follows:

Region I - Appendix "A" (Not received at date heretof).

Region I	-	Appendix "A"	"B"
"	"	"	"C"
"	"	"	"D"
"	"	"	"E"
"	"	"	"F"
"	"	"	"G"
"	"	"	"H"
5th Army	-		
8th Army	-		

Richard H. Wolmer
for *Steel case*
GENERAL R. WOLMER,
Colonel,
Chief Legal Officer.

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

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for
Colonel;
Chief Legal Officer.

30th Army

APPENDIX "B" TO ACC/4043/L
DATED 10 APRIL 1944.

REPORT OF REGION II - 1 MARCH TO 31 MARCH 1944 INCLUSIVE

1. Personnel. The bulk of legal work in Region 2 having shifted to Apulia, a re-organization of legal officers has been made, in order to provide the maximum number available for that province. Therefore:
 - a. Major A.W.L. Franklin is Liaison Officer, Apulia and has been assisted by Major Cohen of Region 5 at Bari, at Brindisi by Lieut. Boon who is returning to Region 5 on 3/4/44 and is being relieved by Capt Drayfus.
 - b. Capt. A.C.J. German is LO to the Court of Appeal at Potenza and supervises the province of Matera as well.
 - c. Capt. D.S. Little is LO to the Court of Appeal, Catanzaro and supervises the provinces of Catanzaro, Cosenza and Reggio.
2. AMC Courts. All trials by AMC Court for cases pending prior to 11/2/44 have now ended. During the month of March, 17 such cases involving 41 persons were tried in Reggio province, and 59 in Salerno, which however reverted to Region III on 11/5/44.
3. All files, documents and records relating to Salerno province have been sent to Region 3.
4. Italian Courts. The functioning of the Italian Courts represents varying stages of development.
 - a. In the Distretto di Potenza, there are no grounds at present for complaint, but cases involving Allied interests have always been fewest in the province of Potenza. It remains yet to be seen how far the Italian Courts will continue the excellent work done by AMG Courts in Matera province, in assisting the unassing of grain. It has been impressed upon them, that the matter is deemed of vital interest to ACC.
 - b. In the Distretto di Catanzaro, the LO, Capt. Little has shown great persuasive ability in dealing with the Italian judicial officials. As a result, more cases have been tried by them during the month of March, than in the preceding four months together. He appears to have secured a surprising degree of cooperation from the Italian authorities and is now extending his sphere of control to include Reggio province. In Apulia, Major Franklin, assisted by Lieut. Boon and Major Cohen, have laid excellent foundations for the machinery whereby to cope with the vast number of cases past and anticipated in the future. Much time has had to be spent on personal contacts and basic organization, which have been hampered by the usual difficulties of transport, clerical staff, office and personal accommodation. But the machinery is starting to work, the first returns required from the Procuratori have begun to be received, and though it is yet too early to give statistical results, it is roughly assessed that some 400 old cases have yet to be tried in Apulia. The main trouble is to be found in the vast amount of petty pilfering which
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- c. In Apulia, Major Franklin, assisted by Lieut. Boon and Major Cohen, have laid excellent foundations for the machinery whereby to cope with the vast number of cases past and anticipated in the future. Much time has had to be spent on personal contacts and basic organization, which have been hampered by the usual difficulties of transport, clerical staff, office and personal accommodation. But the machinery is starting to work, the first returns required from the Procuratori have begun to be received, and though it is yet too early to give statistical results, it is roughly assessed that some 400 old cases have yet to be tried in Apulia.
- The main trouble is to be found in the vast amount of petty pilfering which in bulk represents a serious loss to the Allies. It has been estimated as high as 50,000 lire a day, but attempts are being made to check this figure. Cooperation from British and Italian officials has been varying, but in the main satisfactory.
- The prison problem remains the most acute, and it is regretted that with the exception of the D.P.M., District 2 has not so far shown any appreciable desire to assist in its solution.

APPENDIX "C" TO ACC/4043/L
DATED 10 APRIL 1944.

REPORT OF REGION III - 1 MARCH TO 31 MARCH 1944 DIVISION

1. STAFF. There is attached a list of officers serving in Region III under the Regional Legal Officer as at 31 March 1944. This list does not include the officers who man the Military Courts.
2. The problem of enlisted men referred to in paragraph 3 of Appendix C to February monthly report (ACC/4043/L dated 10 March 1944) remained unsolved until almost the end of the month. On 28 March two enlisted men were assigned to this division, of these one has started work at this headquarters, and the other has been posted to Avellino to assist the Provincial Legal Officer there.
3. MILITARY COURTS. There are attached tables showing the number of cases tried by Allied Military Courts during March and the various types of offences tried.
4. Thanks to the assistance of ACC in assigning to Region III spare legal officers from other Regions, the problem, referred to in paragraph 5 of my report of 3 March, of finding sufficient personnel to man the Military Courts in the City of Naples is at an end. There are now sitting daily in the City of Naples 3 Superior Courts and 8 Summary Courts each with its own prosecutor working under a centralised prosecutor's office located at the Tribunale and under the direction of an experienced officer. In addition a Superior Court and a Summary Court have been established on a permanent basis for the Northern Division of Naples Province and an officer sits as a permanent circuit Summary Court for the Southern Division of Naples Province. This officer has now been authorised to sit as a sole judge of a Superior Court.

5. The arrangements outlined in paragraph 4 have proved sufficient flexible to send a "flying squad" consisting of a Summary Court Judge and a prosecutor to any place in Naples Province where difficulties in connexion with Summary Courts have arisen.

6. The proposal, to utilise British Town Majors as Summary Court Judges in place where AMG officers are not readily available, has not yet materialised because the Commander 57 Area has been advised that such an arrangement would only be legal if AMG were to sign a written statement that it was unable to cope with the situation. It is not known on what authority this advice is based.

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6. The proposal, to utilise British Town Majors as Summary Court judges in place where AMG officers are not readily available, has not yet materialised because the Commander 57 Area has been advised that such an arrangement would only be legal if AMG were to sign a written statement that it was unable to cope with the situation. It is not known on what authority this advice is based.

7. A General Military Court has sat for the trial of 4 cases during March.

8. A proposal that a General Military Court should include "laymen" as well as lawyers has not worked out well owing to the difficulty in finding "laymen" who can be spared from other duties.

9. Much evidence came to the notice of this Division that the provisions of Proclamation 4, Article IV, Section 2(b), which allows an accused to be represented before an AMG Court by a "friend", was being abused by unqualified persons who were virtually practising as lawyers. A directive has been issued by the Regional Commissioner to put a stop to this.

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10. A report was made to the Regional Commissioner calling attention to the lack of cooperation between arresting agencies and AMG Courts. Persons are held in jail for long periods before arrest reports are sent to the Prosecutor's office; arrest reports are so lacking in essential facts that charges cannot be prepared; and property seized in connexion with offences and which is evidence, is not protected against loss and is not produced in court. In some cases unwarranted brutality is shown by arresting agents and in others the police seem to think that the Court should convict merely because they had thrown the accused in jail. A series of conferences with the arresting authorities was recommended. A particular instance of some of those matters was referred to in a report which was received from the President of the General Court, on a case then before him.

11. ITALIAN COURTS. There is attached a table showing the number of cases tried in the Italian Courts during March and the various types of offenders tried. This shows a marked improvement over the corresponding figures for previous months.

12. In the early part of January a Regional Order was issued providing for the removal from office of certain classes of Fascists. This Order came into force on 28 February. Its effect on the Italian Courts would have been so serious that the officer i/c Italian Courts attached to this Division, on his own responsibility gave orders that so far as the Italian Courts were concerned, certain key personnel were to be temporarily reinstated. His action was subsequently upheld by the Regional Commissioner but only pending the making of a new Order on the subject.

13. Early in March a very valuable report on the state of the Italian Courts in Region 3 was presented to the Regional Commissioner by Major Palmieri who had been attached to Region 3 for the purpose of investigating and making such a report. Steps have been taken to remedy the state of affairs disclosed by this report.

14. In order to expedite the hearing of trials of persons detained in jail for an alleged offence against Italian law and to reduce the number of persons in jail awaiting trial, two Regional Orders (Nos. 30 and 31) have been made. Regional Order No. 30 requires all Italian Courts to sit at least six hours a day and, in Courts having both criminal and civil jurisdiction, to devote approximately three-fourths of their time to criminal cases.

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15. Provisional Committees have been appointed to carry out the reorganization of the Bar Association in accordance with the Regional Order dated 25 January. The Provisional Committee for Naples showed signs of wanting to increase its membership instead of getting on with its job and had to be told firmly that it had been appointed by the Regional Commissioner and no increase in numbers was permissible.

16. A report on certain irregularities occurring in the Isle of Capri owing to the intervention of the then CAG in the case of a person who had been convicted by the Pretura was forwarded to MCC, on 5 March 1944, with recommendations.

17. Investigation has shown that, in some cases, the Italian Courts, apparently without authority were issuing orders of eviction without having heard the parties. In order to prevent a continuance of such a state of affairs an instruction has been given to the Italian Courts that no order of eviction is to take effect until it is approved by the Provincial Legal Officer.

18. REGIONAL ORDERS. During March Regional Orders have been issued on the following matters:

Regional Order No. 17.- Motor Licences and Petrol Ration Cards.

Regional Order No. 18. Restriction of Prostitution.

Regional Order No. 19. Authorizing free travel except in the cases of the Allies.

Regional Order No. 20. Permitting the use of "ammunitions" and "combined" except for political offences or activity.

Regional Order No. 21. Permitting the reopening of theaters.

Regional Order No. 22. Revising communal and provincial local government.

Regional Order No. 24. Sanitation.

Regional Order No. 25. Establishment of Mail Services in Province of Avellino and parts of Province of Naples.

Regional Order No. 26. Fixing of Prices and action against the Black Market.

Regional Order No. 27. Removing the directors of Manufacture Cottoniera Meridionale and appointing a new management.

Regional Order No. 28. Arrest of certain directors of ICM.

Regional Order No. 30. Expedition of trials in Italian Courts.

Regional Order No. 31. Appointment of Commission to investigate jails.

- Regional Order No. 21. Permitting the reopening of
Regional Order No. 22. Revising criminal and provincial local government.
Regional Order No. 24. Sanitation.
Regional Order No. 25. Establishment of Mail Services in Province of Apollino and parts of Province of Naples.
Regional Order No. 26. Fixing of Prices and action against the Black Market.
Regional Order No. 27. Removing the directors of Manufacture Cottoniere Martinali and appointing a new management.
Regional Order No. 28. Arrest of certain directors of MCI.
Regional Order No. 30. Expedition of trials in Italian Courts.
Regional Order No. 31. Appointment of Commission to investigate jails.
19. Of the Orders mentioned above No. 19 caused the greatest discussion. It was practically forced on the Regional Commissioner by the Military Commanders in and around Naples. After conferences with ACC the Order was allowed to continue subject to an instruction that offences against the Order should only be tried in ACC Courts.
20. Regional Orders No. 20 and 22 follow orders made in Sicily on the same subjects. ²⁰⁴¹³by an
21. Regional Orders Nos. 27 and 28 resulted from an investigation carried out by an officer of this Division in conjunction with the Labor Division into the affairs of ACC. The investigation is proceeding.
22. PROVINCIAL ORDERS. By arrangement with the Legal Officer, Naples Province, this Division has drafted two Orders for publication in that Province, one of them enabling Fishing Regulations issued by the Navy to be enforced in ACC Courts, and the other setting up a scheme for the distribution of milk supplied by ACC.

23. A draft Decree relating to the mitigation of fever to be issued by the Prefect of Naples Province was drafted by this Division.

24. GENERAL SECTION. In accordance with the verbal instruction of the Chief Legal Officer work has been suspended on consents to transfer of land pending the receipt of a General Order abolishing the necessity for such consent. This instruction afforded a considerable relief to the work of this Division.

25. A draft Regional Order to extend the Italian law of 24 July 1936 No. 1692, as extended and amended by L. 16 June 1938 No. 1280, applying to hotels, pensions and inns was submitted to ACC for approval. In reply ACC stated the Italian Government proposed to take a decree dealing with several points on the law of landlord and tenant and suggested that, if the Decree covered the same ground as the proposed Regional Order, it should be extended to Region 3 by endorsement. ACC was informed the Decree did not cover the same matters as the proposed Regional Order.

26. This Division has advised that there is no objection from a legal point of view to the formation of an Association of Building Proprietors whose principle object would be a concerted effort to obtain a repeal or substantial modification of the Italian law freezing rents.

27. At the request to this Division the Regional Commissioner wrote, on 10 March, to the Commanding Generals 5th Army & PHS and to Commander 57 Area suggesting that the attention of troops should be called to the fact that it is a serious offense for Italians to accept Allied property and suggesting the making of an order to prohibit soldiers from selling or giving away goods issued to them from Army stores or purchased by them from MAFI or PX stores. An order on these lines has been made by PHS.

28. This Division advised that the imposition of a tax on the sale of fish to defray the cost of a Central Fish Agency to control the price of fish was not an infringement of Articles 48 and 49 of the Annex to the Hague Convention as those Articles only relate to "taxes, etc., payable to the State." In the present instance the tax was payable to the Comune.

29. The Regional Controller of Property has been advised that the powers of the Esattore to attach and sell moveables in properties on which tax is overdue, and to initiate proceedings to sell immovables, are not affected by the fact that the property concerned is in the custody of the Controller.

30. An Administrative Instruction has been issued defining a prostitute, as a woman who offers her person for illicit purposes for hire.

31. The Regional Controller of Property asked whether he could safely hand over the property of an English Company to the representative in Italy of the Company who was appointed in 1933. He was advised that although the appointment of the representative might be defective in English law, he could safely do so as the representative had

785017

27. At the request to this Division the Regional Commissioner advised, to the Commanding General's 5th Army & HQ and to Commander 57 Area suggesting that the attention of troops should be called to the fact that it is a serious offense for Italians to accept Allied property and suggesting the making of an order to prohibit soldiers from selling or giving away goods issued to them from Army stores or purchases by them from MILITARY or IN stores. In order on these lines has been made by P28.
28. This Division advised that the imposition of a tax on the sale of fish to defray the cost of a Central Fish Agency to control the price of fish was not an infringement of Articles 48 and 49 of the Annex to the Hague Convention as those Articles only relate to "taxes, etc. payable to the State." In the present instance the tax was payable to the Commune.
29. The Regional Controller of Property has been advised that the powers of the Statute to attach and sell moveables in properties on which tax is overdue, and to initiate proceedings to sell moveables, are not affected by the fact that the property concerned is in the custody of the Controller.
30. An Administrative Instruction has been issued defining a prostitute, as a woman who offers her person for illicit purposes for hire.
31. The Regional Controller of Property asked whether he could safely hand over the property of an English Company to the representative in Italy of the Company who was appointed in 1933. He was advised that although the appointment of the representative might be defective in English law, he could safely do so as the representative had acted since 1933 without being challenged.
32. The Regional Commissioner was advised, on the facts of a particular case, that the ringleaders of a strike at an Army Labor Office to bring about better living conditions might be prosecuted under Proclamation 2, Article II paragraph (32) but that Regional Order No. 15 might afford a defense to any prosecution. It was a matter of policy whether spokesmen for laborers who present grievances should be prosecuted at all.
33. At the request of the military a notice has been issued warning civilians that persons who harbor deserters or soldiers absent without leave will be prosecuted under Proclamation No. 2, Article II, paragraph (45).

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OFFICERS ON STAFF OF LEGAL DIVISION,

REGION 3, AS AT 31 MARCH 1944.

Regional Legal Officer

General Counsel

Assistant General Counsel and

Prosecutor to General Military Court

Judicial Officer

Agelantse Tundzhal G. N. 1922

Officer i/c Italian Court

Assistant Officer i/c Italian Courts

Provincial Legal Officer, Nepal

Avellino

COLLEGE PARK, Md.

$\frac{1}{\sqrt{2}}$

Lieut. Col. J. W. Ziegler (A)

May G. A. Bamlet (3)

2d Lt. L. T. Sántano (A)

Captain M.T. Ross ()

Prof. Dr. E. D. Collins (A)

Major M.C. Holt (E)

1st Lt. R. Gasiano (A)

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W. W. Norton
Co.

Quest. 4. 11. Gold (10)

Timothy C. Sullivan

Prof. Dr. J. J. Vogul (5)

Declassified E.O. 12356 Section 3.3/NND No. 785017

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REGION III

REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF MARCH 1944

A. Cases Tried and Findings.

Province of	Summary Court		Superior Court		General Court		Totals		Total Cases
	NC	G	NC	G	NC	G	NC	G	
Naples	166	4484					166	4484	
Avellino	3	143	9	21			12	164	
Benevento	7	72					7	72	
TOTALS	176	4699	9	21			185	4720	

B. Convictions.

Province of	Curfew & Theft & Poss Violations of Allied Prop		Black Mkts		Loot- Poss of Arms & A P. Code		Viol It Others		TOTAL
	718	3013	176	17	346	214	52	4	
Naples	718	3013	176	17	346	214	52	4	4484
Avellino	26	57	13		14				164
Benevento	6	41			8				72
Totals	752	3112	189	17	369	214	52	4	4720

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	Violations of Allied Prop	Int	Ing	USA P. Code	TOTAL
Maples	718	3013	17	346	4484
Avellino	28	57		14	164
Senevento	6	41		8	72
Totals	752	3111	17	368	4720

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RETURN OF PENAL CASES - Naples from 1 March to 31 March 1944

Total Number of persons arrested by Italian Police 272

TRIALS	CONVICTIONS	ACQUITTALS	TOTAL
By Pretura Courts	697	338	1035
" Tribunale "	1099	181	1280
" Juvenile "	50	7	57
" Court of App.	342	103	445
" " " Assize	~~200~~	~~100~~	~~300~~
TOTALS	2188	629	2817

An increase in cases tried over last month of 1223 cases.

Summary of offences dealt with by above Courts.

PRETORIA

116 Accosting, Sentences ranged from 9 days in prison to 8 months in prison and 1000 lire fine.

34 Unlicensed brothel, sentences from 500 lire fine to 8 months in prison and 3000 lire fine.

63 Black market, sentences from 50 lire fine to 7 months in prison and 3000 lire fine.

55 Begging, from 5 days in prison to 3 months in prison

190 Procuring, sentences from 15 days to 4 months in prison and 2000 lire fine

9 Theft, sentences from 2 months to 7 years and 6 months in prison.

18 Selling without license, sentences from 100 to 500 lire fine.

29 Omission to return pawn, sentences from 30 lire fine to 3 months in prison.

58 Assault or using abusive language, sentences from 5 days to 6 months and 25 days in prison.

TRIBUNALE

666 Black Market, sentences from 100 lire fine to 1 year in prison and

- 63 Black market, sentences from 50 lire fine to 7 months in prison and 3000 lire fine.
- 55 Begging, from 5 days in prison to 3 months in prison
- 190 Procuring, sentences from 15 days to 4 months in prison and 2000 lire fine
- 9 Theft, sentences from 2 months to 7 years and 6 months in prison.
- 18 Selling without license, sentences from 100 to 500 lire fine.
- 29 Omission to return pawn, sentences from 300 lire fine to 3 months in prison.
- 58 Assault or using abusive language, sentences from 5 days to 6 months and 25 days in prison.

TRIBUNALE

- 666 Black Market, sentences from 100 lire fine to 1 year in prison and 9000 lire fine.
- 71 Theft, sentences from 4 months to 5 years in prison.
- 189 Aggravated theft, sentences from 1 month to 3 years in prison and 3500 lire fine.
- 21 Gambling, sentences from 500 lire fine to 4 months in prison
- 33 Accosting, sentences from 20 days in prison to 6 months in prison and 500 lire fine. 2969
- 55 Buying stolen goods, sentences from 200 lire fine to 5 months in prison
- 18 Using abusive language, sentences from 500 lire fine to 6 months in prison.

JUVENILE

- 24 Black Market, Judicial pardon
9 Theft, Judicial pardon
9 Aggravated theft, Judicial pardon
1 Homicide, sentence 4 years in prison
2 Begging, Judicial pardon.

COURT OF APPEAL

- 203 Black Market, sentences from 100 lire fine to 5 months in prison and 5000 lire fine
51 Theft, sentences from 200 lire fine to 5 years and 1 month in prison and 3200 lire fine
27 Aggravated theft, sentences from 2 months in prison to 5 years 2 months and 20 days in prison and 2000 lire fine.
22 Gambling, sentences from 300 lire fine to 4 months in prison and 500 lire fine.
10 Buying stolen goods, sentences from 2 months in prison and 500 lire fine to 1 year in prison and 1000 lire fine.

THE COURT OF APPEAL has been trying only a homicide case which is expected to last for another week.

Declassified E.O. 12356 Section 3.3/NND No. 785017

2002

Appx "D" to AGO/4043/L
dated 10 April 1944.

REPORT OF REGION 4 FOR MONTH OF MARCH

1. There being no territory administered by this region there are no Courts to report on.
2. All the officers of this Division have been actively employed as shown as follows

Region 4 Legal Division Personnel

Col. H.G. Willmer	(B)	President of General Courts for Region 3 and 5th Army AMG.
Lt. Col. Richard Hill	(A)	Superior Court Region 3
Major Robert C. Hendriksen	(A)	General Courts for Region 3 and 5th Army AMG
Major Walter D. Stump	(A)	Sick for some time but is rejoining Region 3
Major MacFadyean	(B)	Superior Court Region 3
Major W.G. Elder	(B)	Working for 5th Army AMG
Major R.M. Woodward	(A)	" " " " "
Major S.P. Waugh	(A)	" " " " "
Major Homer A. Stebbins	(A)	Has worked for Region 3. Now awaiting new work.
Lt. Comdr. H. Musmenno	(A)	Working for Region 3.
Capt. W.G.R. Oates	(B)	Region 4 Office (Has worked for Region 3)
Capt. Howell Jones	(B)	Working for 5th Army AMG
Capt. E. Falk	(B)	Summary Court Region 3
Lt. R. Gaziano	(A)	Asst. Italian Courts Officer Region 3.

Major Walter D. Stump	(A)	Sick for some time but is rejoining Region 3
Major MacFadyen	(B)	Superior Court Region 3
Major W.C. Elder	(B)	Working for 5th Army AMF
Major R.M. Woodward	(A)	" " " "
Major S.B. Waugh	(A)	" " " "
Major Homer A. Stebbins	(A)	Has worked for Region 3. Now awaiting new work.
Lt. Comdr. M. Musmanno	(A)	Working for Region 3.
Capt. W.G.R. Oates	(B)	Region 4 Office (Has worked for Region 3)
Capt. Howell Jones	(B)	Working for 5th Army AMF
Capt. E. Falk	(B)	Summary Court Region 3
Lt. R. Gaziano	(A)	Asst. Italian Courts Officer Region 3.

APPENDIX "E" to ACC/4045/L
Dated 10 April 1944.

REPORT OF REGION V FOR THE MONTH OF MARCH 1944

1. This Region assumed control of a portion of Campobasso Province on 14 March 44.

PERSONNEL

2. Capt. Ferd C. Eader has been released from Region 2 and is temporarily attached to Region 5, Hq. He is alerted for assumption of the appointment of PLO Aquila Province.
3. Orders were issued early in March 1944 for Lieut. W. H. Boone to proceed to Foggia Province and assist PLO, but this officer has not yet been released from Region 2.
4. Capt. A. E. MacNulty has been appointed to Campobasso Province to assist PLO.

ALLIED MILITARY COURTS

5. General Courts.

Two General Court cases were heard in Foggia Province during the month. A member of the OCRR was acquitted on a charge of killing an allied soldier; a carter was convicted of wire-cutting and sentenced to 10 years' imprisonment. In addition two peasants (ex-soldiers) were formally acquitted by a General Court, to which they had been remanded, as the prosecution could produce no evidence in support of a charge of sniping at Allied troops.

6. Superior Courts.

In Foggia Province there was one Superior Court case in which a woman was convicted of possession of arms. A charge of shooting at a soldier was dismissed as the soldier had left the theater.

In Campobasso Province there was one Superior Court case, the first in the province. It involved 49 accused who were charged with unlawful assembly. The crime took place in December 1943, but the trial could not be held earlier owing to the state of the roads.

7. Summary Courts.

There is no change in the organization in Foggia Province, except that the Summary Court of Torremaggiore is no longer in operation.

The special "black market" Summary Court sat from 21 Feb to 9 March and is now temporarily closed. It disposed of 435 cases by the seizure of all contraband and by the imposition of small penalties for pass violation. In addition

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Two General Court cases were heard in Foggia Province during the month. A member of the CCNN was acquitted on a charge of killing an Allied soldier; a carter was convicted of wire-cutting and sentenced to 10 years' imprisonment. In addition two peasants (ex-soldiers) were formally acquitted by a General Court, to which they had been remanded, as the prosecution could produce no evidence in support of a charge of sniping at Allied troops.

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7. Summary Courts.

There is no change in the organization in Foggia Province, except that the Summary Court of Torremaggiore is no longer in operation.

The special "black market" Summary Court sat from 21 Feb to 9 March and is now temporarily closed. It disposed of 435 cases by the seizure of all contraband and by the imposition of small penalties for pass violation. In addition 350 of these offenders were referred to the Italian Courts for trial on black market charges.

In the regional area of Campobasso Province there are 3 Summary Court districts, Larino, Termoli and Trivento, in each of which the Courts are held by the PC.

8. A detailed analysis of all cases heard by Allied Military Courts during the month is attached.

9. In Foggia Province there is still a general tendency to excessive leniency in sentences, particularly for theft and possession of military property, and for possession of arms. Further instructions have been, however, issued and recent sentences show an increase. In Campobasso Province the sentences imposed in Allied Courts are alleged by Italian Judicial Officials to be far lighter than in Italian Courts and accused persons are making application for trial by Allied rather than Italian Courts. Here also steps are being taken to obtain appropriate sentences.

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10. A probation system is being organized in Foggia Province in cooperation with the Provincial Welfare Officer to deal with juvenile offenders before A.M.O. Courts. It has been found that existing methods are an inadequate deterrent.

ITALIAN COURTS

11. The Court of Appeal opens in Lucera 1 April 1944.

12. The Court of Assize completed its first session in Lucera on 21 March 1944 having disposed of 9 cases. The next session is fixed for 1 May 1944 and it is estimated that this session will suffice to clear off existing arrears. Arrangements are being made for a Court of Assize from the Naples circuit to open in Campobasso.

13. In Foggia Province the inferior courts continued in session throughout the month.

In Campobasso Province the civil sides of the preture of Trivento and Civita Campomareno have been reopened. The Tribunale of Larino is in session.

A detailed report on the state of the Italian Courts and judicial personnel in Campobasso Province is in course of preparation.

14. There is no undue delay in the hearing of cases before Italian Courts, and prisoners are not detained an undue length of time pending trial.

GENERAL

15. The investigation into the complaint against the advocates of Gerignola, referred to in this HQ report for February 1944, has not yet been concluded. At the original hearing the complainant requested an adjournment in order to have time to summon his witnesses.

16. Trouble is being caused in Foggia Province by the activities of the brothers Donato, Antonio and Umberto. They are apparently endeavouring to undermine the authority of the Provincial Commissioner and to oppose the Allied Military Government. It may be necessary for them to be detained under Proclamation 2 Article VII Section 2.

17. Instructions are being issued for vigorous action to be taken in the suppression of prostitution.

A difficulty arises in this connection from the fact that under Italian law an accused person who appeals from a court of first instance remains at liberty pending the appeal. This period is at least one month, and it may be necessary for this procedure to be modified if charges against prostitutes are to be heard under Italian law and by Italian Courts.

referred to in this HQ report for reasons stated above. At the original hearing the complainant requested an adjournment in order to have time to summon his witnesses.

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2002

ADMINISTRATIVE CASES IN A.M.C. COURTS

PROVINCE	COURT AREA	SUMMARY CT N.O.	CT G.	SUPERIOR CT N.O.	CT G.	GENERAL CT N.O.	CT G.	TOTAL CASES
FOGLIA PROVINCE	Bovino	31	404	-	-	-	-	435
	Cerignola	16	181	-	-	-	-	197
	Foggia	7	103	-	1	-	-	111
	Lucera	15	88	-	-	1	1	105
	Manfredonia	11	44	-	-	-	-	55
	San Severo	40	106	-	-	-	-	155
FOGLIA PROVINCE		129	926	-	1	1	1	1058
CANTONARASSO PROVINCE	Larino	-	17	-	-	-	-	17
	Termoli	-	28	10	39	-	-	67
	Trivento	-	4	-	-	-	-	4
CANTONARASSO PROVINCE		-	49	10	39	-	-	98
REGION FIVE		129	975	10	40	1	1	1156

CONVICTIONS

COURT	Curfew and Pass Violations	Theft & Posses.	Black Market	Looting	Poss. of Arms & Mun.	Viol. el. Pen. Cases	Other Cases	Totals
GENERAL SUPERIOR SUMMARY:	-	-	-	-	-	-	1	1
	-	-	-	-	1	-	-	1
	45	54	-	1	3	-	2	105
	404	-	-	-	-	-	-	404
	139	27	-	-	4	-	11	181
	58	25	-	-	-	-	5	88
	36	7	1	-	-	-	-	44
FOGLIA PROVINCE 759	77	24	-	-	4	-	1	106
FOGLIA PROVINCE 759		137	1	1	12	-	20	930
SUPERIOR SUMMARY:	-	-	-	-	-	-	39	39
	Larino	-	-	-	-	-	-	-

REGION FIVE 129 975 10 40 1 1 1156

CONVICTIONS

COURT	Curfew and Pass Violations of PD Prop.	Theft & Posses.	Black Market	Looting	Foss. of Arms & Ammun.	Viol. It- al. Pen. Code.	Other Cases	Totals
GENERAL	-	-	-	-	-	-	1	1
SUPERIOR	-	-	-	-	1	-	-	1
SUMMARY:	15	54	-	1	3	-	2	105
Foggia	404	-	-	-	-	-	-	404
Bovino	139	27	-	-	4	-	11	181
Gerignola	58	25	-	-	-	-	5	88
Lucera	36	7	1	-	-	-	-	44
Manfredonia	77	24	-	-	4	-	1	106
San Severo								
FOGGIA PROVINCE	759	137	1	1	12	-	20	930
SUPERIOR	-	-	-	-	-	-	39	39
SUMMARY:	3	1	5	-	4	-	4	17
Lerino	13	7	-	-	-	-	3	28
Termoli	-	-	-	-	-	-	4	4
Trivento								
CAMPORASSO PROV.	21	8	5	-	4	-	50	88
REGION V	780	145	6	1	16	-	70	1018

Appendix "B" to AGO/4042/L
Dated 10 April 1944.

REPORT REGION VI FOR MONTH OF MARCH

1. Introductory

The Legal Department of this Region was established at the beginning of February 1944. Previous to this there had been no Legal or Property Control Department in the Region. From the time of his arrival in Sardinia in September 1943, until the end of December Lt.Col. Berl, who was assigned to the Region as Chief Legal Officer, was employed as Liaison Officer with the Italian Army. During this time one or two minor matters were referred to him for his opinion and he was requested during the Month of November to report on the Piercy Estate. Apart from this he was not employed on Legal duties, and was never stationed at Regional Headquarters. At the end of December he was sent by AFHQ, on a special assignment to Corsica and remained there until the end of January when he returned to Sardinia to complete his duties in connection with this assignment. He finally left for England at the beginning of February 1944.

Until taking up his legal duties at the beginning of February, Major Alexander who was originally assigned to the Region as assistant Legal Officer, was employed exclusively as an S.O.A.C.

When the Legal Department was finally formed Brigadier Dunlop ruled that it should deal also with matters affecting the Interior, whilst the Finance Department should be responsible for Property Control. This arrangement continues.

The Legal Department has had the services of an Interpreter since the middle of this month.

2. Matters dealt with

(i) Calvi incident: This was the matter (not strictly connected with this Legal Department) which required Lt.Col.Berl's presence in Corsica. In October 1943 a shooting affray took place at Calvi in Corsica between members of the Italian Air Force and French civilians. Two French Civilians were killed, 7 members of the Italian Air Force were subsequently tried before an Italian Military Court in Sardinia on various charges. Two of these men were found guilty. One was sentenced to 27 years imprisonment and the other to 12 months imprisonment. The others were acquitted. Both the sentenced men have appealed.

(ii) Requisitioning of Real Property and motor vehicles: Requisitioning of the above on behalf of the Commission had not been regularised. Considerable work has been entailed in putting matters straight, but the situation is now practically cleared up.

(iii) Piercy Estate: This has been the subject of correspondence with the Legal and Property Control Sub-Commissions. A visit from a representative of the Property Control Sub Commission is awaited. Everything so far as the estate is concerned

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(iii) Piercy Estate: This has been the subject of correspondence with the Legal and Property Control Sub-Commissions. A visit from a representative of the Property Control Sub Commission is awaited. Everything, so far as the efficient interim management of this joint estate is concerned, turns on the question of what powers the Property Controller has in territories such as Sardinia which have always been administered by the Italian Government.

(iv) Martini case: This case concerning a Fascist Militia General who was arrested by the Italian Authorities in December 1943, whilst attempting to escape from Sardinia in a motor boat. Documents of an incriminating nature were found in the General's possession. The instructal phase of the case is practically complete, but the original documents are feared to have been lost in a recent plane crash. Photographic copies of same have been retained by the Italian Authorities here and they are thought to be sufficient to enable the prosecution to proceed. At present advised we understand the trial is to be before an Italian Military Tribunal.

(v) Acts hostile to the Allied Forces: Two cases have occurred very recently on the Island involving attempts to escape from Sardinia to German occupied Italy. It is understood that in at least one of these cases there is some prima facie evidence of intentions hostile to the Allied Forces. Investigations are proceeding and full reports will be rendered as soon as possible. Meantime the American Army Authorities have been asked to keep this Headquarters advised of all cases involving acts

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hostile to the Allied forces coming to their knowledge.

(vi) Prevention of Venereal Disease : A short digest of the Italian Laws and Regulations relative to prostitution etc., has been made for information of the American Provost Staff, and of this Commission.

(vii) Political Prisons : Numerous cases of persons serving prison sentences for alleged political acts or crimes have been brought to notice. Some of these cases have been referred to the High Commissioner. The most important of these is the case of GUILDERI FAUSTO, an Italian Lieutenant of Engineers who was sentenced in October 1943 by an Italian Military Tribunal for taking up arms against the Germans during the period between the fall of Fascism and the Armistice. This case has been referred to the Army-Sub-Commission and is being considered in the highest quarters.

(viii) Legal Advice Bureau : It is proposed to set up a Legal Advice Bureau for British CR's on the Island. Authority has been applied for to JAG's Branch.

Declassified E.O. 12356 Section 3.3/NND No. 785017

2698

Appx "C" ACC/4043/L
dated 10 April 1944.

REPORT OF THE 5th ARMY FOR MONTH OF MARCH

1. (G.A.S.)

Planning for the occupation of Rome has been continued and as much information about the Italian Courts and the legal and judicial officials there as possible has been obtained. In view of the long time which has now elapsed since the first hope of entering Rome was inspired, the changing of personnel and plans and the uncertainty as to when this eternal city will be reached, a certain inertia has crept into planning for its occupation. However on 16th March this office moved from Naples to Caserta and we are now in close daily contact in work and off duty with the staff of the City Administrative Section of 5th Army who will be responsible for the garrisoning and maintenance of Military discipline in Rome and with the Provost Marshal and JAG of that section and the AGO Director of Public Safety, discussions have been held regarding the arrest, detention and trial of civilians. So soon as the possibility of occupying Rome again becomes imminent the plans of this division will, in the light of circumstances at that date, be recompleted.

2. The personnel who are attached to this HQ for Rome and for the Field are as at 31st March 1944 with their present employment attached.

3. (Field).

The continued static conditions of the Army have provided opportunities for CAO's to devote plenty of time to their judicial work as Presidents of Summary Courts. Normally the amount of work which a CAO has to do leaves him very little time properly to hear and consider cases and often he fails to dispose of cases of persons arrested for offences. The relatively large number of CAO's with each Corps of 5th Army now has enabled cases to be heard carefully by the Summary Courts and these CAO's have now been encouraged by observations on their efforts as judges to take a concentrated and enthusiastic interest in the cases they try. The results have been that more typical sentences to fit the crimes have been imposed and that the proper framing of charges and completion of records are now the rule rather than the exception. A Legal officer has from time to time during this month made short visits to each Corps, sat with CAO's trying cases and provided advice to officers who sit as Summary Courts.

4. With the regrouping of forces only the VI, II and C.E.F. Corps are now left in 5th Army Area, X and M.C. Corps having been absorbed by 8th Army. When these Corps were passed to that Army they left no Military Court cases outstanding. In connection with this reorganisation the S.I.O. 8th Army has been informed of the principle legal features of the areas and formations now falling within his sphere.

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5. Attached is a table of the cases tried within this area during the month. During the greater part of the month II Corps were in rest and did not have any area to administer. Apart from a General court case which was heard at the beechhead there were no persons arrested in VI Corps area who required to be brought to trial.

6. The main interest of this division during this month has been spies. From the reasonably expeditious method of trying any person arrested as an alleged spy in 5th Army area by an ad hoc Military General Court system has been evolved whereby any alleged spy in either army area can be tried without any delay. Seven spies captured in 5th Army area have been tried this month, one was acquitted, five were found guilty, and two of these were sentenced to twenty years imprisonment each and three were sentenced to death. In addition two saboteurs were found guilty and sentenced to death. Confirmation is also awaited on these sentences.

7. Squadron Leader Dickie who has been assigned as SLC MS 5th Army (Field) arrived at this HQ on 31st March 1943 and has commenced to take over his duties.

785017

APC, 5th ARMY
Legal Division

Rank	Name	Number	B or A	Duty	Location	Parent Organization
Col	G. Pollock	136210	B	Chief Judicial Officer, AGC	Hospital	Legal Sub-Commission, AGC
Lt Col	J V L Shields	137055	B	Senior Legal Officer, AGC	Hq AGC 5th Army (GAS)	
Lt Col	J L Mills	57204	B	Prosecutor, Gen	Hq AGC 5th Army (GAS)	Legal Sub-Commission, AGC
Major	W C Elder	Canadian	B	Judicial Officer, Hq AGC 5th Army (field)	Gen Mil Ct, AGC, Army (field)	Region IV
Capt	E V Park	120214	B	Judge, Summary Ct, Region III	Tribunale, Naples	Region IV
Capt	Kewell Jones	116326	B	Legal Officer, 5th Army (field)	Hq, AGC (GAS)	Region IV
Lt Cdr	M. A. Musumaro	86622	A	Judicial Officer	Legal Div	Region IV
Maj	W D Stamp	0-123292	A	Judicial Officer	Region III	Region IV
Maj	R Stebbins	0-189416	A	Judicial Officer	Tribunale	Region IV
Maj	W Vaughn	0-122578	A	Legal Officer	As "Duty" Hq 5th Army Head-son OFFICE	Region IV
Maj	R M Woodward	0-26677	A	Defending Officer	Naples	Region IV
Capt	H L Glenn	0-162411	A	Deputy SLO	Hq, AGC 5th Army (GAS)	
Capt	M Correa	0-280074	A	Special Prosecutor	Hq, Region III Legal Sub-Commission, AGC	

AMC, 5TH ARMYREPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF MARCH 1944A. Cases Tried and Findings

CORPS	Summary Court			Superior Court			GENERAL COURT			Totals			Total Cases
	MC	G	NC	G	NC	MC	G	NC	MC	G	NC		
II Corps		4			1	3		1	7			8	
VI Corps						2			2			2	
X Corps	9	42				2		9	44			53	
NZ Corps	4	60						4	60			64	
C E F		23		1					24			24	
Totals	13	129		1	1	7		14	137			151	

B. Convictions

CORPS	Curfew & Theft & Black Fast Viol-Poss of ations All Prop		Looting Arms & Ammunit.	Poss of Violations of Italian Penal Code		Others	Total
II Corps	2	2			3		7
VI Corps					2		2
X Corps	5	26	3	3	7		44
NZ Corps	21	16	3	4	11		68
C E F	7	10		2	5		24
Totals	35	54	6	9	28		137

Declassified E.O. 12356 Section 3.3/NND No. 785017

CORPS	Curfew & Theft & Black Pass Viol-Poss of Mkt ations All Prop	Looting	Poss of Arms & Ammunit.	Violations of Italian Penal Code	Others	Total
II Corps	2	2			3	7
VI Corps					2	2
X Corps	5	26	3		7	44
NZ Corps	21	16	3		11	60
C E F	7	10	2		5	24
Totals	35	54	6	9	28	137

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WH
APPX. H. ACC/4043/1
dated 10 April 1944.

REPORT OF THE 8th ARMY FOR MONTH OF MARCH

H.Q. MG. Eight Army Main.

1. Summary Courts trials within Eighth Army area have resulted in 448 convictions and 26 acquittals.
2. Superior Courts cases have resulted in 46 convictions and 11 acquittals.
3. The most serious and bothersome problem is unlawful possession of Allied property and the reason why this is a problem is the lack of discipline of troops in their bartering, selling and giving away military property.
4. Curfew and pass violations are numerous but not of importance so far as the records disclose.
5. Italian Courts are functioning satisfactorily with the exception of the lack of a Corte d'Assise and Corte d'Appello for Chieti Province. This matter is now referred to the C.I.O. with full information and recommendations, and will be corrected during the current month.
6. Especial mention should be made of the manner in which some 40 Montefalcone rioters were tried, resulting in 39 convictions. This trial was held under difficult circumstances and credit should go to the P.I.O. Campobasso Province, President of the Court, and to the S.C.A.P.O. Eighth Army who prosecuted.

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Declassified E.O. 12356 Section 3.3/NND No. 785017

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REAR
HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394.

ACC/4043/L

10 March 1944.

SUBJECT: Legal Subcommittee - Monthly Report for February 1944.

TO : Chief Commissioner, ACC.

GENERAL.

The work of the Chief Legal Officer and his Staff during the month of February included, in addition to general matters of a legal nature, the following:-

1. Various conferences with reference to restoration documents and the preparation of the final revisions thereof; making arrangements in conjunction with officials of the Italian Government for the distribution of restoration proclamations throughout unoccupied Italy; preparation of various drafts of Proclamation No. 15 for protection of French Property; conferences in Naples with RLOs Regions 3 & 4 on various problems including personnel and functioning of Allied and Italian Courts; inspection of Allied Military Courts functioning in Naples; conferences with Italian Government concerning texts of decrees to be immediately promulgated; conferences with new Minister of Justice and associates on various matters; conferences with Executive Commissioner and Labour Subcommittee concerning standardization of labour laws in occupied and unoccupied territory, including promulgation of decree by Italian Government; preliminary consideration of revision and consolidation of all Proclamations; numerous conferences relative to Property Control matters, including status and powers of control of Director of Property control in unoccupied territory; relations between CIP and British and American petroleum interests; administrative functions of Director of Property Control, his power of sale, his personal liability and advising on various other matters; commencement of the preparation of list and synopsis of all Italian decrees promulgated under Badoglio Government; preparation of all revised Administrative Instructions on Allied Military Courts; preparation of re-directives on Closed Trials in Allied Military Courts in occupied territory; preparation of memoranda on appointment of General Courts, representation of accused at trial, pardons, and construction of phrase "Allied Forces"; attendance at meetings with Italian Government on 8 Feb, 11 Feb, 17 Feb, 22 Feb, 23 Feb, 27 Feb, 29 Feb; preparation of various opinions including those in regard to trial of Emilio Beretta, enlisting of Italian soldiers, local government organization and local courts.

personnel and functioning of Military Courts functioning in Naples; conferences with Italian Government concerning texts of decrees to be immediately promulgated; conferences with new Minister of Justice and associates on various matters; conferences with Executive Commissioner and Labour Subcommittee concerning standardization of labour laws in occupied and unoccupied territory, including promulgation of decree by Italian Government; preliminary consideration of revision and consolidation of all Proclamations; numerous conferences relative to Property Control matters, including status and powers of control of Director of Property control in unoccupied territory; relations between CIP and British and American petroleum interests; administrative functions of Director of Property Control, his power of sale, his personal liability and advising on various other matters; commencement of the preparation of list and synopsis of all Italian decrees promulgated under Badoglio Government; preparation of revised Administrative Instructions on Allied Military Courts; preparation of directives on Closed Trials in Allied Military Courts in occupied territory; preparation of memoranda on appointment of General Courts, representation of accused at trial, pardons, and construction of phrase "Allied Forces"; attendance at meetings with Italian Government on 8 Feb, 11 Feb, 17 Feb, 22 Feb, 23 Feb, 27 Feb, 29 Feb; preparation of various opinions including those in regard to trial of Emilio Beretta, enlisting of Italian soldiers, local government organization and legal position thereof; payment of fees of sequestrators and manager institutions reorganization, freedom of the press, and distinction between civil internees and civilian prisoners of war; investigation of matter of imprisonments and detentions (Potenza); correspondence re requisitioning of premises of Preture of Modugno; conferences with Finance Subcommittee, Minister of Justice and preparation of General Orders 21 and 22; work on General Order No. 20 for standardization of permits for motor vehicles and authorizations for gasoline coupons and conference with Public Safety Subcommittee re preparation of revisions thereof; preparation of letter to Marshal Messe concerning trial by Italian Military Tribunals in unoccupied territory of deserters from Italian Armed Forces; correspondence and conferences relative to Red Cross parcel thefts by Italian military personnel; preparation of directive extending powers conferred on HLOs by Proclamation 14 to SLOs of 5th and 8th Armies.

2. When Region 3 came under the jurisdiction of ACC immediate steps were taken to remedy defects and delays in the handling of matters before Allied Military Courts and in the functioning of the Italian Courts. A new HLO was appointed. Additional personnel were made available to aid in the preparation

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of and trial of cases before Allied Military Courts and close contact was kept with the new RLO for the purpose of giving all assistance possible. Two members of the staff of this Subcommittee, specialists in Italian law, were alternately loaned to the RLO to aid him and his Italian Court Officer in bringing about the more efficient functioning of the Italian Courts and securing space for the conduct of such courts.

3. The Chief Judicial Officer spent approximately three weeks in Region 2 to act as president of General and Superior Military Courts in Cosenza, Catanzaro, Reggio and Salerno, to instruct legal officers, prosecutors and interpreters in the preparation and trial of cases and to dispose of a substantial number of cases awaiting trial. The method of instruction adopted was for the Chief Judicial Officer to try the case with legal officers sitting with him on the bench and composing the court.

4. Heavy arrears of reviews from Region 3 and 5th and 8th Army Groups were dealt with during the month but the reviewing of cases is now up to date.

5. During this month H.E. Giuseppe de Santis who had been acting for some months as Minister of Justice was replaced by H.E. Ettore Casati. The Ministry of Justice was at all times cooperative and the transaction of business between it and this subcommittee was smooth and expeditious.

6. February proved to be the busiest month yet for this subcommittee owing to the work done in connection with the turnover of territory to the Italian Government, the consequent problems of other subcommittees, the early promulgation of decrees, and in assuming supervision of legal matters in former 15th Army Group territory. Despite this increased pressure one clerk was taken from this subcommittee with threat of the removal of another. As it is the less important matters have had to wait because of shortage of clerical help and typewriters. This subcommittee is still trying to secure additional clerical help, military or civilian, and typewriters, but so far without success. In the near future it is not expected that there will be any decrease in the work this subcommittee will be called upon to perform.

ITALIAN SECTION.

7. During the month of February, the Italian Section besides its constant work on translations and opinions for subcommittees held 12 meetings with the Minister of Justice, Sig. Ettore Casati, who replaced Sig. de Santis. Many subjects were discussed and definite progress has been achieved on the following specific points:

Property Control: Drafts of two decrees have been made, the DPC suggesting many amendments. The latest version has been forwarded to the Minister of Finance.

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Property Control: Drafts of two decrees have been made, the DPC suggesting many amendments. The latest version has been forwarded to the Minister of Finance.

Speeding up of Trials of Prisoners: Many discussions took place on this point. Formal directives have been sent to Procuratori del Re by the Minister in this connection.

Gazzetta Ufficiale: Methods of distribution in AMG territory have been devised.

Replication of Italian Decrees: The enforcement of Italian Decrees in AMG territory whenever required has been regulated.

Examination of Practising Lawyers: The provisions of AMG Order No. 12 have been accepted by the Italian Government.

Other points which have been the subject matter of various conferences include:

Appointments, transfer and removal of Italian officials, official correspondence, Reggio Court of Appeal, Lucera Section, Proclamations, Decrees and Ordinances for the Restoration of territory of 11 Feb. 44, jurisdiction of

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Allied Military Courts in unoccupied Italy, Rights of Pardon, Defascistization, Financial Decrees, restoration of rights of Jews, salaries of officials, Italian Courts in Region 3, Court of Assizes in Potenza, Ex-Fascist Property, etc.

8. Reports from Regions and Armies are attached hereto as follows:

Region 1	-	Appx. A	*Not yet received. Will be forwarded as and when available.
" 2	-	" B*	
" 3	-	" C	
" 4	-	" D*	
" 5	-	" E	
5th Army	-	" F	
8th Army	-	" G (February)	
6th Army	-	" H (January)	

The report of 8th Army for month of January (Appx H) is attached as it has only just arrived.

Richard H. Lerner
Lt Col CAC DC 40
To: G. R. UFFCHIN
Colonel
Chief Legal Officer.

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

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- 3 -

For. *Richard H. Walker*
LT Colonel DCLO
G. R. UFGHIN
Colonel
Chief Legal Officer.

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Appx. "A" to ACC/4043/L
dated 10 March 1944.

Report of Region I, 1 Feb 1944 to 10 Feb 1944 inclusive.

1. Statistical Tables: Two statistical tables are submitted, one showing all convictions and acquittals in cases, General, Superior and Summary, by Province and one showing a breakdown by Province of the principal categories of offenses. During the ten days of February covered by this report 581 cases were reported to this office.

2. AMG Courts:

a. Pursuant to instructions from ACC Hq of 4 February 1944, all legal officers were instructed that except under exceptional circumstances, all cases not directly involving Allied interests would be tried by Italian Courts. (Numbered Memo Number 20, dated 5 February 1944 a copy of which is attached).

b. New cases, after date of this order, have been confined to the limitations set out in paragraph 3 a. The completion of pending matters is proceeding. Most Provinces are reported to be well up-to-date on their trials except Catania and Palermo, where because of a large volume of business and reduced personnel, a considerable number of important cases remain undisposed of.

3. Review of Cases:

a. During the period of this report, 61 application for review have been received and processed.

b. Studies have been continued, looking toward recommendations to ACC Hq, concerning a reduction in sentence in some cases where the penalty is deemed greater than necessary under existing conditions.

4. General Court Cases: No General Court cases have been reported during the period of this report.

5. Italian Courts:

a. The Italian Courts, throughout the Island, are generally making progress. A shortage of personnel exists in some areas and by an order of the RGAO dated 8th February 1944 a number of transfers to meet the urgent need was sanctioned.

b. A further meeting of the Judicial Committee to recommend filling of vacancies and transfer of personnel was set for the last of this month. Whether this Committee will meet will depend upon the wishes of the First Presidents of the Courts of Appeals. As this Committee is merely advisory much preliminary work could be accomplished by such a meeting and it is understood to be the wish of the members that it should be held, any recommendations to be submitted to the Minister of Justice in the Italian Government.

6. Personnel: No changes in local personnel have occurred.

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6. Personnel: No changes in legal personnel have occurred, except the transfer to other duty of one officer and the assignment to this division of another officer.
7. Inspections: No inspections have been made. Visits, however, have been had from the legal officers from Trapani, Messina and Galtanissetta.
8. Directives:
 - a. Directives based upon orders from AGC Hq have been issued.
 - b. A preliminary directive was issued on February 11, 1944, looking toward an orderly winding up of the work of the Provincial legal offices and upon the receipt of an official plan for such transition from Allied Military Government to Italian control full directions will be given.

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ANALYSIS OF CASES ACCORDING TO CATEGORIES

Province	Black Market		Thefts and Poss. of Military property.		Curfew Blackout Circulation		Poss. of fire arms		Wire Cutting		All Others		TOTALS
	C	MG	C	MG	C	MG	C	MG	C	MG	C	MG	
PALERMO	87	5	64	9	49	8	29	5	4	0	50	13	293
CATANZARO	1	0	25	3	2	0	4	0	0	0	0	1	32
MESSINA	00	0	0	0	0	0	5	2	0	0	0	0	5
AGRIGENTO	0	0	1	0	0	0	0	0	0	0	0	1	1
TRAPANI	9	0	19	0	2	0	5	0	3	0	5	2	34
SIRACUSA	0	0	53	7	0	0	7	2	0	0	6	0	66
RAGUSA	0	0	0	0	0	0	0	0	0	0	0	0	0
CALTANISSETTA	13	0	15	4	2	0	16	2	1	0	10	0	57
ENNA	5	2	0	0	0	0	21	3	0	0	0	0	34
TOTALS	104	7	197	23	58	8	77	14	5	0	71	17	512

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Chart showing breakdown by provinces of cases reported

PROVINCE	General Courts <u>CC</u> <u>NC</u>	Superior Courts <u>G</u> <u>MG</u>	Summary Courts <u>G</u> <u>MG</u>	Total Cases Feb. 1 Feb. 10, 1944 Incl.	Appeals	TOTAL CASES July 12 1943 to Feb. 10, 1944 Incl.
PALERMO	0 0	20 4	273 36	333	17	5425
CATANIA	0 0	11 0	21 4	36	32	2933
MESSINA	0 0	5 2	0 0	7	3	402
AGRIGENTO	0 0	1 1	0 0	2	2	2067
TRAPANI	0 0	0 0	34 2	36	2	364
SIRACUSA	0 0	11 0	55 9	75	14	619
RAGUSA	0 0	0 0	0 0	0	0	216
CALTANISSETTA	0 0	27 6	30 0	63	6	214
ENNA	0 0	24 5	0 0	29	5	137
TOTAL	0 0	99 13	413 51	581	81	11977

Cases reported from 1 February 1944 to 11 Feb. 1944 inclusive, with number of appeals during that period and the total of all cases reported during the occupation, shown in right hand column.

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 Appx. 3rd to AGC/4043/L
 dated 10 March 1944.

REPORT OF REGION 2 FOR MONTH OF FEBRUARY

1. STAFF. Lt. Col. John W. Chairman became Regional Chief Legal Officer (now Regional Legal Officer) on 8 February 1944 vice Lt. Col. Riley Mc Clain transferred to AGC.

2. One of the biggest problems of the past month has been that of enlisted men. At the beginning of the month the number of enlisted men assigned or attached to the Division was five - a chief clerk and two other clerks at Regional HQ, a clerk to the Officer i/c Italian Courts, and an interpreter who was used in Court in the more important cases. Now the number of enlisted men is one - the chief clerk. Nor is this the whole story as one of the clerks at Regional HQ and the interpreter had been removed without notice. Actually at that time the interpreter was engaged in a capital charge before a General Military Court. On 29 February a report was submitted to the Regional Commissioner asking for two more enlisted men.

3. SUMMARY COURTS. There are attached as two tables showing the number of cases tried by the Allied Military Courts during February and the various types of offenses tried.

4. It was hoped that the problem of finding sufficient personnel to man the Military Courts in the City of Naples would have been solved by now as far as regards Summary Courts. Arrangements were made with the Commanding General for 14 officers to be "loaned" to Naples Province; seven of these were to sit as judges in Summary Courts and seven were to act as prosecutors. The officers in question reported for duty and were put through a week's intensive training by the Provincial Legal Officer, Naples, but on the day they were to start functioning on their new duties they were withdrawn by PMS almost without warning. So after the expenditure of a considerable amount of time and energy on the new scheme it has broken down entirely and we are no further on. The problem of the Courts in Naples is being considered anew.

5. Arrangements have been made for a Special Summary Court to sit in Portici (Naples) to clear up a considerable arrears of cases.

6. In addition to the arrangements mentioned in paragraph 5.4, the Commander 57 Base Area has asked for Summary Courts to be appointed in places where there is no MG Court sitting, in the cases in which military personnel are involved as witnesses. After the discussion it was agreed that British Town Majors should be appointed as Summary Courts. A legal question has arisen whether this procedure is in order. This is in process of being cleared up.

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5. Arrangements have been made for a Special Summary Court to sit in Pozzuoli (Naples) to clear up a considerable arrears of cases.

6. In addition to the arrangements mentioned in paragraph 4, the Commander 57 Base Area has asked for Summary Courts to be appointed in places where there is no MS Court sitting, in the cases in which military personnel are involved as witnesses. After the discussion it was agreed that British Team Majors should be appointed as Summary Courts. A legal question has arisen whether this procedure is in order. This is in process of being cleared up.

7. The directive recently issued by AGC that Superior Courts shall normally consist of two persons, one of whom is a judicial officer, will obviously throw a greater burden on an already overstressed personnel. The question of applying for authority for certain judicial officers to sit alone as Superior Courts is under consideration.

8. ITALIAN COURTS. There is attached a table showing the number of cases tried in the Italian Courts during February and the various types of offenders tried.

9. The Italian Corti d'Appello at Avellino and Benevento have been reopened during the period under review. 2857

10. The directive requiring the removal or suspension of certain classes of Fascists is raising a difficult problem for the Italian Courts. Many of the persons concerned have spent many years in the service, often in quite a minor position, of the Italian Courts and it will be very difficult to replace them. In addition the directive is working great hardship against the persons concerned and their families; many of them are starving.

33/

11. Black Market. Consultations have been held with the Regional Director of Economics and Supply and the Regional Director of Public Safety with a view to curbing the Black Market Activities in Region 3. As a first step a decree has been made by the Prefect rendering illegal the manufacture or sale of fancy cakes, chocolates, candies, etc. An Order on the lines of General Order No. 5 (revised) issued in Sicily is under consideration.

12. Hours of Curfew. A Regional Order has been made altering the hours of curfew to 2030-0400 for the greater part of Region 3 and to 1900-0400 for the remainder with effect from 0100 hours on 5 February. This Order is in the course of being printed.

Declassified E.O. 12356 Section 3.3/NND No. 785017

2856

9882

REGION No. 3

REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF FEBRUARY 1944

A. Cases tried and findings.

Province of	Summary Court		Superior Court		General Court		Totals		Total Cases
	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	
Naples	360	3613		4			360	3617	
Avellino	5	122					5	122	
Benevento	2	71					2	71	
TOTALS	367	3836		4			367	3840	

REGION No. 3

REPORT ON ALLIED MILITARY COUNTS FOR THE MONTH OF FEBRUARY 1944

B. CONVICTS.

Province of	Curtow and Violations	Theft and Poss. of Allied prop.	Black Market	Looting	Poss. of Arms and Ammunition	Violat. of Ital. Penal Code	Others	TOTAL
Naples	938	2344	51		309		5	3647
Avellino	54	62	2		4			122
Benevento	14	52			5			71
Canosa	1006	2458	53		313		5	3840

Signature

(Rank)

(Official Designation)

Region 3RETURN OF PENAL CASES, NAPLES FROM 1 to 29 FEBRUARY 1944.

Total Number of persons arrested - 373

TRIALS

	<u>Convictions</u>	<u>Acquittals</u>	<u>Total</u>
By Pretura Court			
" Tribunale "	402	113	515
" Juvenile "	693	138	771
" Court of App.	15	3	18
	239	51	290
	---	---	---
TOTALS	1289	305	1594

Summary of offences dealt with the above Courts.

PRETURA

- 66 Soliciting, sentences ranged from 100 lire fine to 7 months imprisonment and 2000 lire fine.
- 35 Unlicensed brothels, sentences from 6 to 8 months imprisonment and 700 lire fine were imposed.
- 56 Black market, sentences from 100 lire fine up to 6 months imprisonment and 1000 lire fine.
- 24 Begging, sentences from 5 to 20 days imprisonment.
- 15 Assault, sentences from 500 lire fine to 6 months imprisonment and 500 lire fine.
- 10 Infringing sanitary laws, sentences from 50 to 300 lire fine.
- 12 Using abusive language, sentences from 200 lire fine up to 8 months imprisonment.
- 23 Blackout offences, sentences from 50 lire fine up to 20 days imprisonment.
- 10 Omission to pay taxes, sentences from 50 to 1953 lire fine.
- 34 Omission to return pass, sentences from 100 lire fine up to

- 23 Unlicensed brothels, sentences from 6 to 8 months imprisonment and 700 lire fine were imposed.
- 56 Black market, sentences from 100 lire fine up to 6 months imprisonment and 1000 lire fine.
- 24 Begging, sentences from 5 to 20 days imprisonment.
- 15 Assault, sentences from 500 lire fine to 6 months imprisonment and 500 lire fine.
- 10 Infringing sanitary laws, sentences from 50 to 200 lire fine.
- 12 Using abusive language, sentences from 200 lire fine up to 6 months imprisonment.
- 23 Blackout offences, sentences from 50 lire fine up to 20 days imprisonment.
- 10 Omission to pay taxes, sentences from 50 to 1953 lire fine.
- 34 Omission to return pawn, sentences from 100 lire fine up to 1 month imprisonment.
- 10 Theft, sentences from 15 days imprisonment and 200 lire fine to 7 years imprisonment. 2883
- 34 Selling without license, ~~xxx~~ sentences from 100 lire fine up to 1 month imprisonment.

TRIBUNALE:

- 269 Black market, sentences from 100 lire fine to 6 months in prison and 4000 lire fine.
- 67 Theft, sentences from 2 months to 3 years in prison.
- 166 Aggr. Theft; sentences from 1 month and 300 lire fine to 3 years in prison.
- 40 Gambling, sentences from 500 lire fine to 9 months in prison and 6000 lire fine.
- 20 Buying stolen goods, sentences from 24 days to 1 year and 4 months in prison and 2000 lire fine.

TRIBUNALE (Cont'd).

- 10 Injury by arms, sentences from 3 months to 1 year in prison.
- 13 Using abusive language, sentences from 20 days to 6 months in prison.
- 6 Aiding and abetting prostitution, sentences from 20 days to 3 years and 6 months in prison and 3000 lire fine.

JUVENILE COURT:

3	Black Market	Judicial	pardon
1	Theft	"	"
9	Aggravated theft	"	"
1	Resisting	"	"
1	Abusive language	"	"

COURT OF APPEAL:

- 169 Black Market, sentences from 200 lire fine to 3 years in prison and 15000 lire fine.
- 5 Aggravated theft, sentences from 3 months and 15 days in prison and 1000 lire fine to 3 years in prison and 3000 lire fine.
- 25 Theft, sentences from 1 month and 400 lire fine to 4 years and 2000 lire fine.
- 5 Buying stolen goods, sentences from 40 days in prison and 200 lire fine to 6 months in prison and 1000 lire fine.

COURT OF ASSIZE:

A Section of the Court of Assize in Naples opened on the 21 February 44. The following cases were tried:

- 1 Injury by arms, sentence 4 years in prison.
- 1 Homicide, sentence 24 years and 6 months in prison and 1500 fine.
- 1 Aggravated theft, sentence 1 year in prison and 1000 lire fine.
- 1 Pimping, Injury by arms, carrying arms, 3 years for the 2nd and 3rd offence, acquitted on the first charge.

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Appx. "1" to ACC/4043/L
dated 10 March 1944.

Report of Region V for the month of February, 1944.

1. This Headquarters assumed control of Region V on 15 February 1944. The territory at present under control of the Region consists of the Province of Foggia.

ALLIED MILITARY COURTS.

2. The province is divided into five districts and in each district summary courts are held by the Provincial Officer. In addition, the Provincial Officer of Torremaggiore, in the district of San Severo, holds his own summary courts. The Provincial Officers of Foggia town, Cerignola and Torremaggiore are judicial officers.

3. It is the intention of this Headquarters to provide an additional legal officer for work in Foggia Province in order that summary courts may as far as possible be conducted by judicial officers of the legal branch.

4. In the last ten days of the month, Provincial Headquarters has undertaken a black market drive and has established a special summary court to deal locally with offenders caught on the Naples road. This court has been conducted by a judicial officer.

5. A detailed analysis of the cases tried in Foggia Province during the month, but excluding the cases reported in Paragraph 5, is as follows:

(A)	Guilty	Not Guilty	Total
<u>Superior Courts</u>	6	3	9
<u>Summary Courts</u>			
Foggia	233	23	256
Cerignola	153	17	170
Lucera	35	8	43
Manfredonia	62	5	67
San Severo	117	33	150
(incl. Torremaggiore)			
TOTAL	606	89	695

(B) Charges in the 606 convicted cases:

Assession
Fugitive
of Arms
of Italian

5. A detailed analysis of the cases tried in the Province of... but excluding the cases reported in Paragraph 5, is as follows:

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TOTAL	606	89	695

(B) Charges in the 606 convicted cases:

COURT	CHARGES						TOTAL
	Curfew and Pass Violations	Theft & Possession of WD Property	Black Market	Looting	Possession of Arms and Ammunition Violation of Italian Penal Code	Other Cases	
General	-	-	-	-	-	-	6
Superior	-	3	-	-	-	-	3
Summary	-	3	-	-	-	-	3
Foggia	144	52	35	-	-	3	237
Cerignola	127	21	-	-	-	7	155
Lucera	17	17	-	-	-	2	36
Manfredonia	51	2	9	-	-	-	62
San Severo	83	16	1	-	-	15	117
TOTALS	422	111	45	-	-	30	613

NOTE: These figures include all charges (as distinguished from cases) on which accused were found guilty.

6. It will be seen that the majority of cases are for curfew and pass violations, which have steadily increased in number. So far as pass violations are

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concerned, it is thought that the number of cases may be due to a genuine ignorance on the part of the population that they are not permitted to enter Foggia Province. Prosecutions are brought under Foggia Provincial Order No. 9, which does not have adequate publicity outside the Province. Steps are being taken to put notices at all boundaries and railway stations.

7. There is comparatively little theft or possession of WD property except in Foggia town. In this court the sentences passed for these offenses have consistently been too low in spite of orders for an increase. It is hoped, however, that an improvement will be shown.

8. In general, the level of sentences is becoming standardized.

9. The policy of handing over to the Italian courts all possible cases, except when military interests are involved directly, is being developed.

10. Three prisoners are held in prison pending trials by General Military Courts. Two of these prisoners are charged with shooting at British soldiers; the third, a member of the Carabinieri, is charged with killing an American soldier.

ITALIAN COURTS

11. The Tribunali of both Foggia and Lucera have been in constant session at Lucera throughout the month. Normally cases are heard two or three months after the date of the offense.

12. The Court of Agsize opened at Lucera on 19 February, and has during the month disposed of five cases. A further four cases will be disposed of during the present session. The cases which remain undisposed of at the end of the current session will be heard at the next session, which will start at the end of April.

13. Arrangements have been made for the Court of Appeal to open in Lucera on 1 April 1944. Accommodation in Lucera is being found for the judicial personnel involved.

14. The problem of provision of transport for the Court of Agsize and the Court of Appeal has not yet been completely solved.

ITALIAN ADVOCATES

15. Representative lawyers' committees have been established in each of the districts of the province. Their function is to examine complaints against Italian court sentences and pass them to AMG, and to give advice on questions of Italian law.

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16. A complaint has been received that the advocates of Cerignola, when representing clients before AMG courts, are abusing their position, charging excessive fees and bringing the courts into disrepute. The complaints are being officially investigated by an officer of the Regional staff, as the Provincial Officers have requested an outside examination.

ITALIAN JUDICIAL OFFICIALS

17. Dr. Giuseppe Gustapane is still at Lucera, pending the arrival of Dr. Pasquale Capotorto.

18. Sig. Cervelli Francesco is still in Lucera and has not transferred to the Court of Appeal in Bari.

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Appx. "F" to AOC/4043/L
dated 10 March 1944.

Report of AMG 5th Army for the month of February, 1944.

1. During this month this division has been concerned with the adjustments of plans prepared for the occupation of Rome, the proposal and consideration of necessary amendments to the published proclamations and general orders and the drafting of special local notices for Rome, at the same time the routine legal work in connection with AMG operations in the 5th Army Area have been attended to.

2. PERSONNEL.

With the dissipation of the expectation of the immediate occupation of Rome the Legal staff assigned and attached to AMG 5th Army for work in that city has been farmed out to temporary duty.

3. Two officers of this division have assisted in two cases during this month, one being engaged in the defense of several Merchant Seamen who were tried before a Naval Court.

4. AMG COURTS.

A table of cases disposed of within the AMG 5th Army area is attached as Appendix "B". The continued static conditions on the southern 5th Army front, the evacuation of civilians out of areas of operations, and the more settled conditions prevailing in rear Corps and Army areas has resulted in a decreased in the number of cases tried by CAO's in the 5th Army Area. No cases were tried since 22d January 1944 in the VI Corps area. The type of offenses brought before the Summary Courts is of the same nature as those formerly heard and such offenses are purely consequential upon restrictions imposed upon movement by Proclamation and the inevitable attempts to profit by the acquisition of rations and equipment belonging to the Allied Forces. No Superior Court cases have been tried during this month. One person was tried on a charge of espionage before a General Military Court but was acquitted. A spy case and a murder case were arranged for hearing in the latter part of the month but had to be postponed until the beginning of March on account of the inability through ill health of the accused to stand his trial in the first case and in the second case because of the movement of witnesses within the operational area. Three further cases of espionage are also pending and are set for trial on 6th March. Delay in bringing cases before the Courts has been caused by indifferent investigation and preparation of the evidence by the security sections before the papers have been submitted to this Division and in every case it has been necessary to ask for further information. Meetings have been held with S 1 (b), G-2, 5th Army and G. S. 1(b) A.C.M.F. regarding the policy to be adopted in the trial of spies. The security organizations were informed of the elements

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5. ITALIAN COURTS.

There are now four judicial districts within the 5th Army area which form a part of the judicial territory of the Province of Littoria and Frosinone, which are outside Region 3 and are a part of Region 4. These are MINTURNO where there is a Pretura Court within the circondario of the Tribunal of Littoria and ROCCAMONFINO, MIGLIANO and CERVARO, where there are Pretura courts within the circondario of the Tribunale of Cassino. All these centres were visited by the Officer i/c Italian Courts with the Legal Officers designated for the Provinces of Littoria and Frosinone. The report upon them cannot be complicated because in the case of MINTURNO, MIGLIANO, and CERVARO the buildings which accommodated the Pretura courts have been razed to the ground. The following are extracts from the reports upon each center.

MINTURN

".....the town which had a population of 13,586 is evacuated with the exception of about 25 persons....."

".....It is reported that the Pretore De Stefano cav. Grazio left last October. The vice-pretore, Mazzucco Meretti Filippo was seen about two months ago, nothing is known of his present whereabouts. Cav. Pierre Teodore, the cancelliere, was last observed in October. The N.R. Ufficiale Giudiziario was last seen in June. The Pretura has not functioned since August/September 1943."

MIGNANO

".....this town is practically non-existent.....the remaining inhabitants are now living in caves and partially habitable foundations of a few of the houses. Mignano in its present state makes Pompeii seem a modern metropolis....."

"The pretura, of course, does not exist. The edifice in which it was housed with the school and municipio, is only a mass of rock, debris and rubble. The pretore, De Crescenzo cav. Agostino was deported by the Germans. The vice pretore Cav. Luigi Brunetti was unknown and presumably also taken away by the Germans. Scotto Agatino, the cancelliere, came from Cassino only on days of court hearings. Nothing is known of him at present. Rosati Giovanni, the ufficiale giudiziario, also came from Cassino and at present his whereabouts are unknown."

CERVARO

"The town has suffered much from the war. The building which housed the pretura no longer exists. At one time Cervaro had its own pretura but in 1924 Cervaro was transferred from the Caserta province (which was abolished) to the Prosinone Province. The Cervaro pretura lost its independent character and became dependant on Cassino. Every 15 days the pretore of Cassino came to Cervaro to hold hearings. There have been no hearings in Cervaro since August."

6. It will be a very long time before these towns are reinhabited and until then no action regarding the resuscitation of the preture need be taken.

7. The town of ROCCAMONFENO however has not been so badly damaged as the other three and the pretura court is now functioning there. The following is an extract from the report on this town -

"Ettore Capecelatro, 64 years of age is the pretore there. He carries on his judicial duties under great difficulties as the Pretura is occupied by troops. He was appointed on 31st May 1943 and seems like a person of ability and as far as we are able to learn was never associated with Fascism."

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"The vice pretore Potteruti Gabrielle was a Fascist and does not now carry on any judicial function. The cancelliere, Vast Domenico, was anti-fascist, but had to leave the town because of poverty. He returned to his former home in Palermo. His office is unfilled at present. The M.M. Ufficiale Giudiziario is Nunzio Umberto and apparently unobjectionable."

8. One of the chief troubles in towns which have suffered extensively from war damage is that records in official buildings which have been damaged or destroyed are exposed to wind and weather. It is often impossible in totally destroyed towns to find any place left in which these records could be preserved and further when the inhabitants have perforce had to evacuate the localities there is no one who could gather the records together and put them in such place as might be available. In order to assist the Italian Government in reconstruction the normal life of the nation SCAO's with Corps have been asked to take such steps as may be practicable, with the help of the local officials, to preserve all available documents.

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9. By order of the Chief Commissioner the island of Ponza which has a Pretura Court (with a sede distaccata on the island of Ventotene) within the circondario of the tribunale of Littoria has been placed under the administrative jurisdiction of the Regional Commissioner, Region 3. A report upon the condition of the Pretura there has been asked for from Region 3.

10. PROCLAMATIONS AND GENERAL ORDERS.

All Proclamations and Notices from 1 to 13 inclusive, with the exception of number 9 have been published in the 5th Army area together with General Orders 1, 2, 3 where banks have been opened, 4 and 18.

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

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24
Appx. to AGS/1042/1
dated 10 March 1944.

Report of Rear ADM 3th Army for Month of February.

Campobasso Province.

1. The Conciliatori Courts, the Pretura and Tribunale are functioning. Authority has been given the P.S.I.O. to allow these courts to hear civil cases as he deems advisable in view of conditions.
2. The present handicap in the functioning of Italian Courts is the restriction on circulation and lack of adequate quarters due to occupation of same by the Army. Every effort is being made to improve this situation.
3. Summary and Superior Military Courts are functioning normally. Several Superior Court Cases are awaiting trial. Snows and blocked roads have made attendance of witnesses and summoned accused impossible. These cases will be disposed of as soon as road conditions improve.

Chieti Province.

4. The Lanciano Tribunale was opened 24 Feb. The difficulties mentioned in para. 2 above apply to Chieti Courts, but the P.S.I.O. Chieti has instructed the President of the Tribunale to go on circuit if necessary.
5. The Pretura Courts at Vasto, Lanciano, Casalbordino, Gissi, Atessa, Castiglione and Celenza are functioning.
6. The Pretore of Casoli Lupo Filippo is thought to be at his home Lauro near Avellino, Naples. Request is hereby made to the Legal Subcommission, to require his return to Casoli, as there is much work piled up there. Pending his return, the Pretore of Pescara will be sent to Casoli to deal with the most urgent cases.
7. Many of the Conciliatori are functioning within the Province.
8. Corte D'Assise is not functioning due to absence of personnel and the lack of qualified replacements locally.
9. Summary and Superior Military Courts are functioning normally in the Province.

General.

10. Conditions above described, hampering the functioning of the courts cannot be substantially alleviated while these two Provinces are in the operational area and the Capital of Chieti is in German occupation.

4. The Lancia Court is the only one of the type, but the F.S.L.C. Chieti has instructed para. 2 above apply to Chieti Courts, but the President of the Tribunale to go on circuit if necessary.

5. The Pretura Courts at Vasto, Lanciano, Casalbordino, Gissi, Ateessa, Castiglione and Celenza are functioning.

6. The Pretore of Casoli Lupo Filipo is thought to be at his home Lauro near Avellino, Naples. Request is hereby made to the Legal Subcommission, to require his return to Casoli, as there is much work piled up there. Pending his return, the Pretore of Pescara will be sent to Casoli to deal with the most urgent cases.

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9. Summary and Superior Military Courts are functioning normally in the Province.

General.

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11. There have been a few cases of public disturbance consequent upon the freeing of communities from German control. These have not been in defiance of Allied occupation and all have been successfully dispersed, the ring leaders arrested and they are now awaiting trial by Superior Military Courts. 376

12. Leniency on the part of Summary Courts continues as a problem. Constant pressure on these courts is being maintained by the F.S.L.C.s and the S.I.C. to secure sentences which will act as a deterrent.

13. Attached is analysis of cases tried and findings.

EIGHT ARMY AREA

Report on Allied Military Courts for month of February 1944

Cases tried and findings.

Province of	Summary	Court	Superior Court		General Court		totals		total cases
	NG.	G.	NG.	G.	NG.	G.	NG.	G.	
Chieti	15	175	-	2	-	-	15	177	192
Campobasso	--	137	-	-	-	-	--	137	137
Totals	15	312	-	2	-	-	15	314	329

CONVICTIONS

Province of	Curfew and Pass viola- tions	Theft and poss. of Allied property	Black Market	Looting	Poss. of Arms and ammunitions	Viol. It.Pen. Code	Others	Totals
Chieti	64	60	18	-	16	3	52	213
Campobasso	77	44	1	-	1	1	13	137
Totals	141	104	19	-	17	4	65	350

(Signature) (rank)
Senior Legal Officer Eight Army .

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APPX. "H" to AGC/4043/1
dated 10 March 1944.

REPORT OF REAR AND 8TH ARMY FOR MONTH OF JANUARY

1. The Tribunale was open in Campobasso Province for the trial of criminal cases, and such civil cases as could be heard while the court had no cases on the criminal side to try and where the parties in the civil cases were ready. The Tribunale in Chieti Province was not opened because of military operations and the absence of personnel.
2. Summary and Superior Courts were operating in both Provinces normally.
3. Wrongful possession of Allied Property and illegal movements of civilians were principal problems.
4. Wire cutting cases were below normal.
5. Attached is analysis of cases tried and findings.

REPORTS OF ALLIED MILITARY COURTS FOR THE MONTH OF JANUARY 1944. 21

A. CASES TRIED AND FINDINGS.

PROVINCE of	SUMMARY COURT		SUPERIOR COURT		GENERAL COURT		TOTALS		TOTAL CASES
	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	NG.	G.	
CHIETI	11	141	5	10	NONE		16	151	167
CAMPORASSO	6	148	NONE		NONE		6	148	154
TOTALS	17	189	5	10	-	-	22	299	321

B. CONVICTIONS

PROVINCE of	Curfew and Pass Viola- tions.	Theft and penal. of Allied property	Black Market	Looting.	Poss. of Arms and Ammunition	Violation of Italian Penal Code	Others	Totals
CHIETI	60	42	6	-	5	15	54	182
CAMPORASSO	50	47	11	-	3	1	46	158
TOTALS	110	89	17	-	8	16	100	340

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUBCOMMISSION
APO 394

ACC/4043/L

9 February 1944.

SUBJECT: Legal Subcommittee - Monthly Report for January 1944.

TO : D.C.C.A.C.

1. With the regrouping and reorganization of late January 1944, A.M.G. Hq 15th Army Group was disbanded and AMG 5th Army and AMG 8th Army were brought under the jurisdiction of H.Q. Allied Control Commission. The report of the Legal Subcommittee for January 1944 submitted herewith accordingly includes the reports for January 1944 of Regions III and IV in addition to the reports of Regions I & II. Reports of AMG 5th & 8th Armies, if received in sufficient time will be included herein.

2. GENERAL

The work of the Chief Legal Officer and his Staff during the month of January 1944, included in addition to general matters of a legal nature the following:-

(a) Numerous conferences with Labor Subcommittee with respect to proposed declaration of principle of collective bargaining resulting in preparation of General Order No. 17 and Italian translation thereof; conferences with Labor Subcommittee in re its reproduction and distribution; examination of contract for purchase of furniture; numerous conferences with Finance Subcommittee resulting in preparation of General Order No. 18 containing qualified removal of prohibition on land transactions; numerous conferences with Property Control Subcommittee resulting in the preparation of Proclamation No. 15 authorizing inclusion of property of French Government and its nationals under Article IV of Proclamation No. 6, and preparation of General Order No. 19 implementing the same; conferences at Brindisi with Italian Government relating to restoration of civic and political rights to Jews, resulting in preparation of General Order No. 18 and Italian translation thereof; making of arrangements for printing, etc; securing English translation of Royal Decree Laws Dec. 1943, N. 165 (Dissolution of Volunteer Militia) and N. 213 (General Income Tax); extended study of proposal for compulsory domicile, educations, etc., and preparation of opinion with respect thereto; conferences with Public Welfare Subcommittee in re questions of Italian Citizenship; conferences with Finance Subcommittee in re modus operandi for putting Italian Decrees into effect in occupied territory; conferences with Capt. Talbot and Public Welfare Subcommittee in re Juvenile problem; and preparation of opinion as to enforced labor for juveniles, etc; conferences in re Regional Order covering matters of legal nature.

(=) Numerous conferences with Labor Subcommittee with respect to proposed declaration of principle of collective bargaining resulting in preparation of General Order No. 17 and Italian translation thereof; conferences with Labor Subcommittee in re its reproduction and distribution; Finance Subcommittee resulting in preparation of General Order No. 18 containing qualified removal of prohibition on land transactions; numerous conferences with Property Control Subcommittee resulting in the preparation of Proclamation No. 15 authorizing inclusion of property of French Government and its nationals under Article IV of Proclamation No. 6, and preparation of General Order No. 19 implementing the same; conferences at Brindisi with Italian Government relating to restoration of civic and political rights to Jews, resulting in preparation of General Order No. 18 and Italian translation thereof; making of arrangements for printing, etc.; securing English translation of Royal Decree Laws Dec. 1943, N. 165 (Dissolution of Volunteer Militia) and N. 213 (General Income Tax); extended study of proposal for compulsory domicile, admonitions, etc., and preparation of opinion with respect thereto; conferences with Public Welfare Subcommittee in re questions of Italian Citizenship; conferences with Finance Subcommittee in re modus operandi for putting Italian Decrees into effect in occupied territory; conferences with Capt. Talbot and Public Welfare Subcommittee in re Juvenile problem; and preparation of opinion as to enforced labor for juveniles, etc.; conferences in re Regional Order covering matter of 1924 Unified Text Law.

Preparation of Proclamation extending Italian legislation to Occupied Territory and various revisions thereof; preparation of amendments to orders in re establishment of labor offices for Labor Subcommittee; preparation of supplementary directive on subject of War Criminals; preparation of communication to Vice President of Administrative Section, A.C.C. and Marshal Pasoglio with respect to thefts of red cross and other property; study of Proclamation No. 6 with respect to amendments suggested by Property Controller; revision of rules for functioning of Italian Military Tribunals in occupied territory; conference with 15th Army Group; preparation of Order relative to rationing of petroleum products and issuance of permits; discussion of latest drafts of Documents A, B, C and D; preparation of Orders to be issued in Region II with respect to maximum prices of wheat, hemp and olive oil at request of Central Economic Committee; working on plans for new regions coming under control of A.C.C. and for advance party; consideration of and conference about proposal of Public Safety Subcommittee to place prisons under Legal Subcommittee. This resulted in leaving prisons under Public Safety Subcommittee.

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3. REPORT ON LIAISON ACTIVITIES WITH ITALIAN MINISTRY OF JUSTICE DURING PERIOD 21 Nov. 1943 to 1 Feb. 1944.

Prior to the month of Jan. 44 the following conferences took place with the Minister of Justice in the course of which some of the principal matters discussed and decided are briefly reported in the chronological extracts given hereunder.

In addition to the progressive development of relations between the Subcommission and the Ministry on the carrying on of the functions of control the day to day work of the Subcommission included such matters as the advising in and preparation of documents in connection with the transfer of territory to the Italian Government; problems arising out of provisions for Property Control; Finance; Press publications, radiofusion and censorship; Telecommunications; Delinquent Merchant Seamen; relations between Allied and Italian police concerning pilfering, pillage and internment; proposals on the reorganization of the Courts of Assizes and Cassation; the requisition of Vatican Property and the conducting of legal examinations in occupied territory.

First contact was made with the Italian Ministry of Justice on 24 Nov. 43 at Brindisi when questions were asked as to the Government's intention concerning the immediate dissolution of all Fascist organizations in unoccupied provinces and the abrogation of discriminating laws against race, color and creed. The Government's intention of reissuing the "Official Gazette" for the purpose of publishing decrees was announced.

On 26 Nov. 43 the position arising on transfer of territory to the Italian Government was discussed in the light of the continuity of the administration of justice, and the necessity for the confirmation in office of judicial officials appointed by AMG. The obligation on the Italian Government of ensuring the validity of certain provisions contained in AMG proclamations was stressed and recognized as essential.

In regard to the abrogation of discriminatory legislation against Jews and others it was agreed that great caution must be exercised to guard against retaliation in enemy occupied territory and that the publication of legislation affecting real property rights should be deferred.

The Minister's attention was drawn to the fact that the King might no longer use the title of "King of Albania and Emperor of Ethiopia", that references to such titles in the "Official Gazette" must be expunged and all copies bearing such a reference were confiscated. On 27 Nov. 1943 the Minister was informed that as a measure of cooperation and to assist materially in the transfer of the machinery of the

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On 2 Dec. 1943 the Subcommission undertook to supply the Ministry with a list of all judicial officials holding appointments in occupied territory, having previously suggested the setting up of a mixed commission to consider the confirmation or otherwise of the appointments of judges remaining in office at the time of transfer of territory.

On 8 Dec. 1943 the Minister of Justice consented to submit the text of the draft decree repealing discriminatory laws in sufficient time to enable simultaneous publication in both occupied and unoccupied territory and advance arrangements were accordingly made to have this publication carried into effect.

At a meeting on 13 Dec. 43 the Minister agreed that it was desirable that the Italian Government should follow the lead given by AMG in the matter of the "defascization" and reorganization of the legal professions, and intended that a decree would be prepared, submitted to ACC and published to this end.

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In addition to conferences with the Minister, at which were discussed many other matters besides those mentioned above, machinery has been set up whereby this subcommittee forward letters in behalf of the Ministry to legal officials in occupied territory. This service has been much appreciated by the Minister who has made increasing use of it.

Arrangements were also made during the month to enable officials residing in occupied territory to visit the Minister.

During January 1944, 7 conferences took place with the Minister of Justice either at Brindisi or Bari, the principal items on the agenda being referred to serially hereunder.

Considerable progress was registered in the preparations for turnover of the administration of Justice to the Italian Government in respect of territory scheduled for transfer.

The draft of the Italian decree law on the restoration of political and civil rights to Jews was presented and discussed on succeeding meetings, and arrangements were concluded for simultaneous publication in both occupied and unoccupied territories.

The setting up of a special Court of Appeal to deal with cases in the military area of Foggia detached from its normal seat of jurisdiction in unoccupied territory was provided for, as was also the holding of an Assize Court in the same area.

The questions arising out of proposals to reform the existing fascist laws regulating the constitution of Assize Courts was debated, including the political problems involved in proposals for a return to the ancient jury system, and the advisability of adapting the existing panels of assessors to meet current needs was decided upon as an expedient.

The problems connected with the reopening of the Court of Cassation either as a temporary measure in occupied territory or as preparation for reconstitution in Rome were considered, and it was decided that the matter was one best left to the Italian Government who would undertake the work of reorganization on the basis of restoration in Rome in conjunction with ACC.

At the request of the Director of Property Control a memorandum was drafted and presented to the Minister outlining the powers that this official of ACC would require under Italian administration of territory including the necessity for certain protective measures being taken in that behalf during the transitional period from Allied to Italian administration.

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Alleged delays and shortcomings on the part of the Italian Courts in unoccupied territory in dealing with sabotage and pilfering of Allied military stores and equipment, the procedure to be adopted for the handling over of delinquents to the Italian police, and the reporting of action taken by Italian Courts to Allied authorities, were considered and appropriate action decided upon.

Certain points arising out of the confinement of Allied Military detainees in Italian jails and the application of the established prison rules to such came up for discussion, as also the general situation of the use of Italian prisons by Allied authorities. A representative of the Public Safety Subcommission was introduced to the Minister of Justice with the object of effecting liaison with the prison administration of the Italian Ministry on all matters concerning this department and ACC.

The enforcement of the Italian laws providing for the control and registration of aliens in unoccupied territory was the subject of enquiry and demands for information and investigation were made.

4. REPORT OF REGION I.

(i) Statistical Tables: Included herewith are two statistical tables (marked exhibits X & Y), one showing the convictions and acquittals of all cases, General, Superior and Summary by Province and one showing a breakdown by Provinces to the principal categories of cases. 1579 cases are reported during January 1944 while 1636 cases were recorded in the preceding month. The figures for December in some cases are inaccurate in that they include the total number of defendants whereas in January as in all months previous to December 1943 the total is based upon the number of cases without regard to the number of defendants. This change in basis is made in order that the statistics may be harmonized with the earlier reports. Actually the January cases are about the same in number as the December cases.

(ii) A.M.G. Courts: It is believed that the number of prosecutions in A.M.G. Courts is now definitely falling off, by reason of the policy of submitting all matters to the Italian Courts that do not affect the Military and also the policy of discontinuing the services of Civil Affairs Officers in the Communes. All Provinces report that the trial work is well up to date and there are indications that in spite of a sharp reduction in legal personnel for Sicily, the judicial work can be kept up to date.

(iii) Review of Cases:

a. During January 1944 appeals or applications for review to the number of 161 were received. This represents a decrease from December 1943 when 192 applications were received. Appeals are being processed promptly.

b. This division is making a careful study of all cases since the invasion of Sicily in which a sentence in excess of six months was rendered with a view to making proper recommendation to higher Headquarters for a final review at the time of the transition from Military Government to Italian control.

c. In accordance with the provisions of Proclamation 14 of the R.I.O. will review all cases where no appeal is filed and the sentence does not exceed two years or a fine of 50,000 lire.

(iv) General Courts:

e. There are no applications for General Courts pending at this time.

b. This division is making a careful study of all cases since the invasion of Sicily in which a sentence in excess of six months was rendered with a view to making proper recommendation to Higher Headquarters for a final review at the time of the transition from Military Government to Italian control.

c. In accordance with the provisions of Proclamation 14 ^c at the R.L.O. will review all cases where no appeal is filed and the sentence does not exceed two years, or a fine of 50,000 Lira.

(iv) General Courts:

a. There are no applications for General Courts pending at this time.

b. Several important General Courts were held in Catania and Enna Provinces during the month, the court consisting of Lt. Col. Behrens, S/Mr Dickie and Major Campbell, Major Radice or Capt. Davis.

(v) Italian Courts:

a. Italian Courts throughout Sicily are making progress in expediting their business and are showing more reliance on their own efforts. 2839

b. During the month an order was signed by the R.C.A.O. making necessary readjustments in assignments. Consultation with a committee of the leading Magistrates of Sicily forms the basis for these changes in station for personnel.

c. Bar Associations are functioning in all Provinces and are active in making recommendations concerning new legislation. Some of these recommendations have been sent to Higher Headquarters for consideration by the new Government.

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(vi) Personnel:

a. Seven American Legal Officers have been lost to this division during January with one replacement.

b. Capt. Davis (British) has been assigned as S.L.O. Siracusa. Capt. Matthews (British) is now the S.L.O. Messina.

c. One legal officer is now assigned each Province.

d. Palermo with a heavy volume of business is in need of a replacement, if the transition is long delayed.

(vii) Inspections: S/Ldr Dickie, D.R.I.O., has inspected the legal offices in Catania, Messina and Kuma during the month. Conferences have been held at Headquarters with the S.L.O.s from Agrigento, Siracusa, Messina, Catania, Caltanissetta, Trapani and Palermo.

(viii) Directives:

a. Directives based upon orders from higher Headquarters have been issued.

b. A directive covering the problems of transition from Military to Civil Government was issued on December 29, 1943, and work there under is proceeding. It is believed that the legal work can be transferred to the Italian Government in an orderly manner.

5. REPORT OF REGION 2.

(i) Personnel.

a. Lt. Col. D.E.S. Cousins took over as RCLO on 10-1-44.

b. Each Province has one LO, and that of Cosenza has two.

c. A return is awaited showing what other officers not officially in the Legal Division, have legal knowledge and particulars of same.

d. Major A.W.R. Franklin now LC Catanzaro has made a special study of the Italian Courts throughout Calabria.

Since this subject is likely to increase greatly in importance, it is proposed that this officer should temporarily be attached to Regional HQ to coordinate and advise upon the Italian Courts and Judicial personnel throughout the region.

(ii) Allied Military Courts.

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5. REPORT OF REGION 2.(1) Personnel.

- a. Lt. Col. D.E.S. Cousins took over as RCLO on 10-1-44.
- b. Each province has one IO, and that of Cosenza has two.
- c. A return is awaited showing what other officers not officially in the Legal Division, have legal knowledge and particulars of same.
- d. Major A.W.R. Franklin now IO Catanzaro has made a special study of the Italian Courts throughout Calabria.
- Since this subject is likely to increase greatly in importance, it is proposed that this officer should temporarily be attached to Regional HQ to coordinate and advise upon the Italian Courts and Judicial personnel throughout the region.

(ii) Allied Military Courts.

- a. The number of cases tried by Military Courts during the month was 170.
- b. Of these, a general court held at Salerno passed the death sentence on a conviction for wounding with intent to kill.
- Superior Courts have tried several cases of local disorders) 808 connected with the distribution of grain.
- In each, there were a considerable number of accused, who received sentences ranging from 2 years imprisonment to fines for minor delinquents.
- c. Prosecutions in the province of Matera have assisted the amassing of grain. Summons served on defaulters on Jan 10th had by Jan 14th induced the amassing of 1132 quintals as opposed to 178 quintals previous to that date. Persons still in default at the date of trial, were served with an order to amass the deficit by Jan 28th, fined, and sentenced to various terms of imprisonment to be held in suspense until that date. The fines were all paid, and almost all the grain then due, had been amassed by Jan 28th.

(iii) Circuit of the CJO.

Partly in order to gauge the qualifications of IO's, but mainly to

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demonstrate Court Procedure to them, and other officer interested, the CTO will visit provinces under, and will preside at cases which LO's have been instructed to arrange for trial within the following respective dates:

- (a) Matera Feb 7th - 9th inclusive
- (b) Cosenza Feb 10th - 12th inclusive
- (c) Catanzaro " 14th - 16th "
- (d) Reggio " 17th - 19th "
- (e) Potenza " 21st - 23rd "
- (f) Salerno " 24th - 26th "

(iv) The Committee of Investigation at Potenza still finds its work impeded by the series of amnesties granted under the Fascist regime. Application has already been made for their abrogation.

(v) The Committee of Security established also at Potenza has formed the basis of reports to the RCMC and the CLO under references this HQ letters 2201/59/8 of 21-1-44 and 28-1-44 respectively.

(vi) Italian Courts are in the main functioning satisfactorily and are progressively hearing more cases, and their work is closely supervised by LO's.
(a) The failure of the Courts of Appeal at Naples to appoint a Court of Assize to function in Salerno province continues to be a grievance and has been reported to higher authority. The reopening of Court of Assizes in Naples and the Province has long been delayed. An officer from the Italian Court Section at ACC has been attached to Region III to expedite this objective.

(b) The withdrawal of the Court of Appeal at Reggio and its transfer to Messina has been a matter of concern to Region II. It is hoped that not only will its immediate return be effected, but that it will be vested with both Civil and Criminal jurisdiction.

(vii) Regional Orders

During the month of January the following Regional Orders were prepared:

- No. 7 - Licensing of cars and petrol (not published)
- No. 12- Registration of Aliens

6. REPORT OF REGION 3.

(i) There is attached as Appendix "A" a list of officers serving in Region 3 under the Regional Chief Legal Officer, Region 3, as at 31 January 1944. This list does not include the officers who man the Military Courts as these officers are under the direct control of the SCACs.

(ii) MILITARY COURTS. There are attached as Appendices "B" and "C" tables showing the number of cases tried by the Allied Military Courts during January and the various types of offences tried.

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(ii) MILITARY COURTS. There are attached as Appendices "B" and "C" tables showing the number of cases tried by the Allied Military Courts during January and the various types of offences tried.

(iii) The problem of finding sufficient personnel to man the Military Courts in the City of Naples is becoming increasingly more difficult. There are now six Military Courts sitting in the City. One Superior Court and three Summary Courts sit daily whole time and the remaining two also take the full time of a judicial officer. The officers necessary to man these Courts have all been lent to Region 3 by other Regions and there is a grave danger that they will soon be required for other duties. If that happens and replacements are not forthcoming from other sources Region 3 is faced with a virtual breakdown of justice in the City of Naples for it is quite impossible for the CACs in the City to take on the duty of manning the Courts in addition to their other duties. In addition the Officer Commanding, Peninsular Base Section, has now asked that a second Summary Court should be established to deal with offences in the Port Area in Naples. The existing Summary Court is now barely able to cope with the number of cases coming before it. This request is under consideration.

(iv) The position with regard to the General Court for the Region is also unsatisfactory. A General Court was established composed of judicial officers from Region 4. These officers were then withdrawn for duty in that Region. Attempts were made to obtain officers from ACC and it was arranged that seven officers should be placed at the disposal of Region 3 when their services could be spared by ACC; now these officers too have gone, so that the only thing that can be done now is to form a General Court with the Legal Officer of the Province of Naples and two CAOs.

(v) ITALIAN COURTS. There is attached as Appendix "D" a table showing the number of cases tried by the Italian Courts during January and the various types of offenders tried.

(vi) The appointment of a substitute Procuratore Generale of the Court of Appeal who was due to retire on 25 January 1944 has been extended pending further order of competent authority. It was found impossible to replace this official.

(vii) A proposal was considered that a Section of the Court of Appeal at Naples should sit periodically at Salerno. After consultation with the Italian authorities this proposal was not adopted. It appears that it was a revival of a proposal which was considered at great length in 1942 and then rejected.

(viii) Authority was sought on 15 January 1944 (Ref. 3/6074/L) for the RGAO to publish a general order, identical in terms with General Order No. 12 (Sicily), reconstituting the Bar Association. This authority has now been furnished. A request from the Notaries for the reconstitution of the Notaries Association is under consideration.

(ix) BLACK MARKET. During January the RGAO asked for a note showing the number of black market cases tried since the occupation by both the MG Courts and the Italian Courts and the sentences imposed. As these figures may be of interest they are shown in Appendices "E" and "F".

(x) GENERAL SECTION. The work of the General Section of the Division continues to be varied. Among the points on which advice etc. has been given are the following:-

- (a) Italian law relating to dispossession of tenants by landlords.
- (b) Disposition of Allied Force property held as evidence against civilians.
- (c) Fines assessed by Italian Courts.
- (d) Price Fixing Orders.
- (e) Release of a French prisoner.

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(xi) Consent to transfer of land. In continuation of para 4 a of the Monthly Report of the Legal Division for December 1943, approval has now been given to the RGAO granting consents to transfer of land in cases of gifts on marriage or where real hardship will be caused if consent is not given. During January 1944 no consent was given and 13 applicants were informed consent could not be granted. The Order, which is understood is now in the course of preparation, withdrawing the restriction so far as regards sales of land under 50,000 lire and transferring the jurisdiction to give consent to other transactions to SCACs will afford a much needed relief to this Division. The time of one officer has been very substantially employed on dealing with applications for transfer of land. Requests have been received from both the Prefect and the Notaries that the restriction on the transfer of land should be withdrawn. They have been informed that the RGAO has no authority to modify or withdraw the restriction but that the whole question is under review by higher authority.

(xii) Proclamations. Attention was called to an apparent error in Proclamation No. 11, Art. II, Sec. 1 which is printed forbids photography entirely and forbids printing and developing without a written permit. The "SAFOT Plan etc." forbids both photography and printing and developing without a written permit. Upon enquiry it was ascertained that an error had been made in printing the Proclamation. A suggestion made by the Public Safety

Division that the printed Proclamations should be altered in manuscript was not supported.

(xiii) Orders, Regulations etc. Two Orders relating to the collection of hemp and the price to be paid for it have been made. Copies of these Orders were sent to HQ. ACMT under date 29 January 1944.

(xiv) Provincial Orders relating to Property Control have been published in the Provinces of Naples and Benevento pursuant to the order issued by AMG HQ 15th Army Group under date 19 December 1943. (a copy of this order has been sent to the SCMO of Avellino but a copy of the Order issued by him has not yet been received). The draft order issued by AMG HQ 15th Army Group was not accompanied by an Italian translation with the result that the Italian versions published in Naples and Benevento Provinces were entirely different. The attention of AMG HQ ACMT was drawn to this with a recommendation that an official Italian translation be provided when an Order is to be published by more than one headquarters.

(xv) Permits to publish or print newspapers, etc. By the terms of Proclamation No. 11, Art. IV, Sec. 1 no newspaper etc. may be published or printed without a written permit from AMG. Administrative Memorandum No. 89, AMHQ, 11 December 1943, has since provided that the Allied Publications Board has been empowered to grant and revoke licences for the publication of newspapers etc. Proclamation No. 11 has not been amended. A ruling has been asked whether this Region is to refrain from prosecution for infringement of the Proclamation; if so, it has been recommended that the Proclamation should be amended.

7. REPORT OF REGION 4.

(i) A.M.G. Courts

(a) Attached hereto (and marked Exhibit M) is return of cases tried during January 1944 by A.M.G. Courts in Foggia Province - the only Province so far under the administration of Region 4.

(b) Record in the General Court cases is not yet to hand. When received, it will be submitted to C.L.O., Legal Subcommittee, A.C.C., for review. Meanwhile, from what is known of the cases, it can be said that they are a good illustration of the troubles that may occur when A.M.G. officers exercise too little supervision over the work of Italians to whom they have delegated responsibility.

(c) There has been a marked improvement in the administration of justice by C.L.O. in the General Courts and in the maintenance of the

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(c) There has been a marked improvement in the administration of justice by C.A.O.'s in Summary Courts, and in the maintenance of Court Records. For the first time it has been possible, by examination of the Records, to obtain a reasonably clear idea of what took place on the trial of each case. Sentences on the whole err on the side of undue leniency, and there is still some divergence between different C.A.O.'s in regard to sentences imposed for similar offences.

(d) The improvement in Court Records noted above has only been achieved at the cost of considerable extra work on the part of C.A.O.'s and their small clerical staffs. It has been represented that the amount of clerical work which they are called upon to do in connection with their legal activities is excessive and interferes with their other work. This complaint is not without foundation, and a recommendation has already been submitted for reducing the clerical work of C.A.O.'s by abolishing the Summary Court Record Book, and substituting a system whereby the disposition of each case would be endorsed on the back of the Summons or Charge Sheet, which would then be filed as the Court's record of the case.

(ii) ITALIAN COURTS

(a) Nothing to report with regard to the Pretore and Tribunali, which are understood to be functioning satisfactorily in Foggia Province.

(b) Reopening of the Court of Assize is held up pending directions with regard to selection of Assessors. Meanwhile, the Provincial Legal Officer has been instructed to prepare and submit a list of existing Assessors who are actually available, so that when the awaited directions are received there may be as little delay as possible in appointing the necessary Assessors to get the Court to work.

(c) Reopening of the Court of Appeals is awaiting publication by the Italian Ministry of Justice of a decree authorising a detached Section of the Bari Court to sit within Foggia Province. This will have to be accompanied by the simultaneous publication in Foggia Province of a Provincial Order in identical terms. The terms of the proposed decree and Provincial Order were recently discussed with the Chief Legal Officer, A.M.G., HQ., A.C.M.F., who undertook to have the necessary documents prepared for publication.

(iii) PERSONNEL

(a) Officers.

It is understood that Major Levitt (Foggia), Captain Marsh (Campobasso), Major Welsfor (Chieti), together with Major Woodward (at present attached 5th Army), are being, or have been, transferred to Region 5, consequent upon the Regional reorganization. Attached hereto is a schedule (marked Exhibit N) showing the proposed employment of available officers in the reorganized Region 4. It will be seen that insufficient officers are at present available to staff the whole of the Region. Two Provinces are without Legal Officers, and it is not thought that sufficient officers are available for the Courts which it will be necessary to maintain in Rome. It is requested that urgent consideration may be given to these deficiencies.

(b) EN/CRS.

The Legal Division suffers to a considerable extent through shortage of EN/CRS. Although number of EN are Italian speaking, there are not sufficient to employ any as whole-time interpreters. It is felt that this is unfortunate, since interpreting, if it is to be well done, is a highly specialised job. It is recommended that consideration be given to the question of increasing the TC/WE by allotting a certain number of whole-time interpreters. The minimum scale suggested is one per Province, with some additional staff for Regional HQ. Similar difficulty is encountered through shortage of clerical staff. It is

(a) Officers.

It is understood that Major Levitt (Foggia), Captain Marsh (Campobasso), Major Welsfor (Chieti), together with Major Woodward (at present attached 5th Army), are being, or have been, transferred to Region 5, consequent upon the Regional reorganization. Attached hereto is a schedule (marked Exhibit N) showing the proposed employment of available officers in the reorganised Region 4. It will be seen that insufficient officers are at present available to staff the whole of the Region. Two Provinces are without Legal Officers, and it is not thought that sufficient officers are available for the Courts which it will be necessary to maintain in Rome. It is requested that urgent consideration may be given to these deficiencies.

(b) IM/CRS.

The Legl Division suffers to a considerable extent through shortage of IM/CRS. Although a number of IM are Italian speaking, there are not sufficient to employ any as whole-time interpreters. It is felt that this is unfortunate, since interpreting, if it is to be well done, is a highly specialised job. It is recommended that consideration be given to the question of increasing the TO/MI by allotting a certain number of whole-time interpreters. The minimum scale suggested is one per Province, with some additional staff for Regional HQ. Similar difficulty is encountered through shortage of clerical staff. It is known that the Provincial Legal Officer in Foggia Province is severely handicapped through having insufficient staff to cope with the clerical work involved by the maintenance of records, etc.

(iv) GENERAL

Shortage of transport and difficulties of communication constitute some embarrassment to the work of the Legal Division. The Provincial Legal Officer, Foggia Province, finds considerable difficulty in getting round the Province, to exercise that degree of personal supervision over the work of A.M.G. Courts which I should be exercised. Similarly, difficulties of transport are such as to make it extremely difficult for the PCLO to visit Foggia Province personally, and he has not been able to do so during the past month. He is not, therefore, able to report at first hand on the work in this Province. A monthly report from the Legal Officer, Foggia Province has not yet been received. It may be that this, when received, will contain reference to other matters of interest not mentioned above. If so, a supplementary report will be rendered.

G. A. Upjohn
G. A. UPJOHN, Colonel
Chief Legal Officer.

EXHIBIT "X"

Chart Showing breakdown by Provinces of cases reported

PROVINCE	GENERAL COURTS		SUPERIOR COURTS		SUMMARY COURTS		TOTAL CASES	TOTAL CASES
	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Jan 1 - Jan 31, 1944	July 12, 1943 to Jan 31, 1944
F.LERMO	4	0	60	7	655	34	820	5092
CATANIA	4	0	34	9	219	27	293	1971
MESSINA	0	0	33	10	6	0	49	395
AGRIGENTO	0	0	15	4	212	37	268	2065
TRAPANI	1	0	4	0	61	9	75	828
SIRACUSA	0	0	4	0	3	0	7	542
RAGUSA	0	0	5	0	0	0	5	216
CALTANISSETTA	0	0	6	2	6	0	14	151
ENNA	5	0	35	8	0	0	48	108
TOTALS	14	0	106	40	1162	167	1579	11369

Cases reported from Jan. 1, 1944 to Jan. 31, 1944 inclusive with total number of cases reported during the occupation shown in the right hand column.

EXHIBIT "Y"

Analysis of Cases according to Categories

Province	Black Market		Thefts, and Poss. of Military Prop.		Curfew Blackout Circulation		Loss. of Fire Arms		Wire Cutting		All Others		Totals
	G	NG	G	NG	G	NG	G	NG	G	NG	G	NG	
PALERMO	92	16	183	27	171	0	93	6	0	0	180	52	719 181
CATANIA	2	0	122	22	0	0	62	4	3	0	64	10	257 36
MESSINA	3	1	8	2	0	0	22	3	0	0	6	4	39 10
AGRIGENTO	112	16	51	6	5	0	19	2	1	0	40	17	227 11
TRAPANI	6	0	1	0	0	0	15	1	0	0	14	5	66 9
SIRACUSA	0	0	3	0	0	0	0	0	0	0	4	0	7 0
RAGUSA	0	0	2	0	0	0	1	0	0	0	2	0	5 0
CATANISSETTA	0	0	3	0	0	0	7	1	0	0	2	1	12 2
ENNA	2	2	0	0	0	0	30	2	0	0	8	4	40 8
TOTALS	217	35	380	57	176	0	249	19	4	0	350	96	1372 207

Appendix A.

Officers on strength of Legal Division Region III as at 31 January 44.

Regional Chief Legal Officer:	Lieut. Colonel Riley McClain (A)
General Counsel:	* Major G.A. Bamlet (B)
Assistant General Counsel and Prosecutor to General Military Court:	Lieutenant Louis A. Sabatino (A)
Judicial Officer:	* Captain Sam C. Blair (A)
Officer i/c Italian Courts:	* Major M.C. Holt (B)
Legal Officer, Naples Province:	* Colonel John K. Weber
Legal Officer, Avellino Province:	Captain A.F. Gold (A)
Legal Officer, Benevento Province:	Major G.G.T. Ainalis (B)

* : Attached from Region VIII.

Appendix "E"REGION NO. 3

REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF JANUARY 1944

A. CASES TRIED AND FINDINGS.

Province: of	Summary Court		Superior Court		General Court		Totals		Total Cases
	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	
Naples	388	2951					388	2951	
Avellino	73	99	2	22			75	121	
Benevento	2	66	23	28			25	116	
TOTALS	463	3136	25	50			488	3186	

Appendix "C"REGION No. 3

REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF JANUARY 1944

F. CONVICTIONS.

Province of	Curfew and Violations	Theft and Poss. of Allied Prop.	Black Market	Looting	Poss. of Arms and Ammunition	Violat. of Ital. Pen. Code	Others	TOTAL
Naples	1265	1432	38	~~XX~~ 17	162	16	38	2951
Avellino	6	29	20	17	9		40	121
Benevento	5	52	13		25	18	3	116
TOTALS	1276	1513	71	17	196	34	81	3188

Appendix DRETURN OF PRIMAL CASES, N. HES from 1 Jan. to 30 Jan. 1944.

Total number of persons arrested: 279

TRIALS

	<u>Convictions</u>	<u>Acquittals</u>	<u>TOTAL</u>
By Pretura Court	245	125	370
" Tribunale "	392	90	482
" Juvenile "	11 (1)	2	13
" Appeal "	176	35	211
	—	—	—
Total	824	252	1076

(1) Judicial pardons were granted in 11 cases

The following are the principal types of cases tried and sentences imposed:-

PRETURA 32 Soliciting (from 10 days to 6 months imprisonment)
 14 Brothel (from 6 months in prison and 1000 lire fine to 1 year in prison and 5000 lire fine)
 30 Black market (from 50 to 300 lire fine)
 10 Begging (5 days in prison)
 6 Blackout (from 50 lire fine to 3 months 15 days in prison)
 17 Procuring (from 2 months to 21 months in prison and 4000 lire fine)
 7 Abuse (from 100 lire fine to 7 months in prison)
 12 Omission to pay taxes (from 50 to 100 lire fine)
 17 Omission to return pawn (from 40 to 800 lire fine)

TRIBUNALE 187 Black market (from 200 lire fine to 8 months in prison and 1000 lire fine)
 15 Gambling (from 200 lire fine to 3 months in prison and 1000 lire fine)
 83 Theft (from 15 days in prison and 500 lire fine to 1 year and 6 months in prison and 2000 lire fine)
 70 Aggravate theft (from 3 months and 1000 lire fine to 1 year, 3 months, 15 days in prison and 2250 lire fine)
 16 Using abusive language (from 20 days to 7 months in prison and 500 lire fine)
 17 Buying stolen goods (from 300 lire fine to 6 months in prison and 2000 lire fine).

JUVENILE COURT 10 Aggravated theft Judicial pardon
 1 Injury by arm Judicial pardon.

2858

- COURT OF APPEAL
- 115 Black Market (from 200 lire fine to 1 year in prison and 1000 lire fine)
 - 22 Theft (from 20 days in prison and 300 lire fine to 3 years, & 4 months in prison and 2500 lire fine)
 - 22 Aggravated theft (from 2 months in prison and 500 lire fine to 6 years and 6 months in prison and 500 lire fine)
 - 12 Buying stolen goods (from 40 days in prison and 300 lire fine to 1 year in prison and 4000 lire fine)

Appendix "E"
BLACK MARKET CASES TO 20 JANUARY, 1944 (AME CASES).

NUMBER OF CASES	509
NUMBER OF CONVICTIONS	737
NUMBER OF CASES WHERE IMPRISONMENT IMPOSED	557
TOTAL IMPRISONMENT ALL CASES	68 years, 9 months, 12 days
HIGHEST SENTENCE OF IMPRISONMENT IN ANY CASE	1 year
LOWEST SENTENCE OF IMPRISONMENT IN ANY CASE	1 Day
AVERAGE SENTENCE	45 Days
NUMBER OF CASES WHERE FINES IMPOSED	401
TOTAL OF FINES IN ALL CASES	\$72,425 I.
HIGHEST FINE IN ANY CASE	\$0.000 I.
LOWEST FINE IN ANY CASE	30 I.
AVERAGE FINE	2,175 I.
SUSPENSION OF SENTENCE WITHOUT IMPOSING OF PENALTY	6
FOUND NOT GUILTY	41
DISMISSALS	7

Appendix "F"

REPORT OF BLACK MARKET CASES TRIED IN ITALIAN COURTS REGION III FROM
REOPENING OF COURTS IN THE LAST WEEK OF OCTOBER ~~XXXXXX~~ 1943 TO 7
JANUARY 1944.

TOTAL ARRESTS OF BLACK MARKET CHARGES	No. 559	
	<u>Convictions</u>	<u>Acquittals</u>
PRETORIA	177	20
Sentences ranged from 30 lire fine to 3 months imprisonment		
TRIBUNALE	311	32
Sentences ranged from 100 lire fine to 1 year imprison- ment and 9600 lire fine		
JUVENILE COURT	19	
Sentences ranged from Judicial pardon to 3000 lire fine		
TOTAL	507	52

The Court of Appeal has heard 344 appeals in black market cases,
of which 296 resulted in convictions with sentences ranging from a fine of
100 lire to 8 months imprisonment and fine of 1000 lire.

EXHIBIT "M"REGION 4Report on Allied Military Courts for the Month of January 1944.A. Cases Tried, and Findings:

Province	General Court		Superior Court		Summary Court		Total	Total
	NG	G	NG	G	NG	G	NG	G
Florida	1	1	--	1	52	355	53	357
Total	1	1	--	1	52	355	53	357

B. Convictions:

Province	Curfew & Theft & Poss. of Viol. of		Black Market		Looting		Poss. of Arms & Ammo.		Viol. of Italian Pen. Code		Others	Total
	Violations	Allied Pr.	Poss. of Market	Arms & Ammo.	Arms & Ammo.	Arms & Ammo.	Arms & Ammo.	Arms & Ammo.	Arms & Ammo.	Arms & Ammo.		
Florida	242	71	20	9	--	--	9	--	--	--	15	357
Total	242	71	20	9	--	--	9	--	--	--	15	357

2854

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EXHIBIT "N"

REGION 4 - ILLI DIVISION

EMPLOYMENT OF OFFICERS

ASSIGNMENT

Headquarters

R.C.L.O.
Chief Judicial Off.
Chief Counsel
Off. i/c Italian Courts
Superior Court Judge
Prosecuting Officer

Rome City

Summary Court (1)
Summary Court (2)
Summary Court (3)

Provinces

Littoria
Prosinone
Rome Province
Viterbo
Rieti
Terni
Perugia

NAME

Col. Willmer
Lt. Col. Chapman
Capt. Bates
Lt. Comdr. Musmanno
Major Elder
Capt. Howell Jones

Lt. Galiano
2/Lt. Rosard
(Vacant)

(Vacant)
Major Waugh
Major McFadyen
Major Stump
Capt. Felk
(Vacant)
Major Stabbins

PRESNT EMPLOYMENT

R.C.L.O.
Attached Region 3
Assistant to R.C.L.O.
Attached 5th Army
Attached 5th Army
Attached 5th Army

Attached 5th Army
Assistant to R.C.L.O.

Attached 5th Army
Assistant to R.C.L.O.
Attached 5th Army
Attached 5th Army
Attached 5th Army

